

**PARK CITY MUNICIPAL CORPORATION
 PLANNING COMMISSION
 CITY HALL, COUNCIL CHAMBERS
 SEPTEMBER 26, 2012**



AGENDA

MEETING CALLED TO ORDER - 5:30 PM	Pg
ROLL CALL	
ADOPTION OF MINUTES OF SEPTEMBER 12, 2012	5
PUBLIC COMMUNICATIONS – <i>Items not scheduled on the regular agenda</i>	
STAFF AND BOARD COMMUNICATIONS/DISCLOSURES	
REGULAR AGENDA – <i>Discussion, public hearing, and possible action as outlined below</i>	
7700 Stein Way, Stein Eriksen Lodge – Amendment to Record of Survey PL-12-01616	51
<i>Public hearing and possible recommendation to City Council</i>	
Richards/PCMC Parcel – Annexation Petition PL-12-01482	separate packet
<i>Public hearing and discussion</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 79
<i>Public hearing and discussion</i>	
WORK SESSION – <i>Discussion items only. No action taken</i>	
General Plan – Small Town discussion	147
Annual Open and Public Meetings Act Training	
ADJOURN	

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

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.
 Planning Commission - September 26, 2012

MINUTES – SEPTEMBER 12, 2012

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
SEPTEMBER 12, 2012**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Adam Strachan, Jack Thomas, Thomas Eddington, Francisco Astorga, Polly Samuels McLean

WORK SESSION ITEMS

Land Management Code – Discussion of Story & Height

The Staff recommended that the Planning Commission discuss the interpretation of story as currently defined in the LMC.

Planner Astorga stated that in 2009 the Planning Commission and City Council held several meetings to discuss amending the Land Management Code. At that time the Steep Slope Conditional Use permit criteria was updated, as well as the overall height and how height is measured. It also addressed specific regulations related to the HR-1, HR-2 and the HRL District. Planner Astorga reviewed the existing regulations using a hand-drawn illustration.

Planner Astorga remarked that the major change in 2009 was the requirement to add a 10 foot setback for the third story. Another regulation indicated that final grade had to be within 4 feet of existing grade. The maximum number of stories was limited to three, and the basement counts as a first story. Planner Astorga pointed out that on a 30% lot and with the 27' height regulation, the numbers for a 10' setback do not work. If the entire lot is 30%, the minimum setback has to be 18 feet. Planner Astorga noted that another item added to the LMC in 2009 was that the roof pitch had to be between 7:12 and 12:12.

On a downhill lot, if the applicant wanted to accommodate a tandem two-car garage, an exception could be authorized for up to 35' instead of 27' to accommodate tandem garages. The Code indicates that a single family dwelling must have at least two parking spaces.

Planner Astorga noted that items were also removed from the LMC in 2009. The Planning Commission had the ability to allow a maximum height of up to 45 feet on lots with slopes 30% or greater, and that was removed.

Planner Astorga read the definition of a story per the current Land Management Code. "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 pate for the roof structure." Planner Astorga stated that the Staff has recently received several applications on downhill lots, where different architects have introduced a split level concept. He requested that the Planning Commission discuss split level this evening.

Planner Astorga reviewed a diagram to show the shift in levels and the staircases dividing the structure. He noted that the application would meet all the requirements of the LMC, with the exception of the number of stories based on interpretation of the definition.

Commissioner Thomas believed the present interpretation is the same interpretation the Planning Commission has given in the last two meetings. According to the strict definition of the Code as written, the diagram shown exceeds the three-story limit. Commissioner Thomas agreed that the

definition needed to be modified and corrected, and he thought the Planning Commission should consider the modification as suggested by Staff. He favored the idea of varying the floor plates as long as they stay within the maximum height. The Staff had suggested 37-1/2 feet as a discussion point, and Commissioner Thomas thought it was an appropriate height and closer to the intent.

Commissioner Thomas pointed out that when the Code first came before the Planning Commission there was a 10-foot story criteria that would have allowed more flexibility. When it went to the City Council, that criteria was modified and changed and the result affected the process. The Commissioners concurred.

Planner Astorga stated that the Staff understood the concerns and was prepared to introduce a solution, which would add a regulation to the Land Management Code. The measurement would be the vertical distance between the lowest finished floor towards the highest point on the highest ridge. The Staff believes that if they could implement that specific regulation, it would stop the terracing affect that could take place on a longer than usual lot.

Planner Astorga presented a diagram to show how the Staff reached the 37-1/2 feet height recommendation.

Commission Thomas felt that the overall maximum height made the story discussion less significant. Director Eddington felt it was best to define a story as one above the other and add a vertical maximum measurement. Planner Astorga pointed out that the intent for the 7:12 to 12:12 range was to encourage variety and avoid every building having the same pitch. Director Eddington remarked that the steeper the slope, the more impacted the project would be by the vertical measurement.

Planner Astorga stated that the Planning Commission researched the definition of story in other ski resort town. Based on that research, The Staff recommended changing the definition of story to, "That portion of a building included between the upper surface of a floor and the upper surface of the floor next above, except that the top most story shall be that portion of a building included between the upper surface of the top most floor and the ceiling or roof above." He asked for feedback from the Planning Commission on the proposed definition. Planner Astorga noted that the difference between the existing language and the proposed language is the reference to the floor next above it. He remarked that the language mirrors the definition of a story per the International Residential Code.

Commissioner Thomas stated that if they remove the three story restriction and add a new height restriction, the definition of a story has less meaning. However, he liked having some commonality with other communities on what is logical in the building world. Commissioner Thomas thought that cleaning up the story definition was a good idea.

Director Eddington clarified that the Staff had not considered completely removing the three-story issue. They had talked about giving better definition and parameters to a mezzanine or a split level.

Commissioner Thomas thought they needed to think of the effects of half-story. Under the current definition, some of the cross sections are six stories. He felt the definition was too restrictive.

Commissioner Gross thought the 25% limitation on the intermediate floor seemed reasonable. Commissioner Thomas wanted to see diagrams of how that would work before making a decision. He suggested taking input from the design community to see if there were other conditions they had not thought about. The idea sounded good and he would like to support it, but he wanted to understand the fallout and what situations could occur under different scenarios. He felt the discussion was going in the right direction, but it needed to come back for further consideration.

Director Eddington stated that the Staff would work with different scenarios and come back with alternatives.

Commissioner Hontz was leaning towards the revised definition of a story because the new language clarifies that it has to be above. She favored keeping the 3-story limitation and the additional height limitation. She agreed with Commission Thomas about looking for unintended consequence.

Commissioner Thomas believed the intent of the Code is to reduce the mass and scale of houses in the Historic District, but there should be some flexibility in doing that.

Commissioner Strachan asked if the definition of mezzanine floor or loft had been pulled from somewhere. Planner Astorga recalled that it was a combination from Crested Butte and other towns. The language was not pulled word for word and the Staff tweaked it specific to Park City. Commissioner Strachan thought it set up inconsistent and vague language in the Code. He felt the revised definition of a story and the 37-1/2 overall height limitation was sufficient. The architects would have the ability to do what they wanted inside those parameters. He believed the mezzanine, loft, or intermediate floor definition was unnecessary and would only create problems. Director Eddington clarified that Commissioner Strachan was not concerned about split levels or mezzanines. Commissioner Strachan replied that this was correct. He thought it everything could be accomplished by the stepping requirement, setbacks, and a change to the height requirement. He was concerned that the 25% floor area calculation would be hard to do because the total floor area of the story in which it is placed would not be calculable. There would be so many half stories and steps that they would never reach the 25% point. Commissioner Thomas agreed.

Commissioner Thomas believed a critical step was the addition of the 37-1/2 foot height limitation, because it restricts the height of the building without being concerned about the stories inside. However, he still wanted time to think it through to make sure they were not opening Pandora's box.

Director Eddington stated that the Staff would come back with code definitions that address that issue, as well as definitions that would address keeping in the story and mezzanine.

Commissioner Hontz suggested keeping the story definition as revised and the 37-1/2-foot height limitation, and not the mezzanine definition. From her reading, when it is stepped, there would never be a loft or a split level. Commissioner Strachan asked if Commissioner Hontz was suggesting that a story is the portion of the building included between the upper surface of any floor and the upper surface of the next floor above, and that measurement could be taken from anywhere in the home. Commissioner Strachan provided a scenario based on Commissioner Hontz's interpretation. He noted that not all the floors in the diagram may expand the width of the home.

Director Eddington stated that it would be the entire width of the home depending on where the sections are drawn.

Commissioner Strachan was concerned about a building cascading up the hillside on a long lot. Director Eddington explained how the 37-1/2 overall height limitation would address that issue. Commissioner Strachan felt the explanation made it more certain that the mezzanine definition and the three story definition were not needed, as long as the height controls the cascade effect up the hillside and the concern for the cross canyon view.

Commissioner Thomas pointed out that the cross sections, like the example they were looking at, was consistent with the Code, as long as it remains under the 37-1/2 foot limit. However, under the current definition, the cross section would show six stories. Commissioner Strachan stated that without a cross canyon view, it would be difficult to know if that home would present the cascade problem. Commissioner Thomas replied that it has a footprint restriction and a maximum height from one point to another point.

Chair Worel thanked Planner Astorga for the background information he provided. It was helpful to see how other communities address these issues. Chair Worel opened the public hearing.

Craig Elliott, an architect with Elliott Work Group, felt the Planning Commission was headed in the right direction as far as capping maximum height and removing the requirements for floors. He noted that most sites have cross slope in addition to the slopes front and back. Removing the discussion about stories and maximizing the height and using the 27 foot grade makes a lot of sense with respect to a 75-foot deep lot. Mr. Elliott presented an image of homes in Park City that was taken from the Marsac parking lot. He noted that the majority of buildings in the photograph do not meet the existing current Code for various reasons, but it is a great depiction of what Park City is and can be. He chose that photograph because it is one of the steepest sections in Old Town. Mr. Elliott would like to have the discussion on lots greater than 75 feet deep and breaking the building into separate buildings or structures that are not connected. He believed there was an opportunity to maintain the existing character and scale, and still give people with larger lots the ability to create diverse and interesting projects. Mr. Elliott agreed with the discussion about removing the floor definition. He liked the cap of the building and the maximum height and following the 27 foot grade, as long as it pertains to a typical lot depth. Variations in lot depth and shape becomes a separate issue.

Joe Tesch disagreed with Commissioner Thomas' comment that the idea of the Code was to reduce massing and height. That was the case in 2009, but additional suggestions were made in 2011. There were joint meetings with the Planning Commission, Planning Staff and City Council and the idea of reducing height and size further was rejected. Mr. Tesch remarked that they were dealing with what occurred in 2009, but the idea is to not go smaller. Operating today under the impression of a mandate to reduce what has been occurring is a mistake. Mr. Tesch stated that another thing that came out of those joint discussions was that Park City is different neighborhoods and one size does not fit all. His recollection for those discussions was that there was no mandate for any neighborhood to attempt to reduce height or massing.

Chuck Heath, the applicant for 916 Empire, understood that there were recommendations to change the Code and possibly the rules. He wanted to know how this would affect his application, since his application was submitted under the current Code.

Assistant City Attorney McLean explained that Mr. Heath was vested under the Code in place at the time his application was submitted, and the interpretation of that Code. If the changes are less restrictive Mr. Heath could avail himself of that, but if they are more restrictive, he was still vested under the current application.

Mr. Heath asked how the new interpretation would differ from the current Code and how it would affect his application.

Commissioner Thomas clarified that the Planning Commission was talking about general amendments to the LMC with regard to stories, and not specific to any project. He recommended that Mr. Heath talk with the Staff regarding the interpretation to evaluate whether it would be more beneficial to move forward with his current application or wait until the changes are made and adopted and then resubmit his application.

Mary Wintzer commented on Mr. Tesch's remarks about there not being a mandate. She thought the visioning result had brought this to the forefront. Over 400 people responded and the City spent \$60,000 to do a survey. People overwhelmingly talked about scale and wanting to keep the small town feel and the historic nature. Ms. Wintzer believed the home on Ontario was the poster child for loopholes and being able to build a house far out of scale of the adjacent historic home. Ms. Wintzer believed there was wide sentiment among many people in Old Town to look at mass and scale to keep with natural setting, historic character and the small town feel.

The Work Session was adjourned.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
SEPTEMBER 12, 2012

COMMISSIONERS IN ATTENDANCE:

Nann Worel, Brooke Hontz, Stewart Gross, Adam Strachan, Jack Thomas, Nann Worel

EX OFFICIO:

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

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

August 22, 2012

Commissioner Gross corrected the minutes to add his name to the list of Commissioners in attendance.

Commissioner Strachan referred to Condition of Approval #5 on the Washington School Inn approval and corrected 2012 to 2013 regarding the yearly review.

MOTION: Commissioner Hontz moved to APPROVE the minutes of August 22, 2012 as amended. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

Jim Teford, was representing a group called Preserve Historic Main Street. Mr. Teford read their mission statement, which was emailed to the Planning Department. The group supports the Kimball Arts Center and the need for an addition to their current facilities. However, they believe the expansion can and should be accomplished within the existing Land Management Code and the Historic District Design Guidelines as of August 2012.

Mr. Teford had read the proposed LMC amendments outlined for discussion in the Staff report. The report indicates that the amendments were part of the annual review; however, it appears that several of the changes were drafted specifically to accommodate the Kimball Arts Center. He

understood that the Kimball Arts Center would like to apply under an MPD because it allows more flexibility. Mr. Teford and the group he represents believed the Kimball Arts Center should abide by the current Code where an MPD is not allowed in this specific zone. If they begin making exceptions for one group, where would it stop. If they keep changing the guidelines to accommodate specific projects, eventually historic Main Street would become less historic. The proposed addition to the Kimball Arts Center is not historic. They try to compare it with the Old Coalition Building as a way to justify the height, but there is no resemblance whatsoever. Mr. Teford remarked that Main Street in Park City is a historic gem and a main tourist attraction, and it should be maintained. On behalf of the Preserve Historic Main Street group, he urged the Planning Commission not to change the Land Management Code process to accommodate one special interest group and to keep the Code and historic guidelines as they exist today.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planner Astorga stated that the Staff would come back to the Planning Commission at a future meeting to show additional diagrams that were prepared for the work session this evening, as well as additional diagrams that relate to the effects of the 2009 changes. That discussion would be scheduled as a work session item.

Commissioner Gross disclosed that he would be recusing himself from 811 Norfolk and 817 Norfolk based on prior involvement with the Board of Adjustment on those matters.

Director Eddington reported that the Staff was still trying to schedule a regional meeting with the Snyderville Planning Commission. The tentative dates previously reported did not work out and they were now looking at the second or third week in October.

124 Daly Avenue – Staff Update (Application #PL-05-00075)

Planner Matt Evans stated that the home at 124 Daly Avenue was currently listed on the Historic Sites Inventory as a significant structure. It went through an HDDR that was approved in August of 2005. Since the home has been under construction, citizens have raised concerns with reason. The Staff approached the architect and the owner and asked them to reconsider a design for the project that was more in line with current standards. Planner Evans remarked that the owners graciously agreed to do that. He noted that the project was not required to make full compliance with current standards because they have already have an approved active building permit, as well as HDDR approval.

Planner Evans reviewed proposed changes to the front elevation of the house. The applicant was proposing to remove the deck that is directly adjacent to the garage and have an additional set of stairs coming up to the front porch. The other stairs that connect to the adjoining property were there historically, and the applicant was allowed to keep those stairs and rebuild them. Planner Evans pointed out that the applicant was willing to consider the possibility of removing one set of stairs if that was more desirable. The Staff was very supportive of the applicant's efforts to improve

the project. Planner Evans had presented the revised project to the Design Review Team as an information item, and they were also very supportive of the proposed changes.

Planner Evans explained that the revisions did not require action by the Planning Commission. It was brought to them this evening as an information item only. He believed the applicant was interested in hearing feedback on the proposed design.

David White, the project architect, stated that the second set of stairs shown on the elevation was added at the time of approval at the request of the Chief Building Official, because the historic set of stairs was coming off the other property. Since the two properties would eventually be separately owned, it was determined that the second set of stairs would be necessary.

Commissioner Thomas remarked that adding the stairs improved the elevation. Commissioner Thomas understood that the revisions also down scaled the columns. Mr. White replied that this was correct. He was the first to admit that a mistake was made with the design in 2005 and he was amendable to correcting it. Planner Evans pointed out that this project was designed and approved under the previous design guidelines. Commissioner Thomas thought it was a great effort and he supported the changes. The Commissioners concurred.

Director Eddington remarked that David White worked hard with the Planning Department on these solutions and he believed they did a great job.

CONTINUATIONS – PUBLIC HEARING AND MOTION TO CONTINUE

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

Chair Worel opened the public hearing. There were no comments. Chair Worel closed the public hearing.

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

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 811 Norfolk Avenue – Plat Amendment
(Application #PL-10-00988)

Commissioner Gross recused himself and left the room.

Chair Worel informed the applicant that with two Commissioner absent and Commissioner Gross recused, only three Commissioners would be voting on this item. The applicant had the option to ask for a continuance or to move forward this evening. Jeff Love, the applicant, preferred to move

forward, and asked why only three members would vote when four were present. Chair Worel explained that as the Chair she only votes in the event of a tie.

Planner Evans reported that this application came before the Planning Commission on April 27th, 2011. The request was for a plat amendment to combine 1-1/2 lots. One of those lots currently traverses through an existing historic house shown on the Historic Sites Inventory as a landmark structure. The plat amendment would combine the north half of Lot 2 and Lot 3 of Block 14 of the Snyder's Addition to Park City. The existing home is a landmark structure. At the time the applicant submitted the application for the plat amendment, they also submitted a historic district design review application, which included a proposal to move the home, since it encroaches onto the adjacent property. That request was ultimately approved and upheld in Third District Court, and the applicant planned to move forward with the project as proposed.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Planner Evans reported that public input he received had been forwarded to the Planning Commission. He believed the input came from the same people who gave public comment earlier in the process.

Planner Evans stated that the applicant had contacted Staff with concerns related to Condition of Approval #5 and the public snow storage. Planner Evans spoke with the City Engineer and it is a standard condition that is placed on Old Town plat amendments, because it allows the City to put snow within that area off the street. He believed the applicant misunderstood the intent of the easement and believed it was an easement that allowed the public to put snow on his property.

Planner Evans noted that the requirement for Modified 13-D sprinklers should be numbered as Condition #6 in the conditions of approval.

Mark Kozac stated that he was legal counsel representing Jeff Love. Mr. Love remarked that the condition says a "public snow storage easement". If it is not public snow storage easement and the condition is consistent with other applications, he was not opposed to a snow storage easement for the use of Park City Municipal Corp. in the event of a snow emergency. However, he was concerned with the wording.

Assistant City Attorney, Polly Samuels McLean, explained that a public snow storage easement is for the use of the City and it is public in the same way utilities are public. City Engineer, Matt Cassel clarified that the word "public" was added because without that word people thought it could be used as a private snow storage easement. Mr. Love was comfortable with the language as explained.

Mr. Love read from page 62 of the Staff report under the Analysis, "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." He asked if that was a planning or building policy, because over the course of the past 28 months this was the first time the issue came up.

Planner Evans believed the sentence addresses the property in its current status, and the plat amendment would take care of the issue. Mr. Love replied that the HDDR would take care of it but not the plat amendment. His understanding after doing some research, was that it came from the Building Department because the International Building Code does not allow the Building Department to issue building permits over existing property lines. If that is correct, the Staff report basically says there are two ways to resolve the issue. One is for the adjacent property owner to give an encroachment agreement. If that person does not give the encroachment agreement, and they have the right to decline, then the house must be moved, because the building department will not issue a building permit. Mr. Love stated that under his denial the Chief Building Official denied his application for the movement of the house. The Chief Building Official did not determine that unique conditions exist to warrant the proposed relocation and/or reorientation of the existing site. There were no unique building code conditions on the site. Mr. Love thought it appeared from the Staff report that there were unique building conditions on the site. It seemed contradictory and he asked for an explanation.

Director Eddington stated that the language in the Staff report was saying that if the structure does not obtain an encroachment agreement, then the house needs to be moved or the lot line needs to be relocated. Mr. Love remarked that relocating the lot line was not mentioned. It only talks about obtaining an encroachment agreement or moving the house. It is one or the other. When his application was denied, they said there were no unique building code conditions. He still questioned the contradiction.

Director Eddington clarified that it was not a unique condition, and it is utilized throughout Old Town. The Building Department will not issue a permit on a house that crosses over a property line. Mr. Love pointed out that he could not renovate the existing structure as it currently exists because it sits on a property line. The Building Department will not issue a building permit in that situation, and in his opinion, that is unique. Mr. Love stated that the Chief Building Official at the time was Roger Evans. In July he met with Mr. Evans and the current Chief Building Official. When he read the denial issued by Roger Evans in that meeting, Mr. Evans stated that he had not made the denial. He had never seen it before and did not agree with it. Mr. Love was curious as to who actually made the denial.

Assistant City Attorney McLean informed Mr. Love that the plat amendment concerning the removal of lot lines was the item before the Planning Commission, and their criteria for review did not encompass the questions he was raising. A condition of approval discusses the fact that the encroachment and removing the lot line needs to be addressed, but beyond that, the Planning Commission can only use the criteria laid out in the Staff report. Mr. Love disagreed with that assessment.

Mr. Love stated that since Judge Kelly ruled in his favor on July 20th, he has been speaking to the City Council through his attorney and correspondence, and have repeatedly requested that they have an independent investigation done on the review of his application, because he believes misconduct occurred. Mr. Love noted that so far the City Council had declined. However, Mayor Williams wrote him a letter stating the following, "While we recognize that you disagree with the outcomes of various land use decisions, you have raised no evidence of actual misconduct, corruption or discrimination. Most, if not all of the issues you raised could have been addressed in

the course of public administrative processes.” Mr. Love stated that this evening he was at a public administrative process and he was asking questions about the current Staff report, and why it contradicts with the denial of his application. He was told by his Mayor to ask his questions in these public administrative application processes and; therefore, he wanted to know why he could not get an answer.

Commissioner Strachan did not believe this Planning Commission meeting was the right forum for his question. He asked if Mr. Love wanted the Planning Commission to apply the Code to the plat amendment application. Mr. Love replied that he wanted the Planning Commission to move forward with the plat amendment, but he also wanted his denial investigated and no one in the City appeared to care. Mr. Strachan explained that the plat amendment application was not the proper context to address that request, and that Mr. Love should direct his questions to the Legal Department.

Mr. Kosac stated that the City’s Legal Counsel showed up in a court of law and argued that Mr. Love was in the wrong proper place and should come back before the City’s administrative processes. Mr. Love prevailed in court and he was now back in the administrative process. Mr. Kosac requested that the City take one position or the other. When Mr. Love shows up in one place he is told to go somewhere else. Commissioner Strachan clarified that the Planning Commission was telling Mr. Love that he should be in front of them having his plat amendment heard, so the Commissioners could determine whether there is good cause for the plat amendment as instructed by the Land Management Code. Mr. Love stated that he was doing what the Mayor directed him to do. He asked the question but no one wanted to answer.

Commissioner Strachan recommended that Mr. Love and the Planning Commission focus on the Land Management Code and the application.

Chair Worel opened the public hearing.

There was no comment.

Chair Worel closed the public hearing.

Commissioner Strachan felt it was an unfortunate circumstance, but the good cause standard in the Land Management Code would not prohibit the requested plat amendment. In his opinion, there were no grounds under the Land Management Code to deny the plat amendment. Mr. Love has a lot line issue and he is moving the house pursuant to the HDDR ruling. Commissioner Thomas concurred.

Commissioner Hontz stated in order to support the application the Planning Commission has to make findings of good cause. One of the findings is that the application would preserve the character of the neighborhood and Park City. She struggled with making that finding, along with another part of good cause that says the plat amendment would resolve existing issues and non-conformities. Commissioner Hontz felt that was the sticking point because it is not an existing issue when the property line issue is caused by the applicant himself. She was not convinced that

moving the structure would preserve the character of the neighborhood and Park City and continues to support the fabric of that part of Old Town.

Mr. Love stated that the plat amendment application had nothing to do with movement of the structure. The movement of the structure has been approved by a court order of Third District Court. Commissioner Hontz clarified that her comments did not pertain to the movement of the structure. Her intent was to point out that the lot combination, aside from anything else regarding structures on the property, would not continue to preserve the character of the neighborhood.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the plat amendment proposed for 811 Norfolk, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report, as amended with the addition of Condition #6 to require modified 13-D sprinklers.

Commissioner Hontz asked to amend the motion to add a period at the end of Condition 5.

Commissioner Thomas seconded the motion as amended.

VOTE: The motion passed 2-1. Commissioners Strachan and Thomas voted in favor of the motion. Commissioner Hontz voted against the motion. Commissioner Gross was recused.

Findings of Fact – 811 Norfolk Avenue

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 11270 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 – 811 Norfolk Avenue

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
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 – Norfolk Avenue

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.

6. Modified 13-D sprinklers will be required.

**2. 817 Norfolk Avenue – Plat Amendment
(Application #PL-10-00989)**

Commissioner Gross was recused.

Planner Evans reviewed the request to combine one Old Town Lot with a three-foot portion of an adjacent lot, which is Lot 5, Block 14 of the Snyder's Addition to Park City. The application was a typical lot combination. The partial lot meets or exceeds the minimum lot size requirement. The proposed lot area is 2223 square feet, which exceeds the minimum lot size requirement of 1875 square feet. A historic structure that currently exists on the lot is listed on the Historic Sites Inventory as a Landmark structure. The structure was previously deemed a dangerous building. The applicant had submitted a Historic District Design Review application to reconstruct the garage, as well as a request for a new single family dwelling to be constructed on the same property.

Planner Evans pointed out that the single family was dwelling was not being reviewed this evening; however the applicant had provided drawings of the proposed dwelling for illustration and information purposes.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council for the plat amendment based on the findings of fact, conclusions of law and conditions of approval found in the Staff report.

Mark Kosac, representing the applicant, Rod Ludlow, remarked that this was similar to the previous plat amendment for 811 Norfolk Avenue. He clarified for the record that in the previous item the City Engineer explained that the word "public easement" does not mean for the benefit of the public at large, and that the neighbors are not granted authority to put snow on the property at will. Mr. Kosac understood that the language of public snow shed easement means for the benefit of the City and its municipal snow removal operations.

With respect to the 817 Norfolk address listed at the top of the ordinance, Mr. Kosac did not believe the Building Department had granted an official address to this property, pending completion of numerous administrative processes dealing with this property and adjacent parcels. He did not object to having that street address for the property, but it was not an official designation.

Mr. Kosac noted that the historic building on the property crosses over the boundary lines of the two parcels, and this plat amendment would eliminate that lot line.

Commissioner Strachan asked if a motion should identify the parcel number rather than a physical address. Commissioner Hontz read the Tax ID number as SA139-A. City Engineer Cassel stated that once the plat is recorded it becomes the official address. If 817 Norfolk is put on the plat, that would be the address moving forward.

Chair Worel opened the public hearing.

There was no comment.

Chair Worel closed the public hearing.

Commissioner Strachan stated that his comments from the last application were reiterated for this application. Commissioner Hontz indicated the same correction to Condition #5, which was to remove the comma and add a period at the end of the sentence. Commissioner Strachan noted that Condition #5 should also be changed to read a "10 foot public snow storage easement", to be consistent with the last application.

Commissioner Hontz reiterated her same comments from the last application as they also applied to this application.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for 817 Norfolk Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report, with the corrections to Condition #5 as stated. Commissioner Strachan seconded the motion.

VOTE: The motion passed 2-1. Commissioners Strachan and Thomas voted in favor of the motion. Commissioner Hontz voted against the motion. Commissioner Gross was recused.

Findings of Fact – 817 Norfolk Avenue

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 in 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 in 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 – 817 Norfolk Avenue

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
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 – 817 Norfolk Avenue

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. A 10-foot public 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.

3. 429 Woodside Avenue – Plat Amendment

Planner Kirsten Whetstone reviewed the request for a plat amendment at 429 Woodside, located directly south of the Quittin' Time Condominium complex. A historic house with an addition is under construction. The request is to amend the Elder Park Subdivision to combine 429 Woodside, which is Lot B of the Elder Subdivision, with an adjacent metes and bounds parcel to the west of approximately 6,853 square feet. The parcel is a vacant remnant parcel that was separately owned when the Elder Subdivision was approved. It was not owned by the Sweeney Family when they did the Treasure Hill subdivision; however, it became part of the Sweeney Master Plan and was designated as open space. The parcel is zoned HR-1, and other than access through 429 Woodside, it does not have access on a public street.

Planner Whetstone remarked that the owner of 429 Woodside purchased the remnant parcel and came into the City for a plat amendment to create one large lot owned in common. When the application came in, the Staff spent considerable time negotiating a reduction in the possible building footprint, as well as agreement by the owner to grant an access easement for Quittin' Time to access the open space. Another concession made by the applicant was to allow seasonal ski-in access on the hillside.

Planner Whetstone noted that the applicant had agreed to all the conditions outlined in the draft ordinance in the Staff report. She noted that Condition #4 addresses a reduction in the footprint that would be allowed in the rear, and a limit of 270 square feet additional footprint that could be added to the rear of the existing house.

Planner Whetstone reported that any construction of more than at 1,000 square feet of floor area in the HR-1 zone requires a Steep Slope Conditional Use permit. The applicant proposes to build larger than 1,000 square feet and intends to apply for a Steep Slope CUP. Any issues related to cross canyon views or construction on a steep slope could be addressed at the time of the Steep Slope CUP. The Planning Commissioner was only being asked to review the plat amendment this evening.

Planner Whetstone noted that the Planning Commission previously reviewed this application and requested additional information. The Staff had provided the requested information and the Staff provided minutes on the Steep Slope CUP for the house under construction. At the last meeting the issue was raised as to whether the detached structure would be an additional story. Planner Whetstone remarked that based on the Staff interpretation, the the Code only talks about stories within a structure.

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

Commissioner Thomas asked if the conditions of approval addressed a second story. Planner Whetstone replied that a 24-foot height limit was specified in the conditions and agreed to by the applicant. The height is measured from existing natural grade. Commissioner Gross noted that Condition #7 mentioned the height limit and a maximum two-story restriction.

David White, the project architect, had nothing new to add to the comments he made in the previous meetings, and he believed Planner Whetstone had adequately restated the proposal. Mr. White was prepared to answer questions.

Commissioner Hontz read Condition of Approval 11, "The plat shall include an encroachment easement for the Quittin' Time Condominium wood step and footpath from the south to the north property line." She also read Condition of Approval 12, "The plat shall contain a note indicating that the northwest area of the Lot is identified as winter ski access permitted". Planner Whetstone identified the area on the plat that would be designated for ski access. Commissioner Hontz asked if it was currently a year-round access.

Joe Tesch, representing the owner, replied that the area is privately owned. He thought the diagram on page 118 of the Staff report would help clarify. Commissioner Hontz questioned whether it should be winter access only or if there was value to allow year-round access. Mr. White believed that area was also designated as a no-build area. Planner Whetstone replied that this was correct. It is also quite steep and heavily vegetated. Commissioner Hontz asked if the applicant specifically wanted to allow access only in the winter. Mr. Tesch was comfortable allowing year-round access. The applicant had specified winter ski access because the snow covers the thick oak brush that is difficult to maneuver. Planner Whetstone clarified that the Staff intended for it to be an encroachment easement that could be accessed any time.

Mr. White used the vicinity map to identify a stand of tall oak brush in the center of the remnant lot that is 15-20 feet high and very thick. He pointed out that the proposed future building area was totally to the south and the stand of trees would not be disturbed. Mr. Tesch stated that the applicant had agreed to keep the trees, and it would serve as a buffer for Quittin' Time.

Mr. Tesch stated that if you run a line straight back on the original lot and stop approximately two-thirds of the way, everything to the left and up from that point is no build zone. It is private property designated as open space. Mr. Tesch referred to the cross canyon view on page 177 of the Staff report. While it is not mandated for this type of application, he pointed out that the existing house was the least visible house viewed from across the canyon. If a 24-foot high accessory structure is built behind the existing structure, it would stick up approximately 6 feet above the existing roof line. The accessory building would be a maximum of 600 square feet and approximately 6 feet above the ridgeline, which is lower than the top of the tree. Mr. Tesch stated that the accessory building would be significantly hidden from Quittin' Time and the view from across the canyon. Mr. Tesch referred to the street elevation on page 163 of the Staff report and noted that the accessory building would not be seen looking from across the canyon to the front of the house. He explained why he believed the size of the home with the added footprint would not be out of scale with the neighborhood.

Commissioner Thomas thought Mr. White had done a great job of minimizing the footprint and he supported the plat amendment. However, he cautioned against getting ahead of themselves in terms of the approval process. The new building behind the existing structure would have to go through the Steep Slope conditional use permit process where they would talk about height, stories, mass, scale, etc. Commissioner Thomas was uncomfortable approving the number of stories and height before the Steep Slope CUP process. He recommended that they modify the conditions of approval by eliminating Condition #7, which referenced the height and the two-story limitation, and address those issues with the conditional use permit process.

Commissioner Thomas was comfortable with the footprint; however, he preferred not to see the story higher than the fourth story of the existing structure. Mr. White pointed out that everything was an assumption at this point. He recalled that Commissioner Thomas had requested to see a side section, and the single line schematic was to show what could occur with the reduction in height and footprint.

Mr. Tesch clarified that the applicant understood that nothing other than the lot combination would be approved with this plat amendment. They thought it would be a benefit to show potential examples of what could be built with a reduced footprint and restricted height.

Assistant City Attorney McLean stated that the Planning Commission could add a condition of approval stating that the above conditions in no way guarantee any subsequent approval. Commissioners Strachan and Thomas felt it was best to strike Condition 7. Ms. McLean reminded the Commissioners that the Steep Slope CUP only applies if the structure is greater than 1,000 square feet.

Commissioner Strachan did not think a structure less than 1,000 square feet would present the same cross canyon issues. Commissioner Thomas stated that the fourth story was his concern in looking at the photographic cross section on page 125 of the Staff report. If the fourth story is extended to where it was approximately equal to existing natural grade, and set that as the maximum floor height of the structure, they would be assured that it would not stick above the existing building. He was uncomfortable with the idea of seeing the second structure six feet above the existing four story building. Mr. White pointed out that the site keeps going up and a much taller house could be built.

Commissioner Strachan preferred to discuss these details in the CUP process when floor plans and cross canyon views are provided to help with their determination. Commissioner Thomas reiterated that the Planning Commission would not see the plans if the structure was under 1,000 square feet.

Mr. White stated that he would be surprised if the structure was under 1,000. Commissioner Strachan suggested lowering the number to 600 square feet for requiring a Steep Slope CUP. He felt it was difficult to envision all the possible scenarios. He preferred the advantages of the CUP so they could address the architectural elements.

Commissioner Thomas questioned whether the Planning Commission could set a different square footage for a Steep Slope CUP. Ms. McLean stated that if the applicant agrees, the Planning Commission could set conditions linked to good cause of the approval. Mr. Tesch agreed that it

would be allowed if the applicant stipulates to it. He would not be opposed if the Planning Commission felt the need for a different restriction.

Planner Whetstone noted that 660 square feet would be one story. The Planning Commission and the applicant's representatives agreed to 660 square feet as the minimum square footage required for a Steep Slope CUP.

Commissioner Strachan recommended modifying Condition #6 to clarify that the no build zone would remain true open space without decks, patios, etc. The second sentence of Condition #6 was revised to read, "Any area outside of the LOD is a no-build zone and must remain in its natural state."

Chair Worel opened the public hearing.

Kelley Green, understood that the plat amendment was strictly to allow the applicant to enclose an open area in the current structure. He asked if this plat amendment was required to put a roof over the existing building area. Mr. Green was concerned that the application had gone from a simple enclosure to removing a property line and creating a new avenue for more building and more issues.

Director Eddington clarified that the existing house was at its maximum footprint size based on the lot. Therefore, the applicant did not have the capacity to expand and fill in open areas and he acquired additional property. A lot consolidation would allow a larger footprint opportunity and the ability to fill in the areas. As part of that, the applicant came in with an accessory structure.

Chair Worel closed the public hearing.

Commissioner Hontz stated that when she reviewed the comments from the 2008 Minutes that were provided, she could not get a sense of what the prior Planning Commission was thinking; however, there was indication that they were concerned about the size, mass and scale of the previous application in this part of town. The current application continues to creep the size, mass and scales across property lines into other parts of town. Recognizing that previous approvals cannot be reversed, she believed the conditions of approval for this application would limit some of the creep that would occur.

Commissioner Hontz added the word "public" in Condition of Approval #3 regarding a 10-foot public snow storage easement, to remain consistent with the same change in earlier applications this evening. As an extra precaution, she modified Condition #5 to read, 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, to any structure, or any other lot. Commissioner Hontz referred to Condition #12 and changed "winter access" to "year round access permitted to adjacent neighbors."

Commissioner Thomas summarized that Condition #7 would be deleted and revisions were made to Conditions 3, 5, 6, 8 and 12. The Conditions would be re-numbered due to the deletion of Condition #7.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the 429 Woodside Avenue plat amendment in accordance with Findings of Fact, Conclusions of Law and Conditions of Approval with the modifications to Conditions 3, 5, 6, 8 and 12 and deletion of Condition #7. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 429 Woodside Avenue

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 – 429 Woodside Avenue

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 – 429 Woodside Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A 10' (ten foot) public 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 exiting house is not utilized for the existing house, it may not be transferred to the rear parcel, to any structure or any other lot.
6. The building pad is limited to an area of 804 square feet as depicted on the plat. Any area outside of the LOD is a no-build zone and must remain in its natural state.
7. If the accessory structure contains more than 660 square feet of Floor Area, as defined by the Land Management Code at the time of building permit application, the a Steep Slope Conditional Use permit is required prior to permit issuance.

8. Modified residential 13-D sprinklers shall be required for all new construction.
 9. The property owner shall comply with applicable requirements of the Snyderville Basin Water Reclamation District (SBWRD).
 10. The plat shall include an encroachment easement for the Quittin' Time condominiums wood step and foot path from the step to the north property line.
 11. The plat shall contain a note indicating that the northwest area of the Lot is identified as year-round access to adjacent neighbors.
 12. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall include the method and means of protecting the historic house during construction.
 13. All utility services (water, sewer, power, etc.) for any future use or accessory structure are required to be extended from the existing house.
 14. A note shall be added to the plat indicating that any detached, accessory structure constructed on the rear portion of the Lot must be used as a part of the existing house and may not be rented, sold, or leased separately from the main house.
 15. Conditions of Approval of the Elder Subdivision (Ordinance 95-7) and the 429 Woodside HDDR and Steep Slope Conditional Use Permit continue to apply.
 16. All Standard conditions of approval shall apply.
 17. The applicant stipulates to these conditions of approval.
4. **Echo Spur, Lots 17-19 – Plat Amendment**
(Application #PL-12-01629)

Planner Francisco Astorga reviewed the application to reconfigure Lots 17, 18 and 19 of Block 58 of the Park City Survey. The site is located north of the intersection of Rossi Hill Drive and platted McHenry. The street is currently platted as McHenry Avenue and that will be the official address until the City Engineer changes the name to Echo Spur. Per the City Engineer, this plat amendment is to be referred to as Lots 17, 18 and 19, Echo Spur development replat. The applicant, Leeto Tlou purchased the property in August and is now the owner of Lots 17, 18 and 19.

Mr. Astorga stated that Mr. Tlou filed an application for a plat amendment to combine the three lots of record into one lot. These lots are part of the Historic Park City Survey. The proposed lot would contain 5,625 square feet.

Planner Astorga reviewed the history of the 2007 and 2010 applications that were submitted by the previous property owner. He noted that both applications were eventually withdrawn and no official action was taken. One of the previous applications included up to 16 lots. The other application started with 16 and was later revised to the same three lots as the current application.

Planner Astorga reported that the minimum lot area for a single family dwelling is 1875 square feet, and the standard configuration of a 25' x 75' lot. The minimum lot area for a duplex is 3750 square feet. Planner Astorga stated that the current proposed lot area was 5,625 square feet, which meets the criteria for a duplex. However, a duplex is a conditional use and would require approval by the Planning Commission. At this point, the applicant was not requesting a duplex.

Planner Astorga reviewed the requirements of the HR-1 zone, as outlined on page 181 of the Staff report. He stated that the building footprint formula would trigger approximately 2,000 square feet maximum due to the lot combination.

Planner Astorga outlined three discussion items for the Planning Commission. Due to the regulation of the building footprint and the limit of three stories under the current Code, they could potentially see a 6,000 square foot building. Gross floor area is not regulated in the HR-1 District, but it is indirectly regulated through the footprint and the maximum number of stories. The Staff report contained an analysis of the sites on Ontario Avenue, where most of the properties have a combination of 1-1/2 lots, which triggers a footprint of 1,200 square feet. Given that number, times the number of stories, the Staff recommends adding a regulation that would cap the gross floor area to approximately 3600 square feet to be more compatible with the Ontario Avenue area. Planner Astorga pointed out that there were larger lots of record east of the subject area which trigger a larger footprint.

Planner Astorga reported that the applicant disagreed with his recommendation and he would let Mr. Tlou explain his plan. Planner Astorga requested input from the Planning Commission on whether the additional limitation was appropriate in conjunction with this plat amendment.

Planner Astorga commented on the second discussion item. Ridgeline development per the LMC indicates that the Planning Commission may add additional restrictions in specific ridgelines. He pointed out that these were historic platted lots of record and the City has approved development in the past on both the Ontario side of this neighborhood and Silver Pointe MPD that was approved with the larger lots on the west side of McHenry. However, in order to mitigate for proper drainage, steep slopes, etc., the Staff requests that the north side yard minimum be increased to 15' on that side, plus the other five per Code. The Code requires 18' total, however, the Staff was requesting 20' on the north side.

The third discussion item related to height and topography. The Staff was able to find a survey dated 2006, which indicated that the older survey had a different highest point on this site, mainly due to the construction of the road. The Staff recommended measuring the maximum height from the older survey because it has a lower elevation.

The Staff recommended that the Planning Commission conduct a public hearing, discuss the items outlined, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval in the Staff report.

Leeto Tlou, the applicant, has lived in Park City for ten years. He did not have issues with the Staff report and the disagreement with Planner Astorga was actually a minor conversation. Mr. Tlou commented on the setbacks. He stated that the designs were not set at this point and he was unsure how the setbacks would work. He asked if the 15' setback increase would be set with the plat amendment or not until the CUP. Mr. Tlou referred to the 3600 square foot maximum. He was not interested in building a 6,000 square foot home, but as indicated in the Staff report, he was considering a 3,000 to 4,000 square foot house. When he communicated that to the Staff, he neglected to communicate conditioned versus unconditioned space. He was unsure whether additional square footage for a garage would be available.

Planner Astorga remarked that Criteria 7 of the Steep Slope Conditional Use permit indicates that the Planning Commission may add additional setbacks to designs through the CUP.

Commissioner Hontz asked if the roundabout at Deer Valley Drive was a designated vantage point. Planner Astorga looked it up in the Land Management Code and found that it was not a vantage point.

Commissioner Hontz understood that the improvements and the conditions regarding the road had not been dedicated to the City. City Engineer, Matt Cassel, replied that the road had not been dedicated yet. He explained that the applicant is currently in a warranty period that ends in November. If everything goes well, it would go before the City Council for dedication in December or January. Commissioner Hontz commented on past issues with retaining. She understood that if everything goes well, the City would accept those improvements and it would become a public street. Mr. Cassel replied that this was correct. Commissioner Hontz wanted to know what could happen with platted Third Street to the north of Lot 17. Mr. Cassel stated that it is too steep for a road, but it could be used as a utility corridor. Commissioner Hontz clarified that access to those lots would not take place off of that street, and she suggested making that a condition of approval. Commissioner Hontz thought the retaining wall was very noticeable from the Deer Valley roundabout and looked extremely tall. Mr. Cassel assumed she was talking about the lower concrete retaining wall at the bottom. He could not recall the height of the retaining wall. However, the landscaping that was put in had died and new landscaping would need to be established. The purpose of the landscaping is to help hide the retaining wall. Commissioner Hontz asked how the lot would gain access. Mr. Cassel stated that there is enough space to get on to Lot 19 and access from there. Commissioner Hontz stated that until the time when the City accepts the improvements to make that Echo Spur, she assumed they could still access along the private road. Commissioner Hontz asked if there was a bond for replanting the landscaping. Mr. Cassel answered yes.

Chair Worel opened the public hearing.

There was no comment.

Chair Worel closed the public hearing.

Commissioner Hontz stated that in researching the public data base, she found a development in the land use agreements related to lots in this vicinity that could potentially affect access or relationship with the Echo Spur lot. She had presented the information she found to the Legal Department. Commissioner Hontz recommended that the Planning Commission continue this item to allow time for the City Council to review and confirm that it may or may not have impacts to the relationship with these properties. Her interpretation is that it does and that causes her concern.

Commissioner Hontz rejected the notion that this was not part of a ridgeline, based on the Land Management Code. She stated that LMC 15-7.3-1(D) is important when taking into account the very sensitive nature of this particular area. She understood that the surrounding area has been developed and much of that occurred prior to the most recent LMC amendments. Commissioner Hontz concurred with the Staff recommendation regarding the setback area. Commissioner Hontz also concurred with the Staff request for additional limitations on maximum square footage. She was very concerned about the vantage point because it is very abrupt looking from the roundabout. If you can see the retaining wall, the house would be much more visible.

Commissioner Hontz pointed out that these are lots at the end of what may be a future subdivision. As shown in the Staff report, it comes with a variety of configurations. She felt it was difficult to take the step to look at these lots with an existing land use agreement in place that would affect the lots, but secondly, it would set precedent for five to six lots leading up to this. She did not understand the impacts to the neighborhood and the surrounding area and that should be taken into account based on what the Planning Commission is allowed to do under good cause and the purpose statements of the HR-1 District.

Commissioner Thomas believed the issues warranted a group site visit, and possibly looking at the property with balloons flying from the site at a reasonable structure height to consider the visual impacts.

Commissioner Strachan agreed that a site visit would be worthwhile. He would like to see exactly where the building footprint would be with the new proposed setbacks. He was particularly concerned with the north side. In addition to view issues, there were also major issues in terms of drainage and topography that a site visit would allow them to digest. Commissioner Strachan echoed Commissioner Hontz regarding a precedent that could be set for nearby lots. One of the requirements for good cause for plat amendments is to utilize best planning practices. A best planning practice would be to see how this would align with the other lots that may be developable in the Echo Spur area. He was unsure how to look that far into the future. Commissioner Strachan did not think they could say that Lot 17, 18, and 19 could be combined into one lot and disregard Lots 20, 21 and 22 when they will probably end up using the same access point of the newly constructed and to be dedicated road. Commissioner Strachan believed the plat amendment needed to be looked at from a larger perspective than just lots 17, 18 and 19. The Code allows it and directs them to use best planning and design practices, resolve existing issues and non-conformities and to provide positive benefits and mitigate negative impacts. Commissioner Strachan directed the Staff to look at the status of Lots 20 and 21 and what implication this plat amendment would have for those lots.

Planner Astorga stated that the Staff would look at the land use agreement Commissioner Hontz mentioned. He noted that Lot 20 is currently owned by Mike Green and he plans to build one single family dwelling. Lots 21-32 are currently owned by Sean Kelleher. He has come in many times, but has not committed to submitting a plat amendment to combine lots to build single family dwellings.

Commissioner Strachan thought it would be worthwhile for the Planning Commission to look at the old plat amendment submittals from Kelleher and Bilbrey. It would at least give them an idea of what could be done and how it would work with the plat amendment to combine Lots 17, 18 and 19. Commissioner Strachan stated that the impact of a home on Lots 17, 18 and 19 may not be significant in and of itself, but the homes that could be built on the rest of the lots cumulatively could significantly disrupt the vantage point on Deer Valley Drive.

Commissioner Strachan recommended that the Staff bring this back for a work session. The suggestion was made to schedule a site visit and the work session on the same night. Planner Astorga requested that the item be continued to a date uncertain to give the applicant and his architect time to come up with a preliminary design for the Planning Commission to review.

MOTION: Commissioner Strachan moved to CONTINUE this item to a date uncertain. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

**5. 200 Ridge Avenue - Subdivision
(Application #PL-10-00977)**

Planner Evans reviewed the request for a plat amendment to combine 9 Old Town lots and approximately 21 partial lots to create a six lot subdivision. The Planning Commission reviewed this application at three previous meetings. The applicant was proposing to create six lots ranging in size from 3,700 square feet to 6100 square feet. The minimum lot size in the HRL Zone is 3,750 square feet. Therefore, each proposed lot would meet or exceed the minimum.

Planner Evans reported that the application first came before the Planning Commission in June 2010 as a work session item. At that time the Planning Commission raised a series of issues outlined in the Staff report. The applicant came back on April 24, 2012 and the Planning Commission had additional concerns. The first was that the slope of each lot was very steep and questioned whether homes could be built on each lot without a variance. The second issue was that unplatted Ridge Avenue is very narrow and raised concerns regarding emergency access. The third issue related to mitigation and preservation of the existing vegetation on the site to accommodate six lots. There was concern about destabilizing the hillside and impacts to the homes on Daly Avenue. The fourth issue was that the concerns raised during the 2010 work session had not been addressed or mitigated. The fifth issue was that the proposed subdivision did not meet the purpose of the HRL zone, particularly with consideration to Section A of the purpose statement, which says to reduce density that is accessible only by substandard streets so the streets are not impacted beyond their reasonable carrying capacity. The last issue was that this

application was not a true reduction in density based on the minimum lot size of the HRL zone, and that the lots do not currently meet the HRL standards for lot size.

The applicant proposes to move forward with the six lot application as originally presented. Planner Evans noted that a previous application for three lots was approved in 2007. That application was never recorded and it is now void. Planner Evans had confirmed the future proposal for Ridge Avenue with the City Engineer. Mr. Cassel stated that money was available to widen Ridge Avenue, but not to the width of a typical City street. The anticipated widening is only to mitigate existing public safety concerns. As noted in the Staff report, with the exception of one or two homes, Ridge Avenue is not used for direct access. It is viewed and used as secondary access to King Road and Sampson Avenue.

Planner Evans remarked that over the course of reviewing this application, a main concern for the Planning Commission is that each home is required to provide off-street parking. It is a difficult site and the land slopes away from the street and down to a flat spot, which is the old Anchor Avenue right-of-way. Gaining access to each lot would be a difficult challenge for the applicant.

The Staff recommended that the Planning Commission forward a negative recommendation to the City Council for this application, based on the issues raised during the last review of this proposal and the fact that the applicant had not proposed any type of mitigation to address those concerns. Findings of fact and conclusions of law to support denial were included in the Staff report.

Jason Gyllenskog and Ron Spratling represented the applicant, Market Consortium, LLC for the purpose of this plat amendment application.

Mr. Gyllenskog provided a brief history of the parcel and the process. He noted that the parcel has had several different approvals from previous Planning Commission, including a four lot approval, a six lot approval and a three lot approval. He was involved with the most recent approval for three lots. The applicant decided not to move forward with the three-lot approval because of the reaction to the King Ridge project directly to the north of this project. It became apparent from Planning Commission meetings and public input that the community did not want larger homes. Therefore, Market Consortium decided to rethink their project. They thought smaller houses made more sense for the community and for the changing economic market. In the meantime, the City passed a TDR proposal and the Ridge Avenue site was one of the trade-out zones. The applicant waited for the outcome of the TDR process because they would consider potentially transferring the development rights if it was economically viable. Mr. Gyllenskog stated that when the trade-in zone was reduced to the Prospector Area only, they could not find a market for that product and trading out was not a viable option. It was an all or nothing trade-out zone. They could not reduce density and it all had to be dedicated as open space.

Mr. Gyllenskog pointed out that currently the parcel is 9 full lots and a number of partial lots. The application is for a plat amendment to create six lots. Houses have not been designed because the restrictions are still unknown. Mr. Gyllenskog believed the applicant had addressed all the issues outlined, and it should be in the file on the initial submittals.

Mr. Gyllenskog stated that he had presented one site section with a house in the middle of the project and Commissioner Strachan had requested to see multiple sections. In response to his request, the same engineer cut in a different site section through the middle of each of the six proposed lots. Mr. Gyllenskog believed the site sections showed that it was relatively uniform throughout project. He clarified that the flat spot Planner Evans mentioned was never Anchor Avenue. It is a spot where historic homes were built. The area is not challenging to build by today's standards.

Mr. Gyllenskog noted that he has held three site visits with the Planning Commission on the lot. In the original proposal they explored the option of putting an access behind the houses, but that was not acceptable. The Planning Commission wanted a streetscape and access off the front. Mr. Gyllenskog noted that the applicant had proposed dedicating land to the City to widen the road beyond the City's plan. The feedback was that substandard streets are the fabric of Old Town and they wanted that maintained. Mr. Gyllenskog believed the applicant has worked hard to reach a point of mitigating some of the issues.

Regarding density, Mr. Gyllenskog stated that there was massive resistance to the large houses. Based on the last approval, and under the old Land Management Code, there would be three large houses ranging in size from 5,000 to 6,500 square feet and four stories. Mr. Gyllenskog remarked that reducing the mass and scale on those parcels was in line with what the community and the previous Planning Commission had wanted.

Mr. Gyllenskog stated that this application has been ongoing for two years and they were anxious to move it forward. He pointed out that when someone purchases property, part of the decision to purchase is based on what is defined in the LMC and the belief that the regulations are not arbitrarily applied and enforced. Mr. Gyllenskog believed this proposal meets all the criteria. If the Planning Commission thinks otherwise, he would like them to explain where it does not meet the criteria and what could be done to meet it.

Mr. Gyllenskog reviewed a power point presentation that addressed the main purposes in the Land Management Code. He presented an aerial view of the site in 2005, as well as a cross canyon view of the site from Prospect Avenue. Mr. Gyllenskog reviewed the purpose statements of the HRL and explained why this proposal meets the requirements of the zone. His presentation also included a traffic study, visual nature of the area, vantage point views, community benefits and a conclusion to support the project. Mr. Gyllenskog noted that the density is established. These were platted lots and they were combining lots, not creating new lots. The lots have to be combined the zoning change in the area increased the minimum lot requirement. He asked the Planning Commission to define why this application was not a decrease in density. He noted that all the lots would be single-family residential use. He stated that historically there were several residences on these parcels, and the six lot proposal is consistent with preserving and restoring the historic character of the area. Mr. Gyllenskog stated that the six lot proposal would create an average size lot of 4193 square feet, which is compatible with the area per the Ridge Avenue study that was done by the Planning Department. With changes to the LMC in regards to three total levels and limiting the grade changes, the size of the houses would be moderate for that area. He believed this proposal meets the criteria for new development on steep slopes, including a comprehensive utility plan, a drainage plan, access and a design that minimizes the grading of the natural topography and reduces the need for large retaining walls, as well as decreasing overall building scale.

Mr. Gyllenskog remarked that the community benefits from this project would include a safer road, improved fire protection, additional parking, underground utilities, and stabilization of the hillside. He noted that the houses would require a Steep Slope CUP and the design issues could be addressed through that process.

Chair Worel opened the public hearing.

Chelsea Deckert Jones, a long time resident of Park City and Daly Avenue, stated that her father, Steve Deckert, built their family home on Daly Avenue in 1981. Her family has lived at that address for 31 years. Her mother still lives there and her father passed away last year. Ms. Jones recalled that her father came before the Planning Commission several years ago to fight a proposed project on Ridge Avenue, based on concerns for the impact it would have on his house and the neighbors, as well as the quality of life in Daly Canyon.

Ms. Jones noted that her mother had sent a letter to the Planning Commission and she read points in the letter because she shared her mother's concerns.

Ms. Jones stated that a major point was the idea of six lots instead of three. She believed a six lot subdivision violates the intention of the HRL zone to maintain the character, density and integrity of the Historic District. The parcel is open space and any development is increasing density. Regardless of whether it is a three or six lot application, they would like to see zero lots approved. Ms. Jones commented on the substandard capacity of Ridge Avenue to accommodate the impact of increased traffic, particularly construction traffic. She noted that the house at 124 Daly took three years to build and their neighborhood was impacted for three years by the construction. She was certain that building six houses would take much longer than three years. With construction comes noise pollution and the disruption of wildlife habitat. Loss of vegetation was a factor and she requested that saving the cottonwood trees be part of the proposal if this was approved. Ms. Jones read a quote from her mother's letter, "The presence of nature is one of the very appealing aspects of Empire Canyon and provides the public with quiet spaces that exist around Park City and are necessary to balance the impact of the commercial district of Main Street." Ms. Jones stated that this was the reason the City preserved the open space on the east side of Daly Avenue on Prospect Ridge. The unimpacted spaces and hills that exist on the slopes above existing structures in town, preserve the mountain feel and soul of Park City. Ms. Jones expressed concerns regarding the logistics of snow removal, sewer line connections, and the protection of the properties on the downhill side in the excavation process. Loss of sunlight was another issue and the proposed homes would impact their view and privacy and the ability to enjoy the property around their house.

Ms. Jones requested that the Planning Commission act in accordance to protect and further the quality of life at this end of Old Town, and to uphold the integrity and intention of the HRL zone.

Mary Demkowitz noted that Mr. Gyllenskog built next to her on Deer Valley Drive. She recalled that it was supposed to be two duplex units that are now 5,000 square foot condominiums with inadequate parking. The argument at the time was that it was only two units as opposed to a lot of houses. Ms. Demkowitz asked Mr. Gyllenskog why the project changed.

Chair Worel asked Ms. Demkowitz to keep her comments focused on the Ridge Avenue project.

Ms. Demkowitz had no further comments, other than to say that the project on Deer Valley Drive changed and impacts occurred.

Hillary Reiter, a resident on Daly Avenue for nine years, stated that her biggest concern with the project was the narrowness of Ridge Avenue. Residents on Daly who walk dogs, hike or bike, use Ridge Avenue to get to a lot of trails in the area. When she walks her dogs and a car comes by, she has to dive off the side of the road to avoid being hit by a car. She was concerned about increased traffic and the number of trips that would be generated by six additional homes. Construction traffic combined with the regular traffic would significantly impacts the lifestyle of those who live on Daly Avenue.

Chair Worel closed the public hearing.

Commissioner Hontz felt the Staff report did an excellent job of setting up the project and the reasons for denial. The Findings of Fact and Conclusions of Law reflected why this project did not meet the Code and could not be approved. Commissioner Hontz disagreed with all the community benefits listed. She referred to page 222 of the Staff report. She did not find that the sections provided at the request of the Planning Commission were representative of what they had asked. In her opinion, none of the structures could be built under the existing Code. They do not show access off of Ridge Avenue and they do not show any representation of a structure. Finished grade was shown to be 20 feet below the garage slab that is off the back of the house where it cannot be accessed in all three drawings. Commissioner Hontz stated that one of the items referenced as being requested by the Planning Commission and identified as being completed, did not represent anything that could be built on the site today.

Commissioner Hontz stated that because the Staff report was thorough and all of the minutes and research from previous meetings was evident, she would review the findings of fact and make revisions.

Finding of Fact #1 stated that Ridge Avenue currently has very few homes that use the road for primary access. As a point of clarification, Commissioner Hontz felt it was arguable that while there are two homes, one only one home, which is unoccupied, accesses that road. Therefore, in her opinion, no homes currently use Ridge Avenue as the primary access. That is the reason why there is no traffic and why the road in its current condition is not unsafe.

Commissioner Hontz added additional findings after Finding 10, and renumbered the findings in the Staff report accordingly.

New Finding of Fact 11 - Ridge Avenue is a road built outside its platted location.

New Finding of Fact 12 - Ridge Avenue is currently used by the public as a prescriptive easement.

New Finding of Fact 13 – Ridge Avenue has been identified in the Streets Master Plan to remain narrow.

New Finding of Fact 14 – Ridge Avenue should remain narrow to protect the pattern of development in Old Town while also protecting public health, safety and welfare by keeping traffic limited and speed low.

Add Finding #19 to cite LMC Section 15-7.3-1(D), related to the character of the land. Under the Planning Commission purview to find land unsuitable for subdivision or development, the LMC Section specifically identifies the reasons and she wanted the entire section cited as a finding.

Commissioner Hontz stated that she was not on the previous Planning Commissions where configurations were approved. However, Conclusion of Law #2 indicates that there might not be sewer available to the site. She believed that would have been an issue in the previous approvals and it was not thoroughly vetted. Regardless of what previously occurred, those things were null and void and no longer exist. Commissioner Hontz felt it was important to recognize that the Planning Commission has the opportunity say that public health, safety and welfare are dramatically affected by this proposal and that the applicant may not have the ability to get sewer to the site. She was pleased that the Planning Commission had the opportunity to address those issues before anything moved forward.

Commissioner Hontz was unsure when the HRL Code was in place, but she was certain it was before 2005, which public record indicates was when Market Consortium, LLC, actually acquired these properties.

Commissioner Thomas concurred with the comments made by Commissioner Hontz.

Commissioner Strachan reiterated and incorporated the comments he made in the past Planning Commission meetings, which were expressed in the minutes of those meeting and in the Staff report. Commissioner Strachan also incorporated Commissioner Pettit's comments from the last meeting, and the Findings of Fact in the draft denial letter.

Commissioner Gross concurred with his fellow Commissioners.

Commissioner Hontz asked for comments regarding the finding of facts she had proposed. Commissioner Strachan had concerns with the finding of fact regarding the prescriptive easement. He was unsure if the Planning Commission had that ability. Commissioner Hontz stated that she took the language from the Staff report; however, she was comfortable striking the proposed finding as long as they kept the finding that states that Ridge Avenue is a road built outside of its platted location.

City Engineer Matt Cassel commented on the finding of fact that the road remain narrow. He stated that in the 1984 report it was recommended to widen the road 2-1/2 feet. In 2004, Ridge Avenue was allocated funds to expand and widen the road. Mr. Cassel clarified that the road was never meant to remain narrow and there are plans to widen it to 20 feet.

Commissioner Hontz referred to the Park City Master Plan and language that talks about specifically keeping Ridge Avenue and other Old Town streets narrow to protect the pattern of development in Old Town. She was willing to strike the reference of 15' or less if the City Engineer preferred. She pointed out that the City would have to purchase property from private owners in order to widen the road to 20 feet. She was not comfortable putting the City in the position of having to take land from other people to accommodate this development.

Commissioner Hontz revised her proposed findings by removing the finding referencing the prescriptive easement and omitting the reference to the 15' feet width.

Commissioner Strachan corrected a typo in the last sentence of Conclusion of Law #1. He corrected the sentence to read, "There are significant issues related to traffic and environmental concerns."

MOTION: Commissioner Hontz moved to forward a NEGATIVE recommendation to the City Council for the 200 Ridge Avenue Subdivision to the City Council based on the Findings of Fact and Conclusions of Law as modified. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 200 Ridge Avenue

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 often 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-mitigate Public Safety and Welfare impacts.
11. Ridge Avenue is a road built outside its platted location.
12. Ridge Avenue has been identified in the Street Master Plan to remain narrow.
13. Ridge Avenue should remain narrow to protect the pattern of development in Old Town while also protecting public health, safety and welfare by keeping traffic limited and speed low.
14. 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 projects on Daly Avenue.
15. Potential environmental impacts have not been mitigated or contemplated. It is unclear how much soil would be excavated from the site 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.
16. The proposed project does not meet the purpose of the HRL zone, especially the first purpose as listed in LMC Section 15-2.1-1(A), which states: "Reduce density that is accessible only by substandard Streets so that Streets are not impacted beyond their reasonable carrying capacity..."
17. 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.
18. 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.
19. Land Management Code Section 15-7.3-1(D) shall apply, and states: "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.”

Conclusions of Law – 200 Ridge Avenue

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 significant 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.
6. **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 (Application #PL-12-01631)**

Planner Whetstone reported that the Staff was working on an annual update to the Land Management Code. The proposed amendments were before the Planning Commission for review. Based on input this evening, the Staff would finalize the amendments and prepare a recommendation for consideration on September 26th. Additional amendments were being prepared for review in October.

Planner Whetstone noted that page 222 of the Staff report identified changes in the different chapters.

Clarification of Exception to Roof Pitch Requirements in the Historic District.

Planner Whetstone noted that the proposed change was a clarification of roof pitches to address instances in roof styles where the main roof would not be a 7/12 or 12/12 pitch. The Staff proposed to leave the language that the roof pitch be between and 7/12 to 12/12, but then allow an exception to the roof pitch that allows roof pitches consistent with certain historic styles where the main roof pitch is less than 7/12, such as hips, pyramids and other architectural styles. The exception would be approved at the time of the design review.

Commissioner Thomas understood that if someone proposes a hip roof with a different configuration, the Staff would accept a 5/12 pitch because it is consistent with the design vernacular of a hip roof. He asked if the exception would pertain to all of the roof or a portion of the roof. Commissioner Thomas clarified that if they move forward with the modification to the number of stories, as discussed during the work session, or the height of 37-1/2 feet to the ridgeline, it would not impact this proposed amendment. He pointed out that this was an example of an unintended consequence of not restricting the number of stories, because someone could crowd another story.

Assistant City Attorney McLean stated that currently the Code does not count attics as long as they are not habitable. Commissioner Thomas remarked that if the roof slope was changed, it could be habitable.

Commissioner Strachan stated that prior to amending the LMC in 2009, there was not a steepness provision in the LMC. They saw the same problems they were describing this evening and that was the reason for adding the 7/12 pitch.

Commissioner Hontz clarified that the proposed change was only to allow an exception to the roof pitch. Planner Whetstone replied that this was correct. Commissioner Thomas was comfortable with the 5/12 pitch as long as it would not become the predominant form.

Commissioner Thomas thought a 5/12 pitch was a reasonable exception on a historic building, but he would not favor it for new construction. Director Eddington agreed that a 5/12 pitch should be a challenging exception because it allows more use of space. He believed most of the 5/12 pitch construction had to be new construction because people have utilized that space. He remarked that in some cases the higher pitched roofs have worked as a benefit, but in other situations it was an awkward result.

Commissioner Strachan stated that regardless of what they did, they would avoid the awkward results because every home is different and every compatibility analysis is on a case by case basis. He recalled clearly that in 2009 the 7/12 pitch was recommended to the Planning Commission because it was the predominant roof pitch of historic structures throughout the HR zones. Director Eddington remarked that it was still the predominant pitch, with the exception of hip roofs.

Planner Whetstone stated that the exception could only apply for additions to historic structures. Commissioner Thomas remarked that if the height is limited to a maximum of 37-1/2 feet and the number of stories is limited to three, he would not care about the roof pitch. Director Eddington reiterated that obtaining the 5/12 exception should be difficult because the result is the appearance of greater mass.

Commissioner Hontz was completely opposed to having a 5/12 exception and she preferred to strike the entire last paragraph of the proposed language. Commissioner Thomas suggested allowing a 5/12 on a historic structure. Commissioner Gross thought it should be for structures on the Historic Sites Inventory, as opposed to "historic style". Commissioner Thomas concurred.

Planner Whetstone read the exact language from Exhibit B in the Staff report.

The Commissioners discussed whether the exception should apply to additions to historic structures. Director Eddington clarified that additions are considered new construction in the design guidelines.

The Planning Commission revised the language and agreed on the following:

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 historic structure. Roof pitch for new construction shall be visually compatible with the roof shapes and orientation of surrounding historic sites.

Director Eddington noted that currently the LMC allows an exception for flat roofs if they are green roofs; "green" meaning that they are vegetated flat roofs. He asked if the Planning Commission wanted to consider flat roofs if the house starts to achieve net zero energy use, and encourage that kind of sustainability within the historic district. Commissioner Thomas pointed out that flat roofs are allowed in many areas of the community, and in that condition the height is reduced. Director Eddington agreed that having a flat roof is not all bad, because it accentuates the historic fabric. Commissioner Thomas suggested that they look at other Districts and the reduction for anything under a certain roof slope.

Using Echo Spur as an example, Director Eddington asked if flat roofs would be acceptable on that development if there were energy efficient designs. Commissioner Thomas replied that flat roofs would be acceptable if it reduces the height and the visual impact.

Commissioner Strachan suggested that they hold the flat roof discussion to a later time. He asked if the Commissioners were comfortable with the revised language regarding roof pitch. Director Eddington noted that it was a starting point for the Staff and the Planning Commission would have the opportunity to review and/ or revise the language again at the next meeting.

Require building permits for driveways, parking, patios, and other non-bearing construction.

Planner Whetstone remarked that because these items do not always require approval there is no site plan review. Without a building permit the Staff does not have the opportunity to look at materials and design or address setback issues. This was a request to add the requirement for a building permit to Chapters 4 and 5.

Commissioner Hontz thought the building permit requirement might help with the issue of people removing landscaping to put in parking pads. She has seen a number of cases where people use their garage for living space and remove vegetation on the property to put in a parking pad. That is currently prohibited by the LMC, but unless a neighbor files a complaint, it is not enforced. Director Eddington clarified that the LMC was not strong on that issue. Currently, the only mechanism is HDDR in the Historic District. There is no other permit, which is why the Staff recommends a building permit requirement.

Commissioner Strachan remarked that increasing the square footage of living space inside the structure should trigger the building permit requirement. He did not think people should need a building permit to build a patio or deck on their property. The City should encourage improvements to homes. Director Eddington stated that decks and patios already come in for building permits if they are greater than 30 inches off the ground. The bigger issue is parking areas and driveways that gradually get expanded to where the entire front yard is paved. Those situations create run-off and aesthetic issues. Commissioner Strachan pointed out that the proposed language did not address those situations. Director Eddington stated that the Staff would rework the language to make sure it includes flatwork and addresses those issues.

After further discussion, Assistant City Attorney McLean stated that she had received feedback from the Building Department and the City Engineer suggesting this amendment. She recalled an application where someone paved over the right-of-way and it turned into an enforcement issue. The Building Department felt it could have been caught earlier and easier if a permit had been required.

Commissioner Thomas cautioned them to be careful about specifying impervious surfaces because a number of surfaces that would not apply could be considered impervious. Director Eddington remarked that the problems are primarily in the Historic District. Director Eddington remarked that they could look at the issue more holistically and start to talk about an impervious percent of lot coverage. Commissioner Thomas favored that approach.

Commissioner Hontz thought the requirement could be as simple as a checklist. Someone would pay \$15.00 and check off the list of criteria.

Commissioner Strachan thought it was appropriate to place the requirement in the HR zones to see how it plays out. It was obviously a bigger problem there than in the other zones and it was a good place to start. Commissioner Thomas suggested that they could add specific conditions and limit it to the front property. Director Eddington stated that it could be limited to parking, driveways, entry walkways, etc. Patios and decks would be taken out of the requirement.

The Planning Commission agreed to start with a requirement in the historic zones and to refine the language regarding impervious surfaces.

Master Planned Developments in the Historic District

Commissioner Hontz did not think the language as written was clear and reflected the intent. There needed to be some clarification of where the actual MPD is allowed.

Director Eddington explained that the intent, which is currently stated, is that the MPD is allowed everywhere except HR-1, HR-2, HRC, HCB and HRL. A large scale master plan project over 10,000 square feet or ten residential units is required to do an MPD. An MPD is allowed, but not required, in the HR-1 and HR-2 zones, but only when the property in question is combined with an HRC or HCB zone. He clarified that in all cases, the mitigating MPD criteria must be met. Commissioner Hontz clarified that an MPD was only required for the four items listed in the Staff report. Director Eddington answered yes, and noted that the Code has always read that way. Director Eddington noted that the next section of the redlined language states that an MPD is only allowed if you cross over a historic residential and commercial zone.

Commissioner Hontz reiterated that the language should be revised for clarity in Section (A). Director Eddington understood her concern and offered to wordsmith the language. He understood that the Planning Commission was comfortable with the intent of the language to require MPDs in all zones except the historic zones.

Commissioner Hontz asked about the Heber Avenue subzone. Director Eddington replied that the Heber Avenue subzone is the 150 feet that is north of Heber Avenue. The Subzone goes from Park Avenue to the west and over to Deer Valley on the east. It includes Poison Creek, Mercantile, Sky Lodge and Kimball Arts Center. He noted that the Sky Lodge came in under an MPD.

Commissioner Strachan asked for the history behind why they have MPDs only when projects span zones. Based on past minutes, Director Eddington assumed it was because there were no big projects in the historic residential zones and MPDs were not applicable. Commissioner Strachan thought it would be beneficial for the Planning Commission to see those minutes to understand the history and the reasoning. Others before them thought this out and they should not reinvent the wheel. Director Eddington remarked that MPDs started out in all zones and over the years some zones were added and others were taken out. Commissioner Strachan believed a Staff analysis of the history would be worth looking at.

Director Eddington reported that the City Council addressed the issue of the Kimball Arts Center during a work session. There was a discussion with regard to the fact that the current proposal as it exists could not come before the Planning Commission or the City Council in the form of an application. If it was submitted to the Planning Department as proposed, it would not meet the zone. If an MPD was allowed, the Staff could at least consider it and work with the Kimball Arts Center on a collaborative win/win situation. Commissioner Strachan stated that if the proposal could not come before the Planning Commission as proposed, they have time to get this right before an application is submitted.

Commissioner Hontz wanted to know how the City Council had responded. Director Eddington stated that the City Council was generally in favor of looking at an opportunity to work with the Kimball Arts Center and expand the MPD. He clarified that the direction did not mean the City Council liked that particular concept or design, but they thought there should be a collaborative opportunity to work with them. The Council suggested that the 32 foot height limit was overly restrictive for what Kimball could do.

Commissioner Hontz stated that after a thorough analysis, if the Planning Commission did not agree with the language stated in Section 3 and forwards that recommendation to the City Council, the Council could make the decision to put the MPD language back in. Director Eddington agreed that the Planning Commission makes the recommendation and the City Council has the final vote.

Commissioner Strachan stated that the Planning Commission has talked about amending the MPD provision in the LMC for years, and now may be the right time to do it. The Kimball Arts Center may be taken out of their hands by the City Council, but at least they would have good LMC language for MPDs for all other applications.

Commissioner Hontz stated that once they open the discussion everything else follows, for example, open space. In looking at an MPD in the historic core or in Bonanza Park, there is a lot of value for not having a significant amount of grass or landscaping where you should be having commercial, residential or mixed uses. However, the question is the trade-off. Commissioner Hontz thought there may be some opportunities for reduced open space with the proper solutions, such as TDRs. A public roof top garden is not the value she would want to see as an open space trade-off.

Director Eddington stated that Gateway Planning is invited to the October 24th meeting. The Staff will try to make it a joint meeting with the City Council so Gateway can do one presentation on the Form Base Code. He thought they would see the challenges related to open space when the Form Base Code is presented.

Special Exception – Board of Adjustment

Planner Whetstone noted that the revised language was straightforward and removed the special exceptions reviewed by the Board of Adjustment from the Code.

Given the late hour, Chair Worel suggested that the Planning Commission open the public hearing and continue the discussion at the next meeting.

Chair Worel opened the public hearing.

Hope Melville, an Old Town resident, commented on the change to the MPD. The City Council wanted to consider whether an MPD would work for the Kimball Arts Center specifically for the idea of more public input. As pointed out, the Planning Department could not accept an application on the current proposal. Ms. Melville was concerned about changing the rules for one specific project and the precedent it creates. In terms of open space, she questioned the justification for the idea to decrease open space for all MPDs from 30% to 20%. She also questioned the justification for defining rooftop gardens as open space.

Jeff Love wanted to comment on the amendment regarding the appeals process.

Planner Whetstone reported that at the last meeting Assistant Attorney McLean gave a summary of some of the issues and problems with the appeals process. Based on that information, the Staff recommended an amendment for compliance with the State Code. The amendment changes the

process to eliminate the double appeal process. Planner Whetstone stated that an action by the Planning Staff would be appealed to the appropriate Board. If that decision was appealed, it would go to the Court system instead of the Board of Adjustment.

Assistant City Attorney McLean stated that the streamlined review stemmed out of a law suit. The court found that as the appeal process was applied in that case, the City has excessive appeals in terms of an appeal from Staff review to HPB to the Board of Adjustment. The Court did not address another section of the State Code, which allows for a streamline review. If the streamline review is contested, it goes to a Board or a land use authority, and from there it requires an appeal. The recommended Code changes are meant to comport with the section of the State Code to allow for that streamlined review, which is basically what the City does already. The amendment better clarifies the process and makes it closer to State Code. Ms. McLean stated that the amendment is most applicable to Historic District Design Review and Administrative CUPs.

Jeff Love, 615 Woodside Avenue, disagreed with Ms. McLean's explanation. It was his application that was denied by Staff and appealed to the HPB. He successfully won at the HPB, after which several neighbors appealed it to the Board of Adjustment. When he went to court he had three strong arguments. One of the arguments was that the City appeals process violates State law. State law says that a municipality cannot require an adversely affected party to go through multiple appeals before they get relief in District Court. Mr. Love stated that Judge Kelly, over the course of one year, determined that the City's ordinance violates State law and it is currently illegal. Mr. Love remarked that the other two arguments in court were never ruled upon because Judge Kelly determined that the Board of Adjustment was illegal. Mr. Love stated that the Park City Legal Department is proposing to change the name of the Historic Preservation Board's appeal from an "appeal" to "formal consideration". He reiterated that Judge Kelly determined that the process is illegal, not the name of the process. In his opinion, playing a semantics game and creating a loophole for yourself to make an illegal process legal is wrong, and it will not hold up in District court if it gets challenged. The way to make the process legal is to eliminate one of the two appeals. In his opinion, the one to remove is the Board of Adjustment. It makes more sense for the Historic Preservation Board to be the appeal authority for HDDRs. If someone appeals to that Board and they do not like the decision, it goes to District Court. Changing the name is making a mockery of Third District Court and Judge Kelly. Mr. Love encouraged the City to make it right and do it legal.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to CONTINUE the Land Management Code Amendments to September 26, 2012. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission met in work session prior to the regular meeting for an LMC discussion regarding story and height. That discussion can be found in the Work Session Minutes dated September 12, 2012.

The Park City Planning Commission meeting adjourned at 10:15 p.m.

Approved by Planning Commission: _____

DRAFT

REGULAR AGENDA

Planning Commission Staff Report

Application #: PL-12-01616
Subject: Stein Eriksen Lodge Common Area Second Supplemental Sheet for All Phases
Author: Kirsten A Whetstone, MS, AICP
Date: September 26, 2012
Type of Item: Administrative – Amendment to Condominium Record of Survey

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the Stein Eriksen Lodge Common Area Second Supplemental Sheet to the Stein Eriksen Lodge condominium record of survey plat and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Applicant: Stein Eriksen Lodge Owners Association, Inc. represented by Russ Olsen, General Manager
Location: 7700 Stein Way
Zoning: Residential Development as part of the Deer Valley Master Planned Development (11th Amended) (RD-MPD)
Adjacent Land Uses: Deer Valley Ski Resort; condominium residential to the east, south and west, and commercial to the north
Reason for Review: Amendments to condominium record of survey plats require Planning Commission review and City Council approval

Project

This application is a request to amend the Stein Eriksen Lodge condominium record of survey plat to reflect a proposed expansion of the existing support meeting and conference space and to reflect a Porte Cochere structure to be constructed at the front entrance (see Exhibit A). All proposed additions are within the existing platted common area and will remain designated as common.

Background

The Stein Eriksen Lodge is located at 7700 Stein Way in the Silver Lake area of Deer Valley as part of the Deer Valley Master Planned Development. The original Stein Eriksen Lodge was constructed in 1981. The original Stein Eriksen Lodge condominium record of survey plat was approved by the City Council in December 1982 and recorded in 1983. Expansion of the Lodge has occurred in 1996, 1999, and most recently in 2010 with the spa expansion.

The City Council approved a First Supplemental Sheet for All Phases of the Stein Eriksen Lodge Common Area on August 27, 2009 (see Exhibit B). This is the existing plat for this area. The First Supplemental Sheet was recorded on June 23, 2010 and reflects improvements and additions to the spa building within the existing platted common area. The spa building is considered as support commercial.

On July 13, 2012, members of the Stein Eriksen Lodge Owner's Association, Inc. voted to expand the common area and enclose the Plaza Terrace and to add a Porte Cochere for the benefit of the members. On July 20, 2012, the Stein Eriksen Lodge Owner's Association submitted an application for a Second Supplemental Sheet for All Phases of the Stein Eriksen Lodge Common Area to reflect on the record of survey the proposed changes to the common area for additional support meeting space and a Porte Cochere structure to be constructed at the main entrance. The application was deemed complete on August 3, 2012.

Analysis

There are 197,858.26 square feet of residential floor area within the Stein Eriksen Lodge. There are currently 5,566 square feet of support meeting space within the Lodge. The Deer Valley MPD allows a square footage amount of support meeting space equal to 5% of the total residential floor area. A total of 9,927 square feet of support meeting space is allowed.

The applicant proposes to construct 4,361 square feet of enclosed meeting space, located on the 4th level of the Lodge (primarily above the existing large meeting room) for a total of 9,927 square feet of support meeting space. Additional circulation, storage, and back of house areas will be constructed in conjunction with the meeting rooms. The area is currently used as outdoor meeting space and the proposal would enclose this area to be better utilized throughout the year. This addition would put the total meeting space area at the 5% maximum allowed by the DVMPD.

The enclosed meeting rooms are proposed to be located on the paved patio area, above the existing lower level meeting rooms, within the central area of the Lodge. An additional 3,600 sf of building footprint is proposed where the new construction is not located over existing footprint. The height of the addition complies with the DVMPD allowed height of 35' from existing natural grade for this Parcel. Maximum height of the addition is 29' from existing natural grade. A Porte Cochere is also proposed to be constructed to provide protection from the weather and elements at the front entry. The proposed amendment maintains a minimum of sixty percent (60%) open space; actual open space would be 61.9%.

The applicant proposes to add the support meeting space and the Porte Cochere within existing platted Common Area. The proposed Second Supplemental Sheet for All Phases of the Stein Eriksen Lodge reflects the proposed improvements to the Common Area for the meeting space expansion and the proposed Porte Cochere.

No changes in ownership are proposed and the amendments reflect the proposed structural improvements within the Common area as required by the Utah Condominium state code provisions. No changes are proposed to the residential area and no changes are proposed to the support commercial areas or to any residential or private area within the building. The applicant has provided exhibits depicting views into the project from surrounding properties demonstrating the location of the addition and how the exterior views looking towards the projects would change (Exhibit G). Exterior materials and architecture of the addition match those used on the existing buildings.

Staff finds good cause for this record of survey plat amendment in that the amendment reflects proposed physical changes to the common area and includes support meeting space consistent with the Deer Valley MPD. The enclosed meeting space will provide for more all season use of the area.

The total meeting space of 9,927 square feet will not exceed five percent (5%) of the total residential floor area. No changes are proposed to the resort support commercial. A minimum of sixty percent (60%) open space is maintained.

The additional floor area is support meeting space for the use of owners and guest staying at the Lodge. As such, the additional space does not require additional parking.

Department Review

This project has gone through an interdepartmental staff review meeting held on August 14, 2012. Issues raised regarding compliance with the DV MPD have been addressed with additional submittal information. Issues regarding water and sewer service are addressed with conditions of approval and any additional impact fees will be required to be paid at the time of the building permit.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record according to legal noticing requirements of the LMC.

Public Input

Staff has received requests for information from adjacent property owners. Information has been provided to the public. No specific concerns have been addressed at the time of this report.

Future Process

Approval of this condominium record of survey application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 15-1-18. A building permit is required to complete the project.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Stein Eriksen Lodge Common Area amendment to the condominium

- record of survey plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Stein Eriksen Lodge Common Area amendment to the condominium record of survey plat and direct staff to make Findings for this decision; or
 - The Planning Commission may continue the discussion on the Stein Eriksen Lodge Common Area amendment to the condominium record of survey plat.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed meeting space expansion and Porte Cochere would not be reflected on the recorded condominium record of survey plat.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the Stein Eriksen Lodge Common Area Second Supplemental Sheet to the Stein Eriksen Lodge condominium record of survey plat and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Draft Ordinance

Exhibit A- Proposed plat amendment- Second Supplemental Record of Survey

Exhibit B- Existing plat- First Supplemental Record of Survey (recorded 6.23.10)

Exhibit C- Meeting Space plans

Exhibit D- e-mail from Bob Wells, Deer Valley Resort Company

Exhibit E- Applicant letter

Exhibit F- HOA letter

Exhibit G- Elevation views and photographs

Ordinance No. 12-

AN ORDINANCE APPROVING THE STEIN ERIKSEN LODGE COMMON AREA SECOND SUPPLEMENTAL SHEET FOR ALL PHASES, LOCATED AT 7700 STEIN WAY, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Stein Eriksen Lodge, located at 7700 Stein Way have petitioned the City Council for approval of the Stein Eriksen Lodge Common Area Second Supplemental Sheet amending the common meeting space area of the Stein Eriksen Lodge condominium record of survey plat; 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 26, 2012, to receive input on the Stein Eriksen Lodge Common Area amendment to the condominium record of survey plat;

WHEREAS, the Planning Commission, on September 26, 2012, forwarded a recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Stein Eriksen Lodge Common Area Second Supplemental Sheet for All Phases as an amendment to the condominium record of survey plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Stein Eriksen Lodge Common Area Second Supplemental Sheet for All Phases 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 7700 Stein Way.
2. The Stein Eriksen Lodge is located in the RD-MPD zoning district.
3. The property is subject to the Deer Valley Master Planned Development, as amended.
4. The Deer Valley Master Planned Development (11th Amended) allocates 66.75 units of density to the Stein Eriksen Lodge multi-family parcel. There are currently 65 residential units of varying sizes totaling 197,858.26 square feet due to the use of unlimited size Deer Valley units when developing this parcel.
5. On August 27, 2009, the City Council approved a First Supplemental Sheet for all Phases of the Stein Eriksen Lodge Common Area reflecting improvements and

addition to the spa building, as support commercial space, within the existing platted common area. The First Supplemental Sheet was recorded on June 23, 2010.

6. On July 13, 2012, members of the Stein Eriksen Lodge Owner's Association, Inc. voted to expand the common area and enclose the Plaza Terrace and to add a Porte Cochere for the benefit of the members.
7. On July 20, 2012 the Stein Eriksen Lodge Owner's Association submitted an application for a Second Supplemental Sheet for All Phases of the Stein Eriksen Lodge condominium record of survey to reflect proposed changes to the existing platted Common area to construct 4,361 square feet of enclosed meeting space located on the 4th level of the Lodge (above the existing large meeting room). With this addition there would be a total of 9,927 square feet of support meeting space.
8. The area is currently used as outdoor meeting space and the proposal would enclose this area to be better utilized throughout the year.
9. The additional meeting space is proposed to be constructed primarily on the paved patio area above the existing lower level meeting rooms. An additional 3,600 sf of building footprint is proposed where the building is not proposed over existing footprint.
10. The height of the addition complies with the allowed height of 35' from existing natural grade and is 29' from existing natural grade. A Porte Cochere is also proposed to be constructed to provide protection from the weather and elements at the front entry. Exterior materials and architecture are proposed to match the existing buildings.
11. The application was deemed complete on August 3, 2012.
12. There are currently 5,566 square feet of support meeting space within the Lodge.
13. The Deer Valley MPD allows a square footage amount of support meeting space equal to 5% of the total residential floor area. A total of 9,927 square feet of meeting space is allowed based on the 197,858.26 square feet of residential floor area.
14. The proposed Supplemental Sheet amended plat record of survey is consistent with the 11th amended Deer Valley Master Planned Development. The total meeting space would not exceed the allowed 5% of the total residential floor area.
15. No changes are proposed to the support commercial areas or to any residential or private area within the building or site.
16. The proposed amendment maintains a minimum of sixty percent (60%) open space, actual 61.9%.
17. There is good cause for the proposed amendment to the record of survey in that the amendment reflects proposed physical changes to the common area and includes support meeting space consistent with the Deer Valley MPD. The enclosed meeting space will provide for more all season use of the area.

Conclusions of Law:

1. There is good cause for this amended record of survey.
2. The amended record of survey is consistent with the Park City Land Management Code, the 11th Amended Deer Valley MPD, and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed amended record of survey.

4. Approval of the amended record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the 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 shall be recorded prior to issuance of a certificate of occupancy for the proposed meeting space.
4. All conditions of approval of the Deer Valley Master Planned Development (11th Amendment) shall continue to apply.
5. As common area, the meeting space is not a separate commercial unit or units, and as such may not be separately sold or deeded.
6. All required disturbance and impact fees will be calculated based on the building permit application and are required to be paid prior to issuance of a building permit.

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:

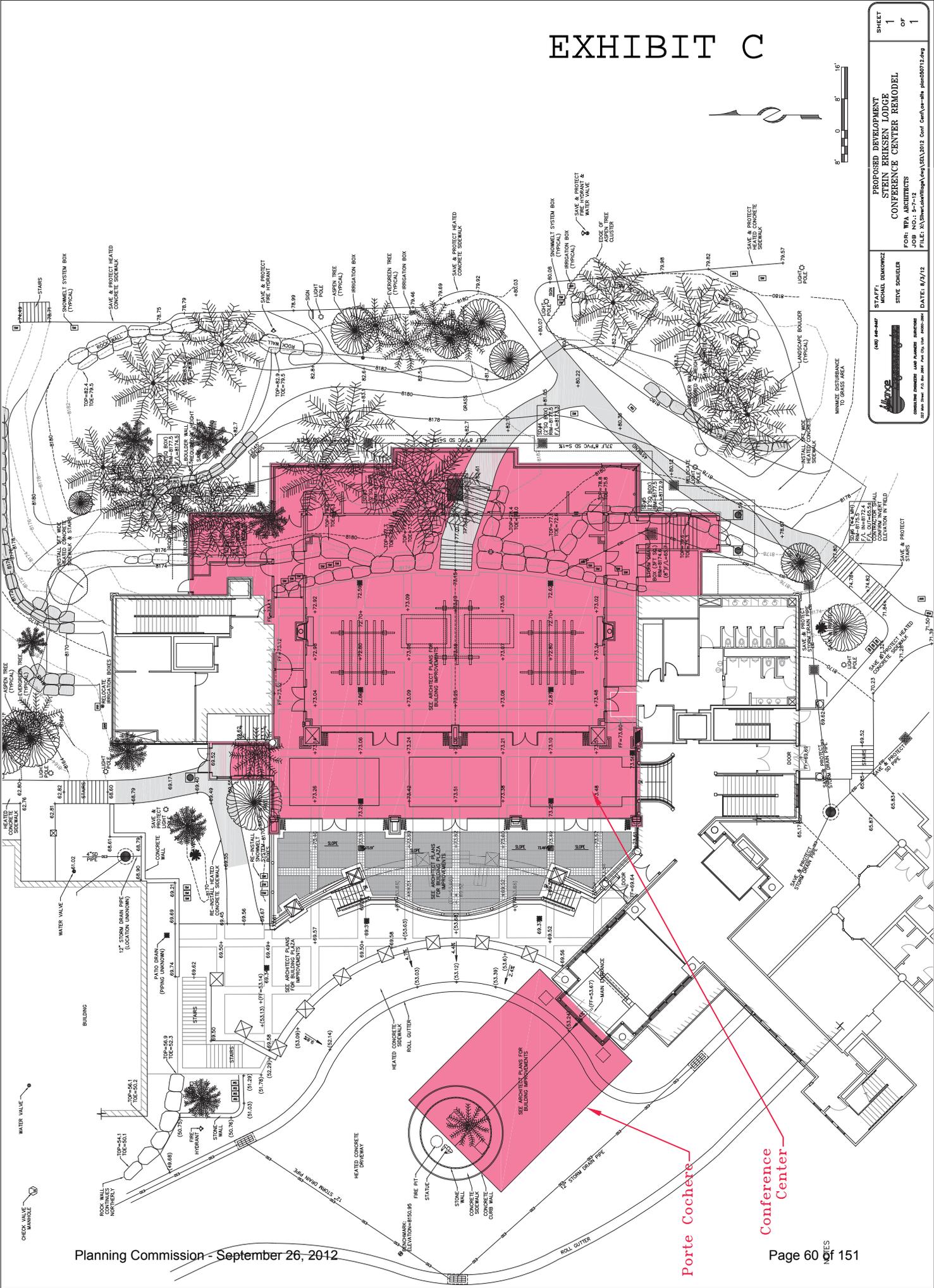
Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

EXHIBIT C

SHEET 1 OF 1
 PROPOSED DEVELOPMENT
STEIN ERIKSEN LODGE
CONFERENCE CENTER REMODEL
 FOR: WFA ARCHITECTS
 JOB NO.: 8-7-12
 FILE: X:\SteinErikson\wfa\wfa\03\0312 Conf Center-04a.dwg pld030712.dwg
 STAFF: MICHAEL DEMKOWICZ
 STEVE SCHULLER
 DATE: 8/3/12
 (408) 948-8467
 CONSULTING ENGINEER: LAMP PLANNING & DESIGN
 100 East Street, P.O. Box 100, Fort Collins, CO 80501
 LICENSE NO. 100000001

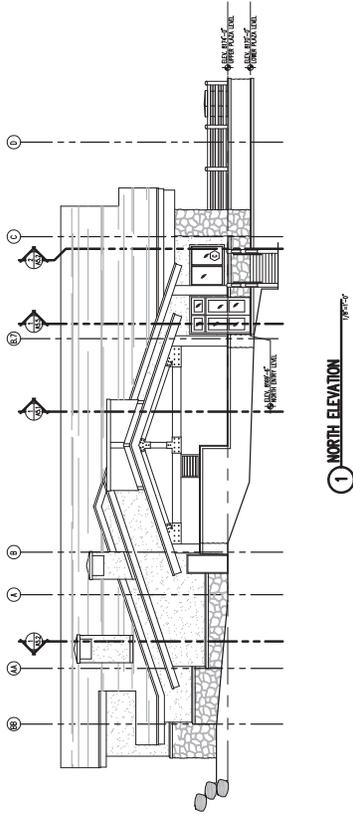




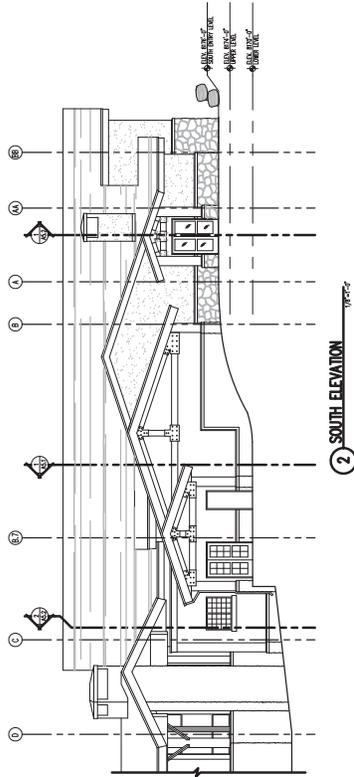
CONFERENCE CENTER



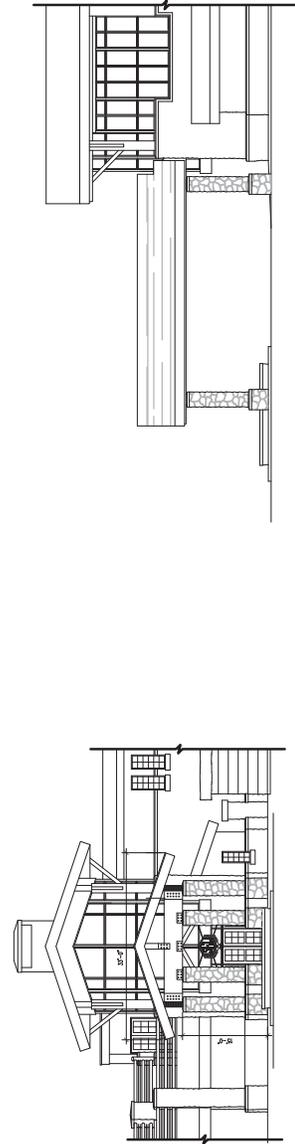
Stein Eriksen Lodge Conference Center Plat Amendment 7.20.2012



1 NORTH ELEVATION



2 SOUTH ELEVATION



3 PORTE COCHERE - WEST ELEVATION

4 PORTE COCHERE - SOUTH ELEVATION

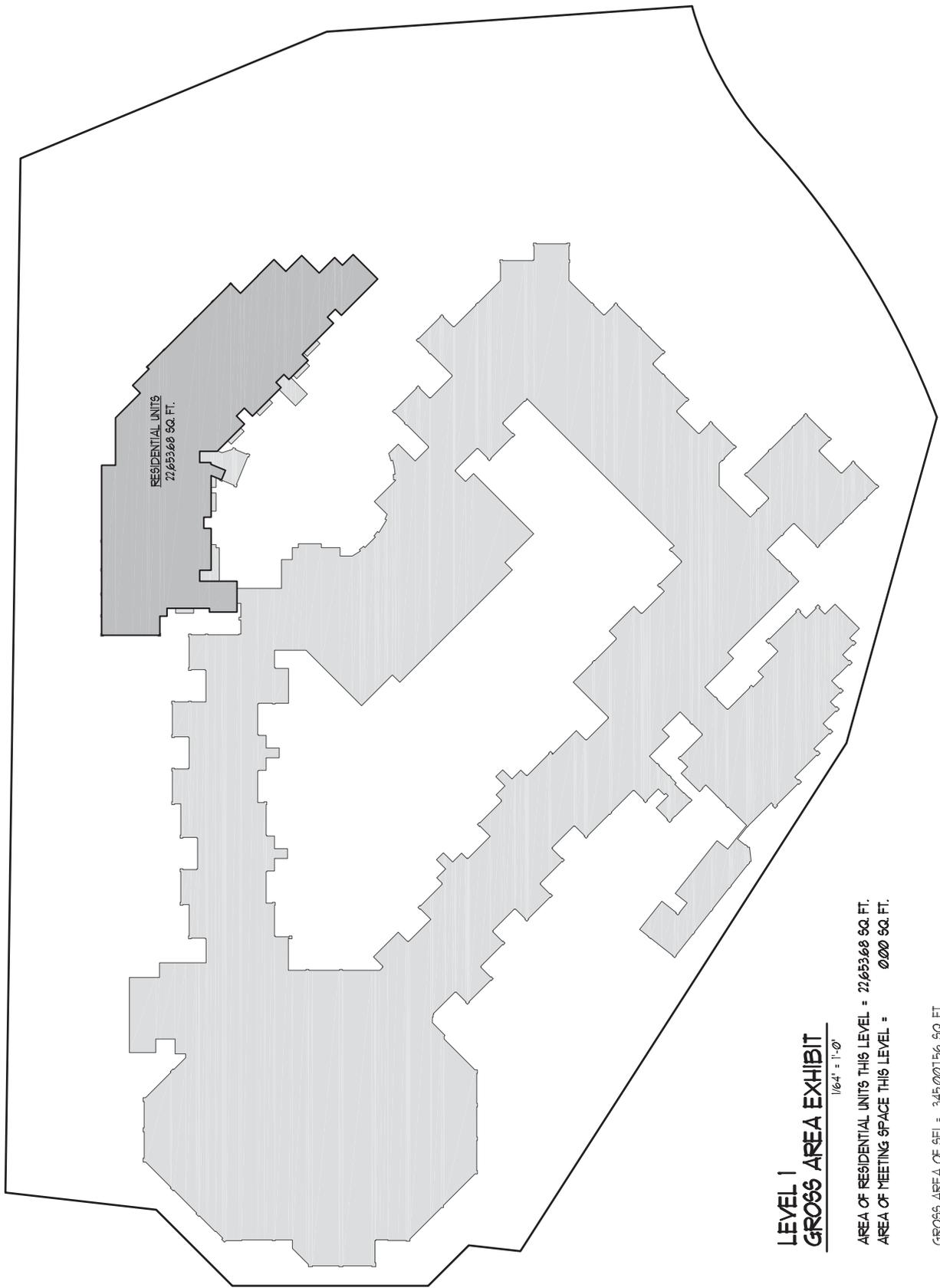
Stein Eriksen Lodge - Meeting Space Calculations Plaza Enclosure at Conference Center

Area Analysis of Residential Units, See Area Exhibit Sheets 1-5.	
	Square Feet
Level 1	22,653.00
Level 2	26,859.00
Level 3	41,803.00
Level 4	53,269.00
Level 5	53,274.00
Total:	197,858.00

Area Analysis of Meeting Space, See Area Exhibit Sheets 1-5.	
	Square Feet
Level 1	0.00
Level 2	0.00
Level 3	4,151.00
Level 4 (Proposed Plaza Enclosure)	5,776.00
Level 5	0.00
Total	9,927.00

Percentage: 9,927.00 sq. ft. / 197,858.00 = 5.00%

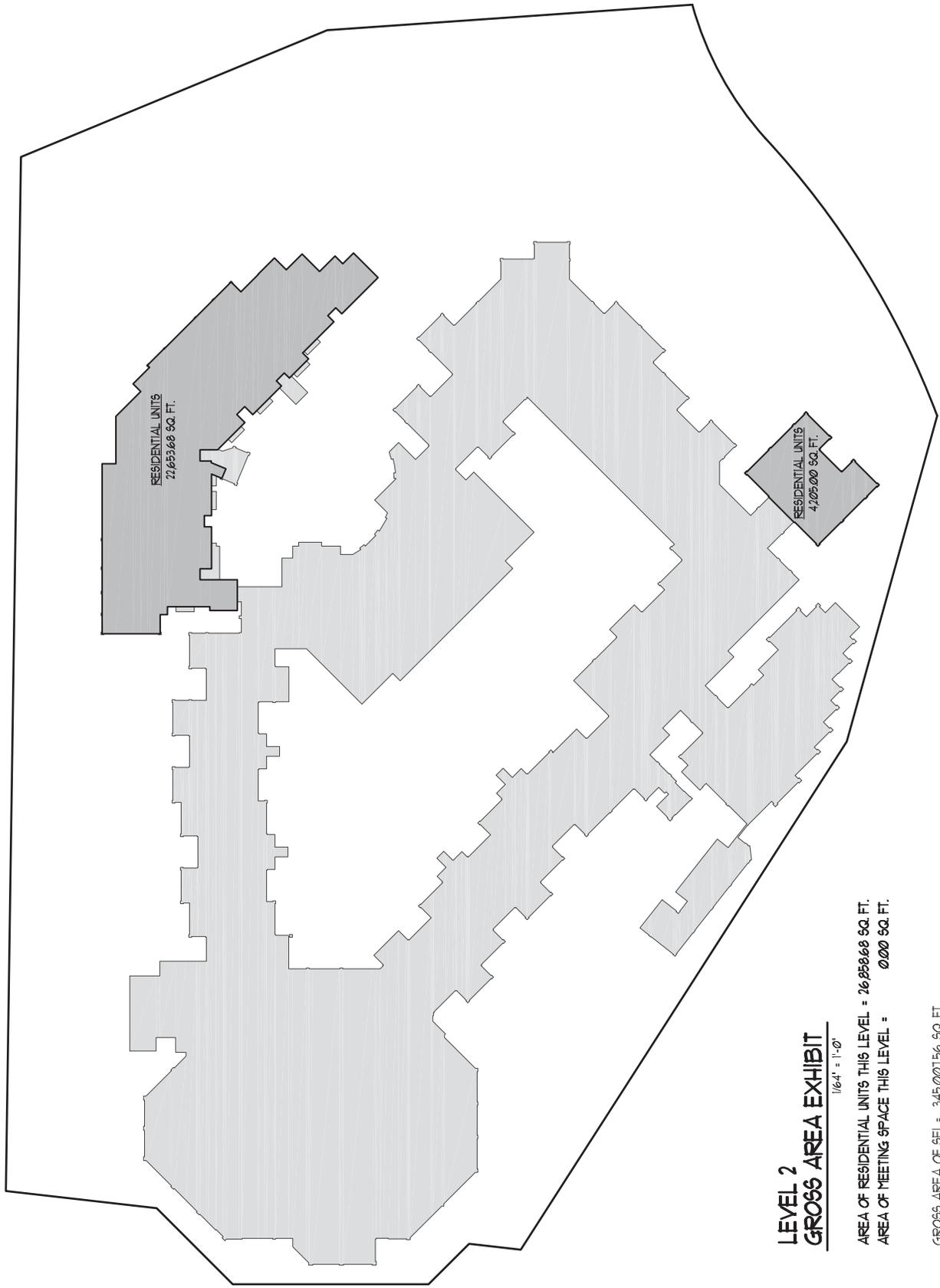
* *Park City Requirement: Meeting space May Not Exceed 5% of Residential Units*



LEVEL 1
GROSS AREA EXHIBIT
 1/64" = 1'-0"

AREA OF RESIDENTIAL UNITS THIS LEVEL = 22,653.68 SQ. FT.
 AREA OF MEETING SPACE THIS LEVEL = 0000 SQ. FT.

GROSS AREA OF SEL = 345,007.56 SQ. FT.



LEVEL 2
GROSS AREA EXHIBIT

1/64" = 1'-0"

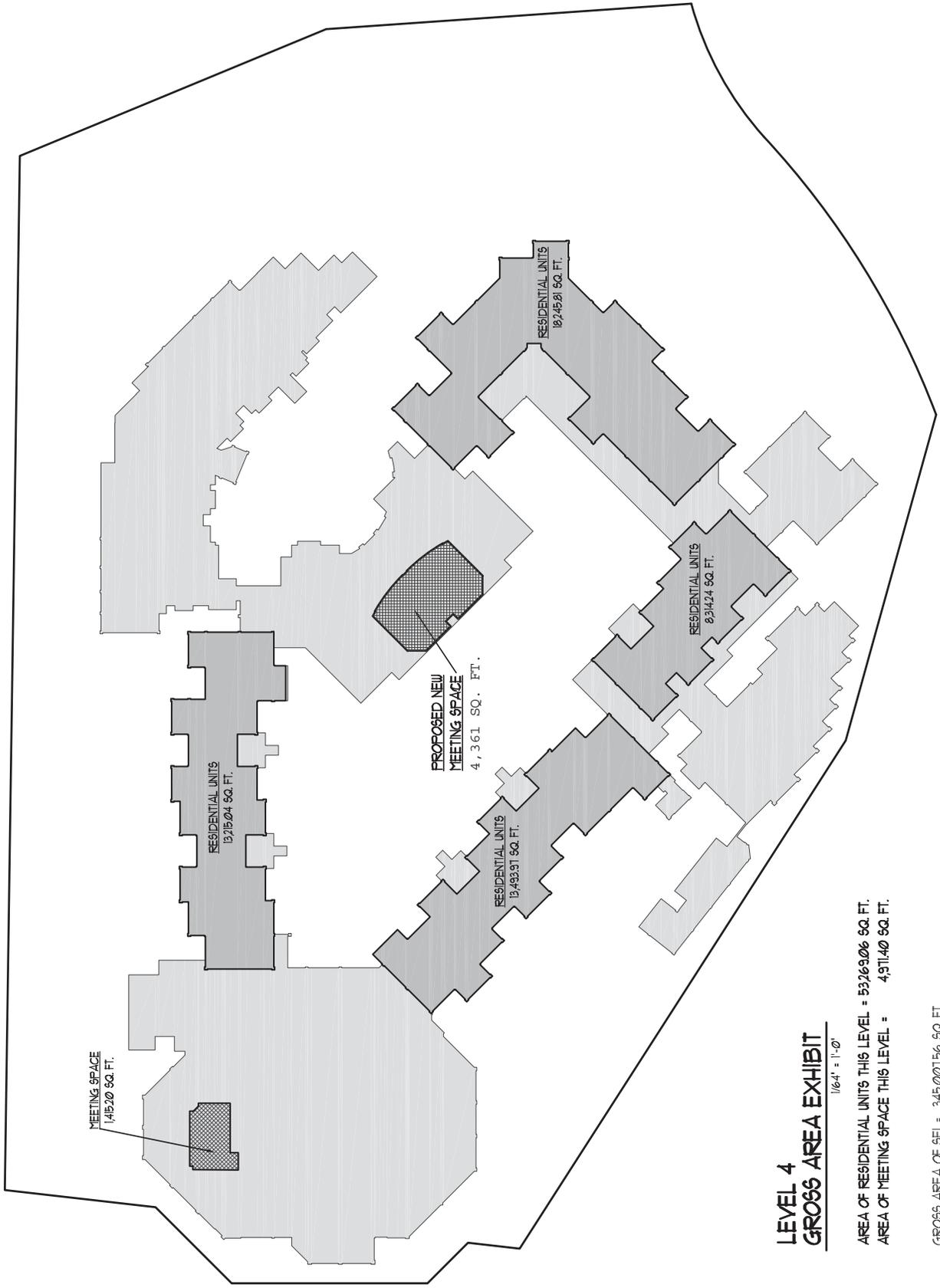
AREA OF RESIDENTIAL UNITS THIS LEVEL = 26,658.68 SQ. FT.

AREA OF MEETING SPACE THIS LEVEL = 0000 SQ. FT.

GROSS AREA OF SEL = 345,007.56 SQ. FT.



LEVEL 3
GROSS AREA EXHIBIT
 1/64" = 1'-0"
 AREA OF RESIDENTIAL UNITS THIS LEVEL = 41,803.03 SQ. FT.
 AREA OF MEETING SPACE THIS LEVEL = 4,150.71 SQ. FT.
 GROSS AREA OF SEL = 345,007.56 SQ. FT.



LEVEL 4
GROSS AREA EXHIBIT
 1/64" = 1'-0"

AREA OF RESIDENTIAL UNITS THIS LEVEL = 53,269.06 SQ. FT.
 AREA OF MEETING SPACE THIS LEVEL = 4,371.40 SQ. FT.

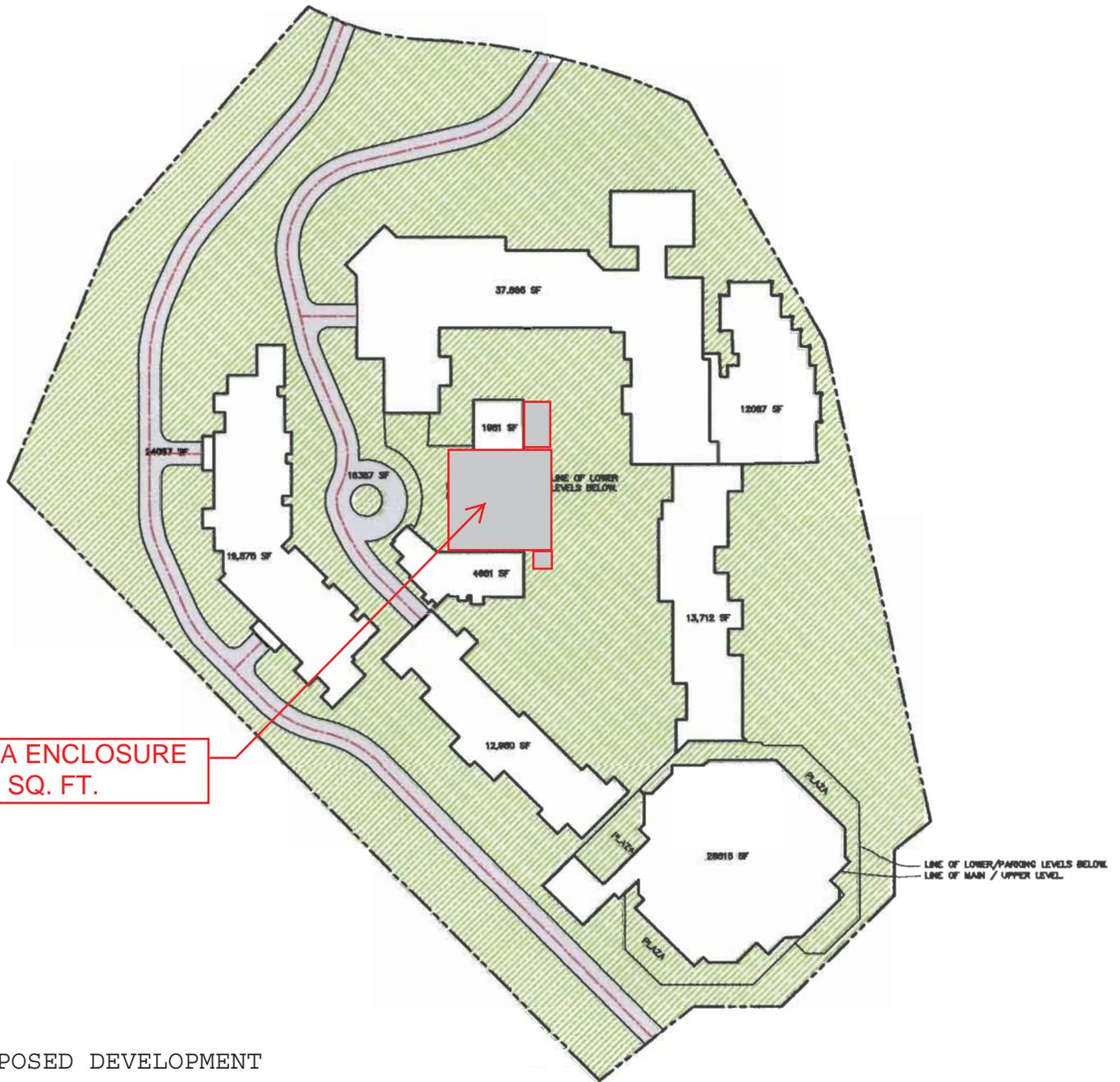
GROSS AREA OF SEL = 345,007.156 SQ. FT.



LEVEL 5
GROSS AREA EXHIBIT
 1/64" = 1'-0"

AREA OF RESIDENTIAL UNITS THIS LEVEL = 53,213.81 SQ. FT.
 AREA OF MEETING SPACE THIS LEVEL = 0,000 SQ. FT.

GROSS AREA OF SEL = 3,45,007.156 SQ. FT.



PLAZA ENCLOSURE
9,284 SQ. FT.

PROPOSED DEVELOPMENT

Lot Area	473,006 SF	10.86 Acres	% of Total
Bldg Area	139,750 SF	3.21 Acres	29.54%
Road Area	40,484 SF	0.93 Acres	8.56%
Open Space Area	292,772 SF	6.72 Acres	61.90%

STEIN ERIKSEN LODGE
REVISED SITE AREA CALCULATIONS
August 7, 2012

EXHIBIT D

Kirsten Whetstone

From: Bob Wells <bwells@deervalley.com>
Sent: Thursday, August 30, 2012 9:11 AM
To: Kirsten Whetstone
Cc: Russ Olsen
Subject: Stein Eriksen Lodge

Kirsten - Deer Valley Resort has no objection to and supports the application of Stein Eriksen Lodge for its proposed conference center remodel and expansion. Please advise if any questions.

Bob Wells

--

Bob Wells
Deer Valley Resort Company
2375 Deer Valley Drive #215
P. O. Box 1087
Park City, Utah 84060
(435) 649-1261



August 17, 2012

Kirsten Whetstone
c/o Park City Municipal

Re: Parking Requirements for new Conference Space

Dear Kirsten:

I am writing in regards to our application to expand the conference space at Stein Eriksen Lodge.

The additional space is being proposed largely to accommodate our existing guests and we don't anticipate any major increase in parking either from guests or employees due to this expansion. This space is mainly being built to provide dining space for groups and events that have been holding meetings in our existing conference space. For example: A group will have meetings in the existing conference space and then we have to immediately change the setup in that space for them to eat their lunch or dinner. With the additional space we can leave the meeting space set up as a meeting while hosting their meals in the new conference space. Based on this scenario we would not see any increase in the number of guests or staff and therefore parking needs would remain the same. While we may see an increase in the number of groups we host (not number of people), our ability to increase the size of our groups and events (number of people) is limited to the number of guest rooms we have which is not increasing.

Additionally, most of our groups arrive via bus or other mass transportation which doesn't increase our need for parking. In the rare event when we hold an event that maximizes our parking we make arrangements to park vehicles in neighboring parking lots like Silver Lake and The Chateaux at Silver Lake.

With the amount of parking within the property, we are keenly aware of our limitations with respect to how many cars we are able to accommodate. As a Five Star hotel, we want to make sure we meet the expectations of our guests including providing adequate parking and will always take this into consideration when booking events in our conference space.

I hope this provides the necessary information you might need in your evaluation of our project and that no additional evaluation of parking is necessary.

Should you have any questions or need additional information please let me know.

Sincerely,



Russ Olsen
CEO
Stein Eriksen Lodge

**PLAT EXECUTION AUTHORIZATION
BY STEIN ERIKSEN LODGE OWNERS' ASSOCIATION**

On July 13, 2012, the members of the Stein Eriksen Lodge Owners' Association, Inc. voted to expand the common area and enclose the Plaza Terrace and add a Porte-cochere for the benefit of the Association's members. As part of that vote, the members authorized the Association to record an amended plat map associated with the Plaza Enclosure and Porte-cochere expansion. In accordance with Articles XII(b) and 7 of the Condominium Declaration for Stein Eriksen Lodge, recorded on January 11, 1982, as Entry No. 187370 in the office of the county recorder of Summit County, Utah, as amended, by Summit Lake Associates, and 5.06 of the Bylaws of Stein Eriksen Lodge Owners' Association, Inc. (the "Corporation"), the Corporation hereby authorizes Russel L. Olsen, Chief Executive Officer of Stein Eriksen Lodge Management Corp. ("SELMC"), to execute the plat map created in conjunction with the Corporation's Plaza Enclosure and Porte-cochere expansion (the "Amended Plat Map") on behalf of the Corporation and all of the Corporation's unit owners for recording with the county recorder's office of Summit County, Utah. The Amended Plat Map has been approved by a majority of the Corporation's unit owners in accordance with the Corporation's bylaws.

BE IT THEREFORE RESOLVED that Russel L. Olsen, Chief Executive Officer of SELMC is hereby authorized to execute, on behalf of the Corporation and all of the Corporation's unit owners, the Amended Plat Map for recording with the Summit County recorder's office for the state of Utah.

TO BE EFFECTIVE July 19, 2012

STEIN ERIKSEN LODGE OWNERS' ASSOCIATION



By: _____
Dennis Suskind, President



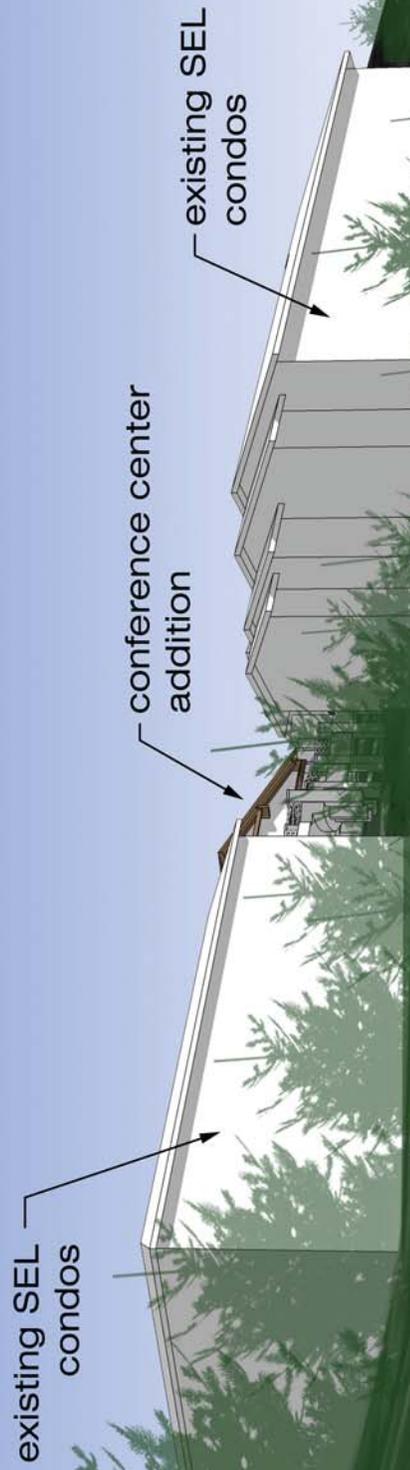
Attest By: _____
Charles Beach, Treasurer



view of **STEIN ERIKSEN**
LODGE from Big Bear Lodge

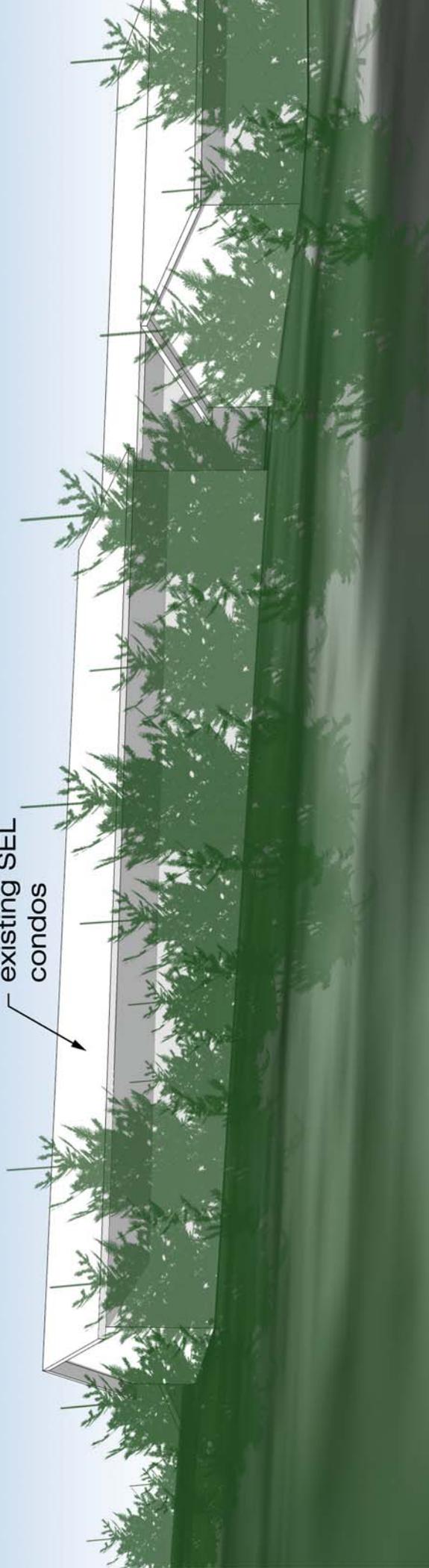
existing SEL
condos





view of **STEIN ERIKSEN**
LODGE from Little Belle

existing SEL
condos



view of **STEIN ERIKSEN**
LODGE from Mount Cervin





Planning Commission Staff Report



Planning Department

Subject: Land Management Code
Amendments
Author: Kirsten Whetstone, AICP
Date: September 26, 2012
Type of Item: Legislative

Summary Recommendations

Staff recommends that the Planning Commission conduct a public hearing, review and discuss the proposed LMC amendments as outlined in this staff report, and forward a positive recommendation to City Council based on the findings and conclusions in the draft ordinance.

Staff recommends the Planning Commission continue to October 24th LMC amendments regarding: 1) revisions to lighting regulations for night sky compliance and seasonal lighting (Chapter 5), 2) open space, back of house, and other regulations/definitions in MPDs (Chapter 6), 3) applicability of MPDs in historic district zones (Chapter 6), 4) setback exceptions in various zones (Chapter 2), 5) TDR multipliers in the sending zones (Chapter 2), 6) building height and exceptions in the HRM zone (Chapter 2), 7) conditional use permit review process in the HR-2 zone (Chapter 2), 8) agricultural uses within residential zones (Chapter 2), 9) setbacks for accessory structures and detached garages (Chapter 2), 10) exceptions for historic structures including height and footprint in the HRL, HR-1, and HR-2 zones (Chapter 2), 11) parking requirements for various uses (Chapter 3), 12) parking requirements in the historic district (Chapters 2 and 3), 13) landscape plan requirements (Chapters 4, 5, and 6), 14) soil management requirements (Chapter 4, 5, and 6), 15) annexation process and review for compliance with State Code (Chapter 8), 16) financial guarantee process for public improvements (Chapters 1 and 7), 17) allowed and conditional uses in various zones- e.g. POD storage units, pet day care, special events, outdoor events, solar arrays and small energy systems, and recreation facilities (Chapter 2) 18) review process for panelization of historic structures (Chapter 11), 19) minor adjustments to LMC requirements (Chapter 4), 20) Planning Commission, Board of Adjustment, and Historic Preservation Board term expirations (Chapters 10, 11, and 12), 21) process for extensions of applications and appeals of extension approvals (Chapter 1 and 7), and 22) definitions as identified in the legal notice (Chapter 15).

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 24th meeting (see above in Recommendation).

- Chapter One- General Provisions and Procedures
 - streamlined review and appeals process for Historic District Design Review applications and Administrative CUPs
 - revisions to notice matrix
- Chapter Two- Zoning Districts
 - roof pitch in the Historic Residential zones
 - streamlined review and appeals process for Historic District Design Review applications and Administrative CUPs
 - building height measurement as vertical measurement from lowest floor level to highest peak
- Chapter Three- Off-Street Parking
 - require building permits for paving, flat work, e.g. driveways, patios and parking pads in front yards in the Historic District
- Chapter Four- Supplemental Regulations
 - require building permits for fences and walls greater than 4 feet in the Historic Districts.
- Chapter Five- Architectural Review
 - streamlined review and appeals process for Historic District Design Review applications
- Chapter Six- Master Planned Developments
 - Master Planned Developments in the Historic Districts
 - Additional requirements for MPDs
- Chapter Seven- Subdivisions
 - revisions to applications, extensions, and appeals process
- Chapter Ten- Board of Adjustment
 - removal of Special Exceptions
 - streamlined review and appeals process for Historic District Design Review applications
- Chapter Eleven- Historic Preservation
 - streamlined review and appeals process for Historic District Design Review applications
 - process and criteria for permitting relocation and/or reorientation
 - amending pre-HDDR application requirements to be strongly recommended/suggested review as opposed to mandatory review
- Chapter Fifteen- Definitions
 - definitions for Green Roof, Impervious Surface, Story, 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).

On August 22, 2012 Staff provided the Planning Commission with a report and ordinance outlining proposed amendments to the LMC. The Commission conducted a public hearing and continued the item to September 12, 2012. On September 12th, the Planning Commission conducted a public hearing and discussed these amendments. Also on the 12th, the Planning Commission conducted a work session on the interpretation of story and directed staff to provide additional LMC amendments addressing the definition and intent for “Story” and related definitions regarding how a Story is measured. Staff presented this information, including a proposal to set a total over height of a structure on a lot. The Commission continued the discussion to the September 26th meeting (see Exhibit L). The following additional items were discussed by the Commission and are further described in the Analysis below:

- Roof pitch restrictions in the Historic Residential Zones.
- Requirements for building permits for driveways, parking, patios, and other flat work.
- Applicability of the MPD review process in Historic District zones.
- Special Exceptions- deleting from the Board of Adjustment chapter.
- Streamlined review process and appeals of administrative applications, such as Historic Design Review, Administrative Conditional Use permits, Architectural plan review, and other types of administrative applications.

Analysis

Staff provides the following analysis and explanation of the proposed LMC Amendments, addressing issues raised by the Commission identified in *italics*:

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 (HDDR). 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 permits such a process.

The alternative would be to remove one level of review. For HDDRs, it isn't obvious which level of review should be eliminated. One alternative would be to designate the Planning Staff as the Land Use Authority and then have the HPB be the appeal authority. Another alternative would be to designate the Planning Staff as the Land Use Authority and then have the BOA be the appeal authority. Currently, there is no public hearing at the Planning Staff level. A public hearing requirement should be considered (but is not legally required) if Planning Staff is given that authority. A third alternative would be to remove staff's streamlined review and have the HPB be the Land Use Authority that hears HDDR with the

BOA as the appeal authority. Likewise, in reviewing Administrative CUPs, it would have to be determined which body to remove from the process. (Exhibits A, B, G, H and I)

The Planning Commission requested clarification of this process which was provided at the meeting by the City's Legal Department. There was public comment provided regarding this item (see minutes of the meeting). Staff requests direction from the Planning Commission as to whether this process should be implemented for administrative types of applications, such as Historic District Design Review, and administrative Conditional Use permits. Staff recommends the Commission provide input and either forward a recommendation to the City Council or request continuation to the October 24th meeting to allow staff time to prepare additional redlines.

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)

The Planning Commission did not discuss this item at the last meeting. Staff requests input from the Commission and requests the Commission forward a positive recommendation to City Council on this item.

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 had recommended 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)

The Commission discussed this topic and provided direction to staff to revise the exception language to read as follows:

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 the review criteria as stated in the Design Guidelines for Historic Districts and Sites. Such exceptions to roof pitch may be granted to allow original roof forms for historic structures and for new additions to historic structures when the proposed roof pitch of the

addition is consistent with the historic structure. Roof pitch for new construction shall be visually compatible with the roof shapes and orientation of surrounding historic sites.

Planning Staff consulted with the City's historic preservation consultant and learned that it is not typical to restrict roof pitch in historic districts. There are concerns about loss of design flexibility and loss of the variation of vernacular architecture when a specific roof pitch is prescribed. Staff also learned that the 7:12 pitch is not the "typical" roof pitch in the Park City historic district. It was suggested to the Staff that the LMC reflect the Design Guideline language that 1) roofs should be visually compatible with roof shapes and orientation of surrounding Historic Sites, 2) that roof pitch should be consistent with the style of architecture chosen for the structure and with the surrounding Historic Sites, and 3) that roof pitch should be designed to minimize snow shedding onto adjacent properties and /or pedestrian paths. Staff concurs with the consultant regarding specifying a specific roof pitch. However Staff also agrees with the concerns that without a steeper pitch roof, the set 27' building height would result in more mass with a flatter pitch roof. Staff requests the Commission consider 1) remove the reference to any specific roof pitch, 2) direct staff to re-write the roof pitch requirement to reflect the language in the Design Guidelines, and 3) consider a reduction in overall building height for roof pitches of less than 4:12 to twenty-three feet (23').

Staff recommends the Commission discuss the issue of roof pitch and either forward a recommendation to Council or request staff to provide additional information and continue to the October 24th meeting.

The Commission also had recommended that Staff provide additional information and research regarding flat roofs and how the mass of a flat roof could be reduced, perhaps with a limit on building height for flat roofs (staff suggests 23' building height for flat roofs). Staff recommends continuing the discussion on flat roofs to the October 24th meeting.

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)

The Commission discussed the issue of building permits for driveways and other flat work and recommended that Staff consider these regulations only for flatwork

within the front yards and only within the Historic Districts. A representative from the Engineering or Building Departments will be at the meeting to explain to the Commission why this has become an issue, mainly in the Historic District, but also Citywide. Staff recommends the Commission provide staff with additional language and either forward a recommendation to the City Council or continue this item to the October 24th meeting.

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)

The Commission discussed the proposed amendments to make the Code clear when MPDs are required and when they are allowed but not required. The Commission requested a history of MPDs in the Historic Zones. Staff recommends that the Commission continue this item to the October 24th meeting to allow staff the time to complete this research and revise the language. Public input has been provided on this topic, see Exhibit L.

6. Removal of "Special Exceptions" that are currently reviewed by the Board of Adjustment (BOA) is proposed. The State Code no longer includes review of "Special Exceptions" as a duty of the Board of Adjustment. The State Code is now silent regarding Special Exceptions. 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)

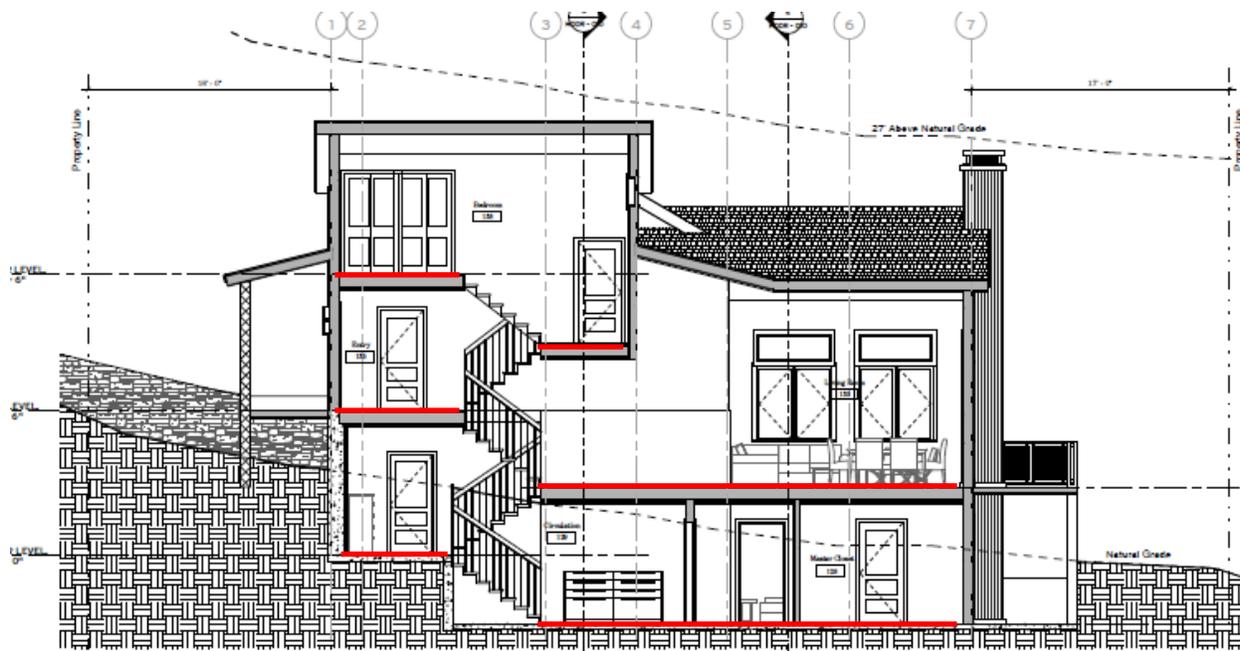
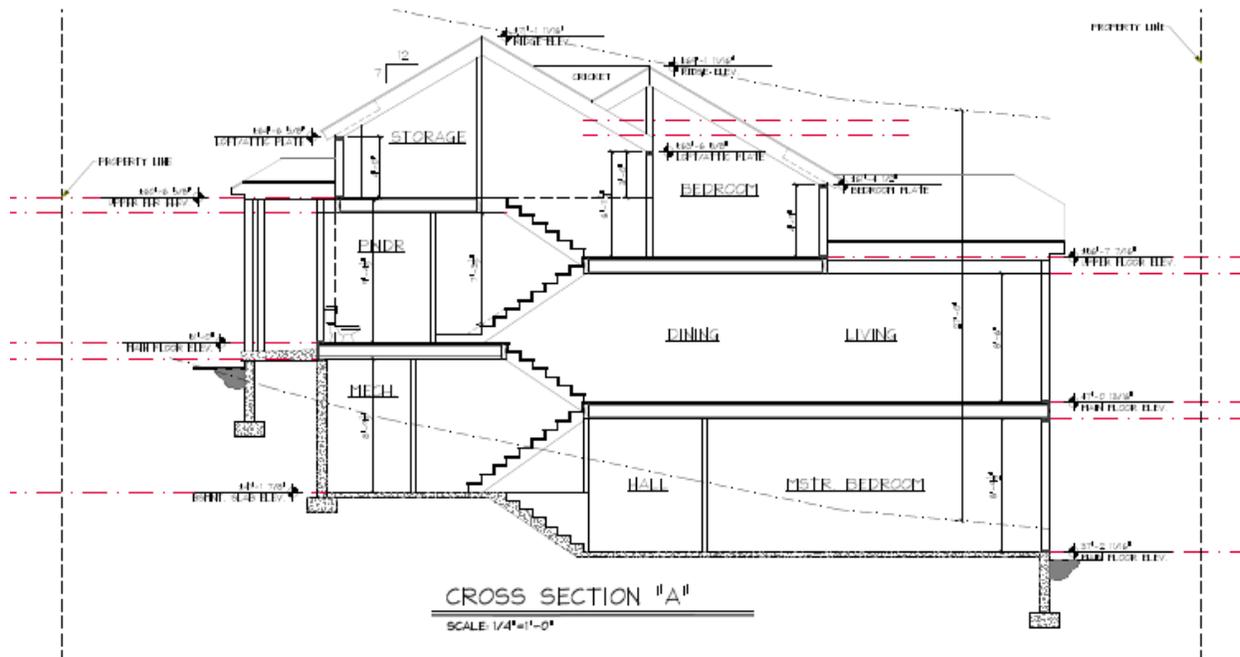
The Commission reviewed the proposed language at the previous meeting and had no comments regarding the changes. Staff recommends the Commission forward a positive recommendation to Council on these changes.

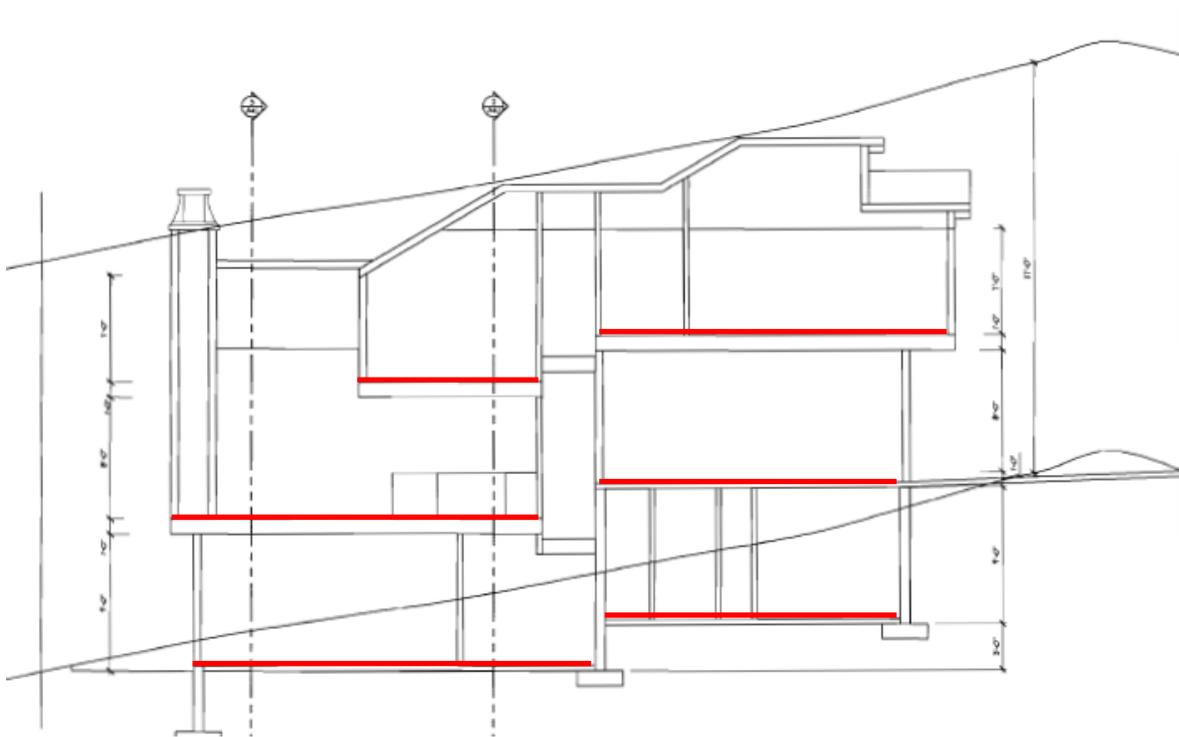
7. Definitions for Impervious Surface, Green Roof, and Net Zero Energy Building are proposed to add and /or clarify these terms. The current definition of a Green Roof is a planted roof. Staff has had several requests to allow the flat roof for solar hot water systems, PV panels and thin film PV systems 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 will draft further amendments based on the outcome of this discussion for review at the October 24th meeting. (See Exhibit J)

8. Staff has discussed in a work session at the September 12th, 2012 meeting issues regarding the interpretation of what a story is when “split levels” are involved. The current LMC definition of a story can be clarified regarding split level designs since they have multiple levels that vertically overlap with one another.

As a result of the work session, the Planning Commission directed staff to come back at the September 26th meeting to propose amendments which would further clarify and better reflect the intent of the three (3) story restriction in the Historic Residential Districts consisting of the HRL, HR-1, and HR-2 Districts. See samples below of split levels:





These “split level” designs meet the existing building height parameters which include:

- No structure shall be erected to a height greater than twenty-seven feet (27') from existing grade.
- 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.
- A structure may have a maximum of three (3) stories. A basement counts as a first story.
- A ten (10) foot minimum horizontal step in the downhill façade is required for a third (3rd) story of a structure unless the first story is located completely under the finish grade on all sides 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.
- Garage on Downhill Lot building height exception: 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.

Currently, the height of a story is not codified. A “story” is defined in the LMC as

*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*

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').

For additional background, Planning Staff has research several sources as well as several communities to further understand their definitions of a story (See Exhibit M). Many of the definitions in Exhibit M address the issue of "split levels" specifically. The language addresses 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. During the Planning Commission meeting work session held on September 12, 2012 the Planning Commission concurred with the proposed amended definition of 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.

Staff also recommends adding language to clarify how to address unusual lots, such as a longer than usual lot or steep lots. The direction from the work session was to clarify the code to ensure that multiple "split levels" through the structure that meet the Building Height parameters and the proposed definition of a story don't add more mass and volume to create stepping effects.

After analyzing the impacts of the "split levels" and more specifically the "multiple split levels" concept on a standard lot of record and possibly over longer lots, staff suggests adding 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, the mass, volume, and scale of the "split level" can be limited so that they do not step up and down the topography. Staff recommends that the Commission recommend adding 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. If the roof pitch section as building height is amended as discussed above staff would recommend reducing this height to twenty-four feet (24') for flat roof structures.

Department Review

These amendments have been reviewed by the Planning, Engineering and Legal Departments and will be taken to the September 25th Development Review meeting. Comments from the Development Review meeting will be relayed to the Commission at the September 26th meeting.

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 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. Public input on these amendments was provided at the September 12th meeting and Staff has received several emails expressing concerns regarding the change to allow the MPD process in the HRC district (see Exhibit L).

Recommendation

Staff recommends that the Planning Commission conduct a public hearing, review and discuss the proposed LMC amendments as outlined in this staff report, and consider forwarding a positive recommendation to City Council based on the findings and conclusions in the attached ordinance.

Staff recommends the Planning Commission continue to October 24th LMC amendments regarding: 1) revisions to lighting regulations for night sky compliance and seasonal lighting, 2) open space, back of house, and other regulations/definitions in MPDs, 3) applicability of MPDs in historic district zones, 4) setback exceptions in various zones, 5) TDR multipliers in the sending zones, 6) building height and exceptions in the HRM zone, 7) conditional use permit review process in the HR-2 zone, 8) agricultural uses within residential zones, 9) setbacks for accessory structures and detached garages, 10) exceptions for historic structures including height and footprint in the HRL, HR-1, and HR-2 zones, 11) parking requirements for various uses, 12) parking requirements in the historic district, 13) landscape plan requirements, 14) soil management requirements, 15) annexation process and review for compliance with

State Code, 16) financial guarantee process for public improvements, 17) allowed and conditional uses in various zones- e.g. POD storage units, pet day care, special events, outdoor events, solar arrays and small energy systems, and recreation facilities 18) review process for panelization of historic structures, 19) minor adjustments to LMC requirements, 20) Planning Commission, Board of Adjustment, and Historic Preservation Board term expirations, and 21) definitions as identified in the legal notice.

Exhibits

Ordinance

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- September 12, 2012 meeting minutes (seperately attached)

Exhibit L- Public input

Exhibit M- Definitions of "Story" from other jurisdictions

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, 15-2.4, 15-2.5, 15-2.6, 15-2.16, 15-3, 15-4, 15-5, 15-6, 15-7, 15-10, 15-11, and 15-15 REGARDING DEVELOPMENT REGULATIONS, PROCESS AND STREAMLINED REVIEW FOR HISTORIC DISTRICT DESIGN REVIEW AND ADMINISTRATIVE CONDITIONAL USE PERMITS, CLARIFICATION OF ROOF PITCH IN THE HISTORIC RESIDENTIAL ZONES TO BE CONSISTENT WITH THE DESIGN GUIDELINES, CLARIFICATION OF DEFINITION OF IMPERVIOUS SURFACE AND STORY, CLARIFICATION OF GREEN ROOF ALLOWING FOR INSTALLATION OF SOLAR ENERGY SYSTEMS, BUILDING HEIGHT MEASUREMENTS IN THE HISTORIC RESIDENTIAL ZONES, ADDING MPD REQUIREMENTS FOR LANDSCAPE PLANS AND REMOVAL OF NOXIOUS WEEDS, REMOVING SPECIAL EXCEPTION PROCESS AND REVIEW, AND REQUIRING BUILDING PERMITS FOR FENCES/RETAINING WALLS, AND IMPERVIOUS SURFACES FOR NON BEARING CONSTRUCTION IN THE HISTORIC RESIDENTIAL DISTRICTS

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 owners 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 and appeal process for administrative reviews, such as administrative Conditional Use Permits, Historic District design reviews, and plan reviews; and

WHEREAS, Chapters 2.1, 2.2, 2.3, 2.4, 2.5, 2.6 and 2.16 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, measurement of building height, and process for review and permitting of 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 historic residential 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; and

WHEREAS, Chapter 7 - Subdivisions provides regulations, requirements, and procedural requirements regarding Subdivisions and the City desires to clarify and revise these regulations and procedures as they pertain to revisions to applications, extensions, and appeals processes; 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 Historic District Design Review and preservation of historic structures, and the City desires to clarify and revise these regulations regarding the review process for Historic District Design Review applications including the pre-application process and the review process and criteria for relocating and re-constructing historic structures; and

WHEREAS, Chapter 15 – Definitions, provides clarification regarding the meaning of words used in the LMC and the City desires to clarify or add the definition of Impervious, Green Roof, 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 August 22nd, 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, 15-2.3, 15-2.4, 15-2.5, 15-2.6, and 15-2.16. The recitals above are incorporated herein as findings of fact. Chapter 15-2.1, 15-2.2, 15-

2.3, 15-2.4, 15-2.5, 15-2.6, and 15-2.16 of the Land Management Code of Park City are 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 7- Subdivisions. The recitals above are incorporated herein as findings of fact. Chapter 7 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit G).

SECTION 8. 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 H).

SECTION 9. 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 I).

SECTION 10. 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 J).

SECTION 11. 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

EXHIBIT A

15-1 -8. REVIEW PROCEDURE UNDER THE CODE.

<u>STREAMLINED REVIEW (v), FORMAL CONSIDERATION (w), FINAL ACTION (X)</u>					
RECOMMENDATION (y), and FINAL ACTION (X) and APPEAL (z)					
	Planning Department	HPB	Board of Adjustment	Planning Commission	City Council
Allowed	X				
Allowed-Historic (HDDR)	X y	z w	z		
Administrative Permits	X			z	
Conditional Use				X	z
Conditional Use Admin.	X y		z	z w	
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 rReview 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)

EXHIBIT B

15-2.1-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

(A) A Structure may have a maximum of three (3) stories. A basement counts as a Story within this zone. Attics that are not Habitable Space do not count as a Story.

(B) A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the First Story is located completely under the finish grade on all sides of the Structure. On a Structure in which the First Story is located completely under finish grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed.

(C) 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').

~~(D)~~ **ROOF PITCH.** Roof pitch must be between seven:twelve (7:12) and twelve:twelve (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.

~~(E)~~ **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 the review criteria as stated in the Design Guidelines for Historic Districts and Sites. Such exceptions to roof pitch may be granted to allow original roof forms for historic structures and for new additions to historic structures when the proposed roof pitch of the addition is consistent (compatible?) with the historic structure. Roof pitch for new construction shall be visually compatible with the roof shapes and orientation of surrounding historic sites.

15-2.1-8. 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.

15-2.2-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

(A) A structure may have a maximum of three (3) stories. A basement counts as a First Story within this zone. Attics that are not Habitable Space do not count as a Story.

(B) A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the First Story is located completely under the finish Grade on all sides of the Structure. On a Structure in which the First Story is located completely under finish Grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed.

(C) **ROOF PITCH.** Roof pitch must be between seven:twelve (7:12) and twelve:twelve (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.

(D) 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').

(AE) **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 the review criteria as stated in the Design Guidelines for Historic Districts and Sites. Such exceptions to roof pitch may be granted to allow original roof forms for historic structures and for new additions to historic structures when the proposed roof pitch of the addition is consistent (compatible?) with the historic structure. Roof pitch for new construction shall 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 BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height.

Final Grade must be within four vertical feet (4') from Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The Planning Commission may grant an exception to the Final Grade requirement as part of a Master Planned Development within Subzone A where Final Grade must accommodate zero lot line Setbacks. The following height requirements must be met:

(A) A Structure may have a maximum of three (3) stories. A basement counts as a First Story within this zone. Attics that are not Habitable Space do not count as a Story. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A for the extension of below Grade subterranean HCB Commercial Uses.

(B) A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the First Story is located completely under the finish Grade on all sides of the Structure. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A consistent with MPD requirements of Section 15-6-5(F). On a Structure in which the First Story is located completely under finish Grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed.

(C) **ROOF PITCH.** Roof pitch must be between seven:twelve (7:12) and twelve:twelve (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.

(D) 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').

(DE) 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 the review criteria as stated in the Design Guidelines for Historic Districts and Sites. Such exceptions to roof pitch may be granted to allow original roof forms for historic structures and for new additions to historic structures when the proposed roof pitch of the addition is consistent (compatible?) with the historic structure. Roof pitch for new construction shall 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.

EXHIBIT C

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.** Within the HRL, HR-1, HR-2, HRM, HRC, and HCB zones, aAll 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.

EXHIBIT D

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.~~

EXHIBIT E

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 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.

EXHIBIT F

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 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

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 thirty percent (30%).

For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space to thirty percent (30%) 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 plazas and gardens rooftop gardens may count toward this open space requirement. Fee in lieu for purchase of open space and parklands may count toward the open space requirement for purchase of equal amounts of required open space.

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

EXHIBIT G

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.

- (3) 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~~ file a formal plat amendment Application.

EXHIBIT H

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.

|

EXHIBIT I

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 review~~ ing ~~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~~ ~~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.

EXHIBIT J

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.

STORY. ~~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. 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.~~

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.

Kirsten Whetstone

From: planning
Sent: Monday, September 17, 2012 10:02 AM
To: Planning_Mail
Subject: FW: MPD

From: James Tedford [preservehistoricmainstreet@gmail.com]
Sent: Thursday, September 13, 2012 7:57 PM
To: planning
Subject: MPD

Dear Planning Staff,

We are very much opposed to any change of language in the LMC that would allow an MPD in the Heber Avenue Sub Zone.

Sincerely,
James & Laila Tedford

Kirsten Whetstone

From: planning
Sent: Monday, September 17, 2012 10:03 AM
To: Planning_Mail
Subject: FW: Proposed Change in Land Management Code

From: Ilsa Leonhart [rally2468@comcast.net]
Sent: Thursday, September 13, 2012 8:51 PM
To: planning
Subject: Proposed Change in Land Management Code

I am in favor of the expansion of the Kimball Art Center but do not feel that the proposed plan is in keeping with the preservation of our historical Old Town. I am writing to request that you do NOT change the language in the Land Management Code to allow a Master Planned Development in the Hebert Avenue Sub-Zone. I feel we need to preserve the integrity and history of our town and that this would be a very detrimental renovation . Thank you.

Ilsa Leonhart
2808 Four Lakes Drive
Park City, Utah
rally2468@comcast.net

Sent from my iPad

Kirsten Whetstone

From: planning
Sent: Monday, September 17, 2012 10:03 AM
To: Planning_Mail
Subject: FW: KAC

From: Marilla Magill [marillamagill@gmail.com]
Sent: Thursday, September 13, 2012 9:13 PM
To: planning
Subject: KAC

To the members of the planning commission of historic Park City, Utah:

I wish to make my opinion known of the proposed Kimball Art Center addition: I do NOT want the proposed addition due to several reasons. 1) I do not approve of the permission being granted to break the codes and regulations of our Historic Main Street. 2) The proposal to allow an MPD change even in this one case sets a precedent that could be used by other developers. 3) The height of the building would be more than 40 feet over the height of Sky Lodge and would be much more obvious at the end of the Main St. 4) The building overshadows Zoom and Easy Street. I, for one, will not wish to sit there and look at a skyscraper studded intersection 5) I feel this proposed structure is completely out of compliance with our historic designation.

I do NOT wish you to think I oppose the Kimball Art Center's desire to expand. I am completely supportive of that need and desire. I feel their design could be given a different site or that they re-design the structure to meet the current codes.

My Worst nightmare is that a precedent be set that future proposals would attempt to use as a jumping off point for making our city into a total mess. (something like the Field's Mall debacle)

Thank you for your attention and contemplation.

Marilla Magill
2829 Holiday Ranch Loop Rd.

Kirsten Whetstone

From: planning
Sent: Monday, September 17, 2012 10:05 AM
To: Planning_Mail
Subject: FW: Kimball

From: Jane Xmission.com [washpark@xmission.com]
Sent: Thursday, September 13, 2012 9:32 PM
To: planning
Subject: Kimball

Please, please do not change the language in the Land Management Code to allow a Master Planned Development in the Heber Avenue Sub Zone. This is a great project, just in the wrong place. GREAT building for the ski jumps where the nordic design and height fits.

Jane Washington

Kirsten Whetstone

From: planning
Sent: Monday, September 17, 2012 10:04 AM
To: Planning_Mail
Subject: FW: KAC

From: Nancy Hull [nhull@xmission.com]
Sent: Thursday, September 13, 2012 9:22 PM
To: planning
Subject: KAC

I am writing to ask you to strongly consider denying the Kimball Art Center's request to change the language in the Land Management Code to allow a Master Planned Development in the Heber Avenue Sub Zone. I support the Kimball's need to expand but I feel that they can accomplish this expansion by complying with the existing Land Management Code and the Park City Design Guidelines for Historic Districts and Historic Sites.
Thank you for your consideration,
Nancy Hull

Kirsten Whetstone

From: planning
Sent: Monday, September 17, 2012 10:05 AM
To: Planning_Mail
Subject: FW: Kimball

From: Jane Xmission.com [washpark@xmission.com]
Sent: Thursday, September 13, 2012 9:32 PM
To: planning
Subject: Kimball

Please, please do not change the language in the Land Management Code to allow a Master Planned Development in the Heber Avenue Sub Zone. This is a great project, just in the wrong place. GREAT building for the ski jumps where the nordic design and height fits.

Jane Washington

Exhibit M- 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.

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."

WORK SESSION

Planning Commission Staff Report



Subject: General Plan
Author: Katie Cattan, AICP
Date: September 26, 2012
Type of Item: Work Session

Below is the layout for the new General Plan. The elements within the new General Plan will be focused around the specific core values identified during the community visioning. The Core Values are those values identified by the community that must be preserved to maintain the Park City experience. The Core Values include: Small Town, Natural Setting, Sense of Community, and Historic Character.

This work session will focus on the core value of *Small Town*, including draft goals, objectives, and strategies for *small town*. (Exhibit A) The full version of the General Plan will include write-ups on trends, demographics, and explanation of strategies. Staff will have an interactive presentation to present to the Planning Commission during the September 26th work session. Staff asks that commissioners highlight areas of concern within the draft of *Small Town*. It should be noted housing is included within *Sense of Community* rather than *Small Town*, although it influences both core values.

Layout of the New General Plan

1. Park City Visioning Outcome
2. Park City Demographics
3. **Small Town**
 - a. **Land Use**
 - b. **Regional Land Use Planning**
 - c. **Transportation**
4. Natural Setting
 - a. Open Space
 - b. Resource Conservation
 - c. Climate adaptation
5. Sense of Community
 - a. Housing
 - b. Parks and Recreation
 - c. Special Events
 - d. Economy
 - e. Community Facility
6. Historic Character
 - a. Historic Preservation
7. The PC Neighborhoods
 - a. 1 – 9
 - b. Implementation Strategies
8. Indicators

Small Town

During the 2009 Community Visioning process, residents identified *Small Town* as one of the four core values of Park City that must be preserved to protect the Park City experience. Residents described *Small Town* using words such as: “quaint, charming, old mining town, historic, beautiful, lovely, does not sprawl, not overbuilt, not much traffic, lifestyle, less driving, does not change much, historic identity, traditional, has a sense of place, character, and rich history”. It is important to note that the term *Small Town* is not associated with a population statistic or specific area of land. To Parkites, “*Small Town*” reflects an experience of place through the natural and built environment.

When asked, “What would make you leave Park City?” the most common answer by residents was “Too much change or growth” followed by “Loss of natural beauty/environmental decline” also associated with growth. During the community interviews, Parkites stated what they hoped Park City would be like in 20 years, again echoing the desire to remain a *Small Town*, more specifically “stay the same, *Small Town* feel, sense of community, uniqueness” followed by “less development, smarter growth, green and open.”

Since Park City was established in 1889, the City has continued to grow by expanding outward and annexing surrounding areas into the City. To protect Park City for future generations to experience as we so fortunately do today, a balanced growth strategy must be implemented. Cities have the ability to preserve the experience of place by directing and shaping the future growth within the City’s boundary and responsibly within existing neighborhoods.

The first step to direct and shape future growth within the City is to identify the areas within town that should not grow or should not be developed. Next, it is essential to re-look inward at the existing neighborhoods and identify areas in which some additional

development could be realized in order to protect the areas that should be conserved. To simply believe that all the areas which should be protected could be purchased as open space is extremely expensive and unrealistic.

A community must then identify the type of development that would be compatible within the existing neighborhood, ranging from an accessory dwelling on a large single family lot to a multi-family residential building in a mixed use area. By implementing a context-sensitive, local Transfer of Development Rights (TDR) system, the *Small Town* charm is preserved while creating more diverse options for locals, the workforce, and visitors. Of course, continuing to create funding for open space acquisition also helps to preserve land and decrease development pressures.

In the 2012 Balanced Growth Strategy Outline, Charles Buki (the consultant tasked with preparing the report) recommended implementing a regional strategy to shape and channel growth to outcomes mutually desirable to the neighboring communities. The growth pressures for Park City do not end at the City line, as demand has placed enormous pressure on Summit and Wasatch Counties, threatening the *Small Town* experience of the Wasatch Back. Planning regionally begins with a shared vision and then the creation of implementation strategies.

Land use and transportation influence one another and have a dramatic impact on the core value *Small Town*. Smart growth decisions that create housing opportunities near commercial centers, support public transportation, alleviate pressure on undeveloped land, and result in less pressures to widen existing roads... all preserve the *Small Town* experience. As land use and transportation decisions are made, the decision makers must consider how they influence the other and the resulting impacts on the *Small Town* feel.

Goal 1. Park City will grow inward, strengthening existing neighborhoods while protecting undeveloped land.

In dealing with the pressures placed on Park City to grow and develop, our community is faced with two choices. The first choice is to shun higher densities in town, instead encouraging growth to occur outward, into the undeveloped lands surrounding the City. Our second option is to encourage higher densities in town, so that we can preserve open space and the natural setting in and around Park City.

It is worth noting, under existing development agreements, MPDs and development rights allowed by current zoning, Park City is set to grow by at least 1,965 residential unit equivalents (UEs) and 736 commercial UEs, saying no to more growth is not possible.

The second choice seems like the best option for the City, as it allows us to protect the core values of *Small Town* and *Natural Setting*. Growing inward will relieve pressures to place developments in open space, while strengthening our existing neighborhoods. Prioritizing infill development, and allowing for a greater diversity of residential, commercial and even industrial/high tech development, will create a much more vibrant, sustainable community.

Objectives:

- Create complete residential neighborhoods, with access to a variety of daily needs in close proximity to housing.
- Conserve contiguous wildlife corridors and habitat areas.
- Decrease pressures to build on native, undeveloped land.
- Increasing amount of protected open space.
- Preserve agriculture.
- Preserve view corridors.
- Preserve steep slopes and environmentally sensitive lands.

Strategies:

- Amend the Land Management Code to allow for a diversity of housing types that are compatible within existing neighborhoods.
- Allow a range of commercial uses within town, including industrial uses in appropriate areas, to provide necessary services within town.
- Require a range of housing density within new subdivisions.
- Revise minimum lot size within existing zones to allow smaller, more compact development and redevelopment.
- Implement conservation subdivision design principles in existing subdivision requirements. Subdivision design should conserve natural resources and minimize waste.
- Prior to any large scale development, an Area Plan should be prepared by the City to designate future growth within greenfield, infill, and redevelopment areas, based on the 2009 Community Vision and the General Plan.
- Identify and prioritize parcels for open space acquisition to create a network of open space within and surrounding Park City.
- Update the Transfer of Development Rights (TDR) system every two years to reflect market rate valuations of included properties with incentivized multipliers.
- Annex additional land to control growth surrounding Park City.
- Adopt Floor Area Ratios (FAR) within all zones to create maximum home sizes; allow residents to purchase additional square footage from a TDR bank.
- Require developer to pay their proportionate share for their increased burden on existing service levels and infrastructure expansions outside of current service areas; Update capital facilities plan and LMC dedication requirements regularly to be consistent with the state impact fee legislation.

Goal 2. Park City will collaborate with Summit County, Wasatch County, and Salt Lake County toward the preservation of place through regional land use planning.

Park City is part of the greater Wasatch Back region, spanning from Snyderville Basin to Eastern Summit County to Wasatch County and all the Small Towns in-between. The decisions that we collectively make have wide-reaching consequences throughout the region. In order to maintain the *Small Town* experience of the Wasatch Back, Park City must collaborate with the neighboring communities to attain a regional vision. In many instances, our communities' goals and interests will align. When they do not, we need to engage with each other and reach compromises that ensure the best possible outcomes for everyone. Our ability to preserve the unique setting of the Wasatch Back region rests on the ability of all of our communities to work together. Park City must become a leader in the regional planning effort, respecting the different values of neighboring communities while working to protect those values we all share.

Objective:

- Preserve the *Small Town* experience of the Wasatch Back.
- Create a shared regional vision for future growth.
- Adopt regional strategies for land use.

Strategy:

- Collaborate with Summit County and Wasatch County to create a shared vision for future growth within the Wasatch Back.
- Collaborate with Summit County and Wasatch County to create regional strategies for land use, transportation planning, and conservation which support the shared regional vision and prevent unchecked urban development.
- Collect and share data for the systems that have influences beyond municipal borders, including: ecosystems, waterways, wildlife corridors, air quality, shared view corridors, open space, scenic roadways, and transportation; incorporate findings into regional planning strategies.
- Collaborate with Summit County and Wasatch County toward the creation of a regional Transfer of Development Rights (TDR) program.
- Support regional nodal development to alleviate pressures on the natural setting while strengthening existing neighborhoods.
- Continue to work with regional neighbors to keep informed on adopted plans and long range planning efforts throughout the Wasatch Back.
- Increase interregional interactions among officials and government staff.
- Diversify review teams for City Projects to include representatives of the region.
- Continue collaboration of transportation planning with Summit County, Wasatch County and Salt Lake County.

Goal 3. Public transit, biking and walking will be a larger percentage of residents' and visitors' utilized mode of transportation.

Park City's multimodal transportation system includes roads, paths, and trails that provide access to where visitors stay, shop, and recreate, as well as, to where residents live, work, and spend their leisure time. The system plays an integral role in shaping the overall structure, form, and function of the City. As Park City and the surrounding areas continue to evolve, the transportation system must be able to accommodate future traffic and provide the means to move people and goods throughout Park City and the region.

While the single-occupancy-vehicle is the most prevalent form of transportation in and around Park City, it is also the least efficient. This mode of transportation has many negative consequences, including traffic congestion, air pollution and is a significant contribution to climate change. Land use and transportation decisions should be made with the understanding of how a decision will impact the common goal toward a less impactful form of transportation while protecting the *Small Town* aesthetic of narrow, winding roads.

Objective:

- Decrease dependency on single-occupancy-vehicle.
- Increase public transportation ridership.
- Improve cyclist and pedestrian opportunities and safety.
- Capture seasonal/visitor ridership.
- Maintain *Small Town* character of streets.

Strategy:

- Improve connectivity to decrease vehicle miles traveled and increase direct pedestrian/bicycle routes to neighborhood amenities, as identified in individual neighborhood plans.

- Require development patterns that increase the potential for transit ridership. Require developers to document how a development proposal is encouraging public transportation over the single-occupancy-vehicle.
- Prioritize walkability improvement in identified "hot spots" (areas with existing trip demands located close to one another) in the walkability index.
- Design transportation infrastructure to allow for future upgrades to mass transportation systems, including light rail, bus rapid transit, and gondolas.
- Increase regional mass transit ridership through shared use of transit centers with private transportation carriers.
- Revise parking requirements to incentivize multi-modal transportation, high efficiency vehicles, and shared parking areas. Require secure bicycle parking options.
- Locate Park-and-Rides in areas that will increase public transit ridership and carpooling.
- Improve the access to, efficiency and comfort of public transportation within City neighborhoods.
- Implement the "complete streets" strategy of T&TMP.
- Avoid widening of existing streets and highways.
- Adopt travel demand management (TDM) programs to encourage commuter trip reduction programs, including: prioritized employment hub routes, commuter incentives, and recognition of local businesses that incentivized employee use of alternative modes of transportation.
- Implement neighborhood traffic calming measures.
- Create a multi-modal access guide, which includes maps, schedules, contact numbers, and other information noting how to reach a particular destination by public transit.
- Create a minimum requirement consistent with Utah impact fee statutes for connectivity and linkage within the City road and trail networks.
- Create safe bike/pedestrian pathways between all the public commons within the City limits.