

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 30 Sampson Avenue
Project #: PL-12-01487
Author: Mathew Evans, Senior Planner
Date: June 26, 2013
Type of Item: Conditional Use Permit – Ratification of Findings

Summary Recommendations

Staff recommends the Planning Commission ratify the Findings of Fact and Conclusions of Law to deny the Conditional Use Permit for a nightly rental request at 30 Sampson Avenue for an existing home located in the HRL Zone according to the Findings of Fact and Conclusions of Law.

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

Background

On April 10, 2013 the Planning Commission held a regularly scheduled meeting to consider an application for a Steep Slope Conditional Use Permit for a proposed single-family dwelling. The proposed home and site are located in the Historic Residential Low (HRL) District wherein any proposed development that results in a structure of 1,000 square feet or greater on a slope of 30% or greater, requires a Conditional Use Permit for the steep slope development.

On the aforementioned date, the Planning Commission reviewed the application and the Staff Report (see Exhibit "A") held a public hearing and took public input. After a lengthy discussion by the Planning Commission, a motion to approve the Steep Slope CUP was put forth by Commissioner Savage, which died due to the lack of a seconding of the motion. Commissioner Savage then made a motion to deny the Steep Slope CUP, which was seconded and the vote to deny was a unanimous 5-0 vote (see Exhibit "A" attached hereto) with the direction to incorporate the findings and conclusions raised during the Planning Commission discussion into the Findings of Fact and Conclusions of Law of the Ratification of Findings (this Staff report).

During April 10, 2013 meeting, the Planning Commission discussed several issues related to the proposed project which supported denying the Steep Slope CUP. The following is a brief summary of those issues:

- The visual analysis cannot contemplate what could potentially be built around the home, specifically what could be built above the home on Lot 1 of the Treasure Hill Subdivision, and on the adjacent 16 Sampson Avenue properties, and references to these future (un-built) developments within the Analysis section of the Staff Report are irrelevant to the current LMC requirements or the General Plan goals for this area.
- The application does not meet the purpose statement of the Historic Residential-Low (HRL) district, specifically §15-2.1-1(C) *preserve the character of Historic residential Development in Park City*; and (E) *encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods*; and (F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.
- The Existing Home Size Analysis for neighboring properties in the Staff Report did not account for nor reflected the fact that previous developments on Sampson Avenue would not meet current LMC requirements. Most of the homes in the area were built prior to the current code requirements, and thus should not be used when looking at comparable home sizes, and that the Planning Commission must consider the fact that some of the homes in the Staff Report aforementioned analysis could not be built under the current LMC requirements. Furthermore, said analysis does not include homes located within the same District (HRL) located on the adjacent lower portion of King Road, that have much smaller footprints.
- The shape of the existing lot makes it difficult to comply with LMC §15-2.1-6 which requires that homes on steep slopes “must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with Historic District Design Guidelines.” More specifically LMC §15-2.1-6(B)(1) “Location of Development – Development is located and designed to reduce visual and environmental impacts of the structure” – this is due to the fact that the proposal climbs up the hill and utilizes virtually the entire lot rather than concentrating the structure on one portion of the lot. The structures are not located on a lot in a manner that reduces the visual impact. No other homes within the HRL District have been developed as contemplated by the applicant.
- The proposal does not meet nor does it mitigate the potential negative impacts as identified in LMC §15-2.1-6(B)(2) “Visual Analysis” because the proposal does not provide screening, vegetation protection, or other design opportunities that could have been incorporated into the design to help mitigate these issues.
- The proposal does not comply with LMC §15-2.1-6(B)(5) “Building Location” due to the fact that the proposal does not coordinate with adjacent properties to maximize opportunities for open areas and preservation of natural vegetation to minimize parking areas. However in this case, additional off-street parking should be considered because Sampson Avenue is a narrow roadway incapable of offering additional parking opportunities.
- The proposal does not comply with LMC §15-2.1-6(B)(6) because the applicant is not proposing “smaller components” nor are proposing low-profile buildings that orient with the existing contours. Both buildings are large and are not broken into the smaller components as encouraged by this sub-section of the LMC.

- The proposed setbacks only help to maximize the building site and are not compatible with other historic structures in the neighborhood. LMC §15-2.1-6(B)(7) requires that variation (in setbacks) will be a function of the site constraints, proposed building scales and setbacks from adjacent structures, and the proposed buildings do not consider the site constraints and are proposed only to maximize the home size.
- The proposed home does not comply with LMC §15-2.1-6(B)(8) due to the fact that the proposed basement adds significant volume to the building, which was an issue that was raised by the City Council in the minutes of the 1994 City Council meeting to approve the original Millsite Reservation Supplemental Plat Subdivision that created the subject lot.
- The proposed home is not compatible with existing historic homes in the neighborhood with respect to height, setbacks, mass or scale.
- Height within the HRL District is limited to twenty seven feet (27') and no more than three stories. With this restriction in mind, the proposal appears visually as a five (5) story building due to the fact that both the main structure (the home) and the garage and elevator building are relatively close and attached with both a deck (which would require footings) and a patio. Thus the proposal does not meet the intent of the LMC §15-2.1-5(B).
- The proposed basement level of the home does not appear to meet the criteria for not having it count against the overall building size maximum of 3,000 square feet as noted on the plat. This is due to the fact that the current design includes windows and a large window well in the basement, which by definition does not comply with the requirement that the basement be fully below grade, as was the criteria identified in the 1998 Letter from Richard E. Lewis provided to the original property owner for clarification for the overall structure size.
- The visual mass of the proposed dwellings have not been mitigated by this home design.

The Ratification was originally scheduled for the April 24, 2013 Planning Commission meeting. The Ratification included a Finding of Fact regarding a determination made after the hearing by the Chief Building Official that according to the plans before the Planning Commission the elevator structure was connected to the upper deck of the main home and therefore the garage/elevator building and the main building were one structure. At the meeting, the applicant's Attorney, Wade Budge, asked that the item be continued to a date uncertain so that they could review the determination by the Building Official.

Since that time, the applicant's Architect, Jonathan DeGray, met with the Chief Building Official, Chad Root, for clarification regarding building code issues associated with the proposed basement and the proposed deck leading from the house to the elevator building. At that meeting, the applicant provided additional information on the drawings (see exhibit "C") illustrating that the elevator structure and upper deck could be structurally independent of each other. The applicant also requested that the Building Official make a determination regarding if the basement is considered a basement under the IBC based on the location of the window/light wells. The CBO found that under the IBC the basement was considered a basement, and based on the change to the drawings the two structures were no longer connected.

The e-mail exchange after the meeting is attached hereto as Exhibit "C".

Therefore, because CBO Root didn't testify at the hearing, and his finding was only introduced at the Ratification, and because the applicant could separate the structures without substantively changing the plans, staff recommends removing finding #39 that was presented on April 24, 2013 regarding the CBO's determination that it was one structure. Staff has left in Planning Commission's finding regarding the basement level because that determination is based on an interpretation of the plat note and not the IBC.

Findings of Fact, Conclusions of Law and Order regarding 30 Sampson Avenue Steep Slope Conditional Use Permit for a proposed new single-family residential dwelling with a detached garage within the Historic Residential Low District.

The Planning Commission hereby ratifies the Findings of Fact, Conclusions of Law as follows:

Findings of Fact:

1. The property is located at 30 Sampson Avenue.
2. The property is within the Historic Residential (HRL) District.
3. The property is Lot 3 of the Millsite Reservation Supplemental Plat, which was recorded in 1995.
4. The Lot area is 7,088 square feet, the minimum lot size in the HRL district is 3,570 square feet.
5. The subject property is very steep ranging from flat areas near Sampson Avenue and climbing uphill with slopes reaching between 30-40% before reaching the main body of the lot.
6. The proposal consisted of a single family dwelling of 4,585 square feet which includes a 453 square foot detached garage, a 350 square foot garage entry and a 106 square foot access tunnel which is located below ground.
7. Plat notes indicate the maximum square footage allowed for this lot is 3,000 square feet with an additional allowance of 400 square foot for a garage.
8. A 1998 letter from the (then) Community Development Director Richard Lewis, determined that the 3,000 square foot maximum only applied to the above ground portion of the future dwelling, and that basement areas would not count against the 3,000 square foot maximum so long as they were constructed fully below the finished grade. This letter was recorded on the title of the property.
9. The Land Management Code has been amended numerous times since 1998.
10. An overall building footprint of 2,272 square feet was proposed. Under the current LMC, the maximum allowed footprint is 2,355.5 square feet, based on the total lot area.
11. The applicant submitted a visual analysis, and renderings showing a contextual analysis of visual impacts.
12. No streetscape analysis was presented to staff
13. The cross canyon view contains a back drop of both structures, a two (2) story home up the hill with a two (2) story garage building in front.

14. The proposed design incorporates a driveway from Sampson Avenue on the top slope of the street and provides two (2) legal off-street parking spaces, which meets the minimum parking requirement.
15. The detached garage/elevator building is set back fifteen feet (15') from the front property line, and the main portion of the building (the habitable portion of the overall dwelling) is located approximately 77 feet from the street.
16. At their closest points, the two buildings are approximately nine (9) feet apart from each other and are attached by a deck with footings, which attaches the elevator building to the upper (second) floor of the main house.
17. The proposed height of the main building (home) and the elevator building is twenty seven feet (27').
18. 2,996 square feet of the total 4,041 square feet of building space is above ground.
19. The building locations and the proposed building designs both climb up the hill from Sampson Avenue. The proposal utilizes virtually the entire lot rather than concentrating the structure on one portion of the lot. The structures by their placement, massing and height are not located on the lot in a manner that reduces the visual impact.
20. The lot has been deemed to have eight (8) different sides, and thus a Planning Director determination for setbacks has previously been determined and calculated as outlined within the analysis section of the report.
21. The proposed home attempts to maximize the minimum setbacks on each of the property lines. The proposed garage building maximizes the setbacks on the front and on the south property line.
22. There is no proposed screening of the home from Sampson Avenue due to the fact that the home climbs up the hill from the right-of-way, and that there is proposed parking and driveway area in front of the garage. There is no proposed screening of the home between the elevator building and the home due to the fact that the applicant has proposed an attached deck and patio connecting the two structures, thus minimizing any screening opportunities with exception of adjacent properties that are already screened by existing "Gamble Oaks" and other existing vegetation.
23. The scope of the project requires extensive retention of the hillside, and no substantial mitigation has been proposed to reduce the detrimental impacts to the hillside and the design is not appropriate to the topography of the site. The revised design provided by the applicant since the original inception shows substantial retention and retaining walls around the south property line and substantial retention and retaining walls around the garage building on the north property line.
24. The visual analysis cannot include what could potentially be built around the proposed home as doing so would be purely hypothetical.
25. The lot analysis presented by staff for Sampson Avenue and adjacent properties to the subject property are irrelevant for comparison because the study only takes into consideration lot size and home size, and does not take into consideration the height, setbacks, mass and scale of existing historic homes located on adjacent property, or nearby properties, including those located within the same District on King Road, thus making the analysis dissimilar for compliance with the LMC and General Plan.

26. The Existing Home Size Analysis for neighboring properties in the Staff Report does not reflect current LMC requirements, and most of the homes in the area were built prior to the current code requirements and considerations, and thus should not be used when looking at comparable home sizes consider that some of the homes in the analysis could not be built under the current LMC requirements.
27. There are existing historic homes as listed in the Historic Sites Inventory near the proposed site on Sampson Avenue, including the adjacent 40 Sampson Avenue, (approximately 1,700 square feet), 41 Sampson which is across the street from the subject property (approximately 900 square feet) as well as nearby 60 Sampson Avenue and 115 Sampson Avenue.
28. The proposal does not meet the purpose statement of the Historic Residential-Low (HRL) district, specifically §15-2.1-1(C) *preserve the character of Historic residential Development in Park City.*
29. The proposal does not meet purpose statement (LMC §15-2.1-1)(E) *encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.*
30. The proposal does not meet purpose statement (LMC §15-2.1-1)(F) *establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.*
31. The proposed development has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(1) "Location of Development" due to the fact that the building locations and the proposed building designs do not reduce visual and environmental impacts because both climb up the hill from Sampson Avenue, and because the proposal utilizes virtually the entire lot rather than concentrating the structure on one portion of the lot. The structures are not located on the lot in a manner that reduces the visual impact.
32. The proposed development has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(2) "Visual Analysis" because the proposal does not provide screening, vegetation protection, or other design opportunities that could have been incorporated into the design to help mitigate these issues.
33. The proposed development has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(5) "Building Location" due to the fact that the proposal does not coordinate with adjacent properties to maximize opportunities for open areas and preservation of natural vegetation to minimize parking areas.
34. The proposal has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(6) "Building Form and Scale" because the applicant is not proposing "smaller components" nor are they proposing low-profile buildings that orient with the existing contours. Both buildings are large and are not broken into the smaller components as encouraged by this sub-section of the LMC.
35. The proposed has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(7) "Setbacks" due to the fact that the proposed setbacks only help to maximize the building site and are not compatible with other historic structures in the neighborhood.
36. LMC §15-2.1-6(B)(7) requires that the variation in setbacks will be a function of the site constraints, proposed building scales and setbacks from adjacent structures, and the proposed buildings do not consider the site constraints and thus cannot be substantially mitigated.

37. The proposed home has impacts that cannot be substantially mitigated with respect to LMC §15-2.1-6(B)(8) " Dwelling Volume" due to the fact that the proposed basement adds significant volume to the building, which was an issues that was raised by the City Council in the minutes of the 1994 City Council meeting to approve the Subdivision that created the subject lot.
38. The proposed home is not compatible with existing historic homes in the neighborhood with respect to height, setbacks, mass or scale, and the proposed home and garage buildings offer no substantial mitigation measures necessary to show compatibility with the nearby existing structures.
39. Height within the HRL District is limited to three (3) stories, and the proposal is for two buildings a main structure (home) and a garage with an elevator building that connects to the home by a patio and a deck. The two buildings appear by their placement to be a five (5) story building. Connecting the buildings in this manner does not meet the intent of the LMC §15-2.1-5(B).
40. The basement proposed does not meet the criteria for not having it count against the overall building size maximum of 3,000 square feet as noted on the 1995 Millsite Supplemental Plat, because there are windows and a window well in the basement, making the basement not fully below grade, which was the criteria as described in the Plat note for the property, as stated in Finding of Fact #8.
41. The visual mass of the proposed dwellings have not been mitigated by this home design.
42. Additional parking beyond the minimum two (2) required spaces might be necessary due to the location of the home on a sub-standard street that offers no off-site parking.
43. This Ratification was continued from the April 24, 2013 Planning Commission meeting.

Conclusions of Law:

1. The proposed development does not meet the "Purpose" of the HRL District, specifically with respect to LMC §15-2.1-1(C)(E) and (F).
2. The proposed does not meet the criteria for development on steep slopes, specifically Land Management Code §15-2.1-6(B)(1-2), and (6-9).
3. The proposal is not historically compatible with other buildings within the HRL District, or areas nearby with respect to setbacks, height, mass or scale.
4. The proposed development does not meet the intent of the maximum height requirement restriction of no more than three (3) stories as required in LMC §15-2.1-5(B).
5. The reasonably anticipated detrimental effects of the proposed home and garage buildings on a steep slope cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with the applicable standards specifically LMC §15-2.1-6(B)(1-2) and (6-9).

Order: The Steep Slope Conditional Use Permit for the proposed new single-family dwelling 30 Sampson Avenue is hereby denied for the reason specified within the Findings of Fact and Conclusions of Law listed herein.

Dated this 26th day of June, 2013.

Nann Worel, Chairwoman, Planning Commission

Exhibits

Exhibit A – April 10, 2013 Staff Report and minutes

Exhibit B – Minutes April 24, 2013 (includes proposed changes for that meeting)

Exhibit C – Chief Building Official e-mail to Jonathan DeGray (with attachments)

Exhibit D – Public input regarding CUP

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Commissioner Hontz noted that the written Condition #4 would become Condition #5. She revised that language to read, "Modified 13-D sprinklers may be required by the Building Official for any construction." She commented on the important of making sure the Findings and Conditions are concise and legally defensible.

Regarding the language the new Condition #5, Director Eddington preferred to expand the modified condition to match the language in the condition of approval for 343 Park Avenue. "Modified 13-D sprinklers shall be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation." Commissioner Hontz concurred.

Commissioner Savage stated that he was not as detail-oriented as some of the other Commissioners, but he was curious about language in Finding of Fact #12 that talks about the maximum allowed footprint of 994 square feet, but then says the footprint will not exceed 600 feet. He understood the intent but it was confusing. Commissioner Hontz clarified that it was her reason for suggesting that the first sentence be deleted and that the Finding begins with "Potential development on the property is limited to...."

Commissioner Strachan pointed out that Finding of Fact #14 was actually a Conclusion of Law. He recommended that it be deleted from the Findings and insert the language as Conclusion of Law #1.

MOTION: Commissioner Savage moved to CONTINUE the discussion of the 206 Grant Avenue plat amendment to April 24, 2013 Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

**3. 30 Sampson Avenue – Steep Slope Conditional Use Permit.
(Application PL-12-01487)**

Commissioner Wintzer disclosed that he has a business association with Wade Budge, the attorney for the applicant. Commissioner Thomas disclosed that he also knew Wade Budge.

Planner Evans noted that the Planning Commission reviewed this item in December as a work session. The Work Session minutes were attached as Exhibit F. The minutes from the August 2012 meeting session was identified as Exhibit E in the Staff report; however, that Exhibit was inadvertently left out of the Staff report.

Planner Evans had emailed a corrected analysis to the Commissioners showing the correct numbers for the home at 30 Sampson Avenue. He noted that a lot of numbers were involved in the Staff report and any questions regarding the numbers would be referred to the applicant's representatives.

Commissioner Savage assumed that Planner Evans had reviewed and corroborated all the numbers, and any comments or explanations by the applicant or his representatives would also be on behalf of Planner Evans. Planner Evans replied that the Staff and the applicant had reviewed the

numbers and agreed upon them. Mr. DeGray concurred that the only discrepancy were the numbers on the matrix for 30 Sampson and that had been corrected.

Planner Evans remarked that there are nine criteria to be considered when reviewing the Steep Slope CUP. He noted that the project would go through a formal HDDR process, but that had not yet occurred. Therefore, any design features have not been approved and were still subject to HDDR review. He recommended that the Planning Commission look at the house and associated structures from the standpoint of form rather than the actual details with respect to materials and design.

Commissioner Thomas pointed out that mass, form and scale were also design elements, and as an architect, they are critical design elements. Planner Evans agreed. He was only pointing out that the Staff and the Design Review Team would be looking at those issues independent of the steep slope conditional use permit.

Planner Evans reviewed the nine criteria for review and how it was specifically applied to 30 Sampson Avenue. The Staff no unmitigated impacts on Criteria 1-7, and requested discussion on Criteria 8 and 9.

Criteria 1 – Location of Development. Planner Evans indicated an existing platted subdivision lot that was created in 1995 and specific conditions and criteria was recorded on the property, as documented in the Staff report. The structure was limited to 3,000 square feet. Discussions during the 1995 approval allowed a 400 square feet addition for a garage, for a total maximum of 3400 square feet. Planner Evans remarked that the Staff report also notes that in 1998 a decision was made by the Community Development Director that the 3400 square feet did not apply to a basement that is completely subterranean underground that meets that criteria. For that reason, Planning Commission was looking at a building that appeared to be much larger than what is recorded on the plat. The letter from the former Community Development Director was attached to the Staff report as Exhibit D.

Commissioner Thomas asked if the previous decisions over-ruled the 2009 Code that has different stipulations for those areas. Planner Evans stated that the applicant is vested for 3,000 square feet plus 400 square feet for the garage, not counting the basement. Commissioner Thomas thought the applicant was also held accountable to the interpretation of the 2009 revised Steep Slope CUP process. Planner Evans answered yes. Commissioner Thomas questioned the process if the current Code differs from the letter issued from the Community Development Director in 1998. Planner Evans replied that how it differs would depend on the Planning Commission's interpretation.

Commissioner Savage asked if the letter was considered to be a modification or an interpretation. Planner Evans replied that it was an interpretation. Commissioner Strachan understood that it was an interpretation of the plat amendment, not the Code. Planner Evans agreed that it was not a Code interpretation.

Criteria 2 – Visual Analysis. Planner Evans pointed out that the visual analysis had two missing components. One was 16 Sampson, which is an approved HDDR and Steep Slope CUP, and has a

similar sized home being built. The second was the potential development above this lot on Lot 1 of Treasure Hill, which also would add to the visual analysis but is currently an unknown.

Commissioner Wintzer clarified that the Treasure Hill property was not in this zone. Planner Evans replied that this was correct. It was directly above 30 Sampson in the HR-1 zone.

Criteria 3 – Access. Planner Evans noted that this property only has access on Sampson Avenue. No other access is contemplated.

Criteria 4 - There is no terracing; however, there is initial grading and stabilization. Some retention will be required.

Criteria 5 – Building location. Planner Evans reiterated that they were dealing with a previously approved building lot, Lot 3 of the Millsite Subdivision amended plat.

Criteria 6 – Building form and scale. The Planning Commission would be looking at the form, mass and scale of the home.

Criteria 7 – Setbacks. As indicated in the Staff report, because of the shape of the lot, the Code requires that the Planning Director do a setback analysis, which was previously done and included in the Staff report. Planner Evans stated that a lot with this configuration might have a 10' front yard and 10' rear yard and 5' side yard setbacks based on the lot width. This is an odd shaped lot with many different sides. Therefore, the Planning Director made a determination as to setbacks; 15' front, 15' rear and setbacks that vary on the side from 5' to 8' feet and 10' in some spots.

Criteria 8 – Dwelling volume. The Staff requested discussion from the Planning Commission on the building volume. The applicant had redesigned the home from its original design, which contemplated a two car garage, to a one-car garage in an effort to reduce the appearance of the building volume looking at it from Sampson Avenue.

The Staff had proposed questions for discussion.

Criteria 9 – Building Height. Planner Evans remarked that the maximum building height was 27'. The proposed dwelling does not exceed 27'; however, because of the steep slope situation, the Staff requested discussion by the Planning Commission.

The Staff had drafted findings of fact, conclusions of law and conditions of approval.

Wade Budge, counsel representing the applicant, introduced the property owners, Michael and Lori Jorgensen. Mr. Budge provided a brief background of the history of the property. He felt it was important to keep in mind that this property was platted from approximately 13 lots, allowing the potential to have more density in this area. However, in 1995 the property was part of a plat amendment to have three lots placed in this area and the plat was recorded. Mr. Budge stated that 30 Sampson was the last of the three lots to be developed.

Mr. Budge pointed out that the minutes from the 1994 Planning Commission meeting was attached to the Staff report. At that time it was determined that a home was appropriate for this site and plat notes were placed on the plat reflecting that. Mr. Budge felt it was important to note that the garage issues were discussed; as well as the idea of having a home on the property. He remarked that the slope was also discussed at that time. Those issues have already been considered, and he was pleased that they would be considered again because they were interested in hearing input from the Planning Commission before proceeding.

Mr. Budge thought the Staff report was very thorough and well-done, the applicants agreed with the analysis. He wanted to touch on a few points and asked Jonathan DeGray, the project architect, to talk about massing and some of the design changes. He believed the changes were important as the Planning Commission considers potential impacts.

Mr. DeGray reviewed changes to the garage based on the discussion with the Planning Commission during the site visit. Based on their concerns, the driveway was dropped approximately 1 foot and the slope was reduced. Mr. DeGray reviewed the site plan and noted that it was virtually flat on the south side of the driveway going to about a 10% grade on the right-hand side of the driveway facing it from the street. Mr. DeGray stated that since the initial application, the garage was changed from a two-car to a single-car garage. By doing so reduced the width of the frontage.

Commissioner Savage asked if it was a single car garage or a tandem two-car garage.

Mr. DeGray replied that it was a long single-car garage. It does not meet the requirements of tandem. However, two small cars could fit in it. Mr. DeGray stated that the second off-street parking space would be maintained on grade with the spur that goes off to the north.

Mr. DeGray stated that the width of the building was reduced to soften the appearance on the street.

In terms of relationships to other buildings on the street it is probably one of the smallest structures on Sampson. The shape of the lot dictates that the bulk of the building be set back. As noted in the Staff report, the distance of the property line to the front of the building of the residence is 77 feet, which is considerably further back on the lot.

Mr. DeGray referred to Criteria 8 and 9 in the Steep Slope CUP. Regarding Criteria 8, Mr. DeGray stated that building volume is a product of the lot shape. The Planning Commission has already discussed the unusual hourglass shape and topography of the lot. It is dictated that the house be broken into two pods; the driveway/garage portion closest to the street, and then 70+ feet back up the hill is the residence. The residence above grade is a two-story structure on the front and single story at the rear. Above grade the two stories equal 2400 square feet of building area. Mr. DeGray believed the home was a modest home in terms of building size visible from the street. He noted that 77 feet back would allow for significant vegetation between the garage and the main house. Surrounding the main house is predominantly a scrub oak forest. Mr. DeGray stated breaking it into two pods reduced the dwelling volume considerably, compared to other structures on the street. He used 40, 60 and 99 Sampson as examples of larger structures along the road.

Mr. DeGray stated that the proposed garage is a 900 square foot structure. He noted that 50% of the garage structure is buried into the hillside; however, the entire square footage of the garage is counted in the maximum square footage. Mr. DeGray pointed out that the height of the structure is limited to 25 feet. One area of the home is 27 feet.

Mr. DeGray referred to the visual analysis drawings and noted that the house was only found to be visible from the trolley turnaround or from the top of Hillside at the intersection of Marsac. Mr. DeGray stated that another consideration was how the structure fits into the hillside and how it looks with the other residences. He would argue that it fits within the context of the entire hillside.

Mr. Budge thought the minutes from the 1995 process were informative. A lot of analysis was done by the Planning Commission at that time, and while it should not substitute for the judgment of the current Planning Commission, it was helpful and should contribute to their analysis. Mr. Budge believed the 1995 analysis shows that there was a lot of discussion about the kind of square footage that would be appropriate for this particular terrain. In the case of the adjacent lot at 40 Sampson, the determination was made that a larger structure would be appropriate. At some point in time it was possible that up to 3500 square feet above ground could be located next door and due south of this structure. Mr. Budge felt that was important to keep in mind as they analyzed the issues.

Mr. Budge remarked that a Code exception resulted from the 1995 process and is found in the Park City Code. He noted that it has been referred to as the Schneckloth exception. The exception allows someone in this particular subdivision to avoid this CUP process. Mr. Budge stated that the applicants were here this evening because they submitted an application, but he felt it was important to read what the City Council determined and said about this particular subdivision relative to that process. Mr. Budge read, "In conjunction with the subdivision or plat amendment, several property owners have undergone a review process comparable to that listed in the conditional use section B above." That section is the steep slope process they were talking about today. Mr. Budge stated that the City did not seek to subject those owners to additional Planning Commission review. He noted that further language allows the applicant to bypass the process and go directly to the Planning Director.

Mr. Budge emphasized that this property has already gone through great review. As an applicant, they have been very careful to make sure their proposal is in strict conformity with what was approved. Mr. Budge summarized that a plat was approved and recorded in 1995 and a statement was made that the maximum size of 3,000 square feet was appropriate for the site. In those same discussions a clarification was made relative to a 400 square foot garage not being included in the 3,000 maximum. In addition, as reflected in Exhibit D in the Staff report, in 1998 a determination was made regarding the basement issue. Mr. Budge reported that Mr. Jorgensen wanted the issue clarified before purchasing the property. Therefore, the seller, Ms. Schneckloth, sought that determination from the Community Development Director and the determination was recorded against this property. On that understanding, Mr. Jorgensen purchased the property that same year.

Mr. Budge stated in talking about detrimental impacts, they need to balance the interests and the expectations of the property owner with the impacts that would be created by his proposed structure.

Mr. DeGray commented on Criteria 9 – Building height. He reiterated that 25' was the general height of the main home. One portion was 27'. The structure is two stories in the front and one story in the back sitting parallel to the contours. He indicated a vertical change in the building site of 30 feet between the front garage pad and the home. Combined with the 70 feet of horizontal

change there is a great deal of variation in terms of building volume and the perceived building height as the building is viewed from the street and from a distance.

Mr. DeGray did not believe the renderings clearly showed the actual separation between the buildings. He reviewed the south elevation to show the distance between the garage and the main building. He noted that the portion in between the garage and the elevator is also a planting area. The garage would be a lower structure just over 20 feet at the ridge. He pointed out the 27' height line directly above the main house. It would be a modest structure of 2400 square feet sitting on top of the hill.

Mr. DeGray commented on the purpose statements in the HRL zone. He read from Item A, "Reduce the density that is accessible only by substandard streets so that these streets are not impacted beyond a reasonable capacity." Mr. DeGray reiterated that the plat reduced the subdivision from 13 platted lots to three platted lots. The property is in the HR-L zone. Historically HR-L zoning is larger lots at a two lot minimum of 3750 square feet and larger homes. The HR-L densities are different from the densities in the HR-1 zone.

Mr. DeGray read from purpose statement B, "Provide an area of lower density residential use within the old portion of Park City. He again noted that the plat reduced the density and therefore meets the purpose. Item C, "Preserve the character of historic residential development in Park City". Mr. DeGray stated that the proposed home would meet the design guidelines, it meets the steep slope criteria, and it is sensitive to the character of historic residences in the area. Item D, "Encourage preservation of Historic Structures." Mr. DeGray pointed out that there are no historic structures on the site. The closest historic structure is the adjacent property which is also within the same subdivision. As previously stated, that lot has an above grade building size of 3500 square feet plus basement plus a 400 square foot garage. It is the largest lot on Sampson Avenue at 11,000 square feet. Item E, "Encourage construction with historically compatible structures that contribute to the character and scale of the historic district and maintain existing residential neighborhoods. Mr. DeGray stated that compatibility within the HRL Zone is only defined in the LMC as height, footprint, setbacks, and meets the criteria of the steep slope CUP. Mr. DeGray believed the design as proposed met all the requirements.

Mr. DeGray noted that the Staff had provided additional comparisons of building size in the Matrix contained in the Staff report. If one of the criteria for compatibility is viewed as building size, as proposed by Staff, he thought it was fair to review compatibility with historic structures by reviewing what the historic structures in the area actually are, as well as how they have been renovated and could potentially be renovated. Mr. DeGray stated that 16 Sampson Avenue, which recently received an approval, is a historic structure. The project is a reconstruction resulting in 4,141 square feet gross. The lot size is equivalent to 3.2 lots. Mr. DeGray remarked that 40 Sampson Avenue is the Schneckloth property. The lot is the equivalent of six old town lots and the structure could be as large as 3500 square feet. Mr. DeGray noted that 41 Sampson across the street is currently a condemned structure due to the wall that supports Sampson Avenue. However, that property has an approval for a new structure at 4,154 square feet gross. He noted that 60 Sampson Avenue, which is a historic renovation, is 4,246 square feet on the equivalent of 3.5 lots. In comparison, Mr. DeGray pointed out that 30 Sampson Avenue is the equivalent of 3.7 lots at 7,000 square feet. It is the second largest lot on the street. The applicant was proposing a gross

square footage of 4,585 square feet. Mr. DeGray remarked that this proposal was very compatible based on the historic homes in the area and how they have been renovated. The same could be said for compatibility with new construction at 50 Sampson, as well as the homes at 201 Norfolk, 99 Sampson, and other properties in the neighborhood.

Mr. DeGray pointed out a smaller structure at 121 Sampson at 854 square feet. It is not a historic structure and could be torn down. The structure sits on 3.5 lots.

Mr. DeGray stated that building size is one level of comparison for determining compatibility, and he believed another level needs to be mass and scale. They have talked about the visual analysis and how the mass and scale of the building fits within the context of the hillside of the Sampson Avenue/Norfolk/King Road/Woodside area. He would argue that the building fits within that character.

Mr. DeGray remarked that a third level to judge compatibility would be the fact that the home needs to work within the Historic District Design guidelines. He emphasized that the home would meet those guidelines, and therefore would be compatible in its design and appearance. Mr. DeGray stated that the last item for judging compatibility was the 1995 plat, which stipulates compatibility based on building size. They also meet that criteria.

Mr. Budge understood that the elevator was discussed in prior meetings. He clarified that the purpose of the elevator was more than just convenience. Michael Jorgensen is a doctor. He does not see patients at home, but some of his friends, particularly one in a wheelchair, need accessibility. The elevator allows the owners to make use of their property and make sure that all of their guests could access their home. Mr. Budge believed the proposed design accomplishes that, and is done in a way that is consistent with the Code.

Mr. Budge stated that they have tried to anticipate all detrimental impacts and mitigate them as best as possible. They believed all the impacts had been mitigated by the design, but they were interested in hearing from the Planning Commission.

Chair Worel opened the public hearing.

John Vrabel stated that he lives across from 30 Sampson Avenue. Mr. Vrabel commented on structures in the area that were smaller homes, including 41 Sampson at 1100 square feet. His house at 33 Upper Norfolk is only 800 square feet. Mr. Vrabel noted that the proposal for 30 Sampson was not totally compatible with all the surrounding structures. In his opinion, two parking spaces was not sufficient for the size of the home proposed.

Susan Fredston-Herman stated that she was an adjacent property owner and was concerned with the status of Sampson Avenue. A building permit has been issued on her property and they are required to begin construction on May 15th. They have been told that the road cannot handle construction traffic, which puts them in a very difficult situation. They have a contractor waiting to start, but no one know if they can move forward. Ms. Fredston-Herman remarked that the integrity of the road is an issue. The road is clearly failing, which is why 41 Sampson has been condemned. She was concerned about the construction schedule of her project and additional projects. With no

disrespect to the Jorgensen project or anything else, Ms. Fredston-Herman requested that this item be continued until the City makes a determination on when the road would be repaired, how it would be repaired and how it affects the property owners on Sampson Avenue and adjacent properties. Ms. Fredston-Herman believed the issue of road safety was important and her concern was the sequence of events on Sampson. Until there is clarity on that situation and whether the road can handle construction equipment this item should be continued.

Chair Worel closed the public hearing.

Commissioner Savage asked if he was correct in assuming that the Planning Commission was looking at a recommendation on a conditional use permit related to a steep slope, and that the issuance of a building permit associated with construction of that project would be subject to separate reviews as mentioned by Ms. Fredston-Herman.

Director Eddington stated that if construction could not be started within a certain period following the CUP approval, the owner loses the CUP. He understood that this was a real concern with regard to Sampson Avenue. Director Eddington noted that the City Engineer was currently working with the Chief Building Official to determine what needs to be done on Sampson Avenue, and there are concerns with some of the safety features of the road on the downhill side regarding a retaining wall that is adjacent to 41 Sampson Avenue. Until that issue is addressed, Director Eddington assumed there were concerns about taking up heavy equipment and it was a valid concern.

Responding to Commissioner Savage's question, Assistant City Attorney McLean stated that the timing for this project to move forward would not be right away because they still needed to go through the HDDR process and do other things before pulling a building permit. Ms. McLean did not recommend delaying a decision on this application based on resolution of the road issue.

Commissioner Savage stated that having reviewed this proposal a few times and visiting the site, he understood some of the challenges related to this particular lot, as well as the challenges of the neighborhood and compatibility. He believed the applicant had done a good job making some of the recommended changes. He thought the change to the garage was positive and he was comfortable with the height. Commissioner Savage believed that certain things were aesthetically possible and would enhance the compatibility and nature of the structure as it relates to cross valley views and other neighborhood compatibility questions, without being detrimental to their own objectives. Commissioner Savage stated that unless he hears something in the discussion this evening that would sway his opinion, he would support the project.

Commissioner Gross concurred with Commission Savage.

Commissioner Hontz referred to the continual mention about potential future development that has not yet been applied for or approved. However, in the same Staff report, the Staff could not speak to the scenario of future development because there is no way to anticipate what future LMC Codes would allow an applicant to do with an application. She pointed out that it could not be both ways and everyone understands that there is no way to anticipate what might occur on those properties. Commissioner Hontz took issue with the reference in terms of it possibly being part of the visual

scenario and part of massing of a certain size. She emphasized that it should not be a factor in their decision-making.

Commissioner Hontz referred to page 84 of the Staff report and the purposes of the HRL District. She believed all of her comments would build up to support why this application did not meet the purposes of the HRL District. Specifically, Letter C – Preserve the character of the historic residential character of the historical residential development in Park City; Letter E – Encourage construction of historically compatible structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods; Letter F – Establish development and review criteria for new development for new development on steep slopes which mitigate impacts to mass and scale and the environment. Commissioner Hontz believed the application in its current format did not meet statements C, E and F. She was prepared to provide examples to support her opinion.

Commissioner Hontz did not believe that any of the properties in the Matrix on page 89 of the Staff report were reviewed under the current LMC. Therefore, it was an inaccurate analysis. Commissioner Hontz was unsure why time was spent doing an analysis on homes that may or may not be built today because of Code changes. She also noted that the Matrix only included historic homes that had major renovations. There are numerous homes in close proximity on Upper Norfolk that are much smaller in size and footprint.

Commissioner Hontz read the Land Management Code language for the HRL District on page 90 of the Staff report. Section 15-2.1-6 – Development on Steep Slopes are regulated. “Development on Steep Slopes must be environmentally sensitive to hillside areas carefully planned to mitigate adverse effects on neighboring land and improvements and consistent with the Historic District Guidelines. Development, subsection (1), “Location of development needs to be designed to reduce visual and environmental impacts of its structure.” Commissioner Hontz stated that due to the shape of the lot, addressed in Criteria 1, it would be challenging to limit the visual impacts of the lot unless they only developed on one portion of it. However, moving up the hill and building from Sampson Avenue all the up to the top rear line does not reduce the visual impact. It also does not reduce or mitigate environmental impacts because they would be impacting the entire lot. For those reasons, Commissioner Hontz did not think it was a reduction to visual or environmental impacts.

Commissioner Savage asked Commissioner Hontz to clarify her statement regarding density reduction. Commissioner Hontz noted that Criteria 1 states that development is located and designed to reduce the visual and environmental impacts of the structure. They have to look at the lot to see if it is a reduction over what it could be. Commissioner Savage clarified that the reduction was over what it could be, not over what it is. He was trying to understand Commissioner Hontz’s perspective for her argument as to why it was not a reduction and from what. Commissioner Hontz replied that she would argue that it could be a more appropriate design.

Commissioner Hontz referred to Criteria 2 – Visual analysis from the across canyon view. She believed this was a great demonstration of how it is not screened and that the vegetation is not protected. It also shows how the structures take up the entire lot. The development grows as it continues up the hill.

Commissioner Hontz referred to Criteria 4 – Terracing. She noted that the Staff reports states that the project may include terraced retaining structures if necessary to regain natural grade. It further states that no terracing is proposed. Commissioner Hontz found that to be confusing because she has seen multiple places where retaining is defined as terracing because multiple levels of retaining occur on the site. She stated that at a minimum they have to acknowledge that terracing occurs on the site. She was not arguing that it should not happen and believed it needed to be done; however, it was an inaccurate statement to support something that was untrue because terracing will occur.

Commissioner Hontz referred to Criteria 5 – Building location. She read, “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 access and provide variation of the front yard.” Commissioner Hontz remarked that the first part of that statement, “maximize opportunities for open areas and preservation of natural vegetation” are not supported by this current version of the application. She agreed that from the previous version, the driveway and parking area was minimized. However, based on comments during the public hearing, with a house of this size and a road you cannot park on, perhaps the parking area should not be minimized. Commissioner Hontz pointed out that this was a situation that may need three parking spaces but there was no room for it. The question was whether they wanted a less desirable design with a larger garage facing the street or impacting the neighborhood by parking on the street. She was unsure which would be worse.

Criteria 6 – Building form and Scale. “Low profile buildings that orient to the existing contours are strongly encouraged.” Commissioner Hontz was unable to say that they were looking at that in this design. In her opinion they are not low profile buildings and that they move up with the contours.

Criteria 7 – Setbacks. Commissioner Hontz recognized that this was a very challenging site based on the unusual configuration. However, challenging is not an excuse for a bigger house size that does not meet compatibility with surrounding historic structures. She thought they needed to look closer to make sure the setbacks are big enough.

Criteria 8 – Building Volume. “The Planning Director and/or Planning Commission may further limit the volume of a proposed structure to minimize its visual mass and/or to mitigate difference in the scale between and proposed structure and existing structures. Commissioner Hontz noted that the basement was adding to the volume. She thought the previous Planning Commission was very concerned about how this would look and feel on the site. She believed they would be distressed to see this application move forward in its current format and given a steep slope approval because the volume is very large above ground.

Criteria 9 – Building Height (Steep Slope). Commissioner Hontz stated that the Planning Commission could require a reduction in building height for all portions of the structure if they felt it would help mitigate some of the concerns related to size and scale. Even though the proposed height meets the zone height, it pushes the structure to look larger as it goes up the hill.

Commissioner Hontz noted that Finding of Fact #17 on page 96 supports that there is obviously terracing and retaining around the entire structure. She remarked that Finding of Fact #28 on page 97 needed to be removed because it was not pertinent to this application. Commissioner Hontz referred to Conclusion of Law #4 on page 98, which talks about the effects of any differences in use

or scale. She noted that there could not be a difference in use outside of the allowed use of this zone. If this project moves forward, Conclusion of Law #4 should be revised to say, "The affects of any difference in scale have been mitigated." Commissioner Hontz clarified that even as revised, she did not agree with the Conclusion of Law.

Commissioner Wintzer concurred with Commissioner Hontz's assessment. He noted that the Planning Commission has the right to reduce height and increase setbacks, and the reason is to better address mass and scale. Commissioner Wintzer referred to the Matrix on page 89 of the Staff report and disagreed that it represented historic structures. Commissioner Wintzer stated that 15 years ago his neighborhood wrote the HRL zone and the purpose was to create a neighborhood that people want to live in.

Commissioner Wintzer disagreed with Mr. DeGray that this project meets the General Plan. He found five areas in the General Plan that talks about reducing the mass and scale of Old Town and that new development should be a modest scale compatible with historic structures. In a survey taken, people said that new construction is threatening the mass and scale of the historic structures. Commissioner Wintzer stated that discussions about mass and scale should be about what they are trying to preserve, which is the mass and scale of the community. They are not trying to preserve mega-homes. In looking at page 141 of the Staff report, Commissioner Wintzer counted four floors in the first structure, which is not permitted by Code. He believed the first structure was connected to the second structure.

Commissioner Thomas agreed this was a difficult site with a lot of design challenges. However, he had to agree with comments made by Commissioners Hontz and Wintzer. Commissioner Thomas challenged the City's interpretation that this was not one structure because it is one single family residence. Commissioner Thomas believed the intent of the 2009 was to limit a structure to three stories. He counted five stories. He read from LMC Section 15-2.2-5, "No structure shall be erected to a height greater than 27 feet from existing grade." He reiterated previous comments that the Planning Commission has the purview to reduce the height. Commissioner Thomas further read, "Final grade must be within 4 feet of the existing grade around the periphery of the structure." With regards to the main house, Commissioner Thomas commented on the long linear window that was created to achieve two legal bedrooms that would otherwise not be legal. He would challenge the logic of putting bedrooms below grade where some had to climb up to safety and it caused him great concern.

Per the LMC, "The structure may have a maximum of three stories." Commissioner Thomas stated that in 2009 the Code was modified to count a basement as a story in the zone. Commissioner Thomas reviewed an elevation that showed a four story elevator; two stories above and two stories below grade, with beams and a walkway that physically connects one side to the other. Commissioner Thomas could not understand how the Staff could ever determine that this was not a connected continuous structure. He disagreed with the Staff interpretation and he also believed it would be questioned by the Building Department. Planner Evans clarified that the Building Department had already looked at the plans.

Commissioner Thomas was unsure how they could get over the hurdle that this was not a five story building. It is a burdensome lot but the proposed design solution was wrong in terms of number of

stories and the visual impacts on the community. Commissioner Thomas noted that he had previously requested a cross section through the garage and the elevator, and he was still waiting for it. In his opinion, this was an incomplete application. The streetscape is grossly inadequate and it was not what the Planning Commission had asked for. They wanted to see a streetscape showing the buildings and the context of the buildings next door. Commissioner Thomas believed the applicant had design hurdles to overcome, but as proposed he could not support it.

Commissioner Strachan asked if the applicant had applied for the Schneckloth exception under the conditional use. Mr. Wade replied that it was applied for and it was denied. Director Eddington noted that the applicant had been before the Planning Commissioner prior to asking for the exception. Commissioner Strachan understood that the applicant came to the Planning Commission, then applied for the exception, the exception was denied and it was again before the Planning Commission. Director Eddington explained that the exception was denied on the basis of a pending application and the need for review by the Planning Commission.

Commissioner Strachan asked if the applicant believed he needed the exception. Mr. Wade stated that it was needed in the sense that it reflects the fact that a project had already been reviewed. If they had not submitted an application for review by the Planning Commission, they could have gone to the Planning Director and requested a determination. However, because it a pending application before the Planning Commission, the Planning Director declined to strip away that review and would not grant the exception. If the Planning Commission does not approve the application, they would appeal directly to the City Council. Commissioner Strachan clarified that the exception was no longer an option for the applicant. They would either take an approval by the Planning Commission or appeal it to the City Council.

Commissioner Strachan stated that he still could not find that the dwelling volume was compatible with the surrounding structures. He thought the analysis on page 89 comparing it to existing structures was all they needed to make a finding that the dwelling volume is incompatible. Only two other structures would be larger in terms of total square footage. Commissioner Strachan agreed with Commissioner Wintzer that most of the structures on the list were non-historic structures. The compatibility analysis turns on a comparison to historic structures and not new development.

Commissioner Strachan thought the visual mass impact had not been mitigated. The difference in scale between the proposed structure and the existing structures in the surrounding area had not been mitigated as well. Commissioner Strachan did not believe the proposal could be compared to what might be built on different lots. The Code is clear that the comparison should be to existing structures. In comparing this proposal to existing structures the difference in scale was incompatible. He could not make a positive finding on that criteria in the Code.

Commissioner Hontz stated that she had read the historic minutes from December 14, 1994 on page 120 of the Staff report, to make sure she understood how they reached this point in terms of the lot, size and the thoughts of the previous Planning Commission. Commissioner Hontz thought the previous Commissioners had done a good job communicating their concern for setting a precedent for incremental buildup in the area. That was where they talked about reducing homes sizes and specifying it as a plat note. Commissioner Hontz stated that the convincing language from the minutes were key, "Commissioner Jones concurred with Commissioner Klingenstein and

remarked that the real issue is compatibility. The floor area ratios 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 Hontz noted that the discussion continues as the former Commissioners tried to craft conditions of approval to support their concerns related to size, height, massing, and neighborhood compatibility. She believed this Planning Commission was continuing that discussion.

Commissioner Wintzer noted that the existing approvals were done in 1994 and did not believe any of the houses being compared were built in 1994. He believed what the City Council and the Planning Commission envisioned in 1994 was half the size of what they see today. The issue is that the community has allowed this creep and size to continue and they now realize it is not what they want.

Commissioner Savage asked if compatibility relates to back to the older period of time or to the current period. Commissioner Wintzer replied that the Code talks about compatibility with historic structures. At some point compatibility was being compared to newer structures and that was where they got off track. Somehow they needed to go back to what is directed in the Code.

Assistant City Attorney McLean read the definition of compatibility, from the definition section of the LMC, “Characteristics of different uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding area or neighborhood. Elements affecting compatibility include, but are not limited to, height, scale mass and bulk of building, pedestrian and vehicular circulation, parking, landscaping and architecture, topography and environmentally sensitive areas.”

MOTION: Commissioner Wintzer made a motion to CONTINUE 30 Sampson Avenue and direct the Staff and the applicant to come back with findings that the building is not a three-story and to address the incompatible mass, scale and size. They also need to provide a streetscape that would allow the Planning Commission to look at compatibility and compare it with the adjacent buildings rather than a picture take from across the canyon.

Commissioner Strachan thought the Planning Commission need to decide if they wanted to continue this item with direction to Staff to remedy the stated issues, or if they wanted to deny it.

Assistant City Attorney McLean explained that typically when the Planning Commission does not adopt the Findings suggested by Staff, they could vote to deny based on their discussion and the Staff would draft findings for denial for ratification to make sure they would reflect all the pertinent comments given this evening. Commissioner Savage understood that Ms. McLean was suggesting that the Planning Commission either approve or deny this evening. Ms. McLean answered yes. Commissioner Gross clarified that if the Planning Commission votes to deny, the applicant to appeal their decision to the City Council. Ms. McLean replied that this was correct; however, the City Council would not hear the appeal until the Findings were ratified with the reasons for denial.

Commissioner Wintzer withdrew his motion.

Commissioner Strachan felt that even if they continued to another meeting, the Commissioner would still have the same concerns and issues. Commissioner Gross agreed. Commissioner Hontz noted that some information has been requested that could either further illustrate how this did not meet Code, or demonstrate changes that might moves the project closer to Code.

Mr. Budge stated that the applicant would like a decision this evening.

Commissioner Strachan pointed out that if the Planning Commission denies the application and it is appealed to the City Council, the City Council could overturn the Planning Commission decision. If they continue it with direction to the applicant to decrease the building volume and make a three-story structure, and other issues; the applicant could reject the continuation and request a denial.

Ms. McLean pointed out that the applicant had just requested a decision. She explained why the timing would be the same with either a continuation or a denial.

Commissioner Strachan asked if the plans presented this evening was the design the applicant wanted to take to the City Council. Mr. Jorgensen stated that if the Planning Commission wanted to put remove the detached portion that they were calling two stories, it would require long terracing and other things that he was unsure were even possible at that grade.

Mr. DeGray stated that based on the issues raised by the Planning Commission, they had been through an inter-department Staff review, including the Legal and Building Departments, and they had received no feedback saying that they were not in compliance with the number of building levels represented in the plan. He understood that the Planning Commission had a different interpretation.

Mr. Wade wanted to satisfy the concerns expressed by the Planning Commission, but given the topography of the lot and the fact that this was an approved use, he did not believe they could make additional changes to satisfy the Planning Commission.

MOTION: Commissioner Savage moved to APPROVE the Steep Slope Conditional Use Permit at 30 Sampson Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report.

The motion died for lack of a second.

MOTION: Commissioner Savage motion to DENY the request for a Steep Slope CUP at 30 Sampson Avenue. Commissioner Strachan seconded the motion with the direction to Staff to prepare proposed Findings of Fact and Conclusions of Law for Denial based on the discussion this evening.

VOTE: The motion passed unanimously.

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building permit for construction on the lot.

4. Approval of Steep Slope CUP application is a condition precedent to the issuance of a building permit for any structure in excess of 1,000 square feet.

5. Modified 13-D sprinklers may be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.

6. A 10 foot wide public snow storage easement will be provided along the frontage of the property.

7. Any soil removed from the property during excavation is required to be properly disposed of at an approved site to accept contaminated soils.

5. 30 Sampson Avenue – Ratification of Findings for a Steep Slope CUP (Application PL-12-01487)

Commissioner Wintzer disclosed that he has a business relationship with applicant's representative, Wade Budge, but that association would not influence his decision on this project.

Planner Evans remarked that this item was ratification of the Findings that the Planning Commission had made regarding 30 Sampson Avenue at their meeting on April 10, 2012. The Staff report contained a summary of the issues discussed at the April 10th meeting. The discussion items were incorporated into the Findings of Fact and Conclusions of Law for denial as directed in the action taken by the Planning Commission.

Planner Evans reported that since the last meeting, the Staff sought a second opinion from the Building Department for the purpose of clarification on the proposed deck from the elevator building to the main house. Based on conversations with the Chief Building Official, the Staff recommended a change to the Findings of Fact. A new Finding of Fact #39 would state, "The Chief Building Official has recently reviewed the proposed plans submitted by the applicant and has determined that the proposed attached deck from the elevator to the top floor of the home constitutes a connection of the two buildings, just as a roof structure or a breezeway between two buildings would also be considered a connection between the two buildings. Therefore, under the Building Code it would be considered one structure."

Planner Evans indicated minor changes to the next Findings of Fact that discusses the fact that this appears to be a five-story building based on the structures being connected.

Chair Worel noted that the Recommendation in the Staff report on page 105 incorrectly states denial for a conditional use permit for a nightly rental request at 30 Sampson Avenue. Planner Evans concurred that it was incorrect and that the application was for a Steep Slope CUP.

Wade Budge, representing the applicant, remarked that the opinion of the Chief Building Official reflected in Finding of Fact #39 was a major new development. When the application was submitted over a year ago, the applicant had certain understandings, which were reflected in the April 10, 2012 Staff report, that the building complied with the story requirement. When the application was reviewed in DRT, they were informed that it was reviewed as two separate structures. Mr. Budge pointed out that the facts the entire application was based upon have been changed by this new determination by the Chief Building Official. Mr. Budge noted that he only learned of this development today, and the project architect was out of town. He requested that the Planning Commission postpone action this evening to allow the applicant the opportunity to address the issue. Mr. Budge clarified that when the application was submitted, they understood that it met the Building Code Standard. He requested time to review the application and possibly modify it.

Mr. Budge believed the Staff report reflected the conclusions that were made at the DRT level and the Staff level. He noted that the denial was based on the thought that this was two structures. However, if the building is now viewed as one structure, he was interested in hearing feedback from the Planning Commission regarding the structure and how they would like it to look. Mr. Budge did not want to go forward to the City Council with an application that did not meet a very clear three-story requirement.

Chair Worel asked if Mr. Budge was asking to withdraw this application. Mr. Budge stated that he was not asking to withdraw. He was asking that the Planning Commission postpone their action until the applicant can sort through the developments. He stated that if the applicant is unable to convince the Building Official that the prior determination was correct, they may modify their design.

Commissioner Hontz remarked that this was not a new development for the Planning Commission and she thought it was interesting that it took the Building Department several months to agree with the Planning Commission. Commissioner Hontz stated that she came prepared this evening to go through each finding and describe why the project does not meet the Code and the Historic District Guidelines. She was willing to continue that process, but she would not provide feedback on a design that does not exist. Mr. Budge understood her position. He was only requesting the ability to consult with the Building Department and the project architect. He was not demanding feedback.

Commissioner Wintzer was comfortable granting Mr. Budge his request. He agreed that there was no reason to further discuss a project that may not be built. Commissioner Wintzer noted that the minutes from previous meetings talks about the design and that the Planning Commission would like to see in terms of a smaller, more compatible structure. Mr. Budge stated that the applicant would review the December 2012 Work Session Minutes.

Commissioner Thomas asked about process. Assistant City Attorney McLean stated that based on her review of the earlier Staff report, the Staff had informed the applicant differently than the Chief Building Official's interpretation. Commissioner Thomas asked if Mr. Budge's request was reasonable in terms of pulling an agenda item. Commissioner Hontz understood that the applicant had pulled the rip-cord and asked the Planning Commission to make a decision. Mr. Budge replied that they had not pulled the rip-cord. Commissioner Strachan thought that had occurred at the last meeting. As reflected in the April 10th minutes, the applicant was asked whether they wanted to come back or if they wanted the Planning Commission to take action that evening. Mr. Budge

clarified that he had asked the Commissioners to make a decision, but he did not pull the rip-cord because that needed to be requested in writing. Commissioner Strachan clarified that he was referring to the question of whether the applicant wanted the Planning Commission to continue the item or vote on a decision. The applicant chose to have a vote.

Mr. Budge clarified that his decision to request a vote at the last meeting was based on the understanding from Staff that there were two structures compliant with the three-story requirement. That interpretation has now changed. Commissioner Strachan pointed out that the Planning Commission also told him that it was one structure that exceeded the three-story requirement. Mr. Budge stated that until he received the revised Finding #39 this evening, no one had ever cited the standards from the IBC. He noted that Finding #39 relies on facts that the applicant had never seen.

Assistant City Attorney McLean stated that from the standpoint of due process, the Planning Commission could continue this item and allow the applicant to meet with the Chief Building Official to only consider Finding #39. A second alternative would be to remove Finding #39 from the Findings of Fact and vote on ratification this evening. She noted that the Chief Building Official was in the building and available to answer their questions directly.

Commissioner Wintzer felt it was fair to continue the application and allow the applicant the opportunity to work through it.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to CONTINUE the conditional use permit regarding 30 Samson Avenue to a date uncertain. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Winter believed the Planning Commission would encounter this issue of connected buildings again and he asked the Chief Building Official to provide a general definition with drawings. Chad Groot, the Chief Building Official, stated that he would come back with a full explanation of different examples.

The Planning Commission adjourned the regular meeting and moved into work session to discuss Municipal Outdoor Lighting. The work session discussion can be found in the Work Session Minutes of April 24, 2013.

The Park City Planning Commission meeting adjourned at 8:10 p.m.

Jonathan DeGray - Architect

May 7, 2013

Park City Municipal Corporation
443 Marsac Avenue
Park City, Utah

Attn: Mr. Chad Root, Chief Building Official

Re: Jorgensen Residence
Steep Slope Conditional Use Permit
30 Sampson Avenue

Dear Chad,

Per our meeting last week I am writing to ask you for further clarification of information you provided the Planning Commission regarding 30 Sampson Avenue at their April 24, 2013 meeting.

At the Planning Commission meeting you informed the Planning Commission that the garage and home, as proposed for 30 Sampson Avenue, appeared to be connected and were one building. You based this on the fact that the elevator structure and upper deck were connected. At our meeting last week I explained that the elevator structure and the upper deck would be structurally independent of each other. See attached plan. Based on this information you agreed that the garage and main home were two separate structures under the building code. I need to ask you to confirm this determination in writing so I can have the finding of fact that has been added to the Planning Commission denial for this project removed as it is incorrect.

Additionally, Planning Commission has included a finding of fact that because there is a light well at the basement that the basement is no longer a basement as described in the building code. Per our meeting I showed you the plan location and elevation of the proposed light well and you agreed that the light well as drawn complied with code and did not change the fact that the basement was still a basement as defined by the building code. I would also ask that you address this issue in your written response as well. I have included a basement plan and section through the light well for your reference.

Please let me know if you have any questions regarding this request for a letter from you confirming our conversation. I appreciate your help in this matter.

Sincerely,

Jonathan DeGray - Architect

614 Main Street , Suite 302
P.O. Box 1674 , Park City , Utah 84060 Tel./Fax 435-649-7263
Email: degrayarch@qwestoffice.net Web: www.degrayarchitect.com

Mathew Evans

From: Jonathan DeGray <degrayarch@qwestoffice.net>
Sent: Monday, June 03, 2013 2:44 PM
To: Mathew Evans
Cc: hojopc@gmail.com
Subject: FW: 30 Sampson Ave.

Matt,
I had also asked Chad to review the light wells for compliance. His response is below.
Thanks,
Jon

From: Chad Root [mailto:chad.root@parkcity.org]
Sent: Tuesday, May 14, 2013 1:57 PM
To: Jonathan DeGray (degrayarch@qwestoffice.net)
Subject: 30 Sampson Ave.

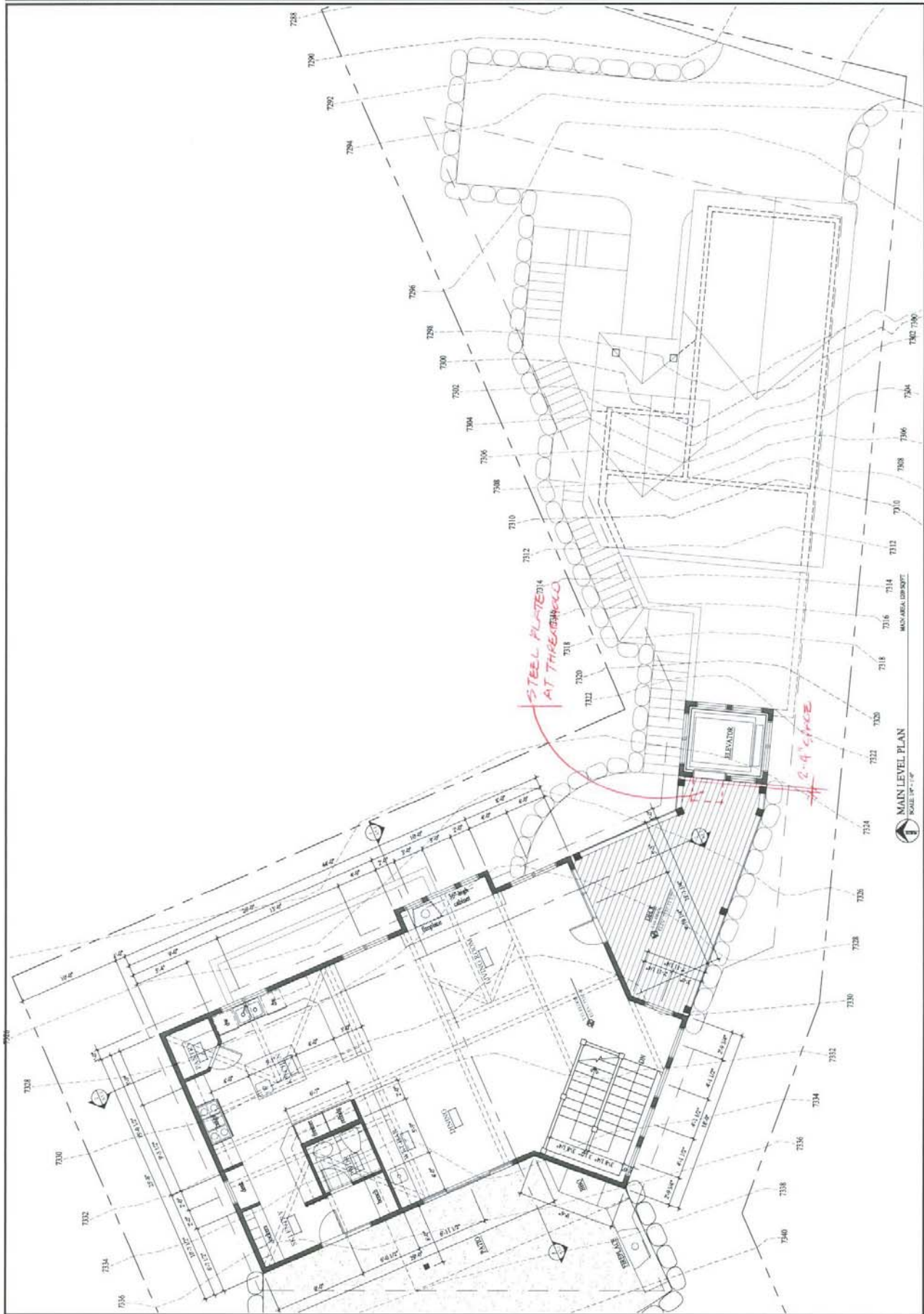
Jonathan,

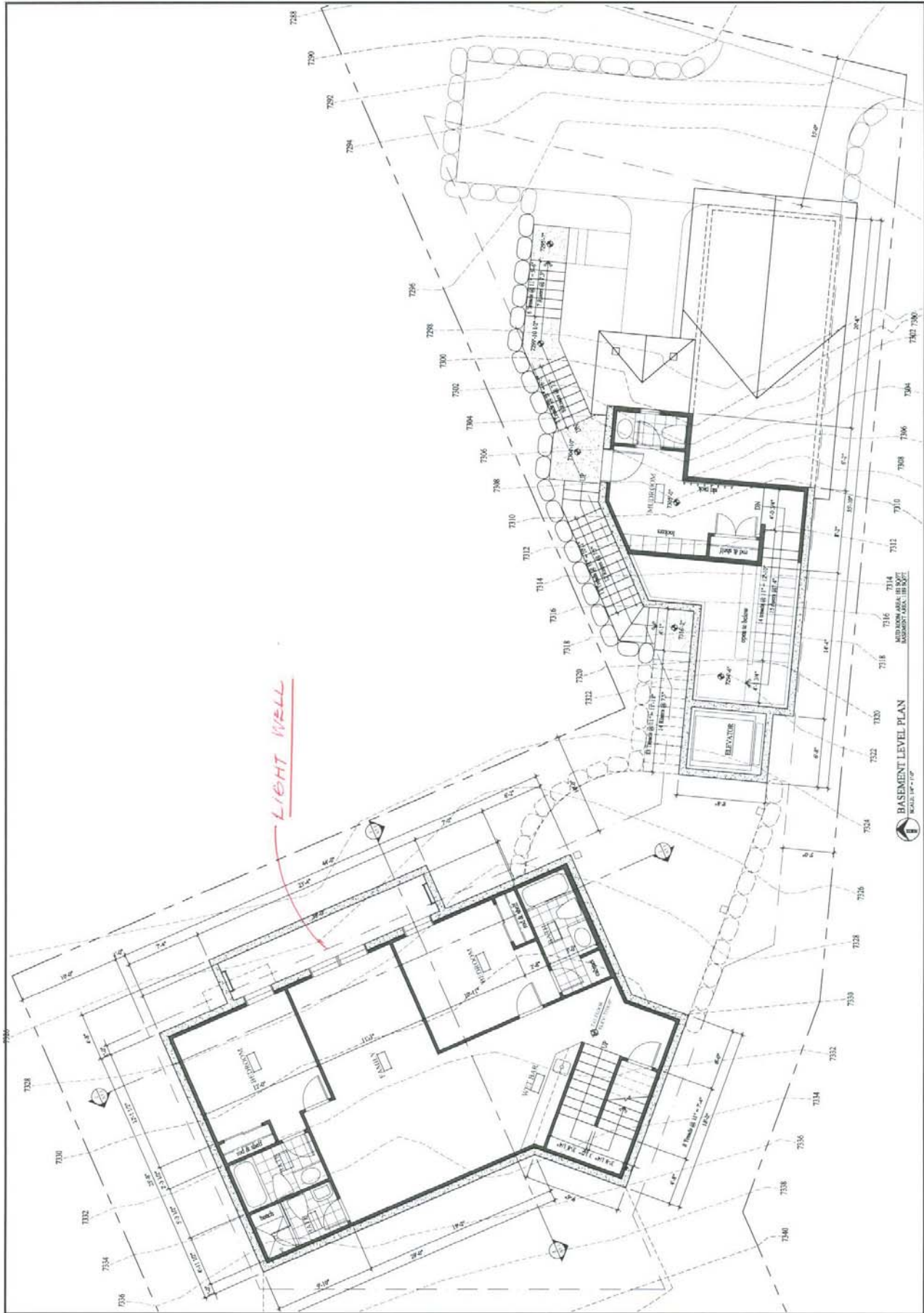
After looking at your revised set of plans you have separated the structure into two separate structures per the classification under the Building Code since the deck is no longer being supported by the elevator. Also you asked about the basement and with the light wells it is still considered a basement under the building code with the light well. You could have the light well all the way around the basement and it would still be considered a basement. If you have any questions please feel free to give me a call. 435-615-5115.

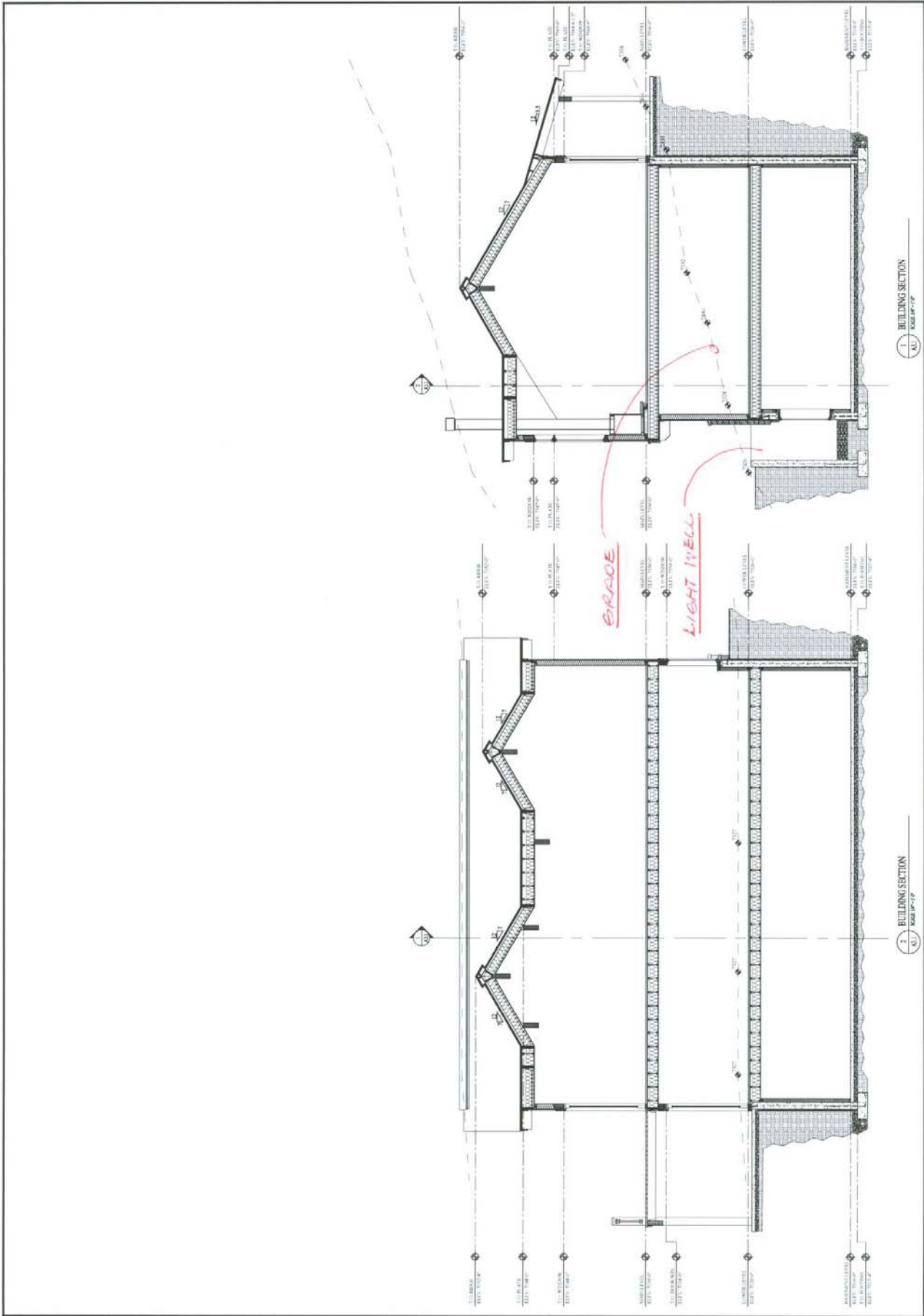
Chad

Chadley Root
445 Marsac Ave
Park City Utah 84060
Department of Building Safety
CBO/Fire Code Official
435-615-5115









Mathew Evans

From: Debbie Schneckloth <dkmurilloschneckloth@comcast.net>
Sent: Thursday, April 11, 2013 10:17 AM
To: Polly Samuels McLean; Thomas Eddington; Mathew Evans
Cc: John Vrabel
Subject: 30 Sampson Avenue Plat Amendment Rights

Dear Ms. McLean and Mr. Eddington and Mr. Evans,

As I watched last night's presentation on 30 Sampson Avenue and the interpretation of the rights secured by the "Schneckloth Exemption"

and 400 square foot "additional garage allotment" I saw how interpretation can obstruct intent. To clarify the intentions of the "Schneckloth Exemption" and the Richard Lewis letter "allowing a 400 square foot garage" I have a support file of all the city/Schneckloth correspondence leading up to my plat amendments (as does the city in my file) and subsequent exemptions to show the intention of the

"Exemption." The intention of the "Schneckloth Exemption" was to

protect the reduced square footage of plat amended lots so that could not be changed by further city action as in a Steep Slope C.U.P. It was written not just for my 3 lots but all properties plat amended in 1995 and before. It was clear that the plat restricted the then allowed land management code property usages by notes on the plat.

The letter by Mr. Richard Lewis, Community Development Director, regarding the 400 square foot garage merely affirmed the rights granted in the Land Management Code at the time which allowed all property owners to add that 400 square feet to their allowed square footage for purposes of a garage. His position was based on that fact that the plat amendment insured application of all current land management codes and only limited uses as listed notes on the plat (sprinkler systems, metal roofs, limited square footage.) Basements were an allowed use as described in that 1995 code in the exact manner described. He wrote the letter in response to members of his staff giving misinformation about allowed uses on 30 Sampson Avenue. Mr.

Lewis's letter assured Mr. Jorgensen that the garage was an allowed use by the current land management code and was not prohibited by a plat note.

It was always made clear to me that the Land Management Code would always be the law as new codes were adopted and my plat merely further limited my rights. As this proceeds to the City Council for a vote or back to the Planning Commission in the future, could this clarification be added to the file of information.

Thank you,

Debbie Schneckloth

Planning Commission Staff Report



Subject: 415 Deer Valley Drive Plat Amend.
Author: Mathew Evans, Senior Planner
Date: June 26, 2013
Type of Item: Administrative – Plat Amendment
Project Number: PL-13-01910

Summary Recommendations

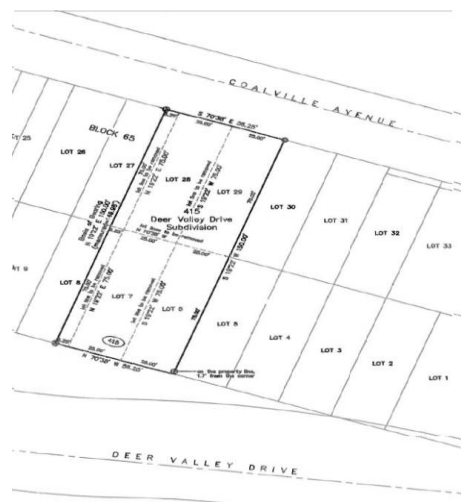
Staff recommends that the Planning Commission hold a public hearing for the 415 Deer Valley Drive Plat Amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Description

Applicant: David White, Architect, on behalf of Diana Thompson
Location: 415 Deer Valley Drive
Zoning: Residential (R-1) District
Adjacent Land Uses: Residential and Open Space
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal:

The applicant is requesting to combine Lots 6, 7, 28 and 29, and a portion of Lots 8 and 27, Block 65 of the Park City Survey in order to create one (1) new lot of record. The applicant owns an existing home that straddles Lots 6 and 7, and is contemplating an interior and exterior remodel, which may include the addition of square footage to the home. A plat amendment is necessary to combine the lots prior to the issuance of a building permit for the proposed work.



Purpose

The purpose of the Residential R-1 District is to:

- (A) Allow continuation of land Uses and architectural scale and styles of the original Park City residential Area,
- (B) Encourage Densities that preserve the existing residential environment and that allow safe and convenient traffic circulation,
- (C) Require Building and Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile,
- (D) Require Building design that is Compatible with the topographic terrain and steps with the hillsides to minimize Grading,
- (E) Encourage Development that protects and enhances the entry corridor to the Deer Valley Resort Area,
- (F) Provide a transition in Use and scale between the Historic Districts and the Deer Valley Resort; and
- (G) Encourage designs that minimize the number of driveways accessing directly onto Deer Valley Drive.

Background

The applicant approached Staff in May about the possibility of an interior remodel and rear addition to the existing home originally constructed in 1977. Staff informed the applicant that if the home crossed over lot lines and plat amendment would be necessary. The home encroaches on two lots and the property is comprised of four lots and two partial lots.

On May 8, 2013 the application was received by Staff. On May 16, 2013, Staff deemed the application “complete” and on May 28, 2013, Staff took the proposal to the Development Review Committee for their review of the proposal.

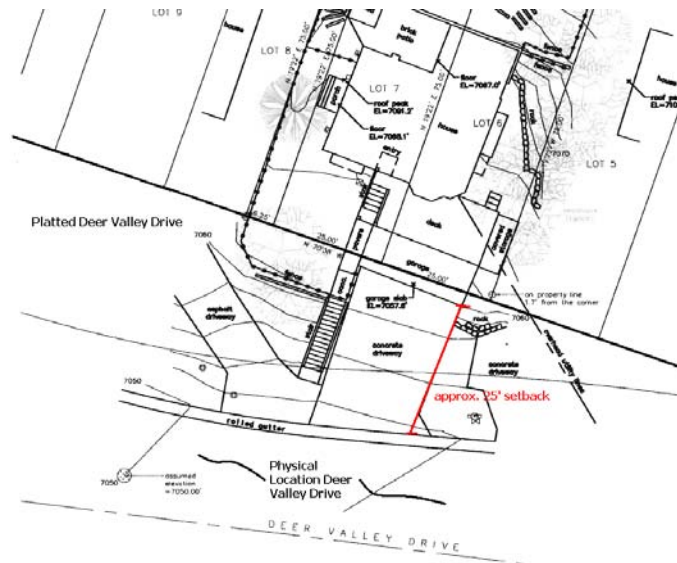
Analysis

The applicant owns four (4) full parcels and two partial parcels; Lots 6, 7, 28 and 29, and a portion of Lots 8 and 27, Block 65 of the Park City Survey. There is an existing home that straddles Lots 6 and 7, and none of the other lots are encroached upon. Lots 27, 28 and 29 are very steep and are not likely buildable independently, mainly due to the fact that they do not have access to a built street, although both have frontage onto plated Coalville Avenue.

The applicant is proposing a 475 square foot addition to the footprint of the home. The addition will be in the rear yard and will likely include at least two stories, although the applicant has not yet drawn plans for the addition. The area anticipated for the addition is between the existing home and an existing retaining wall to the rear. It is also anticipated that a deck structure will be added beyond that point.

Development of the rear lots would likely require extensive retaining and terracing. For this reason, the applicant has proposed to self-limit the developable area of the lot. As mentioned above, the applicant intends to move forward with an interior remodel of the

foot (0') front yard setback, and possibly encroaches into the Deer Valley right-of-way; however, at this location there is a large discrepancy as to the physical location of where the Deer Valley Drive and Heber Avenue rights-of-way converge and the platted location of both. Deer Valley Drive “bumps” or bends slightly to the southwest in front of the applicant’s property, creating large gap between the actual street and the property line (see illustration below):



Any future development of the property will be required to meet current setback requirements. Although the applicant has not indicated that future proposals include an addition in the front, any proposed additions will need to meet current setback requirements. There is ample space around the rest of the home to accommodate future expansion of the home if desired.

Good Cause

Planning Staff believes there is good cause for the application. None of the front parcels (Lots 6, 7 and partial Lot 8) are developable independently due to the fact that the existing home straddles both Lots 6 & 7, and the rear parcels are not accessible from a built roadway. Combining the Lots will allow the property owner to move forward with a small addition and interior remodel of the home. The plat amendment is necessary in order for the applicants utilize future plans, and if left un-platted, the property remains as is.

Staff finds that the plat will not cause undo harm on any adjacent property owner 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 existing home is typical of the existing development pattern along Deer Valley Drive, and the home, even with a future addition, would be compatible with the existing dwellings in the area.

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. Staff's only concern was the large area in back of the home that could be encroached upon. Since that time the applicant has proposed to limit the potential buildable area as noted in this Staff Report.

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 published 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 July 18, 2013.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 415 Deer Valley Drive Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 415 Deer Valley Drive Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 415 Deer Valley Drive 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 four parcels and two partial lots would not be adjoined.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 415 Deer Valley Drive 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 – Vicinity Map(s)
Exhibit A – Plat and Record of Survey
Exhibit B – Photos

Draft Ordinance

Ordinance No. 13-

**AN ORDINANCE APPROVING THE 415 DEER VALLEY DRIVE PLAT AMENDMENT
LOCATED AT 415 DEER VALLEY DRIVE, PARK CITY, UTAH.**

WHEREAS, the owner of property located at 415 Deer Valley Drive have petitioned the City Council for approval of the 415 Deer Valley Drive 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 June 26, 2013 and April 23, 2013, to receive input on the 415 Deer Valley Drive Plat Amendment; and

WHEREAS; the City Council, held a public hearing on July 18, 2013; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 415 Deer Valley Drive 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 415 Deer Valley Drive 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 415 Deer Valley Drive within the Residential (R-1) District.
2. The overall property is made up of four (4) full Park City Survey Lots and two partial lots totaling 8,437 square feet.
3. There is an existing home on the property that straddles two lots.
4. The applicant is proposing to combine the lots in order to construct a rear addition to the home, as well as an interior remodel. The plat amendment is necessary due to the fact the home straddles two lot lines and the required setbacks would encroach on the other two lots (as well as the partial lots).
5. Although the existing home is near Old Town, it is not historic and is not identified on the Historic Sites Inventory.
6. There is a discrepancy between the platted location of where the Heber Avenue and Deer Valley Drive rights-of-way converge and the physical location of Deer Valley

Drive, which has left a gap of approximately twenty-five to thirty feet (25'-30') between the street and the garage.

7. The home is nonconforming with respect to the front yard setback requirement, and the existing garage has a zero foot (0') setback where fifteen feet is required.
8. The property has frontage onto both Deer Valley Drive and Coalville Avenue. However, Coalville Avenue is not a built roadway, and is likely never to be built due to the steep terrain of its location.
9. The proposed lot meets and exceeds the minimum lot size established in the R-1 District, as the minimum lot size is 2,812, and the proposed plat amendment will create a lot of 8,437 square feet.
10. Potential development on the property is limited by the steep terrain in the rear. For this reason, the applicant has voluntarily agreed to limit the potential development area within the back 60 feet of the proposed lot.
11. Future development must meet current setback requirements.

Conclusions of Law:

1. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
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.
4. There is Good Cause to approve the proposed plat amendment as the plat does 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.

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. Modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit.
4. A proposed no-build area shall be shown on the final mylar which delineates the rear sixty feet (60') of the lot as a "non-buildable area."
5. The garage encroachment agreement from the City Engineer will be required prior to the recording of the plat.
6. A ten foot (10') wide public snow storage easements will be required along the Deer Valley Drive side of the property only.

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

PASSED AND ADOPTED this _____ day of July, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

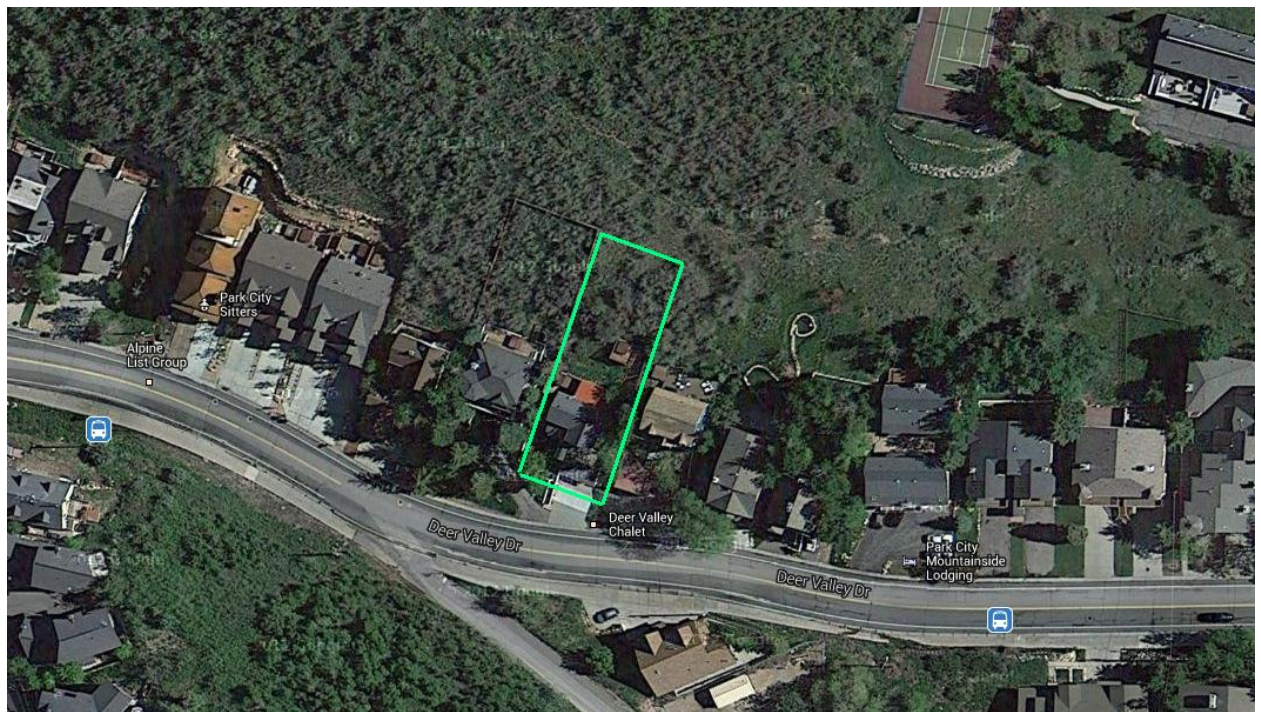
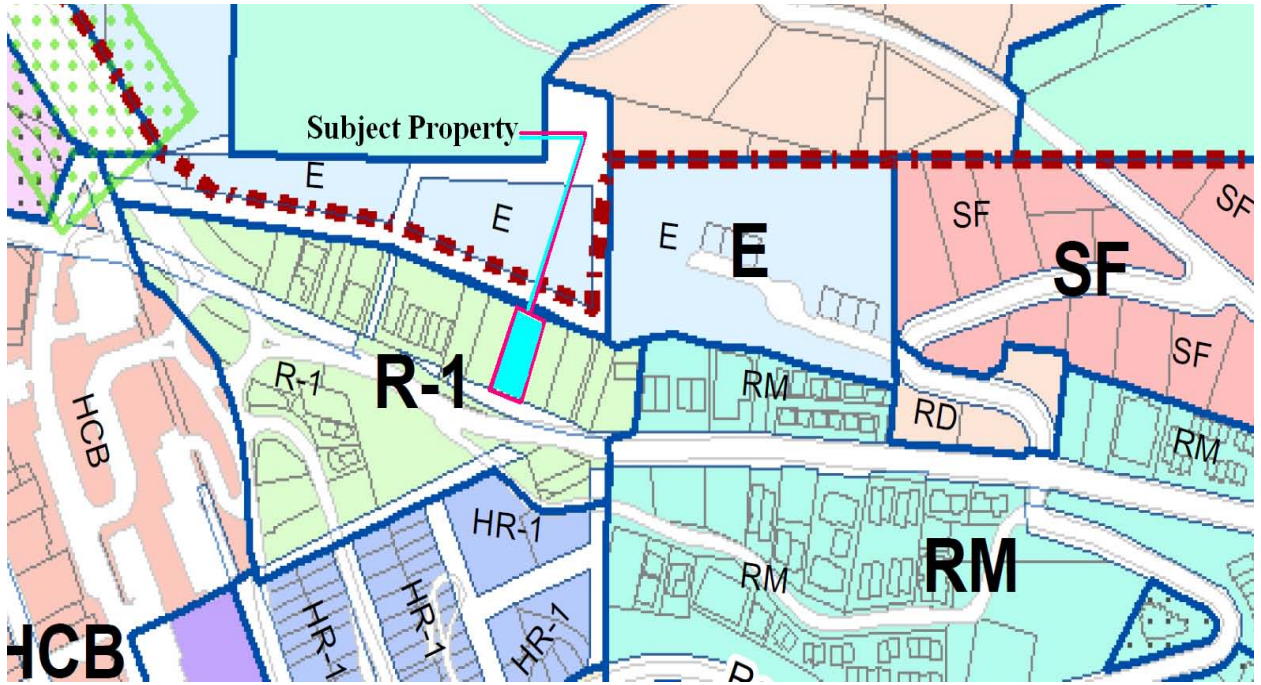
ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

VICINITY MAPS



MAY 08 2013

RECEIVED
Date: J.D. Goiley RLS#359005

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



1. Survey requested by: Diana J. Thompson.
2. Purpose of survey: locate the deed description, the improvements and the topographic relief.
3. Basis of survey: found property monuments as shown.
4. Date of survey: April 22, 2013.
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 plots of The Park City Survey 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. An elevation of 7050.00 feet, from the U.S.G.S. Quad Map 'Park City East', was assigned to the top of the sewer manhole lid in Deer Valley Drive, as shown.
10. See the previous survey recorded as Survey File No. S-4422 in the office of the Summit County Recorder.

NARRATIVE

- Legend
- ⊗ Found rebar & cap-LS 173736
 - ⊗ Found rebar & cap-LS 6164
 - ⊗ Found rebar & cap-LS 8700
 - ⊗ Electric meter
 - ⊗ Telephone box
 - ⊗ Gas meter
 - ⊗ Water meter
 - ⊗ Irrigation box
 - ⊗ Water valve
 - ⊗ Fire hydrant
 - ⊗ Sewer manhole

DEED DESCRIPTION

All of Lots 6, 7, 28 and 29, Block 65, Amended Plat of the Park City Survey, according to the official thereof, on file and of record in the office of the Summit County Recorder, State of Utah; containing ±8,437.5 sq.ft. Also, The Eastern 6.25 feet of Lots 8 and 27, Block 65, Amended Plat of the Park City Survey, according to the official thereof on file and of record in the office of the Summit County Recorder, State of Utah; containing ±8,437.5 sq.ft.

SURVEYOR'S CERTIFICATE

I, J.D. Goiley, 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 hereon described property and that this plat is a true representation of said survey.



Park City Survey
Block 65, Lots 6, 7, 28, 29
and a portion of Lots 8 & 27

415 Deer Valley Drive
a replat of Block 65, Lots 6, 7, 28 & 29
and a portion of Lots 8 & 27



NARRATIVE

1. Survey requested by Diana J. Thompson.
2. Basis of survey: found property monuments as shown.
3. Date of survey: April 22, 2013.
4. Property monuments found as shown.
5. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
6. The owners of this property should be aware of any items affecting the property that may appear in a title insurance report.
7. See the previous boundary survey recorded as Survey File No. S-4422 in the office of the Summit County Recorder.

DEED DESCRIPTION

All of Lots 6, 7, 28 and 29, Block 65, Amended Plat of the Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, State of Utah. Also, the Eastern 6.25 feet of Lots 6 and 27, Block 65, Amended Plat of the Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, State of Utah.

LEGAL DESCRIPTION

415 DEER VALLEY DRIVE SUBDIVISION

Beginning at the Southeast Corner of Lot 6, Block 65, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder, Summit County, Utah; and running thence along the Southern line of Lots 6, 7, and 8 of said Block 65, North 70°38' West, 56.25 feet to a point that is 6.25 feet from the Southeast Corner of said Lot 6; thence North 19°22' East, 150.00 feet to a point on the Northern line of Lot 27 of said Block 65, 6.25 feet from the Northeast Corner of said Lot 27; thence South 70°38' East, along the Northern line of Lot 27, 28 and 29 of said Block 65, 56.25 feet to the Northeast Corner of said Lot 29; thence South 19°22' West, along the Eastern line of said Lots 28 and 6, 150.00 feet to the Point of Beginning; containing 8,437.5 square feet, more or less.

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.

RECEIVED
MAY 08 2013
PARK CITY PLANNING DEPT.

Date: _____ J.D. Galley RLS#351005
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____ BOOK _____ PAGE _____
DATE _____ TIME _____

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ 2013
BY _____ MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____ 2013
BY _____ PARK CITY RECORDER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____ 2013
BY _____ PARK CITY ATTORNEY

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____ 2013
BY _____ PARK CITY ENGINEER

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____ 2013
BY _____ CHAIRMAN

NOTARY PUBLIC
RESIDING IN _____ COUNTY, _____
SYDNEYVILLE BASIN WATER RECLAMATION DISTRICT
WATER RECLAMATION DISTRICT
OFFICE OF THE DISTRICT ENGINEER
1000 WEST 1000 SOUTH, SUITE 201
SALT LAKE CITY, UTAH 84119

APPROVE SURVEYS, INC.
10 Prospector Way
Park City, Utah 84302
(435) 655-8018



- Legend
- ⊙ Found rebar & cap-LS 173736
 - ⊙ Found rebar & cap-LS 6164
 - ⊙ Found rebar & cap-LS 6700
 - ④ Address on Deer Valley Drive

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that Diana J. Thompson, Trustee of the Diana J. Thompson Family Trust, dated November 16, 2011, owner of the herein described 415 Deer Valley Drive Subdivision, Block 65, Park City Survey, has caused this plat to be prepared and recorded, does hereby consent to the recordation of this plat in the office of the Summit County Recorder of Summit County, Utah in accordance with Utah Law. Also, the owners hereby irrevocably offer for dedication to the City of Park City all the streets, lands for local government uses, utilities and easements shown on this plat in accordance with an irrevocable offer of dedication in witness whereof, the undersigned has set her hand this _____ day of _____ 2013.

By: Diana J. Thompson, Trustee, Diana J. Thompson Family Trust

ACKNOWLEDGEMENT

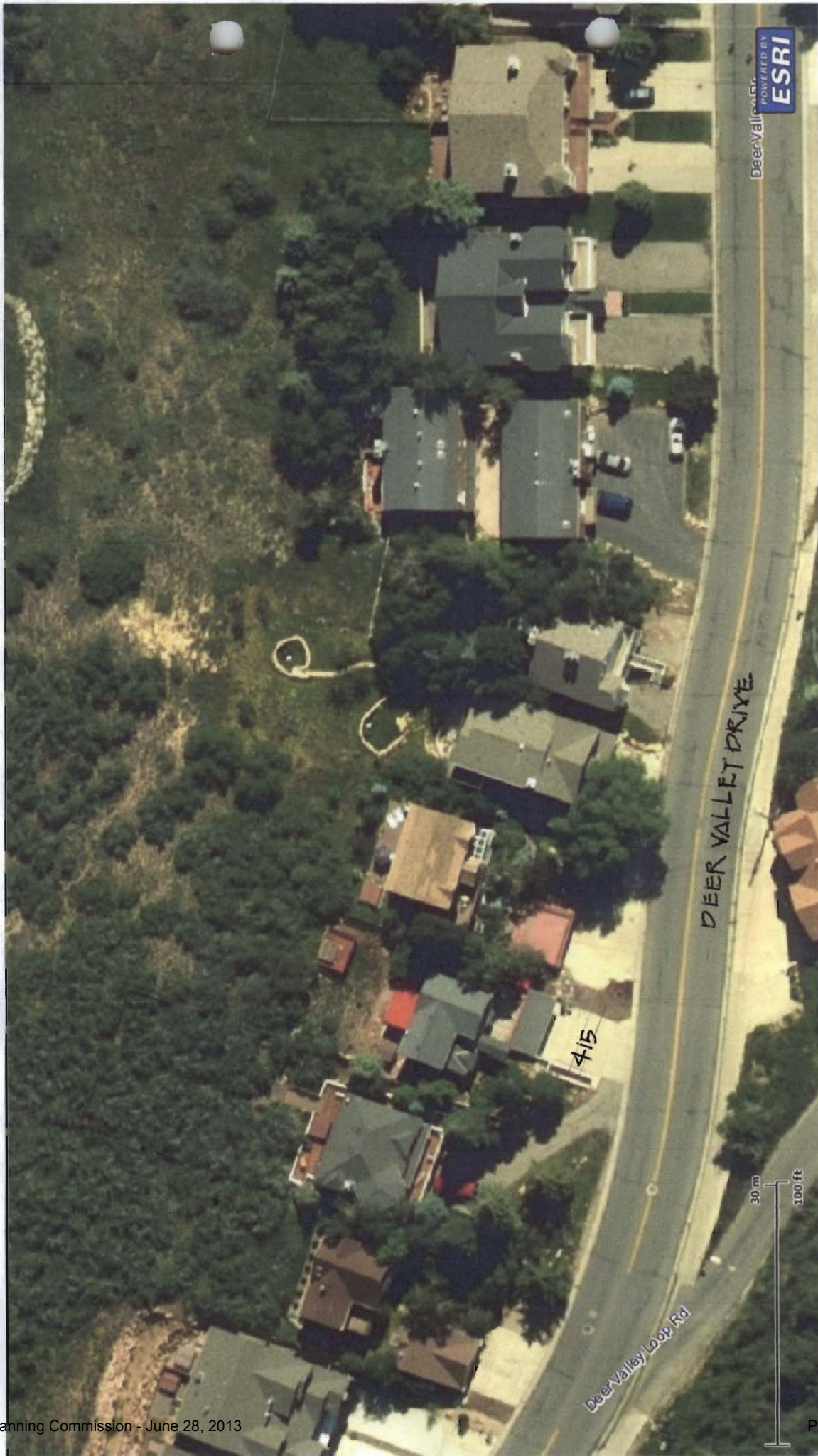
STATE OF UTAH
County of Summit
On this _____ day of _____, 2013, Diana J. Thompson, Trustee of the Diana J. Thompson Family Trust, dated November 16, 2011, personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that she is a Trustee of the Diana J. Thompson Family Trust, the owner of 415 Deer Valley Drive Subdivision, and has signed this above Officer's dedication and consent to record freely and voluntarily for the purposes set forth herein.

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

Park City Map

Provided by Park City GIS

Planning Commission - June 28, 2013



RECEIVED
MAY 08 2013
PARK CITY
PLANNING DEPT.

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Planning Commission Staff Report

Subject: 124 Norfolk Subdivision
Author: Francisco Astorga, Planner
Project Number: PL-13-01880
Date: June 26, 2013
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 124 Norfolk Subdivision 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: William & Constance Hindle
Location: 124 Norfolk 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

Plat Amendment request to combine two and a half (2½) Old Town lots into one (1) lot of record. The site contains a single family dwelling. The applicant would like to remodel the existing non-historic structure. The existing non-historic structure was built over two (2) lot lines. The applicant requests to remove the lot lines and create one lot for the existing structure.

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 April 29, 2013 the City received a completed application for the 124 Norfolk Subdivision Plat Amendment. The property is located at 124 Norfolk Avenue in the HR-1 District. The proposed plat combines half of lot 25 and lots 26 and 27, Block 32 of the Park City Survey into one (1) lot of record. The proposed lot will be 4,687.5 square feet in size. The property is improved with a non-historic structure. According to Summit County records, the structure was built in 1981.

The applicant requests to combine the lots into one (1) lot of record to facilitate a remodel and a small expansion to the existing structure. A building permit cannot be issued for remodel work/construction across a lot lines.

Analysis

The proposed plat amendment creates one (1) lot from two and a half (2½) Old Town lots within the HR-1 District. Staff has reviewed the proposed plat amendment request and found compliance with the following Land Management Code (LMC) requirements for lot size and width:

	LMC requirement	Proposed
Minimum lot size	1,875 sq. ft.	4,687.5 sq. ft.
Minimum lot width	25 ft.	62.5 ft.

Staff finds good cause for this plat amendment. The proposed lot area yields a maximum building footprint of 1,801 square feet. The proposed plat amendment reduces the potential density at this property from two and a half lots to one (1) unit on the combined area; therefore, it also reduces the required parking. The plat amendment dedicates 10' wide public snow storage easements along Norfolk Avenue. The proposed lot meets the lot and site requirements of the HR-1 District.

According to the certified Existing Conditions & Topographic Survey, Exhibit B, a wood tie retaining wall encroaches onto 52 King Road. This site is not historic as it is not listed on HSI. Staff recommends that the applicant resolves this item by obtaining an encroachment agreement from that neighboring property owner or by removal of the wood tie retaining wall. There are no other violations or non-compliances found on the site dealing with setbacks and other development standards as identified below:

	Permitted
Height	27 feet maximum
Front setback	10 feet minimum
Rear setback	10 feet minimum

Side setbacks	5 feet minimum, 14 feet total
Footprint	1,801 square feet maximum
Parking	2
Stories	3 stories maximum

The property owner will have to follow the adopted Historic District Design Guidelines and applicable LMC criteria pertaining to development in the HR-1 District.

Process

Concurrently with this plat amendment request the applicant submit a Historic District Design Review application for a remodel and a small addition, which is currently being reviewed administratively by the Planning Department. The applicant will also have to submit a Building Permit application. 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 positive recommendation to the City Council for the 124 Norfolk Subdivision Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for 124 Norfolk Subdivision Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 124 Norfolk Subdivision Plat Amendment.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The structure would remain as is and no construction could take place across the existing lot lines.

The configuration of these two and a half (2.5) lots would remain as is and no construction could take place across the shared lot lines. The property owner could demolish the non-historic home and then would be able to build a single family dwelling on each lot.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 124 Norfolk Subdivision 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 – County Plat Map
- Exhibit D – County Plat Map (zoomed in)

Draft Ordinance No. 13-__

AN ORDINANCE APPROVING THE 124 NORFOLK AVENUE SUBDIVISION PLAT AMENDMENT LOCATED AT 124 NORFOLK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 124 Norfolk Avenue have petitioned the City Council for approval of the 124 Norfolk Avenue Subdivision 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 June 26, 2013, to receive input on the 124 Norfolk Avenue Subdivision Plat Amendment;

WHEREAS, the Planning Commission, on June 26, 2013, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 124 Norfolk Avenue Subdivision 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 124 Norfolk Avenue Subdivision Plat Amendment as shown in Attachment 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 124 Norfolk Avenue.
2. The property is located in the HR-1 District.
3. The proposed lot is 4,687.5 square feet in size.
4. The minimum lot size within the HR-1 District is 1,875 square feet.
5. The lot width of the proposed lot is sixty two and a half feet (62.5').
6. The minimum lot width within the HR-1 District is twenty-five feet (25').
7. The maximum footprint for a lot this size is 1,801 square feet.
8. The site contains a single family dwelling.
9. The applicant would like to remodel the existing non-historic structure.
10. The existing non-historic structure was built over two (2) lot lines.
11. There are no other violations or non-compliances found on the site.
12. No remnant parcels of land are created with this plat amendment.
13. According to the certified Existing Conditions & Topographic Survey, a wood tie retaining wall encroaches onto the neighboring property, 52 King Road.

14. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

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 (or Record of Survey) for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
- 2. 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 applicant shall resolve the wood tie retaining wall which encroaches onto 52 King Road by obtaining an encroachment agreement from that neighboring property owner or by removal of the wood tie retaining wall before the plat recordation.
- 4. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the property's frontage on Norfolk Avenue.

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

PASSED AND ADOPTED this 18th day of July, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

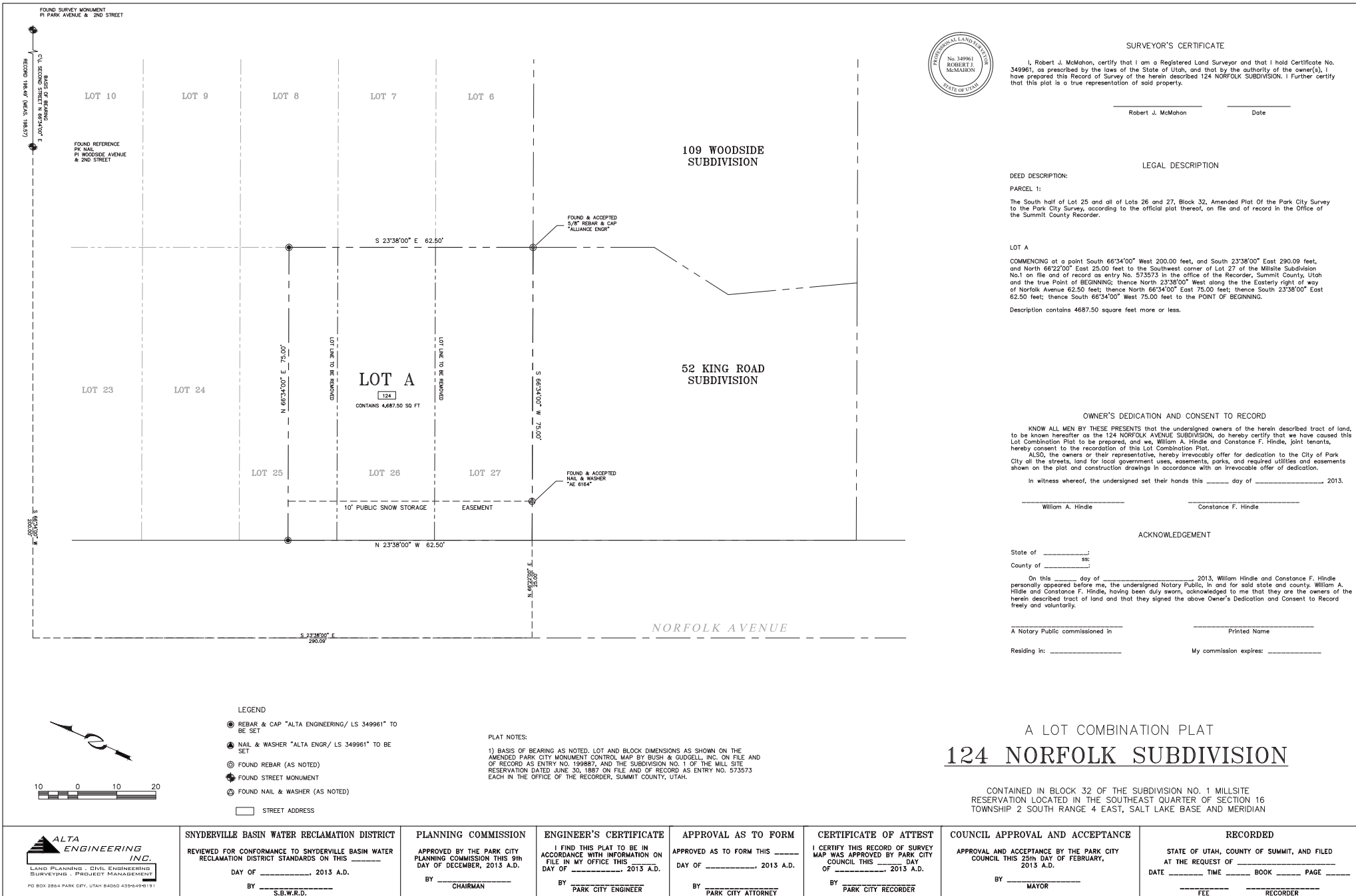
Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment A – Proposed Plat Amendment

Attachment A – Proposed Plat Amendment



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 herein described 124 NORFOLK SUBDIVISION. I further certify that this plat is a true representation of said property.

Robert J. McMahon _____ Date _____

LEGAL DESCRIPTION

DEED DESCRIPTION:
PARCEL 1:
 The South half of Lot 25 and all of Lots 26 and 27, Block 32, Amended Plat Of the Park City Survey, according to the official plat thereof, on file and of record in the Office of the Summit County Recorder.

LOT A
 COMMENCING at a point South 66°34'00" West 200.00 feet, and South 23°38'00" East 290.09 feet, and North 66°22'00" East 25.00 feet to the Southwest corner of Lot 27 of the Millsite Subdivision No.1 on file and of record as entry No. 573573 in the office of the Recorder, Summit County, Utah and the true Point of BEGINNING; thence North 23°38'00" West along the Easterly right of way of Norfolk Avenue 62.50 feet; thence North 66°34'00" East 75.00 feet; thence South 23°38'00" East 62.50 feet; thence South 66°34'00" West 75.00 feet to the POINT OF BEGINNING.
 Description contains 4687.50 square feet more or less.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as the 124 NORFOLK AVENUE SUBDIVISION, do hereby certify that we have caused this Lot Combination Plat to be prepared, and we, William A. Hindle and Constance F. Hindle, joint tenants, hereby consent to the recordation of this Lot Combination Plat.
 ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this _____ day of _____, 2013.

William A. Hindle _____ Constance F. Hindle _____

ACKNOWLEDGEMENT

State of _____ ss: _____
 County of _____
 On this _____ day of _____, 2013, William Hindle and Constance F. Hindle personally appeared before me, the undersigned Notary Public, in and for said state and county, William A. Hindle and Constance F. Hindle, having been duly sworn, acknowledged to me that they are the owners of the herein described tract of land and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

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

A LOT COMBINATION PLAT 124 NORFOLK SUBDIVISION

CONTAINED IN BLOCK 32 OF THE SUBDIVISION NO. 1 MILLSITE RESERVATION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16 TOWNSHIP 2 SOUTH RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

- LEGEND**
- REBAR & CAP "ALTA ENGINEERING/ LS 349961" TO BE SET
 - ⊙ NAIL & WASHER "ALTA ENGR/ LS 349961" TO BE SET
 - ⊙ FOUND REBAR (AS NOTED)
 - ⊙ FOUND STREET MONUMENT
 - ⊙ FOUND NAIL & WASHER (AS NOTED)
 - STREET ADDRESS

PLAT NOTES:
 1) BASIS OF BEARING AS NOTED. LOT AND BLOCK DIMENSIONS AS SHOWN ON THE AMENDED PARK CITY MONUMENT CONTROL MAP BY BUSH & GUDGELL, INC. ON FILE AND OF RECORD AS ENTRY NO. 199887, AND THE SUBDIVISION NO. 1 OF THE MILL SITE RESERVATION DATED JUNE 30, 1887 ON FILE AND OF RECORD AS ENTRY NO. 573573 EACH IN THE OFFICE OF THE RECORDER, SUMMIT COUNTY, UTAH.

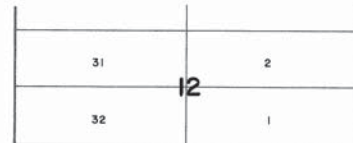
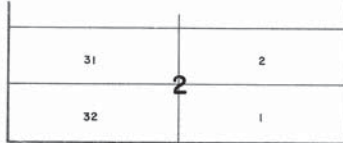
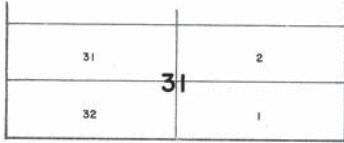
 LAND PLANNING - CIVIL ENGINEERING - SURVEYING - PROJECT MANAGEMENT PO BOX 2854 PARK CITY, UTAH 84050 435-6496191	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2013 A.D. BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 9th DAY OF DECEMBER, 2013 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 _____, 2013 A.D. BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2013 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 _____, 2013 A.D. BY _____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 25th DAY OF FEBRUARY, 2013 A.D. BY _____ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____
	CONTAINED IN BLOCK 32 OF THE SUBDIVISION NO. 1 MILLSITE RESERVATION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16 TOWNSHIP 2 SOUTH RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN						

Exhibit C – County Plat Map

NOTE # REFERS TO STREET ADDRESS

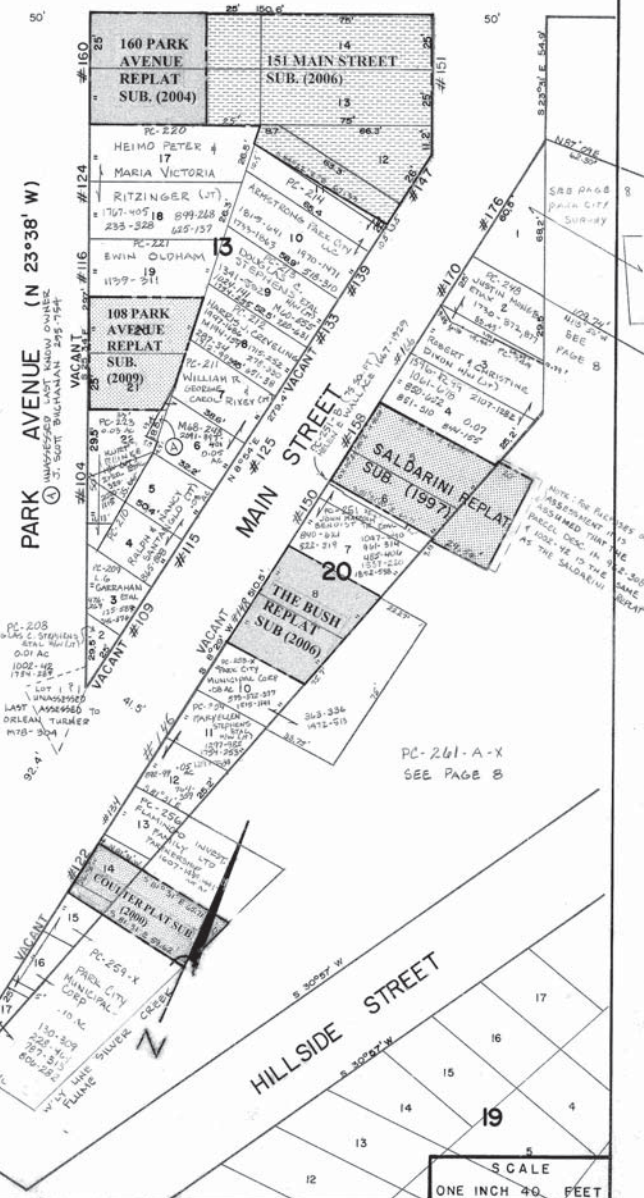
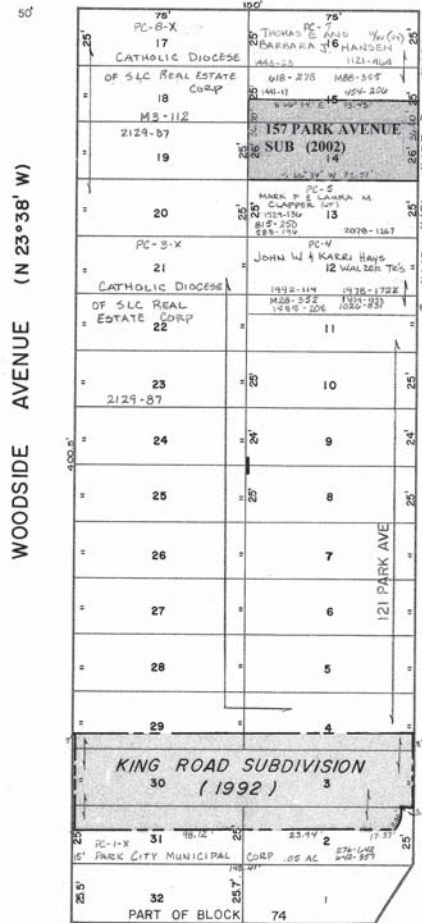
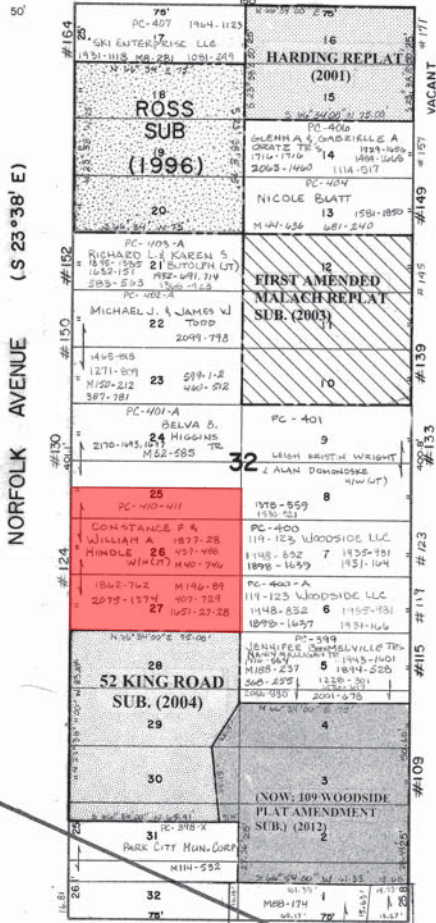
SUMMIT COUNTY UTAH

PARK CITY — BLOCKS 1,13,20,32, SECTION 16, T2S R4E, S.L.B. & M.



2ND STREET

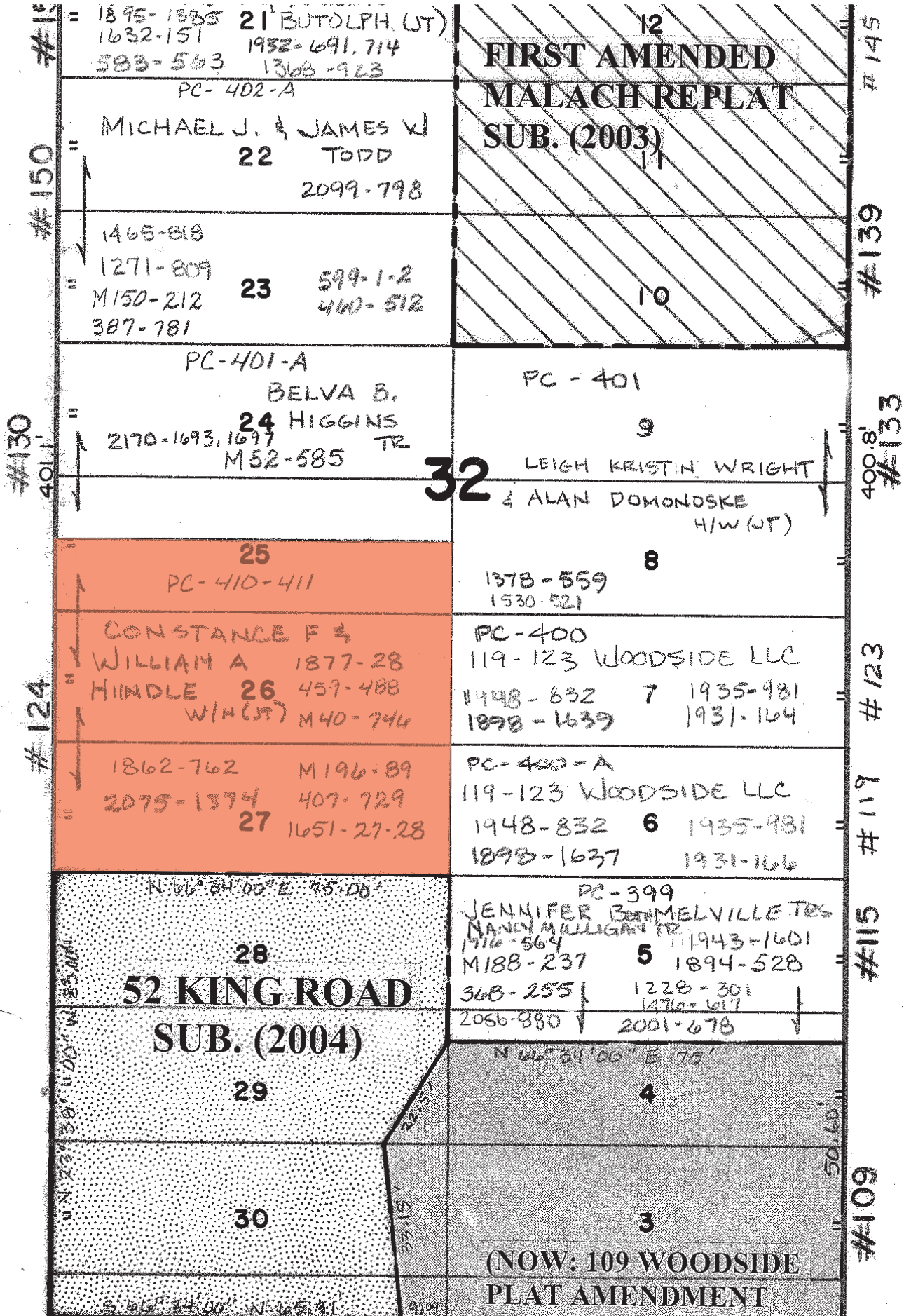
SIXTH STREET (N 66°34'E)



SCALE ONE INCH = 40 FEET

NORFOLK AVENUE (S)

WOODSIDE AVENUE (N)





124 NORFOLK SUBDIVISION PLAT AMENDMENT
AERIAL EXHIBIT



SCALE 1" = 30'



Planning Commission Staff Report



Subject: Lot 17, 18, and 19 Echo Spur
Development Replat
Author: Francisco Astorga, Planner
Application #: PL-12-01629
Date: June 26, 2013
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
Surveyor: Rob McMahan
Architect: Scott Jaffa
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 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-plat 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.

In 2012 lots 17, 18, & 19 were purchased by Leeto Tlou, the current applicant, who is now requesting approval to combine three (3) Old Town lots of record into one (1). The Planning Commission reviewed this request during their September 12, 2012 meeting (See Exhibit E – 09.12.2012 Staff Report and Exhibit F – 09.12.2012 Planning Commission minutes). During this meeting the Planning Commission expressed concerns with the road/improvements dedication, 2007 property dispute settlement agreement, ridgeline development/vantage point analysis, increased setback/square footage limitations/footprint placement, contextual neighborhood analysis, future plat amendment to the south, and future site visit. The Planning Commission continued the item to a date uncertain.

On December 12, 2012 The Planning Commission visited the site and reviewed the requested Plat Amendment (See Exhibit G – 12.12.2012 Staff Report and Exhibit H – 12.12.2012 Planning Commission minutes). During this meeting the Planning Commission expressed concerns with the vantage point analysis, 2007 property dispute settlement agreement, limitations on the proposed structure, neighborhood compatibility, road/improvements dedication, extensive ridgeline analysis, and future traffic generation.

Analysis

The 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').

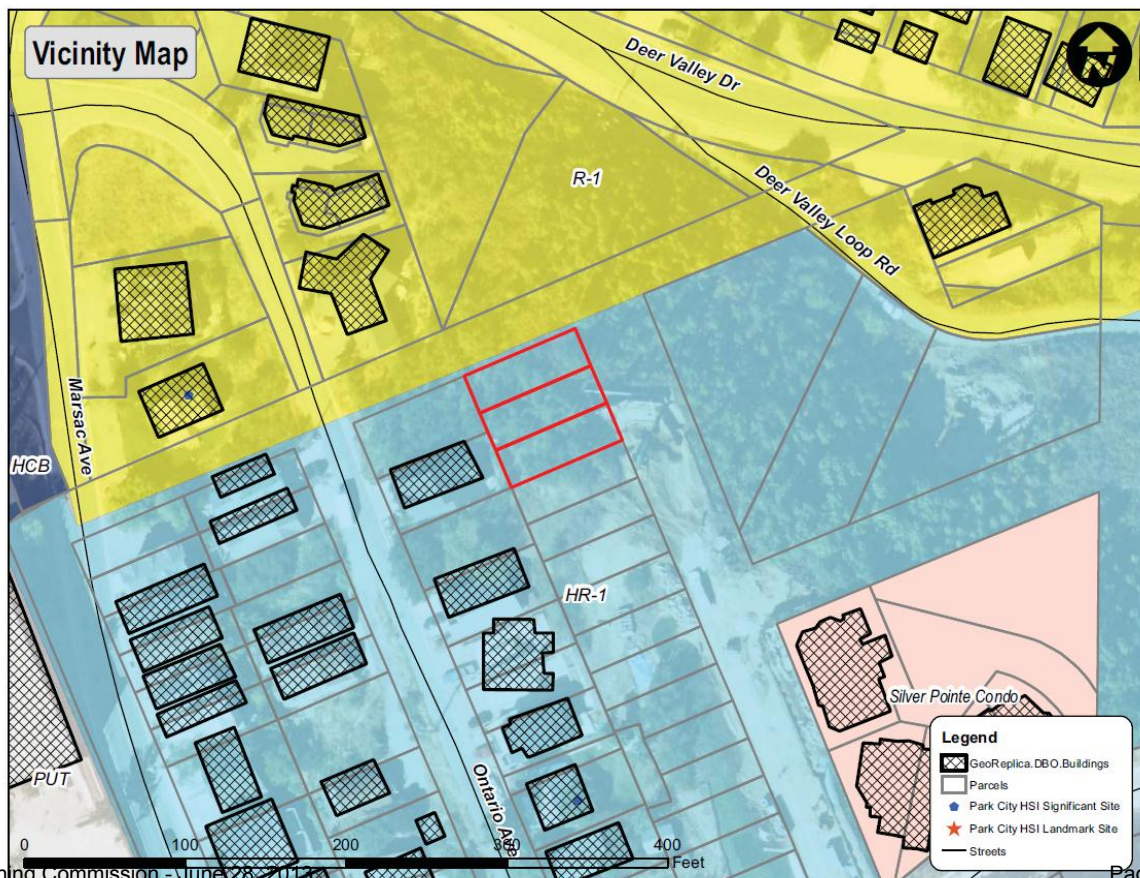
The applicant has indicated that he would like to build a single family dwelling. Staff has identified the following development standards of the HR-1 District as summarized below:

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 Old Town 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 that the proposed plat amendment will facilitate a transition area between the neighborhood composed on Ontario and Marsac Avenue and the neighborhood composed of the lots on Deer Valley Loop Road within the Deer Valley entry area. Most of the lots on Ontario Avenue towards the west consist of 1½ Old Town lots (25'x75') containing 2,813 square feet. The lots towards the north (Roundabout Subdivision) and towards the east side, also within the HR-1 District, consist of much larger lots ranging from approximately 9,700 to 12,500 square feet. The lots towards the south on the west side of the road consists of standard Old Town Lots (25'x75'), however, the owner of these other lots has also filed a plat amendment application which proposes eight (8) residential units over approximately twelve (12) Old Town lots. The lots on the east side consist of much larger lots. The map below describes the character of the lots:



Road Dedication

The existing improvements have complied with the required warranty period. In May 2013 the City Engineer recommended to the City Council to accept the improvements as a public street. The City Council continued this item to September 2013. The City Engineer has indicated that if the City Council does not accept the improvements as a public street, it would become a private drive. The City Engineer also recommended to officially change the name to Echo Spur Drive.

The Land Management Code (LMC) indicates that no building permit shall be issued for a Lot unless such Lot has frontage on a street shown as a private or public street. Staff recommends adding a condition of approval which would indicate that before a building permit can be issued, the street shall be either a private drive or a public street. Staff also recommends adding another condition of approval which indicates that the access to the site shall not take place over platted Fifth Street (formerly Third Street) per the previous Planning Commission comments.

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 lied within the wire fence and shed, 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 did 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 definition of Vantage Points outlines ten (10) specific sites including across valley view. Staff received specific direction from the Planning Commission on December 12, 2012 that across valley view has to be at an approximate elevation. The LMC indicates that their function is to assist in analyzing the visual impact of development on hillsides and steep slopes.

The applicant has submitted several exhibits showing renderings (see Exhibit I – Enlarged Artistic Renderings), the proposed structure from six (6) sites on Deer Valley Drive and (see Exhibit J – Deer Valley Drive Site Analysis). The applicant also submitted several photographs across valley view, from PCMR looking east and from the Arie/Masonic Hill (sees Exhibit K – Vantage Point Analysis). Both of these photographs taken at the approximately elevation do not show the proposed structure (development) breaking the skyline from these designated vantage points.

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. 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 site.

Staff does recognize the need to mitigate for proper drainage, steep slopes, etc., and thus 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.

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 (16) 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. The east side of Ontario contains the following:

Plat amendment/ Lot combination	Number of lots	Lot width	Lot area (square feet)
------------------------------------	-------------------	--------------	---------------------------

		(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.

Staff recommends 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.

Possible 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 re-subdivide in the form of a condominium Record of Survey at a later date. This property owner requests to build eight (8) single family dwellings over the 12 lots. This proposal includes no curb cuts as it has one (1) shared underground access and the units are platted in the form of Record of Survey, privately owned while the yards, etc., are platted as common ownership. See June 26, 2013 Staff Report – Echo Spur Subdivision within this same packet. However, this application is independent of development to the South.

Traffic & Access

Staff finds that traffic will be minimized from the potential development of the three (3) sites as the applicant proposes to decrease the density from three (3) lots to one (1) lot of record for the purpose of constructing a single family dwelling. Staff recommends a note on the plat limiting development to a single family home.

The Planning Commission has expressed concerns with access over platted Fifth Street (formerly Third Street). This ROW has not been built and the City does not plat to build this a road. The Planning Commission indicated that if this application is approved access to platted Fifth Street should be prohibited. Staff has added this provision as a conditional of approval.

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 LMC currently indicates that no structure shall be erected to a height greater than twenty seven feet (27') from existing grade. There are 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. Prior to the issuance of a Historic District Design Review (HDDR) or a building permit, 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.

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

This recommendation will be forwarded to City Council to make a determination on the plat amendment application. 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 HDDR application and ultimately 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 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 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 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 three (3) lots are currently platted Old Town lots of record and could be built upon. The property owner could extend access of the current road (Echo Spur Drive) to Lot 17 and 18 since the road was only completed to reach lot 19. The property owner could also build platted Fifth Street (formerly Third Street) from Ontario Avenue to get access for Lot 17 from the North.

Recommendation

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

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Conditions & Topographic Survey

Exhibit C – ALTA/ACSM Survey dated October 2006
Exhibit D – County Tax Map
Exhibit E – 09.12.2012 Staff Report
Exhibit F – 09.12.2012 Planning Commission Meeting Minutes
Exhibit G – 12.12.2012 Staff Report
Exhibit H – 12.12.2012 Planning Commission Meeting Minutes
Exhibit I – Enlarged Artistic Renderings
Exhibit J – Deer Valley Drive View Site Analysis
Exhibit K – Vantage Points Analysis – Across Canyon View
Exhibit L – Site Plan
Exhibit M – Elevations

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance No. 13-XX

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, a work session discussion on December 12, 2012, and a public hearing on June 26, 2013 to receive input on plat amendment; and

WHEREAS, the Planning Commission, on June 26, 2013, forwarded a recommendation to the City Council; and,

WHEREAS, on _____, 2013, 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 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. The Planning Commission has expressed concerns with access over platted Fifth Street (formerly Third Street).
16. Platted Fifth Street has not been built and the City does not plat to build this a road.
17. When the road and utilities were built in 2009, the topography was slightly altered.
18. The highest point on the site is six feet (6') higher than the October 2006 survey.
19. 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.
20. 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.
21. 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).
22. Traffic will be minimized from the potential development of the three (3) sites as the applicant proposes to decrease the density from three (3) lots to one (1) lot of record for the purpose of constructing a single family dwelling. Staff recommends a note on the plat limiting development to a single family home.

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.
4. There is Good Cause to approve the proposed plat amendment as the plat does 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.

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. Before a building permit can be issued, the street shall be either be identified as either private drive or a public street.
4. Access to the site shall not take place over platted Fifth Street (formerly Third Street).
5. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the lot's frontage.
6. 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.
7. 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.
8. Staff finds that Drainage of the site shall be addressed and approved by City Engineer before a building permit can be obtained.
9. Modified 13-d sprinklers will be required for all new construction.
10. 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.
11. A note on the plat shall be placed which will limit development to a single family dwelling.

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

PASSED AND ADOPTED this ____ day of _____, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

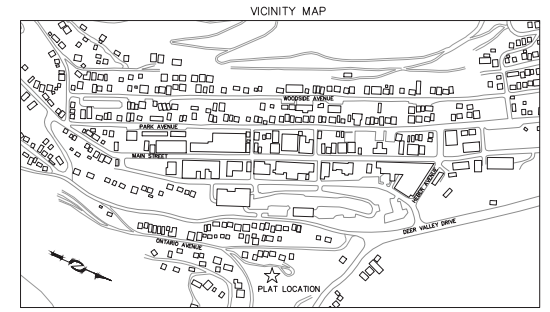
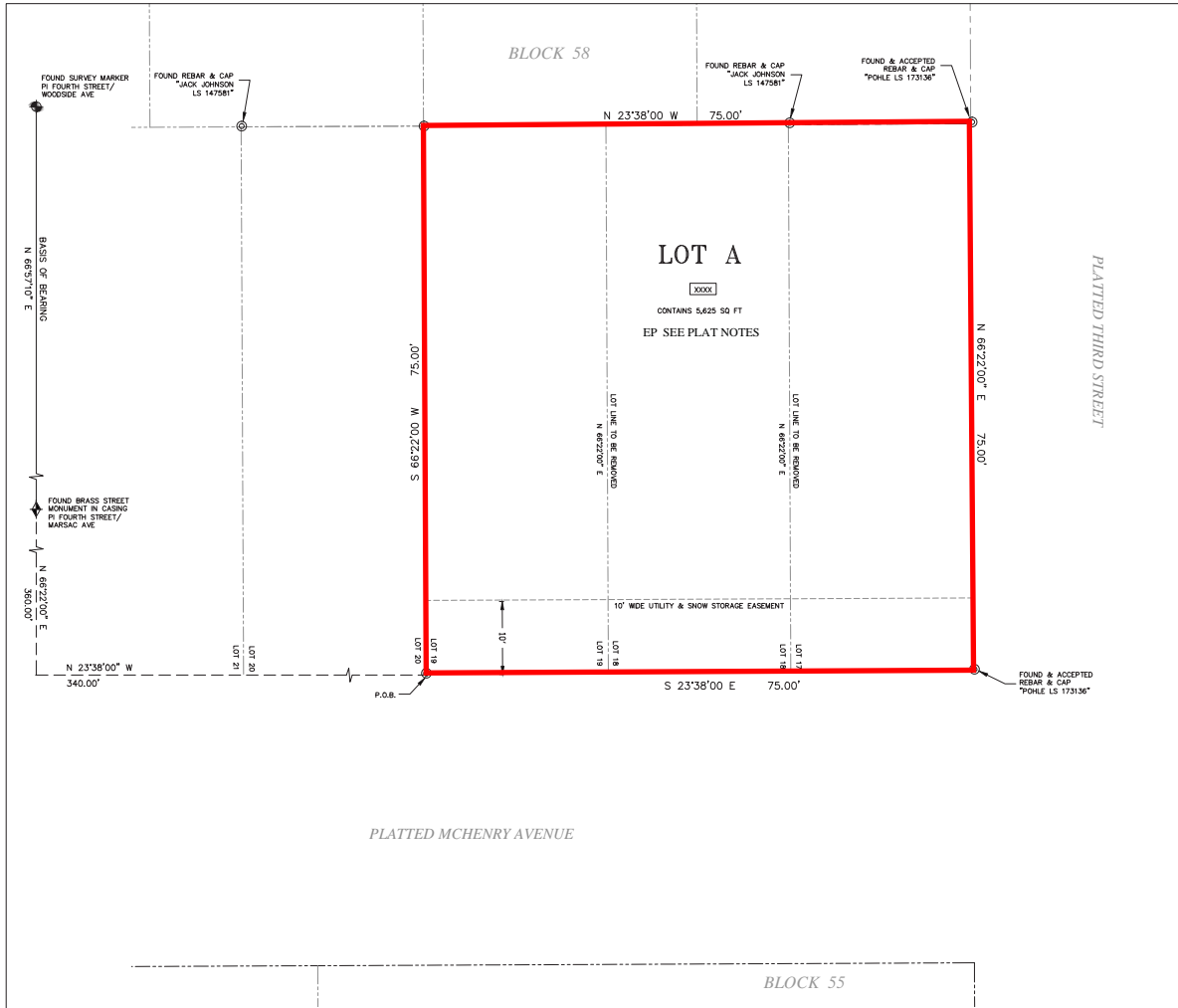
Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Attachment A - 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)

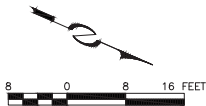
BEGINNING at a point that is North 66°22'00" East 360.00 feet and North 23°38'00" West 340.00 feet from the intersection of Marsac Avenue and Fourth Street as shown on the the Amended Monument Control Map by Bush & Gudgeon (1981) on file and of record as Entry No. 198887 in the Office of the Recorder, 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.

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 _____						

OWNER'S DEDICATION AND CONSENT TO RECORD

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

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

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

Ryan Bilbrey, Managing Member

ACKNOWLEDGEMENT

State of _____;
County of _____ ss:

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

A Notary Public commissioned in Utah _____ Printed Name

Residing in: _____ My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

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

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

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

Jennifer Ann Bilbrey, Managing Member

ACKNOWLEDGEMENT

State of _____;
County of _____ ss:

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

A Notary Public commissioned in Utah _____ Printed Name

Residing in: _____ My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

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

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

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

Stephen Connolly

ACKNOWLEDGEMENT

State of _____;
County of _____ ss:

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

A Notary Public commissioned in _____ Printed Name

Residing in: _____ My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

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

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

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

Connie Bilbrey, Managing Member

ACKNOWLEDGEMENT

State of _____;
County of _____ ss:

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

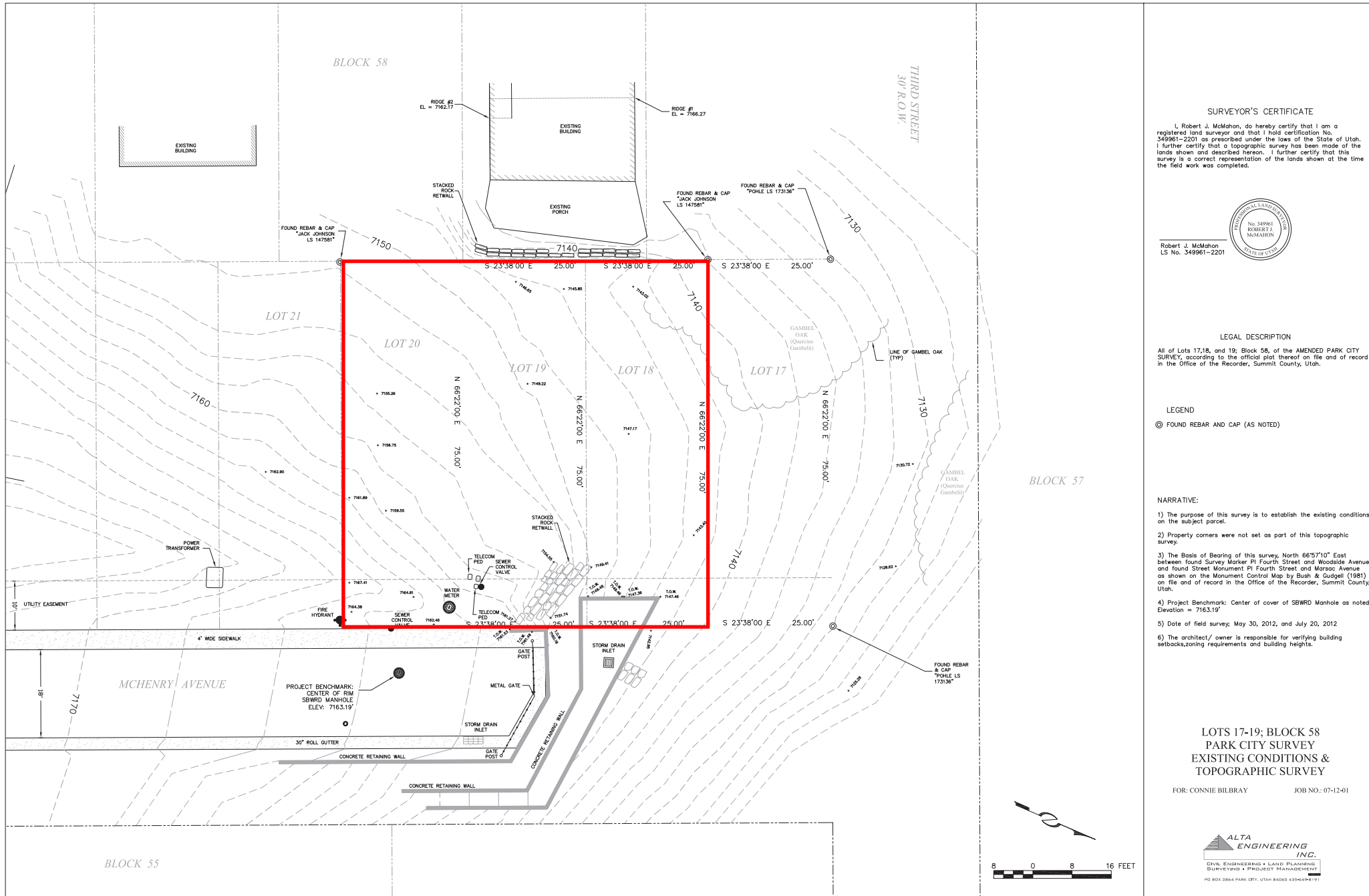
A Notary Public commissioned in Utah _____ Printed Name

Residing in: _____ My commission expires: _____

A LOT COMBINATION PLAT
XXX MCHENRY AVENUE REPLAT

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





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

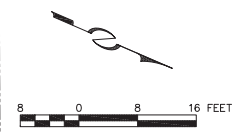
© FOUND REBAR AND CAP (AS NOTED)

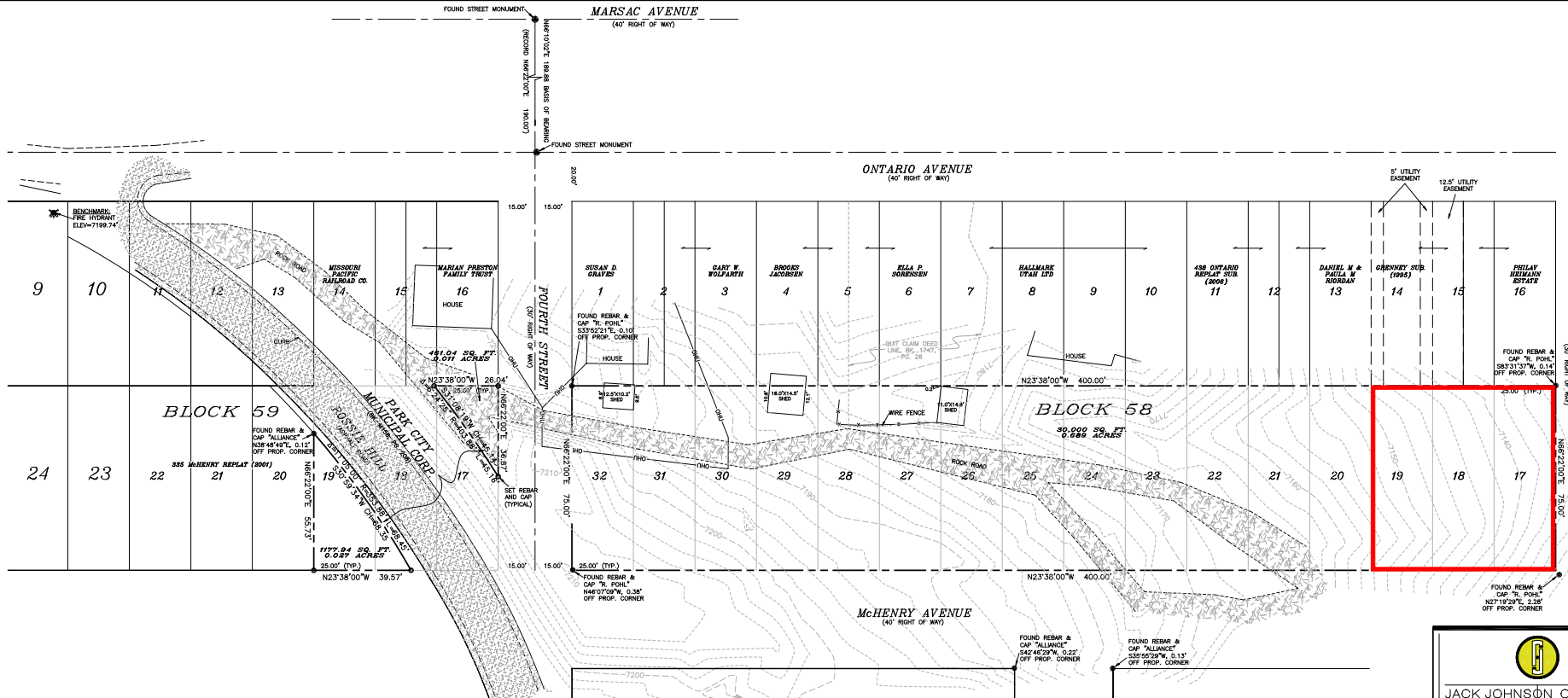
NARRATIVE:

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

NARRATIVE:

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

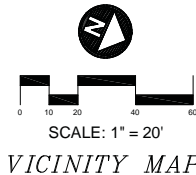
BOUNDARY DESCRIPTION:

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

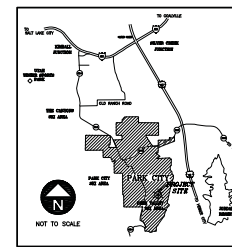
PARCEL 2:
ALL LOTS 17, 18 AND 19, BLOCK 59, PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE, EXCEPTING THEREFROM ANY PORTION LOCATED WITHIN THE RAILROAD RIGHTS OF WAY AS DESCRIBED IN THOSE CERTAIN DOCUMENTS RECORDED AS ENTRY NO. 8176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

SURVEYOR'S CERTIFICATE:

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



VICINITY MAP



JACK JOHNSON COMPANY
Designing World Destinations
1st Floor - 3777 Salt Lake Drive - Park City, Utah 84303
Telephone - 435.845.9000 - Facsimile - 435.848.1620
www.jackjohnson.com

DATE:	OCTOBER 2013
DESIGNED BY:	CKY
DRAWN BY:	DKM
PROJECT:	828-019400
CODE:	ALTA
REVISIONS:	

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

1 OF 1

ALL 1993 AREA RECORDS INFORMATION
Summit REC-024a | Salt Lake Title 206 | 1 of 1 plot

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 17 159B-1763	PC-464-A-2 18 159B-1763	PC-464-A-3 19 159B-1763	PC-464-A-4 20 159B-1763	PC-464-A-5 21 159B-1763	PC-464-A-6 22 159B-1763	PC-464-A-7 23 159B-1763	PC-464-A-8 24 159B-1763	PC-464-A-9 25 159B-1763	PC-464-A-10 26 159B-1763	PC-464-A-11 27 159B-1763	PC-464-A-12 28 159B-1763	PC-464-A-13 29 159B-1763	PC-464-A-14 30 159B-1763	PC-464-A-15 31 159B-1763	PC-464-A-16 32 159B-1763	PC-464-A-17 33 159B-1763	PC-464-A-18 34 159B-1763	PC-464-A-19 35 159B-1763	PC-464-A-20 36 159B-1763	PC-464-A-21 37 159B-1763	PC-464-A-22 38 159B-1763	PC-464-A-23 39 159B-1763	PC-464-A-24 40 159B-1763	PC-464-A-25 41 159B-1763	PC-464-A-26 42 159B-1763	PC-464-A-27 43 159B-1763	PC-464-A-28 44 159B-1763	PC-464-A-29 45 159B-1763	PC-464-A-30 46 159B-1763	PC-464-A-31 47 159B-1763	PC-464-A-32 48 159B-1763	PC-464-A-33 49 159B-1763	PC-464-A-34 50 159B-1763	PC-464-A-35 51 159B-1763	PC-464-A-36 52 159B-1763	PC-464-A-37 53 159B-1763	PC-464-A-38 54 159B-1763	PC-464-A-39 55 159B-1763	PC-464-A-40 56 159B-1763	PC-464-A-41 57 159B-1763	PC-464-A-42 58 159B-1763	PC-464-A-43 59 159B-1763	PC-464-A-44 60 159B-1763	PC-464-A-45 61 159B-1763	PC-464-A-46 62 159B-1763	PC-464-A-47 63 159B-1763	PC-464-A-48 64 159B-1763	PC-464-A-49 65 159B-1763	PC-464-A-50 66 159B-1763	PC-464-A-51 67 159B-1763	PC-464-A-52 68 159B-1763	PC-464-A-53 69 159B-1763	PC-464-A-54 70 159B-1763	PC-464-A-55 71 159B-1763	PC-464-A-56 72 159B-1763	PC-464-A-57 73 159B-1763	PC-464-A-58 74 159B-1763	PC-464-A-59 75 159B-1763	PC-464-A-60 76 159B-1763	PC-464-A-61 77 159B-1763	PC-464-A-62 78 159B-1763	PC-464-A-63 79 159B-1763	PC-464-A-64 80 159B-1763	PC-464-A-65 81 159B-1763	PC-464-A-66 82 159B-1763	PC-464-A-67 83 159B-1763	PC-464-A-68 84 159B-1763	PC-464-A-69 85 159B-1763	PC-464-A-70 86 159B-1763	PC-464-A-71 87 159B-1763	PC-464-A-72 88 159B-1763	PC-464-A-73 89 159B-1763	PC-464-A-74 90 159B-1763	PC-464-A-75 91 159B-1763	PC-464-A-76 92 159B-1763	PC-464-A-77 93 159B-1763	PC-464-A-78 94 159B-1763	PC-464-A-79 95 159B-1763	PC-464-A-80 96 159B-1763	PC-464-A-81 97 159B-1763	PC-464-A-82 98 159B-1763	PC-464-A-83 99 159B-1763	PC-464-A-84 100 159B-1763
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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

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-plat the three (3) lots of record into one (1) lot of record. The proposed new lot will contain 5,625 square feet. All three lots are currently vacant, platted lots of record.

2007 Plat Amendment

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

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

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

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

2010 Plat Amendment

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

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

Analysis

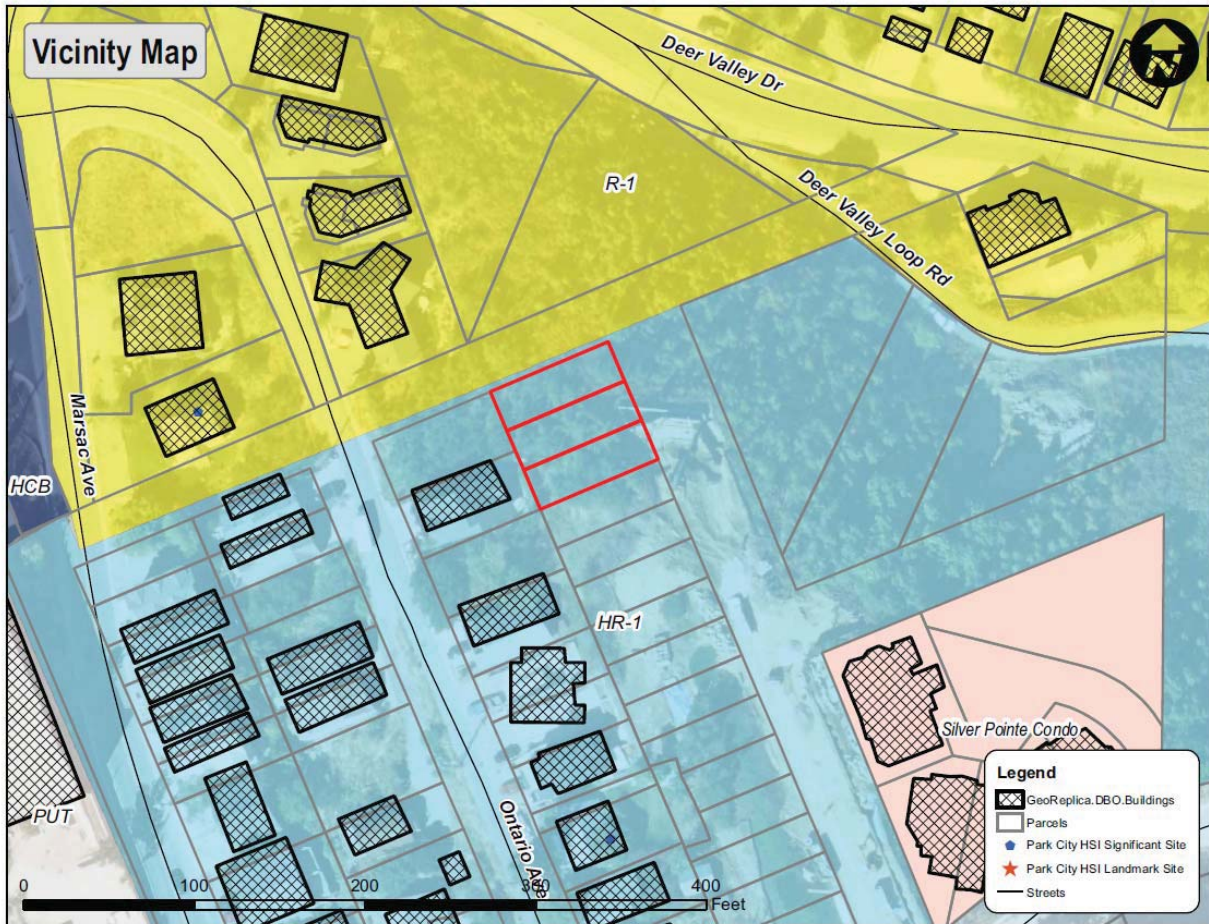
The current proposed plat amendment creates one (1) lot of record from Lot 17, 18, 19, Block 58 of the Park City Survey, three (3) legal lots of record. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. The proposed lot area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

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

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

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

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



Height/Topography

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

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

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

Ridge Line Development

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

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

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

Square footage

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

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

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

Good Cause

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

Process

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

Department Review

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

Notice

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

Public Input

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

Alternatives

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

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

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

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

Recommendation

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

Exhibits

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

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance No. 12-__

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

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

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

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

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

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

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

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

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

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

Findings of Fact:

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

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

Conclusions of Law:

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

Conditions of Approval:

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

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

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

PASSED AND ADOPTED this ____ day of _____, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

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 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').

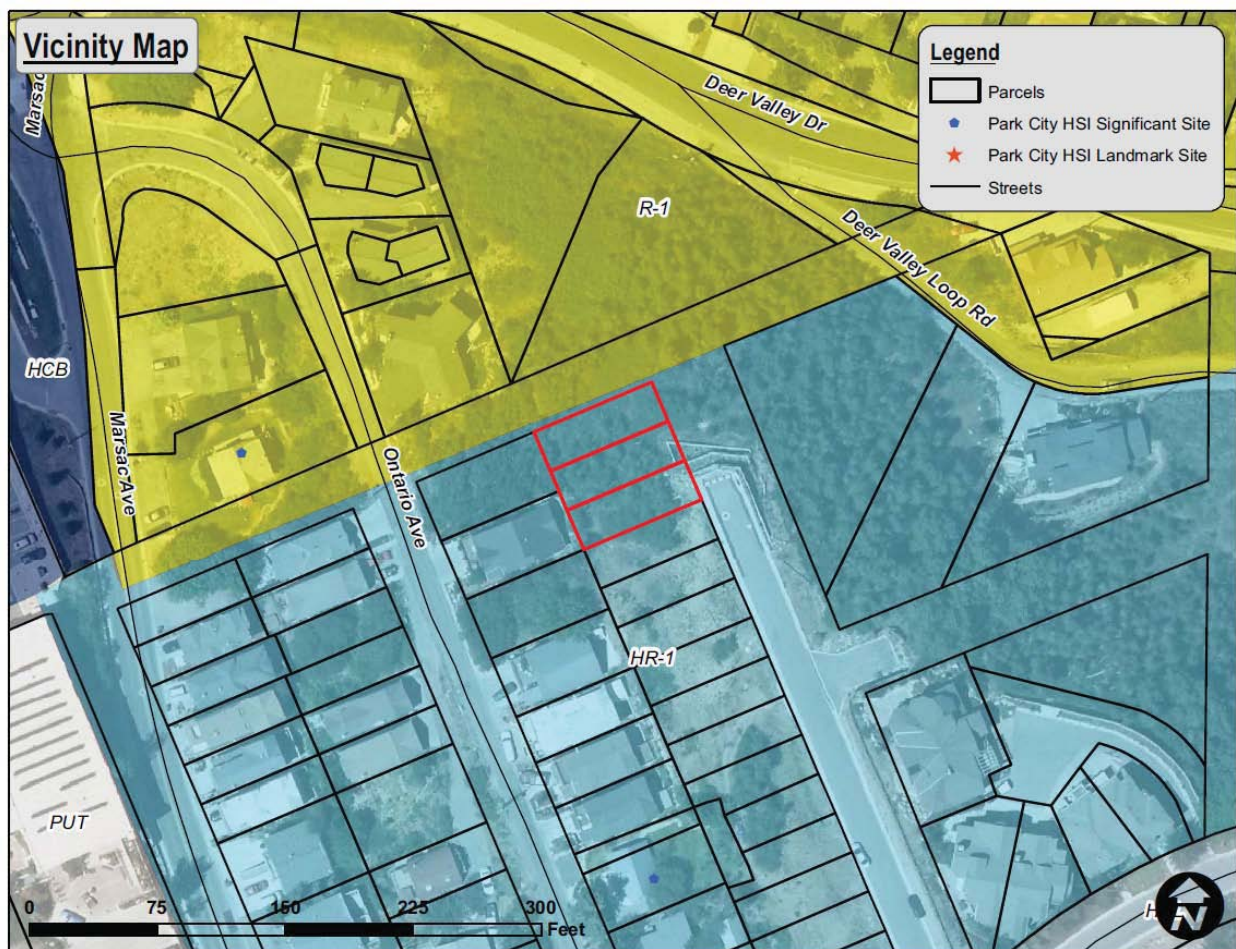
The applicant has indicated that they would like to build a single family dwelling on the proposed lot. Staff has identified the following development standards of the HR-1 District as summarized below:

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

individual smaller components that are compatible with the District. The garage must be subordinate in design of the main building. Commissioner Strachan believed the language encourages having a separated garage. It would be hard to predict whether or not someone would try to enclose it eventually. Commissioner Strachan felt that overall the dwelling mass and volume was incompatible with the surrounding houses, with the exception of 205 Norfolk which should not be a basis for compatibility analysis. He views the analysis as a bell curve and the proposed project should be near the middle to be considered even close to compatible.

Mr. DeGray asked if the compatibility issue was the size of the building or the mass above grade. Mr. Strachan replied that it was mass of the building above grade. Mr. DeGray pointed out that the average for the area came in at 3700 square feet. The proposed project is larger at 4500 square foot gross, but they are comparable to the other structures at 60 Sampson, 50 Sampson and the recently approved projects at 16 Sampson and 201 Sampson. Commissioner Strachan remarked that the smaller structures such as the one at 41 Sampson are the ones that need to be taken into account. He clarified that in addition to the size above grade, it is also the size of the entire living space. Commissioner Strachan pointed out that the purpose statements in the Code do not differentiate between above grade and below grade. His primary concern was the massing above grade; however, the CUP process analysis will also look at the total area.

Commissioner Savage thought the applicant was in the zone they needed to be in as it relates to the comparables in that particular part of the neighborhood. The house looks nice and interesting and it appears to adapt to an extremely challenging lot situation. Commissioner Savage suggested that the applicant look at changing the façade of the home to make it look and feel more historic in terms of presentation. From his perspective, the design and configuration as proposed was not inconsistent with what exists in the neighborhood. He felt it was difficult to be consistent with a hodgepodge of structures.

Commissioner Hontz noted that page 73 of the Staff report showed the size of surface parking and asked for the dimensions. Mr. DeGray replied that it was 9' x 18'.

Vice-Chair Thomas agreed that it was a difficult argument to fit within the purpose statements and the burden was on the applicant to demonstrate compatibility with the historic fabric of the community in terms of mass, scale and height, and how it is consistent with the purpose statements. He noted that the Planning Commission has the purview to reduce height on a Steep Slope CUP and he would prefer to see the height reduced. Vice-Chair Thomas struggled with the drawings presented and questioned how it was not one house based on the design. The roof is connected to the elevator and the elevator is connected to the garage, which makes it one structure exceeding three stories. Vice-Chair Thomas felt the argument was whether or not this was one house.

Mr. DeGray stated that the deck and patio are required to meet setback requirements, which treats them like a structure. Having a deck or patio connect from an accessory structure to a main structure does not technically connect buildings. Vice-Chair Thomas understood the point Mr. DeGray was making, however, he wanted to see that defined in the drawings to prove his point. Planner Evans remarked that it would definitely be an issued if the foundation was connected. Mr. DeGray noted that the deck touches the elevator shaft, but it is an open air connection.

Lot 17, 18 and 19 Echo Spur Development – Plat Amendment

(Application PL-12-01629)

Planner Francisco Astorga noted that on September 12, 2012 the Planning Commission requested a site visit and work session for the Echo Spur Development Replat. The applicant also submitted additional information that was requested, including preliminary plans of the site. Planner Astorga noted that the plans were more specific than preliminary and the Staff was still working on reviewing the plans.

Planner Astorga reviewed the application for a plat amendment on platted McHenry. As previously noted, the City Engineer would eventually change the name of the road once it is fully dedicated to the City.

Planner Astorga reported that the applicant had submitted an application for a plat amendment to combine lots 17, 18 and 19. He presented slides to orient the Planning Commission to what they had seen during the site visit. He also presented the County Plat showing the ownership of the property. On September 12, 2012 the Planning Commission discussed vantage points per the Land Management Code. Planner Astorga noted that the LMC does not have a defined vantage point from where the development would be visible. However, the LMC identifies cross-canyon view as a vantage point. The applicant had submitted a total of six vantage points; three on Deer Valley Drive by the access to Main, one by the entrance at the Summit Watch, one at the roundabout, and another closer to the property. Planner Astorga reviewed slides from the stated vantage points.

Commissioner Savage concluded from the photographs that the development was basically invisible. Commissioner Gross concurred. Commissioner Hontz stated that she personally stood at each of the vantage points and concluded that the development would be visible, particularly the retaining wall. Commissioner Strachan remarked that the brown house behind the retaining wall was also visible. He pointed out that photographs are not entirely reflective of what the human eye would actually see.

Scott Jaffa, the project architect stated that the intent was never to make the house invisible. The existing scrub oak is 12 feet high and the house would sit approximately 12 feet above. It is surrounded by houses at the bottom on Ontario, as well as houses above it. The house is nestled in its surrounding environment.

Planner Astorga reviewed the elevations. He noted that the site is zoned HR-1 which has a 27' foot height limitation and a required 10 feet setback on the downhill façade. Planner Astorga stated that at the last meeting the Planning Commission discussed the 2007 settlement agreement. He had verified with Jack Fenton that the disputes with the settlement agreement had been resolved and both parties were satisfied with the outcome. Planner Astorga had done a more specific analysis of the Ontario neighborhood as shown on page 9 of the Staff report. The analysis concluded that the average width is approximately 36 feet and the average lot area is approximately 2800 square feet for those lots.

Planner Astorga referred to an Exhibit showing the outskirts of the Park City survey. He commented on the Gateway Estates subdivision. Because of the orientation of the houses and access off of Deer Valley Loop Road, it provided a better way to transition Old Town to what is called the Deer Valley entry area. In terms of house size the two houses that were originally platted for Gateway

Estates were planned to be much larger than the Old Town historic character.

Planner Astorga requested that the Planning Commission discuss whether this Echo Spur neighborhood provides an appropriate area for transitioning between the larger lots of record versus the Ontario neighborhood, which tends to follow a different pattern than the standard 25' x 75' configuration. Since September the Staff has held several meetings with the owner to review the current definition of gross residential floor area and how that applies. The Staff recommendation was to limit the gross residential floor area to 3600 square feet. The Staff reviewed the preliminary plans submitted and found that the proposal would comply with the Staff recommendation of limiting the gross residential floor area.

Commissioner Wintzer remarked that the three lots are contiguous to a neighborhood of historic platted lots of 25' x 75'. That is the neighborhood they need to look at rather than the homes above or below. Planner Astorga pointed out that after the General Plan update is completed the next task is to do an analysis of the zoning districts to see how that can be improved.

Vice-Chair Thomas stated that he was on the Planning Commission when the Deer Valley Loop Road lots were approved, and there was a dramatic effort to minimize the massing and to make the units fit into the hillside. He pointed out that the grading on those three lots was dramatically different than the grading on the three Echo Spur lots. Vice-Chair Thomas believed that would have to be highly considered in this process. Planner Astorga noted that only one house was actually built and the other two houses lost their approval because they did not move forward on the building permit.

Planner Astorga recalled that another discussion point in September was what would happen in the neighborhood. Since the September meeting the Staff met with Mike Green, the owner of Lot 20. Mr. Green plans to build a single family dwelling and is currently working on an application. The other twelve lots are owned by Sean Kelleher, who submitted a complete application yesterday. The Planning Commission would review Mr. Kelleher's application during a work session in January. He proposes to build seven single family units through a condominium plat on his 12 lots of record. Vice-Chair Thomas stated that he would be recusing himself from the Kelleher discussion and he was uncomfortable talking about that proposal this evening.

Planner Astorga stated that ridgeline development was another issue carried over from the September meeting. He noted that Lot combinations in the HR-1 zone require an overall setback of 18 feet, with a minimum of 5 feet. The Staff request that the setback on the northern side be increased to 15 feet to aid with drainage issues and slope mitigation issues. Planner Astorga asked for input from the Planning Commission regarding the Staff analysis.

Planner Hontz referred to the minutes from the September 12, 2012 meeting on page 15 of the Staff report, fifth paragraph, and revisited a number of issues that were still pertinent. The first was that the road is still not dedicated to the City. In speaking with Matt Cassel during the site visit she understood that some conditions have not been fulfilled and issues still remain. Commissioner Hontz was not comfortable with the safety of the road related to the gate, the vegetation that needs to be replaced and enhanced, the retaining wall and other issues. She thought there could be possible pressure from the applicant to whoever was responsible for fulfilling the conditions if it was a requirement to move forward with this application. Since the City Engineer had decided to place

the road under the City's road system, they should do nothing until they know for sure that the road is acceptable to the City. A second point is that Third Street, which is located to the north of Lot 17, is currently a platted dedicated right-of-way. Because it was a right-of-way, someone decided to dig it up and put in a road. If this application moves forward, Commissioner Hontz wanted to make sure that no access would ever be provided to any lots in any area off of that existing right-of-way. A third point was that lots 17, 18 and 19 had to be combined in order to have access. In looking at the plat, lot 19 is the only lot that has access off of Echo Spur. Commissioner Hontz thought it was unrealistic to say that Lots 17 and 18 would be developed off of the current configuration of Echo Spur Drive. Standing at the gate and looking over a 40 foot drop, the amount of retaining required to get to the lots makes them unbuildable. Commissioner Hontz remarked that in reality this was one lot.

Commissioner Hontz referred to page 15 of the Staff report regarding the settlement area. She appreciated that the Staff took the extra step to confirm that an agreement was reached. However, she would like to see how the land was deeded. According to the publicly available agreement, the land would change hands and there would be different lot configurations for the lots adjacent to this property further north that could possibly have an effect.

Commissioner Hontz referred to Item 5 on page 15 and reiterated that the property and the road are part of a ridgeline. They cannot change the definition of a ridgeline because of what has happened around it. She thought they may be able to say that due to setbacks, the structure is placed far enough off of the ridgeline, but regardless, the property is part of the ridgeline and the setbacks should be closely scrutinized. Commissioner Hontz commented on LMC 15-7.3-1(D) and noted that this is a very sensitive area and there are impacts related to the ridgeline.

Commissioner Hontz referred to Items 6 and 7, additional limitations on maximum square footage and visibility from the roundabout. She felt it was a unique strategy to separate these lots from what was previously reviewed as a subdivision, because they now have to look at it as a new application. If this application moves forward, the applicant would have to maximize the number of lots on this particular substandard road, which can only be reached by other substandard Old Town streets. Based on traffic impact models, Commissioner Hontz understood that one house would generate approximately 12 vehicle trips per day. Assuming build-out on the nine lots, the per day vehicle trips would exceed 108 per day on this substandard street. She thought it was ludicrous to create that much additional traffic into that neighborhood on substandard streets. Commissioner Hontz pointed out that it was not just one home. They need to consider the compound impacts of all the lots.

Commissioner Gross asked about the cars backing out of the driveway and how they would get up the street. In his opinion it looked very tight and he was unsure how a car would get out. He requested a diagram showing how it would work. Commissioner Gross had spoken with City Engineer Matt Cassel about the fire safety issues and there is a turnaround below for fire trucks. He assumed that once the street is accepted by the City it would provide the proper access for people to build.

Planner Astorga asked if the Planning Commission would feel comfortable approving the propose development once the road is accepted by Matt Cassel, particularly regarding the road compliance issue raised by Commissioner Hontz. Planner Astorga noted that LMC 15-7.3 indicates that these

types of development must be approved by the Planning Commission and that upon recommendation of a qualified engineer these items can be mitigated. The burden is on the applicant to hire a qualified engineer to determine whether the issues are mitigated. Planner Astorga clarified that the LMC implies that the applicant is allowed to find appropriate mitigation for these types of unforeseen development conditions on the land.

Commissioner Wintzer pointed out that the applicant has that ability with everything except the ridgeline. He read language in the same Chapter of the LMC that states, "For other features including ridgelines." Commissioner Hontz remarked that per the LMC the impact mitigation is formulated by the developer and approved by the Planning Commission. The applicant can propose a solution but the Planning Commission has the purview to determine whether the solution is suitable to mitigate the problem. Planner Astorga agreed. However, his interpretation of the LMC language is that the burden of mitigation is on the applicant, which also includes the ridgeline. He wanted to make sure the Planning Commission shared his interpretation. Commissioner Wintzer agreed with the interpretation with regards to geological hazards. His reading of the LMC language did not include the ridgeline. Commissioner Wintzer recalled that this same paragraph was read to the previous owner five years ago and at that time the Planning Commission had the same concerns that combining these three lots would encourage development to move down the hill further on the ridgeline. They faced the same issue with this application and he could see no way around it.

Planner Astorga remarked that the Staff interpretation was that ridgeline impacts could be mitigated if adequate methods are formulated. Due to the discrepancy in interpretation, he believed further discussion was necessary. He asked if the Staff was interpreting the Code incorrectly. The Commissioners answered yes.

Commissioner Strachan questioned whether the applicant could even find adequate methods. In addition, language in LMC 15-17.3-2(D) prohibits ridgeline development. There was no qualifier in the language to indicate that it would be allowed with adequate mitigation methods. Commissioner Strachan felt the LMC was clear that ridgeline development would not be allowed in any circumstance. In his opinion, this was still a ridgeline, even though the previous owner tried to eliminate that fact by digging a road through the property.

Planner Astorga understood that the Planning Commission would be prepared to make findings that this is a ridgeline and construction is prohibited on a ridgeline. Commissioner Savage stated that the Planning Commission was looking at a set of platted lots that also included other lots along that same ridgeline, and there were property rights associated with those particular lots. He understood the ridgeline issue; however, the fact that the lots were platted and exist as platted lots entitles the owners of those lots to some level of development rights independent of the ridgeline.

Assistant City Attorney McLean agreed that City cannot take away all rights to the use of a property; however, there are restrictions in the Code that prohibit structures on ridgelines. Therefore, those two issues need to be balanced. Commissioner Savage asked if the contextual precedence in that particular area has any influence on how the Planning Commission should view ridgeline development. In looking at the topography, it is clear that a ridgeline runs along the road and through the middle of the lots. He pointed out that existing homes above those lots on the ridgeline have already compromised the ridgeline in that area. He asked if that should have any impact on how these applications are reviewed. Commissioner Savage asked if the applicant would have the

ability to say that within the constraints of this particular development site, as well as the existing homes, this is the ridgeline visual impact with the proposed home versus not building at all. Ms. McLean replied that the Planning Commission could have that discussion. Commissioner Savage wanted the applicant to pursue that direction unless it would be a waste of time because it is a ridgeline and development would be denied.

Mr. Jaffa pointed out that this was a new subdivision that was still in the process of dedicating the road to the City. He questioned why the subdivision would have been approved with platted lots if the lots could not be built on. Commissioner Wintzer noted that the previous subdivision application never came before the Planning Commission and it was never approved. Planner Astorga explained that it was a historic part of the Park City survey that was historically platted a hundred years ago.

Commissioner Strachan asked Assistant City Attorney McLean for her interpretation of LMC 15-7.3-1(D) as opposed to 15-7.3-2(D). Ms. McLean stated that when there are competing ordinances in the Code, they look at the plain meaning of the language. She noted that when language is added to address restrictions due to the character of the land, they try to have the statutes comport. Ms. McLean thought that should be balanced with making sure property rights are not being taken away from an existing lot. She believed that sub (D) in 15-7.3-1 also goes to health and safety issues; whereas, in 15-7.3-2(D), ridgeline development, the issue is more aesthetic.

Commissioner Strachan recalled that when the LMC provisions conflict the policy is to follow the one that is most specific. He considered the language in 15-7.3-1 to be more general than the language in 15-7.3-2.

Commissioner Savage asked to look at the topo map. Commissioner Wintzer pointed out the top of the ridge on the map to identify the exact ridgeline. Assistant City Attorney McLean read the definition of ridgeline area in the LMC. "The top ridge or crest of hill or slope, plus the land located within a 150 feet on both sides of the top crest or ridge." Commissioner Hontz pointed out that Lot 19 was different than in the previous proposal. Commissioner Wintzer personally believed it was a ridgeline and combining the lots would allow the applicant to move further down the ridgeline. He has walked the property and drawn the ridgeline on the topo. Commissioner Wintzer could see no way of getting around that fact. It is an important issue and the General Plan and the LMC address ridgelines in several places. Commissioner Hontz did not believe the Planning Commission should compromise on ridgeline development.

Vice-Chair Thomas remarked that the reason for being sensitive to ridgelines is based on the observation from the community of what appears to be a ridgeline and the problems created when the ridgeline is broken. The type of ridge is irrelevant. this is a ridgeline with regard to a large percentage of the community. Commissioner Savage did not disagree that this was a ridgeline. He was only pointing out that there are many ridgelines in that area and some of those ridgelines had been compromised.

Assistant City Attorney McLean read the language from LMC 15-7.3-2(D) - General Subdivision Requirements for Ridgeline Development. "Ridges shall be protected from development in which development would be visible on the skyline from the designated vantage points in Park City." The specific vantage points are the Osguthorpe Barn, Treasure Mountain Middle School, the intersection

of Main Street and Heber Avenue, the Park City ski area base, Snow Park Lodge, the Park City golf course clubhouse, the Park Meadows Golf Course Clubhouse, State Road 248 at the turnout one-quarter mile west from US Highway 40, State Route 224 one-half mile south of the intersection of Kilby Road, the intersection of Thaynes Canyon Drive and State Road 224 and across valley views. Commissioner Hontz stated that the cross valley view could be from any point across the valley. Vice-Chair Thomas remarked that the intersection of Main Street and Heber Avenue would be a critical vantage point in this situation.

Commissioner Savage thought an important piece of the language was the reference regarding visibility on the skyline from the designated vantage points. Vice-Chair Thomas informed Mr. Jaffa that the Planning Commission would need to see visuals from the specific vantage points mentioned. Commissioner Strachan stated that the three related vantage points were Heber Avenue, the base of PCMR and the base of the Park City golf course. Commissioner Strachan suggested that the Planning Commission could personally visit those vantage points.

Mr. Jaffa asked for clarification on across valley. The Planning Commission discussed other potential vantage points where the development might be visible. Commissioner Savage believed the analysis could be done using the topography map without a site visit to the vantage points. Commissioner Wintzer stated that in his opinion it was very clear that development would hit the ridge and penetrate the skyline. Commissioner Savage remarked that every object would penetrate the skyline from some given point. Vice-Chair Thomas agreed, but noted that there were primary valleys in the community that needed to be protected.

Assistant City Attorney McLean stated that height restrictions or other limitations are often placed in subdivisions to address the issues on a problematic property. She noted that the applicant has submitted a subdivision application and provided a conceptual idea of what they would like build. She suggested that the Planning Commission could discuss placing restrictions on the site to make sure it complies with all the elements of the Code. Commissioner Strachan remarked that the Planning Commission was being asked whether or not there was good cause for a plat amendment. In his opinion, there would not be good cause if the site is on a ridgeline and no structure, regardless of the height, could be built. Ms. McLean agreed, if the Planning Commission finds to that extreme. However, if as an example, if they find that a one story structure would not violate the elements of the Code, they could place those restrictions. Commissioner Strachan was unsure whether the Planning Commission would be able to make that finding. Ms. McLean stated that if the Planning Commission could not find good cause they would need to define very specific findings related to the vantage points and visibility on the skyline.

Mr. Jaffa used the color coded map to point out that while this may be a ridgeline, it was definitely not the highest element in that neighborhood. He indicated three houses that are substantially higher than the proposed structure. Commissioner Wintzer reiterated that those houses were approved in that location as a trade-off to stop development from coming further down the ridge. This is a different process and if this application is approved they would be putting one house on the ridge.

Vice-Chair Thomas requested that the Staff delineate the ridge that separates Deer Valley Drive from Main Street. If that ridge goes through this property the argument would be resolved. He directed the applicant to work with the Staff and seriously consider the comments made this

evening.

Commissioner Savage clarified that he was not arguing whether or not it was a ridgeline. He was concerned that there was not a working definition on how to make that analysis. Commissioner Wintzer pointed out that the Planning Commission can only adhere to the Code. He agreed that the Code is sometimes vague, but the Planning Commission is tasked with interpreting the Code to make their decisions.

Commissioner Gross asked if the applicant could build on any part of Lots 17, 18 and 19. Commissioner Wintzer stated that Lot 19 is a platted lot on a ridge. The applicant could build a house on Lot 19 based on the current Code. The issue is that combining the lots would require a Steep Slope analysis. Planner Astorga remarked that all three lots would require a Steep Slope CUP.

The applicant, Leeto Thlou understood the comments expressed this evening. He asked if the other landowners in that area would have the same problem. Commissioner Savage replied that it would depend on the steepness of the individual lot and whether a Steep Slope CUP would be required. It was clear that Lots 17, 18 and 19 would require a Steep Slope CUP; therefore, the ridgeline issue needs to be resolved.

Commissioner Hontz clarified that the points she identified earlier in the discussion also apply to all the lots in that same area.

The Work Session was adjourned.



ENLARGED ARTISTIC RENDERING-
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-

PT 1: EYE ELEVATION 7000'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-

PT 1: EYE ELEVATION 7000'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-

PT 2: EYE ELEVATION 7022'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES

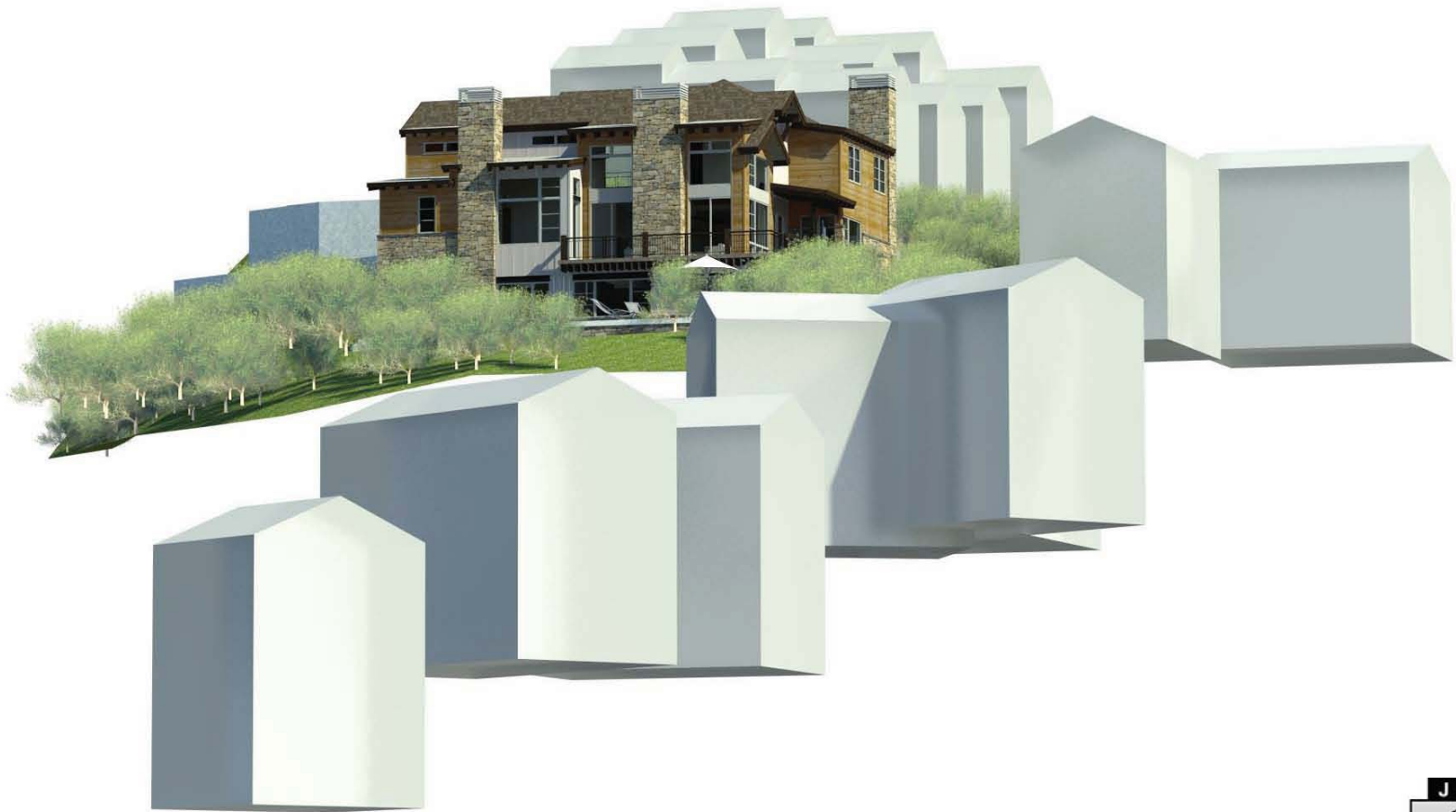




ENLARGED ARTISTIC RENDERING-

PT 2: EYE ELEVATION 7022'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES

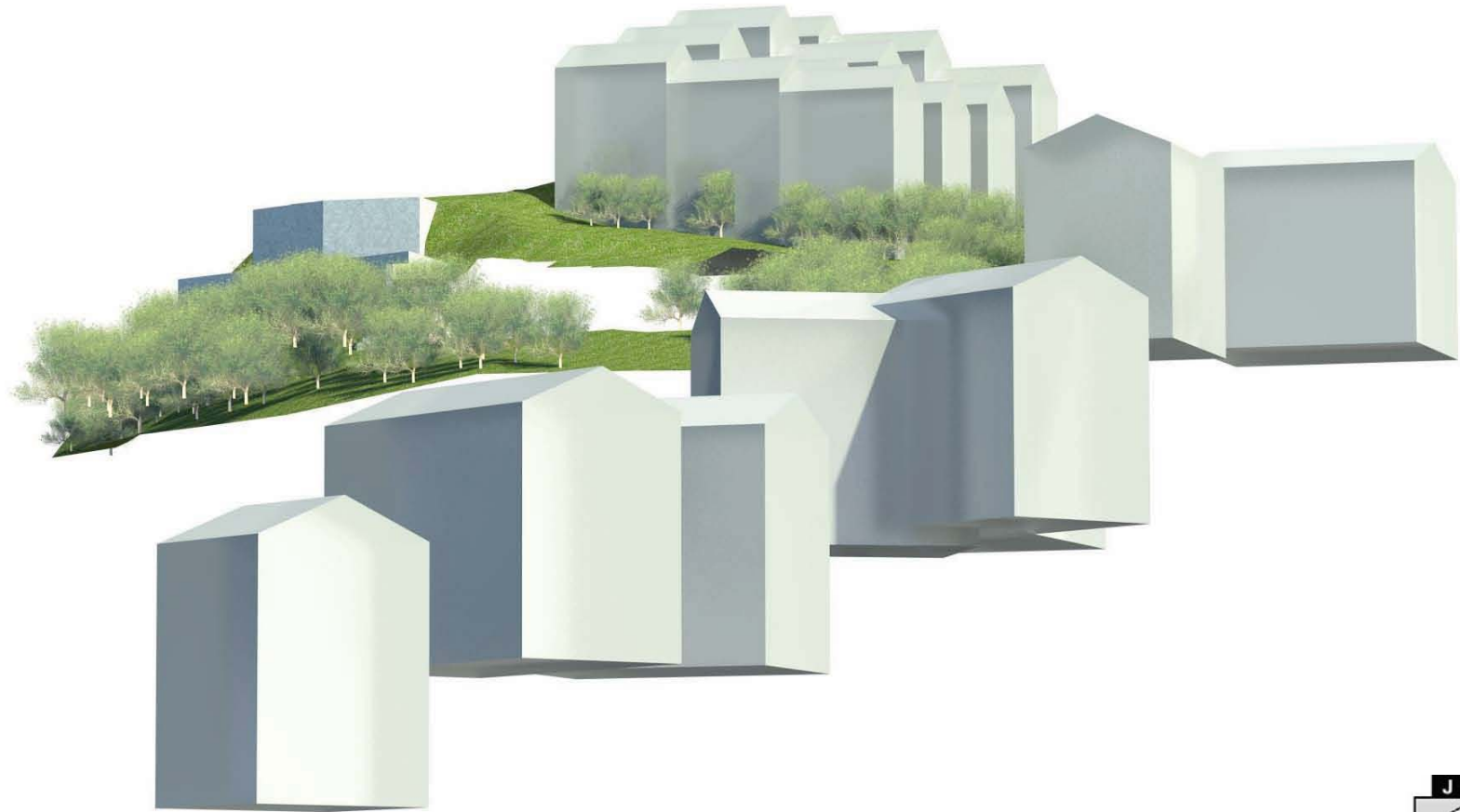




ENLARGED ARTISTIC RENDERING-

PT 3: EYE ELEVATION 7045'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES

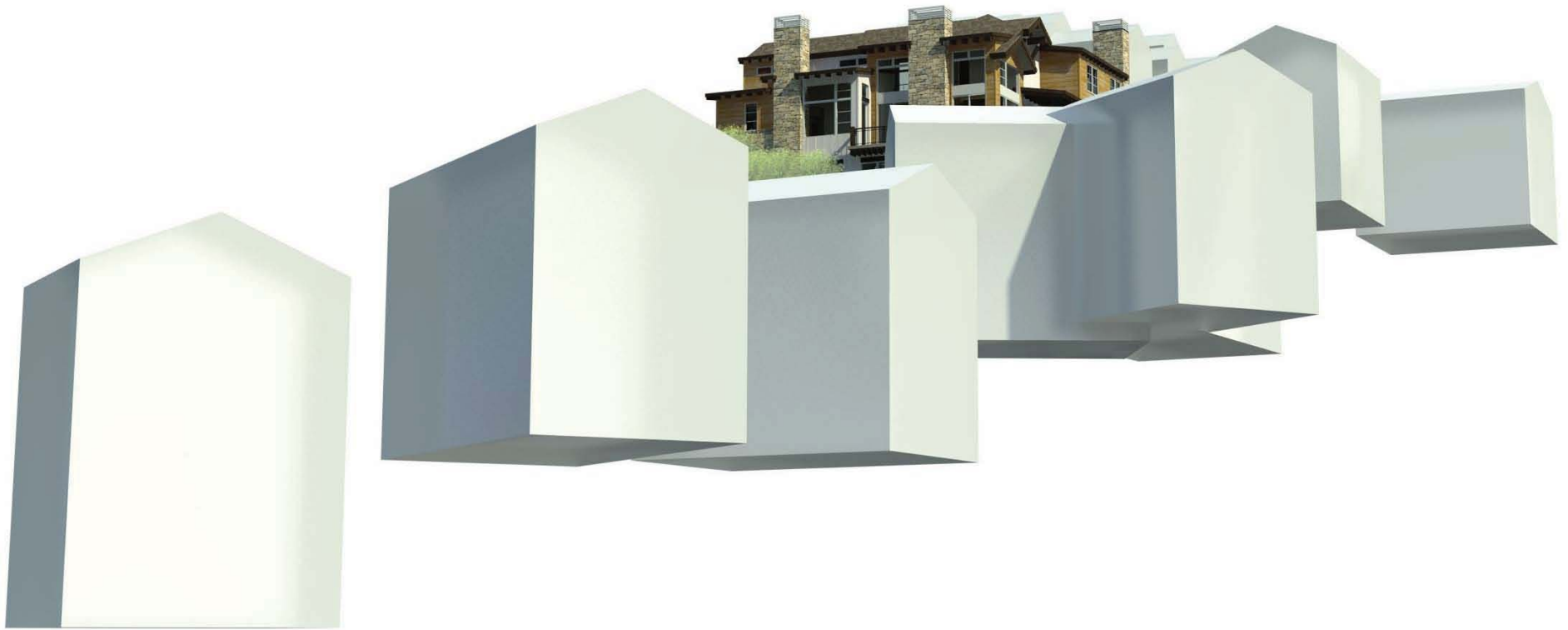




ENLARGED ARTISTIC RENDERING-

PT 3: EYE ELEVATION 7045'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES

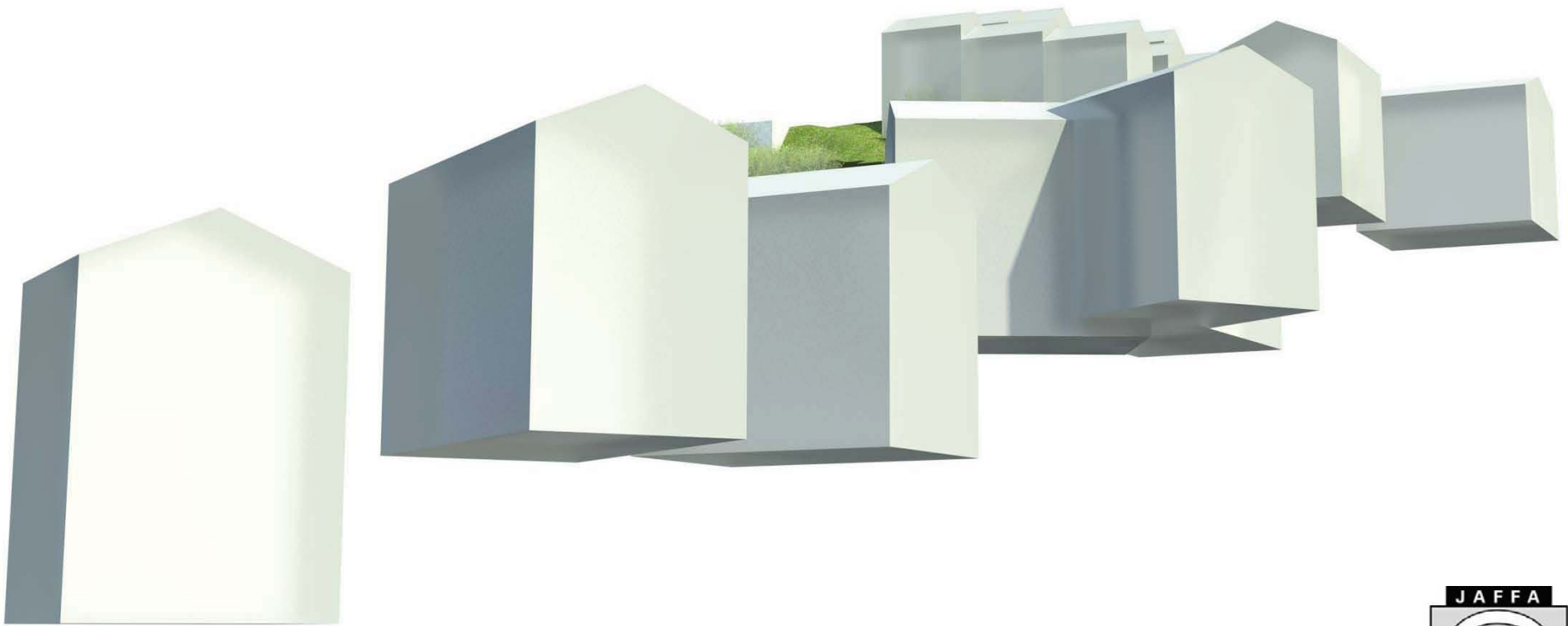




ENLARGED ARTISTIC RENDERING-

PT 4: EYE ELEVATION 7066'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-

PT 4: EYE ELEVATION 7066'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-

PT 5: EYE ELEVATION 7082'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-

PT 5: EYE ELEVATION 7082'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES





ENLARGED ARTISTIC RENDERING-

PT 6: EYE ELEVATION 7097'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES



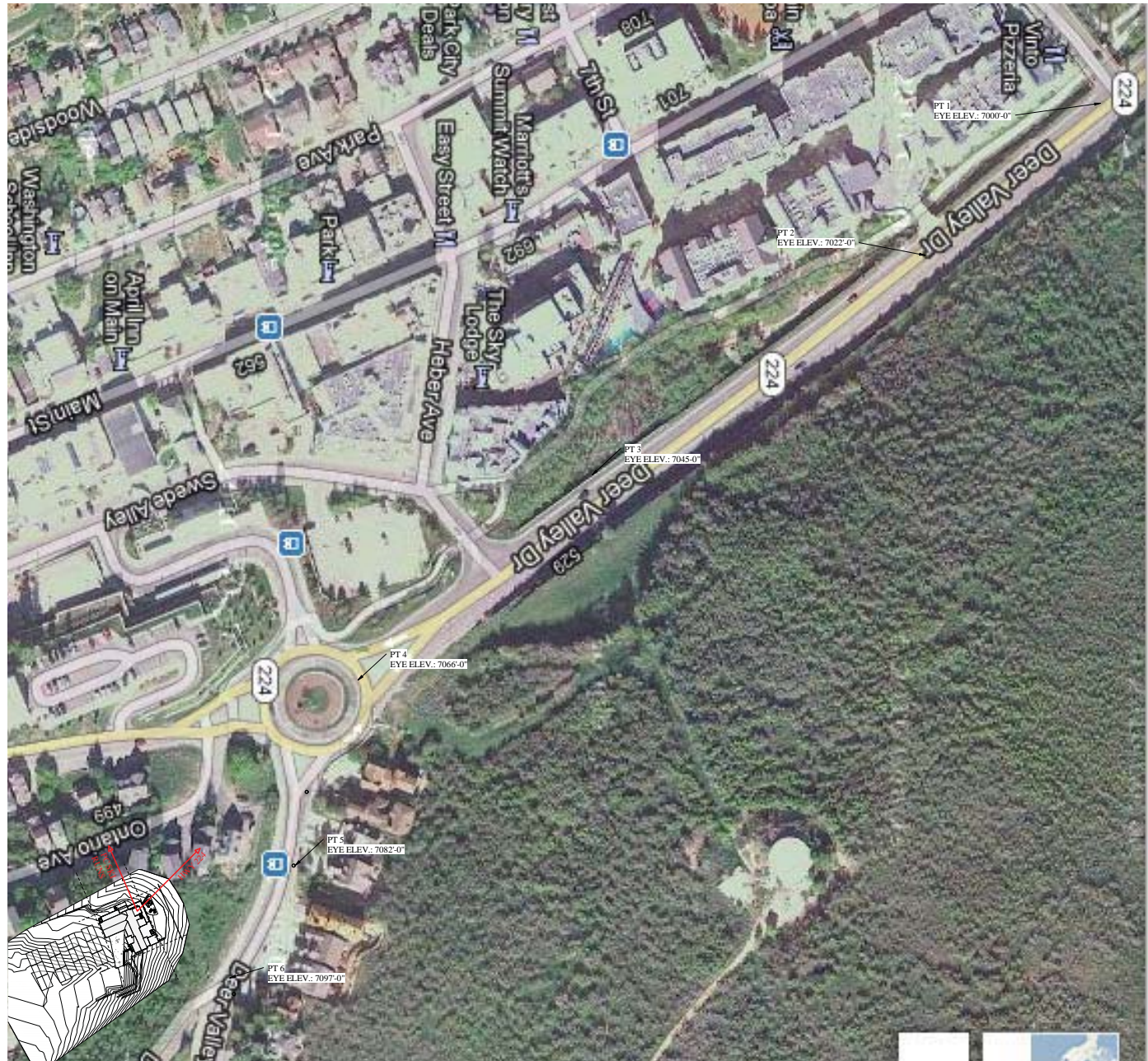


ENLARGED ARTISTIC RENDERING-

PT 6: EYE ELEVATION 7097'-0"
LANDSCAPE REPRESENTED WITH 8'-12' TREES



PLEASE SEE 11X17 DOCUMENTS FOR VANTAGE PT RENDERINGS



VANTAGE POINT LOCATIONS AND ELEVATIONS
1" = 60'-0"



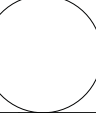
GARAGE VIEW FROM ECHO SPUR
12" = 1'-0"



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

REVISION SCHEDULE
DRAWN BY: Author
PROJECT #: 17-19
2/20/2013 1:37:34 PM
SCALE: As indicated

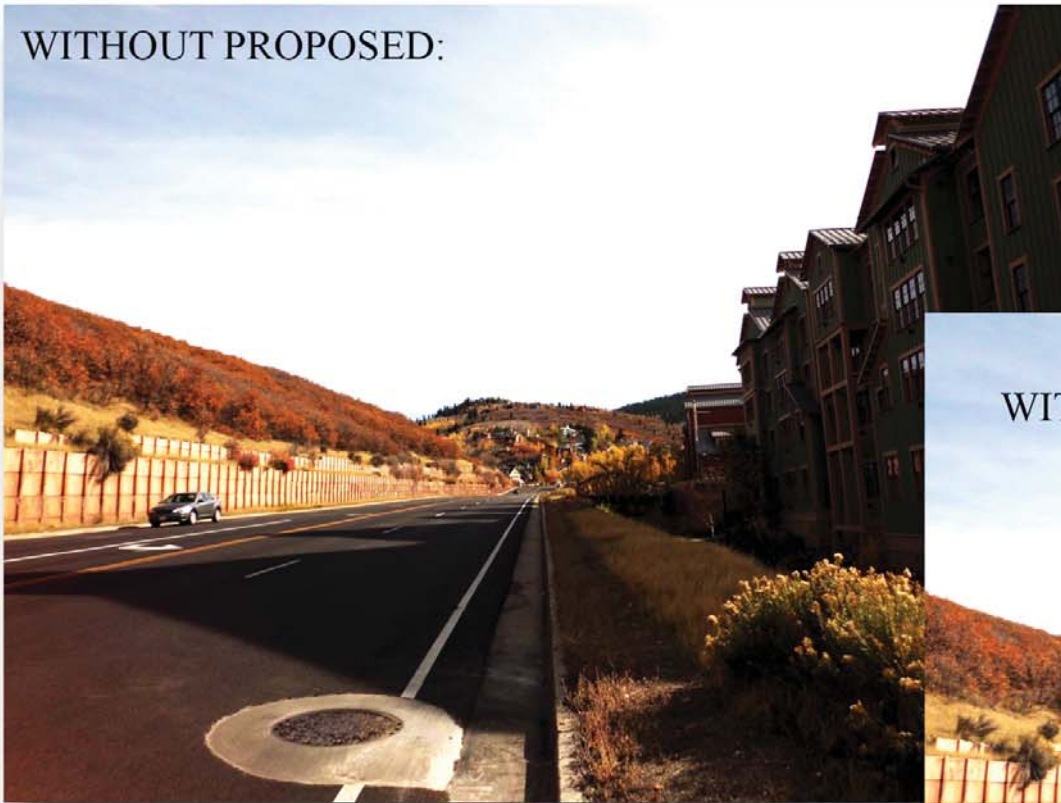
DEER VALLEY DRIVE

A1.0a

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:



WITH PROPOSED:



PT 6: EYE ELEVATION 7097'-0"



WITHOUT PROPOSED:



WITH PROPOSED:



Exhibit K – Vantage Points Analysis – Across Canyon View - Attached are pictures taken by the applicant from PCMR and Woodside Ave. Ski run at PCMR (elevation 7,204 ft) and below the ski run (elevation 7,167 ft).





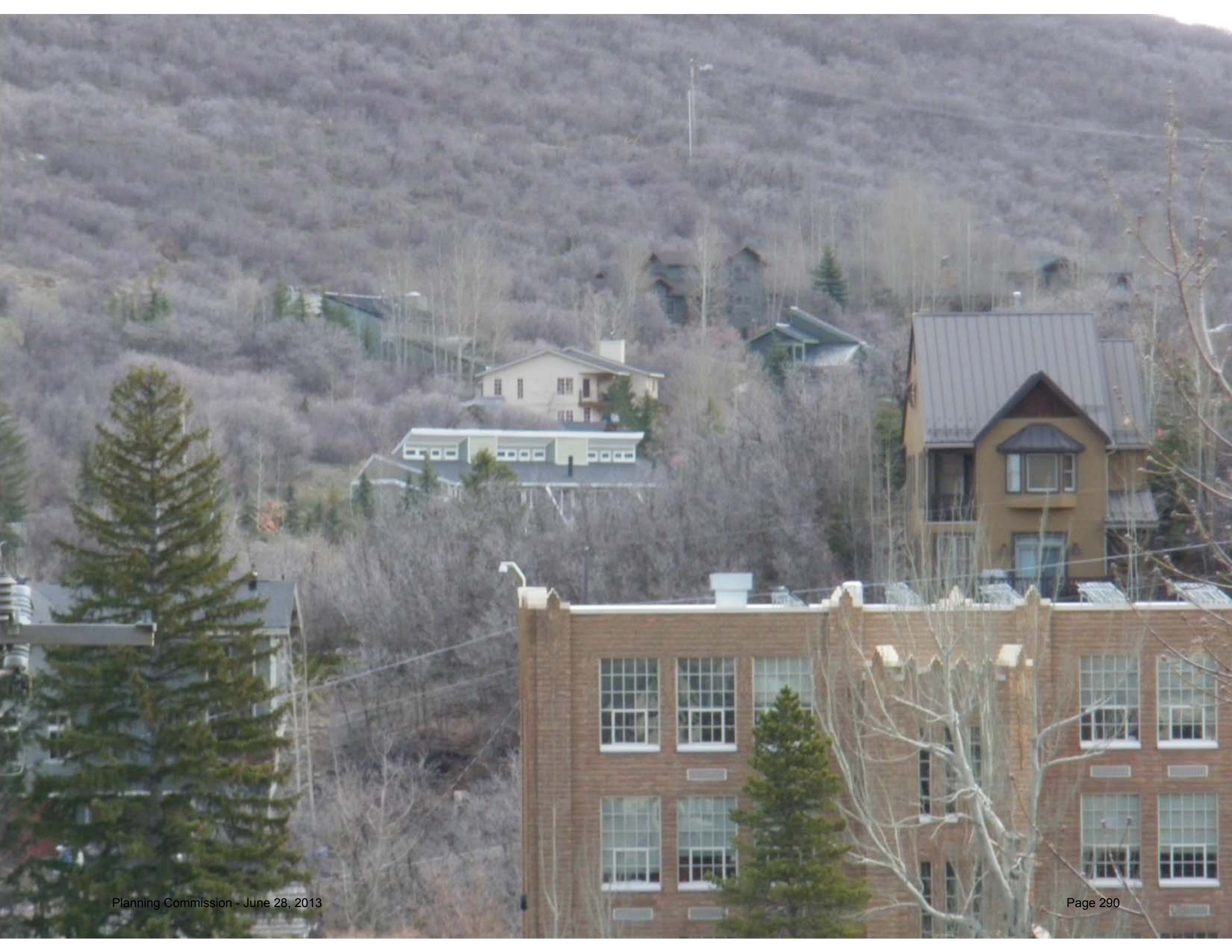
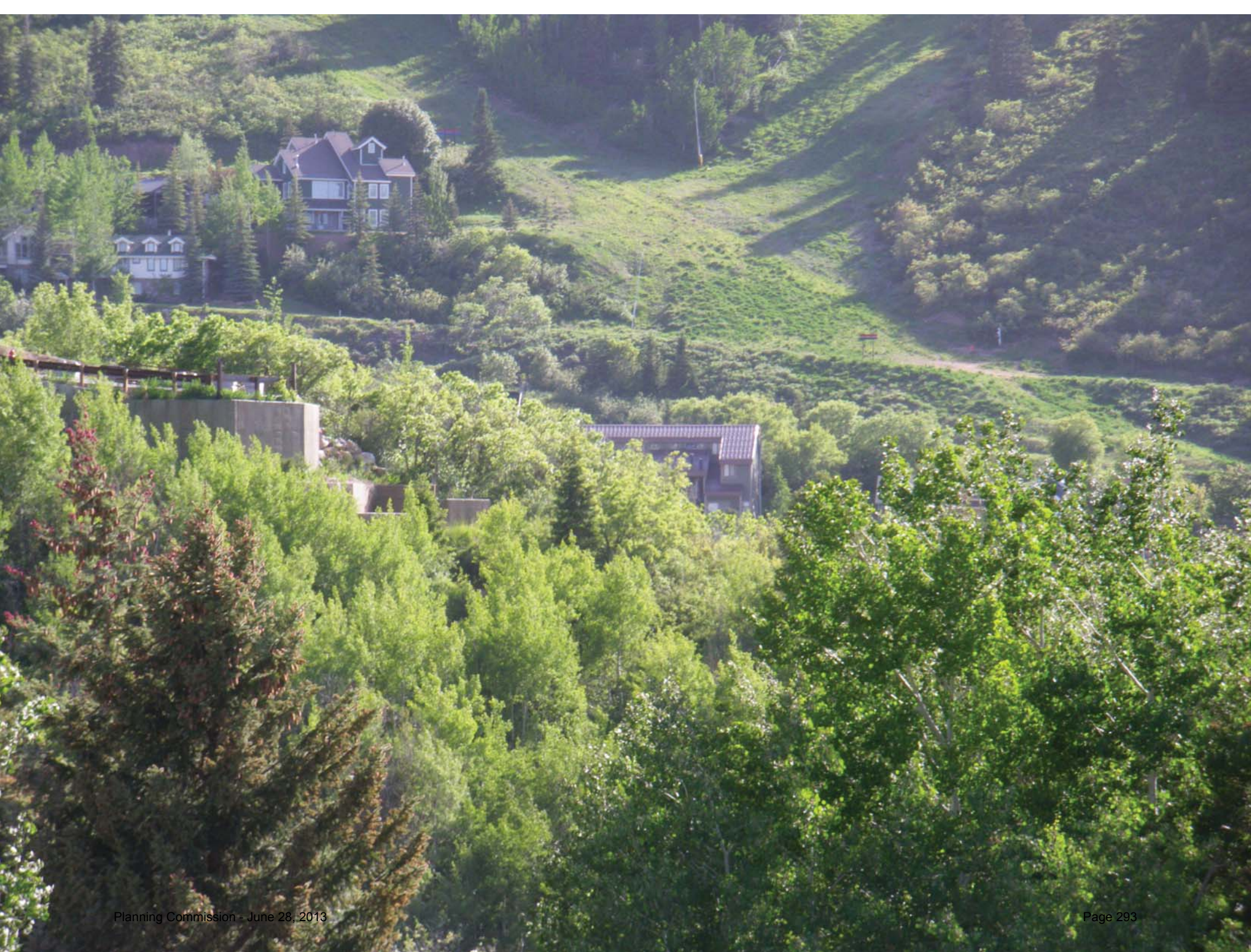
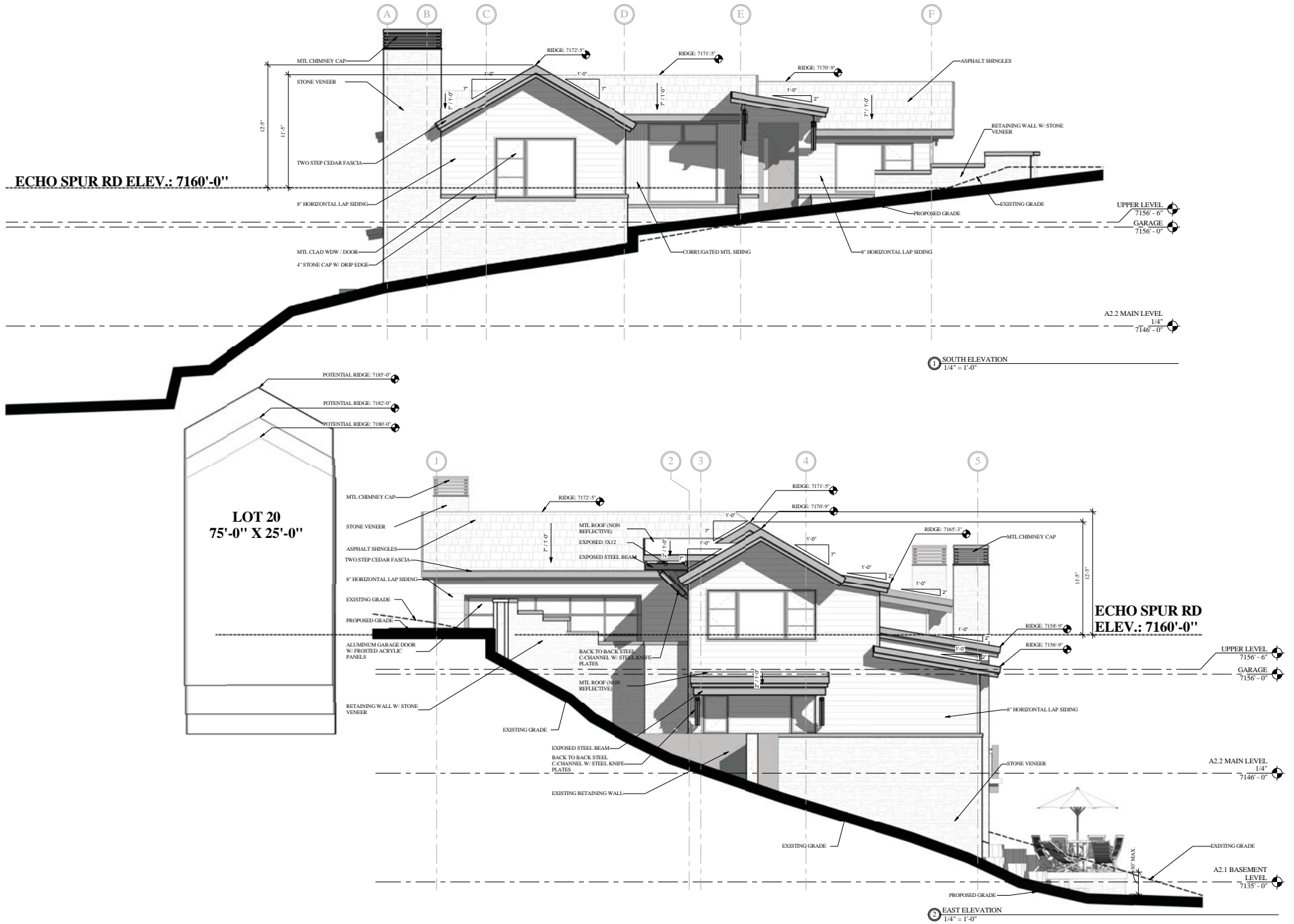


Exhibit K – Vantage Points Analysis – Across Canyon View - Attached are pictures taken by the applicant from between the two green condo buildings on Arie. The altitude was 7,150 ft. Close ups and a few with a wider view to capture the big house on the left in some of the pictures.









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ECHO SPUR
489 MCHENRY AVE. PARK CITY, UT
DESIGN ORNAMENT/TECHO SPUR
PLAT 17-19

REVISION SCHEDULE

DRAWN BY: Author
PROJECT #: 17-19
2/20/2013 1:38:12 PM
SCALE: 1/4" = 1'-0"

Exterior Elevations

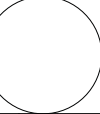
A3.1



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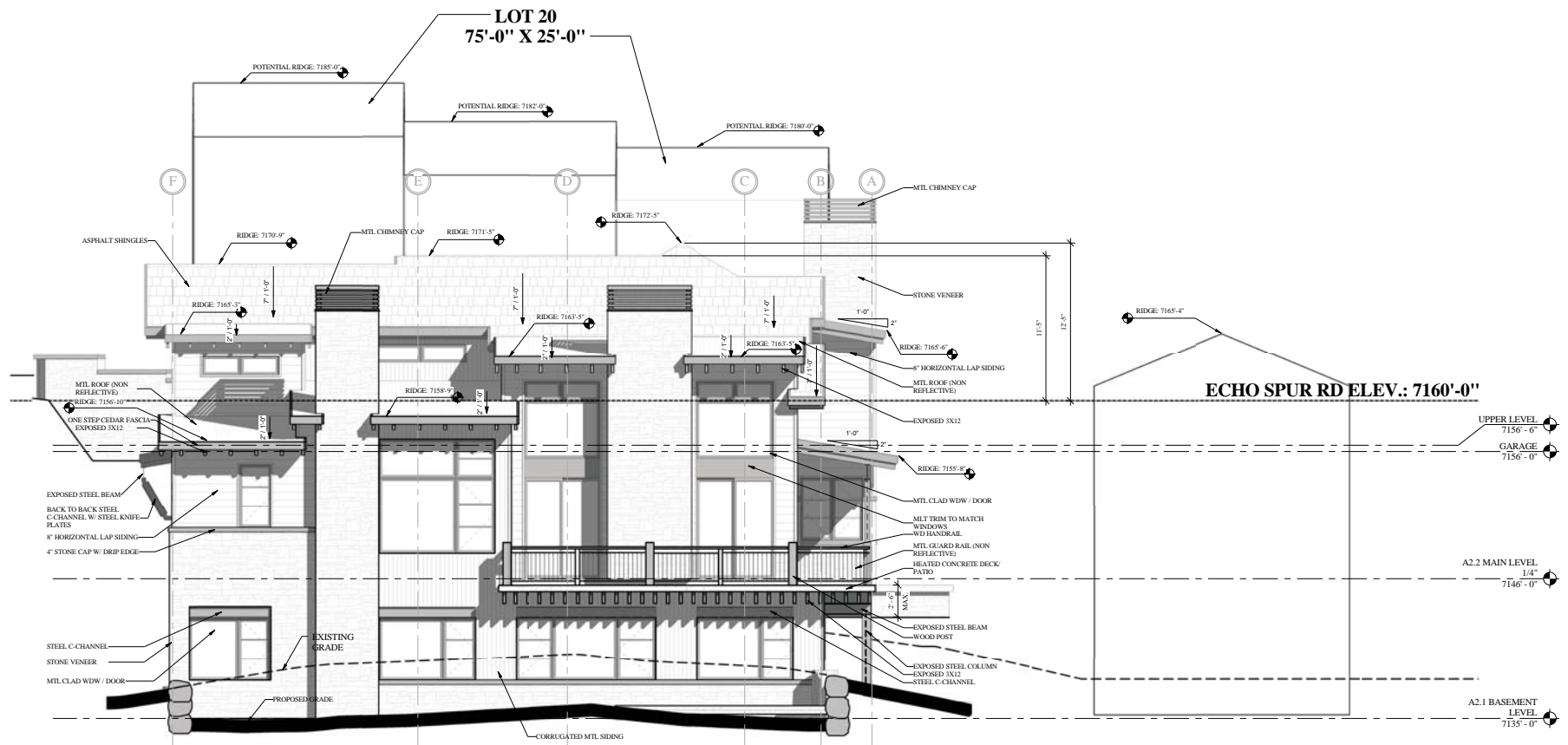


ECHO SPUR
489 MCCHERRY AVE. PARK CITY, UT
DESIGN ORNAMENTAL ARCHITECTURE
PLAT. 17-19

REVISION SCHEDULE
DRAWN BY: Author
PROJECT #: 17-19
2/20/2013 1:38:35 PM
SCALE: 1/4" = 1'-0"

EXTERIOR ELEVATIONS

A3.2



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

Planning Commission Staff Report



Subject: LMC Amendments
Author: Francisco Astorga, Planner
Date: June 26, 2013
Type of Item: Legislative – LMC Amendments
Height in the Historic Residential and the RC Districts.

Summary Recommendation

Staff recommends that the Planning Commission review the proposed amendments to the Land Management Code (LMC) for Chapter 2 as described in this report, open the public hearing, and consider forwarding a positive recommendation to the City Council to adopt the ordinance as presented in Exhibit A.

Description

Project Name: LMC Amendments – Regarding development in the HRL, HR-1, HR-2, and RC Districts
Applicant: Planning Department
Proposal: Revisions to the Land Management Code

Background

The Planning Commission originally discussed the definition of story during a work session discussion on August 22, 2012. Then during a Planning Commission work session discussion held on September 12, 2012 staff recommended reviewing the interpretation of a “story” as currently defined in the Land Management Code (LMC). During this meeting, the Commission showed concerns regarding the current Building Height parameters and how they applied to split-level concepts. It was interpreted that a three (3) story split-level per the current LMC definition of a story would qualify as multiple stories adding up to six (6). Staff introduced an additional regulation which was based on the internal height of a structure measured from the lowest floor level to the highest roof form. Planning Director Eddington indicated that the Planning Staff would work with different scenarios and come back with alternatives.

During a regular meeting dated September 26, 2012, Staff introduced amendments to the LMC to address planning and zoning issues that came up in the past year. The proposed amendments provided clarification and streamlining of processes, procedures, and definitions, etc. During this meeting the same maximum internal height measurement provision was drafted.

During the September 26, 2012 Planning Commission meeting, many items were forwarded to the City Council for review and possible adoption. Regarding Building Height measurement and story definition, the Commission continued the proposed amendments to a later date. The Planning Commission found the exhibits in the Staff report to be helpful, but expected additional information based on the discussion at the

last meeting. The Commission requested to see an exercise on a variety of un-built lots in Old Town, both downhill and uphill, that maxes out the heights using stories as an example to see what the mass and scale and height would do. The Commission requested to see an idea of “worst case” scenario. The Planning Department committed to provide a variety of examples on un-built lots, however, it was recognized that many lots do not have historic structures on them which can be demolished through an administrative building permit. The Planning Department proposed to come back with the information requested as well as other scenarios they had created for massing and volume on various slopes. The Planning Commission would be able to see how different aspects of the LMC work in each scenario depending on the slope.

During the November 28, 2012 Planning Commission meeting many other items were forwarded to the City Council for review and possible adoption including the new Building Height parameter to limit the maximum internal height of a building. Because of the amount of LMC amendments, staff was unable to deliver the prepared presentation on stories as the Planning Commission requested to continue the presentation to December 12, 2012.

On December 12, 2012 the Planning Department prepared the different scenarios and wanted to hear as much input as possible from the Planning Commission. Due to the late hour that evening, there was not enough time to sufficiently review the scenarios and give the Planning Commission the opportunity to brainstorm and provide comments. Staff briefly reviewed some of the visuals to give the Planning Commission and the public a preview of the massing scenarios.

On January 9, 2013 the Planning Department discussed with the Planning Commission specific scenarios regarding Building Height in the Historic Residential Districts (HRL, HR-1, & HR-2) through a hands-on exercise relating to **downhill** lots.

On February 13, 2013 the Planning Department discussed with the Planning Commission specific scenarios regarding Building Height in the Historic Residential Districts (HRL, HR-1, & HR-2) through a hands-on exercise relating to **uphill** lots.

These last two Planning Commission work session discussions were based on the current Building Height parameters which include the following:

- 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.

The direction received from the Planning Commission, which resulted from the many different meetings shown herein, was to replace the current requirement of a maximum of three (3) stories with an internal maximum height provision. The Planning Commission did not feel inclined to amend the other Building Height parameters such as the maximum building height of twenty-seven feet (27') measured from existing grade, the required roof pitch, etc.

In response to that direction, on May 8, 2013 the Planning Department proposed adding a new parameter to the Building Height. This parameter was to replace the maximum number of stories by adding a provision which indicated a maximum height measured from the lowest floor level to the highest roof form. The actual maximum number proposed was based on a scale factor depending on the roof pitch of said structure. See attached Planning Commission minutes, Exhibit H – Planning Commission regular meeting minutes 05.08.2013. The Planning Commission expressed concerns with how the new provision would relate to the ten foot (10') horizontal step as it was discussed that it may need to have a numeric value other than saying that it would occur on the third floor. The Commission was not comfortable forwarding a recommendation to the City Council without seeing the drafted verbiage regarding the roof pitch exception.

Public comment was also made during this time which focused on the 3-story versus internal height issue, structured with exposed foundations below the first floor, roof pitch options, different ways of controlling visual height and mass. The Planning Commission continued this item to allow staff to address the comments from the Planning Commission and the public.

The Recreation Commercial District (RC) District has specific requirements for single family dwellings and duplexes under LMC § 15-2.16-5. Subsection L & M refers to Building Height which mirrors the same language for the HRL, HR-1, and HR-2. If the Building Height is amendment for these three (3) Historic Residential Districts, this same language should also be amended in the RC District to reflect the same standard for consistency.

Building Height Analysis

Currently, the specific height of a story is not codified. The LMC defines a story 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'). After analyzing the impacts of the "split-levels" and more specifically "multiple split-levels" concept on a standard lot of record and possibly over longer lots, staff recommends adding another provision to the LMC related to Building Height. By regulating the maximum height measured from the first story floor plane to the point of the highest wall top plate that supports the ceiling joints/roof rafters, the mass, volume, and scale of the "split-level" concept can be limited so that they do not overly step up and down the hillside. Staff recommends that the Commission forward a positive recommendation to the City Council by adding the following regulation to the Building Height provisions to replace the current three (3) story maximum requirement:

~~A Structure may have a maximum of three (3) stories. A basement counts as a First Story within this zone.~~ A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. Attics that are not Habitable do not count as a Story.

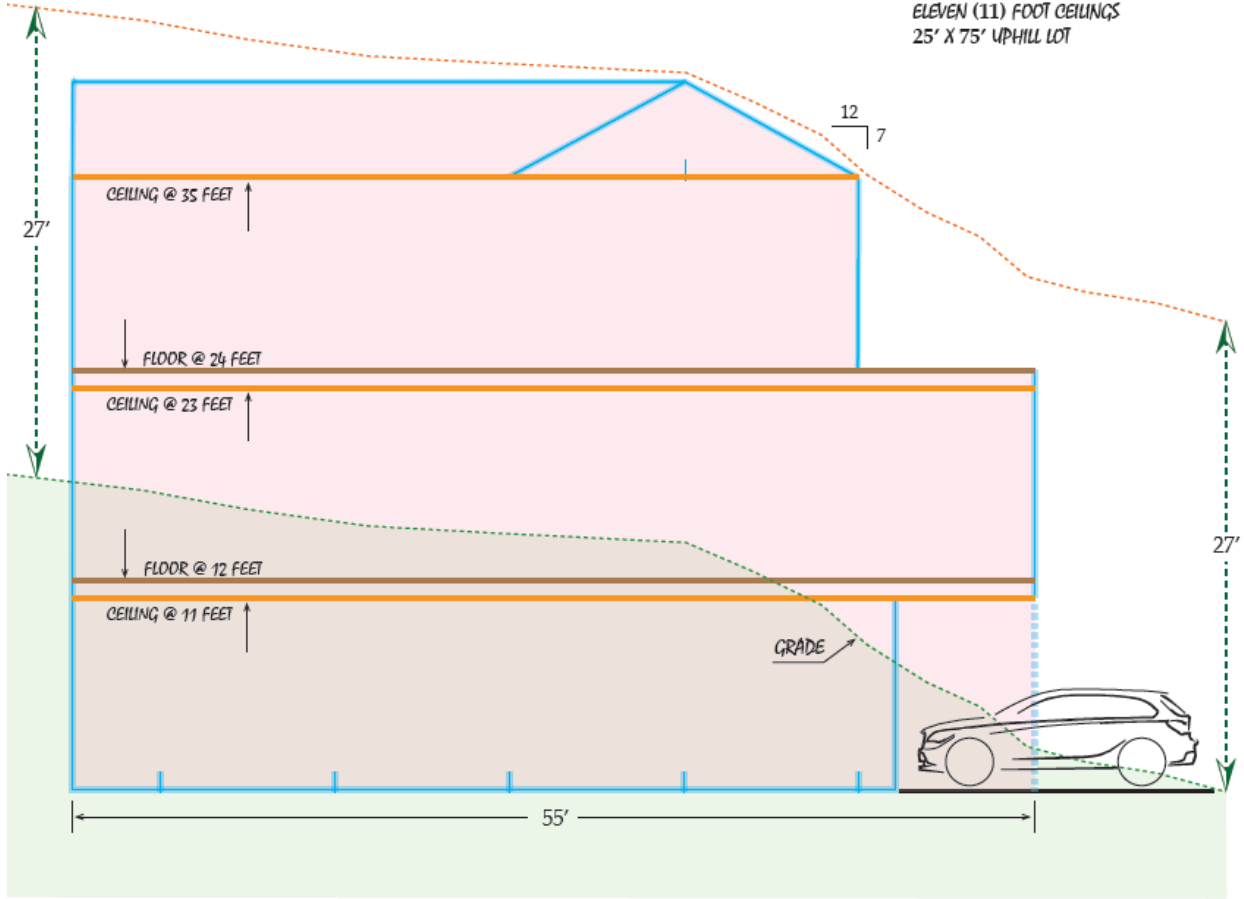
At this time the Planning Department also recommends adding clarifying language to the ten foot (10') minimum horizontal step. Staff finds that added language in red below clarifies where the horizontal step should occur. Staff has seen projects that have extended ceilings from the mid-level to the top level that technically removes the required horizontal step as this portion of the structure did not provide a third (3rd) story. The clarifying language requires that all projects that have the same massing of a three (3) story building to have such horizontal step. See language to be added:

~~A ten foot (10') minimum horizontal step in the downhill façade is required for the 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.~~ The horizontal step shall take place at a maximum height of twenty three feet (23') from where the rear elevation meets existing Grade.

Staff finds that added language in red above clarifies where the horizontal step should occur. Staff has seen projects that have extended ceilings from the mid-level to the top level that technically removes the required horizontal step. The clarifying language requires that all projects that have the same massing of a three (3) story building to have such step. The exhibit below further clarifies the step back:

ALLOWED:

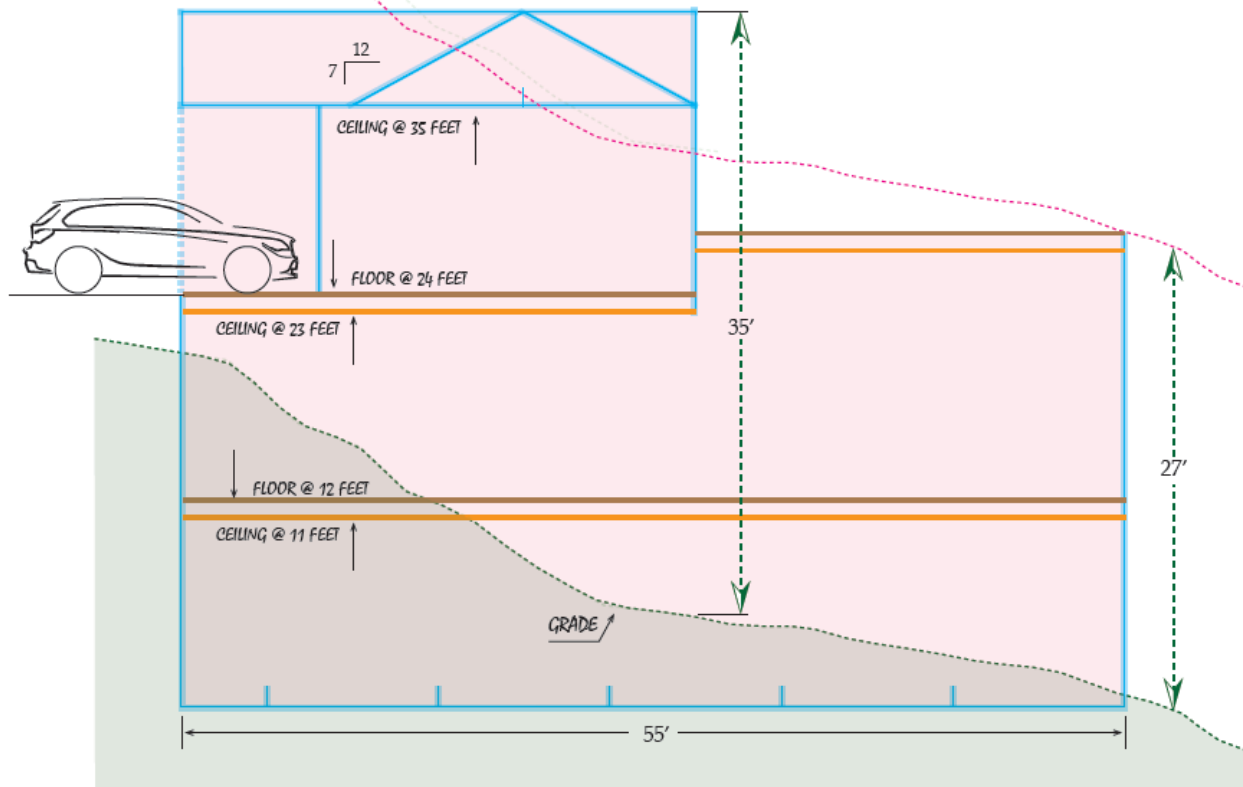
THREE (3) STORIES
THIRD STORY TEN (10) FOOT HORIZONTAL STEP
ELEVEN (11) FOOT CEILINGS
25' X 75' UPHILL LOT



Above: diagram showing uphill lot scenario

ALLOWED:

THREE (3) STORIES
THIRD STORY "TEN (10)' FOOT HORIZONTAL STEP
ELEVEN (11) FOOT CEILINGS
25' X 75' DOWNHILL LOT



Above: diagram showing downhill lot scenario

Staff finds that the roof pitch also needs to be clarified to reflect the following:

ROOF PITCH. The primary roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof, or a roof which that is not part of the primary roof design may be below the required 7:12 pitch.

(1) A Green Roof is allowed on a Structure where it will not increase the visual mass, nor create additional shade on an adjacent property when compared to the allowed 7:12 to 12:12 roof pitch on the same Structure.

The above provision clarifies the required roof pitch for green roofs as well as it adds a specific parameter of measurement which is not any additional height that what would be required for a standard Old Town roof form. The LMC defines a Green Roof as:

A roof of a Building that is covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. This does not refer to roofs which are colored green, as with green roof shingles.

This regulation allows the “split-level” concept (internally) but regulates the vertical area that can be used to accommodate such concept. These figures were derived from having three (3) stories (or levels) measuring a maximum eleven feet (11’) wall height and one foot (1’) floor joists.

During the work session discussions and regular Planning Commission meetings regarding the LMC annual review, the Planning Department also discussed adding an exception to the required roof pitch for additions to Historic Structures if they can be found in compliance with the Design Guidelines for Historic Districts and Historic Sites. Staff recommends adding the following language to the exception section of each one of the Historic Residential Districts (HRL, HR-1 & HR-2), as well as the Recreation Commercial District (RC) specifically for single family dwellings and duplexes:

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 when the proposed roof pitch is compatible with the style of architecture.

Existing Historic Structures Analysis

Staff recognizes that the three (3) Historic Residential Districts and the RC District contain the following language related to existing historic structures:

Structures that do not comply with Building Setbacks, 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 Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

[...]

Staff recommends adding language ~~that indicates~~ that includes Building Footprint and Building Height to the provision that would indicate that Historic Structures that do not comply with these additional parameters are also considered valid Non-Complying Structures. The proposed language would read as follows:

Structures that do not comply with Building Setbacks, **Building Footprint, Building Height**, 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 Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

[...]

Process

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

Notice

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

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. The public hearing for these amendments was properly and legally noticed as required by the Land Management Code. Ruth Meintsma shared public comment during the May 8, 2013 public hearing. Ms. Meintsma focused on several items found [in](#) Exhibit H.

Significant Impacts

The proposed amendments provide clarification of the Building Height and Existing Historic Structures as currently outlined in the LMC. The amendments address the mass and scale of new construction as it relates to residential development in the Historic District. Existing structures which do not conform to these regulations will be treated as non-complying Structures and regulated under LMC § 15-9-6.

Recommendation

Staff recommends that the Planning Commission review the proposed amendments to the Land Management Code (LMC) for Chapter 2 as described in this report, open the public hearing, and consider forwarding a positive recommendation to the City Council to adopt the ordinance as presented in Exhibit A.

Exhibits

- Exhibit A – Proposed Ordinance
- Exhibit B – Planning Commission work session discussion minutes 8.22.2012
- Exhibit C – Planning Commission work session discussion minutes 9.12.2012
- Exhibit D – Planning Commission regular meeting minutes 9.26.2012
- Exhibit E – Planning Commission regular meeting minutes 11.28.2012
- Exhibit F – Planning Commission work session discussion minutes 1.09.2013
- Exhibit G – Planning Commission work session discussion minutes 2.13.2013
- Exhibit H – Planning Commission regular meeting minutes 05.08.2013

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING SECTIONS 15-2.1-4, 15-2.1-5, 15-2.2-4, 15-2.2-5, 15-2.3-5, 15-2.3-6, 15-2.16-5(L), 15-2.16-5(M), & 15-2.16-6 REGARDING EXISTING HISTORIC STRUCTURES AND BUILDING HEIGHT IN THE HRL, HR-1, HR-2, & RC 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, Chapters 2.1, 2.2, and 2.3 Historic Residential Districts (HRL, HR-1, and HR-2) and Chapter 2.16 Recreation Commercial (RC) District, provide a description of requirements, provisions and procedures specific to these zoning districts that the City desires to clarify and revise. These revisions concern existing historic structures and building height; and

WHEREAS, the Planning Commission held work session discussions on August 22, 2012, September 12, 2012, January 9, 2013, and February 13, 2013 and provided input and direction during their regular meetings on September 26, 2012, November 28, 2012, and May 8, 2013 and discussed the proposed LMC amendments as outlined in this report; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on June 26, 2013, and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on _____, 2013; 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 2- Sections 15-2.1, 15-2.2, 15-2.3, and 15-2.16. The recitals above are incorporated herein as findings of fact. Chapter 15-2.1, 15-2.2, 15-2.3, and 15-2.16 of the Land Management Code of Park City are hereby amended as redlined (see Attachment 1).

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2013

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachment 1

Chapter 2.1 - Historic Residential-Low Density (HRL) District

15-2.1-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, 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 Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

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

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. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.~~ 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. The horizontal step shall take place at a maximum height of twenty three feet (23') from where the rear elevation meets existing Grade.~~

(C) **ROOF PITCH.** The primary Rroof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof, or a roof ~~which-that~~ is not part of the primary roof design may be below the required 7:12 pitch.

(1) A Green Roof is allowed on a Structure where it will not increase the visual mass, nor create additional shade on an adjacent property when compared to the allowed 7:12 to 12:12 roof pitch on the same Structure.

(D) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(2) Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.

(3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:

(a) The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.

(b) The proposed option is the only feasible option for the elevator on the Site.

(c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) **GARAGE ON DOWNHILL LOT.** The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

(5) **ROOF PITCH.** Exceptions to the minimum roof pitch requirements may be granted by the Planning Director during the Historic District Design Review approval process based on compliance with review criteria as stated in the Park City Design Guidelines for Historic Districts and Historic Sites. Such exceptions to roof pitch may be granted to allow historic roof forms for additions to Historic Structures when the proposed roof pitch is compatible with the style of architecture.

Chapter 2.2 - Historic Residential (HR-1) District

15-2.2-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid 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. All Conditional Uses shall comply with parking requirements of Chapter 15-3.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

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

15-2.2-5. BUILDING HEIGHT.

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

~~(A) — A structure may have a maximum of three (3) stories. A basement counts as a First Story within this zone. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.~~ 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. The horizontal step shall take place at a maximum height of twenty three feet (23') from where the rear elevation meets existing Grade.~~

(C) **ROOF PITCH.** The primary Rroof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof, or a roof which-that is not part of the primary roof design may be below the required 7:12 pitch.

(1) A Green Roof is allowed on a Structure where it will not increase the visual mass, nor create additional shade on an adjacent property when compared to the allowed 7:12 to 12:12 roof pitch on the same Structure.

(AD) 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 enclosed or Screened, 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 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 when the proposed roof pitch is compatible with the style of architecture.

Chapter 2.3 - Historic Residential (HR-2) District

15-2.3-5. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, 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.

(A) **EXCEPTION**. In order to achieve new construction consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings, including detached single car Garages:

- (1) Upon approval of a Conditional Use permit,
- (2) When the scale of the addition, Garage, and/or driveway location is Compatible with the historic character of the surrounding residential neighborhood and the existing Historic Structure,
- (3) When the new Construction complies with all other provisions of this Chapter, and
- (4) When the new Construction complies with the Uniform Building and Fire Codes and snow shedding and snow storage issues are mitigated.

15-2.3-6 BUILDING HEIGHT.

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

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

(A) ~~A Structure may have a maximum of three (3) stories. A basement counts as a First Story within this zone.~~ A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. Attics that are not Habitable Space do not count as a Story. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A for the extension of below Grade subterranean HCB Commercial Uses.

(B) A ten foot (10') minimum horizontal step in the downhill façade is ~~required for a third (3rd) Story of a Structure~~ unless the First Story is located completely under the finish Grade on all sides of the Structure. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A consistent with MPD requirements of Section 15-6-5(F). ~~On a Structure in which the First Story is located completely under finish Grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed. The horizontal step shall take place at a maximum height of twenty three feet (23') from where the rear elevation meets existing Grade.~~

(C) **ROOF PITCH.** ~~The primary R~~roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof, or a roof ~~which-that~~ is not part of the primary roof design may be below the required 7:12 pitch.

(1) A Green Roof is allowed on a Structure where it will not increase the visual mass, nor create additional shade on an adjacent property when compared to the allowed 7:12 to 12:12 roof pitch on the same Structure.

(D) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) An antenna, chimney, flue, vent, or similar Structure, 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 enclosed or Screened, 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 when the proposed roof pitch is compatible with the style of architecture.

Chapter 2.16 – Recreation Commercial (RC) District.

15-2.16-5. SPECIAL REQUIREMENTS FOR SINGLE FAMILY AND DUPLEX DWELLINGS.

[...]

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

(1) ~~A structure may have a maximum of three (3) stories. A basement counts as a First Story within this zone. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.~~ Attics that are not Habitable Space do not count as a Story

(2) 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 finished Grade on all sides of the Structure. ~~On a structure in which the first Story is located completely under finished Grade, a side or rear entrance into a garage which is not visible from the front façade of Street Right of Way is allowed.~~ The horizontal step shall take place at a maximum height of twenty three feet (23') from where the rear elevation meets existing Grade.

(3) Roof Pitch. The primary Rroof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof, or a roof ~~which-that~~ is not part of the primary roof ~~design~~ may be below the required 7:12 pitch.

(a) A Green Roof is allowed on a Structure where it will not increase the visual mass, nor create additional shade on an adjacent property when compared to the allowed 7:12 to 12:12 roof pitch on the same Structure.

(M) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

(1) Antennas, chimneys, flues, vents, and 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.

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(3) Elevator access. The Planning Director may allow additional height to allow for an elevator compliant with the American Disability Acts 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 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 when the proposed roof pitch is compatible with the style of architecture.

15-2.16-6. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with [Building Footprint](#), [Building Height](#), Building Setbacks, 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. All Conditional Uses shall comply with parking requirements of Section 15-3 of this Code.

(A) EXCEPTION. In order to achieve new construction consistent with the Design Guidelines for Historic Districts and Sites, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings upon:

- (1) Upon approval of a Conditional Use Permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,

(3) When the addition complies with all other provisions of this Chapter, and

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(4) When the addition complies with the International Building and Fire Codes

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

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

WORK SESSION ITEMS

Land Management Code Amendments – General Discussion

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Work Session was adjourned.

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

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

WORK SESSION ITEMS

Land Management Code – Discussion of Story & Height

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

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

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

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

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

Planner Astorga read the definition of a story per the current Land Management Code. "The vertical measurement between floors taken from finish floor to finish floor. For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall pate for the roof structure." Planner Astorga stated that the Staff has recently received several applications on downhill lots, where different architects have introduced a split level concept. He requested that the Planning Commission discuss split level this evening.

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

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

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

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

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

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

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

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

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

Director Eddington clarified that the Staff had not considered completely removing the three-story issue. They had talked about giving better definition and parameters to a mezzanine or a split level. Commissioner Thomas thought they needed to think of the effects of half-story. Under the current definition, some of the cross sections are six stories. He felt the definition was too restrictive.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Work Session was adjourned.

Exhibit D

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September 26, 2012
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changes would not permit that. The reason for a master planned development does not match the construction of one building in one zone on one lot. He was unsure what changes were being proposed, but he hoped they could prevent that from occurring.

Coleen Webb an owner in the Town Lift condos stated that her building is next to the Kimball Arts Center. She is a part-time resident in Park City and it is difficult to always attend meetings when a subject of interest is being discussed. She tries to attend as often as she can. Ms. Webb stated that she would not be in town on October 24th. She is on the Board of the Town Lift Condominiums HOA. Last week the Board members and residents met with Robin and others from the Kimball Arts Center to express their concerns and the impacts that would be created for the residents living next to the Kimball Arts Center, and what an expansion under an MPD would do to their property. Ms. Webb also had concerns with how a project that size would affect the look and feel of Old Town if the MPD goes through. Ms. Webb was comforted when she saw the concern the Planning Commission had for the neighbors when discussing the Stein Eriksen project and the Richards annexation. As a neighbor to the Kimball and a resident of Old Town, she hoped the Planning Commission continues to be that detailed and that interested in what the change of allowing an MPD could do on Main Street. It is more than a white fence or one house in your face impact. It impacts the Historic District and those who live there and abide by the 84 page guidelines of the Historic Preservation Board. Ms. Webb was not opposed to amending the LMC to make them better over time, but it is important to understand the circumstances as to why they were put in place to protect the Historic District. Ms. Webb stated that everyone respects the Kimball and the HOA and owners want the Kimball Arts Center to expand. They would like the property improved and the programs expanded. They have been great neighbors and have worked together many times with the Kimball Arts Center; but the issues that an MPD would allow has caused them great concern. She asked the Planning Commission to consider the impacts that would be created by allowing MPDs in a community that is so dedicated to keeping the District historic. Changing the LMC for a one-time project would hurt what the rest have tried to maintain and the rules they have lived by in Old Town.

Chair Worel closed the public hearing.

Commissioner Hontz thought the Planning Commission should discuss some of the issues in the Chapters that would be continued to give the Staff direction for the next meeting.

Building Height Measurement and Story Definition

Commissioner Hontz found the exhibits in the Staff report to be helpful, but she had expected additional information based on the discussion at the last meeting. She wanted to see an exercise on a variety of unbuilt lots in Old Town, both downhill and uphill, that maxes out the heights using stories as an example to see what the mass and scale and height would do. She wanted an idea of worst case scenario. Commissioner Hontz remarked that they look at the existing built environment in analyzing the definition and the application. They overlook what type of development could occur on the existing vacant lots. She recalled a recent application where the applicant was asked to do that exercise and he was unable to show that he could build a house on the lot. Commissioner Hontz pointed out that based on the proposed language a house could not be built on a 40% slope.

She believed the analysis was important to make sure they would not make all the vacant lots in Old Town undevelopable.

Planner Francisco Astorga stated that the Staff could provide the variety of examples on unbuilt lots. However, there are a number of lots that are not listed as Landmark or Significant status, and could potentially be demolished and rebuilt. Planner Astorga proposed to come back with the information requested as well as other scenarios he had created for massing and volume on various slopes. He believed they could create specific worst case scenarios. Director Eddington thought that the Planning Commission would be able to see how different aspects of the Code work in each scenario depending on the location of the slope.

MOTION: Commissioner Hontz moved to CONTINUE the LMC amendments for Chapter 2-Zoning Districts; Chapter 6-MPDs; Chapter 7-Subdivisions; and Chapter 15-Definitions as identified in the Staff report to October 24, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission discussed the remaining LMC amendments outlined in the Staff report.

Amendment to require a building permit for driveways, parking areas, patios and other non-bearing construction that create impervious areas.

Planner Whetstone noted that the Planning Commission discussed this change at the last meeting. The Staff had recommended a building permit for all flat work in all zones. Requiring a building permit would ensure that all LMC requirements are met. Currently a building permit is not required and it is difficult to know when flat work is being done and whether it meets the requirements.

City Engineer, Matt Cassel, stated that the amendment allows the City to be proactive on an issue they have struggled with for years. When someone calls to ask if his neighbor has a permit for a patio or driveway, they have to inform that person that a permit was not required. The City then has to follow up to make sure the work was done within the requirements and many times they find Code violations. The intent is to communicate with people before work is started. He used 170 Daly Avenue as an example. They were fortunate enough to catch it before the driveway was poured; otherwise, the owner would have a new driveway that accessed at the intersection. Mr. Cassel explained that it would be a simple permitting process. The owner would be required to pay a minimal fee and have their plans reviewed for Code compliance before starting any work.

Chief Building Official, Chad Root, stated that another factor is to provide guidance for the homeowners who do the work themselves in an effort to reduce the number of neighbor issues. If a permit is required City-wide, the City has control over types of materials, size, and encroachment issues. Mr. Root pointed out that most jurisdictions outside of Utah regulate all flatwork and driveway work. Utah has a State Adopted Code that adopts the minimum standards, and the minimum standards cannot be exceeded. The proposed LMC amendment would provide a mechanism around the provision in the State Building Code and allow the ability to regulate driveways and flatwork in Park City.

Exhibit E

Planning Commission Meeting
November 28, 2012
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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

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
JANUARY 9, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Jack Thomas, Mick Savage, Adam Strachan, Charlie Wintzer, Thomas Eddington, Kirsten Whetstone, Francisco Astorga, Matt Cassel, Polly Samuels McLean

WORK SESSION ITEMS

Land Management Code – Discussion of height/story in Chapter 2 and 15

Commissioner Wintzer provided a topo map of Old Town showing every ridge. He requested that the Staff use the map to prepare for a future discussion regarding ridges.

Planner Astorga remarked that the objective this evening was to make sure the Staff and the Planning Commission were correctly interpreting building height in the Historic Residential Districts; the HR-1, HR-2 and the HRL. He noted that some of the Commissioners have been on the Planning Commission long enough to understand heights in Old Town; while others have only been on the Planning Commission a short time. The Staff believed this work session would be a good exercise for everyone.

Planner Astorga explained that the Staff chose scenarios of different slopes starting at 15%, 30%, 45% and 60% for uphill and downhill lots. The structures were designed to the highest maximums allowed by Code in terms of height and footprint and the setbacks were minimized to create the worst case scenario. Planner Astorga wanted this exercise to be a true discussion and he wanted the Commissioners to ask questions and critique the individual scenarios.

Planner Astorga reviewed the LMC Height Restrictions as outlined in the Staff report. The allowed height is 27-foot maximum from existing grade. Final grade shall be within four-feet of the existing grade around the periphery. A structure may have a maximum of three stories. A ten-foot minimum horizontal setback is required. The roof pitch must be between 7:12 and 12:12. The downhill lot has an exception for the tandem garage. Planner Astorga recalled previous discussions regarding exceptions to roof pitch; however, until that was adopted he preferred to focus on the existing Code.

Commissioner Savage asked for clarification on how existing grade is defined. Planner Astorga replied that existing grade is the existing topography. Commissioner Savage wanted to know how they could be certain that the grade was not changed. Commissioner Thomas explained that the topo is examined at the beginning of the project and the grade is examined at the end of the project. The Building Department should be able to confirm whether the grade has been manipulated. Commissioner Hontz thought Commissioner Savage made a good point because there are situations where the previous owner changed the grade of the site. She recalled a project where Planner Astorga realized that the grade had been change and suggested that the Planning Commission add a condition that the structure should be built from the previous existing grade and not the current existing grade. Commissioner Hontz stated that if someone moves the dirt now and calls it existing grade ten years later, they would probably get away with it. Commissioner Thomas pointed out that it is supposed to be natural existing grade.

Commissioner Savage asked if there was a way to make a definite determination on grade. Commissioner Thomas replied that if there is an interpolation to be made between the existing grade and the natural grade, the Planning Director has the purview to make that decision. Planner Astorga recalled that when the Code was amended in 2009, a specific definition of existing grade was added. Planning Director stated that existing grade is defined as the grade of a property prior to any proposed development or construction and activity. Therefore, it is the grade prior to any altering of the site. Commissioner Savage pointed out that the language states, "prior to any proposed" altering of the site. Commissioner Hontz agreed. She may not be proposing to do anything, but that would not keep her from moving dirt on the site. Commissioner Savage thought it was important to find a way to tighten the definition with respect to interpolation of some extension of natural topological grade.

Director Eddington explained that the Staff visits the site and assesses the grade. If the existing grade appears to be different than what is shown on the topo, the Staff assesses the natural grade which, by definition, is "The grade of the surface of the land prior to any development activity or any other manmade disturbance or grading. The Planning Department shall estimate the natural grade not readily apparent by reference".

Commissioner Savage was satisfied that the existing definition addressed his concern. Commissioner Thomas remarked that grade is a game that had been played and he expected it to continue.

Planner Astorga reviewed the first scenario, Scenario A, on a downhill lot. A blue line represented the property lines. The lot is 75' in length. The first scenario had the requirement of one exterior and one interior parking space. He noted that the property could be designed with two interior parking spaces. The structure was three stories. In this particular scenario the lot was accessed from the left-hand side. Planner Astorga reminded the Commissioners that these examples were worst case scenarios. Based on the access in this scenario, the front yard setback increased from 10-feet to 18-feet because of the minimum standard of the parking pad. He indicated the 10' setback on the downhill façade. This scenario was drafted at a 15% grade and it would not require a review by the Planning Commission because it does not reach the 30% or greater requirement. The project could be three stories, meet the 10-foot setback and still meet the height requirement. Planner Astorga pointed to the line indicating existing grade. Two other redlines showed 4' up or down from grade. This scenario had a one-car garage. The second required parking space was outside.

Commissioner Strachan noted that the basement was almost totally submerged, and he asked how low it could go. Planner Astorga replied that the basement could be completely submerged. Director Eddington referred to the heavy red line indicating existing natural grade, and noted that it could go 4' down from there and expose more light in the basement. Commissioner Strachan pointed out that someone could also make the floor 25' feet high and dig down further. It would provide very little light but they might not care. If someone wanted to excavate more dirt to increase the square footage of the overall home, they could do that. Commissioner Thomas commented on the ramifications that would occur with over-excavation. He questioned whether it was unrealistic to define a basement depth. Commissioner Wintzer thought the control would be shoring engineering to address the issue of digging a large hole three feet away from the neighbor.

Commissioner Strachan remarked that larger basements have been the trend in more recent applications and the amount of excavation continues to grow. Because the lots are so steep, the portion that daylights gets bigger with the slope and results in significantly more excavation in the back. He understood that the LMC states that the effects of excavation must be mitigated, but he believed it was a very loose standard.

Commissioner Thomas was unsure about placing a restriction on the depth of the lowest level. Commissioner Hontz suggested that they continue with the presentation before discussing specific restrictions, since the other scenarios may help provide the answers.

Planner Astorga presented the second scenario, Scenario B, which was also a 15% slope. The difference between this scenario and the previous scenario is that scenario two has two interior parking spaces. The setback was only 10' feet from the front. Planner Astorga noted that in the second scenario, the third floor was completely buried. The Code indicates that window wells could be approved, however, the setbacks must be at least 5' and the window wells could encroach 4' onto the side yard setback. Planner Astorga stated that some of the basement space could be used for mechanical equipment, but he did not believe anyone would use an entire floor for that purpose.

Commissioner Strachan asked why there was not a 10-foot stepback. Planner Astorga replied that the basement was buried completely. The stepback is only required for the third floor above grade.

Planner Astorga presented the third scenario, Scenario C. It was still a 15% slope, however, the difference between the first two scenarios and the next two was that the building would go down the slope. In scenarios one and two the driveway went up 14% positive grade. In the next two scenarios, the driveway goes down 14% negative grade. Planner Astorga noted that the roof pitches in all the scenarios were designed at 7:12 pitch, to again create the worst case scenario.

Commissioner Savage commented on the tendency towards thinking that taking a structure to the maximum allowed by Code is negative. He did not believe the end result was always negative, and sometimes it could be positive. Commissioner Savage stated that maximum utilization of a lot is within the rights of the applicant, and the Planning Commission should not consider that to be a negative independent of subsequent analysis.

Planner Astorga reviewed the scenario, which showed one interior and exterior parking space. Because the grade goes down 14%, the vehicle is stored on the main floor. Due to stepbacks and the roof pitch, the third story is smaller than in the first two scenarios, which affects overall square footage. Planner Astorga stated that the floor area in this structure was 2100 square feet. The floor area in the first scenario was 2400 square feet, and 2500 square feet in the second scenario. He noted that the third scenario would have a walkout level on the lower basement.

Commissioner Thomas noted that most cars are fairly long and the larger vehicles can exceed 18' long. He pointed out that the bumper on larger vehicles touch the front of the house on one end and the property line at the other end. He was not in favor of adding to the front yard setback, but there is a challenge with larger vehicles. Director Eddington stated that if someone has that large of

a vehicle, they would probably reduce the square footage of the house to make the garage larger. Commissioner Hontz remarked that instead of reducing the house size, people build the minimum size garage and park on the street. Either that or they park one car in the garage but leave the door open because the vehicle extends out, and then park their other cars in the street. Commissioner Hontz believed that the standards were not working and there were many questions on how to resolve the garage issue.

Commissioner Savage asked who was responsible for making decisions regarding parking and parking density on the streets. Director Eddington replied that Public Works handles parking issues. Since this was an issue with respect to car length, Commissioner Savage thought it would be appropriate to have Public Works look at a regulation that would prohibit cars greater than a certain length from parking in the driveway unless the driveway is a certain length. Commissioner Thomas pointed out that such a regulation would create an enforcement issue. Commissioner Hontz noted that enforcement is contracted out; therefore, Public Works would not be the enforcers. She believed it was a larger problem than just trying to solve it on paper. Commissioner Hontz thought they needed to look at places with 14% uphill and 14% downhill. She could not think of too many with 14% uphill; and the downhill ones were disasters.

Commissioner Wintzer indicated the potential for a green roof in one area, and noted that it could create living space per the Code. In that situation, the green roof was an issue of increasing square footage, not being compatible with the house. Commissioner Thomas stated that in Park Meadows, for a flat roof less than 4:12, the maximum height is reduced from 33' to 28'. Director Eddington replied that the rule did not apply in Old Town. Commissioner Thomas thought it might be worth considering that for Old Town. If they could encourage green roofs and reduce the heights, the visual impact of the volumetric would be overwhelming. If they allow flat roofs they should have a reduced height below 27'. Commissioner Wintzer thought the green roof issue in Old Town should be revisited because allowing green roofs was passed without any input from the Planning Commission. The language basically allows green roofs in Park City without consideration for compatibility with historic structures or other related issues. Commissioner Wintzer agreed that flat roofs were better in Park City's climate than pitched roofs, but he thought the green roof scenario should be revisited for Old Town.

Planner Astorga reviewed scenario four, Scenario D, which was still at 15% grade. This scenario had two interior parking spaces. The basement was exposed with a rear walkout. The garage was tandem. The house size was 2050 square feet, which was slightly decreased from the previous scenario at 2100 square feet.

Planner Astorga presented scenario five, Scenario E, which was on 30% grade and would require Planning Commission review. It was a downhill scenario because at 30% there was no way to go up. The driveway was 14% grade with one exterior and one interior parking space. The lower level had a rear walkout. Planner Astorga noted that the lot would meet the height requirement and the 10' foot stepback would become 20 feet. The house size at 2200 square feet was slightly larger than some of the 15% grade lots.

Planner Astorga noted that the black lines in all the scenarios indicated the story. The stories in all the scenarios were designed at 10' each.

The sixth scenario, Scenario F, was also 30% grade. There were two interior cars. This scenario breaks the maximum height of 27'; however, the Code states that for a two-car garage in tandem configuration, a height of 35' would be allowed. This scenario would meet the Code.

Commissioner Thomas asked for the allowed length of a tandem garage. Planner Astorga replied that the Staff capped the length at 37 feet. The Code does not indicate the length of a two-car garage in tandem configuration. It only specifies that the garage must be 11' x 20' for a single car and 20' x 20' for a double car garage not in tandem. Commissioner Strachan asked if the garage could be larger than 400 square feet but not smaller. Planner Astorga replied that it could be larger. The 400 square feet is the standard used for allowances. Commissioner Thomas pointed out that the impact of having a tandem garage on a downhill lot over 30% was dramatic. He has a tandem garage on his home and it is less than 32 feet long. He parks two smaller cars in tandem and the larger car on the other side. Commissioner Thomas believed it was realistic to have an 18' car on one side and a 13' car on the other side, parked 16" apart. He expressed concerns about designing to the maximum and suggested that they design for the minimum.

Planner Astorga stated that for consistency with the LMC, the Staff decided to cap the garage length at 37' to achieve a 400 square foot garage. Commissioner Thomas stated that a 400 square foot garage could still be accomplished with a 34' length. Director Eddington stated that the downside of a shorter garage is the inability to park two larger cars, which puts one on the street. Another downside is lack of space to store skis.

Commissioner Hontz remarked that a current problem in Old Town is that people were not using their tandem garages. Rather than focusing on the dimensions of the garage, a better idea might be to have the square footage of the garage count against the overall square footage of the house. If someone wants a larger garage it would reduce the size of their house. Commissioner Thomas stated that his concern was the visual impact of the overall mass. Commissioner Hontz was not opposed to having tandem garages as an option, but they continue to see repercussions resulting from tandem garages. To address Commissioner Thomas' concern, Commissioner Hontz suggested resolving the problem from a height standpoint rather than square footage. Commissioner Thomas asked if the Code currently has a depth limit for tandem garages. Director Eddington replied that the Code did not specify a depth limit; however, the depth would be defined and limited by the 35' foot height limitation. Commissioner Thomas agreed with Commissioner Hontz's suggestion to stay within the height limitation and not allow height exceptions for tandem garages.

The Commissioners discussed flat roofs on tandem garages. Commissioner Savage asked what advantage that would be for Park City. Commissioner Thomas replied that aesthetically it demasses the volumetrics and it allows the second space in the garage to get a car off the street.

Planner Astorga offered to consider their suggestions to see what would work. He asked if the Commissioners would be more comfortable if the height exception was closer to 32' rather than 35'. Commissioner Savage preferred to leave it alone. Commissioner Thomas outlined the worst that could be done on the premise of a worst case scenario. Director Eddington pointed out that the depth of the garage could not exceed the minimum depth for an internal parking space within the Code, which is 40 feet.

Commissioner Hontz pointed out that Scenario F was on a 30% grade and would require a Steep Slope CUP. She clarified that the Planning Commission currently has the ability under the Steep Slope CUP to deny a height exception. The purpose of this discussion was to codify certain requirements so applicants would know upfront that a height exception would not be granted.

Commissioner Savage understood that the height exception was in place to encourage tandem parking, but now they were concerned that people would use the tandem garage for storage and not cars. Commissioner Strachan stated that whether the garage is used for storage or cars, it would still have the visual impact Commissioner Thomas had mentioned.

Planner Astorga presented the seventh scenario, Scenario G, which was on a 45% grade. He noted that development on steeper slopes was unusual, but it does occur and it was worth the discussion. This scenario was allowed one exterior and one interior parking space. The garage was 11'x 20' and it would meet the exception. The only issue was the 10' setback at the end of the structure. A portion of the house would have to be shaved, otherwise it would be on stilts. Planner Astorga noted that the structure could not accommodate any type of walkout because it would not meet the 4-foot grade provision. Commissioner Gross pointed out that they could build a deck to level it out.

Commissioner Strachan wanted to know why living space could not be stilted. Commissioner Hontz stated that it would violate the 4-foot return to grade requirement. Commissioner Thomas did not believe the Code addressed stilt houses. Planner Astorga believed it was a question for the Historic District Design Review analysis.

Director Eddington noted that a deck could not exceed the setback because it would exceed 30" above final grade. Planner Astorga pointed out that a workable deck in this scenario would require a very creative solution. Commissioner Thomas thought this scenario demonstrated that the steeper the slope, the more difficult it was to build a house. Commissioner Strachan agreed, however, he used the drawing to show how the livable space could be increased. In his opinion, a deck is usable space, even if it is not technically considered livable space. The Commissioners discussed additional issues related to building on the steepest slopes. Commissioner Hontz believed the Code was written on the idea of 15-30% slopes. Planner Astorga noted that steeper slopes push the designers to move forward on a split level. Commissioner Thomas stated that the discussion had focused on stepping the exterior of the facade and the massing of the building. However, in terms of impact to the community and over-excavating the site, he wondered whether they should begin thinking about stepping the foundation to create a reasonable depth and maximum excavation requirement.

Commissioner Hontz referred to scenarios on extremely steep slopes and asked what happens when the driveway exceeds 14%. The average slope may be 45% or 60%, but the initial portion of the slope is 80% or 100% and a 14% driveway could not be reached within the setbacks. Commissioner Gross assumed that the percentage was calculated from the edge of the right-of-way to the building envelope. Planner Astorga stated that in his analysis he found that one thing affected another thing in the Code. In his experience, nothing could be built on a slope greater than 30% without a variance. However, Park City is different because of its historic character and

topography and someone could apply for a variance. The 14% grade is a standard in the LMC, which the Board of Adjustment has the ability to override with appropriate findings. Commissioner Hontz pointed out that someone could ask for that variance or a six or four foot front yard setback variance. Commissioner Wintzer stated that a variance request typically goes to hardship. In most cases, the hardship is that the person could not build as large they would like. In his opinion, that hardship could be mitigated by building a smaller house and shifting it on the lot; however, the Board of Adjustment does not take that fact into consideration when reviewing the variance request. Commissioner Wintzer did not believe hardship was valid in those cases.

Commissioner Savage asked how often hardship cases go before the Board of Adjustment and how often they get approved. He questioned whether the Board of Adjustment would actually grant a variance if the only hardship was the inability to build a larger home. Commissioner Strachan pointed out that most people do not give home size as the hardship. Instead, they make the case that their lot is difficult to build on.

Commissioner Thomas asked if a tandem garage could be done on a very steep uphill lot. Director Eddington stated that it would exceed the 35 feet before the second car, and there is no exception on an uphill lot. Commissioner Thomas clarified that he was talking about the impact to grade below ground. He asked them to imagine an uphill lot with a tandem garage on a 100% slope. If the garage depth is 35 feet, there would be a 35' retaining wall on the backsides of that garage, which creates a significant impact. He thought consideration should be given to discouraging tandem garages on super steep slopes. Director Eddington asked if someone should be allowed to put a theater room underground if they chose not do a tandem garage. Commissioner Strachan felt the problem was the requirement for two parking spaces. If the lot is steep enough, it would be impossible to have two cars on site. He stated that one option would be to combine two or three 25' x 75' lots so they could access the driveway on an angle. He believed the issue was how deep to excavate and whether they could step back the problem, similar to stepping back the height problem.

Planner Astorga presented Scenario H, which was at 45% grade and two interior parking spaces. The driveway was 14%. This scenario would require an exception. Mandatory increased setbacks were placed on the rear because of the grade provision. Planner Astorga believed they would most likely see a split level with this scenario.

Commissioner Strachan asked why they were looking at the exceptions assumed. Planner Astorga replied that it was due to the requirement for two interior spaces. Commissioner Thomas clarified that there was an exception in the Code that allows the Staff to make the ratio determination. Commissioner Gross pointed out that they could also apply the green roof scenario that was discussed earlier. Planner Astorga recalled from the Code that a garage in tandem configuration could be as much as 35-feet. Commissioner Strachan stated that going to 35-feet would require an exception. It is not entitled. Planner Astorga read from the Code, "The Planning Director may allow additional height on a downhill lot to accommodate a single-car garage in tandem configuration." Commissioner Thomas pointed out that the tandem configuration could still be achieved by going to a green roof for the other segment and stay within 27-feet. Commissioner Wintzer stated that if half of the roof was a green roof, he was unsure how that could be considered historically compatible. Commissioner Thomas believed that should be a separate discussion. Planner Astorga stated that the Staff was in the process of drafting specific language for the LMC as an

exception to the 7:12, 12:12 provision, if it complies with the guidelines and is granted by the Planning Director. The Commissioners discussed possible alternatives for meeting the requirements in Scenario H without an exception.

Commissioner Thomas recalled that the 7:12, 12:12 provision was established in an effort to find compatibility with the historic character of Old Town. Before the Code change people were flattening out the roof and making the volumetric as large as possible. If they decide to allow green roofs, they need to think it through and define the specifics.

Planner Astorga reviewed Scenarios I and J together. Both were on 60% grade. Scenario I has one exterior parking space, and Scenario J has two interior parking spaces. Planner Astorga noted that there were major issues with variances in both scenarios. If such a lot existed with 60% grade, it would again make sense to try and do a split level concept.

Commissioner Hontz pointed out that in addition to not meeting the height due to the garage, it also would not meet Code because the driveway could not be returned to within 4-feet of natural grade. The bottom two floors would also have to be on stilts. Scenarios I and J could not be built based on all three reasons.

Planner Astorga had prepared another packet of scenarios on uphill lots that he would present at a work session on February 13th.

**496 McHenry Avenue, McHenry Subdivision Replat – Plat Amendment.
(Application #PL-12-01717)**

Due to a conflict, Commissioner Thomas recused himself from this discussion and left the room.

Planner Astorga reviewed the application for the proposed McHenry subdivision replat. Sean Kelleher was the property owner. Planner Astorga reported that Mr. Kelleher owns approximately 12 lots of record. Three do not meet the minimum lot size; therefore, the lot lines would need to be shifted for development.

Planner Astorga reported that the current plan is to construct seven single-family houses that would be accessed from an underground, shared parking garage. The Staff report outlined specific points for discussion, and Planner Astorga requested that the Planning Commission provide direction to the Staff and the applicant on how to proceed. As part of the discussion, the Staff report also included the minutes from the December 12th meeting, at which time the Planning Commission held a site visit and a work session discussion on the three lots down the street from Mr. Kelleher's property.

Mr. Kelleher provided a power point presentation reviewing the history and background of the property. He has been in the periphery of Rossi Hill for a long time, but he has never come before the Planning Commission. Mr. Kelleher stated that when he first became involved with the property in 2006, he was a tenant in common with Mr. Bilbrey, a former owner. Mr. Bilbrey retained all the development rights for the property and Mr. Kelleher was the traditional silent partner. Mr. Kelleher remarked that his only involvement regarding plat applications that came forth since 2007 was to sign the plat as a co-owner of the property. All discussions and decisions made on the property

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
February 13, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage, Adam Strachan, Jack Thomas, Thomas Eddington, Katie Cattan, Kirsten Whetstone, Francisco Astorga, Polly Samuels McLean

WORK SESSION ITEMS

Land Management Code – Discussion of height/story in Chapters 2 and Chapter 15.

On January 9, 2013 the Planning Commission discussed a number of scenarios prepared by the Staff that could occur on downhill lots. The Commissioners would review scenarios for uphill lots for discussion this evening. Planner Astorga had prepared specific scenarios for 50%, 30%, 45% and 60% slopes. He wanted to make sure the Staff and Commissioners had the same understanding regarding the current Land Management Code height provisions in the HR-1, HR-2 and HR-L zones.

Planner Astorga noted that the blue lines on the drawings in the packet represented the property lines on 75' lots. The red line on the bottom represented the grade. The bold red line was the existing regulation that indicates that the final grade shall be within four feet of existing grade on the periphery of each structure. The red line on top was the maximum height, which was capped at 27'. Planner Astorga noted that the Staff had designed what they considered to be worst case scenarios.

Planner Astorga presented Scenario A at 15% grade. The scenario has one exterior and one interior parking space, which pushed the front yard setback to 18 feet; the minimum area required for the exterior parking. This scenario has a mid-level access and a top level rear walk-out. It would be impossible to have a walk-out on the mid-level because it would not be within four feet of existing grade. Director Eddington pointed out that there could be windows on the mid-level. Planner Astorga agreed, noting that there could also be window wells on the basement level. Commissioner Gross asked about cathedral windows. Planner Astorga replied that cathedral windows would be allowed as long as they comply with the Historic District Design Guidelines. It would be challenging but good designers could make it work. The driveway in this first scenario was the 14% maximum.

Commissioner Thomas pointed out that if the driveway is 14% off the edge of the road and there is no transition, you would hit your bumper before you started driving up the hill. He suggested that practical and logical may be less than 14%.

Planner Astorga noted that Scenario A did not include the 10-foot stepback on the front because the basement is completely buried and stepback is not required. Commissioner Strachan asked if the stepback would be required if the basement was not completely

buried and was within four feet of existing grade. Planner Astorga answered yes because a portion of the basement would be exposed.

Planner Astorga presented Scenario B at 15% grade with two interior parking spaces. The driveway is 14%. The house is slightly larger than Scenario A. Commissioner Savage asked why the front distance in Scenario B was shorter than in Scenario A. Commissioner Gross assumed it was because Scenario B had two interior parking spaces and Scenario A parks one car outside. Planner Astorga replied that this was correct.

The Commissioners discussed house size and footprint. Craig Kitterman, a member of the public, remarked that there is a maximum footprint which determines the size of the house. Planner Astorga agreed. He noted that all the scenarios were governed by the maximum building footprint.

Commissioner Strachan had questions regarding the stepback. Chair Worel asked if a stepback would be required if any part of the bottom level was exposed. Planner Astorga answered yes, except for a window well. He read from Page 3 of the Staff report, second bullet point, "Final grade must be within four vertical feet of existing grade around the periphery of the structure except for the placement of approved window well, emergency egress, and garage entrances". He noted that the basement could still be buried and have a window well, but it would not require the stepback.

Commissioner Thomas noted that emergency egress can be any window or door out of a bedroom, and he found that to be problematic.

NOTE: Due to equipment problems, a portion of the meeting was not recorded. The problem was discovered and resolved.

During the non-recorded portion, Planner Astorga had continued his presentation and the Commissioners discussed the remaining scenarios.

Craig Elliott, as a member of the public, questioned why they were having this discussion. He passed around photos that were taken in 2003 and in 2013. From the standpoint of a big picture for the City, he was trying to figure out whether anything was really causing a problem. Mr. Elliott presented boards illustrating various built structures and noted that the majority of the buildings were over 27 feet tall. He stated that in the last ten years there has not been a significant change in Old Town that has created a negative impact to the visual. Mr. Elliott pointed out that with every application the Commissioners want to see a cross-canyon view, but in looking at the illustrations, there has been no changes over the years, other than the trees grew larger.

Commissioner Thomas remarked that the boards Mr. Elliott presented showed the

perspective from a distance, and it did not take into consideration the streetscape and the visual impact walking down the street. He believed the purpose of the Steep Slope CUP is to bring down the scale.

Mr. Elliott understood that the neighbors complain whenever the Planning Commission reviews a Steep Slope project, but that just happens. Neighbors always fight new development because they want to keep the land next door vacant. However, people have the right to build. Mr. Elliott stated that the difference is minimal between what was there and what changed in ten years through the largest building boom. He realized that the LMC changes in 2009 were in response to specific projects, and in hindsight he should have attended the public hearings to argue about the 3-story limitation. It was a mistake on his part and he was attending now to have this discussion. Mr. Elliott noted that there were nine statements of purpose in the LMC. They might be accurately discussing one, but the rest were going the wrong way. Applicants are always asked whether they read the purpose statement. He was now asking the Planning Commission if the discussion they were having meets the purpose statement. He could not understand the purpose of their discussion and he did not believe anything in their discussions would improve things through the Land Management Code. Mr. Elliott stated that restricting height on a 75' lot to 35' to 37-1/2' might make sense; but he could not understand it for a lot over 75'. The nature of Park City is that it keeps stepping up the mountain.

Commissioner Strachan asked if there would be a difference if Mr. Elliott had taken the picture 25 years ago. Mr. Elliott believed that most of the structures shown were built before the 1980's. Commissioner Strachan believed that most of the larger houses Mr. Elliot was showing were not built 25 years ago. Mr. Elliot pointed out that the larger houses would never go away. If they were to burn down they would be replaced with the same size structure in the same place. He felt that the Planning Commission has spent the last few months talking about heights and squares and angles, when they should be talking about the big picture and why they were having these discussions. If the discussion is that they want to limit the ability to develop, they were moving in the wrong direction.

Commissioner Savage stated that Mr. Elliott is a professional who presented visuals to support his position. He believed Mr. Elliott had a valid point. They can look at the various scenarios presented, but the reality of importance is the sense from the perspective of where these developments will take place and whether something is or is not consistent with that particular location and a particular set of visuals. Commissioner Savage thought that should be their guiding parameters more than trying to create a formula for calculating volume as a function of lot size.

Mr. Elliott stated that he works in Old Town every day. He experiences the streets every day and he walks to most of his projects. He was confident that the things that have happened over the past ten years have not negatively impacted the quality of the town.

Changes are made and it does not make any difference in the overall impact. These discussions have kept people from building houses for the last six months and will cause them to miss two seasons of construction. Mr. Elliott believed the major question was why they were having these discussions and what it would accomplish.

Commissioner Thomas stated that prior to creating the 2009 LMC, they were seeing buildings stepping up the mountainside to maximize the volumetric. That had a dramatic visual impact on the neighbors, the street and the scale of the community. The reason for these discussions is to have a sense of scale to the historic fabric of the community at the street level. He did not think some of the images Mr. Elliott presented was a fair comparison of what this town is about or the character of the town. Mr. Elliott disagreed. Commissioner Thomas stated that the image does not represent what the neighbors experience when someone builds an enormous house next to an historic house. The purpose of the 2009 changes was to respect the neighbors and what was left of the historic fabric that was being whittled away by these monstrous structures.

Mr. Elliott reiterated that the Planning Commission should address the real question of "why" and if whether the "why" fits within the Land Management Code purpose statement. In his opinion it did not.

Commissioner Strachan asked if Mr. Elliott had any recommendations on how they could bring more families and primary homeowners back into Old Town. Mr. Elliott felt that would be driven by a number of different things. He suggested that current projects would bring people into town. He thought they would be fighting the issue of value for a long time because of its proximity to Main Street.

Ruth Meintsma stated that she lives on a street that is primarily second homes and nightly rentals. She does not mind nightly rentals in her neighborhood because it works. However, the houses in-between where people live are very important and adds cohesion to the neighborhood. Ms. Meintsma understood the reasons for limitations. A house across the street from hers is nightly rental. People come in and out and you never talk to them. The number of cars is astounding and the amount of trash in one weekend is more than she creates in two months. Ms. Meintsma believes there needs to be a balance. In talking about limitations, she understood the three stories limit and size reduction for second homes and nightly rentals because extra space is not needed for that type of living. However, when someone has a family they need to think about a new way of living. They need to think about space for storage, tools, food storage, etc. She believes that if there could be a second criteria of house building where a home or a residence is signed in perpetuity to no nightly rental, it would add to affordable housing because people could come in a rent for a minimum of one year. With larger structures people would create a home and it would allow for families. Sometimes the fourth story is necessary for a family. If someone wants to build a home for their family and wants extra space, the City should

hold them to the family home use by having them sign in perpetuity to no nightly rental.

Planner Cattan stated that limiting nightly rental was not necessarily limiting second homes. Ms. Meintsma agreed, but it would still be someone's home. Commissioner Savage commented on the economic impact. If someone did not have the ability for nightly rental they possibly could not afford the home. In other cases, some people buy second homes on the fact that they can enjoy it themselves and offset some of their expenses by renting when they are not there. Ms. Meintsma understood the concern, but if someone was willing to sign their home into perpetuity from nightly rentals, they should be given some incentive such as extra space in their home.

Mary Wintzer stated that when side yard setbacks were reduced years ago, they saw huge impacts with snow shedding and people began to maximize their houses. The lifestyle of those living in Old Town has been drastically affected. Her neighbors raised four kids in a three-story house. When she was growing up people shared bedrooms. Ms. Wintzer was not totally opposed to the incentive of a fourth story, but if they return to what used to be they would not need monstrous homes.

Ms. Meintsma pointed out that lifestyles are completely different than how they used to live. She clarified that she was not talking about greater height or greater mass. She was only talking about an additional story. She understood that excavation was a major concern, but she believed that could be mitigated.

Ms. Wintzer remarked that several years ago four owners on Rossi Hill imposed a house size restriction on themselves. They realized that it would limit their profit when they decide to sell because the lots could not be maximized, but they did it because they value their neighborhood. Ms. Wintzer stated that they love Old Town, they love the mountain and they love what the community has given them. It is the neighborhood, the people and the land, and they are building up every square inch of the earth in Town. She believed they would pay a price some day. The old timers talk about the years when they had bad spring runoff and mud slides on this side of the Canyon. They have not seen that yet, but it is possible. If it occurs, there is no earth left to absorb it because it is all developed.

Commissioner Hontz felt good about this exercise because it was based on the purpose statements and it came out of the realization and the factual evidence of how many undeveloped lots are left and how tightly constrained they are. In her mind this was an exercise of education, but it also explored whether what they have meets what they want to do, how they need to tweak it, if at all, and if the scenarios were representative of what they thought they were trying to achieve. The discrepancy on the definition of story was another reason that prompted the exercise. Without those reasons they would have never done this and nothing would change. Instead, they went through this very thorough discussion to possibly visit some potential changes. Commissioner Hontz thought this was a useful

experience. She was unsure what the result would be based on all their opinions, but this was instrumental in educating the Planning Commission to be able to move forward.

Planner Astorga noted that page 2 of the Staff report contained language from the current Code. He asked if the Planning Commission had issues with any of the regulations and whether it needed to be strengthened or rewritten. He believed there was some consensus for spending more time and resources on adding internal maximum height. He asked if any of the other height parameters needed to be fine tuned. Commissioner Strachan felt it was sufficient to have the internal height limitation.

Commissioner Savage had issues with the third bullet point and the definition of three stories, and whether three stories was measured from a vertical point or by some other metric. Commissioner Strachan thought the three story restriction could be eliminated if they use the internal height restriction. Commissioner Thomas agreed. The internal height gives the designers more flexibility with the floor plan.

Director Eddington understood that the Planning Commission would not have as much consternation with regard to split levels and partial stories inside the building. He was told that this was correct. Commissioner Strachan clarified that applicant could do whatever he wanted within his own box as long as it meets the internal height limit.

Commissioner Thomas suggested a site visit to several sites that reflect the conditions discussed on uphill and downhill lots so they could see them in the field.

General Plan – Discussion and Overview of neighborhoods – the neighborhoods to be discussed include: Thaynes Canyon, Park Meadows, and Bonanza Park/Prospector

Nightly Rentals

Planner Cattan reported that the Staff had prepared a discussion on nightly rental because it was one of the more controversial topics to be discussed neighborhood by neighborhood as they decide to rezone and talk about residential neighborhood versus resort neighborhood. She preferred to start with nightly rentals before moving into the neighborhoods discussion.

Planner Astorga read that the current Land Management Code definition of a nightly rental. “The rental of a dwelling unit for less than 30 days.” Another clause states, “Nightly rentals do not include the use of dwelling units for commercial uses.” Commissioner Savage asked for clarification on the language regarding the use of dwelling units for commercial uses. Assistant City Attorney McLean explained that as an example, gifting parties cannot be held in a home that is a nightly rental.

Exhibit H

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Said landscape plan shall incorporate the reintroduction of native landscape materials within this area, and reduce the amount of sod-grass, especially near the creek.

9. No pesticides, herbicides, or other non-organic fertilizers shall be applied to this landscape area.

2. Land Management Code – Amendments to Chapter 2.1, Chapter 2.2, Chapter 2.3, and Chapter 2.16 regarding Building Height (Application PL-13-01889)

Planner Francisco Astorga noted that this item addressed LMC amendments to change some of the parameters of the building height in the HRL, HR1, HR2 and RC Districts. The Planning Commission has had significant work session discussions as reflected in the Minutes from those meetings and included in the Staff report. The Staff was before the Planning Commission this evening with recommended proposed changes for review and a possible recommendation to the City Council.

Planner Astorga reviewed the current height provisions: 1) The height must be within 27 feet of existing grade. This provision was unchanged. 2) Final grade must be within four (4) vertical feet of existing grade around the peripheral of the structure except for approved window wells and access to the structure. Planner Astorga reviewed highlighted changes to this provision. The current language addressing a maximum of three stories would be replaced with an internal height parameter. The 10-foot minimum horizontal step on the downhill façade would remain. The mandated roof pitch would also remain based on direction from the Planning Commission during the February work session. The height exception would also remain.

Planner Astorga noted that the 3-story language would be replaced with language regarding internal height that would vary on a specific roof pitch on the roof form, as indicated in the table on page 230 of the Staff report. The language was revised to read, "The internal height of a structure measured from the lowest point of the finished floor level to the highest exterior ridge point shall not exceed the number based on the following table". Planner Astorga explained that they would still achieve the mass and scale of three stories, without saying that the maximum is 3-stories. The Staff thought it was better to use a scale because otherwise people would try to capitalize on their wall height for their stories and then give the lowest roof pitch each time. Therefore, the Staff created an incentive of 1' foot of step per higher roof.

Planner Astorga explained that the logic for the internal height was wall height plus the roof height. The wall height was derived from 3-stories. A ten-foot story including a floor joist may not be doable, and that number was increased to 11 feet for a wall height of 33 feet. The Staff calculated what each roof height might be depending on the pitch of the roof to determine the varying height.

Commissioner Wintzer was unclear why the Staff thought a 9-foot or 10-foot story was not doable. Planner Astorga stated that the scenarios the Staff presented in January and February were based on 10-foot stories, which included a floor joist. The intent was to be more consistent with what the market might drive. He pointed out that the proposed change does not dictate how tall the story might be. It could be less or more and the applicant has the ability to work with the design. Planner

Astorga understood from previous comments that the Planning Commission thought the 10-foot story maximum was too small.

Commissioner Hontz thought believed that 10-feet was adequate and that 11-feet was a gift. However, she recognized that it did allow more flexibility. Commissioner Thomas was not concerned with whether it is 9, 10 or 11 feet on the interior. Commissioner Hontz was concerned that if someone takes the maximum internal height of 43', they would need to grub out again. She pointed out that the 27' would only keep it with the slope. However, internally, the house could continue to go further down. Planner Astorga noted that the internal measurement creates a split level. Commissioner Hontz was comfortable with split levels, but the question is how many splits. They were keeping down the height, but they also wanted to keep the structure from growing bigger side to side. She preferred the ten-foot story because it keeps the building from creeping down the slope too far.

Planner Astorga stated that based on the methodology selected for the scale, if they use the 10-foot measurement it would drop 3-feet from each internal height. Therefore, the internal height would range from 35' to 40'. Commissioner Hontz was more comfortable with those numbers. Commissioner Hontz stated that because the current Code does not allow stepping within the house, the current three-story solution works because it limits how far people are willing to go out and down the hill. Commissioner Hontz wanted to make sure that by allowing more flexibility in terms of steps within the interior, that they were not allowing creep up or down the hill.

Director Eddington asked if the Commissioners wanted to go to 10-foot floor plates and reduce the internal height by 3-feet each. Commissioners Hontz and Wintzer answered yes.

Commissioner Thomas was more concerned with the impact on footprint. They would still have the 27' maximum height from existing grade, but he was interested in knowing the relative difference in footprint between a 10-foot floor plate and an 11-foot floor plate.

Director Eddington did not believe the footprint would change either way because most people max out their footprint. He noted that the City has a formula for footprint for all of the historic zones. Commissioner Thomas stated that he was very comfortable with the 11-foot for interpretation as long as people are held to the 27' maximum height and the footprint could not creep up or down the hillside. Director Eddington clarified that it was a formula of lot size.

Commissioner Savage thought they should stay with the 11-foot floor plate as proposed. Chair Worel was comfortable with 11-feet as long as the footprint could be limited. Commissioner Wintzer was not opposed to 11-feet because people do build to the maximum. Commissioner Wintzer suggested that Planner Astorga include an illustration for clarification to show how it should be interpreted.

Commissioner Hontz asked for the definition of finished floor level? Commissioner Savage suggested that it could be defined as, the lowest point of the lowest finished floor level to the maximum vertical height of the structure. The Commissioners supported that definition. Commissioner Savage wanted to know how the number relates to not counting a basement if it is totally subterranean. Planner Astorga clarified that subterranean basements are counted. Commissioner

Savage clarified that regardless of whether or not the basement is buried, the lowest level of the lowest floor is Point A, and Point B is the highest point of the exterior.

Director Eddington clarified that the language indicates the lowest point of the finished floor level and/or any structural element is the lowest point. Commissioner Thomas gave a scenario to show how talking about structure complicates the issue. Commissioner Savage thought the confusing word was internal.

Planner Astorga remarked that the next proposed change was to add two provisions to the Existing Historic Structures. This portion of the Code states that historic structures are valid complying structures in terms of parking and other issues. Planner Astorga noted that the LMC defines a Historic Structure, but it does not include any additions to the structure. The Staff wanted to keep the regulation for valid complying and added Footprint and Height to the existing Code language for the three Historic Residential Districts and the RC District.

Director Eddington clarified that it was already understood that if a structure exists with an existing footprint or building height, it is existing non-complying. Planner Astorga believed that most of the historic structures comply with the building footprint.

Commissioner Hontz noted that someone could take away some of the property associated historically with the historic structure that makes it complying currently. Director Eddington clarified that a building could not violate the Code and be taken into non-compliance. However, he understood Commissioner Hontz's concern. If someone had more than a single Old Town lot they could split a portion of the land and put it on another property. He pointed out that the footprint would be limited to the 844 square feet or whatever it exists as and the building would never get bigger. Commissioner Hontz agreed that the structure could not be bigger, but splitting a portion of the property would allow a larger structure next door.

Planner Astorga stated that the Staff also tried to clean up the section regarding Building Height. A number of historic structures do not comply with the existing heights. One of the parameters is a 7:12 to 12:12 roof pitch. The Staff did not think it was appropriate to do a complete analysis on how a structure is legal non-conforming, when a similar clause in the Code addresses setbacks.

Commissioner Savage asked if complying and conforming were synonyms for purposes of the Code. Director Eddington explained that conforming is for a use and complying is for a structure. Commissioner Savage understood that a valid complying structure could be legal non-conforming.

Planner Astorga noted that the final proposed change was a roof pitch exception. He explained that periodically the Staff encounters a historic structure that may have a 5:12 or 4:12 roof pitch. The Staff felt it would be more appropriate if the addition that comes in for that structure would be held to the same type of roof pitch or possibly lower. Planner Astorga noted that currently the Code would not allow that because it specifies 7:12 to 12:12 roof pitch.

Planner Astorga stated that the Staff was proposing to add language for additions to historic structures, stating that through an HDDR review and compliance with the Historic District

Guidelines, the Planning Director has the ability to approve a roof pitch lesser than the one required in the Code.

Planner Astorga stated that the next question was how that would apply in the case of a split level and the maximum height. He noted that a secondary table was added for these types of exceptions.

Planner Astorga asked if the Planning Commission was comfortable adding the roof exception for additions to historic structures; and whether it would be appropriate to add the same type of scale for the maximum building height. Commissioner Thomas liked the idea because it would allow for a more appropriate design and more flexibility. The Commissioners concurred.

Commissioner Wintzer referred to the table on page 231 of the Staff report and corrected the 5:15 roof pitch to be a 5:12 roof pitch. Commissioner Thomas noted that 5:15 appears several times in the Staff report and it should be corrected throughout.

Commissioner Hontz referred to page 244 of the Staff report and asked what they would do about the 10-foot horizontal step that is referenced in conjunction with a third story, because people would now be able to have three stories. Planner Astorga replied that the provision is based on a 3-story building and it is mathematically impossible to have more than three stories. Commissioner Hontz did not believe it referenced what they were trying to accomplish now. She thought the language should be re-written relevant to where they want the 10-foot horizontal step to occur. Commissioner Thomas agreed that it was no longer clearly defined as the third story. Director Eddington suggested that it may need to be a numeric value.

The Commissioners were not comfortable forwarding a recommendation to the City Council without seeing the drafted verbiage regarding the roof pitch exception and associated illustrations.

Chair Worel opened the public hearing.

Ruth Meintsma, a resident at 505 Woodside, commented on the 3-story versus internal height issue and did not believe they were accomplishing what they intend to accomplish. Ms. Meintsma understood that they were first trying to accomplish visual height and mass from the exterior, and secondly to control the height and mass from stepping up the side of the hill with a 3-story limit. She thought the height limitation seemed complicated and she believed they would cause other issues. Ms. Meintsma presented a visual to support her concerns. Regarding the discussion about the lowest point of the lowest floor to the highest exterior to limit crawling up the hill, Ms. Meintsma pointed out that many houses in town have an exposed foundation way below the first floor. If they do not consider the exposed foundation and start from the bottom first floor and limit the interior, people will lift their house out of the ground and have an exposed foundation, which will significantly increase the visual mass. Ms. Meintsma stated that the interior measurement from the lowest floor was not accomplishing what they wanted. She believed that starting from grade would accomplish their goal and keep the structure from creeping up the hillside.

Ms. Meintsma commented on the different roof pitch options with different heights. She pointed out that a green roof is 33 feet and a 12:12 is 43 feet. No one will choose a green roof unless they are very environmentally conscientious, because people prefer an open ceiling roof. She believed the

proposed formula would discourage green roofs. Ms. Meintsma also thought it discourages a steeper pitch because with a 27' height limitation a steeper pitch would move the structure further underground. She noted that most people want to be above ground as much as possible for light and windows.

Ms. Meintsma suggested that there were different ways of controlling visual height and mass. She thought it would be better to control the height and visual and put a limitation on cubic dirt moved under the house. That would address both issues separately and in a more appropriate way than the interior number of floors. Ms. Meintsma was pleased that Commissioner Hontz mentioned the third floor, because in her opinion the 3-story step back did not work. She provided different scenarios to explain her point.

Ms. Meintsma thought there needed to be some way to encourage green roofs through some type of height limitation. She asked if a conditional use for a higher height could be used as a negotiating tool for green roofs. Ms. Meintsma pointed out that the advantages of a green roof. She believed everything needed to be thought through to be productive and to have the control the Commissioners wanted.

Commissioner Wintzer asked the Staff to consider Ms. Meintsma's comments and work it through a number of drawings.

MOTION: Commissioner Wintzer moved to CONTINUE the LMC Amendments regarding Building Height to May 22, 2013. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously. Commissioners Gross and Thomas were not present for the vote.

3. Land Management Code – Amendments to Chapter 2.1, Chapter 2.2, and Chapter 2.3 and Chapter 2.16 regarding underground parking structures. Amendments to Chapter 2.18 regarding Prospector Overlay. Amendments to Chapter 6 regarding Master Planned Developments. (Application PL-1301888)

Planner Whetstone stated that these were the remaining amendments of the 2012 annual update of the Land Management Code. This agenda item addressed three amendments. The first was to clarify the purpose and the applicability of the Master Planned Development review process throughout Park City. It was not specific to any one area, but it clarifies the language. The second was to clarify and add additional review criteria to the Master Planned Development Review process. This would apply to any Master Planned Development. The review criteria were clarified and updated to make references that are specific to the Code. The third amendment was to clarify the lots within the Prospector Square overlay in the General Commercial (GC zone) that are subject to zero lot line development. Planner Whetstone noted that added language clarifies the lots subject to exceptions in the overlay. One of those exceptions is to have a zero lot line development. Planner Whetstone stated that when the Prospector Square subdivision was amended, the Code was not also amended to identify that those lots are also allowed zero lot line development.

Planner Whetstone referred to the General Commercial Zones, Section 15-2.18-3 of the LMC, Lot and Site Requirements. This section addresses lot and site requirements and several changes were

Planning Commission Staff Report



Subject: McHenry Subdivision Replat
Author: Francisco Astorga, Planner
Application #: PL-12-01717
Date: June 26, 2013
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the McHenry Subdivision Replat and review the requested Plat Amendment as well as the drafted findings of fact, conclusions of law, and conditions of approval as found in the staff report.

Description

Applicant: Sean Kelleher, JGC Beach Properties
Location: 496 McHenry Avenue (Echo Spur)
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 property owner requests to combine lots 21-25, 29-32, a portion of lot 26-28, of block 58 and portion of lot 17 & 19 of Block 59 of the Park City Survey into one (1) lot of record. The request is for a Plat Amendment to combine these lots and a street vacation of the Right-of-Way (ROW) of the eastern half of 4th Street between Ontario and platted McHenry (Echo Spur) Avenue so that the entire property is contiguous. The owner plans to re-plat that lot of record consisting of the entire combined property as a Condominium Record of Survey containing seven (7) separate residential units which are to be designed to appear above ground as single-family dwellings. The applicant is proposing that one (1) of the units, which would be the smaller unit closest to Rossie Hill Drive, would be a “Kimball Art Center living quarters” for a proposed “artist-in-residence.”

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 December 11, 2012 the City received a completed Plat Amendment application for the McHenry Subdivision. The purpose of this Plat Amendment is to combine all of the parcels and lots shown on the proposed plat. The applicant is also requesting that a portion of 4th Street Right-of-Way to be vacated and incorporated into this Plat Amendment.

The proposed Plat Amendment has a note which indicates that the purpose of the Plat Amendment is to combine all parcels and lots as shown into one lot which is intended to be re-subdivided (re-configured) at a later date. This future subdivision would be a Condominium Record of Survey (ROS) plat which would identify private, limited common and common areas within the project. Recordation of a ROS plat enables the owner to sell individual condominium units. The future Condominium ROS plat would identify the seven (7) residential units. The applicant has submitted various exhibits that describe the existing property conditions, property lines, topographic survey, and aerial photography.

The Planning Commission reviewed this request during a work session on January 3, 2013 (See Exhibit H and I, Planning Commission staff report and minutes). During this meeting the Planning Commission expressed concerns regarding the requested use, road/improvements dedication, 2007 property dispute settlement agreement, ridgeline development/vantage point analysis, traffic, parking, and phasing, etc.

The Planning Commission held a public hearing and reviewed the requested plat amendment again on February 27, 2013 (See Exhibit J and K, Planning Commission staff report and minutes). During this meeting staff and the applicant received feedback from the Planning Commission related to proposed use, footprint, CUP for the underground parking, and the ridgeline analysis. The Planning Commission indicated that cross sections need to be submitted for review and that the project would only work if the parking structure is constructed completely below ground (buried). The Commission expressed concerns with 4th Street vacation including loss of vegetation, entrance off Rossie Hill Drive, needed Conditional Use Permit (CUP) for the underground garage, road/improvements dedication, prohibiting access from Fifth (3rd) Street ROW, and traffic analysis. A site visit also took place during the May 22, 2013 work session.

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 meeting and public hearing. The primary issue at that time was the proposed street 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 no longer requested the vacation of McHenry but decided to construct an access road within the right of way.

In May 2008, the Planning Commission reviewed the applicant's 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 applicant withdrew the application.

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 reconfigured 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

On June 20, 2013 the applicant submitted revised preliminary concept plans proposing a seven (7) unit development on the subject property containing 0.614 acres (26,745.84 square feet). The site is equal to approximately twelve (12) Old Town lots. The revised

preliminary concept plans also shows a shared vehicular access to the site off Echo Spur Drive, which is different to what was previously proposed in January/February 2013. This access provides underground parking for the six (6) proposed structures. Applicants are also requesting that 2,250 square feet (approx.) of the 4th Street ROW to be vacated.

The applicant proposes to combine their entire area plus the eastern portion of 4th Street ROW into a single lot of record with the following note:

It is the purpose of this Plat to combine all Parcels as shown hereon to be re-subdivided at a later date. That portion of 4th South Street adjacent to Parcels to be abandoned and incorporated into this Plat.

The applicant is also required to submit a Conditional Use Permit application for the shared underground garage, Historic District Design Review application for compliance with Design Guidelines for New Construction within in the Historic Districts, and Condominium Record of Survey application to separate the privates units from the common, and limited common areas.

Use

The applicant proposes to build six (6) private units connected by a shared underground garage accessed off Echo Spur Drive. Each unit has three (3) stories including the underground parking garage, which will be constructed completely underground (buried), except for its access which will daylight close to, and eventually connect to the street, Echo Spur Drive. The main and second floor of each unit will be completely detached with one another as they will be separated with area platted as common space. The applicant also requests to build a small unit towards the south of the project on Rossie Hill Drive to be the proposed stand-alone residential art studio above the ramp to the underground garage.

Staff identifies the requested use to be single family dwellings with a shared underground garage. The six (6) units would also be marketed as single family dwellings. The proposed concept reduces and mitigates garage doors at the street edge, removes vehicles from on street parking and reduces paved areas. It creates a superior product in terms of design due to the elimination of vehicles on the main façade of each structure. The end result is not a typical multi-unit dwelling. Staff classifies the proposal as single-family dwelling detached development with a common underground garage.

Footprint

LMC § 15-3-8 relates specifically to Parking in the Historic District. It indicates the following:

- A. *To encourage the location of parking in the Rear Yard and/or below Grade, the City allows common driveways along shared Side Yards to provide Access to*

parking if the Owner restricts the deeds to both Properties to preserve the shared drive in perpetuity.

B. Common Parking Structures are allowed as a Conditional Use where it facilitates:

- 1. The Development of individual Buildings that more closely conform to the scale of Historic Structures in the district; and*
- 2. The reduction, mitigation or elimination of garage doors at the Street edge.*

C. Parking Structure may occupy below Grade Yards between participating Developments if the Structure maintains all Setbacks above Grade and the Area above Grade is properly landscaped, subject to Conditional Use permit [CUP] or Master Planned Development (MPD).

D. Driveways between Structures are allowed in order to eliminate garage doors facing the street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.

E. Turning radii are subject to a review by the City Engineer as to function and design.

The HR-1 District establishes a maximum building footprint based on the size of the lot as applied to a mathematical equation found in LMC § 15.2.2-3(D). This section further clarifies that the maximum building footprint for any structure located on a lot or combination of lots exceeding 18,750 square feet in lot area shall be 4,500 square feet. However, there is a provision under the MPD regulation found in LMC § 15-6-5(B)(1)(a) which indicates that the area of below grade parking in the HR-1 does not count against the maximum building footprint.

Staff has determined that the current proposal does not trigger an MPD based on LMC § 15-6-2 Applicability, which indicates that an MPD is required in all zones except in the **HR-1**, HR-2, HR-L, and HRM if specific criteria is met. It also indicates that an MPD is allowed but is not required HCB, HRC, **HR-1**, and HR-2 zones, provided the subject property includes two (2) or more zoning designations. Because the subject site does not include two (2) zones, it does not trigger an MPD.

Unlike the MPD regulation, the CUP language in the LMC fails to mention the exception to the below grade parking footprint. However, LMC § 15-3-8 encourages the location of parking below grade through a CUP. Also the **HR-1**, HR-2 and HR-L LMC parking regulations further reiterate that a parking structure may be placed underground if the structure maintains all setbacks above grade through a CUP. Staff finds that if a CUP for an underground common parking structure is obtained, the footprint of such underground structure would not be counted towards the maximum building footprint. The benefits of a shared underground parking garage include:

- Reduction or elimination of garage doors at the street edge,
- removing cars from on-street parking,
- reduction of paved areas, and
- individual buildings that more closely conform to the scale of historic structures, etc.

At this stage the applicant submitted preliminary concepts showing a footprint, furthermore, the applicant shows which portion of the underground level would be habitable versus limited common garage, and common driveway. The building footprint is defined as

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

Staff has not received the proposed footprints for each requested unit as the plans were revised and submitted on Jun 20. Staff identifies that the footprint of each unit would be limited to the maximum footprint per the Building Footprint formula based on the perceived lot area outlined in Exhibit L.

Staff also finds that the underground parking area which would become common space such as the underground driveway and limited common parking area should not count as building footprint similar the provision outlined in the MPD regulations for development underground in the HR-1 District.

Road Dedication

The existing improvements to McHenry Avenue comply with the required warranty period. In May 2013 the City Engineer recommended to the City Council to accept the improvements as a public street. The City Council continued this item to September 2013. The City Engineer has indicated that if the City Council does not accept the improvements as a public street, it would then become a private drive. The City Engineer also recommended officially changing the name to Echo Spur Drive, which was also continued by City Council.

The Land Management Code (LMC) indicates that no building permit shall be issued for a Lot unless such Lot has frontage on a street shown as a private or public street. Staff recommends adding a condition of approval which would indicate that before a building permit can be issued, the street shall be identified as a private drive or a public street.

2007 Settlement Agreement

In November 2007 the former 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 lied within the wire fence and shed, specifically over lot 26, 27, and 28, of Block 58, of the Park City Survey.

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 did 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.

The current owner, Sean Kelleher, currently owns nine (9) standard Old Town lots of record (25'x75') that could be built on without a plat amendment. The applicant also owns three (3) Old Town lots that do not meet the minimum lot size because the portion of each lot given to Ella Sorenson as part of settlement agreement. However, these three lots could be combined into two (2) lots that would meet the minimum lot size.

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 definition of Vantage Points outlines ten (10) specific sites including across valley view. The LMC indicates that their function is to assist in analyzing the visual impact of development on hillsides and steep slopes.

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. 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 site.

Staff does not find that this area is on ridgeline. When the development is viewed across valley view (same elevation) the proposed development does not break the skyline as the both cross valley view hills are higher than the subject site.

Sensitive Lands Overlay (SLO) Analysis

Although there are steep slopes and ridge lines associated with this property, the property is not within the SLO and therefore a SLO analysis is not applicable. The purpose of the SLO is to: require dedicated open space in aesthetically and environmentally sensitive areas; encourage preservation of large expanses of open space and wildlife habitat; cluster development while allowing a reasonable use of property; prohibit development of ridge line areas, steep slopes, and wetlands, and protect and preserve environmentally sensitive land.

Traffic

Staff finds that traffic will be minimized as the applicant proposed to decrease the density of this site from potentially nine (9) units with the possibility of re-platting two (2) more down to seven (7) units including the art studio residential unit. The applicant also submitted a traffic study, see exhibit P showing the low traffic in the area.

Height/Topography

The applicant submitted an existing conditions & topographic survey of the area, certified by a surveyor, which indicates the topography of the site. The 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.

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.

Right-of-Way Vacation

The applicant also requests that City Council vacate/abandon a portion of the 4th Street ROW. Resolution No. 8-98 adopted a policy statement regarding the vacation of public ROW. The City Council may generally find "good cause" when a proposal evaluated demonstrates a "net tangible benefit" to the immediate neighborhood and to the City as

a whole. The City Council will evaluate a particular proposal against specific criteria to determine whether a "net tangible benefit" has been demonstrated by the petitioner. The City Engineer has advised that the applicant needs to file a petition, which has specific noticing requirements, through the office of the City Engineer.

Proposals must compensate the City for the loss of the ROW. Consideration favored by the City Council will generally be financial, open space dedication above and beyond normal subdivision or development approval requirements; trail or public access dedication above and beyond normal subdivision or development approval requirements; replacement of ROW dedication; and/or any other public amenity deemed in the best interests of Park City's residents (See Exhibit N Ordinance 8-98).

Vacation of a ROW needs to be its own action and has special requirements per State Code LUDMA § 10-9a-609.5. The City Council has to determine that good cause exists and neither the public interest nor any person will be materially injured by the proposed vacation.

The applicant may also have the option of working with the City Engineer to instead of requesting the street vacation they can request to have an encroachment agreement with the City.

Good Cause

The proposed concept reduces and mitigates garage doors at the street edge, removes vehicles from on street parking and reduces paved areas. It creates a superior product in terms of design due to the elimination of vehicles on the main façade of each structure. The perceived lot sizes are compatible in this neighborhood as they provide a transition between the larger lots and/or structures to the north and east towards the smaller lots towards the west.

Process

The requested application at this time is a plat amendment combining their property into one lot of record. The applicant will also have a separate petition to vacate a portion of Fourth Street. The applicant is also required to submit a Conditional Use Permit application for the shared underground garage, Historic District Design Review application for compliance with Design Guidelines for New Construction within in the Historic Districts, and Condominium Record of Survey application to separate the privates units from the common, and limited common areas. These applications can be reviewed concurrently.

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

Public input has been received and has been attached as "Exhibit O."

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 owner currently owns nine (9) standard Old Town lots of record (25'x75') that could be built on without a plat amendment. The applicant also owns three (3) Old Town lots that do not meet the minimum lot size because a portion of each lot given to Ella Sorenson as part of settlement agreement. However, these three lots could be combined into two (2) lots that would meet the minimum lot size.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the McHenry Subdivision Replat and review the requested Plat Amendment as well as the drafted findings of fact, conclusions of law, and conditions of approval as found below:

Findings of Fact:

1. The property owner requests to combine lots 21-25, 29-32, a portion of lot 26-28, of block 58 and portion of lot 17 & 19 of Block 59 of the Park City Survey into one (1) lot of record.
2. The request is for a Plat Amendment to combine these lots and a street vacation of the Right-of-Way of the eastern half of 4th Street between Ontario and platted McHenry (Echo Spur) so that the entire property is contiguous.
3. The entire combined property would then be re-platted as a Condominium Record of Survey containing seven (7) separate residential units which are to be designed to reflect single-family dwellings.
4. This portion of platted McHenry Avenue located north of the intersection of Rossi Hill Drive is to be known as Echo Spur Drive.
5. The applicant submitted a preliminary concept plan proposing a seven (7) unit development on the subject property containing 0.614 acres (26,745.84 square feet).
6. The site is equal to approximately twelve (12) Old Town lots.
7. The preliminary concept plan also shows a shared vehicular access to the site off Echo Spur Drive, which is different to what was previously proposed.
8. This access provides underground parking for the six (6) proposed structures.
9. The applicant is also required to submit a Conditional Use Permit application for the shared underground garage, Historic District Design Review application for compliance with Design Guidelines for New Construction within in the Historic Districts, and Condominium Record of Survey application to separate the private units from the common, and limited common areas.

10. Staff identifies the requested use to be single family detached dwellings with a shared underground garage. The six (6) units would also be marketed at single family detached dwellings.
11. The proposed concept reduces and mitigates garage doors at the street edge, removes vehicles from on street parking and reduces paved areas.
12. The proposed concept creates a superior product in terms of design due to the elimination of vehicles on the main façade of each structure.
13. The underground parking area which would become common space such as the underground driveway and limited common parking area should not count as building footprint similar the provision outlined in the MPD regulations for development underground in the HR-1 District.
14. Staff recommends adding a condition of approval which would indicate that before a building permit can be issued, that the street shall be identified as a “private drive” or a public street.
15. Staff finds that the subject property is not located on a ridgeline. When the development is viewed across valley view (same elevation) the proposed development does not break the skyline as the both cross valley view hills are higher than the subject site.

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.
4. There is Good Cause to approve the proposed plat amendment as the plat does 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.

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. Before a building permit can be issued, the street shall be identified as either private drive or a public street.
4. Access to the site shall not take place over platted Fifth Street (formerly Third Street).
5. A 10’ (ten foot) snow storage easement shall be dedicated to Park City across the lot’s frontage.

6. 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.
7. Staff finds that drainage of the site shall be addressed and approved by City Engineer before a building permit can be obtained.
8. Modified 13-d sprinklers will be required for all new construction.

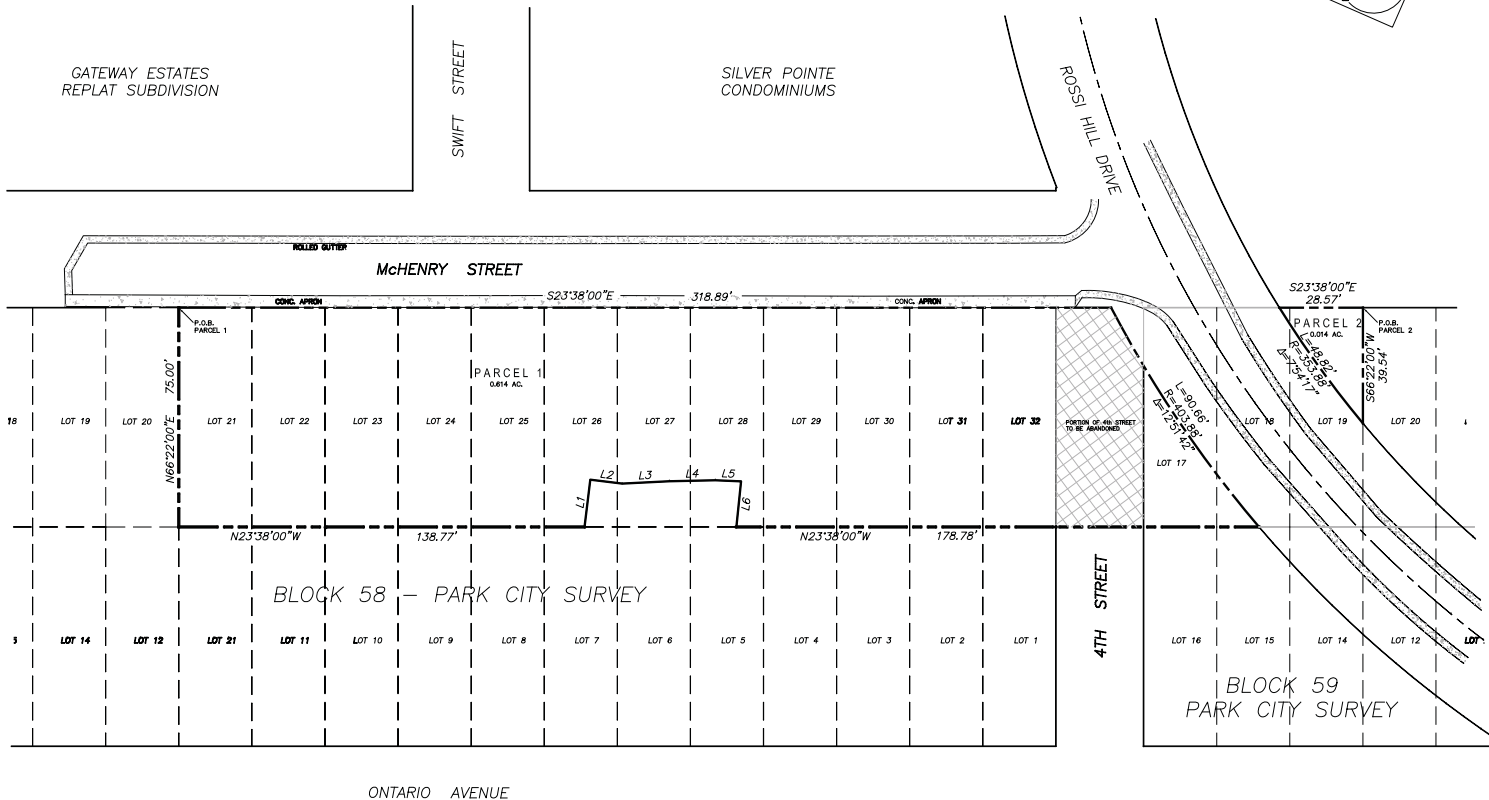
Exhibits

- Exhibit A –Proposed Plat Amendment
- Exhibit B – Project Description 11.13.2013
- Exhibit C – Applicant’s Planning Commission Deliverables updated 6.20.2013
- Exhibit D –Topographic Survey
- Exhibit E – ALTA/ACSM Survey dated October 2006
- Exhibit F – County Tax Map
- Exhibit G – Vicinity Map
- Exhibit H – Planning Commission Staff Report 01.09.2013
- Exhibit I – Planning Commission Meeting Minutes 01.09.2013
- Exhibit J – Planning Commission Staff Report 02.27.2013
- Exhibit K – Planning Commission Meeting Minutes 02.27.2013
- Exhibit L – Preliminary Plans
- Exhibit M – Model
- Exhibit N – Resolution 8-98
- Exhibit O – Public Comment
- Exhibit P – Traffic Study

Attachment A - Proposed Plat

McHENRY SUBDIVISION

LOCATED IN
BLOCKS 58 & 59, PARK CITY SURVEY
SUMMIT COUNTY, UTAH



LINE	LENGTH	BEARING
L1	16.30'	S73°17'30"W
L2	11.00'	N16°42'10"W
L3	16.16'	N26°29'04"W
L4	15.71'	N24°50'20"W
L5	9.91'	N21°14'47"W
L6	15.70'	N72°11'03"E

NOTES:

1) It is the purpose of this Plat to combine all Parcels as shown hereon to be re-subdivided at a later date. That portion of 4th South Street adjacent to Parcels to be abandoned and incorporated into this Plat.

LEGEND

- SET REBAR & CAP LS 316633
- ⊗ FOUND CORNER (AS NOTED)
- ⊕ EXISTING STREET MONUMENT

SCALE: 1"=20'

LEGAL DESCRIPTION

Beginning at a point on the westerly right of way line of McHenry Street and the line common to Lots 18 & 19, Block 58, Park City Survey, according to the Amended Plat thereof, and running thence South 23°38'00" East 318.89 feet along said westerly right of way to the northerly right of way of Ross Hill Drive and a non-tangent point of curvature of a 403.88 foot radius curve to the left, the center of which bears South 51°12'28" East; thence southerly along said right of way of Ross Hill Drive and the non-tangent point of curvature of a 403.88 foot radius curve to the left, the center of which bears South 51°12'28" East; thence North 72°10'37" East 15.70 feet; thence North 21°14'47" West 9.91 feet; thence North 24°50'20" West 15.71 feet; thence North 26°29'04" West 16.16 feet; thence North 16°42'10" West 11.00 feet; thence South 73°17'50" West 16.30 feet; thence North 23°38'00" West 138.77 feet; thence North 69°22'00" East 75.00 feet to the point of beginning.

Together with:

Beginning at a point on the westerly right of way line of McHenry Street and the line common to Lots 19 & 20, Block 59, Park City Survey, according to the Amended Plat thereof, and running thence South 69°22'00" West 75.00 feet to the southerly right of way of Ross Hill Drive and a non-tangent point of curvature of a 333.88 foot radius curve to the right, the center of which bears South 53°27'45" East; thence northerly along the arc of said curve 48.82 feet through a central angle of 07°54'17"; thence South 23°38'00" East 318.77 feet to the point of beginning.

Containing 27,321 square feet or 0.6268 acres NET.

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the owners of the hereon described tracts of land, hereby causes the same to be divided into lots and private streets, as set forth in this plat, hereafter to be known as "McHENRY SUBDIVISION"

Also, the owners hereby dedicate to Summit County, Snyderville Basin Water Reclamation District, Mountain Regional Water Service District, the Park City Fire District, a non-easement assessment over the roadway and utility easements shown on this plat for the purpose of providing access for utility installation, maintenance, replacement and repair and to provide access for emergency services. These areas that are intended for public use are hereby dedicated to Summit County.

Executed this _____ day of _____, 2012.

REPRESENTATIVE OF JDC PROPERTIES, L.L.C., OWNER

ACKNOWLEDGMENT

State of Utah
County of Summit

The foregoing was acknowledged before me this _____ day of _____, 2012, by _____ Representative of JDC Properties L.L.C., the Owners of the above described property

Notary Public
Residing at: _____
My commission expires: _____

CONSENT TO RECORD

State of Utah
County of Summit

The undersigned lien holder hereby consents to the recordation of the plat.

By: _____ Authorized Official

The foregoing consent to record was acknowledged before me this _____ day of _____, 2012.

Notary Public
Residing at: _____ My commission expires: _____

SURVEYOR'S CERTIFICATE

I, Russell E. Campbell, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 316633 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 described hereon and that this plat is a correct representation of the land surveyed and has been prepared in conformity with the minimum standards and requirements of the law as of the date of survey, October, 2012.

Russell E. Campbell
Date

McHENRY SUBDIVISION

LOCATED IN
BLOCKS 58 & 59, PARK CITY SURVEY
SUMMIT COUNTY, UTAH

BASILINE SURVEYING, Inc

1058 East 2100 SOUTH
Salt Lake City, UT 84106 (801) 209-2152

CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2012. PARK CITY RECORDER	CITY PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2012. PLANNING COMMISSION CHAIRMAN	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2012. MAYOR	CITY ENGINEER I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE, THIS _____ DAY OF _____, 2012. PARK CITY ENGINEER	SEWER DISTRICT REVIEWED FOR CONFORMANCE TO JORDANELLE SPECIAL SERVICE DISTRICT STANDARDS THIS _____ DAY OF _____, 2012. J.S.S.D.	APPROVAL AS TO FORM APPROVED AS TO FORM ON THIS _____ DAY OF _____, 2012. PARK CITY ATTORNEY	RECORDED ENTRY NO. _____ BOOK _____ PAGE _____ STATE OF _____ UTAH _____ COUNTY OF _____ SUMMIT DATE _____ TIME _____ RECORDED AND FILED AT THE REQUEST OF: _____ COUNTY RECORDER
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Exhibit B

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 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.



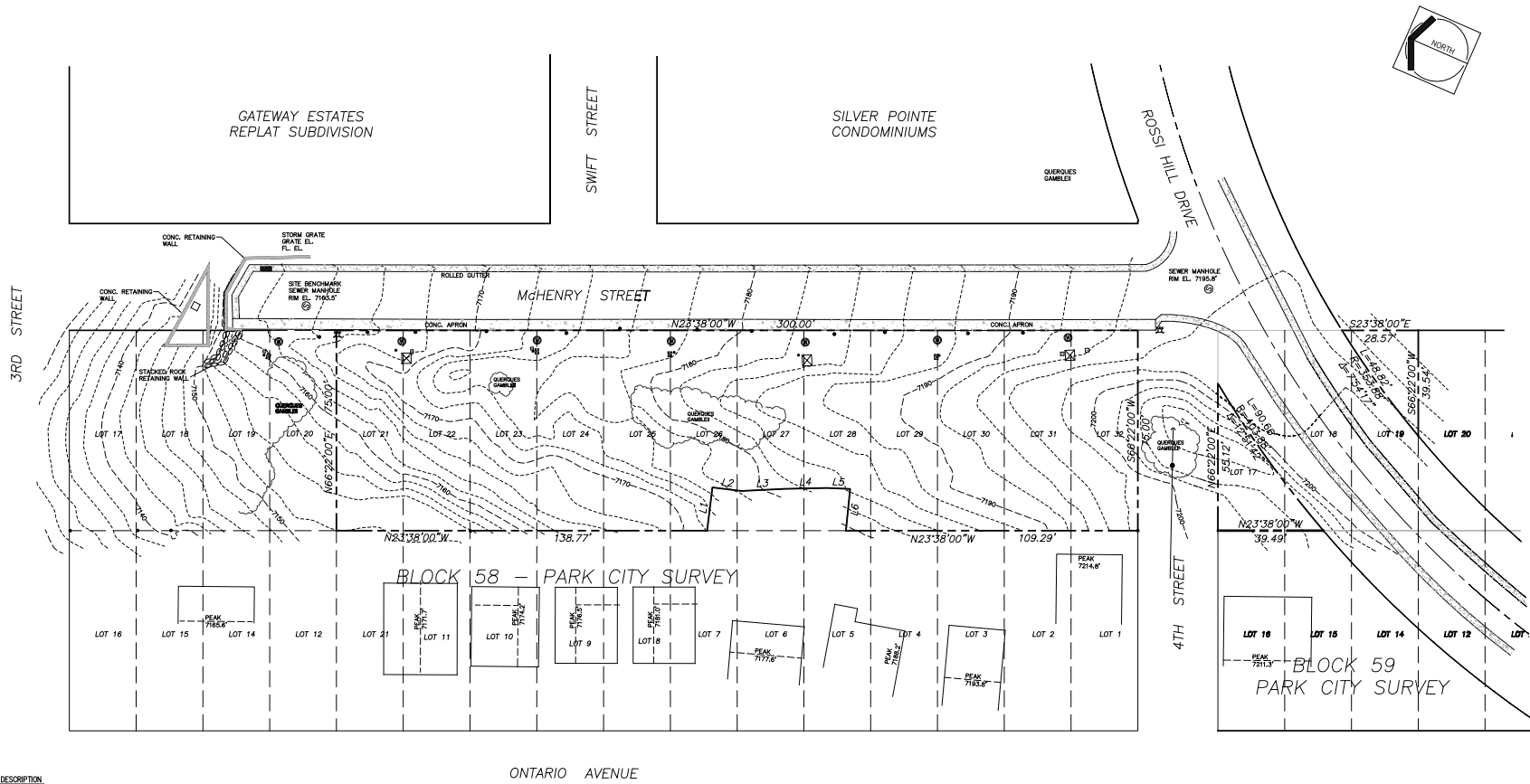
Exhibit C



Planning Commission Deliverables – Updated 06/09/13 – Update 06/20/13

1. Per the request of the PC, we have agreed to complete 100% of the planned excavation and foundation structure in one phase. Our current plans call for six homes with footprints of between 1000-1500 sf. Several of the homes will not have basement levels that are fully under grade and therefore will be required to have smaller third floors than estimated foot prints will allow.
2. Location of ramp entry: We have reviewed multiple options for the location of the garage/KAC studio entrance to the underground ramp. We have re-engineered the entry point to be on Echo Spur Drive, using lot 32 as the entry point. However, the ramp will still go underneath the eastern half of the 4th St. ROW.
3. Therefore, the ramp structure is requires that the development lose an entire buildable lot (Block 58, lot 32) to achieve the underground parking. This will create an open area at the southern end of the property that is approximately the same size as three Old Town Lots and will be entirely open space with the exception of the proposed Kimball Arts Center studio.
4. 4th St Right-of-way vacation: On April 12th we met on Rossi Hill with several neighbors (Craig Preston, Susie Graves, Brooks Jacobson) along the Ontario Ave side of the property. We discussed several items of interest:
 - a. Anticipated location of houses: we discussed excavation, underground parking, and development strategies
 - b. Extension of Shorty's Stairs/access to Preston & Graves homes: both Preston & Graves support the extension of Shorty's Stairs to the eastern half of the 4th St. ROW
 - c. Easements over our property to provide permanent driveway access to Preston, Wohlfarth, and Jacobson homes: we are providing driveway easements through our property so that all three of these homes have permanent, paved, year-round access to the rear of their properties. This will serve the dual benefit of reducing traffic flows on Ontario Ave.

5. Visitor parking: provisions have been made for visitor parking at several different points:
 - a. Underneath the KAC studio (can either be on Block 59/lot 17-18 or in PCMC's ROW along Rossi Hill Drive)
 - b. Each Unit will have at garage areas that will support a minimum of three cars.
6. Traffic Study: initial study was completed in April and is attached for Planning Commission review. Study indicates that traffic volumes are substantially below maximum capacity.
7. Kimball Arts Center Studio: we contacted KAC several weeks ago to discuss our progress; they indicated that they would like to move forward with a Letter of Intent, which we have delivered to them, for the studio lease/purchase.



LEGAL DESCRIPTION

All of Lots 19 through 32, Block 58, Park City Survey, according to the Amended Plat thereof, on file and of record in the Office of the Summit County Recorder.

Excepting therefrom:

Beginning at a point South 23°30'00" East 13.77 feet from the corner common to Lots 7, 8, 25 & 26, Block 58, Park City Survey, according to the Amended Plat thereof, and running thence North 73°17'50" East 16.30 feet; thence South 16°42'10" East 11.00 feet; thence North 29°25'04" East 16.18 feet; thence South 24°50'20" East 15.71 feet; thence South 21°44'47" East 8.81 feet; thence South 72°11'53" West 15.70 feet; thence North 23°38'00" West 51.34 feet to the point of beginning.

Together with:

All of Lots 17, 18 & 19, Block 59, Park City Survey, according to the Amended Plat thereof, on file and of record in the Office of the Summit County Recorder.

Excepting therefrom any portion located within the Railroad Right of Way as described in those certain documents as Entry No. 8176 in Book C at Page 401, Entry No. 13316 in Book H at Page 328 and Entry No. 13610 in Book H at Page 373 records of Summit County, Utah.

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 a topographic survey has been made of the land shown on this plat and described herein, and that this plat is a correct representation of the land surveyed and has been prepared in conformity with the minimum standards and requirements of the law as of the date of survey, May 5, 2012.

Russell E. Campbell

Date

NARRATIVE

The survey was prepared for Go West Construction

The purpose of the survey is to locate the topography, utilities, and roadway on the Lots shown.

The site benchmark is the sewer manhole opposite Lot 20 as shown, El. 7163.5 NAVD 88 Datum.

This survey does not show building setbacks, easements, or underground utilities. The 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 herein.

LINE TABLE		
LINE	LENGTH	BEARING
L1	16.30'	S73°17'50"W
L2	11.00'	N16°42'10"W
L3	16.18'	N26°25'04"W
L4	15.71'	N24°50'20"W
L5	8.81'	N21°44'47"W
L6	15.70'	N72°11'53"E

LEGEND

- SET REBAR & CAP LS 316833
- FOUND CORNER (AS NOTED)
- ⊕ EXISTING STREET MONUMENT
- ⊙ POWER POLE
- ⊗ WATER METER
- ⊕ HYDRANT
- ⊙ U.S. WEST BOX
- ⊙ SEWER CLEANOUT
- ⊙ CABLE BOX
- ⊗ POWER BOX



LOCATED IN
BLOCKS 58 & 59,
PARK CITY SURVEY
SUMMIT COUNTY, UTAH

BASELINE SURVEYING, Inc

1508 East 2100 South
Salt Lake City, UT 84108
(801) 209-2152

DATE	BY	REVISIONS	COMMENTS

JOB No. 884

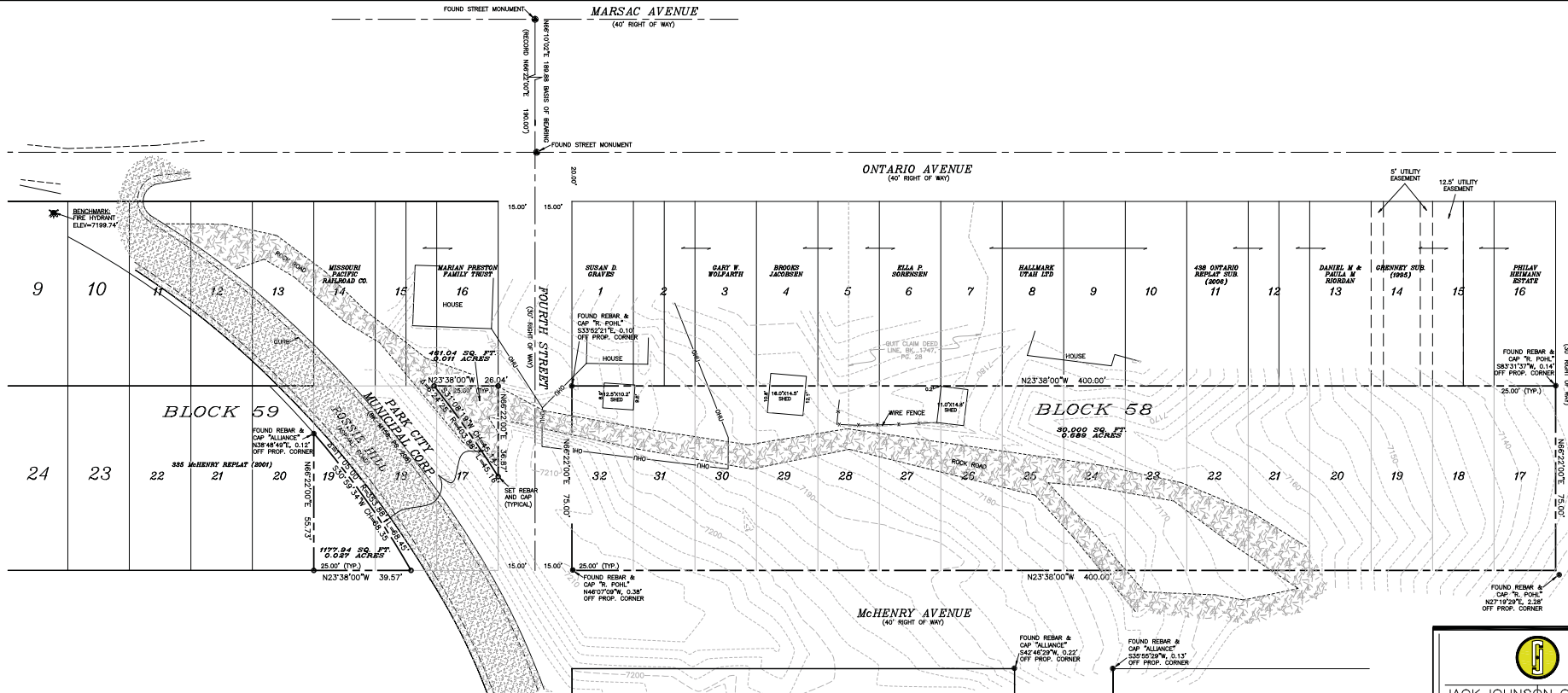
SURVEY BY: RC

DRAWN BY: RC

TOPOGRAPHIC SURVEY
PARTS OF BLOCK 58 & 59,
PARK CITY SURVEY
PARK CITY, UTAH

SHEET
1 of 1

Exhibit E – ALTA/ACSM Survey dated October 2006



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

NARRATIVE:

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

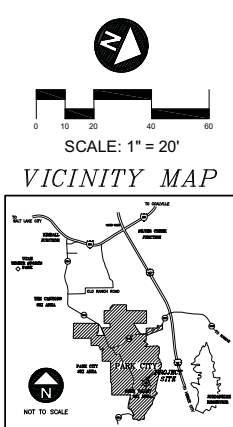
BOUNDARY DESCRIPTION:


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

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

SURVEYOR'S CERTIFICATE:

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





JACK JOHNSON COMPANY
Designing World Destinations
1st Floor - 3777 South Park Drive - Park City, Utah 84303
Telephone - 435.845.9000 - Facsimile - 435.849.1829
www.jackjohnson.com

DATE:	OCTOBER 2006
RECORDED IN:	ONX
RECORDED IN:	SDM
PROJECT:	628-0196-00
SCALE:	ALTA

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

1 OF 1

481 925 South Main Street • Park City, Utah 84302
 Phone: 801.225.4242 | Fax: 801.225.2886 | Email: info@jjs.com

Exhibit F – County Tax Map

PARK CITY – BLOCKS 55,58,62,63, SECTION 16, T2S R4E, S.L.B. 8 M.

BOOK PAGE

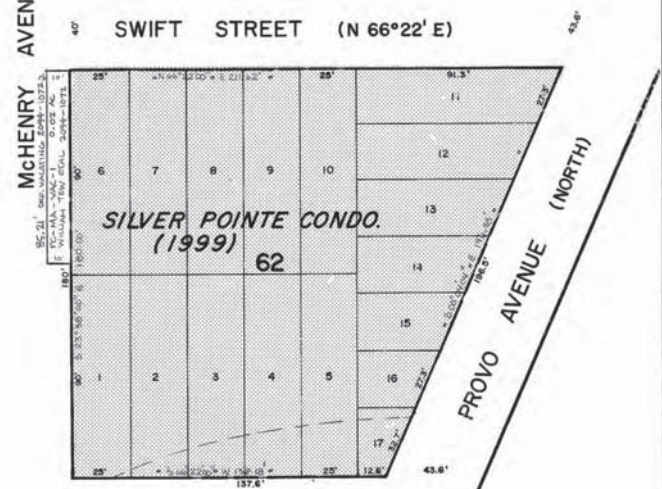
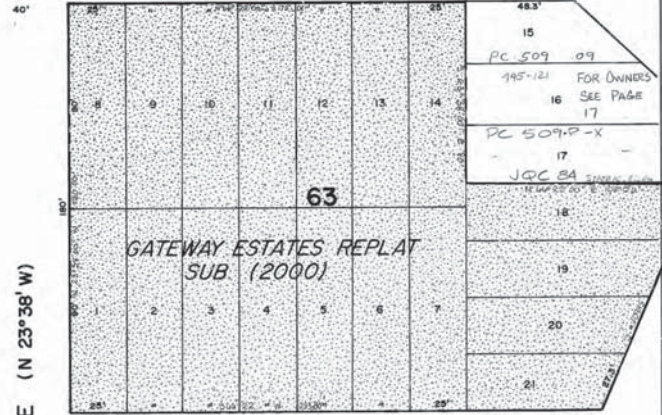
57

Note: # Refers to Street Address

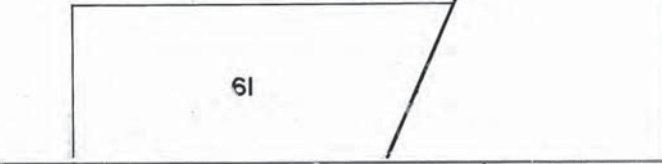
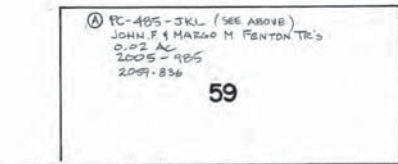
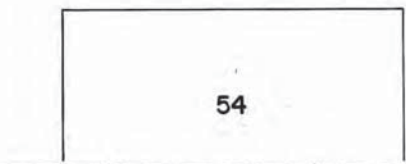
**THIRD STREET (N 66°22' E)
AKA - FIFTH ST**

PC-464-A-7 AMG ASSOCIATES LLC 159B-176B 2133-609 2647-1803	PC-464-A-1 THOMAS RA 17 1609-887 1609-887-1609-887	PC-464-A-7 SCOTT & TRACY 1805-1880 15 1805-1770 15	PC-464-A-1-A MICHELLE ENNIS 18 1020-50 1205-1580 1662-578	PC-464-A-4 JANED A HANNAH D.O.A. AC. 14 1604-1604 1603-1900	PC-464-A-5 EIX LLC 19 1673-1979	PC-464-A-3 GHAD D NOORHAN & SUPARNA 1195-1205-1205-1205 1202-1800 1202-1800	PC-464-A-4 MARC & DEBORAH P. ROBBITT 1805-1905-1905-1905 1805-1905 1805-1905	PC-464-B DEUTSCHE BANK NATIONAL TRUST CO. TB 21 1274-381 1274-381 893-93	PC-464-C JENSEN & KRISTEN 22 1012-141 1012-141 1012-141	PC-464-D RELLY J & DEBRA 23 1805-1905-1905-1905 1805-1905 1805-1905	ANDERSON REPLAT FIRST AMENDED (2008) 24	PC-464-E LINDSAY A & D 25 1805-1905-1905-1905 1805-1905 1805-1905	PC-464-F STARR H W (JT) 26 1805-1905-1905-1905 1805-1905 1805-1905	PC-464-G SCOTT & JACQUELINE 27 543-775	PC-464-H KATHY STEADMAN 28 1800-1905-1905-1905 474-766 476-155	PC-464-I BRUCE & ANITA L CRANE 29 1570-1870-1870-1870 1570-1870 1570-1870	PC-464-J MAD-507 30 570-117	402 MARSAC REPLAT SUB. (2006) 31	KINCAID SUB. (2003) 32
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FOURTH STREET (N 66°22' E)



Approved Utah State Tax Comm	REVISIONS - DATE AND INITIAL (In Pencil)	SCALE ONE INCH 40 FEET BOOK PAGE
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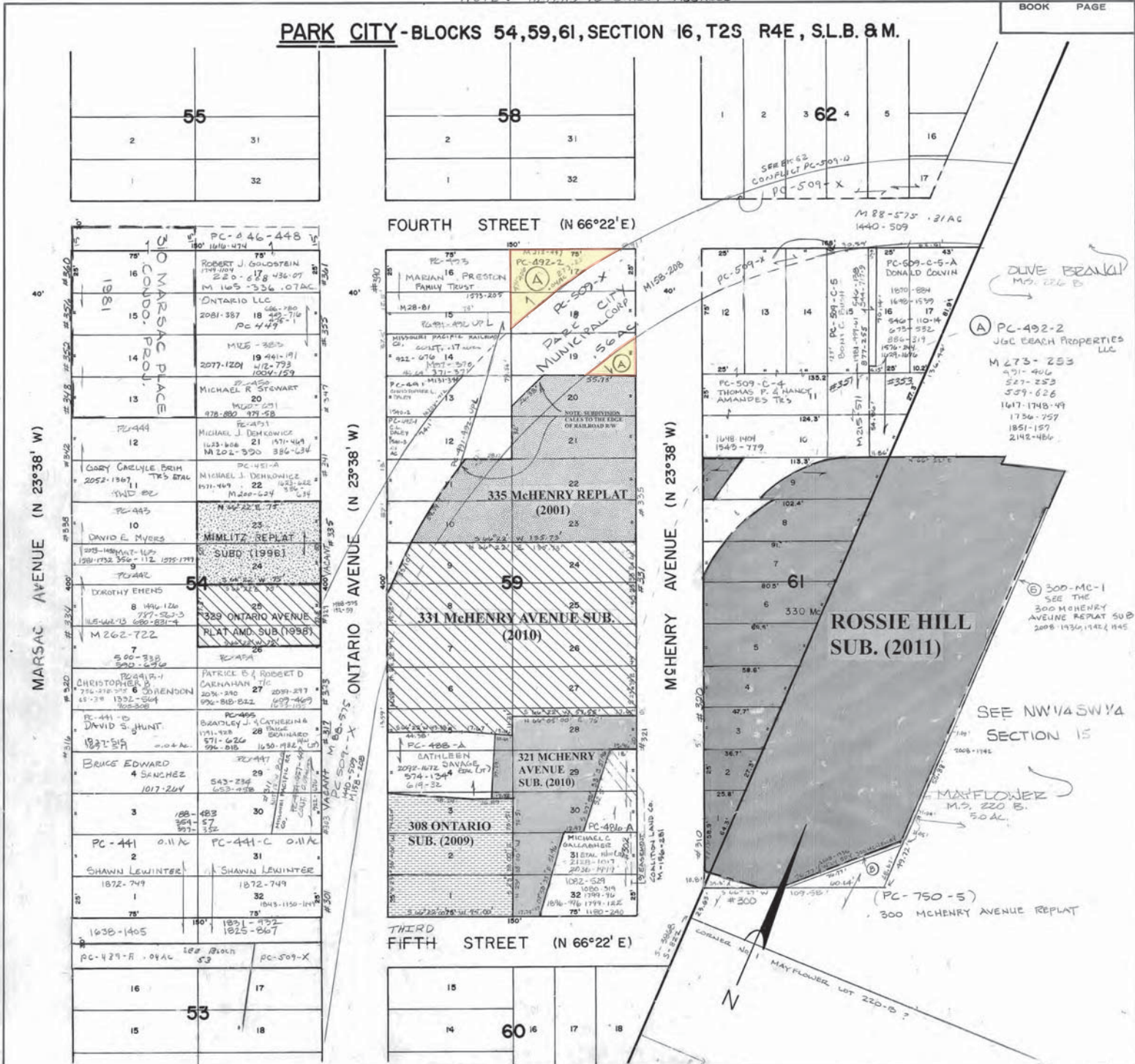
SUMMIT COUNTY, UTAH

Date By
Engineering Associates Inc.

NOTE: # REFERS TO STREET ADDRESS

PARK CITY - BLOCKS 54, 59, 61, SECTION 16, T2S R4E, S.L.B. & M.

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


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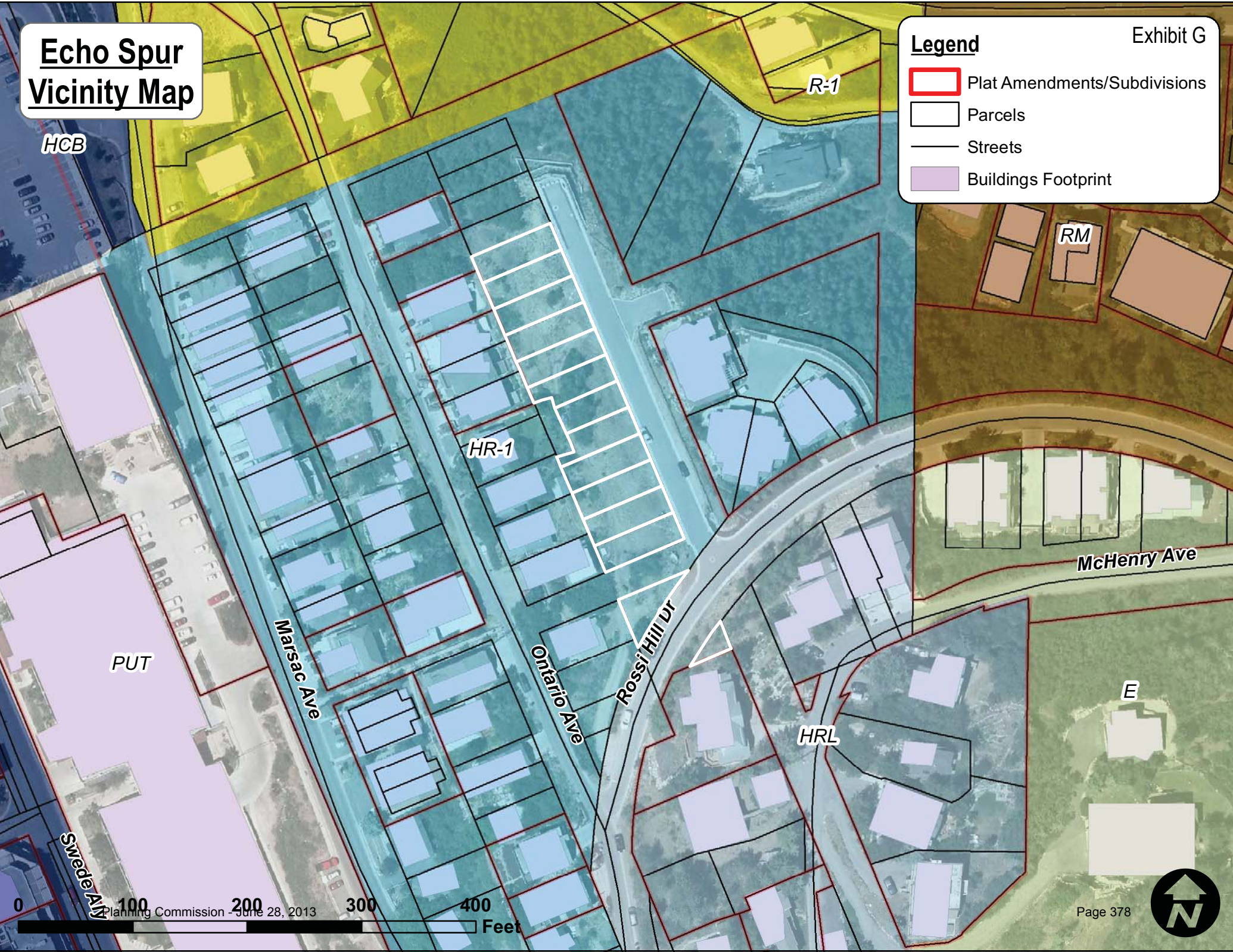
SUMMIT COUNTY, UTAH

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Echo Spur Vicinity Map

Legend

-  Plat Amendments/Subdivisions
-  Parcels
-  Streets
-  Buildings Footprint



0 100 200 300 400 Feet



Planning Commission Staff Report



Application #: PL-12-01717
Subject: McHenry Subdivision Re-plat
Author: Francisco Astorga, Planner
Date: January 9, 2012
Type of Item: Administrative – Plat Amendment Work Session Discussion

Summary Recommendations

Staff recommends the Planning Commission review the application for a plat amendment located at 496 McHenry Avenue, McHenry Subdivision Re-plat, for compliance with the Land Management Code (LMC) and provide direction to the applicant and Staff regarding the proposed plat amendment.

Description

Applicant: Sean Kelleher, Managing member, for JGC Beach Properties LLC represented by Preston Campbell
Location: Lots 21-32, Block 58, Park City Survey
496 McHenry Avenue (Echo Spur)
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 property owner requests to combine lots 21-25, 29-32, a portion of lot 26-28, of block 58 and portion of lot 17 & 19 of Block 59. The request is for a plat amendment to combine these lots and vacation of the Right-of-Way of the eastern half of 4th Street between Ontario and platted McHenry (Echo Spur) so that the entire property is contiguous. The entire combined property will then re-platted as a condominium plat with seven (7) separate units which are to be designed to reflect single family dwellings. See detailed statement submitted by the owner in Exhibits A & H.

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 December 11, 2012 the City received a completed application for the McHenry Subdivision [Plat Amendment]. The purpose of this plat amendment is to combine all of the contiguous property under common ownership in this location, (see Exhibit G) and re-subdivide it as individual condominium units through a Condominium Record of Survey, at a later date. The applicant requests that a portion of 4th Street Right-of-Way to be vacated and incorporated into this plat amendment.

The applicant has submitted various exhibits that describe the existing property conditions, property lines, topographic survey, and aerial photography. See exhibits E - H.

The Planning Commission held a site visit and work session discussion on a request in this same neighborhood on December 12, 2012. The draft minutes have been attached in the packet with this staff report as the Commission will review the minutes and possibly adopt them during this meeting. The December 2012 discussion mainly focusses on ridgeline development/vantage point analysis. However, many other items relative to this area were also discussed.

Analysis

The applicant submitted a preliminary concept plan showing seven (7) structures to be built on the subject property. The preliminary concept plan also shows a shared vehicular access to the site off built Rossi Hill Drive. This access provides underground parking for the seven (7) proposed structures.

Use

The Land Management Code (LMC) indicates that a single family dwelling is an allowed use in the HR-1 District. Furthermore, the LMC contains the following definitions:

1.87 DWELLING.

- A. *Dwelling, Duplex. A Building containing two (2) Dwelling Units.*
- B. *Dwelling, Triplex. A Building containing three (3) Dwelling Units.*
- C. *Dwelling, Multi-Unit. A Building containing four (4) or more Dwelling Units.*
- D. *Dwelling, Single Family. A Building containing not more than one (1) Dwelling Unit.*

1.88 DWELLING UNIT. *A Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.*

1.33 BUILDING. *Any Structure, or any part thereof, built or used for the support,*

shelter, or enclosure of any Use or occupancy by Persons, animals, or chattel.

(A) *Building, Attached.* A Building connected on one (1) or more sides to an adjacent Building by a common Party Wall with a separate exterior entrance for each Building.

(B) *Building, Detached.* Any Building separated from another Building on the same Lot or Parcel.

(C) *Building, Main.* The principal Building, or one of the principal Buildings on a Lot, that is used primarily for the principal Use.

[...]

Discussion: How would the Planning Commission define their requested concept? The seven (7) privately owned single family dwelling units would share the common ownership underground parking garage through the subsequent Condominium Conversion. A condominium is not a use, but rather a type of ownership. The HR-1 District indicates that a single family dwelling is an allowed use; a duplex is a conditional use; and triplex/multi-unit dwelling is not allowed.

Footprint as Related to the Underground Parking Garage

The LMC indicates that the maximum building footprint of any structure located on a lot or combination of lots shall be calculated according to the footprint formula:

$$\text{MAXIMUM FP} = (A/2) \times 0.9^{A/1875}$$

Where FP= maximum Building Footprint and A= Lot Area.

Example: 3,750 sq. ft. lot: $(3,750/2) \times 0.9^{(3750/1875)} = 1,875 \times 0.81 = 1,519$ sq. ft.

The LMC further clarifies that the maximum building footprint for any structure located on a lot or combination of lots exceeding 18,750 square feet (equivalent to 10 standard Old Town lots) in lot area shall be 4,500 square feet. A Condition Use Permit is required for all structures with a proposed footprint of greater than 3,500 square feet.

Building footprint is defined as *the total Area of the foundation of the Structure, or the furthest exterior wall of the Structure projected to Natural Grade, not including exterior stairs, patios, decks and Accessory Buildings listed on the Park City Historic Structures Inventory that are not expanded, enlarged or incorporated into the Main Building.*

The LMC indicates the following under Parking in the Historic District found in the Off-Street Parking Chapter:

LMC 15-3-8. PARKING IN THE HISTORIC DISTRICT.

- A. *To encourage the location of parking in the Rear Yard and/or below Grade, the City allows common driveways along shared Side Yards to provide Access to*

parking if the Owner restricts the deeds to both Properties to preserve the shared drive in perpetuity.

B. Common Parking Structures are allowed as a Conditional Use where it facilitates:

- 1. The Development of individual Buildings that more closely conform to the scale of Historic Structures in the district; and*
- 2. The reduction, mitigation or elimination of garage doors at the Street edge.*

C. Parking Structure may occupy below Grade Yards between participating Developments if the Structure maintains all Setbacks above Grade and the Area above Grade is properly landscaped, subject to Conditional Use permit or Master Planned Development (MPD).

D. Driveways between Structures are allowed in order to eliminate garage doors facing the street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.

E. Turning radii are subject to a review by the City Engineer as to function and design.

The HR-1 District indicates that a Residential Parking Area or Structure with five (5) or more spaces for residential, non-commercial, uses is a conditional use to be reviewed and approved by the Planning Commission subject to LMC 15-1-10.

Discussion: How would the Planning Commission interpret the requested use of the future Condominium Conversion in terms of building footprint within the HR-1 District, specifically related to the allowance for below grade parking area? How would the Planning Commission interpret how to count the footprint of the underground garage, if applicable?

Previous plat amendment request within the neighborhood

Staff has forwarded the draft Planning Commission minutes from December 12, 2012 to make the applicant aware of the items of concerns dealing with the ridgeline development/vantage point analysis, road acceptance by the city, and various applicable concerns. At this time the applicant has not submitted additional information related to building footprint and square footages related to each structure.

Right-of-Way Vacation

The applicant also requests that the City vacate/abandon a portion of the 4th Street Right-of-way. Resolution No. 8-98 adopted a policy statement regarding the vacation of public right-of-way. The City may generally find "good cause" when a proposal evaluated demonstrates a "net tangible benefit" to the immediate neighborhood and to the City as a whole. The City will evaluate a particular proposal against specific criteria

to determine whether a "net tangible benefit" has been demonstrated by the petitioner. See Exhibit I.

Recommendation

Staff recommends the Planning Commission review the application for a plat amendment located at 496 McHenry Avenue, McHenry Subdivision Re-plat, for compliance with the Land Management Code (LMC) and provide direction to the applicant and Staff regarding the proposed plat amendment.

Exhibits

- Exhibit A – Applicant’s Statement & Presentation
- Exhibit B – Vicinity Map
- Exhibit C – County Tax Map (Block 58, Park City Survey)
- Exhibit D – County Tax Map (Block 59, Park City Survey)
- Exhibit E – Topography with Aerial Photograph
- Exhibit F – Topographic Survey
- Exhibit G – McHenry Subdivision (Proposed Plat Amendment)
- Exhibit H – Conceptual Site Plan
- Exhibit I – Resolution No. 8-98

Exhibit I

Work Session Minutes
January 9, 2013
Page 8

Planner Astorga reviewed Scenarios I and J together. Both were on 60% grade. Scenario I has one exterior parking space, and Scenario J has two interior parking spaces. Planner Astorga noted that there were major issues with variances in both scenarios. If such a lot existed with 60% grade, it would again make sense to try and do a split level concept.

Commissioner Hontz pointed out that in addition to not meeting the height due to the garage, it also would not meet Code because the driveway could not be returned to within 4-feet of natural grade. The bottom two floors would also have to be on stilts. Scenarios I and J could not be built based on all three reasons.

Planner Astorga had prepared another packet of scenarios on uphill lots that he would present at a work session on February 13th.

496 McHenry Avenue, McHenry Subdivision Replat – Plat Amendment. (Application #PL-12-01717)

Due to a conflict, Commissioner Thomas recused himself from this discussion and left the room.

Planner Astorga reviewed the application for the proposed McHenry subdivision replat. Sean Kelleher was the property owner. Planner Astorga reported that Mr. Kelleher owns approximately 12 lots of record. Three do not meet the minimum lot size; therefore, the lot lines would need to be shifted for development.

Planner Astorga reported that the current plan is to construct seven single-family houses that would be accessed from an underground, shared parking garage. The Staff report outlined specific points for discussion, and Planner Astorga requested that the Planning Commission provide direction to the Staff and the applicant on how to proceed. As part of the discussion, the Staff report also included the minutes from the December 12th meeting, at which time the Planning Commission held a site visit and a work session discussion on the three lots down the street from Mr. Kelleher's property.

Mr. Kelleher provided a power point presentation reviewing the history and background of the property. He has been in the periphery of Rossi Hill for a long time, but he has never come before the Planning Commission. Mr. Kelleher stated that when he first became involved with the property in 2006, he was a tenant in common with Mr. Bilbrey, a former owner. Mr. Bilbrey retained all the development rights for the property and Mr. Kelleher was the traditional silent partner. Mr. Kelleher remarked that his only involvement regarding plat applications that came forth since 2007 was to sign the plat as a co-owner of the property. All discussions and decisions made on the property were out of his control.

Mr. Kelleher outlined what has been done on the property since 2007 and how he and Mr. Bilbrey eventually became independent owners of different elements of the lots in 2011. Mr. Kelleher noted that the infrastructure has been completed at this point. He commented on problems with the wall in 2009 and that it was basically rebuilt. In 2011 he stepped in after he and Mr. Bilbrey terminated their arrangement. He worked closely with Matt Cassel, the City Engineer, in terms of ensuring that the wall was as much of a fortress as possible. That was completed in the Fall of 2011 and it went

through the one-year warranty period. Mr. Kelleher believed it was scheduled before the City Council within the next few weeks.

Mr. Kelleher stated that he has been working with a number of builders, developers, architects, and energy engineers around the Park City area a plan for development. Mr. Kelleher clarified that he is not a developer and he was never involved as a developer. He manages a firm that works with community banks and credit union. His background in development is limited, which is why tried to build a team of local representatives that know Park City and understand the issues. He has been working with this team over the past year and they have an idea of what makes sense in that area. However, they held off throughout 2012 because of changes being proposed in the LMC, such as flat roofs, which was something he would like to do.

Mr. Kelleher and the team spent a lot of time reviewing specific elements important to the community, and he tried to develop a plan that looked at sustainability and other forward thinking issues critical to Park City. They looked at the Bonanza Park plan and tried to build in some of the incentives and additional “gives” to the town that they thought were important based on that plan.

Mr. Kelleher outlined some of the benefits of his plan. In terms of affordable housing and open space, six years ago they pledged to make a contribution to the Park City Foundation of 1.5% of any of the lot sales, and that money would be focused on either affordable housing or open space. Stated that when he took possession of the property and the development rights over a year ago, he realized that the world of housing was rapidly changing and there was no reason not to build homes that use 80% less energy than the common home built to Code. He commented on things that could be done to accomplish a more energy efficient home with this development.

Mr. Kelleher stated that one reason for proposing a condo-type structure that would look like single family homes, was the ability to share energy between units. Mr. Kelleher presented a schematic and highlighted some of the features. The average home size would be approximately 3,000-3500 square feet. Underground parking and access clears the road and allows energy sharing. He noted that the proposal requests a vacation of the eastern half of the Fourth Street right-of-way. It was not a critical part of the plan, but the intent is to turn that into open space. Without the vacation, they would only have the right to go underneath it. Mr. Kelleher explained that if they extend the Shorty stairs over to the east side of Ontario and have public space above, they could also add parking along Rossi Hill to remedy currently impaired parking options and access for the existing homes. He believed that would be a “give” for the neighborhood.

Mr. Kelleher stated that the Kimball Arts Center was interested in developing an artist-in-residence program in Park City. However, the problem is lack of consistent housing and a place that would incentivize an artist. Mr. Kelleher proposed to offer the Kimball Arts Center the right to use the second floor of one unit as a 500 square foot studio/one-bedroom facility. It would be a below-market use and after ten or fifteen years, the studio would be turned over to the Kimball and they would become a member of the HOA.

Mr. Kelleher requested input from the Planning Commission on the proposed plan and he was open to feasible suggestions or alternatives.

Chair Worel referred to page 6, Exhibit A, which indicated that the lower floors of the proposed

housing would house garages, mechanical storage, etc. She asked if those garages were in addition to the large common garage. Mr. Kelleher noted that the dotted lines shown in the proposed public space area was the underground ramp. It would circle around and drop to 11 or 12 feet below grade. That would run parallel to the road that was put in a few years ago. The plan is to excavate a fairly large portion of each of the lots and have underground parking, as well as mechanical, etc., in that space. A single family home is excavated based on the footprint; however, because it is considered a condo underground, they would extend the excavation to create a larger underground space to accommodate parking for two or three cars.

Commissioner Wintzer asked if the parking would go underneath the houses all the way down Echo Spur Drive. Mr. Kelleher contemplated that it would go even further to the west. Commissioner Wintzer clarified that excavation would occur under all of the houses. Mr. Kelleher replied that this was correct. He was unsure if they could keep excavation to 100% under final grade, which was something for the Planning Commission to consider.

Planner Astorga noted that Mr. Kelleher had also submitted an existing conditions survey as well as the proposed plat. At this point Mr. Kelleher was moving forward with the plat amendment to combine everything into one lot of record in order to move forward with a condominium in the future.

Planner Astorga had included Resolution 898 in the Staff report as a quick review of the City Council findings that the applicant would have to meet for the street vacation.

Planner Astorga stated that a condominium was a type of ownership and not a use. Based on the footprint in the HR-1 District, the Staff struggled with how to move forward with an interpretation due to the underground garage that would be shared by future owners. LMC language included in the Staff report indicates that the Planning Commission may approve an underground shared parking facility through a conditional use permit. He noted that seven unit condominium projects with shared underground parking are rarely proposed in Park City. The Staff was aware of the approval for 801 Park Avenue; however, this was a different zoning district with different zoning parameters. 801 Park Avenue was part of an MPD and crossed two zone lines. If requested by the Planning Commission, he could research the specific parameters of that approval versus what was proposed for 496 McHenry.

Planner Astorga requested that the Planning Commission discuss whether they would consider the units as single-family dwellings, or whether the underground garage and being connected by the foundation would be an issue. Commissioner Wintzer asked if a condominium project was a permitted use. Planner Astorga reiterated that a condominium is a type of ownership. It is not a use. Commissioner Wintzer asked if it was permitted ownership in the zone. Planner Astorga answered yes. Commissioner Wintzer asked if the entire project could be built as a condominium if the applicant wanted to do so. Planner Astorga explained that with a condominium project, the property lines no longer exist and the private ownership is the house itself. Everything around the house would be common ownership and there would be no setback issues. Because of the foundation, it was difficult to interpret whether or not the structures would be identified as single-family dwelling. The Staff was looking for feedback from the Planning Commission to help with that interpretation. Planner Astorga had included the definitions for a single-family dwelling and a multi-unit building in the Staff report.

Commissioner Wintzer could not understand why the applicant could not build a condominium

project with houses. Planner Astorga replied that the proposal was a condominium project. Director Eddington explained that it would have the appearance of single family dwellings, but it would be a condominium project.

Commissioner Savage thought it was important to distinguish how the property is marketed versus the form of ownership. He understood that for marketing purposes it would be a single family stand-alone unit in terms of what exists above ground; but the ownership would be a condominium form of ownership. Commissioner Savage clarified that there were no constraints in the LMC as it relates to having a condominium form of ownership on a lot or a subsequent combination of lots.

Mr. Kelleher remarked that the intent was to use the existing setbacks for the zone. They were also considering flat roofs, which could lower the height below 27'. The flat roofs would accommodate solar PV and thermal. The property slopes away from the light and steep roofs would block each other.

Commissioner Wintzer pointed out that a compatibility study would need to be done and he was unsure whether five roofs would meet the Historic District Guidelines. Mr. Kelleher understood that there was a proposal to amend the LMC to allow flat roofs if used for solar, etc. He also understood that the project would have to meet compatibility. Mr. Kelleher reiterated that a primary reason for the condominium was so Rocky Mountain Power would allow shared energy between homes.

Planner Astorga stated that based on additional analysis, adding up the overall area, including the requested street vacation, equates to approximately 14.25 Old Town lots of record. Without the underground concept and just having seven single-family dwellings over 14 lots, each lot would be approximately 3800 square feet. The footprint would be approximately 1541 square feet. He was unsure if the end product would have two or three stories, but assuming three stories, each house would be approximately 4600 square feet.

Commissioner Gross asked if there would be two or three stories above the garage. Planner Astorga replied that another point for discussion was whether or not the garage counts as the first story. The Staff was only asking the question because the garage would be platted as common space, while everything else would be platted privately.

Mr. Kelleher clarified that he was only proposing two floors above grade. He was fairly certain they would not need the full 27' height. Commissioner Wintzer believed that could be addressed in a condition of approval. Commissioner Gross thought the garage should be counted as the first level to be consistent with other projects where the basement level counted as the first story.

Commissioner Hontz stated that if the underground garage connects to the above ground units, by definition she believed that would constitute an attached building, which makes the structure a multi-unit building instead of single family dwelling. Planner Astorga thought the definition of a multi-unit building was weak because it only says, "A building containing four or more dwelling units". It does not address the connection piece. The Staff was looking for direction from the Planning Commission on that issue.

Commissioner Savage stated that if the redlined area shown was common space, then each unit

sits on top of common space and; therefore, all the units are connected by common space. On the other hand, if a driveway provided access to private garage space underneath each home, the homes could be independent of each other as it relates to footprint. In his opinion, whether or not the building is multi-tenant would be contingent on the underground design.

Commissioner Strachan remarked that a driveway would also be a potential connection and considered common space because each unit would not have its own access point. Mr. Kelleher clarified that there would be a garage door for each unit.

Commissioner Wintzer understood that an MPD was not permitted in the HR-1 zone. Director Eddington replied that this was correct. Planner Astorga remarked that in some circumstances, the reduction of driveway accesses for each unit is a good urban design feature and allows for more aesthetic control on the street.

Commissioner Gross asked if parking was allowed on that street. City Engineer, Matt Cassel, stated that street parking was not allowed. Commissioner Gross wanted to know where guests would park. Planner Astorga asked if Mr. Kelleher would consider adding guest parking in the underground garage. Mr. Kelleher asked if parking on the street was prohibited in any circumstance. He was told this was correct. Planner Astorga remarked that the Code requires two parking spaces per dwelling unit. Therefore, fourteen spaces would be required for seven units proposed.

Mr. Cassel explained that the street was built to 20 feet, which included sidewalk, curb and gutter and the road surface. It was only meant to provide access to homes on that street and for fire access, which requires 20' minimum. Cars are not allowed to park along the road unless they are fully off the street, sidewalk and curb and gutter. Commissioner Gross asked about snow removal. Mr. Cassel stated that snow gets pushed to the end of the road. Commissioner Hontz assumed the road had still not been accepted by the City. Mr. Cassel replied that it has not been accepted at this point. However, it would go to the City Council for final acceptance or dedication. If for some reason the City decided not to take it over, it would become a private drive and nothing would change. He noted that the road was built to City standards.

Commissioner Savage asked if the Staff could present the Planning Commission with a hierarchy of decisions that need to be made regarding this proposal, and the dependency of one decision upon another. He thought a major question was whether or not a multi-unit dwelling was acceptable for this development in conjunction with it being designated as a condominium form of ownership. Another important question related to ridgeline. Planner Astorga noted that the Staff had received additional information from Commissioner Wintzer regarding the ridgeline. To address Commissioner Savage's question regarding the use related to condos and single family dwelling, Planner Astorga believed a related question would be how to interpret the footprint.

Commissioner Wintzer referred to page 25 of the Staff report and indicated ten or twelve platted lots that have attached development rights and access to the street. Those lots could be developed with one house on each lot without Planning Commission approval. Commissioner Savage asked if there were slope issues on those lots. Commissioner Wintzer replied that a lot of record with access would trump any slope issue. Commissioner Wintzer indicated lots further down the road and noted that the second to the last lot was a lot of record with access. The two lots below that lot were lots of record, but without access. He pointed out that combining those two lots would

increase the amount of development rights further down the road, and that was his issue. Commissioner Wintzer thought they should focus on the issue above and not the issue below.

Commissioner Hontz appreciated the comments from both Commissioners Wintzer and Savage because she struggled with the same issue. If they combine the lots it is evident where the ridgeline would run through the lots, and the Planning Commission would need to have that discussion. Commissioner Hontz noticed that the survey in the packet was a topo survey and she thought they had asked to see a boundary or alta survey. Director Eddington replied that they would want to see an alta survey with the subdivision.

Commissioner Hontz stated that if the lots are combined, the Planning Commission would have to make findings for good cause and one concern would be public health, safety and welfare. She noted that Echo Spur is a substandard street and any road utilized to get to that street is also substandard. Ontario, McHenry, and Rossi Hill are all narrow streets and she would like to understand the impacts of adding seven or nine units. Commissioner Hontz thought a traffic analysis would be necessary and the City should dictate the terms of what is analyzed. The analysis needs to take into account the conditions of the streets, particularly in winter, and the existing conditions that would not be improved.

Commissioner Hontz had issues with the additional square footage through the addition of the right-of-way from the City vacation. She thought some of the ideas listed on page 6 of the Staff report could be great benefits to the neighborhood, but she wanted to hear from the neighborhood and visit the site herself to make her own determination about the additional parking spots. Commissioner Hontz was not convinced that adding the stairs to that location would be a benefit to anyone except that particular development. She was concerned that it could potentially reduce the value of the open space in that area. At this point she would not consider those a good enough "get" on the part of the City. Commissioner Hontz was also concerned about taking access off of McHenry instead of Echo Spur into the underground parking. Although they usually try to reduce the amount of excavation, if it done correctly, the potential benefits of an underground combined parking garage in this area could offset the excavation impacts to the community.

Mr. Kelleher wanted to know what defines a substandard street. City Attorney Matt Cassel stated that Echo Spur and Rossi Hill meet all the criteria of City standards for a street. The only street considered substandard is Ontario, due to the slope. Commissioner Hontz recalled Mr. Cassel's earlier comment that street parking was prohibited on Echo Spur. Mr. Cassel explained that based on a request by the neighbors and to satisfy their needs and issues, Echo Spur was made as narrow as possible but still meeting the Fire Code. Commissioner Hontz asked if there were any parking requirements on Rossi Hill based on its width. Mr. Cassel stated that Rossi Hill is scheduled to be redone and the City will try to address current parking issues and the width in terms of snow removal. Currently, Rossi Hill is not considered a substandard street. It is unsafe in the winter but it is not substandard.

Mr. Kelleher understood that there was an additional 10' on each side of Rossi Hill for a railroad right-of-way. He had contemplated that space for parking spots. Mr. Cassel replied that there was a railroad spur. He believed there was minimal space on the south side and five to ten feet on the north side of Rossi Hill Drive. Chair Wintzer asked if Mr. Kelleher anticipated using that space for

guest parking. Mr. Kelleher thought they may have to put visitor parking in China Bridge and make them walk up the stairs. He was primarily thinking of using the road side spaces to address parking issues discussed with the Ontario neighbors. It would be a nice "give" to the neighbors to pave parking spots in the railroad right-of-way along the road. Commissioner Savage assumed the proposed design would have to allow for public access into the garage area. In his opinion, not having the ability to access that area would be problematic unless the garage is publicly accessible to visitors. He was unsure of the solution, but he suggested that it would be a contentious issue for Mr. Kelleher to consider. Commissioner Wintzer agreed that an owner could never have house guests without on-site parking.

Commissioner Strachan was concerned that the proposal creates the effect of a gated community since no one except the owners could access the development. Visitors would not want to use Echo Spur because parking is prohibited and the road goes nowhere. Mr. Kelleher stated that he was not aware that one of the "gives" with the road going in was that parking was not allowed on the road in any circumstance. He felt it was unfair to say it was a gated community since it was the neighbors and not the developer who requested that parking not be allowed. Commissioner Strachan stated that Rossi Hill could be utilized for parking, but it becomes more isolated moving north. If the intent was to intermingle communities and make homes and families live, work, and play around each other, this proposal was not conducive to that intent, particularly the northernmost homes.

Commissioner Savage suggested that a possible design solution would be to create guest parking in the space west of Echo Spur. Director Eddington agreed that it was a potential and similar to what was done on Rossi Hill.

Commissioner Wintzer concurred with most of the points made by Commissioner Hontz. As someone who lives 300 yards up the road, the only open space left in Old Town are the streets that have not been built on. He noted that a park was created in the middle of the street on the upper part of Rossi Hill. Commissioner Wintzer was opposed to the City vacating any land that is the last of the open space in Old Town. He did not favor Rossi Hill Drive as the project entrance and recommended that the applicant find a way to use Echo Spur as the entrance. Commissioner Wintzer pointed out that the "gives" proposed were not "gives" the City. That was not necessarily a bad thing, but the City is typically the beneficiary. He did not believe it would benefit anyone to have a structure in the corner against Rossi Hill. Commissioner Wintzer recalled that the stairs going down the other half of Fourth Street were mentioned as a "give" the last time the Planning Commission saw this with Mr. Bilbrey. In looking at the topo, it was evident that a hill with significant vegetation would be destroyed and the stairs would only be a benefit to the residents in the project. Others may use it, but not enough people to make it a real public benefit. In his opinion, the parking structure is problematic due to the grade, and he would need someone to show him that it could work before moving forward. Commissioner Wintzer commented on the phasing plan and potential problems with building the parking structure first. He believed it should be an all or nothing process because phasing would not work in this situation. Commissioner Wintzer preferred to see a better floor area ratio study in relation to parking versus above grade square footage. Commissioner Wintzer stated that aside from his concerns, this was a creative solution and he was willing to give it consideration if his issues could be addressed. He liked the idea of a neighborhood without garage doors.

Commissioner Wintzer stated that he has lived there nearly 40 years and he walks that street every

day. His issues and concerns are based on experience and what he sees. He believed if the City and the development community had worked together in the past and had started with this proposal, they would have had a far better project without the existing problems at the end of the road.

Commissioner Savage echoed Commissioner Wintzer on the all or nothing approach. If this is to be a condominium-style project with the road access as proposed, it could not be piecemealed. He felt strongly that it should be a condition of the design concept. Commissioner Strachan recommended bonding to address the issue. Commissioner Savage thought it was important to have some understanding that the garage must be completed in conjunction with the first house.

Mr. Kelleher asked if the Planning Commission was suggesting that the foundation should go in all the way down. Commissioner Wintzer thought the foundation should go in. He was concerned about being left with a large hole in the ground at the end of the foundation if the project was stopped for any reason. He suggested the possibility of phasing the project over a two-year period by building one half first and then the other, but he would not favor the concept of building a piece of garage with every house.

Mr. Kelleher noted that the first house built would be owned by his family. He asked if having contracts for each purchase would make a difference on the phasing. Mr. Kelleher thought it would be riskier for everyone to build the entire project at one time. Commissioner Wintzer explained why he believed it would be economically better to build the garage structure at one time and then go back and construct the houses. Commissioner Savage remarked that the last house should be built first with the garage leading all the way down to the first house.

Planner Astorga believed the Staff had enough direction to move forward. Mr. Kelleher needed to redraft the concept plan and the next step would be to involve the neighborhood. Planner Astorga suggested that the next meeting should also be a work session, but with noticing to get the neighbors involved in the process. Mr. Kelleher stated that there were conversations with the neighbors in the past regarding parking and walkways for better access. He understood that the extension of the Shorty stairs appeared to be minimal, but it complements other parts of the Shorty stairs further west that also have walkways to the homes.

Planner Astorga thought it would also be beneficial to review 801 Park Avenue more in-depth to better understand that project.

The Work Session was adjourned.

Planning Commission Staff Report



Application #: PL-12-01717
Subject: McHenry Subdivision Replat
Author: Francisco Astorga, Planner
Date: February 27, 2013
Type of Item: Administrative – Plat Amendment Discussion & Public Hearing

Summary Recommendations

Staff recommends the Planning Commission review the Plat Amendment located at 496 McHenry Avenue, McHenry Subdivision Replat, for compliance with the Land Management Code (LMC) and provide direction to the applicant and Staff regarding the proposed Plat Amendment; and hold a public hearing.

Description

Applicant: Sean Kelleher, JGC Beach Properties
Location: 496 McHenry Avenue (Echo Spur)
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 property owner requests to combine lots 21-25, 29-32, a portion of lot 26-28, of block 58 and portion of lot 17 & 19 of Block 59 of the Park City Survey into one (1) lot of record. The request is for a Plat Amendment to combine these lots and a street vacation of the Right-of-Way of the eastern half of 4th Street between Ontario and platted McHenry (Echo Spur) so that the entire property is contiguous. The entire combined property would then be re-platted as a Condominium Record of Survey containing eight (8) separate residential units which are to be designed to reflect single-family dwellings. One (1) of the units, the smaller one closest to Rossie Hill Drive, would be a Kimball Art Center living quarters for an artist-in-residence. See detailed statement submitted by the owner in Exhibits A & H.

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 December 11, 2012 the City received a completed Plat Amendment application for the McHenry Subdivision. The purpose of this Plat Amendment is to combine all of the parcels shown on the proposed plat (Exhibit G). The applicant is also requesting that a portion of 4th Street Right-of-Way to be vacated and incorporated into this Plat Amendment.

The proposed Plat Amendment has a note which indicates that the purpose of the purpose of this Plat is to combine all parcels as shown hereon to be re-subdivided at a later date. This future re-subdivision would be a Condominium Record of Survey (ROS) plat which would identify private, limited common and common areas within the project. Recordation of a ROS plat enables the owner to sell individual condominium units. The future ROS plat would identify the eight (8) residential units. The applicant has submitted various exhibits that describe the existing property conditions, property lines, topographic survey, and aerial photography. See Exhibits E - H.

The Planning Commission held a site visit and work session discussion on a recent Plat Amendment request by a different property owner for adjacent property in the neighborhood in December 2012. The December 2012 discussion mainly focused on ridgeline development/vantage point analysis. However, many other items relative to this area were also discussed, see Attachment 3.

On January 9, 2013 the Planning Commission reviewed the requested Plat Amendment application during a work session discussion. The Planning Commission provided direction as indicated in the draft minutes as part of this packet. The Commission requested that Staff come back with more specific questions related to the proposed development; see draft minutes incorporated within this Planning Commission packet.

Analysis

The applicant submitted a preliminary concept plan proposing an eight (8) unit development on the subject property containing 0.614 acres (26,745.84 square feet). The site equates to approximately twelve (12) Old Town lots. The preliminary concept plan also shows a shared vehicular access to the site off built Rossi Hill Drive. This access provides underground parking for the eight (8) proposed structures. See Attachment 2 – Underground Driveway Exhibit.

Use

In 2005/2006 the City approved a similar project located at 801 - 817 Park Avenue, known as Parkwood Place Condos. The City approved a common underground parking area for all of the eight (8) structures on site and structural connections between the HR-1 single family homes to the commercial structures in the adjacent HRC zone, with

one (1) access point off Park Avenue. See Attachment 4 – City Council Staff Report (Parkwood Place Condos Plat).

Attachment 2 further explains their concept plan. This exhibit shows their proposed underground garage accessed off Rossie Hill Drive, the proposed building envelope for each structure, and section cut. In order to minimize impacts of the site, the driveway makes a complete circular turn as it drops one (1) level from the access point on Rossie Hill Drive. The driveway provides a longer driveway all the way to the last unit. The underground driveway drops in increments of four feet (4') or less as it approaches the seven (7) underground garage entrances. On top of each lower level entry area there are two (2) additional floors making each residential unit three (3) stories, including their garage level. The underground garage is completely below existing grade which would make the perceived height from the existing grade at the curb no more than two (2) stories.

Attachment 2 provides a proposed unit building envelope with a six foot (6') separation between above ground adjacent structures. Under the LMC, the side yard setback on these *perceived lots* would be either three feet (3') or five feet (5') depending on the *perceived lot width* which ranges from 36 feet to 43 feet, respectively. This would create a separation of either six feet (6') or ten feet (10') between homes.

Discussion: The eight (8) privately owned single-family dwelling units would share the common ownership underground parking garage through the subsequent Condominium Conversion. The two (2) upper floors of each residential unit would be completely separate from each unit. The end result is not a typical multi-unit dwelling. Staff classifies the proposal as single-family dwellings with a common underground garage, which is consistent with the approved Parkwood Place project. Does the Planning Commission concur with this determination?

Footprint

LMC § 15-3-8 relates specifically to Parking in the Historic District. It indicates the following:

- A. *To encourage the location of parking in the Rear Yard and/or below Grade, the City allows common driveways along shared Side Yards to provide Access to parking if the Owner restricts the deeds to both Properties to preserve the shared drive in perpetuity.*
- B. *Common Parking Structures are allowed as a Conditional Use where it facilitates:*
 1. *The Development of individual Buildings that more closely conform to the scale of Historic Structures in the district; and*
 2. *The reduction, mitigation or elimination of garage doors at the Street edge.*

- C. Parking Structure may occupy below Grade Yards between participating Developments if the Structure maintains all Setbacks above Grade and the Area above Grade is properly landscaped, subject to Conditional Use permit [CUP] or Master Planned Development (MPD).
- D. *Driveways between Structures are allowed in order to eliminate garage doors facing the street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.*
- E. *Turning radii are subject to a review by the City Engineer as to function and design.*

The HR-1 District establishes a maximum building footprint based on the size of the lot as applied to a mathematical equation found in LMC § 15.2.2-3(D). This section further clarifies that the maximum building footprint for any structure located on a lot or combination of lots exceeding 18,750 square feet in lot area shall be 4,500 square feet. However, there is a provision under the MPD regulation in LMC § 15-6-5(B)(1)(a) which indicates that the area of below grade parking in the HR-1 does not count against the maximum building footprint.

Staff identified interprets that the current proposal does not trigger an MPD. LMC § 15-6-2 Applicability, indicates that an MPD is required in all zones except in the **HR-1**, HR-2, HR-L, and HRM if specific criteria is met. It also indicates that an MPD is allowed but is not required HCB, HRC, **HR-1**, and HR-2 zones, provided the subject property includes two (2) or more zoning designations. Because the subject site does not include two (2) zones, it does not trigger an MPD.

Unlike the MPD regulation, the CUP language in the LMC fails to mention an exception to the below grade parking footprint. However, LMC § 15-3-8 encourages the location of parking below grade through a CUP. Also the HR-1, HR-2 and HR-L LMC parking regulations further reiterate that a parking structure may be placed underground if the structure maintains all setbacks above grade through a CUP. Staff finds that if a CUP for an underground common parking structure is obtained, the footprint of such underground structure would not be counted towards the maximum building footprint. The benefits of a shared underground parking garage include: the reduction or elimination of garage doors at the street edge, removing cars from on-street parking, reduction of paved areas, individual buildings that more closely conform to the scale of historic structures, etc.

At this stage no additional information has been presented to staff related to either the above ground footprint of the eight (8) structures or the underground parking garage other than Attachment 2 which indicates the proposed building envelopes for each **above grade** structure. The applicant has not submitted a CUP application for the proposed underground parking garage at this time.

The HR-1 District indicates that a Residential Parking Area or Structure with five (5) or more spaces for residential, non-commercial, uses is a conditional use to be reviewed and approved by the Planning Commission subject to current CUP criteria found in LMC 15-1-10.

Discussion: Does the Planning Commission concur with this finding related to not counting the footprint of the underground common parking structure through an approved Conditional Use Permit?

Ridgeline Development

Regarding development on ridgelines, the LMC provides the following references:

- LMC 15-15-1.217 RIDGE LINE AREA. 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. CONFORMANCE TO APPLICABLE RULES AND REGULATIONS.

[...]

(D)RESTRICTIONS DUE TO 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.

- LMC 15-7.3-2. GENERAL SUBDIVISION REQUIREMENTS.

[...]

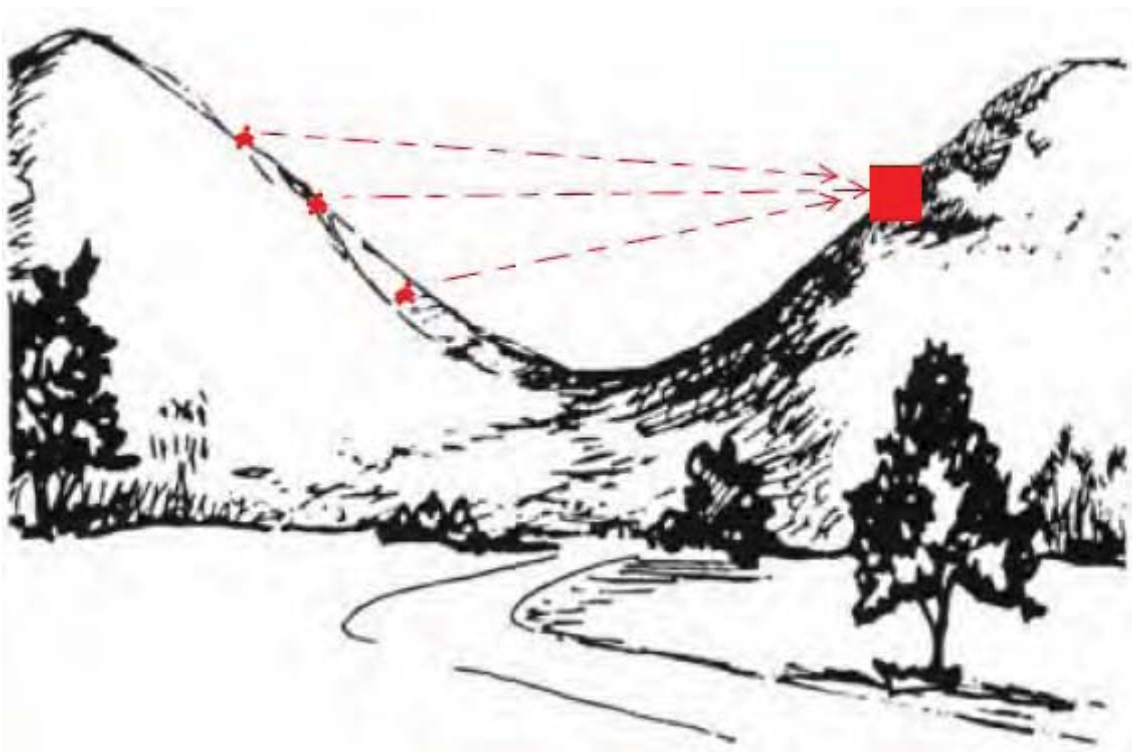
(D)RIDGE LINE DEVELOPMENT. Ridges shall be protected from Development, which Development would be visible on the skyline from the designated Vantage Points in Park City.

- LMC 15-15-1.283 **VANTAGE POINTS**. 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:

- (A) Osguthorpe Barn;
- (B) Treasure Mountain Middle School;
- (C) Intersection of Main Street and Heber Avenue;
- (D) Park City Ski Area Base;
- (E) Snow Park Lodge;
- (F) Park City Golf Course Clubhouse;
- (G) Park Meadows Golf Course Clubhouse;
- (H) State Rd. 248 at the turn-out one quarter mile west from US Highway 40;
- (I) State Rd. 224, one-half mile south of the intersection with Kilby Rd;
- (J) Intersection of Thaynes Canyon Drive and State Rd. 224; and
- (K) Across valley view.

The site cannot be seen by Vantage points A-J. Across valley view is not currently defined by the LMC. The applicant's design does not seem to maximize the building height as they would only request to build no more than two (2) stories above the existing grade at the curb. At this time the applicant has not submitted additional information related to building footprint and square footages related to each structure. However, Attachment 2 further clarifies their proposal.

Staff interprets *across valley view* as the representation of the development from across the valley at approximately the same elevation. The following exhibit further clarifies staff's interpretation.



Discussion: Should the applicant submit additional exhibits showing their concept plan to review if the site would be visible on the skyline from across

valley view? This is to include views across Deer Valley Drive and across Main Street.

Sensitive Lands Overlay (SLO) Analysis

Although there are steep slopes and ridge lines associated with this property, the property is not within the SLO and therefore a SLO analysis is not applicable. The purpose of the SLO is to: require dedicated open space in aesthetically and environmentally sensitive areas; encourage preservation of large expanses of open space and wildlife habitat; cluster development while allowing a reasonable use of property; prohibit development of ridge line areas, steep slopes, and wetlands, and protect and preserve environmentally sensitive land.

Right-of-Way Vacation

The applicant also requests that the City vacate/abandon a portion of the 4th Street Right-of-way. Resolution No. 8-98 adopted a policy statement regarding the vacation of public right-of-way. The City may generally find "good cause" when a proposal evaluated demonstrates a "net tangible benefit" to the immediate neighborhood and to the City as a whole. The City will evaluate a particular proposal against specific criteria to determine whether a "net tangible benefit" has been demonstrated by the petitioner.

On Exhibit A the applicant outlined six (6) items listed in exchange of the eastern half of the 4th Street Right-of-Way (ROW):

1. Shorty's Stair extension along the western half of the ROW between Ontario Avenue and Echo Spur.
2. Three (3) car parking spots to be located on the southern side of Rossie Hill Drive west of the Echo Spur intersection.
3. Walkway access from the aforementioned parking spots to the Shorty's Stairs extension.
4. Living quarters and an off-street parking spot for an artist-in-residence with a below-market, long term lease to terminate in fifteen (15) years which will then be deeded to the Kimball Art Center.
5. Donation to the Park City Foundation of 1.5% if the lot sales proceeds upon the sale of each re-platted lot to homebuyers.
6. Ownership of the stub lot on Block 59, lot 19 to Park City Municipal Corporation.

Proposals must compensate the City for the loss of the ROW. Consideration favored by the City will generally be financial, open space dedication above and beyond normal subdivision or development approval requirements; trail or public access dedication above and beyond normal subdivision or development approval requirements; replacement of ROW dedication; and/or any other public amenity deemed in the best interests of Park City's residents.

According to the applicant the proposal includes an advanced home energy strategy to reduce the carbon footprint and external energy needs of the residential structures. This strategy includes the following:

- Energy Star appliances
- Superinsulation
- Advance ventilation
- Passive heating
- Solar photovoltaic
- Thermal & geothermal
- Rainwater storage

The applicant anticipates that their passive and external strategies will reduce the need for external energy sources by 70-90%

Process

At this stage staff requests that the applicant officially submit the CUP for the underground parking garage. This would allow Staff and the Planning Commission to review specific regulations such as building footprint, elevations, setbacks, height, etc. This site will also need approval of a Steep Slope CUP, Historic District Design Review, and eventually Condominium Record of Survey. All of these applications can be reviewed concurrently. The requested CUP would allow further review of the standard CUP criteria outlined in LMC 15-1-10.

Discussion: Does the Planning Commission concur with this finding of reviewing the CUP for the underground parking garage concurrently with this Plat Amendment request?

Recommendation

Staff recommends the Planning Commission review the Plat Amendment located at 496 McHenry Avenue, McHenry Subdivision Replat, for compliance with the Land Management Code (LMC) and provide direction to the applicant and Staff regarding the proposed Plat Amendment; and hold a public hearing.

Staff is requesting discussion and input/direction on the following items:

- Use. Staff classifies the proposal as single-family dwellings with a common underground garage, which is consistent with the approved Parkwood Place project. Does the Planning Commission concur with this determination?
- Footprint. Does the Planning Commission concur with the finding related to not counting the footprint of the underground common parking structure through an approved Conditional Use Permit?
- Ridgeline Development. Should the applicant submit additional exhibits showing their concept plan to review if the site would be visible on the skyline from across valley view? This is to include views across Deer Valley Drive and across Main Street.

- Process. Does the Planning Commission concur with the finding of reviewing the CUP for the underground parking garage concurrently with this Plat Amendment request?

Attachments

Attachment 1 – January 9, 2013 Planning Commission Staff Report

Exhibit A – Applicant’s Statement & Presentation

Exhibit B – Vicinity Map

Exhibit C – County Tax Map (Block 58, Park City Survey)

Exhibit D – County Tax Map (Block 59, Park City Survey)

Exhibit E – Topography with Aerial Photograph

Exhibit F – Topographic Survey

Exhibit G – McHenry Subdivision (Proposed Plat Amendment)

Exhibit H – Conceptual Site Plan

Exhibit I – Resolution No. 8-98

Attachment 2 – Underground Driveway Exhibit

Attachment 3 – December 12, 2012 Planning Commission Minutes

Attachment 4 – May 4, 2006 City Council Staff Report (Parkwood Place Condos Plat)

Exhibit K

Planning Commission Meeting
February 27, 2013
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1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
 2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
 3. Modified 13-D sprinklers may be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal.
 4. A 10 foot wide public snow storage easement is required along the frontage of the lot with Park Avenue and shall be shown on the plat.
3. **496 McHenry Avenue, Lot 21-32 Echo Spur Subdivision – Plat Amendment (Application PL-12-01717)**

Planner Astorga reported that the Planning Commission previously reviewed this application on January 9, 2013. He noted that since the January meeting the site was posted and noticing letters were sent to property owners within 300 feet in an effort to get the public involved in the process. Planner Astorga had received phone calls and public comments from owners in the neighborhood. Those comments came in after the Staff report was prepared, and they were emailed to the Commissioners today. Hard copies were also provided to the Planning Commission. Planner Astorga also provided copies of an additional exhibit that was submitted by the applicant the day before.

Planner Astorga remarked on the challenge of addressing public comment after the Staff report is drafted. He clarified that the Staff report is available to the Planning Commission the Friday before the Wednesday Planning Commission meeting. Due to limited timing, the Staff also has difficulty reviewing exhibits submitted by the applicant just prior to the meeting.

Planner Astorga stated that during the January 9th discussion the Staff and applicant were asked to address specific items. He noted that this item was scheduled as a public hearing; however, he preferred to treat it as a work session discussion since the Staff was not recommending that the Planning Commission take action this evening. The Staff recommended that the Planning Commission take public input and provide additional direction to the applicant and Staff.

Planner Astorga stated that the first issue addressed in January was the discussion related to use. Since that meeting, the Staff researched a similar project, Parkwood Place, which was approved in 2005-2006. The only difference between the two projects was that Parkwood Place was approved through an MPD; however, the use is not governed by the MPD. The Staff had made a determination that was approved by the Planning Commission and the City Council, to consider an underground garage that would be platted as common with a single family dwelling unit on top of

each of the platted garages. Planner Astorga noted that the Staff had reviewed the information and attached an exhibit to the Staff report showing the approved Parkwood Place condominium plat. The Staff determined that the end result was a single family dwelling.

The Staff had prepared four questions for discussion.

Staff classifies the proposal as single-family dwellings with a common underground garage, which is consistent with the approved Parkwood Place project. Does the Planning Commission concur with this determination.

Commissioner Wintzer stated that typically the ownership goes vertical through a building. With every condominium plat that has an underground parking structure, the parking structure is labeled common area, the building the house sits on is identified as private area, and the space between the buildings which are now called setbacks, are listed as public common area. All the condominium plats were consistent with that layout and he could not find a way to think of this project as anything different than a condominium project based on the layout. Planner Astorga clarified that the Staff agreed that the proposal was a condominium project. The issue was the challenge of the Land Management Code.

Commissioner Wintzer understood the comparison with a project that went through a master planned development, but in reading the minutes, he thought the project was approved in a vacuum because the Planning Commission at the time did not have this discussion. Commissioner Hontz pointed out that Parkwood Place also crossed two zones, which makes it more different than similar. Planner Astorga understood the MPD approval and that the overall project crossed two zones, but he was unsure how that was relative to the use, because one of the zones was the HR-1, where a single family dwelling is an allowed use, a duplex is a conditional use, and a multi-unit building is not allowed. Planner Astorga pointed out that the MPD cannot trump the specific use. The Staff was trying to make the same determination for consistency, while at the same time analyzing the proposed use.

Commissioner Hontz stated that based on the Code language reflected on page 132 of the Staff report, she thought the proposal meets the definition of Attached Building. However, the Code definition for multi-dwelling units on page 131 of the Staff report, "A building containing four or more dwelling units" left the interpretation to the Planning Commission of whether the structure is an Attached Building or Multi-dwelling units.

Planner Astorga stated that interpretation was the reason for this discussion. He noted that a duplex would also be considered an attached building but not a multi-unit structure. The other challenge is that the current definition tends to be antiquated because the City no longer uses party wall agreements that occurred in the 1980's. Instead, the applicant is required to go through a condominium plat amendment for that type of attachment.

Commissioner Wintzer asked how they could say that the project was not a condominium if it requires a condominium plat. Director Eddington replied that a condominium is a form of ownership. The Staff was looking for clarification on the use. He used Snow Creek as an example of a

condominium complex that is typically considered single-family dwelling units, and it was intentionally built that way.

Commissioner Savage wanted to know what difference the use makes. Commissioner Hontz replied that the Planning Commission could not approve a use if it was not allowed in the zone. If the Commissioners determine that it is a multi-unit dwelling, it would not be allowed and the applicant could not move forward with the application. Director Eddington gave examples of various scenarios to demonstrate differences in use. He noted that the Code is unclear on the issue, which makes interpretation difficult.

Commissioner Hontz stated that she could make either interpretation based on the Code definitions for Multi-unit dwelling and an Attached Building.

Commissioner Gross pointed out that the units would be detached with the exception of the underlying parking.

In response to Commissioner Savage, Commissioner Wintzer stated that the use might not make a difference on this particular project. However, it would make a difference if the next project uses this as a precedent and it makes a difference on that project. Commissioner Wintzer liked the application presented, but he was concerned about opening the door without understanding how it would affect future projects. His preference was to have the Planning Department and the Legal Staff find a logical way to do it and let the Planning Commission voice an opinion on their determination.

Planner Astorga noted that the HR-1 District encourages an underground shared parking facility through a conditional use. He asked how they could encourage someone if the Code did not allow it. Director Eddington remarked that the Staff had this discussion among themselves because they knew it would be a challenge. The idea of individual units with parking in front and garages that take up the whole unit is unfortunate in the Historic District on 25' x 75' lots. They like the historic aspect of the smaller lots, but the advent of the car and multiple cars for every single-family dwelling detracts from Old Town. He believed that was foreseen, which is why the Code favors underground parking. The applicant was complying with the Code regarding the parking, but the issue is ownership versus use. When the Staff had this discussion from a planning perspective, their initial determination was a single family use with condo-style ownership. He understood that the Planning Commission may disagree, but the Staff liked the idea of underground parking and how the design preserves the open space and the landscape in the front yard.

Commissioner Savage understood that the real question was whether the connected garages imbue a different style of property. Looking at this from the standpoint of marketing and how the properties would be perceived by the owners, he believed they would be perceived as single family homes. Director Eddington agreed. Commissioner Savage felt that a common parking structure was an attribute of the condominium form of ownership without changing the single family nature of the way the project is being developed.

Director Eddington stated that given the yards and the setbacks of the structures above, it would rightly be perceived as individual single family units. What occurs underground is different, but they could argue that underground parking could not be accomplished if the units were not attached to

the garage. Underground parking for each individual unit would not work without the connection. The Staff believed it was a good solution. Commissioner Savage stated that the garage attached by a tunnel should not be meaningfully different than if it was attached by a street.

Commissioner Gross referred to page 155 of the Staff report and thought the driveway exhibit showed a street next to a street where the units would access their own garages.

Chair Worel clarified that each garage was attached to its own single-family unit and the only way the garage could access the home is through a stairwell that connects the garage to the house above.

Sean Kelleher, representing the applicant, pointed out that there would be a staircase on the side to access the garage on the lower level, in addition to going through the garage through the alleyway. Commissioner Gross clarified that it would be pedestrian access and not vehicular. Mr. Kelleher replied that this was correct.

Commissioner Wintzer asked if it was possible for the Staff to draft a finding with specific reasons for why these are single family homes, and include it in a future Staff report. If the Planning Commission voted to approve, it would be supported by the finding and the reasons for determining the use as a single family home. He was not opposed to this proposal, but reiterated his concern for how it could affect future problems. If the Staff could draft a finding specific to this design, he felt that would help resolve the issue.

Director Eddington thought the Staff could draft findings that were use and design based to address Commissioner Wintzer's concern. Commissioner Savage also wanted the Staff to spend time thinking this through from the point of view of precedence to make sure they were not creating an argument for a future developer to be allowed the same determination. He understood that they could not avoid all possibilities, but it should be given reasonable consideration.

The Commissioners moved to the next discussion item.

Does the Planning Commission concur with this finding related to not counting the footprint of the underground common parking structure through an approved Conditional Use Permit

Planner Astorga noted that this type of development is encouraged in the parking section and in each individual residential district in the Historic District. The issue is that the Code does not specify whether or not the footprint of the underground garage should be counted. However, the Code indicates that if a project goes through an MPD, such as Parkwood Place, language in the MPD section for the HR-1 specifically says that the footprint of these underground common spaces are not counted.

Planner Astorga stated that if the intent is to encourage this type of development to limit pavement and reduce the number of garage doors, including the footprint would discourage applicants from doing this type of underground parking because it would take a significant amount of the footprint and greatly reduce the size of the structure. The Staff was of the opinion that when this section of the Code was written, they included the exception of not counting the footprint of the completely

underground portion of the garage, but they failed to place a provision in the conditional use permit criteria. Planner Astorga asked if the Planning Commission concurred with the Staff.

The Commissioners discussed various points and scenarios for underground parking regarding the footprint. Commissioner Wintzer thought they could achieve a 50% gain in underground square footage if the footprint is not counted. He thought they should give that to the applicant in order to do this project. Commissioner Wintzer also suggested that they vary some of the front yard setbacks to avoid having one common wall that goes down the entire street. He believed the trade off for giving the applicant extra square footage was the benefit of a facade without garage doors.

Commissioner Savage was not opposed to the idea as an incentive, but he was trying to consider the fairness as it relates to a single family dwelling. He thought this question should also be subject to the criteria of thinking it through to make sure they were not creating issues with future projects.

Director Eddington noted that the applicant was proposing to count the bottom level as the first of three stories. Eliminating the third story above also reduces the total square footage. Planner Astorga stated that the Staff was trying to be consistent with the MPD language that only counts the above grade footprint.

Commissioner Hontz concurred with the comments of Commissioners Wintzer and Savage in terms of understanding what they were creating. She stated that the Staff report indicates that the parking structure is completely underground or below grade, and that has to be the existing and the future. She would not want to see the grade suddenly go up and then the parking structure go in. Commissioner Hontz thought house size was a separate issue unrelated to the garage. Under no circumstance would she not consider the garage level a story. She was pleased to hear that it was proposed by the applicant so it would not be an issue.

Director Eddington clarified that there was general consensus among the Planning Commission that the parking structure should not be included in the footprint. Commissioner Strachan stated that he would strictly interpret the language to be the parking area only and not storage area, mechanical rooms, etc. None of that should be included in the definition of an underground parking structure. Commissioner Wintzer agreed and suggested that they be allowed to put storage, mechanical and other uses in the parking structure and use some of the square footage from the upstairs where it becomes a volume issue. Commissioner Strachan was uncomfortable with the precedent that it would set. He clarified that the exception was for a parking structure. It was not an exception for back of house, mechanical and storage. He remarked that every time the Planning Commission has seen an exception to a footprint calculation it has been exploited to the maximum.

Chair Worel asked where the storage and mechanical equipment would be located if not in the parking structure. Commissioner Strachan replied that it would have to be located inside the house.

Director Eddington explained that the house above on the lot line would still meet the footprint setbacks. He assumed that most people want ski and outdoor equipment storage in or near their garage. Director Eddington stated that the Staff could work with the applicant on language with regard to boilers and/or furnaces,; however, another challenge with the site is the issue of solar

panels and other energy equipment in the house. He recommended that they add language allowing for that space when certain sustainability standards are met.

Planner Astorga understood the concern about setting a precedent for the footprint. To address the issue, he skipped to the fourth question for discussion related to process.

Does the Planning Commission concur with this finding of reviewing the CUP for the underground parking garage concurrently with this Plat Amendment request.

Planner Astorga stated that at this stage, the Planning Commission was entertaining the plat amendment filed by the applicant. However, a conditional use permit is required for an underground parking structure. With that in mind, the Staff recommendation was to look at that application first to review floor plans, the site plan, landscaping and cross sections that would help them come up with a better determination of the specific use and how those areas are used in terms of footprint, etc. Planner Astorga stated that in the planning world one could interpret that the use comes first, and once that use is approved, they should entertain the plat amendment. Having more information related to the conditional use permit and how it relates from one structure to the other would help them come up with a better resolution on how to specifically handle the precedent issue.

Planner Astorga asked if the Planning Commission concurred with that finding. The Commissioners agreed.

Commissioner Hontz referred to the minutes from previous meetings provided in the Staff report and noted that the Planning Commission had two work sessions where different Commissioners had highlighted numerous issues and concerns. She felt that the Planning Commission would never reach the point of being comfortable enough with the plat amendment to move forward. Commissioner Hontz intended to review the minutes from previous meetings to recall her questions and concerns. She highly recommended that the applicant also review the minutes to identify the questions that were asked in previous meetings to make sure those were answered if this application did move forward. Commissioner Wintzer concurred. He assumed that no one had read the minutes from the last meeting because his questions had not been addressed in the Staff report. Commissioner Wintzer had restated his questions in writing and submitted it to the Staff this evening.

The next question for discussion was ridgeline development.

Planner Astorga noted that the Staff report cited the specific regulations in terms of the definition of ridgelines and compliance with restrictions due to the character of the land and specific vantage points. A general provision listed on page 125 of the Staff report under General Subdivision requirements states that, "Ridges shall be protected from development, which development will be visible on the skyline from the skyline from the designated vantage points in Park City." Planner Astorga reviewed the vantage points A through listed on page 126 of the Staff report. The only vantage point the Staff found would qualify was (K), across valley view.

Commissioner Savage asked about the criteria used to determine that (K) was the only vantage point. Planner Astorga replied that the development would not be visible from the other vantage points. He pointed out that the Land Management Code does not define across valley view. He presented an exhibit he found on line and explained how he had interpreted across valley view. Without the applicant submitting information to determine whether or not the structures break the skyline, he asked how the Commissioners felt about his interpretation.

Commissioner Wintzer understood that if an applicant has a single platted lot on a ridgeline that has access to a road, the City was obligated to allow the owner to develop the lot. Assistant City Attorney McLean replied that it would be difficult to defend otherwise. Commissioner Wintzer did not believe this particular part of the ridge application mattered because the applicant could build on 9 of the 14 lots without a plat amendment. It would be difficult not to allow the owner to combine the three smaller lots into two lots; therefore, they could end up with 11 houses on the site without a plat amendment. He did not believe they would be increasing the amount of ridgeline encroachment by combining some of the lots, and they would have a better chance of working with less of a ridgeline encroachment. Commissioner Wintzer has consistently felt that these lots were different from the lots further down the hill, where combining the lots could result in a larger structure that might increase the ridgeline encroachment.

Commissioner Strachan remarked that other than the nose of the ridge where the other application on the lots down the hill was pending, the rest of the ridge has already been decimated. It would be hard to make the appropriate findings to say there is a ridgeline when someone had already bulldozed the ridge. He concurred with Commissioner Wintzer.

Commissioner Hontz noted that Planner Astorga had highlighted the restrictions due to the character of the land, which are different when it deals with a ridgeline that comes into play later. It was an important discussion but she recognized that they were limited in their consideration of this site. Chair Wintzer stated that if they decide to move forward on the application, they could address the issue in a finding stating that the ridge was already disturbed before this applicant became involved.

Commissioner Hontz thought the across valley view vantage point still mattered because it was equal to the same elevation from two vantage points. Planner Astorga noted that the across valley view could be from multiple vantage points. Commissioner Strachan stated that if the proposed structures go higher above the retaining wall than the existing structures, there would be ridgeline and across valley view issues because all of the homes would break the skyline. Director Eddington stated that the visual was from across Deer Valley and across Main Street to get a view in that area.

Planner Astorga referred to the comments regarding the questions that were raised at previous meetings, and noted that he and the applicant were available to address those questions this evening.

Commissioner Wintzer stated that based on the conversation of counting the footprint for the parking structure, he wanted the applicant to understand that for lot combinations and subdivisions, the Planning Commission has the ability to reduce the height and setbacks of buildings. He assumed they would have that discussion in terms of the parking garage and other aspects of the

project. Commissioner Wintzer wanted to make sure there would be no height increase and that they would not end up with a wall of eight houses with the same line of sight. He would be looking for variation. Commissioner Wintzer emphasized the importance of making sure that the parking structure would be completely underground. He requested to see one section that runs north and south through the parking structure and at least three sections that go east and west to make sure the parking structure fits underground and is completely buried.

Mr. Kelleher referred to the layout on page 155 of the Staff report and asked what should be added to that basic layout. Commissioner Hontz pointed out that the layout was a plan view and not the cross sections Commissioner Wintzer was requesting. Commissioner Wintzer clarified that he wanted cross sections showing contour lines and dimensions. He noted that cross sections going north and south would show the existing grade of the road and the dirt so he could determine whether the garage fits underground. He also wanted to see three cross sections that run east and west for the same determination.

Commissioner Wintzer also requested a drawing showing the size of the lots because the setbacks are based on the width of the lots. The Planning Commission needed to see a drawing that would be a pre-application for a subdivision. Commissioner Wintzer understood that the applicant was looking for direction and additional information before spending money on plans that may not be approved, but the Commissioners needed to see more detailed drawings before they could make their decision.

Mr. Kelleher stated that if they were to put in the underground structure and start building homes on the way down, the unit size would be up to the individual homeowners. Commissioner Wintzer clarified that the Planning Commission would not approve the parking structure if the applicant could not prove that it would be completely buried. Mr. Kelleher noted that he was referring to the size of homes and not the parking structure. He wanted to make sure he and the Planning Commission had the same understanding in terms of the practical process of how the project would be completed. Mr. Kelleher remarked that the applicant would agree to limit the size of the homes to address the Commissioners' concerns about monstrous homes.

Commissioner Savage understood that the applicant had a design concept in mind for all the homes, and he agreed that individual owners should be able to customize their units, particular inside the home. However, the Planning Commission wanted to look at the project as an integrated whole, and the design concept for each home would be part of this application. When someone decides to purchase the lot, they should have a good idea of the design concept before signing the contract.

Mr. Kelleher understood that if an owner wanted to make his home 200 square feet larger, he would have to come back to the Planning Commission for approval. Commissioner Wintzer explained how the Planning Commission could change the setbacks for each lot, and it would be on the plat. Those would be the types of restrictions that would obligate the buyer.

Commissioner Gross if Commissioner Wintzer was also thinking about setbacks as it relates to the roofs, since they were only going two stories above the parking garage. Commissioner Wintzer thought that was something they could look at further into the process. His intent at this point was to

inform the applicant of what the Planning Commission is permitted to look at with a plat amendment.

Commissioner Wintzer was still opposed to vacating Fourth Street. He personally felt that the only open space left in Old Town were the streets that have not been built on. Everything else was built to the setbacks. Commissioner Wintzer was very concerned about giving up what little open space they have. Commissioner Wintzer did not believe it was in the best interest of the City or the neighborhood to dig up the hillside to extend the Shorty stairs. It would result in the loss of significant vegetation and the extension would only benefit this project. Commissioner Wintzer commented on the six exchanges proposed by the applicant. He believed the only benefit was parking in the City right-of-way; however, the City already has the right-of-way and the parking spaces. The only change would be the pavement. Regarding the benefit of giving away a percentage of the lot sale, Commissioner Wintzer thought the City needed to weigh the value. He pointed out that the City Council, not the Planning Commission, makes the decision to vacate streets. He assumed the street was 30' wide, which makes the value high. Commissioner Wintzer did not believe the affordable unit was a benefit to the City; however, that issue was also the decision of the City Council. Regarding the last item of exchange, in his opinion the triangular property across the street has no value to anyone. Mr. Kelleher clarified that it was only a cleanup issue. Commissioner Wintzer remarked that the six items proposed would not equal the value of one Old Town lot with a good view in a good location.

Commissioner Wintzer did not believe the entrance should be off existing Rossi Hill Drive. He suggested that the applicant find a way to enter the parking structure off of Echo Spur Drive. A driveway at 14% grade popping up onto a street right next to another street creates a safety issue and it is not good planning practice. Commissioner Wintzer thought the project should come through as a CUP, and before they move forward they need to see pre-CUP plans to show what they were looking at, as opposed to blocks on a drawing. Commissioner clarified that these were his personal comments and the other Commissioners may have different opinion.

Mr. Kelleher explained that the intention of the right-of-way vacation was that they would not be allowed to build on it and that the right-of-way would become open space. Mr. Kelleher pointed out that the proposed entrance to the parking appeared to be the most efficient, but he was willing to go back and review other options. Mr. Kelleher asked if it would be better to not vacate the right-of-way and keep the hill where it is and only use it to get underground. Commissioner Wintzer reiterated his previous comment that the project should not be entered from that location. He was open to consideration if the applicant came back with drawings showing that it was doable and how it would look. Commissioner Wintzer thought it would still be problematic to have two streets next to each other.

Planner Astorga was unsure whether the City Engineer would be inclined to approve an underground easement through the right-of-way. That would be an issue for future discussion.

Commissioner Hontz stated that since many of her questions reflected in the previous minutes were the same questions raised by Commissioner Wintzer, she concurred with his comments, particularly related to the right-of-way and access. Commissioner Hontz reiterated her previous questions, and

noted that she was not looking for answers this evening. She preferred to have the answers in writing and an analysis done by the applicant as part of the actual application.

Commissioner Hontz noted that the first two questions related to the actual status of the Echo Spur Road in terms of its relationship and dedication to the City. Her question was reflected in the December 12th minutes included on pages 158 and 159 of the Staff report. Commissioner Hontz wanted to see some discussion on what could be done about Third Street and making sure it never becomes an access point. She believed those were discussions for the City. Also on page 159, the minutes reflected her request for a traffic study. She had concerns that the assumed density shown in the configuration and the standard 12 vehicle trips per trips per day would results in over 108 vehicle trips on that street. The Commissioners had a discussion about substandard and unsafe streets, and as noted by the City Engineer as reflected on pages 159 and 183, Ontario is a substandard street and Rossi Hill can be unsafe in the winter. Commissioner Hontz hoped that the entire Planning Commission would support moving forward with a traffic analysis by a licensed traffic engineer that addresses the concerns of turning radius, amount of traffic, especially in winter, and whether this site could actually support that based on what it would take to get there.

Commissioner Hontz referred to the minutes of January 9th on page 183 of the Staff report where she talks about the stairs, vacating the right-of-way and taking access off of McHenry. She deferred to Commissioner Wintzer's comments and concurred with his points.

Commissioner Wintzer remarked that at one time the applicant had talked about phasing the parking structure, which the Planning Commission opposed because they did not want reliance on the next owner to build the next phase. He understood phasing the houses above the parking but he was still opposed to phasing the parking structure itself.

Chair Worel referred to the minutes of January 9th on page 185 of the Staff report and the comment that the next step would be to involve the neighborhood. She asked if that step had occurred to involve the neighbors. Mr. Kelleher stated that the only contacts he has are people on Ontario and some of the residents at Silver Point. He tried to call a meeting over the Christmas holidays. Another meeting was scheduled for tomorrow, following this meeting, in an effort to get all the neighbors together for informal dialogue. Mr. Kelleher stated that no one was able to attend either meeting. He has been talking with Ernie Campo, the president of the HOA above this project. He believed the email from Mr. Campo indicated that they have had good dialogue. Mr. Kelleher pointed out that the applicant was trying to work out some of the issues with the neighbors.

Planner Astorga stated that neighborhood involvement was the reason for scheduling a public hearing this evening. Planner Astorga reported that he has received phone calls from Ernie Campo, Bill Tew, and others who were unable to attend this evening. They were communicating with Mr. Kelleher as well the Staff.

Commissioner Gross commented on the inability to park on the street and a previous discussion regarding visitor parking. He believed that currently they did not have a good understanding of where visitors would park. Commissioner Gross asked about snow removal for the street and where the snow would be pushed to. Mr. Kelleher replied that the plan is to have flat roofs on the homes and capture the snow melt. The plan for street snow removal is to push the snow down to the end

by the retaining walls. Commissioner Gross suggested that some of the existing owners in that location would be opposed to that plan.

Director Eddington understood that the road was built with that plan in mind and it would accommodate snow storage. Commissioner Wintzer commented on the problems that have occurred and he thought the plan should be reconfigured.

Commissioner Savage echoed the comments about responding to the questions raised at two previous meetings. He also thought a site visit would be beneficial the next time this item is scheduled before the Planning Commission. It would be helpful and appropriate to talk through some of the issues on location.

Commissioner Strachan recalled from a previous discussion that one of the "gives" to the City was contribution of some portion of the sales proceeds to the Park City Foundation. He pointed out that it was a benefit to the Park City Foundation but not the City. It would also be tax deductible for the applicant. Commissioner Strachan was not sure that could be portrayed as a "give". It also puts the Planning Commission in the position of showing favoritism to the Park City Foundation over a number of other non-profits that could use the contribution just as much, if not more. Commissioner Strachan recommended that the applicant rethink that position. Mr. Kelleher clarified that the thought was do offer a benefit that was more community-wide instead of specifically for the government. He would think it. Mr. Kelleher pointed out that the Park City Foundation disperses money to various charities. Commissioner Strachan was familiar with the organization, but he still thought it showed favoritism over other non-profits. Commissioner Wintzer noted that the determination is made by the City Council. He agreed with Commissioner Strachan, but the decision is not made by the Planning Commission.

Mr. Kelleher thanked the Planning Commission for their feedback. They would use their comments to move this project in the right direction. Mr. Kelleher commented on the sustainability elements. He noted that they recently commissioned Heliocentric to construct a model incorporating solar elements that would generate electricity at or close to current Rocky Mountain Power rates, and would share the energy between the entire neighborhood. Mr. Kelleher provided a handout from Heliocentric and requested feedback from the Planning Commission at the next meeting. Commissioner Wintzer noted that a geo-thermal heating system does not work with single family house. However, with the common parking structure it might be possible to utilize geo-thermal heating. He believed this was an opportunity to tie the entire neighborhood together.

Chair Worel opened the public hearing.

Ruth Meintsma a resident at 305 Woodside, heard from their comments that the Planning Commission favors the underground parking but they are concerned about setting precedent. She showed how another developer could possibly do the same thing at the 315 subdivision that the Commissioners reviewed two weeks ago. In that situation there was a lot and a half on Park Avenue and two lots in conjunction on Woodside. She stated that if the developer decided to do underground parking in that situation where the access was on Park Avenue, the two lots on Woodside would have no garages on the street level. They would have living space and no driveways. It would take those driveways and the cars off the streets. Ms. Meintsma stated that a

driveway on the street, particularly on the downhill side of Woodside and other steep streets, cuts off humanity. There is no living space there. People do not have cocktails or barbeque in their driveway. It cuts off complete interaction with people on those downhill lots. Ms. Meintsma stated that if the two Woodside lots were developed without driveways because the access was on Park Avenue and underground, it would be a completely different neighborhood. There would be living space on the upper level where there is usually a garage, so it would be valuable to the structures themselves. It would also enhance the neighborhood to have decks or some type of outside living on the upper level. Ms. Meintsma remarked that if a developer wanted to replicate underground parking for this project, she believed it would be a positive benefit. However, one drawback would be traffic on Park Avenue and that would have to be addressed.

Ms. Meintsma commented on the discussion regarding across valley views. She has seen the across valley view taken so many times where an architect would present the view that was more advantageous to what he was creating instead of showing the greatest impact. Ms. Meintsma thought the across valley view should specifically say, "Where the view of the proposed structure has the greatest impact or where the proposed structure is most visible."

Brooks Jacobson, stated that he purchased his home on Ontario Avenue a long time ago and he has spent several years living there. Mr. Jacobson disagreed with the vacation of Fourth Street. Open space in Old Town is important and it keeps getting tighter and tighter. The remaining areas should be protected. He was generally in favor of the proposed development; recognizing it needed to be tweaked. Mr. Jacobson stated that Ontario Avenue was one of the most subpar streets in town. Putting additional traffic down Ontario should be avoided at all costs. In looking at the development and assuming that the underground parking is accessed off of McHenry, he asked if there was a way that the new McHenry could entice vehicles to go down Rossi Hill towards Deer Valley Drive. He felt that was better than allowing those 9 homes plus the other three at the end to head down the old rail cut and make the turn onto Ontario Avenue. Mr. Jacobson stated that he has no parking for his home at 416 Ontario Avenue. It is a beautiful, Old town look; but at some point he is going to need parking. He asked about the possibility for him and two neighbors to have three available parking in the underground structure for this development.

Jack Fenton a resident on Ontario, supports the project and he likes various aspects of the proposal. He concurred with the comments about keeping Fourth Street. Giving away any land for a small low income apartment only benefits one individual who might bring one additional car and two dogs. A small one-bedroom apartment would not benefit the City as a whole, and the open space is far more valuable. Mr. Fenton thought the idea of moving traffic down Rossi Hill drive instead of Ontario Avenue is a great idea. As he looks at the rendering of the development, if the access came out at the corner of Rossi Hill Drive and McHenry or Echo Spur, Rossi Hill would be the thing you would see through your windshield. The street is narrow and it would be difficult to make a hard right-hand turn and head towards Ontario Avenue. He believed the natural flow of traffic would be to place the access where cars would come out and head down Rossi Hill Drive. Mr. Fenton believed Mr. Kelleher was heading in the right direction with his development concept.

Mary Wintzer, a resident at 320 McHenry, concurred with the sentiments regarding the vacation of Fourth Street because open space is important in Old Town. If the Commissioners decide to encourage the traffic down Rossi Hill, she asked that they think ahead and consider the very

dangerous hairpin turn. She suggested that they talk to the City Engineer about widening that turn or doing something to make it safer, particularly if there would be additional traffic using that road. Ms. Wintzer emphasized the importance of making sure the development provides visitor parking. She could easily see that people would park where McHenry meets Rossi Hill drive and walk up to the development. Ms. Wintzer encouraged the Planning Commission to give careful consideration to the roads to avoid traffic jams and parking issues. They also need to consider issues related to plowing.

Chair Worel closed the public hearing.

Planner Astorga recommended that the Planning Commission continue this item to a date uncertain to allow the Staff and the applicant time to respond to the items outlined in the discussion this evening.

MOTION: Commissioner Strachan moved to CONTINUE the plat amendment application on 496 McHenry to a date uncertain. Commissioner Wintzer seconded the motion.

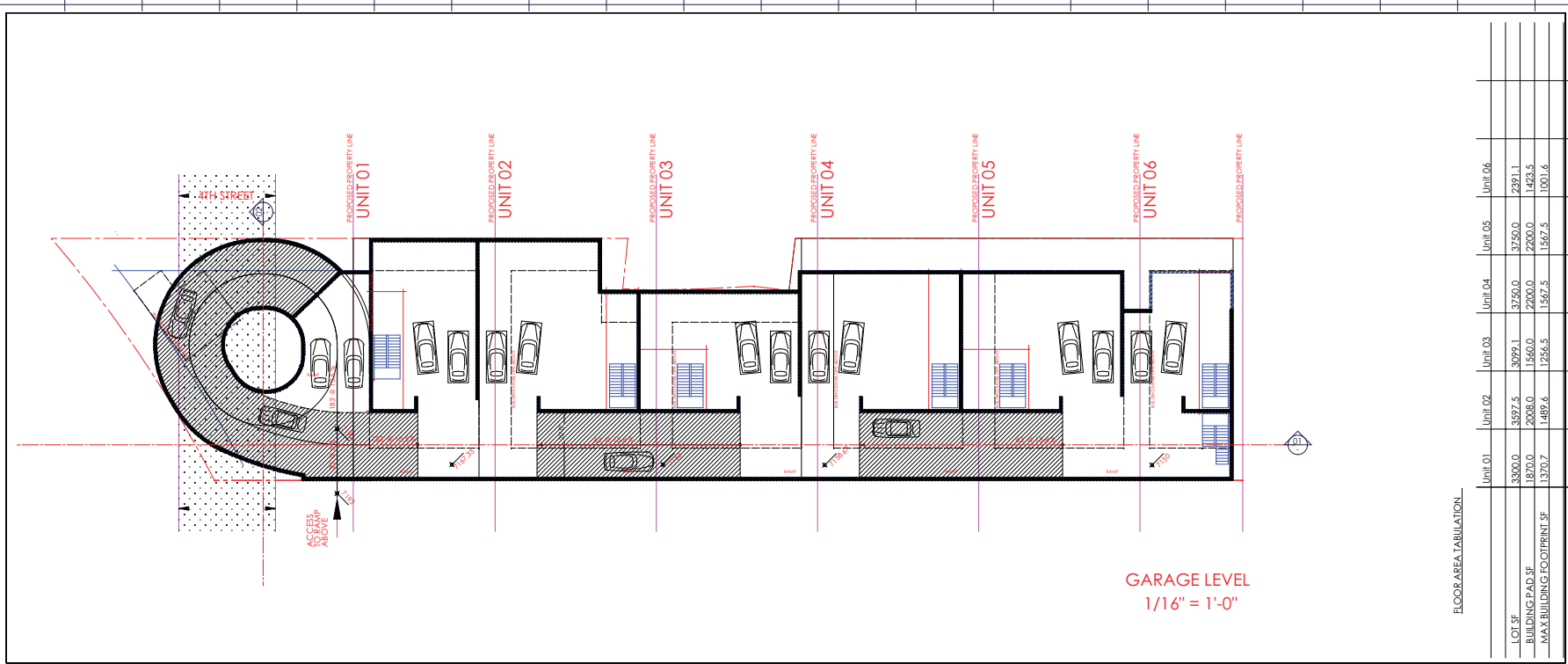
VOTE: The motion passed unanimously.

The Planning Commission adjourned the regular meeting and moved into Work Session. That discussion can be found in the Work Session Minutes dated February 27, 2013.

The Park City Planning Commission meeting adjourned at 9:40 p.m.

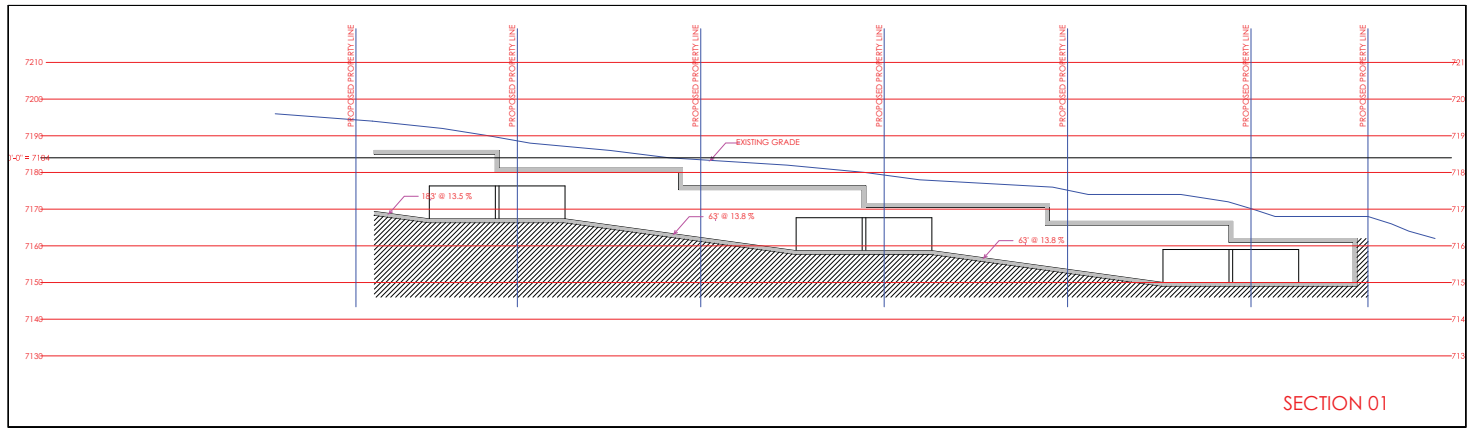
Approved by Planning Commission: _____

Exhibit L – Preliminary Plans



FLOOR AREA TABULATION

	Unit 01	Unit 02	Unit 03	Unit 04	Unit 05	Unit 06
LOT SF	3300.0	1527.5	3292.1	3250.0	3250.0	2391.1
BUILDING PAD SF	1820.0	2008.0	1560.0	2200.0	2000.0	1493.5
MAX BUILDING FOOTPRINT SF	1320.7	1487.4	1258.5	1567.5	1567.5	1001.6



UNDER GROUND DRIVEWAY EXHIBIT
LOTS 2 THROUGH 5Z,
BLOCK 38,
PARK CITY, UTAH

Date: _____

No. _____ Revision: _____

Drawing file: _____

FLOOR PLAN, SECTION

Scale: 1/16" = 1'-0"

Date: 26/11/2013

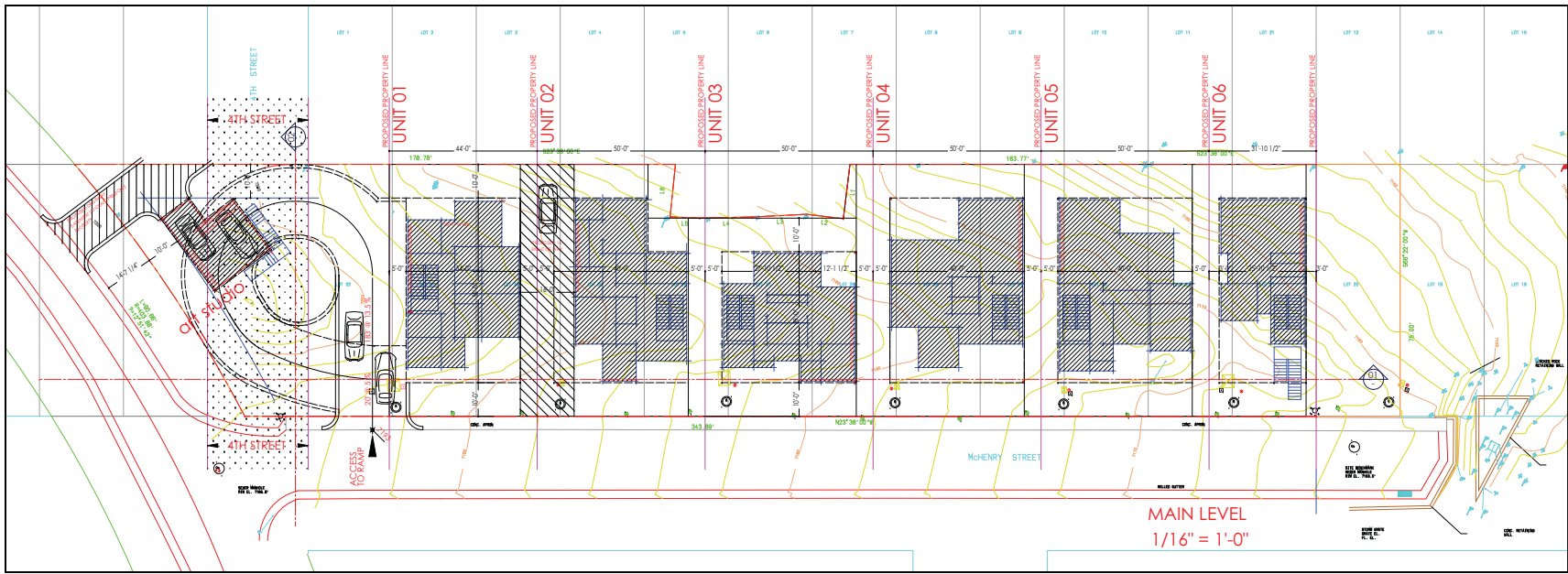
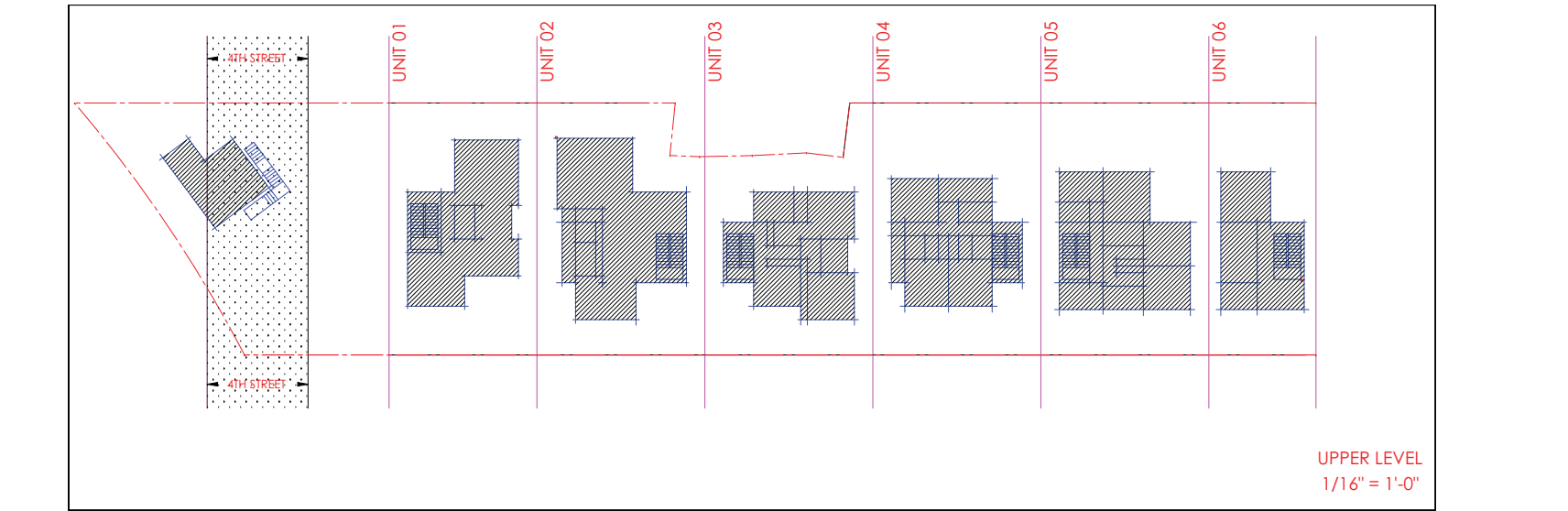
Drawn: _____

Project No: _____

CAD file No: _____

Drawing No: _____

A-201



UNDER GROUND DRIVEWAY EXHIBIT
LOTS 21 THROUGH 32,
BLOCK 38,
PARK CITY, UTAH

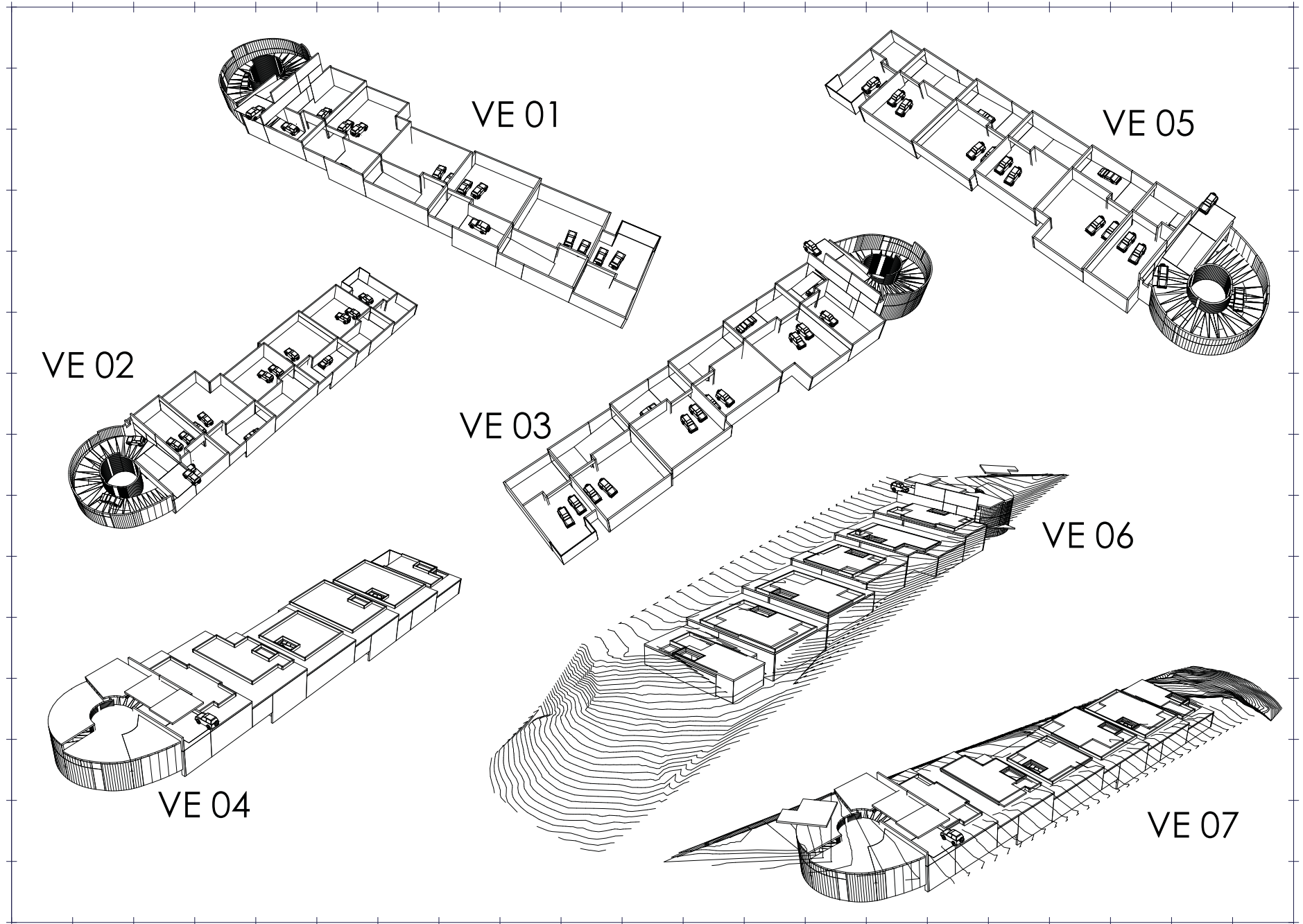
No.	Revision	Date

Drawing title
FLOOR PLAN, SECTION
Scale
1/16" = 1'-0"

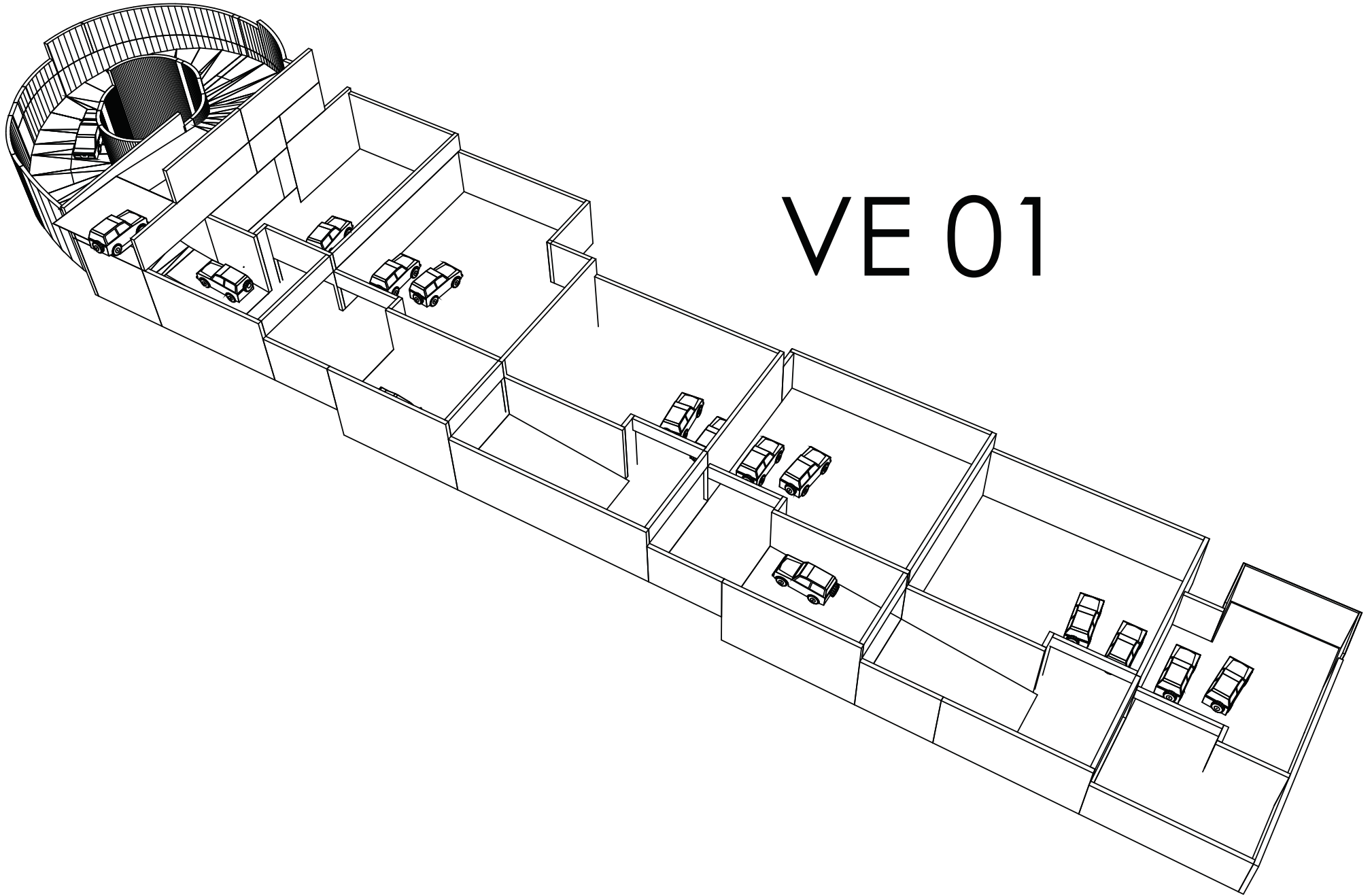


Date	26/10/2013
Drawn	
Project No	
CAD file No	
Drawing No	

A-202

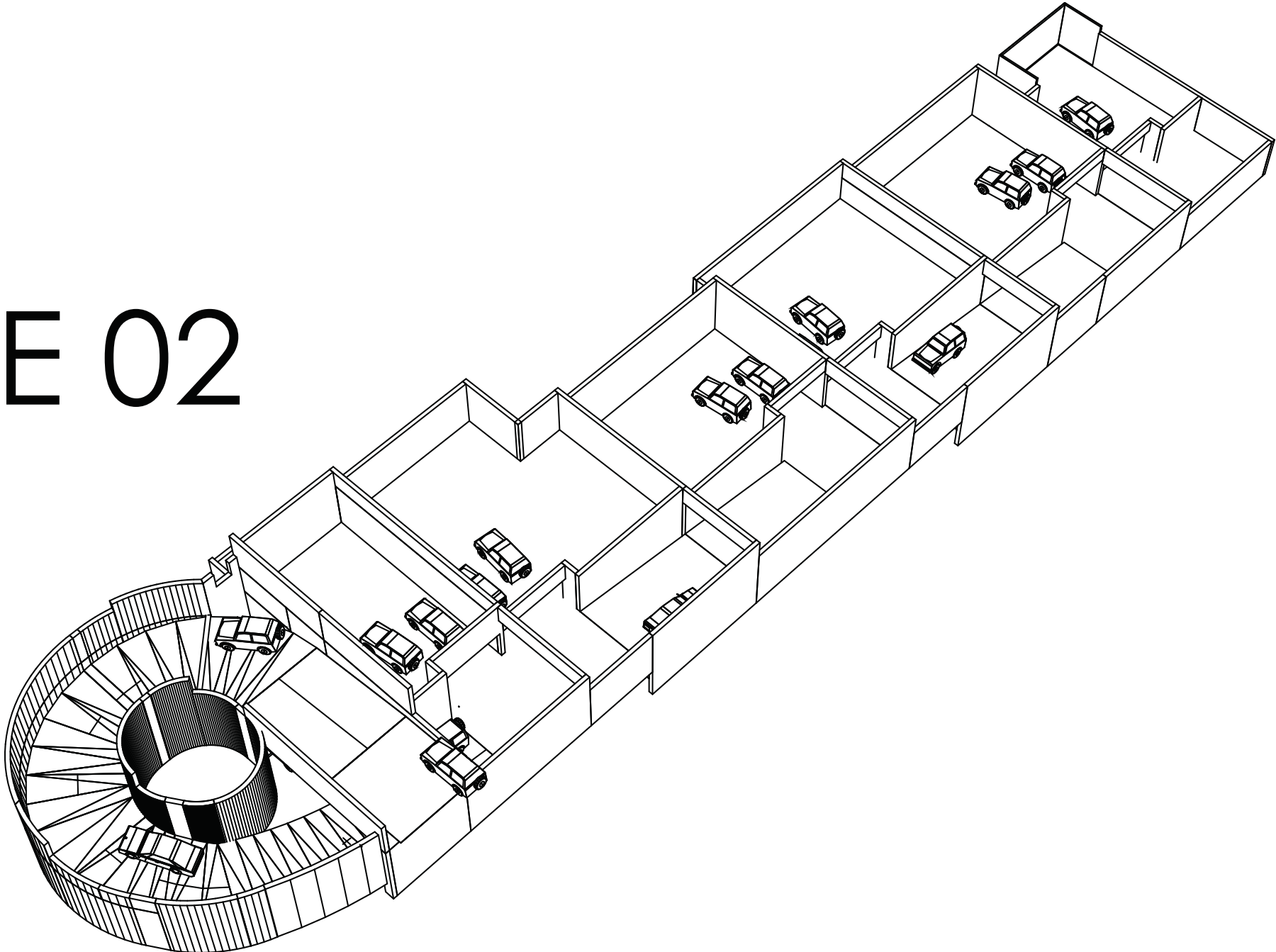


Drawing title 3D VIEWS		Drawing No. A-004.1	
Scale NTS		Date 06/18/2013	
No.		Date	
Revision		Drawn	
Project No.		CAD file No.	
Drawing No.		Drawing No.	
UNDER GROUND DRIVEWAY EXHIBIT LOTS 21 THROUGH 32, BLOCK 38, PARK CITY, UTAH			

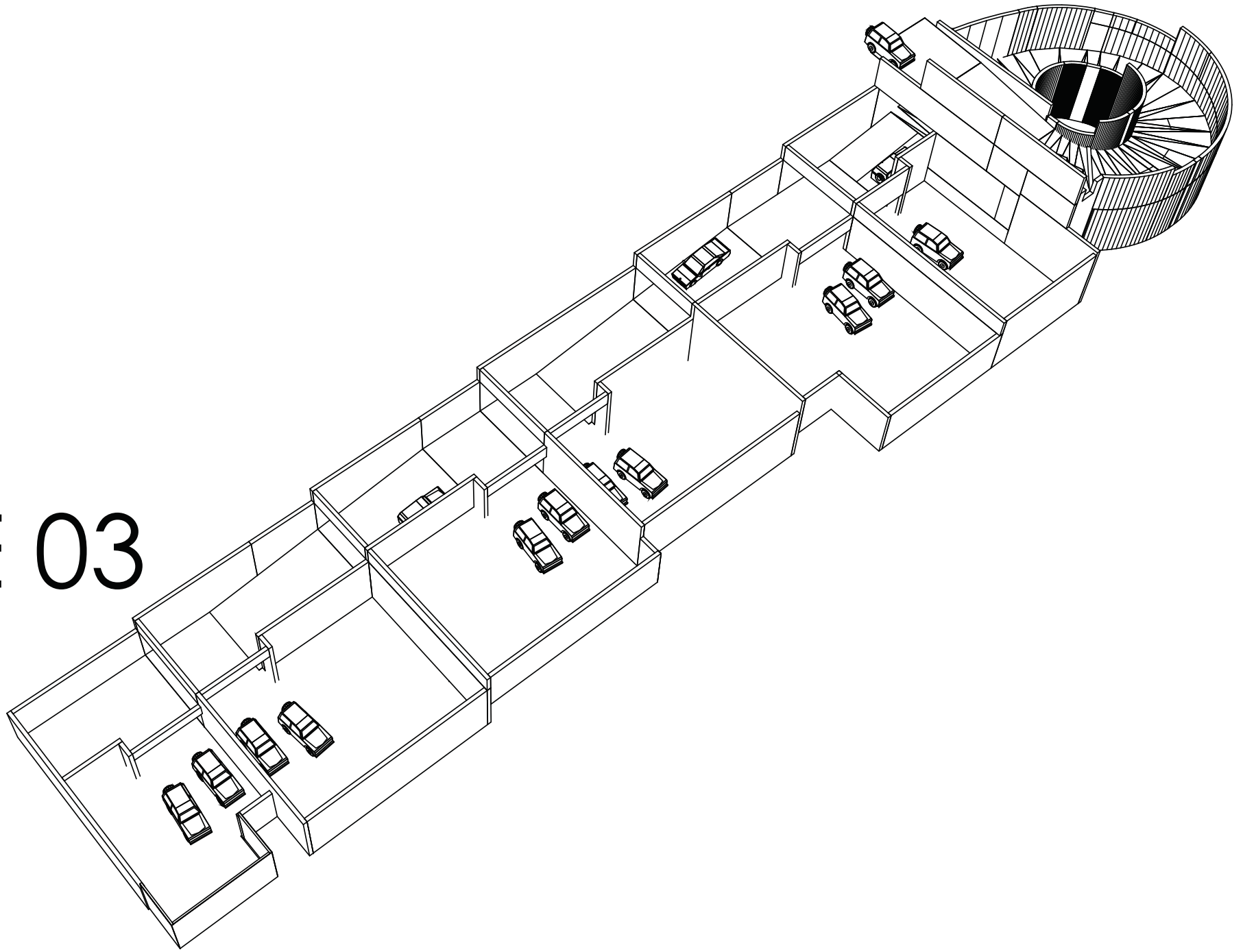


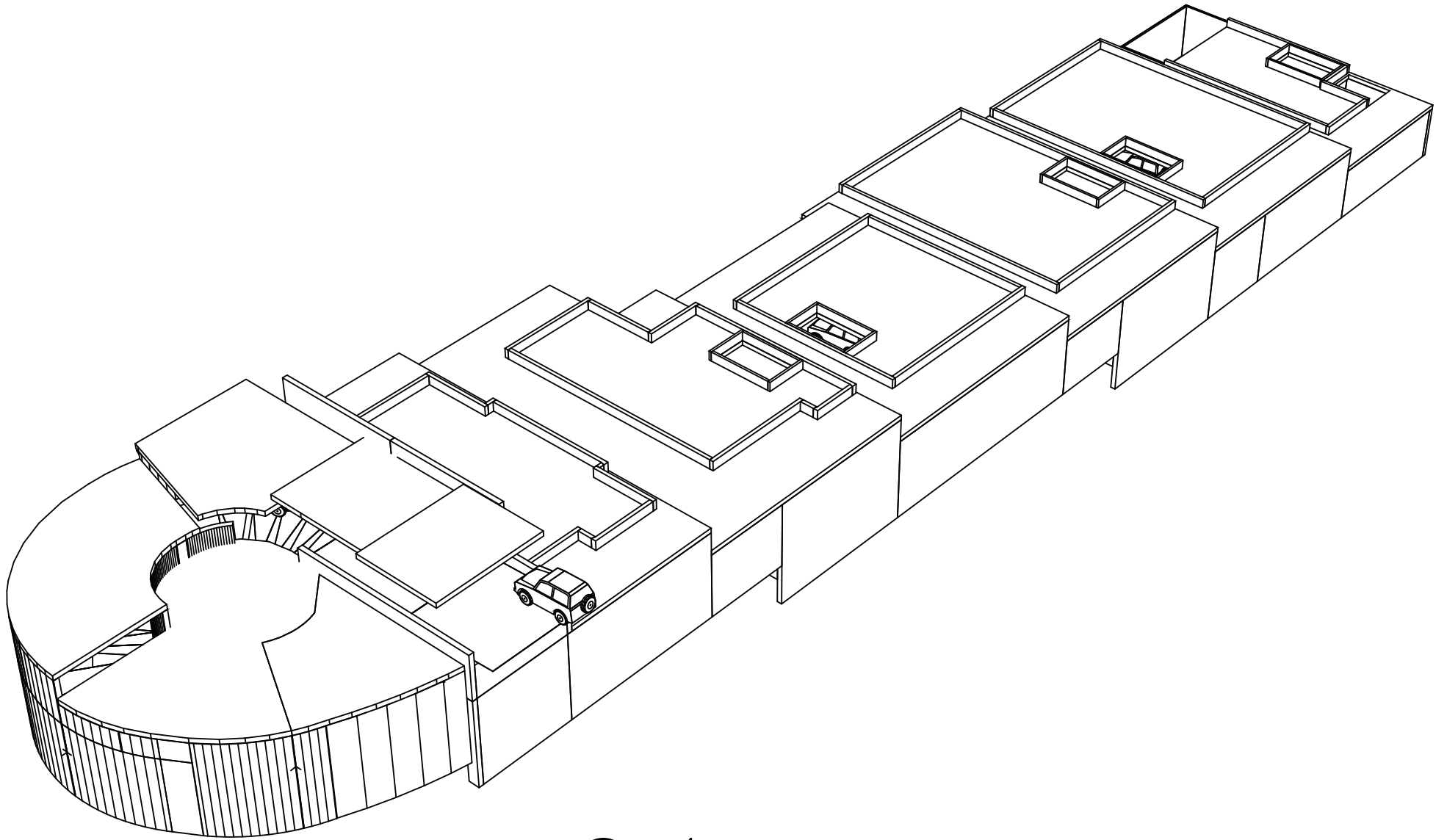
VE 01

VE 02

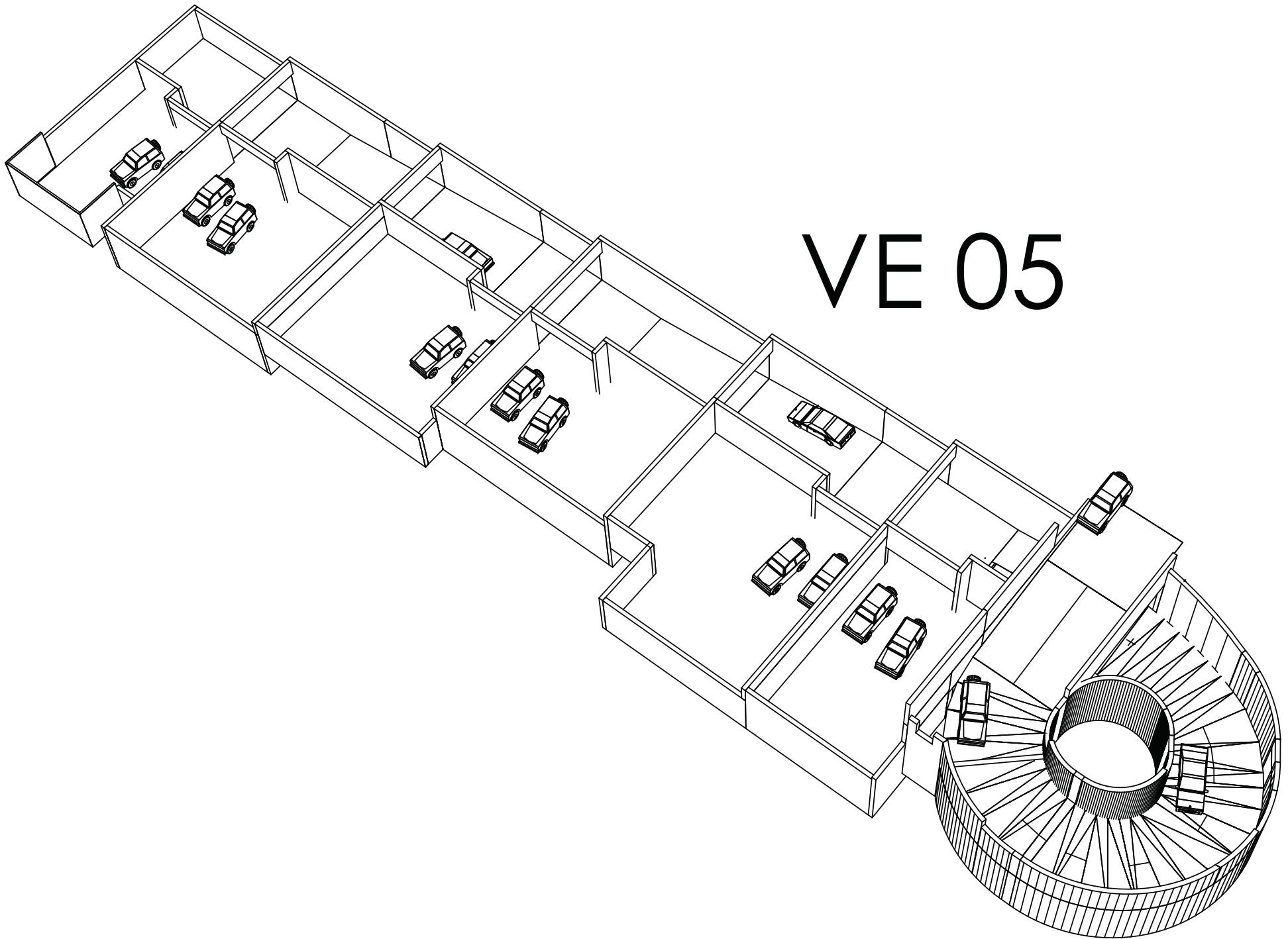


VE 03

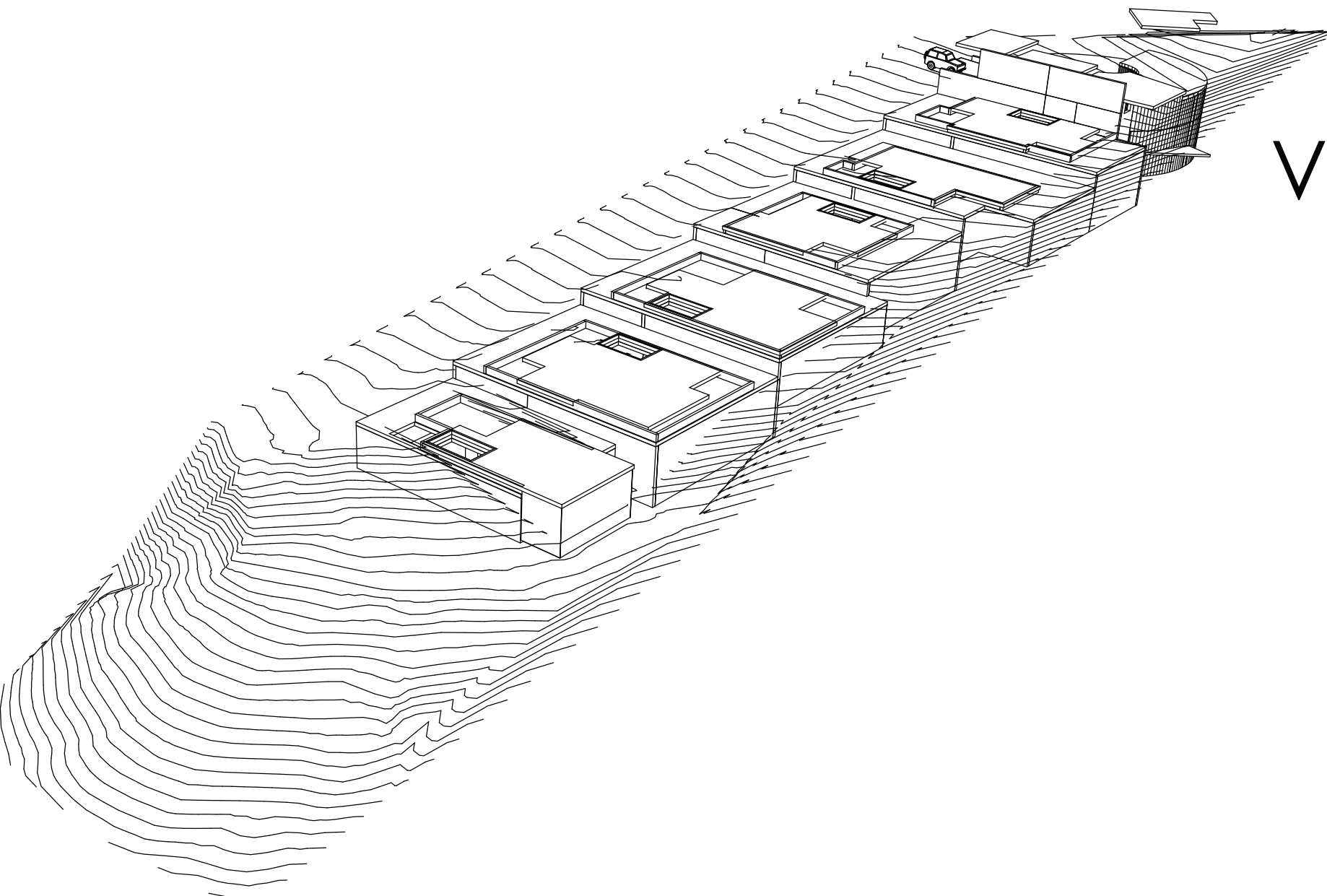




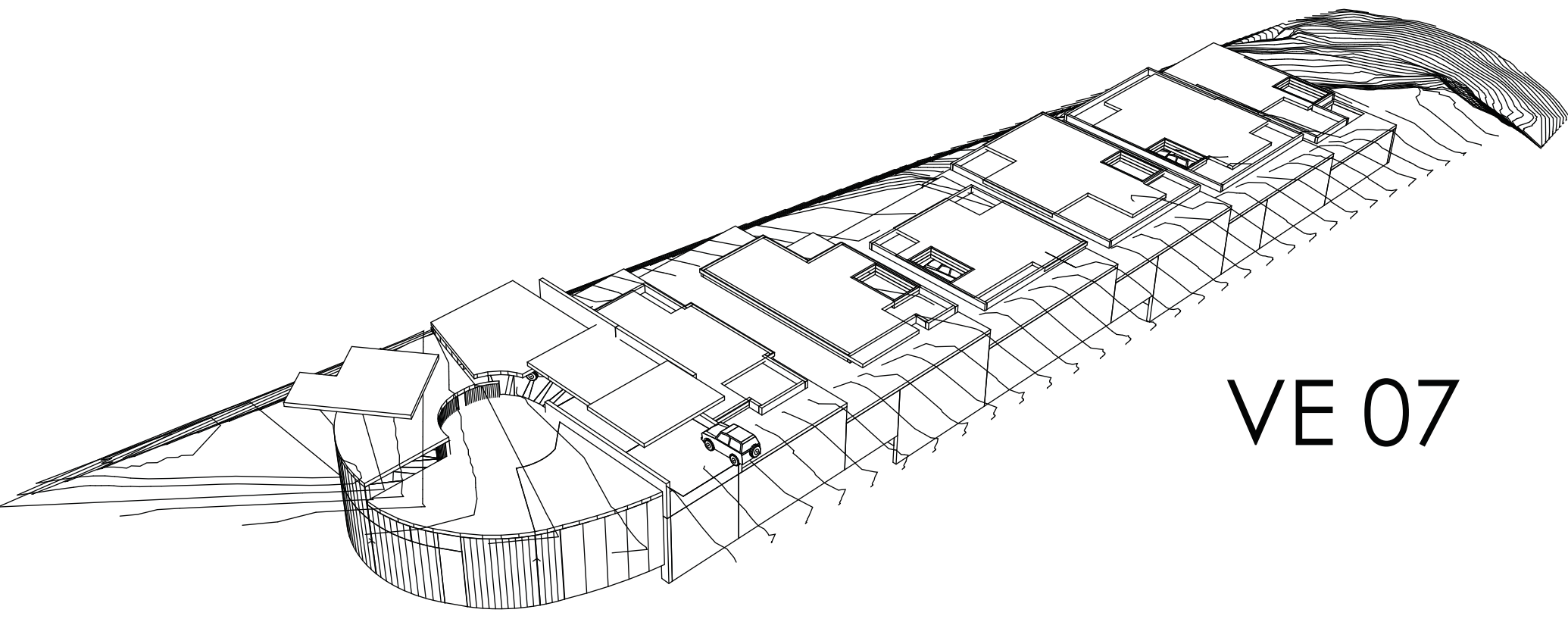
VE 04



VE 05



VE 06



VE 07



Resolution No. 8-98

**RESOLUTION ADOPTING A POLICY STATEMENT REGARDING
THE VACATION OF PUBLIC RIGHT-OF-WAYS WITHIN PARK CITY, UTAH**

WHEREAS, the Municipal Land Use Development and Management Act of the Utah Code ("Act") provides that the City Council may vacate public right-of-ways upon findings of: (1) good cause for the proposed vacation; and (2) that neither the public nor any person will be materially injured by the proposed vacation; and

WHEREAS, the Act and relevant common law fail to further define "good cause" and allow the local jurisdiction discretion in disposing of public right-of-ways; and

WHEREAS, to help assure the consistent and reasonable application of the Act, the Planning Commission and City Council wish to provide their constituents with some general guidance as to the circumstances in which the City may favorably consider vacating public right-of-ways; and

WHEREAS, this policy statement is not an evaluation of any particular request for vacation, but a general position regarding the terms and conditions in which the City may typically grant a citizen's request to vacate a public right-of-way within the City; and

WHEREAS, nothing herein shall be construed as an abandonment of public right-of-way within Park City; and

WHEREAS, this policy shall not be construed as creating a vested right nor entitlement of any nature with regard to vacation of right-of-way, but shall only be advisory for the Planning Commission and City Council to utilize when exercising their legislative discretion in evaluating the merits of a vacation petition; and

WHEREAS, the Planning Commission and City Council shall continue to evaluate vacation petitions on a case-by-case basis; and

WHEREAS, although the City Council will give significant weight to the Planning Commission recommendation the ultimate decision to vacate or not rests squarely with the City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of Park City, Utah hereby adopt the following guidelines:

SECTION 1. GOOD CAUSE. The City may generally find “good cause” when a proposal evaluated as a whole demonstrates a “net tangible benefit” to the immediate neighborhood and to the City as a whole. The City will evaluate a particular proposal against the following criteria to determine whether a “net tangible benefit” has been demonstrated by the petitioner:

- (a) **No Increase in Density.** Existing density shall be determined by counting the lots/units that the petitioner could reasonably obtain a building permit for at the time the petition is filed. The existing density must have existing access and must not require a plat amendment in order to obtain a building permit. Street rights-of-way will generally not be vacated to facilitate greater density, floor area or area of disturbance. New applications which proposed the subdivision of rights-of-way shall be reviewed under Land Management Code (“LMC”) Chapter 15, Subdivisions, and must result in a lower density than that permitted by the underlying zoning (Chapter 7), without the vacated right-of-way.

- (b) **Neighborhood Compatibility.** The proposed shall be analyzed according to the following criteria: the application complies with all requirements of the LMC; the use will be compatible with surrounding structures in use, scale, mass and circulation; the use is consistent with the Park City General Plan, as amended; and the effects of any differences in use or scale have been mitigated through careful planning. The City shall review each of the following items when considering compatibility: (1) size and location of the site; (2) traffic impacts including capacity of the existing streets in the area; (3) utility capacity; (4) emergency vehicle access; (5) location and amount of off-street parking; (6) internal circulation; (7) fencing, screening, and landscaping to separate the use from adjoining uses; (8) building mass, bulk, and site plan; (9) usable open space; (10) signs and lighting; (11) physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing; (12) provision of snow storage, and mitigation of noise, vibration, odors, steam, or other mechanical factors that might affect people and property off site; (13) control of delivery and service vehicles, loading and unloading zones, and screening of trash pick-up areas; (14) expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies; (15) proposed uses in an historic district must comply with the Historic District Architectural Guidelines provided in a supplement to the LMC; (16) all proposed uses in the zones outside an historic district must comply with the General Architectural Guidelines in LMC Chapter 9; and (17) the Sensitive Area Overlay Zone Regulations (which normally apply only to property within the Sensitive Area Overlay Zone) shall apply to all development proposals including a petition to vacate right-of-way, regardless of the underlying zoning/platting of the development.

- (c) **Consideration.** Proposals must compensate the City for the loss of the right-of-way. Consideration favored by the City will generally be financial (market value based upon

square footage); open space dedication above and beyond normal subdivision or development approval requirements; trail or public access dedication above and beyond normal subdivision or development approval requirements; replacement of right-of-way dedication; and/or any other public amenity deemed in the best interests of Park City's citizens.

- (d) **Utility of existing Right-of-Way.** The City shall typically dispose of public right-of-way only when the right-of-way is no longer of significant utility to the City. The City shall consider the right-of-way's status as listed in the Streets Master Plan. The recommendation to the City Engineer, existing improvements and utilities within the right-of-way, and the Capital Improvement Plan. Replacement of the prior right-of-way alignment or dedication of new right-of-way must meet the construction and width standards in the Street Master Plan, unless otherwise reduced by the City Engineer.

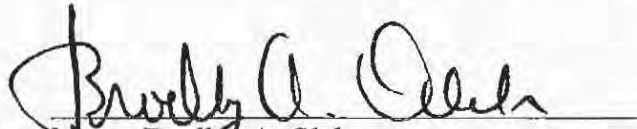
SECTION 2. MATERIAL INJURY. The City must find that no person nor the public is "materially injured" by the proposal. "Materially injured" generally means direct or indirect injury to property or a property right as a result of the proposal. The injury must be significant enough to raise to the level of interfering with the injured party's use of his/her property or property right. The injury must be demonstrated by evidence on the record, or the City's reasonable inference therefrom, and shall not merely be conjecture nor public clamor.

SECTION 3. JOINT MEETINGS. Joint meetings between the Planning Commission and City Council, and Historic District Commission as necessary, are encouraged early in the process for large (greater than five lot) projects and master planned developments, which propose vacation and reconfiguration of public rights-of-way.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED this 9th day of July, 1998.

PARK CITY MUNICIPAL CORPORATION



Mayor Bradley A. Olch

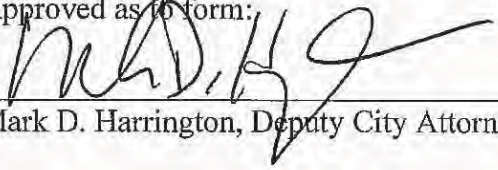
Attest:



Janet M. Scott, City Recorder



Approved as to form:



Mark D. Harrington, Deputy City Attorney

Francisco Astorga

From: Brooks Jacobsen <brooksjacobsen4@gmail.com>
Sent: Monday, May 06, 2013 2:57 PM
To: Francisco Astorga
Subject: echo spur project

Hi Francisco,

I want to voice my support for the echo spur project plan.
Sean Kelleher has done a good job of addressing the needs of the neighborhood

Thanks Brooks Jacobsen
416 ontario ave.
435 659 4907

Francisco Astorga

From: William Tew <wptew1@gmail.com>
Sent: Wednesday, May 08, 2013 9:50 AM
To: Francisco Astorga
Cc: Ernie Campo; Pam Maupin; Mitch Bryars; Jack Fenton; Brooks; Susie Graves; Liza Simpson
Subject: Echo Spur Development
Attachments: Site Plan edits #2 April 2013.pdf; ATT00001.htm; Site Plan edits #2 April 2013.pdf; ATT00002.htm

Francisco -

I recently received an e-mail from Sean Kelleher (Echo Spur developer) indicating that he expects to be before the Planning Commission at their May 22nd meeting. Also, included in his e-mail was a schematic illustrating his proposal for homes, planting, and walkways within the development. I have attached a copy below. Since it is unlikely that I will be able to attend the planning meeting on the 22nd, I would ask that my comments below be made available to the Planning Commission members in advance of that meeting.

I and my neighbors have endured the starts and stops of the Echo Spur development for over 5 years and today can look out on what must surely be one of the most unattractive features of Old Town - The Echo Spur Retaining Wall. Nevertheless, I would welcome the completion of this project. In spite of the developer's promotion of "energy efficient construction" in exchange for exceptions to the HR 1 building codes, I trust the Commissioners will guide the applicant toward home designs which are appropriate in mass and scale, visually compatible with Old Town, and consistent with the Design Guidelines for New Construction within our Historic District.

From his recent e-mail, the developer has indicated that the Planning Commission has "encourage us to put the parking underground". While I have no objections to the concept, I would think that this would be an enormous excavation and back fill project that will surely eliminate most if not all of the existing grade. How is it that we can be assured that there will not be a few extra feet added back to the grade upon back filling to improve the view for these homes? Preserving view corridors is very important to those of us on Rossi Hill.

Additionally, if underground parking is approved, I trust the Commission will require the full completion of the underground structure rather than in sections as homes are built. I and my neighbors on Rossi Hill and Ontario have endured years of dust and dirt from the excavation of the McHenry right-of-way. As development of the site continues, the developer should be required to undertake appropriate measures to reduce blowing dust and dirt during excavation and construction of the underground parking structure. Requiring the parking structure to be fully completed once started would certainly help to minimize the impact on all of us with adjacent homes.

Thanks for your consideration,

Bill

William Tew, PhD
525 Rossie Hill Drive

PO Box 2321
Park City, Utah 84060

mobile: 435-640-9640
wptew1@gmail.com
wptew@icloud.com



RILEY TRAFFIC CONSULTANTS, LLC
 4001 S. 700 East, #500
 Salt Lake City, UT 84107
 Tel: 301.264.6734

PROJECT: Echo Spur Development
 ACME NY
 JGC Beach Properties
 610 Gondoliere Ave.
 Coral Gables, FL 33143
 Tel: 305.377.0985

ISSUE: 04.29.13
 DRAWN BY: SC

Traffic Map
 Vicinity



LEGEND

PM PEAK TRAFFIC COUNT (4:30-5:30 pm) **XX** →
 24 HOUR TRAFFIC COUNT (12:30pm-12:29pm, beg Mar. 27) **XX** →

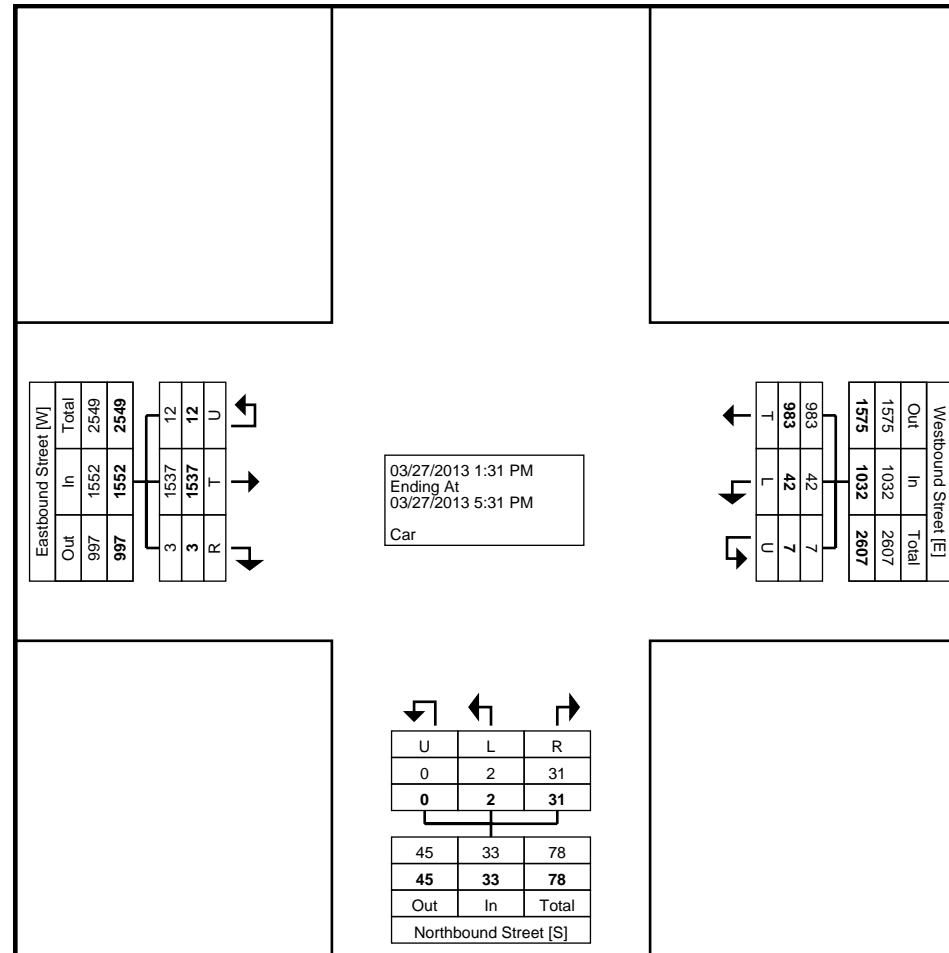
TRAFFIC COUNTS TAKEN MARCH 27-28, 2013

RECOUNT TAKEN APRIL 25-26, 2013

RILEY TRAFFIC CONSULTANTS

Turning Movement Data

Start Time	Westbound Street Westbound				Northbound Street Northbound				Eastbound Street Eastbound				Int. Total
	Thru	Left	U-Turn	App. Total	Right	Left	U-Turn	App. Total	Right	Thru	U-Turn	App. Total	
1:31 PM	82	3	2	87	3	0	0	3	0	86	0	86	176
1:46 PM	69	2	0	71	4	0	0	4	1	97	0	98	173
Hourly Total	151	5	2	158	7	0	0	7	1	183	0	184	349
2:01 PM	80	4	2	86	2	0	0	2	0	95	1	96	184
2:16 PM	85	3	2	90	2	0	0	2	0	109	1	110	202
2:31 PM	82	1	0	83	3	1	0	4	0	105	0	105	192
2:46 PM	83	0	0	83	3	0	0	3	0	92	1	93	179
Hourly Total	330	8	4	342	10	1	0	11	0	401	3	404	757
3:01 PM	71	2	0	73	1	0	0	1	0	100	1	101	175
3:16 PM	88	7	0	95	2	0	0	2	1	103	2	106	203
3:31 PM	1	0	0	1	0	0	0	0	0	1	0	1	2
*** BREAK ***	-	-	-	-	-	-	-	-	-	-	-	-	-
Hourly Total	160	9	0	169	3	0	0	3	1	204	3	208	380
4:31 PM	86	3	0	89	4	0	0	4	0	220	3	223	316
4:46 PM	82	7	0	89	1	1	0	2	0	195	1	196	287
Hourly Total	168	10	0	178	5	1	0	6	0	415	4	419	603
5:01 PM	90	6	1	97	4	0	0	4	0	187	1	188	289
5:16 PM	84	4	0	88	2	0	0	2	1	147	1	149	239
Grand Total	983	42	7	1032	31	2	0	33	3	1537	12	1552	2617
Approach %	95.3	4.1	0.7	-	93.9	6.1	0.0	-	0.2	99.0	0.8	-	-
Total %	37.6	1.6	0.3	39.4	1.2	0.1	0.0	1.3	0.1	58.7	0.5	59.3	-
Car	983	42	7	1032	31	2	0	33	3	1537	12	1552	2617
% Car	100.0	100.0	100.0	100.0	100.0	100.0	-	100.0	100.0	100.0	100.0	100.0	100.0



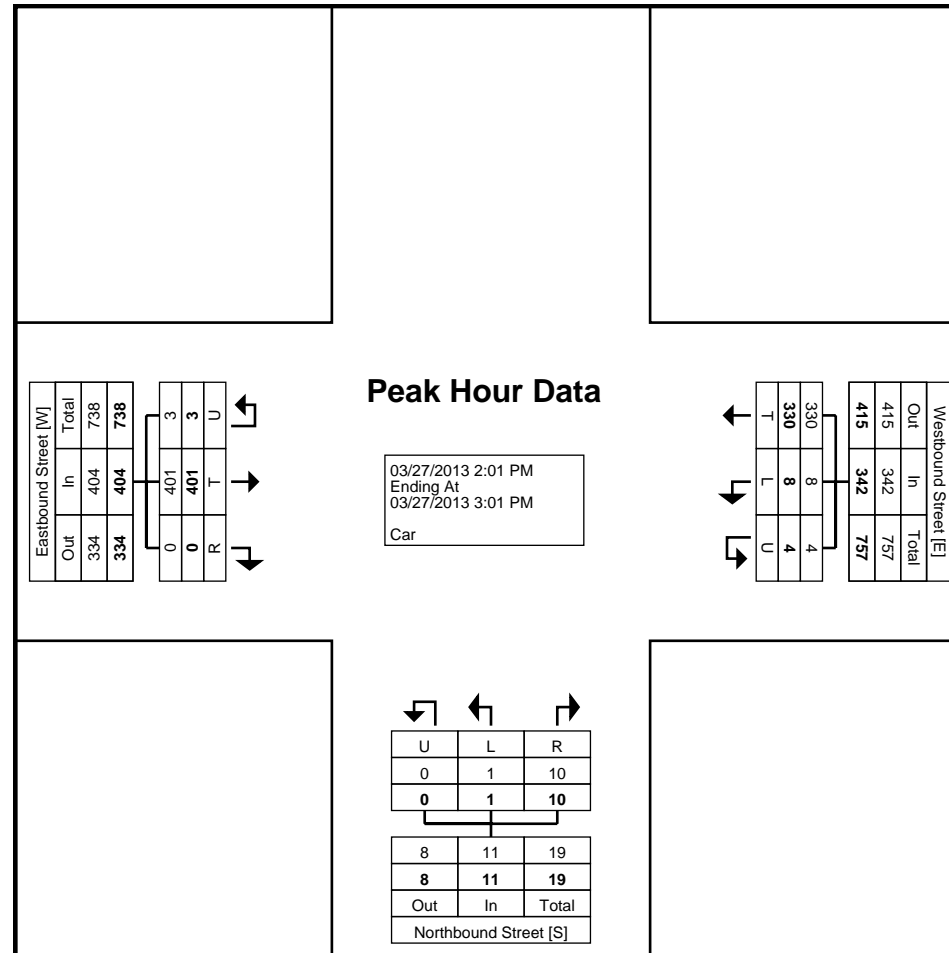
Turning Movement Data Plot

Riley Traffic L.L.C
 4001 South 700 East
 Suite 500
 Salt Lake City, Utah, United States 84107
 801-264-6634 scolosimo@rileytraffic.com

Count Name: Deer Valley Drive & Deer Valley
 Loop
 Site Code: Deer Vally Dr * Deer Valley Loop
 Start Date: 03/27/2013
 Page No: 3

Turning Movement Peak Hour Data (2:01 PM)

Start Time	Westbound Street Westbound				Northbound Street Northbound				Eastbound Street Eastbound				Int. Total
	Thru	Left	U-Turn	App. Total	Right	Left	U-Turn	App. Total	Right	Thru	U-Turn	App. Total	
2:01 PM	80	4	2	86	2	0	0	2	0	95	1	96	184
2:16 PM	85	3	2	90	2	0	0	2	0	109	1	110	202
2:31 PM	82	1	0	83	3	1	0	4	0	105	0	105	192
2:46 PM	83	0	0	83	3	0	0	3	0	92	1	93	179
Total	330	8	4	342	10	1	0	11	0	401	3	404	757
Approach %	96.5	2.3	1.2	-	90.9	9.1	0.0	-	0.0	99.3	0.7	-	-
Total %	43.6	1.1	0.5	45.2	1.3	0.1	0.0	1.5	0.0	53.0	0.4	53.4	-
PHF	0.971	0.500	0.500	0.950	0.833	0.250	0.000	0.688	0.000	0.920	0.750	0.918	0.937
Car	330	8	4	342	10	1	0	11	0	401	3	404	757
% Car	100.0	100.0	100.0	100.0	100.0	100.0	-	100.0	-	100.0	100.0	100.0	100.0



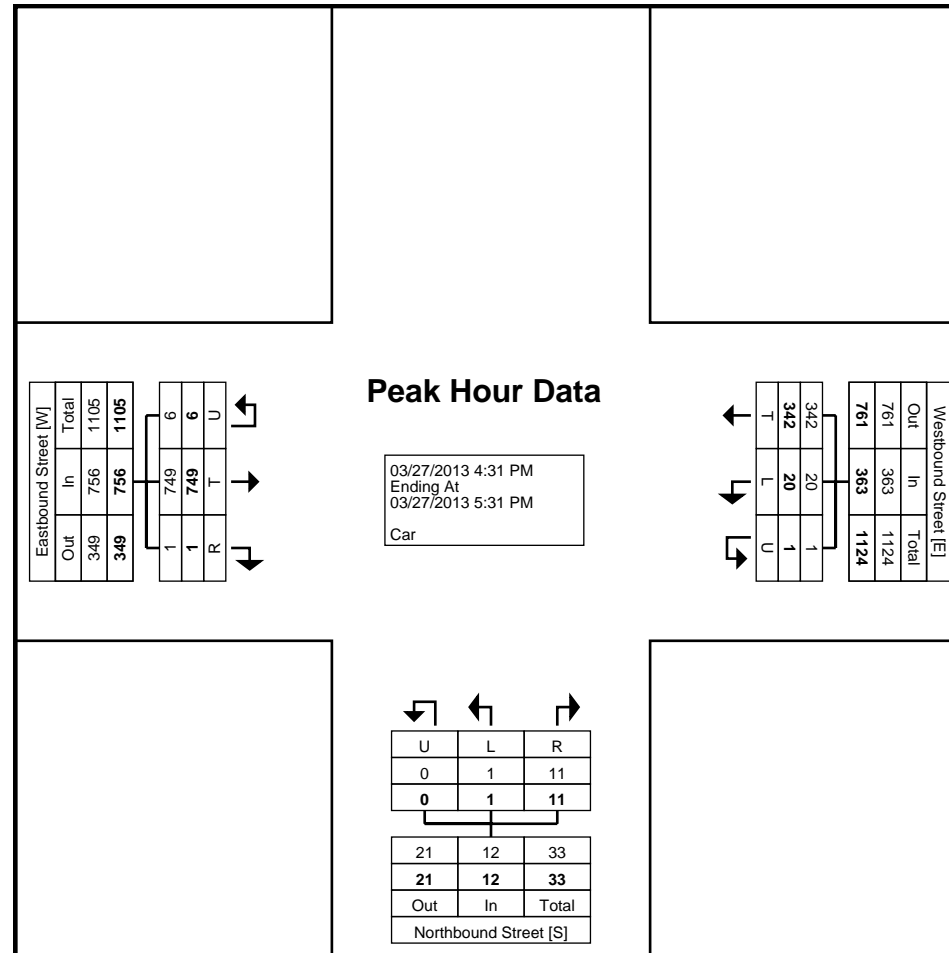
Turning Movement Peak Hour Data Plot (2:01 PM)

Riley Traffic L.L.C
 4001 South 700 East
 Suite 500
 Salt Lake City, Utah, United States 84107
 801-264-6634 scolosimo@rileytraffic.com

Count Name: Deer Valley Drive & Deer Valley
 Loop
 Site Code: Deer Vally Dr * Deer Valley Loop
 Start Date: 03/27/2013
 Page No: 5

Turning Movement Peak Hour Data (4:31 PM)

Start Time	Westbound Street Westbound				Northbound Street Northbound				Eastbound Street Eastbound				Int. Total
	Thru	Left	U-Turn	App. Total	Right	Left	U-Turn	App. Total	Right	Thru	U-Turn	App. Total	
4:31 PM	86	3	0	89	4	0	0	4	0	220	3	223	316
4:46 PM	82	7	0	89	1	1	0	2	0	195	1	196	287
5:01 PM	90	6	1	97	4	0	0	4	0	187	1	188	289
5:16 PM	84	4	0	88	2	0	0	2	1	147	1	149	239
Total	342	20	1	363	11	1	0	12	1	749	6	756	1131
Approach %	94.2	5.5	0.3	-	91.7	8.3	0.0	-	0.1	99.1	0.8	-	-
Total %	30.2	1.8	0.1	32.1	1.0	0.1	0.0	1.1	0.1	66.2	0.5	66.8	-
PHF	0.950	0.714	0.250	0.936	0.688	0.250	0.000	0.750	0.250	0.851	0.500	0.848	0.895
Car	342	20	1	363	11	1	0	12	1	749	6	756	1131
% Car	100.0	100.0	100.0	100.0	100.0	100.0	-	100.0	100.0	100.0	100.0	100.0	100.0



Turning Movement Peak Hour Data Plot (4:31 PM)