



Planning Commission Staff Report

Subject: Alice Claim - Conditional Use Permit for Retaining Walls up to 20' in Height
Project Number: PL-15-02669
Author: Christy Alexander, AICP, Planner II
Date: April 8, 2015
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing, review the proposed CUP for 8 locations of retaining walls up to 20' in height associated with the proposed Alice Claim Subdivision and Plat Amendment, and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

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: King Development Group, LLC (“Applicant” or “King Development”)
Location: Alice Claim south of intersection of King Road, Ridge Avenue and Sampson Avenue
Zoning: Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO)
Adjacent Land Uses: Open Space and Residential (developed and undeveloped)
Reason for Review: Conditional Use Permits require Planning Commission review and approval

Proposal

The Applicant is requesting approval of a Conditional Use Permit (CUP) for retaining walls up to 20' in height to stabilize cut and fill slopes for roadway and house construction. The walls are proposed to be real blonde sandstone veneer. The wall at the entry of the proposed Alice Claim Subdivision will be the most visible to surrounding neighborhoods but will be screened with landscaping that is proposed to soften the visual impacts of the stone wall as will the other 7 proposed walls.

Background

On May 23, 2005, the City received a completed Plat Amendment application for the Alice Claim Subdivision (also known as “Alice Lode”). The Alice Claim is located within the Historic Residential (HR-1) and Estate (E) Districts with Sensitive Lands Overlay (SLO) zoned property south of the King Road, Sampson Avenue, Woodside Gulch and

Ridge Avenue intersection. The property is comprised of 8.65 acres and includes platted lots and a "metes and bounds" parcel. Contiguous to this site are Historic Residential Low (HRL) zoned lots under the same ownership. The rest of the contiguous Lots are within the Park City Survey (Lots 1-7 and 36-40, Block 77) and are partially encumbered by existing King Road and Sampson Avenue; thus rendering portions of them undevelopable.

The subdivision and plat amendment application are being considered concurrently with this Conditional Use Permit application which was submitted on January 23, 2015 and deemed complete on January 23, 2015.

This area, historically known as Woodside Gulch, has some mining history and served as an early access to the Silver King Mine further up the gulch. Currently, access to the property and City owned water tank is through an existing unpaved access roadway across the subject property. The access for the water tank is provided by a recorded grant of easement (see Subdivision Layout within Exhibit A).

Currently, legal access to the property is proposed to be gained through the platted but un-built King Road right-of-way. This access point is approximately 50 feet west (off-set) of the King Road – Ridge Avenue intersection where King Road turns north. Ideally, the primary access would be through the existing Woodside Gulch right-of-way, thus avoiding the need to build a new road, however this access isn't possible because legal access has not been secured over the private property at 135 Ridge Avenue. The Applicant states that the King Road right-of-way access (north access) would create a driveway gradient of 14% versus 14.2% for the Woodside Gulch road. The proposed northern access would also require retaining walls (upwards of 20 feet in height) on the western side as the road would cut into the toe of the slope would protect the existing mature trees as the Planning Commission in 2010 requested. Without access over the private property at 135 Ridge Avenue, the Applicant's only proposed access is using the platted King Road right-of-way.

The Applicant is proposing 8 blonde sandstone veneer retaining wall locations with walls up to 20' in height at various locations placed at the entrance to Alice Court, along the eastern side of the road going to Lots 3 & 4, and the western side of the road going to Lot 2, in between Lots 2 & 3, the northern side of the drive going to Lot 7, the southern side of the drive going to Lot 7, and the northern side and southern side of the drive immediately adjacent to Lot 7 (see illustrations in Exhibit D) to stabilize cut and fill slopes for roadway and house construction.

Analysis

The Land Management Code (LMC) 15-4-2. Fences and Retaining Walls sets the following standards for process for the construction of retaining walls in excess of 6' from Final Grade:

- (A) Location. Retaining walls may be erected or allowed within the buildable Area, and as allowed in the Setback exceptions in Chapter 2. Retaining walls

shall not exceed six feet (6') in height measured from Final Grade within any require Rear Yard or Side Yard. Within any required Front Yard or Street Side Yard, retaining walls shall not exceed four feet (4') in height, measure from Final Grade.

(1) Exception. The height of retaining walls in the Front Yard may exceed four feet (4'), measured from Final Grade subject to approval by the Planning Director and City Engineer, and may exceed six feet (6') in height subject to approval of a Conditional Use permit.

The height of retaining walls in the Side or Rear Yards may exceed six feet (6'), measured from Final Grade, as approved as part of a Conditional Use permit.

(D) Permit. A Building Permit is required for construction of any retaining wall greater than six feet (6') in height. Within any of the Historic zoning districts construction of any retaining wall greater than four feet (4') in height requires a Building Permit.

The LMC 15-1-10. Conditional Use Review Process sets the following standards for review of Conditional Use Permits:

There are certain Uses that, because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in Some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

If the reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the Conditional Use may be denied.

(D) Standards for Review. The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

- (1) the Application complies with all requirements of this LMC;
- (2) the Use will be Compatible with surrounding Structures in Use, scale, mass and circulations;
- (3) the Use is consistent with the Park City General Plan, as amended;
- and
- (4) the effects of any differences in Use or scale have been mitigated through careful planning.

Staff finds that the application **complies as conditioned** with the four standards above and have been mitigated as detailed below:

(1) the Application complies with all requirements of this LMC; **complies.**

The LMC 15-5-5. Architectural Design Guidelines sets the following standards for prohibited materials within the City:

(B) (6) Synthetic stone products such as simulated stone or brick, cultured stone or brick, pre-cast stone or concrete imbedded with stone fragments.

Complies. The applicant proposes to use a blonde sandstone veneer which is a real stone which is allowed within the City.

The 2009 Design Guidelines for Historic Districts and Historic Sites (which are incorporated into the LMC by reference in LMC 15-11-11) help define compatibility with surrounding structures, etc. This is a separate process and all retaining walls will be required to go through the Historic District Design Review process. In order to comply with the HDDR criteria the Applicant will need to comply with the following section within the Historic District Design Guidelines but these criteria aren't tied to the CUP: Specific Guidelines for new construction in Park City's Historic Districts A.4. Site Grading and Steep Slope Issues sets the following guidelines:

A.4.1. Building and site design should respond to natural features. New building should step down/up to follow the existing contours of steep slopes.

A.4.2. The site's natural slope should be respected in a new building design in order to minimize cuts into hillsides, fill and retaining walls; excavation should generally not exceed one-story in depth.

A.4.3. When retaining walls are necessary, the impact should be minimized by creating gradual steps or tiers, by using perennial plant materials to minimize visual impact, and by using forms and materials found on surrounding Historic Sites.

B.2.5. Materials should be compatible in scale, proportion, texture, finish and color to those used on Historic Sites in the neighborhood.

B.2.6. Materials, especially stone and masonry, should be used in the manner they were used historically.

The LMC 15-1-10. (E) Review. sets forth the review process as follows: The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

- (1) Size and location of the Site;
- (2) Traffic considerations including capacity of the existing Streets in the Area;
- (3) Utility capacity, including Storm Water run-off;
- (4) Emergency vehicle Access;
- (5) Location and amount of off-street parking;
- (6) Internal vehicular and pedestrian circulation system;
- (7) Fencing, screening, and landscaping to separate the Use from adjoining Uses;
- (8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
- (9) Usable open space;
- (10) Signs and lighting;
- (11) Physical design and compatibility with surrounding structures in mass, scale, style, design and architectural detailing;
- (12) Noise, vibration, odors, steam, or other mechanical factors that might

- affect people and Property off-site;
- (13) Control of delivery and service vehicles, loading and unloading zones, and screening of trash and recycling pickup Areas;
 - (14) Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities, and
 - (15) Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes and appropriateness of the proposed Structure to the existing topography of the Site.

Staff finds that the proposed application does not completely mitigate but with the recommended conditions of approval could mitigate the impacts of:

- (3) utility capacity within the roads adjacent to the proposed walls as the Applicant has not properly engineered the roads or retaining walls. The impact of this is that the weight of the walls and/or placement of the utilities near the walls could significantly damage and negatively impact the public utilities and infrastructure. This could easily be mitigated with the following condition: City Engineer and SBWRD approval of the engineered plans of the walls and utility plan;
- (7) screening and landscaping to separate the walls from adjoining uses. This creates a negative visual impact upon the historic district and surrounding neighborhoods. This could easily be mitigated with the following conditions: adding in 20% more trees than currently shown at a minimum height of 10 feet;
- (8) building mass, bulk and orientation as the walls are massive in height, mass and orientation within the Historic District and approximately 4 times the height of the majority of retaining walls within the District. This creates a negative visual impact upon the historic district and surrounding neighborhoods. This could be mitigated with the following condition: further terracing the walls two more steps on each wall;
- (11) physical design and compatibility with surrounding structures as the walls are not compatible in size. This creates a negative visual impact upon the historic district and surrounding neighborhoods. This could easily be mitigated with the following condition: further terracing which staff recommends should be required for two more steps as well as incorporate additional landscaping with 20% more trees than currently shown at a minimum height of 10 feet; nor
- (15) environmentally sensitive lands, physical mine hazards, historic mine waste and steep slopes have not been properly addressed in these locations. This presents a negative health, safety and welfare impact. This could easily be mitigated with the following condition: Receive a Certificate of Completion for the VCP from UDEQ and Steep Slope CUPs for the adjacent homes.

Other large retaining walls within or nearby the historic districts can be found along Hillside Dr., around the north side of City Hall and near the Echo Spur subdivision but do not compare in size to the proposed height of the Alice Claim retaining walls and

none of these walls were for private development. They were completed for Public ROW improvements. Those walls have been properly mitigated through multiple terracing, adequate landscaping or homes that completely hide the height of the walls. The walls around City Hall are not immediately adjacent to homes and do not surround a residential use. Staff finds that the walls as proposed are far in excess to those heights typically found within the residential historic districts, do not adequately terrace with the landscape, there is some but not adequate mitigation to the adverse visual impacts upon the adjacent and neighboring community. The landscape screen of Aspen trees and columnar evergreens as proposed will not appropriately screen the extreme heights of the walls as you can see from Exhibit D. The walls that are proposed to be screened when homes are built have not been shown as such. Staff recommends that the Applicant. The Applicant did revise their plans Submitted in January 2010 to incorporate a terracing of the entry wall and the wall in between Lots 2 & 3 but only terraced one step more so as to save the mature vegetation and trees. Staff recommends requiring two steps more in each location so as to decrease the height of each wall and requiring the applicant to replace any existing mature trees in kind or with 3 smaller trees. Staff also recommends requiring that the walls be landscaped more with 20% more trees than is shown on the proposed plans submitted March 16, 2015.

Engineering, Building, Water and Sewer Departments had concerns that the retaining walls may be placed over utility lines or the weight of the retaining walls will impact the adjacent roads, thus impacting the utility lines and no engineering of the walls has been completed to date to mitigate these concerns.

Any approval or denial of the CUP should be concurrent with recommending approval or denial of the proposed subdivision and plat amendment, meaning one cannot be approved or denied without the Planning Commission finding the other acceptable for approval or denial. The reason being that if the CUP is not approved or needs modification then it may change the site plan of the subdivision layout regarding house or road placements. The subdivision will not be approved until City Council review. No building permit can be issued until the plat is recorded.

Department Review

This project has gone through an interdepartmental review. Issues were brought up at that time by Snyderville Basin Water Reclamation District, Water Department, City Engineer, Building Official, and the Planning Director. A final utility plan, including storm water plan, sewer, water, dry utilities will be required to be reviewed by each respective utility to mitigate their concerns with how the utilities within the roadways will be impacted with the location and weight of the retaining walls. Snow shedding and storage will need to be addressed as well as the width of the roads adjacent to the retaining walls.

A final Historic District Design Review (HDDR) is required for each wall in the historic district prior to issuance of a building permit. The landscape plan shall also be reviewed with the HDDR.

Notice

The property was posted and notice was mailed to property owners within 300 feet on February 11, 2015. Legal notice was also published in the Park Record on February 6, 2015 and on the public notice website in accordance with the requirements of the LMC on February 9, 2015.

Public Input

Staff has received public inquiries from surrounding neighbors about the height and visual impacts of the proposed CUP but no written comments have been sent in at the time of this report. Any public comment received prior to the meeting will be forwarded to the Planning Commission.

Process

The Planning Commission takes final action on Conditional Use permit applications. Approval or denial of a conditional use permit may be appealed to the City Council according to LMC Section 1-18. Prior to building permit issuance, approval of a Historic District Design Review application is required and any conditions of approval of the CUP, if approval is granted, must be met.

Alternatives

- The Planning Commission may approve the Conditional Use Permit conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion on the Conditional Use Permit 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 immediate significant fiscal impacts to the City from this application. If construction on the site were permitted, it will require a detailed Construction Mitigation Plan (CMP) to protect existing development located near the proposed subdivision. Site stabilization might also be an important consideration depending upon the amounts of vegetation proposed to be removed as a result of the proposed development. A draft geotechnical report has been previously submitted and reviewed. Previous mining activities, strong ground motion, slope stability, debris flow and avalanche, shallow bedrock and perched groundwater are the most significant engineering geology and geotechnical aspects which could affect design and construction at the site. Many of the retaining walls will be visible from Old Town and be 4 times as high as any other residential retaining walls within the Historic District as proposed. If the walls are further tiered, some of the mature trees will be impacted. Utility services have expressed detrimental impacts to the roads and underground utilities contained therein with the weight that such high walls impact the roads if not tied back properly. The walls may not be on top of any utility lines so that the lines may be properly maintained. The walls may also raise issues with snow storage and were not incorporated into the cross-valley visual analysis that the Applicant provided for the subdivision.

Consequences of not taking the Suggested Recommendation

The adjacent roadways to the retaining walls and future utilities could not be built thus no homes could be built within the property.

Recommendation

Staff recommends the Planning Commission conduct a public hearing, review the proposed CUP for 8 locations of retaining walls up to 20' in height associated with the proposed Alice Claim Subdivision and Plat Amendment, and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

Findings of Fact

1. The property is located at the intersection of King Road, Ridge Avenue, Woodside Gulch and Sampson Avenue (approximately), within the Historic Residential (HR-1) and Estate (E) Districts and Sensitive Lands Overlay (SLO).
2. The proposal includes nine (9) lots on 8.65 acres.
3. The property is a "metes and bounds" parcel with contiguous platted lots.
4. A City water tank and land owned by the City is adjacent to the subject property on the south end, and a City-owned parcel bisects the subject property. The City water line does not run within the City owned property, but rather is located within a prescriptive easement on the subject property.
5. The applicant previously undertook a voluntary remediation of the regulated soils on the site, which included soil remediation both in the Alice Claim 8.49 acre portion and within a 1.7 acre portion of the adjoining City property.
6. The property can only be accessed through the platted King Avenue right-of-way as the owner cannot secure legal access through the Woodside Gulch easement.
7. The new roadway would require excavation and 8 locations of blonde sandstone veneer retaining walls up to and possibly in excess of twenty feet (20') in height placed at the entrance to Alice Court (two walls consisting of 10' and 10'6" high), along the eastern side of the road going to Lots 3 & 4 (one wall 15' high), and the western side of the road going to Lot 2 (one wall consisting of 7' high), in between Lots 2 & 3 (3 walls approximately 7', 8' and 16' high), the northern side of the drive going to Lot 7 (one wall 20' high), the southern side of the drive going to Lot 7 (not identified), and the northern side (not identified) and southern side (one wall 5' high) of the drive immediately adjacent to Lot 7.
8. The retaining walls have not been engineered as of the date of this report and would require the City Engineer to approve the engineered plans.
9. Historic District Design Review applications are required for any construction of retaining walls within the historic districts or any lots adjacent to the historic district.
10. Snow storage, guardrails and lighting are elements of the retaining walls that require City Engineer and Planning Director approval.
11. Impacts created by the proposed retaining walls include utilities; visual impacts of physical design, screening, compatibility and massing/scale; and environmental.
12. Water Service may not be available to most of the proposed development sites

(proposed Lots) within the development as currently designed. The applicant will be responsible to determine what portion of the property is serviceable by the current water system, or propose acceptable mitigation and if the proposed walls will negatively impact the utilities.

13. Sewer Service may not be available to the proposed development sites. The applicant will be responsible to determine this with Snyderville Basin Water Reclamation District and if the proposed walls will negatively impact the utilities.
14. Proposed roads with utilities that are not private driveways next to the retaining walls are required to be 20' wide and are shown as such on the plat.
15. The application for the Alice Claim CUP was deemed "complete" by the Planning Department on January 23, 2015.
16. Staff findings in the Analysis section are incorporated herein.

Conclusions of Law

1. The CUP, as conditioned, is consistent with all requirements of the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed walls as conditioned will be compatible with the surrounding structures in use, material, scale, mass, circulation and mitigation with the slope of the landscape.
4. The effects of any differences in Use, material, scale, mass and landscaping of the proposed walls have been properly mitigated through careful planning and conditions of approval.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the volume of construction in this neighborhood.
3. City Engineer review and approval of all construction, including grading, utility installation, public improvements and storm drainage plans, and all construction within the ROW, for compliance with City and Fire District standards, is a condition precedent to building permit issuance.
4. Planning Director and City Engineer will review the final design and materials for any necessary retaining walls and the proposed roads adjacent to the retaining walls. The maximum height of the retaining is not to exceed 20 feet above existing grade.
5. Snyderville Basin Water Reclamation District review and approval of the utility plans near the retaining walls for compliance with SBWRD standards and procedures, is a condition precedent to building permit issuance.
6. A final utility plan for roads near any retaining walls is required to be approved by the City Engineer prior to issuance of a building permit. The City Engineer will review the final construction documents and confirm that all existing utilities will not be impacted near the retaining walls and anticipated utilities will be located in accordance with the site plans as submitted.
7. A Historic District Design application shall be submitted prior to submittal of a

- building permit application for the retaining walls.
8. A building permit will be required to build any roads and retaining walls.
 9. A final landscape plan and guarantee shall be submitted with the Historic District Design Review for approval by the Planning Department prior to issuance of a building permit for the retaining walls. The landscaping shall be complete prior to issuance of a final certificate of occupancy for the lots within the Alice Claim subdivision. The landscape plan shall provide mitigation of the visual impacts of the retaining walls and mitigation for removal of any existing Significant Vegetation. Prior to removal of any trees, an arborist report shall be provided to the Planning Department for review. The arborist report shall include a recommendation regarding any Significant Vegetation proposed to be removed and appropriate mitigation for replacement vegetation. The guarantee shall address site restoration in the event there is a work stoppage in excess of 180 days, including removing any partially constructed retaining wall(s).
 10. The Conditional Use Permit will expire on April 8, 2016, if a building permit has not been issued.
 11. The Planning Department and City Engineer will review any proposed guardrail and lighting considerations at time of final design.
 12. The City Engineer must approve any snow storage requirements near the retaining walls prior to building permit approval.
 13. This CUP is conditioned upon the Alice Claim Subdivision receiving plat approval and plat recordation. All conditions of approval of the Alice Claim Subdivision Plat must be adhered to.
 14. No building permits shall be issued until the Alice Claim Subdivision plat is recorded.
 15. All proposed retaining walls shall be further terraced two tiers and additional landscaping shall be incorporated by 20% what is shown on the proposed illustrations.
 16. If any retaining wall disturbs existing mature trees, the trees shall be replaced in kind as close to the original location as possible or with three smaller trees.
 17. The City Engineer and SBWRD must approve of the engineered plans for the walls and utility plan prior to building permit approval;
 18. The Applicant must show an addition of 20% more trees than currently shown on the March 16, 2015 plans at a minimum height of 10 feet, to be approved by the Planning Director.
 19. The Applicant must show further terracing the walls two more tiers on each location than is shown on the proposed plans submitted March 16, 2015, to be approved by the Planning Director;
 20. The Applicant must receive a Certificate of Completion for the VCP from UDEQ and Steep Slope CUPs for any adjacent homes prior to building permit approvals.
 21. Any substantial changes as determined by the Planning Director to the proposed location of retaining walls or site plan (dated March 16, 2015) of the Alice Claim Subdivision will void this approval and the applicant must complete a new application and return to the Planning Commission for approval.







Exhibits

Exhibit A – Site plan

- Exhibit B – Perspective Rendering
- Exhibit C – Site Sections
- Exhibit D – Wall Illustrations
- Exhibit E – Landscape Mitigation of Site Walls Plan
- Exhibit F – Certified Topo
- Exhibit G – Vicinity & Zoning Map
- Exhibit H – Vegetative Cover
- Exhibit I – Slope Analysis
- Exhibit J – Visual Analysis

EXHIBIT A

LEGEND

-  LOT BOUNDARY
-  LIMIT OF DISTURBANCE/ BUILDING ENVELOPE
-  BUILDING FOOTPRINT
-  PROPOSED CONTOUR
-  PROPOSED RETAINING WALL
-  TRAIL EASEMENT

LOT TABLE

LOT NO.	ZONE	TOTAL (SF)	TOTAL (ACRE)	LIMIT OF DISTURBANCE (SF)	LIMIT OF DISTURBANCE (ACRE)	ALLOWABLE BUILDING FOOTPRINT(SF)	BUILDING FOOTPRINT (SF)
1	ESTATE	130909	3.01	4970	0.11	N/A	2500
2	HR-1	7852	0.18	7540	0.17	2525	2500
3	HR-1	7866	0.18	5636	0.13	2527	2500
4	HR-1	7909	0.18	5915	0.14	2535	2500
5	HR-1	7812	0.18	6410	0.15	2518	2500
6	HR-1	8145	0.19	5915	0.14	2576	2500
7	HR-1	7998	0.18	7731	0.18	2551	2500
8	HR-1	7560	0.17	6262	0.14	2471	2471
9	HR-1	7164	0.16	6480	0.15	2394	2394

SUBDIVISION

- 8 LOTS IN HR-1 ZONE DISTRICT
 - MAXIMUM 0.19 ACRE LOTS
 - MAXIMUM 2500 SF FOOTPRINT
- DEFINED DISTURBANCE ENVELOPES
- 1 LOT IN ESTATE ZONE DISTRICT
 - DEVELOPED PER L.M.C.
- EVERGREEN TREES ARE PRESERVED AND SCREEN VIEWS OF HOME SITES

PLAT AMENDMENT

- 0.38 ACRE HRL ZONE
- LOTS DEDICATED TO CITY

NOTE:

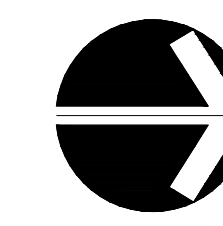
1. LOTS #123 AND 129 OF ADJACENT RIDGE AVENUE SUBDIVISION ARE OWNED BY KING DEVELOPMENT GROUP, LLC
2. ROADS LESS THAN 26' WIDE SHALL BE MARKED NO PARKING ON BOTH SIDES OF THE ROAD



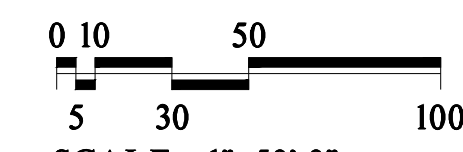
ALICE CLAIM

SITE PLAN

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060



NORTH

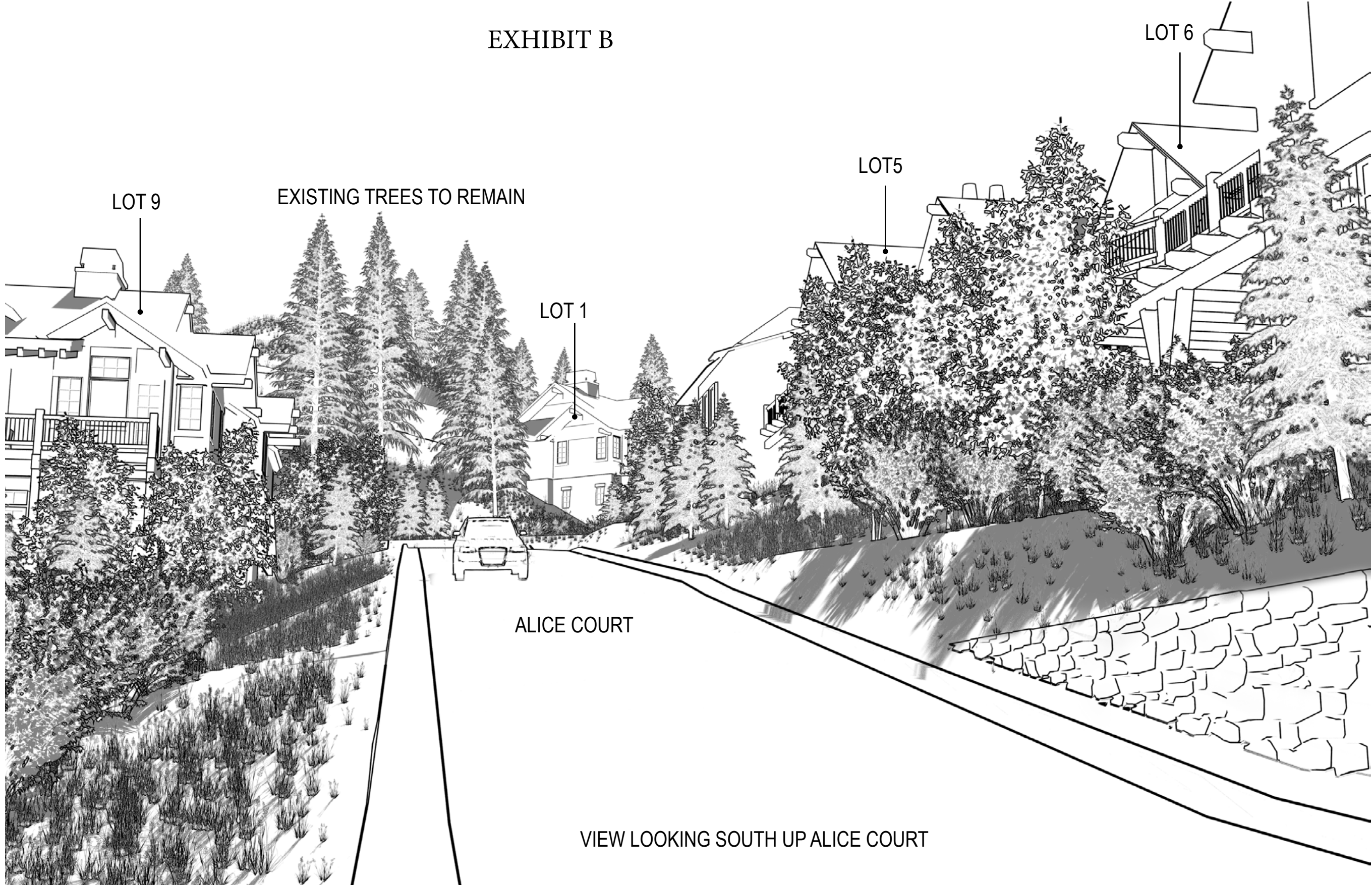


SCALE: 1"=50'-0"

DATE: MAR 16 2015



EXHIBIT B



LOT 9

EXISTING TREES TO REMAIN

LOT 1

LOT 5

LOT 6

ALICE COURT

VIEW LOOKING SOUTH UP ALICE COURT

ALICE CLAIM PERSPECTIVE RENDERING

KING DEVELOPMENT GROUP LLC.
P.O. BOX 244
PARK CITY, UTAH 84060



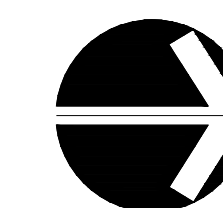
DATE: JAN 23 2015



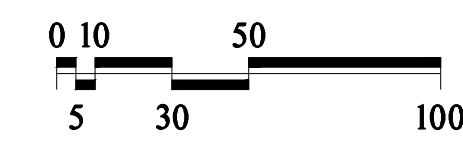
ALICE CLAIM

SITE SECTIONS KEY MAP

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060



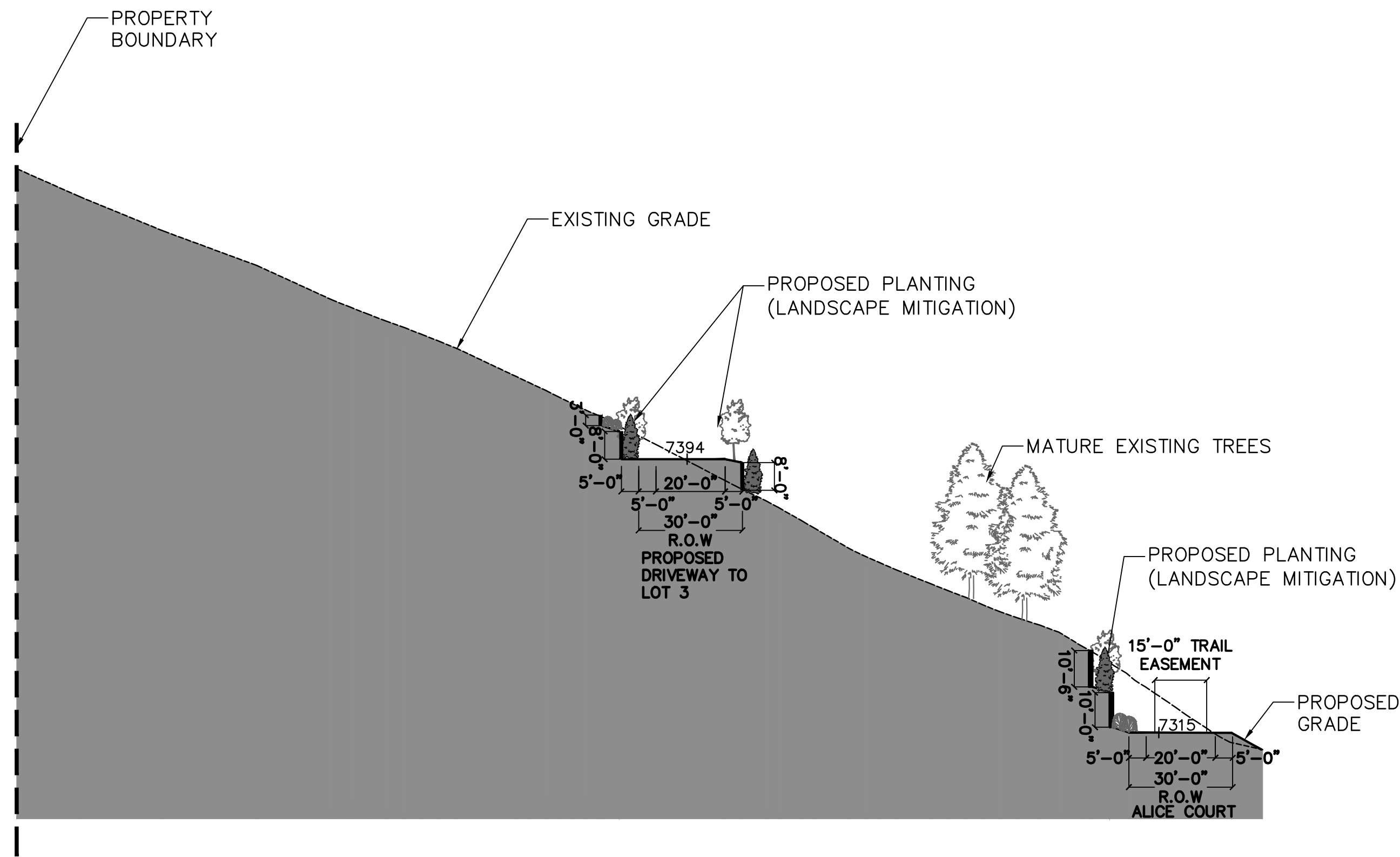
NORTH



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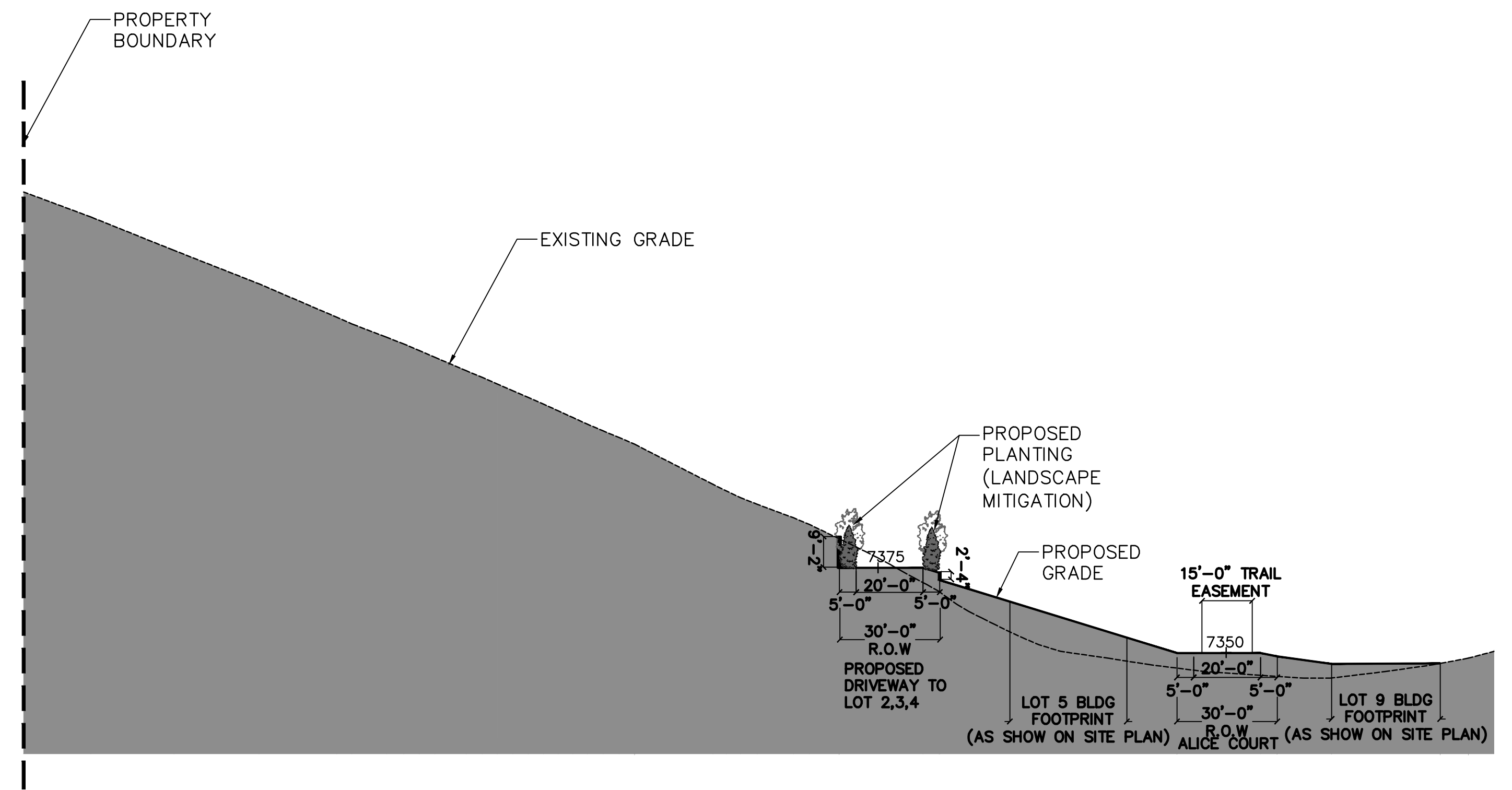
DATE: MAR 16 2015





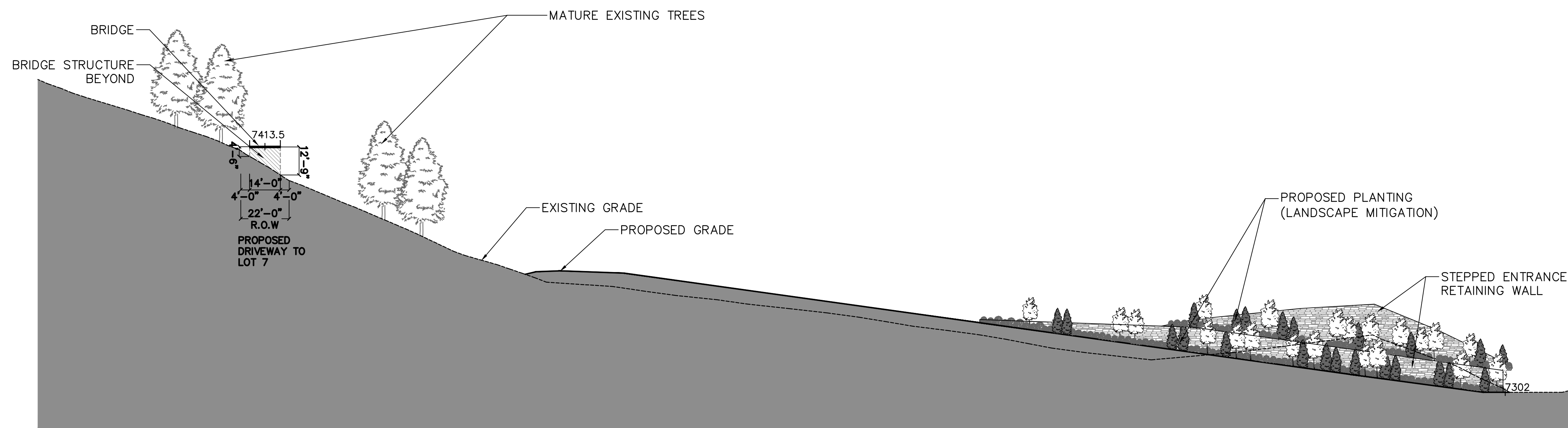
SECTION A

SCALE: 1"=30'



SECTION B

SCALE: 1"=30'



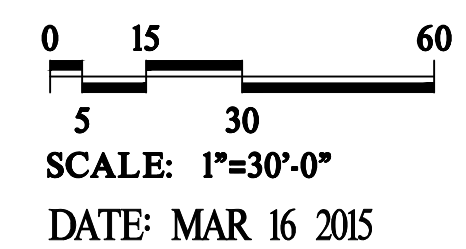
SECTION C

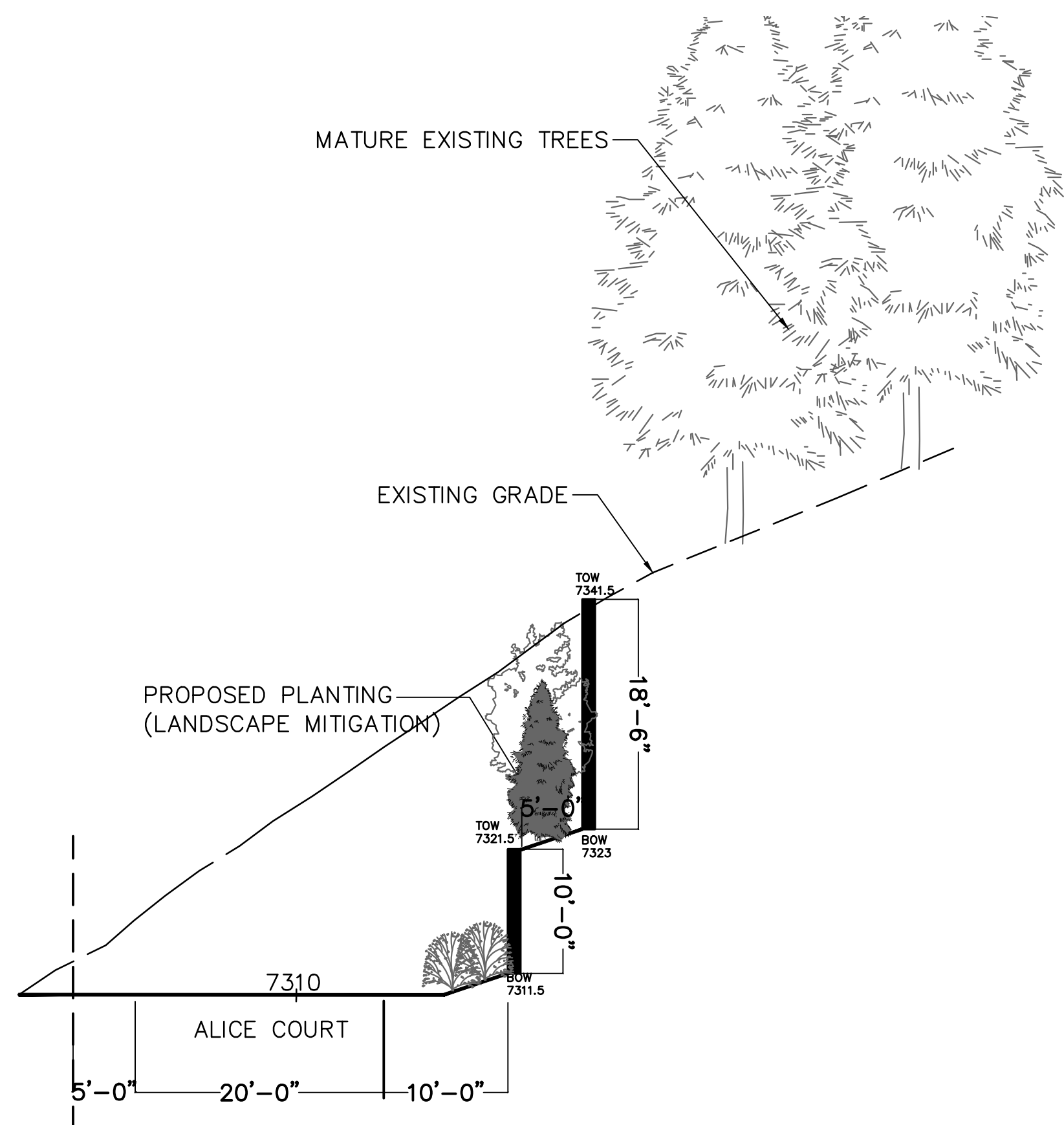
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ALICE CLAIM

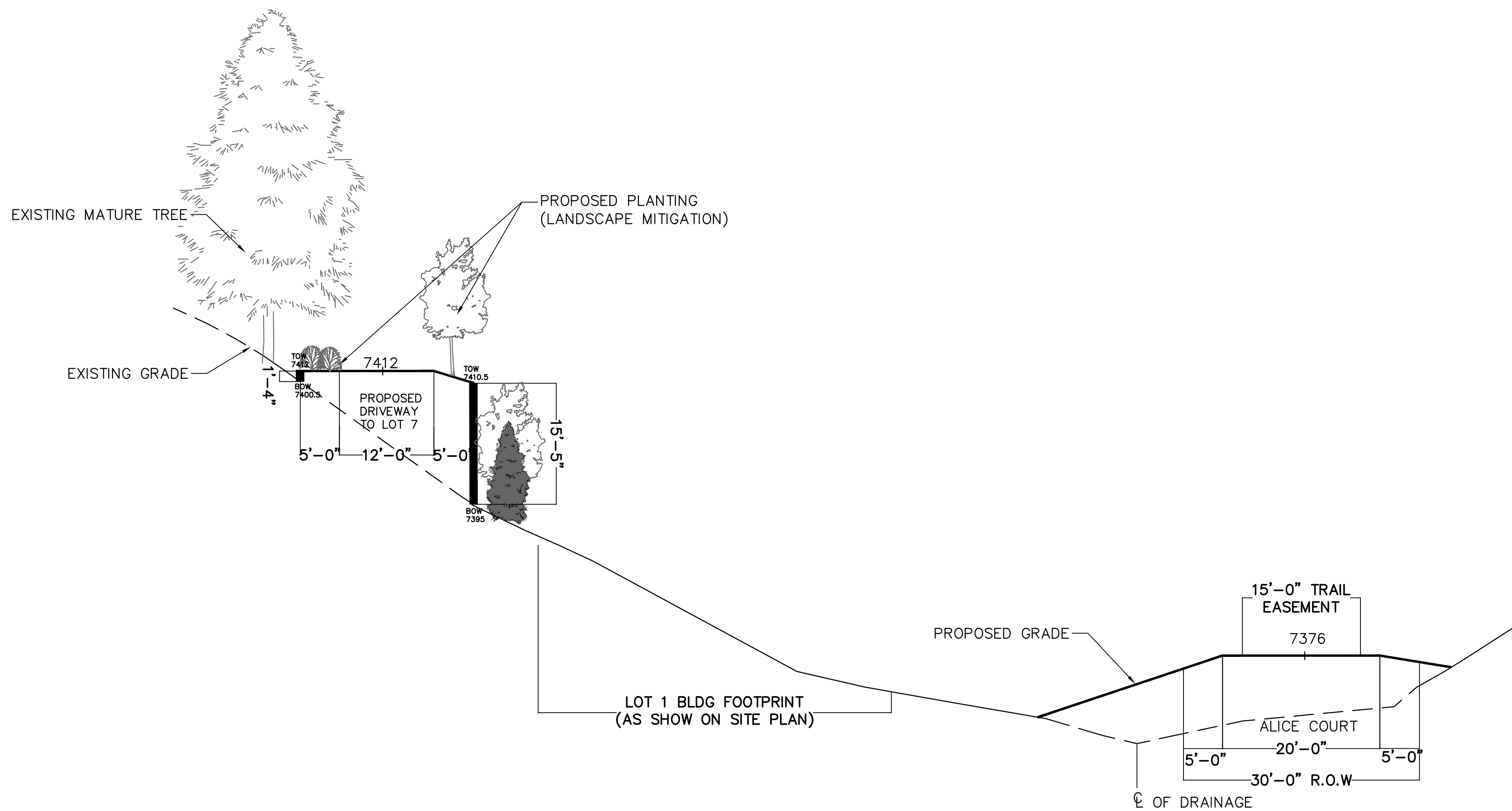
SITE SECTIONS

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060

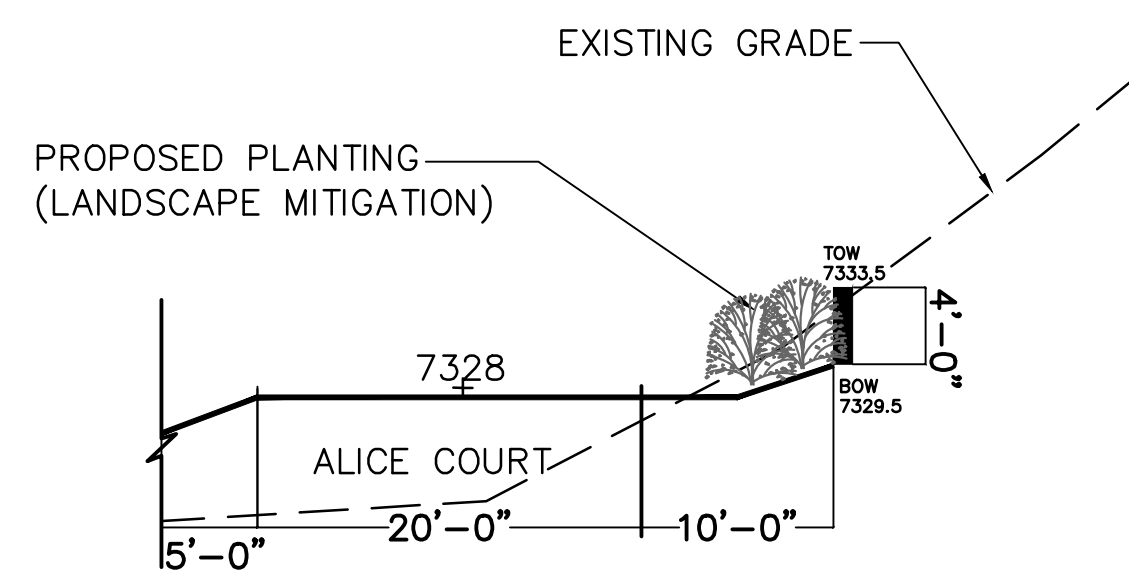




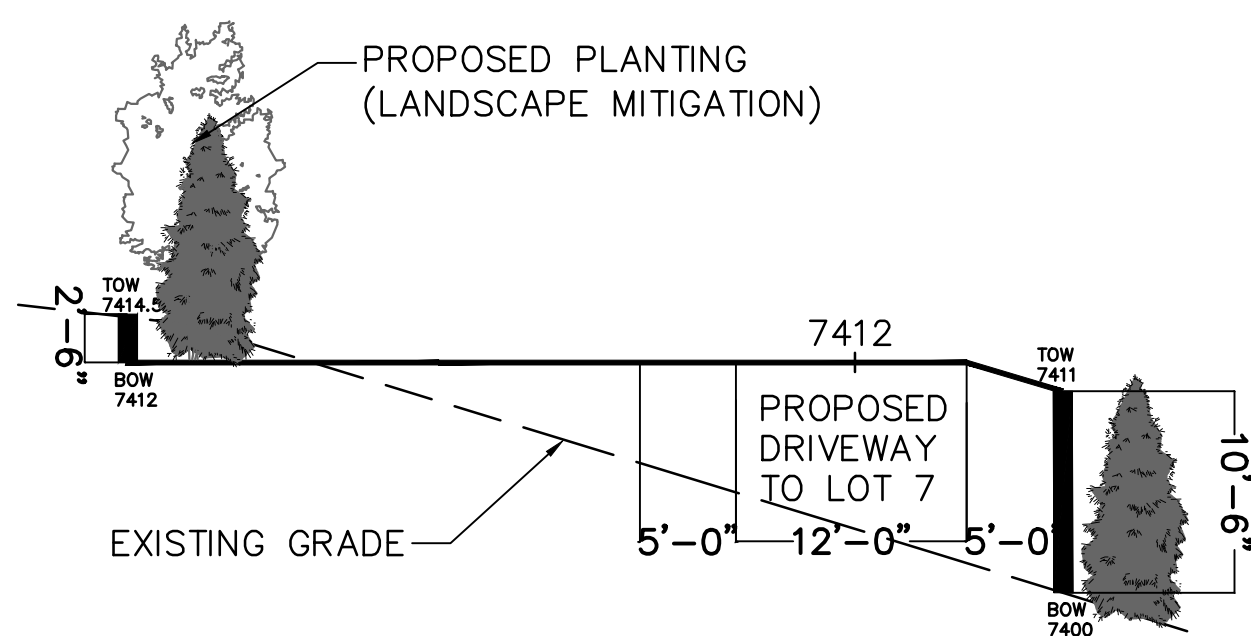
SECTION D SCALE: 1"=10'



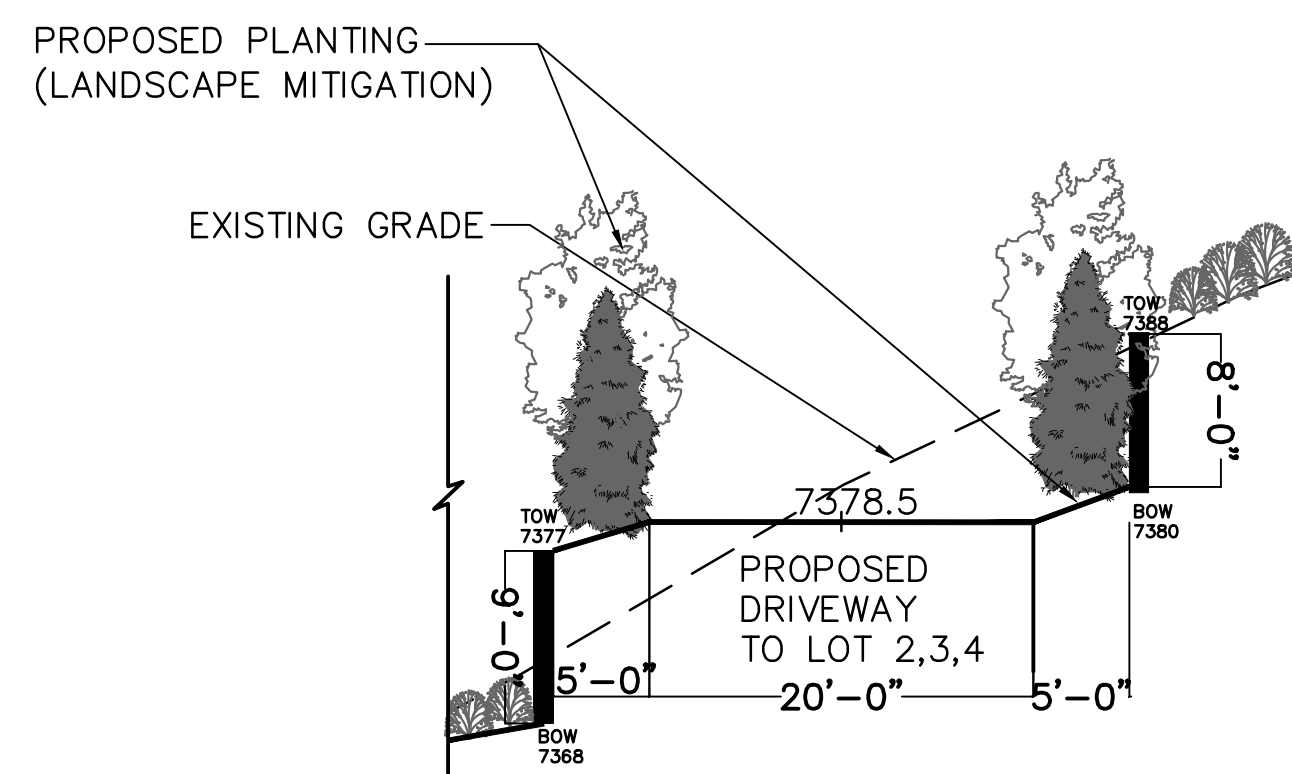
SECTION G SCALE: 1"=10'



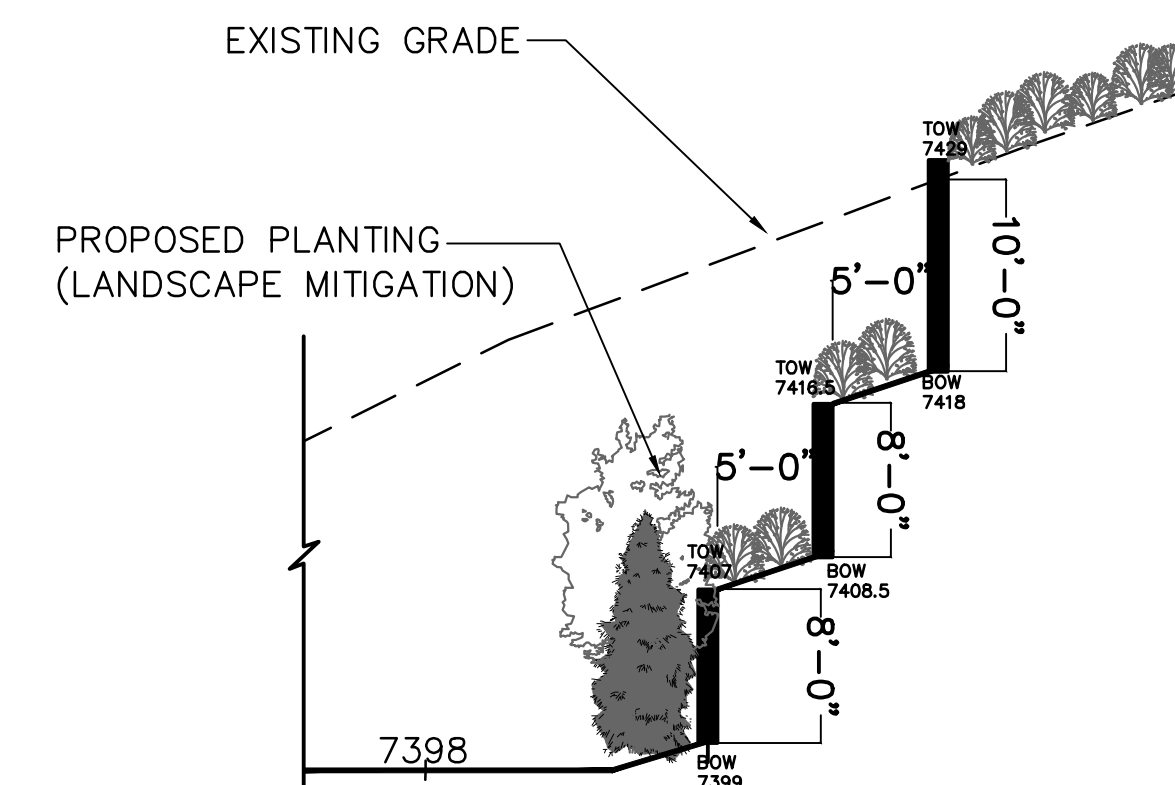
SECTION E SCALE: 1"=10'



SECTION F SCALE: 1"=10'



SECTION H SCALE: 1"=10'

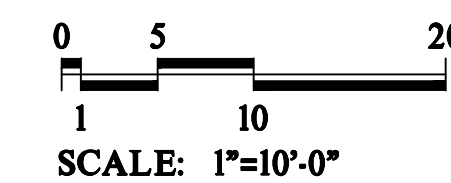
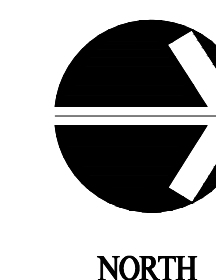


SECTION I SCALE: 1"=10'

ALICE CLAIM

SITE SECTIONS

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060

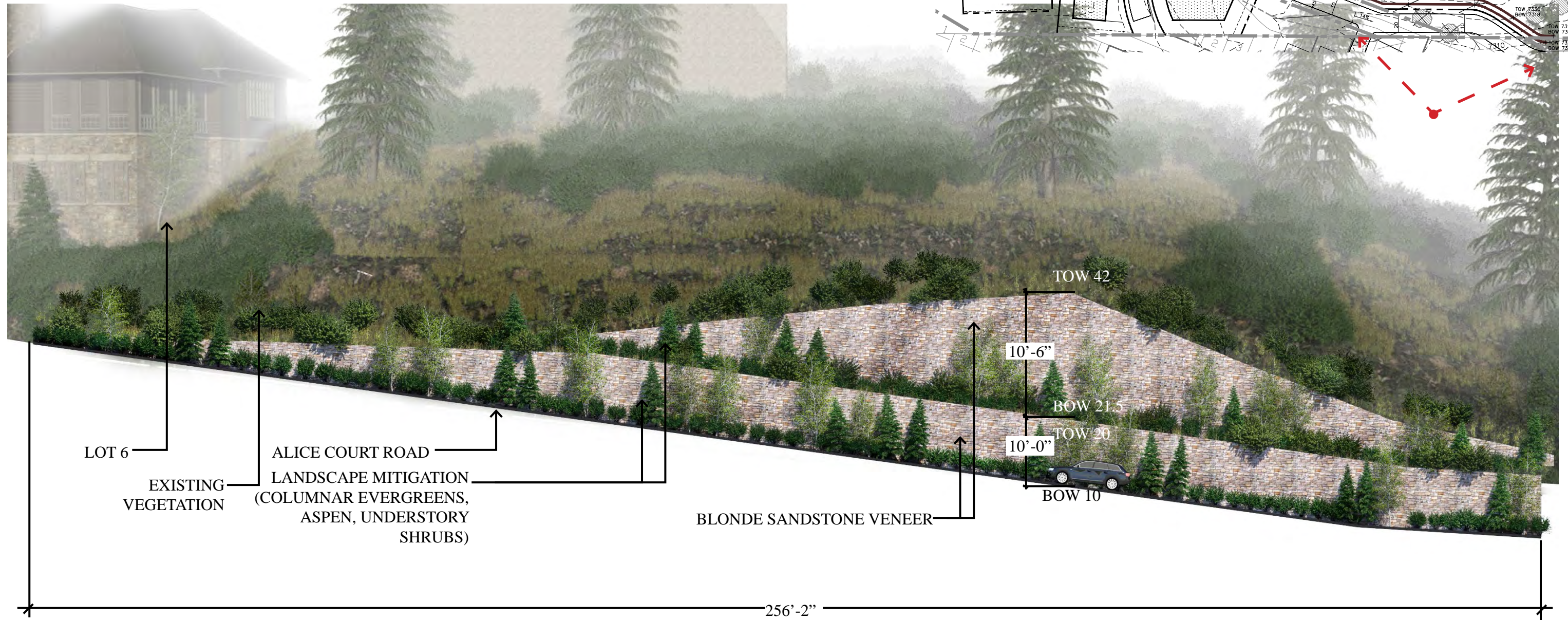
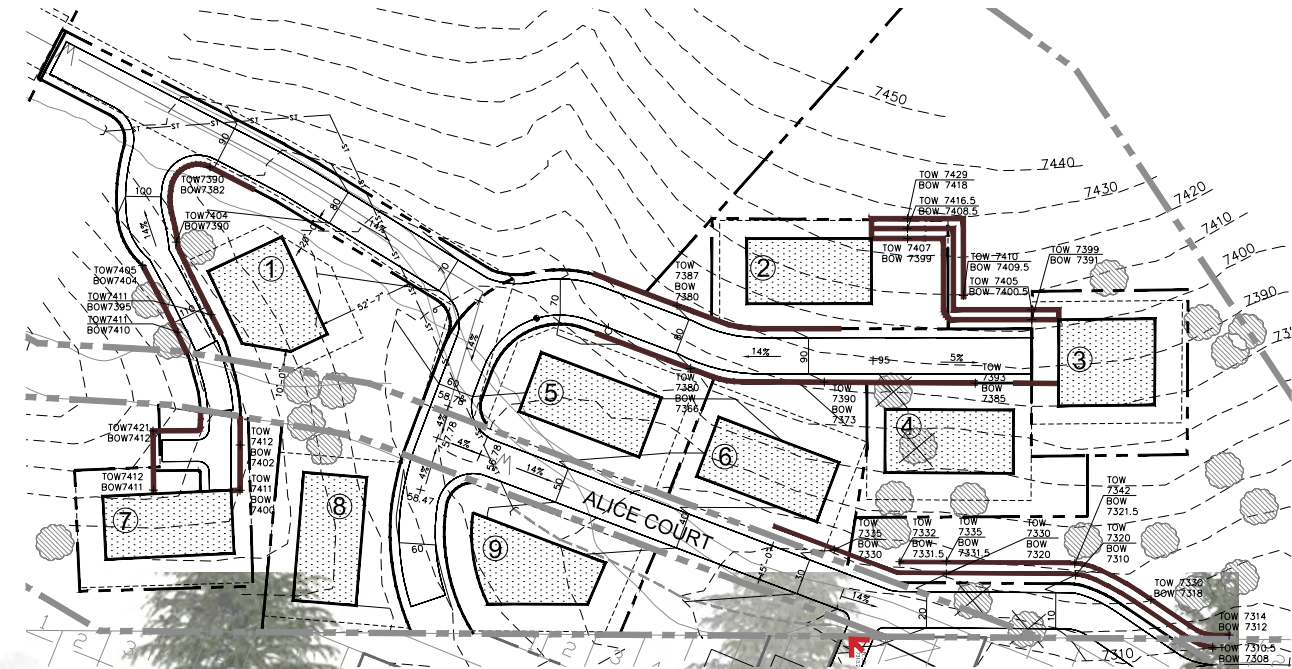


SCALE: 1"=10'-0"
 DATE: MAR 16 2015

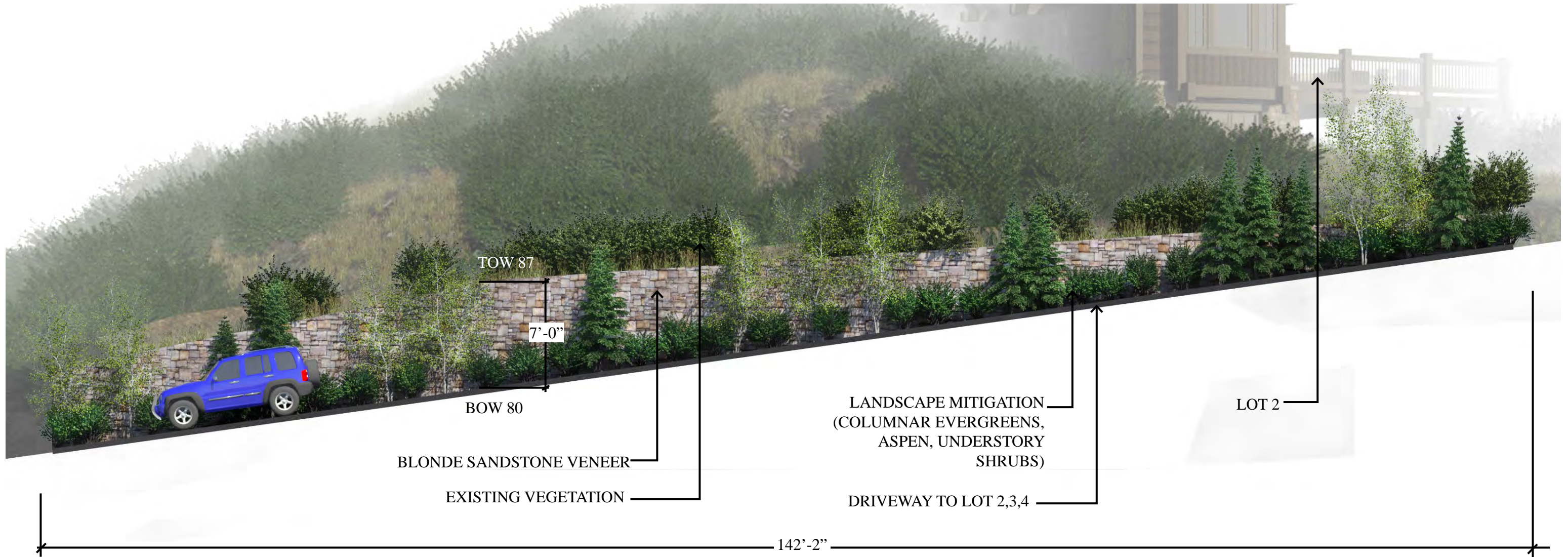
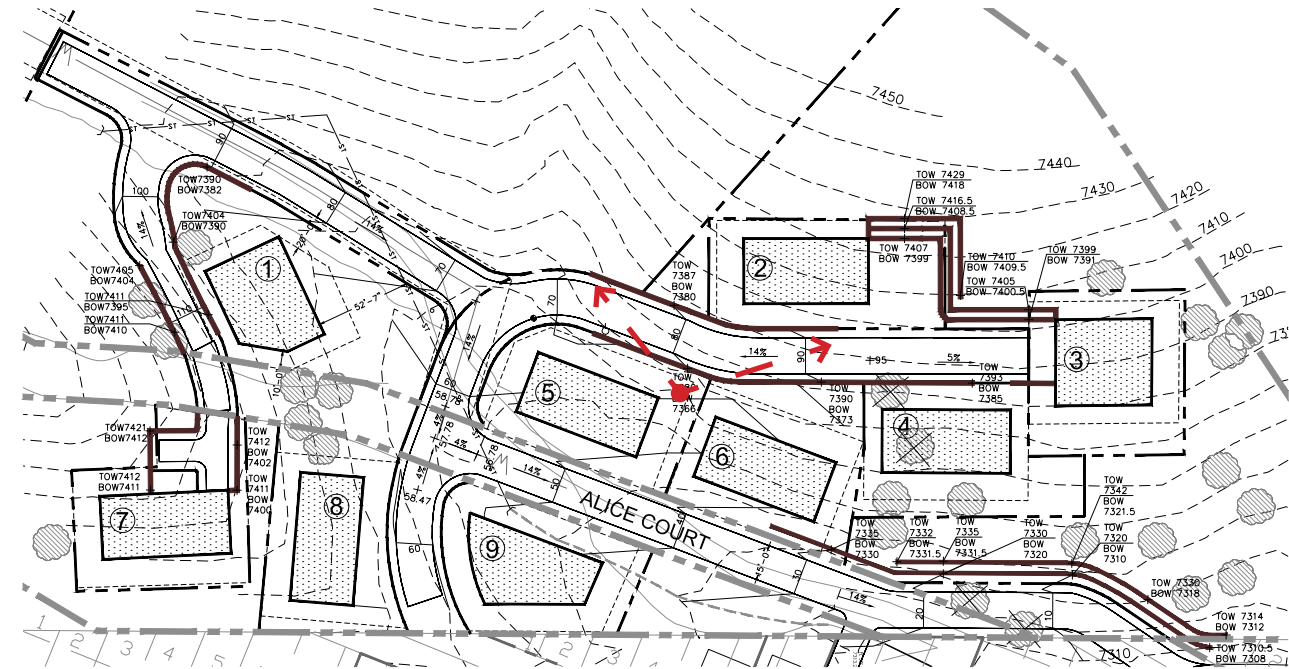


EXHIBIT D

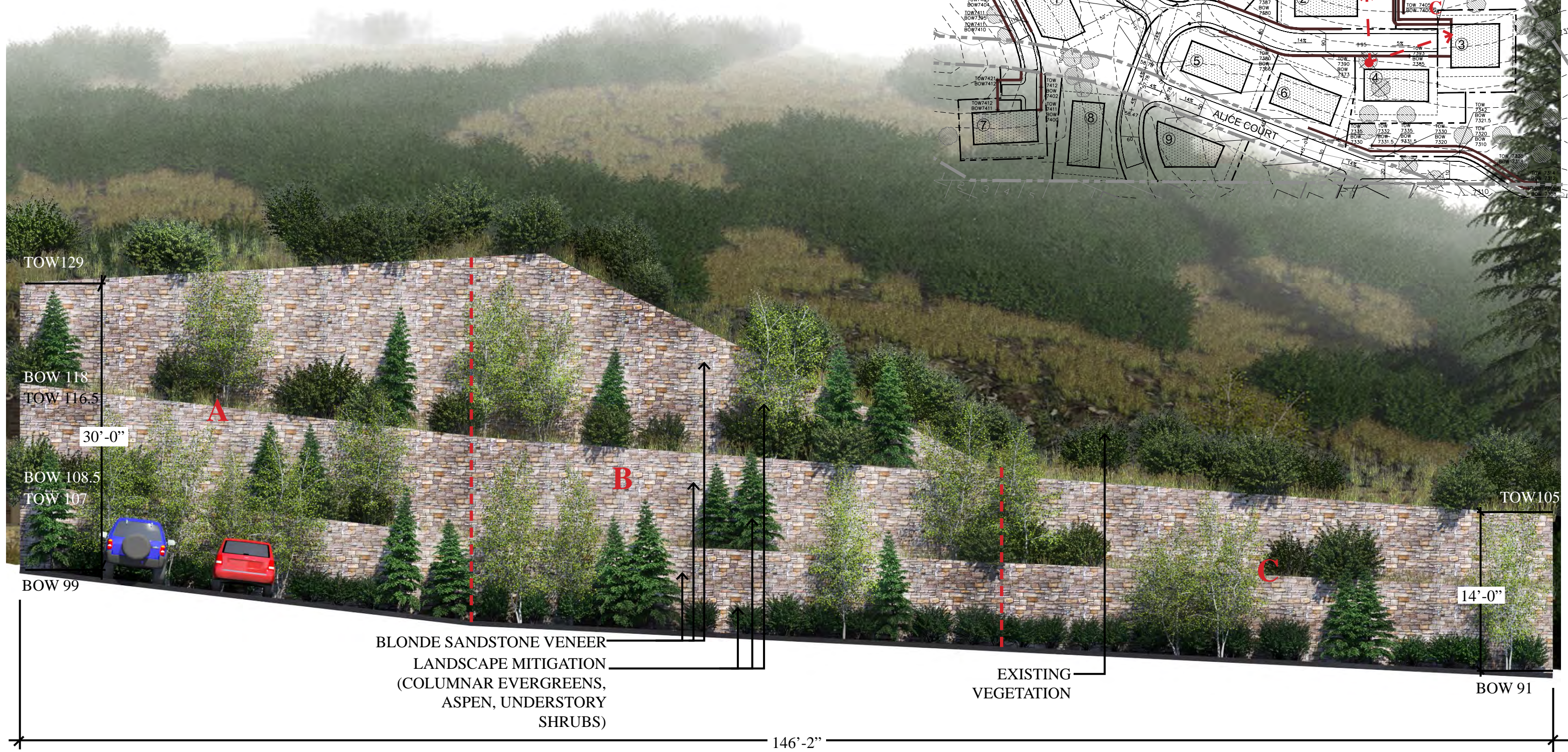
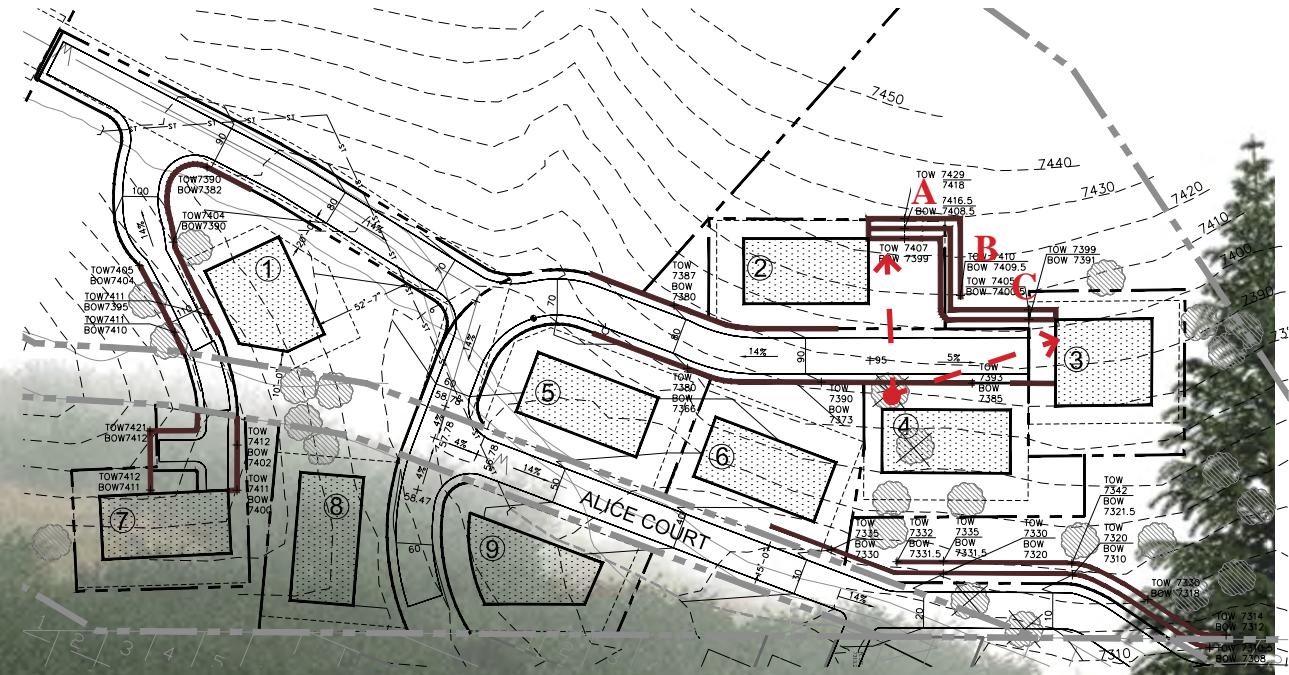
ENTRY WALL KEY MAP



ENTRY WALL KEY MAP



ENTRY WALL KEY MAP



TOW 129

BOW 118
TOW 116.5

30'-0"

BOW 108.5
TOW 107

BOW 99

BLONDE SANDSTONE VENEER
LANDSCAPE MITIGATION
(COLUMNAR EVERGREENS,
ASPEN, UNDERSTORY
SHRUBS)

EXISTING
VEGETATION

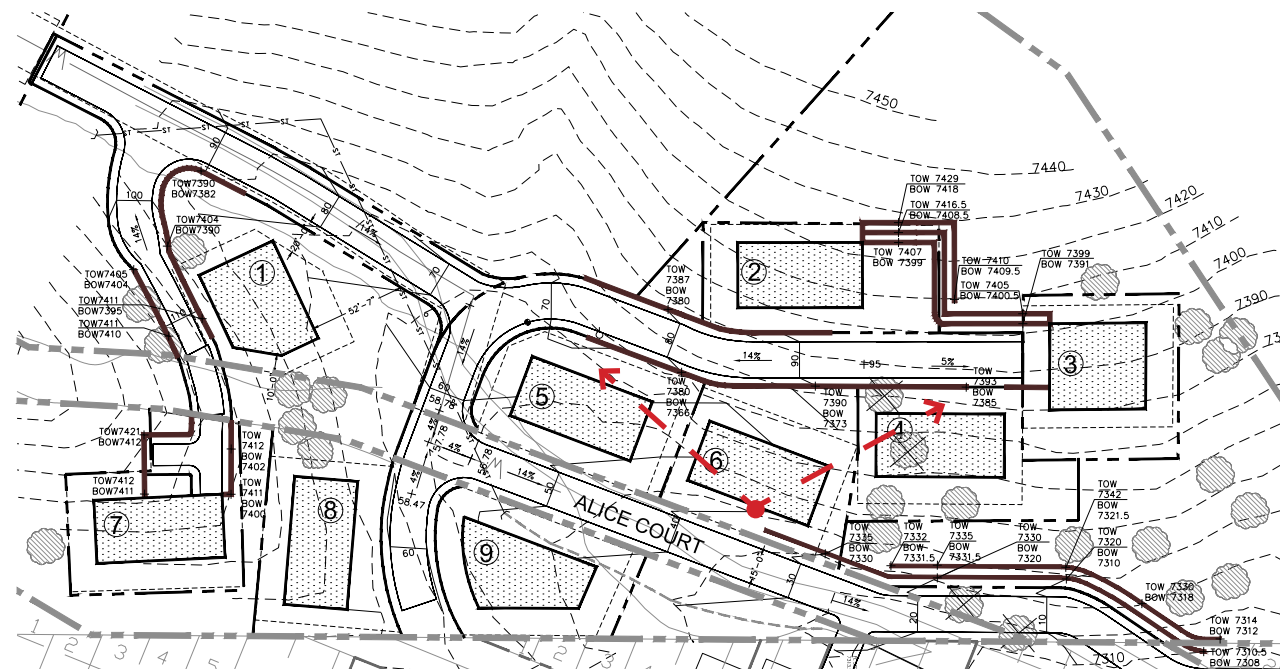
TOW 105

14'-0"

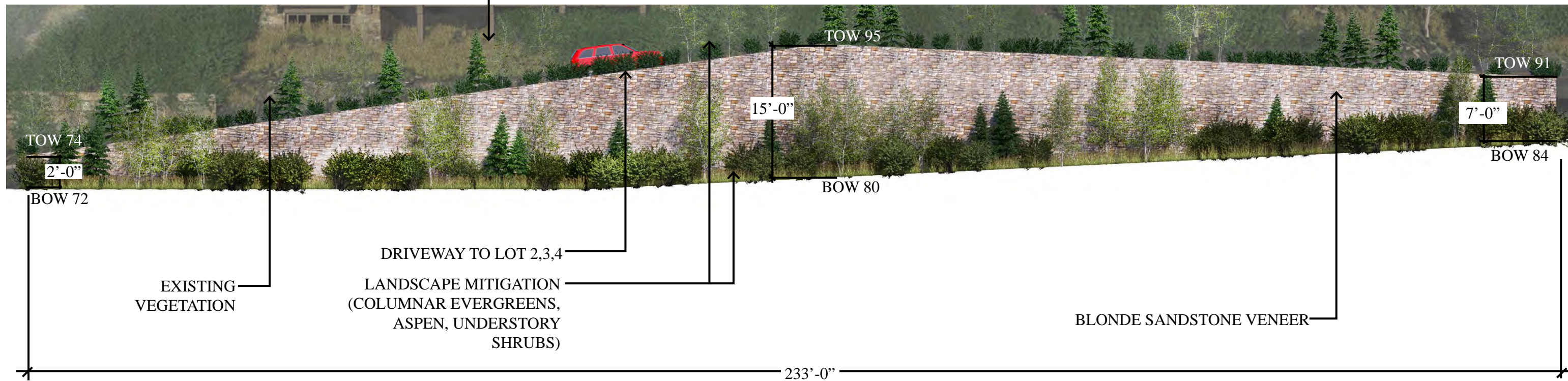
BOW 91

146'-2"

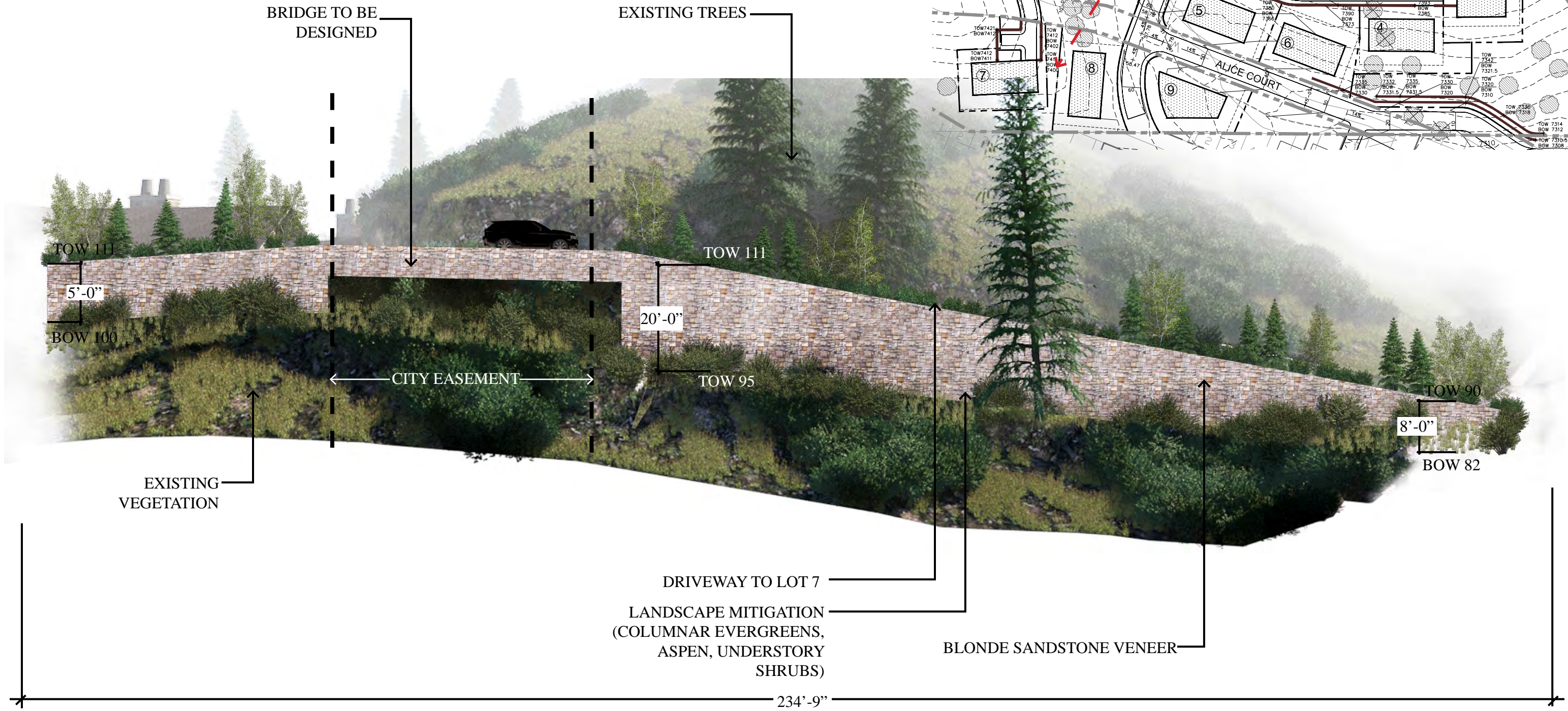
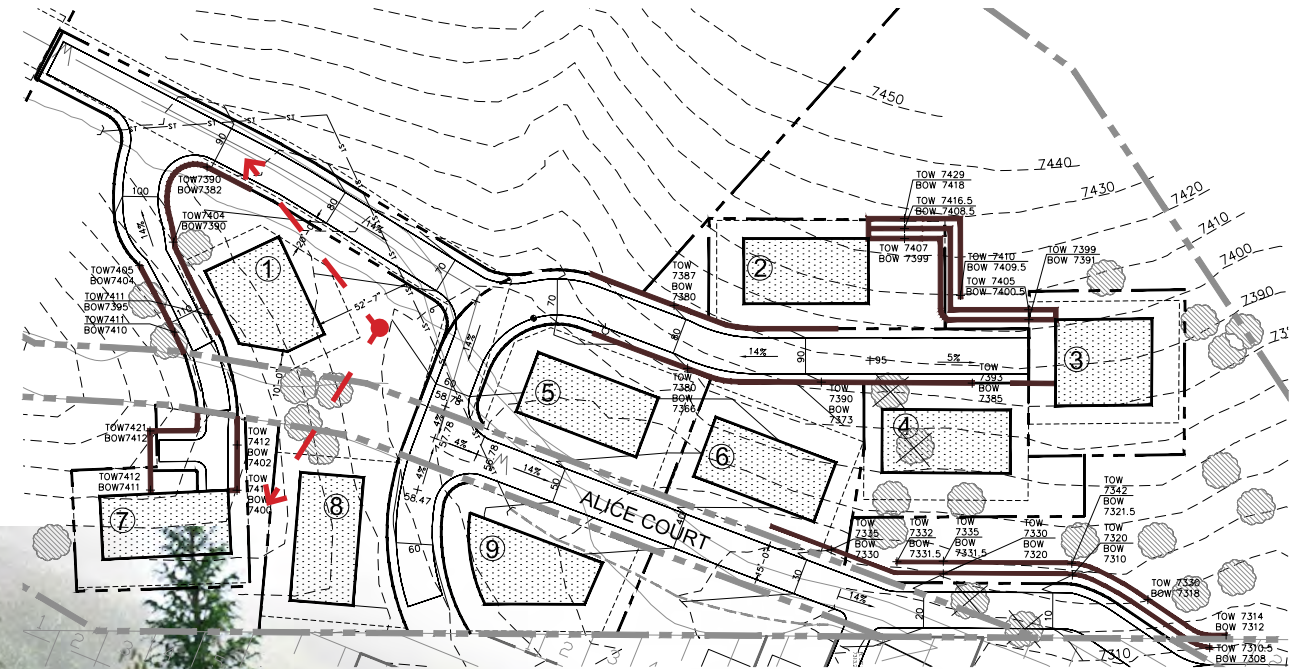
ENTRY WALL KEY MAP



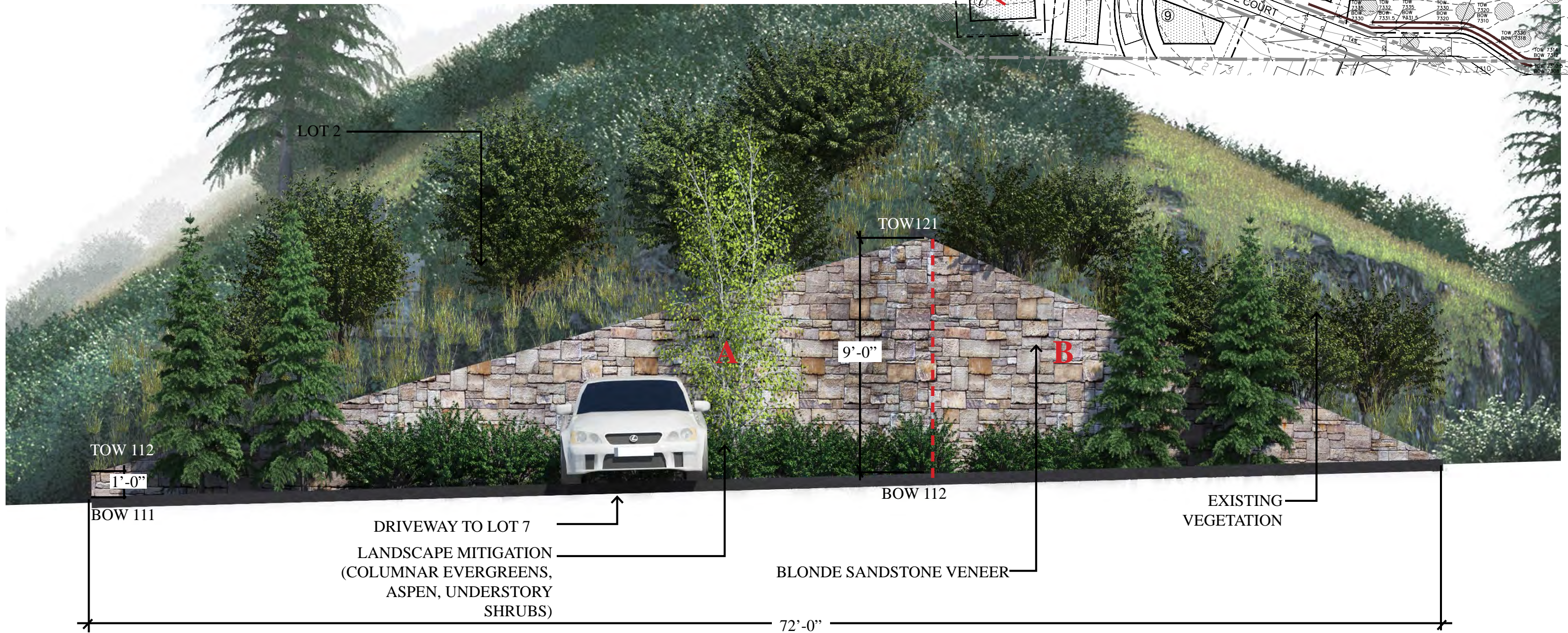
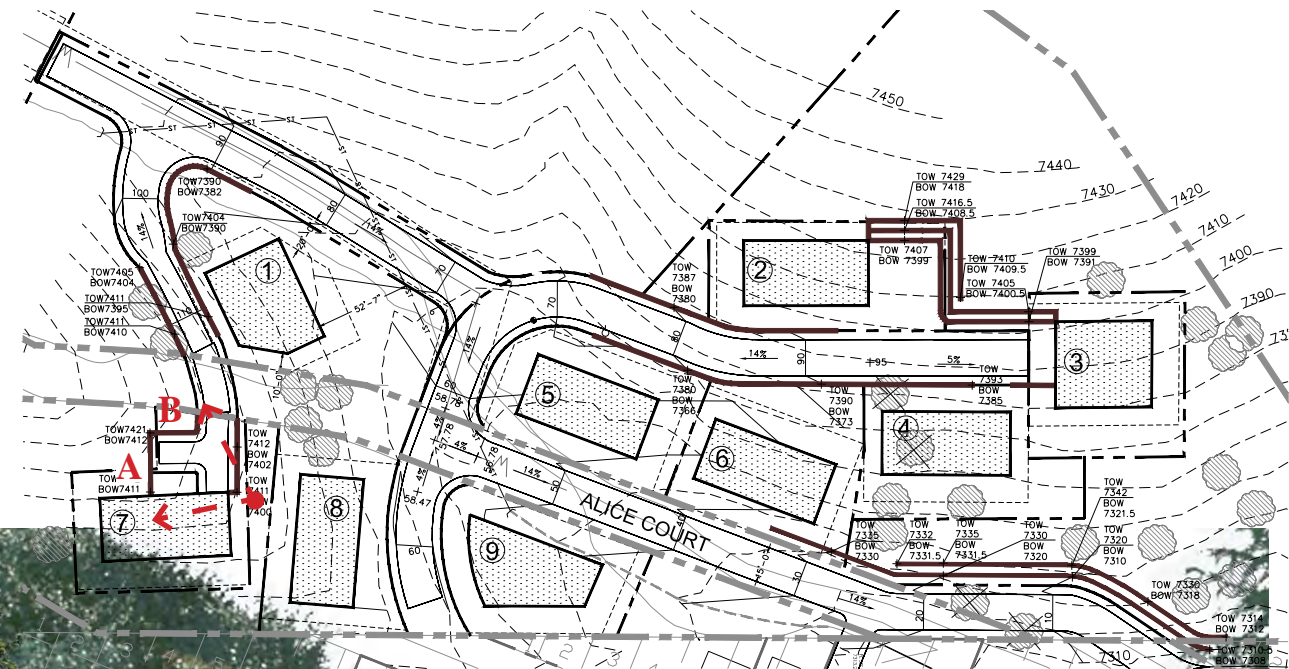
LOT 2

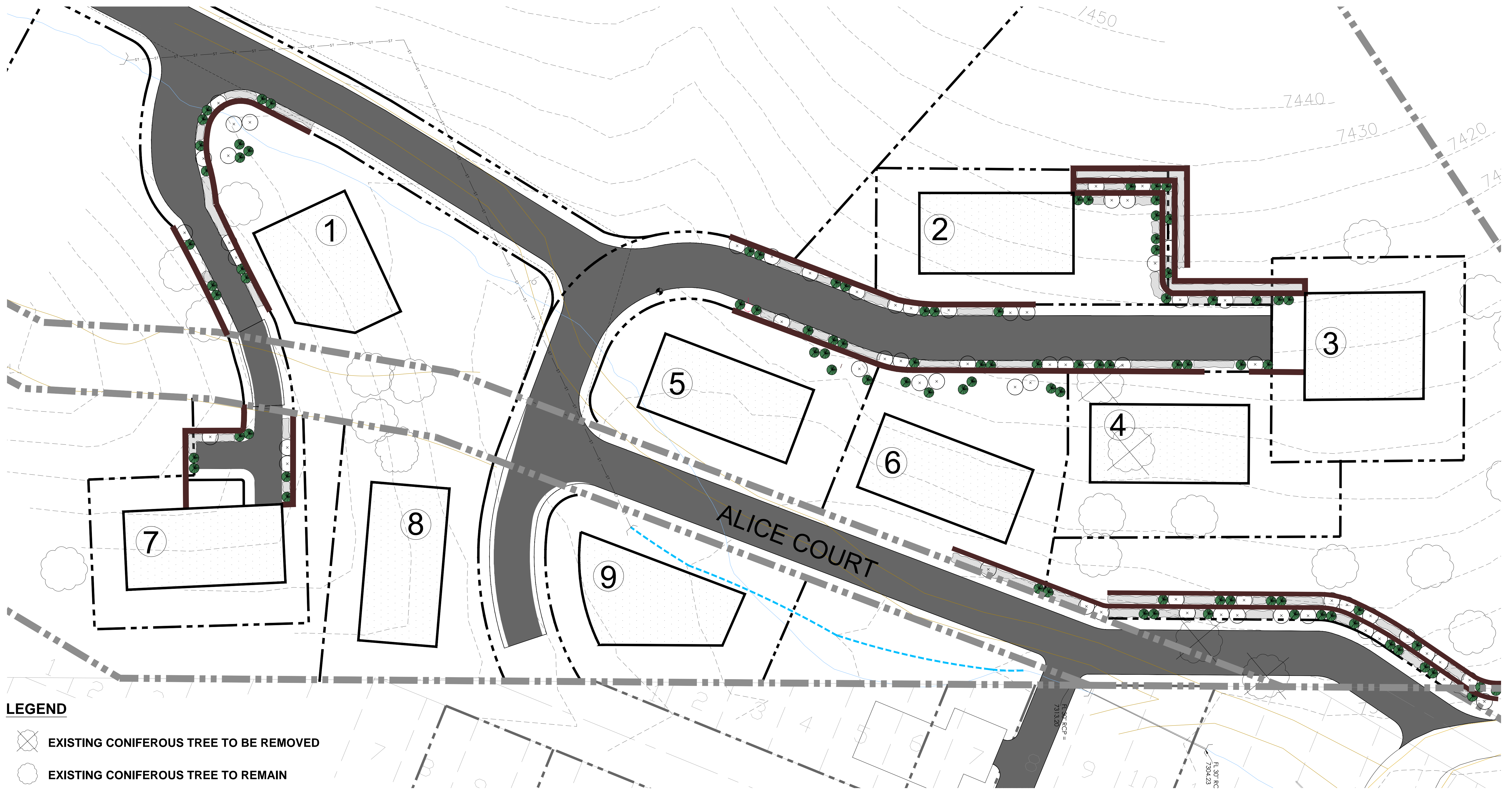


ENTRY WALL KEY MAP




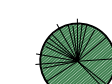
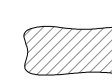


ENTRY WALL KEY MAP





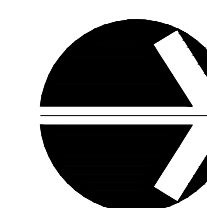
LEGEND

-  EXISTING CONIFEROUS TREE TO BE REMOVED
-  EXISTING CONIFEROUS TREE TO REMAIN
-  PROPOSED DECIDUOUS TREE
-  PROPOSED CONIFEROUS TREE
-  PROPOSED SHRUB

ALICE CLAIM

LANDSCAPE MITIGATION OF SITE WALLS PLAN

KING DEVELOPMENT GROUP, LLC
 P.O. BOX 244
 PARK CITY, UTAH 84060



NORTH



SCALE: 1"=20'-0"

DATE: MAR 16 2015



EXHIBIT F



3995 South 700 East, Suite 300
Salt Lake City, Utah 84107
www.stantec.com

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The Contractor shall verify and be responsible for all dimensions. DO NOT scale the drawing - any errors or omissions shall be reported to Stantec without delay.
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Owner/Project

KING DEVELOPMENT GROUP L.L.C.
P.O. BOX 244
PARK CITY, UTAH 84060

Legend

- CONTOUR MAJOR
- CONTOUR MINOR
- BOUNDARY LINE
- SECTION LINE
- BOUNDARY TIE LINE
- ROAD ASPHALT
- EXISTING OVERHEAD POWER LINE
- (oh) EXISTING WATER LINE
- (w) EXISTING WATER DRAIN LINE
- (ss) EXISTING SEWER LINE
- (g) EXISTING GAS LINE
- EXISTING FENCE LINE
- EXISTING CURB
- EXISTING POWER POLE
- EXISTING WATER MANHOLE
- EXISTING WATER VALVE
- EXISTING SEWER MANHOLE
- EXISTING FIRE HYD.
- EXISTING VEGETATION
- EXISTING TREE
- SECTION CORNER

Notes

SURVEYOR'S CERTIFICATE

I, SHAWN R. VERNON, A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 8744084 IN ACCORDANCE WITH THE LAWS OF THE STATE OF UTAH HEREBY CERTIFY THAT I MADE A TOPOGRAPHY SURVEY AREA SHOWN.

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO MAP THE EXISTING TOPOGRAPHY OF THE BOUNDARY OF ALICE CLAIM. THIS SURVEY WAS PREPARED USING EXISTING TOPOGRAPHIC INFORMATION DATA FROM A 2005 SURVEY COMPLETED BY OLYMPUS AERIAL SURVEYS AND UPDATED IN OCTOBER 2014 BY STANTEC CONSULTING INC. THE ACCURACY OF THE 2-FOOT CONTOURS SHOWN IS EQUAL TO ONE-HALF (OR BETTER THAN) THE CONTOUR INTERVAL. THIS IS NOT A BOUNDARY SURVEY PLAT.

Revision By Appd. YY.MM.DD

1 PARK CITY SUBMITTAL SRV SRV 15.01.22
Issued By Appd. YY.MM.DD

File Name: 03057v_cerf_topo.dwg SDJ JRJ SDJ 15.01.19
Dwn. Chkd. Dsgn. YY.MM.DD

Permit-Seal



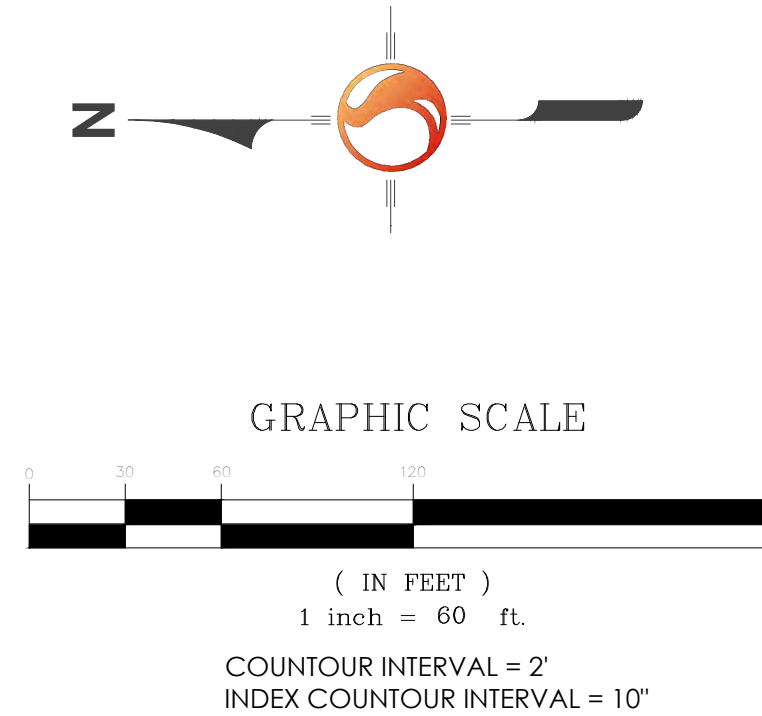
Client/Project

ALICE CLAIM
CERTIFIED TOPOGRAPHICAL BOUNDARY SURVEY
PARK CITY, UTAH

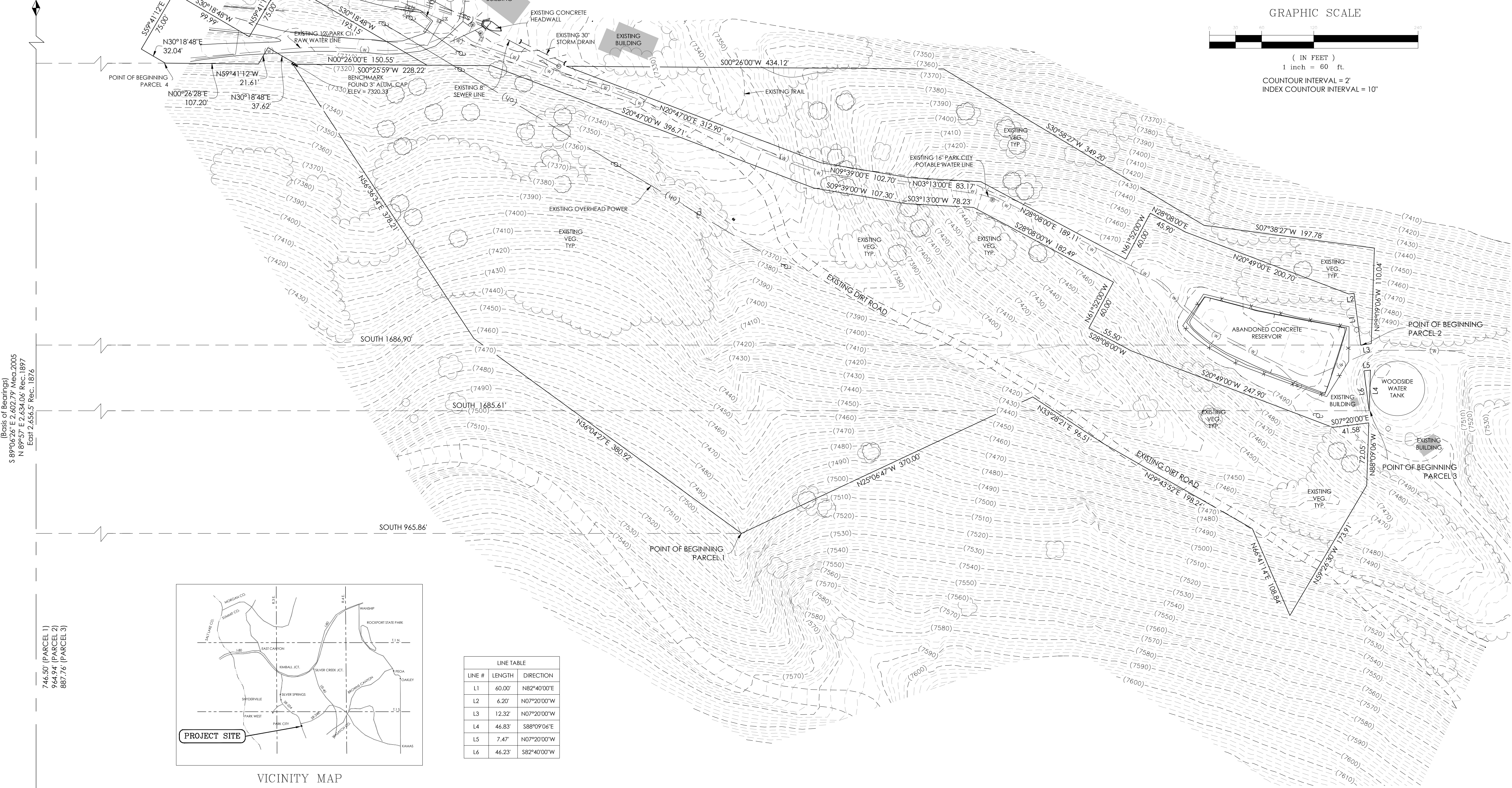
Title

Project No. 205303057 Scale 1" = 60'

Drawing No. 1 Sheet 1 of 1 Revision 0

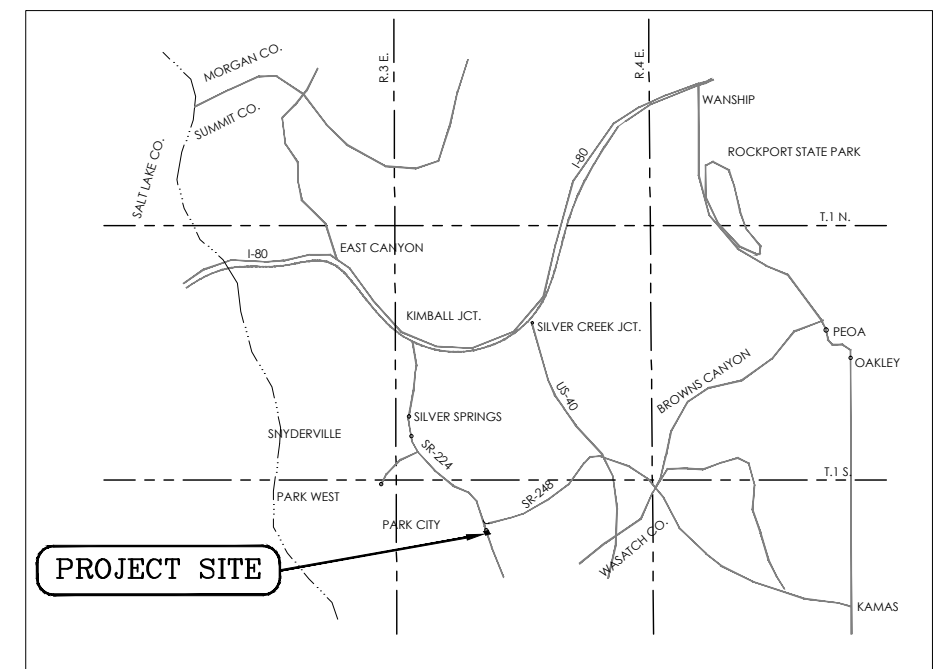


NORTHEAST CORNER SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
(ROUND 2-3/8" DIAMETER
IRON PIPE W/ WELDED TOP
THIS MONUMENT APPEARS TO
HAVE BEEN EXTANT AT THIS
LOCATION SINCE AT LEAST 1907
(SEE MS-5665 & 5763)



(Basis of Bearings)
S 89°06'26"E 746.0279 Meas. 2005
N 89°06'26"E 746.0279 Rec. 1897
E 89°06'26"E 746.0279 Rec. 1897
E 89°06'26"E 746.0279 Rec. 1897

746.50' (PARCEL 1)
964.94' (PARCEL 2)
887.76' (PARCEL 3)



LINE #	LENGTH	DIRECTION
L1	60.00'	N82°40'00"E
L2	6.20'	N07°20'00"W
L3	12.32'	N07°20'00"W
L4	46.83'	S88°09'06"E
L5	7.47'	N07°20'00"W
L6	46.23'	S82°40'00"W

Parcel No.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 of a point on Line 6-7 of the Alice Lode, Mineral Survey #3331, said point being also S89°06'26"E 746.50 feet, along the Section Line, and South 965.86 feet from the North Quarter Corner of said Section 21, and running thence, along said Line 6-7, N36°04'27"E 380.92 feet to a point on Line 2-3 of the Newell Lode USL-653; thence, along said Line 2-3, Newell Lode, N56°34'34"E 378.21 feet to a point on the Westerly Boundary Line of Subdivision No.1 of Millsite Reservation (Filed Aug. 13, 1887); thence, along said Westerly Boundary Line, S00°26'00"W 228.22 feet to a point on the Westerly Right-of-Way Line of the Park City Water Company Access Road; thence, along said Westerly Right-of-Way Line, the following four (4) courses: (1) S20°47'00"W 396.71 feet, (2) S09°39'00"W 107.30 feet, (3) S03°13'00"W 78.23 feet, (4) S28°08'00"W 182.49 feet to a point on the Park City Property; thence, along the Westerly Boundary Line of said Park City Property, the following four (4) courses: (1) N61°52'00"W 60.00 feet, (2) S28°08'00"W 55.50 feet, (3) S20°49'00"W 247.90 feet, (4) S07°20'00"E 41.58 feet to a point on Line 1-2 of the Park View Lode USL-655; thence, along said Line 1-2, Park View Lode, N88°09'06"W 72.05 feet to a point on Line 1-2 of said Alice Lode MS-3331; thence, along said Line 1-2, Alice Lode, N59°26'30"W 173.91 feet to a point on Line 1-2 of the Huron Mine Lode USL-256; thence, along said Line 1-2, Huron Mine Lode, N66°41'14"E 108.84 feet to Post #1 of said Huron Mine Lode; thence N29°43'52"E 198.26 feet; thence N33°28'21"E 96.51 feet; thence N25°06'47"W 370.00 feet to the Point of Beginning.

Containing 310,925 square feet or 7.138 acres.

Parcel No.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 of a point on the Easterly Boundary Line of the Park City Property, said point being also on the Line 1-2 of the Park View Lode USL-655, said point being also S89°06'26"E 964.94 feet, along the Section Line, and South 1686.90 feet from the North Quarter Corner of said Section 21, and running thence, along said Easterly Boundary Line, the following six (6) courses: (1) N07°20'00"W 12.32 feet, (2) N82°40'00"E 60.00 feet, (3) N07°20'00"W 6.20 feet, (4) N20°49'00"E 200.70 feet, (5) N28°08'00"E 45.91 feet, (6) N61°52'00"W 60.00 feet to the Easterly Right-of-Way Line of the Park City Water Company Access Road; thence, along said Easterly Right-of-Way Line, the following four (4) courses: (1) N28°08'00"E 189.11 feet, (2) N03°13'00"E 83.17 feet, (3) N09°39'00"E 102.70 feet, (4) N20°47'00"E 312.90 feet to a point on the Westerly Boundary Line of the Subdivision No.1 of Millsite Reservation (dated 06/25/1887); thence, along said Westerly Boundary Line, S00°26'00"W 434.12 feet to a point on Line 3-4 of the Alice Lode Mineral Survey-3331; thence, along said Line 3-4, Alice Lode, S30°58'27"W 349.20 feet to Corner #3 of said Alice Lode MS-3331; thence, along Line 2-3, Alice Lode, S07°38'27"W 197.78 feet to a point on said Line 1-2 of the Park View Lode USL-655; thence, along said Line 1-2, Park View Lode, N88°09'06"W 110.04 feet to the Point of Beginning.

Containing 65,741 square feet or 1.509 acres.

Parcel No.3
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 on the Southerly Boundary Line of the Park City Property, said point being also on the Line 1-2 of the Park View Lode USL-655, said point being also S89°06'26"E 887.76 feet, along the Section Line, and South 1686.90 feet from the North Quarter Corner of said Section 21, and running thence, along said Southerly Boundary Line, the following two (2) courses: (1) N82°40'00"E 46.23 feet, (2) S7°20'00"E 4.74 feet to a point on said Line 1-2 of the Park View Lode; thence, along said Line 1-2, Park View Lode, N88°09'06"W 46.83 feet to the Point of Beginning.

Containing 173 square feet or 0.004 acres.

Parcel No.4
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:

Lots 1 through 7 inclusive and Lots 36 through 40 inclusive, block 77, Millsite Reservation to Park City, according to the official plat thereof filed in the office of the Summit County Recorder, being more particularly described as follows:
Beginning at a point on the Westerly Boundary Line of Subdivision No.1 of Millsite Reservation (dated 06/25/1887), said point being also on the Northwesterly Line of Lot 37 of said Millsite Reservation, said point being also S89°06'26"E 1287.78 feet, along the Section Line, and South 294.60 feet from the North Quarter Corner of said Section 21, and running thence, along said Northwesterly Line of Lot 37 and Lot 36, N30°18'48"E 32.08 feet to the Northerly Corner of said Lot 36, thence along the Northerly Line of said Lot 36, S59°41'12"E 75.00 feet to the Easterly Corner of said Lot 36; thence, along the Southeasterly Line of Lots 36 through 39 inclusive of said Millsite Reservation, S00°18'48"W 99.99 feet to the Northerly Corner of Lot 7 of said Millsite Reservation; thence, along the Northwesterly Line of said Lot 7, S59°41'12"E 75.00 feet to the Easterly Corner of said Lot 7; thence, along the Southeasterly Line of Lots 7 through 1 inclusive of said Millsite Reservation, S30°18'48"W 193.15 feet to the Southerly Corner of Lot 1 and of said Westerly Boundary Line of Millsite Reservation; thence, along said Westerly Boundary Line, N00°26'00"E 150.55 feet to the Southerly Corner of Lot 41 of said Millsite Reservation; thence, along the Southeasterly and Northwesterly Lines of said Lot 41, the following two (2) courses: (1) N30°18'48"E 37.62 feet, (2) N59°41'12"W 21.61 feet to said Westerly Boundary Line of Millsite Reservation; thence, along said Westerly Boundary Line, N00°26'00"E 107.16 feet to the Point of Beginning.

Containing 16,486 square feet or 0.378 acres.

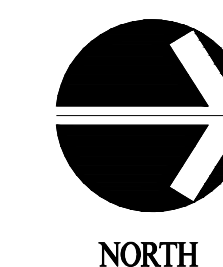
EXHIBIT G



ALICE CLAIM

VICINITY & ZONING MAP

KING DEVELOPMENT GROUP LLC.
P.O. BOX 244
PARK CITY, UTAH 84060



0 10 50
5 30 100
SCALE: 1"=50'-0"
DATE: JAN 23 2015



EXHIBIT H



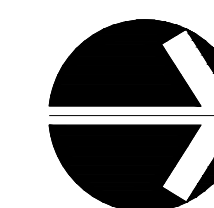
LEGEND

- ① Disturbed Areas
- ② Large Fir Trees, Grasses and Forbs
- ③ Heavy Scrub Oak
- ④ Grasses and Forbs
- Existing Coniferous Tree

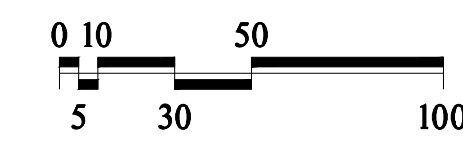
ALICE CLAIM

VEGETATIVE COVER

KING DEVELOPMENT GROUP LLC.
 P.O. BOX 244
 PARK CITY, UTAH 84060



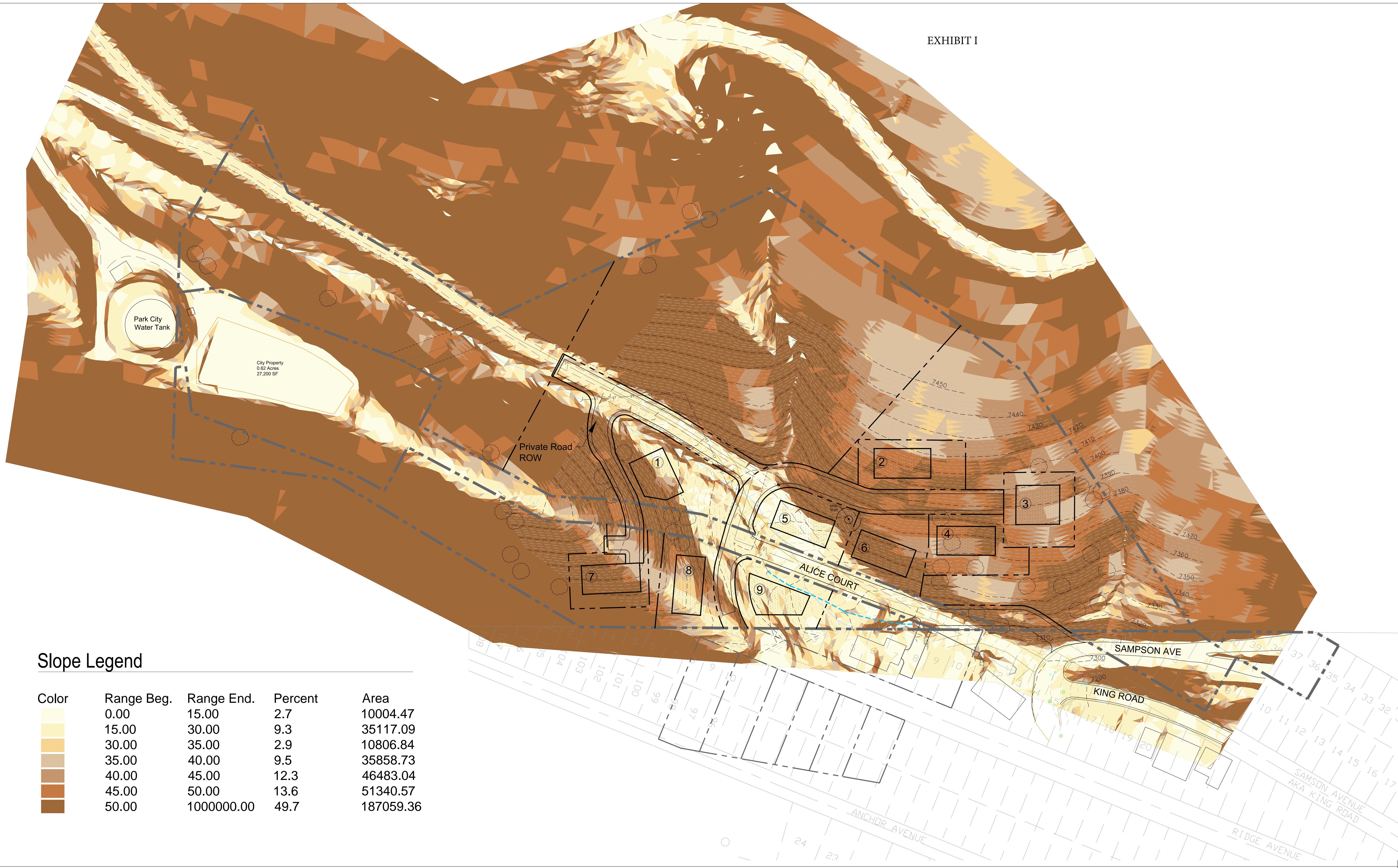
NORTH



SCALE: 1"=50'-0"

DATE: JAN 23 2014





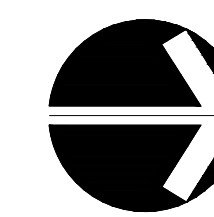
Slope Legend

Color	Range Beg.	Range End.	Percent	Area
	0.00	15.00	2.7	10004.47
	15.00	30.00	9.3	35117.09
	30.00	35.00	2.9	10806.84
	35.00	40.00	9.5	35858.73
	40.00	45.00	12.3	46483.04
	45.00	50.00	13.6	51340.57
	50.00	1000000.00	49.7	187059.36

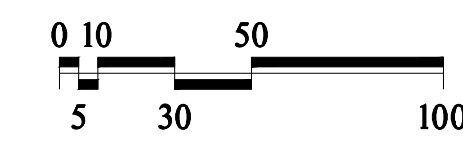
ALICE CLAIM

SLOPE ANALYSIS

KING DEVELOPMENT GROUP LLC.
 P.O. BOX 244
 PARK CITY, UTAH 84060



NORTH



SCALE: 1"=50'-0"

DATE: JAN 23 2014



EXHIBIT J



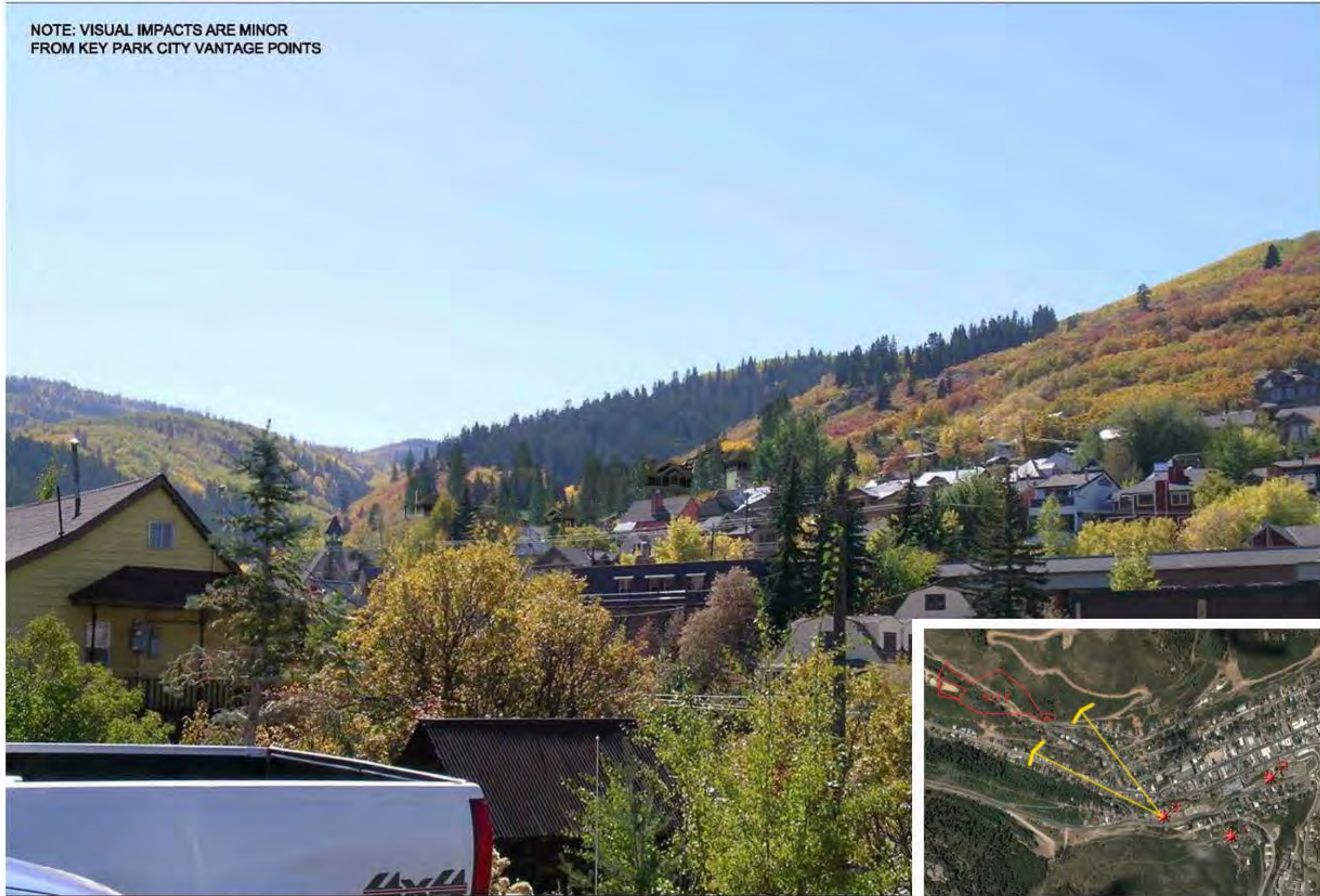
NOTE: VISUAL IMPACTS ARE MINOR
FROM KEY PARK CITY VANTAGE POINTS



1. View from Cross Valley High Point

View Location Map

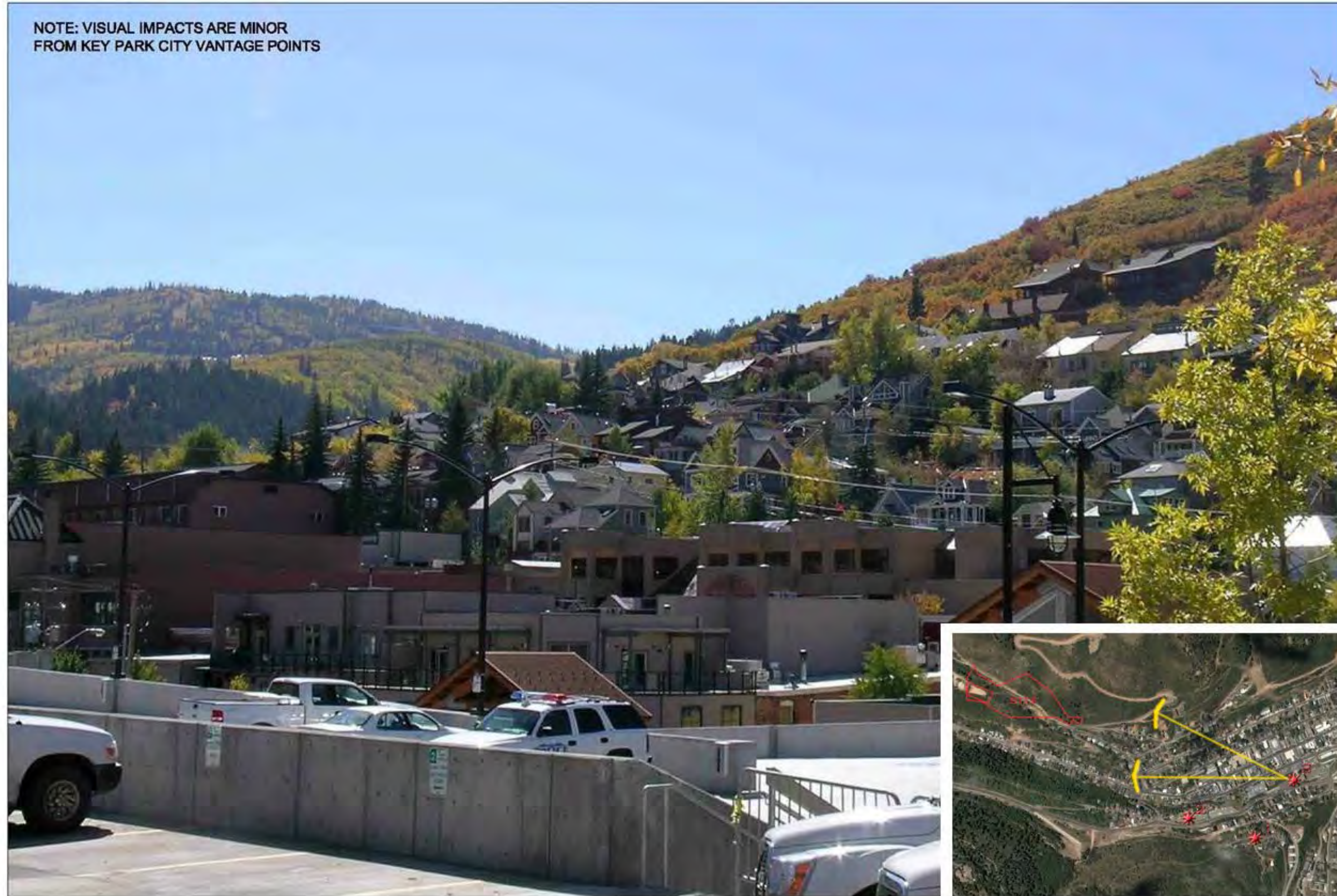
NOTE: VISUAL IMPACTS ARE MINOR
FROM KEY PARK CITY VANTAGE POINTS



2. View From South End of McHenry Ave

View Location Map

NOTE: VISUAL IMPACTS ARE MINOR
FROM KEY PARK CITY VANTAGE POINTS



3. View From Marsac Building Upper Parking Lot

View Location Map

Planning Commission Staff Report



Subject: 74 Daly Avenue
Project #: PL-15-02684
Author: Christy J. Alexander, AICP, Planner II
Date: April 8, 2015
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 74 Daly Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 74 Daly Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

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

Owner/ Applicant: Jon Devarian
Architect: Craig Kitterman
Location: 74 Daly Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential single family homes, duplexes, and condos
Reason for Review: Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit for a 2,304 square feet new single family home (including the garage) on a 2,200.8 square foot vacant lot located at 74 Daly Avenue. The total floor area exceeds 1,000 square feet and the construction is proposed on a slope of greater than 30%.

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 February 5, 2015, the City received an application for a Steep Slope Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 74 Daly Avenue. The property is located in the Historic Residential (HR-1) District. The application was deemed complete on March 3, 2015. This application is a request for a Steep Slope Conditional Use Permit for construction of a new single family home which is proposed to be 2,304 square feet total (including the garage) on an amended "Old Town" lot containing 2,200.8 square feet. The property is described as Lot A of the 74 & 80 Daly Avenue Subdivision, a combination of 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. Because the total proposed structure is greater than 1,000 square feet, and the slope within the rear 30' of the lot is greater than thirty percent (30%), the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to LMC § 15-2.2-6 and prior to issuance of a building permit.

A separate Historic District Design Review (HDDR) application required for the proposed single family house was submitted on February 5, 2015. This application is being reviewed concurrently for compliance with the Design Guidelines for Historic Districts and Historic Sites that were adopted in 2009. Issuance of a building permit for the proposed home is dependent on approval of the Historic District Design Review.

On August 1, 2014, the applicant submitted an application for a plat amendment to subdivide the property into two (2) lots in order to construct two new single family homes. The Planning Commission heard this item at the February 11, 2015 meeting. The Commission voted 5-1 to forward a positive recommendation. Commissioner Strachan voted against it and could not support having vacated Anchor be part of the lot size in the footprint calculation.

After doing more research staff found only one instance in the past 20 years where Council restricted the footprint by excluding the portion of vacated Anchor Avenue. There were several other instances where plat amendments were approved without such restrictions. Other homes along the street are built upon the portion of vacated Anchor Avenue. No restrictions have been put on development on this vacated Right-of-Way. The Right-of-Way was vacated more than 20 years ago and vacation of the Right-of-Way was not a request by the current owner to be reviewed during the plat amendment process.

The City Council unanimously approved the 74 & 80 Daly Avenue Subdivision plat on March 5, 2015. The plat is pending recordation but will need to be recorded prior to March 5, 2016 and prior to building permit approval. The City Council did not vote to restrict the building footprint size or gross floor area or to restrict using the vacated

portion of Anchor Avenue in the footprint calculation. See Exhibit I for March 5, 2015 City Council Minutes.

At the February 11, 2015, meeting, a majority of the Commissioners stated it would be more appropriate for the Planning Commission to look at house size and neighborhood compatibility during the Steep Slope CUP process. Commissioner Joyce requested to see a compatibility analysis when the item came back for a Steep Slope CUP. The meeting minutes have been attached as Exhibit E. See also Exhibits F, G, and H for massing comparison analysis.

Analysis

The lot has an average slope, across the entire depth, of thirty-five percent (35%). The lot is described as Lot A of the 74 & 80 Daly Avenue Subdivision, a combination of 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, both previously being vacant. This property already has access to utility services for water, sewer, etc. off of Daly Avenue.

The proposed home contains a total of 2,304 square feet, including the garage. The proposed building footprint totals 930.9 square feet. The 2,200.8 square foot lot allows a building footprint of 972.4 square feet. The house complies with all setbacks, building footprint, and building height requirements of the HR-1 zone. The third story includes horizontal stepping of 10' which is exactly the required ten feet (10') of stepping. See below for description of each floor:

Floor	Proposed Sq. Ft. for Home
Main	855 square feet including garage
Upper	931 square feet
Attic	518 square feet
Overall area	2,304 square feet including garage

Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed for New Home
Lot Size	Minimum of 1,875 square feet	2,200.8 square feet, <u>complies.</u>
Building Footprint	972.4 square feet (based on lot area) <u>maximum</u>	930.9 square feet, <u>complies.</u>
Front and Rear Yard	10 feet minimum (decks, porches and bay windows may extend up to 3' into the front setback for a max width of 10')	Front- 10.3 feet, <u>complies.</u> Rear- 10 feet, <u>complies.</u>
Side Yard	3 feet minimum for lot (6 feet total) based on lot width of 37.48'	3 feet on both sides, <u>complies.</u> no window wells- <u>complies.</u>
Height	27 feet above existing grade, <u>maximum.</u> 35 feet above existing grade is	Various heights all at or less than 27 feet - <u>complies.</u>

	permitted for a single car garage on a downhill lot.	
Total Building Height	35 feet from lowest floor plane to highest wall plate	35 feet- <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	(4 feet) or less- <u>complies.</u>
Vertical articulation	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.	Attic story on north and south façades is 10' back from lower levels, this stepping occurs at the 23' height – <u>complies.</u>
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs - <u>complies.</u>
Parking	Two (2) off-street parking spaces required	One (1) space within the proposed single car garage and one uncovered space (18' in length) on the proposed driveway, within the lot area, compliant with required dimensions (12' maximum width)- <u>complies.</u>

The current design complies with the 35 foot total height requirement from the lowest floor plane to the point of the highest wall top plate. The current design will require a slight modification to the windows in scale and type for HDDR approval. The applicant shall provide a redesign when they revise their required HDDR application.

Staff looked at the compatibility of this proposed home compared to other homes along Daly Avenue in general and more specifically Lower Daly Avenue. Exhibit F shows the mean footprint calculation of Daly Avenue, which is what the Commission should look at and not the entire HR-1 District. The proposed home's footprint of 930.9 sf clearly falls below the mean footprint for Daly Avenue which is 1,465.44 sf. Looking at Lower Daly Avenue, the applicant has completed an analysis of the streetscape massing and livable square foot calculations for homes along the same (west) side of the street as the proposed home. The lots adjacent to this lot are significantly larger in size than the proposed lot. However, the average livable square footage of the homes listed in Exhibit

H is 2,916.6 sf and the proposed home is 2,304 sf. The homes in the nearby vicinity are much larger than those on the upper and lower ends of Daly Avenue. The only home that is significantly smaller than the proposed home and the majority of structures along Lower Daly Avenue is 84 Daly Avenue which has the ability to build an addition on their existing home larger than what is proposed in this application. Due to these calculations and streetscape views, along with the articulation of the home and compatibility with the Historic District Design Guidelines, staff finds that the design as proposed is compatible with the neighborhood and complies with the Steep Slope Conditional Use criteria as outlined below.

Steep Slope Review Criteria

LMC § 15-2.2-6 provides for development on steep sloping lots (30% or greater) if the structure contains more than one thousand square feet (1,000 sq. ft.) of floor area, including the garage, within the HR-1 District, subject to the following criteria:

Criteria 1: Location of Development.

Development of the home is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The proposed single family house is located on an approved platted lot, (which was approved on March 5, 2015 and is unrecorded but will need to be recorded before March 5, 2016 and building permit approval), in a manner that reduces the visual and environmental impacts of the Structure. The main level is set at grade of the street to minimize visual impacts on the Streetscape (Exhibit B). The foundation is stepped with the grade and the amount of excavation for the home is minimized due to the existing topography. There is no major vegetation present on the vacant lot except for aspens which will be replaced in kind with the new landscape plan. The proposed 930.9 square feet footprint of the home is less than that allowed for the lot area. The front and rear setbacks are increased for portions of the structure.

Criteria 2: Visual Analysis.

The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant submitted a visual analysis, cross canyon view, streetscape elevations and photographs showing a contextual analysis of the proposed house related to visual impacts (Exhibit B). The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view. The cross canyon view contains a back drop of one (1), two (2) and three (3) story single-family and duplex homes and large condominium buildings.

This site contains a combination of portions of two "old town" lots and portions of vacated Anchor Avenue with many similar lots and structures in the immediate neighborhood. The lot is currently vacant.

The visual analysis and streetscape demonstrate that the proposed design of the home is visually compatible with the neighborhood, compatible in scale and mass with surrounding structures, and visual impacts are mitigated. Potential impacts of the design are mitigated by architectural stepping and a stepped foundation, minimized excavation and greater horizontal step in the roofline. Additionally, the garage door is located approximately 18 feet back from the edge of Daly Avenue.

Criteria 3: Access.

Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible. **No unmitigated impacts.**

The proposed design uses access off of Daly Avenue. Side access is not feasible due to the width of the lot. The proposed driveway has an overall slope of 0.06% as measured from the front of the garage to the edge of the paved street. This slope is minimal and compatible with the neighborhood and accomplishes the required minimum 7:12 roof pitch for the main roof element while maintaining required building height restrictions. The proposed driveway was designed to minimize Grading of the natural topography and to reduce overall Building scale.

Criteria 4: Terracing.

The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

The lot has a gentle grade at the front becoming relatively steeper at the rear. Overall, the slope is 35%. There is one proposed retaining wall of 4' in height at the rear south side of the lot. The lots to the north of the subject lot has an existing duplex home and the lot to the south is currently vacant but has a concurrent proposed single family home to be built by the same owner.

Criteria 5: Building Location.

Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.**

The new home's 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. The site design and building footprint provide a front setback area (18') in front of the garage and (10.3') to the entry. Side setbacks and building footprints are maintained consistent with the pattern of development and separation of structures in the neighborhood. The driveway width is 12 feet. The garage door is setback 18' from the edge of the street and at least 19.5' from the property line. The front yard area adjacent to the driveway is proposed to be landscaped with drought tolerant plants and trees.

Criteria 6: Building Form and Scale.

Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

The new home steps with the grade and is broken into a series of smaller components that are compatible with the District. The stepping of the home creates the interior story levels and allows the lower level to meet existing grade. The garage is subordinate in design in that it is setback more from the street than the home and the width is minimized.

Criteria 7: Setbacks.

The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts.**

Front setbacks were already increased as the garage portion of the house is currently setback 18 feet from the property line and edge of the street and nearly 19.5 feet from the property line, to accommodate the code required parking space entirely on the lot. No wall effect is created with the proposed design of the home. Side setbacks are consistent with the pattern of development and separation in the neighborhood. The articulation in the front and rear facades reduce the overall mass of the structure and does not create a wall effect along the street front or rear lot line. Rear elevation is articulated with an increased horizontal step.

Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

The proposed house is both articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The proposed home's footprint of 930.9 sf is smaller than the maximum allowed and falls below the mean footprint for Daly Avenue which is 1,465.44 sf. Per the analysis of the streetscape massing and livable square foot calculations for homes along the same (west) side of the street as the proposed home, the proposed volume and massing is compatible with single family dwellings in the area. The lots adjacent to this lot are significantly larger in size than the proposed lot. The average livable square footage of homes in the area, as listed in Exhibit H, is 2,916.6 sf and the proposed home is 2,304

sf. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. Portions of the house are less than 27' in height. The tallest portion of the house (27') is midway back from the front and the roof height at this location is not visually apparent from the front, back, or sides of the house. The differences in scale between the proposed Structure and existing Structures are mitigated. The design complies with the 27 foot height allowance measured from existing grade.

Staff finds that the design allows additional design aesthetics, provides compatibility of design at the street level, meets the overall building Height requirement, and reduces the mass at the rear of the structure.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Approval of the Historic District Design Review application is noticed separately and is a condition of building permit issuance. Recordation of the Plat within one year of City Council approval is also a condition of building permit issuance.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that have been addressed by revisions and/or conditions of approval.

Notice

On March 25, 2015, the property was posted and notice was mailed to property owners within 300 feet. On March 21, 2015, legal notice was published in the Park Record in accordance with requirements of the LMC.

Public Input

No public input was received on this Steep Slope CUP application.

Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 74 Daly Avenue as conditioned, or
- The Planning Commission may deny the Steep Slope CUP Permit for 74 Daly Avenue and direct staff to make Findings for this decision, or

- The Planning Commission may request the applicant provide revisions or provide other specific items and continue the discussion to a date certain.

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 74 Daly Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 74 Daly Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The property is located at 74 Daly Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot A of the 74 & 80 Daly Avenue Subdivision. The lot area is 2,200.8 square feet.
4. A Historic District Design Review (HDDR) application is required and will be reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. This lot is a combination of a portion of Lot 9, a portion of Lot 10, and a portion of the vacated Anchor Avenue located in Block 74 of the Park City Survey which was previously vacant. This is an uphill lot.
6. Access to the property is from Daly Avenue, a public street.
7. 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, within the lot area.
8. The neighborhood is characterized by primarily non-historic and historic residential structures, single family homes, duplexes and condos.
9. The proposal consists of a total of 2,304 square feet, including the garage.
10. The proposed driveway was designed with a maximum width of twelve feet and is approximately 18 feet in length from the garage to the existing edge of street with a minimum of 18 feet of driveway located on the property. The garage door complies with the maximum height and width of nine feet by nine feet.
11. The proposed driveway has an overall slope of 0.06% as measured from the front of the garage to the edge of the paved street.
12. An overall combined building footprint of 930.9 square feet is proposed. The maximum allowed footprint for this lot is 972.4 square feet.
13. The proposed structure complies with all setbacks.
14. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.

15. The proposed home complies with the LMC required total building height of 35' from the lowest floor plane to the highest wall plate and is in compliance with the LMC required step back of 10' at the building height of 23' at the rear façade.
16. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this home on the cross canyon views and the Daly Avenue streetscape.
17. Retaining is only necessary at the rear of the lot as shown on the left (south) elevation in between 74 & 80 Daly. This retaining wall is proposed at 4' in height which complies with the LMC. There are no window wells.
18. 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.
19. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% or greater slope areas.
20. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.
21. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.
22. The proposed 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 foundation, roofing, materials, window and door openings, and single car garages.
23. No lighting has been proposed at this time. Lighting will be reviewed at the time of Building Permit application for compliance with the LMC lighting code standards.
24. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.
25. The findings in the Analysis section of this report are incorporated herein.
26. The applicant stipulates to the conditions of approval.

Conclusions of Law:

1. The Steep Slope CUP application is consistent with the Park City General Plan.
2. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.
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:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

3. A final utility plan, including a drainage plan, for utility installation, public improvements, and 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 for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.
7. No building permit shall be issued until the 74 & 80 Daly Avenue Subdivision is recorded.
8. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. This approval will expire on April 8, 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 the request is granted by the Planning Director.
10. Modified 13-D residential fire sprinklers are required for all new structures on the lot.
11. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.
12. Construction waste should be diverted from the landfill and recycled when possible.
13. 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

Exhibits

Exhibit A – Plans (existing conditions, site plan, landscape plan, elevations, floor plans (date stamped February 5, 2015)

Exhibit B – Visual Analysis and Streetscape

Exhibit C – Photographs and Vicinity Map

Exhibit D – Recorder's plat (to be recorded at the County) and Aerial

Exhibit E – Planning Commission meeting minutes February 11, 2015

Exhibit F – Daly Avenue mean footprint calculation

Exhibit G – Lower Daly Avenue Streetscape Massing Analysis

Exhibit H – Lower Daly Avenue Living Square Feet Analysis

Exhibit I – City Council meeting minutes March 5, 2015

EXHIBIT A

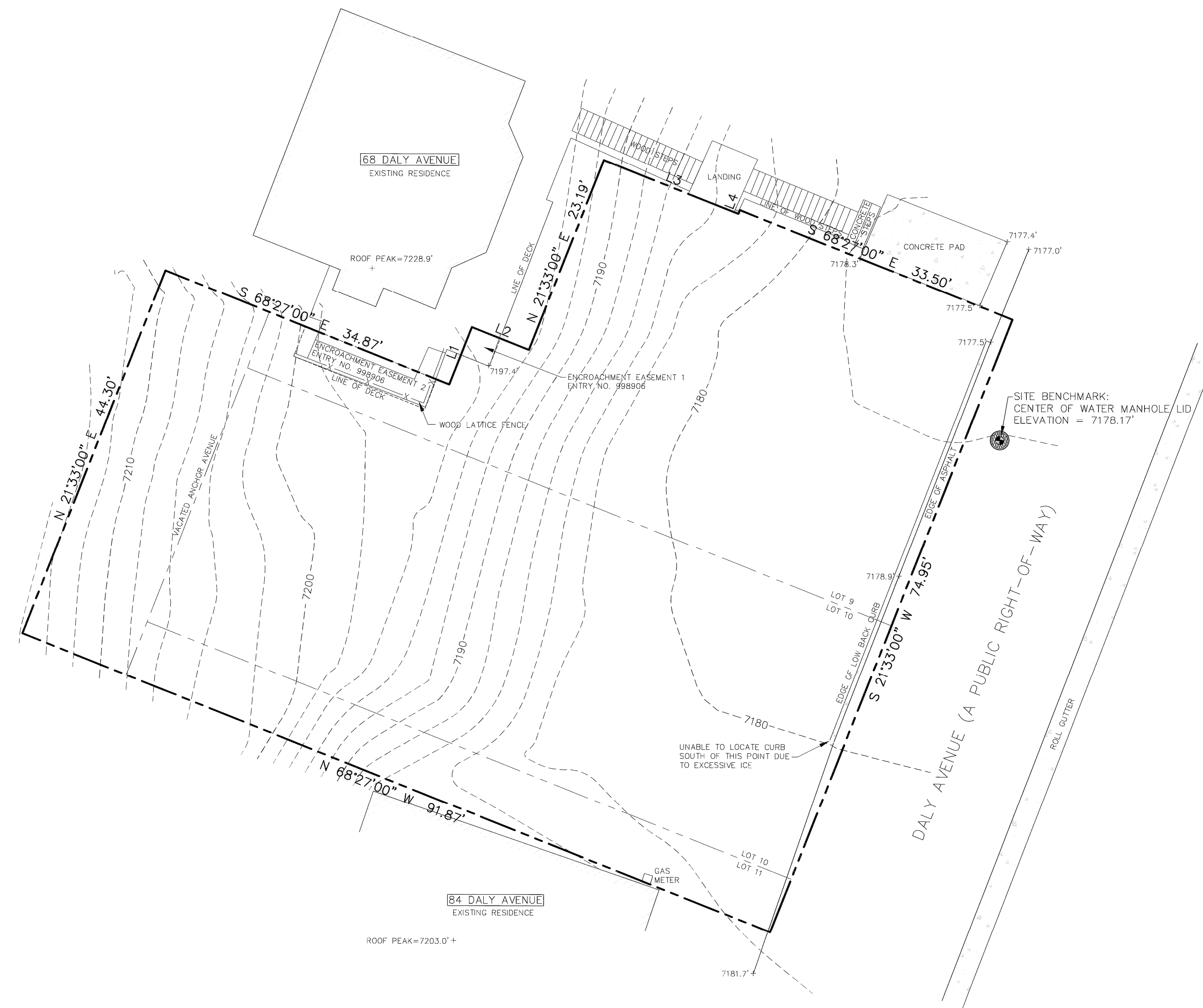


SURVEYOR'S CERTIFICATE

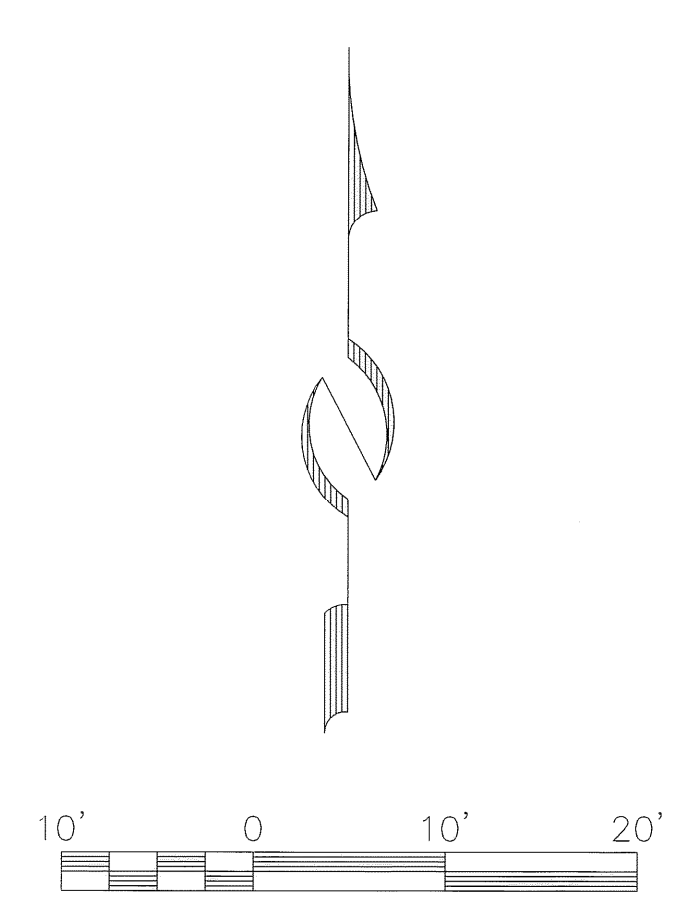
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify 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

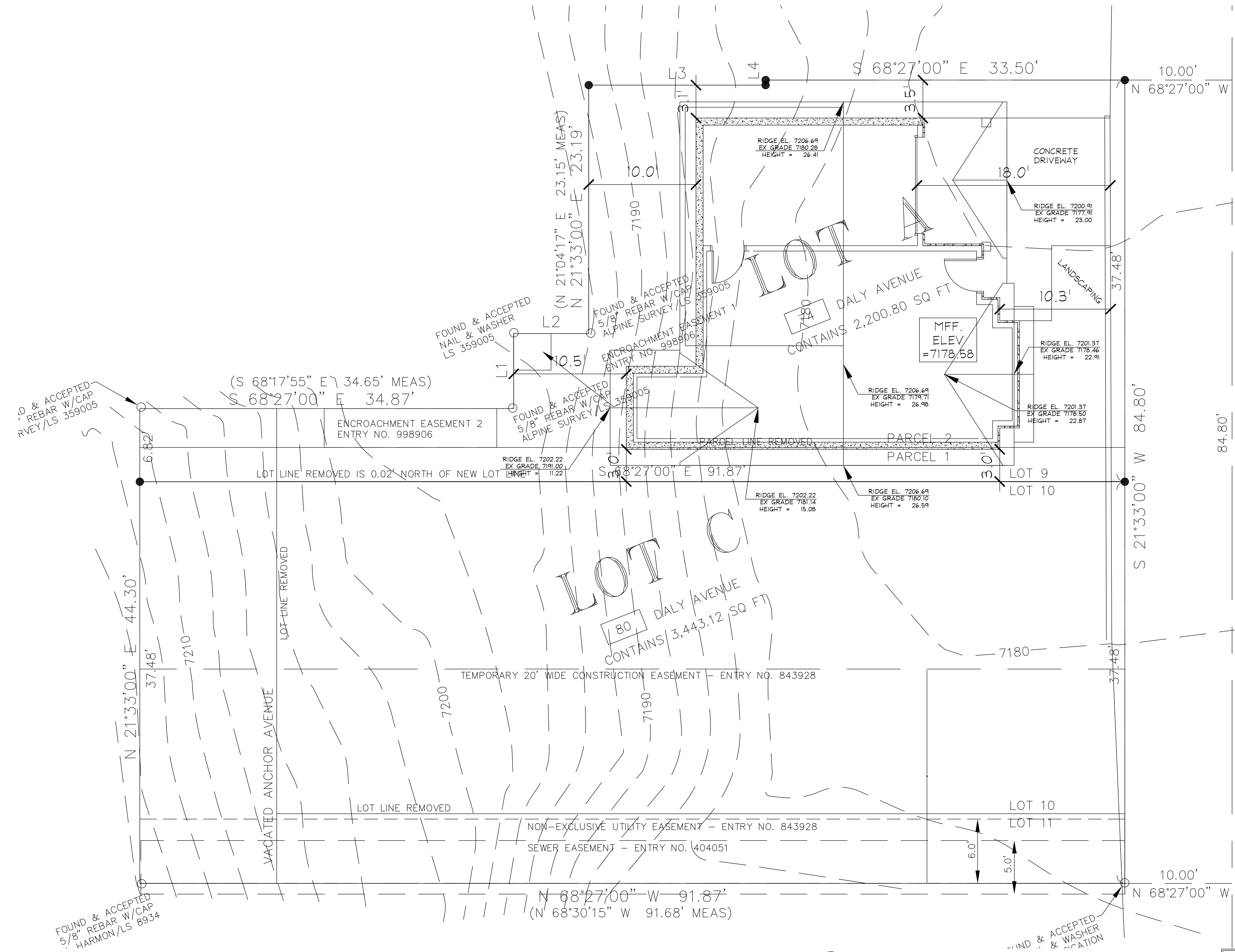
1. Site Benchmark: Center of water manhole lid
Elevation=7178.17
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on field surveys performed on October 2, 2006 and December 6, 2011.
4. Snow coverage at the time 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



<p>(435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</p>	<p>STAFF: MARSHALL KING MARTY MORRISON HARRISON HOLLEY</p>	<p>EXISTING CONDITIONS & TOPOGRAPHIC SURVEY 80 DALY AVENUE PARK CITY SURVEY</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 7/31/14</p>	<p>FOR: JON DEVERIAN JOB NO.: 5-7-14 FILE: X:\ParkCitySurvey\dwg\srvtopo2014\050714.dwg</p>	



SITE PLAN

SCALE: 1/4" = 1'-0"



PRELIMINARY DRAWINGS ONLY
NOT RELEASED FOR CONSTRUCTION

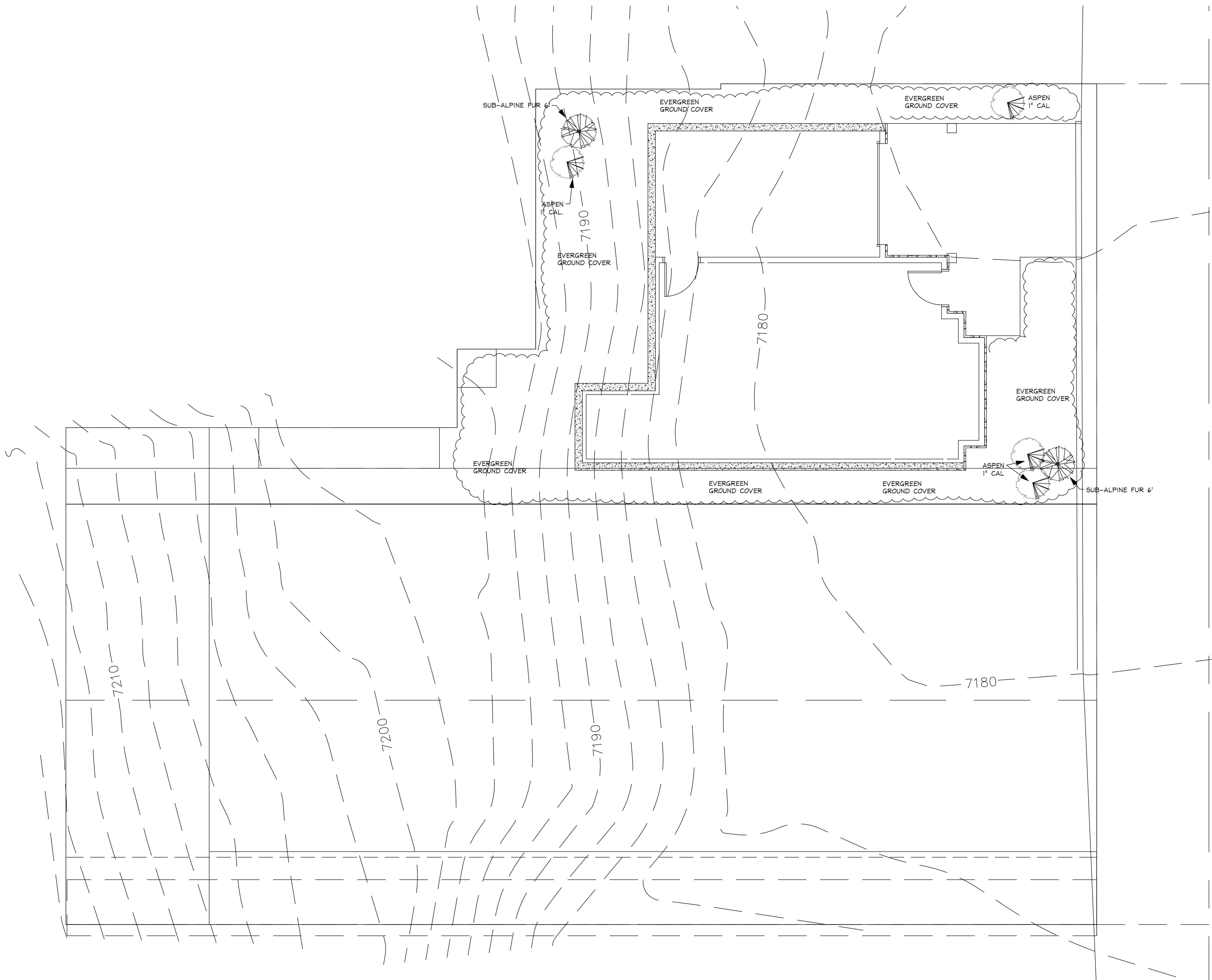
74 DALY AVENUE
PARK CITY, UTAH 84060

Craig Kitterman & Associates Architects
1079 E. Murray-Holladay Road Holladay, Utah 84117 Office 270-8606 Fax 263-3989

PROJECT # 14036-2

DATE PRINTED 02/05/2015

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LANDSCAPE PLAN

SCALE: 1/4" = 1'-0"

PRELIMINARY DRAWINGS ONLY
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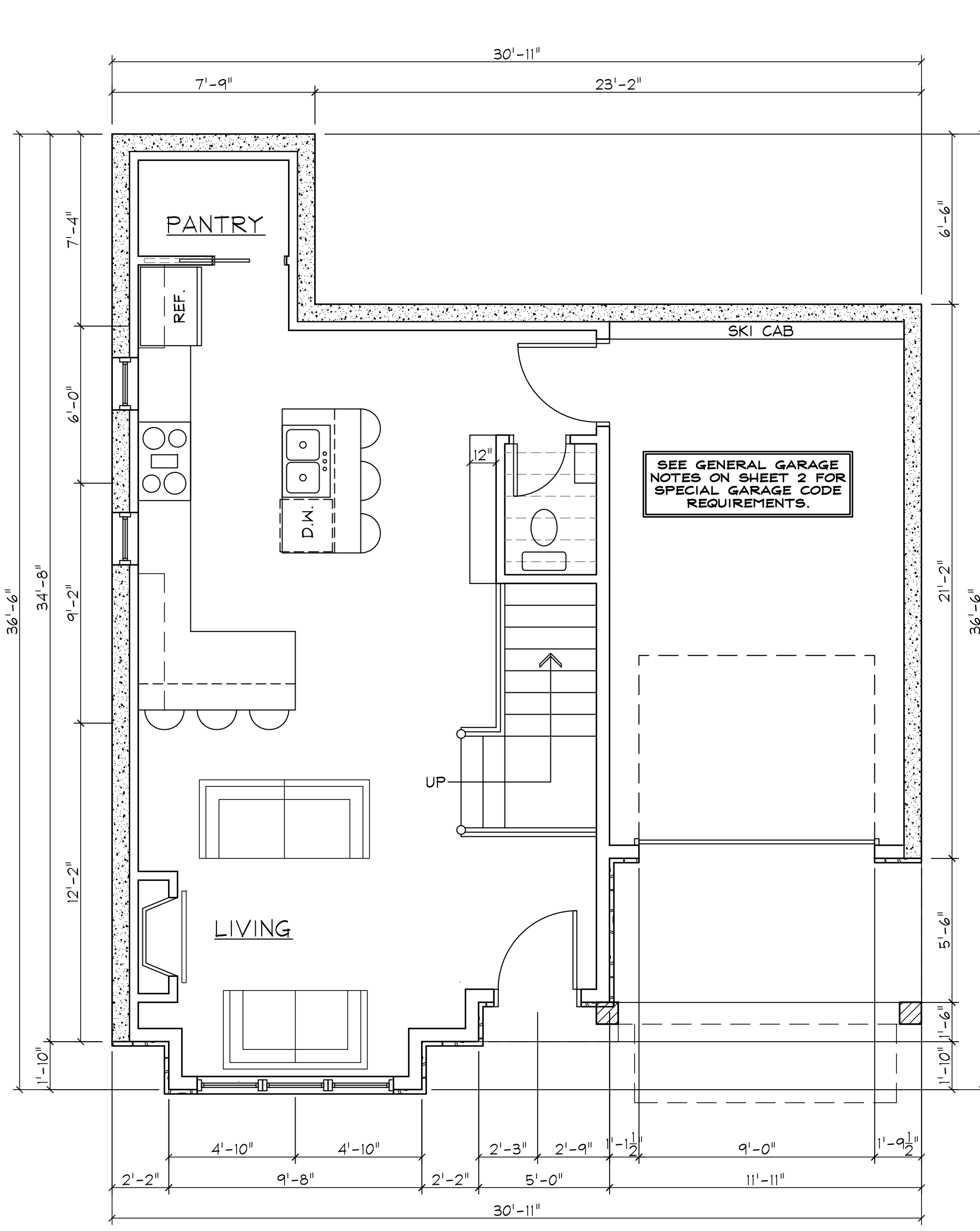
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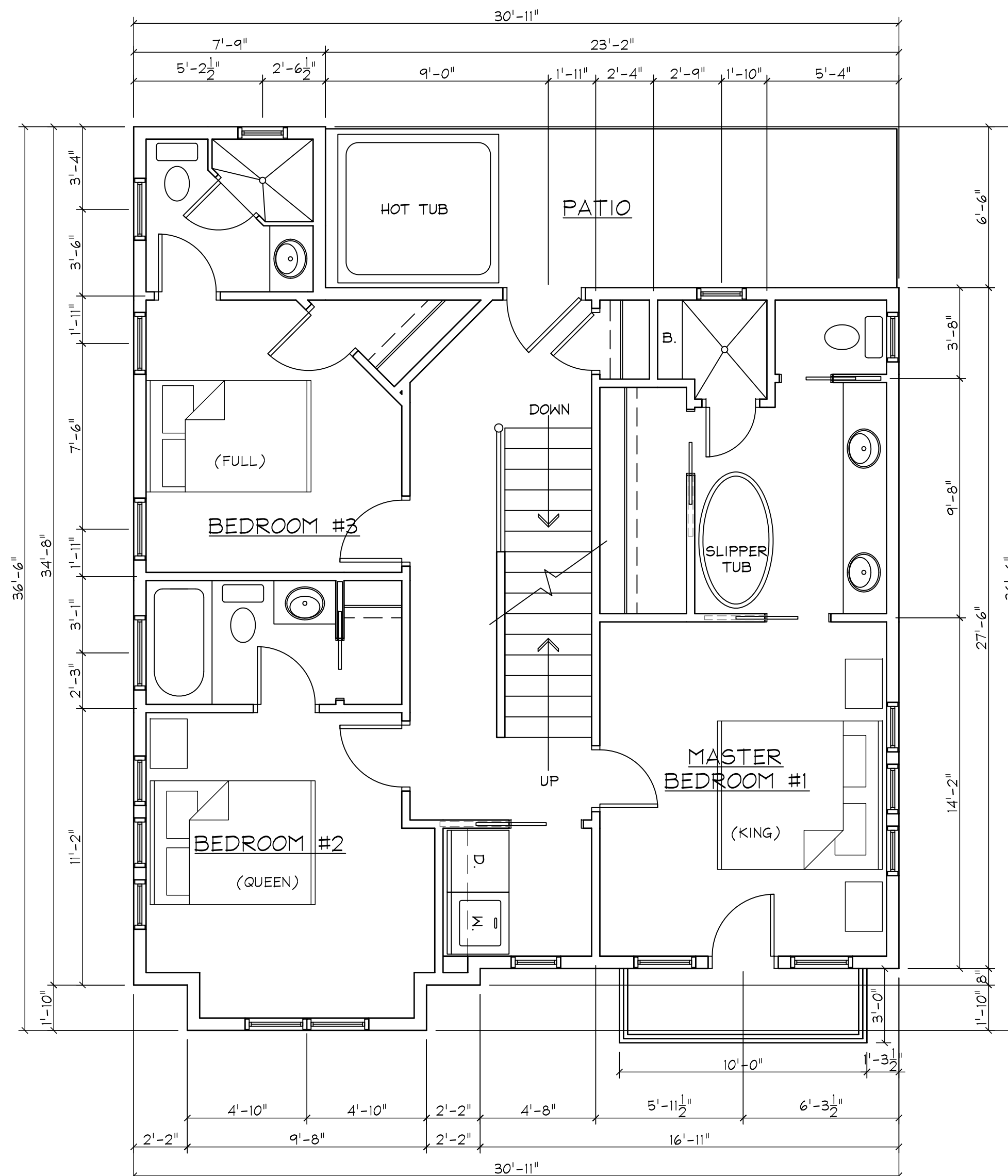
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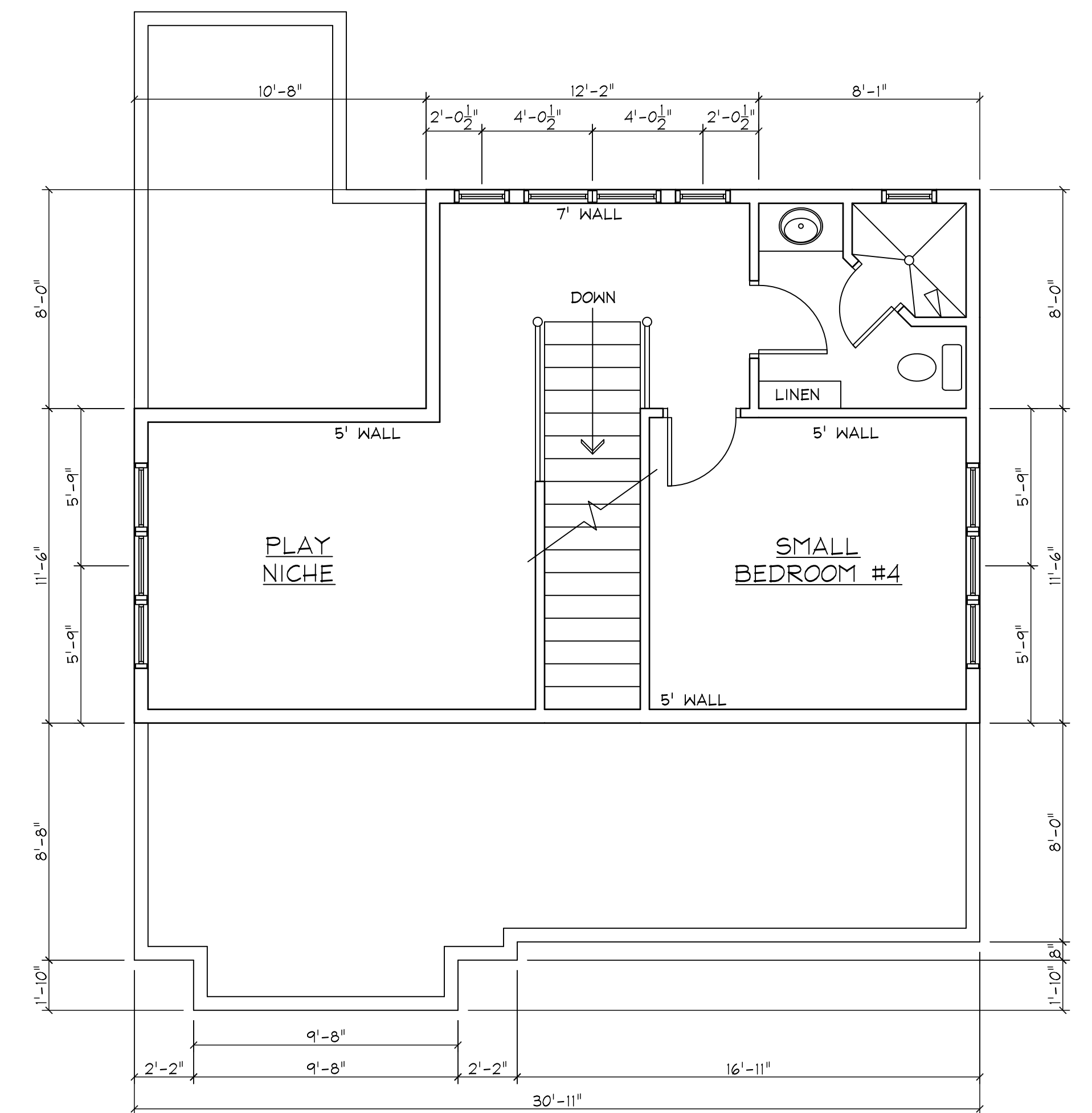
MAIN FLOOR PLAN

SCALE: 1/4"=1'-0" 601 SQ. FT.



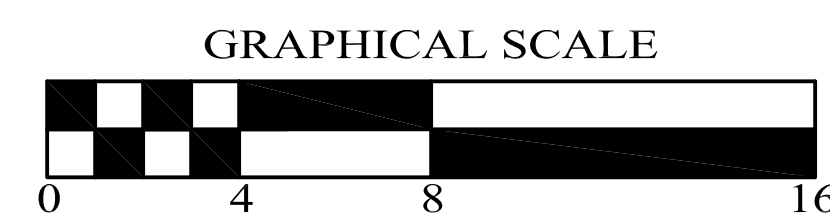
UPPER FLOOR PLAN

SCALE: 1/4"=1'-0" 931 SQ. FT.



ATTIC FLOOR PLAN

SCALE: 1/4"=1'-0" 518 SQ. FT.



SQUARE FOOTAGE	
ALLOWED FOOTPRINT	931.75 SQ. FT
ACTUAL FOOTPRINT	930.9 SQ. FT

SEE SHEET #A-2 FOR ADD. NOTES

PRELIMINARY DRAWINGS ONLY
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74 DALY AVENUE

PARK CITY, UTAH 84060

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PROJECT #
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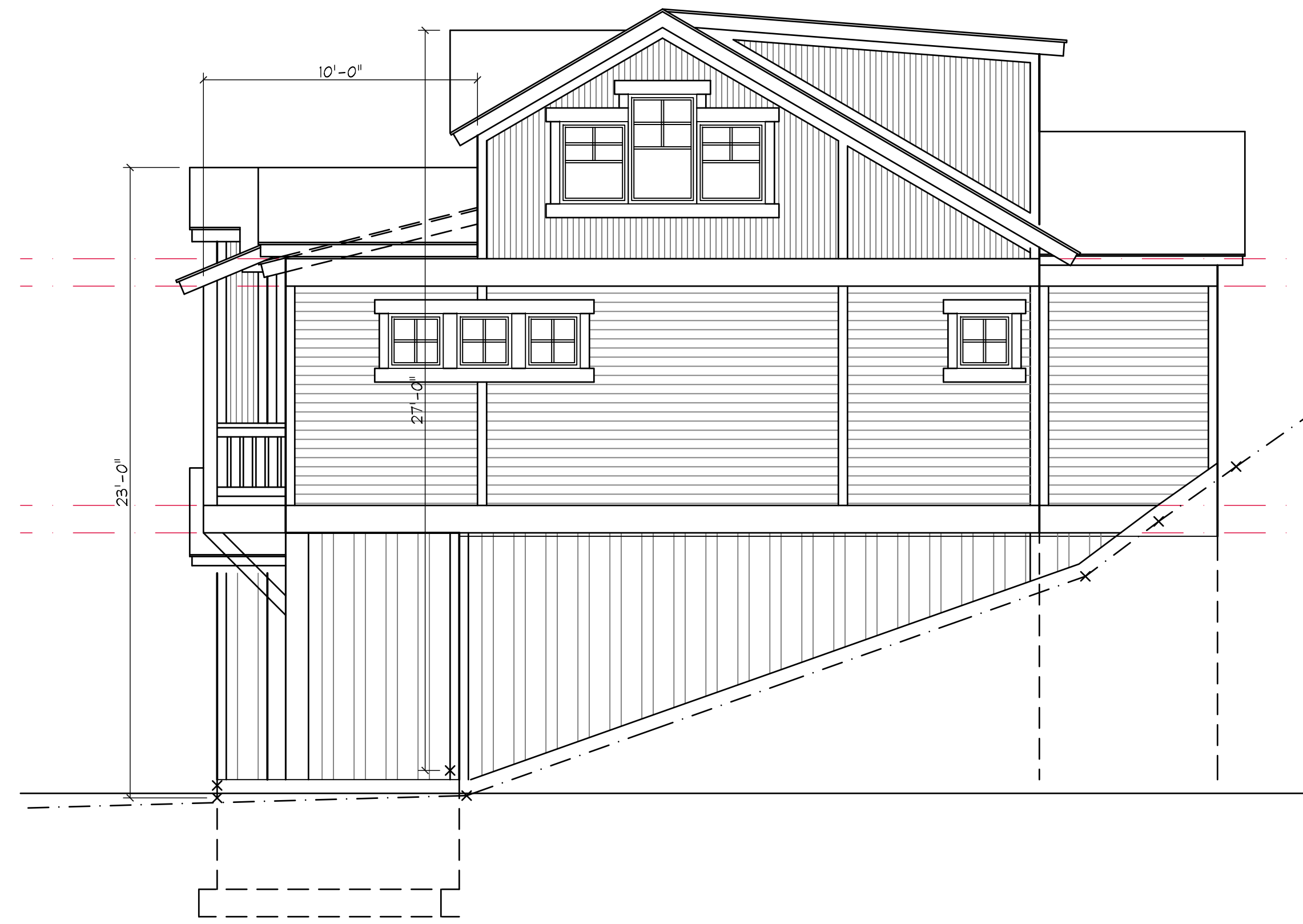
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02/05/2015

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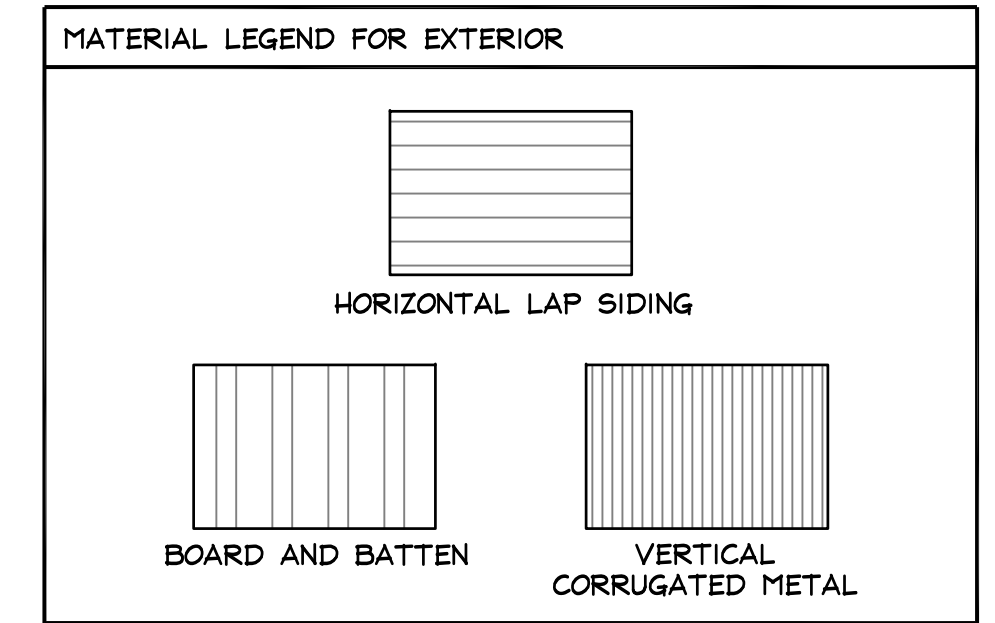
FRONT ELEVATION

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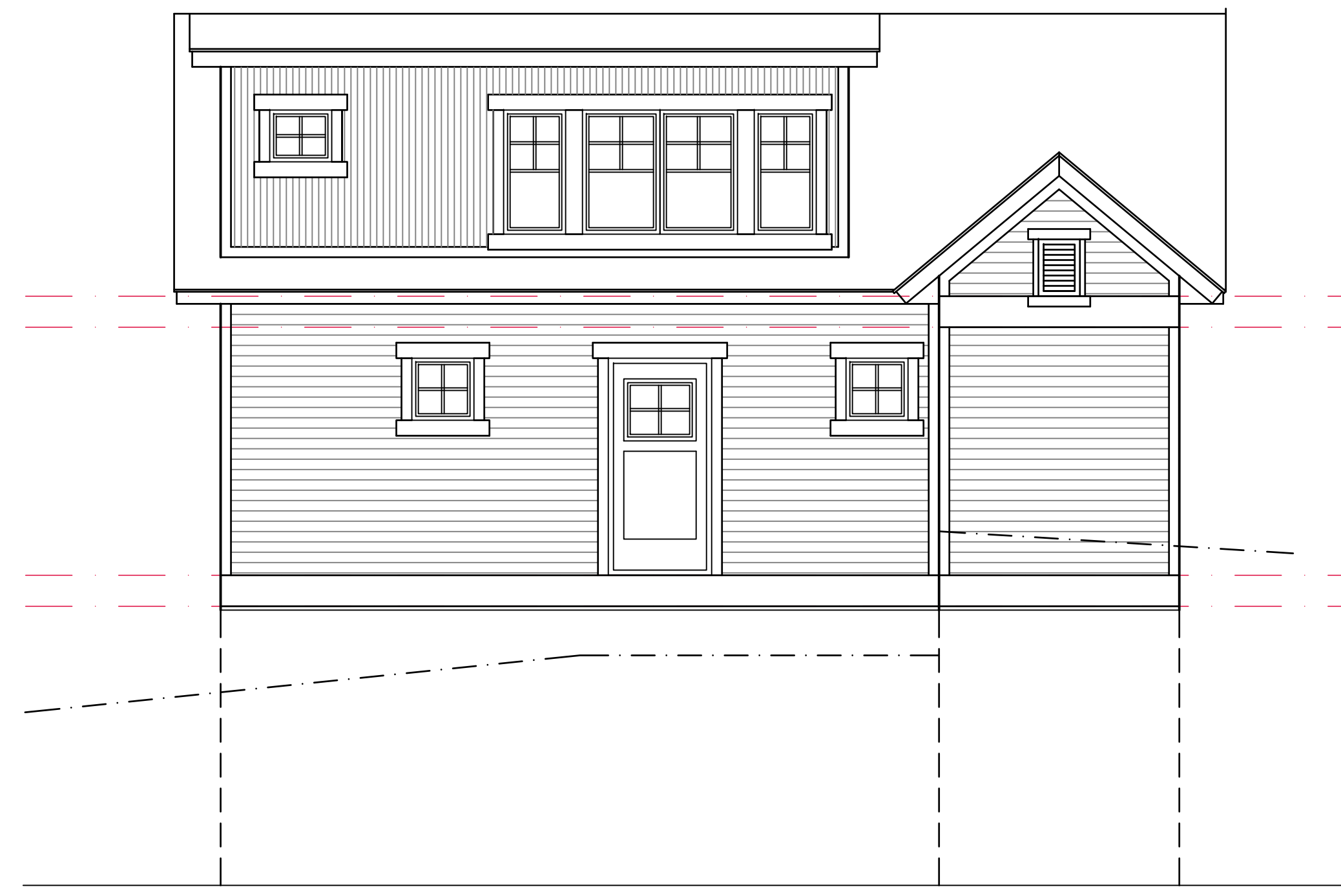
RIGHT ELEVATION

SCALE: 1/4"=1'-0"



LEFT ELEVATION

SCALE: 1/4"=1'-0"



REAR ELEVATION

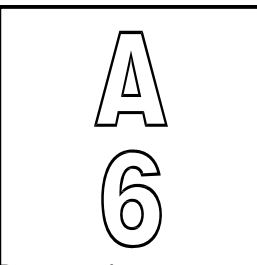
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SEE SHEET #A-2 FOR ADD. NOTES

PROJECT #
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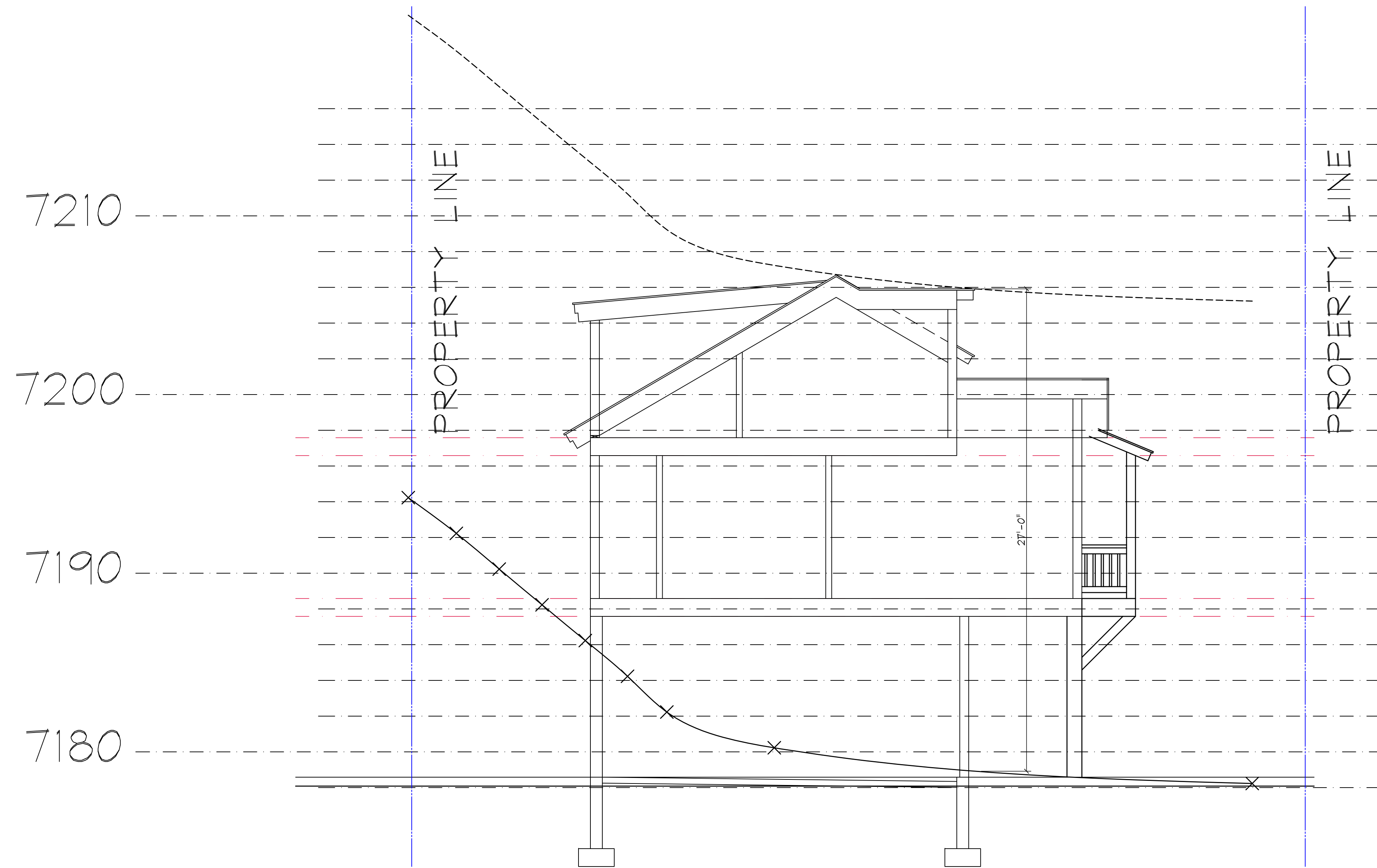
DATE PRINTED
02/05/2015

PRELIMINARY DRAWINGS ONLY
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74 DALY AVENUE
PARK CITY, UTAH 84060

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CROSS SECTION

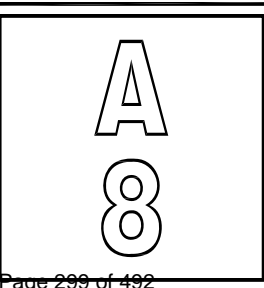
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SEE SHEET #A-2 FOR ADD. NOTES

PRELIMINARY DRAWINGS ONLY
NOT RELEASED FOR CONSTRUCTION

PROJECT #
14036-2

DATE PRINTED
02/05/2015

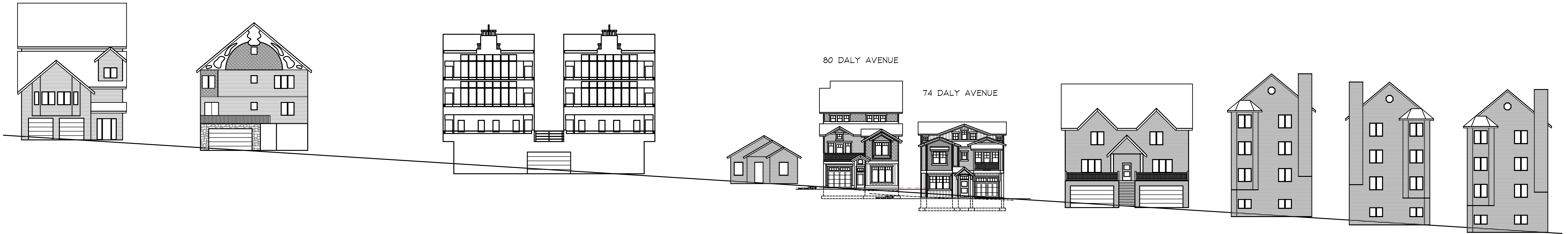


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74 DALY AVENUE
PARK CITY, UTAH 84060

EXHIBIT B





DALY AVE.
STREETSCAPE

SCALE: NTS

74 DALY AVENUE

PARK CITY, UTAH 84060

Craig Kitterman & Associates Architects

1079 E. Murray-Holladay Road Holladay, Utah 84117 Office 270-8606 Fax 263-3989

PROJECT #
14036-2

DATE PRINTED
02/05/2015

A
1.4

EXHIBIT C

Craig T. Kjtterman and Associates, Architects

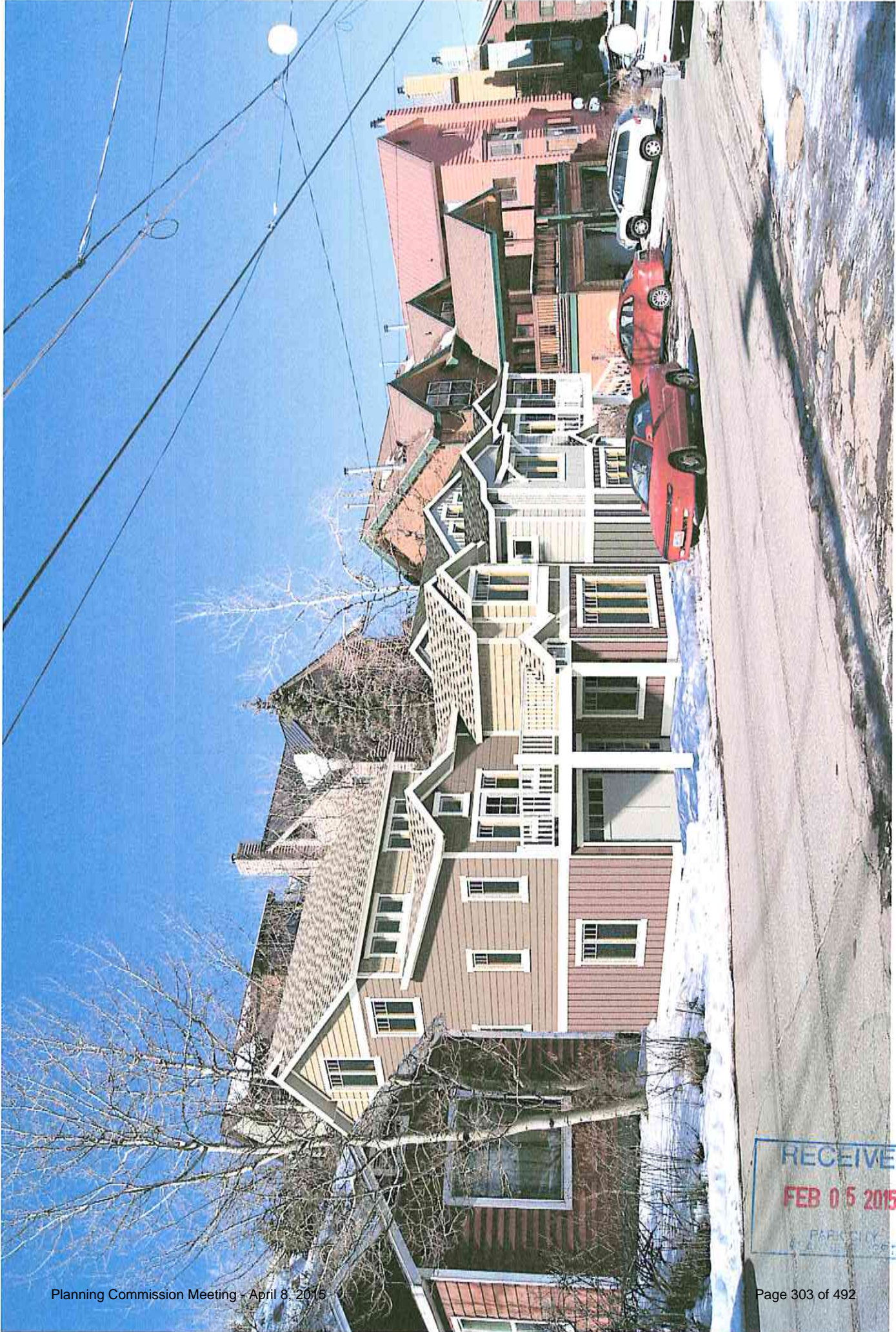
74 Daly Avenue Project Description

The project consists of a new single family home to be built on 74 Daly Avenue. Design guidelines for the structure are as follows.

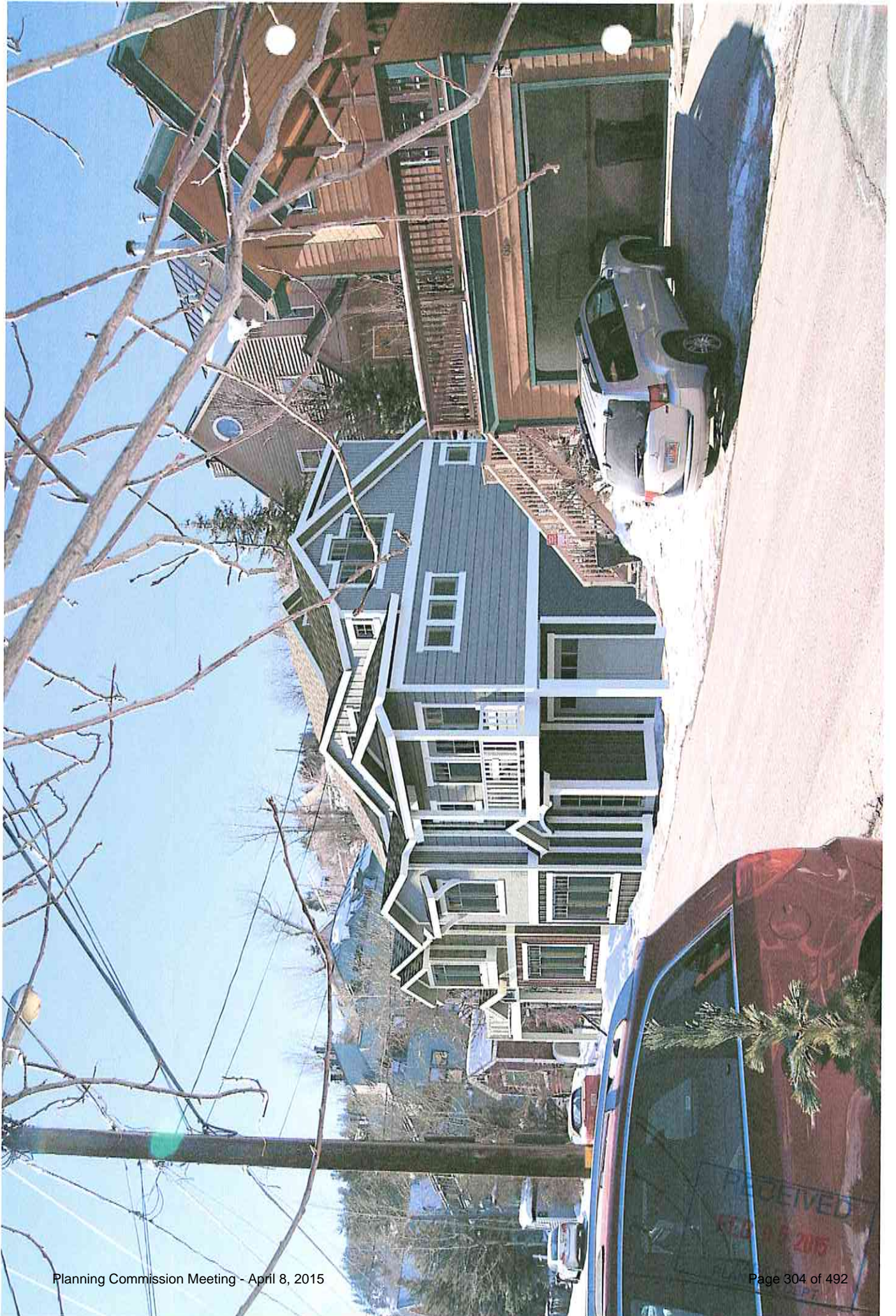
- Provides is a one car garage with one car tandem parking in driveway.
- The house is setback 10' from the back of the curb of Daly Ave, although the property line is in the street.
- The garage door is 18' from the back of curb of Daly Ave.
- The structure meets side and rear setbacks.
- The height of the structure is within the height limit of 23' on the front of the home for 10' before it rises to 27' max above grade.
- Major roof pitches are 7 in 12.
- Door and window styles meet the Historic District guidelines.
- Only 3 materials are used on the exterior of the home.
- The finish grade is only changed a max of 4' from existing.
- The max height from the lowest finished floor is 35' to tallest roof plate.



1079 E. Murray Holladay Road Holladay, Utah 84117 Phone: 270-8606

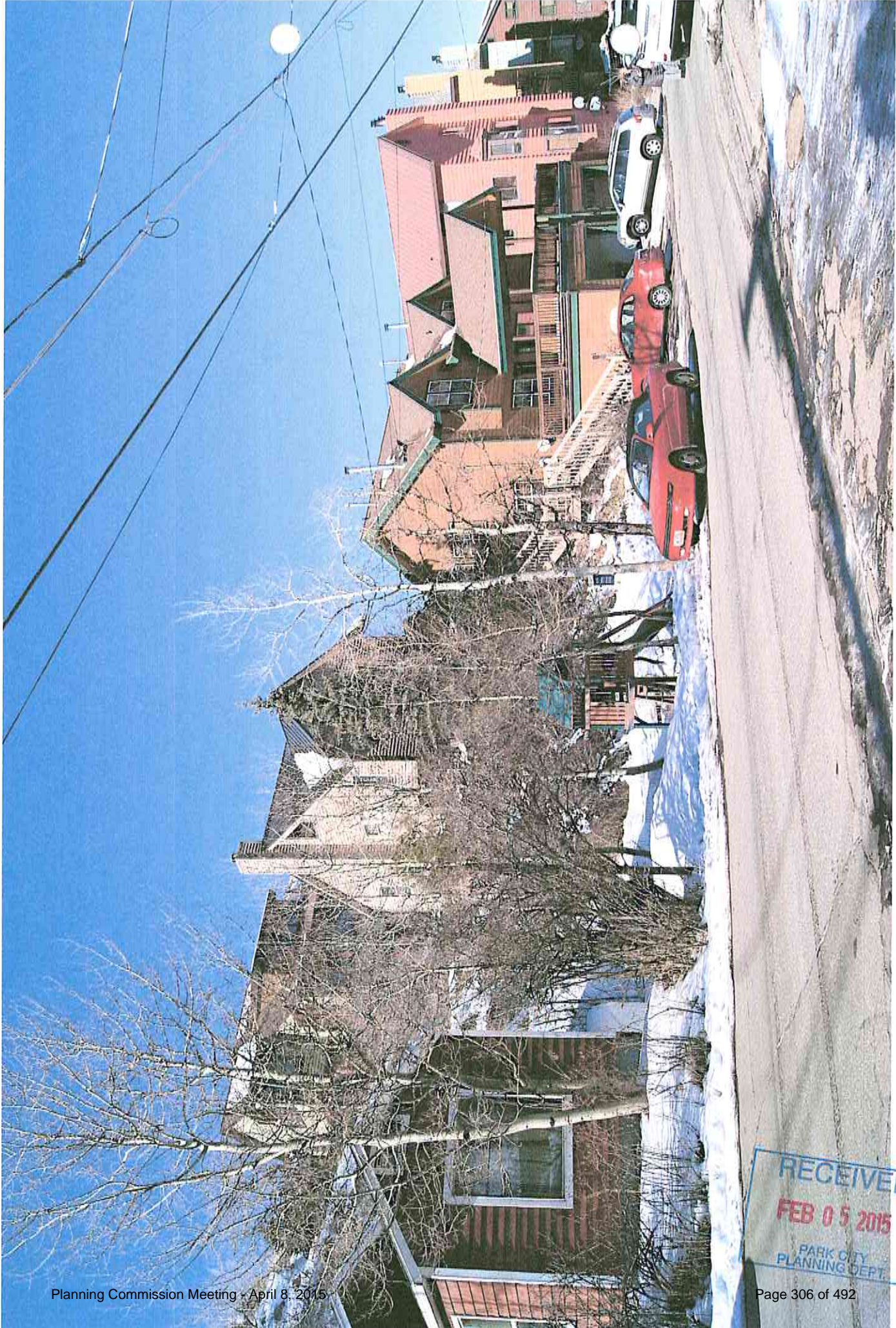


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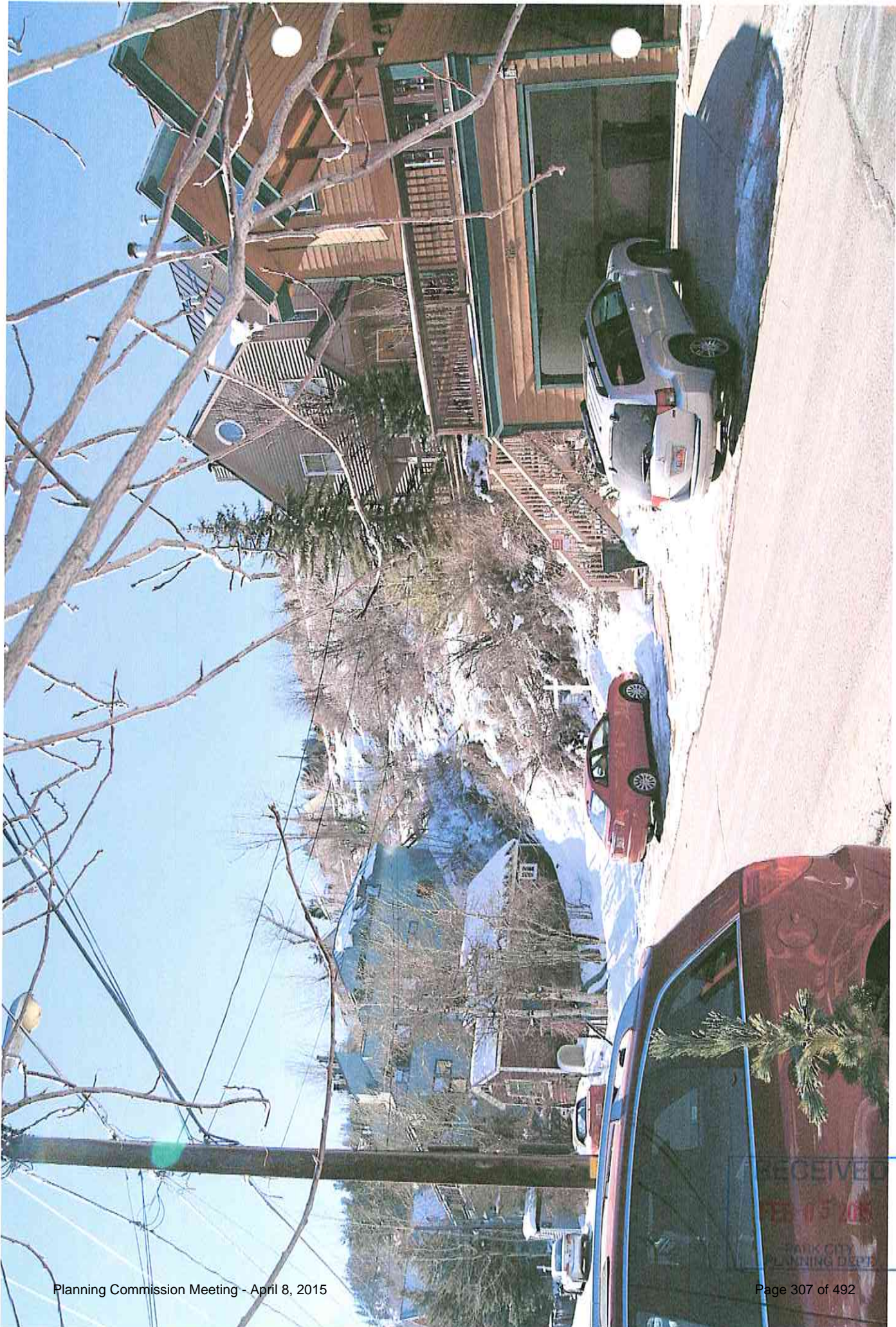


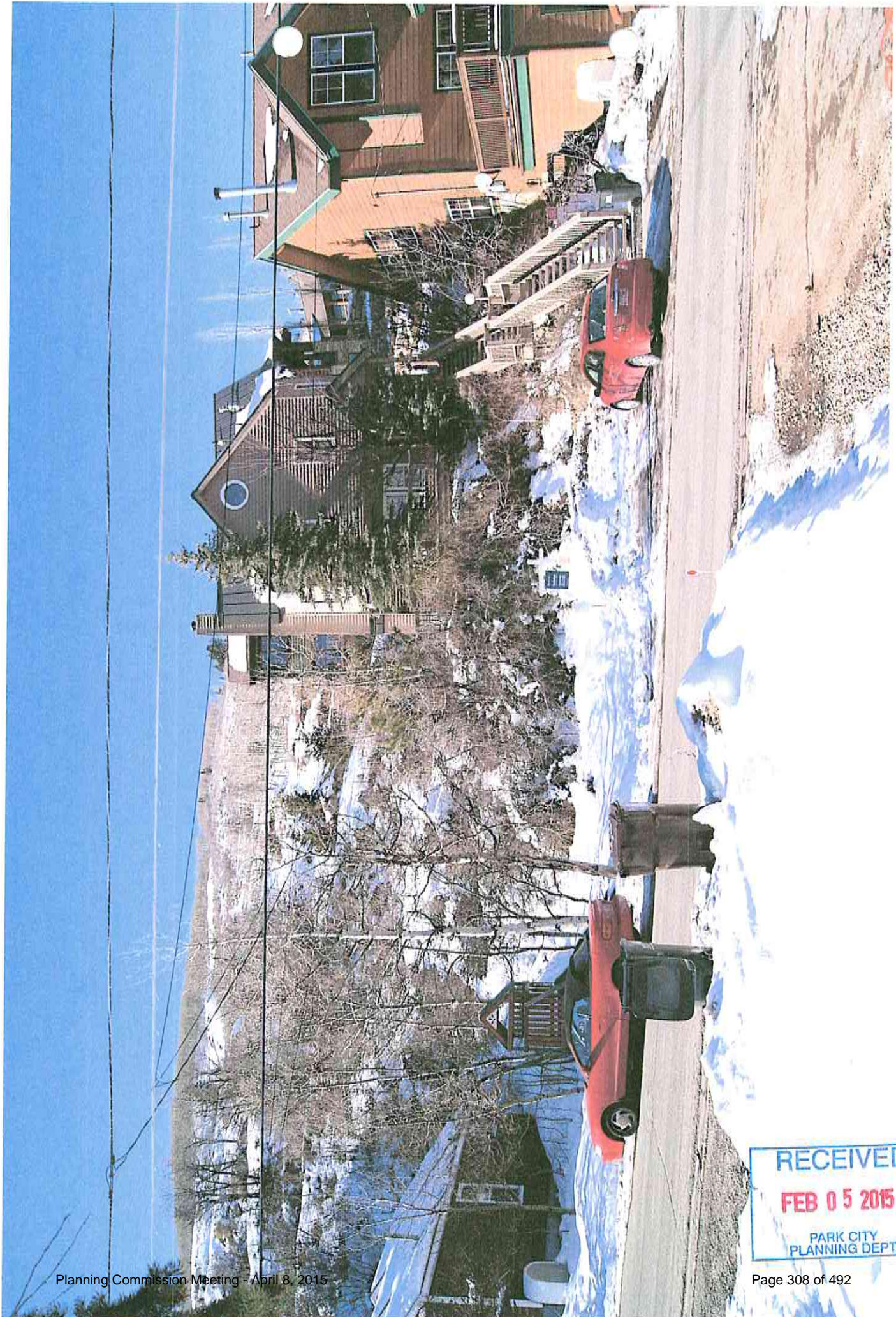


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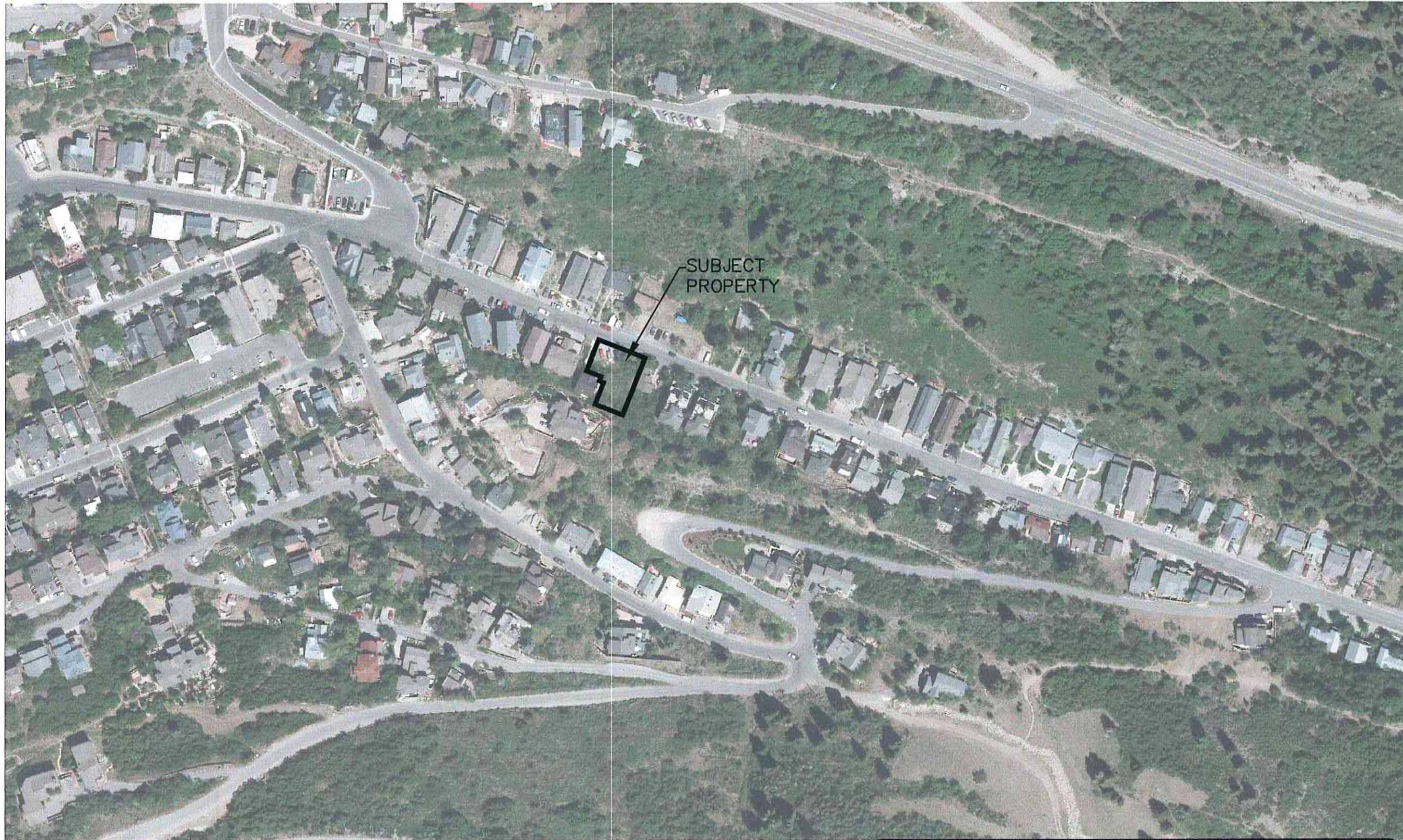


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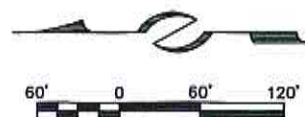




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PARK CITY
PLANNING DEPT.



SUBJECT
PROPERTY




 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84050-2664	STAFF: MARSHALL KING HARRISON HOLLEY	AERIAL PHOTOGRAPH 80 DALY AVENUE	RECEIVED AUG 01 2014 PLANNING DEPT.	SHEET 1 OF 1
	DATE: 8/1/14	FOR: JON DEVERIAN JOB NO.: 5-7-14 FILE: X:\ParkCitySurvey\dwg\Exhibits\80 daly-orlho.dwg		

EXHIBIT D



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 plat.

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 34.87 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.



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

LEGEND
 * Property corner to be set

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

ACKNOWLEDGMENT

State of _____
 County of _____

On this ____ day of _____, 2015, Jon Devarlan personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Jon Devarlan 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 _____
 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: _____

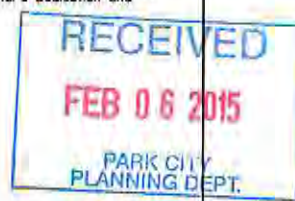
ACKNOWLEDGMENT

State of _____
 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

2/15 JOB NO.: 5-7-14 FILE: X:\ParkCitySurvey\dwg\src\pl02014\050714.dwg

 (435) 649-3467 CONSULTING ENGINEERS, LAND PLANNERS, SURVEYORS Planning Commission Meeting, April 8, 2015	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 _____ ENTRY NO. _____ DATE _____ TIME _____ FEE _____ RECORDER _____ Page 310 of 492
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EXHIBIT E

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.

5. **74 & 80 Daly Avenue – 74 & 80 Daly Avenue Subdivision – Plat Amendment.**
(Application PL-14-02449)

Planner Alexander reviewed the request for 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 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 new lots on which he plans to build new homes at 74 & 80 Daly Avenue in the 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 intends to build new single-family homes on the proposed lots. The applicant had provided preliminary home designs to the Design Review Team to discuss Historic District Guidelines and LMC requirements, but he had not yet submitted official Historic District Design Review or Steep Slope CUP applications.

A previous plat amendment application submitted by a previous owner went before the Planning Commission and City Council in 2012. At those meetings, the Planning Commission and Council had several concerns and the Planning Commission eventually forwarded a negative recommendation to the City Council. The history and outcome of the Planning Commission and City Council meetings were provided in the Staff report. Due to the concerns and issues raised by the City Council the original plat amendment application from 2012 was withdrawn. The previous applicant sold his property and no further applications were made until the current applicant/owner submitted this application on August 1, 2014.

A neighboring property at 68 Daly Avenue has an existing deck encroaching in two places over the lot lines onto the proposed Lot A. The encroachment issue was resolved through

an encroachment agreement that was recorded in July 15, 2014. Limitations regarding house size and other issues could be addressed with the Steep Slope CUP process.

The Staff conducted an analysis and found 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 all Building Codes, the Land Management Code, and applicable Historic District Design Guidelines requirements. A Steep Slope CUP would address previous concerns of structures falling down the hillside to the west of the property.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the 74 & 80 Daly Avenue Subdivision Plat Amendment based on the findings of fact, conclusions of law and conditions of approval in the draft ordinance.

Chair Worel opened the public hearing.

Carlene Riley asked questions unrelated to the plat amendment application. She stated that she would research the application and submit any comments to the Staff.

Delphine Comp asked how large a home the applicant would be allowed to build.

Planner Alexander stated that Lot A would be allowed a max of 972.4 square feet footprint going up to a 27' height and Lot B would be allowed a max of 1, 418.7 square feet footprint going up to a height of 27'.

Commissioner Phillips believed the questions being asked by the public were more appropriate for the CUP process since house size, etc. would be addressed at that time. He encouraged the public to hold those types of comments for the CUP public hearing.

Chair Worel closed the public hearing.

Planner Alexander pointed out that the applicant would like to maximize the footprint in which case the structures could be larger.

Commissioner Band was not in favor of handicapping this owner when others could have larger homes.

Planner Whetstone pointed out that basement areas are not counted towards square footage in residential areas.

Commissioner Campbell stated that it would be more appropriate for the Planning Commission to look at house size and neighborhood compatibility during the CUP process. He did not believe it was a discussion for the plat amendment.

Commissioner Strachan could not support having vacated Anchor be part of the lot size. Based on Commissioner Strachan's comment, Commissioner Joyce thought the building footprint should be changed now rather than waiting for the CUP. Planner Alexander pointed out that Anchor Avenue was already vacated to the applicant and he now owns it.

Assistant City Attorney McLean was unfamiliar with the history of the Anchor vacation. Planner Astorga stated that he was the Planner in 2012 and could provide some background. He noted that the owner did not petition to vacate Anchor Avenue. It was the City who determined that Anchor would never be used and it made sense to vacate it. Planner Astorga pointed out that doing a house size analysis at the plat amendment stage has been done in the past.

Commissioner Phillips asked if the owner could build in the vacated area. Planner Alexander answered yes. After further discussion regarding vacated Anchor, Assistant City McLean suggested that the Staff needed to do more research on the vacation of Anchor and whether building could occur in the vacated area.

Commissioner Joyce was unsure how they would do a restriction based on compatibility. He was leaning towards addressing compatibility as part of this plat amendment.

Commissioner Phillips assumed that both lots would have to come in for a CUP.

Commissioner Thimm thought the design could yield a massing solution. He did not think the platting stage was the best place to look at compatibility and massing. He preferred to address those issues with the CUP.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 74 & 80 Daly Avenue Subdivision Plat Amendment in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Joyce seconded the motion.

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

Commissioner Joyce requested to see a compatibility analysis when the item comes back for a CUP.

Findings of Fact – 74 & 80 Daly Avenue

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 of 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 noncomplying 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 – 74 & 80 Daly 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 – 74 & 80 Daly Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work 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.

Park City Planning Commission meeting adjourned at 6:45 p.m.

Approved by Planning Commission: _____

EXHIBIT F

Mean Building Footprints By Zone
(Sq. Ft.)

Estate Zone:	5,438.76
HRL Zone:	1,540.15
HR-1 Zone:	1,482.24
Daly Ave:	1,465.44

Legend







Zone Type	
 Daly Ave Buildings	 E
 HR-1 Zone Buildings	 HR-1
 HRL Zone Buildings	 HRL

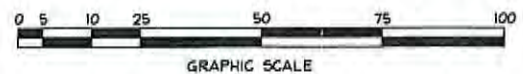
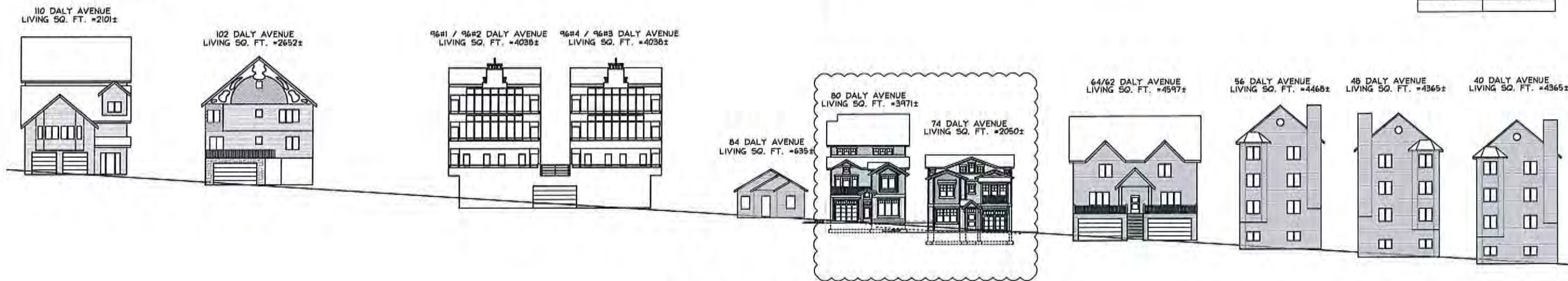
EXHIBIT G

←

ADDRESS	LIVING SQ. FT.
118 DALY	2875 SQ. FT.
124 DALY	2715 SQ. FT.
130 DALY	1926 SQ. FT.
136 DALY	2007 SQ. FT.
156 DALY	1204 SQ. FT.

→

ADDRESS	LIVING SQ. FT.
32 DALY(1-4)	4357 SQ. FT.
24 DALY	1022 SQ. FT.
10 DALY	2218 SQ. FT.



DALY AVE.
STREETSCAPE
SCALE: NTS

74 DALY AVENUE
PARK CITY, UTAH 84060

Craig Kitterman & Associates Architects
1079 E. Murray-Holladay Road, Holladay, Utah 84117 Office 270-8606 Fax 263-3989

PROJECT #
14036-2

DATE PRINTED
02/26/2015

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EXHIBIT H

Craig T. Kitterman and Associates, Architects

Daly Avenue Living Sq. Ft

Address	Living Sq. Ft.
156 Daly Ave	1204 Sq. Ft.
136 Daly Ave	2007 Sq. Ft.
130 Daly Ave	1926 Sq. Ft.
124 Daly Ave	2715 Sq. Ft.
118 Daly Ave	2875 Sq. Ft.
110 Daly Ave	2101 Sq. Ft.
102 Daly Ave	2652 Sq. Ft.
96#1 & 96#2 Daly Ave	4038 Sq. Ft.
96#3 & 96#4 Daly Ave	4038 Sq. Ft.
84 Daly Ave	635 Sq. Ft.
80 Daly Ave	3971 Sq. Ft.
74 Daly Ave	2050 Sq. Ft.
64/62 Daly Ave	4597 Sq. Ft.
56 Daly Ave	4468 Sq. Ft.
48 Daly Ave	4365 Sq. Ft.
40 Daly Ave	4365 Sq. Ft.
32 Daly Ave	4357 Sq. Ft.
24 Daly Ave	1022 Sq. Ft.
10 Daly Ave	2218 Sq. Ft.

PARK CITY COUNCIL MEETING MINUTES-DRAFT
SUMMIT COUNTY, UTAH,
March 5, 2015

Page | 4

III. PUBLIC INPUT (Any matter of City business not scheduled on the agenda)
 None

IV. CONSENT (Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon)

1. Consideration of authorization for the City Manager to enter into a professional service provider agreement in a form approved by the City Attorney's Office with MGB+A, in the amount of Sixty Nine Thousand Six Hundred Nineteen Dollars (\$69,619).

Approved unanimously

V. OLD BUSINESS

1. Consideration of a plat amendment for 74 & 80 Daly Avenue Subdivision located at 74 & 80 Daly Avenue, Park City, Utah pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney

Christy Alexander spoke to the plat amendment for two new lots being proposed, stating Staff does not feel a size restriction should be put in place as the footprint sizes are compatible, but advises Council they may restrict as she has reflected in the report such as been done in the past. Council member Simpson asked if the Planning Commission agreed to handle a restriction request in the Steep Slope CUP stage rather than here, to which Alexander said yes. Council member Beerman asked if we have allowed vacated spaces to be used in footprints before. Alexander reiterated her research showed there was one instance where it was. Council member Matsumoto asked if they are building on Anchor Avenue and if the property has been deeded to the property owner, to which Alexander said yes. Council member Beerman asks if there are any deed restrictions. Alexander stated there are no restrictions. Council member Beerman then asked for Mark Harrington's input on how precedence is set in such a matter. Harrington stated restrictions must be based on appropriate public policy of record and that further study must be done by Council if they choose to go against Staff's recommendation.

Project architect Craig Kitterman stated our streetscape mass is larger than the houses in question and asked that these properties be treated equally as others and that this project be allowed to move forward.

Approved unanimously

VI. NEW BUSINESS

1. Consideration of a plat amendment for 98 Hidden Splendor Court pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney.

Approved unanimously to be continued to March 19, 2015 meeting

Planning Commission Staff Report



Subject: 80 Daly Avenue
Project #: PL-15-02683
Author: Christy J. Alexander, AICP, Planner II
Date: April 8, 2015
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at 80 Daly Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 80 Daly Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

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

Owner/ Applicant: Jon Devarian
Architect: Craig Kitterman
Location: 80 Daly Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential single family homes, duplexes, and condos
Reason for Review: Construction of structures with greater than 1,000 square feet of floor area and located on a steep slope (30% or greater) requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit for a 4,207 square feet new single family home containing 4,669 square feet total (including the garage) on a 3,443.12 square foot vacant lot located at 80 Daly Avenue. The total floor area exceeds 1,000 square feet and the construction is proposed on a slope of greater than 30%.

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 February 5, 2015, the City received an application for a Steep Slope Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 80 Daly Avenue. The property is located in the Historic Residential (HR-1) District. The application was deemed complete on March 3, 2015. This application is a request for a Steep Slope Conditional Use Permit for construction of a new single family home which is proposed to be 4,207 square feet total (including the garage) on an amended "Old Town" lot containing 3,443.12 square feet. The property is described as Lot B of the 74 & 80 Daly Avenue Subdivision, a combination of 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. Because the total proposed structure is greater than 1,000 square feet, and the slope within the rear 50' of the lot is greater than thirty percent (30%), the applicant is required to file a Steep Slope Conditional Use Permit application for review by the Planning Commission, pursuant to LMC § 15-2.2-6 and prior to issuance of a building permit.

A separate Historic District Design Review (HDDR) application required for the proposed single family house was submitted on February 5, 2015. This application is being reviewed concurrently for compliance with the Design Guidelines for Historic Districts and Historic Sites that were adopted in 2009. Issuance of a building permit for the proposed home is dependent on approval of the Historic District Design Review.

On August 1, 2014, the applicant submitted an application for a plat amendment to subdivide the property into two (2) lots in order to construct two new single family homes. The Planning Commission heard this item at the February 11, 2015 meeting. The Commission voted 5-1 to forward a positive recommendation. Commissioner Strachan voted against it and could not support having vacated Anchor be part of the lot size in the footprint calculation.

After doing more research staff found only one instance in the past 20 years where Council restricted the footprint by excluding the portion of vacated Anchor Avenue. There were several other instances where plat amendments were approved without such restrictions. Other homes along the street are built upon the portion of vacated Anchor Avenue. No restrictions have been put on development on this vacated Right-of-Way. The Right-of-Way was vacated more than 20 years ago and vacation of the Right-of-Way was not a request by the current owner to be reviewed during the plat amendment process.

The City Council unanimously approved the 74 & 80 Daly Avenue Subdivision plat on March 5, 2015. The plat is pending recordation but will need to be recorded prior to

March 5, 2016 and prior to building permit approval. The City Council did not vote to restrict the building footprint size or gross floor area or to restrict using the vacated portion of Anchor Avenue in the footprint calculation. See Exhibit I for March 5, 2015 City Council Minutes.

At the February 11, 2015, meeting, a majority of the Commissioners stated it would be more appropriate for the Planning Commission to look at house size and neighborhood compatibility during the Steep Slope CUP process. Commissioner Joyce requested to see a compatibility analysis when the item came back for a Steep Slope CUP. The meeting minutes have been attached as Exhibit E. See also Exhibits F, G, and H for massing comparison analysis.

Analysis

The lot has an average slope, across the entire depth, of twenty eight percent (28%). The lot is described as Lot B of the 74 & 80 Daly Avenue Subdivision, a combination of 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, both previously being vacant.. This property already has access to utility services for water, sewer, etc. off of Daly Avenue.

The proposed home contains a total of 4,207 square feet, including the garage. The proposed building footprint totals 1,416 square feet. The 3,443.12 square foot lot allows a building footprint of 1,418.7 square feet. The house complies with all setbacks, building footprint, and building height requirements of the HR-1 zone. The third story includes horizontal stepping of 10' which is exactly the required ten feet (10') of stepping. See below for description of each floor:

Floor	Proposed Sq. Ft. for Home
Main	1416 square feet including garage
Second	1416 square feet
Third	871 square feet
Fourth	504 square feet
Overall area	4,207 square feet including garage

Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed for New Home
Lot Size	Minimum of 1,875 square feet	3,443.12 square feet, <u>complies.</u>
Building Footprint	1,418.7 square feet (based on lot area) <u>maximum</u>	1,416 square feet, <u>complies.</u>
Front and Rear Yard	12 feet minimum; 25 feet total (decks, porches and bay windows may extend up to 3' into the front setback for a max width of 10')	Front- 12 feet, <u>complies.</u> Rear- 16.6' feet, <u>complies.</u>
Side Yard	3 feet minimum (6 feet total) based on lot width of 37.48'	6.2 feet on north side- <u>complies.</u> 6.5 feet on south side- <u>complies.</u>

		no window wells- <u>complies.</u>
Height	27 feet above existing grade, <u>maximum.</u> 35 feet above existing grade is permitted for a single car garage on a downhill lot.	Various heights all at or less than 27 feet - <u>complies.</u>
Total Building Height	35 feet from lowest floor plane to highest wall plate	35 feet- <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	(4 feet) or less- <u>complies.</u>
Vertical articulation	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.	Third story on rear façade is 10' back from lower levels, this stepping occurs at the twenty-two and a half feet (22.5') height - <u>complies.</u>
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	7:12 for all primary roofs - <u>complies.</u>
Parking	Two (2) off-street parking spaces required	Two (2) spaces within the proposed double car garage- <u>complies.</u>

The current design complies with the 35 foot total height requirement from the lowest floor plane to the point of the highest wall top plate. The current design will require a slight modification to the windows to be compatible in scale for HDDR approval. The applicant shall provide a redesign when they revise their required HDDR application.

Staff looked at the compatibility of this proposed home compared to other homes along Daly Avenue in general and more specifically Lower Daly Avenue. Exhibit F shows the mean footprint calculation of Daly Avenue, which is what the Commission should look at and not the entire HR-1 District. The proposed home's footprint of 1,416 sf clearly falls within the mean footprint for Daly Avenue which is 1,465.44 sf. Looking at Lower Daly Avenue, the applicant has completed an analysis of the streetscape massing and livable square foot calculations for homes along the same (west) side of the street as the proposed home. The lots adjacent to this lot are similar to the size of the proposed lot. However, the average livable square footage of the homes listed in Exhibit H is 2,916.6

sf and the proposed home is 3,971 sf. The homes in the nearby vicinity are much larger than those on the upper and lower ends of Daly Avenue that were looked at. The only home that is significantly smaller than the majority of structures along Lower Daly Avenue is 84 Daly Avenue which has the ability to build an addition on their existing home similar to what this application is proposing. Due to these calculations and streetscape views, along with the articulation of the home and compatibility with the Historic District Design Guidelines, staff finds that the design as proposed is compatible with the neighborhood and complies with the Steep Slope Conditional Use criteria as outlined below.

Steep Slope Review Criteria

LMC § 15-2.2-6 provides for development on steep sloping lots (30% or greater) if the structure contains more than one thousand square feet (1,000 sq. ft.) of floor area, including the garage, within the HR-1 District, subject to the following criteria:

Criteria 1: Location of Development.

Development of the home is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts.**

The proposed single family house is located on an approved platted lot, (which was approved on March 5, 2015 and is unrecorded but will need to be recorded before March 5, 2016 and building permit approval), in a manner that reduces the visual and environmental impacts of the Structure. The main level is set at grade of the street to minimize visual impacts on the Streetscape (Exhibit B). The foundation is stepped with the grade and the amount of excavation for the home is minimized due to the existing topography. There is no major vegetation present on the vacant lot. The proposed 1,416 square feet footprint of the home complies with that allowed for the lot area. The front and rear setbacks are increased for portions of the structure.

Criteria 2: Visual Analysis.

The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project and identify potential for screening, slope stabilization, erosion mitigation, vegetation protection, and other items. **No unmitigated impacts.**

The applicant submitted a visual analysis, cross canyon view, streetscape elevations and photographs showing a contextual analysis of proposed house related to visual impacts (Exhibit B). The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view. The cross canyon view contains a back drop of two (2) and three (3) story single family and duplex homes and a large condominium building.

This site contains a combination of portions of two "old town" lots and portions of vacated Anchor Avenue with many similar lots and structures in the immediate neighborhood. The lot is currently vacant.

The visual analysis and streetscape demonstrate that the proposed design of the home is visually compatible with the neighborhood, compatible in scale and mass with

surrounding structures, and visual impacts are mitigated. Potential impacts of the design are mitigated by architectural stepping and a stepped foundation, minimized excavation and greater horizontal step in the roofline. Additionally, the garage door is located approximately 22.5 feet back from the edge of Daly Avenue.

Criteria 3: Access.

Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible. **No unmitigated impacts.**

The proposed design uses access off of Daly Avenue. Side access is not feasible due to the width of the lot. The proposed driveway has an overall slope of 0% as measured from the front of the garage to the edge of the paved street. The proposed driveway was designed to minimize Grading of the natural topography and to reduce overall Building scale.

Criteria 4: Terracing.

The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts.**

The lot has a gentle grade at the front becoming relatively steeper at the rear. Overall, the slope is 28%. There are no proposed retaining walls. The lot to the south of the subject lot has an existing single family home and the lot to the north is currently vacant but has a concurrent proposed single family home to be built by the same owner, retaining between them is not necessary.

Criteria 5: Building Location.

Buildings, access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and provide variation of the Front Yard. **No unmitigated impacts.**

The new home's 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. The site design and building footprint provide a front setback area (18') in front of the garage and (10') to the entry. Side setbacks and building footprints are maintained consistent with the pattern of development and separation of structures in the neighborhood. The driveway width is 12 feet. The garage door is setback 18' from the edge of the street and at least 19.5' from the property line. The front yard area adjacent to the driveway is proposed to be landscaped with drought tolerant plants and trees.

Criteria 6: Building Form and Scale.

Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the

main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts.**

The new home steps with the grade and is broken into a series of smaller components that are compatible with the District. The stepping of the home creates the interior half story levels and allows the lower level to meet existing grade. The garage is subordinate in design in that it is setback more from the street than the home and the width is minimized.

Criteria 7: Setbacks.

The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a “wall effect” along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts.**

Front setbacks were already increased as the garage portion of the house is currently setback 18 feet from the edge of the street and nearly 19.5 feet from the property line, to accommodate the code required parking space entirely on the lot. No wall effect is created with the proposed design of the home. Side setbacks are consistent with the pattern of development and separation in the neighborhood. The articulation in the front and rear facades reduce the overall mass of the structure and does not create a wall effect along the street front or rear lot line. Rear elevation is articulated with an increased horizontal step.

Criteria 8: Dwelling Volume.

The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

The proposed house is both articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The design does not propose a height exception for the existing single car garage as allowed by the LMC. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The proposed home's footprint of 1,416 sf falls within the mean footprint for Daly Avenue which is 1,465.44 sf. per the analysis of the streetscape massing and livable square foot calculations for homes along the same (west) side of the street as the proposed home, the proposed volume and massing is compatible with single family dwellings in the area. The lots adjacent to this lot are similar to the size of the proposed lot. However, the average livable square footage of the homes listed in Exhibit H is 2,916.6 sf and the proposed home is 3,971 sf. The homes in the nearby vicinity are much larger than those on the upper and lower ends of Daly Avenue that were looked at in the analysis. The only home that is significantly smaller than the majority of structures along Lower Daly Avenue is 84 Daly Avenue, which has the ability to build an addition on their existing home similar to what this

application is proposing. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

Criteria 9: Building Height (Steep Slope).

The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts.**

The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. Portions of the house are less than 27' in height. The tallest portion of the house (27') is midway back from the front and the roof height at this location is not visually apparent from the front, back, or sides of the house. The differences in scale between the proposed Structure and existing Structures are mitigated.

While a 35 foot height is allowed for the garage on a downhill lot, this design does not propose to utilize a height exception from existing grade. The design complies with the 27 foot height allowance measured from existing grade.

Staff finds that the design allows additional design aesthetics, provides compatibility of design at the street level, meets the overall building Height requirement with no exception needed for the garage, and reduces the mass at the rear of the structure.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following appeal procedures found in LMC § 15-1-18. Approval of the Historic District Design Review application is noticed separately and is a condition of building permit issuance. Recordation of the Plat within one year of City Council approval is also a condition of building permit issuance.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that have been addressed by revisions and/or conditions of approval.

Notice

On March 25, 2015, the property was posted and notice was mailed to property owners within 300 feet. On March 21, 2015, legal notice was published in the Park Record in accordance with requirements of the LMC.

Public Input

No public input was received on this Steep Slope CUP application.

Alternatives

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 80 Daly Avenue as conditioned, or

- The Planning Commission may deny the Steep Slope CUP Permit for 80 Daly Avenue and direct staff to make Findings for this decision, or
- The Planning Commission may request the applicant provide revisions or provide other specific items and continue the discussion to a date certain.

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 80 Daly Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 80 Daly Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Findings of Fact:

1. The property is located at 80 Daly Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot B of the 74 & 80 Daly Avenue Subdivision. The lot area is 2,200.8 square feet.
4. A Historic District Design Review (HDDR) application is required and will be reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. This lot is a combination of a portion of Lot 9, a portion of Lot 10, and a portion of the vacated Anchor Avenue located in Block 74 of the Park City Survey, which was previously vacated. This is an uphill vacant lot.
6. Access to the property is from Daly Avenue, a public street.
7. 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, within the lot area.
8. The neighborhood is characterized by primarily non-historic and historic residential structures, single family homes, duplexes and condos.
9. The proposal consists of a total of 4,207 square feet, including the garage.
10. The proposed driveway was designed with a maximum width of twelve feet and is approximately 22.5 feet in length from the garage to the existing edge of street and located on the property. The garage door complies with the maximum height and width of nine feet by nine feet.
11. The proposed driveway has an overall slope of 0% as measured from the front of the garage to the edge of the paved street.
12. An overall combined building footprint of 1,416 square feet is proposed. The maximum allowed footprint for this lot is 1,418.7 square feet.
13. The proposed structure complies with all setbacks.
14. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.

15. The proposed home complies with the LMC required total building height of 35' from the lowest floor plane to the highest wall plate and is in compliance with the LMC required step back of 10' at the building height of 23' at the rear façade.
16. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this home on the cross canyon views and the Daly Avenue streetscape.
17. Retaining is not necessary around the home on the upper, steeper portion of the lot. There will be no free-standing retaining walls. There are no window wells.
18. 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.
19. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% or greater slope areas.
20. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.
21. The proposed massing and architectural design components are compatible with both the volume and massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.
22. The proposed 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 foundation, roofing, materials, window and door openings, and single car garages.
23. No lighting has been proposed at this time. Lighting will be reviewed at the time of Building Permit application for compliance with the LMC lighting code standards.
24. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.
25. The findings in the Analysis section of this report are incorporated herein.
26. The applicant stipulates to the conditions of approval.

Conclusions of Law:

1. The Steep Slope CUP application is consistent with the Park City General Plan.
2. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.
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:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

3. A final utility plan, including a drainage plan, for utility installation, public improvements, and 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 for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.
7. No building permit shall be issued until the 74 & 80 Daly Avenue Subdivision is recorded.
8. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. This approval will expire on April 8, 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 the request is granted by the Planning Director.
10. Modified 13-D residential fire sprinklers are required for all new structures on the lot.
11. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.
12. Construction waste should be diverted from the landfill and recycled when possible.
13. 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

Exhibits

Exhibit A - Plans (existing conditions, site plan, landscape plan, floor plans, elevations, streetscape, section (date stamped February 5, 2015)

Exhibit B - Visual Analysis and Streetscape

Exhibit C – Photographs and Vicinity Map

Exhibit D - Recorder's plat (to be recorded at the County)

Exhibit E – Planning Commission meeting minutes February 11, 2015

Exhibit F – Daly Avenue mean footprint calculation

Exhibit G – Lower Daly Avenue Streetscape Massing Analysis

Exhibit H – Lower Daly Avenue Living Square Feet Analysis

Exhibit I – City Council meeting minutes March 5, 2015

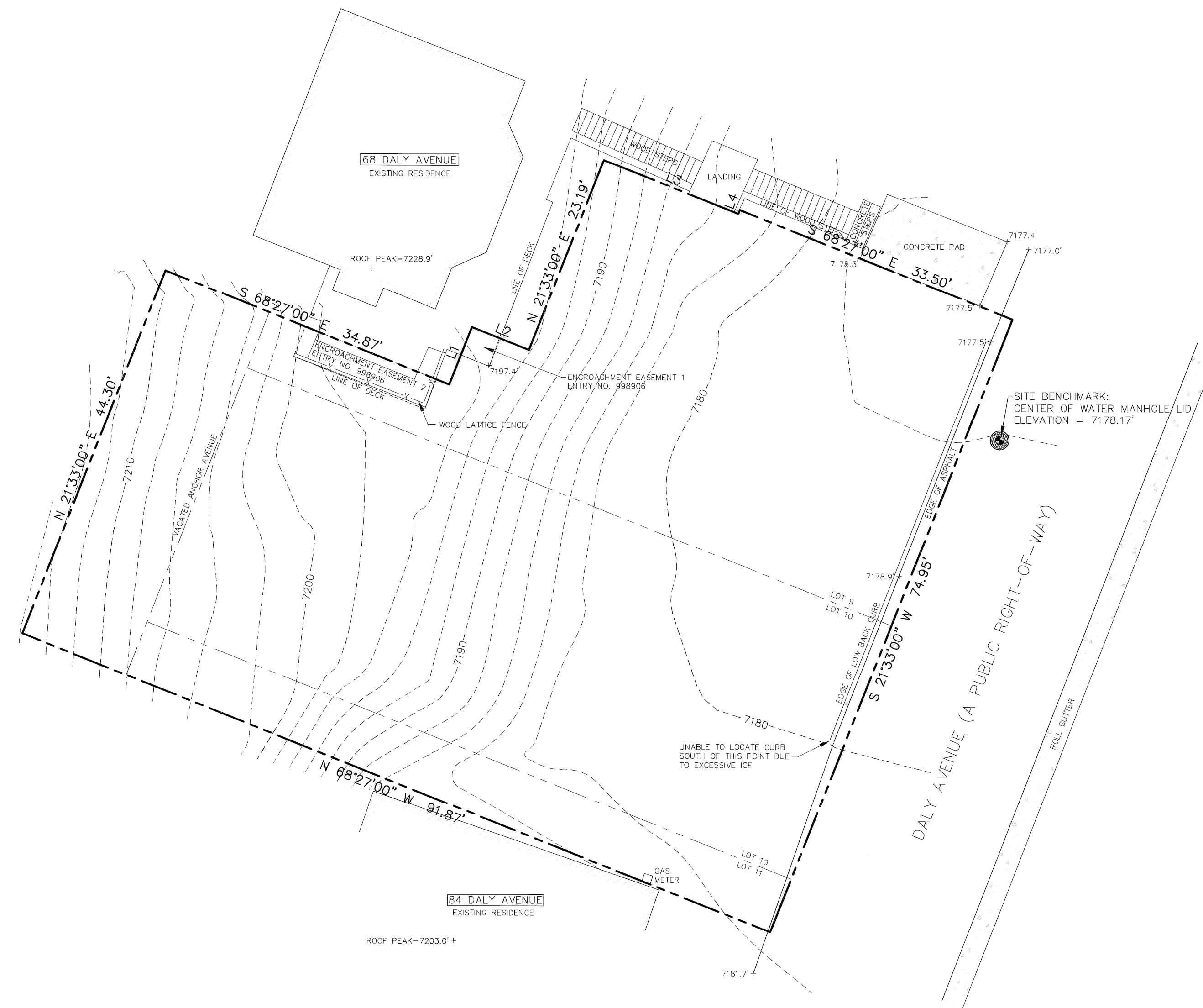
SURVEYOR'S CERTIFICATE



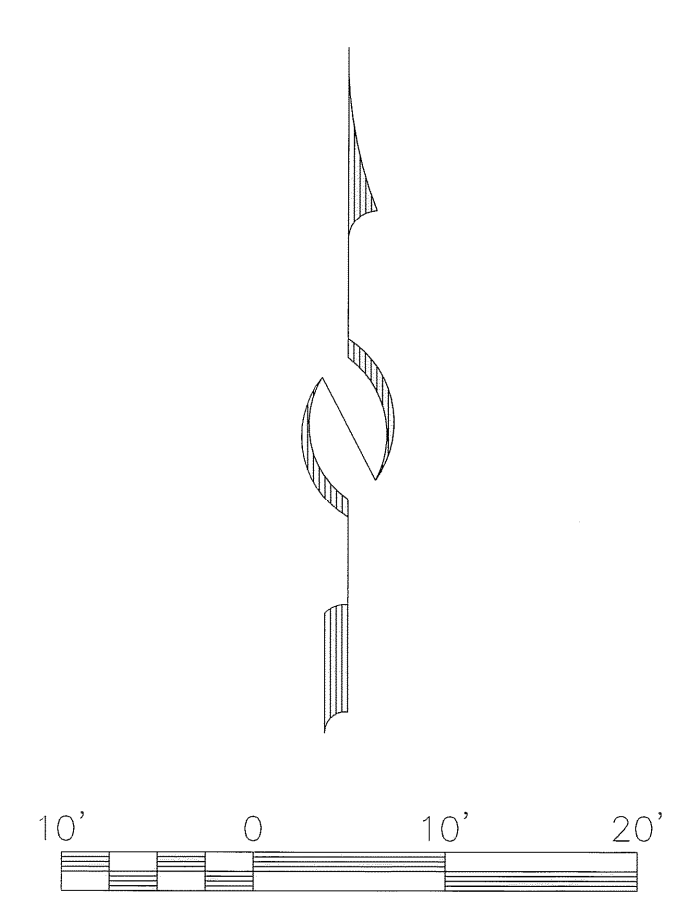
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify 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

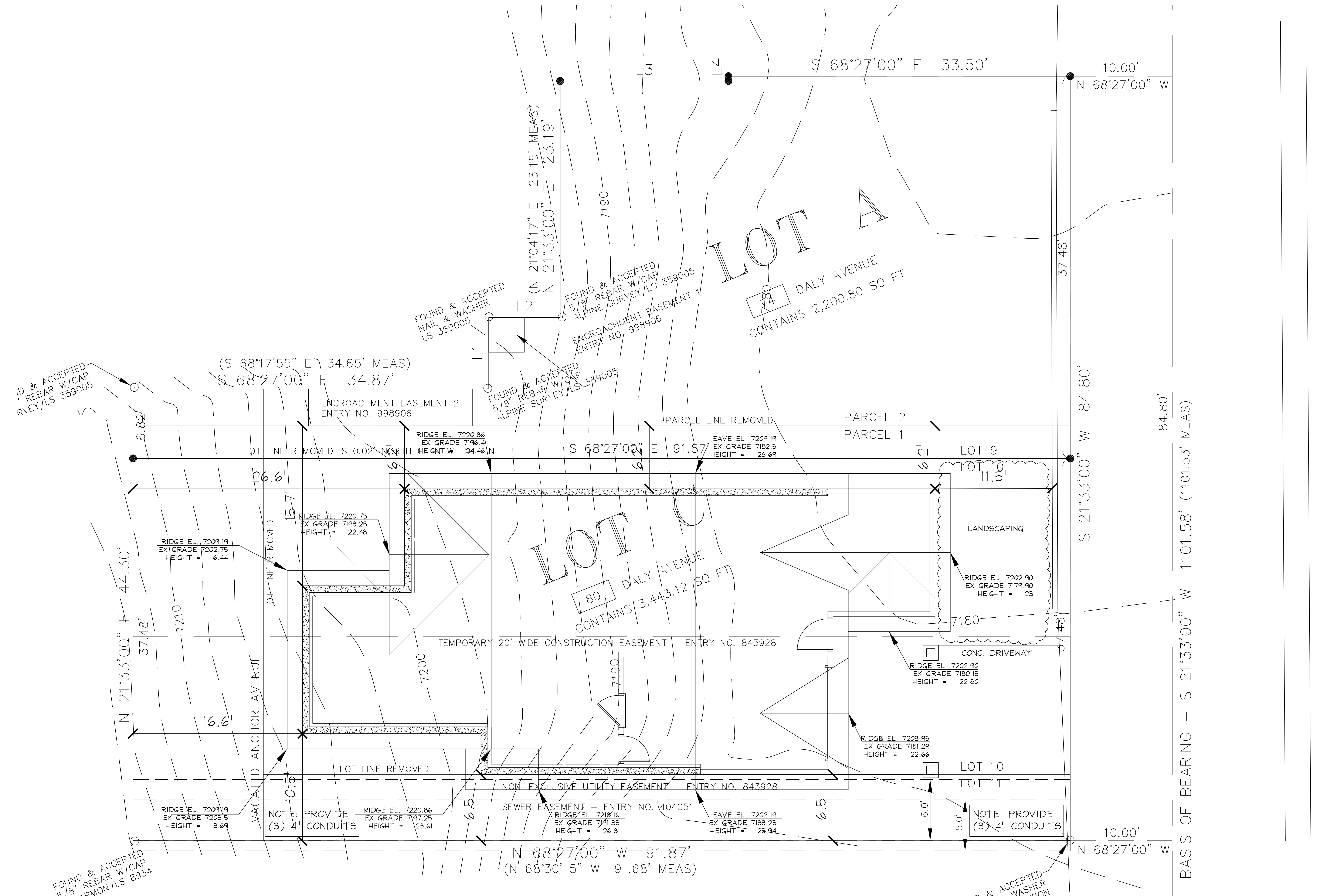
1. Site Benchmark: Center of water manhole lid
Elevation=7178.17
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on field surveys performed on October 2, 2006 and December 6, 2011.
4. Snow coverage at the time 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



<p>(435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</p>	<p>STAFF: MARSHALL KING MARTY MORRISON HARRISON HOLLEY</p>	<p>EXISTING CONDITIONS & TOPOGRAPHIC SURVEY 80 DALY AVENUE PARK CITY SURVEY</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 7/31/14</p>	<p>FOR: JON DEVERIAN JOB NO.: 5-7-14 FILE: X:\ParkCitySurvey\dwg\srvtopo2014\050714.dwg</p>	



SITE PLAN

SCALE: 1"=10'-0"



PRELIMINARY DRAWINGS ONLY
 NOT RELEASED FOR CONSTRUCTION

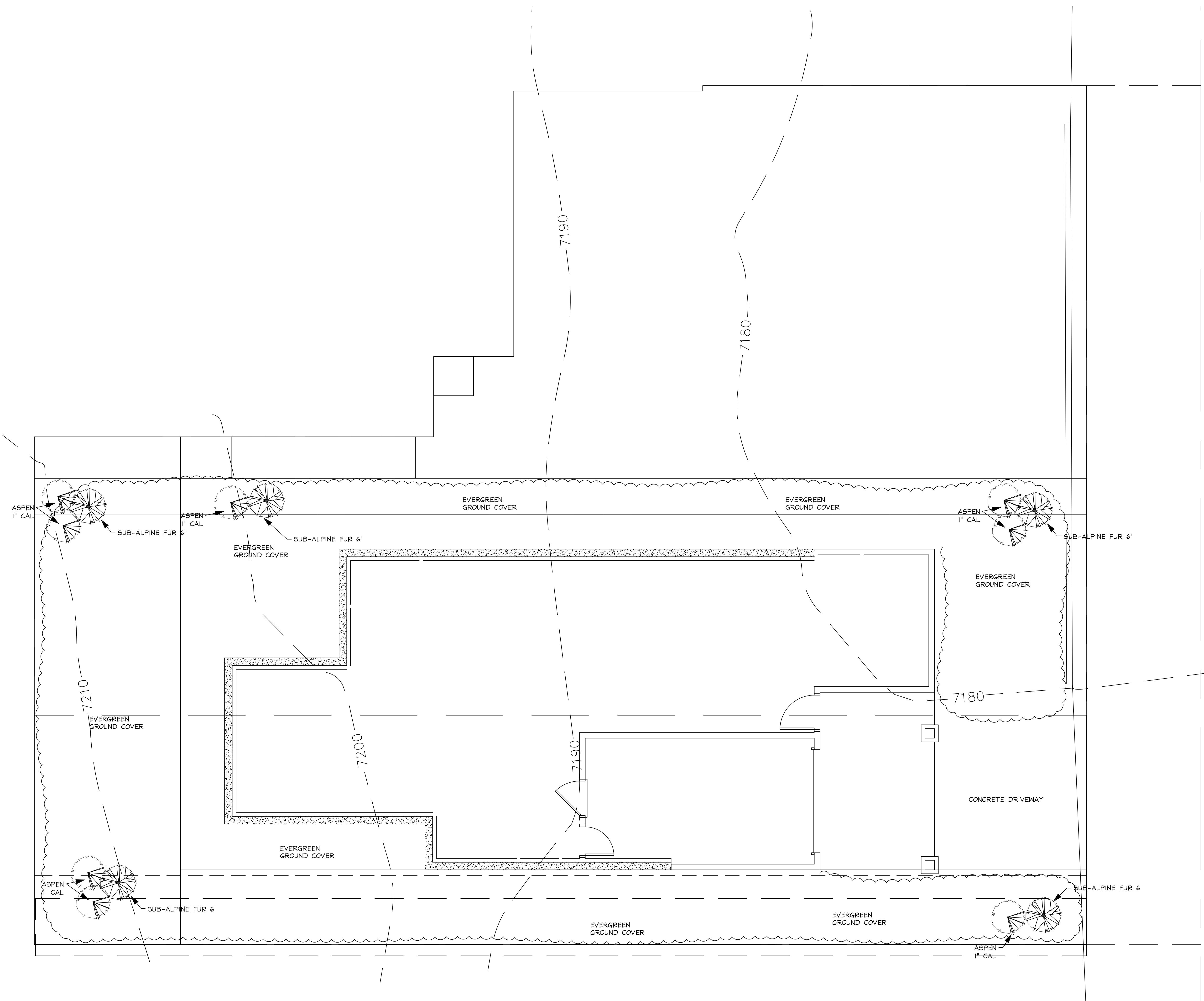
80 DALY AVENUE
 PARK CITY, UTAH 84060

Craig Kitterman & Associates Architects
 1079 E. Murray-Holladay Road Holladay, Utah 84117 Office 270-8606 Fax 263-3989

PROJECT #
14036-1

DATE PRINTED
02/05/2015

A
1.0



LANDSCAPE PLAN

SCALE: 1"=10'-0"

BASIS OF BEARING - S 21°33'00" W 1101.58'

PRELIMINARY DRAWINGS ONLY
NOT RELEASED FOR CONSTRUCTION

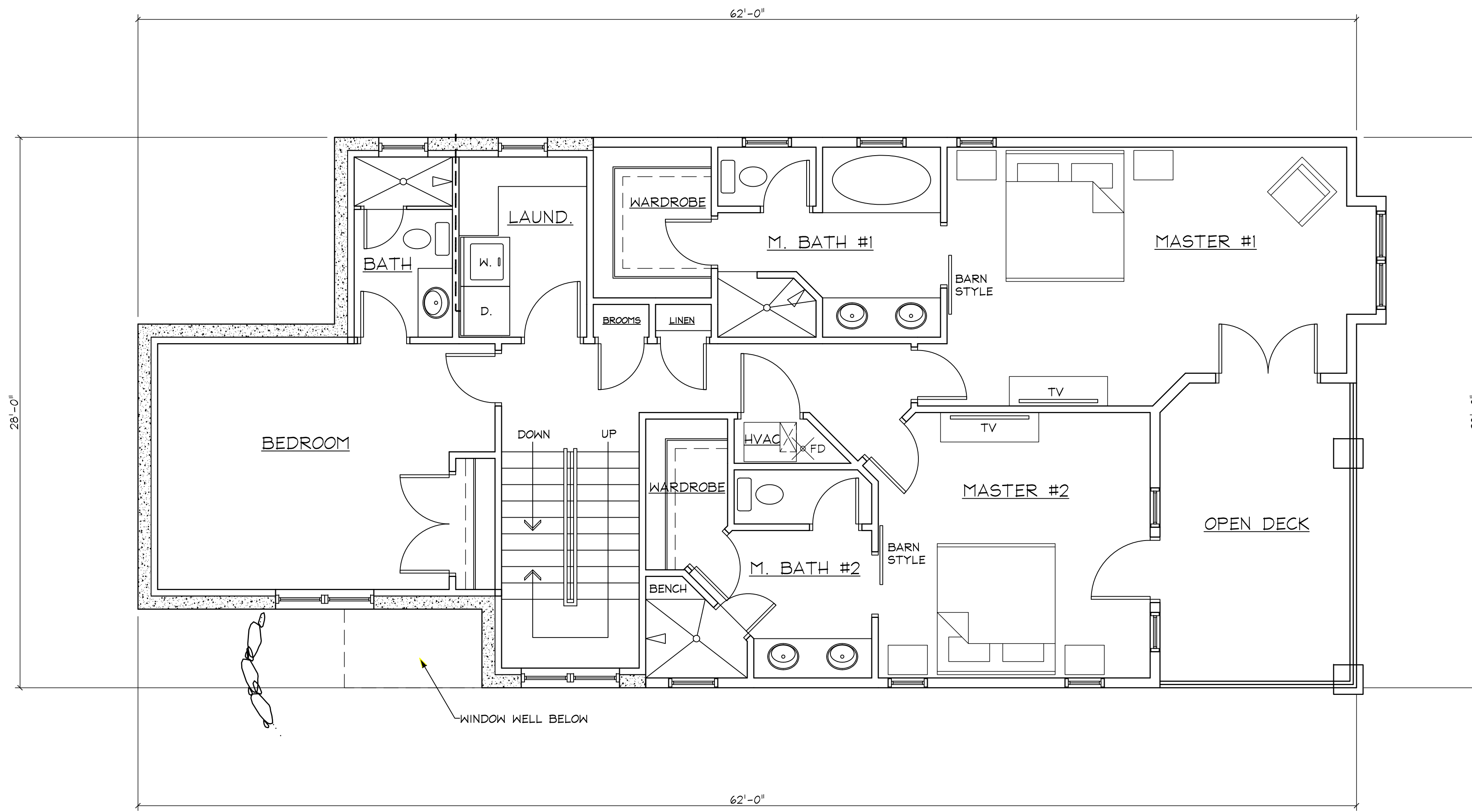
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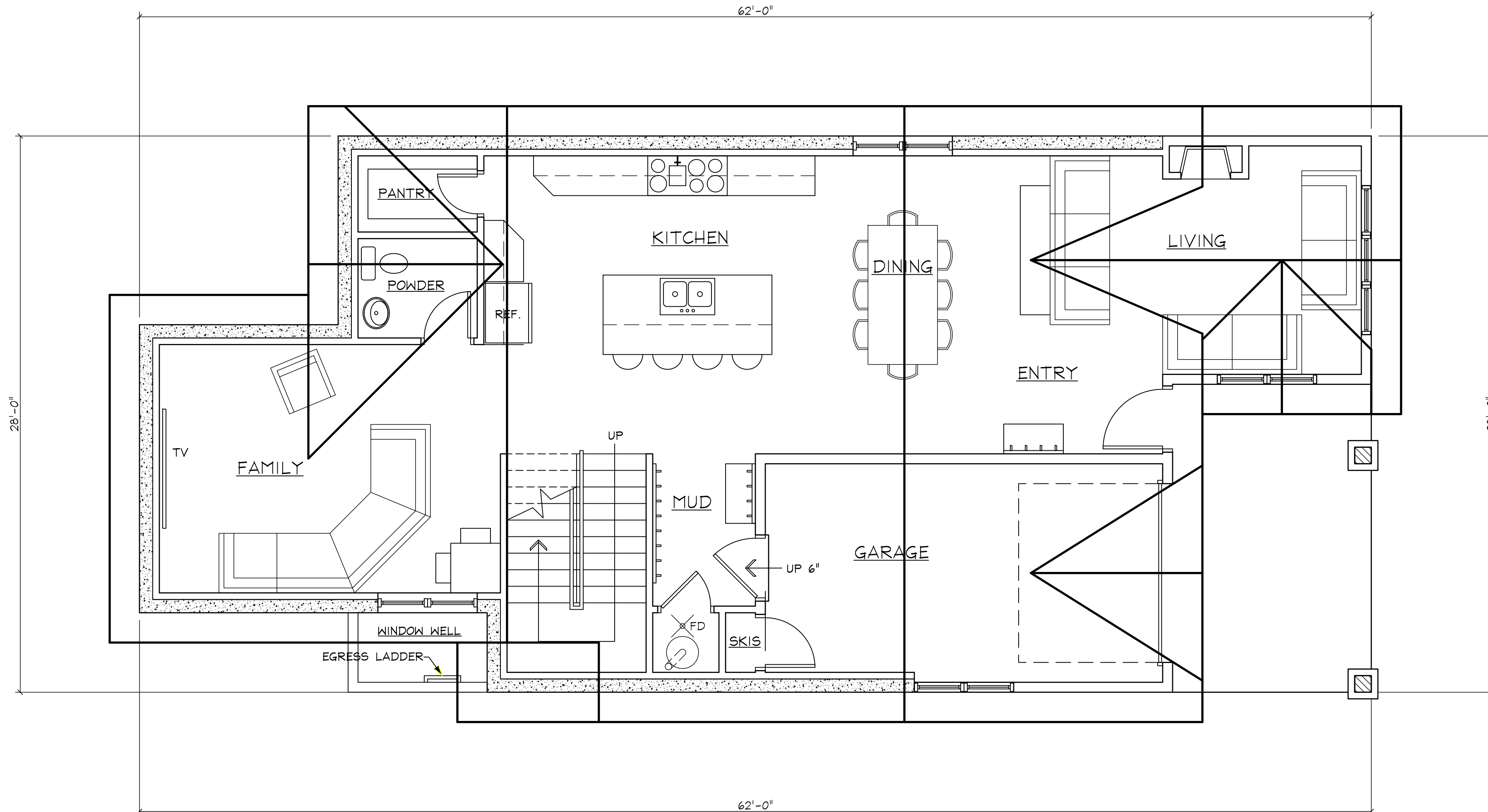
DATE PRINTED
02/05/2015

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2ND FLOOR PLAN

SCALE: 1/4"=1'-0" 1,416 #

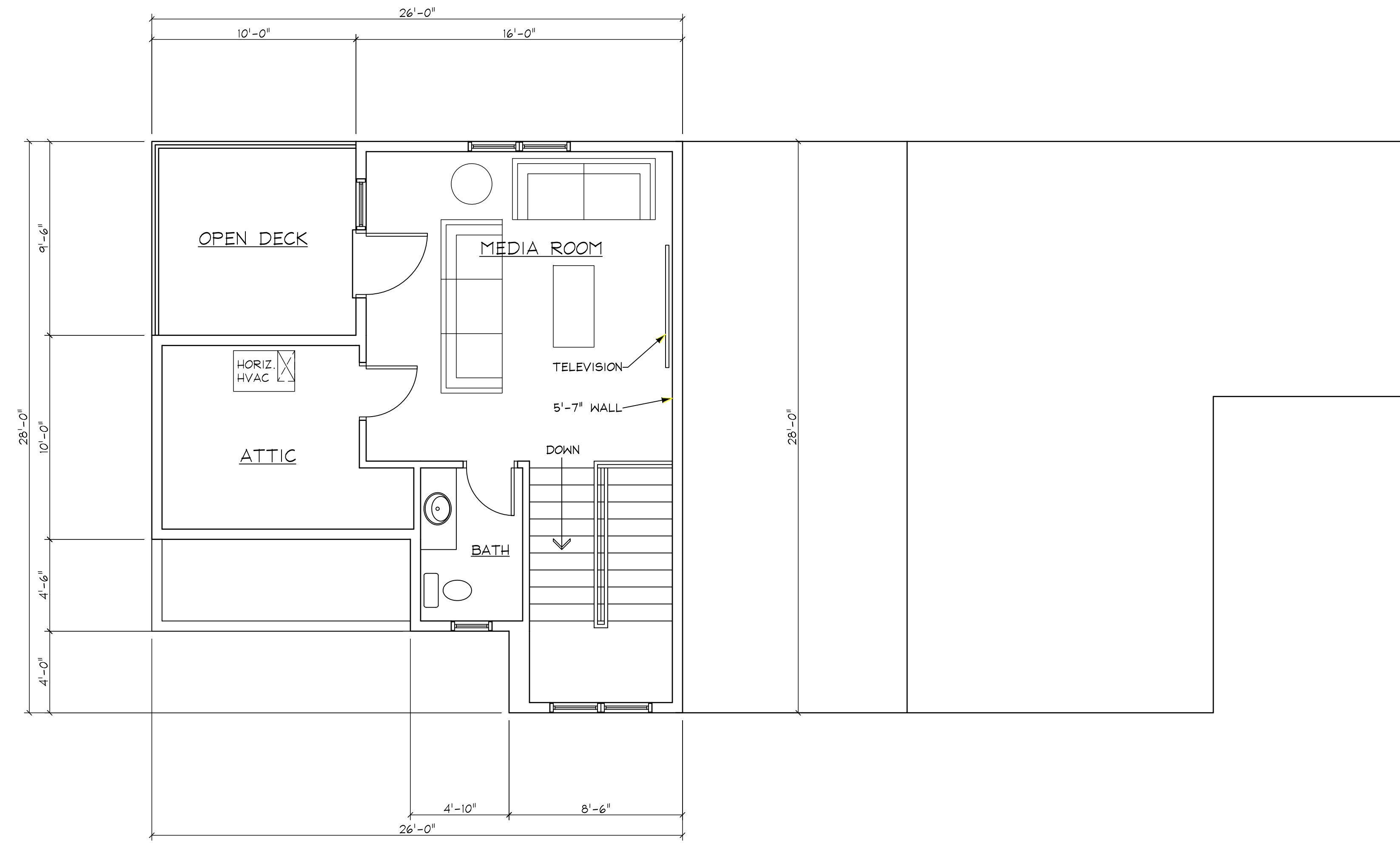


1ST FLOOR PLAN

SCALE: 1/4"=1'-0" 1,416 # FOOTPRINT

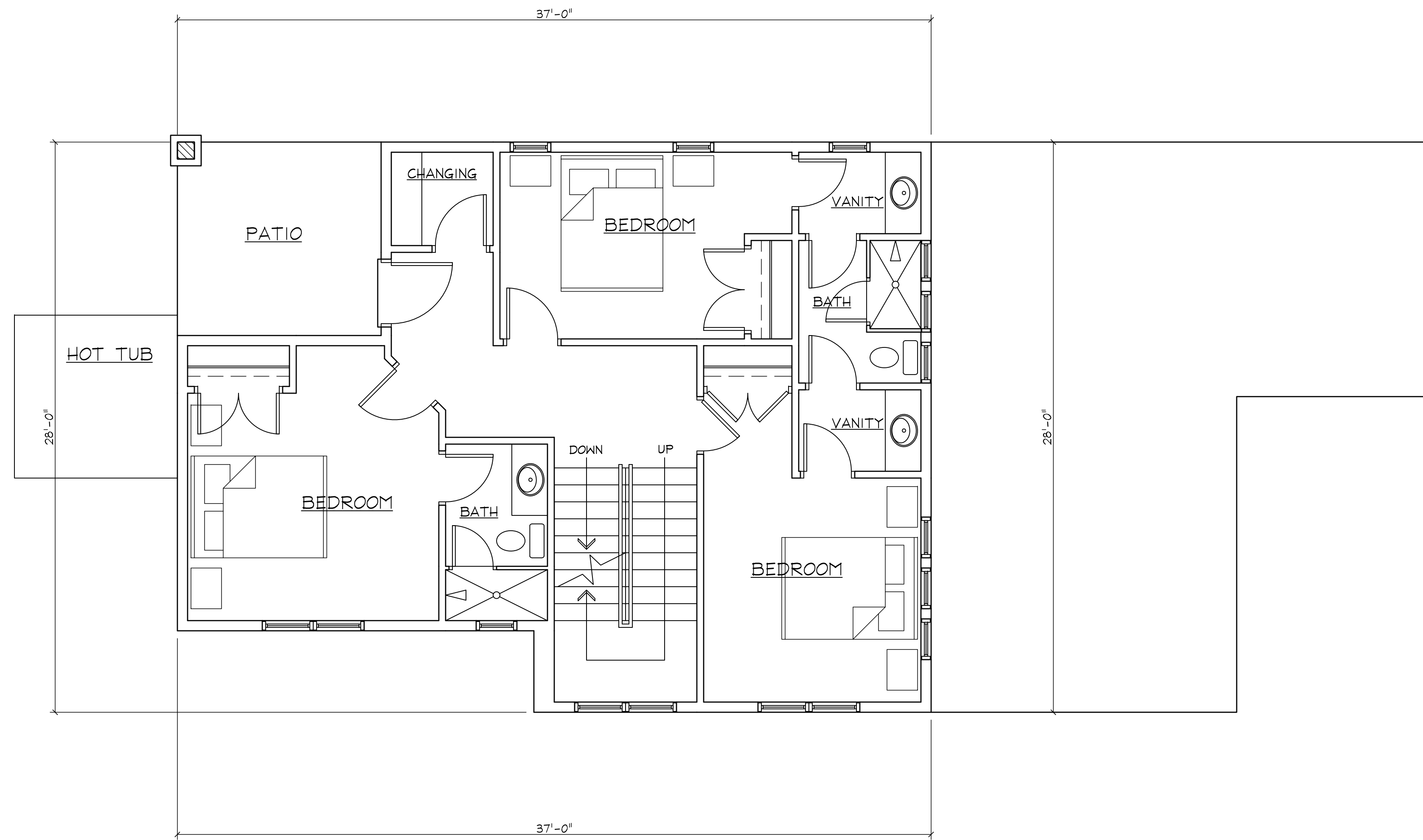
SEE SHEET #A-2 FOR ADD. NOTES

PRELIMINARY DRAWINGS ONLY
NOT RELEASED FOR CONSTRUCTION



4TH FLOOR PLAN

SCALE: 1/4"=1'-0" 504 #



3RD FLOOR PLAN

SCALE: 1/4"=1'-0" 871 #

SEE SHEET #A-2 FOR ADD. NOTES

PROJECT #
14036-1

DATE PRINTED
02/05/2015

PRELIMINARY DRAWINGS ONLY
NOT RELEASED FOR CONSTRUCTION

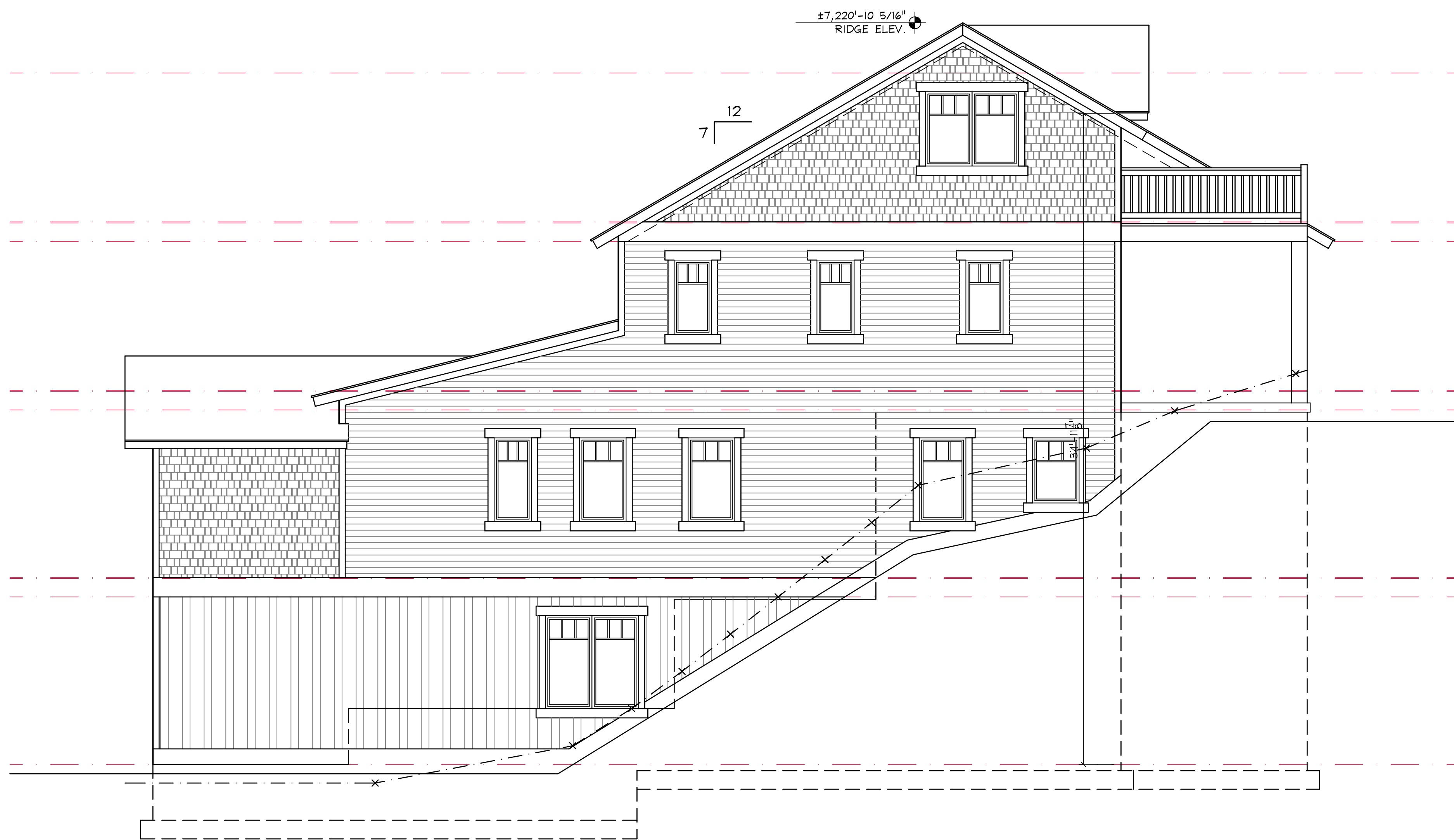
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80 DALY AVENUE

PARK CITY, UTAH 84060

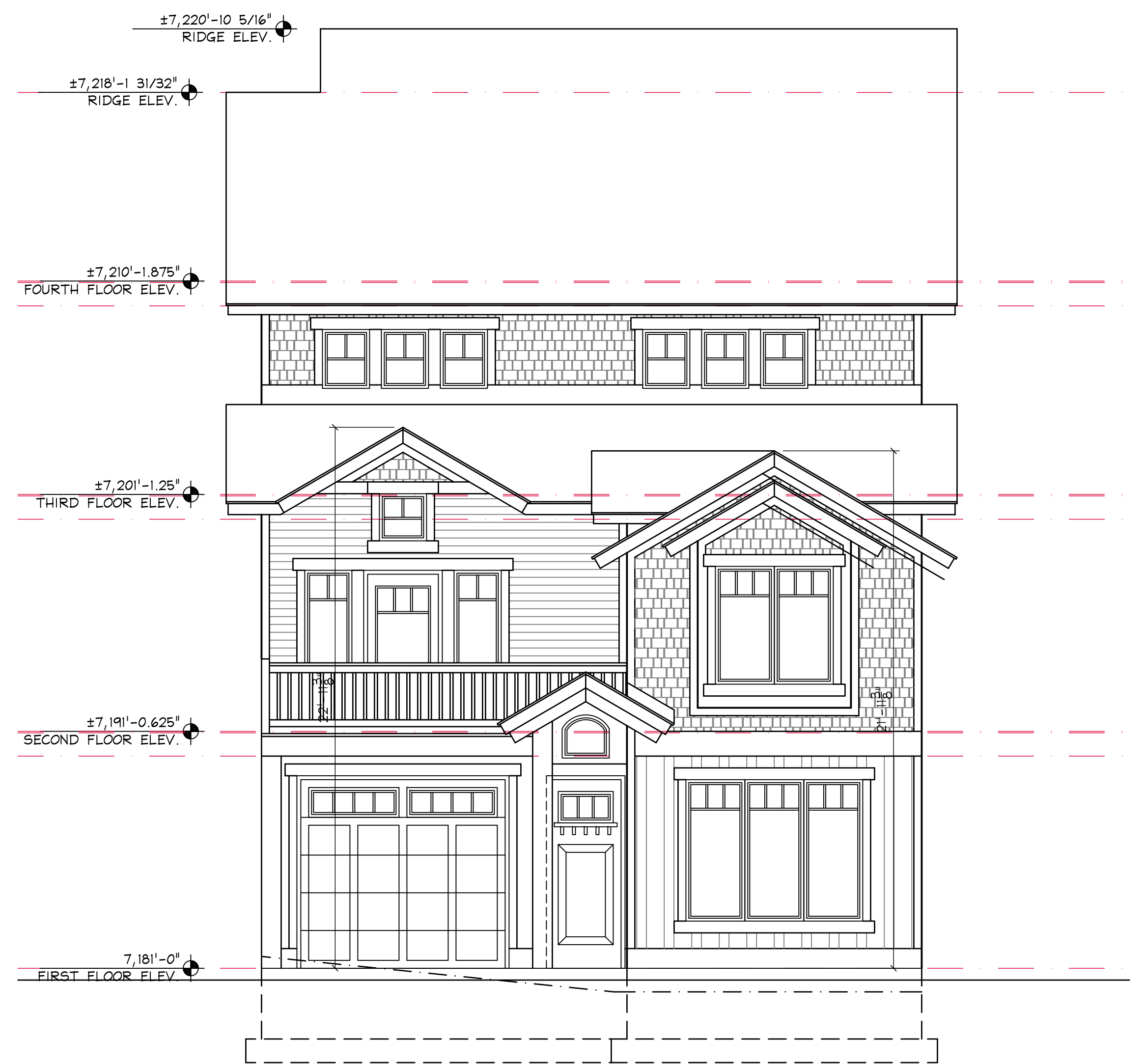
Craig Kitterman & Associates Architects

1079 E. Murray-Holladay Road Holladay, Utah 84117 Office 270-8606 Fax 263-3989



RIGHT ELEVATION

SCALE: 1/4"=1'-0"



FRONT ELEVATION

SCALE: 1/4"=1'-0"

SEE SHEET #A-2 FOR ADD. NOTES

PRELIMINARY DRAWINGS ONLY
NOT RELEASED FOR CONSTRUCTION

80 DALY AVENUE

PARK CITY, UTAH 84060

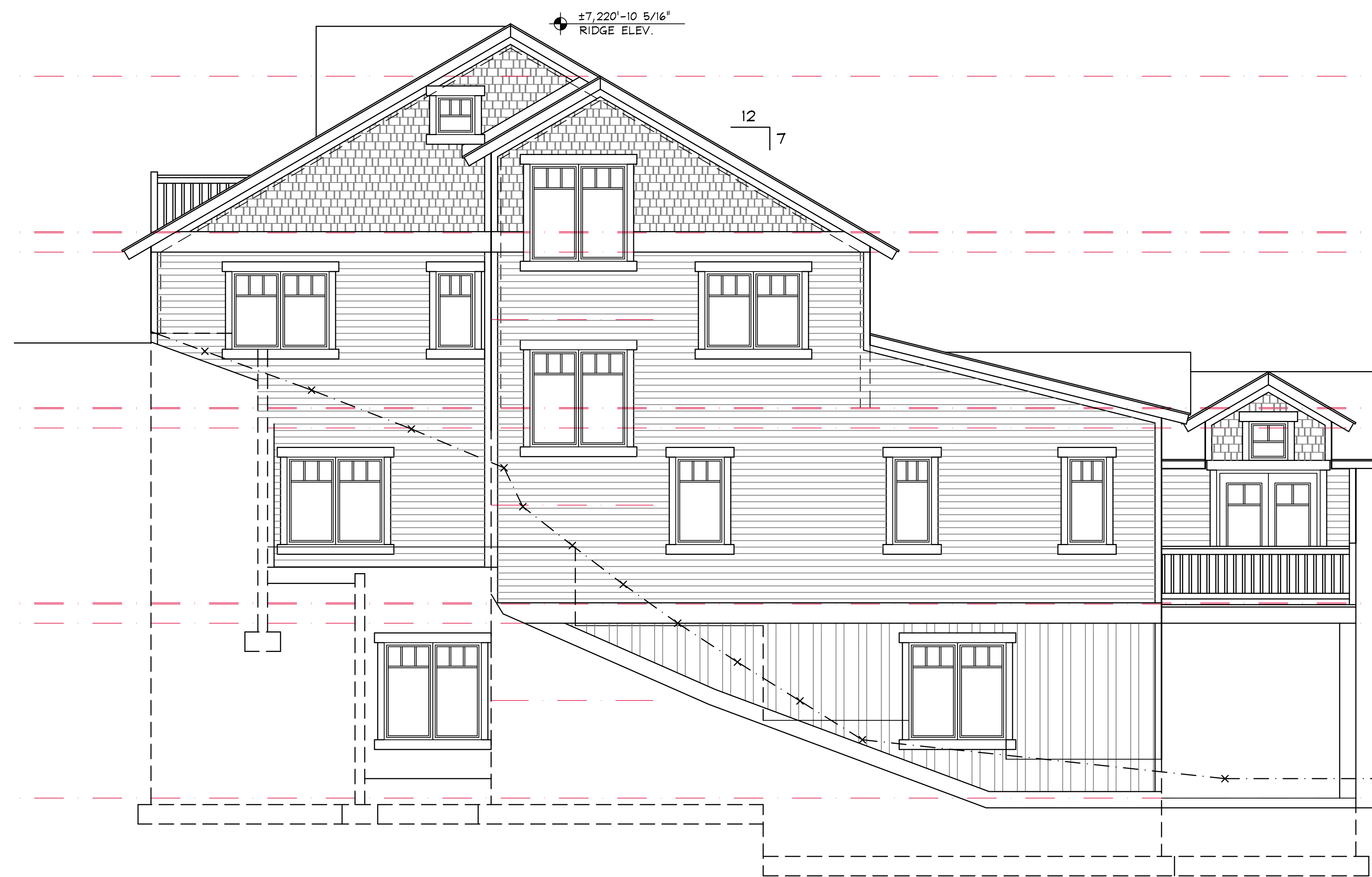
Craig Kitterman & Associates Architects

1079 E. Murray-Holladay Road Holladay, Utah 84117 Office 270-8606 Fax 263-3989

PROJECT #
14036-1

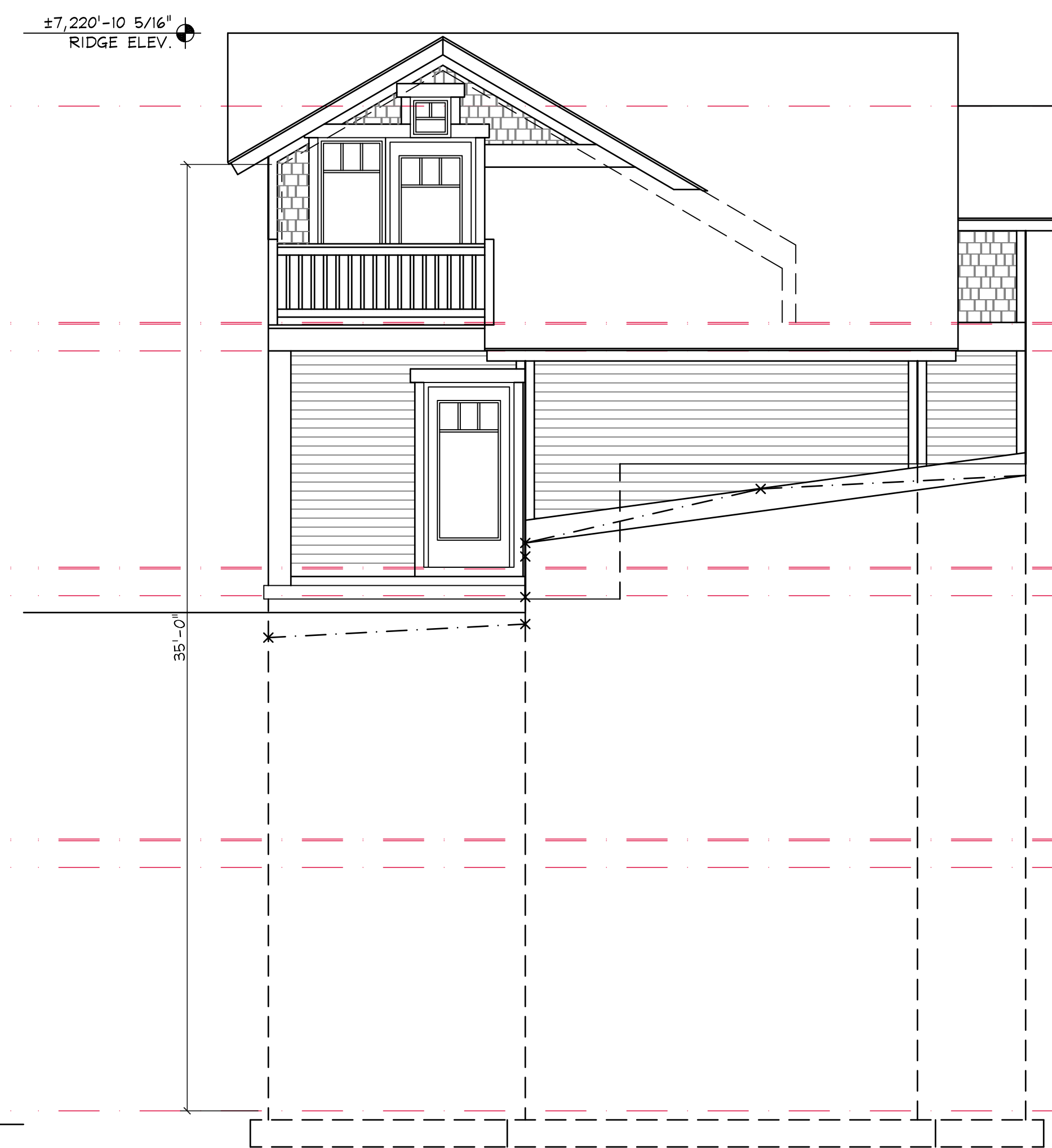
DATE PRINTED
02/05/2015

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LEFT ELEVATION

SCALE: 1/4"=1'-0"



REAR ELEVATION

SCALE: 1/4"=1'-0"

SEE SHEET #A-2 FOR ADD. NOTES

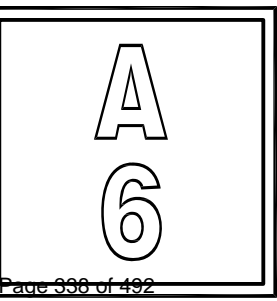
PRELIMINARY DRAWINGS ONLY
NOT RELEASED FOR CONSTRUCTION

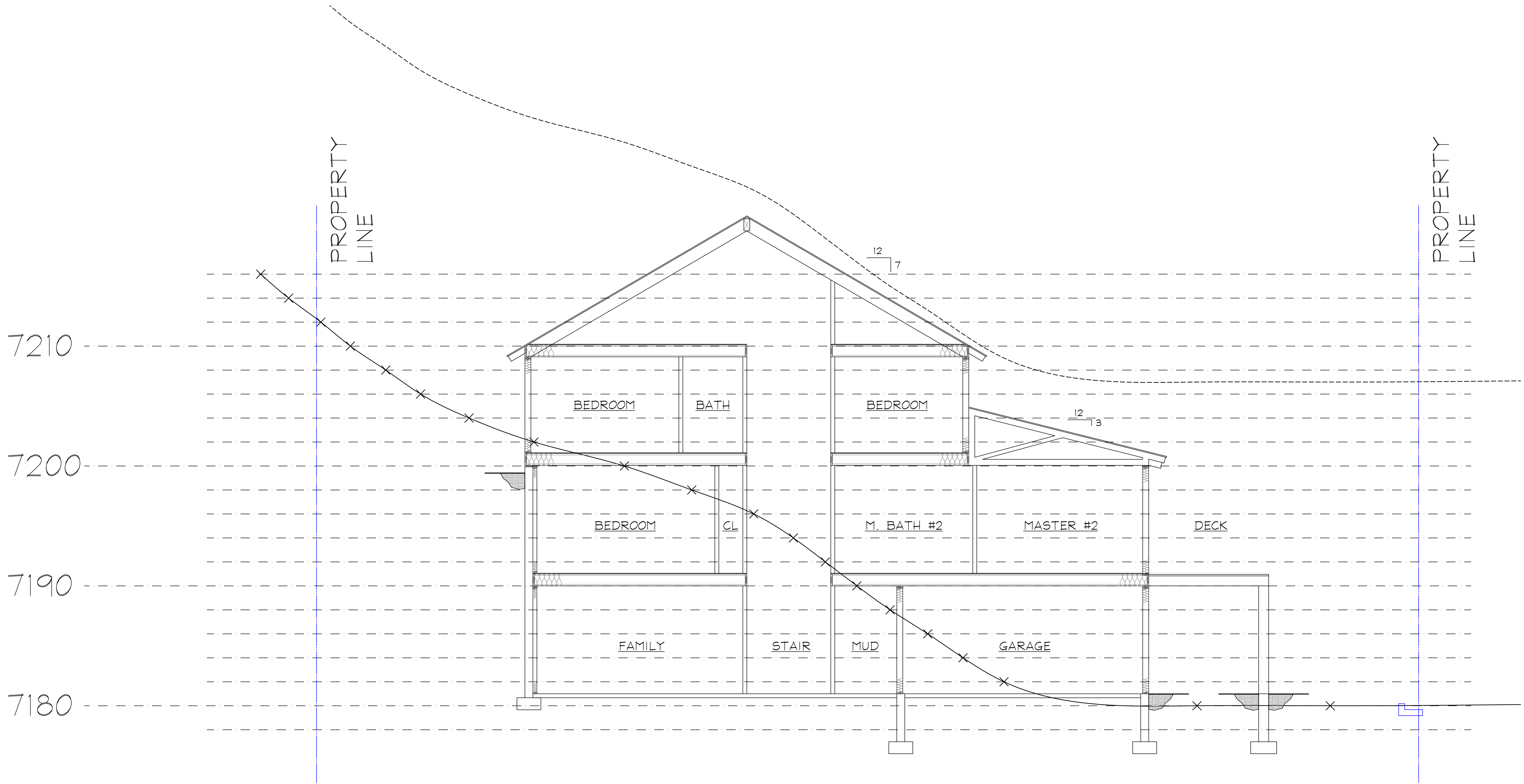
80 DALY AVENUE
PARK CITY, UTAH 84060

Craig Kitterman & Associates Architects
1079 E. Murray-Holladay Road Holladay, Utah 84117 Office 270-8606 Fax 263-3989

PROJECT #
14036-1

DATE PRINTED
02/05/2015





TITLE

SCALE: 1/4" = 1'-0"

SEE SHEET #A-2 FOR ADD. NOTES

PRELIMINARY DRAWINGS ONLY
NOT RELEASED FOR CONSTRUCTION

80 DALY AVENUE
PARK CITY, UTAH 84060

Craig Kitterman & Associates Architects
1079 E. Murray-Holladay Road Holladay, Utah 84117 Office 270-8606 Fax 263-3989

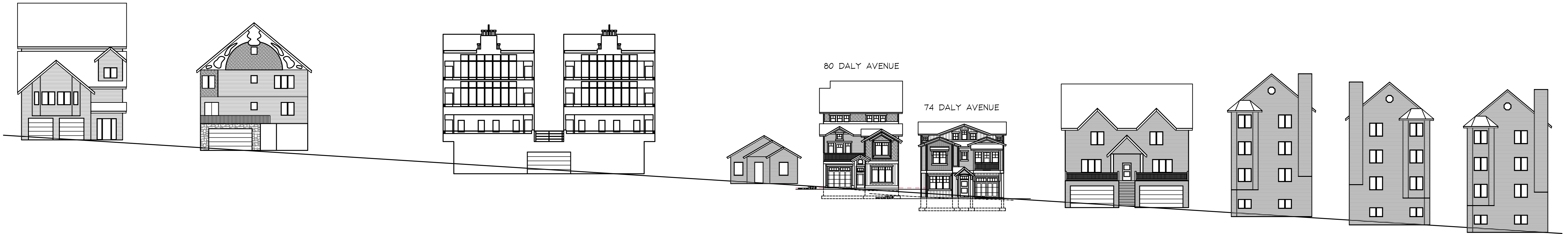
PROJECT #
14036-1

DATE PRINTED
02/05/2015

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EXHIBIT B





DALY AVE.
STREETSCAPE

SCALE: NTS

80 DALY AVENUE

PARK CITY, UTAH 84060

Craig Kitterman & Associates Architects

1079 E. Murray-Holladay Road Holladay, Utah 84117 Office 270-8606 Fax 263-3989

PROJECT #
14036-1

DATE PRINTED
02/05/2015

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EXHIBIT C

Craig T. Kitterman and Associates, Architects

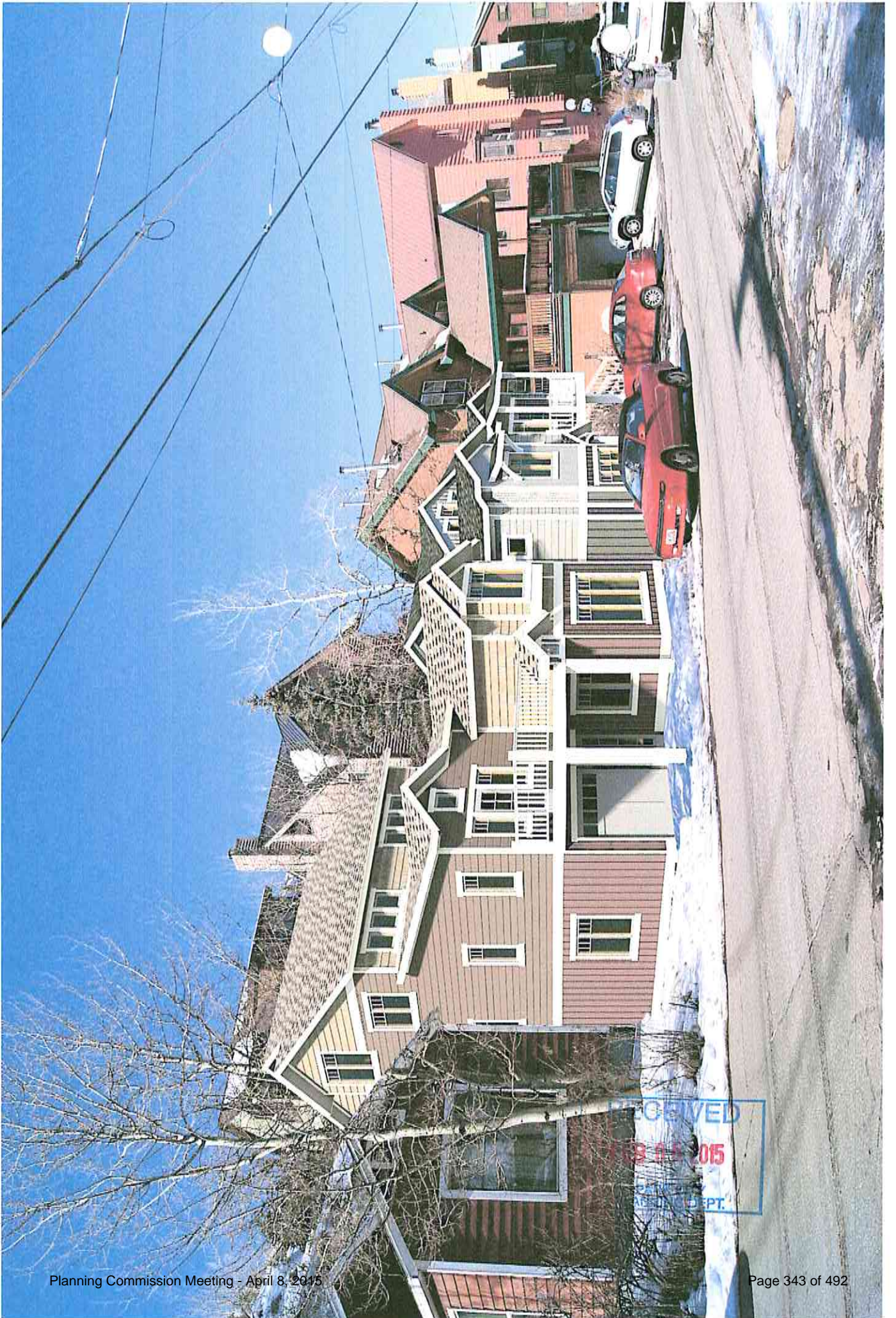
80 Daly Avenue Project Description

The project consists of a new single family home to be built on 80 Daly Avenue. Design guidelines for the structure are as follows.

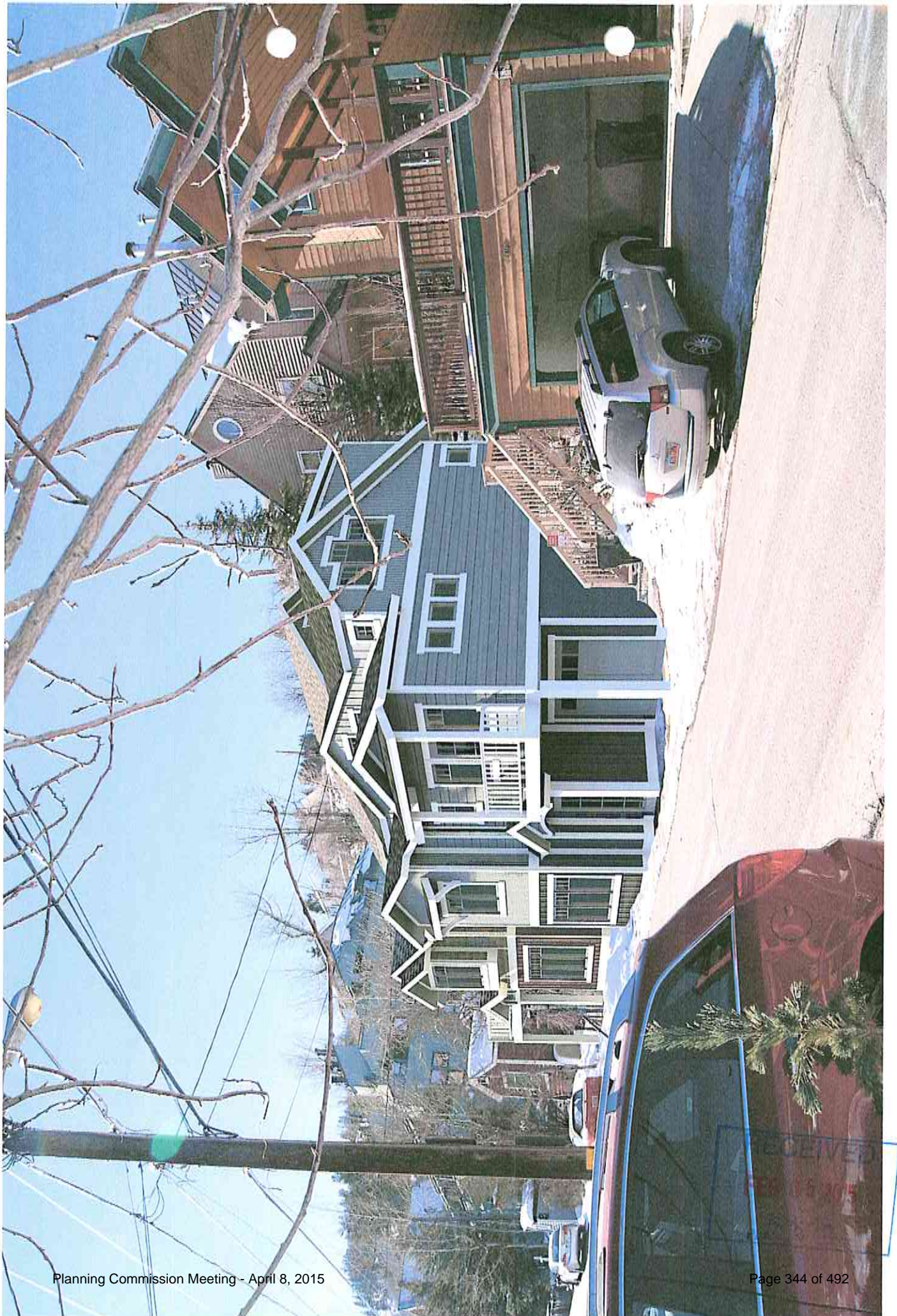
- Provides is a one car garage with one car tandem parking in driveway.
- The house is setback 10' from the back of the curb of Daly Ave, although the property line is in the street.
- The garage door is 18' from the back of curb of Daly Ave.
- The structure meets side and rear setbacks.
- The height of the structure is within the height limit of 23' on the front of the home for 10' before it rises to 27' max above grade.
- Major roof pitches are 7 in 12.
- Door and window styles meet the Historic District guidelines.
- Only 3 materials are used on the exterior of the home.
- The finish grade is only changed a max of 4' from existing.
- The max height from the lowest finished floor is 35' to tallest roof plate.



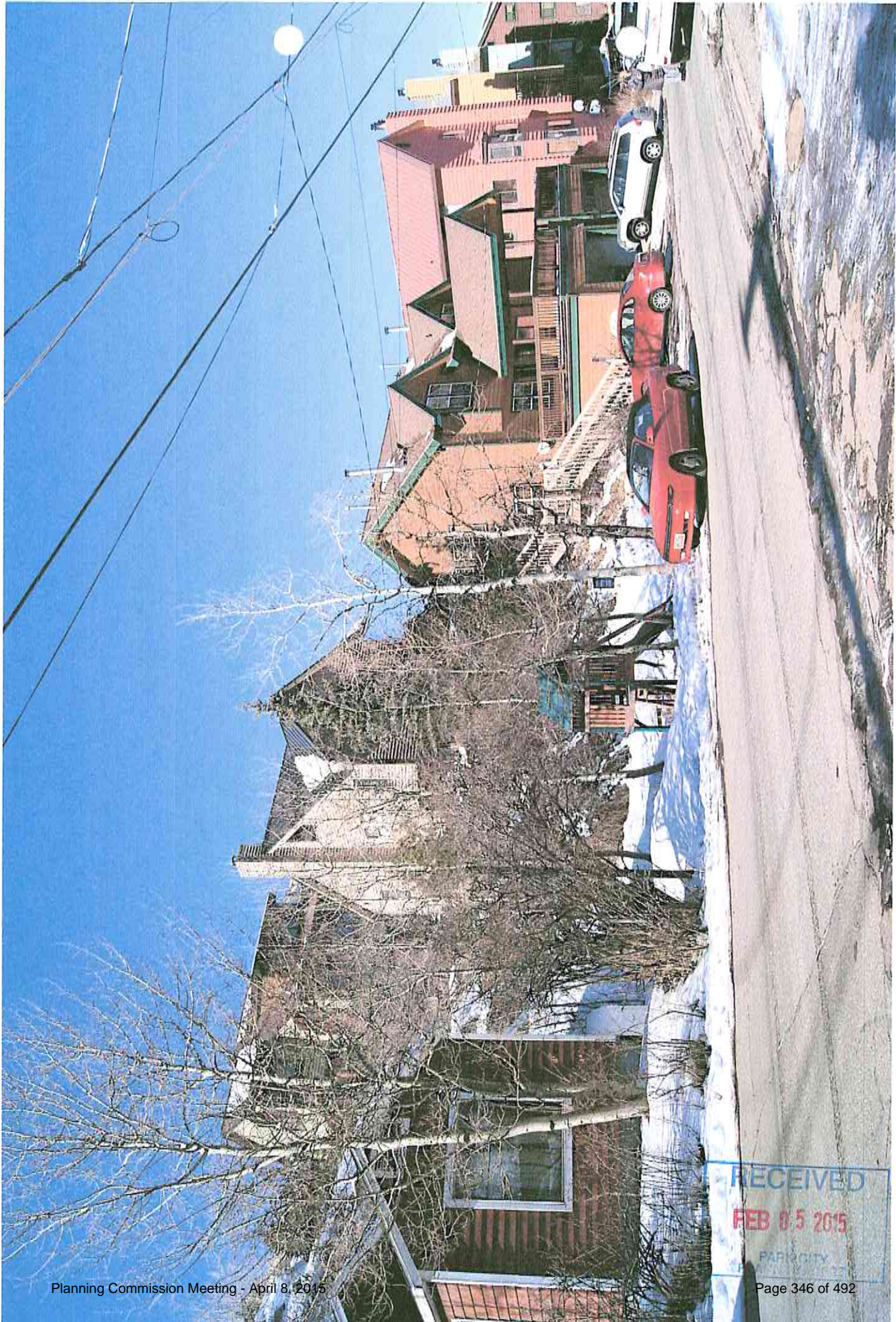
1079 E. Murray Holladay Road Holladay, Utah 84117 Phone: 270-8606



RECEIVED
MAY 11 2015
PLANNING DEPT.

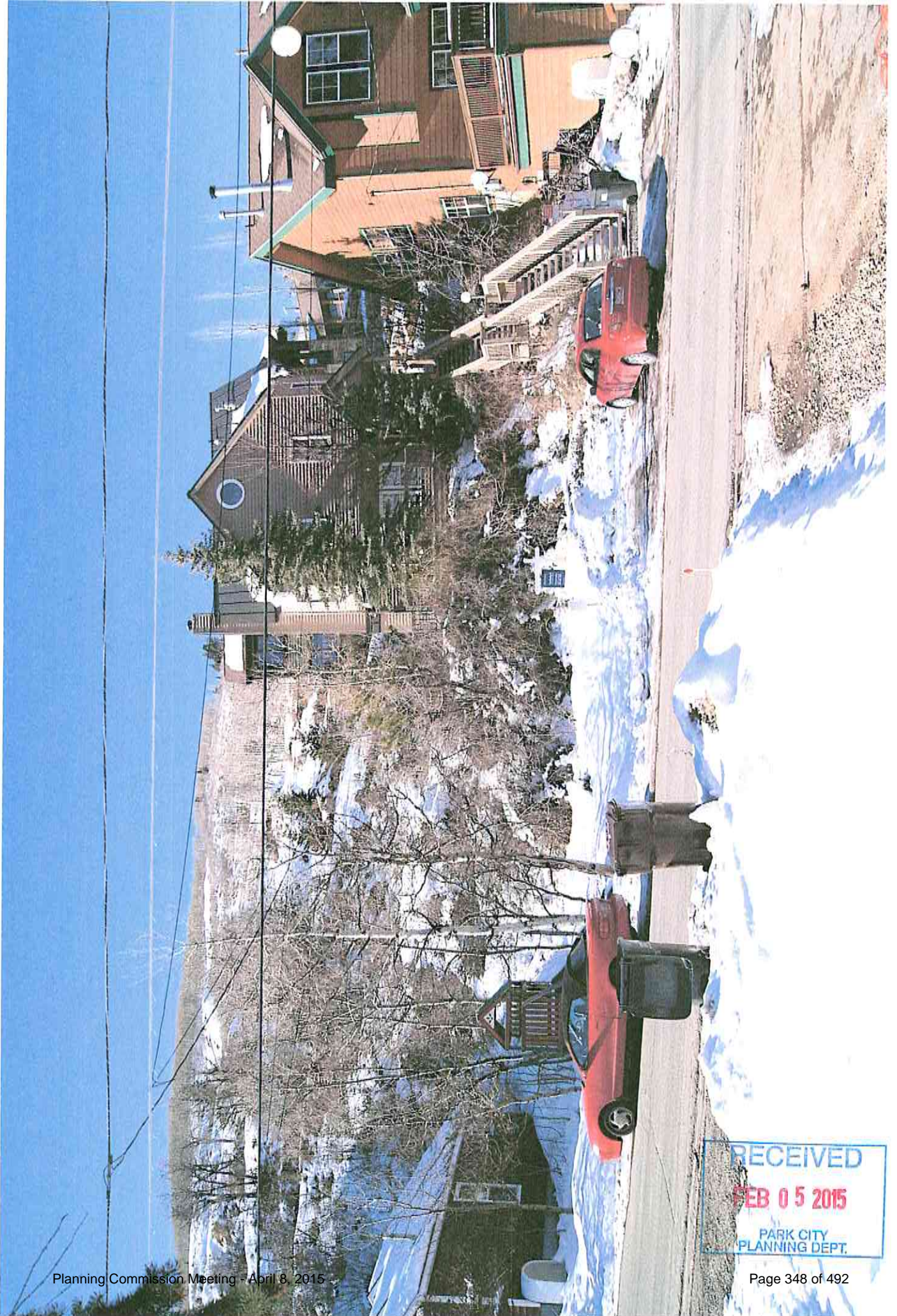




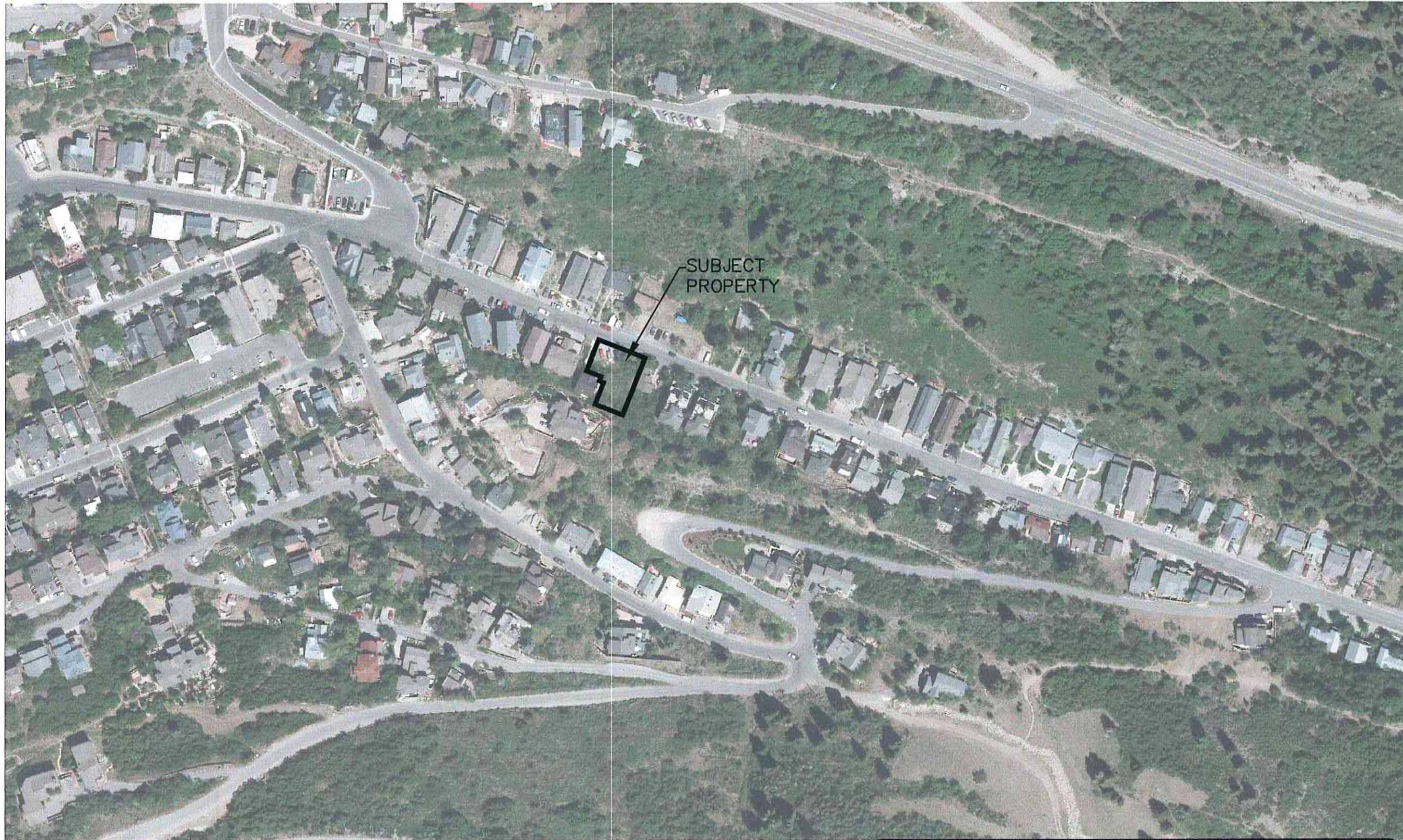


RECEIVED
FEB 05 2015
PARIS CITY
PLANNING COMMISSION

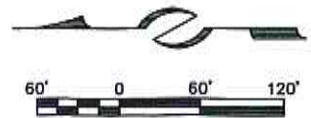




RECEIVED
FEB 05 2015
PARK CITY
PLANNING DEPT.



SUBJECT
PROPERTY




 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84050-2664	STAFF: MARSHALL KING HARRISON HOLLEY	AERIAL PHOTOGRAPH 80 DALY AVENUE	RECEIVED AUG 01 2014 PLANNING DEPT.	SHEET 1 OF 1
	DATE: 8/1/14	FOR: JON DEVERIAN JOB NO.: 5-7-14 FILE: X:\ParkCitySurvey\dwg\Exhibits\80 daly-orlho.dwg		

EXHIBIT D



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 plat.

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 34.87 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 Devarlan, 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.

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

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

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

ACKNOWLEDGMENT

State of _____
County of _____

On this ____ day of _____, 2015, Jon Devarlan personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Jon Devarlan 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 _____
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 _____
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.

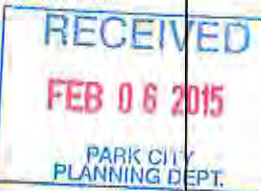
By _____
A Notary Public commissioned in the State of _____

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

2/15 JOB NO.: 5-7-14 FILE: X:\ParkCitySurvey\dwg\src\pl02014\050714.dwg

 (435) 649-3467 CONSULTING ENGINEERS, LAND PLANNERS, SURVEYORS Planning Commission Meeting, April 8, 2015	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 _____ ENTRY NO. _____ DATE _____ TIME _____ FEE _____ RECORDER _____ Page 350 of 492
	SHEET 1 OF 1						

EXHIBIT E

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.

5. **74 & 80 Daly Avenue – 74 & 80 Daly Avenue Subdivision – Plat Amendment.**
(Application PL-14-02449)

Planner Alexander reviewed the request for 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 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 new lots on which he plans to build new homes at 74 & 80 Daly Avenue in the 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 intends to build new single-family homes on the proposed lots. The applicant had provided preliminary home designs to the Design Review Team to discuss Historic District Guidelines and LMC requirements, but he had not yet submitted official Historic District Design Review or Steep Slope CUP applications.

A previous plat amendment application submitted by a previous owner went before the Planning Commission and City Council in 2012. At those meetings, the Planning Commission and Council had several concerns and the Planning Commission eventually forwarded a negative recommendation to the City Council. The history and outcome of the Planning Commission and City Council meetings were provided in the Staff report. Due to the concerns and issues raised by the City Council the original plat amendment application from 2012 was withdrawn. The previous applicant sold his property and no further applications were made until the current applicant/owner submitted this application on August 1, 2014.

A neighboring property at 68 Daly Avenue has an existing deck encroaching in two places over the lot lines onto the proposed Lot A. The encroachment issue was resolved through

an encroachment agreement that was recorded in July 15, 2014. Limitations regarding house size and other issues could be addressed with the Steep Slope CUP process.

The Staff conducted an analysis and found 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 all Building Codes, the Land Management Code, and applicable Historic District Design Guidelines requirements. A Steep Slope CUP would address previous concerns of structures falling down the hillside to the west of the property.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the 74 & 80 Daly Avenue Subdivision Plat Amendment based on the findings of fact, conclusions of law and conditions of approval in the draft ordinance.

Chair Worel opened the public hearing.

Carlene Riley asked questions unrelated to the plat amendment application. She stated that she would research the application and submit any comments to the Staff.

Delphine Comp asked how large a home the applicant would be allowed to build.

Planner Alexander stated that Lot A would be allowed a max of 972.4 square feet footprint going up to a 27' height and Lot B would be allowed a max of 1, 418.7 square feet footprint going up to a height of 27'.

Commissioner Phillips believed the questions being asked by the public were more appropriate for the CUP process since house size, etc. would be addressed at that time. He encouraged the public to hold those types of comments for the CUP public hearing.

Chair Worel closed the public hearing.

Planner Alexander pointed out that the applicant would like to maximize the footprint in which case the structures could be larger.

Commissioner Band was not in favor of handicapping this owner when others could have larger homes.

Planner Whetstone pointed out that basement areas are not counted towards square footage in residential areas.

Commissioner Campbell stated that it would be more appropriate for the Planning Commission to look at house size and neighborhood compatibility during the CUP process. He did not believe it was a discussion for the plat amendment.

Commissioner Strachan could not support having vacated Anchor be part of the lot size. Based on Commissioner Strachan's comment, Commissioner Joyce thought the building footprint should be changed now rather than waiting for the CUP. Planner Alexander pointed out that Anchor Avenue was already vacated to the applicant and he now owns it.

Assistant City Attorney McLean was unfamiliar with the history of the Anchor vacation. Planner Astorga stated that he was the Planner in 2012 and could provide some background. He noted that the owner did not petition to vacate Anchor Avenue. It was the City who determined that Anchor would never be used and it made sense to vacate it. Planner Astorga pointed out that doing a house size analysis at the plat amendment stage has been done in the past.

Commissioner Phillips asked if the owner could build in the vacated area. Planner Alexander answered yes. After further discussion regarding vacated Anchor, Assistant City McLean suggested that the Staff needed to do more research on the vacation of Anchor and whether building could occur in the vacated area.

Commissioner Joyce was unsure how they would do a restriction based on compatibility. He was leaning towards addressing compatibility as part of this plat amendment.

Commissioner Phillips assumed that both lots would have to come in for a CUP.

Commissioner Thimm thought the design could yield a massing solution. He did not think the platting stage was the best place to look at compatibility and massing. He preferred to address those issues with the CUP.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 74 & 80 Daly Avenue Subdivision Plat Amendment in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Joyce seconded the motion.

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

Commissioner Joyce requested to see a compatibility analysis when the item comes back for a CUP.

Findings of Fact – 74 & 80 Daly Avenue

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 of 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 noncomplying 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 – 74 & 80 Daly 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 – 74 & 80 Daly Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work 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.

Park City Planning Commission meeting adjourned at 6:45 p.m.

Approved by Planning Commission: _____

EXHIBIT F

Mean Building Footprints By Zone (Sq. Ft.)

Estate Zone:	5,438.76
HRL Zone:	1,540.15
HR-1 Zone:	1,482.24
Daly Ave:	1,465.44

Legend







Zone Type	
 Daly Ave Buildings	 E
 HR-1 Zone Buildings	 HR-1
 HRL Zone Buildings	 HRL

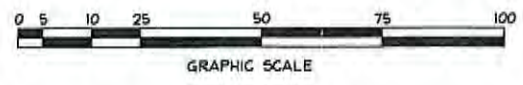
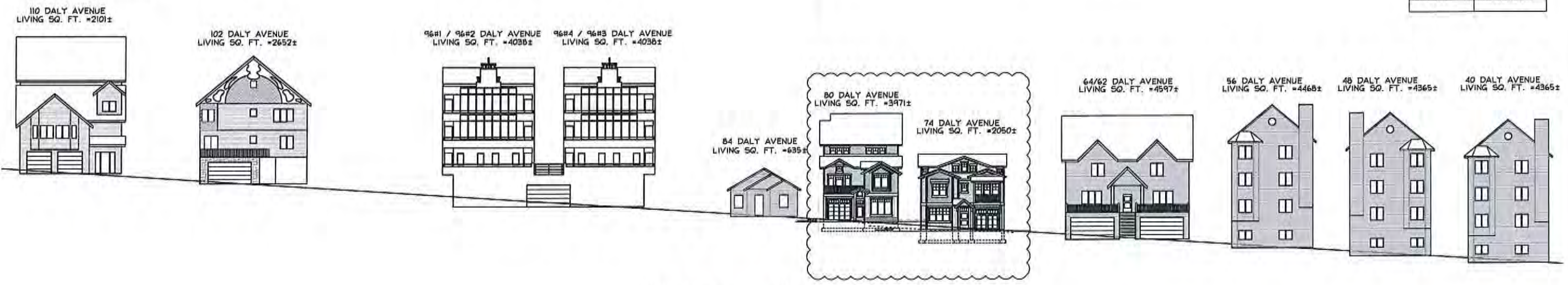
EXHIBIT G

←

ADDRESS	LIVING SQ. FT.
118 DALY	2875 SQ. FT.
124 DALY	2715 SQ. FT.
130 DALY	1926 SQ. FT.
136 DALY	2007 SQ. FT.
156 DALY	1204 SQ. FT.

→

ADDRESS	LIVING SQ. FT.
32 DALY(1-4)	4357 SQ. FT.
24 DALY	1022 SQ. FT.
10 DALY	2218 SQ. FT.



DALY AVE.
STREETSCAPE
SCALE: NTS

74 DALY AVENUE
PARK CITY, UTAH 84060

Craig Kitterman & Associates Architects
1079 E. Murray-Holladay Road, Holladay, Utah 84117 Office 270-8606 Fax 263-3989

PROJECT #
14036-2

DATE PRINTED
02/26/2015

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14

EXHIBIT H

Craig T. Kitterman and Associates, Architects

Daly Avenue Living Sq. Ft

Address	Living Sq. Ft.
156 Daly Ave	1204 Sq. Ft.
136 Daly Ave	2007 Sq. Ft.
130 Daly Ave	1926 Sq. Ft.
124 Daly Ave	2715 Sq. Ft.
118 Daly Ave	2875 Sq. Ft.
110 Daly Ave	2101 Sq. Ft.
102 Daly Ave	2652 Sq. Ft.
96#1 & 96#2 Daly Ave	4038 Sq. Ft.
96#3 & 96#4 Daly Ave	4038 Sq. Ft.
84 Daly Ave	635 Sq. Ft.
80 Daly Ave	3971 Sq. Ft.
74 Daly Ave	2050 Sq. Ft.
64/62 Daly Ave	4597 Sq. Ft.
56 Daly Ave	4468 Sq. Ft.
48 Daly Ave	4365 Sq. Ft.
40 Daly Ave	4365 Sq. Ft.
32 Daly Ave	4357 Sq. Ft.
24 Daly Ave	1022 Sq. Ft.
10 Daly Ave	2218 Sq. Ft.

PARK CITY COUNCIL MEETING MINUTES-DRAFT

SUMMIT COUNTY, UTAH,

March 5, 2015

Page | 4

III. PUBLIC INPUT (Any matter of City business not scheduled on the agenda)
None

IV. CONSENT (Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon)

1. Consideration of authorization for the City Manager to enter into a professional service provider agreement in a form approved by the City Attorney's Office with MGB+A, in the amount of Sixty Nine Thousand Six Hundred Nineteen Dollars (\$69,619).

Approved unanimously

V. OLD BUSINESS

1. Consideration of a plat amendment for 74 & 80 Daly Avenue Subdivision located at 74 & 80 Daly Avenue, Park City, Utah pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney

Christy Alexander spoke to the plat amendment for two new lots being proposed, stating Staff does not feel a size restriction should be put in place as the footprint sizes are compatible, but advises Council they may restrict as she has reflected in the report such as been done in the past. Council member Simpson asked if the Planning Commission agreed to handle a restriction request in the Steep Slope CUP stage rather than here, to which Alexander said yes. Council member Beerman asked if we have allowed vacated spaces to be used in footprints before. Alexander reiterated her research showed there was one instance where it was. Council member Matsumoto asked if they are building on Anchor Avenue and if the property has been deeded to the property owner, to which Alexander said yes. Council member Beerman asks if there are any deed restrictions. Alexander stated there are no restrictions. Council member Beerman then asked for Mark Harrington's input on how precedence is set in such a matter. Harrington stated restrictions must be based on appropriate public policy of record and that further study must be done by Council if they choose to go against Staff's recommendation.

Project architect Craig Kitterman stated our streetscape mass is larger than the houses in question and asked that these properties be treated equally as others and that this project be allowed to move forward.

Approved unanimously

VI. NEW BUSINESS

1. Consideration of a plat amendment for 98 Hidden Splendor Court pursuant to findings of fact, conclusions of law and conditions of approval in a form approved by the City Attorney.

Approved unanimously to be continued to March 19, 2015 meeting



Planning Commission Staff Report

Subject: First Amendment to The Silver Star Plaza Condominiums Buildings “N”, “O”, “P”, “Q” and “R” record of survey plat
Project Number: PL-15-02655
Author: Kirsten A Whetstone, MS, AICP
Date: April 8, 2015
Type of Item: Administrative – Amended Record of Survey condominium plat

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the First Amendment to the Silver Star Plaza Condominiums Buildings “N”, “O”, “P”, “Q”, and “R” condominium plat to add Building “S”. Staff recommends the Planning Commission 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 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: Alan Long, owner of Silver Star Realty and Silver Star Plaza Condominiums Owners Association, Inc., a Utah non-profit corporation
Location: 1825 Three Kings Drive
Zoning: Residential Development Medium Density (RDM) (Spiro Tunnel Master Planned Development (aka Silver Star))
Adjacent Land Uses: Residential condominiums, commercial and support commercial uses, Park City resort, trails, Park City Golf Course, single family houses, Park City Parks and Spiro Tunnel Water facilities, and open space parcels.
Reason for Review: Condominium record of survey plat amendments require Planning Commission review and recommendation to City Council with final action by the City Council.

Proposal

The applicant requests an amendment to the condominium record of survey plat for the purpose of adding Building “S” to the condominium plat (Exhibits A and B). Building “S” is a proposed 1,888 square foot single story building that includes the existing historic mine tunnel entrance shed and a future addition. The applicant’s request (Exhibit C) is to include Building “S” as a commercial condominium unit with a designation as “private area”. Building “S” includes office uses and storage for the Silver Star Café. These uses were approved on October 22, 2014, as the Three Kings Realty at Silver Star Conditional Use Permit. Building S is located between buildings “O” and “R”. The property is located within the Residential

Development Medium Density (RDM) Zoning District and is subject to the Spiro Tunnel Master Planned Development. The Spiro Tunnel MPD and the Silver Star Realty CUP approved office uses at this site. The proposed plat amendment is consistent with the RDM zoning, the Spiro Tunnel Master Planned Development, the Three Kings Realty Conditional Use Permit, and the Land Management Code.

Background

The subject property, located at 1825 Three Kings Drive, is currently identified on the Silver Star Plaza Condominiums Buildings N, O, P, Q, and R Condominium Plat as common area. The plat was approved by the City Council on November 30, 2006 following approval of the Spiro Tunnel MPD (aka Silver Star Condominiums) by the Planning Commission in 2004. The property is subject to the Spiro Tunnel MPD Development Agreement. The October 27, 2004 Spiro Tunnel MPD includes allowances for commercial and offices uses within the Plaza Area of the MPD as further described below.

The Spiro Tunnel MPD requires a Conditional Use Permit for new building construction, such as the proposed addition to the historic shed. On October 22, 2014, the Planning Commission approved a Conditional Use Permit for Building S for office uses within the existing mine tunnel entrance shed and within an addition to the shed. The Conditional Use Permit is for a 2,260 square foot single story building that includes 1,325 sf for real estate office uses, 615 sf for the existing mine tunnel entrance area, and 320 sf for storage, including cold storage for the Silver Star Café to replace a temporary storage shed that exists at this location.

The Spiro Tunnel Master Planned Development was approved as a mixed use development consisting of 97 residential unit equivalents (74 condominium units, 22 cottage units and one single family house with guest); an artist-in-residence campus with up to 14,500 sf of offices, studios, and gallery retail space; support commercial uses and support meeting space; and 16.11 (AUE) of affordable housing units (21 units in Buildings N and O). Support commercial and support meeting space (up to 10% of the total residential floor area is 19,400 sf based on a total of 97 residential UE) was specifically allowed during the MPD approval for the Silver Star project, as the project was considered a nightly rental condominium project. Up to 14,500 sf of commercial and office uses are allowed by the Spiro Tunnel MPD in addition to 19,400 sf of support commercial/meeting space based on 97 UE of residential.

Currently there are 11,367 sf of commercial/office uses at the site, including the Sundance offices in MS-2 and MS-3. The flexible space in MS-3 is utilized by Sundance as offices during the Sundance season and for the artist-in-residence program or other community events during the summer and is counted as commercial/office space. The proposed 1,325 sf of office space would bring the total commercial/office floor area to 12,692 sf, which is less than the total allowable of 14,500 sf with 1,808 sf of commercial uses remaining.

There are currently 5,594 sf of support commercial uses, including the Silver Star café and the ski shop located in the Historic Building known as MS-1. There are 3,130 sf of support uses for the residential units only, such as a club house, common pool/spa, exercise room and laundry. The additional 320 sf of storage for Silver Star Café would increase the

support commercial space to 5,914 sf, which is less than the maximum allowed support commercial space.

Parking has been provided for all of the residential UE and all of the allowable commercial/office space per the Spiro Tunnel MPD. There are 110 existing shared surface parking spaces for the commercial/office uses, affordable housing units, and parking for trailhead and city parks/water department employees by agreement. Parking for the residential condominium units is provided within the parking structures under the buildings and parking for the cottages is located within individual parking garages.

On September 10, 2008, a Conditional Use Permit was approved for a bar/grill (The Shaft at Silver Star CUP) at this same location. The building/addition was never constructed and the CUP expired.

As noted above, on October 22, 2014, a Conditional Use Permit was approved for office uses and a storage area for the Silver Star Café for Building S (Exhibits D and E). Parking impacts of the use of a future Building S were presented with the Conditional Use Permit and no unmitigated impacts were found.

On January 16, 2015, an application was submitted for this first amendment to the Silver Star Plaza Condominiums Buildings N, O, P, Q, and R Condominium Plat. The application was deemed complete on February 24, 2015. The plat amendment is a request to add a Building "S" to the condominium plat as an 1,888 square foot single story commercial condominium unit with a designation as "private area". Building "S" includes the existing mine tunnel entrance shed and a future addition, consistent with the October 22, 2014, approved Three Kings Realty at Silver Star Conditional Use Permit.

Staff is currently reviewing a Historic District Design Review application for the addition to the historic mine tunnel shed building.

Purpose

The purpose of the Residential Development Medium Density (RDM) District is to:

- (A) Allow continuation of medium Density residential and resort related housing in the newer residential Areas of Park City;
- (B) Encourage the clustering of residential units to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services;
- (C) Allow limited generated businesses and recreational activities that are Compatible with residential neighborhoods;
- (D) Allow Development in accordance with the Sensitive Lands Ordinance;
- (E) Provide opportunities for variation in architectural design and housing types,
- (F) Promote pedestrian connections within Developments and between adjacent

Areas; and

(G) Minimize impacts of the automobile on architectural design.

Analysis

The proposal complies with lot and site requirements of the RDM District and/or Master Planned Development as described below.

RDM Zone	Required/Proposed
Lot Size	No minimum lot size.
Floor Area Ratio (FAR)	No FAR required. Gross Floor Area is 2,260 sf including 1,325 sf (office), 320 sf (storage for Silver Star Café) and 615 sf (mine tunnel access area).
Front/rear yard setbacks	Zero lot line development permitted within the MPD, subject to Fire Code restrictions for separation between buildings. Complies.
Side yard setbacks	Zero lot line development permitted within the MPD, subject to Fire Code restrictions for separation between buildings. Complies.
Building Height	Thirty-three (33') from Existing Grade is allowed (includes exception for pitched roof). Building height will be verified at the time of Building Permit review. One story-proposed addition is 12'6" and the existing mine shed is 18'2". Complies.
Parking	Per Silver Star MPD all parking for the plaza area is shared and was provided at the time of construction of the project for all allowed uses, including 14,500 sf of commercial/office uses. The office use is included in the 14,500 sf. To better manage the 110 shared surface parking spaces residential parking is reserved, trail head parking is identified for the northern most spaces, seasonal spaces for City Parks and Water Department employees is permitted in the north parking area, and other commercial and office uses utilize the remaining spaces (See Parking Memorandum- Exhibit D). Complies.
Architectural Design	All construction is subject to Design Guidelines for Historic Buildings and Sites, subject to submittal and review for compliance with the Design Guidelines,

	prior to issuance of a building permit.
Uses	Up to 14,500 sf of commercial and office uses are allowed by the Spiro Tunnel MPD in addition to 19,400 sf of support commercial/meeting space based on 97 UE of residential. Currently there are 11,367 sf of commercial/office uses and 5,594 sf of support commercial uses. The addition of 1,325 sf of office space will bring total commercial/office to 12,692 sf which is less than 14,500 sf allowed and will bring the total support commercial uses to 5,914 sf. The MPD requires Conditional Use Permit for new building construction. Complies.

Good Cause

Staff finds good cause for this amended record of survey plat as this condominium plat is consistent with the Spiro Tunnel Master Planned Development Agreement and the approved Three Kings Realty Conditional Use Permit. The proposed plat amendment complies with the Land Management Code and is consistent with the RDM zone. The condominium plat amendment is consistent with the State condominium act.

Department Review

This plat amendment was reviewed by the Development Review Committee on February 10, 2015. Issues raised regarding accommodation of the SBWRD and City utility easements as well as the City’s interest in the mine access tunnel and mitigating impacts during construction have been addressed by amendments to the plat and/or with specific conditions of approval (see Exhibit H- Water Department letter). The Water Department has requested specific conditions of approval to address City access to the tunnel and specific easements for water lines, maintenance, and access to the tunnel. Staff has included these conditions of approval in the Draft Ordinance. The Water Department also requested conditions of approval related to maintenance of security to the tunnel during construction activities, as well as requirements for the shed addition to consider adequate ventilation to the mine tunnel. Additional language regarding tunnel access and operations which may occur at any time and which may result in disturbances, such as tunnel construction, noise, fumes, etc., and holding the City harmless for such impacts, is also recommended as conditions of approval in the draft Ordinance.

Notice

On March 25, 2015, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on March 21, 2015.

Public Input

A public hearing is scheduled for both Planning Commission and City Council meetings. Staff has not received any public input at the time of this report.

Future Process

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

Alternatives

- The Planning Commission may forward a positive recommendation to City Council to approve the amended condominium plat as conditioned or amended, or
- The Planning Commission may forward a negative recommendation to City Council to deny the amended condominium plat and direct staff to make Findings for this decision, or
- The Planning Commission may continue discussion on the plat and provide direction to staff and the applicant regarding any additional information, findings, or conditions necessary to take final action on the requested application.

Significant Impacts

There are no negative fiscal or significant environmental impacts to the city from this proposed record of survey plat amendment.

Consequences of not taking the Suggested Recommendation

The ownership designations would remain as platted with the existing mine shed and proposed addition remaining as an improvement in the common area and owned by the Silver Star Plaza Condominium Owners Association.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the First Amendment to the Silver Star Plaza Condominiums Buildings “N”, “O”, “P”, “Q”, and “R” condominium plat to add Building “S”. Staff recommends the Planning Commission 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 as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A- Proposed First Amended condominium plat

Exhibit B- Recorded plat

Exhibit C- Applicant’s letter

Exhibit D- Approved Conditional Use Permit action letter

Exhibit E- Approved Conditional Use Permit plans

Exhibit F- Photos

Exhibit G- SBWRD letter

Exhibit H- Water Department Letter

Ordinance No. 15-

AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE SILVER STAR PLAZA CONDOMINIUMS BUILDINGS “N”, “O”, “P”, “Q”, AND “R” CONDOMINIUM RECORD OF SURVEY PLAT, A UTAH CONDOMINIUM PROJECT, LOCATED AT 1825 THREE KINGS DRIVE, PARK CITY, UTAH.

WHEREAS, owners of the property known as Silver Star Plaza Condominiums Buildings “N”, “O”, “P”, “Q”, and “R”, a Utah Condominium Project, (aka Silver Star Condominium project) located at 1825 Three Kings Drive, have petitioned the City Council for approval of an amended condominium plat to add Building “S” as a 1,888 square foot commercial condominium unit located between Buildings “O” and “R” and to change the ownership designation for Building “S” from common area to private area.

WHEREAS, the property was properly noticed on March 21, 2015 and posted on or prior to March 25, 2015, according to requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on March 25, 2015; and

WHEREAS, the Planning Commission held a public hearing on April 8, 2015, to receive input on the amended condominium plat; and

WHEREAS, the Planning Commission, on April 8, 2015, forwarded a recommendation to the City Council; and,

WHEREAS, on May 7, 2015, the City Council held a public hearing on the amended condominium plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amendment to the Silver Star Plaza Condominiums Buildings “N”, “O”, “P”, “Q”, and “R” condominium record of survey plat to add Building “S”.

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 condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1825 Three Kings Drive.
2. The property is located in the Residential Development Medium density (RDM) zoning district and subject to the Spiro Tunnel Master Planned Development (MPD) (aka Silver Star MPD). Office uses are allowed within the Spiro Tunnel MPD.

3. The applicant's request for this plat amendment is to include a Building "S" as a commercial condominium unit with a designation as "private area". Building "S" includes office uses and storage for the Silver Star Café. These uses were approved on October 22, 2014, as the Three Kings Realty at Silver Star Conditional Use Permit. Building "S" also includes the existing historic mine tunnel entrance shed but not the covered tunnel leading to the mine.
4. Building "S" is proposed to be located between buildings "O" and "R" and consists of a total of 1,888 square feet.
5. Building "S" is located within the Park City Soils Ordinance Boundary.
6. On November 30, 2006, the City Council approved the Silver Star Plaza Condominiums Buildings "N", "O", "P", "Q", and "R", a Utah Condominium Project condominium record of survey plat. The plat was recorded at Summit County on February 19, 2008 and identifies the location and ownership of existing Buildings N, O, P, Q, and R.
7. This first amended plat adds Building "S" to the Silver Star Plaza Condominium Buildings "N", "O", "P", "Q", and "R", a Utah Condominium Project condominium record of survey plat in order to identify the building as a commercial condominium unit designated as private ownership. The building is currently identified as common area owned by the Silver Star Plaza Condominiums HOA.
8. On January 16, 2015, an application was submitted for the first amendment to the Silver Star Plaza Condominiums Buildings "N", "O", "P", "Q", and "R", a condominium record of survey plat. The application was deemed complete on February 24, 2015.
9. The condominium plat amendment is required in order to identify the location and ownership of existing Building "S" and to include the proposed addition.
10. The proposed uses and amended condominium plat are consistent with the Spiro Tunnel MPD and the Three Kings Realty CUP.
11. No non-complying situations are created with the plat amendment.
12. The existing building is listed on the Historic Sites Inventory as a Significant Historic Site.
13. On December 4, 2014, the Silver Star Plaza Owners Association met and voted unanimously to approve the real estate office project as proposed.
14. On October 27, 2004, the Planning Commission approved the Spiro Tunnel Master Planned Development and Conditional Use Permit for a mixed use development consisting of 97 residential unit equivalents (74 condominium units, 22 cottage units and one single family house with guest); an artist-in-residence campus with up to 14,500 sf of offices, studios, and gallery retail space; support commercial uses and support meeting space; and 16.11 (AUE) of affordable housing units (21 units in Buildings N and O).
15. Support commercial and support meeting space (up to 10% of the total residential floor area is 19,400 sf based on a total of 97 residential UE) was specifically allowed during the MPD approval for the Silver Star project, as the project was considered a nightly rental condominium project.
16. Currently there are 11,367 sf of commercial/office uses and 5,594 sf of support commercial uses. The addition of 1,325 sf of office space will bring total commercial/office to 12,692 sf which is less than 14,500 sf allowed and will bring the total support commercial uses to 5,914 sf. Up to 14,500 sf of commercial and

office uses are allowed by the Spiro Tunnel MPD in addition to 19,400 sf of support commercial/meeting space based on 97 UE of residential uses.

17. Parking for the Spiro Tunnel MPD was built to accommodate all of the 14,500 sf of allowed commercial and office uses. Management of parking is the responsibility of the Silver Star Homeowners Association and various updates have been presented to the Planning Commission.
18. A water line previously located under the historic shed was relocated during construction of the Silver Star project. Additional relocation of this water line may be necessary prior to construction of Building S.
19. The historic shed and a portion of the mine tunnel are located on a 30' non-exclusive utility easement on the current recorded plat. This easement will need to be modified on the amended plat with final approval of the easement subject to City Engineer and City Water Department review.

Conclusions of Law:

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. As conditioned, 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:

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 Spiro Tunnel Master Planned Development shall continue to apply and a note shall be included on the plat referring to the Spiro Tunnel MPD prior to recordation.
4. All plat notes on the Silver Star Plaza Condominiums Buildings "N", "O", "P", "Q", and "R" record of survey plat shall be included on the plat prior to recordation.
5. All conditions of approval of the Three Kings Realty at Silver Star Conditional Use Permit approved on October 22, 2014, shall apply to this plat and shall be referred to with a plat note on the plat prior to recordation.
6. All required ADA access, occupancy loads, and other specific Building and Fire Code requirements for the new building shall be addressed prior to issuance of a building permit.
7. Historic District Design Review approval for the addition to the historic structure is a condition of building permit issuance.
8. All required access and utility easements as required by the City Engineer shall be identified on the plat prior to recordation.
9. All soil disturbance and proposed landscaping shall adhere to requirements of the

Park City Soils Boundary Ordinance and Park City Municipal Code Section 11-15-1 and included in the building permit application.

10. A final utility and grading plan shall be submitted and approved by the City Engineer, City Water Department, Fire District, and SBWRD District prior to issuance of a building permit. Existing water service will need to be evaluated and may need to be upgraded to meet fire flow requirements for the proposed uses and required fire sprinkler system.
11. A storm water and drainage plan shall be submitted and approved by the City Engineer prior to issuance of a building permit for construction on this property.
12. A construction mitigation plan (CMP) shall be submitted with the building permit application and shall identify how construction activity and construction parking impacts on the residential units and commercial uses will be mitigated. The CMP shall indicate where the temporary storage building will be relocated to during construction of the permanent building.
13. Access to the tunnel shall be maintained at all times consistent with the easement and notes on the plat and conditions identified herein.
14. Access to the Spiro Tunnel shall be provided to Park City. Access shall facilitate equipment and vehicles as needed for operations and requires as a minimum:
 - a. Clear unobstructed access to the proposed shed remodel for a minimum width of 15 feet.
 - b. Paved access from the private drive to the proposed tunnel shed capable of supporting H2O loadings.
 - c. Mine rail tracks shall extend to within 10 feet of the existing private drive and shall be fully functional for mine rail cars.
 - d. Provide a 5 foot minimum clearance on either side of the mine rail tracks.
 - e. Access to the proposed tunnel shed shall be restricted to Park City authorized personnel.
15. Proposed building improvements shall meet Utah DDW (Division of Drinking Water) and Park City's tunnel access security requirements. Building plans shall require Park City Water review and approval with respect to meeting all such security requirements.
16. A note shall be added to the plat indicating that the proposed shed remodel shall provide for adequate ventilation of the mine.
17. A note shall be added to the plat indicating that existing rails are the property of Park City for use in tunnel access maintenance.
18. The applicant is required to maintain security to the Spiro Tunnel during all proposed construction activities. The specifics of this security maintenance shall be provided with the building permit application.
19. A 30 feet wide, minimum, water line and tunnel access easement extending from the proposed shed remodel to the existing private drive shall be provided on the plat prior to recordation and a 10 feet wide, minimum, waterline and tunnel access easement within the proposed shed remodel to the tunnel entrance shall be provided on the plat prior to recordation. The final language shall be approved by the City Attorney and City Engineer prior to plat recordation.
20. The plat shall include language, in a form approved by the City Attorney, indicating that the tunnel access and operations may result in disturbances, such as construction activities, noise, fumes, etc., to the proposed office and storage uses,

which may occur at any time and the City, shall be held harmless for such impacts.

21. Park City's access, for the purpose of water line operation and maintenance and for tunnel access, along with the existing private drive shall be clarified and noted on the plat prior to recordation.
22. Park City shall be held harmless from claims resulting from tunnel related occurrences, such as flooding and other such occurrences and this shall be noted on the plat prior to recordation.
23. If relocation of any water lines is necessary for construction of Building S the lines shall be relocated prior to building permit issuance and only upon approval of a final utility plan by the City Engineer.
24. All easements and encumbrances as identified in the current Title Report and as required by the City Engineer for utilities, access, and for exclusive use by the Park City Water Department shall be identified on the final mylar, to be verified and approved by the City Engineer prior to plat recordation.

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:

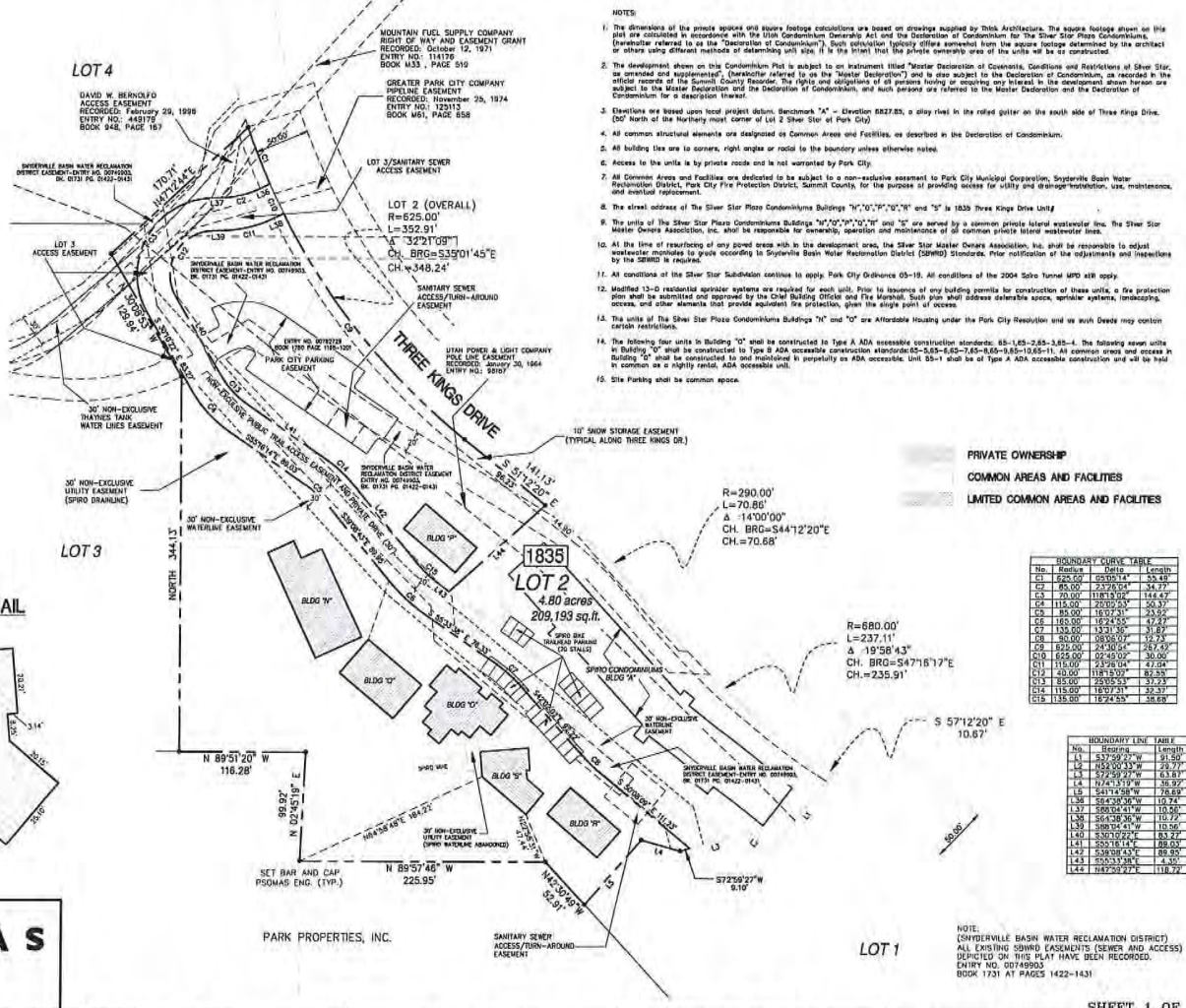
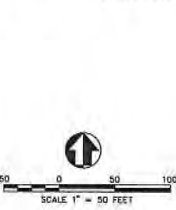
Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A- amended plat

THE SILVER STAR PLAZA CONDOMINIUMS
BUILDINGS "N", "O", "P", "Q" AND "R" FIRST AMENDMENT
AMENDING SHEET 1 AND ADDING SHEET 2A (BUILDING "S")



- NOTES:
- The dimensions of the private spaces and riparian footage calculations are based on drawings supplied by Third Architects. The square footage shown on this plan are calculated in accordance with the Utah Condominium Ownership Act and the Declaration of Condominium for The Silver Star Plaza Condominiums. (hereinafter referred to as the "Declaration of Condominiums"). Such calculation (ipso facto) differs somewhat from the square footage determined by the architect or others using different methods of determining unit size. It is the intent that the private ownership area of the units will be as constructed.
 - The development shown on this Condominium Plan is subject to an instrument titled "Master Declaration of Covenants, Conditions and Restrictions of Silver Star, as amended and supplemented," (hereinafter referred to as the "Master Declaration") and is also subject to the Declaration of Condominium, as recorded in the official records of the Summit County Recorder. The rights and obligations of all persons having or acquiring any interest in the development shown herein are subject to the Master Declaration and the Declaration of Condominium, and such persons are referred to the Master Declaration and the Declaration of Condominium for a description thereof.
 - Dimensions are based upon recent project datum, Benchmark "A" - Elevation 8527.85, a alloy rivet in the rebar gutter on the south side of Three Kings Drive. (See both of the surveying notes on corner of Lot 2 Silver Star at Park City)
 - All structural elements are designated as Common Areas and Facilities, as described in the Declaration of Condominium.
 - All building lines are to corners, right angles or radii to the boundary unless otherwise noted.
 - Access to the units is by private roads and is not warranted by Park City.
 - All Common Areas and Facilities are dedicated to be subject to a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District, Park City Fire Protection District, Summit County for the purpose of providing access for utility and drainage; maintenance, snow maintenance, and eventual replacement.
 - The street address of the Silver Star Plaza Condominiums Subdivisions "N", "O", "P", "Q", "R" and "S" is 1835 Three Kings Drive Unit
 - The units of the Silver Star Plaza Condominiums Buildings "N", "O", "P", "Q", "R" and "S" are served by a common private lateral wastewater line. The Silver Star Master Owners Association, Inc. shall be responsible for ownership, operation and maintenance of all common private lateral wastewater lines.
 - All lines of rebaring of any precast units in the development are, the Silver Star Master Owners Association, Inc. shall be responsible to adjust rebaring modulus to comply according to Snyderville Basin Water Reclamation District (SBWRD) Standards. Prior notification of the requirements and inspection by the SBWRD is required.
 - All conditions of the Silver Star Subdivision continue to apply. Park City Ordinance 05-18. All conditions of the 2004 State Tunnel MFD still apply.
 - Modified 13-D residential sprinkler systems are required for each unit. Prior to issuance of any building permits for construction of these units, a fire protection plan shall be submitted and approved by the Chief Building Official and the Marshal. Such plan shall describe desirable access, venting systems, landscaping, access, and other elements that provide equivalent fire protection, given the unique plan of access.
 - All units of the Silver Star Plaza Condominiums Buildings "N" and "O" are Affordable Housing under the Park City Resolution and as such must provide certain certain restrictions.
 - The following four units in Building "O" shall be constructed to Type A ADA accessible construction standards: 65-143-245-345-4. The following seven units in Building "Q" shall be constructed to Type B ADA accessible construction standards-345-645-745-845-945-1045-1145-1245. All common areas and access in Building "O" shall be constructed to and maintained in conformity to ADA accessible. Unit 65-143 shall be of Type A ADA accessible construction and unit 65-145 in common as a highly rated, ADA accessible unit.
 - Site Parking shall be common access.

PRIVATE OWNERSHIP
COMMON AREAS AND FACILITIES
LIMITED COMMON AREAS AND FACILITIES

NO.	BOUNDARY LINE	LENGTH
01	89°51'20" W	21.50
02	89°51'20" W	21.50
03	89°51'20" W	21.50
04	89°51'20" W	21.50
05	89°51'20" W	21.50
06	89°51'20" W	21.50
07	89°51'20" W	21.50
08	89°51'20" W	21.50
09	89°51'20" W	21.50
10	89°51'20" W	21.50
11	89°51'20" W	21.50
12	89°51'20" W	21.50
13	89°51'20" W	21.50
14	89°51'20" W	21.50
15	89°51'20" W	21.50
16	89°51'20" W	21.50
17	89°51'20" W	21.50
18	89°51'20" W	21.50
19	89°51'20" W	21.50
20	89°51'20" W	21.50
21	89°51'20" W	21.50
22	89°51'20" W	21.50
23	89°51'20" W	21.50
24	89°51'20" W	21.50
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84	89°51'20" W	21.50
85	89°51'20" W	21.50
86	89°51'20" W	21.50
87	89°51'20" W	21.50
88	89°51'20" W	21.50
89	89°51'20" W	21.50
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91	89°51'20" W	21.50
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94	89°51'20" W	21.50
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96	89°51'20" W	21.50
97	89°51'20" W	21.50
98	89°51'20" W	21.50
99	89°51'20" W	21.50
100	89°51'20" W	21.50

NOTE:
(SNYDERVILLE BASIN WATER RECLAMATION DISTRICT)
ALL EXISTING SBWRD EASEMENTS (SEWER AND ACCESS)
DEPICTED ON THIS PLAN HAVE BEEN RECORDED.
ENTRY NO. 00748905
BOOK 1731 AT PAGES 1422-1431

SURVEYOR'S CERTIFICATE
I, Brian D. Knapp, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 187007 as prescribed by the laws of the State of Utah, and that I have caused the same to be made under my direction and that the survey, the Declaration of Condominium, the Condominium Project, the CONDOMINIUMS, BUILDINGS "N", "O", "P", "Q", and "R", FIRST AMENDMENT, a Utah Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act I further certify that the information shown herein is correct.



LEGAL DESCRIPTION
All of Lot 2, SILVER STAR AT PARK CITY MINOR SUBDIVISION, according to the official plat thereof recorded June 9, 2005 as Entry No. 738902 of the official records in the office of the Summit County Recorder. Book of Bearing is identical to that shown on said Silver Star at Park City Subdivision.
Less and excepting that portion of said Lot 2, recorded October 6, 2005 as the Spira Condominiums Building "A", Entry Number 733657 of the official records in the office of the Summit County Recorder, being more particularly described as follows:

BEGINNING at the Southeast corner of said Lot 2; Thence S37°59'27" W 91.50 feet; Thence N52°00'33" W 29.97 feet; Thence S22°52'37" W 54.77 feet; Thence N50°09'57" W 111.03 feet; Thence Northwesterly 12.73 feet along the arc of a 90.00 foot radius curve to the right (center bears N35°11'51" E) through a central angle of 08°06'07"; Thence S42°02'02" W 92.22 feet; Thence Northwesterly 31.87 feet along the arc of a 135.00 foot radius curve to the left (center bears S47°23'08" W) through a central angle of 12°31'38"; Thence N52°33'38" W 76.33 feet; Thence Northwesterly 47.27 feet along the arc of a 165.00 foot radius curve to the right (center bears N32°21'22" E) through a central angle of 18°24'55"; Thence N37°04'43" W 89.85 feet; Thence Northwesterly 23.92 feet along the arc of a 85.00 foot radius curve to the left (center bears S50°11'17" W) through a central angle of 16°01'31"; Thence N31°18'14" W 89.03 feet; Thence Northwesterly 50.37 feet along the arc of a 115.00 foot radius curve to the right (center bears N34°43'42" E) through a central angle of 22°05'23"; Thence N37°04'43" W 89.85 feet; Thence Northwesterly 144.47 feet along the arc of a 70.00 foot radius curve to the right (center bears N27°49'38" E) through a central angle of 118°10'02"; Thence N48°04'41" E 10.56 feet; Thence Eastwesterly 34.77 feet along the arc of a 85.00 foot curve to the left (center bears N01°01'18" W) through a central angle of 23°20'04"; Thence N64°38'36" E 10.74 feet to the Westerly Right-of-Way line of Three Kings Drive; Thence coincident with said Right-of-Way line Southwesterly 30.00 feet along the arc of a 89.00 foot radius curve to the left (center bears N60°33'51" E) through a central angle of 02°45'02"; Thence S64°38'36" W 10.72 feet; Thence Westerly 47.04 feet along the arc of a 115.00 foot radius curve to the right (center bears N22°12'24" W) through a central angle of 23°28'04"; Thence S68°04'41" W 10.56 feet; Thence Southwesterly 144.47 feet along the arc of a 40.00 foot radius curve to the left (center bears S01°56'18" E) through a central angle of 118°10'02"; Thence S30°10'22" E 83.67 feet; Thence Southwesterly 37.22 feet along the arc of a 85.00 foot radius curve to the left (center bears N60°33'51" E) through a central angle of 20°05'23"; Thence S50°18'14" E 89.03 feet; Thence Southwesterly 32.37 feet along the arc of a 115.00 foot radius curve to the right (center bears S24°43'49" W) through a central angle of 16°07'31"; Thence S39°06'43" E 89.95 feet; Thence Southwesterly 38.68 feet along the arc of a 135.00 foot radius curve to the left (center bears N50°11'17" E) through a central angle of 16°24'55"; Thence S52°33'38" E 4.35 feet; Thence N47°59'27" E 118.72 feet to the Westerly Right-of-Way line of Three Kings Drive; Thence coincident with said Right-of-Way line the following four (4) courses (1) S51°12'20" E 44.80 feet (2) Southwesterly 70.95 feet along the arc of a 200.00 foot radius curve to the right (center bears S38°47'40" W) through a central angle of 14°00'00" to the point of reverse curvature (3) Southwesterly 237.11 feet along the arc of a 85.00 foot radius curve to the left (center bears N02°43'04" E) through a central angle of 17°58'45" (4) S57°12'20" E 10.67 feet to the POINT OF BEGINNING.

Development Parcel (2) Contain 3.79 acres, less and Excepting Parcel Contain 1.51 acres.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Silver Star Plaza Condominiums Homeowners Association, the owner of the tract of land described herein as the SILVER STAR PLAZA CONDOMINIUMS, BUILDINGS "N", "O", "P", "Q" AND "R", FIRST AMENDMENT a Utah Condominium Project, located on said tract of land, hereby certifies that it has caused this survey to be made and this Condominium Plan consisting of two (2) sheets to be prepared, and does hereby consent to the recordation of this Condominium Plan and submit the property to the Utah Condominium Ownership Act.
The owner certifies that the buildings shown on this plot, but not under construction of the time this plot was recorded, when completed, be substantially as shown on this plot.

In witness whereof the undersigned has executed this certificate and dedication title _____ day of _____, 20____.

HOME OWNERS ASSOCIATION-SILVER STAR PLAZA CONDOMINIUMS

By: _____
Title: _____

ACKNOWLEDGMENT
State of _____ ss: _____
County of _____

On this _____ day of _____, 20____, personally appeared before me _____ who, being by me duly sworn, did acknowledge to me that he/she is the _____, and that the within and foregoing instrument was signed in behalf of said association by authority of the Articles of Organization, and said _____ acknowledged to me that said contents, executed the same, I, _____, Notary Public.
Residing in: _____
My commission expires: _____

CONDOMINIUM PLAT
THE SILVER STAR PLAZA CONDOMINIUMS
BUILDINGS "N", "O", "P", "Q" AND "R"
FIRST AMENDMENT
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

PSOMAS
4178 South River Road, Suite 200
Salt Lake City, Utah 84123
(801) 270-5777 (801) 270-5782 (FAX)

PLANNING COMMISSION
APPROVED AS TO FORM
APPROVED AS TO FORM
APPROVED AS TO FORM

CITY ENGINEER
APPROVED AS TO FORM
APPROVED AS TO FORM
APPROVED AS TO FORM

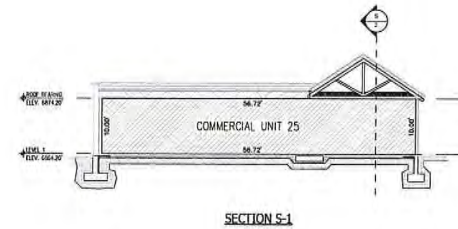
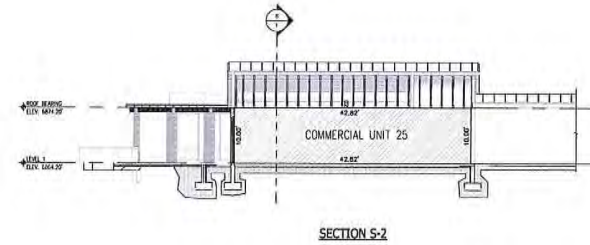
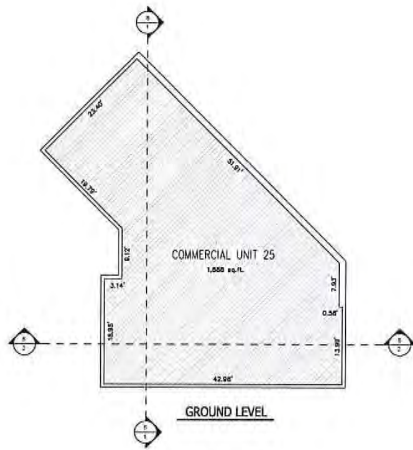
APPROVAL AS TO FORM
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APPROVED AS TO FORM
APPROVED AS TO FORM

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY
MAP WAS APPROVED BY PARK CITY COUNCIL
THIS _____ DAY OF _____, 20____.

COUNCIL APPROVAL AND ACCEPTANCE
APPROVED AND ACCEPTED BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____, 20____.

RECORDED
ENTRY NO. _____ BOOK _____ PAGES _____
STATE OF UTAH
COUNTY OF SUMMIT
RECORDED AND FILED AT THE REQUEST OF: _____
COUNTY RECORDER





UNIT SQUARE FOOTAGE

UNIT NUMBER	TOTAL SQUARE FOOTAGE
25	1,000 sq. ft.



- PRIVATE OWNERSHIP
- COMMON AREAS AND FACILITIES
- LIMITED COMMON AREAS AND FACILITIES

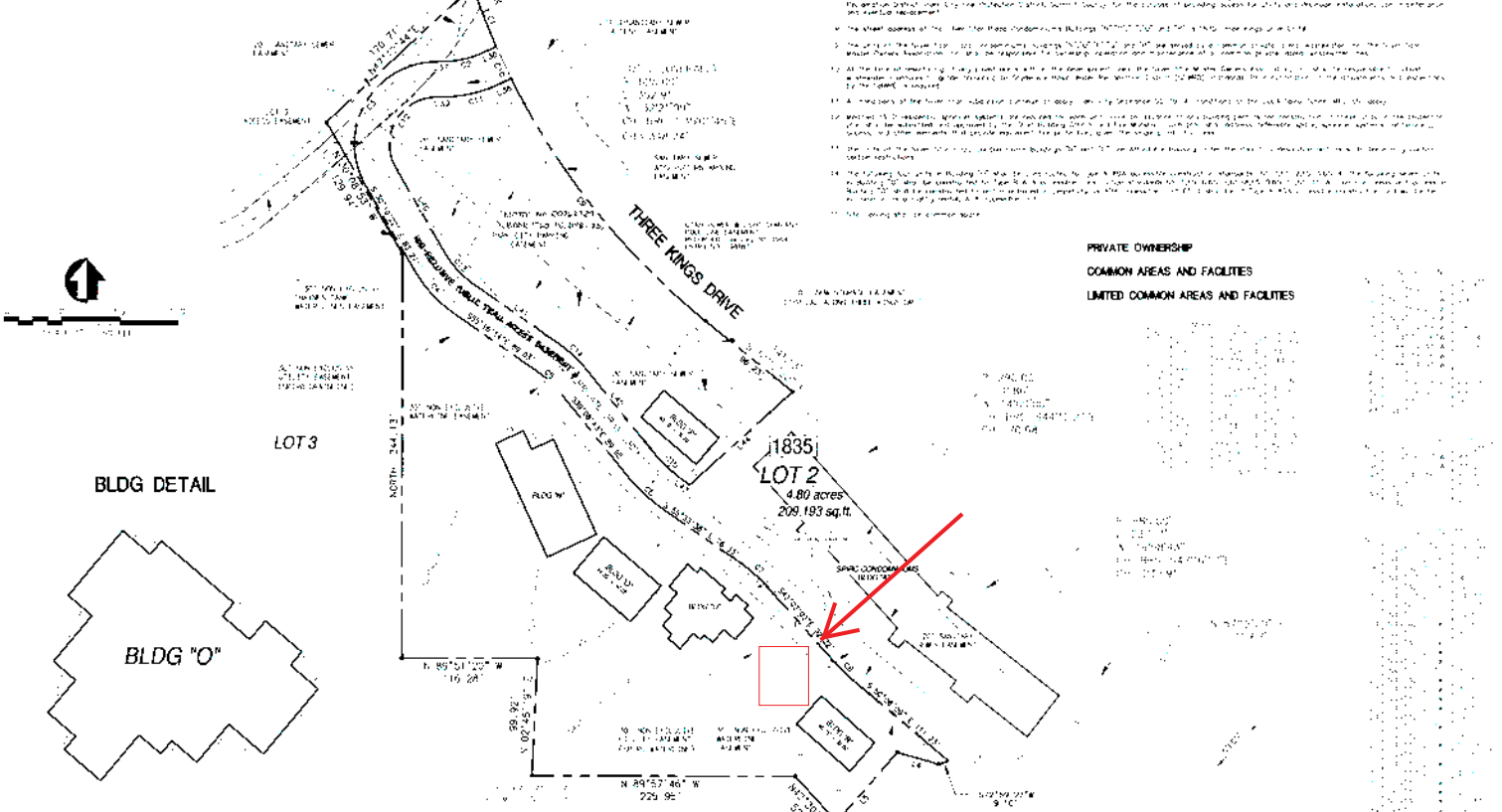
CONDOMINIUM PLAT
THE SILVER STAR PLAZA CONDOMINIUMS
 BUILDINGS "N", "O", "P", "Q" AND "R"
FIRST AMENDMENT
 A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH



SHEET 2A - FIRST AMENDMENT

RECORDED		
ENTRY NO. _____	BOOK _____	PAGES _____
STATE OF _____		
COUNTY OF _____		
RECORDED AND FILED AT THE REQUEST OF: _____		
COUNTY RECORDER		

THE SILVER STAR PLAZA CONDOMINIUMS BUILDINGS "N", "O", "P", "Q" AND "R"



- 1. The dimensions of the private spaces and common storage elevators are based on the measurements of the finished floor of the building...
2. The finished floor elevations are based on the finished floor of the building...
3. The finished floor elevations are based on the finished floor of the building...
4. All common storage elevators are suspended by cables...
5. A building fire escape shall be provided...
6. A fire escape shall be provided...
7. A common storage and fire escape shall be provided...
8. The street address of the building shall be 1835 S. KINGS DRIVE...
9. The area of the building shall be 4.80 acres...
10. All the lots of the building shall be 4.80 acres...
11. A member of the board of directors shall be elected...
12. The building shall be owned and operated by the Silver Star Plaza Condominiums...
13. The building shall be owned and operated by the Silver Star Plaza Condominiums...
14. The building shall be owned and operated by the Silver Star Plaza Condominiums...
15. The building shall be owned and operated by the Silver Star Plaza Condominiums...

SURVEYOR'S CERTIFICATE
I, JAMES M. WILSON, a duly licensed and qualified Surveyor in the State of Utah, do hereby certify that the foregoing plat...



LEGAL DESCRIPTION
The premises shown on this plat are located in the City of Park City, Utah, and are more particularly described as follows...

OWNER'S DEDICATION AND CONSENT TO RECORD
I, JAMES M. WILSON, a duly licensed and qualified Surveyor in the State of Utah, do hereby certify that the foregoing plat...

ACKNOWLEDGMENT
I, JAMES M. WILSON, a duly licensed and qualified Surveyor in the State of Utah, do hereby certify that the foregoing plat...

CONDOMINIUM PLAT
THE SILVER STAR PLAZA CONDOMINIUMS BUILDINGS "N", "O", "P", "Q" AND "R" A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MERRIDAY PARK CITY, SUMMIT COUNTY, UTAH

PSOMAS
Professional Surveyors and Mapping Associates, Inc.
1000 W. 1000 S.
Salt Lake City, UT 84143

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVEALED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 12th DAY OF NOVEMBER, 2007 A.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 28th DAY OF NOVEMBER, 2007
BY: [Signature]

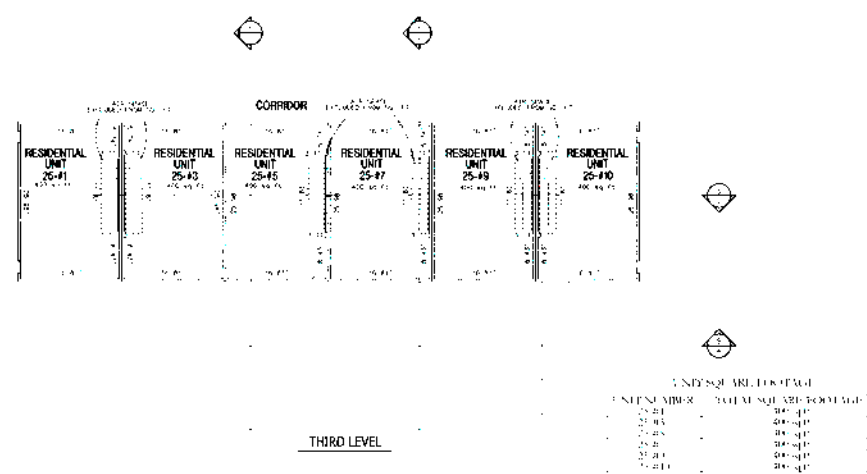
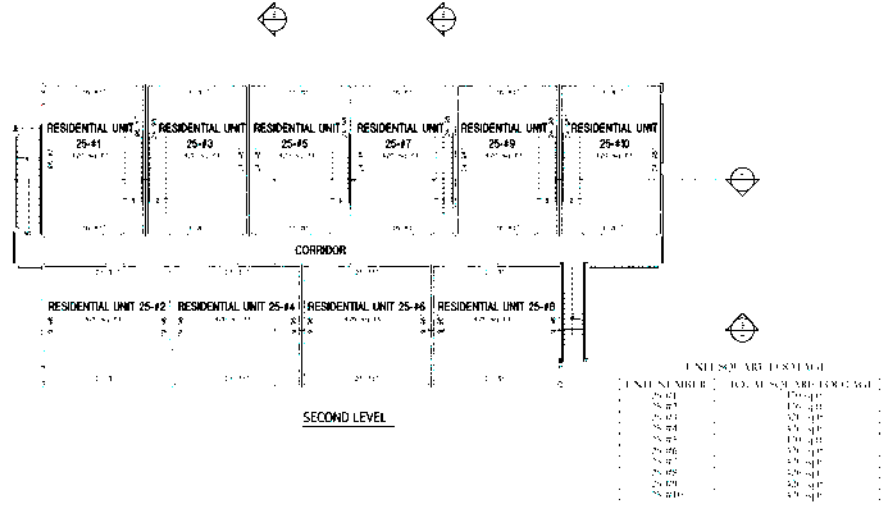
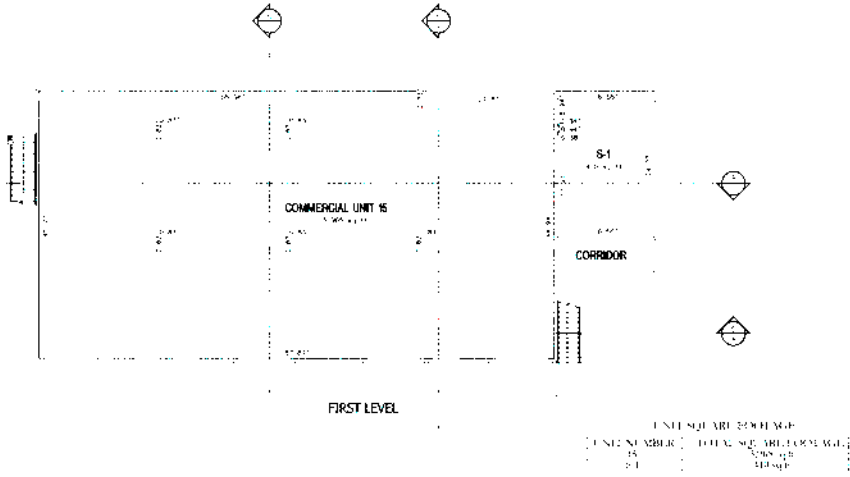
CITY ENGINEER
THIS PLAT IS IN ACCORDANCE WITH INFORMATION ON FILE AT THE PARK CITY ENGINEERING DEPARTMENT THIS 30th DAY OF NOVEMBER, 2007.
BY: Chris W. O'Brien PE

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS 3rd DAY OF FEBRUARY, 2008
BY: [Signature]

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY ENGINEER THIS 30th DAY OF NOVEMBER, 2007
BY: [Signature]

COUNCIL APPROVAL AND ACCEPTANCE
APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS 30th DAY OF NOVEMBER, 2007
BY: [Signature]

RECORDED
ENTRY NO. 83757 BOOK 1 PAGES 1-11
STATE OF UTAH
COUNTY OF SUMMIT DATE: 12-19-07 TIME: 5:17 PM
RECORDED AND FILED AT THE OFFICE OF: [Signature]



BUILDING TOTAL SQUARE FOOTAGE

UNIT NUMBER	TOTAL SQUARE FOOTAGE
25-41	1,100 sq ft
25-42	1,100 sq ft
25-43	1,100 sq ft
25-44	1,100 sq ft
25-45	1,100 sq ft
25-46	1,100 sq ft
25-47	1,100 sq ft
25-48	1,100 sq ft
25-49	1,100 sq ft
25-40	1,100 sq ft
25-41	1,100 sq ft

CONDOMINIUM PLAT
THE SILVER STAR PLAZA CONDOMINIUMS
 BUILDING "N"
 A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 4,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN 6, MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH



- PRIVATE OWNERSHIP
- COMMON AREAS AND FACILITIES
- LIMITED COMMON AREAS AND FACILITIES

SHEET 2 OF 8

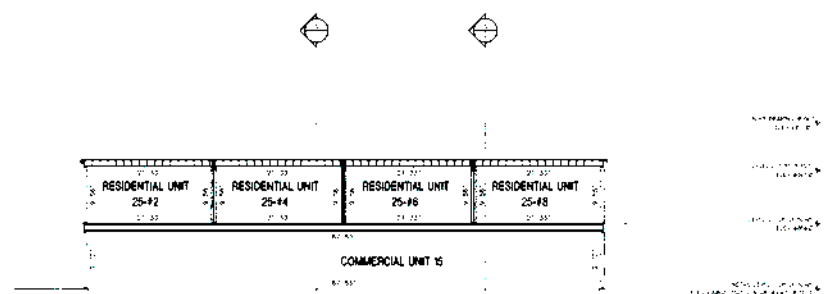
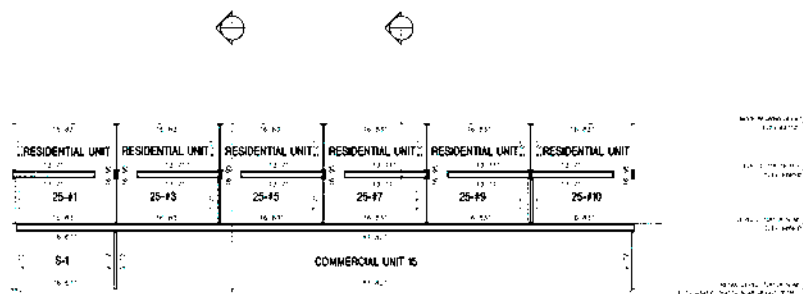
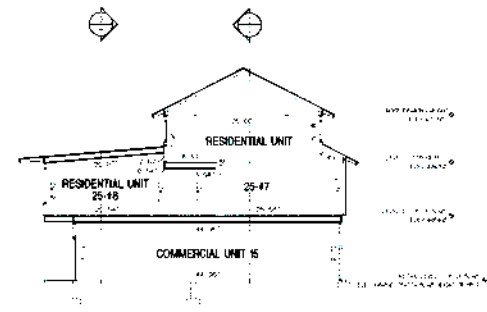
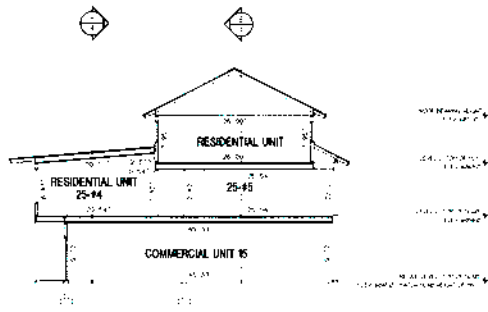
RECORDED

ENTRY NO. 00837979

APR 15 2015 10:27:25 AM P.M. UTAH STATE RECORDS

CLERK OF RECORDS

COUNTY RECORDS

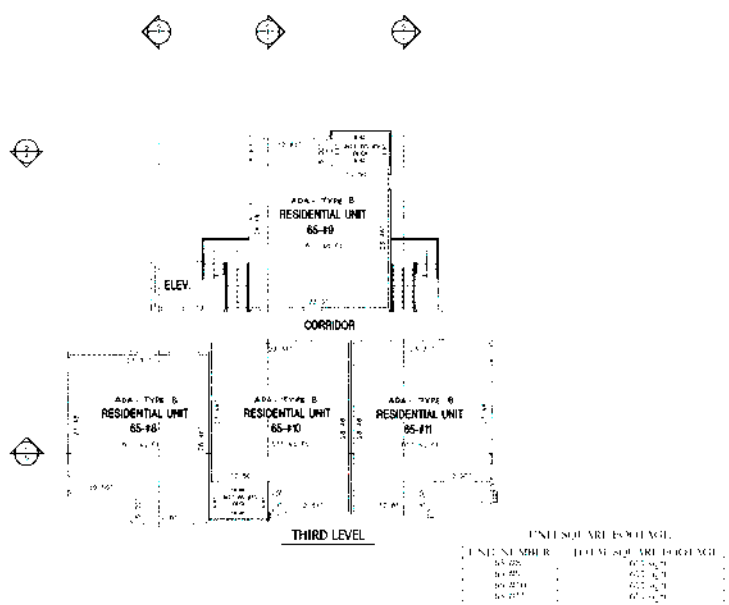
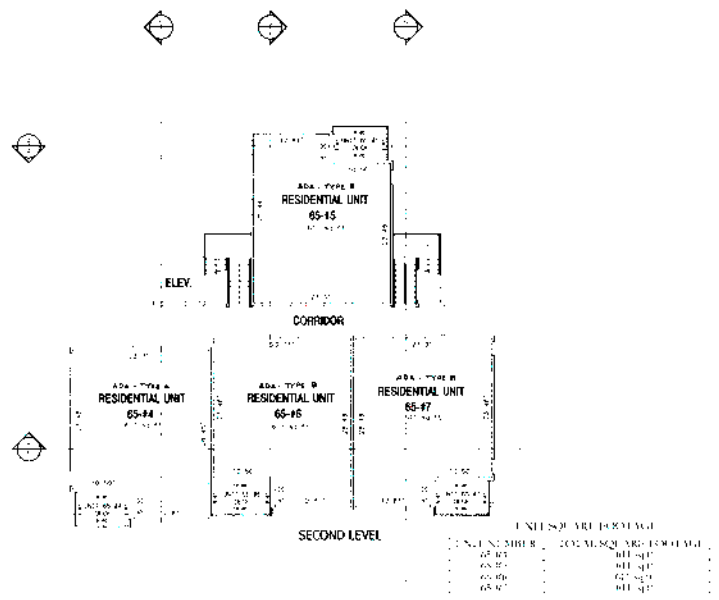
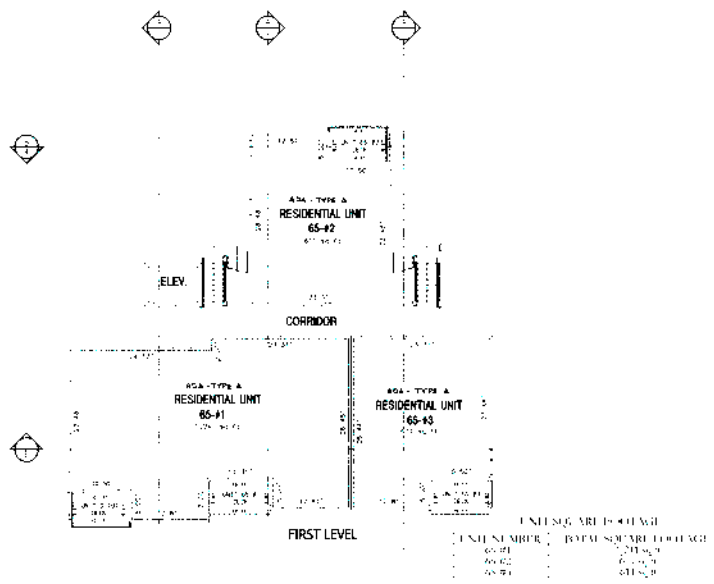


PRIVATE OWNERSHIP
 COMMON AREAS AND FACILITIES
 LIMITED COMMON AREAS AND FACILITIES

CONDOMINIUM PLAT
 THE SILVER STAR PLAZA CONDOMINIUMS
 BUILDING "N"
 A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN 4 MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

SHEET 3 OF 8

ENTRY NO.	BOOK	PAGES
ENTRY NO. 00837979		
RECORDED		
COUNTY - RECORDER		



BUILDING TOTAL SQUARE FOOTAGE

UNIT NUMBER	TOTAL SQUARE FOOTAGE
65-#1	271 sq. ft.
65-#2	271 sq. ft.
65-#3	271 sq. ft.
65-#4	271 sq. ft.
65-#5	271 sq. ft.
65-#7	271 sq. ft.
65-#8	271 sq. ft.
65-#9	271 sq. ft.
65-#10	271 sq. ft.
65-#11	271 sq. ft.
65-#15	271 sq. ft.

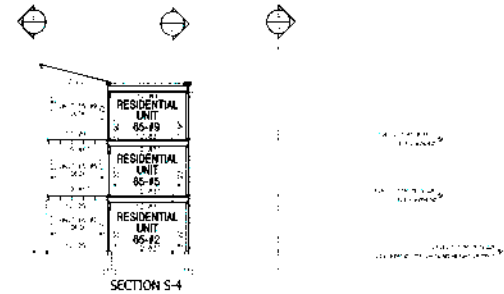
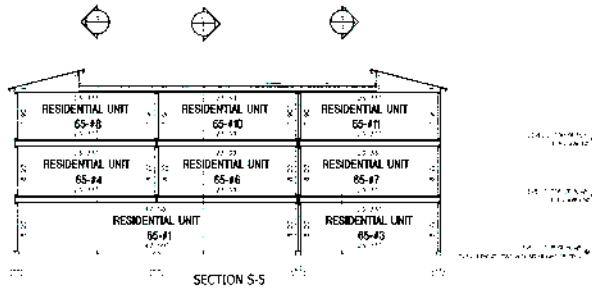
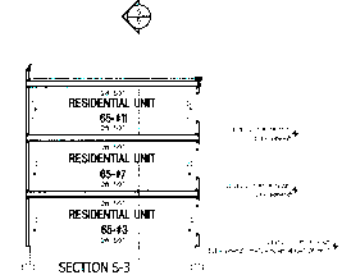
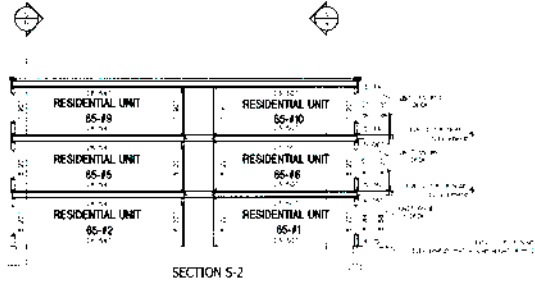
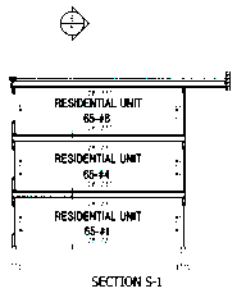
CONDOMINIUM PLAT
THE SILVER STAR PLAZA CONDOMINIUMS
BUILDING "O"
 A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MERIDIAN
 PARK CITY, SIMITY COUNTY, UTAH



- PRIVATE OWNERSHIP
- COMMON AREAS AND FACILITIES
- LIMITED COMMON AREAS AND FACILITIES

SHEET 4 OF 8

RECORDED
ENTRY NO. 00837979
COUNTY RECORDER



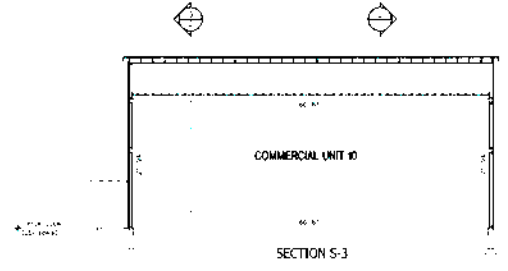
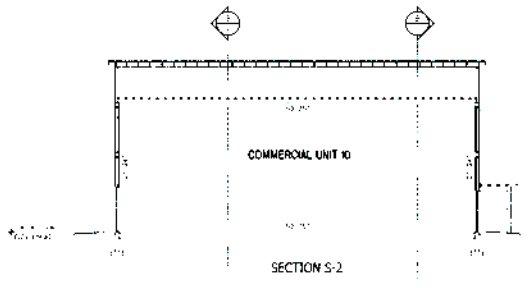
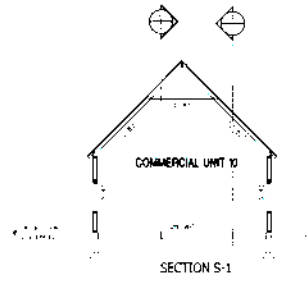
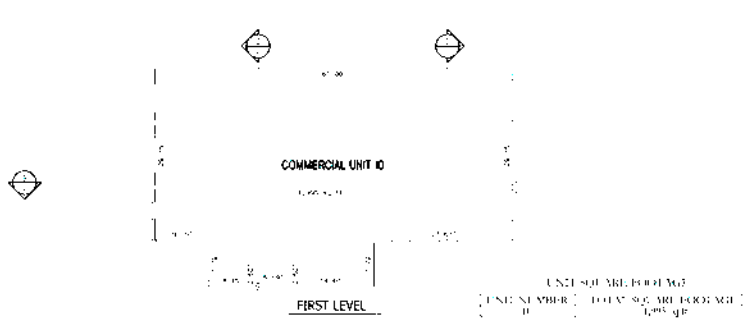
PRIVATE OWNERSHIP
 COMMON AREAS AND FACILITIES
 LIMITED COMMON AREAS AND FACILITIES

CONDOMINIUM PLAT
 THE SILVER STAR PLAZA CONDOMINIUMS
 BUILDING "O"

A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MERRILL
 PARK CITY, SUMMIT COUNTY, UTAH

SHEET 5 OF 8

RECORDED
 ENTRY NO. 00837979
 COUNTY RECORDER



PRIVATE OWNERSHIP
 COMMON AREAS AND FACILITIES
 LIMITED COMMON AREAS AND FACILITIES

CONDOMINIUM PLAT
THE SILVER STAR PLAZA CONDOMINIUMS
 BUILDING "P"
 A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 6,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

SHEET 6 OF 8

RECORDED

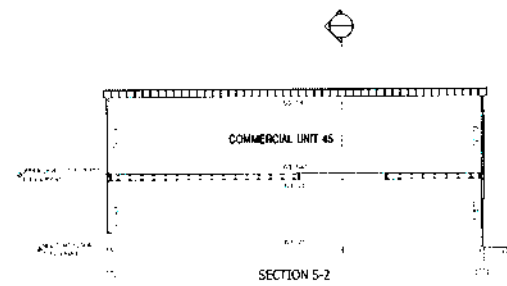
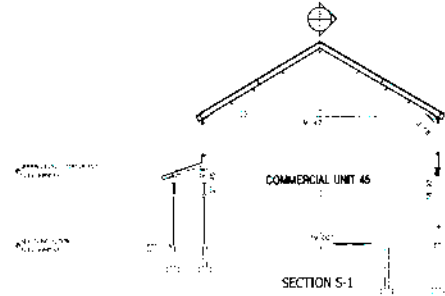
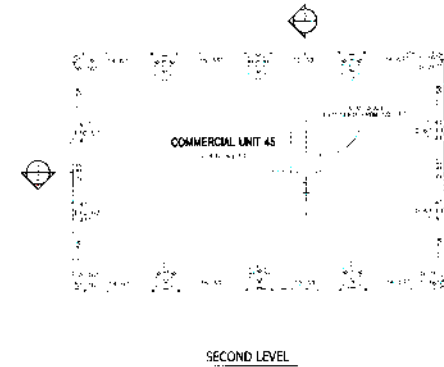
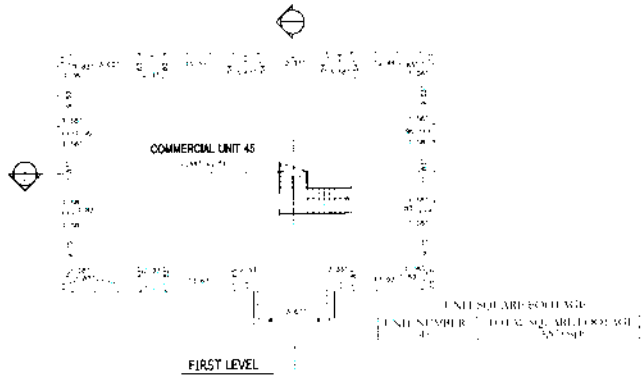
LN ENTRY NO. 00837979

ST PLAT BOOK 117 PAGE 11

EX FILE NO. 2014-0011

RE 2014-0011

COUNTY RECORDER



PRIVATE OWNERSHIP
 COMMON AREAS AND FACILITIES
 LIMITED COMMON AREAS AND FACILITIES

CONDOMINIUM PLAT
 THE SILVER STAR PLAZA CONDOMINIUMS
 BUILDING "Q"
 A UTAH CONDOMINIUM PROJECT
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 8,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN & MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

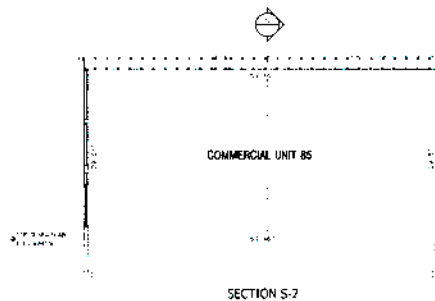
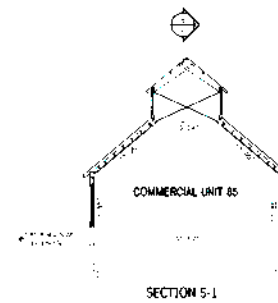
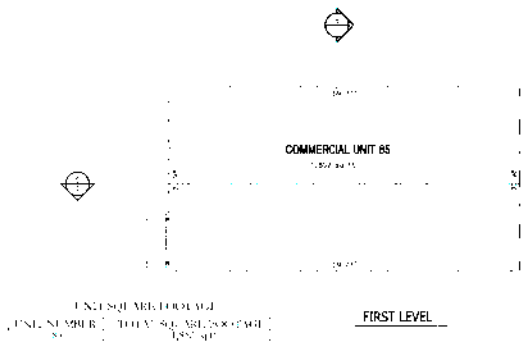
SHEET 7 OF 8

RECORDED

ENTRY NO. 00837979

PLAT FILED IN THE OFFICE OF THE COUNTY CLERK

COUNTY RECORDER



PRIVATE OWNERSHIP
COMMON AREAS AND FACILITIES
LIMITED COMMON AREAS AND FACILITIES

CONDOMINIUM PLAT
THE SILVER STAR PLAZA CONDOMINIUMS
BUILDING "R"

A UTAH CONDOMINIUM PROJECT
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 9,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH

SHEET 3 OF 4

RECORDED

ENTRY NO. 00837979

COUNTY RECORDER



Architecture

- + Architecture
- + Landscape Architecture
- + Land Planning
- + Construction Management
- + Interior Design

Think Architecture Plat Application January 2015

Project Description

1. **Provide a written statement describing the request and any other information pertaining to the conversion of the proposed project.**

The Silver Star Realty and Water reclamation shed. The Silver Star Village was created on the site of (3) significant historic buildings. Each in turn has been restored and adapted to new uses. Left on the site are (2) mine entrances, the Spiro mine shaft and the Three Kings mine shaft. There is a boiler building at the village entrance and many mining artifacts placed around the site. It is an important site in regards to the history of mining in Park City and it has been the goal sense 2003 to maintain and celebrate the site's history.

The last piece of the site to be rehabilitated is the Spiro mine shack. The Spiro mine shaft exits into a small 20'x32' gabled shed with a covered corridor connecting to the shaft opening. The building is currently used to store materials left from the village construction and as an entrance for the water department to access the mine. The water department currently uses this entrance for the electrical power access.

The structure is a wood frame which rests on the bare ground. The exterior cladding is a mix of ship lap siding laid on angle and galvanized corrugated metal. The roof is galvanized corrugated metal.

The proposal for the project is to remove the existing frame and rebuild the shaft entrance for (2) uses. The first use will be to maintain an entrance and staging area for the water department. This access would enter from a new entrance on the North facing of the housing project. The second use will be a commercial space which will be the main area of the shed with a glass wall separating the mine entrance and commercial space. An addition is proposed to the South which is to set back with a flat roof to distinguish the old from the new. The rebuilt structure will utilize the same wood siding on the facade as well as the corrugated metal roofing. The mine carts are proposed to be used as art pieces and as a reception desk. The tracks from the mine would be cast into the concrete floor of the space and extend through the front to the entry plaza. The interior structure is proposed to be designed in such a way that the roof trusses will be exposed. The additional track left at the site would be used as trellis material. The project goal is to celebrate this unique feature of the site; to organize the materials left and make useful what is currently avoided. We think the proposed plan will do this and further strengthen the historic value of the Silver Star Village.

2. **Existing Zoning:** Historic Residential – Low Density: Sub Zone A
3. **Is the property in the Sensitive Lands Overlay?** No
4. **Current Use of Property:** The building is currently used to store materials left from the village construction and as an entrance for the water department to access the mine. The water department currently uses this entrance for the electrical power process. Lloyd Popp of the Water Department said the entrance with the shed is referred to as the north portal and the other is labeled the south portal. He mentioned the north

portal entrance to the mine is used very rarely and most of the time Water Department workers enter through the south portal.

5. **Project originally approved as:** Master Planned Development
6. Year Constructed: Unknown -
7. **Total Project Area:** The Silver Star Village sits on 18.3 acres. The addition of The Three Kings Realty is for 1,815 square feet.
8. **Number and configuration of residential units:** Not applicable
9. **Commercial Area:**
 - a. Leasable area – 1,909 sq. ft.
 - b. Gross area – 1,991 sq. ft.
 - c. Existing Mine entrance – 430 sq. ft.
10. **Number of parking spaces per Title 15 Land Management Code, Chapter 3, Off Street Parking:** 3 stalls per 1,000 square feet required. 3 stalls proposed.
11. **Project Access via:** Public Road
12. **Occupancy type:** Lease

September 30, 2014

Kirsten Whetstone
Park City Building Department
445 Marsac
P.O. Box 1480
Park City, Utah 84060

Kirsten,

My name is Alan Long and I am the applicant for the Silver Star Mine Shack Real Estate office renovation. I have been an owner at Silver Star since 2009 and I have had a license in real estate since 1979. Last year, when I purchased the Silver Star Ski Shop and a two bedroom affordable condo from the developers of Silver Star I also purchased their plans, with the City's approval, to renovate the Mine Shack into a real estate office.

I have opened many real estate offices in the past and because of my fondness for Silver Star and my neighbors I thought this would be a good fit. The purpose of the office will be to deal with the sales of Silver Star homes. We will not be doing Property Management or rentals. Currently, when you go to the Multiple Listing Service for Silver Star, you will find only two homes for sale. The on-site real estate office will have access to the more than 120 homes in Silver Star! The more homes we have access to, the more we can keep the prices trending higher, benefitting all Silver Star homeowners.

The area between the Ski Shop and affordable housing that includes the elevated, refrigerated unit takes away from the appealing aesthetic of the Silver Star community. The new renovated structure will incorporate and completely hide the refrigerated unit, allowing the Silver Star Café to continue functioning successfully. The real estate office has more potential than the current mine shaft and refrigerated unit to provide multiple benefits. Park City will now receive property taxes that are not being generated by the existing structures and homeowner dues will be paid to the Silver Star Home Owner's Association.

The office will be open Monday to Friday 9 to 5. A receptionist will not be required; all inquiries go to the listing agent's email or cell phone. The office will have two real estate agents and myself, each of us will take a different day of the week to staff the office. No additional staff is required as agents upload their listings themselves to the Multiple Listing Service and to the internet. I will also be saving the Silver Star community a parking spot; I live up the street and plan to leave my car inside my garage. I can walk or ski down plus, Silver Star has a courtesy shuttle for all homeowners.



In summation, as a real estate office, the renovated structure will serve the owners of Silver Star by maintaining high property values, esthetically add to the development, create revenue for the HOA and property taxes for Park City and also give the Water Department access through a now stable structure. Based on all the above I am hopeful that the Planning Department will approve this project.

Thank you for your time and consideration,

A handwritten signature in blue ink that reads "Alan Long". The signature is written in a cursive style with a large, looping "L" and "G".

Alan Long



October 28, 2014

Alan Long
809 6th Avenue
Venice, CA 90291

Johnny Shirley
Think Architecture
5151 S. 900 E., Suite 200
Salt Lake City, UT 84117

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-14-02329
<u>Address</u>	1825 Three Kings Drive
<u>Description</u>	Conditional Use Permit
<u>Action Taken</u>	Approved with conditions
<u>Date of Action</u>	October 22, 2014

On October 22, 2014, the Park City Planning Commission called a meeting to order, a quorum was established, a public meeting was held, and the Planning Commission approved your application based on the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The subject property is located at 1825 Three Kings Drive.
2. The property is located in the Residential Development Medium density (RDM) zoning district and within the Spiro Tunnel Master Planned Development (aka Silver Star MPD).
3. The project site is located within the Residential Development Medium Density (RDM) zoning district. Office uses are allowed with an MPD. The Spiro Tunnel MPD and CUP approved office uses at this site and no MPD amendment is required for this proposed CUP application.
4. On October 27, 2004, the Planning Commission approved the Spiro Tunnel Master Planned Development and Conditional Use Permit for a mixed use development consisting of 97 residential unit equivalents (74 condominium units, 22 cottage units and one single family house with guest); an artist-in-residence campus with up to 14,500 sf of offices, studios, and gallery retail space; support

commercial uses and support meeting space; and 16.11 (AUE) of affordable housing units (21 units in Buildings N and O).

5. Support commercial and support meeting space (up to 10% of the total residential floor area is 19,400 sf based on a total of 97 residential UE) was specifically allowed during the MPD approval for the Silver Star project, as the project was considered a nightly rental condominium project.
6. The CUP is subject to the Silver Star Plaza Condominiums Buildings N, O, P, Q, and R condominium plat approved by City Council on November 30, 2006 and recorded at Summit County on February 19, 2008. The building is located in the common area of this condominium plat and is currently owned by the Silver Star Plaza Condominiums Homeowner's Association.
7. The existing single story historic mine shed consists of approximately 615 square feet. The proposed single story addition consists of approximately 1,645 square feet of gross floor area, including 1,325 sf for office uses and 320 sf for storage and walk-in cooler for Silver Star Café to replace the temporary storage shed located at this site. The mine shed area will continue to be used for access to the mine tunnel for maintenance of water facilities.
8. The site is listed on the Historic Sites Inventory as a Significant Historic Site.
9. There are currently 110 shared parking spaces at the property. All parking within Spiro Tunnel MPD (Silver Star), with the exception of the private garages for the 22 cottage units, is shared parking, and was provided at the time of construction of the project in accordance with parking requirements for the approved uses.
10. No outdoor storage of goods or mechanical equipment is proposed. The existing temporary structure housing a walk-in cooler and storage for the Silver Star Café will be removed upon completion of the addition and these uses (storage for the Café) will be relocated to a 320 sf portion of the addition, completely enclosed within the building.
11. Additional traffic to the site will primarily be due to the 4-5 employees, as the office is primarily to provide real estate services to the Silver Star MPD owners. Additional trips on the surrounding streets are estimated at 20-25 trips (5 trips per employee per day) during the day between 8AM and 5 PM. A public transit stop is located at the property on Three Kings Drive near the main entrance.
12. Any additional utility capacity, in terms of water requirements due to added fire flows, will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit.
13. The proposed development will not interfere with access routes for emergency vehicles.
14. No signs are proposed at this time. Any new signs will be reviewed under a separate sign permit for compliance with the approved Master Sign Plan for Silver Star.
15. Exterior lighting will be reviewed at the time of the building permit review.
16. The proposal exists within the Park City Soil Ordinance Boundary.
17. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The application satisfies all Conditional Use Permit review criteria for residential uses as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1-15)];
2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The Applicant complies with all requirements of the LMC;
4. The Use is consistent with the Spiro Tunnel Master Planned Development and the Park City General Plan, and
5. The effects of any differences in use or scale have been mitigated through careful planning.

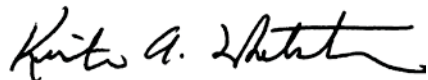
Conditions of Approval

1. All standard conditions of project approval shall apply to this project.
2. All signs associated with the use of the property must comply with the Silver Star Master Sign Plan and the City's Sign Code.
3. All exterior lighting shall comply with the lighting requirements in the LMC and shall be down directed and shielded.
4. No outdoor storage of goods or mechanical equipment is allowed on-site for this use. The existing temporary storage shed shall be removed from the site upon completion of the building.
5. A storm water and drainage plan shall be submitted and approved by the City Engineer prior to issuance of a building permit.
6. Prior to recordation of the plat amendment for this property a utility plan and any amended utility, drainage, and access easements shall be provided as required by the City Engineer and utility providers.
7. A utility and grading plan shall be submitted and approved by the City Engineer, City Water Department, Fire District, and Sewer District prior to issuance of a building permit. Existing water service will need to be evaluated and may need to be upgraded to meet fire flow requirements for the proposed uses and required fire sprinkler system.
8. A Historic District Design Review application is required to be submitted and the plans shall be reviewed for compliance with the Design Guidelines for Historic Buildings and Sites prior to issuance of a building permit for any work on the historic building.
9. The site exists within the Park City Soil Ordinance Boundary, therefore any soil disturbance or proposed landscaping must adhere to Park City Municipal Code 11-15-1.
10. The Silver Star Plaza Condominium plat will have to be amended prior to issuance of a building permit to identify the building and addition on the plat. If the HOA intends to sell the building then the condominium plat would have to be amended to indicate the building as a private commercial condominium unit, similar to the designation of the other buildings on the plat. If the building remains commonly owned, the amended plat can identify the building and indicate that it is common area.

11. A construction mitigation plan (CMP) shall be submitted with the building permit and shall identify how construction activity and construction parking impacts on the residential units and commercial activity on the plaza will be mitigated. The CMP shall indicate where the temporary storage building will be relocated to during construction of the permanent building.

If you have questions regarding your project or the action taken please don't hesitate to contact me at (435) 615-5066 or kirsten@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirsten A. Whetstone". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kirsten Whetstone
Senior Planner

Park City Planning Department
PO Box 1480
Park City, UT 84060

PROJECT:

SILVER STAR REALTORS

1825 S. THREE KINGS DRIVE, PARK CITY, UTAH

CODE ANALYSIS & INFORMATION	
MINIMUM REGULATORY BUILDING CODE	
<p>ALLOWABLE AREA AND HEIGHT CALCULATIONS</p> <p>SECTION 10.2.2 SECTION 10.2.3 BUILDING TYPE: 1-B, 1-BE, TABLE 101.4 SECTION 101.5 MINIMUM SEPARATION: TABLE 101.3.1 - NO SEPARATION REQUIRED WITH FIRE SPRINKLERS OCCUPANCY: 1 - 1 HOUR OF EXCESS TRAVEL REQUIRED, SEC. 101.1 OCCUPANCY: 1 - 1 HOUR OF EXCESS TRAVEL REQUIRED, SEC. 101.1</p> <p>BASIC ALLOWABLE AREAS PER FLOOR & HEIGHTS TABLE 101.3 CHAPTER 10.1</p> <p>SECTION 10.2.2 SECTION 10.2.3 BUILDING TYPE: 1-B, 1-BE, TABLE 101.4 SECTION 101.5 MINIMUM SEPARATION: TABLE 101.3.1 - NO SEPARATION REQUIRED WITH FIRE SPRINKLERS OCCUPANCY: 1 - 1 HOUR OF EXCESS TRAVEL REQUIRED, SEC. 101.1 OCCUPANCY: 1 - 1 HOUR OF EXCESS TRAVEL REQUIRED, SEC. 101.1</p>	<p>REQUIRED EXITS (WITH CALCULATIONS)</p> <p>OCCUPANCY: 1 - 1 HOUR OF EXCESS TRAVEL REQUIRED, SEC. 101.1 OCCUPANCY: 1 - 1 HOUR OF EXCESS TRAVEL REQUIRED, SEC. 101.1</p> <p>SECTION 10.2.2 SECTION 10.2.3 BUILDING TYPE: 1-B, 1-BE, TABLE 101.4 SECTION 101.5 MINIMUM SEPARATION: TABLE 101.3.1 - NO SEPARATION REQUIRED WITH FIRE SPRINKLERS OCCUPANCY: 1 - 1 HOUR OF EXCESS TRAVEL REQUIRED, SEC. 101.1 OCCUPANCY: 1 - 1 HOUR OF EXCESS TRAVEL REQUIRED, SEC. 101.1</p>
<p>EXITING ANALYSIS - CH. 10 & CH. 11</p> <p>SECTION 10.2.2 SECTION 10.2.3 BUILDING TYPE: 1-B, 1-BE, TABLE 101.4 SECTION 101.5 MINIMUM SEPARATION: TABLE 101.3.1 - NO SEPARATION REQUIRED WITH FIRE SPRINKLERS OCCUPANCY: 1 - 1 HOUR OF EXCESS TRAVEL REQUIRED, SEC. 101.1 OCCUPANCY: 1 - 1 HOUR OF EXCESS TRAVEL REQUIRED, SEC. 101.1</p>	<p>FIRE RESISTANCE RATING REQUIREMENTS - TABLE 601</p> <p>SECTION 10.2.2 SECTION 10.2.3 BUILDING TYPE: 1-B, 1-BE, TABLE 101.4 SECTION 101.5 MINIMUM SEPARATION: TABLE 101.3.1 - NO SEPARATION REQUIRED WITH FIRE SPRINKLERS OCCUPANCY: 1 - 1 HOUR OF EXCESS TRAVEL REQUIRED, SEC. 101.1 OCCUPANCY: 1 - 1 HOUR OF EXCESS TRAVEL REQUIRED, SEC. 101.1</p>



RECEIVED
 JUL 09 2014
 PARK CITY
 PLANNING DEPT.

PROJECT TEAM				DRAWING INDEX		
ARCHITECT THINK ARCHITECTURE 5151 SOUTH 900 EAST, SUITE 200 SALT LAKE CITY, UTAH 84117 PHONE: (801) 269-8055 CONTACT: JOHN M. SHIRLEY	STRUCTURAL ENGINEER SIVE ENGINEERING BEN THOMAS 1500 EAST HILLS CIRCLE SQUATTLUM, UT 84078 (801) 915-4525	MECHANICAL ENGINEER	ELECTRICAL ENGINEER	INC.	SHEET	SHEET TITLE
PROJECT INFORMATION				ARCHITECTURAL		
DEFERRED SUBMITTALS LIST				A01 EDGER SHEET A02 GENERAL NOTE SHEET A03 PROJECT KEY NOTES A11 SITE PLAN A12 CIVIL SITE PLAN AND FLOW PROFILE A01 FLOOR PLAN A02 ROOF PLAN A01 EXTERIOR ELEVATIONS A02 EXTERIOR ELEVATIONS A03 SECTIONS A04 SECTIONS A01 RESTROOM PLAN & DETAILS A01 CEILING PLAN A01 ARCHITECTURAL DETAILS A02 ARCHITECTURAL DETAILS A01 WINDUDDOOR ASSEMBLIES AND DETAILS A02 PERSPECTIVE VIEWS A01 ELECTRICAL PLAN M01 MECHANICAL PLAN S101 GENERAL STRUCTURAL NOTES S102 GENERAL DETAILS AND ABREVIATIONS S103 GENERAL DETAILS S201 FOOTING AND FOUNDATION PLAN S301 FOUNDATION DETAILS S401 ROOF FRAMING PLAN S501 FRAMING DETAILS S502 FRAMING DETAILS		
DESIGN/DRAWING APPROVALS				STRUCTURAL		
OWNER _____ DATE _____	OWNER _____ DATE _____	S101 GENERAL STRUCTURAL NOTES S102 GENERAL DETAILS AND ABREVIATIONS S103 GENERAL DETAILS S201 FOOTING AND FOUNDATION PLAN S301 FOUNDATION DETAILS S401 ROOF FRAMING PLAN S501 FRAMING DETAILS S502 FRAMING DETAILS				
ABBREVIATIONS				GRAPHIC SYMBOLS		
MATERIALS/LEGEND				PROJECT LOCATION MAP		
DEFERRED SUBMITTALS LIST				ENTRY		
DESIGN/DRAWING APPROVALS				ROOM NAME & ADDRESS		
OWNER _____ DATE _____				ROOM NAME & ADDRESS		
OWNER _____ DATE _____				ROOM NAME & ADDRESS		

CUP SUBMITAL 2014.05.26
 PROJECT NO. 13149
 DATE 2014.06.30
 SHEET TITLE COVER SHEET
 SHEET NUMBER: A01



SITE LEGEND	
ELECTRIC LINE	○ — ○ — ○ — ○
FIRE LINE	□ — □ — □ — □
GAS LINE	◇ — ◇ — ◇ — ◇
WATER LINE	△ — △ — △ — △

MASTER SITE PLAN
1" = 20'-0"

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Construction Management

4155 South 900 East, Suite 200
1575 South City, Salt Lake City, UT 84111
Ph: 801.249.0022
Fax: 801.249.1423
www.thinkpk.com

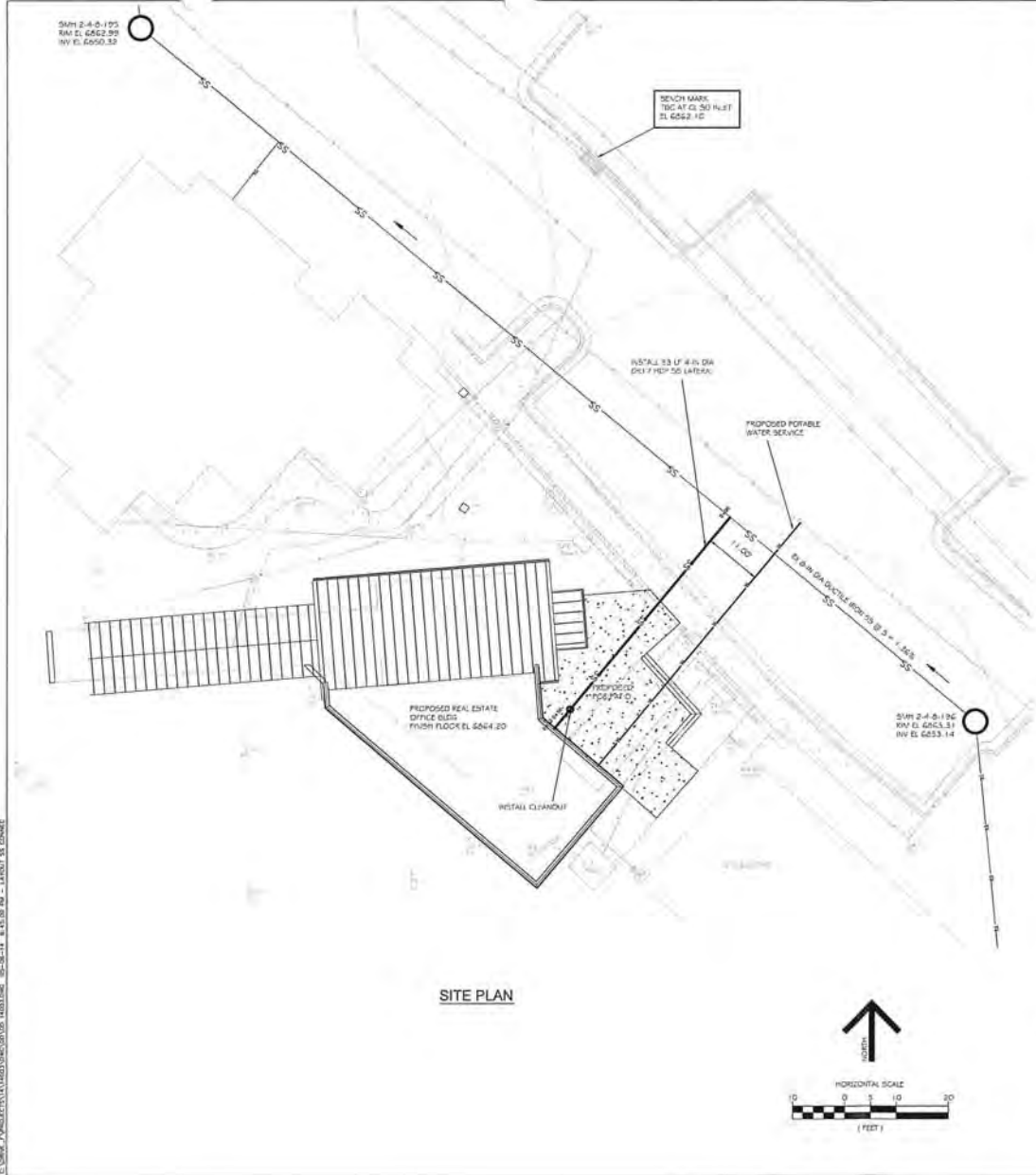
The project information is provided for informational purposes only. It is not intended to constitute an offer of any financial product or service. The information is not intended to be used as a basis for any investment decision. The information is not intended to be used as a basis for any investment decision. The information is not intended to be used as a basis for any investment decision.

REALTY OFFICE
1825 THREE RINGS DRIVE PARK CITY UT 84060

CUP SUBMITTAL 2014.05.26

PROJECT NO. 13149
DATE 2014.06.30
REVISIONS

SHEET TITLE: SITE PLAN
SHEET NUMBER: A11



ELEVATION DATUM

LOCAL DATUM (APPROXIMATE MEAN SEA LEVEL)

DESIGN NOTES

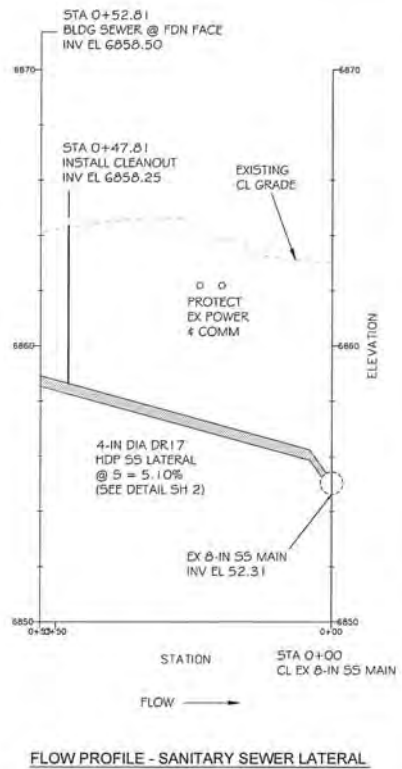
- EXISTING SPOT GRADES SHOWN INDICATED FOR CLARITY. ADD 6000 FEET TO ELEVATIONS SHOWN TO REFERENCE PLAN ELEVATION DATUM IN THE FIELD.
- THIS DRAWING IS NOT INTENDED TO ADDRESS THE FOLLOWING:
 - CONSTRUCTION
 - BUILDING LOCATION, DESIGN, OR FOUNDATION DRAINAGE
 - PROPOSED SITE UTILITIES OTHER THAN SANITARY SEWERS
 - SITE DRAINAGE AND CROPPING
 - SITE CONCRETE AND PAVING
 - FORMAL LANDSCAPING
- SEE ARCHITECTURAL DRAWINGS FOR PROPOSED BUILDING FLOOR ELEVATION SHOWN PROVIDED BY ARCHITECT.
- ALL UTILITY LINES SHOWN ARE UNDERGROUND.

REGULATORY NOTES

- AT LEAST TWO FULL BUSINESS DAYS PRIOR TO COMMENCEMENT OF ANY WORK, CALL 811 FOR UNDERGROUND UTILITY MARKING. ALSO, PROVIDE AT LEAST THREE FULL BUSINESS DAYS NOTICE TO APPROPRIATE FEDERAL, STATE, COUNTY, AND MUNICIPAL DEPARTMENTS, UTILITY AND REGULATION COMPANIES, AND UTILITY DISTRICTS BEFORE COMMENCING ANY WORK IN THE FIELD.
- COORDINATE AND OBTAIN ALL CONSTRUCTION PERMITS REQUIRED BY REGULATORY AUTHORITIES.
- PRIOR TO COMMENCEMENT OF ANY WORK, REVIEW AND FULLY UNDERSTAND ALL CONSTRUCTION REQUIREMENTS, CONDITIONS, AND LIMITATIONS IMPOSED BY PERMITS AND APPROVALS ISSUED BY REGULATORY AUTHORITIES.
- CONSTRUCT IMPROVEMENTS IN ACCORDANCE WITH STATE, MUNICIPAL, FIRE, AND UTILITY DISTRICT STANDARDS, UNLESS SPECIFIED OTHERWISE.
- THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A MAPPED FLOODPLAIN. SEE FEMA FLOOD RESURFACING RATE MAP, COMMUNITY PANEL NO. 48043C 03 17C, EFFECTIVE DATE MARCH 14, 2008.
- THERE ARE NO JURISDICTIONAL MARKERS ON THE PROPERTY.
- PRIOR TO ANY WORK, COORDINATE WITH AND OBTAIN APPROVAL FROM THE SILVER STAR PLAZA CONDOMINIUM OWNERS ASSOCIATION, INC. FOR ALL IMPROVEMENTS DEPICTED HEREON.

ABBREVIATIONS

- ADP ADJUSTED CEMENT PORTLAND ASPHALT CONCRETE PAVEMENT
- ALV ALLEY
- ASD ASPHALT SURFACE DRAINAGE
- BS BOTTOM
- CL CENTERLINE
- CLD CENTERLINE DRAINAGE
- CLM CENTERLINE MANHOLE
- CLP CENTERLINE PAVEMENT
- CLT CENTERLINE TRENCH
- CLV CENTERLINE VALVE
- CLW CENTERLINE WATER
- CLX CENTERLINE EXISTING
- CLY CENTERLINE YARD
- CLZ CENTERLINE ZONE
- CLM CENTERLINE MANHOLE
- CLP CENTERLINE PAVEMENT
- CLT CENTERLINE TRENCH
- CLV CENTERLINE VALVE
- CLW CENTERLINE WATER
- CLX CENTERLINE EXISTING
- CLY CENTERLINE YARD
- CLZ CENTERLINE ZONE



FLOW PROFILE - SANITARY SEWER LATERAL

PRELIMINARY

ABBREVIATIONS - AGENCY

- ADP ADJUSTED CEMENT PORTLAND ASPHALT CONCRETE PAVEMENT
- ALV ALLEY
- ASD ASPHALT SURFACE DRAINAGE
- BS BOTTOM
- CL CENTERLINE
- CLD CENTERLINE DRAINAGE
- CLM CENTERLINE MANHOLE
- CLP CENTERLINE PAVEMENT
- CLT CENTERLINE TRENCH
- CLV CENTERLINE VALVE
- CLW CENTERLINE WATER
- CLX CENTERLINE EXISTING
- CLY CENTERLINE YARD
- CLZ CENTERLINE ZONE

REFERENCES

- 1. SEE CITY ENGINEERING DIVISION FOR ALL CITY ENGINEERING STANDARDS AND SPECIFICATIONS.
- 2. SEE CITY ENGINEERING DIVISION FOR ALL CITY ENGINEERING STANDARDS AND SPECIFICATIONS.
- 3. SEE CITY ENGINEERING DIVISION FOR ALL CITY ENGINEERING STANDARDS AND SPECIFICATIONS.

DRAWING ISSUED FOR

- PLANNING
- CONSTRUCTION
- PERMIT
- CONSTRUCTION RECORD

REVISIONS

NO.	DATE	BY	DESCRIPTION

CANYON ENGINEERING SOLUTIONS FOR LAND

CIVIL ENGINEERING
LAND PLANNING
PERMITTING

100 BOX 982331
PARK CITY, UTAH 84309

VOICE: 435-645-7379 EMAIL: CUES@CANYONENGINEERING.COM
WWW.CANYONENGINEERING.COM

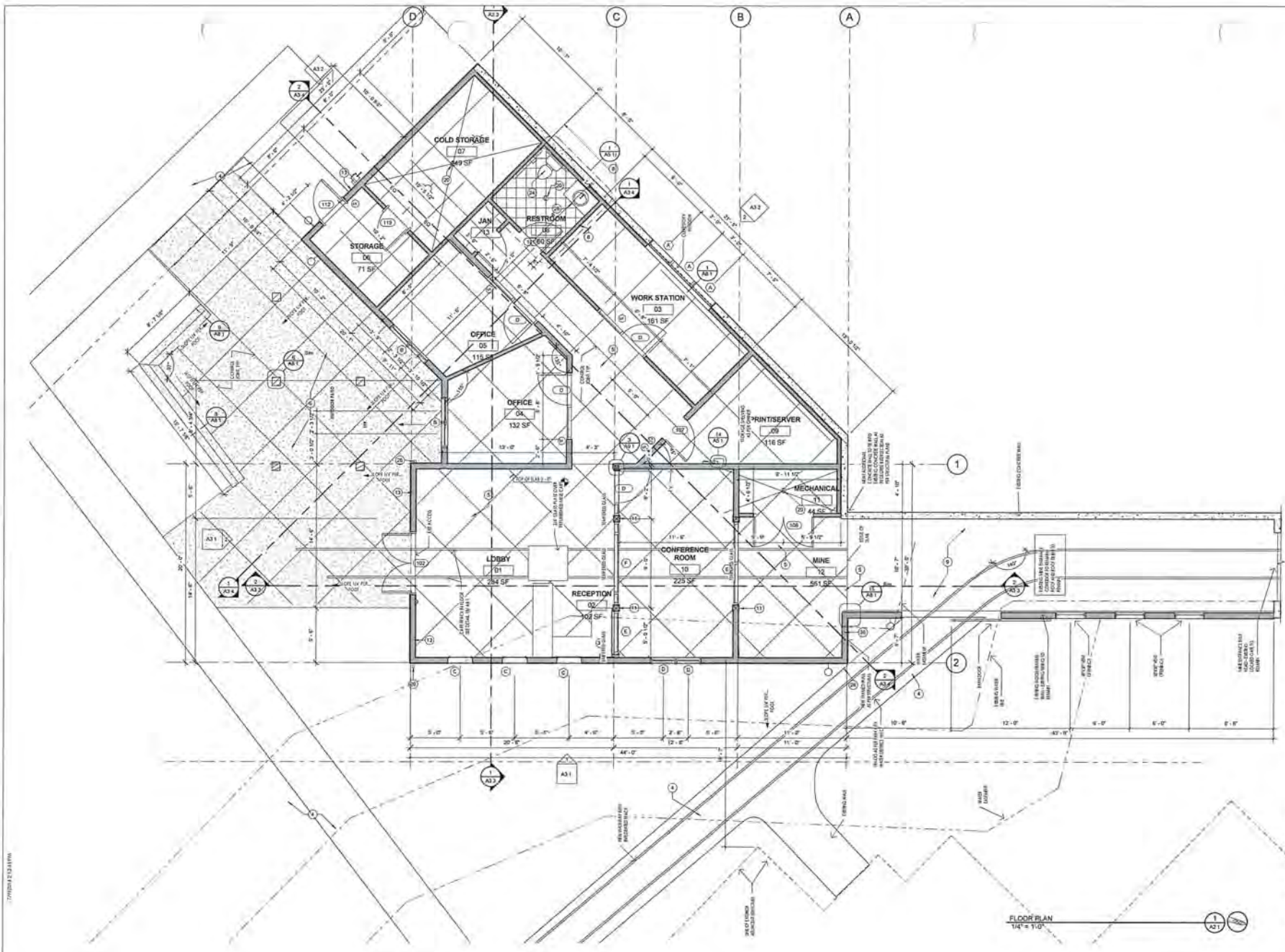
SANITARY SEWER CONNECTION

SITE PLAN AND FLOW PROFILE

THE SILVER STAR PLAZA CONDOMINIUMS
REAL ESTATE OFFICE
PARK CITY, UTAH

DESIGNED BY: [Name] DATE: [Date]
CHECKED BY: [Name] DATE: [Date]

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Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

3151 South 100 East, Suite 200
Salt Lake City, UT 84113
801-333-2424
Fax: 801-244-1425
www.thinkark.com

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REALTY OFFICE

1825 THREE RINGS DRIVE PARK CITY UT 84040

CUP SUBMITTAL 2014.05.26

PROJECT NO. 13149
DATE: 2014.06.30
REVISED:

SHEET TITLE
FLOOR PLAN
SHEET NUMBER:
A21



FLOOR PLAN
1/4" = 1'-0"



Think
Architecture

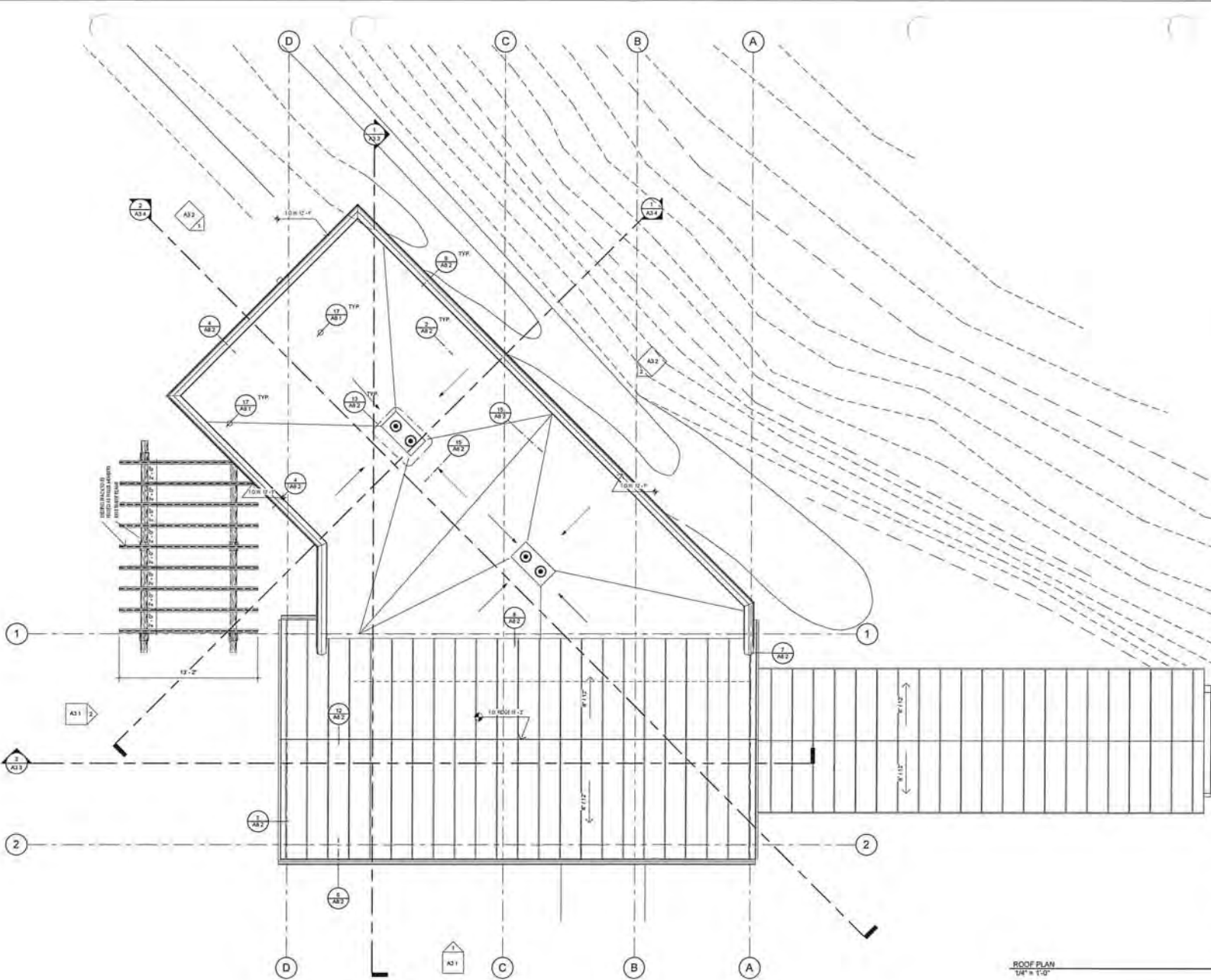
Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

3811 South 400 East, Suite 200
Salt Lake City, UT 84117
PH: 801.249.2025
FAX: 801.249.1425
www.thinkark.com

The project and its development shall be
designed and constructed in accordance with
the applicable codes and regulations of the City
of Salt Lake City, Utah, and the State of Utah,
and shall conform to the applicable zoning
and subdivision regulations of the City of Salt
Lake City, Utah.

REALTY OFFICE
1825 THREE RINGS DRIVE PARK CITY UTAH 84090

CUP SUBMITAL 2014.05.26
PROJECT NO. 13149
DATE: 2014.06.30
REVISIONS:
SHEET TITLE: ROOF PLAN
SHEET NUMBER: A2.2



ROOF PLAN
1/4" = 1'-0"

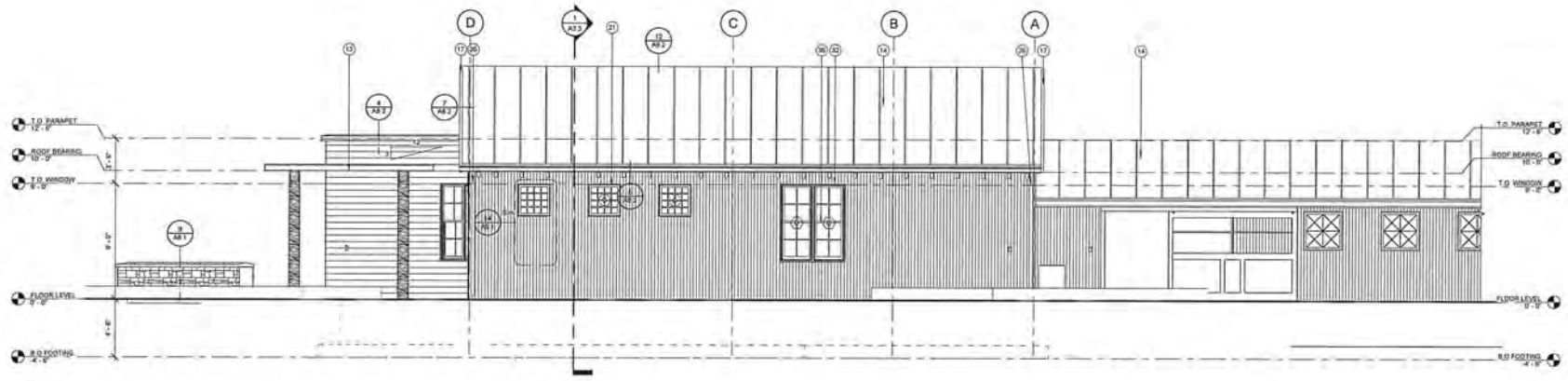


Think
Architecture

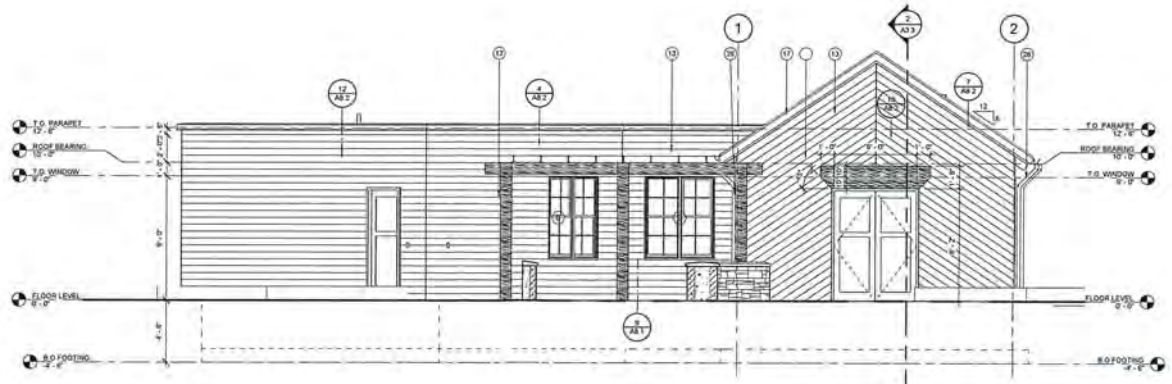
Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

3131 South 900 East, Suite 200
Salt Lake City, UT 84143
ph: 801-244-8033
fax: 801-244-1425
www.thinkarch.com

The client shall retain the responsibility for obtaining all necessary permits and approvals from the appropriate authorities. The architect shall provide the necessary drawings and specifications for the permit application. The client shall be responsible for the cost of the permit application and any fees associated with the permit. The architect shall not be responsible for the cost of the permit application or any fees associated with the permit.



ELEVATION 1
1/4" = 1'-0"



ELEVATION 2
1/4" = 1'-0"



REALTY OFFICE
1825 THREE RINGS DRIVE PARK CITY UT 84060
PROJECT NO. 13149
DATE: 2014.06.30
REVISION:
SHEET TITLE:
EXTERIOR ELEVATIONS
SHEET NUMBER:
A31
CUP SUBMITAL 2014.05.26



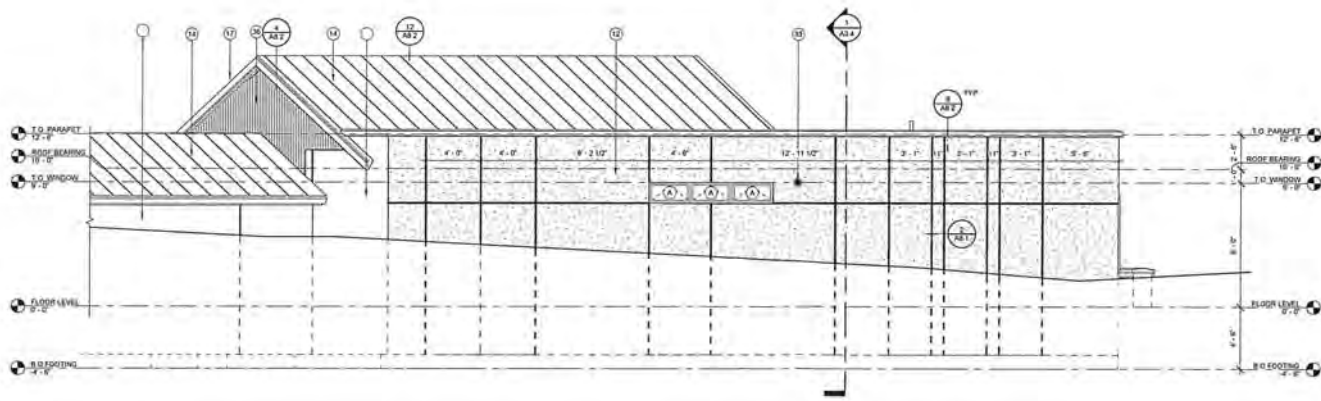
Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

3131 South 900 East, Suite 200
Salt Lake City, UT 84111
PH: 313 241 0033
FAX: 313 241 1429
www.thinkarchitecture.com

The registered professional seal of the architect is a condition of the contract documents and shall not be used in any project unless the architect is duly licensed in the state of Utah. The architect is not responsible for the construction of the project or for the accuracy of the information provided by the client. The architect is not responsible for the construction of the project or for the accuracy of the information provided by the client.



ELEVATION 3
1/4" = 1'-0" (A32)



ELEVATION 4
1/4" = 1'-0" (A32)

REALTY OFFICE
1825 THREE RINGS DRIVE PARK CITY UT 84000

CUP SUBMITAL 2014.05.26
PROJECT NO. 13149
DATE: 2014.06.30
REVISION:
SHEET TITLE: EXTERIOR ELEVATIONS
SHEET NUMBER: A32

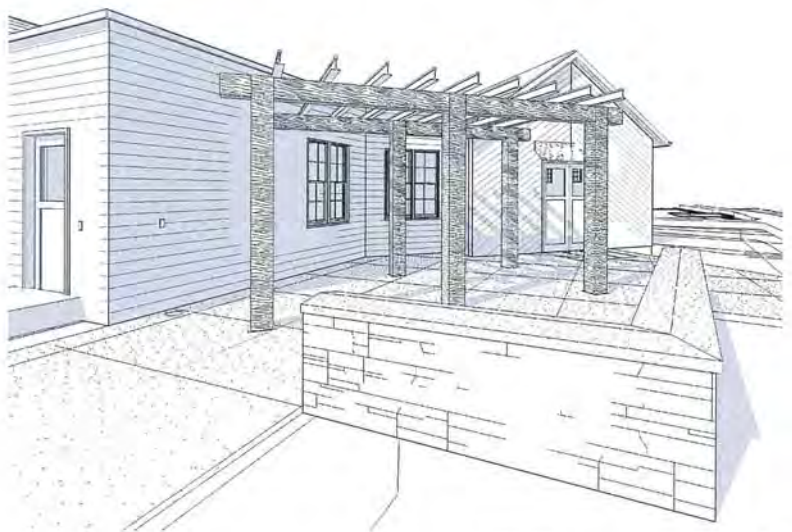




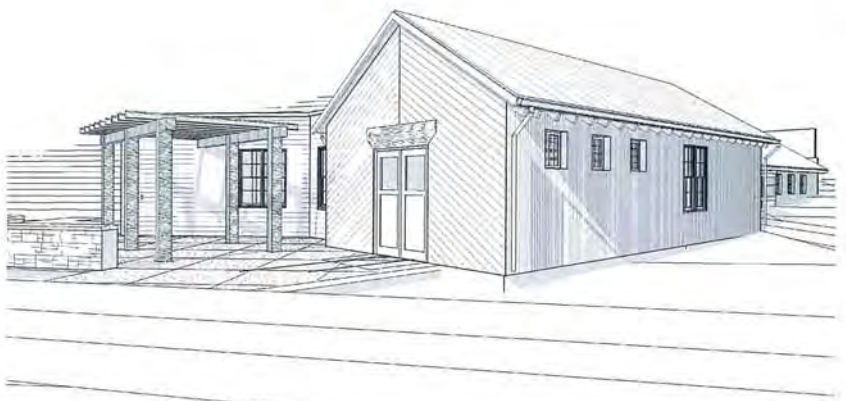
Architecture
Interior Design
Landscape Architecture
Land Planning
Construction Management

5151 South 900 Road, Suite 200
Salt Lake City, UT 84115
PH: 801.249.9255
FAX: 801.249.7425
www.thinked.com

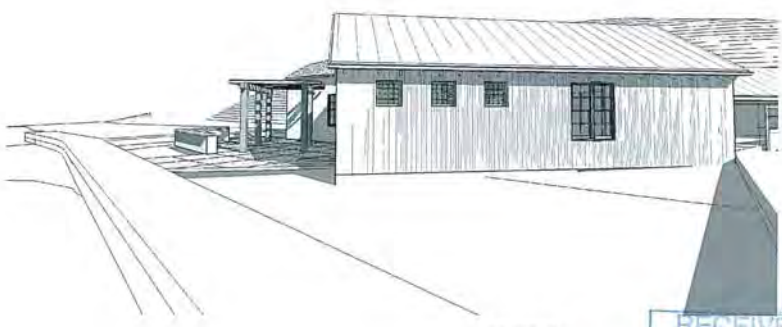
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EAST CORNER 1 A92



ENTRY STREET VIEW 3 A92



NORTH FACADE

REALTY OFFICE

1825 THREE RINGS DRIVE PARK CITY UT 84060

CUP SUBMITTAL 2014.05.26

PROJECT NO. 13149
DATE: 2014.06.30
REVISED:

SHEET TITLE: PERSPECTIVE VIEWS

SHEET NUMBER: A92



EXHIBIT F

The Silver Star Realty and Water reclamation shed.

The silver Star Village was created on the site of (3) significant historic buildings. Each in turn has been re-stored and adapted to new uses. Left on the site are (2) mine entrances, the spiro mine shaft and the three kings mine shaft. There is a boiler building at the village entrance and many mining artifacts placed around the site. It is an important site in regards to the history of mining in park city and it has been the goal since 2003 to maintain and celebrate the sites history.

The last peice of the site to be rehabilitated is the spiro mine shack. The spiro mine shaft exits into a small 20'x32' gabled shed with a covered corridor connecting to the shaft opening. The building is currently used to store materials left from the village construction and as an entrance for the water department to access the mine. The water departement currently uses this entrance for the electrical power access.

The structure is a wood frame which rest on the bare ground. The exterior clading is a mix of ship lap siding laid on angle and galvanized corrugated metal. The roof is galvanized corrugated metal.

The proposal for the project is to remove the existing frame and rebuild the shaft entrance for (2) uses. The first use will be to maintain an entrance and staging area for the water departement. This access would enter from a new entrance on the North facing the housing project. The second use will be a commercial space which will be the main area of the shed with a glass wall separating the mine entrance and commercial space. An addition is proposed to the South which is to set back with a flat roof to distinguish the old from the new. The rebuilt structure will utilize the same wood siding on the facade as well as the corrugated metal roofing. The mine carts are proposed to be used as art pieces and as a reception desk. The tracks from the mine would be cast into the concrete floor of the space and extend through the front to the entry plaza. The interior structure is proposed to be designed in such a way that the roof trusses will be exposed. The additional track left at the site would be used as trallis material.

The project is to celebrate this unique feature of the site. To organize the materials left and make useful what is currently avoided. We think the proposed plan will do this and further strengthen the historic value of the Silver Star Village.



SILVER STAR REALTY OFFICE

Silver Star Village, Park City, Utah
1825 Three Kings Drive #85

2014.09.24

COLORS ARE REPRESENTATIONAL ONLY. FINAL COLORS MAY VARY FROM ABOVE REPRESENTATION



AERIAL IMAGE



SILVER STAR REALTY OFFICE

Silver Star Village, Park City, Utah
1825 Three Kings Drive #85

2014.09.24

COLORS ARE REPRESENTATIONAL ONLY. FINAL COLORS MAY VARY FROM ABOVE REPRESENTATION



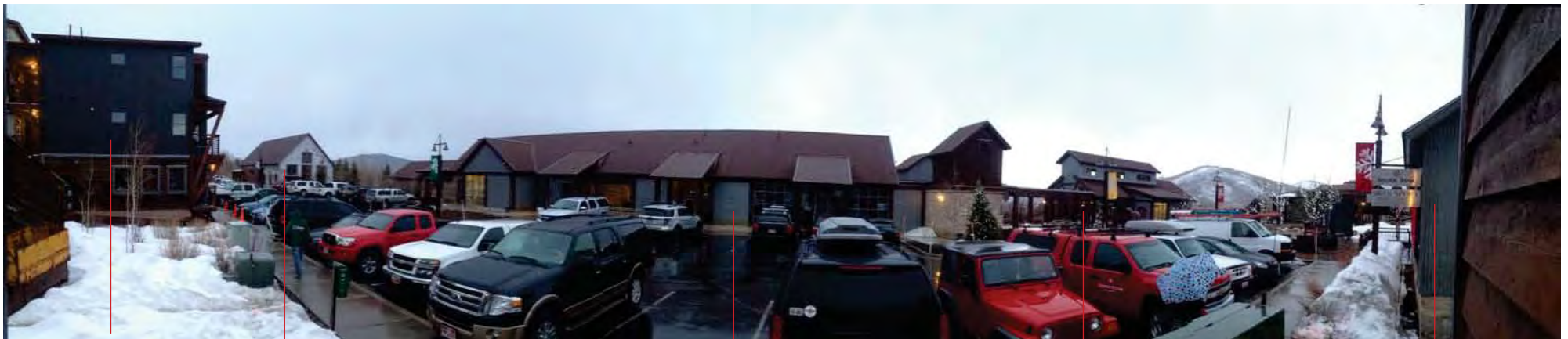
SILVER STAR SPORTS/
RESTORED MACHINE SHOP

TEMPORARY STORAGE UNIT TO BE
REMOVED AND INCORPORATED INTO
PROPOSED BUILDING

EXISTING MINE SHAFT
ENTRANCE TO BE
REHABILITATED

SILVER STAR AFFORDABLE
HOUSING

VIEW OF MINE SHAFT SHED



SILVER STAR AFFORDABLE
HOUSING

HISTORIC REHABILITATION
OF SAW MILL

SILVER STAR VILLAGE
COMMERCIAL OFFICES

SILVER STAR CAFE

SILVER STAR SPORTS/
RESTORED MACHINE SHOP

VIEW FROM MINE SHAFT SHED
EXISTING CONDITIONS



SILVER STAR REALTY OFFICE

Silver Star Village, Park City, Utah
1825 Three Kings Drive #85

2014.09.24

COLORS ARE REPRESENTATIONAL ONLY. FINAL COLORS MAY VARY FROM ABOVE REPRESENTATION



STREET FACADE



ENTRY WALL/ WEST



SOUTH WALL



EAST WALL



EAST WALL



SHED AT MINE SHAFT ENTRANCE

EXISTING CONDITIONS



SILVER STAR REALTY OFFICE

Silver Star Village, Park City, Utah
1825 Three Kings Drive #85

2014.09.24

COLORS ARE REPRESENTATIONAL ONLY. FINAL COLORS MAY VARY FROM ABOVE REPRESENTATION



EXISTING AND PROPOSED



SILVER STAR REALTY OFFICE

Silver Star Village, Park City, Utah
1825 Three Kings Drive #85

2014.09.24

COLORS ARE REPRESENTATIONAL ONLY. FINAL COLORS MAY VARY FROM ABOVE REPRESENTATION



CONCEPT IMAGES



SILVER STAR REALTY OFFICE

Silver Star Village, Park City, Utah
1825 Three Kings Drive #85

2014.09.24

COLORS ARE REPRESENTATIONAL ONLY. FINAL COLORS MAY VARY FROM ABOVE REPRESENTATION



February 10, 2015

Kirsten Whetstone, Senior Planner
Park City Planning, Dept.
P.O. Box 1480
Park City, UT 84060

Subject: The Silver Star Plaza Condos, Buildings N, O, P, Q, and R, First Amended
Plat Review

Dear Ms. Whetstone,

The Snyderville Basin Water Reclamation District has reviewed the referenced plat. Please have the applicant make the following change to the plat:

1. Add the recording information to the 20' Sanitary Sewer Easement as follows:
Snyderville Basin Water Reclamation District Easement
Entry No. 00749903, Bk 01731, Pg 01422-01431,

Please contact me to schedule a time for plat signing after the Owner's Dedication has been signed.

Sincerely,

Bryan D. Atwood, P.E.
District Engineer

cc: Johnny Shirley, Think Architecture
Plat Review File





WATER

April 3, 2015

VIA EMAIL: kirsten.whetstone@parkcity.org

Kirsten Whetstone
PCMC Planning Department
P.O. Box 1480
Park City, UT 84060

Re: Silver Star Realty Office – Water Department Requirements

Dear Kirsten,

This letter is to follow-up on our conversation regarding Park City Water’s requirements regarding the proposed First Amendment to the Silver Star Plaza Condominiums buildings N, O, P, Q, and R (Silver Star Realty Office).

Whereas:

Park City has existing rights to operate the Spiro Tunnel as a water source;

Park City has been issued a Stipulated Compliance Order to treat the Spiro Tunnel water discharges;

The Spiro Tunnel is a drinking water source requiring source protection in accordance with the Utah Division of Drinking Water (DDW);

Park City has an existing water line extending through the Silver Star development and into the Spiro Tunnel;

Therefore, Park City requires the following conditions of approval be included in the First Amendment to the Silver Star Plaza Condominiums buildings N, O, P, Q, and R (Silver Star Realty Office) Planning Commission approval:

1. Access to the Spiro Tunnel shall be provided to Park City. Access shall facilitate equipment and vehicles as needed for operations and requires as a minimum:
 - a. Clear unobstructed access to the proposed shed remodel for a minimum width of 15 feet.
 - b. Paved access from the private drive to the proposed tunnel shed capable of supporting H2O loadings
 - c. Mine rail tracks shall extend to within 10 feet of the existing private drive and shall be fully functional for mine rail cars
 - d. Provide a 5 foot minimum clearance on either side of mine rail tracks
 - e. Access to the proposed tunnel shed shall be restricted to Park City authorized personnel
2. Proposed building improvements shall meet DDW and Park City’s tunnel access security requirements. Building plans shall require Park City Water review and approval with respect to meeting security requirements.
3. The proposed shed remodel shall provide for adequate ventilation of the mine.
4. Existing rails are the property of Park City for use in tunnel access maintenance
5. Maintain security to the Spiro Tunnel during proposed construction activities.



WATER

6. Provide a 30 feet wide, minimum, water line and tunnel access easement extending from the proposed shed remodel to the existing private drive and provide a 10 feet wide, minimum, waterline and tunnel access easement within the proposed shed remodel to the tunnel entrance. Draft language, to be included on the proposed plat, is attached (final easement to be in a form approved by the City Attorney).
7. The plat shall include language (in a form approved by the City Attorney) indicating that the tunnel access and operations may result disturbances, such as construction activities, noise, fumes, etc., to proposed facility which may occur at any time and the City shall be held harmless for such impacts.
8. With the proposed replat, we request that Park City's access, for the purpose of water line operation and maintenance and for tunnel access, along the existing private drive be clarified.
9. Park City shall be held harmless from claims resulting from tunnel related occurrences, such as flooding (the language to be in a form approved by the City Attorney).

After you have had an opportunity to review this information, please contact me to discuss any of the items in more detail.

Respectfully,

Park City Municipal Corporation

Roger McClain
Water Engineer

Attachment:

cc: via email: Clint McAfee, Park City Water and Streets Director, clint.mcaffee@parkcity.org

draft language for plat

**EASEMENT
FOR WATER CONVEYANCE, DISTRIBUTION, TRANSMISSION PIPELINE(S),
APPURTENANCES AND SPIRO TUNNEL ACCESS**

A permanent exclusive water utility easement and right-of-way in, across, and through the property, which easement is described and shown on the condominium plat, for the purpose of operating, maintaining, repairing, eventual replacement, and upgrade, of one or more underground pipelines, tunnel access and security facilities, and appurtenances for the conveyance, distribution, and/or transmission of water, in the exclusive discretion of Park City.

Permanent ingress and egress along the described easement, for the purpose of operation and maintenance access. Permanent or temporary obstructions or improvements within the boundaries of the easement shall not be constructed, that might interfere with Park City's ability to gain access along the described easement and to the tunnel portal for operation, maintenance, repair, and replacement purposes without express written consent in advance of Park City. Any such obstruction installed or permitted to be constructed, installed or maintained within the boundaries of the easement area, without Park City's written approval, shall be removed.

Planning Commission Staff Report



Application No: PL-15-02690
Subject: Heber Avenue Sub-zone
Author: Francisco Astorga, Senior Planner
Date: April 8, 2015
Type of Item: Legislative – LMC Amendment

Summary Recommendation

Staff recommends the Planning Commission review proposed amendments to the Land Management Code (LMC) regarding the Heber Avenue Sub-zone in Chapter 2.5-10. Staff recommends the Planning Commission conduct a public hearing, consider public input, review the request, and consider forwarding a negative recommendation to the City Council.

Description

Applicant: LCC Properties Group, LC represented by David Luber and Kevin Horn
Project Name: LMC Amendment to Chapter 2.5-10
Approximate Location: Historic Recreation Commercial (HRC) District
Heber Avenue Sub-zone
Proposal: Amendments to the LMC require Planning Commission review and recommendation with final action by the City Council

Acronyms in this Report

LMC Land Management Code
HRC Historic Recreation Commercial
HCB Historic Commercial Business
HR-1 Historic Residential-1
MPD Master Planned Development

Background

On February 13, 2015, the Planning Staff received a request to modify the LMC specifically to amend the text regarding the Heber Avenue Sub-Zone A in the HRC District. See Exhibit A – Applicant’s Request and Exhibit B – Applicant’s Proposed LMC Amendment.

The Heber Avenue Sub-zone consists of properties fronting on the north side of Heber Avenue, and east of Park Avenue, for a depth of 150 feet (150') from the Street Right-of-Way. See Exhibit C – Heber Avenue Sub-zone Map.

The HRC District was created in 1985 as a transition zone between the Historic Residential-1 (HR-1) District, residential uses, and the Historic Commercial Business

(HCB) District, commercial uses, on the lower portions of Main Street. Properties subject to the HRC District were previously zoned HR-1.

The Heber Avenue Sub-zone, within the HRC District, was created during the rezone process, to allow HCB uses on those properties and to differentiate between HRC properties that adjoin HR-1 properties and HRC properties that adjoin commercial uses.

Properties to the north and east of the corner of Heber Avenue and Park Avenue/Main Street (638 Main Street) were developed through the Master Planned Development process allowing Historic Commercial Business uses and Master Planned Development (MPD) exceptions for heights, setbacks, shared parking, and other considerations. These properties include the Town Lift MPD- Summit Watch, Sweeney MPD- Town Lift and Caledonian, Town Lift Condominiums, and Union Square MPD- Skylodge.

Proposed Text Amendment

The applicant requests to add the following underlined language below to LMC § 15-2.5-10:

15-2.5-10. HEBER AVENUE SUB-ZONE.

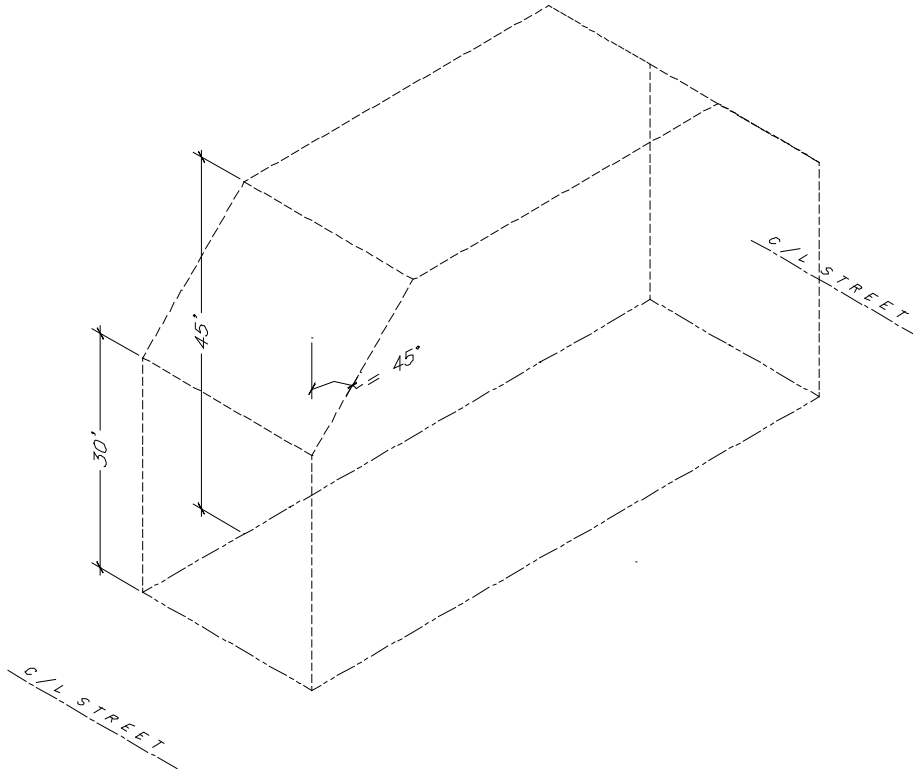
Properties fronting on the north side of Heber Avenue, and east of Park Avenue, are included in the Heber Avenue Sub-Zone for a depth of 150 feet (150') from the Street Right-of-Way. Within the Heber Avenue Sub-Zone, all of the Site Development standards and Land Use limitations of the HRC District apply, except:

- (A) The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District.
- (B) The Conditional Uses within the sub-zone are identical to the conditional Uses in the HCB District.
- (C) The Floor Area Ratio limitation of the HRC District does not apply.
- (D) The Zone Height shall correspond to the maximum height of the Building plane applicable in the HCB District as measured from the Front Lot Line under Section 15-2.6-5(A) of Code and the Rear Yard Property Line under Section 15-2.6-5(B) of Code with such exceptions as are allowed by Section 15-2.6-5(F) of the Code. The application of such height standard shall not entitle the Building to any additional Building volume above Natural Grade in the Front Yard or the Rear Yard established in the HRC District other than as provided for by any Front Yard or Rear Yard exception.

LMC § 15-2.6-5(A)-(B) states:

5-2.6-5. MAXIMUM BUILDING VOLUME AND HEIGHT.

(A) The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane.



(B) The rear portion of the bulk plane for each Lot that does not abut Swede Alley is defined by the plane that rises vertically at the Rear Yard Property Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade of the Building Site. No part of a Building shall be erected to a height greater than forty-five feet (45'), measured from Natural Grade at the Building Site. This provision must not be construed to encourage solid roofing to following the forty-five degree (45°) back plane.

LMC § 15-2.6-5(F) states:

(F) MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS. The following exceptions apply:

- (1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

- (2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Church spires, bell towers, and like architectural features, subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.
- (5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.
- (6) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

District Purpose

The purpose of the HRC District is to:

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate Density bed base at the Town Lift,
- (G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,
- (H) encourage preservation and rehabilitation of Historic Buildings and resources.

- (l) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

Analysis

The following section below indicates the maximum building height in the HRC District, including Heber Avenue Sub-zone:

15-2.5-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-two feet (32') from Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.
- (2) Antennas, chimneys, flues, vents, and similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (4) Church spires, bell towers, and like architectural features subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.
- (5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.
- (6) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the height requirement and complies with height exception criteria in Section 15-2.2-6(B)(10).

The requested LMC Amendment increases the building height in the Heber Avenue Sub-zone from a maximum building height of thirty-two feet (32') from existing grade to forty-five feet (45') above natural grade. In essence another story would be able to be

accommodated within the sub-zone with a step back, pyramid effect. Staff fails to see the public benefit of the request other than allowing property owners to build another story.

As indicated in purpose statement E of the HRC District, one district purpose is to provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area. Staff finds that this is accomplished by the codified difference in the required setbacks and maximum building heights in the HRC District. The Heber Avenue Sub-zone is located on the north end of the HCB District corridor.

Currently, Heber Avenue Sub-zone mimics the allowed and conditional uses, and the floor area ratio regulation does not apply. Keeping the maximum building height different in the Heber Avenue Sub-zone within the HRC District than that of the HCB District allows that transition in scale.

A similar request was made by the Kimball Art Center in July 2008 to rezone the eastern half of their property located at 638 Main Street from HRC to HCB District. A Planning Commission work session took place on July 09, 2008, See Exhibit F – July 09, 2008 Planning Commission Staff Report and Exhibit G – July 09, 2008 Planning Commission Minutes. The application was not supported by the Planning Commission in 2008. The application was later withdrawn by the applicant. The current applicant has indicated to the Planning Department their intentions of building an addition to the Kimball Art Center, at 638 Main Street, which does include a fourth (4th) story pending the outcome of this LMC Amendment. Should the City not be willing to approve this amendment, the applicant would have to build a three (3) story addition instead, subject to applicable codes, including the Design Guidelines for Historic Districts and Historic Sites.

Furthermore, in 1998 the Planning Department had a discussion with the Planning Commission regarding the HRC District. See Exhibit H – February 25, 1998 Planning Commission Notes, which indicates the primary difference between this district and the HCB District which is the building height, bulk, and setback requirements.

General Plan

The proposed LMC amendment has been reviewed for consistency with the adopted Park City General Plan. The LMC implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values. The General Plan does not contain any goals, objectives, and policies showing support of the requested amendment.

Process

Amendments to the LMC require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18.

Notice

Legal notice of a public hearing was posted in the required public spaces on March 25, 2015, and published in the Park Record on the same date as required by the LMC. Letters were sent to all property owners within the Heber Avenue Sub-zone on March 25, 2015.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of LMC Amendments. Staff has received one letter not from the public against the proposed LMC Amendment. See Exhibit I.

Alternatives

- The Planning Commission may forward a negative recommendation to the City Council; or
- The Planning Commission may forward positive recommendation to the City Council and direct staff to return with an Ordinance with Findings of Fact supporting this recommendation; or
- The Planning Commission may continue the discussion to a date certain and provide direction to Staff regarding additional information or analysis needed in order to make a recommendation to Council.

Significant Impacts

There are no significant financial or environmental impacts to the City that result from the proposed LMC amendments.

Summary Recommendation

Staff recommends the Planning Commission review proposed amendments to the LMC regarding the Heber Avenue Sub-zone in Chapter 2.5-10. Staff recommends the Planning Commission conduct a public hearing, consider public input, review the request, and consider forwarding a negative recommendation to the City Council.

Exhibits

Exhibit A – Applicant's Request

Exhibit B1 – Applicant's Proposed LMC Amendment

Exhibit B2 – Applicant's Exhibit: Renderings

Exhibit B3 – Applicant's Exhibit: Area Roof Peaks

Exhibit B4 – Applicant's Exhibit: Height Analysis

Exhibit C – Heber Avenue Sub-zone Map

Exhibit D – LMC Chapter 2.5 Historic Recreation Commercial

Exhibit E – LMC Chapter 2.6 Historic Commercial Business

Exhibit F – July 09, 2008 Planning Commission Staff Report

Exhibit G – July 09, 2008 Planning Commission Regular Minutes & Work Session

Exhibit H – February 25, 1998 Planning Commission Notes

Exhibit I – Public Comment

Exhibit A – Applicant's Request

PARK CITY MUNICIPAL CORPORATION
PLANNING DEPARTMENT
4454 MARSAC AVE. PO BOX 1480
PARK CITY, UT 84060
(435) 615-5060

LAND MANAGEMENT CODE TEXT AMMENDMENT Updated 2/20/2015

PROJECT INFORMATION

LANDMARK SITE
NAME: Kimball Garage
ADDRESS: 638 Park Ave.
TAX ID: PC 107 & 108 x

APPLICANT INFORMATION

APPLICANT: LCC Properties L.C.
1225 Wilshire Blvd. Suite 811, Santa Monica CA 90403, 310-458-8086
CONTACT AND AURTHORIZED SIGNATOR: KEVIN HORN, HORN & PARTNERS
PHONE#: 801-232-9333
EMAIL: kevin@hornandpartners.com, david@lccproperties.com

The attached application for a Land Management Code Text Amendment is an integral part of the application package for The Kimball Residences and Shops, and should be considered in conjunction with the following applications: HDDR Application, CUP for parking greater than 5 spaces, Administrative CUP for a Private Club Residence, .

The above referenced project, in addition to preserving the historic Kimball Garage, seeks to contribute to the historic character of Main Street and link upper Main Street to Lower Main Street, and provide a seamless transition point of connection to Heber Avenue and Park Avenue gateways to Park City's Main Street.

The Heber Avenues Sub-Zone of the HRC Zone 15-2.5-10 includes 3 provisions to accomplish this. Given the goal of the project, it is consistent to add a fourth provision that will effectively apply solely to this property since the other properties in the overlay zone are already developed (some including the very height provision sought herein, such as Sky Lodge and 692 Main). As is the case with other Heber Sub-Zone provisions, the standard for additional height applies the height measurements applicable from front lot lines on Main Street in the HCB--angling back 45 degrees from above 30' to a maximum height of 45'.

This HCB measurement standard proposed for the Heber Avenue Sub-Zone has been applied in the design of the Kimball project reflected in the above-referenced HDDR application and should be evaluated based on the proposed design. No other property will likely take advantage of this provision. As illustrated by the current application, the additional height provides an effective transition between upper and lower Main Street

buildings, which already substantially reflect the HCB height standard. Further, the additional height does not detract from the preservation objectives for the Kimball Garage, as the new structure has been visually separated from the Garage in accordance with historic design guidelines. We therefore request that the staff, Planning Commission and City Council give full consideration to this policy provision and approve it in connection with approval of other essential Kimball project applications incorporating the proposed design features.

The HDDR application contains all existing historic conditions and proposed preservation and addition drawings and are available for review in detail. We also include here a key colored drawing to provide perspective for the request.

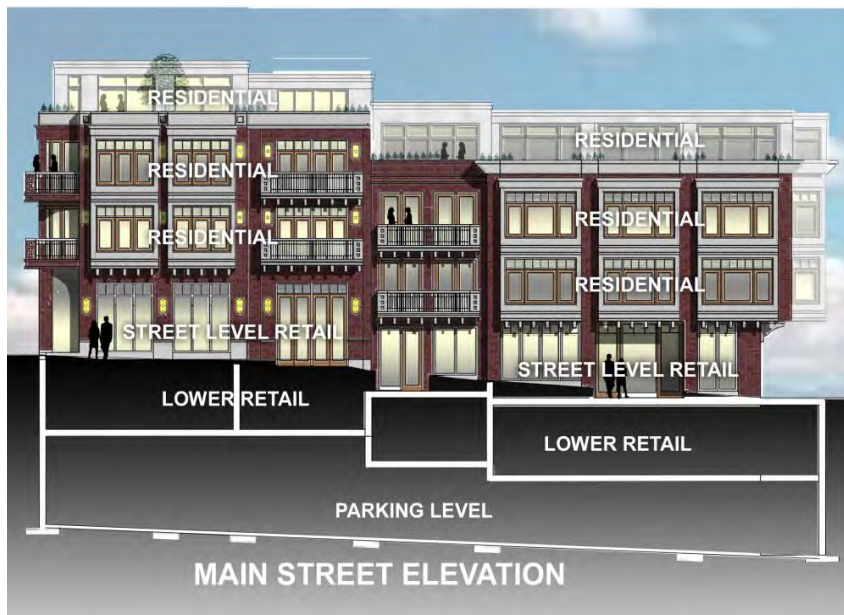


Exhibit B1 – Applicant’s Proposed Land Management Code Amendment

Existing 15-2.5-10. Heber Avenue Sub-Zone	Proposed 15-2.5-10. Heber Avenue Sub-Zone
<p>Properties fronting on the north side of Heber Avenue, and east of Park Avenue, are included in the Heber Avenue Sub-Zone for a depth of 150 feet (150’) from the Street Right-of-Way. Within the Heber Avenue Sub-Zone, all of the Site Development standards and Land Use limitations of the HRC District apply, except:</p> <ul style="list-style-type: none"> (A) The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District. (B) The Conditional Uses within the sub-zone are identical to the conditional Uses in the HCB District. (C) The Floor Area Ratio limitation of the HRC District does not apply. 	<p>Properties fronting on the north side of Heber Avenue, and east of Park Avenue, are included in the Heber Avenue Sub-Zone for a depth of 150 feet (150’) from the Street Right-of-Way. Within the Heber Avenue Sub-Zone, all of the Site Development standards and Land Use limitations of the HRC District apply, except:</p> <ul style="list-style-type: none"> (A) The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District. (B) The Conditional Uses within the sub-zone are identical to the conditional Uses in the HCB District. (C) The Floor Area Ratio limitation of the HRC District does not apply. (D) <u>The Zone Height shall correspond to the maximum height of the Building plane applicable in the HCB District as measured from the Front Lot Line under Section 15-2.6-5(A) of Code and the Rear Yard Property Line under Section 15-2.6-5(B) of Code with such exceptions as are allowed by Section 15-2.6-5(F) of the Code. The application of such height standard shall not entitle the Building to any additional Building volume above Natural Grade in the Front Yard or the Rear Yard established in the HRC District other than as provided for by any Front Yard or Rear Yard exception.</u>



**ZONE TEXT AMENDMENT – SLIDE 1
OVERVIEW FROM NORTH WEST**

 LCC PROPERTIES GROUP <small>Specializing in America's Premier Mountain Resorts</small> 1225 Wilshire Blvd, Suite 411, Santa Monica, CA 90401 310-464-0000 Office, 310-464-1333 Cell www.lccproperties.com	HORN PARTNER! ARCHITECTURE <small>P.O. BOX 126 MOUNTAIN VIEW, UT 84015-0126 P.H. 801.358.8876 or 801.225.8876 FAX 801.226.1111 www.hornpartner.com</small>
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ZONE TEXT AMENDMENT – SLIDE 2
VIEW EAST TOWARD SKY LODGE

 LCO PROPERTIES GROUP <small>Specializing in America's Premier Mountain Resorts</small> 1225 Wilshire Blvd, Suite 811, Santa Monica, CA 90401 910-424-9999 Office 910-424-1333 Cell lco@lcoproperties.com	 HORN PARTNER ARCHITECTURE <small>P.O. BOX 105 WASHINGTON, UT 84601-0105 P.H. 801.225.8675 or 801.225.8673 FAX 801.225.1111 www.hornpartner.com</small>
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ZONE TEXT AMENDMENT – SLIDE 3
VIEW EAST FROM COTTAGES

 <p>LOV PROPERTIES GROUP Specializing in America's Premier Mountain Resorts 1225 Wilshire Blvd, Suite 811, Santa Monica, CA 90401 805.454.8888 Office 805.454.1333 Cell lov@lovgroup.com</p>	<p>HORN PARTNER! ARCHITECTURE</p> <p>P.O. BOX 188, MOUNTAIN VIEW, UT 84051-0188 P.O. BOX 887, 228 N. MAIN ST. UT 84051-0887 P.A.S. 801.224.1171 www.hornpartner.com</p>
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**ZONE TEXT AMENDMENT – SLIDE 4
VIEW UP HEBER AVE.**

 <p>LDC PROPERTIES GROUP Specializing in America's Premier Mountain Resorts 1225 Wilshire Blvd., Suite 411, Santa Monica, CA, 90401 805-458-0888 Office 310-588-2383 Cell lpc@lpcproperties.com</p>	 <p>HORN PARTNER! ARCHITECTURE</p> <p>P.O. BOX 1007 MOUNTAIN VIEW, AZ 85711-0100 P.O. BOX 207, 205 N. 21ST ST. PHOENIX, AZ 85016-0207 P.O. BOX 206, 1111 W. WILSON AVE. PHOENIX, AZ 85016-0206</p>
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ZONE TEXT AMENDMENT – SLIDE 5
LOOKING NORTH DOWN MAIN STREET

 L&P PROPERTIES GROUP <small>Specializing in America's Premier Mountain Resorts</small> <small>1225 W. Lakeside Blvd., Suite 401, Steamboat, CO, 80487</small> <small>(970) 462-2000 Office (970) 228-1555 Cell</small> <small>lsp@lspproperties.com</small>	HORN PARTNER! ARCHITECTURE <small>P.O. BOX 126 ROYAL GLEN, CO 80516-0126</small> <small>P.O. BOX 401, 1225 W. LAKESIDE BLVD. STE 401, STEAMBOAT, CO 80487</small> <small>PHONE: 970.228.1111 www.hornpartner.com</small>
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**ZONE TEXT AMENDMENT – SLIDE 6
FROM 692 MAIN SIDEWALK LOOKING SOUTH**

 <p>L&P PROPERTIES GROUP Specializing in America's Premier Mountain Resorts 225 Wilshire Blvd., Suite 901, Santa Monica, CA, 90401 (310) 450-0000 Office (310) 450-1000 Cell lsp@lspmountain.com</p>	<p>HORN PARTNER! ARCHITECTURE</p> <p>P.O. BOX 125 ROUND BAY, VT 05211-0125 P.O. BOX 201-1250-0010 W/ 02-225-0010 FAX: 821-230-1111 www.hornpartner.com</p>
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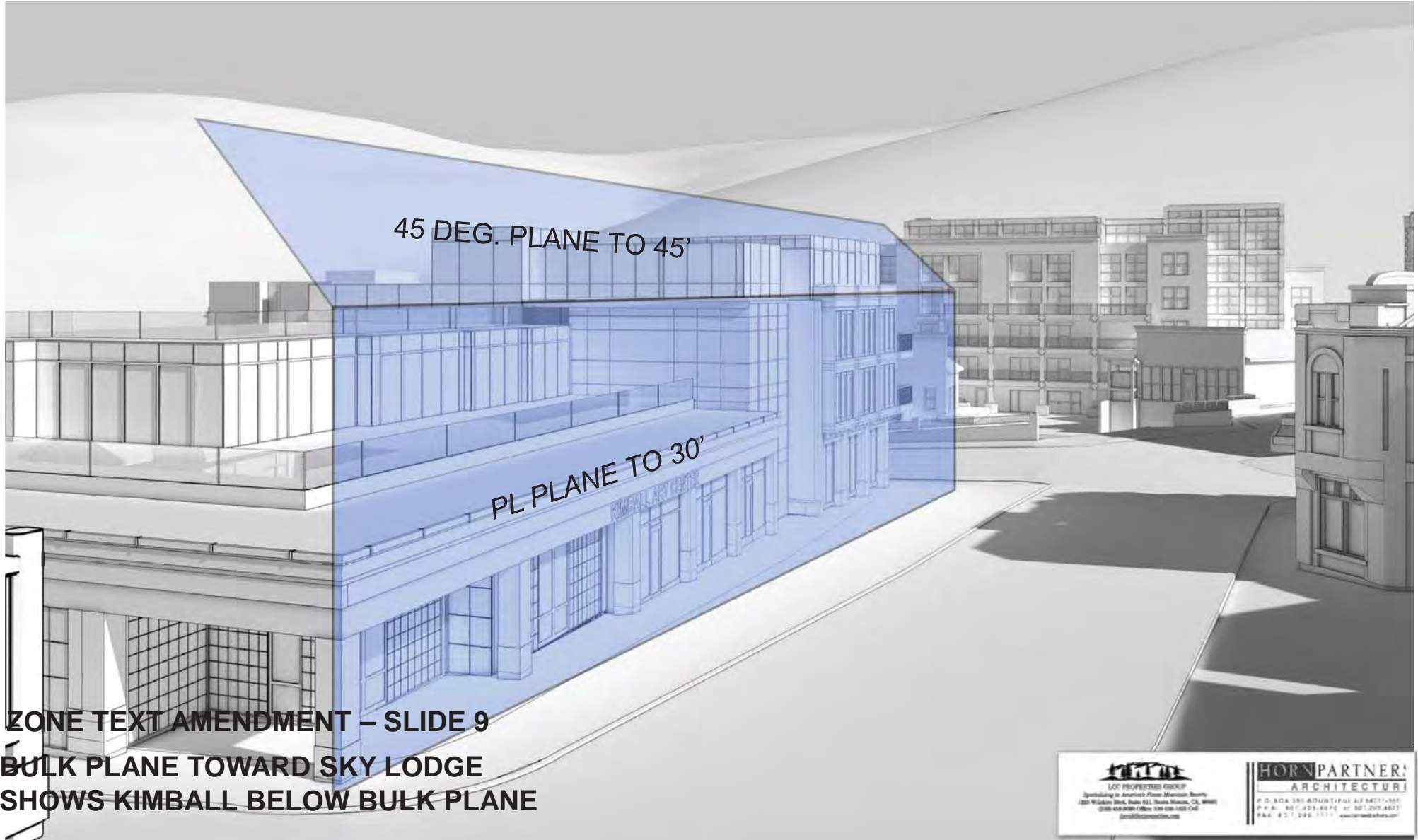
**ZONE TEXT AMENDMENT – SLIDE 7
FROM SKY LODGE 6TH FLOOR LOOKING WEST**

 L&L PROPERTIES GROUP <small>Specializing in America's Premier Mountain Resorts</small> 1201 Williams Blvd., Suite 801, Santa Monica, CA, 90401 (310) 442-0000 Office (310) 442-1000 Cell lsl@lslproperties.com	HORN PARTNER! ARCHITECTURE <small>P.O. BOX 120 BOUNTYFORD, NY 14221-0120 P.O. BOX 201, 223-2070 St. 02-200-0070 P.O. BOX 220-1111 www.hornpartner.com</small>
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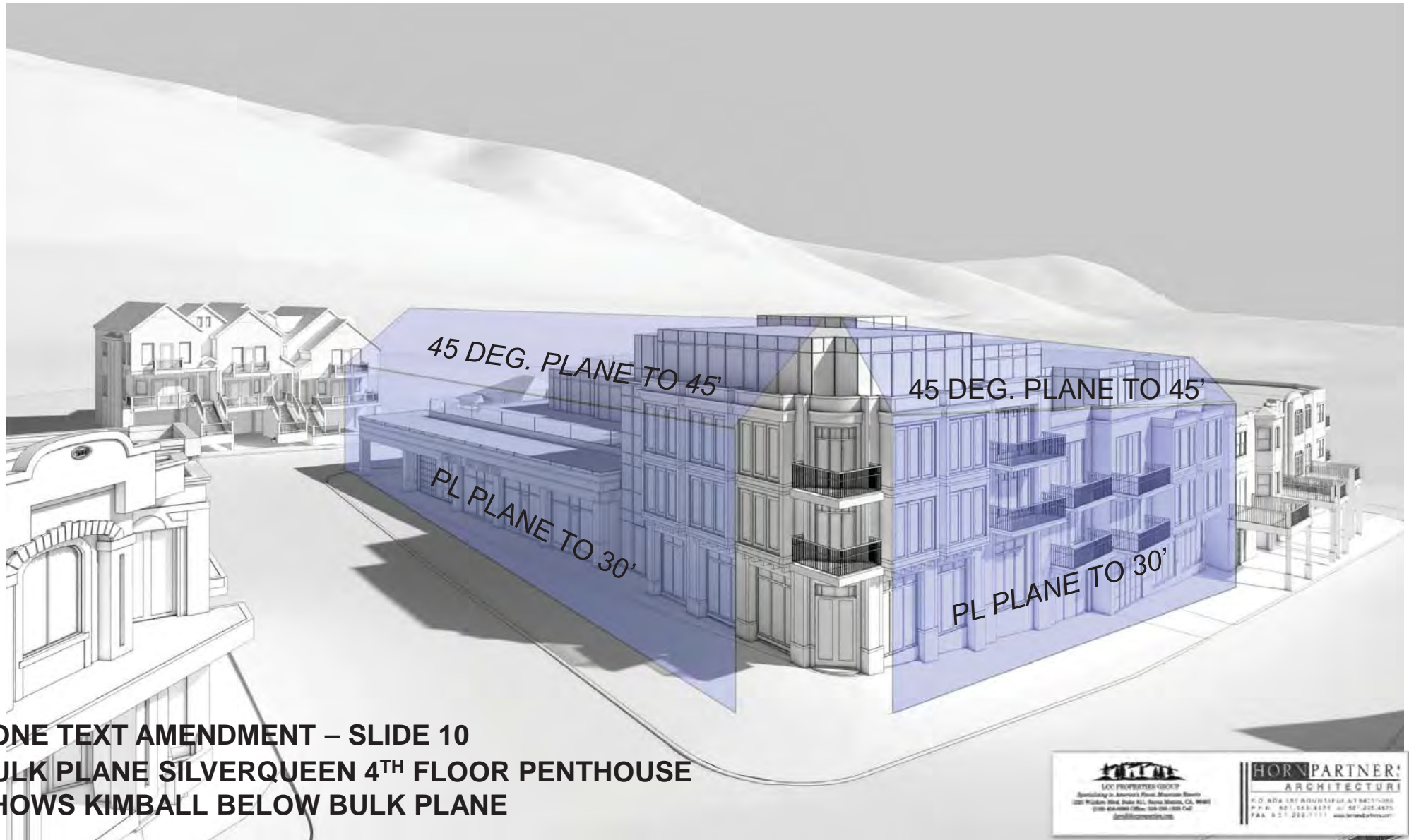
**ZONE TEXT AMENDMENT – SLIDE 8
FROM SILVERQUEEN 4TH FLOOR PENTHOUSE**

 <p>L&P PROPERTY GROUP Specializing in America's Premier Mountain Resorts 2251 W. Lakes Blvd., Suite 401, Steamboat, CO, 80487 (970) 624-2000 Office (970) 624-1500 Cell lsp@lspmountain.com</p>	<p>HORN PARTNER! ARCHITECTURE</p> <p>P.O. BOX 126 MOUNTAIN VIEW, UT 84021-0126 P.O. BOX 201-1200-0070 UT 84701-0070 FAX: 435-234-7111 www.hornpartner.com</p>
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ZONE TEXT AMENDMENT – SLIDE 9
BULK PLANE TOWARD SKY LODGE
SHOWS KIMBALL BELOW BULK PLANE

 LDC PROPERTIES GROUP <small>Specializing in Affordable Rental Apartments</small> 220 William Blvd, Suite 401, Santa Monica, CA, 90401 (310) 450-0000 / (800) 526-1000 / LDC.GR	 HORN PARTNERS ARCHITECTURE <small>P.O. BOX 300, MOUNTAIN VIEW, CA 94031-0300 P.O. BOX 301, SAN JOSE, CA 95131-0301 P.O. BOX 1111, SAN JOSE, CA 95131-0111</small>
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**ZONE TEXT AMENDMENT – SLIDE 10
BULK PLANE SILVERQUEEN 4TH FLOOR PENTHOUSE
SHOWS KIMBALL BELOW BULK PLANE**



ZONE TEXT AMENDMENT – SLIDE 11
OVERVIEW FROM NORTH WEST

 LCC PROPERTIES GROUP <small>Specializing in America's Premier Mountain Resorts</small> 1225 Wilshire Blvd, Suite 811, Santa Monica, CA 90401 310-454-0000 Office, 310-454-1333 Cell www.lccproperties.com	HORN PARTNER! ARCHITECTURE <small>P.O. BOX 100, MOUNTAIN VIEW, UT 84015-0100 P.H. 801.226.8276 or 801.226.8275 FAX 801.226.1111 www.hornpartner.com</small>
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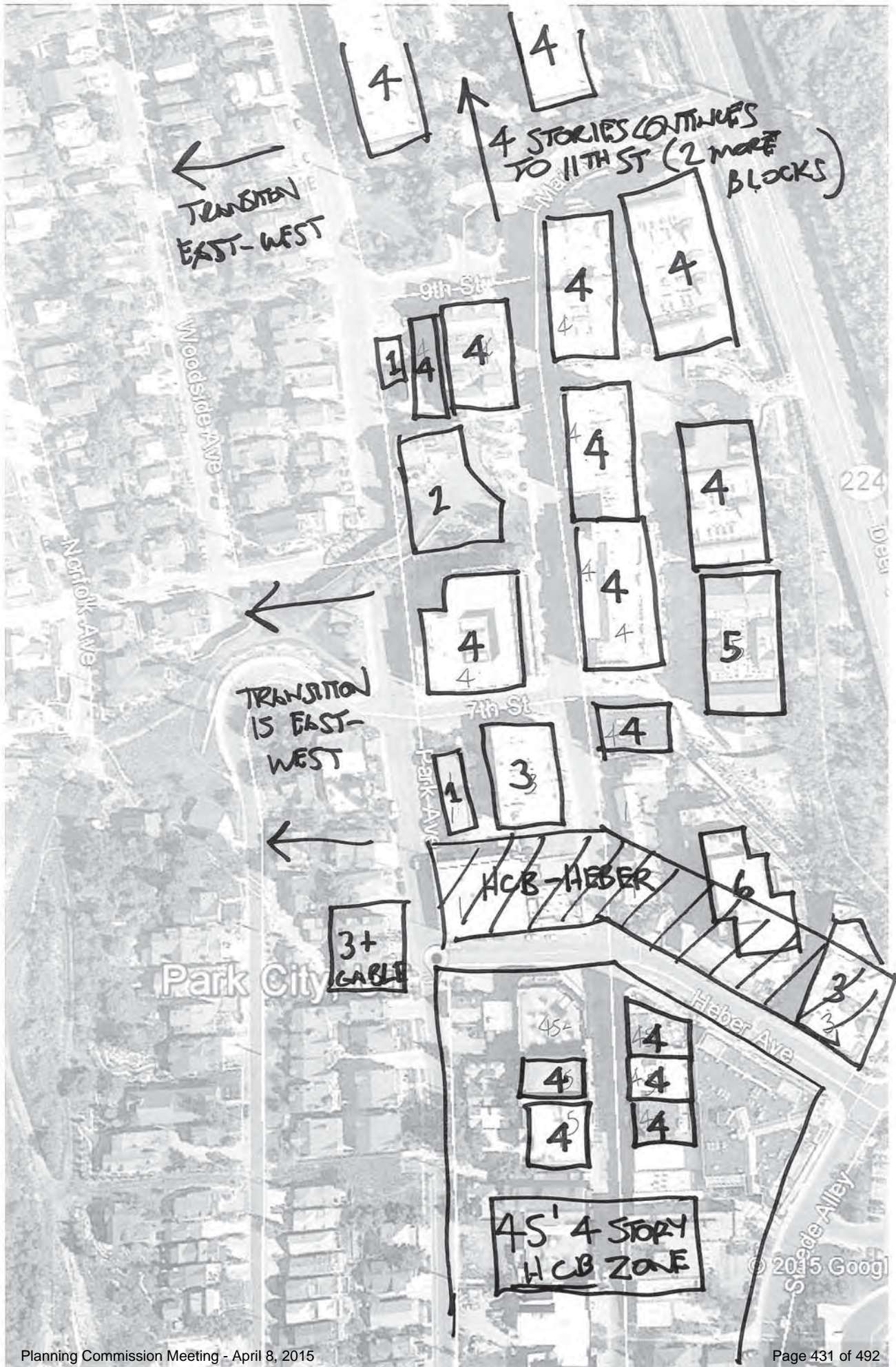
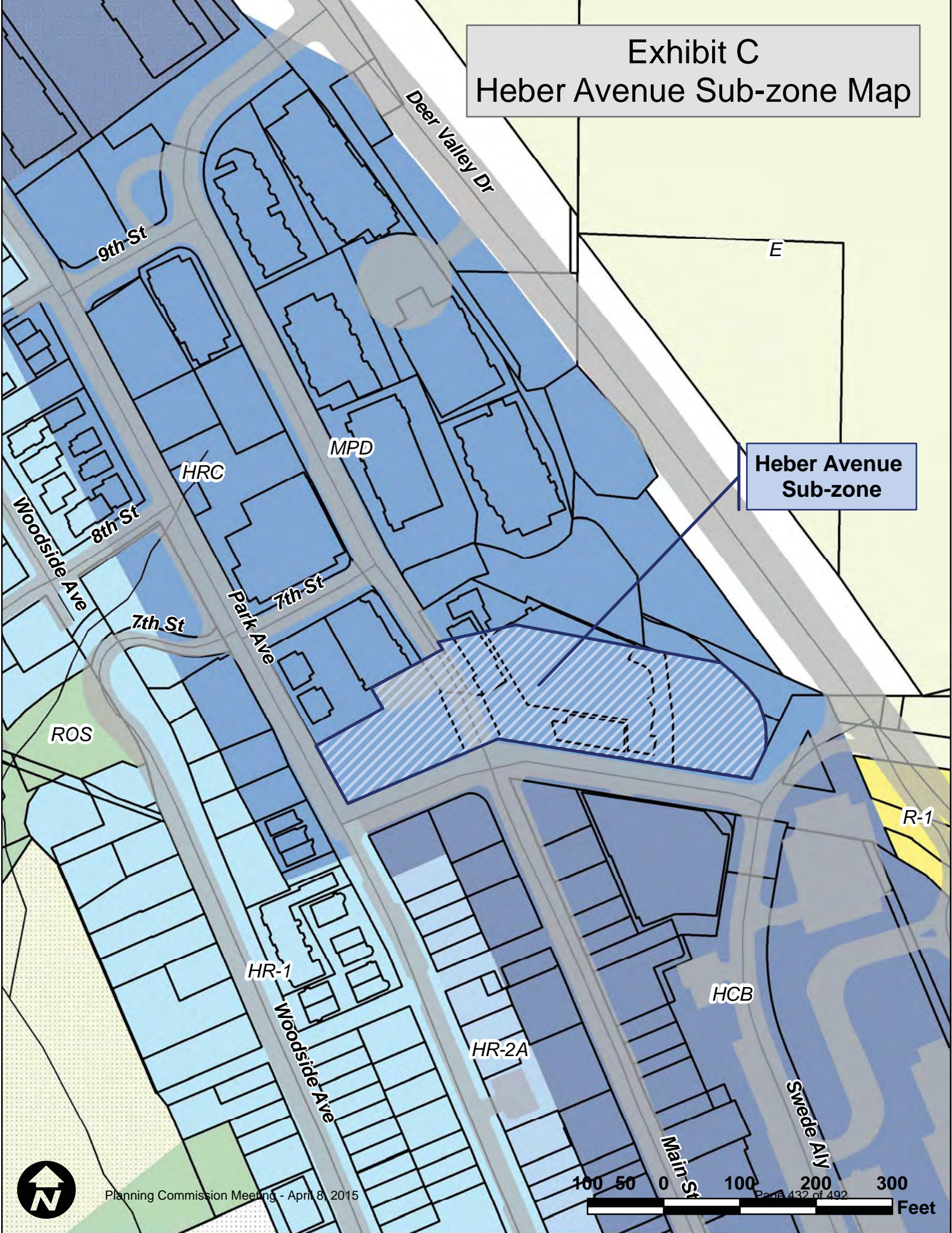


Exhibit C Heber Avenue Sub-zone Map



Heber Avenue
Sub-zone



TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.5 - HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.5-1. PURPOSE.

The purpose of the Historic Recreation Commercial (HRC) District is to:

- (A) maintain and enhance characteristics of Historic Streetscape elements such as yards, trees, vegetation, and porches,
- (B) encourage pedestrian oriented, pedestrian-scale Development,
- (C) minimize visual impacts of automobiles and parking,
- (D) preserve and enhance landscaping and public spaces adjacent to Streets and thoroughfares,
- (E) provide a transition in scale and land Uses between the HR-1 and HCB Districts that retains the character of Historic Buildings in the Area,
- (F) provide a moderate Density bed base at the Town Lift,

(G) allow for limited retail and Commercial Uses consistent with resort bed base and the needs of the local community,

(H) encourage preservation and rehabilitation of Historic Buildings and resources.

(I) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

(Amended by Ord. No. 07-55)

15-2.5-2. USES.

Uses in the HRC are limited to the following:

- (A) **ALLOWED USES.**
 - (1) Single Family Dwelling
 - (2) Duplex Dwelling
 - (3) Secondary Living Quarters

- (4) Lockout Unit¹
- (5) Accessory Apartment²
- (6) Nightly Rental
- (7) Home Occupation
- (8) Child Care, In-Home Babysitting
- (9) Child Care, Family³
- (10) Child Care, Family Group³
- (11) Child Care Center³
- (12) Accessory Building and Use
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn⁴
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General⁵
- (19) Parking Area or Structure, with four (4) or fewer spaces

¹Nightly rental of Lockout Units requires a Conditional Use permit

²See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

³See LMC Chapter 15-4-9 for Child Care Regulations

⁴Requires an Administrative or Administrative Conditional Use permit, see Section 15-4.

⁵ Prohibited in storefronts adjacent to the Main Street, Swede Alley, Heber Avenue , or Park Avenue Rights-of-Way, excluding those HRC zoned Areas north of 8th Street; excluding without limitation, addresses contained within the following Buildings: 702 Main Street, 710 Main Street, 780 Main Street, 804 Main Street, 890 Main Street, and 900 Main Street

(B) **CONDITIONAL USES**⁹.

- (1) Triplex Dwelling
- (2) Multi-Unit Dwelling
- (3) Guest House, on Lots one acre
- (4) Group Care Facility
- (5) Public and Quasi-Public Institution, Church, School
- (6) Essential Municipal Public Utility Use, Facility, Service and Structure
- (7) Telecommunication Antenna⁶
- (8) Satellite Dish, greater than thirty-nine inches (39") in diameter⁷
- (9) Plant and Nursery stock products and sales
- (10) Hotel, Major
- (11) Timeshare Projects and Conversions⁵
- (12) Private Residence Club Project and Conversion^{4,5}
- (13) Office, Intensive⁵
- (14) Office and Clinic, Medical⁵
- (15) Financial Institution, without drive-up window⁸

⁶See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

⁸If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

⁹No community locations are defined by Utah Code 32-B-1-102 (Alcoholic Beverage Control Act) are permitted within

- (16) Commercial Retail and Service, Minor⁸
- (17) Commercial Retail and Service, personal improvement⁸
- (18) Neighborhood Convenience Commercial, without gasoline sales
- (19) Café or Deli⁸
- (20) Restaurant, General⁸
- (21) Restaurant and café, Outdoor Dining⁴
- (22) Outdoor Events and Uses⁴
- (23) Bar
- (24) Parking Area or Structure, with five (5) or more spaces
- (25) Temporary Improvement
- (26) Passenger Tramway Station and Ski Base Facility
- (27) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (28) Recreation Facility, Commercial, Public, and Private
- (29) Entertainment Facility, Indoor
- (30) Fences greater than six feet (6') in height from Final Grade⁴
- (31) Private Residence Club, Off-Site⁵
- (32) Special Events⁴

(C) **PROHIBITED USES.** Unless otherwise allowed herein, any Use not listed

200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 04-39; 06-69; 07-55; 09-10; 12-37)

15-2.5-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development activity must comply with the following minimum Lot and Site requirements:

(A) **FRONT YARD.** The minimum Front Yard is ten feet (10').

(B) **FRONT YARD EXCEPTIONS.** The Front Yard must be open and free of any Structure except:

(1) Fences, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty five feet (25') of the intersection at back of curb.

(2) Uncovered steps leading to the Main Building; provided the steps are not more than four feet (4')

h.

Front Yard
← →

in height from Final Grade, not including any required handrail, and do not cause danger or hazard to traffic by obstructing the view of the Street or intersection.

(3) Decks, porches, and Bay Windows, not more than ten feet (10') wide, projecting not more than three feet (3') into the Front Yard.

(4) Roof overhangs, eaves, and cornices, projecting not more than three feet (3') into the Front Yard.

(5) Sidewalks, patios, and pathways.

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for approved driveways, allowed Parking Areas, patios, and sidewalks may be Hard-Surfaced or graveled.

(C) **REAR YARD.** The minimum Rear Yard is ten feet (10').

(D) **REAR YARD EXCEPTIONS.** The Rear Yard must be open and free of any

Structure except:

(1) Bay Windows not more than ten feet (10') wide projecting not more than two feet (2') into the Rear Yard.

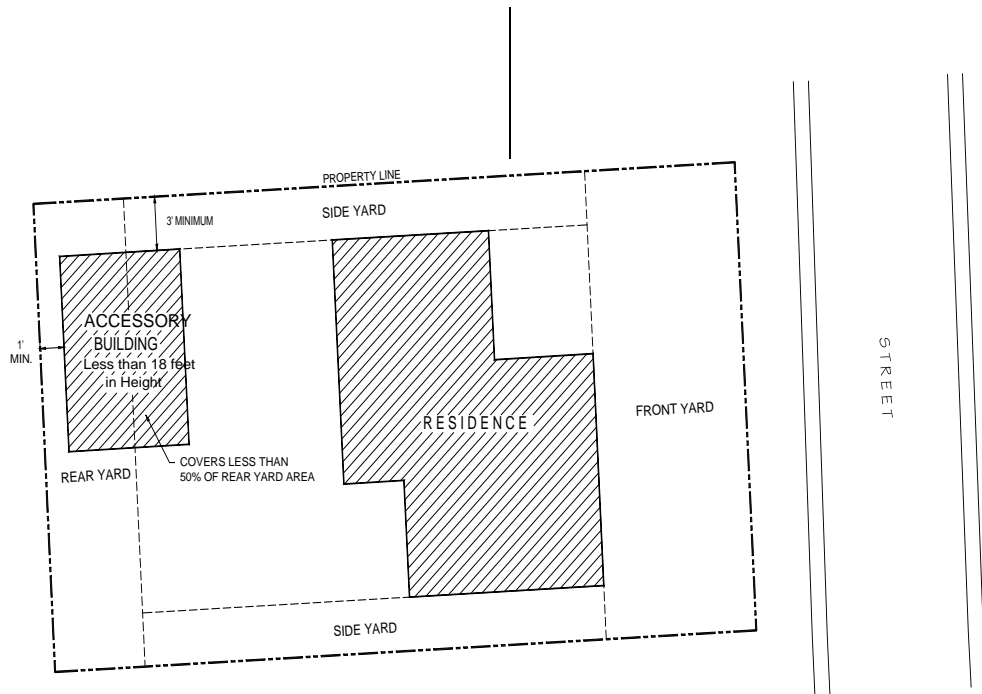
(2) Chimneys not more than five feet (5') wide projecting not more than two feet (2') into the Rear Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.

(4) Roof overhangs and eaves projecting not more than two feet (2') into the Rear Yard.

(5) Window sills, belt courses, cornices, trim, exterior siding, or other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(6) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, and maintaining a minimum Rear Yard Setback of one foot (1'). Such Structure must not cover over fifty percent (50%) of the Rear Yard. See the following illustration:



(7) Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Building.

(8) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

(9) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2.

(10) Patios, decks, steps, pathways, and similar Structures not more than thirty inches (30") above Final Grade, located at least five feet (5') from the Rear Lot Line.

(E) **SIDE YARD.**

(1) The minimum Side Yard is five feet (5').

(2) On Corner Lots, the Side Yard that faces a Street is ten feet (10') for both main and accessory Structures.

(3) A Side Yard between connected Structures is not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official. The longest dimension of a Building joined at the

Side Lot Line may not exceed one hundred feet (100').

(F) **SIDE YARD EXCEPTIONS.** The Side Yard must be open and free of any Structure except:

(1) Bay Windows, not more than ten feet (10') wide, projecting not more than two feet (2') into the Side Yard.

(2) Chimneys not more than five feet (5') wide, projecting not more than two feet (2') into the Side Yard.

(3) Window wells and light wells projecting not more than four feet (4') into the Side Yard.

(4) Window sills, belt courses, cornices, trim, exterior siding, and other ornamental features, projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(5) Roof overhangs and eaves projecting not more than two feet (2') into the Side Yard.

(6) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") in height from Final Grade, provided there is at least a one foot (1') Setback to the Side Lot Line.

(7) Fences, walls and retaining walls not more than six feet (6'), or as permitted in Section 15-4-2.

(8) Driveways leading to a garage or approved Parking Area.

(9) Pathways and steps connecting to a City stairway or pathway.

(10) A detached Accessory Building not more than eighteen feet (18') in height, located a minimum of five feet (5') behind the front facade of the Main Building, maintaining a minimum Side Yard Setback of three feet (3').

(11) A covered arcade between projects provided that the highest point of the arcade is not more than fifteen feet (15') above the elevation of the walk.

(G) **FLOOR AREA RATIO.** In all projects within the HRC Zone:

(1) **STRUCTURES BUILT AFTER OCTOBER 1, 1985.** Except in the Heber Avenue Sub-Zone Area, non-residential Uses are subject to a Floor Area Ratio to restrict the scope of non-residential Use within the District. For Properties located east of Park Avenue, the Floor Area Ratio for non-residential Uses is 1. For Properties located on the west side of Park Avenue, the Floor Area Ratio for non-residential Uses is 0.7.

(2) **STRUCTURES BUILT PRIOR TO OCTOBER 1, 1985.**

Structures existing as of October 1, 1985 are not subject to the Floor Area Ratio, and may be used in their entirety for non-residential Uses as provided in this ordinance.

(H) **SNOW RELEASE**. Site plans and Building designs must resolve snow release issues to the satisfaction of the Chief Building Official.

(I) **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.5-4. ACCESS.

(A) **VEHICULAR ACCESS**. A Project may have only one vehicular Access from Park Avenue, Main Street, Heber Avenue, Swede Alley, or Deer Valley Drive, unless an additional Access is approved by the Planning Commission.

(B) **PEDESTRIAN ACCESS**. An Applicant must build, and if necessary, dedicate a Sidewalk on all Street Frontages.

15-2.5-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-two feet (32') from

Existing Grade. This is the Zone Height.

(A) **BUILDING HEIGHT EXCEPTIONS**. The following height exceptions apply:

(1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

(2) Antennas, chimneys, flues, vents, and similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) To accommodate a roof form consistent with the Historic District Design Guidelines, the Planning

Director may grant additional Building Height provided that no more than twenty percent (20%) of the roof ridge line exceeds the height requirement and complies with height exception criteria in Section 15-2.2-6(B)(10).

(Amended by Ord. Nos. 06-69; 07-25; 09-10)

15-2.5-6. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, driveway location standards, and Building height.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Director may grant an exception to the Building Setbacks and driveway location standards for additions to Historic Buildings:

- (1) Upon approval of a Conditional Use Permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- (3) When the addition complies

with all other provisions of this Chapter, and

- (4) When the addition complies with the International Building and Fire Codes.

(Amended by Ord. No. 06-69)

15-2.5-7. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of the Code.

(Amended by Ord. Nos. 06-69; 09-23)

15-2.5-8. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HRC District.

All mechanical equipment must be shown on the plans prepared for architectural

review by the Planning, Building, and Engineering Departments. The staff will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

(Amended by Ord. No. 06-69)

15-2.5-9. SERVICE ACCESS.

All Development must provide an on-Site refuse collection and loading Area. Refuse and service Areas must be properly Screened and ventilated. Refuse collection Areas may not be located in the required Yards.

15-2.5-10. HEBER AVENUE SUB-ZONE.

Properties fronting on the north side of Heber Avenue, and east of Park Avenue, are included in the Heber Avenue Sub-Zone for a depth of 150 feet (150') from the Street Right-of-Way. Within the Heber Avenue Sub-Zone, all of the Site Development standards and land Use limitations of the HRC District apply, except:

- (A) The Allowed Uses within the sub-zones are identical to the Allowed Uses in the HCB District.
- (B) The Conditional Uses within the sub-zone are identical to the Conditional Uses in the HCB District.
- (C) The Floor Area Ratio limitation of the HRC District does not apply.

15-2.5-11. PARKING REGULATIONS.

- (A) Tandem Parking is allowed in the Historic District.
- (B) Common driveways are allowed along shared Side Yard Property Lines to provide Access to parking in the rear of the Main Building, or below Grade, if both Properties are deed restricted to allow for the perpetual use of the shared drive.
- (C) Common Parking Structures are allowed where such a grouping facilitates:
 - (1) the Development of individual Buildings that more closely conform to the scale of Historic Structures in the District; and
 - (2) the reduction, mitigation, or elimination of garage doors at the Street edge.
- (D) A common Parking Structure may occupy below Grade Side Yards between participating Developments if the Structure maintains all Setbacks above Grade. Common Parking Structures are subject to a Conditional Use Review, Section 15-1-10.
- (E) Driveways between Structures are allowed to eliminate garage doors facing the Street, to remove cars from on-Street parking, and to reduce paved Areas, provided the driveway leads to an approved garage or Parking Area.
- (F) Turning radii are subject to review

by the City Engineer as to function and design.

(G) See Section 15-3 Off Street Parking for additional parking requirements.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.5-12. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Conditional Use permit. No Administrative Conditional Use permit may be issued unless the following criteria are met:

(A) The Use is in a Historic Structure or addition thereto, or a historically Compatible Structure.

(B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(D) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(E) The rooms are available for Nightly Rental only.

(F) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management

and check-in.

(G) Food service is for the benefit of overnight guests only.

(H) No Kitchen is permitted within rental room(s).

(I) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(J) The Use complies with Section 15-1-10, Conditional Use review.

(Amended by Ord. No. 06-69)

15-2.5-13. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit, all goods, including food, beverage and cigarette vending machines, must be within a completely enclosed Structure. New

construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.5-13(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) OUTDOOR USES PROHIBITED/EXCEPTIONS. The following outdoor uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit or an Administrative Permit as described herein. The Applicant must submit the required Application, pay all applicable fees, and provide all required materials and plans. Appeals of Departmental Actions are heard by the Planning Commission.

(1) OUTDOOR DINING. Outdoor dining requires an Administrative Conditional Use Permit and is subject to the following criteria:

- (a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- (b) The proposed seating Area does not impede pedestrian circulation.
- (c) The proposed seating Area does not impede

emergency Access or circulation.

(d) The proposed furniture is Compatible with the Streetscape.

(e) No music or noise is in excess of the City Noise Ordinance, Title 6.

(f) No Use after 10:00 p.m.

(g) Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.

(2) OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS. Outdoor grills and/or beverage service stations require an Administrative Conditional Use permit and are subject to the following criteria:

- (a) The Use is on private Property or leased public Property and does not diminish parking or landscaping.
- (b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.
- (c) The Use is

Compatible with the neighborhood.

(d) The proposed service station does not impede pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Building and Streetscape.

(g) No violation of the City Noise Ordinance, Title 6.

(h) Compliance with the City Sign Code, Title 12.

(3) OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES.

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes, requires an Administrative Permit subject to the following criteria:

(a) The Area of the proposed bicycle, kayak, motorized scooters, or canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

(b) Bicycles, kayaks, and canoes may be hung on a Historic Structure if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is only allowed during Business hours.

(e) Additional outdoor storage Areas may be considered for rental bicycles or motorized scooters, provided there are no or only minimal impacts on landscaped Areas, Parking Spaces, and pedestrian and emergency circulation.

(4) OUTDOOR EVENTS AND MUSIC. Outdoor events and music require an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

- (b) No violation of the City Noise Ordinance, Title 6.
- (c) Impact on adjacent residential Uses.
- (d) Proposed plans for music, lighting, Structures, electrical, sign, etc.
- (e) Parking demand and impacts on neighboring Properties.
- (f) Duration and hours of operation.
- (g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise is subject to an Administrative Permit subject to the following criteria:

- (a) The display is immediately available for purchase at the Business displaying the item.
- (b) The merchandise is displayed on private property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides

a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is prohibited from being permanently affixed to any building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.

(d) the display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or

circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(g) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks, or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(h) No inflatable devices other than decorative balloons smaller than eighteen inches (18") in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.

(i) No additional signs

are allowed. A sales tag, four (4) square inches or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.) The proposed display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's Licensing Code, Municipal Code Title 4, and all other requisite City codes.

(Amended by Ord. Nos. 05-49; 06-69; 09-10)

15-2.5-14. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½') above the ground, groves of small trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line. Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3

and Title 14.

(Amended by Ord. No. 06-69)

15-2.5-15. SIGNS.

Signs are allowed in the HRC District as provided in the Park City Sign Code, Title 12.

15-2.5.16. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.

TITLE 15 - LAND MANAGEMENT CODE

CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.6 - HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

Chapter adopted by Ordinance No. 00-15

15-2.6-1. PURPOSE.

The purpose of the Historic Commercial Business (HCB) District is to:

- (A) preserve the cultural heritage of the City's original Business, governmental and residential center,
- (B) allow the Use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City,
- (C) facilitate the continuation of the visual character, scale, and Streetscape of the original Park City Historical District,
- (D) encourage the preservation of Historic Structures within the district,
- (E) encourage pedestrian-oriented, pedestrian-scale Development,
- (F) minimize the impacts of new Development on parking constraints of Old Town,

(G) minimize the impacts of commercial Uses and business activities including parking, Access, deliveries, service, mechanical equipment, and traffic, on surrounding residential neighborhoods,

(H) minimize visual impacts of automobiles and parking on Historic Buildings and Streetscapes, and

(I) support Development on Swede Alley which maintains existing parking and service/delivery operations while providing Areas for public plazas and spaces.

(J) maintain and enhance the long term viability of the downtown core as a destination for residents and tourists by ensuring a Business mix that encourages a high level of vitality, public Access, vibrancy, activity, and public/resort-related attractions.

(Amended by Ord. No. 07-55)

15-2.6-2. USES.

Uses in the Historic Commercial Business (HCB) District are limited to the following:

- (A) **ALLOWED USES.**

- (1) Single Family Dwelling¹
- (2) Multi-Unit Dwelling¹
- (3) Secondary Living Quarters¹
- (4) Lockout Unit^{1,2}
- (5) Accessory Apartment^{1,3}
- (6) Nightly Rental⁴
- (7) Home Occupation¹
- (8) Child Care, In-Home Babysitting¹
- (9) Child Care, Family^{1,5}
- (10) Child Care, Family Group^{1,5}
- (11) Child Care Center^{1,5}
- (12) Accessory Building and Use¹
- (13) Conservation Activity
- (14) Agriculture
- (15) Bed and Breakfast Inn⁶
- (16) Boarding House, Hostel
- (17) Hotel, Minor, fewer than 16 rooms
- (18) Office, General¹
- (19) Office, Moderate Intensive¹
- (20) Office and Clinic, Medical¹
- (21) Financial Institution, without drive-up window

¹ Prohibited in storefronts adjacent to the Main Street, Heber Avenue, or Swede Alley Rights-of-Way

²Nightly Rental of Lock Units requires a Conditional Use permit

³See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

⁴Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

⁵ See LMC Chapter 15-4-9 for Child Care Regulations

⁶Requires an Administrative or Administrative Conditional Use permit

- (22) Commercial Retail and Service, Minor
- (23) Commercial Retail and Service, personal improvement
- (24) Commercial Neighborhood Convenience, without gasoline sales
- (25) Restaurant, Cafe or Deli
- (26) Restaurant, General
- (27) Bar
- (28) Parking Lot, Public or Private with four (4) or fewer spaces
- (29) Entertainment Facility, Indoor
- (30) Salt Lake City 2002 Winter Olympic Games Legacy Displays⁷

(B) **CONDITIONAL USES¹⁰**.

- (1) Group Care Facility¹
- (2) Public and Quasi-Public Institution, Church, School
- (3) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (4) Telecommunication Antenna⁸

⁷Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License. Requires an Administrative Permit.

⁸See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

- (5) Satellite Dish, greater than thirty-nine inches (39") in diameter⁹
- (6) Plant and Nursery stock products and sales
- (7) Hotel, Major
- (8) Timeshare Projects and Conversions¹
- (9) Timeshare Sales Office, Off-Site within an enclosed Building¹
- (10) Private Residence Club Project and Conversion^{1,6}
- (11) Commercial Retail and Service, Major
- (12) Office, Intensive¹
- (13) Restaurant, Outdoor Dining⁶
- (14) Outdoor Events and Uses⁶
- (15) Hospital, Limited Care Facility
- (16) Parking Area or Structure for five (5) or more cars
- (17) Temporary Improvement
- (18) Passenger Tramway Station and Ski Base Facility
- (19) Ski Tow, Ski Lift, Ski Run, and Ski Bridge
- (20) Recreation Facility, Public or Private
- (21) Recreation Facility, Commercial

⁹See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

¹⁰No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

- (22) Fences greater than six feet (6') in height from Final Grade⁶
- (23) Private Residence Club, Off-Site¹
- (24) Special Events⁶

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 02-38; 04-39; 06-69; 07-55; 09-10; 12-37)

15-2.6-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit will be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **LOT SIZE.** The minimum Lot Area is 1250 square feet. The minimum Lot Width is twenty-five feet (25') and Minimum Lot Depth is fifty feet (50').

(B) **FRONT, REAR AND SIDE YARDS.** There are no minimum required Front, Rear, or Side Yard dimensions in the HCB District.

(C) **SIDEWALK PROVISION.** Buildings must be located so as to provide an unobstructed sidewalk at least nine feet

(9') wide on both Main Street and Swede Alley. The sidewalk width is measured from the front face of curb to the front of the Building. The alignment of new Building fronts with adjacent Historic fronts is encouraged. A narrower sidewalk may result from the alignment of Building fronts. The Planning and Engineering Departments may grant an exception to the minimum sidewalk width to facilitate such alignment.

(D) **BALCONIES**. No Balcony may be erected, enlarged, or altered over a public pedestrian Right-of-Way without the advance approval of the City Council. Balcony supports may not exceed eighteen inches (18") square and are allowed no closer than thirty-six inches (36") from the front face of the curb. Balconies must provide vertical clearance of not less than ten feet (10') from the sidewalk and may not be enclosed. With reasonable notice, the City may require a Balcony be removed from City Property without compensating the Building Owner.

(E) **INSURANCE REQUIRED**. No Balcony projecting over City Property may be erected, re-erected, located or relocated, or enlarged or structurally modified without first receiving approval of the City Council and submitting a certificate of insurance or a continuous bond protecting the Owner and the City against all claims for personal injuries and/or Property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation

or expiration must be included in the insurance certificate.

(F) **CLEAR VIEW OF INTERSECTION**. No visual obstruction in excess of two feet (2') in height above road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(Amended by Ord. No. 06-69)

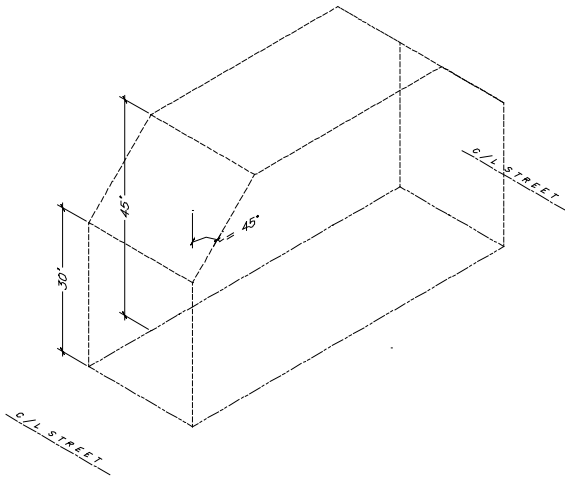
15-2.6-4. FLOOR AREA RATIO.

To encourage variety in Building Height, a floor Area to ground Area ratio must be used to calculate maximum buildable Area. The maximum Floor Area Ratio (FAR) is 4.0 measured as: total floor Area divided by Lot Area equals 4.0. Note that this is the potential maximum floor Area, and is not always achievable. Buildings of lesser floor Area are encouraged. See Section 15-2.6-9: Off-Street Parking, for parking implications for Buildings that exceed 1.5 FAR.

15-2.6-5. MAXIMUM BUILDING VOLUME AND HEIGHT.

(A) The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and

connects with the rear portion of the bulk plane.



(B) The rear portion of the bulk plane for each Lot that does not abut Swede Alley is defined by the plane that rises vertically at the Rear Yard Property Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade of the Building Site. No part of a Building shall be erected to a height greater than forty-five feet (45'), measured from Natural Grade at the Building Site. This provision must not be construed to encourage solid roofing to following the forty-five degree (45°) back plane.

(C) For Lots abutting Swede Alley, the rear portion of the bulk plane is defined by a plane that rises vertically at the Rear Yard Property Line to a height of twenty-four feet

(24') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the Front Lot Line until it intersects with a point forty-five feet (45') above the Natural Grade. This provision must not be construed to encourage solid roofing to follow the forty-five degree (45°) back plane.



(D) Wherever the HCB District abuts a residential Zoning District, the abutting portion of the bulk plane is defined by a plane that rises vertically at the abutting Lot Line to a height matching the maximum height of the abutting Zone, measured from Existing Grade, and then proceeds at a forty-five degree (45°) angle toward the opposite Lot Line until it intersects with a point forty-five feet (45') above Existing Grade.



(E) The Zone Height for the HCB District shall correspond to the maximum height of the Building plane as described in Section 15-2.6-5(A) through (D).

(F) **MAXIMUM BUILDING VOLUME AND BUILDING HEIGHT EXCEPTIONS.** The following exceptions apply:

(1) A gable, hip, gambrel or similarly pitched roof may extend up to five feet (5') above the Zone Height.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to the Historic District Design Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone

Height. Such exception requires approval by the Planning Director.

(5) Elevator Penthouses may extend up to eight feet (8') above the Zone Height.

(6) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays, including Olympic way-finding towers, are permitted to a height of sixty-five feet (65').

(Amended by Ord. No. 03-38; 06-69)

15-2.6-6. ARCHITECTURAL REVIEW.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, Historic Preservation LMC Chapter 15-11, and Architectural Review LMC Chapter 15-5.

Appeals of departmental actions on compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5 are heard by the Historic Preservation Board as outlined in Section 15-1-18 of the Code.

(Amended by Ord. Nos. 06-69; 09-23)

15-2.6-7. SWEDE ALLEY DEVELOPMENT CRITERIA.

In addition to the standards set forth in this Chapter, all Development abutting Swede

Alley must comply with the following criteria:

(A) Structures must step down toward Swede Alley at an angle of forty-five degrees (45°) to a maximum height of twenty-four feet (24') at the edge of the Swede Alley Right-of-Way. A variety of one and two-Story facades are encouraged. Designs that create a strong indoor/outdoor connection at the ground level are strongly encouraged.

(B) Entrances must be pedestrian-scaled and defined with porches, awnings and other similar elements as described in the Park City Historic District Design Guidelines. Entrances must make provisions for shared public and service Access whenever possible. When Main Street additions extend to Swede Alley, the materials and colors of the new construction must be designed to coordinate with the existing Structure.

(C) Structures must continue the existing stair-step facade rhythm along Swede Alley. No more than sixty feet (60') of a Swede Alley facade may have the same height or Setback. On facades greater than sixty feet (60') wide, Structures must provide a variety of Building Setbacks, height, and Building form. Setbacks in the facades and stepping upper stories, decks, and Balconies are strongly encouraged. Uniform height and Setbacks are discouraged.

(D) Provisions for public Open Space, open courtyards, and landscaping are strongly encouraged.

(E) Pedestrian connections from Swede

Alley to Main Street are encouraged whenever possible. Open and landscaped pedestrian connections are favored.

(F) Swede Alley facades must be simple, utilitarian, and subordinate in character to Main Street facades. While facades should be capped, details should be simple. Ornate details typically found on Main Street facades are prohibited. The Applicant must incorporate a mix of materials, accent trim and door treatments to provide architectural interest. Materials must be similar in character, color, texture and scale to those found on Main Street. Exposed concrete, large Areas of stucco and unfinished materials are prohibited.

(G) Window display Areas are allowed. However, the Swede Alley window Area must be subordinate in design to the Main Street window Area.

(H) Service Areas and service equipment must be Screened. Utility boxes must be painted to blend with the adjacent Structures. Group trash containers must be Screened.

15-2.6-8. CANOPY AND AWNING.

(A) **APPROVAL.** No awning or Canopy may be erected, enlarged, or altered over the Main Street sidewalk without the written advance approval by the City Engineer. An awning or Canopy attached to a Building may extend over the public pedestrian Right-of-Way and project a maximum of thirty-six inches (36") from the face of a Building. An awning or Canopy must provide vertical clearance of no less

than eight feet (8') from the sidewalk. With reasonable notice, the City may require that an awning or Canopy be removed from over City Right-of Way without compensating the Building Owner.

(B) **INSURANCE REQUIRED.** No awning or Canopy projecting over City Property may be erected, re-erected, located or relocated, or enlarged or modified structurally, without a certificate of insurance or a continuous bond protecting the Owner and City against all claims for personal injuries and/or Property damage in the standard amount determined by City Council. Park City Municipal Corporation must be named in the certificate of insurance as an additional insured. A thirty (30) day obligation to provide written notice to Park City Municipal Corporation of cancellation or expiration must be included in the insurance certificate.

15-2.6-9. PARKING REGULATIONS.

New construction must provide Off-Street parking. The parking must be on-Site or paid by fee in lieu of on-Site parking set by Resolution equal to the parking obligation multiplied by the per space parking fee/in-lieu fee. The parking obligation is as follows:

(A) **RESIDENTIAL USE.** See Parking Requirements shown in Chapter 3.

(B) **NON-RESIDENTIAL USE.** Non-Residential Uses must provide parking at the rate of six (6) spaces per 1,000 square feet of Building Area, not including bathrooms, and

mechanical and storage spaces¹⁰. Churches, Auditoriums, Assembly Halls and Indoor Entertainment Businesses generate a parking obligation shown in Chapter 15-3. Fully enclosed Parking Spaces and associated maneuvering spaces are not included in the Floor Area.

(C) **GENERAL PARKING REGULATIONS.** Property Owners may not install a driveway across the Main Street sidewalk to meet on-Site parking requirements without a variance and an obligation to reconstruct adjacent portions of the Main Street sidewalk to render the driveway crossing ADA accessible and convenient to pedestrians as possible. The sidewalk reconstruction must include lighting and landscaping.

An Applicant may appeal the staff's measurement of Floor Area to determine the parking requirement to the Board of Appeals in accordance with the International Building Code.

The Planning Commission may recommend to the City Council that new additions to Historic Structures be exempt from a portion of or all parking requirements where the

¹⁰Mechanical and storage spaces must be in accordance with IBC requirements in order to be subtracted from the Building Area; it is the intent of this Code that closets and shelves in occupied spaces are included in the Area measured for the parking requirement. For Condominium Units, the Building Area is the total Area of the Unit.

preservation of the Historic Structure has been guaranteed to the satisfaction of the City.

(D) **PRE 1984 PARKING**

EXCEPTION. Lots, which were current in their assessment to the Main Street Parking Special Improvement District as of January 1, 1984, are exempt from the parking obligation for a Floor Area Ratio (FAR) of 1.5. Buildings that are larger than 1.5 FAR are Non-Conforming Buildings for Off-Street parking purposes.

To claim the parking exemption for the 1.5 FAR, the Owner must establish payment in full to the Main Street Parking Special Improvement District prior to January 1, 1984.

Additions or remodels to Non-Conforming Churches, Auditoriums, Assembly Halls and Indoor Entertainment Businesses, that reduce the net parking demand must not prompt an additional Off-Street parking obligation.

(E) See Section 15-3 Off Street Parking for additional parking requirements.

(Amended by Ord. Nos. 06-69; 09-10)

15-2.6-10. MECHANICAL SERVICE.

All exterior mechanical equipment must be Screened to minimize noise infiltration to adjoining Properties and to eliminate visual impacts on nearby Properties, including those Properties located above the roof tops of Structures in the HCB District.

All mechanical equipment must be shown on the plans prepared for architectural review by the Planning, Engineering, and Building Departments. The Planning Department will approve or reject the location, Screening and painting of such equipment as part of the architectural review process.

(Amended by Ord. No. 06-69)

15-2.6-11. ACCESS, SERVICE AND DELIVERY.

All Access for commercial Businesses and facilities shall be located within the HCB District. Emergency Access to the HR-1 and HR-2 Districts may be allowed by the Planning Director, with review by the Chief Building Official, but such emergency exits shall be designed in such a manner as to prohibit non-emergency Use. The primary Access to parking facilities for commercial Uses shall not be from residential districts, such as HR-1 and HR-2.

All Structures must provide a means of storing refuse generated by the Structure's occupants. The refuse storage must be on-Site and accessible only from Main Street, for Structures on the west side of Main Street, or from either Main Street or Swede Alley, for Structures on the east side of Main Street. Non-Main Street Properties within the zone must provide service Access from the rear of the Structure. Refuse storage must be fully enclosed and properly ventilated.

Refuse shall be stored in containers made of durable metallic or plastic materials with a

close-fitting lid. Refuse containers shall not be set out for collection earlier than 10:00 PM on the day prior to collection, and must be removed no later than 10:00 AM on the day of collection. Refuse containers set out for collection shall be placed on or directly in front of the Owner's Property, and shall not be placed in the street, sidewalk, or other public Right-of-Way in any manner that will interfere with vehicular or pedestrian traffic. Except when set out for collection pursuant to this Section, refuse containers shall be placed in a location fully Screened from view from the public Rights-of-Way via Fencing and/or walls. Public trash receptacles set in the Right-of-Way by the City for Use by the public are exempt from this regulation.

All service and delivery for businesses on the west side of Main Street must be made within the HCB Zone, and shall not be made from the upper Park Avenue residential districts (HR-1 and HR-2)

(Amended by Ord. No. 01-28; 06-69)

15-2.6-12. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, or allowed with an Administrative Permit, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration, which exceeds a wall-to-window ratio of thirty percent (30%). This

section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.6-12(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Conditional Use permit or an Administrative Permit as described herein. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.** Outdoor dining requires an Administrative Conditional Use permit and is subject to the following criteria:

- (a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.
- (b) The proposed seating Area does not impede pedestrian circulation.
- (c) The proposed seating Area does not impede emergency Access or circulation.
- (d) The proposed

furniture is Compatible with the Streetscape.

(e) No music or noise is in excess of the City Noise Ordinance, Title 6.

(f) No Use after 10:00 p.m.

(g) Review of the Restaurant's seating capacity to determine appropriate mitigation measures in the event of increased parking demand.

(2) **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations require an Administrative Permit and are subject to the following criteria:

(a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.

(b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The Use is Compatible with the neighborhood.

(d) The proposed service station does not impede

pedestrian circulation.

(e) The proposed service station does not impede emergency Access or circulation.

(f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.

(g) No violation of the City Noise Ordinance, Title 6.

(h) Compliance with the City Sign Code, Title 12.

(3) **OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES.**

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes requires an Administrative Permit and is subject to the following criteria:

(a) The Area of the proposed bicycle, kayak, motorized scooters, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

(b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available,

provided the display does not impact or alter the architectural integrity or character of the Structure.

(c) No more than a total of fifteen (15) pieces of equipment may be displayed.

(d) Outdoor display is only allowed during Business hours.

(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.

(4) **OUTDOOR EVENTS AND MUSIC.** Outdoor events and music require an Administrative Permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

(a) Notification of adjacent Property Owners.

(b) No violation of the City Noise Ordinance, Title 6.

(c) Impacts on adjacent Residential Uses.

(d) Proposed plans for music, lighting, structures, electrical signs, etc.

(e) Parking demand and impacts on neighboring Properties.

(f) Duration and hours of operation.

(g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise requires an Administrative Permit and is subject to the following criteria:

(a) The display is immediately available for purchase at the Business displaying the item.

(b) The merchandise is displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends

into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.

(d) The display does not diminish parking or landscaping.

(e) The Use does not violate the Summit County health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block

visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(g) The display shall not create a hazard to the public due to moving parts, sharp edges, or extension into public Rights-of-Way, including sidewalks, or pedestrian and vehicular Areas; nor shall the display restrict vision at intersections.

(h) No inflatable devices other than decorative balloons smaller than eighteen inches (18") in diameter are permitted. Balloon height may not exceed the finished floor elevation of the second floor of the Building.

(i) No additional signs are allowed. A sales tag, four square inches (4 sq. in.) or smaller may appear on each display item, as well as an informational plaque or associated artwork not to exceed twelve square inches (12 sq. in.). The proposed

display shall be in compliance with the City Sign Code, Municipal Code Title 12, the City's Licensing Code, Municipal Code Title 4, and all other requisite City codes.

(Amended by Ord. Nos. 05-49; 06-69; 09-10)

15-2.6-13. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Conditional Use Permit. No permit may be issued unless the following criteria are met:

- (A) The Use is in a Historic Structure or addition thereto, or a Historically Compatible Structure.
- (B) The Applicant will make every attempt to rehabilitate the Historic portion of the Structure.
- (C) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.
- (D) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.
- (E) The rooms are available for Nightly Rental only.
- (F) An Owner/manager is living on-Site,

or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

- (G) Food service is for the benefit of overnight guests only.
- (H) No Kitchen is permitted within rental room(s).
- (I) Parking on-Site is required at a rate of one (1) space per rentable room. The Planning Director may waive the parking requirement for Historic Structures if the Applicant proves that:

- (1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and
- (2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

- (J) The Use complies with Section 15-1-10, Conditional Use review.

(Amended by Ord. No. 06-69)

15-2.6-14. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four

and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with landscape criteria in LMC Chapter 15-3-3(D) and Title 14.

(Amended by Ord. No. 06-69)

15-2.6-15. SIGNS.

Signs are allowed in the HCB District as provided in the Park City Sign Code, Title 12.

15-2.6-16. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4-7.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. LMC Chapter 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D).
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.

- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. LMC Chapter 15-3-3(E).
- Parking Ratio Requirements. LMC Chapter 15-3-6.
- Passenger Tramways and Ski Base Facilities. LMC Chapter 15-4-18.

Planning Commission Staff Report



Subject: 638 Main Street
Author: Kirsten A. Whetstone, AICP
Date: July 9, 2008
Type of Item: Rezone- work session and public hearing

PLANNING DEPARTMENT

Summary Recommendations: Staff recommends that the Planning Commission review and discuss the applicant's proposal for a rezone of a portion of the property located at 638 Main Street (Kimball Art Center) from Historic Recreation Commercial (HRC) to Historic Commercial Business (HCB). The item is scheduled for a work session and public hearing. No action is requested at this meeting.

Topic

Applicant: Elliott Workgroup
Location: 638 Main Street
Zoning: Historic Recreation Commercial (HRC)
Adjacent Land Uses: Commercial businesses, offices, restaurants, condominiums/condo hotel, residential
Reason for Review: A rezone requires Planning Commission recommendation and City Council action

Background

On April 9, 2008, the City received a complete application requesting a rezone of a portion of the property located at 638 Main Street (Exhibit A). This property is improved with the historic Kimball Art Center building and associated parking and plazas. The entire property is currently zoned Historic Recreation Commercial (HRC).

The applicant is requesting a rezone to the Historic Commercial Business (HCB) district for the 8,789 sf eastern portion of the property. HRC zoning would remain on the 9,737 sf western portion of property that contains the building (Exhibits B and C). The applicant has requested the rezone to allow the Main Street portion of the property to have the same development requirements and parameters as other similar properties on Main Street.

The HRC zone was created in 1985 as a transition zone between the Historic Residential (HR-1) residential uses and the commercial HCB uses on the lower portions of Main Street (Exhibit D). Properties subject to the HRC zone were previously zoned HR-1.

A subzone, within the HRC district, was created during the rezone process, for properties located north of Heber Avenue and east of Main Street (150' deep), to

allow HCB uses on these properties and to differentiate between HRC properties that adjoin Historic Residential (HR-1) properties and HRC properties that adjoin commercial uses. Properties within the Heber Avenue subzone are not restricted to the Floor Area Ratio of the HRC District. The subject property at 638 Main Street is not located within the Heber Avenue subzone.

Properties to the north and east of 638 Main Street were developed through the Master Planned Development process allowing HCB uses and MPD exceptions for heights, setbacks, shared parking, and other considerations. These properties include the Town Lift MPD- Summit Watch, Sweeney MPD- Town Lift and Caledonian, Town Lift Condominiums, and Union Square MPD- Skylodge.

Analysis

Zone changes are based on the follow section of the LMC:

15-1 -6. ZONE DISTRICTS AND ZONE MAP.

In order to carry out the purposes of the LMC, Zoning Districts have been established as set forth in LMC [Chapter 15-2](#) and as identified on the Official Zoning Map. In interpreting the Official Zoning Map, the following standards shall apply:

- (A) The zoning boundary lines are intended to conform to existing Property boundary lines when not in a public Right-of-Way, or to follow the center line of public Rights-of-Way, including prescriptive Rights-of-Way, unless the lines are located by specific dimensions, in which case the dimensions shall control.
- (B) Where the Zoning District lines appear to have intentionally divided a Lot or Parcel between two (2) or more districts, the applicable zoning for each portion of the Lot or Parcel must be determined by using the scale shown on the map.
- (C) There is no minimum Area or diversity of ownership requirement for a zone designation. Neither the size of a Zoning District may be used as evidence of the illegality of a Zoning District or of the invalidity of a municipal decision.

Staff reviewed the Land Management Code language pertaining to the HRC and HCB zones. A comparison of the purpose statements, lot and site requirements, and other requirements of these zones is summarized below:

Purpose Statements

The purpose statements of the Historic Recreation Commercial (HRC) are as follows:

- (A) maintain and enhance characteristics of historic streetscape elements such as yards, tree, vegetation, and porches;
- (B) encourage pedestrian oriented, pedestrian-scaled development;
- (C) minimize visual impacts of the automobile and parking;

- (D) preserve and enhance landscaping and public spaces adjacent to streets and thoroughfares;
- (E) provide a transition in scale and land uses between HR-1 and HCB Districts that retains the character of Historic Buildings in the area;
- (F) provide a moderate density bed base at the Town Lift;
- (G) allow for limited retail and commercial uses consistent with resort bed base and the needs of the local community;
- (H) encourage preservation and rehabilitation of Historic Buildings and resources; and
- (I) maintain and enhance the long-term viability of the downtown core as a destination for residents and tourists by ensuring a business mix that encourages a high level of vitality, public access, vibrancy, activity, and public resort-related attractions.

By comparison, the purpose statements of the Historic Commercial Business (HCB) zone are as follows: *(staff comments)*

- (A) preserve the cultural heritage of the City's original business, governmental and residential center; *(Distinct to HCB as this is the primary zone for Park City's historic Main Street commercial district and contrasts to E in HRC which describes the transition in scale and land uses between HR-1 and HCB, still retaining the character of historic buildings.)*
- (B) allow the use of land for retail, commercial, residential, recreational, and institutional purposes to enhance and foster the economic and cultural vitality of the City; *(More commercial focus in HCB than "G" in HRC which mentions limited retail and commercial consistent with resort bed base and needs of local community.)*
- (C) facilitate the continuation of the visual character, scale, and streetscape of the original Park City Historical District; *(Similar to "A" in HRC with less focus on residential aspects such as yards, trees, vegetation, and porches.)*
- (D) encourage the preservation of Historic Structures within the district; *(Same as "H" in HRC.)*
- (E) encourage pedestrian oriented, pedestrian scale development; *(Same as "B" in HRC.)*
- (F) minimize the impacts of new development on parking constraints of Old Town; *(Not included in HRC)*
- (G) minimize the impacts of commercial uses and business activities on surrounding residential neighborhoods; *(Distinct for HCB to address specific impacts on adjacent residential neighborhoods like Park Avenue and Grant Avenue regarding parking, access, deliveries, service, mechanical equipment, and traffic.)*
- (H) minimize visual impacts of automobiles and parking on Historic Buildings and streetscapes; *(Similar to "C" in HRC however specifically calls out impacts on Historic Buildings and streetscapes.)*
- (I) support development on Swede Alley that maintains existing parking and services/delivery operations while providing areas for public plazas and spaces; *(Distinct for HCB as Swede Alley is not adjacent to HRC.)* and
- (J) maintain and enhance the long-term viability of the downtown core as a

destination for residents and tourists by ensuring a business mix that encourages a high level of vitality, public access, vibrancy, activity and public/resort-related attractions. (Same as "I" in HRC.)

Land Use

Land uses within the HCB zone are primarily commercial, retail, and tourist oriented uses. Land uses within the HRC are similar however many of the more intensive commercial uses require a conditional use or are not permitted. Below is a comparison of the two zoning districts:

- Except within the subzone where HCB uses are the same as those in the HRC, the following uses are allowed in the HCB and require a conditional use permit in the HRC:
 - Multi-unit dwellings
 - Medical office
 - Commercial retail service minor and personal improvement
 - Neighborhood commercial convenience (without gasoline sales)
 - Financial institutions (without drive-up window)
 - Restaurants and cafes
 - Bars
- Commercial and retail uses, financial institutions (without drive-up window), restaurants and cafes, are allowed uses in the HRC provided that Gross Floor Area is less than 2,000 sf.
- Olympic Game Legacy displays are an allowed use in HCB and not allowed in HRC.
- The following are conditional uses in both zoning districts
 - Group care facilities
 - Public and quasi-public uses, schools, churches, etc.
 - Essential municipal public, utility use, etc
 - Telecommunications antenna
 - Satellite dish
 - Plant and nursery stock
 - Hotel, Major
 - Timeshare projects and conversions
 - Private Residence clubs
 - Office, Intensive
 - Outdoor dining and events
 - Parking area or structure with 5 or more spaces
 - Temporary improvements
 - Passenger tramway station and ski base facility and ski tow, ski lift, ski run, and ski bridge
 - Commercial, public and private recreation facility
- General office uses are an allowed use in both zones, subject to the recently approved storefront prohibition ordinance.

Lot and Site Requirements

Lot and site requirements, building height, and parking requirements for all development activities and uses within the HRC and HCB zoning districts are as follows:

	Existing Zoning- HRC	Proposed Zoning- HCB
SETBACKS *Setbacks exceptions apply per LMC		
*FRONT	10'	0'
*SIDES	5' (on corner lots, side facing street is 10')	0'
*REAR	10'	0
HEIGHT	32' (zone allows pitched roofs to extend up to 5' above zone height)	Based on a volumetric defined by a 30' high vertical plane at front lot line, angles back at 45 degrees to intersection with point 45' above Natural Grade – similar volumetric in rear

	HRC	HCB
MINIMUM LOT SIZE	none	1,250 sf
MINIMUM LOT WIDTH	25'	25' (minimum depth of 50")
FLOOR AREA RATIO	Non-residential uses east of Park Ave- 1.0 Non-residential uses west of Park Ave- 0.7 Structures existing as of 10/1/1985 not subject to FAR EXCEPTIONS- FAR does not apply within Heber Ave Subzone	4.0
PARKING	Per LMC Chapter 3- Off Street Parking	Residential- per Chapter 3 Non-residential uses- 6 per 1,000 sf net FA Commercial- subject to Main Street Parking SID if current in assessment as of January 1, 1984. If not- LMC Chapter 3 applies.

Additional Requirements

- 9' sidewalks are a requirement- in the HCB
- 5' sidewalks are required on all street frontages in HRC
- Only one vehicular access from Park, Main, Heber, Swede, or Deer Valley Drive unless additional is approved by Planning Commission- in HRC
- Access, service, and delivery restrictions are spelled out in greater detail with more restrictions -in HCB
- Canopy and Awning restrictions are spelled out in HCB
- Architectural review per Historic District Design Guidelines is consistent
- Goods and Uses to be within Enclosed Building restrictions are consistent
- Vegetation Protection is consistent

Summary

Staff finds that the primary differences between the HRC and HCB zones are as follows:

- increased setbacks in the HRC
- decreased non-residential Floor Area in the HRC (1.0 versus 4.0)
- 8' increase in maximum building height allowed in the HCB
- Increased parking requirements for some uses (6 per 1000 sf vs. 3 per 1000 sf)
- There are differences in the intensity of commercial uses allowed, however many of the allowed HCB uses may be permitted in the HRC through approval of a conditional use permit. These may be allowed uses if Gross Floor Area is less than 2, 000 sf. Many ancillary uses are conditional uses in both zones. General office uses are an allowed use in both zones, subject to the recently approved storefront prohibition ordinance.

In the review and consideration of a rezoning request, the Planning Commission should be able to articulate findings of good cause and findings for the following:

- Is the proposed zone an appropriate zone for the property based on the purpose statements of the district?
- Are the proposed zone requirements generally consistent with existing development on the property and does the rezone create non-compliance and/or non-conformance for existing development?
- Are the proposed zone development standards adequate regulation for future development of the property to maintain harmony with the overall character of the neighborhood and the Historic District?
- Is the rezone consistent with the General Plan regarding the following:
 - Community Character Element for Historic Core
 - Land Use Element for Park City neighborhoods- Historic District
 - Community Economy Element for Vital Retail Policies
- Are there options that would address the applicant's objectives that do not entail rezone of the property, such as LMC Amendments that could extend the Heber Avenue subzone to the Main Street facing portion of the property? Are there other amendments that could be proposed to address

or clarify how Gross Floor Area is calculated in the HRC zone that would address the applicant's concerns?

The Commission should take into consideration the zoning and character of existing land uses and development in the vicinity of the property and consider whether the rezone would adversely affect adjacent property. Staff requests Commission discussion and direction.

Process

Requests for rezoning require a public hearing and recommendation from the Planning Commission to City Council. City Council takes final action. If a rezone is approved, the Official Zoning Map is amended by formal action.

Department Review

This project was discussed at an interdepartmental review meeting. Issues discussed include a comparison of the HCB and HRC zoning districts and a request for additional information regarding the purpose of the rezone. 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 put in the Park Record.

Public Input

No public input has been received at the time of this report. A public hearing is scheduled for the regular meeting.

Recommendation

No action is requested. Staff recommends that the Commission discuss the applicant's proposal at work session, conduct a public hearing, provide direction to the applicant and staff regarding the rezoning proposal, and continue the discussion and public hearing to the July 23, 2008 meeting.

Exhibits

Exhibit A- Applicant letter

Exhibit B- Zoning map

Exhibit C- Detail map of property

Exhibit D- Minutes from City Council adoption of HRC zoning

Craig Elliott, AIA
PRINCIPAL

Kayla Sintz, AIA • Steven G. Bruemmer, AIA • Hans Hoffman, AIA • Chimso Onwuegbu, AIA
ASSOCIATES

KIMBALL ART CENTER

638 Park Avenue, Park City, Utah

LMC Title 15: Chapter 2.5

HRC District (Historic Recreation Commercial)

Conditional Uses include:

(5) Public and Quasi-Public Institution, Church, School

(11) Timeshare Projects and Conversions

(16) Commercial Retail and Service (if over 2000 sf)

(19) Café or Deli (if over 2000 sf)

(24) Parking Area or Structure (5+ spaces)

Setbacks:	Front	10'
	Rear	10'
	Side	5'

Floor Area Ratio:

Built after 1985; non-residential uses subject to FAR=1 (18,526 sf)

Built before 1985; no FAR

Building Height: 32' from existing grade

Access (driveway) 75' minimum from intersection "Collector"

Additions to historic buildings exempt from off-street parking requirements

Parking Structure may occupy below Grade Side Yards if maintains setbacks above grade

Property area	18,526 sf	
Existing floor area	12,620 sf	
Main floor		7,620 sf
Basement		5,000 sf
Existing Galleries		3,900 sf
Main		2,400 sf
Garage		900 sf
Badami		600 sf

LORD Cultural Resources new area	11,431 sf	
Main floor		4,820 sf
Basement		5,135 sf
Upper floor		1,476 sf

Parking fees due: "Paid and fully assessed" per Jon at PC Planning Dept

Prepared by: Todd Mather, AIA



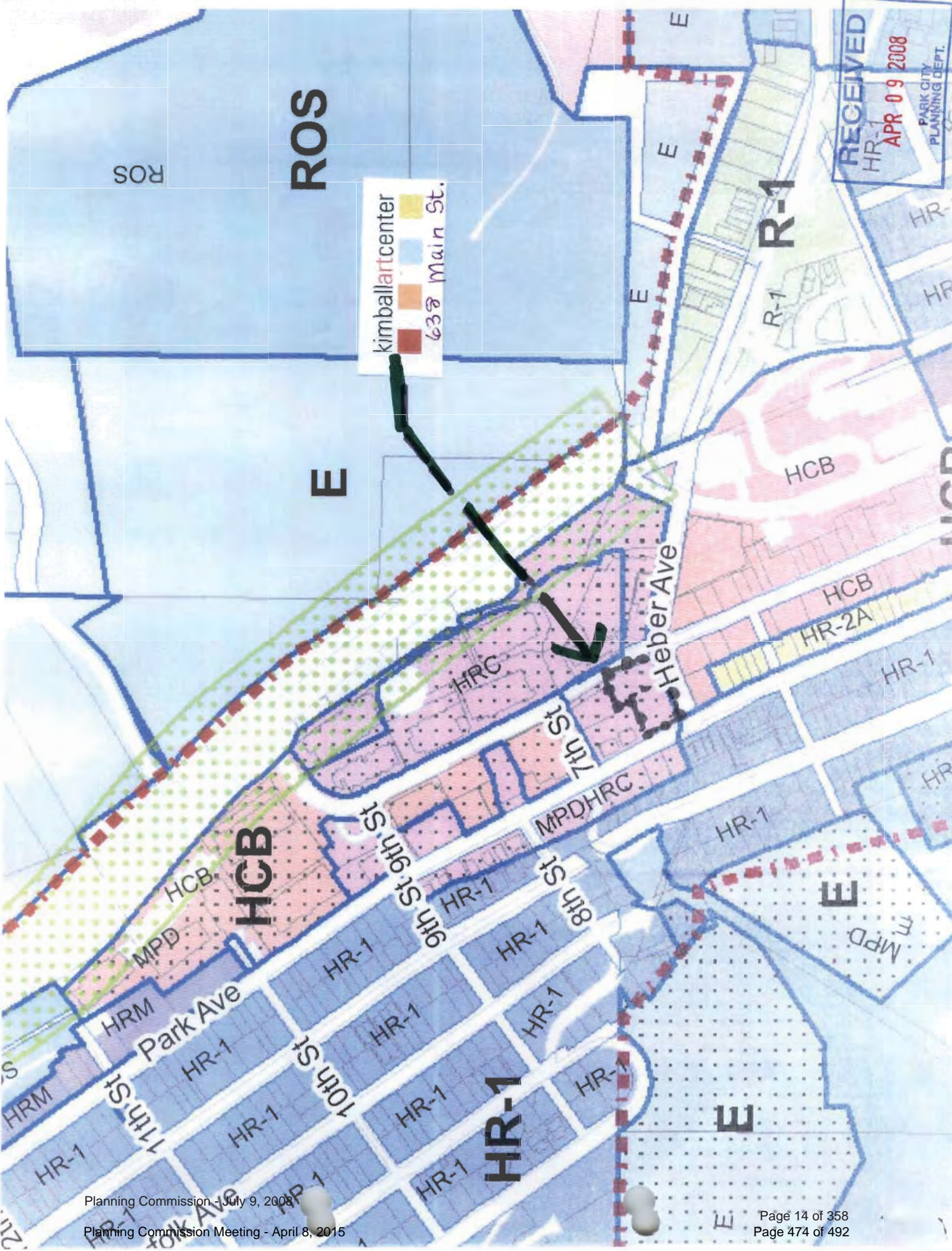
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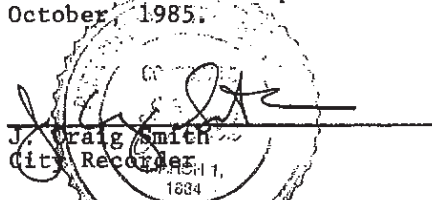
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PLANNING DEPT.

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638 Main St.



K. Dering, and Hal W. Taylor will advance to the November 5, 1985 Election. I have also determined that the following four City Council Candidates; William C. Coleman, Ann G. MacQuoid, William F. McComb and Kristin S. Rogers will advance to the November 5, 1985 Election.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the corporate seal of Park City this 10th day of October, 1985.


J. Craig Smith
City Recorder
1834

2. Bus Service to Deer Valley Mayor Green reported that he has received a petition signed by Deer Valley residents or area employees reaffirming their need for the extended service. The City Manager explained that John Miller, of Deer Valley Resort, strongly feels that the current bus service in Deer Valley is not a useful function. Further, it is Mr. Miller's view that as the primary payer of bus service in the area (through business license assessments) that his input should be carefully weighed by the Council. The financial impact of the six week interim service in question is only some \$620. Mr. Miller's concern is one of principle -- that is that the Council is making decisions with respect to the bus system based on input from riders, and ignoring opinions of those who are actually funding the system. If the formal bus service extension, appearing later on the agenda is approved without an amendment with regard to extended bus service in Deer Valley, service in this area will continue through the shoulder period. It should be noted that Mr. Miller fully supports the ski season service, but does not agree with year-round service, especially during the times of year when ridership is clearly on the down side.

COMMUNICATIONS AND REPORTS FROM COUNCIL

State Industrial Revenue Bond Committee - Councilman Doilney, who serves on this committee, reported that the Landmark Lane Ltd. received approval for allocations on both the Imperial and the Union Pacific Depot Building restoration projects. If the bonds are placed, the developers may take advantage of tax exempt financing.

RESIGNATIONS AND APPOINTMENTS

None before Council.

ORDINANCES

See Old Business category.

OLD BUSINESS

1. An Ordinance Creating the Historic Recreation Commercial Zone, Establishing the Development Standards for that Zone, and Amending the Official Park City Zoning Map - The City Attorney explained that this proposed ordinance was discussed in work session and clarified recommended changes to the draft. It was suggested that the floor area ratio be changed from .7:1 to read that it would be .7:1 on the west side of Park Avenue and 1:1 on the east side, which would allow a more intense use on the east side and more of a transition on the west side, except that none of that would apply to an existing structure. The existing structures on the west side of Park Avenue, therefore, can be entirely devoted to commercial uses, as would existing structures on

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the east. New structures on the west side of Park Avenue would be limited in their commercial area somewhat more so than new structures on the east side of Park Avenue. Additionally, the provision on restaurants, bars, and liquor serving establishments has been clarified to provide that those are only allowable in the zone when they are in conjunction with a full-service restaurant seating at least 50 persons at one time. The intent there was to try to avoid the conflicts experienced on Main Street between the bars and the local residences. The City Attorney continued that on Page 6, the provision dealing with professional business offices has been eliminated, primarily on the basis that the business offices created intensive parking needs, in an area where parking is at a premium and also that the business offices tend to be somewhat inconsistent with the tourist and transient lodging nature of the zone. Further, the Heber Avenue sub-zone has been deepened from 100 feet to 150 feet so that it picks up all of the parcels which have frontage on Main Street. Tom Shellenberger questioned Page 4 dealing with retail uses that are allowed ("such as"), but pointed out contrasting verbiage on Page 6, Section 5, "Any land use not identified above as being permitted or conditional is prohibited." Tom Clyde responded that perhaps the "such as" should be stricken, but the problem is that the retail uses are difficult to define in an all encompassing list. Dave Boesch, Current Planning Administrator, suggested that language such as "similar to" be implemented. The City Attorney quoted Page 4, ". . . the retail uses shall be limited to those uses generally associated with the accommodation of hotel guests and other tourism related businesses, such as:". Councilman Shellenberger then suggested that with regard to the prohibited uses that intent can be accomplished by indicating that, "any land use not identified above or similar to the above".

It should be pointed out that there were two public hearings held on this ordinance. Because there have been amendments made to the proposed draft, however, the Mayor invited the public to comment on the ordinance as presented this evening.

Don Hutchinson - Property owner in the Depot area, asked what the recommended changes to the proposed draft are.

The City Attorney explained again that the depth in the Heber Avenue sub-zone was changed from 100 feet to 150 feet which goes beyond the depth of Mr. Hutchinson's parcel. Mr. Clyde reiterated the floor area ratios outlined above. Business and professional offices are prohibited in the zone, as discussed earlier.

Don Hutchinson - Felt that office space should be permitted in the zone, and should not be deleted completely.

Tom Clyde pointed out that in the Heber Avenue sub-zone, the land uses are identical to the HCB zone.

Burnis Watts - West Park Avenue resident, felt that the "such as" clause should be left in because there are tourist related uses that have not yet been considered and that the list should be flexible. On the other hand, the prohibitive uses can be defined. He argued that the use that the City has allowed with the construction of the town lift has turned the properties into the parking lot. He added that the west side and east side of Park Avenue be treated equally.

Mel Fletcher - East Park Avenue property owner, believed that the Potter and Fletcher properties were

unfairly dealt with, and the restrictive uses will negatively impact the saleability of the property.

Tom Shellenberger suggested perhaps allowing written comment through the week, and then formally adopting at next week's City Council meeting.

Ed Sweeney - Major property owner in the area, thanked Tom Clyde for his cooperation in clarifying the conditional use permit issued to Park City Resort to build the town lift. The conditional use permit was subject to the agreements between Sweeney Land Company, Greater Park City Corporation, Huntsman-Christensen (when it the owned the property) and Tramway Properties. In order to make the town lift a reality, the Sweeney's donated 17 acres where the tram right-of-way is located, plus some property on both the west and east side of Park Avenue. The City Attorney wrote a letter to Mr. Sweeney outlining and clarifying that the City is not obligated to those agreements, and therefore would not be bound by those agreements. Mr. Sweeney expressed his concern that they relied on the 45 foot height restriction, and therefore they changed the location of their property to benefit where the town lift is located. As planned with a 45 foot height allowance, the building would have a 35 foot set-back; while if the 35 foot height limitation is enforced, a ten foot set-back would be their only alternative. With the established footprint to accommodate the town lift, the Sweeney property on the east side must be excluded from this particular zone change. The family understands that they are grandfathered with the master planned development application for 45 feet, but in the event that it is not approved, they then are forced back to the 35 foot restriction. The adjacent property owners can go from 45 feet to 70 feet, so there are going to be some inconsistencies.

Councilman Shellenberger questioned that under the conditional use process, that isn't there a mechanism they can utilize even if there is a 35 foot restriction. The City Attorney responded affirmatively, and explained that if the property is developed under the master planned development section of the Code, even if it is a different master plan that what is currently proposed, the Land Management Code does provide for a height increase in exchange for density, superior site planning, etc. Mr. Clyde pointed out instances. If the 45 foot height allowance is essential to make the Sweeney project work, there are ways to get there even if the current grandfathered approach failed.

Councilman Wells commented that the properties in question certainly are not isolated properties and because the City Council is dealing with a developed area, that they will never get to a point where everyone is 100% pleased. It has been very difficult for the Council to deal with this issue, because to a large extent it goes against the objectives that have been set forth in the Comprehensive Plan. Personally Mr. Wells believed that what has been reached is a "fairness compromise" whereas height limits have been increased over the existing zone, and extended commercial uses in a former HR-1 zone. With an attempt to buffer uses, Mr. Wells contended that the floor area ratios are reasonable since the west side of the street certainly maintains direct contact with single family residential.

Jim Doilney, "I move we approve the ordinance, subject to the changes noted by the City Attorney during the discussion". Tom Shellenberger seconded. Motion carried.

2. Approval of Extended Bus Service Schedule for October to Mid-November and Transfer from Contingency Fund to Transportation Fund - This matter involves Council approval to award an additional appropriation of \$21,175 for the extended bus service October 1 through November 23, 1985. The above figure includes a temporary mechanic for two months, plus the benefits for three permanent employees until June 30, 1986. Council also awarded \$6,832 for a ski season shuttle between Park City Ski Area and Holiday Inn on the terms it would be utilized only if proven necessary. Tom Shellenberger, "I move we approve". Jim Doilney seconded. Motion carried.

3. Approval of Class "B" Beer License and Set-Up License for Bravo Restaurant, Located at Main Street Marketplace - and -

4. Approval of Class "B" Beer License and Set-Up License, and Consent Letter for Restaurant Mini-Bottle License for Spike's, Located at Main Street Marketplace - The City Attorney explained that these license requests are in the Main Street Marketplace and exceed the parking allowance if the parking allowance is applied only to the top floor; if the parking allowance is applied to the building as a whole, there is no problem. It is Mr. Clyde's recommendation that the licenses be approved, on the condition that within the next 30 days the Fields organization will provide the City with a letter of credit and deed restrictions on the existing surface parking areas, which allows the City to convert to either parking or cash on January 1, 1987 at the ordinance-required \$10,000 per stall. There are 22 surface parking spaces in place now, and if a deed covenant is put on those parking spaces so they aren't used for something else, without being replaced with parking or cash, credit against the \$510,000 should be given for those spaces. Tom Shellenberger, "I move to approve". Jim Doilney seconded. Motion carried.

5. Condominium Plat Approval for Fawngrove - The City Attorney stated that the real issue before Council is how to treat the eleventh unit in the project which was originally described a "manager's unit", and has been proposed for sale. There have been intensive discussions on this in work session and the public meetings. Jim Doilney, "I move we approve the condominium plat for Fawngrove, subject to the provision that the employee housing unit be subject to an initial sales price of \$99,000 and the same restrictive agreements which apply to the Iron Horse and Fireside Projects". Tom Shellenberger seconded.

Jim Doilney described what he believed are the Housing Authority guidelines with regard to restrictions on appreciation upon resale. These include 15% per year for a period of four years during which time the difference between the 15% and the actual sales price would accrue to the Housing Authority if it were greater than that. At the end of the four year period, there was no resale price restriction. The theory behind that was that nobody would ever buy an employee housing unit if they didn't have the opportunity for appreciation. Those agreements specify that for fifteen years the unit cannot be used for nightly rentals and the options are to sign a lease agreement for long term tenancy use or to resell to an owner/occupant who qualifies.

Councilman Wells felt that this situation is different than a transaction which has been planned or entered into where low and moderate income housing is developed with the intent of sale. He also felt that this particular unit was developed somewhat by accident, but certainly under the concept of a manager's unit for the condominium project. Mr. Wells stated that he is not

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opposed to a manager's unit being sold, because it has to be owned by somebody, but being sold in a procedure that takes it out of the concept of the manager's unit is an abortion of the way it came about and sets a precedence for other projects with manager's units. The only way that a manager's unit can be established is to require it to become a part of the common area of the condominium association. As Mr. Wells understands the situation, the homeowners association doesn't want it. Councilman Doilney pointed out that if designated common area, the necessity of bringing the revised plat back to the Planning Commission and the Housing Authority. The City Attorney explained that the manager's units in other projects in Deer Valley, like Fawngrove, were platted as common area. They stay as common area forever and presumptively stay as a manager's unit forever (although there is no direct limitation on the home owner's association), but the 15 year limitation does not exist. Fawngrove, after 15 years becomes like any other unit in Deer Valley. It is obviously undesirable to be in a position where the City is approving what they think are manager's units, waiving various fees, and routinely have them become conventional units after ten or 15 years. Mr. Clyde added that policing the restrictions would really be up to the home owner's association or possibly Deer Valley.

Councilman Wells suggested selling the unit for the initial \$160,000 to \$130,000 price; taking the difference between that amount and the proposed \$99,000; then placing that amount as a subsidy to the Housing Authority for funding future employee housing. Councilman Shellenberger reiterated his position from last week, being that Fields pay Deer Valley the going rate for the land, and sell for whatever the market may bear; then the City receive the fees which have been waived for the unit.

Carrie Judd - Representative of Fields Financial, responded that he didn't feel that the intent was ever to obtain an extra unit.

Discussion ensued regarding the repeated description of the unit as being a "manager's unit" and the assumption of the City agencies that it was an employee housing unit. Mr. Shellenberger continued that if the City knew that the unit was going to be a "for sale" unit at a price that was not too much below the market value, then he felt that it not have progressed to this point. It was noted that the Fawngrove Project has paid for building permit fees, but not water connection or water development fees. Discussion ensued regarding reverting the unit to a conventional unit (paying Deer Valley for the pad, crediting Deer Valley an employee housing unit, and paying City fees) and reversing previous agency's approvals. The City Attorney stated that the City Council could probably over-turn a Housing Authority decision, but that an amendment would have to be made to the Deer Valley Special Exception Permit with regard to employee housing obligations. The Mayor reminded the Council that a motion has been made by Councilman Doilney and regularly seconded.

Jim Doilney responded that this discussion is identical to several previous discussions, and he didn't feel that there are any other practical solutions. Mr. Doilney added that he felt that leaving the developer with an unplattable project, subject to resubmission to the Planning Commission, Housing Authority, and further negotiations with Deer Valley is onerous, and stood by his motion.

Bob Wells	Aye
Jim Doilney	Aye
Tom Shellenberger	Nay
Al Horrigan	Absent

Exhibit G

Planning Commission Meeting
July 9, 2008.
Page 14

4. A final water efficient landscape and irrigation plan that indicates snow storage areas is required to be submitted with the Steep Slope CUP or Historic District Design Review, whichever is first.
5. The applicant will coordinate with the City and UDOT for construction of the sidewalk, crosswalk, and required safety signs.
6. All exterior lights must conform to the City lighting regulations.
7. All exterior signs require a separate sign permit. Application for a sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.
8. Utility and grading plans, including all public improvements and trails, must be approved by the City Engineer prior to Building Permit issuance. A guarantee for all public improvements, including trails and required landscaping, is required prior to issuance of a full building permit.
9. The Construction Mitigation Plan must be approved by Staff as a condition precedent to issuance of any building permits. The CMP must specifically address the preservation of the historic stone walls.
10. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices.
11. Approval of a fire protection plan for each building shall have been made by the Building Official prior to any full building permit being issued.
12. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit.
5. 638 Main Street, Kimball Arts Center - Zone Change

The Planning Commission discussed this item during work session.

Craig Elliott with Elliott Work Group, disclosed that unlike the 2060 Park Avenue affordable housing project, the Elliott Work Group is not representing the City on this project. In the past he has also done design review work for the Historic District Design Review Board. Mr. Elliott clarified that he was representing the Kimball Arts Center as the architect on this project.

Mr. Elliott gave a presentation of project for the benefit of the public. Mr. Elliott stated that the Kimball Arts Center wanted to know what opportunities they have for the property and the discussion points included zoning on the property and how the property might be developed to further meet their needs. They looked at what the zoning regulations required with the existing zoning of HRC and decided that there were different ways to approach this. They thought the best

way to approach the development was to come in and ask for a review of the zoning before they submit a design proposal.

Mr. Elliott stated that the property in question is at the corner of Heber Avenue and Main Street. As they looked at the property and development opportunities, they started looking at a rezone. Mr. Elliott reviewed a color coded map of the area identifying the HRC and the HCB zoned areas. He noted that the HRC zone is intended to be a transitory relationship to the HR-1 zone, which is primarily residential. The HRC zone is meant to transition between the HCB, the commercial business on Main Street and the residential HR-1.

Mr. Elliott presented a study of the zones and the volumes that are allowed by the zoning itself. He clarified that the Kimball Arts Center is requesting to change the zoning on the corner of Heber and Main Street from HRC to HCB zoning. He noted that the setbacks in the HRC zone are 10 feet on Main Street and Heber Avenue. The rear yard has a 10 foot setback and the side yard has a 5 foot setback. The height of the HRC zone is 32 feet plus a 5 foot exception for a pitched roof. Mr. Elliott pointed out that the HCB zone has zero lot line setbacks. The zero setback would increase the footprint, however, in this instance, the property line is essentially parallel to the curb alignment on Main Street and Heber. This would result in an 8' setback minimum for a sidewalk in those two areas from the back of curb. Mr. Elliott remarked that the difference between the setbacks in those two areas are relatively minimal on Main Street and Heber Avenue. Mr. Elliott stated that the height on the property with the HCB zoning is 30 feet and can angle back 45 degrees to 45 feet. He noted that the buildings on Main Street and Heber can only be 30 feet tall.

Mr. Elliott stated that a zone change would result in minimal differences in terms of the buildable area. He pointed out that many of the commercial uses allowed in the HCB zone may be permitted in the HRC through a conditional use permit for anything over 2,000 square feet. Mr. Elliott explained that the HRC zone limits the amount of commercial area to the floor area ratio. The Kimball Arts Center is looking for the opportunity to create the same development requirements and parameters as other similar properties on Main Street and allow the flexibility to have a use that meets their needs in a better way.

Planner Whetstone commented on an email she received from the Town Lift Condominium owners and one from a property owner on the 600 Block of Main Street. She noted that a public hearing was scheduled this evening and no action was being requested.

Chair Thomas opened the public hearing.

Bruce Larrabee, stated that he was chairman of the Board when Craig Elliott was hired to help the Kimball Arts Center figure out what they could do with their property. After a series of discussions, the Board decided to request a zone change so they could have greater flexibility on their property, primarily to add additional square footage. Mr. Larrabee clarified that the Board is not looking to build a large box. They do not want to impede the Town Lift condos but they also want to develop the property. Mr. Larrabee stated a willingness to work with the Town Lift Condo owners to address their concerns or answer their questions during this entire process.

Janice Potter, a business owner on Main Street, recalled when the zone was changed to HRC and the number of years it took to make that change. She is confused as to why they would want to change it to HCB. Mr. Potter wanted to work with the Kimball Arts Center and the City but she worried about setting a precedent for future applicants who may want to change a zone to meet their development. Before a zone change is considered, they need to know if it would implement a community benefit and not just a benefit to one project.

Don Bloxom wondered if this would remain a mixed-use development area. He did not think anyone would want to live above the Kimball Arts Center but he could possibly see employee housing or housing for visiting artists. Mr. Bloxom thought a better solution would be a deed restriction that the buildings would be one continuous unit kept in perpetuity.

Chair Thomas closed the public hearing.

Chair Thomas noted that the Planning Commission had discussed this item extensively during the work session and the Commissioners had made most of their comments at that time.

MOTION: Commissioner Peek moved to CONTINUE this item to August 13th. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

6. 2060 Park Avenue, Snow Creek Cottages - MPD for Affordable Housing

Planner Katie Cattan reviewed the MPD application for 2060 Park Avenue. The applicant is Park City Municipal Corp.

Planner Cattan reported on a letter she received from Carol Casten, which she distributed to the Planning Commission.

Planner Cattan stated that the Planning Commission discussed this application at the June 25th work session. A public hearing was also held that same evening. The outcome of that meeting was that the Planning Commission wanted to add a condition of approval for a cursory wildlife habitat study. Condition of Approval #15 was added to read, "A cursory wildlife habitat study shall be completed prior to the issuance of a building permit. This study must identify the presence of threatened, endangered and sensitive species on the immediate site.

Planner Cattan noted that the second issue was the height exception on the site. When she initially reviewed the plans she believed the height had been measured from existing grade but she later found that it was measured from finished grade. Planner Cattan noted that the five criteria for granting a height exception were included in the Staff report. She reviewed the criteria as follows:

Criteria 1 is that the increase in building height does not result in increased square footage or building volume over what would be allowed under the zone. The Staff has determined that the

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
July 9, 2008**

PRESENT: Jack Thomas, Rory Murphy, Dick Peek, Evan Russack, Adam Strachan, Charlie Wintzer, Brooks Robinson, Kirsten Whetstone, Polly Samuels McLean

638 Main Street, Kimball Arts Center - Zone Change

Planner Whetstone reviewed the application requesting a rezone of a portion of the property located at 638 Main Street where the Kimball Arts Center is located. The entire property is currently zoned Historic Recreation Commercial (HRC) and the request is to rezone the 8,789 square foot eastern portion of the property to Historic Commercial Business (HCB). The HRC zoning would remain on the western portion of the property that contains the building. The applicant is requesting this rezone to allow the Main Street portion of the property to have the same development requirements and parameters as other similar properties on Main Street.

The Staff report contained the Staff analysis of the two zones, as well as a summary of the uses and the purpose statements. Planner Whetstone reviewed a table in the Staff report which compared lot size, building height and parking requirements for the two zones. She noted that there are some differences between the zones in the intensity of the commercial uses. The HRC zone has some maximums under 2,000 square feet for certain uses; however, many of the allowed HCB uses may be permitted in the HRC through conditional use permit approval.

Craig Elliott, representing the applicant, provided a brief history that brought the applicant to the point of requesting a rezone. He stated that members of the Kimball Arts Center Board met with Planning Staff members and discussed different options on ways to approach developing the site and growing their program.

During the discussion it was determined that the Kimball Arts Center was looking at uses in the HCB zone that cross over from the HRC zone. The outcome of the discussions was to look at requesting a zone change for the eastern portion of the property.

Mr. Elliott reviewed the Park City zoning map and noted that the area proposed to be rezoned was shown in black. Mr. Elliott pointed that the uses moving down lower Main Street are functioning very much like the HCB in terms of height and bulk. He stated that the HRC zone is intended to buffer between the HR-1 and the HCB as a transition that allows commercial development and transitions in to the HR-1 residential zones. Mr. Elliott commented on how development has changed over the years and how the nature and use of Main Street has changed. He stated that the biggest difference is commercial use and how much commercial you can put into an area. Mr. Elliott presented computerized models with green and blue areas indicating two different zones. He stated that the HRC zone was represented by a 10 foot setback on the property line and a 32 foot height with a five-foot exception for a gable roof. He had diagramed what the bulk might look like on that site. He noted that the side yard setbacks in the HRC zone can either be 5 feet or 10 feet. Mr. Elliott remarked that the HCB zone shows a property line to property line build. The zone allows zero setback with the exception of a requirement for sidewalks and continued access along Main Street and Heber Avenue.

Mr. Elliott stated that in looking at uses and commercial uses, the issue is whether or not they have to change how the property is used. From the Kimball Arts Center perspective, if they wanted to

build a gallery on a lower level with residential above, they would not be restricted on square footage for the residential portion. The commercial would be restricted to 8700 square feet available to build on.

Mr. Elliott explained that they started looking at the purposes of the zones and how they are used and the differences between them. In addition, they looked at the different options, how it would look and where the use is appropriate. The initial analysis with Staff and the Kimball Arts Center was that the HCB would fit in with their uses, but they wanted to do things in a way that would not create impacts. In looking at the purpose statements for the HRC zone, a number of things would be hard to achieve in that location because it would not transition between the residential and commercial.

In terms of the purpose statement, Mr. Elliott summarized the things they had the most difficulty doing at this location based on the purpose statement of the HRC zone, as outlined in the Staff report. One is to maintain and enhance characteristics of historic streetscape elements such as yards, tree, vegetation and porches. He stated that this does not exist on the corner of Heber Avenue and Main Street and there is very little of that activity to transition to. As you move away from the existing Kimball building towards the HR1 you start to see those types of things be common in the HR1 District. Mr. Elliott stated that the transition in scale between the HR1 and HCB is that they are already sandwiched between HCB uses and buildings that are built at HCB scale and it is difficult to transition to that area from that location.

Mr. Elliott stated that the biggest different between the HRC and the HCB has to do with the floor area ratio. It would be difficult to build a gallery with a second floor, smaller gallery spaces, support office space and similar things. They would not be able to put those uses into the bulk because the floor area ratio for commercial is restricted to 8700 square feet. Since the grade plane slopes from Heber Avenue down lower Main Street, it could be restricted further because the lower area, which is typically classified as a basement, would not be considered a basement because it has access to Main Street.

Mr. Elliott stated that the Kimball Arts Center wanted to take a sequence approach to the building, types of uses, and whether it would lead to those transitions. He was unsure what the issues would be from that perspective. If they were to do commercial on the first floor and residential on the upper level, the square footage would be less under the HRC than the HCB zone. With the opportunities and the impacts that location provides, he felt the zone change would be appropriate at the corner of Heber and Main where there are commercial uses up and down the street. Mr. Elliott pointed out that even with a zone change, a conditional use permit would be required for any gallery purpose in that location.

Commissioner Wintzer asked how much commercial square footage they would get with a new zone. He was curious to know the difference between the two zones and what the applicant would be able to do. Mr. Elliott assumed the available commercial space would double with a rezone. He was unsure of the actual calculations.

Planner Whetstone clarified that the side setback in the HRC zone would likely be from the property line that runs east west near the Town Lift condominiums. There would be a five foot setback on the front and anything on the street would be a 10 foot setbacks. She felt it was

important to note that setbacks are measured from the property line or edge of curb, whichever is closest. Planner Whetstone remarked that the FAR in the HRC zone is restricted to non-residential.

Commissioner Wintzer asked if there was any difference in parking requirements between the two zones. Planner Whetstone stated that there is a parking requirement in the HCB zone of 6/1,000 based on shared use. There is a parking table in the HRC zone based on specific uses. Commissioner Wintzer wanted to know if a rezone would change the amount the applicant would pay for parking. Planner Whetstone was unsure and offered to find out. Mr. Elliott believed the HCB requires more parking than the HRC because it is based on the gross area versus specific uses. Planner Whetstone asked about underground parking. Mr. Elliott replied that underground parking is an option that is being discussed.

Commissioner Russack asked about the zoning for Zooms. Mr. Elliott stated that Zooms is in the HRC zone. Commissioner Russack asked if any surrounding properties would be affected by this rezone. He also wondered about setting a precedent. Planner Whetstone replied that there is always a possibility that other properties would request a rezone. She felt the property most affected would be the Town Lift Condos directly to the north.

Commissioner Russack wanted to know what could be done to preserve the Kimball Building. Mr. Elliott stated that the historic district guidelines are the requirements that protect the building. Commissioner Russack requested that Planner Whetstone come back with a survey inventory of other HRC properties within the area. He was not opposed to the zone change but he was more interested in the greater impact.

Commissioner Peek was concerned about splitting the property into two zones. Mr. Elliott stated that if that were to occur it would require a plat amendment. Commissioner Peek remarked that if they have a plat amendment with a zero setback for the Kimball Building, they could also have a zero into the Kimball in the HCB zone. Mr. Elliott replied that doing that would require creating a new plat to separate the property. They would have to have a minimum 5 foot side yard setback that includes the edge of the property of the Kimball.

Chair Thomas stated that it would also impact the penetration through the building. Commissioner Wintzer asked if they plan to have a penetration through the building. Mr. Elliott stated that it has not been discussed. Commissioner Wintzer assumed one of the choices would be to make it all function as one building. Mr. Elliott commented on a number of options that have been considered but no decision has been made. Planner Whetstone pointed out that under LMC Section 15-1.6, it is generally more desirable that zones follow property lines but it does leave some wiggle room. Mr. Elliott stated that they could leave it as one parcel and put the zoning five feet off the property.

Commissioner Murphy was interested in hearing an opinion from Ron Ivie on dividing the buildings and having separate parcels and separate zones. He thought it seemed awkward from a public safety position.

Chief Building Official, Ron Ivie stated that the current position is if it is a property line it cannot have a door in it.

Commissioner Murphy asked if there are any standards for a zone change. Planner Whetstone replied that a zone change is mostly negotiated. The purpose statements of development in terms of the area and the impacts is also considered. The zone change itself does not have specific standards.

Commissioner Murphy felt it was safe to assume that regardless of the zone, the bulk should be similar even if the uses are different. He wanted it clear that what could be built now would be the same with a zone change.

Commissioner Murphy commented on the amount of existing off-street parking that would be lost and he wanted to make sure that is taken into account. Commissioner Murphy worried about creating spot zoning. He believed the design aspect would be a challenge. Commissioner Murphy commented on the Crane's Torch, which was there for the Olympics. He understood that it was not on a historically significant list, but in his opinion the torch is as significant as the Kimball Building itself and he urged Mr. Elliott to incorporate the torch into the design if possible.

Commissioner Strachan shared the concern of creating a spot zone. He clarified that he was not prepared to make a decision this evening.

Chair Thomas was concerned about the impact of a historically significant building and its relationship to a new building. Chair Thomas felt the suggested zone change provides a better opportunity to investigate facades and keep them lower. He asked Mr. Elliott if he had looked at the notion of a facade easement on the existing Kimball building and changing the zone for both lots in order to maintain connectivity between the two lots.

Commissioner Wintzer remarked that following Chair Thomas' suggestion would enable them to combine as one lot and have a building that functions as a building. He felt this was better than having two separate buildings with two separate entrances. Commissioner Wintzer agreed that the main interest is to preserve the Kimball building and to make it function better.

Exhibit H

Work Session Notes
February 25, 1998
Page 4

area is broken up with plantings. Mr. Clyde reviewed the elevation which was provided for the Commissioners and explained that windows were added in the garage where the building was featureless. Columns will be wrapped in stone with a stone wainscot on the bottom to make a pedestrian pathway. The canopy will become a more architectural feature.

Commissioner Larson asked how far out the canopy projects. Mr. Clyde replied that it is approximately 18 feet, which can cover a car. Commissioner Larson felt this was a prime example of an area needing attention. Heavy materials are needed for beaming, and he suggested that it be substantial and structural looking.

Manager Seltenrich stated that she is in the process of preparing a Staff recommendation. The Staff is continuing to work on the development agreement with Mr. Clyde and interested parties, and she will meet with one of the applicant's engineers to discuss traffic mitigation. Construction mitigation and phasing discussions are continuing.

Commissioner Larson asked if the Planning Commission will see the phasing and construction mitigation plans or if they will remain at Staff level. Manager Seltenrich replied that the intent is to handle them at Staff level, but she would provide the Planning Commission with a summary.

LMC Work Session - HRC

Administrator Putt provided a map of the HRC areas. Commissioner Larson asked the Staff to identify the Heber Avenue subzone in conjunction with the HRC zone. Administrator Putt explained that the primary difference is that HCB uses are allowed in the Heber Avenue subzone, but the height, bulk, and setback requirements of the HRC apply. Land uses allowable as Conditional Use Permits in the subzone are identical to the conditional uses in the HCB. Setbacks and height limitations for the HRC are still in place. Administrator Putt indicated that the majority of the HRC zone is built out. Some areas not yet developed are the Rio Grande Building/Zions Bank parcel, and the UP&L site. Those properties, including historic structures on the west side of Park Avenue, will be developed under the HRC standard, and those with existing historic homes will be subject to additional square footage and potential different uses.

Page 41

There were no comments or revisions to this page.

Page 42

Commissioner Jones asked why not timeshares. Administrator Putt replied that this question was raised at the last meeting, and it is a matter of revenue generation.

Chair Erickson asked about affordable housing and MPDs. Commissioner Larson stated that he was more comfortable addressing them in the MPD section than the HRC zone.

Page 43

There were no comments or revisions to this page.

Page 44

There were not comments or revisions to this page.

Page 45

Commissioner Hays believed that detached garages should be allowed in front setbacks. She commented that many of the Old Town houses were originally designed that way, and it adds a positive element to the appearance of Old Town.

Commissioner Larson asked if this matter was addressed in the HR-1 zone. Administrator Putt replied that the Staff planned to address it in the HR-1 zone, but there was an expedited discussion when the ordinance was before the Planning Commission. At that point, the Staff formulated the steep slope policies and existing historic building policies. Chair Erickson stated that a properly located garage is a detached garage in all "H" zones, and he suggested that the Staff proceed in that direction.

Administrator Putt referred to a design implication which might affect detached garages. In the most extreme cases, the minimum front yard setback is 10 feet, and that 10-foot dimension typically overlaps with the minimum depth of a snow storage easement. He supported considering waivers to allow garages closer to the front setback, but he was concerned about a waiver that might conflict with snow storage. Commissioner Larson felt that the Planning Commission favored looking at detached garages, but the Staff and HDC should study the issue to see if it works mechanically.

Page 46

Commissioner Larson stated that he was confused by the 10-foot or 5-foot question. Administrator Putt explained that the exception would allow a two-foot encroachment in the rear yard setback for something like a bay window or chimney provided the chimney or bay window is no wider than 10

feet. The Staff wanted to know if the Planning Commission believed the 10-foot width was reasonable or whether it should be 5 feet. Commissioner Larson discussed the wording of the draft which states 10 feet in length. He felt a 10-foot width was sufficient for a bay window, but a 10-foot-wide chimney was very large.

Planner Whetstone suggested allowing 10 feet for bay windows and 5 feet for chimneys. The Commissioners were satisfied with that solution.

Page 47

Commissioner Hays asked for clarification of Item 8. Administrator Putt explained that the intent is to allow a driveway through the side yard with detached garages in the back yard. The language, "A side yard cannot be used for temporary storage or permanent parking unless it leads to a garage," is intended to stop people from paving their side yards for boats or RV storage and preserve the sense of yard.

Commissioner Hays felt Item 8 conflicted with Item 9. Planner Whetstone replied that Item 9 allows a detached garage to be located in a side yard. The intent is to allow shared common garages. Administrator Putt explained that one paragraph addresses the driveway and the other paragraph addresses the garage.

Commissioner O'Hara referred to Item 8 at the top of page 47 and asked why 10 feet was reduced to 5 feet. Planner Whetstone explained that hot tubs, decks, and patios are allowed, provided they are located 10 feet from a dwelling on adjacent lots or 5 feet from the property line. Future additions to the dwelling would create a problem of whether or not the hot tub should have to move. The Staff felt this was an uncontrollable situation and agreed that 5 feet made sense. Administrator Putt explained that the Staff felt this type of encroachment into the rear yard should be an at-grade encroachment, a deck, or a patio and should not be an encroachment for a second-story balcony. The Commissioners concurred.

Administrator Putt referred to item 7 and noted that retaining walls are allowed in the side yard and always have been. He asked if there should be a limitation on retaining wall height. Commissioner Jones felt the maximum height should be consistent with the fencing maximum which is six feet. The Commissioners concurred.

Page 48

There were no comments or revision to this page.

Page 49

Commissioner Larson felt that building heights in the HRC Zone should be in harmony with the purpose of the zone, which is to supply a transition between the other H's and HCB. This should also be done with maximum allowable height. He believed 40 feet was too close to 45 and not close enough to 27. Height should be measured the same as it is in the HR-1 and HRL zones. His preliminary thought was 37 feet based on 27 feet in the HR-1 plus another story at 10 feet, resulting in 37 feet.

Page 50

Administrator Putt referred to item 2 which conflicts with the Uniform Building Code and noted that the Staff is still working on trying to understand the UBC requirement. The goal is to make the two Codes consistent.

Commissioner Hays asked why the Staff suggested deleting church spires and bell towers. Administrator Putt replied that they do not exist in that zone, and they do not anticipate having any. Planner Whetstone noted that flag poles should definitely be deleted because of current regulations. She offered to reword church spires and bell towers if the Planning Commission felt that they should be included. Administrator Putt offered to make spires and bell towers consistent with the HR-1 Zone.

Commissioner Hays asked about the reference to elevator exceptions. Planner Whetstone explained that a height exception is necessary for elevators due to the Uniform Building Code, and the Staff will research the matter.

Page 51

There were no comments or revisions to this page.

Page 52

Planner Whetstone asked for input on parking. Administrator Putt suggested adding an HRC line to the parking table.

Page 53

There were no comments or revisions to this page.

Page 54

There were no comments or revisions to this page.

Page 55

There were no comments or revisions to this page.

Exhibit I – Public Comment



April 1, 2015

Nann Worel, Chair
Park City Planning Commission
445 Marsac
P.O. Box 1480
Park City, UT 84060

Dear Chair Worel and Commissioners,

Regarding the item *Land Management Code Amendment regarding Heber Avenue Sub-zone in the Historic Recreation Commercial District (Section 15-2.5-10)* on your April 8, 2015 agenda, Utah Heritage Foundation strongly encourages the commission to deny granting this amendment.

To support our request, we offer the following considerations. In the city's General Plan, it states on page 118 that "A number of steps could be taken by the City to limit the size of new developments and additions to preserve the historic development patterns found in Old Town, including the historic density, fabric, and integrity." This page also shows a photographic example of this principle by contrasting a new four-story structure next to an existing one-story structure. I believe that is the exact same situation that is being considered here with this request, but there is clear guidance and a stated desire to not have this be the allowed development pattern.

The purposes laid out in the Historic Recreation Commercial (HRC) District in the LMC define what was envisioned for this area. With the code language that follows, one of the items that was not envisioned was providing allowances for greater density than what the base zone provides at 32 feet. It was purposely omitted even from the Heber Avenue Sub-zone in Section 15-2.5-10, while other limitations were modified. We believe that the LMC should remain unchanged for one project and the request denied.

Third is the principle of opening the LMC to changes to accommodate one request by one applicant. We believe that this is poor practice that invites future proposals that don't fit the City's vision and the LMC doesn't work just right. These should be the exception rather than the rule. By communicating that the city is willing to even discuss an LMC change for one project does not provide the commission with a solid base on which to deny this or other proposals to change the LMC in the future.

We understand that there may be poor precedents that have already been set, but we believe the commission's goal should be to evaluate these proposals on a case-by-case basis for what's right for each parcel as a part of the whole, given the code considerations and guidance in adopted plans. Therefore, we strongly encourage the Planning Commission to deny granting this unneeded amendment.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kirk Huffaker'.

Kirk Huffaker
Executive Director

cc: Kayla Sintz, Acting Planning Director

Utah Heritage Foundation • 375 N. Canyon Rd. • Salt Lake City, UT 84103

www.utahheritagefoundation.org • (801) 533-0858