

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JANUARY 8, 2014

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

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

=====

The Planning Commission met in work session prior to the regular meeting. The work session discussion can be found in the Work Session Minutes dated January 8, 2014.

NOTE: Due to recording problems the minutes of the regular meeting were prepared from notes.

REGULAR MEETING

**ROLL CALL**

Chair Worel called the meeting to order at 6:35 p.m. and noted that all Commissioners were present except for Commissioners Strachan who was excused.

**ADOPTION OF MINUTES**

December 11, 2013

MOTION: Commissioner Gross moved to APPROVE the minutes of December 11, 2013 as written. Chair Worel seconded the motion.

VOTE: The motion passed unanimously.

**PUBLIC INPUT**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Director Eddington welcomed the new Planning Commissioners, John Phillips, Steve Joyce and Preston Campbell. He also introduced Christy Alexander, John Boehm and Ryan Wassum as the newest planners in the Planning Department.

Planner Astorga announced that Patricia Abdullah was leaving the Planning Department to take a position with the Building Department.

Commissioner Gross requested that the Staff update the Planning Commission Roster on the website to reflect the new Commissioners.

Commissioner Phillips disclosed that he has a contractual relationship at Empire Pass and he would be recusing himself from the Belles at Empire Pass item on the regular agenda.

Director Eddington announced that the Planning Commission would hold special meetings to discuss the General Plan on January 15<sup>th</sup> and January 22<sup>nd</sup>. Since there were five Wednesdays in January, the next regularly scheduled Planning Commission meeting would be January 29<sup>th</sup>.

Chair Worel requested that the Staff add the special General Plan meetings to the calendar on the website to inform the public that the Planning Commission would be discussing the General Plan on those evenings.

**CONTINUATIONS – Public Hearing and Continuation to date specified.**

1. 115 Sampson Avenue – Plat Amendment  
(Application PL-13-02035)

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

MOTION: Commissioner Gross moved to CONTINUE 115 Sampson Avenue – plat amendment, to January 29, 2014. Steve Joyce seconded the motion.

VOTE: The motion passed unanimously.

2. 1450/1460 Park Avenue – Conditional Use Permit for setback reduction on a multi-unit historic dwelling (Application PL-13-01831)

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

MOTION: Commissioner Gross moved to CONTINUE 1450/1460 Park Avenue CUP to January 29, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

3. The Retreat at the Park First Amended Plat, located at 1450 & 1460 Park Avenue – Plat Amendment (Application PL-13-01830)

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

MOTION: Commissioner Gross moved to CONTINUE The Retreat at the Park at 1450 & 1460 Park Avenue to January 29, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

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

1. 530 Main Street, River Horse – Conditional Use Permit for a seasonal ten  
(Application #PL-13-02066)

The applicant requested that this item be continued to a date uncertain.

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

MOTION: Commissioner Gross moved to CONTINUE 530 Main Street, River Horse, to a date uncertain. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

2. The Fifth Supplemental Plat for Constructed Units at the Belles at Empire Pass Condominiums amending Units 10 & 11, located at 20 & 26 Silver Strike Trail – Amendment to Record of Survey (Application PL-13-02096)

Commissioner Phillips recused himself and left the room.

Planner Astorga reviewed the application to plat as-built conditions of constructed Units 10 and 11, two separate single family dwellings, and to identify common, limited common and private areas for these units as stipulated by the underlying Silver Strike Subdivision plat and the Amended, Consolidated and Restated Condominium plat of the Belles at Empire Pass condominium plat. A condition of approval of this underlying condominium plat requires that upon completion of the condominium units, a supplemental condominium plat identifying as-built conditions shall be approved by the City Council and recorded as a precedent to issuance of a final certificate of occupancy.

The Staff analysis was outlined in the Staff report. The request for a Fifth Supplemental plat for constructed units at the Belles at Empire Pass amends Units 10 and 11 and documents the final as-built conditions of these constructed units in accordance with the Utah Condominium Act. The zoning district is Residential Development (RD-MPD), and is subject to the Village at Empire Pass MPD. A total of 90,000 square feet, or 45 UE's, was approved for the Belles at Empire Pass, formerly known as the Christopher Homes at Empire Pass Condominiums. Within the Flagstaff Development Agreement, one residential unit equivalent equals 2,000 square feet of Gross Floor Area, including the basement area. Units 10 and 11 both meet the maximum house size required in both gross floor area and unit equivalent calculation.

The Staff found good cause for this record of survey amendment as it memorializes and documents as-built conditions and UE calculations. Units 10 and 11 comply with the conditions of approval of the underlying plats, namely the Silver Strike Subdivision plat and the Amended, Consolidated and Restated Condominium plat of the Belles at Empire Pass. The units are consistent with the development pattern envisions in the Village at Empire Pass MPD and the 14 Technical Reports.

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

Steve Schuler with Alliance Engineers was available to answer questions on behalf of the applicant.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Gross moved to forward a POSITIVE recommendation to the City Council for the Fifth Supplemental Plat for Constructed Units for the Belles at Empire Pass Condominium plat amending Units 10 and 11. Steve Joyce seconded the motion.

VOTE: The motion passed. John Phillips was recused.

#### Findings of Fact – Units 10 and 11 - Belles at Empire Pass

1. The property, Units 10 and 11 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, are located at 20 & 26 Silver Strike Trail.
2. The property is located on Lot 1 of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.
3. The property is located within the RD –MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village of Empire Pass MPD.
4. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
5. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 17 PUD –style detached single family homes and duplexes.
6. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Units 10 and 11 are located on Lot 1 of the Silver Strike Subdivision.
7. March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass. Also on March 24, 2011, the City Council approved the First Supplemental Plat for

Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.

8. On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012.

9. On May 9, 2013, the City Council approved the Third Supplemental Plat for Constructed Unit 4 and the Fourth Supplemental Plat for Constructed Unit 5 and 6.

10. On November 11, 2013, the Planning Department received a complete application for the Fifth Supplemental Plat for Constructed Units 10 and 11.

11. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for constructed Units 10 and 11 at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.

12. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. The plat is consistent with the development pattern envisioned by the Village at Empire Pass MPD and the 14 Technical Reports of the MPD and the Flagstaff Development Agreement.

13. Units 10 and 11 are located on Lot 1 of the Silver Strike subdivision plat.

14. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 10 contains 4,993.5 sf Gross Floor Area and Unit 11 contains 4,993.5 sf Gross Floor Area.

15. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for all Belles units, in addition to the maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable on this plat." Within the Flagstaff Development Agreement one residential unit equivalent equals 2,000 sf.

16. Unit 10 contains a total of 5,745.5 square feet and utilizes 2.887 UE. Unit 11 contains a total of 5,754.5 square feet and utilizes 2.887 UE. The total UE for Units 1, 2, 4, 5, 6, 9, 10, 11 and 12 is 24.321 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.

17. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.

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

#### Conclusions of Law – Units 10 and 11- Belles at Empire Pass

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Units 10 & 11.
2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed supplemental plat.
4. Approval of the supplemental plat, subject to the conditions of approval stated below, will not adversely affect the health, safety and welfare of the citizens of Park City.

#### Conditions of Approval – Units 10 and 11 – Belles at Empire Pass

1. The City Attorney and City Engineer will review and approve the final form of the supplemental plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at Summit County within one (1) year from the date of City Council approval. If recordation has not occurred within the one year timeframe, this approval will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated,

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

4. As a condition precedent to issuance of a final certificate of occupancy for Units 10 & 11, the supplemental plat shall be recorded at Summit County.

5. A note shall be added to the plat prior to recordation stating the following, "At the time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards".

6. The Unit sizes and UEs shall be reflected on the plat as they are to reflect the actual size and UE of the Units.

Commissioner Phillips re-entered the room.

**3. 534 Woodside Avenue – Steep Slope Conditional Use Permit  
(Application PL-13-01904)**

This item was scheduled for the December 11, 2013 meeting; however, due to the length of the meeting and late hour, the Planning Commission continued the item to this meeting.

Planner Kirsten Whetstone reviewed the request for a Steep Slope Conditional Use Permit (CUP) for an addition to a "significant" historic house located on a platted 3,750 sf lot. The existing two-story house contains 1,658 sf of living area. The existing footprint is 1,072 sf. The proposed addition has a footprint of 280 sf and contains approximately 815 sf of floor area, including the basement areas. Also proposed is a 433 sf single car garage beneath the historic house with an elevator/entry foyer at the garage level connecting the garage to an outside entry. The proposal includes preservation and restoration of both the historic house and historic detached accessory structure located in the rear lot area.

Since the construction exceeds 1,000 square feet of floor area, including the garage and access to the garage, as well as construction on a slope of 30% slope or greater, a Steep Slope CUP is required to ensure compliance with the criteria for development on a steep slope prior to issuance of a building permit. It was noted that only the garage access is located on a slope of 30% or greater. The rear addition was reduced in size and is no longer located on a slope of 30% or greater. The current design increases the separation between the addition and the accessory structure and maintains the current



configuration of staircases, with a historically compatible staircase connecting a lower entry to the street and maintains the landscaping on the north side. The previously proposed design had a series of retaining walls and planters on the north side of the front yard. These were removed from the current design.

The new design includes a pitched roof over a portion of the rear addition, as well as a flat roof section that provides a transition between the historic house, the addition and the detached accessory structure. The applicant had submitted a revised comparison of historic houses in the neighborhood, shown as Exhibit G in the Staff Report. With the reduced addition the overall square footage is less than the average size of historic structures in the neighborhood. The current proposal includes preservation and restoration of the historically significant structures. The house will continue to be a single-family dwelling with a detached storage building in the rear. The existing accessory apartment will be removed.

The Staff analysis, included in the Staff report, found compliance with the Steep Slope Criteria and no unmitigated impacts.

The Staff recommended that the Planning Commission review the application for a Steep Slope Conditional Use Permit at 543 Woodside Avenue, conduct a public hearing and approve the Steep Slope CUP permit per the findings of fact, conclusions of law, and conditions of approval outlined in the Staff report.

Jonathan DeGray, the project architect, reviewed the changes from the previous application. Mr. DeGray stated that at the last meeting the feedback from the Planning Commission was that the structure was too large. Since then, the addition has been reduced in size in terms of the footprint and the floor area. The size was reduced by over 1,000 square feet and the addition was moved off the steep slope. In comparison with historic structures in the neighborhood, the project with the addition is less than the average size. He noted that an HDDR was done on the project and it was approved.

Steve Maxwell, the owner, commented on the lengthy process. In five years of owning the home, he has been through three different designs. Mr. Maxwell stated that he has complied with everything he was asked to do and he believed the result was a better project. He requested that the Planning Commission approve his project this evening.

Chair Worel expressed concern with the amount of excavation for two stories below grade. Mr. DeGray stated that the entire footprint would not be excavated for a full basement. Excavating would be limited for the basement but they would be digging into the hill at the rear for the garage and access. Chair Worel asked if there was enough flat

space to raise the house while the foundation is poured. Mr. DeGray explained that they would be removing the historic shed to accommodate raising the house. The shed would then be replaced by replication per the preservation plan approved with the HDDR.

Chair Worel opened the public hearing.

Liz Lieberman, a full-time neighbor, spoke in favor of the project and supported the design. She and her husband were excited that the owner wanted to restore the historic house and improve the neighborhood.

Chair Worel closed the public hearing.

Planner Whetstone handed out a corrected Staff report. The date of the Staff report was corrected to January 8, 2014, and the approval expiration date in Condition #10 was corrected changed to January 8, 2015. Planner Whetstone noted that the Planning Commission could approve the Steep Slope CUP, deny the Steep Slope CUP or continue the item to January 29, 2014.

Commissioner Gross asked if the shed would remain historic once it is removed. Mr. DeGray replied that they would salvage as much historic material as possible and the shed would be replicated and would maintain its significant historic structure status, per the HDDR approval.

Commissioner Phillips favored the design and thought it fit well with the historic house and character of the neighborhood. He asked if the owner intended to keep the tree. Mr. Maxwell answered yes, however if it wasn't possible to save the box elder trees in the front they would be replaced with equally nice trees on which to string his somewhat noteworthy seasonal light display.

**MOTION:** Commissioner Gross moved to APPROVE the Steep Slope CUP for 534 Woodside Avenue. Commissioner Phillips seconded the motion.

**VOTE:** The motion passed unanimously.

Findings of Fact – 543 Woodside Avenue

1. The property is located at 543 Woodside Avenue.
2. The property is located within the Historic Residential (HR-1) District.

3. The existing historic home was constructed on two "old town" lots.
4. The property is Lot 1 of the 543 Woodside Avenue Plat amendment, approved by the City Council and recorded at Summit County on March 28, 2013.
5. The property is an uphill lot that slopes westward towards Park City Mountain Resort ski trails.
6. The Lot contains 3,750 square feet. The minimum lot size in the HR-1 District is 1,875 square feet.
7. The lot width is fifty feet (50'). The minimum lot width is twenty-five feet (25') for a single family house. Access is from Woodside Avenue.
8. There is a 1,658 sf, two-story historic house located on the property. The historic house is an example of an original L-Cottage/cross wing structure with an in-period partial basement addition as well as a detached historic accessory structure in the rear yard, currently used as an accessory apartment.
9. The site and house are identified in the Park City Historic Sites Inventory (HSI) as "Significant" constructed in 1894 at the beginning of the Mature Mining Era. The house shows up on the 1901 Sanborn Fire Insurance Maps for that year.
10. The existing footprint is 1,072 sf. The proposed addition has a footprint of 280 sf and contains approximately 815 sf of floor area. Also proposed is a 433 sf single car garage beneath the historic house with an elevator/entry foyer at the garage level connecting the garage to an outside entry.
11. The existing historic structure complies with the required setbacks, footprint, and building height.
12. Proposed construction for the rear addition meets and/or exceeds minimum setbacks.
13. The LMC allows a building footprint of 1,519 sf for a lot of this size. The proposed building footprint is 1,352 square feet with the rear addition.
14. Building footprint of the accessory structure is not included because it has been determined to be an historic accessory structure and the structure is not an accessory dwelling unit.
15. The plans indicate no change in final grade around the perimeter of the house exceeds four (4') feet with the change in grade generally limited to one to two feet.
16. The current use of the property is residential and is used as a rental/nightly rental property with a detached accessory apartment. The detached accessory structure will be used as an entertainment room and ski prep/storage area and the accessory apartment will be removed and a deed restriction placed on the property that the accessory structure may not be used for a separate dwelling unit or accessory apartment.
17. The proposal also includes restoration of both the house and the accessory

- structure.
18. The HDDR was approved to maintain the current stair configuration with new stairs leading from the street to the lower level entry, because it maintains the current configuration and retains the historic character of a main staircase connecting the entry to the street.
  19. The addition will not raise the home by more than two (2) feet from its original elevation, the basement addition is under the south portion of the house and will not extend beyond the wall plans of the historic structure's primary or secondary façade, only the garage door of the basement level will be visible from Woodside Avenue, window and egress wells will be located beyond the mid-point of the secondary façade, the area around the basement will be re-graded to match the existing conditions, minus the driveway and garage door areas, and a single-wide garage door not more than nine feet (9') tall and nine feet (9') wide will be used.
  20. On May 29, 2013, the property was inspected by Historic Preservation Consultant Dina Blaes along with other members of the Planning Staff, Chief Building Official Chad Root, and other members of the Building Department.
  21. The Chief Building Official determined that the detached accessory building is a hazardous or dangerous building and the building cannot be made safe and/or serviceable through repair.
  22. On August 20, 2013, the Planning Director and Building Official made findings for, and approved the reconstruction of the existing accessory which will allow the applicant to reconstruct the aforementioned structure to the exact square footage, dimension, height and location as the original accessory structure.
  23. The requested reconstruction of the accessory structure is guided by documentation and physical evidence as provided by Shen Engineers on March 7, 2012, in order to facilitate an accurate re-creation.
  24. The landscape plan identifies existing vegetation and identifies proposed vegetation to mitigate for the necessary removal of existing vegetation to excavate the basement and provide a solid foundation for the historic house.
  25. The applicant will raise and possibly temporarily re-locate the historic house to the hill behind it, beyond the accessory structure. The existing partial basement foundation will be demolished, and the rock will be harvested, categorized, and remain on site to be used in the reconstruction of the 2<sup>nd</sup> story level of the home. The foundation is in poor condition and appears to be failing. A false, smooth faced CMU wall added in front of the rock to enclose a patio area that once existed below the top story deck will be removed and discarded, as this portion of the home is not historic. A new basement level foundation will be installed, which will include the second story partial basement. The stone removed from the original foundation will be used to veneer this section of the home. Some of the stone was painted, and the paint will be removed prior to being replaced back

- onto the home.
26. On September 18, 2012, the Board of Adjustment granted a variance to the 10' horizontal stepping requirement for the third story, as this application was submitted prior to the LMC amendment that renders historic structures with this configuration as non-complying and does not require the third story step.
  27. All final heights will be verified at the time of the Building Permit application.
  28. The proposed garage door will not exceed 9' wide by 9' in height. The proposed driveway will not exceed 12' in width.
  29. Only the garage access is located on a slope of 30% or greater as the rear addition has been reduced in size from the initial submittal and is no longer located on a slope of 30% or greater. The proposed addition is not located on a slope of 30% or greater.
  30. Changes to the existing grading and landscaping are documented on the preliminary landscape plan. The change in grade from existing to final does not exceed 48", the allowed change. A final grading and landscape plan, consistent with the preliminary plat, will be submitted with the building permit application.
  31. On May 1, 2013, a HDDR application was submitted to the Planning Department. The application was deemed complete on June 17, 2013 and the design was approved on August 20, 2013. The proposed addition was found to complement the historic structure and follow the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, alignment, and simplicity of architectural detailing.
  32. The proposed addition is both horizontally and vertically articulated and broken into compatible massing components with a pitched roof over a portion and a flat roof element providing a transition between the main structure and the accessory structure. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of existing structures. The design minimizes the visual mass and mitigates the differences in scale between the proposed addition and existing historic structures in the neighborhood as viewed from the public streets. The building volume is not maxed out in terms of footprint or potential floor area and much of the building volume of the rear addition is located below final grade. The garage door is recessed behind the front façade.
  33. The proposed structure will not be viewed from the key advantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view.

34. The applicant submitted a visual analysis/ perspective, cross canyon view and a streetscape. The design mitigates visual impacts of the cross canyon view in that the addition is located to the rear of the two story historic house, nearly sixty feet (60') from the edge of Woodside Avenue and the garage is set below the grade of the street and the single car door is recessed from the front façade.
35. The addition and garage location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography. Grade around the historic structure will be maintained as it was historically, with the exception of changes necessary to accommodate the garage door and basement/foundation area to meet Code.
36. The design includes setback variations, increased setbacks, decreased maximum building footprint, and lower building heights as compared to the requirements of the LMC in order to maximize the opportunity for open area and natural vegetation to remain.
37. The proposed massing and architectural design of the addition are compatible with the massing and volume of the historic house and historic structures in the neighborhood. The existing house is a larger two story house, with a façade width of thirty-five feet and a height of twenty-six feet. The house was originally constructed on two standard "old town" lots and contains 1,658 square feet of living area.
38. With the exception of the garage door the addition is located to the rear of the historic structure and is not visible from Woodside Avenue due to the height of the existing historic house and the location and height of adjacent buildings.
39. No wall effect is created with adjacent structures due to the location of the addition to the rear of the historic house (thirty feet behind the front façade and nearly sixty feet (60') from the edge of the street).
40. The height of the addition measures 20.5 feet above existing grade at the highest point. The flat roof portion measures approximately 15' from existing grade.
41. The findings in the Analysis section of this report are incorporated herein.
42. The applicant stipulates to the conditions of approval.

#### Conclusions of Law – 543 Woodside Avenue

1. The Steep Slope CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B), criteria for Steep Slope CUP.
2. The Steep Slope CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

5. The proposed construction will not create any non-compliance issues with the HR-1 requirements.

Conditions of Approval – 543 Woodside Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan (CMP) is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting the historic house on the property and a preservation guarantee is required with the amount of the guarantee to be determined by the Chief Building Official upon review of the approved preservation plan.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final Landscape Plan shall be submitted to the City for review and approval by the City Planning Department, prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation of trees and shrubs. Lawn area shall be limited in area per the LMC Section 15-5-5 (M). All significant trees to be removed shall be replaced with the same or similar species and size of tree. Replacement of larger trees to be removed may be substituted with additional trees, the size and species of which will be determined by the City Forester during review of the building permit application.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Steep Slope Conditional Use Permit, the August 20, 2013, Historic District Design Review, and the 2009 Design Guidelines for Historic Districts and Historic Sites.
7. All conditions of approval of the 543 Woodside Avenue Subdivision plat apply. The encroachment agreement for existing retaining walls in the Woodside ROW was recorded prior to plat recordation, residential fire sprinklers are required, and the plat was recorded before it expired.
8. If required by the Chief Building Official, based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared,

stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure on the lot.

9. Soil shall be tested and if required, a soil remediation plan shall be approved by the City prior to issuance of a building permit for the house.
10. This approval will expire on January 8, 2015 if a building permit application has not been issued before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director, upon required public notice.
11. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and with the final HDDR plans.
12. Modified 13-D residential fire sprinklers are required for all new construction on this lot, unless otherwise stipulated by the Chief Building Official.
13. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited.
14. The final preservation plan shall be approved by the City Planning Director and Chief Building Official prior to issuance of a building permit.
15. A preservation guarantee shall be calculated by the Chief Building Official and all paper work and documentation regarding the preservation guarantee shall be executed and recorded at Summit County recorder's office prior to issuance of any building permits for construction on this property.
16. Construction waste shall be diverted from the landfill and recycled when possible.
17. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend in with the surrounding natural terrain.
18. An encroachment agreement with the City is required prior to issuance of a building permit, for any new retaining walls and landscaping proposed within the Woodside Avenue ROW.
19. A deed restriction shall be recorded against the property prior to issuance of a building permit stating that the detached accessory structure may not be used as a separate dwelling unit or apartment and the detached accessory structure may not be attached to the main house.

**4. 820 Park Avenue – Conditional Use Permit for mixed-use commercial development (Application PL-13-01956)**

Planner Grahn reported that the applicant, represented by Rory Murphy, was proposing to develop the site at 820 Park Avenue. The property contains the Significant historic structure known as the Rio Grande Building. On November 13, 2013 the Historic



Preservation Board granted an appeal to allow the historic structure to be relocated to the northwest corner of the site at 9<sup>th</sup> and Park Avenue and to be a prominent feature of the property. The applicant was also proposing to construct a three-story mixed-use building on the remainder of the site. The first floor would be primarily reserved for commercial-retail uses and the upper stories would be residential condominiums.

The applicant was requesting a conditional use permit for use of the proposed building for multi-unit dwellings, commercial and retail space, neighborhood convenience commercial, a restaurant and café, outdoor dining and a parking area or structure with five or more spaces.

The Staff recommended that the Planning Commission review the proposed conditional use permit application for the mixed-use commercial and residential development at 820 Park Avenue and conduct a public hearing. No action was being requested this evening. The Staff's analysis was outlined on page 217 of the Staff report. The Staff requested discussion on traffic and off-street parking.

The applicant was proposing to provide 42 underground parking spaces. The applicant had not yet leased the 3,100 square feet of storefront space. The space may be leased to a single retail and service or restaurant tenant, or the space may be further subdivided into multiple tenants. The Staff had analyzed three scenarios identified as Alternatives A, B and C on page 218 of the Staff report. Alternative A – should the space be leased to a single commercial retail and service tenant, the applicant would be required to provide 23 parking spaces. The proposal already exceeds that amount by proposing 42 underground parking spaces. Alternative B – should the space be leased to a restaurant tenant, the applicant would be required to provide 44 parking spaces. Therefore, the 42 underground parking spaces proposed would not meet the LMC requirements and the applicant would have to request a parking reduction of 18 spaces. Alternative C – the Planning Commission could approve a mixed-use parking requirement similar to that permitted by LMC 15-2.6-9(B) in the HCB District, which requires non-residential uses to provide parking at a rate of 6 spacer per 1,000 square feet of building area. In this scenario, the applicant would be required to provide 32 spaces.

Rory Murphy, the applicant, reviewed the proposed project. He noted that the multi-unit dwelling, the neighborhood convenience commercial, restaurant, outdoor dining and parking complies with the zone requirements. The proposed development would share a party-wall with the Town Lift Condominiums to the south. The applicant has met with the Chief Building Official and the City Attorney to enter into a party wall agreement with the Town Lift Plaza. An easement has been worked out with the Sweeneys. The

proposed project fits with the surrounding uses in the area. There would be no nightclub use to avoid impacting the quality of life for the neighbors. Mr. Murphy believed the project complies with the letter and spirit of the LMC.

Commissioner Joyce understood that only 13 spaces were reserved for the residents. Mr. Murphy replied that this was correct.

Chair Worel asked if there could never be a restaurant if Alternative A or C were approved. Mr. Murphy answered yes.

Chair Worel opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, needed to go through her notes to see how the General Plan relates to a convenience store in the zone.

Mike Sweeney was highly supportive of the project, believing that it was the most exciting thing that has happened in that area of town for a long time. The proposal is well planned and well thought out and it enhances the area. Mr. Sweeney stated that parking is typically not a problem.

Chair Worel closed the public hearing.

Commissioner Gross noted that the parking would meet Code if the restaurant was limited to 2500 square feet. He asked if there were any restriction limiting real estate offices on Park Avenue. Planner Grahn stated that office use was not permitted at the street level. Commissioner Gross asked if the Rocky Mountain Power park was open space. Mr. Murphy answered yes. Commissioner Gross asked if the parking would be fee-based or open for commercial. Mr. Murphy replied that it would be open for commercial.

Chair Worel asked if the elevator would only go up to the residential section. The project architect explained that in order to be handicap accessible, the elevator would access all floors and not be restricted to the residential units.

Chair Worel looked forward to seeing the traffic study.

**MOTION:** Commissioner Gross moved to CONTINUE the conditional use permit for 820 Park Avenue to February 12, 2014. Commissioner Joyce seconded the motion.

**VOTE:** The motion passed unanimously.

Planning Commission Meeting  
January 8, 2014  
Page 19

The Park City Planning Commission meeting adjourned at 8:00 p.m.

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