



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF January 14, 2015

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

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

312 & 314 Upper Norfolk Avenue – Condominium Record of Survey Plat <i>Public hearing and possible recommendation to City Council on March 5, 2015</i>	PL-14-02287 <i>Planner Whetstone</i>	29
930 Empire Avenue –Plat Amendment to combine one and a half lots into a single lot of record <i>Public hearing and possible recommendation to City Council on March 5, 2015</i>	PL-14-02604 <i>Planner Grahm</i>	61
955 & 347 Ontario Avenue – An ordinance considering the Ontario Three Subdivision Plat Amendment <i>Public hearing and possible recommendation to City Council on March 5, 2015</i>	PL-14-02542 <i>Planner Astorga</i>	75
74 & 80 Daly Avenue – 74 & 80 Daly Avenue Subdivision – Plat Amendment <i>Public hearing possible recommendation to City Council on March 5, 2015</i>	PL-14-02449 <i>Planner Alexander</i>	93
98 Hidden Splendor Court – 9 Hidden Splendor Re-Plat – Plat Amendment to combine four lots into a single lot of record <i>Public hearing and possible recommendation to City Council on March 5, 2015</i>	PL-15-00000 <i>Planner Boehm</i>	151

ADJOURN

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

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

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JANUARY 14, 2015

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Melissa Band, Steve Joyce, John Phillips, Adam Strachan, Doug Thimm

EX OFFICIO:

Planning Director Thomas Eddington, Kirsten Whetstone Planner; Francisco Astorga, 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 Commissioner Campbell who was excused.

ADOPTION OF MINUTES

September 16, 2014

Commissioner Band referred to page 19 of the Staff report, first line of the first paragraph and corrected opalescence to correctly read **obsolescence**.

Commissioner Joyce referred to page 3 of the Staff report, first page of the minutes, and noted that he was listed as being in attendance, but then shown as excused under the Roll Call. Commissioner Joyce corrected the minutes to remove his name from being in attendance because he was not present.

MOTION: Commissioner Phillips moved to APPROVE the minutes of September 16, 2014 as corrected. Commissioner Band seconded the motion.

VOTE: The motion passed. Commissioners Strachan and Joyce abstained since they were absent from the meeting.

December 10, 2014

MOTION: Commissioner Phillips moved to APPROVE the minutes of December 10, 2014 as written. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington provided an update on the Bonanza Park City Council hearing the previous evening. The Council did a walking tour of Bonanza Park and down Main Street, followed by a discussion regarding Bonanza Park and Form Based Code. Director Eddington believed it was a well-balanced discussion. The City Council is tentatively scheduled to have another discussion on February 26th.

Commissioner Thimm asked if the Planning Commission would see it again before the City Council meeting on February 26th. Director Eddington replied that the Planning Commission would not see it before, but it would likely come back to them after the City Council meeting.

Commissioner Phillips assumed it would come back to the Planning Commission with direction and/or clarification from the City Council. Director Eddington replied that this was correct.

Commissioner Thimm stated that he had attended the City Council meeting the previous evening and as Director Eddington was giving an overview he talked about the amount of interest that occurred in the outreach venues. He asked whether the outreach process had caused any changes in structure or changes to the content of the draft Code as proposed. Director Eddington stated that the Staff heard a lot of input at every meeting. He was unsure whether the input would eventually change some of the structure of Form Based Code; but he believed the City Council would give more specific direction and potential recommendations based on that input.

Commissioner Strachan suggested that the Planning Commission appoint a liaison to attend the City Council meetings to hear the discussion directly. Director Eddington would make sure that the entire Planning Commission was invited to the February 26th meeting. Commissioner Joyce asked if the City Council would be working on Bonanza Park/Form Based Code before February 26th. Director Eddington did not believe they would. He stated that the Staff would spend the time answering some of the questions raised by the City Council and the public and incorporate those into the Staff report for February 26th. Director Eddington hoped the City Council would be prepared to provide specific direction at that meeting.

Planner Francisco Astorga noted that ReNae Rezac had retired from Park City Municipal earlier in the month. She was no longer a City employee but she would continue to record the meetings for Mary May during the winter months.

Commissioner Phillips commented on previous discussions about having a joint meeting with the Snyderville Basin Planning Commission, and he preferred to have that meeting sooner rather than later. He noted that the ski connection was something that both Planning Commissions would be looking at. He encouraged Director Eddington to schedule a meeting as soon as possible. Director Eddington offered to coordinate with the County on scheduling.

Chair Worel pointed out that both Planning Commissions have new members and it would be good for everyone to get acquainted through a joint meeting.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. 74 & 80 Daly Avenue – 74 & 80 Daly Avenue Subdivision – Plat Amendment (Application PL-14-02449)

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

MOTION: Commissioner Phillips moved to CONTINUE 74 & 80 Daly Avenue to February 11, 2015. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 9100 Marsac Avenue – Montage Deer Valley – Plat (Application PL-14-02538)

Planner Kirsten Whetstone reviewed the request to amend the condominium plat known as the Hotel and Residences at Empire Canyon Resort located at 9100 Marsac Avenue. She noted that it is also known as the Montage. The applicant was requesting an amendment to the condominium plat to change a few ownership designations shown on the plat. The change would be from non-condominium property restricted areas to non-condominium property hotel area. It is for 1400 square feet of existing unfinished interior space. The space would be finished but not in the way it was originally intended as fine dining.

Planner Whetstone reported that the applicant was also requesting to amend an adjacent 5600 square feet of existing interior space to show what they intend to build. However, the restrooms shown on the plat would still be built in the location shown. Planner Whetstone noted that reference to the restrooms was incorrect in the ordinance and she would amend the first whereas in the ordinance by striking the word “restrooms” from the language. Planner Whetstone clarified that there was no ownership change and designation for that 5600 square foot area.

Planner Whetstone stated that the property is in the RD zone and there was a lot of history to it as part of the Village at Empire Pass and the Flagstaff Annexation. The history was outlined in the Staff report.

Planner Whetstone noted that the plat amendment does not increase any building footprint, existing floor area, any density of commercial or residential units, or any designated commercial area. She pointed out that the commercial area was being decreased and the fine dining commercial would become pre-function space, which is support meeting space in this particular MPD. The space is increasing to 16,000 square feet, which is well within the 5% allowance. Planner Whetstone stated that no non-compliance situations were being created and there was no increase in the parking requirements. No common areas or privately owned residential areas are going to change with the plat amendment. It is consistent with the amended and restated Development Agreement of March 2007, the Village at Empire Pass MPD and the LMC.

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

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Thimm noted that there was a change in use in the 1400 square foot area; however it appeared to be consistent with parking and other requirements. He believed the new use actually requires less parking than the old use.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the Second Amendment to the Condominium Plat for the Hotel and Residences

at Empire Canyon Resort, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 9100 Marsac Avenue

1. The property is located at 9100 Marsac Avenue.
2. The property is zoned RD-MPD and is subject to the 2007 Amended and Restated Flagstaff Annexation Development Agreement and the Village at Empire Pass MPD.
3. The property consists of a nine story hotel/condominium building constructed in 2008-2009.
4. The existing building at 9100 Marsac Avenue, known as the Montage Deer Valley Resort and Spa, was constructed in 2008-2009.
5. On March 14, 2007, the Planning Commission approved a Master Planned Development (MPD) for Pod B-2 of the Flagstaff Development Agreement. The MPD is known as the Village at Empire Pass MPD. On March 14, 2007, the Planning Commission also approved a Conditional Use Permit for phase one of the MPD, which is the Montage Deer Valley Resort and Spa.
6. On March 29, 2007, the City Council approved the three lot Parcel B-2 Empire Village Subdivision final plat. Lot C of the subdivision plat is the location of the Montage Resort and Spa.
7. On June 18, 2009, the City Council approved the Hotel and Residences at Empire Canyon Resort condominium record of survey plat for the Montage Resort and Spa. Talisker Empire Pass Hotel, LLC is the fee simple owner of the land and DV Luxury Resort, LLC has a 999-year leasehold interest. The original record of survey plat was recorded at Summit County on January 20, 2010.
8. The condominium record of survey plat identifies 174 hotel rooms and 84 condominiums utilizing 182 Unit Equivalents. In addition, the record of survey memorializes 59,765 square feet of commercial space and approximately 15,000 square feet of meeting rooms. No support commercial was proposed other than room service, which does not utilize additional space. Back of house, pre-function meeting support, and residential accessory uses were memorialized.

9. On January 6, 2011, the City Council approved the First Amended Hotel and Residences at Empire Canyon Resort record of survey plat to amend sheets 1, 8, 9, and 11 to 1) address JSSD access easements, 2) address Rocky Mountain Power underground easements, 3) correct the square footage of Unit 740, 4) move the ADA designation for Unit 821 to Unit 1021, and 5) to amend unit numbering for Units 1040-1043. The First Amended Hotel and Residences at Empire Canyon Resort record of survey plat was recorded at Summit County on June 23, 2011.

10. On November 10, 2014, an application was submitted for a second amendment to the Hotel and Residences at Empire Canyon Resort record of survey plat. The application was deemed complete on November 18, 2014.

11. The condominium plat amendment is required in order to reflect as-built conditions on Level One and to change the ownership designation of an existing interior area that had been intended to be finished as a fine dining restaurant. The owners desire to utilize this 1,409 sf area for pre-function meeting support.

12. The proposed uses and amended condominium plat are consistent with the Village at Empire Pass MPD and the Montage CUP as there is no increase in residential or commercial density, no change in allowed meeting space, and no increase in parking requirements. The decrease in commercial and increase in support meeting space are not inconsistent with the MPD or CUP approvals and do not exceed the approved allowances for these uses.

13. The plat amendment does not increase the existing building footprint, existing interior floor area, or density of commercial or residential units. Commercial area decreases by 1,409 sf to 58,356 sf and pre-function meeting room support increases by 1,409 sf from 15,000 sf to 16,409 sf which is less than the 39,000 sf allowed by the MPD.

14. No non-complying situations are created with the plat amendment and there is no increase in parking requirements. No common areas or privately owned residential areas are proposed to change with the plat amendment.

15. The proposed plat amendment is consistent with the Amended and Restated Development Agreement for Flagstaff Mountain (March 2007).

16. No changes to the exterior of the building are proposed.

17. Any changes in occupancy or changes in tenant finishes of existing interior spaces within the building require review by the Building Department for compliance with

requirements of the IBC, Fire code, and ADA.

Conclusions of Law – 9100 Marsac Avenue

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

Conditions of Approval – 9100 Marsac Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.
3. All conditions of approval of the Amended and Restated Flagstaff Annexation Development Agreement (March 2007) and the Village at Empire Pass Master Planned Development for the Hotel and Residences at Empire Pass, also known as the Montage MPD, shall continue to apply and a note shall be included on the plat referring to these MPDs.
4. All required ADA access, occupancy loads for assembly spaces, and other specific Building and Fire Code requirements, including requirements for restrooms, for any changes or tenant finishes to the existing spaces shall be addressed with tenant improvement building permits prior to commencing any interior construction work.

2. 908 Woodside Avenue – Steep Slope Conditional Use Permit in Historic Residential (HR-1) Zoning District (Application PL-14-02539)

Planner Astorga reported that Christy Alexander was the project planner. However, she was out of town and he would be reviewing this application in her absence.

Planner Astorga reviewed the application for a conditional use permit to build a single family dwelling over steep slopes at 908 Woodside Avenue. The lot is a standard 25' x 75' Old Town lot with a footprint of 844 square feet. Exhibits showing the elevations, the floor plan, and the roof plan were included in the Staff report.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the requested steep slope conditional use permit for 908 Woodside Avenue based on the findings of fact, conclusions of law and conditions of approval in the Staff report.

Commissioner Strachan referred to page 91 of the Staff report, Sheet A3.1, the south elevation. He noted that it was indicated to be 23 feet high; however, he thought the Code was 10 feet and then stepped. Planner Astorga stated that the Code is written to say that where the footprint meets existing grade, the setback takes place at a maximum height of 23 feet. They would not want stepping to take place above 23 feet. It could go below that at any given point, but 23 feet is the maximum. Commissioner Phillips clarified that it had nothing to do with number of stories. Director Eddington replied that this was correct. He reminded the Commissioners that the limitation for number of stories was removed from the LMC and replaced with the 35' plate to plate maximum.

Commissioner Strachan thought the house was well-designed.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Thimm stated that he looked carefully at the heights and the green roof area and he believed it was compliant with the LMC. He thought the house was designed to blend into the neighborhood.

Commissioner Phillips could see a strong resemblance to his own house. He was very interested in the heights and the floor plan and he liked what he saw. Commissioner Phillips was comfortable with the requested CUP.

Commissioner Band thought it looked great. Chair Worel liked the creativity of the design and she thought it was well-done.

MOTION: Commissioner Strachan moved to APPROVE the conditional use permit for 908 Woodside Avenue according to the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 908 Woodside Avenue

1. The property is located at 908 Woodside Avenue.
2. The property is described as Lot 30, Block 3 of the Snyder's Addition to Park City. The lot contains 1,875 sf of lot area. The allowable building footprint is 844 sf for a lot of this size.
3. The site is not listed as historically significant on the Park City Historic Sites Inventory and there are no structures on the lot.
4. The property is located in the HR-1 zoning district, and is subject to all requirements of the Park City Land Management Code (LMC) and the 2009 Design Guidelines for Historic Districts and Historic Sites.
5. Access to the property is from Woodside Avenue, a public street. The lot is a downhill lot.
6. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage.
7. The neighborhood is characterized by primarily historic and non-historic single family houses. There are also historic structures on Norfolk Avenue and Park Avenue, the streets to the west and east of Woodside Avenue.
8. A Historic District Design Review (HDDR) application is being reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
9. The lot is an undeveloped lot containing primarily grasses, weeds, shrubs and trees that are not classified as significant vegetation.
10. There are no encroachments onto the Lot and there are no structures or wall on the Lot that encroach onto neighboring Lots.

11.The proposed design is for a single family dwelling consisting of 2,594 square feet (includes the single car garage) with a proposed building footprint of 843 sf.

12.The driveway is proposed to be a maximum of 12 feet in width and 18 feet in length from the edge of the street to the garage in order to place the entire length of the second parking space entirely within the lot. The garage door complies with the maximum width and height of nine feet (9').

13.The proposed structure complies with all setbacks.

14.The proposed structure complies with allowable height limits and height envelopes for the HR-1 zoning as the house measuring less than 27feet in height from existing grade and the design includes a 10 foot step back at 23 feet on the rear elevation

15.The proposal, as conditioned, complies with the requirements of 15-5-5 of the LMC. It is currently under review for compliance with the Historic District Design Guidelines.

16.The proposed materials reflect the historic character of Park City's Historic Sites, incorporating simple forms, unadorned materials, and restrained ornamentation. Though modern, the architectural style is a contemporary interpretation and complements the scale of historic buildings in Park City. The exterior elements are of human scale and the scale and height follows the predominant pattern of the neighborhood, in particular the pattern of houses on the downhill side of Woodside Avenue.

17.The structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as the foundation, roofing, materials, as well as window and door openings. The single car attached garage and off-street parking area also complies with the Design Guidelines and is consistent with the pattern established on the downhill side of Woodside Avenue.

18.No lighting has been proposed at this time. Lighting will be reviewed at the time of the building permit for compliance with the Land Management Code lighting standards.

19.The applicant submitted a visual analysis/ perspective, cross canyon view from the

east, and a streetscape showing a contextual analysis of visual impacts on adjacent streetscape.

20. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at four feet (4') or less. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.

21. The site design, stepping of the building mass, articulation, and decrease in the allowed difference between the existing and final grade for much of the structure mitigates impacts of construction on the 30% slope areas.

22. The plans include setback variations, increased setbacks, decreased building heights and an overall decrease in building volume and massing.

23. The proposed massing, articulation, and architectural design components are compatible with the massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to the stepping, articulation, and placement of the house.

24. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade and the highest portion is 27' from existing grade.

25. The interior of the structure complies with the thirty five feet (35') maximum measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters and is 35'.

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

27. The applicant stipulates to the conditions of approval.

Conclusions of Law – 908 Woodside Avenue

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

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

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

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

Conditions of Approval – 908 Woodside Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permit.
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 prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area.
6. An HDDR approval must be received prior to building permit issuance.
7. 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.
8. This approval will expire on January 14, 2016, if a building permit has not been issued by the building department 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.
9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.
10. All retaining walls within any of the setback areas shall not exceed more than six feet

(6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.

11. Modified 13-D residential fire sprinklers are required for all new construction on this lot.

12. 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.

13. Construction waste should be diverted from the landfill and recycled when possible.

14. 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 with the surrounding natural terrain.

**3. 936 Empire Avenue Subdivision – Plat Amendment
(Application PL-13-02115)**

Planner Astorga stated that Planner Alexander and the Planning Intern Sam Brookham were the project planners on this item.

Planner Astorga reported that the application was to combine 1-1/2 lots into one lot of record. The lot is wedged in between two “Pregnant A-frames” on Empire Avenue. The plat amendment is to accommodate the construction of one single family dwelling. As indicated in the Staff report, the site does not qualify for a duplex. The plat amendment process requires that the Planning Commission review the application and forward a recommendation to the City Council.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the plat amendment at 936 Empire Avenue based on the findings of fact, conclusions of law, and conditions of approval in the Staff report.

Chair Worel understood that there were a number of encroachments that would require encroachment agreements. Larry Feldman, representing the applicant, stated that the owner to the right of this lot has no issues with an encroachment agreement. The owner to the left infringes on to this lot and the appropriate adjustments have been made.

Commissioner Strachan asked about the parking plan to meet the two space requirement. Mr. Feldman stated that one car would be parked up front and the second car would be set back. It would be side by side parking but offset. The driveway is a 10% grade and it will be heated.

Planner Astorga stated that in looking at the topography he would anticipate the need for a Steep Slope CUP.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel opened the public hearing.

Commissioner Band was comfortable with the application. Commissioner Phillips stated that he is always in favor of cleaning up lot lines. Commissioner Thimm concurred.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the 936 Empire Avenue Subdivision Plat based on the Findings of Fact, Conclusions of Law and the Conditions of Approval found in the draft ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 936 Empire Avenue

1. The plat is located at 936 Empire Avenue within the Historic Residential (HR-1) District.
2. The 936 Empire Avenue Subdivision consists of Lots 24 & northerly ½ of 25 of Block 15 of the Snyder's Addition to the Park City Survey.
3. On October 27, 2014, the applicants submitted an application for a plat amendment to combine one and a half (1.5) lots containing a total of 2,812.5 square feet into one (1) lot of record.
4. The application was deemed complete on October 27, 2014.
5. The lots at 936 Empire Ave are currently vacant.

6. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.
7. The maximum footprint allowed in the HR-1 zone is 1,201 square feet for the proposed lot based on the lot area of the lot.
8. The property to the north currently has a zero foot (0') side setback and the existing home to the north encroaches onto 936 Empire by approximately 0.3 feet on the lot line shared with 936 Lowell Ave as well as the existing retaining wall that encroaches approximately one foot.
9. The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lot.

Conclusions of Law – 936 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 – 936 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. Recordation of this plat and completion and approval of a final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required

prior to building permit issuance for any construction on the proposed lot.

4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.

5. A ten foot (10') wide public snow storage easement is required along the frontage of the lots with Lowell Avenue and shall be shown on the plat.

6. The lot to the north (Lot 23) contains a building with zero (0') side setbacks on the lot line shared with 936 Empire Ave. In order to comply with fire code the distance between buildings must be six (6') feet, or five (5') feet if a fire wall is implemented; this would require a side setback of six feet on the north lot line of 936 Empire Ave.

7. The 930 Empire Avenue encroachments of the existing home crossing the property line by 0.3 feet and the existing retaining wall crossing the property by approximately one foot must be addressed and encroachment permits with the adjacent neighbor must be addressed prior to plat recordation.

8. Snowshed agreements from the northerly and southerly neighbors will be required.

The Planning Commission moved into Work Session for Legal Training on Conditional Use Permits and recent developments in Land Use Law. The discussion can be found in the Work Session Minutes dated January 14, 2015.

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

Approved by Planning Commission: _____

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
JANUARY 14, 2015**

PRESENT: Chair Nann Worel, Melissa Band, Steve Joyce, John Phillips, Adam Strachan, Doug Thimm, Thomas Eddington, Polly Samuels McLean, Assistant City Attorney

Commissioner Preston Campbell was excused.

WORK SESSION ITEMS

Legal Training on Conditional Use Permits and recent developments in Land Use Law.

Brent Bateman, the State Property Rights Ombudsman conducted the training. Mr. Bateman stated that he is an attorney and his job is to resolve disputes. He works for the State of Utah and they are a non-partisan office. They are in the business of trying to keep the citizens of Utah and the governments in the State from being in lawsuits together. Mr. Bateman outlined the process for trying to resolve disputes. One step in the process is to provide training to keep everyone on the same page. Mr. Bateman stated that he has been with the State Ombudsman's Office for eight years and he practices land use law all day, every day.

Mr. Bateman stated that the goal this evening was to have land use discussions and to make the discussions as pertinent and helpful as possible. He had a slide with a series of topics and asked the Planning Commission to choose the ones they wanted to talk about.

The discussion started with "Jerks". Mr. Bateman remarked that Jerks was a message he typically needs to give in less sophisticate places; however, he would discuss it this evening. Mr. Bateman stated that quite often he receives calls from people who have nothing good to say about their city. They call them horrible jerks and how they are crooks who should be put in jail. Once Mr. Bateman begins asking questions, it becomes clear who the real Jerk is. Mr. Bateman remarked that there are people like that in every town and most are people he would prefer not to talk to. However, in his conversation with a "jerk", he finds that the person has agitated everyone in the City so much that the City will no longer work with him. Mr. Bateman stated that the real message in this circumstance is that the jerks have property rights, too, and they should be treated like everyone else and given the same consideration.

The next topic was Public Clamor. Mr. Bateman asked the Planning Commission if they were comfortable with the difference between legislative and administrative decision. He tells people that every time they make a decision they should know what kind of decision it is. He understood that in Park City the City Council is the Land Use Authority for Subdivisions, which is unusual. He also understood that the Planning Commission is the

Land Use Authority for conditional uses. Assistant City Attorney McLean explained that some conditional uses are approved at the Staff level. The distinction is made in the Land Management Code. Director Eddington clarified that certain conditional uses are administrative CUPs approved by Staff, and the other CUPs are approved by the Planning Commission. Mr. Bateman thought that was a good process. He stated that in the past he used to advise governments not to hold a public hearing for a conditional use; however, he no longer thinks that way. Mr. Bateman informed the Planning Commission that there is no requirement in State Statute that requires the Planning Commission to hold a public hearing when deciding a conditional use. He explained that he used to discourage public hearings because of public clamor. When making an administrative decision, they are not allowed to consider public clamor as a basis for the decision. A legislative decision is a policy decision made by the City Council and a public hearing is required because public clamor should be considered in making the policy decision.

Mr. Bateman remarked that instead of advising people not to hold a public hearing for conditional uses, he suggests that they do exactly what Park City does. It does not make sense to have a public hearing for every conditional use because some are routine and should be handled by Staff. Other conditional uses should have public input so people have the opportunity to make their comments and the Planning Commission can listen to what they have to say. Every once in a while someone making comment may provide evidence that the Planning Commission can use. Arbitrary, capricious and legal is the standard for making an administrative decision. Something can be determined to be arbitrary and capricious if it lacks substantial evidence on the record. If they make a decision in line with substantial evidence on the record, their decision would be upheld. Mr. Bateman emphasized that it has to be evidence. Public clamor is opinion and not evidence.

Commissioner Strachan asked Mr. Bateman to give examples of evidence vs. public clamor. Mr. Bateman referred to a case Wadsworth vs. West Jordan. In that case Wadsworth Construction wanted to build a storage facility next door to Dannon Yogurt in West Jordan. Dannon Yogurt and others citizens attended the public hearing and made comments such as outdoor storage attracts mice and raises dust. West Jordan City found in favor of Dannon Yogurt and denied the conditional use permit. When it went to court, the courts determined that there was no evidence in the record to show that the building materials Wadsworth wanted to store would attract mice or raise dust.

Commissioner Strachan noted that a lot of people will tell the Planning Commission that the house next to their friend had the same impact and how their friend's house was affected because of this impact. If the Planning Commission approves this conditional use permit application which involves the same impact, the same thing will happen to their house. Commissioner Strachan asked if that type of comment would border evidence or public clamor. Mr. Bateman replied that it is public clamor. He noted that the most

common public clamor is someone saying that approving an application will reduce the value of their house. That person must provide measureable evidence to support their claim. One example of evidence might be an appraiser who could substantiate that it happened in a similar circumstance and the property value was reduced. The evidence must be relevant and measurable.

Commissioner Strachan asked about situations where the applicant submits a geo-tech report indicating that the project is safe and there would be no erosion problems. It is difficult for the Planning Commission to say the geo-tech report is not valid when they do not have the means to have a geo-tech person support or dispute the applicant's report. Commissioner Phillips remarked that if the geo-tech is licensed through the State the report should be accurate. Commissioner Strachan pointed out that licensed geo-tech experts could have differing opinions. In those circumstances, he believed the record is that there is proof-positive that it is okay. It may not be okay, but there is no evidence to dispute it.

Mr. Bateman explained that if a geo-tech expert submits his study and shows that it will not slide, that is considered evidence. However, they need to remember that the standard is substantial evidence on the record, which is different from a preponderance of the evidence. Preponderance of the evidence means more evidence than not. The courts require substantial evidence on the record and that means more than a scintilla of evidence. If they have evidence to support their decision it will be upheld, even though there may be more evidence to the contrary.

Commissioner Thimm referred the previous example of losing property value if a house is built to a certain height. He asked if the height fully complies with all of the Codes and Guidelines but several appraisers agree that property value would be lost, whether the Planning Commission would have a basis to approve the application based on full compliance with Code. Mr. Bateman remarked that the short answer is that the Planning Commission could still approve the application. He noted that if someone objects to a CUP because it would damage the value of their house, that is public clamor and the Commissioner should disregard it. If the next person makes the same claim and provides proof that their property value would be damaged, they have evidence. The Planning Commission could consider that evidence, but they do not need to make their decision on that basis alone, unless the ordinance says that they would never make a decision that would reduce property values. Mr. Bateman remarked that the Planning Commission is not in the realm of subjectivity and the only question is whether or not it complies. Subjective decisions that require judgment and what they want for the town are legislative policy decisions made by the City Council. The Planning Commission is involved in the legislative process by making a recommendation to the City Council, but the Council ultimately makes the final decision. Under State law, the City Council is the only body allowed to make those decisions. Administrative decisions are objective and focus on Code compliance.

Commissioner Strachan wanted to know their recourse if a project does not comply with the purpose statements. Mr. Bateman replied that he has a problem with purpose statements. Commissioner Strachan clarified that he was talking about purpose statements codified in the LMC; not the General Plan. Mr. Bateman reiterated that the whole point of administrative decisions is to be objective. People need to know that if they comply with the law, they are able to do what they want with their land. That is the balance of property rights. Zoning is a major exception to base property rights. The zoning law allows restricting some of what people can do with their land by imposing zoning requirements and ordinances. That is not considered a taking because it is permitted; however, the ability to do that is very limited. If they intend to restrict something, the zoning requirements must be outlined in the ordinance. Mr. Bateman stated that zoning is required in order to have an ordered society and for the communities to look and feel a certain way. However, property rights and zoning requirements need to be kept in balance. Every time they enforce a restriction they are doing an exception to a person's right to do what they want with their property. The City needs to be clear on what a person is allowed to do with their property. Again, those are policy decisions made by the City Council and incorporated into the ordinance. Mr. Bateman stated that if it is in the ordinance and the applicant complies, they get to do it without exception because it is not a judgment call.

Commissioner Strachan used the example of the purpose statement saying to reduce the cut and fill in order to reduce the environmental impacts. Mr. Bateman believed Commissioner Strachan was talking about what the State refers to as standards. The standards are the goals for the community and they are included in the ordinance. As long as they are measurable, in his opinion they are fine. Commissioner Strachan asked how the Planning Commission could tell an applicant that the amount of cut and fill they were proposing to excavate on the site is excessive. Mr. Bateman replied that 90% of their decisions are objective based on compliance. Commissioner Strachan's question falls in the remaining 10%. He stated that a certain amount of judgment needs to be involved, but it has to be related to a specific standard. The standard has to be measurable or reasonable, but if the application does not meet the standard then the Planning Commission can impose a condition to mitigate the impacts. Mr. Bateman emphasized that the imposed condition must relate to a standard in the ordinance. He clarified that the standard could be mitigated but not eliminated. The decision to impose the condition would be upheld as long as long as it is supported by evidence.

Commissioner Strachan asked if there were any impacts that could not be mitigated. Mr. Bateman stated that in eight years as the Ombudsman he has never seen what he would consider to be a justifiable denial of a conditional use permit. He noted that conditional use permits should be extremely hard to deny. If something is listed as a conditional use, policy has already been set to allow it in town. In order to deny a conditional use permit, the Planning Commission must find by substantial evidence that there is no way to impose conditions to mitigate the detrimental effects.

Director Eddington noted that nightly rentals are allowed in most zones and certain resulting issues are hard to mitigate. He asked Mr. Bateman if taking nightly rentals out of a zoning district in terms of a CUP would be possible and whether it would be considered downzoning. Mr. Bateman replied that downzoning is legal and it can be done at any time. He pointed out that the Planning Commission could make that recommendation, but the legislative decision is made by the City Council as policy. Director Eddington asked if there were specific criteria to justify downzoning. Mr. Bateman answered no. He stated that the standard for downzoning is different than the standards that require substantial evidence on the record. The standard for zoning and all legislative decisions is that it is reasonably debatable and it is in the best interest of the community. If it is reasonably debatable it will be upheld. Mr. Bateman was unaware of any case in the entire United States where an arbitrary and capricious downzoning decision has been overturned. However, there is a limit so it does not go too far. Going too far becomes a taking.

Assistant City Attorney McLean continued with the example of nightly rentals. If a neighbor witnesses that there are more cars parked at a nightly rental than what was allowed in the conditions of the CUP, is that observation enough evidence or would they need something more. Mr. Bateman replied that it would be weak evidence, but it would probably be enough to rely on. Using the same example, Commissioner Band assumed that the parking issue would have to be mitigated but it would not be enough to revoke the CUP.

Mr. Bateman stated that the danger in this discussion was thinking that there was any kind of precedent. He noted that there is never a precedent unless it is a discrimination claim based on a protective class. Mr. Bateman clarified that just because one house gets to do something does not mean every house gets the same thing.

Commissioner Band noted that Mr. Bateman previously said that there were no good reasons to deny a CUP. Mr. Bateman clarified that if one house does it because they complied with the ordinance, and the next house also complies, it needs to be clear that the reason for allowing something is based on compliance with the ordinance and not because of precedent.

Assistant City Attorney McLean asked at what point the Planning Commission suggests the mitigation versus a point where the impacts are so great that the Planning Commission can deny the CUP until the applicants comes back with proper mitigation. Mr. Bateman stated that conditional uses are a multiple step process and substantial evidence on the record applies to every step. The detrimental effects are the first things to be determined and it must be supported by substantial evidence. The second step is to determine the standards because they have to have standards to relate to the conditions. Once the standards are identified, the conditions are determined to mitigate the standards. Mr. Bateman stated that it only works if both parties work together. The City imposes the

conditions but they do not design the house. However, it starts with the City because they have to identify the detrimental effects and the standards for the conditions.

Commissioner Strachan believed that in the end the scales of justice are on the side of the applicant and not the City. Mr. Bateman understood Commissioner Strachan's position and he did not disagree because it goes back to personal property rights. There are standards of legal interpretation that circle back to "all things being considered equal", and the property owner wins because they have the base underlying right to do what they want with their land. On the other hand, the City can put whatever it wants in the ordinance. Mr. Bateman stated that if they were spending too much time on judgment call issues, he would suggest that they specify what they want in the ordinance. Mr. Bateman pointed out that the primary role of the Planning Commission is to plan. Their job is to be involved in the legislative process by creating the General Plan and working on ordinances to provide the best recommendation to the City Council to create policy. Mr. Bateman stated that Land Use is so important that the State Legislature created Planning Commissions to help the City Council. In his experience, most Planning Commissions throughout the State spend more time on conditional uses and very little time on land use planning, and that is not how it is supposed to work. Mr. Bateman reiterated that the scales are tipped towards the property owner, but the City has a tremendous amount of discretion as to what to put in the Code.

Commissioner Strachan remarked that a major problem is plat amendments where the only standard is good cause. He personally finds that standard to be unhelpful. Commissioner Strachan stated that when the plat is amended a certain footprint is granted and the owners can build whatever they want within that footprint. He asked if there were different and better standards for plat amendments. Mr. Bateman stated that a plat amendment is the only land use decision that has the good cause standard. He clarified that State Statute requires that good cause be the standard for plat amendments. Commissioner Strachan asked Mr. Bateman for his thoughts on the standard. Mr. Bateman replied that he is uncomfortable with subjectivity, particularly on these types of decisions. However, a plat amendment is a little different than other decisions because it changes something into something. He was unsure whether it justifies the standard of good cause, but it is State law and it cannot be changed.

Commissioner Thimm asked if there was a definition of good cause. Commissioner Strachan pointed out that there is a definition in the LMC but it was not helpful. Mr. Bateman suggested that the Planning Commission ask the Planners to draft a better definition for good cause. Commissioner Band asked if State law defines good cause. Mr. Bateman answered no, which is why the City could come up with its own definition of good cause as long as it does not go too far. He clarified that every rule must relate to healthy, safety and welfare. The burden is on the applicant to show that the ordinance goes too far.

Chair Worel asked if State law legislates aesthetics for compatibility in Historic Districts. Mr. Bateman answered no. The State allows for Historic Districts to exist, but the State does not dictate how they should work. They leave that discretion to the individual cities.

Assistant City Attorney McLean noted that when Salt Lake had the issue regarding the Harvard/Yale historic district, the State Legislature stepped in because they had gone too far. It was not a legal decision by the courts. Mr. Bateman stated that in his personal opinion it is a travesty when that happens. He believes that if the State gives local control they should keep the control local so each city can decide their own destiny. Mr. Bateman clarified that it was only his personal opinion, but he has testified before the State Legislature and expressed his opinion. Mr. Bateman stated that having the legislature step in was less frightening than a referendum, which is where the citizens petition to overturn a decision. It is difficult but it can be done. In the last two years multiple communities have succeeded in overturning local legislative decisions.

Chair Worel asked if the movie studio could have been stopped if the citizens had put together a referendum. Mr. Bateman stated that it has to be a legislative decision. Since an annexation is a legislative decision, the citizens could have petitioned to stop the annexation. Commissioner Joyce did not believe that would have stopped the movie studio because the County had already decided to let them build the studio. The annexation was a way for Park City to be involved. Commissioner Strachan pointed out that the citizens could have done a referendum on the County. Planner Astorga disagreed because it would have been an administrative process through the County rather than a legislative decision.

Mr. Bateman stated that a referendum is a complicated process. The number of signatures required for the petition depends on how many people voted in that District in the last election. It is based on percentages. Mr. Bateman explained the process for starting a referendum. The voting numbers can be obtained through the County Clerk to determine the number of signatures required for the referendum.

Mr. Bateman reiterated that when working on legislative issues, the question in their mind should always be whether or not it goes too far. Going too far is always a taking. They should also keep in mind that a referendum is possible if they make an unpopular decision.

Chair Worel asked Mr. Bateman to explain an exaction. Mr. Bateman used the example of the City allowing a subdivision in exchange for widening the road or putting in some type of infrastructure. An exaction is asking someone to spend money or to do something as a condition of development approval. Mr. Bateman stated that it can legally be done, but within the limit that it has to be roughly proportional to the impact being created by the development.

Director Eddington asked if it was possible to have an impact fee for affordable housing. Mr. Bateman answered no. He stated that there are only eight items that allow an impact fee; parks, sanitary sewer, water, public safety and other infrastructure issues. Affordable housing is not on the list. Mr. Bateman commented on a recent trend to require affordable housing. If the affordable housing was not built, the developer had to do a payment-in lieu for affordable housing. He remarked that the collective wisdom was that it was not legal because it is a taking. Mr. Bateman pointed out that having it in an ordinance does not make it legal.

Commissioner Strachan explained that houses in Park City are not small bungalows. They are 10,000 square foot monster mansions that create a service sector need. Mr. Bateman clarified that the problem is not requiring affordable housing. The problem is taking the fee-in-lieu. Commissioner Band felt that a fee-in-lieu would mitigate the problem because taking the fee now enables the City to purchase land in the future where they can build affordable housing. She was unsure of the exact issue with taking a fee-in-lieu. Mr. Bateman stated that building affordable housing solves the problem. Taking money does not solve the problem, and too often the money banked never goes to build affordable housing. Building affordable housing solves the immediate problem being created by the development. Mr. Bateman stated that many cities and towns were doing a fee-in-lieu, but very few still do it.

Commissioner Thimm understood that the ordinance is still legal if it says that 10% of the housing must be affordable. Mr. Bateman had no problem with that being in the ordinance. Commissioner Strachan asked if they could require the developer to build the affordable housing before building the home. Mr. Bateman believed they would have that discretion. Director Eddington clarified that the only issue was taking the fee-in-lieu for both residential and commercial development. Mr. Bateman reminded them that he was only speaking theoretically based on his experience and knowledge; and not on solid law. So far there have been no legal cases to reference. Commissioner Strachan pointed out that State Statute commands providing affordable housing. Mr. Bateman stated that it would still not protect them from a lawsuit. If a similar case came across his desk he would probably not decide in favor of the City, even with the information he gave them this evening.

Assistant City Attorney McLean believed the City needed to have that discussion because the Legal Department had looked into it and their interpretation was that it was legal as long as they offered a proportional alternative. They could not just require a fee-in-lieu, but if they give the developer the opportunity to build the affordable housing or the option of paying a fee-in-lieu, the fee-in-lieu would be appropriate. Mr. Bateman stated that if the pay-in-lieu money is not actually used to provide affordable housing, it is not appropriate. Ms. McLean agreed that the money would have to be used for affordable housing. Mr. Bateman believed the City would have an argument as long as they could demonstrate that

the money is used for affordable housing. However, he still believed there could be problems. He offered to have that discussion with the City. Ms. McLean clarified that any in-lieu money for affordable housing goes directly into the affordable housing fund. Commissioner Band asked if the money sits in the fund or if it actually goes to build affordable housing. Ms. McLean cited examples where the City has used the money to build affordable housing projects. Commissioner Strachan did not believe they were keeping up with the rate of the increasing impact, because the need for affordable housing was outstretching the money being spent. Commissioner Joyce stated that if the need is increasing faster than the money collected, the solution would be to increase the amount of the in-lieu-fee. Commissioner Strachan believed that more money was going into the fund than was coming out based on the number of affordable housing projects that were built. He suggested that they revisit the idea of the fee-in-lieu system in general.

Mr. Bateman discussed sign regulations. He stated that the City has the ability to regulate signs, but it can never regulate content. In addition, all signs must have the same regulation in terms of height, width, lighting, etc. He remarked that signs become a bigger issue during the political season. Mr. Bateman noted that the State Election Code only allows the candidate or the City to remove political signs, even if they are placed illegally. A property owner also has the right to remove a political sign if it is placed on their property. Mr. Bateman stated that the City is not limited on the regulations they can make, but the same rules must apply to all signs; both private and commercial.

Chair Worel asked if anything regulates sign content. She used pornographic content as an example. Mr. Bateman stated that other laws could regulate content, such as the obscenity law. However, someone who advertises their adult business is not considered an obscenity and they could probably place the sign wherever they wanted, including next to an elementary school.

Assistant City Attorney McLean asked Mr. Bateman what he thought would be “hot button” items during the 2015 legislative session. Mr. Bateman stated that the question that keeps coming up is the issue of surety bonds and bonding. He cited examples of some of the issues such as bonding for private improvements that do not benefit the public. Changing the bonding amount was also a primary topic. Mr. Bateman noted that every year there is legislation regarding impact fees; however, for the first time in 15 years no changes to the impact fees were being proposed.

Director Eddington understood that the City could use eminent domain for roads but not for trails. Mr. Bateman replied that this was correct. He noted that someone tried to do eminent domain for a trail on private property, but the property owner was well-connected with the legislature and the law was changed. Commissioner Strachan asked if the City could do proportional exactions for trails. Mr. Bateman answered yes, as long as it is proportional. He pointed out that eminent domain could also be done for a sidewalk that

does not already exist. Commissioner Band asked if the exaction is determined by the City or whether it is negotiated. Mr. Bateman stated that the City could ask for the exaction they want as long as it is proportional. As a mediator, he knows that what is important to one person is never important to another person. If people would just talk to each other they could probably all get what they wanted. In most cases, someone could give up something unimportant to get something they really want. He always encourages people to talk to one another and to negotiate.

The Work Session was adjourned.

Planning Commission Staff Report



Subject: King Duplex Condominiums
Author: Kirsten Whetstone
Project Number: PL-14-02287
Date: February 11, 2015
Type of Item: Administrative – Condominium Record of Survey Plat

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for The King Duplex Condominiums Record of Survey Plat located at 312 and 314 Upper Norfolk Avenue and consider forwarding a positive recommendation to City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

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

Description

Applicant: Carol O'Donoghue, owner
Location: 312 and 314 Upper Norfolk Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential, open space, PCMR trails
Reason for Review: Condominium Record of Survey Plats require Planning Commission review and City Council approval

Proposal

The property is located on Lots 5 and 6 of Block 30 of the Park City Survey commonly owned by the applicant. The original lots lines from the historic survey still exist on said lots. The owner desires to unify the property into one (1) lot of record by removing the existing interior lot lines with the proposed condominium plat. The proposed plat will also identify private, common, and limited common ownership areas of the existing duplex structure and property and will provide for common ownership of the covered access stairs.

Background

On December 1, 2014, the City received an application for a Condominium Record of Survey for an existing duplex located at 312 and 314 Upper Norfolk Avenue located in the Historic Residential (HR-1) District (Exhibit A- proposed condominium plat). The application was deemed complete on December 5, 2014. Approval of the Condominium Record of Survey allows for each unit to be sold separately and allows the shared access stairs to be designated as common area. The duplex is an existing structure, constructed in 1988 (Exhibit B- existing conditions survey).

On November 19, 2013, the Board of Adjustment conducted a public hearing and approved variances for front and side yard setbacks, as well as a variance to the maximum building footprint for each unit to allow construction of two detached single car garages at the front of the property, reconstruction of the uncovered parking pad structures in the front setback, and construction of a covered, shared staircase to replace an open staircase that leads from the street to the front doors of the duplex units located one story below the street (see Exhibit C- Board of Adjustment Action letter). Conditions of approval of the November 19, 2013, Board of Adjustment action included a condition of approval stating that “conditions of approval will be recorded as notes on the future condominium record of survey plat prior to recordation”. Conditions of approval of the November 19, 2013, Board of Adjustment Action shall be included as notes on the final plat prior to recordation. These conditions are reiterated in the recommended conditions of approval for this plat.

Encroachments across property lines will need to be addressed by an encroachment agreement or removal of the encroachments prior to plat recordation. The existing conditions survey indicates wooden steps on the north side of the property encroach onto the City Open Space property to the north. There is also a diminimus encroachment (less than 5”) onto the Treasure Hill Subdivision Open Space located east of the City Open Space. An encroachment agreement is not required for the diminimus encroachment of an at grade wood step.

On December 1, 2014, the applicant submitted an application for a Historic District Design Review (HDDR) for construction of the two detached single car garages, the covered shared staircase, and reconstruction of the elevated parking pads. Staff provided the initial public notice for the HDDR application by sending out letters to property owners and posting the property with a sign on January 5, 2015.

Purpose

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

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Analysis

The duplex is located at 312 and 314 Upper Norfolk Avenue. Constructed in 1988 as a side by side duplex on two “Old Town” lots, the structure is entirely owned by the

applicant. At the time of initial construction the City allowed party wall construction for duplexes built with a common wall on a property line. At the time of construction, duplexes were allowed uses in the HR-1 zone. Duplexes are currently a Conditional Use in the HR-1 zone with a minimum lot size of 3,750 square feet. The duplex is located on two lots and each lot contains 1,875 square feet of lot area. The duplex meets the minimum total lot area of 3,750 sf.

Parking requirements for the duplex (two spaces per unit) are currently met with the existing elevated open concrete parking pads located in the front of the units at the street level (Exhibit D- photos). The applicant submitted an application for a Historic District Design Review (HDDR) for construction of two detached single car garages, reconstruction of the parking pad and railings for the second space for each unit, and construction of a covered, common staircase to access front entrances of the units from the street. The front doors of the duplex are located a story below street level.

The proposed condominium Record of Survey plat memorializes the covered common staircase and common walls between the duplex units, as well as identifies private, common, and limited common ownership areas of the existing duplex and associated property of the lots.

Unit 1 contains 2,355 sf (including the lower level) and Unit 2 contains 2,103 sf (including the lower level). Each Unit also contains 441 square feet of private garage/parking area. Of the 441 sf of private parking/garage area, 252 is identified as garage space for a future single car garage and 189 sf is identified as open parking pad area. Construction of the garages and reconstruction of the open parking pads is subject to review and approval of the Historic District Design Review application submitted on December 1, 2014. The shared, covered staircase, proposed to be constructed with the garages and parking pads, to meet current building codes, is identified on the record of survey plat as common area. The remaining lot area is identified as limited common area with use and ownership restricted to each adjacent unit. All decks are identified as private area.

The owner submitted a draft Condominium Declaration and CC&Rs with the application. The Condominium Documents will be recorded with the plat. The Condominium Documents will outline the tie breaker process.

The following table shows applicable development parameters in the Historic Residential (HR-1) District:

LMC Parameters	Required or Allowed	Existing/Proposed
Building Footprint	1,519 sf for combination of two old town lots (3,750 sf lot area total)	1,519 sf existing and additional 504 sf allowed for proposed detached garages per BOA variances granted on 11.19.13.
Front/Rear Yard	10 feet minimum	Existing duplex has 26' front

Setbacks		and 9.22' rear setbacks. Existing non-complying rear setbacks. Existing parking pad structure has 3' front setbacks. BOA granted variances to allow garages and covered staircases to have a 3' front setback.
Side Yard Setbacks	5 feet minimum for combined lot	Existing duplex has 5' side setbacks. BOA granted variances to allow reconstructed parking pad structure to have 2' side setbacks.
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.	Existing duplex was constructed prior to this requirement. Existing duplex is approximately 31.5' in height from Existing Grade. Proposed garages are 11'6" in height from slab and less than 24' in height from extrapolated Existing Grade.
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery.	Existing duplex was constructed prior to this requirement. Proposed garages and reconstructed parking pad will not modify the existing grade situation.
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate. Garages are detached structures.	Existing duplex has maximum height of twenty nine (29') feet and was constructed prior to this requirement. Proposed detached garages have a height of 11'6" from the concrete slab to peak of roof as approved with the variance.
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required.	Existing duplex was constructed prior to this requirement and there is no horizontal step in the downhill (east facing) façade. No changes are proposed to

		the downhill facade.
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Good Cause

Staff finds good cause for this Condominium record of survey plat and conversion as the units will be able to be sold separately and the plat provides common area ownership designation for the covered shared access stairway and common walls between units.

Process

Planning Commission makes a recommendation to City Council and the subsequent decision by the City Council constitutes final action that may be appealed pursuant to procedures found in LMC § 15-1-18.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

On January 27, 2015, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record and posted on the public notice website on January 24, 2015.

Public Input

No public input has been received at the time this report was written.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council to approve the King Duplex Condominium Record of Survey plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council to deny the King Duplex Condominium Record of Survey plat and direct staff to make findings of fact and conclusion of law for this decision; or
- The Planning Commission may continue discussion on this item to a date certain or a date uncertain and provide Staff direction on any additional information that is required in order to make a decision.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The units of the duplex could not be separately owned or sold. The common staircase could not be covered.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the King Duplex Condominiums Record of Survey Plat located at 312 and 314 Upper Norfolk Avenue and consider forwarding a positive recommendation to City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A – Proposed Condominium Record of Survey

Exhibit B – Existing Conditions Survey

Exhibit C – Board of Adjustment Action Letter from the November 19, 2013 action

Exhibit D – Photos

Exhibit E – Plans for proposed detached Garages and covered stairs

Exhibit F – Recorder Plats

Draft Ordinance No. 15 -

AN ORDINANCE APPROVING THE KING DUPLEX CONDOMINIUMS RECORD OF SURVEY PLAT LOCATED AT 312 AND 314 UPPER NORFOLK AVENUE, LOTS 5 AND 6, BLOCK 30, OF THE PARK CITY SURVEY, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 312 and 314 Upper Norfolk Avenue petitioned the City Council for approval of the King Duplex Condominiums Record of Survey Plat; and

WHEREAS, the property was properly noticed on January 24, 2015 and posted on January 27, 2015, according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on January 27, 2015; and

WHEREAS, the Planning Commission held a public hearing on February 11, 2015, to receive input on The King Duplex Condominiums Record of Survey Plat; and

WHEREAS, the Planning Commission, on February 11, 2015, forwarded a recommendation to the City Council; and

WHEREAS, the City Council held a public hearing on March 5, 2015, to receive input on the King Duplex Condominiums Record of Survey Plat; and

WHEREAS, it is in the best interest of Park City, Utah, to approve The King Duplex Condominiums Record of Survey Plat to memorialize common, limited common, and private ownership areas and allow the units to be sold separately.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The King Duplex Condominiums Record of Survey Plat shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 312 and 314 Upper Norfolk Avenue.
2. The property is located in the Historic Residential (HR-1) District.
3. The existing structure is a duplex constructed in 1988 on Lots 5 and 6 of Block 30 of the Park City Survey.
4. A duplex was an allowed use in the HR-1 District at the time of the building permit and construction. A duplex is now a conditional use in the current Land Management Code.

5. The area of the condominium plat is 3,750 square feet which is the minimum lot area for a duplex in the HR-1 District.
6. On November 19, 2013, the Board of Adjustment granted variances for the property, including a variance to the required five (5') foot side yard setbacks, the required ten (10') foot front setbacks, and the maximum building footprint of 1,519 sf for the combined two lot area. The proposed condominium plat memorializes future construction of two detached single car garages, reconstructed open parking pads, and construction of a covered common stairway to be constructed utilizing the variances granted subject to review and approval of a Historic District Design Review application.
7. Two (2) parking spaces are to be provided for each unit, with one space located within a single car detached garage and one space located on an open elevated parking pad structure at the front of the lot to be reconstructed subject to variances granted by the Board of Adjustment on November 19, 2013.
8. Unit 1 contains 2,355 sf (including the lower level) and Unit 2 contains 2,103 sf (including the lower level). Each Unit also contains 441 square feet of private garage/parking area. Of the 441 sf of private parking/garage area, 252 is identified as garage space for a future single car garage and 189 sf is identified as open parking pad area.
9. The 252 square foot detached single car garages are proposed to be constructed in the near future, subject to variances granted by the Board of Adjustment on November 19, 2013. The 189 square foot open parking pads located adjacent to the garages are proposed to be reconstructed with the garage construction project, subject to the variances granted by the Board of Adjustment.
10. Conditions of approval of the November 19, 2013, Board of Adjustment action included a condition of approval stating that "conditions of approval will be recorded as notes on the future condominium record of survey plat prior to recordation".
11. The shared, covered staircase, proposed to be constructed to meet the current building code, is identified on the record of survey plat as common area. The shared staircase is proposed to be constructed with the garages and parking pad subject to the variances granted by the Board of Adjustment.
12. The remaining lot area is identified as limited common area with use and ownership restricted to each adjacent unit. All decks are identified as private area.
13. The existing conditions survey indicates wooden steps on the north side of the property encroach onto the City Open Space property to the north. There is also a diminimus encroachment (less than 6") onto the Treasure Hill Subdivision Open Space located east of the City Open Space.
14. The findings within the Analysis section of this report are incorporated within.

Conclusions of Law:

1. There is good cause for this condominium Record of Survey plat.
2. The Record of Survey plat is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Survey Plats.
3. Neither the public nor any person will be materially injured by the proposed Record of Survey plat.

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey and Condominium Documents and CC&Rs for compliance with State law, the Land Management Code, and conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey 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 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. The CC&Rs shall include a tie breaker mechanism.
4. Conditions of approval of the November 19, 2013, Board of Adjustment Action shall be included as notes on the final plat prior to recordation.
5. No portion of the garages shall be used for additional living space
6. The garage interior shall be used for parking. Limited storage is permitted to the extent that it does not preclude parking of a vehicle. Attic area may be used for storage. Trash and recycling bins may be stored in the garages
7. The garages shall not exceed 11'6" from the finished floor elevation to the top of the roof.
8. The area underneath the garages shall not be enclosed for use as habitable living space.
9. Encroachments across property lines will need to be addressed by an encroachment agreement or removal of the encroachments. An encroachment agreement is not required for the diminimus encroachment of an at grade wood step.

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

PASSED AND ADOPTED this ____ day of March, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A –Condominium Record of Survey Plat

KING DUPLEX CONDOMINIUMS

2 PARCELS OF LAND ADJACENT TO LOTS 5 & 6,
BLOCK 30, PARK CITY SURVEY
LYING WITHIN THE SOUTHEAST QUARTER OF
SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
PARK CITY, SUMMIT COUNTY, UTAH

NOTES:

1. THE PURPOSE OF THIS PLAT IS TO CONVERT THE EXISTING BUILDING ON PARCELS 1 AND PARCELS 2 (DESCRIBED BELOW) INTO TWO CONDOMINIUM UNITS.
2. THE UNITS OF KING DUPLEX CONDOMINIUM ARE SERVED BY A COMMON PRIVATE LATERAL WATERWATER LINE. KING DUPLEX CONDOMINIUM ASSOCIATION SHALL BE RESPONSIBLE FOR OWNERSHIP, OPERATION AND MAINTENANCE OF THE COMMON PRIVATE LATERAL WATERWATER LINE.

OWNER'S DEDICATION AND CONSENT TO RECORD:

KNOW ALL MEN BY THESE PRESENTS THAT CAROL LITTLE O'DONOGHUE, owner of the herein described tract of land, to be hereinafter as to the KING DUPLEX CONDOMINIUM, does hereby certify that it has caused this plat to be prepared, and does hereby consent to the recording of this plat. I certify that buildings shown on this plat, but not under construction at the time the plat is recorded, will be substantially as shown on the plat.

ALSO, the owner, or her representative, hereby irrevocably offers for dedication to the City of Park City of the streets, and for local government use, easements, rights and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

It witness whereof, I have hereunto set my hand this _____ day of _____, 2015.

BY: CAROL LITTLE O'DONOGHUE, OWNER

CORPORATE ACKNOWLEDGMENT:

STATE OF UTAH
County of Summit
Personally appeared before me this _____ day of _____, 2015, the following:
CAROL LITTLE O'DONOGHUE, OWNER, who after being duly sworn, acknowledged to me that she is the owner, and that she signed the owners dedication freely and voluntarily.

MY COMMISSION EXPIRES: _____
NOTARY PUBLIC
WITNESS BY: _____

LEGAL DESCRIPTION:

PARCEL 1:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 6, BLOCK 30, AMENDED PLAT OF PARK CITY SURVEY; AND RUNNING THENCE SOUTH 66°40' WEST 75.00 FEET; THENCE NORTH 23°38' WEST 25.00 FEET; THENCE NORTH 66°40' EAST 75.00 FEET TO THE NORTHWEST CORNER OF LOT 6; THENCE SOUTH 23°38' EAST 25.00 TO THE POINT OF BEGINNING.

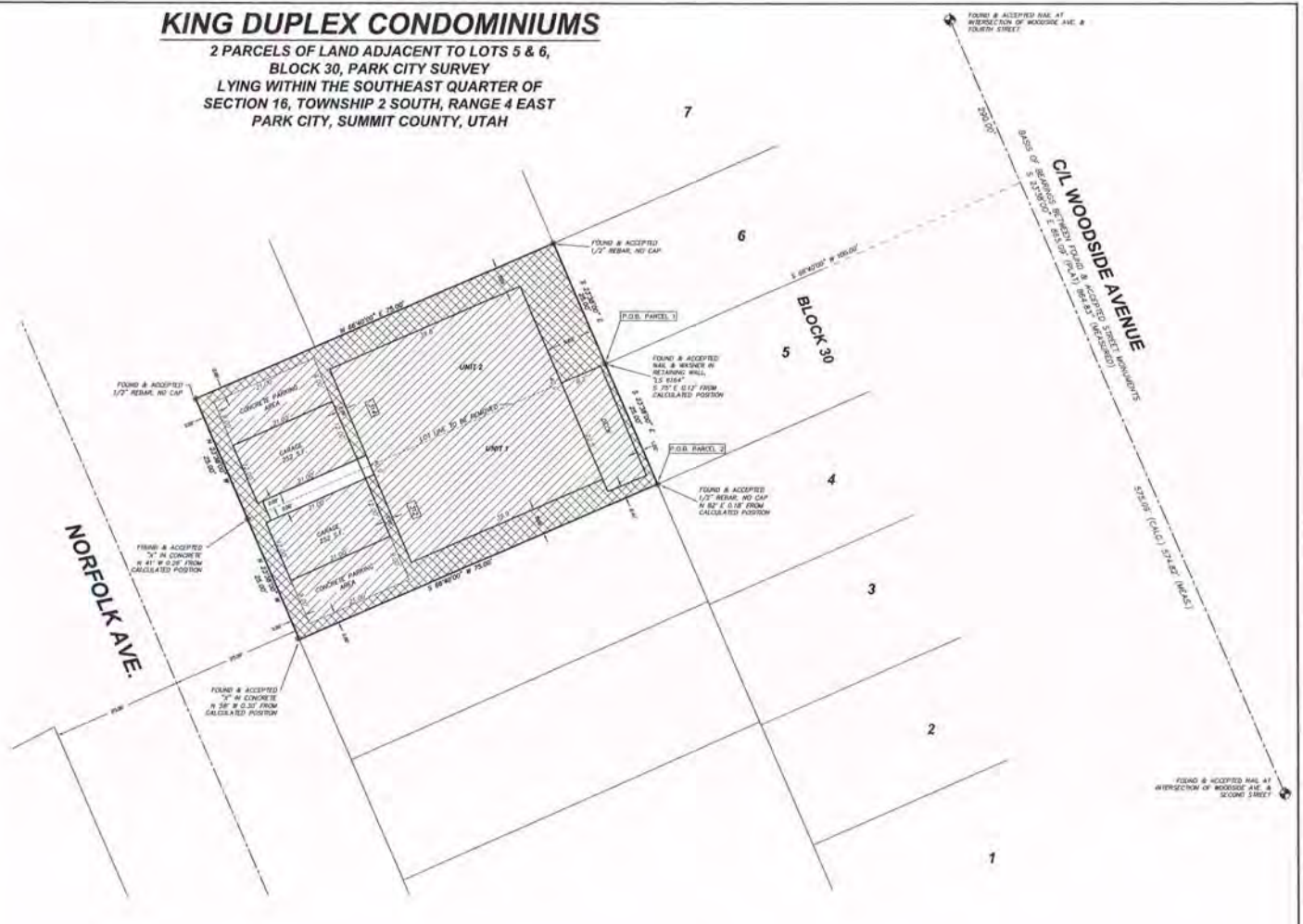
PARCEL 2:
BEGINNING AT THE SOUTHWEST CORNER OF LOT 5, BLOCK 30, AMENDED PLAT OF PARK CITY SURVEY; AND RUNNING THENCE SOUTH 66°40' WEST 75.00 FEET; THENCE NORTH 23°38' WEST 25.00 FEET; THENCE NORTH 66°40' EAST 75.00 FEET TO THE NORTHWEST CORNER OF LOT 5; THENCE SOUTH 23°38' EAST 25.00 TO THE POINT OF BEGINNING.

MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 5, BLOCK 30, AMENDED PLAT OF PARK CITY SURVEY; AND RUNNING THENCE SOUTH 66°40' WEST 75.00 FEET; THENCE NORTH 23°38' WEST 25.00 FEET; THENCE NORTH 66°40' EAST 75.00 FEET TO THE NORTHWEST CORNER OF LOT 6; THENCE SOUTH 23°38' EAST 25.00 TO THE POINT OF BEGINNING.

SURVEYOR'S CERTIFICATE:

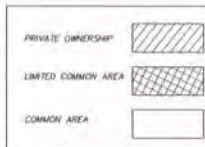
I, Marshall Nelson, certify that I am a Registered Land Surveyor and that I hold Certificate No. 80199803, as prescribed by the laws of the State of Utah, and this Plat was prepared under my direction in accordance with the requirements of Park City Municipal Corporation. I further certify that the property boundaries as shown are correct.

Drawing Number: _____ Date: _____
P.L.S. 8910843

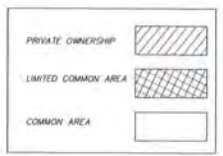
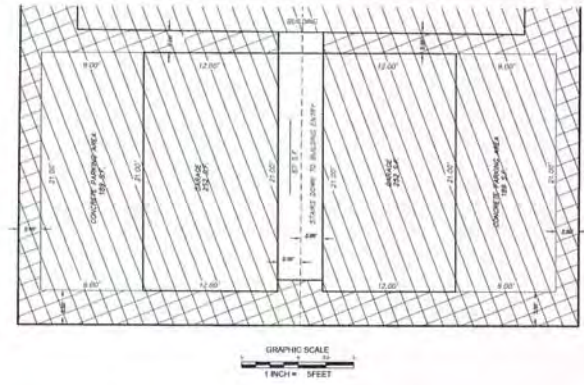
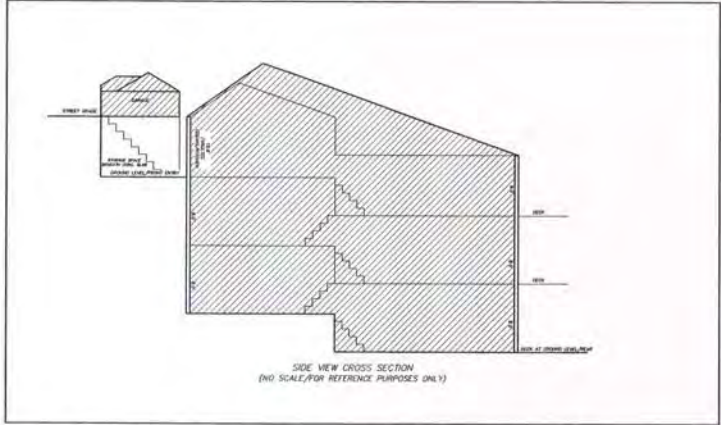


MAP OF SURVEY

- LEGEND**
- FOUND STREET MILEPOST
 - FOUND REBAR #2 CAP (AS DESCRIBED)
 - ADDRESS



<p>PARK CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____, 2015 A.D. CHAIRMAN: _____</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL ON THIS _____ DAY OF _____, 2015 A.D. BY: _____ PARK CITY RECORDER</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 A.D. BY: _____ S.B.W.R.D.</p>	<p>ENGINEERS CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH THE INFORMATION ON FILE IN MY OFFICE ON THIS _____ DAY OF _____, 2015 A.D. BY: _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM ON THIS _____ DAY OF _____, 2015 A.D. BY: _____ PARK CITY ATTORNEY</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL ON THIS _____ DAY OF _____, 2015 A.D. BY: _____ MAYOR</p>	<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ DATE: _____ TIME: _____ BOOK: _____ PAGE: _____ ENTRY NO.: _____ FEE: _____ RECORDER:</p>
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UNIT SQUARE FOOTAGE TABLE: UNIT 1

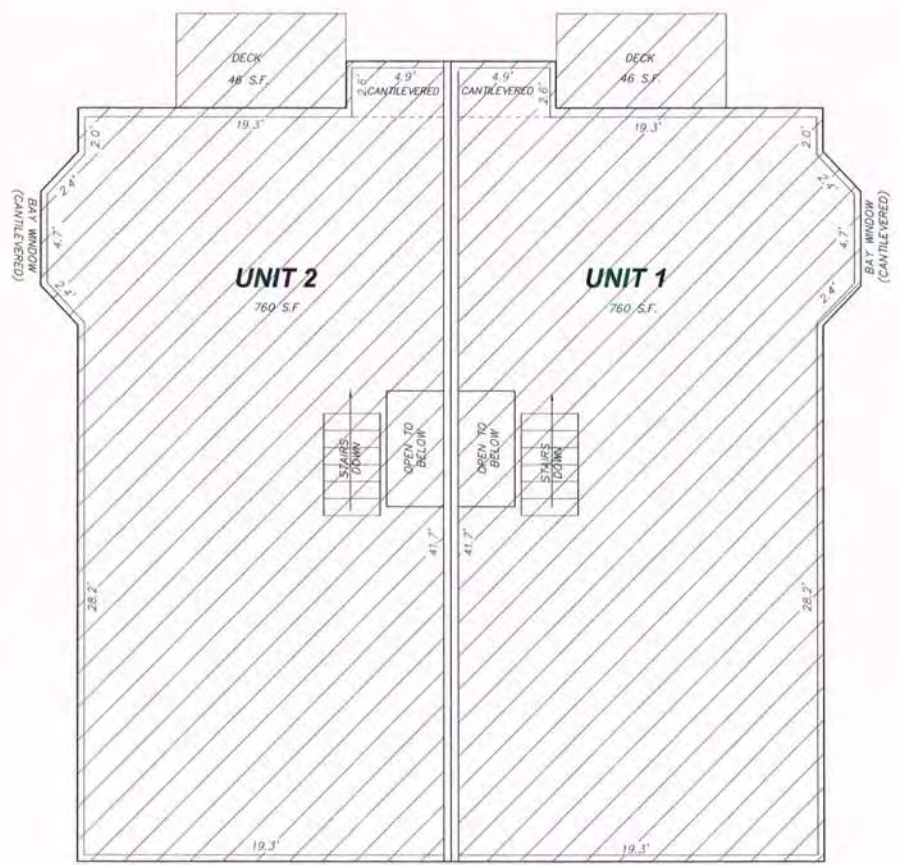
LEVEL	TOTAL PRIVATE OWNERSHIP/SQ. FT.
LOWER	733
MIDDLE	826
UPPER	806
GARAGE/PARKING	252 (GARAGE) 189 (PAD)
TOTAL	2796

UNIT SQUARE FOOTAGE TABLE: UNIT 2

LEVEL	TOTAL PRIVATE OWNERSHIP/SQ. FT.
LOWER	471
MIDDLE	826
UPPER	806
GARAGE/PARKING	252 (GARAGE) 189 (PAD)
TOTAL	2544

LIMITED COMMON AREA: (LOT) 1971 S.F.
COMMON AREA: (SHARED STAIRS TO ENTRY) 87 S.F.

KING DUPLEX CONDOMINIUMS



UPPER LEVEL

NOTE: LAYOUT OF FLOOR SPACE SHOWN HEREON IS PRIVATE OWNERSHIP

SHEET 2 OF 4

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____

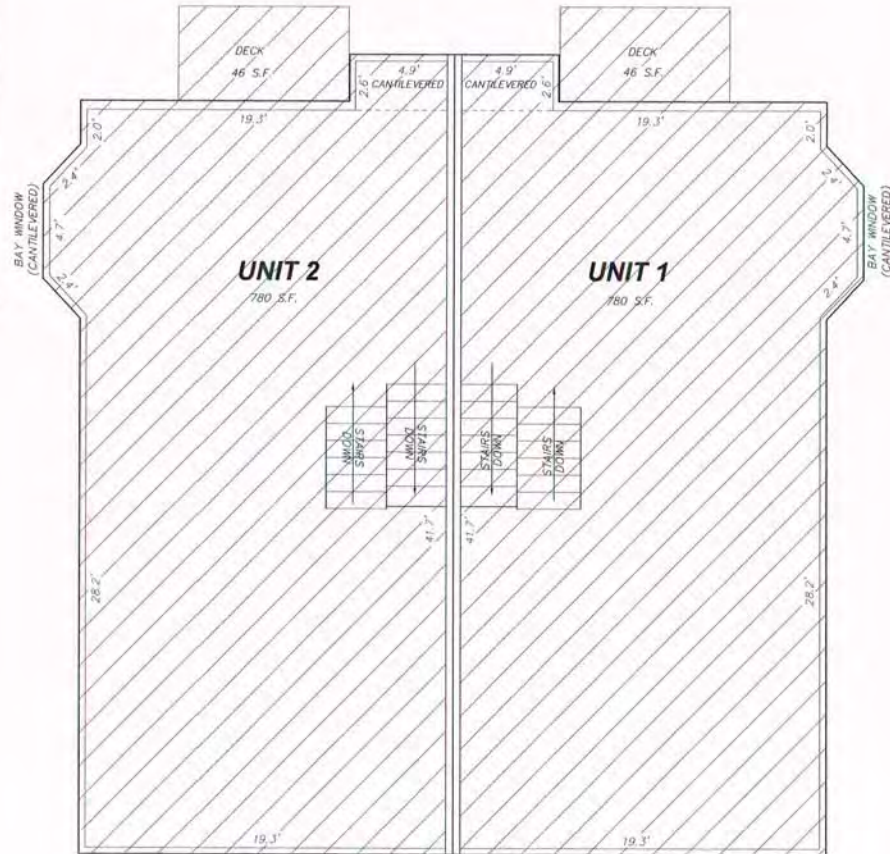
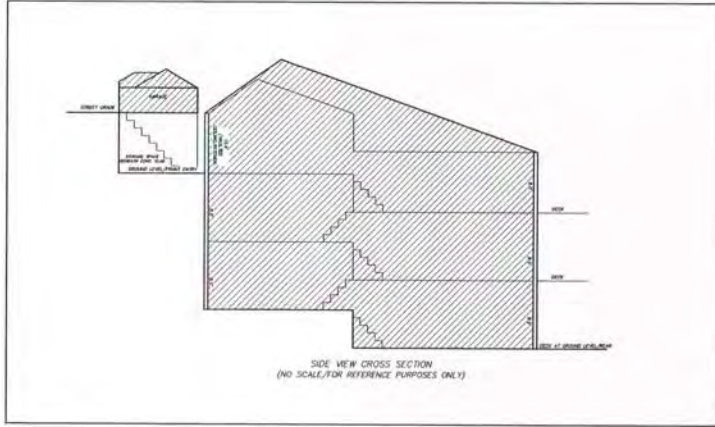
DATE: _____ TIME: _____

BOOK: _____ PAGE: _____ ENTRY NO.: _____

FEE: _____ RECORDER: _____



KING DUPLEX CONDOMINIUMS



UNIT SQUARE FOOTAGE TABLE: UNIT 1

LEVEL	TOTAL PRIVATE OWNERSHIP/SQ. FT.
LOWER	723
MIDDLE	826
UPPER	806
GARAGE/PARKING	252 (GARAGE) 189 (PAD)
TOTAL	2796

UNIT SQUARE FOOTAGE TABLE: UNIT 2

LEVEL	TOTAL PRIVATE OWNERSHIP/SQ. FT.
LOWER	471
MIDDLE	826
UPPER	806
GARAGE/PARKING	252 (GARAGE) 189 (PAD)
TOTAL	2544

LIMITED COMMON AREA (LOT) 1971 S.F.
COMMON AREA (SHARED STAIRS TO ENTRY) 87 S.F.



MIDDLE LEVEL

NOTE: LAYOUT OF FLOOR SPACE SHOWN HEREIN IS PRIVATE OWNERSHIP

SHEET 3 OF 4

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____

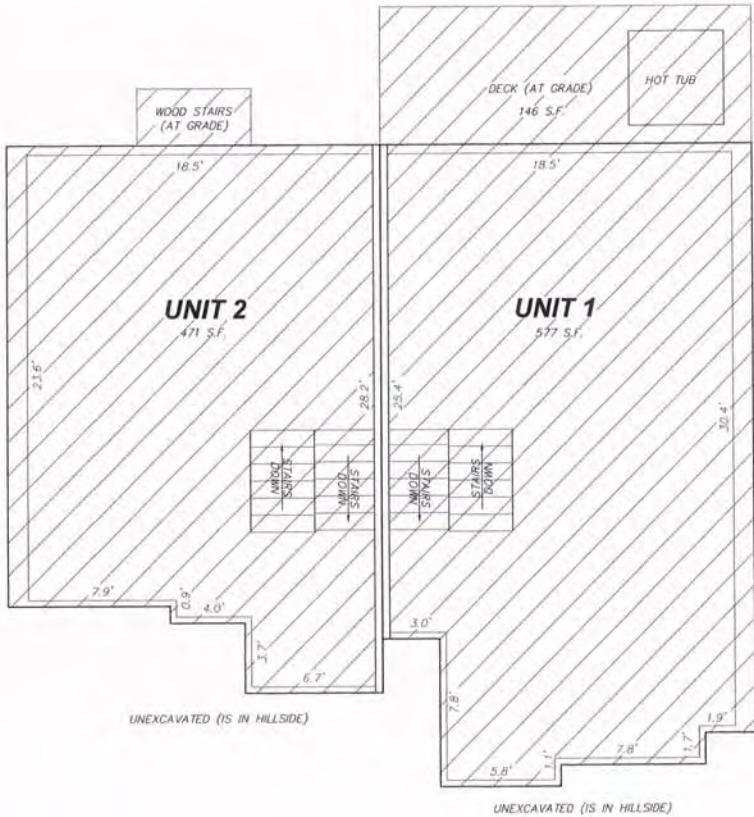
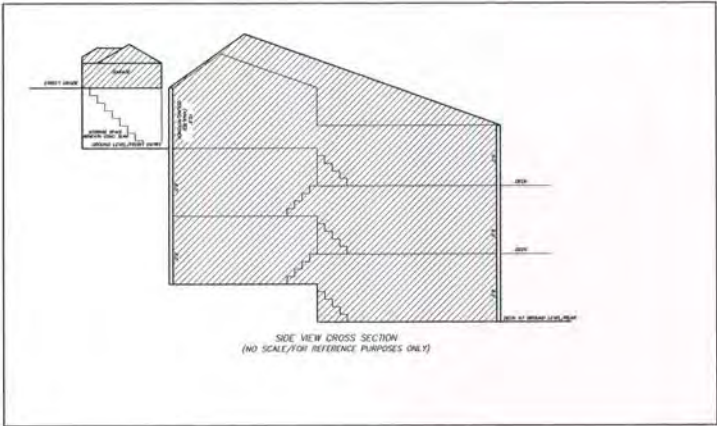
DATE: _____ TIME: _____

BOOK: _____ PAGE: _____ ENTRY NO.: _____

FEE: _____ RECORDER: _____



KING DUPLEX CONDOMINIUMS



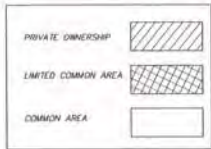
UNIT SQUARE FOOTAGE TABLE: UNIT 1

LEVEL	TOTAL PRIVATE OWNERSHIP/SQ. FT.
LOWER	723
MIDDLE	826
UPPER	808
GARAGE/PARKING	252 (GARAGE) 189 (PAD)
TOTAL	2796

UNIT SQUARE FOOTAGE TABLE: UNIT 2

LEVEL	TOTAL PRIVATE OWNERSHIP/SQ. FT.
LOWER	471
MIDDLE	826
UPPER	808
GARAGE/PARKING	252 (GARAGE) 189 (PAD)
TOTAL	2544

LIMITED COMMON AREA: (1 LOT) 1971 S.F.
 COMMON AREA: (SHARED STAIRS TO ENTRY) 87 S.F.



LOWER LEVEL

NOTE: LAYOUT OF FLOOR SPACE SHOWN HEREON IS PRIVATE OWNERSHIP

SHEET 4 OF 4

RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____
 DATE: _____ TIME: _____
 BOOK: _____ PAGE: _____ ENTRY NO.: _____
 FEE: _____ RECORDER: _____





December 18, 2013

Carol O'Donoghue
988 Birdwood Drive
Orange Park, FL 32073

NOTICE OF BOARD OF ADJUSTMENT ACTION

Project Description:	Variance requests
Project Number:	PL-13-02139
Project Address:	312 and 314 Norfolk Ave
Date of Final Action:	November 19, 2013

Action Taken

On November 19, 2013, the Board of Adjustment conducted a public hearing and approved variance requests regarding setbacks and building footprint for an existing duplex located at 312 and 314 Norfolk Avenue. Approval was granted in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as follows:

Findings of Fact

1. The properties are located at 312 and 314 Upper Norfolk Avenue.
2. The properties are located within the Historic Residential (HR-1) District.
3. The existing duplex structure is not an historic structure as it was constructed in 1981.
4. In addition to the variances granted on October 15, 2013, the applicant is requesting the following four variances:
 - A variance to LMC Section 15-2.2-3 (H) to the required five foot (5') side yard setbacks to allow a zero foot (0') setback to the common shared property line (for garages and stairs).
 - A variance to LMC Section 15-2.2-3 (H) to the required five foot (5') side yard setbacks to allow a one foot (1') setback to the outside property lines (for parking pad and railings).
 - A variance to LMC Section 15-2.2-3 (E) to allow a covered staircase in the ten foot (10') front setback (starting at 3' from the property line and continuing to the 10' setback line), in addition to the variance granted by the Board on October 15, 2013 to allow the detached garages and parking pads in the front setback as shown on the plans.
 - A variance to LMC Sections 15-2.2-3 (D) the maximum building footprint of 1,519 sf to allow an additional 21 square feet of building footprint area for each garage (total additional footprint of 42 sf) from the 462 sf (231 sf per garage) granted by the Board on October 15th. The difference is based on using the correct interior single car dimension required by the

LMC (11' by 20') that results in a correct building footprint of 12' by 21' (252 sf). If approved, this variance combined with the October 15th variance, will allow 504 square feet of additional building footprint for the two garages (252 sf per garage).

5. The property consists of two "old town" lots. Each lot is a 25' by 75' lot containing 1,875 square feet, which is the minimum lot size allowed in the district. The two lots combined contain 3,750 square feet of lot area, which is the minimum lot size allowed for duplexes in the district.
6. The site is currently occupied by a duplex that contains two (2) separate dwelling units adjoined by a zero setback common "party-wall." This is an existing condition that was permitted at the time of construction and the structure is a legal noncomplying structure. Each unit has a footprint area of 800 sf for a total existing building footprint area of 1,600 sf. The maximum building footprint for a combined 50' by 75' lot is 1,519 sf. The maximum building footprint for a single lot is 844 sf.
7. There are two existing dilapidated parking pad structures built within the front yard setback to provide required parking spaces for the duplexes.
8. The current application is a request for side yard and building footprint variances, as described in #4 above, and is based on a combined 50' by 75' lot.
9. The variances continue to be requested for the purpose of constructing a single car garage for each unit with a covered stairway between the two detached single car garages and reconstruction of the uncovered parking pads, one for each unit for a total of 4 parking spaces for the 2 units (2 in the garages and 2 on the pads). The side yard variances are requested to accommodate two 9' wide parking pads, two 12' wide (exterior dimension) garages, and a 4' wide shared staircase within a 50' wide combined lot.
10. The unreasonable hardship is that the owner's properties are at the end of a long, narrow street and snow removal by the City during the winter months causes their driveways and walkway to be covered in snow due to the fact that there is no "cul-de-sac" in which to turn, or for the plow to store the snow, and the required parking areas are uncovered and on the downhill side of the street. The turn-around is an emergency turn-around that is required to be cleared to the full required width for emergency vehicles.
11. The enclosed garages will help ensure that at least one vehicle for each dwelling unit can be parked off the street. The other parking space for each dwelling unit would be on the remaining area of the parking pads, as uncovered spaces.
12. Due to the fact that there is little to no on-street parking nearby these properties, parking within the garages will be utilized for the associated dwelling units. Parking during the winter months on Upper Norfolk is difficult due to snow accumulation at the street's end and resident guest parking. The open parking pads are perceived parking for the trailhead.
13. Granting of the variance allows the applicant the same rights as other property owners in the district. Most properties have enclosed parking in garages that discourage parking within/or behind them. This is not the case with the subject property parking pads, which are often utilized by trail users, resident guests, and other users as mistaken "on-street" parking.
14. Without the variance, the applicants will not be able to build the garages and cover the stairs, and would continue to have problems with snow removal, public parking on the parking pads, and the treacherous narrow, steep, icy staircase to the front entrances of the units.

15. Granting of the variances would allow the applicant to build two (2) detached single car garages with a common covered stairway between them, providing safer access and egress from the homes during the winter months and providing a front entry at the street.
16. The stairs are covered with a door at the street but no door at the bottom. The stairs are covered, but not enclosed. Covered stairs do not require utilization of building footprint because the space is open at the bottom and the area is not living area or finished, conditioned space, similar to a covered porch.
17. One of the goals identified in the current General Plan is to ensure that the character of new construction is architecturally-compatible to the existing historic character of Park City. The applicant will be required to go through the HDDR process for compatibility with the adopted Historic District Design Guidelines prior to the construction of the garage.
18. The survey indicates wooden steps on the north side of the property encroach onto the City Open Space property to the north. There is also a diminimus encroachment (less than 5") onto the Treasure Hill Subdivision Open Space located east of the City Open Space.
19. The proposed garages are separate detached structures and not attached to the main duplex structure. The proposed garages are 10'6" in height from the finished floor elevation to the front gable and 11'6" in height from the finished floor elevation to the highest roof ridge according to the elevations submitted with the variance application.
20. The spirit of the LMC is observed and substantial justice done.

Conclusions of Law

1. Literal enforcement of the HR-1 District requirements for this property causes an unreasonable hardship that is not necessary to carry out the general purpose of the zoning ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of substantial property right possessed by other property owners in the same district.
4. The proposal is consistent with the General Plan.
5. The spirit of the zoning ordinance is observed by this application.
6. It can be shown that all of the conditions justifying a variance, pursuant to LMC § 15-10-9, have been met.

Order

1. A variance to LMC Section 15-2.2-3 (H), to the required five foot (5') side yard setbacks to allow a zero foot (0') setback to the common shared property line (for garages and stairs), is hereby denied, as Condition of Approval #6 makes it unnecessary.
2. A variance to LMC Section 15-2.2-3 (H), to the required five foot (5') side yard setbacks to allow a two foot (2') setback to the outside property lines for parking pad (railings are allowed to encroach an additional one foot (1')), is hereby granted.
3. A variance to LMC Section 15-2.2-3 (E) to allow a covered staircase in the ten foot (10') front setback (starting at 3' from the property line and continuing to the 10' setback line), in addition to the variance granted by the Board on October 15, 2013 to allow the detached garages and parking pads in the front setback as shown on the plans, is hereby granted.

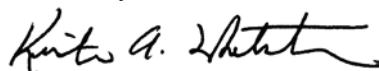
4. A variance to LMC Section 15-2.2-3 (D), to the maximum building footprint of 1,519 sf to allow an additional 21 square feet of building footprint area for each garage (total additional footprint of 42 sf from the 462 sf (231 sf per garage) granted by the Board on October 15th, is hereby granted. This variance combined with the October 15th variance, will allow a total of 504 square feet of additional building footprint for the two garages (252 sf per garage).
5. The variances run with the land.

Conditions of Approval

1. The variances are granted for the two parking pads, two single car garages, and the covered shared stairway, as indicated on the plans submitted with this application.
2. No portion of the garages shall be used for additional living space.
3. The garage interior shall be used for parking. Limited storage is permitted to the extent that it does not preclude parking of a vehicle. Attic area may be used for storage. Trash and recycling bins may be stored in the garages.
4. The garages shall not exceed 11'6" from the finished floor elevation to the top of the roof.
5. The area underneath the garages shall not be enclosed for use as habitable living space.
6. Recordation of a condominium record of survey plat is required prior to issuance of a building permit for the covered staircase. Uncovered stairs may be reconstructed without the condominium record of survey plat, subject to recordation of access and construction easements as required by the Chief Building Official.
7. Any encroachments from this property onto the adjacent Open Space shall be removed prior to issuance of any building permits, unless an encroachment agreement is executed and recorded between the property owner (applicant) and the City. No encroachment agreement is required for the diminimus encroachment.
8. The above conditions of approval will be recorded as notes on the future condominium record of survey plat prior to recordation.

If you have any questions or concerns regarding this letter, please do not hesitate to call me at 435-615-5066 or email me at kirsten@parkcity.org.

Sincerely,



Kirsten A. Whetstone, MS, AICP
Senior Planner

File



EXHIBIT D



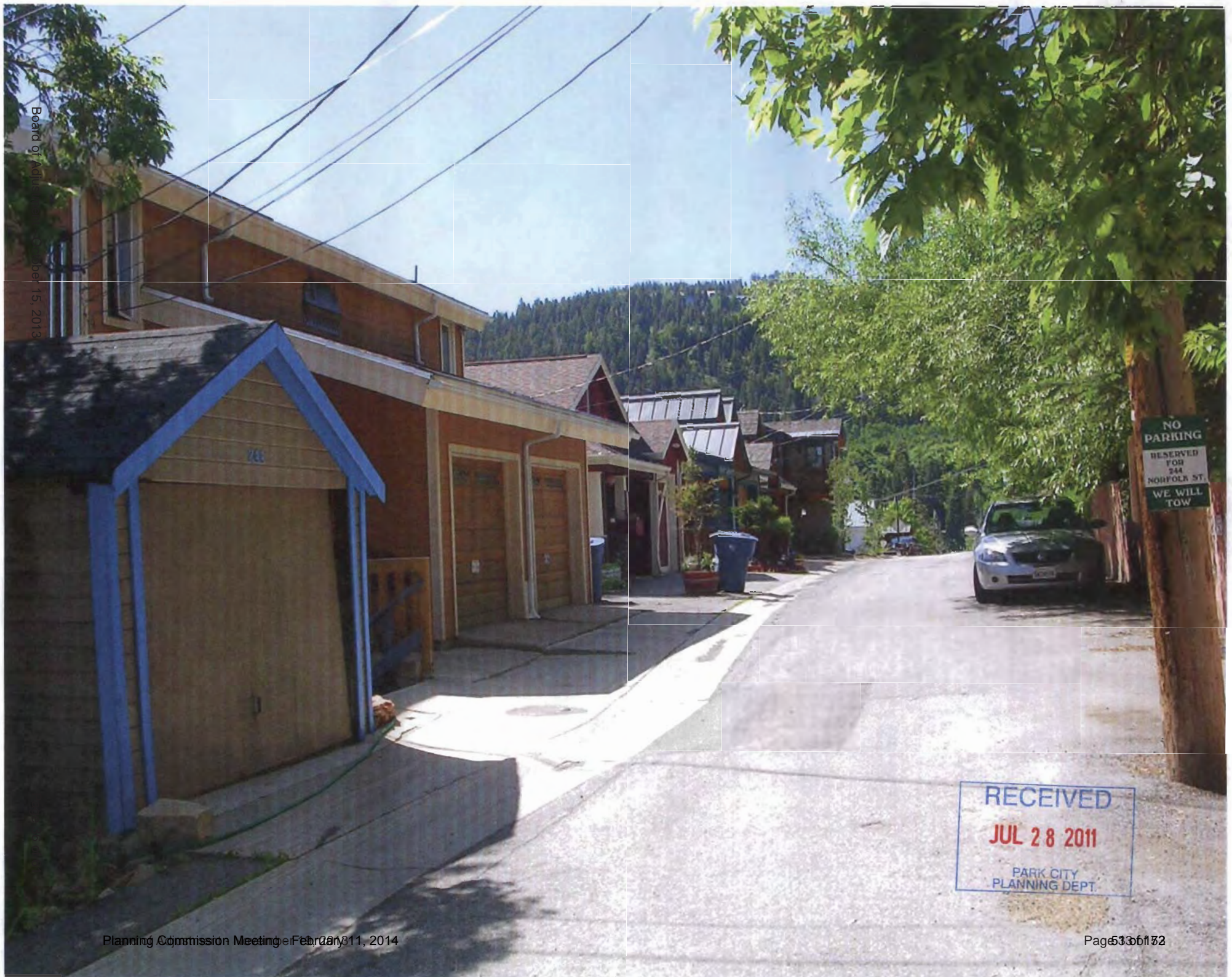
RECEIVED
JUL 28 2011
PARK CITY
PLANNING DEPT.

RECEIVED
JUL 28 2011
PARK CITY
PLANNING DEPT.



RECEIVED
JUL 28 2011
PARK CITY
PLANNING DEPT.

Board of Planning
October 15, 2013



NO
PARKING
RESERVED
FOR
244
NORFOLK ST.
WE WILL
TOW

RECEIVED
JUL 28 2011
PARK CITY
PLANNING DEPT.

NO
PARKING
ANY
TIME

RECEIVED
JUL 28 2011
PARK CITY
PLANNING DEPT.



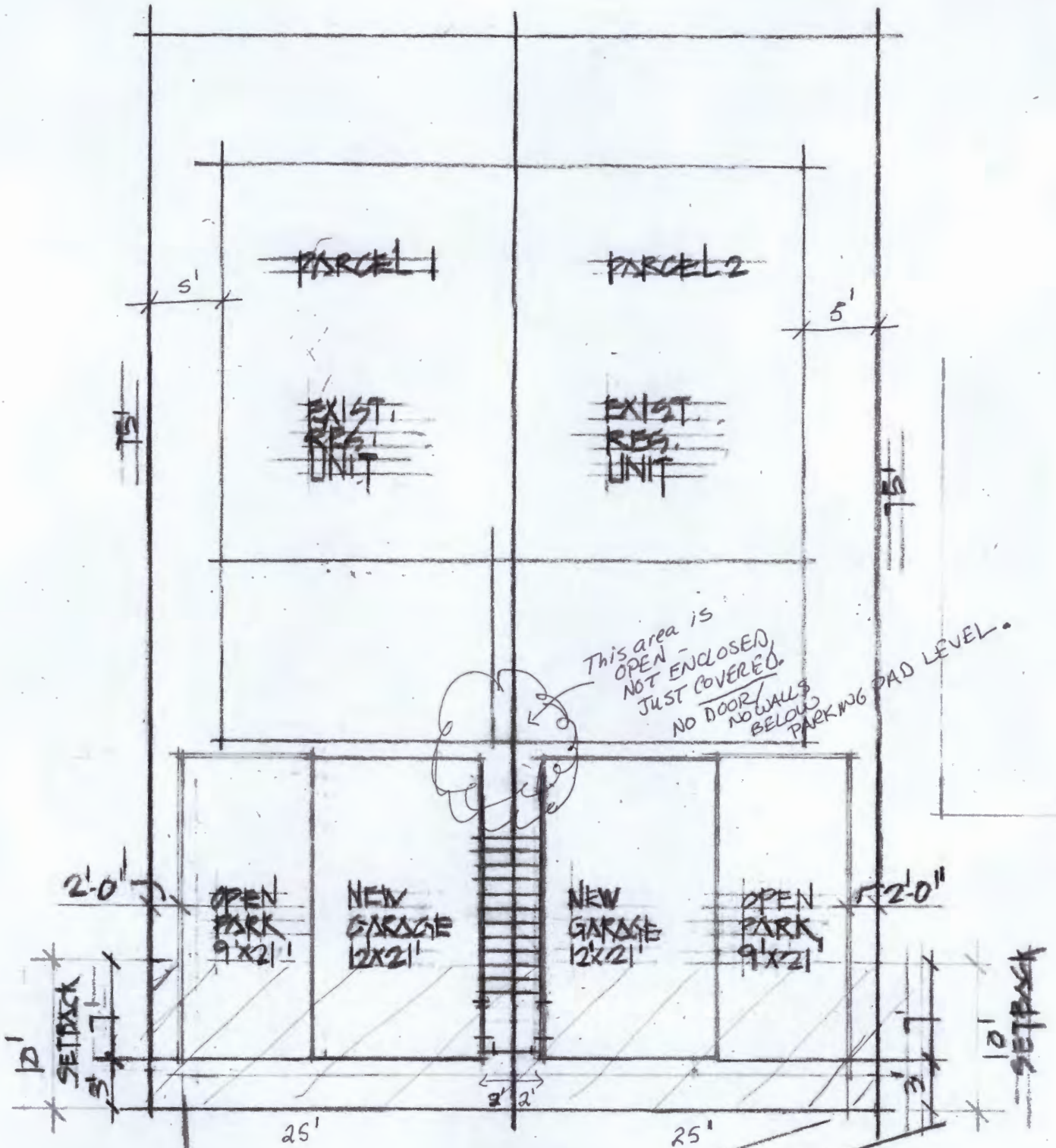


RECEIVED
JUL 28 2011
PARK CITY
PLANNING DEPT.





EXHIBIT E



FRONT SETBACK AREA

RECEIVED
NOV 12 2013
PARK CITY PLANNING DEPT.

EXIST CURB

SITE PLAN

1" = 10'

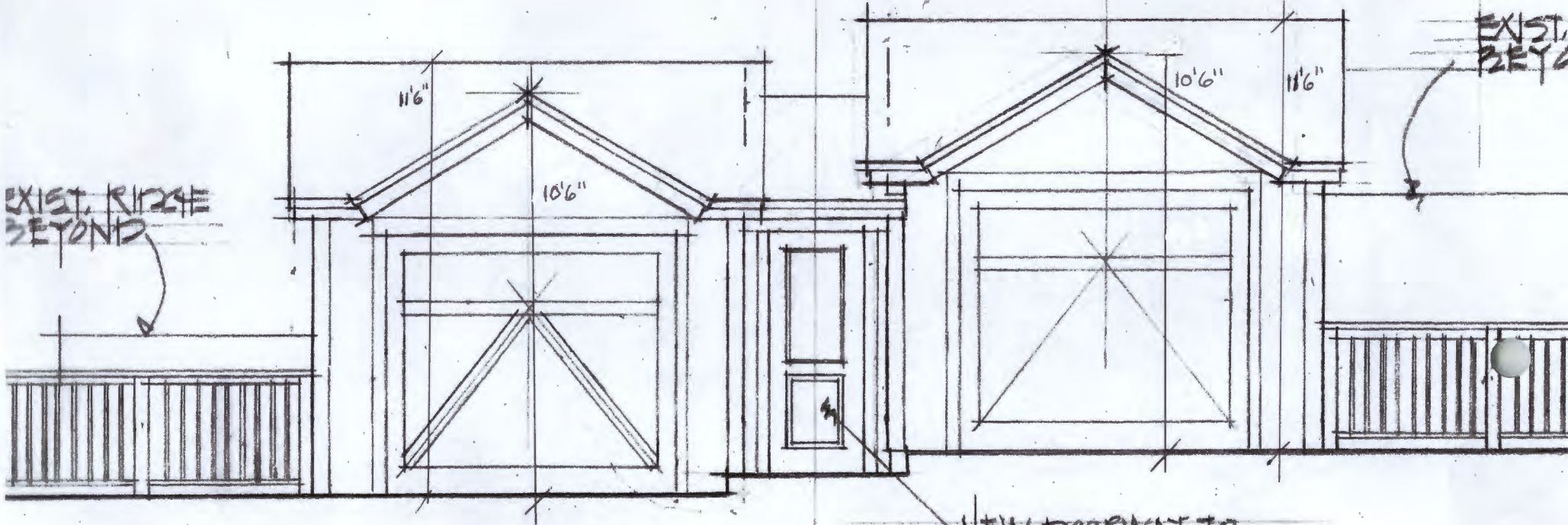
25'-0" LOT
PARCEL 1

25'-0" LOT
PARCEL 2

CPL

EXIST. RIDGE
BEYOND

EXIST.
BEYOND



NEW DOORWAY TO
EXIST. STAIRWAY
DOWN TO UNIT ENTRIES

WEST ELEVATION

1/4" = 1'-0"

RECEIVED
NOV 12 2013
PARK CITY
PLANNING DEPT.

EXHIBIT F

Note: # Refers to Street Address

PARK CITY - BLOCKS 3, 11, 30 SECTION 16, T2S, R4E, SLB & M

BOOK PAGE



Approved	REVISIONS - DATE AND INITIAL	(In Pencil)
Utah State Tax Comm	5/17/14	

SUMMIT COUNTY, UTAH

SCALE
ONE INCH = 40 FEET
BOOK PAGE



Planning Commission Staff Report

Subject: 930 Empire Avenue
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-14-02604
Date: February 11, 2015
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 930 Empire Avenue Subdivision Plat Amendment located at 930 Empire Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

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

Description

Applicant: Gavin Steinberg (represented by Larry Feldman)
Location: 930 Empire Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

Lot 26 and southerly ½ of Lot 25, Block 15, Snyder's Addition to the Park City Survey are owned by the same entity. The original lot lines from the historic survey still exist on said lots. The owner desires to unify the property into one (1) lot of record by removing the existing interior lot lines.

Background

On December 29, 2014, the City received a Plat Amendment application for 930 Empire Avenue; the application was deemed complete on January 8, 2015. The property is located at 930 Empire Avenue. The property is in the Historic Residential (HR-1) District. The subject property consists of all of Lot 26 and the southerly ½ of Lot 25, Block 15, Snyder's Addition. The entire area is recognized by the County as Parcel SA-154 (Tax ID).

Currently the site contains a 3-story single-family A-frame dwelling. According to Summit County records the structure was built in 1975. The site is not listed on the City's Historic Sites Inventory (HSI). The applicant has applied for a demolition permit in order to remove the existing A-frame and develop the property, and he has submitted

a Pre-Historic District Design Review (Pre-HDDR) application for the new residential structure.

Purpose

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

- (A) preserve present land Uses and character of the Historic residential Areas of Park City,
- (B) encourage the preservation of Historic Structures,
- (C) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) encourage single family Development on combinations of 25' x 75' Historic Lots,
- (E) define Development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Analysis

The proposed plat amendment creates one (1) lot of record from the existing one and one-half lots equaling 2,812.5 square feet. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lot meets the minimum lot area for a single-family dwelling. The minimum lot width allowed in the HR-1 District is twenty-five feet (25'). The proposed lot is thirty-seven and one-half feet (37.5') wide. The proposed lot meets the minimum lot width requirement. The following table shows applicable development parameters in the Historic Residential (HR-1) District:

	Existing Parcel	Existing Conditions
<i>Lot Size (as proposed)</i>	2,812.5 sf.	2,812.5 sf
<i>Setbacks</i>		
Front (East)	10 ft.	18.5 ft.
Rear (West)	10 ft.	10 ft.
Side (North)	3 ft.	7.5 ft.
Side (South)	3 ft.	4 ft. – 5 ft. (from west to east)
<i>Allowed Footprint</i>	1,201 sf.	1,104 sf.

Staff finds good cause for this plat amendment as it will eliminate the existing interior lot line and create one (1) new legal lot of record from 1-1/2 existing lots. The existing structure straddles the lot line between Lots 25 and Lot 26; therefore, this plat amendment would allow the structure be on one (1) lot of record. Without a plat amendment, any new development would be confined to Lot 26 (the 25' x 75' lot) as no new development would be permitted to straddle an interior lot line. This plat amendment allows the remnant portion of Lot 25 to be combined with Lot 26 as both are commonly owned.

The existing parking pad currently consumes much of the front yard setback and extends into the City right-of-way. The applicant can either remove the existing parking pad from the public right-of-way, or enter into an encroachment agreement with the City, as dictated by Condition of Approval #4. Any new on-site parking shall be provided entirely within the platted Lot and out of the Empire Avenue right-of-way.

The northerly ½ of Lot 25 is owned by 936 Empire Avenue (Tax parcel SA-155-A) to the north. The property at 936 Empire Avenue also comprises 1-1/2 existing lots. A plat amendment application for this property was reviewed by Planning Commission on January 14, 2015, and will be reviewed by City Council on February 12, 2015.

The applicant does not have ownership of the northerly ½ of Lot 25. Prior to redeveloping the lot, the applicant will require a Historic District Design Review (HDDR) approval. This downhill lot would not require a Steep Slope Conditional Use Permit (CUP) due to the existing slope of the property.

Process

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

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

No public input has been received by the time of this report.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the 930 Empire Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 930 Empire Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 930 Empire Avenue Plat Amendment.

Significant Impacts

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

Consequences of not taking the Planning Department's Recommendation

The site would remain as is. The site would contain one (1) single Old Town lots (25' x 75') and one half (12.5' x 75') remnant parcels. The existing structure would continue to straddle the interior lot lines, and any new development would be confined to Lot 26, as Lot 25 is a remnant lot by itself.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the 930 Empire Avenue Plat Amendment located at 930 Empire Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Survey

Exhibit C – Aerial Photograph

Exhibit D – Site Photographs

Exhibit A: Draft Ordinance

Ordinance No. 15-XX

**AN ORDINANCE APPROVING THE 930 EMPIRE AVENUE PLAT AMENDMENT
LOCATED AT 930 EMPIRE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 930 Empire Avenue has petitioned the City Council for approval of the Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 11, 2015, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on February 11, 2015, forwarded a XX recommendation to the City Council; and,

WHEREAS, on March 5, 2015, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 930 Park Avenue Plat Amendment.

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

SECTION 1. APPROVAL. 930 Empire Avenue Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 930 Empire Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lot 26 and the southerly half (1/2) of Lot 25, Block 15, Snyder's Addition. The applicant does not have ownership of the northerly half (1/2) of Lot 25.
4. The entire area is recognized by the County as Parcel SA-154.
5. The site is not designated as historic by the Historic Sites Inventory (HSI).
6. The building footprint of the existing A-frame dwelling is approximately 1,104 square feet.
7. The proposed plat amendment creates one (1) lot of record from the existing

- area consisting of approximately 2,812.5 square feet.
8. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District.
 9. The minimum lot area for a single-family dwelling is 1,875 square feet.
 10. The proposed lot meets the minimum lot area for a single-family dwelling.
 11. The minimum lot width allowed in the district is twenty-five feet (25'). The proposed lot is thirty-seven and one-half feet (37.5') wide. The proposed lot meets the minimum lot width requirement.
 12. The existing structure meets all required front, rear, and side yard setbacks. Any new development on the property will also be required to meet the setbacks, as defined by LMC 15-2.2-3.
 13. There is an existing parking pad that encroaches into the Empire Avenue right-of-way.
 14. The applicant applied for a Building Department demolition permit for the existing A-frame structure on January 16, 2015. The applicant also submitted a Pre-Historic District Design Review (Pre-HDDR) application to the Planning Department on January 27, 2015, for a new single-family residence.
 15. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat 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 the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Empire Avenue frontage of the property.
4. The applicant can either remove the existing parking pad from the public right-of-way, or enter into an encroachment agreement with the City. New on-site parking shall be provided entirely on the platted Lot and out of the Empire Avenue right-of-way.

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

PASSED AND ADOPTED this 5th day of March, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

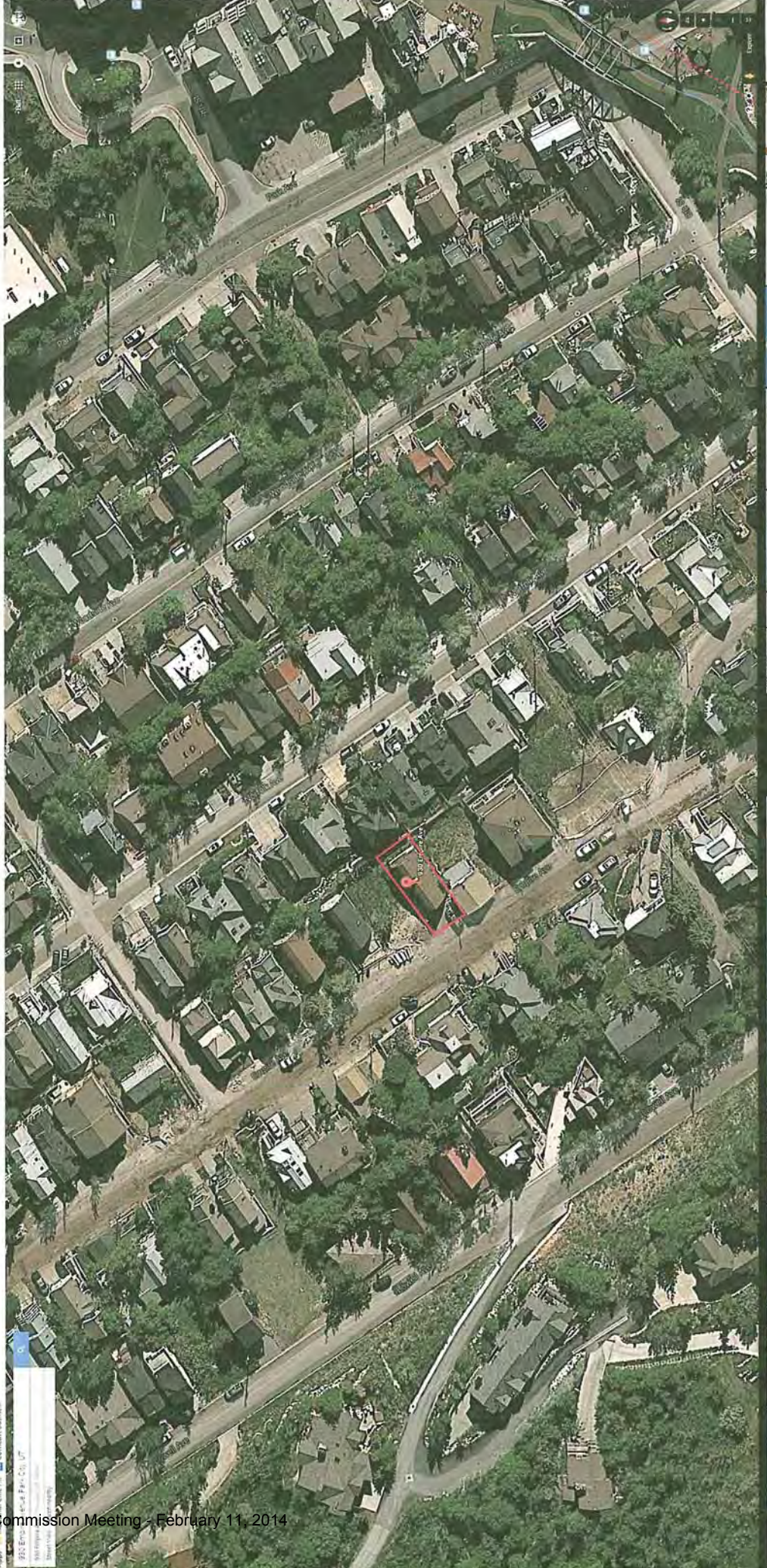
ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



[Home](#)
[Map](#)
[Streets View](#)
[Satellite](#)
[Hybrid](#)
[Terrain](#)
[3D](#)
[Layers](#)

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MCC 3 3 2014

936 Empire Ave
Park City, Utah
Street View - Mar 2011



RECEIVED
DEC 29 2014
PARK CITY
PLANNING DEPT.

944 Empire Ave
Park City, Utah
Street View - Mar 2011



RECEIVED
DEC 29 2014
PARK CITY
PLANNING DEPT.

930 Empire Ave
Park City, Utah
Street View - Mar 2011



RECEIVED
DEC 29 2014
PARK CITY
PLANNING DEPT.



Planning Commission Staff Report

Subject: Ontario Three Subdivision
Author: Francisco J. Astorga, City Planner
Project Number: PL-14-02542
Date: February 11, 2015
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Ontario Three Subdivision Plat Amendment located at 355 & 347 Ontario Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

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

Description

Applicants: Ontario, LLC and Michael Stewart
represented by Marshall King with Alliance Engineering Inc.
Location: 355 Ontario Avenue, Lot 18 & 19
347 Ontario Avenue, Lot 20
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

Lot 18 and 19, Block 54, Park City Survey, known as 355 Ontario Avenue, is currently owned by Ontario, LLC. Lot 20, Block 54, Park City Survey, known as 347 Ontario Avenue, is currently owned by Michael Stewart. The owner of Lot 20 has an agreement with the owner of Lot 18 and 19 to purchase a portion of Lot 19 to the north with the goal of modifying the entrance to the existing residence on Lot 20. The original lot line when Park City Survey was platted still exists between Lots 18, 19, 20. The owners desire to reconfigure Lots 18, 19, and 20 into two (2) lots of record by re-configuring the existing lot line between Lot 19 and 20, and removing the lot line between Lot 18 and 19.

Background

On November 11, 2014 the City received a completed Plat Amendment application for the Ontario Three Subdivision. The property is located at 355 & 347 Ontario Avenue. The property is in the Historic Residential (HR-1) District. The subject property consists of Lots 18, 19, and 20, Block 54, Park City Survey.

Lots 18 and 19, known as 355 Ontario Avenue, are currently recognized by the County as Parcel PC-449. This site is owned by Ontario, LLC (William McKenna). This site is also listed on Park City's Historic Sites Inventory (HSI) and is recognized as a Landmark site. The property is also known as the Levins D. Gray House built circa 1902. This site was listed on the National Register (NR) of Historic Places in 1984 as part of the *Park City Mining Boom Era Residences Thematic District*. It was built within the historic period, defined as 1872 to 1929 in the district nomination, and retains its historic integrity. The house remains largely unchanged from the description provided in the NR nomination form.

The house is sited towards the rear of the lot. The front of the house is opposite from the street, Ontario Avenue, as pedestrian access is from a path off Shorty's Stairs. This house does not have vehicular access. Due to the historic nature of the site, it was built over the lot line. The lot line between Lot 19 and 20 currently goes through the house. According to Summit County records the structure is 1,369 square feet (Living Area).

Lot 20, known as 347 Ontario Avenue, is currently recognized by the County as Parcel PC-450. This lot is owned by Michael Stewart. This house was built in 2000. According to Summit County records the structure is 2,802 square feet (Living, Basement, and Attached/Built-in Garage Area).

Purpose

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

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Analysis

The proposed plat amendment creates two (2) lots of record, proposed Lot A and B, from the existing three. The plat amendment removes the lot line between Lot 18 and 19 going through the historic structure, creating Lot A, on 355 Ontario Avenue. The proposed plat amendment reconfigures the lot line between Lots 19 and 20 making Lot 20 bigger and combined Lots 18/19 smaller. The owner of Lot 20 has an agreement with the owner of Lot 18/19 to purchase a portion of Lot 19 to the north consisting of 398 square feet.

A single-family dwelling is an allowed use in the Historic Residential (HR-1) District. The owners propose 355 Ontario, Lot A, to be 3,352 square feet and 347 Ontario, Lot B, 2,273 square feet. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings. The proposed land transfer disallows Lot A of being eligible for a duplex dwelling due to the required minimum lot area of 3,750 square feet. The width of Lot A is 41.5 feet. The width of Lot B is 33.5 feet. The minimum lot width allowed in the HR-1 District is twenty-five feet (25'). The proposed lots meet the minimum lot width requirements. The following table shows applicable development parameters in the Historic Residential (HR-1) District:

LMC Requirements	Standard
Building Footprint (based on lot size)	Lot A: 1,388.3 square feet, maximum Lot B: 1,000.3 square feet, maximum
Front/Rear Yard Setbacks	10 feet, minimum
Side Yard Setbacks	Lot A: 5 feet, minimum Lot B: 3 feet, minimum
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required [...].
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

Staff has identified that the existing historic structure at 355 Ontario Avenue does not meet the rear yard setback as the structure was built on the flat portion of the lot. The structure is two feet (2') from the west rear yard property line. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures. Furthermore, the proposed Plat Amendment does not take place over this lot line and does not affect it.

The non-historic structure at 347 Ontario Avenue does not meet the height parameters in terms final grade (within four feet of existing grade), 35 foot rule, and vertical articulation (outlined above). The structure is considered legal non-compliant structure as it complied with the regulations at the time when it was approved. The legal non-compliant status is not affected by the proposed plat amendment.

Staff finds good cause for this Plat Amendment as the lot line going through the historic structure, between Lot 18 & 19, is proposed to be removed. Also, the proposed lots meet the current parameters in terms minimum lot size and lot width and the character of the district will not be negatively changed. Additionally, the plat amendment removes

the ability to construct a duplex on Lot A because the proposed lot does not meet the minimum lot requirements for a duplex. Public snow storage and utility easements are provided on the lots.

Process

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 15-1-18.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

No public input has been received by the time of this report.

Alternatives

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

Significant Impacts

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

Consequences of not taking the Planning Department's Recommendation

The three (3) lots would remain as is. The historic structure would sit over Lot 18 and 19. The lot line between Lot 19 and Lot 20 would not be able to be re-platted.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the Ontario Three Subdivision Plat Amendment located at 355 & 347 Ontario Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)

Exhibit B – Applicant's Project Intent

Exhibit C – Aerial Photograph
Exhibit D – County Tax Map Existing Survey
Exhibit E – Vicinity Map
Exhibit F – 355 Ontario Avenue Survey
Exhibit G – 347 Ontario Avenue Survey
Exhibit H – Site Photographs

Ordinance No. 15-XX

AN ORDINANCE APPROVING THE ONTARIO THREE SUBDIVISION PLAT AMENDMENT LOCATED AT 355 & 347 ONTARIO AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 355 & 347 Ontario Avenue have petitioned the City Council for approval of the Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 11, 2015, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on February 11, 2015, forwarded a recommendation to the City Council; and,

WHEREAS, on March 5, 2015, the City Council held a public hearing to receive input on the plat amendment; and

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

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

SECTION 1. APPROVAL. Ontario Three Subdivision Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 355 & 347 Ontario Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of Lots 18, 19, and 20, Block 54, Park City Survey.
4. Lots 18 and 19, known as 355 Ontario Avenue, are currently recognized by the County as Parcel PC-449.
5. 355 Ontario Avenue is listed on Park City's Historic Sites Inventory (HSI) and is recognized as a Landmark site.
6. The historic house at 355 Ontario is sited towards the rear of the lot and the front of the house is opposite from the street, Ontario Avenue, as the pedestrian access is from a path off Shorty's Stairs and does not have vehicular access.

7. Due to the historic nature of the site, it was built over the lot line.
8. The lot line between Lot 18 and 19 currently goes through the historic house.
9. Lot 20, known as 347 Ontario Avenue, is currently recognized by the County as Parcel PC-450.
10. The house on 347 Ontario was built in 2000 and is not historic.
11. The proposed plat amendment creates two (2) lots of record from the existing three (3) lots.
12. The plat amendment removes the lot line between Lots 18 and 19 going through the historic structure on 355 Ontario Avenue and reconfigures the lot line between Lots 19 and 20 making Lot 20 bigger and combined Lots 18/19 smaller.
13. The owner of Lot 20 has an agreement with the owner of Lot 18/19 to purchase a portion of Lot 19 to the north consisting of 398 square feet.
14. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District.
15. The proposed lot size of Lot A is 3,352 square feet.
16. The proposed lot size of Lot B is 2,273 square feet.
17. The minimum lot area for a single-family dwelling is 1,875 square feet.
18. The proposed lots meet the minimum lot area for single-family dwellings.
19. The proposed land transfer disallows Lot A of being eligible for a duplex dwelling due to the required minimum lot area of 3,750 square feet.
20. The width of Lot A is 41.5 feet.
21. The width of Lot B is 33.5 feet.
22. The minimum lot width allowed in the HR-1 District is twenty-five feet (25').
23. The proposed lots meet the minimum lot width requirements.
24. Based on proposed lot size, the maximum building footprint for Lot A is 1,388.3 square feet.
25. Based on proposed lot size, the maximum building footprint for Lot A is 1,000.3 square feet.
26. The front and rear yard setbacks for both proposed lots are ten feet (10') minimum.
27. The side yard setbacks for proposed Lot A are five feet (5') minimum.
28. The side yard setbacks for proposed Lot B are three feet (3') minimum.
29. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and

content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Ontario Avenue frontage of the property.
4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

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

PASSED AND ADOPTED this 5th day of March, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

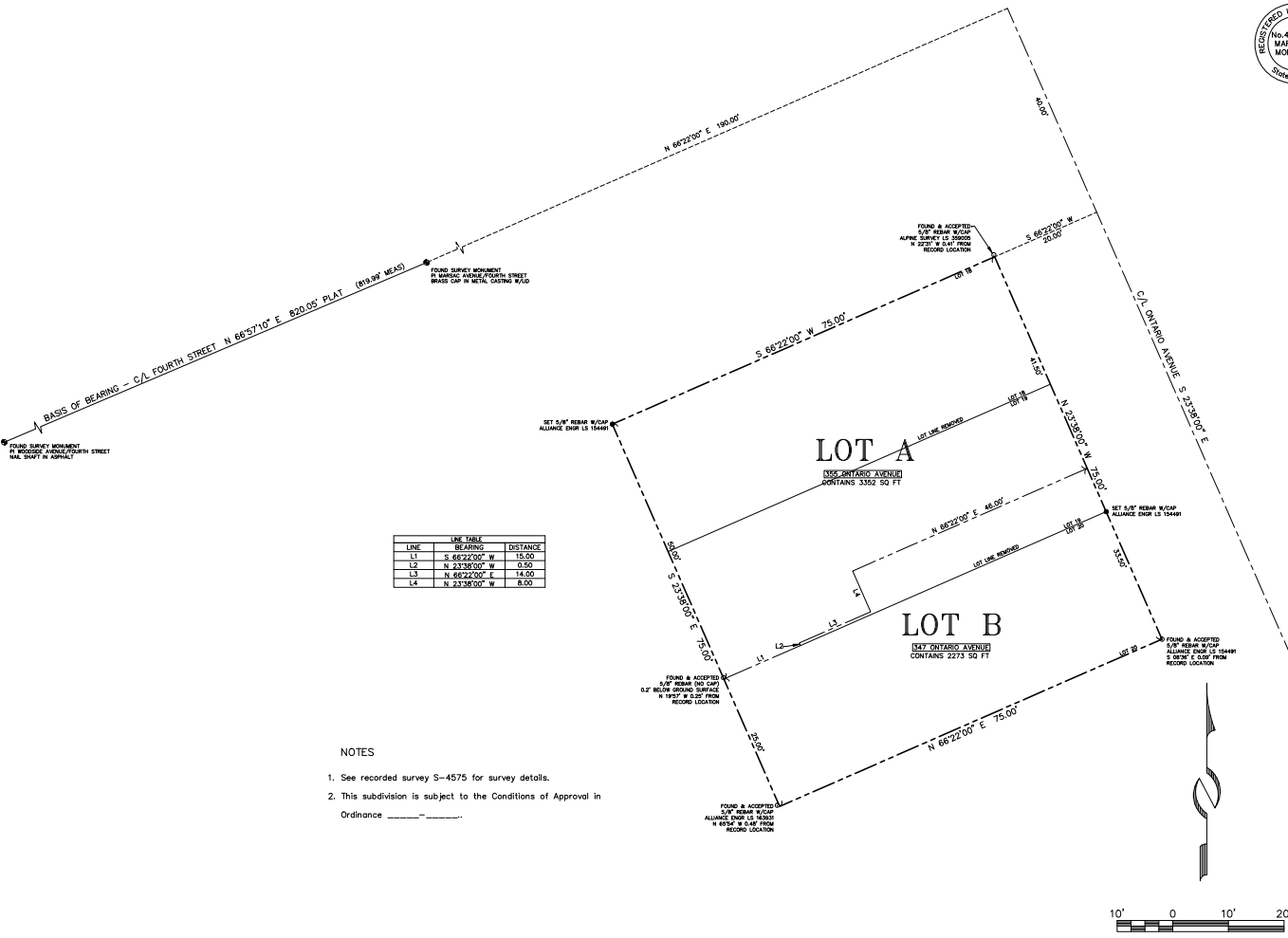
Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Exhibit A, Attachment 1 - Proposed Plat



LINE	BEARING	DISTANCE
L1	S 66°22'00\"	15.00
L2	N 23°38'00\"	5.50
L3	N 66°22'00\"	14.00
L4	N 23°38'00\"	8.00

- NOTES
- See recorded survey S-4575 for survey details.
 - This subdivision is subject to the Conditions of Approval in Ordinance _____.



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938730, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of the ONTARIO THREE SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

Parcel 1:
Lots 18 and 19, Block 54, Park City Survey, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

Parcel 2:
All of Lot 20, Block 54, Park City Survey, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Ontario, LLC, as to PARCEL 1, the undersigned owner of the herein described tract of land to be known hereafter as ONTARIO THREE SUBDIVISION, does hereby certify that it has caused this Plat Amendment to be prepared and does hereby consent to the recordation of this Plat.

William E. McKenna, Manager
Ontario, LLC

ACKNOWLEDGMENT

State of _____
ss: _____
County of _____

On this _____ day of _____, 2015, William E. McKenna personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, William E. McKenna acknowledged to me that he is the managing member of Ontario, LLC, the owner of PARCEL 1, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Signature _____
A Notary Public commissioned in _____
Printed Name _____
Residing in: _____
My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Michael R. Stewart, as to PARCEL 2, the owner of the herein described tract of land, to be known hereafter as ONTARIO THREE SUBDIVISION, does hereby certify that he has caused this Plat Amendment to be prepared and hereby consents to the recordation of this Plat.

Michael R. Stewart

ACKNOWLEDGMENT

State of _____
ss: _____
County of _____

On this _____ day of _____, 2015, Michael R. Stewart personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Michael R. Stewart acknowledged to me that he is the owner of PARCEL 2, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Signature _____
A Notary Public commissioned in _____
Printed Name _____
Residing in: _____
My commission expires: _____

A COMBINATION OF LOTS 18, 19 & 20 IN BLOCK 54, PARK CITY SURVEY

ONTARIO THREE SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SHEET 1 OF 1

<p>(435) 649-0467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 333 Main Street, P.O. Box 2664, Park City, Utah 84060-2664</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015</p> <p>BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015</p> <p>BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2015</p> <p>BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2015</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015</p> <p>BY _____ PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015</p> <p>BY _____ MAYOR</p>	<p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____</p>
	<p>10/1/14 JOB NO.: 5-9-14 FILE: X:\ParkCitySurvey.dwg\ar\plat2014\050914.dwg</p>						

PARK CITY SURVEY, BLOCK 54,
LOTS 18, 19 AND LOT 20
(347 & 355 ONTARIO AVENUE)

PROJECT INTENT

Lot 18 and Lot 19, Block 54, Park City Survey, (also known as 355 Ontario Avenue) is currently owned by Ontario, LLC. Lot 20, Block 54, Park City Survey, (also known as 347 Ontario Avenue) is currently owned by Michael Stewart. The owner of Lot 20 has an agreement with the owner of Lot 19 to purchase a portion of Lot 19 to the north with the goal of modifying the entrance to the existing residence on Lot 20. The original lot line when Park City Survey was platted still exists between Lots 18 and 19 and between Lots 19 and 20. The owners desire to reconfigure Lots 18-20 into two lots of record by extinguishing the existing lot line between Lots 18 and 19 and between Lots 19 and 20.

Exhibit C – Aerial Photograph



SUBJECT
PROPERTY


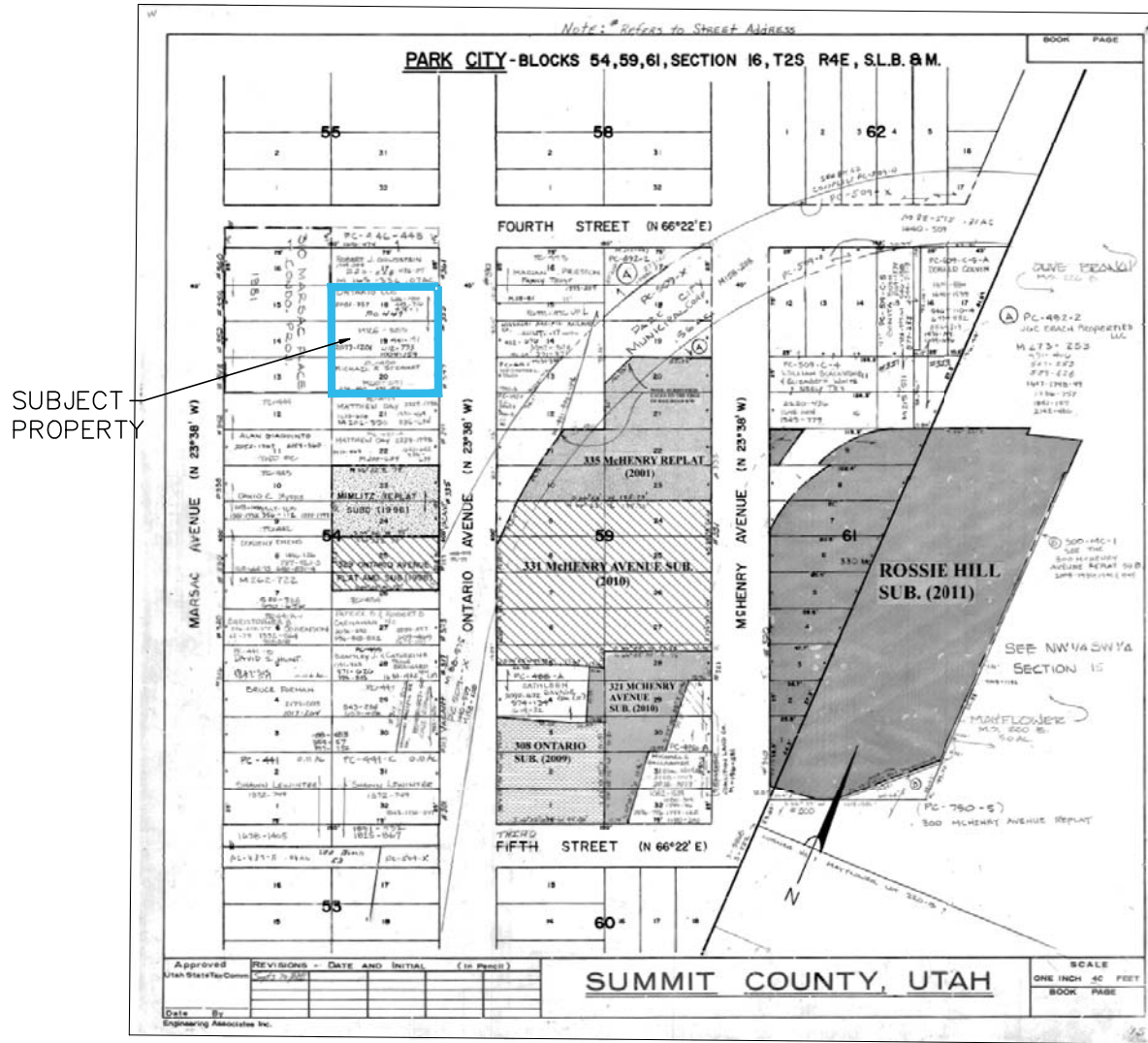
 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2064 Park City, Utah 84060-2064</small>	<small>(435) 649-9467</small> STAFF: MARSHALL KING HARRISON HOLLEY	AERIAL PHOTOGRAPH LOTS 18, 19 & 20 BLOCK 54, PCS 347 & 355 ONTARIO AVENUE	SHEET 1 OF 1
	DATE: 10/16/14	FOR: MIKE STEWART JOB NO.: 5-9-14 FILE: X:\ParkCitySurvey\dwg\Exhibits\ontario three-photo.dwg	

Exhibit D – County Tax Map Existing Survey

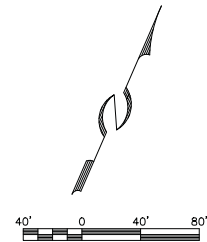


SUBJECT PROPERTY

Approved	REVISIONS - DATE AND INITIAL (in pencil)
Utah State Tax Comm.	
Date	By
	Engineering Associates Inc.

SUMMIT COUNTY, UTAH

SCALE
ONE INCH = 60 FEET
BOOK PAGE



<p>(435) 549-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 Main Street P.O. Box 2064 Park City, Utah 84050-2064</p>	<p>STAFF: MARSHALL KING HARRISON HOLLEY</p>	<p>OWNERSHIP PLAT LOTS 18, 19 & 20, BLOCK 54, PCS 347 & 355 ONTARIO AVENUE</p>	<p>SHEET 1 OF 1</p>
	<p>FOR: MIKE STEWART JOB NO.: 5-9-14</p>	<p>DATE: 11/11/14 FILE: X:\ParkCitySurvey\dwg\Exhibits\ontario three-ownership map.dwg</p>	








Vicinity Map
Ontarion Three Subdivision
355 + 347 Ontario Avenue

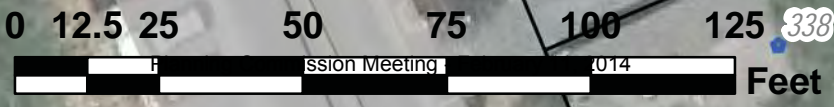
Exhibit E



Legend

-  Road Edges
-  Address
-  Parcels
-  Park City HSI Significant Site
-  Park City HSI Landmark Site
-  Streets

87 of 172



**BOUNDARY AND EXISTING
CONDITIONS SURVEY**
355 ONTARIO AVENUE
LYING WITHIN BLOCK 54, LOTS 18 & 19
AMENDED PARK CITY SURVEY, PARK CITY
SUMMIT COUNTY, UTAH



NARRATIVE:
THE PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTING STRUCTURE AND CONTOUR INFORMATION FOR THE SUBJECT PROPERTY SURVEY COMPLETED 08/03/2011
SEE SAID OFFICIAL AMENDED PARK CITY SURVEY PLAT FOR ANY EASEMENTS, SETBACK REQUIREMENTS, BUILDING ENVELOPES AND BUILDING LOT RESTRICTIONS. NOTE: OTHERS MAY APPLY.
THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT. THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS, OR ENCUMBRANCES ON THE PROPERTY SURVEYED, EXCEPT AS SHOWN HEREON.
EVIDENCE FOR THIS SURVEY WAS TAKEN FROM RECORDED DEEDS, RECORDS OF SURVEYS, PLATS AND PHYSICAL EVIDENCE OBTAINED IN THE FIELD. ALL EVIDENCE HAS BEEN CONSIDERED IN THE ESTABLISHMENT OF THE BOUNDARY AS SHOWN HEREON.

LEGAL DESCRIPTION:
ALL OF LOTS 18 AND 19, BLOCK 54 OF THE AMENDED PARK CITY SURVEY, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

SURVEYOR'S CERTIFICATE
I, CHRISTOPHER BRAUN, OF SABLEY UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING LICENSE NO. 5126064. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

Christopher B. Braun
CHRISTOPHER B. BRAUN
DATE: 8/10/11

FILE NO. S0007490
07/23/2012 01:34:57 PM
UTAH STATE SURVEYOR
10/10/11

Park City Surveying
1000 N. 1000 E. PARK CITY, UTAH 84302
PHONE: 435.768.1111 FAX: 435.768.1112

DATE	BY	COMMENTS

SURVEYED BY: CB
DRAWN BY: CB
DATE: 08-2011

FOR: McKenna

BOUNDARY AND EXISTING CONDITIONS SURVEY
BLOCK 54, LOTS 18 & 19
355 ONTARIO, PARK CITY

DWG: Blk 54 L 18-19 - McKenna

SHEET 1 OF 1



SURVEYOR'S CERTIFICATE
 I, Marty A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4936759 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.



NOTES

1. Site Benchmark: Water meter lid
Elevation=7178.80'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on September 22, 25 & October 5, 2014.
4. Property corners were set and found.



 (435) 948-9487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS <small>107 West Street, 4th Fl. Salt Lake City, Utah 84101-2084</small>	STAFF: MARSHALL KING MARTY MORRISON JEFF KITCHEN	EXISTING CONDITIONS & TOPOGRAPHIC MAP 347 ONTARIO AVENUE BLOCK 54, LOT 20, PARK CITY SURVEY	SHEET 1 OF 1
	DATE: 11/10/14	FOR: MIKE STEWART JOB NO.: 5-9-14 FILE: X:\ParkCitySurvey\dwg\mrt\topo2014\050914.dwg	



347 & 355 Ontario Avenue looking west



347 Ontario Avenue looking west



355 Ontario Avenue looking west



355 Ontario Avenue looking west



347 & 355 Ontario Avenue looking north



355 Ontario Avenue looking east

Planning Commission Staff Report



Subject: 74 & 80 Daly Avenue Subdivision
Plat
Author: Christy J. Alexander, AICP, Planner II
Project Number: PL-14-02449
Date: February 11, 2015
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council for the 74 & 80 Daly Avenue Subdivision plat, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

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

Description

Applicant: John Devarian c/o Devco Homes Inc., owner/Marshall King-Alliance Engineering, representative
Location: 74 & 80 Daly Ave
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Single-family and Duplex homes
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

The applicant is requesting a Plat Amendment for the purpose of subdividing a portion of Lot 9, Lot 10, a portion of Lot 11 and a portion of the vacated Anchor Avenue into two (2) lots of record located in Block 74 of the Park City Survey. The applicant currently owns all of the property and requests to subdivide the property to create two (2) new lots on which he plans to build new homes at 74 & 80 Daly Avenue.

Purpose

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

- (A) Preserve present land Uses and character of the Historic residential areas of Park City,
- (B) Encourage the preservation of Historic Structures,
- (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) Encourage single family development on combinations of 25' x 75' Historic Lots,

- (E) Define development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) Establish development review criteria for new development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Background

On August 1, 2014 the applicant submitted an application for the 74 & 80 Daly Avenue Subdivision plat. The property is located at 74 & 80 Daly Avenue in the Historic Residential (HR-1) District.

Currently the proposed lots are vacant of any structures. Both proposed lots meet the minimum lot area standards as given for the HR-1 District. The applicant states his intentions are to build new single-family homes on the proposed lots. Mr. Devarian has brought in preliminary home designs to our Design Review Team to discuss Historic District Guidelines and LMC requirements but has not submitted official Historic District Design Review or Steep Slope CUP applications at this time.

There are currently two (2) existing homes on either side of the proposed lots. The adjacent property to the northwest, (68 Daly Ave-which is directly to the rear of the proposed Lot A), contains an existing single-family home built in 1982. The existing home and property at 68 Daly Ave also contains a concrete pad, concrete stairs, wood steps and a landing leading to the existing single-family home which were built directly adjacent to the lot line shared with the proposed 74 Daly Ave (Lot A). 68 Daly Ave. has an existing deck encroaching in two places over the lot lines onto the proposed Lot A. An encroachment agreement was recorded July 15, 2014 as Entry No. 998906 in Book 2248 at Page 1048 of Official Records.

No encroachment permits are needed for the existing stairway as the boundary line was moved so that the stairway does not encroach onto the proposed Lot A. The home at 68 Daly Ave is on a metes and bounds parcel and the current property owner, Pete Henderson, has been contacted by the applicant and does not wish to include his property into this plat amendment. On September 16, 1981 Pete Henderson received approval of a variance to the parking requirements from the Board of Adjustment to allow him to construct a single-family home without providing any off-street parking. Therefore, the stairway leading to the existing single-family home at 68 Daly Ave constitutes legal access off of a City Right-of-Way and no driveway off of Daly Avenue leading to the property is necessary.

This property has had a previous plat amendment application by a previous owner before the Planning Commission and City Council in 2012. At those meetings, the Commission and Council had several concerns and the Planning Commission forwarded a negative recommendation to the City Council after which the previous

applicant pulled his application. The three Planning Commission meetings and one City Council meeting in which the previous application was discussed is summarized below.

April 11, 2012 Planning Commission meeting: discussed and continued to May 9, 2012

During this meeting the Planning Commission expressed concerns where they were not inclined to approve an oversized lot and structure within this neighborhood as the Commission was concerned with compatibility in term of house size. The Commission requested an analysis of the floor areas of structures in the Daly Ave neighborhood.

May 9, 2012 Planning Commission meeting: discussed and continued to May 23, 2012

During this meeting the Planning Commission reviewed the requested floor area analysis and discussed the additional mitigation for the impacts of the built structure on 68 Daly Ave. The study facilitated a house size comparison of all the structures on Daly Ave. In order to ensure compatibility in terms of house size Staff recommended limiting the gross floor area of proposed Lot B to 2 times the allowed footprint (the average of the entire neighborhood was 1.6 times the allowed footprint for Lower Daly Ave) and allowing the existing building parameters to govern Lot A (which would currently allow for a 972.4 square feet footprint), which essentially would have been about the same square footage. The Commission discussed the footprint calculation, the floor area cap, and the portion of the lot being platted. The Commission clarified their concern of how a new structure on Lot A would impact 68 Daly Ave from the standpoint of view shed and solar access. The Commission indicated that they needed to understand those impacts before making a recommendation to the City Council. It was requested that the applicant bring back a model to review the development potential. Staff was also directed to add lot areas and footprints to the Daly Ave study. Staff was also directed to include the portion of vacated Anchor Ave into the footprint calculation. The applicant also mentioned that 1,300 square foot footprint would achieve a building size that works at approximately 3,300 gross floor area.

May 23, 2012 Planning Commission meeting: continued a few times until July 25, 2012 because no additional info was provided.

July 25, 2012 Planning Commission meeting: reviewed the requested plat amendment and voted 4-1 to forward a negative recommendation to the City Council. The findings of fact and conclusions of law that supported the negative recommendation specified that:

- the ownership issues with Pete Henderson needed to be resolved
- that allowing a home to be built on Lot A would increase the density and appear to have two homes on what appears to be a typical Old town lot

- that building a home on Lot A would create view shed issues and the size of the Lot B created concerns with home size and possibility of building a duplex

August 30, 2012 City Council meeting: discussed and continued it to October 25th meeting. The Council decided to continue this item due to concerns about obtaining encroachment agreements from Pete Henderson, some Council members had concerns about flag lots and setting precedence for odd shaped lots, as well as mass, scale and compatibility and whether the proposal is in line with the purpose statement of the zone.

October 9, 2012, the previous applicant decided to withdraw their application in order to work on the issues that seemed to concern the City Council at that time, i.e. the Pete Henderson (68 Daly Ave) issues. The previous applicant never returned, sold his property, and no further applications have been made until the current applicant/new owner submitted his application on August 1, 2014.

Analysis

The proposed plat amendment creates two (2) lots of record consisting of 2,200.80 sf for 74 Daly Ave (Lot A) and 3,443.12 sf for 80 Daly Ave (Lot B). The minimum lot area for a single family dwelling is 1,875 square feet. Neither proposed lots currently contain any structures and are vacant. Neither lot meets minimum area requirements (3,750 sf) for a duplex however single-family homes may be built on each lot which could be larger than a few of the surrounding homes along the street. The Planning Commission could justify a smaller footprint or gross square footage to maintain compatibility with surrounding properties and the neighborhood as a whole. This plat amendment is a little different from the previous application in 2012 in that Lot B is smaller in size such that a duplex cannot be built according to the lot size. That will restrict the lot to only allow for a single-family home which may be larger than others in the neighborhood but will reduce traffic concerns from previous Commissions. Also the concerns with the Pete Henderson property at 68 Daly Ave have been addressed in regards to receiving encroachment permits and a settlement agreement was made between the current applicant and Pete Henderson regarding the boundary lines of the lots.

Any new structure in the amended plat would need to meet the current LMC code requirements of 3 feet side yard setbacks (6 total). Front and rear yard setbacks would need to meet current code standards of a minimum of twelve feet (12') based on the lot depths of 91.87 feet. The homes within 200 feet across the street on the east side of Daly Ave consist of mainly single-family and duplex dwellings.

The minimum lot width allowed in the district is twenty-five feet (25'). The proposed widths will be 37.48 feet for both Lots A and B. The proposed lots will be compatible with the existing neighborhood as the two lots either side of the proposed lot are

approximately 37.5 feet in width as well. Lot A has a lot depth of 91.87 feet on the southern boundary line, however, the majority of the lot is approximately 50 feet in depth. Lot B has a depth of 91.87 feet. The houses within 200 feet to the north and south on the west side of Daly Ave consist of typical “Old Town” single-family dwellings. The adjacent lots consist of approximately the same depths as the proposed Lot B, which is 91.87 feet deep and approximately the same widths of 37.5 feet wide. The existing home to the south at 84 Daly Ave. comes within a few inches of the proposed property lines. An encroachment permit will not be required for the home at 84 Daly Ave because it does not cross the property line; however, a new single family dwelling on Lot B will need to be setback 6 feet from the existing home at 84 Daly Ave. The proposed plat amendment meets the lot and site requirements of the HR-1 District described below:

Required	Existing	Permitted
Lot Size	5,643.92 sf combined	1,875 square feet minimum
Building Footprint	N/A	972.4 sf max for the proposed Lot A and 1,418.7 sf max for the proposed Lot B (based on the lot area of the lots).
Front/rear yard setbacks	N/A	12 feet minimum for Lot A, 25 feet total (based on the lot depth of 91.87 feet) and 10 feet minimum for Lot B, 20 feet total (based on a majority of the lot depth of 50 feet).
Side yard setbacks	N/A	3 feet minimum, 6 feet total for Lot A, 3 feet minimum on the north of Lot B and 6 feet minimum on the south of Lot B (based on the lot width of 37.48 feet) and the existing home to the south at 84 Daly Ave and the existing utility easement.
Height	N/A	27 feet above existing grade, maximum. 35 feet above existing grade is permitted for a single car garage on a downhill lot upon Planning Director approval.
Height (continued)	N/A	A Structure shall have a

		maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
Final Grade	N/A	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.
Vertical Articulation	N/A	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade.
Roof Pitch	N/A	Between 7:12 and 12:12. A roof that is not part of the primary roof design may be below the required 7:12 roof pitch.
Parking	N/A	Two (2) parking spaces per dwelling.

The proposed plat amendment does not create any new non-conforming situations. This plat amendment is consistent with the Park City LMC and applicable State law regarding plat amendments. Any new structures must comply with applicable LMC requirements and Design Guidelines for Historic Districts and Historic Sites. A steep slope conditional use permit (SSCUP) may be required for development on the amended lots. The homes as proposed by the current applicant would require SSCUPs, at that point the Planning Commission could place additional conditions as to limiting the massing and scale of the homes, taking extra care to develop on the steep slope and ensuring compatibility with the surrounding neighborhood if so desired. These issues will also be addressed with their Historic District Design Review applications.

The issues brought up in 2012 are discussed below with staff responses italicized in parentheses following:

Planning Commission concerns:

- the ownership issues with Pete Henderson needed to be resolved (*the current owner/applicant has reached a settlement agreement with Pete Henderson regarding the boundary lines of their properties-the new plat shows Lot A further away from the stairway so that there are no encroachments of the stairway into Lot A, Pete Henderson has agreed to stay out of the plat amendment process in regards to 74 & 80 Daly Ave and has not agreed to include his property as part of the proposed plat amendment-thus leaving Mr. Henderson's property out of the application, and the current applicant has addressed and submitted the necessary encroachment agreements addressing the existing decks encroaching onto the proposed Lot A*).
- that allowing a home to be built on Lot A would increase the density and appear to have two homes on what appears to be a typical Old town lot (*the Lot size of the proposed Lot A is proposed to be 2,200.80 square feet, which is much larger than a typical Old Town lot of 1,875 square feet. As such both properties-Lot A and 68 Daly meet minimum lot requirements of at least 1,875 square feet. The HR-1 zone has historically had homes closer together and been one of the most dense neighborhoods within the city and this is a unique property and instance where there are no other properties within Old Town that share this same issue, i.e. this will not set precedence as 68 Daly would never be allowed to be built today on an un-platted lot under the existing Land Management Code and Building regulations. Other Old Town lots contain duplexes which are essentially two homes and allow for double the traffic and parking, in this case the parking requirements at 68 Daly were waived with a Variance and therefore only traffic and parking impacts of one home will be effectuated between the two homes*).
- that building a home on Lot A would create view shed issues and the size of Lot B created concerns with home size and possibility of building a duplex (*As both proposed Lot A and Lot B and 68 Daly Ave all are situated on a hillside, any future homes at 74 & 80 Daly Ave would need to meet Steep Slope CUP requirements, LMC requirements and Historic District Guidelines, thus ensuring the homes will be built into the topography and be sloped up the hillside. The size in the lot has decreased since the application in 2012 and as such at 3,443.12 square feet, the lot will only allow for a single-family home. The Planning Commission may see fit to restrict the allowable footprint and/or gross square footage of Lot B in order to maintain the compatibility of house size within the neighborhood/zone-this could be done as a Condition of Approval on the Plat or could be done when an application is brought forward for Steep Slope CUP consideration. Staff recommends limiting both Lot A and Lot B to 2 times the*

allowed footprint and/or taking out the vacated portion of Anchor Ave from the footprint calculations. The applicant has not agreed to restrict the footprint or gross square footage for this application).

City Council concerns: .

- *Obtaining encroachment agreements from Pete Henderson (the current owner/applicant has reached a settlement agreement with Pete Henderson regarding the boundary lines of their properties-the new plat shows Lot A further away from the stairway so that there are no encroachments of the stairway into Lot A, Pete Henderson has agreed to stay out of the plat amendment process in regards to 74 & 80 Daly Ave and has not agreed to include his property as part of the proposed plat amendment-thus leaving Mr. Henderson's property out of the application, and the current applicant has addressed and submitted the necessary encroachment agreements addressing the existing decks encroaching onto the proposed Lot A).*
- *Some Council members had concerns about flag lots and setting precedence for odd shaped lots (The HR-1 zone has historically had homes closer together and been one of the most dense neighborhoods within the city and this is a unique property and instance where there are no other properties within Old Town that share this same issue, i.e. this will not set precedence as 68 Daly would never be allowed to be built today on an un-platted lot under the existing Land Management Code and Building regulations).*
- *Mass, scale and compatibility (the Lot size of the proposed Lot A is proposed to be 2,200.80 square feet, which is much larger than a typical Old Town lot of 1,875 square feet. As such both properties-Lot A and 68 Daly meet minimum lot requirements of at least 1,875 square feet. The HR-1 zone has historically had homes closer together and been one of the most dense neighborhoods within the city. As both proposed Lot A and Lot B and 68 Daly Ave all are situated on a hillside, any future homes at 74 & 80 Daly Ave would need to meet Steep Slope CUP requirements, LMC requirements and Historic District Guidelines, thus ensuring the homes will be built into the topography and be sloped up the hillside and compatible with the historic neighborhood. The size in the lot has decreased since the application in 2012 and as such at 3,443.12 square feet, the lot will only allow for a single-family home. The Planning Commission may see fit to restrict the allowable footprint and/or gross square footage of Lot B in order to maintain the compatibility of house size within the neighborhood/zone-this could be done as a Condition of Approval on the Plat or could be done when an application is brought forward for Steep Slope CUP consideration. Staff recommends limiting both*

Lot A and Lot B to 2 times the allowed footprint and/or taking out the vacated portion of Anchor Ave from the footprint calculations. The applicant has not agreed to restrict the footprint or gross square footage for this application).

- Whether the proposal is in line with the purpose statement of the zone. The purpose of the Historic Residential (HR-1) District is to:
 - (A) Preserve present land Uses and character of the Historic residential areas of Park City, *(With the Historic District Design Review, the design of the home will need to meet certain criteria and show compatibility to the historic neighborhood and district).*
 - (B) Encourage the preservation of Historic Structures, *(There are no historic structures on these properties).*
 - (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods, *(The Planning Commission could recommend restricting the footprint and/or gross square footage as a Condition of Approval or wait until Steep Slope CUP and restrict the house size if the Commission sees fit).*
 - (D) Encourage single family development on combinations of 25' x 75' Historic Lots, *(The applicant can only develop single family homes on the lots).*
 - (E) Define development parameters that are consistent with the General Plan policies for the Historic core, and *(The General Plan is merely a guiding document. With the Historic District Design Review, the design of the home will need to meet certain criteria and show compatibility to the historic neighborhood and district).*
 - (F) Establish development review criteria for new development on Steep Slopes which mitigate impacts to mass and scale and the environment. *(This can easily be done at Steep Slope CUP review).*

Good Cause

Planning Staff finds there is good cause for this plat amendment. Combining the parcels and subdividing the lots will allow the property owner to develop homes and will create legal lots out of the existing parcels. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community. Issues in regards to compatibility with the neighborhood have been addressed as Lot B has been reduced to allow only a single-family house.

Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with requisite Building and Land Management Code, and applicable Historic District Design Guidelines requirements and Steep Slope CUPs if required, which will address previous concerns of structures falling down the hillside to the west of the property.

Department Review

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

Notice

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC on December 31, 2014. Legal notice was also published in the Park Record by December 27, 2014 and on the public notice website in accordance with the requirements of the LMC.

Public Input

Staff has not received public input on this application at the time of this report. Public input may be taken at the regularly scheduled City Council public hearing.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Any new structures may require a Steep Slope CUP and will require a Historic District Design Review. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for approval of the 74 & 80 Daly Avenue Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 74 & 80 Daly Avenue Subdivision and direct staff to make findings for this decision; or
- The Planning Commission may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and the existing lots would not be adjoined and subdivided and remain as is. The parcels at 74 & 80 Daly Avenue would remain vacant and would need to comply with the current LMC requirements for any new structures on typical "Old Town" single lots.

Recommendation

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council for the 74 & 80 Daly Avenue Subdivision plat based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Conditions Survey

Exhibit C – Vicinity Map/Aerial

Exhibit D – Photographs

Exhibit E – Encroachment Agreement dated July 15, 2014

Exhibit F – Previous Proposed Plat from 2012

Exhibit G – Planning Commission minutes from April 11, 2012

Exhibit H – Planning Commission minutes from May 9, 2012

Exhibit I – Planning Commission minutes from July 25, 2012

Exhibit J – Planning Commission minutes from August 30, 2012

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15-

AN ORDINANCE APPROVING THE 74 & 80 DALY AVENUE SUBDIVISION PLAT, LOCATED AT 74 & 80 DALY AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the 74 & 80 Daly Avenue Subdivision located at 74 & 80 Daly Avenue, have petitioned the City Council for approval of the 74 & 80 Daly Avenue Subdivision plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 11, 2015 to receive input on the proposed subdivision;

WHEREAS, on February 11, 2015 the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on March 5, 2015 the City Council held a public hearing on the proposed 74 & 80 Daly Avenue Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 74 & 80 Daly Avenue Subdivision plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 74 & 80 Daly Avenue Subdivision plat, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The plat is located at 74 & 80 Daly Avenue within the Historic Residential (HR-1) District.
2. The 74 & 80 Daly Avenue Subdivision consists a portion of Lot 9, Lot 10, a portion of Lot 11 and a portion of the vacated Anchor Avenue located in Block 74 of the Park City Survey.
3. On February 28, 2012 the City received a previous application by a previous owner of this property for a two lot subdivision plat amendment. After three meetings at the Planning Commission the Commission voted 4-1 to forward a negative

recommendation to the City Council due to concerns of compatibility and issues with the owner of 68 Daly, Pete Henderson. The City Council discussed the item on August 30, 2012 and decided to continue the item to their October 25, 2012 meeting. The previous applicant then pulled their application on October 9, 2012 in order to work through the concerns discussed by the City Council.

4. On August 1, 2014, the current owner and applicant submitted an application for a plat amendment to subdivide parcels containing a total of 5,643.92 sf into two (2) lots of record. Lot A will consist of 2,200.80 sf and Lot B will consist of 3,443.12 sf.
5. The application was deemed complete on December 11, 2014.
6. The parcels at 74 & 80 Daly Ave are currently vacant.
7. The HR-1 zone requires a minimum lot area of 1,875 sf for a single-family dwelling.
8. The maximum footprint allowed in the HR-1 zone is 972.4 sf for the proposed Lot A and 1,418.7 sf for the proposed Lot B based on the lot area of the lots.
9. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming situations.
10. The property to the northwest (68 Daly Ave) currently has an existing single-family home built in 1982 which has an existing deck encroaching in two places over the lot lines onto the proposed Lot A. An encroachment agreement was recorded July 15, 2014 as Entry No. 998906 in Book 2248 at Page 1048 of Official Records.
11. The property directly to the northwest (68 Daly Ave) also contains a concrete pad, concrete stairs, wood steps and a landing leading to the existing single-family home which are built directly adjacent to the lot line shared with the proposed 74 Daly Ave. No encroachment permits are needed as this stairway does not encroach onto the property at 74 Daly Ave.
12. The property directly to the south (84 Daly Ave) contains an existing single-family home that comes within inches of the proposed property lines. No encroachment permits will be needed as the existing home does not cross the property line, however, a 6 foot side setback will be required for any new home constructed on Lot B.
13. The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lots.
14. A 20 foot wide temporary construction easement exists along the south portion of Lot B. The temporary construction easement will need to be removed prior to Building Permit approval. The temporary construction easement shall not be abandoned until all necessary utilities within the adjacent sewer and utility easements are installed.
15. There is a 5 foot wide sewer easement and 6 foot wide utility easement along the south edge of 80 Daly.

Conclusions of Law:

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

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work shall be issued until the plat is recorded and until the Historic District Design Review and Steep Slope CUP, if required, applications are submitted and approved for each lot.
4. No building permit for any work shall be issued on Lot B until the temporary construction easement is abandoned on Lot B.
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. A ten foot (10') wide public snow storage easement is required along the frontage of the lots with Daly Avenue and shall be shown on the plat.

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

PASSED AND ADOPTED this ___ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

EXHIBIT A



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners this Record of Survey map of the 74 & 80 DALY AVENUE SUBDIVISION has been prepared under my direction, and that the same has been monumented on the ground as shown on this plot.

BOUNDARY DESCRIPTIONS

PARCEL 1: All of Lot 10, portions of Lots 9 and 11, Block 74, and a portion of vacated Anchor Avenue, Plat of Park City.

A parcel of land located in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 21°33'00" East 3.17 feet from the southernmost corner of Lot 9, Block 74, Park City Survey, said point also being South 21°33'00" West 461.39 feet and North 68°27'00" West 10.00 feet from the intersection of Main Street and Daly Avenue; and running along the easterly boundary of Block 74 South 21°33'00" West 40.67 feet; thence North 68°27'00" West 91.87 feet to the center line of vacated Anchor Avenue; thence along the center line of vacated Anchor Avenue North 21°33'00" East 40.67 feet; thence South 68°27'00" East 91.87 feet to the point of beginning.

PARCEL 2: A portion of Lot 9, Block 74, and a portion of vacated Anchor Avenue, Park City Survey.

A parcel of land located in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 21°33'00" East 3.17 feet the southernmost corner of Lot 9, Block 74, Park City Survey, and point also being South 21°33'00" West 461.39 feet and North 68°27'00" West 10.00 feet from the street monument at the intersection of Main Street and Daly Avenue; and running thence North 68°27'00" West 91.87 feet to the center line of vacated Anchor Avenue; thence along the center line of vacated Anchor Avenue North 21°33'00" East 3.63 feet; thence South 68°27'00" East 34.87 feet; thence North 21°33'00" East 7.00 feet; thence South 68°27'00" East 7.00 feet; thence North 21°33'00" East 23.19 feet; thence South 68°27'00" East 16.50 feet; thence North 21°33'00" East 0.47 feet; thence South 68°27'00" East 33.50 feet to the easterly boundary of Lot 9, Block 74, Park City Survey; thence along the easterly boundary of Lot 9, Block 74 South 21°33'00" West 34.28 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT the undersigned Manager of Devco Homes LLC, a California limited liability company, as to all of Parcel 1 and an undivided 50% interest of Parcel 2, hereby certifies that it has caused this survey to be made and this amended Record of Survey Map to be prepared and hereby consents to the recordation of this amended Record of Survey Map.

In witness whereof, the undersigned set his hand

this _____ day of _____ 2015.

Jon Devarian, Manager, Devco Homes LLC, a California limited liability company

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT the undersigned Trustees of The Satterfield Family Trust, as to an undivided 50% interest of Parcel 2, hereby certifies that they have caused this survey to be made and this amended Record of Survey Map to be prepared and hereby consent to the recordation of this amended Record of Survey Map.

In witness whereof, the undersigned set his hand

this _____ day of _____ 2015.

Mark G. Satterfield, Trustee of the Satterfield Family Trust, Dated January 28, 2002

In witness whereof, the undersigned set her hand

this _____ day of _____ 2015.

Anne E. Satterfield, Trustee of the Satterfield Family Trust, Dated January 28, 2002

ACKNOWLEDGMENT

State of _____ ss:

County of _____

On this _____ day of _____, 2015, Jon Devarian personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Jon Devarian acknowledged to me that he is the Manager of Devco Homes LLC, a California limited liability company, the owner of all of Parcel 1 and an undivided 50% interest of Parcel 2, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

By: _____
A Notary Public commissioned in the State of _____

Printed Name _____

Residing in: _____

My commission expires: _____

ACKNOWLEDGMENT

State of _____ ss:

County of _____

On this _____ day of _____, 2015, Mark G. Satterfield personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Mark G. Satterfield acknowledged to me that he is a Trustee of The Satterfield Family Trust, Dated January 28, 2002, the owner of an undivided 50% interest of Parcel 2, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

By: _____
A Notary Public commissioned in the State of _____

Printed Name _____

Residing in: _____

My commission expires: _____

ACKNOWLEDGMENT

State of _____ ss:

County of _____

On this _____ day of _____, 2015, Anne E. Satterfield personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Anne E. Satterfield acknowledged to me that she is a Trustee of The Satterfield Family Trust, Dated January 28, 2002, the owner of an undivided 50% interest of Parcel 2, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

By: _____
A Notary Public commissioned in the State of _____

Printed Name _____

Residing in: _____

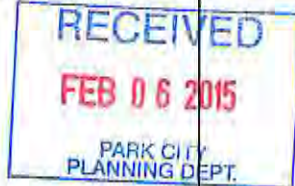
My commission expires: _____



A PARCEL COMBINATION PLAT IN BLOCK 74, PARK CITY SURVEY

74 & 80 DALY AVENUE SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



SHEET 1 OF 1

\\NAS\JOB NO.: 5-7-14 FILE: X:\ParkCitySurvey\dwg\sr\plot2014\050714.dwg

<p>(435) 849-9487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015 BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ATTORNEY</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ MAYOR</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ PARK CITY RECORDER</p>	<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ ENTRY NO. _____ DATE _____ TIME _____ FEE _____ RECORDED 08 OF 172</p>
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EXHIBIT B



SURVEYOR'S CERTIFICATE

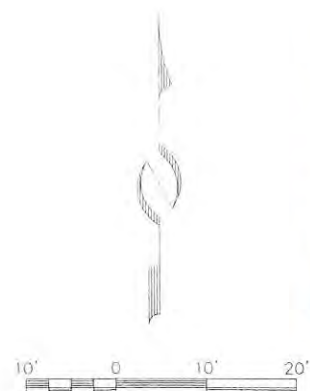
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described herein. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

1. Site Benchmark: Center of water manhole lid. Elevation = 7178.17'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on field surveys performed on October 2, 2006 and December 6, 2011.
4. Snow coverage at the time of the survey was approximately 6" to 10". As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.



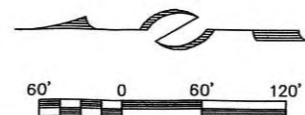
LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 21'33"00" E	7.00
L2	S 68'27"00" E	7.00
L3	S 68'27"00" E	16.50
L4	N 21'33"00" E	0.47



RECEIVED
AUG 01 2014
 PARK CITY
 PLANNING DEPT.

 (435) 849-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	STAFF: MARSHALL KING MARTY MORRISON HARRISON HOLLEY	EXISTING CONDITIONS & TOPOGRAPHIC SURVEY 80 DALY AVENUE PARK CITY SURVEY	SHEET 1 OF 1
	DATE: 7/31/14	FOR: JON DEVERIAN JOB NO.: 5-7-14 FILE: X:\ParkCitySurvey\dwg\srvt\topo2014\050714.dwg	109 of 172

EXHIBIT C



 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	(435) 649-9467	STAFF: MARSHALL KING HARRISON HOLLEY	AERIAL PHOTOGRAPH 80 DALY AVENUE	RECEIVED AUG 01 2014 PLANNING	SHEET 1 OF 1
	DATE: 8/1/14	FOR: JON DEVERIAN JOB NO.: 5-7-14 FILE: X:\ParkCitySurvey\dwg\Exhibits\80 daly-ortho.dwg			

EXHIBIT D



80 Daly Avenue looking west



80 Daly Avenue looking east from neighboring deck



80 Daly Avenue looking west



80 Daly Avenue looking west

Planning Commission Meeting - February 11, 2014

RECEIVED
AUG 01 2014
112 of 172
PARK CITY
PLANNING DEPT.

EXHIBIT E

00998906 B: 2248 P: 1048

Page 1 of 14

Mary Ann Trussell, Summit County Utah Recorder
07/15/2014 08:12:18 AM Fee \$38.00

By Coalition Title Agency, Inc.

Electronically Recorded

WHEN RECORDED, RETURN TO

Brent A. Gold
P.O. Box 1994
Park City, UT 84060

SPACE ABOVE THIS LINE FOR USE BY THE RECORDER

Affecting Parcels Nos. PC-653-A and PC-652

EASEMENT FOR ENCROACHMENT

THIS EASEMENT FOR ENCROACHMENT (the "**Easement**") is granted and agreed to as of July 8, 2014 by and between **Nice Catch, LLC**, a Utah limited liability company ("**Nice Catch**") and Peter Henderson, 68 Daly Avenue, Park City, Utah ("**Henderson**"). The foregoing are sometimes referred to individually as a "**Party**" and collectively as the "**Parties.**"

RECITALS

A. This Easement is executed in connection with the Parties' resolution of a lawsuit in the Third Judicial District Court in and for Summit County, captioned *Nice Catch, LLC v. Peter Henderson*, Case No. 130500212 ("**Lawsuit**"). The Court's Order, Judgment, and Decree Quieting Title entered [DATE] resolved the dispute between the Parties as to the boundary between the Parties' adjoining properties.

B. Nice Catch is the fee owner of that certain real property located in Summit County, State of Utah at 80 Daly Avenue (the "**Nice Catch Property**"), and more particularly described on **Exhibit A** hereto. Henderson is the owner of adjoining real property located in Summit County, State of Utah at 68 Daly Avenue (the "**Henderson Property**"), and more particularly described on **Exhibit B** hereto. The Nice Catch Property and the Henderson Property are sometimes referred to herein as the "**Parcels.**"

C. Henderson has previously built improvements, consisting of a wooden deck and railing, and a bench thereupon (the "**Encroachments**"). The Encroachments extend from the Henderson Property and encroach upon portions of the Nice Catch Property in two places (the "**Easement Area**"). The location of the Encroachments and Easement Area are more particularly described on **Exhibit C** hereto. The Nice Catch Property, the Henderson Property, and the Easement Area are generally depicted in **Exhibits D-1 and D-2** hereto.

D. The Parties acknowledge that the Nice Catch Property is adjacent to another parcel of property owned by Nice Catch. The Easement Area is contained entirely within the Nice Catch Property as described on Exhibit A hereto. This Easement only affects the Nice Catch Property as described on Exhibit A hereto.

E. The Parties desire through this Easement to create an easement permitting Henderson (and his successors-in-title) to maintain the Encroachments in their current location over and upon the Easement Area and in such condition substantially similar to their now existing status. Nothing herein shall be construed to permit Henderson to expand or enlarge the Encroachments or their current use in any respect. Henderson shall have the right to maintain, repair, and rebuild the Encroachments as further defined and limited herein.

AGREEMENT AND GRANTS

NOW THEREFORE, in consideration of the Recitals stated above, which Recitals are expressly incorporated herein by this reference, and the mutual promises set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Grant of Easements.** Nice Catch hereby grants to Henderson (and his successors-in-title), for the benefit of the Henderson Property, and as a burden on the Nice Catch Property, a perpetual non-exclusive easement for the Encroachments over and upon the Easement Area (the "Easement"). The Easement and Henderson's use of the Easement Area shall be strictly limited as follows:

- a. **Scope.** The Easement Area is located as generally depicted on the attached **Exhibits D-1 and D-2** and as more particularly described in **Exhibit C** hereto. Henderson shall be permitted to keep and maintain the Encroachments over and upon the Easement Area in their current condition. Henderson shall also be permitted to repair or rebuild the Encroachments as set forth in and limited by Paragraph 1(d). Henderson shall not expand, extend, broaden, widen or otherwise enlarge the size, scope, or use of any of the Encroachments beyond their current condition.
- b. **Use.** Henderson agrees that he may utilize the Easement Area only in such a manner that is consistent with maintaining the improvements as they exist on the date hereof within the Easement Area. Henderson further agrees that his use of the Easement Area shall not interfere with the use of the Nice Catch Property or the quiet enjoyment by Nice Catch thereof.
- c. **No Additional Improvements.** Henderson shall not construct or place any additional improvements in the Easement Area.
- d. **Repairing or Rebuilding the Existing Improvements.** In addition to maintaining the improvements as they exist on the date hereof within the Easement Area, Henderson may make repairs to the improvements within the Easement Area. Henderson may also rebuild the improvements within the Easement Area from time to time as reasonably prudent or necessary, provided that the improvements as rebuilt shall be substantially similar to that which currently exists. Any repairing or rebuilding of the improvements within the Easement Area that are permitted herein shall not expand, extend, broaden, widen or otherwise enlarge

the size, scope, or use of any of the Encroachments beyond their current condition. Henderson shall provide Nice Catch with reasonable notice before rebuilding the improvements in the Easement Area or making major repairs thereto. Henderson may not use any portion of the Nice Catch Property other than the Easement Area to facilitate such repairs or rebuilding of the improvements without prior consent in writing.

e. Relocation. The Easement shall not be relocated.

f. Automatic Termination. At such time that the presently existing Encroachments or any portion thereof are removed, intentionally demolished, or abandoned, this Easement shall be automatically terminated with respect to any such portions of the Easement Area; provided, however, that repairing or rebuilding the improvements (as set forth in and limited by Paragraph 1(d)) shall not terminate the Easement.

2. Indemnification.

a. Henderson shall indemnify, defend and hold harmless the owner and occupants of the Nice Catch Property (the "**Nice Catch Indemnified Parties**") from and against any and all liability, claims, damages, expenses (including reasonable attorneys' fees), judgments, proceedings and causes of action, for injury to or death of any person or damage to or destruction of any property resulting from the negligent or willful act or omission of Henderson, his tenants, subtenants, agents, contractors or employees, arising out of activities conducted by Henderson or his tenants, subtenants, or agents in the Easement Area, except to the extent caused by the negligence or willful act or omission of the Nice Catch Indemnified Parties.

b. Nice Catch, LLC shall indemnify, defend and hold harmless the owner and occupants of the Henderson Property (the "**Henderson Indemnified Parties**") from and against any and all liability, claims, damages, expenses (including reasonable attorneys' fees), judgments, proceedings and causes of action, for injury to or death of any person or damage to or destruction of any property resulting from the negligent or willful act or omission of Nice Catch, LLC, its tenants, subtenants, agents, contractors or employees, arising out of activities conducted by Nice Catch, LLC or its tenants, subtenants, or agents in the Easement Area inconsistent with this Easement and the rights of Henderson, except to the extent caused by the negligence or willful act or omission of the Henderson Indemnified Parties.

3. No Public Dedication. The terms and provisions of this Easement are not intended to and do not constitute a dedication for public use of any portion of any Parcel.

4. Running of Benefits and Burdens. All provisions of this instrument, including the burdens and restrictions stated and implied, touch, concern, and run with the Nice Catch

Property and are a benefit to the Henderson Property, and are binding upon and inure to the benefit of the successors-in-title of the owners of the Nice Catch Property and the Henderson Property. Nothing in this Easement grants Henderson or any other person any other rights in the Nice Catch Property.

5. **Further Assurances.** The Parties covenant and agree that each of them will perform such other acts and provide such other documents and/or assurances as are reasonably required to implement the intent of this Easement.

6. **Amendments.** This Easement may be amended only by recording, in the office of the Recorder of Summit County, Utah, an instrument in writing reciting such amendment, bearing the acknowledged signatures of the owners of the Parcels, or the portions of the Parcels affected by the amendment.

7. **Miscellaneous.** This Easement may be executed in one or more counterparts, each of which, when taken together, constitutes the original.

8. **Attorney Fees/ Disputes.** In the event of any action to enforce the provisions of this Easement, the prevailing Party shall be entitled to receive its costs and attorney fees from the other Party.

9. **Construction.** This Easement shall be construed in accordance with the laws of the State of Utah and both Parties shall be considered the drafters of this Easement.

IN WITNESS WHEREOF, the undersigned Parties have created this Easement effective as of the date first written above.

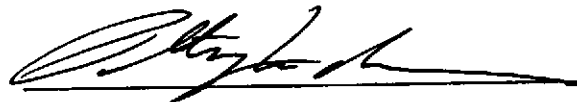
NICE CATCH:

NICE CATCH, LLC, a Utah limited liability company

By: _____
Its: _____

HENDERSON:

PETER HENDERSON



Property and are a benefit to the Henderson Property, and are binding upon and inure to the benefit of the successors-in-title of the owners of the Nice Catch Property and the Henderson Property. Nothing in this Easement grants Henderson or any other person any other rights in the Nice Catch Property.

5. **Further Assurances.** The Parties covenant and agree that each of them will perform such other acts and provide such other documents and/or assurances as are reasonably required to implement the intent of this Easement.

6. **Amendments.** This Easement may be amended only by recording, in the office of the Recorder of Summit County, Utah, an instrument in writing reciting such amendment, bearing the acknowledged signatures of the owners of the Parcels, or the portions of the Parcels affected by the amendment.

7. **Miscellaneous.** This Easement may be executed in one or more counterparts, each of which, when taken together, constitutes the original.

8. **Attorney Fees/ Disputes.** In the event of any action to enforce the provisions of this Easement, the prevailing Party shall be entitled to receive its costs and attorney fees from the other Party.

9. **Construction.** This Easement shall be construed in accordance with the laws of the State of Utah and both Parties shall be considered the drafters of this Easement.

IN WITNESS WHEREOF, the undersigned Parties have created this Easement effective as of the date first written above.

NICE CATCH:

NICE CATCH, LLC, a Utah limited liability company

By: *Ray Adum*
Its: Managing Member

HENDERSON:

PETER HENDERSON

Acknowledgments

STATE OF _____)
: ss.
COUNTY of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by Alex Adamson, the Manager of Nice Catch, LLC, a Utah limited liability company, on behalf of such company

NOTARY PUBLIC
Residing at _____

STATE OF UTAH)
: ss.
COUNTY of Summit)

The foregoing instrument was acknowledged before me this 8th day of July, 2014, by Peter Henderson.



Kathryn N. Gold
NOTARY PUBLIC
Residing at Park City Utah

Acknowledgments

STATE OF _____)
: ss.
COUNTY of _____)

The foregoing instrument was acknowledged before me this _____ day of July, 2014, by Alex Adamson, the Manager of Nice Catch, LLC, a Utah limited liability company, on behalf of such company

NOTARY PUBLIC
Residing at _____

STATE OF UTAH)
: ss.
COUNTY of _____)

The foregoing instrument was acknowledged before me this _____ day of July, 2014, by Peter Henderson.

NOTARY PUBLIC
Residing at _____

State of California County of San Francisco)ss.
On 7-7-2014 before me DAVID TSUNG
Notary Public, personally appeared Alex Adamson
who proved to me on the basis of satisfactory evidence to be the
person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and
acknowledged to me that he/~~she~~/~~they~~ executed the same in his/~~her~~/~~their~~
authorized capacity(~~ies~~), and that by his/~~her~~/~~their~~ signature(~~s~~) on the
instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~)
acted, executed the instrument. I certify under PENALTY OF PERJURY
under the laws of the State of California that the foregoing paragraph is
true and correct. WITNESS my hand and official seal.

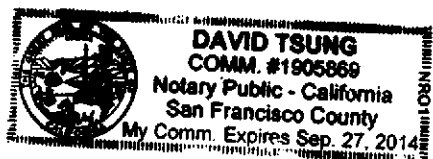


EXHIBIT A

(Legal Description of Nice Catch Property)

A PORTION OF LOT 9, BLOCK 74, AND A PORTION OF VACATED ANCHOR AVENUE, PARK CITY SURVEY.

A parcel of land located in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 21°33'00" East 3.17 feet from the southernmost corner of Lot 9, Block 74, Park City Survey, said point also being South 21°33'00" West 461.39 feet and North 68°27'00" West 10.00 feet from the street monument at the intersection of Main Street and Daly Avenue; and running thence North 68°27'00" West 91.87 feet to the center line of vacated Anchor Avenue; thence along the center line of vacated Anchor Avenue North 21°33'00" East 3.63 feet; thence South 68°27'00" East 34.87 feet; thence North 21°33'00" East 7.00 feet; thence South 68°27'00" East 7.00 feet; thence North 21°33'00" East 23.19 feet; thence South 68°27'00" East 16.50 feet; thence North 21°33'00" East 0.47 feet; thence South 68°27'00" East 33.50 feet to the easterly boundary of Lot 9, Block 74, Park City Survey; thence along the easterly boundary of Lot 9, Block 74 South 21°33'00" West 34.28 feet to the point of beginning.

EXHIBIT B

(Legal Description of Henderson Property)

A PORTION OF LOT 9, BLOCK 74, AND A PORTION OF VACATED ANCHOR AVENUE, PARK CITY SURVEY

A parcel of land located in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at the corner common to the easternmost corner of Lot 9 and the southernmost corner of Lot 8, Block 74, Park City Survey, said point also being South 21°33'00" West 417.27 feet and North 68°27'00" West 10.00 feet from the street monument at the intersection of Main Street and Daly Avenue; and running thence along the easterly boundary of Block 74 South 21°33'00" West 9.84 feet; thence North 68°27'00" West 33.50 feet; thence South 21°33'00" West 0.47 feet; thence North 68°27'00" West 16.50 feet; thence South 21°33'00" West 23.19 feet; thence North 68°27'00" West 7.00 feet; thence South 21°33'00" West 7.00 feet; thence North 68°27'00" West 34.87 feet to the center line of vacated Anchor Avenue; thence along said center line North 21°33'00" East 40.50 feet; thence South 68°27'00" East 91.87 feet to the point of beginning.

EXHIBIT C

(Legal Description of Easement Area)

EASEMENT 1

A parcel of land located in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 68°27'00" West 53.51 feet and North 21°33'00" East 10.39 feet from the southernmost corner of Lot 9, Block 74, Park City Survey, said point also being South 21°33'00" West 464.57 feet and North 68°27'00" West 63.51 and North 21°33'00" East 10.39 feet from the street monument at the intersection of Main Street and Daly Avenue; and running thence North 68°27'00" West 3.49 feet; thence North 21°33'00" East 3.41 feet; thence South 68°27'00" East 3.49 feet; thence South 21°33'00" West 3.41 feet to the point of beginning.

EASEMENT 2

A parcel of land located in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a point that is North 68°27'00" West 58.57 feet and North 21°33'00" East 3.17 feet from the southernmost corner of Lot 9, Block 74, Park City Survey, said point also being South 21°33'00" West 464.57 feet and North 68°27'00" West 68.57 feet and North 21°33'00" East 3.17 feet from the street monument at the intersection of Main Street and Daly Avenue; and running thence North 68°27'00" West 16.10 feet; thence North 21°33'00" East 3.63 feet; thence South 68°27'00" East 16.10 feet; thence South 21°33'00" West 3.63 feet to the point of beginning.

EXHIBIT D-1
(General Depiction of Parcels)

A PORTION OF LOT 9, BLOCK 74, AND A PORTION OF VACATED ANCHOR AVENUE, PARK CITY SURVEY

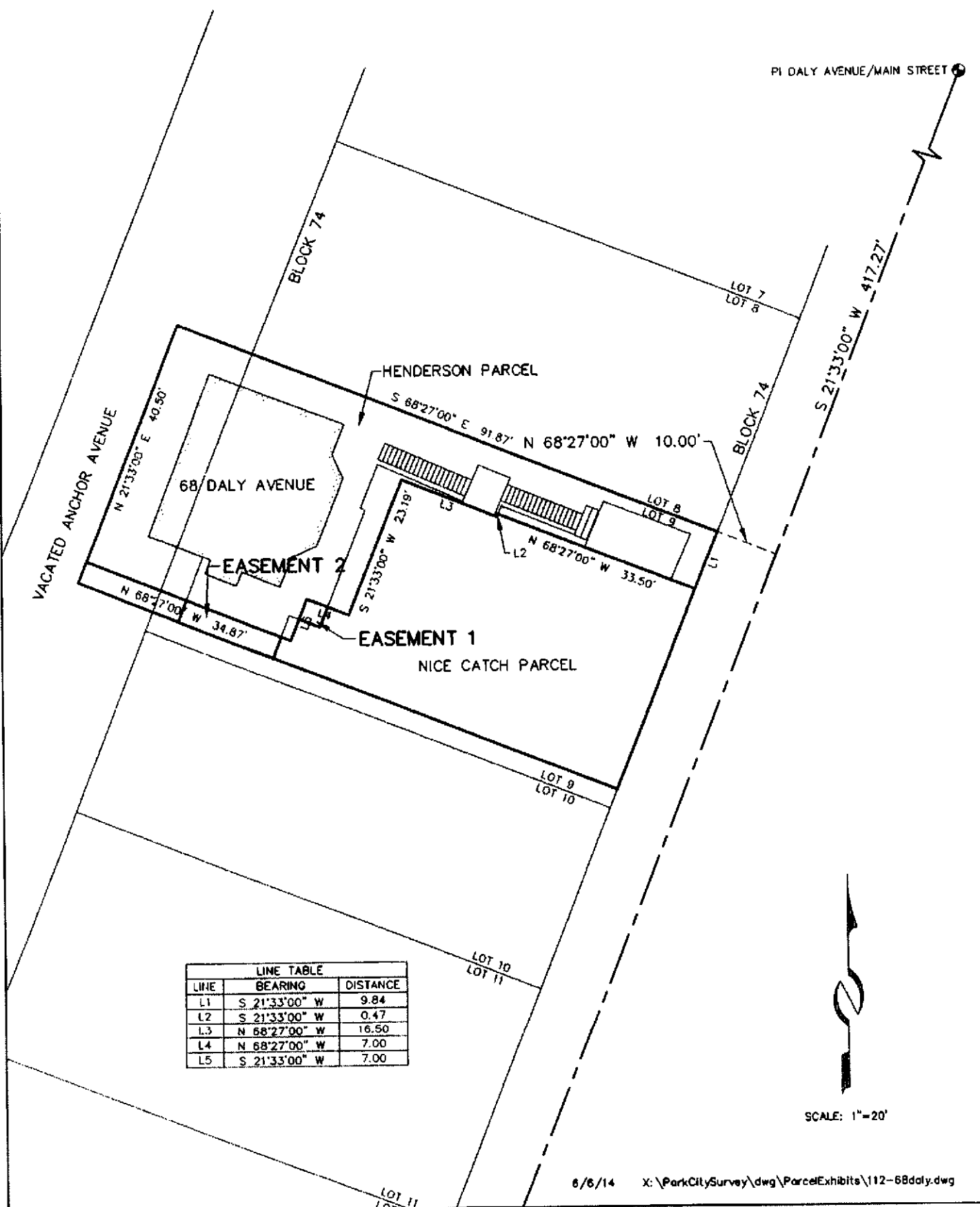


EXHIBIT D-2
(General Depiction of Easements)

DECK EASEMENTS BLOCK 74, PARK CITY SURVEY

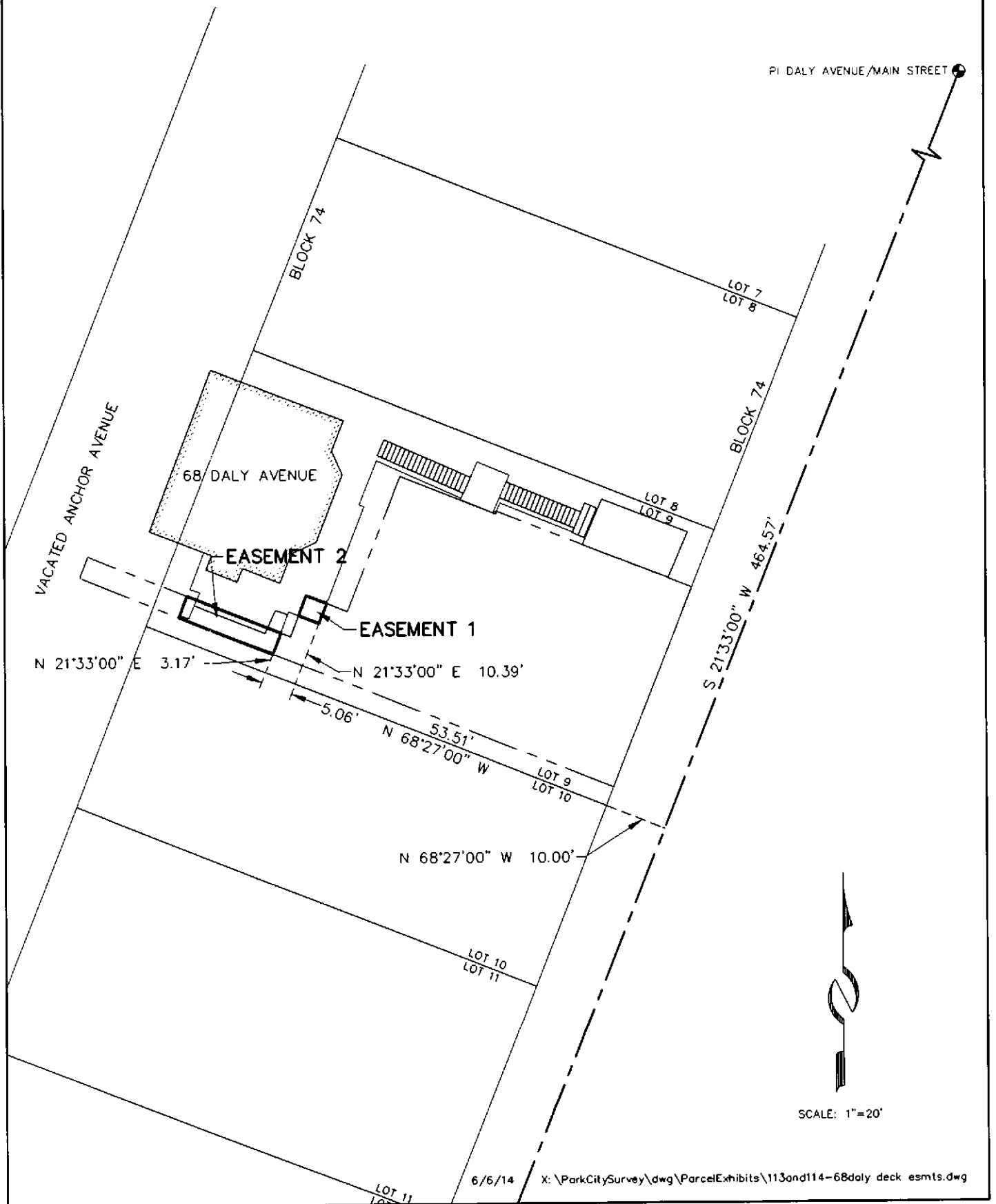


EXHIBIT F

Attachment 1

LINE	BEARING	DISTANCE
1	S 21°33' W	17.00 (1/2 OF ROAD)
2	S 89°57' W	17.00 (1/2 OF ROAD)

SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938738, as prescribed by the laws of the State of Utah, and that by authority of the owners the Record of Survey map of the 80 DALY AVENUE SUBDIVISION has been prepared under my direction, and that the same has been monumented on the ground as shown on this plat.

BOUNDARY DESCRIPTION

Part of Lot 9, all of Lot 10 and part of Lot 11, Block 74, White Reservation of the Park City Survey, together with part of vacated Anchor Avenue more particularly described as: Beginning at a point that bears South 21°33' West 7.50 feet from the northeast corner of Lot 8, Block 74, White Reservation of the Park City Survey, according to the official plat thereof, on the east of record in the office of the Summit County recorder, and running thence South 21°33' West along the eastern line of said Block 74, White Reservation of the Park City Survey 77.50 feet; thence North 89°57' West 89.57 feet to the centerline of the vacated Anchor Avenue; thence North 21°33' East along the centerline of the vacated Anchor Avenue 44.50 feet (44.50 feet actual); thence South 69°27' East 24.43 feet; thence North 21°33' East 7.00 feet; thence South 89°27' East 7.00 feet; thence North 21°33' East 28.00 feet; thence South 89°27' East 53.93 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, do hereby certify that we have caused this Subdivision Plat to be prepared, and we, Taylor Herring and Alexander J. Aderson, do hereby consent to the recording of this Subdivision Plat.

In witness whereof, the undersigned set their hands this _____ day of _____, 2012.

Taylor Herring, Owner
Alexander J. Aderson, Owner

ACKNOWLEDGMENT

State of _____
County of _____

On this _____ day of _____, 2012, Taylor J. Herring and Alexander J. Aderson personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Taylor J. Herring and Alexander J. Aderson acknowledged to me that they are the owners of the herein described tract of land, and that they signed the above Owner's Dedication and Consent to Record truthfully and voluntarily.

A Notary Public commissioned in Utah

Printed Name: _____
Residing in: _____
My commission expires: _____

LEGEND

Areas in DALY AVENUE

A PARCEL COMBINATION PLAT
IN BLOCK 74, PARK CITY SURVEY
80 DALY AVENUE SUBDIVISION
LOCATED IN THE NORTHEAST QUARTER OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

10' 0 10' 20'

SHEET 1 OF 1

<p>6492 840-8447</p> <p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ E.S.W.R.D.</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ MAYOR</p>	<p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____</p> <p>ENTRY NO. _____</p> <p>FILE RECORDER</p>
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EXHIBIT G

Planning Commission Meeting
April 11, 2012
Page 3

Commissioner Strachan asked if the City Council found that parking at the Sandridge lot was a viable mitigation factor. Ms. McLean answered no. She explained that the applicant had proposed two on-site parking spaces for renters, which would be part of the rental agreement. The City Council restricted the parking to those two spaces. Director Eddington clarified that two cars could park on the site given the scale of the driveway, and the applicant agreed to limit the rental units to two spaces.

Commissioner Strachan asked if there was any discussion among the City Council regarding enforcement. Director Eddington replied that enforcement was not a primary discussion; however, the City Council recognizes that any enforcement is a challenge with regard to parking. Assistant City Attorney McLean stated that the vote was split 3-2. Council members Simpson and Peek supported the Planning Commission.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

1. 80 Daly Avenue – Plat Amendment (Application #PL-12-01488)

Planner Francisco Astorga reviewed the application for a plat amendment at 80 Daly Avenue. The request was to combine part of Lot 9, all of Lot 10, and part of Lot 11 and the vacated right-of-way to the rear, into two lots of record in the HR-1 zone.

Planner Astorga identified several improvements on the existing structure at 68 Daly Avenue that encroaches on to the property at 80 Daly Avenue. He noted that the owner of 68 Daly Avenue could either work with the adjacent property owner to obtain an encroachment agreement, or remove the improvements from the lot.

Planner Astorga stated that a temporary construction easement exists over what was identified as Lot B for the benefit of the King Ridge Estates at 158, 162 and 166 Ridge Avenue. If approved, the drafted findings of fact acknowledge that a temporary easement exists, but that it would not be affected or changed by this plat amendment.

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

Chair Wintzer noted that the size of the lot would be considerably larger than other lots in the area. He asked if there were any restrictions on the house size that would be allowed on this property. Planner Astorga replied that there were no restrictions in the HR-1 District, other than the maximum footprint allowed by Code, which is based on the footprint formula. Chair Wintzer understood that the Planning Commission could restrict the size as a condition of the plat amendment. Assistant City Attorney McLean stated that they would have that ability based what they have done with previous applications and the analysis of house sizes on Daly.

Commissioner Hontz stated that one of her multiple concerns was that the square footage for the lot includes vacated Anchor Avenue. She asked what her fellow Commissioners thought about being

able to include that vacated portion to allow for a bigger footprint. She personally did not support it. Commissioner Hontz noted that in this particular situation that portion of the lot was very steep.

Commissioner Worel asked about the historic structure referenced in Conclusion of Law #1. Planner Astorga replied that it was not a historic structure and he had used the word 'historic' in error.

Commissioner Thomas thought it would be helpful to see the plat before and after side by side. He noted that the plat as revised was shown but there was no clear picture of what it looks like now. It was difficult for the Planning Commission to understand what they would be changing. Planner Astorga noted that the plat amendment shown on the screen and in the Staff report identified all the lot lines that would be removed, as well as the proposed lot lines. Commissioner Strachan suggested that the plat map on page 46 of the Staff report might help address Commissioner Thomas' concern. Planner Astorga stated that in the future the Staff could include the County plat map, like the one shown on page 46, and compare it next to the proposed plat.

Assistant City Attorney explained that the County plats are for taxation purposes and they are not always accurate. She agreed that it could be a helpful document, but they need to be aware that if there is a conflict between the plat map and the survey, the survey would control.

Commissioner Thomas clarified that he was only asking for a before and after comparison to see the difference. Chair Wintzer requested a better map that clearly defines property lines, encroachments, and other elements they need to understand.

Chair Wintzer opened the public hearing.

Carleen Riley, a resident at 84 Daly stated that she lives next door to the property line at 80 Daly Avenue. Ms. Riley wanted to know more about the plat amendment and what would be built.

Planner Astorga remarked that at this point the Planning Department had not received any plans. The area is zoned HR-1, which allows single family dwellings. The applicant was requesting a plat amendment to combine the lot into two lots of record.

Ms. Riley asked if that would allow two dwellings.

Planner Astorga replied that it could be duplexes under a conditional use permit reviewed by the Planning Commission. When the applicant is ready to move forward with a design, it would be subject to a Historic Design Review, which would trigger a notice to property owners within 100 feet.

Ms. Riley stated that her lot also encroaches on that property by approximately 60 inches. She did not build her house, but she was informed of that when it was surveyed years ago. When the owners decide to build, she would like some space between their structure and hers. She has 100 year old, 20-foot lilac bush that would be split in two. Ms. Riley was interested in knowing the details of whatever structure is built. She was opposed to steep slope construction and wanted guarantees that it would not occur.

Commissioner Thomas informed Ms. Riley that the design would not come before the Planning Commission unless a steep slope CUP is required. Otherwise, the use is reviewed administratively by Staff. Planner Astorga reiterated that a request for a duplex would require CUP approval. Director Eddington noted that an administrative review is still noticed to the public.

Director Eddington asked if there were any easements along the property adjacent to Ms. Riley. Jonathan DeGray, representing the applicant, believed it was a 6-foot utility easement. Ms. Riley stated that at one time the plan was to put all the power lines and sewer lines next to her house. However, she understood from looking at the drawings that the water and sewer lines would be on the other side. Mr. DeGray stated that there were no sewer lines. The sewer is serviced from above. A storm sewer would go through the Daly lot, but not sanitary sewer lines. He noted that Planner Astorga had that documentation from the Sewer District.

Commissioner Strachan asked if any portion of the lot could be built on that would not trigger a CUP. Mr. DeGray answered no. Commissioner Strachan clarified that regardless of what they build, the owners would have to submit their plans to the Planning Commission. At that point, Ms. Riley would be able to see the specifics details related to her questions this evening.

Chair Wintzer closed the public hearing.

Jonathan DeGray noted that the Staff report shows one large single parcel compromised of Lots 9 and 10, portions of 11 and the fragment right-of-way to the rear. He stated that currently Lots 9 and 10 are buildable without a plat amendment. The intent of the plat amendment is to clean up property lines and take care of the encroachments through easement agreements.

Commissioner Thomas remarked that there was an unusual situation of creating a flag lot out of the house behind Lot A, and nothing in the Code restricts that from occurring. Commissioner Thomas thought that should be considered in the future because it is an unusual condition. There is no way to for a vehicle to access the property, which creates a problematic situation for fire access and fire fighting. In addition, there is no parking and it lends itself to an eyesore condition. In this particular instance, if you drive in front of this property there would be three houses in a row off the street. Commissioner Thomas found it peculiar but totally within the law. Unfortunately it was a consequence of the Code. He would support the approval but he did not like it.

Chair Wintzer could not understand how that was parceled off that way in the first place. However, it was done a long time ago and it was out of the hands of this Planning Commission. Planner Astorga explained that he found a building permit issued in 1982 for the house showing that it had to be exact in configuration. He could not find the permit for the stairs. He also found record of a variance that was approved by the Board of Adjustment in 1982 to allow the owner to rebuild the house due to an incident with a water tank falling from King Road. The variance that did not necessitate parking areas on site. Carleen Riley provided the history of what happened that caused the water tank to fall.

Planner Astorga stated that planning and planning practices have changed since 1982, but he found the configuring of such lot, which was approved by the City, and then moved forward with a variance and the building permit.

Chair Wintzer was not concerned with the small lot. In terms of the big lot, he suggested doing a comparison of other structures on the street to make sure they would not be creating an oversized lot and structure for that area. Commissioner Strachan concurred. He noted that the large house above was an exception and it is not on Daly Avenue. Commissioner Strachan remarked that Daly Avenue has more historic heart than anywhere else in town and they need to make sure the compatibility requirement of the Code is met. The Commissioners concurred. Commissioner Hontz felt they had to do that to remain consistent with what they have asked of other applicants on Daly Avenue.

Commissioner Hontz remarked that in many cases when a plat amendment is requested to clean up one issue, the applicant identifies many others. It is not uncommon to have portions of roofs or landscaping or small portions of stairwells across property lines. In this case she found the significant amount of structures from 68 Daly that extends into these other properties to be concerning and problematic. If this plat amendment is approved it would further impact parking issues that are created off-site. She felt it was unfortunate that there was not better foresight in 1982 to see what problems they were creating for the neighborhood when they allowed 68 Daly to be built without parking. Chair Wintzer was unsure how that issue could be rectified, but they definitely need to look at the size of houses on the lots.

Commissioner Thomas suggested using the same study criteria that was used for 191 Woodside and 313 Daly Avenue.

MOTION: Commissioner Thomas moved to CONTINUE 80 Daly Avenue to May 9, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

2. 12 Oak Court – Plat Amendment
(Application #PL-11-01-1491)

Planner Matt Evans reviewed the application for a plat amendment to remove the lot line between Lots 35 and 36 of the Amended Plat of the Evergreen Subdivision to create one lot of record. The request is to combine two lots to create one new parcel. Planner Evans indicated a 30-foot wide ski easement for the benefit of Lot 36 to the Last Chance ski trail, which would be vacated as part of this subdivision.

Planner Evans reported that the applicant owns both parcels and the purpose for combining the two lots is to expand the existing home over the lot line. The existing lot line with a public utility easement would also be vacated.

Planner Evans stated that the actual square footage of the proposed addition was unknown; however the combined lots would allow the applicant to build an 11,250 square foot home. Under the existing conditions the existing house is 7,343 square feet, with a maximum of 7500 square feet. Planner Evans noted that combining the lots would reduce the density in the subdivision.

EXHIBIT H

Planning Commission Meeting
May 9, 2012
Page 5

VOTE: The motion passed unanimously.

3. 543 Woodside Avenue – Steep Slope Conditional Use Permit
(Application #PL-12-01487)

Chair Wintzer opened the public hearing. There was not comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE the 543 Woodside Avenue Steep Slope conditional use permit to May 23, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

4. 7700 Marsac Avenue – Subdivision (Application #PL-10-01070)
5. 7700 Marsac Avenue – Condominium Conversion (Application #PL-10-01071)

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

MOTION: Commissioner Pettit moved to CONTINUE the 7700 Marsac Avenue subdivision and condominium conversion to a date uncertain. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 80 Daly Avenue – Plat Amendment
(Application #PL-12-01488)

Chair Wintzer thanked Planner Astorga for including the purpose statement in his Staff report. It helps the Planning Commission focus on the zone.

Commissioner Pettit disclosed that she lives on and owns two properties on Daly Avenue at 239 and 243 Daly. Her ownership and residency would not influence her ability to be objective in this application.

Commissioner Hontz disclosed that she lives at 209 Daly Avenue, which is not in the vicinity or within the 300 feet noticing boundary of this property.

Planner Francisco Astorga reviewed the application for the 80 Daly Avenue subdivision. The Planning Commission reviewed this application on April 11, 2012 and continued the matter with direction to Staff to provide an analysis of the house sizes on Daly Avenue. The completed analysis was included in the Staff report.

The Staff had determined an overall average floor area of 2,532 square feet for the entire Daly Avenue neighborhood; and recommended putting a cap on the gross floor area of Lot B to match that average. Planner Astorga stated that Lot A, which is equivalent to an Old Town lot of 1875 square feet, yields a maximum footprint of 844 square feet. Calculating 844 square feet by three stories allowed by Code results in 2,532 square feet. Planner Astorga clarified that it was completely coincidental that the average number identified in the overall analysis was the same as one Old Town lot of record.

Planner Astorga stated that he had not received public hearing at the time the Staff report was prepared, but he was later approached by Brent Gold who represented Mr. Henderson, the owner of 68 Daly Avenue. Mr. Gold would be making comments during the public hearing on Mr. Henderson's behalf.

Jonathan DeGray, representing the applicant, reported that his clients did not agree with the Staff analysis. It is not a fair evaluation because the Staff only took the assessor records for each individual property and recorded the lot or building size and determined the average based on every single house and building on Daly Avenue. The analysis did not take into account what size home sits on what size lot, and whether it is a 3,000 square foot home on a 1875 lots or a 500 square foot home on three lots.

Mr. DeGray remarked that a more appropriate method would be to compare this property to like properties in size, and to the homes that are built on those properties in relationship to Lot B of the proposed subdivision. Lot B is slightly over 3800 square feet and is equivalent to the size of two lots. Based on the average, the Staff would propose that a single home on that lot would be the size of a home on a single lot. Mr. DeGray believed it was a product of a skewed analysis. Mr. DeGray requested a more fair evaluation of the property size in comparison to buildings on similar size properties.

Mr. DeGray stated that the analysis did not address the property size of 80 Daly Avenue. On 3800 square feet they are eligible for a duplex. The average size of the 14 duplex lots or multi-family units along the entire length of Daly Avenue is 3,980 square feet of living space. Mr. DeGray noted that his client has not presented a specific plan, but the lot is large enough to sustain a duplex under the Code. However, under the Staff evaluation it would be placed as a single-family without further discussion. His clients would like the ability to build a duplex if they decide to and their property should be compared to other properties on Daly Avenue that are similar in use and size, which would be all the other multi-family units.

Mr. DeGray noted that the analysis says that the buildings should be 2532 square feet in gross area, including a garage. He stated that the current configuration of the parcel, without the plat, contains Lot 9 and 10. Lot 10 is the larger building lot currently being discussed. His clients would like to build on that lot and would like some incentive to move forward with the plat. The idea of being limited to 2500 square feet of gross area is not an incentive, because the lot in its current configuration would yield a larger home without a plat amendment. Lot 9 contains 2,252 square feet. On the proposed plat it would contain 1875 square feet. Lot 10 contains 2,449 square feet. On the proposed plat it would contain 3,893 square feet. Without the plat amendment, Lot 10 would yield a home approximately 2700-2800 square feet. As proposed by Staff, that would be reduced to

2,555. Mr. DeGray stated that under the current guidelines the larger lot with a plat amendment at 3,893 square feet would yield a footprint of 1,564 square feet.

On behalf of his clients, Mr. DeGray proposed to look at Lot B and offered to remove the Anchor Avenue vacation area, which is 554 square feet, from the area calculation. That would reduce the footprint from 1564 down to 1384. It would reduce the potential building size to 3200-3300 square feet gross area, including the garage. The living space of the home would be approximately a 2800 square foot house and a two-car garage at 400 square feet, which meets the City Code minimum size. In an effort to move forward, Mr. DeGray offered that proposal to the Planning Commission. He would like to move forward with design solutions using the reduced footprint, with the knowledge that it would come back to the Planning Commission as part of a Steep Slope CUP. Mr. DeGray pointed out that any building on Lot B would require a Steep Slope CUP. At that point he would be able to show compatibility or with appropriate mass and scale for the surrounding structures.

Commissioner Strachan referred to the numbers proposed by Mr. DeGray and understood that the 3900 was the total square footage of the structure that could be built under his analysis. Mr. DeGray was proposing a reduction capped at 3200-3300 square feet.

Mr. DeGray explained that his proposal is to not deal with a cap at this time, but to propose a reduced footprint on the property. Commissioner Strachan asked if Mr. DeGray would consider a square footage cap at a later time if the Planning Commission decides to approve the plat amendment. Mr. DeGray replied that because this would come back to the Planning Commission for a Steep Slope CUP, his clients were concerned that if they negotiate a reduced size with the plat amendment, it would be done again with the Steep Slope CUP. Mr. DeGray noted that he would have to meet the requirements of the Steep Slope CUP. Taking out the Anchor Avenue vacation reduces the footprint by a few hundred square feet. He believed that 1300 square feet of footprint would achieve a building size that works for his clients at approximately 3300 gross floor area and 2800 square feet net livable area. Based on the Staff analysis, Mr. DeGray believed those numbers fall within the realm of reasonable.

Commissioner Strachan asked Mr. DeGray if his clients would prefer not to do the plat amendment if they could not get the footprint they want on Lot B; and instead build two separate structures on two separate lots. Mr. DeGray clarified that without doing the plat amendment Lots 9 and 10 were still buildable lots. One lot is 2252 square feet and the other is 2400 square feet. Both lots are bigger than standard lot sizes and would yield larger homes. Since that would be an option without a plat amendment, Mr. DeGray requested a continuance so he could ask his clients what they would prefer in response to Commissioner Strachan's question. Mr. DeGray could not answer that question this evening; however, he did know that his clients were willing to take a reduction in footprint if the Planning Commission was willing to let them come forward with a Steep Slope CUP.

Chair Wintzer opened the public hearing.

Brent Gold introduced Pete Henderson, the owner of 68 Daly Avenue. Mr. Henderson has owned the property at 68 Daly Avenue for more than 40 years. The house that was originally on that property was the infamous water tank rollover house that was squashed when a water tank fell off a

truck and rolled down the hill and onto the house in 1980. Mr. Henderson constructed the existing house from the remnant of the original house. Mr. Gold stated that the house at 68 Daly Avenue is approximately 1950 square feet. It is a flag lot with a 7-1/2 foot flag pole coming up from Daly Avenue serving the house. The alleged encroachments that are spoken of in the Staff report have been there for over 30 years. Mr. Gold emphasized "alleged". The encroachment spoken about in the Staff report is identified as approximately 64 square feet. Mr. Gold thought the extent of the encroachment may be three or possibly four feet extending into the lot.

Mr. Gold stated that Mr. Henderson at 68 Daly Avenue is singularly is most affected by this proposed plat amendment. The structure allowed on Lot B would loom over Mr. Henderson's house to the south. The size and height of the Lot A structure would be a tower blocking his singular view corridor, which is to the Daly side of the street. Mr. Henderson is already blocked to a great extent upstream of Daly in the southerly direction.

Mr. Gold stated that Mr. DeGray believes that his proposal not to use the portion of Anchor Avenue would give Mr. Henderson a view corridor to the south. He pointed out that there is no view corridor because there is literally a vertical hill on that side due to the steepness of the slope. Mr. Gold noted that Mr. Henderson had several conversations with the applicants and suggested a number of proposals for how they could minimize the impacts. The 2500 square feet that Planner Astorga recommended is a step in the right direction; however, there is no consideration for this tower and the impact of literally blocking Mr. Henderson's house from the view corridor.

Mr. Gold noted that one of the conditions of approval is that the encroachment matter be resolved. Mr. Henderson had received no proposal from the applicant at this point regarding a resolution of the alleged encroachments. Mr. Gold stated that they were doing the best they could to keep open the channels of communication. A number of different options were on the table.

Mr. Gold encouraged a continuance if for no other reason than to try and further engage the petitioners in an attempt to come to some resolution. Mr. Gold encouraged the Planning Commission to become familiar with Lot A and the potential impacts before making any decisions regarding the plat amendment.

Mr. Gold noted that Mr. Henderson was out of town for the April meeting and did not receive his notice. He was notified by his neighbors. He was happy that the decision was continued in April to this meeting to allow him the opportunity to present his case. Mr. Gold stated that Daly Avenue is worth protecting what little of it is left and he asked the Planning Commission for their assistance.

Chair Wintzer understood that the encroachment issue was between the applicant and Mr. Henderson, and the Planning Commission could not get involved. Assistant City Attorney McLean stated that on a regular basis, part of what the City is trying to do with plat amendments and subdivisions is clean up encroachments and lot lines. As a regular course the City requires encroachments to be dealt with in some way. The condition of approval is typical in a plat amendment. Chair Wintzer clarified that the City requires it to be cleaned up by a condition of approval, but the Planning Commission does not get involved in how it is done. Ms. McLean replied that this was correct.

Chair Wintzer closed the public hearing.

Commissioner Pettit agreed that from a historic character and scale, Daly Avenue is one unique long street and a variety of structures have been built over time. The most important piece and element of Daly are the historic structures that continue to exist and hopefully will continue to exist into the future. The size and scale of those single level structures are very modest. In looking at the Staff analysis, she can see the range that exists; however with each study the average size continues to creep up and that causes her concern. They tend to get more structures on the higher end versus the existing historical structures that continue to be dwarfed through development.

Commissioner Pettit stated that in looking at the streetscape with respect to these lots and where they sit next to Carlene's property and historic properties across the way and beyond, she was concerned about the size of the structure that could be built on Lot B regardless of whether it is single family or a duplex.

Commissioner Pettit commented on some of the strange things that have happened along Marsac with some of the structures on the hill and the mining structures off of Ontario that were dwarfed. Even from a solar perspective, views were blocked by large structures that were compliant under the Code. When there is a property that sits in a unique manner, she has concerns about impacting that particular property. Commissioner Pettit was very concerned about how that would come into play in the context of either what is currently allowed or what would be allowed through a lot combination and subdivision. She appreciated that Mr. DeGray came back this evening with a proposal to further reduce the footprint for Lot B, but she was not convinced it was enough. Commissioner Pettit was also concerned about pushing that process into the Steep Slope CUP because the Planning Commission has less control in the CUP process than with the plat amendment in terms of trying to anticipate impacts and the desire to maintain the historic fabric of Daly and compatibility.

Commissioner Pettit stated that coming into this meeting she was inclined to consider adopting the conditions of approval recommended by Staff, but that was without understanding the impacts to 68 Daly Avenue, particularly of building to the maximum height on Lots A and B. Commissioner Pettit needed to better understand the impacts to see if other conditions would be appropriate in this context. She recognized that it was a difficult situation because without the plat amendment the owner still had two buildable lots that could potentially yield worse results.

Commissioner Hontz concurred with all of Commissioner Pettit's comments. She referred to page 103 of the Staff report and asked for clarification on the dimensions. Commissioner Hontz understood that the rectangle box shown was Lot 10, and that it did not include the additional square feet that extend from the bottom rectangle line to the bottom red rectangle line. Without a plat amendment, the lot that could be developed was everything within that black rectangle and not all the way down to Lot 64. Mr. DeGray replied that this was correct. He stated that the fragment of Lot 11 that Commissioner Hontz was indicating was approximately 6 feet. Planner Astorga explained that if the applicant proposed to build within the existing parameters, including the setbacks, a plat amendment would not be necessary because development would not cross any lot lines.

Commissioner Hontz pointed out that it would still exclude the Anchor Avenue portion. Planner Astorga remarked that Daly Avenue was platted differently than the typical 25' x 75' configuration.

Commissioner Hontz asked if a variance would be required for Lot 9. Mr. DeGray answered no. Planner Astorga remarked that everything owned by Mr. DeGray's client was identified in red and included Lots A and B. He stated that the County allows property owners to consolidate lots for tax purposes. Therefore, PC-653 was everything the applicant owns. Planner Astorga pointed out that Lot 10 was buildable as it currently exists. However, Lot 9 is not a lot of record. It is a portion of a lot that is shared with 68 Daly Avenue. He noted that in 1992 when Mr. Henderson built the structure at 68 Daly Avenue, a different policy was in place that did not require a plat amendment.

Assistant City Attorney McLean verified that Lot 9 would need to be remedied and made into two lots of record. At one point there was discussion about including 68 Daly Avenue as part of the plat amendment to clean up all the property lines. However, because it involves two different owners it was not something the City could mandate.

Planner Astorga stated that a letter was sent to Mr. Henderson prior to the two week noticing to begin that dialogue in early March. Planner Astorga clarified that his records show that the letter was sent to Mr. Henderson's listed address with the County and provided by the applicant.

Commissioner Hontz stated that when the Planning Commission approves a plat or a plat amendment, it should not create new problems. As currently configured, she believed the requested plat amendment would make things worse for 68 Daly Avenue and that entire portion of the street. Commissioner Hontz pointed out that only one buildable lot exists and everything else would need to be remedied through the plat amendment process. She preferred to see more solutions amenable to making both lots better fit the neighborhood character. She never considered Anchor Avenue as a viable square footage in the calculation due to its steepness and proximity to surrounding structures. The problems would be exacerbated if these properties were developed. Commissioner Hontz stated that there is a huge parking problem on Daly Avenue that these properties do not need to rectify, but they cannot make it worse.

Commissioner Strachan asked how the applicant came to own the part that goes on to Lot 11. Planner Astorga replied that it was unique to Daly Avenue. At one point there was a 5-7 foot shift in ownership on Daly Avenue where everyone owns a portion of another lot. Chair Wintzer explained that the shift occurred when the entire town was re-monumented in the early 1980's. Commissioner Strachan asked if anyone had spoken with the owner of Lot 11. Planner Astorga stated that Carlene owns Lot 11 and she provided input at the last public hearing.

Mr. DeGray was disappointed that his clients were not informed of the Staff's opinion that Lot 9 is not a lot of record. That issue should have been dealt with before they came back to the Planning Commission. Mr. DeGray stated that he assumed all along that Lot 9 was buildable. Planner Astorga clarified that he only came to that conclusion during the discussion this evening.

Chair Wintzer hesitated to continue an item without some type of direction from the Planning Commission. Assistant City Attorney McLean advised that if the Planning Commission did not need additional information, they should move forward.

Commissioner Pettit remarked that the applicant took issue with the Staff recommendations on the proposed conditions of approval. In addition, given the determination that Lot 9 is not a buildable lot, even if the Planning Commission moved forward with the proposal as presented with the Staff recommendations, she did not fully understand the impacts to Mr. Henderson's property.

Assistant City Attorney McLean explained that if the plat amendment were to move forward, it would create Lot A, which would be a lot of record. If Mr. Henderson ever requests a building permit, the City would require him to turn his metes and bounds parcel into a lot of record. Commissioner Pettit clarified that her concern was how a structure on Lot A would impact Mr. Henderson's property from the standpoint of view shed, solar access, etc. She would like to understand those impacts before making a decision to create a buildable lot.

Commissioner Hontz felt that was the point. If there is only one buildable lot, it would not be good cause to create more problems with a plat amendment. She shared Commissioner Pettit's concern that what happens on Lot A could impact the entire neighborhood. Commissioner Hontz was not willing to consider the conditions as conditions of approval because it was not consistent with her analysis that there is only one buildable lot. She was not comfortable creating two lots that impact everything around it without further discussion.

Director Eddington suggested that a topographic survey or a plat with contours in a 3D image might help. He asked Mr. DeGray if that was something he was willing to prepare. Mr. DeGray stated that he would ask his clients if they were interested in doing that. He pointed out that it would be totally fictitious at this point because there was no plan to build on Lot 9 and there was no building design.

Chair Wintzer stated that it would only need to be a block to get an idea of what it would look like. He concurred with his fellow Commissioners that they would not want to make the problem more arduous than what already exists. They would need to know what could go on those two lots before approving the plat amendment.

Planner Astorga clarified that that the Staff review found that there would be two lots of record with the plat amendment. Commissioner Pettit stated that the issue was what could be done today versus what the applicant was requesting to do. They were asking to have two buildable lots, and her concern was the impacts of Lot A on Mr. Henderson's property.

Mr. DeGray asked what type of abilities the Planning Commission would anticipate if they found the massing to be impactful on the property behind. Commissioner Pettit replied that one way would be a height restriction to mitigate the impact and still allow a structure to be built on the property. Planner Astorga suggested platting a buildable pad in an area that may mitigate the impacts. Commissioner Worel thought that would be helpful.

Mr. DeGray understood that the Planning Commission wanted to see a model or some type of 3D presentation to understand the massing and scale of the structure in relationship to the building behind. He asked if the Planning Commission as a group would feel comfortable approving the plat amendment once the model is presented.

Commissioner Pettit stated that personally she was not willing to move forward with the footprint restriction approach that was proposed on Lot B. She was more comfortable with the Staff's recommendation based on the streetscape and the surrounding structures, particularly Carlene's house which would be adjacent to the structure on Lot B, and the historic structures across the way. Commissioner Pettit wanted to see something more consistent with the pattern and the fabric of that part of the street.

Commissioner Strachan referred to the slide and the blue line that goes right through Carlene's house. He asked if that was an encroachment issue that the parties need to work out. Planner Astorga replied that it was not an encroachment. The Staff used the GIS and understood that the lines could be incorrect. They rely on the survey, which shows that it barely touches the structure but does not encroach.

Commissioner Pettit commented on the number of smaller homes on Daly Avenue that sit on fairly large lots. She suggested that the table of homes on Daly Avenue include the lot size associated with the house sizes. Commissioner Pettit stated that in the past there has been a pattern of limitation of gross floor area or house size on that street historically. Precedent has already occurred and she thought it might be helpful to flush that out.

Commissioner Pettit stated that the more information the Planning Commission has in terms of understanding the existing fabric and the size and scale helps them achieve something that is more equitable and compatible. In her mind it was still not perfect because it continues to push the average higher, but it is a method that has been used in similar applications with plat amendments.

MOTION: Commissioner Pettit moved to CONTINUE the 80 Daly Avenue plat amendment to the May 23, 2012 meeting. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

**2. 255 Deer Valley Drive – Conditional Use Permit for a Bed and Breakfast
(Application #PL-12-01504)**

Planner Astorga reviewed the application for a conditional use permit for a Bed and Breakfast at 255 Deer Valley Drive. The site is currently owned by Miriam Broumas; however, Christine Munro was in the process of purchasing the site for the purpose of operating a bed and breakfast. Mike Johnston was representing the applicant this evening.

Planner Astorga reported that the applicant was proposing to have six bedrooms as nightly rentals for the bed and breakfast. The Staff analyzed specific criteria outlined in the Land Management Code and found that the proposal complies with the criteria for a bed and breakfast, as well as the conditional use permit. Planner Astorga pointed out that the applicant was also requesting a 448

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

Conditions of Approval – 1103/1105 Lowell Avenue

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

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

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

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

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

Commissioner Strachan requested clarification of the ratios identified in the table on Page 55. He asked if the house built on the footprint is 141% percent larger than the lot footprint. Planner Astorga answered yes.

Jonathan DeGray, representing the applicant, presented the massing model. The entire ownership of Lot B was represented as a 1,540 square foot footprint, including the Anchor Avenue portion. Eliminating Anchor Avenue from the calculation reduces the footprint from 1540 square feet to 1,384 square feet. Mr. DeGray noted that the applicant was still willing to exclude Anchor Avenue from the footprint. It was included in the massing model to show the worst case scenario.

Mr. DeGray remarked that Lot A was 1,875 square foot with an 844 square foot footprint. It is a two-story structure. He noted that the buildable portion of Lot A is the flat area to the front. There would be a 10-foot front yard and 10-foot rear yard setback, which would occupy a great extent of that steeper slope going up to the house behind. Mr. DeGray presented a photo taken from the front of Lot A looking at the building to the rear. He indicated the duplex to the right and stated that the garage elevation was the single story. The deck above with a window to the rear was the second story. The wall plates would be that height with a roof above. Mr. DeGray remarked that the roof of the proposed building would probably be into the sightline of the windows from the back, but no higher than 27' because of the elevation change from the front of the property to the rear.

Mr. DeGray reported that the applicant's position had not changed regarding the recommended building size. They would like to move forward with the reduced footprint at 1,384 square feet that excluded Anchor Avenue, and go through the Steep Slope CUP process to determine the appropriate square footage based on the setting. Mr. DeGray stated that 2768 square feet represents a building size that does not take into account the topography of the lot. A third to a half of the building would be buried and 2,768 square feet would be less usable than it would be if it were built somewhere else. Mr. DeGray felt there was unfairness in the evaluation that one number works and another number does not. He requested the ability to move forward with 1,384 square feet of footprint and let the Steep Slope CUP process play out.

Commissioner Strachan wanted to know how much smaller the proposed structure would be if the Planning Commission accepted the 200% ratio restriction. Mr. DeGray replied that the structure shown on Lot B at a 1540 square foot footprint represents a building that slightly exceeds 4,000 square feet with a garage. Commissioner Strachan asked for the ratio under the recommended 200% restriction. Mr. DeGray stated that under the 1500 square feet of footprint the ratio would be 2.7. He noted that 1384 square feet at 2.4 would be approximately 3300 square feet of structure. Mr. DeGray believed that under the Steep Slope CUP, a 3300 square feet house would work on the site and fit with the surrounding buildings, and still be sensitive to smaller non-historic structure to the south. He estimated that at least a third of the structure would be underground.

Chair Wintzer opened the public hearing.

Carlene Riley, a resident at 84 Daly Avenue, asked if they would cut off access to Pete Henderson's property. Mr. DeGray replied that the applicant was proposing to allow easement agreements that maintain the access and the deck extensions.

verification to support his claim. Based on the assumption that his client owns that property, the applicant adjusted the property boundaries from the adjoining Lot B so they could get the 1875 square feet required under the Code. If that line moves a fraction, they would be under the required square footage. He pointed out that they could still move the lot line farther into Lot B, but that would change the entire configuration and the entire proposal.

Mr. Gold stated that the applicant makes the argument that Lots 10 and 11 are buildable lots, and that the current solution renders a better resolution of the problem. Mr. Gold felt the better resolution remained to be seen. He did not believe all the problems with Lot A had been remedied. It was the general consensus that the Planning Commission has the authority and power to impose conditions and restrictions that cause the resolution of all problems rather than creating greater problems in the future. He suggested that they were not finished with this plat amendment process.

Chair Wintzer closed the public hearing.

Wade Budge, legal counsel representing the applicant, responded to the issues raised by Mr. Gold. With respect to whether a variance might be appropriate, Mr. Budge pointed out that the proposal meets what is required to create a lot in this area, including the required square footage. If Mr. Gold's point is an inappropriate use, that could not be solved through a variance. A use variance is prohibited by Utah law and therefore it is not applicable. Mr. Budget believed the focus should be whether or not the applicant meets all the requirements from a size perspective. A certified survey and Mr. DeGray's drawings show that both of the proposed lots were sufficient size for the zoning district.

Mr. Budge agreed that a condition had not been proposed for Lot A. The reason is that the natural size of the lot creates its own restriction due to the setback and height restrictions of the zone. They had presented the worst case scenario and understood the maximum footprint. A condition was not needed, but they would not be opposed if it was required because they already know that 844 square feet is the maximum footprint.

Mr. Budge commented on the encroachment issue. He believed the neighbors needed to work out the issue among themselves and not involve the Planning Commission. He proposed modifying Condition #4 and handed out proposed language that he had drafted. The revised condition would read, "Prior to plat recordation, an encroachment agreement or an encroachment license must be either agreed to or granted to allow the existing encroachments from 68 Daly Avenue to continue as they presently exist." Mr. Budge believed the revised language avoids involving the Planning Commission on the issue and allows the applicant the ability to work with Mr. Henderson to come to an agreement. If they cannot come to an agreement, it would be presented to the City with a proposal that would allow Mr. Henderson to continue using what the applicant views as his property. Mr. Budge stated that if there was a true dispute over ownership, the burden would be on the neighbor to come forward with evidence of ownership. He clarified that the ultimate goal was to keep the encroachments in place and allow them to continue as they exist.

Mr. Budge responded to the issue of square footage and setting a maximum for Lot B. Their strong preference would be to defer that to the Steep Slope CUP process. The architect could come forth

Assistant City McLean stated that once a survey is stamped, the surveyor declares that they are certified based on their professional license and that the survey is accurate. Even when things are not recorded as a plat, the survey is filed with the County. Commissioner Hontz disclosed that she lives on Upper Daly Avenue, which is not in the vicinity of this property, and it would not affect her comments or decision this evening.

Commissioner Hontz appreciated the work Planner Astorga and the Staff did on the Staff report, particularly since they tried to find a creative solution and a compromise. However, she respectfully disagreed with this particular solution. If they allow two units to be built at the proposed size, the whole community loses. Commissioner Hontz believed her comment from the May 9th meeting still stands today. If the Planning Commission allows what is proposed, they create harm by creating new impacts and issues related to snow storage, traffic, view shed, parking, etc. All harm would be caused directly from this application and not by anything that currently exists around it. Commissioner Hontz pointed out that in addition to exacerbating the existing problems, the proposal creates its own additional problems.

Commissioner Hontz referred to Conclusion #1, which asked if there was good cause. She appreciated the massing study because it demonstrated exactly what they would not want to see occur and how the impacts would be thrust upon this part of the neighborhood.

Commissioner Thomas concurred with Commissioner Hontz. In looking at the massing diagram, he believed one of the problems with the comparative analysis of density and massing was that the measurement was taken against buildings that were built historically; and those structures would not be allowed today. They would be averaging up in terms of size and massing with that approach and he did not believe that was the intent. Commissioner Thomas thought the Planning Commission was looking for commonality with the historic components of the community. Visual Aid 102 demonstrated massing that was dramatically out of scale with the adjacent historic home. Commissioner Thomas also struggled with the image on page 52 of the Staff report, which showed the scenario of ownership. He felt it was practical to have three units on three properties. A lot combination would add density and more negative impact to the neighborhood and adjacent property owners. Commissioner Thomas stated that he had issues with the application and he could not support it.

Commissioner Worel concurred with her fellow Commissioners. She also had an issue with the easement for the stairs. In her opinion, if the neighbors could agree on an easement it would have been done by now. Both sides were claiming ownership and she did not think the Planning Commission could approve the plat amendment without conclusively knowing who legally owns the property.

Commissioner Thomas stated that he would be able to support an application that had a smaller house in the center of Lot 10 that had a relationship with the house on Lot 11, and left the building pad alone in front of the other lot. He offered that alternative if the applicant was interested in that approach. It would allow him to build on his property and create a no-build zone on the adjacent property below the existing house. Commissioner Thomas believed the result would be a building configuration that is more consistent with Old Town.

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City Council Meeting
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VII OLD BUSINESS

Consideration of a plat amendment for 80 Daly Avenue, Park City, Utah – Planner Francisco Astorga stated that the City Council received a letter from Attorney Wade Budge today with new information. In staff's opinion, it is important information and the public has not had a chance to see it but copies are available at the meeting. Mayor Pro Tem Matsumoto asked if the hearing should be held, continued, or remanded to the Planning Commission. Mr. Astorga noted that the Commission has not seen the new information. Mr. Harrington advised that a decision be made after full presentations and holding a public hearing, although a remand is certainly an option. Members were comfortable with proceeding.

Mr. Astorga explained that 80 Daly Avenue is currently under the same tax identification number. He displayed a map of the lots explaining that they are considered flag lots and referred to the 1981 accident where a water tank rolled over a historic building. The structure was rebuilt but does not resemble the previous one dating back to the early 1900s. In 1981 the lot received a variance to reconstruct the building and deviated from the parking requirements by not having to providing on-site parking. The building to the south is old however it is not considered as a significant or landmark site. There are two historic homes across the street at 61 and 71 Daly Avenue. He displayed a survey which shows the footprint of 68 Daly Avenue and explained that the plat amendment results in two buildable lots of record and the proposal meets the minimum lot area and minimum width requirements.

Mr. Astorga pointed out that Daly Avenue was not platted like the rest of Old Town with the typical 25 x 75 foot lot configuration. Most of the lots are about 91 feet in length and most on the west side have a little more area because of the vacation of Anchor Avenue in 1969 resulting in ranging widths. The Planning Commission forwarded a negative recommendation and voted 4:1 to deny the plat amendment application. He referred to the July 25th Planning Commission minutes where concerns included snow storage, traffic, view shed, parking, massing and scale were discussed. He continued that a big issue is Lot 9 which seems to be already divided because of the property owned by Pete Henderson at 68 Daly Avenue and the area owned by the applicant. Lot 10 is completely owned by the applicant, including half of Anchor Avenue in the rear and a portion of Lot 11. The Planning Commission felt there should only be one unit per lot. He believed Lot 10 would require a steep slope CUP process and there was discussion about placing restrictions on a portion of Lot 9 because of the existing home on the lot.

Francisco Astorga stated that the information received today was researched by Attorney Wade Budge and Alliance Engineering. He displayed the proposed plat and referred to a warranty deed dated 1940 and pointed out the associated property. The date is important because the state code regulation allowing municipalities to move forward with subdivisions wasn't adopted until 1953. The first Land Management Code he was able to locate is dated 1968 and the current subdivision ordinance in the LMC

dates back to 1979. There were many other deeds but this is the first one found relating to this application. The next deed is an expansion of the same area towards the current owned area, dated 1971. He referred to two deeds both dated 1983 which picked up some of the area from the vacation of Anchor Avenue. These deeds were presented to staff who recommended that the applicant work with a surveyor to better define properties and ownership. Alliance Engineering was hired and he displayed the exhibit produced. Dick Peek asked when a portion of the property described in the 1940 warranty was transferred and Mr. Astorga guessed it was in 1971. For the benefit of Liza Simpson, he displayed the location of the King Ridge Estates easement over Lot 11. This configuration has existed since at least 1971. She understood the easement was granted by the owners of Lot 10 because they own part of Lot 11. Mr. Astorga pointed out the same ownership of this portion of Lot 11 and Lot 10 since 1971.

He explained that the reason staff feels the new information is relevant is because of the dates of the deeds dated 1940 and 1971. In most cases, anything in that same shape or configuration prior to the 1953 state subdivision ordinance is viewed as legal non-conforming. Other information submitted today is the 1907 Sanborn Insurance Map. On the map, he pointed out 84 Daly and relayed that it is felt that the original building was destroyed in 1981. The size of these structures were smaller than what is currently being built. Mr. Astorga explained that this application was reviewed by the Planning Commission at three meetings. Staff forwarded a positive recommendation to the Planning Commission who forwards a negative recommendation to Council. This was to be reviewed by Council on August 9th but the applicant requested additional time to conduct research. The staff report contains findings for denial as directed by the Planning Commission.

Dick Peek asked the offset in the neighborhood after the survey monument was corrected. Mr. Astorga relayed that he doesn't have an answer but could probably get one from Alliance. Mr. Peek asked if 84 Daly sits on a portion of Lot 11 and it was pointed out that it touches the lot line. Dick Peek understood the application is for three structures and the Sanborn map shows four structures. Liza Simpson asked what information was requested in May for the first continuance and Mr. Astorga explained that the architect was directed by the Planning Commission to provide a rendering illustrating mass and the footprint which is included as an exhibit in the meeting packet. A shadow study was also provided.

Andy Beerman asked if there are other examples of homes on flag lots on Daly Avenue and Ms. Astorga indicated that this is the only situation he is aware of. He asked about intended access to the property on the Sanborn map and Mr. Astorga pointed out Anchor Avenue on the map with the notation *not an open road*. Mayor Pro Tem Matsumoto invited the applicant to speak.

Attorney Wade Budge stated that he represents Taylor Harminling and Alex Adamson who own the properties together but live on the coast and are unable to attend the meeting. One of the reasons they researched the Sanborn Map and other maps was to

determine if it would be appropriate under the Code to place a building in front of Mr. Henderson's property. The Planning Commission was concerned about adding density to the street that would have been unhistorical or out of character. It was found that structures were historically located in front of Mr. Henderson's property and next to 84 Daly as well. The proposal is to place the smallest structure possible in front of Mr. Henderson's property and they have reduced the size of Lot A on the currently designated Lot 9 to the minimum at 1,865 square feet and the smallest footprint allowable will result for a structure which is the intent.

He emphasized that he understands if the Council doesn't want to proceed tonight because some of these materials have just been provided. Mr. Budge explained that they would like a plat approval because it is important to move these lot lines including moving Lot 11 off of the property, address the back lot lines with respect to Anchor Avenue, and resolve the issue of having two owners of Lot 9. Lot B will be a little bit larger than if they were to just simply apply for a permit today but this is a good way to make use of the land. The staff recommended to the Planning Commission that the setback be increased by an additional foot to take into account the fact that there is an easement with King Estates. His clients are okay with that and have no intention of interfering with the overhang at 84 Daly and no intention of interfering with the King Estates easement. Mr. Budge stated that Mr. Henderson's stairs actually encroach in part on their property. His clients will allow the stairs in perpetuity and he has engaged in discussions with Attorney Brent Gold about satisfying some of Mr. Henderson's concerns.

Mr. Budge acknowledged interest in how the structures will look. Given the City's ordinances and the topography of the property, a steep slope CUP process will have to be conducted by the Planning Commission. At that point, the applicants will have to provide details. In May, they were asked to provide massing models which was done to provide the Planning Commission with an additional tool to evaluate the proposal. Mr. Budge relayed that they want to present a structure compatible with the historic area and the character of the neighborhood. The height limit is regulated by the Code and the total maximum square footage of a structure should be evaluated at the time of application of a steep slope CUP.

Liza Simpson asked if his clients are willing to do an encroachment agreement for the Henderson House and Mr. Budge answered yes; they are willing to do an encroachment agreement or license that will address the situation so that the stairs can remain in perpetuity and be replaced as long as they are rebuilt in the same location.

Dick Peek referred to exhibits and pointed out that the setbacks don't correspond with the easements and asked if the massing studies were based on these calculations. Mr. Budge explained that the drawings illustrating mass were intended to show the worst case scenario. The renderings are only intended to show massing and space not the actual design and the final design will be determined through the Planning Commission CUP process. Francisco Astorga interjected that the architect may have overlooked the

easements. If the Planning Commission forwarded a positive recommendation, staff was also requesting that setbacks be increased. Dick Peek pointed out the wood stairs and an adjacent wood structure and asked if the Building Department has additional setback requirements for fire. Mr. Astorga clarified that there is a specific requirement which may limit the number of openings on the façade as well as additional fire related precautions but he felt these requirements can be met.

Alex Butwinski asked the relevance of the insurance map. Attorney Wade Budge responded that the relevance is that historically, in front of the back half of Lot 9, there was a structure and due south there was a structure adjacent to 84 Daly as well. Mr. Butwinski pointed out that they were probably substantially smaller than the proposal. Francisco Astorga advised that the historic structure to the south had a footprint of 690 square feet while the one to the north had a footprint of 785 square feet. Mr. Butwinski asked if approving a plat with odd shaped lots will create precedence. Mark Harrington didn't think so. This is likely the only situation which is predicated on an existing historic situation and there aren't any other flag lots. A new application could not be submitted with this configuration under the current Code. In response to a question from Alex Butwinski, Wade Budge explained that the easement would be granted in perpetuity.

Andy Beerman asked about fire access. Mr. Astorga advised that he checked with the Building Department on health, safety and welfare issues related to the application. A fire hydrant is located across the street which can adequately serve the properties. The Mayor Pro Tem opened the public hearing.

Carlene Riley, 84 Daly Avenue, emphasized that the applicants are proposing a three story building next to her which will dramatically shadow her property. She requested that the plan be scaled down and maybe just build one house on the lot. This is a major impact for Daly. She noted that the old foundations are still there and the historic homes were small. She asked that Council look at this again so that the project is reasonable.

Attorney Brent Gold stated that he is representing Pete Henderson, owner of 68 Daly Avenue. He has owned that property in excess of 40 years and lived there for a considerable period of that time. He was residing there at the time of the water tank roll-over and constructed the existing house, including the steps over 30 years ago. Mr. Gold stated that the information submitted today is germane and there are issues relating to the Sanborn Map and the deeds referenced. He would like an opportunity to evaluate them and suggested taking more time to make a determination.

He explained that the Planning Commission dealt with this matter as two distinct issues. One was the Historic District Commission massing, size, proximity, location, height, etc. which are consistent with what the Historic District requires. He referred to excerpts of the Planning Commission Minutes, specifically Pages 175 through 177 and urged members to read them carefully to understand its reasoning. Commissioners rejected the application because they found it offensive and inconsistent with the Historic District.

The second concern relates to legal issues like easements, ownership, and encroachments. He referred to the survey which shows the ownership line midway at least in the upper portion of the steps as the encroachment and also shows the cement pad and a lesser portion of the lower steps. He reiterated that that structure has been there for 30 years. Mr. Henderson built these steps prior to the relocation of the survey monumentation and the discrepancy in the survey with distances between what occurred when Bush & Gudgell relocated the monumentation it seems feasible, probable and likely those are the issues that we have here. Boundary lines shifted because of survey differentiation.

Mr. Gold continued that his client's house is perched on a hill immediately behind Lot A and if they put a house in front of him, even with the height limitations, it blocks the entire first floor and his view over Daly Avenue. It is his client's request that a height limitation be imposed. There are many ways to accomplish that. Even though this can be addressed in the CUP process, Lot A is virtually flat and Mr. Henderson is on the steep part. He questioned if the applicants are required to go through a steep slope CUP process. If Council considers going forward, there should be a height limitation. He also referred to the impacts to Carlene Riley if this is approved and asked that counsel share all information. Mr. Gold requested a continuance.

Richard Iron, 61 Daly Avenue, pointed out that the street is like a wall already because of density and there is a severe parking problem on Daly Avenue. He and his family of four live in a small home. Daly is a nice spot and this is an opportunity to keep it small and simple.

Brooke Hontz, Planning Commissioner, addressed the ownership of PC653 which is Lot 10 and portion of the other. She contacted the Summit County Recorder and learned that it transferred hands relatively recently and she felt that members may have thought differently. She referred to the Planning Commission Minutes, Pages 175 through 177, which summarize the discussion about density, scale, mass and height. Additionally, the Planning Commission has not had an opportunity to review the new information which relates to increasing density. If the applicant wants the three units then the same scale, mass and height should be used. The 3-D model really helped because it showed what could be done. The Minutes also reference Mr. Astorga suggesting a compromise by agreement to smaller footprints and limiting the sizes. The applicants did not want to do that and they actually said that they would not. She spoke about compatibility. Public health, safety and welfare issues were considered. Ms. Hontz referred to the easement and if this is approved, leverage may be more in the hands of the applicants. She proposed that 68 Daly would be harmed if the plat is approved. The Commission felt that there is harm caused by new impacts and issues, e.g., snow storage, traffic, view shed and parking problems increase in the winter months. The Minutes show that these are existing problems that this project will exacerbate but it also creates its own new issues.

The Mayor Pro Tem closed the public hearing.

Francisco Astorga stated that a letter was received from Bill and Gayle Sickler who are opposed to the approval of the plat.

Cindy Matsumoto asked if the structure in front of Mr. Henderson's house will need to go through the steep slope CUP process. Mr. Astorga indicated that any construction over 1,000 square feet or access to any construction that is over 30% of grade or steep slope requires review by the Planning Commission for a conditional use permit. He explained that it depends on the design and size but typically the scale proposed is much larger.

Ms. Simpson asked if there is any reason why the Council cannot uphold the Planning Commission's decision tonight. Mark Harrington pointed out that there is a problem with the *three to four units* as a finding of fact. Some findings may change if the applicant and neighbors resolve encroachment issues in a particular way. He clarified that Mr. Gold was hinting that this is beyond easement and potential for quiet title based on prescriptive rights which would affect the maximum lot area. He advised that Council has a number of options. A continuance can be granted to see if the parties resolve some of their issues and it also gives everyone a chance to hear and evaluate the new submission. The Planning Commission didn't have access to the information and the application could be remanded for further consideration of the new material. This would also give parties time to work things out and address the volumetric more accurately which was a point made by Attorney Budge. Council could give direction to further consider staff's recommendation in light of the new information as well as in terms of height and size limitations. He stated that Council could also move ahead with its own analysis and provide staff direction on the things that are desired with regard to mass, scale, height, density and compatibility. Mr. Harrington encouraged members to consider holding one more Council meeting on this matter because it gives both sides impetus to move things forward quickly while a remand may reduce the time pressures to resolve.

Ms. Simpson stated that she is very supportive of the Commission's concerns. Mark Harrington felt there is no harm in one continuance to make sure that all parties have an opportunity to weigh-in. Alex Butwinski stated that he is inclined to continue based on Mr. Gold's request to review the material. He feels this is the best alternative for the parties and keeps other options open. He agrees with Ms. Simpson and has reservations about not upholding the Planning Commission's determination. Dick Peek stated that he is in line with the Planning Commission's determination with regard to the application not comporting with the purpose statement of the zone. Mass, scale and compatibility are big issues and he hoped to see the ownership issue of the stairway easement resolved. Massing is a critical element in the purpose statement. He addressed snow shedding and the potential of drift loading and stated that he is in support of a continuance. Andy Beerman stated that he supports the Planning Commission's conclusions but has no problem with continuing the matter to provide an opportunity for the parties to meet.

Mr. Butwinski expressed that he would like to better understand if Lot A would be required to go through a conditional use permit process. Francisco Astorga explained that the LMC indicates a minimum distance of 15 feet on slopes 30% or greater, measured from the beginning of the driveway and he would need to see the proposed footprint to make a determination. Liza Simpson understood that if the footprint was limited to the front half of the lot, the project would not need a steep slope CUP.

Liza Simpson stated that she would prefer to have only one continuation which prompted discussion on meeting schedules. Liza Simpson, "I move that we continue the plat amendment for 80 Daly Avenue to October 25th". Dick Peek seconded. Motion unanimously carried.

VIII ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 3 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Diane Foster, Interim City Manager; and Mark Harrington, City Attorney. Alex Butwinski, "I move to close the meeting to discuss personnel, property and litigation". Andy Beerman seconded. Motion carried unanimously. The meeting opened at approximately 5 p.m. Andy Beerman, "I move to open the meeting". Liza Simpson seconded. Motion unanimously carried.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, City Recorder



Planning Commission Staff Report



Subject: 9 Hidden Splendor Subdivision Plat
Author: John Paul Boehm, Planner
Sam Brookham, Planning Intern
Project Number: PL-14-02535
Date: February 11, 2015
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the 9 Hidden Splendor Subdivision plat, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

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

Description

Applicant: Thaynes Hidden Splendor, LLC (Hallie McFetridge, Manager)
Location: 9 Hidden Splendor Court
Zoning: Single Family District (SF)
Adjacent Land Uses: Single-family homes
Reason for Review: Plat amendments require Planning Commission review and City Council action

Purpose

The purpose of the Single Family (SF) District is to:

- (A) maintain existing predominantly Single Family detached residential neighborhoods,
- (B) allow for Single Family Development Compatible with existing Developments
- (C) maintain the character of mountain resort neighborhoods with Compatible residential design; and
- (D) require Streetscape design that minimizes the impacts on existing residents and reduces architectural impacts of the automobile.

Background

On November 4, 2014, the City received a completed application for the 9 Hidden Splendor plat amendment. The applicant is requesting a Plat Amendment for the purpose of combining four (4) existing lots (lots 82, 82A and 83A and a remnant of Lot 83) into one (1) lot of record located at 9 Hidden Splendor Court in the Thaynes Canyon Subdivision plat. The Subdivision plat was approved by City Council in July of 1971.

An addition to the Thaynes Canyon Subdivision plat was approved in February of 1977, adding Lots 65A – 84A. The added land was a remnant of City owned golf course land that was not utilized or maintained by the golf course. The land was subdivided and deeded to the adjacent lot owners in Thaynes Canyon for their private use and maintenance (Exhibit B). As a condition of the subdivision an Agreement between the City and Royal Street Land Company (owners at the time), restricting the use of the added parcels, was recorded at the Summit County Recorder's Office on March 23, 1977, as stated in the document recorded as entry #137582 in Book M93 (Exhibit C).

In August of 2008, the owners of this property submitted an application to combine Lots 82, 83, 82A and 83A into one lot of record. The adjacent neighbors to the east also applied to combine their Lots (81 and 81A) and purchase a portion of Lots 82 and 82A. All of these amendments were to occur concurrently. The former owners of the property and adjacent neighbors withdrew the previous application in October of 2008. There are no other current or pending applications on this site.

Analysis

The applicant owns Lots 82, 82A, 83A and the remnant portion of Lot 83, and requests to combine these lots to create one (1) lot of record, which will be 32,083 sq. ft. The applicant desires to combine the four lots into a single lot of record with the intention to demolish the existing structures on the property and to construct a new residence. At present, there are two structures on Lot 82, an existing single-family home and a detached garage. Lots 82A, 83A and the remnant portion of Lot 83 are currently vacant.

The Land Use Agreement of March 23, 1977, which affects existing Lots 82A and 83A, contains a provision that the area be limited to recreation related improvements, i.e. tennis courts, swimming pools, basketball courts, although garages could be permitted with condition use permit (CUP) approval. The proposed plat amendment does not violate this provision, and the approved plat will contain a note that two existing lots in the rear of the new lot (82A and 83A) will be a restricted zone, in keeping with the terms of the 1977 agreement.

Park City's Land Management Code Chapter 15-2.11-6 states:

In Subdivisions where maximum house size is not specified, the house size on combined Lots must be determined by the Planning Director based upon neighborhood Compatibility, Lot size, visibility from Public Streets, and visual analysis.

Staff analyzed the existing homes located on Hidden Splendor Court, as well as the two homes on Claimjumper Court that are adjacent to the subject property, and noted the lot size, footprint, and approximate square footage of existing structures. Based on the data gathered by staff, the Planning Director has determined that the maximum building footprint allowed on the combined Lots at

9 Hidden Splendor shall be 5,210 square feet and the maximum house size shall be 7,702 square feet. These figures are the quantitative average of the existing homes in the neighborhood (see Exhibit H for matrix).

The proposed plat amendment does not create any non-conforming situations. This plat amendment is consistent with the Park City LMC and applicable State law regarding plat amendments. Any new structures must comply with current LMC requirements.

Good Cause

Staff finds good cause for this plat amendment as several lots will be combined into one lot of record, thus eliminating remnant parcels and unnecessary lot lines while maintaining designated reserved open space. The lot sizes are consistent with the pattern of the development for neighborhood, as neighboring lots have also been amended.

Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with requisite Building and Land Management Code, and applicable Single Family (SF) District requirements.

Department Review

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

Notice

On January 28, 2015, the property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC. Legal notice was also published in the Park Record and on the public notice website on January 24, 2015 in accordance with the requirements of the LMC.

Public Input

Staff has received public input on this application (exhibit G). Public input may be provided at the regularly scheduled Planning Commission and City Council public hearings.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 15-1-18.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for approval of the 9 Hidden Splendor Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation for the 9 Hidden Splendor Subdivision and direct staff to make findings for this decision; or

- The Planning Commission may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and four (4) existing lots would not be adjoined and would remain as is. Remnant Lot 83 and Lots 82A and 83A at 9 Hidden Splendor Court would remain vacant and would have to comply with the current LMC requirements for any new structures on typical Single Family (SF) District single lots.

Recommendation

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to City Council for the 9 Hidden Splendor Subdivision plat based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Additions to Lots 65-84 Thaynes Canyon Subdivision Plat
- Exhibit C – March 23, 1977 Agreement
- Exhibit D – Existing Conditions Survey and Aerial Photo
- Exhibit E - Photos of Existing Conditions
- Exhibit F – Applicant Letter of Intent
- Exhibit G – Public Input
- Exhibit H – Planning Director Determination of House Size

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 15 -

AN ORDINANCE APPROVING THE 9 HIDDEN SPLENDOR SUBDIVISION PLAT, LOCATED AT 9 HIDDEN SPLENDOR COURT, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the 9 Hidden Splendor Subdivision located at 9 Hidden Splendor Court, have petitioned the City Council for approval of the 9 Hidden Splendor Subdivision plat; and

WHEREAS, the property was legally noticed and posted on January 24th, 2015 according to the requirements of the Land Management Code; and

WHEREAS, proper notice was sent to all affected property owners and the property was posted on January 28, 2015 according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on February 11, 2015 to receive input on the proposed subdivision;

WHEREAS, on February 11, 2015 the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on March 5, 2015 the City Council held a public hearing on the proposed 9 Hidden Splendor Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 9 Hidden Splendor Subdivision plat amendment.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 9 Hidden Splendor Subdivision plat, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The subject property is located at 9 Hidden Splendor Court within the Single Family (SF) District.
2. The proposed 9 Hidden Splendor Subdivision consists of Lot 82 and a portion of Lot 83, and Lot 82A and a portion of lot 83A, of the additions to Lots 65-84 Thaynes Canyon Subdivision.

3. On November 4, 2014, the applicants submitted an application for a plat amendment to combine four (4) lots containing a total of 32,083 square feet into one (1) lot of record.
4. The application was deemed complete on November 4, 2014.
5. There is an existing single-family home and detached garage on Lot 82 at 9 Hidden Splendor
6. Lots 82A, 83A and the remnant portion of Lot 83 at 9 Hidden Splendor are currently vacant.
7. There is a five foot (5') utility easement along the front of Lots 82 and 83.
8. There is a seven foot (7') utility and drainage easement along the sides and rear of Lots 82 and 83.
9. There is a recorded stream easement along the rear of Lot 83A and a portion of Lot 82A.
10. An Agreement between the City and Royal Street Land Company, restricting the use of parcels 65A-84A, was recorded at the Summit County Recorder's Office on March 23, 1977.
11. The Planning Director has determined that the maximum allowed footprint of a new home on the combined lots shall be 5,210 square feet.
12. The Planning Director has determined that the maximum house size on the combined lots shall be 7,702 square feet.
13. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming situations.

Conclusions of Law:

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

Conditions of Approval:

1. Prior to plat recordation a note shall be added to the plat stating that all conditions of the March 23, 1977 Agreement between Royal Street Land Company and the City, as stated in the document recorded as entry #137582 in Book M93, at the Summit County Recorder's Office, shall apply. The area affected by the Agreement shall be cross-hatched on the plat prior to recordation.
2. A 12 wide drainage/stream easement will be provided along the back lot line.
3. 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.
4. 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.

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

PASSED AND ADOPTED this ___ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of the 9 HIDDEN SPLENDOR REPLAT and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTIONS

Parcel 1:

Lot 82, Thaynes Canyon Subdivision, according to the official plat thereof, recorded July 28, 1971 as Entry 113625 of the official records of the Summit County Recorder.

Parcel 2:

A portion of Lot 83, Thaynes Canyon Subdivision, more particularly described as follows:

Beginning at the northernmost corner of Lot 83, Thaynes Canyon Subdivision, a subdivision located in the north 1/2 of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian and running thence South 49°30' East along the northeasterly line of said Lot no. 83, 148.74 feet; thence South 40°30' West 39.98 feet; thence North 49° West 139.02 feet (139.03 feet actual) to a point on a curve to the right, the radius point of which bears North 83°33'18" East (North 83°40'15" East actual) 23.29 feet; thence northeasterly along the arc of said curve 15.36 feet (15.31 feet actual) to a point of a compound curve to the right, the radius of which bears South 58°40' East 225.00 feet; thence northeasterly along the arc of said curve 25.59 feet (25.64 feet actual) to the point of beginning.

Parcel 3:

Lot 82-a, Additions To Lots 65-84, Thaynes Canyon Subdivision, according to the official plat thereof on file and of record in the office of the county recorder of Summit County, Utah.

Parcel 4:

Beginning at the easternmost corner of said Lot 83, Thaynes Canyon Subdivision, and running thence South 49°30' East 65.92 feet; thence South 43°00' West 40.58 feet; thence North 49°00' West 64.15 feet; thence North 40°30' East 39.98 feet to the point of beginning. Comprising the northeasterly portion of Lot 83a, Additions To Lots 65-84, Thaynes Canyon Subdivision, as recorded in the Summit County Recorder's office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Thaynes Hidden Splendor, LLC, a Florida limited liability company, the undersigned owner of the herein described tract of land to be known hereafter as 9 HIDDEN SPLENDOR REPLAT, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set her hand this _____ day of _____ 2015.

Hallie McFetridge, Manager
Thaynes Hidden Splendor, LLC, a Florida limited liability company

ACKNOWLEDGMENT

State of: _____ ss:
County of: _____

On this _____ day of _____, 2015, Hallie McFetridge personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Hallie McFetridge acknowledged to me that she is the managing member of Thaynes Hidden Splendor, LLC, a Florida limited liability company, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name _____

Residing in: _____

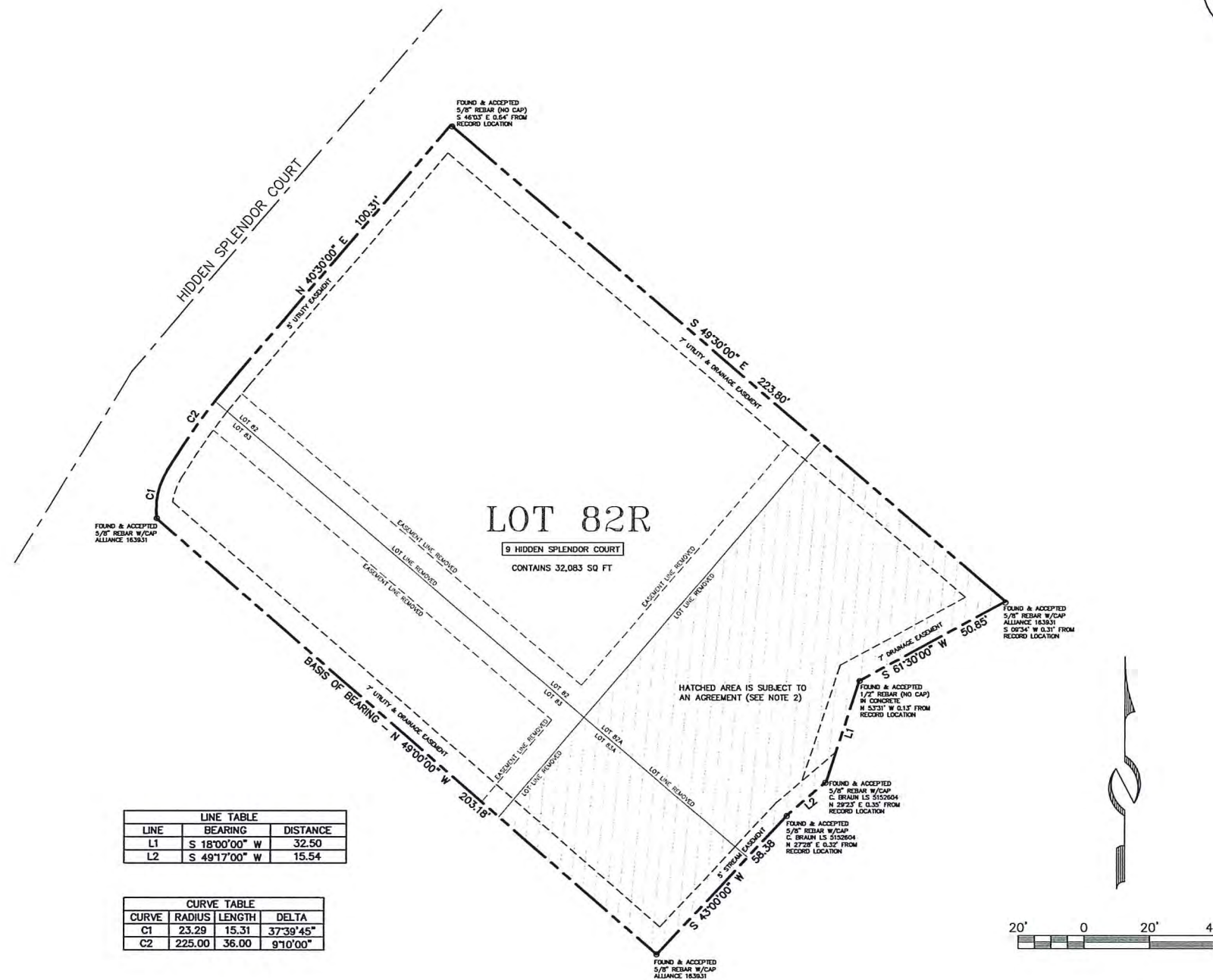
My commission expires: _____

NOTES

- This plat is subject to the Conditions of Approval in Ordinance 15-_____.
- See the document recorded May 2, 1977, as Entry No. 137582, Book M93, at Page 324.



SHEET 1 OF 1



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 18°00'00" W	32.50
L2	S 49°17'00" W	15.54

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	23.29	15.31	37°39'45"
C2	225.00	36.00	9°10'00"

A COMBINATION OF LOT 82 AND A PORTION OF LOT 83, THAYNES CANYON SUBDIVISION AND LOT 82A AND A PORTION OF LOT 83A, ADDITIONS TO LOTS 65-84 THAYNES CANYON SUBDIVISION

9 HIDDEN SPLENDOR REPLAT

LOCATED IN THE NORTH 1/2 OF SECTION 8
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

1/8/15 JOB NO.: 3-10-14 FILE: X:\ThaynesCanyon\dwg\sr\plat2014\031014.dwg

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664 (435) 649-9467	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME 158 of 172 ENTRY NO. _____ FEE _____ RECORDER _____
	Planning Commission Meeting - February 11, 2014						

SURVEYOR'S CERTIFICATE

I, JAMES A. WEST DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 5022 AS PROVIDED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAN AND DESCRIBED BELOW AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, HEREAFTER TO BE KNOWN AS ADDITIONS TO LOTS 65-84 THAYNES CANYON SUBDIVISION AND THAT SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAN.

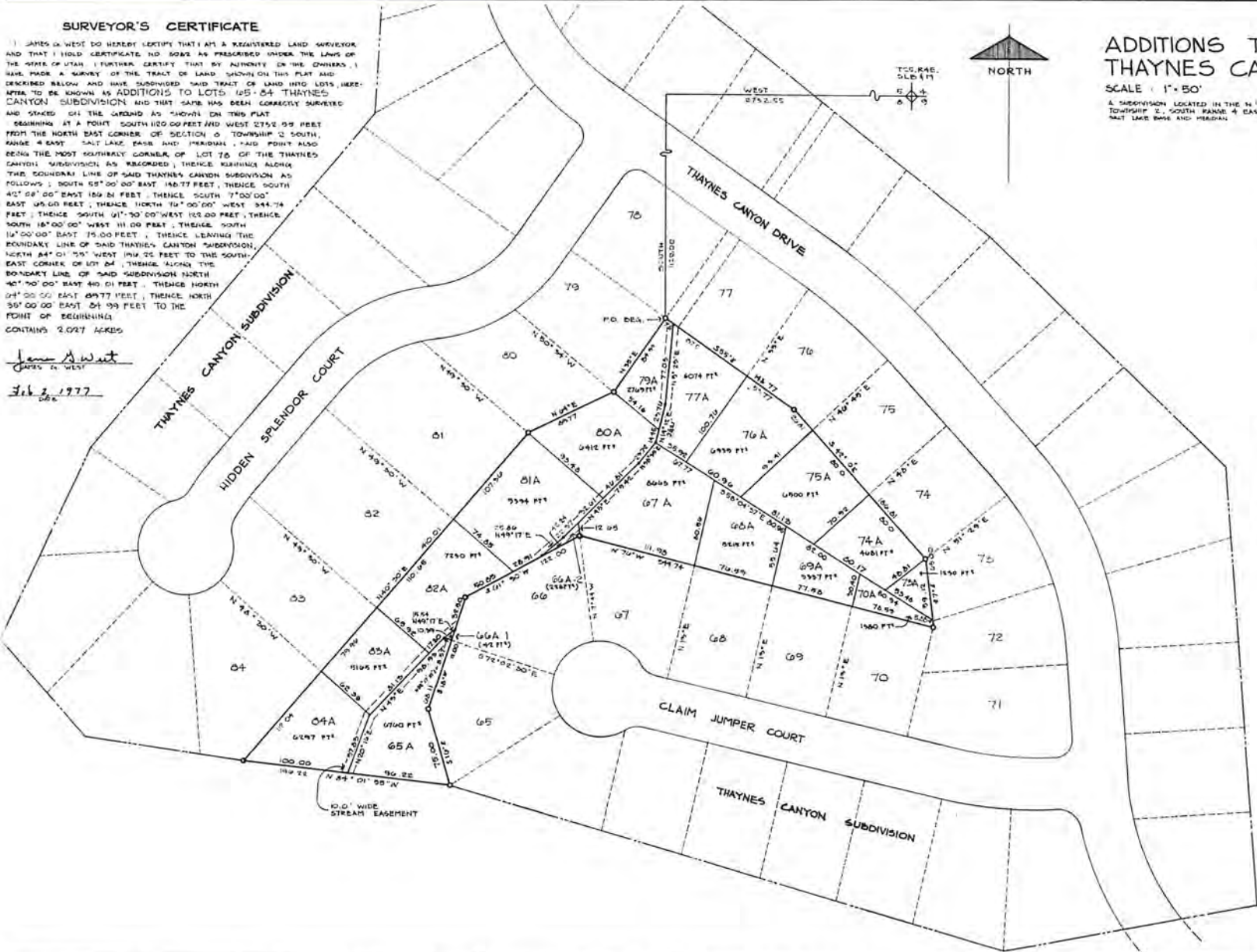
BEGINNING AT A POINT SOUTH 100.00 FEET AND WEST 275.25 FEET FROM THE NORTH EAST CORNER OF SECTION 6 TOWNSHIP 2 SOUTH, RANGE 4 EAST, 3RD LANE PARK AND IRVINGDALE, SAID POINT ALSO BEING THE MOST SOUTHERLY CORNER OF LOT 78 OF THE THAYNES CANYON SUBDIVISION AS RECORDED, THENCE BEGINNING ALONG THE BOUNDARY LINE OF SAID THAYNES CANYON SUBDIVISION AS FOLLOWS: SOUTH 55° 00' 00" EAST 146.77 FEET, THENCE SOUTH 42° 00' 00" EAST 154.81 FEET, THENCE SOUTH 7° 00' 00" EAST 69.00 FEET, THENCE NORTH 70° 00' 00" WEST 344.74 FEET, THENCE SOUTH 01° 30' 00" WEST 105.00 FEET, THENCE SOUTH 18° 00' 00" WEST 111.00 FEET, THENCE SOUTH 14° 00' 00" EAST 75.00 FEET, THENCE LEAVING THE BOUNDARY LINE OF SAID THAYNES CANYON SUBDIVISION, NORTH 84° 01' 30" WEST 194.25 FEET TO THE SOUTH-EAST CORNER OF LOT 64, THENCE ALONG THE BOUNDARY LINE OF SAID SUBDIVISION NORTH 40° 30' 00" EAST 40.01 FEET, THENCE NORTH 04° 00' 00" EAST 69.77 FEET, THENCE NORTH 35° 00' 00" EAST 81.99 FEET TO THE POINT OF BEGINNING.

CONTAINS 2,027 ACRES.

James A. West
JAMES A. WEST
Feb 2, 1977
D.E.K.

ADDITIONS TO LOTS 65-84 THAYNES CANYON SUBDIVISION

SCALE: 1"=50'
A SUBDIVISION LOCATED IN THE N 1/4 OF SECTION 8 TOWNSHIP 2, SOUTH RANGE 4 EAST, 3RD LANE PARK AND IRVINGDALE.



OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS TO BE HEREAFTER KNOWN AS ADDITIONS TO LOTS 65-84 THAYNES CANYON SUBDIVISION DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAN AS INTENDED FOR PUBLIC USE IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS 2ND DAY OF February A.D. 1977

Royal Street Land Company
A UTAH CORPORATION

J. Warren King
J. WARREN KING
PRESIDENT

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF SUMMIT
ON THIS 2ND DAY OF February A.D. 1977 PERSONALLY APPEARED BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, J. WARREN KING, PRESIDENT OF ROYAL STREET LAND COMPANY A UTAH CORPORATION THAT HE DID SIGN THE OWNERS DEDICATION PRESENT AND VOLUNTARILY IN BEHALF OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED AND THAT SAID CORPORATION EXECUTED THE SAME.

Levin A. Diefen
LEVIN A. DIEFEN
NOTARY PUBLIC

RECORDATION INFORMATION

PLAN RECORDED No. 137581
AT THE REQUEST OF Royal Street Land Co.
DATE MAY 2, 1977 TIME 10:30
19.00 Theresa M. Anderson
REC'D SUMMIT COUNTY RECORDER

CONCURRENTLY RECORDED WITH A CERTAIN AGREEMENT BY AND BETWEEN ROYAL STREET LAND COMPANY AND PARK CITY MUNICIPAL CORPORATION.

AGREEMENT RECORDED No. 137602
AT THE REQUEST OF Royal Street Land Co.

DATE MAY 11, 1977 TIME 11:31 BOOK 1193 PAGE 324-327
5.00 Theresa M. Anderson
REC'D SUMMIT COUNTY RECORDER

PREPARED BY:
J.J. JOHNSON & ASSOCIATES
CIVIL ENGINEERING PLANNING SURVEYING
1515 PARK AVENUE PO BOX 1661
PARK CITY, UTAH 84060

CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION THIS 11 DAY OF Feb A.D. 1977
Burnie Skatte
CHAIRMAN

ENGINEERS CERTIFICATE
APPROVED & ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT THIS 23RD DAY OF MARCH A.D. 1977
Johnnie L. Anderson
PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 23RD DAY OF MARCH A.D. 1977
Nick Polunin
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
ATTEST THIS 24TH DAY OF MARCH A.D. 1977
Gene C. Decker
PARK CITY RECORDER

COUNCIL APPROVAL & ACCEPTANCE
APPROVED & ACCEPTED BY THE PARK CITY COUNCIL THIS 17TH DAY OF February A.D. 1977
Leon Trieste
MAYOR

INDEXED: _____
 GRANTOR: _____
 GRANTEE: _____
 RELEASED: _____
 ABSTRACTED: _____
 STAMPED: _____

Entry No. <u>137582</u>	Book <u>M. 9. 3</u>
RECORDED <u>5. 2. 77</u>	at <u>10:31 A</u> Page <u>324-7</u>
REQUEST of <u>Royal Street Land Co.</u>	
BY <u>WANDA Y. SRIGGS, SUMMIT CO. RECORDER</u>	
FEES <u>\$ 5.00</u>	By <u>Wanda Y. Sriggs</u>
INDEXED _____	ABSTRACT _____

AGREEMENT

This Agreement made and entered into this 23RD day of March, 1977, by and between ROYAL STREET LAND COMPANY, a Utah corporation, hereinafter referred to as the "developer," and PARK CITY, a municipal corporation, hereinafter referred to as the "City."

WITNESSETH:

WHEREAS, Developer is the owner and developer of a certain tract of land, located within the city limits, and more specifically described in the attached Exhibit "A" which by reference is incorporated herein and made a part hereof; and

WHEREAS, said tract of land has been subdivided into lots and affects lots 65 to 84 of the existing Thaynes Canyon Subdivision; and

WHEREAS, the City Council wishes to approve the subdivision of the said tract of land as a platted subdivision, subject, however, to certain conditions hereinafter enumerated; and

WHEREAS, said conditions of approval as contained herein, shall be recorded simultaneously with the recordation of the final approved plat of said subdivision, and shall affect only lots 65 to 84 of the Thaynes Canyon subdivision.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and other good and valuable considerations, the parties agree as follows:

BOOK # 93 PAGE 324

1. The property described in the attached Exhibit "A", as subdivided in lots numbering 65A to 84A inclusive, shall be offered for sale by the owner-developer, to only those persons who have right, title and interest in lots 65 to 84, inclusive, of the existing Thaynes Canyon Subdivision.

2. The use of lots 65A to 84A, inclusive, shall be restricted and limited to only landscaping, private recreation facilities and fencing.

3. There shall be no construction, erection or maintenance of any buildings for use as primary dwelling buildings on the said lots of 65A to 84A inclusive, but the construction of garages and other ancillary buildings may, at the discretion of the City, be permitted, provided further, however, that a conditional use permit is first obtained from the City.

4. This agreement shall be part of and be annexed as an Exhibit to the final approved plat of the plat known as "Addition to Lots 65 to 84 Thaynes Canyon Subdivision, and shall be recorded as such, said subdivision plat being recorded as

number 137581.
DEVELOPER

ROYAL STREET LAND COMPANY

PARK CITY CORPORATION

By M. Warren King
President

By Leon Thriate
Mayor

BOOK # 93 PAGE 325

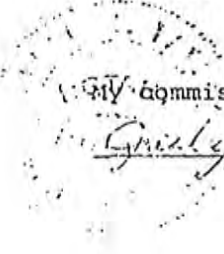
ATTEST:

ATTEST:

Scott Woodland Secretary Bruce C. Parker City Recorder

STATE OF UTAH)
): ss
COUNTY OF SALT LAKE)

On the 23rd day of March, 1977, personally appeared before me Warren King and Mr. Scott Woodland, who being by me duly sworn did say, each for himself, that he, the said Warren King, is the President, and he, the said Mr. Scott Woodland, is the secretary of ROYAL STREET LAND COMPANY, and that the within and foregoing instrument was signed in behalf of said corporation by authority of a resolution of its board of directors, and said Warren King and Mr. Scott Woodland each duly acknowledged to me that the said corporation executed the same for the purposes contained hereinabove.



My commission expires:

July 15, 1980

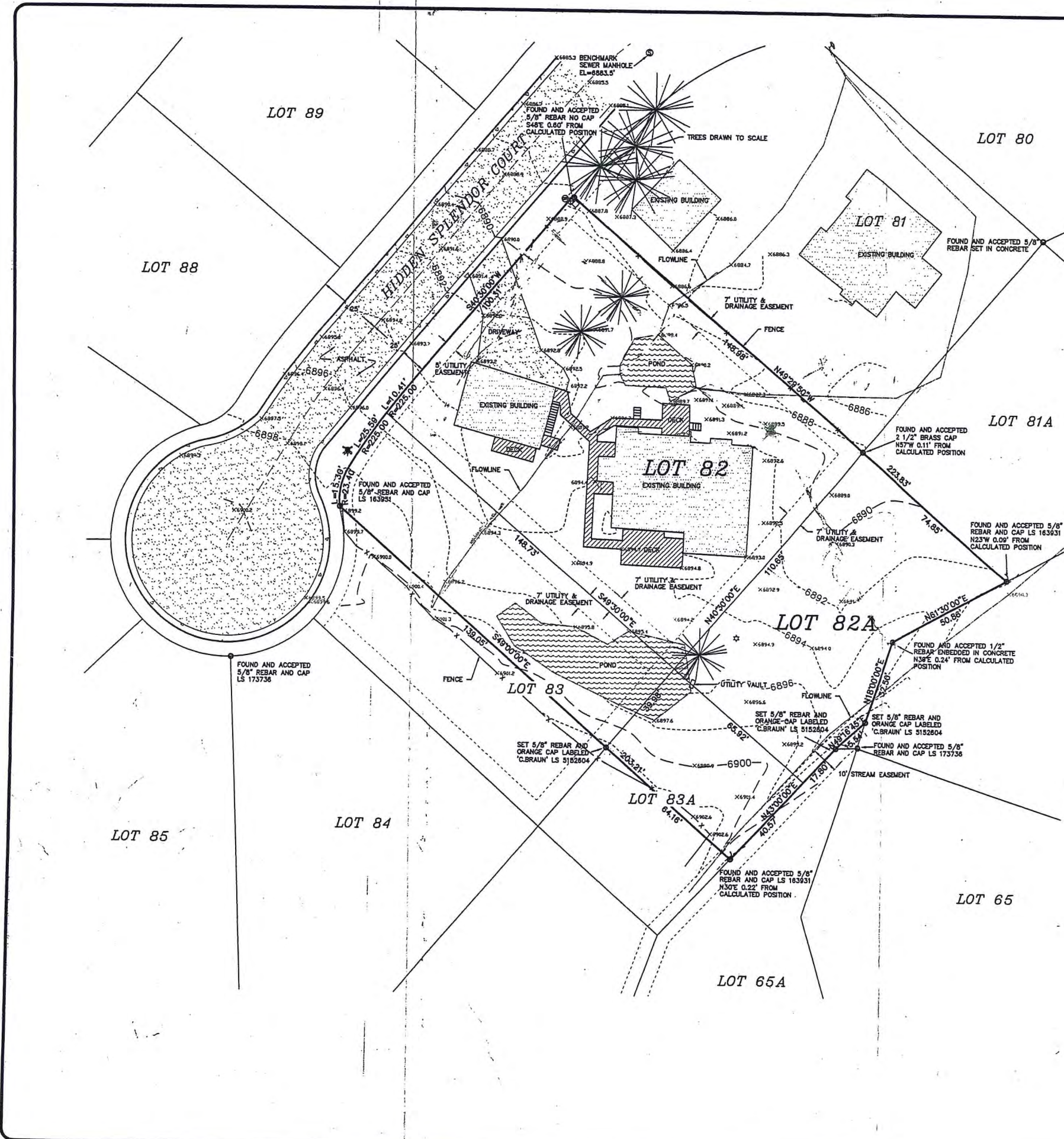
Warren King
NOTARY PUBLIC; Residing in
Salt Lake County, Utah

923394 5.6.80

EXHIBIT "A"

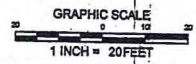
Beginning at a point south 1120.00 Feet and West 2732.55 Feet from the north east corner of Section 8, Township 2 South, Range 4 East. Salt Lake Base and Meridian. Said point also being the most southerly corner of lot 78 of the Thaynes Canyon Subdivision as recorded; thence running along the boundary line of said Thaynes Canyon Subdivision as follows: South 55°00'00" East 148.77 feet; thence South 42°08'00" East 186.81 feet, thence South 7°00'00" East 65.00 feet; thence North 76°00'00" West 344.74 feet; thence South 61°30'00" West 122.00 feet; thence South 18°00'00" West 111.00 feet; thence South 16°00'00" East 75.00 feet; thence leaving the boundary line of said Thaynes Canyon Subdivision, North 84°01'55" West 196.22 Feet to the South East corner of Lot 84; thence along the boundary line of said subdivision north 40°30'00" East 410.01 feet; thence North 64°00'00" East 89.77 feet; thence North 35°00'00" East 84.99 feet to the point of beginning. Contains 2.027 acres.

BOOK 93 PAGE 327



RECORD OF SURVEY & TOPOGRAPHIC MAP

LOT 82, 82A & NORTH HALF OF LOT 83 & 83A
OF THAYNE'S CANYON SUBDIVISION
LYING WITHIN THE NORTH HALF OF
SECTION 8, TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE & MERIDIAN
SUMMIT COUNTY, UTAH



LEGEND

- FOUND MONUMENT (AS NOTED)
- ELECTRIC PEDESTAL
- ⊠ TELEPHONE PEDESTAL
- ⊙ SANITARY SEWER MANHOLE
- ☆ LIGHT POST
- ✖ FIRE HYDRANT
- ⊙ CABLE TV PEDESTAL

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO LOCATE THE BOUNDARY LINES OF THE SUBJECT PROPERTY, TO OBTAIN GROUND ELEVATIONS FOR A CONTOUR MAP AND LOCATE THE EXISTING STRUCTURES ON THE LOTS. EXISTING SURVEY MONUMENTS IN ADJACENT ROADWAYS WERE USED TO REESTABLISH THE PROPERTY CORNERS.

THE BASIS OF BEARING IS ALL FOUND MONUMENTS SHOWN HEREON.

SURVEY COMPLETED: 11/22/08

SEE SAID OFFICIAL THAYNE'S CANYON SUBDIVISION PLAT FOR ANY EASEMENTS, SETBACK REQUIREMENTS, BUILDING ENVELOPES AND BUILDING LOT RESTRICTIONS. NOTE: OTHERS MAY APPLY.

THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT. THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS, OR ENCUMBRANCES ON THE PROPERTY SURVEYED, EXCEPT AS SHOWN HEREON.

EVIDENCE FOR THIS SURVEY WAS TAKEN FROM RECORDED DEEDS, RECORDS OF SURVEYS, PLATS AND PHYSICAL EVIDENCE OBTAINED IN THE FIELD. ALL EVIDENCE HAS BEEN CONSIDERED IN THE ESTABLISHMENT OF THE BOUNDARY AS SHOWN HEREON.

LEGAL DESCRIPTION:

ALL OF LOTS 82 & 82A AND THE NORTH HALF OF LOTS 83 & 83A LYING WITHIN THE THAYNE'S CANYON SUBDIVISION PLAT ON FILE AND OF RECORD AT THE SUMMIT COUNTY RECORDERS OFFICE.

ALL LOTS HAVE 7 FOOT SIDE AND BACK LOT LINE UTILITY AND DRAINAGE EASEMENT AND 5 FOOT FRONT LINE UTILITY EASEMENT.

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER BRAUN, OF OAKLEY UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING LICENSE NO. 5152604. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREIN DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

DATE: 12/1/08

VERIFIED
 NOV 04 2014
 CITY PLANNING DEPT.

PARK CITY SURVEYING
P.O. BOX 882933
PARK CITY, UTAH 84008
(435) 848-2018

DATE	BY

SURVEYED BY: TM CT
 DRAWN BY: GF
 DATE: NOVEMBER 2006

RECORD OF SURVEY & TOPOGRAPHIC MAP

LOTS 82, 82A & NORTH HALF OF 83 & 83A

THAYNE'S CANYON SUBDIVISION


FOR: KENT BOWEN
DWC: THAYNE'S 82.DWG

SHEET 1 OF 1
164 OF 172



SUBJECT
PROPERTY

60' 0 60' 120'

<p>(435) 649-9467  CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Moh Street P.O. Box 2664 Park City, Utah 84060-2664</p>	<p>STAFF: MARSHALL KING JEFF KITCHEN DATE: 10/21/14</p>	<p>AERIAL PHOTOGRAPH THAYNES CANYON, LOT- 82R 9 HIDDEN SPLENDOR COURT FOR: TED AND HALLIE MOREHEAD JOB NO.: 3-10-14 FILE: X:\ThaynesCanyon\dwg\Exhibits\9 hidden splendor-ortho.dwg</p>	<p>SHEET 1 OF 1</p>
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NOV 4 2014
 PLANNING DEPT.



Front, from Hidden Splendor Court



Side, front Hidden Splendor Court





Rear, looking northeast



Rear, looking east



Side, looking west



Planning Commission Meeting - February 11, 2014 Rear, looking north

RECEIVED
NOV 04 2014
PARK CITY
PLANNING

9 Hidden Splendor Replat

(9 Hidden Splendor Court)

Project Intent

Lot 82 and a portion of Lot 83, Thaynes Canyon Subdivision and Lot 82A and a portion of Lot 83A, Additions To Lots 65-84 Thaynes Canyon Subdivision (also known as 9 Hidden Splendor Court) are all owned by the same entity. The original lot lines from the Thaynes Canyon Subdivision and the Additions To Lots 65 – 84 Thaynes Canyon Subdivision plats still exist on said lots. The owner desires to unify the property into one lot of record by extinguishing the existing lot lines with the goal of applying for a demolition permit for the existing residence and to construct a new residence on the property.



John Boehm

From: Thomas Eddington
Sent: Friday, February 06, 2015 9:28 AM
To: John Boehm
Subject: FW: 9 Hidden Splendor Re Plat

FYI

Thomas Eddington | Planning Director
Park City | Planning Department
445 Marsac Ave | PO Box 1480
Park City, UT 84060-1480
Office 435.615.5008

From: Ruth Drapkin [mailto:ruthdrapkin@gmail.com]
Sent: Friday, February 06, 2015 7:38 AM
To: Thomas Eddington
Subject: 9 Hidden Splendor Re Plat

Thomas

I just wanted to weigh in again on the re-plat the more I think about I do not know why you would even consider a re plat at all. They are buying in a sub-division with platted lots why should you be considering joining lots. I know it has happened before but doing this in the future will change the character of the neighborhood. Is that what we want in Park City. Therefore if the lots are combined I believe the house size should only be minimally increased

Ruth

Ruth Drapkin
14 Claim Jumper CT



5 February 2015

Marshall King
Alliance Engineering
323 Main Street
Park City, UT 84060

Re: 9 Hidden Splendor Court
Maximum Footprint and House Size Determination for Subdivision in the SF Zoning District

Dear Mr. King:

Pursuant to 15-2.11-6 of the Land Management Code, any subdivision/lot combination in the Single Family (SF) zoning district must have a maximum house size determined by the Planning Director. I have reviewed the site in conjunction with the Project Planner, John Boehm, and reviewed aerial images to understand house size compatibility. The attached matrix illustrates the lot sizes, house sizes, and building footprints for the lots along Hidden Splendor Court and those lots behind your property.

Based upon this information, I have determined the following maximum building footprint and house size for the property at 9 Hidden Splendor Court:

- Maximum Allowed Building Footprint: 5,210 SF
- Maximum Allowed House Size: 7,702 SF

Note that these calculations are the quantitative average of all of the properties analyzed.

I hope this provides clarity to your subdivision application. Pursuant to the LMC §15-1-18 (Appeals and Reconsideration Process), any decision by the Planning Director regarding determination of the LMC may be appealed to the Planning Commission. The appeal must be filed with the Planning Department within 10 days of final action (e.g. the date of this correspondence).

Regards,

A handwritten signature in black ink, appearing to read "Thomas E. Eddington Jr.", written in a cursive style.

Thomas E. Eddington Jr., AICP, PLA
Planning Director

Cc: John Boehm, Planner

Enclosure

Address	GIS Lot Size (Sq. Ft.)	Building Footprint (Sq. Ft.)	Footprint to Lot Size Ratio (% of Lot Covered by a Structure)	Approx House Size Sqft (Summit County records)	House size to Lot Ratio (Size of House Relative to Lot)
15 Hidden Splendor Ct	28123.0	6784.0	24%	8000	29%
13 Hidden Splendor Ct	27746.5	6670.0	24%	8400	31%
7 Hidden Splendor Ct	15018.0	2384.5	16%	2700	18%
5 Hidden Splendor Ct	8691.0	1563.0	18%	2900	33%
3 Hidden Splendor Ct	8657.0	1877.0	22%	3400	37%
67 Thaynes Canyon Drive	10018.5	2695.0	27%	5400	54%
2 Hidden Splendor/71 Thaynes Canyon Dr	22893.5	3989.0	17%	6000	26%
4 and 6 Hidden Splendor Ct	22929.5	4938.0	22%	4800	21%
8 Hidden Splendor Ct	8355.5	3445.0	41%	4400	53%
10 Hidden Splendor Ct	8190.0	2943.0	36%	4500	54%
12 Hidden Splendor Ct	8788.0	2344.5	27%	2700	31%
14 Claimjumper Ct	16771.0	3126.0	19%	3000	17%
12 Claimjumper Ct	10182.0	2102.0	21%	4200	37%
Average:	15,105	3,451	23%	~4700 sq ft	34%

9 Hidden Splendor Court	
Total Lot Size (acres, not including Lots 82A and 83A)	0.52
Total Lot Size (sq. ft., not including Lots 82A and 83A)	22,651.50
Allowable Footprint (sq. ft., lot size x average footprint ratio -23%)	5,209.78
Allowable House Size (sq. ft., lot size x average house size ratio -34%)	7701.51