

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



AGENDA

SITE VISIT AT 4:30 PM – <i>Interested parties should meet at the first site promptly at 4:30 PM. No action will be taken.</i>	<i>pg</i>
Lot 17, 18, and 19 Echo Spur Development Replat 30 Sampson Avenue	
MEETING CALLED TO ORDER - 5:30 PM	
WORK SESSION – <i>Discussion items. No action will be taken.</i>	
Land Management Code – Discussion of height/story in Chapter 2 and Chapter 15	
Lot 17, 18, and 19 Echo Spur Development – Plat Amendment	PL-12-01629 5
30 Sampson Avenue – Steep Slope Conditional Use Permit	PL-12-01487 55
ROLL CALL	
ADOPTION OF MINUTES OF OCTOBER 10, 2012	97
ADOPTION OF MINUTES OF NOVEMBER 28, 2012	123
PUBLIC COMMUNICATIONS – <i>Items not scheduled on the regular agenda</i>	
STAFF AND BOARD COMMUNICATIONS/DISCLOSURES	
543 Woodside Avenue – Withdrawal of Conditional Use Permit	
CONTINUATION(S) – <i>Public hearing and continuation as outlined below</i>	
1580 Sullivan Road – Conditional Use Permit	PL-12-01644
<i>Public hearing and continuation to January 9, 2013</i>	
REGULAR AGENDA – <i>Discussion, public hearing, and possible action as outlined below</i>	
1580 Sullivan Road – Plat Amendment	PL-12-01645 167
<i>Public hearing and possible recommendation to City Council</i>	
1063 Norfolk Avenue – Plat Amendment	PL-12-01693 179
<i>Public hearing and possible recommendation to City Council</i>	
481 Woodside Avenue – Plat Amendment	PL-12-01653 189
<i>Public hearing and possible recommendation to City Council</i>	
Land Management Code Amendments - Chapter 2- Zoning, Chapter 5- Architecture Review, Chapter 6- Master Planned Development, Chapter 15- Definitions	PL-12-01631 215
<i>Public hearing and possible recommendation to City Council</i>	
Richards Parcel – Annexation	PL-12-01482
<i>Public hearing, discussion, and continuation to January 9, 2013</i>	
PROVIDED UNDER SEPARATE COVER	
ADJOURN	

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

WORK SESSION

Planning Commission Staff Report



Application #: PL-12-01629
Subject: Lot 17, 18, and 19 Echo Spur
Development Re-plat
Author: Francisco Astorga, Planner
Date: December 12, 2012
Type of Item: Administrative – Plat Amendment
Site Visit and Work Session Discussion

Summary Recommendations

Staff recommends the Planning Commission review the plat amendment located at 489 McHenry Avenue, Lot 17, 18, and 19 Echo Spur Development Re-plat, for compliance with the Land Management Code (LMC) and provide direction to the application and Staff regarding the proposed lot combination.

Description

Applicant: Leeto Tlou represented by Scott Jaffa, architect
Location: Lots 17, 18, & 19, Block 58, Park City Survey
489 McHenry Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

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

Purpose

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

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

- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

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

The Planning Commission reviewed this plat amendment request during the September 12, 2012 meeting. At this meeting the Commission continued this item to a date uncertain. During this meeting the Commission was concerned with the following:

- 2007 settlement agreement
- Ridgeline development/vantage point analysis
- Increased setback/maximum square footage limitations
- Future plat amendment to the south
- Footprint placement on the proposed lot

The September 12, 2012 Planning Commission staff report and meeting minutes are attached (see Exhibit A). The Commission recommended that this plat amendment be reviewed as a work session discussion as well as scheduling a site visit. Staff has prepared an analysis of the items mentioned above. Additional background information dating back to 2007 and 2010 can be found in the September 2012 Staff report (see Exhibit B).

Analysis

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

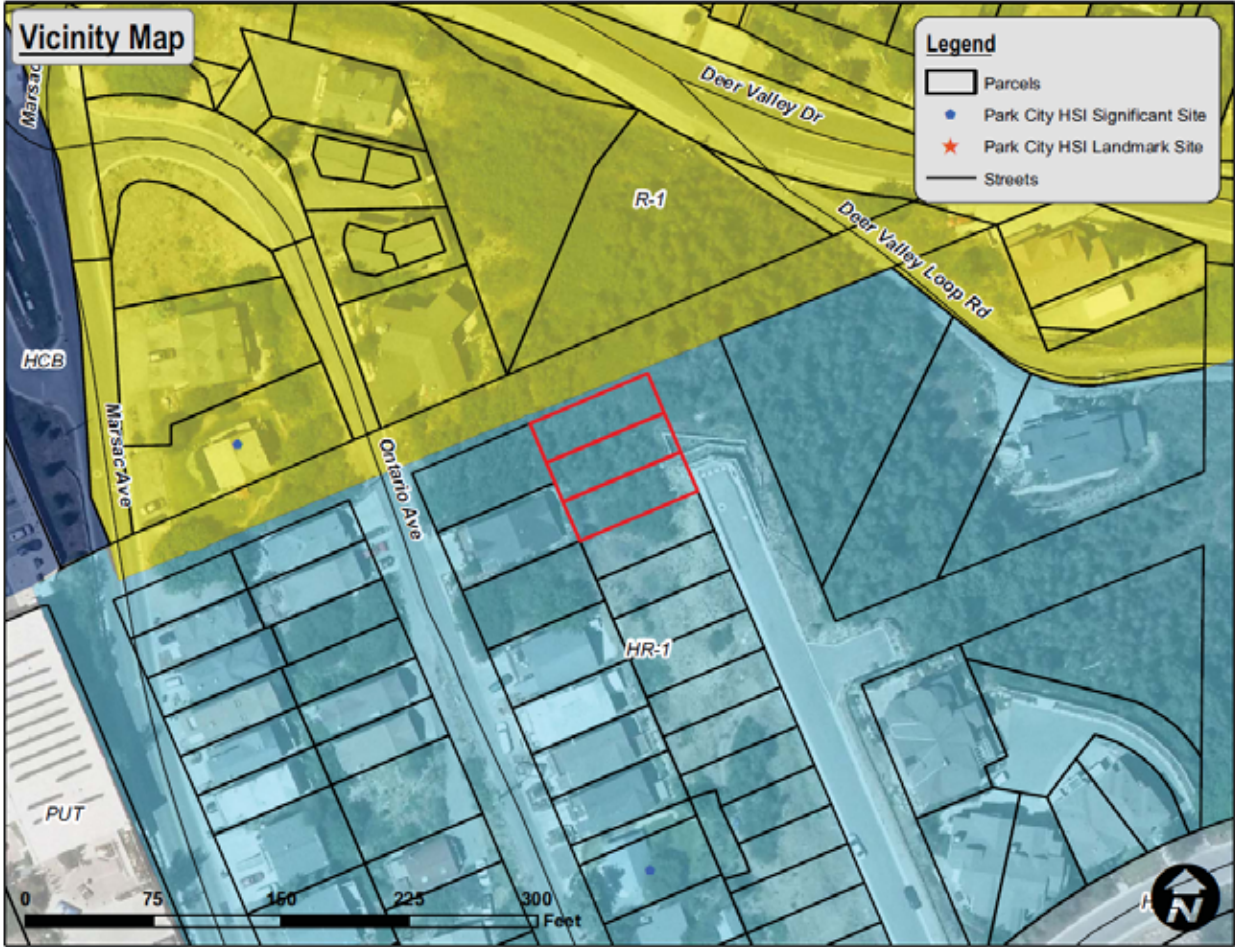
The applicant has indicated that they would like to build a single family dwelling on the proposed lot. Staff has identified the following development standards of the HR-1 District as summarized below:

Requirement	
Front/rear yard setbacks	10 ft. min., 20 ft. total (based on the lot depth of 75 ft.)
Side yard setbacks	5 ft. min., 18 ft. total (based on the lot width of 75 ft.)

Building Footprint	2,050 sq. ft. (based on the lot area of 5,625 sq. ft.)
Height	27 ft. above existing grade, maximum
Number of stories	A structure may have a maximum of 3 stories
Final grade	Final grade must be within 4 vertical feet of existing grade around the periphery of the structure
Vertical articulation	A 10 ft. min. horizontal step in the downhill façade is required for a third story

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

Staff finds good cause for this plat amendment as the combined proposed lots will facilitate a transition area between the neighborhood on Ontario and Marsac Avenue and the neighborhood comprised of the lots on Deer Valley Loop Road within the Deer Valley entry area.



2007 Settlement Agreement

In November 2007 the previous property owners of these lots (Connie Bilbrey and Sean Kelleher) signed a Settlement Agreement with the property owner to the west (Ella Sorenson). Both parties disputed the ownership of a certain portion of property. The disputed property lies within the wire fence and shed, specifically over lot 26, 27, and 28, of Block 58, of the Park City Survey. The disputed area is not part of this requested plat amendment area which proposes to combine lot 17, 18, and 19 of the Park City Survey block.

This settlement has been fulfilled. The City did not approve the original 2007 plat amendment concept presented by the previous property owners. This 2007 plat amendment design included a private access driveway on the west side of the subject lots. As indicated on the agreement, under the *No Approval of Plat* term, if the City does not approve the [2007] Plat, then Rossi Hill (previous property owners, Bilbrey and Kelleher) shall proceed forward with the Alternative Development and shall transfer the Disputed Property to the adjacent property owner (Sorenson) by way of quit-claim deed. This property has been deeded over.

Ridgeline development/vantage point analysis

LMC § 15-7.3-1(D), under general subdivision requirements, indicates that the Planning Commission may place restrictions due to the character of the land:

“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.”

The LMC indicates that Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City (LMC § 15-7.3-2[D]). The LMC defines a Ridge Line Area as the top, ridge or Crest of Hill, or Slope plus the land located within one hundred fifty feet (150') on both sides of the top, crest or ridge. The Vantage Points LMC definition outlines ten (10) specific vantage points as well as across valley view. It also defines it as a height of five feet (5') above a set reference marker in the following designated Vantage Points within Park City that function to assist in analyzing the visual impact of Development on hillsides and Steep Slopes.

The applicant has submitted several exhibits showing the proposed structure on the proposed lot from six (6) vantage points on Deer Valley Drive as well as several renderings of the proposed structure (see Exhibit C - Vantage Point Analysis & Exhibit D - Renderings).

Discussion requested: Staff does not consider this area to be on a Ridge due to adopted definition of ridge line area. Furthermore, the City has approved development on all three (3) sides of this neighborhood. However, Staff does recognize the need to mitigate for proper drainage, steep slopes, etc. Staff recommends that the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface. Does the Planning Commission concur with Staff related to the requested increased setback area? Does the Planning Commission consider the area of development a Ridgeline? If so, can the Commission provide direction as to how this can be mitigated?

Square footage

The LMC indicates that maximum dwelling or unit square footage may be required. Limited building heights may also be required for visually sensitive areas (LMC § 15-7.3-3[C]).

Originally there were sixteen lots of record on the east side of Ontario Avenue. Most of Old Town was platted with 32 lots of record within each block, 16 on each side, measuring twenty-five feet (25') in width and seventy-five feet (75') in length. This east side of Ontario contains the following

Plat amendment/ Lot combination	Number of lots	Lot width (feet)	Lot area (square feet)
Elevator Sub (2007)	3	29.17	2,187.75 ea.
Greeney Sub (1995) & 438 Ontario Replat (2006)	2	37.5	2,812.5 ea.
Various* (two are vacant property)	5*	37.5	2,812.5 ea.
Ella Sorenson property*	1*	50.0	4,463.25

*These lots have not had a plat amendment lot combination. If in the future the property owner requests to remodel to add additional space they will have to file a plat amendment to "remove" the lot line through their building.

The average lot width on the east side of Ontario Avenue is 36 feet. The average lot area (including un-platted lot combinations) is 2,792 square feet.

The lots on the east side of platted McHenry Avenue, Gateway Estates Replat Subdivision (Amended), also within the HR-1 District, consist of much larger lots ranging from 9,700 to 12,500 square feet. The average size of these three (3) lots is 10,689 square feet.

Discussion requested: Staff finds that additional restrictions need to be placed on the proposed lot limiting the maximum gross residential floor area in order to maintain compatibility with the surrounding area and addressing the prominent location of this

site to view points within the City. In theory, the maximum building footprint of approximate 2,000 square feet could trigger a house size of 6,000 square feet due to the three (3) floor regulation. (This is the maximum scenario without any articulation). Staff recommends adding a note on the plat limiting the gross residential floor area of the proposed lot to a maximum of 3,603 square feet, the approximate maximum floor area of a 1½ Old Town lot, the prominent lot size within the vicinity of the subject site, (maximum footprint of a 1½ Old Town lot is 1,201 square feet). Staff finds that the compatibility is better maintained and consistency is achieved by this gross floor area limitation. **Does the Planning Commission find that additional limitations need to be noted on this plat restricting floor area, footprint, building height, setbacks, additional square footage or height other than the development parameters found on this staff report?**

Future plat amendment to the south

In November 2012 the property owner to the south submitted a plat amendment application requesting to combine the lots 21 - 32 as a one lot of record to later re-subdivide at a later date (see Exhibit F - Adjacent Property Owner's future plans/statement). Please note that at this time the application for these adjacent lots has not been formally reviewed or approved. The property owner indicated in the past that he would like to build 7 - 9 single family dwellings over the 12 lots.

Height/Topography

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

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

Recommendation

Staff recommends the Planning Commission review the plat amendment located at 489 McHenry Avenue, Lot 17, 18, and 19 Echo Spur Development Re-plat, for compliance with the Land Management Code (LMC) and provide direction to the application and Staff regarding the proposed lot combination.

Exhibits

Exhibit A – 9.12.2012 Planning Commission meeting minutes

Exhibit B – 9.12.2012 Staff Report & Exhibits including:

- Proposed Plat
- Existing Conditions & Topographic Survey
- ALTA/ACSM Survey dated October 2006
- County Tax Map

Exhibit C – Vantage Point Analysis

Exhibit D – Renderings

Exhibit E – Site, Floor, & Elevation Plans

Exhibit F – Adjacent Property Owner's future plans/statement

Exhibit A – 9.12.2012 Planning Commission meeting minutes

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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 our legal counsel 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

Planning Commission Staff Report



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

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: Leeto Tlou
Location: Lots 17 – 19, Block 58, Park City Survey
489 McHenry Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

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

Purpose

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

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

Background

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

2007 Plat Amendment

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

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

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

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

2010 Plat Amendment

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

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

Analysis

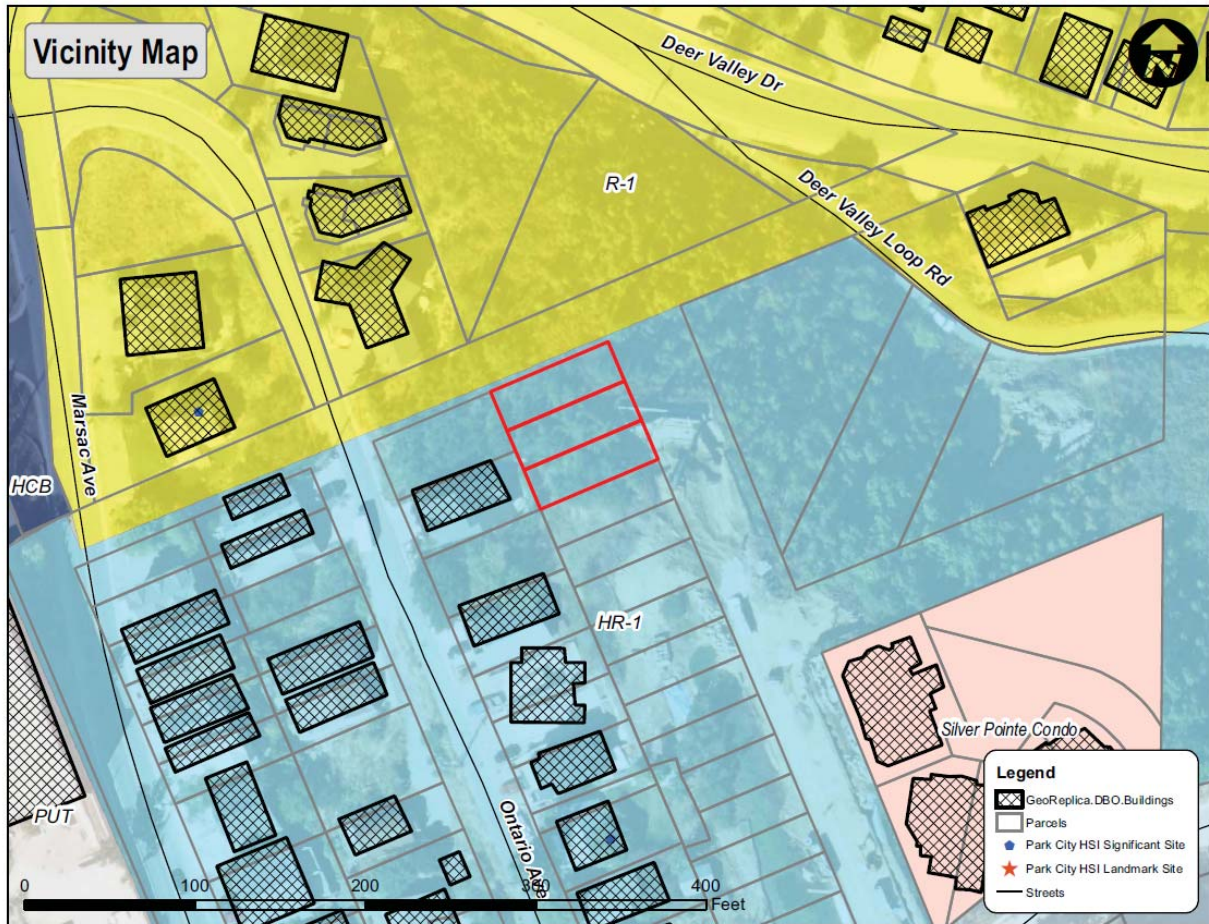
The current proposed plat amendment creates one (1) lot of record from Lot 17, 18, 19, Block 58 of the Park City Survey, three (3) legal lots of record. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area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

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

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

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

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



Height/Topography

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

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

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

Ridge Line Development

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

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

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

Square footage

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

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

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

Good Cause

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

Process

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

Department Review

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

Notice

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

Public Input

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

Alternatives

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

- The Planning Commission may continue the discussion on Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and provide specific direction regarding additional information needed to make a recommendation.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

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

Recommendation

Staff recommends the Planning Commission hold a public hearing for the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

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

Draft Ordinance with Proposed Plat

Ordinance No. 12-__

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

WHEREAS, the owner of the property located at 489 McHenry Avenue, Park City Survey has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on September 12, 2012 to receive input on plat amendment; and

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

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

WHEREAS, it is in the best interest of Park City, Utah to approve the Lot 17, 18, and 19 Echo Spur Development Replat plat amendment.

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

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

Findings of Fact:

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

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

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the lot's frontage.
4. Due to the change in height that took place when the road was built in 2008, the height shall be measured from the topographic survey dated October 2006. A note shall be placed on the plat indicating such survey to be utilized for determining grade for the maximum height.
5. Compatibility is better maintained and consistency is achieved by limiting the maximum floor area to 3,603. A note shall be placed on the plat indicating that the maximum gross floor area, as defined by the Land Management Code in effect at the time of Building Permit application, shall be limited to 3,603 square feet.
6. Staff finds that Drainage of the site shall be addressed and approved by City Engineer before a building permit can be obtained.
7. Modified 13-d sprinklers will be required for all new construction.
8. the north side yard setback of the proposed lot be increased to a minimum fifteen feet (15') to further control for erosion, allow for increased landscaping/buffers, and further limit the amount of impervious surface.

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

PASSED AND ADOPTED this ____ day of _____, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

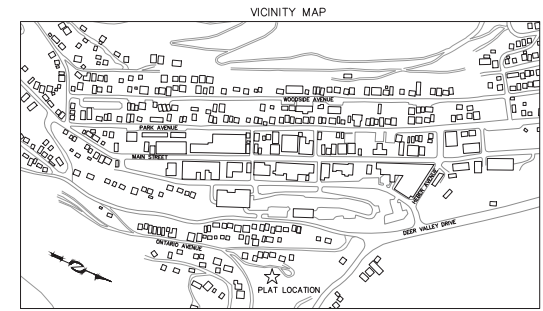
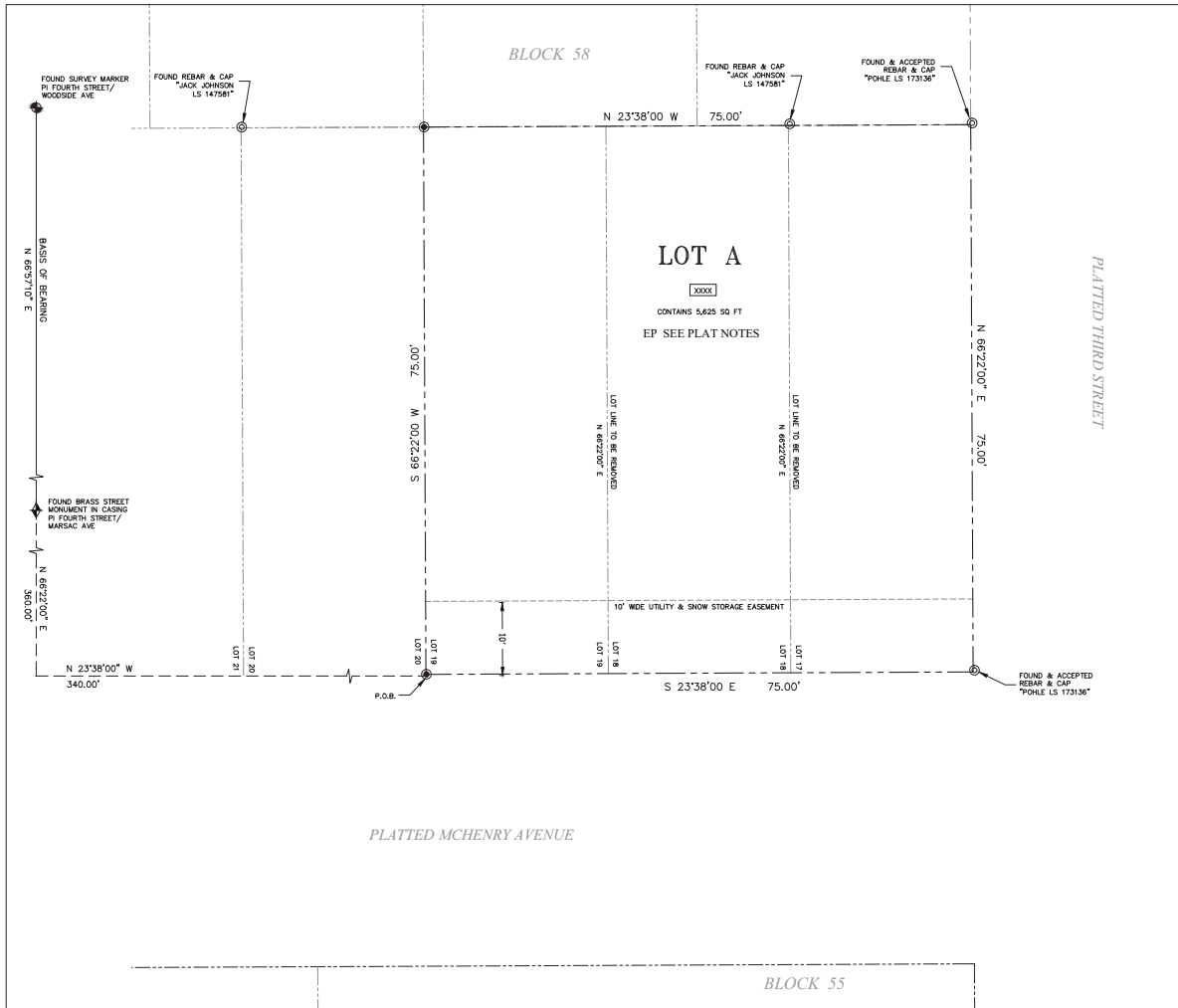
Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Proposed Plat



SURVEYOR'S CERTIFICATE

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



Robert J. McMahon
LS No. 349961-2201

BLOCK 57

LEGAL DESCRIPTION

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

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

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

Description contains 5,625.00 square feet more or less.

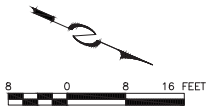
PLATTED MCHENRY AVENUE

BLOCK 55

LEGEND

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

□ STREET ADDRESS



PLAT NOTES:

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

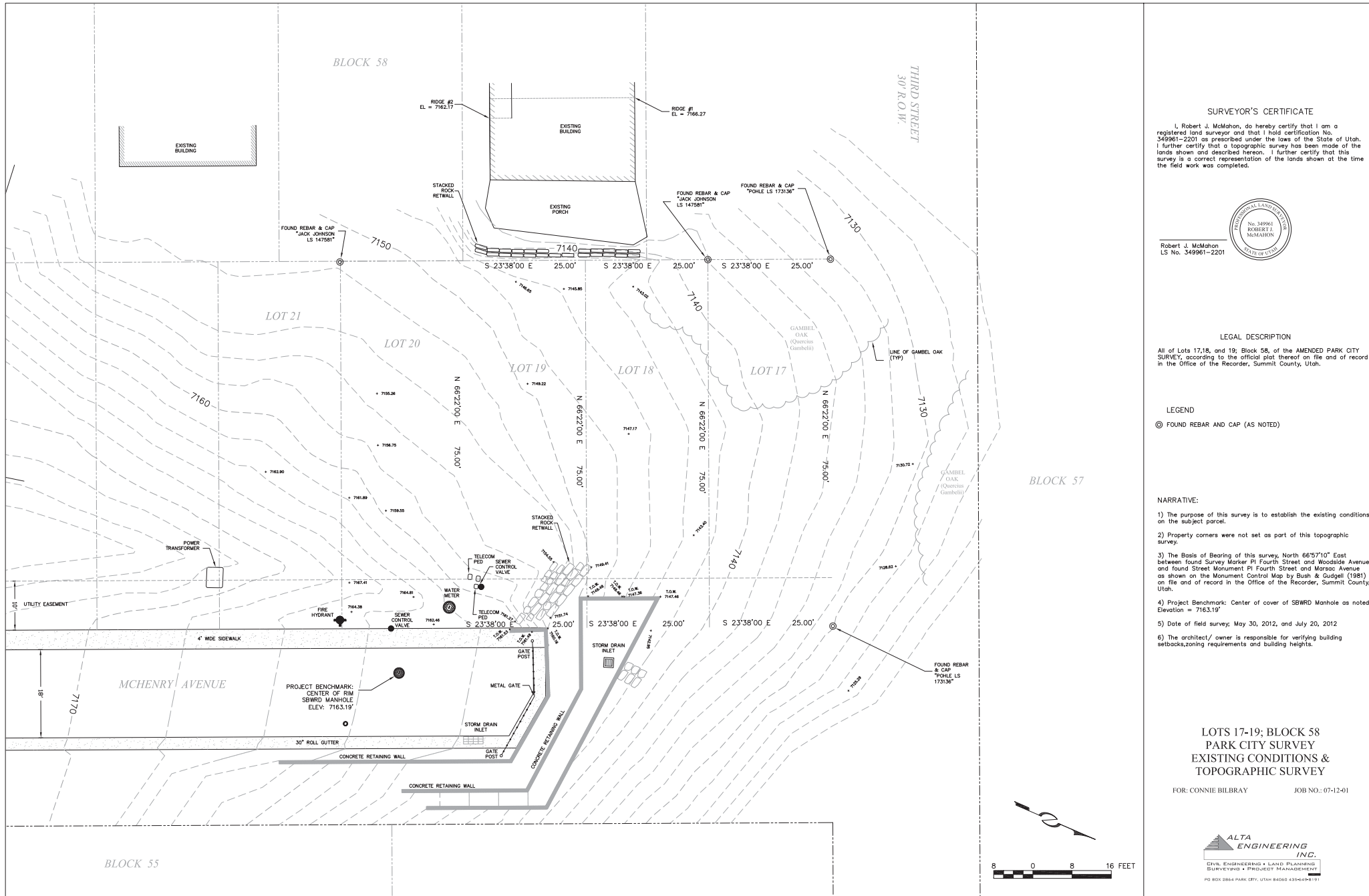
PAGE 1 OF 2

A LOT COMBINATION PLAT XXX MCHENRY AVENUE REPLAT

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

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

Existing Conditions & Topographic Survey



SURVEYOR'S CERTIFICATE

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



Robert J. McMahon
LS No. 349961-2201

LEGAL DESCRIPTION

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

LEGEND

⊙ FOUND REBAR AND CAP (AS NOTED)

NARRATIVE:

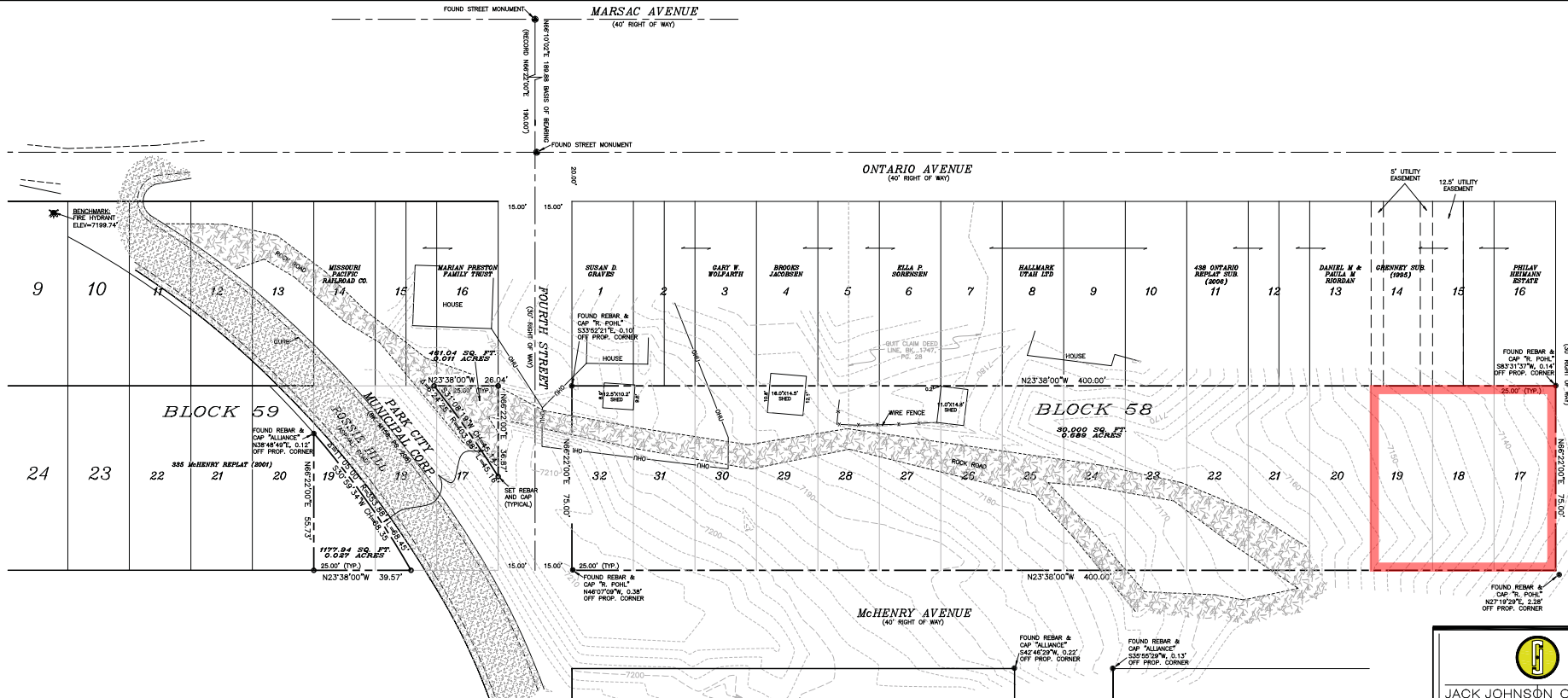
- 1) The purpose of this survey is to establish the existing conditions on the subject parcel.
- 2) Property corners were not set as part of this topographic survey.
- 3) The Basis of Bearing of this survey, North 66°57'10" East between found Survey Marker PI Fourth Street and Woodside Avenue and found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

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

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



ALTA/ACSM Survey dated October 2006



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

NARRATIVE:

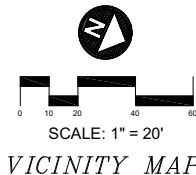
- THE SURVEY WAS PREPARED FOR PARK CITY REAL ESTATE AND DEVELOPMENT.
- THE BASIS OF BEARING WAS ESTABLISHED FROM FOUND STREET MONUMENTS AS SHOWN.
- THE BENCH MARK FOR THIS PROJECT IS A FIRE HYDRANT AT THE INTERSECTION OF ROSSIE HILL AND ONTARIO AVENUE. THE BENCHMARK ELEVATION = 7199.74'
- THE SURVEY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

BOUNDARY DESCRIPTION:

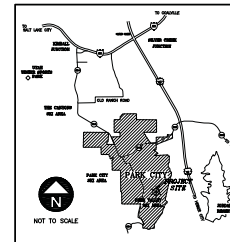
- PARCEL 1:
ALL OF LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 AND 32, BLOCK 58, PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.
- TOGETHER WITH AN EASEMENT FOR UTILITIES, INCLUDING SEWER AND WATER LINES OVER THE SOUTHERLY FIVE FEET AND THE NORTHERLY FIVE FEET OF LOT 14 AND THE SOUTH HALF OF LOT 15, BLOCK 58, PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.
- PARCEL 2:
ALL LOTS 17, 18 AND 19, BLOCK 59, PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE, EXCEPTING THEREFROM ANY PORTION LOCATED WITHIN THE RAILROAD RIGHTS OF WAY AS DESCRIBED IN THOSE CERTAIN DOCUMENTS RECORDED AS ENTRY NO. 8176 IN BOOK C AT PAGE 401, ENTRY NO. 13316 IN BOOK H AT PAGE 326, AND ENTRY NO. 13610 IN BOOK H AT PAGE 373, RECORDS OF SUMMIT COUNTY, UTAH.


SURVEYOR'S CERTIFICATE:

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



VICINITY MAP





JACK JOHNSON COMPANY
Designing World Destinations
1st Floor - 3777 Salt Lake Drive - Park City, Utah 84303
Telephone - 435.845.9000 - Facsimile - 435.849.1929
www.jackjohnson.com

DATE:	OCTOBER 2006
RECORDED IN:	ONX
BOOK NO.:	828
RECORDED IN:	SDM
PARCEL:	828-019-00
EDGE:	ALTA

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

1 OF 1

841 1993 Area-NSPS Requirements
 Revised 05/10/04 by Jack Johnson & Son | Printed 10/10/06

County Tax Map

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

BOOK PAGE

57

Note: # REFERS TO STREET ADDRESS

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

PC-464-A-7 AMG ASSOCIATES LLC 17 159B-1763	PC-464-A-1 0.44 AC 17 2075-1198
PC-464-A-7 SCOTT & TRACY SCOTT 15 1803-1280	PC-464-A-1-A 17 1570-664-69
PC-464-A-4 JAMES A HANNAH 14 1673-1979	PC-464-A-5 EIX LLC 19 1673-1979
PC-464-A-3 DAMD D NORMAN & SUPARNA 18 1673-1979	PC-464-A EIX LLC 20 1673-1979
PC-464-A-2 MARC & DEBORAH P. ABBOTT 18 1673-1979	PC-464-B DEUTSCHE BANK NATIONAL TRUST CO TR 21 1673-1979
PC-465 JESSE KRISTEN 11 1673-1979	PC-465 REPLAT 22 1673-1979
PC-466 RELLY KEMP 11 1673-1979	PC-466 ANDERSON REPLAT 23 1673-1979
PC-461 LINDAY ARID 7 1673-1979	PC-466-A 24 1673-1979
PC-459-460-A SCOTT & JACQUELINE COTE 5 1673-1979	PC-466-B 25 1673-1979
PC-459-460 KATHY STEADMAN 5 1673-1979	PC-466-C 26 1673-1979
PC-466-A BRUCE & ANITA L CRANE 11 1673-1979	PC-466-D 27 1673-1979
PC-466-B M2B-417 11 1673-1979	PC-466-E 28 1673-1979
PC-466-C 402 MARSAC REPLAT SUB. (2006) 1 1673-1979	PC-466-F 29 1673-1979
PC-466-D KINCAID SUB. (2003) 31 1673-1979	PC-466-G 32 1673-1979

PC-465-A PHILAV LIEHMANN ESTATE 16 1803-173	PC-465-B MILL-700 15 1803-173
PC-465-C GRENNEY SUB. (1995) 14 1803-173	PC-465-D DANIEL M & PAULA M RIDEAN 13 1803-173
PC-465-E 571-928 16 1803-173	PC-465-F 438 ONTARIO REPLAT SUB. (2006) 11 1803-173
PC-465-G ELEVATOR SUB. (2007) 9 1803-173	PC-465-H JOHN F & MARGO M FENTON TRS 6 1803-173
PC-465-I BROOKS JACOBSON 5 1803-173	PC-465-J GARY W WOLFARTH 5 1803-173
PC-465-K 1360-1515 309-183 PC-477 SUDAN D. GRAVES 17 1803-173	PC-465-L 1514-1707 452-643 1803-173

15	16	17	18	19	20
GATEWAY ESTATES REPLAT SUB (2000)					
21	22	23	24	25	26

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
SILVER POINTE CONDO. (1999)																

FOURTH STREET (N 66°22' E)

54

59

61

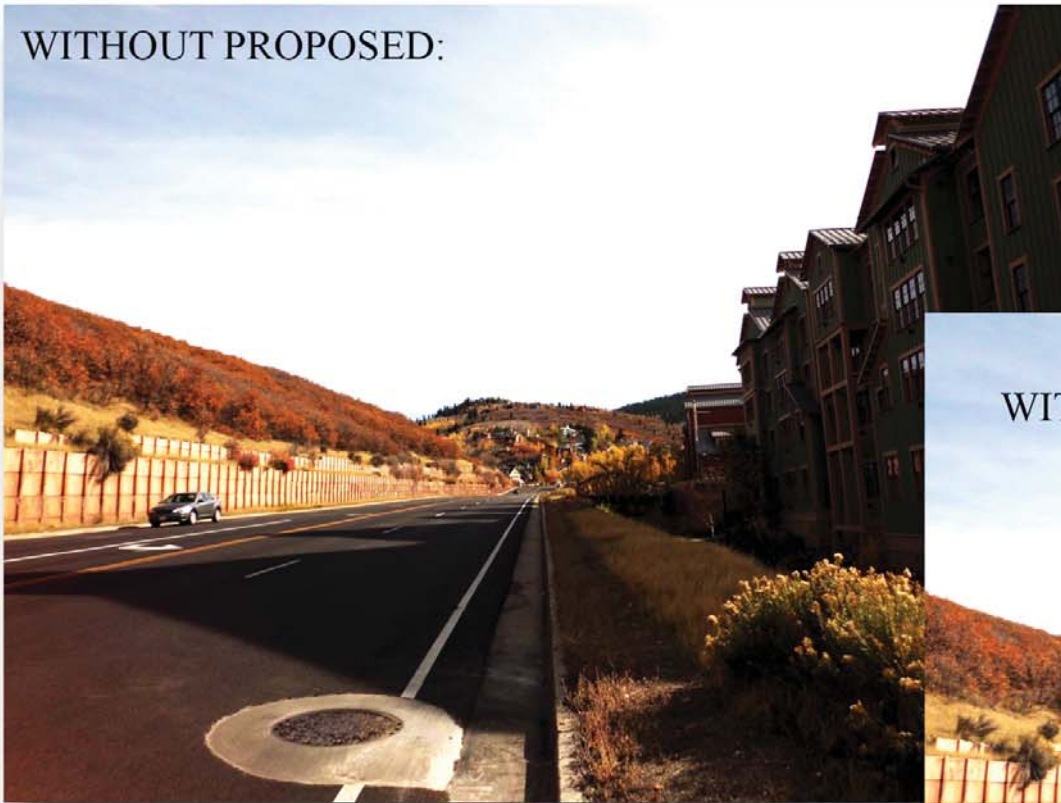
Approved Utah State Tax Comm	REVISIONS - DATE AND INITIAL (In Pencil)	SCALE ONE INCH 40 FEET BOOK PAGE
Date	By	

SUMMIT COUNTY, UTAH

PT 1: EYE ELEVATION 7000'-0"



WITHOUT PROPOSED:



WITH PROPOSED:



PT 2: EYE ELEVATION 7022'-0"



WITHOUT PROPOSED:



WITH PROPOSED:



PT 3: EYE ELEVATION 7045'-0"



WITHOUT PROPOSED:



WITH PROPOSED:



PT 4: EYE ELEVATION 7066'-0"



WITHOUT PROPOSED:



WITH PROPOSED:



PT 5: EYE ELEVATION 7082'-0"



WITHOUT PROPOSED:



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PT 6: EYE ELEVATION 7097'-0"



WITHOUT PROPOSED:



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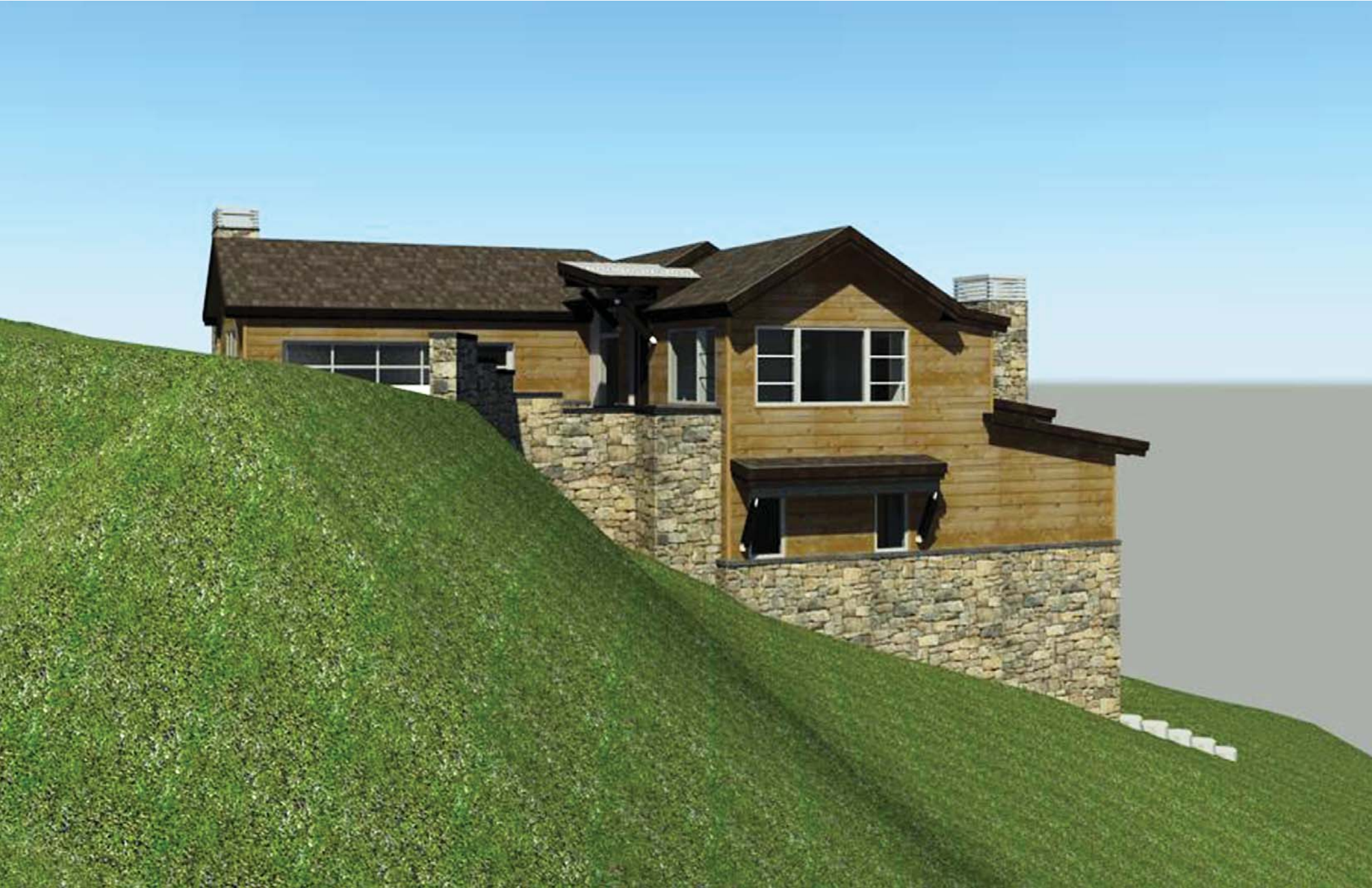








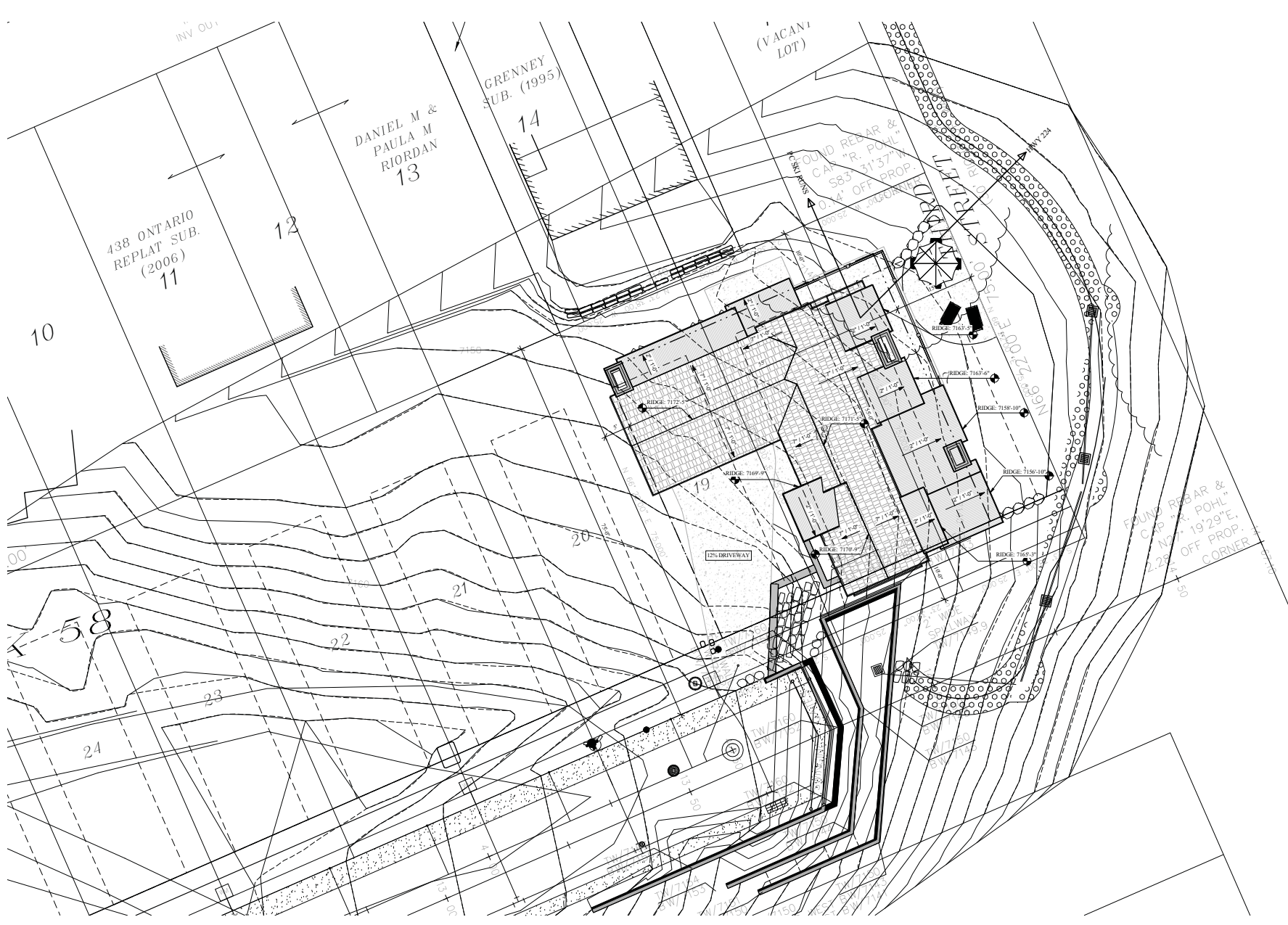







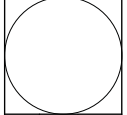


Exhibit E – Site, Floor, & Elevation Plans

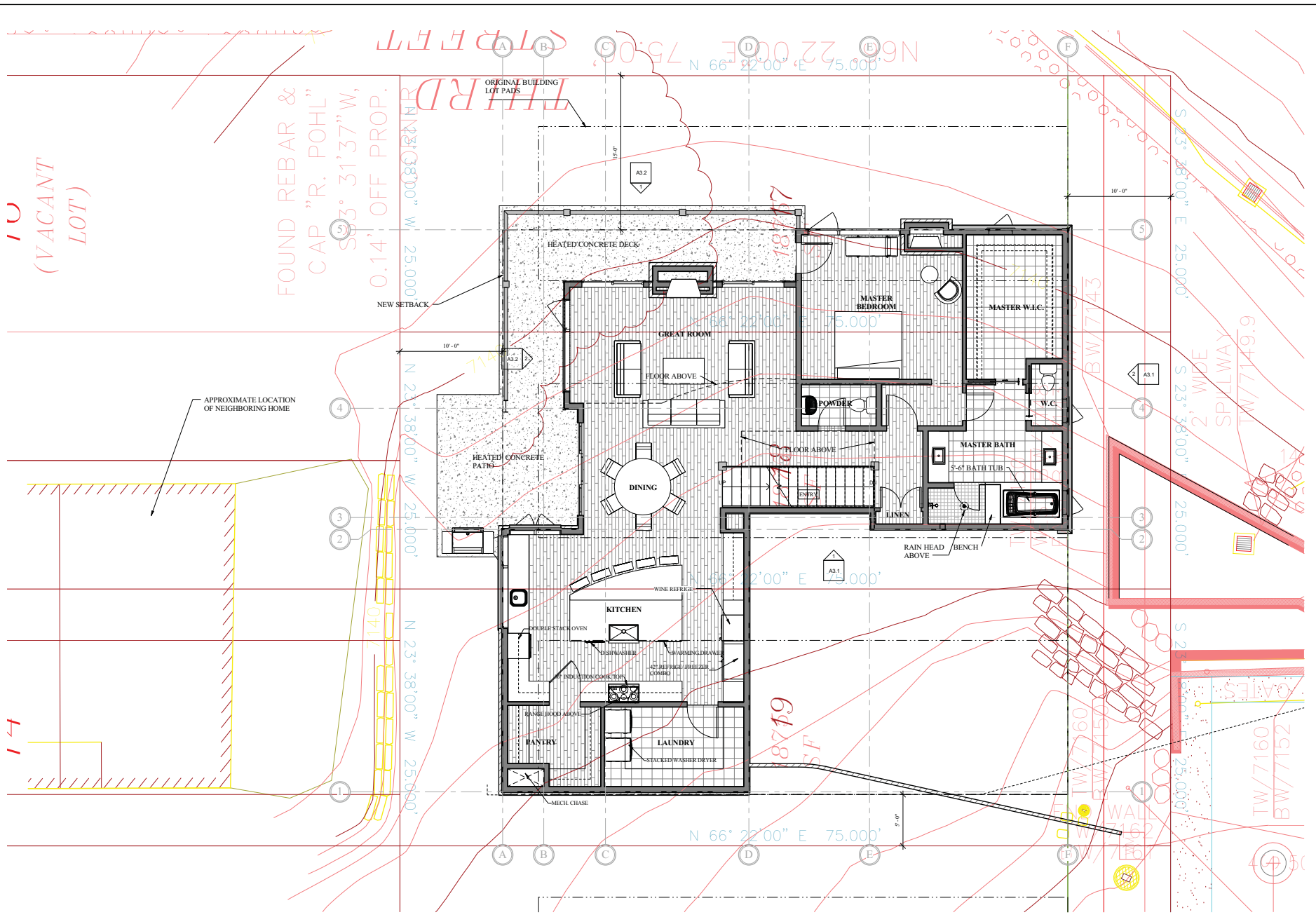


ENLARGED SITE PLAN
1/8" = 1'-0"



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1960 SIDERWINDER DRIVE, SUITE 101 PARK CITY, UT 84060 (435) 615-6873	
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ECHO SPUR 489 MCHENRY AVE. PARK CITY, UT DEVELOPMENT/ECHO SPUR LOT 17-19 PLAT 17-19	
REVISION SCHEDULE DRAWN BY: DO PROJECT #: 17-19 11/13/2012 4:12:04 PM SCALE: 1/8" = 1'-0"	
SITE PLAN	
A1.0	

A2.2 MAIN LEVEL 1/4"
1/4" = 1'-0"



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ECHO SPUR
489 MCHENRY AVE. PARK CITY, UT
DEVELOPMENT/ECHO SPUR
LOT 17-19
PLAT 17-19

REVISION SCHEDULE

DRAWN BY: Author
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MAIN LEVEL

A2.2





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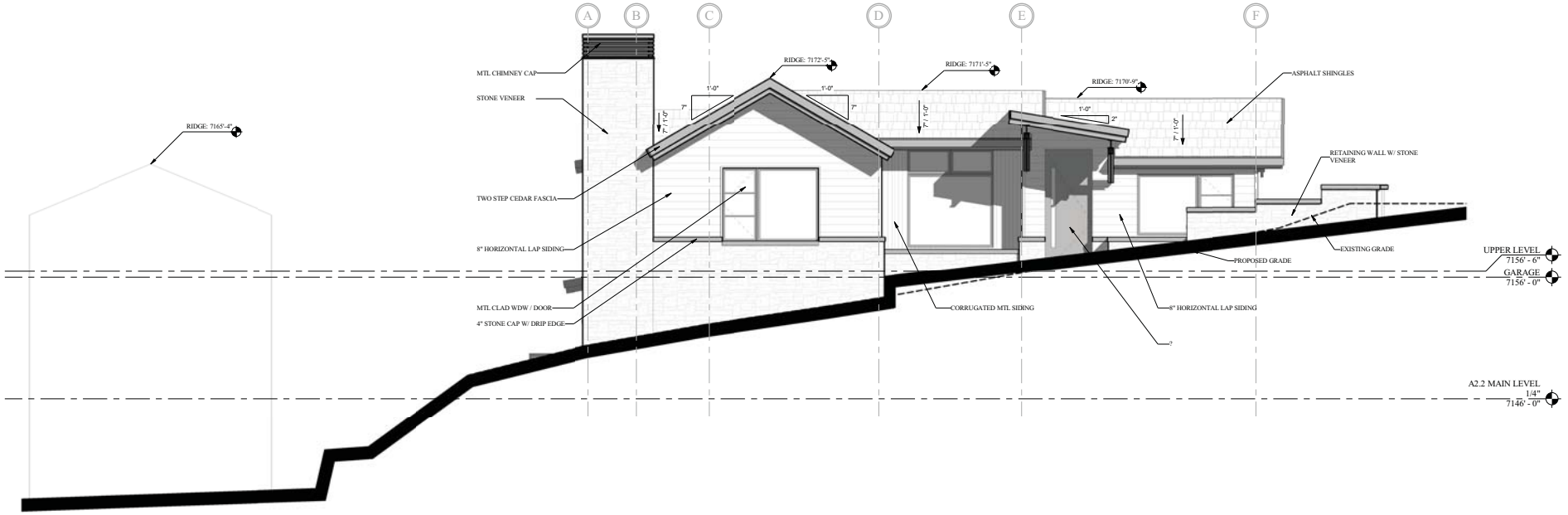
ECHO SPUR
489 MCHENRY AVE. PARK CITY, UT
DEVELOPMENT/ECHO SPUR
LOT 17-19
PLAT 17-19

REVISION SCHEDULE

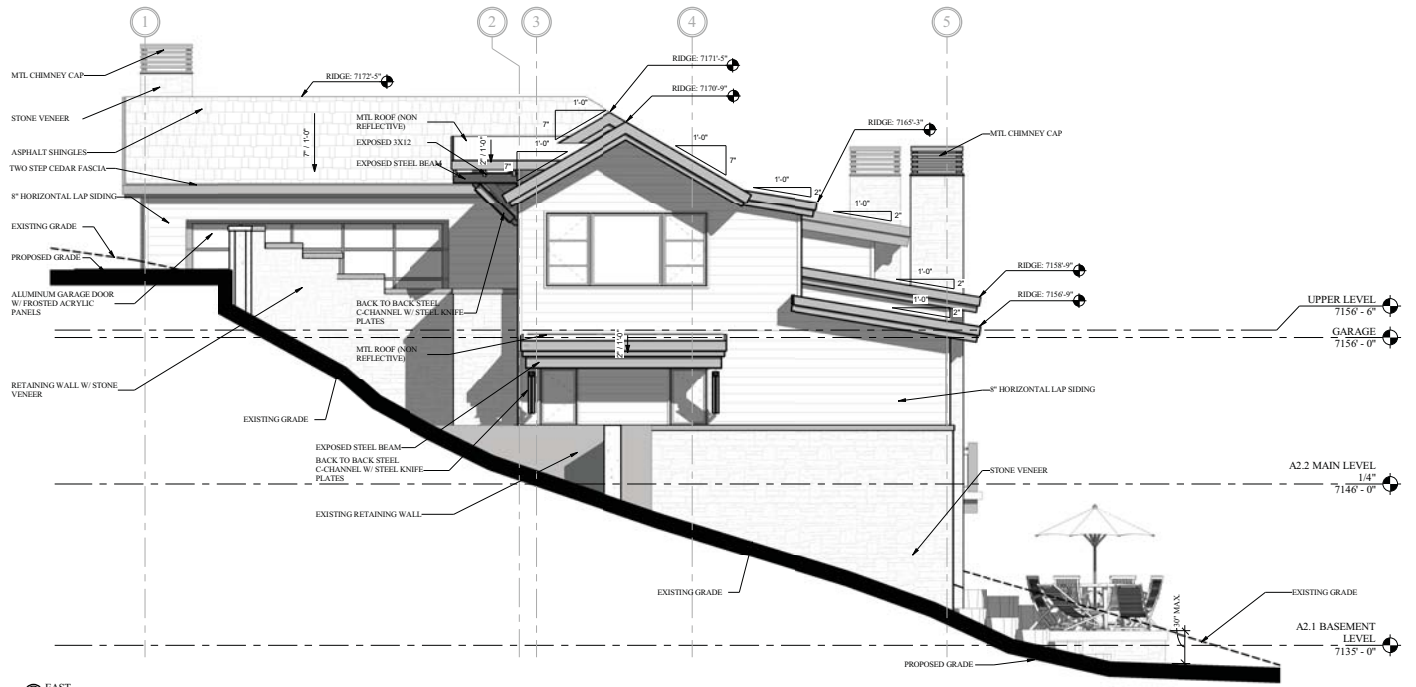
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SCALE: 1/4" = 1'-0"

Exterior Elevations

A3.1



1 SOUTH
1/4" = 1'-0"



2 EAST
1/4" = 1'-0"



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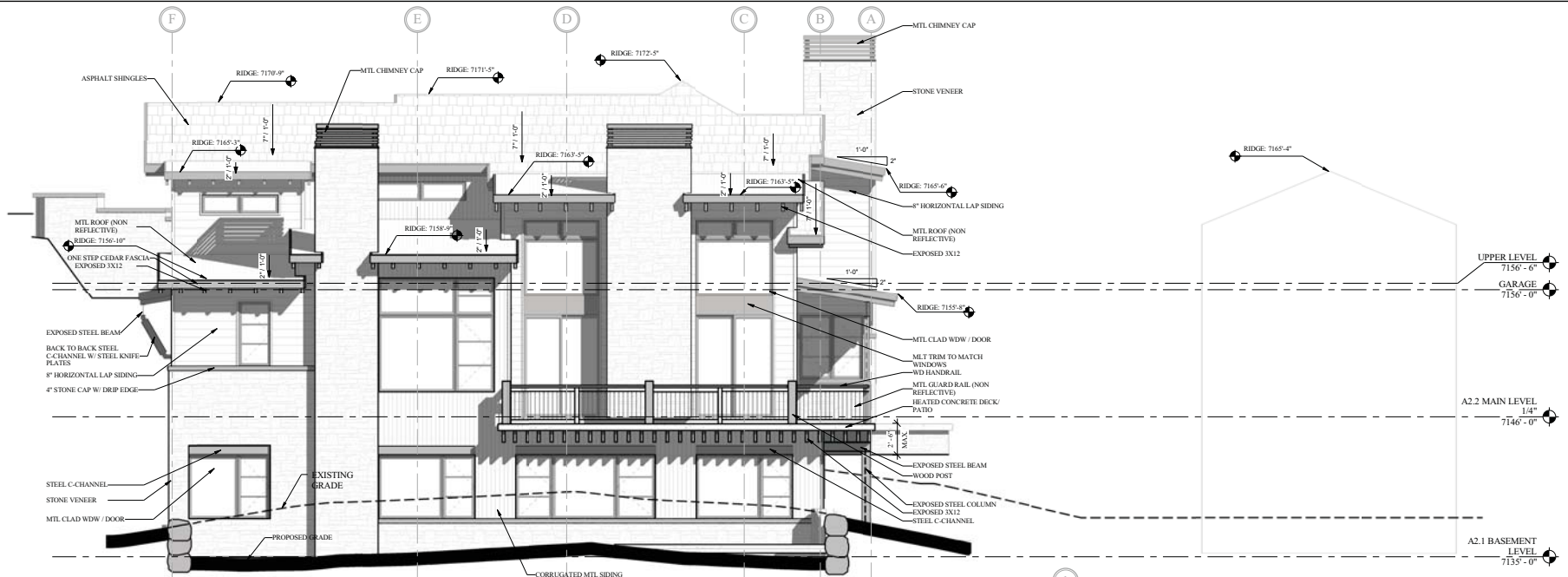
ECHO SPUR
489 MCHENRY AVE. PARK CITY, UT
DEVELOPMENT/ECHO SPUR
LOT: 17-19
PLAT: 17-19

REVISION SCHEDULE

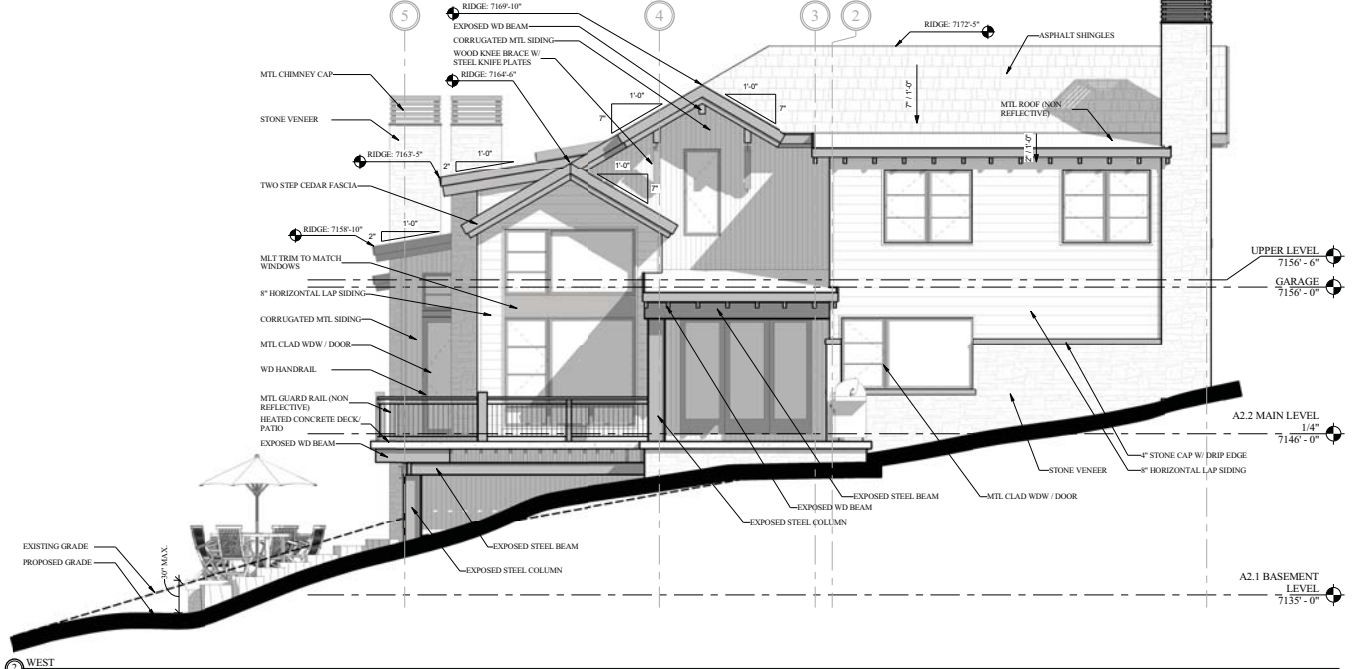
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PROJECT #: 17-19
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EXTERIOR ELEVATIONS

A3.2



① NORTH
1/4" = 1'-0"



② WEST
1/4" = 1'-0"

Exhibit F – Adjacent Property Owner’s future plans

Statement

The intent of this request is a replat of the described property as well as a vacation of the eastern half of the 4th Street right-of-way (the “ROW”) between Ontario Avenue and the new Echo Spur so that the entire property associated with this application will be contiguous. The entire combined property will then be placed into a homeowner’s association (“HOA”) for the purpose of creating a condominium plat with seven separate units. While the condominium units will have common walls below final grade, above grade they will have separate walls, providing the appearance of single family residences. More details on each of these topics are discussed below.

Vacation of ROW

JGC requesting the vacation of the eastern half of the 4th Street ROW. In exchange, the HOA is proposing that the following compensation be offered to Park City and the citizens of Park City:

1. JGC and the proposed HOA will extend Shorty’s Stairs along the western half of the ROW between Ontario Avenue and Echo Spur, providing a continuous pedestrian path from Rossi Hill Drive to Old Town
2. JGC and the proposed HOA will provide three car parking spots to be designated for the owners of several Ontario Avenue homes. These parking spots will be located on the southern side of Rossi Drive Drive just west of the Echo Spur intersection. The HOA will landscape this parking area to minimize the visual impact to neighbors.
3. In addition, the JGC and the proposed HOA will provide walkway access from these parking spots to the Shorty’s Stairs extension and the rear entry of each of the Ontario residences on each homeowner’s property.
4. JGC and the proposed HOA are negotiating a proposal (see Exhibit A) for the Kimball Arts Center (“KAC”) that would provide living quarters and an off-street parking spot for an artist-in-residence program which KAC seeks to commence in 2014. The proposal provides KAC with a below-market, long term lease which terminates in fifteen years; at that time, the HOA will deed to KAC the living quarters with no further payments due (besides KAC’s share of HOA dues and property taxes).
5. JGC has agreed to donate to the Park City Foundation a payment of 1.5% of the lot sales proceeds upon the sale of each replatted lot to homebuyers.
6. The HOA will deed to Park City the stub lot on Block 59, lot 19, which lies east of Rossi Hill Drive.

Condominium Strategy

The HOA believes that most, if not all, of the proposed residences will be built with first floors that will be substantially below final grade. These lower floors will house garages, mechanicals, storage, laundry, and other similar home needs. Because the lower floor will be below final grade, this allows the homes to have large, underground parking, thereby keeping the homeowners autos off Echo Spur. The HOA has determined that the most efficient way to achieve this is to provide each residence with underground parking, which will be accessed from a proposed driveway off of Rossi Hill Drive. This driveway will be heated from the point at which it meets Rossi Hill Drive until it reaches a garage door which will be lower section of the unit housing the KAC artist-in-residence living quarters. It is anticipated that the driveway will not exceed a slope of 16 degrees, and will continue to submerge under the existing grade of the lots and ROW until it reaches a depth of at least twelve feet below current grade. This underground alleyway will:

- Allow for 100% of the parking for the non-KAC residences to be off-street;

If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at www.parkcity.org.



- Connect each residence as the underground alleyway will run the length of the property. Since the alleyway provides a natural connection between each residence and a condominium plat allows for below final grade first floors to excavate to the property's lot lines, the HOA will utilize the ability to create larger below final grade first floors by excavating nearly to the replatted lot lines. Lot line excavation is also beneficial for our energy strategy as described below.

Home Energy Strategy

The HOA believes that building highly energy efficient homes is the appropriate strategy given current energy prices, mortgage rates, and costs for solar photovoltaic and thermal equipment. Our goal is to develop homes which “Raise the bar” in advanced strategies to reduce the carbon footprint and external energy needs of residential structures. While the homes will use standard strategies such as Energy Star appliances, we also anticipate using the following energy saving strategies:

- “Passive House” building strategies
 - Superinsulation: superinsulation strategies are emerging as the most economically efficient strategy for reducing carbon-based energy usage. Superinsulation reduces energy gain/loss because of the house’s air tightness and eliminates thermal bridging. Superinsulation results in extremely thick walls, making it difficult to build efficiently on standard Old Town lots (i.e., the internal square footage of a home built on a 25 x 75 lot is compromised due to the thicker walls.
 - Advanced ventilation strategies:
 - Passive heating: proper building siting, overhang shading, glazing are just three examples of the use of passive strategies to manage and store heat.
- External Systems strategies: we anticipate using solar photovoltaic and thermal and geothermal systems to source electricity and hot water, which will also reduce external, carbon-based energy needs.
- The use of a condominium strategy may allow the separate residences to share solar PV. While Rocky Mountain Power policy does not allow the sharing of electricity between single family homes, condominium units can distribute energy across units. Since we anticipate that 50% of the homes will be second homes, the sharing of solar PV generation lowers the initial capital cost of solar PV installation.
- Finally, changes in Utah law in 2010 allow for the storage of rainwater, and the HOA anticipates building each home with rainwater storage capabilities.

Our Passive and External Systems strategies will reduce the need for external energy sources by 70-90% and will do so in a manner that is economically efficient. We believe that one outcome of this project will be to raise awareness that building with highly energy efficient strategies not only is good for the environment but is also good for the homeowner’s finances.

Architecture & Building Strategy

With the downturn in the economy and excess of residential homes on the market, the developers are pursuing an architectural strategy that has a more contemporary element but still remains true to the Park City/Old Town vernacular. The use of concrete and metal exteriors will be emphasized; flatter roof lines, which are more typical of contemporary homes, will also be emphasized. Importantly, flatter roof lines will also be critical to our energy strategy; because of the downward slope of the property to the north, steep roof lines would tend to block solar access. The use of flatter roof lines allow for greater flexibility in siting solar PV panels, a critical element to our energy plans. In addition, flatter roof lines will allow for greater snow storage and will link into our rainwater retention plans.

If you have questions regarding the requirements on this application or process please contact a member of the Park City Planning Staff at (435) 615-5060 or visit us online at www.parkcity.org.



Planning Commission Work Session – Site Visit



Subject: 30 Sampson Avenue
Project #: PL-12-01487
Author: Mathew Evans, Senior Planner
Date: December 12, 2012
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review for discussion a request for a Steep Slope Conditional Use Permit at 30 Sampson Avenue. This is a work session item and no final action is requested at this meeting.

Description

Applicant/Owner: Michael Jorgensen
Architect: Jonathan DeGray
Location: 30 Sampson Avenue
Zoning: Historic Residential - Low (HRL)
Adjacent Land Uses: Residential, Vacant
Reason for Review: Construction of structures greater than 1,000 square feet on a steep slope requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit for a new residence (home) to be located at 30 Sampson Avenue. The vacant lot is located within the Historic Residential Low (HRL) Zone designation. The HRL Zone requires that any new construction 1,000 square feet or greater, on slopes exceeding thirty percent (30%), first obtain a Conditional Use Permit for steep slope construction prior to the issuance of a building permit.



Background

On January 5, 1995, the City Council approved the “30, 40, and 50 Sampson Avenue Amended Plat,” also known as the Millsite Supplemental Plat Amended Subdivision, which was a combination of thirteen (13) whole and partial lots as well as a portion of “Utah Avenue” within the original Millsite addition to Park City Subdivision Plat. The Plat was recorded with a note that limited the “maximum size for residential structures” to 3,000 square feet for Lots One (1) and Three (3), and 3,500 square feet for Lot Two (2). The conditions of approval reflect that there would be a 400 square foot “credit” for garages (see Exhibit “C”). This application is for Lot Three (3) of the Millsite Supplemental Plat Subdivision totaling 7,089 square feet.

On March 30, 1998, Community Development Director Richard E. Lewis wrote a letter to the owners of Lots 1, 2, and 3, clarifying that the maximum size for residential structures noted on the plat excluded basements as defined by the LMC, so long as no portion of the basement was above ground. The letter also clarified the additional 400 square feet of floor area garage allowance to the total square feet allowed. This letter is attached hereto as Exhibit “D”.

On February 14, 2012, the City received a completed application for a Conditional Use Permit (CUP) for “Construction on a Steep Slope” at 30 Sampson Avenue. The property is located in the Historic Residential Low (HRL) District. On April 9, 2012, the application was deemed “complete” and scheduled as a public hearing before the Planning Commission.

This application is a request for a Conditional Use Permit (CUP) for construction of a new single family dwelling including a detached garage. Because the total proposed structure square footage is greater than 1,000 square feet and would be constructed on a slope greater than thirty percent (30%), the applicant is required to file a CUP application for review by the Planning Commission, pursuant to LMC § 15-2.1-6. A Historic District Design Review (HDDR) application is being reviewed concurrently by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.

On August 22, 2012, this application came before the Planning Commission and Public Comment was taken at the same meeting (see meeting minutes attached as Exhibit “E”). The Planning Commission closed the Public Hearing and voted unanimously to continue the item to a date uncertain for the purpose of reviewing the existing definition of “stories”. The applicant has since requested to have the application put back before the Planning Commission for your consideration of the Steep Slope CUP. In an effort to reduce the mass and scale of the garage, the applicant has re-designed the garage from a side-by-side two door configuration, to a one door tandem garage.

Also, based upon the Planning Commission’s subsequent discussions regarding the definition of stories, this application for a home with a detached garage appears to meet the three story requirement under the current definition in the code. The plans show a detached garage that includes an elevator, which connects to a patio area in front of the house. Since the garage is detached, it does not violate the 3 story height restriction in the code.

The current LMC defines of a “story” as follows:

15-15-1.249 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.

Purposes of the HRL District

The purpose of the Historic Residential Low-Density (HRL) District is to:

- (A) Reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- (B) Provide an Area of lower density Residential Use within the old portion of Park City,
- (C) Preserve the character of Historic residential Development in Park City,
- (D) Encourage the preservation of Historic Structures,
- (E) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods,
- (F) Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- (G) Define Development parameters that are consistent with the General Plan policies for the Historic core.

Analysis

The proposed home is three (3) stories, including a basement level, a main level, and a top level. There is also a detached garage that includes an ADA accessible elevator building. The garage is not directly connected or attached to the home and is thus considered a detached accessory structure which is proposed to be built within the required setbacks for the main structure. The garage is setback from the elevator building by ten feet (10') and is setback thirty-two feet (32') from the main building. The highest point of the building is twenty-seven feet (27'), but at no point does the building exceed this height.

The total maximum allowed footprint per the LMC is 2,355.5 square feet. There is a plat note on the Millsite Reservation Supplemental Plat that restricts the maximum size of the structure to 3,000 square feet. A 1998 letter from former Community Development Director Richard E. Lewis, written to the owners of the Millsite Reservation Supplemental, plat clarified that the City Council granted an additional 400 square feet for a garage. In addition, Mr. Lewis determined that basements were permitted in addition to the maximum house size provided that the basement meets the definition in the Land Management Code. At the time a “Basement” was defined as having all four walls at least eighty percent (80%) underground and may not have an outside door visible from the public right of way. Our current Code defines Basement as “Any floor level below the First Story in a Building.” The proposed basement level meets our new definition as found within LMC Section 15-15-1.

The applicant is proposing required two off-street parking spaces. There are two off-street spaces provided, one within the garage and one provided on an un-covered

parking pad, however it should be noted that the one-car garage is about two feet short of meeting the requirement for two tandem spaces.

The main home/living quarters has a footprint of 1,189 square feet with a total of 3,601 square feet, and the total size of the structure (excluding basement and 400 square feet for garage is 2,996 square feet. The total living space is 4,132 square feet. Below is an analysis of each floor and accounts for the total square footage of the entire project:

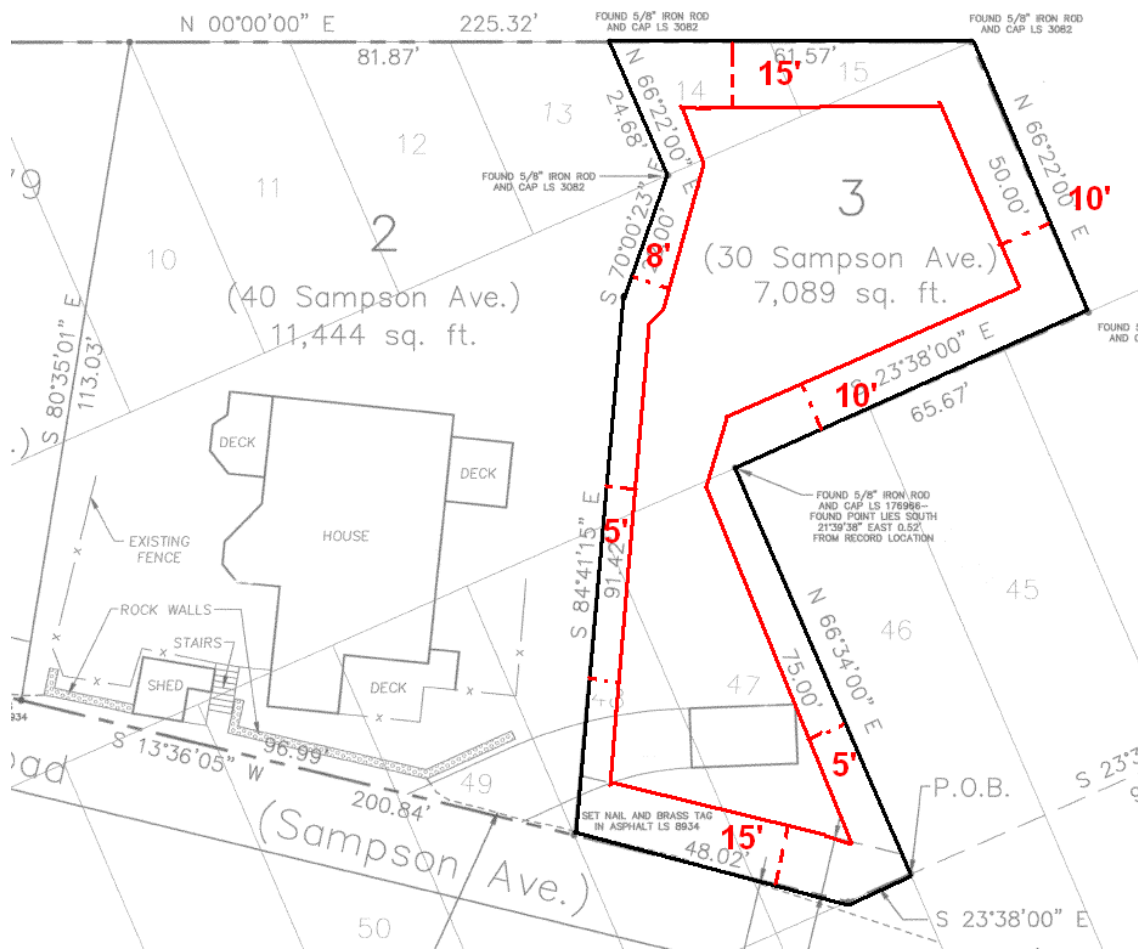
Floor	Proposed floor area
3 rd Story	1,209 square feet – Main (top) Level
2 nd Story	1,203 square feet – Lower Level
1 st Story	1,189 square feet – Basement
Garage/Accessory Building Area	453 square feet garage (400 sq ft allowance) 350 square feet – Garage Entry Area 180 square feet – Mud Room
Overall area	4,585 grand total square feet + garage
Overall size (excluding basement)	2,996 square feet (above grade living space)
Total size above grade (including garage)	3,396 square feet total above grade including 400 sq ft garage allowance)

The LMC determines the proposed maximum building footprint size is determined by the LMC. The area of the lot is 7,089 square feet and under the LMC an overall building footprint of 2,380 square feet is allowed. A building footprint of 2,272 square feet is proposed, which includes the Garage entry Area.

Per Section 15-4-17 (Supplemental Regulations – Setback Requirements for Unusual Lot Configurations), all lots with more than four sides require a “Setback Determination” by the Planning Director. On October 11, 2011, Planning Director, Thomas Eddington determined that the lot has eight sides, and made the following setback determination for the subject property:

Setback Determination	
Required Setbacks	Proposed Setbacks
1. Front Yard – 15 feet (10 feet per LMC)	(East) Front – 15 feet (complies)
2. Side Yard south property line to “tapper” area (see diagram below) – 5 Feet (3 to 5 feet per LMC)	South Side-yard – 5 feet (complies)
3. Side Yard north property line to the southwest corner of Lot 46, Block 78 of the Subdivision #1 of the Millsite Reservation – 5 feet (5 feet per LMC)	North Side-yard – 5 feet (complies)
4. Combined Side Yards (north and	Combined north/south side-yard for main

south) of main portion of lot – 18 feet total, south-side shall be 8 feet; north-side shall be 10 feet (6 to 10 feet per LMC)	body of lot – 18 feet total (complies)
5. Rear Yard – 15 feet (10 feet per LMC)	Rear yard – 15 feet (complies)
6. North Side Yard property line – 10 feet (5 feet per LMC)	Side-yard north for main portion - 10 feet (complies)
7. West Side Yard property line – 10 feet (10 feet per LMC)	Side-yard west property line – 10 feet (complies)



The above ground square footage equates to sixty-nine percent (69%) of the total building size with the remaining 1,189 square feet of building space located underground. The total square footage (including the garage) above ground is 3,396 square feet which is compliant with the 1998 clarification letter written by Community Development Director Lewis.

Staff made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Building Footprint	2,355.5 square feet (based on lot area) <u>maximum</u>	2,272 square feet, <u>complies.</u>
Building Square Foot Maximum	No LMC Requirement – 3,000 square feet per plat note	4,587 square feet, complies per allowed exceptions (minus 1,189 sq. ft. basement and 400 sq ft garage = 2,998).
*Front and Rear Yard	10 feet minimum (20 feet total) 15 feet per Planning Director	15 feet (front), <u>complies.</u> 15 feet (rear), <u>complies.</u>
*Side Yard	5 feet minimum, (10 feet total)	*Various – see notes
Height	27 feet above existing grade, <u>maximum.</u>	Various heights all less than 27 feet, <u>complies.</u>
Number of stories	A structure may have a maximum of three (3) stories.	3 stories, <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	4 feet or less, <u>complies.</u>
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required for the third story unless the 1 st story is completely below finished grade.	First (1 st) story completely under finished grade, garage is detached, <u>complies.</u>
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs <u>complies.</u>
Parking	Two (2) off-street parking spaces required	1 covered + 1 additional uncovered space, <u>complies.</u>

* Planning Director Determination of setbacks based on the fact that the lot has more than four sides. Planning Director can require greater setbacks in this instance.

Existing Home Size Analysis – Neighboring Properties
(based on Summit County Records available to Staff as of 12-7-12)

Address	House Size + garage (sq. ft.)	Footprint (total sq. ft. estimate)	Total Size (sq. ft.)	Lot Size (total ac/sq. ft.)
205 Norfolk Ave	7,711 + 612	3,200	8,323	.38 or 16,553
201 Norfolk Ave	4,286 + 546	2,165	4,832	.14 or 6,115
16 Sampson* Ave	3,684 + 457	2,160	4,141	.14 or 6,100
40 Sampson Ave	(Unknown) + 0	1,746	0**	.26 or 11,444
41 Sampson Ave	908 + 0	908	908	.11 or 4,792
50 Sampson Ave	3,674 + 500	1,830	4,174	.16 or 6,970
60 Sampson Ave	3,800 + 446	1,900	4,246	.15 or 6,534
99 Sampson Ave	2,990 + 500	1,500	3,490	.10 or 4,560
121 Sampson Ave	1,854 + 0	680	1,854	.15 or 6,534
131 Sampson Ave	2,085 + 240	750	2,325	.14 or 6,098
133 Sampson Ave	2,593 + 626	1,200	3,219	.09 or 3,920
135 Sampson Ave	3,014 + 484	560	3,498	.13 or 5,600

*HDDR and SS-CUP previously approved, but the home is not yet built.

**Not used to calculate average home size below, however lot size and footprint were used.

Based on the analysis above with the numbers available to Staff through City and County records available on this date, the average total home size for the adjoining properties and the Sampson Avenue properties is 3,728 square feet, the average lot size is .16 acres, and the average footprint is approximately 1,550 square feet.

It is important to note that the subject property is 7,089 square feet, which would be the second largest lot on Sampson Avenue. Only 40 Sampson Avenue has a bigger lot (11,444 square feet), and the next closest in size is 50 Sampson Avenue with a 6,970 square foot lot. The home size of 40 Sampson Avenue is unknown, but county records show a footprint of 1,746 square feet (a portion of the house is two stories), and 50 Sampson Avenue is 4,074 with a footprint of 1,830 square feet.

It should also be noted that 201 and 205 Norfolk Avenue are in the HR-1 Zone (see illustration below).



The subject lot was created by the Millsite Supplemental Plat Amended Subdivision, which was a combination of 13 whole and partial lots, and a portion of “Utah Avenue” within the original Millsite addition to Park City Subdivision Plat. The plat amendment reduced the overall density in terms of dwelling units on the substandard streets consistent with the purpose statements for the HRL zone.

LMC § 15-2.1-6 provides for development on steep sloping lots in excess of one thousand square feet (1,000 sq. ft.) within the HRL District, subject to the following criteria:

Criteria 1: Location of Development.

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

The proposal is for a new single family dwelling with a proposed footprint of 2,272 square feet. The proposal includes a two car garage at the bottom of the slope along the frontage of the lot. The home will be built uphill from the street. The lot is wide at the street level but narrows before opening up to the most substantial portion of the lot. The lot was approved in 1995. The City was aware of the odd-shape of the lot at that time. The vast majority of buildable area is on the upper portion of the lot. There is no conceivable way to build a driveway that would meet the LMC requirements that limits the maximum slope to fourteen percent (14%) as measured from Sampson Avenue to the upper portion of the lot. The prohibiting factors are the shape and slope of the lot, as it exceeds thirty percent (30%) at its most narrow portion.

The proposed coverage of the building is thirty-one percent (31%) of the overall lot. The applicant is proposing to plant forty (40) new trees on the property, and there is some existing native vegetation located on the lot, some of which will be disturbed; however,

there are no large native trees or evergreens identified on the property, and the level of disturbance of existing vegetation will be mitigated by the planning of new vegetation as shown on the attached plans (sheet A02 of Exhibit A).

Criteria 2: Visual Analysis.

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

The applicant submitted a visual analysis, including renderings, showing a contextual analysis of visual impacts (see exhibit "B"). The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view. The cross canyon view contains a back drop of two (2) story building with a garage building below. Visual impacts from this vantage point are mitigated by the amount of vegetation surrounding this area and on the subject property.

Criteria 3: Access.

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

The proposed design incorporates a driveway from Sampson Avenue. Unlike other properties on the "up-hill" side of Sampson, the applicants will not need a retaining wall, and instead propose a gentle slope away from the garage and parking area to the street. The driveway access will be located on the south side of the lot where the finished grade of the street and the natural grade of the lot are closest in elevation. This location will reduce the need for retaining walls and other stabilization usually associated with development on Sampson Avenue. The access points and driveways are designed to minimize Grading of the natural topography and reduce the overall Building scale.

The driveway has a maximum slope of nine percent (9%). The applicant is proposing a one-car garage (not quite legal for two spaces within the garage) and one additional uncovered parking space provided on a pad adjacent to the garage, which will provide a total of two legally recognized parking spaces. The LMC requires two (2) off-street parking spaces. Because Sampson Avenue is an extremely narrow street, there is no available on-street parking. This means that the owners and guests will need to park on-site and parking is provided on site for this.

Criteria 4: Terracing.

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

No terracing is proposed. The applicants are proposing to build on the two flat areas of the lot, which will require some initial grading and site stabilization (not terracing). The

end result will be that the grading between the garage and the house will be put back to its natural state. Grading around the home will be utilized to stabilize the ground around the foundation and to help separate the backyard area from the front yard area.

Criteria 5: Building Location.

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

The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. The house sits on the uphill side of the lot where there is area with less than thirty percent (30%) slope on which to build. The existing eight-sided lot was approved in 1995 as a recorded subdivision lot. The lot is somewhat hourglass-shaped with a vast majority of the buildable area located in the rear of the lot. The street side of the lot has limited building area available which has dictated the location of the proposed home. The site design, reduced building footprint (smaller than what is allowed per code), and increased setbacks (to the code minimums established in the HRL District) maximize the opportunity for open area and natural vegetation to remain.

Criteria 6: Building Form and Scale.

Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

The top floor of the home walks out to the existing grade of the top of the lot, and the main floor walks out to the existing downhill side of the lot. There is a minimal retaining wall on each side of the home to differentiate the rear and front yard. The Structures step with the Grade and are broken in to a series of individual smaller components Compatible with the District.

The garage is detached and completely subordinate to the main home and the design of the main building. The home and garage/elevator building are separated by a ten foot (10') setback. Only the elevator building connects directly to the garage and is only accessible to the home by a patio and deck area, which is considered flatwork and is not connected by foundation. The connection between the garage the elevator is completely underground and not visible. Only two (2) stories of the proposed home are exposed, with the basement completely underground with no portion thereof expose.

The top level (3rd story) consists of approximately 1,209 square feet, approximately one-half (½) of the total allowed above-ground square feet, and the exposed massing significantly steps with the hillside. The lower level contains 1,203 square feet which is

above ground, the remaining 1,189 square feet of building space is under ground. The garage is 546 square feet (total w/mudroom and entry way) which is above ground and steps between 17 to 24 feet in height.

Criteria 7: Setbacks.

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

The proposed location of the home on the property, including the placement of the garage angled to parallel the lot line, avoids the “wall effect” along the street. The actual dwelling is approximately seventy-seven feet (77') from the front property line, although the garage is fifteen feet (15') and the elevator building is approximately fifty-three feet (53') from the front setback.

Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

Discussion Requested.

The proposed house is both horizontally and vertically articulated and broken into compatible massing components. The design includes two detached buildings; the increased setbacks (per the Planning Director’s Setback Determination per LMC Section 15-4-17) offer variation and the proposed lower building height for portions of the structure reduces visual mass. Since the submittal of the initial design, the applicant has redesigned the garage to a one-door bay with a tandem garage, rather than two separate side-by-side garage doors. Does the Planning Commission believe a reduction in mass is necessary? A change, or increase in building articulation that would still be compliant with setbacks, and considering the unique shape of the lot?

Criteria 9: Building Height (Steep Slope).

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

Requested.

The proposed home does meet the twenty-seven feet (27') maximum building height requirement measured from existing grade. The unique shape of the lot has dictated the design of the home, with the garage portion close to the street, and the main structure (home) to be situated further up the hill where the vast majority of the buildable area exists. The garage and the house as they appear on the color rendering appear to create a significant mass – does the Planning Commission believe this is compatible with the neighborhood, considering two adjacent homes (one within the same zone district) are larger? The applicant has noted that the home will likely not be visible from

the Street to those passing by due to the location of the home further up the hill. It is also conceivable that a home could be built above 30 Sampson, as Lot 1 of the Sweeney Subdivision is a buildable, vacant lot.

Portions of the house are less than 27' in height. The tallest portion of the house is on the front (uphill) side of the lot facing the street view. The garage building has a maximum height of twenty four feet (24') accommodate access to an ADA compliant elevator.

Discussion

Staff requests that the Planning Commission focus the discussion on the Criteria for the Steep Slope criteria as listed above. The Planning Commission should give clear instruction to the applicant regarding the proposal. The applicant has made several changes to the proposal since the original concept was presented to the City. The applicant desires to strike a balance between the requirements of the Historic District Design Guidelines for New Construction, the Steep Slope CUP Criteria, the concerns of neighbors and the Planning Commission, and the needs of the property owner.

Department Review

This project has gone through an interdepartmental review. The Building Department determined that due to the narrow lot configuration between the front and rear, a construction mitigation plan will be required prior to construction that details how the applicant will protect and stabilize all adjacent property lines so that disturbance of other properties will not occur. This shall be a condition of approval.

Public Input

Staff had received various inquires and comments regarding the proposed Conditional Use Permit (CUP). Neighboring property owner, Debbie Schneckloth, has met with Staff on three occasions to raise various concerns, including:

- The need for retaining walls between her property and the subject property – Debbie is concerned the proposal inadequately addresses on-site retention.
- Incorrect driveway grades – Debbie is concerned that the plans do not accurately reflect existing grades and is incredulous that a driveway that starts at Sampson Avenue with a rise of ten percent (10%) can be achieved. She is worried that the architect's drawing are inaccurate, and the grade at Sampson is greater than shown on the plans.
- Future subdivision plans – Debbie is concerned that the applicant may try and acquire more property to the west and attempt to subdivide the lot at some point in the future creating a frontage on King Road (there is none at this point), and that the plans are designed in such a manner that will accommodate future subdivision plans.

Since the last Planning Commission meeting, the applicant has revised the site plan and landscape plan to address many of the concerns raised by Mrs. Schneckloth (see Exhibit "A" pages 1 and 2).

Significant Impacts

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

Recommendation

Staff recommends the Planning Commission review a request for a Steep Slope Conditional Use Permit (CUP) at 30 Sampson Avenue and prepare to discuss potential issues with Staff and the applicant.

Exhibits

Exhibit A – Stamped Survey and Plans (site plan, elevations, floor plans, landscape plan) and Aerial Map

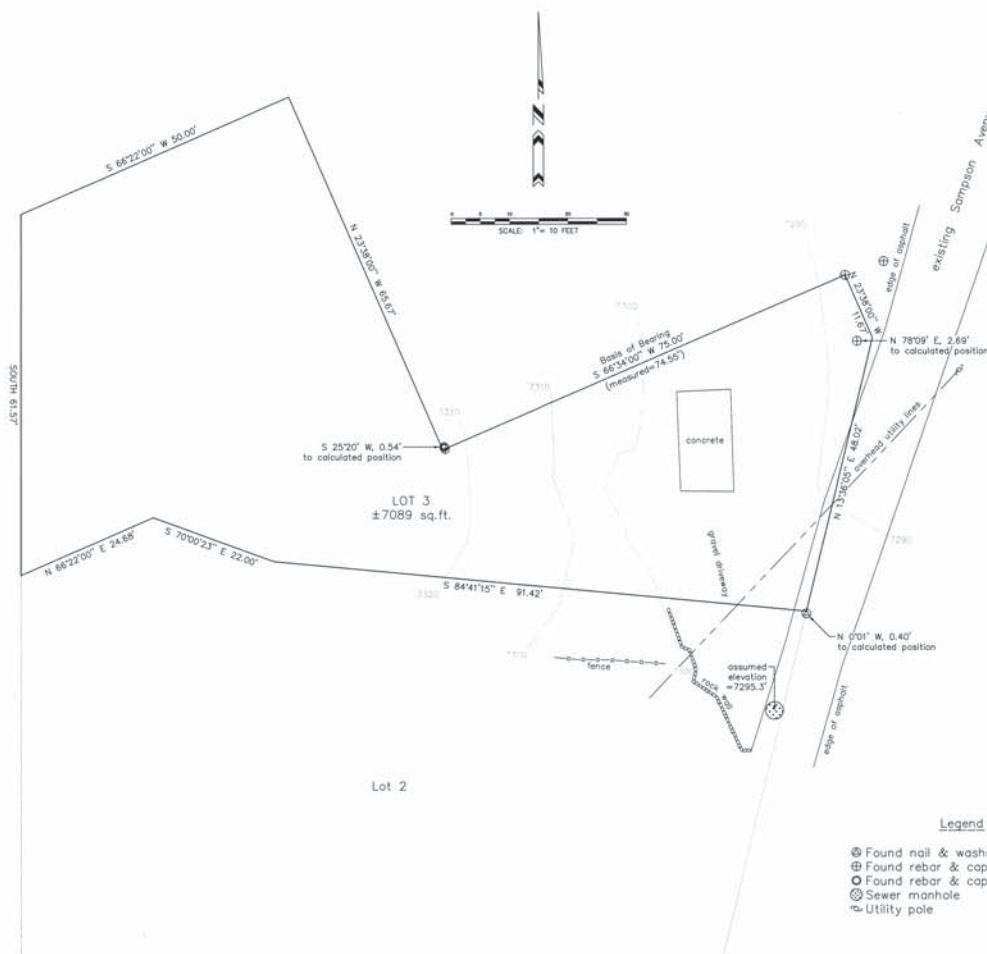
Exhibit B – Model and Visual Analysis

Exhibit C – City Council Meeting Minutes for the Millsite Reservation Supplemental Plat.

Exhibit D – Richard E. Lewis letter to property owner(s) of the Millsite Reservation Supplemental Plat.

Exhibit E – August 22, 2012 Planning Commission meeting Minutes.

*Mill-Site Reservation Supplemental Amended Plat
a Subdivision of Block 78 and 79 of Subdivision No.1 of Mill-Site Reservation
Lot 3 (30 Sampson Avenue)*



- Legend**
- ⊗ Found nail & washer
 - ⊕ Found rebar & cap—LS 176966
 - ⊙ Found rebar & cap—LS 3082
 - ⊗ Sewer manhole
 - ⊕ Utility pole

NARRATIVE

1. Survey requested by: Kenneth Jorgensen.
2. Purpose of survey: locate the specified topographic relief.
3. Basis of survey: found property monuments as shown.
4. Date of survey: September 5, 2012.
5. Property monuments found as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plat of the Mill-Site Reservation Supplemental Amended Plat for other possible easements, restrictions or setbacks.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. The elevations are based on an elevation of 7295.3 feet at the sewer manhole lid, from the previous topographic survey of the property by Jack Harmon Land Surveying.

LEGAL DESCRIPTION

Lot 3, Mill-Site Reservation Supplemental Amended Plat; according to the Official Plat thereof, on file and of record in the Office of the Summit County Recorder.

SURVEYOR'S CERTIFICATE

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

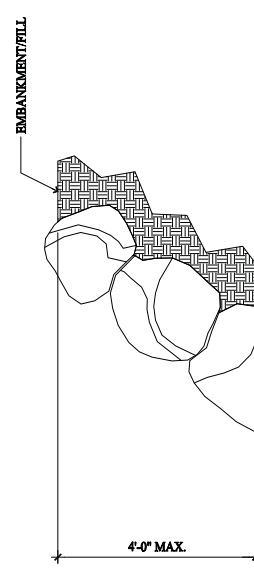
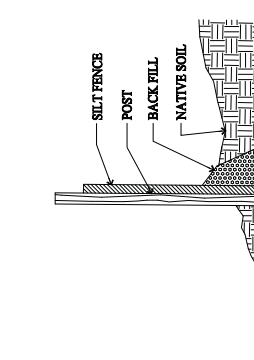
Sept 11, 12
Date



Alpine Survey, Inc.
19 Prospector Drive
Park City, Utah 84060
(435) 655-8016

LEGEND

SEWER MANHOLE	→
WATER METER	→
UTILITY POLE	→
OVERHEAD UTILITY LINE	→
OVERHEAD POWER LINE	→
SURFACE DRAINAGE FLOW	→



SITE PLAN NOTES:

- ALL SURFACE WATER SHALL DRAIN AWAY FROM THE HOUSE AT ALL POINTS. DIRECT THE DRAINAGE WATER TO THE STREET OR AN APPROVED DRAINAGE COURSE BUT NOT ONTO THE NEIGHBORING PROPERTIES. THE GRADE SHALL FALL A MINIMUM OF 6" WITHIN THE FIRST 10 FEET. -MCC #401.3
- STABILIZATION CONSTRUCTION ENTRANCE
- FOR A MINIMUM OF 50' FROM ROADWAY, A FILTER FABRIC SHALL BE INSTALLED OVER A COMPACTED SUBGRADE. A 6" LAYER OF 1"-3" AGGREGATE SHALL BE PLACED OVER THIS MEMBRANE. DAILY INSPECTION FOR SEDIMENT BUILD UP AND/OR LOSS OF GRAVEL WILL BE ENFORCED, AND REMEDIATED AT ONCE.

GRADING NOTES

- DRAINAGE TO COMPLY WITH IBC CHAPTER 4
- MAXIMUM ALTERED SLOPES AT 2:1
- MINIMUM SLOPE FOR DRAINAGE = 2%
- DRAIN AWAY FROM BUILDING
- CONTAIN DRAINAGE ON PROPERTY
- BOULDER RETAINING WALLS NOT TO EXCEED 4'-0" EXPOSED HEIGHT

UTILITY NOTES

- ALL UTILITY LINES TO BE UNDERGROUND.
- ABOVE GRADE UTILITY BOX TO BE IN SCREENED LOCATION.

SNOW REMOVAL

SNOW FLOWED FROM DRIVE SHALL NOT BE PUSHED ONTO THE STREET.

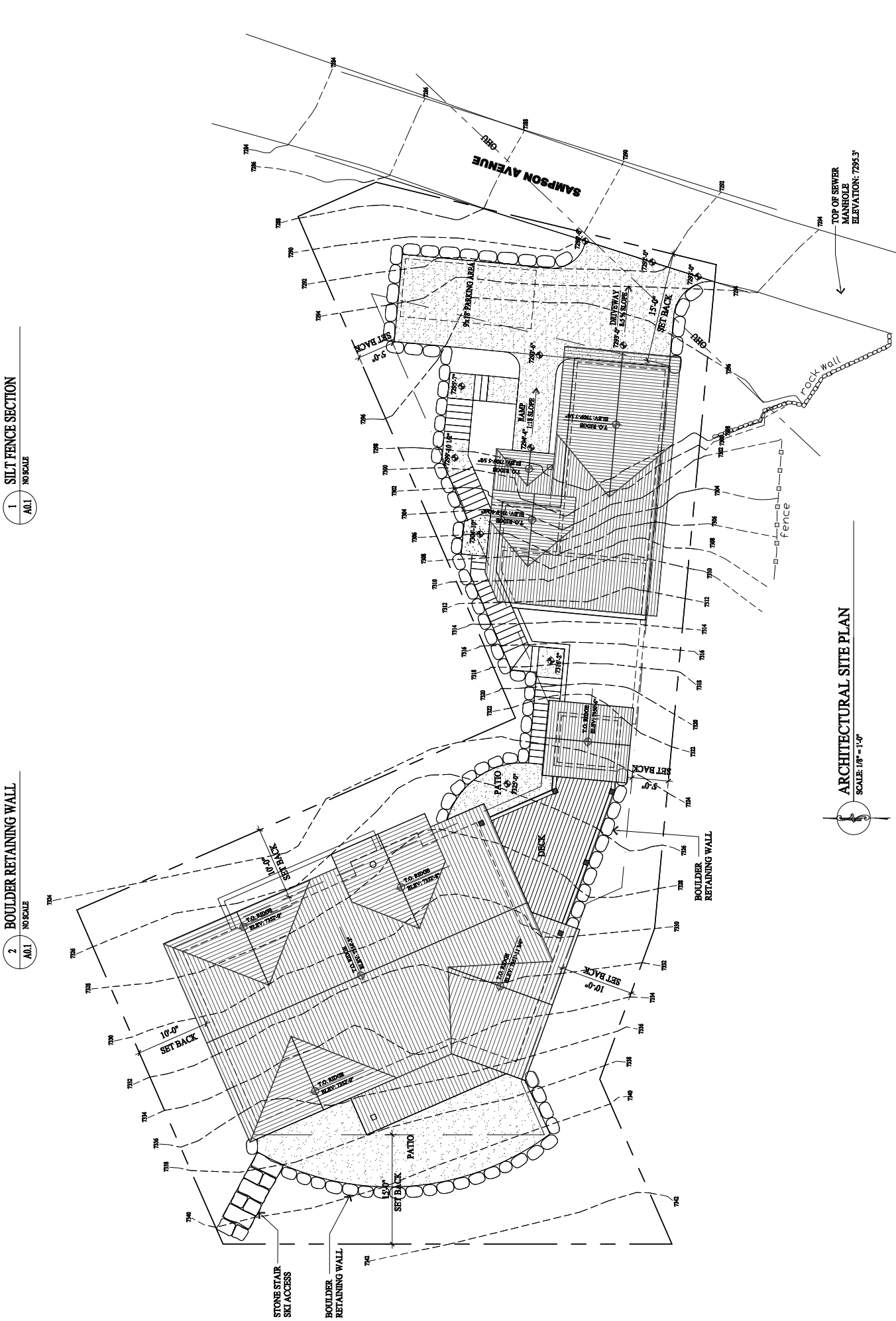
1. SILT FENCE SECTION
A0.1 NO SCALE

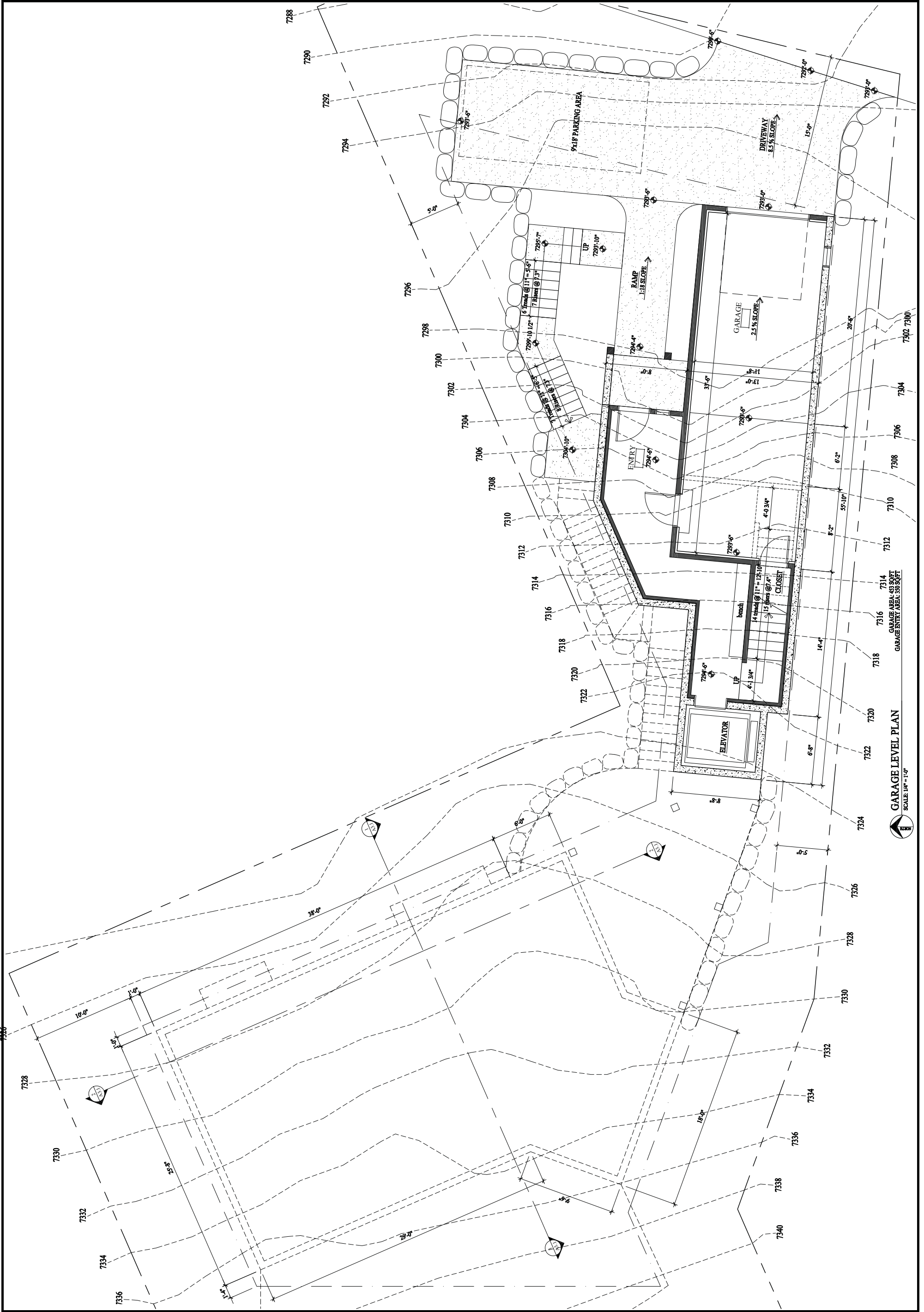
- SANDBAGS WILL BE PLACED AT DISCHARGE LOCATIONS TO CONTAIN THE STORM WATER AND DIVERT IT TO DISCHARGE AREAS.
- AN EARTHEN BERM 6" HIGH WILL BE CONSTRUCTED TO CONTAIN THE STORM WATER AND DIVERT IT TO DISCHARGE AREAS.
- STORM WATER WILL BE DISCHARGED INTO AN EXISTING DRAINAGE SYSTEM. EXISTING LINES SHALL BE INSPECTED PRIOR TO CERTIFICATE OF OCCUPANCY AND CLEANED IF NECESSARY.
- THE STORM WATER PREVENTION PLAN SHALL CONFORM TO ALL STATE DIVISION OF ENVIRONMENTAL PROTECTION REGULATIONS.

2. BOULDER RETAINING WALL
A0.1 NO SCALE

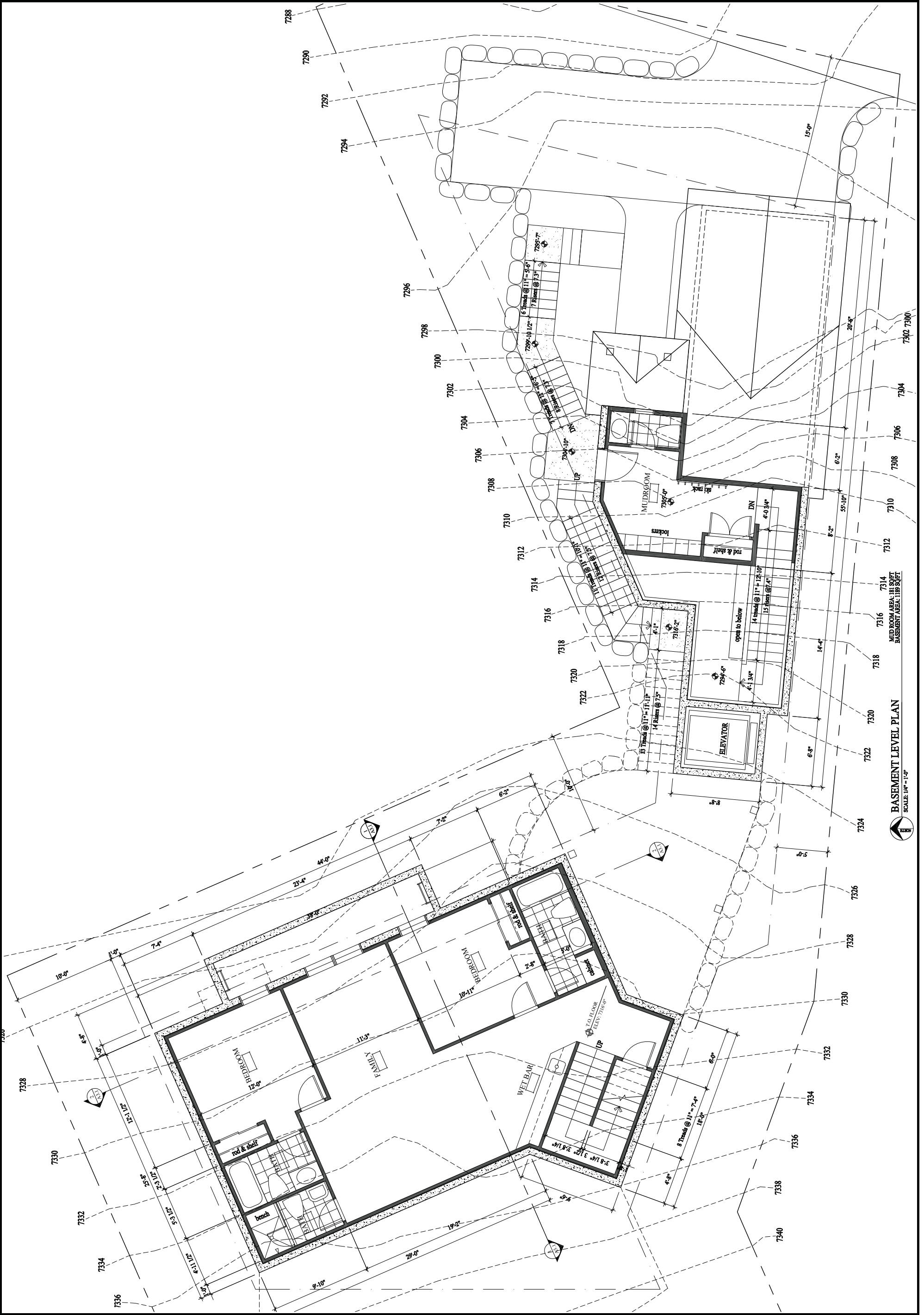
NOTES:

- NOMINAL ROCK SIZE SHALL BE AT LEAST ONE THIRD THE HEIGHT OF THE EMBANKMENT (FIRST TWO COURSES).
- IN SANDY OR SILTY SOILS A FILTER FABRIC SHALL BE PLACED BEHIND THE ROCK FACED SLOPE.
- SLOPE MAY BE INCREASED TO 1 (H) TO 1 (V) IF HEIGHT OF EMBANKMENT IS LESS THAN 4 FEET.
- ROCK MUST BE ANGULAR AND FITTED TOGETHER TO INTERACT WITH ADJACENT ROCKS.
- A MINIMUM SETBACK OF FOUR FEET FROM BUILDINGS OR STRUCTURES SHALL BE MAINTAINED ABOVE OR BELOW THE ROCK FACED SLOPE.

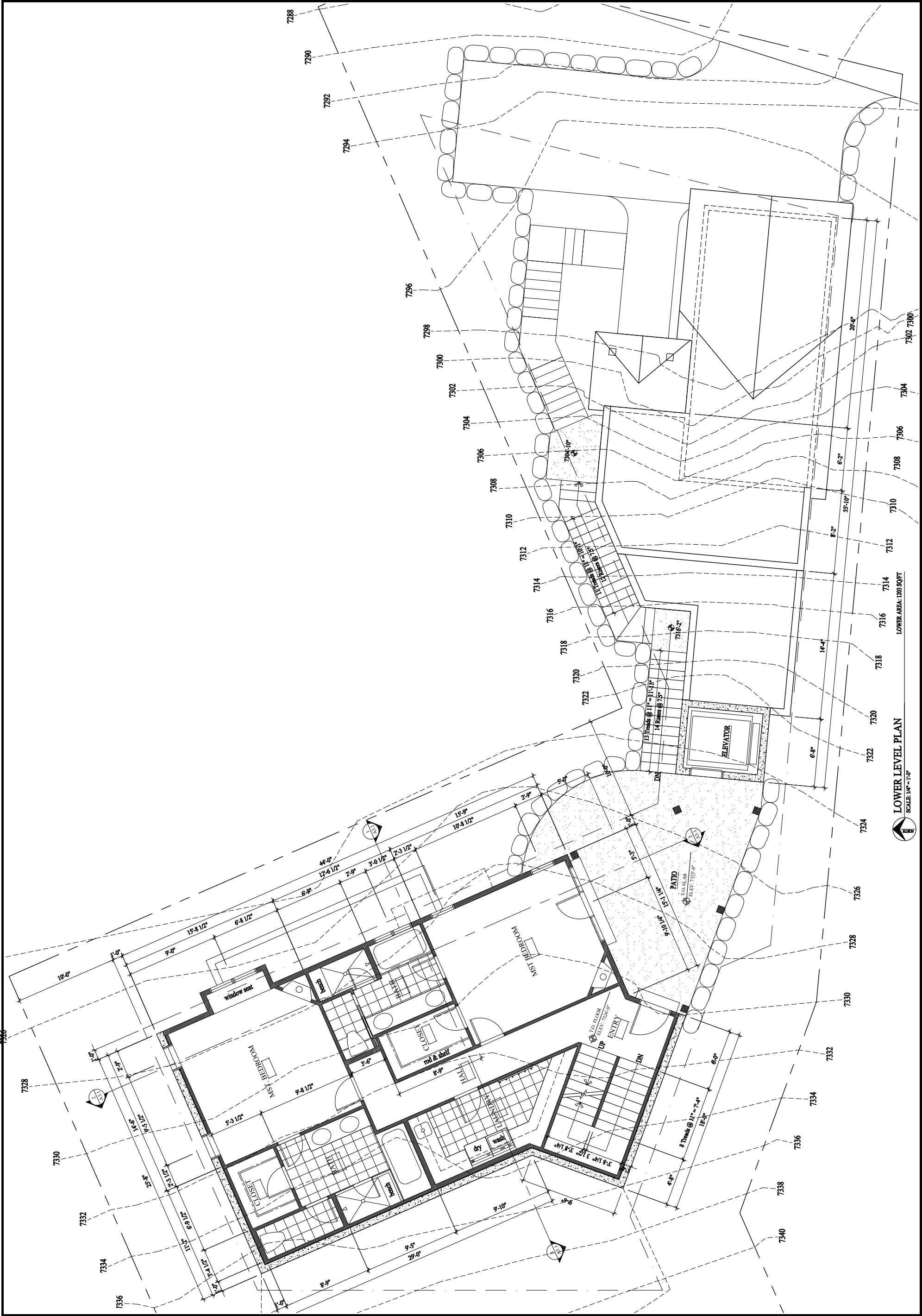




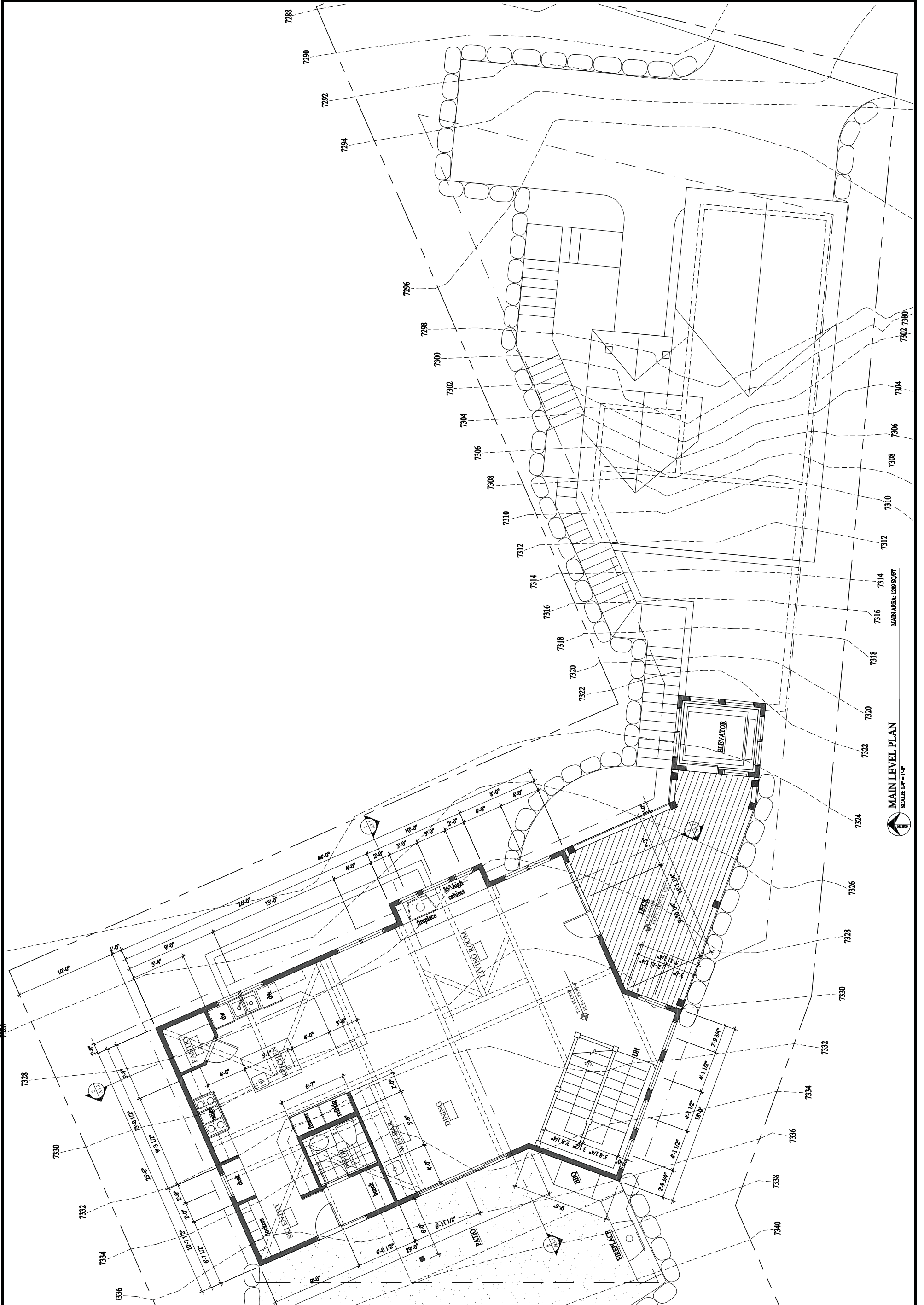
GARAGE LEVEL PLAN
SCALE: 1/4" = 1'-0"
GARAGE AREA: 433 SQFT
GARAGE ENTRY AREA: 300 SQFT

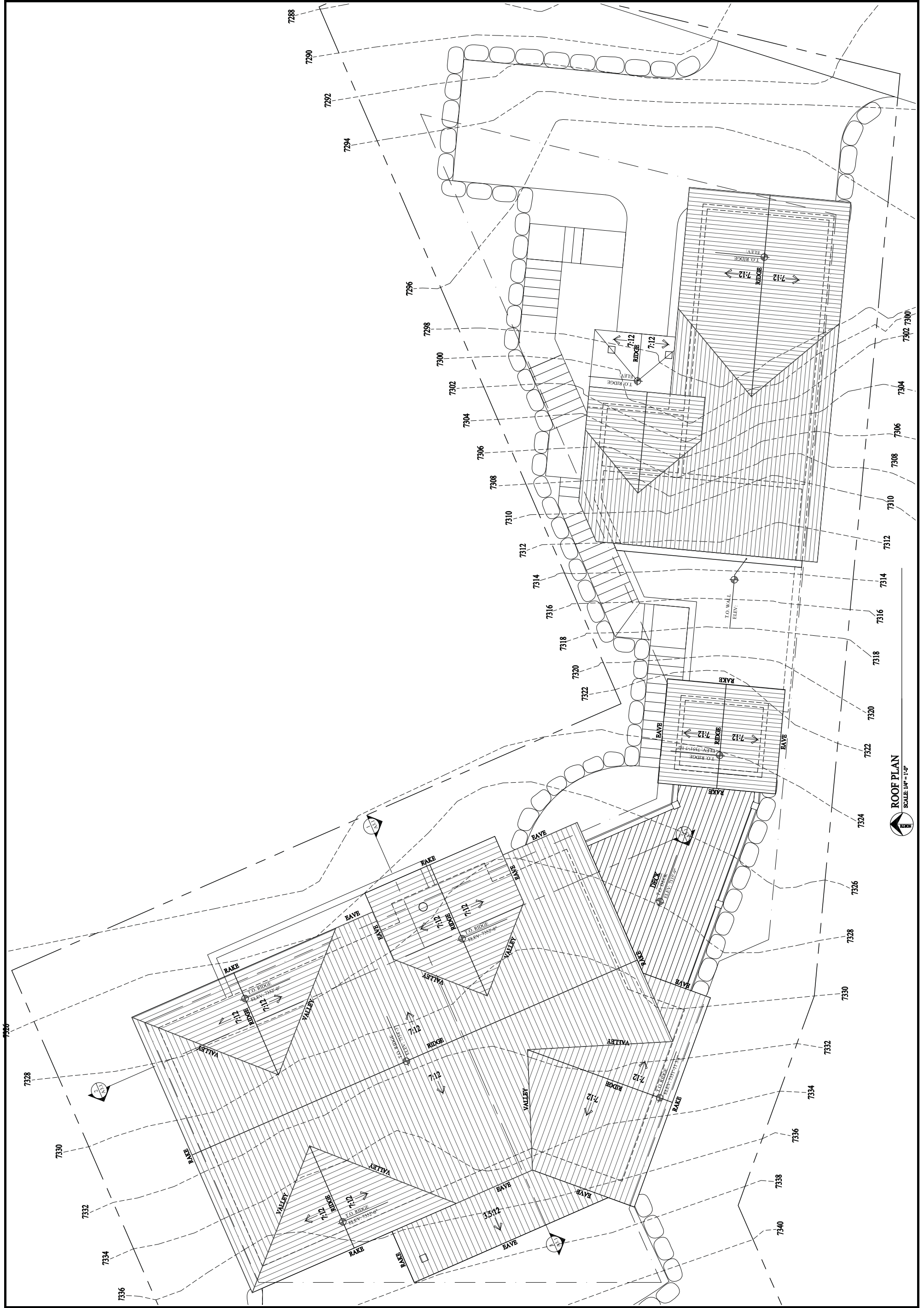


BASEMENT LEVEL PLAN
SCALE: 1/4" = 1'-0"
MUD ROOM AREA: 181 SQFT
BASEMENT AREA: 1189 SQFT

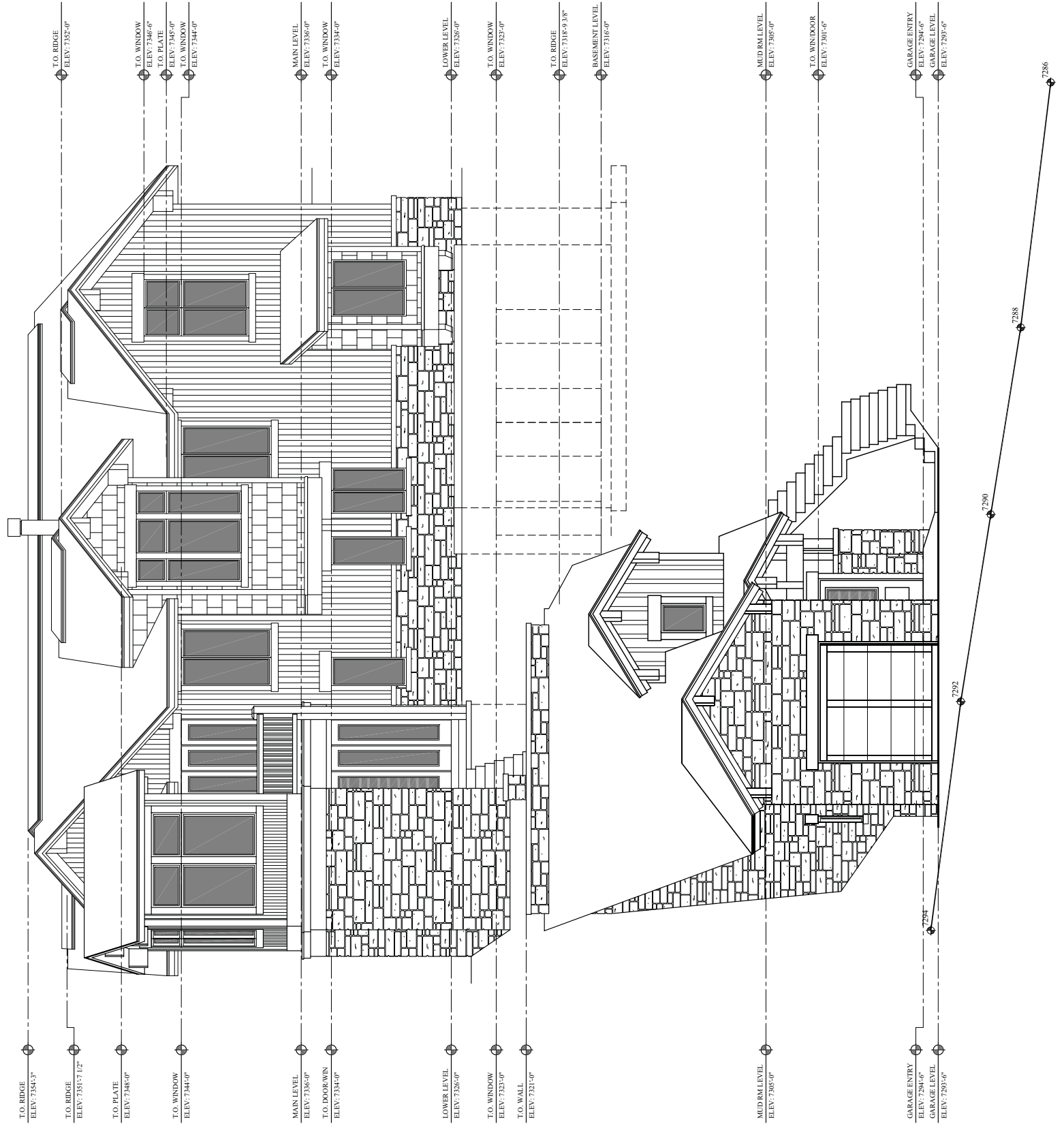


LOWER LEVEL PLAN
SCALE: 1/4" = 1'-0"
LOWER AREA: 1205 SQFT





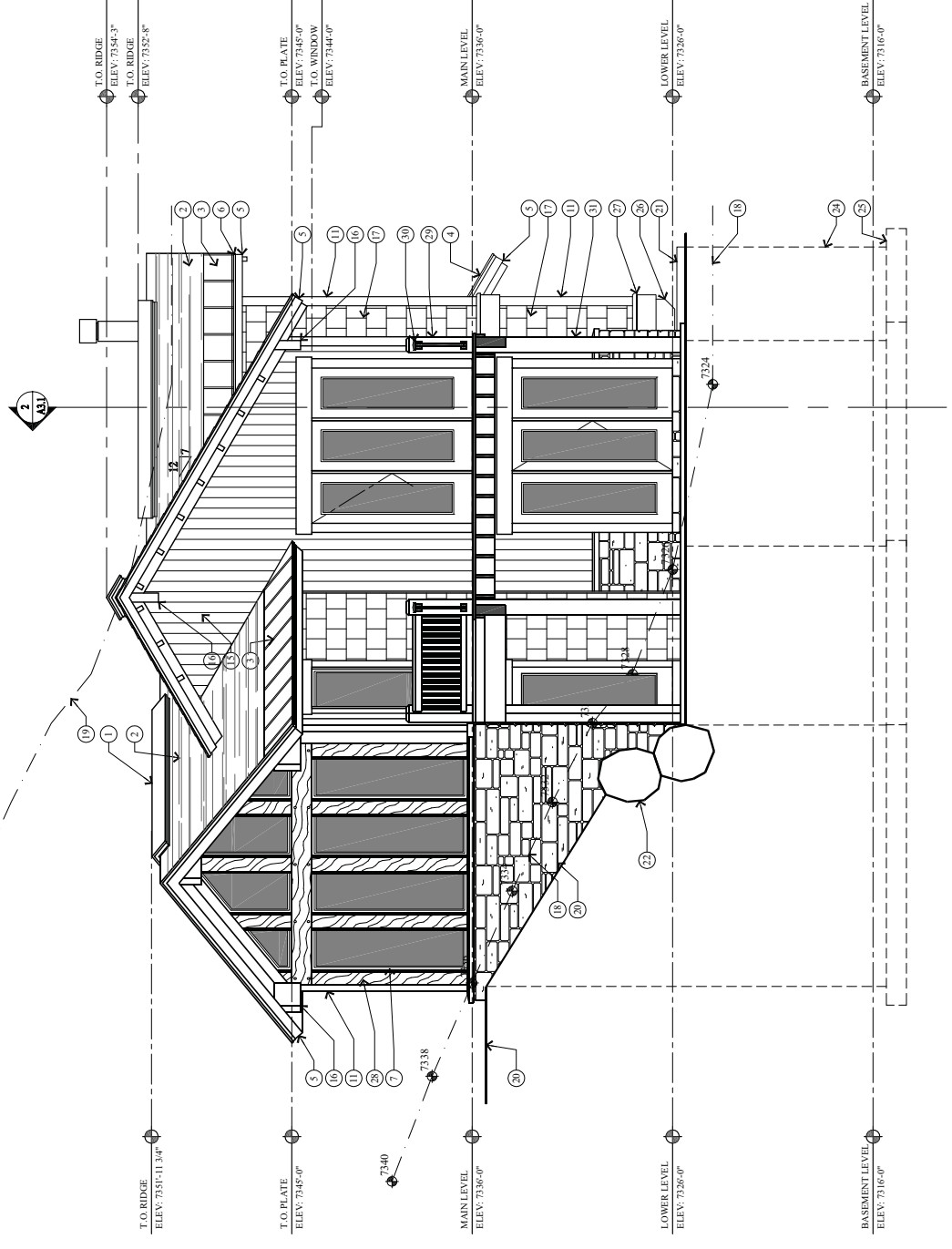
ROOF PLAN
SCALE: 1/4" = 1'-0"



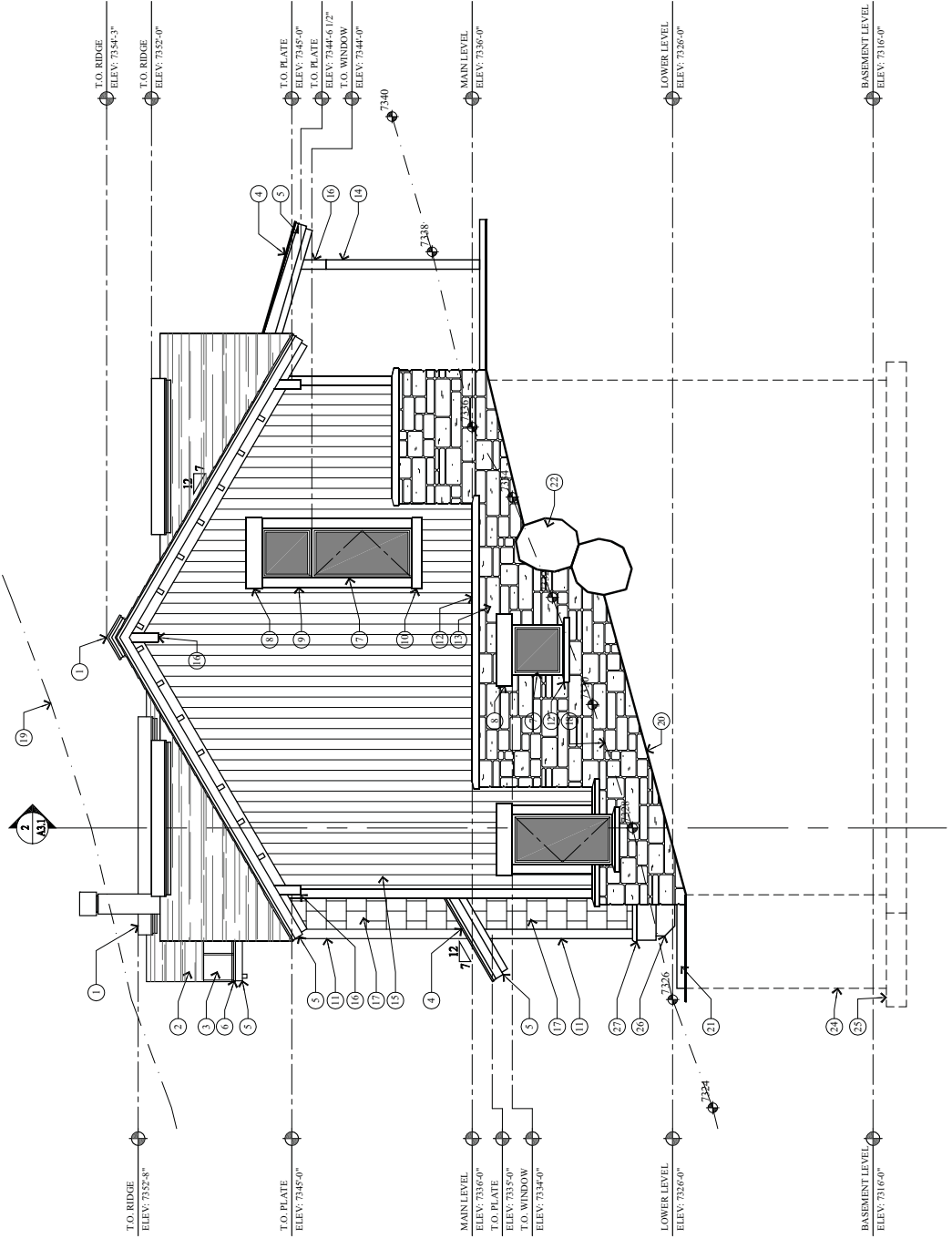
1 STREETSCAPE ELEVATION
A2.0 SCALE 1/4" = 1'-0"

KEY NOTES

- 1 STANDING SEAM METAL ROOF ON BUILT-UP RIDGE VENT.
- 2 ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL 05M PER SQUARE, MIN) ON ICE AND WATER MEMBRANE. HOLD MEMBRANE 12" DOWN FROM RIDGE.
- 3 STANDING SEAM METAL ROOF TO EXTEND 3'-0" UP THE EAVE. TYPICAL. METAL ROOF TO BE ICC-BIS APPROVED.
- 4 STANDING SEAM METAL ROOF - TYPICAL. METAL ROOF TO BE ICC-BIS APPROVED.
- 5 2x6 FASCIA ON 3x10 RAFTER OUTLOOKS.
- 6 1 1/2" x 3" CONTINUOUS METAL DRIP EDGE.
- 7 ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS. SEE SCHEDULE.
- 8 2x4 WINDOW/DOOR HEAD - STAINED W/ FLASING.
- 9 2x6 WINDOW/DOOR LAMB - STAINED.
- 10 2x6 WINDOW SILL - STAINED.
- 11 2x6 CEDAR OUTSIDE CORNER BOARD, 2x2 CEDAR INSIDE CORNER BOARD - STAINED.
- 12 CUT STONE CAPSILL.
- 13 6" STONE VENER. SEE SHEET S1.1 GENERAL STRUCTURAL NOTE FOR INSTALLATION.
- 14 6x6 TIMBER COLUMN - STAINED.
- 15 1x VERTICAL SIDING ON TYVEK HOMEWRAP ON 12" EXT. SHEATHING.
- 16 ARCHITECTURAL GRADE ROUGH SAWN BEAM - SEE STRUCTURAL FOR SIZE.
- 17 METAL INTERLOCKING SIDING ON TYVEK HOMEWRAP ON 12" EXT. SHEATHING.
- 18 LINE OF EXISTING GRADE.
- 19 FINISH GRADE TO BE 6" ABOVE EXISTING GRADE. MARK 6" WITHIN THE FIRST 10' R.C. 8401.5
- 20 CONCRETE WINDOW WELL.
- 21 BOULDER RETAINING WALL, NOT TO EXCEED 4'-0" IN HEIGHT. - SEE DETAIL 7A0.1
- 22 ROOF TO WALL SURFACE. EXTEND BUTYLANE MEMBRANE OVER ROOF DECK AND UP WALL SURFACE 24".
- 23 FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 24 FOOTING - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 25 6x12 TIMBER CORBELS - STAINED.
- 26 REVEAL 3/4" ON 3x12 CEDAR TRIM BOARD - STAINED.
- 27 ROUGH SAWN TIMBER - STAINED.
- 28 8x8 NEWL POST - STAINED.
- 29 3x4 HIGH RAILING. 4x6 SHAPED TOP RAIL W/ 2x2 BALLAST @ 5' 12" O.C. W/ 3x6 SHAPED BOTTOM RAIL.
- 30 10x10 TIMBER COLUMN - STAINED.



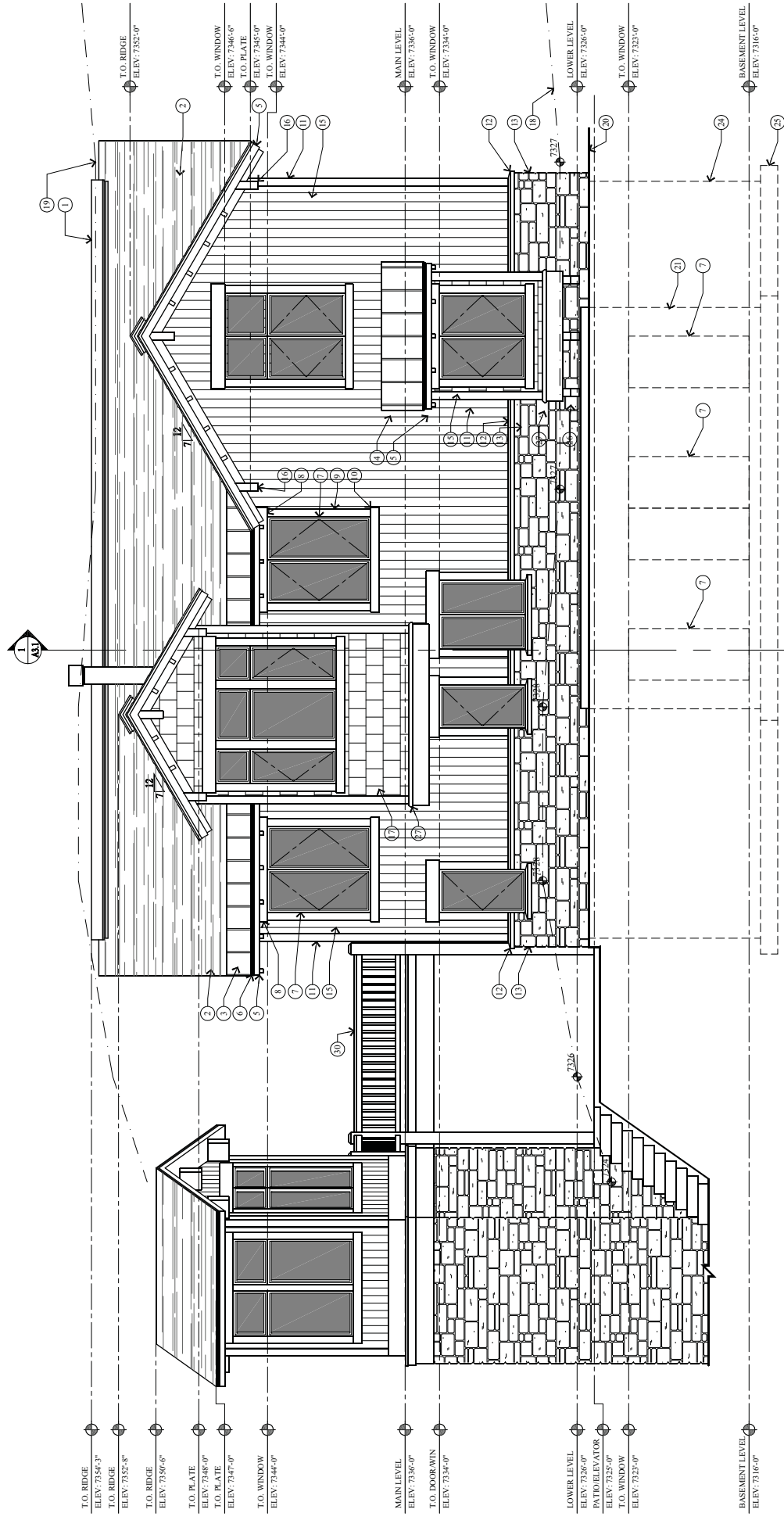
1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



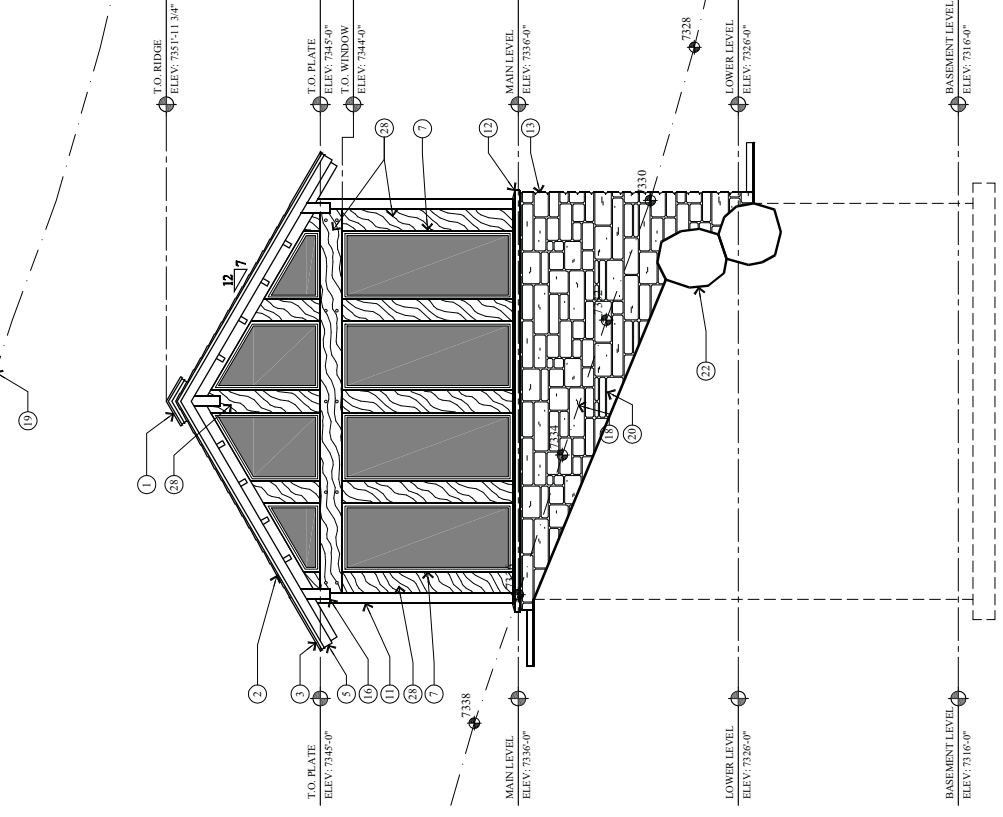
2 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

KEY NOTES

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- 7 ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS. SEE SCHEDULE.
- 8 2x4 WINDOW/DOOR HEAD - STAINED W/ FLASING.
- 9 2x6 WINDOW/DOOR LAMB - STAINED.
- 10 2x6 WINDOW SILL - STAINED.
- 11 2x6 CEDAR OUTSIDE CORNER BOARD, 2x2 CEDAR INSIDE CORNER BOARD - STAINED.
- 12 CUT STONE CAPSELL.
- 13 6" STONE VENER. SEE SHEET S1.1 GENERAL STRUCTURAL NOTE FOR INSTALLATION.
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- 16 ARCHITECTURAL GRADE ROUGH SAWN BEAM - SEE STRUCTURAL FOR SIZE.
- 17 METAL INTERLOCKING SIDING ON TYVEK HOMEWRAP ON 12" EXT. SHEATHING.
- 18 LINE 27'-0" HEIGHT ABOVE EXISTING GRADE.
- 19 FINISH GRADE TO ELONG AWAY FROM HOUSE A MIN. OF 6" WITHIN THE FIRST 10'. R.C. #4015.
- 20 CONCRETE WINDOW WELL.
- 21 BOULDER RETAINING WALL, NOT TO EXCEED 4'-0" IN HEIGHT. - SEE DETAIL 2/A0.1
- 22 ROOF TO WALL SURFACE. EXTEND BUTYLANE MEMBRANE OVER ROOF DECK AND UP WALL SURFACE 24".
- 23 FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
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- 25 6x12 TIMBER CORBELS - STAINED.
- 26 REVELED 3x4 ON 3x12 CEDAR TRIM BOARD - STAINED.
- 27 ROUGH SAWN TIMBER - STAINED.
- 28 3x4 NEWL POST - STAINED.
- 29 3x4 HIGH RAILING. 4x6 SHAPED TOP RAIL W/ 2x2 BALLAST @ 5' 12" O.C. W/ 3x6 SHAPED BOTTOM RAIL.
- 30 10x10 TIMBER COLUMN - STAINED.



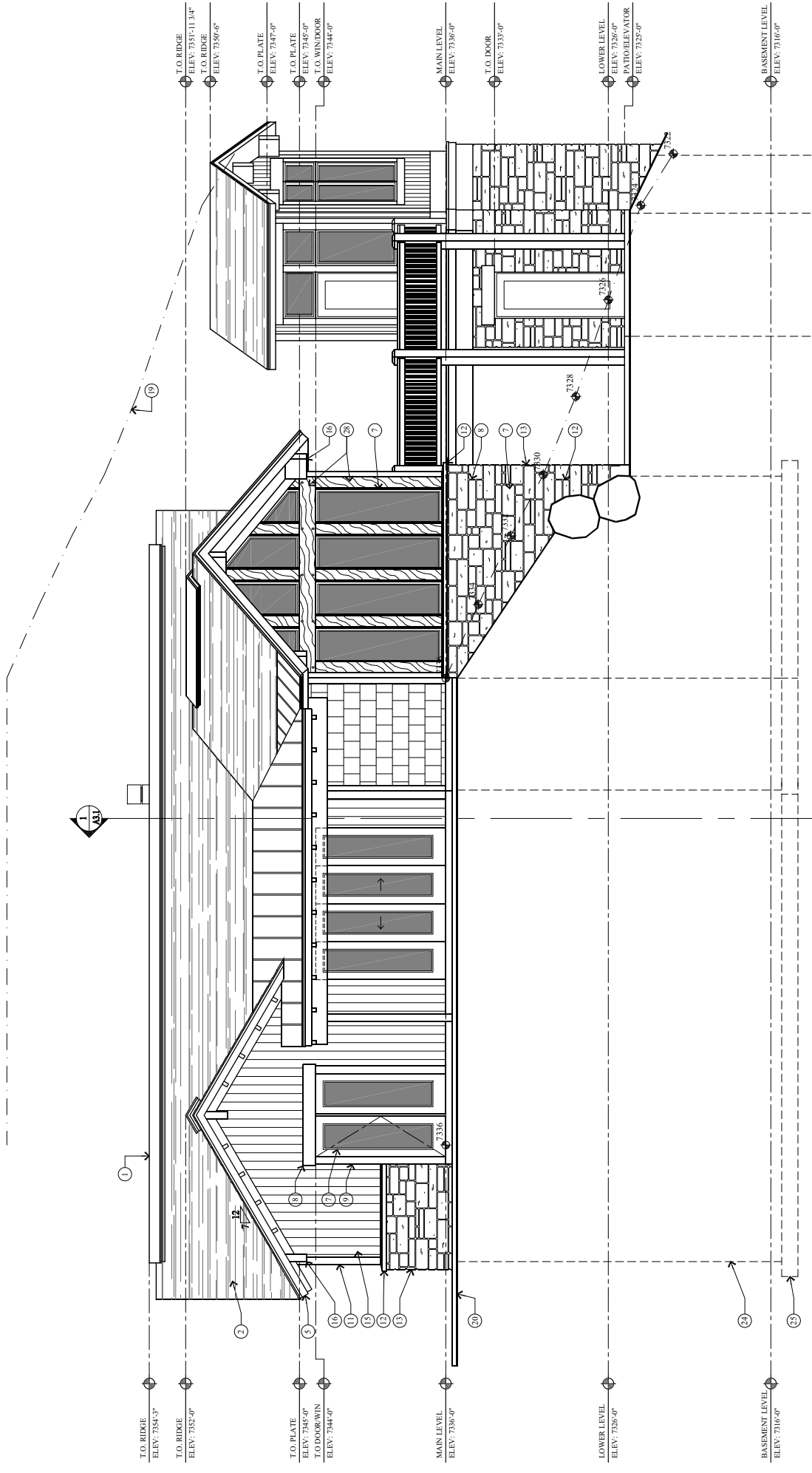
1 EAST ELEVATION
SCALE: 1/4" = 1'-0"



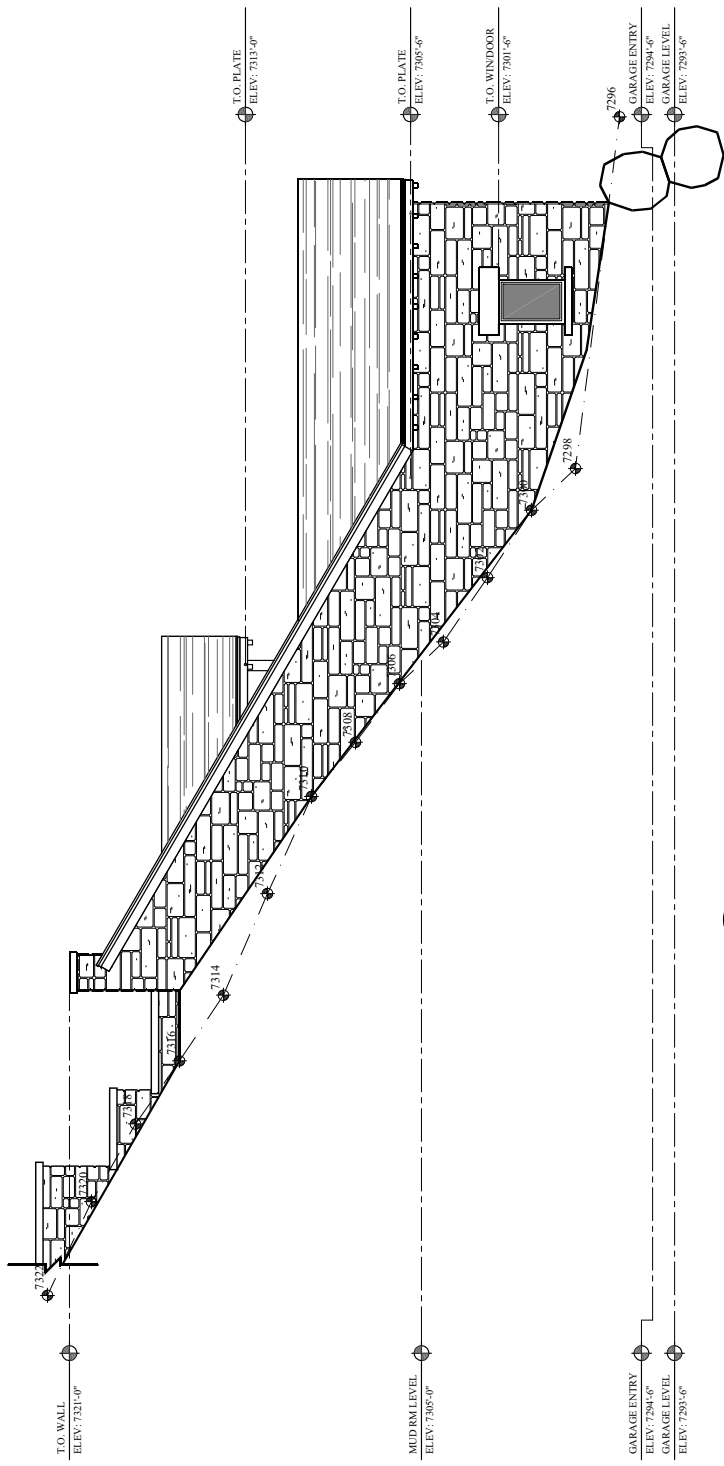
2 SOUTHWEST ELEVATION
SCALE: 1/4" = 1'-0"

KEY NOTES

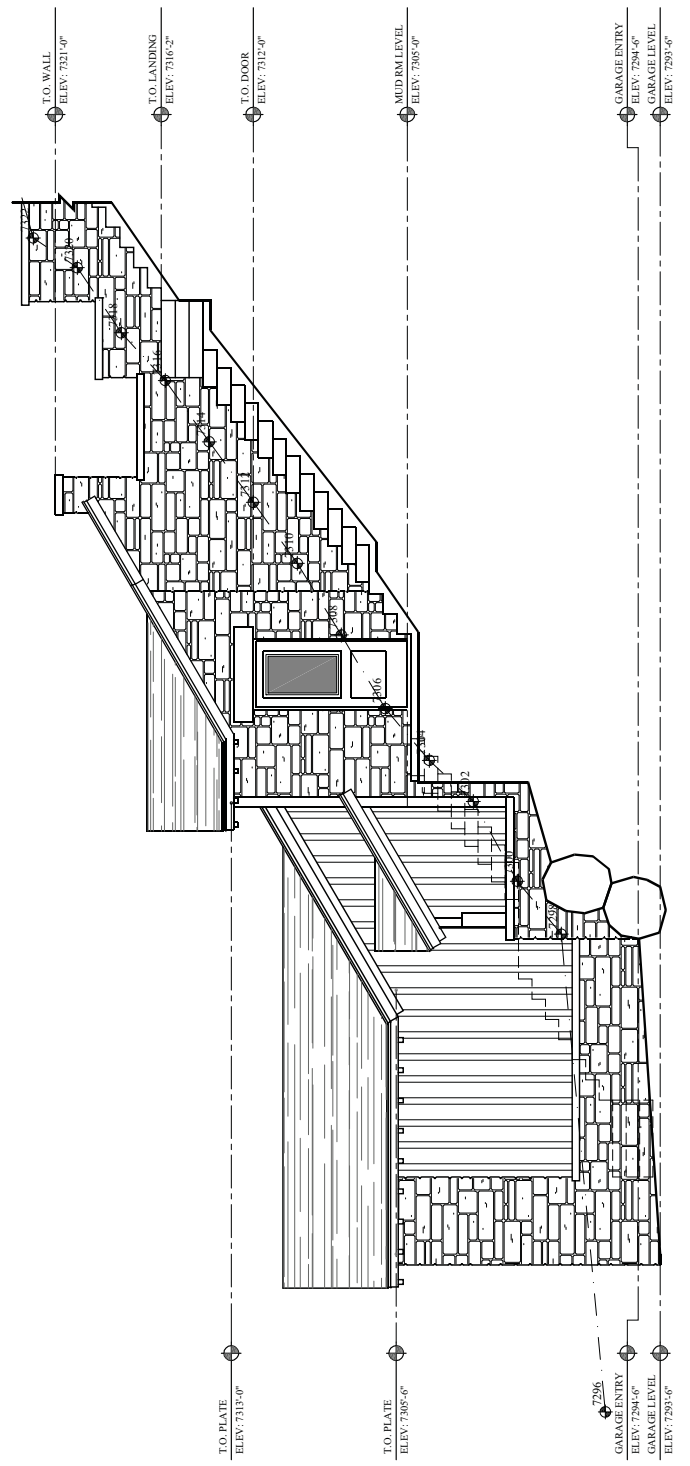
- 1 STANDING SEAM METAL ROOF ON BUILT-UP RIDGE VENT.
- 2 ARCHITECTURAL GRADE COMPOSITION SHINGLE 50 YEAR PRESIDENTIAL TL 05M PER SQUARE, MIN) ON ICE AND WATER MEMBRANE. HOLD MEMBRANE 12" DOWN FROM RIDGE.
- 3 STANDING SEAM METAL ROOF TO EXTEND 3'-0" UP THE RAVE. TYPICAL. METAL ROOF TO BE ICC-ES APPROVED.
- 4 STANDING SEAM METAL ROOF - TYPICAL. METAL ROOF TO BE ICC-ES APPROVED.
- 5 2x6 FASCIA ON 3x10 RAFTER OUTLOOKS.
- 6 1 1/2" x 3" CONTINUOUS METAL DRIP EDGE.
- 7 ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS. SEE SCHEDULE.
- 8 2x4 WINDOW/DOOR HEAD - STAINED W/ FLASHING.
- 9 2x6 WINDOW/DOOR LAMB - STAINED.
- 10 2x6 WINDOW SILL - STAINED.
- 11 2x6 CEDAR OUTSIDE CORNER BOARD, 2x2 CEDAR INSIDE CORNER BOARD - STAINED.
- 12 CUT STONE CAPSELL.
- 13 6" STONE VENER. SEE SHEET S1.1 GENERAL STRUCTURAL NOTES FOR INSTALLATION.
- 14 6x6 TIMBER COLUMN - STAINED.
- 15 1x VERTICAL SIDING ON TYVEK HOMEWRAP ON 17" EXT. SHEATHING.
- 16 ARCHITECTURAL GRADE ROUGH SAWS BEAM - 17" EXT. SHEATHING.
- 17 METAL INTERLOCKING SIDING ON TYVEK HOMEWRAP ON 17" EXT. SHEATHING.
- 18 LINE OF EXISTING GRADE.
- 19 LINE 27'-0" HEIGHT ABOVE EXISTING GRADE. FINISH GRADE TO BE 6" AWAY FROM HOUSE A MIN. OF 6" WITHIN THE FIRST 10'. IRC R401.5
- 20 CONCRETE WINDOW WELL.
- 21 BOULDER RETAINING WALL, NOT TO EXCEED 4'-0" IN HEIGHT. - SEE DETAIL 2A.01
- 22 ROOF TO WALL SURFACE. EXTEND BUTYLTHANE MEMBRANE OVER ROOF DECK AND UP WALL SURFACE 2".
- 23 FOUNDATION - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 24 FOOTING - SEE STRUCTURAL FOR SIZE AND REINFORCING.
- 25 6x12 TIMBER CORBELS - STAINED.
- 26 REVEAL 3/4" ON 3x12 CEDAR TRIM BOARD - STAINED.
- 27 ROUGH SAWS TIMBER - STAINED.
- 28 3/4" HIGH RAILING- 4x6 SHAPED TOP RAIL W/ 2x2 BALLAST @ 5 1/2" O.C. W/ 3/8 SHAPED BOTTOM RAIL.
- 29 10x10 TIMBER COLUMN - STAINED.
- 30 CONCRETE RETAINING WALL.
- 31 GREEN ROOF.



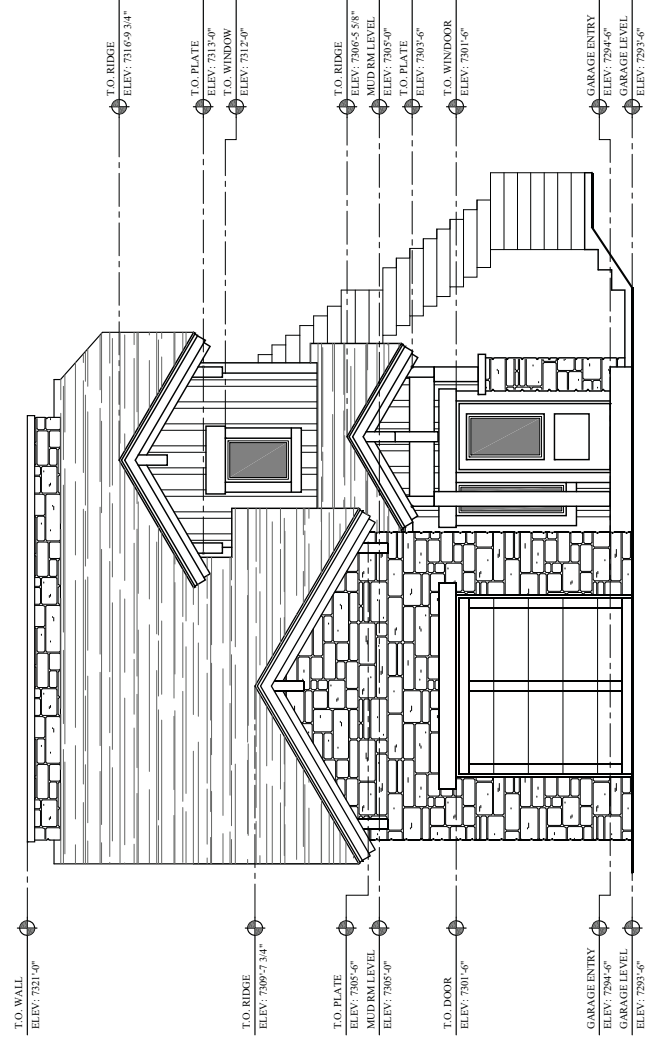
1 WEST ELEVATION
SCALE 1/4" = 1'-0"



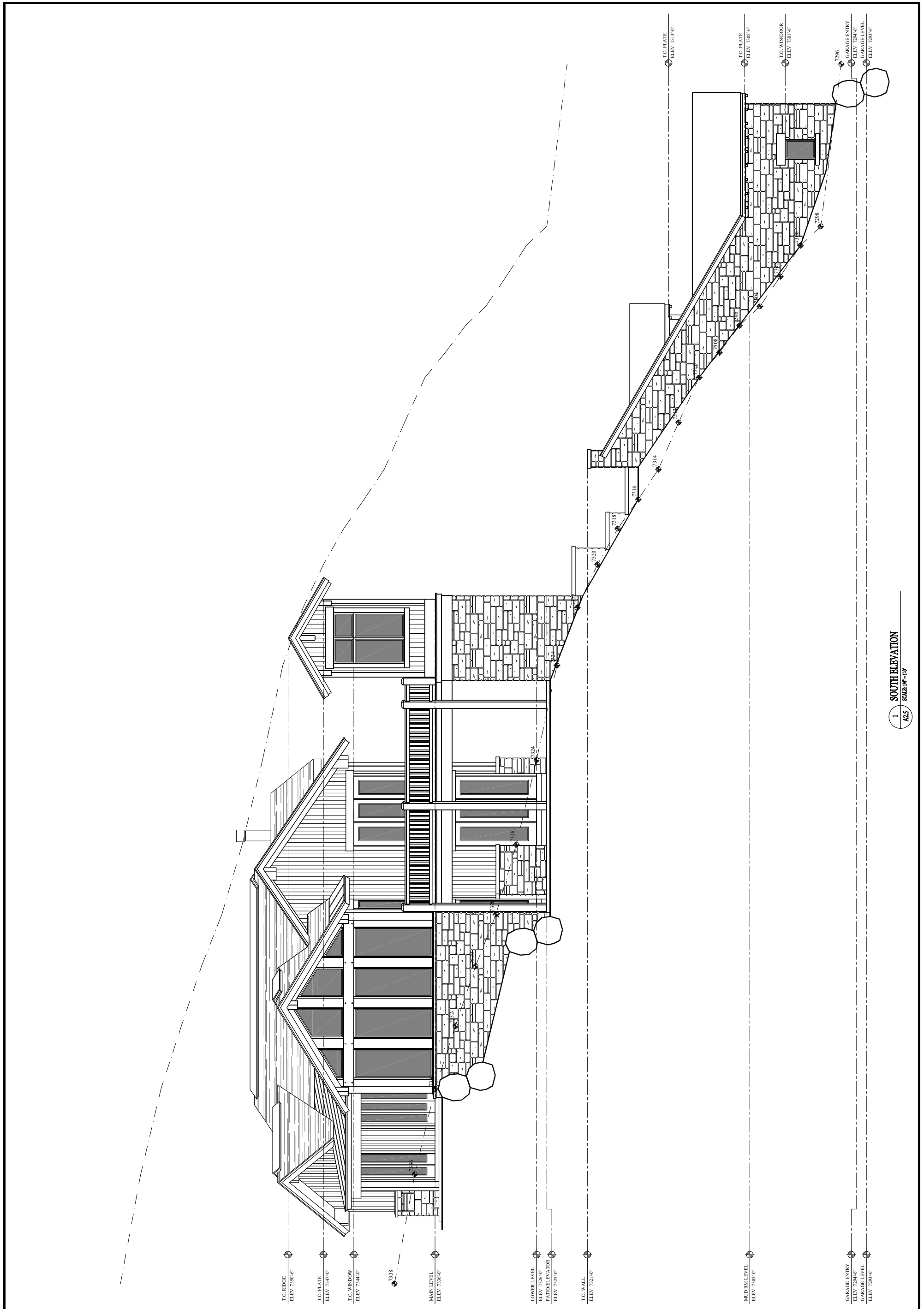
1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



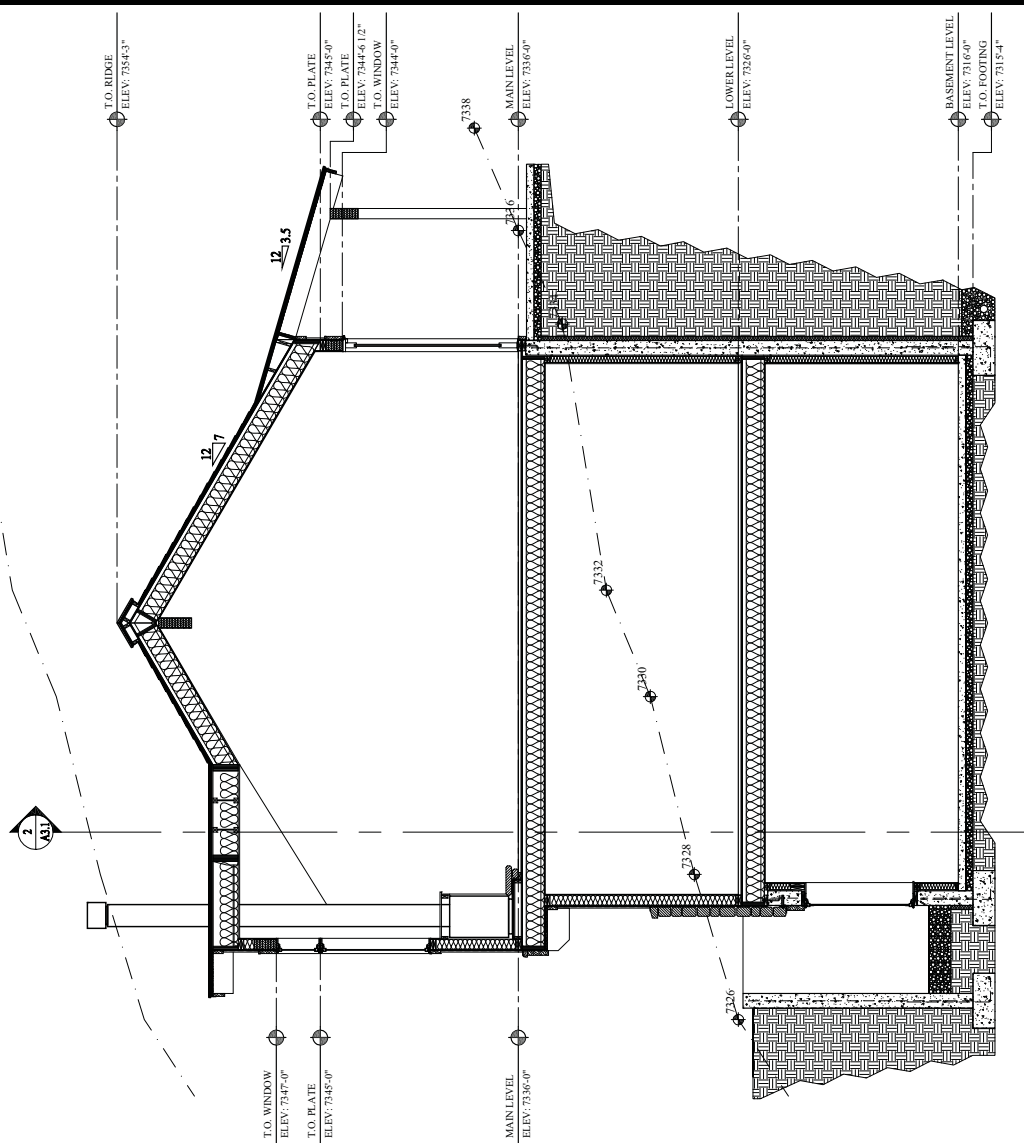
2 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



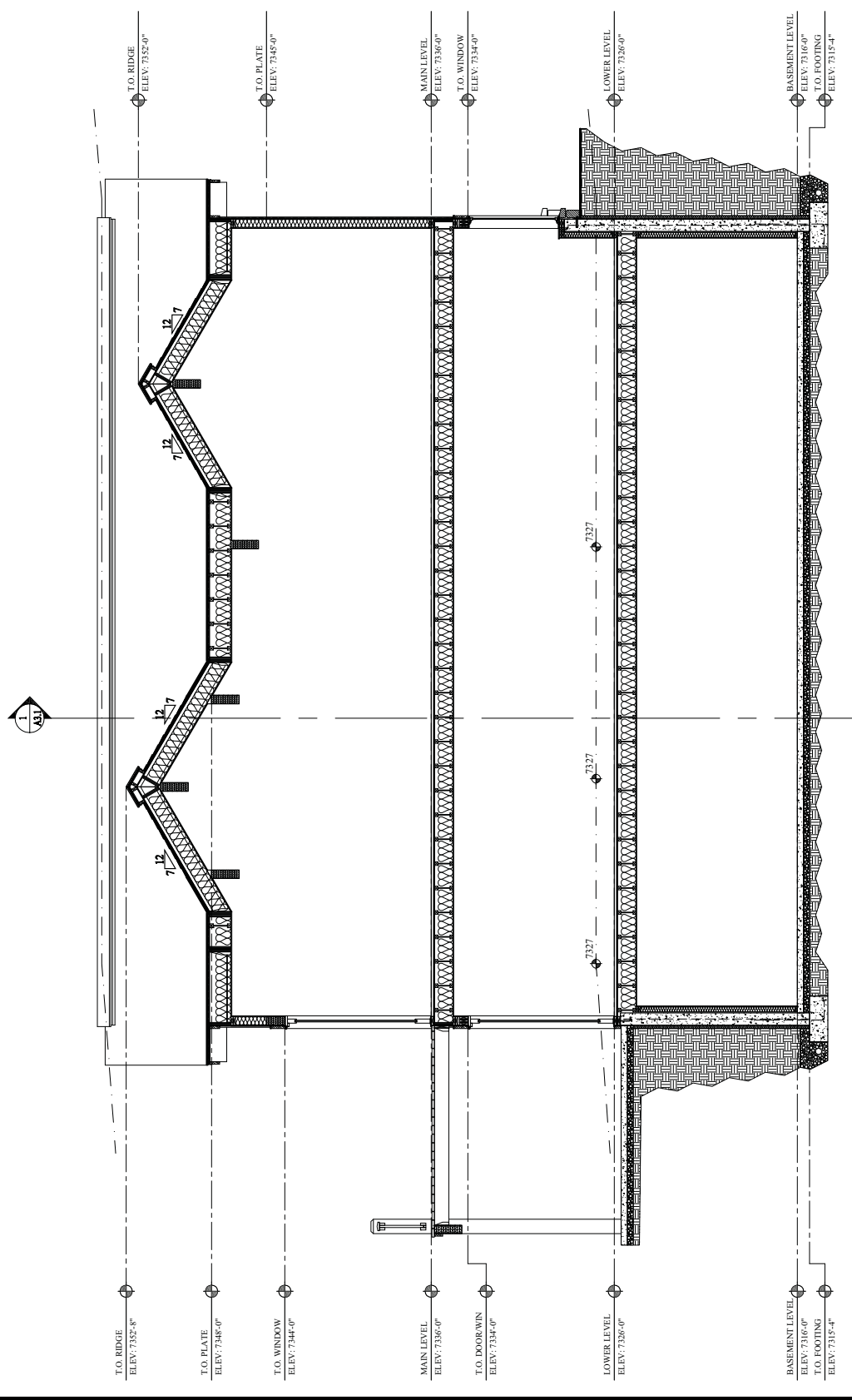
3 EAST ELEVATION
SCALE: 1/4" = 1'-0"



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



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



2 BUILDING SECTION
SCALE: 1/4" = 1'-0"





RECEIVED
DEC 03 2012
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PLANNING DEPT.

07/02/2012



PARK CITY
PLANNING DEPT.
DEC 03 2012

07/02/2012

Planning Commission Meeting
Minutes of December 14, 1994
Page 5

6. The buildings on the newly created lots shall not exceed a Floor Area ratio of 2.0.

V. PUBLIC HEARINGS/ACTION ITEMS

1. 30, 40, 50 Sampson Avenue Plat Amendment

Planner Janice Lew reported that the applicant was requesting an amendment to a portion of the Park City Survey Plat. The amendment would combine several Old Town lots into three larger parcels, thereby reducing the density and providing access to each lot from Sampson Avenue. The parcel is located in the HRL District, and the minimum lot size in the area is 3,750 square feet. The parcels are subject to floor area ratios and Historic District design standards. A number of issues listed in the Staff report were addressed in the conditions of approval or notes shown on the plat. The Planning Commission had discussed building size during the work session, and there was concern about maintaining compatibility with the smaller Old Town lots and the Historic District in that area. The Staff had not received public input other than phone calls from John Hayes and Jon DeGray requesting information about the proposal. The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based upon the findings and conclusions of law and conditions of approval outlined in the Staff report.

Chair Child opened the public hearing.

The applicant, Craig Schneckloth, noted the concerns expressed by the Commissioners regarding house size on Lot 3 and suggested the possibility of two smaller houses rather than one larger home. Lot 1 would remain at 3,336 square feet, Lot 2 would be reduced to 3,230 square feet, and Lot 3 would have one house on the bottom half at 2,400 square feet and one house on the top half. Parking for four cars would be provided underneath the bottom house, and access for both houses would be from Sampson Avenue.

Since the Staff review was based on the proposal for three homes on three lots, Chair Child indicated that the Planning Commission should base their review on that proposal. Mr. Schneckloth preferred the proposal for one house on Lot 3 and explained that he had only offered the alternative as a possibility to satisfy the Planning Commission.

Commissioner Joe Tesch explained the issues involved for the benefit of the public. The applicant had taken six Old Town lots and suggested that they be reconfigured into three larger lots. The applicant had also requested home sizes that would fit within the code requirement for maximum size homes on the newly configured

lots, but the Planning Commission was struggling with the idea that the homes might be too large to be compatible with other structures in the neighborhood. Commissioner Tesch noted the possible traffic dangers involved with increased density on Sampson Avenue and noted that reducing the number of lots was a decent trade-off.

Chair Child clarified that the Commissioners favored the reduction in the number of lots, and the only obstacle was determining a reasonable house size. Commissioner Tesch was not certain that three lots was the right number. He felt the applicant had the misconception that the lower number of lots would receive more favorable review. Commissioner Tesch felt the Planning Commission wished to allow Mr. Schneckloth fair use of the property.

Commissioner Klingenstein was concerned with setting a precedent for incremental build-up in the area and suggested reducing the home sizes to 3,000 square feet on Lot 1, 3,500 square feet on Lot 2, and 3,000 square feet on Lot 3 in order to assure neighborhood compatibility.

Commissioner Jones concurred with Commissioner Klingenstein and remarked that the real issue was compatibility. The FAR's are maximum limits, and often applicants believe they are allowed to build homes to the maximum size without regard to the neighborhood. He requested that the conditions of approval reiterate that the overriding criteria for house size is neighborhood compatibility in both design issues and how the home fits on the lot relative to the neighborhood.

Commissioner Erickson noted that the proposed height did not meet the new height ordinance recommended at the previous Planning Commission meeting and questioned which height would be required. Director Lewis explained that the applicant would be required to comply with the height restriction in place at the time of building permit issuance. Commissioner Erickson clarified that the proposal would be reviewed by the Development Department for compliance with the Historic District Commission guidelines, and any appeal would be to the Historic District Commission.

Chair Child asked Director Lewis if the findings and conclusions of law should be changed if the Planning Commission approved the project with specified house sizes. Director Lewis explained that the matter would go to a public hearing before the City Council, and the information would be added as notes on the plat. The conditions approved by the Planning Commission would list all the information on the plat regarding house sizes and the Planning Commission's conclusions and findings would be included in the City Council report.

MOTION: Commissioner Chuck Klingenstein moved to APPROVE the Sampson Avenue Plat Amendment for 30, 40 and 50 Sampson Avenue as outlined by the Staff with an additional condition of approval stating that Lot 1 would have a maximum house size of 3,000 square feet, Lot 2 a maximum house size of 3,500 square feet, and Lot 3 a maximum house size of 3,000 square feet.

Chair Child clarified that the numbers pertained to the house size only and did not include a garage limit. Commissioner Klingenstein replied that a 400-square-foot garage was allowed.

Commissioner Diane Zimney seconded the motion.

The applicant stated that he had no objection and agreed to comply with the house sizes as stated in the motion.

VOTE: The motion passed unanimously.

Conditions of Approval - 30, 40, 50 Sampson Avenue

1. A note shall be required on the plat indicating that a modified 13-D sprinkler system shall be required and wood roofs are prohibited.
2. Prior to individual building permit issuance, complete plans for construction staging, construction parking, grading, erosion control and vegetation protection (LOD) shall be approved by the Community Development Department.
3. Prior to individual building permit issuance, the City Engineer shall review and approve all utility and construction plans. A 10-foot public non-exclusive utility easement shall be provided along Sampson Avenue for Lots 1 and 3. The following note shall be placed on the plat in regard to Lot 2:

"In the event the house which exists on Lot 2 as of the date this plat is recorded is demolished or lost due to fire, earthquake, or other catastrophe, the owner of Lot 2 will, as a condition precedent to rebuilding a new structure, grant to Park City Municipal Corporation a 10-foot-wide non-exclusive public utility easement along and abutting Sampson Avenue."
4. Prior to plat recordation, the City Council, City Attorney, and City Engineer shall review and approve the plat.
5. All Standard Project Conditions shall apply.

6. The maximum house sizes shall be:
 - Lot 1 - 3,000 square feet
 - Lot 2 - 3,500 square feet
 - Lot 3 - 3,000 square feet

2. Blockbuster Video CUP for Signage

Planner Janice Lew reported that years earlier the Planning Commission spent some time reviewing signage for PayLess Drug located at 950 Ironhorse Drive. A total of 49 square feet of signage was approved by the Planning Commission with the following conditions:

- Only one sign was permitted.
- The Staff would approve final colors consistent with the color requirements of the Park City sign code.
- The sign would be externally illuminated.

The PayLess Drug sign consists of 24" letters painted a burnt red. Blockbuster Video is leasing a portion of the PayLess Drug building and is requesting approval of a master sign plan. The Blockbuster Video signage would include a primary sign. The applicants have proposed individual letters 24" in height with a yellow face totalling 46 square feet of signage. The sign would be located above the windows on the front facade of the building. An awning was proposed across the front of the building which would be burnt red to match the color scheme of the PayLess signage and would have the Blockbuster ticket logo in yellow. The signage on the awning would total 12.5 square feet.

Planner Lew indicated that the Staff had spent a great deal of time with the applicant working on the signage and was concerned with the proposal. The intent of the master sign plan was to create a common theme to tie design elements together. The Staff preferred that the Blockbuster Video signage match the color of the PayLess sign. She suggested that the Planning Commission consider a reduction in size so the Blockbuster sign would be subordinate to the main tenant signage. The Staff was also concerned with the awning which would create a dominant architectural feature on the left side of the building and an imbalance with no awning on the opposite side of the building. The Staff recommended that a smaller awning replace the large awning above the door and that the logo be permitted there for signage. The Staff also recommended that the yellow color be consistent with the Park City sign code.

Public input had not been received, and the Staff recommended approval of the master sign plan for the PayLess building with the findings, conclusions of law, and conditions of approval outlined in the staff report.

Debra M. Schneckloth
P.O. Box 234
Park City, UT 84060



March 30, 1998

Debra M. Schneckloth
P.O. Box 234
Park City, UT 84060

Dear Debra:

Your plat amendment to the Park City Survey regarding 30, 40 and 50 Sampson Avenue, which was approved by the City Council, with conditions, on February 2, 1995 specified the following maximum sizes for residential structures on the lots:

- Lot 1 - 3000 square feet
- Lot 2 - 3500 square feet
- Lot 3 - 3000 square feet

An additional 400 square feet may be added to the total floor area for a garage for each of the lots.

You recently inquired about the possibility of allowing basements in addition to the maximum house sizes specified on the lots. Since your plat amendment does not specifically prohibit basements, it is my determination that basements would be allowed provided they can meet the definition in the Land Management Code. A basement is defined as having all four walls at least 80% underground. Basements may not have an outside door (including a garage door) visible from the public right-of-way.

I apologize for any confusion the Community Development Department may have caused as we reviewed this issue. It took a few days to research how the building size has been determined on other plats. My determination is consistent with our present practice of calculating house sizes when they are specified on plats.

Sincerely,

Richard E. Lewis
Community Development Director

M CDD RL LETTER 1998 SCHNECL001

00503794 Bk01134 Pg00399-00400

ALAN SPRIGGS, SUMMIT COUNTY RECORDER
1998 APR 07 11:28 AM FEE \$12.00 BY DMG
REQUEST: DEBRA M SCHNECKLOTH

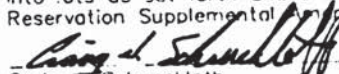
LEGAL DESCRIPTION

Beginning at the Northeast Corner of Lot 47, Block 78, Mill-site Reservation, The Park City Survey, and as recorded in Summit County, Utah, and running thence South 23°38' East along the Easterly line of said Lot 47, a distance of 11.67 feet to the Westerly edge of an existing road, thence South 13°36'05" West along said Westerly edge, a distance of 200.84 feet; thence South 84° 42' 13" West, a distance of 26.80 feet; thence North 89°14'40" West, a distance of 54.85 feet to the Southerly line of Lot 8, Block 79, Mill-site Reservation; thence South 66°22' west along said Southerly line, a distance of 18.39 feet to a point being the common back corner of Lots 6 and 8, thence due North 225.32 feet along the Westerly line of Block 79, Mill-site Reservation, to the Westerly line of Utah Avenue as dedicated; thence North 66°22' East, a distance of 50.00 feet to the Easterly line of said Utah Avenue as recorded; thence South 23°38' East, a distance of 65.67 feet along said Easterly line to the Northwest Corner of Lot 47, Block 78, Mill-site Reservation as recorded, thence North 66°34' East along the Northerly line of said Lot 47, a distance of 75.00 feet to the Point of Beginning.

Contains 0.58 acres more or less

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned are the owners of the herein described tract of land, and hereby causes the same to be divided into lots as set forth and shown hereon, hereafter to be known as Mill-site Reservation Supplemental Amended Plat.


Craig J. Schneckloth


Debra Kay Muriillo Schneckloth

00503794 Bk01134 Pg00400

Joint Tenants

MINUTES – OCTOBER 10, 2012

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
October 10, 2012**

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

WORK SESSION ITEMS

Snow Creek Crossing – Concept Plan Discussion

Commissioner Thomas disclosed that many years ago he was involved in the original MPD and CUP drawings for this project under a different owner. He did not believe that would affect his ability to be fair in reviewing this plan.

Planner Astorga remarked that the purpose of the work session this evening was to give the Planning Commission the opportunity to provide input and direction to the applicant on the concept plan prior to a pre-master planned development application and public hearing. Planner Astorga stated that the original master planned development was approved in 1993; however, since that time the regulations have changed in terms of the MPD procedure and specific requirements. The Staff report provided a history of the previous approvals.

Planner Astorga noted that the applicant's representatives were before the Planning Commission this evening to consider the possibility of adding 17,700 square feet of retail throughout the project. Planner Astorga presented the original approved MPD that he found in the records. The original MPD included both banks that currently exist. He reviewed an exhibit showing the three specific areas being proposed for additional density. Planner Astorga reported that the original MPD was approved for 90,000 square feet and the existing Snow Creek Crossing is approximately 87,000 square feet. The 87,000 does not include the DABC Liquor Store.

Planner Astorga stated that 17,700 square feet is a hypothetical density that could be obtained through the TDR program. Before density can be transferred from one portion of town to another, specific requirements of the TDR must be met. He noted that the Snow Creek Crossing site qualifies to be a receiving zone. Planner Astorga explained that the Planning Director has to sign off on the density that could be transferred. In the one year since the TDR Ordinance was adopted, less than one unit equivalent from an Old Town lot on Norfolk had been approved. Director Eddington noted that there were actually two because another one in Old Town had asked for a certificate of determination regarding density. Commissioner Hontz suggested that people might be more willing to go through the TDR process if they knew other people wanted to buy them.

Planner Astorga reiterated that the applicant was looking for feedback on the concept before spending time and money on the specific component of an official pre-application.

Pete Gillwald and Jill Packham were representatives for the applicant.

Pete Gillwald with Land Solutions Planning, stated that the objective this evening was to present their concept plan and offer ideas for transitioning uses, open space, and parking; and to see if there were opportunities within this parcel to warrant looking for TDRs and determine whether this

was a viable process.

Mr. Gillwald stated that they looked at the existing site and came up with three basic areas where commercial density could be increased. They could create additional parking by moving elements around and add employee parking behind the Snow Creek Clinic.

Mr. Gillwald clarified that Snow Creek never asked to be a receiving zone and they were not looking to expand the retail square footage. However, since the City believed this was an appropriate location for density, they decided to move forward with the concept plan being proposed.

Mr. Gillwald presented an aerial view of the Snow Creek Center in its existing condition and the surrounding properties. He reviewed the survey that was done years ago showing all the improvements on the site. The site is divided into six different lots. Mr. Gillwald indicated a square on the plan that represented the liquor store and noted that the size did not represent the actual footprint. He had counted 300 parking spaces on site. Mr. Gillwald pointed out the large landscape area across from the Teriyaki Grill that divides the center into two separate parcels. He stated that over the years Jill Packham has spent a lot of money and time watering that area and mowing the grass, but it is truly an underutilized area. It does not connect to anything and it creates a barrier between the east and west sides of the parcel.

Mr. Gillwald noted that Retail Building B is the space that provides the greatest opportunity to increase square footage. In conjunction with Retail Building B, he proposed relocating the bus stop currently located behind the liquor store. He recommended shifting the bus stop more towards the east and allow Retail Building B to become a pedestrian mall walkway connecting from the bus stop through retail space B, and into that area between the Market and the Teriyaki Grill, where he showed a small expansion of Retail C. Mr. Gillwald remarked that there is open space between the Teriyaki Grill and another building. However, a sewer line runs in that location and he did not believe it was an appropriate building location.

Mr. Gillwald stated that the parking would need to be shifted around in order for Retail Building B to fit. All the parking would be maintained from the west side of the building all the way over to Retail Building A, which is an approximately 4,000 square foot footprint with a proposed drive-thru access.

Mr. Gillwald stated that the three locations identified made the most sense for expansion. It preserves the buffer, median and berming and landscaping along Snow Creek Drive and it still maintains the sidewalks in an internal reconfiguration. Parking was increased by 50 spaces and the building footprint was increased by four-tenths of an acre. Approximately seven-tenths of an acre of open space would be lost.

Using photos of the existing site, Mr. Gillwald explained the proposed changes and where the additional density would occur. He requested feedback from the Planning Commission on the proposed concept and available options for transferring density.

Assistant City Attorney McLean stated that the question for this work session was similar to what the City Council was asked to consider with the Kimball Arts Center and the LMC amendments. It was not whether the applicant should pursue the proposal, but whether the Planning Commission

was open to the applicant submitting a pre-application based on the concept. She clarified that giving a nod of support was not committing to an approval, and the applicant still needed to go through the application process.

Commissioner Wintzer applauded Mr. Gillwald for coming to the Planning Commission early in the process before spending time on a concept that may not be acceptable. He fully supported the fact that the applicant was looking for opportunities to use TDRs. This neighborhood is under-utilized and it is a key area in town where height would not be negative. However, Commissioner Wintzer felt Mr. Gillwald had taken a 1980 approach to a 2012 project. He noted that minutes from the previous approval talked about a strip mall look and feel, and he believed the proposed plan would add to that rather than change it. Commissioner Wintzer would support housing, which was not favored in the original approval, but he felt the City was now going in a different direction. He suggested that using the idea of the BOPA plan for Bonanza Park would be a better approach for Snow Creek Crossing. That would mean going vertical on top of existing buildings, more housing, and less strip mall look. Commissioner Wintzer encouraged Mr. Gillwald to look at different options. This was a great opportunity to create a neighborhood and he recommended going bigger and higher.

Chair Worel asked if there was a demand for additional retail? Jill Packham, the property manager, stated that they have been fully occupied since the beginning of the development. In the 13 years that she has been managing the property, there have only been a few short-term vacancies.

Ms. Packham stated that the problem with a complete redevelopment is taking out the economic source while redeveloping. Chair Wintzer believed it could be added on to vertically without taking it out or losing existing tenants.

Commissioner Hontz concurred with Commissioner Wintzer. She likes the site and she supports moving TDRs to that site. Commissioner Hontz favored a mixed-use concept and encouraged Mr. Gillwald to find a way to factor in mixed use and height, particularly on the Market side. She liked how the parking lot was broken up in the location of Retail B because it would lessen the appearance of a sea of parking; however, she thought they would need less parking than what currently exists and what is additionally proposed. Commissioner Hontz suggested eliminating the parking by the Health Center, particularly because of how it would interfere with people trying to access the retail. Commissioner Hontz thought the project should go bigger and higher with less parking and no drive-thru. She would like a physical break in the parking that also has people walking in and out of the facilities. Commissioner Hontz was open to a pre-application and she favored most of the ideas presented in the concept plan.

Mr. Gillwald remarked that some of the existing retailers on one end want more parking because parking is tight. Parking on the other end of the site is less utilized because those uses are not high intensity and there is more movement where people come and go. He explained that he was hesitant to add on top of existing structures because those structures were not designed for a second story.

Commissioner Thomas vaguely recalled some of the discussion from 17 years ago. One

recollection was that everyone thought this was a good site to put a large building because it begins to disappear. That was a negative for the Market because it is not visible and people cannot find it. Early in the previous process they talked about upper level functions, affordable housing and housing units above the retail. Commissioner Thomas believed the calculations would show that the building could bear additional load on masonry walls designed to accommodate the vertical load. Commissioner Thomas echoed Commissioner Wintzer and Hontz with regard to verticality. He liked the location of Retail Building A because it breaks up the parking mass. He suggested more character in the architecture, a more contemporary look for Retail Building B, and less of a strip mall appearance. Commissioner Thomas was not fond of Building C. He believed they could do a small scale building. The trellis could be removed, but the separation between the large building mass where the Market is and the other commercial spaces is essential. Landscaping and a smaller scale building would break up the strip mall effect. The commercial facades are not consistent with the character of the community. Commissioner Thomas thought the pedestrian connections and relocation of the bus stop were good ideas. He believed there was the ability for vertical massing on the site.

Commissioner Thomas thought a site visit would be helpful when an application is submitted.

Commissioner Strachan concurred with the comments of his fellow Commissioners. He recommended that Mr. Gillwald work on a substantial pedestrian and bike connectivity because currently there is no way to safely bike or walk to that location. When people reach the intersection of Kearns and Park Avenue they cannot figure out how to get into Snow Creek. People try to go through the Olympic structure but it is a dead end. Commissioner Strachan felt that was an important issue that needs to be addressed. He agreed that the plan could use more height. He also agreed that there should be residential; however, he thought that could be worked out with on-site affordable housing. He assumed the residential units would demand pedestrian and bike connectivity.

Commissioner Savage stated that a business is run opposite from reading a book. When you run a business you start at the end and do everything necessary to get to the front. Commissioner Savage remarked that Snow Creek is gem property in a fabulous location and he would look at it as a blank slate. He believed there was strong endorsement from the Planning Commission, the Planning Department and the City related to the validation of the implementation of an aggressive TDR program to create density in places that are suitable for higher levels of density. He encouraged Mr. Gillwald to do everything possible to optimize the value associated with that opening and think about how he would design the project with privilege with a 15-20 years horizon, and think how that would work into the plan under the current constraints. Commissioner Savage thought there would be support for that type of concept and neighborhood with significant density. Commissioner Savage noted that the Planning Commission was scheduled to have a work session discussion about Park City growing inward and it talks about TDRs and creating density where appropriate. He emphasized that density was very appropriate in this location.

Commissioner Thomas asked if the access through the Jess Reid building would have to remain. Ms. Packham was unsure how that access was created. Commissioner Thomas believed that could be a point of conflict with the bus location. Commissioner Thomas pointed out that prior to the Olympic Park, that area was a physical connection to the Snow Creek Center and he felt it was

important to show how that pedestrian link weaves its way through the community. He encouraged the creation of some type of pedestrian benefit.

Planner Astorga reported that the Staff had issues with some standards for the MPD that the applicant would need to mitigate. The first was open space. Currently the site has approximately 29% open space and additional density would decrease that number. Regarding parking, Planner Astorga agreed with the Commissioners, but noted that he has to abide by the standards outlined in the LMC. Once the General Plan is updated they would be able to update the Land Management Code, at which time they could address maximum and minimum standards. He clarified that some technical aspects may not work with the current proposal, and based on the current Code, he would not be able to ignore that once the pre-application is submitted. He wanted to make sure the Planning Commission and the applicant understood that constraint.

General Plan – Discussion and review of draft “Small Town” Chapter (Application #PL-12-01529)

Planner Cattan provided an update on the General Plan process. They held four meetings with the Task Force to discuss each of the Core Values of the General Plan. A fifth meeting was held to summarize the discussion and to go through the controversial discussion points. After four months with the Task Force, the Staff was ready to actively engage the Planning Commission in the discussions.

Planner Cattan noted that a special work was scheduled for Tuesday, October 16th, to continue this discussion.

Director Eddington presented a slide showing the foundation for the entire General Plan based on the 2009 Visioning. The goal of doing the General Plan was to focus on the Core Values as chapters, as opposed to doing the traditional elements. The message from Visioning was not to change the Core Values. However, the Vision document also talks about the attributes of arts, culture, skiing, and exceptional benefits for residents, which do evolve from change. Because the Core Values stay the same they are the basis for the General Plan.

Director Eddington reviewed the influence levers and the measureables, which are the matrix of evaluation used for the General Plan. The Staff would begin using that matrix for projects presented to the City Council.

Planner Cattan stated that small town, consisting of land use, regional planning and transportation elements were the discussion points for this evening. Complimentary to that are the Core Values of Natural Setting, Sense of Community and Historic Character. They are interconnected and one cannot sustain without the other. She noted that topics for the next meeting would be Natural Setting and Historic Character. Sense of Community was an involved discussion that would require a separate meeting.

Planner Cattan provided an overview of land use, regional planning, and transportation. The recipe for Small Town is 1) to maintain and build upon existing neighborhoods and strengthen them; 2) allow for compatible infill and redevelopment; 3) protect the edges of the neighborhoods with wildlife corridors and open space connections, as well as looking at the overall town and a greenbelt going

around the City itself; 4) protect the cherished places such as open space and view corridors; 5) try not to widen existing roads; 6) keep the traffic flowing.

Planner Cattan presented a view from the Armstrong Trail to show what she meant by infill of lots within Old Town and out in Park Meadows, as well as redevelopment in Bonanza and the Park City Mountain Resort. She reviewed a slide with an overlay to show the green areas for wildlife corridors and open space throughout town. She also identified the transportation systems.

Director Eddington pointed out that on a larger scale the City was working with Summit and Wasatch Counties on creating nodal development. It's the same idea locally versus regionally.

Commissioner Savage referred to the summary and noted that individual words can carry a lot of meaning, both intentional and unintentional. When describing the slide and talking about point number 5, Planner Cattan used the language, "try not to widen roads". He pointed out that the language on the slide was more definitive. Commissioner Savage stated that in setting goals they try to quantify things. The wording, "Do not widen roads" is quantitative and says that the road will not be widened period. He believed the City would not be able to live up to that goal, and he suggested that they think through each element individually to create a sense of parameters or boundary conditions around which those various points could be considered in a reasonable way.

Planner Cattan requested that as the Commissioners read through the materials, that they highlight anything they feel needs to be addressed and send those changes or comments to her.

Commissioner Hontz remarked that the intent is to reduce the number of words in the document. She felt it was well written in terms of a draft of what they want to say. However, every word needs to pack a punch and it needs to be the right word. Commissioner Hontz believed that 50% of the bullet points were not worded correctly. She thought Commissioner Savage had used a great example of the difference between "try" and "do not". She pointed out that the wording, "Preserve Steep Slope" contradicts their intent to "not develop on steep slopes." It is important to say exactly what they mean. Commissioner Hontz had gone through the draft and made corrections that she would send to the Staff. Planner Cattan encouraged the Commissioner to set up an individual appointment with her if they preferred to discuss their changes.

Commissioner Thomas commented on the opposition when Bonanza Drive was widened at the direction of the City Engineer. He thought the Planning Commission needed to be careful and not allow Engineering to drive the issues because engineering solutions are not in line with the recipe for small town and the character of a small town. Engineering solves the mechanical problems related to traffic flow and transportation.

Commissioner Thomas stated that he thinks of a place and a small town and asks whether something fits into that consideration. He thought Commissioner Savage had a good point about not widening the roads. Moving through a small town is sluggish, and that is the nature and the character of a small town. He clarified that he would not be the wordsmith but he would keep track of the concepts.

Planner Cattan presented a slide showing the build-out of Park City, which was part of the

presentation given by Charles Buki. The slide showed the history of Park City build out starting with 1881 to present day.

Commissioner Thomas asked if it would be helpful to talk about what has occurred over the past 20 years and what they might have done differently. He noted that in planning the Flagstaff development the idea was that sprawl in smaller pieces would be less visible. However, in reality, sprawling development across the mountain created more visible impact and it would have been better to concentrate development in one area and go vertical. It would have also accommodated mass transit.

Commissioner Wintzer found the minutes from the original Snow Creek Subdivision fascinating in terms of the change in concept from 17 years versus now. Commissioner Strachan remarked that it was the most intensive 17 years that the City had seen for a long time.

Planner Cattan presented a slide showing developed land and open space. The red color identified the developed land. She pointed out that Park City has managed to retain a substantial amount of open space. It is a good trend, but the question is whether they want to continue outward growth through further annexation and development within annexations. Commissioner Strachan understood that the open space also included the Resorts. He thought it would be interesting to see only the non-resort open space. Planner Cattan replied that they would be able to see that at the next meeting. Commissioner Thomas thought sensitive lands should also be taken out of the equation.

The Commissioners were given clickers to anonymously vote on a series of questions.

1) Has Park City grown inward or outward since 1970? The voting result showed the majority thought Park City had grown outward.

2) According to the community vision, do you believe Park City has an obligation to grow inward? The voting result showed the Commissioners were split on strongly agree and agree.

Planner Cattan noted that Park City experienced significant growth during the mining boom and then it slowed down due to lack of mining. It increased again in 1970 with the ski industry. The population growth was only 200 people, but the residents units grew by 50% from 6,600 to 9,471. In Summit County population continues to grow.

Planner Cattan reviewed the average size of a house built within various decades. In looking at the in-between point of each range, the median would be higher than the average because certain homes within Old Town are regulated to a standard to be smaller and that pulls down the average size. The average size of a single family home is 7,000 square feet.

3) City-wide, what concerns you most about home size in Park City? The voting results showed that compatibility was the primary concern for all the Commissioners.

Planner Cattan presented a slide of future residential development showing how neighborhoods begin to be divided up. The Staff tracked everything in GIS so the numbers were actual in terms of remaining pending vacant lots or pending units per master planned developments. Residential is

2100 and commercial was 447,000 square feet. The numbers for Bonanza Park did not take into consideration all the redevelopment. It only addressed vacancies. Director Eddington noted that the assumption of 80% buildout is correct based on the analysis. They are currently at 9500 units and they could build out to approximately 11,700.

Chair Worel asked if lodging was counted as commercial. Director Eddington explained that lodging is considered residential.

Planner Cattan commented on Goal 1 - growing inward and protecting undeveloped lands. She explained that it can be accomplished by diversifying existing neighborhoods, supporting development and re-development in the core commercial, and protecting areas from development that should remain open space.

Commissioner Strachan remarked that diversify was one of the vague terms that exist throughout the General Plan and makes it useless.

Planner Cattan explained that on the issue to diversify existing neighborhoods, they were taking a neighborhood by neighborhood approach to the General Plan. The document will have sections reflecting the Core Values along with strategies that provide more explanations, and then it will be divided up into nine neighborhoods. The language will specifically state which strategies are appropriate and it will go as far as identifying what is compatible in those individual neighborhoods for infill development.

On the issue of supporting development and re-development of the Core, Planner Cattan noted that this could be accomplished by allowing a range of commercial uses and keep the industrial uses within town. Another element for planning large areas is to go through master plan development process.

Planner Cattan stated that during the Task Force discussions there was a heated discussion on revise minimum lot sizes within existing zones to allow smaller, more compact development and redevelopment. The Task Force believed that increased density should only be allowed in neighborhoods in exchange for open space. Another strategy was to adopt floor area ratios to create homes size and allow purchase of TDR credits. After considerable discussion, the Task Force wanted to adopt FAR ratios and allow homeowners to exceed the FAR ratio if they meet home efficiency standards.

Commissioner Thomas stated that if the intent is to encourage smaller homes they should not allow additional square footage. It is easy for someone to buy their way into a larger home by spend money on efficiency standards. Commissioner Wintzer pointed out that a larger energy efficient home uses the same amount of energy as a smaller lower efficiency home. Commissioner Savage thought they should also consider the cost of energy efficient homes and how it could impact affordable housing.

Commissioner Hontz thought the strategies needed to build on one another to avoid conflicting strategies in working towards the goal.

4) Revise minimum lot sizes within existing zones to allow smaller, more compact development and redevelopment. NOTE: No density transfer to protect open space is required. The voting results showed a 67 yes/33 no split among the Commissioners.

4a) NOTE: Density transfer to protect open space is required to utilize this. The voting results showed another 67/33 split.

4b) NOTE: No benefit for a second lot unless there is an acquisition of a TDR to preserve open space somewhere else. The voting results showed a 70/30 split.

Planner Cattan presented various photos of what small town infill and redevelopment could look like. In Thaynes it might look like a detached apartment above a garage. Multi-family in Bonanza Park. In Park Meadows it might be an attached accessory apartment. It could be row homes by Public Works.

5) Do you agree with the examples on the previous slide of small town infill and redevelopment? The voting results showed that two Commissioners disagreed.

Planner Cattan presented a color coded slide showing where development has already occurred and where it will occur in the future. In terms of regional growth in Park City, there are 2,575 total UE's that can be built. Summit County has 8,720 units. Jordanelle in Wasatch County had the highest rate. Director Eddington assumed the Wasatch County number could go higher with MIDA. He expected to see a shift in the center of power in the region from Park City to Jordanelle.

Planner Cattan indicated the pending entitled units for Park City, Western Summit County and Wasatch. She noted that there were 23,000 units but the acres for those units were 32,000.

Planner Cattan reviewed Goal 2 – Park City will collaborate with Summit County, Wasatch County and Salt Lake County towards the preservation of place through regional land use planning. The first strategy is to create a shared regional vision. Planner Cattan did not believe they could go much further without setting the tone of doing something similar to what was done with Charles Buki in terms of regional visioning. She noted that some of the strategies would need to be better identified after the regional visioning process.

Commissioner Savage commented on the apparent adversity between County Management and City Management and he felt the City could be proactive in conjunction with hiring a new City Manager that would help mitigate those issues moving forward in the future. City Council Member Butwinski pointed out that there could potentially be four new County Council members in November and the people coming in have no frame of reference to help with that collaboration. Commissioner Hontz was unsure how they could create a shared regional vision when it has been so difficult to schedule timely meetings with the Snyderville Basin Planning Commission. She was not opposed to having collaboration as a strategy, but she did not think it would happen.

Planner Cattan stated that collaboration would be similar to what Salt Lake City has done with their 20/40 plan. There was collaboration between counties and cities to create a vision for the future and it was done by working with Envision Utah. Planner Astorga reported that it was part of the

MPO, the Metropolitan Planning Organization, and a representative from each city attended the meetings. The collaboration efforts was started a long time ago as a Wasatch Front long range planning effort to identify specific nodes of development and land use patterns and transportation. Planner Astorga understood that Planner Cattan's point is to start the dialogue now so in 10, 20 or 50 years there would be collaboration along the Wasatch Back.

Director Eddington was aware of the frustration in trying to schedule a joint meeting; however, the Planning Commission and the County Council have held two or three joint meetings amongst themselves, which shows that the issue of collaboration in the County is set in motion. Director Eddington pointed out that the County is in a waiting mode because of the election, which puts the City at a disadvantage.

6) Do you support the strategy of working on the goal towards regional collaboration? The voting results showed that one person did not support the strategy.

7) What is the City's role in the effort towards a regional visioning process? Initiate the process or wait to see if the idea catches on and we receive an invitation.

The Commissioner felt the question was confusing.

Planner Cattan noted that the question came from a discussion on whether Park City should be a leader or take a secondary role. Commissioner Hontz did not think either one was appropriate. The City should be a participant in the overall process.

Planner Cattan commented on Goal 3 – public transit, biking and walking will be a larger percentage of residents' and visitor's utilized mode of transportation. Director Eddington stated that Park City has always talked about the challenges of land use and transportation and how they influence each other. He explained that the goal addresses alternative modes and which opportunities they should focus on. Part of the question of utilizing alternative transportation is whether they would be willing to fund alternative modes of transportation.

8) Would you be willing to consider and fund alternative modes of transportation? The voting results showed that one person was not in favor primarily due to the funding aspect.

Planner Cattan reviewed the strategies associated with Transportation. Keeping the streets narrow to maintain the small town character. Implement completes streets of the traffic and transportation master plan. Prioritize walkability improvements as identified in hot spot areas where existing trip demands are located close to one another.

The Work Session was adjourned.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
OCTOBER 10, 2012

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

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

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES – September 26, 2012

MOTION: Commissioner Strachan moved to ADOPT the minutes of September 26, 2012 as written. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reminded the Planning Commission that the Planning Commission meeting on October 24, 2012 would begin at 5:00 p.m. with a joint meeting with the City Council to hear a presentation by Gateway Planning regarding the draft Form Base Code for Bonanza Park. Following the presentation the Planning Commission would move into their regular agenda.

Director Eddington noted that time was scheduled during work session to discuss the first elements of the General Plan. At the last meeting a special meeting for the General Plan discussion was tentatively scheduled for Tuesday, October 16th, and the Staff would like to hold that meeting to discuss additional chapters if the Planning Commission was still amendable. The Planning Commission agreed to meet on October 16th at 5:30 p.m. in the Council Chambers.

Chair Worel stated that she would be arriving late for the meeting on October 24th. Commissioners Thomas stated that he would be unable to attend the meeting on November 14th. Commissioners Hontz and Strachan would also miss the November 14th meeting. Commissioner Savage noted that he would possibly have to miss the November 14th meeting as well.

Director Eddington reported that the Staff was still trying to schedule a meeting with the Snyderville Basin Planning Commission. November 5, 2012 was a potential date that was being pursued. He would inform the Planning Commission if a date is finalized.

Director Eddington introduced Anya Grahn, the new Planner who replaced Kayla Sintz. Planner Grahn would primarily be doing historic preservation and working on the General Plan.

CONTINUATION(S) – Public Hearing and Continue to Date Specified

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 12-Planning Commission; Chapter 15-Definitions. (Application #PL-12-01631)

Chair Worel opened the public hearing.

Meg Ryan, a Park City resident and a Land Use Planner, stated that she works with City Councils and Planning Commissions throughout the State on State and Federal Compliance issues. However, she was speaking on behalf of herself this evening as a resident of Park City. Ms. Ryan remarked that she had read staff reports and minutes from previous meetings to understand the changes and processes. She had sent the Commissioners and the City Council members an email last week regarding process and education to get the message out to the public in a better way.

Ms. Ryan had three points this evening and she handed out additional information. The first point was process and outreach. The second related to the proposed changes to the MPD sections and the third point was the subsection related to the Kimball Arts Center discussion.

Ms. Ryan stated that from reading the minutes and Staff reports, it is apparent that the proposed changes are unclear in public noticing. She requested that the agendas and notices provide more detail for the public. For example, the Staff, City Council and Planning Commission may know what it is in Chapter 6, but the general public would have no idea and would not be familiar with how to access the Staff report or understand it. She also requested clarification in the noticing on how the public could provide input, particularly if they are unable to attend a public hearing. Ms. Ryan suggested that those who do the radio spots be more descriptive because people can only comment if what they are being asked to comment on is clear and where they can find the information.

Ms. Ryan had passed out a handout called Mind Mixer. She was not endorsing the company, but she thought it was a good process that some cities utilize for interaction when they go through General Plan changes. It was another tool in addition to visioning. Ms. Ryan pointed out that she had made that same suggestion to the City Council.

Director Eddington reported that the City was looking at opportunities to begin using Mind Mixer. City Engineer Cassel stated that Mind Mixer was already being used for the Deer Valley Drive construction project next summer. Director Eddington stated that the first discussion was

scheduled for the next day, and the City was trying to bring it on line project by project to see if they could use it for more projects.

Ms. Ryan stated that her second point was specific to Code changes to the MPD. She was trying to fully understand what question was being asked of the public. She assumed they were requesting input on the draft dated September 26th. Ms. Ryan noted that her comments specifically related to the changes to Title 15, Chapter 6, Master Planned Development. She understood the subset discussion about why the change may or may not be occurring, but the exact discussion was not clear. In looking at the minutes it appears to be a global discussion about MPDs, which may be a good and necessary discussion. However, from her reading of the changes, it looks like they are removing the HCB and HRC zones, which were never prescribed but allowed. Use definitions were added, and a change was made for the open space definitions and the type of open space allowed. The language also talks about the HRC and HCB zones. Ms. Ryan was confused as to why the zones were eliminated, yet other areas in the draft talk about provisions for these zones. Ms. Ryan also questioned a new concept about a fee in-lieu purchase for open space.

Ms. Ryan had reviewed the minutes from the City Council meeting when the MPD changes were discussed, and the Council indicated that open space would be an on-going discussion and that it needs to parallel any changes to the MPD. Ms. Ryan could not find where the Planning Commission had fully discussed the proposed changes and she assumed they would still have that discussion. Ms. Ryan clarified that the actual changes were unclear and specifically for MPDs what they wanted the public to comment on.

Ms. Ryan stated that her third point was the issue of the Kimball Arts Center and how that was intervening itself into the MPD process. She noted that the August 23, 2012 City Council minutes reflected some discussion about alternatives in thinking about how the Kimball Arts Center proposal get process through the City. The City Council specifically wanted a public process, and when they discussed the MPD process they specifically wanted an exploration of how criteria for the MPD could possibly address one particular situation. Ms. Ryan understood that there were two issues regarding MPDs. One was the global MPD changes which were part of the annual review, and the second is the discussion of another process. She thought some of the amendments were addressing that sub issue.

Ms. Ryan asked why the MPD process was being caressed to fit a concept that did not have an application. There is already a process for that application to move forward, which would be the Heber Avenue subzone amendment. That area and the properties in that area were meant to be a transition zone from Main Street to the HRC before the Town Lift. Ms. Ryan pointed out that the HRC zone has many provisions and criteria that allow for a development on the Kimball Arts Center parcel. She questioned why this process was being back ended when a process already exists in the Heber Avenue subzone and an application could be submitted. Ms. Ryan remarked that the disconnect is that people believe they are commenting on an actual proposal when no proposal has been submitted. It appears that the Planning Commission is trying to change an existing process to accommodate a specific development plan. She was unsure why the Kimball Arts Center was not being required to submit an application and go through the public process like every applicant. She would like an explanation as to why the existing process was not being utilized. Mr. Ryan clarified

that she would be asking the same questions to the City Council and giving them the same message the following evening.

Ms. Ryan reiterated her request for better direction and information prior to the public hearing on October 24th.

Chris Schaefer stated that he spoke at the last meeting and commented on the MPD concept from the Kimball Arts Center. Since that time he has had the opportunity to read all the information on the City website, and he wanted to follow up on his previous. Mr. Schaefer stated that reading the first page of the MPD document, he came across three different items with regard to the Kimball Arts Center. From his reading, it appears that the project being proposed violates the spirit and the idea of an MPD. One is to insure neighborhood compatible; however, the building proposed is in no way compatible with anything in the immediate neighborhood. The second was to provide opportunities for appropriate re-development and reuse of existing structures and sites and maintain compatibility of the surrounding neighborhood. Mr. Schaefer remarked that the building concept shown by the Kimball does not even complement the existing Kimball building. The third item is to protect residential users and neighborhoods. Speaking as a private citizen and property owner in the building next door to the Kimball, he and other homeowners in the area were very concerned about property values if this very large structure is built in the middle of Old Town.

Mr. Schaefer understands that changes to the LMC are necessary at times, but the Kimball Arts Center should be made to follow the same rules as everyone else. Proper procedures are already established in the City for someone who wants to build in a zone. He felt the Kimball was trying to go around the system with this MPD proposal.

Chair Worel closed the public hearing.

MOTION: Commissioner Wintzer moved to CONTINUE the LMC Amendments listed on the agenda to October 24, 2012. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 264 Ontario Avenue – Plat Amendment (Application #PL-12-01628)

Commissioner Wintzer disclosed that he lives in the neighborhood; however, he did not believe that would affect his decision on this plat amendment.

Planner Whetstone reviewed the application for a plat amendment to combine three lots and small portion of a fourth lot of Block 60 of the Park City Survey, located at 264 Ontario Avenue. The request was to combine the lots into one lot of record for an existing landmark structure. The existing house has been designated as a Landmark structure on the Historic Sites Inventory. The

house was constructed across property lines and the applicant owns all three lots, as well as the small portion.

Planner Whetstone presented the existing conditions survey. She indicated a large slope on the edge of Ontario that goes all the way up and noted that the porch and a portion of the house sits in the platted right-of-way. She pointed out the location of existing McHenry and noted that some of the existing paved McHenry sits on Lots 14 and 15.

The property is in the HRL zone, which requires a minimum combination of two lots. The zone also requires that any future applications go through a Historic District Design Review. If the slope is 30% or greater and the applicant proposes more than 1,000 square feet, a Steep Slope CUP would be required. Planner Whetstone stated that the maximum footprint for this particular lot combination is 2,064 square feet. The combined lots would be 5,677 square feet. The existing house has a footprint of 793 square feet, which does not include the porch. The total additional footprint is 1,271 square feet.

The Staff did an analysis of lot combinations in the area and found that most of the lot combinations that exceed 3750 square feet did not have a restricted footprint. The lot with a restricted footprint in the Bear Subdivision was 6500 square feet. Planner Whetstone clarified that the footprint was restricted because it took out the right-of-way. Therefore, the size was based on the lot and not the right-of-way. Planner Whetstone stated that the average of the lots greater than 3750 square feet and went through a plat amendment was 2,280 square feet. The applicants were proposing 2,064 square feet. The average footprint of all the replatted lots, including the ones that are 3750, is 2,140.

Planner Whetstone noted that based on a formula in the Code for the entire zone, as the lot size increases the footprint increases at a decreasing rate. The Staff recommended that the footprint be based on the lot formula in the Code for the HRL zone.

Commissioner Hontz asked if the hatched area shown on the subject property should also include the one lot to the south. From looking at the existing conditions slide, it appeared that the three lots included that portion. Planner Whetstone agreed that it should be included.

Commissioner Hontz asked if the City still maintains the right-of-way on McHenry Avenue in that area. Director Eddington replied that the right-of-way has not been vacated. Planner Whetstone distributed copies of a revised plat showing the right-of-way that was proposed to be dedicated. She noted that the lot size did not include the dedicated area and the footprint would not be based on the dedicated right-of-way.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the 264 Ontario Avenue Subdivision plat, according to the findings of fact, conclusions of law and conditions of approval outlined in the draft ordinance.

David Constable, the applicant, stated that he has owned the property for 12 years and up to this point they have had good tenants. It has typically been a low-income situation. He and his wife

currently live on Deer Valley Drive and they would like to move forward with this project. Mr. Constable believes it will be a benefit to the neighborhood and the size will be compatible. Since it is historic it will fit with the neighborhood. He stated that currently three tenants live on the property and all three park on Ontario. If his project is completed, it will remove some of the cars off of Ontario and put parking on McHenry. Mr. Constable believed the McHenry access would benefit Ontario.

Commissioner Strachan referred to page 42 of the Staff report showing the subject property crosshatched in red and Lot A west of the subject property. He wanted to know what had occurred with that lot in terms of the encroachment on to Ontario Avenue. Planner Whetstone indicated the area from that subdivision that was dedicated to Ontario. Commissioner Strachan asked how that affected the porch of this landmark structure because it was also encroaching. Planner Whetstone stated that an encroachment agreement would be required. Director Eddington clarified that the City would not give up public property. The intent would be to record the encroachment agreement.

Commissioner Strachan stated that he was looking towards the future because many other lots in the area have the same issue.

Commissioner Hontz asked if there would be no need for a further right-of-way beyond the edge of the asphalt on McHenry. City Engineer Cassel stated that additional right-of-way would not be necessary. The intent is to establish McHenry and keep it the way it is. There is no future plan to expand the width of McHenry. Commissioner Hontz pointed out that McHenry is a very narrow street.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Hontz remarked that this was a fantastic landmark structure and she believed the lot combination would help the applicant improve and preserve the structure. However, she was concerned about what they could see in the Steep Slope CUP and hoped that it would be reasonable. Commissioner Hontz noted that the Planning Commission has seen a number of applications where another structure, such as an accessory building, comes in with multiple stories; and/or the main house also goes up in size creating a cascading creep up the hill. She asked if that issue should be addressed at this point. Commissioner Hontz thought it made better sense to come in from McHenry and have one story above ground. It would fit well on the site versus something taller.

Commissioner Hontz noted that there was no recommendation or condition of approval that prohibits moving the house. She believed one of the attractions of the lot is that the house is in the right location. Planner Whetstone replied that it was included as a condition but it was apparently redlined out.

Director Eddington remarked that because the structure is listed on the Historic Sites Inventory as a Landmark structure it cannot be relocated unless it qualifies for movement based on an assessment by the Chief Building Officer and deemed unsafe or has threatening conditions. This particular structure does not qualify for movement.

Commissioner Hontz asked if they could add language indicating that the structure does not qualify for movement. Assistant City Attorney McLean stated that the process and decision regarding movement of the house is the purview of the Historic Preservation Board review. It was not part of this process.

Commissioner Thomas was comfortable with the conditional use permit process on steep slopes. Given the experience and expertise of the project architect, he was sure the applicant and his architect could come up with a design that is compatible with the historic nature of the building.

Commissioner Wintzer was concerned about potential stories given the number of recent applications with a three-story structure behind an existing three-story structure. He believed it was an issue worth discussing. Commissioner Wintzer suggested that one story above street and one story below street would be a large enough garage and it would resolve the concerns of a third story creep.

Chair Worel thought that would be addressed in the CUP process. Commissioner Wintzer pointed out that if it is allowed the Planning Commission would not have the opportunity to control it. Commissioner Strachan stated that the only tool would be to restrict the footprint. Commissioner Wintzer replied that restricting the height of the accessory structure would address the concern. Commissioner Strachan remarked that the height could also be restricted in the CUP process. Commissioner Wintzer concurred. Commissioner Thomas stated that the CUP process was the appropriate time to address those issues.

Commissioner Hontz pointed out that David White, the project architect, was the architect for another project where the number of stories was an issue. She believed Mr. White was well aware of the Planning Commission's position based on those discussions.

Commissioner Strachan felt it was a common problem with this section of the Land Management Code because Good Cause is a worthless standard. He noted that the LMC defines Good Cause as, "Providing positive benefits and mitigating negative impacts determined on case by case basis."

Commissioner Strachan thought the Planning Commission should have a broader discussion at another time about whether or not the LMC should be amended regarding this issue. However, for this application he believed there was good cause for the plat amendment.

Commissioner Wintzer stated that from living in the neighborhood he also sees the plat amendment as a positive. He clarified that the comments regarding stories was not directed to the neighborhood. It was a broader context based on past experience. If they open the door to allow an accessory building, the question is whether or not to restrict the size.

Commissioner Strachan stated that he views the neighborhood as two sections, where the west side of Ontario is a classic Old Town 25' x 75' lots and the east side is not. For whatever reason,

the two sides were designed differently and they have not evolved the same. Commissioner Strachan thought the CUP process was the appropriate time to look at ways to make the project compatible with both sides of the street because they are different.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 264 Ontario Avenue Subdivision in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the attached ordinance. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Finding of Fact – 264 Ontario Avenue

1. The property is located at 264 Ontario Avenue within the Historic Residential Low (HRL) zoning district.
2. On August 1, 2012 the property owner submitted an application to the Planning Department for the proposed plat amendment.
3. The application was deemed complete on August 10, 2012.
4. The plat amendment combines Lots 13, 14, and 15 with a portion of Lot 16, Block 60, of the Park City Survey, into one lot of record for an existing Landmark house.
5. The proposed plat amendment will create one (1) lot of record that is seventy five feet (75') wide by seventy fee (70') feet deep. The minimum lot width in the HRL zone is thirty five feet (35'). The lot depth is the minimum distance from the front property line to the rear property line.
6. The area of the proposed lot is 5,677.45 sf (5,773.45 square feet minus 96 square feet of area dedicated to the McHenry Avenue ROW). The minimum lot size in the HRL zoning district is 3,750 square feet.
7. There is an existing historic Landmark structure on the property that is listed on the Park City Historic Sites Inventory.
8. The Landmark structure was constructed in or around the year 1890 across lot lines between Lots 13 and 14. A non-historic lean-to shed crosses from Lot 14 to 15, Block 60 of the Park City survey. The house encroaches onto platted Ontario Avenue.
9. The applicant cannot obtain a building permit to build an addition to the historic house if it crosses an internal lot line. A plat amendment must be recorded prior to issuance of a building permit for a future addition.
10. The owner is not proposing to move the house from its existing location.

11. The property has frontage on platted Ontario Avenue and existing McHenry Avenue.
12. A 96 square foot portion of McHenry Avenue exists on the subject property.
13. The porch and front of the Historic Structure encroaches up to eight and a half (8-1/2) feet into the platted Ontario Avenue ROW.
14. Maximum footprint allowed on the lot is 2,064 square feet. The footprint of the existing landmark structure is 793 square feet.
15. The neighborhood is characterized by a mix of single family historic homes and single family non-historic homes on single and combinations of "Old Tow" lots. The average footprint of re-platted lots greater than 3,750 sf, in the surrounding area is 2,283 square feet per the findings in Table 1.
16. The lots are situated on narrow streets, namely Ontario Avenue and McHenry Avenue, which are not located within their respective platted rights-of-way. There is little or no available on-street parking in this neighborhood. Snow removal from McHenry may put snow onto the first 10' of the proposed lot front McHenry. Snow removal from Ontario occurs onto platted Ontario Avenue and therefore no snow storage easements on the lot area fronting Ontario are necessary. Paved Ontario is twenty feet below and forty (40') to sixty (60') to the west of the proposed lot.
17. All findings within the Analysis section are incorporated herein.

Conclusions of Law – 264 Ontario 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 pat amendment is consistent with the Park City General Plan.

Conditions of Approval – 264 Ontario Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with the Land Management Code and conditions of approval prior to recordation of the plat amendment.
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 must be recorded prior to issuance of a building permit for any additions to the historic structure.
 4. A 10-foot wide public snow storage easement will be located along the property's frontage with McHenry Avenue. The easement shall be indicated on the final plat.
 5. Modified 13-D sprinklers will be required for all new construction and noted on the plat.
 6. An encroachment easement into Ontario Avenue, for the existing historic house, porch, shed and retaining walls shall be recorded and the recording information shall be indicated on the final plat, prior to recordation of this plat amendment.
 7. Approximately ninety-six (96) square feet of property shall be dedicated to Park City as McHenry Avenue ROW and shall be so indicated on the final plat.
2. **11398 N. Snowtop Road, Lot 1 Hidden Hollow – Plat Amendment**
(Application #PL-12-01637)

Spencer White was representing the owner of Lot 140, who lives in Florida.

Planner Whetstone reviewed the request for a plat amendment to create a small, 3,452 square foot driveway parcel, 'Parcel A' out of Lot 1 of the Hidden Hollow subdivision at Deer Crest. Lot 1 is 9.54 acres and the property was annexed into the City as part of the Hidden Hollow annexation and the Hidden Hollow Subdivision that followed.

Planner Whetstone stated that the parcel is needed to construct a Code compliant driveway for Lot 140 of the Snowtop Subdivision. The Snowtop Subdivision was approved by Wasatch County and annexed to Park City as part of the Deer Crest annexation. It came in with the parcel for the St. Regis, Slalom Village and other open space land. Planner Whetstone noted that the line shown between the two subdivisions was the County Line. Hidden Hollow is in Summit County and Snowtop is in Wasatch County. Both subdivisions are in Park City and under the purview of the Planning Commission and the City Council.

Planner Whetstone clarified that the purpose of the plat amendment was to resolve an issue with a driveway that is too steep and does not meet Code. Planner Whetstone remarked that several years ago the house was under construction and construction was stopped due to financial issues. Construction has started again, but the driveway is still an issue. The City Staff met to find a solution and determined that the best solution would be to ask the owner of the Hidden Hollow lot to provide property for this driveway.

Commissioner Strachan asked if there was a current driveway cut. Planner Whetstone indicated the driveway cut on the site plan. She explained that the owner of the Hidden Hollow subdivision agreed to an easement for the driveway and the applicant obtained a permit to construct the

driveway with the easement. However, the owner of Lot 1 did not want the driveway on his property and it was eventually sold to the owner of Lot 140.

Commissioner Savage asked if the easement was ever recorded. Planner Whetstone replied that the easement was recorded as a construction easement to build the driveway. The overall easement was not recorded.

Planner Whetstone reiterated that the requested plat amendment would create a small driveway parcel. A condition of approval states that the parcel is not separately developable as a unit and is solely for the purpose of the driveway, retaining walls and landscaping. The plat amendment does not impact Lot 140.

The Staff conducted an analysis and determined that there was good cause for the requested plat amendment. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval identified in the draft ordinance.

Spencer White clarified that there is an existing unpaved driveway on his property, but it is too steep to meet Code.

Commissioner Wintzer asked for the grade of the new driveway. Mr. White replied that it was an 11% grade and it would be heated. The driveway was approximately 300 feet long. Given the length, Commissioner Thomas asked how the fire department turnout would work. City Attorney Cassel noted that there was a dry pipe system at the top and a turnout would not be necessary.

Mr. White stated that the house sat unfinished for years until his client purchased it. His client had gone through an administrative conditional use permit and an encroachment permit with engineering due to the ROW. At the last minute the owner of Lot 1 was concerned about liability issues regardless of the easement agreement, and he decided to sell the parcel.

Commissioner Thomas assumed the retaining walls required engineering and that it would be a condition of the approval. Planner Whetstone replied that the retaining wall required a conditional use permit, which was approved administratively.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to 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. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Lot 1 Hidden Hollow

1. The property, Lot 1 of Hidden Hollow Subdivision at Deer Crest is located at 11398 North Snowtop Road. The property is located within the Estate (E) zone designation.
2. Lot 1 of the Hidden Hollow Subdivision at Deer Crest is a 9.37 acre, vacant single family lot, located at 11398 North Snowtop Road.
3. Hidden Hollow Subdivision at Deer Crest was approved by the Park City Council on April 13, 2000. The subdivision plat was recorded on July 6, 2011 and is subject to Ordinance #00-27. The area of the Hidden Hollow Subdivision was officially annexed into Park City as the Hidden Hollow Annexation on December 17, 1998. The annexation plat was recorded a Summit County on September 9, 1999.
4. This plat amendment creates a 3,452 sf driveway access parcel, "Parcel A", from Lot 1 of the Hidden Hollow Subdivision for the purpose of providing additional area for construction a code compliant driveway for an adjacent lot, namely, Lot 140 of the Snowtop Subdivision, located at 11380 North Snowtop Road.
5. North Snowtop Road is a private road with platted easements for joint use by residents of both the Hidden Hollow Subdivision and the Snowtop Subdivision.
6. The Snowtop Subdivision was approved by Wasatch County on December 15, 1998 and the plat was recorded on December 23, 1998. The entire subdivision was annexed into Park City with the Deer Crest Properties Annexation in 1999.
7. A single family house is currently under construction on Lot 140 (Snowtop). The current driveway exceeds the maximum grade of 14% and the City Engineer and Building Department require a Code compliant driveway prior to issuance of a Certificate of Occupancy for the house. The driveway is currently being constructed with a building permit and a recorded temporary construction easement from Lot 1 to Lot 140.
8. Hidden Hollow Subdivision Lot 1 will be reduced from 9.37 acres to 9.29 when this plat amendment is recorded. There are no other changes proposed to Lot 140 of the Snowtop Subdivision. Lot 1 continues to meet all zone requirements as to size.
9. "Parcel A" is restricted in use to a driveway, retaining walls, and landscaping and other minor and incidental uses associated with the home.
10. The driveway parcel, "Parcel A", is not proposed to be combined with Lot 140 because Lot 140 is in Wasatch County within the Snowtop Subdivision, and "Parcel A" is located in Summit County within the Hidden Hollow Subdivision. Both subdivisions are located within the Park City Municipal Boundaries. Combining "Parcel A" with Lot 140 would create a lot that is within two different Counties.

11. This plat amendment also replats an amended building envelope for Amended Lot 1 of Hidden Hollow Subdivision to accommodate the driveway parcel. The building envelope of Lot 1 is reduced from 38,018 sf to 34,940 sf.
12. "Parcel A" is a non-buildable (for primary structures) parcel permanently associated with Lot 140 of the Snowtop Subdivision.
13. On April 26, 2012, the Planning Department approved an administrative conditional use permit for the retaining walls for the proposed driveway for Lot 140. The conditional use permit was required due to the retaining walls heights exceeding 4' in the front setback and 6' in the side setback areas.
14. There is good cause for this plat amendment. The amendment will allow the owner of Lot 140 to construct a code compliant driveway for access to the house currently under construction that is necessary prior to issuance of a Certificate of Occupancy and the plat amendment cures the issue of the overly steep driveway.
15. Both lots (Lot 1 and Lot 140) will have to abide by the setbacks required from each of the lots.
16. The applicant stipulates to the conditions of approval.

Conclusions of Law – Lot 1 Hidden Hollow

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendments.
4. Approval 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 – Lot 1 Hidden Hollow

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. All conditions of approval of the Hidden Hollow Subdivision at Deer Crest, as found in Ordinance #00-27, shall continue to apply to amended Lot 1 and shall remain in full force and effect with recordation if this plat amendment. A note shall be added to the amended plat to this effect and referencing the current Ordinance and Ordinance #00-27.
4. A note shall be added to the plat stating that: "Parcel A' shall become part of the ownership of Lot 140 of the Snowtop Subdivision in perpetuity and is not separately building or developable for any structure or units with the exception of a driveway, retaining walls, landscaping, irrigation, and other on-site utilities typically associated with a driveway use. The parcel cannot be used as a separate developable parcel for the construction of an additional home or to count towards additional density."

The Planning Commission adjourned the regular meeting and moved into work session. That discussion can be found in the Work Session Minutes dated October 10, 2012.

The Park City Planning Commission meeting adjourned at 8:25 p.m.

Approved by Planning Commission: _____

MINUTES – NOVEMBER 28, 2012

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
NOVEMBER 28, 2012

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Brooke Hontz, Stewart Gross, Adam Strachan, Charlie Wintzer

EX OFFICIO:

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

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REGULAR MEETING

ROLL CALL

Chair Wintzer called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioners Thomas and Savage who were excused.

PUBLIC INPUT

Willy Holdman, a gallery owner at 580 Main Street, commented on a sign issue. When he moved into his location in January he made his sign identical to another gallery. After a year an inspector informed him that his sign was in violation of the sign code. The inspector said the Code allowed 6-9 inches above grade and his was 90 inches. Mr. Holdman commented on other signs on Main Street that appear to be in violation and he wanted to know why his sign was singled out. He asked if there was the possibility of having a variance to the Code to keep his existing sign. He spent a lot of money on his sign and it has only been up a year.

Director Eddington was unsure of the specifics regarding Mr. Holdman's sign, and he offered to meet with the Building Department and Mr. Holman to work something out. Director Eddington noted that some existing signs are historic and were grandfathered in under the sign ordinance.

Neal Krasnick, a resident at 1150 Deer Valley Drive, stated that he is aware that the City Council and Planning Commission are always concerned about open space, transportation and public transportation to Big Cottonwood, future electric power needs and other major issues. He stated that a number of people in town have a lot of experience in working with more than one large powerful entity at one time. Mr. Krasnick suggested the possibility of putting a tunnel through to Big Cottonwood Canyon and running an electric subway. He asked the Planning Commission and the City Council to give it some thought even though it was a very unconventional idea.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reminded the Planning Commission that a special General Plan meeting was scheduled for December 11th. The next regular meeting would be December 12th.

Director Eddington noted that Patricia Abdullah in the Planning Department had put together information regarding master planned developments for the LMC Amendments, which was a discussion item this evening. Ms. Abdullah had the most knowledge regarding the history of master planned developments and he suggested that the Planning Commission ask any questions related to the Chart she had prepared so she could leave.

CONTINUATION(S) - Public hearing and continue to date specified.

**1. 427 Main Street – Conditional Use Permit
(Application #PL-12-01672)**

Chair Worel opened the public hearing. There were not comments. Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the 427 Main Street CUP to January 9, 2012. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

**2. Richards Parcel - Annexation
(Application #PL-12-01482)**

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

MOTION: Commissioner Strachan moved to CONTINUE the Richards Parcel Annexation to December 12, 2012. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

Chair Worel noted that 30 Sampson Avenue – Steep Slope CUP was also requested to be continued.

**3. 30 Sampson Avenue – Steep Slope CUP
(Application #PL-12-01487)**

Chair Worel opened the public hearing. There were not comments. Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the 30 Sampson Avenue – Steep Slope CUP to December 12, 2012. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

QUESTIONS ON TIMELINE AND EVOLUTION OF MPDs IN PARK CITY

Director Eddington stated that Patricia had done a lot of research and pulled a number of old files. As indicated on the chart, the origin of the MPD dates back many years.

Commissioner Hontz referred to the first column on page 258 of the Staff report, HR-1, and asked what for the meaning of A-1. Patricia explained that the A-1 indicates that the Code was amended to allow MPDs in the HR-1 zone, but it is not required. The dashes reference changes in the Code on the dates reflected at the bottom of the page. They should also follow the color.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

1. 2460/2520 Sunny Slopes Drive – Plat Amendment (Application #PL-12-01674)

Planner Francisco Astorga reviewed the request for a plat amendment located at 2460/2520 Sunny Slopes Drive, Gleneagles Subdivision for Lots 12 and 13. As indicated on the exhibits in the Staff report, the Staff learned that in 1993 the property owner filed a lot line adjustment application. However, there was a discrepancy in the plat was never recorded and the Staff was unable to find out why. The owner would now like to go through the plat amendment process to formalize the lot line adjustment previously approved and record the plat.

Planner Astorga noted that the 1993 approval of the lot line adjustment was an administrative approval. An exhibit in the Staff report shows the approval and signature of Rick Lewis, the Community Development Director, at the time. Planner Astorga noted that both lots are currently under the same ownership and the property owner filed the plat amendment to make sure the mylar gets recorded.

Planner Astorga stated that in 1993 a building permit was approved by the City and reflected that a small portion of Lot 12 became part of Lot 13. Both deeds were recorded at the County. The intent is to make sure it reflects what was approved in 1993. The Staff reviewed the criteria for plat amendments and found that it was still in compliance.

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.

Commissioner Gross referred to the side setback on Lot 12 and asked if it would allow the structure to come 12 feet closer to the front. Planner Astorga explained that it is a three-sided lot and the front yard setback would follow the road on Sunny Slopes. He noted that per the LMC, setbacks for unusual lot configurations are determined by the Planning Director.

Commissioner Gross clarified that he wanted to make sure the house was properly oriented to the street. Planner Astorga replied that the setbacks still remain at 12-feet for that site.

Commissioner Hontz referred to page 8 of the Staff report, Finding of Fact 18, and asked if the question mark should be removed. Planner Astorga revised the Finding to state, "The plat amendment is consistent with the Gleneagles Subdivision plat." The language in parenthesis with the question mark was for review purposes and should be removed.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 2460 and 2520 Sunny Slopes Drive, according to the revised Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

Findings of Fact – 2460/2520 Sunny Slopes Drive

1. The lots are located at 2460 and 2520 Sunny Slopes Drive.
2. The lots are within the RD District.
3. The lots are within the Gleneagles Subdivision.
4. The Gleneagles Subdivision was approved by the City Council in June 1983 and recorded at Summit County in August of the same year.
5. In April 1988 the City issued a building permit for a single-family dwelling on Lot 13, 2520 Sunny Slopes Drive.
6. In May 1993 the City received a subdivision application to "relocate the lot lines of Lots 12 and 13 and issued a building permit for a addition/remodel for Lot 13 crossing over Lot 12, 2460 Sunny Slopes Drive.
7. In June 1993, Rick Lewis, the City's Community Development Director, formally approved the lot line adjustment.
8. In September 1994 a survey was filed at the County (S-1780).
9. A Final Plat was not finalized, executed, or recorded with the County.
10. The property owner requests to go through the plat amendment to formalize the revised plat.

11. The proposed plat amendment does not result in an increase in the number of lots.
12. The proposed plat amendment does not create unbuildable or substandard lots.
13. The proposed lots are consistent with the existing lots in terms of lot area and are not out of character with the neighborhood.
14. The proposed plat amendment does not create an adverse impact on adjacent property owners.
15. The proposed plat amendment does not create any non-complying situations.
16. The existing structure, including the 1993 addition/remodel, complies with the setbacks of the 1993 lot line adjustment.
17. Lot 12R remains buildable vacant.
18. The plat amendment is consistent with the Gleneagles Subdivision plat.

Conclusions of Law – 2460/2520 Sunny Slopes Drive

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
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 – 2460/2520 Sunny Slopes Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the final plat for compliance with State law, the Land Management Code, and conditions of approval.
2. The applicant will record the final plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat amendment 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. Any conditions of approval and plat notes and restrictions of the Gleneagles Subdivision shall continue to apply.

**2. 2550 Deer Valley Drive – Plat Amendment
(Application #PL-12-01657)**

Planner Astorga reviewed the application for an amendment to a condominium record of survey at Red Stag Lodge located at 2550 Deer Valley Drive. The request is specifically to convert existing common area attic space into private area for two units; Unit 501 and Unit 502. Both units are on the topmost level where they have the ability to add additional livable, habitable space consisting each of one bathroom and a bedroom. The size of the units was specified in the Staff report.

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 as found in the Staff report.

Chair Worel opened the public hearing.

Adam Huff of Epic Engineering, representing the applicant, stated that the owners already have the space. It is currently used as storage and they would need to build stairs to access the proposed bedroom and bathroom. To meet Code, a window would be added to each unit. The windows would not be visible from the street; therefore, the appearance of the building would remain unchanged.

Commissioner Hontz referred to page 28 of the Staff report, Condition of Approval #5 and changed the last word MDP to correctly read MPD. Commissioner Hontz pointed out that the Planning Commission was seeing a number of these requests and she wanted to know how the MPD could be updated to avoid tracking conditions of approval for each application that comes through.

Director Eddington stated the Staff has a matrix where they track the number of units and the square footage for that MPD. When an application is approved, the matrix is updated.

Assistant City Attorney McLean asked Planner Astorga to fill in the Exhibit that was left blank in Condition #5. Planner Astorga replied that it should be Exhibit B.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the plat amendment for 2550 Deer Valley Drive, in accordance with the Findings of Fact, Conclusions of Law and revised Conditions of Approval as found in the draft ordinance. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

Findings of Fact – 2550 Deer Valley Drive

1. The site is located at 2550 Deer Valley Drive East.
2. The site is located within the Residential District (RD) within the Deer Valley Large-Scale Mater Planned Development (MPD).
3. The Red Stag Lodge (previously Comstock II) MPD/CUP was approved on March 22, 2000.
4. In March 2005 the Planning Commission approved an administrative CUP for a private residence club at 2550 Deer Valley Drive East.
5. The Red Stag Lodge Condominium Plat was approved by the City Council in January 2007 and recorded at Summit County in April 2007.
6. The condo consists of eleven (11) residential condominium units of different sizes ranging from 1,014 to 1,500 square feet.
7. The project also includes seventeen (17) parking spaces located on the parking garage level.
8. Within the private residence club, the condominium also has four (4) support commercial units totaling 1887 square feet.
9. The property is subject to the requirements and restrictions of the Deer Valley Resort 11th Amended and Restated Large Scale MPSD.
10. The large scale MPD allows up to 8.5 unit equivalents (UEs) for this development. At 2,000 square feet per residential UD, the total allowable square footage is 17,000.
11. The Deer Valley MPD also indicates up to 11 residential units to be developed at this development.
12. This request converts the attic space above Units 501 and 503, from common into private.
13. The proposed conversions are lofts consisting of an additional bedroom and a bathroom directly above each unit.
14. The additional floor area exists as common space within the attic area and the only exterior change consists to the addition of two (2) windows on the south side of the building.
15. Unit 501 would increase by 458 square feet from 1,500 square feet to a total of 1,958 square feet.

16. Unit 502 would increase by 624 square feet from 1,196 square feet to a total of 1,820 square feet.
17. The total proposed combined increase in residential floor area equates to 1,082 square feet or 0.541 UE.
18. There are currently 15,847 residential square feet or 7.92 UEs on site.
19. The current proposal equates to a grant total of 16,929 square feet or 8.46 UEs.
20. The current Deer Valley MPD allows 8.5 UEs (17,000 square feet) for the Red Stag Lodge.

Conclusions of Law – 2550 Deer Valley Drive

1. There is good cause for this Amendment to the Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Surveys.
3. As conditioned, the record of survey plat is consistent with the Deer Valley Resort MPD, 11th Amended and Restated.
4. Neither the public nor any person will be materially injured by the proposed record of survey.
5. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 2550 Deer Valley Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and conditions of Approval.
2. The applicant will record the record of survey at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All construction requires a Building Permit and approvals from the Building and Planning Departments. No certificate of occupancy for the addition to Unit 501 and Unit 502 shall be issued until this amendment to the condominium record of survey is recorded.
4. All conditions of approval of the Deer Valley Resort 11th Amended and Restated Large Scale MPD and the Red Stag Lodge Condominiums Plat shall continue to apply.

5. Exhibit B of the Deer Valley Resort Large Scale MPD shall be updated to reflect the use of 8.46 residential UEs during the next revision of the MPD.

**3. 1400 Deer Valley Drive – Amendment to Record of Survey
(Application # PL-12-01606)**

Planner Astorga reviewed the application for the First Amendment to the Record of Survey to convert a portion of the common area of Unit 1 of the Fawngrove Condominiums Phase I, located at 1400 Deer Valley Drive North. The request involves a small expansion of approximately 128 square feet. Because the Unit was platted, the expansion triggers an amendment to the record of survey to reflect the change.

Planner Astorga noted that Exhibits on pages 56 and 57 of the Staff report showed a photograph of the existing conditions and a rendering submitted by the architect showing that the expansion would follow the same pattern, architecture and materials of the existing site.

The Planning Department had received the proper documentation and letters from the HOA indicating approval of the proposed Amendment to the Record of Survey. Planner Astorga noted that the HOA was essentially a co-applicant since common space was being changed into private area.

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 outlined in the Staff Report.

Art Pasker, the project architect, believed it was a straightforward application. Since the expansion would encroach into common space, each tenant would lose 2 square feet of common space.

Planner Astorga reported that the 128 square foot expansion would not affect parking or any other open space requirements.

Commissioner Wintzer found it remarkable that this was the first plat amendment for the Fawngrove Condominiums. Planner Astorga noted that the second phase did not have a plat amendment but it did have an expandable area where more units were built.

Commissioner Wintzer stated that if this approval opens the door for additional applications, he felt it was important to do it in a cohesive way that would not require a separate Staff report and review for each one. Planner Astorga offered to explore that approach; however, it is difficult to know when an expansion is planned or whether it could even occur in a specific development in Deer Valley. He suggested the possibility of sending letters to the different developments in Deer Valley asking everyone to work together so things are not piecemealed.

Commissioner Gross thought Buildings A, B and C looked like the same configuration. He asked if it was possible that other units would come in with applications and if so, whether a certain number would change the open space and parking requirements. Planner Astorga replied that the

Fawngrove development is different from a development like Red Stag because it does not have a unit equivalent cap. This development has a maximum number of 60 units. As long as it does not take away from parking or open space, all 60 units have the ability to expand.

Mr. Pasker did not believe this expansion would encourage expansions for other units. It is off to the northwest and out of the way, and it is convenient for Unit 1 to come up from the parking area to access their unit. Planner Astorga assumed that the end units would be the only ones that might expand. Mr. Pasker thought it was fairly remote that the end units would expand.

Mr. Pasker noted that 183 letters were sent out and no questions or comments were received.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE Recommendation to the City Council for the Record Survey Amendment for 1400 Deer Valley Drive North, Unit 1, according to the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

Findings of Fact – 1400 Deer Valley Drive

1. Fawngrove Condominiums are located at 1400 Deer Valley Drive North within the Deer Valley Resort Large Scale MPD.
2. The site is within the RD District.
3. The owner of Unit 1 and the Fawngrove HOA request to convert the common space adjacent to Unit 1 to private space.
4. The area conversion is to facilitate the construction/addition to an entry vestibule of approximately 128 square feet to existing condo Unit 1.
5. According to a letter submitted by the HOA in October 2012, the Fawngrove Homeowners' Association voted to approve this amendment to the record of survey request.
6. Fawngrove Condominiums consists of sixty-one (61) residential condominiums built over two phases.
7. The sixty-one (61) units have been previously constructed.
8. The MPD did not approve the project under the unit equivalent formula.

9. The proposed amendment is consistent with the purpose statements of the district in that the use as residential condominiums is unchanged.
10. The proposed amendment is preserves the existing natural open space, and limits impacts of development.
11. The proposed amendment preserves the existing natural open space an limits impacts of development.
12. Unit 1 would increase by approximately 128 square feet from 1,966 square feet to a total of 2,094 square feet.
13. The addition does not increase the number of units rather it allows the area of Unit 1 to increase by approximately seven percent (7%).
14. The proposed increase is allowed under the approved MPD.
15. All construction is proposed within the existing building envelope.
16. The minimum front yard within the RD District is twenty (20) feet.
17. The proposed addition is 36.31 feet from the front yard property line.
18. The proposed addition is off an existing shed roof that would meet the maximum height of thirty-three feet (33').
19. The plat identifies that a parking space has been assigned for the use of Unit 1. LMC Section 15-3-6-(A) indicates that a multi-unit dwelling is to have two (2) parking spaces for an apartment/condominium greater than 1,000 square feet and less than 2,500 square feet. The site also contains visitor parking spaces that can be counted towards the additional parking space needed for the requested amendment to the record of survey.

Conclusions of Law – 1400 Deer Valley Drive

1. There is good cause for this Amendment to the Record of Survey.
2. The Record of Survey is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Surveys.
3. As conditions, the record of survey plat is consistent with the Deer Valley Resort MPD, 11th amended and restated.
4. Neither the public or any person will be materially injured by the proposed record of survey.

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

Conditions of Approval – 1400 Deer Valley Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and conditions of approval.
2. The applicant will record the record of survey at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Construction requires a Building Permit and approvals from the Building and Planning Departments. No certificate of occupancy for the addition to Unit 1 shall be issued until this amendment to the condominium record of survey is recorded.
4. All conditions of approval of the Deer Valley Resort 11th Amended and Restated Large Scale MPD and the Fawngrove Condominiums shall continue to apply.
4. **543 Woodside Avenue – Steep Slope CUP**
(Application #PL-12-01507)

Planner Matthew Evans reviewed the application for a proposed addition to an existing historic Significant Structure located within the HR-1 District. The Planning Commission previously reviewed this application on June 27, 2012. The item was continued to allow the applicant and Staff time to address three issues raised by the Planning Commission. The first issue was that the landscape plan was lacking. The second issue was a request for a comparison that identifies compatibility with historic structures on the street. The third issue was overlooked by Staff and related to the 10' setback requirement for the third story. Planner Evans explained that there were no exemptions to that requirement even though this was a historic structure.

Planner Evans stated that since the June 27th meeting, the applicant had submitted a revised landscape plan. The Staff conducted an analysis of historic homes within a block of the home at 543 Woodside. Also since that time, the applicant had gone before the Board of Adjustment for a variance to the 10' foot setback requirement for the third story. The variance request was granted by the Board of Adjustment, which allowed the applicant to move forward to this point.

Planner Evans stated that the application is a Steep Slope CUP and the applicant was proposing to add a basement level to the existing historic home. The basement level would include a garage and additional living space, as well as a rear addition. Additional proposals to the overall property include interior renovations to the existing home and the existing accessory structure.

Planner Evans stated that the Planning Commission must make findings based on the nine criteria outlined in the Staff report. The Staff had done an analysis of the nine criteria and found no unmitigated impacts associated with this request.

Planner Evans reported that the addition to the home is substantial and more than doubles the size of the home. The existing footprint is 1,072 square feet and the allowed total footprint is 1,519 square feet. The additional footprint proposed is approximately 446 square feet, equaling a total footprint of 1, 518 square feet.

Planner Evans stated that the existing accessory structure was not calculated against the footprint that is allowed. He noted that the applicant applied for and received a plat amendment combining two Old Town lots, which also allowed them to move towards this point. Planner Evans explained that if this Steep Slope CUP is approved, the next step would be approval of the Historic District Design Review.

Planner Evans reiterated that the Staff found no unmitigated impacts related to the nine review criteria. The Staff had drafted 32 findings of fact and 14 conditions of approval. The updated landscape plan was also included in the Staff report.

Commissioner Hontz recalled that on June 27th the structure was indicated as a Landmark Structure, but it was now being referred to as Significant. Planner Evans stated that he had made an error when he initially identified it as a Landmark structure. He clarified that it is shown as a Significant structure on the Historic Sites Inventory.

Jonathan DeGray, the project architect, handed out an alternate square footage matrix that he believed was easier to read. He walked through the square footages because he believed it impacted the Steep Slope criteria. The top matrix, which was the Main House area calculation, was broken down by Levels, Existing, New and Totals. The first column under existing added the main and lower levels, which are the only two existing levels of the house, totaling 2,025 square. The next column, New, identified the amount of square footage gain on each level. Mr. DeGray pointed that there would be 433 square feet on the main floor and 414 on the lower floor. The new living area in the basement would be 752 square feet, which brings the total of new living area in the house to 1599 square feet. Adding 486 square feet for the garage resulted in a gross total of new area of 2,085.

Mr. DeGray felt it was important to note that the bulk of the new square footage was the basement addition of 752 square feet and 486 square feet for the garage. The only new area adding to the volume was the 400 square foot footprint addition spread over two levels for a total of 847 square feet.

Commissioner Strachan noted that the first page of the Staff report showed the existing structure at 2,025 square feet; and the proposed addition would increase the floor area by 2,155 square feet. Commissioner Strachan pointed out that those two numbers total 4,180, which was different from Mr. DeGray's matrix. Mr. DeGray clarified that his numbers were taken directly from the drawings and he was confident that his numbers were accurate.

Continuing with his Matrix, Mr. DeGray stated that the total living area for the house would be 3,624 square feet, which includes the lower level. Adding the garage resulted in a gross of 4,110 square feet.

The second matrix showed the existing and new numbers for the accessory building. Mr. DeGray believed the most telling was the third matrix, which was the area above grade. The total house is above grade with an existing 2,025 square feet. With the new addition the square footage would be 2,872 square feet. He reiterated that only 800 square feet of addition affects the mass and scale of the structure. The rest of the addition is below grade and below the footprint of the existing building, which has little or no impact on the appearance of the building.

Mr. DeGray commented on several items in the Staff report and believed there were a number square footage errors and discrepancies. He referred to the Matrix on page 64 of the Staff report and noted that the existing structure was shown as 1,942 square feet; however, it was actually 2,042 under the analysis paragraph.

Mr. DeGray referred to the matrix that the Staff has provided comparing 14 historic homes in the area. He felt that cherry-picking 14 homes in the area that were not directly associated to the building in terms of setting or mass and scale in the context of the setting was unfair to his client. A more true approach would be to look at not only historic homes but also existing homes directly associated to the setting of this house to get a real picture of its context. Mr. DeGray believed that was the direction and what the Steep Slope CUP criteria was looking for. Nowhere in the criteria could he find where it asks for comparison of historic homes or new homes or any distinction in between. The criteria talks about setting and appropriateness of mass and scale. Mr. DeGray did not think the idea of the matrix was well-founded because it only talks about historic structures that are as far as 15 lots away. In addition, Mr. DeGray found the data provided to be in error. Of the 14 properties, he found seven to be incorrect based on his personal experience with the properties and quizzing other architects involved with those properties. Mr. DeGray cautioned the Planning Commission against drawing any conclusions from the comparison matrix. Using 424 Woodside as an example, Mr. DeGray noted that the square footage was listed as 1,682 square feet. However, he is involved in that project and the actual size is 2,237 square feet of living space. The property at 429 Woodside was listed as 2,401 square feet; but he was aware that the project is actually 3,300 square feet. Mr. DeGray indicated a discrepancy on the square footage for 605 Woodside and noted that it was associated to a larger project that was over 6,000 square feet. He cited errors in the size for 615 Woodside and 633 Woodside.

Mr. DeGray agreed with the Staff assessment that the project complies with the 9 criteria. He read from the first paragraph of the Steep Slope Provision, "Development on Steep Slope must be environmentally sensitive on hillside areas, carefully planned to mitigate adverse effects on neighboring land and improvements, and consistent with the Historic District Guidelines. He believed they had met all that criteria with the project as proposed.

Mr. DeGray reviewed the streetscape on page 91 of the Staff report and stated that in terms of meeting the criteria of Steep Slope CUP, the first photo showed the existing home in its existing context. The second rendition showed a rendering of the proposed building dropped into that same

image. Mr. DeGray pointed out that there was very little change other than bringing back the historic stair and the historic bay window and the garage addition.

Mr. DeGray reiterated that all the criteria had been met and he encouraged the Planning Commission to approve this project.

Chair Worel opened the public hearing.

There were not comments.

Chair Worel closed the public hearing.

Commissioner Hontz referred to the Historic Home Analysis on page 65 of the Staff report and Mr. DeGray's comments about inaccuracies. However, in looking at the purposes of the HR-1 zone, the first point (A), "to preserve the character of historic residential areas in Park City", she referenced back to the table and the significant size difference. Even if some of the square footage numbers were increased to support Mr. DeGray's comments, the size of the home at 543 Woodside would still be dramatic compared to other historic homes. Commissioner Hontz stated that Minutes from meeting in the 1990's shows that this pattern has continued in Park City. Every time they go bigger the compatibility scale increases and the average goes up. This practice continues to facilitate the growth of homes whether or not they are historic.

Commissioner Hontz stated that the Planning Commission is tasked with looking at the Code and the purpose of the zone, and to compare the subject home with other similar historic homes. She agreed that the massing proposed for 543 Woodside would be underground, but it still increases the overall square footage and sets a new precedent to make homes larger.

Commissioner Hontz remarked that 15-2.2-6 of the LMC has a standard for the Planning Commission to follow in terms of the Steep Slope criteria. She was struggling with Criteria 1 which states that the development should be located and designed to reduce visual and environmental impacts. In her opinion, removing the hillside that leads up this home is an environmental impact and it changes the way the house interacts with the street. Regarding Criteria 3, Access, Commissioner Hontz believes a 9.5% average driveway is a steep driveway in Old Town, even though the Code allows up to 14% grade. She struggled with the idea that it would be a sufficient access. Referring to Criteria 4, Terracing, Commissioner Hontz noted that no terracing was proposed. However, the next four sentences indicate four places where terracing would occur. Criteria 5 states that the site design and building footprint must coordinate with the adjacent properties to maximize opportunities for open areas and preservation of natural vegetation to minimize driveway and parking areas and provide variation of the front yard. Commissioner Hontz noted that the site currently provides an amazing variation between things that could no longer be built under the current Code because it is setback and has an existing slope.

Commissioner Hontz clarified that her comments represented how she had interpreted the Code differently than what was represented in the Staff report. Therefore, looking at Conclusion of Law #3, it would be hard to approve this request without saying that it would allow creep and that the average size and compatibility would continue to grow in a direction that does not fit with Code.

Commissioner Hontz stated that if her analysis did not align with the other Commissioners, she would recommend that they add a condition of approval to make sure the landscaping is added and maintained.

Commissioner Wintzer referred to the application for 30 Sampson Avenue that was continued this evening. Reading through the Minutes from the 1994 Planning Commission meeting he noted that three Commissioners spoke about creeping scale in this neighborhood, which is the same problem they face today. It started in the 1990's and nothing has been done about it. Commissioner Wintzer concurred with Commissioner Hontz's comments. He disagreed with Mr. DeGray's comments regarding comparison with existing structures because the purpose statement talks about comparing with historic structures. They are trying to preserve the historic structures and the character of the historic town and not newly designed larger structures.

Commissioner Wintzer asked if the building had greater than a 4 foot return to grade as required by Code. Mr. DeGray did not believe that was an issue anywhere in the project. The retaining walls that were added to maintain the historic stairs meet grade at the street. The side walls terrace at 3 feet and the back wall is 4 feet. The garage walls going back into the driveway are the tallest walls. Everything behind the structure meets existing grade.

Commissioner Strachan concurred with the comments made by his fellow Commissioners. He stated that whether or not Mr. DeGray's numbers were correct in terms of the comparison matrix on page 65, the Planning Commission needs to have a Staff report they can rely on. Commissioner Strachan agreed with Commissioner Hontz regarding the terracing discrepancy in Criteria 4, where the first sentence states that there is no terracing, yet later in the paragraph language talks about how other grading and terracing will accommodate the rear addition. Commissioner Strachan commented on the importance of knowing from the Staff report whether or not there is an impact. The language in Criteria 4 was not clear. Commissioner Strachan urged the Staff to make sure the Staff report is clear, otherwise it makes the Planning Commission's job harder than it needs to be. It is imperative that they have clear numbers and clear facts when they make their decision.

Commissioner Strachan agreed with Commissioner Wintzer regarding the ways to analyze compatibility and against which homes. Using Mr. Gray's revised numbers for 424 Woodside, 429 Woodside and 633 Woodside, he noted that those were all 2,000 to 3,000 square foot homes. The one proposed for 543 Main Street would be 4110 square feet.

Commissioner Strachan asked if putting the mass below grade was one way of mitigating visual impact. Mr. DeGray answered yes. The intent is to keep the appearance of the house the same as it currently exists, with the exception of the driveway and the entry steps. Commissioner Strachan believed it was a valiant effort to mitigate the mass, but he thought Mr. DeGray could run into problems with the requirement to preserve the environment under the CUP criteria. Excavating that deep is not an environmentally sensitive way of developing. He was unsure how the two could be balanced, but in his opinion, excavating down was not a valid way of mitigating the visual mass. The valid way would be to reduce the mass, size, scale and bulk as required by the criteria.

Planner Evans commented on the matrix and why his numbers were different from Mr. DeGray's. He only has County records at his disposal. He goes onto the County Website and looks up individual addresses and what the County assesses. If the County is unaware of a remodel or

addition, it does not show up on the County records. Planner Evans clarified that there could be additional square footage to many of the homes that he would be unaware of.

Commissioner Gross thought the before and after elevations looked similar. The question was where to draw a line in the sand for something that has been deficient in the system for 20 years, and whether it starts with this property. Adjoining properties are large structures, but 543 Woodside is unique because is it a Significant historic structure and there is a desperate need to keep the historic nature. Commissioner Gross asked if the applicant needed the accessory structure. Mr. DeGray replied that the accessory building was also a historic structure.

Mr. DeGray spoke to the issue of creep and the philosophical standpoint the Commissioners addressed this evening. For any project that deals with the LMC and the Historic District Guidelines, the notion of creep is never discussed unless they come before the Planning Commission. Projects that do not require Planning Commission review are designed and reviewed by Code. He stated that as designed, the building at 543 Woodside meets every aspect of the Code. It may not meet the philosophical issues raised by the Planning Commission, but those issues are not presented in the Code from the standpoint of the average person looking for guidance and process. This applicant has been through the process with Staff for over a year and the idea of creep has never been raised.

Commissioner Wintzer replied that creep is addressed in the first sentence in the purpose statements of the Code. Regardless of what has happened in the past, he personally felt that was the most important sentence.

MOTION: Commissioner Hontz moved to Deny the Steep Slope Conditional Use Permit for 543 Woodside Avenue based on the analysis provided by the Planning Commission specific to the HR-1 District purpose statements and the Steep Slope CUP criteria, which was also addressed by the Planning Commission, specifically the various criteria mentioned in the discussion.

Commissioner Strachan seconded the motion with the amendment to include that the basis for the motion to deny were the comments made by the Commissioners this evening.

Commissioner Hontz accepted the motion as amended.

VOTE: The motion passed unanimously by all Commissioners present.

Assistant City Attorney McLean stated that the Staff would draft findings for denial for the Planning Commission to ratify at their next meeting to support the vote this evening.

5. **Land Management Code Amendments – Chapter 1-General Provision and Procedures; Chapter 2-Zoning; Chapter 3-Offi Street Parking; Chapter 4-Supplemental Regulations; Chapter 5-Architecture Review; Chapter 6-Master Planned Development; Chapter 9-Non-Conforming Uses and Structures; Chapter 11-Historic Preservation; Chapter 15-Definitions.**
(Application #PL-12-1637)

Chair Worel referred to page 153 of the Staff Report and the Staff recommendation to continue the following items to January 9, 2013.

- The Transfer of Development Rights (Chapter 2)
 - Agricultural uses and restrictions within residential zones (Chapter 2.)
 - Review of Allowed and Conditional Uses in all zoning districts (Chapter 2) -
- Lighting regulations (Chapters 3 and 5)
- Financial guarantee process for public improvements (Chapters 1 and 7)
 - Annexation process regarding timing of ratification of annexation agreements (Chapter 8)
 - Associated definitions to the above items (Chapter 15)

Chair Worel opened the public hearing on the items to be continued.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the proposed changes to Chapters 2, 3, 5, 1, 7, 8 and 15 as outlined on Page 153 of the Staff report to January 9, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

Based on the amount of public interest regarding the proposed amendment to Chapter 6, Master Planned Development, Chair Worel recommended that they rearrange the agenda to move that discussion to the next item. The Commissioners concurred.

Planner Whetstone stated that annually the Staff reviews the Land Management Code for Park City to address planning and zoning issues that have come up over the past year or to look at necessary changes for consistency with State Code, the General Plan, Council Goals or the Design Guidelines. The Staff proposes the recommended changes to the Planning Commission for discussion and recommendation to the City Council. A list of 12 issues and topics were outlined on page 154 of the Staff report.

As requested by Chair Worel, Planner Whetstone moved to Item 8, which addressed changes to Chapter 6 regarding MPDs.

8. Clarify purpose and applicability of the Master Planned Development review process in various zones (Chapter 6).

Planner Whetstone reported that the purpose of the proposed amendment is to clarify the review process in various zoning districts, and to establish additional review criteria to address issues that were raised in reviewing other MPDS and in updating the General Plan, such as open space,

building height, landscape requirements, mine hazards and historic mine waste. The intent is to make sure those issues are addressed in any MPD submitted.

Planner Whetstone noted that the first recommended change was the addition of (K) in the purpose statement, "to encourage opportunities for economic diversification within the community." Items A-J currently exist in the purpose statement.

Planner Whetstone referred to Section 15-6-2 of the MPD Chapter – Applicability, and noted that the Section has not been clear. The primary purpose of the amendment is to clarify when an MPD is required, allowed but not required, or not allowed. Planner Whetstone explained that under the current Code, to review a significant project in Park City, particularly in the Historic District, there is not a requirement for a conditional use permit or a master planned development. The process is currently a Staff review of a design application. There is no review by the Planning Commission or additional review criteria other than the design guidelines and the requirements of the HCB zone.

Planner Whetstone noted that under the current Code, MPDS are required for 1) Any residential project larger than ten lots or units; 2) hotel and lodging projects with more than fifteen residential units; 3) any commercial or industrial projects greater than 10,000 square feet of gross floor area; 4) All projects utilizing transfer of Development Rights Development Credits

As a proposed amendment, the Staff had revised #3 to read, "All new Commercial, public, quasi-public or industrial projects greater than 10,000 square feet Gross Floor Area". Planner Whetstone noted that public or quasi-public projects would be museums, recreation facilities, ice-rinks, etc.

The Planning Staff thought the Planning Commission should use the tool they have to review these projects, including requiring open space, sustainable practices, affordable housing. Currently they only have the ability to require affordable housing in an annexation or a master planned development. The Staff felt that any big project, especially in the Historic District, should require the Planning Commission to look all the criteria specific to a Master Planned Development. That was the reason for suggesting that all projects meeting the four mentioned requirements should require an MPD in all zones except the HR1, the HR-2 and HR-L zones. The Staff did not anticipate larger projects in the exempted zones and they would not want to encourage it.

There is the possibility of projects on 10 lots or larger in the other zones and the Planning Commission would want the tools available to review the criteria.

Planner Whetstone noted that existing language was stricken which allowed, but did not require, the MPD process in the HCB, HRC, HR-1, and HR-2 zones, provided the subject property and proposed MPD includes two or more zoning districts. That language was replaced with "Allowed but not required" if a property crosses zones between HR-2, which is Park Avenue, and the HCB. The Staff also felt that it was appropriate to allow an MPD for property that was not part of the original Park City Survey and it is in either the HR-1 or HR-2 zone.

Planner Whetstone noted that the Staff report contained 50+ emails that were received regarding the Kimball Arts Center expansion project. She clarified that an application has not been submitted to the Planning Department and the majority of the Staff has only seen the concept plan that was

made public. Planner Whetstone emphasized that the proposed changes were not being made to accommodate the Kimball Arts Center specifically. However, recognizing that it would be a significant project, the Staff believes that type of project should be reviewed by the Planning Commission. She clarified that allowing an MPD in the HRC zone does not mean that the MPD would be approved.

Commissioner Hontz referred to the Applicability Section on page 171 and asked if the changes identified in red were changes from the last version of the amendments or from the existing Code. Director Eddington replied that it was a change to the existing Code.

Commissioner Hontz understood that the revised language in Section A was only for clarification, and that the only difference in Section A besides cleaned-up language was the addition of Public and Quasi-Public. Planner Whetstone replied that this was correct. Commissioner Hontz clarified that the mechanism under the existing Code would still remain. She referred to Section B, which also clarified the language, and noted that the revised language in B(1) says the same thing as the previous B. However, instead of mixing two zones, her interpretation of the language is that the HR1 or HR2 has to be combined with HRC or HCB in order to do a master planned development. Planner Whetstone replied that this was correct. Commissioner Hontz felt there was a difference between B and 1, but not significant.

Commissioner Hontz referred to B(2) and the added language, "The property is not part of the original Park City Survey or Snyder's Addition" and second part "and the proposed MPD must be for an affordable housing MPD". She understood that to mean that an applicant could not apply for an MPD outside of the Park City Survey or Snyder's Addition unless they apply for affordable housing.

Planner Whetstone thought the first sentence regarding the Park City Survey or Snyder's Addition was redlined incorrectly and should actually be in black. She believed it was existing language in the current Code and she would check to make sure.

Planner Whetstone referred to the Exhibit on page 215 of the Staff report, which correctly revised (2) as, "The Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and the proposed MPD is for an affordable housing MPD consistent with Section 15-6-7 herein.

Commissioner Hontz clarified that the differences she saw versus what Planner Whetstone read were different and she wanted to make sure she understood them. She believed she had the correct understanding. Director Eddington emphasized that the language was changed for clarification and nothing was added.

Commissioner Hontz believed the significant changes regarding the actual requirements of the MPD started on page 173 of the Staff report. Planner Whetstone noted that the language crossed out in B had said the process was allowed but not required, and it listed the HCB, the HRC the HRC, HR2 and said, "provided the subject property and proposed MPD includes two or more zoning districts." She explained how that language could be interpreted in different ways. Commissioner Hontz did not favor that language for the same reason.

Commissioner Wintzer referred to the added purpose statement on page 171, "Encourage opportunities for economic development", and questioned whether that would start trumping many

of the other purpose statements. He did not want to disregard it as an opportunity, but it was a concern.

Commissioner Gross asked if the language for economic diversification moved away from being a tourist based ski economy. Commissioner Wintzer was concerned that it would be easy for someone to use that particular purpose statement to get their project approved or considered. Commissioner Strachan agreed. With that language, someone could say that their project would create jobs and according to the LMC the project should be approved. Commissioner Strachan thought the language should be deleted.

Director Eddington stated that reading from the purpose statement in 15-6-1, the goal of the section is to result in projects which are inclusive of A-K. There is an "and" after J and before K to make it clear that the purposes statements are fully inclusive and comprehensive.

The Commissioners discussed alternative language. Chair Wintzer pointed out that there are some neighborhoods where they might not want economic opportunities. He thought the language in K conflicted with B, "to ensure neighborhood compatibility". He suggested that they either strike the language or have the Staff come back with different language. Chair Worel remarked that if the purpose in K could be argued under C, "strengthen the resort character of Park City", there was no reason to have K. Commissioner Strachan noted that it could be argued under several of the existing purpose statements. The Commissioners concurred that the language in K should be stricken.

Additional review criteria for all Master Planned Developments, including open space, building height, landscaping, mine hazards and historic mine waste mitigation (Chapter 6.

Planner Whetstone stated that this was the next topic for discussion related to changes to the MPD Section. She referred to page 172, Section 15-5-6(D), Open Space. Under Item 1, Minimum Required, she noted that under the existing language, Master Planned Developments require a minimum of 60% open space with the exception of the GC, the HRC, the HCB and the HR-1 and HR-2 zones. She noted that Light Industrial (LI) and Historic Medium Density (HRM) were added to the language as well as the following language; In these zoning districts the open space requirement is thirty percent (30). In all zoning districts, if the MPD is a redevelopment of an existing Development or Developments, of if the MPD is an infill site, the minimum Open Space requirement shall be thirty percent (30%).

Planner Whetstone read revised language to the second paragraph, "The Planning Commission during review of the MPD may reduce the Open Space requirement to 20% in exchange for project enhancement in excess of those otherwise required by the LMC...such as Affording Housing, sustainable design and building construction meeting LEED Gold or equivalent".

Language was also added to include restoration of historic structures that are located either on or off the property.

Commissioner Gross asked how many potential areas within the community are subject to a Master Planned Development. Commissioner Wintzer stated that it was all zones except the ones mentioned as exceptions. Planner Whetstone stated that it would also include any new large projects in the Prospector area or the RD zone.

Commissioner Hontz liked the proposal conceptually, but she preferred to that it be less wordy and the language tightened up to avoid potential problems.

Planner Whetstone identified the proposed changes to Item 2, Type of Open Space. The following language was added to the end of the existing paragraph. For redevelopment or infill projects in the GC, HRC, HCB HR-1, HR-2 and LI Districts, publicly accessible plazas and gardens may count toward this Open Space requirement. Fee in lieu for purchase of off-site Open Space may be considered, with the amount to be determined by the Planning Commission, subject to an appraisal, market analysis of the property, and recommendation from the City's Open Space Advisory Committee. Planner Whetstone noted that the current language already identifies specific types of open space. The new language would allow for publicly accessible plazas and gardens to count as open space.

Commissioner Gross asked if publicly accessible would mean the open space is accessible 24/7 or only during specific times. Commissioner Hontz noted that the City ran into that problem in the lower Main Street area in terms of places that are designated as public but are not. This was another area that made sense conceptually, but also had issues. One example would be a gated garden that is designated as open space, but it is only open during the time of events. The question is whether they trust future Planning Commissions to deal with the issue, or if they should deal with it now and define publicly accessible.

Commissioner Wintzer had concerns with the in-lieu fee where someone could pay a fee and not provide open space on site. He believes open space is part of a viable project and he likes the idea of having surprise open spaces through town. Allowing an in-lieu fee to put open space in Round Valley or similar places takes open space away from the community. Commissioner Wintzer felt it was important to keep open space in the neighborhoods.

Planner Whetstone stated that the Commissioners could quantify how much of the required open space must occur on site. Chair Wintzer pointed out that the open space requirement was already reduced to 20%. He thought all 20% should remain on site and the in-lieu fee should be deleted. Commissioner Hontz remarked that an in-lieu fee might be considered for an amazing project, but without knowing that, the unintended consequences are too great. She supported Commissioner Wintzer and thought the in-lieu fee should be eliminated. Commissioner Hontz was not opposed to asking the Staff to rework the percentages and the language. She would like to support publicly accessible plazas and gardens. Commissioner Strachan suggested that they make publicly accessible plazas and gardens a defined term in Chapter 15–Definitions. The Commissioners agreed that was the best solution.

Planner Whetstone noted that the only change to Section 15-6-5(F), Building Height, was under (4); The additional Building Height results in more than the minimum Open Space required and has resulted in the Open Space being more usable and includes publicly accessible Open Space. She noted that Items 1-5 were the requirements for the Planning Commission to consider for increasing height in an MPD.

Planner Whetstone referred to Section 15-6-5(H) - Landscape and Street Scape, and noted that the changes related to Chapter 5, where landscape requirements were added to the overall architectural guidelines. The new language reads, A complete landscape plan to be submitted with an MPD. The landscape plan shall include all softscape and landscape areas on the site. This includes all landscape materials, including foundation plantings, ground cover, lawn areas, driveway and/or parking lots materials. A list of plant materials proposed indicating the botanical name, the common name, the number of proposed plans and their size shall be provided. A license landscape architect will prepare all materials for submittal.

Additional language added native tolerant species. The maximum limit for lawn or turf was changed from 50% to 25% of the area not covered by buildings and other hard surfaces. No more than 75% of the area not covered by Buildings may be irrigated. Language was also added to state, 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. See Section 15-5-5-10, Landscaping, for additional requirements.

Director Eddington suggested adding revised the language to say, Areas not covered by Buildings and Structures.

Planner Whetstone noted that a new section was added, 15-6-5(M) – Historic Mine Waste Mitigation. Since review criteria for mine waste mitigation was not currently included in the LMC, new language would read, For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.

Planner Whetstone referred to page 175 of the Staff report and Section 15-6-6 – Required Findings and Conclusions of Law for a master planned development. She noted the (N) and (O) were added to address physical mine hazards and historic mine waste. The Staff had revised the language in (M) to read, The MPD as conditioned, incorporates best planning practices for sustainable development, including energy efficient design and construction per the residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of Application, and water conserving landscaping.

Planner Whetstone stated that language was added in Section 15-6.8(G) – Resort Accessory Uses to clarify that the uses are considered typical back of house uses.

Chair Worel opened the public hearing and thanked everyone who took the time to send an email or write a letter. All correspondence was forward to the Planning Commission and it was good to know that there was so much public interest.

Chair Worel reiterated that the Planning Commission was considering proposed changes to the Master Planned Development Sections and no specific project was being reviewed or considered. The Kimball Arts Center has not submitted a formal application.

Jim Tedford handed out a copy of his comments and supporting material.

Jim Tedford stated that he was representing a group of concerned citizens, under the name of Preserve Historic Main Street, and he was speaking against the proposed revisions of Chapter 6 of the Land Management Code regarding Master Planned Developments. Mr. Tedford had attended the City Council Work Session on August 23, 2012 where the Planning Director presented a document to the City Council titled, Old Town Height Discussion-Kimball Arts Center. The work session was scheduled to discuss a proposed addition to the Kimball Arts Center. Mr. Tedford believed that the presentation and the documents were really about convincing the City Council that revising Chapter 6 of the LMC was the best way to accommodate a project application for the proposed Kimball Arts Center Addition. Although the Staff has maintained that the proposed MPD revisions are part of the annual review, most of the MPD revisions were written specifically with the KAC addition in mind.

Mr. Tedford stated that for the last three months Preserve Historic Main Street has been monitoring the process from work session to the meeting this evening. The City Council made it clear in their work session that they have heard considerable concerns from the public regarding the proposed Kimball Arts Center expansion and they wanted an opportunity for more public dialogue. The Council inquired about methods to obtain the dialogue and were told by Staff that the MPD was the best method. With emphasis on an MPD and height, and little mention of other options and restriction, it was easy to see why the City Council felt this might be the best way to get more public dialogue.

Mr. Tedford remarked that one viable option would be to recommend that the Kimball Arts Center modify their proposal to conform to the existing Land Management Code and the Historic District Design Guidelines. The current proposal does not include an additional 1500 square foot section of their lot that would accommodate 6,000 square feet on four floors. Another available option for the Kimball Arts Center is to apply for a conditional use permit and/or an amendment to the zone.

Mr. Tedford stated that since the City Council work session the Staff has been in the process of suggesting revisions to the MPD section of the existing LMC that would accommodate a possible application by the Kimball Arts Center to build an addition to their present facility on Heber Avenue.

On November 7, 2012 the Staff made a presentation to the HPB regarding the proposed revisions to the MPD section of the Land Management Code. The HPB recommended 6-1 not to revise the MPD language. Mr. Tedford remarked that the process that has taken place regarding a possible application by the Kimball Arts Center has been flawed from the start. Given the restrictive language in the LMC, the HDD, the General Plan and the Park City 2030 document, it seems strange that the Staff would ask the City Manager to schedule a Council work session, let alone that they would try to convince the City Council to revise the LMC to accommodate an unrealistic proposal. Mr. Tedford stated that the document and presentation to the City Council was incomplete, inaccurate and supported the Kimball Arts Center proposal. There has been extensive discussion of the MPD process and height restrictions; however, there has been very little discussion about other options that would allow the Kimball Arts Center to submit an application without revising the existing Land Management Code. Mr. Tedford pointed out that there was also no mention of Section 15-5-1 of the LMC and several sections of the General Plan that would prohibit the current KAC proposal. He read from Appendix A of his handout, which was the language contained in LMC Section 15-5-1,

Architectural Review, and items from the General Plan also contained in the handout, to support his comments. Mr. Tedford stated that based on those portions of the LMC and the General Plan, even if the LMC was revised to allow an MPD, the current proposal could not be approved.

Mr. Tedford thought the City Council made it clear that they wanted an opportunity for more public dialogue concerning the Kimball Arts Center; however, they never indicated an interest in revising the existing LMC to allow MPDs in the Heber Avenue sub-zone if there was another way to obtain public dialogue. He pointed out that the City has already obtained dialogue through emails, letters to the editor and comments at public hearings without changing the LMC.

Mr. Tedford stated that the Preserve Historic Main Street group supports the Kimball Arts Center the need for an addition to their current facility. However, they believe the expansion can and should be accomplished within the existing Park City LMC and the Park City Design Guidelines for Historic Districts and Historic Sites. For the sake of present and future Historic Main Street, Mr. Tedford urged the Planning Commission to not recommend the proposed changes to Chapter 6 of the LMC to accommodate a development that has not submitted an application and may never be built.

Commissioner Hontz asked about the zoning north of Heber Avenue and east of Park Avenue. Planner Whetstone stated that the darker blue area shown on the Zoning Map was the HCB zone and the lighter blue area was HRC. Commissioner Hontz noted that an MPD is not required for properties in the HRC zone, which was not changed from the current LMC language. She understood that in order to do an MPD in an HRC zone, the HRC property would have to couple with an HR-1 or HR-2 parcel. Planner Whetstone replied that this was correct. Commissioner Hontz wanted it clear that the new proposed language was only for clarification and it would not change what currently exists under the LMC. Planner Whetstone remarked that the addition of public or quasi-public was a change to the current language. Another change is that MPDs would be required in the HRM zone.

Sanford Melville, stated that he is part of Preserve Historic Main Street group. Mr. Sanford had concerns with the reduction in the Open Space requirements as a proposed revision to the MPD Section. In his opinion, under the proposed revisions, the applicability of the MPDs has been broadened and the potential impacts of changes to the Open Space requirements is also much larger. He realized they were talking about urban open space, but under the existing Code there appears to be a reasonable trade-off regarding open space. If someone wants to build a small building that complies with the Code in the zone, then open space is not an issue because you could still see the mountainsides and look around the buildings. You would not feel dominated by the structure at street level. However, if someone wants to build a larger building with large mass and scale, then open space on the site is important to compensate. Mr. Sanford believed that was a reasonable trade-off that protects the small town feel of the community, and it has worked quite well.

Mr. Sanford stated that under the proposed revised Code, the open space trade-off for an MPD is considerably reduced from 30% to 20% in exchange for project enhancements. Affordable Housing, LEEDS certification and restoration of historic buildings are worthwhile goals, but they do not relate to open space. Even more concerning, the revised Code also allows an applicant to

purchase off-site open space on a fee in-lieu basis. There appears to be no limits; therefore, a developer could purchase open space in a suburban area and remove all open space from the downtown project site. He lives in Old Town and believes that the majority of Old Town residents who live on 25' x 75' lots value their limited open space more than other citizens of Park City. Mr. Sanford requested that the Planning Commission not allow the open space to be taken out of Old Town.

Mr. Sanford noted that the General Plan is being updated based on four core values of Small Town, Natural Setting, Sense of Community and Historic Character. He believed the proposed revisions were the exact opposite of the stated cored values by allowing larger, more massive building to be considered in the historic core. As they consider the open space requirements, he urged the Planning Commission to think about why they would do it and whether their decision would be in the public's best interest.

Lila Tedford spoke on behalf of Meg Ryan would was unable to attend the meeting this evening. Ms. Ryan was a member of Preserve Historic Main Street, she is a Park City resident and a former employee of Park City in the Planning Department. Ms. Tedford read a statement Ms. Ryan had prepared with her comments regarding the proposed amendment to Chapter 6 of the Land Management Code. Ms. Ryan stated that there was no time clock running on these items and she advised the Planning Commission to take adequate time to review and discuss the changes before taking any action.

Mr. Ryan congratulated the Planning Commission for their hard work on Form Based Codes in the Iron Horse area. It is great planning tool that will provide well thought out development in this area. She suggested adopting Form Based Codes for all of the General Commercial and Light Industrial Zones. Ms. Ryan believe it was a far better tool than the MPD in this area. From her experience, if it is not mandated, it will not be utilized by the Development community. Ms. Ryan also suggested that they consider increasing heights from three stories in non-view shed areas in the GC and LI Zones. She stated that MPDs served their purpose at one time, but she questioned whether they were the best tool now.

Regarding the MPD changes in the HRC and HCB zones, Ms. Ryan noted that the current draft of Chapter 6 would mandate MPDs in the HCB and HRC zones, which is a significant change. Several questions included 1) what problem they were trying to fix or address in these zones; 2) what is so broken in these underlying zones that requires the MPD process as a cure all; 3) if it is infill development, in what ways do the underlying zones not adequately address infill development and where is the analysis; 4) How many parcels would this change potentially affect in the HC and HRC. Base zoning adequately addresses the few parcels that are left. There may be 3 parcels in the HRC zones and she questioned whether there were any in the HCB zone. Another question is what this change would do for the future of the community in 10-20 years. Ms. Ryan asked that they look at this inventory of parcels this change could affect.

Ms. Ryan proposed eliminating the MPD in the HRC and HCB zones altogether, and look at the HR1 and HR-2 zones as well. If the Planning Commission is inclined to favor an MPD in these areas, Ms. Ryan offered her thoughts on what she believes to be current shortfalls. First, the MPD review criteria as currently drafted is not design to address the dense commercial historic core.

Open space, setbacks, parking, and height allowance review criteria are outdated and inadequate. There was no reason to debate open space in the core because the underlying zones do not require it. Secondly, with regard to Historic Design, the Historic District Design Guidelines are mandated in the underlying zone; but they are not in the MPD Chapter. If they mandate that the Historic Core has to have MPDs, then the guidelines should be added as well. The third issue is height. Height criteria are subjective at best. The analysis and process for the Sky Lodge was excellent but it went beyond the requirements in the Code. They should look to that process and mandate it in the Code if they must proceed with the MPD process. The Sky Lodge was approved with 12 roof plane changes and only 2 elements, the elevator and penthouse, that went up a maximum of 64'.

Ms. Ryan had included a chart with her prepared statement that lays out the base zoning for the HRC zone and compared it to the MPD process. She hoped her effort would give the Planning Commission the start for a detailed discussion before they take any action on the changes to Chapter 6 of the LMC.

Ms. Tedford submitted Ms. Ryan's prepared statement and the chart for the record.

Hope Melville, an Old Town resident, was distressed to see in the Staff report that the most recent proposed changes to the LMC would allow MPDs for all projects in the HRC and HCB zones, which is essentially all of Historic Main Street. The only requirement is that the project have 10+ residential units or 15+ hotel units and 10,000+ square feet. In addition, there would no longer be the requirement for two zones for an MPD. Ms. Melville stated that these large MPD projects on Main Street would be more attractive to develop due to the proposed LMC changes to the Open Space. She understood from the discussion that the Planning Commission was considering eliminating the in-lieu fee and she favored that elimination. Otherwise, the change would remove actual open space requirements for MPD projects on Main Street and instead allow open space to be purchases elsewhere.

Ms. Melville believed the MPD changes would allow taller and denser projects on Historic Main Street and would result in Super-Sizing the buildings. She could think of many current buildings on Main Street which could be rebuilt or redeveloped much taller and denser under the proposed changes, particularly if open space is not required on site. Ms. Melville stated that the proposed MPD changes seem entirely at odds with the core values being discussed as the basis for the New General Plan. Like others, she had to ask why they were doing this and for what purpose. She could see no justification for the proposed MPD changes and they were certainly not in the public interest.

Ms. Melville understood the desire to hear public input on projects such as the Kimball 80-foot Tower project that does not meet current Codes. However, she believed there were better ways to do obtain public input that would not necessitate changing the LMC so that the Kimball Arts Center and other properties on Main Street could submit applications for large dense MPD projects. For example, they could make a very small change to the LMC to provide that applications for projects that do not meet the LMC can nevertheless be provisionally accepted by the Planning Department for purposes of obtaining public input and discussion on the project. Part of that public input and discussion would be whether it is in the public interest to make changes to the LMC for such a

project. Ms. Melville urged the Planning Commission to not approve the currently proposed changes to the MPD Code, particularly regarding Applicability and Open Space.

Ms. Melville submitted a written copy of her comments for the record.

Craig Elliott a Park City Resident and the owner of Elliot Work Group Architecture at 364 Main Street. He spent ten years trying to get clarification on the MPD process in the Land Management Code and he commended the Staff for an excellent job of doing very thorough research on what the issues were, where the problems are and how they approached it. Mr. Elliott believed the Staff presented the Planning Commission with a well-thought out revision to the LMC. Mr. Elliott stated that he has processed more MPDs than anyone in town and if anyone is willing to go through that excruciating process they should be welcomed to do so. An MPD allows for intense scrutiny of the project and all the concerns and worries expressed this evening could be address in the process. With all other processes, if it is an allowed use and meets the criteria the project gets built without any public input. Mr. Elliott stated that an MPD is the most interesting public process in Park City.

Regarding the specific revisions, Mr. Elliott that the 25% lawn area could be an issue in something like an affordable housing project where the desire is to have a play area for children or other gathering spaces. He suggested maximizing the percentage to 50% to allow for flexibility on how those spaces could be adapted. Mr. Elliott believed the overall 30% open space was an appropriate number for the zones being addressed. He noted that the open space on 25' x 75' lots in Old Town are well below 60%. It only starts approaching 30% when terrace spaces, driveways, porches, overhangs and other pieces that are not counted as open space are included. Mr. Elliott thought the 30% number was reasonable for the Light Industrial zone because that area is primarily covered in asphalt.

Mr. Elliott asked everyone to look at the big picture in the process. It is a good move to put MPDs in the HRC and it is also good to locate it and identify where and when it should be required. Mr. Elliott supported the amendment as proposed with the exception of reducing the lawn area.

Mike Sweeney, a property owner in Park City, stated that he has been around since 1957 and he has personally gone through probably the longest process in dealing with MPDs. Mr. Sweeney supported the current effort of looking at ways to improve the Land Management Code and provide additional tools to make better decisions. In watching how each individual Commissioner pays attention to the details tells the community at large that the Planning Commission does not make decisions willy-nilly. They are looking at ways of providing better tools to make better decisions. Mr. Sweeney believed that was the goal of the Staff, as well. He has been working to improve Park City for 30 years and he has participated in many Planning Commission and City Council meetings. Mr. Sweeney stated that Park City was very fortunate to have the people they do serving the community because they have the dedication and the diversity of opinion to look at something and get the job done better. Mr. Sweeney supports the idea of continually looking at ways to improve the way decisions are made to make the community better. He lived in Park City when it was a ghost town and he has seen how the city has progressed as one of the best destination resorts in North America. He would like to continue to participate in the evolution of Park City to make it the best it can be.

Chair Worel closed the public hearing.

Commissioner Wintzer remarked that this was the best public input the Planning Commission has received on both sides of the issue. Everyone came prepared and they were all very civil. He commended the public for their comments this evening.

Commissioner Wintzer felt the current tools available to the Planning Commission were adequate to accomplish what they wanted. He was not ready to go as far as an MPD in this particular zone because it would open too many doors that they do not fully understand at this point. It is important to find a way to dialogue with the public on projects, but he was not ready to consider an MPD. He noted that size and scale is the biggest problem in Park City, which was evident in the last project; and size and scale is eroding the town. Commissioner Wintzer believed allowing MPDs would open the discussion for more mass and size. He was not opposed to all the changes discussed, but he was very nervous about allowing MPDs.

Commissioner Hontz shared Commissioner Wintzer's concerns about size, scale and mass, particularly in Old Town. She believed some of the changes discussed this evening would actually make it better and protect the town because the MPD process is horrific for anyone who has done it. Commissioner Hontz would want anyone who plans a project that meets the four criteria to go through an MPD. However, the issue comes down to compatibility with height, mass and scale. She pointed out that the proposed language was not a change, particularly for the HRC zone. It only strengthens the existing language and helps address the concerns regarding the HRC zone. Her concern is that the open space discussion begins to erode what might otherwise occur in those districts. Based on their comments regarding types of open space, Commissioner Hontz suggested that if the Staff could come back to the Planning Commission with minimum standards or additional language, they may be able to achieve something that makes everyone comfortable. In terms of reducing the turf area to 25%, Commissioner Hontz agreed with the comment that it would greatly reduce the ability to add play areas or gathering spaces. She thought that needed more discussion.

Commissioner Hontz felt it would be important to limit the number of MPDs coming in for these projects. She referred to Section 15-6-5 – Building Height. The current Code reads, "Height exceptions will not be granted for Master Planned developments within the HR-1 and HR-2 zoning districts". She pointed out that the limitation already exists and there would not be additional heights in those two districts. Commissioner Hontz proposed adding HRC and HCB to the existing language. The heights in those zones are 32 feet and 45 feet. She could possibly be persuaded to go up an additional 10 feet in those zones; however, in looking at the purpose of those two zones, they are meant to be pedestrian friendly, less height, lower elevations and specific setbacks. Commissioner Hontz stated that they would be missing something in the analysis if they do not acknowledge that those zones do not want to encourage height. She believed that issue needed to be addressed by either saying that height exceptions will not be granted in those zones, or by limiting the height upfront.

Commissioner Hontz believed most of the proposed changes were necessary because the Code does not read clearly, particularly in Sections A and B, and the language needs to be cleaned up as soon as possible.

Commissioner Gross felt it was difficult to have the public discussion without an actual application. They were trying to develop the Code in a way that someone could come in and do their business and be part of the community; and unfortunately the community has become separated as a result. Commissioner Gross thought it was important to do something that gives everyone the ability to control their fate. If they do not have the right Code to accomplish that, the Code needs to be changed. Regardless of whether it is the Kimball Arts Center or another unknown project, if they keep the status quo they would never stand a chance to keep things the way everyone wants it to be moving forward. Commissioner Gross had concerns with the open space, parking and several other issues that needed more discussion. He preferred not to speak to the Kimball Arts Center because it is not a real application. Commissioner Gross thought they should do whatever is possible to ensure that the Planning Commission and the public have as much input as possible in the process.

Commissioner Strachan stated that MPD applications are basically exceptions to the existing zoning, and that is fine as long as it meets certain criteria. He believed the idea works well in theory; however, the most controversial projects over the past ten years have all been MPDs. The reason for the controversy is that MPDs projects are exceptions to the zoning they all agreed on. Commissioner Strachan believed that an MPD sets up the Planning Commission, the City, and the public for controversy every time. They are controversial and they please no one. He thought there was a nice balance now where MPDs are allowed in certain zones. There have been few exceptions that did not come without a fight, and he anticipated that there would be more. Commissioner Strachan could see no need to expand the use of the MPD tool. Rather than make exceptions to the zone, the logical approach is for an applicant to request a zone change if they cannot meet what is allowed in the zone.

Commissioner Strachan thought they could rework the language and change the open space requirements and the percentage of lawn area. The large over-arching changes such as allowing MPDs where they are not currently allowed would not be in anyone's best interest.

Chair Worel asked if it was possible to add language that would allow for public discourse before an application is made. Director Eddington stated that the City used to allow work session opportunities for applicants to hear feedback from the Planning Commission before they spent considerable time and money on a design. He noted that the work session process was not limited to MPDs. Commissioner Strachan noted that the procedure for a work session was eliminated in the last round of LMC amendments. Director Eddington believed there was an opportunity to re-implement that process. Otherwise, there is no other mechanism unless the Planning Commission puts the burden on the applicant to come in for a zoning change or other types of large scale changes that could result in spot zoning.

Chair Wintzer understood that pre-MPD opportunity is still addressed in the Code, but MPDs are not currently allowed in the HCB and HRC zones. Commissioner Hontz thought it was important to clarify that under the current Code. The Kimball Arts Center or any applicant in that location could not come in under an MPD because the conceptual plan does not meet the criteria to require an MPD. However, adding the words public and quasi public as proposed, would trigger an MPD for that property. Commissioner Hontz stated that if that same building was used for lodging, it could

come in with an MPD. She reiterated that the zone was not changing. The change was precipitated by two words, "public and "quasi-public" that would allow that particular application to come in.

Director Eddington pointed out that the Code as currently written was ambiguous, but he believed that Commissioner Hontz was correct. Planner Whetstone remarked that B as written is very confusing, which is why that language was stricken and replaced with better language. Commissioner Hontz stated that if the concern relates to one particular location and the end result, that concern could be resolved by striking "public and quasi-public". However, in her opinion, an applicant could still argue that they meet the four criteria for an MPD. Commissioner Hontz suggested that the best solution would be to address the specific issues of concern to avoid ambiguity.

Based on the comments and concerns, Planner Whetstone recommended that the Planning Commission not take action on this Chapter this evening and allow the Staff time to re-work the type of open space, open space percentage and the in-lieu fee, as well as other issues discussed this evening.

Chair Wintzer stated that he walks Main Street daily and he spends most of the time trying to find the sunny side of the street to walk. If they allow height it may not affect open space but it would affect open sunlight, which is critical to Main Street and an important part of making a community viable. Mountains and sunlight sell in Park City and it would be a huge mistake to spend a lot of time trying to approve something that would take away those elements.

Commissioner Strachan asked for the current HR-1 and HR-2 height limitations. Commissioner Hontz replied that it was 27-feet and 32-feet. She noted that height in the HRC is 32-feet and HCB is 45-feet. Commissioner Wintzer suggested that the Staff come back with an analysis of what would occur with different heights and sun screening.

Commissioner Strachan supported adding the HRC and HCB zones to the proposed Section 15-6-5. The Commissioners concurred. Director Eddington asked if Commissioner Strachan was recommending that it be added with no height exceptions or whether they would consider looking at 50% of the zone height as an addition based on studies. The Commissioners did not want height exceptions allowed in the HRC and HCB zones.

Chair Wintzer requested that the Staff come back with a matrix comparing what could be done under the existing zone versus what could be done with an MPD.

Director Eddington clarified that there was consensus among the Planning Commission regarding the proposed language in 15-6-2(A) – Applicability, to leave in all zones and only address the HRC and HCB in terms of height limits. As currently written, the Code is not clear whether an MPD is allowed in all zones but it was perceived to be. The new language clarifies that it is all zones.

Referring to Commissioner Hontz's comments, Commissioner Strachan thought it was important to have a proposed definition of public or quasi-public. Director Eddington remarked that it was included in the definitions. He read, "Public is defined as a use operated exclusively by a public body to serve the public health, safety and general welfare". A quasi-public use is a use operated

by a private, non-private, educational, religious, recreational, charitable, or philanthropic institution serving the general public”.

Commissioner Strachan thought Public and Quasi-Public should be capitalized in the definitions, and should say “Public Uses” with “Use” capitalized and “Quasi-Public Use” capitalized.

Commissioner Strachan asked if there was a definition for Industrial, and if so, that should also be capitalized. Director Eddington stated that there was not a definition for Industrial, and the Staff would write one. Commissioner Strachan thought “Commercial and Industrial” was redundant language. Planner Whetstone pointed out that it was actually Light Industrial (LI). Park City does not have a zone that allows straight Industrial business. Planner Whetstone thought that they should also define a “lodging project”.

The Planning Commission moved on to the remaining LMC Amendments.

Chair Worel stated that due to the late hour and the number of amendments that still needed to be discussed, Planner Francisco Astorga would give a presentation on Stories and the Planning Commission would discuss the proposed changes at a work session on December 12th.

Planner Astorga referred to page 164 of the Staff report, and an added regulation related to the split level concept. He had failed to put the language in the ordinance and he wanted that mistake clarified. He noted that the regulation language should be added between bullets C and D on pages 198, 200 and 201. The regulation read, “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’). Planner Astorga noted that the language was introduced to the Planning Commission on September 12th, at which time the Commissioners had issues with the language and wanted to explore specific scenarios.

Planner Astorga stated that the Staff had prepared the different scenarios and wanted to hear as much input as possible from the Planning Commission. However, due to the late hour this evening, there was not enough time to sufficiently review the scenarios and give the Planning Commission the opportunity to brainstorm and provide comments. He noted that the regulation was applied to scenarios on a flat lot in the worst case scenario. The same was done on uphill lots at 15% grade, 30% grade, 45% grade and 60% grade. Consideration was given to the fact that many buildings are not historic and could be demolished for brand new construction.

Planner Astorga noted that Commissioner Thomas was absent this evening and his input on the regulation would be valuable based on his professional expertise. Planner Astorga apologized if any members of the public had waited for this discussion, but he felt it was better to wait and give the issue the time it needs to make sure everyone is on the same page and that they fully understand what was adopted in 2009.

Planner Astorga briefly reviewed some of the visuals to give the Planning Commission and the public a preview of the massing scenarios.

Commissioner Hontz was unsure if she could support the regulation because the historic portion of the structure could be on the bottom. She would like to see the step on new construction. Director Eddington stated that the Staff would have drawings to present at the next meeting to help address her concern. Commissioner Hontz felt that by now the Planning Commission should have a good understanding of the changes made in 2009, but it would be important to understand the effects of applying the new definitions. At this point, she was not comfortable with half stories and split levels shown in the scenarios provided. Commissioner Strachan agreed. He suggested that Planner Astorga redraft a couple of options because the ones shown were difficult to understand.

Planner Astorga clarified that he was not speaking about stories at this point. His comments related to the regulation regarding overall height on page 164 of the Staff report. Commissioner Strachan requested that Planner Astorga re-draft the definition of split level and story. Commissioner Wintzer suggested that the Staff draft two or three definitions to give the Planning Commission a choice.

Chair Worel opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, addressed the overall height of 37.5 feet. She assumed the language, "...from the lowest point of the finished floor..." probably means from the lowest point of the lowest finished floor. Ms. Meintsma thought better language would be, "from the lowest point where grade meets footprint", because often the lowest floor is quite a bit above grade and sometimes on piers. She requested that the Planning Commission consider her suggested revision because where the grade meets footprint is where the massing begins visually.

Commissioner Hontz thought Ms. Meintsma made a good point, however, under the current Code you could not build on piers because of the four-foot return to grade regulation. Planner Astorga noted that it would also not be approved through the design guidelines.

Director Eddington agreed that Ms. Meintsma made a good point and the Staff would discuss her revision.

Craig Elliott commented on the Story issue. He was generally comfortable with the resolution, but he wanted to confirm his understanding of how the zone works. On a very large parcel with multiple structures the height resets with each structure. He wanted to make sure that was still the case.

Commissioner Strachan replied that it was subject to discussion at the work session on December 12th.

Mr. Elliott felt it was important to keep because otherwise the Code, particularly in the HR1 addresses designers to create smaller buildings in scale and mass. If they do not allow that to happen in this form, they would encourage larger buildings in scale and mass on those types of properties. The unintended consequence of trying to limit something would only create what they do not want. Mr. Elliott wanted to make sure this issue was addressed in the process so they get the right things in the historic district.

Commissioner Wintzer asked Mr. Elliott to give an example. Mr. Elliott stated that he has worked on several properties, but he was hesitant to give an example because those projects may come back to the Planning Commission. Mr. Elliott provided a hypothetical example to explain the importance of keeping with what the Code currently allows to keep structures smaller in the historic district. Chair Wintzer was concerned about the cross canyon views. Mr. Elliott stated that the nature of Park City is that looking across the canyon you see a series of buildings that march up and have different colors, shapes and forms. That was the intent of his comments at a previous meeting when he talked about the quality of design and the ability to solve those issues as designers.

Chair Worel closed the public hearing.

Planner Astorga remarked that interpretation of story was the reason why they were having this story discussion. Based on discussions in July and August the height did not reset. Commissioner Strachan believed there was a difference of opinion as to how to read the Code based on Mr. Elliott's comments. The purpose of the work session is to determine what they uniformly believe the Code says.

Planner Whetstone reviewed the list of topics for discussion on page 154 of the Staff report and identified the ones that were time sensitive for recommendations to the City Council.

1. Pre-application process, review process for Historic District Design Review and revisions to the notice Matrix (Chapters 1 and 11).

Planner Whetstone referred to page 157 and noted that language was added to Strongly recommend that the Owners and/or Owner's representative attend a pre-application conference with the Planning and Building Departments. She clarified that the existing language requires a pre-application conference. She explained that if a pre-application conference is required it becomes an application and can be vested. The Staff felt that changing the language to "strongly recommended" resolved many of the issues. A pre-application conference benefits the applicant and the Staff believed the applicants would still request one.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council for the amendment to Item 1 as written. Commissioner Hontz seconded the motion.

VOTE: The motion passed by all Commissioners present.

Planner Whetstone stated that (B) on page 157 address proposed language to the Appeals process for administrative applications (HDDR and Administrative CUPS) including revisions to the Notice

Matrix. She noted that the changes were numerous and they were all included in Exhibit A and H for Chapters 1 and 11 on page 190 of the Staff report.

Planner Whetstone noted that Exhibit A also adds historic mine waste in the Park City Soils Ordinance as a CUP requirement in the criteria in Chapter 1, as reflected on page 191 of the Staff report.

Assistant City Attorney McLean noted that the revisions responded to Planning Commission direction at a previous meeting where the Planning Commission recommended that the Staff come back with a process for a public hearing at the Staff level for HDDR, and an appeal of that decision would go to the HPB. Anything beyond that would go directly to District Court. Planner Whetstone noted that the language was reflected on Exhibit L on page 256.

Commissioner Hontz noted that page 324 of the Staff report lists all the administrative CUPs that would be streamlined through the process by the Planning Director. Assistant City Attorney McLean clarified that an appeal of the Administrative decision would come before the Planning Commission.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation for the changes in Chapters 1 and 11 of the Land Management Code dealing with Administrative CUPs, notice of Appeals and the Notice Matrix for the appeals process, and the definitions, which includes mining waste in 15-1-10-15. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

2. Roof pitch, horizontal stepping, stories and exceptions for Historic Structures in the Historic District, clarification of open space and uses (Applies to HRL, HR-1, HR-2, HRM, HRC, HCB and RC (Chapters 2.1, 2.2, 2.3, 2.4, 2.5, 2.6 and 2.16)).

Planner Whetstone noted that only two items were time sensitive. One was the conditional Use footprint in the HRC and the HCB to protect the commercial district from community uses that may be relocated and create problems with bars and restaurants. The second was the addition of B, to allow bars in the HR-2 zones.

Planner Whetstone commented on the list of conditional uses and noted that there was a footnote for all conditional uses that "no community locations as defined by the Utah Code, which is the Alcohol Beverage Control Act, are permitted within 200 feet of Main Street unless a variance is permitted for an outlet as defined by Utah Code 32B1202.

Commissioner Hontz asked if they should include Swede Alley. Chair Worel could see no reason why Swede Alley should not be included. Planner Astorga referred to the map and noted that Swede Alley was in the HCB zone.

After further discussion regarding Swede Alley, Assistant City Attorney McLean recommended that the Planning Commission move forward with proposed language and direct the Staff to determine if Swede Alley should be included. If it needs to be included the Planning Commission could address it when they discuss LMC amendments on December 12th.

MOTION: Commissioner Hontz moved to forward a POSITIVE Recommendation to the City Council for the changes to Section 15-2.5-2, Uses as written on page 160 of the Staff report; and 15-2.6-2(B) Conditional Uses. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

Planner Whetstone referred to the handout she had passed out this evening and the page regarding conditional uses in the HR-2 zone. Planner Whetstone stated that the recommendation is to allow a bar and special events with the footnote that these are allowed in historic structures within subzones A and B subject to compliance with the criteria listed for Subzone A and Subzone B.

Planner Whetstone remarked that the criteria for Subzone A has to do with the area between Main Street and the HR-2 zone. The language allows a conditional use permit to expand a Main Street use into the HR-2 Zone provided that it meets the criteria listed in the LMC..

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Hontz moved to forward a POSITIVE recommendation to the City Council on 15-22.3-2B, Conditional Uses, specifically (29) bar and (30) special events. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

5. Special Event overcrowding permit process and requirements (Chapter 4).

Planner Whetstone reported that the Chief Building Official will no longer allow overcrowding permits. Any use of occupancy that violates the IBC for occupancy loads, even for special events, will not be approved. However, the applicant can provide a different interior layout by a licensed architect or engineer showing the ability for a higher occupancy load for that particular site plan; but they would still need to fall within a certified occupancy load for that square footage and use.

Planner Whetstone noted that the language was revised to replace “overcrowding” with temporary change of occupancy administrative permit.

Planner Whetstone referred to (B) Duration, and noted that the language was changed from 30 days to 10 days prior to the event to submit an application under Planning Director approval.

Commissioner Wintzer asked about public noticing. Director Eddington stated that signs are posted 10 days prior to the event. He noted that the LMC language says no less than 10 days, but 11 days would give the Staff more time to post the signs. Commissioner Wintzer suggested changing it to 15 days. Director Eddington felt it was appropriate to say no less than 15 days prior to the event, and allow the Planning Director to reduce the time frame to ten days.

Commissioner Strachan pointed out that the language did not specifically say that the maximum occupancy in the IBC could not be exceeded. Director Eddington stated that the Staff worked with the Chief Building Official on this amendment. The IBC no longer allows for overcrowding so that term can no longer be used. The term “temporary change of occupancy” was taken from the IBC. Director Eddington stated that temporary change of occupancy is based on a mathematical equation. The requirement for seated occupants is a higher square footage than for standing occupants.

Commissioner Strachan recommended that they define temporary change of occupancy in the LMC. Commissioner Wintzer thought a better approach would be to reference the IBC because if that language changes they would not have to change the Land Management Code to stay current with the IBC.

Assistant City Attorney McLean stated that one of the additional criteria was the floor plan that has been sketched in the past on napkins or another informal means. A change for the amendment is to require certification by a licensed Utah Architect or Engineer.

Planner Whetstone noted that additional language states that, “The Chief Building Official will review this information for compliance with the IBC.” Commissioner Strachan pointed out that the language only applies to the floor plan. It does not say that the application must be reviewed in accordance with the IBC. Planner Whetstone stated that the floor plan language says, “The engineer shall indicate the maximum occupancy number for the specific use and floor plan.” Commissioner Strachan was comfortable with the sentence as written.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council to approve the amendments to the Land Management Code Section 15-4-20 as outlined on pages 166 and 167 of the Staff report as amended. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

10. Clarify criteria for change of a non-conforming uses to another non-conforming use of similar or less intensive use. (Chapter 9)

Planner Whetstone referred to the changes in her handout regarding Section 15-9-5 and explained the difference between the proposed changes on pages 220 and 221 of the Staff report and the revised changes proposed in her handout.

Planner Whetstone noted that the Code states that “No Non-Conforming Use may be moved, enlarged, altered, or occupy additional land, except as provided in this Section”. She pointed out that Section E talks about historically significant buildings. The handout better clarified the intent under E, that Historically significant buildings, that a change of non-conforming use to another non-conforming use of similar or less intensive land use. It is reviewed by the Board of Adjustment and is subject to the criteria that, “A Non-Conforming use located on a Lot or Parcel containing a building or structure that is included on the Park City Historic Sites Inventory, may be changed to another Non-Conforming Use of a similar or less intensive land use type”. Planner Whetstone remarked that Park City now has Historically Significant and Landmark Structures. Since the sites inventory can change, referencing the Park City Historic Sites Inventory in the LMC language instead of “Historically Significant” building would address all structures on the Historic Sites Inventory at the time.

Planner Whetstone referred to the criteria and the change to 4 that the application must comply with the following criteria and delete “the applicant approves the following criteria”.

Planner Whetstone commented on changes reflected on page 221 (a) of the criteria that talked about including modifications to buildings elevations to bring the building into compliance with the design guidelines. She was concerned that the Board of Adjustment’s decision on whether the use is less intense and whether they would allow the change in use would be confused with the Board of Adjustment taking action on the design review. Planner Whetstone clarified that anything historic must go through HDDR. The design review takes place with the Staff and the appeal process then goes to the HPB, as opposed to the Board of Adjustment making the design decision.

Planner Whetstone remarked that the revised language separates the actions of the Board of Adjustment on use from the HPB and Staff review on design.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council for the proposed changes to 15-9.5 as outlined. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

4. Revise parking requirements for multi-family units and bed and breakfast Inns. (Chapter 3)

Planner Whetstone noted that the changes only addressed multi-family apartments and condominiums. The changes were outlined on page 165 of the Staff report. Based on the proposed changes, one parking space is required for up to 1,000 square feet; 1-1/2 spaces between 1,000-2000 square feet; and 2 spaces for greater than 2,000 square feet.

Planner Astorga stated that by definition, a multi-unit building is four or more units.

Planner Whetstone stated that for a bed and breakfast, the change is to add one parking space per on-duty manager.

Chair Worel opened the public hearing.

Craig Elliott believed the proposed Code revisions for parking codify what everyone has been talking about for the last 8 years in terms of parking management and projects.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the amendments to Land Management Code 15-3-6(A) and (B) as outlined on page 165 of the Staff report. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

6. Incorporate landscape plan requirements and mechanical screening in the Architectural Review chapter. (Chapter 5)

Planner Whetstone referred to page 167, 15-5-1 - Purposes and Policy, and noted that landscaping was added to the language purpose statement. A paragraph was also added to the last chapter of the purpose statements, to include the intent of the section to encourage and implement water conservation practices for landscaping. The paragraph identifies specific criteria and recommendations.

Planner Whetstone noted that language was also added to 15-15-5 – Architectural Guidelines to address landscaping and patios. The proposed language was redlined on page 168 of the Staff report. She noted that the Planning Commission had discussed permits for patios and other flatwork at a previous meeting.

Planner Whetstone noted that the proposed language shows a 25% lawn area and she asked if that should be changed to 50% as discussed earlier this evening. Commissioner Wintzer asked if they could leave 25% and add an exception for playgrounds, etc. Director Eddington suggested that they increase the lawn area up to 50%, and if the Staff can find better language prior to the next

meeting, they could bring it back to the Planning Commission. He clarified that if the maximum is “up to” 50% that does not mean a project would always have the maximum.

Commissioner Hontz suggested that the percentage should be lower for Old Town. Commissioner Strachan thought they should look at percentages by zone.

Commissioner Strachan was also bothered by the requirement to require a complete landscape plan for all building permit applications, particularly since the City recently passed the requirement to obtain a building permit if someone builds a deck on their home.

After further discussion, Chair Worel recommended that the Planning Commission continue this item and allow Staff time to draft language to address their concerns.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the proposed LMC amendments in 15-5-1 and 15-5-5 to December 12, 2012. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

7. Clarify seasonal lighting display. (Chapter 5)

Planner Whetstone referred to page 169 of the Staff report. She noted that the Municipal Code states that seasonal lighting is permitted from the November 1st to April 15th. However, the LMC states November 1st to March 31st. The proposed change would revise the dates to tie the LMC to the Municipal Code.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council for the proposed change to 15-5-5 - Seasonal Lighting Displays, as outlined on page 169 of the Staff report. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

11. Process for permitting relocation and/or reorientation, as well as Disassembly and Reassembly of Historic Structures.

Planner Whetstone reported that the Planning Commission previously discussed this item before the Staff took it to the HPB. The HPB approved of the changes proposed. Planner Whetstone referred to page 179 of the Staff report and noted that the primary revision was to strike Criteria 1 under A - Criteria for the relocation and/or Reorientation of Historic Buildings and/or Structures on a Landmark or Significant Site. The Staff felt the criteria could create problem and felt it was better to remove it.

Planner Whetstone referred to the added footnote on page 179 which clarifies that the Planning Director and Chief Building Official that unique conditions warrant the proposed relocation. She explained that the Planning Director and the Chief Building Official would make the determination if the HPB was hearing the relocation on appeal. She noted that the same language applied under the criteria of disassembly and reassembly. Director Eddington noted that the footnote should be correctly labeled as 1, not 2. Commissioner Hontz noted that deleting the first Criteria would change the numbering for the remaining Criteria.

Chair Worel opened the public hearing.

Ruth Meintsma asked if there was any discussion on what a unique condition would be beyond the definition.

Director Eddington stated that in 2009 the Staff made the decision not to have a definition because each unique condition would be different. They have not written a definition because it would be hard to list what those might be.

Ms. Meintsma asked if reorientation should be defined. She understood that if a historic structure is exactly square and sits on a square footprint, the structure could be spun in a different direction on the same footprint. Director Eddington replied that this was correct.

Planner Whetstone remarked that there was not a definition for reorientation in the LMC and she would check to see if it was defined in the Design Guidelines.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Hontz moved to forward a POSITIVE recommendation for Sections 15-11-12 and 15-11-14 regarding relocation and/or orientation of a historic building and/or historic structure as amended on pages 179 and 180 of the Staff report. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

Commissioner Strachan felt it was best to continue the changes to the Definitions to the next meeting, with the exception of xeriscape and impervious surface, which have already been discussed and forwarded to the City Council. Director Eddington noted that xeriscape would still be included because that was not forwarded to the City Council.

MOTION: Commissioner Strachan moved to CONTINUE the definitions to December 12, 2012.
Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 10:00 p.m.

Approved by Planning Commission: _____

DRAFT

REGULAR AGENDA

Planning Commission Staff Report



Subject: City Park Tennis
Author: Francisco Astorga, Planner
Project Number: PL-12-01645
Date: December 12, 2012
Type of Item: Administrative – Subdivision

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the City Park Tennis Subdivision located at 1580 Sullivan Road and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: Park City Municipal Corporation represented by Matt Twombly, Project Manager
Location: City Park, 1580 Sullivan Road
Zoning: General Commercial (GC) District
Adjacent Land Uses: Offices, bank, residential condominiums, park & open space
Reason for Review: Planning Commission review and recommendation to City Council

Proposal

The City requests to reconstruct the existing two (2) tennis courts and add a third court at the north end of City Park. The proposed court will be built over an existing lot line. The City requests to shift the lot line to accommodate the proposed third court and reconstruction of the existing tennis courts.

Purpose

The purpose of the General Commercial (GC) District is to:

- a) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- b) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- c) protect views along the City's entry corridors,
- d) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,

- e) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,
- f) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and
- g) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and public art.

Background

On August 16, 2012 the City received a completed application for a proposed subdivision located at 1580 Sullivan Road. The City requests to reconstruct the existing tennis courts (two) and add a third court at the north end of City Park. The proposed court would be built over an existing lot line. The City requests to shift the lot line within property that it owns to accommodate the proposed third court and the resurfacing and reconstruction of the existing tennis courts.

Analysis

The proposed amendment is consistent with the purpose statements of the GC District in that the development will be made to be compatible with, and contribute to the distinctive character of Park City, through materials, architectural details, color range, massing, lighting, and landscaping. It will also allow the proposed court to be compatible with and encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities.

The site contains two (2) tennis courts, a concrete sidewalk leading into the courts from the parking lot, two (2) park benches at the court entry area, landscaped area around the courts and four (4) court lights, one on each corner (see Exhibit B - Existing Conditions Survey).

The City is requesting to add one (1) additional tennis court west of the existing (two) courts, which is proposed to be located at the current location of the existing entry area, concrete sidewalk, bark mulch path, and portion of the landscaped area directly in front of (to the west of) existing courts. The City is also requesting to resurface and reconstruct the existing two (2) tennis courts (see Exhibit C - Proposed Site Plan). In addition to the work described above, the City also proposed to reconfigure the entrance to the courts and to make it ADA accessible, and also to re-grade the existing berm (for the new ADA sidewalk), and reconfigure the drainage around the proposed courts.

The proposed construction of the third court that would be west of the existing courts and the reconstruction of the same, would take place over an existing lot line. The purpose of this subdivision application is to remove the aforementioned lot line which

would enable the City to be able to move forward with the proposed improvements at City Park. Currently the City does not allow the issuance of a building permit for any construction across a lot line.

Staff finds good cause for this subdivision to remove the lot line as the proposed subdivision does not change the exterior boundaries of the property or reduce/enlarge the existing City Park. The subdivision will simply remove the lot line, thus allowing for the proposed construction associated with the new tennis court. The proposed subdivision which will remove this lot line meets all requirements of the GC District.

The GC District lists a Public Recreation Facility as a conditional use. The applicant submitted a Conditional Use Permit (CUP) for the proposed improvements which is scheduled to be reviewed by the Planning Commission next month.

The applicant has also provide a summary indicating the City's necessity to reconstruction the existing courts and add the third (see Exhibit E – Applicants Project Description)

Process

Prior to issuance of any building permits the applicant will have to submit a complete Building Permit application. The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

This project has gone through an interdepartmental review. No additional issues were raised regarding the subdivision.

Notice

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

Public Input

Staff has not received any public input regarding this subdivision.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the City Park Tennis Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for City Park Tennis Subdivision and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on City Park Tennis Subdivision.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The two (2) existing tennis courts would remain as is and no construction could take place over the property line for the third (3rd) tennis court. Also the reconstruction of one of the courts could also not take place with the proposed subdivision to remove the lot line.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the City Park Tennis Subdivision located at 1580 Sullivan Road and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B - Existing Conditions Survey
- Exhibit C – Proposed Site Plan
- Exhibit D – Vicinity Map/Aerial Photograph
- Exhibit E – Applicants Project Description

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 12-

AN ORDINANCE APPROVING THE CITY PARK TENNIS SUBDIVISION LOCATED AT 1580 SULLIVAN ROAD, PARK CITY, UTAH.

WHEREAS, the representative for the owner of the property known as the 1580 Sullivan Road, have petitioned the City Council for approval of the Subdivision; 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 December 12, 2012, to receive input on the proposed amendments to the record of survey plat;

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

WHEREAS, on January 10, 2013, the City Council held a public hearing on the proposed subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed City Park Tennis Subdivision.

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

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

Findings of Fact:

1. The site is located at 1580 Sullivan Road, City Park.
2. The Site is within the General Commercial District.
3. The City requests to reconstruct the existing two (2) tennis courts and a third court at the north end of City Park.
4. The site contains two (2) existing tennis courts, a concrete sidewalk leading into the courts from the parking lot, two (2) park benches at the court entry area, landscaped area around the courts and four (4) court lights, one on each corner.
5. The City requests to add another tennis court west of the existing courts over the entry area, concrete sidewalk, bark mulch path, and portion of the landscape area.

6. The City also requests to reconstruct the existing two (2) tennis courts.
7. Construction of the proposed third court and reconstruction of one of the courts would be located over an existing lot line, which is why the subdivision is necessary.
8. The City requests approval of the subdivision application to remove this lot line in order to be able to construct the proposed improvements (as described in this Staff Report) at City Park.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code, and conditions of approval.
2. The applicant will record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Approval of a CUP and issuance of all necessary permits (building, etc) is required prior to the commencement of any construction activity.

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

PASSED AND ADOPTED this _____ day of _____, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

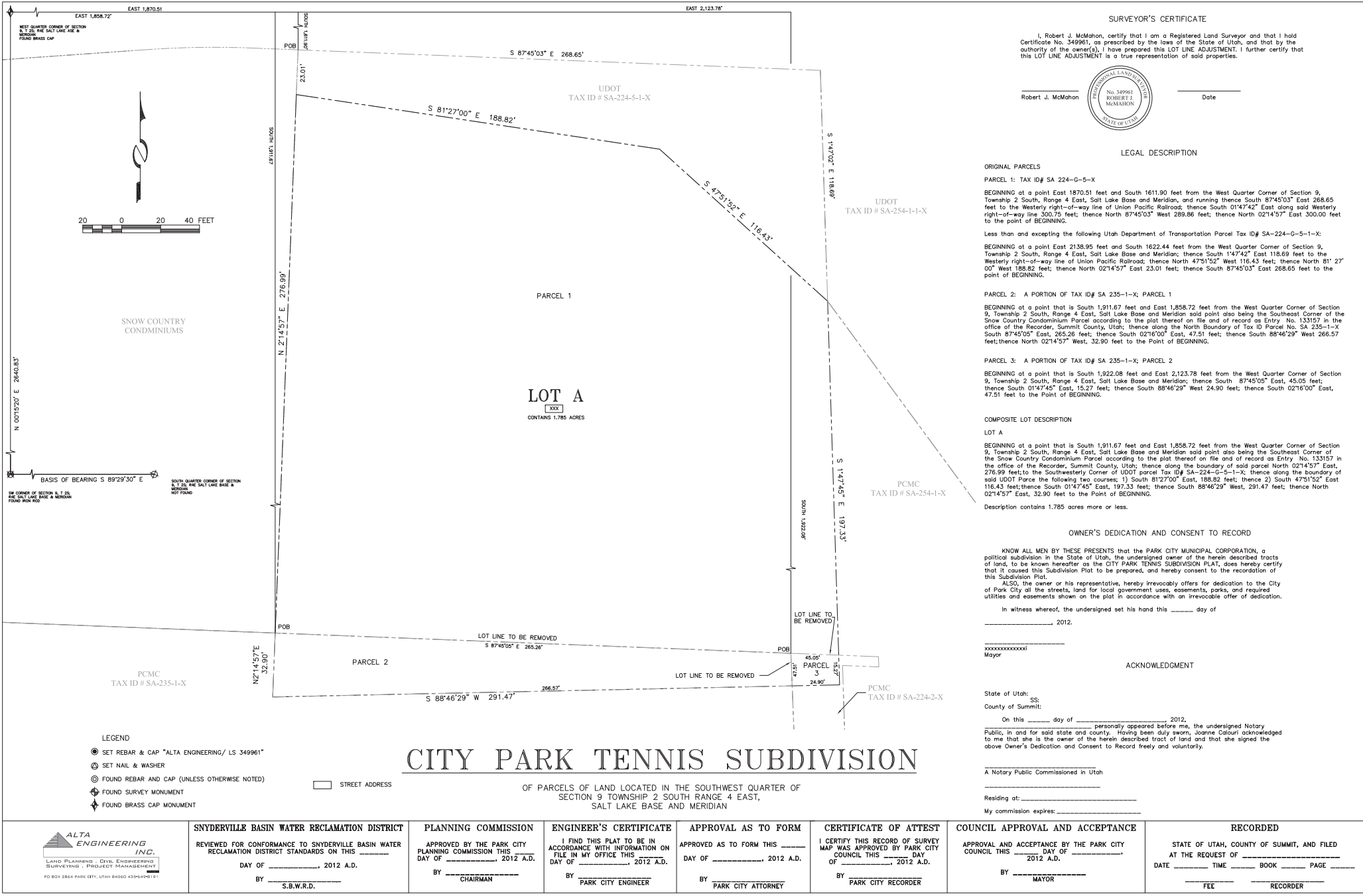
Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Attachment 1 – Proposed Plat



SURVEYOR'S CERTIFICATE

I, Robert J. McMahon, certify that I am a Registered Land Surveyor and that I hold Certificate No. 349961, as prescribed by the laws of the State of Utah, and that by the authority of the owner(s), I have prepared this LOT LINE ADJUSTMENT. I further certify that this LOT LINE ADJUSTMENT is a true representation of said properties.



Robert J. McMahon

Date _____

LEGAL DESCRIPTION

ORIGINAL PARCELS

PARCEL 1: TAX ID# SA 224-G-5-X
BEGINNING at a point East 1870.51 feet and South 1611.90 feet from the West Quarter Corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running thence South 87°45'03" East 268.65 feet to the Westerly right-of-way line of Union Pacific Railroad; thence South 01°47'42" East along said Westerly right-of-way line 300.75 feet; thence North 87°45'03" West 289.86 feet; thence North 02°14'57" East 300.00 feet to the point of BEGINNING.

Less than and excepting the following Utah Department of Transportation Parcel Tax ID# SA-224-G-5-1-X
BEGINNING at a point East 2138.95 feet and South 1622.44 feet from the West Quarter Corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence South 1°47'42" East 118.69 feet to the Westerly right-of-way line of Union Pacific Railroad; thence North 47°51'52" West 116.43 feet; thence North 81°27'00" West 188.82 feet; thence North 02°14'57" East 23.01 feet; thence South 87°45'03" East 268.65 feet to the point of BEGINNING.

PARCEL 2: A PORTION OF TAX ID# SA 235-1-X; PARCEL 1
BEGINNING at a point that is South 1,911.67 feet and East 1,858.72 feet from the West Quarter Corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian said point also being the Southeast Corner of the Snow Country Condominium Parcel according to the plat thereof on file and of record as Entry No. 133157 in the office of the Recorder, Summit County, Utah; thence along the boundary of said parcel North 02°14'57" East, 276.99 feet; to the Southwesterly Corner of UDOT parcel Tax ID# SA-224-G-5-1-X; thence along the boundary of said UDOT Parcel the following two courses: 1) South 81°27'00" East, 188.82 feet; thence 2) South 47°51'52" East 116.43 feet; thence South 01°47'45" East, 197.33 feet; thence South 88°46'29" West, 291.47 feet; thence North 02°14'57" East, 32.90 feet to the Point of BEGINNING.

PARCEL 3: A PORTION OF TAX ID# SA 235-1-X; PARCEL 2
BEGINNING at a point that is South 1,922.08 feet and East 2,123.78 feet from the West Quarter Corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; thence South 87°45'05" East, 45.05 feet; thence South 01°47'45" East, 15.27 feet; thence South 88°46'29" West 24.90 feet; thence South 02°16'00" East, 47.51 feet to the Point of BEGINNING.

COMPOSITE LOT DESCRIPTION

LOT A
BEGINNING at a point that is South 1,911.67 feet and East 1,858.72 feet from the West Quarter Corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian said point also being the Southeast Corner of the Snow Country Condominium Parcel according to the plat thereof on file and of record as Entry No. 133157 in the office of the Recorder, Summit County, Utah; thence along the boundary of said parcel North 02°14'57" East, 276.99 feet; to the Southwesterly Corner of UDOT parcel Tax ID# SA-224-G-5-1-X; thence along the boundary of said UDOT Parcel the following two courses: 1) South 81°27'00" East, 188.82 feet; thence 2) South 47°51'52" East 116.43 feet; thence South 01°47'45" East, 197.33 feet; thence South 88°46'29" West, 291.47 feet; thence North 02°14'57" East, 32.90 feet to the Point of BEGINNING.

Description contains 1.785 acres more or less.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the PARK CITY MUNICIPAL CORPORATION, a political subdivision in the State of Utah, the undersigned owner of the herein described tracts of land, to be known hereafter as the CITY PARK TENNIS SUBDIVISION PLAT, does hereby certify that it caused this Subdivision Plat to be prepared, and hereby consent to the recordation of this Subdivision Plat.

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

In witness whereof, the undersigned set his hand this _____ day of _____, 2012.

Mayor

ACKNOWLEDGMENT

State of Utah: _____
County of Summit: _____

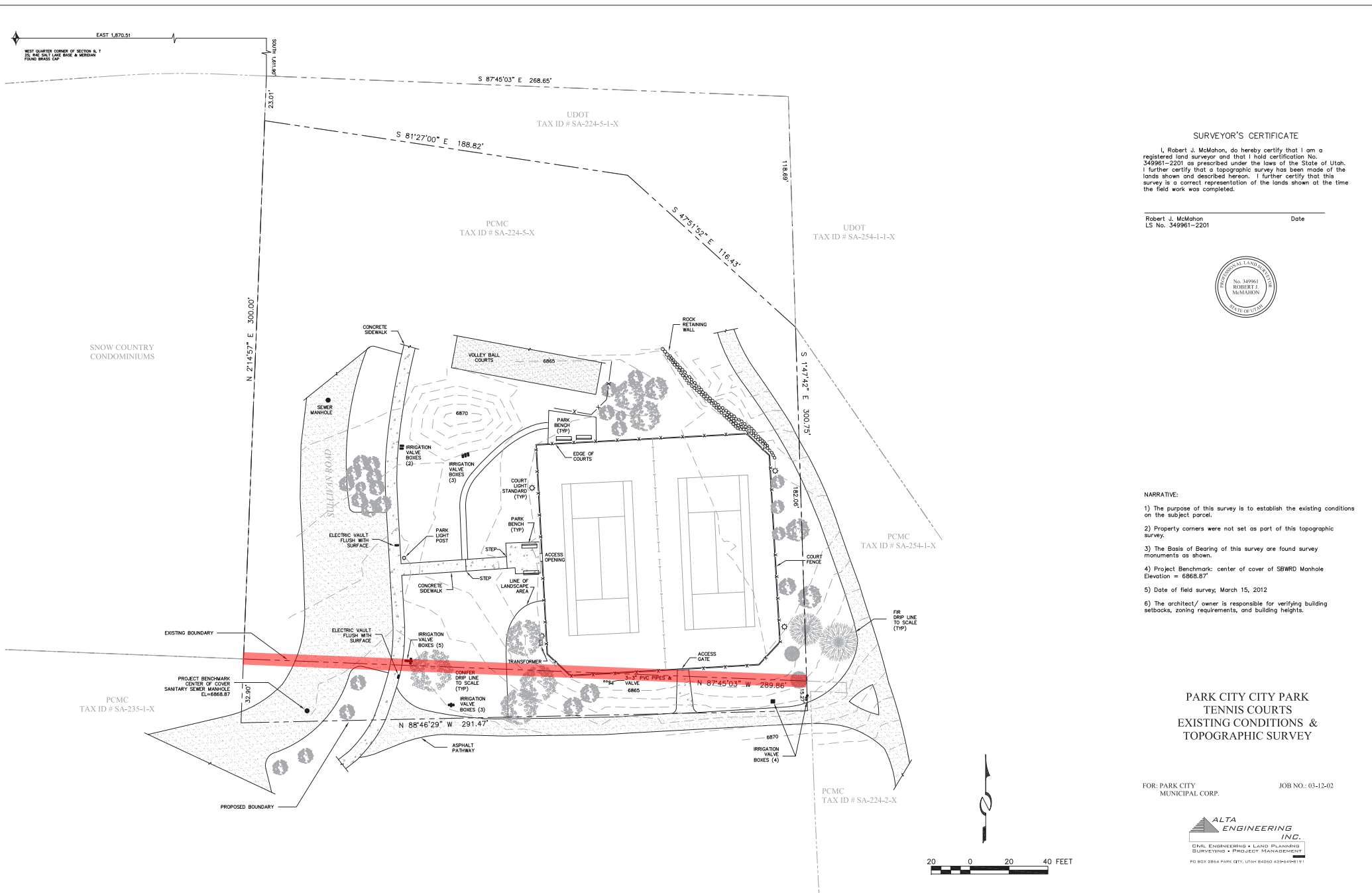
On this _____ day of _____, 2012,

Public, in and for said state and county, Having been duly sworn, Joanne Calcutt acknowledged to me that she is the owner of the herein described tract of land and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public Commissioned in Utah

Residing at: _____
My commission expires: _____

Exhibit B - Existing Conditions Survey



SURVEYOR'S CERTIFICATE

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

Robert J. McMahon
LS No. 349961-2201

Date



NARRATIVE:

- 1) The purpose of this survey is to establish the existing conditions on the subject parcel.
- 2) Property corners were not set as part of this topographic survey.
- 3) The Basis of Bearing of this survey are found survey monuments as shown.
- 4) Project Benchmark: center of cover of SBWRD Manhole Elevation = 6868.87'
- 5) Date of field survey, March 15, 2012
- 6) The architect/ owner is responsible for verifying building setbacks, zoning requirements, and building heights.

PARK CITY CITY PARK TENNIS COURTS EXISTING CONDITIONS & TOPOGRAPHIC SURVEY

FOR: PARK CITY MUNICIPAL CORP. JOB NO.: 03-12-02

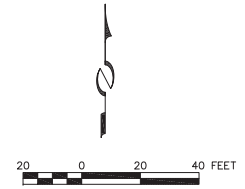
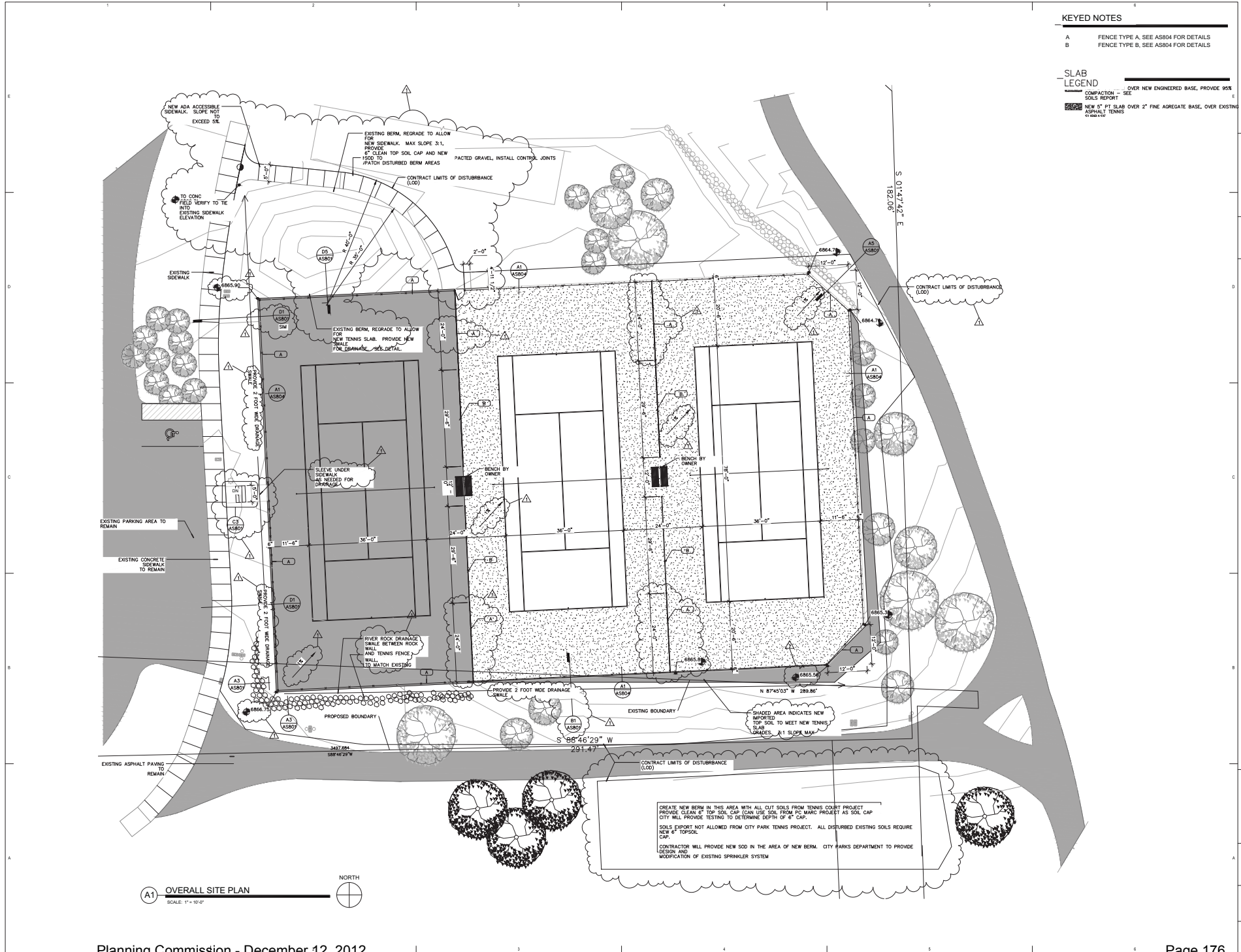


Exhibit C – Proposed Site Plan



KEYED NOTES

A FENCE TYPE A, SEE AS804 FOR DETAILS
 B FENCE TYPE B, SEE AS804 FOR DETAILS

SLAB LEGEND

COMPACTION OVER NEW ENGINEERED BASE, PROVIDE 90% SEE
 SOILS REPORT
 NEW 4" FT SLAB OVER 2" FINE AGGREGATE BASE, OVER EXISTING ASPHALT TENNIS SURFACE

VALENTINER
 CRANE
 BRUNES
 DIXON

VCSO ARCHITECTURE
 524 SOUTH 600 EAST
 SALT LAKE CITY, UTAH 84
 Phone: (801) 575-8800
 Fax: (801) 531-9850
 Web: www.vcsa.com

PARK CITY OUTDOOR TENNIS RENOVATIONS
 PARK CITY, UTAH
 BID DOCUMENTS

Rev#	Date	Description
1		

ISS# 08320
 CIO#
 Drawn: Author
 Checked: [blank]
 Date: 07/02/2012
 Designer: [blank]
 Rev#:

OVERALL SITE PLAN
 CITY PARKS

AS120

Vicinity Map

Exhibit D – Vicinity Map/Aerial Photograph

Legend

-  Road Edges
-  Parcels
-  Streets

Short Line Rd

Deer Valley Dr

Sullivan Rd

Bonanza Dr

GC

E

ROS

15th St

HRM

0

100

200

300

400

Planning Commission - December 12, 2012

Feet



Memo



To: Francisco Astorga
Author: Ken Fisher
Subject: City Park Tennis Courts
Date: December 6, 2012

The two tennis courts located on the north end of City Park are asphalt based courts that were originally constructed in the early 1980's. The courts can no longer be repaired due to their age and are scheduled to be replaced with three post-tension concrete courts in the spring of 2013. This project has gone before the Recreation Advisory Board (RAB) and City Council as part of RAB Visioning which is done with City Council every year. City Council & RAB are both supportive of replacing the two existing courts and adding the third court. The project is funded through the City Park Capital Improvement Fund and was approved as part of the CIP budget on July 1, 2012.

The need for the third court is due to the demand for tennis. The courts in City Park are the only free public courts in Park City. The City completed a citizen survey in 2007 and again in 2012 and both times the citizens identified the need for additional tennis courts as a facility with a high unmet need and being important to them. In the spring of 2012 the City also completed a Recreation Facility Demand Study by Zions Bank Public Finance that looked at the number of recreation facilities in park City versus other resort towns in the intermountain region. The study identified a shortage of 6 outdoor tennis courts in the Park City area.

Planning Commission Staff Report



Subject: 1063 Norfolk Ave Plat Amendment
Author: Mathew Evans, Senior Planner
Date: 12 December, 2012
Type of Item: Administrative – Plat Amendment
Project Number: PL-12-01693

Summary Recommendations

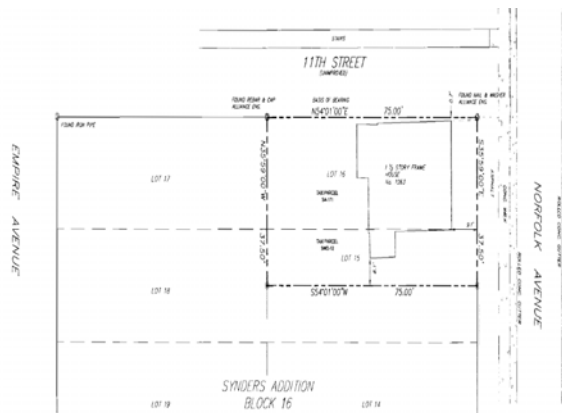
Staff recommends that the Planning Commission hold a public hearing for the 1063 Norfolk Avenue Plat Amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: Michael and Letitia Lawson
Location: 1063 Norfolk Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal:

The applicant is requesting a Plat Amendment for the purpose of combining all of Lot 16 and half of Lot 15 of the Snyders Addition to Park City, Block 16. There is an existing historic home on the property that is identified as Historically Significant on the City's Historic Sites Inventory, and the applicant wishes to combine the lots in order to move forward with a Historic District Design Review (HDDR) approval for an addition of a basement/garage and rear addition to the existing historic home. The Plat Amendment approval and recordation is necessary prior to the approval of the HDDR.



Background

The 1063 Norfolk Avenue property is listed on the Historic Sites Inventory as a “Significant” site which includes a small Mining era home constructed in 1911. The 739-square foot home was originally built as a cross-wing frame house with a rectangular front porch located within the “L” of the wing. Between 1940 and 1995, this porch was enclosed, the roofline extended, and the entrance moved to the south elevation. During that same period, a vertical double-pane window was added at the attic level of the front north gable end elevation, and the front bay window was replaced with the current double horizontal sliding window.

In October 2012, the applicant submitted a HDDR Pre-application and met with the Design Review Team (DRT). The applicants propose to restore the façade of the home to its original historic design, including reconstructing the front porch and bay window, as well as removing the attic window. The applicants also wish to construct a basement and basement level garage as well as a rear addition to the home. The applicants indicated that the current home has no foundation, the structural members have begun to rot and the floor of the home is in disrepair. Upon conducting a site visit to the residence, Staff noted some of the same concerns regarding the deterioration of the floor due to the absence of a foundation or external supports.

The applicant plans to make a full HDDR submittal once the plat amendment is approved. Work will not be allowed to commence until the plat amendment is recorded.

Analysis

Planning Staff believes there is good cause for the application. The home currently straddles the lot line between Lots 15 and 16 of the Snyders Addition, Block 16. The plat amendment is necessary in order for the applicants to make the necessary improvements and desired additions to the home. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

The property is situated on the corner of Norfolk Avenue and 11th Street. Although 11th Street is not an improved city street, it is a City-owned right-of-way, and the 11th Street Stairway is maintained by the City and used by the public. According to information shown on the Sanborn maps, historically this property had a detached carriage home located in the back yard that was accessed from the 11th Street right-of-way, which was historically un-paved. The applicants are not proposing to re-build the carriage house, nor are they obligated to as part of the HDDR process due to the fact that the garage was likely torn down (or burned down) at some point in the distant past.

Even if the existing structure did not straddle the lot line, the north half of Lot 15 would be unbuildable due to the fact that it is not large enough to build on (does not meet the minimum lot size) by itself. The southern portion of Lot 15 is owned by the adjacent owner, who also owns all of Lot 14. The one and a half lot configuration is very typical

on Norfolk Avenue.

Existing Conditions - 1063 Norfolk Ave Home

- Lot Size: 2,812.5 square feet (one and a half Old Town lots)
- Home Size: 739 square feet
- Footprint: 739 square feet
- Accessory Structures: 0 - None
- Stories: 1 (with habitable attic space above the master)
- Setbacks: Front – 9'1", Rear - 32', Side (n) .07-1', Side (s) 6.1'
- Height: 19' approximately

HR-1 Zone Designation Lot Requirements (Based on 3,750 square foot lot)

- Maximum Building Footprint: 1,201 square feet
- Side-yard Setback Requirement: 3 feet minimum, 6 feet combined
- Front and Rear-Yard Setbacks: 10 feet minimum, 20 feet combined.
- Max Height: 27 feet

The existing .07 foot (8.4 inches) side-yard setback between the north property line and the home is legal-nonconforming, but considered legally compliant because of its historic status. The south setback is at six feet (6') is conforming; the front setback at nine feet (9') is nonconforming, but compliant due to the historic status; and the rear yard is also conforming (with 22 feet to spare). The proposed plat amendment does not increase any degree of nonconformity with respect to setbacks. The home is historic, and thus the current setbacks are automatically considered legal-compliant per §15-2.2-4 of the LMC; however, additions to the home would be required to meet the current setback requirements.

Aside from an HDDR and Building Permit if the applicant wishes to add an addition to the house, there are no other regulatory processes anticipated for this property. There are no steep slope issues, and there are no likely variances necessary as well.

Process

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

Department Review

This project has gone through an interdepartmental review. There were no issues raised by any of the departments regarding this proposal. It is likely that the sewer lateral does not meet SBWRD requirements and will need to be reconstructed as part of the project. The applicant should meet with SBWRD prior to the reconstruction of the home to determine the best location of the new sewer lateral.

Notice

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

Public Input

No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meeting December 12, 2012.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 1063 Norfolk Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 1063 Norfolk Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 1063 Norfolk Avenue Plat Amendment to a date certain.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and two existing parcels would not be adjoined. Any additions to the historic house would be limited to the existing rear lot line.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 1063 Norfolk Avenue Plat Amendment and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A – Vicinity Map

Exhibit B – Plat and Record of Survey

Draft Ordinance

Ordinance No. 12-

**AN ORDINANCE APPROVING THE 1063 NORFOLK AVENUE PLAT AMENDMENT
LOCATED AT 1063 NORFOLK AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of property located at 1063 Norfolk Avenue have petitioned the City Council for approval of the 1063 Norfolk Avenue Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on December 12 2012 and April 11, 2012, to receive input on the 1063 Norfolk Avenue Plat Amendment;

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

WHEREAS; the City Council, held a public hearing on January __, 2013; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 1063 Norfolk Avenue Plat Amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 1063 Norfolk Avenue Plat Amendment as shown in Exhibit B 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 1063 Norfolk Avenue within the Historic Residential (HR-1) Zoning District.
2. The property is shown on the Historic Sites inventory as a "Significant Site" and includes a 739 square foot mining-era home constructed in 1911.
3. The applicants are requesting to combine one and a half Old Town lots into one Parcel.
4. The plat amendment is necessary in order for the applicant to move forward with and HDDR for the purpose of a basement level and rear yard addition to the home.
5. The amended plat will create one new 2,812.5 square foot lot.

6. Currently the property is one and a half separate Old Town Lots, Lot 16 and half of Lot 15. The other half of Lot 15 is adjoined to Lot 14 and is a separate parcel.
7. The existing historic 739 square foot home is listed as "Significant" on the Historic Sites Inventory.
8. The applicant is considering a basement level addition to the home, including a garage and a rear yard addition. The application will also include a proposal to bring back the original covered front porch and bay window, as well as remove the front attic window, which was an out-of-period addition.
9. The existing historic home straddles Lots 15 and 16 of the Snyders Addition and cannot be moved per the Historic District Guidelines.
10. The proposed additions to the existing historic home will require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.
11. The maximum building footprint allowed is 1,201 per the HR-1 LMC requirements. The current square footage is 739, which would allow a maximum footprint addition of 462 square feet.
12. There are nonconforming setbacks associated with this property, including the north side yard and (west/east/south) front yard setbacks. New additions to the rear of the historic home would require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work that expands the footprint of the home or would first require the approval of an HDDR shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. Modified 13-D sprinklers will be required for renovation of the existing structure.

5. A 10 foot wide public snow storage easement will be provided along the frontage of the property.

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

PASSED AND ADOPTED this ___ day of January, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

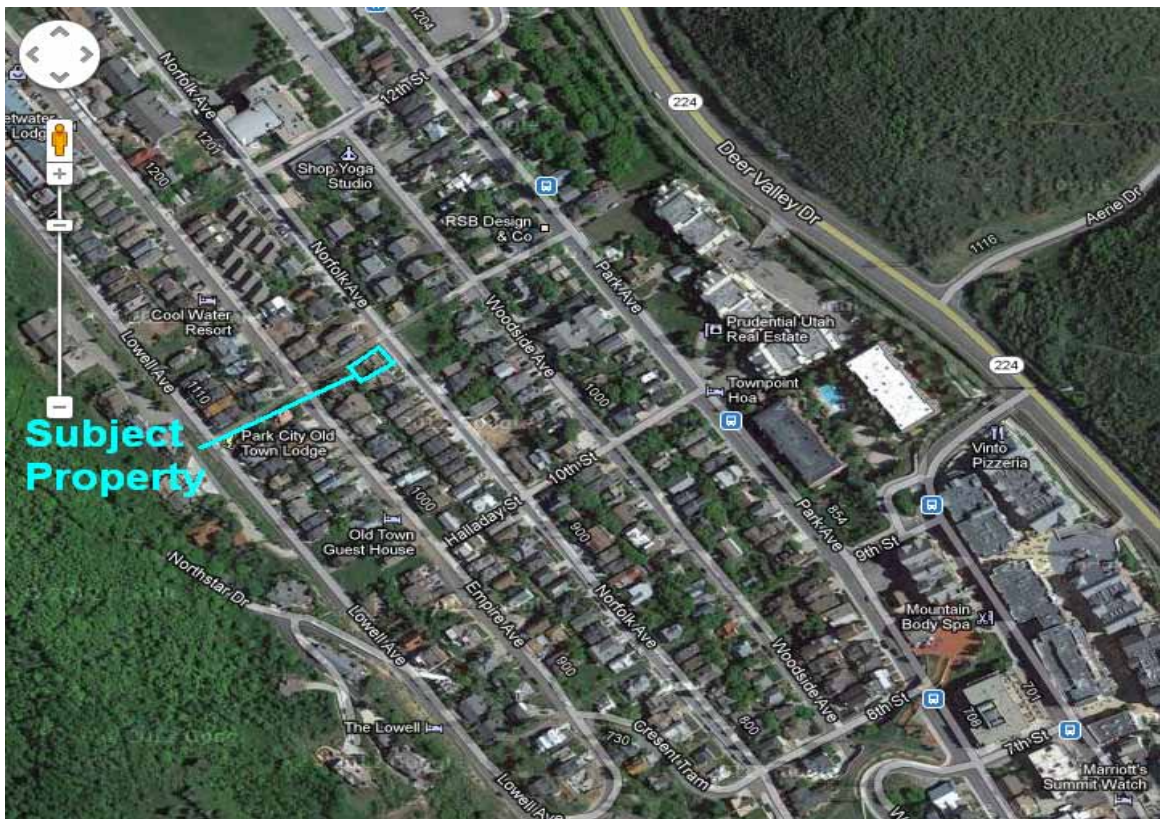
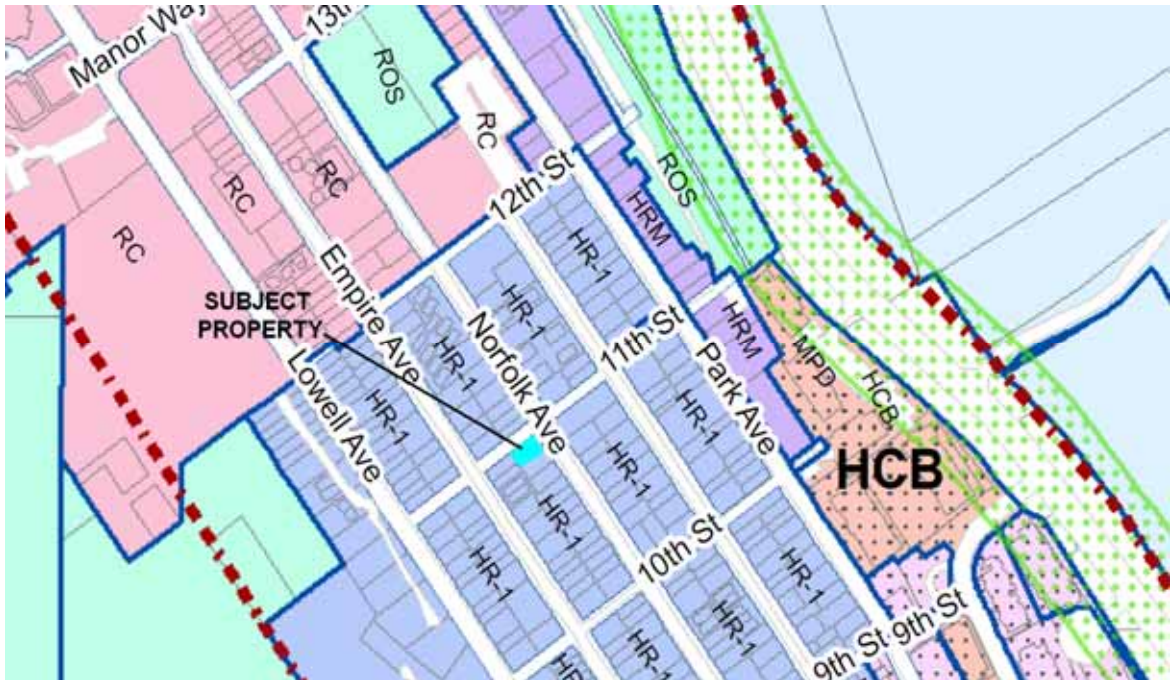
ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A



1063 NORFOLK SUBDIVISION

LOCATED IN
BLOCK 16, SNYDERS ADDITION TO PARK CITY,
SUMMIT COUNTY, UTAH

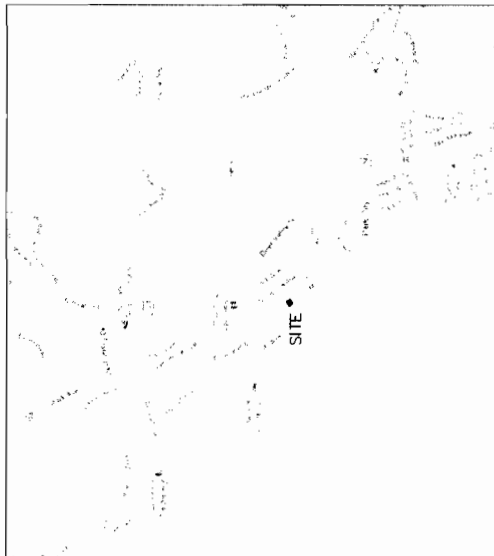
SYDERS ADDITION
BLOCK 17

LOT 2

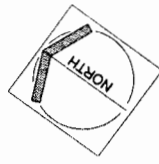
LOT 1

LOT 31

LOT 32



VICINITY MAP



LEGAL DESCRIPTION

THE NORTH HALF OF LOT 15 AND ALL OF LOT 16, BLOCK 16, SNYDERS ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that the owners of the herein described tracts of land do hereby dedicate and consent to record the same as shown on this plat, hereafter to be known as

"1063 NORFOLK SUBDIVISION"

Also, the owner hereby dedicates to Summit County, Statewide Basin Water Reclamation District, Mountain Regional Water Service District, and Park City Fire District, a non-exclusive easement over the roadways and utility easements shown on this plat, hereafter to be known as "1063 NORFOLK SUBDIVISION", for the installation and eventual replacement, and to provide access for emergency services. Those areas that are intended for public use are hereby dedicated to Summit County.

Executed this ____ day of _____, 2012.

MICHAEL B. LAWSON, OWNER
LETITIA C. LAWSON, OWNER

ACKNOWLEDGMENT

The foregoing was acknowledged before me this ____ day of _____, 2012 by Lawson, Owners of the above described property

Notary Public
Residing at _____
My commission expires _____

CONSENT TO RECORD

The undersigned lien holder hereby consents to the resubmission of the plat by _____, Authorized Official of _____, 2012.
The foregoing consent to record was acknowledged before me this ____ day of _____, 2012.

Notary Public
Residing at _____
My commission expires _____

SUBSCRIBER'S CERTIFICATE

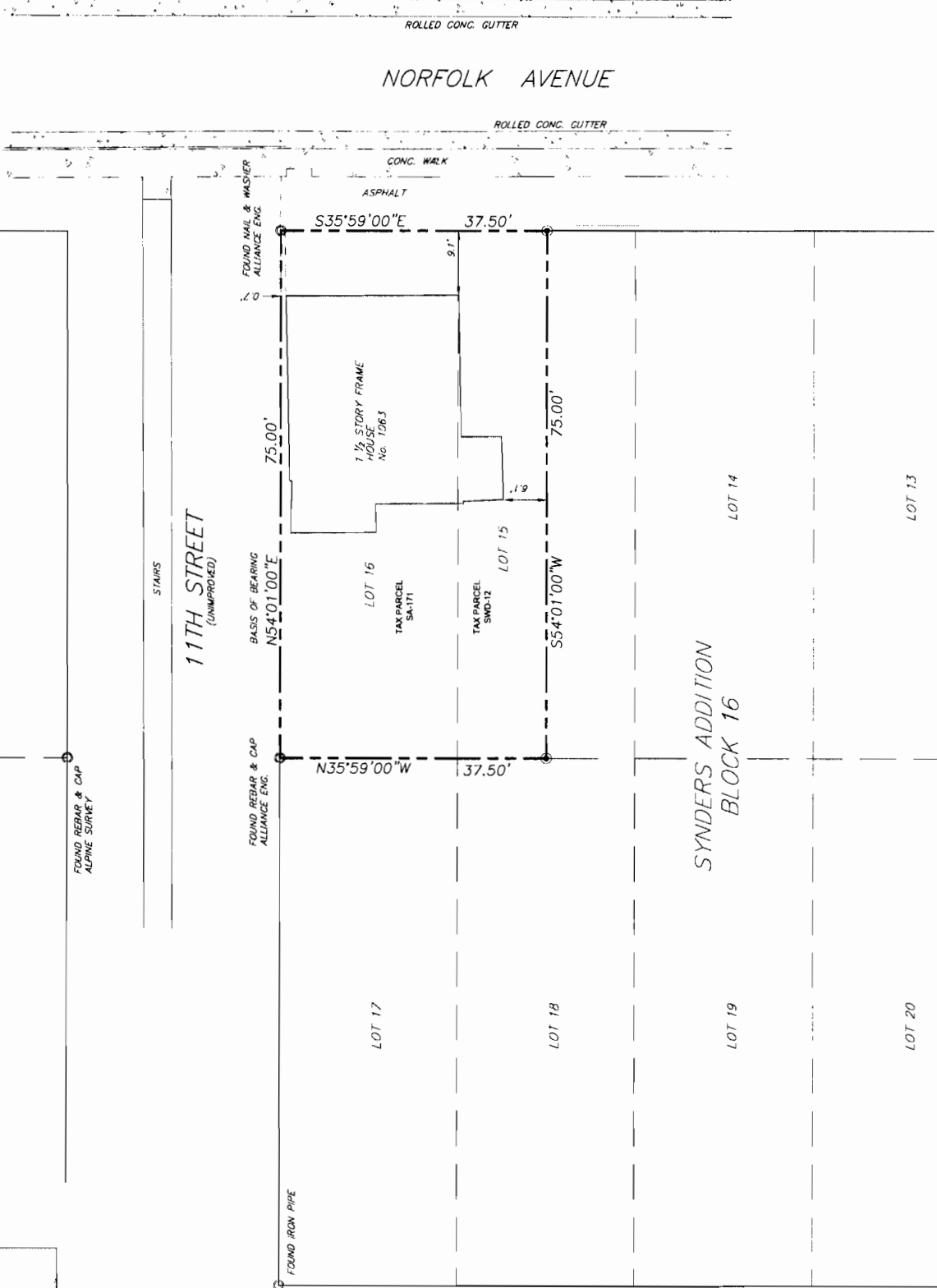
I, Russell E. Campbell, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 316831 as prescribed under the laws of the State of Utah. I further certify that a boundary survey has been made of the land shown on this plat, and that the same is in accordance with the laws of the State of Utah. I have also caused to be prepared and attached to this plat a correct representation of the land shown and have been prepared and attached to this plat a correct representation of the requirements of the law as of the date of the survey, October, 2012.

Russell E. Campbell

Date



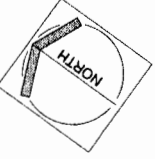
LOCATED IN
BLOCK 16, SNYDERS ADDITION TO PARK CITY
SUMMIT COUNTY, UTAH



NOTES

1) It is the purpose of this Amended Plat to combine the 2 Parcels as shown hereon. No other changes, revisions, or amendments are made or implied, and any and all other conditions, restrictions, and/or instruments of record shall remain in force unless shown otherwise hereon.

<p>BASELINE SURVEYING, Inc 1058 East 2100 SOUTH Salt Lake City, UT 84106 (801) 209-2152</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY WAS MADE BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2012. _____ PARK CITY RECORDER</p>	<p>CITY PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2012. _____ PLANNING COMMISSION CHAIRMAN</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2012. _____ MAYOR</p>	<p>CITY ENGINEER I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE. THIS ____ DAY OF _____, 2012. _____ PARK CITY ENGINEER</p>	<p>SEWER DISTRICT REVIEWED FOR CONFORMANCE TO JORDANVILLE SPECIAL SERVICE DISTRICT STANDARDS THIS ____ DAY OF _____, 2012. _____ J.S.S.D.</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM ON THIS ____ DAY OF _____, 2012. _____ PARK CITY ATTORNEY</p>	<p>RECORDED ENTRY NO. _____ BOOK _____ PAGE _____ STATE OF _____ COUNTY OF _____ DATE _____ TIME _____ RECORDED AND FILED AT THE REQUEST OF: _____ COUNTY RECORDER</p>
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SURVEY DESCRIPTION
 THE NORTH HALF OF LOT 15 AND ALL OF LOT 16, BLOCK 16, SNYDERS ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

SURVEYOR'S CERTIFICATE
 I, Russell E. Campbell, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 316833 as prescribed under the laws of the State of Utah. I further certify that the boundary survey shown hereon was derived from direct field observation and represents the existing conditions and boundary as of the date of survey, October 5, 2012.

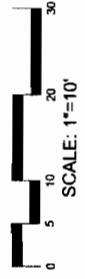
Russell E. Campbell
 Date _____

NARRATIVE
 The survey was prepared for Michael and Teagh Lawson. The purpose of the survey is to locate the boundary, existing house, improvements, and adjacent improvements, and to stake the corners. The Basis of Bearing is the North line of Lot 16 as shown.
 Public utilities, if shown, were located from available design information and/or by direct surface observation as noted. Owner should contact local utility companies and the local municipality for verification and/or location of any underground public utilities.
 Site Bench Mark is sewer manhole at the intersection of Norfolk Avenue and 11th Street as shown, El. 6956.0', USDS Datum.
 This survey does not show building setbacks, easements, or underground utilities. Locations of which should be verified prior to any construction.
 The Owner of the property should be aware of any items affecting the property that may appear in a Title Insurance Report. The Surveyor has found no obvious evidence of easements, encroachments, or encumbrances on the property surveyed except as shown hereon.

REVISIONS	DATE	BY	COMMENTS

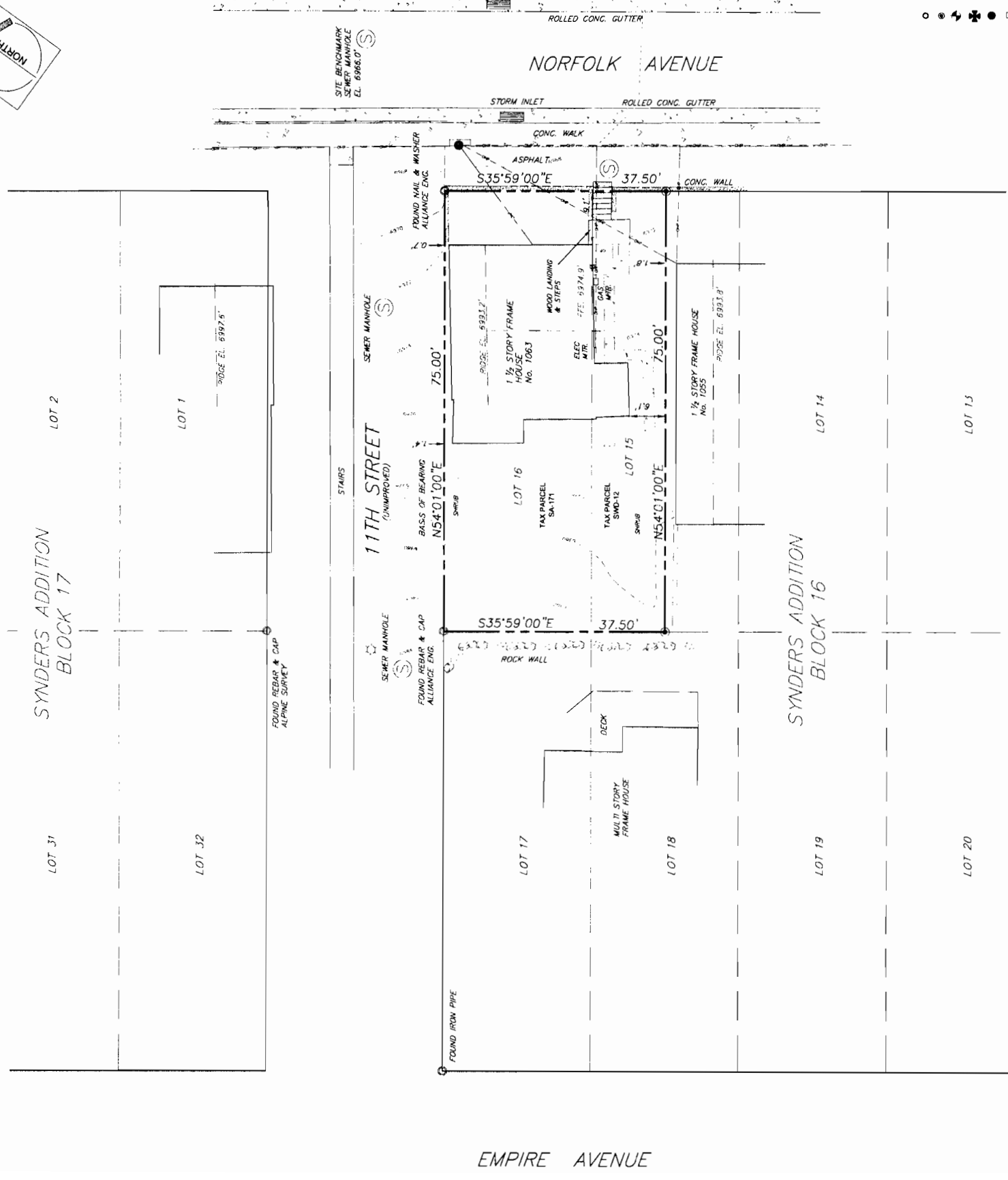
JOB NO.	956
SURVEY BY	RC
DRAWN BY	RC

BOUNDARY AND TOPOGRAPHIC SURVEY
 1063 NORFOLK AVENUE
 TAX PARCELS SA-171 & SWA-12
 PARK CITY, SUMMIT COUNTY, UTAH



RECEIVED
 LOCATED IN
 BLOCK 16, SNYDERS ADDITION TO PARK CITY
 SUMMIT COUNTY, UTAH
 OCT 19 2012
 PARK CITY
 PLANNING DEPT.

SHEET 1 of 2



- LEGEND**
- FOUND REBAR & CAP (AS NOTED)
 - SET REBAR & CAP LS 316833
 - ⊙ STREET MONUMENT
 - ⊕ SECTION CORNER
 - UTILITY POLE
 - TELEPHONE PEDESTAL
 - LIGHT POLE
 - BOUNDARY LINE
 - LOT LINE
 - BLOCK LINE
 - OVERHEAD UTILITY LINE

Planning Commission Staff Report



Subject: 481 Woodside Avenue Plat
Amendment
Author: Kirsten Whetstone, Senior Planner
Date: December 12, 2012
Type of Item: Administrative – Plat Amendment
Project Number: PL-12-01653

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the 481 Woodside Avenue Plat Amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: Christopher DiMeo
Location: 481 Woodside Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential, open space, ski runs
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal:

The applicant is requesting a Plat Amendment (see Exhibit A) for the purpose of combining all of Lots 16 and 17, Block 29 of the Park City Survey. According to the Historic Sites Inventory (HSI) there is an existing historic home on the property that is listed as “Significant”. According to the HSI, the existing home was originally constructed circa 1884, and remodeled in 1984 (see Exhibit B). The house straddles the common lot line between Lots 16 and 17. The applicant wishes to combine the lots to resolve setback issues from the common lot line that the house was originally constructed over. The applicant ultimately desires to do additional interior remodeling and landscaping in the rear to resolve issues with storm water run-off into the basement. Because the property is located within the Historic District, a Historic District Design Review (HDDR) pre-application will be required for any exterior changes to the property prior to the issuance of any building permits. Plat Amendment approval and recordation is also necessary prior to issuance of a building permit. Any proposed new construction is required to comply with the lot and site development parameters of the zone.

Background

The 481 Woodside Avenue house is a historic house as listed on the HSI as “Significant”. The house was constructed as a single family dwelling in 1884, during the early mining era in Park City. The house contains approximately 2,677 square feet of living area and includes a 594 square foot two car garage that was added to the original

house in 1984 and a building permit was approved for the garage. The existing footprint is 1,723 square feet. No changes to the building footprint are proposed with the current remodel work.

The applicant plans to submit a full HDDR application for the proposed work once the plat amendment is approved. A building permit for the remodel will not be issued until the plat is recorded.

Analysis

Planning Staff believes there is good cause for the application. The home currently straddles the lot line creating a non-conforming situation with regards to side setbacks from the common property line. The plat amendment is required in order for the applicants to proceed with desired improvements to the home and to correct the rear lot grading to protect the historic house and prevent storm water from flooding the basement. Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development shall be met.

Lot combinations are typical on Woodside Avenue and in this part of Old Town (see Exhibit C). Houses on either side of this property are located on lot combinations of one and one half to two or more lots. Located across the street on the east side of Woodside are houses and condominiums located on two or more lots. Only five of the 45 lots along Woodside Avenue from Fourth Street to Fifth Street are single lots developed with single family homes (Exhibits D and E).

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

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

Existing Conditions – 481 Woodside Ave Home

- Lot Size: 3,750 square feet (two Old Town lots)
- House Size: 2,677 square feet living area and 594 square feet garage area
- Footprint: 1,723 square feet
- Stories: 3 (counting the garage and attic space within the roof framing of house)

- Setbacks: Front: garage is 0.1', house is 25' (approx.)
Rear: house is 9.1', deck is 8.1', and ski ramp is 0'
Side (n): garage is 5.6', house is 8.2', deck is .07-1',
Side (s) garage is 22', house is 1.1', and deck is 1.4'
- Height: 26'-27' approximately (garage is approx. 14.9')

**HR-1 Zone Designation Lot Requirements
(Based on 3,750 square foot lot)**

- Maximum Building Footprint: 1,519 square feet
- Side-yard Setback Requirement: 5 feet minimum (10 feet combined)
- Front and Rear-Yard Setbacks: 10 feet minimum, 20 feet combined.
- Max Height: 27 feet

The home is historic, and thus the existing setbacks, footprint, and height are considered a valid Complying Structures per §15-2.2-4 of the LMC; however, any new construction would be required to meet the current setback requirements. The applicants are not proposing to change the access, building height, building footprint, or setbacks however additional basement area under the historic house is being considered. The proposed plat amendment does not increase any degree of nonconformity with respect to building height, building footprint, or setbacks.

Aside from the HDDR application and the Building Permit required for any future remodel and exterior work, there are no other regulatory processes anticipated for this property. Encroachments in the ROW and across property lines must be addressed prior to plat recordation and either removed or enter into an agreement to preserve each encroachment.

Good Cause

There is good cause for this plat amendment in that the plat amendment is required in order for the applicant to proceed with desired improvements to the home and to correct the rear lot grading to protect the historic house and to prevent storm water from flooding the basement. Staff also finds that the plat amendment will resolve the issue of the home straddling the common property line under the house and any encroachments in the ROW or across perimeter property lines.

Process

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

Department Review

This project has gone through an interdepartmental review. There were no additional issues raised by any of the departments regarding this proposal.

Notice

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

Public Input

No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meeting on January 10, 2013.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 481 Woodside Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 481 Woodside Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 481 Woodside Avenue Plat Amendment to a date certain.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and two existing parcels would not be adjoined. The non-complying setback under the existing house would not be resolved and a building permit for the addition could not be issued.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the 481 Woodside Avenue Plat Amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A- Plat

Exhibit B- Existing conditions site plan

Exhibit C- Aerial photo/vicinity Map

Exhibit D- Historic Sites Inventory and Photos

Exhibit E- County recorder parcels plat

Draft Ordinance

Ordinance No. 12-

**AN ORDINANCE APPROVING THE 481 WOODSIDE AVENUE
PLAT AMENDMENT, PARK CITY, UTAH**

WHEREAS, the owners of property located at 481 Woodside Avenue have petitioned the City Council for approval of the 481 Woodside Avenue Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on December 12th, 2012, to receive input on the 481 Woodside Avenue Plat Amendment;

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

WHEREAS, the City Council held a public hearing on January 10th, 2013; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 481 Woodside Avenue Plat Amendment as the plat amendment will resolve the issue of the home straddling the common property line under the house and any encroachments in the ROW or across perimeter property lines.

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 481 Woodside Avenue Plat Amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 481 Woodside Avenue within the Historic Residential (HR-1) Zoning District.
2. The property includes an existing 2,677 square foot house and 594 square foot garage.
3. The house was originally constructed circa 1884 and remodeled with additions over time with the latest remodel and garage constructed in 1984.
4. According to the Historic Sites Inventory (HSI) the existing historic home on the property is listed as "Significant".
5. The applicant is requesting to combine two Old Town lots into one lot of record.

6. The plat amendment is necessary in order for the applicant to move forward with additional interior remodeling and landscaping in the rear to resolve existing issues with storm water run-off into the basement. No additional building footprint is proposed, however additional basement area under the historic house is being considered.
7. The amended plat will create a 3,750 square foot lot of record from the combination of all of Lots 16 and 17, Block 29 of the Park City Survey into one lot.
8. The existing historic home straddles Lots 16 and 17 and cannot be moved onto one lot, per the LMC and Historic District Guidelines. The house is also wider than one 25' wide lot.
9. Any exterior changes to the existing historic home or exterior landscaping requires submittal of an Historic District Design Review application with review for compliance with the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.
10. The maximum building footprint allowed is 1,519 square feet per the HR-1 LMC requirements. The current building footprint is 1,723 square feet and is considered non-complying. No additional building footprint is permitted or proposed.
11. There are nonconforming setbacks associated with this property, including the south side and rear yards for the house and the front yard setbacks for the garage.
12. New construction is not proposed that will create further non-compliance of building footprint, height or setbacks.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permits for work on the existing structure that would first require the approval of an HDDR shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. Modified 13-D sprinklers may be required for renovation of the existing structure, to be determined by the Chief Building Official at the time of review of the building plan permit submittal.
5. A 10 foot wide public snow storage easement will be provided along the frontage of the property.

6. Encroachments in the ROW and across property lines must be addressed prior to plat recordation and either removed or enter into an agreement to preserve each encroachment.

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

PASSED AND ADOPTED this ____ day of January 10, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

REVISIONS	
DATE	BY COMMENTS
XX/XX/XXXX	

SUBMITTED BY: CP/CGB
 DRAWN BY: MW
 DATE: OCTOBER 2011

RECORD OF SURVEY & AS-BUILT MAP
PARK CITY SURVEY, BLOCK 29, LOT 16 & 17

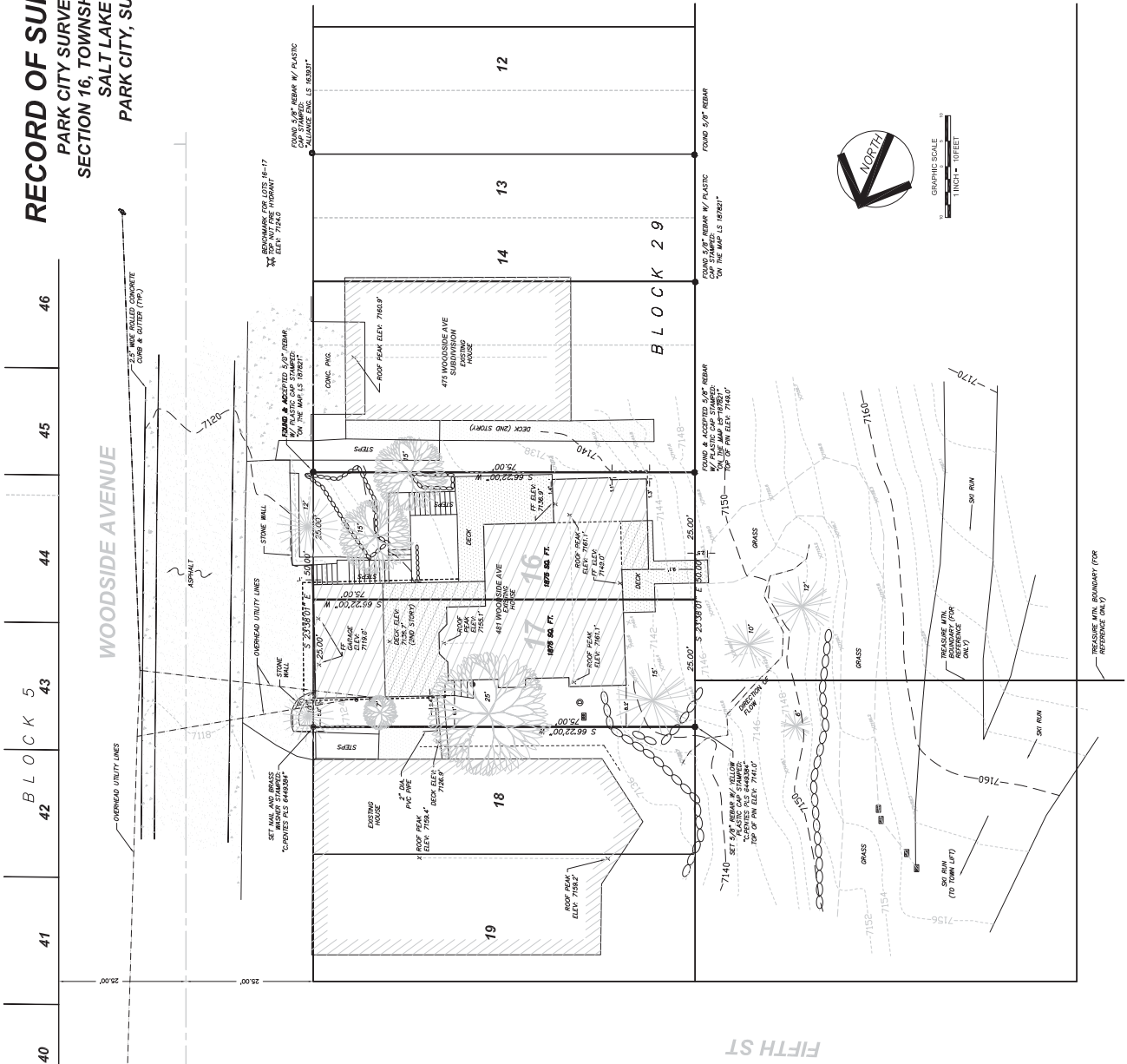
FOR: DiMeo DWG: 481 WOODSIDE ROS-ASB.dwg

RECORD OF SURVEY & AS-BUILT MAP
 PARK CITY SURVEY, BLOCK 29, LOT 16 & 17
 SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
 SALT LAKE BASE & MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

ABSTRACT:
 THIS SURVEY IS TO LOCATE THE BOUNDARY MARKS OF THE SUBJECT PROPERTY & TO OBTAIN CORNER ELEVATIONS FOR A CONVEYANCE MAP PRIOR TO REVISIONS TO REAR OF PROPERTY BY THE OWNER.
 EXISTING SURVEY MONUMENTS IN ADJACENT ROADWAYS AND LOTS WERE USED TO REESTABLISH THE PROPERTY CORNERS.
 THE BASIS OF MEASUREMENT IS SHOWN HEREON. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE THE CORRECTIONS OF RECORD, UNLESS NOTED.
 SURVEY COMPLETED: 09/23/2011
 SEE SAID OFFICIAL PARK CITY SURVEY FOR ANY EASEMENTS, SETBACKS AND BUILDING RESTRICTIONS.
 THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS REPORTED BY THE SURVEYOR THAT MAY AFFECT THE PROPERTY SURVEYED, EXCEPT AS SHOWN HEREON.
 EVIDENCE FOR THIS SURVEY WAS TAKEN FROM RECORDED DEEDS. THE FIELD ALL EVIDENCE HAS BEEN CONSIDERED IN THE ESTABLISHMENT OF THE BOUNDARY AS SHOWN HEREON.
LEGAL DESCRIPTION:
 ALL OF LOTS 16 AND 17, BLOCK 29 OF PARK CITY SURVEY, OF RECORD AND ON FILE AT THE SUMMIT COUNTY RECORDER'S OFFICE.

EXHIBIT B

- LEGEND**
- SET 5/8" REBAR W/ YELLOW "CROWNED" PL S 444334"
 - FOUND REBAR W/ CAP (AS NOTED)
 - ⊕ SINK CLEAN OUT
 - ⊖ STORM DRAIN MANHOLE
 - ⊞ ELECTRIC BOX OR OUTLET
 - ⊟ AERATION BOX
 - ⊠ GAS METER
 - ⊡ UTILITY POLE
 - ⊢ SPOT ELEVATION
 - ⊣ ROCK WALL
 - ⊤ OVERHEAD UTILITY LINE
 - ⊥ EXISTING BUILDING
 - ⊦ DECK
 - ⊧ CONCRETE TREE
 - ⊨ 12" CONIFEROUS TREE
 - ⊩ 12" DECIDUOUS TREE
- SIZE DIMENSIONS ADJUSTED TO EDGE OF ASPHALT



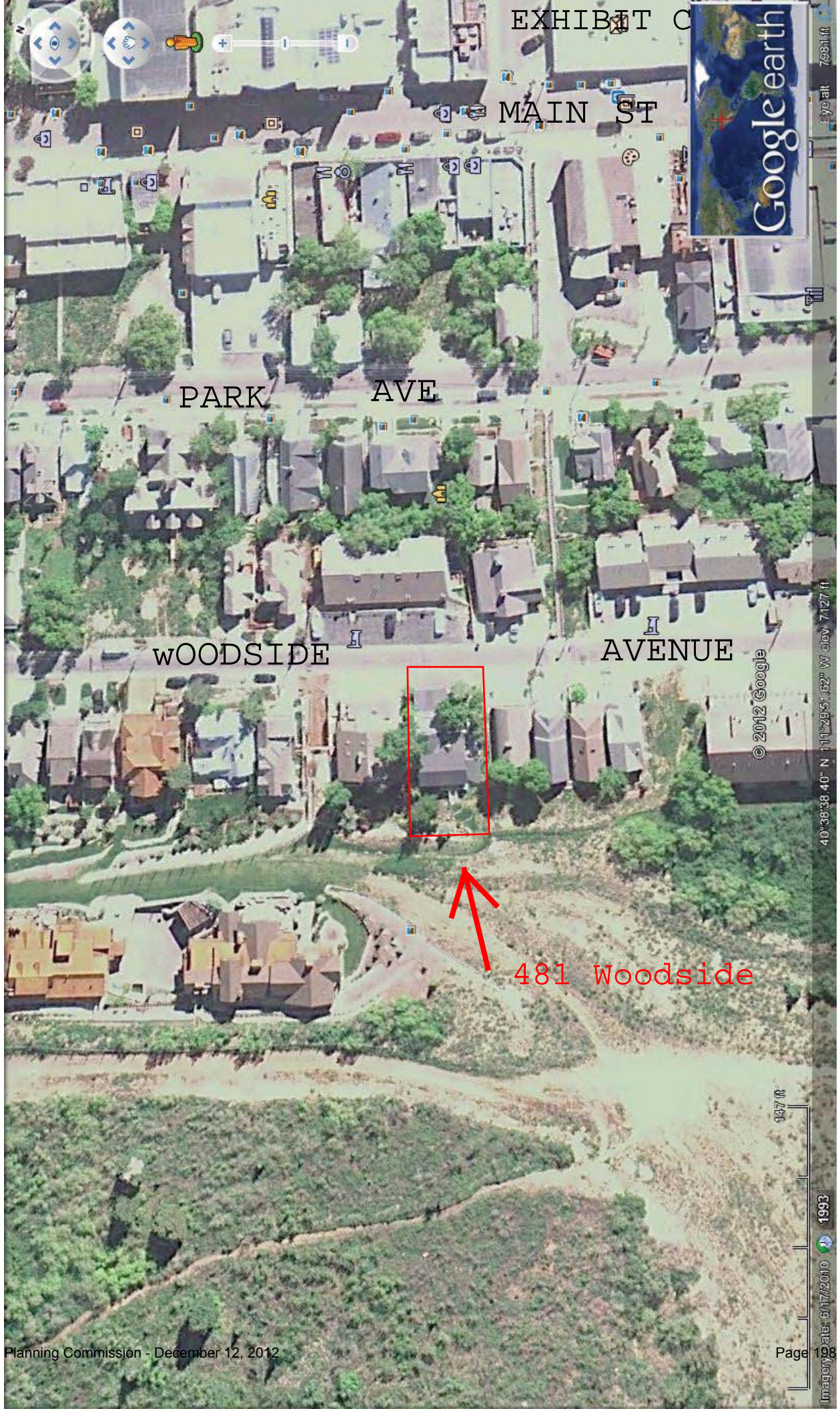


EXHIBIT D
HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

1 IDENTIFICATION

Name of Property:

Address: 481 Woodside Avenue

AKA:

City, County: Park City, Summit County, Utah

Tax Number: PC-361

Current Owner Name: James & Martiena Lewis

Parent Parcel(s):

Current Owner Address: PO Box 808, Park City, UT 84060-0808

Legal Description (include acreage): 0.09 acres; LOTS 16 & 17 BLK 29 PARK CITY SURVEY.

2 STATUS/USE

Property Category

- building(s), main
- building(s), attached
- building(s), detached
- building(s), public
- building(s), accessory
- structure(s)

Evaluation*

- Landmark Site
- Significant Site
- Not Historic

Reconstruction

- Date: _____
Permit #: _____
 Full Partial

Use

Original Use: Residential
Current Use: Residential

*National Register of Historic Places: ineligible eligible
 listed (date:)

3 DOCUMENTATION

Photos: Dates

- tax photo:
- prints:
- historic: c.

Drawings and Plans

- measured floor plans
- site sketch map
- Historic American Bldg. Survey
- original plans:
- other:

Research Sources (check all sources consulted, whether useful or not)

- abstract of title
- tax card
- original building permit
- sewer permit
- Sanborn Maps
- obituary index
- city directories/gazetteers
- census records
- biographical encyclopedias
- newspapers
- city/county histories
- personal interviews
- Utah Hist. Research Center
- USHS Preservation Files
- USHS Architects File
- LDS Family History Library
- Park City Hist. Soc/Museum
- university library(ies):
- other:

Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.

Blaes, Dina & Beatrice Lufkin. "Final Report." Park City Historic Building Inventory. Salt Lake City: 2007.
Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah: University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.
McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.
Roberts, Allen. "Final Report." Park City Reconnaissance Level Survey. Salt Lake City: 1995.
Roper, Roger & Deborah Randall. "Residences of Mining Boom Era, Park City - Thematic Nomination." National Register of Historic Places Inventory, Nomination Form. 1984.

4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: T/L Cottage type / Victorian & Vernacular style

No. Stories: 1 1/2

Additions: none minor major (describe below) Alterations: none minor major (describe below)

Number of associated outbuildings and/or structures: accessory building(s), # _____; structure(s), # _____.

General Condition of Exterior Materials:

Researcher/Organization: Dina Blaes/Park City Municipal Corporation Date: November, 08

- Good (Well maintained with no serious problems apparent.)
- Fair (Some problems are apparent. Describe the problems.):
- Poor (Major problems are apparent and constitute an imminent threat. Describe the problems.):
- Uninhabitable/Ruin

Materials (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Site: Includes a two-car garage at the street front and entry steps from the roadway. Stone retaining walls run along the street edge at the front of the site.

Foundation: Assumed to be concrete.

Walls: Clad in wood drop siding. Porch is supported by narrow posts and has a lattice porch skirt.

Roof: Cross-wing roof form is clad in asphalt shingles. The rear roof is a shed form and is presumed to be sheathed in asphalt shingles as well. Small gable dormer is located in the stem wing and has a multi-pane fixed casement window.

Windows: Wood double-hung and casement.

Essential Historical Form: Retains Does Not Retain, due to:

Location: Original Location Moved (date _____) Original Location:

Design (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): The site has been modified significantly from what is seen in the tax photo. The street front garage was added before 1995, along with an extension of the front deck (visible in the tax photo, but appears to have been extended out over the garage). A rear addition was constructed with the shed roof springing from the ridgeline of the original house. The brick chimney on the north side of the house appears to be constructed of newer bricks and replaces a chimney that was originally located just south of the cross-wing.

Setting (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The setting has been modified significantly with the addition of the driveway and parking area, garage and extended deck. The landscaping includes mature evergreen and deciduous trees and side yards are narrow, typical of park City's older neighborhoods.

Workmanship (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): Much of the physical evidence from the period that defines the typical Park City mining era home has been altered and, therefore, lost.

Feeling (Describe the property's historic character.): The physical elements of the site, in combination, do not effectively convey a sense of life in a western mining town of the late nineteenth and early twentieth centuries.

Association (Describe the link between the important historic era or person and the property.): The "T" or "L" cottage (also known as a "cross-wing") is one of the earliest and one of the three most common house types built in Park City during the mining era; however, the extent of the alterations to the main building and site diminishes its association with the past.

The extent and cumulative effect of alterations to the site render it ineligible for listing in the National Register of Historic Places.

5 SIGNIFICANCE

Architect: Not Known Known: (source:)

Date of Construction: c.1884¹

¹ Summit County Tax Assessor.

Builder: Not Known Known: (source:)

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

1. Historic Era:

- Settlement & Mining Boom Era (1868-1893)
- Mature Mining Era (1894-1930)
- Mining Decline & Emergence of Recreation Industry (1931-1962)

Park City was the center of one of the top three metal mining districts in the state during Utah's mining boom period of the late nineteenth and early twentieth centuries, and it is one of only two major metal mining communities that have survived to the present. Park City's houses are the largest and best-preserved group of residential buildings in a metal mining town in Utah. As such, they provide the most complete documentation of the residential character of mining towns of that period, including their settlement patterns, building materials, construction techniques, and socio-economic make-up. The residences also represent the state's largest collection of nineteenth and early twentieth century frame houses. They contribute to our understanding of a significant aspect of Park City's economic growth and architectural development as a mining community.²

2. Persons (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

3. Architecture (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

6 PHOTOS

Digital color photographs are on file with the Planning Department, Park City Municipal Corp.

Photo No. 1: East elevation (primary façade). Camera facing west, 2006.

Photo No. 2: East elevation (primary façade). Camera facing west, 2006.

Photo No. 3: East elevation (primary façade). Camera facing west, 1995.

Photo No. 4: Southeast oblique. Camera facing northwest, tax photo.

² From "Residences of Mining Boom Era, Park City - Thematic Nomination" written by Roger Roper, 1984.

SERIAL NO.
RE-APPRAISAL CARD (1940 APPR. BASE)

Owner's Name _____
 Owner's Address 481 WOODSIDE
 Location _____
 Kind of Building Res. Street No. _____
 Schedule 1 Class H Type 1-2-3-4 Cost \$ _____ X %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Actual Factor	Totals
<u>1</u>	<u>x x</u>		<u>992</u>	<u>\$ -</u>	<u>\$ 2666</u>
	<u>x x</u>			<u>\$</u>	<u>\$</u>
	<u>x x</u>			<u>\$</u>	<u>\$</u>

No. of Rooms 6 Condition _____

Description of Building	Add	Deduct
Foundation—Stone <u>148 @ 1.15</u> Conc. _____ None <input checked="" type="checkbox"/>		<u>170</u>
Ext. Walls <u>Siding</u>		
Insulated—Floors _____ Walls _____ Clgs. _____		
Roof—Type <u>Gob.</u> Mat. <u>Shg.</u>		
Dormers—Small <u>1</u> Med. _____ Lg. _____		
Bays—Small _____ Med. _____ Lg. _____		
Porches—Front <u>80' @ 1.15</u>	<u>92</u>	
Rear <u>60' @ 1.00</u>	<u>60</u>	
Cellar—Basm't— $\frac{1}{4}$ $\frac{1}{2}$ $\frac{3}{4}$ full-floor <u>Dirt</u>		
Basement Apts.—Rooms Fin. _____		
Attic Rooms _____ Fin. _____ Unfin. _____		
Plumbing—Class <u>1</u> Tub <u>1</u> Trays _____ Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u> Urns _____ Ftns. _____ Shr. _____ Dishwasher _____ Garbage Disp. _____		
Heat—Stove <input checked="" type="checkbox"/> H. A. _____ Steam _____ S. _____ Blr. _____ Oil _____ Gas _____ Coal _____		
Air Conditioned _____ Incinerators _____		
Radiant—Pipeless _____		
Finish—Hd. Wd. _____ Floors—Hd. Wd. _____ Fir. <input checked="" type="checkbox"/> Fir. <input checked="" type="checkbox"/> Conc. _____		<u>125</u>
Cabinets <u>1</u> Mantels _____		
Tile—Walls _____ Wainscot. _____ Floors _____		
Lighting—Lamp _____ Drops <input checked="" type="checkbox"/> Fix. _____ <u>1 br. lined - 6 @ 15c</u>		<u>90</u>
Total Additions and Deductions	<u>152</u>	<u>385</u>
Net Additions or Deductions	<u>-152</u>	<u>2666</u>
		<u>-233</u>

REPRODUCTION VALUE \$ 2433
 Ave. Age 35 Yrs. by Est. Owner Tenant Neighbors Records
 Depr. 1-2-3-4-5-6 48/52 % \$ _____
 Reproduction Val. Minus Depr. \$ 1765
 Remodeled _____ Est. Cost _____ Remodeling Inc. _____ % \$ _____
 Garage—S 8 C _____ Depr. 2% 3% _____ Obsolescence _____ \$ _____
 Cars _____ Walls _____ Out Bldgs. _____ \$ _____
 Roof _____ Size x Age _____ \$ _____
 Floor _____ Cost _____ Depreciated Value Garage _____ \$ _____
 Remarks 2744 Ave Wood-1940 **Total Building Value** \$ _____

Arthur Piva Jr.

Location Bldg 29 - Lot 16+17
 Kind of Bldg. RES St. No. 481 Woodside Ave
 Class 4 Type 1 2 3 4. Cost \$ X 100 %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Factor	Totals
1	x x		1002		\$ 2319
	x x				
	x x				

Description of Buildings		Additions
Foundation—Stone	Conc. None <input checked="" type="checkbox"/>	
Ext. Walls	<u>Siding</u>	
Insulation—Floors	Walls Cigs.	
Roof Type	<u>Gable</u> Mtl. <u>Shg</u>	
Dormers—Small	Med. Large	
Bays—Small	Med. Large	
Porches—Front	<u>80</u> @ <u>1.15</u>	<u>92</u>
Rear	<u>144</u> @ <u>.60</u>	<u>86</u>
Porch	@	
Metal Awnings	Mtl. Rail	
Basement Entr.	@	
Planters	@	
Cellar-Bsmt. — 1/4 1/2 3/4 Full	Floor <u>Dirt</u>	<u>50</u>
Bsmt. Apt.	Rooms Fin. Unfin.	
Attic Rooms Fin.	Unfin.	
Plumbing	Class <u>1</u> Tub <u>1</u> Trays	
	Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u>	
	Wtr. Sfr. Shr. St. O.T.	
	Dishwasher Garbage Disp.	<u>350</u>
Built-in-Appliances		
Heat—Stove	H.A. <input checked="" type="checkbox"/> Steam Stkr. <input checked="" type="checkbox"/> Blr. <input checked="" type="checkbox"/>	<u>246</u>
Oil Gas Coal	<input checked="" type="checkbox"/> Pipeless Radiant	<u>155</u>
Air Cond.		
Finish—Fir	<input checked="" type="checkbox"/> Hd. Wd.	
Floor—Fir	<input checked="" type="checkbox"/> Hd. Wd. Other	
Cabinets	<u>1</u> Mantels	
Tile—Walls	Wainseot Floors	
Storm Sash—Wood D.	S. ; Metal D. S.	

Total Additions		<u>979</u>
Year Built	Avg. <u>44</u>	Current Value \$ <u>3298</u>
Inf. by { Owner - Tenant - Neighbor - Record - Est.	Age <u>35</u>	Commission Adj. %
Remodel Year	Est. Cost	Bldg. Value
Garage—Class	Depr. 2% 3% Carport—Factor	Depr. Col. <u>1 2 3 4 5 6</u> <u>43</u> %
Cars	Floor Walls Roof Doors	Current Value Minus Depr. \$ <u>1418</u>
Size—x	Age Cost x %	
Other		
Total Building Value		\$

PC361

Serial Number

OF Card Number

Owners Name Arthur Piva Sr.
 Location Lot 16 of Blk 29 PC
 Kind of Bldg. Res St. No. 481 Woodside Ave
 Class 3 Type 1 2 3 4 Cost \$ _____ X _____ %

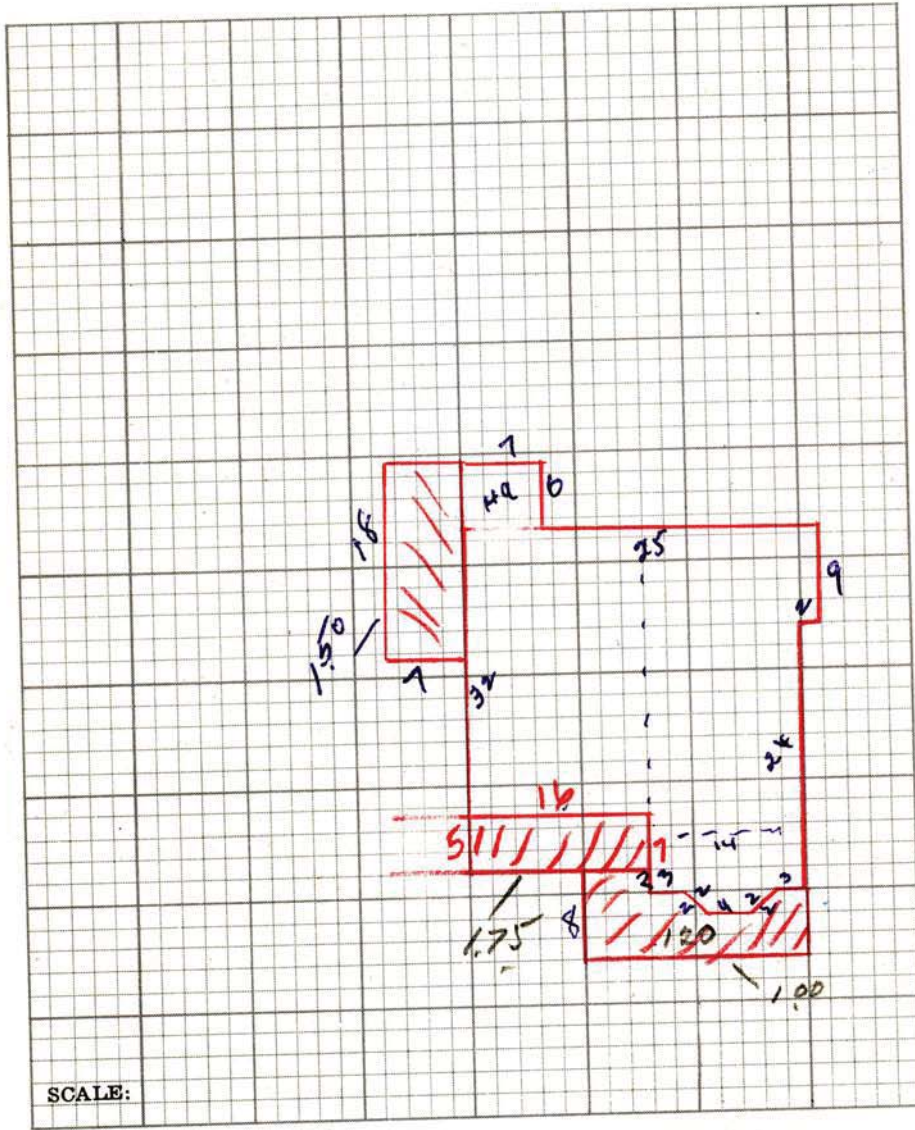
Stories	Dimensions	Sq. Ft.	Factor	Totals	Totals
1	x x	950		\$ 4172	\$
	x x				
	x x				

Att. Gar.—C.P. Flr. _____ Walls _____ Cl. _____

Description of Buildings	Additions	Additions
Foundation—Stone _____ Conc. _____ Sills <input checked="" type="checkbox"/>		
Ext. Walls <u>siding</u>		
Roof Type <u>Gable</u> Mtl. <u>CT</u>		
Dormers—Small _____ Med. _____ Large _____		
Bays—Small _____ Med. _____ Large _____		
Porches—Front _____	80 @ 175	140
Rear <u>FRONT</u>	120 @ 100	120
Porch _____	126 @ 150	189
Planters _____ @ _____		
Ext. Base. Entry _____ @ <u>FLP</u>		
Cellar-Bsmt. — 1/4 <input checked="" type="checkbox"/> 1/2 <input checked="" type="checkbox"/> 3/4 _____ Full _____ Floor <u>dust</u>		315
Bsmt. Gar. _____		
Basement-Apt. _____ Rms. _____ Fin. Rms. _____		
Attic Rooms Fin. _____ Unfin. _____		
Plumbing	Class <u>1</u> Tub <u>1</u> Trays _____	
	Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u>	
	Wtr. Sfr. _____ Shr. St. _____ O.T. _____	
	Dishwasher _____ Garbage Disp. _____	550
Heat—Stove _____ H.A. <input checked="" type="checkbox"/> HW _____ Stkr _____ Elec. _____		
Oil <input checked="" type="checkbox"/> Coal _____ Pipeless _____ Radiant _____		373
Air Cond. — Full _____ Zone _____		
Finish—Fir. <input checked="" type="checkbox"/> Hd. Wd. _____ Panel _____		
Floor—Fir. <input checked="" type="checkbox"/> Hd. Wd. <input checked="" type="checkbox"/> Other _____		
Cabinets <u>1</u> Mantels _____		
Tile—Walls _____ Wainscot <u>Plastic</u> Floors _____		40
Storm Sash—Wood D. _____ S. _____; Metal D. _____ S. _____		
Awnings — Metal _____ Fiberglass _____		

Total Additions	1914	1727
Year Built <u>1914</u>	Avg. 1.	Replacement Cost
<u>1968</u>	Age 2.	Obsoloscence
Inf. by { Owner - Tenant - Neighbor - Record - Est.		Adj. Bld. Value
		Conv. Factor
		x.47
Replacement Cost—1940 Base		
Depreciation Column 1 2 3 4 5 6		
1940 Base Cost, Less Depreciation		
Total Value from reverse side		
Total Building Value \$		

Appraised @ 19.75 1968 By 1333 DEC 11 1968
 Appraised @ _____ 19 _____ By 1328



RESIDENTIAL OUT BUILDINGS	Age	Size	Area	Factor	Cost	Conv. Fac.	Adj. Cost	Depr. Value
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		

Garage — Class _____ Depr. 2% 3%

Cars _____ Floor _____ Walls _____ Roof _____ Doors _____

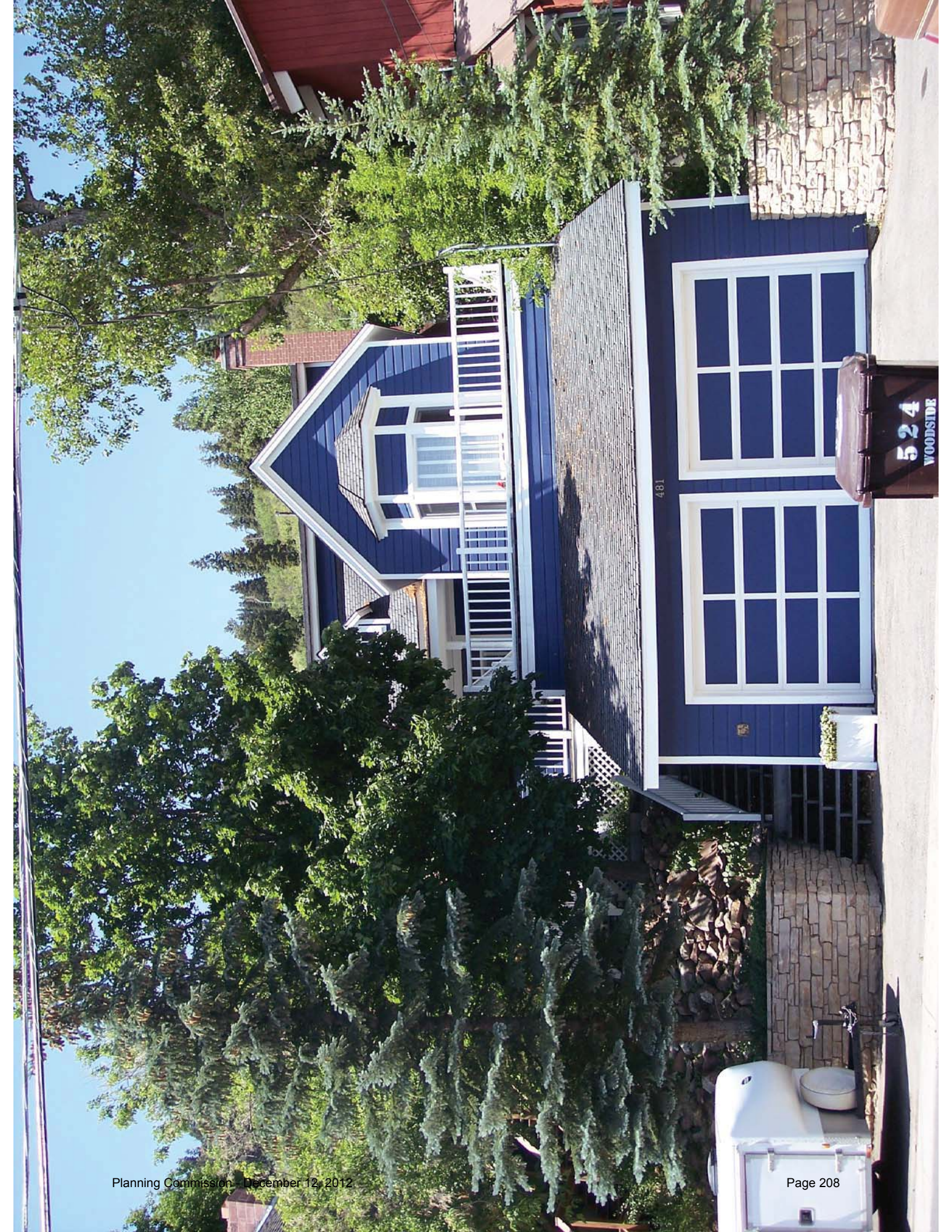
Size _____ x _____ Age _____ Cost _____ x 47%

1940 Base Cost _____ x _____ % Depr. _____

Total _____

REMARKS _____















Planning Commission Staff Report

Subject: Land Management Code
Amendments
Author: Kirsten Whetstone, MS, AICP
Date: December 12, 2012
Project Number: PL-12-01631
Type of Item: Work Session and Legislative

Planning Department

Summary Recommendations

Staff recommends the Planning Commission review at a work session the amendments presented in this Staff report and conduct a public hearing at the regular meeting. Staff requests the Commission consider forwarding a positive recommendation, on all or part of these amendments as presented or as revised at the meeting, to City Council based on the findings and conclusions in the draft ordinance.

Proposal

Staff has prepared the amendments as part of the 2012 annual review of the Park City Land Management Code. On November 28th the Commission forwarded various amendments as described in the November 28th report and continued the following items to the December 12th meeting:

Listed by Chapter (Refer to Exhibits attached to November 28th report)

- Chapter Two- Zoning Districts
 - Roof pitch in Historic Residential Zones
 - Tabulation of number of Stories in Historic Residential Zones
 - Exceptions for Historic Structures for Height and Footprint
 - Exemptions from third Story step back for Historic Structures
- Chapter Five- Architectural Review
 - Add landscaping to Policy and Purpose statements
 - Add landscape plan requirements to Architectural Design Guidelines for all Building Permit applications, CUPs, MPDs, and HDDRs
 - Require licensed Landscape Architect for landscape plans for all CUPs, MPDs, and HDDRs
 - Lighting for Public Art
- Chapter Six- Master Planned Developments (MPDs)
 - Revise purpose statements for MPDs
 - Clarify applicability of MPDs in all zoning districts
 - Add review requirements applicable to all MPDs related to open space, building height, landscaping, and historic mine waste mitigation
- Chapter Fifteen- Definitions
 - Amend or add definitions for Attic, Green Roof, Impervious Surface, Industrial, Public Art, Publicly Accessible, Storefront Property, Split Level, Story, Temporary Improvement, Zero Net Energy Building, and Xeriscape

Listed by Issue/Topic

1. Roof pitch, horizontal stepping, and exceptions for Historic Structures in the Historic District (Applies to HRL, HR-1, HR-2, and RC (Chapters 2.1, 2.2, 2.3, and 2.16)
2. Clarification of the term “Story” and “Split Level” and tabulation of the number of Stories in a structure in the HR-1, HR-2, HRL, and RC zoning districts (Chapters 2 and 15).
3. Incorporate landscape plan requirements, require building permits for Driveways, Patios and flat work, add lighting exceptions for up-lighting of Public Art and allow exceptions to screened mechanical setbacks in the Architectural Review chapter (Chapter 5).
4. Clarify purpose and applicability of the Master Planned Development review process in various zones (Chapter 6).
5. Additional review criteria for all Master Planned Developments, including open space, building height, landscaping, mine hazards and historic mine waste mitigation (Chapter 6).
6. Revise, clarify, and add definitions (Chapter 15).

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.

The proposed revisions for discussion listed above are further described in the Analysis section below. A redlined version of the revised sections of each Chapter is included as Exhibits A- I (Please bring to the meeting Exhibits from November 28th as these Exhibits are not attached to this report).

At the November 28th meeting the Commission discussed the following items and provided direction as summarized below:

1. Pre-application process, review process for Historic District Design Review and revisions to the notice matrix (Chapters 1 and 11). **Forwarded positive recommendation to City Council.**
2. Roof pitch, horizontal stepping, stories and exceptions for Historic Structures in the Historic District (Applies to HRL, HR-1, HR-2, and RC) (Chapters 2.1, 2.2, 2.3, and 2.16). **Continued to December 12th.**
3. Clarification of the term “Story” and determination of the number of Stories in a structure in the HR-1, HR-2, HRL and RC zoning districts (Chapters 2 and 15). **Continued to December 12th.** Uses in HRC and HCB and open space in HRM and RC. **Forwarded a positive recommendation to City Council**
4. Revise parking requirements for multi-family units and bed and breakfast inns (Chapter 3). **Forwarded positive recommendation to City Council.**

5. Revise Special Event and overcrowding permitting process and requirements (Chapter 4). **Forwarded positive recommendation to City Council.**
6. Incorporate landscape plan requirements and mechanical screening in the Architectural Review chapter (Chapter 5). **Discussed, requested revisions to landscape plan requirements. Continued to December 12th.**
7. Clarify seasonal lighting display (Chapter 5). **Forwarded positive recommendation to City Council.**
8. Clarify purpose and applicability of the Master Planned Development review process in various zones (Chapter 6). **Discussed, requested no height exception allowed for MPDs in HRC and HCB zones, continued to December 12th.**
9. Additional review criteria for all Master Planned Developments, including open space, building height, landscaping, mine hazards and historic mine waste mitigation (Chapter 6). **Discussed, requested additional language regarding open space criteria and landscaping and continued to December 12th.**
10. Clarify criteria for change of a non-conforming use to another non-conforming use of similar or less intensive use (Chapter 9). **Forwarded positive recommendation to City Council.**
11. Process for permitting relocation and/or reorientation, as well as Disassembly and Reassembly, of Historic Structures (Chapter 11). **Forwarded positive recommendation to City Council.**
12. Revise, clarify, and add definitions (Chapter 15). **Requested additional items, discussed, and continued to December 12th.**

Analysis

Analysis for each topic is included following the proposed amendment language. (Also refer to Exhibits from November 28th report for a Chapter by Chapter review of all redlined amendments).

1. **Roof pitch, horizontal stepping, and exceptions for Historic Structures in the Historic District (Applies to HRL, HR-1, HR-2, and RC (Chapters 2.1, 2.2, 2.3, and 2.16))**

The proposed language (redlines) stated below are for HRL (Section 15-2.1) and typical. See Exhibit B of November 28th report for corresponding redlines to HR-1, HR-2 and RC zones.

15-2.1-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, **Building Height, Building Footprint**, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

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. **Exception: The ten foot (10') minimum horizontal step is not required for Historic Structures.**

(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 lowest 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 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 historic roof forms for additions to historic structures and for new construction when the proposed roof pitch is compatible with the style of architecture approved for the new construction. Roof pitch for new construction should be visually compatible and harmonious with the roof shapes and orientation of surrounding Historic Sites

Analysis: Staff proposes amendments to Chapter 2 for the HRL, HR-1, HR-2, and RC zoning districts recognizing that Historic Structures that don't comply with Building Setbacks, Height, Footprint, Parking, and Driveway location are valid Non-complying Structures.

Staff also proposes amendments to Chapter 2 for the HRL, HR-1, HR-2, and RC zoning districts allowing the Planning Director to grant an exception to the minimum required roof pitch requirements specified in the Code. Currently the Design Guidelines for Historic Sites include language, specifically for new construction, regarding roof pitches that are "consistent with the style of architecture chosen for the structure and with the surrounding Historic Sites." The current LMC language limits the pitch of the primary roof to between 7:12 and 12:12, with exceptions for green roofs.

Staff believes that this requirement should remain, however exceptions should be allowed on a case by case basis, based on review of the plans for compliance with the Design Guidelines and if the proposed roof pitch is consistent with the approved architecture. The exception language is only to roof pitch and not to roof height. This allows for roof pitches that are consistent with approved architectural styles where the main roof pitch is less than 7:12, such as hipped, pyramids, or typical historic architectural styles, such as Bungalows.

Staff also recommends that Attic space not be considered a Story because of design issues with having to step back the Attic space (see revised definition) as required 10' horizontal stepping requirement in the event that the Attic would be a Third Story. A two story house with a pitched roof and Attic space would be required to have a roof that steps back from the front façade instead of just being a roof. The horizontal stepping requirement is generally problematic as it has been resulting in a common and not particularly compatible design theme that takes precedence over the Design Guidelines because it is a requirement of the code. If the top level is a Story and not an Attic, then it is required to meet the 10' step back.

2. Clarification of the term “Story” and “Split Level” and tabulation of the number of Stories in a structure in the HR-1, HR-2, and HRL zoning districts (Chapters 2 and 15).

Proposed language- (see redlines):

SPLIT LEVEL. A house or Building in which two or more floors are usually located directly above each other and one or more adjacent floors are placed at a different level, typical a half level above or below the adjacent floor.

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.

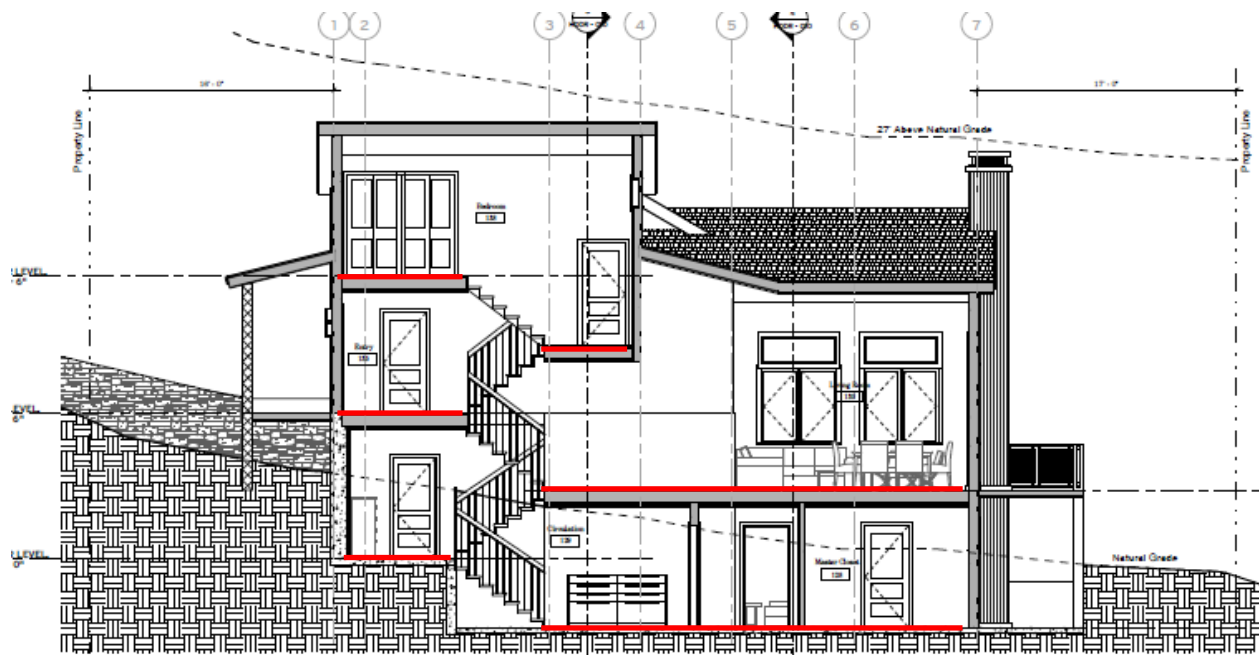
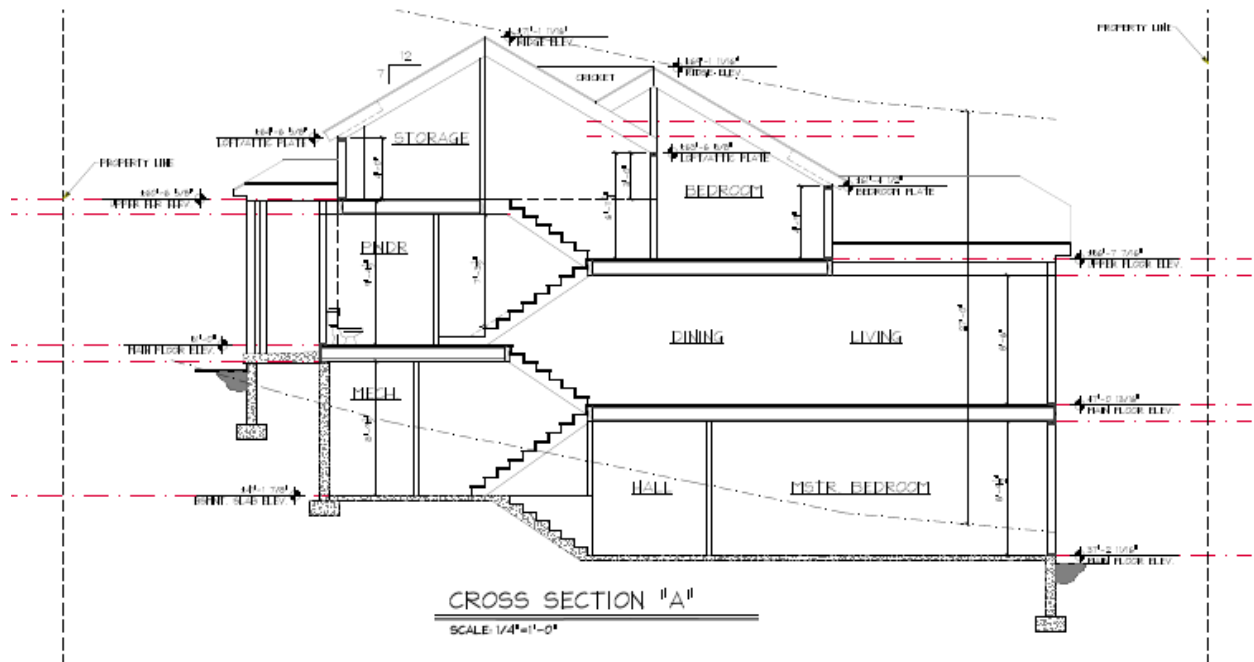
STORY, HALF. That portion of a building under a sloping roof that has the line of intersection of the roof and wall face not more than four (4) feet above the floor level and in which space the possible floor area with headroom of five (5) feet or less occupies at least 40 percent of the total Floor Area of the Story directly beneath.

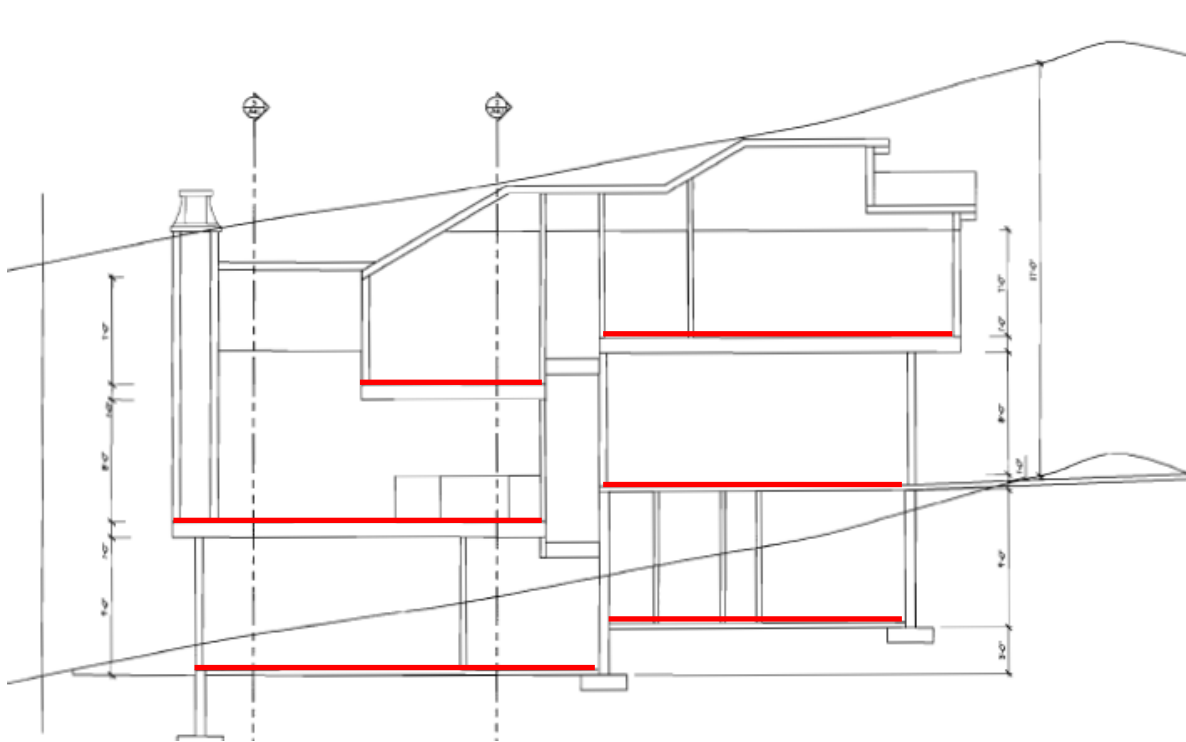
ATTIC. That part of a building that is immediately below and wholly or mostly within the roof framing, including the The space between the ceiling joists of the top Story and roof rafters.

Analysis and request for discussion:

Staff 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 HR-L, 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.

During the September 26, 2012 Planning Commission regular meeting Staff was directed to prepare scenarios to better understand the issues related to split levels, the definition of a story, and the current height parameters of the LMC. 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. Many of the definitions 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 finds 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 lots 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 lowest 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 total height measurement height to thirty feet (30’) for flat roof structures.

3. Incorporate landscape plan requirements, require building permits for Driveways, Patios and flat work, add lighting exceptions for up-lighting of Public Art and allow exceptions to screened mechanical setbacks in the Architectural Review chapter (Chapter 5).

Proposed language- (see redlines):

CHAPTER FIVE- ARCHITECTURAL REVIEW

15-5 -1. POLICY AND PURPOSE.

As a community dependent upon the tourism industry, the atmosphere and aesthetic features of the community take on an economic value for the residents and Property Owners of Park City.

It is in the best interests of the general welfare of the community to protect the aesthetic values of the community through the elimination of those architectural styles, and those Building and Landscape materials, which, by their nature, are foreign to this Area, and this climate, and therefore tend to detract from the appearance of the community.

Most of Park City’s Main Street and many homes in Park City’s older neighborhoods are listed on the National Register of Historic Places as well as being locally designated as Historic Sites, which is a point of considerable importance to the tourism industry. New Development, while distinct from surrounding Historic Sites, should not detract from them. Park City is densely developed due to the shortage of level, buildable land.

The effect of one Development is felt on the community as a whole. It is the policy of the City to foster good design within the constraints imposed by climate, land ownership patterns, and a Compatible architectural theme.

It is also the intent of this section to encourage lighting practices and systems which will minimize light pollution, glare, and light trespass; conserve energy and resources while maintaining night time safety, utility, and security; and curtail the degradation of the night time visual environment.

It is recognized that the topography, atmospheric conditions and resort nature of Park City are unique and valuable to the community. The enjoyment of a starry night is an experience the community desires to preserve. The City of Park City, through the

provisions herein contained, promotes the reduction of light pollution that interferes with enjoyment of the night sky.

It is also the intent of this section to encourage and implement water conservation practices for landscaping. Park City is in a mountainous, semi-desert environment where much of the precipitation occurs as snow during the winter months and the highest demand for water occurs during the summer months. The largest single water demand is for irrigation of landscaping. The use of water wise Xeriscaping will protect the health, safety, and welfare of the community from impacts of water shortages likely to occur during cycles of drought. Xeriscaping is a concept of landscaping with plants that use little or no supplemental irrigation and are typically native to the region. The concept also requires water conserving irrigation practices, such as drip irrigation and effective mulching with plant based mulches.

15-5 -5. ARCHITECTURAL DESIGN GUIDELINES.

(I) LIGHTING.

(16) OTHER EXEMPTIONS.

(a) **Nonconformance.** All other outdoor light fixtures lawfully installed prior to and operable on the effective date of the ordinance codified in this Chapter, including City owned or leased Street lights, are exempt from all requirements of this Code. On commercial projects, all such fixtures shall be brought into compliance with this Code upon any Application for any exterior Building Permit. On residential Structures, only new exterior fixtures on remodels or new additions must comply with this ordinance.

(b) **Fossil Fuel Light.** All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this Code.

(c) **Up-lighting.** Up-lighting is permitted under the following conditions:

(i) The use of luminaires for up-lighting on any residentially or commercially zoned Lot or within a City ROW or Open Space zone, is permitted only for City-funded or owned statues, public monuments, ground-mounted Public Art, or flags of the United States of America.

(ii) All up-lighting shall be shielded and/or have beam-angle control and shall be aimed to limit the directed light to the illuminated object only.

(iii) Up-lighting is permitted thirty (30) minutes before sunset and until 11:00 p.m.; or, one hour after the close of location based on normal hours of operation, whichever is later.

(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. Minor exceptions to Setback requirements for Screened mechanical equipment may be approved by the Planning Director where the proposed location is the most logical location for the equipment and impacts from the equipment on neighboring properties, historic facades, and streetscapes can be mitigated and roof top mechanical placement and visual clutter is minimized.

(L) PATIOS AND DRIVEWAYS. All non-bearing concrete flatwork, asphalt, and /or any Impervious Surface, regardless of size, is required to obtain a Building Permit, including any repairs, alterations, modification, and expansions of existing features.

(M) LANDSCAPING. A complete landscape plan must be prepared for all Building Permit applications for all exterior work that impacts existing vegetation. The landscape plan shall utilize the concept of Xeriscaping for plant selection and location, irrigation, and mulching of all landscaped areas. The plan shall include foundation plantings and ground cover, in addition to landscaping for the remainder of the lot. The plan shall indicate the percentage of the lot that is landscaped and the percentage of the landscaping that is irrigated. The plan shall identify all existing Significant Vegetation.

Materials proposed for driveways, parking areas, patios, decks, and other hard-scaped areas shall be identified on the plan. A list of plant materials indicating the botanical name, common name, quantity, and container or caliper size and/or height shall be provided on the plan. All mulches shall consist of natural organic, plant based materials, as opposed to stone based, materials. Mulches do not need to be Organically produced.

A licensed landscape architect shall prepare all materials for submittal of the landscape plan for Building Permits for Conditional Use Permits, Master Planned Developments, and Historic District Design Reviews when the proposed work impacts existing vegetation.

To the extent possible, existing Significant Vegetation shall be maintained on Site and shall be protected during construction. When approved to be removed, based on a Site Specific plan, Conditional Use, Master Planned Development or Historic District Design Review approval, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper ~~adding~~ to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size. Where landscaping does occur, it shall consist primarily of native and drought tolerant species, drip irrigation, and all plantings shall be adequately mulched with plant based mulch.

Irrigated lawn and turf areas are limited to a maximum percentage of the allowed Limits of Disturbance Area of a Lot that is not covered by Buildings, Structures, or other Impervious paving, based on the size of the Lot according to the following table:

<u>Lot Size</u>	<u>Maximum Turf or Lawn Area as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or other Impervious paving</u>
<u>Greater than one (1) acre</u>	<u>25%</u>
<u>0.50 acres to one (1) acre</u>	<u>35%</u>
<u>0.10 acres to 0.49 acres</u>	<u>45%</u>
<u>Less than 0.10 acres</u>	<u>No limitation</u>

Where rock and boulders are allowed and identified on the Landscape Plan, these shall be from local sources. ~~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.

Analysis: Staff is proposing to include in the Architectural Design Guidelines requirements for screening of mechanical equipment, permits for driveways, patios and flat work, and landscape plans for all Building Permit applications that impact existing vegetation. Landscape plans are already required for HDDRs, Conditional Use Permits and Master Planned Developments, as well as often required as a condition of approval for plat amendments and subdivisions. Staff is recommending that landscape plans utilize Xeriscaping concepts for water conservation and limits on the percentage of the lot that can be planted in turf or lawn area.

Staff also recommends adding language allowing a site specific review of the placement of screened mechanical equipment and minor exceptions to setback requirements for such equipment to be approved by the Planning Director to allow placement of screened equipment in the most logical location on the site, and allows consideration of such equipment for historic houses to minimize roof top placement of equipment and reduce impacts and visual clutter provided that impacts on the neighboring properties are mitigated.

Currently, the Park City Land Management Code (LMC) requires lighting to be down-directed and shielded on residential and commercial construction and remodels. This dark skies ordinance provides safe and energy-efficient lighting that prevents light pollution, as addressed in Title 15, Chapter 5 of the LMC on outdoor lighting. After comparing the existing outdoor lighting ordinance to the model Dark Skies ordinance, Staff recommends that the Planning Commission approve amendments to the LMC that would allow up-lighting in certain situations that foster the enhancement of community character, support public art, and reinforce the resort-atmosphere of Park City. This change to the LMC will not significantly impact dark skies. Moreover, the proposed changes are limited in

scope and allow the City to use discretion when up-lighting publicly owned statues, monuments, and public art.

Staff has prepared the above updates to the LMC that would allow for up-lighting in certain situations (see public art examples and locations in Exhibit J). Restrictions and guidance has been included to mitigate impacts to dark skies and the City's municipal carbon footprint.

Timing of Seasonal Lighting was forwarded at the November 28th meeting. The Patio and Driveway permit requirement language forwarded to the Council at the September 26th meeting was located in Chapter 3- Offstreet Parking and Chapter 4- Supplemental Regulations, but added to the Chapter 5- Architectural Guidelines for this meeting.

4. Clarify purpose and applicability of the Master Planned Development review process in various zones (Chapter 6).

Proposed language (see redlines):

Master Planned Developments

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.

15-6 -2. APPLICABILITY.

(A) **Required.** The Master Planned Development process shall be required in all zones **except** the Historic Residential (HR-1), Historic Residential 2 (HR-2), and 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 or Quasi-Public Use, or Light 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 the HR-1 or HR-2 zoned Properties ~~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 the proposed MPD is for~~ an affordable housing MPDs consistent with Section 15-6-7 herein.

Analysis: On August 23rd, the City Council held a Work Session regarding a future addition to the historic Kimball Art Center (KAC) building. Council indicated it was supportive of exploring options that would allow for public dialogue regarding this project to occur. As the Code is currently written and interpreted, a Master Planned Development application for any addition to the KAC could not

be submitted to the Planning Department for review, as MPDs are not specifically permitted in the HRC zone, unless the proposed MPD crosses into another zoning district. It appears that the design which won the KAC competition would be denied upon submittal, due to no meeting the HRC zone site development requirements.

At the September 12th meeting the Commission requested historical information regarding the inclusion and exclusion of MPDs in the Historic District (see Exhibit M- November 28th meeting). This historic timeline regarding MPDs in the Historic District was presented to the Planning Commission on November 28th. At the meeting on November 28th the Planning Commission discussed the issue of MPDs in the Historic District, specifically the HRC and HCB and recommended staff provide additional revisions to specifically prohibit height exceptions for MPDs in the HRC and HCB, as currently exist for HR-1 and HR-2.

Staff requests the Commission revisit this issue with all of the members present and discuss whether to:

- forward the current language allowing no height exceptions for MPDs in the HRC and HCB zones- limits height to 32'
- allow up to a 50% of zone height exception in the HRC Heber Avenue Subzone only- limits height to 48'
- allow up to a 50% of zone height exception in the entire HRC zone only if an historic structure is located on the site- limits height to 48'
- allow a height exception in the HRC zone only up to the HCB height- limits height to 45' (per HCB volumetric regulations)

Staff has received many emails regarding the proposed MPD language as it relates to the KAC project. All emails received since the September 12th packet are attached as Exhibit K. Staff attached all previous emails to the November 28th report.

5. Additional review criteria for all Master Planned Developments (MPD), including open space, building height, landscaping, mine hazards and historic mine waste mitigation (Chapter 6).

Proposed language (see redlines):

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

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, Light Industrial (LI), Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Medium Density (HRM), Historic Residential (HR-1 and HR-2) zones. In these Zoning districts the Open Space requirement is thirty percent (30%). In all zoning districts, if the MPD is a redevelopment of an existing Development or Developments, or if the MPD is for an infill site, the minimum Open Space requirement shall be thirty (30%). ~~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 twenty percent (20%) in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, Sustainable Design and Building Construction (meeting LEED Gold or equivalent), greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvements, Publically Accessible ~~public pedestrian~~ plazas, pedestrian way/trail linkages, public art, and rehabilitation or restoration of Historic Structures that are located either on or off the Property.

Fee in lieu for purchase of off-site Open Space may be considered for up to five percent (5%) of the required Open Space, with the fee to be determined by the City Council with a recommendation from the Planning Commission, based on an appraisal, market analysis of the property, and recommendation from the City's Open Space Advisory Committee. (COSAC)

(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 include land that is ~~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, Light Industrial (LI), Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1, HR-2, and HRM) zones, Publicly Accessible plazas and gardens may count toward this Open Space requirement.

15-6-5. (F) **BUILDING HEIGHT.**

The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in

height based upon a Site specific analysis and determination. Height exceptions will not be granted for Master Planned Developments within the HR-1, ~~and~~ HR-2, HRC, and HCB Zoning Districts.

The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

(4) The additional Building Height ~~has resulted~~ in more than the minimum Open Space required and has resulted in the Open Space being more usable and includes Publicly Accessible Open Space;

(5) The additional Building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;

If and when the Planning Commission grants additional height due to a Site specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

15-6-5. (H) **LANDSCAPE AND STREET SCAPE.**

A complete landscape plan must be submitted with the MPD application. The landscape plan shall comply with all criteria and requirements of LMC Section 15-5-5 (M) LANDSCAPING.

~~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 fifty (50%) 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. (Comment – this is all covered in Section 15-5-5 (M) Landscaping- See Chapter 5 above)~~

Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review. 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.

15-6-5. (M) HISTORIC MINE WASTE MITIGATION. For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.

15- 6- 6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

- (A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;
- (B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;
- (C) The MPD, as conditioned, is consistent with the Park City General Plan;
- (D) The MPD, as conditioned, provides the highest value of Open Sspace, as determined by the Planning Commission;
- (E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;
- (F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;
- (G) The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and protects residential neighborhoods and Uses;

(H) The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;

(I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

(J) The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and public hearing held in accordance with this Code.

(M) The MPD, as conditioned, incorporates best planning practices for sustainable development, including energy efficient design and construction per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of Application, and water conserving landscaping.

(N) The MPD, as conditioned, addresses and mitigates Physical Mine Hazards.

(O) The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

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 hallway

Analysis: This language is proposed to clarify additional review criteria and requirements for all MPDs regarding building height, open space, landscaping, and removal of noxious weeds. In anticipation of MPDs being utilized as a development review control tool in infill areas, such as Bonanza Park and Lower Park Avenue. Staff is recommending additional language to strengthen the review criteria for Master Planned Developments in the Heber Avenue Sub-Zone Area (see Exhibit F).

6. Revise, clarify, and add definitions (Chapter 15).

Proposed language (see redlines):

15-15-1. DEFINITIONS

ATTIC. That part of a building that is immediately below and wholly or mostly within the roof framing, including the ~~The~~ space between the ceiling joists of the top Story and the roof rafters.

GREEN ROOF. A roof of a Building that is covered with vegetation and soil, or a growing medium, and 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.

LIGHT INDUSTRIAL A land use that is a section of an economy's secondary industry characterized by less capital-intensive and more labor-intensive operations. Products made by an economy's light industry tend to be targeted toward end consumers rather than other businesses. Assembly of or manufacturing of consumer electronics, shoes and clothing, furniture and household items, are examples of light industry. Light industries require only a small amount of raw materials, area and power. The value of the goods produced is relatively low and they are easy to transport. End products can be shipped by standard shipping methods and do not require shipping by rail or semi-trucks. Light industries cause relatively little pollution when compared to heavy industries. As light industry facilities have less environmental impact than those associated with heavy industry and can be located near residential areas.

PUBLIC ART. Any visual work of art displayed for two weeks or more in an open City-owned area, on the exterior of any City-owned facility, inside any City owned facility in areas designated as Public areas, or on non-City property if the work of art is installed or financed, either wholly or in part, with City funds or grants procured by the City.

PUBLICLY ACCESSIBLE. Open or available for Public Use to share and enjoy that may be subject to posted hours of operation, such as weather, time, seasonal closures.

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 ~~Ssplit-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.

SPLIT LEVEL. A house or Building in which two or more floors are usually located directly above each other and one or more adjacent floors are placed at a different level, typical a half level above or below the adjacent floor.

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, unless this area is an Attic.~~

STORY, HALF. That portion of a building under a sloping roof that has the line of intersection of the roof and wall face not more than four (4) feet above the floor level and in which space the possible floor area with headroom of five (5) feet or less occupies at least 40 percent of the total Floor Area of the Story directly beneath.

TEMPORARY IMPROVEMENT. A Structure built, or installed, and maintained during construction of a Development, ~~activity~~ or during a Special Event or activity, and then removed prior to release of the performance Guarantee. Does not include temporary storage units, such as PODs or other similar structures used for temporary storage that are not related to a Building Permit for construction of a Development and are not part of an approved Special Event or activity.

XERISCAPE. A landscaping method developed especially for arid and semiarid climates that utilize water-conserving techniques (such as the use of drought-tolerant plants, mulch, and efficient irrigation).

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.

Analysis: These definitions are revised and/or added to the Code to provide clarity as to the meaning of these terms as they are utilized in the interpretation of language and regulations in the LMC. For discussion purposes, staff suggests the following alternative definitions:

- **SPLIT LEVEL**
 1. A house or building, in which two successive stories are vertically divided with floor levels differentiating approximately half a story.
 2. A house or building having a room or rooms somewhat above or below adjacent rooms, with the floor levels usually differing by approximately half a story.
- **STORY**
 1. A complete horizontal division of a building, having a continuous or nearly continuous floor and comprising the space between two adjacent levels.
 2. That portion of a building included between the upper surface of a floor and the upper surface of a floor or roof next above. It is measured by 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 rafters.
- **STORY, HALF**
 1. A space under a sloping roof that has the line of intersection of the roof and wall face not more than 3 feet above the floor level and in which space the possible floor area with headroom of 5 feet or less occupies at least 40 percent of the total floor area of the story directly beneath.
- **ATTIC**
 1. A room or space directly under the roof of a building.
 2. The non-*occupiable* space between the ceiling beams and roof rafters.
 3. The space between the ceiling beams of the top story and the roof rafters.

Discussion Requested

Staff requests the Planning Commission discuss and provide input on the following specific topics:

- 1) **Staff requests discussion on the interpretation of Story and calculation of Three Stories as it relates to the Historic Residential zones. This will be discussed at work session and public input will be taken at the regular meeting.**
- 2) **Staff requests discussion on the revised Landscape Plan requirements in Chapter 5 and Chapter 6.**
- 3) **Staff requests discussion on the proposed reduction in required open space for Master Planned Developments within redevelopment infill areas.**
- 4) **Staff requests discussion of the proposed requirement of a fee in-lieu amount in exchange for the reduction in open space as part of an in-fill development in certain zones, based on an appraisal and market analysis of the property and recommendation from COSAC and/or City Council.**
- 5) **Staff requests any additional discussion on whether there should be an allowance for any height exceptions in the HRC and HCB zones for Master Planned Developments. Staff requests the Commission revisit this issue with all of the members present and discuss whether to:**
 - **forward the current language allowing no height exceptions for MPDs in the HRC and HCB zones- limits height to 32'**
 - **allow up to a 50% of zone height exception in the HRC Heber Avenue Subzone only- limits height to 48'**
 - **allow up to a 50% of zone height exception in the entire HRC zone only if an historic structure is located on the site- limits height to 48'**
 - **allow a height exception in the HRC zone up to the HCB height- limits height to 45' (per HCB volumetric regulations)**
- 6) **Staff requests discussion on the alternative definitions for attic, story, split level, and half story.**

Department Review

These amendments have been reviewed by the Planning, Engineering, Sustainability and Special Events, and Legal Departments and were reviewed by the Development Review Committee. Concerns of the Committee are reflected in the proposed language.

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 were noticed for the September 12th and 26th, October 24th, November 28th and December 12th meetings. Public input on these amendments was provided at the September 12th and 26th meetings as well as at the October 24th and November 28th meetings, as reflected in the minutes. Staff has received several emails expressing concerns regarding the change to allow the MPD process in the HRC district (see Exhibit K for emails submitted since publication of the November 28th packet). (Please note that public input regarding the Kimball Art Center expansion is based on proposed amendments to the LMC, as an application for the expansion has not been submitted to the Planning Department.)

Recommendation

Staff recommends the Planning Commission review at a work session the amendments presented in this Staff report and conduct a public hearing at the regular meeting. Staff requests that the Commission consider forwarding a positive recommendation to City Council based on the findings and conclusions in the draft ordinance. (Note- the draft ordinance includes amendments already forwarded by the Commission.)

Exhibits - not attached

(Please bring the November 28th report for Exhibits A- I or they can be found online at parkcity.org)

Exhibit A- Chapter 1- General Provisions and Procedures
Exhibit B- Chapter 2- Zoning Districts (HRL, HR-1, HR-2, HRM, HRC, HCB, and RC)
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 9- Non-conforming Uses
Exhibit H- Chapter 11- Historic Preservation
Exhibit I- Chapter 15- Definitions
Exhibit M- MPD History and Timeline

New Exhibits - attached

Exhibit J- Public Art Locations and examples of up-lighting for Public Art
Exhibit K- Public input (input received since the November 28th packet)

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, 15-9, 15-11, and 15-15 REGARDING DEVELOPMENT REGULATIONS; PROCESS AND APPEALS FOR HISTORIC DISTRICT DESIGN REVIEW AND CONDITIONAL USE PERMITS; CLARIFYING DEFINITION AND MEASUREMENT OF THE NUMBER OF STORIES IN A STRUCTURE; CLARIFYING THAT COMMUNITY LOCATIONS MUST BE A MINIMUM OF 200 FEET FROM MAIN STREET, USES WITHIN THE HR-2 ZONE, ADDING LANDSCAPING REQUIREMENTS TO THE ARCHITECTURAL DESIGN GUIDELINES; ADDING AND REVISING MPD REQUIREMENTS FOR OPEN SPACE, LANDSCAPE PLANS, MINE WASTE, NOXIOUS WEEDS, AND BACK OF HOUSE USES; CLARIFICATION OF ZONES WHERE MPD PROCESS IS ALLOWED; REMOVING SPECIAL EXCEPTIONS; REQUIRING BUILDING PERMITS FOR FENCES/RETAINING WALLS AND IMPERVIOUS SURFACES SUCH AS PATIOS, DRIVEWAYS AND NON BEARING CONSTRUCTION IN ALL DISTRICTS; REVISING PROCESS FOR PERMITTING RELOCATION OR REORIENTATION OF HISTORIC STRUCTURES AND FOR PERMITTING DISASSEMBLY AND REASSEMBLY OF HISTORIC STRUCTURES; AND SETBACK EXCEPTIONS FOR SCREEN MECHANICAL EQUIPMENT DURING ARCHITECTURAL REVIEW, SEASON LIGHTING, EXCEPTIONS FOR UPLIGHTING OF PUBLIC ART, OPEN SPACE REQUIREMENTS FOR INFILL SITES AND REDEVELOPMENT, CONVERSION OF NON-CONFORMING USES TO LESS INTENSIVE NON-CONFORMING USES FOR LOTS CONTAINING HISTORIC STRUCTURES, AND OPEN SPACE IN THE RC AND HRM ZONING 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; and

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; and

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;
and

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 Zoning Districts (HRL, HR-1, HR-2, HRM, HRC, and HCB) and the Recreation Commercial Zoning District (RC), provide a description of requirements, provisions and procedures specific to these zoning districts that the City desires to clarify and revise. These revisions concern process for review and permitting of conditional uses, design review, as well as 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 parking requirements for multi-dwelling units and bed and breakfast inns and requiring building permits for parking areas and driveways in all 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 of building permits for fences, walls, and 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 landscaping, lighting, and requiring building permits for patios and other non-bearing flatwork in all districts, as well as setback exceptions for screened mechanical equipment to minimize impacts this equipment; 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 9 – Non-conforming Uses and Structures, provides regulations, requirements, and procedural requirements regarding Non-conforming Uses and the City desires to clarify and revise these regulations and procedures; 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 definitions and clarification of terms used in the Land Management Code and the City desires to add definitions and clarify and revise existing definitions; 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; and

WHEREAS, the Planning Commission held a work session meeting on August 22nd, September 12th, September 26th, and December 12, 2012 to discuss the proposed LMC amendments as outlined in this report and the Historic Preservation Board held a work session meeting on November 7th to discuss the LMC amendments related to the Historic District; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on August 22nd, September 12th, September 26th, November 28th and December 12, 2012, 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 9- Non-conforming Uses. The recitals above are incorporated herein as findings of fact. Chapter 9 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 11- Historic Preservation. The recitals above are incorporated herein as findings of fact. Chapter 11 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit H).

SECTION 9. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15- Definitions. The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit I).

SECTION 10. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2012

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

EXHIBIT J



Park City Public Art

- Bench and Bike Rack**
1200 Little Kate Rd
Racquet Club Park
- Making Tracks**
2497 N SR 224
Olympic Sculpture
along Hwy 224
- Police Center Art**
2060 Park Ave
Inside the Police
Station Lobby
- Bus Shelter - Dragon**
1723 Kearns Blvd
Adolph's Bus Stop
- Bus Shelter - Arts Kids**
2262 Kearns Blvd
Learning Center Bus Stop
- Brave Heart**
Near Rail Central
- Bus Shelter - Dogs of Bark City**
1776 Park Ave
Albertson's Bus Stop
- Fish**
1374 Sullivan Rd
Behind the Old Miners Hospital
- Bus Shelter - Flames**
1751 Park Ave
Park Ave. Condos Bus Stop
- Bus Shelter - Copper**
1250 Park Ave
Skate Park Bus Stop
- Snowflakes**
1374 Sullivan Rd
Front of Miners Hospital
- Sound Garden**
1200 Sullivan Rd
South of Skate Park, along Poison Creek Trail
- Bus Shelter - Good Book**
1231 Park Ave
Library Bus Stop
- Life in Ontario Mine**
780 Main St
In tunnel along the Poison Creek Trail
- Franz the Bear Bench**
560 Main St
Along sidewalk that spans Swede Alley and Main St
- Transit Center Mural**
564 Swede Alley
Inside the Old Town Transit Center
- Muses**
564 Swede Alley
Outside the Old Town Transit Center
- Sheltering Aspens**
445 Marsac Ave
City Hall South Entrance
- Miner**
405 Main St.
Miner's Park
- Bus Shelter - Wild Star**
7620 Royal St E
Silver Lake Bus Stop



Fixtures



Fixtures



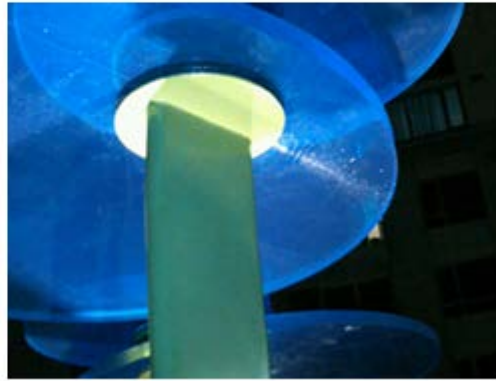
Art



Fixtures



Art



Sculpture



Sculpture



U.S. Flag

Kimball Art Center proposed new building

Chris / Dancing Hands [chris_dhgallery@qwestoffice.net]

Sent: Friday, November 23, 2012 5:06 PM

To: planning

Cc: Council_Mail; James Tedford [preservehistoricmainstreet@gmail.com]

To the Planning Commission and City Council:

While I am in favor of a new Kimball Art Center I remain opposed to the current building design. As a Main Street Merchant I watched Matt Mullin's presentation recently and it did nothing to change my mind. In fact, there was so much left unspoken or not provided for that it made me even more adamantly opposed to the building. There are several good points to the building's interior spacial concept but I believe these points can be incorporated into a better building design than the one currently being considered. And one that will not require new building codes or a change to the MPD.

Once again, I am in favor of updating the KAC but want a design more in sync with the rest of Main Street. Thank you.

Chris Meyer/Proprietress
The Dancing Hands Gallery
591Main Street
Park City, UT
435/649-1414

Re. Kimball Aartr Center Expansion

MAYES BEA [b.mayes@opposablethumb.com]

Sent: Monday, November 26, 2012 7:45 AM

To: planning

Dear Planners:

As I understand it, it was the Kimball Art Center that brought up the MPD. They are not planners.

I'm wondering, did the Planning Commission invite the Kimball Art Center to apply for variance under the current codes? That would require the Kimball Art Center to submit their expansion plans. It would also allow public discussion. With the specific Kimball Art Center plans in hand, the Planning Commission could then determine what variances the Kimball Art Center expansion needs.

Respectfully submitted,

Bea Mayes

Long-time volunteer at the Park City Historical Society and Museum and former Park City resident

*** **

Bea Mayes

1031 Grindelwald #6

Midway, UT 84049

435-654-4038

Re-sent: Kimball Art Center Expansion

MAYES BEA [b.mayes@opposablethumb.com]

Sent: Monday, November 26, 2012 7:50 AM

To: planning

Cc: Council_Mail

Dear Planners:

As I understand it, it was the Kimball Art Center that brought up the MPD. They are not planners.

I'm wondering, did the Planning Commission invite the Kimball Art Center to apply for variance under the current codes? That would require the Kimball Art Center to submit their expansion plans. It would also allow public discussion. With the specific Kimball Art Center plans in hand, the Planning Commission could then determine what variances the Kimball Art Center expansion needs.

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1031 Grindelwald #6

Midway, UT 84049

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Kimball Art Center Addition

Mary Demkowicz [msfdem@xmission.com]

Sent: Monday, November 26, 2012 9:27 PM**To:** planning

Please do not change the MPD to allow a 80 ft high building in old town. It will change the whole character of our town. My husband and I came in 1976 and we really liked the mining history and Main Street. Once a building that large is allowed, other property owners will want the same concessions. Then the downtown area will look like any other big city downtown with oversized buildings, cold and lacking sun. The Kimball Art Center addition should be in keeping with the rest of Main Street. If this change is to be made, it should go out to a public vote. Thank you. Sincerely, Mary Demkowicz

November 28, 2012

To: Park City Planning Commission

PROPOSED REVISIONS TO THE PARK CITY LAND MANAGEMENT CODE - CHAPTER 6

I am here before you representing a group of concerned citizens, "Preserve Historic Main Street", speaking against the proposed revisions of Chapter 6 of the Land Management Code regarding Master Planned Developments. On August 23, 2012 I attended a City Council work session where the Planning Director presented a document to the City Council titled – "Old Town Height Discussion-Kimball Arts Center". The work session was scheduled to discuss a proposed addition to the Kimball Art Center. It appears to us that what the presentation and the Planning Department document were really about was convincing the Council that revising Chapter 6 of the LMC was the best way to accommodate a project application for the proposed Kimball Art Center addition. Although Staff has maintained that the proposed MPD revisions before you tonight are part of their annual review, most of the MPD revisions are clearly written specifically with the KAC addition in mind.

For the past three months our group has been monitoring this process from work session to the present. See packet and minutes. Council made it clear at the August work session that they had heard a lot of concerns from the public about the proposed KAC addition, and they wanted an opportunity for more public dialogue. They inquired about methods to obtain this dialogue and were told by Staff that the MPD was the best method. With all the emphasis on a MPD and height, and little mention of other options and restrictions, it is easy to see why Council felt this might be the best way to get more public dialogue. One viable option is to recommend that the KAC modify their proposal to conform to the existing LMC and HDDG (Their current proposal does not include an additional 1,500 square foot section of their lot that would accommodate 6,000 square feet on four floors). Another available option for the KAC is to apply for a conditional use permit and if needed apply for an amendment to the zone.

Since the work session, Staff has been in the process of suggesting revisions to the MPD section of the existing Land Management Code that would accommodate a possible application by the KAC to build an addition to their present facility on Heber Ave. See packets from 9/12, 9/26, 11/7 (prepared for the HPB presentation), and 11/28.

On November 7, 2012, Staff made a presentation about the proposed revisions to the MPD section of the LMC to the Historic Preservation Board. See minutes. The HPB recommended 6-1 not to revise the MPD language. Quoting a member of the HPB, "Why fix something that isn't broken".

SUMMARY

The whole process that has taken place regarding a possible application by the KAC has been flawed from the start. Given the restrictive language in the LMC, the HDDG, the General Plan, and the Park City 2030 document, it seems strange that Staff would ask the city manager to schedule a Council work session, let alone that they would try to convince Council to revise the LMC to accommodate a proposal that is so unrealistic. The document and presentation to Council was incomplete, inaccurate, and very supportive of the KAC proposal. There is extensive discussion of the MPD process and height restrictions. Unfortunately, there is little discussion of any of the other options, all of which would allow the KAC to submit an application without revising the existing LMC. There also is no mention about section 15-5-1 of the LMC, and several sections of the General Plan that would prohibit the current KAC proposal (Appendix A). Even if the LMC was revised to allow a MPD the current KAC proposal could not be approved.



Council made it quite clear that what they wanted was an opportunity for more public dialogue concerning the KAC proposed addition. They did not indicate they wanted to revise the existing LMC to allow a MPD in the Heber Avenue Sub-zone if there is another way to obtain public dialogue. You have already obtained a considerable amount of public dialogue from this document, dozens of emails, letters to the editor, and testimony at your meetings. There are other ways to obtain more public dialogue without changing the LMC.

We support the Kimball Art Center and their need for an addition to their current facility. We believe this expansion can and should be accomplished within the existing (August/2012) Park City Land Management Code and the Park City Design Guidelines for Historic Districts and Historic Sites. Please, for the sake of our present and future Historic Main Street, do not recommend any revisions to Chapter 6 of the LMC to accommodate a development that has not submitted an application and may never be built.

Appendix A

LMC 15-5-1 ARCHITECTURAL REVIEW

As a community dependent upon the tourism industry, the atmosphere and aesthetic features of the community take on an economic value for the residents and Property Owners of Park City.

It is in the best interests of the general welfare of the community to protect the aesthetic values of the community through the elimination of those architectural styles, and those building materials, which, by their nature, are foreign to this area, and this climate, and therefore tend to distract from the appearance of the community.

Most of Park City's Main Street and many homes in Park City's older neighborhoods are listed on the National Register of Historic Places as well as being locally designated as Historic Sites, which is a point of considerable importance to the tourism industry. New development, while distinct from surrounding Historic Sites, should not detract from them. Park City is densely developed due to the shortage of level, buildable land.

The effect of one Development is felt on the community as a whole. It is the policy of the City to foster good design within the constraints imposed by climate, land ownership patterns, and a compatible architectural theme.

GENERAL PLAN

Page 3 – The historic downtown area, an attraction for visitors and residents, has been well maintained, but the scale of new development threatens to detract from the charm of Main Street.

Page 5 – Goal 1: Preserve the mountain resort and historic character of Park City

- Future development should complement the existing historic and resort qualities of our mountain community.
- New development, both commercial and residential, should be modest in scale and utilize historic and natural building materials. New structures should blend in with the landscape.

Page 7 – Goal 5: Maintain the unique identity and character of an historic community.

- The community should focus on maintaining the integrity and health of the historic district. The downtown should maintain its historic character marked by pedestrian-friendly buildings of simple design, modest scale, modest height, and similar features.

Jim Tedford, Preserve Historic Main Street

November 28, 2012

To: PARK CITY PLANNING COMMISSION

From: PRESERVE HISTORIC MAIN STREET

We support the Kimball Art Center and their need for an addition to their current facility. We believe this expansion can and should be accomplished within the existing (August, 2012) Park City Land Management Code and the Park City Design Guidelines for Historic Districts and Historic Sites.

James Tedford	Harry Fuller	Kerry Armstrong	Tom Clyde
Mel Armstrong	Jim Miller	Michael Holland	John Vrabel
David Chaplin	David Gorrell	Carol Larson	Whitney Wilde
Chris Roon	Penny Cunningham	Laila Tedford	Robert Sloan
Janet G. Fuller	Margaret Sloan	Shirley Smith	Don Elliott
Randy Spagnoletti	Margie Hadden	Keith Droste	Madeline Smith
Winona Barcon	Marilla Magill	Lou Hudson	Dixie Spagnoletti
Karen Coleman	Mary Demkowitz	Gerd Holmsen	James Kennicott
Gary Kimball	J.S. Reid	Patti Sanborn	Dan Steffen
Dianne Vance	Connie Steffen	Jane Washington	Patrick Lennon
Peg Fletcher	Betty Watts	Cyndi Schwandt	Peter Larsen
Mary Larsen	Carolyn Meyer	Mea Marden	Allen Titensor
Kay Simon	Julie Bertagnole	Barbara Keathley	William Bertagnole
Howard Schatz	Ken Martz	Judy Hale	Barbara Martz
Sharree Olsen	Bruce Cooper	Deworth Williams	Rita Lindell
Alice Williams	Jana Tullis	Cathy Hinshaw	Andy Tullis
Don Simon	Sandy Melville	Judy Billings	Hope Melville
Caryl Brubaker	Betsy Devaney	Lani Furr	Carol Goldman
Hank Kaufmann	Joanna Hammel	Judy Hanley	Cathy Hinshaw
Louise Holland	Nancy Hull	Mike Holland	Mary Ellen Hunter
Barbara Keathley	Lisa Leonhart	Susan Miles	Marion Lintner
Madonna Marron	Sue Morgan	Evelyn Richards	Barbara Roberts
Marsha Roon	Marty Statin	Michelle Sweet	Donovan Symonds
Kathy Symonds	Jinny Vallor	Karen Voth	Jane Washington
Sandy Watson	Sue Weiner	Sharon Winders	Julie Cooper
Sandra Nugent	Ray Mackown	Colleen Bell	Jan Mackown
Jim Bell	Alice Myli	Michael Geer	Howard Myli
Patricia Pond	Gayle Roetman	Annette Sneed	Rob Roetman
Dean Peters	Shary Gadd	Myra Strauchen	Rich Banks
Laurie Banks	Mike Baker	Nancy Kelly	Kathleen Papi-Baker
Dennis Kelly	Lee Caruso	Pat Cohn	George Hull
Malia Brown	Mike Washington	Colin Deford	Laurie Garland
Jim Hadden	Lynne Anderson	Jose Palacios	Julia Lagerhaus

Diane Broome	Michael Broome	Midge Farkas	Kurt Frankenburg
Tom Farkas	Dave Hanscom	Sandra Hall	Mary Hanscom
Carrie Brummette	Bruce Dennis	Dan Hickey	Regen Dennis
Jim Durham	Marisa Durham	Mary Jo Eichner	Richard Weber
JoeAnn Weber	Chris Meyer	Bill Shoaf	Bea Mayes
Richard Eichner	Susan Brewer	Julie Hastings	Coleen Webb
Randall Luebke	Chris Schaefer	Aileen Griffin	Allison Sterbens
Marcia Needham	Susan Paterson	Bette Benton	Daniele Davis
Mary Coyer	Mercedes Hess	Norm Olson	C. Frankenburg
D. Hedderley-Smith	Carrie Shoaf	C. Hedderley-Smith	Fred Marshall
Emmy Marshall	Tom Gunn	Joan Gunn	Bob Lewis
Dede Lewis	Patricia Oriente	Mike Stevens	Bill Benson
Loris Benson	Susan Row	Meg Ryan	Phil Hughes
Brad Boozer	Iris Thompson	Robert Thompson	Carrie Lyon
Christopher DiMeo	Nancy Kelly	Dennis Kelly	Pam Gillette
Andy Dannerbeck	Patti Owen	Alison Wilhelmi	Elizabeth Swank
Randi Tonnesson	Nikki Schwerin	Jennifer DiMeo	Michael Lever
Yin Yuen Lever	Don Cofer	Margie Christiansen	Eric Christiansen
Charles Reynolds	Polly Reynolds	Janet Margolies	Michael Ballases
Laree White	Chuck Zuercher		