

**PARK CITY MUNICIPAL CORPORATION
 PLANNING COMMISSION
 CITY HALL, COUNCIL CHAMBERS
 SEPTEMBER 12, 2012**



AGENDA

MEETING CALLED TO ORDER - 5:30 PM	Pg
WORK SESSION – <i>Discussion items only. No action taken.</i>	
Land Management Code – Discussion of Story & Height	PL-12-01631 5
ROLL CALL	
ADOPTION OF MINUTES OF AUGUST 22, 2012	27
PUBLIC COMMUNICATIONS – <i>Items not scheduled on the regular agenda</i>	
STAFF AND BOARD COMMUNICATIONS/DISCLOSURES	
124 Daly Avenue – Staff Update	PL-05-00075
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 26, 2012</i>	
REGULAR AGENDA – <i>Discussion, public hearing, and possible action as outlined below</i>	
811 Norfolk Avenue – Plat Amendment	PL-10-00988 61
<i>Public hearing and possible recommendation to City Council</i>	
817 Norfolk Avenue – Plat Amendment	PL-10-00989 79
<i>Public hearing and possible recommendation to City Council</i>	
429 Woodside Avenue – Plat Amendment	PL-12-01550 101
<i>Public hearing and possible recommendation to City Council</i>	
Echo Spur, Lots 17-19 – Plat Amendment	PL-12-01629 179
<i>Public hearing and possible recommendation to City Council</i>	
200 Ridge Avenue – Subdivision	PL-10-00977 195
<i>Public hearing and possible recommendation to City Council</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 229
<i>Public hearing and discussion</i>	

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.

WORK SESSION

Planning Commission Staff Report



Subject: Land Management Code – Height and Story Discussion
Author: Francisco Astorga, Planner
Date: September 12, 2012
Type of Item: Work Session

Summary Recommendations

Staff recommends that the Planning Commission discuss the interpretation of Story under the current Land Management Code (LMC) and provide input and direction to staff including whether amendments should be made to the LMC for Chapters 2 and 15 as described in this staff report.

Description

Project Name: LMC Interpretation – Regarding current building height requirements and clarification of definition of story.
Applicant: Park City Planning Department
Zoning Districts: Historic Residential-Low Density (HRL), Historic Residential (HR-1), and Historic Residential (HR-2) Districts
Proposals: Revisions to the Land Management Code

Background

On April 9, 2009 The City Council revised the building height requirements in the HR-L, HR-1, and HR-2 Districts. The height requirements for these three (3) Districts were exactly the same prior to and after the 2009 amendments. For sake of brevity we will refer to them on this staff report as the same. The components of the 2009 ordinance included the following:

- No change to the building footprint calculation.
- Changes affected all properties in HRL, HR-1, and HR-2 Districts, and not just properties on steep slopes.
- Removed steep slope height exception.
- Allowed height exception for a single car garage in tandem configuration on a downhill lot, the additional height may not exceed thirty-five feet (35') from existing grade.
- Three-story maximum; the basement counts as the first story.
- Ten (10) foot minimum horizontal step in façade for the third story on the downhill side of the structure.
- Roof pitch must be between 7:12 and 12:12. A green roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch.
- Final grade must be within four (4) vertical feet of existing grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and garage entrance.

The anticipated result of these adopted changes above was a structure with two (2) stories fronting the street and a possible third story stepped at least ten (10) feet from the front façade of the structure, comparable to the massing of a structure on a flat lot, roof pitch compatible with Historic Structures, and maintaining existing grade.

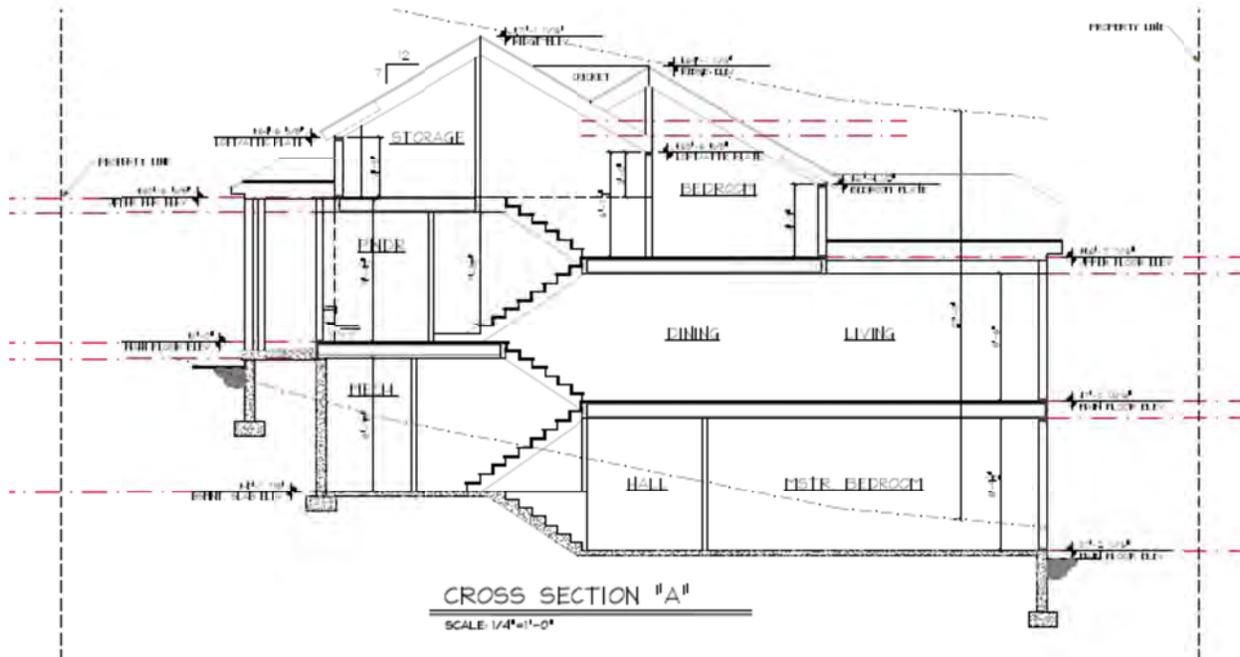
A Steep Slope Conditional Use Permit (CUP) is still for required for any structure in excess of one thousand (1,000) square feet if said structure and/or access is located upon any existing slope of thirty percent (30%). The existing steep slope criteria still continue to apply. The criteria are utilized by staff and the Planning Commission to analyze mitigation of development on steep slopes.

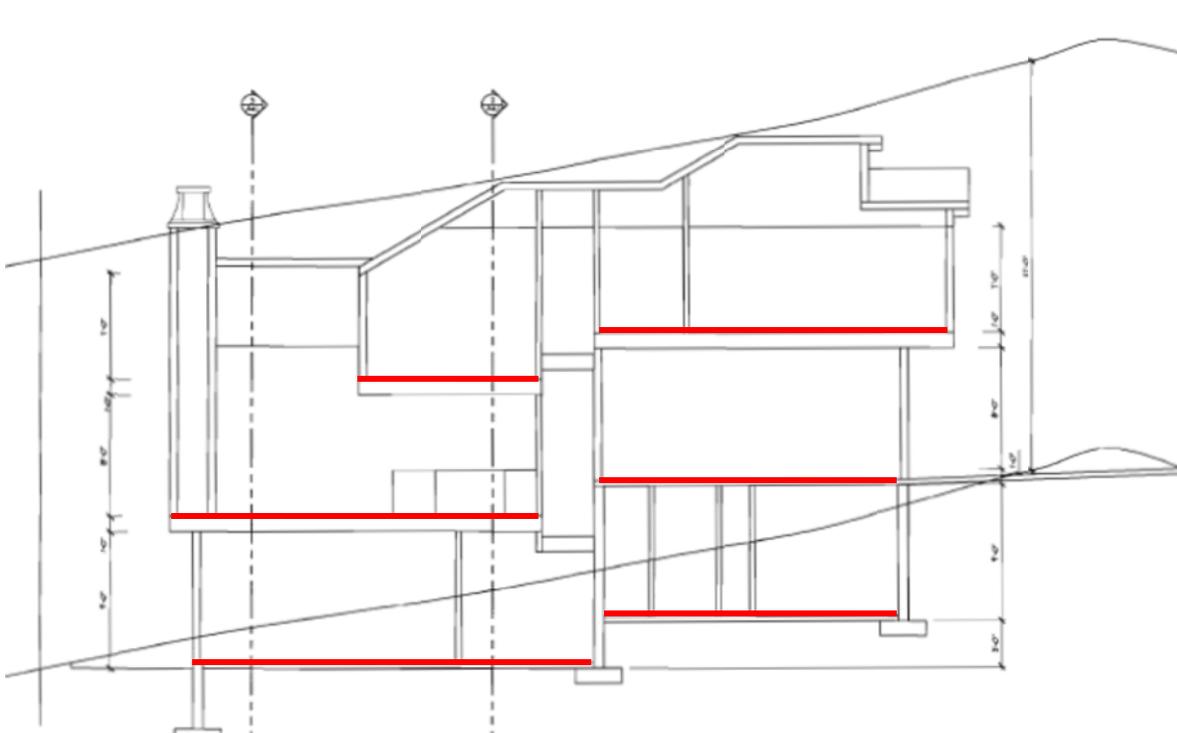
The purpose of this LMC discussion is to further clarify the definition of a story and consider additional regulation in order to mitigate the step effect that can be created on longer lots that would essentially comply with the current building height regulation explained in the analysis section of this staff report. The definition of story was also adopted in April 2009 concurrently with the mentioned changes above. The current LMC definition of story is the following:

*The vertical measurement between floors taken from finish floor to finish floor.
For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall plate for the roof Structure.*

Analysis

Staff has recently received several development applications for single family dwellings on standard Old Town (25'x75') downhill lots that meet the specific building height requirements outlined in the LMC. However, these applications contain a design which would be better identified as a "split level". See samples below:





These “split level” designs meet the building height parameters (e.g. 27’ maximum). The identified concern is that these “split levels” don’t necessarily meet the definition of a story because these designs have a split in the levels about half-way through the structure. The current LMC definition of a story does not provide clarity regarding these designs since they have multiple levels that vertically overlap with one another. The current LMC limits the height to a maximum of three (3) stories.

For additional background, Planning Staff has researched several sources as well as several communities to further understand their definitions of a story (See Exhibit A)

Analysis of Current LMC and Intent

Currently, the height of a story is not codified. A “story” is defined as the vertical measured between floors taken from finish floor to finish floor. There is no maximum or minimum number of feet. The height of a structure is simply measured from existing grade, not to exceed twenty-seven feet (27’).

After studying the definitions in Exhibit A they all seem to provide more clarity related to the “split level” concept because of the language thereof consisting of the specific area to be considered a story. The simplest definition of a story is the one on the 2009 Residential Building Code which states the following:

*That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof **above**.*

Staff believes that this interpretation of the existing definition would allow “split levels” to be built as this definition above provides clarity regarding the area to be considered a

story. **Does the Planning Commission concur with this proposed definition of a story?**

Recommendations Going Forward

In order to clarify our current definition of a story, moving forward, staff requests that the Planning Commission examine the following proposal below to amend the current definition of a story:

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

Currently the LMC does not provide any clarity related to mezzanine floors or lofts. Staff requests that the Planning Commission also examine the following to possibly be added under the definition of story:

A mezzanine floor, loft, or other intermediate floor, placed within any story shall not be considered a story if the area of the intermediate floor does not exceed twenty-five percent (25%) of the total floor area of the story within which it is placed.

Does the Planning Commission concur with the proposed language for a loft?

Staff has also reviewed that in the case of an unusual lot, such as a longer than usual lot, a property owner may find that a “split level” concept advantageous to create additional stories by designing multiple “split level” through a structure that meets the Building Height parameters and the proposed definition of a story. The proposed definition is not intended to add more mass and volume to create stepping effects, but is being examined to clarify the story definition and add a regulation so that the mass, volume, and scale, is retained.

After analyzing the impacts of the “split level” and the “multiple split level” concept on a standard lot of record and possibly over longer lots, staff requests examining another provision to the LMC related to Building Height. By regulating the maximum internal height measured from the lowest finished floor towards the highest roof ridge, we can regulate the mass, volume, and scale of the “split level” concepts so that they do not keep stepping up and down our topography. Staff recommends that the Commission review the following regulation to the Building Height parameters:

The overall height of a structure measured from the lowest point of the finished floor to the highest exterior ridge point shall not exceed thirty-seven and a half feet (37.5').

This regulation allows the “split level” concept (internally) but regulates the vertical area that can be used to accommodate such concept. This number was derived from having

three (3) levels measuring ten feet (10') including floor joists, and the vertical distance given the average roof pitch required within the district. Currently the LMC mandates that a roof pitch shall be between 7:12 to 12:12. **Does the Commission concur with this additional Building Height regulation?**

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC Section 15-1-18.

Notice

Legal notice of a public hearing was posted in the required public spaces and published in the Park Record.

Public Input

Public input was received during the July 11, 2012 and August 22, 2012 Planning Commission meeting as a result of the discussion related to a requested steep slope CUP application with a split level design. Public input has also been received over the Planning Department's front counter related to the Planning Commission discussion's mentioned above.

Recommendation

Staff recommends that the Planning Commission discuss the interpretation of Story under the current Land Management Code (LMC) and provide input and direction to staff including whether amendments should be made to the LMC for Chapters 2 and 15 as described in this staff report.

Exhibits

Exhibit A – Definitions of story

Exhibit B – 2009 International Building Code Commentary

Exhibit C – Minutes of City Council meeting on April 9, 2009

Definitions of Story:

Current Land Management Code (LMC § 15-15-1.249)

The vertical measurement between floors taken from finish floor to finish floor. For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall plate for the roof Structure.

2009 International Residential Building Code (IRC)

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

A story is that portion of a building from a floor surface to the floor surface or roof above. In the case of the topmost story, the height of the story is measured from the floor surface to the top of the ceiling joist of an attic. Where a ceiling does not create an attic, such as a cathedral ceiling, the story height is measured to the top of the roof rafters.

A Visual Dictionary of Architecture, Francis D.K. Ching

A complete horizontal division of a building, having a continuous or nearly continuous floor and comprising the space between two adjacent levels.

The Latest Illustrated of Book of Development Definitions, Harvey S. Moskowitz and Carl G. Lindbloom

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including basements used for the principle use.

A Planner's Dictionary, APA PAS report no. 5xx/5xx

A space in a building between the surface of any floor and the surface of the next floor above, or if there is no floor above, then the space between such floor and the ceiling or roof above; provided, however, that where the floor level of the first story is at least five feet below the adjoining finished grade, the space shall be considered a basement and not counted as a story. (*Glendale, Ariz.*)

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under floor space shall be considered a story. (*Redmond, Wash.*)

That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story. (*Ford County, Kans.*)

The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or, where there is not a ceiling, to the top of the roof rafters. (*Prince William County, Va.*)

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such as usable or unused under-floor space shall be considered as a story. (*Mora, Minn.*)

Summit County (Snyderville Basin Development Code § 10-11-1.303)

That portion of a building located above grade, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the surface of such floor and the ceiling or roof above it.

Salt Lake City

STORY (FLOOR): The vertical distance between the finished floor of one level and the finished floor of the level above or below.

Aspen, Avon, Blue River, Dillon, Durango, Estes Park, Fraser, Frisco, Glenwood Springs, Mt. Crested Butte, Mountain Village, Silverthorne, Silverton, Snowmass Village, Vail, Winter Park, Gunnison County, CO, Jackson, WY, and Teton County, WY
No definition

Basalt, Co (Municipal Code Chapter 16.4)

Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six (6) feet above finished or original grade, whichever is lower, for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above finished or original grade, whichever is lower, at any point, such usable or unused under floor space shall be considered as a story. A mezzanine floor, loft or other intermediate floor, placed within any story shall not be considered a story if the area of the intermediate floor does not exceed twenty-five percent (25%) of the total floor area of the story within which it is placed.

Breckenridge, Co

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Crested Butte, Co

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

Denver, Co

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Grand Lake, Co

Story – Defined as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than 6 feet above grade, as defined herein, for more than 50 percent of the total perimeter or is more than 12 feet above grade, as defined herein, at any point, such usable or unused under-floor space shall be considered as a story.

Minturn, Co

Code not online.

Steamboat Springs, Co

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above. Any portion of a building where the floor surface is above the eaves shall not be considered a story.

Telluride, Co

"Story" means that portion of a building included between the surface of any floor, except the basement floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor surface and the ceiling next above it shall be considered the "story."

Section M1903 for a description of the conversion process). Stationary fuel cell appliances cannot exceed 1000 kW of power output, listed and tested in accordance with ANSI Z21.83 and installed in accordance with NFPA 853 and the manufacturer's instructions. These appliances may be independent of or connected to the local electrical power grid and may be fueled by fuel tanks or permanent piping systems.

STORM SEWER, DRAIN. A pipe used for conveying rainwater, surface water, subsurface water and similar liquid waste.

- ❖ This is the general term used to describe the piping that conducts rainwater or surface-water waste from structures to the point of disposal.

STORY. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

- ❖ A story is that portion of a building from a floor surface to the floor surface or roof above. In the case of the topmost story, the height of the story is measured from the floor surface to the top of the ceiling joists of an attic. Where a ceiling does not create an attic, such as a cathedral ceiling, the story height is measured to the top of the roof rafters. See "Story above grade."

STORY ABOVE GRADE PLANE. Any *story* having its finished floor surface entirely above *grade plane*, except that a *basement* shall be considered as a *story above grade plane* where the finished surface of the floor above the *basement* meets any one of the following:

1. Is more than 6 feet (1829 mm) *above grade plane*.
2. Is more than 6 feet (1829 mm) above the finished ground level for more than 50 percent of the total building perimeter.
3. Is more than 12 feet (3658 mm) above the finished ground level at any point.

- ❖ The code defines a story above grade as any story having its finished floor surface entirely above grade. However, the critical part of the definition involves whether or not a basement is a story above grade. A level that is a story above grade may be either an inhabited story or unused under-floor space. Three criteria are important to the determination of whether a given floor level is either a story above grade or a basement:

1. If the finished floor above the level under consideration or above the under-floor space is more than 6 feet (1829 mm) above the grade plane as defined in Section R202, the level under consideration is a story above grade.
2. If the finished floor level above the level under consideration or above the under-floor space is more than 6 feet (1829 mm) above the finished ground level for more than 50 percent of the to-

tal perimeter of the building, the level under consideration is a story above grade.

3. If the finished floor level above the level under consideration or above the under-floor space is more than 12 feet (3658 mm) above the finished ground level at any point, the floor level under consideration or the under-floor space is a story above grade.

Conversely, if the finished floor level above the level under consideration is 6 feet (1829 mm) or less above the grade plane, and is 6 feet (1829 mm) or less above the finished ground level for more than 50 percent of the perimeter and does not exceed 12 feet (3658 mm) at any point, the floor level under consideration is a basement. Or, described a bit differently, a basement is a floor level that does not qualify as a story above grade. Commentary Figure R202(15) illustrates the definition of story above grade.

STRUCTURAL INSULATED PANEL (SIP). A structural sandwich panel that consists of a light-weight foam plastic core securely laminated between two thin, rigid wood structural panel facings.

- ❖ Structural insulated panels are construction elements composed of solid-core insulation panels enclosed within structural wood-panel membranes. These panels are fabricated at the factory, then brought to the job site and installed.

STRUCTURE. That which is built or constructed.

- ❖ This definition is intentionally broad so as to include within its scope—and therefore the scope of the code (see Section R101.2)—everything that is built as an improvement to real property.

SUBSOIL DRAIN. A drain that collects subsurface water or seepage water and conveys such water to a place of disposal.

- ❖ These drains are generally installed adjacent to the foundation footing of a building. They are intended to alleviate problems caused by subsurface (ground) water. Additionally, any other piping that collects either subsurface water or seepage would be termed a subsoil drain as well.

SUMP. A tank or pit that receives sewage or waste, located below the normal *grade* of the gravity system and that must be emptied by mechanical means.

- ❖ This is the receiving tank or vessel used to collect and store waste from drainage systems that are incapable of draining by gravity. A sump generally houses an ejector or pump used to evacuate the contents. A sump can refer to a receiver for either waste water or storm water.

SUMP PUMP. A pump installed to empty a sump. These pumps are used for removing storm water only. The pump is

Page 2
 City Council Meeting
 April 9, 2009

3. Annual HMBA Meeting – Mike Sweeney reported on the meeting where there was a 90% vote to increase dues and fees pursuant to the request of the City Council. He thanked Bret Howser, Jon Weidenhamer, and Max Paap for their participation.

4. Preserving the night sky – Marianne Cone, resident, addressed the lighting plan introduced by the HMBA for Main Street which she feels is counter-productive. She believes people come to Park City to see something more natural than that and she was exceedingly happy when the lights were removed after the 2002 Olympics because the lights detract from the architecture of the buildings. Ms. Cone felt we should think differently by focusing on improving the night sky in Old Town and urged examining the lighting ordinance again.

With no further comments from the public, the public input session was closed.

IV WORK SESSION NOTES AND MINUTES OF MEETING OF MARCH 26, 2009

Roger Harlan, "I move approval of the work session notes and minutes of the meeting of March 26, 2009". Liza Simpson seconded. Motion carried unanimously.

V OLD BUSINESS (*Continued items*)

Consideration of an Ordinance approving the 2300 Meadows Drive Subdivision, located at 2300 Meadows Drive, Park City, Utah – Planner Brooks Robinson explained that this is a two acre metes and bounds parcel and referred to his staff report. The purchase agreement and the layout of the property anticipated a connection to Meadows Drive being extended out to SR248. This is no longer an option, an easement will be required for the driveway and utilities across City property and the easement will return to the City Council for approval. The recommended action tonight is to approve the one-lot subdivision. Height, trail and fencing were discussed. Because of prior public input on this project, Ms. Erickson reiterated that the plat reflects the original building pad at the same location and the only change is moving the driveway. The Mayor opened the public hearing; there were no comments. Jim Hier, "I move that we approve the 2300 Meadows Drive Subdivision plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft Ordinance". Joe Kernan seconded. Motion unanimously carried.

VI NEW BUSINESS (*New items with presentations and/or anticipated detailed discussions*)

Ordinance approving amendments to the Park City Land Management Code amending the lot and site requirements and building height parameters of Chapters 2.1, 2.2, and 2.3 and adding a new definition to Chapter 15 – Tom Eddington expressed that the PowerPoint presentation is intended to illustrate what was originally recommended by the Planning Commission with regard to the steep slope and Historic District amendments and it also includes input from Council last week. The Ordinance reflects

the removal of the footprint calculation so it remains the same as the original LMC. The height exception for steep slopes was removed but the height exception for downhill lots to accommodate a single car garage is provided. There is a three story maximum, the basement or lowest level counts as a story, and a minimum ten foot setback in the façade of the third story is required. Roof pitches range from 7:12 to 12:12, in keeping within the integrity of the Historic District Design Guidelines and final grade must maintain four feet of the existing grade. As a result of Council's direction last week, the excavation limitation of 15 vertical feet was removed.

Through a PowerPoint presentation, Mr. Eddington displayed what could be built on a flat, 30% and 60% lot under the current provisions and the proposed amendments. Currently, the steeper the lot, the more square footage and stories. With the proposed ordinance the sizes of the houses remain basically the same and it is more equitable. This is the result of many Planning Commission meetings and a lot of public input prompted by discussions on the controversial reduction in footprint approach. Square footage was a topic of concern last week, and he displayed a drawing of a house on a flat lot consisting of 2,532 square feet which is the maximum and not a guarantee. On a 30% to 60% lot, the square footage is about the same at 2,342 square feet which is 190 square feet less than a house on a flat lot because of the ten foot third story setback.

Mr. Eddington stated that compatibility was another issue as it relates to the purpose statements for the HR-1, HR-2 and HRL Zones and he illustrated a chart graphing heights of single family dwellings listed in the Historic Site Inventory. The majority of houses in the HR-1, HR-2 and HR-L are between 1,000 and 1,500 square feet and the proposed ordinance allows up to 2,300 square feet. Although the maximum square footage allowed by the proposed changes is significantly larger, it is felt that compatibility is maintained. He displayed floor plans for a house designed for a single lot. Kayla Sintz explained that Jerry Fiat hired architect Jon DeGrey to produce renderings based on the 15 foot excavation version and in the different schemes, there was at least one design that showed three bedrooms and two and a half bath possibilities.

Tom Eddington relayed that staff is also recommending that when the basement story is completely underground, the ten foot setback for the third story would not be required. He displayed a graphic of a section of a house on a single family lot and emphasized that the snow shed easement requirements remain the same. There are about 204 vacant lots remaining in these districts based on GIS information and this count does not include any rehab or demolition projects. From 2003 to 2009 about 38% of our steep slope CUPs were for primary residences and 62% for secondary residences. He didn't feel that the formula will force cookie-cutter designs and he displayed a graphic illustrating the lot, building pad, and footprint proportions. The proposed Historic District Design Guidelines encourage more detailed articulation to take advantage of the building pad. One of the recommendations added is language to allow for a reduced pitch for a green roof where a 7:12 to a 12:12 roof pitch is required. A definition for green roof has been added. In response to a question from Joe Kernan about solar, Mr.

Eddington explained that staff is working with Recycle Utah on appropriate specs for solar and the issue of allowing solar panels in the Historic District is being discussed by the HPB. Side entry garages are encouraged for double lots which better comply with Historic District Design Guidelines but are not applicable to single lots. He stated that staff will be returning to Council with an ordinance dealing with environmental issues like LEED, solar, materials etc. and to extend the same opportunities to properties listed as landmark and/or significant. The Mayor opened the public hearing.

Ruth Meintsa, resident, referred to her question during work session about houses looking more massive if there is a four foot reduction in grade, and Mr. Eddington by way of illustrating a graphic showed a design with windows that broke up the massing.

Jim Hier stated that he understood that slope is now measured in 15 foot increments and any increment over 30% would categorize the lot as a steep slope.

Don Bloxom, designer, referred to a slide noting that this condition does not exist anywhere in Old Town except for places where they've built the street in the last ten years. The street level would be a minimum on an average of four feet below the garage so the entire section can be lowered by four feet. He pointed out that the square footages are gross and have no relationship to the livable space. The amendments would result in 1,400 square feet of livable space. It is important that this information is complete and accurate. He hasn't seen a drawing and/or section of a downhill lot and emphasized that if a 7:12 pitch is shedding snow on an adjacent property, the Building Official will not approve the roof. When gross square footages drop, cars will move out on the street. The new additions to the draft were introduced to the community only a few weeks ago and there has not been a lot of time to respond. Mr. Bloxom stated that these are not planning issues but design issues and planners are not designers. He criticized the three bedroom floor plan and Candace Erickson responded that the bedrooms are larger than in her Park Meadows house. Mr. Bloxom stated that the bulk of the homes can not accommodate a four member family.

Bill Tew, full-time resident of Old Town, stated that he is in favor of the amendments. Our community has repeatedly voiced its desire to preserve the character of Old Town. Keeping the size, mass and setbacks on new home construction is complimentary and consistent with Old Town's character and is highly valued. He predicted that if a referendum was held today, Council would hear the same thing. Residents living in Old Town knowingly limited their future real estate capital gains because of the restrictions of the LMC. There can be little argument that the present Code has a lot of grey areas and he is in full support of the Planning Commission's efforts to add clarity to the LMC and urged the City Council to adopt the changes.

Jim Keesler, resident and Old Town property owner, stated that he worked on a design for a house on his downhill lot located at 402 Woodside Avenue under the provisions of the draft ordinance resulting in a maximum of 1,800 square feet with a one car garage. He described the difficulty of getting stairs to the third floor with the pitch of the roof and

basically limiting ceiling heights to eight feet. He suggested removing the ten foot ceiling height and excavation limitation. People need design flexibility. The last 15 feet of his property exceeds 30% but the rest of his lot is flat. He agrees that green roofs are a good idea and if more height is required in these instances, it should be considered. Tom Eddington interjected that the pitch may be reduced for a green roof which would provide more volume. Mr. Keesler questioned why this is an issue now. There was no public input on these huge homes in Old Town and CUP applications are noticed for public hearings before the Planning Commission. Jim Hier commented that they are being constructed because the Code allows it not because there was no opposition. Many people voiced opposition to these projects.

Tom Bowen, attorney, spoke about his experience serving as a planning commissioner and his familiarity with the process. One of the things causing great frustration relates to Goal No. 8 in the General Plan that states that *Park City should take full advantage of the diverse and intelligent input from an active constituency and continue to seek input on decisions affecting Park City's future.* There seems to be a *moving target*; one time the issue is run-off, and now we find out it is building, mass and design. The plans have changed from a week ago; improvements have been made but the public is trying to analyze the impacts. He understood the City Council is under pressure because of the Pending Ordinance Rule but he urged members to take a step back to make sure that whatever is done is done correctly. Experts have testified that there are problems. He suggested including local professionals in the process because planners are not designers. There are a lot of people who have invested great sums of money in Old Town and it was pointed out earlier that 60% of the steep slope applications were for second homes. New construction is being jeopardized by the proposal and vacant lots are going to impact the tax base and budget of the City as well as economics. This significantly impacts properties and he asked what compatible means. Take a look at the General Plan and involve the experts. He reiterated that Council is rushing because of the expiration of the Pending Ordinance Rule which should not be the case.

Joe Tesch, attorney for Jerry Fiat, agreed that the process has been fast. The staff report was not available until Monday which doesn't provide enough time to respond. His client asks for consideration that the floor to floor height on the lower level be increased to 12 feet. On lots where the lower level is completely below grade, to allow for a single entry garage door and windows wells, etc. Mr. Tesch understood that this has been addressed on a double lot. Because of the prohibition on the fourth floor, he suggested allowing excavating an additional level for storage. He agreed that the ordinance drafts have been a bit of a moving target. His clients have over-sized lots and the effects of the pending ordinance are unknown. It is a mistake taking action too soon. Get it right so that it doesn't have to be continually amended.

Rich Wyman, resident, expressed his support of the proposed LMC changes to maintain the integrity of historic Old Town which needs to be protected and individual economics should not be a focal point for planning. He urged members to vote in favor of our town and its future by approving the LMC changes.

Tina Smith, Old Town home owner, stated that it is heart-breaking that owners will not be able to make as much money as expected but it's not all greed. She is shocked that some official said that Old Town is not a place for kids, which is not true. Historically, ceilings were ten feet not eight feet; bedrooms are small and there's a 27 foot height limitation which is not fair, but the green roof component is a great addition. She felt that windows should be allowed on the lowest level because it is more sustainable. The snow shed agreement negotiation can get nasty between neighbors.

Michael Baronbrug, builder and property owner, stated that he has built homes on 932 and 936 Norfolk Avenue. When he was considering the purchase of the lots, he checked out Park City's regulations which seemed more restrictive than other communities but he felt that the current LMC strikes a good balance between aesthetic design and amenities necessary to meet home owners' expectations in an upscale resort community. If the proposed amendments were in place when he was on the market for property, he is not sure he would have acquired the lots and asked why now. Old Town is 95% built-out so why make these drastic changes now. With only a few lots scattered around Old Town it would seem more viable to maintain a sense of continuity of what is current. The end is nowhere to start and these should have been considered a long time ago before Park City became what it is today. Under the current guidelines Park City has been very successful in maintaining a balance between historic significance, small town charm, and upscale affluence that very few communities can claim. The current guidelines are a huge part of the overall formula for community success that all of Park City property owners have benefitted from. Realized equity gains on properties have attracted more people to buy here under the current realistic guidelines. A vibrant community will be stagnant as people find somewhere else to go. He urged members to consider this before jumping into a decision that has a huge impact on the community as a whole and many individuals in particular. There are many owners being held up by the moratorium in place which should be lifted for those in the design and permitting stages and the City Council should take more time to consider the impact of a decision.

Harry Reed, resident, believed that the City Council is moving in the right direction, but agreed with Joe Tesch by devoting more time to the issue. The ten foot floor to floor restriction does not reflect historic houses at all, but the downhill lot garage height exception and green roof components are good ideas.

John Staffsholt, 633 Woodside Avenue, reminded everyone the LMC is a living document and changes regularly. This is not a taking but a normal evolution which has happened quite a few times over the years. Short-term financial interest is not any form of substitute for long-term community planning and often they are at odds with each other. Strict planning and zoning are critical for long term preservation of our National Historic Register designation as well as our long-term financial interest for any owner like himself in the Historic District. He explained the bad effects of no zoning by sharing his experience living in Houston. Owners of steep slopes in Park City are required to

obtain CUPs and it is not an allowed use. The trend and the current LMC allow houses to get larger as the slopes get steeper, the intent should be reversed and he felt this issue is covered in the proposed amendments. He stated that Utah is a very strong land rights state but the steep slope lots are located in an Historic District which has always been limited by zoning. New building in these zones should be limited in size, mass and scale to fit in with existing historic homes, new buildings should not compromise our historic fabric and should not result in Park City losing its status on the National Historic Register. He pointed out that it has been a busy year. The Historic District Design Guidelines have been rewritten, the LMC has been updated, two temporary zoning ordinances have been created, two Historic District lists of landmark and contributory buildings have been formulated, and more than 525 buildings in the City are now safe from wholesale demolition. He stated that all of these actions have been done to work together in concert so that the loopholes will now be closed and abuses to the system will be limited going forward. Tonight, a positive vote will affirm all of the work that has been completed by the HPB, the Planning Commission, staff and the public. A lot of time has been devoted to this and Mr. Staffsholt encouraged Council to vote in favor of the pending LMC amendment.

Dave White, architect and former member of the Historic District Commission and member of the Historic Preservation Board, voiced his support for the amendments as presented tonight. The changes coupled with the revised Historic District Design Guidelines and a proactive design review will go a long way toward helping new construction in Old Town. He requested consideration of some of the items Joe Tesch touched on, namely the ten foot plate height. A number is not needed to be assigned to floor heights as long as construction stays within the 27 foot height limitation. Also he asked that consideration be given to allowing a fourth floor on lots with a 40° to 45° slope.

Steve Yaworski, owner of a lot at 336 Daly Avenue and long-term Old Town resident, stated that there is a lot of public support for a fourth floor and more time is needed to make the right decision. The loss of square footage is an issue. He is not a speculator and has purchased property to build a home on Daly for his family but he doesn't know if there will be adequate square footage. He spoke about the massive equipment and structures prevalent throughout Old Town during the mining era. Building four stories is not out of scale for residential neighborhoods and the Planning Commission was somewhat undecided on this issue; Mr. Yaworski asked that Council keep that in mind.

Craig Weaver, 1117 Norfolk Avenue, expressed his support for the LMC changes and pointed out that there have been many compromises made throughout the process which took six months before the Planning Commission. A lot of time has been put into it. Mr. Weaver was pleased that the 25% reduction in the footprint and the 15 foot excavation limitation were removed from the proposal; the ordinance has been well thought out.

Brian Van Hecke, Old Town resident, expressed that it is unfortunate that meetings are

not well attended because he feels that are many residents in favor of this proposal. The building trend over the past five to ten years has been completely out of control with increased massing and heights and smaller setbacks. The time is now to fix the problem not later. He commended Tom Eddington and his staff for tackling this very controversial issue and what is being presented to Council today has been thoroughly reviewed. He urged members to vote yes tonight without exception.

Michael LeClear, Old Town resident, expressed that he favors taking more time to review the amendments because there are still a lot of questions. A steep slope lot is being confused with a flatter lot with a little steepness to it which is the main problem with the ordinance. His lot is flat with a slope at the end of it and it should not be considered or processed like a steep lot. The compromises have been good but Council should not vote on the ordinance yet and having a deadline makes him even more nervous.

Nathan Anderson stated that he has a family of four and would like to reside on Empire Avenue, but the floor plan displayed tonight would not accommodate his family. There is a bedroom on the second level where the dining room area has been eliminated. A family of four has to have a dining room and the ten foot setback for the third story eliminates needed square footage for bedrooms. He asked that Council take enough time to find solutions. He grew up in Park City and believed that his family should be provided the ability to live on Empire Avenue. A 1,700 square foot house will force cars on the street.

Michael Demcowicz, Ontario Avenue resident, hoped to build in Old Town and agrees with Mr. Anderson's comments. He urged taking more time on the proposed amendments.

Bob Garda, Lowell Avenue resident, stated that he and his wife built a home in 1989 and are now full time residents because of the beauty and character of the City. He thanked the Planning Commission and the Council for considering amendments; it has been on the docket for a long time. A lot of things have been considered, and he urged members to vote for it.

With no further comments, the public hearing was closed.

Jim Hier asked the logic of the ten foot plate height and Mr. Eddington explained that ten feet seemed to be a typical height. Staff looked at a 12 foot plate level on the first floor but part of the challenge is that the Historic District Design Guidelines promote a more pedestrian friendly first floor level. The 12 foot height raises questions about the height of the garage doors and the impact on the streetscape, but is something that could be looked at in the future in more detail. Mr. Hier asked whether a basement could be considered a livable area if there are window wells and Mr. Eddington explained that egress has to be provided in the space and most designs are for work-out rooms, home theaters, storage, utility or mechanical space, etc. It can not be a

bedroom unless it has egress.

Jim Hier addressed criticism about moving targets and continuing changes which in his mind is the result public meetings. Discussion, input and changes are part of the natural progression. He stated that no official said we shouldn't have families and kids in Old Town and what was said was that there are some lots in Old Town that would not lend themselves as well to families as other lots. That is not the same. He has many friends with families living in small homes in Old town.

Roger Harlan stated that he felt that there has been enough time devoted to this; the process began in October but the problems have been discussed for years. The allegation that this has been rushed is not borne out by the facts. He agreed with Mr. Hier that adjustments were made as public input was rendered and pointed out that what works for one family of four may not work for another. He took two field trips since October and met with a number of people and believes the issues in Old Town are significant and this has been a good faith effort on everyone's behalf to look at a way to do it better. He thanked the Planning Commission for tackling difficult issues.

In response to a question from Candace Erickson about the ceiling height of a third level on a downhill lot, Tom Eddington explained that the top level would be the garage level and would have an eight foot height and the levels below it would have at least eight feet. He added that it works on an uphill lot. She questioned the rationale for limiting the ceiling height and whether it needs to be included in the ordinance if the 27 foot height is met. It doesn't seem relevant. Ms. Erickson commented on her statement about bedroom size and clarified that the bedrooms shown are not tiny and the bedrooms can be bigger, but something else has to be given up in the space. Requests for the amendments began years ago and the process has gone on for a long time. Unfortunately, there were other planning priorities but this has been an issue for seven or eight years. She spoke about massive projects Council felt they had to approve because of loopholes and no legal way to deny them. The neighbors hate these homes and it became unacceptable which began the process. She stated she is not inclined to allow a fourth floor. Ms. Erickson stated that she does not want to penalize people with steep slope lots but they should not be entitled to additional square footage by creating massing on the hillside.

Liza Simpson commended the public, Planning Commission and the planning staff for their hard work. Public input has made this a better ordinance and there have been changes which is why it is a *moving target*. There are lots of places in Old Town for families but it makes perfect sense that some lots may not be appropriate. She is comfortable with all of the Planning Commission recommendations and moving forward tonight.

Joe Kernan felt that getting rid of the excavation limitation was an improvement but he would like to address some of the concerns expressed by the owners and designers. He felt that some of the problems associated with large homes resulted from lot

combinations rather than in-fill lot construction. There is an uncertain benefit to the community by restricting the homes that are left. The typical citizen would have a tough time critiquing designs under the current and proposed code. It would be beneficial spending more time on these specific areas that experts have pointed out and meet most of their needs. He didn't think the changes will be very effective at this point and it is not likely that the large structures will be town down. Mr. Kernan expressed that the focus should be on discouraging lot combinations not construction on the perimeter and he would like to continue this for at least a week so staff can address issues like enough space for stair wells, etc.

Liza Simpson stated that she respectfully disagrees with Mr. Kernan's statement. She felt he is right about lot combinations and hoped that is addressed but there is a vast difference between a three story house, a four story house, and a five story house. These amendments address houses on Ridge Avenue and other sections of Old Town where the mass and scale completely overwhelms the rest of the neighborhood.

Mr. Kernan argued that the average citizen would not think a five story building in Old Town is objectionable but what is substantial is telling someone they have to have the family room in the basement or one less bedroom. There are direct costs associated with losing square footage and light and these small changes are very important to the person living in the house.

Dana Williams stated that there were comments about how few lots are left but there are over 200 lots but he agreed with another speaker that it doesn't really matter because everything else could be threatened. There has been a high level of communication between the public and City Council members on this issue and his only remaining concern is limiting ten feet on the main level. The streetscapes in many instances were changed when homes were lifted so the ten foot plate may not make a difference. There has been a lot of process and the Mayor complimented groups on being organized and civil.

Liza Simpson noted that the language for the ten foot plate is not specific to the first story and Tom Eddington stated that staff looked at opportunities of structuring the first floor at 12 feet with the exterior detailing designed to reflect a ten foot plate appearance. Jim Hier and Candace Erickson questioned if there needs to be limitations at all. Mr. Eddington recommended limits because the ordinance deals with a three story limit and some definition of stories needs to exist. Ms. Erickson felt that a house with two floors with 12 foot ceilings should not be denied if the 27 foot height is maintained.

Liza Simpson suggested language *that a structure may have a maximum of three stories. A basement counts as a first story within this zone.* Jim Hier felt comfortable with the suggestion because it eliminates limits on the first story and applications have to go through HPB design review where the exterior details would be reviewed. Liza Simpson, "I move that we approve the amendments to the Park City Land Management Code amending the lot and site requirements, building height parameters of Chapter

2.1, 2.2, 2.3 and adding a new definition to Chapter 15 including the green roof stuff that was presented and amending 15-2.3-6(a) to read, a structure may have a maximum of three stories, a basement counts as a first story within this zone (to be inserted in all appropriate sections)". Jim Hier seconded. Motion carried.

Candace Erickson	Aye
Roger Harlan	Aye
Jim Hier	Aye
Joe Kernan	Nay
Liza Simpson	Aye

VII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned. The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott

Janet M. Scott, City Recorder

MINUTES – AUGUST 22, 2012

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
AUGUST 22, 2012**

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

WORK SESSION ITEMS

Land Management Code Amendments – General Discussion

Planner Kirsten Whetstone reported that the Staff was doing an annual update of the Land Management Code. She handed out a Staff report that outlined a few of the major changes for consideration. Additional minor changes were not included in the Staff report. Planner Whetstone pointed out that four pages of the Staff report was a pending ordinance for these various amendments.

Planner Whetstone reviewed the redlined packet of amendments. The first was Review Procedure under the Code and addressed different sections of the Code related to review procedures, primarily the appeal process. Planner Whetstone explained that the primary reason for the change was that an applicant could not go through two appeals with the City. It has to move on to a court jurisdiction. She noted that it applied to design reviews, administrative reviews and final actions that get appealed to the Planning Commission and then to the Board of Adjustment.

Planner Whetstone acknowledged that the Planning Commission had only been given the material this evening. She recommended that the Planning Commission read the material and the pending ordinance and come prepared to discuss it at the next meeting on September 12, 2012.

Chair Wintzer asked if the next meeting would be a work session discussion or whether the Planning Commission would be asked to take action. Planner Whetstone stated that the LMC amendments would be noticed for public hearing and discussion, but no action would be requested.

Planner Whetstone referred to the redlined amendment addressing changes to roof pitch, patios and the proposal to require a building permit for certain impervious surfaces in the Historic District.

Planner Whetstone noted that the section titled Master Planned Developments was a relook at various items and issues raised over the past year regarding master planned developments in Old Town and criteria that should be looked at in Master Planned Developments.

Planner Whetstone referred to Chapter 10 – Board of Adjustment and noted that that redlined version removes the Special Exception. The Board of Adjustment is allowed to grant variances and various things, and they can also act on a Special Exception, which is no longer in the State Code. The Staff proposed to delete the Special Exception, but they had not decided what to replace it with. Some of their ideas would be presented to the Planning Commission at the next meeting for discussion.

Planner Whetstone commented on the Definitions Section and the proposal to add definitions for green roofs, impervious surface, split level, story, half-story, and a zero net energy building.

In response to a question of whether or not the Planning Commission would take public input on the proposed amendments, Chair Wintzer believed it was best to hold public comment until the next meeting to give the Planning Commission the opportunity to review the material handed out this evening. Chair Wintzer encouraged the Commissioners to carefully read the proposed amendments and contact the Planning Department with any questions prior to the next meeting. Director Eddington stated that Planner Whetstone was the lead planner on the amendments; however, other Staff members would also be involved. He encouraged the Commissioners to contact Planner Whetstone to schedule a time to meet with her or another Staff person.

Assistant City Attorney McLean commented on the review process for Historic District Design Review, as well as Administrative Conditional Use Permits. She explained that the proposed change came out of litigation involving 811 Norfolk, in which the court ruled that the City process applied in that case had excessive appeals, which is not allowed by State Code. However, Section 302 of the State Code allows for an application process that allows designation of routine land use matters. An application of proper notice will receive informal streamlined review and action if the application is uncontested, and shall protect the right of each applicant and third party to require formal consideration of any application by a land use authority; and that that decision can be appealed. Ms. McLean stated that that portion of State Code reflects the process the City has where the Staff review is a streamlined review that can be taken to the HPB and further appealed to the Board of Adjustment. Ms. McLean remarked that the amendment tailors the language to more closely reflect the State Code language to make clear that their intent is to follow the State Code.

Commissioner Strachan asked for the impetus behind the changes to the MPD portion of the Code, Chapter 6. Director Eddington explained that the Master Planned Development process began in 1994 and at that time it was allowed in most of the zones. It has morphed over the years and MPDs are allowed in some zones and disallowed in others. The language has been altered and it is now at a point where MPDs are allowed in the Main Street zone if it crosses over into another zone. The intent is to clean up the language and make it more applicable.

Director Eddington noted that a related discussion on the Kimball Arts Center was scheduled before the City Council to consider the opportunity to have that project go through an MPD. Projects on infill lots are challenging and currently there is no opportunity to look at an MPD. Director Eddington clarified that the City Council would not take action on the Kimball Arts Center. It would simply be a policy discussion on whether to allow an MPD to be applied in that situation. Director Eddington invited the Commissioners to attend the City Council meeting to hear that discussion. He clarified that it would be a general policy discussion and not specific to the Kimball Arts Center.

Commissioner Strachan pointed out that the information handed out this evening had a definition of story and split level. Therefore, when the Planning Commission provides the Staff direction for the next work session on the story issue, they should not ask for those definitions because they have already been provided.

Commissioner Savage noted that the applicants who had their projects continued this evening had stayed for the work session because the Planning Commission committed to have a discussion regarding the interpretation of story, independent of the proposed amendments. He pointed out

that whatever changes are made to the LMC would not apply to these applications. Commissioner Savage believed the Planning Commission needed to discuss the interpretation question in an effort to provide those applicants some guidelines related to their projects as a consequence of the continuation.

Planner Whetstone agreed that it was a two-prong discussion. One was an interpretation of the current Code and the other would be the LMC amendment that addresses potential reasons for different interpretations.

Commissioner Thomas was unsure if they could resolve both issues this evening without first seeing the minutes from the Planning Commission and City Council meetings when the Steep Slope criteria was established. He vaguely recalled talking about stories and heights and he would like to have those documents to clarify some of the issues.

Assistant City Attorney McLean recalled, and as reflected in the Code, that the three stories was under the Historic District height limitations for each zone; and not part of the Steep Slope CUP. Commissioner Thomas concurred, but he still felt that the previous minutes were important because it pertained to the discussion.

Planner Katie Cattan provided a brief history of the process. She explained that when the Planning Commission went through the Steep Slope process there was a 10 foot limit per story. It was quantifiable for Staff to enforce the 10-foot story limit. However, when the process reached the City Council level, the 10-foot limit per story was removed. That changed the clarity because people could expand the stories and work up the hill.

Planner Cattan recalled that the reason for removing the 10-foot limit was based on construction issues on some of the challenging slopes, particularly for the garage. The City Council decided to take out the 10-foot limit for the garage level to create a garage entrance on grade.

Planner Whetstone remarked that the current definition of story in the LMC does not make sense because the City Council took out the vertical measurement. Commissioner Thomas thought it still made sense, but it changed the definition. Planner Whetstone pointed out that the LMC does not address how the stories should be added up.

Commissioner Savage asked Commissioner Thomas to explain his perspective on the story issue and his concerns.

Commissioner Thomas stated that the issue evolves from the beginning of the Steep Slope criteria. The intent was to reduce the mass and scale of projects that were coming before the Planning Commission. They were seeing projects that cascaded up as high as eight stories. Therefore, size, visual impact, and commonality with other projects in the neighborhood became a primary concern. Steep Slope criteria was established to reduce the mass and scale. Commissioner Thomas believed the Planning Commission clearly intended to have a Code that created buildings that had more commonality with the historic character of the community. He noted that the Steep Slope process included discussions about number of stories, modifying grade, maximum heights, and shifts in building. It was not isolated to the number of stories inside the volume. It was also the impact from across the canyon.

Commissioner Thomas recalled the 10-foot per story limit and he thanked Planner Cattan for reminding him that the City Council had made that modification. Commissioner Thomas stated that the floor to ceiling issue was still defined in the definition. He believed the issues have been clarified and defined, but they need to see the minutes and come together on the interpretation.

Commissioner Savage believed there was a clear misunderstanding on the definitions since three applications came from the Planning Commission with a recommendation to approve, and the Planning Commission would not move forward on those applications based on interpretation. If the Planning Commission thinks the Staff misinterpreted the definition, he wanted like to hear the Staff's reasoning.

Director Eddington stated that part of the challenge was the vertical measurement between finished floor to finished floor. What is not addressed in the definition is the issue of a half floor and/or a split level. Depending on where they take a section drawing, a project could end up with three or six levels if they are split levels. Director Eddington remarked that finished floor to finished floor was ill-defined in the definition section of the Code.

Commissioner Strachan believe there were two separate issues. The first is from which point inside the structure to take the vertical measurement. The second is the issue of getting around the story requirement by creating separate accessory structures. There may not be three stories in one structure, but cumulatively there could be several. Commissioner Savage agreed, and felt they could have divided the applications this evening into those two different parts. Commissioner Savage concurred; however, those projects were still tied to the definition of a story and different interpretations.

Planner Whetstone read the definition of a half-story taken from the Webster definitions. "A half story is an uppermost story, which is usually lighted by dormer windows in which a sloping roof replaces the upper part of the front wall". She clarified that the definition only talks about half stories on the upper portion.

Commissioner Strachan stated that he attended the City Council meeting when they approved the LMC amendments proposed by the Planning Commission. He recalled from the discussion that the Council took the position that what happens inside the structure does not matter if the applicant is bound by the 27 foot requirement. The City Council was not concerned with how large the story could get, which is the problem they have today.

Commissioner Thomas pointed out that the Code does not say you can have 3.5 or 3.25 stories. It specifically says three stories, whether the stories are 10 feet floor to floor, 9 feet floor to floor, or 12 feet. Using an example similar to a plan they saw this evening, Commissioner Savage thought they could keep the outside looking exactly the same and reconfigure the inside to where it would adhere to the three story rule. If applicants have that ability they would be compliant. Beyond that he did not understand why they should care how the inside is configured.

Planner Whetstone explained that the Staff interpreted some projects as three stories because it had a mezzanine or landing. She asked if they should count a landing that gives character inside a

house as a story. Planner Whetstone felt that was the issue that needed clarification.

Chair Wintzer stated that the mistake they continually make is that they write the Code with words and not with pictures. He suggested that the Staff prepare drawings that clarify and interpret the definition of a story. Commissioner Strachan noted that the definition of a basement in the LMC does show a drawing.

Commissioner Hontz stated that she attended the same City Council meeting that Commissioner Strachan had referenced, and the entire reason for removing the 10-foot limitation was to create flexibility between the three stories and the height. The City Council felt that defining 10-feet per story would limit flexibility. Commissioner Hontz thought they were where they were supposed to be based on the idea of flexibility. She understood that the Planning Commission needed to come to some consensus, and believed the City Council had set them up for this.

Commissioner Thomas stated that not allowing the additional half level above three stories reduces the mass of the building. In effect, that is working according to the initial intent of the Code. Commissioner Savage argued from the perspective that if someone presents a plan that is compliant with Code, it is no one's business what it looks like inside. Chair Wintzer and Commissioner Thomas explained why they disagreed with Commissioner Savage. Commissioner Savage thought the criteria should be based upon whether it is consistent with the objectives about how it looks from across the valley. The valley does not know how many stories are in the building. Commissioner Thomas pointed out that if a limit is not set on the number of stories it can cascade up the hill. That was the reason for having the criteria. Commissioner Savage believed that could be constrained by footprint, setbacks and other constraints from the outside.

Chair Wintzer clarified that the Planning Commission could not move forward on any applications as long as they are in conflict with Staff on the definition of story.

Planner Cattan suggested that they talk about whether a story that goes up 5 feet in elevation is considered a half story or one story. She stated that if the Planning Commission agrees that the three applications seen this evening were 3-1/2 stories, then the Staff interpreted the Code wrong by saying that the level of a story could be split.

Planner Whetstone referred to a house on Park Avenue that has a door, two windows, a roof and dormers. The structure is a simple box without a basement. It has a 9 foot ceiling because of the roof pitch. Based on her research, that structure is a 1-1/2 story house.

Chair Wintzer called for public input on the issue of a story. Speakers were advised to keep their comments general and not related to a specific project.

Craig Elliott with the Elliott Work Group asked the Commissioners to clear their minds of their own opinions and listen to his comments. Mr. Elliott regretted that he had not come before the Planning Commission to argue the three-story issue during the amendment process. At the time he thought it dealt primarily with Ridge Avenue and 75' lots that had 50 feet of grade change. Mr. Elliott stated that the interpretation had become such that it was changing the way he thinks about what they were doing in town. Mr. Elliott remarked that the Code definition is nearly identical to the definition

in the International Residential Code and the International Building Code. It talks about a story being vetted from a floor level to the floor level next above. That means perpendicular to the floor or the roof; and not to the side. Mr. Elliott noted that the Building Code never addresses a shift in floor plane. He pointed out that the discussion is about a shift in floor plane and not different floors or different stories. It is all one floor that shifts. He stated that being able to shift the floor plane is a fantastic tool for an architect because it provides variety, the opportunity for interest, and delight. It is something that is valuable and can add interest to the town and the community, and not just the interior of a space.

Mr. Elliott stated that he lives in a split level house in Thaynes. He designed it, built it and has lived there for 18 years. He has been in Park City for 19 years and he never thought they would be having this discussion.

Mr. Elliott stated that an interpretation like this is not going to protect neighboring property owners or Park City. It is not going to provide additional value to the community. It will not reduce the densities in these houses because they will design them differently. Instead of having a garage with a level above it and three stories, the garage will be the top floor with two floors below it, just like all the houses on the east side of Lowell. Mr. Elliott remarked that the solutions they have seen through the shift in the floor plane gives variety and building mass above a garage. It is an opportunity to do something good. Mr. Elliott stated that if everything is pushed down to the same floor, they would be digging a deeper hole. They would be trucking more dirt out of town and driving more dump trucks. It would require more shoring and more concrete to support and retain the earth around it. The result will be more dangerous to the adjacent house than what already exists. Mr. Elliott reiterated that changing the interpretation will not change the amount of square footage that people build, and it will not improve the character of the architecture on the street. It will not change how things look from across the valley.

Mr. Elliott commented on issues that deal with the depth of a lot. Discussions over the past year with Staff have been about building multiple buildings on a lot and the story definition made by individual buildings. Mr. Elliott stated that a story is defined across the entire lot. A 140 feet deep lot is typical of what is going on. Different colors, forms and shapes are unique to Park City and the goal is not to put everything into the same box.

Mr. Elliott stated that he was not interested in doing any more houses on a steep slope in town. He has three under contract that he intends to finish. If the interpretation goes in the direction of their discussion it will not benefit the town and it will not benefit the people who own the property.

Commissioner Thomas stated that Mr. Elliott's interpretation of story and that a story is relative to the immediate space below, goes back to the notion of stepping a house completely up the hillside. He noted that the Code was created to put a limitation on that.

Mr. Elliott drew a sketch of a storied house to make his point.

Commissioner Strachan asked Mr. Elliott for his opinion on how the definition of a story applies to a structure that has a number of detached accessory structures, but has the appearance cross-canyon of seven or eight stories. Mr. Elliott replied that on a lot deeper than 75', separate buildings

in a surrounding context was not a bad thing. Commissioner Strachan asked Mr. Elliott's opinion if the compatibility requirement was the only regulation and there was no objective limitation. Mr. Elliott stated that as some who does design work, he believed the context of the site and where you build is the most important element in any design.

Commissioner Thomas thought Mr. Elliott would agree as a professional that they also have the responsibility to look at how a structure fits into the compatibility of a community and its impact on the historic character of the community in terms of mass, scale and size. He remarked that the Code originated with trying to create a Code that resulted in more commonality with the historic character of the community. Commissioner Thomas stated that the building could still be stepped in the process Mr. Elliott identified in his diagram, but only three stories were allowed.

Chair Wintzer suggested that the Staff schedule this as a work session item and come back with a series of drawings that show different scenarios to help define the definition of a story.

Commissioner Hontz stated that the Code change was precipitated by multiple structures that came in. She was not on the Planning Commission at the time and she opposed one of the structures. She came in a demonstrated that it did not meet the Code. Commissioner Hontz stated that when she came to the Planning Commission with her concerns they agreed with her but could not make that finding, and it went to the City Council. She believed it would have been a better design had it done what they were trying accomplish this evening. That era is the reason why they got to three stories. She did not want to turn back the clock. Commissioner Hontz stated that she lives in a two-story house; however by Staff interpretation, it is actually one story. There are many consequences to contemplate and she thought the Planning Commission should refine what they wanted to see come back. She needed time to read and digest the definitions and personally did not want more input before they had the conversation.

Director Eddington suggested that the Staff come back with a set of clear drawings to help the Planning Commission understand and aid in their discussion. Chair Wintzer noted that the Planning Commission had three applications that were waiting on an answer to the question. He thought the Staff should come back with a professional opinion on the definition of story.

Commissioner Savage acknowledged that he was not on the Planning Commission when the definition was written. However, speaking from logic, he believed the constraint that was applied related to the mass, scale and appearance from the exterior. In his opinion, a story is what is directly above and not what is on the other end of the building.

Director Eddington pointed out that the definition as written talks about the interior and floor plane to floor plane; and that is the challenge. He agreed that the intent may have been misguided in the definition, but they have to work within the definition. Commissioner Savage stated that if floor plane to floor plane is a vertical measurement, he would argue that at least one structure they saw this evening was never more than three stories at any point.

Planner Evans noted that not all development in Old Town require a Steep Slope CUP. Therefore, some structures with the same scenario may have been approved by various Staff members under

the HDDR process and never came before the Planning Commission. Commissioner Savage stated that if that did occur, it would be valid precedence independent of the CUP requirements. Planner Evans noted that he currently has two applications that do not require a Steep Slope CUP that do exactly what they were talking about. Commissioner Thomas felt that was another reason to come to some agreement on interpretation.

Assistant City Attorney McLean explained that the definitions were in the Code. In thinking about this issue, she directed them to the definitions in the last chapter and the key words, 1st story, story and structure. They should also look in the H Districts for guidance on what constitutes a story. Commissioner Savage requested that the Staff email a document to the Planning Commission that includes all the components of the Code that would help prepare them for the next meeting. Director Eddington offered to provide that documentation and include images.

Jonathan DeGray was not opposed to the Planning Commission discussing heights and levels and amending the Code for future projects. However, he agreed with Ms. McLean about looking at the Code as written because the projects currently before them were based on that Code. It was important for the Planning Commission to come back with a solid interpretation on what is written.

Chuck Heath asked about process and the time frame for taking action on the projects that were continued this evening. His project was continued once for additional information and when the information was provided, it was continued again because there was a question about interpretation. He felt it was important for the Planning Commission to define the interpretation of a story so these projects could move forward or go away. Chair Wintzer stated that the issue should be resolved at the next meeting. Once they have that resolution, they could begin discussing projects that were continued for that reason.

Assistant City Attorney McLean pointed out that the applications this evening were continued to a date uncertain. To be fair to the applicants, the Planning Commission should resolve the issue at the September 12th meeting and the items could be re-noticed for the meeting on September 26th.

Commissioner Thomas clarified that he raised the issue because he had heard three different interpretations of a story and he felt it was important to have a consistent interpretation that benefits the community.

The Work Session was adjourned.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
AUGUST 22, 2012

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Director, Thomas Eddington; Katie Cattan, Planner; Kirsten Whetstone, Planner; Mathew 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 – August 8, 2012

Commissioner Hontz corrected the last sentence of Condition # 4 to read “In no event shall fewer than two parking spaces be allowed **on-site** for tenant and/or visitor use with a permit, seven days a week/24 hours per day.” to accurately reflect that her comments were specific to having on-site parking.

Commissioner Hontz corrected Condition #10 to read, "Each unit will be leased to seasonal drivers who work for Park City. In the event that the units cannot be leased **to** seasonal drivers, they **shall** be available for affordable housing for the City". The Correction replaced for with **to** and may with **shall**.

Commissioner Strachan recalled that the Planning Commission had determined that Findings of Fact 6 and 9 should be conditions of approval and not findings. To reflect that discussion, he corrected the minutes as follows:

Findings of Fact 6 & 9 should be Conditions of Approval of 14 and 15 and deleted from the findings. Deleting Findings 6 & 9 changed the numbering of the Findings of Fact. The word seeing in #6 was corrected to **seeking**.

MOTION: Commissioner Hontz moved to APPROVE the minutes of August 8, 2012 as corrected. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reported that the Staff was trying to schedule the joint Snyderville Basin/Park City Planning Commission meeting, and tentative dates were September 10th or September 24th. The Snyderville Basin Planning Commission has met several times with the County Council and another special meeting was scheduled on Thursday. The Park City Planning Department would have someone attend to hear that discussion. The intent was to make sure all the entities were in alignment with regional planning issues.

Chair Wintzer stated that he would be out of town on September 10th. Commissioner Savage stated that he would be out of town on September 10th, and he would also miss the next Planning Commission meeting on September 12th. Chair Wintzer noted that he would be also be out-of-town for the next Planning Commission meeting on September 12th.

Commissioner Strachan asked about agenda items for the joint meeting. Director Eddington stated that they would continue where they left off at the last meeting and talk about Route 40 in more detail, based on the Charles Buki presentation for regional planning.

Director Eddington reported that Gateway Planning was working on Form Base Code for Bonanza Park, and they would be in town to provide draft recommendations at the October 24th Planning Commission meeting.

Election of Chair and Vice-Chair

MOTION: Commissioner Thomas nominated Nann Worel as the new Chair for the Planning Commission effective September 12, 2012.

Chair Wintzer noted that Commissioner Worel was in Africa; however, through email correspondence she had expressed a willingness to accept the position if nominated.

Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Hontz moved to nominate Jack Thomas as the new Vice-Chair for the Planning Commission. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Chair Wintzer stated that he enjoyed his time as Chair of the Planning Commission and he appreciated the help he received from the other Commissioners. Commissioner Strachan thanked Chair Wintzer for doing a great job. The Commissioners concurred.

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

Richard/PCMC Parcel – Annexation Petition
(Application #PL-12-01482)

Chair Wintzer opened the public hearing.

Amy Holmwood, a part-time resident at 33 Payday Drive in the Thaynes Canyon Subdivision, was interested in knowing more about the Richards/PCMC Parcel. Ms. Holmwood had seen the sign posted on the property when they arrived this summer. She has called the City several times but was not been able to get any information on the proposal that is across the street from their house. Mr. Holmwood wanted to know what was going on and who would be able to tell them.

Director Eddington stated that Kirsten Whetstone was the project planner. He asked Ms. Holmwood to write down her name and phone number and he would make sure that Planner Whetstone contacts her and forwards the available reports. He informed Ms. Holmwood that she could also obtain the information herself by logging onto the City website and the link to past agendas and documents.

Director Eddington pointed out that the item was being continued to September 12th. Ms. Holmwood asked if a decision would be made at the September 12th meeting. Director Eddington replied that it was scheduled for public hearing, and whether or not it would be the final meeting would depend on the Planning Commission. If Ms. Holmwood was unable to attend the meeting on September 12th, she should submit her comments in writing to Planner Whetstone prior to that meeting.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Thomas moved to CONTINUE the Richards/PCMC Parcel – Annexation Petition September 12, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

200 Ridge Avenue - Subdivision
(Application #PL-10-00977)

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

MOTION: Commissioner Thomas moved to CONTINUE 200 Ridge Avenue – Subdivision to September 12, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

Land Management Code Amendments
(Application #PL-12-01631)

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

MOTION: Commissioner Thomas moved to CONTINUE the Land Management Code Amendments outlined on the agenda to September 12, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

Chair Wintzer requested a change in the order of the agenda and moved 543 Park Avenue, Washington School Inn to the first item.

1. 543 Park Avenue, Washington School Inn – Modification to a Conditional Use Permit (Application #PL-12-01535)

Planner Katie Cattan reviewed the application for a modification to the Conditional Use Permit at 543 Park Avenue, which is the Washington School House. The request was to modify the conditional use permit that was approved on November 10th, 2010.

Planner Cattan explained that Lot 34 was part of the original CUP application; however on the day of that meeting the applicant decided to remove Lot 34 from the proposal. Instead, the fence would go around the pool area and not extend into Lot 34. Planner Cattan noted that Lot 34 is a separate lot of record and is separately developable. She was unsure of the reason, but the lot was enclosed during construction. Due to that violation, the building permit could not be closed and the City could not issue a certificate of occupancy for a use that was not approved for that portion.

Planner Cattan stated that because Lot 34 was enclosed with a fence and a staircase leads to the pool, it should be included as part of the conditional use permit for the recreation facility. However, it is a single lot of record and there is no requirement within the LMC to do a lot combination for a conditional use permit. She noted that Conditional Use permits throughout town cross over lots. Planner Cattan clarified that a use can cross over a lot of record, but a building cannot because it would be in violation of the Building Code and the Land Management Code.

Planner Cattan pointed out that there were no buildings or structures on the site. Any future building or structure would require a modification to the conditional use permit if the building was to be tied to the Washington School Inn. If it was not tied to the Washington School Inn, this CUP would need to be modified to make Lot 34 a separate lot of record without access to the pool. The Staff added Condition of Approval #2 to address that issue. The condition read, "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.” Planner Cattan clarified that the request was an expansion of the property for the purpose of the conditional use.

Planner Cattan reported that the Planning Department received a letter from Tesch Law Offices at 4:45 this evening. She handed out copies to the Planning Commission and noted that she had not had the opportunity to read the letter. Planner Cattan noted that the Staff tries to inform anyone interested in applications that the packets are prepared the Friday before the meeting, and that any additional information should be received prior to that time so the Staff and the Planning have adequate time to review it.

Chair Wintzer asked if the walkway that runs through the lot was needed to meet Building Code or if it was a convenience walkway. Planner Cattan replied that it was for convenience. Chair Wintzer clarified that the Washington Inn School has the necessary exits out of the area without the walkway. Planner Cattan answered yes. She noted that the applicant could modify the fence to be only around the pool. They could also have a fence around the single lot without any modifications. The two options were to make it a separate lot and fence it as they like, which would not be part of the conditional use; or they could extend it. The applicant chose to make it an extension.

Commissioner Strachan asked why Lot 34 was removed from the original CUP application. Mike Elliott, representing the applicant, explained that the owners originally planned to save it as a possible future residential lot for themselves. It was later decided that due to its proximity to the pool it would be nicer to landscape the lot. Through the process they decided to add a stone walkway. Mr. Elliott pointed out that the walkway is rarely used because the access through the hotel is the main access for the pool. Lot 34 is currently a park-like setting.

Chair Wintzer opened the public hearing.

Joe Tesch apologized for submitting his letter later than expected; however, he was unable to access the Staff report online on Friday and he needed the report to formulate his letter. Mr. Tesch stated that he was representing John and Barbara Plunkett. His clients like the Washington School Inn and believe they are good neighbors. Mr. Tesch outlined a number of disagreements they had with items in the Staff report. One is that Lot 34 should be brought into the CUP as a plat amendment because it is integrated into the CUP. He was not aware of this type of CUP ever crossing lot lines and he did not believe it should. As indicated in his letter, a definition of a site is basically a separate geographic section in the city. A site is generally considered a lot of record. A number of sections in the LMC talks about the CUP on the site. Mr. Tesch was unsure why the City would consider the idea of a temporary borrowing of a lot for a short time as part of the CUP, but not combining it into the site. It was a bad idea and he was unsure whether they could make it a reasonable condition for expanding the CUP.

Mr. Tesch commented on violations that go beyond the fence. Lot 34 was not supposed to be part of the CUP; however, even though it was removed from the application, it was built to be part of the CUP. He sees that as a clear violation of the CUP and more than just accidental fencing.

Mr. Tesch remarked that the statement that there are no structures on Lot 34 is incorrect because a retaining wall that holds up the swimming pool patio goes far on to Lot 34. He noted that page 2,

paragraph 2 of his letter talks about the retaining wall in detail. Mr. Tesch felt it was common sense and consistent with the Code to require Lot 34 to be brought into the site.

Mr. Tesch commented on the issue of protecting Old Town and the concern with creep. He reiterated that the Washington School Inn were good neighbors and provided a quality product for the City. The problem is that the applicants built something different than the CUP that was approved and it created part of the creep they worry about. In his letter Mr. Tesch had created a new set of conditions; most of them the same as the conditions prepared by Staff. However, condition #1 of his draft requires that Lot 34 must be added to the site by plat amendment. Condition #5 of his draft added language, "With regard to Lot 34, any changes to the steps, landscaping or fence as shown on the modified site plan, or any addition to the use of the lot by adding any furniture, temporary or permanent tents, gazebos, benches or chairs, or by adding any lighting, shall require a modification of the CUP". Mr. Tesch clarified that the added language was an effort to guard against creep.

Planner Cattan provided a brief overview of the site plan indicating the pool, the Washington School Inn, Lot 34, and the lot line with the retaining wall right up to it. Planner Cattan clarified that there was not a certified survey showing whether the retaining wall encroached on to Lot 34 or stopped at the lot line. She noted that a structure has to have footings and foundation, therefore, the retaining wall was not a structure by definition. Planner Cattan explained that if the applicant was not requesting a modification to include it in the CUP, the wall would be a violation and should be moved if it is on a portion of the lot. However, since the request is to extend the CUP to add Lot 34, it was not an issue if the retaining wall sits on a portion of Lot 34 because it is not a structure.

Chair Wintzer closed the public hearing.

Mr. Elliott clarified that the wall Mr. Tesch mentioned has nothing to do with the structural integrity of the pool or the other two walls that do support the pool. The walls that have structural integrity are completely on the Washington School Inn lot. The lower wall is strictly a landscape wall and could be removed if it became necessary.

Planner Cattan stated that when the CUP was approved height limits were placed on the wall, which is why that wall has more steps than what was originally shown on the site plan. During the approval process the Planning Commission added a condition of approval stating that no walls could exceed between 4 and 6 feet. Mr. Elliott pointed out that a wall existed prior to the project and the existing wall was removed and replaced with matching stone.

Mr. Elliott stated that the owners have no intention of doing any seeding, benches, gazebos or similar elements addressed in Mr. Tesch's letter.

Chair Wintzer asked if the applicant would be willing to bring Lot 34 into the Washington School Inn project. Mr. Elliott replied that they prefer to maintain it as a separate lot. When they started the process with former planner Kayla Sintz they understood that through the CUP modification they would be able to create Lot 34 as part of the Washington School Inn lot, and still have the ability in the future to modify the CUP and use it as a residential lot.

Director Eddington clarified that there was no need to add Lot 34 with regards to footprint. Commissioner Savage asked whether the ability to have a CUP extend over lot lines was expressly allowed in the Code or just simply not prohibited. Planner Cattan replied that it was not prohibited by Code. She provided a number of examples where it already occurs in town, including Treasure Hill and the St. Regis. She noted that it is sometimes used as a phasing tool. Commissioner Savage asked if the situations were always contiguous lots with the same ownership. Commissioner Thomas stated that the Bald Eagle Subdivision was a place where it occurred on lots with different owners. The entire CUP granted it on individual lots. Commissioner Thomas remarked that there were many other examples in town.

Commissioner Thomas was comfortable with the requested CUP modification for the Washington School Inn. It visually and aesthetically improves the lot until the owner decides to develop it.

Chair Wintzer shared the concern about creep and he wanted to protect the neighbors against sprawl. He was not opposed to the portion of Mr. Tech's condition that addressed lighting, furniture, and landscaping. Chair Wintzer favored a condition of approval to prohibit this from growing into an unintended use.

Commissioner Savage stated that if the lot was owned by a different owner and that owner wanted to landscape it and add a walkway, he wanted to know what type of approval that would require. Director Eddington stated that if they were not proposing any grubbing or grading, the owner would be allowed to landscape the lot. Retaining walls lower than 4 feet would also be allowed. Anything higher than 4 feet would require Administrative CUP approval. Chair Wintzer pointed out that the owner would not be allowed any type of commercial activity as a separate lot because it is not connected to Main Street. Director Eddington replied that this was correct, and explained that his comment only addressed landscaping in response to Commissioner Savage's question.

Commissioner Hontz asked if a future application for Lot 34 would come back to the Planning Commission. If not, she preferred to add a condition of approval requiring that any future development would come back to the Planning Commission. Commissioner Hontz recalled that when the Planning Commission reviewed the original application in 2010, Lot 34 was under different ownership; however, she had not had time to research that as fact. The 2010 plan showed no access through Lot 34 and she believed this current plan with landscape access was a better result. She felt strongly that the Planning Commission should have the opportunity to see future development to control potential creep.

Commissioner Strachan noted that if the owner built a structure over 1,000 square feet it would come back to the Planning Commission as a CUP application. Chair Wintzer thought the lot looked steep enough to require a Steep Slope CUP.

The Planning Commission discussed Condition #5 as written by Joe Tesch and decided that it could be too restrictive as written. Chair Wintzer thought they should include the condition of approval suggested by Commissioner Hontz to have a CUP come back to the Planning Commission for any proposed structure on the site.

Assistant City Attorney McLean asked for clarification on the proposed condition. She noted that the Planning Commission would not have the ability to require a steep slope CUP if the owner only wanted to build a house if it was not otherwise required by Code. Commissioner Savage pointed out that even a house would require the CUP to be modified, in which case it would come back to the Planning Commission. Director Eddington replied that this was correct.

Commissioner Thomas was not opposed to addressing lighting and noise, but he had concerns with restricting the owner's ability to change the landscaping. Commissioner Strachan agreed that they needed to focus on impacts to the neighbors. Planner Cattan noted that any proposed lighting would need to meet the Lighting Code and any electrical work would require a permit. She cautioned them to be careful about language so they would not prohibit things like Christmas lights. They should be very clear about what items would require a modification to the CUP. As the project planner, Planner Cattan suggested that any type of use that encourages a gathering of people would be prohibited to address the noise issue. She was unsure how they should address lighting.

Chair Wintzer clarified that the intent was to protect the neighbors from having a gathering park next to their bedroom window.

Commissioner Strachan pointed out that the original CUP required a one year review based on complaints from neighbors. He suggested that they place the same requirement on this application.

Planner Cattan drafted Condition of Approval #5 to state that the applicant is required to submit for a one-year review by the Planning Commission for compliance with the conditional use permit.

MOTION: Commissioner Thomas moved to APPROVE the conditional use permit for 543 Park Avenue with Findings of Fact, Conclusions of Law and Conditions of Approval, with the addition of Condition #5 as stated by Planner Cattan. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Washington School Inn

1. The property is located at 543 Park Avenue.
2. The zoning is Historic Residential (HR-1).
3. On November 10, 2012, 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, 2012 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, 2012 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 to 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 the 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 – Washington School Inn

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 – Washington Inn School

1. The conditions of approval within the November 10, 2012 Conditional Use Permit continues 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.
5. The applicant is required to submit for a review by the Planning Commission by August 22, 2012. The Planning Commission review is for compliance with the Conditional Use Permit.

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

Commissioner Thomas thought it was important for the Staff and Planning Commission to have a work session discussion regarding the interpretation of three stories, prior to moving forward with this item and the next two items on the agenda. He believed all three applications exceeded the three story limitation. Commissioner Thomas stated that he was on the Planning Commission when the Code was written. He knows the intention of the Code and he watched the process carefully. He recommended that the three agenda items be continued until the Staff and the Planning Commission could reach an agreement on the meaning of three stories.

Commissioner Hontz concurred with Commissioner Thomas. In addition to the three-story interpretation, she believed other Code related matters in at least two of the agenda items would be better addressed in a work session. She did not think it would be beneficial for the applicants to have the Planning Commission review their projects before they had that discussion.

Planner Whetstone pointed out that 429 Woodside was a plat amendment and not a steep slope CUP. Commissioner Thomas clarified that the three-story restriction applies everywhere in the Historic District. The plat amendment suggests building footprint above the other stories, which is a fourth story.

Director Eddington favored the idea of a Land Management Code work session. However, the three items were on the agenda for public hearing. He suggested that the Planning Commission hear from the applicants and conduct the public hearing. They would still have the ability to continue the item pending the suggested work session discussion.

Commissioner Thomas also requested that they change the way applications are reviewed. In many circumstances the applications are far along before the Planning Commission has the opportunity to see them and make comments. He felt it was prudent to require a work session early in the process on a steep slope CUP. The applicant could submit a schematic phase showing the floor areas.

Chair Wintzer concurred. He noted that the applicant for 916 Empire came in with a complete set of plans and the Planning Commission had a different interpretation of three stories. He felt it was unfair to let an applicant go that far only to have the Planning Commission change their direction.

Commissioner Savage thought it made more sense to make certain that the Planning Department has a clear and distinctive understanding of the interpretation of the Code so they could do their job without having the Planning Commission intercede.

Commissioner Thomas felt it was an advantage to the applicant to come in early on a steep slope CUP so the Planning Commission could list their concerns and criteria in an effort to streamline the process for the architects.

Commissioner Hontz remarked that another option would be to require that a steep slope CUP come in as a work session. The Planning Commission continues to see this problem, and within the Code and the parameters of their role they continue to give direction that is significantly different than what they see. For that reason, it is imperative to see the applications and provide direction early.

Director Eddington stated that both the interpretation of the Code and the Steep Slope CUP process could be discussed at a work session. Chair Wintzer pointed out that the Planning Commission could not make Code changes without public notice and public input. The Planning Commission could not make a motion to require a change in the Steep Slope CUP review without going through the proper process.

Assistant City Attorney McLean pointed out that LMC amendments were scheduled as a work session item this evening. Under the definitions section was noticed discussion of a story, half-story and split level. Therefore, the Planning Commission could incorporate the Steep Slope and three story limitation into that discussion this evening.

Commissioner Thomas reiterated his suggestion to continue the three items on the agenda this evening so the applicants would have a complete understanding of how the Planning Commission and the Staff defines three stories. The applicants and their representatives were encouraged to stay for the work session discussion this evening.

Director Eddington noted that the Planning Commission still needed to open the items for public hearing. Commissioner Strachan thought the Planning Commission should take the opportunity to provide feedback before continuing the item.

The Planning Commission continued with 429 Woodside Avenue - Plat Amendment.

Planner Whetstone reviewed the request for a plat amendment to combine an existing lot of the Elder Park Subdivision with an adjacent metes and bounds parcel located to the rear. The Planning Commission held a public hearing on July 11th and no public input was presented.

Planner Whetstone noted that the Planning Commission raised two issues at the July 11th meeting, as identified on page 29 of the Staff report. The first was whether the rear parcel is considered open space. The second addressed concerns regarding the use of a potential accessory structure if one is proposed in the future. Planner Whetstone stated that the Staff had provided a number of conditions of approval to reach the standard of good cause, and the applicant had agreed to those conditions. She pointed out that good cause is a requirement for this type of plat amendment. One point for good cause was benefit to the neighborhood, as outlined on page 33 of the Staff report.

In terms of the remnant parcel, the Staff researched the application and found that it was a parcel of record with an Assessor's number. It is zone HR-1 and it is not part of the Sweeney Master Plan or part of the Treasure Hill Subdivision plat. The Staff felt it was clear from the research and the title report that it was not a designated open space parcel. The Staff was prepared to provide additional information on that issue if requested by the Planning Commission.

Planner Whetstone remarked that the Planning Commission had requested that the applicant provide a cross section. She reported that the house was under construction and had gone through a Steep Slope CUP and Design Review. Planner Whetstone recalled that the Planning Commission wanted to know the history of the original approval and that was provided as an exhibit in the Staff report. She had also researched minutes of those meetings and at that time there were

concerns with how the construction would impact the historic house and whether it would still remain on the Historic Sites Inventory.

Planner Whetstone reviewed the cross section that was shown on page 83 of the Staff report. She noted that the historic house steps up and has a physical connection to the addition. The house has a fourth story that was approved prior to the changes to the Steep Slope CUP and the Design Guidelines. The applicant was proposing a 30 foot separation from the future accessory structure, which would be restricted to the two-story 24-foot height limitation. They would use no more than 660 square feet of footprint when the size of that lot would 3,006 square feet.

Planner Whetstone noted that Option D was the original approval and those sections were contained in the Staff report. The proposed changes were identified in orange. Planner Whetstone stated that the bump out area in the back was added footprint.

Planner Whetstone pointed out that the applicant was a new owner who was not party to the previous Steep Slope CUP or design reviews. The lot behind was available and he purchased it, which gave him the ability to have the extra lot area for the amendments to the design.

Since this was a plat amendment, 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 contained in the draft ordinance.

David White, the project architect, commented on the concern regarding three stories, and clarified that they were only proposing two stories on the accessory structure. The building is totally separate; and even though it is accessed through the existing house it is not connected. The proposed height is under the 24' height limit. The footprint is 660 square feet. Mr. White pointed out that three stories would require the applicant to come back to the Planning Commission for a Steep Slope CUP.

Joe Tesch, representing the applicant, emphasized that the request was only for a plat amendment to combine two lots. His client has been very forthright about his intention to fill in one room in the middle of the existing building for 270 square feet, and he was willing to agree to a condition of approval limiting the amount of additional square footage to 270 square feet. Mr. Tesch stated that he has been on the site and the structure is not visible from the street. Mr. Tesch outlined what he believed were good causes to allow for the plat amendment.

Mr. Tesch referred to a previous comment by Chair Wintzer about the idea of preserving 25' x 75' lots in Old Town. He pointed out that the purpose statement talks about preserving combinations of 25' x 75' lots in Old Town, and that was exactly what this plat amendment would do. Mr. Tesch stated that he was speaking only to the good cause, because whether or not the agreed upon limitation of the accessory building was built in that location, the proposed plat amendment would be a great benefit to community. Mr. Tesch stated that his client owns the property and he could fence it and put agriculture on it as a permitted use. Instead, he was suggesting that if he decides to build an accessory house, it would only be located directly behind the existing house. The owner was willing to put the other half of the property into a no-build zone and keep it as open space. The owner was also willing to give a ski easement across the lot. The owner has agreed to give Quittin'

Time an access from the back of their building to the ski area. Mr. Tesch believed the benefits of the plat amendment were very good and offered more than what could occur without the plat amendment.

Mr. Tesch stated that in 2008 when the basic design was approved, there was a legal finding by the Planning Commission that the proposed use as conditioned was compatible with the surrounding residential commercial structures in scale, mass and circulation. In terms of size compatibility, Mr. Tesch referred to page 84 of the Staff report which showed the neighborhood. He noted that behind the parcel and up the hill were two very large homes on large lots that were part of the Sweeney Master Plan. He also indicated two large structures to the west of the parcel. Mr. Tesch believed the proposal for a potential accessory structure was consistent with the neighborhood and it was not out of character with the mass and size of Quittin' Time.

Chair Wintzer opened the public hearing.

Chris Whitworth, President of the Quittin' Time HOA, stated that he and his wife have owned their property for approximately 13 years. Many of the owners in their building are long time owners. Mr. Whitworth remarked that in the past five years they have invested \$800,000 in exterior improvements to the building to improve its appearance. Mr. Whitworth stated that the owners opposed the accessory building for several reasons. He referred to the cross section and noted that the view from the accessory building would loom over the back of their building. You would be able to through the windows and that compromises the privacy of the units. Heat was another issue. Mr. Whitworth stated that Park City summers are not as cool as they used to be and Quittin' Time has no air conditioning. There is no space to add air conditioning and people cool their units by opening the back doors. The accessory building would block the breeze from the south. Mr. Whitworth stated that even though there is a gap between the proposed building and the existing structure, the building would be less than 25 feet away. It seemed unlikely to him and fellow owners that the structures would remain unconnected and over time they would come back with additional requests for a breezeway or some type of roof connection. Mr. Whitworth stated that the Quittin' Time owners were originally told by the applicant that he wanted to build a house; not an accessory building. They received a letter from David White similar to a ballot with one box to check in agreement with the proposal. Mr. Whitworth was concerned that this would be a creeping project and go beyond what was being proposed.

Steve Chin stated that he had represented the owner, Steve Koch, in his acquisition of the site. Mr. Chin asked the Planning Commission to act in the context of fairness and according to what the LMC allows the applicant to do. If some things need to be explained, they would appreciate having that clarity.

Kel Green, an owner at Quittin' Time, noted that the consent form indicated that the accessory structure was for a possible guest house. It has since been changed to a more neutral term of accessory building. Mr. Green believed the intent was obvious that the owner wanted a guest house. At the last meeting it was stated that he has a large family, which implied the intent for people to stay there. From what he understood from email exchanges, they were talking about a family room, an office, and bedrooms. It is called an accessory building but the original stated purpose was for a guest house. Mr. Green was told that because it does not have a kitchen it does

not qualify for a guest house. He believed the intent was for people to stay there and it would provide all the amenities of a house with the exception of a kitchen.

Chair Wintzer closed the public hearing.

Commissioner Thomas referred to Exhibit K, the cross section through the property, and noted the multiple stories. He understood that the house was approved in 2008, prior to the Steep Slope Conditional Use criteria. Therefore, the original house would not be consistent with the current Code. Commissioner Thomas stated that the problem arises when the lots are combined because it becomes one property and one entity and one house. He counted five stories across the cross section, and the Code clearly stipulates three stories. Commissioner Thomas believed the application was inconsistent with the Code. To be fair to the applicant, the Planning Commission needed to continue the item until they have their work session discussion and could make interpretation of the Code clear to each other and the community. In the situation of combining the lots the Planning Commission could not give them the right to build the additional two stories because it was inconsistent with Code. Commissioner Thomas stated that he would support the plat amendment and the lot combination without that property and the levels being a condition. Commissioner Hontz concurred with Commissioner Thomas. The Planning Commission has to make a finding for good cause to move forward and she was not capable of making that finding without having the discussion of interpretation. Commissioner Hontz stated that she was not on the Planning Commission in 2008 when this came in for a Steep Slope CUP; however, in her opinion that process was a complete disaster and it was a demonstration of what not to do to a historic home. Massing, height and compatibility were issues at that time. If the Planning Commission allowed this plat amendment they would be adding mass and additional height with the proposed accessory structure. The next project on the street would be compared to that structure for compatibility and everything gradually becomes larger. It is too big and not compatible.

Commissioner Hontz pointed out that this proposal was being compared to structures that could not be built today under the current Code. The City has changed the Code to reflect what they no longer want, yet they are tied to reflect back and find compatibility with the same things they do not want to see in town. Commissioner Hontz thought the accessory building would make this more of an issue. She liked the idea of supporting the structures around a historically small home with numerous outbuildings. She understood that the intent of the Code was to revisit those patterns and/or save the structures. However, she believed that had turned into a loophole for most applications. Instead of being attached, they were now getting five or six stories of height on a site. According to the definition of good cause, that was not a community benefit and could cause health, safety and welfare concerns. Commissioner Hontz believed the City made a mistake in 2008 and the Planning Commission could make it worse if they moved forward on this application.

Commissioner Savage took a different position. The owner purchased a lot that was contiguous with his current lot. As a property owner, he should have rights that allow him to take advantage of the property he owns. If the owner combines the lots he should be entitled to build a certain footprint on that piece of property. Commissioner Savage pointed out that the owner had significantly reduced the size of the footprint he was allowed to build, anticipating that he could build a two-story structure. He understood that height was the issue and not the footprint. Therefore,

the solution would be to build a one story structure and make it twice as big. He believed the Planning Commission would be unhappy with that solution as well.

Commissioner Savage could see no reason why the owner should be prohibited from combining the lots. He thought the Planning Commission should forward a positive recommendation on the lot line combination and then consider his application within the context of the Code and what would be allowed for that combination of lots. Commissioner Savage felt they were penalizing the owner's rights as a consequence of the fact that a mistake may have been made with the original approval.

Commissioner Strachan agreed with Commissioner Thomas. He believed they could combine the two lots as good cause, but without the condition of approval that says it can only be two stories and the building pad is x-number of square feet. The owner would have to apply for a Steep Slope CUP on the second lot, and that is the process where they consider the number of stories. Commissioner Strachan clarified that he was not in disagreement with Commissioner Savage, but under the current proposal, the applicant was proposing an end result structure that would be five stories.

Commissioner Savage believed the two issues needed to be separated. Commissioner Strachan pointed out that the issues could not be separate with the current application because of the way it was drafted. Commissioner Strachan thought they should continue the item and let the applicant decide what was in his best interest. When the applicant comes back with a building proposal on the second lot, the Planning Commission could review it under the Code.

Commissioner Gross concurred with his fellow Commissioners.

Commissioner Strachan believed that no matter what was built on the second portion of the lot it would be four stories, which would automatically violate the Code.

Chair Wintzer stated that when the Planning Commission combines lots, they need to think through the consequences of what it allows. Before they combine these particular lots, he wanted to understand everything that could be done once the lots are combined.

Mr. Tesch clarified that the application was for a lot combination and the agreement was to limit the footprint and to give benefits to the neighbors. He stated that no one was suggesting that approval of the lot combination approves any development. Chair Wintzer pointed out that it does affect development because this conversation would not be taking place if there was not a request to combine the lots. Mr. Tesch remarked that the lot combination would not prohibit the Planning Commission from denying a building plan. It only limits what his client could otherwise do. They were not asking for any other approval.

Planner Whetstone remarked that the Planning Commission needed to consider the type of application. For the record, she clarified that the application was for a plat amendment and not for any type of development at this time. It only puts limitations on the lot development. She pointed out that combining lots and remnant parcels was a standard practice in Park City. Planner Whetstone stated that another issue pertained to the consent letter that was sent to the neighbors. She explained that the application originally came in as a lot combination. It is an administrative application that requires consent of all adjacent property owners. If the owner cannot get consent

from anyone, the Planning Director is allowed to make that approval on a lot line adjustment administrative application. Planner Whetstone referred to concerns regarding the connection and that it could later creep and connect. She indicated a pad on the site where a future building could only be constructed. She stated that the Planning Commissioner could condition the dimension. They could also add a plat note and condition of approval that says if an accessory structure is proposed or constructed it cannot be connected in any way to the main house. Planner Whetstone noted that because it is an existing four-story house, it would be non-conforming in terms of the Code; however, she was unsure whether it would be exempt because it had a historic house. If the definition of a story includes all the structures on the lot, it could not exceed four stories.

Commissioner Thomas pointed out that in the past they had situations where they denied increasing the non-compliance of the house because it did not meet the current Code.

MOTION: Commissioner Thomas moved to CONTINUE 429 Woodside Avenue – Plat Amendment to a date uncertain. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

**3. 916 Empire Avenue – Steep Slope Conditional Use Permit
(Application #PL-12-01533)**

Planner Whetstone reviewed the application for a conditional use permit for construction on a 30% slope greater than 1,000 square of floor area. The request was for a new single family home located at 916 Empire to be 2,300 square feet. The lot is a standard 25' x 75' Old Town lot.

Planner Whetstone noted that the Planning Commission reviewed this proposal on July 11th and the concerns expressed at that time were identified on page 102 of the Staff report. The application was continued to this meeting due to concerns related to the driveway grade and whether it would comply with Code and physically possible for a vehicle to come down the grade and into the garage. The Planning Commission requested that the applicant provide a cross section of the driveway. That cross section was included in the Staff report. Planner Whetstone had met with the City Engineer and found that the split grade of the driveway meets Code.

Planner Whetstone remarked that another concern was the three-story issue. She pointed that this particular application was a split level.

Commissioner Thomas believed every application to build on a steep slope was some type of split level. Planner Whetstone explained that on the uphill lots the levels are stacked on top of each other. Commissioner Thomas clarified that he has seen stacked levels on both uphill and downhill lots.

Planner Whetstone stated after the meeting on July 11th, the Staff relooked at the application and agreed that the method by which the Planning Commission tabulated stories was consistent with the Staff's method of tabulating stories when a fourth story is proposed. She clarified that the Staff reached the same determination that there was a fourth story on the uphill lot. However, the Code does not specify how to tabulate a story, and the Staff has been consistent in tabulating across the

entire structure and counting levels. In looking at the plans submitted on July 11th, because there was a full story above the garage and a split level within the house, the Staff concluded that the Planning Commission was correct in identifying 3-1/2 stories.

Planner Whetstone remarked that the Staff asked the applicant to revise the plan and the plan was modified with the elevation at the street. She explained how the applicant modified the plan and how the Staff determined that it was now three stories.

The Staff recommended that the Planning Commission approve the revised design based on the findings of facts, conclusions of law and conditions of approval prepared for their consideration. The Staff concurs that a Steep Slope CUP is a case by case review because slopes can be very different. Planner Whetstone noted that since 1994 there have been five different ways to review applications on downhill lots.

Planner Whetstone pointed out that the applicant was not requesting any type of a height exception. She reviewed the revised plan as shown on page 136 of the Staff report.

Craig Kitterman, the project architect, remarked that much of the conversation at the last meeting revolved around the definitions, primarily because definitions can be defended for future cases. The problem is that the LMC defines a story as floor to floor, but it does not say how tall it is. He stated that in architectural legal proceedings, when there is no answer to a question, they often look to the standard of the architectural and construction industry. He noted that 20 years ago the industry standard was 8 feet. The industry standard is taller today for new homes. Kitterman stated that since the LMC does not define the measurement, he believed they should follow the standard of the industry of at least 8 feet.

Mr. Kitterman pointed out that the Code also does not address split levels. The split level was interpreted as adding a half floor. A one-and-a-half story Cape Code house was the best example. Mr. Kitterman stated that since a minimum 7/12 roof pitch is required in Old Town, they get volume to use up there. Therefore, the half floor with dormers would be the standard of the industry in terms of how to measure a half floor. Mr. Kitterman noted that they looked to various resources to find four or five definitions of a half floor. He was interested in hearing the discussion during the work session.

Chuck Heath, the applicant, asked if the story was being defined as internal space or external space. He believed the Planning Commission was more concerned about how the exterior looks, yet from reading the Code, the definitions appear to address the interior space. Mr. Heath believed the original plan was no more than three stories, and in every elevation it was 2-1/2 stories. He asked for clarification on whether the Planning Commission was regulating the interior use of the space or just looking at exterior design and those types of issues.

Chair Wintzer referred to the rear elevation drawing and stated that a constant issue is the height of the buildings when viewed from across the canyon. Chair Wintzer apologized that these issues were not raised earlier in the process before the design moved too far along. He emphasized the importance of setting the definition of three-stories before they could move forward with these projects. Chair Wintzer stated that approximately 80% of the historic buildings in Park City were

one story. They eventually went to two stories and now some are five and six stories, staying within the 27 foot maximum height. Chair Wintzer reiterated that the cross-canyon view is what the Planning Commission considers.

Mr. Heath was confused because he thought the requirement was the height of the structure and not the number of stories within that height limitation. Chair Wintzer replied that it was also how they measure the height of the structure. Mr. Heath thought Chair Wintzer's explanation contradicted the design guidelines that require the building to be stepped on a steep slope.

Planner Whetstone presented the cross canyon view the applicant had provided.

Chair Wintzer remarked that at the last meeting the Planning Commission concurred that the proposed house at 916 Empire fits well with the neighborhood. They were not implying that it was a bad design, but it was important to define a definition of three stories before moving forward with any project. He understood that the applicant was caught in the middle.

Planner Whetstone pointed out that even if the Planning Commission sets a definition for three stories, this application was vested under the current Code and would not be subject to a Code amendment.

Commissioner Thomas clarified that the Planning Commission was looking for a consistent interpretation and not a definition. He believed there was a disconnect between the Staff and the Planning Commission on the interpretation of three stories.

Chair Wintzer remarked that the Planning Commission could take action on the application this evening; however, he felt the applicant might have a better outcome if he waited until after the Planning Commission discussed the interpretation issue.

Commissioner Hontz stated that it was inappropriate to continue this conversation or to take action on this application. She recommended that the Planning Commission take public input and continue the item until the next meeting.

Mr. Heath asked if the Planning Commission would actually draft a definition of three-story. Assistant City Attorney McLean explained that the work session discussion would define an interpretation of what currently exists in the Code and how the term "story" is interpreted in applications to make sure that it is being applied consistently.

Chair Wintzer opened the public hearing.

Craig Elliott stated that he attended this meeting to talk about the 3-story issue. He would hold his comments until the work session if the Planning Commission would take public input.

Chair Wintzer encourage Mr. Elliott to make his comments during work session.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE 916 Empire Avenue – Steep Slope CUP to a date uncertain. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

**4. 30 Sampson Avenue – Steep Slope Conditional Use Permit
(Application #PL-12-01487)**

Planner Evans reviewed the steep slope conditional use permit for 30 Sampson Avenue. He noted that the lot was approved in 1995. It is a 7,089 square foot lot in the HR-L District. Because of its odd shape, this particular lot required that the Planning Director make a determination as to setbacks. The Staff report outlined the required setbacks as determined by the Planning Director and the setbacks proposed in this plan. The front and rear setbacks would be 15 feet and the sides vary from five to ten feet. The lot was approved in 1995 and plat notes limit the size of the structure to 3,000 square feet, with a 400 square foot garage allowance. Planner Evans noted that the Staff report included a legal and binding letter of the interpretation made at the time, which said that the 3,000 square feet maximum applied to above ground and anything below ground did not apply. Planner Evans remarked that other issues related to the number of stories and height, and those would not be addressed pending the work session discussion.

Commissioner Strachan referred to the table on page 204 of the Staff report and asked for the difference between the overall area and the overall size. Planner Evans stated that the overall size was 4,587 square feet, plus the garage. The 2,998 was the footprint.

Commissioner Strachan asked why the size of the garage indicated in the Staff report exceeded 400 square feet.

Jonathan DeGray, the project architect, replied that anything in excess of 400 square feet goes against the 3,000 square foot maximum. Therefore, the combined total of above-grade living does not exceed 3,400 square feet at any point. The garage is larger but the house is smaller. Mr. DeGray referred to Commissioner Strachan's previous question and noted that the 4,587 square feet was the total square footage and included the garage. He also noted that 2,998 square feet was the total square footage above grade for the house.

Mr. DeGray walked through the plans and specific square footage numbers for the house and the garage.

Mr. DeGray outlined the criteria for the Steep Slope CUP and explained why they comply. He noted that the site is an unusual hourglass shape made up of two pods; lower and upper. The lower, smaller pod sets itself up well for a garage. The connection point is below grade and breaks the two structures visually. He referred to the landscape plan to show how it embellished between the two buildings to visually separate them. The main building is setback 65 feet to the elevator and another 75 or 80 feet to the main structure from the street. With the grade changes, it will appear to be a totally separate building from any of the buildings along Sampson Avenue. It will appear to be more associated to the sites to the rear.

Mr. DeGray commented on the visual analysis and provided photographs taken from the Trolley Turnaround and the intersection of Marsac and Hillside, as well as from other locations shown on page 230 and 231 of the Staff report. Mr. DeGray noted that the lot behind this house was the last undeveloped lot of the Sweeney Subdivision and it would be fairly volumetric. Mr. DeGray presented a rendering showing how the building sets into the hillside and the volumetric is compatible to the other HR-L structures on Sampson Avenue.

Mr. DeGray noted that the access driveway has been placed at the highest point of Sampson Avenue along with the lot. It provides a short run into the garage and is as low as possible to allow the garage to nestle in and maintain the same pad elevation as the barn that occupied that same space. The pad is currently being used as a parking pad.

Mr. DeGray pointed out that the building itself acts as the retaining structure and no tall walls are proposed on site. There will be smaller stack rock walls. Along the driveway they are looking at a wall that starts at the edge of the property starting at 2 feet in height and increases to 5 feet by the entry. Those represent the tallest walls on the site. None of the walls would require special approvals. The City now requires that all walls within the proximity of the property line be geo-technical engineered and designed and signed off by the engineer.

In terms of building form and scale, the buildings should run parallel and the garages should be subordinate. Mr. DeGray believed they had met that criteria. He noted that the overall scale and bulk of the main building was reduced. The building height is 27' and falls within the 27' maximum height requirement. In some places the height is under 27' on average. The applicant was not requesting any special provisions.

Mr. DeGray stated that the purpose of the HR-L zone was to get away from the higher density HR-1 zone and to provide for larger single family homes on larger lots. He believed this application met the purpose of the HRL. On a 7,000 square foot lot they were proposing a maximum gross square footage of 4500 square feet with a visual square footage of 3400 square feet, which is compatible with adjacent structures.

Chair Wintzer opened the public hearing.

Debbie Schneckloth, stated that she has been resident at 40 Sampson Avenue for 40 years, and her name appears on the plat amendment that the Jorgensen property is part of, and she intended to explain her goal for doing that. Ms. Schneckloth stated that her concerns began on May 5, 2012 with the unauthorized use of her property by the 30 Sampson Avenue access. At that point she became very involved in the process and Planner Evans had been very patient answering her many questions. Ms. Schneckloth also intended to speak to the redrawn driveway access and her request that it be drawn on the applicant's own property. She commented on the setback determinations by Director Eddington and wanted to know his rationale for changing some of the requirements of the Land Management Code. Ms. Schneckloth also wanted to speak to three of the items in the purpose statement of the HR-L zone and how two of the seven purposes of the HRL District appear to be obstructed by this project.

Ms. Schneckloth stated that when she expressed her concern about the access, she was informed by the Planning Department that the City was told that the applicant had an easement. Moving forward, she requested that the City require a checking of recorded easements when these applications come in so a property owner is not victimized by one person's word rather than what can be verified.

If this project moves forward, Ms. Schneckloth requested a condition of approval stating that the orange LOD fencing be replaced with a more permanent type site fencing, and that the points along the irregular 131' property line not be defined by the three existing pins, but instead be resurveyed to maintain accuracy. Ms. Schneckloth stated that this was abridged at 60 Sampson Avenue and 10 feet had been excavated before she discovered that the fencing had been taken down and it was on her property.

Ms. Schneckloth requested another condition of approval involving the City in any further enforcement so she could have a phone number of someone to call to have an enforcement person check on an issue.

Ms. Schneckloth stated that the driveway access redraw was at her request on the Jorgensen property. As explained to her by Planner Evans, the beginning point on the south end of the driveway was on grade with Sampson. She would like that checked by the City Engineer because she believes that at that point Sampson is 35 inches below the grade, and not on grade. Sampson goes very steep very fast and the discrepancy between grade as describe two to five feet with no retention required is not accurate as the lay of the land.

Regarding the setback determination described by the Planning Director, she understood from the Staff report that the setbacks were increased from the required 10 feet. However, she questioned why a five foot side yard setback was acceptable on the border of the only existing historic property on Sampson Avenue. Protection of historic property as per the HRL designation was not a condition and she questioned why. She was also concerned after hearing Mr. DeGray state that there was no need for more than 2-5 foot retaining walls with no engineering. She was suspect of how that would occur and retain her property and her home.

Ms. Schneckloth stated that the purpose of the HRL District as described was to reduce the density, which was the purpose of her plat amendment. She loves her home and it is a nice place to live, even though the access is difficult she likes everything about. The intent behind her plat amendment was to could save the tide of traffic problems, and other impacts that could be incurred on that small little street. Since her plat amendment, other things have occurred and they still face problems.

On the issue of preserving residential character in Park City, Ms. Schneckloth noted 205 Norfolk Avenue, which is 811 square feet in size, and 220 King Road, at 65 square feet in size do not reside in the HRL zoning. 220 King Road was annexed property into the Sweeney project and annexed to the Old Town plat. Those properties did not come under the scrutiny that the HRL guidelines and historic districts require. In 1995 the Planning Commission put severe restrictions of 2,000 on all the properties because even though the Sweeney lots were already proposed with greater density, the intent was to preserve the character of Old Town. Ms. Schneckloth stated that

the Herman house that was built by Jerry Fiat on Norfolk that was given as a comparison is a neighboring property, but it is not in the HRL zone. No conditional use permits were required for that property or any other property on Norfolk for nightly rentals. They are not in the HRL and should not be used as comparisons to bring up the square footage average of Sampson Avenue to 3566 square feet. If you accurately calculate the numbers, the square footage is actually 2572 square feet.

Ms. Schneckloth stated that another purpose of the HRL is to encourage construction of historically compatible structures that contribute to the character and scale of the district. She provided a picture of an old streetscape with the lot outlined. She noted that John Vrabel was out of town and unable to attend this evening, but he had given her photos to submit to the Planning Commission. She still loves this town that she came to in 1971 and she gave examples to show how far they have come over the years. Ms. Schneckloth clarified that she is not anti-development. She just wants everyone to play by the same rules. She respects the Planning Commission and others for the difficult job they do. The City has preserved so much of its heritage and she only wants everyone to build on their own property and abide by the same rules that are so beautifully written in the Land Management Code.

Chair Wintzer closed the public hearing.

Commissioner Thomas believed this project also fell under the same issue with regard to the number of stories. He felt it was best to continue the item until they had a clear interpretation of the Code.

MOTION: Commissioner Thomas moved to CONTINUE 30 Sampson Avenue – Steep Slope CUP to a date uncertain. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission met in work session to discuss Land Management Code amendments and the interpretation of a story. That discussion can be found in the Work Session minutes dated August 22, 2012.

The Park City Planning Commission meeting adjourned at 9:25 p.m.

Approved by Planning Commission: _____

REGULAR AGENDA

Planning Commission Staff Report



Subject: 811 Norfolk Ave. Plat Amendment
Author: Mathew Evans, Senior Planner
Application #: PL-10-00988
Date: September 12, 2012
Type of Item: Administrative – Plat Amendment

Summary Recommendations

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

Topic

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

Proposal

The applicant is requesting a plat amendment in order to combine one (1) and a half (1/2) lots of record that currently traverse through an existing historic home listed as a Landmark Structure on the Historic Sites Inventory, located at 811 Norfolk Avenue. The Historic Preservation Board (HPB) has previously approved the relocation of the Landmark Home on March 2, 2011. Currently the structure is located across the property line and will be moved 6.5 feet to the south. The proposed plate amendment will allow the applicant to move forward with their future development plans.

Background

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

The existing home on the lot is shown on the Historic Sites Inventory as a Landmark structure. The existing home crosses over the northerly property line of lot 3 onto adjacent lot 4 and has historically been situated on a portion of Lot 4 by two (2) to four (4) feet. Lot 4 is not owned by the applicant, and will be included in the 817 Norfolk Avenue plat amendment.

A complete application for a Historic District/Site Design Review (HDDR) was received on October 28, 2010. The current 2009 Design Guidelines apply to the

HDDR application. Beyond the HDDR, there are no other applications necessary (i.e. steep slope CUP, etc) to accomplish the plans put forth by the applicant.

On April 27, 2011, the Planning Commission heard the application and held a public hearing to consider the proposed plat amendment. The Planning Commission minutes from that meeting are attached hereto as exhibit "D". The Planning Commission voted to continue the application to a date uncertain due based on an appeal of the HDDR, which was being reviewed at the same time.

Since the April 27th 2011 meeting, the HDDR application was appealed to the District Court which ruled that the Historic Preservation Board (HPB) decision to allow movement of the house was reinstated. The period to appeal the District Court decision passed on August 21, 2012.

The encroachment issue into Lot 4 can be addressed by the permitted movement of the Landmark Structure 6.5 feet to the south. The existing historic garage is located on the neighboring lot and is not impacted by this application.

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

The applicant intends to build an addition to the Landmark house but cannot do so without a plat amendment to remove an internal lot line on Applicant's property. A plat amendment must be approved and recorded prior to issuance of a building permit. No future proposals will require a Steep Slope Conditional Use Permit as the property does not exceed thirty percent (30%) slope.

Analysis

The application is to create one lot of record at 811 Norfolk Avenue consisting of all of Lot 3 and the northerly half of Lot 2. The existing Landmark structure has existed across the lot line between Lots 3 and 4 in Block 14 of Snyder's Addition to the Park City survey. If a historic structure exists across a property line, either an encroachment agreement must be recorded or the historic home must be relocated to remove the encroachment. Applicant has an approved Historic District Design Review which permits movement of the house 6.5 feet to the South which will remove the encroachment and allow for the three foot setback as required by the zone. The Landmark structure will not lose its landmark status if moved according to the approved HDDR.

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



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

Required	Proposed Lot
Lot Size: Minimum 1875 square feet	3007.3 square feet
Density: Minimum lot size for single family dwelling is 1875 square feet and for a duplex 3,750 square feet.	Single family dwelling is an allowed use.
Front yard. The minimum front yard is twelve feet (12') with minimum 25' combined.	Existing historic home is 17' from front property line.
Rear yard. The minimum rear yard is twelve feet (12') with minimum 25' combined.	Existing historic home is 31' from rear lot line.
Side yard. The minimum side yard is 3 feet (3') on each side.	Existing historic home is 4 feet from south side lot line. Historic home will have a three foot setback from North side lot line after being moved. It currently encroaches over lot line.
Footprint: based on 3007.3 square feet lot area	1270 square feet maximum. Existing footprint of historic house is 668 sf. Proposed footprint with addition 1258.25 sf

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

owned separately. Historically both lots have been associated with the Landmark Structure.

Process

Once the Plat Amendment is approved and recorded, the applicant will have to submit a Building Permit application in order to move forward with the approved HDDR. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

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

Notice

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

Public Input

Several letters have been submitted to the Planning Department regarding this application and concern for the existing historic Landmark structure. These letters have been included as Exhibit D. These letters were received prior to the review of the appeal by the HPB. A new notice was sent to all property owners within 300 feet, the property was noticed, and a legal notice was also placed in the Park Record. As of this date Staff has only received one inquiry regarding the plat amendment. Staff was able to answer the question by an adjacent property owner.

Alternatives

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

Significant Impacts

There are not significant impacts from the proposed subdivision.

Consequences of not taking the Suggested Recommendation

An addition could not be built across a property line.

Recommendation

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

Exhibits

Exhibit A – Proposed Ordinance

Exhibit B – Survey and Plat

Exhibit C – Aerial

Exhibit D – Minutes from April 27, 2011 Planning Commission meeting and associated letters from the public

Ordinance No. 12-

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

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

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

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

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

WHEREAS, the Planning Commission, on September 12, 2012, forwarded a positive recommendation to the City Council; and

WHEREAS, on September 27 the City Council conducted a public hearing on the 811 Norfolk Avenue Subdivision; and

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

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

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

Findings of Fact:

1. The property is located at 811 Norfolk Avenue within the HR-1 zoning district.
2. The plat amendment is for the existing Lot 3 and the north half of Lot 2 in Block 14, Snyder's Addition to the Park City Survey.
3. The proposed plat amendment will create one lot of record that is 37.5 feet wide by approximately 80 feet deep. The minimum lot width in the HR-1 zone is 25 feet.
4. The area of the proposed lot is 3007 square feet. The minimum lot size in the HR-1 zoning district is 1875 square feet.
5. The applicant cannot obtain a building permit to build an addition across an

- internal lot line. A plat amendment must be recorded prior to issuance of a building permit for a future addition. .
6. There is an existing historic Landmark structure on the property that is listed on the Park City Historic Sites Inventory.
 7. Historically, the existing Landmark structure has existed across the lot line between Lots 3 and 4 in Block 14 of Snyder's Addition to the Park City survey.
 8. The north half of Lot 2 has likely been associated with Lot 3 since the historic home was built, as the home on Lot 1 straddles the lot line between Lots 1 and 2.
 9. The Landmark Structure encroaches 3.5 feet onto Lot 4 to the north. The approved Historic District Design Review application allows moving the historic home 6.5 feet to the south. The encroachment will no longer exist once the home is moved and all setbacks will be complied with.
 10. Maximum footprint with the plat amendment is 1270 square feet. The footprint of the existing landmark structure is 668 square feet. The proposed footprint from the existing structure with the new addition is 1258.25 square feet.
 11. The neighborhood is characterized by a mix of single family historic homes, single family non-historic homes, and multi-family homes.
 12. All findings within the Analysis section are incorporated herein.

Conclusions of Law:

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

Conditions of Approval

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the amended record of survey.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat may not be recorded until the Landmark Structure is moved onto Lot 3 or an encroachment agreement is signed by the property owner of Lot 4 to the North.
4. The plat must be recorded prior to issuance of a building permit for any addition to the structure. A permit for movement of the structure will be permitted prior to the recordation of the plat.
5. A 10 foot wide public snow storage easement will be located along the property's frontage,
Modified 13-D sprinklers will be required

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

APPROVED AND ADOPTED this 27th day of September 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

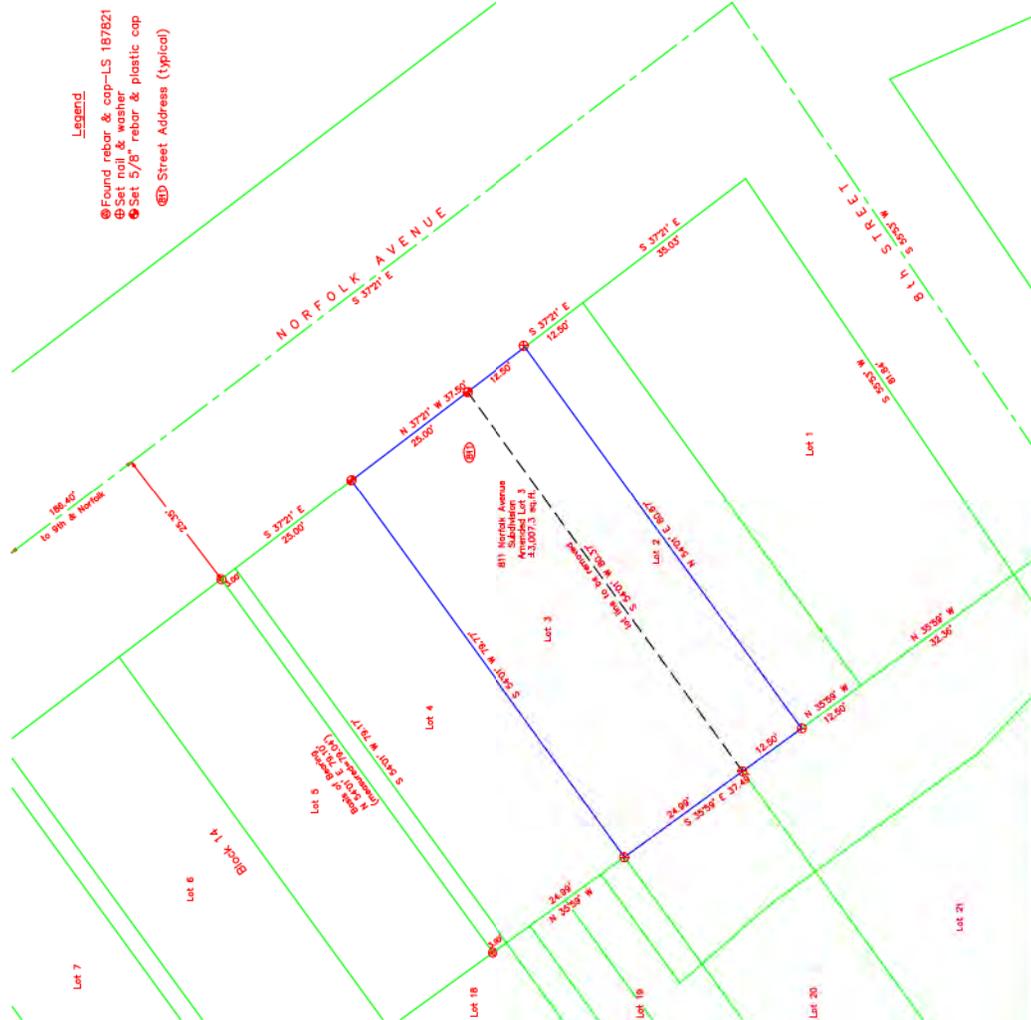
Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

811 Norfolk Avenue Subdivision

A repeat of Lot 3 the North Half of Lot 2,
Block 14, Snyder's Addition to the Park City Survey



NARRATIVE

1. Survey requested by: Jeff Love;
2. Survey conducted by: J.D. Colley;
3. Date of survey: May 5, 2010;
4. Property monuments set or found as shown;
5. Located in the Northeast Quarter of Section 16, Township 2 South, Range 10 East, Salt Lake County, Utah;
6. The owners of the property should be aware of any items affecting the property that may appear in a title insurance report;
7. Based on the previous boundary survey by Alpine Survey, Inc., recorded in the office of the Summit County Recorder.

- Legend**
- Found rebar & cap—LS 187821
 - Set nail & washer
 - Set 5/8" rebar & plastic cap
 - Street Address (typical)

LEGAL DESCRIPTION
811 NORFOLK AVENUE SUBDIVISION
AMENDED LOT 3

The North 1/2 of Lot 2 and all of Lot 3, Block 14, Snyder's Addition to the Park City Survey, according to the official plat thereof, file and of record in the office of the Summit County Recorder; more particularly described as follows:—nearly property corner of Lot 3, Block 14, Snyder's Addition to the Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, and running thence South 54°01' West, along the Northern property line of said Lot 3, the distance of 12.00 feet to the Northern property line of said Lot 3; thence South 55°59' East, along the Western property line of said Lot 3 and Lot 2 of said Block 14, 37.49 feet, more or less, to the mid point of the Western property line of said Lot 2; thence North 54°01' West, along the Western property line of said Lot 2, 20.00 feet, more or less, to the beginning of the Eastern property line of said Lot 2; thence North 37°21' West, along the Eastern property line of said Lots 2 and 3, 37.50 feet, more or less, to the point of beginning; containing 3,007.3 square feet, more or less.

SURVEYOR'S CERTIFICATE

I, J.D. Colley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 3590005, do hereby certify that I have supervised a survey of the herein described property and that this plat is a true representation of said survey.

Date _____ J.D. Colley RLS#3590005

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that Jeff Love, the owner of Amended Lot 3, 811 Norfolk Avenue Subdivision, Block 14, Snyder's Addition to the Park City Survey, having caused this Plat Amendment to be made, does hereby certify that he is the owner of said Amended Lot 3, and that he has caused this Plat Amendment to be recorded in the office of the County Recorder of Summit County, Utah in accordance with Utah law. Also, the owner hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, utilities and easements shown on the plat hereof, and the owner hereby irrevocably and irrevocably dedicates the same to the City of Park City on this _____ day of _____, 2010.

By: _____
Jeff Love
Owner

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit:

On this _____ day of _____, 2010, Jeff Love personally appeared before me, the undersigned Notary Public, in and for said State and County, who after being duly sworn, acknowledged to me that he is the owner of Amended Lot 3, 811 Norfolk Avenue Subdivision, Block 14, Snyder's Addition to the Park City Survey, and that he has caused this Plat Amendment to be recorded in the office of the County Recorder of Summit County, Utah in accordance with Utah law. Also, the owner hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, utilities and easements shown on the plat hereof, and the owner hereby irrevocably and irrevocably dedicates the same to the City of Park City on this _____ day of _____, 2010.

My commission expires: _____ NOTARY PUBLIC
RESIDING IN _____ COUNTY, _____



**SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT**
Consent to Dedicate Water Right to the City of Park City
on this _____ day of _____, 2010.

PLANNING COMMISSION
APPROVED BY THE PARK CITY
PLANNING COMMISSION THIS
DAY OF _____, 2010 A.D.
BY: _____
CHAIRMAN

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN
ACCORDANCE WITH INFORMATION ON
FILE IN MY OFFICE THIS
DAY OF _____, 2010 A.D.
BY: _____
PARK CITY ENGINEER

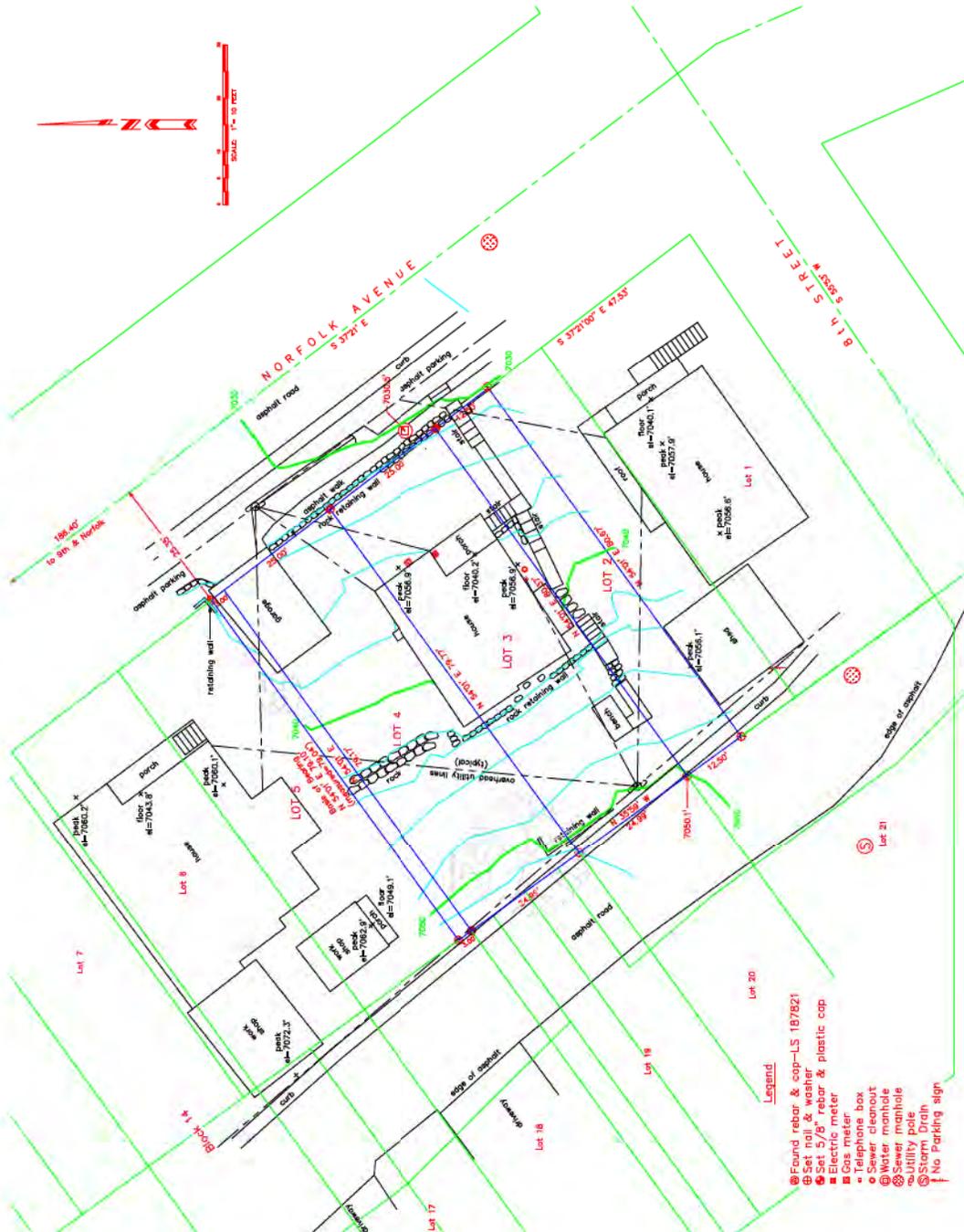
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS
DAY OF _____, 2010 A.D.
BY: _____
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY
COUNCIL THIS _____ DAY OF _____,
2010 A.D.
BY: _____
PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____,
2010 A.D.
BY: _____
MAYOR

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

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



NARRATIVE

1. Survey requested by: Jeff Love.
2. Purpose of survey: locate the deed description, improvements and topographic features, and property monuments as shown. Block boundaries are based on the Appraised Park City Monument Control Map by Bush & Giddell, Inc. Recorded as Entry No. 197765 in the office of the Summit County Recorder, Subdivision of Block 14 from the Map of Park City by Caldwell & Richards Engineers, traced from the original map July, 1927.
3. Date of survey: May 5, 2010 and June 2, 2010.
4. Property monuments set or found as shown.
5. Location: Northeast Salt Lake City, Utah, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
6. See the official plots of Snyder's Addition to the Park City Survey for other possible easements and restrictions.
7. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. See the previous surveys of the North line of the property located at the Survey Plat No. S-2823 and S-4367 in the office of the Summit County Recorder.
9. Elevations are based on an elevation of 7028.32 feet at the Street Monument at the intersection of 8th & Norfolk, from the Park City Monument Control Map, Sheet 2.

LEGAL DESCRIPTION

81' Norfolk Avenue (SA-138) The North 1/2 of Lot 2, and all of Lots 3 and 4, Block 14, Snyder's Addition to Park City. Together with: Beginning at the northeast corner of Lot 4, Block 14, Snyder's Addition to Park City and running thence South 54'01" West, 7917 feet to the northwest corner of said Lot 4; thence North 35'59" West, 3100 feet; thence North 54'01" East, 7910 feet; thence South 57'21" East, 3100 feet to the point of beginning; all Lots containing a total of 3232.9 square feet, more or less.

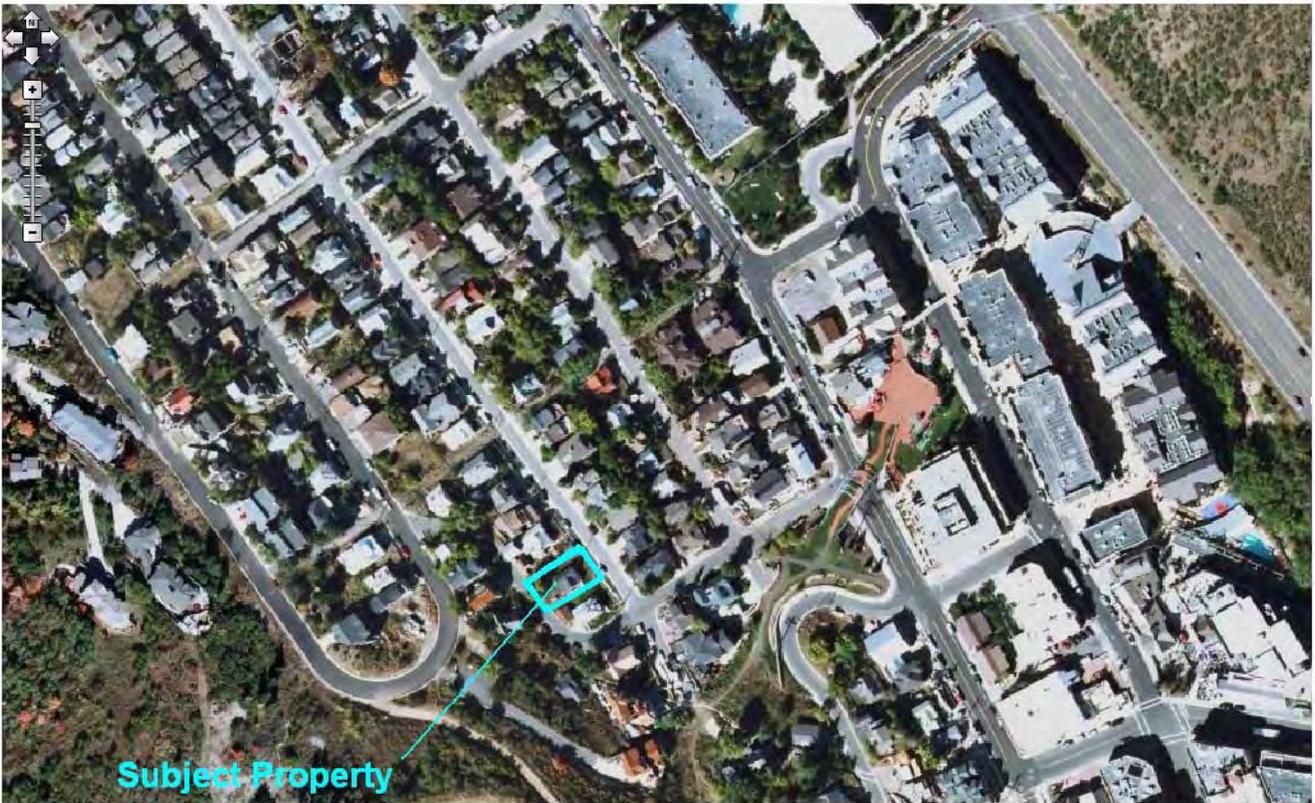
SURVEYOR'S CERTIFICATE

I, J.D. Gabley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 399005, do hereby certify that I have supervised a survey of the herein described property and that this plat is a true representation of said survey.

Date _____ J.D. Gabley RLS#359005



EXHIBIT C



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

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

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

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

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

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

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

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

Thank you so much for your attention to this matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

--

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

MOTION: Commissioner Savage moved to forward as POSITIVE recommendation to the City Council pertaining to the amendments to the Park City General Plan Land Use map as amended this evening regarding public facilities open space. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously. Commissioner Strachan and Commissioner Pettit were not present.

2. 811 Norfolk Avenue – Plat Amendment
(Application #PL-10-00988)

Planner Cattan reviewed the application for a plat amendment for 811 Norfolk Avenue.

Planner Cattan provided a brief history of prior reviews and approvals that have occurred on 811 Norfolk Avenue. She noted that the applicants were unable to move forward with the plat amendment until the HDDR review was addressed because there was movement on the landmark structure.

Planner Cattan reported that movement of the landmark structure was approved by the Historic Preservation Board. However that decision is being appealed by the neighbors and the appeal will be heard on May 17th. The appeal would not affect this plat in any way. Condition of Approval #3 states, "The plat may not be recorded until the Landmark Structure is moved on to Lot 3 or encroachment agreement is signed by the property owner of Lot 4 to the north". If the BOA allows the structure to be moved, it must be done prior to recording the plat. If movement is denied, an encroachment agreement would have to be signed prior to moving forward with the plat. Considering the history, the Staff placed a condition of approval on the plat amendment.

Mark Kosak, representing the applicant, felt it was important to note that Condition of Approval #4 also helps to address the issue. Condition #4 states, "The appeal on the movement of the house must be resolved prior to recordation".

Planner Cattan reported that Jeff Love, the applicant, owns the south portion of Lot 2 and all of Lot 3. The application this evening is to combine the portion of Lot 2 and all of Lot 3 into one lot of record.

The Staff recommended that the Planning Commission consider forwarding a positive recommendation according to the findings of fact, conclusions of law, and conditions of approval outlined in the ordinance.

Mark Kosak, reiterated that Mr. Love is trying to combine one lot and a partial lot to clean up the plat. Mr. Love stated that he cannot do an addition on the historic structure until the property line between the north half of Lot 2 and Lot 3 is removed. The Building Department will not issue a building permit over a property line. He felt that combining a partial lot with a full lot was a routine plat amendment.

Commissioner Pettit arrived at 6:05.

Chair Wintzer opened the public hearing.

Katherine Matsumoto-Gray, a neighbor next door to the property, provided comments from the perspective of the neighbors involved. She felt it was clear from the series of applications submitted, that the intention is to subdivide a historic site, increase density in a historic neighborhood, and to do infill development within one single historic site, in order to increase the developer's profit from this investment. Ms. Matsumoto-Gray believed it would be to the detriment of the neighborhood. Many neighbors have spoken on this matter several times. They like their historic street and all the historic houses on that side of the street between 8th and 9th Street either significant or landmark structures. Ms. Matsumoto-Gray stated that this plat amendment is part of a process to build the first new infill house within and disrupting one of those historic sites. She remarked that because small pieces have been dealt with between the County, the HPB, and now the Planning Commission, no one has noticed that the larger development plan is not consistent with historic preservation or the guidelines.

Ms. Matsumoto-Gray stated that the pending appeal is well addressed in the conditions of approval for the plat amendment, but she requested that the Planning Commission consider continuing a decision until after the appeal has been heard. She pointed out that even if the appeal is not granted, the house is for sale and another owner may not want to move it. Ms. Matsumoto-Gray stated that approving this plat amendment would subdivide a historic site, and although the Historic District Guidelines do not address that specifically, it is consistent with many of the guidelines. Ms. Matsumoto-Gray had submitted a letter, and in her letter she talked about retaining the built to unbuilt ratio on historic sites, preserving landscape features, preserving the character and the feel of the historic district. She believed that infill construction within a historic site and disrupting the connection between an accessory building and the main building disrupts the character and significantly changes the site.

Ms. Matsumoto-Gray commented on another request that went before the Historic Preservation Board to take an accessory building off of the historic sites inventory. The accessory building was deemed to be historic by the HPB and was saved. She noted that part of their decision was based on the fact that the historic house has a significant tie with Park City history, and the accessory building, the garage, and the house are related. Ms. Matsumoto believed those same issues were relevant in make a decision on the plat amendment. She did not think the two structures should be subdivided away from each other. Preserving sites is something they need to seriously consider.

Ms. Matsumoto explained that one argument in their appeal is that the two owners of the two lots are working together and they are being represented by the same person. It was evident that the guidelines were not read as instructions for how a developer could move a house. She believed that developers can find ways around regulations, but it should not fall to the detriment of the neighbors. Ms. Matsumoto did not believe the property should be allowed to be subdivided because it would negatively impact the historic significance of the neighborhood.

Linda McReynolds stated that she lives three houses down from the house at 811 Norfolk. She reminded everyone that the property was purchased as one parcel. It was

not purchased as four lots or with the possibility of two lots. She noted that the five or six houses on the upper side of Norfolk had this historic spacing prior to 1895. Her house was the last house built in 1895. Ms. McReynolds believed that some of the houses pre-date the mining boom. She read from the design guidelines, "Projects involving landmark sites must adhere to the strictest interpretation of the guidelines". "Maintain existing front and side yard setbacks of historic sites". Ms. McReynolds urged the Planning Commission to explore this matter in depth. She agreed with Ms. Matsumoto-Gray, that everyone has seen a different piece, but it has not been looked at as one application. It is very distressing to the neighbors to see a landmark house moved so casually.

Chair Wintzer closed the public hearing.

Commissioner Strachan arrived at 6:15 p.m.

Commissioner Savage could not understand the boundary conditions associated with the role of the Planning Commission, relative to the comments made by the public. He noted that the decision to move the home is the purview of the HPB and not a decision for the Planning Commission. In addition, there is an appeal pending on that decision. Commissioner Savage remarked that the outcome of that appeal would have meaningful impact on any decision they would make regarding the plat amendment. He recommended that the Planning Commission continue this item until they know the outcome of the appeal.

Commissioner Pettit concurred with Commissioner Savage. Until they know the outcome of the appeal, it is difficult to evaluate some of the conclusions of law they are required to make in considering the plat amendment application. Commissioner Pettit preferred to give the Board of Adjustment a clear record based on action that clearly relates to the issue of the appeal, and not cloud it with approval or denial of the plat amendment.

Commissioner Peek concurred. He felt that an odd sequence of events had created the situation.

MOTION: Commissioner Peek moved to CONTINUE 811 Norfolk Avenue to a date uncertain, based on the appeal with the Board of Adjustment. Commissioner Pettit seconded the motion.

VOTE: 5-0. Commissioner Strachan abstained since he was not present for the applicant's presentation.

3. SA-139-A, 817 Norfolk Avenue – Plat Amendment
(Application #PL-10-00989)

Planner Cattan reviewed the application for a plat amendment for tax ID number SA-139-A. She noted that the property known as 817 Norfolk Avenue has not been given a formal address, which is why the application has the tax ID number.

Planning Commission Staff Report



Subject: 817 Norfolk Avenue Subdivision
Author: Mathew Evans, Senior Planner
Application #: PL-10-00989
Date: September 12, 2012
Type of Item: Administrative – Plat Amendment

Summary Recommendations

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

Topic

Applicant: Rod Ludlow, Owner
Location: 817 Norfolk Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal

The applicant is requesting a plat amendment to combine all of Lot 4 and a three foot (3') portion of Lot 5 in Block 14 of the Snyder's Addition to the Park City Survey located at 817 Norfolk Avenue. The Historic Preservation Board (HPB) approved the relocation of the adjacent Landmark structure (home located at 811 Norfolk) on March 2, 2011, and its decision was later upheld by the 3rd District Court. The plat amendment is necessary due to the fact that an existing garage, also listed on the Historic Sites Inventory as a "Landmark Structure" is located on Lot 4 and a three foot (3') portion of Lot 5.

Background

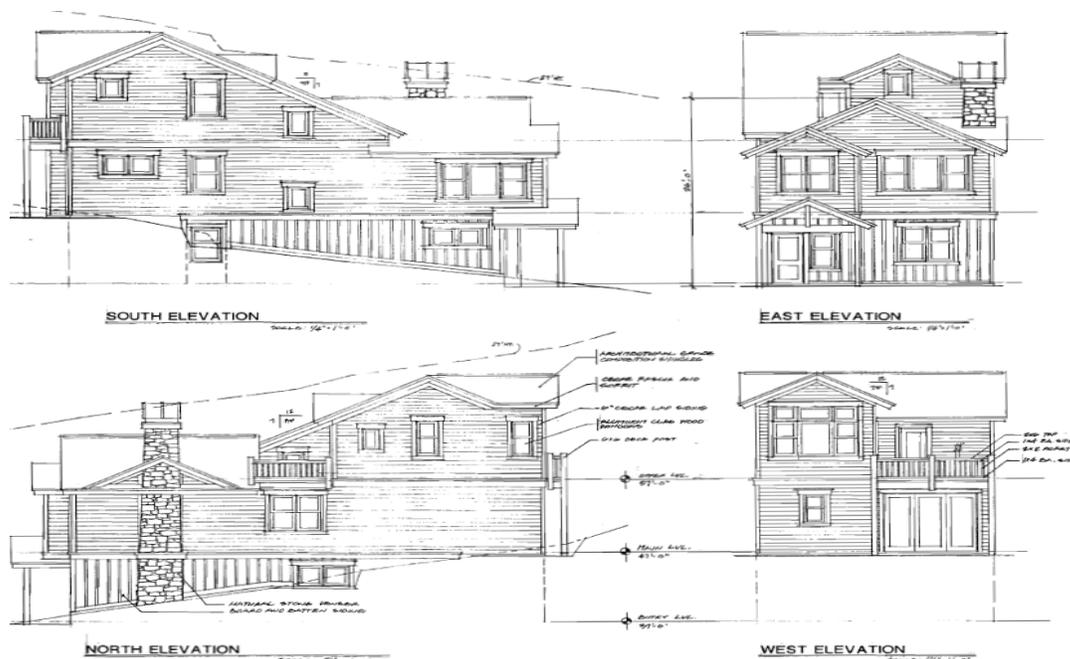
On June 7, 2010, the City received a complete application for a plat amendment located at 817 Norfolk Avenue. The plat amendment combines all of Lot 4 and the southerly 3 feet of Lot 5 in Block 14 of Snyder's Addition to the Park City survey. The resulting lot of record is twenty eight feet (28') wide by approximately seventy-nine feet (79') in depth.

There is an existing historic home designated on the Historic Sites Inventory as a "Landmark structure" on the property. The Landmark structure is a single family home and is located across the south property line of lot 4. Approximately 3 to 4 feet of the structure has historically existed within Lot 4 extending from Lot 3 to the South. A Historic District Design Review (HDDR) application has been reviewed and approved that will allow the home at 811 Norfolk Avenue to be moved so that it will no longer encroach onto Lot 4.

There is an existing historic garage that is located on the north-west corner of the property along Norfolk Avenue. The garage has been designated as "Landmark" within the Historic Sites Inventory, and therefore a preservation plan must be approved along with the Historic District Design Review (HDDR) application of any new construction. The garage is located over the lot line between Lot 4 and Lot 5. The garage encroaches into the Norfolk Avenue right-of-way. The garage was identified in April of 2009 by the then Interim Building Official as a dangerous structure pursuant to Section 116.1 of the 2009 International Building Code. The Interim Building Official also found that the building cannot be made safe and/or serviceable through repair. (Exhibit C- April 5, 2011 Letter) The current proposal is to reconstruct the garage.

Historic District Design Review (HDDR)

On October 6, 2010, the applicant submitted an HDDR application (PL-10-01081) for the purpose of constructing a new 2,342 square foot, three (3) stories home. The proposed home will have a footprint of 970 square feet. The maximum footprint allowed is 982 square feet based on the size of the lot (see analysis on next page). The application also includes a proposal to reconstruct the existing historic 262 square foot garage. The applicant is also proposing to add one (1) additional off-street parking space next to the garage to meet the minimum off-street parking requirements. The footprint of the existing historic garage does not count against the overall allowed footprint for the lot because of the historic nature of the garage.

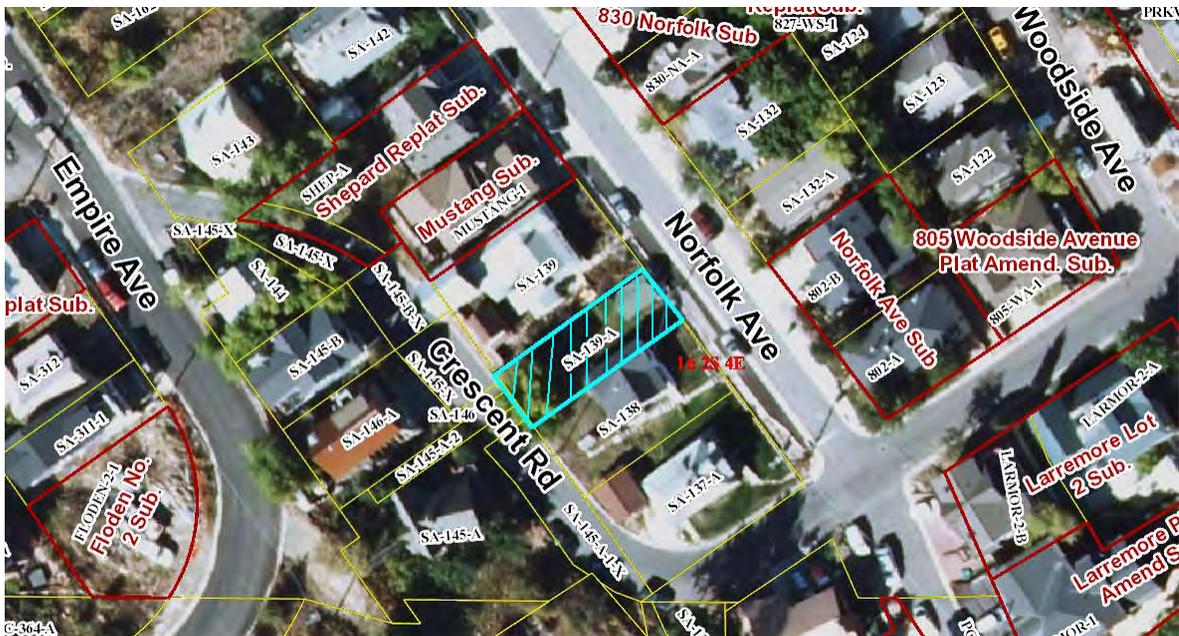


Staff received a Historic District Design Review Application (HDDR) for a single family home on the site on October 6, 2010. The current 2009 Design Guidelines

apply to the HDDR application. If approved, the 3 foot portion of Lot 5 will meet the setback requirement for the new home. The current application HDDR is still open pending the outcome of this plat amendment because it relies upon using the combined lots. Standing alone, Lot 4 is a buildable lot of record. A plat amendment must be approved and recorded prior to issuance of a building permit for the current design.

On April 27, 2011, the Planning Commission reviewed this plat amendment application and held a public hearing. The minutes from the April 27, 2011 Planning Commission meeting are attached hereto as exhibit "C". The Commission voted to continue the application to a date uncertain based upon an appeal at that time of the HDDR for the structure located at 811 Norfolk. This application has been on hold due to litigation regarding the movement of the Landmark Structure at 811 Norfolk Avenue. Now that the Landmark Structure is allowed to move 6.5 feet to the south, the single encroachment issue has been addressed and a plat amendment can be reviewed.

All future development would have to comply with the Land Management Code and the Historic District Design Guidelines. Staff has confirmed that a Steep Slope Conditional Use Permit will not be required as part of any future review process.



Analysis

The application is to create one lot of record at 817 Norfolk Avenue. Historically, the existing Landmark structure has existed across the lot line between Lots 3 and 4 in Block 14 of Snyder's Addition to the Park City survey. The Landmark Structure will be moved onto Lot 3 removing the existing encroachment. A separate plat amendment for 811 Norfolk Avenue is also being considered,

There is also an existing historic accessory building on the site. The historic accessory structure has been utilized as a garage. Accessory buildings listed on

the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building do not count toward the building footprint calculation, as stated in the definition of building footprint (LMC Section 15-15.1.34):

*LMC 15-15:1.34. **BUILDING FOOTPRINT.** The total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building.*

The proposed plat amendment will create one lot of record that is 28 feet wide by approximately 79.4 feet deep. The area of the proposed lot is 2223.7 square feet. The minimum lot size in the HR-1 zoning district is 1875 square feet. The minimum lot width in the HR-1 zone is 25 feet.

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

Required	Proposed Lot
Lot Size: Minimum 1875 square feet	2223.7 square feet
Density: Minimum lot size for single family dwelling is 1875 square feet and for a duplex 3,750 square feet.	Single family dwelling is an allowed use.
Front yard. The minimum front yard is twelve feet (12') with minimum 25' combined.	Future development must comply.
Rear yard. The minimum rear yard is twelve feet (12') with minimum 25' combined.	Future development must comply.
Side yard. The minimum side yard is 3 feet (3') on each side.	Future development must comply. The existing garage does not count against the maximum allowed footprint because of its historic status.
Footprint: based on 2223.7 square feet lot area	981 square feet maximum. Historic accessory building (262 square foot) is exempt from footprint calculation.

Good Cause

Planning Staff finds there is good cause for the plat amendment as the plat amendment will create a lot of record reflecting current ownership and remove the remnant parcel of the three feet portion of Lot 5. The remaining 22 feet wide portion of Lot 5 is owned by the resident at 823 Norfolk. The resident of 823 Norfolk also owns Lot 6 to the north. No new remnant lot is created by this plat amendment. The plat amendment will allow the applicant to move forward with the reconstruction of the existing historic garage, which was deemed a “dangerous structure” by the previous Interim Building Official. The rebuilding of the garage

will be a benefit to the City because of Health, Safety and Welfare issues related to the deteriorating garage which could cause injury to persons or property if the building were to collapse.

Process

Prior to issuance of any building permits for this lot, the applicant will have the HDDR submittal approved. Currently the HDDR application is on hold until such time that the plat amendment is approved. The HDDR application will be reviewed administratively by the Planning Department. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

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

Notice

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

Public Input

Several letters have been submitted to the Planning Department regarding this application and concern for the existing historic Landmark structure. These letters have been included as Exhibit C. These letters were received as part of the hearing by Planning Commission on April 27, 2011. The project has since been re-noticed as required. No other correspondence has been received.

Alternatives

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

Significant Impacts

There are no significant impacts regarding this application. Lot 4 is a buildable lot in which the property owner has the right to develop the property as provided by in the LMC. However, any reconstruction or alteration of the historic garage which is in disrepair will require the plat amendment and the final HDDR approval.

Consequences of not taking the Suggested Recommendation

The applicant would not be able to utilize the property they own which is the three foot portion of Lot 5, within their future building plans.

Recommendation

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

Exhibits

Exhibit A – Proposed Ordinance

Exhibit B – Plat and Survey

Exhibit C – Aerial and Minutes from April 27, 2011 Planning Commission meeting and associated letters from the public

Exhibit D – Interim Building Official Letter

Draft Ordinance No. 12-

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

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

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

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

WHEREAS, the Planning Commission held a public hearing on April 27, 2011 and on September 12, 2012, to receive input on the 817 Norfolk Avenue Subdivision; and

WHEREAS, the Planning Commission, on September 12, 2012, forwarded a recommendation to the City Council; and

WHEREAS, on September 27th, 2012 the City Council held a public hearing on the 817 Norfolk Avenue Subdivision; and

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

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

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

Findings of Fact:

1. The property is located at 817 Norfolk Avenue within the HR-1 zoning district.
2. The plat amendment is to combine the existing Lot 4 and the southerly 3 feet of Lot 5 in Block 14, Snyder's Addition to the Park City Survey.
3. The proposed plat amendment will create one lot of record that is 28 feet wide by approximately 79 feet deep. The minimum lot width in the HR-1 zone is 25 feet.
4. The area of the proposed lot is 2,223.7 square feet. The minimum lot size in the HR-1 zoning district is 1875 square feet.

5. The applicant cannot obtain a building permit to build across an internal lot line.
6. There is an existing historic Landmark structure that encroaches approximately 3.5 feet onto lot 4. The Landmark Structure is listed on the Park City Historic Sites Inventory.
7. The approved Historic District Design Review application for 811 Norfolk allows moving the historic home 6.5 feet to the south. The encroachment on Lot 4 will no longer exist once the home is moved.
8. There is an existing historic accessory structure (garage) located on Lot 4 and the southerly 3 feet portion of Lot 5. The garage straddles the lot line.
9. Accessory buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building do not count toward the building footprint as stated in the definition of building footprint (LMC Section 15-15.1.34).
10. Maximum footprint with the plat amendment is 983 square feet.
11. The 262 square foot detached historic garage does not count against the allowed maximum footprint due to its status as a "Landmark" structure on the Historic Sites Inventory.
12. The neighborhood is characterized by a mix of single family historic homes, single family non-historic homes, and multi-family homes.
13. All findings within the Analysis section are incorporated herein.
14. There is Good Cause to approve the proposed plat amendment.

Conclusions of Law:

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

Conditions of Approval

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the amended plat.
2. The applicant will record the amended plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat may not be recorded until the Landmark Structure that encroaches 3.5 feet onto Lot 4 is moved onto Lot 3 or an encroachment agreement is signed by the property owner of Lot 4.
4. The plat amendment must be recorded prior to issuance of a building permit for 817 Norfolk.
5. 10 foot Snow storage easement will be granted along the front of the property,
6. Modified 13-d sprinklers will be required for all new and reconstruction.

7. Any remaining remnant parcels are not separately developable.

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

APPROVED AND ADOPTED this 27th day of September 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

817 Norfolk Avenue Subdivision

A replat of Lot 4, and the Southernly 3 feet of Lot 5, Block 14, Snyder's Addition to the Park City Survey

- Legend**
- ⊕ Found rebar & cap—LS 187821
 - ⊗ Set nail & washer
 - ⊙ Set 5/8" rebar & plastic cap
 - Ⓢ Street Address (typical)

- NARRATIVE**
1. Survey requested by Rodney C. Ludlow.
 2. Survey of land priority monuments as shown.
 3. Date of survey: May 5, 2010.
 4. Property monuments set or found as shown.
 5. Eased South 30' of East 1/2 of Section 16, Township 2 South, Range 4 East, Salt Lake Meridian.
 6. The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.
 7. Based on the previous boundary survey by Alpha Survey, Inc. recorded in the office of the Summit County Recorder.

LEGAL DESCRIPTION

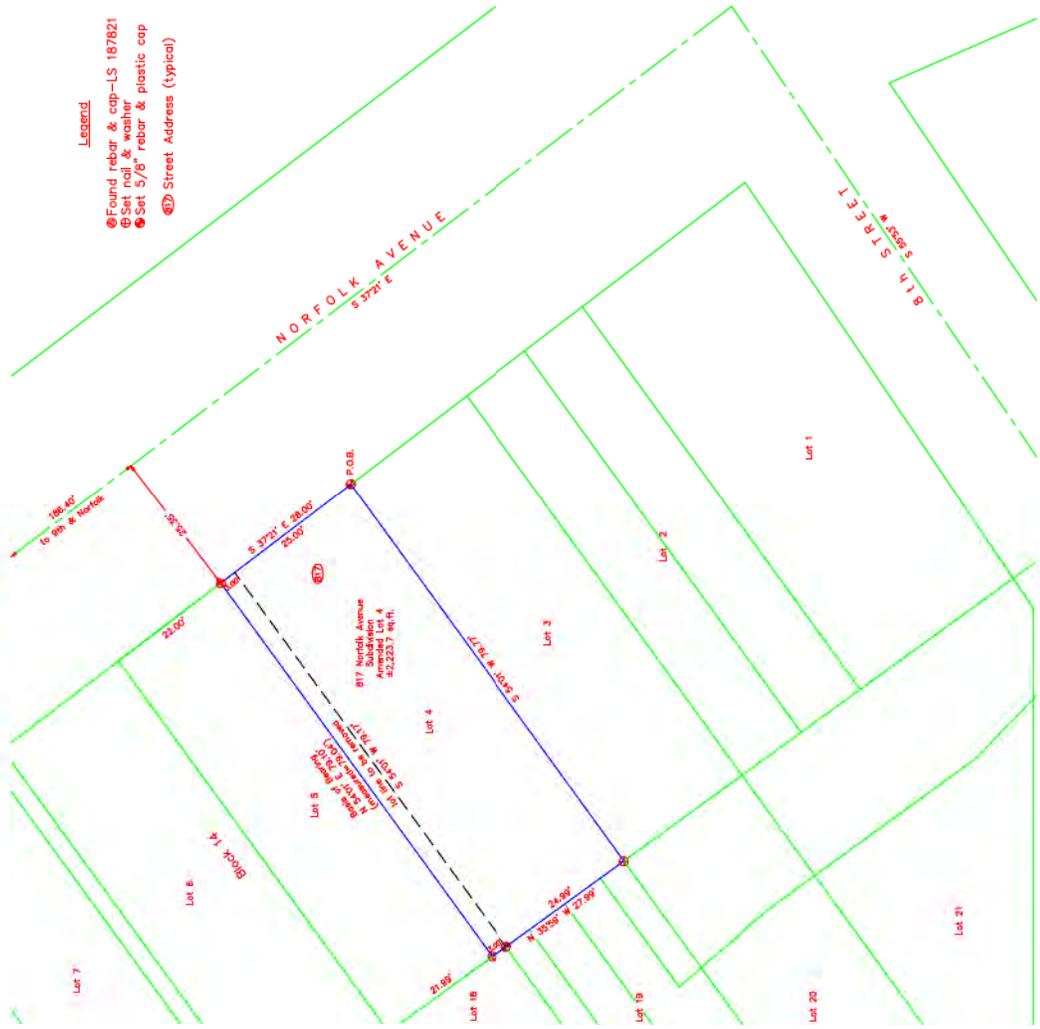
817 NORFOLK AVENUE SUBDIVISION
AMENDED LOT 4

All of Lot 4 and the Southernly 3 feet of Lot 5, Block 14, Snyder's Addition to the Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, more particularly Beginning at the Southeastern property corner of Lot 4, Block 14, Snyder's Addition to the Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, and running thence North 54°10' East, along the line that is parallel and 3.00 feet North of the Northernly property line of said Lot 4, 79.10 feet, more or less, to a point on the Eastern property line of said Lot 5, 3.00 feet Northernly of the Eastern property line of said Lot 5 and 4, 28.00 feet, more or less, to the point of beginning; containing 2,223.7 square feet, more or less.

SURVEYOR'S CERTIFICATE

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

Date _____ J.D. Colley RLS#359005



OWNER'S DEDICATION AND CONSENT TO RECORD

I, the undersigned, do hereby present that Rodney C. Ludlow, the owner of Amended Lot 4, 817 Norfolk Avenue Subdivision, Block 14, Snyder's Addition to the Park City Survey, having caused this Plat Amendment to be made, does hereby consent to the recordation of this Record of Survey Plat in the office of the County Recorder of Summit County, Utah in accordance with Utah law. Also, the owner hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, utilities and easements shown on the plat in accordance with an irrevocable offer and dedication of an interest in 2010. The undersigned has set the hand this _____ day of _____, 2010.

By: _____
Rodney C. Ludlow
Owner

ACKNOWLEDGEMENT

STATE OF UTAH
County of Summit:

On this _____ day of _____, 2010, Rodney C. Ludlow personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that he is the owner of the above described property and that he has caused this Record of Survey Plat to be made and that he has caused the Owner's Declaration and Consent to Record to be made for the purpose set forth herein.

My commission expires: _____ NOTARY PUBLIC
RESIDING IN _____ COUNTY, _____

**SNYDERVILLE BASIN
WATER RECLAMATION DISTRICT**
BY: _____
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT



PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF _____, 2010 A.D.
BY: CHAIRMAN _____

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF _____, 2010 A.D.
BY: PARK CITY ENGINEER _____

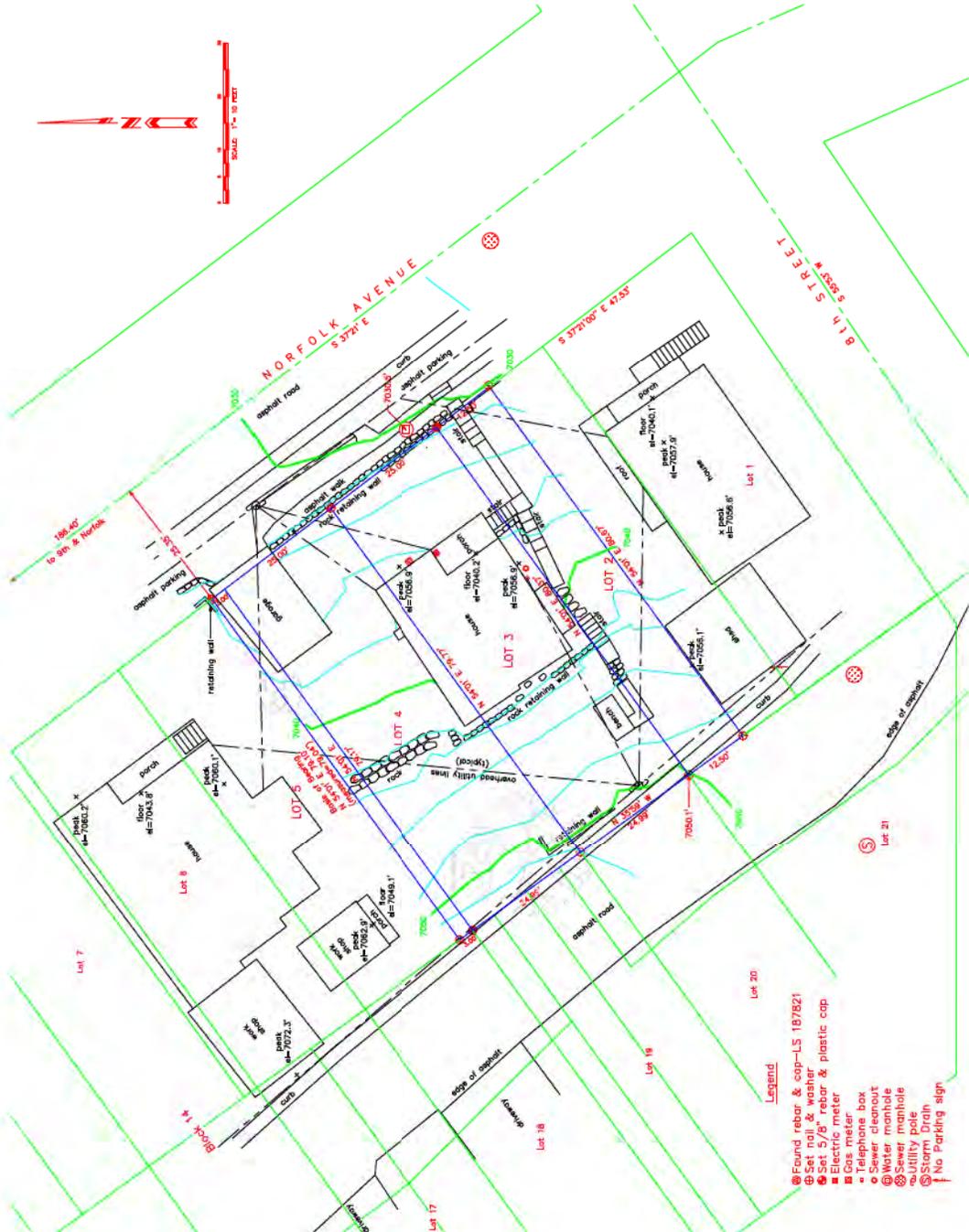
APPROVAL AS TO FORM
APPROVED AS TO FORM THIS DAY OF _____, 2010 A.D.
BY: PARK CITY ATTORNEY _____

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS DAY OF _____, 2010 A.D.
BY: PARK CITY RECORDER _____

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DAY OF _____, 2010 A.D.
BY: MAYOR _____

RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE OFFICE OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____

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



NARRATIVE

1. Survey requested by: Jeff Love.
2. Purpose of survey: locate the deed description, improvements and topographic features, and property monuments as shown. Block boundaries from the Appraised Park City Monument Control Map by Bush & Giddell, Inc. Recorded as Entry No. 197765 in the office of the Summit County Recorder, Subdivision of Block 14 from the Map of Park City by Caldwell & Richards Engineers, traced from the original map July, 1927.
3. Date of survey: May 5, 2010 and June 2, 2010.
4. Property monuments set or found as shown.
5. Corner monuments set or found as shown.
6. South Range 4 East Salt Lake Base & Meridian.
7. See the official plots of Snyder's Addition to the Park City Survey for other possible easements and restrictions.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. See the previous surveys of the North line of the property ordered by the Surveyor to S-2823 and S-4367 in the office of the Summit County Recorder.
10. Elevations are based on an elevation of 7028.32 feet at the Street Monument at the intersection of 8th & Norfolk, from the Park City Monument Control Map, Sheet 2.

LEGAL DESCRIPTION

81' Norfolk Avenue (SA-138) The North 1/2 of Lot 2, and all of Lots 3 and 4, Block 14, Snyder's Addition to Park City. Together with: Beginning at the northeast corner of Lot 4, Block 14, Snyder's Addition to Park City and running thence South 54'01" West, 7917 feet to the northwest corner of said Lot 4; thence North 35'59" West, 300 feet; thence North 54'01" East, 79.10 feet; thence South 57'21" East, 3100 feet to the point of beginning; all Lots containing a total of 3232.9 square feet, more or less.

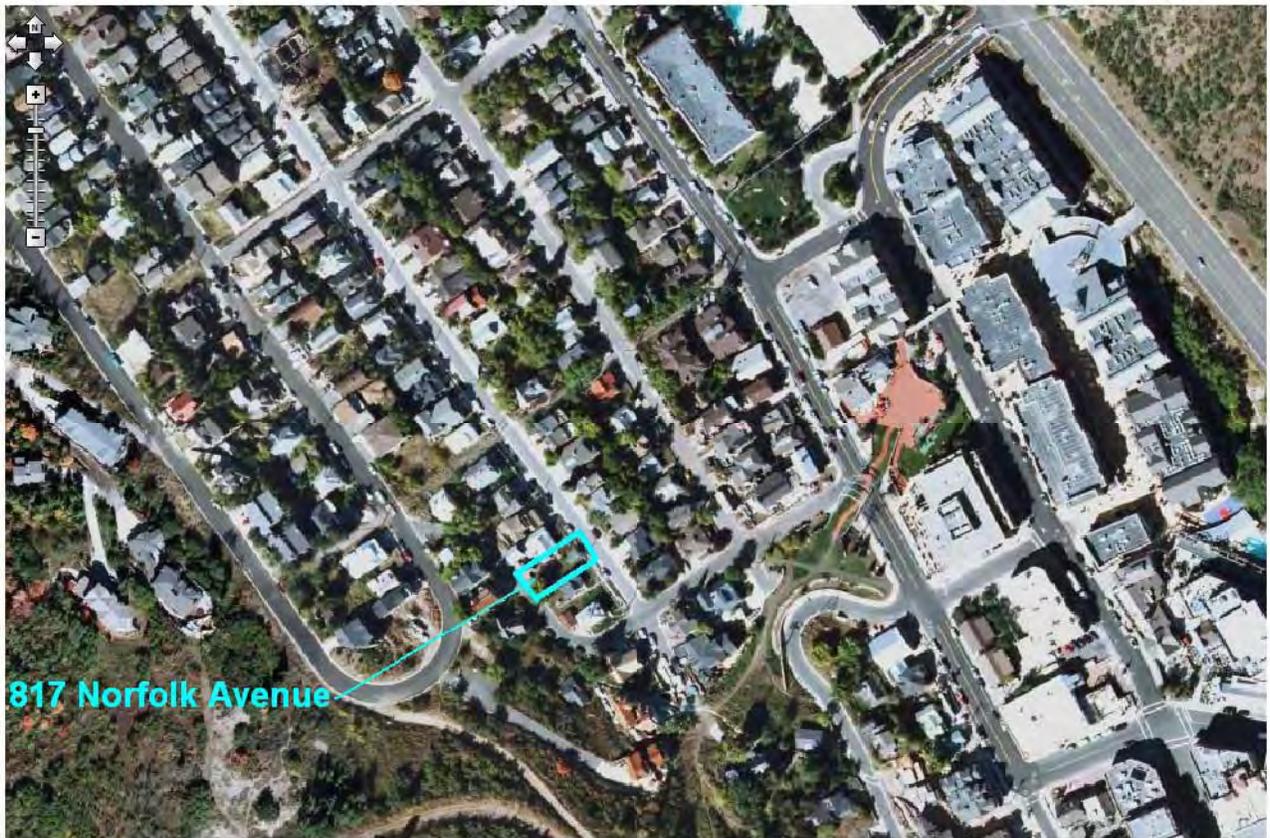
SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 399005, do hereby certify that I have supervised a survey of the herein described property and that this plat is a true representation of said survey.

Date _____ J.D. Gailey RLS#359005



EXHIBIT C



not purchased as four lots or with the possibility of two lots. She noted that the five or six houses on the upper side of Norfolk had this historic spacing prior to 1895. Her house was the last house built in 1895. Ms. McReynolds believed that some of the houses pre-date the mining boom. She read from the design guidelines, "Projects involving landmark sites must adhere to the strictest interpretation of the guidelines". "Maintain existing front and side yard setbacks of historic sites". Ms. McReynolds urged the Planning Commission to explore this matter in depth. She agreed with Ms. Matsumoto-Gray, that everyone has seen a different piece, but it has not been looked at as one application. It is very distressing to the neighbors to see a landmark house moved so casually.

Chair Wintzer closed the public hearing.

Commissioner Strachan arrived at 6:15 p.m.

Commissioner Savage could not understand the boundary conditions associated with the role of the Planning Commission, relative to the comments made by the public. He noted that the decision to move the home is the purview of the HPB and not a decision for the Planning Commission. In addition, there is an appeal pending on that decision. Commissioner Savage remarked that the outcome of that appeal would have meaningful impact on any decision they would make regarding the plat amendment. He recommended that the Planning Commission continue this item until they know the outcome of the appeal.

Commissioner Pettit concurred with Commissioner Savage. Until they know the outcome of the appeal, it is difficult to evaluate some of the conclusions of law they are required to make in considering the plat amendment application. Commissioner Pettit preferred to give the Board of Adjustment a clear record based on action that clearly relates to the issue of the appeal, and not cloud it with approval or denial of the plat amendment.

Commissioner Peek concurred. He felt that an odd sequence of events had created the situation.

MOTION: Commissioner Peek moved to CONTINUE 811 Norfolk Avenue to a date uncertain, based on the appeal with the Board of Adjustment. Commissioner Pettit seconded the motion.

VOTE: 5-0. Commissioner Strachan abstained since he was not present for the applicant's presentation.

**3. SA-139-A, 817 Norfolk Avenue – Plat Amendment
(Application #PL-10-00989)**

Planner Cattan reviewed the application for a plat amendment for tax ID number SA-139-A. She noted that the property known as 817 Norfolk Avenue has not been given a formal address, which is why the application has the tax ID number.

Mr. Kosak explained that like the request for 811 Norfolk, this plat amendment would combine all of Lot 4 and a portion of Lot 5 into one lot. He stated that this is a completely unrelated issue of the HPB's decision, which will be reviewed by the Board of Adjustment on May 17th. He noted that the BOA scope of review on the prior decision will be whether or not that decision is supported by evidence in the record. The BOA does not have the authority to craft a solution and nothing new will come from the appeal process. It will only be a decision of yes or no as to whether the HPB decision stands.

Mr. Kosak remarked that during the HPB meeting he spoke at great length about public clamor. He stated that public comment should be specifically focused on the application of the LMC to a very specific set of facts. That is the role of this body and it was the same for the HPB. Mr. Kosak stated that there is significant case law in Utah that shows that public clamor by enough people at the podium for the purpose of influencing the decision making body is wrong. Mr. Kosak was frustrated because each time they come in good faith with materials to show everyone, and they get a lot of public clamor. The comments heard at the beginning of this process and the ones they hear now are conflicting and inconsistent. Mr. Kosak believed that it comes down to neighbors wanting what they have always had without having to pay to keep it that way. The applicant owns the land and the City has been saying for a year that another house could be built. It is a lot of record and nothing will change that fact. Mr. Kosak stated that the applicants are willing to work with the City at any time. Regarding the comments about bits and pieces, they have had the same planner, the same attorney and the same architect throughout the entire process. It is a holistic approach. He believed the HPB ruled in their favor because they were fond of the project.

Commissioner Pettit stated that in looking at the purpose statements for the HR-1 District, several elements made her question whether she could ever be in a position to make a conclusion of law that the plat amendment is consistent with the purpose statements. She read from the purpose statements; a) to preserve present land uses and the character of the historic residential areas of Park City; b) to encourage the preservation of historic structures; c) to encourage construction of historically compatible structures that contribute to the character and scale of the historic district in maintaining existing residential neighborhoods; d) to encourage single family development on combinations of 25' x 75' historic lots. Commissioner Pettit clarified that those are the types of purpose statements she will be looking at when she evaluates whether the plat amendment application meets the intent of the Land Management Code.

Chair Wintzer noted that the purpose statements regarding subdividing also talk about similar elements, such as compatibility with existing neighbors. He concurred with Commissioner Pettit's comments.

Commissioner Peek stated that he went online to the County website and it appears that the Warranty Deed for the entire site was recorded on 6/2/2010 to Jeff Love. On 6/3/2010, the Warranty Deed was transferred to Rod Ludlow. In his opinion, having a house encroaching on the lot that the Warranty Deed was transferred would put that transaction at risk. Regarding public clamor, Commissioner Peek stated that he has been on the Planning Commission for three years, and the public comment this evening was the most articulated input he has heard. He noted that Ms. McReynolds sat on the

previous Historic District Commission and her argument was welcomed and well-articulated.

Chair Wintzer opened the public hearing.

Jeff Love, the applicant, argued that this plat amendment was not a subdivision. The lots were created in 1880 and they have been separated since that point.

Chair Wintzer asked if Mr. Love would be changing the lot lines. Mr. Love explained that they were trying to eliminate the half lot but they were not subdividing. Chair Wintzer pointed out that in Park City, changing a lot line is considered a subdivision and it falls under the subdivision ordinance.

Regarding Mr. Ludlow's property, Mr. Love found it interesting that in July when the Staff wanted to remove the garage from the Historic Sites Inventory, several people pleaded and begged to save the garage. He pointed out that those same people are now trying to prevent that garage from being reconstructed, because it cannot be reconstructed without a plat amendment. The garage is unsafe and the application clearly states that per the Building Department, an unsafe structure must be taken down. Mr. Love pointed out that Mr. Ludlow cannot obtain a building permit for the garage until the plat amendment is settled.

Mr. Love believed the opposition was a classic case of "not in my neighborhood". The neighbors do not want construction in their neighborhood and they are trying to deny he and Mr. Ludlow their property rights. Mr. Love stated that two of the appellants on his approval are Gary Bush and Linda McReynolds. He noted that in 2005, Gary Bush purchased property and subdivided it into three buildable lots. He moved two historic homes that were eligible for the National Registry and tore down a historic garage. The homes are no longer eligible for the National Register because of how he changed them. Mr. Bush is now appealing the movement of Mr. Love's house 6 feet. Mr. Love pointed out that Linda McReynolds represented Mr. Bush in that transaction and help facilitate the process.

Katherine Matasumoto Gray stated that the comments she made on 811 Norfolk applies to this application.

Chair Wintzer closed the public hearing.

Commissioner Hontz reserved the right to provide her comments until this item comes before them again, per the discussion on 811 Norfolk. However, she concurred with the previous comments made by Commissioner Pettit and Commissioner Peek. Commissioner Hontz felt it was important to listen to the members of the public, particularly when they are calm and articulate and participate in the process. Controlling the emotion and focusing on the issues makes better projects, and that was what she saw that this evening.

MOTION: Commissioner Pettit moved to CONTINUE the SA-139-A on Norfolk Avenue application for a plat amendment until a date that will be determined after the resolution

of the appeal before the Board of Adjustment. Commissioner Hontz seconded the motion.

VOTE: 5-0. Commissioner Strachan abstained since he was not present for the applicant's presentation.

4. 1409 Kearns Boulevard, Coffee Kiosk – Conditional Use Permit
(Application #PL-19-01121)

Planner Cattan reviewed the application for a drive-up coffee kiosk located at 1409 Kearns Boulevard within the General Commercial District, and also the Frontage Protection Zone. Planner Cattan clarified that a drive-up is allowed within the General Commercial Zone. However, because this application is within the Frontage Protection Zone along Kearns Boulevard, a conditional use permit is required.

Planner Cattan reported that Planner Francisco Astorga conducted the analysis on this project and found that the project was in compliance with the CUP criteria.

Ben Buehner, the applicant, stated that he is a long time Park City resident. Mr. Buehner proposed to do a drive-thru coffee kiosk on property owned by Mark Fischer and Mike Sweeney off of Kearns Boulevard. He believed the structure would enhance the area and provide a service to Park City.

Mr. Buehner reviewed the site plan and believed they had addressed the issues that were important to Park City. The issues included the landscape plan and drainage. They also worked with UDOT to address the issues regarding traffic flow and circulation. Mr. Buehner presented the vehicle circulation plan and noted that there would be two drive-up windows on either side of the kiosk. Mr. Buehner stated that he approached Mike Sweeney two years ago and it has taken that long to work through the process to reach this point.

Mike Sweeney stated that after he was approached by Mr. Buehner, he contacted Mark Fischer. Mr. Sweeney clarified that he is not a property owner of that location. He is the agent for Mark Fischer and he has helped with the project. Mr. Sweeney stated and he and Mr. Fischer looked at it as a business opportunity and found that it had two pluses. He noted that every year Mr. Fischer spends a significant amount of money removing all the trash and construction material that gets dumped on this property. This was a way of cleaning up the area without have to install a fence. Having a business in that location would discourage people from dumping on the property. Mr. Sweeney stated that he was also able to convince Mr. Fischer to ask the people who park their equipment on that property to remove it. He did not believe it was appropriate to have the blithe that he looks at every day, and it was counter to their efforts to clean up the area. Mr. Sweeney remarked that the rent revenue would be low, but they would get the property protection that is badly needed.

Mr. Sweeney stated that Mr. Fischer offered other properties to locate the kiosk, but Mr. Buehner preferred this location. Mr. Fischer agreed to let him use the property, subject to an agreement that at the time of redevelopment, the kiosk would be removed. Mr.

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

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

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

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

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

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

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

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

Thank you so much for your attention to this matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

--

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



Building • Engineering • Planning

April 5, 2011

Katie Cattan
Senior Planner
Park City Building Department

Re: Garage – 811 Norfolk Ave.

Katie,

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

Sincerely,

A handwritten signature in black ink, appearing to read "Roger R. Evans". The signature is fluid and cursive, written over a light blue horizontal line.

Roger R. Evans
Interim Building Official

Cc: file

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

CONDITIONAL USE PERMIT _____
 BOARD OF ADJUSTMENT _____
 OTHER _____

DATE ISSUED CERTIFICATE OF OCCUPANCY

BUILDING PERMIT NO. _____

<u>Removal of Garage</u>	<u>B02-07626</u>	<u>6/7/02</u>
<u>Removal</u>	<u>B02-07756</u>	<u>7/20/02</u>
<u>exploratory Demo</u>	<u>BD-1045483</u>	<u>6/11/2010</u>

Planning Commission Staff Report



Application #: PL-12-01550
Subject: 429 Woodside Ave
Author: Kirsten Whetstone, MS, AICP
Date: September 12, 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. The Commission has the alternative (see Alternatives section of this report) of forwarding a negative recommendation or including additional conditions.

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-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.

Background

On June 4, 2012, the City received a complete 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 platted lots to the rear of 405

Woodside (commonly owned by 405 Woodside), the remaining lots on Norfolk Ave in this Block were owned by the Sweeney Land Company and are now subject to the Sweeney MPD and the Treasure Hill Subdivisions Phases I and 2.

There is an existing historic structure at 405 Woodside and any proposed additions to this structure, if proposed to cross existing lot lines, would require a lot combination (plat amendment) to remove interior lot lines.

The rear Parcel behind 429 Woodside 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) and continued the item to July 25th. On July 25th the Commission continued the item to August 8th. On August 8th the item was continued to August 22nd.

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).

August 22, 2012 Planning Commission meeting

On August 22, 2012, the Planning Commission conducted a public hearing and discussed the plat amendment application. (Note the draft minutes from that meeting are included in this packet for approval). Public input was provided from an adjacent

neighbor who expressed concerns regarding the development of the rear parcel and concern about buildings located behind the Quittin Time condominiums.

Applicant agreed to plat notes which would limit the allowed additional footprint due to the larger lot size to an accessory structure whose footprint would not exceed 660 square feet and the main house whose footprint would be limited to an additional 270 square feet for an overall footprint of 2038.5 square feet for the main house. The existing footprint is 1768.5 square feet.

The Commission reviewed the cross-section drawing and expressed concern that by allowing the plat amendment to move forward, any additional structure, such as the proposed accessory structure would not comply with the LMC height restriction of 3 Stories (for houses in the HR-1) zone due to the existence of the historic house on the Lot which is already 3 stories.

The Commission continued the item to a date uncertain and requested Planning Staff to provide information regarding how the additional footprint allowed by a larger lot in the form of an accessory structure would not add to the total number of stories and how it would comply with the LMC. (See Staff interpretation in the Analysis Table 2 below of the restriction in Section 15-2.2-5 Building Height regarding Stories.)

On August 24th the applicant contacted the Planning Department and requested that the item be placed on the September 12th meeting (see Exhibit O). Planning Staff published a new legal notice, re-posted the property and re-sent notices to the surrounding property owners for the September 12th meeting.

Analysis

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

Table 1.

	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 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 feet (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. Accessory buildings and use are an allowed use in the HR-1 zone.

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. Future construction on the Parcel would be in accordance with the development standards of the HR-1 District as summarized below:

Table 2.

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 based on lot size- 2,331 sf. 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 804 sf. The footprint must fit within the Building Pad.
Parking	No parking required for historic, 2 constructed with approved addition.
Stories/horizontal articulation	The LMC states that "A structure may have a maximum of 3 stories. A basement counts as a First Story within this zone (HR-1)." The proposed accessory Structure would be a separate detached structure from the main structure and that under the code as currently written, the stories of the accessory structure are not added to the stories of the main structure. A 10' minimum horizontal step in the downhill façade is required for a third story of a structure, with other stipulations. The applicant is proposing a two (2) story accessory building and has agreed to reduce the height.
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 (if developable)	2,331 sf
Lot and Parcel- if combined	3,006 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. Conditional Use Permit (CUP) application is also required per the LMC for construction consisting of more than 1,000 square feet of floor area and on a slope of 30% or greater. The rear property has a slope of greater than 30% and a CUP would be required for construction of more than 1,000 square feet.

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 and will adjoin a remnant parcel. 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 property 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, and requires noticing of the adjacent property owners. A Steep Slope Conditional Use Permit (CUP) application is also required per the LMC for construction consisting of more than 1,000 square feet of floor area and on a slope of 30% or greater. The accessory structure would require a Steep Slope CUP because the slope is greater than 30% and the applicant has stated that it would contain more than 1,000 sf. 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. Public input was provided at the meeting on August 22nd, from an adjacent neighbor who expressed concerns regarding the development of the rear parcel and concern about buildings located behind the Quittin Time condominiums.

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 unless access to a public or private street (or an easement leading to a public or private street) can be acquired or constructed. 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. The Commission has the alternative (see Alternatives section of this report) of forwarding a negative recommendation or including additional conditions.

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 O- Letter from applicant
- Exhibit P- Cross canyon photographs

**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 public hearings on July 11th, July 25th, August 8th, August 22nd, and September 12th, 2012, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on September 12th, 2012, forwarded a recommendation to the City Council; and,

WHEREAS, on October _____ 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 of any future development on the parcel; provides a winter ski access across the property for use by neighborhood; and resolves an encroachment and egress issue with an adjacent property.

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 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.

4. Access to the property is from Woodside Avenue.
5. 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.
6. The minimum lot size within the HR-1 District is 1,875 square feet.
7. The minimum lot width within the HR-1 District is twenty-five feet (25').
8. The width of the proposed combined lot does not change with the addition of the Parcel to the rear.
9. 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, including proposed additions, is restricted to a maximum footprint of 2,038 sq. ft. (1,768 sf existing and 270 sf of future additions as outlined in the plat amendment application). A future accessory structure is allowed a maximum of 660 sq. ft. of footprint to be located within the platted building envelope.
10. 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.
11. 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 that are outside of the building pad.
12. 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, meters, or hook-ups, including water, sewer, or electricity, will be allowed.
13. 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.
14. Any future accessory structure shall be a detached extension of the main house. The structure may not be attached or separately rented, leased, or sold. Any future accessory structure shall not be used as an accessory dwelling unit, guest house, secondary quarters, or accessory apartment, and all uses shall be accessory to the main house.
15. No remnant parcels of land are created with this plat amendment.
16. Any future construction on the rear parcel that is greater than 1,000 square feet in floor area and proposed on a slope of 30% or greater requires a Conditional Use Permit Application with review by the Planning Commission.
17. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

18. 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.
19. 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.
20. 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.
21. 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).
22. 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.
23. 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. If the 270 sf of footprint allocated for the existing house is not utilized for the existing house, it may not be transferred to the rear parcel.
6. 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.
7. The accessory structure is limited to twenty-four (24') in height from existing grade and is limited to a maximum of two stories.
8. 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.
9. Modified residential 13-D sprinklers shall be required for all new construction.
10. The property owner shall comply with applicable requirements of the Snyderville Basin Water Reclamation District (SBWRD).
11. 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.
12. The plat shall contain a note indicating that the northwest area of the Lot is identified as "winter ski access permitted".
13. 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.
14. All utility services (water, sewer, power, etc.) for any future use or accessory structure are required to be extended from the existing house.
15. 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.
16. Conditions of approval of the Elder Subdivision (Ordinance 95-7) and the 429 Woodside HDDR and Steep Slope Conditional Use Permit continue to apply.
17. All standard conditions of approval shall apply.
18. The applicant stipulates to these conditions of approval.

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

SURVEYOR'S CERTIFICATE

I, John Dominko, certify that I am a Registered Land Surveyor and that I have carefully examined the Record of Survey map of the 429 WOODSIDE AVENUE SUBDIVISION and that the information on this plat is accurate.



BOUNDARY DESCRIPTION

PARCEL 1: Beginning at the southeast corner of Parcel B of the Elder Park Subdivision as filed and of record as Entry No. 445709 in the office of the recorder, Summit County, Utah; thence along the westerly boundary of the Quilting Time Condominiums and on file and of record as Entry No. 429295 on Lot 5 of the Treasure Hill Subdivision Phase I on the east and of record as Entry No. 429295 on Lot 5 of the Treasure Hill Subdivision Phase II on the east and of record as Entry No. 429295 following the line of record as above; thence South 89.3641° West 75.00 feet to the point of beginning; thence South 89.3641° East 82.11 feet to a point on the westerly boundary of Parcel 2; thence along said westerly boundary North 23.3800° West 59.13 feet to the point of beginning.

PARCEL 2: Lot B, Elder Park Subdivision, according to the official plat on file in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the herein described tract of land, to be known hereafter as 429 WOODSIDE AVENUE SUBDIVISION, does hereby certify that he has caused this Plat to be prepared, and I, Steven Koch, Manager of 429 Woodside Avenue, LLC, an Illinois limited liability company, do hereby consent to the recording of this Plat in witness whereof, the undersigned set his hand this _____ day of _____, 2012.

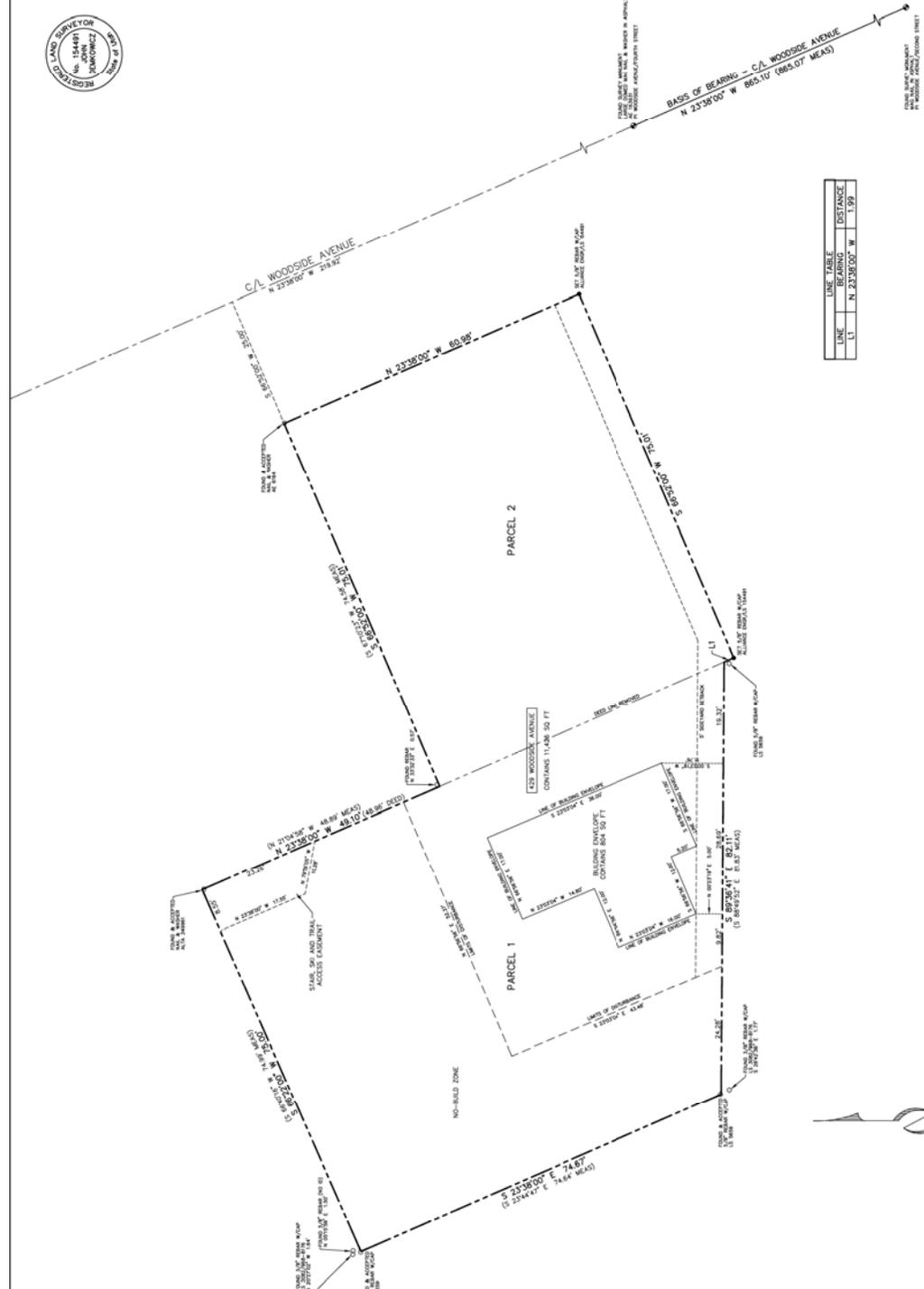
Steven Koch
Manager, 429 Woodside Avenue, LLC, an Illinois limited liability company

ACKNOWLEDGMENT

State of _____
County of _____
I, _____, Notary Public, do hereby certify that the foregoing plat was duly presented to me for record on this _____ day of _____, 2012, Steven Koch personally appeared before me under oath and acknowledged to me that he is the Manager of 429 Woodside Avenue, LLC, an Illinois limited liability company, and that he signed the above Owner's Dedication and Consent to Record in my presence and in the presence of _____.

A Notary Public commissioned in Utah
Printed Name _____
Reading in: _____
My commission expires: _____

NOTES
1. Any detached structure constructed on the rear portion must be used only for the existing residence and may not be rented, sold, or leased.
2. All utilities must be extended from the existing residence to the accessory structure.



LINE	BEARING	DISTANCE
L1	N 23.3800° W	1.99

429 WOODSIDE AVENUE PLAT AMENDMENT
BLOCK 29, PARK CITY SURVEY
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



FILED: 10/12/12 FILE: 13/04/2012/Summit/429 WOODSIDE AVENUE PLAT AMENDMENT
SHEET 1 OF 1

COUNCIL APPROVAL AND ACCEPTANCE
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____
BY _____ MAYOR
FEE _____

CERTIFICATE OF ATTEST
I, _____, CLERK OF THE CITY AND COUNTY OF PARK CITY, do hereby certify that this plat was duly presented to me for record on this _____ day of _____, 2012 A.D.
BY _____ PARK CITY RECORDER

APPROVAL AS TO FORM
I, _____, PARK CITY ATTORNEY, do hereby certify that this plat conforms to the requirements of the Utah Subdivision Map Act and the rules of the Utah State Board of Land.
BY _____ PARK CITY ATTORNEY

ENGINEER'S CERTIFICATE
I, _____, ENGINEER, do hereby certify that this plat conforms to the requirements of the Utah Subdivision Map Act and the rules of the Utah State Board of Land.
BY _____ ENGINEER

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2012 A.D.
BY _____ CHAIR

SYNDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SYNDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2012 A.D.
BY _____ S.B.W.R.D.



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.

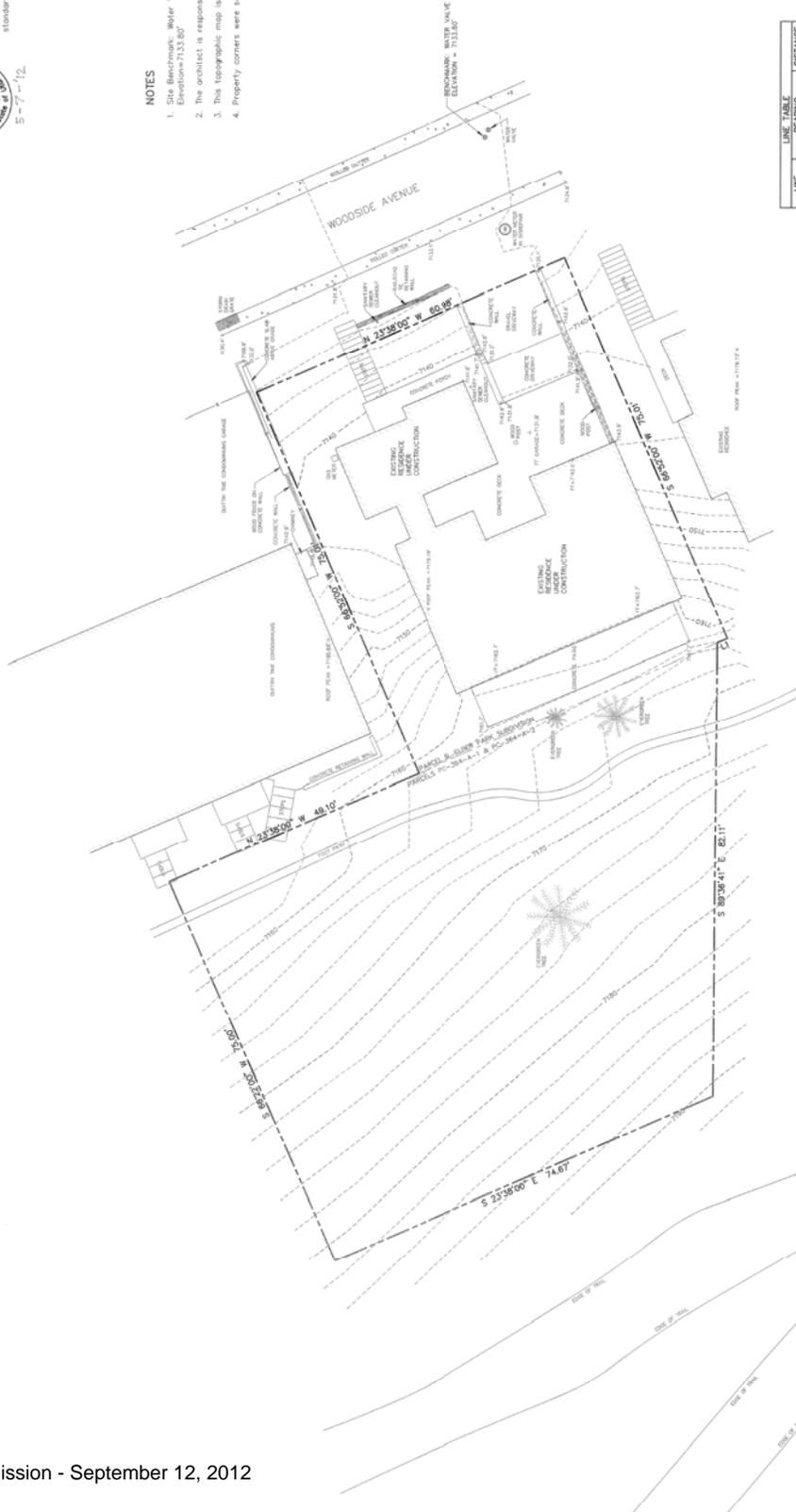


5-7-12

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





 (405) 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
 DF 1



Legend

-  Parcels
-  Streets

**429 Woodside Avenue
Vicinity Map**



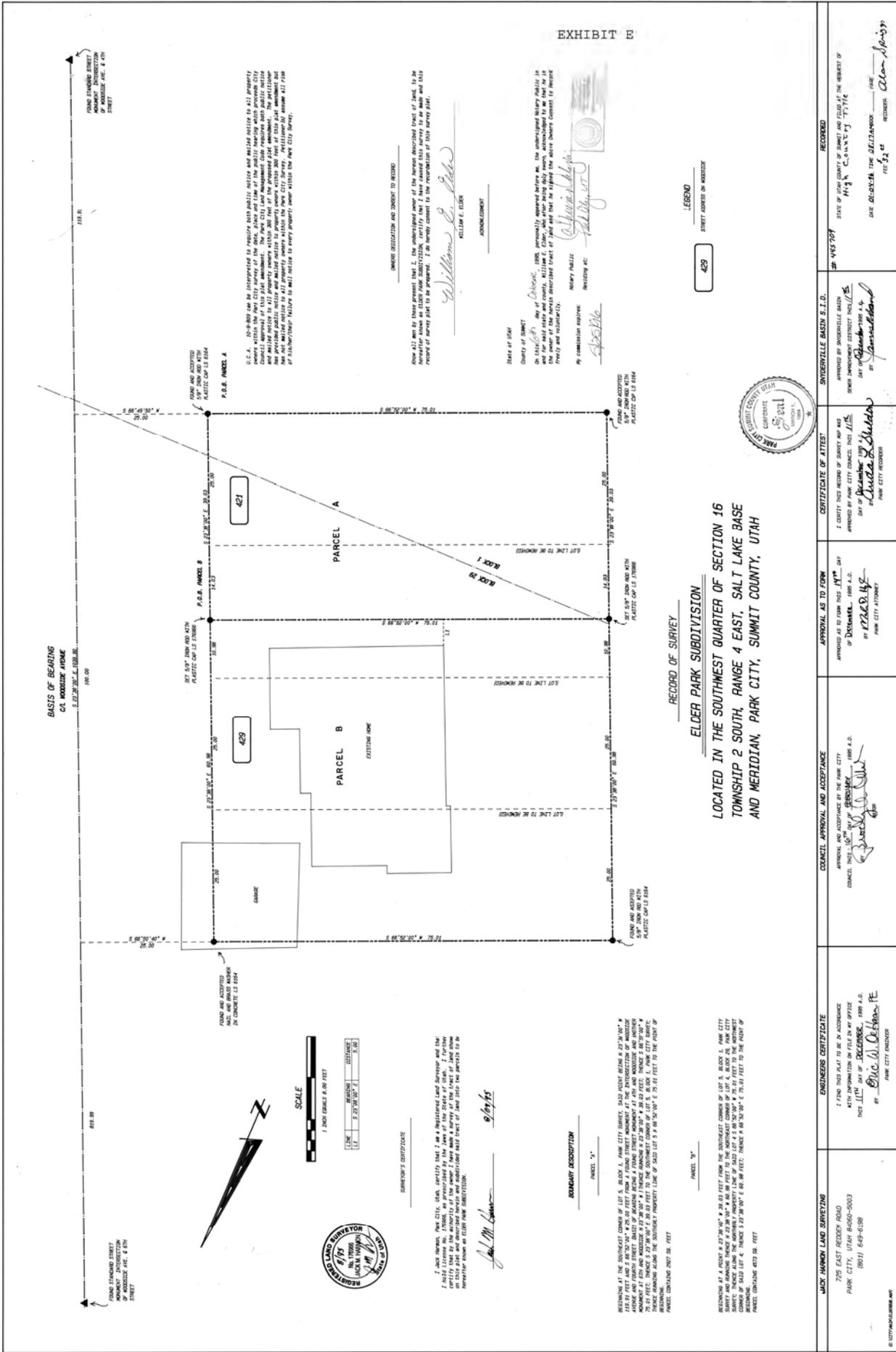


EXHIBIT F

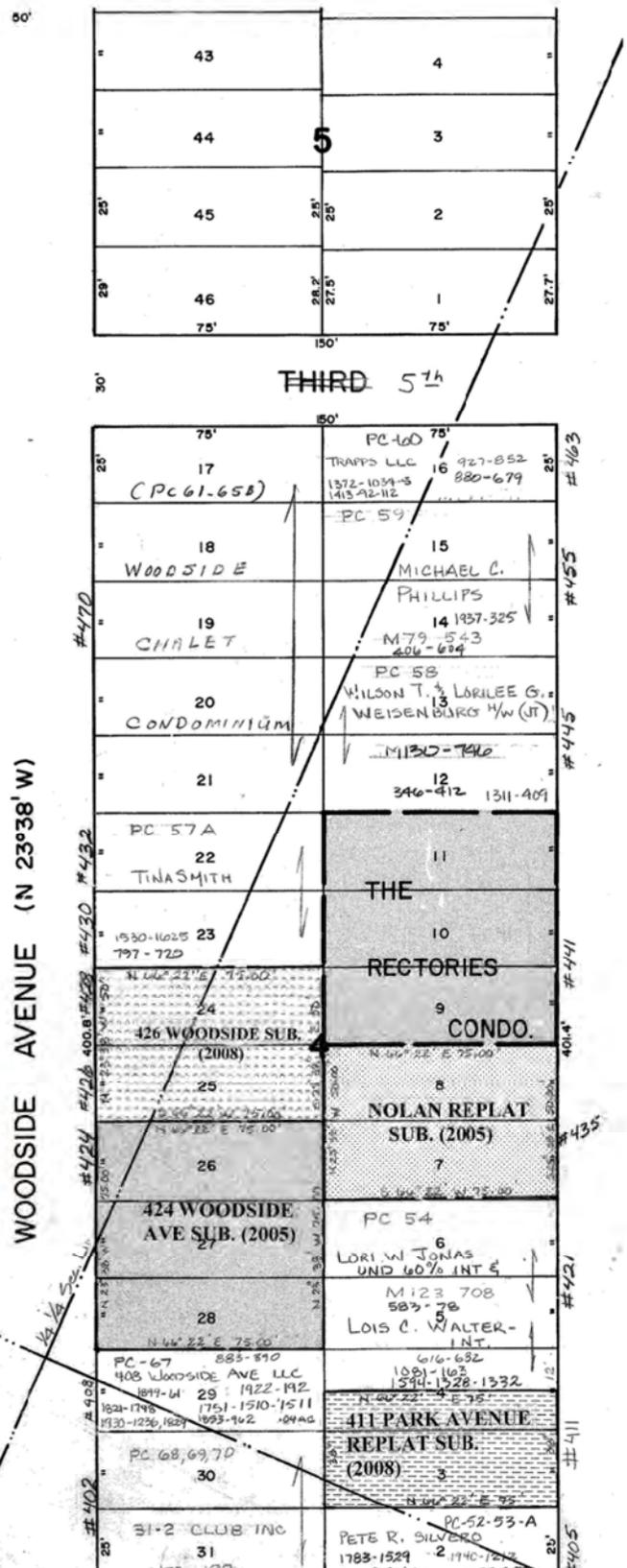
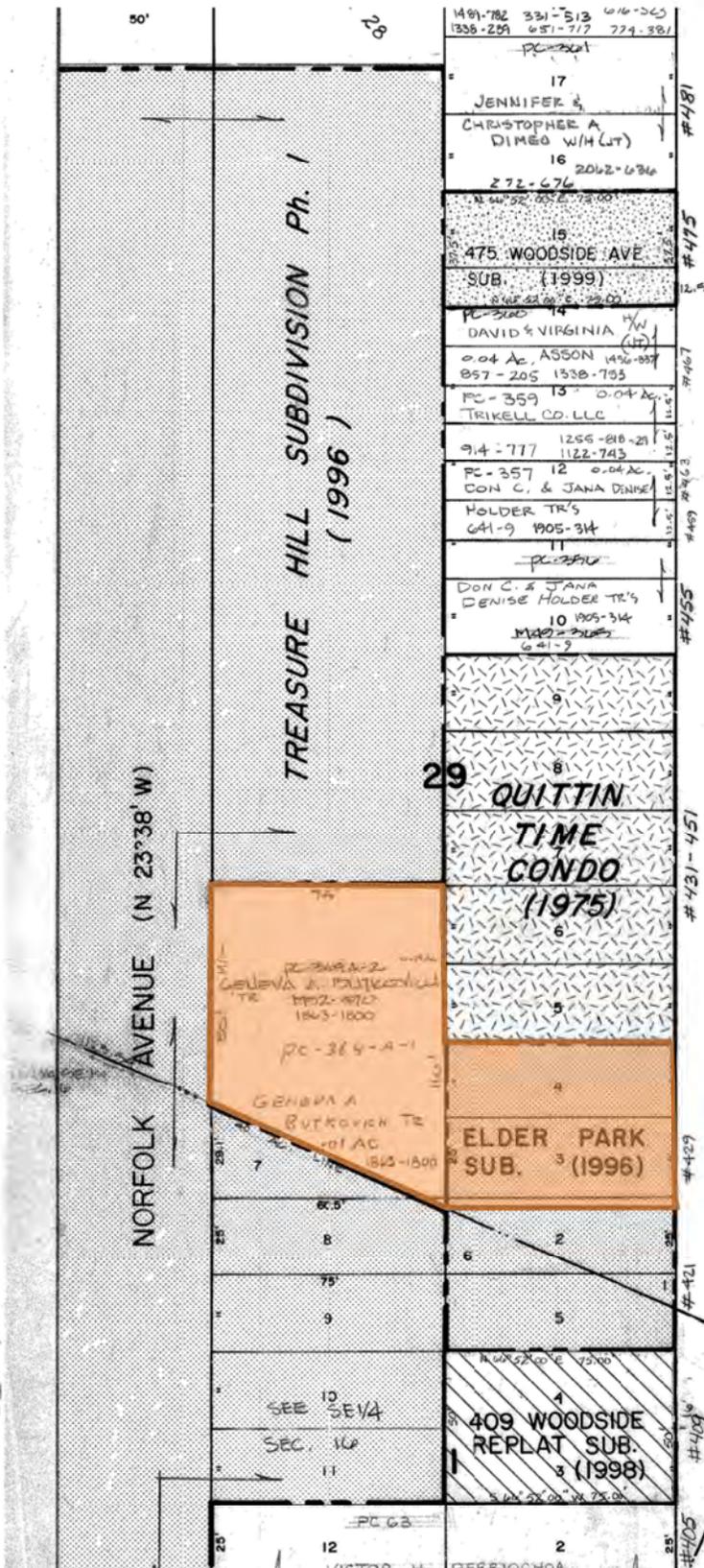








EXHIBIT H

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.

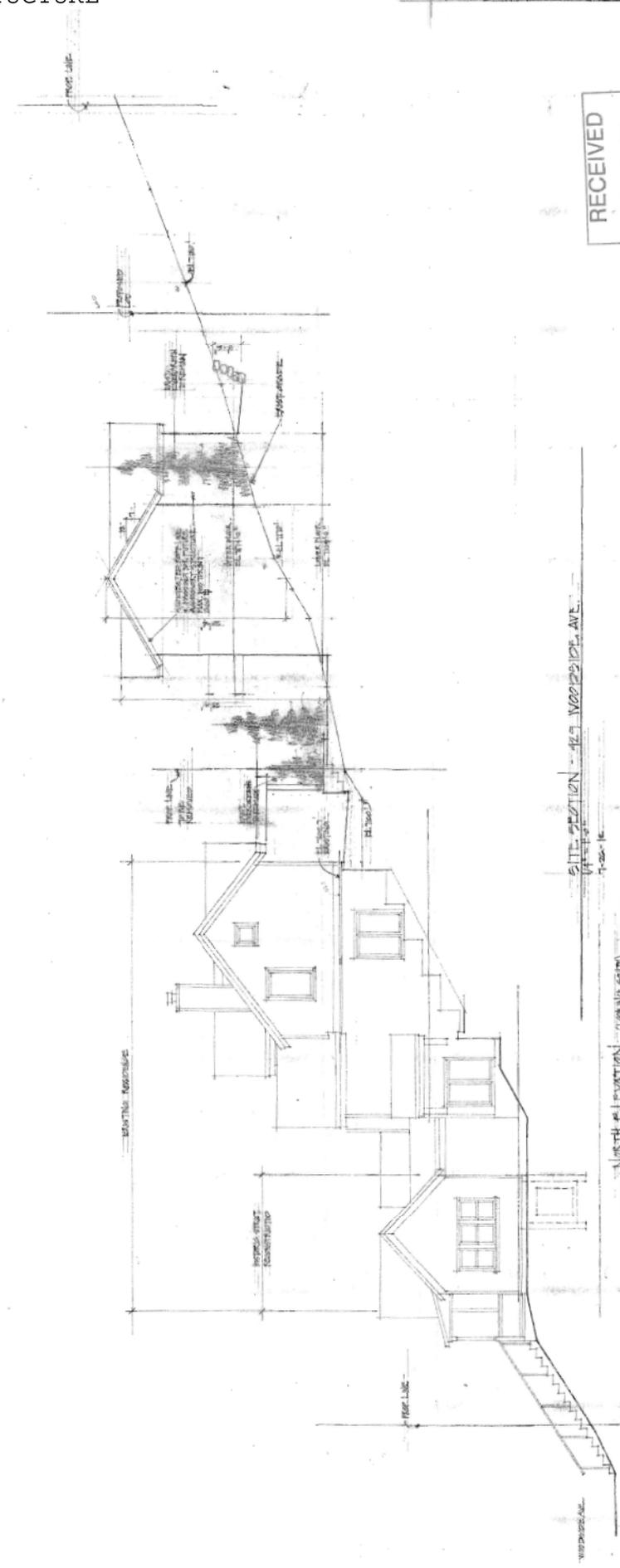
7. 154 McHenry Avenue - Plat Amendment

EXHIBIT K - CROSS SECTION PLAN OF
ACCESSORY STRUCTURE

DAVID G. WHITE, ARCHITECT

EXHIBIT K

RECEIVED
JUL 25 2012
PARK CITY
PLANNING DEPT.



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:

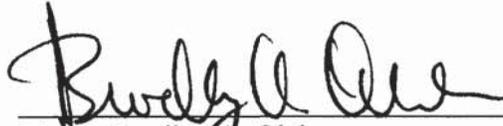
1. The location of the existing structure in relation to the new lot lines shall be verified prior to final plat recordation and minor adjustments to the plat shall be made, if necessary, to remedy any discrepancy between existing conditions and current setback requirements.
2. The City and applicant 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.

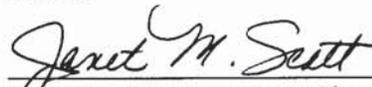
PASSED AND ADOPTED this 16th day of February, 1995.

PARK CITY MUNICIPAL CORPORATION



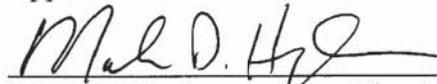
Mayor Bradley A. Olch

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



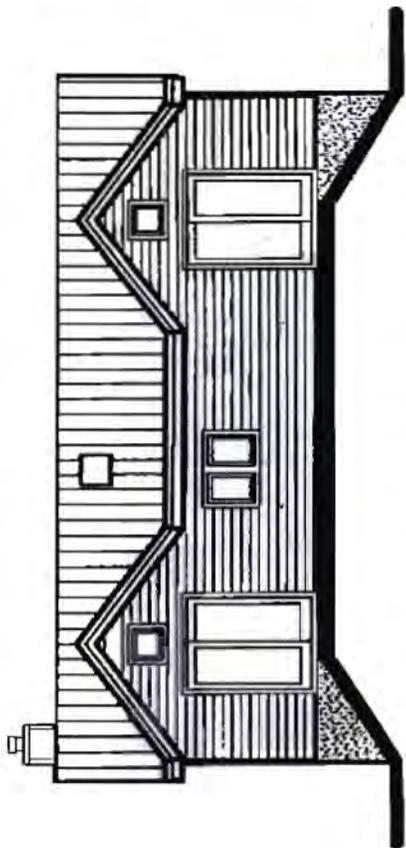
SOUTH ELEVATION

9/4/08

1
A-2J



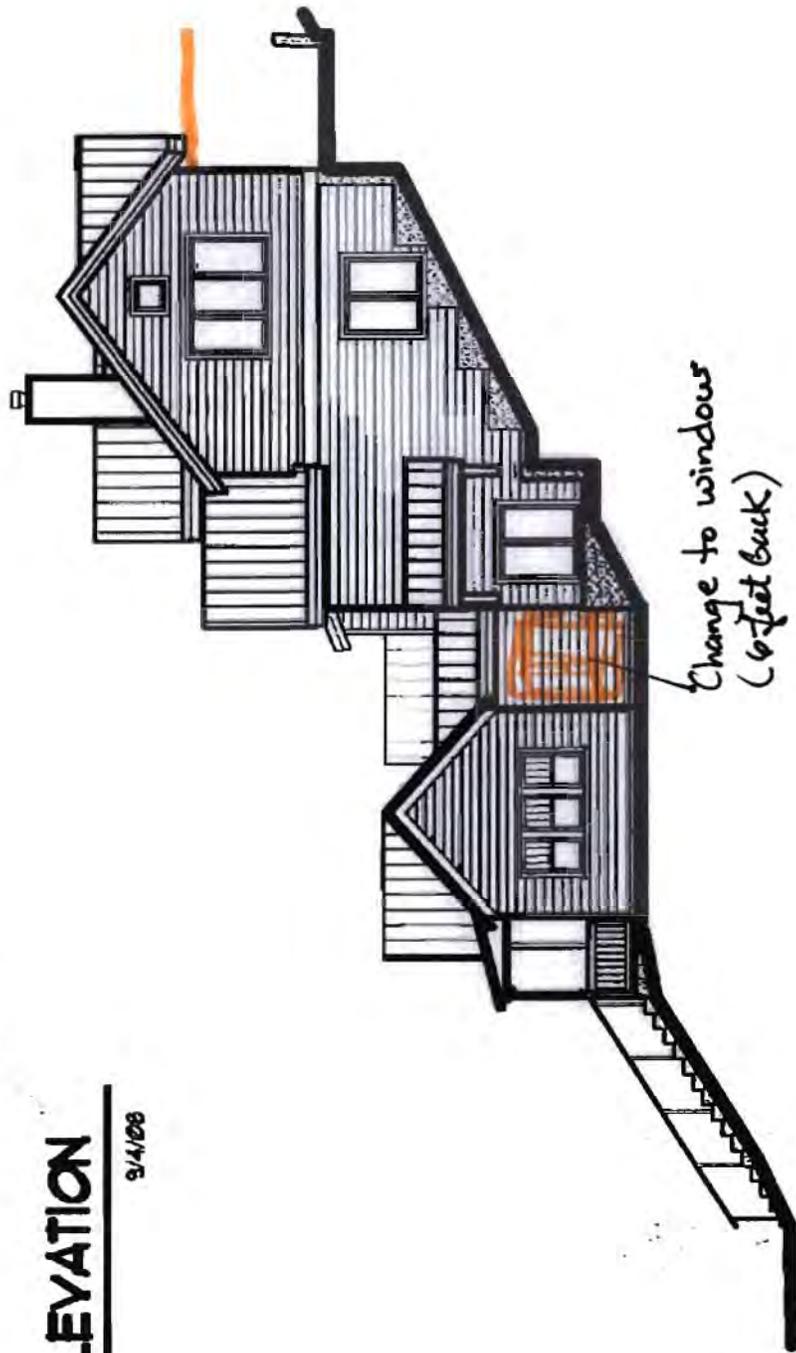
ELDER RESIDENCE
429 WOODSIDE AVENUE



OPTION 'D'
(APPROVED OPTION)

WEST ELEVATION

9/4/08



Change to windows
(6 feet back)

NORTH ELEVATION

9/4/08



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 BLAD - 10'6" x 4' UACA
 (GARAGE SLAB - REFERENCE ELEVATION 1, 800'-0")
 LOWER LEVEL TO BLAD - 10' x 4' UACA
 UPPER LEVEL TO PL WOOD - 10' x 4' UACA
 LOWER LEVEL TO PL WOOD - 10' x 4' UACA
 LOWER LEVEL TO PL WOOD - 10' x 4' UACA

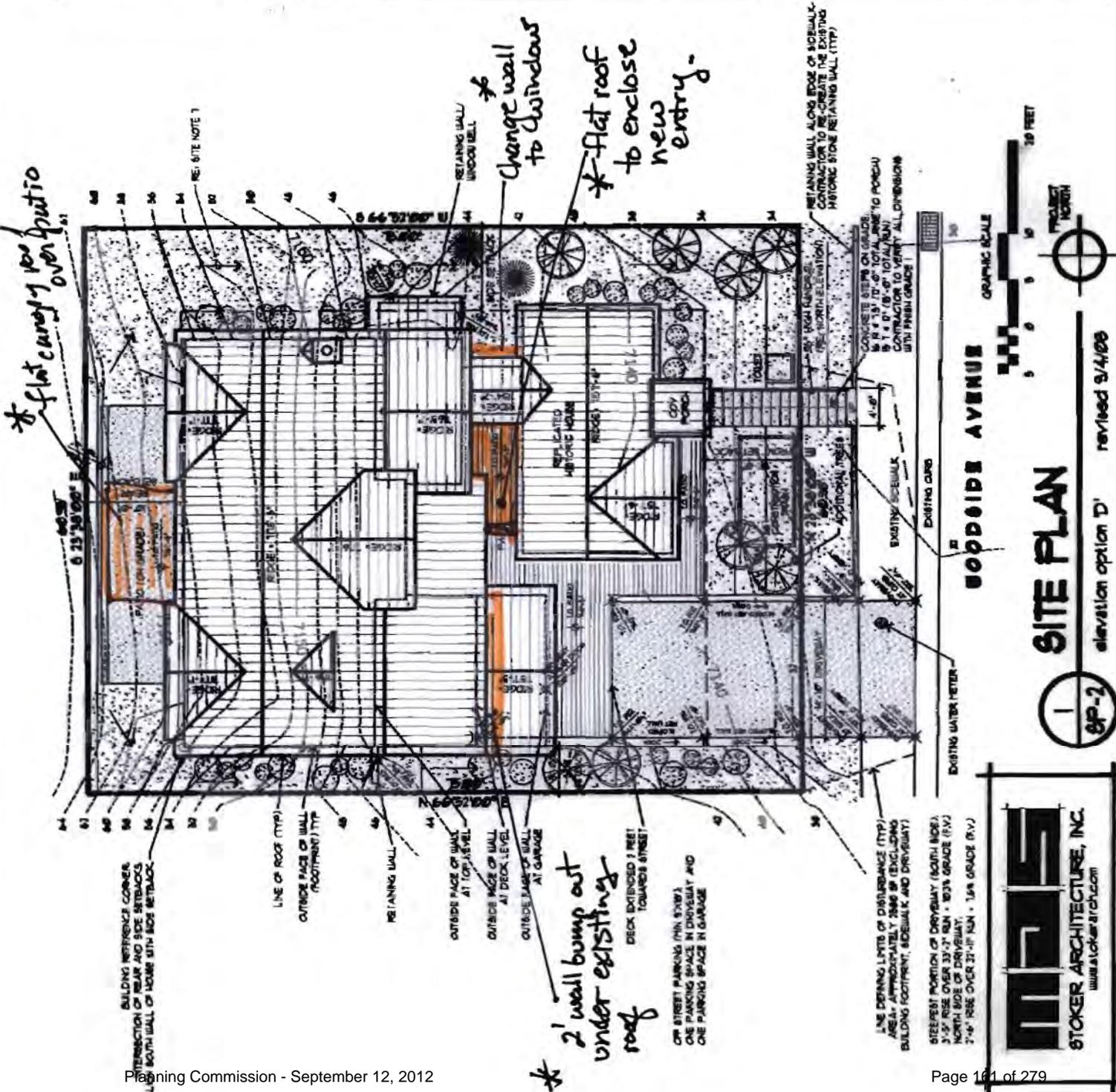
SITE NOTES

1. REFER TO SITE SURVEY (SHEET NOT SHOWN) PREPARED BY JACK MURPHY 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. LOTS OF DISTURBANCE TO BE DONE BY THE AREA CONTAINED WITHIN THE PROPERTY LINES AND HIGHLIGHTED 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. DRAINAGE SHALL BE TO THE STREET OR TO AN ADJACENT LOT. CONTRACTOR TO VERIFY DRAINAGE CONDITIONS AND PROVISIONS. THE GRADE SHALL BE AT A MINIMUM OF 6" NORTH OF THE FRONT 10 FEET WIDE BLAD.
8. CONTRACTOR TO LOCATE UTILITY LINES FROM PUBLIC WAY TO HOUSE.
9. CONTRACTOR TO VERIFY EXISTING SITE CONDITIONS, INCLUDING ELEVATIONS.
10. REFER TO SHEET A-1 FOR GENERAL NOTES.
11. CONTRACTOR TO RESTORE LANDSCAPING TO DISTURBED AREAS OF ADJACENT PROPERTIES.

LANDSCAPE LEGEND

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

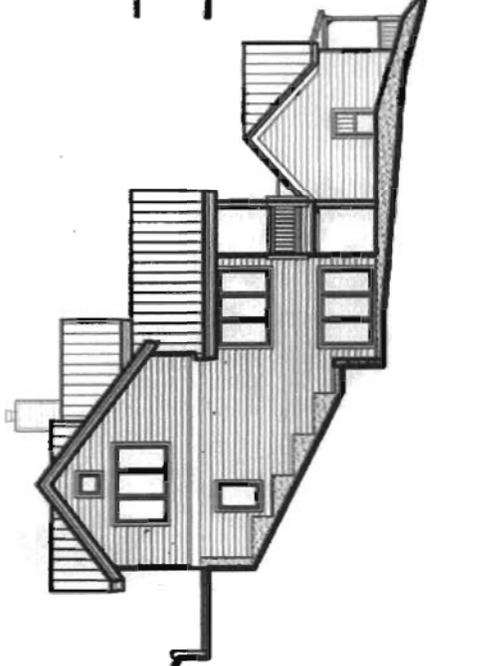
NOTES:
 1. LANDSCAPE LEGEND: THESE PLANT LANDSCAPING PLAN IS TO BE SUBMITTED BY CONTRACTOR FOR APPROVAL BY THE PLANNING COMMISSION PRIOR TO INSTALLATION.
 2. PLANTS SHALL BE LISTED TO PRODUCE TOBACCO PLANTS, WINTERGREEN, SWEET GUM AND BURNING BUSH. CONTRACTOR TO ACCORD WITH THE WATER CONSERVATION SECTION OF THE PLANNING COMMISSION REGULATIONS.



OPTION 'A'
(ORIGINAL DESIGN)



EAST ELEVATION
1/8/08



SOUTH ELEVATION
1/8/08

MAS
STOKER ARCHITECTURE, INC.
www.stokerarch.com

ELDER RESIDENCE
425 WOODSIDE AVENUE

AUG. 27 2008



STREET ELEVATION

1/4"=1'-0"

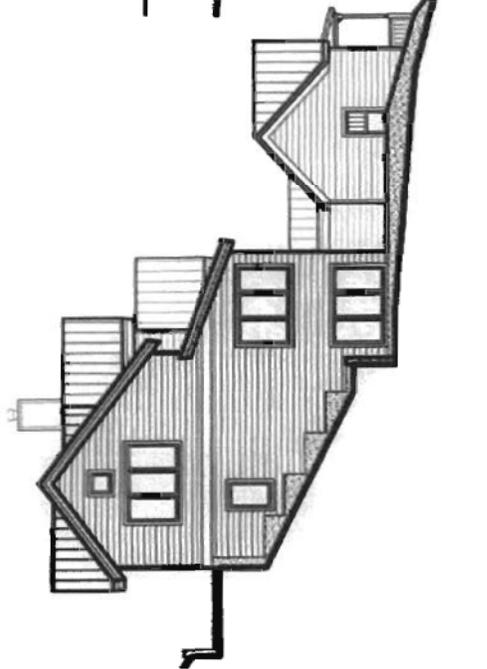


(of OPTION A)



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

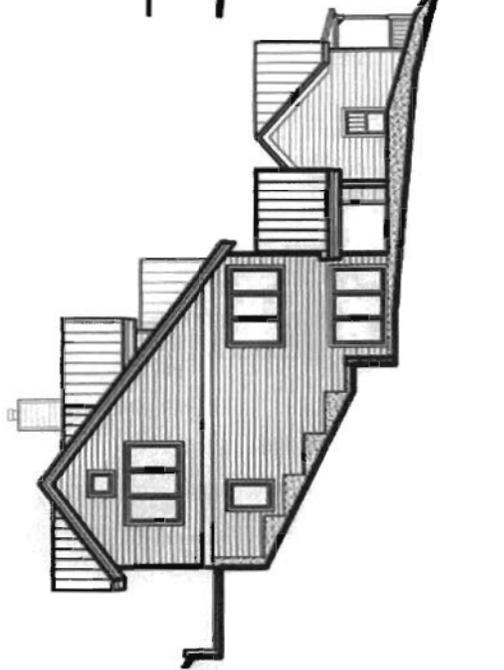
ELDER RESIDENCE
429 WOODSIDE AVENUE

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



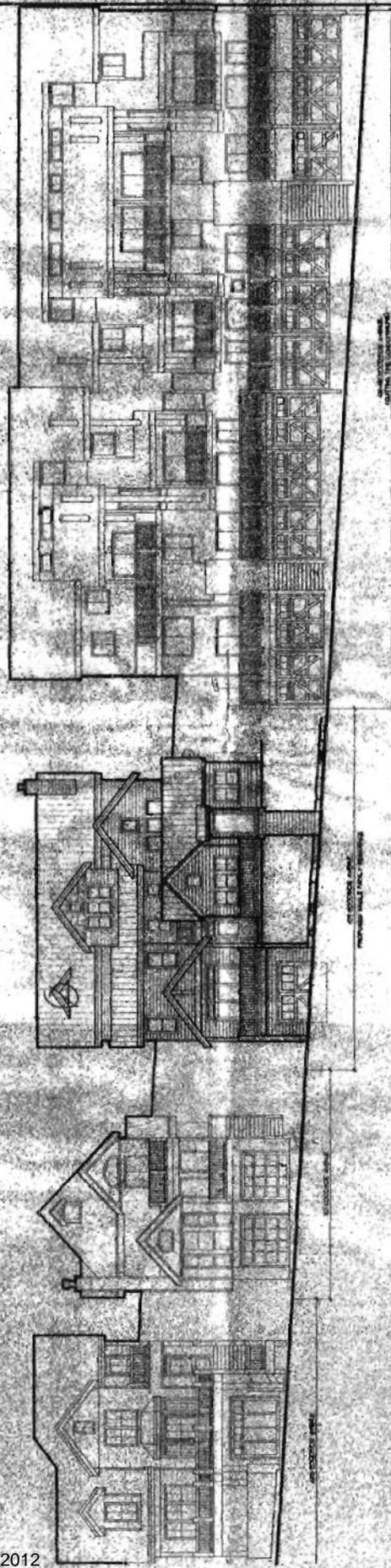
FRANK L. STOKER, AIA - ARCHITECT
 1214 BROADWAY DRIVE
 FARMINGTON, NC 27834
 PHONE: 703.771.8448
 FAX: 703.771.8448

STOKER ARCHITECTURE, INC.
 1214 BROADWAY DRIVE
 FARMINGTON, NC 27834
 PHONE: 703.771.8448
 FAX: 703.771.8448

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

SCALE	DATE	REVISION
1" = 10'-0"	10/12/12	1
		2
		3
		4
		5
		6
		7
		8
		9
		10

HADR APPROVAL



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

STREET ELEVATION

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
SUNNYSIDE COUNTY, UTAH

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO OBTAIN
AN ACCURATE SURVEY FOR A CONDOMINIUM
PARCEL TO BE DEVELOPED BY THE OWNER.

SURVEY COMPLETED 04/01/08

THE OPERATOR SAID THIS SURVEY WAS
FOR ANY EASEMENTS, EASEMENTS, RESTRICTIONS
BUILDING EASEMENTS AND BUILDING LOT
RESTRICTIONS.

THE OPERATOR HAS BEEN ADVISED BY THE
OWNER THAT THE PROPERTY SHOULD BE ZONED
FOR ANY EASEMENTS, EASEMENTS, RESTRICTIONS
BUILDING EASEMENTS AND BUILDING LOT
RESTRICTIONS.

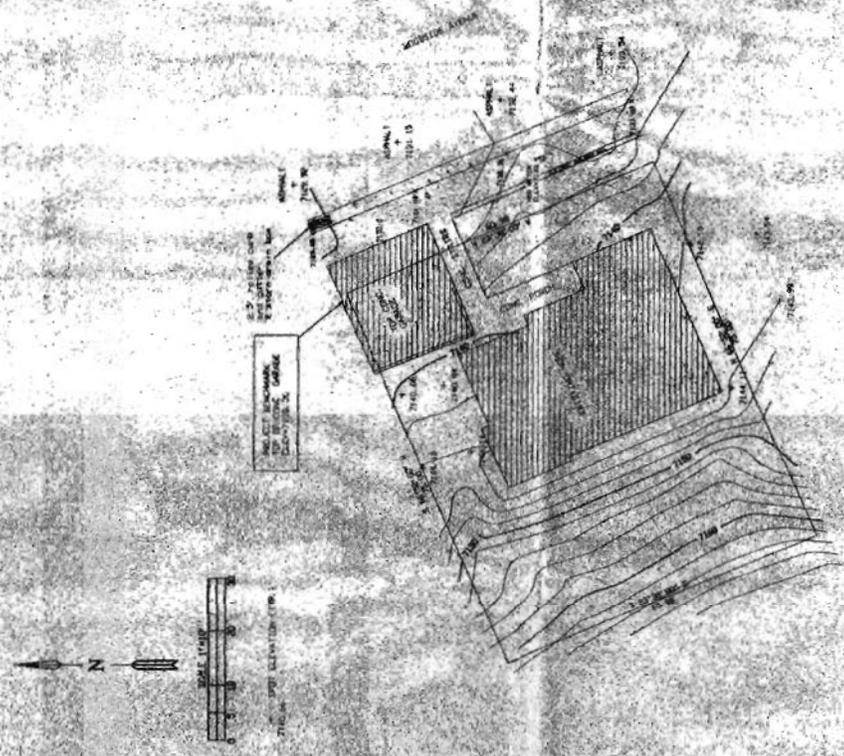
THE OPERATOR HAS BEEN ADVISED BY THE
OWNER THAT THE PROPERTY SHOULD BE ZONED
FOR ANY EASEMENTS, EASEMENTS, RESTRICTIONS
BUILDING EASEMENTS AND BUILDING LOT
RESTRICTIONS.

JACK HARMON DO HEREBY CERTIFY THAT I AM A
REGISTERED LAND SURVEYOR AND THAT THE
REPRESENTED SURVEY WAS MADE IN ACCORDANCE WITH 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
THE SURVEYOR HAS BEEN ADVISED BY THE
OWNER THAT THE PROPERTY SHOULD BE ZONED
FOR ANY EASEMENTS, EASEMENTS, RESTRICTIONS
BUILDING EASEMENTS AND BUILDING LOT
RESTRICTIONS.

NOTE
THE SURVEYOR HAS BEEN ADVISED BY THE
OWNER THAT THE PROPERTY SHOULD BE ZONED
FOR ANY EASEMENTS, EASEMENTS, RESTRICTIONS
BUILDING EASEMENTS AND BUILDING LOT
RESTRICTIONS.



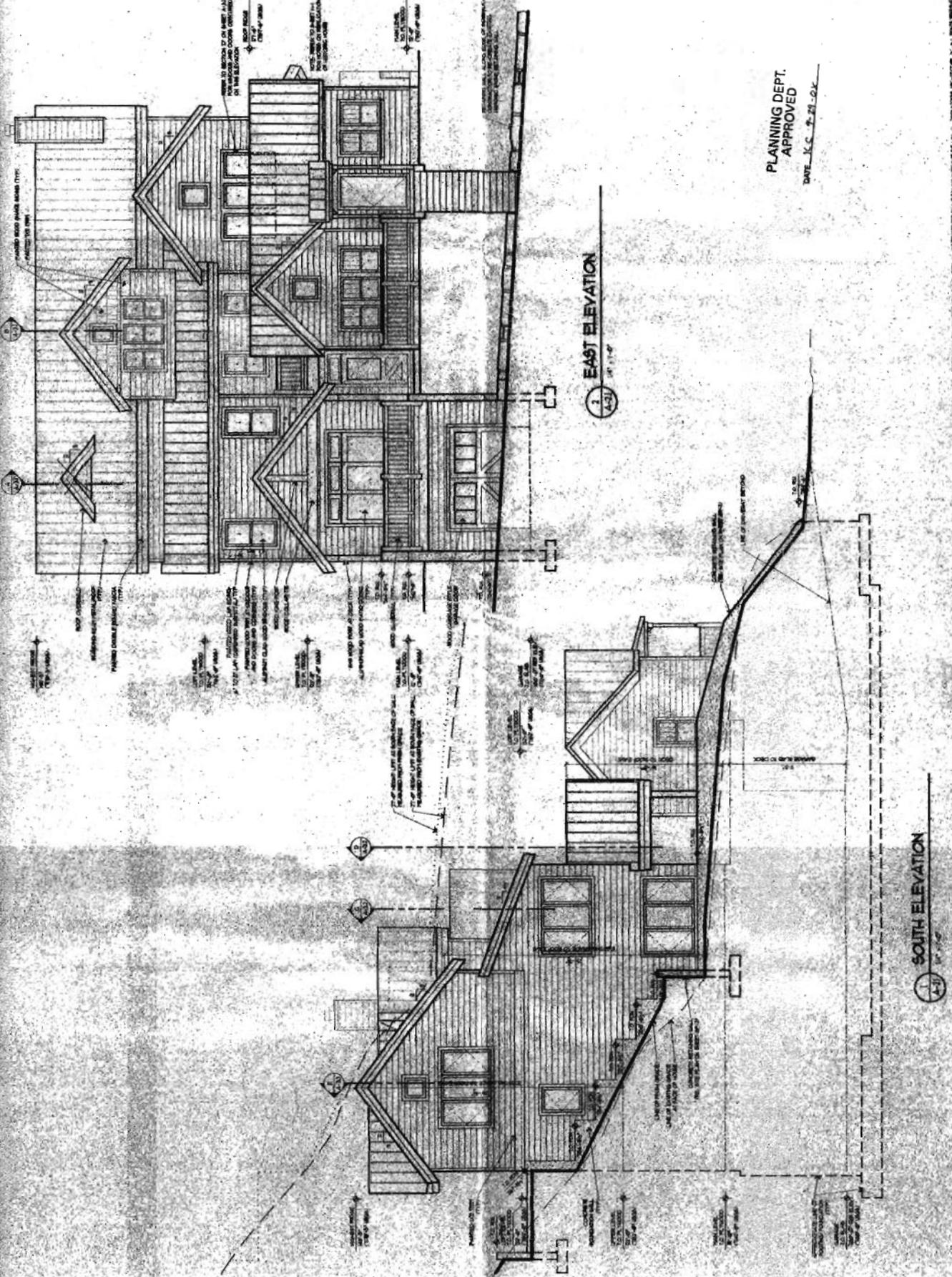
FRANK BUCKNER, AIA - ARCHITECT
 10000 BOARD OF ARCHITECTURE
 STATE OF KANSAS
 NO. 10000

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

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

DATE	NO.	DESCRIPTION

Sheet: **A-2J**





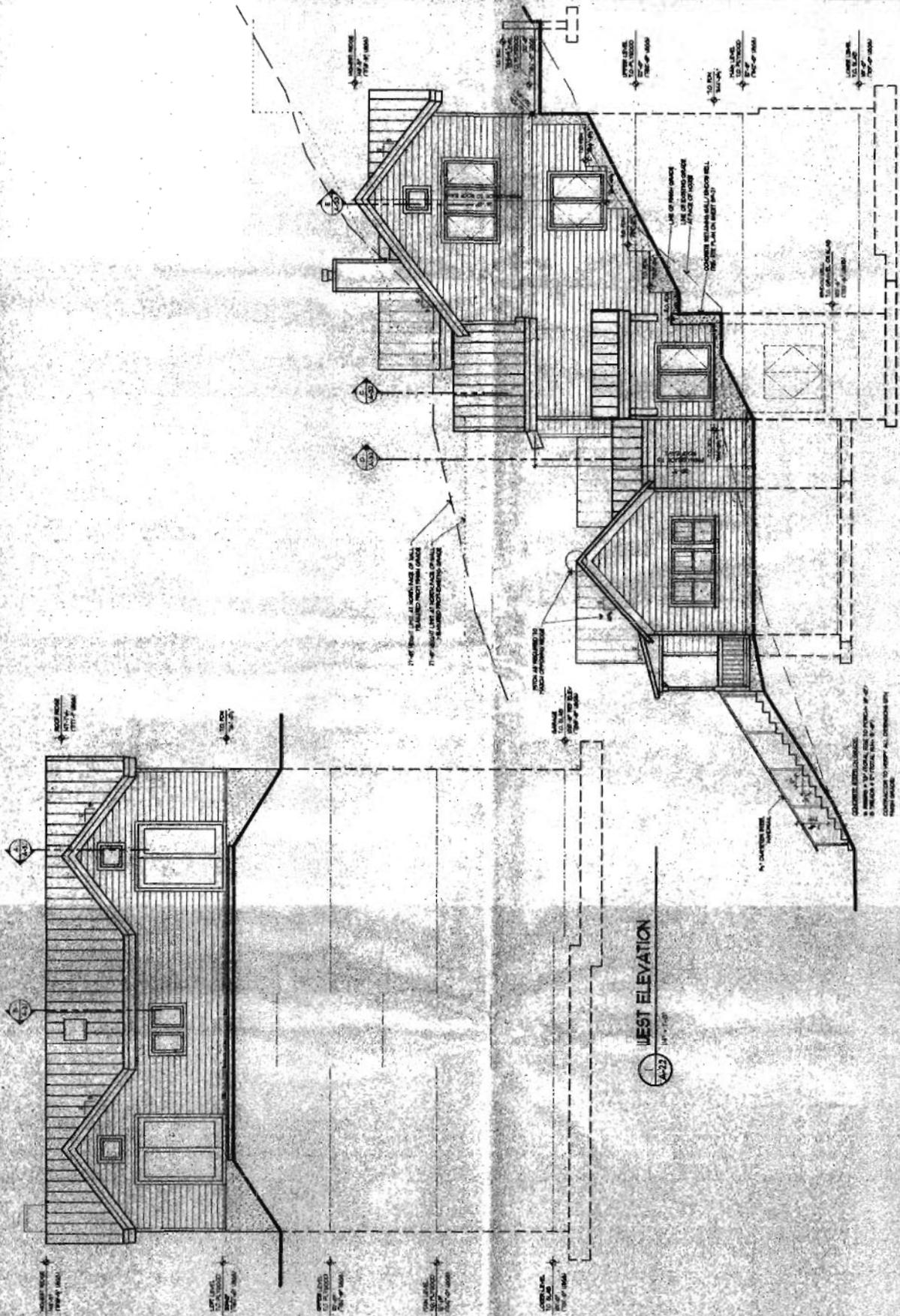
FOUNDED 1877
 NORTH CAROLINA
 ARCHITECTS

MJS
 STOKER ARCHITECTURE, NC
 REGISTERED ARCHITECT

ELDER RESIDENCE
 A RESIDENCE FOR WILLIAM ELDER
 PARCEL 31, ELDER PARK SUBDIVISION 495 BLOSSOM AVENUE PARK CITY, TN 37144

NO.	DATE	REVISIONS
1		
2		
3		
4		
5		

A-22



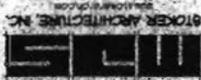
PLANNING DEPT.
 APPROVED
 DATE: 10.1.12

NORTH ELEVATION
 A-22

WEST ELEVATION
 A-22



ROBERT J. STOKER, AIA - ARCHITECT
1215 GREENWOOD
ANN ARBOR, MI 48106
TEL: 734-769-8888
FAX: 734-769-8888



ELDER RESIDENCE
A RESIDENCE FOR WILLIAM ELDER
PARCEL B, ELDER PARK SUBDIVISION 425 WOODSIDE AVENUE, ANN ARBOR, MI 48106

Scale	DATE
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

SP-2
PROJECT: 09-004

425 WOODSIDE AVE

LIT AREA: 4,833 SF
✓
ALLIUM BOLLING POOLING: 7,343 SF
✓
TOTAL FINISHED GARAGE FOOTAGE: 1,074 SF
✓

FINISHED GARAGE: 1,074 SF
FINISHED GARAGE: 1,074 SF
FINISHED GARAGE: 1,074 SF

SITE NOTES

1. THE SITE IS A 1.5 ACRE PARCEL WITH A 100' FRONT SETBACK FROM WOODSIDE AVENUE. THE PROPERTY IS CURRENTLY UNDEVELOPED AND IS SURROUNDED BY RESIDENTIAL DEVELOPMENT.

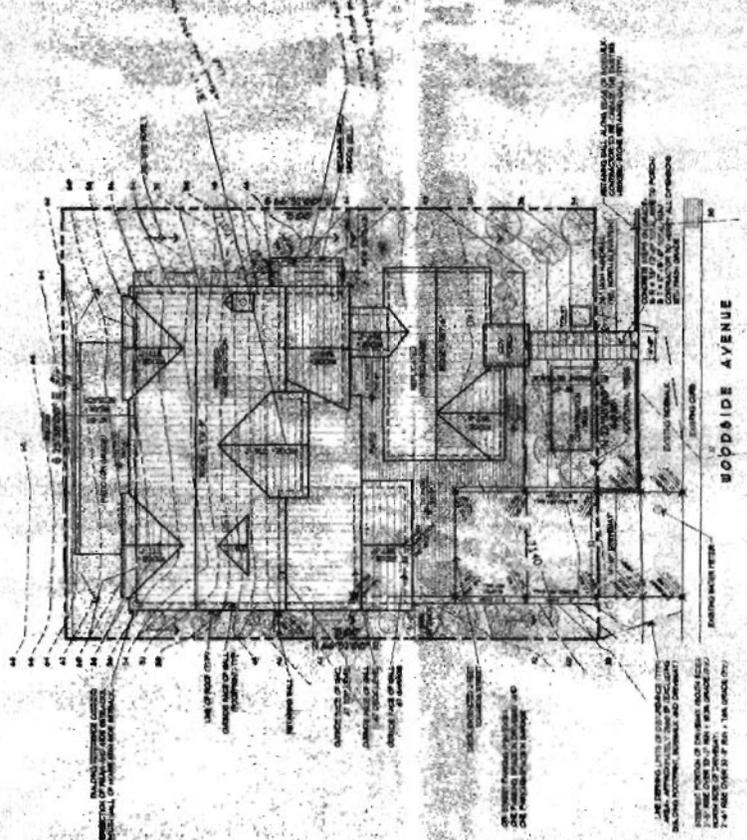
2. THE PROPOSED RESIDENCE IS A 1.5 STORY, 12,000 SF SINGLE-FAMILY HOME WITH A 2-CAR GARAGE. THE HOME WILL BE CONSTRUCTED ON A 10,000 SF LOT WITH A 100' FRONT SETBACK FROM WOODSIDE AVENUE.

3. THE PROPOSED RESIDENCE WILL BE CONSTRUCTED ON A 10,000 SF LOT WITH A 100' FRONT SETBACK FROM WOODSIDE AVENUE. THE HOME WILL BE CONSTRUCTED ON A 10,000 SF LOT WITH A 100' FRONT SETBACK FROM WOODSIDE AVENUE.

LANDSCAPE LEGEND

○ 1" TREE
○ 2" TREE
○ 3" TREE
○ 4" TREE
○ 5" TREE
○ 6" TREE
○ 7" TREE
○ 8" TREE
○ 9" TREE
○ 10" TREE

NOTE: ALL TREES TO BE PLANTED BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF CONSTRUCTION. ALL TREES TO BE PLANTED BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF CONSTRUCTION.

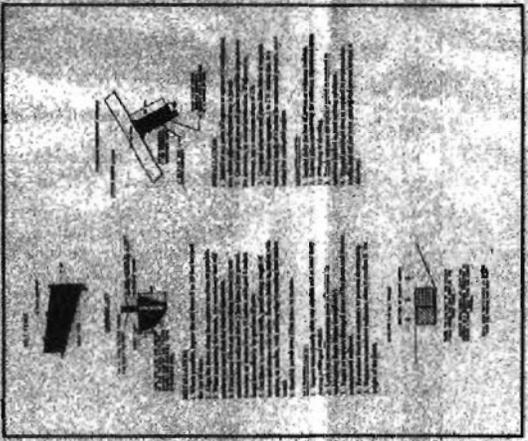


PLANNING DEPT.
APPROVED
DATE: 10.12.11

SITE PLAN
10/12/11



PROPERTY OWNER: [Name]
ARCHITECT: [Name]
DATE: 10/12/11



TESCH
LAW OFFICES
A Professional Law Corporation

Joseph E. Tesch
joet@teschlaw.com

314 Main Street - Suite 200
PO Box 3390
Park City, Utah 84060-3390
Tel: (435) 649-0077
Fax: (435) 649-2561

September 6, 2012

VIA E-MAIL ONLY

Park City Planning Commission
PO Box 1480
Park City, Utah 84060

Re: 429 Woodside

Dear Chair and Commissioners:

Thank you for hearing this matter on September 12, 2012. I know your schedules are busy and you have certain items on your agenda which you consider necessary to revisit in light of the current Code and possible interpretations of the number of stories to buildings.

However, whatever that discussion may be, it has no direct bearing on this application for a plat amendment combining two lots. Any structures which may be built as a result of that combination will, of course, need to go through the necessary City processes and the issues, such as number of stories, height and conformance with all other applicable land management and statutory requirements will occur at some later date.

Given the clarity of the Land Management Code, I have to relate that I was quite surprised that it was interpreted by anyone to combine two structures then add up stories to a sum total.¹ The Commission then diverted its inquiry into not whether or not there was good cause for the combination of the two lots, but rather focused on the possible number of stories in an accessory structure totally separate from the current residence, a permit for which has not even been requested. This diversion caused yet another delay.

These several delays have damaged the applicant who is in the process of constructing improvements to the current residence but cannot proceed until this issue is resolved. These delays also raise due process issues. We request a decision by the Planning Commission on September 12, 2012.

¹ For instance, please see Land Management Code Section 15-2.2-5(A) clearly limiting the definition of stories to those in a "structure".

As you know, the single question before you is whether or not the Applicant has shown good cause to combine the lots. The standard of review is, of course, is whether your decision has substantial merit on the record and whether that decision is arbitrary and capricious or contrary to law.

In addition to the facts set forth in the Staff Report which is very thorough and professionally well done, I am attaching a chart to this letter which I think fairly demonstrates good cause and reasonable mitigation of any negative impacts. To the extent there is any negative impact, as the Land Management Code simply requires, there is a showing that it has been reasonably mitigated.

Thank you for your consideration of these issues.

Sincerely,
Tesch Law Offices, P.C.



Joseph E. Tesch

JET/tw

cc: Kirsten Whetstone
Mark Harrington
David White
Steve Koch

POSSIBLE IMPACTS	GOOD CAUSE
<ul style="list-style-type: none"> — The Current home could have an increased footprint of 270 square feet. 	<ul style="list-style-type: none"> — The permissible increase of 1,237 square feet of footprint to the current residence as a result of the lot combination has been significantly mitigated by reducing the requested increase in the footprint by only 270 sq. ft. In addition, this 270 sq. ft. is almost entirely hidden from view from the street or even from any other reasonable vantage point: For instance, the cross canyon view - although that criteria doesn't even come into play unless a CUP is requested (which is not the case here). This is a significant good cause benefit and a strong mitigation of a greater impact.
<ul style="list-style-type: none"> — An accessory building instead of sheds could be built at a specific location. 	<ul style="list-style-type: none"> — Assuming an easement for access, a residence could be built on the current remnant lot which could have a footprint of 2,331 square feet and a total square footage of 6,993 square feet. This impact on Old Town is mitigated by the elimination of a new residence. A significant good cause benefit. — An accessory structure on the combined parcel could have a footprint of 1,237 square feet. By agreeing that the footprint will only be 660 sq. ft. this reduced density is a significant good cause benefit to the nearby residents and to Old Town generally. — In the event of an application for an accessory building, under the Land Management Code it could have a maximum height of 27 feet. The Applicant has, nonetheless, agreed that the maximum height, if any application is made and any approval is sought, of 24 height of feet. A significant good cause benefit. — An accessory structure could be placed anywhere on the combined lots. By agreeing that the footprint be located directly behind and west of the current home and not anywhere else on the combined lot, a direct good cause benefit is received by the neighbors and by Old Town generally.

	<ul style="list-style-type: none">— By dedicating approximately 2 ½ standard City blocks as a no build zone including the area immediately west of the proposed accessory building location and, in particular, that area directly west of Quittin Time Condominiums, the owners of the Quittin Time Condominiums and the residence of Park City and Old Town generally are obtaining approximately 2 ½ standard Old Town lots of open space at no cost at all and, because of its location, it is a great benefit.— By providing an easement to the owners of Quittin Time Condominiums for access to the ski areas and by providing an easement to ski over the non buildable open space, the residents of the Quittin Time Condominiums are receiving a benefit which, under ordinary circumstances, they would be required to purchase from the owner of the property. This is a significant benefit to Old Town and to the owners of the Quittin Time Condominiums, again, at no cost.— By granting an easement for an encroaching stairway Quittin Time Condominiums at no cost to them again, Quittin Time Condominium owners are receiving a benefit which ordinarily they would be required to purchase from the Applicant.— The current taxes on the remnant parcel are \$9.12. Obviously, when the remnant parcel is combined with the parcel on which the home exists, the value of that property will significantly increase as will the assessed value of the combined lots for purposes of taxation, an obvious benefit.
--	--



429 Woodside Avenue

Planning Commission Staff Report



Application #: PL-12-01629
Subject: Lot 17, 18, and 19 Echo Spur
Development Replat
Author: Francisco Astorga, Planner
Date: September 12, 2012
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Lot 17, 18, and 19 Echo Spur Development Replat 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: Leeto Tlou
Location: Lots 17 – 19, Block 58, Park City Survey
489 McHenry Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be in the future renamed Echo Spur Drive. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.

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.

Background

On August 10, 2012, the City received a completed application for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment. The applicant requests approval to re-plate the three (3) lots of record into one (1) lot of record. The proposed new lot will contain 5,625 square feet. All three lots are currently vacant, platted lots of record.

2007 Plat Amendment

In April 2007, the City received an application for a plat amendment to lots 17-32, Block 58 of the Park City Survey. The applicant proposed to combine the sixteen (16) lots into seven (7) lots; four (4) of the lots were of sufficient size to have a duplex built on each although one lot was proposed to be deed restricted to a single unit. Ten (10) units were possible.

In July 2007, the Planning Commission discussed the original submittal at both a work session and public hearing. The primary issue at that time was the vacation of platted, but un-built McHenry Avenue adjacent to the lots in question. At the hearing the Planning Commission requested a joint hearing with the City Council to get direction on the street vacation request. The joint meeting was held in August 2007. Based on the outcome of the joint meeting, the applicant revised their plans and was no longer requesting the vacation of McHenry but requested to construct an access road within the right of way.

In May 2008, the Planning Commission reviewed the applicant's additional request of the street vacation of platted Fourth Street (approximately 1,831 square feet) in exchange for a dedicated access and paved drive for neighboring Ontario Avenue lots (approximately 1,875 square feet). A second driveway between Lots 5 and 6 would be platted as an easement to provide necessary fire truck turnaround.

The revised application also reflected a dedication of land to Ella Sorenson, owner of property fronting Ontario Avenue but with historical access and use of land on the eastern border of her property. Also shown was possible widening of Rossi Hill Drive for street parking between platted McHenry and Lot 13, block 59. As the City does not have right of way across Lot 14, block 59, except by prescriptive use, this pullout was likely to be shorter than proposed. The Planning Commission voted unanimously to direct staff to prepare findings for a negative recommendation to the City Council. In July 2008, the application was withdrawn by the applicant.

2010 Plat Amendment

In March 2010, the City received another application for a plat amendment to lots 17-29, Block 58 of the Park City Survey. This proposed plat reconfigures the thirteen (13) lots into nine (9) lots. The developer was in the final stages of improving McHenry Avenue on the east side of the property. In March 2010 the Planning Commission reviewed the application for compliance with the Land Management Code in regards to lot combination, access and lot layout during a work session and provided feedback to the applicant.

In 2011 the applicant amended their application to only include the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey. The applicant requested approval to re-plat the three (3) lots of record into two (2) lots equally divided, on a north and south alignment parallel to Echo Spur Drive, creating two (2) lots with 37.5'x75' dimensions each. This application was later withdrawn by the applicant.

Analysis

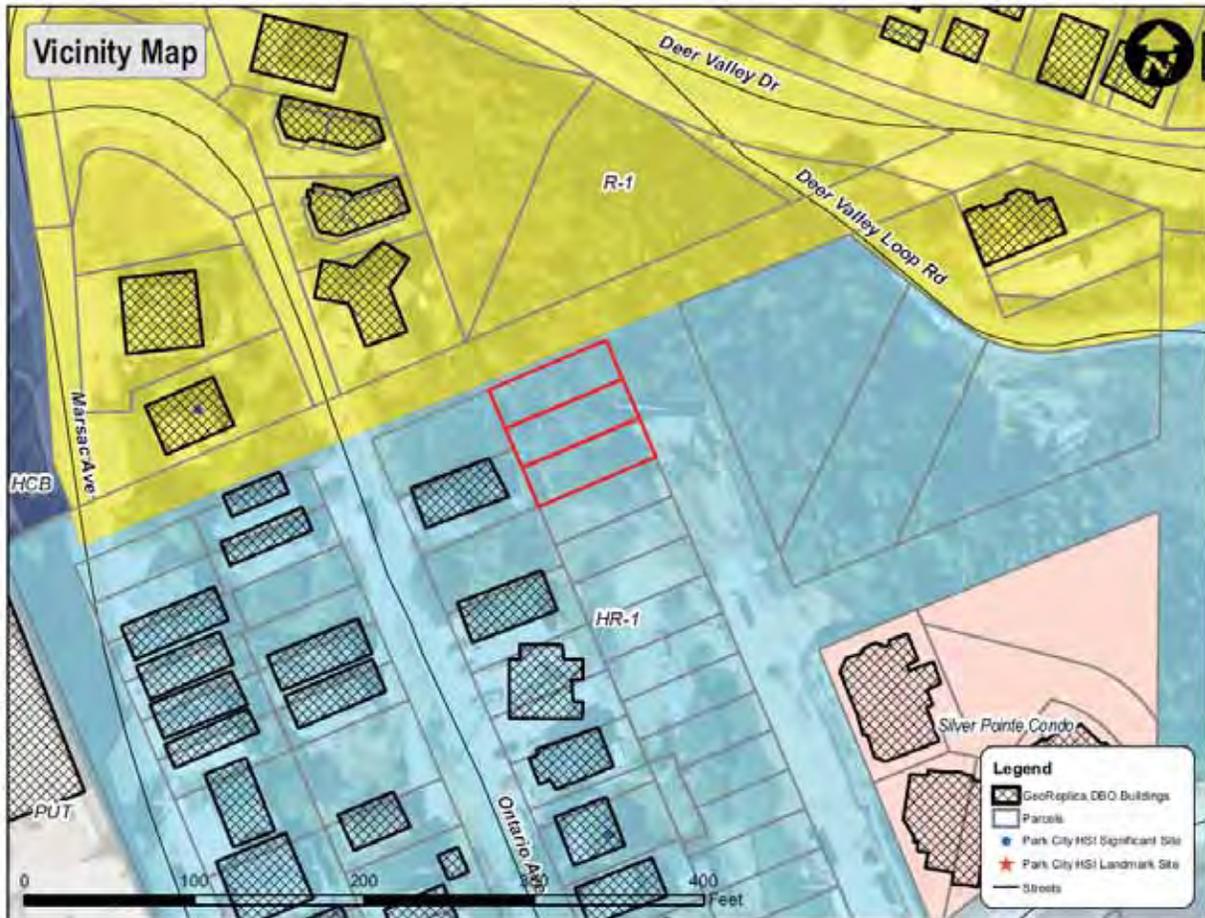
The current proposed plat amendment creates one (1) lot of record from Lot 17, 18, 19, Block 58 of the Park City Survey, three (3) legal lots of record. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet. A duplex is a conditional use that requires Planning Commission review and approval. The minimum lot width is twenty five feet (25'). The proposed lot width is seventy five feet (75').

The applicant has indicated that they would like to build a single family dwelling. Staff has identified the following development standards of the HR-1 District as summarized below:

Requirement	
Front/rear yard setbacks	10 ft. min., 20 ft. total (based on the lot depth of 75 ft.)
Side yard setbacks	5 ft. min., 18 ft. total (based on the lot width of 75 ft.)
Building Footprint	2,050 sq. ft. (based on the lot area of 5,625 sq. ft.)
Height	27 ft. above existing grade, max.
Number of stories	A structure may have a max. of 3 stories.
Final grade	Final grade must be within 4 vertical feet of existing grade around the periphery of the structure.
Vertical articulation	A 10 ft. min. horizontal step in the downhill façade is required for a third story

Lot 17, 18, and 19, are lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.

Staff finds good cause for this plat amendment as the combined proposed lots will facilitate a transition area between the neighborhood composed on Ontario and Marsac Avenue and the neighborhood comprised of the lots on Deer Valley Loop Road within the Deer Valley entry area. Most of the lots towards the west on Ontario Avenue consist of 1½ Old Town lots (25'x75') containing 2,813 square feet. The lots on the east side, also within the HR-1 District, consist of much larger lots ranging from 9,700 to 12,500 square feet. See Exhibit below showing the character of the lots:



Height/Topography

The applicant submitted an existing conditions & topographic survey of the three (3) lots, certified by a surveyor, which indicates the topography of the site. The Land Management Code (LMC) currently indicates that no structure shall be erected to a height greater than twenty seven feet (27') from existing grade. There appear to be areas on the proposed lot that contain slopes thirty percent (30%) or greater, specifically where the applicant currently proposes to place the access for the future structure due to the location of the lot to the road. The applicant will have to submit Steep Slope Conditional Use Permit application which will have to be reviewed and approved by the Planning Commission.

When the road and utilities were built in 2009, the topography was slightly altered. By comparing a topographic survey on file dated October 2006, the lowest elevation located on this site was 7,132 feet and the highest elevation was 7,156 feet. The current survey submitted with this plat amendment application dated May/July 2012 indicates that the lowest elevation is the same at 7,132 feet while the highest is 7,162 feet. Given this information of the highest point on the site being higher by six feet (6') from the older survey and the older survey being reflective of the original grade, staff recommends, as a condition of plat approval, that the height be measured from the

topographic survey dated October 2006, due to the change in height that took place when the road was built. A note stating this condition shall be put on the plat prior to recordation.

Ridge Line Development

The LMC indicates that ridges shall be protected from development, which development would be visible on the skyline from the designated vantage points in Park City (LMC § 15-7.3-2[D]). The LMC defines a ridge line area as *the top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge.*

LMC § 15-7.3-1(D), under Restrictions due to Character of the Land indicates that land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, physical mine hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission, upon recommendation of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for Uses as shall not involve such a danger.

Discussion requested: Staff does not consider this area to be on a Ridge due to adopted definition of ridge line area. Furthermore, the City has approved development on all three sides of this neighborhood. However, Staff does recognize the need to mitigate for proper drainage, steep slopes, etc. Staff recommends that the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface. Does the Planning Commission concur with Staff related to the requested increased setback area?

Square footage

The LMC indicates that the maximum dwelling or unit square footage may be required to be placed as a note on the plat. Limited building heights may also be required for visually sensitive areas.

Discussion requested: Staff finds that additional restrictions need to be placed on the proposed lot limiting the maximum square footage in order to maintain compatibility with the surrounding area and addressing the prominent location of this site to view points within the City. In theory, the maximum building footprint of approximate 2,000 square feet could trigger a house size of 6,000 square feet due to the three (3) floor regulation. (This is the maximum scenario without any articulation). The property owner indicated that they would like to build a single

family dwelling ranging from 3,000-4,000 square feet. Staff recommends adding a note on the plat limiting the gross maximum square footage to 3,603 square feet, the approximate maximum floor area to a 1½ Old Town lot, the prominent lot size with the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet). Staff finds that the compatibility is better maintained and consistency is achieved by this gross floor area limitation. **Does the Planning Commission find that additional limitations need to be noted on this plat restricting floor area, footprint, building height, setbacks, additional square footage or height other than the development parameters found on this staff report?**

Good Cause

Staff finds good cause for this plat amendment as the reconfiguration will lessen the impact of the future structures as viewed from Deer Valley Drive at the round-about. The larger lot created by the reconfiguration allows the neighborhood to provide better transition from the historic Old Town layout containing 25' x 75' platted lots to larger lots east and north of the area.

Process

Prior to issuance of any building permits for these lots, the applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use Permit application is also required, which is reviewed by the Planning Commission. They will also have to submit a Building Permit application. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

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

Notice

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

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and direct staff to make Findings for this decision; or

- The Planning Commission may continue the discussion on Lot 17, 18, and 19 Echo Spur Development Replat 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.

Consequences of not taking the Suggested Recommendation

The lots would remain as is and no construction could take place across the existing lot lines. The lots are currently platted lots of record. The property owner would have to extend access of the current road since the road was only completed to reach lot 19.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the Lot 17, 18, and 19 Echo Spur Development Replat 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

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Existing Conditions & Topographic Survey
- Exhibit C – ALTA/ACSM Survey dated October 2006
- Exhibit D – County Tax Map

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance No. 12-__

AN ORDINANCE APPROVING THE LOT 17, 18, AND 19 ECHO SPUR DEVELOPMENT REPLAT AMENDMENT LOCATED AT 489 MCHENRY AVENUE, PARK CITY SURVEY, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 489 McHenry Avenue, Park City Survey 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 September 12, 2012 to receive input on plat amendment; and

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

WHEREAS, on _____, 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 Lot 17, 18, and 19 Echo Spur Development Replat plat amendment.

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

SECTION 1. APPROVAL. The Lot 17, 18, and 19 Echo Spur Development Replat plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The proposal includes the reconfiguration of Lots 17, 18, and 19 of Block 58 of the Park City Survey.
2. The lots are located north of the intersection of Rossi Hill Drive and platted McHenry Avenue to be known as Echo Spur Drive.
3. The applicant requests approval to re-plat the three (3) Old Town lots of record into one (1) lot of record.
4. All three lots are currently vacant, platted lots of record.
5. The subject area is located within the HR-1 District.
6. The minimum lot area for a single family dwelling is 1,875 square feet.

7. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area is 5,625 square feet.
8. A duplex is a conditional use that requires Planning Commission review and approval.
9. The minimum lot width is twenty five feet (25').
10. The proposed lot width is seventy five feet (75').
11. Lot 17, 18, and 19 are lots of record found within Block 58 of the Park City Survey, also recognized as parcel numbers PC-485-P, PC-485-Q, and PC-485-C, respectively.
12. The proposed lots will facilitate a transition area between the neighborhood composed on Ontario and Marsac Avenue and the neighborhood comprised of the lots on Deer Valley Loop Road within the Deer Valley entry area.
13. Most of the lots towards the west on Ontario Avenue consist of 1½ Old Town lots (25'x75').
14. The lots on the east side, also within the HR-1 District, consist of large lots ranging from 9,700 to 12,500 square feet.
15. When the road and utilities were built in 2009, the topography was slightly altered.
16. The highest point on the site is six feet (6') higher than the October 2006 survey.
17. Staff recommends, as a condition of approval, that the height be measured from the topographic survey dated October 2006, due to the change in height that took place when the road was built.
18. Staff recommends that the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.
19. Staff recommends adding a note on the plat limiting the maximum square footage to 3,603 square feet, the approximate maximum floor area to a 1½ Old Town lot, the prominent lot size with the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet).

Conclusions of Law:

1. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed plat amendment.
3. 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 lot's frontage.
4. Due to the change in height that took place when the road was built in 2008, the height shall be measured from the topographic survey dated October 2006. A note shall be placed on the plat indicating such survey to be utilized for determining grade for the maximum height.
5. Compatibility is better maintained and consistency is achieved by limiting the maximum floor area to 3,603. A note shall be placed on the plat indicating that the maximum gross floor area, as defined by the Land Management Code in effect at the time of Building Permit application, shall be limited to 3,603 square feet.
6. Staff finds that Drainage of the site shall be addressed and approved by City Engineer before a building permit can be obtained.
7. Modified 13-d sprinklers will be required for all new construction.
8. the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.

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

PASSED AND ADOPTED this ____ day of _____, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

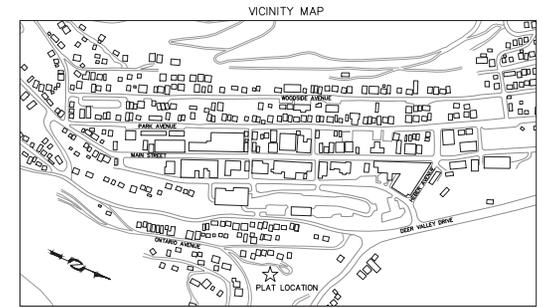
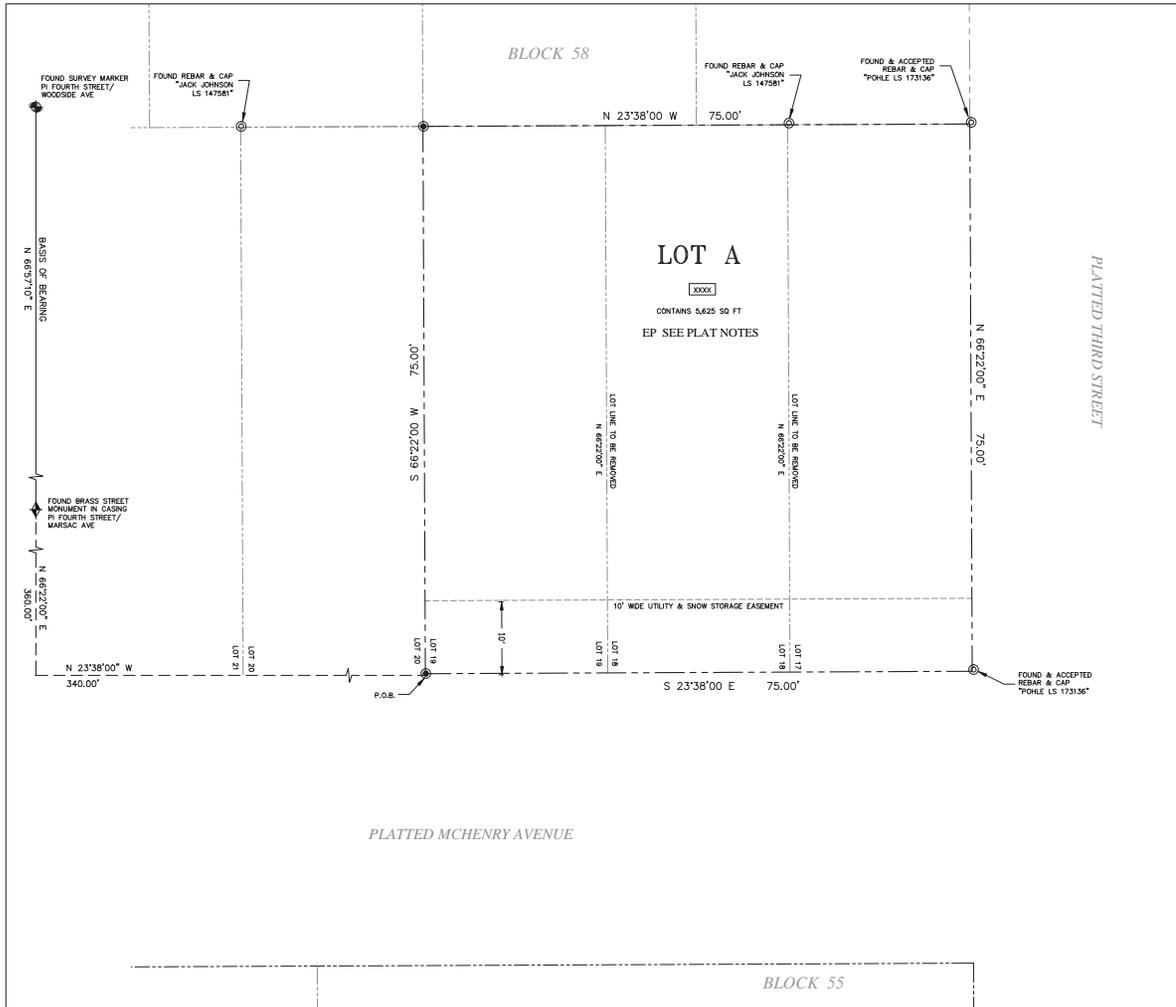
Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Attachment 1 - Proposed Plat



SURVEYOR'S CERTIFICATE

I, Robert J. McMahon, certify that I am a Registered Land Surveyor and that I hold Certificate No. 349961, as prescribed by the laws of the State of Utah, and that by the authority of the owner(s), I have prepared this Record of Survey of the XXX MCHENRY AVENUE REPLAT. I further certify that this plat is a true representation of said property.



Robert J. McMahon
LS No. 349961-2201

BLOCK 57

LEGAL DESCRIPTION

All of Lots 17, 18, and 19; Block 58, of the AMENDED PARK CITY SURVEY, according to the official plat thereof, on file and of record in the Office of the recorder, Summit County, Utah.

LOT A (COMBINATION OF Lots 17, 18 and 19)

BEGINNING at a point that is North 66°22'00" East 360.00 feet and North 23°38'00" West 340.00 feet from the intersection of Marsac Avenue and Fourth Street as shown on the the Amended Monument Control Map by Bush & Gudgeon (1981) on file and of record as Entry No. 199887 in the Office of the Recorder, Summit County Utah, said point being the Southeast corner of Lot 19, Block 58 of the Amended Park City Survey, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County Utah; thence South 66°22'00" West 75.00'; thence North 23°38'00" West 75.00 feet; thence North 66°22'00" East 75.00 feet; thence South 23°38'00" East 75.00 feet; to the Point of Beginning.

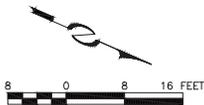
Description contains 5,625.00 square feet more or less.

PLATTED MCHENRY AVENUE

BLOCK 55

LEGEND

- SET REBAR & CAP "ALTA ENGINEERING/ LS 349961"
- ⊙ SET NAIL & WASHER "ALTA ENGR/ LS 349961"
- ⊙ FOUND REBAR (AS NOTED)
- ⊙ FOUND SURVEY MARKER
- ⊙ FOUND NAIL & WASHER (AS NOTED)
- ⊙ FOUND STREET MONUMENT (AS NOTED)
- STREET ADDRESS



PLAT NOTES:

- 1) LOT 'A' MAY REQUIRE A PRIVATELY OWNED AND OPERATED EJECTOR PUMP FOR SANITARY SEWER SERVICES.

PAGE 1 OF 2

A LOT COMBINATION PLAT XXX MCHENRY AVENUE REPLAT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

 LAND PLANNING - CIVIL ENGINEERING SURVEYING - PROJECT MANAGEMENT PO BOX 2864 PARK CITY, UTAH 84060 435-648-9191	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2012 A.D. BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 9th DAY OF DECEMBER, 2012 A.D. BY _____ CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2012 A.D. BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2012 A.D. BY _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D. BY _____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D. BY _____ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____
	PLANNING COMMISSION - September 12, 2012						

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Ryan Bilbrey Holdings, L.L.C. a Utah Limited Liability Company the undersigned owner of the herein described tract of land to be known hereafter as the XXX MCHENRY AVENUE REPLAT, does hereby certify that it has caused this Lot Line Adjustment Plat to be prepared, and does hereby consent to the recordation of this Lot Line Adjustment Plat.

ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this _____ day of _____, 2012.

Ryan Bilbrey, Managing Member

ACKNOWLEDGEMENT

State of _____;
County of _____ ss:

On this _____ day of _____, 2012, Ryan Bilbrey personally appeared before me, the undersigned Notary Public, in and for said state and county. Ryan Bilbrey, having been duly sworn, acknowledged to me that he is the Managing Member of Ryan Bilbrey Holdings L.L.C., A Utah Limited Liability Company, owner of the herein described tract of land and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah _____ Printed Name

Residing in: _____ My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Dali Investments, L.L.C. a Utah Limited Liability Company the undersigned owner of the herein described tract of land to be known hereafter as the XXX MCHENRY AVENUE REPLAT, does hereby certify that it has caused this Lot Line Adjustment Plat to be prepared, and does hereby consent to the recordation of this Lot Line Adjustment Plat.

ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this _____ day of _____, 2012.

Jennifer Ann Bilbrey, Managing Member

ACKNOWLEDGEMENT

State of _____;
County of _____ ss:

On this _____ day of _____, 2012, Jennifer Ann Bilbrey personally appeared before me, the undersigned Notary Public, in and for said state and county. Jennifer Ann Bilbrey, having been duly sworn, acknowledged to me that she is the Managing Member of the Dali Investments, L.L.C., A Utah Limited Liability Company, owner of the herein described tract of land and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah _____ Printed Name

Residing in: _____ My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as the XXX MCHENRY AVENUE REPLAT, do hereby certify that I have caused this Lot Combination Plat to be prepared, and I Stephen Connolly hereby consent to the recordation of this Lot Combination Plat.

ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this _____ day of _____, 2012.

Stephen Connolly

ACKNOWLEDGEMENT

State of _____;
County of _____ ss:

On this _____ day of _____, 2012, Stephen Connolly personally appeared before me, the undersigned Notary Public, in and for said state and county. Stephen Connolly, having been duly sworn, acknowledged to me that he is the owner of the herein described tract of land and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in _____ Printed Name

Residing in: _____ My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Park City Real Estate and Development, L.L.C., a Utah Limited Liability Company the undersigned owner of the herein described tract of land to be known hereafter as the XXX MCHENRY AVENUE REPLAT, does hereby certify that it has caused this Lot Line Adjustment Plat to be prepared, and does hereby consent to the recordation of this Lot Line Adjustment Plat.

ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this _____ day of _____, 2012.

Connie Bilbrey, Managing Member

ACKNOWLEDGEMENT

State of _____;
County of _____ ss:

On this _____ day of _____, 2012, Connie Bilbrey personally appeared before me, the undersigned Notary Public, in and for said state and county. Connie Bilbrey, having been duly sworn, acknowledged to me that she is the Managing Member of Park City Real Estate and Development, L.L.C., A Utah Limited Liability Company, owner of the herein described tract of land and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah _____ Printed Name

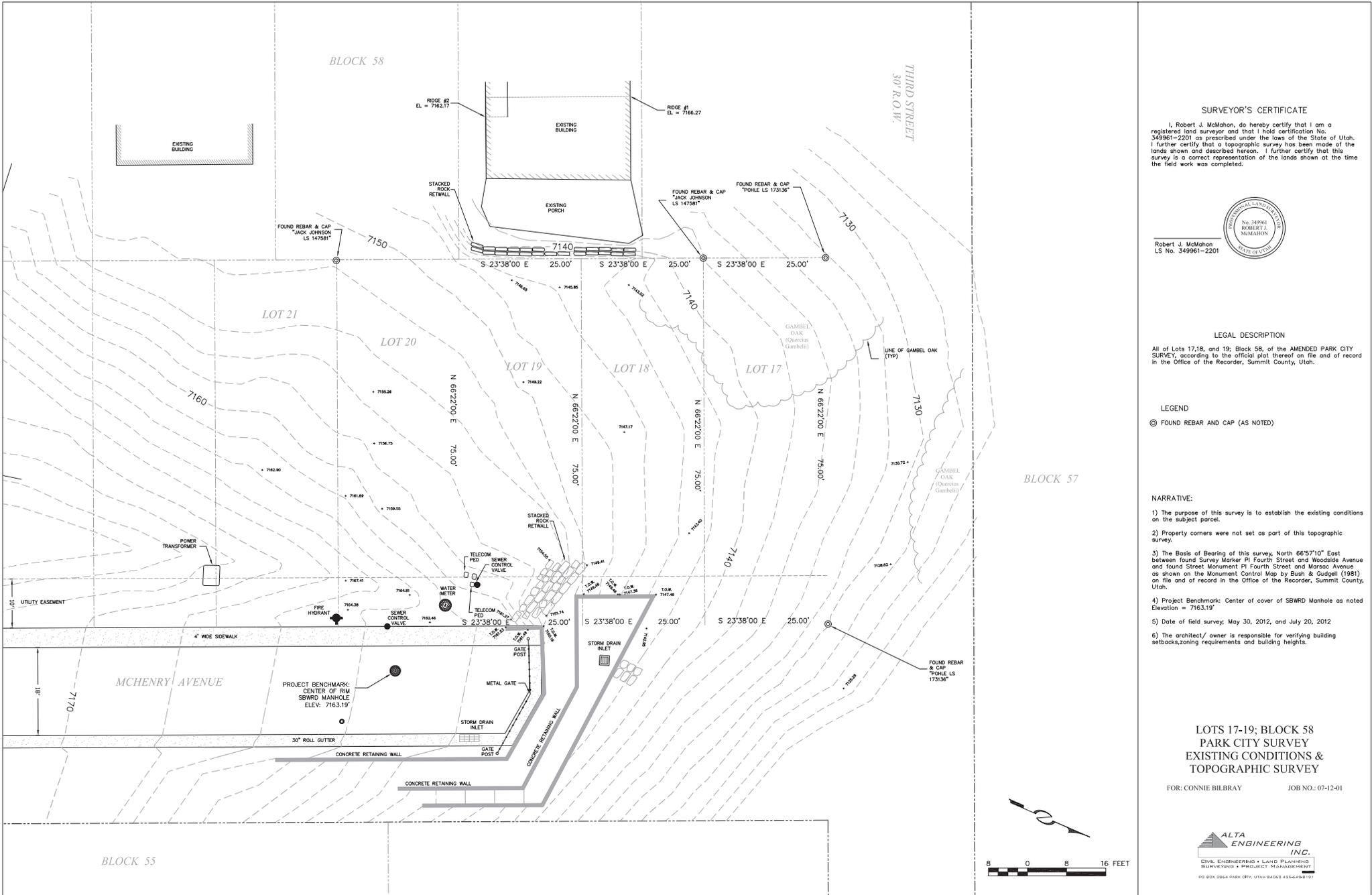
Residing in: _____ My commission expires: _____

A LOT COMBINATION PLAT
XXX MCHENRY AVENUE REPLAT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN



Exhibit B – Existing Conditions & Topographic Survey



SURVEYOR'S CERTIFICATE

I, Robert J. McMahon, do hereby certify that I am a registered land surveyor and that I hold certification No. 349961-2201 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made of the lands shown and described hereon. I further certify that this survey is a correct representation of the lands shown at the time the field work was completed.



Robert J. McMahon
LS No. 349961-2201

LEGAL DESCRIPTION

All of Lots 17, 18, and 19; Block 58, of the AMENDED PARK CITY SURVEY, according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah.

LEGEND

⊙ FOUND REBAR AND CAP (AS NOTED)

NARRATIVE:

- 1) The purpose of this survey is to establish the existing conditions on the subject parcel.
- 2) Property corners were not set as part of this topographic survey.
- 3) The Basis of Bearing of this survey, North 66°57'10" East between found Survey Marker PI Fourth Street and Woodside Avenue and found Street Monument PI Fourth Street and Marsac Avenue as shown on the Monument Control Map by Bush & Gudge (1981) on file and of record in the Office of the Recorder, Summit County, Utah.
- 4) Project Benchmark: Center of cover of SBWRD Manhole as noted Elevation = 7163.19'
- 5) Date of field survey: May 30, 2012, and July 20, 2012
- 6) The architect/ owner is responsible for verifying building setbacks, zoning requirements and building heights.

LOTS 17-19; BLOCK 58 PARK CITY SURVEY EXISTING CONDITIONS & TOPOGRAPHIC SURVEY

FOR: CONNIE BILBRAY JOB NO: 07-12-01

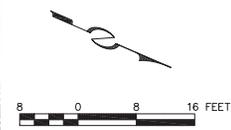
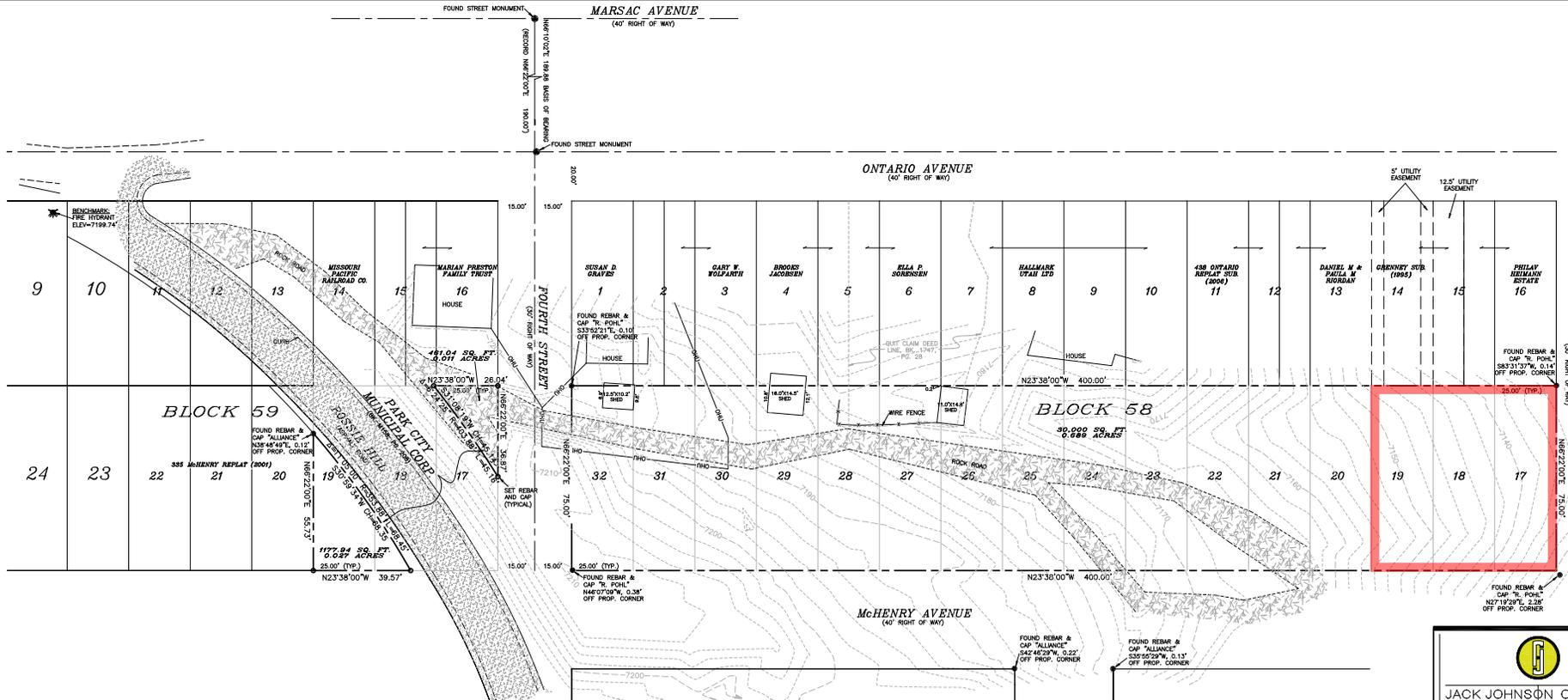


Exhibit C – ALTA/ACSM Survey dated October 2006



**ALTA/ACSM LAND TITLE SURVEY FOR
LOTS 17-32, BLOCK 58 & LOTS 17-19, BLOCK 59
OF THE AMENDED PLAT OF PARK CITY
LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH**

NARRATIVE:

1. THE SURVEY WAS PREPARED FOR PARK CITY REAL ESTATE AND DEVELOPMENT.
2. THE BASIS OF BEARING WAS ESTABLISHED FROM FOUND STREET MONUMENTS AS SHOWN.
3. THE BENCH MARK FOR THIS PROJECT IS A FIRE HYDRANT AT THE INTERSECTION OF ROSSIE HILL AND ONTARIO AVENUE. THE BENCHMARK ELEVATION = 7199.74'
4. THE SURVEY WAS BASED ON THE COMMITMENT FOR TITLE INSURANCE PROVIDED BY FIRST AMERICAN TITLE INSURANCE AGENCY, LLC, ORDER NO. 041-4758480 FIRST AMENDED, ISSUE DATE SEPTEMBER 22, 2006. ITEMS DESIGNATED AS PR # REFER TO SCHEDULE B, SECTION 2, "EXCEPTIONS", TO SAID TITLE COMMITMENT.
5. SPECIFIC TITLE COMMITMENT EXCEPTION ITEMS ARE AS FOLLOWS:
 - A. PR. ITEMS #1-14 ARE NOT PLOTTABLE MATTERS.
 - B. PR. ITEMS #15-16 ARE THE SAME QUOT CLAIM DEED EXECUTED BY BROOKS JACOBSEN, IN FAVOR OF ELLA P. SORRENSEN TRUST. (TWO ADJOINING LAND OWNERS TO THE WEST) IT CALLED ALONG AN EXISTING FENCE THAT ENCROACHES ONTO THE PROPERTY ON THE WESTERLY BOUNDARY AS SHOWN, BUT THERE IS NO FOUND RECORD OF THIS EVER BEING DEEDED BY THE LAND OWNER TO THE ELLA P. SORRENSEN TRUST.
7. THERE IS NO OBSERVABLE EVIDENCE OF SITE USED AS A SOLID WASTE DUMP, SLUMP, OR SANITARY LANDFILL.
8. DUE TO THE LACK OF ORIGINAL MONUMENTS, PREVIOUS SURVEYS IN THE AREA AS WELL AS EXISTING IMPROVEMENTS WERE USED IN DETERMINING THE BOUNDARY OF THE ABOVE PARCEL. ALL EVIDENCE USED IS CLEARLY SHOWN ON SURVEY.
9. THERE ARE MANY ENCROACHMENTS ALONG THE WESTERLY LINE OF THE PROPERTY AS SHOWN ON THE SURVEY. THIS SURVEY DOES NOT ADDRESS THESE ENCROACHMENT, IT ONLY SHOWS THAT THEY EXIST.

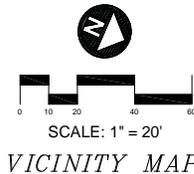
BOUNDARY DESCRIPTION:

PARCEL 1:
ALL OF LOTS 17,18,19,20,21,22,23,24,25,26,27,28,29,30,31 AND 32, BLOCK 58, PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.
TOGETHER WITH AN EASEMENT FOR UTILITIES, INCLUDING SEWER AND WATER LINES OVER THE SOUTHERLY FIVE FEET AND THE NORTHERLY FIVE FEET OF LOT 14 AND THE SOUTH HALF OF LOT 15, BLOCK 58, PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

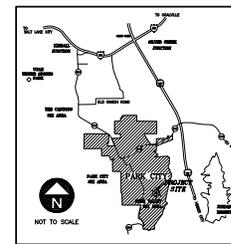
PARCEL 2:
ALL LOTS 17,18 AND 19, BLOCK 59, PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE, EXCEPTING THEREFROM ANY PORTION LOCATED WITHIN THE RAILROAD RIGHTS OF WAY AS DESCRIBED IN THOSE CERTAIN DOCUMENTS RECORDED AS ENTRY NO. 8176 IN BOOK C AT PAGE 401, ENTRY NO. 13316 IN BOOK H AT PAGE 326, AND ENTRY NO. 13610 IN BOOK H AT PAGE 373, RECORDS OF SUMMIT COUNTY, UTAH.

SURVEYOR'S CERTIFICATE:

TO PARK CITY REAL ESTATE AND DEVELOPMENT & FIRST AMERICAN TITLE INSURANCE AGENCY, LLC:
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005, AND INCLUDES ITEMS 1, 2, 4, 5, 7a, 8, 9, 10, 13 & 18 OF A THEREOF. PURSUANT TO THE ACCURACY FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION AS A LAND SURVEYOR REGISTERED IN THE STATE OF UTAH, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.



VICINITY MAP



JACK JOHNSON COMPANY
Designing World Destinations
1st Floor - 1777 Salt Lake Drive - Park City, Utah 84302
Telephone - 435.845.9000 - Facsimile - 435.848.1620
www.jackjohnson.com

DATE:	OCTOBER 2006
RECORDED IN:	OKAY
RECORDED BY:	EDM
PROJECT:	020-0196-00
SCALE:	ALTA

RECORDS

**ALTA/ACSM SURVEY
LOTS 17-32, BLOCK 58
& LOTS 17-19, BLOCK 59
PARK CITY, UT**

1 OF 1

© 2006 Jack Johnson Company
Revised 05/10/06 | 1st Edition 10/06 | 1st Edition 10/06

Exhibit D – County Tax Map

PARK CITY – BLOCKS 55,58,62,63,SECTION 16,T2S R4E,S.L.B.&M.

BOOK PAGE

57

Note: # REFERS TO STREET ADDRESS

**THIRD STREET (N 66°22' E)
AKA - FIFTH ST**

PC-464-A-1 AMO ASSOCIATES LLC 18 1598-1769 2007-1800	PC-464-A-1 DVA 17 2075-1998 2007-1800	PC-464-A-2 JAMES A HANNAH 19 1673-1979	PC-464-A-3 DINO D. NOEMAN & SUPARNA SANGHAR 18 1673-1979	PC-464-A-4 MAY & DEBORAH E. ARDOTT 19 1673-1979	PC-464-A-5 EIX LLC 19 1673-1979	PC-464-A-6 EIX LLC 20 1673-1979	PC-464-A-7 DEUTSCHE BANKE IMMOBIL TRUMP CO TR 21 1673-1979	PC-464-A-8 JESSE & KRISTEN LUTWAL 11 1673-1979	PC-464-A-9 BILLY KEMP 23 1673-1979	PC-464-A-10 LINDSAY ARD 24 1673-1979	PC-464-A-11 STARR H/W (D) 1851-1541 410-802	PC-464-A-12 JOHN F. MARZAO M FENTON TR 25 1673-1979	PC-464-A-13 JOHN F. MARZAO M FENTON TR 26 1673-1979	PC-464-A-14 JOHN F. MARZAO M FENTON TR 27 1673-1979	PC-464-A-15 JOHN F. MARZAO M FENTON TR 28 1673-1979	PC-464-A-16 JOHN F. MARZAO M FENTON TR 29 1673-1979	PC-464-A-17 JOHN F. MARZAO M FENTON TR 30 1673-1979	PC-464-A-18 JOHN F. MARZAO M FENTON TR 31 1673-1979	PC-464-A-19 JOHN F. MARZAO M FENTON TR 32 1673-1979
--	---	---	---	--	--	--	--	---	---	---	--	--	--	--	--	--	--	--	--

PC-465-A-1 RILAN WEHMAN ESQ 16 1803-173	PC-465-A-2 MILL-700 15	PC-465-A-3 GRENNEY SUB. (1995) 14	PC-465-A-4 DANIEL M & PAULA H RHOODAN 13 (W/LIT)	PC-465-A-5 431 ONTARIO REPLAT SUB. (2006) 11	PC-465-A-6 ELEVATOR SUB. (2007) 9	PC-465-A-7 JOHN F. MARZAO M FENTON TR 25 2007-1755	PC-465-A-8 JOHN F. MARZAO M FENTON TR 26 2007-1755	PC-465-A-9 JOHN F. MARZAO M FENTON TR 27 2007-1755	PC-465-A-10 JOHN F. MARZAO M FENTON TR 28 2007-1755	PC-465-A-11 JOHN F. MARZAO M FENTON TR 29 2007-1755	PC-465-A-12 JOHN F. MARZAO M FENTON TR 30 2007-1755	PC-465-A-13 JOHN F. MARZAO M FENTON TR 31 2007-1755	PC-465-A-14 JOHN F. MARZAO M FENTON TR 32 2007-1755
--	------------------------------	--	---	---	---	---	---	---	--	--	--	--	--

15	16	17	18	19	20	21
GATEWAY ESTATES REPLAT SUB (2000)						

11	12	13	14	15	16	17
SILVER POINTE CONDO. (1999)						

FOURTH STREET (N 66°22' E)

402 MARSAC REPLAT SUB. (2006)	KINCAID SUB. (2003)
-------------------------------	---------------------

PC-465-JKL (SEE ABOVE) JOHN F. MARZAO M FENTON TR 2005 AC 2005-905 2009-836

61

Approved	REVISIONS - DATE AND INITIAL (In Pencil)
Utah State Tax Comm	Sept 27, 2011
Date	By

SUMMIT COUNTY, UTAH

SCALE
ONE INCH 40 FEET
BOOK PAGE

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: Ridge Overlook Subdivision – 200 Ridge Avenue
Project #: PL-10-00977
Author: Mathew W. Evans, Senior Planner
Date: September 12, 2012
Type of Item: Administrative – Plat Amendment

Summary Recommendations

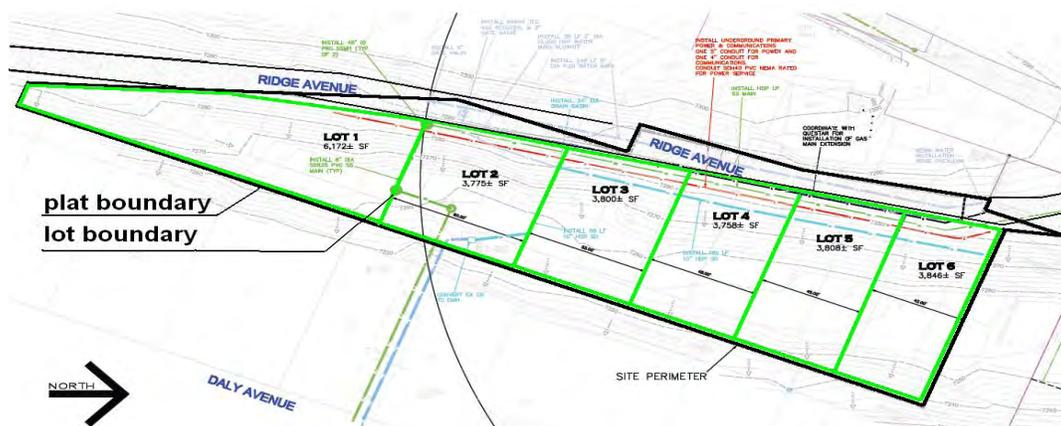
Staff recommends that the Planning Commission hold a public hearing and consider denying the Ridge Overlook Subdivision plat amendment based on the findings of fact and conclusions of law as found in the draft denial.

Topic

Applicant: Market Consortium, LC. Represented by Jason Gyllenskog
Location: 200 Ridge Avenue (approximately)
Zoning: Historic Residential Low Density (HRL)
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal

The applicant is proposing that the Planning Commission consider the approval of a six-lot subdivision (plat amendment) where previously the City approved three larger lots that were never recorded, located at approximately 200 Ridge Avenue above Daly Avenue within the City's Historic Residential-Low (HRL) Zoning District. The proposal includes the combination of nine (9) "Old Town" (a portion of Block 75 Millsite Reservation) lots in their entirety, and twenty-one (21) partial lots, to create a total of six (6) lots, each of which range in size from 3,758 to 6,172 square feet.



Background

On May 26, 2010 the City received an application for the Ridge Overlook Subdivision. The application was deemed complete on June 2, 2010. The property is located at 200 Ridge Avenue (between Daly Avenue and the Ridge Avenue switchback) in the Historic Residential Low Density (HRL) zoning district. The proposed plat combines all or portions of lots 75-89 and 27-32, Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to the proposed lots, into six (6) platted lots of record.

A previous application, which went through considerable Planning Commission review, with a positive recommendation to City Council and City Council approval in 2007, consisted of a three (3) lot subdivision. As part of that approval, the Planning Commission agreed that the proposed density of three lots was appropriate for the site due to physical constraints associated with the site including steep slopes and an extremely narrow street which accesses the property. That plat, which had a different owner, was never recorded and has expired.

Based on previous discussions before the Planning Commission in 2006 and 2007 for the old application and interdepartmental Development Review, the applicant provided additional information including utility plans, geotechnical report, field staked lot locations and story poles to identify height of retaining walls for past site visits. Previously the applicant agreed to work with the adjacent property owners, including the developer of Upper Ridge, to provide further refinements to the plan. The other applications have since been put on hold, are currently inactive, and/or are subject to new ownership.

The June 2010 application came before the Planning Commission on September 22, 2010 as a Work Session item. The Planning Commission made several comments and observations regarding the proposals which are listed below:

- Each individual home will be subject to a Steep Slope CUP review and HDDR Review, and home design will be subject to the 2009 Historic District Design Review standards.
- In 2007, a proposal was submitted for a three lot subdivision on this same site with no footprint size restrictions other than what the code allowed at the time. At the same time, there was another proposal for a project in close proximity at 255 Ridge Avenue known as "Upper Ridge".
- Applicant is proposing six (6) smaller lots, which is three (3) lots more than contemplated in the previous submittal. The applicant has indicated that the additional lots will result in smaller homes.
- Current proposal limits lot density from nine (9) full Old Town lots and twenty-one (21) partial lots to a total of six (6) lots.
- The proposal would create an average lot size of 4,109 square feet, which is compatible with the area per a previous Ridge Avenue study that was done by the Planning Department.

- A traffic study was completed for the nearby King Ridge Estates. The study concluded that six (6) single family houses could create twenty-nine (29) new trips daily. The applicant did not create a new traffic study for the Ridge Overlook Subdivision.
- There was concern that the lots might be unbuildable, and the City did not want to create a situation where an owner could come back for a variance. It was suggested that the applicant provide a “3D” drawing for every lot to demonstrate that a house could fit on each lot under the new Code restrictions.
- There was also concern regarding the geotechnical aspects of burdening the hillside with construction and that the steepness of the terrain could have many complications.

After the lengthy discussion regarding the aforementioned issues as summarized on the previous page, the Planning Commission recommended that the Staff work with Mr. Gyllenskog and provide clear direction on what could be built on a proposed lot size based on the new ordinance. Since that time Staff has met with the applicant to go over what the issues regarding the proposal would likely be. Staff also brought up the idea of Transferable Development Rights (TDRs) as a possibility for the applicant. The applicant indicated that the current TDR ordinance as written, would not allow them to accomplish their goals for the property, which include building at least one (1) home and obtaining TDRs for the remaining lots. The applicant also commented that the smaller lots will limit the footprint size, but did not offer to limit the maximum footprint per lot based on average size, something that other developers on Daly Avenue have been willing to entertain in the past.

On July 1, 2011, a letter was sent to the applicant informing him that the application file was being closed due to inaction. Soon thereafter the applicant appealed that decision to the Planning Director. The application was allowed to stay open due to the fact that no action could be taken to move it forward because the Temporary Zoning Ordinance that prohibited lot combinations was in place at that time (June through October, 2011).

On July 20, 2011, the applicant met with Staff to consider the possibility of creating a Transferable Development Rights Sending District for the creation of TDRs. The applicant decided against the idea after determining that there was no “multiplier” available, and that there was no immediate market available for the TDRs, and that their sale would not off-set the costs associated with the original purchase of the land. After July 20, the applicant made contact with Staff via e-mail regarding the idea of resurrecting his project. Sometime during the month of December the project was transferred from Architect-Planner, Kayla Sintz to Senior Planner Evans. Staff contacted the applicant and suggested a formal meeting to discuss the issues with both planners, which the applicant agreed to.

On February 14, 2012, the applicant met with Staff formally to discuss moving the project forward. The applicant indicated that he wanted the Planning Commission to review the proposal they had last seen to consider a positive recommendation to the City Council. Staff agreed to take the item back before the Planning Commission as a

work session to address the previous issues that had not been addressed since the previous work session meetings.

On April 24, 2012, the proposal was brought forth to the Planning Commission for an additional Work Session meeting. During that meeting the following issues were raised and discussed by the Planning Commission:

- The slope of each of the proposed lots is very steep and it is questionable whether or not a home could be built on each of the six (6) proposed lots. Planning Commission members were worried that most of the lots would require future variances to the Land Management Code due to the difficulty of development on these lots.
- Ridge Avenue is currently a viable street only because there are currently no structures or homes with primary access from it. Because Ridge Avenue is an extremely narrow street that acts as a secondary access to King Road, it is unlikely that six (6) lots would support the average daily trips generated by six (6) new homes. The narrow street is often covered by rock, mud and debris during certain times of the year, namely winter and spring, and snow removal may cause access issues to each of the lots. One delivery vehicle parked on Ridge Avenue would make the road impassable. Furthermore, the prior Streets Master Plan indicates that this particular street, in this section, should remain narrow, and that the Streets Master Plan says that Ridge Avenue can be used as an alternate route for streets such as Sampson Avenue, Upper Norfolk Avenue, King Road and Daly Avenue in an event of an emergency, but that the street was not meant to carry a significant amount of traffic. It should be noted that those streets are also all narrow and are close to operating at maximum capacity based on the Level of Service indicated in the Transportation Master Plan. The road is adjacent to a very steep cliff and more traffic on the road could likely lead to un-mitigated Public Safety and Welfare impacts.
- The current site has significant vegetation and trees, many of which are also providing stabilization of soil. The proposed density of six (6) lots would likely involve the removal of most of the existing trees and a significant amount of the existing vegetation, which could have negative impacts to those who live below the project on Daly Avenue.
- The same issues that were brought up during the last work session in 2010 meeting, particularly regarding mitigating impacts of size, mass, and the environment had not been mitigated. Until the applicant can show that a significant amount of dirt would not be excavated from the side of the hill and that the vegetation would not be disturbed, the same concerns still persisted.
- The proposed project does not meet the first listed purpose of the HRL zone as detailed in the Land Management Code Section 15-2.1-1(A) which states: "Reduce Density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity..."
- This proposal is not a true reduction in density from 21 existing lots. Many of the old Millsite Reservation lots are 8'x2' and others are 20'x40', and such parcels

are not buildable under the minimum Lot Requirements in the HRL Zone. Most of the parcels would have to be combined in order to create a buildable lot.

Analysis

The subject property is located in the HRL zoning district. Per LMC Section 15-2.1-1, 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 of mass, and scale and environment.
- (G) Define Development parameters that are consistent with the General Plan policies for the Historic core.

Below are the lot requirements in the HRL District:

HRL District Requirements:	
Height	27' (maximum 3 stories with 10' step in third story)
Front setback	15'
Rear setback	15'
Side setbacks	5' min, 10' total
Lot size	3,750 square feet minimum
Footprint	Zone Maximum is 1,519 square feet on a 3,750 square foot lot
Parking	Two required per lot

In 2010 the applicant and staff prepared an exhibit of the surrounding properties in the HRL zone and the HR-1 properties within the 300 foot noticing radius. The following is a summary of the results:

200 Ridge Ave Study	Lot Size	Lot Sq Ft	Footprint Sq Ft	House Size Sq Ft
HRL Average	0.13 acres	5,677	1,917	2,748
Daly Ave Averages*	0.09 acres	4,001	1,535	2,131
Combined Average	0.11	4,839	1,726	2,439
Current Proposed Lot sizes/Footprints	Lot 1 0.14 acres	6,172	2,182	
	Lot 2 0.09 acres	3,775	1,527	
	Lot 3 0.09 acres	3,800	1,535	
	Lot 4 0.09 acres	3,758	1,521	
	Lot 5 0.09 acres	3,808	1,537	
	Lot 6 0.09 acres	3,846	1,549	

*Based on Previous 2008 Study

The 2010 study which was presented at the July 14, 2010 Work Session meeting also examined the relationships of the HRL and HR-1 lots, footprints and built house sizes. The HRL zone encourages lot combinations of substandard lots and has a minimum lot size equivalent to two "Old Town" lots (3,750 sq ft). What is shown is that the HRL averages lot sizes 42% larger lots than the neighboring HR-1 lots (on Daly Avenue), a 25% larger footprint and a 29% larger house size. Even though the houses and footprints are bigger, there is also greater open space around the houses.

In the sample of HRL and HR-1 lots, there is a correlation between footprint and house size that is similar in both zoning districts. In the HR-1, on average the house size is 39% greater than the maximum allowed footprint and the HRL on average houses are 43% larger than the maximum allowed footprints. House size information is from the County Assessor's Office and does not include basements or garages.

It should be noted that the HRL District designation has been given to areas of town where more dense development is not practical due to various development constraints, such as steep slopes, narrow streets, and the difficult nature of service delivery. (see purpose statement of the HRL zone above) In these areas of town, larger lots are contemplated due to their lower densities. Typical HRL lots can range from roughly 4,000 to 8,000 square feet in size.

Existing Ridge Avenue

Ridge Avenue is a substandard street that does not exist within its originally platted right of way in this location. The proposed lots terrace away from the existing roadway to a lower, relatively level site where the previously vacated Anchor Avenue used to be. Historically, some small homes were located on this flatter site and were accessed from the now vacated Anchor Avenue (those homes no longer exist and Anchor Avenue was vacated in the 1960's). Currently very few homes use Ridge Avenue for primary access. The road is used largely as secondary access to King Road and Sampson Avenue. There is no gutter on Ridge Avenue, and the street is not built to the typical

street width of an “Old Town” roadway. It is possible that development of the subject property could require additional off-site improvements that were not originally contemplated with this application.

City Engineer, Matt Cassel, has indicated to Staff that Ridge Avenue has been identified as a substandard street and that as part of the “Old Town Improvement Study” (OTIS) as a street that needs additional improvement, Mr. Cassel has indicated that there is roughly \$600,000 allocated for improvements to Ridge Avenue, but that the proposed improvements are limited to additional widening from twelve feet (12’) to approximately fifteen feet (15’), which would allow a vehicle to pass a person walking or riding a bike on the street. There are no plans to widen the street to the typical standard of an “Old Town” city street, and that anticipated improvements were largely due to public safety measures.

It should also be noted that Ridge Avenue is not a plated Street at the location in front of the proposed lots. The applicant has proposed to dedicate only a small portion of the existing Street directly in front of the proposed lots but the remaining portions of Ridge Avenue will remain as a “prescriptive” right-of-way. Additional right-of-way to meet the requirements of the City Engineer should be included if the subdivision is allowed to move forward.

Access

As proposed in the plat amendment, each lot would have an individual driveway with direct access to Ridge Avenue. Each home is required to provide off-street parking and a minimum of a one-car garage to provide for two (2) off-street parking spaces. Previous proposals have contemplated a common driveway, but the idea was abandoned due to the fact that such a driveway would disrupt potential building sites on the flattest portion of each lot.

Process

If the proposed plat amendment is approved, prior to issuance of any building permits for these lots, the applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use Permit application will also likely be required, which is reviewed by the Planning Commission. They will also have to submit a Building Permit application. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

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.

Department Review

This project has gone through an interdepartmental review. It was noted that the Snyderville Basin Water Reclamation District (SBWRD) indicated that sewer services will be difficult at this location as there is no existing sewer lines on Ridge Avenue. The applicant has proposed sewer easements through private property to access the sewer main on Daly Avenue. SBWRD has indicated that this is not an acceptable alternative. The City Engineer noted that a master "sewer pump" up to Ridge Avenue would not be considered.

Public Input

Other than a few inquiries regarding the project, Staff has not received any written correspondence or public input at the time this report was written.

Recommendation:

Staff recommends that the Planning Commission forward a recommendation to deny the Ridge Overlook Subdivision plat amendment to the City Council based on the findings of fact and conclusions of law as found in the Draft Action Letter Denying the Ridge Overlook Subdivision Plat.

Alternatives

- The Planning Commission may deny the Ridge Overlook Subdivision plat amendment according to the findings of fact and conclusions of law in the draft denial letter; or
- The Planning Commission may approve the Ridge Overlook Subdivision plat amendment; or
- The Planning Commission may vote to continue the discussion on the Ridge Overlook Subdivision plat amendment.

Significant Impacts

There are no immediate significant fiscal impacts to the City from this application. If so construction on the site were permitted, it will require a detailed Construction Mitigation Plan in order to protect the houses on Daly Avenue below the site. Site stabilization will also be an important consideration if significant amounts of vegetation are allowed to be removed as a result of the proposed development. A geotechnical report has been previously submitted and reviewed. Each of the lots will require a Steep Slope Conditional Use Permit and Historic District Design Review prior to home design and construction if they are greater than 1000 square feet in size. There may be unforeseen future fiscal impacts to the City as a result of this application with respect to additional site stabilization, especially on the opposite side of Ridge Avenue from the proposed subdivision, as this area has historically been prone to debris and mud slides onto Ridge Avenue.

Exhibits

Exhibit A – Proposed Plat

Exhibit B – July 14, 2010 Work Session Staff Report and Attachments

Exhibit C – April 24, 2012 Planning Commission Work Session meeting minutes

Exhibit D – Theoretical Hillside Mock-Up showing basic form of buildings for Lots 4-6
Exhibit E – Minutes from the 2007 three (3) Lot Proposal

Draft Action Letter Denying the Ridge Overlook Subdivision Plat

**FINAL ACTION DENYING THE RIDGE OVERLOOK SUBDIVISION PLAT
AMENDMENT LOCATED AT 200 RIDGE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 200 Ridge 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 September 12, 2012, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on September 12, 2012, forwarded a negative recommendation to the City Council; and,

WHEREAS, on September 27, 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 deny the Ridge Overlook Subdivision.

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

SECTION 1. DENIAL. The Ridge Overlook Subdivision Plat Amendment as shown in Exhibit A is denied subject to the following Findings of Facts and Conclusions of Law:

Findings of Fact:

1. The property is located at approximately 200 Ridge Avenue in the Historic Residential-Low (HRL) Zone District.
2. The proposal includes a plat combination of all or portions of lots 75-89 and 27-32, Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to the proposed development, into six (6) platted lots of record.
3. The site was previously approved for a three (3) lot plat amendment subdivision under a different applicant and owner. The previous three (3) lot subdivision was never recorded and is void.
4. The slope of each of the proposed lots is very steep and it is questionable whether or not a home could be built on each of the six (6) proposed lots.
5. Future development of the property may require future variances to the Land Management Code due to the difficulty of development on the proposed lots.
6. Ridge Avenue currently has very few homes that use the road for primary access and is a substandard street that is extremely narrow and acts as a secondary

- access to King Road.
7. Ridge Avenue is a narrow street that is can often be covered by debris and mud during certain times of the year, namely winter and spring.
 8. Snow removal on Ridge Avenue may be difficult or delayed during winter months.
 9. The current Streets Master Plan indicates that Ridge Avenue, in the section where the proposed subdivision is located, should remain narrow, and that the Streets Master Plan designates Ridge Avenue as alternate route for streets such as Sampson Avenue, Upper Norfolk Avenue, King Road and Daly Avenue, in an event of an emergency, and that the street was not meant to carry a significant amount of traffic.
 10. Ridge Avenue is adjacent to a very steep cliff or ridge and more traffic on the road could likely lead to un-mitigated Public Safety and Welfare impacts.
 11. The current site has a significant amount of vegetation and trees, many of which are also providing stabilization of soil. The proposed density of six (6) lots would likely involve the removal of most of the existing trees and a significant amount of the existing vegetation, which could have negative impacts to those who live below the proposed project on Daly Avenue.
 12. Potential environmental impacts have not been mitigated or contemplated. It is unclear how much soil would be excavated from the side of the hill to the detriment of those living below the site, and there is no estimate as to how much vegetation would be disturbed.
 13. The proposed project does not meet the purpose of the HRL zone, especially the first purpose as listed in LMC § 15-2.1-1(A) which states: "Reduce Density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity..."
 14. The applicant did not provide a Traffic Study for the proposed subdivision, but rather is asking to rely on an existing Traffic Study from the "Upper Ridge Subdivision" proposal.
 15. Sewer service to this location may be difficult due to the fact that there are no existing sewer lines on Ridge Avenue, and that the Snyderville Basin Water Reclamation District has indicated that they will not approve a private sewer line to extend from an easement to Daly Avenue, and the fact that individual pumps will not be approved by the City Engineer.

Conclusions of Law:

1. There is no good cause for this plat amendment given that the six (6) combined proposed lots could not be supported by the existing road. Access from Ridge Avenue would be extremely difficult due to the steepness of the slope off of Ridge Avenue to the proposed lots. There are and due to issues related to traffic and environmental concerns.
2. It is unknown at this time whether sewer service can be provided to the proposed lots due to the lack of sewer infrastructure on Ridge Avenue, and due to the fact that the Snyderville Basin Water Reclamation District will not allow a private sewer lateral to service the proposed six (6) lots to be placed on a private sewer line that connects to the sewer main on Daly Avenue.

3. The plat amendment is not consistent with the Park City Land Management Code and applicable State law regarding lot combinations.

Dated this 27th day of September, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR
ATTEST:

Jan Scott, City Recorder
APPROVED AS TO FORM:

Mark Harrington, City Attorney

LEGAL DESCRIPTIONS

Parcel 1 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

Parcel 2 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

Parcel 3 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

Parcel 4 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

Parcel 5 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

Parcel 6 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

Parcel 7 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

Parcel 8 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

Parcel 9 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

Parcel 10 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

LEGAL DESCRIPTIONS

Parcel 11 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

Parcel 12 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

Parcel 13 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

Parcel 14 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

Parcel 15 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

Parcel 16 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

Parcel 17 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

Parcel 18 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

Parcel 19 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

Parcel 20 - A portion of the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, bounded on the north by the right of way of Salt Lake Blvd, on the east by the right of way of Ridge Ave, on the south by the right of way of Park City Blvd, and on the west by the right of way of Salt Lake Blvd, Salt Lake City, Utah, containing 1.27 acres, more or less, as shown on the attached plan.

RECORD OF SURVEY & TOPOGRAPHIC MAP
A PORTION OF BLOCK 75, MILLSITE RESERVATION TO PARK CITY
LYING WITHIN THE NORTHEAST QUARTER OF
SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



Planning Commission Meeting
 July 14, 2010
 Page 35

24. With 81 total spaces; the configuration will remain the same with 72 spaces dedicated to each of the 72 units and four (4) spaces for rental by the HOA, and five (45) spaces for visitors.

Conclusion of Law - 1150 Deer Valley Drive

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

Conditions of Approval - 1150 Deer Valley Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the amendment to the Record of Survey 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 amendment to the Record of Survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
5. 200 Ridge Avenue, Ridge Overlook - Plat Amendment
(Application #PL-10-00977)

Planner Kayla Sintz reviewed the application for the Ridge Overlook Subdivision at 200 Ridge Avenue. Planner Sintz explained that the proposed plat combines all or portions of Lots 75-89 and 27-32 of Block 75 of the Millsite Reservation to Park City, and the vacated half of Anchor Avenue adjacent to these lots, into six lots of record.

Planner Sintz stated that a previous application for a three lot subdivision was reviewed extensively by the Planning Commission and a positive recommendation was forwarded to the City Council for approval. The City Council approved the subdivision in 2007. That plat was never recorded and it expired.

Planner Sintz noted that numerous application have been received on this project over the years. She recalled that only Commissioners Pettit and Wintzer were on the Planning Commission during the 2007 review and approval.

Planner Sintz stated that over time changes have been made to the Historic District Design Guidelines, we well as to the historic district zones. Specific changes include the number of stories allowed, the ten foot step, changes in front facades. Planner Sintz noted that those modification would impact this approval. At a later date each home would be subject to a Steep Slope CUP review.

Planner Sintz clarified that this item was scheduled for review and to provide direction to the Staff and applicant. No action was being request this evening. Planner Sintz requested that the Planning Commission conduct a public hearing this evening. Planner Sintz handed out input she had received that day from Steve Deckert. She also extended an offer from the applicant to schedule a future site visit with the Planning Commission.

Jason Gyllenskog, representing the applicant, provide history and background on the project since the time he has been involved. In 2007 a proposal was submitted for a three lot subdivision on this same site. At the same time, there was another proposal for a project in close proximity at 255 Ridge Avenue. That was a separate proposal and this applicant was not involved in that project.

Mr. Gyllenskog stated that 255 Ridge Avenue was slightly ahead on their submittal and approval process and that particular project created a tremendous amount of turmoil. Three lots were being proposed, similar to what they had proposed, and it was apparent that the Planning Commission and the community were against developments that encouraged mini-mansions in Old Town. With that in mind, they decided that not to record the approved plat and instead re-address the project.

Mr. Gyllenskog believed the current proposal would better serve the interest of the public by building smaller houses on smaller lots. He pointed out that changes to the Land Management Code would further restrict the size of the houses. Mr. Gyllenskog stated that this proposal was more in line with the vision for Old Town.

Mr. Gyllenskog presented a power presentation and explained how they defined the HRL zone and identified the purpose and compatibility; and how they had explored the proposed plat amendment and engineering detail, the geo-tech analysis, analyzed traffic impact, and studied the visual nature of the area. He reviewed an aerial map of the area, which showed as-built Ridge and Daly Avenue above it.

Commissioner Savage asked Mr. Gyllenskog to point out the road location on the photo. Mr. Gyllenskog replied that it was right below the yellow house. He noted that the old vacated Anchor, was only a pedestrian walkway.

Mr. Gyllenskog stated that the HRL purpose and compatibility is to reduce density that is accessible by only substandard streets so the streets are not impacted beyond a reasonable carrying capacity. Their proposal provides 3206 square feet of land for street dedication and there would be a snow storage easement. He believed that would enhance the surrounding community in regards to substandard street issues, including snow storage and emergency ingress and egress to Daly Avenue.

Mr. Gyllenskog remarked that during the last proposal the Planning Commission visited the site on three occasions. The sitting Commissioners at that time liked the substandard street because it maintained the fabric and character of Old Town.

The second purpose statement is to provide an area of lower density residential use within the old portion of Park City. Mr. Gyllenskog stated that this plat amendment would reduce the current lot density from 9 full Old Town lots and 21 partial lots to a total of six lots.

Mr. Gyllenskog explained why he believed their six lot proposal was consistent with the purpose statement to preserve the character of Historic residential development in Park City. Regarding the purpose statement to encourage the preservation of historic structures, Mr. Gyllenskog stated that their project would not demolish, move, panelize or alter any historic structures.

The fifth purpose statement is to encourage construction of historically compatible structures that contribute to the character and scale of the historic district and maintain existing residential neighborhoods. Mr. Gyllenskog remarked that the six lot proposal would create an average lot size of 41093 square feet, which is compatible with the area per the Ridge Avenue study that was done by the Planning Department. With the changes to the LMC in regards to the three total levels, one being the grade change, the house sizes will be very moderate for the area.

The sixth purpose statement is to establish development review criteria for new development on steep slopes. Mr. Gyllenskog believed this proposal meets the criteria for new development on steep slopes, including a comprehensive negotiated master utility plan, a drainage plan, and access design that minimizes grading of the natural topography. It reduces the need for larger retaining walls, as well as decreasing the overall building scale. They had previously explored accessing off of a private road, which entailed more retaining. The consensus at that time was that if they could access off the top road they could create a streetscape and minimize the amount of excavation.

Mr. Gyllenskog presented a cross section of the proposed building and a picture showing the existing grade. Planner Sintz pointed out that page 195 of the Staff report contained the drawing Mr. Gyllenskog had referenced.

The last purpose statement is to define development parameters that are consistent with the General Plan policies for the historic core. Mr. Gyllenskog stated that this plat amendment would define the parameters of development for this area. He pointed out that the existing lot configurations are not in line with the HRL. The proposed lots would meet all HRL requirements and help restore the fabric of Old Town and provide a streetscape of single family homes in an area that is saturated with multi-unit structures.

Mr. Gyllenskog presented the Cannon Engineering concept plan containing details of the utility and drainage plan for the site. He noted that the site has a sewer line that already runs up to the site, as well as storm drainage that goes into Daly. The proposal is to continue that up into as built Ridge and the private sewer line would become a public sewer line.

Mr. Gyllenskog remarked that King Ridge Estates had done a traffic study on the same area and that traffic study was included in this proposal. The study concluded that six single family houses

would create 29 new trips daily, which is still less than other substandard streets in the area. Mr. Gyllenskog pointed out that the site is not visible from any of the key vantage points in the LMC, however, the site can be seen across the canyon from Ontario, the top of Marsac and Prospector Avenue. There are existing houses above and below their proposal.

Mr. Gyllenskog stated that the community benefits from this project would be a safer road, improved fire protection for the houses below and above, additional snow storage, additional parking, extended sewer lines, and stabilizing the hillside. He believed that rebuilding the area with the houses proposed would help restore the fabric of Old Town.

Commissioner Strachan referred to the aerial view on page 195 of the Staff report and asked if the cross hatch portion was the private driveway. Mr. Gyllenskog stated that the private driveway was a road that had been cut in at some point. He noted that the current proposal abandons the private driveway all together.

Chair Wintzer clarified that the cross hatched portion was the sewer easement. He explained that the private driveway was proposed three years ago and it was rejected. The road is now the backyard of the lots.

Commissioner Peek asked if the drawing on page 194 of the Staff report was the previously approved site plan. Planner Sintz explained that the site plan on page 193 was the plan that was approved but never recorded, and it had expired. Chair Wintzer pointed out that the site plan on page 194 had the private driveway option, but that plan was not approved. The approved plan removed the road from the back and put the entrances in the front.

Commissioner Pettit stated that with the plat amendment approval the Planning Commission also limited the footprints for each of the lots. Lot 1 had a footprint limitation of 2200 square feet; lot 2 was limited to 1,768 square feet; and lot 3 was limited to 1,640 square feet. She felt this was important because it puts in context the proposal and the proposed footprints.

Commissioner Hontz requested minutes from all previous meetings, so those who were not on the Planning Commission at that time could understand the discussion and how the reduced footprints were determined. Planner Sintz stated that she had not included minutes from the very first meeting, but most of the minutes were in the Staff report. She offered to include everything for the next meeting.

Mr. Gyllenskog did not believe the footprints on Lots 1 and 2 had been restricted beyond what was allowed by the LMC. Chair Wintzer recalled that every lot was restricted. Mr. Gyllenskog clarified that the third lot ended up being 12,000 square feet and that lot was restricted. The other two were per the LMC.

Chair Wintzer stated that the decision the Planning Commission makes on this proposal would guide future development of Park City. He thought the question was whether they wanted three large houses or six small houses on this property. Due to the steepness of the hillside, Chair Wintzer was concerned about creating unbuildable lots where an owner could come back for a

hardship or a variance. He requested that the applicant provide a block drawing for every lot to demonstrate that a house could fit on each lot under the new Code restrictions.

Commissioner Hontz requested a visual that shows the platted road, the actual road, platted lots and a topo on a separate drawing. She did not think the materials provided helped them fully understand the area in context with the project. In addition, 147 Ridge Avenue was recently completed and she wanted to know the location of the retaining walls in relation to the existing right-of-way. Commissioner Hontz felt it was fortunate that 255 Ridge Avenue had not been built because they now have an opportunity to look at the area from a global perspective of what could occur in the neighborhood. She thought it was important for the Planning Commission to discuss whether Ridge Avenue should remain a substandard quaint historic street, or if it should be a wider, faster road.

Commissioner Hontz stated that when the road was dirt and nearly undrivable for six to eight months, there was very little traffic and people drove extremely slow. It now has a slick new surface and the traffic has increase significantly, as well as the speeds. This was an important issue to consider when they look at how these houses would fit on the property. Commissioner Hontz concurred with Chair Wintzer's request to see cross sections for each of the lots. In her opinion, she believed they would end up with two or three larger houses versus six big houses, based on the house size that could still be built on those lots. She was not convinced that six houses would provide any benefit to offset the traffic impacts.

Chair Wintzer asked Commissioner Hontz how she thought six lots versus three lots works into the streets master plan. Commissioner Hontz replied that the master plan advocates that the pavement be slightly widened, but not to the full right-of-way of 50 or 60 feet. She was interested in seeing the right-of-way because it would take up several lots. She pointed out that if this was not explored at 147 Ridge and the rock walls were placed in the right-of-way, they may need to be moved.

Commissioner Pettit referred to language in the streets master plan for Old Town and the recognition that Old Town is ripe with substandard streets. She read from the streets master plan, "Roadways which are severely substandard pose real life and safety hazards, which should receive top priority. The most pressing problems exist in the old part of town. It may be appropriate in the most critical areas to prohibit additional development until roadway improvements are assured". Commissioner Pettit stated that this property is in the HRL District which abuts the HR1 District. An issue raised in the Staff report is that one of the effects of how they build out in the HRL is that while they may end up with a larger footprint and larger homes, they also end up with more open spaces.

Commissioner Pettit stressed the importance of maintaining open space in this area and along this road for snow storage. It is absolutely critical that the road continue to be passable in the winter because of the necessity for ingress and egress on to Daly Avenue as an alternative for health, safety and welfare.

Commissioner Pettit outlined crucial issues that need to be addressed. This is a sensitive area and at this point she could not endorse a six lot subdivision.

Commissioner Peek stated that in looking down the hill at Ridge, he was concerned with the geotechnical aspects of burdening the hillside with construction that may or may not be correctly designed. Commissioner Peek noted that the majority of houses below had substandard or no structural design elements that would keep them from being pushed down the hillside. Commissioner Peek believed a higher standard was warranted for this site.

Commissioner Luskin echoed the comments from his fellow Commissioners. He commented on the steepness of the terrain and believed that building on this site would have many complications. He visited the site and noticed that the road was paved. Even with that improvement, as he came around the corner, one car was stopped in the middle of the road. He agreed with Commissioner Hontz that widening the road to 25 feet would cut into the platted lots. Commissioner Luskin advocated smaller homes to preserve the fabric of Old Town, but he was very concerned that they would not be gaining anything by doubling the number of lots for building. He felt this was a particularly sensitive area with a lot of complexities. Before the Planning Commission could come to any conclusion, much more detailed information would need to be explored. Commissioner Luskin was not convinced that this proposal was appropriate for the area and would fit within the guidelines.

Commissioner Strachan commented on an issue that was raised with the Alice Lode claim regarding development on very steep slopes. Director Eddington clarified that it only pertains to development in the Sensitive Lands Overlay. Commissioner Strachan stated that the reason development is prohibited on very steep slopes in the SLO areas is because it is too environmentally impactful. Removing significant excavation, moving dirt and retaining so much land with walls is not allowed in the SLO zone. He believed the developer would encounter these same problems with this project. Commissioner Strachan stated that moving forward, he would be looking closely at the geo-tech reports. He recognized that at this point they are looking at the big picture issues and the Planning Commission needs to decide whether the project would be 3, 4, 5 or 6 units. Commissioner Strachan believed the street would be a determining factor and it may come down to the number of votes for or against widening the street.

Mr. Gyllenskog clarified that the previous proposal proposed widened the street. Due to Planning Commission feedback at that time, it was removed from this proposal. He welcomed any feedback the Planning Commission could provide and offered to meet with the Commissioners for a site visit.

Chair Wintzer thought a site visit was warranted. He suggested that they stake the three lots that were approved in one color and the six proposed lots in a different color. On the site visit, he would like to see the property lines in relationship to the road easement. Chair Wintzer also requested sections through the property.

Commissioner Peek wanted to see Daly Avenue houses with addresses placed on the drawing so they can be on Daly and know where they are in relation to the project. Commissioner Hontz summarized that the drawings should show the platted road, the platted lot, the actual road, the right-of-way and existing house addresses. Chair Wintzer remarked that putting everything on an aerial photograph would be helpful for the site visit.

Commissioner Savage referred to the site map that was presenting, showing where the road goes across and the approximate location of the six proposed homes. In addition to the aerial perspective, he felt the site map would also give them a better idea of the mass and size of the homes. Commissioner Savage suggested that if this was originally approved with three lot, many of the slope and geo-technical issues must have been resolved or seen as resolvable problems. He noted that because the approval expired the issues are back on the table, but they should be trackable. In his opinion, a larger concern is how this project fits in with the greater scheme of the area. He felt that Steve Deckert had made valid points in his letter and the Planning Commission needs to work together and try to constructively resolve some of these issues in conjunction with the approval process.

Mr. Gyllenskog reported that next month he planned to submit another proposal for 8 lots on a parcel above existing Ridge. That project would complete build out of the area, with the exception of Alice Lode.

Commissioner Hontz stated that a construction mitigation plan would be imperative and heavily scrutinized by the Planning Commission. She noted that the project at 147 Ridge used public and private property for staging, but this project may not have that ability.

Commissioner Pettit stated that construction at 147 Ridge resulted in a number of road closures over a period of time, which were very problematic. She reiterated the importance of the road from a health, safety and welfare perspective and stressed the need to seriously look at what might occur in that entire area. Commissioner Peek pointed out that Daly Avenue is an alternate egress route for Empire Pass.

Planner Sintz stated that she would put together all the requested information and schedule a site visit. Mr. Gyllenskog clarified that this project and the one he mentioned were two separate entities with no common ownership. He did not want one to hinge on the approval of the other, but he felt it was beneficial to have a more holistic view of development in the area.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Peek moved to CONTINUE the Ridge Overlook Subdivision plat amendment to August 25, 2010. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Savage asked requested a global overview of what could occur in that area prior to the August 25th meeting. Planner Sintz offered to provide a Staff update of possible buildout. Commissioner Pettit recalled that some of that research has already been done. Director Eddington stated that the Staff was currently working on a GIS aerial and analysis for the two projects on Ridge Avenue relative to Alice Claim.

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
APRIL 25, 2012**

PRESENT: Charlie Wintzer, Brooke Hontz, Julia Pettit, Mick Savage, Adam Strachan, Jack Thomas, Nann Worel, Thomas Eddington, Matt Evans, Mark Harrington

WORK SESSION ITEMS

200 Ridge Avenue – Plat Amendment

Planner Matt Evans reviewed the application for the 200 Ridge Overlook Subdivision. He noted that the background section of the Staff report contained a detailed summary of the minutes from the September 22, 2012 Planning Commission meeting. He also handed out summary notes from 2007 that were not included in the Staff report.

Planner Evans reported that the Planning Commission has reviewed this application at previous meetings. The Staff report contained an analysis of each lot. Planner Evans noted that the Staff report outlined issues for discussion that were concerns for the Planning Commission during the last review in September 2010.

Planner Evans stated that the applicant would like to move forward with the last proposal for six lots on Ridge Avenue. He pointed out that the issue over widening the street needs to be addressed with the City Engineer because he has concerns regarding that street. Planner Evans requested that the Planning Commission discuss how Ridge Avenue would function. He understood that past sentiment by the Planning Commission was to keep the street narrow. The City Engineer had not provided official input; however, based on his comments, Planner Evans did not believe the City Engineer shared their sentiment. It was noted that the City Engineer was not in attendance this evening.

Commissioner Strachan referred to the Analysis section of the Staff report and asked for clarification of Subparagraph F, which read, “Establish Development review criteria for new Development on Steep Slopes. He recalled that subparagraph F in the Management Code talks about mitigating the impacts on the mass and on the environment. Commissioner Strachan questioned whether it was a typo in the Staff report.

City Attorney Harrington remarked that the language in the Staff report was not a typo, but it was incomplete. An additional phrase states, “...which mitigate impacts of mass and scale and environment”.

Jason Gyllenskog, representing the applicant, was available to answer questions.

Chair Wintzer stated that he had visited the site again today. Whether it is three lots or six lots, he needed to be convinced that a house could be built that meets the Code and has access on to the street, before he would be willing to create a lot that could potentially be a substandard lot that would allow someone to come back with a hardship.

Mr. Gyllenskog stated that since the last meeting, Gus Sherry with Cannon Engineering put a box of a house on each of the six lots proposed. He had submitted cross sections showing the lots and

box houses to show that it would meet the new LMC changes. Planner Evans stated that the cross sections were not included in the Staff report because he had inadvertently provided the wrong attachment. Planner Evans had seen the visual analysis Mr. Gyllenskog talked about and it was just boxes without any articulation or design.

Commissioner Hontz remarked that the purpose of the entire Land Management Code includes “to enforce and promote public health, safety and welfare”. The only reason Ridge Avenue is currently a viable street is because there are no structures and no homes use that road for primary access. Commissioner Hontz stated that Ridge Avenue cannot support the number of vehicle trips per day that six lots would generate. The point of the HRL District is to reduce density that is accessible only by substandard streets so the streets are not impacted beyond their reasonable carrying capacity. Commissioner Hontz remarked that regardless of the City Engineer’s comments to Staff, the current Streets Master Plan indicates that this particular street, in this section, should remain narrow. She questioned why the City would go through the process of trying to acquire a right-of-way for a development for other people to build on. That was referenced in the Streets Master Plan, which has worked since 1984. In addition, the Streets Master Plan says that Ridge Avenue can be used as an alternate route for streets such as Sampson, Upper Norfolk, King and Daly in an event of an emergency, but it is not meant to carry a significant amount of traffic.

Commissioner Hontz noted that the minutes from previous meetings indicate the number of times that the Planning Commission has said no to this proposal. She previously questioned whether the three lots that were approved were supportable by the existing width and condition of Ridge Avenue. Commissioner Hontz stated that the HRL requires the protection of significant vegetation. This particular site has amazing Cottonwood trees that in 2007 Steve Deckert identified as being important to save.

Commissioner Pettit disclosed that she lives on Daly Avenue and has very good insight as to how Ridge Avenue is utilized year-round. From her personal observation, she completely agreed with Commissioner Hontz. Adding one additional home on that road would have a major impact on traffic flow, particularly in an emergency situation. Based on the Code requirements and the role and responsibility of the Planning Commission, she could never support six homes on that road. She was part of the original approval process and she felt that approving three lots was pushing it. In spite of their past comments, they continue to see them same thing. From her perspective the answer was still no for all the reasons stated.

Mr. Gyllenskog agreed that this was the second work session, but he could not recall ever being told no. The six lot application has only been reviewed at a regular meeting twice. A positive recommendation was forwarded to the City Council for six lots once, and another time for three lots. Mr. Gyllenskog pointed out that those were the only two times this application was addressed outside of work session.

Commissioner Pettit agreed that the Planning Commission has not said no through a formal vote, but their sentiment that six lots were too many was made clear in their comments at the last meeting.

Mr. Gyllenskog stated that they heard that sentiment and based on their comments they tried to

address some of their issues and concerns. One was whether they could build on that flat area, and the answer is yes. Could they build to meet Code, the answer is yes. Mr. Gyllenskog noted that they have to live by the LMC and HRL defines the size. Per the LMC, six lots are allowed. Mr. Gyllenskog stated that currently there are 21 full and partial lots, so they are definitely reducing density.

Commissioner Pettit stated that six lots may be a reduction, but it was not enough, and that is within their purview. She clarified that the Planning Commission also has the ability under the LMC to reduce lot size and house size for compatibility with other structures in the HRL and the HR1 District. At this level the Planning Commission has the ability to match up the property owner's expectation with their responsibility under the Land Management Code. This process was an effort to find common ground.

Commissioner Thomas remarked that that three lots were better than six lots for all the reasons and impacts stated.

Commissioner Strachan could see nothing different today from what they saw in September of 2010. The concerns he had with Sections A and F as referenced in the minutes, particularly regarding mitigating impacts of size, mass, and the environment had not been mitigated. Until the applicant could show that a significant amount of dirt would not be excavated from the side of the hill and that the vegetation would not be disturbed, they were in the same place they were in 2010.

Mr. Gyllenskog thought it was unfortunate that the Planning Commission did not have the cross sections that were prepared by Cannon Engineering. As a builder he was certain that there would be significantly less excavation on these sites by building on the flat section than there would be if he built on a completely flat lot and excavated for a basement. As proposed, building would start at ground level in the flat section and go up. Commissioner Strachan recalled that at the last meeting he requested estimates of cubic yards of dirt that would be excavated, and comparing it to slopes that are different angles and not as steep. Mr. Gyllenskog stated that he could provide those numbers easily and show the comparison between building on the flat portions versus building on a flat lot and digging out a basement. Commissioner Strachan replied that until he had that information his position was the same as two years.

Commissioner Savage stated that since he was not present for the 2010 discussions he did not have the same history as his fellow Commissioners. He understood that at one point there was a 6 lot proposal that was converted to 3 lots; and the applicant was now trying to go back to six lots. Commissioner Savage felt the question was what the LMC dictates as it relates to the property rights associated with those particular parcels. He was respectful of all the comments made by the other Commissioners regarding impacts and how they can be mitigated; however, he thought the applicant's proposal falls within the purview of what should be allowed on that site based on his current understanding.

In terms of the life safety issues, Chair Wintzer thought there was a big difference between six cars backing out of a driveway onto a substandard road versus three cars backing out. He believed that was the crux of what the majority of Commissioners were saying. Six lots create greater impacts and make the road even more substandard.

Commissioner Pettit point out that it would only take one car or one delivery truck parked on the road to make Ridge Avenue impassable under its current condition. Mr. Gyllenskog agreed that Ridge Avenue is a substandard road, which is why the HRL designation is the over zone of that. However, the same situation occurs on Ontario, Prospector and other areas that are zoned HRL, and those streets have significantly more houses than Ridge Avenue. Chair Wintzer did not believe any of the streets Mr. Gyllenskog mentioned were as narrow or as dangerous as Ridge Avenue. Mr. Gyllenskog replied that the roads were compared in their first proposal and the other streets have sections that are just as narrow.

Chair Wintzer remarked that Ridge Road is two feet away from a cliff on a narrow road; and that creates a different image in your mind that a narrow road on a flat surface. For that reason alone he felt Ridge Avenue was more substandard and dangerous than any other street.

Commissioner Hontz stated that in her opinion this proposal was not a reduction in density from 21 lots. She pointed out that that many of the lots are 8' x 2' and others are 20' x 40' and those parcels are not buildable. They would have to be combined in order to create a buildable lot. Commissioner Hontz remarked that if you add up all that area, as well as vacated Anchor Avenue and the space that includes the platted right of way for Ridge, it brings it up to a certain amount of space that could be converted and made into HRL. She outlined the formula she used to come to that conclusion.

Mr. Gyllenskog asked if Commissioner Hontz was saying that those were not real lots as recorded. Commissioner Hontz replied that they were platted lots of record. Under the HRL, they were undevelopable as individual platted lots of record. Mr. Gyllenskog stated that a certain portion of those lots would be buildable with a variance. Commissioner Hontz welcomed a variance application.

Director Eddington believed the applicant had sufficient direction to move forward. Mr. Gyllenskog requested that the Planning Commission be given the information prepared by Cannon Engineering so they could see that the lots are buildable. He understood that the Planning Commission did not support six lots; however, he needed to pass on that information to his investment partner since he was the ultimate decision maker. He would either come back with a different proposal or request a vote on six lots.

Commissioner Savage asked who would be the arbiter on matters of public safety, health and welfare concerns. If it was previously decided that Ridge Avenue was safe enough for three lots, he wanted to know who determines if it becomes unsafe with four lots. City Attorney Harrington stated that the determination is made through planning decisions that the Planning Commission is charged with making, and that determination could be passed along with their recommendation. He noted that the decision has to be based on recorded evidence and not just speculation; however, evidence can also be personal observation and experience, as well as information provided by the Staff or the applicant. The Planning Commission has to weigh those various aspects to balance out their decision.

Commissioner Savage encouraged the applicant to take that into consideration as they move towards the next step.

Work Session Notes
April 25, 2012
Page 5

The work session was adjourned.

EXHIBIT E

PLAT AMENDMENT - SUB NO. 1 MILLSITE RESERVATION RIDGE OVERLOOK

LOCATED IN SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN

PLAT NOTES

1. ALL LOTS SHOWN ON THIS CERTIFICATE ARE SHOWN AS UNRESERVED. ANY LOT OR PORTION OF A LOT IS RESERVED BY THE PLAT AMENDMENT. THE PLAT AMENDMENT SHALL BE RECORDED WITH THIS CERTIFICATE. THE PLAT AMENDMENT SHALL BE RECORDED WITH THIS CERTIFICATE. THE PLAT AMENDMENT SHALL BE RECORDED WITH THIS CERTIFICATE.

2. THE PLAT AMENDMENT SHALL BE RECORDED WITH THIS CERTIFICATE. THE PLAT AMENDMENT SHALL BE RECORDED WITH THIS CERTIFICATE. THE PLAT AMENDMENT SHALL BE RECORDED WITH THIS CERTIFICATE.

3. THE PLAT AMENDMENT SHALL BE RECORDED WITH THIS CERTIFICATE. THE PLAT AMENDMENT SHALL BE RECORDED WITH THIS CERTIFICATE. THE PLAT AMENDMENT SHALL BE RECORDED WITH THIS CERTIFICATE.

OWNERS DEDICATION

DATE: _____ DAY OF _____ A.D. 20____

BY: _____

ACKNOWLEDGEMENT

DATE: _____ DAY OF _____ A.D. 20____

PERSONALLY APPEARED BEFORE ME THIS _____ DAY OF _____ A.D. 20____

WHO ACKNOWLEDGED TO ME THAT HE/ SHE/ THEY EXECUTED THE ABOVE OWNERS DEDICATION OF _____

RESIDING IN _____ COUNTY, UTAH

CONSENT TO RECORD

DATE: _____ DAY OF _____ A.D. 20____

BY: _____

PERSONALLY APPEARED BEFORE ME THIS _____ DAY OF _____ A.D. 20____

WHO ACKNOWLEDGED TO ME THAT HE/ SHE/ THEY EXECUTED THE ABOVE OWNERS DEDICATION OF _____

RESIDING IN _____ COUNTY, UTAH

QUESTAR GAS

QUESTAR GAS HAS REVIEWED THIS PLAT AND HAS NO OBJECTION TO THE PLAT BEING RECORDED. QUESTAR GAS HAS REVIEWED THIS PLAT AND HAS NO OBJECTION TO THE PLAT BEING RECORDED. QUESTAR GAS HAS REVIEWED THIS PLAT AND HAS NO OBJECTION TO THE PLAT BEING RECORDED.

DATE: _____ DAY OF _____ A.D. 20____

BY: _____

SURVEYORS CERTIFICATE

DATE: _____

BOUNDARY DESCRIPTION

DATE: _____

→ NORTH

HORIZONTAL SCALE

<p>ENGINEERS CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH REGULATION ON FILE IN MY OFFICE.</p> <p>THIS _____ DAY OF _____ A.D. 20____</p> <p>BY: _____</p> <p>PARK CITY PLANNING COMMISSION</p> <p>APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION.</p> <p>THIS _____ DAY OF _____ A.D. 20____</p> <p>BY: _____</p> <p>PARK CITY PLANNING COMMISSION CHAIR</p>	<p>PARK CITY FIRE SERVICE DISTRICT</p> <p>APPROVED AND ACCEPTED:</p> <p>THIS _____ DAY OF _____ A.D. 20____</p> <p>BY: _____</p> <p>PARK CITY FIRE SERVICE DISTRICT</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS:</p> <p>THIS _____ DAY OF _____ A.D. 20____</p> <p>BY: _____</p> <p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p>	<p>ROCKY MOUNTAIN POWER</p> <p>APPROVED AND ACCEPTED:</p> <p>THIS _____ DAY OF _____ A.D. 20____</p> <p>BY: _____</p> <p>ROCKY MOUNTAIN POWER</p>
<p>PARK CITY PLANNING COMMISSION</p> <p>APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION.</p> <p>THIS _____ DAY OF _____ A.D. 20____</p> <p>BY: _____</p> <p>PARK CITY PLANNING COMMISSION CHAIR</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS PLAT WAS APPROVED IN PARK CITY OFFICES.</p> <p>THIS _____ DAY OF _____ A.D. 20____</p> <p>BY: _____</p> <p>PARK CITY RECORDER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS _____ DAY</p> <p>OF _____ A.D. 20____</p> <p>BY: _____</p> <p>CITY ATTORNEY</p>	<p>COUNTY RECORDER</p> <p>STATE OF UTAH COUNTY OF ALBANY</p> <p>RECORDED AND FILED BY THE COUNTY OF _____</p> <p>DATE: _____ TIME: _____</p> <p>COUNTY NO. _____ FILE NO. _____</p> <p>COUNTY RECORDER</p>

6. 200 Ridge Avenue - Plat Amendment

Planner Robinson announced that the public hearing that was opened in September 26 would be continued this evening.

Planner Robinson reviewed the proposal to combine a number of Old Town lots, some bisected by Ridge Avenue, into three lots of record. During a previous discussion, the Planning Commission requested that the public utility and driveway easement on the east side of each of these three lots be shown on the plat. Each lot would be accessed from that private driveway. Planner Robinson noted that the driveway would necessitate a retaining wall up to 13 feet high on the east property line. The Planning Commission concurred that it was better to have the access come directly off of Ridge Avenue, not precluding the possibility for Lot 1 to have the access proposed.

Planner Robinson remarked that in earlier discussions, the Planning Commission discussed lot sizes and footprints and limiting the size of the footprint for Lot 1. That footprint restriction was a maximum of 2,000 square feet, based on the Staff analysis of the HR-L District within the noticing area.

Planner Robinson stated that another discussion point was limiting the total square footage on the above ground floor area to 143% of the footprint for each of the three lots. Planner Robinson noted that a condition of approval was added which sets the minimum setback for a garage coming off of Ridge Avenue. The only height exception would be for that garage. Due to the steepness from Ridge Avenue, the height would undoubtedly be above the 27 feet requirement of the HRL zone.

The Staff report included an ordinance with findings of fact, conclusions of law, and conditions of approval for a positive recommendation to the City Council, following a public hearing and any further discussion.

Commissioner Wintzer wanted to know at what point they would calculate the existing grade. Planner Robinson explained that Anchor Avenue, which used to be the access to the smaller historic houses, is at the eastern property line. He believed that would be within the setback and the utility easement that runs across the eastern side. Planner Robinson stated that they would look at the current existing grade.

Chair O'Hara opened the public hearing.

There was no comment.

Chair O'Hara closed the public hearing.

Jason Gyllenskog, representing the applicant, addressed the limitations for Lot 1, as outlined in the Staff report. Mr. Gyllenskog felt that 2,000 square feet was significantly more restrictive than what was imposed on anyone else in this area with an equivalent lot size. When he originally met with Staff they had talked about 2200 square feet and at the time he felt that size was restrictive. Mr. Gyllenskog stated that the closest parcel is 55 King, which is 11,963 feet,

and that footprint is 3,000 square feet. He requested that the size be increased to a moderate 2200 square feet.

Planner Robinson stated that on the 255 Ridge Avenue plat amendment, those three lots were smaller than the largest lot proposed for 200 Ridge Avenue, and the City Council looked at having a restriction of 2120 square feet on an 11,000 square foot lot.

Commissioner Pettit remarked that the Ridge Avenue study shows the average footprint at 1917 square feet. The median was 1830 square feet. Commissioner Pettit stated that she was personally comfortable with keeping the 2,000 square feet footprint because it fits with the average.

Commissioner Wintzer recalled that preserving the trees was one reason for eliminating the retaining wall. He requested that the applicant show where those trees are and how they worked around them when they come back for the steep slope analysis.

Commissioner Russack asked for clarification on what the City Council applied to 255 Ridge Avenue and the ratios. Planner Robinson explained that there were three lots at 255 Ridge. Lot 1 was a larger lot and in looking at the study, the City Council felt the potential footprint was not compatible with what was found in the study area. Lots 2 and 3 were within the range as far as size and the footprint for those lots were 2117 and 2118 square feet. Planner Robinson remarked that those footprints were similar to the Anchor Development subdivision immediately to the north. The City Council restricted the footprint on Lot 1 to be the same size as Lots 2 and 3. He noted that there are fairly large houses to the north that come in off of King Road and then the houses step back down in scale with 200 Ridge Avenue.

Commissioner Pettit noted that the Daly study had the average footprint at 1535 square feet and the median at 1433 square feet. She reiterated her comfort level with 200 square feet.

Commissioner Thomas noted that the Planning Commission would have the opportunity to look at the plan and how it all fits on the lot during the Steep Slope CUP review. He preferred to give a larger footprint to work with to allow a more site specific design. Commissioner Thomas felt that 2200 square feet could lend itself to a better solution.

Planner Robinson stated that the Planning Commission has always been diligent in looking at the steep slope conditional use applications and how the building mass and form work for the individual project, as well as in context with the neighborhood.

Commissioner Wintzer stated that if the footprint is restricted, he would agree with Commissioner Thomas because the biggest mass would be at the bottom of the building. Less mass at the top could result in less impact on the overall site.

MOTION: Commissioner Barth moved to forward a POSITIVE recommendation to the City Council for the Subdivision No. 1 Millsite Reservation, aka Ridge Overlook, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the Staff report, with the modification to Condition of Approval #8, to read, "A plat note will be added to restrict

Lot 1 to a maximum footprint of 2200 square feet.” The remainder of the condition would remain the same. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - No. 1 Millsite Reservation

1. The property is located at 200 Ridge Avenue.
2. The zoning is Historic Residential Low density (HRL).
3. The proposed plat combines all or portions of Lots 75-89 and 27-32, Block 75 of the Millsite Reservation to Park city, and the vacated half of Anchor Avenue adjacent to these lots into three lots of record and a parcel dedicated to Park City.
4. The three lots will be 13,413 square feet, 4,570 square feet, and 4,140 square feet in size. The lot sizes are consistent with lot sizes in the neighboring HRL zone.
5. Existing Ridge Avenue crosses the property and will be dedicated as a public right-of-way to the City in the subdivision as Parcel A. Parcel A will be 6,242 square feet, and 1,640 square feet based on proposed lot sizes.
6. Code maximum footprints for the proposed lots are 3,156 square feet, 1,768 square feet, and 1,640 square feet based on proposed lot sizes.
7. The average lot size in the HRL zone in the area is 5,677 square feet. The average footprint in the HRL and HR-1 zones around the property is 1,917 square feet with an aver house size, excluding basements and garages, 2,748 square feet.
8. The lot 1 footprint at 3,156 square feet is not compatible with neighboring properties because the footprint is 65% larger than the average for the area.
9. Built house sizes in the HRL zoning district around the subject property have an average A.
10. The lots have slopes greater than 30% and a Steep Slope Conditional Use Permit will be required for each of the proposed homes.
11. All homes within the HRL zoning district require Historic District Design Review.
12. A 25-foot public utilities easement is proposed on the eastern property line of the three lots. No house construction can encroach into the easement.
13. The applicant stipulates to the Findings, Conclusions, and Conditions.

Conclusions of Law - No.1 Millsite Reservation

1. There is good cause for this plat amendment because, as conditioned, all or portions of 22 lots will be combined to create three lots of record and a parcel consisting of a portion of Ridge Avenue will be dedicated to the public.
2. The plat amendment, as conditioned, is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public interest 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 - No. 1 Millsite Reservation

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. A final utility plan is required to be approved by the City Engineer prior to plat recordation.
4. A financial security for public improvements, in an amount approved by the City Engineer and in a form approved by the City Attorney, is required prior to plat recordation.
5. A snow shed easement or roof design acceptable to the Chief Building Official will be required at the time of a Steep Slope CUP.
6. A note will be added to the plat that requires the installation of Modified 13-D sprinklers in each house.
7. Construction mitigation plan, which will include controlling loose rocks, must be approved prior to granting building permits.
8. A plat note will be added to restrict the Lot 1 to a maximum footprint of 2200 square feet. Lots 2 and 3 maximum footprints are to be limited to 1,768 and 1,640 square feet.
9. A plat note will limit the maximum house Floor Area, as defined by the Land Management Code, to approximately 143% of the maximum footprint area. The maximum floor area will be as follows: Lot 1: 3,146 square feet; Lot 2: 2,528 square feet; Lot 3: 2,345 square feet.
10. The garage element must be at the front setback, cannot exceed the minimum depth as allowed by Code, and must have an appropriate pitched roof (8:12 or greater). A height exception for the garage only may be granted if it meets the preceding criteria.
11. No other portion of the house is eligible for a height exception.
12. Except for condition of Approval #10, nothing herein limits the scope of review by the Planning Commission during their review of a Steep Slope Conditional Use Permit.
13. Driveways into the garages whose elevation is above the Ridge Avenue grade cannot exceed 1/4 inch per foot, the minimum slope necessary for drainage away from the garages.
14. The Public Utility Easement shall not be used as driveway access to the lots unless specifically approved by the Planning Commission during Steep Slope Conditional Use Permit review. Otherwise, driveways shall access Ridge Avenue from the western property lines of each lot.

7. 1215 Norfolk Avenue - Plat Amendment

Chair O'Hara opened the public hearing.

There was no comment.

Chair O'Hara closed the public hearing.

Planning Commission Staff Report



Planning Department

Subject: Land Management Code
Amendments
Author: Kirsten Whetstone, AICP
Date: September 12, 2012
Type of Item: Legislative

Summary Recommendations

Staff recommends the Commission conduct a public hearing, review and discuss the proposed LMC amendments as outlined in this staff report, and continue the item to the September 26th, 2012 meeting where Staff will combine amendments that result from the work session and prepare a staff recommendation to City Council for the Commission's consideration.

Topic

Project Name: LMC Amendments – annual update
Applicant: Planning Department
Proposal: Various revisions to the Land Management Code (LMC)

Proposal

Staff has prepared the following amendments as part of the annual review of the Park City Land Management Code. Additional amendments are being prepared for the October 10th meeting:

- Chapter One- General Provisions and Procedures
 - review process for Historic District Design Review applications and Administrative CUP
 - revisions to appeals processes
 - revisions to notice matrix
- Chapter Two- Zoning Districts
 - roof pitch in the Historic Residential zones
 - streamlined review of plans
- Chapter Three- Off-Street Parking
 - require building permits for impervious flat work, e.g. driveways and parking pads in all zoning districts
- Chapter Four- Supplemental Regulations
 - require building permits for fences and walls in the Historic Districts.
- Chapter Five- Architectural Review
 - streamlined review of plans
 - require building permits for patios and other impervious surface improvements in all zoning districts
- Chapter Six- Master Planned Developments
 - Master Planned Developments in the Historic Districts
- Chapter Seven- Subdivisions
 - revisions to application and appeals process
- Chapter Ten- Board of Adjustment

- removal of Special Exceptions
 - revisions to appeals process
- Chapter Eleven- Historic Preservation
 - review and appeals process for Historic District Design Review applications
- Chapter Fifteen- Definitions
 - definitions for Impervious, Green Roof, and Zero Net Energy Building

Background

The Planning Department, on an annual or bi-annual basis, reviews the LMC to address planning and zoning issues that have come up in the past year. These amendments provide clarification and streamlining of processes, procedures, and definitions and provide consistency of code application between Chapters as well as consistency with the General Plan, Council Goals, Utah Code, and the Historic District Design Guidelines. These proposed revisions are further described below and redlined in Exhibits A- J). The Staff report handed out at the August 22nd meeting is attached as Exhibit K for your reference.

Analysis and Revisions to August 22nd report

After Staff distributed the LMC Amendments report and LMC redlines at the August 22nd meeting, for initial review by the Commission, staff made some minor additional amendments and revisions. Staff also provides the following additional analysis and explanation of the proposed LMC Amendments:

1. Amendments to the LMC clarifying that our process for Historic District Design Review, and administrative Conditional Use permits (Outdoor dining, Outdoor Uses, Outdoor Display of Goods, Special Events, etc.) is initially an informal streamlined review. If the initial review by Planning Staff is contested, the application will be formally considered by a land use authority: the Planning Commission in the case of Administrative Conditional Use Permits and the Historic Preservation Board in the case of Historic District Design Review Applications (HDDRs). The land use authority decision will be appealable to a separate appeal authority: the City Council for Administrative Conditional Use Permits and the Board of Adjustment for HDDRs. The clarification of that process will match in nomenclature as well as intent Utah Code Section 10-9a-302(5) which explicitly permit such a process. (Exhibits A, B, G, H and I)
2. Amendments to Chapter 11 reflect that pre-application conferences are strongly recommended as opposed to being mandatory. Staff also proposes amendments to Chapter 11 to remove encroachment as one of the criteria for permitting relocation and/or reorientation. Also proposed, are amendments to the process for determining if the criteria for unique conditions are met for permitting relocation and/or reorientation and reconstruction. (See Exhibit I)
3. Clarification of exceptions to roof pitch requirements in the Historic District to be consistent with the criteria outlined in the Historic District Design Guidelines.

Currently the Design Guidelines include language, specifically for new construction, regarding roof pitches that are “consistent with the style of architecture chosen for the structure and with the surrounding Historic Sites.” The current LMC language limits the pitch of the primary roof to between 7:12 and 12:12, with exceptions for green roofs. Staff believes that this requirement should remain, however exceptions should be allowed if consistent with the chosen architecture. The exception language is only to roof pitch and not to roof height. This allows for roof pitches that are consistent with certain historic styles where the main roof pitch is less than 7:12, such as hipped, pyramids, or other architectural styles. (See Exhibit B)

4. Amending the LMC to require a building permit for driveways, parking areas, patios, and other non-bearing construction that create impervious area allows a more thorough review of a site plan, proposed materials and design, grading and storm drainage, and landscaping of disturbance area. Without a building permit, these items are not reviewed by Staff and are often constructed without meeting setbacks, plat notes, and design criteria and often without paying attention to property lines or having proper approval from Homeowner’s Associations. This item includes adding a definition of “Impervious Surface” to Chapter 15. Additional amendments are proposed to Chapters 4 and 5 to require building permits for retaining walls and fences over 4’ in Historic Districts and over 6’ elsewhere. (see Exhibits C, D, E, and J)
5. Amendments are proposed to clarify the applicability of the Master Planned Development (MPD) review process in the Historic Districts and to clarify additional requirements for MPDs regarding open space, landscaping, and noxious weeds. Currently, the MPD process is not allowed in the HR-1, HR-2, HRC, and HCB zones unless the subject site crosses over two (2) of these zones. Staff is proposing to clarify this language in the Code. In addition, Staff is recommending that MPDs be allowed in the Heber Avenue Sub-Zone (the area 150 feet north of Heber Avenue in the HRC zone). This includes the Kimball Arts Center, the Sky Lodge, and Poison Creek Mercantile.

On August 23rd, the City Council held a Work Session regarding the Kimball Art Center (KAC) and the issue of considering the use of an MPD in the Heber Avenue Sub-Zone was discussed. In general, the City Council recommended moving forward with options that would allow for this. This does not mean that the Planning Commission would be approving the existing conceptual design that was selected in the international design competition for the KAC, but it would provide a collaborative opportunity to allow the KAC to submit an application for an MPD and begin discussing the opportunities and challenges of developing the site. (See Exhibit F)

6. Removal of “Special Exceptions” that are currently reviewed by the Board of Adjustment (BOA) is proposed to be consistent with the Utah State Code. The State Code no longer includes review of “Special Exceptions” as a duty of the

Board of Adjustment. Special Exceptions LMC Section 15-10-8 currently are heard by the BOA based upon its consideration of six general standards listed in 15-10-8. These standards include:

- is in harmony with the purposes of the LMC;
- would not substantially diminish or impair the value of the Property;
- will not have a material adverse effect upon the character of the area or the health, safety, and general welfare;
- is Compatible with the use and development of neighboring property;
- will not result in destruction, loss, or damage to natural, scenic, or historic features; and
- will not cause material air, water, soil, or noise pollution.

Staff finds that these criteria are broad and difficult to apply. Therefore, Staff is recommending special exceptions be removed from the code. Variances will continue to be considered. (See Exhibit H)

7. Definitions for Impervious Surface, Green Roof, and Net Zero Energy Building are proposed to add and /or clarify these terms. The current definition of a Green Roof is a planted roof. Staff has had several requests to allow the flat roof for solar hot water systems, PV panels and thin film PV systems for generating electricity. Consideration of allowing an area of a flat roof for such alternative energy systems would support the General Plan goals related to energy conservation and sustainability. While a green roof and a traditional PV system are not necessarily mutually exclusive, installation of thin film PV systems may make it difficult to also install plantings. Staff suggests discussion as to whether the regulations for allowing flat roofs if they are Green Roofs (in HR-1, HR-2, HRL) should allow other uses and whether the allowance should be further qualified, such as when a Building is constructed to either a Net Zero Energy Building, some percent of Net, or Silver/Gold LEED certification. Staff will draft further amendments based on the outcome of this discussion for review at the next meeting. (See Exhibit J)

Department Review

These amendments have been reviewed by the Planning, Engineering and Legal Departments. Prior to the September 26th, 2012, public hearing on these amendments or any revisions, Staff will present the amendments to the Development Review Committee for additional input.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption and become pending upon publication of legal notice. City Council action may be appealed to a court of competent jurisdiction per LMC Section 15-1-18.

Notice

The work session and public hearing was legally noticed in the Park Record. The legal notice was also posted according to requirements of the Land Management Code.

Public Input

Public hearings have been noticed for the September 12th and 26th meetings. Staff has not received public input on these items prior to this report. Public input was provided at the work session regarding the definition and interpretation of "Story". Those items are subject to a separate report in this packet.

Recommendation

The Planning Commission should review and discuss these proposed amendments to the Land Management Code as outlined in this report and redlined in Exhibits A- J. This item and the public hearing should be continued to the September 26th, 2012 meeting where staff will combine with any additional amendments that result from the work session discussion on Stories, etc.

Exhibits

(These Exhibits were handed out with the August 22nd Staff Report- but now include revisions as highlighted above and are organized by Chapter)

- Exhibit A- Chapter 1- General Provisions and Procedures
- Exhibit B- Chapter 2- Zoning Districts (HRL, HR-1, and HR-2)
- Exhibit C- Chapter 3- Off Street Parking
- Exhibit D- Chapter 4- Supplemental Regulations
- Exhibit E- Chapter 5- Architectural Review
- Exhibit F- Chapter 6- Master Planned Developments
- Exhibit G- Chapter 7- Subdivisions
- Exhibit H- Chapter 10- Board of Adjustment
- Exhibit I- Chapter 11- Historic Preservation
- Exhibit J- Chapter 15- Definitions
- Exhibit K- August 22, 2012 Staff Report

15-1 -8. REVIEW PROCEDURE UNDER THE CODE.

<u>STREAMLINED REVIEW (v), FORMAL CONSIDERATION (w), FINAL ACTION (X)</u>					
<u>RECOMMENDATION (y), and FINAL ACTION (X) and APPEAL (z)</u>					
	Planning Department	HPB	Board of Adjustment	Planning Commission	City Council
Allowed	X				
Allowed-Historic (HDDR)	X y	zw	z		
Administrative Permits	X			z	
Conditional Use				X	z
Conditional Use Admin.	X y		z	zw	
MPD				X	z
Non-Conforming Use			X		
Plat Amendment				y Recommendation to CC	X
Variance/Special Exception			X		
Subdivision				y Recommendation to CC	X
Annexation and Zoning				y Recommendation to CC	X
Zoning Appeal			X		
LMC Amendments				y Recommendation to CC	X

15-1 -11. SPECIAL APPLICATIONS.

(A) **MASTER PLANNED DEVELOPMENT (MPD) REVIEW PROCESS.** Applications for MPDs shall be reviewed according to LMC Chapter 15-6.

(B) **VARIANCES, EXCEPTIONS, AND NON-CONFORMING USES.** The Board of Adjustment must review Applications for Variances, Special Exceptions and Non-Conforming Uses and Non-Complying Structures in accordance with the regulations set forth in LMC

Chapter 15-9. Such approval must be obtained from the Board of Adjustment prior to the issuance of any Conditional Use permit or Master Planned Development, or other approval by the Planning Commission or Planning Department. All action on an Application shall be stayed upon the determination that a Board of Adjustment approval is required.

(C) **PLAT AMENDMENTS/ SUBDIVISION**. Plat Amendments and Subdivisions must be reviewed pursuant to LMC Chapter 15-7. No Building Permit may be issued prior to such an approval.

(D) **ADMINISTRATIVE CONDITIONAL USE PERMITS**. The Planning Director shall conduct an informal streamlined review and if uncontested take Final Action on Administrative Conditional Use permits. If contested, the Planning Commission shall do a formal review. ~~Either r~~Review process shall be consistent with Section 15-1-10(A-H), with the exception that no published notice, as described in 15-1-12(B), shall be required.

(E) **ADMINISTRATIVE PERMITS**. The Planning Department shall review and take Final Action on Administrative Permits. Review process shall be consistent with the requirements herein for those Uses requiring an Administrative Permit, such as temporary tents, Structures, and vendors; temporary Special Event and overcrowding permits; regulated Accessory Apartments; specified outdoor events and Uses; Family Child Care in specified Zoning Districts; and temporary telecommunication Antennas, where these Uses are designated as requiring Administrative Permits. These Uses may require Administrative Conditional Use permits or Conditional Use permits in some Zoning Districts pursuant to Section 15-2.

(Amended by Ord. Nos. 06-22; 09-10)

15-1 -18. APPEALS, FORMAL CONSIDERATION AND RECONSIDERATION PROCESS.

(A) **STAFF**. Any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property is an informal streamlined review and shall take Final Action if the application is uncontested pursuant to Utah Code Annotated section 10-9a-703 (5), 2012, as amended. If that decision is contested, and formal consideration of the application is requested, that formal consideration will be heard by ~~may be appealed to~~ the Planning Commission. Staff shall do informal streamlined review of Historic District or Historic Site Design Review Applications and shall take Final Action if the application is uncontested pursuant to Utah Code Annotated section 10-9a-703 (5), 2012, as amended. If formal consideration of the application is requested, the formal consideration of the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Historic Preservation Board as described in 15-11-12(E). All requests for formal consideration must meet the requirements of 15-1-18 (P). ~~Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Historic Preservation Board as described in 15-11-12(E). All appeals must be filed with the Planning Department within ten (10) days of Final Action.~~

There shall be no additional notice for formal consideration -appeal of the staff determination other than listing the matter on the agenda, unless notice of the staff review was provided in which case the same notice must be given for ~~the~~ the formal consideration appeal.

(B) **HISTORIC PRESERVATION BOARD (HPB)**. Final Actions by the Historic Preservation Board may be appealed to the Board of Adjustment.

(C) **PLANNING COMMISSION**. Final Actions by the Planning Commission on appeals formal consideration of Staff's informal streamlined review-action may be appealed to the Board of Adjustment. Final Action by the Planning Commission on formal consideration of Administrative Conditional Use permits, Conditional Use permits and Master Planned Developments (MPDs) involving City Development may be appealed to the Board of Adjustment at the City Council's request. All other Final Action by the Planning Commission concerning formal consideration of Administrative Conditional Use permits, Conditional Use permits and MPDs may be appealed to the City Council. When the City Council determines it necessary to ensure fair due process for all affected parties or to otherwise preserve the appearance of fairness in any appeal, the City Council may appoint an appeal panel as appeal authority to hear any appeal or call up that the Council would otherwise have jurisdiction to hear. The appeal panel will have the same scope of authority and standard of review as the City Council. Only those decisions in which the Planning Commission has applied a land Use ordinance to a particular Application, Person, or Parcel may be appealed to an appeal authority.

(1) **APPEAL PANEL MEMBERSHIP AND QUALIFICATIONS**. The appeal panel shall have three (3) members. The decision to appoint and the appointment of an appeal panel shall be made by the City Council at a duly noticed public meeting after publicly noticed request for qualifications. Qualifications shall include a weighted priority for the following: Park City or Area residency, five years or more of prior experience in an adjudicative position, and/or a legal or planning degree. Each member of the appeal panel shall have the ability to:

- (a) Conduct quasi-judicial administrative hearings in an orderly, impartial and highly professional manner.
- (b) Follow complex oral and written arguments and identify key issues of local concern.
- (c) Master non-legal concepts required to analyze specific situations, render findings and determinations.
- (d) Absent any conflict of interest, render findings and determinations on cases heard, based on neutral consideration of the issues, sound legal reasoning, and good judgment.

(2) **PROCESS**. Any hearing before an appeal panel shall be publicly noticed, include a public hearing, and meet all requirements of the Utah Open and Public Meetings Act. The appeal panel shall have the same authority and follow the same procedures as

designated for the “City Council” in this section 15-1-18 (G-I). The City Council may decide to appoint an appeal panel for a particular matter at any time an application is pending but the appointment of the individual members of the panel shall not occur until an actual appeal or call up is pending.

(Amended by Ord. No. 10-15)

(D) **STANDING TO CONTEST A STREAMLINED REVIEW OR TO APPEAL.** The following has standing to contest an informal streamlined review or to appeal a Final Action:

- (1) Any Person who submitted written comment or testified on a proposal before the Planning Department, Historic Preservation Board or Planning Commission;
- (2) The Owner of any Property within three hundred feet (300') of the boundary of the subject site;
- (3) Any City official, Board or Commission having jurisdiction over the matter; and
- (4) The Owner of the subject Property.

(E) **TIMING.** All appeals must be made within ten (10) calendar days of the Final Action. The reviewing body, with the consultation of the appellant, shall set a date for the appeal. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

(F) **FORM OF APPEALS.** Appeals to the Planning Commission, Board of Adjustment, or Historic Preservation Board must be filed with the Planning Department. Appeals to the City Council must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Appellant shall pay the applicable fee established by resolution when filing the appeal. The Appellant shall present to the appeal authority every theory of relief that it can raise in district court. The Appellant shall provide required envelopes within fourteen (14) days of filing the appeal.

(G) **BURDEN OF PROOF AND STANDARD OF REVIEW.** The appeal authority shall act in a quasi-judicial manner. The appellant has the burden of proving that the land Use authority erred. Except for appeals to the Board of Adjustment, the appeal authority shall review factual matters de novo and it shall determine the correctness of a decision of the land Use authority in its interpretation and application of the land Use ordinance. Appeals to the Board of Adjustment will review factual matters for correctness and determine the correctness of a decision of the land Use authority in its interpretation and application of the land Use ordinance. The scope of review of the Board of Adjustment is limited to issues brought to the land Use authority below.

(H) **WRITTEN FINDINGS REQUIRED.** The appeal authority shall direct staff to prepare detailed written Findings of Fact, Conclusions of Law and the Order.

(I) **CITY COUNCIL ACTION ON APPEALS.**

(1) The City Council, with the consultation of the appellant, shall set a date for the appeal.

(2) The City Recorder shall notify the Owner of the appeal date. The City Recorder shall obtain the findings, conclusions and all other pertinent information from the Planning Department and shall transmit them to the Council.

(3) The City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall include a public hearing and be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.

(4) Staff must prepare written findings within fifteen (15) working days of the City Council vote on the matter.

(J) **CITY COUNCIL CALL-UP.** Within fifteen (15) calendar days of Final Action on any project, the City Council, on its own motion, may call up any Final Action taken by the Planning Commission or Planning Director for review by the Council. Call-ups involving City Development may be heard by the Board of Adjustment at the City Council's request. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Commission and/or Planning Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Section 15-1 -12 herein. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues. The City Council, with the consultation of the Applicant, shall set a date for the call-up. The City Recorder shall notify the Applicant of the call-up date. The City Recorder shall obtain the findings, and all other pertinent information and transmit them to the Council.

(K) **NOTICE.** Notice of all appeals to City Council or call-ups shall be given by:

(1) Publishing the matter once at least seven (7) days prior to the hearing in a newspaper having general circulation in Park City; and

(2) By mailing courtesy notice seven (7) days prior to the hearing to all parties who received mailed courtesy notice for the original action. The City Recorder shall provide noticing for Council call-ups.

(L) **STAY OF APPROVAL PENDING REVIEW OF APPEAL.** Upon the filing of an appeal, any approval granted by the Planning Commission will be suspended until the City Council has acted on the appeal.

(M) **APPEAL FROM THE CITY COUNCIL.** The Applicant or any Person aggrieved by City action on the project may appeal the Final Action by the City Council to a court of competent jurisdiction. The decision of the Council stands, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order modifying the decision.

(N) **RECONSIDERATION.** The City Council, and any Board or Commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any Board or Commission, may reconsider any quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action. Any action taken by the deciding body shall not be reconsidered or rescinded at a special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

(O) No participating member of the appeal panel may entertain an appeal in which he or she acted as the land Use authority.

(P) REQUESTS FOR FORMAL CONSIDERATION. Requests for formal consideration to the Planning Commission or Historic Preservation Board of an application before staff for an informal streamlined review must be in writing and filed with the Planning Department no more than 10 days after Staff's streamlined review and action. Standing is request formal consideration is pursuant to 15-1-18(D). Requests for formal consideration must contain the name, address, and telephone number of the requestor; and his or her relationship to the project or subject Property. The formal consideration shall be reviewed de novo. The body reviewing the formal consideration of the Application shall direct staff to prepare detailed written Findings of Fact and Conclusions of Law, and if applicable, Conditions of Approval. Any envelopes for courtesy mailing as outlined in the Notice Matrix, shall be provided by the person requesting the formal consideration.

(Amended by Ord. Nos. 06-22; 09-10; 09-23; 10-15)

15-1 -21. NOTICE MATRIX.

(See following pages)

NOTICE MATRIX			
ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:

NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Zoning and Rezoning	14 days prior to each hearing before the Planning Commission and City Council	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
LMC Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
General Plan Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
Master Planned Developments (MPD)	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Appeals of Planning Director, Historic Preservation Board, or Planning Commission decisions or City Council Call-Up	7 days prior to the date set for the appeal or call-up hearing.	To all parties who received mailed notice for the original Administrative or Planning Commission hearing 7 days prior to the hearing.	Once 7 days before the date set for the appeal or call-up hearing.
Conditional Use Permit	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.

NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Administrative Conditional Use Permit <u>or other Planning Director streamlined review</u>	10 days prior to Final Action.	10 days prior to Final Action, to adjacent Property Owners.	No published notice required.
Administrative Permit	10 days prior to Final Action.	10 days prior to Final Action, to adjacent affected Property Owners.	No published notice required.
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment	14 days prior to the hearing before the Board of Adjustment.	14 days prior to the hearing before the Board of Adjustment, to owners within 300 ft.	Once 14 days prior to hearing before the Board of Adjustment.
Certificate of Appropriateness for Demolition (CAD)	45 days on the Property upon refusal of the City to issue a CAD; 14 days prior to the hearing before the Historic Preservation Board.	14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the hearing before the Historic Preservation Board.
Designation of Sites to the Historic Sites Inventory	7 days prior to hearing before the Historic Preservation Board.	-----	Once 7 days prior to hearing before the Historic Preservation Board.
Historic District or Historic Site Design Review (<u>streamline review or formal consideration</u>)	First Posting: The Property shall be posted for a 14 day period once a Complete Application has been received. Other posted legal notice not required.	First Mailing: To Owners within 100 feet once a Complete Application has been received, establishing a 14 day period in which written public comment on the Application may be	<u>See appeals from Planning Director, Historic Preservation Board, Planning Commission, including City Council Call-Up Only</u>

NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
	<p>Second Posting: For a 10 day period once the Planning Department has determined the proposed plans comply or does not comply with the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.</p> <p><u>If formal consideration is requested, the formal consideration date before the Historic Preservation Board will be posted at least 7 days prior to the hearing.</u></p>	<p>taken.</p> <p>Second Mailing: To Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period. The second mailing occurs once the Planning Department <u>does an informal streamlined review and determines whether</u> the proposed plans comply or do not comply with the Design Guidelines for Historic Districts and Historic Sites and no later than 45 days after the end of the initial public comment period. This establishes a 10 day period in<u>after</u> which the <u>formal consideration of</u> -Planning Department's decision <u>may no longer be made. may be appealed.</u> <u>If formal consideration is requested, to Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period at least 7 days prior to the hearing. Envelopes shall be provided by the person requesting the formal consideration within 14 days of the request.</u></p>	<p><u>if formal consideration is requested, then once 7 days prior to the review by the Historic Preservation Board. Section 15-1-18.</u></p>
<p>Annexations</p>	<p>Varies, depending on number of Owners and current State law. Consult with the Legal Department.</p>		

NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Termination of Project Applications	-----	Mailed Notice: To Owner/Applicant and certified Agent by certified mail 14 days prior to the Planning Director's termination and closure of files.	-----
Lot Line Adjustments: Between 2 Lots without a plat amendment.	10 days prior to Final Action on the Property. Other posted legal notice not required.	To Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from adjacent Owners.	-----
Preliminary and Final Subdivision Plat Applications	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Condominium Applications; Record of Survey Plats	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Record of Survey Amendments	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.
Subdivision Plat Amendments	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.
Vacating or Changing a Street	-----	14 days prior to the hearing before the City Council, to Owners within 300 ft. and to affected entities.	Once a week for 4 consecutive weeks prior to the hearing before the City Council.

NOTICE MATRIX

ACTION:

POSTED:

COURTESY MAILING:

PUBLISHED:

Note: For all Applications, notice will be given to the Applicant of date, time, and place of the public hearing and public meeting to consider the Application and of any Final Action on a pending Application.

Appendix A – Official Zoning Map (Refer to the Planning Department)

(Amended by Ord. Nos. 06-22; 09-10; 09-23; 11-05)

15-2.1-5. (D) BUILDING HEIGHT EXCEPTIONS. The following height exceptions apply:

- (1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.
- (3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:
 - (a) The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.
 - (b) The proposed option is the only feasible option for the elevator on the Site.
 - (c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.
- (4) **GARAGE ON DOWNHILL LOT.** The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

(5) ROOF PITCH.

Exceptions to the minimum roof pitch requirements may be granted by the Planning Director during the Historic District Design Review approval process based on compliance with review criteria as stated in the Park City Design Guidelines for Historic Districts and Historic Sites. Such exceptions to roof pitch may be granted to allow original roof forms for historic structures and for new construction when the proposed roof pitch is consistent with the style of architecture approved for the new construction. Roof pitch for new construction should be visually compatible with the roof shapes and orientation of surrounding Historic Sites.

15-2.2-5. (D) BUILDING HEIGHT EXCEPTIONS. The following height exceptions apply:

- (1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.

(3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:

- (a) The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.
- (b) The proposed option is the only feasible option for the elevator on the Site.
- (c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) **GARAGE ON DOWNHILL LOT.** The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

(5) ROOF PITCH.

Exceptions to the minimum roof pitch requirements may be granted by the Planning Director during the Historic District Design Review approval process based on compliance with review criteria as stated in the Park City Design Guidelines for Historic Districts and Historic Sites. Such exceptions to roof pitch may be granted to allow original roof forms for historic structures and for new construction when the proposed roof pitch is consistent with the style of architecture approved for the new construction. Roof pitch for new construction should be visually compatible with the roof shapes and orientation of surrounding Historic Sites.

15-2.2-8. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall do an informal streamlined review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals-Formal consideration of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of the Code.

15-2.3-6. (D) BUILDING HEIGHT EXCEPTIONS. The following height exceptions apply:

(1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(2) Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.

(3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:

- (a) The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.
- (b) The proposed option is the only feasible option for the elevator on the Site.
- (c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) **GARAGE ON DOWNHILL LOT.** The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

(5) ROOF PITCH.

Exceptions to the minimum roof pitch requirements may be granted by the Planning Director during the Historic District Design Review approval process based on compliance with review criteria as stated in the Park City Design Guidelines for Historic Districts and Historic Sites. Such exceptions to roof pitch may be granted to allow original roof forms for historic structures and for new construction when the proposed roof pitch is consistent with the style of architecture approved for the new construction. Roof pitch for new construction should be visually compatible with the roof shapes and orientation of surrounding Historic Sites.

15-2.3-11. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall do an informal streamlined review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Formal consideration Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Historic Preservation Board as outlined in 15-1-18 of the Code.

15-2.4-10. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall do an informal streamlined review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Formal consideration Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of the Code.

15-2.5-7. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall do an informal streamlined review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Formal consideration Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of the Code.

15-2.5-13. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(B) **OUTDOOR USES PROHIBITED/ EXCEPTIONS.** The following outdoor uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit upon an informal streamlined review or an Administrative Permit as described herein. The Applicant must submit the required Application, pay all applicable fees, and provide all required materials and plans. Appeals or formal consideration of Departmental Actions are heard by the Planning Commission.

15-2.6-6. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Formal consideration Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of the Code.

(Amended by Ord. Nos. 06-69; 09-23)

15-2.6-12. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an

Allowed or Conditional Use, or allowed with an Administrative Permit, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration, which exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.6-12(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit upon an informal streamlined review or an Administrative Permit as described herein. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals or formal consideration of departmental actions are heard by the Planning Commission.

15-2.16-7. ARCHITECTURAL REVIEW.

(A) **ALL DEVELOPMENT.** Prior to the issuance of Building Permits for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(B) **SINGLE FAMILY AND DUPLEX DWELLINGS NEAR SENSITIVE HISTORIC AREAS.**

(1) Prior to the issuance of Building Permits for any Single Family or Duplex Dwellings within the Area specified below:

(a) Any residential Development that is within a two (2) Block radius of the HR-1 District, and

(b) Any residential Development that is located along or Accessed off of Park Avenue.

The Planning Department shall do an informal streamlined review the proposed plans for compliance with the Design Guidelines for Historic Districts and Sites.

(2) Appeals-Formal consideration of departmental determinations of compliance with the Design Guidelines for Historic Districts and Sites, LMC Section 15-11 and Section 15-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of this Code.

15-2.16-9. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.16-9(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit with an informal streamlined review or an Administrative Permit as described herein. The Applicant must submit the required Application, pay all applicable fees, and provide all required materials and plans. Appeals or formal consideration of Departmental actions are heard by the Planning Commission.

15-3-3. (J) CLEAR VIEW OF INTERSECTING STREETS. In all Zoning Districts, no obstruction is allowed in excess of two feet (2') in height above Street Grade on any corner Lot within the Site Distance Triangle. See 15-3-3(D)(8)

A reasonable number of trees with lower branches pruned to six feet (6') to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by Administrative Permit.

(K) **SIGNS.** Refer to the Park City Sign Code, Title 12, for specific requirements for all signs associated with parking and drives.

(L) PERMIT. All non-bearing concrete flatwork, asphalt, and/or any impervious surface, regardless of size, is required to obtain a Building Permit, including any repairs, alterations, modifications, and expansions of existing features.

15-4-2. (1) EXCEPTION. The height of retaining walls in the Front Yard may exceed four feet (4'), measured from Final Grade, subject to approval by the Planning Director and City Engineer, and may exceed six feet (6') in height subject to approval of an Administrative Conditional Use permit or as approved as part of a Master Planned Development (MPD) or Conditional Use permit. Prior to issuance of an Administrative Conditional Use permit the Property shall be posted and affected adjacent Property Owners shall be noticed ten (10) days prior to Final Action.

The height of retaining walls in the Side or Rear Yards may exceed six feet (6'), measured from Final Grade, subject to approval of an Administrative Conditional Use permit or as approved as part of a Master Planned Development or Conditional Use permit. Prior to issuance of an Administrative Conditional Use permit the Property shall be posted and affected adjacent Property Owners shall be noticed ten (10) days prior to Final Action.

~~Any Fence or retaining wall greater than six feet (6') in height requires a Building Permit~~

(B) **RESTRICTIONS ON MATERIALS.** Chain link Fences are prohibited in all zones with the following exceptions, which must be approved by the Planning Director.

- (1) For recreational facilities such as tennis courts,
- (2) As temporary limits of disturbance, fencing during construction as approved by the Planning Department.
- (3) Chain link Fences within the required Yard Areas may be permitted in other circumstances by the Planning Director when it is found that the Fence is necessary in the interest of security or public safety, and when the Fencing needs cannot be reasonably met with any other type of Fencing .

(C) **BERMS.** Berms within the required Yard Area may be constructed subject to the following:

- (1) Landscaping shall be incorporated into the design of the berm and shall extend its entire length.
- (2) Berms shall be designed with sufficient undulation to provide visual relief and shall meander for the entire length.
- (3) Within Front Yard Areas berms may not be constructed to interfere with required sight distance and may not obstruct driver's line of sight from Streets and roads.

~~(D) **PERMIT.** Any Fence or retaining wall greater than six feet (6') in height requires a Building Permit. Within any of the Historic Districts any Fence or retaining wall greater than four feet (4') in height requires a Building Permit.~~

15-5 -2. HISTORIC DISTRICTS AND HISTORIC SITES.

All Uses within the Historic Districts and on Historic Sites outside the Historic Districts, both Allowed and Conditional, are subject to an informal streamlined design review by the Planning Department for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted by the City Council in a resolution of July 9, 2009 and requirements stated in Section 15-11-12. Historic District or Historic Site Design Review of this Code. Those guidelines are incorporated into this Code by reference, but may be revised from time to time by resolution of the City Council.

Design review for all Uses, Allowed and Conditional, within the HRL, HR1, HR2, HRM, HRC, HCB Districts, and Historic Sites located outside these districts is initially performed by the Planning Department as an informal streamlined review and action as set forth in LMC Chapter 15-11-12 Historic District and Historic Site Design Review, with a right of ~~appeal~~ formal consideration by ~~to~~ the Historic Preservation Board if contested.

Design review by the Historic Preservation Board is limited to matters of design compliance, with all functional review of Conditional Uses performed by the City staff and/or Planning Commission per Section 15-1-11.

(Amended by Ord. Nos. 06-56; 09-23; 11-05)

15-5-5. (K) MECHANICAL EQUIPMENT. All electrical service equipment and sub-panels and all mechanical equipment, including but not limited to, air conditioning, pool equipment, fans and vents, utility transformers, except those owned and maintained by public utility companies, and solar panels, shall be painted to match the surrounding wall color or painted or Screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be Screened or integrated into the design of the Structure.

(L) PATIOS. All non-bearing concrete flatwork, asphalt, and/or any impervious surface, regardless of size, is required to obtain a Building Permit, including any repairs, alterations, modifications, and expansions of existing features.

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are Compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

- (A) complement the natural features of the Site;
- (B) ensure neighborhood Compatibility;
- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;
- (F) provide the highest value of open space for any given Site;
- (G) efficiently and cost effectively extend and provide infrastructure;
- (H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;
- (I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and
- (J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community.
- (K) encourage opportunities for economic diversification within the community

15-6 -2. APPLICABILITY.

(A) **Required.** The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1), the Historic Residential 2 (HR-2), the Historic Recreation Commercial (HRC), the Historic Commercial Business (HCB), and the Historic Residential - Low Density (HRL), ~~and Historic Residential—Medium Density (HRM)~~ for the following:

- (1) Any Residential project larger than ten (10) Lots or units.

(2) All Hotel and lodging projects with more than fifteen (15) Residential Unit Equivalents.

(3) All new Commercial, public, quasi-public, or industrial projects greater than 10,000 square feet Gross Floor Area.

(4) All projects utilizing Transfer of Development Rights Development Credits.

~~(B) — The Master Planned Development process is allowed but is not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC), Historic Residential (HR-1) and Historic Residential (HR-2) zones, provided the subject property and proposed MPD include two (2) or more zoning designations.~~

(B) Allowed but not required.

(1) The Master Planned Development process is allowed in the Historic Residential (HR-1) and (HR-2) zones only when HR-1 or HR-2 zoned d parcels are combined with adjacent HRC or HCB zoned Properties; or

(2) The Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and ~~which may be considered for~~ is an affordable housing MPDs consistent with Section 15-6-7 herein; or

(3) An MPD is allowed but not required only for Property that is fully located within the Heber Avenue Sub-Zone as defined in 15-2.5-10 in the Historic Recreation Commercial (HRC) zone only for Property that is fully located within the Heber Avenue Sub-Zone as defined in 15-2.5-10.

15-6-5. (D) **OPEN SPACE.**

(1) **MINIMUM REQUIRED.** All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1 and HR-2) zones, and wherein cases of redevelopment of existing Developments or infill sites, the minimum open space requirement shall be twenty thirty-percent (20%).

For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space to twenty thirty-percent (20%) in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape

material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages, public art, and rehabilitation of Historic Structures.

(2) **TYPE OF OPEN SPACE.** The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. Landscaped open space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open space may not be utilized for Streets, roads, driveways, Parking Areas, commercial Uses, or Buildings requiring a Building Permit. For redevelopment or infill projects in the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1 and HR-2) zones, publicly accessible rooftop gardens may count toward this open space requirement.

15-6-5. (H) **LANDSCAPE AND STREET SCAPE.** A complete landscape plan must be prepared indicating all softscape and hardscape areas on site. This includes foundation planting, ground cover, driveway and/or proposed parking lot materials, etc. A list of plant materials proposed indicating the botanical name, the common name, the number of proposed plants, and their size shall be provided. A licensed landscape architect shall prepare all materials for submittal. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of twenty five ~~fifty~~ percent (25%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy.

15-6-8. (G) **RESORT ACCESSORY USES.** The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are considered typical back of house uses and are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

- Information
- Lost and found
- First Aid
- Mountain patrol
- Administration
- Maintenance and storage facilities
- Emergency medical facilities
- Public lockers
- Public restrooms
- Employee restrooms and Areas

Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways

15-7.1-6 (F) LOT LINE ADJUSTMENTS. The Planning Director may approve a Lot Line Adjustment between two (2) Lots without a plat amendment, within the corporate limits of Park City, if:

- (1) the Owners of both Lots demonstrate, to the satisfaction of the Planning Director that:
 - a) no new developable Lot or unit results from the Lot Line Adjustment;
 - b) all Owners of Property contiguous to the adjusted Lot(s) or to Lots owned by the Applicant(s) which are contiguous to the adjusted Lot(s), including those separated by a public Right-of-Way, consent to the Lot Line Adjustment;
 - c) the Lot Line Adjustment does not result in remnant land;
 - d) the Lot Line Adjustment, and resulting Lots comply with LMC Section 15-7.3 and are compatible with existing lot sizes in the immediate neighborhood;
 - e) the Lot Line Adjustment does not result in violation of applicable zoning requirements;
 - f) neither of the original Lots were previously adjusted under this section;
 - g) written notice was mailed to all Owners of Property within three hundred feet (300') and neither any Person nor the public will be materially harmed by the adjustment; and
 - h) the City Engineer and Planning Director authorizes the execution and recording of an appropriate deed and Plat, to reflect that the City has approved the Lot Line Adjustment.
 - i) Extension of Approval. Applicants may request time extensions of the Lot Line Adjustment approval by submitting a request in writing to the Planning Department prior to expiration of the approval. The Planning Director shall review all requests for time extensions of Lot Line Adjustments and may grant a one year extension. Extension requests may be granted when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the requirements for Lot Line Adjustments in Section 15-1-12.

- (2) If, based upon non-compliance with Subsection (1), the Planning Director denies the Lot Line Adjustment, the Director shall inform the Applicant(s) in writing of the reasons for denial, of the right to ~~appeal request formal consideration of~~ the decision to the Planning Commission, ~~and of the right to by~~ filing e a formal plat amendment Application.

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 10 - BOARD OF ADJUSTMENT	1
15-10-1. ESTABLISHMENT OF BOARD.....	1
15-10-2. TERM OF OFFICE.....	1
15-10-3. POWERS AND DUTIES	1
15-10-4. GROUNDS FOR REMOVAL	2
15-10-5. ORGANIZATION	2
15-10-6. MEETINGS	2
15-10-7. APPEALS	3
15-10-8. SPECIAL EXCEPTIONS	3
15-10- 9 8 . VARIANCE.....	4
15-10- 10 9 . PERSONS ENTITLED TO APPEAR	6
15-10- 11 10 . DECISION.....	6
15-10- 12 11 . VOTE NECESSARY.....	6
15-10- 13 12 . JUDICIAL REVIEW OF BOARD DECISION	6

TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 10 - BOARD OF ADJUSTMENT

15-10-1. ESTABLISHMENT OF BOARD.

In order to avail the City of the powers provided in Chapter 9 of Title 10 of the Utah Code (1953, as amended), there is hereby created a Board of Adjustment, which shall consist of five (5) members. There shall also be one non-voting alternate to vote when a regular member is absent. Members shall be appointed by the Mayor with the advice and consent of the City Council. The Council may fix per diem compensation for the members of the Board of Adjustment by resolution, based on necessary and reasonable expenses for meetings actually attended. All members of the Board of Adjustment shall reside within the City limits, and are deemed to have resigned if they move their residence from the City limits.

15-10-2. TERM OF OFFICE.

Each member of the Board of Adjustment shall serve for a term of five (5) years or until his successor is appointed and qualified provided that the term of the members of the first Board so appointed shall be such that the term of one member shall expire each year on June 1. Vacancies shall be filled in the same manner as the original appointment for the balance of the unexpired term.

15-10-3. POWERS AND DUTIES.

(A) The Board of Adjustment shall hear and decide:

(1) Appeals from zoning decisions applying Title 15, Land Management Code;

~~(2) — Special exceptions to the terms of the Land Management Code; and~~

~~(3)~~(2) Variances from the terms of the Land Management Code.

(3) Appeals and call-ups of Final Action by the Planning Commission at the request of the City Council for City Development.

(B) The Board of Adjustment shall make determinations regarding the modification of Non-Conforming Uses and shall hear appeals on the determination of Non-Conforming or Non-Complying status by the Director of the Planning Department, as provided in Title 15, Chapter 9.

15-10-4. GROUNDS FOR REMOVAL.

Any Board member who is absent for two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per year may be called before the City Council and asked to resign or be removed for cause by the Mayor, with the advice and consent of City Council. Additionally, the Mayor, with the advice and consent of City Council, may remove any member of the Board of Adjustment for cause if written charges are filed with the Mayor, against the member. The Mayor shall provide the member with a public hearing if the member requests one.

15-10-5. ORGANIZATION.

(A) **CHAIR.** The Board of Adjustment shall elect one of its members to serve as Chair for a term of two (2) years at its first meeting following the date of expiration of terms in June. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. If the Chair is absent from any meeting where a quorum would otherwise exist, the members may appoint a Chair Pro Tem to act as Chair solely at that meeting.

(B) **QUORUM.** No business shall be conducted unless at least three (3) members of the Board, not counting the alternate, are present.

15-10-6. MEETINGS.

Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine.

(A) **WITNESSES.** The Chair of the Board of Adjustment or in his absence, the Chair Pro Tem, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

(B) **MINUTES.** Written minutes shall be kept of all Board meetings. Such minutes shall include:

- (1) The date, time and place of the meeting.
- (2) The names of members present and absent.
- (3) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken.
- (4) The names of all citizens who appeared and the substance in brief of their testimony.

- (5) Any other information that any member requests be entered in the minutes.

The minutes are public records and shall be available within a reasonable time after the meeting.

15-10-7. APPEALS.

Also see Section 15-1-18. The Board shall hear and decide appeals from an Applicant or any other Person or entity, including any officer or board of the City, adversely affected by a final decision administering or interpreting the Land Management Code which alleges that there is an error in any order, requirement, decision or determination of the Land Management Code.

The appeal must be made in writing and submitted to the Planning Department within ten (10) days of the decision. The Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken. The Person or entity making the appeal has the burden of proving that an error has been made.

A Person may not appeal, and the Board of Adjustment may not consider, any amendments to the Land Management Code, or appeals of Conditional Use permits or Master Planned Developments, which shall be appealed to the City Council, unless specifically requested by the City Council for City Development. Appeals may not be used to waive or modify the terms or requirements of the Land Management Code. Appeals shall be considered by the Board of Adjustment on the record made before the Historic Preservation Board or Planning Commission. Appeals to the Board of Adjustment will review factual matters for correctness and determine the correctness of the decision of the land Use authority in its interpretation and application of the land Use ordinance.

The scope of review of the Board of Adjustment is limited to issues brought to the land Use authority. Appeals shall be heard by the Board of Adjustment within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

~~**15-10-8. SPECIAL EXCEPTIONS.**~~

~~The Board may hear Applications for special exceptions to the terms of the Land Management Code, which apply to variances, modifications of Non-Conforming Uses, appeals and other matters upon which the Board is required to pass judgment. Applications for special exceptions must be filed with the Planning Department, and the required fee paid in advance. No Application for a special exception shall be approved unless the Board of Adjustment shall determine that the proposed special exception is~~

~~appropriate in the location proposed based upon its consideration of the general standards set forth below:~~

~~(A) — The proposed Use and Development will be in harmony with the general and specific purposes for which the Land Management Code was enacted and for which the regulations of the district were established.~~

~~(B) — The proposed Use and Development will not substantially diminish or impair the value of the Property within the neighborhood in which it is located.~~

~~(C) — The proposed Use and Development will not have a material adverse effect upon the character of the Area or the public health, safety, and general welfare.~~

~~(D) — The proposed special exception will be constructed, arranged and operated so as to be Compatible with the Use and Development of neighboring Property in accordance with the applicable district regulations.~~

~~(E) — The proposed Use and Development will not result in the destruction, loss or damage to natural, scenic or historic features of significant importance.~~

~~(F) — The proposed Use and Development will not cause material air, water, soil or noise pollution or other types of pollution.~~

~~The Board of Adjustment may impose conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other Property and other improvements in the vicinity of the special exception or upon public facilities and services. These conditions may include but are not limited to: conditions concerning Use, construction, operation, character, location, landscaping, Screening and other matters relating to the purposes and objectives of the Land Management Code. Such conditions shall be expressly set forth in the motion granting the special exception. Violation of any such condition or limitation shall be a violation of this section and shall constitute grounds for revocation of the special exception.~~

15-10-98. VARIANCE.

(A) Any Person or entity desiring a waiver or modification of the requirements of the Land Management Code as applied to a Parcel or Property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Land Management Code.

(B) An Application for variance review must be filed with the Planning Department, and the required fee paid in advance. The Application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any Building Permit or Conditional Use approval, the Application shall so state, and all documents on file concerning the matter shall be forwarded to the Board for

review as a part of the request. The Applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.

(C) Variances shall be granted only if all of the following conditions are found to exist:

(1) Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code;

(2) There are special circumstances attached to the Property that do not generally apply to other Properties in the same zone;

(3) Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone;

(4) The variance will not substantially affect the General Plan and will not be contrary to the public interest; and

(5) The spirit of the Land Management Code is observed and substantial justice done.

(D) (1) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.

(2) In determining whether or not enforcement of the Land Management Code would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

(E) In determining whether or not there are special circumstances attached to the Property under Subsection 15-10-9(C)(2), the Board of Adjustment may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the Property of privileges granted other Properties in the same zone.

The Applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(F) Variances run with the land.

15-11-5. PURPOSES.

(H) To review all appeals-requests for formal consideration on informal streamlined review and action taken by the Planning Department regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites; and

.....

15-11-11. DESIGN GUIDELINES FOR PARK CITY'S HISTORIC DISTRICTS AND HISTORIC SITES.

The HPB shall promulgate and update as necessary Design Guidelines for Use in the Historic District zones and for Historic Sites. These guidelines shall, upon adoption by resolution of the City Council, be used by the Planning Department staff in their streamlined informal reviewing and the HPB's formal consideration of Historic District/Site design review Applications. The Design Guidelines for Park City's Historic Districts and Historic Sites shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. The Design Guidelines are incorporated into this Code by reference. From time to time, the HPB may recommend changes in the Design Guidelines for Park City's Historic Districts and Historic Sites to Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the City Council.

15-11-12. HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW.

The Historic District/Site design review is a routine land use matter. The Planning Department shall conduct an informal streamlined review and if the application is uncontested, approve, approve with conditions, or deny, all Historic District/Site design review Applications involving an Allowed Use, a Conditional Use, or any Use associated with a Building Permit, to build, locate, construct, remodel, alter, or modify any Building, accessory Building, or Structure, or Site located within the Park City Historic Districts or Historic Sites, including fences and driveways.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5. Whenever a conflict exists between the LMC and the Design Guidelines, the more restrictive provision shall apply to the extent allowed by law.

(A) PRE-APPLICATION CONFERENCE.

(1) It is strongly recommended that ~~T~~the Owner and/or Owner's representative ~~shall be required to~~ attend a pre-Application conference with representatives of the Planning and Building Departments for the purpose of determining the general scope of the proposed Development, identifying potential impacts of the Development that may require mitigation, providing information on City-sponsored incentives that may be available to the Applicant, and outlining the Application requirements.

(2) Each Application shall comply with all of the Design Guidelines for Historic Districts and Historic Sites unless the Planning Department determines that, because of the scope of the proposed Development, certain guidelines are not applicable. If the Planning Department determines certain guidelines do not apply to an Application, the Planning Department staff shall communicate, via electronic or written means, the information to the Applicant. It is the responsibility of the Applicant to understand the requirements of the Application.

(3) The Planning Director, or his designee, may upon review of a Pre-Application submittal, determine that due to the limited scope of a project the Historic District or Historic Site Design Review process as outlined in LMC Sections 15-11-12(B-E) is not required and is exempt.

If such a determination is made, the Planning Director, or his designee may, upon reviewing the Pre-Application for compliance with applicable Design Guidelines, approve, deny, or approve with conditions, the project. If approved, the Applicant may submit the project for a Building Permit.

Applications that may be exempt from the Historic Design Review process, include, but are not limited to the following:

(a) For Non-Historic Structures and Sites - minor routine maintenance, minor routine construction work and minor alterations having little or no negative impact on the historic character of the surrounding neighborhood or the Historic District, such as work on roofing, decks, railings, stairs, hot tubs and patios, foundations, windows, doors, trim, lighting, mechanical equipment, paths, driveways, retaining walls, fences, landscaping, interior remodels, temporary improvements, and similar work.

(b) For Significant Historic Structures and Sites - minor routine maintenance, minor routine construction work and minor alterations having little or no negative impact on the historic character of the surrounding neighborhood, the Historic Structure or the Historic District, such as work on roofing, decks, railings, stairs, hot tubs and patios, replacement of windows and doors in existing or to historic locations, trim, lighting, mechanical equipment located in a rear yard area or rear façade, paths, driveways, repair of existing retaining walls, fences, landscaping, interior remodels, temporary improvements, and similar work.

(c) For Landmark Historic Structures and Sites - minor routine maintenance and minor routine construction having no negative impact on the historic character of the surrounding neighborhood, the Historic Structure, or the Historic District, such as re-roofing; repair of existing decks, railing, and stairs; hot tubs and patios located in a rear yard; replacement of existing windows and doors in existing or historic locations; repair of existing trim and other historic detailing; lighting, mechanical equipment located in a rear yard area or rear façade, repair of

paths, driveways, and existing retaining walls; fences, landscaping, interior remodels, temporary improvements, and similar work.

(B) **COMPLETE APPLICATION.** The Owner and/or Applicant for any Property shall be required to submit a Historic District/Site design review Application for proposed work requiring a Building Permit in order to complete the work.

(C) **NOTICE.** Upon receipt of a Complete Application, but prior to taking action on any Historic District/Site design review Application, the Planning staff shall provide notice pursuant to Section 15-1-12 and 15-1-21 of this Code.

(D) **INFORMAL STREAMLINED REVIEW AND DECISION.** Following the fourteen (14) day public notice period noted in Section 15-1-21 of this Code. The Planning Department staff shall do an informal streamlined review and make, within forty-five (45) days, written findings, conclusions of law, and conditions of approval or reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy. Staff shall also provide notice pursuant to Section 15-1-21.

(1) Historic District/Site design review Applications shall be approved by the Planning Department staff upon determination of compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites upon an informal streamlined review. If the Planning Department staff determines based upon that review an Application does not comply with the Design Guidelines, the Application shall be denied.

(2) With the exception of any Application involving the Reconstruction of a Building, Accessory Building, and/or Structure on a Landmark Site, an Application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in 15-11-10(A)(1) upon the Planning Department's informal streamlined review.

(3) An Application associated with a Significant Site shall be denied if the Planning Department finds upon the it's informal streamlined review that the proposed project will result in the Significant Site no longer meeting the criteria set forth in 15-11-10(A)(2).

(E) **APPEALS FORMAL CONSIDERATION.** The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal-contest any informal streamlined Planning Department decision made on a Historic District/Site design review Application to the Historic Preservation Board.

All appeal-formal consideration requests contesting a Historic District/Site design review Application shall be submitted to the Planning Department no more within ten (10) days of the Planning Department action decision. ~~Appeals Requests for formal consideration~~ must be written and shall contain the name, address, and telephone number of the petitioner, and his or her relationship to the project, ~~and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines that are alleged to be violated by the action taken.~~ All appeals-requests for formal consideration shall be heard by the

~~reviewing body~~HPB within forty-five (45) days of the date that the ~~appellant requestor files an appeal~~request for formal consideration unless all parties, including the City, stipulate otherwise.

Notice of all ~~pending appeals~~formal considerations of Historic District/Site design review Applications shall be made by staff, pursuant to Section 15-1-21 of this Code. The ~~appellant requestor~~ shall provide required stamped and addressed notice envelopes within fourteen (14) days of the ~~appeal~~request for formal consideration. The notice and posting shall include the location and description of the proposed Development project. The scope of review by the Historic Preservation Board shall be the same as the scope of review at the Planning Department level.

(1) The Historic Preservation Board shall either approve, approve with conditions, or disapprove the ~~proposal~~Application based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(2) Any Historic Preservation Board decision may be appealed to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 ~~of~~ this Code. Appeals shall be considered only on the record made before the Historic Preservation Board and will be reviewed for correctness.

(Amended by Ord. Nos. 09-23; 10-11; 11-05)

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

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

(A) **CRITERIA FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** In approving a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Planning Department ~~in its informal streamlined review or the HPB if it formally considers the application~~ shall ~~find fine~~ the project complies with the following criteria:

(1) ~~A portion of the Historic Building(s) and/or Structure(s) encroaches on an adjacent Property and an easement cannot be secured; or~~

~~(2)~~ The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

(23) The Planning Director and the Chief Building Official¹, determine that unique conditions warrant the proposed relocation and/or reorientation on the existing Site; or

(43) The Planning Director and the Chief Building Official¹, determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site.

(B) **PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF A LANDMARK SITE OR A SIGNIFICANT SITE.** All Applications for the relocation and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site within the City are routine Land Use matters which will receive informal streamlined review shall be reviewed by the Planning Department unless contested and formal consideration is requested pursuant to Section 15-11-12 of this Code.

(Created by Ord. No. 09-23)

15-11-14. DISASSEMBLY AND REASSEMBLY OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the disassembly and reassembly of Historic Buildings, Structures, and Sites.

(A) **CRITERIA FOR DISASSEMBLY AND REASSEMBLY OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR SIGNIFICANT SITE.** In approving a Historic District or Historic Site design review Application involving disassembly and reassembly of the Historic Building(s) and/or Structure(s) on a Landmark Site or Significant Site, the Planning Department in its informal streamlined review or the HPB if it formally considers the application shall find the project complies with the following criteria:

- (1) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) cannot reasonably be moved intact; or
- (2) The proposed disassembly and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
- (3) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or

¹ The HPB shall make this determination if the HPB is formally considering the Application. The Planning Director and the Chief Building Official shall at the hearing on the formal consideration submit a written statement or testify concerning whether, unique conditions warrant the proposed relocation and/or reorientation on the existing Site or to a different site.

¹

- (4) The Planning Director and the Chief Building Official² determine that unique conditions and the quality of the Historic preservation plan warrant the proposed disassembly and reassembly;

Under all of the above criteria, the Historic Structure(s) and or Building(s) must be reassembled using the original materials that are found to be safe and/or serviceable condition in combination with new materials; and

The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

(B) **PROCEDURE FOR THE DISASSEMBLY AND REASSEMBLY OF A LANDMARK SITE OR A SIGNIFICANT SITE.** All Applications for the disassembly and reassembly of any Historic Building(s) and/or Structure(s) on a Landmark Site of a Significant Site within the City shall be reviewed by the Planning Department in its informal streamlined review or the HPB if it formally considers the application pursuant to Section 15-11-12 of this Code.

If an Application involving the disassembly and reassembly of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the reassembled Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

(Created by Ord. No. 09-23; Amended by Ord. No. 11-05)

15-11-15. RECONSTRUCTION OF AN EXISTING HISTORIC BUILDING OR HISTORIC STRUCTURE.

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

(A) **CRITERIA FOR RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** In approving an Application for Reconstruction of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Planning Department in its informal streamlined review or the HPB if it formally considers the application shall find the project complies with the following criteria:

- (1) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; and

² The HPB shall make this determination if the HPB is formally considering the Application. The Planning Director and the Chief Building Official shall at the hearing on the formal consideration submit a written statement or testify concerning whether that unique conditions and the quality of the Historic preservation plan warrant the proposed disassembly and reassembly.

(2) The Historic Building(s) and/or Structure(s) cannot be made safe and/or serviceable through repair; and

(3) The form, features, detailing, placement, orientation and location of the Historic Building(s) and/or Structure(s) will be accurately depicted, by means of new construction, based on as-built measured drawings, historical records, and/or current or Historic photographs.

(B) **PROCEDURE FOR THE RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** All Applications for the Reconstruction of any Historic Building and/or Structure on a Landmark Site or a Significant Site within the City shall be reviewed by the Planning Department in its informal streamlined review or the HPB if it formally considers the application pursuant to Section 15-11-12 of this Code.

If an Application involving the Reconstruction of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the Reconstructed Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

15-15-1. **DEFINITIONS**

GREEN ROOF. A roof of a Building that is covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. This does not refer to roofs which are colored green, as with green roof shingles. A Green Roof may include the installation of Solar Panels or Thin Film PV for the generation of Energy and/or Hot Water.

IMPERVIOUS SURFACE. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, patios, and paved recreation areas.

STOREFRONT PROPERTY. A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term “fronts on a Public Street” shall mean a separately enclosed space or unit with:

- (1) A window and/or entrance within fifty lateral/horizontal feet (50') of the back, inside building edge, of the public sidewalk; and
- (2) A window and/or entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street.

In the case of ~~s~~Split-~~l~~level, multi-level Buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the Street as set forth above, shall be designated to be a “Storefront Property.” The Planning Director or their designee shall have the final determination of applicability.

ZERO NET ENERGY BUILDING. A building with zero net energy consumption and zero carbon emissions annually. Zero net energy buildings may use the electrical grid for energy storage but may also be independent of the grid. Energy is harvested on-site through a combination of energy producing technologies like solar and wind, while reducing the overall use of energy within the building with highly efficient HVAC and lighting technologies and highly efficient appliances.

Planning Commission Staff Report



Planning Department

Subject: Land Management Code
Amendments
Author: Kirsten Whetstone, AICP
Date: August 22, 2012
Type of Item: Legislative – Work Session

Summary Recommendations

The Planning Commission should review and discuss at work session, the proposed amendments to the Land Management Code (LMC) for the following changes:

- Chapter One- General Provisions and Procedures
 - review process for Historic District Design Review applications and Administrative CUP
 - revisions to appeals processes
 - revisions to notice matrix
- Chapter Two- Zoning Districts
 - roof pitch in the Historic Residential zones
 - calculation of Stories
 - streamlined review of plans
- Chapter Three- Off-Street Parking
 - require building permits for impervious flat work, e.g. driveways and parking pads in all zoning districts
- Chapter Four- Supplemental Regulations
 - requiring building permits for fences and walls in the Historic Districts.
- Chapter Five- Architectural Review
 - streamlined review of plans
 - require building permits for patios and other impervious surface improvements in all zoning districts
- Chapter Six- Master Planned Developments
 - Master Planned Developments in the Historic Districts
- Chapter Ten- Board of Adjustment
 - removal of Special Exceptions
 - revisions to appeals process
- Chapter Eleven- Historic Preservation
 - review process for Historic District Design Review applications
- Chapter Fifteen- Definitions,
 - definitions for Impervious, Green Roof, Zero Net Energy Building, Story, Half Story, and Split Level.

Topic

Project Name: LMC Amendments – annual updates
Applicant: Planning Department
Proposal: Revisions to the Land Management Code (LMC)

Proposal

Staff recommends that the Commission review and discuss the proposed amendments as outlined in this staff report, provide input, and continue the item to the September 12th, 2012 meeting.

Background

The Planning Department, on an annual or bi-annual basis, reviews the LMC to address planning and zoning issues that have come up in the past year. These amendments provide clarification and streamlining of processes, procedures, and definitions and provide consistency of code application between Chapters as well as consistency with the General Plan, Council Goals, Utah Code, and the Historic District Design Guidelines. These proposed revisions are outlined below and redlined in Exhibits A- I.

Analysis

The following amendments are proposed (Staff will present these items at the Work Session for Planning Commission discussion and direction):

1. Amendments to the review of Historic District Design Review applications to be consistent with the Utah Code to clarify that the Staff review is an informal streamlined review
2. Clarification of exceptions to roof pitch requirements in the Historic District to be consistent with the criteria outlined in the Historic District Design Guidelines.
3. Clarification as to how to calculate or tabulate the number of Stories in a Structure.
4. Requirements for building permits for fences, walls, driveways, parking areas, patios, and other non-bearing construction creating an impervious surface. Building permits for these items allow a more thorough review of a site plan, the proposed materials and design. Without this review, these items are often constructed without meeting setbacks, plat notes, and design criteria and often without paying attention to property lines or having proper approval from Homeowner's Associations.
5. Clarification of the applicability of the Master Planned Development review process in the Historic Districts and other additions to the MPD requirements.
6. Removal of "Special Exceptions" that are currently reviewed by the Board of Adjustment.
7. Addition and clarification of definitions of Impervious, Half Story, Green Roof, Story, Split Level and Net Zero Energy Building. These terms are either missing from the LMC or do not clearly define what is meant by the use of these words in the Code.

Department Review

These amendments have been reviewed by the Planning and Legal Departments. Prior to the September 12th, 2012 public hearing on these amendments, Staff will present them to the City's Engineering, Building, and Legal Departments at a Development Review Committee meeting for further input and discussion.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption and become pending upon publication of legal notice. City Council action may be appealed to a court of competent jurisdiction per LMC Section 15-1-18.

Notice

The work session was noticed with publication and posting of the Planning Commission meeting agenda and posted according to requirements of the Land Management Code.

Public Input

A public hearing will be conducted at the Planning Commission meeting on September 12, 2012. The Planning Commission may entertain public comment at the work session if they wish. The noticed public hearing should be continued to the September 12, 2012 meeting.

Recommendation

The Planning Commission should review and discuss proposed amendments to the Land Management Code as outlined in this report and redlined in Exhibits A- I. This item and the public hearing should be continued to the September 12th, 2012 meeting.

Exhibits (redlined sections only)

- Exhibit A- Chapter 1- General Provisions and Procedures
- Exhibit B- Chapter 2- Zoning Districts (HRL, HR-1, and HR-2)
- Exhibit C- Chapter 3- Off Street Parking
- Exhibit D- Chapter 4- Supplemental Regulations
- Exhibit E- Chapter 5- Architectural Review
- Exhibit F- Chapter 6- Master Planned Developments
- Exhibit G- Chapter 10- Board of Adjustment
- Exhibit H- Chapter 11- Historic Preservation
- Exhibit I- Chapter 15- Definitions

Draft
Ordinance 12- __

**AN ORDINANCE AMENDING
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH,
REVISING
SECTIONS 15-1, 15-2.1, 15-2.2, 15-2.3, 15-3, 15-4, 15-5, 15-6, 15-10, 15-11, and 15-15 REGARDING DEVELOPMENT REGULATION, PROCESS AND REVIEW OF HISTORIC DISTRICT DESIGN REVIEW, CLARIFICATION OF ROOF PITCH MINIMUMS CONSISTENT WITH THE DESIGN GUIDELINES, MASTER PLANNED DEVELOPMENTS IN THE HRC AND HCB DISTRICTS, REMOVAL OF SPECIAL EXCEPTIONS, AND BUILDING PERMITS FOR FENCES AND IMPERVIOUS SURFACES NOT BEARING CONSTRUCTION**

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owner's of Park City;

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on an annual basis and identifies necessary amendments to address planning and zoning issues that have come up in the past year, and to address specific LMC issues raised by Staff and the Commission, to address applicable changes to the State Code, and to align the Code with the Council's goals;

WHEREAS, the City's goals include preservation of Park City's character regarding Old Town improvements, historic preservation, sustainability, affordable housing, and protecting Park City's residential neighborhoods and commercial districts;

WHEREAS, the City's goals include maintaining effective transportation and parking, maintaining the resort community regarding architectural consistency and excellent design and enhancing the economic viability of Park City's Main Street Business Districts; and

WHEREAS, Chapter 1, General Provisions and Procedures, provides a description of requirements, provisions and procedures that apply to each zoning district that the City desires to clarify and revise. These amendments concern the review process for Historic District design review and requiring building permits for fences, walls, driveways, patios, and other impervious improvements to ensure that these requirements comply with established design guidelines, setbacks, plat notes, ownership lines, and other applicable restrictions; and

WHEREAS, Chapters 2.1, 2.2, and 2.3, Historic Residential HRL, HR-1, and HR-2 Zoning Districts, provide a description of requirements, provisions and procedures specific to these historic districts that the City desires to clarify and revise. These revisions concern clarification of roof pitch to be consistent with the Historic District Design Guidelines and to allow adequate review and permitting for fences, walls, driveways, patios, and other impervious improvements to ensure that these requirements comply with established design guidelines, setbacks, plat notes, ownership lines, and other applicable restrictions; and

WHEREAS, Chapter 3 – Off-Street Parking provides regulations, requirements, and procedural requirements regarding Parking within all zoning districts, and the City desires to clarify and revise these regulations and procedures as they pertain to the requiring building permits for parking areas and driveways in all zoning districts; and

WHEREAS, Chapter 4 – Supplemental Regulations, provides regulations, requirements, and procedural requirements regarding supplemental items, and the City desires to clarify and revise these regulations and procedures as they pertain to the requirement for building permits for fences, walls, and other impervious areas ; and

WHEREAS, Chapter 5 – Architectural Guidelines, provides regulations, requirements, and procedural requirements regarding Architectural Design and Guidelines and the City desires to clarify and revise these regulations and procedures as they pertain to requiring building permits for patios and other non- bearing flatwork in all districts; and

WHEREAS, Chapter 6 - Master Planned Developments, provides regulations, requirements, and procedural requirements regarding Master Planned Developments, and the City desires to clarify and revise these regulations and procedures as they pertain to the HRC and HCB Zoning Districts; and

WHEREAS, Chapter 10 - Board of Adjustment, provides regulations and procedural requirements for the Board of Adjustment, and the City desires to clarify and revise the regulations and procedures regarding Special Exceptions and review of Historic Design Reviews; and

WHEREAS, Chapter 11 – Historic Preservation, provides regulations and procedural requirements for the Historic Preservation Board and the City desires to clarify and revise these regulations regarding the review process for Historic District Design Review applications,; and

WHEREAS, Chapter 15 – Definitions, provides clarification regarding the meaning of words used in the LMC and the City desires to clarify and add the definition of Impervious, Green Roof, Half Story, Story, and Net Zero Energy Building, and

WHEREAS, these amendments are changes identified during the 2011/2012 annual review of the Land Management Code that provide clarifications of processes and procedures, and interpretations of the Code for streamlined review and consistency of application between Sections.

WHEREAS, the Planning Commission held a work session meeting on August 22, 2012 to discuss the proposed LMC amendments as outlined in this report. The Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on September 12th and September 26th, and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on _____, 2012; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, preserve historic structures, promote economic development within the Park City Historic Main Street business area, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 1- General Provisions and Procedures. The recitals above are incorporated herein as findings of fact. Chapter 1 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2- Sections 15-2.1, 15-2.2, and 15-2.3. The recitals above are incorporated herein as findings of fact. Chapter 15-2.1, 15-2.2, and 15-2.3 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 3- Off-street Parking. The recitals above are incorporated herein as findings of fact. Chapter 3 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

SECTION 4. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 4- Supplemental Regulations. The recitals above are incorporated herein as findings of fact. Chapter 4 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit D).

SECTION 5. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 5- Architectural Guidelines. The recitals above are incorporated herein as findings of fact. Chapter 5 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit E).

SECTION 6. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 6- Master Planned Development. The recitals above are incorporated herein as findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit F).

SECTION 7. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 10- Board of Adjustment. The recitals above are incorporated herein as findings of fact. Chapter 10 of the Land Management Code is hereby amended as redlined (see Exhibit G).

SECTION 8. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 11- Historic Preservation. The recitals above are incorporated herein as findings of fact. Chapter 11 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit H).

SECTION 9. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15- Definitions. The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit I).

SECTION 10. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2012

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney