

**PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION  
CITY COUNCIL CHAMBERS  
MARCH 12, 2014**



## AGENDA

**MEETING CALLED TO ORDER AT 5:30PM**

**ROLL CALL**

**ADOPTION OF MINUTES OF FEBRUARY 26, 2014**

**PUBLIC COMMUNICATIONS – *Items not scheduled on the regular agenda***

**STAFF/BOARD COMMUNICATIONS AND DISCLOSURES**

Print and Deliver Packet Process

**CONTINUATION**

901 Norfolk Ave.—Plat Amendment

PL-13- 02180

*Public Hearing—Continuation to April 9, 2014*

**REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below***

Election of New Chair Person

Election of New Vice Chair Person

2519 Lucky John Drive – Plat Amendment

PL-13-01980

35

*Public hearing and possible recommendation to City Council on April 17, 2014*

Planner

Whetstone

Risner Ridge Subdivision 1 & 2 – Plat Amendment

PL-13-02021

77

*Public hearing and possible recommendation to City Council on April 17, 2014*

Planner

Whetstone

65/71/70 Silver Strike Trail – Belles at Empire Pass ROS Amendment for Units 7/8/17

PL-14-02239

99

*Public hearing and possible recommendation to City Council on April 3, 2014*

Planner

Alexander

300 Deer Valley Loop – Roundabout Subdivision ROS

PL-13-02147

117

*Public hearing and possible recommendation to City Council on April 3, 2014*

Planner

Alexander

1138 Lowell Avenue Plat Amendment

PL-14-02246

171

*Public hearing and possible recommendation to City Council on April 3, 2014*

Planner

Alexander

345 Deer Valley Drive ROS Amendment, Units 5 & 6

PL-14-02237

189

*Public hearing and possible recommendation to City Council on April 3, 2014*

Planner

Alexander

**ADJOURN**

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

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



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PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
FEBRUARY 26, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Preston Campbell, Steve Joyce, John Phillips, Adam Strachan, Clay Stuard

EX OFFICIO:

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

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REGULAR MEETING

**ROLL CALL**

Chair Worel called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Gross who was excused.

Chair Worel welcomed the new Planning Commissioner, Clay Stuard.

**ADOPTION OF MINUTES**

February 12, 2014

Commissioner Joyce referred to page 3 of the Minutes, page 4 of the Staff report, the first paragraph of the 1185 Empire Plat amendment and corrected existing non-historic to read **existing non-historic duplex**.

Chair Worel referred to page 17 of the Minutes, page 18 of the Staff report, last paragraph, and corrected City Attorney Matt Cassel to read **City Attorney Matt Cassel**.

Commissioner Joyce referred to page 27 of the Minutes, page 28 of the Staff report, second to the last sentence, and corrected the spelling semi-four to **semaphore**.

Chair Worel referred to page 18 of the Minutes, page 19 of the Staff report, fourth line from the bottom, and corrected convenient store to read **convenience store**.

Commissioner Joyce referred to page 38 of the Minutes, page 40 of the Staff report, fourth paragraph, and corrected back of the lock to read **back of the lot**.

MOTION: Commissioner Joyce moved to APPROVE the minutes of February 12, 2014 as amended. Commissioner Phillips seconded the motion.

VOTE: The motion passed. Commissioner Strachan abstained since he was absent from the February 12<sup>th</sup> meeting.

## **PUBLIC INPUT**

There were no comments.

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

Director Eddington announced that the final public outreach open house for the General Plan was held the previous evening. Approximately 50 people attended and provided input. The Staff would be presenting the General Plan to the City Council on Thursday and it was scheduled for possible adoption by the City Council the following week.

Director Eddington requested that the Planning Commission appoint a liaison to the Board of Adjustment. The Board typically meets once a quarter. Commissioner Joyce volunteered to be the liaison.

## **CONTINUATIONS(S) – Public hearing and continue to date specified.**

1. 2519 Lucky John Drive – Plat Amendment  
(Application PL-13-01980)

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

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on 2519 Lucky John Drive to March 12, 2014. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. 901 Norfolk Avenue – Plat Amendment (Application PL-13-02180)

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

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on 901 Norfolk Avenue plat amendment to March 12, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

**REGULAR AGENDA** – Discussion, public hearing, action.

**1. 1049 Park Avenue Subdivision  
(Application PL-13-01893)**

Planner Anya Grahn reviewed the application for a plat amendment for the property located at 1049 Park Avenue. A historic house is located on the property. The lot consists of one Old Town lot and an additional two to three feet of the north half of Lot 12, which is directly to the south. The applicant was requesting to remove an interior lot line in order to move forward with renovation plans for the house.

Planner Grahn noted that the existing house encroaches approximately 48 feet on to the neighboring property, which is typical on Park Avenue. When the street was resurveyed all the lot lines shifted and the encroachments occurred. A conditional easement with the neighbor allows them to do maintenance.

Planner Grahn stated that the requested plat amendment was standard procedure for removing an interior lot line. Once the interior lot line is removed, the lot would be slightly larger than a standard Old Town lot; but still relatively small compared to other lots in the neighborhood. In addition to the lot line combination allowing the applicant to move forward with his renovation plan, the City would also gain a ten-foot snow storage easement across the front of the property.

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

Kevin Horn, the project architect, noted that the Staff report did not mention that the applicant had a signed letter from the neighbor giving consent for the plat amendment to move forward.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation for the plat amendment at 1049 Park Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 1049 Park Avenue

1. The property is located at 1049 Park Avenue within the Historic Residential (HR-1) Zoning District.
2. The applicants are requesting to combine the north five (5) feet of Lot 12 and all of Lot 13 of Block 4, Snyder's Addition into one (1) 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.
4. The amended plat will create one new 2,250.04 square foot lot.
5. The existing historic 1,171 square foot home is listed as "Landmark" on the Historic Sites Inventory (HSI).
6. Per Land Management Code (LMC) 15-2.2-4 Historic Structures that do not comply with building setbacks, off-street parking, and driveway location standards are valid Complying Structures. The historic structure is a valid complying structure, though it straddles the property line that separates Lots 12 and 13.
7. The existing historic structure encroaches into the property at 1043 Park Avenue. The degree of the encroachment increases from two feet (2') to three feet (3') from east to west. The total square footage of the encroachment is 47.5 square feet. A conditional easement currently exists to address this encroachment.
8. Any proposed additions to the existing historic home require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.

9. The maximum allowed building footprint allowed on the lot is 991.3 square feet. The applicant intends to construct a new rear addition and renovate the existing historic home. Following the renovation, the total footprint of the house will be 1035.75 square feet; however, only 988.25 square feet of this footprint will be located on the 1049 Park Avenue property. The remaining 47.5 square feet of the encroachment is located at 1043 Park Avenue.

10. The amendment of one and one-half (1.5) lots would be smaller than the average size of lot combinations on Park Avenue and is in keeping with the traditional size of development on the 1000 block of Park Avenue.

11. New additions to the rear of the historic home 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.

12. On May 29, 2013, the Planning Department received a Historic District Design Review (HDDR) application for the renovation of 1049 Park Avenue, which included constructing a new addition at the rear of the historic structure. The HDDR application was approved on July 18, 2013; however, no building permit can be issued prior to the recording of the plat amendment.

13. The approval of the HDDR application was revised on February 10, 2014.

14. There is an existing root cellar and crawlspace beneath the historic building. The applicant intends to replace this makeshift foundation with a new basement foundation. The Planning Director determined that a new basement foundation did not increase the degree of the existing foundation's nonconformity on February 10, 2014. Rather, the replacement of the existing root cellar and foundation with a new basement foundation is maintenance and necessary to ensure the longevity of the historic structure.

15. On January 14, 2014, the applicant applied for a plat amendment in order to move forward with the approved HDDR. The application was deemed complete on February 11, 2014.

#### Conclusions of Law – 1049 Park Avenue

1. There is good cause for this plat amendment.

2. The plat amendment is consistent with the Park City Land Management Code and

applicable State law 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 – 1049 Park 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) years' time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment is recorded with the Summit County Recorder's office.

4. Modified 13-D sprinklers will be required for 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. A 10 foot (10') wide public snow storage easement is required along the street frontage of the lot along Park 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.

#### **2. 7101 Silver Lake Drive – Conditional Use Permit for Lockout Units (Application PL-13-02034)**

Planner Francisco Astorga handed out public comment he had received over the weekend. Due to a personal matter he was out of the office and unable to forward the comments to the Planning Commission prior to the meeting.

Planner Astorga reviewed the application for a conditional use permit modification for 7101 North Silver Lake Drive. A few weeks earlier the Planning Commission held a site visit/work session. Several public hearings were held regarding the conditional use permit modification, at which time the original request was for 85 lockout units. However, the applicant has since requested to reduce the number from 85 to 38 lockout units.

Planner Astorga stated that a lockout unit is an allowed use in the RD District. A nightly rental is also an allowed use in the RD District. However, once the two uses are combined, the nightly rental of a lockout unit becomes a conditional use permit.

Planner Astorga provided background history on the lengthy approval process for the original CUP. The project was appealed to the City Council and the Council remanded it back to the Planning Commission. The Planning Commission eventually approved the CUP on April 28<sup>th</sup>, 2010. The applicant was not able to build within the specified time frame and requested an extension. The extension was appealed to the Planning Commission and the extension was approved. The applicant later came back for a second extension, which was again appealed and approved.

The Staff finds that the two mitigating criteria from LMC Section 15-1-10 relate to parking and traffic. With the current change from 85 units to 38 units, the Staff believes the traffic analysis provided by the applicant was accurate since the number of units has significantly decreased. Planner Astorga noted that the original traffic study indicated that they would have to put signage for traffic coming up the road on the left-hand side. The Staff added as a condition of approval that the applicant would work with the City Engineer to mitigate that aspect.

Planner Astorga stated that parking was another issue that needed to be mitigated. The parking on the lockout unit is simply measured off the overall area of each unit. In 2012 the Planning Commission and the City Council amended the parking Code overall to reduce the number of parking spaces. It was not specifically changed for North Silver Lake. Planner Astorga remarked that based on the square footage of each unit, the parking requirement triggered by the project was still 80 parking spaces, which is what the applicant was proposing.

Planner Astorga explained that the original design of the parking garage was supposed to be a two-floor, two-level parking garage. However, with creative design components the applicant was able to provide 81 parking spaces on one floor; eliminating the floor that was essentially underground. All of the parking spaces comply with Code.

Planner Astorga stated that at the last meeting the Staff was asked to look at the verbatim transcript of the discussion regarding two lockout units. The verbatim transcript was included in the Staff report.

Planner Astorga remarked that a neighborhood group had opposed this project and he understood that the applicant and the neighbors had worked together to reach an agreement. The neighbors had submitted a copy of the specific conditions of approval for the Planning Commission to review regarding the lockout approval. The conditions were drafted by the neighbors and stipulated to by the applicant. Planner Astorga clarified that the specific neighborhood group may not include all members of the public who were in opposition.

Planner Astorga stated that based on the reduced number of lockout units, the Staff recommended that the Planning Commission consider approving the requested use of lockout units.

Rich Lichtenstein introduced himself, Russ Olsen, Steve Brown, David Richmond and John Shirley who were all present on behalf of the applicant. Mr. Lichtenstein reiterated that after several productive meetings with a number of the neighbors they were able to resolve most of their concerns. He believed that many of the neighbors intended to speak this evening and withdraw their objections to the proposed amendment to the CUP.

Mr. Lichtenstein stated that in addition to the reduction of lockout units, there were other mutually agreeable conditions. Mr. Lichtenstein thanked the Staff for their time and effort on all their applications, beginning with the original application. He particularly thanked Planner Astorga for helping them navigate through the process. Mr. Lichtenstein also thanked the Planning Commissioners who attended the site visit.

Russ Olsen, the CEO of Stein Eriksen, stated that Stein Eriksen Lodge has been in Park City/Deer Valley for more than 30 years and he has been involved with the management team for Stein Eriksen Lodge for 28 years. Mr. Olsen noted that he has been involved with the North Silver Lake project for less than two years when Stein Eriksen got involved with Regent Properties. They decided to put the Stein brand on this project because it would compliment what they have at Stein Eriksen Lodge as well as the Chateau across the street from Stein Eriksen Lodge. It was a unique residential project as opposed to a hotel. Stein Eriksen made the decision to become involved with Regent Properties from an operational standpoint.

Mr. Olsen understood that the lockout units have been a source of contention for several months, but they believed that lockouts would be a good use to help sell the units. From previous experience they assumed the buyers would be interested in nightly rentals, and

lockouts would be a natural element to add to the project. Over time they discovered that a number of the buyers did not want or need nightly rentals and for that reason they were able to reduce the number of lockout units originally proposed. Mr. Olsen noted that among many concerns expressed by the neighbors, parking and traffic were the primary concerns. Stein Eriksen Lodge has successfully provided shuttles to reduce the number of cars that come from the airport and the number of cars driving around town. Very few guests and owners bring cars because they have learned that cars are not needed once they arrive. Mr. Olsen stated that the same type of transportation program would be implemented at the Stein Eriksen Residences to reduce the number of vehicles on the road and the number of cars that need to be parked. If people do bring cars, valet parking is used to maximize the parking spaces in the garage.

Mr. Olsen stated that Stein Eriksen would be operating all facilities at the Stein Eriksen Residences, including the dining room, spa and other amenities, the same as they do at Stein Eriksen Lodge. The only difference is that the Residences would not have public space. The intent is only to service the needs of the guests and the owners staying on the property.

Mr. Olsen believed this would be a very successful project, particularly with Stein Eriksen involvement, and they would help insure that the project becomes part of the community without negative impacts.

Commissioner Stuard asked which of the four condominium buildings would contain the lockout units. Mr. Lichtenstein replied that the ones in the center were the only condominiums. The units on the perimeter were homes. Commissioner Stuard understood that there were four distinct buildings in the center. Mr. Lichtenstein stated that the lockouts would be scattered among the four buildings depending on the market and the buyers. Commissioner Stuard wanted to know the existing term of the agreement with Stein Eriksen Lodge. Mr. Olsen stated that it was a ten year agreement at completion of construction with an automatic ten year extension of the agreement. Either party has the option to terminate the agreement after ten years, but it automatically extends if neither party says otherwise.

Chair Worel opened the public hearing.

Isaac Stein, a resident at 6696 Silver Lake Drive, stated that he has had a home in Park City for 35 years and he has seen changes for the better and some for the worst. The over-development of Park City and Deer Valley was high on his list of changes for the worst. Mr. Stein stated that when this project was first proposed in the Val Southwick days it was opposed by most of the neighbors. When they envisioned the 54 unit Lodge they later found out that under the Code a unit is not actually defined and one unit could actually

equal a 6,000 square foot condo. Mr. Stein stated that if he could eliminate this project he would be happy to do so. On the other hand, the project was approved by the Planning Commission and affirmed by the City Council and the neighbors decided to accept the project when it was approved last year and construction was set to begin. When the proposal was submitted for lockouts, the neighbors were faced with a new set of issues. Lockouts may help a project sell faster, but they are not always better for the surrounding community. Mr. Stein stated that in the last several weeks the neighbors have had very constructive conversations with the developer and his representatives, and progress was made in describing the issues of greatest concern to the neighbors, primarily the number of lockout units and operation concerns. Mr. Stein remarked that the developer was very willing to work with the neighbors and he believed they had resolved the issues and addressed their concerns through a set of conditions they could live with.

Mr. Stein stated that five people have been involved in organizing the more formal aspects of hiring counsel over the years to raise their concerns and deal with any legal actions if necessary. They concluded that if the drafted conditions could be approved and included in a binding way, they would withdraw their objections to the project moving forward. Mr. Stein pointed out that other neighbors may still have a different point of view, but he believed he was speaking for many of the neighbors this evening when he said they were prepared to withdraw their objection.

Richard Barros, President of the American Flag HOA, stated that he lives in American Flag. He noted that American Flag is underneath this project and many of the homes would be facing directly up towards the project. Their concern as an HOA was the impact of this large scale development, particularly when they learned about the lockout units. As a result of negotiations and the agreed stipulations, which were provided to the Planning Commission, American Flag no longer opposes the project based on the agreement between the neighbors and the developer.

Nancy Dalaska stated that she lives at Ontario Lodge at 1525 Royal Street. She commended everyone for working with the developer in an effort to reach an agreement everyone could live with. However, she was unsure whether anyone outside of the negotiating group knew what the agreement entailed. Ms. Dalaska requested that the terms of the agreement be made public before the project is approved so everyone has the opportunity to review it.

Chair Worel closed the public hearing.

Commissioner Strachan referred to the back side of the conditions that were handed out, and read number 3, "The applicant may convert two perimeter duplex lots to single family and move two more units in the stacked condominium buildings without increased square

footage. This would permit the project to have 14 perimeter units and 40 stacked condo units.” Commissioner Strachan did not believe that was at all related to lockout units or relative to this application.

Mr. Lichtenstein apologized that those conditions were included for this discussion. They applied to the North Silver Lake condominium plat, which was the next agenda item, and he would address those conditions at that time.

Planner Astorga clarified that the plat that would be reviewed as the next agenda item has a total of 16 units. Ten have been platted or have been proposed to be platted vertically. The other six have not. Planner Astorga understood that one of the conditions from the neighborhood was that they wanted to see all of the units planted vertically. The applicant decided to follow up on that request; however, his engineers and architect were not ready to present the design at this meeting. The applicant would ask the Planning Commission to continue that item until the vertical design for all units is completed. Planner Astorga noted that the page Commissioner Strachan read would be included in the future public hearing for the plat.

Mr. Lichtenstein requested the ability to address the three conditions this evening before the Planning Commission continues the item to a future meeting.

Commissioner Strachan asked Planner Astorga to pull up on the screen the stipulated conditions that were handed out regarding the lockouts.

Commissioner Stuard understood that they were moving towards 14 perimeter units and 40 in the center; however, they were talking about 38 lockout units. He asked for clarification on the total number of front door keys in the center portion of the project. Planner Astorga stated that originally the number of units proposed was 54 units. In 2010 the number of units received a classification of single family dwelling/duplex to a multi-unit condominium. The number of units requested by the applicant at the time was 16 single-family dwellings duplexes and 38 condominiums. Planner Astorga understood that the applicant was considering the possibility of filing an application to shift the number to 14 single-family/duplex and 40 condominiums, which would still total 54 units.

Assistant City Attorney McLean believed the total number was 92 keys, based on 38 lockouts plus 54 units. Planner Astorga clarified that a lockout unit does not have a front door. Commissioner Stuard understood that 92 was the total number of unit keys; however, he was only asking about the number of keys for the 40 condominium units in the center, excluding the 14 perimeter units. Mr. Lichtenstein replied that the total number for the center units would be no more than 78 keys. Planner Astorga pointed out that the

number of 38 lockout units was coincidental. One unit may not have a lockout while another unit may have two.

Commissioner Strachan stated that if the neighbors who are impacted by this project agree that the impacts have been mitigated by the developer, he was comfortable with it. His only question related to Condition #6, which says that the Condominium Declaration cannot be modified by any future amendment without the approval of the Planning Commission. He was unsure whether the Planning Commission should get involved in CC&R amendment battles. Commissioner Strachan remarked that if it is a condition of approval, it should be permanent, just as any other condition, and the applicant is bound by it.

Director Eddington clarified that Condition #6 was only saying that the top five conditions would be noted in the CC&Rs and they could not be removed without Planning Commission approval. Commissioner Strachan believed the problem still remained. Assistant City Attorney McLean concurred with Commissioner Strachan. She advised that if there is a proposed change to the CC&Rs, the Planning Commission should not be involved because the City does not regulate CC&Rs. She suggested adding a condition of approval to the CUP stating that any deviation from or amendments to conditions of approval 1 through 5 must come back to the Planning Commission for approval.

Chair Worel asked if Condition #6 was necessary. Planner Astorga recommended keeping the last sentence of Condition #6. Commissioner Strachan suggested revising Condition #6 to read, "The Condominium Declaration for the project shall contain use restrictions described in Items 1 through 5.

Commissioner Strachan requested to have the Findings and Conditions finalized in a draft ordinance that the Planning Commission could approve. He pointed out that incorporating the five new conditions would change the numbering of all the conditions. He assumed from the comments that the Planning Commission intended to approve the CUP; however he preferred to approve the CUP with a finalized draft ordinance rather than making a motion based on the February 12<sup>th</sup> Staff report as amended by the newly submitted conditions.

Planner Astorga stated that he could draft the action letter with the incorporated conditions while the Planning Commission continued with the agenda items.

Commissioner Phillips commended the applicant and the neighbors for resolving the issues, recognizing that it was a difficult process. He understood that the owners of the Residences would have access to the Lodge; however his concern would be to make sure that over time the shuttles for the Residences are not mistakenly used as a perk for people from the Lodge. He was unsure how that could be enforced.

Mr. Olsen stated that the facilities at the Residences were nowhere near the level of those at Stein Eriksen Lodge. Therefore, there would be no reason for people from the Lodge to want to go to the Residences. He understood the concern that over time things might evolve in that direction, but that was not their intention.

Commissioner Joyce stated that in trying to understand the LMC and the difference between hotels and lockout, one of the differentiations seemed to be whether or not there was a kitchen. It was mentioned that the lockout may have a kitchenette, and he was looking for guidance on how they decide what is a kitchen and what is a kitchenette.

John Shirley, the project architect, stated that each lockout would contain what is called a kitchenette, consisting of a small, under-counter fridge space, a bar sink and a microwave.

Commissioner Joyce asked the Staff how they distinguish between a kitchen and a kitchenette. Planner Astorga replied that once an oven is installed, the kitchenette becomes a kitchen. Without an oven, these units meet the definition of a lockout unit.

Commissioner Stuard followed up on Commissioner Joyce's comments regarding differentiation between types of units. He pointed out that they could end up with 78 potential separate occupancy groups at one time. If they were all single dwelling units they would have two spaces per unit. Commissioner Stuard stated that it was only common sense to know that if 78 occupancy groups are there at one time, it would generate more cars than just 38 or 40 individual units. He thought that issue needed to be addressed. Commissioner Stuard appreciated the efforts Stein Eriksen would make to facilitate parking and transportation, but there was no guarantee that during the maximum period of occupancy there would not be a parking problem at this project.

Planner Astorga stated that the Staff had discussed Commissioner Stuard's concern internally in the Planning Department. The problem is that they have to adhere to the LMC, which indicates that the parking ratio is based off the square footage for multi-unit dwellings. Planner Astorga recognized the problem and informed Commissioner Stuard that those types of issues could be addressed in the re-write of the LMC once the General Plan is adopted.

Mr. Olsen pointed out that the project would have 24-hour valet service at the property, which allows for more cars to be parked than in a public parking garage.

Assistant City Attorney McLean read from the lockout condition of approval #4, "The Condominium Declaration for the project will prohibit construction and structural improvements in the outdoor open space shown on the submitted plat for the project." She

asked if there would not be structures in the open space. Mr. Lichtenstein answered yes. The condition was added to address a concern that was raised about making sure that structures could not be pursued in the open space in the future. Ms. McLean suggested revising the wording to say structures rather than structural improvements.

Planner Astorga had redlined the changes in terms of what needed to be deleted and added. He noted that Finding #7 indicated the reduction from 85 lockout units to 38 lockout units. He also recommended deleting the language in Finding #31 referencing the combination of lockout units since he did not have the actual numbers. He did not believe the language was critical to any possible approval.

Planner Astorga reviewed the redlined conditions of approval. Condition of Approval #4 was replaced by Condition #6. Assistant City Attorney McLean asked Planner Astorga to replace Structural Improvements with the word Structures in Condition #8. Ms. McLean also suggested that the new Conditions 1 through 5 be incorporate first so Condition #10 would make sense. Director Eddington asked Planner Astorga to change the language in Condition #10 to say Conditions 5 through 9 rather than Items 5 through 9.

Commissioner Strachan suggested that the Planning Commission discuss the Round Valley Park City Annexation and give Planner Astorga time to print out the redlines so the Commissioners could clearly see the changes. After six years on this project, he was uncomfortable rushing through the last five conditions without sufficiently reviewing them.

**3. Round Valley Park City Annexation – Annexation of 1,368 acres located in Sections 28, 33, 34 and 35 T1SR43 and Sections 2 and 3, T2SR4E east of US40 and north of SR248 requested zoning is ROS, Recreation Open Space (1,363 acres) and LI, Limited Industrial (5 acres.) (Application PL-13-01893)**

Planner Kirsten Whetstone reviewed the request for annexation and zoning for the Round Valley Park City Annexation and Zoning petition, to annex 1,368 acres. The petition is Park City Municipal and the request is for the Recreational Open Space Zoning (ROS). The petition also requests Light Industrial Zoning (LI) for approximately 5 acres. Planner Whetstone presented a color coded area map. The purple showed the annexation lands with deed restrictions. The green represented annexation lands with conservation easements. She indicated that area requested to be zoned LI, which were border parcels off of SR248.

Planner Whetstone explained that annexations require legislative action. The Planning Commission makes a recommendation to the City Council on both the annexation and the zoning. The City Council takes the recommendation into consideration and also conducts their own review before taking final action on the annexation.

Planner Whetstone noted that this was the initial public hearing on the proposed annexation. She stated that after the petition was submitted there was a question on whether a specific parcel would be part of the annexation. After some discussion the owners decided not to come in with the City and that delayed the process. Planner Whetstone remarked that the City Council accepted the petition in 2013 and the Annexation Petition was certified by the City Clerk. Notices were sent to the Affected Entities informing them that Park City was entertaining an annexation petition. The process requires a 30 day protest period and it must be noticed in the newspaper for three consecutive weeks. No protests were filed with Summit County. The public hearings can now move forward beginning with the Planning Commission.

Planner Whetstone stated that the agenda requests that the Planning Commission continue this item to March 12, 2014. However, she recommended that the Commissioners hold a site visit on March 12<sup>th</sup> and actually continue the item to April 9<sup>th</sup>, at which time the Staff report will be more detailed and address all the requirements of the annexation policy plan.

Heinrich Deters, the Trails and Open Space Project Manager with the Sustainability Department, stated that he oversees open space and trails maintenance. He also works on the property side as the City representative, which was his reason for attending this evening. He was available to answer questions.

Mr. Deters presented a color-coded map. The orange dotted line was the annexation declaration boundary. The yellow was city-owned property. The green identified the current City limits. He indicated an island piece and a larger area shown in yellow that leads out to the recreation areas. Mr. Deters stated that the proposed annexation area is primarily City-owned open space that did not come in with the Park City Heights or Quinn's Junction annexations.

Mr. Deters commented on some of the items for discussion outlined in the Staff report. He noted that the areas proposed for Light Industrial are parcels that were purchased by the City in 2005 specifically for future Public Works. It was a land acquisition recognizing that something like Park City Heights or the movie studio would occur in the near future. Mr. Deters noted that there has been a lot of discussion about how Public Works was being pushed out of town and the maintenance costs associated with it. He explained that the purpose for the City to utilize that property in an area where there would be a signalized light and Park City Heights across the street was good planning for public services and the level of service the constituents have requested.

Mr. Deters presented a slide showing the conservation easements, which was Exhibit C in the Staff report. He noted that most of the conservation easements in Round Valley were exactly the same. In 2005 several conservation easements were granted to Summit Lands Conservancy, and they were basically recreational and open space easements. Mr. Deters presented the purpose statement from one of the easements to show the language. When the easements were granted in 2005 it mirrored the bond language so the voter approved bond and the funds that were used to purchase those parcels mirror one another.

Mr. Deters remarked that the deed restricted parcels came about in different ways; however, most were bonded. He reviewed the different parcels and explained the terms of the deed restriction.

Mr. Deters noted that when the notices were sent, Planner Whetstone received questions from the public asking which ordinances would change if this area were annexed. Mr. Deters stated that since it was mostly Round Valley it was recreational area. He stated that with this annexation the City has an Animal Control Ordinance, Title VII, which was drafted to mirror the County ordinance. Mr. Deters commented on past concerns associated with hunting in the area. The annexation would bring into the City the Discharge Ordinance which would help strengthen hunting enforcement. To address questions about special events, Mr. Deters stated that special event and trail events are already managed by the Special Events Department. The City also has a specific Trail Event Policy already in place. Summit County Health would still oversee events that have food or other items related to the health code. Mr. Deters reiterated that the trails are existing and the City has a service contract with Mountain Trails Foundation to provide trail maintenance and trail construction. They also provide green services for the City. The City provides the land and the groomer and Mountain Trails provides the grooming services.

Mr. Deters commented on a reference to Old Ranch Road in the Staff report. He noted that a trailhead is located on Old Ranch Road and the City has an agreement with Basin Recreation to help with maintenance because their facilities are so close.

Commissioner Joyce recalled previous discussions about possibly using a portion of Round Valley as water storage. He asked Mr. Deters if that was part of this annexation or where it fits in. Mr. Deters identified the area on the map referred to as Round Valley. He noted that the discussion came about as part of a Weber Basin Water group. It is a multi-party regional agreement and the City is a participant. They talked about water storage and that area was identified as a potential location. Mr. Deters remarked that at this point it was only in a study that the City was a participant. He was not prepared to say whether it would actually take place, but if it did, it would go through all the appropriate planning and permitting processes.

Diane Foster, the City Manager, provided clarification on the water issue. She explained that Mr. Deters was not involved in the Western Summit County Water Basin agreement, which was an agreement between Mountain Regional Water, Summit Water, Weber Basin Water Conservancy District, and Park City. Ms. Foster stated that there was a lot of debate during that process that if it ever needed to happen, they would have water storage in a place such as a reservoir, which is significantly different from building storage facilities. The question was who would be the decider. Ms. Foster remarked that at one point it was Weber Basin who makes the decision or a combination of Summit County and Park City. The City Council was very firm in the agreement, that should it ever need to occur in the future it would be a City Council decision, in conjunction with working with the Lands Conservancy. There were questions on whether or not interpretation of the deed restriction would allow a reservoir.

Commissioner Joyce understood that the the storage would be in the annexed land. He asked if annexing would have any effect on how the City would make that decision or how much control they would have. Ms. Foster replied that the City has the power of eminent domain, which is one of the powers available to a City on the issue of reservoirs.

Assistant City Attorney McLean explained that the City owns the land. The only difference is that annexation would not only give the City control as the owner, but also as the regulator. Therefore, it would have to meet the requirements of the LMC and other regulations.

Commissioner Stuard noticed in the Staff report the discussion about whether ROS or POS was the appropriate pre-zoning for this area. He believed that the POS definition fit closer to the reason why the property was acquired. He asked if there were any shortcoming for using POS instead of ROS. Mr. Deters answered no because the two zones were very similar. The restrictive covenants would not allow for most of the things identified in POS or ROS.

Commissioner Stuard stated that he had spoken with Planner Whetstone about the "Gordo" parcels and where they were. He also visited the site to get a better idea. Commissioner Stuard thought it appeared that at least one of the UDOT parcels was bifurcated by the access road straight across from Richardson Flats. The two City parcels are on the left-hand side of the access road and are currently being used for temporary storage of construction materials. He felt it was important to point out for those who were not familiar with the location of those parcels. Commissioner Stuard stated the remaining UDOT parcel appears to be bifurcated by an existing bike/walk path that does not have a lot of usable area. Planner Whetstone agreed. She noted that there is a thin UDOT parcel that runs to the north of the LI parcels. Commissioner Stuard noted that the Staff report

talks about the appropriate pre-zoning being CT rather than LI. In looking at the allowed and conditional uses under the CT Zone, he believed it fit all the potential uses being talked about. Commissioner Stuard pointed out that the LI zoning allowed a much broader range of uses and he questioned whether they would be appropriate in that location.

Commissioner Joyce stated that he came to the same conclusion that the POS zone fit the existing deed restrictions. If there was no downside, he preferred POS because it was consistent with how it was already deeded and protected. Commissioner Joyce had the same concerns with the Light Industrial parcels. He did not believe the allowed uses for the LI zone would be appropriate for such an important entry corridor.

Mr. Deters stated that he works with Public Works and he would like the opportunity to make sure they were comfortable with the POS zoning being proposed by the Commissioners.

Chair Worel stated that she was also uncomfortable with zoning those parcel Light Industrial. She asked if the City needed that space. Mr. Deters replied that snow storage is always an issue and when the water treatment plan went in they found a landowner who allowed the City to store snow at no cost. He explained that the further out of town, the cost of providing those types of services increases. This proposal would provide the opportunity for the City to meet the goal of maintaining the desired level of service without increasing taxes.

Commissioner Joyce understood the intent; however, as much as they were trying to protect the entry corridors, he thought they should start with a more conservative approach. He used the example of UDOT or someone else parking 40 industrial-sized vehicles on the property, which would be very inappropriate for the entry corridor and inconsistent with everything else they were trying to accomplish. Commissioner Joyce understood costs and needs, but he thought the City should live by the same rules as everyone else.

Assistant City Attorney McLean asked Planner Whetstone to point out where the Frontage Protection Zone overlays the parcels. Mr. Deters stated that it was not a factor. Ms. McLean clarified that the LI parcels were not part of the Frontage Protection Zone. She was told that this was correct.

Director Eddington explained that the POS allows for a conditional use for an essential municipal utility. As a conditional use it would have to come back to the Planning Commission without allowing it as a by-right use. Planner Whetstone stated that per the LMC, there is a 250 foot setback requirement within the Entry Corridor Protection Zone. She noted that there were allowances in the CT zone for municipal institutional buildings and uses. The conditional uses have further lot and size requirements that do not exist in

the Light Industrial Zone. She stated that the Staff had the same concerns and they would like input and direction from the Planning Commission. Planner Whetstone offered to provide a comparison matrix for discussion at the next meeting.

Commissioner Joyce stated that as long as the more conservative approach works it should be their default. If they encounter issues or problems by being too conservative, they could specifically address the issues at that time.

Commissioner Strachan clarified that there was no consensus among the Commissioners for CT or LI zoning. He believed the comments only related to POS versus ROS. Commissioner Joyce agreed that there was no consensus, but he personally thought the same concerns applied to the CT versus LI zones. He did not favor having light industrial zoning right up to the street on a magnificent view corridor. Commissioner Strachan concurred. He assumed the decision for POS versus ROS also applied to the Gordo parcels. Commissioner Joyce stated that his comments did not consider the Gordo parcels and he was concerned that they would end up with problems if they applied it to the Gordo parcel.

Director Eddington stated that a conditional use for a municipal facility would have to come before the Planning Commission. Commissioner Strachan pointed out that if it was zoned ROS, municipal facilities 600 square feet or less are allowed, and it would not be required to come before the Planning Commission. Commissioner Strachan did not believe there was any debate over the non-Gordo parcel. They would either stay ROS or POS. He thought the discussion should be focused on the Gordo parcels and how those parcels should be zoned. He personally thought it should be uniform. If the adjacent contiguous and non-contiguous parcels were all zoned ROS or POS, he believed the Gordo parcels should be zoned the same. Commissioner Strachan point out that if the City wants the parcels zoned Light Industrial so it can be used as snow storage, that would not be prohibited in the ROS. Anything over 600 square feet would require Planning Commission review.

Assistant City Attorney McLean suggested that the Staff prepare a chart comparing ROS POS, CT and LI zones for the Planning Commission to use at the next meeting when trying to determine the appropriate zones. She also recommended that the Staff talk with Public Works to inventory their needs and understand their intentions for the parcels. Commissioner Strachan requested that the comparison matrix also show the base density allowed under each zone.

Ms. Foster stated that the City paid a premium for the Gordo parcels and they would not have spent that amount of money if they thought it was going to remain open space. She pointed out that the contemplated use may be a future recycle center. Ms. Foster

suggested that the Commissioners visit the site before deciding on the zoning. She assumed they were not aware of the number of buses Gordo used to store there because it cannot be seen from the road. It is currently used as a staging site for recycling building materials.

Commissioner Campbell remarked that if Light Industrial could be a non-municipal use, he wanted to know if Burt Brothers could go in that location. He was told that it was a possibility. Commissioner Campbell felt that was a good reason to tighten the zoning now to preclude that from occurring in the future. He was willing to look at whatever use the City would like to put in, but he would like to make it more difficult for a non-municipal business, regardless of whether it would be seen from the road.

Commissioner Strachan thought Commissioner Campbell made a great point because as Park City Heights and the movie studio get built out, the demand for commercial and office space would be significant.

Chair Worel opened the public hearing.

Mary Wintzer, 320 McHenry, appreciated the concerns in wanting to keep the zoning tightened up, and she understood Ms. Foster's point. However, in reference to helping the City save money, she believed the more important point was helping the taxpayers save money. Ms. Wintzer thought most of the taxpayers would want the Planning Commission to go in the direction of protecting the entry corridor. Ms. Wintzer stated that if an individual was making this application they would have to follow all the requirements, and she felt the City, as the applicant, should be held to the same restrictions. Ms. Wintzer remarked that another reason for holding the zoning tighter is to give more control and input. She used the salt shed as an example where more control would have produced a better result. The CUP process provides a better chance of avoiding these mistakes. Ms. Wintzer stated that when the extension was made to the City Shop, all of the equipment was parked along the front on the road. She would not want to see the same thing inadvertently occur on the entry corridor. Ms. Wintzer thanked the Planning Commission for thinking ahead.

Chair Worel closed the public hearing.

Commissioner Campbell noted that that skiers, bikers and hikers use that area. If the annexation occurs, He would like to see some type of administrative mechanism put in place to address any problems and ensure that the various groups get along. Commissioner Strachan thought it was a broader issue because the same thing was starting to happen on all of the trails and not just Round Valley.

Assistant City Attorney McLean did not believe that annexation would change the administration unless they change the laws throughout Park City. However, it was a good point that the Staff should take into account.

Mr. Deters stated that it was an etiquette issue and they have tried to address it through trails education. He noted that Commissioner Campbell's point was well taken.

Planner Whetstone remarked that the Staff would organize a site visit to the Gordo parcels on March 12<sup>th</sup>. The Planning Commission should continue this item to April 9<sup>th</sup> for continued discussion and public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on the Round Valley Annexation to April 9, 2014. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

#### **Continuation of discussion on 7101 Silver Lake Drive CUP for lockout units**

The Planning Commission resumed their discussion and review regarding the changes to the findings of fact and conditions of approval for lockout units.

Planner Astorga presented a draft copy of the stipulated findings of fact, conclusions of law and conditions of approval. Copies were provided to the public in attendance. He noted that the word Structures should be capitalized in Condition #8.

Planner Astorga asked if the Commissioners were comfortable with the revision to Finding of Fact #48, which reads, "The proposed use modification, the requested Lockout Units, does not require additional mitigation related to usable open space which has already been addressed in the originally approved CUP (2010) **and Condition of Approval #8.**" The Commissioners accepted the revision as proposed.

Planner Astorga read Conditions 5 through 10 that were proposed by the neighbors and agreed to by the applicant.

**Condition of Approval #5** - The maximum of Lockout rooms permitted in the project is 38, all of which shall be located in the units in the stacked condominium buildings as determined by the applicant. The condominium declaration for the project shall contain a use restriction with this limitation, which use restriction shall not be modified without the written consent of 67% of the owners of the residences located in the following adjacent subdivisions: Evergreen, Bellemont, Belle Harbor, Bellevue and Belleterre.

Condition of Approval #6 – The project is approved as a Multi-Family Dwelling project and not as a Hotel, and the inclusion of 38 lockouts is deemed not to be a change in said Use. All commercial and support units with appurtenant limited common areas shall be restricted to the exclusive use of the owners of units and renters of units (or lockouts) currently in residence at the time of use, and their guests. No advertising of the amenities to the public is permitted. The parking garage for the stacked condominium buildings shall contain 80 spaces, and all parking access for such building during the period in which Deer Valley Resort is open and operating for public skiing each year shall be limited to valet parking at the main porte cochere for the project. At all other times the parking garage may be accessed only by on-site owners of units or renters of a unit or Lockout, and their guests, as well as employees at the project, either by valet service or a mechanized entry system.

Condition of Approval #7 – Group events hosted in the common areas at the Project shall only be permitted if all invited guests are staying at the Project or the host of the event owns a unit at the Project. Such restriction, together with other reasonable restrictions on event hours, use of amplified sound and other precautions typical of those found in CC&Rs for other condominium projects in Deer Valley shall be included in the condominium declaration.

Condition of Approval #8 – The condominium declaration for the project shall prohibit construction of Structures in the outdoor open space shown on the submitted plat for the project.

Condition of Approval #9 – Applicant shall install a dimmer in the project monument sign to allow the brightness to be reduced as appropriate for better compatibility with the neighborhood.

Condition of Approval #10 - The condominium declaration for the project shall contain the use restrictions described in conditions of approval 5-9.

The Planning Commission accepted the conditions as read by Planner Astorga.

Commissioner Campbell referred to condition #9 and asked who would make the decision on the appropriate reduction of brightness for the monument sign. Planner Astorga stated that the applicant has applied for a sign permit and building permit for the monument sign, and it complies with the City ordinance related to monument signs. He noted that the neighbors thought the sign was too bright and the applicant offered to work with the neighbors. Mr. Lichtenstein stated that the current plan is to reduce the lighting up to as much as 40%. They have every intention of making sure the reduction would be satisfactory to the neighbors.

Commissioner Campbell commended the applicant and the neighbors for working together. He believed it helped the Commissioners in their decision. However, he would have preferred to have Condition #9 be more specific.

MOTION: Commissioner Joyce moved to APPROVE the conditional use permit for the lockout units at 7101 Silver Lake Drive based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Phillips seconded the motion.

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

#### Findings of Fact – 1701 North Silver Lake CUP – Lockouts

1. The subject property is at 7101 North Silver Lake Drive, Lot 2B of the North Silver Lake Subdivision.
2. The property is known as Stein Eriksen Residences, formerly known as North Silver Lake Lodge
3. The proposed development is located within the Deer Valley Master Plan Development.
4. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,552 square feet of commercial and support space.
5. In 2010 the Planning Commission approved a Conditional Use Permit (CUP) consisting of fifty four (54) total units; sixteen (16) detached single family dwellings/duplexes and four (4) condominium buildings containing thirty eight (38) private units.
6. The conditions of approval for the CUP reflect that lockout units were not requested at that time, and would require Planning Commission approval, if requested in the future.
7. At this time the applicant requests the use of thirty eight (38) Lockout Units to be located in the four (4) stacked flats, condominium buildings and that nightly rentals be permitted for the lockout units.
8. The original CUP application was before Planning Commission on five (5) different occasions: August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009. The Planning Commission approved the CUP on July 8, 2009.
9. On July 17, 2009, the neighboring property owners submitted an appeal of the CUP approval. The City Council reviewed the appeal on October 15, 2009 and November 12, 2009. During the November 12, 2009 meeting, the City Council remanded the CUP application to the Planning Commission with specific items to be addressed.
10. The Planning Commission reviewed the remand during two (2) work sessions on

November 11, 2009 and January 13, 2010 and two (2) Planning Commission regular agenda meetings on March 10, 2010 and April 28, 2010 to address specific findings of the City Council. The Planning Commission approved the revised CUP with a four to one (4 - 1) vote on April 28, 2010.

11. The April 28, 2010 CUP approval was appealed. The City Council reviewed the appeals on June 24, 2010. All parties stipulated to additional condition of approval #19 that "no lockouts are permitted within this approval". The City Council affirmed and denied in part the Planning Commission's decision to approve the North Silver Lake Lot 2B CUP. The City Council findings were ratified on July 1, 2010.
12. The Land Management Code § 15-1-10(G) allows for two (2) extensions of an approved CUP.
13. On March 17, 2011, the Planning Department received a Request for Extension of the Conditional Use Permit approval. On April 28, 2011, the Planning Director approved the Extension of the Conditional Use Permit for an additional year as conditioned.
14. The Planning Director's approval of the extension was appealed on June 8, 2011. The Planning Commission reviewed the matter de novo and rendered a decision to uphold the Planning Director's decision and grant the extension of the Conditional Use Permit to July 1, 2012.
15. On June 20, 2011, the City Council received a written appeal of the Planning Commission's final action upholding the Planning Director's decision to approve an extension of the development.
16. On July 21, 2011, the appeal was heard by the City Council, who held a quasi-judicial hearing before voting unanimously to uphold the Planning Commission's decision to uphold the Planning Director's issuance of an extension of time for the July 1, 2010 Conditional Use Permit. Because the appeal to uphold the Planning Director's decision was decided on July 21, 2011, the extension of the Conditional Use Permit was extended to July 21, 2012.
17. On October 27, 2011, Staff received an application to extend the CUP for an additional year, and on January 11, 2012, the Planning Commission heard the applicants request for an additional and final one-year extension from July 21, 2012 to July 21, 2013.
18. On February 9, 2012, the City Council received a written appeal of the Planning Commission's final action of January 11, 2012, approving the request for the one-year extension to July 21, 2013.
19. The second appeal of the second extension was originally scheduled for the March 22, 2012 City Council meeting. The appellant was unable to make it to the meeting due to an accident. The City Council voted to continue the item to the April 5, 2012 City Council meeting and directed Staff not to accept any additional materials from the appellant or the applicant.

20. On April 5, 2012 the City Council conducted a public hearing and voted unanimously to deny the appeal and approve the extension of the CUP and upheld with the following conditions of approval:
  - a. All conditions of approval of the City Council's July 21, 2011 order continue to apply.
  - b. This approval will expire July 21, 2013, 12 months from the first extension of the CUP.
  - c. Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
21. In March 2013, the applicant received a building permit for the first single family dwelling. This structure will be used as their model home.
22. The LMC defines a dwelling unit as a Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.
23. The LMC defines a Lockout Unit as an Area of a dwelling with separate exterior Access and toilet facilities, but no Kitchen.
24. The requested use meets the LMC definition of a Lockout Unit, which is an area of a dwelling unit and not a separate dwelling unit.
25. Staff does not consider the proposed use to be a hotel due to the specific provision found in the Hotel definition which indicates that Lockout Units are not Hotels.
26. The site will have accessory facilities in the development: a spa, ski rentals, and a dining area that were shown on the approved 2010 CUP plans. The use of these areas further reiterates that the use is not consistent with one of a hotel. These areas are for the exclusive use of the unit owners and their visitors, e.g. the only patrons allowed to use the spa, ski rentals, and the dining areas, are patrons staying at the development through the ownership or possible rental of the private units.
27. The proposal is in substantial compliance with the reviewed and approved CUP plans as the Lockout Units are designed within the existing floor area of each unit formerly reviewed and approved, located in the stacked flats.
28. No Lockout Units are being requested within the sixteen (16) single family dwellings/duplexes.
29. The number of Lockout Units within each unit range from one to three (1 - 3).
30. The floor plans have had minor alterations. The number of units has not changed and the plans are in substantial compliance with the approved 2010 CUP plans.
31. The Planning Commission must review LMC § 15-1-10(E) when considering

- whether or not the proposed conditional use mitigates impacts.
32. The proposed modification, the requested Lockout Units, does not require additional mitigation related to *size and location of the site* which was not already addressed in the originally approved CUP (2010).
  33. Regarding traffic considerations including *capacity of the existing streets in the area*, Staff received an updated Addendum to Traffic Impact Analysis prepared by Riley Traffic Consultants, LLC, dated November 2013.
  34. The updated 2013 traffic analysis indicates that under the maximum trip scenario with all of the lockouts occupied, all traffic is still projected to function at LOS (level of service) A, which is acceptable for a roadway of this classification.
  35. The Applicant needs to work with the City Engineer to ensure proper site distance per the 2009 Existing Traffic Counts and Traffic Projections which indicates the following under Sight Distance conclusion and Recommendations which indicates that special warning signage is recommended during the construction period. Also mitigation for the limited sight distance could include a warning sign, or clearing of the slope area across the street.
  36. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to utility capacity, including storm water run-off which has already been addressed in the originally approved CUP (2010).
  37. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *emergency vehicle access* which has already been addressed in the originally approved CUP (2010).
  38. Regarding *location and amount of off-street parking*, parking for all fifty four (54) units must be provided within the North Silver Lake development.
  39. According to the Deer Valley MPD off-street parking requirements shall be determined in accordance with the LMC at the time of application for Conditional Use approval.
  40. The North Silver Lake development has a mix of single family dwellings/duplexes and multi-unit dwellings. There is also support commercial space within the project. No parking is required for the support commercial area.
  41. The current LMC requires 1 parking space per dwelling unit if the apartment or condominium is not greater than 1,000 sf floor area.
  42. The current LMC requires 1.5 parking spaces per dwelling unit if the apartment or condominium is greater than 1,000 sf and less than 2,000 sf floor area.
  43. The current LMC requires 2 parking spaces per dwelling unit if the apartment or condominium is 2,000 sf floor area or greater.
  44. The required parking for the multi-unit dwellings is 76 parking spaces without any parking reduction.
  45. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *the internal vehicular and pedestrian circulation system* which has already been addressed in the originally approved CUP

(2010).

46. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *fencing, screening and landscaping to separate the use from adjoining uses* which has already been addressed in the originally approved CUP (2010).
47. The proposed modification, the requested Lockout Units, does not require additional mitigation related to *building mass, bulk, and orientation and the location of buildings on the site, including orientation to buildings on adjoining lots* which has already been addressed in the originally approved CUP (2010).
48. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *usable open space* which has already been addressed in the originally approved CUP (2010) and condition of approval no. 8.
49. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *signs and lighting* which has already been addressed in the originally approved CUP (2010).
50. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *physical design and compatibility with surrounding structures in mass, scale, style, design, and architectural detailing* which has already been addressed in the originally approved CUP (2010).
51. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site* which has already been addressed in the originally approved CUP (2010).
52. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pickup areas* which has already been addressed in the originally approved CUP (2010).
53. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities* which has already been addressed in the originally approved CUP (2010).
54. The proposed use modification, the requested Lockout Units, does not require additional mitigation related to *within and adjoining the site, environmental sensitive lands, physical mine hazards, historic mine waste and Park City Soils Ordinance, steep slopes, and appropriateness of the proposed structure to the existing topography of the site* which has already been addressed in the originally approved CUP (2010).

## Conclusions of Law – 7101 North Silver Lake CUP - Lockouts

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The Use is compatible with surrounding structures in use and circulation.
3. The Use is consistent with the Park City General Plan.
4. The effects of any differences in Use or traffic have been mitigated through careful planning.

#### Conditions of Approval – 7101 North Silver Lake CUP - Lockouts

1. All Standard Project Conditions shall apply.
2. All conditions of approval of the City Council's July 21, 2011 order shall continue to apply.
3. Approval is based on plans reviewed by the City Council on June 24, 2010 and the Planning Commission on December 11, 2013. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.
4. The applicant shall work with the City Engineer to ensure proper compliance with the recommendations outlined in this staff report regarding site distance and special warning signage during the construction period.
5. The maximum number of Lockout rooms permitted in the project is 38, all of which shall be located in the units in the stacked condominium buildings as determined by the Applicant. The condominium declaration for the project shall contain a use restriction with this limitation, which use restriction shall not be modified without the written consent of 67% of the owners of residences located in the following adjacent subdivisions: (i) Evergreen; (ii) Bellemont; (iii) Belle Harbor; (iv) Bellevue; and (v) Belleterre.
6. The project is approved as a Multi-Family Dwelling project and not as a Hotel, and the inclusion of 38 Lockouts is deemed not to be a change in said Use. All commercial and support units with appurtenant limited common areas shall be restricted to the exclusive use of the owners of units and renters of units (or Lockouts) currently in residence at the time of use, and their guests. No advertising of the amenities to the public is permitted. The parking garage for the stacked condominium buildings shall contain 80 spaces, and all parking access for such buildings during the period in which Deer Valley Resort is open and operating for public skiing each year shall be limited to valet parking at the main porte cochere for the project. At all other times the parking garage may be accessed only by on-site owners of units or renters of a unit or Lockout, and their guests, as well as employees at the project, either by valet service or a mechanized entry system.
7. Group events hosted in the common areas at the Project shall only be permitted

if all invited guests are staying at the Project or the host of the event owns a unit at the Project. Such restriction, together with other reasonable restrictions on event hours, use of amplified sound and other precautions typical of those found in CC&Rs for other condominium projects in Deer Valley shall be included in the condominium declaration.

8. The condominium declaration for the project shall prohibit construction of Structures in the outdoor open space shown on the submitted plat for the project.
9. Applicant shall install a dimmer in the project monument sign to allow the brightness to be reduced as appropriate for better compatibility with the neighborhood.
10. The condominium declaration for the project shall contain the use restrictions described in conditions of approval 5-9.

**4. 7101 Silver Lake Drive – North Silver Lake Condominium Plat  
(Application PL-14-02225)**

The applicant requested that this item be continued this evening. However, because it was noticed for discussion and action the Planning Commission would open the public hearing.

Rich Lichtenstein confirmed that they had requested a continuance and he was talking with Staff about possibly being on the April 9<sup>th</sup> agenda. He explained that the reason for the continuation was to allow time for additional work with the neighbors on specific conditions.

Mr. Lichtenstein read into the record the proposed conditions, based on discussions with the neighbors. Copies were handed out to the Planning Commissioner earlier in the meeting.

- 1) The square footage of the Commercial units or the Support Units as shown on the plat may not be increased without the approval of the Planning Commission after a determination that such increase in square footage does not change the use to a hotel use, and that all requirements of the Land Management Code, including parking, have been met in connection with any such modification.
- 2) One or more conditions reiterating the requirements of the conditions, which are now 5 through 10 of the Conditions of Approval to be included in the Condominium Declaration.
- 3) The applicant may convert two perimeter duplex lots to single-family and reconfigure two more units in the stacked condominium buildings without increasing the square footage

of the project. This would permit the project to have 14 perimeter units and 40 stacked condo units.

Mr. Lichtenstein stated that the applicant was still working with the neighbors on other items to assure them of the operation of the project.

Chair Worel opened the public hearing.

Wayne Baumgardner stated that he has lived at 6635 Silver Lake Drive for 20 years. He is one of the neighbors who had never been contacted. He believed he was the only one of six neighbors in the development who lives there full-time. Mr. Baumgardner noted that the Planning Commission was handed a stack of papers to read at the beginning of the discussion for the lockout units. He asked if the Planning Commission had seen those documents prior to this evening.

Commissioner Strachan informed Mr. Baumgardner that they were attached to the Staff report that the Commissioners had received several days prior to the meeting. He clarified that the papers handed out this evening were updates to what they already had.

Mr. Baumgardner stated that he had asked the question because he was unsure if the information was correct and a number of legal points were raised that he thought needed to be addressed. If he were sitting on the Planning Commission he would want to know the answers to the legal questions.

Chair Worel closed the public hearing.

Director Eddington suggested that the Planning Commission continue this item to a date certain of April 9<sup>th</sup>.

Commission Stuard asked if the proposal to change two perimeter duplex dwellings to single-family and add two condominium units would cause an increase in the square footage of the condominium building. He was told that it would not cause an increase.

Assistant City Attorney McLean stated that if the plat amendment is adopted and the footprint is ever changed, it would have to come before the Planning Commission for a plat amendment. Ms. McLean explained that a condominium plat is 3-dimensional and any change within the floor to height area would come back to the Planning Commission.

John Shirley, the project architect, clarified that they would only be moving two perimeter units into the condominium building. Two existing units, which are approximately 4,000

square feet, would be cut in half and placed as two 2,000 foot units in the condominium building. Therefore, the square footage of the condominium building would not change.

Planner Astorga pointed out that moving the units would change the parking requirement and they would have to accommodate parking for the newly created unit. Mr. Shirley agreed that it would increase the parking count.

Assistant City Attorney McLean pointed out that if that occurred, the applicant would have to come back to the Planning Commission for a plat amendment because the configuration would change.

Mr. Lichtenstein stated that the intent is to have all the specifics and the plat finalized so they would not have to come back for a plat amendment. He explained why moving the units would not change the number of units or the square footage.

MOTION: Commissioner Joyce moved to CONTINUE the 7101 Silver Lake Drive Condominium plat to April 9<sup>th</sup>, 2014. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 7:45 p.m.

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



# Planning Commission Staff Report



**Subject:** Re-establishment of Lots 30 and 31 of the Holiday Ranchettes Subdivision located at 2519 and 2545 Lucky John Drive  
**Author:** Kirsten Whetstone, Senior Planner  
**Date:** March 12, 2014  
**Type of Item:** Administrative – Plat Amendment  
**Project Number:** PL-13-01980

## Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Re-establishment of Lots 30 and Lot 31 of the Holiday Ranchettes Subdivision plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

*Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.*

## Description

**Applicant:** Steven Schueler on behalf of Kristen and David Lanzkowsky, owners  
**Location:** 2519 Lucky John Drive  
**Zoning:** Single Family (SF) Residential District  
**Adjacent Land Uses:** Residential and Open Space  
**Reason for Review:** Plat amendments require Planning Commission review and City Council approval

## Proposal:

The applicants are proposing to re-establish Lots 30 and 31 of the Holiday Ranchettes Subdivision (Exhibit A). This application is a request to amend a 1999 approved administrative lot line adjustment that combined these two lots into one lot. The proposal is a request to re-establish the two (2) one-acre lots as separately developable lots, as originally platted with the May 31, 1974 Holiday Ranchettes Subdivision plat. Each lot would be approximately 1.0 acres in area.

## Purpose

The purpose of the Residential SF District is to:

- (A) Maintain existing predominately Single Family detached residential neighborhoods,
- (B) Allow for Single Family Development Compatible with existing Developments,

- (C) Maintain the character of mountain resort neighborhoods with Compatible residential design; and
- (D) Require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile.

### **Background**

In 1974, the Holiday Ranchettes Subdivision plat (Exhibit B), was approved and recorded. The subdivision was ultimately constructed in the neighborhood area now generally known as Park Meadows. Lots in the originally platted subdivision, in the vicinity of Lots 30 and 31, range in area from 0.96 acres to 1.77 acres with a majority of the lots slightly more to slightly less than 1.0 acre in area. There are few vacant lots left in this single family lot subdivision.

In August, 1999, John D. Cumming and Kristi Terzian, owners of Lots 30 and 31 of the Holiday Ranchettes Subdivision, were approved to combine Lots 30 and 31 into one parcel containing approximately 2 acres (Exhibit C). The 1999 approval was an administrative lot line adjustment approved by the Planning Director. Lot 30 (2545 Lucky John Drive) and Lot 31 (2519 Lucky John Drive) effectively became one lot. A single family house with an attached garage and a detached garage with a shared driveway to the street were constructed on the lot (Exhibits D and E).

On July 8, 2013, the applicants applied to re-establish the previous lots. On July 18, 2013, the application was determined by staff to be complete, and on July 23, 2013, the application went before the Development Review Committee for their review of the proposed subdivision.

On September 25, 2013, the Planning Commission reviewed the application and conducted a public hearing on the matter (Exhibit F). Following public input and discussion by the Commission, the item was continued to a date uncertain to allow the applicant to meet with the Homeowner's Association to understand their concerns. Issues raised at the public hearing included items related to CCR violations, landscaping maintenance, lack of communication between the owner and the HOA, and a concern that grading done on Lot 31 elevates existing grade for that lot and a future house would be taller as a result.

The HOA requested that the Planning Commission continue the item until the HOA and applicant have had an opportunity to meet to discuss these items. The Planning Commission continued the item and requested the applicant meet with the HOA so that there is an understanding between the owner and the HOA regarding future improvements or changes to these lots (Exhibit G). Because the HOA is registered with the City there is a requirement that a letter from the HOA be submitted with any application for building permits on lots in this subdivision.

The owner's representative met with a member of the HOA to review issues raised by the HOA regarding the plat amendment and potential future changes to the existing house, landscaping, driveway, fence, and other improvements on the lot, as well as to discuss the maintenance of the existing landscaping and irrigation. Between November and early February, Staff attempted to arrange an additional meeting with the owner's representative, Steve Schueler of Alliance Engineering, and representatives from the

HOA, but the HOA was unable to attend. On February 18, 2014 the Planning Staff arranged a meeting between the HOA and the owner's representative (Exhibit I). The applicant agreed to provide a proposal to the HOA concerning the lot line adjustment, as well as what the owner intended to do with the property in the future. The owner conditions he would be comfortable with regarding HOA issues. The owner acknowledges that in the future he does intend to sell the lot as a separate single family lot.

The owner is not proposing to make any physical changes to the property at this time or in the near future, except as may be required by conditions of approval and does not have any plans drafted for any future changes that are required to be reviewed by the HOA. The current application is a request to re-create the two lots as originally platted.

### **Analysis**

The allowed density within the SF District is three dwelling units per acre. The Holiday Ranchettes Subdivision, as originally recorded in 1974, is a multiple lot development consisting of mostly one-acre lots. The subject property is currently two-acres in size, and has double frontage onto both Holiday Ranch Loop Road and Lucky John Drive. There is an existing home with access from Lucky John Drive located on proposed Lot 30, and an existing detached garage located on Lot 31.

A shared driveway provides access to Lots 30 and 31. The LMC (Section 15-3-3 (H)) strongly recommends shared driveways. Shared driveways decrease impervious surface and storm water run-off. Shared drives provide for greater landscaping/open space areas and provide opportunities for designs that lessen visual impacts of garages, while decreasing the number of curb cuts on streets.

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

#### **Holiday Ranchettes and SF District Lot Requirements**

- Existing Lot Size: 87,120 square feet (2 acres)
- Required Minimum Lot Size: 14,520 (1/3 acre)\*
- Proposed (per lot) 43,560 square feet (1 acre) per lot
- Existing Lot Width: 290 feet
- Proposed Widths 145 feet
- Required Setbacks – Front/Rear: 20' Front, 20' foot Rear (2 frontages)
- Required Setbacks – Side: 12'
- Required Setback to any front facing garage- 25' (n/a for existing configuration)

\*No minimum lot size – district allows three dwellings per acre (no house size limitations). Maximum height is 28' from existing grade (5' exception for pitched roof).

The existing home on Lot 30 meets the setback requirements from both the existing and the new proposed lot lines. The existing home is typical of the existing development in Park Meadows in terms of mass and scale. The re-established Lots are typical of lots in

the neighborhood. If not re-established as two separate lots, the size of the existing two acre lot could result in a house that is out of scale and incompatible with typical houses in the neighborhood. The existing lot is twice the size of typical lots. The re-established lots are compatible and consistent in size with lots in the neighborhood.

The garage building, located on Lot 31, also meets the required front and side yard setbacks. Accessory structures are an allowed use in the SF district so long as they meet the setback and building height requirements. Setbacks are not required for shared driveways.

The pattern of development in the neighborhood includes primary access to these double frontage lots from Lucky John Drive and not from Holiday Ranch Loop Road, providing consistent building setback areas along Lucky John Drive and Holiday Ranch Loop. The existing safe route to school pedestrian/bike trail along Holiday Ranch Loop would be compromised if primary access is permitted from Holiday Ranch Loop Road.

Upon analysis of the plat amendment and review of the HOA concerns, Staff recommends the specific conditions of approval in order to find good cause with this plat amendment. Staff recommends that these conditions be included on the plat prior to recordation:

- 1) Prior to making any physical changes to the property and prior to occupancy of the detached garage located on Lot 31, for any use other than as a detached garage and storage building, the applicant shall meet with the HOA (provided that there is an established HOA at the time of the building permit application) and shall provide to the City, with any building permit application, a detailed letter from the HOA outlining the HOA's concerns and recommendations with said building permit application.
- 2) A certificate of occupancy, issued by the City, is a condition precedent to occupation of the garage on Lot 31 for any use other than as a detached garage or storage building.
- 3) Any construction on Lots 30 and 31 shall use the original grade (USGS topography that existing prior to construction on the lots) in the calculation of Building Height.
- 4) The garage structure on Lot 31 may not be used as a dwelling unit until separate utilities and sewer services are provided for this lot, as required by the various utility providers, and until a certificate of occupancy is issued by the City. Utility work, including grading and landscape changes, requires a building permit. A letter from said HOA, stating that the HOA is aware of the proposed work and outlining any concerns and recommendations, shall be provided to the City prior to issuance of any permits for this work.
- 5) Prior to recordation of the plat, an access easement for the shared driveway shall be recorded at Summit County and reflected on each lot shown on the plat. The access easement shall include a maintenance agreement for the shared driveway. Access easements may be vacated if the shared driveway is modified and the access encroachment is removed.
- 6) Prior to recordation of the plat, any existing utilities that crosses a property line, shall be relocated as required by the utility providers. If relocation is not required, then utility easements shall be recorded at the County and documented on the plat.
- 7) Prior to proposed construction on Lots 30 and 31, including additions, remodels, driveway re-locations, grading, landscaping, fencing, and any other construction that

requires a permit from the City, a letter from said HOA, stating that the HOA is aware of the proposed work, and outlining any concerns and recommendations, shall be provided to the City prior to issuance of any permits for utility work.

8) No access to Lots 30 and 31 is permitted from Holiday Ranch Road.

9) A ten foot (10') wide public snow storage easement is required along the frontage of the Lots on both the Holiday Ranch Road and Lucky John Drive frontages.

10) Modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit.

### **Good Cause**

Planning Staff finds good cause for the application as conditioned. The proposed plat re-establishes the original two-lot configuration. The proposed plat causes no nonconformities with respect to setbacks, lot size, maximum density, or otherwise. The proposed plat does not increase the original overall density of the Holiday Ranchettes Subdivision. All original drainage and utility easements shall be platted as they were on the original plat. New snow storage easements and easements to address shared access and encroaching utilities will be provided. Conditions regarding access from Holiday Ranch Loop are also re-instated with this plat.

Staff finds that the plat, as conditioned, will not cause undo harm on any adjacent property owner or any property within the subdivision because the proposal is consistent with the approved 1974 Holiday Ranchettes Subdivision plat, meets the requirements of the Land Management Code, and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. Proposed conditions of approval require the applicant to provide to the City a letter from the HOA outlining concerns and recommendations regarding any proposed changes to the property, prior to issuance of any building permits. The CCRs include a site layout exhibit showing house, barn, and driveway locations (Exhibit H).

The existing home is typical of the existing development in Park Meadows, and the subdivision will allow for another home of similar size to be built in the subdivision as originally planned when the Holiday Ranchettes Subdivision was approved. Shared driveways are encouraged by the LMC. The plat provides for a restriction of access to Lucky John Drive and protects the safe routes to school pedestrian and bike path from additional primary access across it.

### **Process**

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

### **Department Review**

This project has gone through an interdepartmental review. Staff wanted to assure that all originally platted easements were re-established and that all wet and dry utilities that cross over the proposed lot lines (water, sewer, and electricity) be relocated to be on the respective lots and not cross property lines, as required by individual utilities. Limiting access to Lucky John Drive was also discussed. Both issues are included as conditions of approval. Shared access is permitted provided cross access easements are recorded prior to plat recordation.

## **Notice**

The property was re-posted and notice was mailed again to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record in accordance with the requirements of the LMC.

## **Public Input**

On September 3, 2013, Staff received a letter from Eric Lee (Exhibit G) which was also provided to the Planning Commission at the previous meeting. The letter outlines concerns of the HOA, as described above. Public input was provided at the meeting on September 25, 2013. Concerns raised by the public included lack of communication between the owner and the HOA, concerns about maintenance and landscaping by the property owner, and concerns regarding future development that is not consistent with the CCRs. Public input can be provided at the regularly scheduled Planning Commission and City Council public hearings.

## **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the Re-establishment of the Original Plat of Lot 30 and Lot 31 Holiday Ranchettes Subdivision replat, located at 2519 and 2545 Lucky John Drive, as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion and provide direction to staff and the applicant regarding additional information required to make a recommendation.

## **Significant Impacts**

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

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

If the lots are not re-established then the single two (2) acre lot would remain as replatted in 1999. An addition to the existing house could be proposed.

## **Recommendation**

Staff recommends the Planning Commission hold a public hearing for the Re-establishment of Lots 30 and Lot 31 of the Holiday Ranchettes Subdivision plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

## **Exhibits**

Ordinance

Exhibit A- Proposed plat

Exhibit B- Existing plat (1999 lot line adjustment re-plat)

Exhibit C- Original Holiday Ranchettes Subdivision plat (1974)

Exhibit D- Existing conditions survey

Exhibit E- Vicinity map and Photos

Exhibit F- Minutes of the September 25<sup>th</sup> Planning Commission meeting

Exhibit G- Letter from Eric Lee (from previous packet)  
Exhibit H- CC&R site plan graphic and driveway exhibits  
Exhibit I - Applicant correspondence with HOA 2.24.14

**Ordinance No. 14-**

**AN ORDINANCE APPROVING THE RE-ESTABLISHMENT OF LOTS 30 AND 31 OF HOLIDAY RANCHETTES SUBDIVISION, LOCATED AT 2519 AND 2545 LUCKY JOHN DRIVE, PARK CITY, UTAH.**

WHEREAS, the owners of property located at 2519 and 2545 Lucky John Drive have petitioned the City Council for approval of a plat amendment to re-establish Lots 30 and 31 of the Holiday Ranchettes Subdivision;

WHEREAS, proper legal notice was published in the Park Record according to requirements of the Land Management Code;

WHEREAS, the property was posted and notice was provided according to requirements of the Land Management Code;

WHEREAS, the Planning Commission held public hearings on September 25, 2013 and February 26, 2014 to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission forwarded a recommendation to City Council on March 12, 2014;

WHEREAS, the City Council, held a public hearing on April 17, 2014; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the plat amendment as conditioned below.

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 re-establishment of Lots 30 and 31 Holiday Ranchettes Subdivision plat amendment, located at 2519 and 2545 Lucky John Drive, as shown in Exhibit A, is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 2519 and 2545 Lucky John Drive in the Single-Family (SF) zoning district.
2. The property consists of a two-acre lot, known as Lot 1 of the 2519 Lucky John Drive Replat approved and recorded on September 2, 1999. Lot 1 was created when a lot line adjustment removing the common lot line between Lots 30 and 31 of the Holiday Ranchettes Subdivision (recorded on May 31, 1974) was approved and recorded at Summit County on September 2, 1999.
3. The owners wish to re-establish the original platted lot configuration of Lots 30 and 31 of the 1974 Holiday Ranchettes Subdivision.

4. Each lot will be one-acre in area, consistent with the 1974 Holiday Ranchettes Subdivision platted configuration.
5. The proposed density for this plat amendment is one (1) dwelling unit per acre.
6. There are no house size limitations within the Holiday Ranchettes subdivision.
7. The minimum setback requirements are twenty feet (20') for the front yard and twelve feet (12') for the side yards. Front facing garages require a twenty-five (25') foot front setback. The rear setback requirement of fifteen feet (15') is not applicable due to the double frontage nature of both lots.
8. There is an existing single family house on Lot 30 that complies with all required setbacks.
9. There is an existing garage/storage structure built on Lot 31 that complies with all required setbacks.
10. Both Lots 30 and 31 have double frontage onto Lucky John Drive and Holiday Ranch Loop Road. The 1974 Holiday Ranchettes Subdivision plat includes notes restricting access from Lucky John Drive.
11. The pattern of development in the neighborhood includes primary access to these double frontage lots from Lucky John Drive and not from Holiday Ranch Loop Road, providing consistent building setback areas along Lucky John Drive and Holiday Ranch Loop.
12. The plat provides for a restriction of access to Lucky John Drive and protects the safe routes to school pedestrian and bike path from additional primary access across it.
13. A shared driveway provides access to Lots 30 and 31.
14. The LMC (Section 15-3-3 (H)) states that shared driveways are strongly recommended. Shared driveways decrease impervious surface, and storm water run-off. Shared drives provide for greater landscaping/open space areas and provide opportunities for designs that lessen visual impacts of garages, while decreasing the number of curb cuts on streets. Shared driveways necessitate access easements and maintenance agreements between property owners.
15. The proposed plat re-establishes the original two-lot configuration.
16. The proposed plat causes no nonconformities with respect to setbacks, lot size, maximum density, or otherwise.
17. All original drainage and utility easements will be re-established.
18. New snow storage easements and easements to address shared access and encroaching utilities will be provided.
19. Conditions banning access from Holiday Ranch Loop will be re-instated with this plat.
20. There is Good Cause to approve the proposed plat amendment as conditioned as the plat amendment does not cause undo harm on any adjacent property owners, the built conditions are consistent with requirements of the Land Management Code, future development will be reviewed for compliance with requisite Building and Land Management Code requirements with review by the HOA, cross access easements and utility relocation and/or utility easements will be recorded to resolve encroachment issues, and public snow storage easements will be provided along Lucky John Drive and Holiday Ranch Loop Road.
21. The proposed plat, as conditioned, is consistent with the approved 1974 Holiday Ranchettes Subdivision plat, meets the requirements of the Land Management Code.

22. Proposed conditions of approval require the applicant to provide to the City a letter from the HOA outlining concerns and recommendations regarding any proposed changes to the property, prior to issuance of any building permits.
23. The existing house is typical of the existing development in Park Meadows, and the subdivision will allow for another home of similar size to be built in the subdivision as originally planned when the Holiday Ranchettes Subdivision was approved.

#### Conclusions of Law:

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

#### 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. Prior to making any physical changes to the property and prior to occupancy of the detached garage located on Lot 31, for any use other than as a detached garage and storage building, the applicant shall meet with the HOA (provided that there is an established HOA at the time of the building permit application) and shall provide to the City, with any building permit application, a detailed letter from the HOA outlining the HOA's concerns and recommendations with said building permit application. This shall be noted on the plat.
4. A certificate of occupancy, issued by the City, is a condition precedent to occupation of the garage on Lot 31 for any use other than as a detached garage or storage building. This shall be noted on the plat.
5. Any construction on Lots 30 and 31 shall use the original existing grade (USGS topography that existing prior to any construction on the lots) in the calculation of Building Height. This shall be noted on the plat.
6. The garage structure on Lot 31 may not be used as a dwelling unit until separate utilities and sewer services are provided for this lot, as required by the various utility providers, and until a certificate of occupancy is issued by the City. Utility work, including grading and landscape changes, requires a building permit. A letter from said HOA, stating that the HOA is aware of the proposed work and outlining any concerns and recommendations, shall be provided to the City prior to issuance of any permits for this work. This shall be noted on the plat.
7. Prior to recordation of this plat amendment, cross access easements for the shared driveway shall be recorded at Summit County and reflected on the plat. Cross access easements would not be required if the shared driveway is modified and the access encroachments are removed prior to plat recordation. This shall be noted on the plat.

8. Prior to recordation of the plat, any existing utilities that cross the common property line, shall be relocated as required by the utility providers. If relocation is not required, then encroachment easements shall be recorded at the County.
9. Prior to proposed construction on Lots 30 and 31, including additions, remodels, driveway re-locations, grading, landscaping, fencing, and any other construction that requires a permit from the City, a letter from said HOA, stating that the HOA is aware of the proposed work, and outlining any concerns and recommendations, shall be provided to the City prior to issuance of any permits for utility work. This shall be noted on the plat.
10. No access to Lots 30 and 31 is permitted from Holiday Ranch Road. This shall be noted on the plat.
11. A ten foot (10') wide public snow storage easement is required along the frontage of the Lots on both the Holiday Ranch Road and Lucky John Drive frontages.
12. A note shall be added to the plat that modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit.

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

PASSED AND ADOPTED this \_\_\_\_\_ day of April 2014.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

\_\_\_\_\_  
Marci Heil, City Recorder

APPROVED AS TO FORM:

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



**SURVEYOR'S CERTIFICATE**

I, John D. Williams, certify that I am a Registered Land Surveyor and that I have surveyed the above described land in accordance with the requirements of the Utah Land Surveying Act, Chapter 10, Utah Code, and that the plat is a true and correct copy of the original survey.

*John D. Williams* 8-10-11  
 Surveyor

**BOUNDARY DESCRIPTION**

LOTS 30 & 31, HOLEY BROSSETTE SUBDIVISION, according to the official plat thereof, recorded May 31, 1974, on Entry No. 123247 of the official records in the office of the Summit County Recorder.

**NOTES**

1. [30] Street address on Lucky John Drive.
2. Easement shown is not recorded and follows Record Line.
3. Existing drainage and utility easement as shown on the middle boundary subdivision plat.

**LEGEND**

- Road Easement

2519 LUCKY JOHN DRIVE REPLAT

LOT LINE AMENDMENT PLAT

**2519 LUCKY JOHN DRIVE REPLAT**

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

**OWNER'S DESIGNATION AND CONSENT TO RECORD**

BEFORE ALL, with my legal residence at the undersigned address of the owner, described herein, to be known as the 2519 LUCKY JOHN DRIVE REPLAT, do hereby certify that we have examined the plat hereon shown and we, the owner, do hereby consent and agree to the recording of the plat hereon shown, and we do hereby designate the City of Park City as the authority to record the plat hereon shown.

IN WITNESS WHEREOF, the undersigned and their heirs do hereby sign this 10th day of August, 2011.

*John D. Williams*  
 Surveyor

**ACKNOWLEDGMENT**

State of Utah  
 County of Summit

On this 10th day of August, 2011, John D. Williams, Surveyor, having been duly sworn, has acknowledged to me that he is the owner of the herein described tract of land and that he has signed the above Owner's Declaration and Consent to Record being and veridical.

My commission expires Aug. 26, 2010.

**ACKNOWLEDGMENT**

State of Utah  
 County of Summit

On this 10th day of August, 2011, John D. Williams, Surveyor, having been duly sworn, has acknowledged to me that he is the owner of the herein described tract of land and that he has signed the above Owner's Declaration and Consent to Record being and veridical.

My commission expires Aug. 26, 2010.

<p>SYDNEYVILLE BASIN SEWER IMPROVEMENT DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SYDNEYVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 10th DAY OF August, 1989 A.D.</p> <p><i>John D. Williams</i>          S.E.E.</p>	<p>ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 20th DAY OF August, 1989 A.D.</p> <p>BY <i>John D. Williams</i>          PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS 20th DAY OF September, 1989 A.D.</p> <p>BY <i>John D. Williams</i>          PARK CITY ATTORNEY</p>	<p>COMMUNITY DEVELOPMENT DIRECTOR</p> <p>APPROVED BY ADMINISTRATIVE AUTHORITY OF THE PARK CITY COUNCIL THIS 20th DAY OF August, 1989 A.D.</p> <p>BY <i>John D. Williams</i>          COMMUNITY DEVELOPMENT DIRECTOR</p>	<p>JOB NO. 2-4-89 FILED 11/10/11 JOHN D. WILLIAMS</p> <p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE OFFICE OF JOHN D. WILLIAMS, SURVEYOR, ON THIS 10th DAY OF August, 2011.</p> <p><i>John D. Williams</i>          SURVEYOR</p>
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## ADMINISTRATIVE STAFF REPORT

**Date:** August 17, 1999  
**Department:** Planning Department  
**Title:** 2519 Lucky John Drive - Lot Line Adjustment  
**Type of Item:** Administrative

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**Summary Recommendations:** Staff recommends that the Community Development Director approve the proposed lot line adjustment on lot 30 and lot 31 of Holiday Ranchettes Subdivision.

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### A. Topic:

#### Project Statistics:

**Project Name:** 2519 Lucky John Drive - Lot Line Adjustment  
**Owners:** John D. Cumming  
**Location:** 2519 Lucky John Drive  
**Zoning:** Single Family (SF)  
**Project Planner:** Thomas E. Barlow  
**Adjacent Land Uses:** Residential

### B. Background:

The applicants have submitted a request to remove a lot line that separates lot 30 and 31. The Cummings own both lot 30 and 31, their home is on lot 30 and they are proposing to build a barn/garage on lot 31 with a common driveway. Initially the applicants were applying to remove the drainage/utility easement also however at this time Staff is recommending to remove the lot line only. The removal of the drainage/utility easement will require a consent letter from all franchised utilities in Park City, which represents a burden on the City and the utilities.

### C. Analysis:

The lot line adjustment will amend the original plat for lot 30 and 31 of Holiday Ranchettes. The lots are rectangular and are relatively flat. The lot line adjustment will allow the potential of constructing a larger addition to their home that currently does not exist, but due to a Utility Easement running east and west along their property line, any future addition would be restricted in size due to the location of the Utility Easement. Holiday Ranchettes

Subdivision does not have any restrictions on floor area. Maximum house size must be approved by the Community Development Director based upon neighborhood compatibility. Staff has found the proposed development, the barn/garage, is compatible with the neighborhood.

After reviewing the request the Community Development Department has found the parcel meets the Land Management Code, and supports the adjustment. All the adjacent property owners have signed the consent letters as part of the Administrative Lot Line Adjustment requirements.

**D. Department Review:**

The Community Development Department and the City Attorney's Office have reviewed this application for compliance with the Land Management Code and Utah State law.

**Alternatives:**

- A. Approve the lot line adjustment as conditioned.
- B. Deny the proposed lot line adjustment.
- C. Continue the item for further discussion and/or request additional information from Staff.

**Significant Impacts:**

The proposed lot line adjustment has no significant impacts associated with the property.

**Recommendation:**

Staff recommends that the Community Development Director conduct an administrative public hearing and consider Staff's recommendation to approve the lot line adjustment on lot 30 and lot 31 of Holiday Ranchettes Subdivision based on the following:

**Findings of Fact:**

1. The property is in the Single Family Zone.
2. The lot line adjustment will not create an adverse impact on adjacent property owners.
3. Letters of consent have been received from adjacent property owners.
5. Utility easements are essential for providing utilities/service to Park City residents.
6. The proposed barn/garage is compatible in scale and setback with the neighborhood.

**Conclusions of Law:**

1. The project complies with Section 15.1.5. (c) (1) (I-vii) in that: No new development lot or units result from the lot line adjustment;
2. All owners of property contiguous to the adjusted lots, or lots owned by the applicant which are contiguous to the lots, consent to the lot line adjustment;
3. The lot line adjustment does not result in remnant land;
4. The lot line adjustment, and resulting lots comply with the LMC Section 15.4 and are compatible with existing sizes in the immediate neighborhood;
5. The lot line does not result in violation of applicable zoning requirements;
6. Neither of the original lots was previously adjusted;
7. Written notice was mailed to all owners of property within 300 feet and neither any person nor the public will be materially harmed by the adjustment;
8. Utility easements exist and will remain as originally platted.

**Conditions of Approval:**

1. City Attorney and City Engineer review and approval of the lot line adjustment for compliance with the Land Management Code and conditions of approval is a condition precedent to recordation.
2. This approval shall expire one year from the date of Community Development Director approval, unless this lot line adjustment is recorded prior to that date.
3. The utility easements that were originally platted remain in their originally platted location.

**Exhibits:**

- Exhibit A - Proposed Lot Line Adjustment
- Exhibit B - Existing and Proposed site plans.

M:\CDD\TEB\2519 Lucky J.wpd



**Department of Community Development  
Engineering • Building Inspection • Planning**

**ACTION LETTER AND NOTICE OF APPROVAL**

August 17, 1999

John D. Cumming  
2519 Lucky John Drive  
Park City, UT 84060

Dear Mr Cumming:

On August 17, 1999, the Park City Community Development Director reviewed and approved your lot line adjustment application. This letter acts as an official notice of approval and outlines the findings of fact, conclusions of law and conditions of approval that apply to your application.

**Findings of Fact:**

1. The property is in the Single Family Zone.
2. The lot line adjustment will not create an adverse impact on adjacent property owners.
3. Letters of consent have been received from adjacent property owners.
5. Utility easements are essential for providing utilities/service to Park City residents.
6. The proposed barn/garage is compatible in scale and setback with the neighborhood.

**Conclusions of Law:**

1. The project complies with Section 15.1.5. ( c ) (1) (I-vii) in that: No new development lot or units result from the lot line adjustment;
2. All owners of property contiguous to the adjusted lots, or lots owned by the applicant which are contiguous to the lots, consent to the lot line adjustment;
3. The lot line adjustment does not result in remnant land;
4. The lot line adjustment, and resulting lots comply with the LMC Section 15.4 and are compatible with existing sizes in the immediate neighborhood;

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, UT 84060-1480  
Community Development (435) 615-5055 • Engineering (435) 615-5055 • Building (435) 615-5100  
Planning (435) 615-5060 • FAX (435) 615-4906

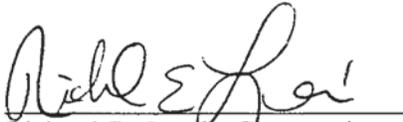
5. The lot line does not result in violation of applicable zoning requirements;
6. Neither of the original lots was previously adjusted;
7. Written notice was mailed to all owners of property within 300 feet and neither any person nor the public will be materially harmed by the adjustment;
8. Utility easements exist and will remain as originally platted.

**Conditions of Approval:**

1. City Attorney and City Engineer review and approval of the lot line adjustment for compliance with the Land Management Code and conditions of approval is a condition precedent to recordation.
2. This approval shall expire one year from the date of Community Development Director approval, unless this lot line adjustment is recorded prior to that date.
3. The utility easements that were originally platted remain in their originally platted location.

**APPROVED**

This lot line adjustment for lots 30 and 31 Holiday Ranchettes Subdivision was approved by the Community Development Director on August 17, 1999.

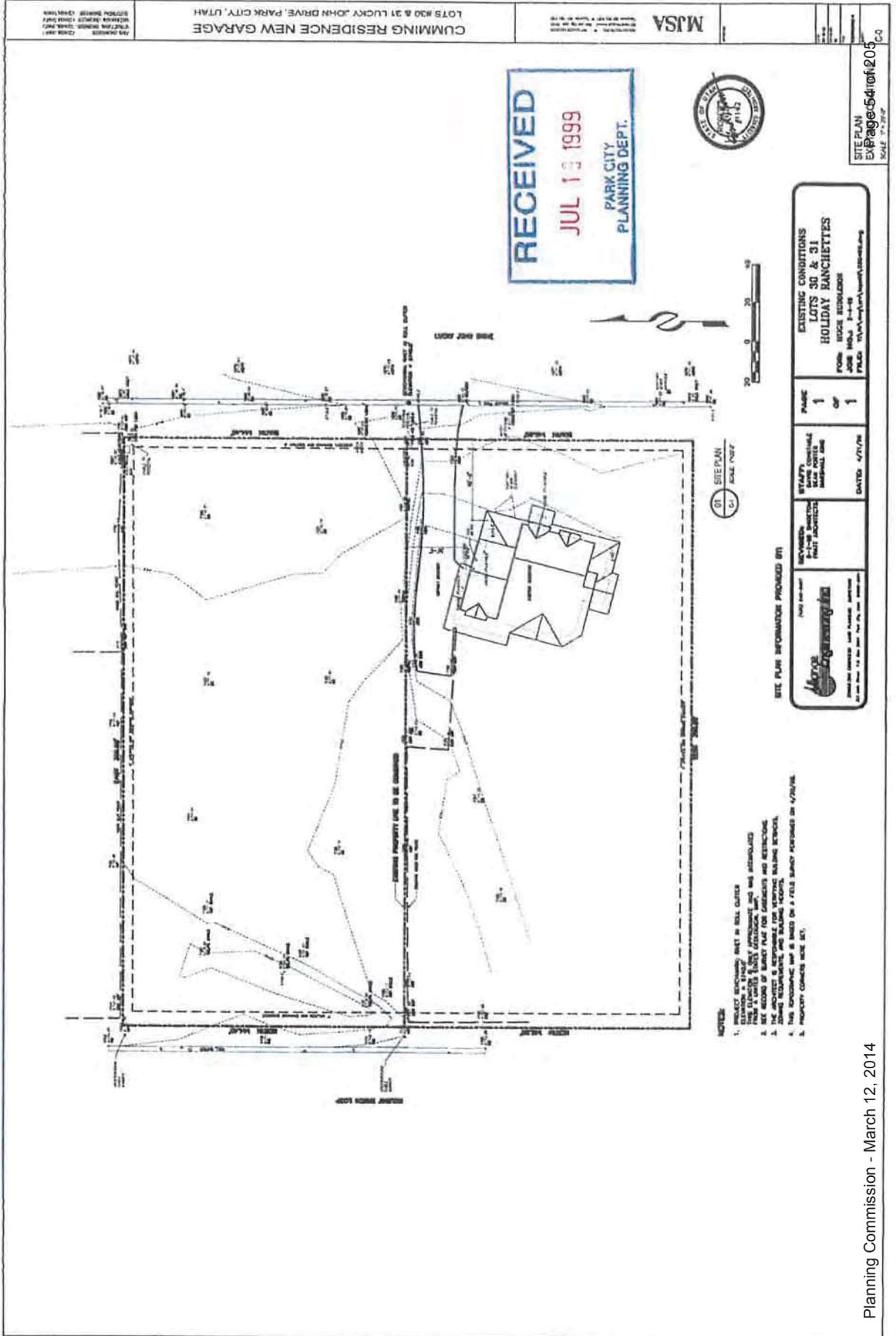


Richard E. Lewis, Community  
Development Director



Thomas Barlow, Assistant Planner





- NOTES:
1. PROJECT BOUNDARY SHOWN IN DASHED LINES.
  2. THE EXISTING BUILDING FOOTPRINT AND WALLS ARE SHOWN IN SOLID LINES.
  3. SEE RECORDS OF SURVEY FOR EXISTING AND PROPOSED LOT BOUNDARIES AND DISTANCES.
  4. THE ARCHITECT IS RESPONSIBLE FOR VERIFYING EXISTING UTILITIES, EASEMENTS, AND BUILDING RECORDS.
  5. THIS DOCUMENTARY MAP IS BASED ON A FIELD SURVEY PERFORMED ON 4/27/13.
  6. PROPERTY CORNER MARKS SET.

**SURVEYOR'S CERTIFICATE**  
 I, JAMES G. WEST, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 302 AS PROVIDED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE APPROPRIETY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAN AND DESCRIBED BELOW AND HAVE SUBMITTED SAID SURVEY TO THE PUBLIC RECORDS OF THE COUNTY OF SUMMIT, UTAH, WHERE SAID SURVEY IS FILED FOR RECORD. I HAVE ALSO CAUSED TO BE STAKED ON THE GROUND AS SHOWN ON THIS PLAN.  
 SEE SHEET 1 OF 3 FOR THE LEGAL DESCRIPTION.  
 JAMES G. WEST, SURVEYOR  
 2/28/18 1973  
 DATE

NOTE: Area was surveyed through utility easement and easement of record. All other areas are unimproved.



**ACKNOWLEDGMENT**

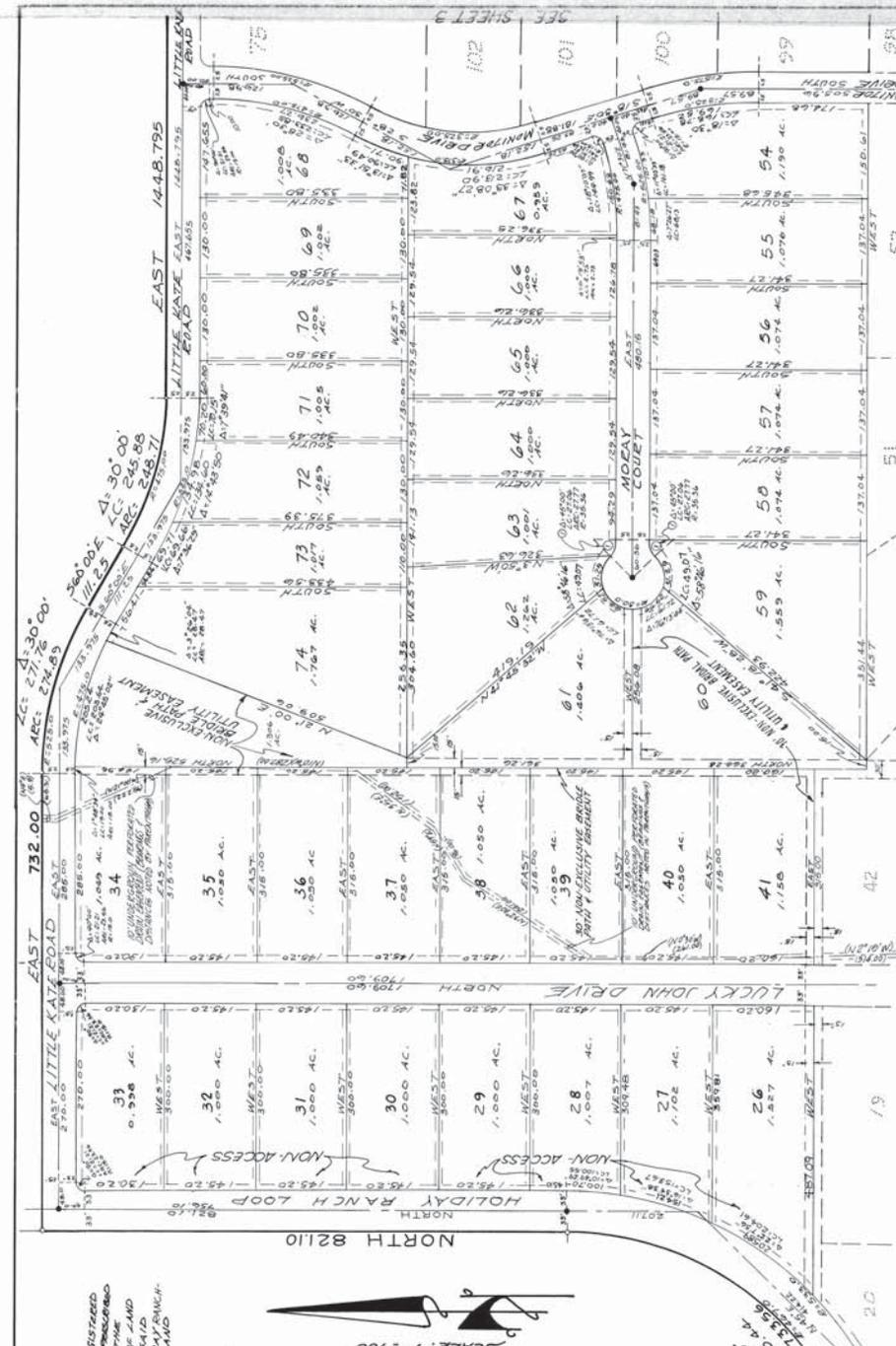
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 COUNTY OF SUMMIT }  
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 SEE SHEET 1 OF 3 FOR THE LEGAL DESCRIPTION.  
 JAMES G. WEST, SURVEYOR  
 2/28/18 1973  
 DATE







**SURVEYOR'S CERTIFICATE**

I, the undersigned, being a duly qualified and licensed Surveyor under the laws of the State of Utah, do hereby certify that a topographic survey of the land shown on the attached map was made and that the same is a correct representation of the land surveyed at the time the field work was completed in compliance with generally accepted industry standards for accuracy.



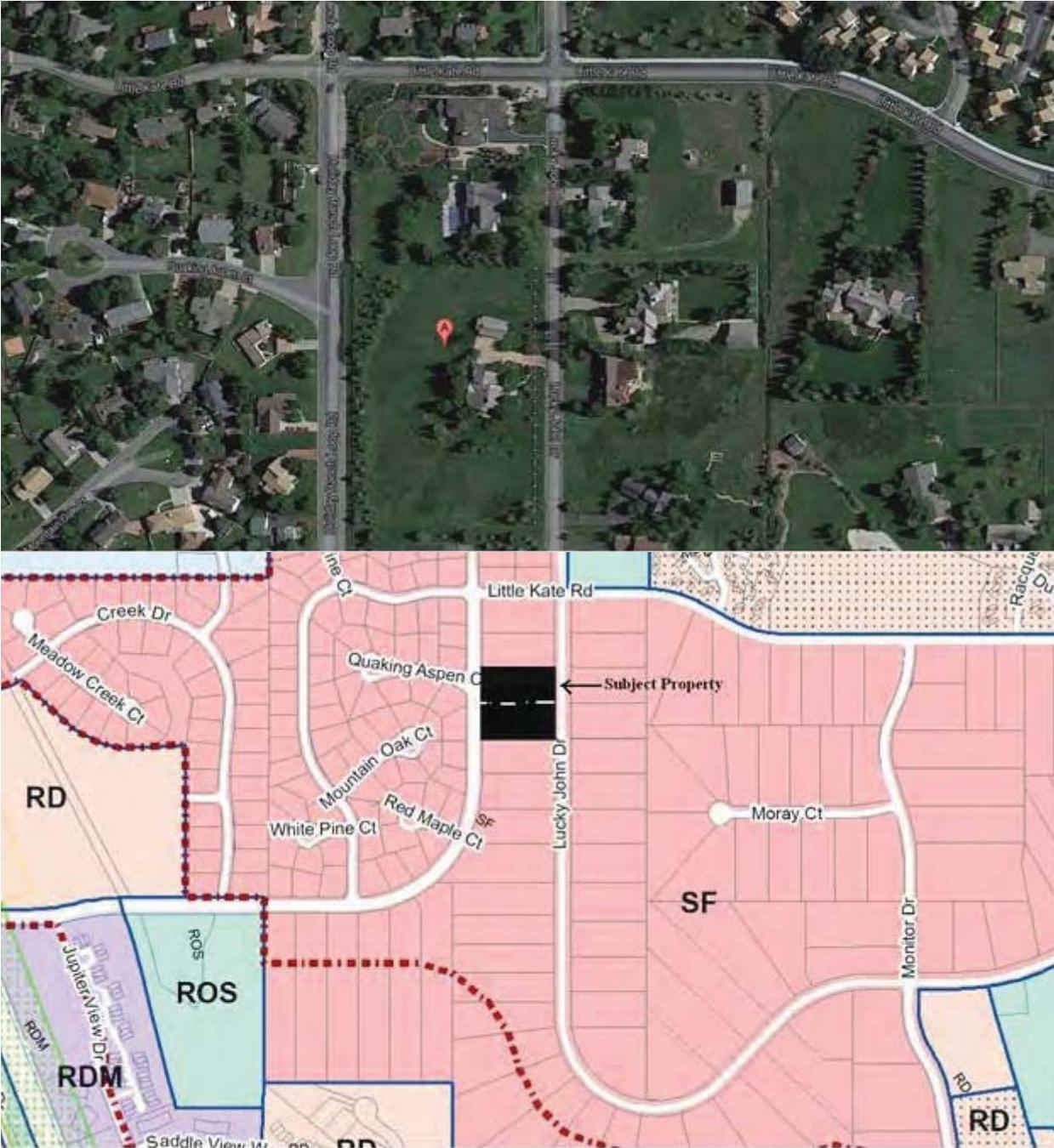
**NOTES**

1. Site Benchmark: Smitary / Sear / Maphole
2. See record of survey plot for easements and restrictions.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
4. This topographic map is based on a field survey completed on June 3, 2013.
5. Property corners were not set.



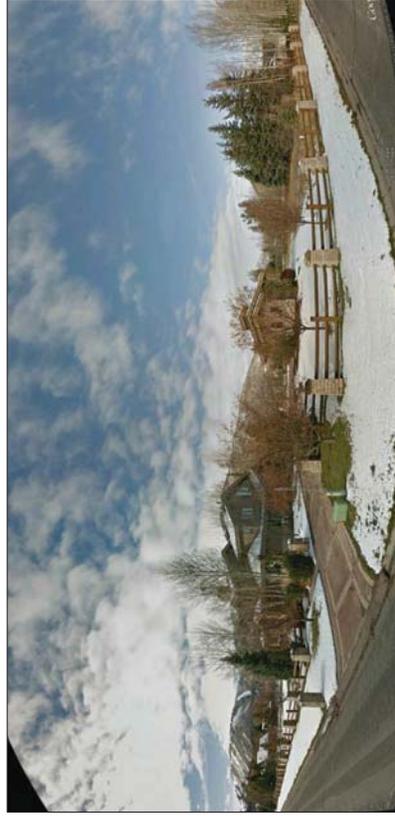
EXHIBIT D

	<b>STAFF:</b> BLAKE MYERS HARRISON HOLLEY	<b>TOPOGRAPHIC MAP</b> 2519 LUCKY JOHN DRIVE REPLAT HOLIDAY RANCHETTES SUBDIVISION	SHEET 1 OF 1
	<b>DATE:</b> 6/17/13	<b>FOR:</b> JOB NO.: 4-5-13 FILE: K:\Park Meadows\topo\topo2013\040513.dwg	





LOT 30 PANORAMA FROM LUCKY JOHN DRIVE



LOT 31 PANORAMA FROM LUCKY JOHN DRIVE



LOOKING SOUTH FROM HOLIDAY RANCH LOOP ROAD



LOOKING NORTH FROM HOLIDAY RANCH LOOP ROAD

# LOT 30/31 HOLIDAY RANCHETTES

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



(435) 648-4447

STAFF:

STEVE SCHUELER

PANORAMA IMAGES  
LOTS 30 & 31  
HOLIDAY RANCHETTES

DAVID LANKOWSKY

FOR: NIG 4-5-13

FILE: \\Park\_Meadows\dwg\wpv\pic 2013\040513.dwg

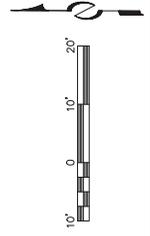
DATE: 6/25/13

SHEET  
1  
OF  
1



# LOT 30/31 HOLIDAY RANCHETTES

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



(435) 648-4447  
  
 CONSULTING ENGINEERS AND PLANNERS SURVEYORS  
 122 Main Street P.O. Box 284 Park City, Utah 84002-0284

STAFF:  
 STEVE SCHUELER  
 DATE: 6/25/13

ORTHO-PHOTO  
 LOTS 30 & 31  
 HOLIDAY RANCHETTES  
 DAVID LANKOWSKY  
 FOR: NUG #4-5-13  
 FILE: \\N:\Park Meadows\dwg\wp\pic\_2013\dwg\040513.dwg

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**CONCEPTUAL DRIVEWAY LOCATIONS**  
**LOTS 30 & 31**  
**HOLIDAY RANCHETTES**  
 DAVID LANKOWSKY  
 FOR: N/A  
 FILE: N/A

STAFF:  
 STEVE SCHUELER  
 DATE: 9/30/13

(410) 644-4477  
  
 CONSULTING ENGINEERS LAW PLANNERS SURVEYORS  
 323 Main Street P.O. Box 2864 Park City, Utah 84002-2864

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
SEPTEMBER 25, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Stewart Gross, Jack Thomas, Charlie Wintzer

EX OFFICIO:

Planning Director, Thomas Eddington; Kayla Sintz, Planning Manager; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Anya Grahn, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney; Mark Harrington, City Attorney

=====

The Planning Commission met in Work Session prior to the regular meeting. That discussion can be found in the Work Session Minutes dated September 25, 2013.

REGULAR MEETING

**ROLL CALL**

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

**ADOPTION OF MINUTES**

...

**4. Second Amended 2519 Lucky John Drive Replat – Plat Amendment (Application PL-13-01980)**

Planner Whetstone reviewed the application for a plat amendment to re-establish a line that recreates Lots 30 and 31 of the Holiday Ranchette Subdivision. In 1999 an Administrative lot line adjustment removed the lot line between the two lots and created a single lot of record. The new owners would like to re-establish these two lots within the Holiday Ranchette Subdivision. Each lot is approximately 42,560 square feet, which is similar to the lots in the Holiday Ranchette Subdivision.

The Staff believes there is good cause for the application. The proposed subdivision re-establishes the two lot configuration as platted. It would not increase the original overall density of the subdivision. All of the original drainage and utility easements were preserved in the previous amendments.

Planner Whetstone stated that the proposal meets the requirements of the Land Management Code and all future development would be reviewed for compliance with the Building and Land Management Code requirements. The Staff had recommended Condition of Approval #7 which requires the primary access to come off of Lucky John Drive to protect the new sidewalk that was constructed as a safe route along Holiday Ranch Loop. It would be a note recorded on the plat.

Planner Whetstone had received public input from several neighbors primarily related to various noticing requirements. She stated that the Staff had met the noticing requirements for a plat amendment by posting a sign on the property and sending letters to individual properties within 300 feet 14 days prior to this meeting. It was also legally published in the paper. Planner Whetstone noted that this item was continued at the last meeting because the required noticing had not been done.

Planner Whetstone added Condition of Approval #8 that would be a note on the plat. The Condition would read, "Existing grade for future development on Lot 31 shall be the grade that existed prior to construction of the garage." She understood that previous grading had raised the grade. The grade should be returned to the grade that existed prior to constructing the garage and the regarding that occurred at that time." Planner Whetstone noted that the survey with the original grade was on file in the Planning Department.

Planner Whetstone reported that the Planning Staff had done an analysis of this proposal and recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council on the Lucky John plat amendment in accordance with the findings of fact, conclusions of law and conditions of approval found in the draft ordinance with the addition of Condition #8.

Steve Schueler with Alliance Engineering, representing the applicant, stated that he was unaware of the owner's intention with respect to the lot, but he presumed that they planned to sell it.

Commissioner Gross commented on the primary access being limited to off of Lucky John Drive. He recalled past discussion about TDRs and increasing densities in areas such as Park Meadows, and he wanted to make sure they were not creating an opportunity for this applicant or a future applicant to re-subdivide the lot again. He noted that the HOA has it designated as preserved open space. Commissioner Gross referred to page 128 of the Staff report and stated out of 100 lots, two lots are slightly under an acre and the rest of the lots are over an acre. Fifty lots are two acres or more. He believed that established the type of neighborhood that Holiday Ranchette is, and he felt it was important to maintain that consistency.

Commissioner Gross stated that as a single-family development it should rest on its own merits, have its own driveways, the respective easements that have been established with the homeowners and the covenants that are within the property.

Chair Worel opened the public hearing.

Steve Swanson submitted a handout of diagrams showing the prior condition, the as-built condition, and the split lot option to help support his comments. Mr. Swanson remarked that many of the neighbors do not understand the process and he has done his best to help them understand the role of the Planning Commission and the Staff. Mr. Swanson addressed the idea of re-discovering a line that represents the demarcation between the original lots 30 and 31. He stated that it may be true to some extent, but to cover it up and then to have it magically sold back is worrisome. Mr. Swanson remarked that the lots have not existed since the plat amendment was recorded in 1999. He

believed they were talking about a re-subdivision of an existing lot, and regardless of the size it was in their neighborhood. He thought the bar should be set higher than the original because there is now existing hard construction and other improvements on this lot, the 2519 Lucky John replat.

Mr. Swanson remarked that the subject property and how it has development over time is important in terms of its relation to the neighborhood, Lucky John Drive itself, and in the context of the review and approval process operative at the time in the Holiday Ranch HOA CC&Rs. He recognized that the City has no obligation to enforce the CC&Rs.

Mr. Swanson reviewed the diagram of the prior condition site plan, which showed the two lots, 30 and 31, as they existed in 1999 with a HR plat overlay. He indicated a two-story residence that was built within the building pad, a driveway to the north, and an accessory building pad that could accommodate a garage, barn, etc, directly to the west. Mr. Swanson stated that at that point the approved and constructed projects meet the HOA requirements and the requirements of the CC&Rs. There were also no inconsistencies with respect to the LMC regarding single-family dwellings for orderly development, protected neighborhood character, and property values conserved. Mr. Swanson stated that he likes to reference the Municipal Code because it is important to understand that the City has broad authority in subdivisions in terms of review approval and purview. The LMC and the General Plan is all the City has. Mr. Swanson cited specific sections in the LMC to show the consistency between the LMC and the CC&Rs.

Mr. Swanson reviewed the as-built site plan diagram. He stated that the 1999 replat removed the center line and the subdivision is established. The Cummings were the owners at the time and they purchased both lots with a structure on one lot. Mr. Swanson noted that the owner received a variance to build a larger accessory structure than what the building pad would accommodate. The pad did not meet their needs so they purchased the adjacent lot and did the replat to combine the lots. Mr. Swanson explained that his graphic was intended to show the relationship and how it has changed in terms of how open space is viewed and the types of uses on parcels. He stated that the variance process that was affected at the time with the HOA architectural committee and the full knowledge of the HOA Board would have resulted in a larger garage being built to the north and it was placed within the building pad that was allotted to the second lot for a main building. Mr. Swanson remarked that in reality the owner was forever vacating the pad to the west. That change was shown on his diagram. He noted that the strip in between was open space. He remarked that the owner was also granted a variance to realign the entry drive and take a portion of the open space side yard. That was shown as a hatched area on the diagram. Mr. Swanson stated that based on the CC&Rs, a portion would have to remain open with no structures and no hard surfaces.

Mr. Swanson clarified that it was the HOA architectural committee and not the City who granted the variance. He explained that the hatched area was given back to the owner to utilize as a driveway surface for the single-family use with the approved accessory building at the new location. Mr. Swanson stated that it is routine and common for the HOA to work with the owners within the confines of the charter and the CC&Rs. He pointed out that the garage was raised up three to four feet from grade. Mr. Swanson remarked that there were still no conflicts or inconsistencies between the CC&Rs and the Land Management Code.

Mr. Swanson reviewed the slit option diagram. He stated that if the replat is successful and the two lots are re-created, it would create immediate non-conformances with respect to the Holiday Ranch CC&Rs and the LMC. Mr. Swanson outlined the non-conforming aspects. He stated that if the building is allowed to remain it would be under the minimum that is acceptable under the CC&Rs. The side yard open space is in conflict because hard drive surfaces would be needed to access the two parcels. A common driveway would create a conflict and a potential hardship for one or both owners. Mr. Swanson believed that it violated the LMC because the required three-foot landscape setback would no longer exist on either property, contrary to the Side Yard Exception 15-2-11H-8 of the LMC.

Mr. Swanson stated that orderly development was in question since the applicant is apparently not required to do anything to mitigate, and could initiate legal cross easements for the drive access. The owner could market, sell or hold these properties as he is equally entitled to now, but with the new underlying land being recorded as two lots. Mr. Swanson stated that the neighbors have seen firsthand what has happened to this property in a year's time. He presented a photo of what the property looked like a few years ago. It was meticulously maintained. The owner after the Cummings' recognized the value of the property and the neighborhood and was eager to contribute.

Mr. Swanson presented a photo showing the condition of the property in July 2013. He noted that the current owner took a disinterested stance on this property. Based on public record, he understood that the owner had leveraged the property and had no interest in contributing to the neighborhood or interacting with the neighbors and the HOA. Mr. Swanson believed it was only a question of solving the building addition to the existing garage, which creates an architectural problem for the HOA. He thought it was obvious that the house and garage go together. Mr. Swanson stated that there were too many negatives and unknowns to take a chance on this application. Because of the non-enforcement of CC&Rs clause and the City's broad powers, the HOA is left with created hardship and non-conformances on other issues that should have been dealt with first. He asked that the Planning Commission not take the Holiday Ranch neighbors down that path. Just because something can be done does not mean it should be done. He stated that the neighborhood is 80% full-time residents and many families. The property is inherently valuable because it has open view sheds and wildlife habitat corridors, as well as a strong and beautiful street presence.

Mr. Swanson believed the application should be rejected on its face and a recommendation to the City Council to deny this action. Short of this, he would ask the Planning Commission to continue in order to consider additional conditions of approval, one of which would be the signature and approval of the surrounding neighbors and owners.

Chair Worel asked Mr. Swanson if his comments were made on behalf of himself as an individual or on behalf of the HOA. Mr. Swanson replied that he spoke on behalf of himself as a resident.

Eric Lee, Legal Counsel for the Holiday Ranch HOA. Mr. Lee believed the City had the opportunity to keep the two parties out of litigation. He understood that the City had a policy of not enforcing CC&Rs; however, the CCRs in this case prohibited re-subdividing lots. As demonstrated by Mr. Swanson a quid pro quo negotiation was engaged fourteen years ago that resulted in the lot line

adjustment. He stated that there may be room for negotiation now, but the Nevada Limited Liability Company that owns this property has not approached the Homeowners Association despite communication from him requesting communication on this issue. They have not approached the HOA for approval to re-subdivide the lot, despite the fact that the CC&Rs require that approval, or on anything other matter. It is an absentee owner. If they are willing to communicate with the HOA there may be the potential to work something out. If not, it would end up in litigation.

Mr. Lee requested that the Planning Commission do what was administratively done in 1999 when the City considered the neighborhood's position and obtained neighborhood consent for the lot line adjustment in 1999. His position was that the owner should not be bothering the City with this issue until they receive permission from the HOA. Mr. Lee believed a negative recommendation to the City Council would allow the owner and the HOA to try and work together.

Mr. Lee stated that forwarding a negative recommendation or deferring consideration of this application would serve another purpose. The declaration for the subdivision also precludes altering any improvements or landscaping without prior written approval from the architectural committee. He pointed out that a re-subdivision would require the lot owner to alter improvements in landscaping. If the Planning Commission forwards a positive recommendation and the City ultimately allows this re-subdivision, the City would be creating a hardship argument for this owner to take to the HOA, and it changes the balance in an unfair way.

After reading the Staff report, Mr. Lee had concerns with Findings of Fact #6 which states that, "There is an existing home on Lot 30 that was built within the required setback areas and is considered a non-conforming structure." He was unclear on the meaning and asked for clarification. However, if it means that subdividing the lot would create a setback problem, the Planning Commission needs to consider that issue.

Planner Whetstone noted that word "non-conforming" was an error in the Finding because the structure is conforming and the house on Lot 30 meets the setbacks. Mr. Lee clarified that if the subdivision occurred the home on Lot 30 would be at least 12 feet from the side yard. Planner Whetstone replied that this was correct.

Mr. Lee understood that if the subdivision was allowed, an accessory structure would exist on Lot 31. As pointed out in the Staff report, accessory structures are allowed in this District as long as the setback requirements. However, in his reading of the Code, an accessory structure is not allowed without a primary structure. Mr. Lee stated that creating the subdivision would create a lot with an accessory structure without a primary structure. The City would create that situation if the subdivision was approved.

Mary Olszewski, a resident of Holiday Ranch, thanked the Planning Commission for the job they do for the City. She stated the CC&Rs is their bible that has been enforced for 37 years. It is something they do not ignore. She stated that in standing by the CC&Rs they improve their neighborhood and contribute to the City. Ms. Olszewski remarked that historically they have a relationship with the City in that plans and designs are reviewed by the architectural committee and suggestions are made, and the plans ultimately come to the City for approval. She stated that in 1999 the Cummings came to the HOA and submitted a formal application and received letters for a

variance from all the neighbors. In this instance they have been circumvented as a Board in the Holiday Ranch. A formal application was not made and no letters for a variance have been submitted from the applicant. Ms. Olszewski stated that the 1999 decision was predicated on this being one lot and a desire to help the homeowner. It seems whimsical that a homeowner can combine lots and then divide lots and leave the neighbors with a set of problems after they did their best to make everything work in the neighborhood. Mr. Olszewski stated that if the applicant is allowed to circumvent the Board, the HOA and the letters of acceptance, it weakens the CC&Rs and makes the Board moot in the neighborhood. She asked the Planning Commission to consider that in making their decision. The stronger the CC&Rs, the more valuable the property is and the greater contribution it makes to the City.

Mary Wintzer, a resident at 320 McHenry, disclosed that she is married to Planning Commissioner Charlie Wintzer. Ms. Wintzer realized that the Planning Commission was in a predicament with the policy of not being able to enforce the CC&Rs. As an Old Town resident she has spoken for years about the neighborhoods in Old Town that are being injured and how they are unable to get help from the City Council and enforcement from the Planning Commission. Ms. Wintzer noted that later this evening the Planning Commission would be discussing the General Plan and Sense of Community. She stated that what has been occurring in Old Town is now hitting Holiday Ranch. This community of full time-residents was asking the City to help uphold their sense of community. Ms. Wintzer remarked that if helping these citizens was not within their purview this evening, the Planning Commission needed to find a way to bring this into the discussion. She compared it to the domino effect. What has been happening in Old Town was now rippling to Holiday Ranch to Prospector and Thaynes, as a result of not paying attention to Sense of Community and what Park City means. Ms. Wintzer suggested that the Planning Commission and the City Council figure out a way of maintaining the sense of community the citizens were asking for.

Tracy Sheinberg, a neighbor, stated that when the current owner went to purchase the property, the real estate agent specifically told him that he could not split the lot. She was bothered by the fact that the owner had that information before he purchased the lot. She was also concerned because the owner has never lived in Park City and she assumed they did not plan to live there. They have never been a part of the community, yet they want to do something that is not allowed and would affect the neighborhood. As a neighbor, Ms. Sheinberg was concerned because the owner has let the property go into disarray. The driveway and the fence were falling apart and no one is taking care of the property. The owner now wants to split the lot and sell it as two lots. No one knows who the owner is because they never talked to the neighbors or met with the HOA. Ms. Sheinberg understood that there was no legal standing, but she thought the Planning Commission should take those factors into consideration because as a neighborhood they do care what happens to the houses and properties in their neighborhood.

Bonnie Peretti stated that she lives in the neighborhood in a home across the street and she was involved when the lots were combined under the assumption that they would not be separate. She was concerned with the term accessory apartment. Ms. Peretti noted that the owners have to refer to all accessory structures as a barn, even though some of the barns look like garages. Accessory structures were meant to accommodate horses at one point, and even now it still has to have the feeling of a barn. Accessory structures are not allowed to be rented or lived in. Ms. Peretti remarked that if the lots are split one lot would have a structure that is not a home. She wanted to

know how the City could guarantee that the structure would stay under the terms of the CC&Rs. If they allow the lots to be divided they need to protect the neighbors. Ms. Peretti felt it was best to keep the property as one lot in the way everyone understood it would be.

Peter Marsh echoed the comments of the previous speakers who have been his neighbors for 25 years. Mr. Marsh stated that he was involved in the 1999 discussions and he was available to answer any questions the Commissioners might have regarding the combinations of the lots, or any questions for the HOA as the HOA spokesperson.

Chair Worel closed the public hearing.

Mr. Schueler pointed out that the definitions of the CC&Rs of the HOA states that there should be no subdivision of lots. However, the lots referred to are the lots that were in the original platted subdivision. He clarified that the applicant was only asking to re-create the lots that existed when the subdivision was recorded as a plat in 1974. Mr. Schueler remarked that the applicant was not seeking an active proposal for development of the property at this time. He was certain that when there is a proposal, the applicant would come before the HOA and comply with the CC&Rs.

Planner Whetstone referred to comments regarding the 3' side setback of landscaping between the driveways. She noted that it could be considered a shared driveway, which is allowed; but without knowing that for certain she recommended adding Condition of Approval #9 stating that, "The driveway and landscaping must be modified to meet the 3' side yard setback prior to recordation of the plat."

Assistant City Attorney McLean emphasized that the City does not enforce CC&Rs. The Planning Commission purview is to apply the Land Management Code to the application before them. Even if the LMC is in direct conflict with the CC&Rs, the Planning Commission is tasked with applying the Land Management Code and not additional private covenants. Litigation can be a way to enforce the CC&Rs but that would be between the HOA and the applicant. The City must abide by the Land Management Code.

Commissioner Thomas understood that the Homeowners Association was registered with the City and signatures from the HOA are required when building plans are submitted. Assistant City Attorney McLean explained that the City is required to notify the HOA when building plans are submitted.

Assistant City Attorney McLean clarified that in 1999 and currently, an administrative lot line adjustment requires the consent of the neighbors, but the only purpose is to alleviate the need for having a public hearing before the Planning Commission. If the neighbors had not consented in 1999 the request for a lot line adjustment would have come to the Planning Commission.

Commissioner Wintzer stated that it is one thing to enforce the Code and another thing to ensure neighborhoods, and he was unsure how they could do both in this situation. Subdividing this property would create a non-conforming use, not of the LMC but of the CC&Rs. The structure that would be left is not an accessory building and is not large enough to meet requirements of the

CC&Rs for a house. Commissioner Wintzer did not believe the Planning Commission had the legal means to stop the lot subdivision.

Commissioner Thomas concurred with Commissioner Wintzer. Often times they run into the decision-making process of having to abide by the Code even when they do not like the solution. Unfortunately, the CC&Rs and the HOA guidelines and rules are not the responsibility of the Planning Commission. Their responsibility is the LMC and the General Plan and from time to time they have to make decisions that impact people and neighborhoods. The Commissioners do not like that solution but it is the law and they are held accountable to the law.

Commissioner Gross was concerned that allowing the subdivision would be setting up the neighbors and the homeowners for future litigation and other issues because of the accessory structure and the driveway. He referred to LMC Section 15-7-3(b)-2 – Private Provisions, which talks about the provisions of the easement, covenants or private agreements or restrictions impose obligations more restrictive or a higher standard than the requirements of these regulations or the conditions of the Planning Commission, City Council or municipality approving a subdivision or enforcing these regulations and such provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Based on that language, Commissioner Gross believed that if the Homeowners Association had a stronger will to have the neighborhood a certain way than the City or the City Council, then the operative word is private rights and that should be respected per Section 15-7-(b)-2.

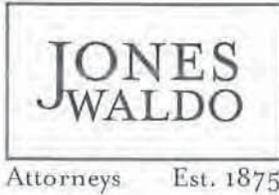
Assistant City Attorney McLean stated that if the LMC was more restrictive than the CC&Rs, the more restrictive would apply. However, if it is a private agreement and it is not reflected on the plat, the City would not enforce it. It is up to the HOA to enforce their provisions if they are more restrictive than the LMC.

Commissioner Wintzer asked for clarification on the side yard setback in the zone and what was permitted in the setback. Planner Whetstone replied that per the LMC the side yard setback is 12' and it allows patios, decks, chimneys, window wells, roof overhangs and driveways. Commissioner Wintzer asked if the driveways could go to the property line. Director Eddington stated that driveways could be 3' from the property line or 1' from the property line if it is deemed as assistance to help a car back in or out. Commissioner Wintzer was concerned that allowing the subdivision would create something that would not meet Code.

MOTION: Commissioner Wintzer moved to CONTINUE this item to a date uncertain until the applicant submits a site plan showing how the setbacks and driveways would comply with Code, and they would also have to submit their plans to the Homeowners Association. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

**5. 70 Chambers Avenue – Steep Slope Conditional Use Permit  
(Application PL-13-01939)**



TEL: 435-200-0085  
FAX: 435-200-0084

1441 WEST UTE BLVD, SUITE 330  
PARK CITY, UTAH 84098

WWW.JONESWALDO.COM

AFFILIATED FIRM  
LEAR & LEAR LLP

August 27, 2013

*VIA U.S. MAIL AND E-MAIL*

Mr. Thomas Eddington, Director  
Park City Planning Department  
*thomas.eddington@parkcity.org*  
P.O. Box 1480  
Park City, Utah 84060

Re: 2519 Lucky John Drive – Plat Amendment Application

Dear Mr. Eddington:

I represent the Holiday Ranch Homeowners Association. The property at 2519 Lucky John Drive (the "Property") is a parcel comprised of two lots in the Holiday Ranch subdivision, Lots 30 and 31. These lots were combined by a lot line adjustment and plat amendment in August 1999.

We have not yet seen all of the documents pertaining to the Application, but our understanding is that the owner of the Property, a Nevada limited liability company known as Costa Rican Ventures, LLC (the "Owner"), is requesting permission to resubdivide the Property. The Association opposes the Application on these grounds:

1. **The Holiday Ranch Declaration prohibits resubdivision of lots.** Section 5.5 of the "Declaration of Protective Covenants for Holiday Ranchettes" (the "Declaration") bars resubdivision of Holiday Ranch lots. Declaration Section 4.3 authorizes the Association's Architectural Committee to grant a variance from the resubdivision ban but the Owner has not requested such a variance. In fact, the Owner has made no effort to communicate with the Association regarding the proposed resubdivision. We recognize that the City does not enforce subdivision covenants but we ask that the City take this resubdivision ban into consideration as it considers the Application.

2. **The Owner has not communicated with the Association regarding alterations to existing improvements and landscaping that will be made necessary by any resubdivision.** Section 4.2 of the Declaration precludes altering any improvements or landscaping without prior written approval from the Architectural Committee. Implementing the proposed resubdivision will necessarily require altering existing improvements and landscaping, including trees and shrubs, a fence, driveway and, presumably, the separate garage building. If the Application is approved and the property is resubdivided, the Owner will be in a position to argue that it has no option but to alter these existing improvements. In other words, approving the Application will effectively create a hardship argument that the Owner currently does not have. At a minimum, the Association requests that the City defer consideration of the Application until after the Owner receives approval from the Architectural Committee to make the alterations that the Owner believes will be required after resubdivision.
  
3. **The owner should not be able to take advantage of raised grade created when the lots were combined.** After the lots were combined in 1999, existing grade on Lot 31 was raised substantially to facilitate construction of a barn/garage on the lot and a common driveway with Lot 30. See attached "Existing Conditions" and "New Conditions" Site Plans. Any resubdivision of the lots should be conditioned on restoring the artificially elevated grade to its original level to ensure that the residential structure that will presumably be built on Lot 31 does not enjoy a *de facto* increase in the height limit imposed by both the Declaration and the Park City Land Management Code.

If we can provide any other information in support of your review of the Application, please let us know. We appreciate your attention to this matter.

Yours truly,

Jones, Waldo, Holbrook & McDonough, PC



Eric P. Lee

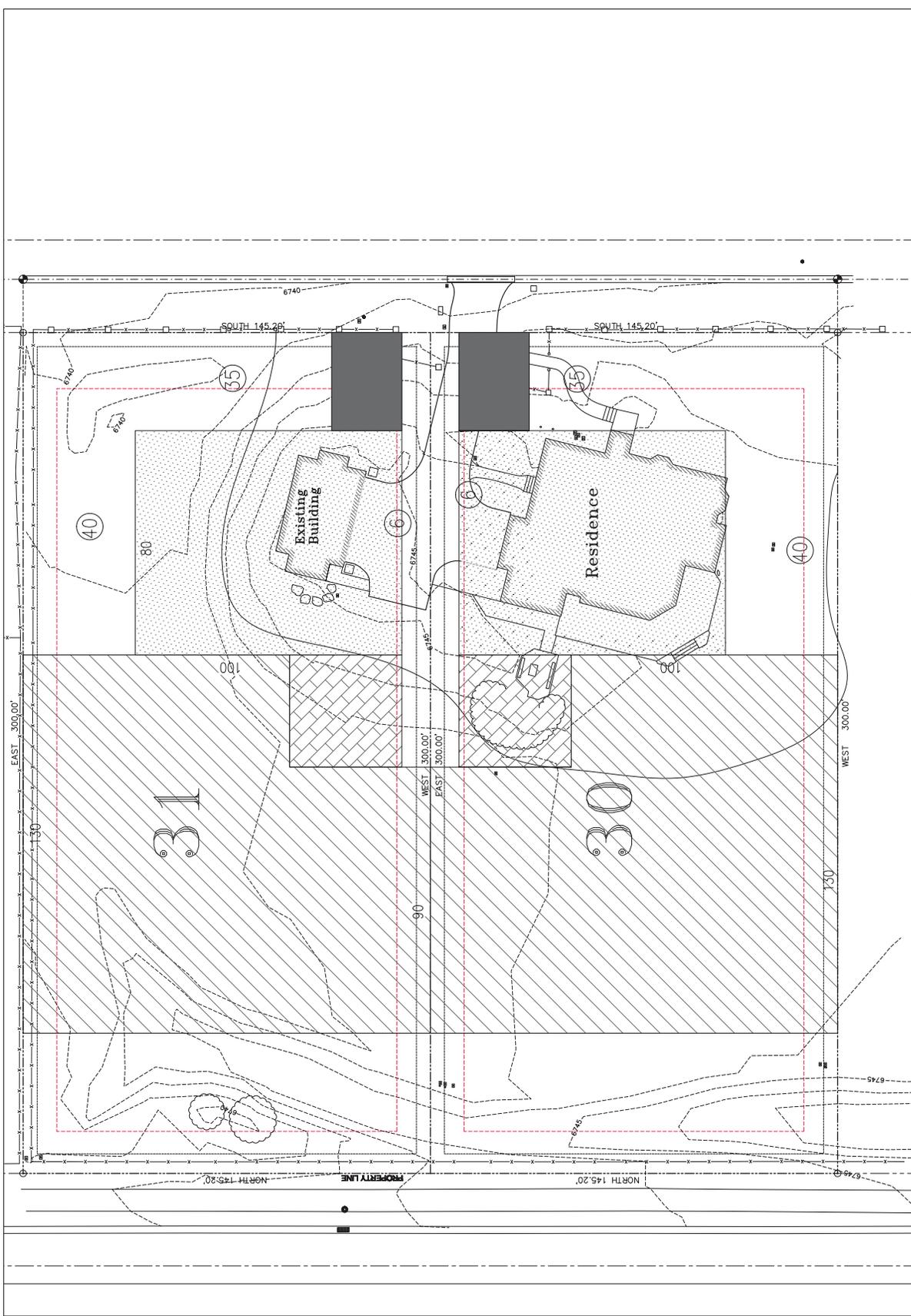
EPL/nar  
Enclosures  
cc: Holiday Ranch Homeowners Association

EXHIBIT H

SHEET 1 OF 1  
 CC&R SITE CRITERIA (from Exhibit B-CC&R's)  
 LOTS 30 & 31  
 HOLIDAY RANCHETTES  
 FOR: DAVID LANKOWSKY  
 NO. 4-3-13  
 FILE: \\P:\Purp. Measura\dwg\lot 30-31\driveway exhibit.dwg

STAFF: STEVE SCHUELER  
 DATE: 2/11/14

CONSULTING ENGINEER LAND PLANNERS SURVEYORS  
 222 Main Street, P.O. Box 2664, Fort Collins, CO 80502-2664  
 (970) 449-2447



- OPEN AREA
- 40 SETBACK DISTANCES FROM PROPERTY LINE
- 30 LENGTH OF PROPERTY ZONES
- 30 LOT NUMBER
- RESIDENCE
- STABLE, BARN, AND/OR KENNEL
- DRIVEWAY (18' WIDE)
- PASTURE



CONSULTING ENGINEERS

LAND PLANNERS

SURVEYORS

Feb 24, 2014

Paul Marsh  
Holiday Ranch Homeowners Association  
Park City, Utah 84060

Dear Paul,

Please find this submittal to the Holiday Ranch HOA regarding the re-establishment of the platted lot line between Lots 30 and 31. I appreciate the opportunity to have met last week at the Park City Planning offices to clarify the position of the Holiday Ranch HOA with respect to this plat amendment application. Let me also take this opportunity to apologize for the timeliness of this submittal to you and the other Board members. I had delivered a plat amendment sheet to an HOA member back in July 2013, but in hindsight, I should have made a more formal submittal, brought the HOA Board a more comprehensive set of exhibits and made myself available to address any concerns you have. I apologize for that oversight.

Dr. David Lanzkowsky is the owner of both the Lot 30 and Lot 31 properties. I am speaking on his behalf and representing this plat amendment application. Dr. Lanzkowsky seeks to re-establish the lot line between the two lots, which was removed in 1999. As you are aware Lots 30 and 31 existed as two separate platted lots from 1974 to 1999. We recognize your concerns with respect to how this plat amendment may affect compliance with the Holiday Ranches CC+R's. I hope we can ameliorate those concerns with this submittal and the following proposal:

1. As the owner of these lots, Dr. Lanzkowsky proposes to keep the existing layout of buildings, driveway, and landscape (the site plan), the same as currently exists. We understand that a variance was granted for this site plan back when the lots were combined in 1999. We feel as though keeping things "as they are" will represent the least visual impact to the neighborhood, and residents can enjoy the exact same views of the properties they have enjoyed for the past 15 years. This option would also comply with the Park City Land Management Code. Dr. Lanzkowsky has explored the possibility of moving the Lot 31 accessory building over, and adjacent to the residence on lot 30, in addition to removing the heated driveway that would cross the lot line. Moving the accessory building is estimated to cost around \$50,000, based upon proposals from contractors. It would entail construction of a new foundation, moving the structure to the new foundation, re-building any damaged facades, and then removing and disposing of the old foundation to a landfill. By anyone's standards it would be costly, disruptive to the neighborhood and not a particularly "green thing" to do. Re-establishing the lot line

RECEIVED  
FEB 24 2014

PARK CITY  
PLANNING DEPT.

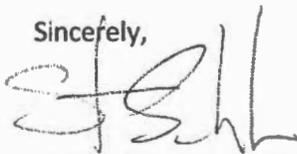
between the two lots will have no visual impact on the properties, and notwithstanding any CC+R issues associated with property and landscape maintenance, nothing is proposed to be added or taken away that would alter the visual character. Leaving the driveway "as is" serves to provide the visual connection between all the buildings and reinforces the appearance of an integrated estate or compound. No fences or walls between the two lots are proposed to be constructed and would not be done so, without review and approval by the Architectural Board.

2. Dr. Lanzkowsky has indicated to me that he is looking to retain ownership in the long-term. On the order of five years. But we all recognize that things do change. In the event of a sale of either property, Dr. Lanzkowsky would propose to make the properties compliant with your CC+R's. This would mean re-building the driveway to the Lot 30 residence so that it does not cross the property line. The accessory building on Lot 31 would either have to move, be torn down or incorporated into a new residence. Presumably a new owner of Lot 31 would wish to determine the best solution for him/ her in conjunction with working with the Architectural Board. The goal would be to not get into a situation where Lot 31 is sold and the accessory building is left for an indeterminate length of time on the lot. Or Lot 30 is sold and the new owner puts up a fence or changes the driveway such that the accessory building appears to be isolated on Lot 31. We wish to avoid those, and similar, scenarios. I would welcome the opportunity to discuss with the HOA as to how best to create an agreement which works in everyone's interest.

I am attaching the plat amendment exhibits we submitted as part of the application along with other exhibits that may be of value to you and the Board in your deliberations.

We have agreed to postpone our Planning Commission meeting until March 12th to allow time for your consideration of this proposal. If I can be of further assistance, or make myself available to your board please let me know, ideally a day in advance.

Sincerely,



ALLIANCE ENGINEERING

Steve Schueler  
Land Use Planner

cc. Kirsten Whetstone, Park City Planning Department, letter only





# Planning Commission Staff Report

**Subject:** Risner Ridge and Risner Ridge no. 2  
Subdivisions  
**Project Number:** PL-13-02021  
**Date:** March 12, 2014  
**Type of Item:** Administrative – Plat Amendments



## Summary Recommendations

Staffs recommends the Planning Commission hold public hearings for the Risner Ridge and Risner Ridge No. 2 Plat Amendments and consider forwarding positive recommendations to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinances.

The plat amendments have been consolidated into one (1) staff report. However, the Planning Commission must take separate action on each amendment.

*Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.*

## Description

**Applicant:** Risner Ridge HOA  
**Project Planner:** Kirsten Whetstone, MS, AICP  
**Zoning:** Residential Development (RD) District  
**Land Uses:** Residential, Park Meadows Country Club, and open space  
**Reason for Review:** Plat amendments require Planning Commission review and City Council approval

## Proposal

This application is a request to amend both Risner Ridge and Risner Ridge No.2 Subdivision plats to include as plat notes, language that has already been approved by the City Council of Park City and that is reflected in City Ordinance No. 90-28, dated October 11, 1990 and amended on March 18, 2004 as reflected in City Ordinance 04-09. Ordinance 04-09 clarifies that Ordinance 90-28 applies to both subdivision plats. While the Ordinances were recorded, a plat reflecting the notes never was. The requested plat amendments (Exhibit A) memorialize language that has been approved and clarified by recorded Ordinances.

## Background

The Risner Ridge Subdivisions are located in the Residential Development (RD) District, north of the Park Meadows area. Risner Ridge Subdivision plat was approved by City Council on May 26, 1988, and recorded at Summit County on June 1, 1988

(Exhibit B). Risner Ridge No. 2 Subdivision plat was approved by City Council on March 16, 1989, and recorded at Summit County on March 21, 1989 (Exhibit C).

On October 11, 1990 the City Council approved an Ordinance adding previously approved language to the Risner Ridge Subdivision plat limiting square footage of houses. This Ordinance, known as Ordinance 90-28, was recorded at Summit County on October 16, 1990 (Exhibit F). On March 4, 2004, the City Council approved an amendment to Ordinance 90-28 clarifying that the language limiting square footage of houses and describing how square footage is to be calculated was to apply to both Risner Ridge Subdivision and Risner Ridge No. 2 Subdivision. The Ordinance approved on March 4, 2004, known as Ordinance 04-09, was recorded at Summit County on April 16, 2004 (Exhibit G). There were no plats recorded with either of these Ordinances.

On September 11, 2008, the City Council amended both plats in a similar manner to this current application to increase the setback requirements to make them greater than what is required in the Land Management Code. The September 11, 2008, approval expired before the plats were recorded and the applicant was required to re-submit an application for the previous plat amendments.

On August 26, 2010, the Risner Ridge Subdivision plat was amended to include plat notes related to setbacks. The First Amended Risner Ridge Subdivision plat was recorded at Summit County on February 7, 2011. On August 26, 2010 the Risner Ridge No. 2 Subdivision plat was amended to include plat notes related to setbacks. The First Amended Risner Ridge No. 2 Subdivision plat was recorded at Summit County on February 7, 2011 (Exhibits D and E).

### **Purpose**

The purpose of the Residential Development (RD) District is to:

- a) Allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- b) Encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- c) Allow commercial and recreational activities that are in harmony with residential neighborhoods,
- d) Minimize impacts of the automobile on architectural design,
- e) Promote pedestrian connections within Developments and between adjacent Areas; and
- f) Provide opportunities for variation in architectural design and housing types.

### **Analysis**

The purpose of these plat amendments is to record plats that include the approved language for both Risner Ridge and Risner Ridge No.2 Subdivisions consistent with Ordinance 90-28, amended by Ordinance 04-09, and to reduce future confusion for potential buyers, owners, real estate community, architects, and plan reviewers.

Searches at Summit County for plats and plat notes do not bring up the recorded Ordinances. Because the notes were not actually applied to plats and no plat amendments were recorded the restrictive language is not easily found.

The requested plat notes are regarding maximum allowed house size as well as language stipulating how house size is to be calculated for lots in Risner Ridge and Risner Ridge No. 2 Subdivisions. The requested amendments memorialize language that has been approved by City Council and clarified by recorded Ordinances.

Land Management Code (LMC) requirements for this Residential Development (RD) zoning district, as well as the LMC definition of gross residential floor area, are less restrictive than the requirements approved by City Council with the Subdivision approvals and the with the subsequent Ordinances.

#### Risner Ridge Subdivision

The original plat for this subdivision does not include plat notes related to house size that were approved with the original Risner Ridge Subdivision approval in 1988. Later, in 1990 the Council approved Ordinance 90-28 memorializing the house size requirements approved when the subdivision was approved. No plat was recorded with Ordinance 90-28. The HOA, as applicant is requesting that the language approved by Ordinance be recorded as a plat note, as follows:

Pursuant to Park City Ordinance No. 90-28, dated October 11, 1990, as amended by Ordinance 04-09 on March 18, 2004, the maximum floor area of any structure in the subdivision shall be 5,500 square feet. The floor area is defined as the area of a building that is enclosed by surrounding walls, excluding a 600 square foot allowance for garages. Floor area includes basements, whether finished or unfinished, and excludes porches, patios, and decks.

#### Risner Ridge No.2 Subdivision

The original plat for this subdivision also does not contain notes related to house size and the HOA desires to add plat notes consistent with the CC&Rs. Therefore, the applicant proposes to add the same language to this plat as follows:

Pursuant to Park City Ordinance No. 90-28, dated October 11, 1990, as amended by Ordinance 04-09 on March 18, 2004, the maximum floor area of any structure in the subdivision shall be 5,500 square feet. The floor area is defined as the area of a building that is enclosed by surrounding walls, excluding a 600 square foot allowance for garages. Floor area includes basements, whether finished or unfinished, and excludes porches, patios, and decks.

It is not clear why this language was not added to the plats in 2010 when they were amended to include the setback language approved with the original subdivisions. The Ordinances had been recorded prior and the house size language did apply to all of

the lots in these subdivisions. According to the HOA, the issue of the house size language in the Ordinances not being readily retrievable during recorder plat searches seems to be a recent issue and related to a reliance on electronic records, rather than the City's paper plats. The paper plats do have the house size language attached to them, but because of the number of plat amendments that have been approved, Staff relies on the electronic records at Summit County for the most current plats. Because the plats themselves were not amended the house size note isn't recorded on any of the Risner Ridge plats, just on the Ordinances, which don't come up when searching plats.

### **Good Cause**

Staff finds good cause for the plat amendments as they will create a certainty with regards to house size between the plats, the original approvals, and the CC&Rs which are based on the approvals. The City does not enforce CC&Rs, but does enforce plat notes. Other than adding notes to the recorded plats, there are no other changes requested. If the plat amendments are approved and recorded, then the Risner Ridge plats would be consistent with the approved and recorded Ordinance that memorialized specific house size and house size calculation restrictions consistent with the Risner Ridge Covenants, Conditions, & Restrictions (CC&Rs).

The Risner Ridge Homeowners Association has requested these plat amendments so that the plat notes will be of record at Summit County when a "recorders plat" search is initiated. The HOA has discovered late in the design review that owners, architects, and plan reviewers have not adhered to the house size requirements requiring costly last minute redesigns after review by the HOA. The HOA has confirmed with the City that there are no known structures in either of the two (2) subdivisions in material non-compliance with the proposed house size restrictions. Therefore no known non-compliance situations will be created by the requested action. If there are situations that surface in the future where a house was constructed in compliance with the Land Management Code in effect at the time of building permit issuance, then such structures shall be considered legal non-complying structures by the City.

### **Process**

Final action by the City Council on this application constitutes final action that may be appealed in District Court within thirty (30) days of approval as further outlined in LMC Section 1-18. Plat amendment approvals expire one year following a Council approval, unless an extension request is submitted in writing and the extension is granted by the City Council.

### **Department Review**

These plat amendment applications have been reviewed by the Development Review Committee and all issues brought up at that time have been addressed.

### **Notice**

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

Record consistent with requirements of the Land Management Code.

### **Public Input**

No public input has been received at the time of writing this report. A public hearing will be conducted at both the Planning Commission and City Council meetings to accept any public input on this matter.

### **Alternatives**

- The Planning Commission may forward positive recommendations to the City Council for the Risner Ridge and Risner Ridge No. 2 Plat Amendments as conditioned or amended; or
- The Planning Commission may forward negative recommendations to the City Council and direct staff to make Findings for these decisions; or
- The Planning Commission may continue the public hearing and discussion on these plat amendments to a date certain and provide direction to the staff and/or applicant regarding additional information or analysis required in order to make a decision on the requested applications.

### **Significant Impacts**

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

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

The notes regarding house size would not be recorded on the plats and the confusion regarding house size requirements would continue.

### **Recommendation**

Staffs recommends the Planning Commission hold public hearings for the Risner Ridge and Risner Ridge No. 2 Plat Amendments and consider forwarding positive recommendations to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinances.

### **Exhibits**

- Ordinance 1 for Second Amended Risner Ridge Subdivision
- Ordinance 2 for Second Amended Risner Ridge No. 2 Subdivision
- Exhibit A- Proposed plats
- Exhibit B- Original Risner Ridge Subdivision plat
- Exhibit C- Original Risner Ridge No. 2 Subdivision plat
- Exhibit D- First Amended Risner Ridge plat
- Exhibit E- First Amended Risner Ridge No. 2 plat
- Exhibit F- Ordinance No. 90-28
- Exhibit G- Ordinance No. 04-09
- Exhibit H- Vicinity map

**AN ORDINANCE APPROVING THE SECOND AMENDED RISNER RIDGE  
SUBDIVISION PLAT, PARK CITY, UTAH**

WHEREAS, the Homeowners Association of Risner Ridge Subdivision has petitioned the City Council for approval of the Second Amended Risner Ridge Subdivision Plat; and

WHEREAS, the property was properly noticed and posted according to 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 March 12, 2014, to receive input on the Second Amended Risner Ridge Subdivision Plat;

WHEREAS, the Planning Commission, on March 12, 2014, forwarded a recommendation to the City Council on the plat amendment request;

WHEREAS, the City Council held a public hearing on April 17, 2014, to receive input on the Second Amended Risner Ridge Subdivision Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Second Amended Risner Ridge Subdivision 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 Risner Ridge Subdivision Plat Amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is known as the Risner Ridge Subdivision.
2. The property is located in the Residential Development (RD) District.
3. Risner Ridge Subdivision plat was approved by City Council on May 26, 1988, and recorded at Summit County on June 1, 1988.
4. Risner Ridge No. 2 Subdivision plat was approved by City Council on March 16, 1989, and recorded at Summit County on March 21, 1989.
5. On October 11, 1990 the City Council approved an Ordinance adding previously approved language to the Risner Ridge Subdivision plat limiting square footage of houses. This Ordinance, known as Ordinance 90-28, was recorded at Summit County on October 16, 1990. There was not a plat recorded with this Ordinance.
6. On March 4, 2004, the City Council approved an amendment to Ordinance 90-28

clarifying that the language limiting square footage of houses and describing how square footage is to be calculated was to apply to both Risner Ridge Subdivision and Risner Ridge No. 2 Subdivision. There was no plat recorded with this Ordinance.

7. The Ordinance approved on March 4, 2004, known as Ordinance 04-09, was recorded at Summit County on April 16, 2004. There were no plats recorded with this Ordinance.
8. On September 11, 2008, the City Council amended both plats in a similar manner to address similar issues of inconsistency with setback requirements. The September 11, 2008, approval expired before the plats were recorded and the applicant was required to re-submit an application for the previous plat amendments.
9. On August 26, 2010 the Risner Ridge Subdivision plat was amended to include plat notes related to setbacks. The First Amended Risner Ridge Subdivision plat was recorded at Summit County on February 7, 2011.
10. On August 26, 2010 the Risner Ridge No. 2 Subdivision plat was amended to include plat notes related to setbacks. The First Amended Risner Ridge No. 2 Subdivision plat was recorded at Summit County on February 7, 2011.
11. The recorded Risner Ridge and Risner Ridge No. 2 Subdivision plats on record at Summit County do not include notes regarding house sizes because only Ordinance were recorded, not actually plat notes to physical plats, and when County recorder plats are searched the Ordinances do not come up.
12. The applicant proposes to add a plat note, consistent with Ordinances 90-28 and Ordinance 04-09, to both Risner Ridge and Risner Ridge No. 2 plats and record these amended plats at Summit County, memorializing the house size restrictions that were originally approved with the Risner Ridge and Risner Ridge No. 2 Subdivisions as approved by the City Council as stated in the Ordinances.
13. The note being added states the following: Pursuant to Park City Ordinance No. 90-28, dated October 11, 1990, as amended on March 18, 2004, the maximum floor area of any structure in the subdivision shall be 5,500 square feet. The floor area is defined as the area of a building that is enclosed by surrounding walls, excluding a 600 square foot allowance for garages. Floor area includes basements, whether finished or unfinished, and excludes porches, patios, and decks.
14. The plat note will provide consistency between the plat notes and the Risner Ridge Subdivision approval as well as the CC&Rs and house sizes will be calculated stricter than with the Land Management Code. The CCRs include the entire basement area in the total floor area as was approved with the original subdivision approvals.
15. This note will not create any known non-complying structures. If there are situations that surface in the future where a house was constructed in compliance with the Land Management Code in effect at the time of building permit issuance, then such structures shall be considered legal non-complying structures by the City.
16. The City does not enforce Covenants, Conditions, and Restrictions (CC&Rs), but does enforce notes and instructions on a recorded subdivision plat.

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 for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will submit the amended plat to the City for recordation 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 will expire, unless a written request for an extension is submitted prior to the expiration and the extension request is granted by the City Council.

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

PASSED AND ADOPTED this \_\_\_\_ day of April.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

\_\_\_\_\_  
Marci Heil, City Recorder

APPROVED AS TO FORM:

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

**AN ORDINANCE APPROVING THE SECOND AMENDED RISNER RIDGE NO. 2  
SUBDIVISION PLAT, PARK CITY, UTAH**

WHEREAS, the Homeowners Association of the Risner Ridge No. 2 Subdivision has petitioned the City Council for approval of the Second Amended Risner Ridge No. 2 Subdivision Plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on March 12, 2014, to receive input on the Second Amended Risner Ridge No. 2 Subdivision Plat;

WHEREAS, the Planning Commission, on March 12, 2014, forwarded a recommendation to the City Council;

WHEREAS, the City Council held a public hearing on April 17, 2014, to receive input on the Risner Ridge No. 2 Subdivision Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Second Amended Risner Ridge No. 2 Subdivision 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 Risner Ridge No. 2 Subdivision Plat Amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is known as the Risner Ridge No. 2 Subdivision.
2. The property is located in the Residential Development (RD) District.
3. Risner Ridge Subdivision plat was approved by City Council on May 26, 1988, and recorded at Summit County on June 1, 1988.
4. Risner Ridge No. 2 Subdivision plat was approved by City Council on March 16, 1989, and recorded at Summit County on March 21, 1989.
5. On October 11, 1990 the City Council approved an Ordinance adding previously approved language to the Risner Ridge Subdivision plat limiting square footage of houses. This Ordinance, known as Ordinance 90-28, was recorded at Summit County on October 16, 1990. There was not a plat recorded with this Ordinance.
6. On March 4, 2004, the City Council approved an amendment to Ordinance 90-28

clarifying that the language limiting square footage of houses and describing how square footage is to be calculated was to apply to both Risner Ridge Subdivision and Risner Ridge No. 2 Subdivision.

7. The Ordinance approved on March 4, 2004, known as Ordinance 04-09, was recorded at Summit County on April 16, 2004. There were no plats recorded with this Ordinance.
8. On September 11, 2008, the City Council amended both plats in a similar manner to address similar issues of inconsistency with setback requirements. The September 11, 2008, approval expired before the plats were recorded and the applicant was required to re-submit an application for the previous plat amendments.
9. On August 26, 2010 the Risner Ridge Subdivision plat was amended to include plat notes related to setbacks. The First Amended Risner Ridge Subdivision plat was recorded at Summit County on February 7, 2011.
10. On August 26, 2010 the Risner Ridge No. 2 Subdivision plat was amended to include plat notes related to setbacks. The First Amended Risner Ridge No. 2 Subdivision plat was recorded at Summit County on February 7, 2011.
11. The recorded Risner Ridge and Risner Ridge No. 2 Subdivision plats on record at Summit County do not include notes regarding house sizes because only Ordinance were recorded, not actually plat notes to physical plats, and when County recorder plats are searched the Ordinances do not come up.
12. The applicant proposes to add a plat note, consistent with Ordinances 90-28 and Ordinance 04-09, to both Risner Ridge and Risner Ridge No. 2 plats and record these amended plats at Summit County, memorializing the house size restrictions that were originally approved with the Risner Ridge and Risner Ridge No. 2 Subdivisions as approved by the City Council as stated in the Ordinances.
13. The note being added states the following: Pursuant to Park City Ordinance No. 90-28, dated October 11, 1990, as amended on March 18, 2004, the maximum floor area of any structure in the subdivision shall be 5,500 square feet. The floor area is defined as the area of a building that is enclosed by surrounding walls, excluding a 600 square foot allowance for garages. Floor area includes basements, whether finished or unfinished, and excludes porches, patios, and decks.
14. The plat note will provide consistency between the plat notes and the Risner Ridge Subdivision approval as well as the CC&Rs and house sizes will be calculated stricter than with the Land Management Code. The CCRs include the entire basement area in the total floor area as was approved with the original subdivision approvals.
15. This note will not create any known non-complying structures. If there are situations that surface in the future where a house was constructed in compliance with the Land Management Code in effect at the time of building permit issuance, then such structures shall be considered legal non-complying structures by the City.
16. The City does not enforce Covenants, Conditions, and Restrictions (CC&Rs), but does enforce notes and instructions on a recorded subdivision plat.

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 for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will submit the amended plat to the City for recordation 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 will expire, unless a written request for an extension is submitted prior to the expiration and the extension request is granted by the City Council.

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

PASSED AND ADOPTED this \_\_\_\_\_ day of April, 2014.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

\_\_\_\_\_  
Marci Heil, City Recorder

APPROVED AS TO FORM:

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

**SURVEYOR'S CERTIFICATE**

I, John Demme, certify that I am a Registered Land Surveyor and that I hold authority of the Board of Professional Engineers and Surveyors, State of Utah, for the purpose of adding a note to the original recorded plat as approved by the Board of Professional Engineers and Surveyors. This amendment does not change, nullify or alter the boundary, area, easement, or title of said subdivision.



John Demme  
Data

**SURVEYOR'S NARRATIVE**

Refer to the recorded plat of RISNER RIDGE SUBDIVISION for all boundary, lot, street and easement data, said plat being recorded June 1, 1988, as Entry No. 26977 in the office of the Summit County Recorder.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS that the Risner Ridge Homeowners Association, a legal entity under the laws of the State of Utah, hereby consents to be amended as stated in the note on this plat. In witness whereof, the undersigned at his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Risner Ridge Homeowners Association  
By: Jonathan Echler, President

**ACKNOWLEDGMENT**

State of \_\_\_\_\_  
County of \_\_\_\_\_  
On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, I, \_\_\_\_\_, appeared before me, the undersigned Notary Public, in and for said state and county, who after being duly sworn, acknowledged to me that he is the president of Risner Ridge Homeowners Association, and that he signed the above dedication and consent to record freely and voluntarily on behalf of said association.

A Notary Public commissioned in Utah  
Residing in \_\_\_\_\_  
My commission expires \_\_\_\_\_

**NOTE:**  
Pursuant to Park City Ordinance No. 90-28, dated October 11, 1990, as amended on March 18, 2004, the maximum floor area of any structure in the subdivision shall be limited to the area of the lot on which it is located, including any attached garage. Floor area includes basements, whether finished or unfinished, and includes porches, patios and decks.

SECOND AMENDED PLAT OF THE  
**RISNER RIDGE SUBDIVISION**

FORMERLY KNOWN AS PARK MEADOWS NO. 4  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 4  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH



<p>FILE NO. 14-13 FILE: X:\Park Meadows\Map\Map2013\010813.dwg RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF DATE _____ TIME _____ BOOK _____ PAGE _____ ENTRY NO. _____ FEE _____ RECORDER _____</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b> PERSONAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2013 A.D. BY _____ MAYOR</p>	<p><b>CERTIFICATE OF ATTEST</b> I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____, 2013 A.D. OF _____ BY _____ PARK CITY RECORDER</p>	<p><b>APPROVAL AS TO FORM</b> I APPROVE AS TO FORM THIS _____ DAY OF _____, 2013 A.D. BY _____ PARK CITY ATTORNEY</p>	<p><b>ENGINEER'S CERTIFICATE</b> I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2013 A.D. BY _____ PARK CITY ENGINEER</p>	<p><b>PLANNING COMMISSION</b> APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2013 A.D. BY _____ CHAIR</p>	<p><b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b> REVIEWED FOR CONFORMANCE WITH SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2013 A.D. BY _____ S.B.W.R.D.</p>	<p>(435) 649-2427 Snyderville Basin Water Reclamation District 222 Main Street, P.O. Box 2004, Park City, Utah 84060-2004</p>
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**SURVEYOR'S CERTIFICATE**

I, John Danowicz, Surveyor, do hereby certify that I have prepared this SECOND AMENDED PLAT for the purpose of adding a note to the original recorded plat as approved by the Planning Commission and the Park City Council. I have prepared this SECOND AMENDED PLAT for the purpose of adding a note to the original recorded plat as approved by the Planning Commission and the Park City Council. I have prepared this SECOND AMENDED PLAT for the purpose of adding a note to the original recorded plat as approved by the Planning Commission and the Park City Council.

John Danowicz \_\_\_\_\_ Date \_\_\_\_\_

**SURVEYOR'S NARRATIVE**

Refer to the recorded plat of RISNER RIDGE NO. 2 SUBDIVISION for all boundary, lot, street and easement data, said plat being recorded March 21, 1999, as Entry No. 306172 in the office of the Summit County Recorder.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS that the Risner Ridge Homeowners Association, a Utah Not-for-Profit Corporation, do hereby dedicate and consent to record the above described subdivision, hereby covenants that same to be in witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Risner Ridge Homeowners Association  
By: Jonathan Edinger, President

**ACKNOWLEDGMENT**

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, I, \_\_\_\_\_, do hereby appear before me, the undersigned Notary Public, in and for said state and county, who after being duly sworn, acknowledged to me that he is the president of Risner Ridge Homeowners Association, and that he signed the Dedication and Consent to Record Tertiary and voluntarily on behalf of said association.

A Notary Public commissioned in Utah  
Printed Name \_\_\_\_\_  
Residing in \_\_\_\_\_  
My commission expires \_\_\_\_\_

**NOTE:** To Park City Ordinance No. 99-26, dated October 11, 1990, as amended on March 10, 2004, the maximum floor area of any structure in the subdivision shall be 5000 square feet. The maximum height of any structure shall be 30 feet. The maximum height of any structure shall be 30 feet. The maximum height of any structure shall be 30 feet. Floor area includes basements, whether finished or unfinished, and excludes porches, patios and decks.

SECOND AMENDED PLAT OF THE  
**RISNER RIDGE NO. 2 SUBDIVISION**

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



	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2013 A.D. BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____, 2013 A.D. BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2013 A.D. BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2013 A.D. BY _____ PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2013 A.D. BY _____ PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2013 A.D. BY _____ MAYOR</p>	<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ ENTRY NO. _____ FEE _____ RECORDER _____</p>
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*Attn: City Recorder*

ORDINANCE NO. 90-28

AN ORDINANCE ADDING PREVIOUSLY APPROVED  
LANGUAGE TO THE RISNER RIDGE  
SUBDIVISION PLAT LIMITING SQUARE FOOTAGE OF HOUSES

Fee Exempt per Utah Code  
Annotated 1983 21-7-2

WHEREAS, the Planning Commission and City Council did approve the  
Risner Ridge Subdivision Plat recorded in Summit County, Utah, as Entry  
290977; and

WHEREAS, in granting said approval certain conditions were  
imposed by the Planning Commission and City Council; and

WHEREAS, the condition limiting square footage was omitted on the  
recorded plat; and

WHEREAS, the City Council did receive a request from the Risner  
Ridge Homeowners' Association asking that the Council amend the plat to  
carry out the intent of the Planning Commission and City Council; and

WHEREAS, after holding a public hearing on October 4th to receive  
input on amending the Risner Ridge Subdivision plat, the City Council  
of Park City approved language to be added to the plat,

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

SECTION 1. The following language shall be an additional  
condition of approval attaching to the Risner Ridge Subdivision Plat  
(formerly known as Park Meadows No. 4 Subdivision) and incorporated  
therein by this reference:

The maximum floor area of any structure shall be 5500 square feet  
and shall be calculated as follows: The floor area is the area of  
a building that is enclosed by surrounding exterior walls,  
excluding a 600 square foot allowance for garages. Basements will  
be considered floor area whether finished or unfinished. Porches,  
balconies, patios and decks will not be considered floor area.

SECTION 2. This ordinance shall take effect immediately upon  
passage.

DATED this <sup>28<sup>th</sup></sup> 10<sup>th</sup> day of October, 1990.

PARK CITY MUNICIPAL CORPORATION

*Bradley A. Olson*  
BRADLEY A. OLSON, MAYOR

ATTEST:

*Anita L. Sheldon*  
ANITA L. SHELDON, CITY RECORDER



REC'D BY *Dg* *NC*  
ALAN SPRIGGS  
SUMMIT COUNTY RECORDER  
90 OCT 16 AM 10:16  
*Park City Municipal Corp*  
RED NOTE *AB/10/16*  
**331508**

800x 582 PAGE 812

*R*

**Fee Exempt per Utah Code  
Annotated 1953 21-7-2**

Recorded at the request of and return  
to: Park City Municipal Corp.  
Attn: City Recorder  
P. O. Box 1480, Park City, UT 84060

**Ordinance No. 04-09**

**AN ORDINANCE AMENDING ORDINANCE 90-28 AND THE RISNER RIDGE II  
SUBDIVISION PLAT LIMITING MAXIMUM HOUSE SIZES, PARK CITY, UTAH.**

WHEREAS, the Homeowners Association of the Risner Ridge Subdivision have petitioned the City Council for approval of the amendment to Ordinance 90-28; 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 February 25, 2004, to receive input on the amendment to Ordinance 90-28;

WHEREAS, the Planning Commission, on February 25, 2004, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 18, 2004 the City Council approved the amendment to Ordinance 90-28; and

WHEREAS, it is in the best interest of Park City, Utah to approve the amendment to Ordinance 90-28.

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

**SECTION 1. APPROVAL.** The amendment to Ordinance 90-28 as shown in Exhibit A is approved subject to the following Findings of Facts and Conclusions of Law:

**Findings of Fact:**

1. The project is located on Ashley Avenue and is known as Phase II of the Risner Ridge Subdivision.
2. The zoning is Residential Development.
3. Ordinance 90-28 currently applies only to Phase I of Risner Ridge.
4. Ordinance 90-28 limits the maximum size of houses and defines how that size is determined.
5. The Risner Ridge Homeowners Association requests that the Ordinance 90-28 apply to both phases as the CC&Rs incorporate both phases into one association.
6. The Planning Commission held a public hearing, at which there was no public input, at the regular meeting of February 25, 2004. A positive recommendation is forwarded to the City Council.

**Conclusions of Law:**

00695368 Bk01612 Pg01788-01792  
ALAN SPRIGGS, SUMMIT CO RECORDER  
2004 APR 16 10:52 AM FEE \$4.00 BY GGB  
REQUEST: PARK CITY MUNICIPAL CORP

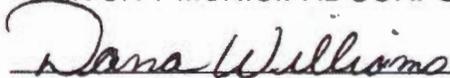
**BK1612 PG1788**

1. There is good cause for amending this Ordinance.
2. The amended Ordinance is consistent with the Park City Land Management Code and General Plan.
3. Neither the public nor any person will be materially injured by the amended Ordinance.
4. Approval of the amended Ordinance, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

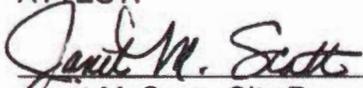
**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 18th day of March, 2004.

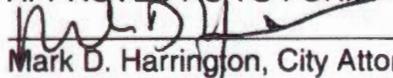
PARK CITY MUNICIPAL CORPORATION

  
Dana Williams, MAYOR

ATTEST:

  
Janet M. Scott, City Recorder

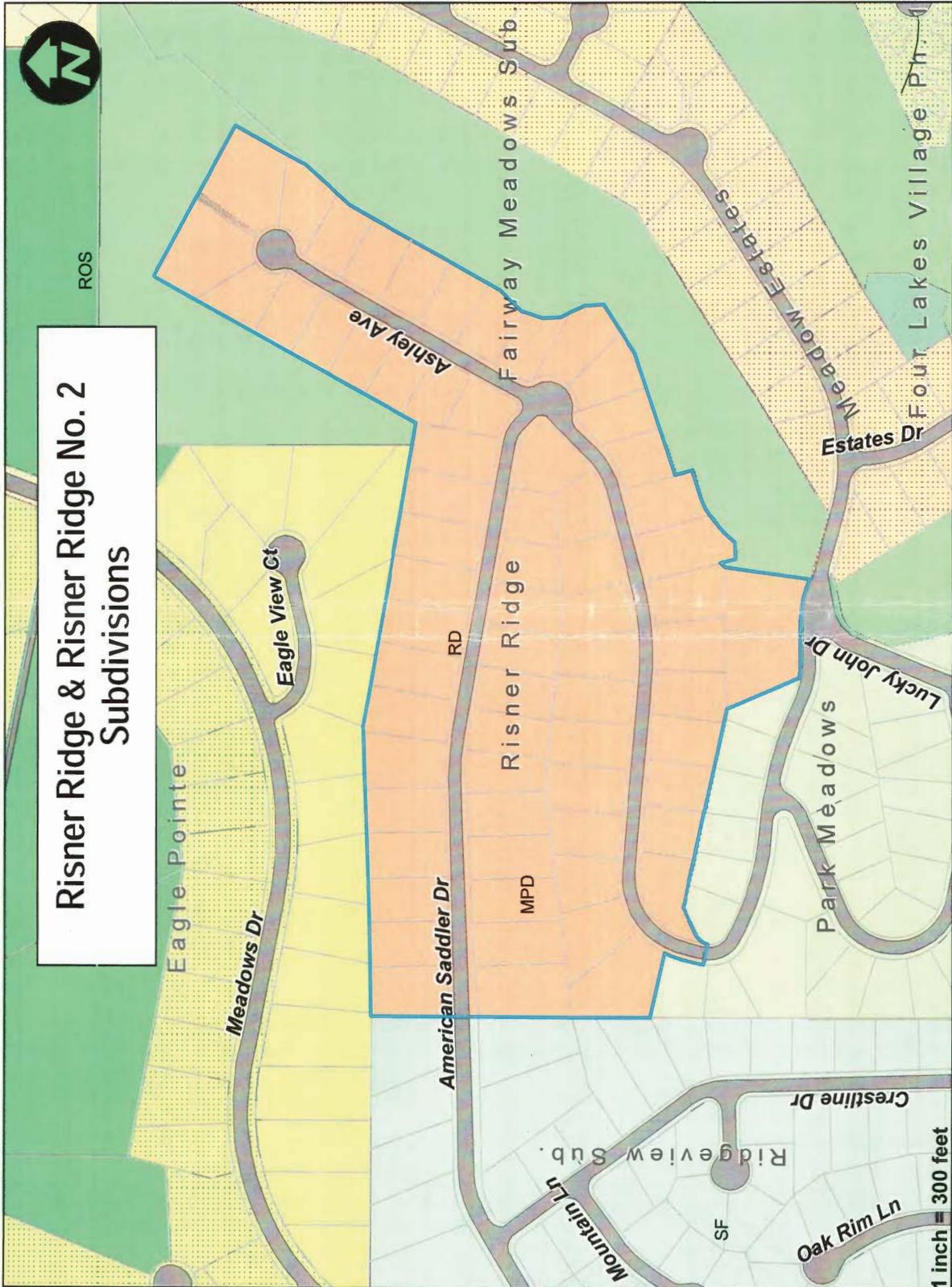
APPROVED AS TO FORM:

  
Mark D. Harrington, City Attorney



BK1612 PG1789

Exhibit C - Vicinity Map





# Planning Commission Staff Report



**Subject:** Sixth Supplemental Plat for Constructed Units – The Belles at Empire Pass, Amending Units 7, 8, + 17  
**Author:** Christy J. Alexander, AICP  
**Project Number:** PL-14-02239  
**Date:** March 12, 2014  
**Type of Item:** Administrative – Condominium Plat Amendment

## Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Sixth Supplemental Plat for Constructed Units for the Belles at Empire Pass Condominium plat amending Units 7, 8 and 17 and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

## Topic

**Applicant:** Wichita, LLP, represented by Alliance Engineering, Inc.  
**Location:** 65, 71 and 70 Silver Strike Trail  
**Zoning:** Residential Development (RD) as part of the Village at Empire Pass MPD  
**Adjacent Land Uses:** Single family condominium units, multi-family condominium units, development parcels of the Village at Empire Pass MPD, ski trails and open space.  
**Reason for Review:** Plat amendments require Planning Commission review and recommendation to City Council for final action.

## Proposal

The purpose of this application is to plat as-built conditions of constructed Units 7, 8, (both within a duplex dwelling) and 17 (a single-family dwelling), and to identify common, limited common and private areas for these Units, as stipulated by the underlying Silver Strike Subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass condominium plat. A condition of approval of this underlying condominium plat requires that upon completion of the condominium units, a supplemental condominium plat identifying as-built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy.

***Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.***

## Purpose

The purpose of the Residential Development RD District is to:

- A. Allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- B. Encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. Allow commercial and recreational activities that are in harmony with residential neighborhoods,
- D. Minimize impacts of the automobile on architectural design,
- E. Promote pedestrian connections within Developments and between adjacent Areas; and
- F. Provide opportunities for variation in architectural design and housing types.

### **Background**

On January 16, 2014, the City received a complete application for this plat to memorialize as-built conditions for Units 7, 8, and 17 of the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass condominium plat that was approved by City Council on March 24, 2011 and recorded at Summit County on November 28, 2011.

On June 24, 1999, Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" Master Planned Development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

On July 28, 2004, the Planning Commission approved an MPD for the Village at Empire Pass, aka Pod A. The MPD identified an area of Pod A as the location for eighteen (18) detached single family homes, similar to the Paintbrush units currently under construction in other parts of Empire Pass. The Development Agreement allowed a total of sixty (60) units, single detached or duplex, within the annexation area and the rest of the units being multi-family, stacked-flat or triplex or greater attached. The Belles at Empire Pass condominiums (formerly known as Christopher Homes) utilize seventeen (17) of the sixty (60) allocated PUD style units for the Flagstaff Development area.

On June 29, 2006, City Council approved the Silver Strike Subdivision creating two (2) lots of record within Pod A. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres. The plat was recorded on December 1, 2006. The subject units, Units 7 and 8 of the Belles at Empire Pass, are located on Lot 2 and Unit 17 is located on Lot 1 of the Silver Strike Subdivision.

On March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011. A condition of approval of the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass plat requires that upon completion of the condominium units, a supplemental condominium plat identifying as built conditions, shall be approved by

the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy.

On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012. On May 9, 2013, the City Council approved the Third Supplemental Plat for Constructed Unit 4 and the Fourth Supplemental Plat for Constructed Units 5 and 6. This plat was recorded on October 28, 2013. On February 6, 2014, the City Council approved the Fifth Supplemental Plat for Constructed Units 10 and 11. This plat has not yet been recorded.

All conditions of the underlying approvals, namely the Village at Empire Pass MPD; Silver Strike Subdivision; and the Amended, Consolidated, and Restated Belles at Empire Pass condominium plat continue to apply and are reflected as conditions of approval and plat notes on this proposed supplemental plat (Exhibit A).

### **Analysis**

This request for a Sixth Supplemental plat for Constructed Units at The Belles at Empire Pass amends Units 7, 8, and 17 and documents the final as built conditions of these constructed units in accordance with the Utah Condominium Act. The zoning district is Residential Development (RD-MPD); subject to the Village at Empire Pass MPD.

The Silver Strike subdivision restricts each unit to a maximum house size of 5,000 square feet of Gross Floor Area as defined in the LMC, excluding 600 square feet for garage area and the basement area that is below final grade.

The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such equipment. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable" (as per the MPD). Basement area is included in the UE calculations.

A total of 90,000 square feet (45 UEs) were approved for the Belles at Empire Pass area (formerly known as the Christopher Homes at Empire Pass condominiums). Within the Flagstaff Development Agreement one (1) residential unit equivalent equals two thousand (2,000) square feet of Gross Floor Area, including the basement area. Units 7, 8, (both within a duplex dwelling) and 17 (a single-family dwelling) meet the maximum house size requirement in both Gross Floor Area and Unit Equivalent calculation as noted above.

Unit 7 contains 4,585.3 sf of Gross Floor Area, (excluding 600 sf for garage area and 761 sf of basement area below final grade) and accounts for 2.393 UEs based on the Total Floor area of 4,585.3 sf (includes basement area but not garage area).

Unit 8 contains 3,922.5 sf of Gross Floor Area, (excluding 600 sf for garage area and any uninhabitable space of basement area below final grade) and accounts for 1.961 UEs based on the Total Floor area of 3,922.5 sf (includes basement area but not garage area).

Unit 17 contains 4,926.6 sf of Gross Floor Area, (excluding 600 sf for garage area and any

uninhabitable space of basement area below final grade) and accounts for 2.815 UEs based on the Total Floor area of 5,629 sf (includes basement area but not garage area). The twelve units constructed to date (Units 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 17) utilize a total of 31.49 Unit Equivalents (UE). Site development parameters are as follows:

	Permitted	Approved
Height	28' (+5' for pitched roof) total maximum of 33'	33' max with pitched roof. <b><u>Units 7, 8, and 17 comply.</u></b>
Front setback	Minimum of 20', 25' to front facing garage	Unit 7: 10' Unit 8: 16' Unit 17: 20' <b><u>Units 7, 8 and 17 comply as per setback exception per MPD.</u></b>
Rear setback	Per Building Code and MPD (allows zero setback to internal property line)	Unit 7: 32' Unit 8: 20' Unit 17: 22' <b><u>Units 7, 8 and 17 comply as per setback exception per MPD.</u></b>
Side setbacks	Per Building Code and MPD (allows zero setback to internal property line)	Unit 7: 18' on west side and 0' on east side with Unit 8. Unit 8: 20' on east side and 0' on west side with Unit 7. Unit 17: 20' on west side and 20' on east side. <b><u>Units 7, 8 and 17 comply as per setback exception per MPD.</u></b>
Parking	Two (2) spaces required per unit	2 per unit. <b><u>Units 7, 8, and 17 Comply.</u></b>
Maximum house size (based on the Silver Strike subdivision and defined per the Land Management Code)	5,000 sf (Gross Floor Area excludes basement area below final grade and 600 sf of garage area)	Unit 7 contains 4,585.3 sf Gross Floor Area. Unit 8 contains 3,922.5 sf Gross Floor Area. Unit 17 contains 4,926.6 sf Gross Floor Area. <b><u>Units 7, 8, and 17 Comply.</u></b>
Unit Equivalent (based on the Village at Empire Pass MPD)	Maximum of 45 UE for all of the Belles Condominiums. Gross floor area for UE calculations excludes 600 sf garage and any uninhabitable space, i.e. crawl space, attics, etc.	Unit 7- 4,585.3 sf which is 2.393 UE. Unit 8- 3,922.5 sf which is 1.961 UE. Unit 17- 5,629 sf which is 2.815 UE. <b><u>Units 7, 8 and 17 Comply.</u></b> The total UE for Units 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, and

		17 is 31.49 UE
--	--	----------------

**Good Cause**

Staff finds good cause for this record of survey amendment as it memorializes and documents as-built conditions and UE calculations for these units. Units 7, 8, and 17 comply with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. In addition the units are consistent with the development pattern envisioned in the Village at Empire Pass MPD and the 14 Technical Reports.

**Department Review**

This project has gone through interdepartmental review. No issues were raised pertaining to the requested plat amendment.

**Notice**

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

**Public Input**

Staff had not received public input on this application at the time of this report.

**Process**

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

**Alternatives**

- The Planning Commission may recommend that the City Council approve the application for the Sixth Supplemental plat for Constructed Units for the Belles at Empire Pass amending Units 7, 8, and 17, as conditioned or amended, or
- The Planning Commission may recommend that the City deny the application and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion and provide Staff and the Applicant with specific direction regarding additional information necessary to make a recommendation on this item.

**Significant Impacts**

There are no significant fiscal or environmental impacts from this application. Water and sewer impact fees, and other fees associated with increased floor area, are evaluated during the building permit process and collected prior to issuance of any building permits.

**Consequences of not taking the Suggested Recommendation**

No certificate of occupancy may be granted until the plat is recorded.

**Recommendation**

Staff recommends the Planning Commission hold a public hearing for the Sixth

Supplemental Plat for Constructed Units for the Belles at Empire Pass Condominium plat amending Units 7, 8, and 17 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 – Proposed Ordinance and Supplemental Plat for Belles Units 7, 8, and 17
- Exhibit B – Aerial Photograph
- Exhibit C – Zoning Map
- Exhibit D – Existing Conditions + Topographic Survey
- Exhibit E – Site Photographs
- Exhibit F – County Plat Map – Ownership Plat

Exhibit A – Proposed Ordinance and Supplemental plat for Belles Units 7, 8, and 17

Ordinance No. 14-XX

**AN ORDINANCE APPROVING THE SIXTH SUPPLEMENTAL PLAT FOR  
CONSTRUCTED UNITS AT THE BELLES AT EMPIRE PASS CONDOMINIUMS  
AMENDING UNITS 7, 8, and 17, LOCATED AT 65, 71, and 70 SILVER STRIKE  
TRAIL, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as The Belles at Empire Pass Condominium Units 7, 8, and 17, have petitioned the City Council for approval of the Sixth Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project; and

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

WHEREAS, proper legal notice was published in the Park Record and notice letters were sent to all affected property owners, in accordance with the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on March 12, 2014, to receive input on the supplemental plat;

WHEREAS, the Planning Commission, on March 12, 2014, forwarded a recommendation to the City Council; and,

WHEREAS, on April 3, 2014, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Sixth Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project to document the as-built conditions and constructed Unit Equivalents for this completed condominium unit.

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 Sixth Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project, as shown in Attachment A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

### Findings of Fact:

1. The property, Units 7, 8, and 17 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, are located at 65, 71, and 70 Silver Strike Trail.
2. The property is located on Lots 1 and 2 of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.
3. The property is located within the RD –MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village of Empire Pass MPD.
4. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
5. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 17 PUD –style detached single family homes and duplexes.
6. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Units 7 and 8 are located on Lot 2 and Unit 17 is located on Lot 1 of the Silver Strike Subdivision.
7. March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.
8. On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012.
9. On May 9, 2013, the City Council approved the Third Supplemental Plat for Constructed Unit 4 and the Fourth Supplemental Plat for Constructed Unit 5 and 6. These plats were recorded on October 28, 2013.
10. On February 6, 2014, the City Council approved the Fifth Supplemental Plat for Constructed Units 10 and 11.
11. On January 16, 2014, the Planning Department received a complete application for the Sixth Supplemental Plat for Constructed Units 7, 8, and 17.
12. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for constructed Units 7, 8, and 17 at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.
13. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. The plat is consistent with the development pattern envisioned by the Village at Empire Pass MPD and the 14 Technical Reports of the MPD and the Flagstaff Development Agreement.
14. Units 7 and 8 are located on Lot 2 and Unit 17 is located on Lot 1 of the Silver Strike subdivision plat.

15. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 7 contains 4,585.3 sf Gross Floor Area, Unit 8 contains 3,922.8 sf Gross Floor Area and Unit 17 contains 4,926.6 sf Gross Floor Area.
16. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for all Belles units, in addition to the maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable on this plat." Within the Flagstaff Development Agreement one residential unit equivalent equals 2,000 sf.
17. Unit 7 contains a total of 4,585.3 square feet and utilizes 2.393 UE. Unit 8 contains a total of 3,922.5 square feet and utilizes 1.961 UE. Unit 17 contains a total of 5,629 square feet and utilizes 2.815 UE. The total UE for Units 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 17 is 31.49 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.
18. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.
19. The findings in the analysis section are incorporated herein.

#### Conclusions of Law:

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Units 7, 8, and 17.
2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed supplemental plat.
4. Approval of the supplemental plat, subject to the conditions of approval stated below, will 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 of the supplemental plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at Summit County within one (1) year from the date of City Council approval. If recordation has not occurred within the one year timeframe, this approval will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated,

and Restated Condominium Plat of The Belles at Empire Pass shall continue to apply.

4. As a condition precedent to issuance of a final certificate of occupancy for Units 7, 8, and 17, the supplemental plat shall be recorded at Summit County.
5. A note shall be added to the plat prior to recordation stating the following, "At the time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards".
6. The Unit sizes and UEs shall be reflected on the plat as they are to reflect the actual size and UE of the Units.

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

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

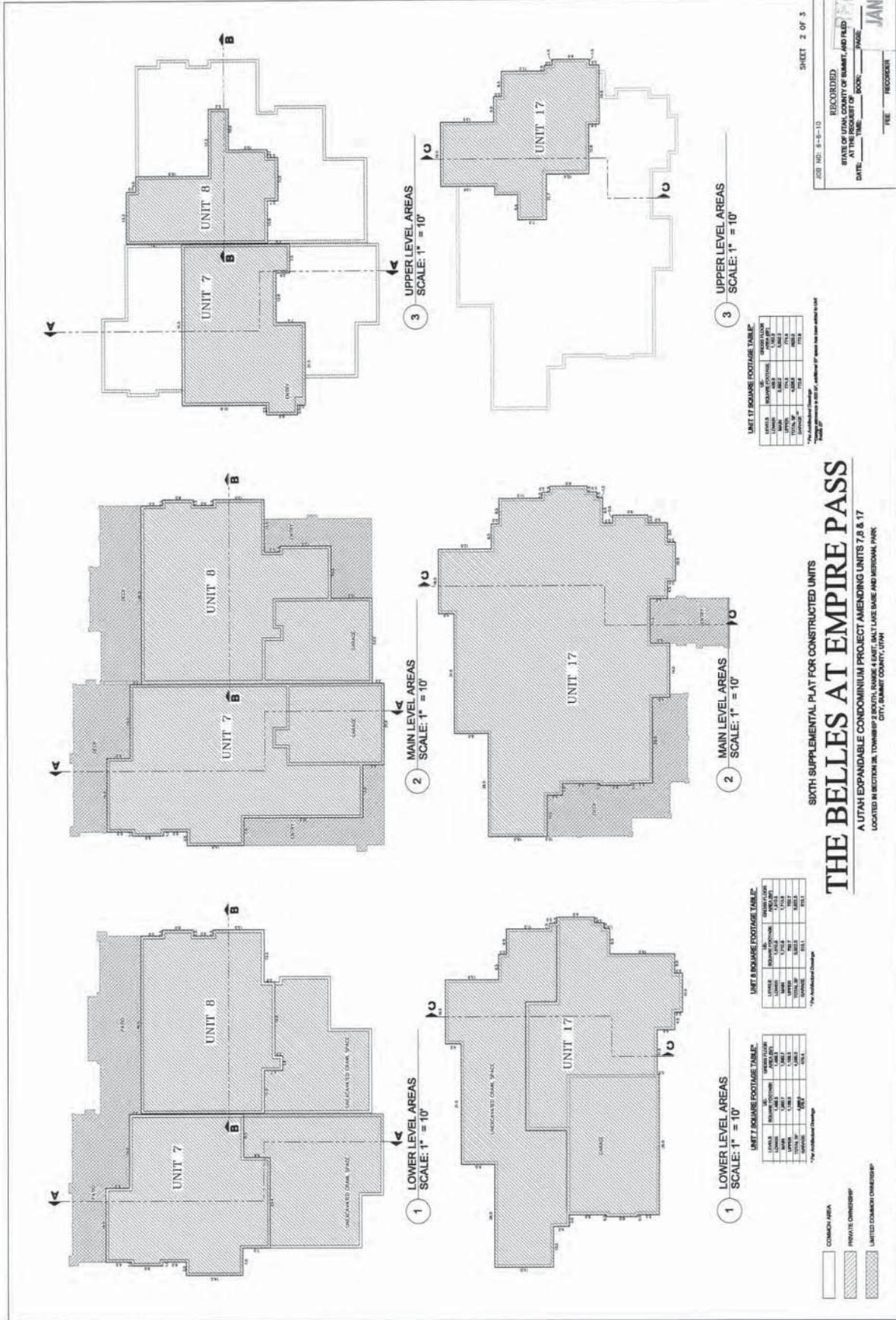
ATTEST:

\_\_\_\_\_  
Marci Heil, City Recorder

APPROVED AS TO FORM:

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





- COMMON AREA
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

UNIT 7 SQUARE FOOTAGE TABLE

LEVELS	COMMON AREA	PRIVATE OWNERSHIP	LIMITED COMMON OWNERSHIP	TOTAL
LOWER LEVEL	1,234	5,678	9,012	16,324
UPPER LEVEL	1,234	5,678	9,012	16,324
TOTAL	2,468	11,356	18,024	34,648

\*For additional coverage

UNIT 8 SQUARE FOOTAGE TABLE

LEVELS	COMMON AREA	PRIVATE OWNERSHIP	LIMITED COMMON OWNERSHIP	TOTAL
LOWER LEVEL	1,234	5,678	9,012	16,324
UPPER LEVEL	1,234	5,678	9,012	16,324
TOTAL	2,468	11,356	18,024	34,648

\*For additional coverage

UNIT 17 SQUARE FOOTAGE TABLE

LEVELS	COMMON AREA	PRIVATE OWNERSHIP	LIMITED COMMON OWNERSHIP	TOTAL
LOWER LEVEL	1,234	5,678	9,012	16,324
UPPER LEVEL	1,234	5,678	9,012	16,324
TOTAL	2,468	11,356	18,024	34,648

\*For additional coverage

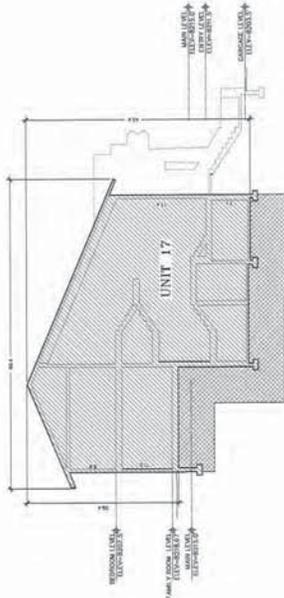
# THE BELLES AT EMPIRE PASS

A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 7 & 17  
 LOCATED IN SECTION 26, TOWNSHIP 2 SOUTH, RANGE 6 EAST, MAIN LANE BASE AND MIDLAND PARK  
 CITY, CANYON COUNTY, UTAH

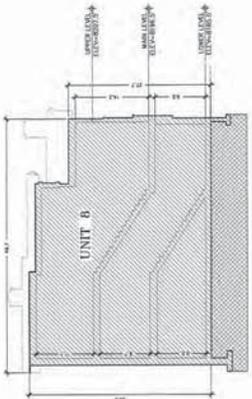
RECORDED  
 AT THE COUNTY OF SUMMIT, AND FILED  
 DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
 FILE RECORDER

JAN 16 2014  
 PARK CITY PLANNING DEPT.

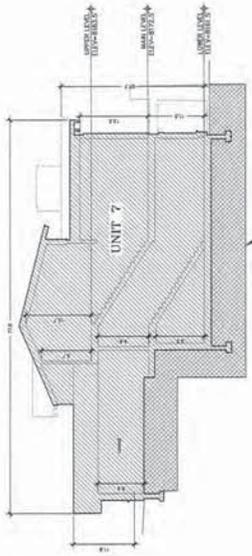
JOB NO.: 6-6-10  
 SHEET 2 OF 3



**C** BUILDING SECTION  
SCALE: 1" = 10'



**B** BUILDING SECTION  
SCALE: 1" = 10'



**A** BUILDING SECTION  
SCALE: 1" = 10'

The area under the path extending to 7 feet below the lowest finished floor is designated as Limited Common Area. Additional Limited Common Area on the ground surface is shown and shown on Sheet 1.

- COMMON AREA
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

SIXTH SUPPLEMENTAL PLAN FOR CONSTRUCTED UNITS  
**THE BELLES AT EMPIRE PASS**  
 A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 7, 8 + 17  
 LOCATED IN SECTION 36, TOWNSHIP 2 SOUTH, RANGE 4 EAST, MOUNTAIN VIEW AND MIDWINTER PARK  
 CITY, GARFIELD COUNTY, UTAH

JOB NO. 6-4-10  
 SHEET 3 OF 3  
 RECORDED  
 STATE OF UTAH, COUNTY OF GARFIELD, AND FILED  
 AT THE OFFICE OF  
 DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
 FEE: \_\_\_\_\_ RECORDER: \_\_\_\_\_

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 PARK CITY  
 PLANNING DEPT.

EXHIBIT B

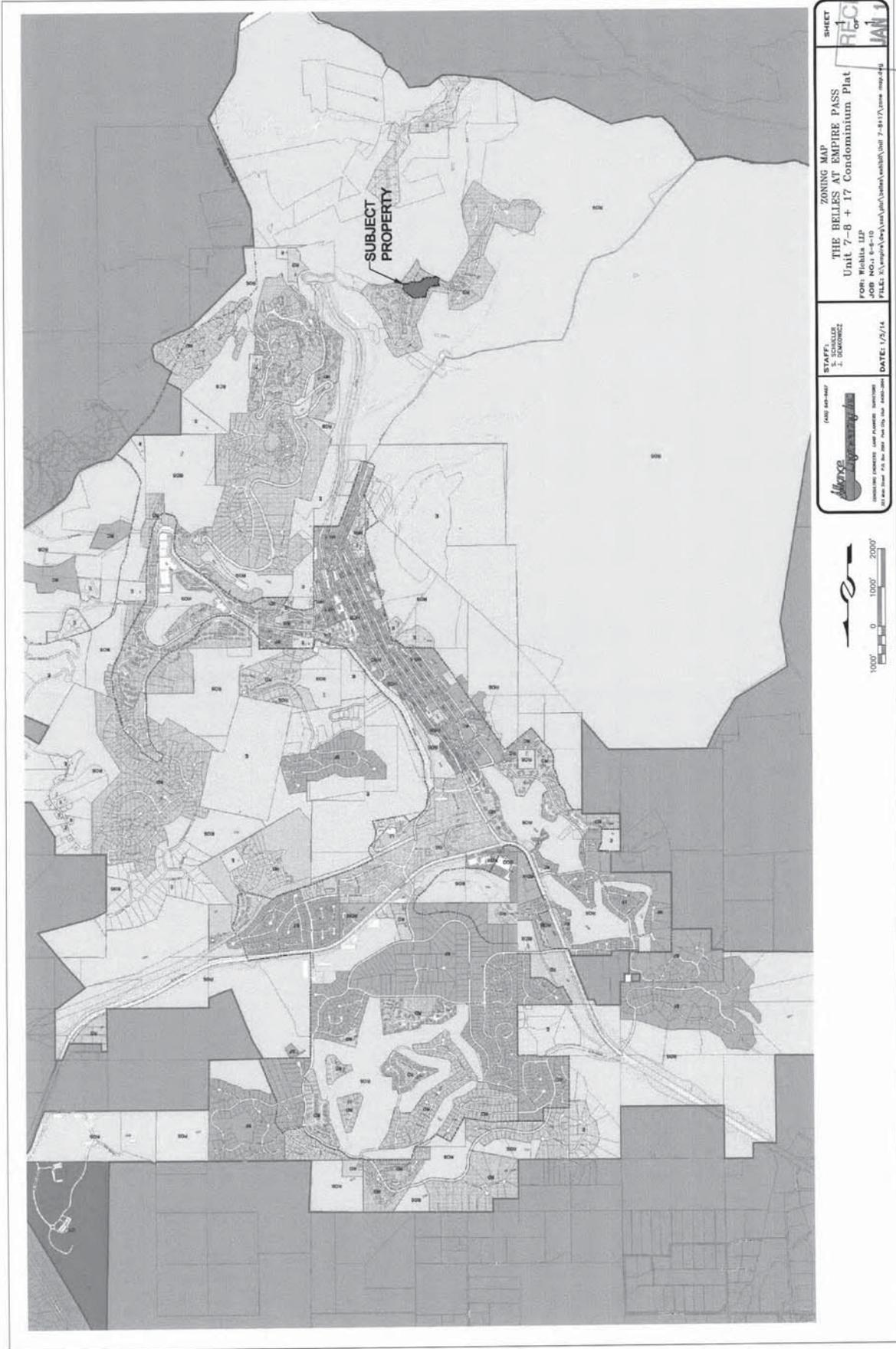


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 PLANNING DEPT.

	STAFF:	AERIAL ORTHO PHOTOGRAPH	SHEET
	J. KASOWCZ	THE BELLES AT EMPIRE PASS	1
	E. SCHULTZ	Units 7/8 + Unit 17	of
		FOR: Whittle LLP	1
	JOB NO.: 14-10	FILE: \\A:\proj\14\10\ortho\units\unit 7-8 + 17\ortho-unit-14-10.dwg	
	DATE: 1/5/14		



EXHIBIT C



**STAFF:**  
1. SCHALLER  
2. SEBASTIAN

**DATE:** 1/23/14

**PROJECT:** ZONING MAP  
**TITLE:** THE BELLES AT EMPIRE PASS  
Unit 7-8 + 17 Condominium Plat

**FOR:** WILBIS LLP  
**JOB NO.:** 6-6-10  
**FILE:** C:\temp\7-8+17\unit\7-8+17\zone map.dwg

RECEIVED  
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PARK CITY  
PLANNING DEPT.

# EXHIBIT D

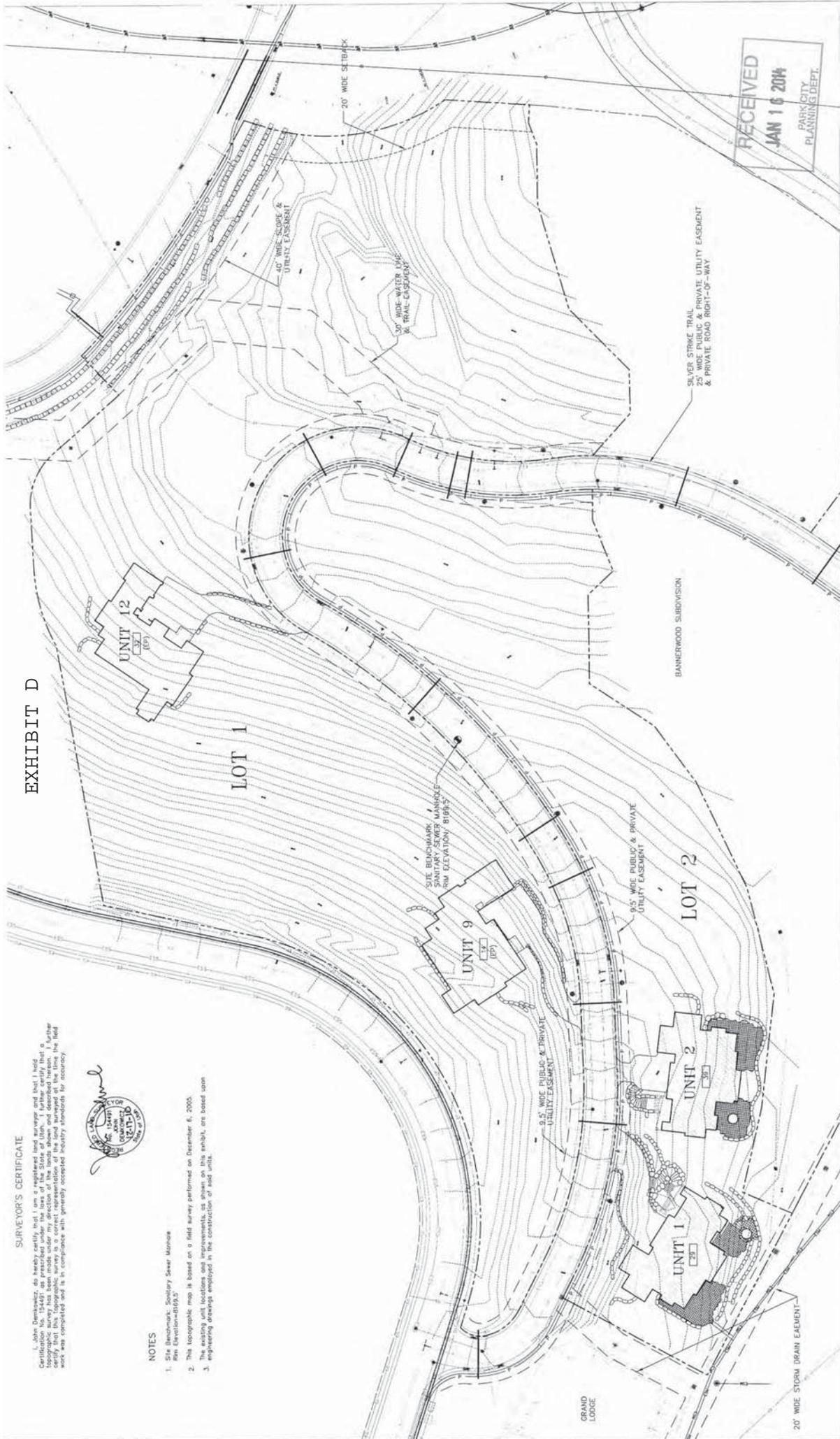
## SURVEYOR'S CERTIFICATE

I, John DeBartolo, do hereby certify that I am a registered surveyor and that I have a Certificate of Registration No. 13442. I have personally supervised the field work of a topographic survey that has been made under my direction of the lands above and described hereon. I further certify that the survey was made in accordance with the laws of the State of Maryland and that the field work was completed and is in compliance with generally accepted industry standards for accuracy.



### NOTES

1. Site Benchmark: Sanitary Sewer Manhole #10 (ELEVATION: 8199.5)
2. This topographic map is based on a field survey performed on December 6, 2005.
3. The existing unit locations and improvements, as shown on this exhibit, are based upon engineering drawings employed in the construction of said units.



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JAN 16 2014  
PARK CITY  
PLANNING DEPT.

EXISTING CONDITIONS TOPOGRAPHIC SURVEY

THE BELLES AT EMPIRE PASS

FOR: MICHIGAN LLP  
JOB NO: 04-14-01  
FILE: X:\Emp\Map\Bannerwood\Banner\existing topo

DATE: 12/15/10

STAFF:  
M. KLONOWICZ  
S. SCHUELER

DATE: 12/15/10

CONSULTING ENGINEER LAND PLANNING SURVEYING  
300 West Street, 4th Floor, Park City, Utah 84302-2884

SHEET 1 OF 1

Page 14 of 205



LEGEND

EXISTING SANITARY SEWER	SS
EXISTING STORM DRAIN	SD
EXISTING WATER	W
EXISTING GAS	G
EXISTING TELEPHONE	T
EXISTING POWER	P
ABANDONED WATER	AW
ABANDONED POWER	AP





# Planning Commission Staff Report



**Subject:** Roundabout Condominiums, 300  
Deer Valley Loop Road  
**Author:** Christy J. Alexander, AICP  
**Project Number:** PL-13-02147  
**Date:** March 12, 2014  
**Type of Item:** Administrative – Condominium Plat Amendment

## Summary Recommendations

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

## Topic

**Applicant:** Blake Henderson, Roundabout LLC  
**Location:** 300 Deer Valley Loop Road  
**Zoning:** Residential (R-1)  
**Adjacent Land Uses:** Single family condominium units, multi-family condominium units, single family and duplex dwellings.  
**Reason for Review:** Plat amendments require Planning Commission review and City Council approval.

## Proposal

The purpose of this application is to amend the existing Roundabout Subdivision plat consisting of two (2) duplexes on two (2) lots and remove the lot line to convert it to two (2) condominium buildings consisting of two (2) units in each building for a total of 4 Units.

***Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.***

## Purpose

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

- (A) Allow continuation of land Uses and architectural scale and styles of the original Park City residential Area,
- (B) Encourage Densities that preserve the existing residential environment and that allow safe and convenient traffic circulation,
- (C) Require Building and Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile,
- (D) Require Building design that is Compatible with the topographic terrain and steps

with the hillsides to minimize Grading,  
(E) Encourage Development that protects and enhances the entry corridor to the Deer Valley Resort Area,  
(F) Provide a transition in Use and scale between the Historic Districts and the Deer Valley Resort; and  
(G) Encourage designs that minimize the number of driveways accessing directly onto Deer Valley Drive.

### **Background**

On November 13, 2013, the City received a complete application for this condominium plat to combine the two (2) existing lots into one Condominium lot of record from the Roundabout Subdivision plat that was approved by City Council on June 14, 2007 and recorded at Summit County on February 21, 2008 (Exhibit E).

The Roundabout Subdivision created two lots from one metes and bounds parcel of Block 57 of the Park City Survey. The metes and bounds parcel was .64 of an acre, or 24,877 square feet of land. No previous applications had been received for this property prior to the Roundabout Subdivision in 2007.

The applicant wished to create the subdivision to facilitate the new construction of one duplex on each of the lots. A duplex is an allowed use in the R-1 district. However, a building permit cannot be issued for metes and bounds parcels of land so the property was subdivided.

The Planning Commission held a public hearing during the May 2007 regular meeting and unanimously forwarded a positive recommendation. Public input from concerned neighbors was focused primarily on the impact of construction on the neighborhood. A construction mitigation plan is a requirement for all building permits. Council heard the application on June 14, 2007 and voted to approve the subdivision. The plat was recorded on February 21, 2008. As conditioned, the proposed plat (Exhibit A) is consistent with the conditions of approval of the Roundabout Subdivision plat.

The Roundabout Subdivision plat created two new lots, Lot 1 being 12,658 square feet and Lot 2 being 12,219 square feet (Lot 2) in size. Conditions of Approval that were specific to this plat approval (see Exhibit K) were: 5) The applicant stipulates to restricting the development to a single family home or duplex dwelling on each lot; 6) The footprint on each lot will not exceed 3200 square feet; 7) Shared access for the proposed lots will be accessed off of Deer Valley Loop Road; 8) An encroachment agreement will be created for improvements to the platted 3<sup>rd</sup> Street prior to building permit issuance on either lot; and 9) The applicant shall submit a financial guarantee, in an amount approved by the City Engineer and in a form approved by the City Attorney, for the public improvements including the fire hydrant, bus pull-off, improvements to Deer Valley Drive, and lighting, prior to plat recordation.

The duplexes have not been built to date and the applicant now wishes to amend the plat, convert it to a condominium plat, remove the existing lot line and put two duplexes

that each contain two condominium (2) units (4 units total) but have an updated and more compatible design and architecture than previously proposed when the original plat was recorded. The applicant also proposes to build a shared parking garage underground instead of having 4 garage doors facing Deer Valley Drive as was previously proposed with the original plat. The applicant will operate the properties as a Condominium HOA managed four-unit residential property. The development concept is intended to be a high-end residential first or second home with mountain contemporary design using clean lines with natural and local finishes. The parking garage allows for 2 cars per unit plus 6 additional guest parking spaces.

**Analysis**

This request for the Roundabout Condominiums plat removes the existing lot line and combines the existing two (2) lots into one condominium plat with two duplexes that each contain two condominium (2) units (4 units total) with a common parking structure in accordance with the Utah Condominium Act. The zoning district is Residential District (R-1). The proposed amendment is consistent with the purpose statements of the district in that the use as residences is unchanged, however they will now be condominium units. A change in unit square footage is proposed minimizing site disturbance, preserving the existing natural open space, and minimizing impacts of development.

The Roundabout Condominiums is a residential four (4) unit - two (2) duplex development that meets Park City’s current R1 zoning and code requirements. The property is subject to the following criteria:

	Required	Proposed
Site Requirements	Lot has frontage on the streets master plan, or on private easement connecting the lot to a street shown on the streets master plan	Frontage is adjacent to Deer Valley Drive and Deer Valley Loop Road. Access is proposed off of Deer Valley Drive.
Lot Size	Duplex Dwelling 3750 square feet minimum lot size	27,779.15 square feet total lot size. Duplex Dwellings are allowed uses.
Minimum width of Lot	37.5 feet	Approximately 280 feet buildable width; complies
Front yard setback	15 feet minimum; 20 feet for garage	20 feet; complies.
Rear yard setback	10 feet minimum	10 feet; complies.
Side yard setback	5 feet minimum	10 feet; complies.
Height	33 feet maximum	32 feet; complies.
Parking	2 off-street spaces per dwelling unit	14 proposed, complies.

The R-1 district of Park City is a transitional zone leaving Old Town entering the Deer

Valley Resort area. Under the purpose statement of this zone, the LMC clearly describes the encouragement of densities that preserve the existing residential environment and that allow safe and convenient traffic circulation. In terms of safe and convenient traffic circulation, the purpose statement also notes that designs that minimize the number of driveways accessing directly onto Deer Valley Drive are encouraged. Another goal of the R-1 district is to require building designs that are compatible with the topographic terrain and steps with the hillsides to minimize grading. The applicant has worked with Staff to comply with the purpose statement of the R-1 district and mitigate the issues of access, density, and steep slope. Architectural design guidelines as found in the LMC will need to be adhered to and will be reviewed upon building permit submittal.

The Roundabout Condominiums meet all zoning and code requirements. The applicant is proposing density at three times less than what is allowed within the zone. As part of the 2007 Roundabout Subdivision, the applicant stipulated to conditions of approval which limited density from 14 old town style development lots to two (2) lots with four units. As mentioned in the background the Roundabout Subdivision contained five Conditions of Approval that were specific to that plat. As per COA #5, the applicant still stipulates to restricting development to duplex dwellings. As per COA #6, the applicant still stipulates to restricting the footprint of each duplex to 3200 square feet. As per COA #7, the shared access for the proposed new lot will change to be off of Deer Valley Drive instead of off of Deer Valley Loop Road as was previously approved. As per COA #8, The City Engineer decided that the encroachment agreement for improvements to the platted 3<sup>rd</sup> Street is no longer necessary as the access point has changed to Deer Valley Drive. As per COA #9, the applicant still stipulates to submitting a financial guarantee for the public improvements to Deer Valley Drive. The driveway access easement across the property off of Deer Valley Loop Road and Third Street as shown on the existing plat (Exhibit E) will be removed on the proposed plat as there will be a shared underground parking structure accessed off of Deer Valley Drive and no driveway will be needed across the entire property at grade. The encroachments onto the applicant's property by the owner of 510 Ontario Avenue were never previously addressed. These encroachments from the asphalt driveway, rock retaining wall and hot tub will either need to be removed or else the parties will need to enter into an encroachment agreement prior to plat recordation. The proposed duplexes are also under the height and footprint maximum requirements, have reduced massing and added relief to the building elevations from what was contemplated in 2007. The new proposed building design significantly limits the amount of free standing retaining walls thus allowing the natural vegetation to remain in place (Exhibit H).

The proposed parking is almost double what is required and sits underground in a parking garage thus reducing the view of vehicles from the street and reducing the number of garages from the previously proposed four to one (viewable from Deer Valley Drive). Vehicles exiting the property on the common driveway are required to exit head first onto Deer Valley Drive, thus making it much safer on a flat and shorter driveway than the previous proposed plans which were to back out on a much longer and steeper driveway onto the already substandard Deer Valley Loop Road (Exhibit I). The shared

parking structure consists of 8,997.3 square feet which includes two (2) parking spaces per unit and a total of six (6) guest parking spaces.

The applicant previously gave the city significant amount of land easements to improve Deer Valley Loop Road and the Deer Valley Drive bus stop as part of the prior subdivision. The new proposal with the driveway entrance off of Deer Valley Drive causes the applicant to move the newly built bus pull-out further to the west, as per the City Engineer's approval. Due to the bus pull-out modifications along Deer Valley Drive, the applicant will need to deed a portion of property to the City for ROW improvements and receive another portion of existing ROW improvements back from the City. Exhibit C shows the 875 square feet that will be dedicated to the applicant and 164 square feet that will be dedicated to the City. The applicant previously dedicated 3,152.54 square feet with the 2007 Subdivision for the bus pull-out and Deer Valley Drive and Deer Valley Loop ROW improvements (Exhibit E). In order for this to occur, the applicant will need to petition the City Council to vacate the 875 square feet of ROW. This should occur concurrent with the plat amendment request at City Council.

#### Steep Slope and Density

One defining characteristic of the property is the steepness of the slope. Steep slopes in the R-1 zone do not require a steep slope analysis. LMC Section 15-7.3(D) explains the role of the developer and planning commission in the instance of Land being restricted due to the character of the land. This section states "Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, mine hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, geologic hazards, utility easements, or other features, including ridge lines, which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendations of a qualified engineer, to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer. Such land shall be set aside or reserved for uses as shall not involve such a danger."

City staff has worked with the applicant on the proposed condominium plat in an effort to mitigate the impact of developing on a steep slope. Prior development on neighboring lots provides evidence that this land is situated on stable ground, and therefore, staff has not required a geotechnical report of the lots. During the building department review of the project, a geotechnical report will be required dependent on the proposed foundation and location of the buildings.

The applicant is aware of the limitations of working on a steep slope. In 2007, the applicant voluntarily proposed less density in the subdivision given these limitations. Under the LMC, a duplex requires 3,750 square feet of lot area. The applicant agrees to a limitation of two duplexes on the entire condominium lot for a total of four units. The lot is much greater than the lot requirement of 3,750 square feet times two which

would total 7,500 square feet.

The Park City General Plan discussed the current trend of density in the area and states that “the zone’s permitted density is resulting in more density and larger scale than the neighborhood is comfortable with.” One recommendation within the General Plan to address the issue is to “re-evaluate the zoning in the area and make changes necessary to decrease the density and scale of structures.” The LMC defined density as “The intensity or number of non-residential and residential uses expressed in terms of unit equivalents per acre or lot or units per acre. Density is a function of both number and type of dwelling units and/or non-residential units and the land area.”

The surrounding land use in the area is made up of single family and multi-family units. The applicant has introduced preliminary plans for two duplexes (footprint not greater than 3200 sq. ft each as conditioned in the Subdivision) on the lot. Planning staff had previously analyzed the density of the surrounding development and had found that the proposed density is appropriate for the surrounding scale and use. In an analysis of the surrounding properties and the percent of land utilized for footprint completed in 2007 (Exhibit J), the applicant is just below the average of 27 percent. Percent of footprint of the analyzed lots ranges from 11.7% to 38.9%. The applicant is proposing 25.3% and 26.2% for each of the lots. This is consistent with the density of the adjacent properties. In terms of number of dwelling units per lot area, the applicant’s property will be much less dense than the neighboring developments with an extra 2000 square feet of lot area per dwelling unit (Exhibit J).

The footprint of a dwelling is not regulated in the R-1 zone, however, the applicant stipulated to a maximum footprint of 3200 as part of the 2007 Subdivision. Setback requirements in the R-1 zone determine the allowable footprint of dwellings. In the neighboring HR-1 zone the footprint of a building is determined using the maximum footprint formula. In 2007 an analysis was made by applying this formula from the HR-1 District to the two existing lots to see what the allowed footprint would: 12,658 square foot lot results in a 3107.63 square foot footprint, 12,219 square foot lot area results in a 3074 square foot footprint. These amounts were within 125 square feet of the 3200 square foot footprint that the applicant is requested in 2007 and still requests with this current proposal. Staff has incorporated a condition of approval that the footprint of each dwelling will not exceed 3200 square feet.

### **Good Cause**

Staff finds good cause for this record of survey amendment as it removes the lot line to create an underground connected parking garage and makes it so four garages will not be seen from Deer Valley Drive. One common driveway off of Deer Valley Drive that vehicles can pull out front-facing will be much safer and a better alternative to backing out onto the already dangerous Deer Valley Loop Road, as was previously proposed in 2007. Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal mitigates the issues of density, scale, and access addressed within the General Plan and LMC for this area. Staff finds that all requirements of the Land Management Code for any future development can be met. All encroachments will

be remedied by agreement before the plat will be recorded.

### **Department Review**

This project has gone through interdepartmental review. No issues were raised, pertaining to the requested plat amendment, that have not been mitigated.

### **Notice**

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

### **Public Input**

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

### **Process**

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

### **Alternatives**

- The Planning Commission may recommend that the City Council approve the application for the Roundabout Condominiums plat, as conditioned or amended, or
- The Planning Commission may recommend that the City deny the application and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion and provide Staff and the Applicant with specific direction regarding additional information necessary to make a recommendation on this item.

### **Significant Impacts**

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

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

The two (2) lots would remain separate and no condominiums would be created, only allowing for two (2) duplexes as previously approved.

### **Recommendation**

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

### **Exhibits**

- Exhibit A – Proposed Ordinance and Proposed Plat for the Roundabout Condominiums
- Exhibit B – Proposed Grading Exhibit
- Exhibit C – Proposed Property Line Exhibit (lands to be deeded to and from City ROW)
- Exhibit D – Existing Conditions - Topography

- Exhibit E – Previously approved Roundabout Subdivision Plat recorded on February 21, 2008
- Exhibit F – Aerial Photograph
- Exhibit G – Site Photographs
- Exhibit H – Proposed Elevations, Floor Plans and Section
- Exhibit I – Previously Proposed in 2007 – Two Lot Duplex Site Plan, Elevations and Renderings
- Exhibit J – Neighborhood Analysis completed in 2007
- Exhibit K – Ordinance No.07-33
- Exhibit L – Planning Commission Meeting Minutes from April & May 2007

**Ordinance No. 14-XX**

**AN ORDINANCE APPROVING THE ROUNDABOUT CONDOMINIUMS PLAT,  
LOCATED AT 300 DEER VALLEY LOOP ROAD, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Roundabout Subdivision, have petitioned the City Council for approval of the Roundabout Condominiums plat, a Utah Condominium project; and

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

WHEREAS, proper legal notice was published in the Park Record and notice letters were sent to all affected property owners, in accordance with the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on March 12, 2014, to receive input on the supplemental plat;

WHEREAS, the Planning Commission, on March 12, 2014, forwarded a recommendation to the City Council; and,

WHEREAS, on April 3, 2014, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Roundabout Condominiums plat, a Utah Condominium project.

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 Roundabout Condominiums plat, a Utah Condominium project, as shown in Attachment A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is located at 300 Deer Valley Loop Road.
2. The property is located within the Residential (R-1) District.
3. The R-1 zone is a transitional zone in use and scale between the historic district and the Deer Valley Resort.
4. The condominium plat will create one (1) condominium lot of record containing a total of 27,779.15 square feet.
5. There are no existing structures on the property.
6. Access to the property will be from Deer Valley Drive in a single access point on a

common driveway for all units to a shared underground parking structure.

7. The minimum lot size in the R-1 zone is 3,750 square feet for a duplex dwelling.
8. A duplex dwelling is an allowed use in the R-1 zone.
9. The total private area of the condominiums consists of 5,230.2 square feet, the Limited Common Area consists of 306.
10. Unit A consists of 3,769.6 square feet of private area and 2,852.3 square feet of limited common area. Unit B consists of 2,581.2 square feet of private area and 2,013 square feet of limited common area. Unit C consists of 2,581.2 square feet of private area and 2,013 square feet of limited common area. Unit D consists of 3,076.7 square feet of private area and 2,385.8 square feet of limited common area.
11. The entire project including the parking structure contains 9,446.1 square feet of common area, 12,008.7 square feet of private area, and 9,9264.1 square feet of limited common area.
12. The shared parking structure contains a total of 14 parking spaces, exceeding the eight (8) parking space requirement.
13. Existing encroachments from the owner of 210 Ontario Avenue will be addressed and remedied prior to plat recordation.
14. The existing shared access easement will be removed with the approval of this plat.
15. Minimal construction staging area is available along Deer Valley Loop Road and Deer Valley Drive.
16. On June 14, 2007, the City Council approved the Roundabout Subdivision Plat. This plat was recorded February 21, 2008.
17. On November 13, 2013, the Planning Department received a complete application for the Roundabout Condominiums plat.
18. As conditioned, this condominium plat is consistent with the conditions of approval of the Roundabout Subdivision plat as per the findings in the analysis section.

#### Conclusions of Law:

1. There is good cause for this condominium plat.
2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed supplemental plat.
4. Approval of the condominium plat, subject to the conditions of approval stated below, will 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 of the condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at Summit County within one (1) year from the date of City Council approval. If recordation has not occurred within the one year timeframe, this approval 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. The applicant stipulates restricting the development to two (2) duplex dwellings with one (1) underground shared parking structure. This shall be noted on the plat.
4. The footprint of each duplex building will not exceed 3200 square feet, to be noted on the plat.
5. Shared access for the four units will be a single access point for all units on a common driveway into a shared underground parking structure, accessed from Deer Valley Drive, to be noted on the plat.
6. All vehicles exiting the common driveway must pull out of the driveway onto Deer Valley Drive front-facing, to be noted on the plat.
7. Modified 13-D sprinklers will 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.
8. A 10 foot (10') wide public snow storage easement is required along the frontage of the lot with Deer Valley Drive and Deer Valley Loop Road and shall be shown on the plat.
9. A five foot (5') wide public utility easement is required along the rear and side lot lines.
10. The applicant shall submit a financial guarantee, in an amount approved by the City Engineer and in a form approved by the City Attorney, for the public improvements including, but not limited to, the fire hydrant, storm drain box, bus pull-out, improvements to Deer Valley Drive, and lighting, prior to plat recordation.
11. An encroachment agreement must be entered into between the applicant and the owner of 510 Ontario Avenue that addresses all current encroachments (asphalt driveway, rock retaining wall and hot tub) onto the applicant's property prior to plat recordation.

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

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

\_\_\_\_\_  
Marci Heil, City Recorder

APPROVED AS TO FORM:

---

Mark Harrington, City Attorney





DATE: 08/14/2014	PROJECT: ROUNDBABOUT CONDOS
DRAWN BY: [blank]	CHECKED BY: [blank]
DESIGNED BY: [blank]	APPROVED BY: [blank]



STATE OF MISSOURI  
 PROFESSIONAL ENGINEER  
 MICHAEL J. WESTLAKE  
 NO. 007776

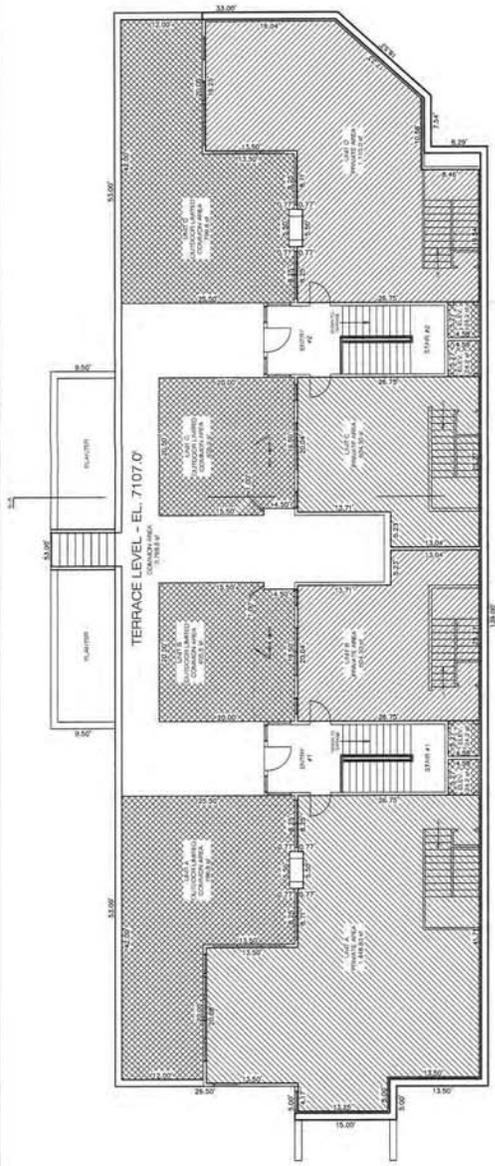
ROUNDABOUT CONDOMINIUMS  
 FLOOR PLANS  
 GARAGE LEVEL AND TERRACE LEVEL  
 RAKE HENDERSON, THE ROUNDABOUT LLC  
 FAB-CONDO-FP  
 009

RECEIVED  
 FEB 04 2014  
 CITY RECORDS

AREA TABULATIONS  
 \* TERRACE LEVEL

UNIT A	PRIVATE AREA	1,448.8 SF
	LIMITED COMMON AREA	821.0 SF
UNIT B	PRIVATE AREA	604.3 SF
	LIMITED COMMON AREA	429.7 SF
UNIT C	PRIVATE AREA	604.3 SF
	LIMITED COMMON AREA	429.7 SF
UNIT D	PRIVATE AREA	1,100.0 SF
	LIMITED COMMON AREA	851.0 SF
COMBINED TOTAL		
	PRIVATE AREA	3,757.4 SF
	LIMITED COMMON AREA	2,501.4 SF
	COMMON AREA	2,813.5 SF

HATCHING LEGEND  
 COMMON AREA  
 LIMITED COMMON AREA  
 PRIVATE AREA - UNIT

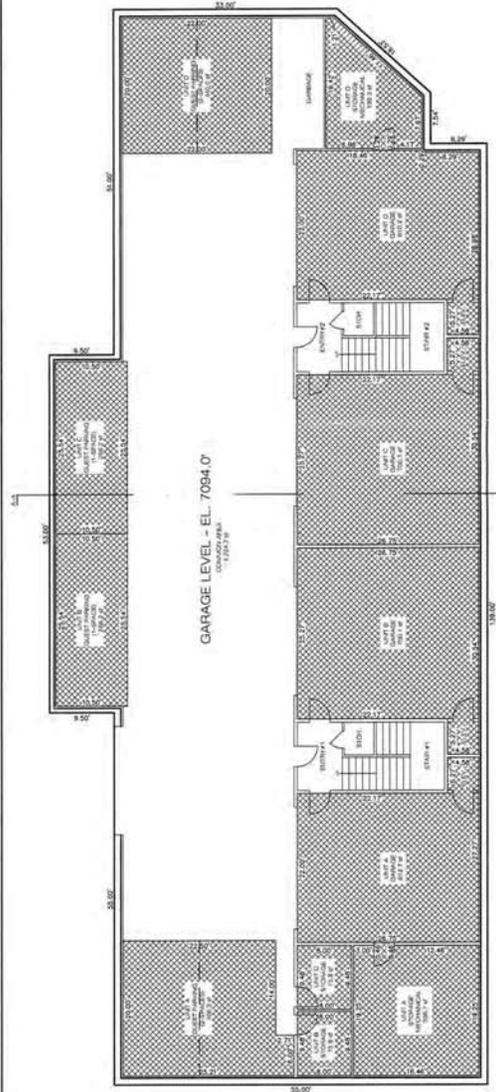


TERRACE LEVEL  
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 SCALE: 1" = 8'

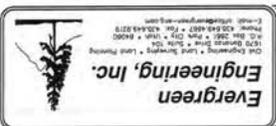
AREA TABULATIONS  
 \* GARAGE LEVEL

UNIT A	PRIVATE AREA	0.00 SF
	LIMITED COMMON AREA	1,435.7 SF
UNIT B	PRIVATE AREA	0.00 SF
	LIMITED COMMON AREA	1,044.1 SF
UNIT C	PRIVATE AREA	0.00 SF
	LIMITED COMMON AREA	1,044.1 SF
UNIT D	PRIVATE AREA	0.00 SF
	LIMITED COMMON AREA	1,249.5 SF
COMBINED TOTAL		
	PRIVATE AREA	0.00 SF
	LIMITED COMMON AREA	4,773.4 SF
	COMMON AREA	4,233.9 SF

RECORDED  
 NO. \_\_\_\_\_  
 STATE OF \_\_\_\_\_  
 RECORDED AT THE REQUEST OF \_\_\_\_\_  
 CITY RECORDS



GARAGE LEVEL  
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 SCALE: 1" = 8'



DATE	BY	COMMENTS



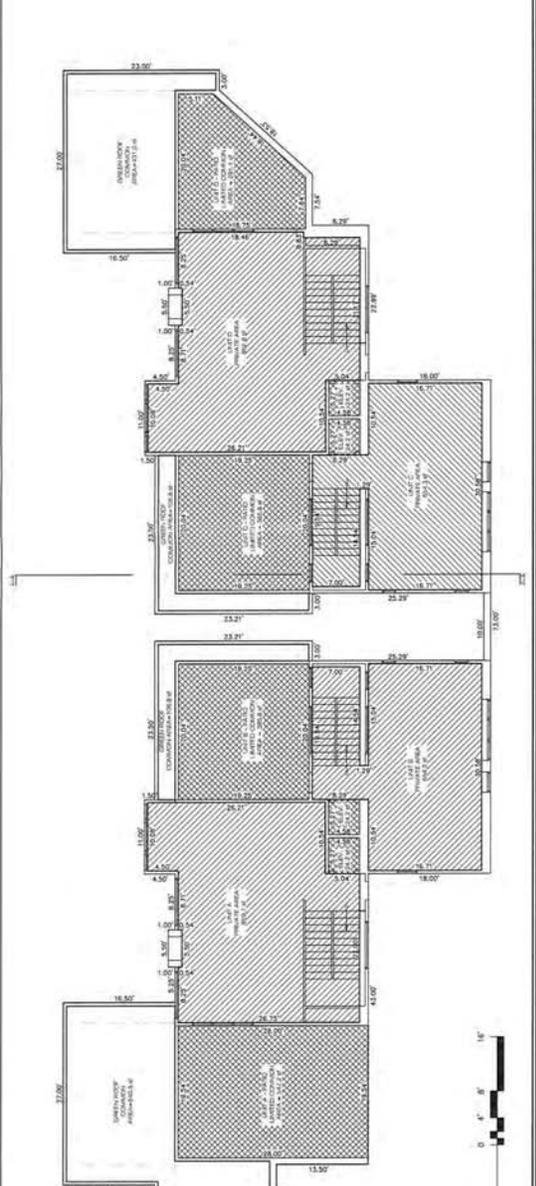
DESIGNED BY: GRW/ADM  
 CHECKED BY: GRW  
 DATE: 06/09

**ROUNDABOUT CONDOMINIUMS**  
**FLOOR PLANS**  
**SECOND LEVEL AND MASTER LEVEL**

BLAKE HENDERSON THE ROUNDABOUT LLC  
 BAB-CONDO-1P  
 SHEET 3 OF 4

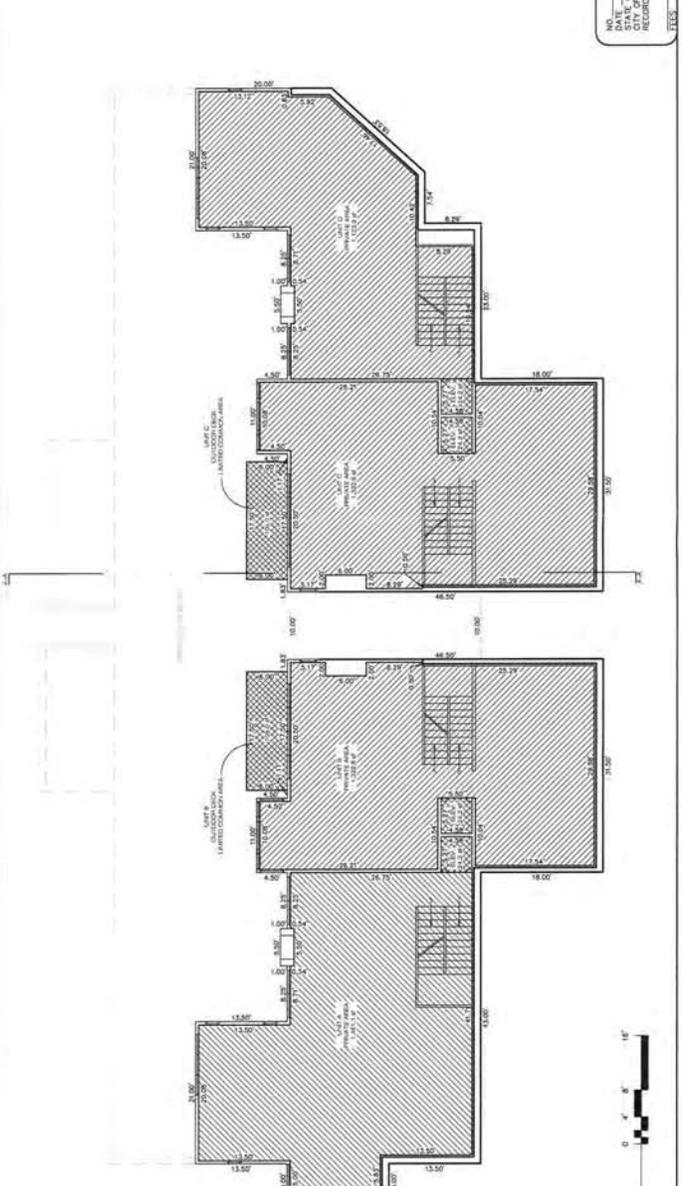
**AREA TABULATIONS**  
**• MASTER LEVEL**

UNIT	PRIVATE AREA	LIMITED COMMON AREA	COMMON AREA
UNIT A	859.7 SF	571.4 SF	
UNIT B	654.3 SF	410.0 SF	
UNIT C	654.3 SF	410.0 SF	
UNIT D	654.3 SF	410.0 SF	
COMBINED TOTAL	3,021.1 SF	1,682.5 SF	1,854.4 SF



**AREA TABULATIONS**  
**• SECOND LEVEL**

UNIT	PRIVATE AREA	LIMITED COMMON AREA	COMMON AREA
UNIT A	1,401.1 SF	24.2 SF	
UNIT B	1,322.6 SF	129.2 SF	
UNIT C	1,322.6 SF	129.2 SF	
UNIT D	1,322.6 SF	129.2 SF	
COMBINED TOTAL	5,230.2 SF	308.8 SF	554.3 SF



**MASTER LEVEL**  
**FLOOR EL. = 7129.0'**  
**SCALE: 1" = 8'**

**SECOND LEVEL**  
**FLOOR EL. = 7118.0'**  
**SCALE: 1" = 8'**

RECORDED  
 NO. 111111  
 DATE 02/12/14  
 CITY OF DENVER  
 RECORDED AT THE REQUEST OF  
 FEES

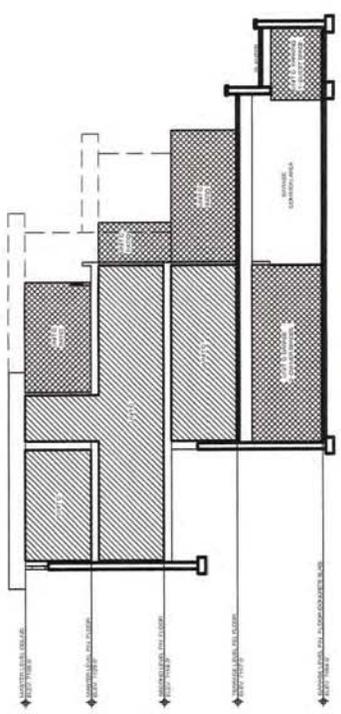
**Evergreen Engineering, Inc.**  
 1510 S. 28th St. Suite 104  
 Phoenix, AZ 85041  
 Phone: 602.944.0077 Fax: 602.944.0078  
 E-mail: info@evergreen-eng.com

NO.	DATE	BY	COMMENTS



DESIGNED BY: **CRN/ADM**  
 DRAWN BY: **CRN/ADM**  
 CHECKED BY: **CRN/ADM**

**ROUNDABOUT CONDOMINIUMS**  
**BUILDING SECTION AA**  
 RAB-CONDO-SEC  
 SHEET # 4 OF 4



**HATCHING LEGEND**  
 COMMON AREA  
 LIMITED COMMON AREA  
 PRIVATE AREA - UNIT

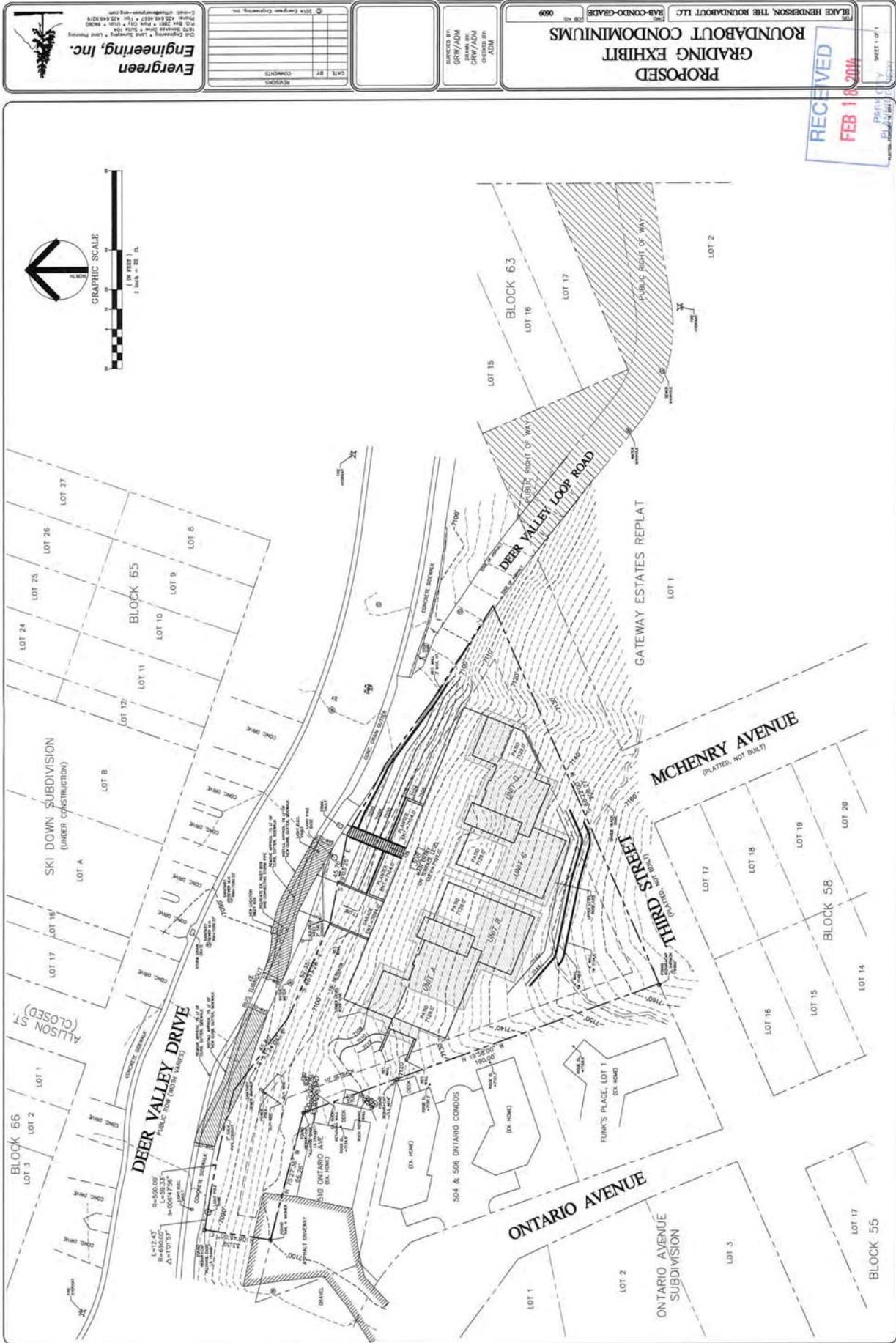
**BUILDING SECTION AA**  
**SCALE: 1" = 8'**



**RECEIVED**  
**NOV 13 2013**  
 PARKING DEPT.  
 RECORDED  
 PLANNING DEPT.

DATE RECORDED AT THE REQUEST OF \_\_\_\_\_  
 STATE OF \_\_\_\_\_  
 CITY: PHOENIX

EXHIBIT B



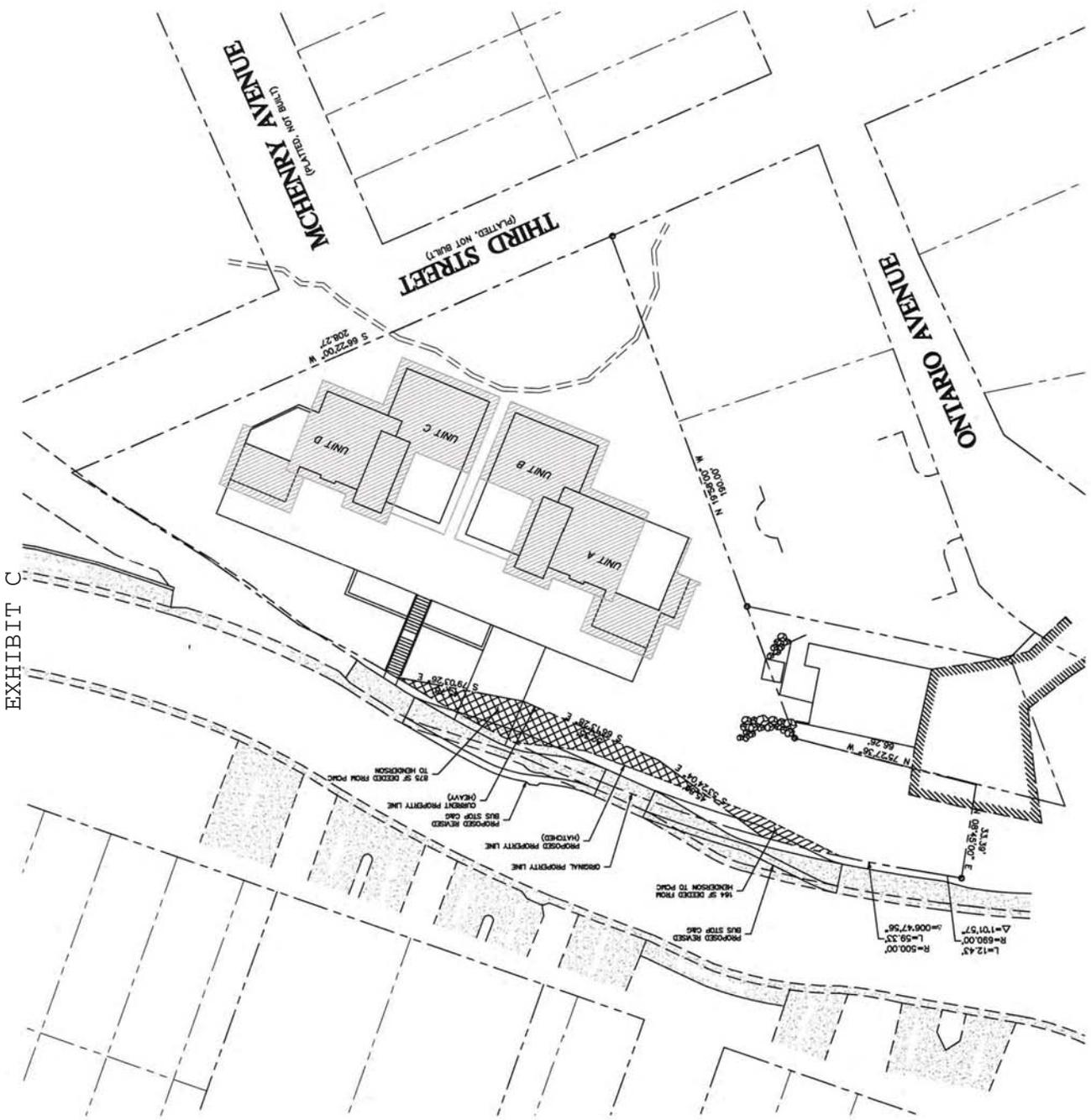
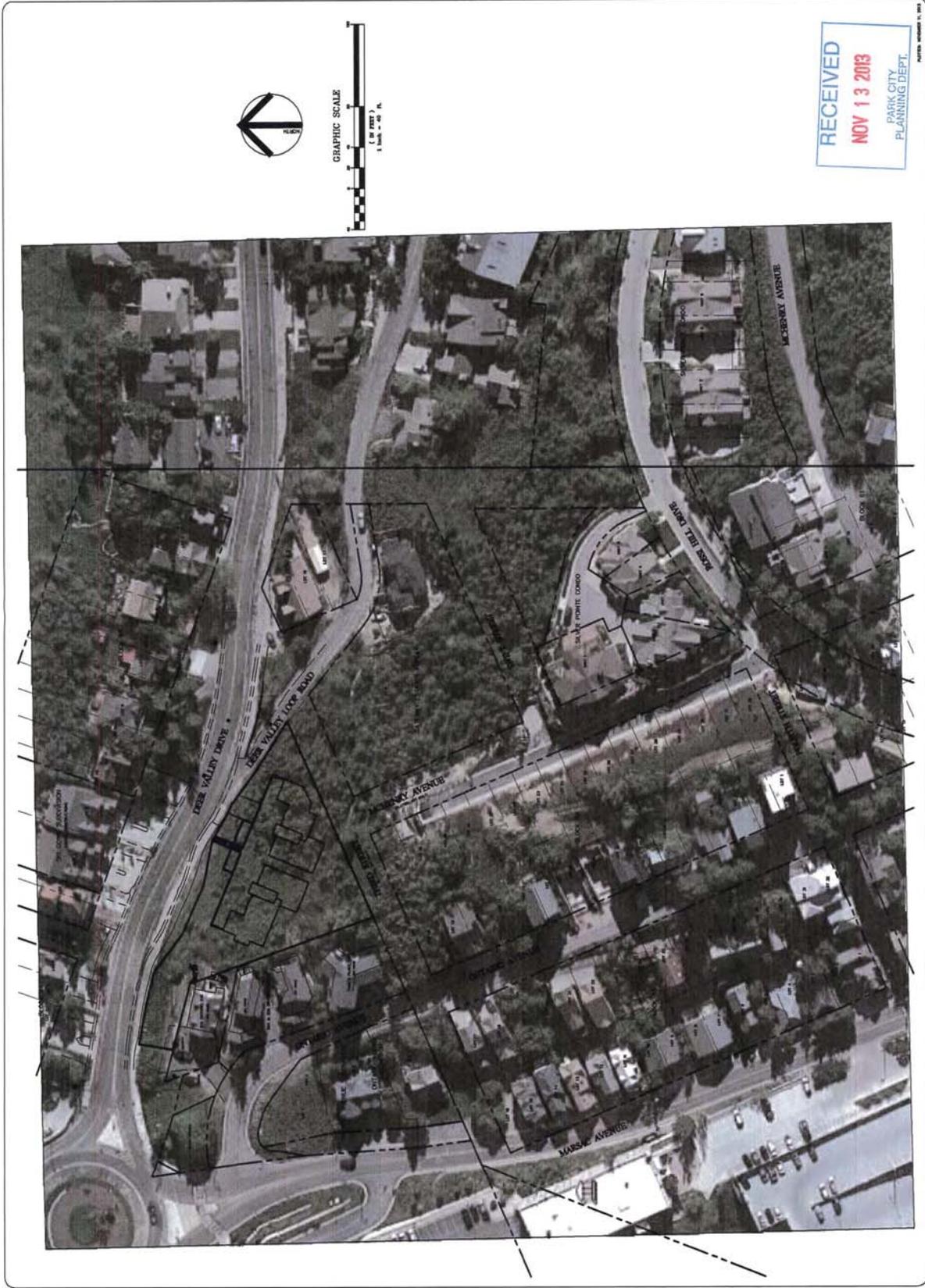


EXHIBIT C





EXHIBIT F



<p><b>Evergreen Engineering, Inc.</b>          125 Business Park Drive, Suite 100          Park City, Utah 84302          Phone: (435) 949-8887 • Fax: (435) 949-8218          Email: info@evergreeneng.com</p>	<p>DATE: _____          COMMENTS: _____</p>	<p>PROJECT NO. _____</p>	<p>DATE: _____</p>	<p>PROJECT: _____</p>	<p>DATE: _____</p>
	<p>DATE: _____</p>	<p>DATE: _____</p>	<p>DATE: _____</p>	<p>DATE: _____</p>	<p>DATE: _____</p>

DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 PROJECT: \_\_\_\_\_  
 SHEET NO. 609  
 PROJECT: MOONSHOE-AR  
 TITLE: OVERALL AERIAL PHOTO MAP  
 PART OF BLOCK 57, PARK CITY SURVEY  
 BLAKE HENDERSON  
 SHEET 1 OF 1

EXHIBIT G

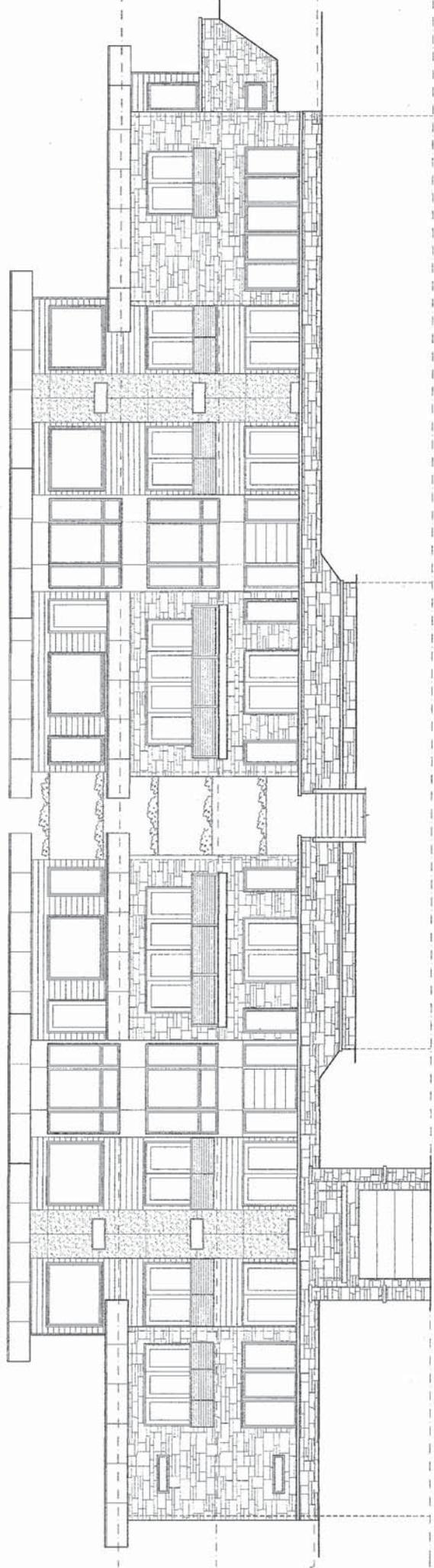




EXHIBIT H



**THE ROUNDABOUT**  
COSTANTINO GRANDJACQUET ARCHITECT  
OCTOBER 10 2013

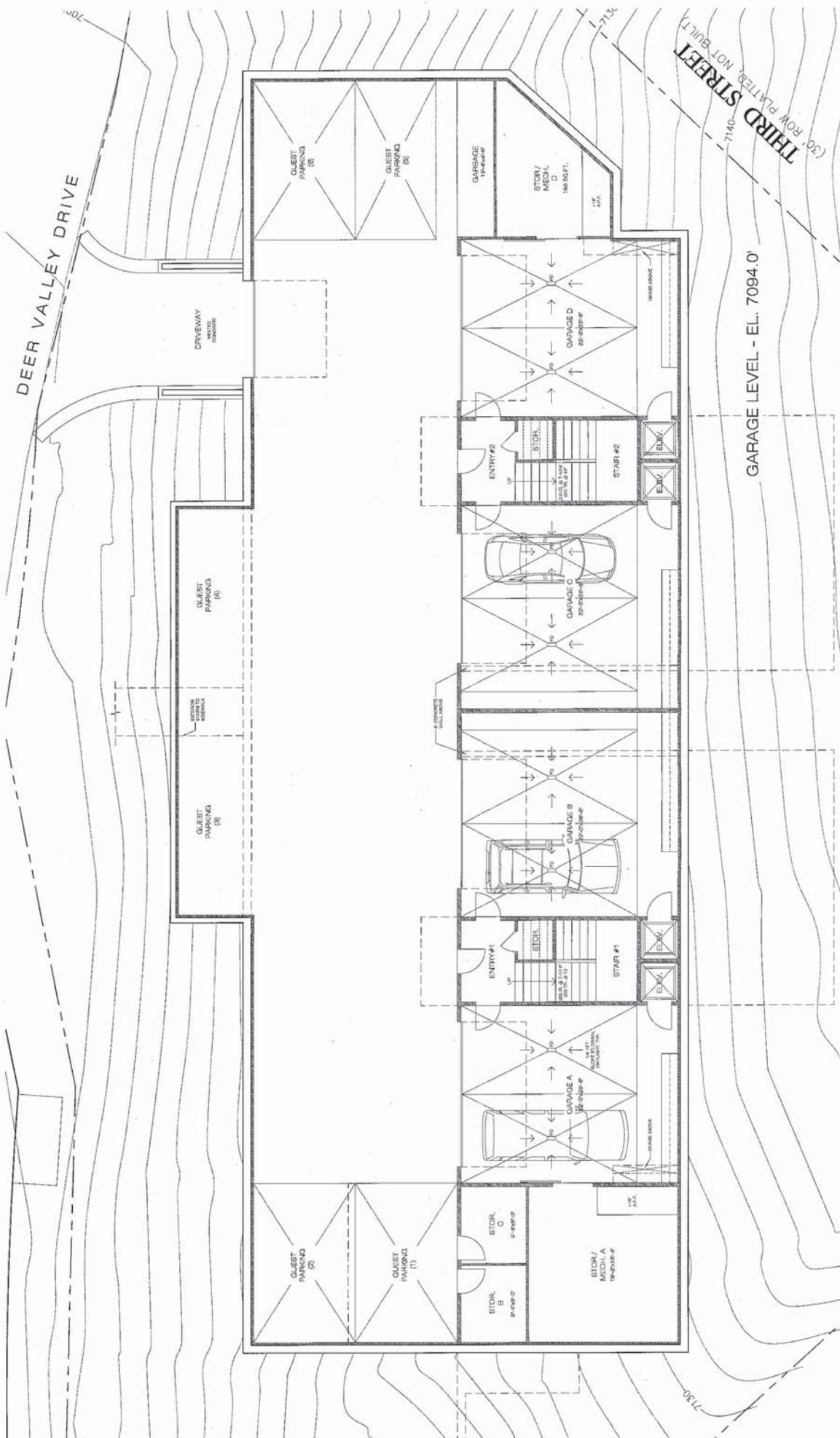


NORTH ELEVATION  
Planning Commission File # 201407

COSTANTINO  
GRANDJACQUET  
ARCHITECT

11.6.13

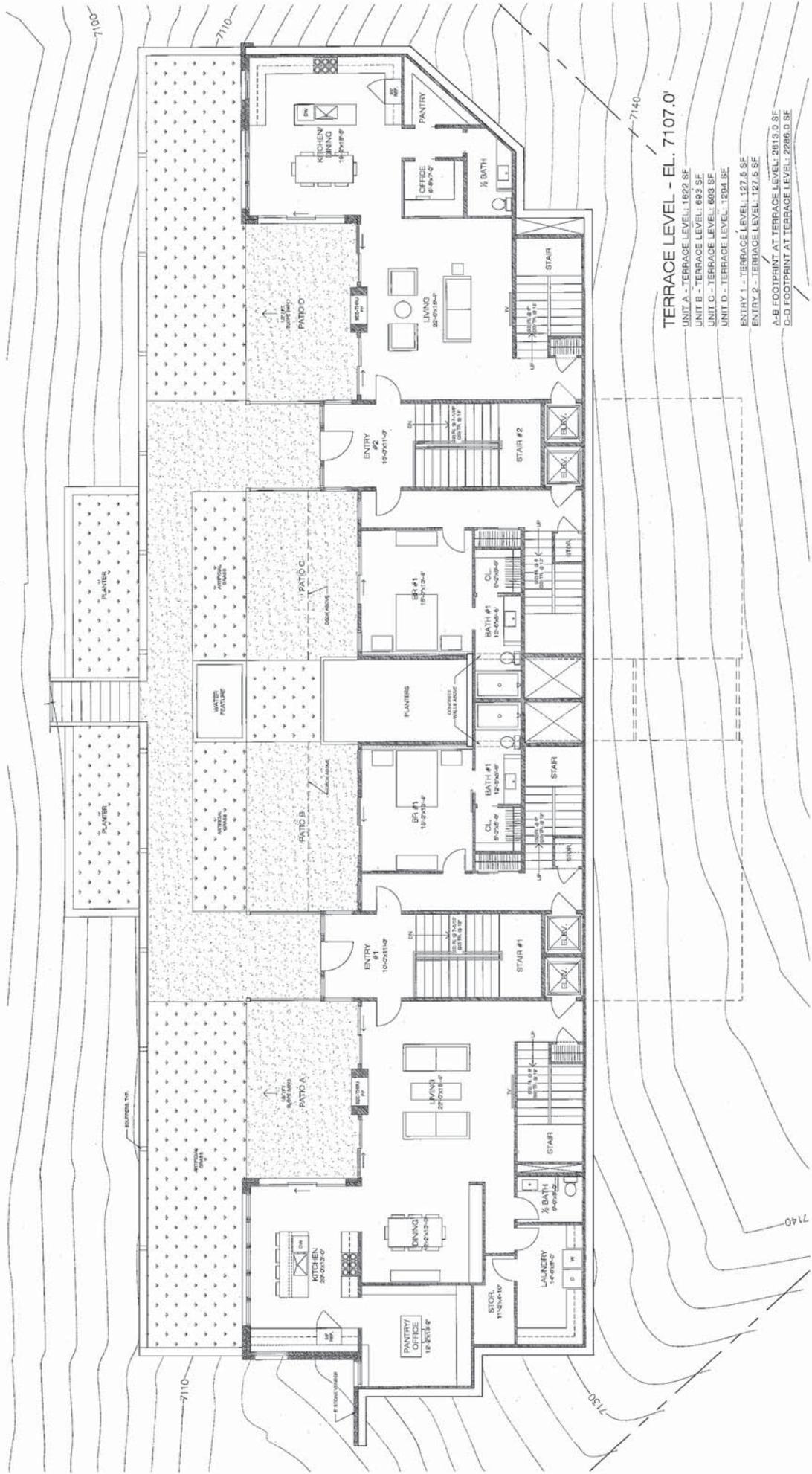
THE ROUNDABOUT  
LOT 1+2 ROUNDABOUT SURROUNDING



**GARAGE LEVEL FLOOR PLAN**  
**SCALE 3/32" = 1'-0"**

CONSTANTINO GRANDJACQUET ARCHITECT 11-14-13

THE ROUNDABOUT LOT 1+2 ROUNDABOUT SUBDIVISION



**TERRACE LEVEL - EL. 7107.0'**  
 UNIT A - TERRACE LEVEL: 1622 SF  
 UNIT B - TERRACE LEVEL: 693 SF  
 UNIT C - TERRACE LEVEL: 693 SF  
 UNIT D - TERRACE LEVEL: 1294 SF  
 ENTRY 1 - TERRACE LEVEL: 127.5 SF  
 ENTRY 2 - TERRACE LEVEL: 127.5 SF  
 A-B FOOTPRINT AT TERRACE LEVEL: 2615.0 SF  
 C-D FOOTPRINT AT TERRACE LEVEL: 2266.0 SF

TERRACE LEVEL FLOOR PLAN  
 SCALE 3/32" = 1'-0"

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COSTANTINO GRANDJACQUET ARCHITECT

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11:14:13

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THE ROUNDABOUT  
 LOT 1+2 ROUNDABOUT SUBDIVISION




**SECOND LEVEL FLOOR PLAN**  
 SCALE 3/32" = 1'-0"  
 COSTANTINO GRANDJACQUET ARCHITECT  
 11.14.13  
 THE ROUNDABOUT  
 LOT 112 ROUNDABOUT SUBDIVISION

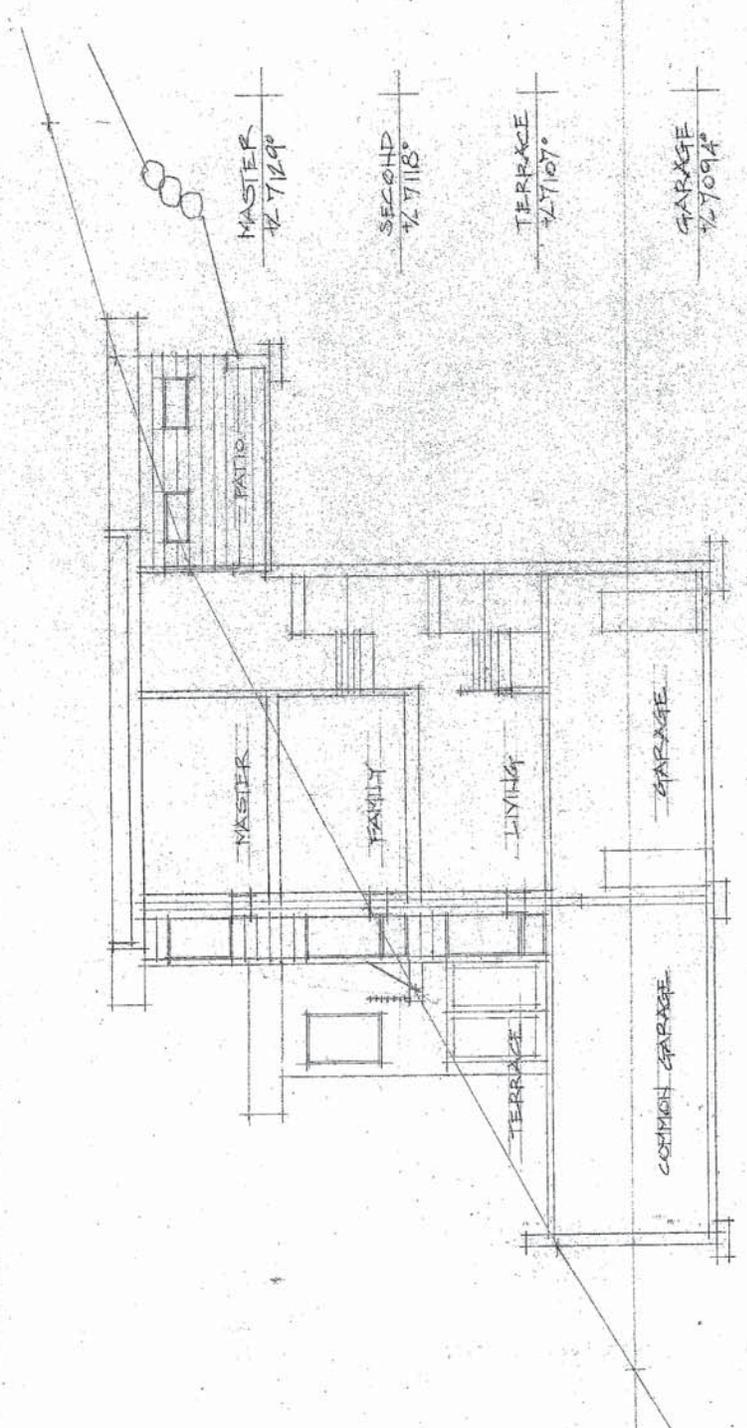



**MASTER LEVEL FLOOR PLAN**  
 SCALE 3/32" = 1'-0"

COSTANTINO  
 GRANDJACQUET  
 ARCHITECT

11,14,13

THE ROUNDABOUT  
 LOT 1+2 ROUNDABOUT SUBDIVISION



SECTION THROUGH UNIT 'A'

MASTER  
12.7129°

SECOND  
12.7118°

TERRACE  
12.7107°

GARAGE  
12.7094°

EXHIBIT I



**Evergreen Engineering, Inc.**



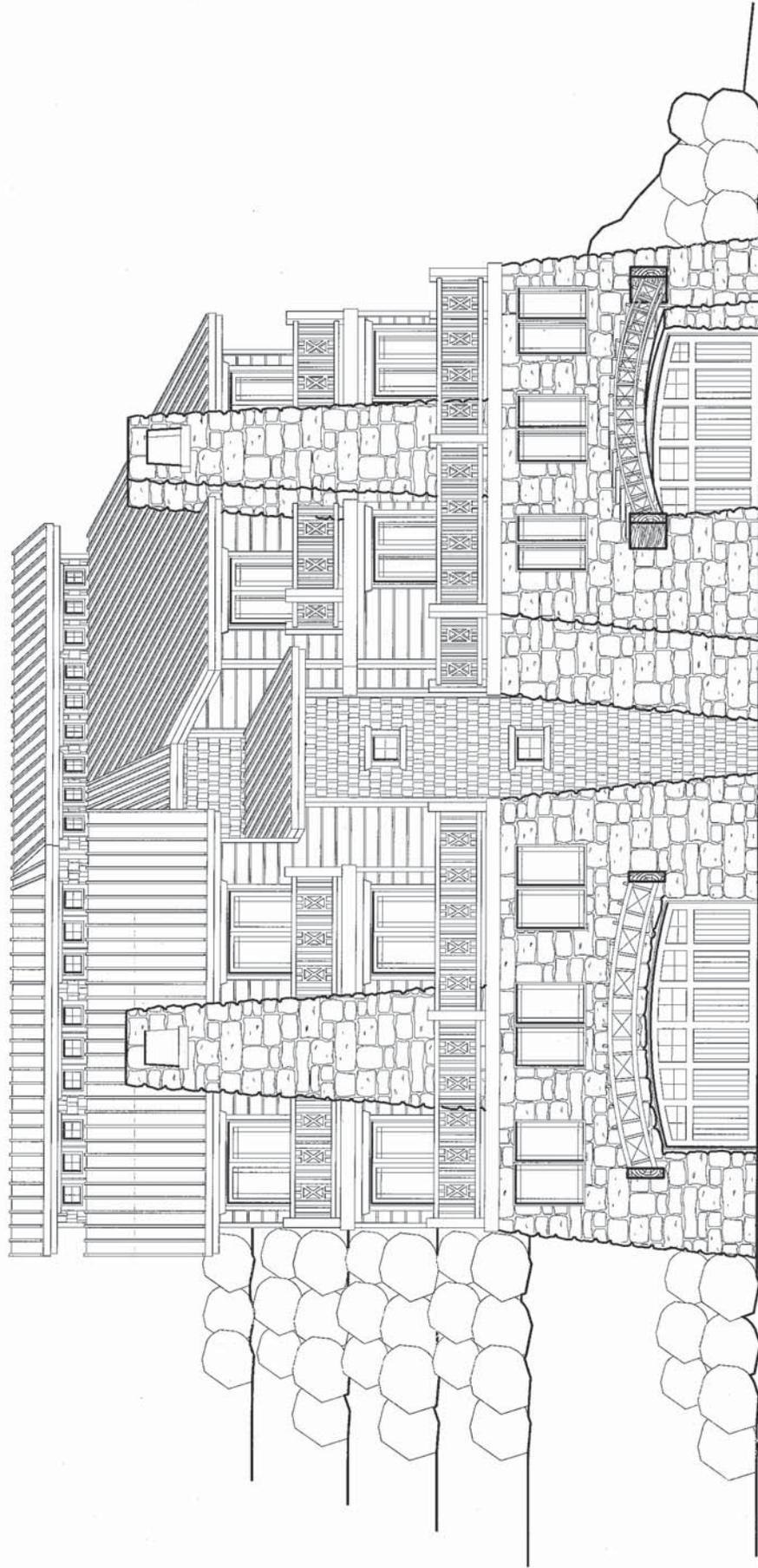
10000 Evergreen Court, Suite 200  
 Evergreen, CO 80120  
 Phone: (303) 644-6479 Fax: (303) 644-8815  
 Email: info@evergreen-engineering.com

DATE	REVISION	COMMENTS

REVISION BY: ADM  
 DRAWN BY: ADM  
 CHECKED BY: ADM

ROUND-SITE: 0609

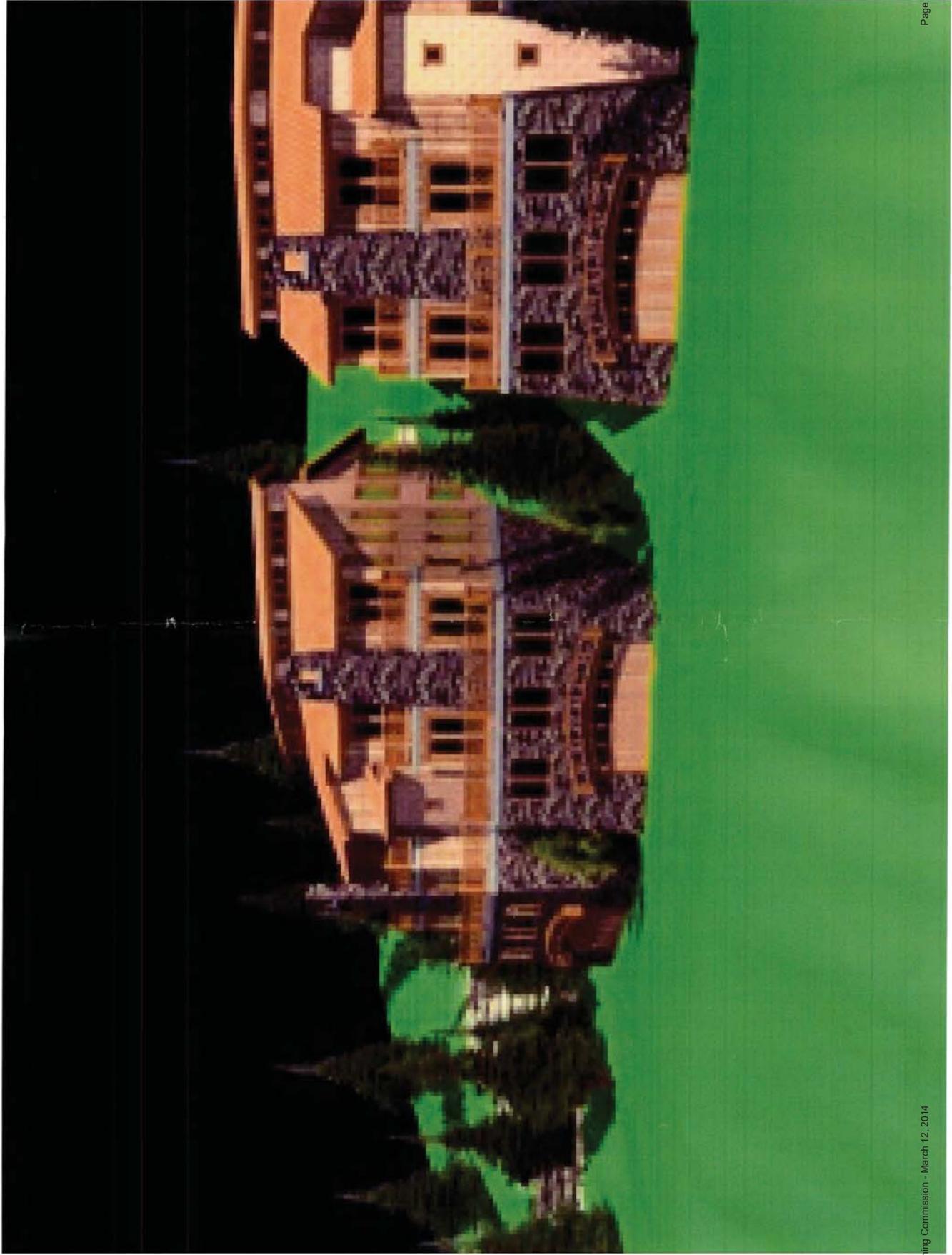
BLAKE HENDERSON

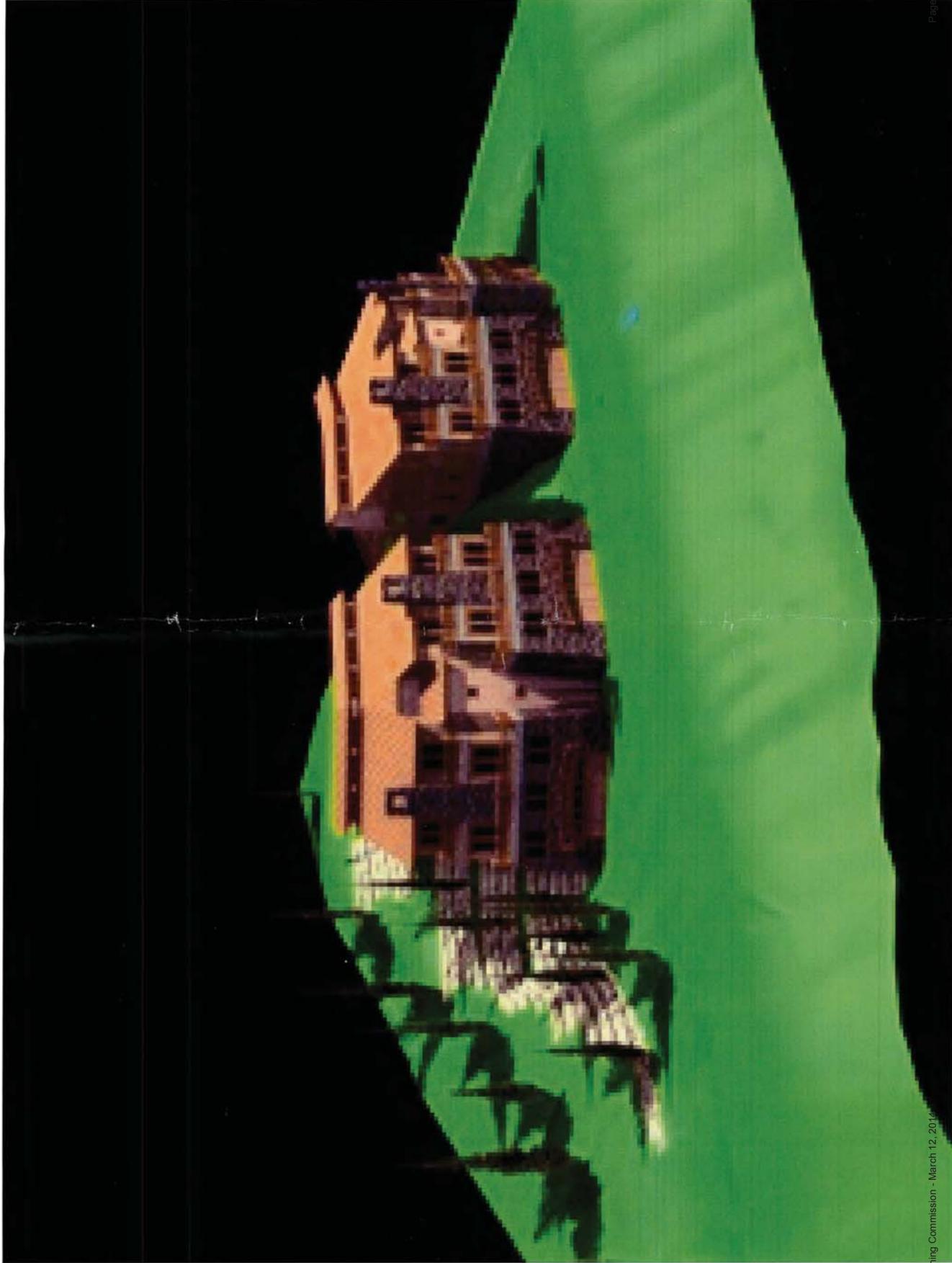


1 NORTHWEST EXTERIOR ELEVATION - FRONT

A-201 SCALE 1/4" = 1'-0" (24X36")  
SCALE 1/8" = 1'-0" (12X17")







**Exhibit J – Neighborhood Analysis**

Address	Lot Size	Footprint	Total SF	Units		zone	Percent footprint of total lot area	Square feet of lot area per unit	
504 & 506 Ontario Ave	7676	2441	6021	4	2 duplexes	R-1	31.8	1919	
510 & 511 Ontario Ave	4791	954	2507	2	1 duplex	R-1	19.9	2396	
408 Deer Valley Loop Rd	27007	3150				HR-1	11.7		
412 Deer Valley Loop Rd	12196	2593				HR-1	21.3		
267/269 Deer Valley Drive	6400	2412	4653	2	1 duplex	R-1	37.7	3200	
345 Deer Valley Drive (Posner)	5625	2187	8161	3	1 duplex and 1 mother-in-law	R-1	38.9	2250	
355 Deer Valley Drive (Posner)	7500	2248	6270	2	1 duplex	R-1	30.0	3750	
365 Deer Valley Drive (Posner)	7500	2248	6270			R-1	30.0		
300 Deer Valley Loop Rd (Lot 1)	12658	3200		2	1 duplex	R-1	25.3	6329	
300 Deer Valley Loop Rd (Lot 2)	12219	3200		2	1 duplex	R-1	26.2	6110	
							Average	<b>27.3</b>	<b>3707.6</b>

# EXHIBIT K

## Ordinance No. 07-33

### AN ORDINANCE APPROVING THE ROUNDABOUT SUBDIVISION CREATING TWO LOTS OF RECORD AT 300 DEER VALLEY LOOP ROAD, PARK CITY, UTAH.

**WHEREAS**, the owner of the property known as 300 Deer Valley Loop Road, has petitioned the City Council for approval of a 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 April 11, 2007 and May 23, 2007 to receive input on the Roundabout Subdivision.

**WHEREAS**, the Planning Commission, on May 23, 2007, forwarded a positive recommendation to the City Council; and

**WHEREAS**, on June 14, 2007 the City Council approved the Roundabout Subdivision; and

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

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

**SECTION 1. APPROVAL** The above recitals are hereby incorporated as findings of fact. The Roundabout Subdivision 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 300 Deer Valley Loop Road.
2. The metes and bounds parcel is 24,877 square feet in size.
3. The property is located in the Residential (R-1) District.
4. The R-1 zone is a transitional zone in use and scale between the historic district and the Deer Valley Resort.
5. The subdivision will create two lots of record. Lot One will be 12,658 square feet. Lot Two will be 12,219 square feet.
6. There are no existing structures on the metes and bounds parcel.
7. Access to the property is from Deer Valley Loop Road within 50 feet of Deer Valley Drive.
8. The minimum lot size in the R-1 zone is 3,750 square feet for a duplex dwelling.
9. A duplex dwelling is an allowed use in the R-1 zone.
10. The maximum height limit in the HR-1 zone is 28 feet from existing grade.
11. Minimum setbacks for the lots are 5' on the side yard, 15' in the front yard, and 10 feet in the rear yard.
12. Minimal construction staging area is available along Deer Valley Loop Road and Deer Valley Drive.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Measures to protect existing vegetation shall be included in the Construction Mitigation Plan (CMP).
3. Prior to the receipt of a building permit for construction on the lots, the applicant shall submit a building application that will be reviewed by the Planning Department for compliance with applicable Architectural Design Guidelines and the Land Management Code.
4. The applicant will record the subdivision 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.
5. The applicant stipulates to restricting the development to a single family home or duplex dwelling on each lot.
6. The footprint on each lot will not exceed 3200 square feet.
7. Shared access for the proposed lots will be accessed off of Deer Valley Loop Road.
8. An encroachment agreement will be created for improvements to the platted 3<sup>rd</sup> Street prior to building permit issuance on either lot.
9. The applicant shall submit a financial guarantee, in an amount approved by the City Engineer and in a form approved by the City Attorney, for the public improvements including the fire hydrant, bus pull-off, improvements to Deer Valley Drive, and lighting, prior to plat recordation.

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

PASSED AND ADOPTED this 14<sup>th</sup> day of June 2007.

PARK CITY MUNICIPAL CORPORATION

  
Dana Williams  
Mayor and Williams

Attest:

  
Janet M. Scott, City Recorder

Approved as to form:

  
Mark D. Harrington, City Attorney





# EXHIBIT L

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
APRIL 11, 2007

## COMMISSIONERS IN ATTENDANCE:

Chair Michael O'Hara, Jim Barth, Julia Pettit, Evan Russack, Mark Sletten, Jack Thomas, Charlie Wintzer

## EX OFFICIO:

Brooks Robinson, Principal Planner; Ray Milliner, Planner; Katie Cattan, Planner; Kirsten Whetstone, Planner; Katie Cattan, Planner; Polly Samuels McLean, Assistant City Attorney

## REGULAR AGENDA/PUBLIC HEARINGS

### 1. 300 Deer Valley Loop, Roundabout - Subdivision

Chair O'Hara stated that the Planning Commission discussed this item during the work session. One issue was to have a discussion during the regular meeting about whether or not to limit a triplex in the future on that site.

Planner Katie Cattan made two corrections to the Staff report. The first is that the metes and bounds parcel is .64 of an acre. The square footage was correct. The second was on page 45 and the statement, "The Staff has incorporated a condition of approval that the footprint of each dwelling on each lot will not exceed 2100 square feet". She corrected that to read "3200 square feet".

Planner Cattan reported that the Roundabout Subdivision is currently a metes and bounds parcel that is .64 of an acre. Access to the subdivision will be off of Deer Valley Loop drive and through platted Third Street. The subdivision is proposing two lots of record; Lot 1 will be 12,658 square feet; and the second lot will be 12,219 square feet. Single family homes and duplexes are allowed uses in the R-1 zone. Planner Cattan stated that all the requirements for a lot in the R-1 zone have been met with this application.

Planner Cattan remarked that the applicant has worked closely with the City Staff on this subdivision to mitigate the challenges of the lot because it is on a steep slope. Access and steep slope are two of the main issues. One issue raised by the Fire Department was fire access, since the large trucks cannot get up the road. The applicant is willing to create a bus pull off area off of Deer Valley Drive, which would be a public improvement for the City. A staircase would access the two duplexes or single family home from the bus pull-off area for fire access. A fire hydrant will be located at the bus pull off area.

Planner Cattan reported that the R-1 zone does not require a steep slope CUP. Therefore, the applicant has worked with Staff to lessen the impact of the steep slope and proposes less density than allowed on that land. Planner Cattan remarked that the proposal supports the General Plan recommendation for the area. The General Plan recommends that the zoning in

this area be reevaluated and that changes are made as necessary to decrease density and scale of structures in that area.

Planner Cattan stated that the dwelling footprint is not regulated in the R-1 zone and the setback requirements determine the allowable footprint. The Staff had incorporated a condition of approval stating that the footprint of each dwelling on each lot will not exceed 3200 square feet, as agreed upon in preliminary meetings with the applicant. Planner Cattan remarked that based on her analysis of density of the surrounding properties and the percent of land utilized for a footprint, the proposal is slightly below the average of 27%. In terms of dwelling units per the lot acreage, this proposal provides 2,000 square feet more open space than the surrounding lots.

The Staff finds good cause for this application as the subdivision will bring the parcels into compliance with State law by creating two lots of record and will create a new bus pull off area for the enjoyment of the public. The Staff finds that the plat will not cause undue harm on adjacent property owners because the proposal mitigates density, scale, and access issues addressed within the General Plan for this area.

Blake Henderson, the applicant, stated his agreement with the Staff report. Mr. Henderson remarked that he previously lived in Deer Valley and has travels Deer Valley Drive. He is now a resident of Old Town and he is very much involved and aware of all the development issues. In developing this piece of land, he carefully considered what would be appropriate after gathering information from friends, neighbors, and other developers in the area. Mr. Henderson stated that he spent a tremendous amount of time with the Planning Staff in an effort to put an appropriate project on this site with appropriate design and density. He noted that the proposal puts these structures above Deer Valley Drive, which will limit the massing visible from the street. Open space and green space will be provided between the duplexes and Deer Valley Drive. Mr. Henderson stated that they also considered traffic issues and the flow of traffic in terms of speed and congestion on Deer Valley Drive. They worked with Staff to find another entrance and proposed to use the Third Street access easement. He noted that no driveways are proposed off of Deer Valley Drive. Mr. Henderson commented on their plan to provide a bus pull out so buses can pull off of Deer Valley Drive and eliminate traffic congestion. They are also working with the Fire Marshall to use the bus pull out for fire trucks in the event of an emergency.

Chair O'Hara questioned a statement in the Staff report that a building permit cannot be issued for metes and bounds parcels. Planner Robinson replied that this statement was correct. The City prefers to have legal lots of record rather than parcels.

Mr. Henderson clarified that the metes and bounds parcel was .71 of an acre when the application was filed; however, the bus pullout reduced the size to .64 acres.

Commissioner Barth noted that Condition of Approval #8, states that the applicant will submit a financial guarantee. He understood that the applicant is planning on paying for the public improvements and wanted clarification that the applicant would be doing both. Planner Robinson stated that typically the City Engineer requires a financial guarantee for financial improvements. Commissioner Barth asked if the Fire District has signed off on the turn out solution for fire protection. Planner Cattan replied that Ron Ivie concluded that this solution would work.

Planner Cattan stated that with the access off of Platted Third Street, the applicant is proposing to install a 6 foot high retaining wall due to the slope. Normally the side retaining wall is only allowed to be 4 feet high. Finding of Fact #13 indicates that the Planning Commission finds in favor of a 6 foot high retaining wall if this application is approved.

Commissioner Barth noted that the Staff report indicates that triplexes could be allowed in this zone. He understood that the applicant is requesting two duplexes; but he did not see where triplexes were restricted in the conditions of approval. Mr. Henderson was willing to restrict the development to two duplexes.

Chair O'Hara opened the public hearing.

Ed Brophy, a resident at 500 Deer Valley Drive, wanted to know what would happen to the trees in the area when the road is widened and whether the salt on the road would impact the trees. Mr. Brophy wondered how the snow storage will be affected if the road is widened, since there is very little space now when the City plows. He currently has an easement for his property on platted Third Street for snow storage. He hoped that the snow coming down from that development will go into their designated snow storage areas and not overflow onto his.

Joe Still, a resident at 415 Deer Valley Drive, stated that he has been in the real estate business for over 20 years and he has done a number of development projects in Seattle. Mr. Still remarked that development is not a bad thing and he is a proponent more than an opponent. Although he is a stakeholder in the neighborhood, if he puts that aside and only looks at this piece of property and the applicant's proposal, it appears that they are trying to put something on that land because it is allowed in the zone. Mr. Still believes a variety of issues need serious consideration. He referred to the Staff report and the paragraph regarding steep slope density. He concurred with the Staff determination that the footprint density on the property is significantly less than what is allowed. Mr. Still remarked that in a more global view, there is already a lot of density and this project will put more in the neighborhood. He suggested that they address the steep slope element before granting approval for this application. Mr. Still explained why he believes this is important. The land across the street is moving and his driveway has sunk 1-1/2 inches since mid-December. His neighbors driveway is also moving and the area does not appear to be stable. Mr. Still referred to page 47 of the Staff report and the statement that there are no significant fiscal or environmental impacts from the application. He was unsure how the Staff defines environmental impacts but he had his own issues. He believes the bus pull out is a good idea. Two summers ago there was a fire right above his house and it took the Fire Department fifteen to twenty minutes to respond. Fire burns up and not down, so if there was a fire in this proposed area, it would most likely burn straight up to the dwellings above before fire suppression could get there. Mr. Still commented on the amount of wildlife on that parcel. Mr. Still commented on traffic mitigation. Construction for this project and all that is going on up Empire will worsen the problem for both ingress and egress up and down Deer Valley Drive. Mr. Still recommended that the Planning Commission choose Alternative #3 in the Staff report and continue the discussion on the Roundabout subdivision, as opposed to approving or denying the application this evening. He believes the issues are important for the people who live there.

Bob Wells, representing Royal Street Land Company, the parent company of Deer Valley, stated that Lot 57 was owned by Royal Street Land Company for 35 years until the property was conveyed to Blake Henderson last year. Mr. Wells provided a brief history which he believed contributed to the pot of community benefits that have occurred over the years and resulted in the present parcel. One benefit was the improvement of Ontario Avenue. Another benefit

was that a number of years ago portions of this property was deeded to the Clifford Funk subdivision and the adjacent subdivision, which resolved property issues and enabled those developments to occur. In addition, a provision of additional right-of-way for Deer Valley Drive and a portion of land that was carved out of Block 57 enabled the roundabout to be constructed. Mr. Wells stated that this is the last piece to be developed and it is always harder when you are the last person on the block. He supports this application and believes that Mr. Henderson and the Staff did a good job of mitigating the effects of the development.

Melissa Still, a resident at 415 Deer Valley Drive, reiterated her husband's comments and expressed concerns and objections of her own. Ms. Still mentioned the impacts from the Posner project and how the excavation and the process of compacting the soil has affected neighboring properties. She was concerned about further affects to their properties when development occurs at 300 Deer Valley Loop. Ms. Still commented on the amount of vehicle parking that occurs on Deer Valley Drive during construction and the problems this has created. She had parking concerns associated with this project and wondered where more cars would park. Snow storage and pedestrian safety were also major concerns. She expressed concern for the wildlife because moose frequent the area and fox live there during the winter. Ms. Still was bothered by the idea of 6 foot tall retaining walls and she found it disheartening to see the town explode for the sake of building. Ms. Still proposed that the City purchase the land for open space.

Jim Hauser, a resident at 395 Deer Valley Drive, echoed the comments regarding safety. He was forced to put a fence in his backyard because when he moved there five years he and his wife were continually chased off by speeding cars using the roundabout. Mr. Hauser opposed changing the metes and bounds parcel to a platted lot because it creates more density. Mr. Hauser asked if building on a steep slope is a safety issue and if that is why a CUP is required.

Planner Robinson replied that all conditional use permits are allowed uses with impacts that need to be mitigated. The steep slope CUP requirement is only in place in Old Town because of the narrow lots and three foot setbacks, excavation impacts, and mass and scale of the buildings to surrounding structures in close proximity.

Mr. Hauser clarified that the steep slope CUP addresses neighborhood impacts rather than safety issues. Planner Robinson replied that this was correct. He noted that excavation impacts could be considered safety issues.

Mr. Hauser remarked that creating two lots out of one and doubling the density will increase congestion and decrease safety in an area that is already incredibly unsafe.

Chair O'Hara closed the public hearing.

Chair O'Hara noted that the Planning Commission had this same discussion about a bus pull out when they reviewed the affordable housing project on Deer Valley Drive. At first glance a bus pull out appears to be a safe alternative for moving the bus out of the traffic area. In his opinion, a bus pull out is not a good idea because having a bus parked at the curb creates a traffic calming device.

Commissioner Thomas did not favor widening the road for a bus pullout for the same reason expressed by Chair O'Hara. If the bus can pull over, the traffic speed will increase. Commissioner Sletten understood that the bus pullout would serve a dual purpose. One is for the bus and the other is for fire access.

Planner Cattan clarified that the applicant proposes to widen the road for a bus pullout; however; they are also planning to widen the road 5 feet as you come up Deer Valley Loop in order to make the access in and out of this subdivision more user friendly.

Commissioner Wintzer stated that once again the Planning Commission is being asked to approve something without knowing the design or what is intended for the property. He understands that the Land Management Code does not provide them an option, but he felt like their decision was being made in a vacuum.

Commissioner Russack agreed with Commissioner Wintzer, particularly on this parcel, given the steepness of the slope and the fact that it is in the R-1 zone and does not require a steep slope review. In other instances where there is a steep slope, they usually know they can rely on the steep slope process. Commissioner Russack read the purpose statement for the R-1 District, "Encourage development that protects and enhances the entry corridor of the Deer Valley Resort area". He wondered how they could do that without knowing more specifically what is proposed for the site.

Planner Cattan reviewed a drawing that the applicant presented to Staff when discussing mitigation and the bus pullout. Commissioner Thomas noted that the drawing was not included in the Staff report even though it was a pertinent part of the information being reviewed this evening. Planner Robinson stated that omitting the drawing from the Staff report was a conscious decision because the Planning Commission recommendation for approval or denial should be based on the Subdivision Code and not the building.

Commissioner Thomas stated that a component of their decision relates to significant environmental impacts of the application and being able to see a drawing helps with their evaluation.

Assistant City Attorney, Polly Samuels McLean, redirected the Planning Commission to the criteria of the Subdivision portion of the Land Management Code. She read from Section 15-7-6, Regulations of the Subdivision of Land and the attachment of reasonable conditions to land, "subdivision is an exercise of valid police power delegated by the State to this municipality. The developer has the duty of compliance with reasonable conditions for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of Park City and to the safety and general welfare of the future lot owners in the subdivision and of the community at large." She also read from Section 15-7.3-1(d), Restrictions Due to the Character of the Land, "Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, mine hazards, potentially toxic waste, adverse earth formations or topography, wetlands, geological hazards, utility easements, or other features, including ridgelines, which will reasonably be harmful to the safety, health, or general welfare of the present or future inhabitants of the subdivision or its surrounding areas, shall not be subdivided or development unless adequate methods are formulated by the developer and approved by the Planning Commission upon recommendation of a qualified engineer to solve the problems created by the unsuitable land conditions. The burden of proof shall lie with the developer. Such land shall be set aside or reserved for uses as shall not involve such danger."

Chair O'Hara asked to what extent the Planning Commission should apply Section 15-7-2, The Purpose. Ms. McLean stated that the Planning Commission could also consider the purpose of that area. Commissioner Thomas reiterated his previous comment that a drawing like the one presented this evening would help the Planning Commission in evaluating the criteria read by Ms. McLean. Ms. McLean replied that the Planning Commission could request a drawing for the purpose of evaluating the criteria.

Chair O'Hara summarized that the Planning Commission was still questioning whether this property should be subdivided at all based on the Land Management Code. Commissioner Sletten felt that he did not have enough information to make a decision this evening and wanted the opportunity to spend time reviewing the drawings. Chair O'Hara recommended a motion for continuance if the Commissioners wanted to discuss this further.

**MOTION:** Commissioner Sletten moved to CONTINUE this item. Commissioner Russack seconded the motion.

Planner Cattan asked if the Planning Commission needed additional information besides the drawing. Commissioner Wintzer wanted to know what would happen to Deer Valley Loop Road if the road is widened, as well as the plan to egress the property if it is subdivided. He believed this addresses safety issues.

Commissioner Russack asked the applicant to provide information based on the two citations of the Land Management Code. He put the onus on the applicant to provide enough information to make an accurate decision based on those criteria.

Commissioner Barth stated that he was very frustrated. They have wasted the applicant's time and money, as well as Staff and Planning Commission time, because the Staff report was not complete enough for an appropriate discussion to make a decision.

Commissioner Pettit remarked that because the site is challenged due to the steep slope, adequate information is essential for the Planning Commission to make a decision on whether the subdivision makes sense under the provisions of the Land Management Code.

Planner Robinson requested that the matter be continued to May 9<sup>th</sup>.

Commissioner Sletten amended his motion to continue the matter to May 9, 2007.  
Commissioner Russack accepted the amendment.

VOTE: The motion passed 5-1. Commissioner Barth voted against the motion.

4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval - IHC- CUP

1. All standard conditions of approval apply to this Conditional Use Permit.
2. A water efficient landscape and irrigation plan that indicates snow storage areas and meets the defensible space requirement is required prior to building permit issuance.
3. All exterior lights must conform to the City lighting ordinance.
4. All exterior signs require a sign permit.
5. Materials color samples and final design details must be in substantial compliance with the samples reviewed by the Planning Commission and approved by Staff prior to building permit issuance.
6. The final building plans and construction details for the project shall meet substantial compliance with the drawings as reviewed by the Planning Commission.
7. Utility and grading plans must be approved by the City Engineer prior to building permit issuance.
8. The amended Subdivision Plat must be approved prior to full building permit. Excavation and Footings and Foundation may proceed prior to approval of the amended subdivision plat.
9. The applicant, at its expense, will install a signalized intersection on SR 248 and improvements to SR 248, Round Valley Drive, and Florence Gilmore Way as reasonably required by the City Engineer. A temporary paved road connection between SR 248 and F.J. Gilmore Drive, subject to approval by UDOT and Park City, shall be installed. Directional signs and way finding signs shall be part of the road improvements. During construction of the road improvements, access to the National Ability Center and the Recreation Complex shall not be interrupted. Trail and sidewalk connections as required in the Annexation Agreement and Master Planned Development approval are required.
10. All conditions of the Master Planned Development continue to apply.
7. 300 Deer Valley Loop, Roundabout Subdivision

The Planning Commission discussed this item during work session.

Planner Katie Cattan reported that the applicant is proposing two lots of record on a metes and bounds parcel. Each lot would be approximately 12,000 square feet. The applicant is proposing a duplex on each lot. Planner Cattan noted that the proposal decreases density from what could be approved on these lots. The proposal also adds a bus pull off area that is supported by the Park City Municipal Transportation Department.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council for this subdivision, according to the findings of fact, conclusions of law, and conditions of approval contained in the Staff report. Planner Cattan noted that Condition of Approval #6 should be modified to strike "of each dwelling on" The amended condition would read, "The footprint of each lot will not exceed 3200 square feet".

Blake Henderson, the applicant, stated that he had given his presentation during the work session and was available to answer any questions on the site plan.

Chair Pro Tem Barth opened the public hearing.

Melissa Still, a resident at 415 Deer Valley Drive, read specific sections from the LMC that she believed pertains to this project. She presented photographs to help support the points she was making from the Land Management Code. Ms. Still remarked that the architectural renderings are fantastic and she thinks the structures are in keeping with Park City. Her concerns related to Section 15-2.12-1, which is the purpose statement of the residential district for R-1. Subsection (c) talks about requiring building and streetscape designs that minimizes impacts on existing residents and reduces architectural impacts of the automobile. Ms. Still believes that besides being loud, dusty, and unsafe, this project will cut through a major hill, eliminating trees, and widening the roads to accommodate cars. She finds this to be in conflict with the Land Management Code. Ms. Still referred to Section 15-2-12-1(e), encourage development that protects and enhances the entry corridor of Deer Valley Resort. She stated that construction parking and staging has been on that corner for 2-1/2 years. The residents have had to deal with cement trucks parked on the entrance of their properties and having the ingress and egress of their own driveways become unsafe. A huge concern is the staging for the construction project.

Chair Pro Tem Barth asked if the construction mitigation plan would be required at the CUP stage. Planner Robinson pointed out that the R-1 zone does not require a conditional use permit. However a construction mitigation plan is required for all building projects in Park City to be reviewed by the Building Department. This would occur at the building permit stage.

Ms. Still commented on the proposed bus pullout and expressed her concern with safety. Currently the buses slow or stop the traffic on Deer Valley Drive and with a bus pullout, the drivers will speed up to get ahead of the bus. She did not favor the bus pullout. Ms. Still understood that the Constables, who also live on her street, had submitted a letter addressing that point. Ms. Still felt that vegetation is a big issue and noted that there is a large mass of aspen trees. She noted that Section 15-2.12-10 states that significant vegetation includes trees 6" in diameter. She remarked that the average tree on that property is approximately 14-1/2 inches. Ms. Still asked if an arborist has been considered with this project. She did not favor disturbing all the vegetation to put in a road. Ms. Still referred to Section 15-7.3-1(d), restrictions due to character of land and assumed that the Planning Commission was familiar with that language. She pointed out that there is a ridge line and the property is on a steep slope. Utilities will need to be re-routed and there is a mine shaft on the property. Ms. Still hoped the Planning Commission would agree that these are significant components of the application and they should be addressed in the way the Land Management Code requires the Planning Commission to address them. She does not support this project for all the reasons stated this evening and at previous public hearings. The project is currently zoned R-1. She does not think development is a bad thing but a piece of property should not be subdivided just because it can be.

Chair Pro Tem Barth closed the public hearing.

Commissioner Wintzer indicated the area where the stairs come down to the road and asked for the grade change between the road and the driveway. Mr. Henderson believed the grade change is approximately 14 feet.

Mr. Henderson clarified that the mine shaft is not on his property. It is located on the adjacent property to the north.

Commissioner Pettit wanted to know who from the City Mr. Henderson worked with on the bus stop concept. Mr. Henderson stated that he worked with the Park City Transportation Department and met with them on-site. He also spent time with the City Engineer in looking at the entire street. Mr. Henderson remarked that currently the bus stop is located closer to the roundabout. There is not a lot of room and you come up on the bus stop rather quickly. The first request was to move the bus stop further down Deer Valley Drive to allow for more room and more visibility. It was determined that a bus pullout is a much safer option and it will alleviate congestion. Mr. Henderson was happy to leave the bus stop in the middle of the street and not have to pay the significant cost for the pullout and other public improvements. He is proposing to do it because he thinks it will add to the safety of the street.

Planner Catten noted that the bus pullout is also favored by Ron Ivie based on fire safety, which was another reason for moving it further down the road. The pullout would also provide a place for fire trucks to park and access the stairway.

Commissioner Pettit noted that a number of public comments were geared toward construction mitigation issues. She wondered if Mr. Henderson had preliminarily discussed this with the Building Department in terms of minimizing the impacts to the neighborhood. Mr. Henderson stated that he has not yet had that specific discussion with the Building Department. He has built other projects in Park City and that has always been a big discussion and strictly enforced. He stated that the photo presented by Ms. Still showing all the construction staging was actually on his property. It is not ideal but the trucks are off of Deer Valley Drive, which is better than some projects where construction staging occurs on the street. Mr. Henderson intended to work with the Building Department on construction staging and strictly follow all building codes in their construction mitigation plan.

Mr. Henderson stated that development of the structures themselves would not impact the aspen trees. The road will be cut through some of those trees and he plans to minimize as much disturbance as possible.

Chair Pro Tem Barth clarified that additional density could be allowed and this application proposes less density. He asked if the density was addressed in a condition of approval. Planner Cattan stated that approval is conditioned to a single family home or a duplex on each lot, with a condition that the footprint not exceed 3200 square feet.

Commissioner Wintzer asked if retaining would be required on the downhill side. Mr. Henderson did not think so. It will be curb and guttered so any snow melt or salt will not flow into the vegetation. Commissioner Russack asked about snow removal. Mr. Henderson identified a very large at grade section anticipated for snow removal, noting that snow from their property will not be put on to the Loop. Commissioner Russack asked Mr. Henderson to point out the referenced terracing that would retain 18 feet of height along the driveway. Mr. Henderson noted that three different terraces would equal 18 feet. He indicated the location of the walls on the site plan. There was some discrepancy on the actual total height since Mr. Henderson thought the three walls were 6 feet, 6 feet, and 4 feet; for a total of 16 feet rather than the 18 feet specified in the Staff report. He reviewed the cross sections and clarified that he was correct. Mr. Henderson stated that there was at least a 3 foot separation between each wall, allowing room for vegetation and trees.

**MOTION:** Commissioner Pettit moved to forward a POSITIVE recommendation to the City Council for the Roundabout Subdivision at 300 Deer Valley Loop in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval set forth in the attached ordinance in the Staff report, with the amendment to Condition of Approval #6 to read,

"The footprint on each lot will not exceed 3200 square feet." Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Roundabout Subdivision

1. The property is located at 300 Deer Valley Loop Road.
2. The metes and bounds parcel is 24,877 square feet in size.
3. The property is located in the Residential (R-1) District.
4. The R-1 zone is a transitional zone in use and scale between the historic district and the Deer Valley Resort.
5. The subdivision will create two lots of record. Lot One will be 12,658 square feet. Lot Two will be 12,219 square feet.
6. There are no existing structures on the metes and bounds parcel.
7. Access to the property is from Deer Valley Loop Road within 50 feet of Deer Valley Drive.
8. The minimum lot size in the R-1 zone is 3,750 square feet for a duplex dwelling.
9. A duplex dwelling is an allowed use in the R-1 zone.
10. The maximum height limit in the HR-1 zone is 28 feet from existing grade.
11. Minimum setbacks for the lots are 5' on the side yard, 15' in the front yard, and 10 feet in the rear yard.
12. Minimal construction staging area is available along Deer Valley Loop Road and Deer Valley Drive.

Conclusions of Law - Roundabout Subdivision

1. There is good cause for this subdivision.
2. The Subdivision 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 subdivision.
4. As conditioned the subdivision is consistent with the Park City General Plan.

Conditions of Approval - Roundabout Subdivision

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval is a condition precedent to recording the plat.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Measures to protect existing vegetation shall be included in the Construction Mitigation Plan (CMP).
3. Prior to the receipt of a building permit for construction on the lots, the applicant shall submit a building application that will be reviewed by the Planning department for compliance with applicable Architectural Design Guidelines and the Land Management Code.
4. The applicant will record the subdivision 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.
5. The applicant stipulates to restricting the development to a single family home or duplex dwelling on each lot.
6. The footprint on each lot will not exceed 3200 square feet.
7. Shared access for the proposed lots will be accessed off of Deer Valley Loop Road.
8. An encroachment agreement will be created for improvements to the platted 3<sup>rd</sup> Street prior to building permit issuance on either lot.
9. The applicant shall submit a financial guarantee, in an amount approved by the City Engineer and in a form approved by the City Attorney, for the public improvements including the fire hydrant, bus pull-off, improvements to Deer Valley Drive, and lighting, prior to plat recordation.

The Park City Planning Commission meeting adjourned at 9:30 p.m.

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



# Planning Commission Staff Report



**Subject:** 1138 Lowell Avenue Subdivision  
Second Amended Plat  
**Author:** Christy J. Alexander, Planner II  
**Project Number:** PL-14-02246  
**Date:** March 12, 2014  
**Type of Item:** Administrative – Plat Amendment

## Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council for the 1138 Lowell Avenue Subdivision Second Amended Plat located at 1138 Lowell Avenue, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

## Description

**Applicant:** Daniel and Sherri Winarski  
**Location:** 1138 Lowell Avenue  
**Zoning:** Historic Residential (HR-1)  
**Adjacent Land Uses:** Single-family and duplex residential  
**Reason for Review:** Plat amendments require Planning Commission review and City Council action

## Proposal

The applicant is requesting a Plat Amendment for the purpose of combining two (2) existing lots (Lots 1 & 2) into one (1) lot of record located in Block 31 of the Snyder's Addition to the Park City Survey. The applicant currently owns both lots and requests to combine the lots to create one (1) new larger lot on which to build an addition to their existing single-family home at 1138 Lowell Avenue.

***Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.***

## Purpose

The purpose of the 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 January 29, 2014 the applicant submitted a complete application for the 1138 Lowell Avenue Subdivision Second Amended plat, a one (1) lot subdivision. The property is located at 1138 Lowell Avenue in the Historic Residential (HR-1) District.

The 1138 Lowell Avenue Subdivision was originally approved by City Council on May 1, 2003 and recorded on April 19, 2004. The 1138 Lowell Avenue Subdivision combined lots 25 and 26 of Block 27 of Snyder's Addition to the Park City Survey. The purpose of the plat amendment in 2003 was to allow the property owner to expand the existing non-historic house sitting on Lot 26. The expansion of that house did not happen and the owners came back in June of 2006 to request to subdivide the property back to its original configuration. The City Council approved the 1138 Lowell Avenue Subdivision First Amended plat on August 24, 2006 and was recorded on June 4, 2007.

Currently the existing Lot 1 contains a single-family home which was custom built in 1999. The existing Lot 2 currently remains vacant of any structures. Both lots are owned by Daniel and Sherrie Winarski. The two (2) existing lots currently meet the minimum lot area standards in the HR-1 District. The applicant states their intentions are to build an addition to their existing single-family home on the proposed combined lot.

### **Analysis**

The proposed plat amendment creates one (1) lot of record consisting of 3,750 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 existing Lot 1 currently contains one single-family home which was built in 1999. The side setbacks shown on the existing conditions show the home being 2.76 feet from each side property line. When the plans received Historic District Design Review approval in 1998, the plans showed a 3 feet setback that was approved. The setback width could be due to a survey error. Any new additions to the existing home would need to meet the current code requirements of 5 feet side yard setbacks. The existing front and rear yard setbacks meet current code standards of a minimum of ten feet (10'). The existing Lot 2 remains vacant. Currently a duplex is a conditional use in this zone which could be built on the proposed combined lot if the property owner were to demolish the single family home or add on and convert it to a duplex. A duplex could be proposed, however, separate ownership of each unit would require a condominium plat to create separate units within the duplex. The mass of scale of a possible duplex would be the same as what is allowed for a single family house on the combined lot. The proposed lots will be

compatible with the existing neighborhood as the three lots directly across the street from this proposed lot are approximately each 50 feet in width as well. The houses within 200 feet to the north and south on the east side of Lowell Ave consist of typical “Old Town” single-family dwellings and vacant lots. The homes within 200 feet across the street on the west side of Lowell Ave consist of mainly duplex dwellings, larger single-family dwellings and vacant lots.

The minimum lot width allowed in the district is twenty-five feet (25’). The proposed width will be fifty (50’) feet. The proposed lot combination meets the lot and site requirements of the HR-1 District described below:

<b>Required</b>	<b>Existing</b>	<b>Permitted</b>
Building Footprint	808 square feet	1,519 square feet (based on the lot area of 3,750 square feet)
Front/rear yard setbacks	12.22 feet front yard and 17.65 feet rear yard	10 feet minimum, 20 feet total (based on the lot depth of 75 feet)
Side yard setbacks	2.82 feet and 2.76 feet	5 feet minimum, 10 feet total (based on the lot width of 50 feet)
Height	30.34 feet (roof peak to ground elevation)	27 feet above existing grade, maximum.
Parking	Two (2) parking spaces	Two (2) parking spaces per dwelling

The proposed plat amendment does not create any new non-conforming situations except for the existing southerly side yard setback of 2.82 feet. This plat amendment is consistent with the Park City LMC and applicable State law regarding subdivision plats. Any future additions to the existing home must comply with current LMC requirements.

**Good Cause**

Planning Staff finds there is good cause for this plat amendment. Combining the lots will allow the existing non-historic house to be added on to, remove the non-complying northerly side yard setback, and will remove the existing lot line between the two lots. The plat amendment will also 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 to adjacent property owners and all future development will be reviewed for compliance with requisite Building and Land Management Code, and Historic District Design Guidelines requirements.

### **Department Review**

This project has gone through an interdepartmental review. There were no issues raised by any of the departments or service providers regarding this proposal that have not been addressed by the conditions of approval.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record and on the public notice website in accordance with the requirements of the LMC.

### **Public Input**

Staff has not received public input on this application at the time of this report. Public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meeting scheduled for April 3, 2014.

### **Process**

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any additions to the existing home may require a Steep Slope CUP and will require a Historic District Design Review. If a duplex were proposed, a CUP would be required for the use. A Building Permit is publicly noticed by posting of the permit.

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the 1138 Lowell Avenue Subdivision Second Amended plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the plat amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item. .

### **Significant Impacts**

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

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

The proposed plat amendment would not be recorded and two (2) existing lots would not be adjoined and remain as is. The existing house at 1138 Lowell Avenue would remain and would have to comply with the current LMC requirements for additions on typical "Old Town" single lots.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing, consider input, and consider forwarding a positive recommendation to the City Council for the 1138 Lowell Avenue Subdivision Second Amended plat based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance.

### **Exhibits**

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Conditions Survey

Exhibit C – Vicinity Map/Aerial Photographs

Exhibit D – Streetscape Images

Exhibit E – Approved 1138 Lowell Avenue Subdivision First Amended Plat and original  
1138 Lowell Avenue Plat

## Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 14-

### **AN ORDINANCE APPROVING THE 1138 LOWELL AVENUE SUBDIVISION SECOND AMENDED PLAT LOCATED AT 1138 LOWELL AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the 1138 Lowell Avenue Subdivision located at 1138 Lowell Avenue, have petitioned the City Council for approval of the 1138 Lowell Avenue Subdivision Second Amended plat; and

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

WHEREAS, proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on March 12, 2014 to receive input on the proposed subdivision;

WHEREAS, on March 12, 2014 the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on April 3, 2014 the City Council held a public hearing on the proposed Fluter Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 1138 Lowell Avenue Subdivision Second Amended 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 1138 Lowell Avenue Subdivision Second Amended 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 1138 Lowell Avenue within the Historic Residential (HR-1) District.
2. The 1138 Lowell Avenue Subdivision was approved by City Council on May 1, 2003 and recorded on April 19, 2004.
3. The City Council approved the 1138 Lowell Avenue Subdivision First Amended plat on August 24, 2006 and was recorded on June 4, 2007.

4. On January 29, 2014, the applicants submitted an application for a plat amendment to combine two (2) lots containing a total of 3,750 square feet into one (1) lot of record.
5. The application was deemed complete on February 13, 2014.
6. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling and 3,750 square feet for a duplex.
7. The maximum footprint allowed in the HR-1 zone is 1,519 square feet for the proposed lot based on the lot area of the lot.
8. The property has frontage on and access from Lowell Avenue.
9. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming situations except for the existing non-conforming southerly side yard setback of 2.82 feet.
10. The existing non-conforming northerly side yard setback of 2.76 feet will be eliminated with the approval of the proposed plat amendment.
11. The plat amendment secures public snow storage easements across the frontage of the lot.

#### 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 shall be issued unless the applicant has first made application for a Historic District Design Review and a Steep Slope CUP application if applicable.
4. Modified 13-D sprinklers will 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. A 10 foot (10') wide public snow storage easement is required along the frontage of the lots with Lowell Avenue and shall be shown on the plat.

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

PASSED AND ADOPTED this \_\_\_\_day of \_\_\_\_\_, 2014

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

\_\_\_\_\_  
Marci Heil, City Recorder

APPROVED AS TO FORM:

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

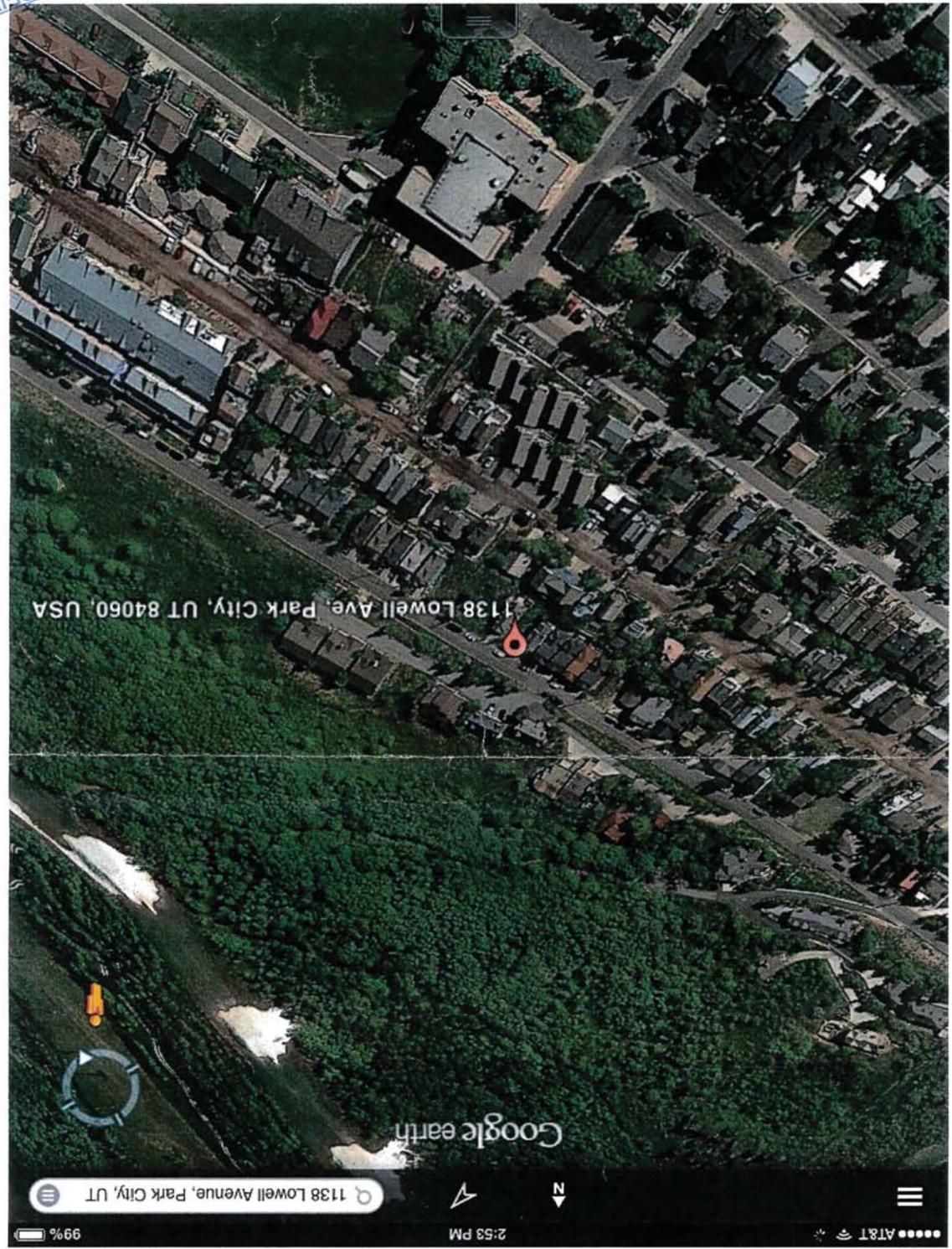




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PARK CITY  
PLANNING DEPT.

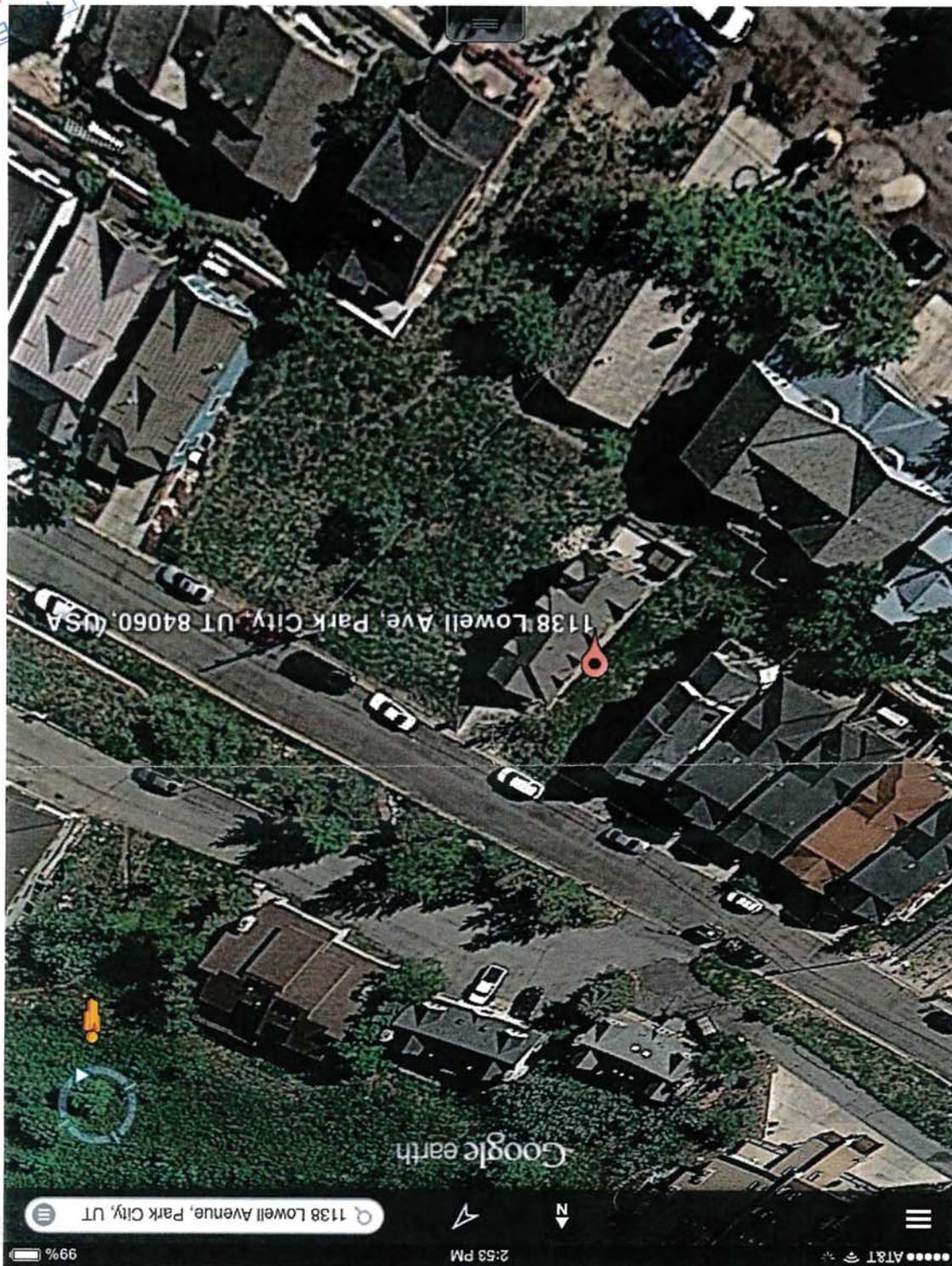
Tuesday, January 21, 2014 AOL: Drwimarski

EXHIBIT C



Page 2 of 3

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Subj: (no subject)  
Date: 1/21/2014 4:56:35 P.M. Eastern Standard Time  
From: [drwinarski@aol.com](mailto:drwinarski@aol.com)  
To: [Drwinarski@aol.com](mailto:Drwinarski@aol.com)



Sent from my iPhone





RECEIVED  
JAN 29 2014  
PARK CITY  
PLANNING DEPT.

Subj: (no subject)  
Date: 1/21/2014 4:54:46 P.M. Eastern Standard Time  
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Sent from my iPhone



Subj: (no subject)  
Date: 1/21/2014 4:56:19 P.M. Eastern Standard Time  
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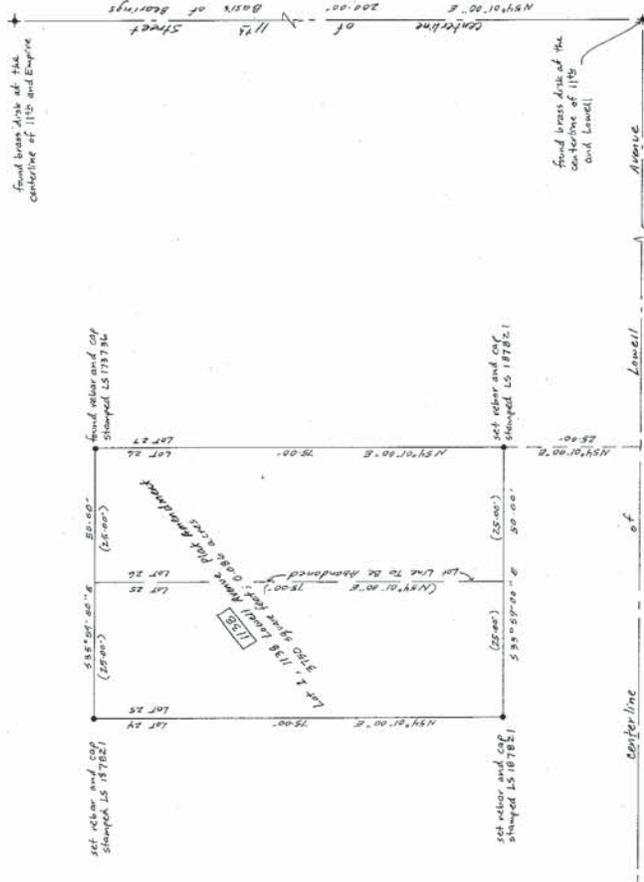


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JAN 29 2014

EXHIBIT E

1188 Lowell Avenue Plot Amendment and Record of Survey  
Lots 25 and 26, Block 27, Snyder's Addition, Park City



Consent to Record:  
I, Daniel R. Winarski, and Sherri D. Winarski, as the owners of the herein described property, heretofore to be known as 1188 Lowell Avenue, Park City, Utah, have caused this survey to be made, and the plat to be prepared, and we do hereby consent to the recording of this survey and plat amendment.  
Daniel R. Winarski  
Sherri D. Winarski  
a.k.a. Sherri Winarski

Acknowledgment:  
STATE OF UTAH  
County of SUMMIT  
On this 18th day of April, 2008, personally appeared before me, the undersigned Notary Public, in and for the State of Utah and County of Summit, Daniel R. Winarski and Sherri D. Winarski, who after being duly sworn, acknowledged to me that they are the owners of the herein described property, and that they signed the above instrument to record freely and voluntarily.  
Notary Public  
4/18/08  
My Commission Expires Residing At



Surveyor's Certification:  
I, the undersigned, hold license number 187821 as prescribed by the laws of the State of Utah, and certify that I have made a survey of the property shown herein and as described in the survey notes and legal description below. I further certify that this plat is an accurate representation of the surveyed property.  
Survey Notes:  
1. The basis of bearings is astronomic.  
2. The survey was requested by Daniel and Sherri Winarski.  
3. Survey monuments were found in set as shown.  
4. 1188 = street address on Lowell Avenue.



Legal Description:  
All of Lots 25 and 26, Block 27, Snyder's Addition to Park City, also being located in Section 16, Township 2 South, Range 4 East, Salt Lake Baseline and Meridian, Summit County, Utah.

City Attorney  
Approved as to form by the City Attorney on this 18th day of April, 2008.  
City Attorney  
City Engineer  
Approved to be on file with the City Engineer on this 18th day of April, 2008.  
City Engineer  
City Planning Commission  
Approved by the Park City Planning Commission on this 18th day of April, 2008.  
City Planner  
City Council  
Approved by the Park City Council on this 18th day of April, 2008.  
City Recorder  
City Recorder

Recorded  
Number: 63488 Date: 4-18-2008  
State of Utah Time: 10:17 A.M.  
County of Summit Fee: \$10  
Recorded and filed at the request of: Coalition Title  
Daniel R. Winarski  
County Recorder

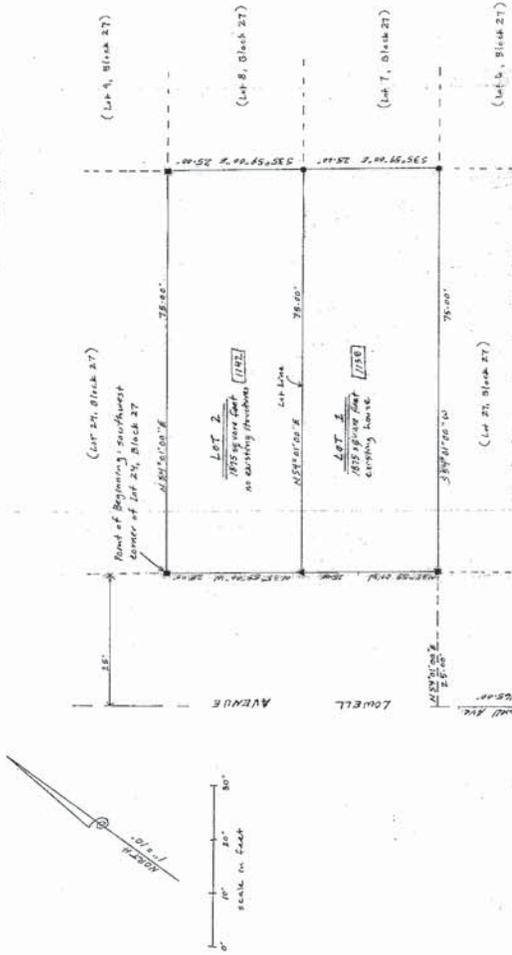
Surveyed by: On The Map Land Surveying  
P.O. Box 3854  
Park City, UT 84060  
647-9826

**1138 LOWELL AVENUE SUBDIVISION  
FIRST AMENDED**

Surveyed by: G. The Day Land Surveying  
P.O. Box 3864  
Park City, UT 84060  
Ph: 435-647-9226



Located in Block 27, Snyder's Addition, Park City Survey, and in Section 16, Township 2 South, Range 4 East, Salt Lake Baseline and Meridian, Summit County, Utah.



**SURVEY'S DESCRIPTION:**  
 1. The Shavers, full license number 18782, as prescribed by the laws of the State of Utah, and certify that I have made a survey of the lots shown herein and as described in the legal description and notes herein, and that this plat is a true representation of said survey.  
**NOTES:**  
 1. This survey was requested by David and Sherris Williams.  
 2. The purpose of this survey is for the creation of a 2 lot subdivision on Lowell Avenue.  
 3. All bearings and distances shown were measured and are equal to the bearings and distances on recorded maps and within recorded legal descriptions.  
 4. The lots of bearings and the four lot survey monuments are as shown herein.  
 5. This subdivision contains 2 lots.

**LEGAL DESCRIPTION OF AMENDED PART OF THE LOWELL AVENUE SUBDIVISION:**  
 Located in Section 16, Township 2 South, Range 4 East, Salt Lake Baseline and Meridian, Summit County, Utah, and beginning at the Southwest corner of lot 24, Block 27, Snyder's Addition to the Park City Survey, thence N 89° 01' 20" E 78.00 feet, thence S 15° 19' 00" E 59.00 feet, thence S 91° 01' 40" W 78.00 feet, thence N 85° 59' 40" W 59.00 feet to the point of beginning, said subdivision contains 3780 square feet or 0.086 acres.

**OWNER'S DECLARATION AND CONSENT TO RECORD:**  
 I, the undersigned, as the owner of the parcel described herein, do hereby consent to the recording of this subdivision map of the Summit County Records Office, in accordance with Utah Law, and the owners hereby irrevocably offer for dedication to the City of Park City, all streets, land for local government use, utilities and easements that may be shown on this plat in accordance with an irrevocable offer of dedication. In witness whereof, the undersigned have set their hands on this 27th day of August, 2006.

David E. Williams  
 Sherris Williams  
 Park City, Utah



**CERTIFICATE OF RECORD:**  
 I certify that this plat was approved by Park City Council on this 27th day of August, 2006.

By: [Signature]  
 Park City Recorder

**ENGINEER'S CERTIFICATE:**  
 I find this plat to be in accordance with information on file in my office this 27th day of August, 2006.

By: [Signature]  
 Park City Engineer

**PLANNING COMMISSION:**  
 Approved by the Park City Planning Commission on this 27th day of August, 2006.

By: [Signature]  
 Chairperson

**SUMMIT COUNTY DISTRICT:**  
 Approved for performance by the Summit County District on this 27th day of August, 2006.

By: [Signature]  
 Summit County District

**APPROVAL AS TO FORM:**  
 Approved as to form this 27th day of August, 2006.

By: [Signature]  
 Park City Attorney

**APPROVAL AS TO SUBSTANCE:**  
 Approved as to substance this 27th day of August, 2006.

By: [Signature]  
 Park City Recorder

**APPROVAL AS TO CONFORMANCE WITH THE ZONING ORDINANCE:**  
 Approved as to conformance with the zoning ordinance this 27th day of August, 2006.

By: [Signature]  
 Park City Recorder

**APPROVAL AS TO COMPLETION OF THE DEDICATION:**  
 Approved as to completion of the dedication this 27th day of August, 2006.

By: [Signature]  
 Park City Recorder

**APPROVAL AS TO RECORDING:**  
 Approved as to recording this 27th day of August, 2006.

By: [Signature]  
 Park City Recorder

**APPROVAL AS TO PAYMENT OF FEES:**  
 Approved as to payment of fees this 27th day of August, 2006.

By: [Signature]  
 Park City Recorder

**APPROVAL AS TO RECORDING:**  
 Approved as to recording this 27th day of August, 2006.

By: [Signature]  
 Park City Recorder

# Planning Commission Staff Report



**Subject:** Amended Deer Valley Drive (DVD)  
Condominiums Units 5 and 6

**Author:** Christy J. Alexander, AICP

**Project Number:** PL-14-02237

**Date:** March 12, 2014

**Type of Item:** Administrative – Condominium Plat Amendment

## Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Amended DVD Condominiums plat amending Units 5 and 6, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

## Topic

**Applicant:** Equity Residences and the DVD Condominiums Homeowners Association, both as represented by Mike Uzelaac with Canyon River Construction

**Location:** 345 Deer Valley Drive Units 5 & 6

**Zoning:** Residential (R-1)

**Adjacent Land Uses:** Single family condominium units, multi-family condominium units, single family and duplex dwellings.

**Reason for Review:** Plat amendments require Planning Commission review and City Council approval.

## Proposal

The purpose of this application is to amend the condominium plat for Units 5 and 6 in order to record a revised plat that is consistent with the as-built conditions of the aforementioned property.

***Staff reports reflect the professional recommendation of the planning department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.***

## Purpose

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

- (A) Allow continuation of land Uses and architectural scale and styles of the original Park City residential Area,
- (B) Encourage Densities that preserve the existing residential environment and that allow safe and convenient traffic circulation,
- (C) Require Building and Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile,
- (D) Require Building design that is Compatible with the topographic terrain and steps with

the hillsides to minimize Grading,  
(E) Encourage Development that protects and enhances the entry corridor to the Deer Valley Resort Area,  
(F) Provide a transition in Use and scale between the Historic Districts and the Deer Valley Resort; and  
(G) Encourage designs that minimize the number of driveways accessing directly onto Deer Valley Drive.

### **Background**

On January 30, 2014, the City received a complete application for this plat to memorialize as-built conditions for Units 5 and 6 of the DVD Condominiums plat that was approved by City Council on August 25, 2005 and recorded at Summit County on June 8, 2006 (Exhibit B). All conditions of the underlying approvals continue to apply and are reflected as conditions of approval and plat notes on this proposed supplemental plat (Exhibit A).

Recently Units 5 & 6 were purchased by Equity Resources, LLC independent from the other four units in the DVD Condominiums project. The properties had never received a certificate of final occupancy due to construction errors by the previous builder, and a shortage of funds to complete the project. The new owner filed a new building permit application with the City, and after receiving the permit, began construction. The construction work involves retrofitting the floors of the building that were sagging and making interior floor modification to allow access from the fourth level (Unit 5) to the second level (garage). There were other unfinished items required for the certificate of occupancy which are too numerous to mention. All of the items will be completed by the new owner to meet the requirements for a certificate of occupancy.

As part of this process the square footages of each unit were adjusted slightly due to the stairway access as described for Unit 5, as well as the 7<sup>th</sup> floor of Unit 5 including filling in an open loft area of roughly 100 square feet.

Unit 6 required slight modifications due to decreased square footage for the stairway access for Unit 5 that goes through the third level which is part of Unit 6. Also, the first level of Unit 6's stairway was constructed differently than shown on the original condominium plat which affects the room square footages.

### **Analysis**

This request for an Amended DVD Condominiums Plat amending Units 5 and 6, and documents the final as built conditions of these constructed units in accordance with the Utah Condominium Act. The zoning district is Residential District (R-1). The proposed amendment is consistent with the purpose statements of the district in that the use as residential condominiums is unchanged, the change in unit square footage is proposed within the existing structure minimizing site disturbance, preserving the existing natural open space, and minimizing impacts of development. There are no exterior changes.

Unit 5 would increase by 256 square feet from 5,796 square feet to 6,052 square feet. Unit 6 would decrease by 157 square feet from 2,985 square feet to 2,828 square feet. The extra 99 square feet unaccounted for previously comes from filling in an open loft area on the 7<sup>th</sup> floor of Unit 5. The property is subject to the following criteria:

	<b>Permitted</b>	<b>Proposed</b>
Height	28 feet (+5' for pitched roof) total maximum of 33'	33 feet max with pitched roof. Building complies.
Front setback	Minimum of 20 feet.	20 feet. Complies.
Rear setback	10 feet.	50 feet. Complies.
Side setbacks	5 feet.	10 feet. Complies.
Parking	Two (2) spaces required per unit.	2 per unit. Complies.
<b>Unit 5 sq. ft.:</b>		
<b>Level</b>	<b>Original</b>	<b>Revised</b>
1	0	31 sq. ft.
2	1160 sq. ft.	1160 sq. ft.
3	0	126 sq. ft.
4	1891 sq. ft.	1891 sq. ft.
5	1304 sq. ft.	1304 sq. ft.
6	745 sq. ft.	745 sq. ft.
7	696 sq. ft.	795 sq. ft.
Total for Unit 5:	5796 sq. ft.	6052 sq. ft.
<b>Unit 6 sq. ft.:</b>		
<b>Level</b>	<b>Original</b>	<b>Revised</b>
1	622 sq. ft.	591 sq. ft.
2	482 sq. ft.	482 sq. ft.
3	1881 sq. ft.	1755 sq. ft.
Total for Unit 6:	2985 sq. ft.	2828 sq. ft.

Conditions of Approval from previous plats that will continue to apply include: Units 5 and 6 will maintain a 50-foot limit of disturbance area from the rear yard setback; and the existing disturbed area in the rear yard setback shall not be improved with any structures, patios, decks or similar improvements.

**Good Cause**

Staff finds good cause for this record of survey amendment as it reflects the as-built conditions for these units. Staff finds that the plat will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

**Department Review**

This project has gone through interdepartmental review. No issues were raised pertaining to the requested plat amendment.

**Notice**

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

**Public Input**

Staff had not received public input on this application at the time of this report.

### **Process**

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

### **Alternatives**

- The Planning Commission may recommend that the City Council approve the application for the Amended DVD Condominiums plat amending Units 5 and 6, as conditioned or amended, or
- The Planning Commission may recommend that the City deny the application and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion and provide Staff and the Applicant with specific direction regarding additional information necessary to make a recommendation on this item.

### **Significant Impacts**

There are no significant fiscal or environmental impacts from this application. Water and sewer impact fees, and other fees associated with increased floor area, are evaluated during the building permit process and collected prior to issuance of any building permits.

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

No certificate of occupancy may be granted until the plat is recorded.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing for the Amended DVD Condominiums plat amending Units 5 and 6, 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 – Proposed Ordinance and Supplemental Plat for DVD Condominiums Units 5 & 6
- Exhibit B – Original approved DVD Condominiums Plat recorded on June 8, 2006
- Exhibit C – Aerial Photographs
- Exhibit D – Site Photographs

Exhibit A – Proposed Ordinance and Supplemental plat for DVD Condominiums Units 5 + 6

Ordinance No. 14-XX

**AN ORDINANCE APPROVING THE AMENDED DVD CONDOMINIUMS PLAT AMENDING UNITS 5 AND 6, LOCATED AT 345 DEER VALLEY DRIVE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as DVD Condominiums Units 5 and 6, have petitioned the City Council for approval of the Amended DVD Condominiums plat amending Units 5 and 6, a Utah Condominium project; and

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

WHEREAS, proper legal notice was published in the Park Record and notice letters were sent to all affected property owners, in accordance with the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on March 12, 2014, to receive input on the supplemental plat;

WHEREAS, the Planning Commission, on March 12, 2014, forwarded a recommendation to the City Council; and,

WHEREAS, on April 3, 2014, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Amended DVD Condominiums plat amending Units 5 and 6, a Utah Condominium project to document the as-built conditions for these completed condominium units.

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 Amended DVD Condominiums plat amending Units 5 and 6, a Utah Condominium project, as shown in Attachment A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property, Units 5 and 6 of the Amended DVD Condominiums Plat, are located at 345 Deer Valley Drive.
2. The property is located within the R-1 zoning district.
3. March 24, 2011, the City Council approved the DVD Condominiums Plat. This plat was recorded June 8, 2006.

4. On January 30, 2014, the Planning Department received a complete application for the Amended DVD Condominiums Plat amending Units 5 and 6.
5. The purpose of the supplemental plat is to describe and document the as-built conditions for constructed Units 5 and 6 at the DVD Condominiums prior to issuance of a certificate of occupancy.
6. The supplemental plat complies with the conditions of approval of the underlying plats, namely the DVD Condominiums plat.
7. Unit 5 contains a total of 6,052 square feet. Unit 6 contains a total of 2,828 square feet.
8. As conditioned, this supplemental plat is consistent with the conditions of approval of the DVD Condominiums plat.

Conclusions of Law:

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Units 5 and 6.
2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed supplemental plat.
4. Approval of the supplemental plat, subject to the conditions of approval stated below, will 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 of the supplemental plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at Summit County within one (1) year from the date of City Council approval. If recordation has not occurred within the one year timeframe, this approval will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the DVD Condominiums plat shall continue to apply.
4. As a condition precedent to issuance of a final certificate of occupancy for Units 5 and 6, the supplemental plat shall be recorded at Summit County.
5. Units 5 and 6 will maintain a 50-foot limit of disturbance area from the rear yard setback.
6. The existing disturbed area in the rear yard setback shall not be improved with any structures, patios, decks or similar improvements.
7. The Unit sizes shall be reflected on the plat as they are to reflect the actual size of the Units.

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

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

PARK CITY MUNICIPAL CORPORATION

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Jack Thomas, MAYOR

ATTEST:

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Marci Heil, City Recorder

APPROVED AS TO FORM:

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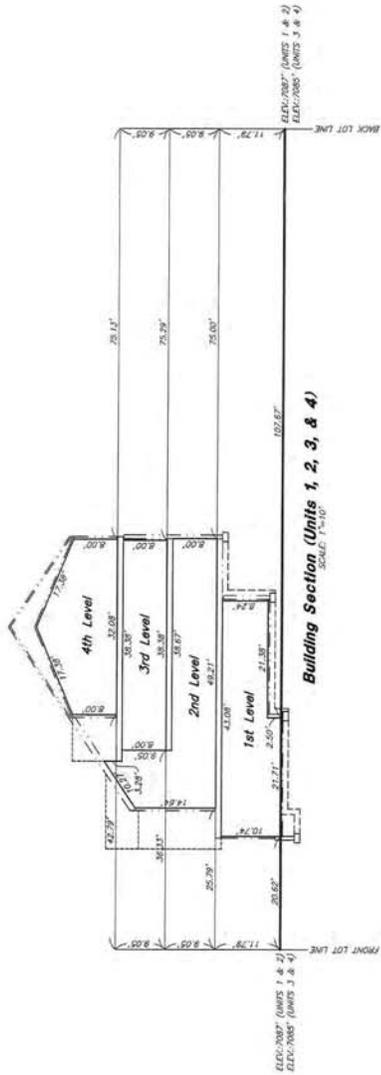
Mark Harrington, City Attorney





**DVD CONDOMINIUMS**

THE WESTERLY HALF OF LOTS 12 & 23 AND ALL OF LOTS 13 TO 22 OF BLOCK 65, PARK CITY SURVEY, LOCATED IN SECTION 16, T.2S., R.4E., S.L.B.&M., U.S. SURVEY  
PARK CITY, SUMMIT COUNTY, UTAH  
OCTOBER, 2005

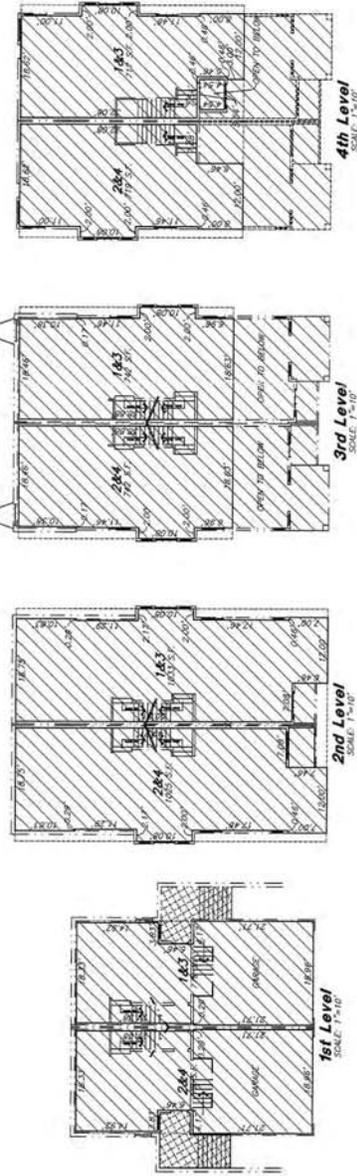


**Legend**

- LIMITED COMMON AREA
- PRIVATE OWNERSHIP LIMITS
- COMMON AREA

NOTE: ALL STRUCTURAL WALLS ARE COMMON AREA

BUILDING UNIT #	SQUARE FEET
250	3,271
350	3,271
442	3,271
542	7,046
6	1,704



SUMMIT COUNTY RECORDER  
RECORDS PAGE \_\_\_\_\_ OF THE OFFICIAL  
BOOK \_\_\_\_\_

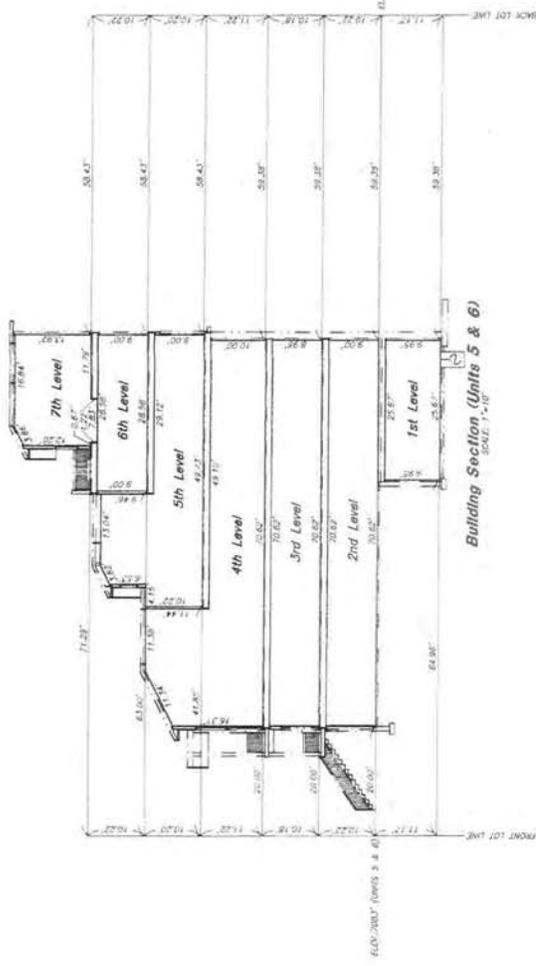
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RECORDS PAGE \_\_\_\_\_ OF THE OFFICIAL  
BOOK \_\_\_\_\_

**REEVE & ASSOCIATES, INC.**  
Civil & Land Planning • Landscape Architecture  
SURVEYING • ENGINEERING • ARCHITECTURE  
1000 EAST 1000 SOUTH, SUITE 210  
PARK CITY, UTAH 84302  
(801) 871-3100 FAX (801) 871-9888

**Founders Office**  
PARK CITY  
UTAH

**DVD CONDOMINIUMS**

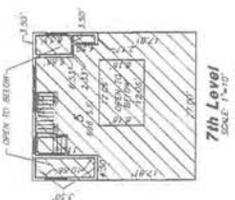
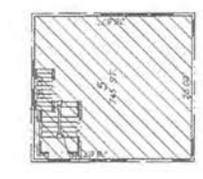
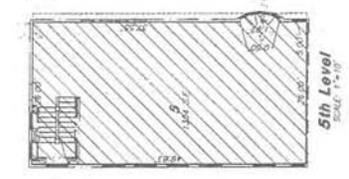
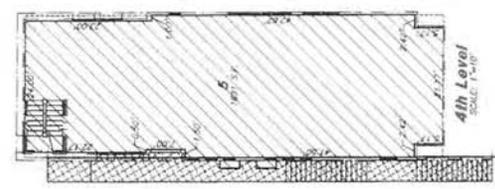
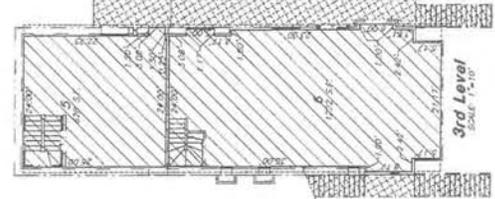
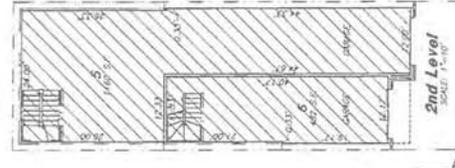
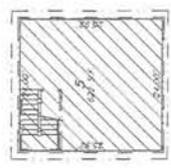
THE WESTERLY HALF OF LOTS 12 & 23 AND ALL OF LOTS 13 TO 22 OF BLOCK 65, PARK CITY SURVEY, LOCATED IN SECTION 16, T.2S., R.4E., S.L.B.&M., U.S. SURVEY PARK CITY, SUMMIT COUNTY, UTAH  
OCTOBER, 2005



**Legend**

- LIMITED COMMON AREA
- PRIVATE OWNERSHIP LANDS
- COMMON AREA

NOTE: ALL STRUCTURAL WALLS ARE COMMON AREA



SUMMIT COUNTY RECORDER  
RECORDED  
DATE: 10/20/05  
BY: [Signature]  
BOOK: 2005-10-20  
PAGE: 100

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Civil Engineering, Structural Engineering, Surveying, Planning, and Construction Services  
1001 420-2000 PM 801-421-2000  
www.reeveandassociates.com

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BOOK: 2005-10-20  
PAGE: 100

# EXHIBIT C

## DVD Condominium Photographs



Figure 4: View Looking North West Aerial



Figure 5: View Looking South East Aerial



Figure 6: View Looking South West Aerial

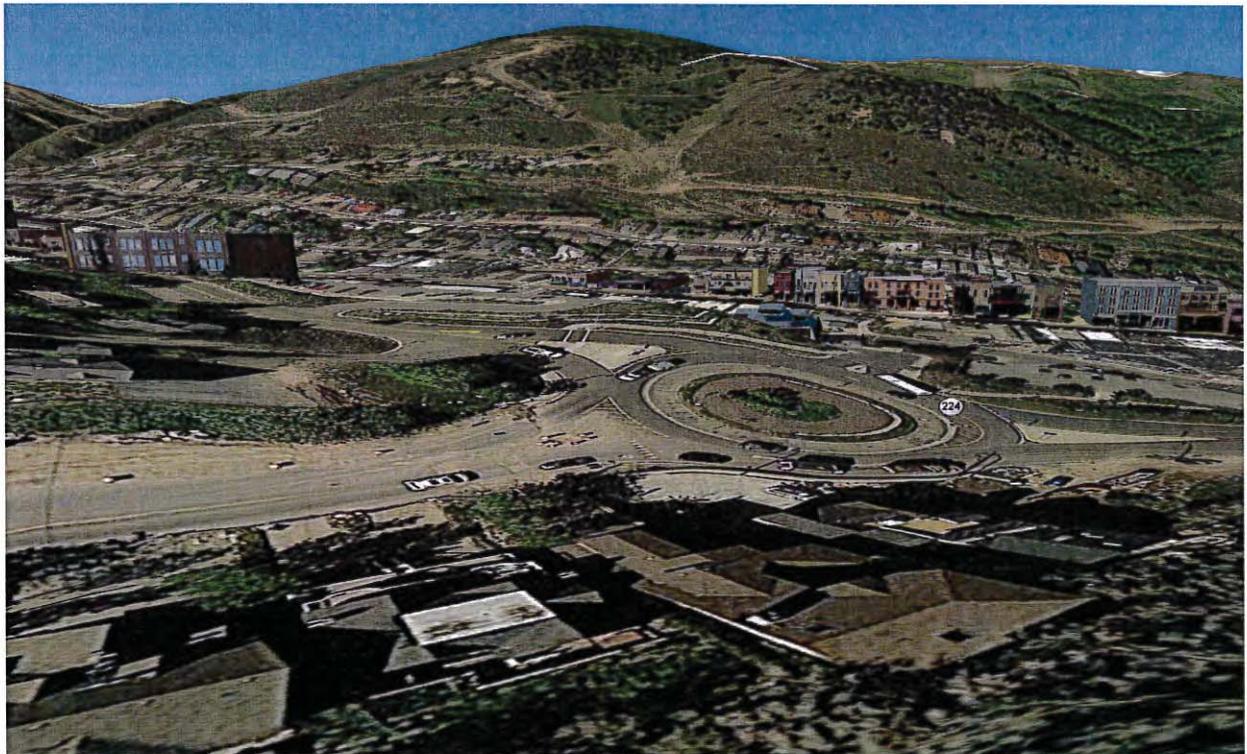


Figure 7: View Looking South West Aerial of Mountains

**FIGURE 1**  
**DVD CONDOMINIUM**  
**SURROUNDING PROPERTIES**  
**SUMMIT COUNTY, UTAH**

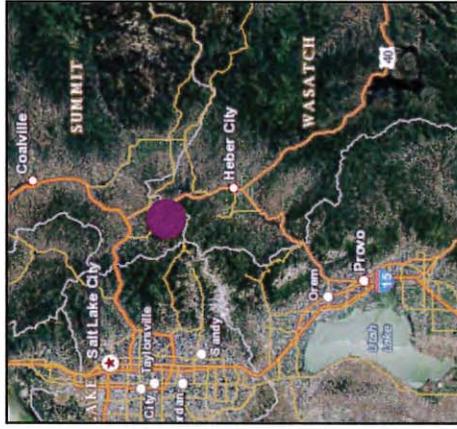
JANUARY 2014

**LEGEND**

— ROADS

□ PROPERTY OF INTEREST

□ COUNTY PARCELS



**epic**  
 ENGINEERING  
**JAN 15 2014**  
 PARK CITY  
 PLANNING DEPT.

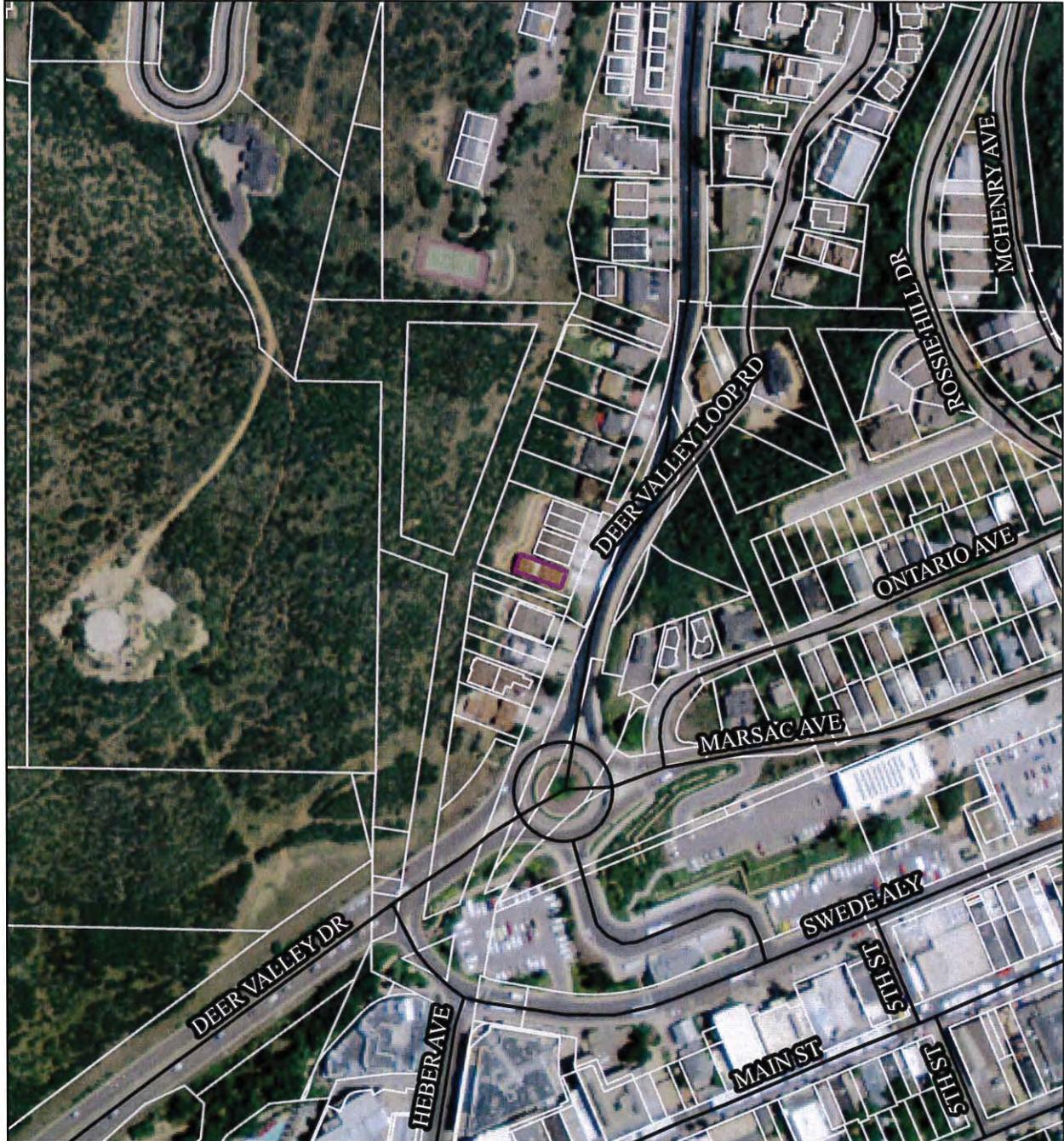


EXHIBIT D  
DVD Condominium Photographs



Figure 1: View Looking North East Photo

DVD Condominium Photographs



Figure 2: View Looking North Photo

DVD Condominium Photographs



Figure 3: View Looking North West Photo