



## AGENDA

<b>MEETING CALLED TO ORDER – 5:30 PM</b>			<i>Pg</i>
<b>WORK SESSION – <i>Discussion only, no action will be taken.</i></b>			
1103/1105 Lowell Avenue – Steep Slope Conditional Use Permit	PL-13-01867		3
<b>ROLL CALL</b>			
<b>ADOPTION OF MINUTES OF JULY 31, 2013</b>			79
<b>PUBLIC COMMUNICATIONS – <i>Items not scheduled on the regular agenda</i></b>			
<b>STAFF AND BOARD COMMUNICATIONS/DISCLOSURES</b>			
<b>CONTINUATION(S) – <i>Public hearing and continue as outlined below</i></b>			
Land Management Code – Amendments to Chapter 2.4 – Historic Residential-Medium Density (HRM) District <i>Public hearing and continuation to August 28, 2013</i>			
7905 Royal Street – Record of Survey Amendment <i>Public hearing and continuation to August 28, 2013</i>	PL-13-01968		
<b>REGULAR AGENDA - <i>Public hearing and possible action</i></b>			
1127 Woodside Avenue – Plat Amendment <i>Public hearing and possible recommendation to City Council</i>	PL-13-01893 <i>Planner Grahn</i>		99
7620 Royal Street – Record of Survey Amendment <i>Public hearing and possible recommendation to City Council</i>	PL-13-01967 <i>Planner Whetstone</i>		127
<b>ADJOURN</b>			

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



# Planning Commission Staff Report



**Subject:** 1105 Lowell Avenue  
**Authors:** Francisco Astorga  
**Project Number:** PL-13-018367  
**Date:** August 14, 2013  
**Type of Item:** Work Session - Steep Slope Conditional Use Permit

## Summary Recommendations

Staff recommends that the Planning Commission review the proposed Steep Slope Conditional Use Permit application for new construction located at 1105 Lowell Avenue and provide feedback and direction to the applicant during the work session discussion.

## Description

**Applicant/Owner:** Steven Parker and Mark Parker  
**Location:** 1103/1105 Lowell Avenue  
**Zoning:** Historic Residential (HR-1)  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Construction of structures greater than 1,000 square feet on a steep slope requires a Conditional Use Permit.

## Proposal

This application is a request for a Steep Slope Conditional Use Permit for new single family dwelling. The site contains a duplex. The applicant requests a single-family dwelling to be built behind the duplex. Construction of structures greater than 1,000 square feet on slopes that are 30% or greater require Planning Commission review and approval.

On August 9, 2012 the City approved a plat amendment creating one (1) lot of record consisting of Lot 1 & Lot 2, portion of Lot 3, 30, 31 & 32, Block 34, Snyder's Addition, the approved plat amendment consists of a lot of 8,680 square feet in size. This plat amendment has not been recorded and was set to expire on August 9, 2013. An official request has been made by the property owner for a one (1) year extension. This request was received prior to the expiration.

## Background

On May 1, 2013 the City received a completed application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" behind the existing duplex at 1103/1105 Lowell Avenue. The property is located in the Historic Residential (HR-1) District.

This application is a request for a Conditional Use Permit for construction of new single family dwelling behind the existing duplex. Because the total proposed construction is greater than 1,000 square feet and would be constructed on a slope greater than thirty

percent (30%), the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to Land Management Code (LMC) § 15-2.2-6.

A Historic District Design Review (HDDR) application is concurrently being reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.

### **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.

### **Analysis/Discussion**

#### **Use/Condominium Record of Survey**

A single family dwelling is an allowed use in the HR-1 District. However, the site currently contains a duplex that was built in 1978. When the duplex structure was built a two-family building (duplex) was an allowed use in the district. Currently a duplex is a conditional use. The approved plat amendment created one (1) lot of record consisting of 8,680 square feet.

Staff interprets that the Land Management Code (LMC) allows one (1) primary structure per lot within this District and has shared this information with the applicant. The applicant responded by indicating that they would place a condition of approval on the requested application that a Condominium Record of Survey will be filed, reviewed, and approved by the City so that the two (2) units, the existing duplex, and the proposed single family dwelling would not be part of the same lot and the two (2) units would be separated by common space.

Based on this condition of approval subject to a Condominium Record of Survey plat, the base density would still meet code as the minimum lot area for a single family dwelling is 1,875 square feet and the minimum lot area for a duplex is 3,750 square feet. **Does the Planning Commission concur with these findings?**

### **Footprint**



Once a condominium Record of Survey is approved and recorded the site no longer contains lots as the site is governed by the specific delineation of private units and common spaced, separated into common and limited common areas. A Condominium is not a use, but a type of ownership, e.g. Snow Creek Cottages is platted as single family dwellings within a Condominium Record of Survey. Because the building Footprint is based on the size of each lot, staff would consider the footprint of each dwelling unit to be derived using the same standard footprint formula based on the perceived lot area for the existing duplex as well as for the proposed single family dwelling as described below:

Perceived Lot/Footprint Analysis	Existing duplex	Proposed single family dwelling	Existing/approved one (1) lot combination*
Lot width	62 feet	62 feet	62 feet
Lot length	75 feet	65 feet	140 feet
Lot Area	4,650 square feet	4,030 square feet	8,680 square feet
Footprint Max.	1,790.4 square feet	1,606.7 square feet	2,664.8 square feet
Actual Footprint	1,128 square feet (existing duplex)	1,543 square feet	1,120 square feet (existing duplex)

\*The existing/approved one lot combination was analyzed as a comparison.

**Does the planning Commission concur with these findings outlined above related to how to measure building footprint?**

Building Height

The LMC indicates the following regarding building height:

- 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.

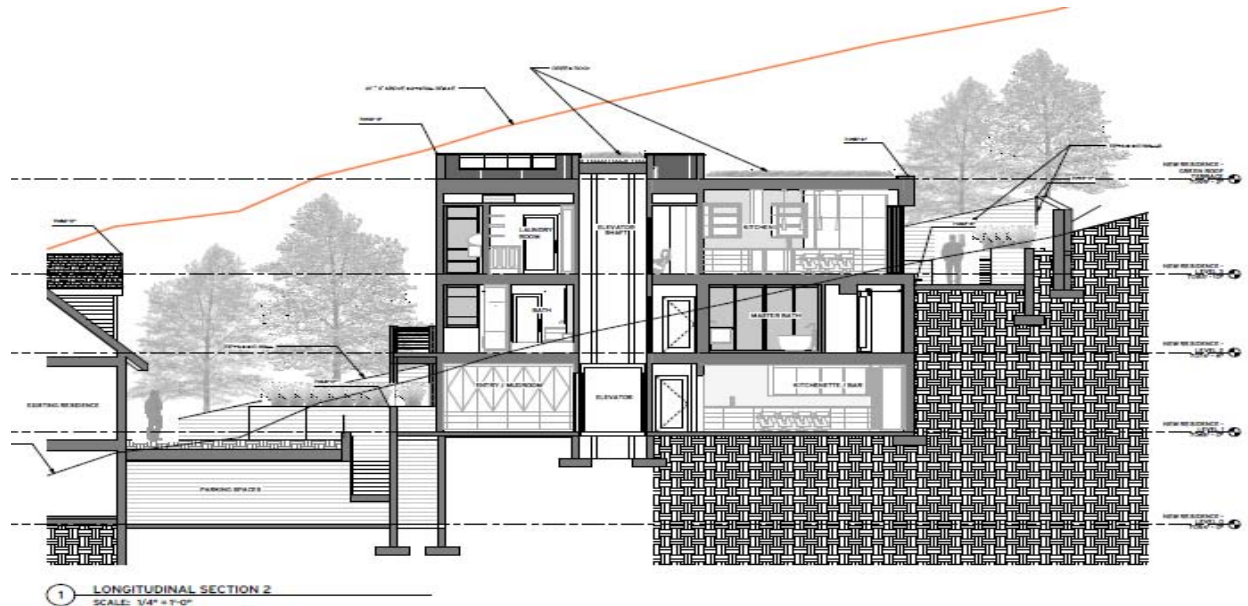
The proposed single family dwelling design proposes a green roof. The LMC defines a green roof as:

*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*



as a green roof, therefore, these areas have to comply with the required roof pitch.  
**Does the Planning Commission concur with this interpretation?**

The Proposal does not include the required ten feet (10') horizontal step in the downhill façade. Staff finds that no matter where the site is located the design has to include the mandated ten foot (10') horizontal step in the downhill façade. The applicant has expressed that they do not meet this requirement because of the existing location of the duplex, in front of the proposed structure. **Does the Planning Commission concur with these findings?** See exhibit below:



Longitudinal Section 2 Sheet H-302

Steep Slope CUP Criteria

LMC § 15-2.2-6 provides for development on steep sloping lots in excess of one thousand square feet (1,000 sq. ft.) within the HR-1 District, subject to the following criteria:

1. Location of Development. Development is located and designed to reduce visual and environmental impacts of the Structure.

*The proposed structure is located behind the existing duplex and is screened significantly from viewed from the street. However, the duplex is not a historic structure and can be demolished through an administrative permit.*

2. Visual Analysis. The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the proposed Access, and Building mass and design; and to identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

*The applicant submitted a visual analysis, including 3D graphic representation showing impacts of the proposed project. See Exhibit B.*

3. Access. Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible.

*The access is located on the north side of the duplex. The site requires concrete retaining walls on the north side, specifically right on the property line to accommodate the proposed concrete driveway around the existing duplex.*

4. Terracing. The project may include terraced retaining Structures if necessary to regain Natural Grade.

*The project makes use of terraces to allow natural grade to be maintained surrounding the dwelling. These terraces are located towards the middle of the site on the north and south side as well as towards the rear of the proposed structure.*

5. Building Location. Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard.

*The driveway location allows for easy access and infrastructure installation. The building is sited behind the non-historic structure which follows the terrain.*

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

*The proposed building is placed behind the existing non-historic structure. The east, south, and west elevations are broken into several smaller components.*

7. Setbacks. The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

*Because the building is behind the existing duplex, it does not contribute to the wall effect along the street.*

8. Dwelling Volume. The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in [LMC Chapter 2.2 – HR-1]. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

*The volume of the site is reduced in some portions of the proposed structure due to the topography of the site and the existing LMC parameters for height and applicable regulations. However, there are some areas that have been maximized. Does the Planning Commission find that there are areas that need additional limitations as outlined on criterion 8 above.*

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

*The proposed structure meets the twenty-seven foot (27') regulation. The Planning Commission may require a building height reductions to minimize its mass and/or to mitigate scale.*

Staff recommends that the Planning Commission review these findings related to compliance with the Steep Slope CUP Criteria. **Does the Planning Commission agree with these findings?**

### **Public Input**

No public input has been provided at the time of this report as this is a work session discussion on the submitted Steep Slope CUP. However, the following comments have been submitted related to the submitted Historic District Design Review. See Exhibit D.

### **Significant Impacts**

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

### **Recommendation**

Staff recommends that the Planning Commission review the proposed Steep Slope Conditional Use Permit application for new construction located at 1105 Lowell Avenue and provide feedback and direction to the applicant during the work session discussion.

### **Exhibits**

Exhibit A – Project Description

Exhibit B – Proposed Plans  
Exhibit C – 08.09.2012 CC Staff Report and minutes  
Exhibit D – 08.09.2012 CC Staff Report Exhibits  
Exhibit E – HDDR Public Comments



March 18, 2013

## Project Description

Conditional Use Permit for Construction on a Steep Slope  
1105 Lowell Avenue  
Park City, Utah 84060

The existing property is located on the uphill side of Lowell Avenue. The site is accessed from a common driveway and easements exist across the front of the property that allow access to adjacent properties across the shared driveway.

Located on the lower part of the property is an existing duplex. This project proposes construction of a new Single Family Dwelling behind the existing duplex and is accessed by a driveway on the north of the property.

Although this property is located in the HR-1 zone, it is a significant distance from any historic structures and the abutting properties are all larger in scale and are generally, Duplex and Multi-Unit Dwellings. The scale and uses along the uphill side of Lowell are generally more compatible with the adjacent RC zone.

The project has been designed to follow the nine requirements of LMC 15-2.2-6. DEVELOPMENT ON STEEP SLOPES.

- (1) The single family dwelling is located behind the existing duplex and is screened significantly from view from the street.
- (2) Three dimensional graphic representation has been provided for visual analysis, showing the minimal impacts of the proposed project.
- (3) The access is located on the side of the duplex.
- (4) The project makes use of terraces to allow natural grade to be maintained surrounding the dwelling.
- (5) The driveway location allows for easy access and infrastructure installation. The building is sited to follow the terrain, and preserve areas for native vegetation.
- (6) The building is broken into several forms that follow the cross slope of the site and maintains a low profile mass.
- (7) Because the building is behind the existing duplex, it does not contribute to the wall effect along the street.
- (8) Building volume is minimized as the building keeps a low profile as the site slope increases.
- (9) The majority of the proposed single family dwelling is significantly under the twenty-seven (27) foot maximum height.

# 1105 Lowell Ave.

1105 Lowell Ave. Park City, UT 84060

2013.03.14 (Revised 2013.07.25)

## DRAWING INDEX

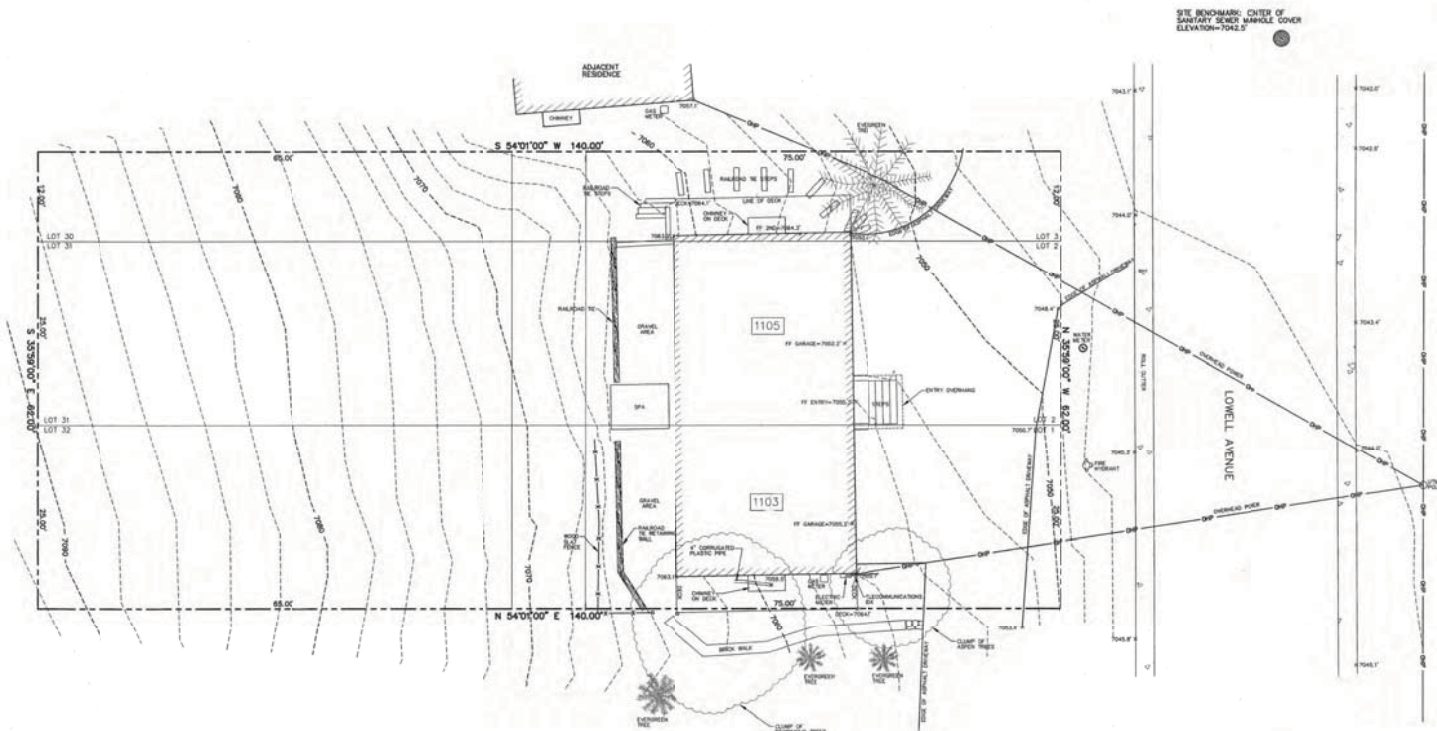
Sheet Number      Sheet Name

### HDDR DRAWINGS

H-001	EXISTING SITE PLAN
H-002	CURRENT PHOTOGRAPHS
H-003	SITE ANALYSIS
H-004	CONTEXTUAL ANALYSIS
H-005	PROPOSED SITE PLAN / LANDSCAPE PLAN
H-006	ROOF OVER TOPO
H-007	AREA PLANS
H-100	FLOOR PLANS
H-101	FLOOR PLANS
H-102	FLOOR PLANS
H-103	FLOOR PLANS
H-104	ROOF PLAN
H-201	ELEVATIONS
H-202	ELEVATIONS
H-203	ELEVATIONS
H-301	SECTIONS
H-302	SECTIONS
H-303	SECTIONS
H-401	PERSPECTIVES
H-402	MATERIALS







**SURVEYOR'S CERTIFICATE**

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold Certification No. 4930739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

**NOTES**

1. Site Benchmark: Center of sanitary sewer manhole cover. Elevation=7041.5'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on March 9, 2007.
4. Property corners were set or found.
5. Snow coverage at the time of the survey was approximately 1' to 3'. As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.



<p>(435) 649-8487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2864, Park City, Utah 84002-2864</p>	<p><b>STAFF:</b> MARTY MORRISON MARSHALL KING</p>	<p><b>TOPOGRAPHIC MAP</b> SNYDER'S ADDITION, BLOCK 34 1103 &amp; 1105 LOWELL AVENUE</p>	<p><b>SHEET</b> 1 <b>OF</b> 1</p>
	<p><b>DATE:</b> 4/10/07</p>	<p><b>FOR:</b> RICK NAVARRETTE <b>JOB NO.:</b> 1-5-07 <b>FILE:</b> X:\SnydersAddition\dwg\arr\topo07\010307.dwg</p>	



EXISTING SITE PLAN  
H-001  
2013.03.14

**1105 Lowell Ave.  
Parker Residence**  
1105 Lowell Ave. Park City, UT 84060



5 SOUTH - OUT FROM SITE



6 WEST - OUT FROM SITE



3 NORTH - OUT FROM SITE



1 EAST - OUT FROM SITE



4 SOUTH - INTO SITE



7 WEST - INTO SITE



2 NORTH - INTO SITE

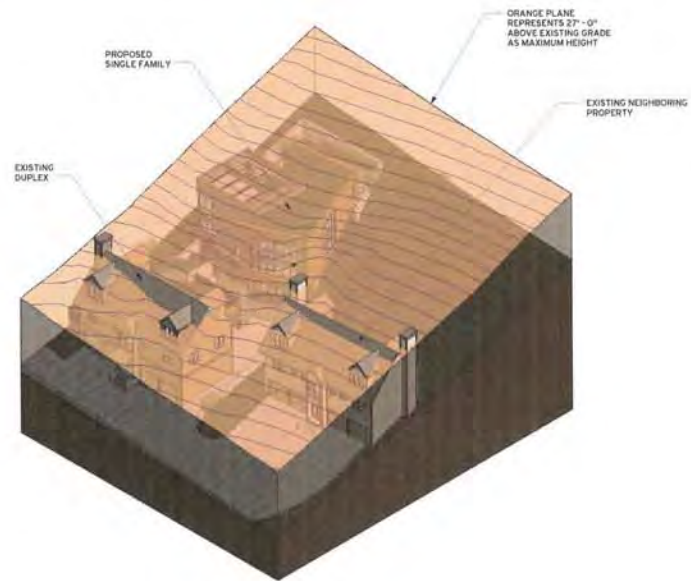




3 STREETScape



2 AERIAL PHOTOGRAPH



1 27' - 0" ZONING HEIGHT DIAGRAM





1 CROSS CANYON VIEW - FROM THE AERIE

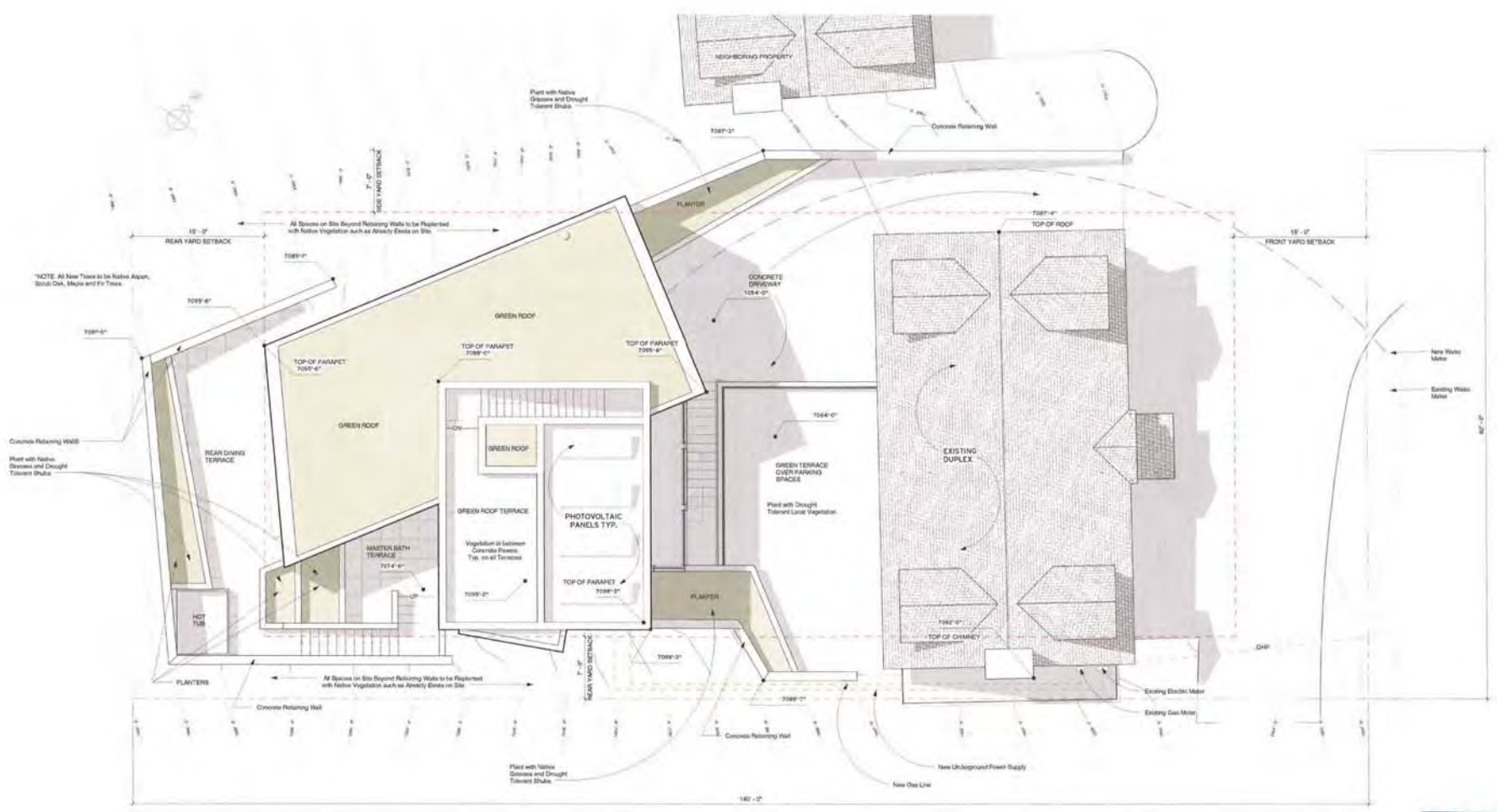


2 VIEW LOOKING DOWN LOWELL AVE.

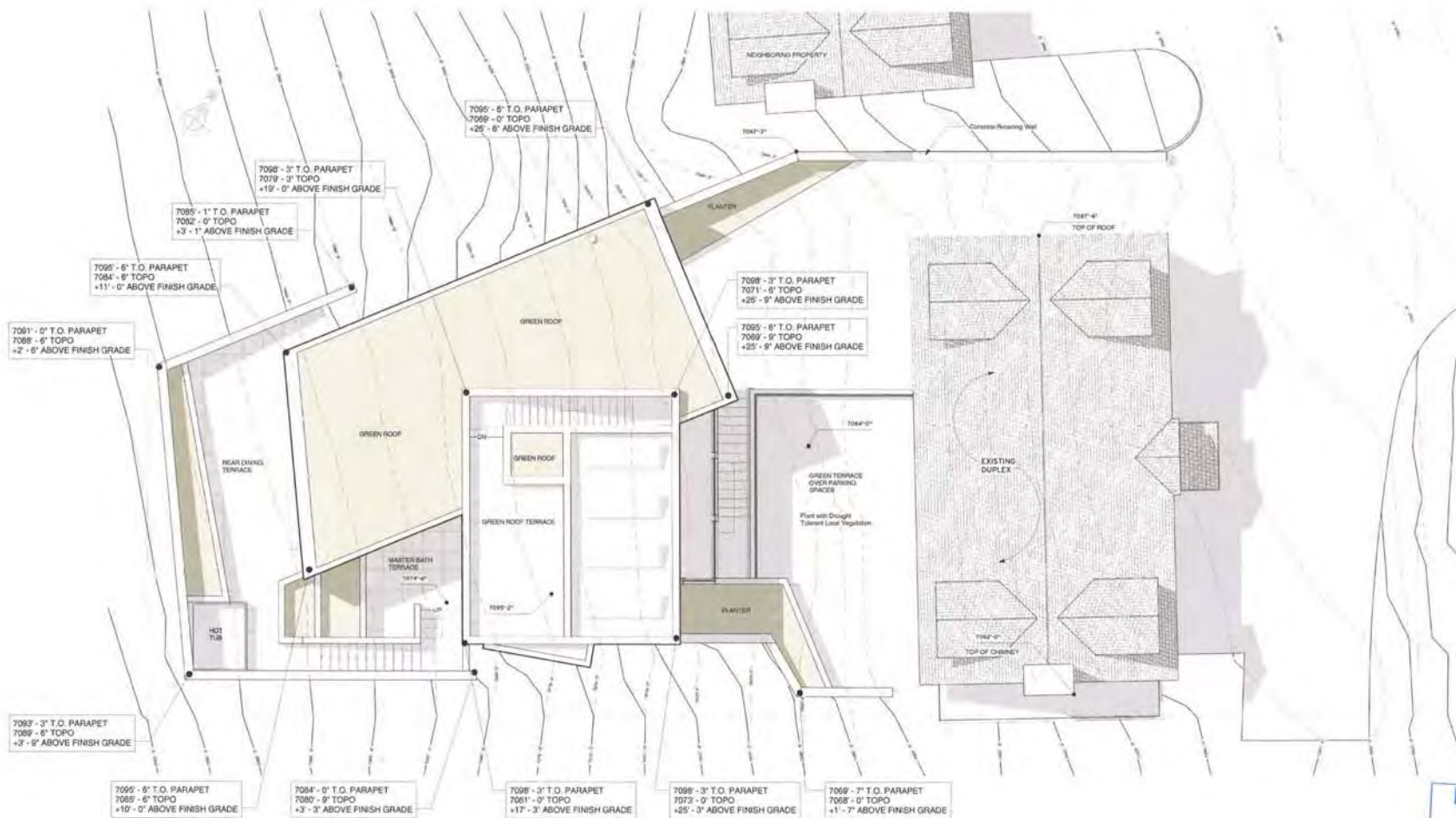


3 VIEW LOOKING UP LOWELL AVE.

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ROOF OVER TOPO  
 H-006  
 2013.03.14 (Revised 2013.07.25)

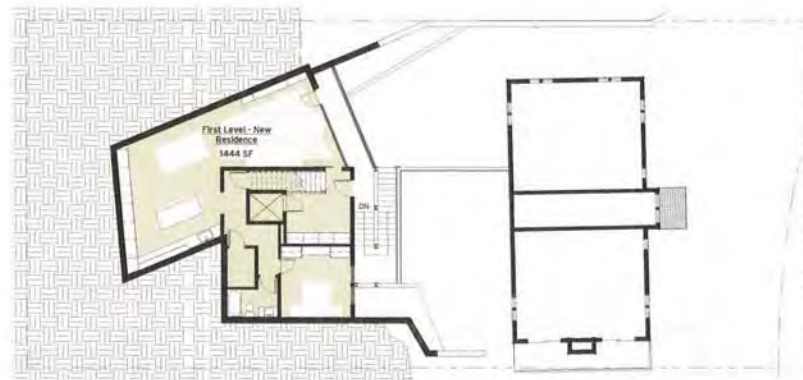
**1105 Lowell Ave.**  
**Parker Residence**  
 1105 Lowell Ave. Park City, UT 84060



3 NEW RESIDENCE - LEVEL 3  
 0 5 10 20 40



2 NEW RESIDENCE - LEVEL 2  
 0 5 10 20 40



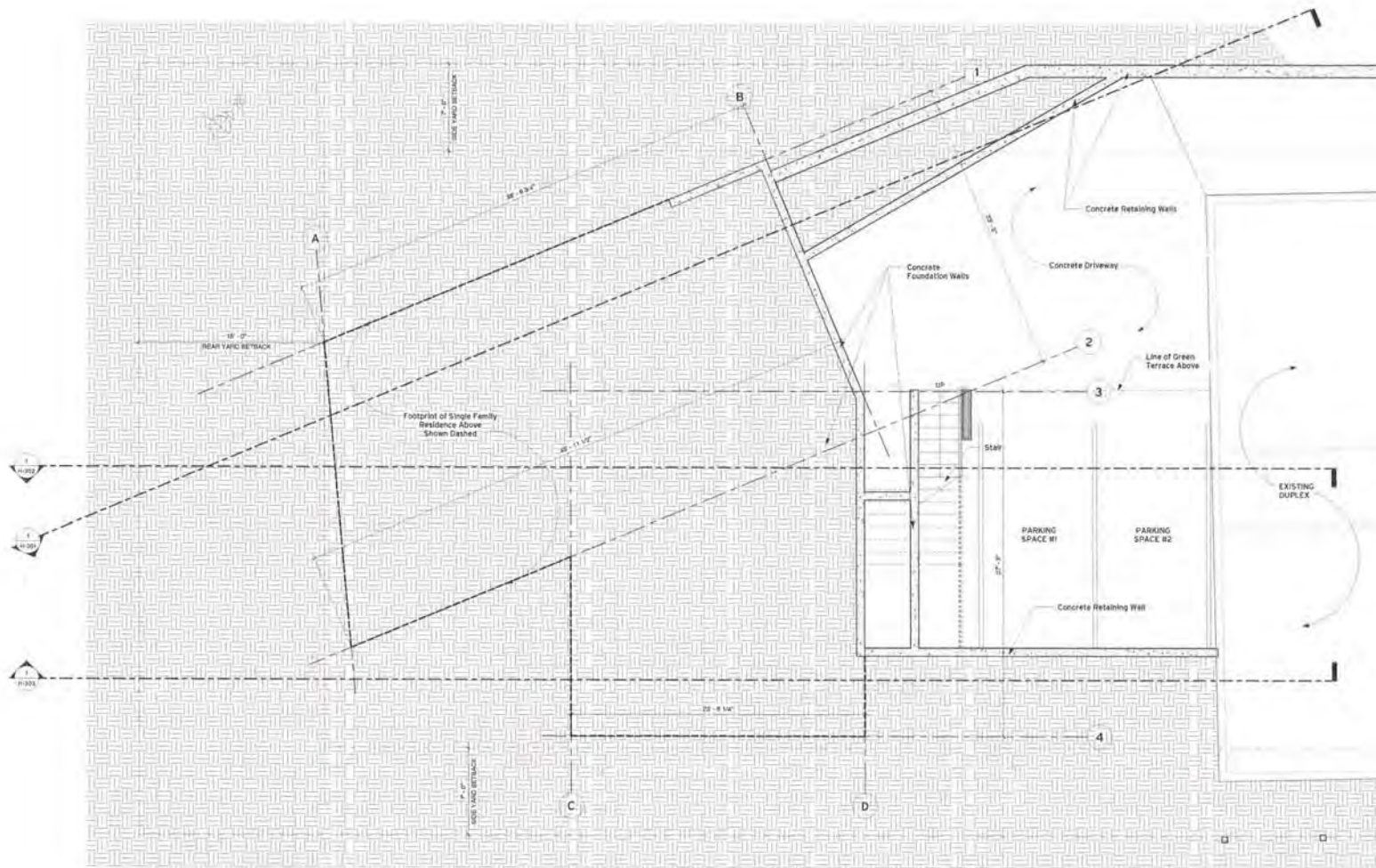
1 NEW RESIDENCE - LEVEL 1  
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AREA PLANS  
 H-007  
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1105 Lowell Ave.  
 Parker Residence  
 1105 Lowell Ave. Park City, UT 84060



1 NEW RESIDENCE - LEVEL 0

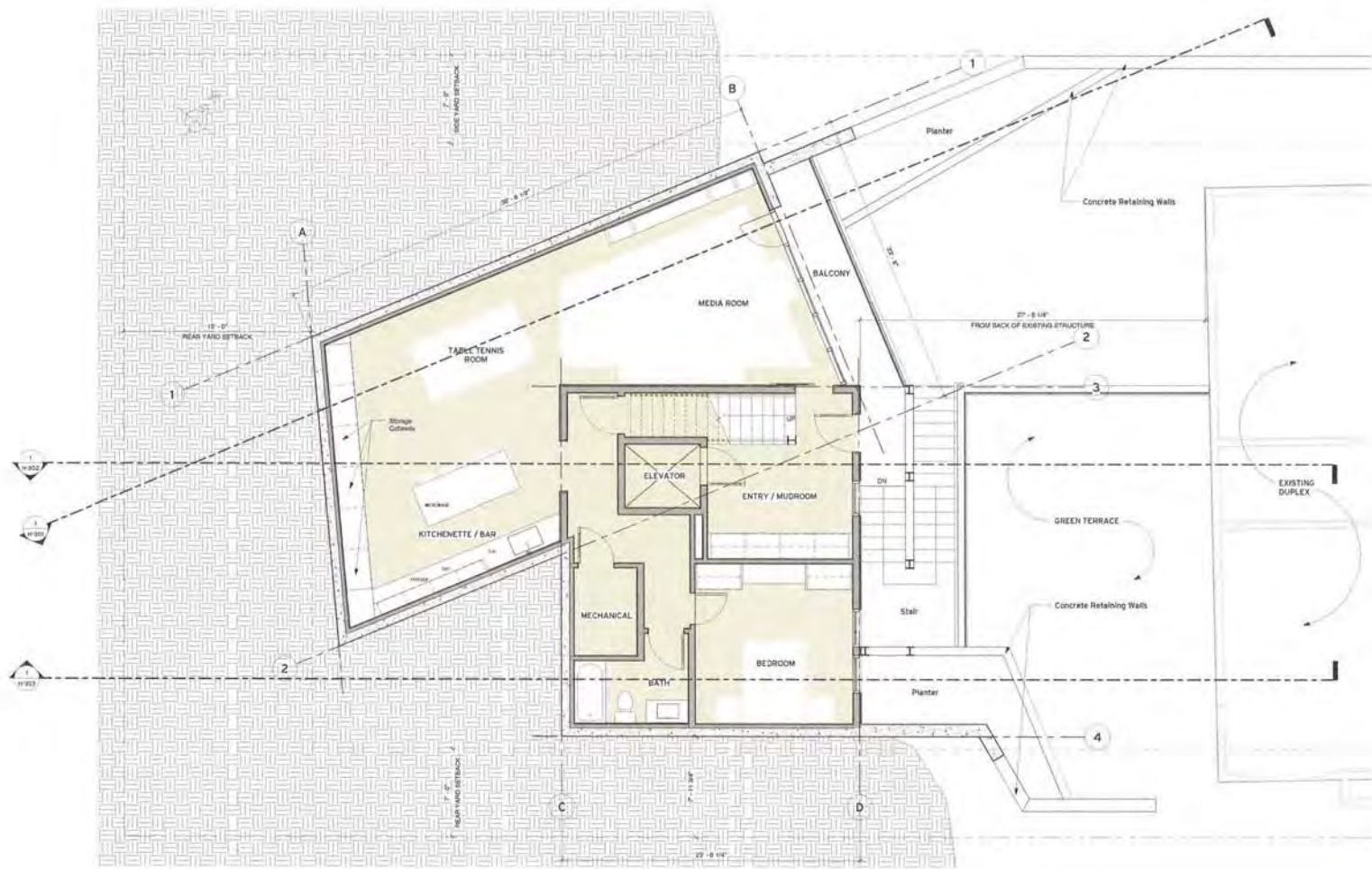
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FLOOR PLANS  
 H-100  
 2013.03.14 (Revised 2013.07.25)

**1105 Lowell Ave.**  
**Parker Residence**  
 1105 Lowell Ave. Park City, UT 84060





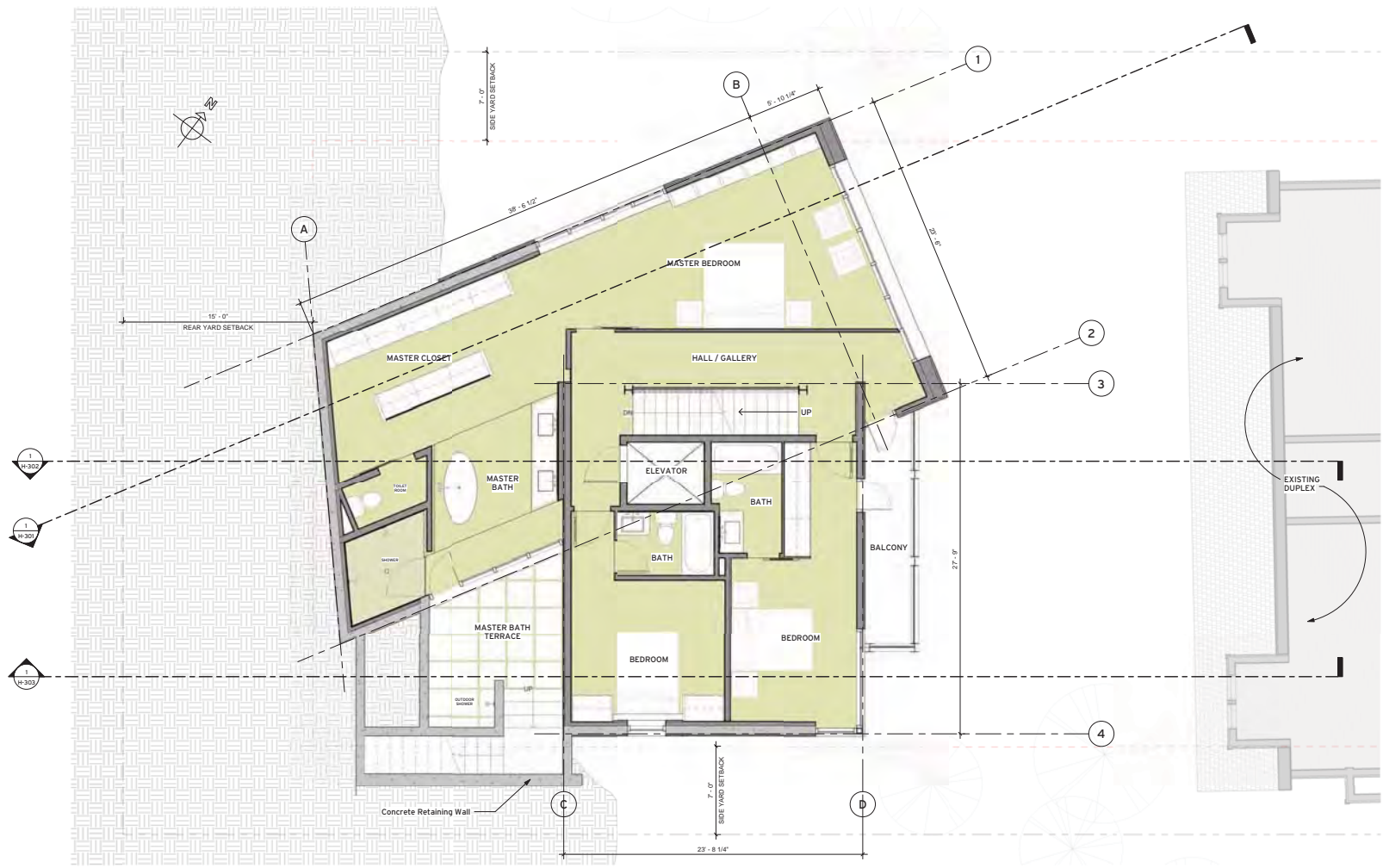
1 NEW RESIDENCE - LEVEL 1

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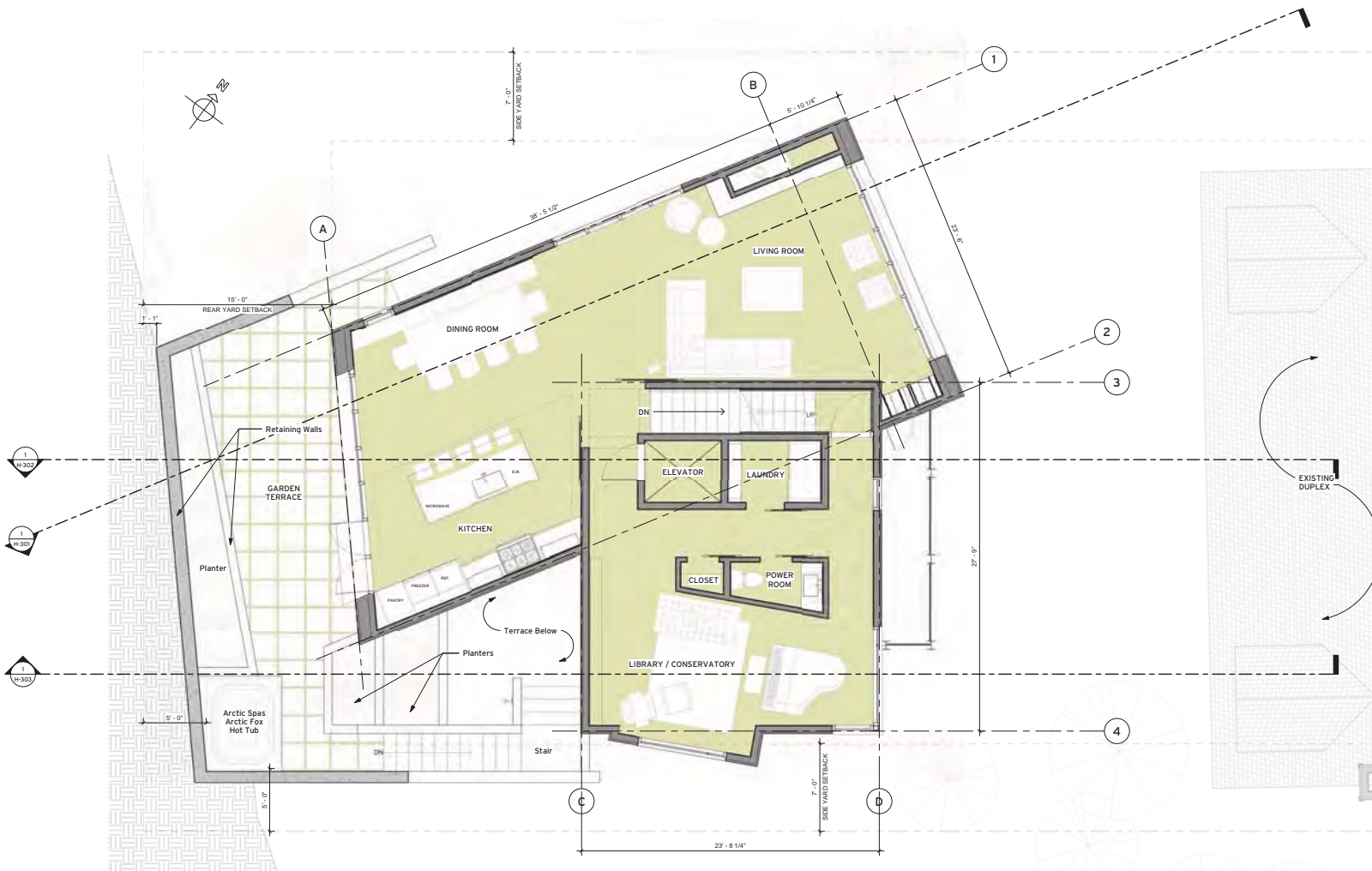
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FLOOR PLANS  
 H-101  
 2013.03.14 (Revised 2013.07.25)

1105 Lowell Ave.  
 Parker Residence  
 1105 Lowell Ave. Park City, UT 84060

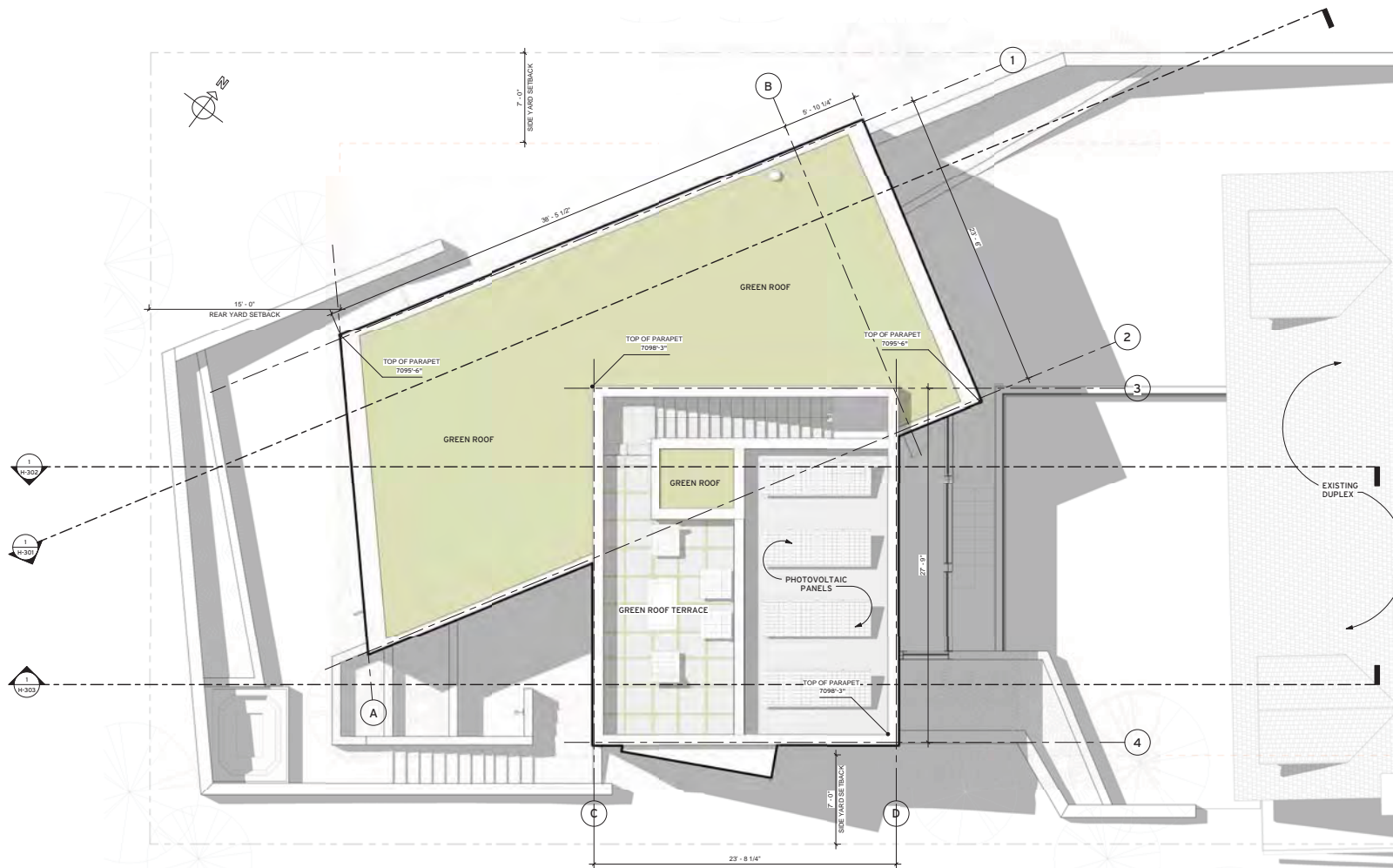


1 NEW RESIDENCE - LEVEL 2

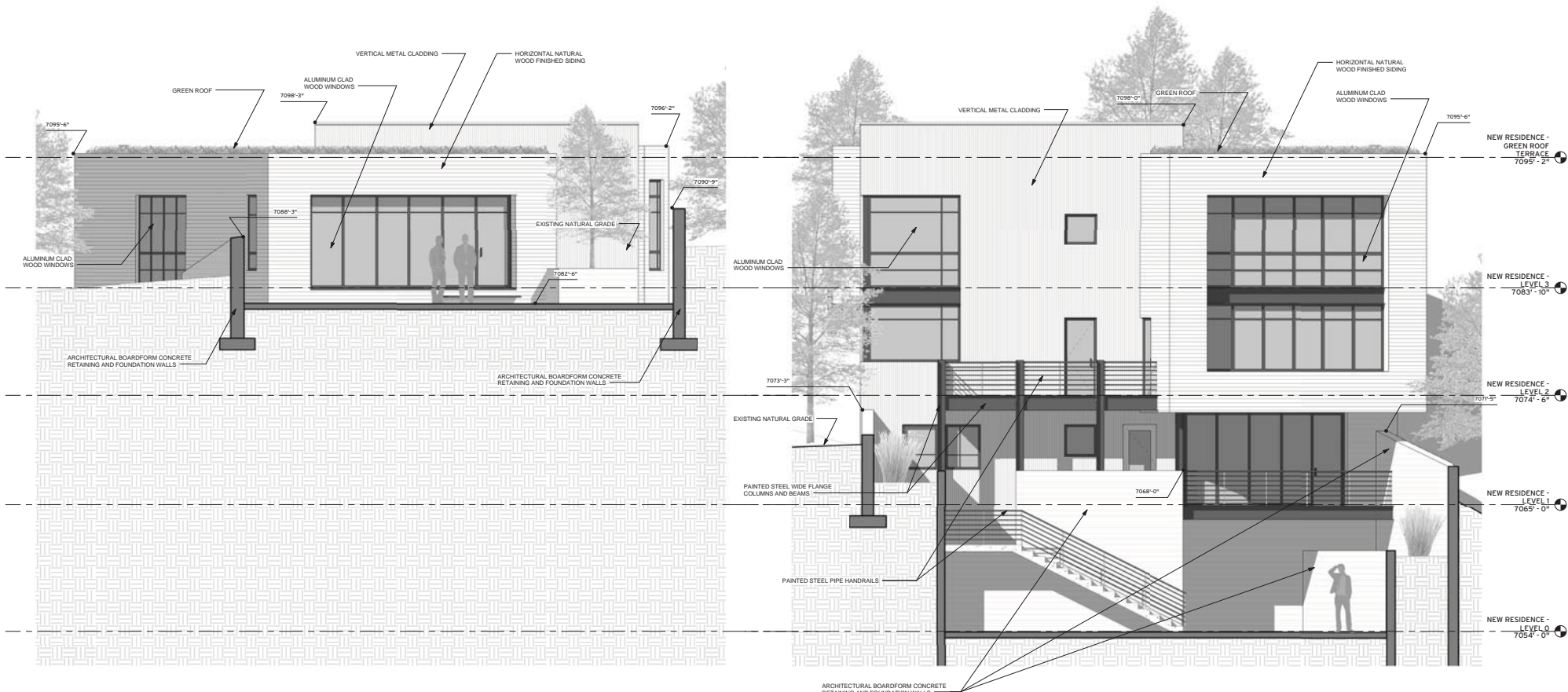


1 NEW RESIDENCE - LEVEL 3





1 NEW RESIDENCE - GREEN ROOF TERRACE



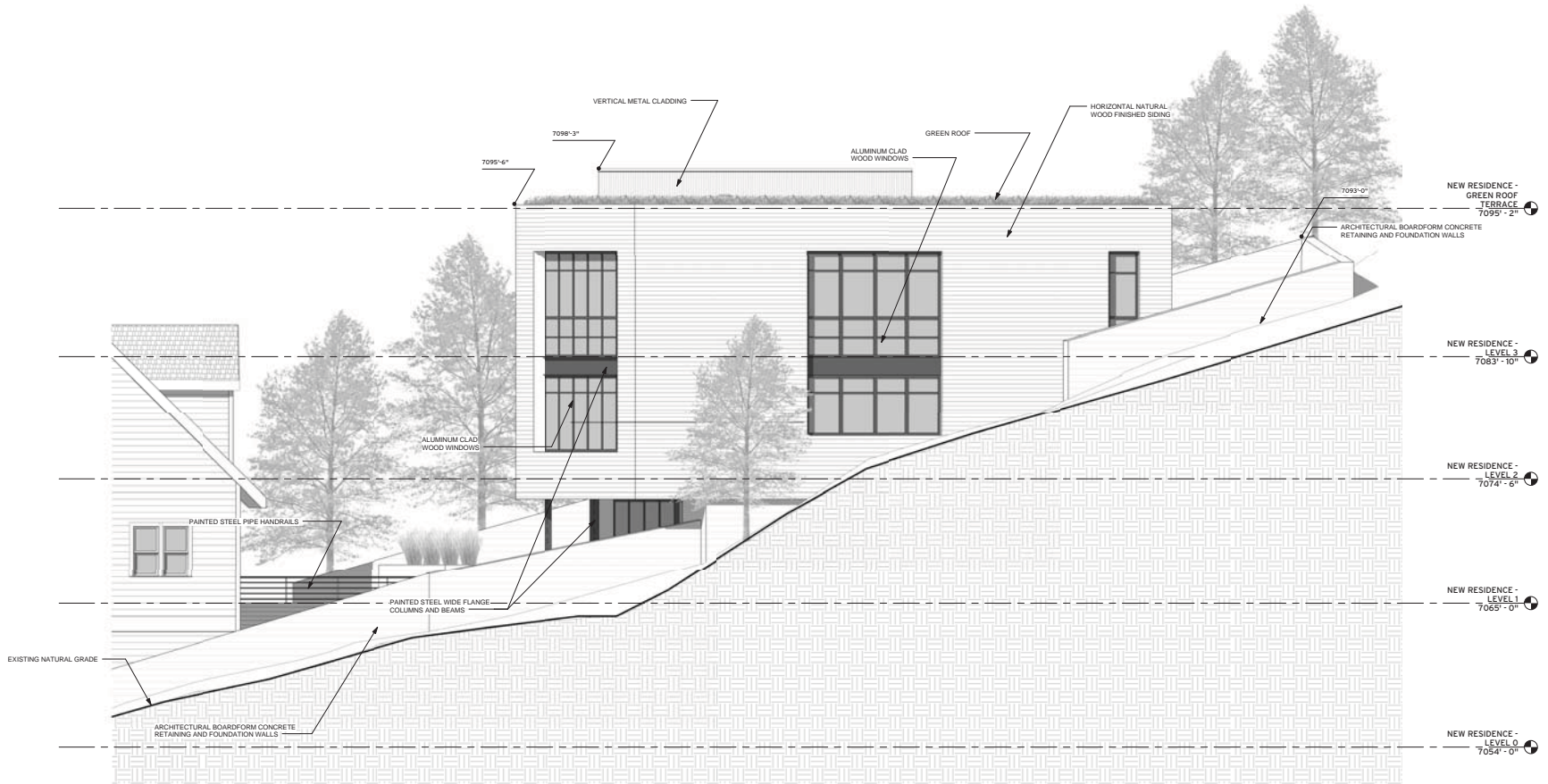
2 WEST ELEVATION - REAR

1 EAST ELEVATION - FRONT



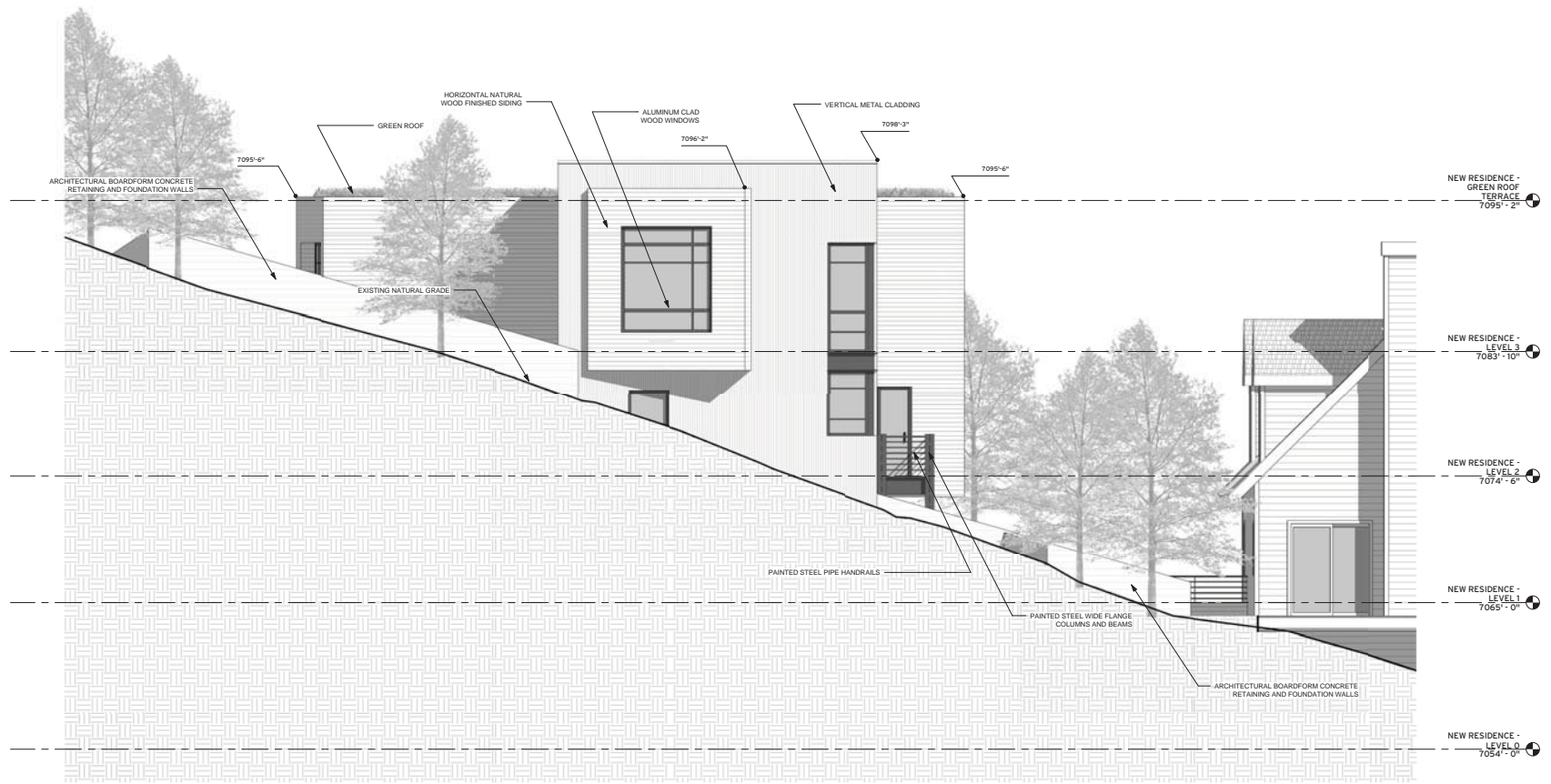
ELEVATIONS  
H-201  
2013.03.14

1105 Lowell Ave.  
Parker Residence  
1105 Lowell Ave. Park City, UT 84060

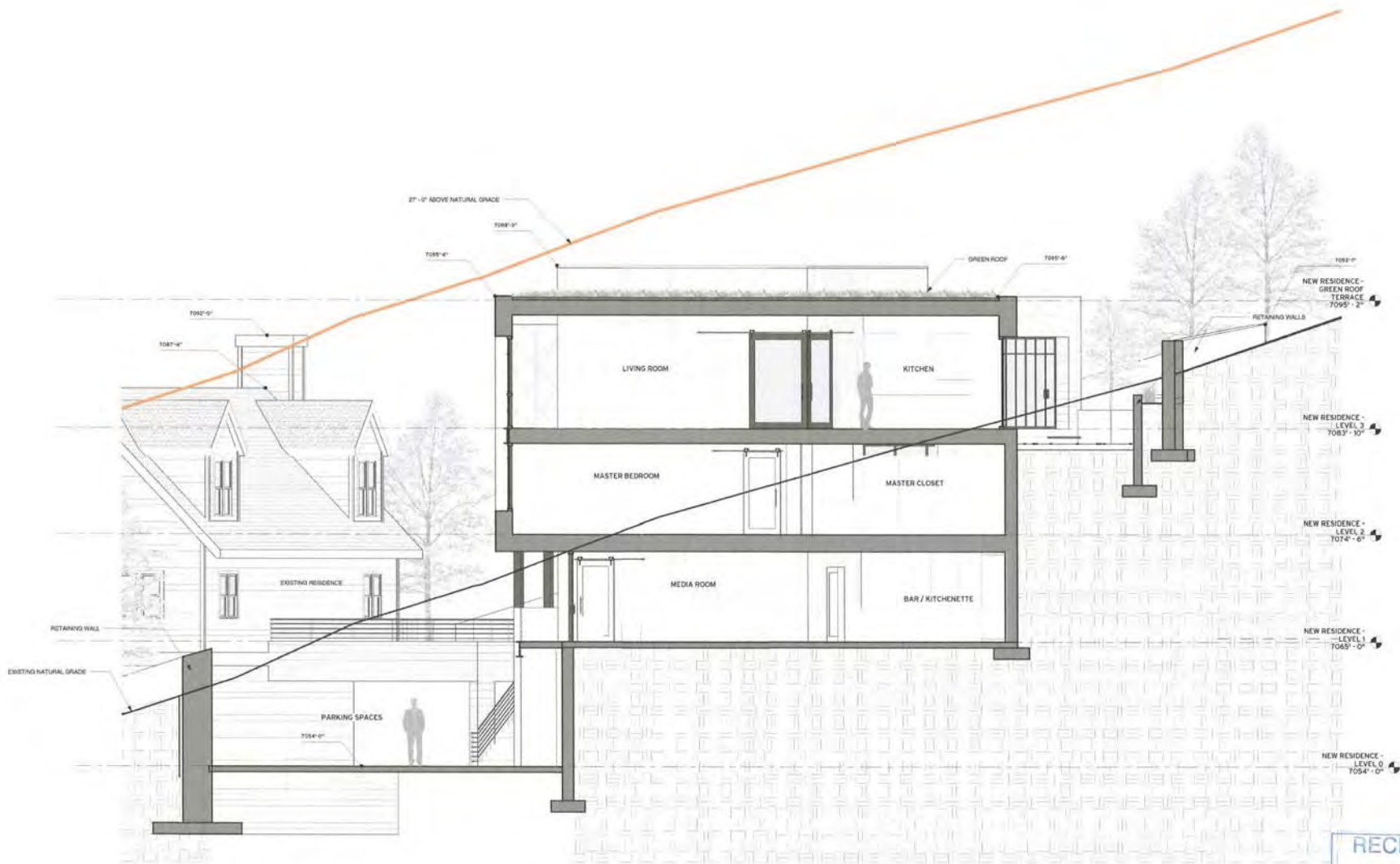


1 NORTH ELEVATION - SIDE  
 0 2' 4' 8' 16'





1 SOUTH ELEVATION - SIDE



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

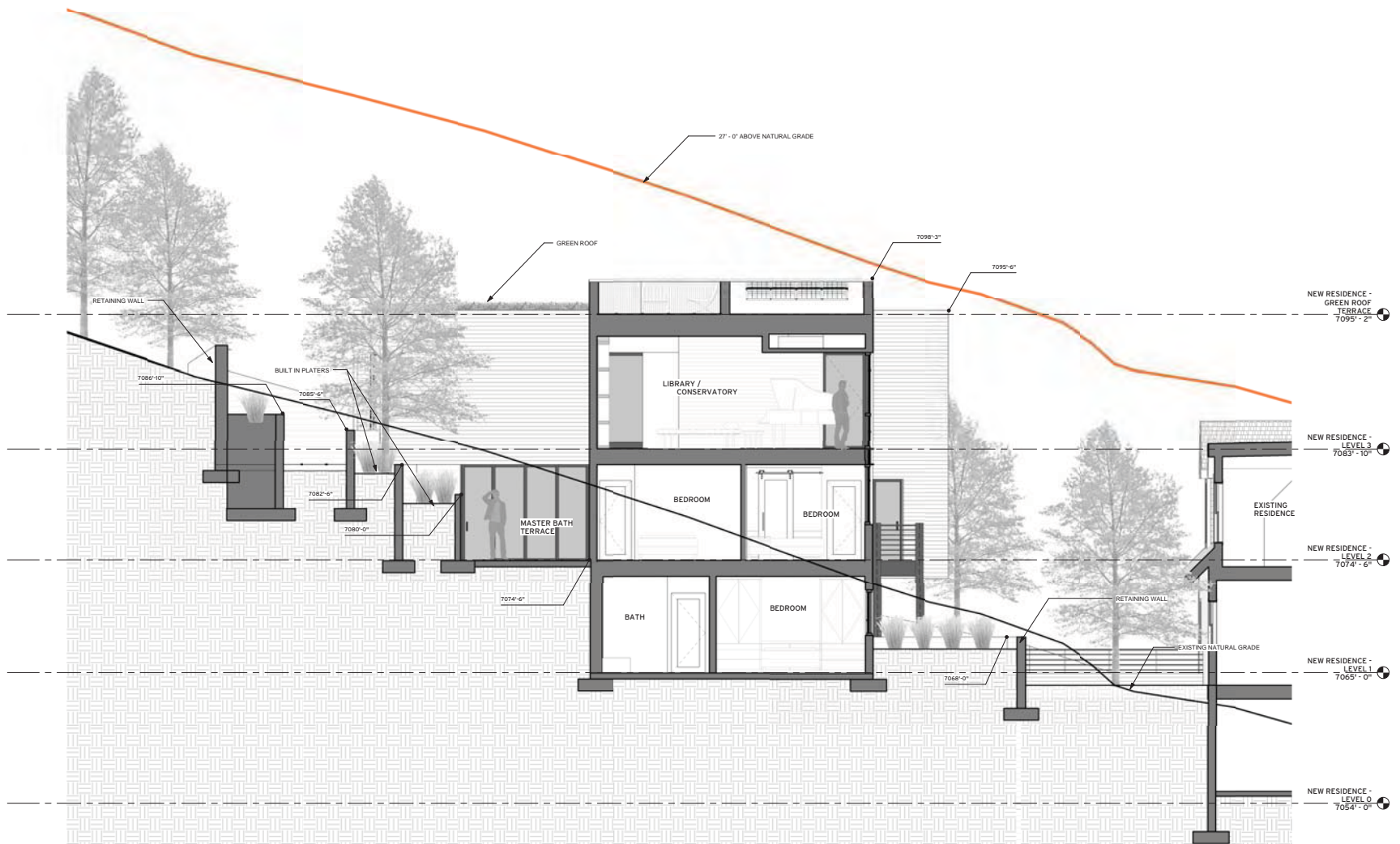
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SECTIONS  
H-301  
2013.03.14 (Revised 2013.07.25)

1105 Lowell Ave.  
Parker Residence  
1105 Lowell Ave. Park City, UT 84060

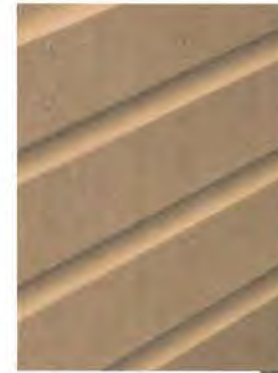




1 LONGITUDINAL SECTION 3  
SCALE: 1/4" = 1'-0"



PAINTED CORRUGATED METAL CLADDING



SOLID BODY STAINED WOOD LAP SIDING



ALUMINUM CLAD WOOD WINDOWS



PAINTED STEEL TUBE HANDRAILS



PAINTED STEEL STRUCTURE

BOARD-FORMED CONCRETE RETAINING WALLS



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MATERIALS  
H-402  
.2013.03.14 (Revised 2013.07.25)

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Parker Residence  
1105 Lowell Ave. Park City, UT 84060

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1 View from Driveway



2 View from Rear of Existing Duplex



3 View From Mountain

## City Council Staff Report

**Application #:** PL-11-01339  
**Subject:** 1103 Lowell Avenue Plat  
**Author:** Francisco Astorga, Planner  
**Date:** August 9, 2012  
**Type of Item:** Administrative – Plat Amendment



### Summary Recommendations

Staff recommends the City Council hold a public hearing and consider approving the 1103 Lowell Avenue Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

### Description

**Applicant:** Mark & Steven Parker, represented by Craig Elliott  
**Location:** 1103/1105 Lowell 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 property owner requests to combine all of Lot 1 & Lot 2, portion of Lot 3, 30, 31 & 32, Block 34, Snyder's Addition into one (1) lot of record.

### 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 September 2, 2012 the City received a completed application for the 1103 & 1105 Lowell Avenue Subdivision plat, a three (3) lot subdivision. The property is located at 1103/1105 Lowell Avenue in the Historic Residential (HR-1) District. During the internal

development review it was identified that their proposal was going to have difficulties complying with the policies of the Snyderville Basin Water Reclamation District (SBWRD) regarding sewer lines over easements. After several meeting with City Staff including the City Engineer and the SBWRD the applicant amended their application to create one (1) lot of record of their property currently identified by the Summit County as parcel no. SA-321-A, to be known as 1103 Lowell Avenue Plat Amendment.

Currently the site contains a three (3) story duplex setback twenty-seven feet (27') from the front property line. According to Summit County records the structure was built in 1978 and contains a total of 3,155 square feet. The duplex is forty-six feet (46') in width and twenty-five feet (25') in length, excluding the decks on the north and south façade. The footprint of the duplex is approximately 1,150 square feet. The subject area contains portion of lot 30, 31, and 32, which do not have access to a right-of-way (Pacific Avenue was vacated by the City numerous years ago). Two (2) of the existing lots currently meet the minimum lot area in the HR-1 District.

The Planning Commission reviewed this plat amendment request during their July 25, 2012 meeting. The Commission forwarded a positive recommendation on a 3-2 vote.

**Analysis**

The proposed plat amendment creates one (1) lot of record consisting of 8,680 square feet. 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 site currently contains a duplex that was built in 1978. When the structure was built a two-family building (duplex) was an allowed use in the district. Currently a duplex is a conditional use.

The minimum lot width allowed in the district is twenty-five feet (25'). The proposed width is sixty-two feet (62'). The proposed lot combination meets the lot and site requirements of the HR-1 District described below.

Requirement	Permitted
Building Footprint	2,664.8 square feet (based on the lot area of 8,680 square feet)
Front/rear yard setbacks	15 feet minimum, 30 feet total (based on the lot depth of 140 feet)
Side yard setbacks	5 feet minimum, 14 feet total (based on the lot width of 62 feet)
Height	27 feet above existing grade, maximum.
Number of stories	A structure may have a maximum of three (3) stories.
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required for a for third story
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.



Parking	Two (2) parking spaces per unit.
---------	----------------------------------

Staff has identified that the duplex does not meet current LMC standards outlined above such as the side setbacks and height including vertical articulation. The current building on the site is considered legal non-complying. The LMC indicates that a non-conforming use and non-complying structure may continue to be used and maintained subject to the standards and limitation of LMC Chapter §15-9.

As show on the Vicinity Map below the character of the west side of Lowell Avenue is completely different than the character of the east side of the street.



The area of the lot combination is consistent with the lots on the west side of Lowell Avenue. The lots on the east side of Lowell Avenue contain the traditional Old Town configuration (25'x75'). The use is also consistent as this portion of Lowell Avenue has various duplexes and condominiums on the north and the south of the subject site.

In July/August of 2011 Planning Staff, the Planning Commission, and the City Council discussed lot combinations, plat amendments, and further limitations to achieve greater compatibility with the historic character in terms of mass and volume. At that time, the Planning Commission and City Council choose not to amend the Land Management

Code (LMC).

During the many meetings and discussions it was recognized that the area around the Northstar Subdivision did not reflect the purpose statements of the HR-1 District as there are no historic structures on Lowell Avenue and the lot areas are much larger than the historic configuration. It was also discussed that after the General Plan update/amendment/re-write, that this area would most likely be of a different zone designation to match the future plans of this neighborhood.

Staff finds good cause for this plat amendment as the lot lines going through the building will be removed. The remnant parcels will become part of the legal lot of record. The proposed lot will be consistent with the west side of Lowell Avenue. This plat amendment is consistent with the Park City LMC and applicable State law regarding subdivision plats.

The Planning Commission had some concerns related to the maximum floor area that could be built on the proposed one (1) lot combination. Given the character of the west side of Lowell Avenue staff finds the proposed lot combination consistent with the neighborhood. See Exhibit H.

### **Process**

Any improvements on the lots will require a Historic District Design Review, which are reviewed administratively by the Planning Department. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed. 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**

Staff received several questions regarding the proposed plat amendment request. Brian Van Hecke submitted an email on July 18, 2012, see exhibit G. Public input was also received during the July 27, 2012 Planning Commission meeting as property owners were concerned with the an access easement through the subject site.

### **Alternatives**

- The City Council may approve the 1103 Lowell Avenue Plat Amendment as conditioned or amended; or

- The City Council may deny the 1103 Lowell Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on 1103 Lowell Avenue Plat Amendment.
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

### **Significant Impacts**

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

### **Consequences of not taking the Suggested Recommendation**

The site would remain as is and no construction could take place over property lines.

### **Recommendation**

Staff recommends the City Council hold a public hearing and consider approving the 1103 Lowell Avenue Plat Amendment 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 – Survey

Exhibit C – Aerial & Site Photographs

Exhibit D – County Plat Map

Exhibit E – Northstar Subdivision

Exhibit F – Vicinity Map with building footprints

Exhibit G – Public Input

Exhibit H – Minutes from July 27, 2012 Planning Commission meeting



Exhibit A: Draft Ordinance with Proposed Plat

Ordinance No. 12-

**AN ORDINANCE APPROVING THE 1103 LOWELL AVENUE PLAT AMENDMENT  
AT 1103/1105 LOWELL AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 1103/1105 Lowell Avenue has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on July 25, 2012, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on July 25, 2012, forwarded a recommendation to the City Council; and,

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

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

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

**SECTION 1. APPROVAL.** The 1103 Lowell Avenue as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The site is located at 1103/1105 Lowell Avenue.
2. The site is within the HR-1 District
3. The property owner requests to combine all of Lot 1 & Lot 2, portion of Lot 3, 30, 31 & 32, Block 34, Snyder's Addition into one (1) lot of record.
4. The area currently identified by the Summit County as parcel no. SA-321-A.
5. Currently the site contains a three (3) story duplex.
6. The structure was built in 1978.
7. The subject area contains portion of lot 30, 31, and 32 do not have access to a right-of-way.
8. The proposed subdivision plat creates one (1) lot of record consisting of 8,680

square feet.

9. The minimum lot area for a single family dwelling is 1,875 square feet.
10. The minimum lot area for a duplex is 3,750 square feet.
11. When the structure was built a two-family building (duplex) was an allowed use.
12. Currently a duplex is a conditional use.
13. The current use of the property is considered legal non-conforming.
14. The minimum lot width allowed in the district is twenty-five feet (25').
15. The proposed width is sixty-two feet (62').
16. The proposed lot combination meets the lot and site requirements of the HR-1.
17. The duplex does not meet current LMC standards for side setbacks and building height, i.e. vertical articulation.
18. The current building on the site is considered legal non-complying.
19. The area of the lot combination is consistent with the lots on the western side of Lowell Avenue.
20. The use is also consistent as this portion of Lowell Avenue has various duplex and condominiums on the north and the south of the subject site.

#### Conclusions of Law:

1. There is good cause for this Subdivision Plat as the lot lines going through the building will be removed, remnant parcels will become part of the legal lot of record. And the proposed lot will be consistent with the Lowell Avenue west portion of the street.
2. The Subdivision Plat is consistent with the Park City Land Management Code, The General Plan, and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.
4. Approval of the Subdivision 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 (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All new construction will require modified 13-D sprinklers,
4. A ten feet (10') wide public snow storage easement will be required along the front of the property.

**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 A – Proposed Plat**



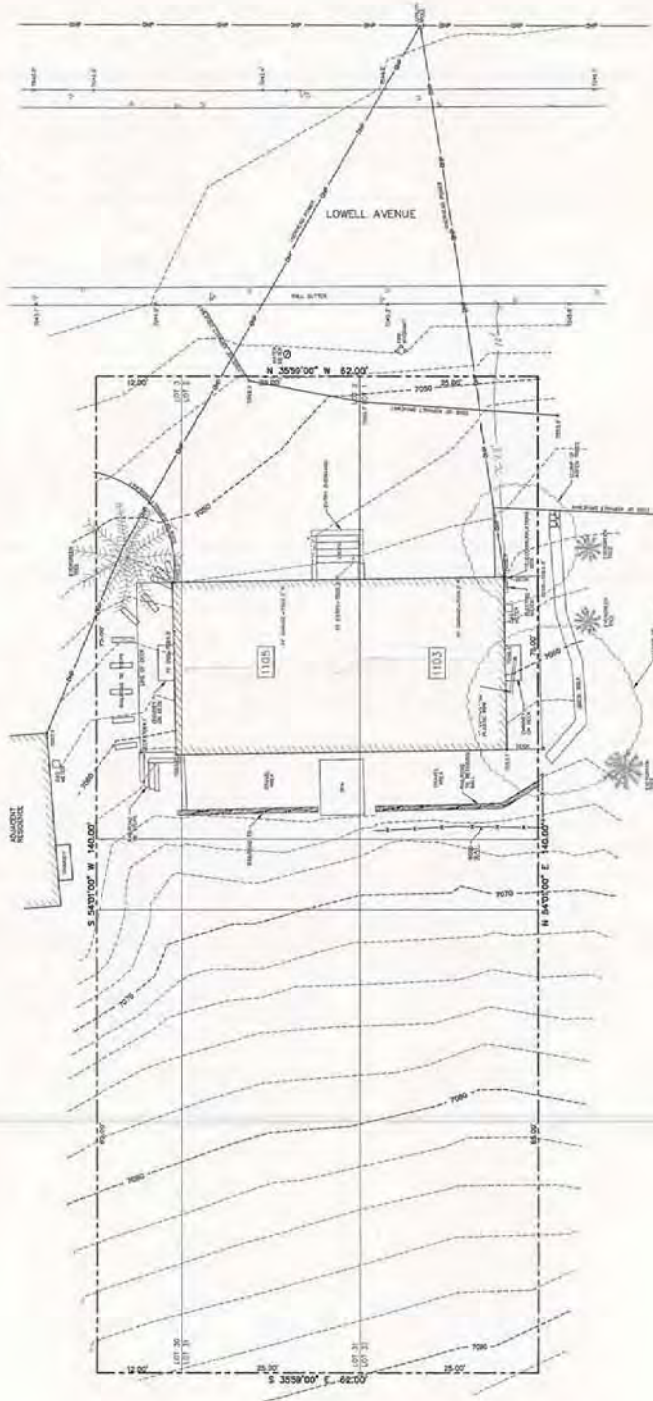
**SURVEYOR'S CERTIFICATE**

I, Mark A. Marston, do hereby certify that I am a registered land surveyor and that I have participated in the preparation of the plat of the map shown on this page of this plat. I have personally supervised the field work and the preparation of the map and I have personally checked the map for accuracy. I further certify that this topographic survey is a true and correct representation of the actual conditions on the ground and that the same were completed and in compliance with generally accepted industry standards for accuracy.



4-18-07

THE ENGINEERING BOARD OF MASSACHUSETTS  
 SURVEYOR MARK MARSTON  
 LICENSE NO. 10000



**NOTES**

1. The benchmark center of primary sewer manhole cover.
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. The topographic map is based on a field survey performed on March 9, 2007.
4. Property corners were set or found.
5. Show coverage at the time of the survey was approximately 1" to 2". As a result, actual conditions may vary from conditions shown on this survey. In addition, monuments, improvements and/or vegetation may have been set or left in place at field party.

**STAFF:**  
 MARK MARSTON  
 SURVEYOR

**DATE:** 4/10/07

**TOPOGRAPHIC MAP**  
**SNYDER'S ADDITION, BLOCK 34**  
**1103 & 1105 LOWELL AVENUE**  
**FOR: RICK SAVARETTE**  
**JOB NO.: 1-2-07**  
**FILE: \\A:\Survey\addition\map\topo\topo010307.dwg**

**SHEET**  
**1**  
**OF**  
**1**



Exhibit C – Aerial & Site Photographs



RECEIVED  
SEP 02 2011  
PARK CITY  
PLANNING DEPT.

1103 -1105  
Lowell Avenue  
Park City, Utah 84060

Photographs  
August 8, 2011

elliott  
workgroup  
architecture



SA-321 The BANBERGER Co  
 VACATED BY ORDINANCE M-41  
 PACIFIC AVENUE (N 35°59' W)

22 H. DONALD & MARY A. LAMBE (JT) 11 1005-511 570-404 597 717	23 SA-321-A-1 CHANTAL FAMILY PARTNERSHIP LID	24 0.18 AC 561-150 1215-104	25 PINES CONDO. (1985)	26 SILVERBELL CONDO. NO. 2	27 SA-290-B-1-B CHRISTINA FOWLER 80% HELEN MOSER-23 20% 1928-218	28 SA-290-C DEREK B & JULIE E. NORDEN 2118-1200 27 TR 5 0.04 AC, 827-428	29 SA-290-A-2 SHAWN GA & CHELSEA L. HASSEL 2105-226 TR 5 1604-821 1935-1042	30 SA-289-A LEONARDO J. STECKLOW ETAL TR 5 2057-116 TR 5 2004-958	31 SA-289-A-2-A 1114 LOWELL AVE ASSOC LLC	32 SA 291 TERRY B & KATHLEEN HILTON (JT) 32 2026-82 TR 5	33 SA-290 MARK ALAN SIDLOW TR 5 2189-656 2112-640	34 SA-290 KATHERINE 1928-206, 524
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LOWELL AVENUE (N 35°59' W)

34 24 0.18 AC 561-150 1215-104	35 PINES CONDO. (1985)	36 SILVERBELL CONDO. NO. 2	37 SA-290-B-1-B CHRISTINA FOWLER 80% HELEN MOSER-23 20% 1928-218	38 SA-290-C DEREK B & JULIE E. NORDEN 2118-1200 27 TR 5 0.04 AC, 827-428	39 SA-290-A LEONARDO J. STECKLOW ETAL TR 5 2057-116 TR 5 2004-958	40 SA-289-A-2-A 1114 LOWELL AVE ASSOC LLC	41 SA 291 TERRY B & KATHLEEN HILTON (JT) 32 2026-82 TR 5	42 SA-290 MARK ALAN SIDLOW TR 5 2189-656 2112-640	43 SA-290 KATHERINE 1928-206, 524
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PACIFIC AVENUE (N 35°59' W)

11TH STREET  
 CRESCENT STREET (N)

17	1
17	28

17	16
17	33

Exhibit D - County Plat Map







# 1103/1105 Lowell Avenue Vicinity Map with Building Footprints



## Exhibit G – Public Input

### Francisco Astorga

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**From:** Brian Van Hecke <bvhutah@gmail.com>  
**Sent:** Wednesday, July 18, 2012 6:19 PM  
**To:** Francisco Astorga  
**Subject:** RE: 1103/1105 Lowell Avenue

Francisco,

Thanks for the email and background on this application.

I'm very concerned about the true agenda of this application and possible additional reasons for this lot combination. Are these clearly understood? I think it's important to understand now what their future plans are for this property (prior to approval of the lot combination).

It's very important that we protect the historical integrity Old Town. Please make sure that we do not open up the possibility for additional density added to this property at a later time. There is already too much density on many Old Town lots as a result of loopholes, past construction codes, etc.

I ask that the Park City planning department staff and planning commissioners ensure that future plans for this property and others strictly adhere to current Old Town development and construction codes, setbacks, height limits, etc.

Please contact me with any additional information or questions.

Regards,

Brian Van Hecke  
1101 Empire Avenue  
435-901-1500

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From: Francisco Astorga [mailto:fastorga@parkcity.org]  
Sent: Tuesday, July 17, 2012 12:47 PM  
To: 'bvhutah@gmail.com'  
Subject: 1103/1105 Lowell Avenue

Brian,

The property owner requests to combine all of Lot 1 & Lot 2, portion of Lot 3, 30, 31 & 32, Block 34, Snyder's Addition into one (1) lot of record. Currently the site contains a three (3) story duplex setback twenty-seven feet (27') from the front property line. According to Summit County records the structure was built in 1978 and contains a total of 3,155 square feet. The duplex is forty-six feet (46') in width and twenty-five feet (25') in length, excluding the decks on the north and south façade. The footprint of the duplex is approximately 1,150 square feet. The subject area contains portion of lot 30, 31, and 32 do not have access to a right-of-way. The only two (2) lots that currently meet the minimum lot area in the HR-1 District are platted lot 1 & 2. See attached exhibits.

Let me know if you have any questions.

Sincerely,

Francisco Astorga | Planner

Exhibit H – Minutes from July 27, 2012 Planning Commission meeting

Planning Commission Meeting  
July 25, 2012  
Page 2

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

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

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

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

VOTE: The motion passed unanimously.

543 Woodside Avenue – Steep Slope Conditional Use Permit  
(Application #PL-12-01507)

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

MOTION: Commissioner Thomas moved to CONTINUE 547 Woodside Avenue Slope CUP to a date uncertain. Commissioner Hontz seconded the motion.

916 Empire Avenue – Steep Slope CUP  
(Application #PL-12-01533)

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

MOTION: Commissioner Thomas moved to CONTINUE 916 Empire Avenue – Steep Slope CUP to August 8, 2012. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

**REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

1. 1103/1105 Lowell Avenue – Plat Amendment  
(Application #PL-11-01339)

Referring to the work session discussion, Chair Wintzer believed this application was a perfect example of why the Planning Commission needs to be involved in the General Plan. This area needs help with zoning and the only people who would recognize that are the ones trying to work with it.

Planner Astorga reviewed the request for a plat amendment. An existing duplex was built in the early 1980's. The policy at that time was to build over property lines rather than to allow for lot



combinations. The City required that the property was owned in common ownership and the properties were under the same tax ID number. That policy has since changed and the applicant was requesting a lot combination through a plat amendment to combine the entire portion currently owned by the same property owner. The owner has indicated a desire to add more units behind the duplex in the future; however, that was not part of this application.

Planner Astorga noted that the plat amendment would create a large lot of record at 8,680 square feet, which would yield a maximum footprint of approximately 2,665 square feet. He pointed out that the duplex is not historic and could be demolished. The maximum floor area, minus the 10' setback required in the HR-1 under height, and minus any articulation, would be approximately 8,000 square feet.

The Staff recognized that there were no historic structures on Lowell Avenue. On the east side of the street there are smaller scale buildings that follow the pattern of 25' x 75' lots. There is a pattern of condominiums and duplexes on the west side of the road. The proposed lot size is consistent with the pattern of larger homes. Understanding that this is a unique neighborhood in the HR-1 District, the Staff would work on finding appropriate zoning for the west side of Lowell Avenue when updating the General Plan.

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

Commissioner Thomas assumed the slope of the property was over 30%. Chair Wintzer asked if this property would come back to the Planning Commission for a steep slope CUP. Planner Astorga replied that it would come back if construction takes places on slopes 30% or greater.

Chair Wintzer opened the public hearing.

Rich Heatherington stated that he is the owner immediately to the south on Lot 1 of the North Star subdivision, and they share the common access easement with 1103 Lowell. He noted that Mr. Van Hecke had sent an email expressing concerns with density, and he echoed those concerns. Mr. Heatherington remarked that the issue is with the access road that is shared by the two houses to the immediate south. He noted that the current condition of the road is dilapidated and the current density is close. In addition, the parking access where the structure is built blocks snow plow access and emergency vehicle access. Mr. Heatherington noted that if the plat amendment creates a lot over 8500 square feet they could eventually fit four units on the lot. The LMC requirement of two parking spaces per unit would add eight cars. He pointed out that in its current condition the road is nearly impassable with two cars. Mr. Heatherington was concerned about the access coming off of Lowell that accesses the lots in North Star. He asked if the road would be repaired, if the grade would be changed, or if better access would be created if density occurs in the future.

Chair Wintzer clarified that access for the lot was off of Lowell and not the subdivision. Planner Astorga replied that this was correct. Access was over the subject property. There is an easement and he believed the users would be responsible for maintaining the access easement and not this

applicant. He would verify that with the recorded easement and share the information with the neighbors. If the easement does not identify the responsible party, that would need to be worked out among the neighbors. It is not something the City could enforce. Planner Astorga remarked that three different easements were shown over the property, but he was unsure who owned it. Chair Wintzer assumed it would be owned by Lots 1, 2 and 3.

Assistant City Attorney McLean stated that the proposed plat had four recorded easements listed.

Commissioner Savage understood that the easements were physical descriptions of the right-of-way and who holds them. Therefore, the combination of the lots would have no impact on the location of the easements. Planner Astorga replied that this was correct. Commissioner Savage clarified that this evening they were only talking about the combination of the lots; and that the existing easements would stand going forward, subsequent to the combination of lots.

Chair Wintzer believed this subdivision was done at a time in Park City's history when there was not a lot of follow through. He suggested that Mr. Heatherington do his own follow up to find out who owns the easements and what they entail. Planner Astorga had the recorded documents in the file and he offered to provide copies to Mr. Heatherington. Director Eddington noted that the recorded easements should describe the parties and their responsibility.

Chair Wintzer closed the public hearing.

Chair Wintzer remarked that the question for the Planning Commission was whether a possible 8,000 square foot house was appropriate in this neighborhood. He thought the answer was ambiguous in the purpose statement of the zone; but the size was clearly inappropriate when looking at the character of the neighborhood.

Commissioner Worel clarified that if the Planning Commission allows the plat amendment to create one large lot, the options would be to build an 8,000 square foot house or to divide the lot into two smaller lots. Chair Wintzer remarked that once the lot combination occurs, the applicant would have to come back to the Planning Commission to request a subdivision. He did not believe it would be subdivided because the intent of the plat amendment was to clean up the lot line under the existing structure. Planner Astorga stated that the lots could not be subdivided unless the duplex was demolished.

Commissioner Savage asked if when the Planning Commission is faced with the question of recommending a lot line combination to the City Council, whether they have the purview to delve into the intended use of the property subsequent to the lot line combination and stipulate constraints on what can be done. He asked if the applicant would be subject to constraints imposed by the Planning Commission that would not exist if that lot combination were already in existence.

Assistant City Attorney McLean stated that good cause is one criteria for a lot line adjustment or plat amendment. In the past the Planning Commission and the City Council have considered the neighborhood and the compatibility of what could be built. The use itself cannot be controlled if it is a use permitted by Code, but they can place constraints on size if there are findings of good cause for compatibility with surrounding properties in the neighborhood.



Commissioner Hontz stated that she used to live on Lowell Avenue and when she walks the street now, it appears that the western portion of the street is relatively consistent in larger structures. Of all the places in Old Town, the western portion of Lowell is more compatible with larger structures. However, the eastern side has a unique smaller lot focus. She believed the Staff's analysis was accurate in terms of what occurs on Lowell Avenue. Commissioner Hontz stated that the subject lot and the existing structure were in need of attention and she felt it would benefit the neighborhood to have that cleaned up. On the other hand, an 8,000 square foot structure is very large and she had a hard time envisioning that for Old Town.

Commissioner Hontz referred to Findings of Fact #13 and #18 in the Staff report. She noted that #13 states that the current use of the property is considered legal non-conforming. However, #18 states that the current building on the site is non-complying. She assumed that the building itself was non-complying and the use was non-conforming. Director Eddington replied that this was correct.

Craig Elliott, representing the applicant, thought a duplex was an allowed use in the HR-1 zone. Planner Astorga explained that a duplex is allowed through a conditional use permit. The existing duplex did not go through the conditional use permit process.

Assistant City Attorney McLean explained that the duplex pre-dates the conditional use process, which is why it is considered a legally non-conforming use. She stated that if the duplex use stopped for more than a year, the applicant would be required to submit a CUP application for a duplex.

Assistant City Attorney McLean referred to Exhibit F, the neighborhood vicinity map, and asked Planner Astorga to comment on what each area represents in terms of square footage. Planner Astorga did not have numbers on the other properties; however, the subject property is a total of 3100 square feet for the entire structure. He recalled that the duplex was approximately 46' x 25', which was similar to the structure to the north. The structure sizes increased as they moved further to the north and the south.

Commissioner Strachan pointed out that one of two things could logically be done in the zone. An applicant could either apply for a zone change or the Planning Commission could put a limitation on the square footage of the structure. In his opinion, there is no way to meet the purpose statement of "encourage single family development on combinations of 25' x 75' lots". Commissioner Savage understood that the intent for delineating the footprint size in the Code as a function of the combination of lots was to make sure that as lots got bigger, houses did not scale linearly. Commissioner Savage agreed with the intent, but he was unsure whether this application could meet that requirement if the lots were combined. In this case, if the lot gets bigger the structure also gets bigger and out of proportion with the rest of the homes. Another issue is that an 8,000 square foot structure would not meet the purpose statement of "encouraging construction of historically compatible structures and keeping with the character and scale of the Historic District". Commissioner Strachan did not believe the "shoe" fits within the zone. He favored the idea of a zone change because larger houses belong in that area. However, large houses are not acceptable under the current zone structure.

Planner Astorga pointed out that if the applicant requested a zone change it would have to be supported by the entire neighborhood. Commissioner Strachan did not think that was unrealistic.

Commissioner Savage clarified that under the current zoning, the LMC specifies that if this lot combination is approved, an 8,000 square foot house would be allowed based on the resulting footprint. He was told that this was correct. Commissioner Savage pointed out that the applicant was requesting a lot line combination without any additional benefits that would not exist if the lot already existed inside the zone.

Craig Elliott reiterated that the intent of the plat amendment was to clean up the property. The owners could then come back for the conditional use permit process. Mr. Elliott believed the Planning Commission would get their questions answered through the CUP process and have the opportunity to discuss design options and compatibility.

Chair Wintzer remarked that an 8,000 square foot structure would not be allowed without the lot combination. The dilemma for the Planning Commission is what doors would be opened if they allow the plat amendment. This was their only chance to address the issues before making that decision.

Commissioner Strachan still supported a zone change as the appropriate process. Mr. Elliott stated that the applicant did not have the opportunity to make an application for a zone change as an individual because it would involve dealing with 40 or 50 property owners. Mr. Elliott believed a zone change should come from the City. Commissioner Strachan agreed that a zone change would not be an easy process; but without the zone change the applicant may be limited on the size of the structure because the Planning Commission and City Council could limit the lot size if they grant the lot combination. Mr. Elliott believed that would be significantly inconsistent with that side of the street. Commissioner Strachan pointed out that it would be consistent with the language of the zone. Mr. Elliott argued that the zone language was irrelevant in that location because it does not relate to what already exists. Mr. Elliott did not believe the applicant would follow through on the plat amendment if the lot size was reduced. It would not make sense to agree to a reduction on the property when the intent is to make the current non-conforming into a legal piece of property. He believed the local architects do what is best for the community in terms of size and design. Commissioner Strachan questioned the greed of property owners; not the skill of the design professionals. An owner could ignore the architect's recommendation and direct him to build the house he wants.

Commissioner Worel asked if the lot combination needed to be approved before the CUP, or if they could come together. Director Eddington stated that an applicant would have to have a buildable lot before applying for a CUP. Commissioner Thomas stated that the Planning Commission has seen applications that show the CUP and the plat amendment on the same agenda. The lot line adjustment is reviewed as the first item, followed by the CUP if the lot line was approved.

Commissioner Worel favored a concurrent process because the Planning Commission would know what the applicant intended to do with the property after the lot line adjustment. Mr. Elliott remarked that a concurrent process requires the applicant to go through the time and expense of approaching

a design on a piece of property that may not exist if the plat amendment is denied. It is a risk that goes beyond what the City requires.

Assistant City Attorney McLean stated that in terms of legal defensibility, this application was challenging because in looking at the tax records, the two units were platted over four lots and two parcels. In terms of consistency, not allowing this property to do what other properties have done along that same side of the street would be difficult to defend.

Commissioner Thomas stated that historically the Planning Commission has approved multiple lot combinations. He noted that the Code does not place a limit on the number of properties that could be combined. For that reason he believed this application was reasonable. Commissioner Thomas recognized that this lot combination would create a large lot, but they have already set precedent for allowing multiple lot combinations. Commissioner Strachan clarified that his preference for a zone change did not dispute past approvals by the Planning Commission. He was only trying to point out that a zone change would codify that lots of that size are allowed in the zone. Without the zone change, the current zoning stipulates that larger lots should not be allowed and that small lots are encouraged. He understood that the facts did not match the zoning and that large structures exist, which suggests that the lot lines should be combined and that a large house could be built. He believed the correct process would be to change the zone and then allow the home; rather than violate the current zone and allow the house because precedent was already set.

Commissioner Strachan thought the Planning Commission could grant the lot line combination this evening, and at the same time caution the applicant that when the CUP application comes forward, the lot size may be more significantly restricted in size than it would be if he obtained a zone change.

Commissioner Hontz referred to Finding #19 in the Staff report and revised the language to read, "The area of the lot combination is consistent with the lots on the western side of Lowell Avenue". Commissioner Hontz referred to Condition #4 and added the word "foot" after 10 to read, "A 10-foot wide snow storage easement will be required along the front of the property".

MOTION: Commissioner Savage moved to forward a POSITIVE recommendation to the City Council for the plat amendment for 1103 Lowell Avenue, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance and as amended. Commissioner Thomas seconded the motion.

VOTE: The motion passed 3-2. Commissioners Savage, Strachan and Thomas voted in favor of the motion. Commissioners Hontz and Worel were opposed.

#### Findings of Fact – 1103/1105 Lowell Avenue

1. The site is located at 1103/1105 Lowell Avenue.
2. The site is within the HR-1 District.
3. The property owner requests to combine all of Lot 1 and Lot 2, portion of Lot 3, 30, 31 & 32, Block 34, Snyder's Addition into one (1) lot of record.

4. The area is currently identified by Summit County as parcel No. SA-321-A.
5. Currently the site contains a three (3) story duplex.
6. The structure was built in 1978.
7. The subject area contains portion of Lot 30, 31, and 32 do not have access to a right-of-way.
8. The proposed subdivision plat creates one (1) lot of record consisting of 8,680 square feet.
9. The minimum lot area for a single family dwelling is 1,875 square feet.
10. The minimum lot area for a duplex is 3,750 square feet.
11. When the structure was built a two-family building (duplex) was an allowed use.
12. Currently a duplex is a conditional use.
13. The current use of the property is considered legal non-conforming.
14. The minimum lot width allowed in the district is twenty-five feet (25').
15. The proposed width is sixty-two feet (62').
16. The proposed lot combination meets the lot and site requirements of the HR-1.
17. The duplex does not meet current LMC standards for side setbacks and building height, i.e. vertical articulation.
18. The current building on the site is considered legal non-complying.
19. The area of the lot combination is consistent with the lots on the western side of Lowell Avenue.
20. The use is also consistent as this portion of Lowell Avenue has various duplex and condominium on the north and the south of the subject site.

#### Conclusions of Law – 1103/1105 Lowell Avenue

1. There is good cause for this Subdivision Plat as the lot lines going through the building will be removed, remnant parcels will become part of the legal lot of record. And the proposed lot will be consistent with the Lowell Avenue west portion of the street.

2. The Subdivision Plat is consistent with the Park City Land Management Code, the General Plan, and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.
4. Approval of the Subdivision 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 – 1103/1105 Lowell Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All new construction will require modified 13-D sprinklers.
4. A 10-foot wide public snow storage easement will be required along the front of the property.

**2. 80 Daly Avenue – Plat Amendment  
(Application #PL-12-01488)**

Planner Astorga noted that the Planning Commission previously reviewed this application for a plat amendment to combine two lots on April 11 and May 9, 2012. On May 9<sup>th</sup>, the Staff was directed to provide lot areas and footprints to the Daly Avenue comparison study. They were also directed to eliminate vacated Anchor Avenue from the footprint calculation. Planner Astorga stated that the revised study included all structures on Daly Avenue, separated by uses, the existing square footage according to Summit County Records, the lot size of each lot, and the calculated maximum footprint on each lot allowed per the LMC. Since it was impossible to physically measure every footprint, Planner Astorga informed the Planning Commission that the maximum footprint on the study was calculated from a formula using the square footage of each lot.

Planner Astorga reported that the applicant had provided a model as requested by the Planning Commission at the meeting on May 9<sup>th</sup>. The applicant also submitted an approximate footprint calculation for each of the proposed Lots A and B, as well as massing elevations.

Following the May 9<sup>th</sup> meeting, the item was continued several times to allow the Staff and the applicant the necessary time to obtain the requested information.



## Francisco Astorga

---

**From:** Stevens, James <stevensj@taylorwiseman.com>  
**Sent:** Friday, May 10, 2013 11:22 AM  
**To:** Francisco Astorga  
**Subject:** 1103/1105 Lowell Ave (PL-11-01248)

Dear Park City Planning Department,

My wife and I live at 1130 Lowell Avenue. We have the following comments concerning the above referenced project:

Item 1: adequate offsite parking. Based on the existing grading and required access lane to adjacent units, there does not appear to be off street parking for existing units 1103 and 1105 presently. How are they providing off street parking for those units and the new unit? In the winter months occupants of the units tend to park on the street. This prevents the snow plows from plowing to the curb. As the winter progresses this becomes more of a problem as they are forced to park further into the street. This makes it extremely difficult to get in and out of our drive. How are they going to address off street parking?

Item 2: Driveway steep grades. The present driveway steepness makes it difficult to enter and exit the driveway in winter months. Owners and renters find it difficult to manage the driveway in winter conditions. Vehicles with four wheel drive often encounter the same problems. Therefore occupants tend to park on Lowell Avenue which again interferes with winter plowing. I believe the entrance grade is steeper than any reasonable site standard. The new unit with the driveway along the side of the existing unit will be steep. The occupants will not want to negotiate the driveway in winter months. Therefore parking in the street. How are they going to keep the driveway grade to an acceptable site development standard to prevent street parking?

Item 3: Trash containers: Presently the owners do not have an adequate level area to put trash containers. They tend to place them in a line across from our driveway. This again makes it difficult to enter and exit the driveway in the winter months. They normally have to be moved in order to maneuver the driveway. What are they going to do to address the trash container issue?

Item 4: Snow storage. With the additional impervious area for driveways and off street parking, where are they going to store the snow? Presently under existing conditions this is a problem.

Item 5: Architecture. Although I'll defer to the Historic Commission, the architecture does not seem to fit into the spirit of Old Town.

Please e-mail information that is available. We would like to reserve our right to make additional comments after the receipt of the information.

We thank you in advance for having the applicant address our concerns.

**James M. Stevens, PE**

**Taylor Wiseman & Taylor**  
ENGINEERS | SURVEYORS | SCIENTISTS  
124 Gaither Drive, Suite 150  
Mt. Laurel, NJ 08054  
856 · 235 · 7200 | Fax 856 · 722 · 9250  
[www.taylorwiseman.com](http://www.taylorwiseman.com)

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**Francisco Astorga**

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**From:** Kyra Parkhurst <kyra1017@aol.com>  
**Sent:** Sunday, May 12, 2013 2:43 PM  
**To:** Francisco Astorga  
**Cc:** Brian Van Hecke  
**Subject:** Fwd: Your input is needed - help protect historic Old Town!

We are going to ruin our reputation as an original restored Miner's Town. I would really like to hear from the city their justification as to how this fits into Old Town?

It is strange that we can have this on one end of the spectrum being given consideration, and yet, when I was doing some improvements to my non-historical home and wanted to change the rails out on the deck from wood slates to forged bronze slates I was turned down as they were not considered historical in nature.

Again, why do we have an entire document of historical regulations when so many can get around it in so many ways...either we enforce it or we do not.

Thank you

On May 11, 2013, at 1:35 PM, Scott Petler <[spetler@enphaseenergy.com](mailto:spetler@enphaseenergy.com)> wrote:

Brian/All ...

Thank you for bringing this to our attention. I have briefly looked at the plans for the home and am amazed that something this large and uncharacteristic for Old Town Park City is even being proposed, and considered. I'm not aware of any other residential buildings within the historic district that have a 3rd floor "rooftop terrace", or a flat top roof. I don't see how this large modern, flat top building blends in with the current historic mining era theme here in Old Town. I urge all of you to contact the City as well as Francisco and voice your opposition to this development.

Regards,  
Scott Petler

On May 11, 2013, at 11:10 AM, "Brian Van Hecke" <[bvhutah@gmail.com](mailto:bvhutah@gmail.com)> wrote:

Dear conscientious Old Town residents,

I would like to bring a proposed Old Town development to your attention. The address is 1103/1105 Lowell Avenue. The applicant recently combined lots and is now seeking to build another very large home (over 4,000 sq. ft. on the same lot).

In my humble opinion this whole project seems absurd and the applicant has not been upfront with the city.

It also sets a potentially very dangerous precedent by dramatically increasing the allowable density in Historic Old Town. If this project is approved what's next?

The city needs to show some integrity in protecting the historical integrity of Old Town. And we need to speak up and speak out against this proposed project.

Last year the applicant went to the city to get an approval from the city to combine lots. I don't believe the applicant provided a reason why at the time. I wrote a letter to the city back then requesting a reason for their request to combine lots. None was given.

Now (less than a year later) they are looking to build another very large home (over 4,000 sq. ft.) on the same combined lot which already has a large duplex on it. They have an active development application currently started with the city.

Please use the link below to download proposed design drawings:

<https://www.dropbox.com/s/t8dv4jwb7v6r2yy/2011-11%20-%20201105%20Lowell%20Avenue%20HDDR%20DRAWINGS%20-%20GRAMA.pdf>

Francisco Astorga is the lead city planner assigned to this project. **Initial public input is due this Wednesday (5/15).**

Please write and/or call Francisco to voice your input and concerns. Your opinion matters!

Francisco Astorga  
(435) 615-5064  
[fastorga@parkcity.org](mailto:fastorga@parkcity.org)

It's time to stand up once again to try to protect the historical integrity of Old Town.

Also please forward this email to others if you feel inclined.

Thank you,

Brian Van Hecke  
435-901-1500

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## Francisco Astorga

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**From:** Brian Van Hecke <bvhutah@gmail.com>  
**Sent:** Saturday, May 11, 2013 11:19 AM  
**To:** Francisco Astorga  
**Subject:** 1103/1105 Lowell Avenue - concerned Old Town homeowner

Hi Francisco,

I would like to express my extreme concern regarding the current development proposal for 1103/1105 Lowell Avenue.

The applicant recently combined lots and is now seeking to build another very large home (over 4,500 sq. ft. 4 story building on the same lot).

In my humble opinion this whole project seems absurd and I don't believe the applicant has been upfront with the city.

It also sets a potentially very dangerous precedent by dramatically increasing the allowable density in Historic Old Town. If this project is approved what's next?

The city needs to show some integrity in protecting the historical integrity of Old Town.

Last year the applicant went to the city to get an approval from the city to combine lots. I don't believe the applicant provided a reason why at the time. I wrote a letter to the city back then requesting a reason for their request to combine lots. None was given.

Now (less than a year later) they are looking to build another very large home (a 4 story structure over 4,500 sq. ft.). This project does not seem to fit with the historical integrity of Old Town.

I'm extremely concerned about density issues already facing Old Town. Mass and density for this proposed project seem completely out of line and would definitely exacerbate the situation. Again, this sets a very dangerous precedent.

I'm also concerned about the damage to the hillside necessary for excavation.

This project does not fit Old Town and I don't believe should be approved or allowed.

I would welcome the opportunity to discuss further and hope the City acts responsibly.

Regards,

Brian  
435.901.1500

## Francisco Astorga

---

**From:** Brett Adams <badamsutah@gmail.com>  
**Sent:** Monday, May 13, 2013 8:36 PM  
**To:** Francisco Astorga  
**Cc:** Dave Lindy; Brian Van Hecke; Tim Ward; Kate Schnepel  
**Subject:** 1103/1105 Lowell Ave.

Francisco,

I have some concerns for the HDDR application for 1103/1105 Lowell Ave.

In addition to my concerns re: density (adding a third unit to an Old Town lot which already has two units) and the size of the proposed home (4500 additional square feet to a lot of just over 8,000 square feet), I have several concerns regarding the design.

In reviewing the Design Guidelines for New Construction in Park City's Historic Districts, several issues arose.

Under Universal Guidelines:

#1 states that, "New buildings should reflect the historic character... of Park City's Historic Sites." The current proposal is of an extremely modern design, totally incompatible with neighboring structures and anathema to Historical District architecture.

#3 states that, "A style of architecture should be selected and all elevations of the building should be designed in a manner consistent with a contemporary interpretation of the chosen style.... Styles that never appeared in Park City should be avoided. Styles that radically conflict with the character of Park City's Historic Sites should also be avoided." As proposed, the new house would not only fail to add to the charm of Old Town, but would quite actively detract from it. For example, I do not believe miners and builders in the 20th Century would be familiar with a "Green Roof Terrace."

#4 states that, "Building and site design should respect the existing topography, character-defining site features, existing trees and vegetation and should minimize cut, fill and retaining walls." As a resident dwelling mere feet from the property in question, I can personally attest to the abundance of wildlife that frequents our edge of Park City. I have personally witnessed deer, fox and moose out my back windows, and just a week ago there were fresh moose tracks in the wet earth exactly where the applicants propose to build their driveway and retaining wall. Also, as envisioned, the 4-story structure would involve MASSIVE excavation of the hillside. Where I currently have a view out my southern windows that include choke cherries, scrub oaks and evergreens, per their designs I would gaze over a concrete retaining wall guarding a drop so large, it would need to be broken up by a landscaped "planter" to prevent a fall from the top being fatal to a small child. "Features, existing trees and vegetation" would be obliterated.

#5 states that, "Exterior elements of the new development... should be of a human scale and should be compatible with neighboring Historic Sites." At 4-stories high, the proposed new construction would dwarf surrounding properties and bear no resemblance in scale, scope or design to any Historical structure.

#6 states that, "Scale and height of new structures should follow the predominant pattern of the neighborhood." This design does not.

#7 states that, "The size and mass of the structure should be compatible with the size of the property so that lot coverage, building bulk and mass are compatible with Historic Sites in the neighborhood." The proposed 4500 square

foot structure, along with the existing 3500 square foot apartment unit would occupy and dominate virtually the entire footprint of the newly combined lot.

For these reasons, I believe that the proposal for 1103/1105 Lowell Ave does not fit the definitions for appropriate Historic District construction.

Thank you for your consideration.

Sincerely Yours,

Brett Adams  
Owner/Resident  
1109 Lowell Ave

Sent from my iPad



## Francisco Astorga

---

**From:** jeff johns <redcoondog@hotmail.com>  
**Sent:** Monday, May 13, 2013 9:56 AM  
**To:** Francisco Astorga  
**Cc:** bvhutah@gmail.com  
**Subject:** Application at 1103&1105 Lowell Avenue

Application at 1103, 1105 Lowell Avenue  
May 13, 2013

Mr Astorga,

As a 23 year resident and homeowner in Old Town Park City I have always been concerned about the preservation of the look and feel of Old Town. This intangible quality is what makes living in Old Town so desirable.

It alarms me that an application of this size and appearance would be approved by the planning commission. It makes a mockery of the restrictions we have imposed to maintain the integrity of this intangible quality as it is completely incompatible with the look of Old Town.

The city needs to show a little backbone when considering this type of development. Rule against this gross departure from the look, feel, and flavor of Historic Old Town!

Sincerely,  
Jeff Johns

## Francisco Astorga

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**From:** scott petler <spetler@enphaseenergy.com>  
**Sent:** Saturday, May 11, 2013 5:25 PM  
**To:** Francisco Astorga  
**Subject:** 1103 Lowell issues...

Francisco,

I'm a resident of Park City at 1024 Empire Avenue. I've recently reviewed the documents pertaining to the multi-family compound at 1103 Lowell. I don't see how the proposed structure fits in with the existing character of Old Town. I'm not aware of a single 3 story building with a flat roof and roof top terrace. I believe allowing this structure as-is would be a huge mistake on the part of the City. I'm sure there have to be some restrictions on the pitch of the roof and also the roof-top terrace. Please review the building codes for the historic district and I'm sure you'll find that this proposed building is non-compliant.

Regards,  
Scott Petler

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## Francisco Astorga

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**From:** Stuart Shaffer <stubio@earthlink.net>  
**Sent:** Saturday, May 11, 2013 1:04 PM  
**To:** Brian Van Hecke; Francisco Astorga  
**Subject:** Re: Your input is needed - help protect historic Old Town!

The city needs to hold to all regulations for density, height limitations and architectural style for Historic Old Town. Otherwise, the neighborhood will become a crowded hodgepodge of oversized structures that do not fit the concept of the area.

This house is too large for the location, and it does not fit the style of Old Town. I'm opposed to the city granting permission to build this structure.

Stu Shaffer  
613 Main Street, #403

On May 11, 2013, at 10:10 AM, "Brian Van Hecke" <[bvhutah@gmail.com](mailto:bvhutah@gmail.com)> wrote:

Dear conscientious Old Town residents,

I would like to bring a proposed Old Town development to your attention. The address is 1103/1105 Lowell Avenue. The applicant recently combined lots and is now seeking to build another very large home (over 4,000 sq. ft. on the same lot).

In my humble opinion this whole project seems absurd and the applicant has not been upfront with the city.

It also sets a potentially very dangerous precedent by dramatically increasing the allowable density in Historic Old Town. If this project is approved what's next?

The city needs to show some integrity in protecting the historical integrity of Old Town. And we need to speak up and speak out against this proposed project.

Last year the applicant went to the city to get an approval from the city to combine lots. I don't believe the applicant provided a reason why at the time. I wrote a letter to the city back then requesting a reason for their request to combine lots. None was given.

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Please use the link below to download proposed design drawings:

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Francisco Astorga is the lead city planner assigned to this project. **Initial public input is due this Wednesday (5/15).**

Please write and/or call Francisco to voice your input and concerns. Your opinion matters!

Francisco Astorga

(435) 615-5064

[fastorga@parkcity.org](mailto:fastorga@parkcity.org)

It's time to stand up once again to try to protect the historical integrity of Old Town.

Also please forward this email to others if you feel inclined.

Thank you,

Brian Van Hecke

435-901-1500



## Francisco Astorga

---

**From:** Dave Lindy <dave@lindypromo.com>  
**Sent:** Tuesday, May 14, 2013 12:17 PM  
**To:** Francisco Astorga  
**Subject:** 1103/1105 Lowell Ave.

Francisco

I own 1111 Lowell Avenue, the condo unit attached to Brett Adam's.

I think it goes without saying that I 100% agree with both Brett and Brian Van Hecke's rationales as to why the project should not be approved.

I don't need to waste your or my time with a lengthy email reiterating both of their points about why the approval and ultimate construction would go against so many things that Park City stands for.

It would be a travesty if this project gained support from the city.

Please don't hesitate to contact me with any questions.  
240-426-7125.

Sincerely

Dave Lindenauer

Lindy Promotions, Inc.  
4343 Montgomery Avenue, #5  
Bethesda, MD 20814  
W - 301-652-7712  
F - 301-652-7714

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<http://www.downtowncountdown.net>  
<http://www.that80sprom.com>  
<http://www.greatamericanfestival.com>

## Francisco Astorga

---

**From:** Dave Lindy <dave@lindypromo.com>  
**Sent:** Thursday, May 16, 2013 1:20 PM  
**To:** Francisco Astorga  
**Cc:** Brian Van Hecke; Tim Ward; Kate Schnepel; Brett Adams  
**Subject:** Re: 1103/1105 Lowell Ave.  
**Attachments:** 20130516141443.pdf

What in this picture is not like the others?

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On 5/13/13 10:35 PM, "Brett Adams" <[badamsutah@gmail.com](mailto:badamsutah@gmail.com)> wrote:

>Francisco,  
>  
>I have some concerns for the HDDR application for 1103/1105 Lowell Ave.  
>  
>In addition to my concerns re: density (adding a third unit to an Old  
>Town lot which already has two units) and the size of the proposed home  
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>Historic Districts, several issues arose.  
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>  
>#3 states that, "A style of architecture should be selected and all  
>elevations of the building should be designed in a manner consistent  
>with a contemporary interpretation of the chosen style.... Styles that  
>never appeared in Park City should be avoided. Styles that radically  
>conflict with the character of Park City's Historic Sites should also be avoided."

> As proposed, the new house would not only fail to add to the charm of  
>Old Town, but would quite actively detract from it. For example, I do  
>not believe miners and builders in the 20th Century would be familiar  
>with a "Green Roof Terrace."

>  
>#4 states that, "Building and site design should respect the existing  
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>entire footprint of the newly combined lot.

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>For these reasons, I believe that the proposal for 1103/1105 Lowell Ave  
>does not fit the definitions for appropriate Historic District  
>construction.

>  
>Thank you for your consideration.

>  
>Sincerely Yours,

>  
>Brett Adams

>Owner/Resident  
>1109 Lowell Ave  
>  
>Sent from my iPad







## Francisco Astorga

---

**From:** Brett <badamsutah@gmail.com>  
**Sent:** Thursday, May 16, 2013 1:48 PM  
**To:** Dave Lindy  
**Cc:** Francisco Astorga; Brian Van Hecke; Tim Ward; Kate Schnepel  
**Subject:** Re: 1103/1105 Lowell Ave.

Francisco,

I agree with Dave.

Brett

Sent from my iPhone

On May 16, 2013, at 2:20 PM, Dave Lindy <[dave@lindypromo.com](mailto:dave@lindypromo.com)> wrote:

> What in this picture is not like the others?

>

>

>

> Lindy Promotions, Inc.

> 4343 Montgomery Avenue, #5

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>

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>>

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>> over a concrete retaining wall guarding a drop so large, it would  
>> need to be broken up by a landscaped "planter" to prevent a fall from  
>> the top being fatal to a small child. "Features, existing trees and vegetation" would be obliterated.  
>>  
>> #5 states that, "Exterior elements of the new development... should  
>> be of a human scale and should be compatible with neighboring Historic Sites."  
>> At 4-stories high, the proposed new construction would dwarf  
>> surrounding properties and bear no resemblance in scale, scope or  
>> design to any Historical structure.  
>>  
>> #6 states that, "Scale and height of new structures should follow the  
>> predominant pattern of the neighborhood." This design does not.  
>>  
>> #7 states that, "The size and mass of the structure should be  
>> compatible with the size of the property so that lot coverage,  
>> building bulk and mass are compatible with Historic Sites in the  
>> neighborhood." The proposed 4500 square foot structure, along with  
>> the existing 3500 square foot apartment unit would occupy and  
>> dominate virtually the entire footprint of the newly combined lot.

>>  
>> For these reasons, I believe that the proposal for 1103/1105 Lowell  
>> Ave does not fit the definitions for appropriate Historic District  
>> construction.  
>>  
>> Thank you for your consideration.  
>>  
>> Sincerely Yours,  
>>  
>> Brett Adams  
>> Owner/Resident  
>> 1109 Lowell Ave  
>>  
>> Sent from my iPad  
>  
> <20130516141443.pdf>



## Francisco Astorga

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**From:** Patricia Kravtin <pdkravtin@comcast.net>  
**Sent:** Saturday, June 22, 2013 6:48 PM  
**To:** Francisco Astorga  
**Subject:** Proposed Home at 1003/1005 Lowell Avenue

To: Park City Planning Department

Re: Proposed Home at 1003/1005 Lowell Avenue

From: Patricia Kravtin and Jonathan Horwitz

We are the owners of a residence at 1240 Lowell Avenue, and are writing in support of the proposed home at 1003/1105 Lowell Avenue diagonally up the street from our home.

We have reviewed the plans for the proposed home including a number of renderings by the architectural firm of Elliot Work Group. We are very familiar with the work of the Elliot Work Group in Park City. We know the architectural firm, as well as the owners of 1003/1105, to be very committed to the aesthetic integrity of Park City, as are we.

It is our belief that the aesthetic integrity of Park City is best served by a dynamic vision of our neighborhood that incorporates both traditional and modern interpretations of the Park City mining town history. Our relatively new upper Lowell street residential neighborhood is a particularly vulnerable one, subject to the encroachment and commercial nature of the Resort. In this context, we welcome and are excited by commitment of this family to invest in the building of such an innovatively designed single family residential home in our neighborhood. While the home is a striking modern design, its siting is tucked back behind the existing home such that the impact at the street level seems to us to be minimal. It is our understanding that the proposed home is within height and setback restrictions. Moreover, in our view, the appropriate standard of architectural compatibility and scale is not with the small miners' cottages dotting the streetscapes down the hill toward Park Avenue, but rather with the character of the abutting houses along the mountainside of Lowell which appear to be of an even larger scale and lack historic quality and architectural interest.

In summary, we support the building of this home in our neighborhood.

Sincerely,

Patricia Kravtin and Jonathan Horwitz

## Francisco Astorga

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**From:** Emily Gaudet <egaudet@pcschools.us>  
**Sent:** Tuesday, July 02, 2013 6:03 PM  
**To:** Francisco Astorga  
**Subject:** 1105 Lowell

To Whom it May Concern:

I am writing in regards to the plans for 1105 Lowell Avenue. I am an Old Town homeowner and former resident, I also consider myself somewhat of a historic preservationist. I believe that Old Town Park City has set up important guidelines to keep the integrity of the neighborhood. It is my understanding that the plans for 1105 Lowell meet these historic guidelines.

I think development should be kept to a minimum in Park City as a whole, however, 1105 Lowell is a single-family residence. It is not the job of the neighborhood to judge a plan based on aesthetics. Guidelines were put in place to judge plans without prejudice, and I believe that the plans should be approved if the guidelines are met. It is up to the homeowners, designers, architects, and community members to make sure Old Town remains unique without taking away the character of individual homes.

Regards,  
Emily Gaudet

## Francisco Astorga

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**From:** Michael Saltman <mas@thevistagroup.net>  
**Sent:** Tuesday, July 02, 2013 5:46 PM  
**To:** Francisco Astorga  
**Cc:** Sonja Saltman  
**Subject:** 1003/1005 Lowell Ave./Mark Parker

Francisco,

In addition to my call to your office this afternoon (on your voice mail), please be advised that we fully support the design and planning for the proposed Parker home at 1003/1005 Lowell Ave.

This is a terrific Craig Elliott-designed contemporary home that picks up all of the positive features of Old Town, is sufficiently unobtrusive and adds quality to the area.

Thank you,

Michael and Sonja Saltman  
1243 Empire Ave.

## Francisco Astorga

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**From:** Ron Wedig <ronwedig@me.com>  
**Sent:** Wednesday, July 03, 2013 4:22 PM  
**To:** Francisco Astorga; Mark Parker  
**Subject:** Lowell Proposal

To whom it may concern,

I write this letter in support of the Lowell Project. I believe the owners have a right to maximize the potential & enjoyment of their lot in this beautiful town that many of us call home. As for the neighbors that oppose this project, I hope that a middle ground can be reached between all parties.



**PARK CITY PLANNING COMMISSION  
WORK SESSION MINUTES  
JULY 31, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Adam Strachan, Mick Savage, Charlie Wintzer, Kayla Sintz, Francisco Astorga, Polly Samuels-McLean

Commissioners Thomas was excused.

City Manager Diane Foster introduced Matt Diaz, the new Assistant City Manager, and provided a brief history of his experience.

Mr. Diaz stated that he previous lived and worked in Park City he was very familiar with the City. He felt fortunate to be back in Park City and looked forward to meeting the Commissioners.

## **WORK SESSION ITEMS**

### **LMC Amendments to the HRM District**

Planner Astorga remarked that this work session item related to the LMC amendments in the HRM District. He referred to Exhibits B and C in the Staff report and noted that the Staff chose to put the District on two maps because it was too difficult to read on one map.

Planner Astorga stated that the HRM District is basically Park Avenue from 15<sup>th</sup> Street down to 12<sup>th</sup> Street on both sides. On the east side it goes down to 10<sup>th</sup> Street. Planner Astorga noted that page 3 and 4 of the Staff report contained information related to applicable compliance and general terms related to the General Plan. He explained that the primary changes begin on page 4. The first one addresses open space, where through an MPD the open space requirement is 60%. The proposed change for consideration suggests a reduction in open space.

Planner Astorga remarked that consistency was the main driver. The HRM District indicates that under special requirements for triplexes and multi-unit buildings, the open space requirement is 60%. Everywhere else in the Code mentions 60%, but it also indicates an exception that if the site can qualify as re-development, the open space requirements drops down to 30%. He noted that the first LMC amendment was proposed for the purpose of being consistent with the language included in the MPD requirement criteria for review or approval.

Planner Astorga stated that the second proposed change was to the language for existing historic structures, that the Planning Commission has the ability to reduce setbacks for additions to historic sites. Instead of going through a variance it is a conditional use permit through applicable compliance in terms of compatibility and form, mass, volume, and scale. The Planning Commission has that ability and they have exercised that right through specific requests. Planner Astorga explained that the Staff was proposing to add language indicating that it would apply to additions, but also new construction. In the HRM District multiple buildings are allowed on the site for whatever reason. The Staff asked if the Planning Commission was willing to entertain the concept of allowing the exception of reduced setback for new construction similar to the conditional use permit for additions to historic sites. Planner Astorga clarified that the exception would only apply to a historic sites listed on the Historic Sites Inventory.

Planner Astorga remarked that the last proposed change related to affordable housing. In an effort

to incentivize Affordable Housing in the HRM District, the Staff was proposing to deviate from some of the LMC requirements for the HRM District, specifically the one for compliance with access to Sullivan Road.

Planner Astorga noted that the Staff had drafted proposed language as shown on Exhibit A in the Staff report, the HRM District, Chapter 2.4. The potential changes were highlighted in red beginning on page 14 with the two amendments regarding open space and setback exceptions. The proposed amendment for Affordable Housing was outlined on page 17.

Planner Astorga disclosed that the proposed changes would affect the current application filed within the Planning Department for a conditional use permit for a multi-unit building, co-housing project at 1450/1460 Park Avenue. The amendments would change the requirements related to parking spaces of five or more and access off of Sullivan road. Planner Astorga stated that if the City decided to move forward with the proposed changes, it would positively affect that site.

Planner Astorga noted that this was a work session and a public hearing was not scheduled. However, members of the public were in attendance and he recommended that the Planning Commission take public input.

Assistant City Attorney remarked that even though the proposed amendments would affect issues that arose with a specific application, she felt it was important to recognize that it would be a legislative change and not specific only to the Green Housing project. Ms. McLean recommended that the Planning Commission focus on the policy decisions regarding the LMC amendments rather than on one project.

Commissioner Wintzer asked if an application would have to be resubmitted if it was originally submitted under the existing Code and the Code is changed. Ms. McLean replied that the applicants would have the benefit of the Code change without resubmitting the application. Commissioner Wintzer understood that if it was turned around they would not get that benefit. Ms. McLean replied that he was correct.

Planner Astorga believed it would depend on whether the Code was changed to be more restrictive or less restrictive. Ms. McLean stated that an application is vested under the current Code; however, the applicant could choose to take advantage of the changes and move forward with the revised Code.

Commissioner Hontz referred to page 4, the last bullet point under Historic Core Policies and noted that some of the words were missing to complete the sentence. She noted that words were missing from the second bullet point under Historic Core Actions and asked for clarification. Planner Astorga apologized for the error and offered to find the exact language from the General Plan.

Planner Astorga stated that he looked at the vicinity map to contemplate what the change might allow in terms of the properties in the zone. He was concerned about setting a precedent and creating a future problem. Planner Astorga stated that it was impossible to predict future problems because everything depends on what currently exists and what the property owner wants to do with his land. However, as indicated on the HRM maps on page 20 and 21, the second amendment proposed would only apply to the historic sites identified as significant or landmark on the Historic

Sites Inventory, and those were indicated on the map with yellow dots or orange triangles.

Commissioner Hontz clarified that for MPDs or anything else, any applicant could come in at any time and use the benefit of the Code changes. The benefit of the Code changes would affect every person in the HRM District. Commissioner Hontz commented on City-owned property in the HRM District, some of which was identified in blue on the map. She pointed out that the City would be one of the property owners affected, as well as private property owners.

Chair Worel opened the public hearing.

Planner Astorga handed out a letter that Clark Baron had emailed earlier in the day.

Clark Baron, an owner in the Struggler Condominiums located at 1470 Park Avenue adjacent to the project stated that he had made comments at the last two public hearings and the Planning Commission was given a written copy of comments. Mr. Baron stated that during the last two meetings the owners of the Struggler Condominiums have made it clear that the concept of co-housing is a good concept; however, putting ten units on a property of this size in the Historic District does not meet Code. They have tried to indicate that it is a good project but on the wrong property.

Mr. Clark stated that he and other Struggler owners were opposed to the changes in the LMC. Making public policy changes to benefit a specific private development looks bad for the City. The project is too large for the property and he encouraged the Planning Commission to consider the density. Mr. Clark stated that one of the changes in 15-2.4-9 attempts to exempt the project from all requirements related to Sullivan Road. He felt it was inappropriate to negate a full section of the building code based on the fact that a percentage of the project is affordable housing. The goal of the City is to maintain the historic nature of the area and also to do affordable housing. He believed they could both, but not with this project on that property. It is too big and does not match the surrounding development. Mr. Clark asked the Planning Commission not to support the proposed changes to the LMC.

Dan Moss, a Struggler Condominium owner, stated that there is very little developable land left in the historic district and this was not the time to compromise the standards they have all worked so hard to craft through the years. He felt it was important to hold fast to the values and not snub the efforts of the City forefathers who gave their all to ensure a future Park City that holds true to its beliefs. Mr. Moss stated that the wording that defines the City Code was well-thought out by those who had the foresight to know how best to proceed. He did not think those valiant efforts should be compromised. Mr. Moss remarked that the Historic District of Park City was the last place where they should ease the requirements to promote affordable housing. If the proposed project cannot be built on this parcel without the aid of compromise and the easing of standards, then it should be built on a different parcel of land that could better facilitate the proposal.

Chair Worel closed the public hearing.

Planner Astorga read the language from the General Plan to complete the incomplete sentences that Commissioner Hontz had pointed out earlier. The first was the last bullet point under Historic Core Policies. "Work to ensure the continued livability of residential areas around the historic commercial core." The second was the second bullet point under Historic Core Actions, "Encourage

residential development that will provide affordable housing opportunities for residents, consistent with the community's housing, transportation and historic preservation objectives.”

Commissioner Hontz noted that pages 3 and 4 of the Staff report highlighted some of the sections of the General Plan that the Staff had chosen to support the potential Code changes. However, when she reads the language it does not support the changes. Commissioner Hontz stated that both of the bullets highlighted under Goal 7 do not relate to the changes proposed. She remarked that livability was a key element in the historic preservation objectives. She intended to focus on both issues in her comments.

Commissioner Hontz summarized her comments in six points as follows:

1) Open Space – In her opinion none of the proposed changes were acceptable and none of them would make for a better District or zone that would benefit the entire community and building district. Commissioner Hontz referred to the first bullet point in the consistency question regarding open space, and stated that if she had been aware that the unintended consequences of allowing MPDs in Old Town would mean reduced open space and not specifying no roof tops and no side yards, she would have never allowed MPDs in Old Town. Commissioner Hontz stated that the reason for having an open space requirement in MPDs and for larger units was due to the context of the neighborhood and the relationship with the historic structures. She believed the open space needed to be maintained, especially in Old Town, where a few feet is precious space. Commissioner Hontz remarked that open space is a mandatory requirement for larger density in order to fit into that part of Town. In her mind it was not a consistency issue.

2) Relationship – Commissioner Hontz felt like the City was shifting from the number one goal in the Historic District, the word “historic”, to pushing another goal for affordable housing. She recognizes that affordable housing is important and she supports it, but it should not compromise the “historic”. Commissioner Hontz noted that the current General Plan has supported existing affordable projects, and they can be done under the existing Code. She was not willing to further degrade the historic district and run the risk of making it less valuable and livable by allowing the proposed change outlined under Existing Historic Structures. Commissioner Hontz thought the situation would be worsened by making the conditions fit the historic structures instead of new construction.

Commissioner Hontz stated that a relationship has been established between the historic structures, other structures and the street, and she believed those needed to be maintained. She felt the proposed change was the wrong direction to go in Old Town.

3) Affordable Housing and the Sullivan Road Access – Commissioner Hontz stated that she has lived in Park City for 19 years, and she has learned over time that the Planning Commission exists for a good reason. She found it interesting that they would consider exasperating the problem in this area rather than to enforce the rules that were put in place to stop this type of situation from occurring. In looking at the corridor along Sullivan Road, the proposed change would undo the important regulations intended to stop the type of development in the parking lot and the facades that were occurring along the Park. Commissioner Hontz did not believe it fits the neighborhood and it was not a good direction to consider.

4) Commissioner Hontz believed the points she outlined shows that the proposed changes do not

support any of the community ideals and it would erode what they have worked hard to put into place.

5) Keeping her focus on the legislative action, Commission Hontz could see this policy change causing problems for the City in terms of how the process was initiated and moved forward.

6) Commissioner Hontz believed her points against making the Code changes were strong enough to convince them not to move forward in any aspect.

Commissioner Wintzer concurred with all of Commissioner Hontz's comments. However, he would put more emphasis on the comment that the process is flawed. If this is a big issue, the Planning Commission should be looking at it in comparison with the General Plan and looking at the bigger picture rather than just one isolated area. Commissioner Wintzer agreed that Sullivan Road needs to be maintained as a special area. It was abused when it was first put in and the proposed changes would weaken it even more.

Commissioner Strachan agreed with the comments. He believed the trend throughout the community is to increase the amount of open space. People have voted for million dollar bonds to gain more open space, and the idea of changing the Code to decrease the amount of open space is not in concert with the community trend. Commissioner Strachan stated that in Old Town where the houses are so close together, open space is an important element. There needs to be room between structures for storage of bikes, etc., but particularly for children. If they want to encourage families to move back into Old Town they need to have yards for their children. He remarked that yards are still important for projects along Sullivan Road, because even though the Park is on the other side of the road, people cannot send their children to play in the Park without having a parent with them. Families need to have open space next to their homes where the children can play and the parents can supervise.

Commissioner Strachan needed more time to think about the changes proposed to the Historic District section. This was the first time he had seen the changes and he needed to look at the map and physically walk by the historic structures to figure out what the Code change would mean for each of those homes.

In terms of process, Commissioner Strachan felt this was similar to when the Kimball Arts Center requested a Code change to accommodate their project. At that time the Planning Commission viewed it as being reactive planning instead of progressive planning. He thought they should be planning for the projects they want to see as opposed to reacting to projects that come before them.

Commissioner Strachan recognized that the change may be good overall, but putting it in front of the Planning Commission as an effort to approve what they all agree is a good project may have unintended consequences. Knowing the trends that occurred in the past when patchwork changes were done to the LMC, he would anticipate abuse of the Code.

Commissioner Savage stated that he had given the matter considerable thought and he spent a lot of time driving the area. He took exception to the earlier comments, not because of the unintended consequences, but rather trying to do something that supports intended consequences. He disagreed with Commissioner Hontz's comment that the proposed changes do not support any of the community ideals, since one of the primary community ideals is affordability and integrating



people of various economic means into the community as broadly as possible. The idea of bring families back into the historic area without providing a mechanism to achieve it was frustrating. Commissioner Savage believed this was an opportunity in this area to contemplate a range of possible projects that could help achieve some of the intended objectives. He remarked that in talking about open space in the area around Sullivan Road, he could not think of many places in all of Park City that offer a more direct access to significant open space for children and families and recreation in terms of having a Park all along the back of the homes. In relations to the yellow dots on the map, he felt the achievement of open space and the desirability of functional open space was well achieved in that area. If they could find a way to encourage development that would create that as an asset, it would attract the families they want to see in Old Town.

Commissioner Savage stated that when he looks at the purposes in this part of the General Plan and the Land Management Code, he finds it very supportive for what they were trying to achieve. Commissioner Savage supported the proposed changes because it makes sense for Park City. Commissioner Savage agreed that the desire to maintain historic compatibility was of paramount importance and they need to be good stewards of that, but not to the exclusion of flexibility as it relates to allowing the higher population of family units.

Commissioner Savage referred to the City properties in the area and he believed those properties were ripe for development in terms of higher density and affordability for families, particularly due to the proximity to the Park and transportation corridors.

Commissioner Gross believed that Lower Park Avenue would be a very important aspect of the City and some of the things being planned in the redevelopment areas. He thought the Code changes would help take it in the direction of additional density in the right places, walkability, transportation, etc. Commissioner Gross stated that in looking at the area identified in the Staff report, it appeared that the Struggler lots to the north only had five units on one lot equaling the same size of property as the two lots to the south with ten proposed units. Commissioner Gross was unsure if density was the real issue. He thought affordable housing was critical and there has been heard good feedback with regards to projects along Park Avenue. Without talking about the Green Co-housing project specifically, Commissioner Gross thought the Planning Commission needed to pay attention to the importance of setbacks and open space. He suggested that 60% open space may be too aggressive; but he would not want green roofs or patios being considered as part of the 30% open space.

Chair Worel stated that from her perspective open space was a key factor and she had an issue with potentially cutting the open space requirement in half. Chair Worel agreed that they need to protect the historic structures and carefully consider what they put next to historic structures in terms of additions, etc. Any additions or construction should be compatible with historic structures and with the streetscape. Chair Worel liked Commissioner Strachan's comment about planning rather than reacting. She was concerned about setting a precedent for changing the Code every time a project comes along that they all like and believe in. Chair Worel was opposed to setting the precedent by changing the Code.

Commissioner Savage stated that for the years he has been on the Planning Commission he could count on two fingers the number of times there has been a change in the LMC that has come to the Planning Commission as a consequence of a specific application. He was not particularly

concerned about the issue of precedence. However, he was concerned about the issue of higher purpose in terms of their intentions. He noted that the Planning Commission has had extensive discussions in relation to the development of the new General Plan having to do with the concept of gives and gets. Commissioner Savage stated that there was no perfect way. Any time they are faced with making a decision that supports the vision they want for the community in the future, there will have to be compromises. Commissioner Savage did not argue the fact that there were compromises associated with the proposed changes; but when he looks at the implication it could have relative to the integration of affordable housing in a very high-quality location in the community, he felt strongly that this was a good opportunity to act in a constructive way.

Commissioner Hontz stated that the City has four community ideals; historic character, small town, natural setting and community. She would argue that the historic core is what distinguishes Park City the most as a unique ski town that is both livable and interesting to visitors. In order to accept any of the proposed changes they would have to buy into the fact that it would benefit the four community ideals. Commissioner Hontz remarked that she has looked at this area for various projects and as a Planner she understands that the existing regulations work quite well. She was not convinced that the proposed changes would help someone succeed. She believed that accepting them would be reacting in a negative way.

Commissioner Hontz stated that a 50% reduction sounds significant, but on a plan with significant density, that could mean four feet on one side yard, which is important in Old Town. She realized that it was hard to understand what 30% means, but she does understand it and making it smaller would not work. Going back to the historic character, she was not willing to erode what they have any further.

Commissioner Wintzer stated that he had calculated the setbacks on a 50' x 150' lot and they equaled 36% open space. The proposed change would essentially mean that the Planning Commission was willing to accept only the setbacks as open space. Commissioner Wintzer remarked that he personally was not willing to accept setbacks as the only open space.

Planning Manager Sintz pointed out that MPDs are now allowed in the HRM zone. Under the current Code, reductions of open space from 60% to 30% can be granted when there is affordable housing or rehabilitation of historic structures. She liked the discussion regarding open space and whether it was enough in setbacks. Planning Manager Sintz noted that the variation of setbacks can be a bonus for historic structures if an applicant is not actually attaching an addition to, but is instead doing new construction. It allows a greater separation from two buildings. She was unsure if that had been contemplated as a mechanism.

Planning Manager Sintz asked if there was consensus among the Commissioners to bring back the proposed changes for further consideration. If the consensus was no, she asked if there were specific items or sections that the Staff should bring back for further discussion.

Commissioner Savage reiterated his support for implementing the changes as proposed.

Commissioner Strachan wanted to know the catalyst for proposing changes to the Historic District setbacks for new construction. Planning Manager Sintz replied that greater separation allows for more space between a historic structure and new construction on the same site or an addition to a

historic site. Planner Astorga stated that unlike the HR-1 or other districts, the HRM District allows multiple buildings within a lot. If new construction that is not necessarily attached to the building it could be shifted towards the back, it would achieve greater separation between the historic structure, but the setbacks would still be reduced.

Commissioner Hontz wanted to know what would keep the new construction from creeping closer to the historic structure but still be allowed a reduced setback. Planning Manager Sintz stated that it would be part of the Planning Commission review process. Commissioner Hontz remarked that it would not end up being a benefit unless the Code specified that in order to receive the reduced setback, the structure would have to be set back for further separation.

Planner Astorga clarified that the Staff chose not to specify the separation because compatibility is addressed in the conditional use permit criteria. Each site is different and it is better to address it on a case by case basis.

Chair Worel asked if the Planning Commission was interested in further discussing the proposed change regarding open space. Commissioners Hontz, Wintzer, Strachan and Worel were not interested in discussing it further. Commissioner Gross was interested. Commissioner Savage had already made his position clear for supporting the proposed change.

Chair Worel asked if the Commissioners were interested in further discussing the proposed changes regarding Existing Historic Structures. Commissioner Strachan wanted to see additional analysis. He had walked around Rossi Hill and went up the Shorty steps. Some of the homes are close together and he found it to be quaint and interesting because it had the feel of an old mining town. Commissioner Strachan stated that if the proposed change allows the ability to shrink the setbacks to achieve that feeling, he would be willing to look at it. He understood that it was only for new construction and he recognized the issues related to a new structure abutting a historic structure. However, he was interested in seeing the Staff analysis and how that could be mitigated. If compatibility is the only regulator to address that problem, he would not support it.

Commissioner Hontz noted that all the pieces of the Code were entwined. If the other Commissioners concurred with Commissioner Strachan, she would want strong language in terms of what instances it would make sense, and she would also want to mandate more open space.

Commissioner Wintzer referred to Commissioner Strachan's comment about the quaint neighborhood up the Shorty Stairs. He explained that it is a unique neighborhood because there is no road and no cars. There is no chance for a mega-building in that area because it cannot be accessed by car. He pointed out that decreasing the amount of open space essentially increases the size of a structure. At this point, Commissioner Wintzer was not interested in pursuing it further. He believed the only way to draw families and children back into Old Town is to create more open space.

Commissioner Savage stated that in the category of gives and gets, having the ability to encourage people to build affordable housing in a location proximate to City Park and the park at the Library, was very consistent with the desire to encourage families to move back into Old Town. He believed they were putting so much emphasis on the open space issue that it becomes the defining constraint without looking at the benefits from developments that include a significant percentage of

affordable housing. Commissioner Savage thought the Planning Commission was being inconsistent. They talk about affordable housing but they are unwilling to do what is necessary to achieve it.

Commissioner Hontz reiterated that the point she made that was not resonating is that the amount of open space is three or four feet, which is not enough space to do anything or store anything. She emphasized that 30% open space is only the setbacks, which is not usable open space. Commissioner Hontz noted that there are still no yards in Old Town at 60% open space. Families are already forced to go to the Park. She believed that 60% open space was a necessity.

In response to the question of whether the Planning Commission wanted the Staff to come back with more analysis on existing historic structures, Commissioner Strachan answered yes. Commissioners Gross, Savage and Worel concurred. Commissioners Wintzer and Hontz were not interested in further analysis.

Chair Worel asked if the Commissioners were interested in further analysis regarding the proposed change to explore the concept of removing the Sullivan Road access requirements if the development contains 50% or more deed restricted affordable housing units. Commissioners Hontz, Wintzer, Strachan and Worel were not interested in pursuing this change. Commissioner Gross and Savage were interested in more analysis. Commissioner Gross clarified that he would like to see more analysis because he still struggled with why they were calling it a parking lot and access road. He thought it needed further analysis so they could call it what it is. If they do not want housing and people they should put in another parking lot for the Park.

The Work Session was adjourned.

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JULY 31, 2013

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Manager, Kayla Sintz; Francisco Astorga, Planner; Polly Samuels-McLean, Assistant City Attorney

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The Planning Commission met in work session prior to the regular meeting to discuss LMC amendments to the HRM District. The discussion can be found in the Work Session Minutes dated July 31, 2013.

REGULAR MEETING

**ROLL CALL**

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

**ADOPTION OF MINUTES**

June 16, 2013

Commissioner Hontz referred to page 45 of the Staff report, page 5 of the minutes, Findings of Fact 11 for 30 Sampson Avenue. She noted that the minutes indicate that the Planning Commission made changes to the findings, but those changes were not reflected in the Findings of Fact.

Assistant City Attorney McLean clarified that the Findings of Fact, Conclusions of Law, and Conditions of Approval listed in the minutes should accurately reflect any changes discussed by the Planning Commission.

Commissioner Hontz recalled that months earlier the Planning Commission encountered this same problem and they were concerned that the applicant and the City Council were receiving incorrect Findings of Fact, Conclusions of Law and Conditions of Approval because they were not changed according to the discussion.

Commissioner Hontz remarked that there were two issues. The first was that the minutes were incorrect because the findings did not reflect what the Commissioner had done. Secondly, she



understood that the Planning Department had addressed the problem when the concern was initially raised.

Commissioner Savage asked if it was possible to address the problem by sending the draft minutes to the Commissioners within a short time period following the meeting rather than waiting until the packets are distributed. He was told that preparing a set of minutes required more time than a few days.

Commissioner Strachan could not see a problem with Findings 11. Commissioner Hontz replied that her concern with Finding 11 were minor wording changes. In her opinion the ongoing problem was the bigger issue.

Assistant City Attorney McLean remarked that when the Planning Commission addressed this problem months ago, the process was changed to delay the amount of time for sending an item to the City Council until after the Planning Commission reviewed and approved the minutes. However, the Project Planner to affirmatively review the minutes to make sure it accurately reflects the discussion.

Mary May explained the new process that was implemented by Staff. She prepares the minutes and sends them to the Planning Staff as early as possible on the Wednesday after the meeting and two days prior to sending the packets. It takes several days to prepare a set of minutes this extensive and detailed, particularly if the meeting is long, and she tries to return them to the Planning Department by Wednesday morning at the latest.

Mary clarified that she does not write findings of fact, conclusions of law, and conditions of approval. If the Commissioners specifically read into the record the way the new language should be written or the change is minor, she will include it. If it is vague, she contacts the Planner and asks him/her to write the Finding or Condition and send it to her to be included in the minutes. She pointed out that some Planners are better at responding than others, and some automatically send her the changed language the morning after the meeting.

Commissioner Strachan understood that the Planner was sending Mary the changes to the findings and conditions based on notes taken during the meeting and not from the minutes. Mary replied that this was correct. There have been occasions when the Planner has missed a change and she notices it when doing the minutes. In those cases, she corresponds with the planner and the revision is included. Commissioner Strachan thought the minutes should control. Commissioner Hontz suggested that the Commissioners should try to verbalize the change exactly how they want it so Mary would have the exact language on the recording for the minutes.

Commissioner Wintzer asked if it was possible for the planner to write the changed findings or conditions as it is being discussed and put it on the screen so the Commissioners could make sure it is correct during the discussion. He thought that would help the Planning Commission come to a consensus on the revision and it would help the Staff. The Commissioners concurred.

Assistant City Attorney McLean stated that if they took that approach the final revision should be read into the record for clarity.

Commissioner Hontz referred to page 50, page 10 of the minutes, second paragraph from the bottom, and corrected neighborhood to correctly read **neighbor**. She further corrected the sentence to read, "Therefore, the **neighbor** would have to go through the process to build the fence on their **own** property.

Commissioner Strachan referred to 25 of the Staff report, page 3 of the Work Session minutes, fifth paragraph and changed KCPW to accurately read **KPCW**.

MOTION: Commissioner Hontz moved to APPROVE the minutes of June 26, 2013 as amended. Commissioner Savage seconded the motion.

VOTE: The motion passed.

#### July 10, 2013

Commissioner Hontz referred to page 79 of the Staff report, page 13 of the minutes, second paragraph, third line, and corrected show shed to read, **snow shed**.

Chair Worel referred to page 80 of the Staff report, page 14 of the minutes, last paragraph, and corrected green room to read **green roof**.

MOTION: Commissioner Hontz moved to APPROVE the minutes of July 10, 2013 as amended. Commissioner Savage seconded the motion.

VOTE: The motion passed. Commissioners Worel and Strachan abstained since they were absent from the July 10<sup>th</sup> meeting.

#### **PUBLIC COMMUNICATIONS**

Preston Campbell with Go West Construction and the builder for the Lot 21-32 Echo Spur Subdivision project had a brief presentation for the Planning Commission on behalf of Sean Kelleher.

Planner Astorga explained that the applicants were scheduled on the July 10<sup>th</sup> agenda; however, he had informed them that the Planning Commission would not have a quorum and they did not attend. When he later realized that there would be a quorum he was unable to reach the applicant in time for the meeting. The applicant was very disappointed and Planner Astorga suggested that they give their presentation during the public input portion of this meeting. He noted that the applicants were aware that the Planning Commission would not be able to comment on the project this evening.

Assistant City Attorney McLean stated that typically the Planning Commission hears input on item that are not scheduled on the agenda, but the comments are usually information items or issues that the public would like the Planning Commission to address. However, this item is an open application and it was not publicly noticed for the Planning Commission meeting this evening. Since the public was not aware that a presentation would be given, Ms. McLean recommended that the applicants

wait to give their presentation until the project could be scheduled as an agenda item, in accordance with the Open Public Meetings Act.

Commissioner Strachan was not interested in taking input without public notice because it puts the Planning Commission in a dangerous legal position. The Commissioners concurred.

Mr. Campbell stated that the intent was not to put the Planning Commission in a dangerous legal position. They were only trying to provide information on a project that has taken two years. It is a frustration process for someone who lives 2,000 miles away and wants to live in Park City. Mr. Campbell understood their position and offered to come back with the presentation at a future meeting.

Planner Astorga noted that the project was scheduled for work session on August 14<sup>th</sup>.

#### **STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Chair Worel asked the City Engineer for an update on the Deer Valley Drive construction. She noted that it is very frustrating and difficult to maneuver for both locals and visitor. City Engineer, Matt Cassel stated that the road portion would be completed by October of this year. The project is on schedule as planned.

Commissioner Hontz asked if there was a way to make it look better because it is not pleasant for visitors to drive through.

Assistant City Attorney McLean asked if it was possible to put another flagger on the roundabout. When the roundabout backs up it backs up traffic on Marsac. Mr. Cassel replied that backed-up traffic in the roundabout has been one of the biggest problems. Construction is now far enough away from the roundabout that stacking could occur on Deer Valley Drive.

Commissioner Strachan remarked that the road needed to be repaired and it was an inconvenience they would have to live with until October. Commissioner Wintzer agreed. He remarked that any effort to make it easier for people to move around only slows down the project.

Planning Manager Sintz reported that the General Plan Task Force meetings were completed. The Staff had tentatively scheduled the first joint City Council/Planning Commission meeting for either Thursday, August 22<sup>nd</sup> or Friday, August 23<sup>th</sup>. She would notify the Planning Commission once the date and time were finalized.

Commissioner Wintzer noted that he would be out of town from August 15<sup>th</sup> to September 1<sup>st</sup>. Commissioner Strachan stated that Thursday, August 22<sup>nd</sup> was a better date. Commissioner Hontz would be available on August 22<sup>nd</sup>; but not the 23<sup>rd</sup>.

Assistant City Attorney McLean informed the Planning Commission that an appeal was filed on the 30 Sampson Avenue conditional use permit, and it was scheduled before the City Council on August 15<sup>th</sup>. Commissioner Wintzer recalled that Commissioner Thomas had made some strong points during their review of 30 Sampson Avenue, and he suggested that they ask Commissioner Thomas

if he was interested in representing the Planning Commission at the City Council meeting on August 15<sup>th</sup>. If he could not attend, the Planning Commission would send another representative.

Planner Astorga stated that the tentative agenda for the August 28<sup>th</sup> meeting is very heavy and the Planning Commission should plan for a long night. Chair Worel asked about the possibility of starting the meeting earlier. Planner Astorga stated that as the Staff finalizes the agenda they could consider an earlier start time if necessary. They would know the agenda three weeks prior to the meeting when the legal notice is published. Commissioner Wintzer asked the Staff to forward a copy of the legal notice to the Planning Commission so they could see the agenda in advance of the meeting.

Assistant City Attorney McLean pointed out that since the legal notice is posted so far in advance, sometimes items on the legal notice drop out before the meeting.

Commissioner Savage reported that he would be absent from both Planning Commission meetings on September 11<sup>th</sup> and 25<sup>th</sup>. Commissioner Hontz stated that she was unable to attend the September 25<sup>th</sup> meeting. Chair Worel reported that she would also be absent on September 11<sup>th</sup>. Commissioner Strachan stated that he was unable to attend on September 11<sup>th</sup> and 25<sup>th</sup>. Planning Manager Sintz would check with Commissioner Thomas to see if he could attend both meetings to make sure they have a quorum.

**CONTINUATION(S) – Public Hearing and continuation to date specified.**

Land Management Code – Amendments to Section 15-1-21 Notice Matrix,  
Chapter 2.24, Chapter 9, and Chapter 15.

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

MOTION: Commissioner Wintzer moved to CONTINUE the Amendment to Section 15-1-12, Chapter 2.24, Chapter 9, and Chapter 15 to September 11, 2013. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

**REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

**1. 489 McHenry Avenue, Echo Spur – Plat Amendment  
(Application PL-12-01629)**

Planner Francisco Astorga reported that the Planning Commission previously reviewed this application on June 26, 2013. During that meeting he was directed to come up with a Planning Department interpretation for discussion on ridgeline development and vantage point analysis. He noted that there were two Staff reports for this item. The first was a short Staff report outlining the

Planning Department interpretation of ridgeline development construction as shown on page 91 of the Staff report. The second was the Staff report from the June 26<sup>th</sup> meeting, which was unchanged. Planner Astorga clarified that due to the late hour the discussion on June 26<sup>th</sup> was continued to this meeting

Planner Astorga noted that the language from the Land Management Code was reflected in the Staff report dated July 31, 2013. The language indicates that the Planning Commission may place restrictions when reviewing subdivisions due to the character of the land. He noted that the Planning Commission interpreted that the site of Lots 17, 18 and 19, also known as Echo Spur, is on a ridgeline. Planner Astorga remarked that the Staff wanted to move forward with the language from another part of the LMC as outlined in the second paragraph of the July 31<sup>st</sup> Staff report, which indicates that ridges shall be protected from development, and which development would be visible on the skyline from the designated Vantage Points in Park City.

Planner Astorga noted that the Staff report also included the definition of a vantage point, as well as the ten vantage points listed as A through K. Planner Astorga stated that he had personally visited all the reasonable vantage points to see what could be viewed from the site to be developed. The only vantage point that applies is (K), which is the Across Valley View. He asked the Planning Commission to keep in mind that Across Valley View could be multiple points.

Planner Astorga presented an example of the Copper Top Structure on Masonic Hill, and he understood from the contractor that it was a controversial project when it was built in 1981. The contractor told him that the home was originally intended to be bigger and taller. Planner Astorga stated that it was difficult to pinpoint the specific structure from vantage point (A), the Osguthorpe Barn, and the Staff finds that the structure breaks the skyline when viewed from this specific vantage point. He noted that the Staff found that the Copper Top House also breaks the skyline from vantage point (C), Heber Avenue and Main, and (D) the Park City Ski Area base. The copper top house also breaks the skyline from the intersection of Thaynes and State Road 224.

Planner Astorga presented Exhibit A, the Topography Analysis, included in the Staff report. He noted that the contour lines were taken from an aerial photograph and only estimated. It was not intended to replace an actual survey. Planner Astorga noted that the base elevation was approximately 7130 feet. As shown in the July 26<sup>th</sup> Staff report, the applicant, Leeto Tlou, had taken photographs from the opposite side. Planner Astorga explained the topographic features and contour lines and he used the photographs provided on June 26<sup>th</sup> to confirm the elevations and topographic features. He stated that taking a photograph from the same elevation, the Staff finds that the structure would not break the skyline and; therefore, it would not meet the specific regulations stating that "the ridgeline shall be protected from development when the development breaks the skyline." Planner Astorga noted that Park City is an interesting place topographically and there are set points throughout town to protect the ridgelines so they do not see development like the copper top house on the Aerie.

Planner Astorga reiterated that on June 26, 2013 the Staff was directed to come back to this meeting with interpretation and clarification related to vantage points, ridgelines and skyline analysis. Based on that interpretation and analysis the Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council



based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance in the June 26, 2013 Staff report.

Scott Jaffa presented photos of the property with the proposed house inserted into the images. Another photos imposed trees to minimize the concrete retaining walls. Additional photos showed houses that meet the current Code that would be built on the adjoining lots at a 28' height with the appropriate setbacks. Mr. Jaffa pointed out the house proposed for this applicant in relationship to the other homes. Mr. Jaffa stated that landscaping was added on top of the retaining wall as requested by the Planning Commission. He showed photos of the wall with and without landscaping.

Mr. Jaffa stated that the proposed house was designed to sit low and hug the topography so it would not stand out.

Planner Astorga pointed out that this was a plat amendment application to combine three lots into one. Development of the home would necessitate a conditional use permit for construction over steep slopes due to the access.

Chair Worel asked for the square footage of the proposed house. Mr. Jaffa stated that it was calculated to at 2,701 square feet.

Commissioner Gross asked if the applicant would have the ability to put landscaping in front of the retaining wall. Mr. Leeto stated that it is a right-of-way and he did not have the ability to make that decision without discussing it with the other developers and the City.

Chair Worel opened the public hearing.

There were comments.

Chair Worel closed the public hearing.

Commissioner Wintzer thought the pictures of the Copper Top house on the Aerie that Planner Astorga presented as examples shows why the Planning Commission needed to be very careful. If a previous Planning Commission makes a mistake it sets a precedent that cannot be taken back. He noted that the house and City were involved in lawsuits over the design and 7-feet was eventually cut off the top of the house. Commissioner Wintzer felt strongly that precedent was the reason for paying close attention to the ridgeline.

Commissioner Wintzer believed this was a ridgeline and that it met the definition of a ridgeline. He read from page 6 of the General Plan, "New development should not be allowed on ridges." He found similar language on pages 57 and 148. Commissioner Wintzer stated that he was still uncomfortable with the idea of allowing a subdivision on the ridge that would increase the ridgeline encroachment by allowing the applicant to build further down the hit. If the encroachment could be mitigated with different setbacks, etc., he would be willing to consider it. However, he could not support it as proposed.

Planner Astorga understood that there are set ridges that were part of the Sensitive Lands Overlay. The SLO indicates protection for waterways and steep topography, including ridges. He presented a zoning map showing that everything outside the red line was part of the sensitive lands overlay. Planner Astorga had found a map that was utilized historically in the Planning Department that had the nine vantage points and identified which ridges were important. When that map was compared to the zoning map the Staff realized that it was a pattern for the Sensitive Lands Overlay. Based on that information, the Staff was able to determine that no construction is allowed on ridges in any circumstance in terms of the Sensitive Lands Overlay analysis. Planner Astorga recognized the sections of the General Plan that Commissioner Wintzer mentioned; however, the Staff interpretation is that the Sensitive Lands Overlay does not apply to this particular site and development. Planner Astorga noted that the house on the Aerie was on the Sensitive Lands Overlay. He believed it the SLO was adopted to keep other developments from breaking the skyline.

Commissioner Wintzer took exception to the Staff interpretation. He did not believe that any ridge in Old Town should be jeopardized. In addition, this ridge is the entrance corridor and the proposed house would be extremely visible from Deer Valley Drive and the roundabout. He thought the ridge should be protected. Commissioner Wintzer pointed out that the General Plan does not address Sensitive Land Overlays, but it does talk about ridgelines. He was concerned that allowing this development would weaken the Code for other ridgelines in Old Town.

Commissioner Strachan incorporated his comments from the June 26<sup>th</sup> meeting. He could not find new information that would change his interpretation of the Code. He respected the Staff's interpretation of the Code, but he interprets it differently. Commissioner Strachan thought the photograph of the Aerie House was comparing apples to oranges because that house was an obvious ridgeline break. The subtle ridgelines are the only ones left in Park City that are being threatened. He agreed with Commissioner Wintzer that the Planning Commission needs to look at the ridgelines very carefully. In looking at a topo map, he believed this was clearly a ridge.

Commissioner Hontz concurred with Commissioners Strachan and Wintzer. She also incorporated her comments from the June 26<sup>th</sup> meeting because nothing had changed her mind. Commissioner Hontz thought that Exhibit A, the Topography Analysis, did a great job of indicating the ridgelines. She counted three or four other ridgelines in Old Town that would be set up for failure. Commissioner Hontz understood that the Aerie house was the catalyst for creating the SLO regulations and at one point it was supposed to include all of Old Town. That was changed because the SLO regulations were so restrictive it would have made a significant number of lots outside of ridgelines unbuildable in Old Town. In terms of setting precedent and because it is a ridgeline, Commissioner Hontz was not persuaded to change her initial opinion.

Commissioner Savage appreciated the work Planner Astorga had done in trying to clarify the underlying topographical facts associated with the site. He noted that the Planning Commission was reviewing an application that is subject to the current Land Management Code, and he believed this situation called for the Planning Commission to take a careful look the Land Management Code and craft a definition for ridgeline that could be applied across the range of different ridge situations. In his opinion this was not a ridgeline based upon the current LMC and a reasonable interpretation of the definition of a ridgeline. He thought the evidence presented showed that the proposed house

had no issues with breaking the skyline, which he believed is the definition of the ridgeline that is pertinent to protecting the view corridors. On that basis, Commissioner Savage supported the application.

Commissioner Savage remarked that often times the Planning Commission is faced with situations that are marginal in terms of fitting the definition. The problem is that the LMC does not provide a meaningful definition of a ridgeline that eliminates subjective interpretation. He encouraged the Planning Commission to consider implementing a process to review the LMC Code for the purpose of creating a definition for ridgeline that could be properly applied in future situations. Commissioner Savage pointed out that if they do not take that step, these situations would be repeated.

Commissioner Gross understood the vested lots a little better than before; however, he believed the issue was still the ridge. Commissioner Gross noted that the LMC does define ridgeline and specifies 150 feet on either side of it. In his opinion, the definition as written would eliminate the entire lot all the way up and anything else in Echo Spur. Commissioner Gross stated that in his opinion it is clearly a ridgeline as defined in the LMC. The applicant may be able to mitigate the impact through landscaping and other measure, but he was concerned about the ridgeline and the fact that there were very few left.

Leeto Tlou stated that he could see a bit of subjectivity in the discussion. He remarked that when the LMC document and the professional opinion of the Planning Department support the application, he wanted to know how much that little bit of subjectivity weighs into the decision. Mr. Tlou also heard in previous meetings that the Legal Department advised the Planning Commission to carefully consider a negative recommendation because it would be difficult to defend.

Mr. Tlou stated that if this is a subjective decision, he wanted clarity on how they would move forward with ridgelines in the future. He understood that Commissioner Savage had touched on that issue, and he was looking for clarity himself. If the Planning Commission believed this was a ridgeline, then what would not be a ridgeline.

Planner Astorga clarified that the Staff was not disputing the ridgeline in their interpretation. They were simply saying that under 15-7.32(d), it does not break the skyline, based on their interpretation of the language, "Ridges shall be protected, which development will be visible on the skyline from the designated vantage points."

Commissioner Hontz asked the City Engineer if there were updates to the status of the road. Mr. Cassel stated that the road would close for request of vacation of Fourth Street, but that would not impact Echo Spur Drive. When it went before the City Council the Council has that a few things be done before they would consider dedication. Mr. Cassel remarked that from an engineering perspective the road meets Code. He noted that the full intent was to take it back to the City Council for a decision.

Commissioner Hontz pointed to the minutes from a previous meeting regarding a different application on the same road, where statements were made regarding the process with the City Engineer, which did not coincide with the history as she remembered it. Commissioner Hontz requested that the City Engineer read the minutes to make sure the statements were correct or

correct them if necessary so they have accurate information in the record if that application comes back. Mr. Cassel stated that he had not read the minutes but the road was built to City standards.

MOTION: Commissioner Savage moved to forward a POSITIVE recommendation to the City Council regarding the plat amendment for 489 McHenry Avenue. The motion died for lack of a second.

Commissioner Strachan noted that Exhibit A, the topography analysis, was the only new information presented this evening and it should be incorporated into the findings.

MOTION: Commissioner Strachan moved to forward a NEGATIVE recommendation to the City Council for the plat amendment application for Lots 17, 18 and 19 of the Echo Spur Development replat, and direct the Staff to craft Findings of Fact and Conclusions of Law consistent with the motion.

Commissioner Hontz seconded the motion, with suggestions for potential places to look for information when drafting the findings. The previous minutes contain a lot of support for the different concerns; specifically good cause, significance of the HR-1 District, neighborhood impacts, precedents for ridgelines and for number of lots, and issues with health, safety and welfare. Another source is LMC Section 15-7.3-1 regarding safety.

Commissioner Strachan suggested that Commissioner Hontz provide the stated direction to Staff in written format to make sure it is accurately included in the findings. Commissioner Hontz handed Planner Astorga a written copy.

Planner Astorga asked about process and whether the Staff needed to schedule a public hearing when the Findings and Conclusions are ratified. Assistant City Attorney McLean replied that the item would be scheduled for ratification of findings, and there would be no public input. She explained that the evidence had been collected and the Staff would memorialize it for City Council review. There would be an opportunity for public hearing at the City Council level.

VOTE: The motion passed 4-1. Commissioner Savage voted against the motion.

The Park City Planning Commission meeting adjourned at 7:50 p.m.

Approved by Planning Commission: \_\_\_\_\_





# Planning Commission Staff Report



PLANNING DEPARTMENT

**Subject:** 1127 Woodside Avenue Plat  
Amendment  
**Author:** Anya Grahn, Historic Preservation Planner  
**Project Number:** PL-13-01893  
**Date:** August 14, 2013  
**Type of Item:** Administrative – Plat Amendment

## Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 1127 Woodside Avenue plat amendment, located at the same address, 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:** Emily White, represented by Architect Jonathan DeGray  
**Location:** 1127 Woodside Avenue  
**Zoning:** Historic Residential (HR-1) District  
**Adjacent Land Uses:** Residential condominiums, single-family residential, vacation rentals  
**Reason for Review:** Planning Commission review and recommendation to City Council

## Proposal

The applicant is requesting a Plat Amendment for the purpose of combining all of Lots 7, 8, 25, and 26 of Block 8 of the Snyders Addition to Park City. There is an existing historic home on the property identified as a Landmark on the City's Historic Sites Inventory (HSI) that straddles the lot line between Lots 8 and 7. There is also a legal-nonconforming, non-historic garage that encroaches over the lot line between Lots 7 and 26. The garage contains an accessory apartment; however, with the plat amendment, the owner plans to eliminate the apartment and return the property to single family use.

The applicant wishes to combine the lots in order to move forward with a Historic District Design Review (HDDR) approval. No plans have yet been submitted for this property, though Planning Staff met with the applicant to discuss options for building an addition on February 6, 2013. The applicant proposes to introduce a small addition, containing a bedroom and a mudroom to the historic structure, with a footprint of approximately 350 square feet. In order to comply with the Historic District Design Guidelines (HDDR), the proposed addition will need to be visually subordinate to the historic building and will have to complement the visual and physical qualities of the historic building. The Plat Amendment approval and recordation is necessary prior to the approval of the HDDR.

## **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 the new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

## **Background**

The 1127 Woodside Avenue property is listed on the Historic Sites Inventory (HSI) as a "Landmark" site which includes a small Mining era home constructed in 1904. During the 1960s, the 1-1/2 story, wood-frame T-cottage was significantly altered. The 1968 historic photograph shows the house with aluminum siding, aluminum windows, and metal porch supports. A portion of the porch was also enclosed. The 1949 tax card also shows that a 12' by 21' structure was originally attached to the northwest corner of the house. In 1990, the Historic Preservation Commission awarded the property owners a grant to restore the porch, windows, and wood siding.

Built in 1950, the garage that exists today is roughly 22.5 feet by 38.75 feet, and is not the garage depicted on the 1949 tax card. In March 1992, the Planning Department approved the use of the garage as a "skiers dorm." A year later, a second floor was added to the garage to create an office and studio space. The garage is considered non-complying because of subsequent zoning changes and no longer conforms to the zoning regulation's setback. The garage currently sits approximately seventy-three feet (73') from the west (front) property line and less than two feet (2') from the south (side) property line. Furthermore, the garage encroaches over the lot line between Lots 26 and 7. The garage is twenty-three feet six inches (23'6") tall on the façade and nineteen feet (19') tall at the rear, exceeding the eighteen foot (18') height permitted for a detached accessory building. The second floor of the garage currently contains an accessory apartment; however, the applicant plans to eliminate the rental unit and return the property to single family use following the plat amendment.

In 2005, the property owners applied for a plat amendment and the Planning Commission approved the plat amendment to combine lots 7, 8, 25, and 26 of Block 8. The second story of the garage was then used as a lockout unit. The plat expired on May 5, 2006, and was never recorded. Similarly, the applicants received an Action Letter from the Planning Department in May 2005 permitting the addition to the rear of the historic home; however, this work was also never completed. The property's setting has changed very little since the early 1900s, and the setting continues to be typical of

mining era homes in Park City. Since the time of the 2005 approvals, the LMC has been amended and new Historic District Guidelines have been put into place.

In February 2013, the applicant submitted a HDDR Pre-application and met with the Design Review Team (DRT). The applicant would like to add a small addition to the rear of the property in order to accommodate a bedroom and mudroom. The proposed footprint of this new addition is roughly 350 square feet. The applicant plans to make a full HDDR submittal once the plat amendment is approved. Work will not be allowed to commence until the plat amendment is recorded.

**Analysis**

The home currently straddles the lot line between Lots 7 and 8 of Block 8 of the Snyders Addition. Similarly, the garage encroaches over the east property line between Lots 26 and 7. The plat amendment is necessary in order for the applicants to make the necessary improvements to the site, which are subject to Planning Department review.

	<b>HR-1 Zone Designations</b>	<b>Existing Conditions</b>
Lot Size	Greater than 1,875 ft.	7,501 SF
Maximum Building Footprint	2,460.56 SF based on lot size	1,550 SF (Footprints: House—approx. 679 SF + Garage—871 SF)
Maximum Height	27 feet/3 stories 18 feet (accessory structures)	19 feet 5 inches/2 stories (House) 23 feet 6 inches/2 stories (Garage)
North Side yard Setback	10 feet	4.5 feet (House)
South Side yard Setback	10 feet	1.4 feet (Garage)
Front Yard Setback	15 feet	28.75 feet (House)
Rear Yard Setback	15 feet	35 feet (Garage)

The garage is considered non-complying because it does not conform to the zoning regulation’s setback and exceeds the eighteen feet (18’) height allowance. The garage also encroaches over the lot line between Lots 26 and 7. The proposed plat amendment does not increase any degree of nonconformity with respect to setbacks. The plat amendment would remove existing encroachments over the interior lot lines. Any additions to the garage or landmark structure would be required to meet the current setback requirements.

Additions would also be required to comply with the Design Guidelines for Historic Sites in Park City. Though the applicant may have a maximum footprint of 2,460.56, the applicant does not intend to add the full 910.56 square feet of footprint to the structure. Currently, the property owner is proposing to add a small addition to the historic house, containing a mudroom and a bedroom. The footprint of this new addition would be

approximately 350 square feet. The addition will need to appear subordinate to the historic structure from the public right-of-way and will need to be attached by a clear transitional element. A rear addition will not be able to overwhelm or engulf the historic building.

As seen in the chart below, the current size of the historic structure at 1127 Woodside is similar in size to other historic properties in the neighborhood. The proposed small addition with a footprint of 350 square feet will not significantly alter the size of the house, nor create a house that is larger than those seen in the neighborhood. The chart shows the approximate house sizes for other historic structures in the neighborhood:

Address	Year Built	Historical Significance	Total Existing SF of Improvements (per Summit County Recorder's Office)
1167 Woodside	1935-36	Landmark	6,172 SF
1147 Woodside	1899	Significant	2,030 SF
<b>1127 Woodside</b>	<b>1904</b>	<b>Landmark</b>	<b>1,358 SF</b>
1102 Norfolk	1904	Landmark	883 SF
1107 Woodside	1916	Significant	1,149 SF
1103 Woodside	1905	Significant	1,345 SF
1162 Woodside	1905	Landmark	1,100 SF
1158 Woodside	1901	Significant	778 SF
1141 Park	1905	Landmark	1,744 SF
1129 Park	1895	Significant	920 SF
1125 Park	1901	Landmark	895 SF
1120 Woodside	1905	Significant	1,100 SF
1110 Woodside	1928	Landmark	1,348 SF
1100 Woodside	1928	Landmark	1,103 SF
1135 Norfolk	1905	Significant	936 SF
1101 Norfolk	1900	Landmark	1,168 SF

*(See Exhibit H – Historically Significant Properties Map for the location of these addresses.)*

It would be permissible to demolish the non-historic garage and build a new structure on the site; however, any new structures would be required to meet the specified front, side, and rear yard setbacks. Again, the mass and scale of the new structure would need to comply with the Design Guidelines for Historic Sites and could not overwhelm the historic building. Future subdividing of the lot could permit additional density in the future, specifically if the non-historic garage was removed. Such action would alleviate potential density on the site, and distribute the density over multiple lots.

Similarly, the applicant may choose to demolish the garage and re-subdivide the lot in order to sell one (1) or two (2) lots along Norfolk Avenue. This would limit the lot size of 1127 Woodside to two (2) Old Town lots measuring roughly fifty feet (50') by seventy-five feet (75'). Again, this would alleviate potential density on the site, and distribute the density over multiple lots.

The amendment of four (4) lots would be one of the larger plat amendments in the neighborhood. As seen in the chart below, the largest of these plat amendments is the Park City High School Mechanical Arts Building at 1167 Woodside which contains seven (7) lots. Other larger plat amendments include the combination of three (3) lots at 1147 Woodside. The majority of plat amendments within this neighborhood range from two (2) lots to two and one-half (2.5) lots.

Address	Year Built	Historical Significance	Lot Size (+/-)	Maximum Footprint (+/-)
1167 Woodside	1935-36	Landmark	13,125 SF (7 lots)	3,139 SF
1147 Woodside	1899	Significant	5,625 SF (3 lots)	2,050 SF
1152 Norfolk	Vacant	n/a	3,750 SF (2 lots)	1,519 SF
1127 Woodside	1904	Landmark	7,501 SF (4 lots)	2,461 SF
1102 Norfolk	1904	Landmark	3,750 SF (2 lots)	1,519 SF
1107 Woodside	1916	Significant	1,875 SF (1 lot)	844 SF
1103 Woodside	1905	Significant	1,875 SF (1 lot)	844 SF
1135- Woodside	1984	Non-Historic	7,501 SF (4 lots)	1,358.87 SF
1144 Woodside	2012	Non-Historic	3,920 SF (2 lots)	1,519 SF
1162 Woodside	1905	Landmark	2,813 SF (1.5 lots)	1,201 SF
1158 Woodside	1901	Significant	2,813 SF (1.5 lots)	1,201 SF
1141 Park	1905	Landmark	4,689 SF (2.5 lots)	1,801 SF
1136 Woodside	1984	Non-Historic	2,813 SF (1.5 lots)	1,201 SF
1129 Park	1895	Significant	5,625 (3 lots)	2,050 SF
1125 Park	1901	Landmark	4,689 SF (2.5 lots)	1,201 SF
1120 Woodside	1905	Significant	2,813 SF (1.5 lots)	1,201 SF
1110 Woodside	1928	Landmark	3,920 SF(2 lots)	1,519 SF
1100 Woodside	1928	Landmark	3,920 SF (2 lots)	1,519 SF
1135 Norfolk	1905	Significant	4,356 SF (2.3 lots)	1,705 SF
1121 Norfolk	1966	Non-Historic	3,920 SF (2 lots)	1,519 SF
1117 Norfolk	1967	Non-Historic	1,875 SF (1 lot)	844 SF
1113 Norfolk	Vacant	n/a	1,875 SF (1 lot)	844 SF
1105 Norfolk	2003	Non-Historic	1,875 SF (1 lot)	844 SF
1101 Norfolk	1900	Landmark	1,875 SF (1 lot)	844 SF

*(See Exhibit I – Addresses and Property Boundaries Map for the location of these addresses.)*

Aside from an HDDR and Building Permit if the applicant wishes to add an addition to the house, there are no other regulatory processes anticipated for this property. The site is not on a steep slope.

**Good Cause**

Planning Staff believes there is good cause for the application. Combining the Lots will allow the property owner to move forward with site improvements, which include a possible addition to the historic structure. The plat amendment is necessary in order for the applicants to utilize future plans, and if left un-platted, the property remains as is. Moreover, the plat amendment will resolve the issue of the two (2) existing structure



straddling interior lot lines. Moreover, the plat amendment will utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

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 (LMC) and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. In approving the plat, the City will gain two (2) ten foot (10') snow storage easements along Woodside and Norfolk Avenues as well as resolve the existing building encroachments over interior lot lines. As discussed previously, the potential density could be reduced if the non-historic garage was demolished and replaced by a new house. At this time, however, the applicant would like to introduce a small addition of 350 square feet footprint and return the site to single family use. The applicant cannot move forward with this addition until the plat amendment has been recorded.

### **Process**

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

### **Department Review**

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

### **Notice**

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

### **Public Input**

Public input has been received and has been attached as Exhibit G.

Additional public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meeting scheduled for September 4, 2013.

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the 1127 Woodside Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 1127 Woodside Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 1127 Woodside Avenue Plat Amendment.

### **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 (4) existing lots would not be adjoined. Any additions to the historic house would be limited to the existing rear and side lot lines. The garage would continue to encroach over the rear property line of Lots 26 and 7 as well. The non-historic garage could also be removed to create additional density on the site, as well.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing for the 1127 Woodside Avenue Plat Amendment, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

### **Exhibits**

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Conditions Survey

Exhibit C – Vicinity Map/Aerial Photograph

Exhibit D – Staff Report for 1127 Woodside Plat, dated May 5, 2005

Exhibit E – Minutes from City Council meeting, May 5, 2005

Exhibit F – 5-25 Ordinance, approved

Exhibit G – Public Input

Exhibit H – Historically Significant Properties Map

Exhibit I – Addresses and Property Boundaries Map

## **Exhibit A – Draft Ordinance with Proposed Plat**

Ordinance 13-

### **AN ORDINANCE APPROVING THE 1127 WOODSIDE AVENUE SUBDIVISION PLAT LOCATED AT 1127 Woodside Avenue, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 1127 Woodside Avenue, has petitioned the City Council for approval of the Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on August 14, 2013 to receive input on the proposed subdivision;

WHEREAS, on August 14, 2013 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on September 4, 2013 the City Council held a public hearing on the proposed subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 1127 Woodside Avenue Plat Amendment.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The 1127 Woodside Avenue 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 property is located at 1127 Park Avenue within the Historic Residential (HR-1) Zoning District.
2. The applicants are requesting to combine four (4) Old Town lots into one Parcel.
3. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of a rear yard addition to the historic house as well as a future addition to the non-historic garage.
4. The amended plat will create one new 7,501 square foot lot.
5. Currently the property is four (4) Old Town Lots, Lots 7 and 8 as well as Lots 25 and 26 if Block 8.

6. The existing historic 1,358 square foot home is listed as “Landmark” on the Historic Sites Inventory (HSI).
7. The applicant is considering a rear addition to the historic structure and possibly an addition to the non-historic garage. Thus far, no HDDR application has been submitted and the applicant met with Planning Staff to discuss the possibility of an addition on February 6, 2013 during Design Review.
8. The existing non-historic garage straddles Lots 7 and 26 of the Snyders Addition. It is classified as legal non-conforming.
9. Any proposed additions to the existing historic home will require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.
10. The maximum building footprint allowed is 2,460.56 per the HR-1 LMC requirements. The current footprint of the historic structure is 679 square feet and the footprint of the garage accessory structure is 871 square feet. This would allow a maximum footprint addition of 910.56 square feet; however, the applicant intends to only introduce a small addition to the historic house with a footprint of 350 square feet. This small increase to the size of the house will maintain its compatibility with other homes in the neighborhood.
11. The maximum footprint of 2,461 square feet is significantly larger than any surrounding single-family residential properties; however, adherence to the Design Guidelines for Historic Sites would require that the mass and scale of any new additions is compatible with the historic structure. The applicant proposes to add a small addition of approximately 350 square feet to the historic building.
12. The amendment of four (4) lots would be one of the larger plat amendments in the neighborhood. The largest of these plat amendments is the Park City High School Mechanical Arts Building at 1167 Woodside which contains seven (7) lots. Other larger plat amendments include the combination of three (3) lots at 1147 Woodside. The majority of plat amendments within this neighborhood range from two (2) lots to two and one-half (2.5) lots.
13. The historic structure is a valid complying structure, though it straddles the property line that separates Lots 7 and 8.
14. The garage is considered non-complying because of subsequent zoning changes and no longer conforms to the zoning regulation’s setback. The garage sits 1.4’ from the south property line; the current code requires a ten foot (10’) side yard setback. The garage encroaches over the lot line between Lots 26 and 7. The plat amendment will remove these encroachments over interior lot lines.
15. Per LMC 15-2.2-4, existing historic structures that do not comply with building setbacks are valid complying structures. The historic structure is a valid complying structure, though it straddles the property line that separates Lots 7 and 8 and does not comply with the required ten foot (10’) side yard setback along the north property line as it is only four feet six inches (4’6”) from the property line.
16. New additions to the rear of the historic home would require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work that expands the footprint of the home or would first require the approval of an HDDR shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. Modified 13-D sprinklers may 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.
5. Two (2) 10 foot wide public snow storage easements are required along the street frontages of the lot along Woodside Avenue and Norfolk Avenue and shall be shown on the plat.
6. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment easements shall be provided.

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

PASSED AND ADOPTED this \_\_\_\_ day of August, 2013.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Dana Williams, MAYOR

ATTEST:

\_\_\_\_\_  
City Recorder



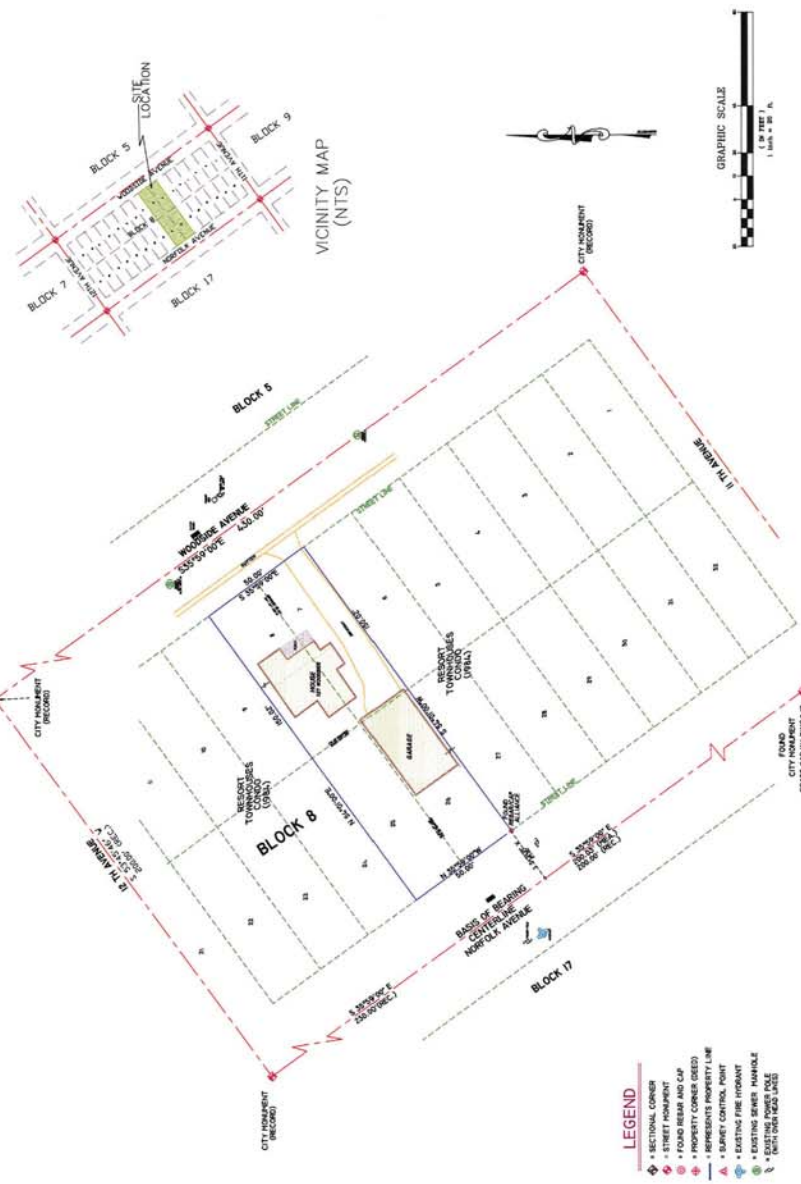
APPROVED AS TO FORM:

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Mark Harrington, City Attorney

RECEIVED  
JUN 20 2013  
PLANNING CITY

**1127 WOODSIDE AVENUE  
SUBDIVISION**  
PART OF BLOCK 8  
LOTS 7, 8, 25, 26  
SNYDERS ADDITION  
PARK CITY, UTAH



- LEGEND**
- ◆ SECTIONAL CORNER
  - STREET MONUMENT
  - FOUND REBAR AND CAP
  - PROPERTY CORNER (GEOID)
  - REPRESENTS PROPERTY LINE
  - ▲ SURVEY CONTROL POINT
  - EXISTING FIRE MONUMENT
  - EXISTING STREET MONUMENT
  - EXISTING ROAD MONUMENT

**APPROVAL AS TO FORM**  
STATE OF UTAH  
APPROVED AS TO FORM THIS DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_  
BY: \_\_\_\_\_ CITY ENGINEER

**APPROVAL AND ACCEPTANCE**  
All lots within this subdivision are being offered for sale in accordance with the provisions of the Utah Subdivision Map Act, Chapter 2, Title 18, Utah Code, and the City of Park City, Utah, Ordinance No. \_\_\_\_\_, which time this subdivision was approved and accepted.

**CITY PLANNING COMMISSION**  
Approved and Accepted: \_\_\_\_\_  
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_ CITY ENGINEER

**UTAH POWER AND LIGHT**  
Approved and Accepted: \_\_\_\_\_  
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_ CITY ENGINEER

**SUMMIT COUNTY PUBLIC HEALTH DEPARTMENT**  
Approved and Accepted: \_\_\_\_\_  
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_ CITY ENGINEER

**SURVEYOR'S CERTIFICATE**  
I, **EDWARD K. JOHANSON**, do hereby certify that I am a Registered Land Surveyor, and that I hold certificate No. 10000, issued by the State of Utah, and that I have personally surveyed and marked the corners and boundaries of the tract of land shown on this plat, and described hereon, and that same has been surveyed as shown on this plat.

**BOUNDARY DESCRIPTION**  
ALL OF LOTS 7, 8, 25, 26 OF BLOCK 8 SNYDERS ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 16 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

**OWNER'S DEDICATION**  
Knows all men by these presents that we, all of the undersigned, do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use, and that same be established into lots and streets to be hereinafter known as the 1127 WOODSIDE AVENUE SUBDIVISION.

**ACKNOWLEDGMENT**  
STATE OF UTAH  
County of Summit  
I, \_\_\_\_\_, do hereby certify that the above named parties have appeared before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and acknowledged to me that they are the owners of the above described premises, and that they have executed the above dedication.

**CONSENT TO RECORD**  
STATE OF UTAH  
County of Summit  
I, \_\_\_\_\_, do hereby certify that the above named parties have appeared before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and acknowledged to me that they are the owners of the above described premises, and that they have executed the above dedication.

**APPROVAL AS TO FORM**  
STATE OF UTAH  
APPROVED AS TO FORM THIS DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_  
BY: \_\_\_\_\_ CITY ENGINEER

**APPROVAL AND ACCEPTANCE**  
All lots within this subdivision are being offered for sale in accordance with the provisions of the Utah Subdivision Map Act, Chapter 2, Title 18, Utah Code, and the City of Park City, Utah, Ordinance No. \_\_\_\_\_, which time this subdivision was approved and accepted.

**CITY PLANNING COMMISSION**  
Approved and Accepted: \_\_\_\_\_  
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_ CITY ENGINEER

**UTAH POWER AND LIGHT**  
Approved and Accepted: \_\_\_\_\_  
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_ CITY ENGINEER

**SUMMIT COUNTY PUBLIC HEALTH DEPARTMENT**  
Approved and Accepted: \_\_\_\_\_  
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_ CITY ENGINEER

**PREPARED BY:**  
**PROPERTY DESIGN LLC**  
P.O. BOX 70168  
SALT LAKE CITY, UTAH 84111  
(801) 465-2541

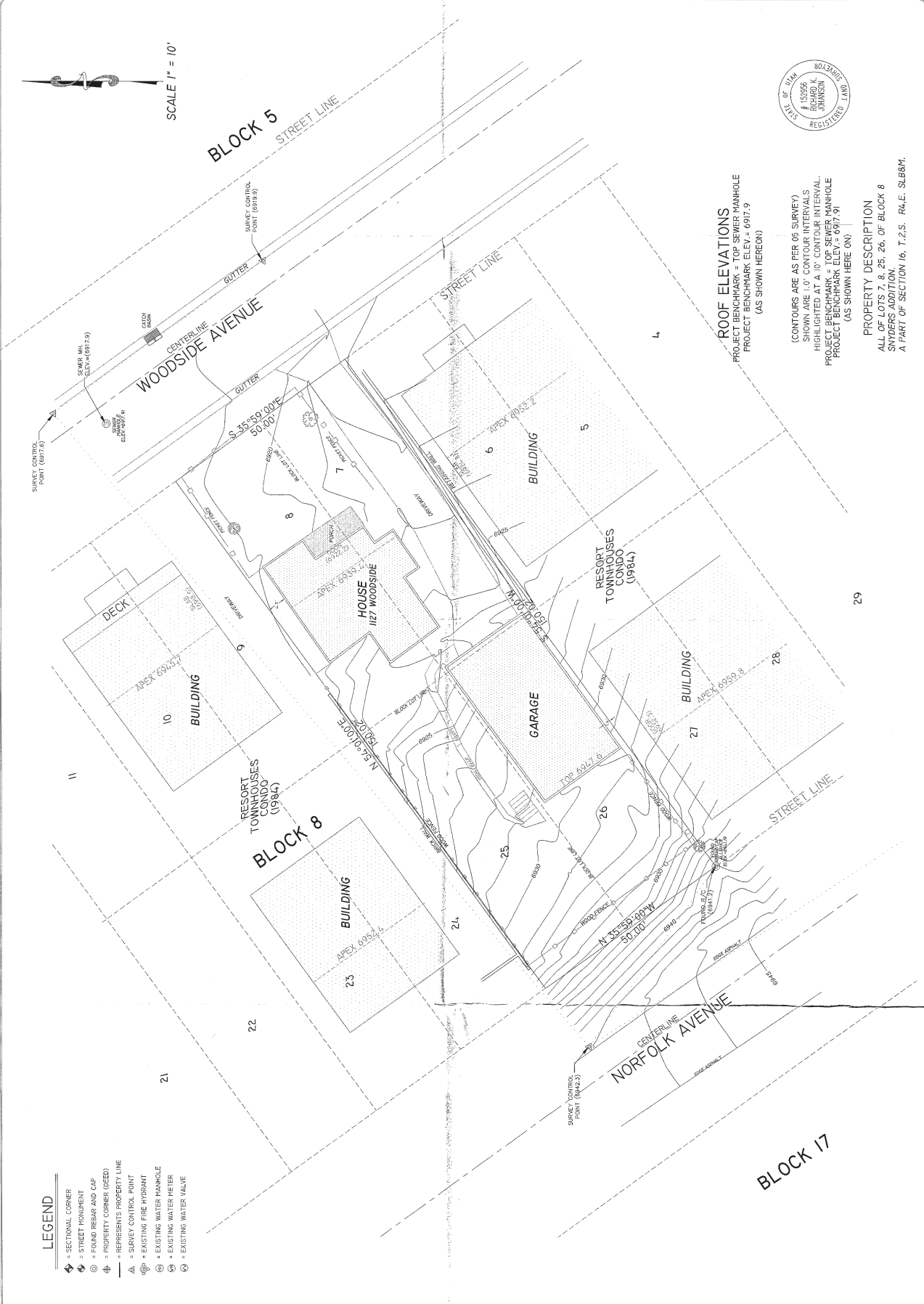
DATE	BY	COMMENTS

PROJECT SITE LOCATION  
 LOTS 7 & 26  
 BLOCK 8 - 11 UT  
 SNYDERS ADDITION

SURVEYED BY: DRAWN BY: BSECH  
 DATE: 02

1127 WOODSIDE AVENUE  
 BUILDING ELEVATIONS  
 1127 WOODSIDE DWS  
 R-13-002  
 EMILY CARLSON

SHEET 1 OF 1  
 APR 17 2013



- LEGEND**
- ◆ SECTIONAL CORNER
  - ◆ STREET MONUMENT
  - POUND REBAR AND CAP
  - ⊕ PROPERTY CORNER (GFEED)
  - REPRESENTS PROPERTY LINE
  - △ SURVEY CONTROL POINT
  - ⊕ EXISTING FIRE HYDRANT
  - ⊕ EXISTING WATER MANHOLE
  - ⊕ EXISTING WATER METER
  - ⊕ EXISTING WATER VALVE

**ROOF ELEVATIONS**  
 PROJECT BENCHMARK = TOP SEWER MANHOLE  
 PROJECT BENCHMARK ELEV. = 6917.9  
 (AS SHOWN HEREON)

(CONTOURS ARE AS PER US SURVEY)  
 SHOWN ARE 1.0' CONTOUR INTERVALS  
 HIGHLIGHTED AT A 1.0' CONTOUR INTERVAL.  
 PROJECT BENCHMARK = TOP SEWER MANHOLE  
 PROJECT BENCHMARK ELEV. = 6917.9  
 (AS SHOWN HERE ON)

**PROPERTY DESCRIPTION**  
 ALL OF LOTS 7, 8, 25, 26, OF BLOCK 8  
 SNYDERS ADDITION,  
 A PART OF SECTION 16, T.2.S. R4.E. SLB8M.







# City Council Staff Report



PLANNING DEPARTMENT

**Planner:** Jonathan Weidenhamer  
**Subject:** 1127 WOODSIDE AVENUE REPLAT  
**Date:** May 5, 2005  
**Type of Item:** Administrative  
**Applicant:** Shannon and Missy O'Neal  
**Zone:** Historic Residential – (HR-1)

**RECOMMENDATION:** Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving the amendment according to the findings of fact, conclusions of law and conditions of approval outlined in attached ordinance.

## BACKGROUND

The Planning Commission reviewed this item at the April 27, 2005 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council to approve the plat amendment.

The applicant proposes to combine lots 7, 8, 25, and 26 of Block 8 of the Snyder's Addition to the Park City Survey into one lot of approximately 7,500 square feet (Exhibit A). The property has an existing, one and a half- story historic structure which straddles the lot line between lots 7 and 8. The property also has a 2 story detached garage that straddles the lot line between lots 7 and 26 (Exhibit B existing conditions). The second story of this outbuilding currently has a Lockout unit in it. The applicant intends to renovate the existing historic home, and put an addition onto the rear of the structure.

## ANALYSIS

The property is zoned HR-1, Historic Residential. The proposed plat creates a 7,500 square foot lot. All development standards of the Land Management Code including: height, setbacks, parking, architectural design, building footprint, neighborhood and Historic Design Guideline compatibility for the proposed addition will be verified for compliance during design review. The footprint of the current home is approximately 744 s.f. The footprint of the garage is approximately 940 s.f. The two buildings total approximately 1684 s.f. of footprint. The maximum allowed footprint for the combined lots is 2460 s.f.

The required front/ rear yard setbacks in the HR-1 zone for a 150 ' deep lot is a minimum of 15' with a total of 30'. The house and garage meet these requirements. The existing historic home will continue to exist as a non-complying structure in relation to the required side yard setback to the north (5' will be required for the combined lot, currently 4.5' exists). The existing detached garage will also continue to exist as a non-

complying structure in relation to its side yard setback to the south (3' will be required for the combined lot, currently 1.4' exist); and in terms of its height. A detached accessory building is limited to 18' in height. The garage on these lots is approximately 21' in height. In all cases no greater degree of non-compliance will be created as a result of this lot combination.

Because the existing home at 1127 Woodside Avenue is historic, the LMC Section 15-2.2-4 exempts the addition from off-street parking requirements provided the addition does not create Lockout Unit or Accessory Apartment. The detached garage currently has a Lockout Unit located in it, which is an Allowed Use in the HR-1 Zone. The Lockout Unit has a non-exempt parking requirement of 1 space. The existing garage provides 2 interior spaces, as well as a 24' deep driveway, which will be eligible for a tandem space.

### **NOTICE**

Notice of this hearing was sent to property owners within 300'. Staff has received no comments from the public at the time of this writing.

### **DEPARTMENT REVIEW**

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting on April 5, 2005, where representatives from local utilities and City Staff were in attendance.

### **RECOMMENDATION**

Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and consider approving the amendment according to the findings of fact, conclusions of law and conditions of approval outlined in attached ordinance.

### **EXHIBITS**

Ordinance

Exhibit A – Proposed Subdivision Plat

Exhibit B - Site Photo



**Ordinance No. 05-**

**AN ORDINANCE APPROVING THE SILVER DEER CHATEAUX AT OLDE HAWKE POINTE ON LEGACY MOUNTAIN SUBDIVISION WHICH WILL COMBINE LOTS 7, 8, 25, AND 26 OF BLOCK 8 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY INTO ONE LOT OF RECORD.**

**WHEREAS**, the owner of 4 platted lots known as 1127 Woodside Avenue, has petitioned the City Council for approval of a plat amendment; and

**WHEREAS**, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

**WHEREAS**, on April 27, 2005 the Planning Commission held a public hearing to receive public input on the proposed plat amendment, and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, the proposed plat amendment allows the property owner to remove lot lines between four platted lots and create one lot of 7,500 square feet; and

**WHEREAS**, it is in the best interest of Park City Utah to approve the plat amendment.

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

**SECTION 1. FINDINGS OF FACT.** The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The Planning Commission reviewed this item at the April 27, 2005 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council to approve the plat amendment.
2. The property is located in the Historic Residential (HR-1).
3. The HR-1 District is characterized by a mix of small historic structures and larger contemporary residences.
4. The applicant proposes to combine lots 7, 8, 25, and 26 of Block 8 of the Snyder's addition to the Park City Survey into one lot of approximately 7,500 square feet.
5. There is an existing historic single family home on the property. The historic home straddles the lot line between lots 7 and 8.
6. The existing home at 1127 Woodside Avenue is historic. Section 15-2.2-4 of the LMC exempts the home from off-street parking requirements.
7. There is an existing non-historic, detached garage on the property. The second floor has a Lockout Unit located in it. Lockout Units are an allowed use in the HR-1 Zone, as long as the site provides code required parking. There are 3 code compliant parking spaces on this lot, which exceeds the number required. The garage straddles the lot line between lots 7 and 26.
8. The applicant intends to renovate the existing historic home, and put an addition onto the rear of the structure.
9. The required front/ rear yard setbacks in the HR-1 zone for a 150 ' deep lot is a

minimum of 15' with a total of 30'. The house and garage meet these requirements.

10. The required side yard setback in the HR-1 zone for a 50' wide lot is 5'. The historic home currently has 4.5' and will continue to exist as a non-complying structure.
11. The required side yard setback for an outbuilding located on a 50' wide lot for is 3'. The detached garage currently has 1.4' and will continue to exist as a non-complying structure.
12. The required height for an accessory building is 18'. The detached garage is currently 21' in height and will continue to exist as a non-complying structure.
13. No greater degree of non-compliance will be created as a result of this plat amendment.
14. The footprint of the current home is approximately 744 s.f. The footprint of the garage is approximately 940 s.f. The two buildings total approximately 1684 s.f. of footprint. The maximum allowed footprint for the combined lots is 2460 s.f.
15. The project will be reviewed for compliance with the Historic District Design Review Guidelines prior to the issue of a building permit for any addition or exterior remodel.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

**SECTION 3. CONDITIONS OF APPROVAL.** The City Council hereby adopts the following Conditions of Approval:

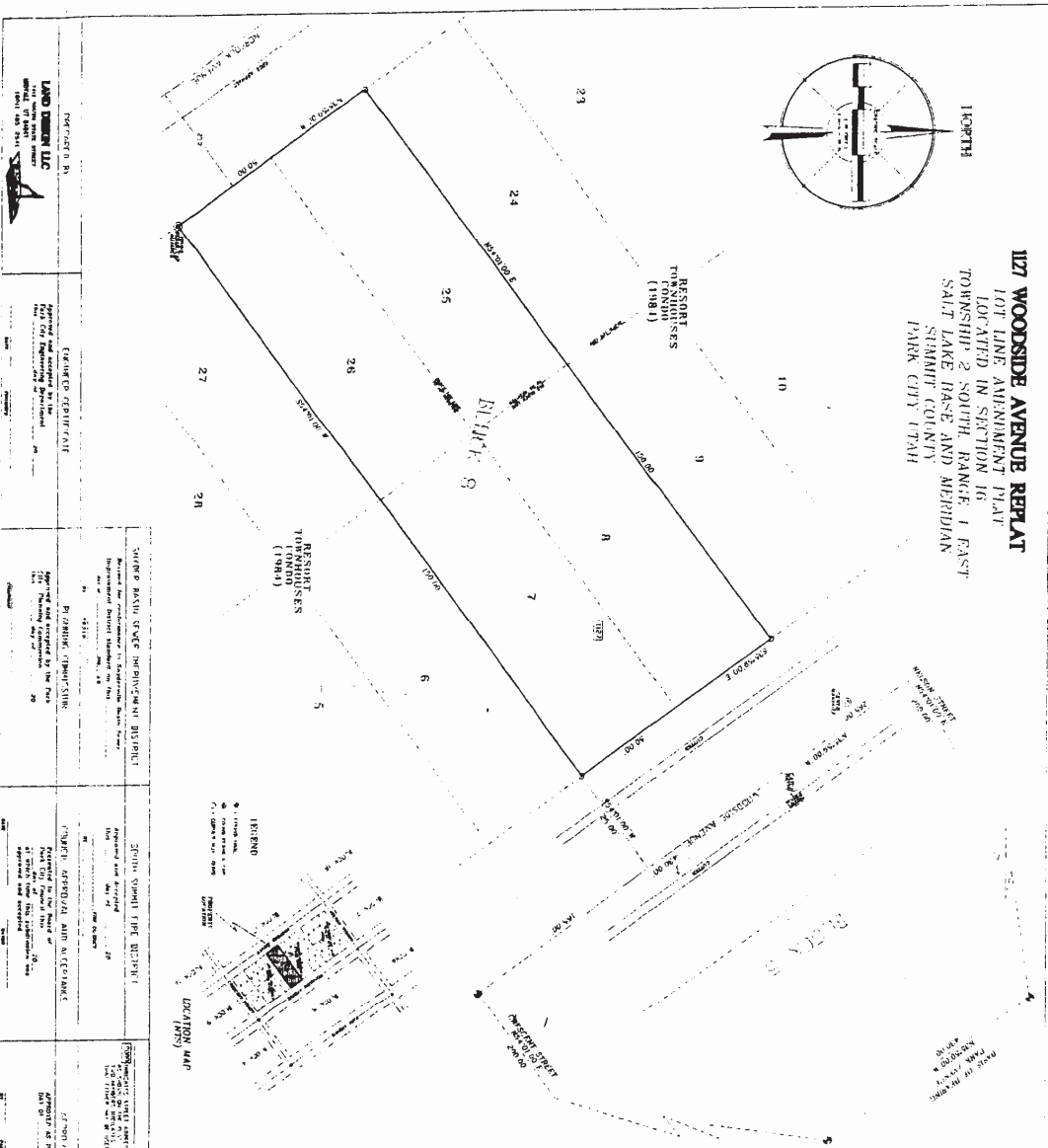
The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.

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 and the plat will be void.

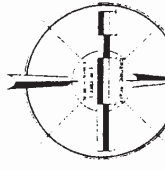
No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 5<sup>th</sup> day of May, 2005.



**1177 WOODSIDE AVENUE REPLAT**  
 LOT LINE ADJACENT PLAT  
 LOCATED IN SECTION 16  
 TOWNSHIP 2 SOUTH, RANGE 1 EAST  
 SALT LAKE BASE AND MERIDIAN  
 SUMMIT COUNTY  
 PARK CITY UTAH



**LAND DESIGN LLC**  
 1177 WOODSIDE AVENUE  
 PARK CITY, UTAH 84302  
 (435) 765-2111

**LAND DESIGN LLC**  
 1177 WOODSIDE AVENUE  
 PARK CITY, UTAH 84302  
 (435) 765-2111

**LAND DESIGN LLC**  
 1177 WOODSIDE AVENUE  
 PARK CITY, UTAH 84302  
 (435) 765-2111

**LAND DESIGN LLC**  
 1177 WOODSIDE AVENUE  
 PARK CITY, UTAH 84302  
 (435) 765-2111

**LAND DESIGN LLC**  
 1177 WOODSIDE AVENUE  
 PARK CITY, UTAH 84302  
 (435) 765-2111

**LAND DESIGN LLC**  
 1177 WOODSIDE AVENUE  
 PARK CITY, UTAH 84302  
 (435) 765-2111

**STATEMENT OF JURISDICTION**  
 I, the undersigned, being duly qualified as a Notary Public for the State of Utah, do hereby certify that the foregoing plat of subdivision of land is a true and correct copy of the original filed with me, and that the same has been duly recorded in the office of the County Clerk of Summit County, Utah, in accordance with the provisions of the laws of the State of Utah relating to the recording of such plats.

**PRELIMINARY**

**PROVISIONAL DESCRIPTION**

**PROVISIONAL DESCRIPTION**  
 ALL OF THAT 2.5 ACRES OF LAND, MORE OR LESS, BEING THE SOUTHWEST CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH, AS SHOWN ON THE ATTACHED PLAT.

**SUBMISSION DESCRIPTION**  
 RESORT TOWNHOUSES (1981) AND MOBILE HOME PLAT AND ADJACENT LOT LINE ADJACENT PLAT, BEING THE SOUTHWEST CORNER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, SUMMIT COUNTY, UTAH, AS SHOWN ON THE ATTACHED PLAT.

**OWNER'S DECLARATION**  
 I, the undersigned, being duly qualified as a Notary Public for the State of Utah, do hereby certify that the foregoing plat of subdivision of land is a true and correct copy of the original filed with me, and that the same has been duly recorded in the office of the County Clerk of Summit County, Utah, in accordance with the provisions of the laws of the State of Utah relating to the recording of such plats.

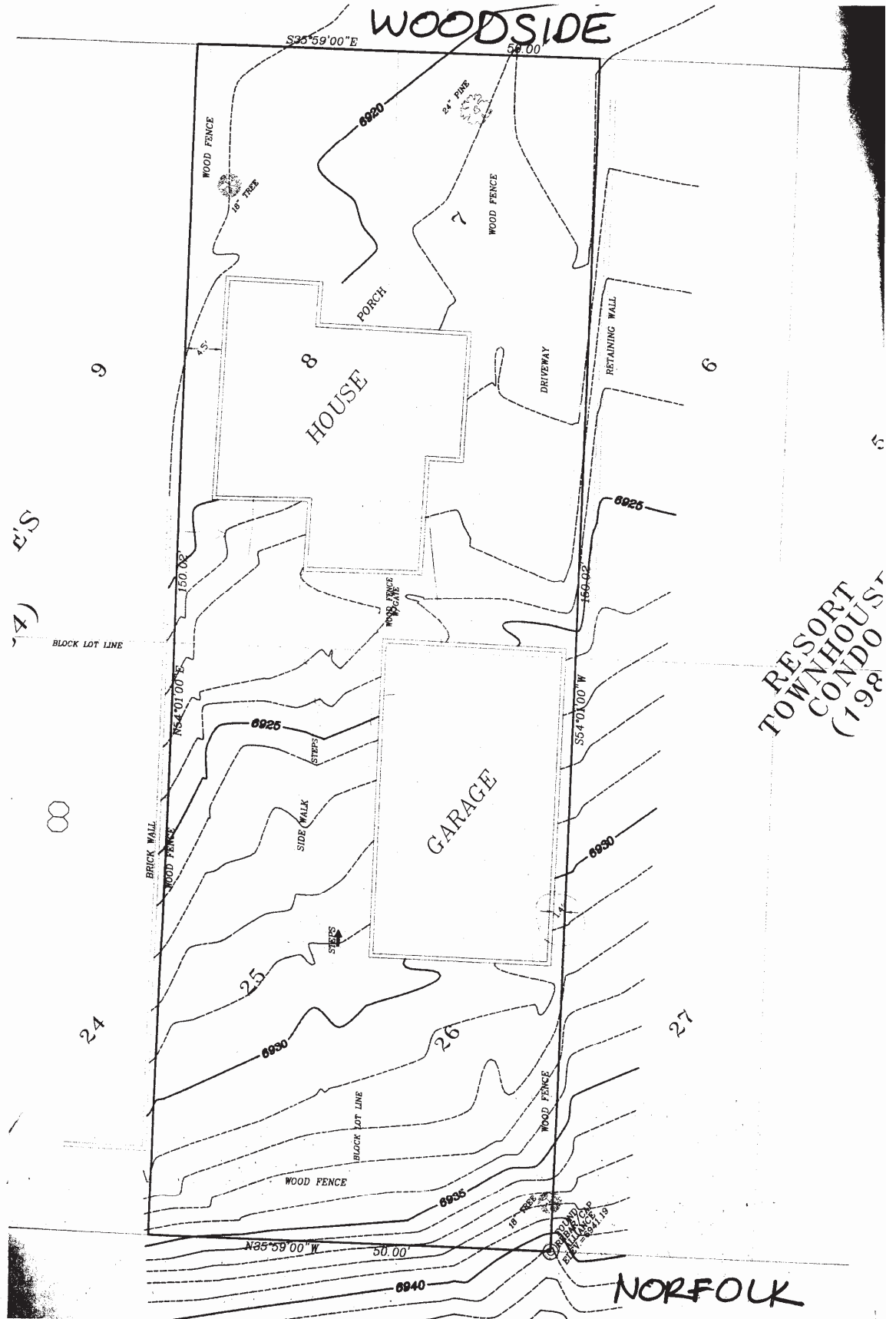
**WITNESSETH**  
 I, the undersigned, being duly qualified as a Notary Public for the State of Utah, do hereby certify that the foregoing plat of subdivision of land is a true and correct copy of the original filed with me, and that the same has been duly recorded in the office of the County Clerk of Summit County, Utah, in accordance with the provisions of the laws of the State of Utah relating to the recording of such plats.

**STATE OF UTAH**  
 COUNTY OF SUMMIT  
 I, the undersigned, being duly qualified as a Notary Public for the State of Utah, do hereby certify that the foregoing plat of subdivision of land is a true and correct copy of the original filed with me, and that the same has been duly recorded in the office of the County Clerk of Summit County, Utah, in accordance with the provisions of the laws of the State of Utah relating to the recording of such plats.

**RESIDENTS IN CONSENT TO RECORD**  
 I, the undersigned, being duly qualified as a Notary Public for the State of Utah, do hereby certify that the foregoing plat of subdivision of land is a true and correct copy of the original filed with me, and that the same has been duly recorded in the office of the County Clerk of Summit County, Utah, in accordance with the provisions of the laws of the State of Utah relating to the recording of such plats.

**NOTARY PUBLIC**  
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**PARK CITY COUNCIL MEETING  
SUMMIT COUNTY, UTAH  
MAY 5, 2005**

**I ROLL CALL**

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, May 5, 2005. Members in attendance were Dana Williams, Kay Calvert, Marianne Cone, Candace Erickson, Jim Hier, and Joe Kernan. Staff present was Tom Bakaly, City Manager; Mark Harrington, City Attorney; Jonathan Weidenhamer, Planner; and Gary Hill, Budget Manager.

**II COMMUNICATIONS AND DISCLOSURES FROM COUNCIL AND STAFF**

None.

**III PUBLIC INPUT (any matter of City business not scheduled on agenda)**

Budget document - Mike Sweeney, HMBA, asked that the budget document be made available to citizens so they can follow the work session discussions and are better prepared. Services like snow removal are of interest to merchants. It was explained that it will be available on the Internet in its entirety and there are currently hard copies of the budget for public review at the Marsac Building and the Library.

**IV MINUTES OF MEETING OF APRIL 21, 2005**

Marianne Cone, "I move we approve the Minutes of the meeting of April 21, 2005". Joe Kernan seconded. Motion unanimously carried.

**V CONSENT AGENDA PUBLIC HEARINGS**

1. Ordinance – 2300 Deer Valley Drive East, St. Regis Resort Deer Crest record of survey plat (motion to continue to May 26, 2005) – The Mayor requested a motion to continue. Jim Hier, "I so move". Marianne Cone seconded. Motion unanimously carried.

2. Ordinance approving the Silver Deer Chateaux at Olde Hawke Pointe on Legacy Mountain Subdivision which will combine Lots 7, 8, 25 and 26 of Block 8 of the Snyder's Addition to the Park City Survey into one lot of record – Jonathan Weidenhamer explained that the application proposes the combination of four lots into one. There is an historic home and a garage on the property and the applicants would like to build an addition on the rear of the residence. The Planning Commission held a public hearing where no input was received and forwards a positive recommendation. The Mayor opened the public hearing and hearing no comments, closed the hearing.



Ordinance No. 05-25

**AN ORDINANCE APPROVING THE SILVER DEER CHATEAUX AT OLDE HAWKE POINTE ON LEGACY MOUNTAIN SUBDIVISION WHICH WILL COMBINE LOTS 7, 8, 25, AND 26 OF BLOCK 8 OF THE SNYDER'S ADDITION TO THE PARK CITY SURVEY INTO ONE LOT OF RECORD – 1127 WOODSIDE AVENUE**

**WHEREAS**, the owner of 4 platted lots known as 1127 Woodside Avenue, has petitioned the City Council for approval of a plat amendment; and

**WHEREAS**, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

**WHEREAS**, on April 27, 2005 the Planning Commission held a public hearing to receive public input on the proposed plat amendment, and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, the proposed plat amendment allows the property owner to remove lot lines between four platted lots and create one lot of 7,500 square feet; and

**WHEREAS**, it is in the best interest of Park City Utah to approve the plat amendment.

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

**SECTION 1. FINDINGS OF FACT.** The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The Planning Commission reviewed this item at the April 27, 2005 meeting. A Public hearing was held. No public comment was received. The Planning Commission voted unanimously to forward a positive recommendation to the City Council to approve the plat amendment.
2. The property is located in the Historic Residential (HR-1).
3. The HR-1 District is characterized by a mix of small historic structures and larger contemporary residences.
4. The applicant proposes to combine lots 7, 8, 25, and 26 of Block 8 of the Snyder's addition to the Park City Survey into one lot of approximately 7,500 square feet.
5. There is an existing historic single family home on the property. The historic home straddles the lot line between lots 7 and 8.
6. The existing home at 1127 Woodside Avenue is historic. Section 15-2.2-4 of the LMC exempts the home from off-street parking requirements.
7. There is an existing non-historic, detached garage on the property. The second floor has a Lockout Unit located in it. Lockout Units are an allowed use in the HR-1 Zone, as long as the site provides code required parking. There are 3 code compliant parking spaces on this lot, which exceeds the number required. The garage straddles the lot line between lots 7 and 26.
8. The applicant intends to renovate the existing historic home, and put an addition onto the rear of the structure.
9. The required front/ rear yard setbacks in the HR-1 zone for a 150' deep lot is a minimum of 15' with a total of 30'. The house and garage meet these requirements.
10. The required side yard setback in the HR-1 zone for a 50' wide lot is 5'. The historic home currently has 4.5' and will continue to exist as a non-complying structure.
11. The required side yard setback for an outbuilding located on a 50' wide lot for is 3'. The detached garage currently has 1.4' and will continue to exist as a non-complying structure.
12. The required height for an accessory building is 18'. The detached garage is currently 21' in height and will continue to exist as a non-complying structure.
13. No greater degree of non-compliance will be created as a result of this plat amendment.
14. The footprint of the current home is approximately 744 s.f. The footprint of the garage is approximately 940 s.f. The two buildings total approximately 1684 s.f. of footprint. The maximum allowed footprint for the combined lots is 2460 s.f.
15. The project will be reviewed for compliance with the Historic District Design Review Guidelines prior to the issue of a building permit for any addition or exterior remodel.



**SECTION 2. CONCLUSIONS OF LAW.**

The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

**SECTION 3. CONDITIONS OF APPROVAL.**

The City Council hereby adopts the following Conditions of Approval:

1. The City Attorney and City Engineer review and approval the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the 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 and the plat will be void.
3. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.

**SECTION 4. EFFECTIVE DATE.**

This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 5<sup>th</sup> day of May, 2005.

PARK CITY MUNICIPAL CORPORATION

*Dana Williams*

Dana Williams, Mayor

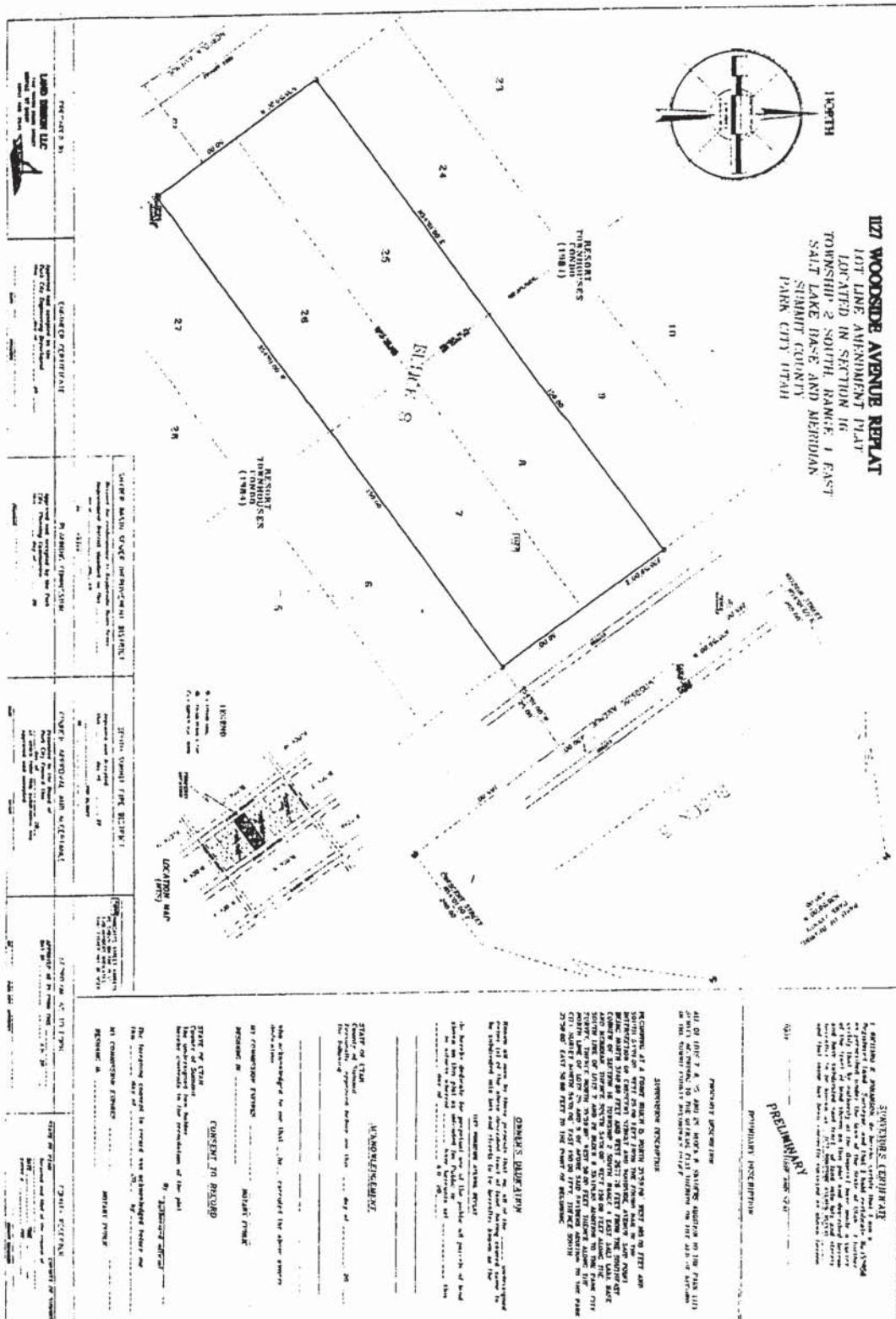


Attest:

*Janet M. Scott*  
Janet M. Scott, City Recorder

Approved as to form:

*Mark D. Harrington*  
Mark D. Harrington, City Attorney



**1177 WOODSIDE AVENUE REPLAT**  
 LOT LINE AMENDMENT PLAT  
 LOCATED IN SECTION 10  
 TOWNSHIP 2 SOUTH RANGE 1 EAST  
 SALT LAKE BASE AND MERIDIAN  
 STANBURY COUNTY  
 PARK CITY UTAH

**PRELIMINARY**

PROBATIONARY DESCRIPTION

PROPERTY DESCRIPTION  
 ALL OF LOT 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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STATE OF UTAH  
 COUNTY OF STANBURY  
 I, the undersigned, being duly qualified, do hereby certify that the foregoing is a true and correct copy of the plat as recorded in the office of the County Clerk of Stanbury County, Utah, on this 14th day of August, 2013.

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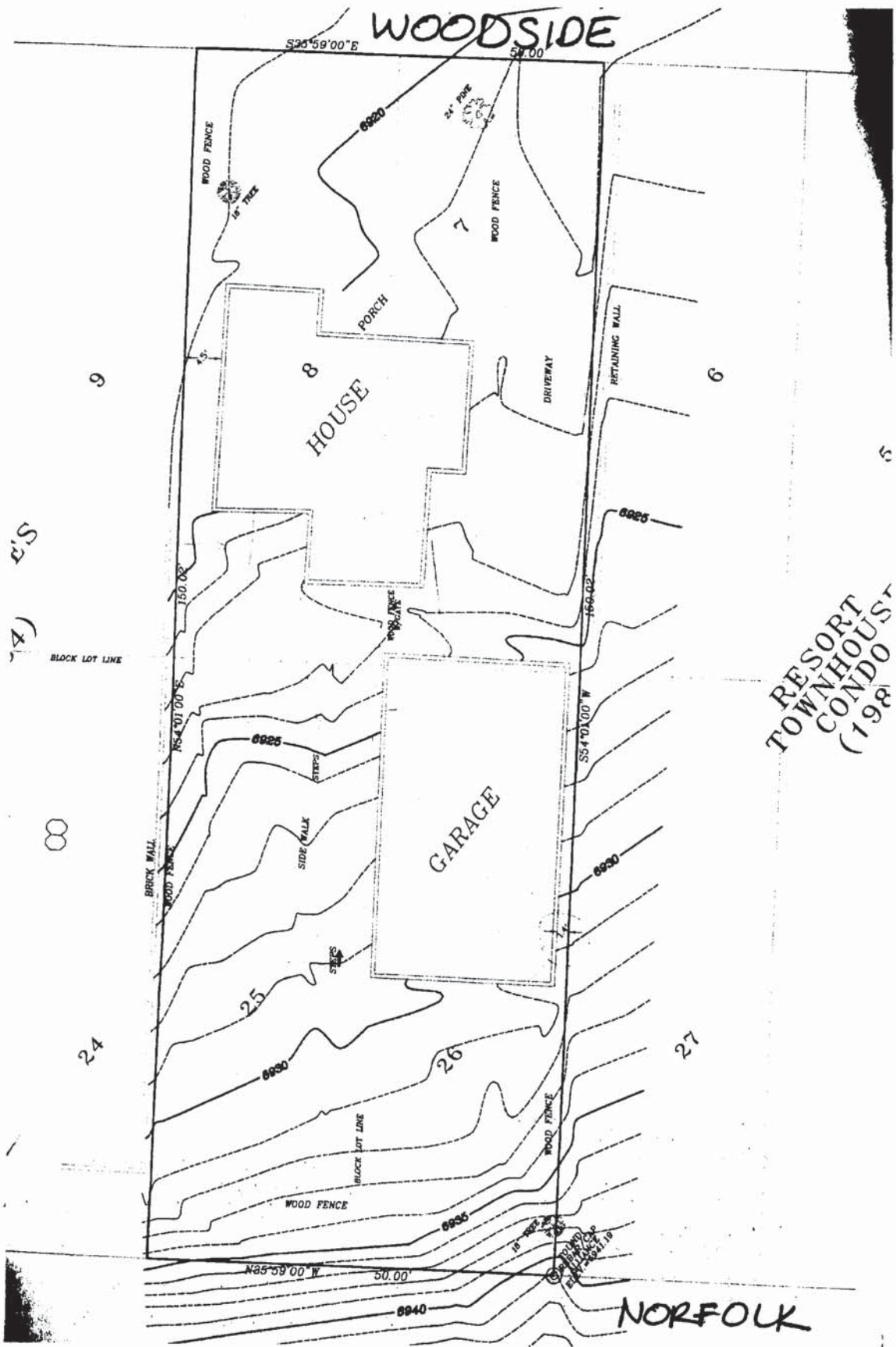


Exhibit B – Site Survey

## **Anya Grahn**

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**From:** Brian Van Hecke <bvhutah@gmail.com>  
**Sent:** Monday, July 22, 2013 12:18 PM  
**To:** Anya Grahn  
**Cc:** Thomas Eddington  
**Subject:** 1127 Woodside Avenue

Hi Anya,

Nice speaking with you today regarding 1127 Woodside Avenue and the request to combine 4 Old Town lots.

This is a great historic home that truly represents Park City's long and vibrant history. I've walked by the house for years and always admired it.

As discussed, I would like to express my general concern and the danger of lot combinations in historic Old Town. As you know density is already a major issue within Old Town. Developers and many property owners have been building and/or adding on to homes that are way beyond scale of historic standards.

Although the request to combine the lots may seem reasonable it's very important to only consider lot combinations when true plans are also presented (at the same time) as the basis for the lot combination request. What are the plans of the owner? What is the basis for the request?

I appreciate your review and efforts to help protect historic Old Town Park City. Please help to maintain the historical integrity of Old Town Park City.

Regards,

Brian  
1101 Empire Avenue  
435.901.1500



**PARK CITY**  
1884



## HISTORICAL SIGNIFICANCE

- L** Landmark
- S** Significant



# Planning Commission Staff Report



**Subject:** 7620 Royal Street East  
Third Amended Record of Survey  
Royal Plaza condominiums

**Author:** Kirsten A. Whetstone, AICP

**Date:** August 14, 2013

**Type of Item:** Administrative – Condominium Record of Survey Amendments

## **Summary Recommendations**

Staff recommends the Planning Commission conduct a public hearing, discuss an application for an amendment to the Royal Plaza condominiums record of survey plat, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft Ordinance.

## **Topic**

**Applicant:** Robert Wells, Deer Valley Resort Company, representing the Owner of Unit 401 and the Royal Plaza HOA

**Zoning:** Residential Development as part of the Deer Valley Master Planned Development (RD-MPD)

**Adjacent Land Uses:** Condominiums, support commercial, offices, ski terrain of Deer Valley Resort

**Reason for Review:** Amendments to condominium record of survey plats require Planning Commission review and recommendation to City Council.

## **Proposal**

The owner of Royal Plaza condominiums Unit 401 and the Royal Plaza HOA are requesting an amendment to the record of survey plat to convert limited common deck and chimney area to private area for Unit 401. There is a net increase of approximately 66 square feet of private area for the unit. The Homeowner's Association voted to approve the revisions and the required amendment to the record of survey.

## **Background**

Royal Plaza Condominiums are located on Lot A of the Silver Lake Village No. 1 Subdivision. The Subdivision was recorded in November 8, 1989. The condominium record of survey plat was recorded on April 4, 1991. The property was developed, subject to requirements and restrictions of the Deer Valley Master Planned Development (MPD) as a mixed use condominium building with residential, commercial, and office uses with underground structured shared parking.

Lot A was approved in the MPD for seven residential units or 7 Unit Equivalents (UEs)

using the table in the Land Management Code at the time of development. The subdivision plat includes a note that allows 14,400 square feet of commercial/offices uses on Lot A. An additional 5% floor area (1,390 sf) is allowed for support commercial and an additional 5% (1,390 sf) is allowed for meeting space per the MPD. Thirteen residential units were developed under the unit equivalent option as 9 one- bedroom units, 2 two-bedroom units, and 2 three-bedroom units equating to 7.27 UE.

On June 27, 2002, the City Council approved the 1<sup>st</sup> Amended Royal Plaza record of survey plat to identify and add commercial space within the building. The first amended Royal Plaza record of survey plat was recorded on April 30, 2003. Unit 401 was not changed by the First Amended plat.

On September 3, 2009 the City Council approved the 2<sup>nd</sup> Amended Royal Plaza record of survey plat for the following revisions: 1) convert 150 sf of limited common deck area appurtenant to Units 301 and 309 into private space for Unit 309, 2) convert 425 sf of common area (within the existing walls and roof of the building) to private area for Unit 402, 3) convert 346 sf of limited common deck area appurtenant to Unit 402 as private area for this Unit, and 4) convert 151 sf of private space currently within Unit 402 to limited common deck area. The total residential UE allowed after the 2<sup>nd</sup> Amended plat was 7.622. The 2<sup>nd</sup> Amended plat increased the existing private floor area for 301, 309, and 402 by 705 sf (0.352 UE). Unit 401 was not changed by the Second Amended plat.

Concurrent with the Second Amended plat was an approval to amend the Deer Valley MPD to transfer 1,038 sf of unallocated, un-built commercial UE from Silver Lake to Royal Plaza to resolve the discrepancy in the square footage of built UE as compared to MPD allowed UE. The MPD (Eleventh Amended) currently allows for 7.6215 residential UE (15,243 sf) residential, 14,400 sf (14.4 UE) commercial, in addition to allowed support commercial and support meeting space.

On June 28, 2013, an application for a plat amendment was submitted to the Planning Department requesting to convert 66 square feet of existing limited common deck area to private area for Unit 401. Unit 401 currently contains 2,124 sf of private area (1.096 UE). The requested amendment would add 66 sf (0.03 UE) of private area for a unit size of 2,190 sf (1.099 UE).

**Analysis**

Zoning for the property is Residential Development (RD) and the property is subject to Deer Valley MPD, as amended. The following is an analysis of the proposed amendment per requirements of the LMC and MPD.

	<b>Permitted through MPD/CUP</b>	<b>Proposed</b>
Height	Zone height is 33' with pitched roof. Existing height is 59' - Height exception was granted in the Master	No additional building height is proposed. All proposed construction would be within the existing

	Plan for Lot A.	building envelope and roof structure. <b>No change</b>
Front setback	4' to 29' to Lot Boundary. 30' to Royal Street ROW per MPD and plat	No construction is proposed into the existing front setbacks. <b>No change</b>
Rear setback	0' to 5' to Lot boundary per MPD and plat	No construction is proposed into the existing rear setbacks. <b>No change</b>
Side setbacks	0' to 5' to Lot boundary per MPD and plat	No construction is proposed into the existing side setbacks. <b>No change</b>
Residential Unit Equivalents and Floor Area	Approved for 7.6215 UE constructed as 13 Units under the MPD unit equivalent option. Existing residential unit floor area is 15,243 sf.	Request to increase by 66 sf (0.03 UE) to 15,309 sf. Rounding to tenths of UE the increase is 7.62 to 7.65 UE. <b>Staff finds this increase is diminimus and that an MPD amendment is not required. There is no change in building footprint, height, number of units, number of bedrooms, or parking requirement.</b>
Commercial and Office uses	14,312 sf total commercial space.	No change to commercial, office, meeting, or support uses proposed. 14,400 sf commercial/offices allowed per the subdivision plat. <b>Complies.</b>
Parking	168 total parking spaces- 58 apportioned by easements to Royal Plaza- 15 spaces for the residential units, 43 spaces for the 14,400 allotted commercial space.	No changes are required to the number of parking spaces, as no additional bedrooms are created and proposed unit size does not create added parking demand. <b>No changes.</b>

On August 5, 2013, the Royal Plaza owners association voted to approve and consent to the transfer of limited common space to private space for unit 401(Exhibit D). According to the minutes 97.7% of the voting power of the Association approved the proposal (one unit did not return the ballot).



The change in residential UE of 0.03 UE is diminimus and Staff finds that an MPD amendment is not required. No new building footprint area is created. No new units are created and the MPD concept and configuration of property and uses are not changed. No new uses are created with the plat amendment and only the legal ownership of existing space is modified. The proposed modifications are not substantive and will not have a negative impact on the surrounding area, the Deer Valley project, or the greater Park City community.

### **Department Review**

The application has been reviewed by the Development Review Committee. No additional issues were raised.

### **Alternatives**

- The Planning Commission may forward a positive recommendation to City Council to approve the Third Amended Record of Survey for Royal Plaza as conditioned or amended, or
- The Planning Commission may forward a negative recommendation to deny the plat amendment and direct staff to make findings for this decision, or
- The Planning Commission may continue discussion and action on the plat amendment to a future date.

### **Notice**

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

### **Public Input**

Staff has not received any public input at the time of this report.

### **Future Process**

Approval of this plat amendment by the City Council would constitute Final Action that may be appealed following the procedures found in LMC 15-1-18.

### **Recommendation**

Staff recommends the Planning Commission conduct a public hearing, discuss an application for an amendment to the Royal Plaza condominiums record of survey plat, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft Ordinance.

### **Exhibits**

#### **Ordinance**

- Exhibit A- Proposed Record of Survey plat (see also 11 by 17 plat attached separately)
- Exhibit B- Floor Plans and Elevations showing proposed changes
- Exhibit C- Minutes of HOA meeting approving the changes
- Exhibit D- Recorded Royal Plaza Plat
- Exhibit E- SBWRD letter

**DRAFT Ordinance No. 13-**

**AN ORDINANCE APPROVING THE THIRD AMENDMENT TO THE ROYAL PLAZA CONDOMINIUM RECORD OF SURVEY PLAT LOCATED AT 7620 ROYAL STREET EAST, PARK CITY, UTAH.**

WHEREAS, the Royal Plaza Owner's Association and the owner of property known as Unit 401 Royal Plaza Condominiums, located on Lot A of the Silver Lake Subdivision at 7620 Royal Street East, have petitioned the City Council for approval of a plat amendment to convert 66 sf of limited common deck area for Unit 401 to private area for Unit 401; 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 August 14, 2013 to receive input on the proposed amendment to the record of survey plat;

WHEREAS, the Planning Commission, on August 14, 2013 forwarded a recommendation to the City Council; and,

WHEREAS, on September 5, 2013, the City Council held a public hearing on the proposed amendment to the record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed amendment to the Royal Plaza condominiums record of survey plat.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Royal Plaza condominium record of survey plat 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 7620 Royal Street and is Unit 401 of the Royal Plaza condominiums.
2. The Royal Plaza condominium building is located on Lot A of the Silver Lake # 1 Subdivision. The subdivision plat was recorded on November 8, 1989.
3. On April 4, 1991, a record of survey plat was recorded creating 13 residential condominiums (7.269 UE) and 13 commercial/office condominiums identifying private, common, and limited common areas with underground shared parking to be known as the Royal Plaza Condominium plat.

4. Unit 401 was platted with 2,124 square feet of private living area.
5. The property is located within the Residential Development (RD-MPD) zoning district and is subject to the Deer Valley Master Planned Development (MPD), that sets forth maximum densities, location of densities, allowed uses, developer-offered amenities, and other conditions for the entire Master Plan. The property is located within the Silver Lake Community of the MPD.
6. On June 27, 2002, the City Council approved the 1<sup>st</sup> Amended Royal Plaza record of survey plat to identify and add commercial space within the building. The first amended Royal Plaza record of survey plat was recorded on April 30, 2003.
7. Unit 401 was not changed by the First Amended plat.
8. On September 3, 2009, the City Council approved the 2<sup>nd</sup> Amended Royal Plaza record of survey plat to 1) convert 150 sf of limited common deck area appurtenant to Units 301 and 309 into private space for Unit 309, 2) convert 425 sf of common area (within the existing walls and roof of the building) to private area for Unit 402, 3) convert 346 sf of limited common deck area appurtenant to Unit 402 as private area for this Unit, and 4) convert 151 sf of private space currently within Unit 402 to limited common deck area. The total residential UE allowed after the 2<sup>nd</sup> Amended plat was 7.622 UE. The 2<sup>nd</sup> Amended plat increased the existing private floor area for 301, 309, and 402 by 705 sf (0.352 UE). The plat was recorded on February 1, 2010
9. Unit 401 was not changed by the Second Amended plat.
10. Concurrent with the Second Amended plat was an approval to amend the Deer Valley MPD to transfer 1,038 sf of unallocated, un-built commercial UE from Silver Lake to Royal Plaza to resolve the discrepancy in the square footage of built UE as compared to MPD allowed UE. The MPD (Eleventh Amended) currently allows for 7.6215 residential UE (15,243 sf) residential, 14,400 sf (14.4 UE) commercial, in addition to support commercial and meeting space.
11. On June 28, 2013, an application for a plat amendment was submitted to the Planning Department requesting to convert 66 square feet of existing limited common deck area to private area for Unit 401. Unit 401 currently contains 2,124 sf of private area (1.096 UE- rounds to 1.1 UE). The requested amendment would add 66 sf (0.03 UE) of private area for a unit size of 2,190 sf (1.099 UE- rounds to 1.1 UE).
12. The change in residential UE of 0.03 UE is diminimus and an MPD amendment is not required. No new building footprint area is created. No new units are created and the MPD concept and configuration of property and uses is not changed. No new uses are created with the plat amendment and only the legal ownership of existing space is modified. The proposed modifications are not substantive and will not have a negative impact on the surrounding area, the Deer Valley project, or the greater Park City community.
13. The State Condominium Act requires a vote of the condominium owners and approval of the amendment by 2/3 of the condominium owners.
14. On August 5, 2013, the Royal Plaza owners association voted to approve and consent to the transfer of limited common space to private space for unit 401. According to the minutes, 97.7% of the voting power of the Association approved the proposal (one unit did not return the ballot). Additionally, the owners voted to

authorize and direct Mr. Wells to execute an amendment to the Declaration of Condominium and to make submittal to the City for a record of survey plat amendment.

15. The existing parking garage contains 168 parking spaces apportioned by easements to Royal Plaza (58 spaces), Mt. Cervin (35 spaces), and Deer Valley Resort ( 75 spaces). The Royal Plaza residential parking space allocation of 15 is based on a rate of 1 space for each of the 9 one bedroom units, 1.5 spaces for each of the 4 two and three bedroom units. The number of bedrooms does not increase with the expansion. There is sufficient parking to accommodate the proposed expansions and no additional parking demand is created.
16. The proposal is unique in that there is no increase in building footprint or units and no impacts on the use or developed space at Royal Plaza. Only legal ownership of existing space is modified. The proposal is not precedent setting.
17. Findings in the staff analysis section are included herein.

#### Conclusions of Law:

1. There is good cause for this record of survey plat amendment.
2. The record of survey plat amendment is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. As conditioned, the record of survey plat amendment is consistent with the current Eleventh Amended and Restated Deer Valley MPD.
4. The proposed record of survey plat amendment will materially injure neither the public nor any person.
5. Approval of the record of survey 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 record of survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is granted by the City Council.
3. All conditions of approval of the Deer Valley MPD, Silver Lake Village No. 1 Subdivision Parcel A, and Royal Plaza condominium record of survey plat shall continue to apply.
4. All construction subject to this plat amendment requires a Building Permit and approvals from the Building and Planning Departments.
5. A plat note shall be added requiring maintenance of all required elements of the fire protection plan, including residential fire sprinkler systems.

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

PASSED AND ADOPTED this \_\_\_\_ day of September, 2013.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Dana Williams, MAYOR

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491 as required under the provisions of the Utah Condominium Ownership Act. I have prepared this record under my direction in accordance with the provisions of the Utah Condominium Ownership Act.

Date \_\_\_\_\_  
 John Demkowicz

LEGAL DESCRIPTION

UNIT 401, ROYAL PLAZA, a Utah Condominium Project, together with its undivided apartment ownership Condominium Project, hereby certifies that he has caused this survey to be made, and this Third Amended Record of Survey Map to be prepared and consents to the recodification of this Third Amended Record of Survey Map. Royal Plaza recorded April 4, 1991, as Entry No. 338954 and the Declaration of Condominium for Royal Plaza recorded April 4, 1991, as Entry No. 338955. In Book 801 of Page 788 of the official records, in the office of the Summit County recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of Unit 401, ROYAL PLAZA, a Utah Condominium Project, hereby certifies that he has caused this survey to be made, and this Third Amended Record of Survey Map to be prepared and consents to the recodification of this Third Amended Record of Survey Map. In witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

By: Peter DeStato, Owner

ACKNOWLEDGMENT

State of \_\_\_\_\_  
 County of \_\_\_\_\_  
 On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, personally appeared before me, the undersigned Notary Public, in and for said county and state. Having been duly sworn, Peter DeStato, Declaration 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 I, the undersigned representative of the herein described Condominium Project, have caused this survey to be made, and this Third Amended Record of Survey Map to be prepared and consents to the recodification of this Third Amended Record of Survey Map. In witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

By: Robert W. Wells, Secretary/Treasurer

ACKNOWLEDGMENT

State of \_\_\_\_\_  
 County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, personally appeared before me, the undersigned Notary Public for said county and state, Robert W. Wells, Secretary/Treasurer of the ROYAL PLAZA CONDOMINIUM ASSOCIATION, and that he signed the above Owner's Declaration and Consent to Record for, on, and in behalf of all of the unit owners of the ROYAL PLAZA CONDOMINIUM ASSOCIATION, and that he signed the above Owner's Declaration and Consent to Record for, on, and in behalf of the name Royal Plaza Owners Association, Inc.) in accordance with the Utah Condominium Ownership Act.

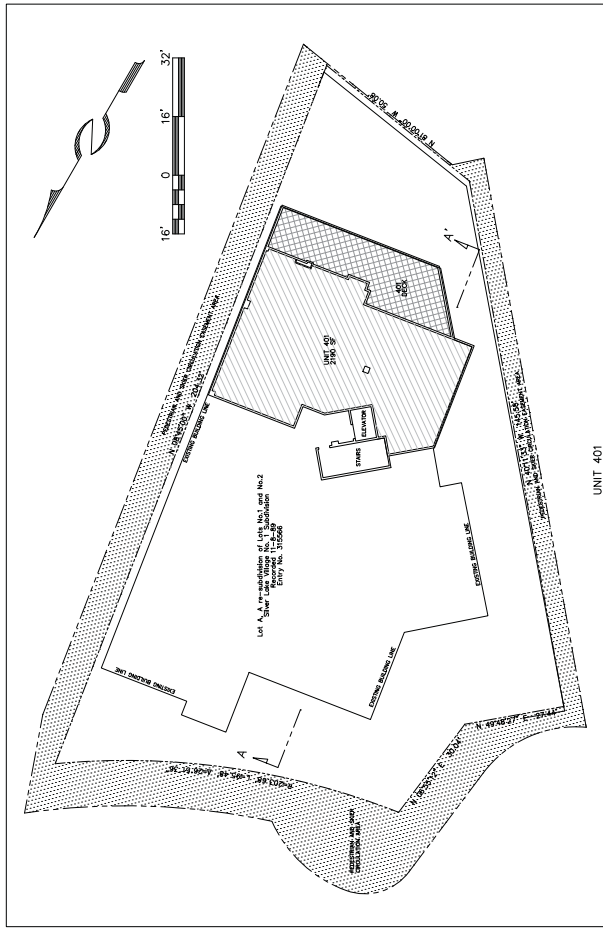
Notary Public \_\_\_\_\_  
 Residing in \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

LEGEND

- PRIVATE OWNERSHIP
- COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP
- RESIDENTIAL AND NON-RESIDENTIAL OCCUPATION ELEMENT

THIRD AMENDED  
 RECORD OF SURVEY MAP  
**ROYAL PLAZA**  
 A UTAH CONDOMINIUM PROJECT  
 LOCATED IN SE 1/4 OF SECTION 8 & SW 1/4 OF SECTION 9  
 T2S, R4E, SALT LAKE BASE & MERIDIAN

40101 JOB NO.: 12-2-13 FILE: X:\Shared\010102\04\04\02013\122415.dwg  
 SHEET 1 OF 2



NOTES

- The attached Amended Record of Survey Map reflects the change of ownership of Unit 401, and except as shown on this plan, no other changes to the Condominium Project are being made.
- All other conditions of approval of the ROYAL PLAZA Condominiums, recorded April 4, 1991, as Entry #33894 in the Summit County Recorder's Office, shall remain in full force and effect.
- The dimensions of the private areas and survey features of the ROYAL PLAZA Condominiums (see Note 1), and from drawings supplied by the ROYAL PLAZA Condominium Association, shall be used to determine the private ownership area of the units will be as constructed.
- All structural elements are designated as common areas.
- The street address of Royal Plaza Condominiums is: 7620 Royal Street, ESK.
- Maintenance of all required elements of the fire protection plan, including residential fire sprinkler system shall be required.
- The units of this condominium are served by a Common Private Lateral Wastewater Line. The Royal Plaza Condominium Association shall be responsible for the operation and maintenance of all Common Private Wastewater Lines.

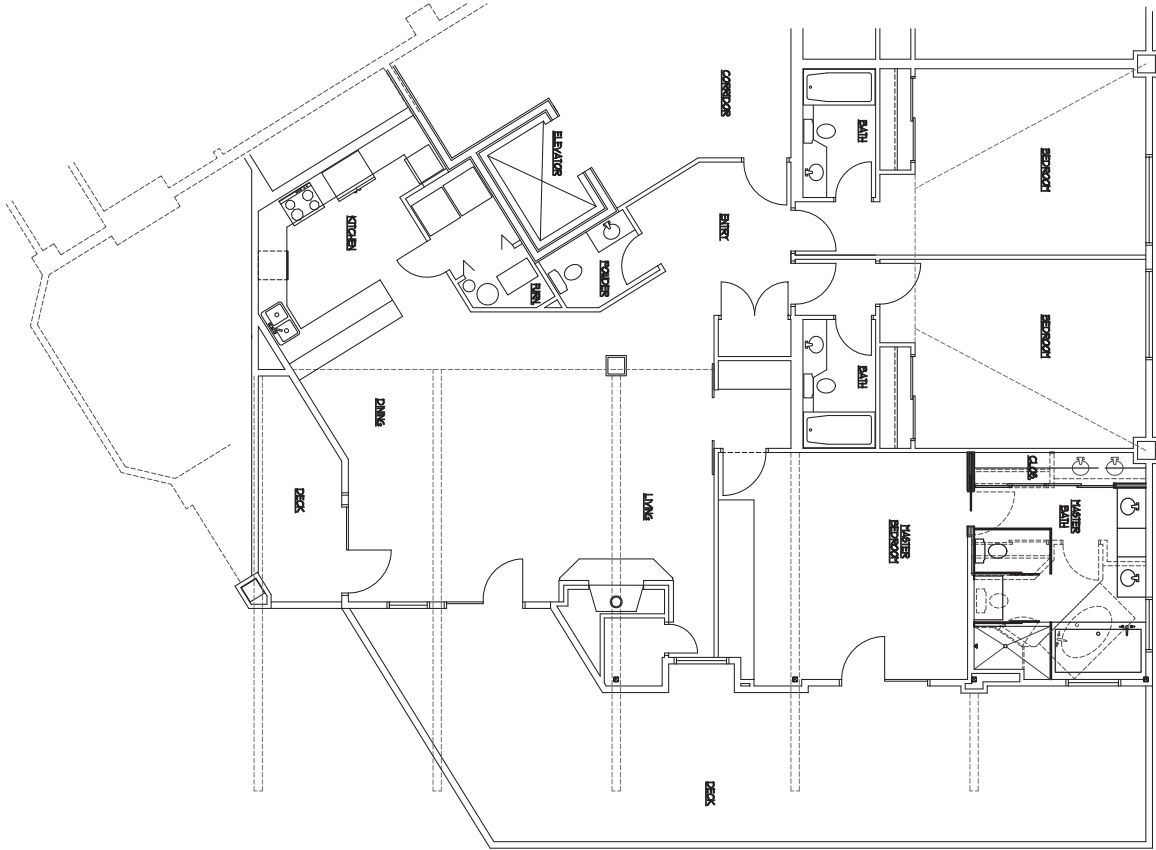
<p>RECORDED                  STATE OF UTAH, COUNTY OF SUMMIT, AND FILED                  AT THE REQUEST OF _____                  DATE _____ TIME _____ BOOK _____ PAGE _____                  ENTRY NO. _____ FEE _____ RECORDER _____</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE                  APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2013 A.D.                  BY: HAYOR</p>	<p>CERTIFICATE OF ATTEST                  I, _____, CLERK OF THE CITY OF PARK CITY, DO HEREBY CERTIFY THAT THIS RECORD OF SURVEY MAP WAS FILED IN MY OFFICE THIS _____ DAY OF _____, 2013 A.D.                  BY: PARK CITY RECORDER</p>	<p>APPROVAL AS TO FORM                  APPROVED AS TO FORM THIS _____ DAY OF _____, 2013 A.D.                  BY: PARK CITY ATTORNEY</p>	<p>ENGINEER'S CERTIFICATE                  FIND THIS PLAN TO BE IN ACCORDANCE WITH THE UTAH PLANNING COMMISSION THIS _____ DAY OF _____, 2013 A.D.                  BY: PARK CITY ENGINEER</p>	<p>PLANNING COMMISSION                  APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2013 A.D.                  BY: CHAIR</p>	<p>SYNDERVILLE BASIN WATER RECLAMATION DISTRICT                  REVIEWED FOR CONFORMANCE TO SYNDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2013 A.D.                  BY: S.B.W.R.D.</p>
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(435) 444-4447  
  
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
 222 Main Street P.O. Box 2664 Park City, Utah 84002-2664

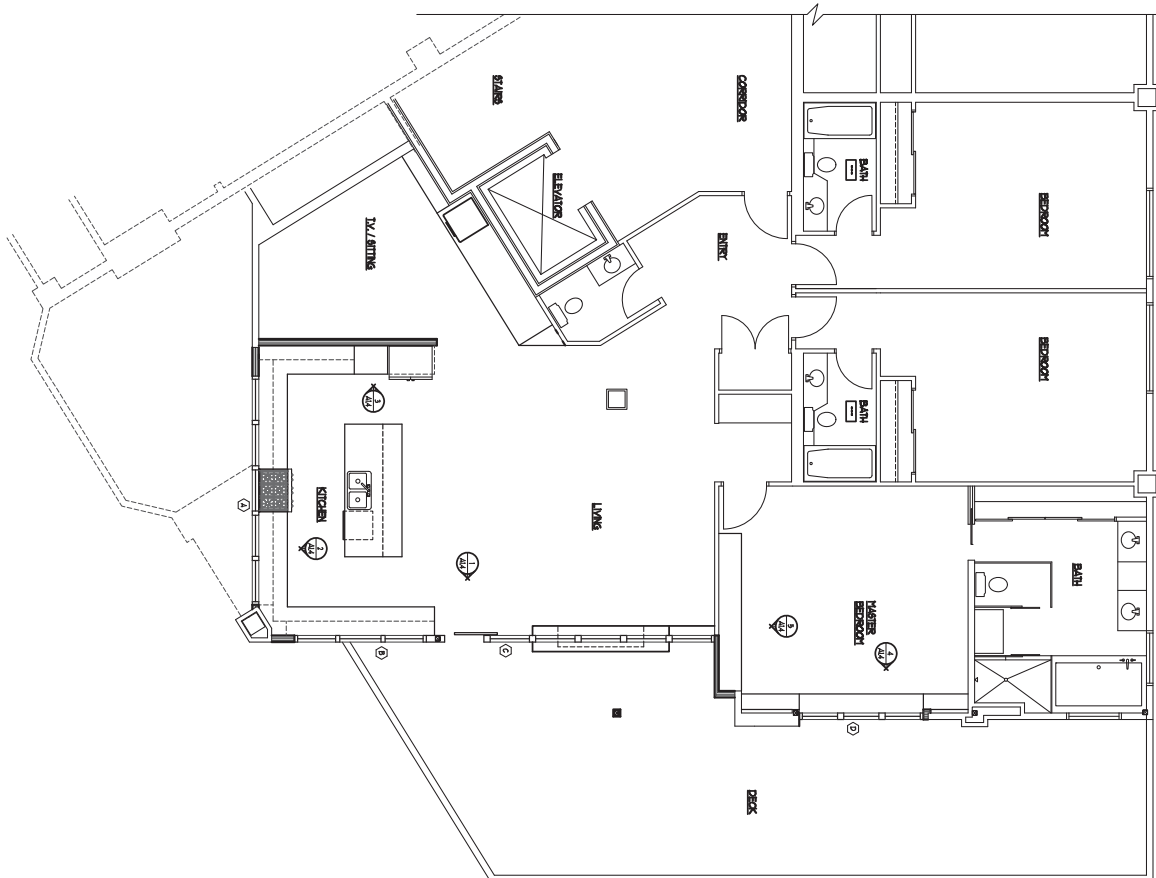


# EXHIBIT B

EXISTING CONDITIONS FLOOR PLAN - UNIT #401



PROPOSED FLOOR PLAN - UNIT #401



A1  
DRAWING 1 OF 1

UNIT #401 INTERIOR RENOVATION - PHASE 2  
 ROYAL STREET PLAZA  
 Planning Commission - August 14, 2013  
 7620 ROYAL STREET EAST DEER VALLEY, PARK CITY, UTAH



Tel: (801) 374-0800  
 Fax: (801) 374-0805

Alan R. Poulson  
 Ronald B. Jones  
 Bruce T. Fallon

Date: April 30, 2013  
 Revision:

This drawing is the property of WPA Architecture and is not to be reproduced without consent. © WPA ARCHITECTURE

# ROYAL PLAZA



ROYAL PLAZA - UNIT #401 - EXISTING SOUTH ELEVATION ✓



ROYAL PLAZA - UNIT #401 - PROPOSED SOUTH ELEVATION

RECEIVED  
JUN 28 2013  
PARK CITY  
PLANNING DEPT.



# EXHIBIT C

## SPECIAL MEETING OF OWNERS of ROYAL PLAZA OWNER'S ASSOCIATION, INC.


### Minutes:

A Special Meeting of the owners of Royal Plaza Owner's Association was held at 9:00 AM on Monday, August 5, 2013 at 7620 Royal Street East, Suite 205, Park City, Utah to consider the proposal of Peter Desoto to amend the Declaration of Condominium and the Record of Survey Map for Royal Plaza Condominiums as described in the Notice of Special Meeting attached hereto.

Present in person were Robert W. Wells, Vice President of the Board of Trustees of the Association, Lessing S. Stern, President of the Association and Debra Cole, Secretary – Treasurer of the Association. The meeting was called to order by Vice President Wells. Vice President Wells indicated that proper notice of the Special Meeting had been given by mailing a copy of the Notice, with attachments, to all of the unit owners on July 17, 2013. Mr. Wells advised that the three Trustees present represent 60.525% of the voting power of the Association either in their personal capacity or as officers of unit owners' Deer Valley Resort Company, Royal Street Corporation, or Royal Street Land Company and that a quorum was present for the Special Meeting. The Trustees present have executed proxies and ballots for the 60.525% voting power that they represent in favor of the proposal. Mr. Wells further indicated that he was holding executed proxies and ballots from 8 of the 9 remaining Unit owners, with one Unit indicating a vote at the discretion of the Board of Trustees and the remainder of the Units voting for the proposal. One Unit had not returned their ballot. Mr. Wells moved to vote the one discretionary proxy in favor of the proposal. Ms. Cole seconded and the motion passed unanimously. Mr. Wells announced that 97.7% of the Units and voting power of the Association had approved the proposal. There was no opposition communicated regarding the proposal. All proxies and ballots are attached to these minutes.

Ms. Cole moved that Mr. Wells, as Vice President, be authorized and directed to execute an Amendment to Declaration of Condominium and an Amendment to Record of Survey Map for Royal Plaza, a Utah condominium project, Park City, Summit County, Utah, on behalf of the Association and to cause said Amendments to be recorded in the office of the Summit County, Utah Recorder, consistent with the information provided in the Notice of this Special Meeting.

There being no further business, the Special Meeting was adjourned at approximately 9:15 AM, August 5, 2013.

  
Robert W. Wells, Vice President

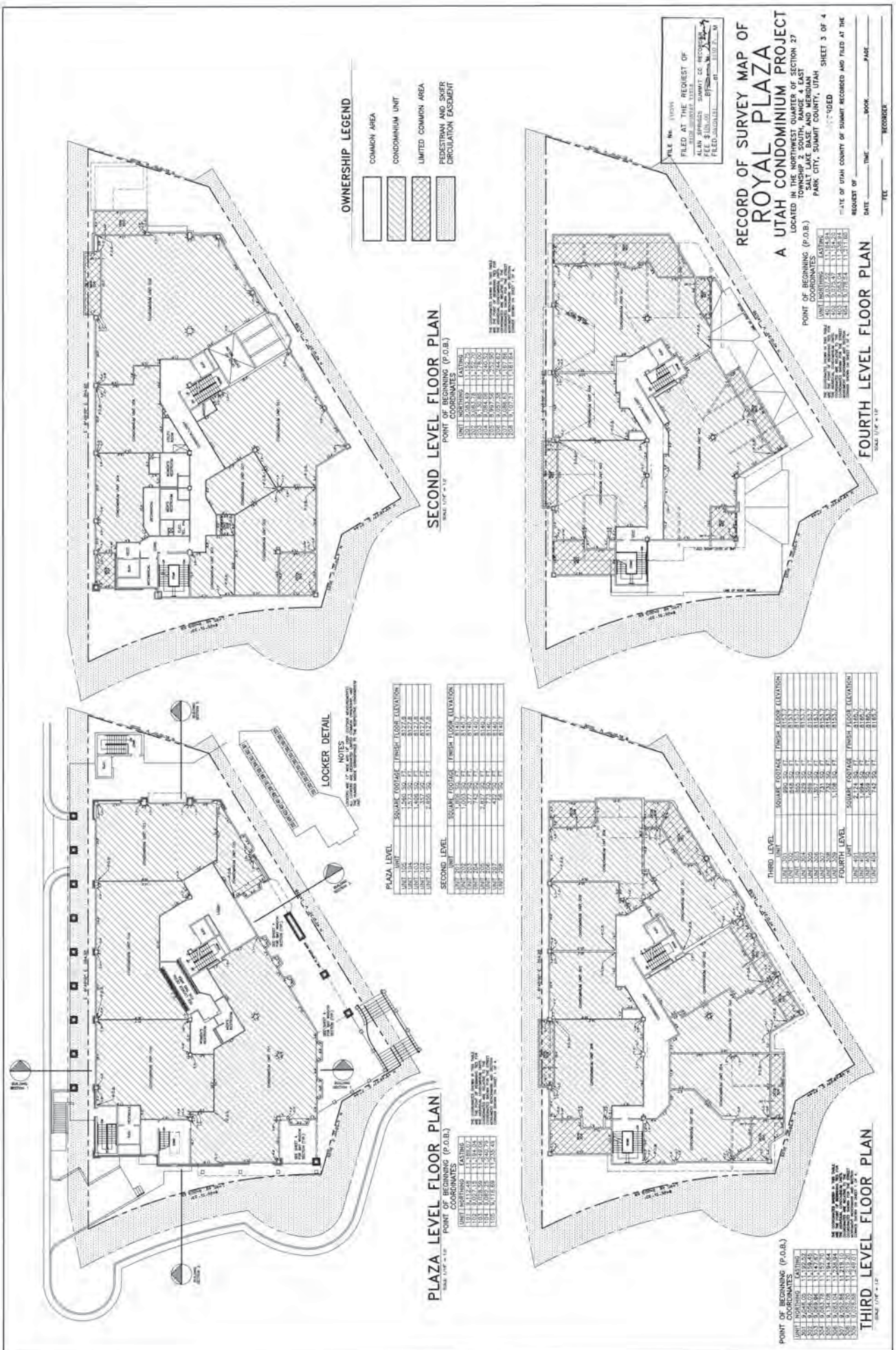


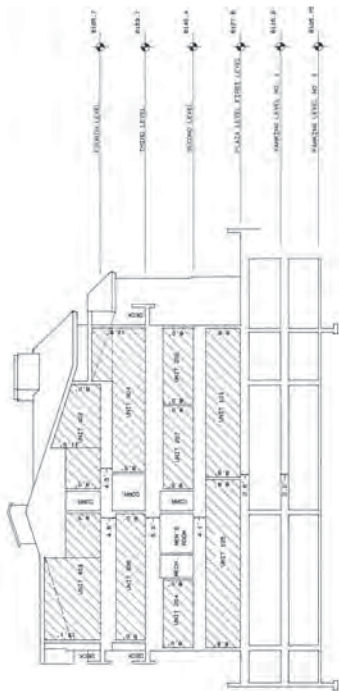
Royal Plaza Homeowners				
Unit 401 Proposal				
7/16/2013				
		7/16/2013	Formula:	
		Ballot Vote	YES Votes	
Unit #	Ballot Received	YES / NO	Ownership %	
Unit X	8/5/2013	YES	12.179%	
Unit X	7/30/2013	YES	1.114%	
Unit X	7/30/2013	YES	4.387%	
Unit X	7/30/2013	YES	4.908%	
Unit X	7/30/2013	YES	4.868%	
Unit X	7/30/2013	YES	5.635%	
Unit X	7/30/2013	YES	3.130%	
Unit X	7/30/2013	YES	1.176%	
Unit X	7/30/2013	YES	2.315%	
Unit X	7/30/2013	YES	8.821%	
Unit X	7/30/2013	YES	2.412%	
Unit X	7/30/2013	YES	1.317%	
Unit X	7/30/2013	YES	0.175%	
Unit X	7/26/2013	YES	3.089%	
Unit X	7/31/2013	YES	2.646%	
Unit X	7/31/2013	YES	2.668%	
Unit X	7/26/2013	YES	2.587%	
Unit X	7/30/2013	YES	2.712%	
Unit X	7/31/2013	YES	4.234%	
Unit X	7/30/2013	YES	2.281%	
Unit X	7/29/2013	YES	2.284%	
Unit X	7/26/2013	YES	3.925%	
Unit X	7/31/2013	YES	6.628%	
Unit X	7/26/2013	YES	7.954%	
Unit X	7/29/2013	YES	4.241%	* At Discretion of Board
Unit X	No response		0.000%	
			97.686%	



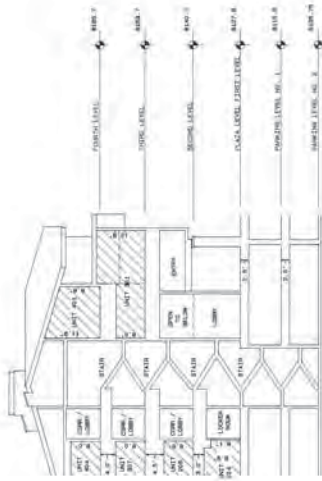




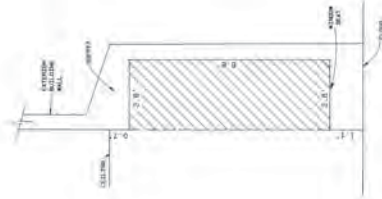




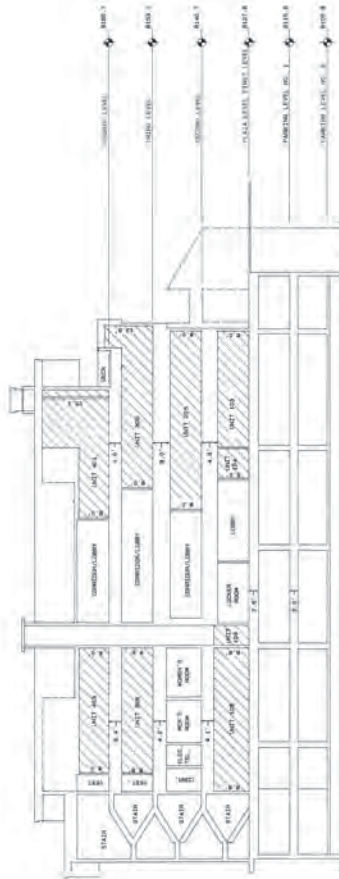
BUILDING SECTION No. 1  
SCALE 1/8" = 1'-0"



BUILDING SECTION No. 3  
SCALE 1/8" = 1'-0"



BAY WINDOW SECTION  
SCALE 1/8" = 1'-0"



BUILDING SECTION No. 2  
SCALE 1/8" = 1'-0"

RECORD OF SURVEY MAP OF  
**ROYAL PLAZA**  
A UTAH CONDOMINIUM PROJECT

LOCATED IN THE NORTHWEST QUARTER OF SECTION 27  
TOWNSHIP 2 SOUTH, RANGE 4 EAST  
SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

RECORDED

STATE OF UTAH COUNTY OF SUMMIT RECORDED AND FILED AT THE

REQUEST OF

DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

FEE \_\_\_\_\_ RECORDED

FILE NO. 201305  
FILED AT THE REQUEST OF  
ALAN SPRINGS SUMMIT CO. RECORDER  
FEE \$ 150.00  
FILED JANUARY 14 2013





SNYDERVILLE BASIN

**WATER RECLAMATION DISTRICT**

2800 HOMESTEAD RD, PARK CITY, UT 84098

WWW.SBWRD.ORG

T 435-649-7993

F 435-649-8040

July 16, 2013

Alan Poulsen  
WPA Architecture  
475 North Freedom Boulevard  
Provo, UT 84601

Subject: Royal Plaza, Third Amended  
Plat Review

Dear Mr. Poulsen,

The Snyderville Basin Water Reclamation District (SBWRD) has reviewed the referenced plat. The plat conforms to SBWRD requirements. We are therefore ready to sign the plat.

Please contact me at ext. 245 to schedule a time for plat signing.

Sincerely,

Bryan D. Atwood, P.E.  
District Engineer

cc: Kirsten Whetstone, PC Planning  
Alliance Engineering  
Plat Review File