

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 12, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Preston Campbell, Stewart Gross, Steve Joyce, John Phillips

EX OFFICIO:

Planning Manager, Kayla Sintz; Kirsten Whetstone, Planner; Christy Alexander, Planner;
Ryan Wassum, Planner; Polly Samuels-McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

January 22, 2014

MOTION: Commissioner Gross moved to APPROVE the minutes of January 22, 2014 as written. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Phillips disclosed that that he lives in the vicinity of 115 Sampson Avenue. He had not discussed the agenda item regarding 115 Sampson Avenue with any of his neighbors, and he did not believe it would affect his judgment or decision.

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

1. Snyder’s Addition to Park City Amended Lot 1, Block 15, located at 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 Gross moved CONTINUE the 901 Norfolk Avenue plat amendment to February 26, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 7101 North Silver Lake Drive – Conditional Use Permit for Lockout Units (Application PL-13-02034)

Chair Worel announced that the applicant for 7101 Silver Lake Drive – conditional use permit for lockout units requested that the item be continued to February 26, 2014. Since it was noticed on the agenda, the Planning Commission would take public input.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Gross moved to CONTINUE the 7101 North Silver Lake Drive – Conditional Use Permit for lockout units to February 26, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

2. 7101 North Silver Lake Condo Plat (Application PL-13-02225)

The applicant had also requested that this item be continued to February 26, 2014. The Planning Commissioner would take public input this evening.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Gross moved to CONTINUE 7101 North Silver Lake Condo Plat to February 26, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

3. 1185 Empire Avenue – Plat Amendment (PL-13-02163)

Planner Ryan Wassum reviewed the application for a plat amendment for the purpose of separating 1183 and 1185 Empire Avenue into two separate and legal lots with a proposed new lot line. The plat amendment would create Lot 1, which would be 1183 Empire and Lot 1A, 1185 Empire of Block 27, Snyder's Addition of the Park City survey. There is an existing non-historic duplex on the 1183 and 1185 Empire lot, which would be raised to construct two new single family homes.

Planner Wassum reported that a demolition permit was issued to the applicant on October 1st, 2013 to raze the existing duplex at 1183 and 1185 Empire. The demolition permit is valid for 180 days and would expire on April 1st, 2014. Currently no plans have been submitted, but following the demolition the applicant intends on building two new single family homes. Planner Wassum stated that a moratorium was in place until 2016 on cutting into the road for utilities on Empire Avenue; however, that could be conditioned during the HDDR process.

The Staff found good cause for this plat amendment as it meets the Land Management Code and creates two smaller residential lots that are more compatible within the HR-1 District.

The Staff recommended that the Planning Commissioner conduct a public hearing for 1185 Empire Avenue Second 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.

Ted King, the applicant, stated that there was an existing property line originally and a property line adjustment was made on the adjacent property. Since he owns the properties he was asked to clean up the remnant lot lines, which he did through a plat amendment. The reason for the currently requested plat amendment was to return the lot to how it was originally.

Chair Worel asked if the moratorium on cutting into the road for utilities needed to be a condition of approval as part of the Planning Commission approval, or just through the HDDR process.

Assistant City Attorney McLean replied that it was not related to the plat and she was comfortable that it could be conditioned with the HDDR. She pointed out that a building permit could not be issued until that was resolved.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the 1185 Empire Avenue replat according to the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1185 Empire Avenue

1. The property is located at 1185 Empire Avenue and consists of two (2) “Old Town” lots, namely Lot 11, Lot 12, and the southerly half of Lot 13, Block 27 Snyder’s addition, of the amended Park City Survey.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. There is an existing non-historic duplex located at 1183 and 1185 Empire Avenue with an approved demolition permit to raze the structure.
4. The property has frontage on Empire Avenue and the lot contains 4,951 square feet of lot area. The minimum lot area for a single family lot in the HR-1 zone is 1,875 square feet. The minimum lot area for a duplex in the HR-1 zone is 3,750 sf.
5. Single family homes are an allowed use in the HR-1 zone.
6. On November 26, 2013, the owner submitted an application for a plat amendment to separate the 1183 and 1185 Empire Avenue Lot into two (2) legal lots of record, Lots 1 (2,465 sf) and 1A (2,475 sf), to facilitate construction for two (2) new single family homes. The application was deemed complete on December 13, 2013.
7. The HR-1 zone requires a minimum lot area of 1,875 square feet.

8. The property has frontage on and access from Empire Avenue.
9. The lot is subject to the Park City Design Guidelines for Historic Districts and Historic Sites for any new construction on the structure.
10. A Steep Slope Conditional Use Permit is required for any new construction over 1,000 sf of floor area and for any driveway/access improvement if the area of construction/improvement is a 30% or greater slope for a minimum horizontal distance of 15 feet.
11. The proposed plat amendment does not create any new non-complying or nonconforming situations.
12. The maximum building footprint allowed for 1183 Empire Avenue, Lot 1, is 1,073 square feet per the HR-1 LMC requirements and based on the lot size.
13. The maximum building footprint allowed for 1185 Empire Avenue, Lot 1A, is 1,076 square feet per the HR-1 LMC requirements and based on the lot size.
14. The plat amendment secures public snow storage easements across the frontage of the lots.
15. There is good cause to add a new lot line and create two (2) legal and smaller residential lots that are more compatible within the HR-1 District.

Conclusions of Law – 1185 Empire 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 – 1185 Empire 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 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. The demolition of the structure at 1185 Empire is a condition precedent to plat recordation.
4. Approval of an HDDR application is a condition precedent to issuance of a building permit for construction on the lots. Also recordation of the plat is a condition of building permit issuance.
5. Approval of a Steep Slope Conditional Use Permit application is a condition precedent to issuance of a building permit if the proposed development is located on areas of 30% or greater slope and over 1000 square feet per the LMC.
6. 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 submittal and shall be noted on the final mylar prior to recordation.
7. A 10 foot wide public snow storage easement is required along the frontage of the lots with Park Avenue and shall be shown on the plat.
8. All prior snow storage easements from this property shall be reflected on this plat

4. The Fluter Subdivision, located at 225 Woodside Avenue – Plat Amendment (Application PL-13-02183)

Planner Christy Alexander reviewed the request for a plat amendment to combine 3-1/2 lots, Lots 4, 5, 6 and the south half of Lot 7, into two lots of record at 225 Woodside Avenue. An existing single family home is located over the 3-1/2 properties and the home and garage currently encroach into Woodside Avenue. Planner Alexander stated that the intent for the plat amendment is to demolish the existing non-historic structure and garage,

which would remove the encroachment. The plat amendment would divide the property into two lots where the applicant intends to build two single family homes. Planner Alexander noted that the applicant could build a duplex on one lot and a single family home on the second lot; however, he has stated that he was only interested in building two single family homes.

Planner Alexander stated that the only issue was raised by the neighbors to the north who was concerned about his retaining wall when the existing structure is demolished. The property owner at 255 will be responsible for making sure that the retaining wall is not damaged or compromised.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the Fluter Subdivision Plat Amendment located at 225 Woodside Avenue.

Chair Worel asked if the retaining wall should be addressed in the conditions of approval. Planner Alexander replied that the retaining wall was addressed in the Staff report and she offered to add it to the conditions of approval.

Jonathan DeGray, representing the applicant, referred to the site plan and noted that the retaining wall in question runs down the north property line. It is within the City's right-of-way and does not go into the Fluter property. Mr. DeGray stated that to the extent that a driveway could be placed in the north lot and there is a lot of flexibility across the proposed 37-1/2 feet of frontage on the north lot. Therefore, the wall in the City right-of-way could remain. Mr. DeGray noted that the City right-of-way is currently encumbered by the garage and the staircase and other elements of the Fluter parcel that will be removed. There is a retaining wall adjacent to the north property and another retaining wall to the south.

Assistant City Attorney McLean stated that in looking at the site, the retaining wall to the west was not in the City right-of-way. Mr. DeGray clarified that the only retaining walls he was talking about was the one on the east side and the ones parallel to the curb and gutter. Ms. McLean clarified that the concerned property owner was to the northwest. She understood that his concern was if the house was removed that the wall on his property would also be removed. Planner Alexander replied that this was correct. Mr. DeGray emphasized that the wall would never be removed any further than the property line.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Gross understood that the applicant intended to construct two single-family homes, but he would be allowed by Code to build a house and a duplex. Commissioner Gross preferred to add a condition to ensure that it would be single-family residences and not a duplex. The Commissioners concurred.

MOTION: Commissioner Campbell moved to forward a POSITIVE recommendation to the City Council for the Fluter Subdivision Plat Amendment at 225 Woodside Avenue in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance, and as amended to add the condition that the larger of the two lots not be allowed to be built as a duplex. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 225 Woodside Avenue

1. The property is located at 225 Woodside Avenue within the Historic Residential (HR-1) District.
2. On December 18, 2013, the applicants submitted an application for a plat amendment to combine three and a half (3½) lots containing a total of 6,562.5 acres into two (2) lots of record.
3. The application was deemed complete on January 2, 2014.
4. 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.
5. The maximum footprint allowed in the HR-1 zone is 1,519 square feet for the proposed Lot 1 and 1,201 square feet for the proposed Lot 2 based on the lot areas of the two (2) lots.
6. The property has frontage on and access from Woodside Avenue.
7. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming.
8. The plat amendment secures public snow storage easements across the frontage of the lots.

Conclusions of Law – 225 Woodside 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 – 225 Woodside 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 existing non-historic structure at 225 Woodside Ave. must be demolished before the plat amendment is recorded.
3. 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.
4. 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.
5. 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.
6. Approvals to service the proposed two (2) lots from the utility companies are required before plat recordation.
7. A 10 foot (10') wide public snow storage easement is required along the frontage of

the lots with Woodside Avenue and shall be shown on the plat.

8. The larger of the two (2) lots not be allowed to construct duplex.

**5. 115 Sampson Avenue Plat – Plat Amendment
(Application PL-13-02183)**

Planner Anya Grahn reported that the Planning Commission previously reviewed the plat amendment for 115 Sampson on October 9, 2013. At that time it was discovered that the Staff erroneously put it in the wrong zoning district. She was back this evening to discuss the plat amendment in the HRL, Historic Residential Low Density District.

Planner Grahn stated that the plat amendment contains several lots. It is all of lot 6 and portions of Lots 5, 7, 8 51, 52, 53, 54 and 55. An existing significant structure straddles Lots 6, 7, 53 and 54.

When the Planning Commission reviewed this plat amendment in October they also found that the owner had owned a contiguous lot, which raised some concerns. After further research the Staff found that the contiguous lot was located at 125 Norfolk Avenue. Planner Grahn stated that typically when there are contiguous lots, the LMC requires that both lots be included under the same subdivision. However, the Planning Director waived the requirement for this particular plat amendment. The Staff found that the lot has already been developed and the owner has no interest in further subdividing. The owner also understands that before they could obtain a building permit they would have to come to the Planning Department to talk about a plat amendment because interior lot lines run through the existing buildings on the site. If the owner was to redevelop the property, the Staff would have more control in reducing the lot size. The contiguous lot also contains multiple lots and it is a fairly large property. They would want it subdivided to keep more consistent with the size and scale of development in Old Town.

Planner Grahn asked if the Planning Commission would support waiving the requirement for the contiguous lot and only subdividing the 115 Sampson Avenue lot at this time. The Commissioners were comfortable waiving the requirement.

Planner Grahn noted that the house on 115 Sampson is a significant historic structure. There is currently a Notice and Order from the Building Department. The structure was mothballed several years ago and due to exposure to the elements it is in severe decline. The Staff would like to move forward with the Historic District Design Review to preserve the house. Planner Grahn remarked that if the applicant is ever interested in putting on a small addition, it would have to go through the Steep Slope Conditional Use Permit and

require Planning Commission review. Planner Grahn noted that the plat amendment would take care of any existing encroachment. A fence encroaches, per the survey, and there are also railroad ties. Approximately 35 square feet of Sampson Avenue is located on the property and there would be a street dedication for that portion. A ten-foot snow storage easement would also be along the entire west edge of the property. Due to its unusual lot configuration, the Planning Director had already reduced the setbacks to limit the size of the addition. Planner Grahn stated that the building pad has been reduced to approximately 3,330 square feet. There are three existing non-historic sheds on the property and if those were to be removed, the owner could add an addition as large as 1,658 square feet. If the sheds remain, the size would be reduced to 1,434 square feet.

Planner Grahn reported that the previous Planning Commission raised concerns about the parking. The applicant is currently parking on a raised, elevated parking pad off of Sampson Avenue, which is in the City right-of-way. They did not want to add additional constraints or demands to Sampson Avenue. Therefore, Planner Grahn recommended adding a condition of approval stating, "Any on-site parking shall be provided out of the Sampson Avenue right-of-way. At the time of the Steep Slope CUP the applicant can either reconstruct the existing parking pad completely within the property lines or remove it altogether and return it to landscaping."

Commissioner Campbell asked for clarification on the 35-foot street dedication at the corner. Planner Grahn explained that the property would be dedicated to the City because it is on a City street. Commissioner Campbell asked if it would remain part of the owner's lot or literally turned over to the City. Assistant City Attorney McLean replied that the City has a prescriptive easement on that portion of the property since it is part of Sampson Avenue, and the dedication memorializes the easement.

Chair Worel thanked Planner Grahn for adding the condition of approval because it captured the intent of the previous Planning Commission to avoid adding to the problems that already exist on Sampson.

Commissioner Phillips understood that the owner would have the ability to eventually eliminate the parking and re-vegetate it. He wanted to make sure that the owner would have somewhere to park. Planner Grahn stated that if the owner wanted to add a garage and a driveway, the condition would ensure that the entire section of the property would not end up being parking or paved area.

Chair Worel opened the public hearing.

Carol Sletta, a resident at 135 Sampson Avenue, referred to the "good cause" paragraph in the Staff report and read the last sentence, "The Plat Amendment will utilize best planning

and design practices while preserving the character of the neighborhood, of Park City in furthering the health, safety and welfare of the Park City community.” Ms. Sletta did not believe the paragraph would be true if the project north of 115 Sampson is implemented. She commented on the prescriptive easement and noted that a variety of problems occur. Ms. Sletta encouraged the Planning Commission to look carefully at what was happening to this wonderful historic street. She hoped the Commissioners had walked the street and saw what Sampson Avenue looks like now. Road cuts were done after October 15th, which she understood was never done unless it was an emergency. The road cut was authorized by the City Engineer. Ms. Sletta was disappointed with the City’s lack of support for the neighborhoods, particularly in Old Town, and she urged the Commissioners to take a hard look at Sampson Avenue before they make any recommendations.

Chair Worel closed the public hearing.

Chair Worel remarked that Sampson Avenue had been a challenge for the previous Planning Commission and their primary concern was the ability to have access for emergency vehicles and for other vehicles to pass through. Parking on the street creates additional issues.

Board Member Campbell was unsure how the proposal as presented would negatively impact the current problems on Sampson. Chair Worel stated that she was more comfortable with the application with the added condition to keep them from parking on the street.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for 115 Sample Avenue plat amendment based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance, with the additional condition of approval outlined by Staff. Preston Campbell seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 115 Sampson Avenue

1. The property is located at 115 Sampson Avenue within the Historic Residential Low-Density (HRL) Zoning District.
2. The applicants are requesting to combine portions of eight (8) Old Town lots into one Parcel. Currently, the property includes Old Town Lot 6, and portions of Lots 5, 7,8, 51, 52, 53, 54, 55 of Block 78 of the Park City survey.

3. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of repairing and restoring the historic house on the significant site, as well as potentially adding a new addition.
4. The amended plat will create one new 7,692 square feet lot.
5. The existing historic home is listed as "Significant" on the Historic Sites Inventory (HSI) and has a footprint of 831.7 square feet.
6. The existing historic structure straddles Lots 6, 7, 53, and 54 of the Park City Survey and is a valid complying structure.
7. Any proposed additions to the existing historic home will require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.
8. Due to water damage, the Building Department issued a Notice and Order to Repair and Vacate the building in 2010 and at that time the mothballing of the house was permitted.
9. The severe decline and deterioration of the vacant structure resulted in a second Notice and Order on April 10, 2013.
10. A Pre-Historic District Design Review (Pre-HDDR) was submitted to the Planning Department on April 9, 2013, following the Notice and Order. The Design Review Team (DRT) met with the applicants' representative on May 1, 2013, to discuss the potential redevelopment of the property. No Historic District Design Review (HDDR) application has yet been submitted.
11. The rear of the structure is the west elevation, facing Sampson Avenue. The façade faces east.
12. On September 16, 2013, the Planning Director made the determination to increase the required setbacks of the site to include a fifteen foot (15') front yard setback, ten foot (10') south side yard setback, fifteen foot (15') rear yard setback, and ten foot (10) north side yard setback.
13. On January 16, 2014, the Planning Director waived the requirement for the applicants' to subdivide the contiguous properties at 125 Norfolk Avenue and 115 Sampson Avenue.
14. The southwest corner of Lot 51 and the northwest corner of Lot 52 contain a portion

of Sampson Avenue. The total area for the street dedication will be approximately thirty-five (35) square feet.

15. The maximum building footprint allowed is 2,490 per the HR-L LMC requirements for a lot of this size. The current footprint of the historic structure is 831.7 square feet and the footprint of the three (3) shed accessory structures is approximately 224 square feet. This would allow a maximum footprint addition of approximately 1,434 square feet. The portion of the street dedication was considered in determining the allowed footprint, and approximately thirty-five (35) square feet was reduced from the overall lot size.

16. Staff does not recommend adding a condition of approval that reduces the allowed footprint of the lot. The LMC's footprint formula reduces the allowed footprint as the lot size increases. The Planning Director has also increased the setbacks of the site, limiting the buildable area further.

17. Per LMC 15-2.1-4, existing historic structures that do not comply with building setbacks are valid complying structures. The historic structure is a valid complying structure, though it does not comply with the required ten foot (10') north side yard setback along the north property line as it is only eight feet nine inches (8'9") from the property line.

18. New additions to the rear of the historic home would require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.

19. The property at 115 Sampson Avenue is contiguous with the property at 125 Norfolk Avenue. 125 Norfolk Avenue is located directly to northeast of the 115 Sampson Avenue site.

20. The applicant submitted an application for a plat amendment on August 15, 2013.

21. The Planning Commission reviewed the application for a one (1) lot subdivision on October 9, 2013.

22. Staff learned that Silver Potato LLC owned the contiguous property at 125 Norfolk Avenue on October 9, 2013.

23. Silver Potato LLC has directly expressed interest in not subdividing both lots at 115 Sampson Avenue at 125 Norfolk Avenue. The property at 125 Norfolk Avenue is

already developed and the owner does not intend to redevelop this property at this time.

24. The parcel at 125 Norfolk Avenue is comprised of all of lots 8, 9, and 10; the south half of lot 11, and a portion of Lot 7 of Block 78 of the Millsite Reservation. There are existing structures on the 125 Norfolk Avenue metes and bounds parcel.

25. Silver Potato LLC purchased 125 Norfolk Avenue on August 8, 2005, and 115 Sampson Avenue on January 29, 2010.

Conclusions of Law – 115 Sampson 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 – 115 Sampson 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 year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment and historic preservation guarantee are recorded with the Summit County Recorder's office.
4. All new construction will require modified 13-D sprinklers as required by the Building

Department.

5. One (1) 10 foot (10') wide public snow storage easement is required along the street frontage of the lot along Sampson Avenue.
6. The applicant shall dedicate the portion of Lots 51 and 52 that include Sampson Avenue to the City.
7. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment easements shall be provided.
8. Any on-site parking shall be provided out of the Sampson Avenue right-of-way. At the time of the Steep Slope CUP the applicant can either reconstruct the existing parking pad completely within the property lines or remove it altogether and return it to landscaping

**6. 820 Park Avenue – Conditional Use Permit for Mixed-use
(Application PL-13-01956)**

Planner Grahn reported that the Planning Commission previously reviewed this application on January 8, 2014. The applicant was requesting a conditional use permit for ten residential units in a multi-unit dwelling, an underground parking structure with 24 spaces, as well as the potential for commercial uses over 2,000 square feet, which means that it would be commercial retail and service minor. Planner Grahn noted that the applicant previously requested the use of a restaurant or a neighborhood convenience store; however that use was removed from the plan.

Planner Grahn remarked that a few minor changes to the design were noted in the Staff report. The applicant had removed one level of parking, reducing the number of parking stalls from 42 to 24. Also, the historic space was divided into possible tenant spaces and connected to the Rio Grande Building.

Planner Grahn stated that at the last meeting the Planning Commission was very supportive of this project. The Staff finds that the physical design and compatibility relates well to the mass and scale and the architecture and design of the neighboring buildings. Planner Grahn pointed out that the development would run parallel to the length of the Lift Lodge to address the concerns expressed by the neighbors regarding blocked views and windows. The applicant, Rory Murphy, has worked closely with the neighbors to mitigate the impact of the new building as much as possible.

Planner Grahn noted that the applicant was also requesting height exceptions that are permitted by the LMC. One includes a Planning Director exception that allows for

architectural features that extend up to 50% above the zone heights, as long as it does not include habitable space. In this case the monitor at the very top of the building would include a hall, which is not considered habitable space per the LMC. Other exceptions include gables, pitched roofs that extend five-feet above the zone height, enclosures or screening of the mechanical equipment also five-feet above the building height, and an elevator 8-feet above the zone height.

Planner Grahn asked whether the Planning Commission agreed with the Staff's analysis for granting the exceptions. Commissioner Joyce asked if the additional height blocks any view that would not have otherwise been blocked. Planner Grahn believed there were other condominiums along that level; however, the gable was clipped on one side to create more space between the buildings.

The project architect stated that the extension did not block additional views because the views in the middle of the Lift Lodge would be blocked regardless, and the views on the top level would look over the proposed development.

At the request of Commissioner Gross, Planner Grahn used the drawings to explain the five-foot gable extension that the Planning Director has the purview to grant an exception for the height. She also pointed out the 8-foot elevator extension. Commissioner Gross clarified that the elevator unit was screened rather than exposed. He was told that this was correct.

Mr. Murphy explained how they tried to capture some of the elements of the Coalition Building that burned down in 1981.

Chair Worel appreciated that the developers had provided a traffic study. She referred to page 135 of the Staff report which stated that there is no public parking on the existing site and; therefore, was no need for the replacement of the public parking. Mr. Murphy clarified that it is a private parking lot and not owned by the City. Therefore, it is not officially public parking. He noted that the Sweeney development has dedicated public parking but it would not fall under that category. He was asked by the City Engineer Matt Cassel to make the distinction that it is a private piece of ground that has been used for public parking.

Planner Grahn pointed out that the project would provide 15 parking spaces for the residential units and the applicant understands that any additional uses in the building would have to conform to the parking requirements for the nine remaining stalls available.

Chair Worel opened the public hearing.

Ruth Meintsma, 305 Woodside Avenue, stated that she had looked over the project with a lot of scrutiny and she approached Rory Murphy with her ideas and suggestions. It was well received. Ms. Meintsma commented on the roofline architecture and the exception. She thought the height exception was an important architectural feature because it brings in the concept of the Coalition and recreates that element. Ms. Meintsma believed the new manifestation of the roofline showed how Mr. Murphy had moved it west to accommodate the residences behind and the concerns about views. Ms. Meintsma identified in red where the roofline was clipped out to accommodate the views. In the visuals below, she thought the clip diminishes the symmetry that the Coalition Building gives. She noted that the same symmetry and feeling were created in both the Town Lift projects and the Marriott. Ms. Meintsma understood the reason for the clip, but she thought it was unfortunate that the community as a whole loses out on that feeling for the sake of a small group of residences behind. She believed the symmetry was important, particularly sitting behind the Rio Grande.

Ms. Meintsma recalled that in the initial Staff report there was discussion about the convenience store, and that was taken off the table due to neighbor concerns regarding traffic impacts. She was unsure whether a convenience store would work for this project, but because it was mentioned at the last meeting she thought it would be beneficial to have an open discussion, particularly since the issue was raised in Community Visioning and now in the General Plan about services for locals that avoid Main Street. Ms. Meintsma had drafted a map of Old Town from the General Plan, and indicated 820 Park Avenue and the surrounding bus stops in the area to show that it was a significant hub. She noted that the City has repeatedly talked about the City sanctioning the possibility of a convenience store, and how Mr. Murphy had coined the phrase "affordable commercial." When the idea went to the Planning Department, the Staff came up with the same term. When she asked how it would manifest, Director Eddington said that one example would for the City to rent at market value from a project, and then rent to someone who would create a convenience store at a much lower rent. Ms. Meintsma believed the hub she identified would be an ideal possibility for a convenience store, if not now then in the future, without needing extra parking.

Chair Worel closed the public hearing.

Commissioner Joyce noted that the plan had been revised to physically attach the Rio Grande into the larger building. He asked why the change was made. Mr. Murphy stated that the building always had an attachment. He originally understood that there could only be one building on one lot, and for that reason they attached it to the new structure. Commissioner Joyce asked the Staff if it was better from a historic standpoint to attach a historic building to a new building rather than allow separation.

Planner Grahn replied that it depends on the design. In some cases it is better to keep buildings separated. She believed it was worth looking at. In the original plan the historic building and the new development were so close in proximity that the roofs worked off of each other to provide screening for anyone walking through the open space. If they intend to shield it from the weather, she thought it might be easier to put a roof on it. Planner Grahn clarified that nothing had been decided and it was something they were still exploring. She clarified that the intent is to make sure they honor the historic and not detract from it.

Commissioner Joyce asked if the review Board had any issues with the design. Planner Grahn stated that the Historic Preservation Board did not review this project because they are also an appeal body. Mr. Murphy remarked that the project was still in the HDDR process and they were still working out the details. In conversations with the neighbors, there have been good suggestions that he would like to incorporate if possible. Mr. Murphy clarified that he was not opposed to separating the historic icon from the rest of the building, and it was being discussed with the HDDR review.

Commissioner Gross understood not wanting to have a deli or café due to parking issues, but he was unsure why the developers would limit themselves from a private convenience store. He was told that the deli/café was still part of the plan. The full restaurant was removed due to space issues and parking requirements.

Commissioner Gross asked if there were any variations in parking requirements between a real estate office or other intensive office uses, versus the rest of the commercial aspects of the project. Planner Grahn replied that the real estate office would be considered an office intensive use and the requirement would be 5 spaces per 1,000 square feet, unless the use is located in the Rio Grande structure. Historic structures are exempt from parking requirements. She believed a café or deli use would be 3 spaces per 1,000 square feet. She was unsure about the requirement for commercial use.

Commissioner Gross thought Ms. Meintsma made a good point with respect to the north elevation. He asked if there was another alternative. He suggested that using more transparent materials might be a way to accomplish the feel Ms. Meintsma had talked about. Mr. Murphy favored that idea of working with different materials, as well as Ms. Meintsma's suggestion about the roofline; and he would consult with the project architect. He noted that they were still working on the north elevation to minimize the disruption to the neighbors.

Commissioner Joyce read from page 108 of the Staff report, the development would primarily face Park Avenue with a secondary façade along 9th Street. The bulk and mass

of the two-story parking structure...". He assumed that was an error and should read a one-story parking structure. Planner Grahn replied that it was an error.

Commissioner Phillips commented on the symmetry of the roof where the corner had been clipped. He suggested that they also look at clipping the west gable to create some symmetry. Mr. Murphy agreed.

Commissioner Joyce noted that the neighbors had concerns regarding snow removal in the alley between the buildings. He was told that it would be heat snow melted with a drain into the parking structure. Mr. Murphy stated that the neighbors have had seepage along the wall and there is a new product that penetrates the cement and acts as a water barrier on existing cracks. They have already agreed to fix the wall for the neighbors.

MOTION: Commissioner Joyce moved to APPROVE the three conditional use permits for mixed use at 820 Park Avenue: (1) commercial use in the zone if gross floor area is more than 2,000 sf; (2) multi-unit dwelling; and, (3) parking areas with five or more spaces, in according with the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Staff report. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 820 Park Avenue

1. The applicant submitted a Conditional Use Permit (CUP) on June 19, 2013. The application was deemed complete on November 26, 2013. The CUP application requests Planning Commission approval for a multi-unit dwelling of ten (10) units; commercial retail and service, minor; outdoor dining; café or deli; office (intensive); and a parking structure of twenty-four (24) spaces.
2. This proposal is for a mixed use building consisting of ten (10) condominium units averaging 1,498 square feet in area. There will also be 4,117 square feet of storefront space which may include commercial retail and service, minor; cafe or deli; and office (intensive). Also included is 545 square feet of commercial support space; 8,256 square feet of underground parking; and 4,080 square feet of common area (hallways, stairs, elevators, etc.). The use of outdoor dining is also included as part of this Conditional Use Permit (CUP). The total square footage of the building as a whole is 34,148 (including underground parking and the historic Rio Grande).
3. The site is located at 820 Park Avenue and is .33 acres (approximately 14,375 square feet). The site is located in the Historic Recreation Commercial (HRC) District.

4. There is an existing historic structure located on the site. The Rio Grande Building has been identified as “significant” on the City’s Historic Sites Inventory (HSI).
5. LMC 15-2.5-3(G)(1) states that the maximum Floor Area Ratio (FAR) for non-residential structures built after October 1, 1985 and located east of Park Avenue is 1.0. The applicant is proposing an FAR of 0.31 for the non-residential uses.
6. The property is adjacent to the Lift Lodge condominiums to the east, the Town Lift to the south, one (1) to three (3) story residential units on the west side of Park Avenue, and the UP&L Park directly to the north. Also north of the development are the Park Station Condominiums and the Summit Watch development.
7. The first floor of the development will contain two (2) residential condominium units as well as commercial retail and service, minor; Café or deli; outdoor dining; and office (intensive).
8. A total of ten (10) residential condominium units are proposed on the first, second, and third levels.
9. The applicant submitted a Historic District Design Review (HDDR) application on June 19, 2013. The application was deemed complete on October 17, 2013.
10. The Planning Director and Chief Building Official determined that unique conditions did not exist that warranted the relocation of the historic Rio Grande Building on October 9, 2013. The applicant submitted an appeal to this determination on October 18, 2013, and the Historic Preservation Board (HPB) granted the appeal and reversed staff’s determination on November 13, 2013.
11. The proposed development will feature a shared party-wall with the Town Lift Condominiums along the south elevation. Land Management Code (LMC) 15-2.5-3(E) states that a side yard between connected structures is not required where the structures are designed with a common wall on a property line and the lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a building joined at the side lot line may not exceed 100 feet, and the applicant is proposing a common wall of approximately twenty feet (20’).
12. Indirect access from the Rio Grande development to the Town Lift Plaza will be provided on the fourth floor of the Rio Grande development and through the Town Lift Condominiums.

13. The development of this site and increased commercial retail use in the neighborhood will result in additional traffic and parking demands. The applicant is proposing to construct one (1) level of underground parking containing twenty-four (24) parking spaces. Vehicular ingress and egress to the site's underground parking is located off 9th Street. Ingress and egress to the commercial spaces is located on the ground level, facing Park Avenue. Elevator and stair access is provided to the residential condos, connecting them to the lower levels and including the parking garages.

14. Office (intensive) is a conditional use within the HRC District. This use is prohibited in storefronts adjacent to the Park Avenue right-of-way, but excludes those HRC zoned areas north of 8th Street. The 820 Park Avenue property is located north of 8th Street and on the south side of 9th Street.

15. The building mass, bulk, orientation and the location of the site, including orientation to adjacent building or lots is compatible with the neighborhood. The new construction will wrap the historic building, providing interior plaza spaces along the south and east sides of the historic building. The applicant is proposing a modern interpretation of mining era structures. The height and density of the development is similar in scale to the Town Lift Condominiums and is compatible with the scale of the Town Lift Condominiums.

16. The LMC does not stipulate the amount of open space required for developments in the HRC. The applicant is proposing to provide a hard-scaped interior plaza that will contain approximately 3,769 square feet or twenty-six percent (26%).

17. The physical design of the structure is compatible with surrounding structures in mass, scale, and style. The height and density of the development is similar in scale to the Lift Lodge and Town Lift Condominiums. The style of development is also congruent with the existing historic Rio Grande freight shed and the surrounding modern mining design of the adjacent structures.

18. Per Land Management Code (LMC) 15-2.5-5(A), gable pitch roofs may extend up to five feet (5') above the zone height for roof pitches 4:12 or greater; enclosed or screened mechanical equipment may extend five feet (5') above the height of the building; and an elevator penthouse may extend eight feet (8') above zone height.

19. The Planning Director has granted a height exception based on LMC 15-2.5-5(A)(4) in order to allow the clearstory architectural feature to extend fifty-percent (50%) above zone height, or to forty-eight feet (48'). This architectural feature does not

include habitable space.

20. The site is owned by 820 Park Avenue, LLC, a Utah limited liability company. 820 Park Avenue, LLC will retain ownership of the site and management of the new development, including tenant leases.

21. 820 Park Avenue, LLC and Park City Municipal Corporation are entering into a real estate purchase contract for the city-owned parcel, SA-398-X, located along 9th Street.

22. The development is not located within the sensitive lands overlay.

23. The proposed uses will fit in with surrounding uses. As previously noted, this site is an infill site surrounded by the Lift Lodge and Town Lift Condominiums. Both of these mixed-use developments provide commercial retail, restaurant, and multi-unit residential uses.

24. The Rio Grande project will provide resort-oriented commercial and retail to the existing Main Street core as well as additional housing to the existing bed-base in the Main Street area.

25. The proposed use is consistent with the current zoning district and with the General Plan. As stipulated by the General Plan, this development seeks to protect the historic character of Park City while providing resort-based development.

26. The proposed uses are similar and compatible with other uses in the same area. The proposed use of the site is identical to those of the Lift Lodge Condominiums and Town Lift Plaza.

27. The proposed uses are suitable for the proposed site.

28. The development does not propose to emit noise, glare, dust, pollutants, or odor.

29. The hours of operation for the commercial development will be consistent with the current Main Street activities and regulations. The number of employees at any given time is expected to be between six (6) and twelve (12), depending on the season and type of commercial use.

Conclusions of Law – 820 Park Avenue

1. The proposed application as conditioned complies with all requirements of the Land

Management Code.

2. The use as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.
3. The use as conditioned is consistent with the Park City General Plan.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval – 820 Park Avenue

1. All standard conditions of approval shall apply.
2. All exterior signs require a separate sign permit. Application for a Master Sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.
3. All exterior lights must conform to the City lighting ordinance and included in the Historic District Design Review. Exterior lighting shall be subdued and directed downwards. Security lighting shall be minimal and be approved by Planning Staff prior to issuance of a certificate of occupancy.
4. Any noise, vibration, odors, steam, or other mechanical factors will be located on the rooftop of the new structure and will be screened and shielded to mitigate any adverse effects on people and property off-site.
5. All mechanical equipment, vents, and exhaust fans shall be enclosed and screened from public view. If screening and enclosing is not possible, mechanical equipment, vents, and fans shall be painted to match the surrounding wall colors. Roof mounted equipment and vents, if visible to the public, shall be painted to match the roof and/or adjacent wall color and shall be screened or integrated into the design of the structure.
6. Service and deliveries shall occur along Park Avenue and 9th Street, including emergency Access as required by the Building Code. Waste management, however, may be limited to 9th Street.
7. All future commercial retail uses of this development must meet the Parking Requirements for Specific Land Use Categories, as outlined by LMC 15-3-6.

8. A minimum of three (3) bicycle spaces shall be provided on site. Medium-security bicycle racks must be of solid construction; resistant to rust, corrosion, hammers, and saws; and must allow both the bicycle frame and wheel to be locked by the user. Bicycle storage must be compatible with the surrounding building and street furniture as well as be located in a convenient, highly visible, active well-lit area that does not interfere with pedestrian movement or snow storage. Final bicycle parking areas shall be identified on the final approved plans.
9. All utility impact fees shall be calculated prior to issuance of a building permit.
10. Office (intensive) use shall be limited to no more than 1,000 gross floor area on the storefront level.
11. The Planning Department shall approve the development of the site through the Historic District Design Review (HDDR) process.
12. No building permit shall be issued prior to the final plat being recorded with the Summit County Recorder's Office.
13. A condominium plat shall be recorded prior to the sale of any residential or commercial condominiums in this development.
14. All emergency access doors shall be inspected for compliance with the IBC and shall be equipped with proper equipment and alarms to be able to be used only in emergency situations. Side and rear doors providing access to mechanical equipment, trash enclosures, and other services may be used by employees only when servicing the building.
15. Prior to issuance of a Certificate of Occupancy for use of the subject space an occupancy load plan shall be submitted by a qualified professional with final certification of this occupancy to be determined by the Chief Building Official. All building code required ingress and egress conditions for safe internal circulation for the entire building shall be addressed prior to final certification of occupancy for the subject space.
16. The CUP approval shall expire one (1) year from the date of Planning Commission approval of the Conditional Use Permit (CUP), unless a Building Permit is issued for this project prior to the expiration date, or a request for an extension is provided to the City in writing prior to expiration and the request is granted by the Planning Department.

17. No building permits for new construction shall be issued until the HDDR is approved and a historic preservation guarantee is provided to the City.

18. Any significant modifications of the use of this building will require Planning Commission approval.

19. Vehicular access shall only be from 9th street. No vehicular access shall be from Park Avenue.

20. Any outdoor dining must not occur after 10pm. Furthermore, there shall be no music or noise in excess of the City Noise Ordinance.

**7. Park City Heights Phase 1 – Subdivision
(Application PL-13-02189)**

Planner Kirsten Whetstone reviewed the request for approval of a final subdivision plat for the first phase of the Park City Heights Master Planned Development per the previously approved preliminary plat.

Planner Whetstone handed out three 11"x 17" sheets. The top sheet was the preliminary plat that was approved and recently amended by the Planning Commission in November. The other two were the details of the subdivision plat.

Planner Whetstone reported that the 239 acre parcel was approved for 239 units in the Community Transition (CT) zone. It is a residential project. The first phase consists of 103 lots. The 28 townhouse units, known as Park Homes in the MPD, are to be constructed for the IHC as part of obligation for affordable housing. These units were transferred from the hospital site to the Park City Heights site. The 5-acre parcel by the hospital was now an open space parcel. In addition to the townhomes, 35 lots at the north end, known as Small Lot Park Homes, are considered to be attainable affordable housing. Phase 1 also includes 40 additional lots for a mix of cottage homes and homestead lots. The plat also includes the approximately 5-acres public park parcel that was dedicated to the City. The applicants would maintain the park. Planner Whetstone remarked that a clubhouse parcel and open space parcels would be HOA owned and maintained. She identified a future support commercial parcel and the soils repository.

The Staff had reviewed the application and found that the lots, parcels and the street layouts were consistent with the amended Park City Heights Master Planned Development and the preliminary subdivision plat.

Planner Whetstone noted that page 174 of the Staff report contained a chart of the LMC review for the CT zone regarding the height limitations, unit equivalents, lot sizes and setbacks. Planner Whetstone provided a brief description of the general subdivision requirements on pages 175-178 of the Staff report.

The Staff found good cause for this subdivision in that it creates legal lots and parcels of record from a metes and bounds parcels; it memorializes and expands utility easements and provides for new utility easements; and provides open space and provides the ability to begin development on the approved MPD.

Planner Whetstone noted that the draft ordinance on page 181 of the Staff report outlined the findings of fact, conclusions or law and conditions of approval. She pointed out that the Staff highlighted the conditions specific to the plat; however, all the conditions of the annexation agreement, the development agreed and the preliminary plat continue to apply.

Planner Whetstone introduced Brad Mackey with Ivory Development and Spencer White, the applicant's representative. Mr. Mackey thanked Planner Whetstone for all her hard work and effort in filtering through the documents to make sure everything coincides. He looked forward to having this project finally move toward construction. He also thanked the Planning Commission and others involved for their time and effort in moving the project.

Mr. White recognized that many of the Commissioners were new and he offered to answer any questions they might have. He noted that it has been a nine year process and there was a lot of information; however, he believed Planner Whetstone had covered it all in her presentation.

Commissioner Gross had a question regarding traffic as it relates to the intersection of Richardson Flat and the Highway. He had heard that a light would be installed at some point, and he was concerned about traffic and what could happen once people start living there. Mr. Mackey stated that he met with UDOT approximately 6 months ago when they started construction on the intersection. He had coordinated with them on the locations for conduit so UDOT could run the necessary wiring for traffic signalization. UDOT established the semaphore locations, and there is a plan to put a light up whenever it becomes necessary. Mr. White clarified that the timing for putting up the light is based on a specific traffic count.

Commissioner Gross wanted to know who would pay for the light. Mr. White stated that the developer pays a portion. In the City Council meeting last week an agreement was in place to waive a portion of the cost. The City will participate in some of the cost but Mr. White was unsure of the specific details.

Chair Worel wanted to know how far the project needed to be built out before a bus would run a regular schedule. Mr. White hoped it would occur sooner rather than later, but they would have to work with the City. The developer always intended for it to happen rather quickly. Mr. Mackey stated that the drop off zones and turnaround lanes would be built with the first phase.

Commissioner Gross asked someone to point out the location of the bus turn off on the second sheet of the handout. Mr. Mackey stated that it would not show on the plat because it is on the right-of-way of Richardson Flat Road. He noted that it would be directly behind and to the north of lots five and six on Richardson Flat Road. The route is meant to loop through the existing park and ride lot and then come back to allow for drop off going out and pick up coming back.

Commissioner Joyce asked how the constraints of the CT zone affect the MPD and what was required. Planner Whetstone stated that because it was an annexation, additional restraints beyond the zoning were placed by the Annexation Agreement. The Master Plan Development had to be consistent with the Annexation Agreement. Planner Whetstone noted that the Development Agreement needed to be amended to be consistent with the amended preliminary plat. Planner Whetstone pointed out that conditions have been amended based on timing and events that had already occurred, as well as a change in ownership. The Development Agreement would come to the Planning Commission to be amended, and she believed that would help answer some of their questions.

Mr. White stated that some of the bigger items related to the CT zone was that 70% of the project site had to remain open space. The CT zone had a one to one density maximum. Therefore, the site was 239 acres and the density was capped at 239 total units, which included the 28 units that were transferred from IHC. Frontage protection zones were also addressed with the CT zone. Mr. White pointed out that these and other major issues had to be met as part of being in the CT zone. Planner Whetstone remarked that a lot of visual analysis was done with the MPD.

Commissioner Phillips asked about the plan for construction traffic. He was concerned about safety. Mr. White stated that his question was discussed during the MPD process. He noted that there would be on-site construction recycling to reduce the amount of traffic on the site. Construction trucks would be kept on the site. There is a repository on-site which would eliminate truck traffic from dumping the material off-site. Mr. White acknowledged that there would still be construction traffic once they start building the homes.

Commissioner Phillips suggested that they encourage larger vehicles and deliveries to come through the back route. Mr. Mackey pointed out that the larger trucks delivering gravel, lumber and siding would have to come from that direction.

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 Park City Heights Subdivision, Phase 1 pursuant to the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Park City Heights Subdivision – Phase 1

1. The property is located on Richardson Flat Road east of SR 248 and west of US Highway 40.
2. The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and was zoned Community Transition (CT).
3. On May 11, 2011, the Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units on 239 acres.
4. On June 22, 2011, the Planning Commission reviewed and approved a preliminary subdivision plat as being consistent with the Park City Heights MPD.
5. On November 17, 2011, the City Council approved the original Park City Heights Phase 1 Subdivision Plat.
6. On January 24, 2013 the City Council approved an extension of the Phase 1 plat to allow the applicant additional time to resolve issues regarding historic mine soils.
7. On November 6, 2013, the Planning Commission approved an amended Park City Heights MPD and preliminary plat to address relocation of lots and streets due to mine soils mitigation.

8. On December 28, 2013, the City Planning Department received an application for a revised first phase subdivision plat for the Park City Heights MPD. The application was deemed complete on January 7, 2014 with receipt of additional information.

9. The property is restricted by the Land Management Code, the Park City Heights Annexation Agreement, and the Park City Heights Master Planned Development conditions of approval and Development Agreement, and other applicable codes and regulations.

10. The lots are not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of this plat is within the Park City Soils Ordinance boundary. Off-site utility work may be located within the Park City Soils Ordinance boundary.

11. The proposed subdivision plat creates lots of record for 28 townhouse units "Park Homes" to be constructed for the IHC Master Planned Development as fulfillment of the required affordable housing for the Park City Medical Center. The subdivision plat also includes lots of record for 35 "small lot Park Homes" and 40 lots for a mix of "Cottage homes" and "Homestead homes", a City Park parcel to be dedicated to the City, HOA clubhouse parcel, open space parcels, a future support commercial parcel, and dedication of first phase streets, utility, snow storage, drainage and trail easements.

12. The townhome "Park Home" lots range in area from 1,902 sf to 2,265 sf. The "small lot Park Home" lots range in area from 3,234 sf to 4,788 sf. The "Cottage" and "Homestead" lots of this phase range in area from 4,721 sf to 12,229 sf. These lots are consistent with the Lot and Site Requirements of the Community Transition (CT) zone as conditioned by the Park City Heights MPD and Design Guidelines.

13. No non-conforming conditions are created by the subdivision.

14. An existing 50' wide power line easement for PacifiCorp traverses parcels A, C and D. An additional 10' is being dedicated with this plat for a total width of 60' as requested by PacifiCorp to meet future anticipated utility easement needs.

15. The property is accessed from Richardson Flat Road, a public county road.

16. Access to all lots and parcels within the proposed subdivision is from local public drives and streets. No lots or parcels access directly to Richardson Flat Road. All streets are public streets.

17. The subdivision complies with the Land Management Code regarding final subdivision plats, including CT zoning requirements, general subdivision requirements, and lot and street design standards and requirements.
18. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process as required by the Land Management Code.
19. Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
20. There is good cause for this subdivision plat in that it creates legal lots and parcels of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utilities; provides a parcel to be dedicated as a public park; provides for open space areas within and around the subdivision; dedicates easements and public streets; provides for future support commercial parcel; and provides for future development parcels for affordable housing and market rate units consistent with the approved the Park City Heights Annexation Agreement and amended Master Planned Development.
21. The findings in the Analysis section are incorporated herein

Conclusions of Law – Park City Heights Subdivision – Phase 1

1. The subdivision complies with LMC 15-7.3 as conditioned.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision is consistent with the Park City Heights Annexation and the Park City Heights MPD, as amended and conditioned.
4. The subdivision is consistent with the amended Park City Heights preliminary plat approved by the Planning Commission on November 6, 2013.
5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat, as conditioned herein.

6. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City

Conditions of Approval – Park City Heights Subdivision – Phase 1

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.

2. The applicant will record the subdivision plat at Summit 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 amendment 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. Conditions of approval of the Park City Heights Annexation, as stated in the Annexation Agreement, continue to apply, and shall be noted on the plat.

4. Conditions of approval of the Park City Heights MPD and preliminary plat, as amended and approved by the Planning Commission on November 6, 2013, continue to apply, and shall be noted on the plat.

5. Final approval of the sewer facilities/utility plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.

6. All streets within the subdivision plat shall be dedicated as public streets. Final acceptance of these streets by the City shall occur upon completion and acceptance of the public improvements. The City will commence maintenance and snow removal from public streets once 50% of the units within this phase are complete and certificates of occupancy have been issued. All survey documentation as required by the LMC is required to be completed prior to acceptance of public improvements. This shall be noted on the plat.

7. The City Park parcel (Parcel A) shall be dedicated to the City for a public park upon recordation of the plat. The exact location of trails within the Park and open space parcels will be provided with the City Park design plans to be submitted to the City's Parks Board for review and approval prior to construction of the park and trails.

8. Open Space parcels shall be deed restricted as open space, non-development parcels to be owned and maintained by the Homeowner's Association and shall include blanket utility, drainage, snow storage, and public trails easements, unless

specific easements are provided as required by utilities and service providers. Public trails within the open space parcels shall be constructed in type and location consistent with the MPD site plan and trail plan. Final constructed trails are agreed, by the recording of the plat, to be within ten (10') foot public trail easements.

9. Parcel H, the soil repository shall not be dedicated to the City, and shall be used as a soil repository, subject to all conditions of the Voluntary Clean-up plan approved by the State. The soil repository shall not be utilized for snow storage. Storm water detention areas to the west of the designed repository shall be allowed to be utilized for snow storage as well as for storm water. Parcel H shall be owned and maintained by the HOA and will be subject to all conditions of the Voluntary Clean-up plan.

10. Prior to commencing any work to remediate metals impacted soils, a copy of the Utah Department of Environmental Quality approved remediation plan, prepared as part of the Utah Voluntary Clean-Up Program (VCP), shall be provided to the City.

11. The results and report of the soils investigation work prepared by IHI Environmental on May 6, 2013 that identifies and locates historic mine soils, and the remediation plan submitted to and approved by the State Department of Environmental Quality as part of the Voluntary Cleanup Program, shall be provided to the Building Department prior to issuance of any building permits for development of streets, utilities, lots, trails, parks, and all construction that requires disturbance of soil.

12. The applicants stipulate to a condition that a disclosure regarding the developer's participation in the Voluntary Clean-up Program and receipt of certificate of completion shall be included in the CCRs.

13. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006 Geotechnical Study provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Additional soils studies and geotechnical reports may be required by the City Engineer and Chief Building Official prior to issuance of any building permits for structures, utilities, and roads. The report shall be reviewed by the City Engineer and Chief Building Official and any recommendations for utilization of special construction techniques to mitigate soils issues, such as expansive clays, shall be incorporated into conditions of the building permit and ROW Permit approval. This shall be noted on the plat.

14. A landscape and irrigation plan shall be submitted for City review and approval for each lot, prior to building permit issuance. Landscaping and irrigation shall be consistent with the Park City Heights Design Guidelines and the amended MPD conditions of approval. This shall be noted on the plat.

15. All applicable requirements of the LMC regarding top soil preservation, final grading, and landscaping shall be completed prior to issuance of a certificate of occupancy. This shall be noted on the plat.

16. A storm water run-off and drainage plan shall be submitted with each phase of the project and with the building plans consistent with the MPD conditions of approval and shall be approved by the City Engineer prior to permit issuance. This shall be noted on the plat.

17. Prior to issuance of a building permit for any units within this plat, all building plans shall be reviewed for compliance with the Park City Heights Design Guidelines. All exterior building materials, colors and final design details must comply with the approved Park City Heights Design Guidelines and shall be approved by staff prior to building permit issuance. This shall be noted on the plat.

18. Confirmation of street names shall be provided by the local postmaster and City Engineer prior to plat recordation.

19. A note shall be added to the plat stating that all units (including all deed restricted units) shall be constructed to National Association of Home Builders National Green Building Standards Silver Certification (or other equivalent Green Building certification approved by the Planning Director) OR reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification or LEED rating criteria to be used shall be those applicable at the time of the building permit submittal.

20. In addition to meeting Green Building or LEED for Homes checklists and in order to achieve water conservation goals, each house must either: 1) achieve at a minimum, the Silver performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR 2) achieve a minimum combined 10 points within the 1) Sustainable Sites (SS2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist. Points achieved in these resource conservation categories will count towards the overall score. This shall be noted on the plat.

21. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to issuance of a building permit to provide third party inspection for compliance with Green Building requirements as required by the amended Master Planned Development and Annexation Agreement, and shall be noted on the plat.

22. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and the MPD conditions of approval prior to building permit issuance and noted on the plat.

23. A construction recycling area and excavation materials storage area within the development shall be utilized for this phase as required by the MPD conditions of approval and noted on the plat.

24. A financial guarantee, in a form and amount acceptable to the City and in conformance with the LMC and MPD conditions of approvals, for the value of all public improvements shall be provided to the City prior to building permit issuance for new construction within each phase. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.

25. A final landscaping and irrigation plan for common areas shall be submitted with the final plats for each phase. Entry and perimeter landscaping shall be completed within six (6) months of issuance of the first building permit, weather and ground conditions permitting. Other Project landscaping, shall be completed within nine (9) months of issuance of 50% of building permits or within six (6) months of any individual Certificate of Occupancy. Landscaping materials and irrigation shall comply with the requirements of the Annexation Agreement, including the Water Agreement, and the Park City Heights Design Guidelines.

26. Maintenance of sidewalks (including, without limitation, snow removal), trails, lighting, and landscaping within the rights-of-way and common areas, with the exception of the Public Park and public trails, shall be provided by the HOA, unless otherwise agreed upon by the City Council. Language regarding ownership and maintenance of the open space and common areas shall be included on the plat.

27. Fire protection and emergency access plan shall be submitted prior to the issuance of any building permits and shall be consistent with applicable building and fire codes and shall take into consideration the recommendations of the Fire Protection Report (March 2011). The fire protection and emergency access plan shall include any required fire sprinkler systems and landscaping restrictions within the Wild land interface zones. The plans shall ensure that Park City's ISO rating is not negatively affected by the development.

8. 1450/1460 Park Avenue – Conditional Use Permit
(Application PL-13-01831)

Planner Grahn reported that Planner Astorga was the project architect; however, he was unable to attend this evening and she would be presenting the application.

Chair Worel noted that the Planning Commission had reviewed this item on previous occasions, but she recalled that it was referred to as the Retreat at Park. She asked if the name had been changed. Craig Elliott, representing the applicant, replied that at one point the subdivision plat was referred to as the Retreat at Park, but it was never the official title of the project.

Planner Grahn reviewed the request for a conditional use permit for a multi-unit dwelling. The project proposes one unit in each of the two historic structures at the front of the lot facing Park Avenue, and eight units within the multi-unit dwelling. Six of the units would be sold at or below 80% average medium income (AMI), one unit would be sold at an attainable level, which is 120% AMI, and the other three unit would be sold at market rate.

The Planning Commission reviewed the project during work sessions on May 8th and June 26th, 2013. In September 2013 the Planning Commission and the City Council amended the LMC in the HRM District to accommodate this project with regards to the open space requirement for a multi-unit dwelling, setbacks for historic structures, and the Sullivan Road access in regards to the affordable housing apartments.

The Staff had analyzed the conditional use permit criteria and found compliance with the majority of the criteria.

In terms of parking at the back of the lot, the applicant was proposing six garage parking spaces that would be accessible from Sullivan Road. Two parking spaces would be adjacent to the garages. Two existing parking spaces would remain along Park Avenue. Planner Grahn stated that the Planning Department finds that this area should not be considered a parking area as defined by the LMC, since it is actually six driveways and two parking spaces. She reported that the City Engineer did not agree with the Staff's analysis. Because the City Engineer defines it as a parking area, he finds that it does not comply with the Code in terms of limited access along Sullivan Road and the visual screening between parking areas. Since the City Engineer has not approved any deviations regarding the driveway width, screening or separation between driveways, the Staff requested input from the Planning Commission on whether or not it should be defined as a parking area or whether an alternative scheme should be considered.

Commissioner Joyce stated that given the narrow spaces between the three driveways and the fact that the two on the sides were connected, it was difficult not to see it as a parking lot of eight cars versus three nicely separated driveways. He pointed out that the width restriction between the driveways was already narrower than normal.

Commissioner Gross recalled a discussion in the Staff report about additional curb cuts and he asked where those were proposed.

Craig Elliott stated that they were using the existing curb cuts on Park Avenue for the driveways. Mr. Elliott offered background on the context of the driveways along Sullivan Road. This was discussed at length in March; however, nothing in the Staff report shows it. He explained how it was approached and why they put the parking as three driveways.

Chair Worel asked if this was only property on Sullivan Road that was under the current Code. Planning Manager Sintz answered yes.

Commissioner Gross recalled discussions about utilities subject to Building Department approval and the start of construction, but not to impede pedestrian visibility on both the Sullivan Road side and Park Avenue. Mr. Elliott stated that currently the power on Sullivan Road is fed on overhead poles. There is a pole on the southeast corner of the site. He assumed they would be pulling power from that transformer and the lines would be underground from that point. The rest would depend on the utility providers request for servicing. Mr. Elliott noted that there were many locations along the building faces to place meters. In terms of power, the one he mentioned was the only one he knew for sure was on the property. Everything else would be connecting to the street.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Planner Grahn asked if the Commissioners were interested in discussing other parking schemes.

Chair Worel was concerned that the City Engineer had a different opinion of the parking. She would be more comfortable if the applicant and the City Engineer could work together to find a compromise. Mr. Elliott stated that several months ago he tried to schedule a meeting with the City Engineer, but he had not had time to contact him again or to walk the site with the City Engineer. Mr. Elliott explained why he thought the Planning Department was willing to accept it as driveways. The project is not required to do tandem parking and all of the driveways are single loaded requirements for the parking counts. Commissioner Gross clarified that people could tandem park. Mr. Elliott replied that they could, but it is not required. Mr. Elliott noted that previously their submittal required tandem parking,

which was not allowed in the zone. When that changed the requirement for the parking changed.

Chair Worel reiterated her suggestion that Mr. Elliott meet with the City Engineer to see if a compromise was possible; particularly since he disagrees with Planning Department on the proposed plan. Mr. Elliott was willing to work with the City Engineer.

Planning Manager Sintz suggested adding a condition of approval stating, "Driveway layouts and parking configurations must be approved by the City Engineer prior to Building Permit submittals." The Commissioners were comfortable with the added condition as stated.

Commissioner Joyce stated that since the entire back of the lot was taken up with the driveways and the wing spots, he asked if the project had a solution for trash removal. Mr. Elliott indicated covered storage sections on the south and the north side and bins for recycling and trash would be located in those areas.

MOTION: Commissioner Gross moved to APPROVE the conditional use permit for 1450-1460 Park Avenue in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval outlined in the Staff report and amended to include the condition of approval read by Planning Manager Sintz. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1450/1460 CUP

1. The site is located at 1450 / 1460 Park Avenue.
2. The site is located in the HRM District.
3. The two sites are listed on Park City Historic Sites Inventory as Significant sites.
4. The proposed project consists of ten (10) residential units including eight (8) units within the proposed multi-unit dwelling and one (1) unit in each of the two (2) existing historic structures facing Park Avenue.
5. The proposed multi-unit dwelling is sited behind the two (2) existing historic structures.
6. The proposal requires a conditional use permit (CUP) as the LMC lists a Multi-dwelling Unit as a conditional use in the HRM District.

7. The LMC also indicates that for new construction on sites listed on the Historic Sites Inventory and in order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback upon approval of a CUP.

8. This project is consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites.

9. The Applicant does not alter the Historic Structures to minimize the residential character of the Building.

10. Dedication of a Facade Preservation Easement to assure preservation of the Structure is required.

11. The New Building is scale and compatible with existing Historic Buildings in the site and neighborhood and the larger building mass is located to rear of the historic structure to minimize the perceived mass from Park Avenue.

12. The yards are designed and to be maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged

13. All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent Properties and on pedestrians.

14. The City Engineer shall review and approve all appropriate grading and drainage plans for compliance with the City Standards precedent to building permit issuance.

15. The current plans call for concrete parking areas/driveways.

16. The applicant intends to provide six (6) garage parking spaces at the rear of the property, facing Sullivan Road. An additional two (2) parking spaces are requested adjacent to the driveways leading to the garages. The two (2) existing Park Avenue parking spaces are to remain.

17. The layout towards the rear of the site does not contain a parking area of 5 or more parking spaces due to the fact that as shown below, there are six (6) driveways and two (2) parking spaces.

18. The proposed rear parking layout design intends to have (from north to south) a 7' landscaped area, a 9' parking space, an 18' double driveway, a 7.5' landscape area, an 18' double driveway, a 9' parking space, and a 6' landscaped area.
19. The site contains approximately 1,541 square feet of total hard-surfaced areas. The 425 square feet of interior landscaped areas equates to 27.8% of readily accessible snow storage.
20. The six (6) interior parking spaces measure ten feet (10') by twenty-five (25').
21. The four (4) exterior parking spaces measure nine feet (9') by eighteen feet (18').
22. The applicant shall work with the Building Department towards ADA parking space width requirements.
23. The existing parking layout requires that two (2) vehicles back up onto Park Avenue. The applicant requests to keep these two (2) parking spaces.
24. The proposed parking layout towards the rear of the site has access to Sullivan Road which then takes the vehicles to either Park Avenue or Deer Valley Drive. Sullivan Road is not considered by the City, including the City Engineer a public street. It's considered an internal road for City Park and also an area to accommodate parking for the park. The Sullivan Road City Park parking is also designed to back onto Sullivan Road.
25. Along Sullivan Road the three (3) driveway widths range from 18' to 27'.
26. The applicant does not request to provide five or more parking spaces. As they designed the parking off Sullivan Road to have six (6) garages and two (2) parking spaces next to the driveways leading to the garages.
27. The LMC requires a minimum of ten (10) parking spaces.
28. The applicant does not request a parking reduction.
29. New construction of Multi-Unit Dwellings must provide at least three (3) bicycle Parking Spaces or ten percent (10%) of the required off-Street Parking Spaces, whichever is greater, for the temporary storage of bicycles.
30. Staff recommends that the applicant provides at least three (3) bicycle parking

spaces.

31. The existing site is 18,294.438 square feet (0.42 acres). The proposal consists of ten (10) units, including the two (2) historic structures, which require a minimum lot area of 11,625 square feet.

32. The existing site is located on Park Avenue, which is a major residential collector street. The site is immediately surrounded by multi-family dwellings.

33. To lessen traffic congestion along Park Avenue, the applicants have chosen to locate most of the parking at the rear of the lot along Sullivan Road.

34. The applicant will have to accommodate the necessary utility capacity for a functioning project. The applicant is responsible for making these necessary arrangements. The applicant shall also be accountable for working with the many utility companies and City Engineer related to utility capacity. The utility capacity shall not adversely affect the project in a way that causes an unreasonable aesthetic look and feel.

35. Emergency vehicles can easily access the project off Park Avenue and/or Sullivan Road and no additional access is required.

36. The applicant requests that most of the direct access to the site come from Sullivan Road. There are two (2) existing parking spaces off Park Avenue that the applicant requests to keep on site.

37. The landscape plan calls for four (4) trees along each landscaping area adjacent to Sullivan Road which helps breaking up the three (3) driveways on this Road. Staff recommends that these four (4) trees to have a four inch (4") diameter breast height (DBH) caliper.

38. No signs and lighting are associated with this proposal. All future lighting will be subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC and Design Guidelines at the time of the building permit review. Any existing exterior lighting will be required, as part of this application, to be brought up to current standards.

39. The proposed use does not provide noise, vibration, odors, steam, or other mechanical factors that are not already associated within the HRM District.

40. Trash storage and recycling pick areas have been identified within the two (2)

hallways extending from the courtyards toward the parking area off Sullivan Road.

41. Expected ownership of the entire project is anticipated as a single entity (the Green Park Cohousing LLC) until the applicant files a Condominium Record of Survey to be able to sell each private unit individually.

42. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance. The site is not on any steep slopes and the proposal is appropriate for its topography.

43. The Front Yard for any Multi-Unit Dwelling is twenty (20') feet.

44. All new Front-Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line.

45. The proposed front yard setback off Park Avenue is twenty feet (20').

46. The proposed front yard setback off Sullivan Road is twenty feet for the lower and garage level. The proposed front yard setback off Sullivan Road is fourteen feet (14') for the building at the second and third levels.

47. In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback location standards for additions to Historic Buildings and new construction on sites listed on the Historic Sites Inventory:

- a) The project complies with the CUP criteria outlined as indicated on section III of this staff report.
- b) The mass and scale of the new multi-unit dwelling reflects the smaller proportions of the massing seen on the two (2) historic structures, and much of the bulk has been mitigated by further separating the historic structures from the new development. The proposed use of materials on the new structure as well as the human scale of the window and door openings mimic those of the historic structures and create a more cohesive design.
- c) The proposed building complies with all other provisions of LMC Chapter 15-2.4 HRM District.
- d) The project shall comply with applicable International Building and Fire Codes.

48. The Side Yard for any Multi-Unit Dwelling is ten feet (10').

49. The proposed multi-unit dwelling meets the minimum side yard setbacks of ten feet (10').

50. In cases of redevelopment of existing historic sites on the Historic Sites Inventory and containing fifty percent (50%) deed restricted affordable housing, the minimum open space requirement shall be thirty percent (30%).

51. The site consists of 52.9% open space.

52. The applicant will have a minimum of six (6) units being sold at or below affordable levels (80% of AMI). At least one (1) unit will be sold at an attainable level (120% of AMI).

53. The applicant has shown positive elements furthering reasonable planning objectives in terms of the required affordable housing.

54. Green Park Cohousing development satisfies a crucial need in the community—affordable housing.

55. The analysis section of this Staff Report is incorporated herein.

Conclusions of Law – 1450/1460 Park Avenue CUP

Conclusion of Law:

1. The proposed application as conditioned complies with all requirements of the Land Management Code.

2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.

3. The use as conditioned is consistent with the Park City General, as amended.

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

Conditions of Approval 1450/1460 Park Avenue CUP

1. All standard conditions of approval shall continue to apply.

2. The Dedication of a Façade Preservation Easement for the two (2) existing historic structures shall be filed with the City to assure preservation of both of the aforementioned historic structures prior to Certificate of Occupancy.
3. The City Engineer shall review and approve all appropriate grading and drainage plans for compliance with the City Standards precedent to building permit issuance. Grading and drainage shall comply with LMC § 15-3-3(A). The site may be able to take water out to Park Avenue storm drain or it may be accommodated on site.
4. The applicant shall work with the Building Department towards ADA parking space width requirements.
5. The site shall provide at least three (3) bicycle Parking Spaces for the temporary storage of bicycles.
6. The applicant shall accommodate the necessary utility capacity for a functioning project. The applicant is responsible for making these necessary arrangements. The applicant shall also be accountable for working with the many utility companies and City Engineer related to utility capacity. The utility capacity shall not adversely affect the project in a way that causes an unreasonable aesthetic look and feel.
7. The landscape plan calls for four (4) trees along each landscaping area adjacent to Sullivan Road which helps breaking up the three (3) driveways on this Road. Staff recommends that these four (4) trees to have a four inch (4") diameter breast height (DBH) caliper.
8. The setback reduction shall be reduced for the current proposal. Future expansions are not anticipated as part of this review and any future additions expanding onto the minimum setback shall be reviewed by the Planning Commission as a conditional use.
9. The proposed addition shall comply with all other provisions outlined in LMC Chapter 2.4 HRM.
10. The proposed addition shall comply with all application International Building and Fire Codes.
11. Driveway layouts and parking configurations must be approved by the City Engineer prior to Building Permit submittals.

**9. 1450/1460 Park Avenue – Plat Amendment
(Application PL-13-02034)**

Planner Grahn reported that the applicant was proposing to combine lots 1 and 2 of the Retreat at the Park subdivision to accommodate the co-housing project that was discussed in the previous item. The requirement for a lot size for ten units is 11,625 square feet. The lot combination would result in 18,285 square feet. The applicant needed the conditional use permit, which was just approved, and the Planning Commission was being asked to forward a positive recommendation for approval of the plat amendment. If the plat amendment is approved, the project would go through the HDDR process for plan approval before pulling a building permit.

Chair Worel opened the public hearing.

There were no comments.

Chair Wore closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 1450/1460 Park Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1450/1460 Park Avenue Plat Amendment

1. The property is located at 1450 / 1460 Park Avenue.
2. The property is located in the HRM District.
3. The proposed plat amendment creates one (1) lot of record from the two (2) platted existing lots of record consisting of the two (2) lots of The Retreat at the Park Subdivision re-platted and recorded in 2007.
4. Developments consisting of more than four (4) Dwelling Units require a Lot Area at least equal to 5,625 square feet plus an additional 1,000 square feet per each additional Dwelling Unit over four (4) units.

5. The proposal consists of ten (10) units which would require the minimum lot area to be 11,625 square feet.
6. The proposed Plat Amendment combines the two (2) platted lots of record into one (1) lot totaling 18,294.43 square feet.
7. The LMC requires minimum width of a Lot in the HRM to be 37.5 feet, measured fifteen feet (15') from the Front Lot Line.
8. The proposed lot width along Park Avenue is approximately 109 feet.
9. The proposed lot width along Sullivan Road is approximately 101 feet.
10. The depth of the property varies from 172.1 feet along the north property line and 176.6 feet along the south property line.
11. No remnant parcels of land are created with this plat amendment.
12. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 1450/1460 Park Avenue Plat Amendment

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 – 1450/1460 Park Avenue Plat Amendment

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. If recordation has not occurred within one year's time, this approval for the plat will

be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. 10 foot side public snow storage along Park Avenue and Sullivan Road

The Park City Planning Commission meeting adjourned at 7:10 p.m.

Approved by Planning Commission: _____