

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
AUGUST 13, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Preston Campbell, Stewart Gross, John Phillips, Clay Stuard

EX OFFICIO:

Planning Manager Kayla Sintz; Francisco Astorga, Planner; Christy Alexander, Planner;  
Kirsten Whetstone Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

Chair Worel called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except for Commissioners Strachan and Joyce who were excused.

**ADOPTION OF MINUTES**

July 23, 2014

MOTION: Commissioner Stuard moved to APPROVE the minutes of July 23, 2014 as written. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

**PUBLIC INPUT**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Planning Manager Sintz asked the Planning Commission to consider canceling the September 10, 2014 Planning Commission meeting, since several of the Staff would be leaving for City Tour on September 11<sup>th</sup>. Chair Worel stated that she was unable to attend on September 10<sup>th</sup> and would have to miss the meeting regardless. The Planning Commission concurred with canceling the meeting. Planning Manager Sintz clarified that the Planning Commission would only have one meeting in September.

Commissioner Stuard noted from the Staff report that the Silver Bird application was being represented by Mike Johnston with Summit Engineering. He disclosed that he has

engaged the firm and Mr. Johnston on several occasions over the past fifteen years. However, he has no involvement with the Silver Bird project and he currently has no ongoing work with Summit Engineering or Mr. Johnston. Commissioner Stuard did not believe his previous association presented a conflict this evening.

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

### **1. 317 Ontario Avenue – Steep Slope Conditional Use Permit (Application #PL-14-02258)**

Planner Francisco Astorga reviewed the application for construction on a steep slope. He noted that the site is challenging due to the steepness of the slope, as indicated in the Analysis section of the Staff report. An existing historic home currently sits on the property.

Planner Astorga commented on two encroachments; one positive and one negative. He referred to the Exhibit on page 53 of the Staff report and noted that the Exhibit was taken directly from the survey. The box in the middle showed each corner of the historic structure. He pointed out that the bubbled area in red shows an encroachment on to the adjacent property to the south. However, the historic structure on the adjacent property to the north encroaches on to the property at 317 Ontario Avenue. Both encroachments relate to historic structures that were listed on the Historic Sites Inventory.

Planner Astorga read the definition of a building footprint taken from section 1.35 of Title 15 of the LMC. “A building footprint is defined by the total area of the foundation of the structure or the furthest exterior wall of the structure projected to natural grade.” The language further indicates, “...not including exterior stairs, patios and decks, such as a front porch, etc.” The last part of the definition, which was added in 2009, states, “...and accessory buildings listed on the Park City HSI that are not expanded, enlarged or incorporated into the main building.” Planner Astorga clarified that the last part of the definition was added as an incentive for the property owners to keep those accessory structures.

Planner Astorga stated that in terms of footprint, the Staff had counted the area shown in green on the north side of 317 Ontario, but they did not count the encroachment area that was not on the applicant’s property on the south side. The applicant owns the house but it is not on the same property. Planner Astorga intended to address the footprint issue later in his presentation because it relates to the proposed carport.

Planner Astorga reiterated that the site is extremely steep. He pointed out that the house faces the back of the lot and the front is located towards Ontario Avenue. However, the main door of the historic structure is opposite to Ontario Avenue. Planner Astorga stated

that the first half of the lot where the existing house sits is fairly flat. From that point, the grade increases up to and over 115%. It then decreases in grade and comes back to an approximate grade level with the street.

Planner Astorga reviewed some of the challenges. The existing house is in the middle of the site and faces Marsac Avenue. Development around the lot has a mix of four plus stories. Planner Astorga presented an Exhibit to orient the Planning Commission to the site and to identify the encroachments. He noted that the site is listed on the HSI as a Significant Site. It could not be listed as Landmark due to the various changes that have occurred over time. At one time it was eligible for the National Register but that is no longer the case, primarily because the addition to the historic home that was not in compliance with both local and national criteria for designation. Planner Astorga presented a drawing showing the existing structure. He clarified that the applicant was proposing to remove a storage area off of the first floor, as well as an existing upper deck on the rear of the house towards Ontario.

Planner Astorga focused on the addition to the home, which is called a hyphen or neck type, because the hallway is 4' wide and connects the historic structure to the addition. He reviewed an Exhibit showing the neighboring house to the north, and noted that the setbacks have been increased on the rear portion of the side yard. The typical setback is 3', but in order to keep the separation from the corner of the structure, the setback was increased to 6' feet.

Planner Astorga reviewed the levels of the home, and noted that the third level begins to go up on to the addition as mandated by the design guidelines. A fourth level has been identified on the plans as a parking platform. Planner Astorga returned to the footprint discussion. He recalled that in 2010 the applicant requested a variance for two items. The first related to the number of stories. The applicant had requested four stories and a slightly larger footprint in order to accommodate a simple garage. Planner Astorga showed the location where they drew the 27' height requirement. It is somewhat of a concern, but because the site is so steep, the design of the addition has to be broken up. The steeper it gets the steeper the height becomes. Planner Astorga believed that the applicant requested the additional building footprint because the garage could not be put directly on top of the historic structure. Pushing the garage further to the west breaks more of the height.

Planner Astorga reported that the Board of Adjustment denied the variance request based on their finding that the need for a variance was self-imposed because the City does not mandate parking for historic structures. Planner Astorga noted that the LMC was changed in 2013 to remove the provision that indicated no more than three stories. A new provision was added that indicates a 35' measurement from the lowest finished floor to the area

where the roof rafters meets the wall. He pointed out that the proposed structure was designed to have a modified truss to meet that specific restriction. Planner Astorga stated that there was an issue on one end of the garage and the Staff recommended clipping that area to comply with Code. Their recommendation was reflected in Condition of Approval #11. Planner Astorga remarked that the parking area is open where the structure has been designed to exceed the footprint. He drew a line to show where the house breaks the footprint.

The Staff requested input from the Planning Commission regarding the parking based on the definition of a footprint and where exterior steps and porches are not included in the definition of footprint. The applicant and the Staff felt that the proposed parking was more of a carport, which is similar to a porch, exterior steps or any type of uninhabitable covered structure. Planner Astorga stated that the applicant was not adding a garage door, so the structure would serve the purpose of a carport as opposed to the look and feel of a garage. He explained that the footprint definition in the LMC does not indicate that carports are excluded.

Planner Astorga commented on the bond discussion at the last meeting regarding steep slopes. He requested legal counsel on how to handle that aspect for this application. Planner Astorga emphasized that the questionable portion was only on the upper portion. There were no issues with the third story.

The Staff had reviewed the application against the criteria for development on steep slopes. They recognized the difficulty of the site and understood why the addition had to be narrowed going towards Ontario Avenue, but still meets the 10' front yard setback. Planner Astorga stated that it was a combination of the encroachment, the setbacks and the steepness of the lot that breaks up the height as it steps back as viewed from Ontario. Planner Astorga noted that the portion of the addition visible from the cross canyon view starts 15' behind the main ridge. From that angle the addition would be hidden behind the other two structures.

Aside from the footprint and the bonding issue, the Staff found that the impacts have been mitigated in terms of construction on steep slopes.

Bruce Taylor, the project architect representing the applicant, clarified that when the applicant went before the Board of Adjustment in 2010, he did not ask for the carport to be included in the footprint. He explained that they have an exterior stair on grade because the front door is one level below the garage and it was accessed from Ontario. Since the stair was on grade, the applicant wanted to put the interior stairs underneath that stair because it would not create a visible or community impact. That was their request to the

Board of Adjustment and that request was denied because the BOA found it to be enclosed space and a footprint violation.

Assistant City Attorney McLean noted that footprint is addressed in two sections of the Code. One is in the definitions, "The total area of the foundation of the structure or the furthest exterior wall of the structure projected to natural grade, not including exterior stairs, patios, decks and accessory buildings listed on the HSI." She pointed out that the last accessory building was new construction and would not apply. She clarified that the Planning Commission should look at what was proposed compared to exterior stairs, patios and decks. Ms. McLean stated that footprint was also addressed in the HR-1 Section and talks about what is excluded from the footprint. "The building pad must be open and free of any other structure except porches or decks with or without roofs, at grade patios, upper level decks with or without roofs, bay windows, chimneys, sidewalls, pathways and steps, screened hot tubs, landscaping..." She further read, "Exceptions to the building pad area, excluding bay windows, are not included in the building footprint calculations and are subject to..." Ms. McLean pointed out that the items listed in the language are not included in the footprint.

Commissioner Gross asked about carport. Ms. McLean stated that the Code does not have a definition for carport. However, the footprint definition says that it must be free of structures. The only exclusions are structures such as patios, decks, porches, etc. She noted that "structure" was broadly defined in the Code.

Commissioner Gross asked if they were able to have the carport on the top level whether fencing would be required as a safety mechanism, or if the carport would have three walls around it. Mr. Taylor stated that the applicant originally intended to have a garage until the footprint issue was raised. Since carport is not defined, they felt an adequate solution would be to remove the garage door and open up the sides back to the limit of the footprint. Commissioner Gross asked if that solution was in keeping with the other houses along the street. He recalled that aside from a few parking areas the majority of homes had garages. Commissioner Gross asked if a garage door would be a better approach visually. Planner Astorga replied that a garage door might improve the visual, but it would exceed the footprint. Assistant City Attorney McLean clarified that the Board of Adjustment had denied the variance request for additional footprint to have a garage.

Commissioner Campbell understood from Mr. Taylor that the BOA had only denied the variance to have stairs underneath the exterior staircase. Planner Astorga clarified that the denial was for a variance allowing a fourth story and an increase over the allowed building footprint in the HR-1 pursuant to specific findings. Ms. McLean recalled that in 2010 the variance request was for a fourth story and that request was denied. However, the Code in 2010 was different from the current Code. The fourth story issue meets the current Code.

However, in 2010 the applicant had also requested additional footprint to enclose the garage. Ms. McLean stated that the BOA made their decision partly on the fact that the house was historic and parking was not required. Planner Astorga read Finding of Fact #7 from the BOA denial, "The proposed expansion for an increase in living space and a garage creates an increase in allowed footprint, which is self-imposed. An alternative parking solution and a smaller addition eliminating the fourth story could be accommodated."

Chair Worel clarified that Mr. Taylor was proposing to keep the same roof and not enclose it entirely. Mr. Taylor stated that if the footprint issue was a problem, the parking could be shortened. He explained that his client lives out-of-town and his only intent was to have a place to park his car when he comes to Park City. If he cannot have a garage, the owner is willing to eliminate the garage door and open the sides and call it a carport. Mr. Taylor pointed out that it was a parking pad. He assumed that if his client could not have the extra 3' encroachment to have a 20' garage, he would be willing to shorten it by 3' to stay within the footprint and rent a subcompact car when he comes to town. Planner Astorga noted that reducing the size by 3' would allow the owner to have a 17' garage with a door without needing a variance.

Commissioner Phillips stated that in his opinion, regardless of whether it is called a carport or a garage, it appears to be a garage without a garage door.

Commissioner Stuard understood that the main foundation wall that goes down the front of the house was extended out for the parking pad. He asked if the reason was to accommodate the stairs along the side to accomplish the landing point into the entry. Mr. Taylor explained that the back of the garage pad was open for a hot tub, which can only be accessed through the garage. However, if they were to knock out the wall and eliminate the hot tub, there would still be a roof height encroachment issue. Mr. Stuard thought where the stairs started on Ontario was done for the purpose of getting down to the elevation they wanted at the entry. He asked if it was possible to slide the stairs further down the slope and enter into the great room as opposed to the area marked as the entry. Commissioner Stuard asked if the beginning point of the stairs was driving the extension of the garage out front. Mr. Taylor answered no. He remarked that they were trying to achieve garage depth. Commissioner Stuard pointed out that they could get the garage depth by encroaching into the hot tub area. However, the stairs would slide back with it and the structure would be entered into the great room rather than at the entry. He asked if Mr. Taylor had considered those alternatives. Mr. Taylor stated that he was unaware of the footprint issue until five minutes before the meeting and he had not had time to consider any alternatives. Mr. Taylor pointed out that he would not have to move the stairs because it would not count as footprint.

Chair Worel opened the public hearing.

Ruth Meintsma, a resident a 305 Woodside Avenue, asked about height variances.

Planner Astorga stated that the Staff recognized that the height does not meet the 27' height as confirmed on the roof over topo. A condition of approval was added to clip that portion of the roof.

Ms. Meintsma offered some positives to the possibility of a carport. She commented on the wall of garages on Woodside and outlined the advantages of having covered parking without a door. It would hide the vehicle more than platform parking. A covered roof reduces the need for snow removal and heating of the parking platform. It reduces the wall effect walking down Ontario. A covered carport would reduce the negative appearance of the inside of a garage when the door is left open. Ms. Meintsma noted that a similar type of carport was put in in front of the Old Miner's Lodge on Woodside. It gets the car off the street, and even though the back of the car sticks out a little it still looks good. Ms. Meintsma suggested adding a few more windows to visually open it up a little bit for people walking down the street. She thought the idea of a carport was the best solution.

Pat Carnahan, a neighbor on the north side of the subject property expressed his concern about water. His water pipes run directly under the lot, as well as the manhole that houses both water meters. His water comes across on the main level. Mr. Carnahan wanted to make sure that if his water is shut off for this project that it would be re-connected.

Chair Worel clarified that Mr. Carnahan was primarily concerned about interruption of services during the construction process.

Mr. Carnahan reiterated that he wanted to make sure that he would be reconnected at no cost to him.

Chair Worel closed the public hearing.

Assistant City Attorney McLean asked when the application was complete. Planner Astorga stated that he and Mr. Taylor had several internal discussions regarding the building footprint, and the plans were finalized and submitted on July 15<sup>th</sup>, 2014. At that point the application was deemed complete. Ms. McLean asked about the Historic District Design Review. Planner Astorga replied that the HDDR was still in process. The Staff prefers to have the initial discussion with the Planning Commission prior to approving the HDDR in the event that their input may affect the form, mass and scale of the project. Ms. McLean asked how the Design Guidelines address carports. Planner Astorga replied that the Guidelines specifically state that carports should be avoided.

Chair Worel asked whether the examples of other carports were included in the building footprint. Planner Astorga stated that due to the weather in Park City, most people do not request carports and prefer the benefits of a full garage. Those who want garages are willing to stay within the allowed footprint to have a garage. He could not recall any carports in Old Town. Commissioner Phillips knew of one carport on Woodside but he could not recall the address. Chair Worel was curious to know whether or not it was included in the footprint.

Planner Astorga asked if the Planning Commission thought a carport should be included in the definition of footprint. If not, the applicant would probably clip it 3' and have a 17' garage.

Commissioner Gross preferred to have a 17' garage rather than a 20' carport. He thought it was unfortunate that the BOA had not approved the variance for a garage.

Commissioner Stuard thought the carport felt like a structure and it needed to be counted. He concurred with Commissioner Gross that it makes more sense to add the door and have a fully functional garage.

Commissioner Phillips pointed out that the Design Guidelines specifically state that carports should be avoided. He thought it was also possible to reduce the deck area to gain another foot for the garage. They could hip the roof and have an 18' garage.

Commissioner Campbell asked Mr. Taylor if the owner would rather have a full garage with a door he could close. Mr. Taylor noted that this project was started in 2007. The owner was willing to have whatever the Planning Commission would allow. If they prefer a 17' garage with a door, that is what the owner would build. Commissioner Campbell offered design suggestions that would allow a garage to fit a car that is usable rather than forcing the owner to rent a car he may not want. Mr. Taylor believed that the alternative offered would put them in violation of the 27' height limit.

Mr. Taylor stated that if the Planning Commission would give him a clear set of parameters, he would be more than willing to work within those to design appropriate parking. Commissioner Gross recognized that this was one of the more challenging lots. Commissioner Phillips concurred. He liked the project and he appreciated what Mr. Taylor had gone through to work with such a steep slope. Commissioner Campbell liked the project and he wanted to find a way to get it approved quickly with a garage that fits a decent sized car and a door that would close. Commissioner Campbell did not believe the Planning Commission should be telling people what type of cars they have to drive.



Assistant City Attorney McLean recommended that the Planning Commission provide Mr. Taylor with the parameters he requested and let him design the garage within those guidelines. She noted that the Planning Commission had an application before them and the Board of Adjustment had already spoken on the issue of having a full garage.

Commissioner Phillips thought the BOA ruling on the garage was irrelevant because it was based on the Code that was in place in 2010. Ms. McLean clarified that the applicant had submitted a two-part application to the BOA. One was for the fourth story, which has changed with the new Code provision and it is irrelevant. However, the second part of the variance application was to increase the footprint specifically to have an enclosed garage, and the BOA ruled against it.

Commissioner Phillips favored finding a way to fit a garage as opposed to a carport, since the Design Guidelines strongly discourage carports.

Planner Astorga summarized from the comments that the Planning Commission felt that the carport would count towards footprint; and that based on the Design Guidelines, a carport should be avoided. He also understood that with a garage the project should not exceed the maximum building footprint.

Chair Worel had visited the site and she commended Mr. Taylor and his client for their creativity on this challenging lot. Chair Worel stated that at the last meeting the Planning Commission had an issue with the steepness of some slopes on Norfolk, at which time they directed the Staff to come back with research on whether or not a bond could be applied. She noted that the Planning Commission voted to Continue the project on Norfolk pending that research and information. Chair Worel felt that without that information the Planning Commission would not be consistent or fair if they approved this project tonight. Commissioner Phillips concurred. Chair Worel believed that if the Planning Commission intended to impose a bond on Norfolk for that steep slope, this project on Woodside definitely fits that category. She understood that the Planning Staff intended to present the requested information to the Planning Commission at the next meeting.

Planner Astorga recalled that Assistant City Attorney McLean was looking at the legality of whether or not the Planning Commission could require a special bond for construction on steep slopes. Assistant City Attorney McLean stated that it had to do with remediation to make sure that holes were filled and the site remediated if a project was started but not completed. Ms. McLean noted that the Planning Commission talked about the Roundabout Subdivision and that would be part of her presentation. She was compiling her research for the next meeting and was unprepared to comment this evening. However, her research showed that the Planning Commission had not required a bond for the Roundabout project. However, the applicant submitted a geo-tech report that the Planning

Commission found to be sufficient to alleviate their concerns. Ms. McLean offered to include the minutes from the Roundabout project for the next meeting so the Commissioners could review their discussion.

Planner Astorga asked if there was a current procedure to address abandoned projects. Ms. McLean did not believe the City has a set procedure. In the case of North Silver Lake, after a long period of time the applicant was required to put up a remediation bond in the event that they did not move forward with the project. Planner Astorga recalled that the remediation bond was a condition of the 2010 North Silver Lake CUP approval.

Commissioner Campbell agreed that the Planning Commission should be consistent, but he reiterated his opinion from the last meeting that it was unfair to the applicant to delay their project while the City writes policy. He recalled that the concern with the last application was the issue of rocks falling on to neighboring houses during construction. In this case, if rocks fall the only damage would be to the applicant's house. No other property owners would be affected during construction. Mr. Carnahan stated that his house could potentially be damaged during construction. Commissioner Campbell assured Mr. Carnahan that the Planning Commission also has the responsibility to protect the neighbors and he did not mean to imply anything different. However, he would like to give the applicant specific direction and allow the project to move forward.

Commissioner Stuard stated that he is generally more concerned with excavation on the downhill slope where there is no protection. He agreed that this applicant had that protection because it was his own property. Commissioner Stuard was comfortable moving forward with an approval this evening considering this particular site. Commissioner Campbell believed that was the loophole that made this application different from the last application and could allow the Planning Commission to take action without waiting for the bond decision.

Planner Astorga pointed out that the Planning Department would require a historic preservation bond on the recommendation of the Building Department to protect construction of the addition from impacting the historic structure. Mr. Taylor noted that the historic house has a pure foundation underneath it so it is stabilized.

Mr. Taylor thought it was clear that the Planning Commission did not want to increase the footprint. If they give that specific direction, he would design the garage accordingly. Mr. Taylor did not want his client to be delayed waiting for the bond because his intent was to start construction before winter. He suggested adding a condition of approval stating that if a bond comes into play before they pull their building permit, they would be subject to the bond requirement. If they pull the permit before a bond policy is in place, they would not be subject to the requirement. Mr. Taylor stated that he had not yet started the

construction documents and it would be four to six weeks before those plans are ready for submission.

Commissioner Phillips agreed with both Chair Worel and Commissioner Campbell. He did not think they should delay the applicants but he also thought they needed to be consistent with all applicants. For that reason, he favored the compromise suggested by Bruce Taylor as a fair way to address the issue. Commissioner Phillips hoped the Planning Commission would have the answers they needed before Mr. Taylor completed the construction drawings.

Planning Manager Sintz asked if Planner Astorga had any issues with the height exception for the roof form. Planner Astorga thought Mr. Taylor might be able to gain a foot or two by pushing the garage back. However, the Planning Commission could not give a height exception and the Planning Director could only consider a height exception for a tandem garage configuration. Assistant City Attorney McLean suggested that based on the criteria of the Steep Slope CUP, the Planning Commission could find that these alternatives are acceptable under the Steep Slope CUP. Making that finding would give the architect some design flexibility. Mr. Taylor stated that if he was given the parameters of no footprint increase towards Ontario and to stay within the 27' height restriction, he would follow those rules. He and his client would make the decision on whether or not increase the length of the garage.

Planning Manager Sintz suggested that the Planning Commission move to the next item on the agenda and allow Planner Astorga and Mr. Taylor time to work on revised findings and conditions. The Commissioners concurred.

Chair Worel announced that the Planning Commission would resume their discussion on 317 Ontario at the end of the regular agenda.

**2. 333 Main Street – The Parkite Condominiums Condominium Record of Survey Plat for Commercial Units (Application PL-14-02302)**

Planner Kirsten Whetstone reviewed the request for a record of survey for the Parkite Commercial condominiums located at 333 Main Street. The applicant was requesting a record of survey for the purpose of platting commercial condominium units on the lower level and the main level of the old Main Street Mall, which would be called the Parkite Commercial Condominiums.

Planner Whetstone reported that the plat was consistent with the approved Design Review. She noted that the residential units on the remaining floors were platted as a record of

survey for the Parkite Residential Condominiums, as recommended by the Planning Commission in June and approved by the City Council on July 10<sup>th</sup>. The plat was in the process of being recorded.

Planner Whetstone stated that the building is currently owned by a single entity. In order to sell either the residential or commercial units, the condominium units need to be created with the record of survey plat. Planner Whetstone noted that this property has an extensive history, as outlined in the Staff report. A building was built over many lot lines. A subdivision plat created one lot. There have been various design reviews and a Board of Adjustment action to do a change of non-conforming use from residential to multi-family in the HR-2 zone.

Planner Whetstone noted that this particular request plats two condominium units in the basement. Unit C-1 is on the south side. Behind the historic façade on the north side of the building is Unit C-2. On the next floor up is one convertible commercial space, which could potentially be future commercial condominiums. Planner Whetstone noted that the space could be carved up for rental tenant space or it could remain one space. She stated that the terrace along Main Street would be platted as commercial common area.

Planner Whetstone reported that this item was continued from previous meetings to allow time to resolve an issue with the ADA access to Unit C-1. The area is accessed through the tunnel from the other side of Main Street; however, the applicant did not have ADA access to utilize the space. The solution is an elevator that is accessed on the Main Street level that drops down to a corridor that would go over an easement of the residential condominiums and back to Unit C-1. Planner Whetstone reviewed the proposed plan showing the elevator and access. Planner Whetstone stated that after the residential plat is recorded, the residential HOA can grant an access easement to Commercial Unit C-1. The easement right would have to be recorded before the plat could be recorded.

The Staff had reviewed the record of survey plat for good cause and found that the condominium plat is consistent with the design, that the non-conforming use change application allows for individual ownership of commercial space, and that the condominium plat is consistent with the State Condominium law and complies with the Land Management Code. It also provides improved architectural design, building energy efficiency, and ADA access to a space that is desired to be used for community uses. The commercial spaces and the potential for individual ownership would have a positive visual and vital impact on Main Street.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the draft ordinance.

Chair Worel asked about potential uses for Unit C-1. Steve Bruemmer, representing the applicant, stated that it would be commercial business space that was always intended to be accessed through the tunnel. From a design standpoint it is considered ratskeller space. He noted that the applicant has been working with a potential tenant who could use the space as black box theater space.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Gross asked about progress on the easements and access off of Swede Alley related to the residential units that were approved. Tom Bennett, representing the applicant, stated that since the approval the easement was finalized through the Aaron Hoffman property and recorded. Part of that process was also modifying the easements with the City underneath Main Street. The applicant had provided a draft document to the City Legal Department and Assistant City Attorney McLean was in the process of reviewing the document. Planner Whetstone clarified that the easements agreements are required before the residential plat could be recorded. She noted that the applicant found that the design needed to be reconfigured and the new configuration would be shown on the residential plat.

**MOTION:** Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the Parkite Commercial Condominium Record of Survey Plat for commercial condominium units at 333 Main Street, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Campbell seconded the motion.

Commissioner Stuard noted that the Staff recommendation in the Staff report included the commercial convertible space and the common area located in the building. He requested that Commission Phillips amend his motion to include those areas as well.

Commissioner Phillips amended the motion to include the commercial convertible space and the common area located in the building. Commissioner Campbell accepted the amendment to the motion.

**VOTE:** The motion passed unanimously.

Findings of Fact – 333 Main Street

1. The property is located at 333 Main Street between Main Street and Park Avenue and consists of Lot A of the 333 Main Street plat amendment that combined lots 7-15 and 18-26, Block 11, of the Amended Park City Survey. There is an existing four story commercial building on the property.
2. The existing building, known as the Main Street Mall, was constructed in 1984 across property lines and zone lines.
3. On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building known as the 333 Main Street Subdivision. On March 8, 2010, the Council extended the approval for one year to allow the applicants additional time to finalize the plat in preparation for signatures and recordation at Summit County. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011.
4. On April 1, 2014, an application was submitted for a condominium record of survey plat for one commercial unit and commercial convertible space for the entire building consistent with the May 2, 2011, HDDR and the June 18, 2013, Board of Adjustment approval of a change of non-conforming use applications. The application was deemed complete on April 25, 2014. The application was revised by the owners on June 5, 2014 to identify two commercial units and additional commercial convertible space also consistent with the HDDR and Board of Adjustment approval.
5. The building has a single entity as owner and is currently being remodeled with an active building permit.
6. Commercial uses currently under construction within the HCB zone are allowed uses. Commercial uses within the HR2 portion are below the grade of Park Avenue and are existing non-conforming uses.
7. Residential condominium spaces within the building were platted with the concurrently submitted The Parkite Residential Condominiums record of survey plat application that was approved by the City Council on July 10, 2014.
8. The Main Street portion of the building is located in the Historic Commercial Business District (HCB) with access to Main Street and the Park Avenue portion of the building is located in the Historic Residential 2 (HR-2) zoning district with limited

access to Park Avenue. The building was constructed with non-complying side yard setbacks of 0.2' to 2.92' total within the HR2 zone and total of 30' is required.

9. Main Street is important to the economic well-being of the Historic Commercial business district and is the location of many activities important to the vitality and character of Park City. The Main Street Mall architecture is out dated and not in compliance with the 2009 Design Guidelines for Historic Sites and Districts and the owners are currently renovating and improving the building with an active building permit.

10. On February 27, 2009, a Historic District Design Review (HDDR) was approved for a complete renovation of the building. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the interior space and exterior skin of the building in compliance with the current revised 2009 Design Guidelines for Historic Districts and Sites and to reflect the proposed residential uses where the interior spaces changed the exterior elevations, windows, access, patios, etc. An additional revision to the May 2, 2011 HDDR action letter clarifying access to the building, to include language that the north and south tunnels provide access to the building in addition to Main Street and Park Avenue, was approved on July 30, 2012.

11. The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on the plat because of the duration of the lease. The parking subject to the lease is currently provided within a garage in the Main Street Mall building with access to Park Avenue. The private 559 sf garage space is platted as unit 1G on the residential condominium record of survey plat for this property.

12. Five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street were memorialized with the recorded subdivision plat.

13. On June 27, 2011, the City received a complete application for a condominium plat to create commercial condominium units (Unit A and Unit B) within the existing space of the Main Street Mall building and consistent with the May 2011, approved Historic District Design Review plans. The two unit plat was approved by Council however it was not recorded within a one year time period and it expired.

14. This property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with regards to providing parking for a third floor of the Main Street Mall (for office

uses proposed with the original construction). The property was assessed and paid into the Main Street Parking Improvement District for the 1.5 FAR (for commercial and retail on the main and lower floors).

15. Commercial space is located at the street along the Main Street frontage, including commercial space within the historic structures, with residential space located above and/or behind commercial space. All of the storefront units are subject to the vertical zoning ordinance as described in LMC Chapter 15-26-2 Uses.

16. Access is also contemplated via the existing north tunnel to a proposed underground parking garage with fifteen parking spaces for the residential condominium units only. The parking garage is located in the lowest level and is designated as common area for the residential uses.

17. Loading and services for the commercial uses, which are retail uses, will be from Swede alley via the south tunnel and from Main Street. No loading for commercial uses will be from Park Avenue as there is no access to Park Avenue from the commercial units, other than required emergency egress.

18. An elevator will be constructed at the Main Street level to provide ADA access to Unit C-1 on the Lower Level. A walkway from the elevator to Unit C-1 will also be constructed. Easements for the elevator and walkway will be recorded prior to recordation of this plat to provide perpetual ADA access to Commercial Unit C-1, as well as access to the south tunnel. These easements will be recorded following recordation of The Parkite Residential Condominiums plat so that the Residential HOA is granting the easements.

19. Easement agreements between the City and Property Owner regarding the south and north tunnels will need to be revised to address tunnel access, utilities, maintenance, etc., as required by the City Engineer.

#### Conclusions of Law – 333 Main Street

1. There is good cause for this condominium plat.
2. The condominium 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 condominium plat.



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

Conditions of Approval – 333 Main Street

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.

2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.

3. All conditions of approval of the 333 Main Street Subdivision plat and approved Historic District Design Review shall continue to apply.

4. All new construction at this property shall comply with applicable building and fire codes and any current non-compliance issues for tenant spaces, such as ADA access and bathrooms, emergency access, etc. shall be addressed prior to building permit issuance.

5. Access easements for all required access to the south tunnel for commercial units and access from the Main Street level to Commercial Unit C-1, shall be recorded prior to plat recordation in order to provide perpetual ADA access to Commercial Unit C-1 from Main Street and to provide required access to the south tunnel. Recording information shall be provided on the plat prior to recordation.

6. Easement agreements between the City and the Property Owner regarding the south and north tunnels shall be reviewed and any required revisions to address tunnel access, utilities, maintenance, etc. shall be made. The amended agreements shall be recorded prior to or concurrent with the Commercial plat and recording information shall be provided on the plat.

3. **7379 Silver Bird Drive, Silver Bird Condominiums at Deer Valley First Amendment - Condominium Plat Amendment (Application PL-14-02322)**

Planner Alexander reviewed the request to amend the existing Silver Bird Condominiums Plat. The purpose of the plat amendment is to convert the existing limited common area deck space into private area in order to enclose a covered patio and convert it to living

space for Units 25, 26, 27, 28, 29 and 30; and also to extend existing common area deck space into private to extend the decks on Units 27, 28, 29 and 30, as well as enclosing existing hallways and converting them from common area into private space for Units 25 and 29. The plat is subject to the 11<sup>th</sup> Amended Deer Valley Master Plan Development, which allows six units for the Silver Bird Condominiums without stipulating the unit size.

Planner Alexander noted that this same conversion of space has been done in other condominium plat amendments. The Staff found no issues with this request and recommended that Planning Commission conduct a public hearing and forward a positive recommendation to the City Council.

Michael Johnston, an engineer, stated that he was representing the HOA and all six of the owners in this condominium plat. Mr. Johnston noted that this plat amendment would clean up a number of issues that were overlooked in the past, since many of the spaces have already been filled in with private ownership and made into interior living space.

Commissioner Stuard stated that most of the condominium plat amendments that came before the Planning Commission dealt with the removal of interior walls. Since his time on the Planning Commission, this was the first time they were being asked to approve a plat amendment to convert exterior deck space and patios into living space. Commissioner Stuard asked Mr. Johnston to elaborate on the types of improvements being considered and what affect it would have on the building mass and appearance.

Mr. Johnston stated that he was called to look at a unit where the owner wanted to infill their patio. He thought it would be easy until he looked at the plat and found that the patio was limited common space. He informed the owner that if they infill the patio they would still not own it. The owner pointed to another unit and indicated that the owner of that unit had already filled in their patio. Mr. Johnston also noted on the plat that this owner, as well as other owners, had already filled in hallways that were considered common space on the original plat. The problem is that the owners do not technically own the spaces they have infilled. He noted that there are only six units in the condominium association and the six owners met to talk about this issue. Mr. Johnson stated that two other condo owners want to rebuild their decks. The decks are failing and one owner wants to add a hot tub. The decks are also considered limited common area.

Mr. Johnston explained that the six owners decided to apply for one plat amendment to clean up all the issues at one time. He remarked that numerous inconsistencies are part of this plat amendment, as well as the decks. The owners would like to make all of their decks private. It would not mean that the decks would be enclosed, and no one at this point was proposing to enclose open air decks. The owners were only enclosing the decks that are covered by other portions of the building. The Condominium Association no

longer wants the ownership or maintenance of individual decks, which is why the decks were included in this plat amendment request. Mr. Johnston reiterated that two owners want to rebuild their decks, and one of the decks already extends outside of the space delineated for the deck. The other unit has a 45 degree rounded deck and the owner wants to square it off and extend it out four feet. All the other owners agreed that it was a good idea and encouraged the owner to carry out his plans. Mr. Johnston pointed out that those types of improvements would technically not be allowed because it is considered limited common space.

Mr. Johnston emphasized that none of the owners anticipate enclosing the decks. If they wanted to enclose them in the future, they would have to submit building plans for Planning and Building Department review, and the architectural aesthetics would have to be approved by the HOA for compliance with the HOA architectural guidelines.

Commissioner Stuard appreciated the clean-up items. His concern was more with the deck enclosures and who would oversee the compatibility of the construction. Planner Alexander stated that the plan would be reviewed by the Planning and Building Departments when the owner applies for a building permit. Commissioner Stuard noted that some of the decks extend beyond the bearing line of the roof above them. If those were to be enclosed, there would still be a piece of deck sticking out into nowhere. He understood that would be addressed during the construction plans process, but he thought it should be addressed in the plat amendment.

Mr. Johnston stated that the decks are minor; however, if someone wanted to enclose a deck and it was approved through the HOA architectural review, the roof would be extended. Mr. Johnston believed that enclosing the deck would not make a difference in the massing of the building. Mr. Stuard remarked that the open decks provide articulation to the building that would be lost if the decks are enclosed. Mr. Johnston agreed.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

**MOTION:** Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the Silver Bird Condominiums at Deer Valley First Amendment Condominium Plat for Units 25, 26, 27, 28, 29 and 30, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as stated in the draft ordinance. Commissioner Gross seconded the motion.

Commissioner Stuard asked Mr. Johnston if his clients would be opposed to a condition of approval that addressed his concern about the design if the exterior decks are enclosed. Mr. Johnston did not believe his clients would be opposed, depending on the wording of the condition. He asked if Commissioner Stuard could suggest language. Mr. Johnston stated that based on his experience with past projects, the owners are particular in making sure that any construction or improvements meet the HOA architectural guidelines in terms of form, materials and color. Mr. Stuard asked if some of the decks have already been enclosed with stucco exterior walls. Mr. Johnston answered yes. He was unsure when that occurred because he had not noticed it until it was pointed out.

Commissioner Stuard asked if the Staff knew whether the decks that were enclosed were legally permitted improvements. Planner Alexander did not have that information. Mr. Johnston believed that some of enclosures were done ten or 15 years ago.

Commissioner Stuard was aware that none of the other Commissioners appeared to share his concern or interest in adding a condition of approval.

VOTE: The motion passed 3-1. Commissioner Stuard voted against the motion.

#### Findings of Fact – 7379 Silver Bird Drive

1. The property is located at 7379 Silver Bird Drive within the Residential Development (RD) District and is subject to the Eleventh Amended Deer Valley MPD (DVMPD).
2. Within the DVMPD, a project can utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per UE or develop the allowed number of units without a stipulated unit size.
3. A total of 6 units were constructed with allowed number of units per the Eleventh Amended Deer Valley MPD. The Silver Bird Condominiums parcels are all included in the 11th Amended Deer Valley Master plan and are developed using allowed number of units without a stipulated unit size.
4. Silver Bird Condominiums record of survey plat was approved by City Council on October 7, 1982 and recorded at Summit County on October 22, 1982.
5. On April 22, 2014, the applicants submitted an application for a condominium plat amendment to convert limited common deck space to private area for Units 25, 26, 27, 28, 29 & 30, so that they can enclose a covered patio and convert it to living space. Units 27, 28, 29, & 30 request to convert common area deck space to private so that they can extend their deck. Units 25 & 29 request to enclose existing

hallways and convert them from common area into private space.

6. The application was deemed complete on May 8, 2014.

7. The square footage of the six units being converted is as follows: Unit 25 private area: 3,310.2 sq. ft.; Unit 26 private area: 3,320.38 sq. ft.; Unit 27 private area: 3,663.39 sq. ft.; Unit 28 private area: 3,356.93 sq. ft.; Unit 29 private area: 3,453.13 sq. ft.; Unit 30 private area: 3,475.87 sq. ft.

8. The Silver Bird Condominiums parcels were developed using allowed number of units without a stipulated unit size. The amendment does not change the number of residential units.

9. The plat amendment does not increase the parking requirements for these units.

10. The HOA received 100% approval to convert these units.

11. The findings in the analysis section are incorporated herein.

#### Conclusions of Law – 7379 Silver Bird Drive

1. There is good cause for this condominium plat amendment.

2. The amended condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.

3. The amended condominium plat is consistent with the 11th Amended and Restated Deer Valley Master Planned Development.

4. Neither the public nor any person will be materially injured by the proposed condominium plat amendment.

5. Approval of the condominium 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 – 7379 Silver Bird Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium plat for compliance with State law, the Land

Management Code, and the conditions of approval, prior to recordation of the condominium plat.

2. The applicant will record the amended condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the condominium plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. All conditions of approval of the Silver Bird Condominiums at Deer Valley condominium plat shall continue to apply.

4. **692 Main Street, 692 Main Street Condominiums – Condominium Plat (Application PL-14-02320)**

Planner Alexander reviewed the application for a condominium plat at 692 Main Street. She noted that the application was primarily to memorialize what was previously approved and built. The intent of the project was to renovate the existing non-historic structure located at 692 Main Street. The project is nearly complete and the applicant was requesting to convert the units to condominiums, along with the underground parking garage.

The building originally had two floors and it was approved for two additional floors. The new construction provides for commercial leased space on the ground floor and the basement level, and condominium residential uses for floor levels two, three, and four.

The Staff found no issues with the condominium plat and recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council.

Steve Bruemmer, representing the applicant, was available to answer any questions.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 692 Main Street Condominiums Plat based on the Findings of Fact,

Conclusions of Law and Conditions of Approval as stated in the draft ordinance. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 692 Main Street

1. The property is located at 692 Main Street within the Historic Residential Commercial (HRC) District and is subject to the 1994 Amended Marriott Summit Watch/Town Lift Master Planned Development (MPD), as amended on July 14, 2010.
2. The Town Lift Site, Phase A Subdivision plat was approved by City Council on October 1, 1992 and recorded at Summit County on June 1, 1993. Town Lift Site, Phase A first amended plat was approved on November 30, 1995 and recorded at the County on March 19, 1997.
3. On April 21, 2014, the applicants submitted an application for a condominium plat amendment. The application was deemed complete on May 8, 2014.
4. The total square footage of the new units is proposed to be Commercial: 3,942 square feet; Unit A: 1,892 square feet; Unit B: 774 square feet; Unit C: 1,892 square feet; Unit D: 774 square feet; and the Penthouse: 2,099 square feet.
5. The existing commercial units and additional residential units are located within the existing building footprint and there is no increase in the footprint for this building except for the addition to the balcony and the enclosure under the deck facing Main Street, which were both proposed as part of the MPD Amendment and approved under the HDDR application.
6. 3.448 UEs of Commercial and 3.715 UEs of Residential are proposed which combined totals 7.163 UEs and is less than the allowed 7.2 UEs as per the Amended MPD.
7. The plat amendment does not increase the parking requirements for these units, 23 spaces were recorded as an easement within the greater Summit Watch project.
8. As conditioned, this condominium plat is consistent with the conditions of approval of the Town Lift Site, Phase A First Amended Subdivision plat as per the findings in the Analysis section.

9. The findings in the Analysis section are incorporated herein.

Conclusions of Law – 692 Main Street

1. There is good cause for this condominium plat amendment.
2. The amended condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended condominium plat is consistent with the 1994 Amended Marriott Summit Watch/Town Lift Master Planned Development (MPD) as amended by the Planning Commission on July 14, 2010.
4. Neither the public nor any person will be materially injured by the proposed condominium plat amendment.
5. Approval of the condominium 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 – 692 Main Street

1. The City Attorney and City Engineer will review and approve the final form and content of the amended condominium plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the condominium plat.
2. The applicant will record the amended condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the condominium plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the July 14, 2010 Amended Marriott Summit Watch/Town Lift MPD continue to apply.
4. A timeshare instrument shall be recorded prior to sale of any units as a timeshare.

**5. 317 Ontario Avenue – Steep Slope CUP (Continued Discussion)**



Planner Astorga stated that he had Bruce Taylor and drafted language to reflect the comments made by the Planning Commission regarding this application. Revisions were made to the following findings and conditions:

Add Condition #12 – “The front of the garage shall not encroach beyond the permissible building footprint”.

Assistant City Attorney McLean suggested removing the word “front” to say, “The garage shall not encroach beyond the permissible building footprint.”

Chair Worel clarified that by specifying a garage in the conditions would rule out a carport. Planner Astorga replied that this was correct.

Add Condition #13 - “Should the City adopt a steep slope mitigation bond prior to the owner filing a building permit for this project, the owner shall abide by the adopted ordinance”.

Assistant City Attorney suggested changing “...by the adopted ordinance” to read, “...by such requirement.”

Finding #12 - the term “parking platform” was changed to “garage”.

Finding #46 – the term “covered parking platform” was changed to “garage”.

Finding #51 – Replace “covered parking platform” with “garage”.

Finding #52 – Completely remove the Finding and renumber the remaining findings.

Planner Sintz noted that Findings 19 should also be revised to replace “covered parking platform area” with “garage.” Planner Astorga also replaced “parking level” with “street level.”

Finding 19 was revised to read, “The new street level floor plan would have a hot tub patio and a garage.”

Finding 31 was revised to replace “covered parking area” with “garage” and to replace the words “shed roof instead...” in the last sentence to “roof design...” The revised Finding reads, “The addition and existing structure contains various heights all under 27 feet, with the exception of the garage. Staff recommends adding a condition of approval to redesign the gable roof opposite to the street to place a roof design to comply with the 27-foot height restrictions”.

The Commissioners were comfortable with the revisions proposed.

MOTION: Commissioner Phillips moved to APPROVE the Steep Slope Conditional Use Permit for 317 Ontario Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 317 Ontario Avenue

1. The site is located at 317 Ontario Avenue.
2. The site is located in the Historic Residential (HR-1) District.
3. The property, tax identification no. PC-455, is a standard Old Town lot measuring 25 feet in width and 75 feet in depth.
4. The site is listed on Park City's Historic Site Inventory (HSI) as a Significant Site.
5. The property is known as the A.W. Webster House and was built circa 1885.
6. The site is ineligible to be listed as a Landmark site on the HSI and the National Register of Historic Places due to the extent of the building alterations which have diminished its associations with the past.
7. Approximately 86.3 square feet of the historic structure encroaches onto the neighboring property to the south.
8. A portion of the adjacent historic structure to the north, 823 Ontario Avenue encroaches on the subject property. This neighboring property is listed on the HSI as a Landmark Site. This encroachment is approximate 73.8 square feet.
9. A Historic District Design Review (HDDR) application is concurrently being reviewed by Staff for compliance with the Design Guidelines for Historic Districts and Historic Sites.
10. This application is a request for a Steep Slope Conditional Use Permit (CUP) for an addition to a historic Structure.
11. The property owner requests to build an addition towards the rear of the historic

structure, towards Ontario Avenue.

12.The applicant proposes to remove the non-historic attached storage area and deck behind the structure and construct an addition consisting of three (3) floors and a garage.

13.A single family dwelling is an allowed use in the HR-1 District.

14.The existing structure is 892 square feet. The ground level of the existing structure is 550 square feet and the second level is 342 square feet.

15.The applicant requests to remove the storage area and deck.

16.The proposed addition includes adding 404.8 square feet to the lower level.

17.The proposed addition includes adding 404.8 square feet to the mid-level.

18.The new upper addition includes adding 381 square feet.

19.The new street level floor plan would have a hot tub patio and a covered garage.

20.The maximum building footprint is 844 square feet.

21.The proposed building footprint is 843.4 square feet.

22.The minimum front and rear yard setbacks are ten feet (10').

23.The proposed front yard setback is ten feet, (Ontario Avenue).

24.The proposed addition is located opposite to the rear setback area, towards Ontario Avenue and meets the rear yard setbacks.

25.The historic house has a 6 foot front yard setback and is considered a valid complying structure per LMC § 15-2.2-4.

26.The minimum side yard setbacks are three feet (3') minimum, 6 feet total.

27.The addition has a 7'-9" side yard setback on the north and a 3'-0" side yard setback on the south property line.

28.The historic house does not comply with the south side yard setback and is

considered a valid complying structure per LMC § 15-2.2-4.

29. LMC § 15-2.2-4 indicates that Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.

30. No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.

31. The addition and existing structure contains various heights all under 27 feet, with the exception of the garage. Staff recommends adding a condition of approval to redesign the gable roof opposite to the street to place a roof design to comply with the 27 foot height restrictions.

32. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].

33. The addition complies with the four foot final grade restriction.

34. A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].

35. The maximum height from the lowest finish floor plane to highest wall top plate is 35 feet.

36. Vertical articulation is required in the form of a ten foot (10') minimum horizontal step in the downhill façade.

37. The proposed additions meet the vertical articulation.

38. Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

39. The roof pitch of the addition is 7:12.

40. The roof pitch of the existing historic house is 12:12.

41. Even though most of the addition takes place over the steeper slopes, the site as viewed from Ontario Avenue will simply look like the small 14 foot wide covered parking platform and will not be detrimental in terms of size and scale mainly due to the dramatic change in slope which affects the maximum building height.

42. The applicant submitted building elevations showing impacts.
43. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view.
44. The site is engulfed by surrounding development; also the addition takes place fifteen feet (15') behind the roof ridge of the historic structure.
45. The cross canyon view contains a back drop of four (4) plus story buildings. The building is located in a neighborhood of similar structures and is completely surrounded by residential development.
46. The project will be accessed by a concrete slab on grade accessed off Ontario Avenue directly into the garage.
47. The pedestrian access to the house has been incorporated as an exterior staircase leading down to the upper level.
48. The design does not require any terracing as the site will be retained by the foundation of the addition.
49. The proposed addition is located towards the rear of the historic house towards the Ontario Avenue.
50. Pedestrian access is unchanged from the front of the house accessible from Shorty's Stairs. Another pedestrian access is proposed to the upper level floor from an exterior staircase accessed off Ontario Avenue.
51. The main ridge of the addition is perpendicular to Ontario Avenue located on the garage.
52. The proposed structure is vertically articulated and broken into compatible massing components due to the topography of the site which limit the maximum height.
53. The design includes setback variations and lower building heights for the historic structure.
54. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area.

55. Portions of the addition are less than 27' in height.

56. The findings in the Analysis section of this report are incorporated herein.

#### Conclusions of Law – 317 Ontario Avenue

1. The Steep Slope CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).

2. The CUP, as conditioned, is consistent with the Park City General Plan.

3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.

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

#### Conditions of Approval – 317 Ontario Avenue

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.

4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.

6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.

7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.

8. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.

9. This approval will expire on August 13, 2015, if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Commission.

10. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes made during the Historic District Design Review.

11. The applicant shall redesign the gable roof opposite to the street to place a shed roof instead to comply with the 27 foot height restriction.

12. The garage shall not encroach beyond the permissible building footprint.

13. Should the City adopt a steep slope mitigation bond prior to the owner filing a building permit for this project, the owner shall abide by such requirement.

The Park City Planning Commission Meeting adjourned at 7:15 p.m.

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