



## AGENDA

**MEETING CALLED TO ORDER AT 5:30PM**

**ROLL CALL**

**ADOPTION OF MINUTES OF March 25, 2015**

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

**STAFF/BOARD COMMUNICATIONS AND DISCLOSURES**

**CONTINUATIONS**

900 Round Valley Drive- Pre-Master Planned Development for an amendment to the IHC Master Planned Development to review affordable housing options for the remaining IHC housing obligation, including a proposal to locate the Peace House on a portion of Lot 8 of the IHC Subdivision, and a request for an additional 50,000 sf of medical support uses for future development. PL-15-02695 72  
*Planner*  
*Whetstone*  
*Public hearing and continuation to May 13, 2015*

550 Park Avenue – Steep Slope Conditional Use Permit for construction of a new single-family dwelling and a parking area with five or more spaces. PL-14-02451 73  
*Planner*  
*Astorga*  
*Public hearing and continuation to May 13, 2015*

550-560 Park Avenue & 545 Main Street – Plat Amendment to create four (4) lots of record from five (5) lots PL-15-02466 73  
*Planner*  
*Astorga*  
*Public hearing and continuation May 13, 2015*

**CONSENT AGENDA** – *All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. If a member of the public or a member of the Planning Commission requests a public hearing on a consent agenda item, then the item shall be removed from the consent agenda and acted on at the same meeting.*

Fairway Village No. 1 PUD – Fairway Village HOA Re-plat – Plat Amendment to memorialize existing building footprints. PL-14-02569 75  
*Planner*  
*Boehm*  
*Public Hearing and Possible Recommendation to City Council on May 7, 2015*

936 Empire Avenue – Steep Slope Conditional Use Permit for a new single-family home on a vacant lot. PL-15-02618 91  
*Planner*  
*Alexander*  
*Public hearing and possible action*

823 Woodside Avenue – Plat Amendment to combine one and a half lots into a single lot of record. PL-15-02663 125  
*Planner*  
*Astorga*  
*Public hearing and possible recommendation to City Council on May 7, 2015*

205 Main Street – Condominium Record of Survey for 6 units in a multi-unit dwelling PL-14-02608 151  
*Planner*  
*Astorga*  
*Public hearing and possible recommendation to City Council on May 7, 2015*

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

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

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

Alice Claim south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment <i>Public hearing and possible recommendation to City Council on May 7, 2015</i>	PL-08-00371 <i>Planner Alexander</i>	175
Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 25' in height. <i>Public hearing and possible action</i>	PL-15-02669 <i>Planner Alexander</i>	251
74 Daly Avenue – Steep Slope Conditional Use Permit for a new single-family home on a vacant lot. <i>Public hearing and possible action</i>	PL-15-02684 <i>Planner Alexander</i>	283
80 Daly Avenue – Steep Slope Conditional Use Permit for a new single-family home on a vacant lot. <i>Public hearing and possible action</i>	PL-15-02683 <i>Planner Alexander</i>	321
1825 S Three Kings Drive – The First Amended Silver Star Plaza Condominiums Buildings N, O, P, Q, and R record of survey plat to add Building S as a commercial condominium space for an approved 1,888 sf office and commercial building. <i>Public hearing and possible recommendation to City Council on May 7, 2015</i>	PL-15-02655 <i>Planner Whetstone</i>	361
Land Management Code Amendment regarding Heber Avenue Sub-zone in the Historic Recreation Commercial District (Section 15-2.5-10) <i>Public hearing and recommendation to City Council on May 7, 2015</i>	PL-15-02690 <i>Planner Astorga</i>	409

**ADJOURN**

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

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

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
MARCH 25, 2015

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Manager Kay Sintz, Planner; Francisco Astorga, Hannah Turpen Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

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

**ADOPTION OF MINUTES**

March 11, 2015

Chair Worel referred to page 4 and corrected Chair Pro Tem Joyce to correctly read Chair **Pro Tem Joyce**.

Commissioner Joyce referred to page 14, fourth paragraph, and corrected dollars and sense to correctly read **dollars and cents**.

Commissioner Phillips referred to page 21, third to last paragraph, and the statement, Commissioner Phillips stated that water was at the top of his list. He corrected the minutes to reflect his actual statement that water was **not** at the top of his list.

MOTION: Commissioner Joyce moved to APPROVE the minutes of March 11<sup>th</sup>, 2015 as corrected. Commissioner Band seconded the motion.

VOTE: The motion passed. Commissioner Strachan abstained since he was absent from the March 11th meeting.

**PUBLIC INPUT**

There were no comments.

## **STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

The Staff and Commissioners wished Commissioner Band Happy Birthday.

Planning Manager Sintz introduced Louis Rodriguez, the new Planning Analyst at the Planning Department Counter. He worked in the Finance Department during the Sundance season and after that he was hired by the Planning Department. Ms. Sintz reported that Makena was promoted to Planning Technician, and Shauna Stokes received a promotion and moved to the IT Department.

Planning Manager Sintz asked the Commissioners about reinstating the Consent Agenda. She noted that plats, conditional use permits, steep slope conditional use permits can all be approved on a Consent Agenda. She provided a hand-out and noted that the paragraph at the bottom indicates the language for when items can be pulled off of Consent Agenda. An item can be removed if it is contested or if someone wants to give public input, or a Commissioner can pull an item off the Consent Agenda for discussion. Ms. Sintz stated that the Staff would move forward with Consent Agenda for the April 8<sup>th</sup> meeting if the Planning Commission was in favor of doing that.

Commissioner Strachan recalled that Consent Agendas were done in the past. He asked if the Planning Commission would still receive full Staff report for Consent Agenda items. Planning Manager Sintz answered yes. She clarified that they would never put an item on Consent Agenda if the Staff was requesting direction or if item would require significant discussion.

Commissioner Strachan favored the Consent Agenda and thought it was worth trying again because the Commissioners have the ability to pull any item off the Consent Agenda. The Commissioners concurred.

Assistant City Attorney reminded the Planning Commission about disclosures. She understood that sometime the Commissioners are approached by the public outside of Planning Commission meetings, particularly regarding high profile matters, and those communications should be disclosed so everyone has the benefit of knowing that there was a conversation and was said.

Commissioner Band disclosed that she was stopped at Rotary by a member of the community who acknowledged that she could not talk about the application, but wanted her to hear his comments. He was supportive of Vail and the gondola and the Snow Hut, but he did not like what he saw in the packet regarding historic structures. Commissioner Band stated that she was also stopped by one member of the community at the gym and two others at the grocery store all in support of Vail.

Commissioner Band disclosed that she had emailed Sandra Morrison and Lynn Ware Peek on Saturday to let them know what was on the agenda, with a link to the packet. She has done that even before she was a Planning Commissioner because she believes the citizens should know what is being talked about.

Commissioner Phillips disclosed that he would be recusing himself from the Norfolk Subdivision Plan. He had a working relationship with the owners in the past and he could not say with absolute certainty that he could remain objective.

Commissioner Strachan disclosed that he would be recusing himself from the Vail Interconnect application due to business reasons.

#### Election of New Chair

MOTION: Commissioner Joyce nominated Adam Strachan as the next Planning Commission Chairperson. Commissioner Band seconded the motion.

Commissioner Strachan accepted the nomination.

VOTE: The motion passed unanimously.

MOTION: Commissioner Phillips nominated Steve Joyce as Vice-Chair. Commissioner Band seconded the motion.

Commissioner Joyce accepted the nomination.

VOTE: The motion passed unanimously.

Commissioner Strachan assumed the Chair and thanked Commissioner Worel for her years of service as the Chairperson. In his time on the Planning Commission she was one of the best.

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

- 1119 Park Avenue – Plat Amendment to combine one and a half lots into a single lot of record. (Application PL-15-02672)**

Planner Turpen reported that the proposed plat amendment is located at 1119 Park Avenue. It creates one lot of record from the existing one and a half lot. The property

consists of Lot 5 and the southerly half of Lot 6 of Block 5 of the Snyder's Addition to Park City. The Owner desires to unify the property into one lot of records by removing the existing interior lot line. The site is listed as a Landmark structure on the Historic Sites Inventory.

The Staff found good cause for this plat amendment as it will eliminate the existing interior lot line and create one legal lot of record from the 1-1/2 existing lots. The existing structure straddles the lot line between Lot 5 and Lot 6. Therefore this plat amendment would allow the structure to be one lot of record. Without the plat amendment any new development would be confined to Lot 5, as no new development would be permitted to straddle an interior lot line.

Planner Turpen noted that the property owner has submitted a Historic District Design Review application. The intent is to renovate the Landmark structure and have an addition.

The Staff recommended that the Planning Commission conduct a public hearing for the 1119 Park Avenue plat amendment and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, Conditions of Approval as found in the draft ordinance.

Chair Strachan asked why the prior owner did not apply for a plat amendment. Planner Turpen was unsure. She noted that the building was sold while improvements were being made to the building. Part of the HDDR will be to fix some of those issues. A Notice in Order was issued and the previous owner was fixing the structure as directed by the Notice in Order.

Dave Beckmina with Wasatch Engineering Contractors, represented the applicant. He believed the application was straightforward. The plat amendment would clean up the interior lot lines as required by the City. He did not believe the prior owner pulled the proper building permits and followed the normal process.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

**MOTION:** Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the subdivision plat amendment located at 1119 Park Avenue, based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1119 Park Avenue

1. The property is located at 1119 Park Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lot 5 and the southerly half (1/2) of Lot 6, Block 5, Snyder's Addition. The applicant does not have ownership of the northerly half (1/2) of Lot 6.
4. The entire area is recognized by the County as Parcel SA-48.
5. The site is designated as a "Landmark" historic structure by the Historic Sites Inventory (HSI).
6. The building footprint of the existing historic structure is approximately 522 square feet.
7. The proposed plat amendment creates one (1) lot of record from the existing area consisting of approximately 2,812.5 square feet.
8. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District.
9. The minimum lot area for a single-family dwelling is 1,875 square feet; the lot at 1119 Park Avenue will be 2,812.5 square feet. The proposed lot meets the minimum lot area for a single-family dwelling.
10. The minimum lot width allowed in the district is twenty-five feet (25'). The proposed lot is thirty-seven and one-half feet (37.5') wide. The proposed lot meets the minimum lot width requirement.
11. The existing historic structure does not meet the required side yard setbacks on the north and south. The side yard setback on the south side is 1 ft. to .75 ft. (from west to east). The side yard setback on the north side is 1 ft. The existing historic structure meets all requirements for front and rear setbacks. The front yard setback is 26 ft. The rear yard setback is 36.5 ft. In accordance with the Land Management Code (LMC) 15-2.2-4, Historic Structures that do not comply with Building Setbacks are valid Complying Structures. Additions must comply

with Building Setbacks, Building Footprint, driveway location standards and Building Height.

12. There is an existing concrete driveway and concrete sidewalk that encroaches into the Park Avenue right-of-way.

13. In May 2012, the City issued a Notice and Order from the Building Department for the property owner to stabilize the building. Work began in the spring of 2013 to stabilize the dilapidated landmark building with new footings and foundation. Inspections on this work began on May 1, 2013 and the most recent inspection was conducted on July 26, 2013.

14. The applicant applied for a Historic District Design Review (HDDR) application to renovate and construct an addition on January 6, 2015. A Pre-Historic District Design Review (Pre-HDDR) application for the renovation and addition was completed on October 2, 2014. The applicant applied for a Plat Amendment application on January 27, 2015. The Plat Amendment application was deemed complete on January 29, 2015.

15. The property is located in a FEMA Flood Zone A which requires the lowest occupied floor to be equal to or above the base flood elevation. An elevation certificate will be required.

16. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

#### Conclusions of Law – 1119 Park Avenue

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.

2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.

3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

#### Conditions of Approval – 1119 Park Avenue

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



and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. A ten feet (10') wide public snow storage easement will be required along the Park Avenue frontage of the property and shall be shown on the plat prior to recordation.

4. The applicant can either remove the existing chain link fence and wood slat fence from the properties of 1125 Park Avenue and 1120 Woodside Avenue, or enter into an encroachment agreement with the respective property owners prior to final recordation of this plat.

5. Modified 13-D sprinklers will be required,

6. An elevation certificate will be required for any major modifications verifying the lowest occupied floor is at or above base flood elevation.

2. **1893 Prospector Avenue – Pre-Mater Planned Development for 10 residential units.** (Application PL-14-02586)

**1893 Prospector Avenue – Conditional Use Permit for 10 residential units in the GC Zone** (Application PL-14-02584)

Planner Astorga noted that Kirsten Whetstone was the project planner and he would be reviewing the application in her absence this evening.

Planner Astorga reported that the application is for a Pre-MPD and conditional use permit. The request for ten units is the maximum threshold for a Master Planned Development. A conditional permit is required in the GC zone.

Planner Astorga commented on a noticing issue as noted in the Staff report. The posted and mailed notice letters included both the pre-MPD and the CUP information; however the published notice included only the pre-MPD. The Planning Commission could review and take action on the Pre-MPD; however, because the CUP was incorrectly noticed, the Staff recommended that the Planning Commission review the CUP this evening but continue it to the next meeting on April 8, 2015.

Planner Astorga stated that the primary purpose of the MPD application is to find compliance with the General Plan, as well as the purposes statements of the specific district, which in this case is the GC zone.

The property owner and the project architect were available to answer questions. Planner Astorga noted that the applicant had created a physical model and he encouraged the Planning Commission to leave the dais to look at the model.

The Staff recommended that the Planning Commission conduct a public hearing for both the Pre-MPD and the conditional use permit, consider approving the pre-master planned development, and review the CUP with a continuation to the next meeting.

Chair Strachan was reluctant to have the Planning Commission provide input on the CUP because it was noticed incorrectly. He believed that their comments could sway public input or that public input could change their thinking, and he preferred to have it clean and noticed properly before anyone comments. The Commissioners concurred.

Assistant City Attorney McLean stated that if the Planning Commission would like additional information regarding the CUP for the next meeting, they should provide that direction to the Staff or applicant this evening.

Ehlias Louis, representing the applicant, presented the project called Central Park City Condominiums, familiarized the Planning Commission with the project and walked through some of the MPD issues. Mr. Louis stated that the conceptual design is 10 units which requires an MPD approval process. It is a residential project in Prospector Square in Parking Lot F. The applicant thinks of it as an organic infill project on Parking Lot F that will provide a more logical arrangement for development in that area.

Mr. Louis stated that the purpose and goal is to provide housing in Central Park City. The lot is located next to the Rail Trail. The ten residential units would be located in Prospector Square in close proximity to food, employment, hotels, the athletic club, and transportation. The demographic would be young professionals who want to move into Park City. Mr. Louis showed the building site as it exists today. It is a large, square parking structure. They have worked out an agreement with the Prospector Square Property Owners Association to replat the lots. Planner Astorga noted that the replat was approved in May 2014. Mr. Louis stated that the current lot is 99 spaces and has a tarmac feel. The original lots did not provide much room for buffer zones with the other residential units.

Mr. Louis presented a slide showing how the plat looks currently. The lot being discussed this evening is the new Lot 25B, which is in the back next to the Rail Trail. He pointed out

how the reconfiguration of the parking lot provides an organic infill project that looks more like what they want in terms of developing the area. Mr. Louis stated that the project expands the parking from 99 parking spaces to 103 spaces. They propose to add landscaping that does not currently exist. He believed that reorganization of the parking lot provides true vehicle circulation versus an open square with no limits. It increases the pedestrian walkways, and where the two lots are located it provides ample buffer against the other residential buildings in the area.

Mr. Louis walked through some of the design concepts. A good livable building has natural light and great views. The building was designed in an L-configuration to capture natural light on every corner in either a bedroom or living space. Extensive decking is provided as communal space for the building residents to provide community and outdoor feeling. The project is connected to the Rail Trail by a bridge which makes it easy to access the Rail Trail for alternative transportation into the City. The design is a multi-level form to give more interest to the building itself. The plan is for green roofing.

Mr. Louis stated that the GC zone has a FAR of 2.0. The lot is 5,760 square feet, and the building area is 11,520 square feet. He noted that upon completion the project would be under that square footage. The configuration of the building is for six smaller, two-bedroom, one bath units; and four larger units of 1,000 square feet. The units calculate to 12 parking spaces, however, the parking in the area is the Prospector Square parking regulations, and the 103 spots around the building are all accessible for the residential units. Mr. Louis pointed out that due to the design of the building on stilts, there will be 12 individual parking spots underneath the building, but those will not be exclusive for the residents due to the parking regulations of Prospector Square.

Mr. Louis presented the elevations and the requested height. He believed the proposed design optimizes the site for the demographics and for the surrounding area. To make it all work within the FAR, they were asking for a flat roof height exemption of 41'6". As shown on the model and on the elevations its height would not be for the entire building. The configuration of the building garners the view of PC Hill and over to the Resort. To comply with the development agreement with the Prospector Square Owners Association to provide 103 parking spaces, the building is designed on stilts, which means that the residential units start on the second floor, or at the Rail Trail elevation.

Mr. Louis stated that the units will be market affordable in the \$400,000 range. The units are smaller, green design, and promote alternative transportation. He reiterated that the targeted demographic is young professionals. They believe it improves Parking Lot F and it gives a true circulation to the parking lot itself. The project adds pedestrian walkways, landscaping and it increases parking. Mr. Louis noted that they were currently working with the City regarding the affordable housing requirement for 15% of the square footage.

There are concept drawings showing how the affordable housing would work with this design. Their desire is to include the affordable housing units on site.

Commissioner Band asked if the twelve parking spots under the building would be unassigned. Mr. Louis answered yes, because they cannot be assigned due to the Prospector parking requirements.

Commissioner Thimm asked whether the request for additional building height was under the purview of their discussion this evening or under the CUP. Planner Astorga replied that the MPD allows the Planning Commission to grant additional height if they can make specific findings to allow it. He clarified that a height exception cannot create additional square footage. It would be tied to the future MPD application after the pre-MPD is approved.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan recalled that when Henry Sigg developed Lot G he had issues with connecting to the Rail Trail UDOT was the owner and there were also habitat protection issues. Hank Louis, representing the applicant, stated that they had letters from the DNR and the Army Corp of Engineers and everyone wants the connection.

Chair Strachan clarified that the issue for discussion was whether or not this project complies with the General Plan. He informed the applicant that the height may be a problem in the future. Based on his review of the GC zone, it would difficult to meet the criteria for a height exception with a flat roof. Chair Strachan was comfortable with the rest of the project and he welcomed it to the Prospector neighborhood because it was due for some infill.

Commissioner Joyce stated that he was trying to justify the height exception. He gave the applicant the challenge of proving whether or not they could justify the height exception. Commissioner Joyce was not convinced that having to put parking underneath the building to satisfy the agreement for 103 spaces was enough justification to support the Code criteria. Commissioner Joyce asked if keeping the affordable housing within the project included the ten units or if it would be additional units. Mr. Louis stated that currently there was a difference of opinion between the Planning Staff and the Prospector Square Property Owners Association. In his opinion, the ideal solution would be to include the affordable housing in the building, making the project 12 units, with two deed restricted full

affordable housing units per the Affordable Housing Resolution. However, there is a different of opinion of the requirement of affordable housing due to the Prospector Square overlay, and how much the LMC applies. Mr. Louis stated that the applicant was currently working through the process. He had asked Planner Whetstone and the City Housing Specialist, Rhoda Stauffer to provide their opinion so they can begin discussing it with the Prospector Square Property Owners Association.

Chair Worel stated that if the two affordable housing units were added, whether additional square footage would be added to the building, or whether the square footage would be taken from existing units. Mr. Louis replied that they would add square footage to accommodate the two units; however, per the Affordable Housing Code, the deed restricted units would not be counted in the FAR. Therefore, the project would still be under the FAR but the square footage of the global project would be increased.

Commissioner Joyce assumed that adding square footage without cutting into the square footage of the ten units would result in more height. Mr. Louis stated that it would extend the building but it would not be higher.

Commissioner Thimm understood that it would be additional fourth level space. Hank Louis stated that they would call it a third level. He noted that there was a flood plain issue and they were actually trading parking lot for parking lot or asphalt for asphalt on the ground level. He stated that architecturally they cut down the mass in order to alleviate the height situation. Without the height exception they could build a box, but he did not think that would be pleasing to anyone.

Chair Strachan pointed out that the applicant and the Planning Commission would be having those discussions during the MPD process.

Commissioner Thimm was concerned about the height and how it complies with the LMC. From the model and some of the images shown he thought it appeared to be a clean, contemporary design. Commissioner Thimm stated that the LMC purpose statement speaks about embracing the Resort feel, and he questioned how this very contemporary, clean line structure would meet that purpose. Mr. Louis stated that his first response to the Resort feel would be the actual use of the building itself versus the aesthetics of the building. The Resort feel is that people come to play. It is about recreation, being outdoors, active lifestyle and mountain lifestyle. Mr. Louis agreed that the design is contemporary, but that brings diversity to a community that spurs discussion and inspiration. The idea is to make sure that young professionals can live there and to promote the mountain living, outside lifestyle.

Commissioner Thimm stated that the same sentence in the LMC talks about creating distinct and diverse solutions. In terms of blending with the Resort feel, he asked if the applicant had talked about materials for the building exterior. Hank Louis replied that materials have been talked about, but they were not delving into it until they know whether or not they can even do this project. Mr. Louis stated that it would definitely be a Resort feel based on their interpretation. He recognized that their interpretation might be different from the Commissioners. Mr. Louis emphasized that they would definitely make it fit with the mountain community.

Chair Strachan stated that the discussion regarding modern contemporary buildings in Park City is an issue that the Staff and the Planning Commission have debated for many years. He thought it was an issue that the Staff should bring to the Planning Commission as a Work Session item. It is not fair to one particular applicant to voice that debate over a broader Park City in the context of a particular application. Chair Strachan felt it was important for the Planning Commission to determine where they stand on that issue so they can address when they are faced with specific applications that are modern and contemporary. In the last five years he has seen more and more contemporary designs come before them and it was time to have that discussion as a Planning Commission.

Planner Manager Sintz stated that the Prospect area is ripe for redevelopment and it does not have an identity. The City was working on a sense of place in this entire overall area. Ms. Sintz agreed that they were seeing a lot more different styles of architecture because people are getting tired of the standard model. She looks at this as a method of which Park City is on the cutting edge of defining new types of architecture for areas outside of the Historic District or areas that already have a context or defined restrictions. Ms. Sintz thought it was appropriate to relook at different architecture and building types that should be under broad consideration.

Commissioner Joyce pointed out that many of the contemporary designs being built have flat roof designs. He thought the Planning Commission should include height and different roof styles in their discussion to see if flat roofs make sense.

Commissioner Campbell felt that if the Planning Commission did not provide further direction that the project would languish for another fifteen years. He did not believe it was fair to send the applicant back with the nebulous that it might or might not be approved. The next generation of plans will be expensive and he thought the Planning Commission should give the applicant more specific direction.

Chair Strachan believed the Planning Commission would have provided that direction this evening if the noticing had been proper done and they could have had the CUP discussion.

Commissioner Campbell asked if the Planning Commission would agree to provide specific direction at the next meeting. The Commissioners agreed.

Commissioner Band thought it was nice to see an apartment building for the first time since the 1980s. She hoped they could find a way within the LMC to grant the height exception or make this project work because it is definitely needed in Park City. In terms of fitting in, she believed it fits well with the Carriage House across the street.

Commissioner Phillips liked this project and the idea of what they were creating. It is the live/work/play that they have all talked about and he hoped they could find a way to make it work because it would be good for Park City. He likes how it engages the Rail Trail and different modes of transportation. It fits the younger generation that will be living there. Commissioner Phillips stated that he personally would like to see more buildings engage the Rail Trail.

Commissioner Worel agreed with her fellow Commissioners. It is an exciting project and it is needed. She asked if the intent is to keep the units as apartments and not turn them into condos eventually. Ehlis Louis stated that the intention is sell them as condominiums. He clarified that if they were apartments the owner would hold and take revenue from the apartments. A condominium is where each unit is labeled as a separate tax ID so they could be sold individually under an HOA. Hank Louis hoped to have them as apartments and revenue property; however they were working on financial models to see how that would work. Commissioner Worel concurred with Commissioner Band that an apartment building was important in this town. She was excited when she thought this came before them as an apartment rather than condominiums.

Assistant City Attorney stated that whether the units are rentals or owned by individuals, the City cannot control or be involved in whether the developer rents the units or sells them. Commissioner Band understood that they were condominium units so they could be potentially be sold later on, but the plan is for the applicant to hold and rent them for a time. Hank Louis stated that it was what they would like to do. However, they intend to legally condominiumize the units from the beginning and it could be a hybrid. The units likely would be sold, but within a window of what would be affordable. Commissioner Band believed the correct term was attainable.

Commissioner Thimm thought this neighborhood could be characterized as eclectic and he thought this design fits nicely within that. He liked the attachment to the rail trail and the fact that it embraces views. He also like the fact that it was a four-sided building. As they press forward with materials, he suggested that they embrace what already exists at this location and what might be done in the future. Hank Louis stated that they were working closely with Alison Butz on how Prospector and Bonanza Park are moving forward.

MOTION: Commissioner Phillips moved to APPROVE the pre-MPD for Central Park Apartments located at 1893 Prospector Avenue. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Phillips to CONTINUE the CUP for Central Park Apartments located at 1893 Prospector Avenue to April 8, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact 1893 Prospector Avenue – Pre-MPD

1. On December 15, 2014, the Planning Department received a completed application for a pre- Application for a Master Planned Development (MPD) is located at 1893 Prospector Avenue.
2. The proposed MPD is for a ten unit residential building within the Prospector Neighborhood (Prospector Square).
3. Units range in size from 800 square feet to 1,010 square feet.
4. A phasing plan for this MPD is not necessary as the single building will be constructed in one phase.
5. The property is zoned General Commercial (GC) and residential uses require a Conditional Use Permit. The applicant has submitted an application for a Conditional Use Permit for residential uses to be reviewed simultaneously with this pre-MPD.
6. Access to the property is from Prospector Avenue, an existing public street. .
7. The site is described as Lot 25b of the Gigaplat replat of the Prospector Square Amended Subdivision plat. The lot contains 5,760 square feet.
8. A requirement for any Master Planned Development (MPD) is a pre-application public meeting and determination of compliance with the Park City General Plan and the GC zone.



9. The Land Management Code (LMC 15-6-4(B)) describes the pre-MPD application process.

10. The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application.

11. The property is located in the Prospector neighborhood, as described in the new Park City General Plan. The proposed MPD proposes energy in the Prospector Neighborhood section of the General Plan.

12. Small Town Goals of the General Plan include protection of undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Alternative modes of transportation are encouraged.

13. This neighborhood is identified as a Development Node. The proposed MPD includes small, energy efficient residential units that support the desired mix use neighborhood concepts by providing smaller residential units that are in close proximity to employment, retail, dining, recreation, trails, schools, and the bus system. The development is proposed on an existing development lot as infill development. The elements of the proposed development support goals identified in the Small Town sections of the General Plan and maintain the general character of Park City.

14. Natural Setting Goals of the General Plan include conserve a healthy network of open space for continued access to and respect for the natural setting. Goals also include energy efficiency and conservation of natural resources.

15. The proposed MPD is located on an infill property that is an existing platted development lot of record. The proposed MPD proposes energy efficient construction, green roofs, and connections to the trails and open space areas. The close proximity to employment, retail, dining, recreation, trails, schools, and the bus system support goals identified in the Natural Setting section of the General Plan. Additional information related to "green building" strategies for the proposed buildings will be addressed with the MPD application.

16. Sense of Community Goals of the General Plan include creation of diversity of housing, including affordable housing; provision of parks and recreation

opportunities; and provision of world class recreation and infrastructure to host local, regional, national, and international events while maintaining a balance with the sense of community.

17. A primary reason for the proposed MPD is to provide energy efficient, smaller more affordable housing units in close proximity to employment, retail, dining, recreation, open space, trails, schools, and the bus system. The MPD creates a diversity of housing for Park City and contributes to the sense of community by providing housing for full time residents.

18. On March 25, 2015, the Planning Commission held a public hearing and discussed the pre-MPD for the residential project at 1983 Prospector Avenue.

#### Conclusions of Law – 1893 Prospector Avenue – Pre-MPD

1. The preliminary MPD plans for the 10 unit residential building proposed to be located at 1893 Prospector Avenue, within the Prospector Neighborhood and the General Commercial (GC) Zone, comply with the Park City General Plan and are consistent with the General Commercial (GC) zoning.

3. **1345 Lowell Avenue – Amendments to Master Planned Development and Mountain Upgrade Plan; and Conditional Use Permits – Proposed Interconnect Gondola between Canyons and PCMR & Snow Hut on-mountain restaurant expansion (Application PL-14-02600)**

Chair Strachan recused himself and left the room. Vice-Chair Joyce assumed the Chair.

Planner Astorga noted that the Planning Commission would be reviewing the MPD Development Agreement and the Mountain Upgrade Plan, as well as a conditional use permit at Park City Mountain Resort for the Interconnect and expansion to the Snow Hut. He reported that the Planning Commission had an extensive discussion regarding this application on February 25, 2015.

Planner Astorga showed the updated rear or west elevation of the Snow Hut as requested by the Planning Commissioner at the last meeting. Commissioner Thimm stated that he had raised the issue at the last meeting and he appreciated the revisions that responded to his suggestion to wrap it around. He believed that making it a four-sided building was a great response. Commissioner Thimm stated that keeping the base of the building as snow piles up against it was logical and he appreciated the applicant's efforts.

Planner Astorga stated that employee housing, historic preservation and trails were the next items for discussion. He remarked that the Staff has been working with the applicant on certain conditions of approval. A copy of the latest version of the conditions of approval as stipulated by the applicant was sent to the Planning Commission.

Planner Astorga commented on employee housing. He noted that during the last meeting it was recognized that PCMR was behind on providing employee housing, but that the employees the housing was specifically for was tied to base development. Therefore, the condition of approval reads, "Unless Section 2.2 of the Development Agreement is satisfied, specifically regarding Parcel A...." The first option is for the applicants to catch up with the employee housing before the next MPD/CUP for base development. He stated that currently the DA indicates all of the units as off-site employee housing. Therefore, a sentence was added stating that if that requirement was amended to have on-site employee housing, the applicant would have to get approval from the Housing Authority. If the applicant did not move forward with that option, they would have to come back with an affordable housing plan subject to the Park City Housing Authority. Planner Astorga reiterated that the three options were currently tied to the specific Condition of approval.

Planning Manager Sintz clarified that the requirement was for 23 employees; not 23 units. The Staff had modified the Findings and Conditions to reflect that. Planner Astorga stated that he would review the amended conditions at the end of his presentation.

Commissioner Band wanted to know how many units would be provided to accommodate 23 employees. Planner Astorga believed it would vary depending on the plan the applicants would submit for employee housing. Planner Sintz noted that 23 employees was based on the original language.

Planner Astorga stated that Condition of Approval #4 related to Historic Preservation. He reported on a commitment from Vail Resorts, identified in Section A) of the Condition of Approval, "Identify historically significant structures within the PCMR Development Agreement property by October 1<sup>st</sup>, 2015; B) complete the inventory of historically significant structures and the preservation and restoration plan for such structures." He believed the exact wording came from the 2007 Annexation Agreement. Planner Astorga stated that the C) portion of Part 1 is that by March 25, 2016, to dedicate or secure specific preservation easements. That language also came from the 2007 Agreement.

Planner Astorga remarked that the second part states that "In addition, by October 1<sup>st</sup>, 2015, the developer, under the PCMR Development shall contribute a total of \$50,000 towards preservation of the prioritized historically significant structure on the PCMR Development Agreement property as approved by the Planning Department preservation planner." The Condition reads, "or they propose a five-year capital fundraising plan

dedicated towards restoration, stabilization of the historically significant structures.” A disclaimer at the ends states that nothing changes the stipulation from the 2007 Agreement.

Planner Astorga stated that the last item was Trails. An updated Exhibit P tied back to a version of the 2008 Trails Master Plan and the 2007 Annexation Agreement. Public trails that existed at the time of the Annexation in 2007 were added to the Park City Master Trails Plan in 2008. Planner Astorga noted that the developer was still finalizing a survey of the entire property of their acquisition and ground lease of the property. A final trails plan must be submitted and evaluated as part of the next application for a small scale MPD, under those specific Development Agreements for Parcels A through E, which is tied to base development. It will help determine which trails are required to be dedicated to the City. Planner Astorga noted that this was the current trails Condition of Approval.

Planner Astorga stated that an exhibit was added regarding construction access which came as an email from Tim Beck with Vail Resorts. Planner Astorga remarked that Vail would have to work with the Building Department since that part of the process is governed by the construction mitigation plan. The Staff provided the exhibit so everyone would understand the access roads and number of trips.

Planner Astorga reported that the Staff was supportive of the proposed amendments to the MPD, the Development Agreement and the Mountain Upgrade Plan. The Staff recommended that the Planning Commission conduct a public hearing and consider approving this specific request.

Planner Astorga stated that prior to a motion he would like the opportunity to amend some of the Findings of Fact.

Vice-Chair Joyce noted that employee housing, historic preservation and trails were the issues raised at the last meeting. He asked the Commissioners if additional items needed to be addressed. The Commissioners had no other issues.

Blaise Carrig, representing Vail Resorts remarked that they had worked with the Staff on the issues that were raised. He noted that trails came up later in their discussions, but Vail has agreed to recognize and comply with all the requirements of the previous Development Agreement. Mr. Carrig stated that they also need to identify any other trails that may have come on since that time and have to be added as well. Mr. Carrig remarked that the most difficult issue was historic preservation. Vail Resorts still questioned the extent of their obligation and believes it falls with the Development Agreement for Flagstaff. Understanding that preservation still needed to be done, Vail agreed to take on the requirement of the Development Agreement to on inventory and preservation plan. They

intend to get input from all the involved parties so the Plan will fulfill what everyone wants and agrees to. Mr. Carrig stated that there was also a requirement for easements for those sites, and Vail Resorts will get those easements done. They reached out to Talisker to see what had been done on their part, and Talisker agreed that not all of their obligations were met. Vail Resorts and Talisker agreed to work together to determine how to move forward. Mr. Carrig remarked that the prior Development Agreement did specify who would do what. Therefore, the \$50,000 would cover emergency work on the sites that need to be stabilized immediately. They have also agreed to enter into a capital fundraising program for five years to take care of issues identified in the future. Mr. Carrig appreciated the cooperation between the Staff and the Vail team to resolve the issues.

Vie-Chair Joyce opened the public hearing.

Planner Astorga reported that the Staff received two public input letters after the Staff report was published. Copies were provided to the Planning Commission.

Hans Fuegi, a long-time resident and business owner in Park City, stated that it was only six months ago that the community was on edge wondering about the lawsuit between Park City Mountain Resort and Vail. Fortunately, the two parties came to agreement and they found someone to operate the Resort who has done a remarkable job in a short time. Vail is now willing to spend \$50 million to improve the resort and connect PCMR and the Canyons. Mr. Fuegi understood that the Planning Commission could not rubber stamp an application, but he encouraged them to do whatever they could to approve this application so it could move forward as quickly as possible. Vail Resorts has an ambitious timeline to build the Gondola and improve the Snow Hut, and he believed everyone, particularly the business community, would appreciate it if they could meet their goal.

Sally Elliott, stated that preservation of the mining structures at the Mountain Resort are paramount. Telling their stories to guests and sharing their heritage is personally important to her. Ms. Elliott remarked that she has been working for years with United Park City Mines and others to preserve these fabulous relics of Park City's mining history. She believed they have come to a place where Vail has committed to upholding the requirement to stabilize those structures and keep them for future skiers to enjoy. Ms. Elliott stated that \$50,000 is a "drop in the bucket" but Vail is willing to work with Park City. She urged the Planning Commission to approve whatever they can to help the community preserve the mining structures and their stories. Having the easements is significant because this is the first time they have come even close to acquiring those easements, and having a partner in preservation has never been an option because United Park City Mines wanted to limit their liability. Ms. Elliott stated that she would personally join whatever efforts are made to help tell the story, raise the money, provide the opportunities and continue to hold hands with Vail as they try to preserve the story they have purchased.

Charlie Sturgis, with Mountain Trails Foundation, stated that two months ago the Vail/PCMR Group took the time and effort to contact Mountain Trails and talk about the impact to the trails systems during the summer construction period. Mr. Sturgis remarked that Mountain Trails Foundation feels comfortable about having a low impact season and to have an extensive communication plan that would notify the public quickly on construction issues that might close a trail or pose safety issues. Mr. Sturgis stated that the PCMR/Vail group has a strong commitment to minimize the impacts as best as possible. They are also credibly aware of how much the trails are used. He looked forward to working with the PCMR/Vail group.

Sandra Morrison, with the Park City Historic Society and Museum, noted that the community obviously recognizes how valuable these historic structures are in linking to their mining past. She thanked Bill Rock, with PCMR, for recognizing their value and for reaching out to the Historical Society and Museum. Ms. Morrison stated that the Annexation Agreement included an update of the historic preservation plan for the historic structures in the annexation area, but it had problems and eight years later nothing has been done. Mr. Morrison passed around photos to show the deteriorated conditions of the historic structures, and how some were being held up by strapping and pole shores. Ms. Morrison appreciated the Staff and Vail Resorts for drafting new language. She received it at 5:00 today and was not able to review it thoroughly. Ms. Morrison noted that she had submitted a letter on Monday with some suggestions. In looking through the new language, she hoped her suggestions could be incorporated into the proposed condition. She was confused with language stating that the preservation plan would only encompass those structures that are confirmed to be located within the property either owned by Vail or held by Vail pursuant to its ground lease from Talisker. She has never seen the lease and has no idea what it says, but it potentially excludes all of the historic structures. Ms. Morrison suggested deleting all the words in parenthesis because she did not believe it met the intention of the 2007 Annexation Agreement. She asked if the Staff or the Planning Commission had seen the lease.

Planner Astorga stated that the Staff has not seen the lease. However, they felt comfortable with the language because the lease area is the only area that Vail has control over. Bill Rock clarified that they were trying to define the structures that sit within that leased area. They already know there are five or six structures. Planner Astorga stated that the Staff did a quick analysis, and they might define them differently. The Staff counted approximately 40 structures in the perceived lease area, however, they are reluctant to say an exact number until they see the survey. At that point, they will have an exact identification of each historic structure.

Ms. Morrison understood that by definition, a lease holder, which would be Talisker, has no control of the property, and that the tenant, which is Vail, would assume responsibility for maintenance of all the property.

Mr. Rock stated that Talisker is not the owner of the land. TCFC is the entity that owns the property. Talisker is a separate entity. Mr. Rock explained that Vail leased the annexed property from TCFC and it has a boundary. The Talisker land is much greater and Vail has no control over that land. They only have control over the land that they actually lease. Defining that and which historic entities are on that land is the first step. Mr. Rock noted that they started out with \$50,000 but it may be more. They had not put a limitation on the cost. Mr. Rock stated that they committed to doing the inventory because the inventory that was done in the past did not satisfy anyone. Vail wants to make sure that this inventory satisfies the scope and how to reach the final answers because there has been deterioration since the Annexation. He emphasized that Vail is willing to step up and do the inventory to meet the obligation. The first step is to get an understanding of what needs to be done.

Ms. Morrison agreed. She was only suggesting that the language was not necessary in the condition of approval if they were only talking about the PCMR development agreement property.

Assistant City Attorney McLean suggested that the Planning Commission take public comment without a back and forth discussion between the public and the applicants. Following public input, the Commissioners or the applicant could respond.

Ms. Morrison reiterated that her first concern was that the lease excludes every historic structure, which puts them back at ground zero on how to achieve preservation of these beloved community assets. Ms. Morrison suggested adding language in the Condition requiring that the restoration plan should include meeting the Secretary of Interior Standards for treatment of historic properties. She also suggested a timeline for the preservation to be completed, especially given that a number of these structures will not survive another winter. Additional language in the condition of approval should require that building permits for stabilization measures be pulled for work to begin this summer. Ms. Morrison thought a capital fundraising campaign was a fabulous idea, but a timeline should be established for the restoration work before the structures deteriorate beyond the point of being able to be preserved. She thought five years was too long of a timeline and it should be tied to the priorities that are created within the plan.

Commissioner Campbell appreciated the Historical Society's work because it is a large part of what they were all trying to accomplish. He asked Ms. Morrison what she thought was a realistic expectation of what the Planning Commission should be asking for in terms of

number of structures to preserve. Ms. Morrison stated that in her letter she offered the Silver King Water Tanks, the King Con ore bin, the Jupiter ore bin, the California Comstock, and the King Con counterweight. She only offered those because the Museum has plans from a structural engineer already in place, which makes it possible to obtain a building permit to begin work this summer. Commissioner Campbell asked if Ms. Morrison was suggested that they limit their efforts to the five structures she identified. Ms. Morrison answered no. Her intent was to identify structures that could be started on this summer because the plans are in place and the costs estimates are known. She acknowledged that there may be other structures that might not survive another winter.

Commissioner Nann asked for a ballpark cost estimate on the five structures that Ms. Morrison had identified. Ms. Morrison stated that the structural engineer and the Park City Historical Society believe the preservation plan could be done by this Fall at a cost between \$50,000 and \$60,000, depending on whether or not an architect needs to be involved. The cost to stabilize water tanks C & D was estimated at \$100,000. The tank that is tied to the tree is in the most jeopardy but the two are tied together.

Commissioner Thimm asked if the cost estimates were for a full restoration or short-term stabilization. Ms. Morrison replied that it was only for stabilization, but it would not be short-term. The structures will be stabilized to survive another twenty five to fifty years. Ms. Morrison stated that the cost estimate for the Jupiter ore bin and the King Con ore bin were \$20,000 each. The California Comstock was estimated at \$200,000.

Aimee McDonald, with the Kimball Arts Center, stated that as they value their roles as an art and cultural community agent, the Kimball appreciates that Vail has demonstrated to be a terrific community partner and how they value the role that art and cultures plays in this community. Ms. McDonald wanted to go on record in support of Vail.

Ron Butkovich embraces the opportunity to hold hands with Vail on this project. The historic structures are unbelievable and they need to be rescued. The City has been trying to get this down for many years and he hoped they could succeed this time and see progress made with these structures so they can survive.

Marianne Cone, stated that she previously ran the Museum. When they did the Silver King water towers on Silver Queen Road, it was done with equal participation from United Park City Mines, Park City Mountain Resort, and the City, and it occurred really quickly. Ms. Cone remarked that things can get done with cooperation.

Vice-Chair Joyce closed the public hearing.



Commissioner Worel wanted to know who would head-up the five-year capital fundraising campaign. Mr. Carrig stated that Vail would lead it. They would make capital contributions, as well as launching fundraising efforts to support it. Commissioner Worel thought it was a fantastic effort and recognized that it was a big job.

Commissioner Band was much more comfortable with this revised plan because she originally had serious concerns. She acknowledged the comments from the public that Vail has been a community partner. She thanked Vail Resorts for making the ski season a lot better. However, Commissioner Band felt that they were in a “buck stops here” situation. She was pleased that Vail was stepping up to preserve the historic structures and she liked the changes proposed, but it was important for her to see some timelines. Commissioner Band thought the structures that are in danger of demolition by neglect should be stabilized first, and there should be a timeline for each building on the plan, as well as a timeline for the plan in total. Commissioner Band suggested that the buildings that are not being restored should be checked each year until they are scheduled for preservation. She would like to see that tied into the base development, so if the structures are not taken care of the City would have some recourse. Commissioner Band requested tighter and more specific timelines in the Conditions of Approval.

Commissioner Thimm was unsure whether they could define a timeline until the survey was done. He thought the commitment to do the survey to establish priorities was important. Commissioner Thimm remarked that Park City has harsh winters and he could see the benefit in relooking at the structures annually to identify structures that further deteriorated over the winter. Commissioner Thimm believed that the overall timeline should be tied to the actual survey because without the survey they do not know enough to formulate a timeline.

Commissioner Phillips was encouraged by the progress that was made since the last meeting. He applauded the Staff and the applicant for their efforts to address all the concerns expressed at that meeting. Commissioner Phillips stated that the history is what makes Park City what it is. The mining history is important and he felt that the applicant understood its importance as well. To avoid delaying what Vail was willing to do to upgrade the Resort and begin a long relationship with the City and the citizens, he was willing to take a leap of faith knowing that Vail was in it for the long run.

Commissioner Campbell stated that he would like to someone to define a realistic number of the structures that should be maintained. He pointed out that the survey could come back with hundreds of items and it would be impractical to expect Vail to take care of all of them. Commissioner Campbell preferred to see a smaller number preserved perfectly as opposed to a hundred structures done half way.

Mr. Carrig stated that their goal for the survey and inventory would be to have the structures prioritized and to coordinate with the City's Preservation Specialist, the Museum and other interested parties. Once they have a priority list they could build a time frame off of it. Mr. Carrig noted that a condition of approval calls for coordinating through the Planning Staff's preservation team.

Commissioner Campbell believed Vail could understand that the Planning Commission was frustrated that promises were made by previous owners and nothing was done. In his opinion, the City also has some responsibility for the fact that the requirements were never carried out. Commissioner Campbell wanted to make sure it was treated differently this time and he had every expectation that Vail would treat it differently. Commissioner Campbell asked how they could keep Vail moving forward on the upgrades while waiting for the inventory.

Mr. Carrig noted that the conditions specify a timeline for completing the inventory. They want to make sure they have the right scope and that they want to be thorough in getting the plan done. Mr. Carrig remarked that Vail will be working with the Planning Staff this summer to do some remedial work. Their commitment is to raise money every year for further stabilization over the next five years. Once the priority list is done they will establish the capital fund and work on those priority projects.

Commissioner Worel suggested setting a deadline for the prioritized list and timeline. She noted that in past projects the applicant has had to update the Planning Commission after a certain period of time. She thought lack of monitoring and oversight was the reason why these things fell through the cracks and were never done.

Commissioner Band liked Commissioner Worel's suggestion, but she felt an obligation to have consequences if things are not done this time and in a timely manner.

Planning Manager Sintz noted that Item B in the Condition of Approval states that the preservation and restoration plan would be completed and confirmed by March 25, 2016. Ms. Sintz pointed out that Vail has committed \$50,000 towards the preservation of the prioritized endangered sites prior to October 1, 2015.

Commissioner Band was concerned that the \$50,000 may not be enough. She was looking for cooperation and communication. If Vail spends their \$50,000 to shore up what they can, but if it looks like something else is in danger, they would check communicate with the City and others to find a way to fix it before the ski season starts. Commissioner Band wanted less promises and more actionable items.

Vice-Chair Joyce read a statement in the conditions, "To be located within property either owned by VR CPC holdings or held by VR CPC holdings pursuant to this ground lease...." He understood it was the land Vails control, but he wanted to make sure it was all the right land and not part of the right land. Vice-Chair Joyce thought it was a lot of legalese and he was unsure what it all meant and whether it applied to the correct areas.

Mr. Carrig stated that it was the entire ski area lease but it was not crafted around the historic structures. It is the area leased to operate the ski area. It is a large boundary mass but it excludes the development land of Flagstaff.

Vice-Chair Joyce wanted to hear from the City Legal Staff whether they were comfortable with the language and that it was 100% of the leased land.

City Attorney Mark Harrington stated that the Legal Department was comfortable that it captures the portion that Vail controls. He stated that they kept the last sentence so regardless, the original provision is still operative and enforceable. The Condition as it applies to all the annexed area still applies.

Vice-Chair Joyce noted that land that was part of the Flagstaff agreement likely has a number of historic sites. He wanted to know what the City was doing to pursue an equivalent set of agreement from the people who were responsible for doing this seven years ago. Commissioner Joyce assumed that Flagstaff Development still exists in some form.

City Attorney Harrington stated that the Planning Staff would continue to follow up with Flagstaff and their successors and interests as best as possible. Mr. Harrington stated that historic preservation is a double-edged sword in terms of enforcement, particularly on structures that are well passed any degree of habitability. Once they get into enforcement the options are more than just to preserve. The City balances those options with a carrot and stick approach with nudging and a grant program, as well as any other resource available.

Vice-Chair Joyce noted that work was planned on the most endangered structures this summer, and he asked if there would be any issues if the easements were not in place. Mr. Carrig stated that it would not prevent them from doing the work because they still have access.

Vice-Chair Joyce asked if the Commissioners had issues or changes regarding historic preservation. Commissioner Band asked Assistant City Attorney to help draft language that would require the applicant to update either the Planning Department or the Planning Commission at the end of the summer so if other structures deemed pertinent still need to

be stabilized they can work together on a plan of action. City Attorney Harrington suggested adding a parenthetical at the end of Subsection B ending with “by March 35, 2016, (upon completion of the restoration plan, the applicant will return to the Planning Commission and give a report, including prioritization, an annual check-in proposal, and progress report.)”

Commissioner Worel thought the sentence was needed, but she did not believe it addressed the structures that might fall down before the start of the ski season. Mr. Harrington stated that that was the reason for adding the language, that the Staff will immediately address the prioritization and has to approve the acceptance of that plan with the prioritization in it. He noted that the Staff is better at preservation plans than they were ten years ago and getting those typical requirements in the plan is expected. Mr. Harrington stated that they did their best to get an affirmative statement by the applicant, which is harder to enforce moving forward. That was the reason for going with an approach they felt was enforceable but also balanced the fact that they could not have all the language they wanted from the existing development agreement. Mr. Harrington believed that all five of the elements were a good “bird in the hand” towards a new partnership, which is why the City accepted it.

Commissioner Band wanted to know what recourse the City had if the deadlines are missed and nothing happened. Mr. Harrington stated that they could stop the processing of any base area applications. If any of the deadlines pass and the applicant has not obtained the CO's on any active permits, those could be withheld pending the fulfillment of these conditions of approval. Mr. Harrington thought it was important for the Commissioners to understand that development is the trigger. The conditions of approval have to be reasonably related to the impact of the development permit being issued.

Commissioner Campbell asked if they could specifically state in Section 4 that it is tied to the small scale MPD application, using the same language from Section 3. Mr. Harrington stated that they have performance ability with the hard deadlines. He believed that hard deadlines have more teeth than a subsequent application that may not occur. Mr. Harrington was not opposed to adding the language, but he cautioned the Planning Commission that sometimes people interpret that as being able to modify.

Vice-Chair Joyce called for discussion on Employee Housing. He believed he understood the intent, but again it was a lot of legalese. Vice-Chair Joyce understood that there was a requirement based on Parcel A to house 23 employees. That requirement is still in place but the housing was never provided. Vice-Chair Joyce stated that one option is for the housing to be provided before the applicant could bring forth the next MPD application. However, another option allows the applicant to work with the Park City Housing Authority to devise a new plan and incorporate it as part of a proposal for base development. If

there is agreement, it would replace the original plan for employee housing that is tied to Parcel A. Planner Astorga replied that this was correct. He noted that currently the Development Agreement ties it to off-site employee housing. Therefore, if Vail Resorts wanted to provide the housing on-site, they also have a third option to go back to the Housing Authority for an amendment to put it on site.

Vice-Chair Joyce asked if that type of an agreement with the Housing Authority would come back to the Planning Commission. Planner Astorga believed the decision is with the Housing Authority and it would not come back to the Planning Commission.

City Attorney Harrington stated that it was a little of both. The Planning Commission has the final approval of the site plan. If the proposal includes on-site employee housing, it would go through the same regulatory approval under the site plan. However, an amendment to the actual housing plan would be under the purview of the Housing Authority.

Vice-Chair Joyce understood that Vail was assuming an obligation that they were not a party to. His frustration was with PCMR who owed the employee housing, and with the City for not following through to make sure the requirement was met. Regarding the housing for 23 employee, Vice-Chair Joyce was concerned that they would be kicking the can further down the road if the applicant negotiates a new plan with the Housing Authority that may still be off-site. He was concerned that it would eliminate their ability to require compliance with the housing requirement before new applications could be submitted. City Attorney Harrington disagreed. He believed they would see a firmer commitment. Vice-Chair Joyce understood from the language that if the applicant comes to some agreement with the Housing Authority, it would eliminate the Condition that requires the applicant to provide employee housing before new applications could be accepted. Mr. Harrington explained that if the housing goes on-site, the applicant would have to propose it. Vice-Chair pointed out that there was no language to indicate that. Based his interpretation, a firm number of 23 employees could be changed and replaced with completion bonds and letters of credit, and nothing still gets done.

City Attorney Harrington stated that the Planning Commission has the purview to recommend to the City Council that the housing 23 employees should not be moved on-site; and therefore, the requirement would remain to provide the housing before the next application could be accepted. Mr. Harrington clarified that the Planning Commission has that authority, but he would not recommend it. His recommendation was having the ability to move all the units on-site, which means there would be a new due date. Mr. Harrington explained that if the 23 gets worked into the new application, it then has an affirmative security because the Bond is used to make sure the City can do the affordable housing if the applicant defaults.

Mr. Carrig stated that the intent was if it was more desirable to put the housing on-site, the applicant would include that in the application for development of the base area. As a guarantee that the housing would be provided, the applicant was willing to put a completion bond or a letter of credit upfront to prove their commitment.

Vice-Chair Joyce understood that it was different from a fee-in-lieu, but it still puts the burden on the City to build the affordable housing. The only difference is that it would be funded. Mr. Carrig stated that the bond could include building the employee housing on the area where it was approved. Vice-Chair Joyce stated that he would be more comfortable with that provision. He asked Mr. Harrington to suggest language that would address the concerns and use the completion bond in a way that forces the housing to be one per the plan. Mr. Harrington stated that the City had to convince Vail Resorts to have faith in accepting this because it went beyond what Vail had contemplated they were subject to. He stated that if the City Council negotiates and approves a different affordable housing plan, it would still be better than the 80 employee plan from 2000 that did not have any requirements in place. By being subject to the current Resolution and Code standards, those assurances will be in place. Mr. Harrington remarked that the Planning Commission could recommend the minimum elements of the housing plan, but the ultimate decision would be the Housing Authority in terms of weighing the pro and cons.

Vice-Chair Joyce reiterated that his only concern is that the teeth they had in terms of tying completion of the employee housing to acceptance of future applications was being softened by giving the applicant the ability to further delay the housing until future development. Mr. Harrington explained that the City would still have the control because they would have to affirmatively approve the amended housing plan.

The Commissioners thanked Commissioner Joyce and Mr. Harrington for their dialogue because it helped clarify it for everyone.

Vice-Chair Joyce asked if there were any questions or concerns regarding the Trails. He asked if there was a reason why the trails could not be done before the base development. City Attorney Harrington stated that it was a two-fold condition. One was to memorialize the existing public trails in existence at the time of Annexation. After triple-checking, they believe it was mostly fulfilled in terms of the adoption of the updated Park City Trails Master Plan. The second part is that what normally occurs at the MPD housing development is the transportation/site plan component. Trail exactions need to be reasonably related to the development activity such as trail corridors, the transportation plan, circulation, etc. That part of the analysis in the newly required trails, by definition, must occur when the residential/commercial development proceeds. It is tied to that development and it was meant to occur with the MPD Development as opposed to the continued operations of the

ski area. Vice-Chair Joyce thought this was already triggered by the 2007 Annexation. Mr. Harrington noted that the existing condition of approval actually says that any new trails will be addressed at any subdivision, annexation plat, or MPD amendment. That aspect was carried forward in the revised condition.

Commissioner Band noted that Mr. Sturgis in his public comment informed the Commissioners that Vail pro-actively reached out to Mountain Trails Foundation.

Planner Astorga reported on minor changes to the Findings of Fact. Finding of Fact 40, he added “no additional parking at the base”. Findings 116 and 118 were revised to say 23 employees, not 23 units. Those were the only changes in addition to the revised Conditions of Approval 3, 4 and 5 as discussed this evening.

MOTION: Commissioner Phillips moved APPROVE the Master Planned Development, the Development Agreement and Mountain Upgrade Plan Amendments and Conditional Use Permit for the Park City Mountain Resort based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously. Commissioner Strachan was recused.

#### Findings of Fact – MPD

1. The site is known as Park City Mountain Resort.
2. The site address is 1345 Lowell Avenue.
3. On December 23, 2014 the applicant submitted a request to amend the existing Master Planned Development & Development Agreement.
4. The current application is an amendment to the Mountain Upgrade Plan for the Interconnect Gondola and expansion of the Snow Hut on-mountain restaurant AND an amendment to the Park City Mountain Resort Master Plan Development (MPD) to satisfy requirements of the 2007 annexation which requires the addition of the upper mountain ski terrain to PCMR’s original MPD.
5. A Ski Lift is listed as a Conditional Use Permit (CUP) in the ROS District. CUPs are reviewed and approved by the Park City Planning Commission.
6. In June 1997, the Park City Planning Commission approved the Park City Mountain Resort Large Scale Master Plan.

7. The Development Agreement was recorded with the County in July 1998.
8. The approved Master Plan includes development according to the PCMR Concept Master Plan and conditions of approval.
9. The conditions of approval include development of skiing and related facilities identified in the Mountain Upgrade Plan.
10. In March 2007, additional Park City Mountain Resort ski terrain was annexed into Park City Municipal Corporation known as the Annexation Agreement for the United Park City Mines Company Lands at Park City Mountain Resort.
11. The annexation indicated that the next Development Activity Application or amendment under the PCMR MPD must add the PCMR lease land annexed to the PCMR MPD.
12. In conjunction with the other amendments the applicant requests to fulfill the requirements of the annexation by incorporating PCMR's upper terrain into the PCMR Master Planned Development & Development Agreement.
12. In conjunction with the other amendments the applicant requests to fulfill the requirements of the annexation by incorporating PCMR's upper terrain into the PCMR Master Planned Development & Development Agreement.
13. The Mountain Upgrade Plan was recorded with the Development Agreement and identifies the background/methodology, design criteria, existing ski resort facilities, Mountain upgrading plan, future expansion potential, and conclusion.
14. The amendment of the Mountain Upgrade Plan includes the construction of those portions of the interconnect lift with Canyons Resort, and related lift towers, ski trails, terminals, buildings, infrastructure, and related appurtenances located in Park City.
15. The interconnect gondola is not specifically referenced in the Mountain Upgrade Plan, the terrain in which the lift is proposed is already designated in the Mountain Upgrade Plan for future ski pod development.
16. The proposed interconnect gondola will connect Park City Mountain Resort and Canyons Resort.
17. The amendment of the Mountain Upgrade Plan also includes the expansion of



the Snow Hut on-mountain restaurant.

18. The improvement and enlargement of the Snow Hut is to improve mountain guest services.

19. The Planning Commission held a public hearing and reviewed this request on February 25, 2015.

20. During the February 25, 2015 Planning Commission meeting staff requested discussion by the Planning Commission on four items: building height, parking, employee housing, and historic preservation.

21. The purpose of the Master Planned Development Amendment application public meeting is to have the applicant present their amendments and give the public and Planning Commission an opportunity to evaluate those amendments in accordance with the applicable code criteria.

22. The proposed amendment to the Development Agreement does not change approved densities.

23. The site is not located in the HR-1 or HR-2 District. The proposed amendments take place with the areas shown in the Mountain Upgrade Plan, located in the Recreation and Open Space District (zone).

24. The proposed amendments are not nearby the exterior boundary of the MPD with the exception of the interconnect line.

25. The Snow Hut on-mountain restaurant and the PCMR interconnect line terminal are a minimum of 2,000 feet from PMCR perimeter.

26. Open space is established by the approved MPD. Of the approximately 3,700 acres in the ski resort, nearly 95% of the property is considered recreation/open space (i.e. trails and forested areas).

27. The proposed projects will not materially affect the required open space.

28. The LMC indicates that the Planning Department shall review the parking analysis and provide a recommendation to the Planning Commission. The Commission is to make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

29. The Developer shall comply with the parking mitigation plan. This plan shall be reviewed and modified, if necessary, as a part of the Small Scale MPD (CUP) for each phase to evaluate transit alternatives and demonstrated parking needs.

30. If, in practice, the parking mitigation plan fails to adequately mitigate peak day parking requirements, the City shall have the authority to require the Resort to limit ticket sales until the parking mitigation plan is revised to address the issues. The intent is that any off-site parking solution include a coordinated and cooperative effort with the City, other ski areas, the Park City School District, Summit County, and the Park City Chamber/Bureau to provide creative solutions for peak day and special event parking.

31. The replacement of the Snow Hut does not affect skier capacity and subsequently does not affect parking requirements.

32. Skiers and riders are already on the mountain during operations, and the replacement Snow Hut Lodge is designed to significantly improve service at a major connection area in a central area of the ski resort.

33. The Interconnect Gondola functions only as an access/transfer lift between existing ski operations and has not been designed with round trip skiing on it. Given it is an access lift only between the two areas there is no skier capacity increase associated with it.

34. No additional parking is impacted by the Snow Hut on-mountain restaurant expansion.

35. The applicant indicated that in 2014 the Snow Hut has 154 indoor seats and 200 outdoor seats.

36. The Mountain Upgrade Plan called for several items in the conclusion of Section III - Existing Ski Resort Facilities, one of which was to position additional on-mountain seating to accommodate existing and upgrade facilities.

37. The Mountain Upgrade Plan indicated that the Snow Hut needed additional seating based on the seating requirement summary based on logical distribution of the CCC. As indicated in the document in 1997, the Snow Hut had 168 indoor seats available but should have 414 indoor seats.

38. The applicant currently proposes to increase the indoor seating from the 168 indicated in 1997 to approximately 500 and the outdoor seating to stay the same at approximately 250 seats (indicated in 1997).

39. The net increase, from what was necessary in 1997, is 86 seats, which is 21% above the required number of seats.

40. The increase of 86 indoor seats (1997) from the identified CCC necessitates no additional parking at the base since the skier capacity is not affected.

41. Skiers are already on the mountain during operations and the CCC remains unchanged.

42. The proposed Interconnect Gondola does not need more parking as it functions only as an access/transfer lift between existing ski operations and has not been designed with round trip skiing on it.

43. The approved and recorded Development Agreement states that parking mitigation is reviewed at each Small Scale Master Planned Development (Conditional Use Permit) approval.

44. The review that occurred for "Parcel A," was satisfied, noting that no additional parking issues would be occurring until later phases were built-out at the base.

45. The applicant requests an increase in building height for the Snow Hut expansion.

46. In the ROS District no structure may be erected to a height greater than twenty-eight feet (28') from existing grade.

47. To allow for a pitched roof and to provide usable space within the structure, a gable, hip, or similar pitched roof may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

48. The majority of the proposed new building does not meet the maximum roof height, according to its corresponding roof pitch, of either 28 or 33 feet.

49. The corner on the left on the front elevation is approximately 52 feet above existing grade.

50. The corner on the right on the front elevation is approximately 68 feet above

existing grade.

51. The front elevation has the tallest points found on the proposed snow hut expansion.

52. When viewed from the side elevation, north, about a quarter of the building on the right meets the maximum of height 28/33 feet.

53. When viewed from the other side, south elevation, two thirds (2/3s) of the building from the left on the lowest form and about 1/3 of the ridge towards the left meets the maximum building height.

54. When reviewing the rear of the building, west elevation, the entire wall (rear façade) meets the maximum height.

55. The roof however, as indicated on the other elevations does not meet the height.

56. It is estimated that approximately 70% of the overall roof does not meet the maximum corresponding building height.

57. In order to grant building height in addition to that which is allowed in the ROS District, underlying zone, the Planning Commission is required to make specific findings Outlined in LMC § 15-5-5(F)(1)-(5).

58. The proposed increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density.

59. Even though the building is indeed tall, not just in form but also due to the terrain (height measured from existing grade per Park City codes), the proposed building is a one (1) story building which maximizes sun-light exposure from the windows on the front, east elevation.

60. There is no density increase as the existing support commercial use for the restaurant does not require use of unit equivalents. A different design with the same capacity at height would result in greater site disturbance, grading and less architectural variation.

61. The proposed Snow Hut is remote from any other building.

62. The minimum setback for the building is 2,000 feet. No other structures, except ski lifts are within this area. No impact to view, solar access, shadows, or other criteria will occur.

63. The site is centralized in the upper mountain of the existing ski resort, and not generally visible from developed off-site locations in Park City. As a ski resort operation, the site will be re-vegetated with a proven seed mix.

64. The adjacent open space is designated ski terrain. With approximately 3,700 acres of ski terrain the proposed projects 17,200 square feet of footprint will have no effect on open space or its usability.

65. The proposed height of the building is the result of a combination of the single story accessible design and the roof design which does not shed snow to public areas or decks, and does not require heat taping in roof valleys or edges to prevent large icicle development.

66. The large glazed areas are designed to maximize solar gain in support of the project sustainability goals. Interruptions in the roof plane would interrupt snow shed and possible increase height with no purpose.

67. There are no other buildings within one-half mile to match roof façade or variations.

68. The proposed roof form maximizes sun-light exposure on the east elevation.

69. The proposed one (1) story structure meets the following Architectural Design Guidelines outlined in LMC § 15-5-5.

70. The Architectural Style and Motif is not prohibited by the LMC.

71. The proposed siding is not prohibited by the LMC.

72. The applicant proposes the following three (3) main exterior wall materials on the front and side elevations: 1. reclaimed board and batten; 2. horizontal chinked trestlewood; and 3. rusted corten ribbed siding. The applicant proposes concrete masonry unit (CMU) on the bottom half of the rear elevation.

73. Applicant proposes a dark green shingle roof and a metal standing seam for the two smaller shed roofs as seen on the rear, west elevation.

74. The combination roof shape is not listed under prohibited roof forms.
75. Window treatments are not prohibited by the code.
76. The applicant has not submitted plans regarding this provision.
77. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding lighting.
78. The applicant has not submitted plans regarding this provision.
79. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding trash/recycling enclosures.
80. The applicant has not submitted plans regarding this provision.
81. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding mechanical equipment.
82. LMC § 15-5-8 indicates the following regarding façade length and variations, following: Structures that exceed 120 feet in length on any facade shall provide a prominent shift in the mass of the Structure at each 120 foot interval, or less if the Developer desires, reflecting a change in function or scale. The shift shall be in the form of either a fifteen foot (15') change in Building Facade alignment or a fifteen foot (15') change in the Building Height. A combination of both the Building Height and Building Facade change is encouraged and to that end, if the combined change occurs at the same location in the Building plan, a fifteen foot (15') total change will be considered as full compliance.
83. The east elevation, front does not meet the façade façade length and variations requirement.
84. The façade is 140 feet long and does not provide a prominent shift in the mass of the structure.
85. The north and south elevations provide appropriate breaks, both horizontally and vertically (height) where a shift was incorporated in the design.
86. The west elevation, rear, meets the shift in the form of a fifteen foot (15') change in the building height.

87. LMC § 15-5-7 indicates that in some cases, the Planning Director, may vary from these standards if warranted by unusual or unique circumstances. This may result in variation from the strict interpretation of this section and may be granted by the Planning Director.

88. The Planning Director has reviewed the submitted plans and finds that the site is unusual and unique due to its remote location.

89. The Snow Hut is located on the mountain, accessible to skiers.

90. The location of the Snow Hut is not in a typical Park City neighborhood.

91. The intent of the façade length and variation criteria is to break up the massing of buildings so that they relate to the pedestrian scale.

92. The amount of glass on the front, east elevation, also helps mitigate the width of the building adding an aesthetically pleasing component.

93. When the Planning Commission grants additional Building Height due to a Site Specific analysis and determination, that additional Building Height shall only apply to the specific plans being reviewed and approved at the time. Additional

Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

94. The additional height due to the specific site analysis is not detrimental and in compliance with applicable LMC standards regarding the height allowance.

95. The Snow Hut Lodge is located on the footprint of the existing building and against an existing hill side to maximize skier circulation in the area.

96. Placing excavated material on site will remove the reverse slope between the King Con run and the building location. Skier circulation down to the King Con lift will be improved by the site grading on Broadway and the new location of the building.

97. The Interconnect Gondola is located not to interfere with skier circulation and provides direct access to the Snow Hut Lodge.

98. No retaining structures are proposed. Site grading is minimized while providing an on-snow / no stairs access to Snow Hut.

99. Existing summer biking and hiking trails on the Park City Mountain Resort side of the project are avoided to extent possible. Within the Summit County portion of the site, the evacuation routes may cross existing biking / hiking trails within the terms of the property agreements with trail operators and landowners.

100. Snow storage is on-site. The building is designed to shed snow away from public areas and service doors.

101. Refuse and recycling will take place in the building footprint consistent with the sustainability goals of Park City Mountain Resort. Refuse removal will not change from current operations.

102. Transportation to the site is via lifts, skiing and snowboarding only. No public vehicle access is proposed.

103. Significant vegetation is retained and protected.

104. Vegetation removed for site grading consists mainly of existing ski runs grasses and brush. The lift line corridor will require tree removal but ground disturbance will only occur in lift tower areas, base terminal area and evacuation route construction.

105. The visual simulations have been conducted properly for review of viewshed and ridgeline protection. The terminal structure minimizes the intrusion on the ridgeline from either east or west sight lines.

106. The lift line impacts are reduced as it is below the sky line and in many places within a forested area.

107. A visual analysis from designated viewpoints has been submitted to illustrate the visual effects of the proposed lift system.

108. The interconnect gondola system, towers and terminals, and evacuation route in Thaynes Canyon are shown on the visual simulation from the designated viewpoints.

109. The location of the proposed Snow Hut building is also shown in the simulations.

110. All other elements of the Sensitive Land analysis for the original MPD remain in



effect and unchanged by this project.

111. The MPD Development Agreement states the following: Developer shall construct or provide deed restricted off-site housing for 80 PCMR employees on or before October 1, 2003. The rental rate (not including utilities) for the employee housing will be determined by the City Council Housing Resolutions Establishing Guidelines and Standards, but will not exceed 1/3 of the employee's base gross wages. The rental rate shall be assured in perpetuity through deed restrictions in form and substance satisfactory to the City. Developer must commence construction or complete the purchase of housing to accommodate 80 employees within 90 days of receiving a Small Scale MPD which, in combination with previously granted Small Scale MPDs, represent approvals for a total of 50% of the total square footage of the Concept Master Plan. Developer must work expeditiously to complete the employee housing project(s). In no case shall Small Scale MPDs, which represent approvals for a total of 60% of the Small Scale MPDs within the PCMR Concept Master Plan, be issued until the required housing is available for occupancy. Park City will provide Developer a letter of compliance when it fulfills this requirement.

If there is a downturn in the market, and the Developer fails to obtain approval for 60% of the Small Scale MPDs within the PCMR Concept Master Plan, on or before October 1, 2003, Developer shall, at a minimum acquire, by lease or by purchase its proportionate obligation to produce employee housing, and shall offer such housing to employees at a price at or below Park City's applicable affordable housing rates and standards. For example, if only 40% of the Small Scale MPDs have been approved by October 1, 2003, Developer shall provide housing for 32 PCMR employees at the lesser of the City's Affordable Housing rate or no more than 1/3 of the employee's monthly income. Once Developer ultimately achieves the 60% Small Scale MPD approval, it must provide deed restricted housing for all 80 employees as detailed above.

112. The existing MPD contains the requirement for employee housing, this project does not change these requirements.

113. Employee housing is actually triggered ONLY by the receipt and approval of Conditional Use Permits (Small Scale MPD's) of the base area, "Parcels A - E."

114. As indicated in the Development Agreement, there was a trigger date of October 1, 2003, for 60% of the Small Scale MPDs (CUPs for each parcel), with an exception of a market downturn hit, which did take place.

115. Under this situation, the employee requirement was proportionally based on approved Small Scale MPD's (CUPs for each parcel).

116. The Planning Department calculates, Parcel A, the first and only approved Small Scale MPD/CUP for Marriott Mountainside/Legacy Lodge, accounted for approximately 334,000 total s.f. of the total 1,156,787 s.f. in the Large Scale Master Plan or 28.8% of 80 employee units required. This equates to 23 employees required after October 1, 2003.

117. Section 2.2 of the Development Agreement states, "In no case shall Small Scale MPDs...be issued until the required housing is available for occupancy."

118. No additional base parcels can be approved until the 23 employee housing is available and in use.

119. The employee housing requirement is not triggered by the requested amendment for on-mountain upgrades, updates, etc.

120. No child care is proposed in this application.

121. The project does not affect possible child care demands.

122. The City has received a map and list of known Physical Mine Hazards on the property.

123. A mine hazard mitigation plan has also been submitted to the City with appropriate mitigation. The map and mitigation plan are filed in the office of the City's Environmental Regulatory Program Manager and mitigation is scheduled to be completed by December 1, 2015.

124. Proposed development activity is not anticipated to encounter known historic mine waste.

125. The site is not within the soils boundary. In the event mine waste is encountered, it must be handled in accordance to State and Federal Law.

126. In accordance with LMC §15-8-5 (B)(15) and (C)(9), the prior applicants at the time of the 2007 annexation agreed to update the Preservation Plan submitted in 2000 for the additional annexed area.

127. The 2007 annexation included the following analysis in the February 1, 2007 staff report:

18. Historic and cultural resources. This annexation will include historic mining era structures within the Park City limits. The Silver King mine and other mining structures throughout the annexation area are more than 50 years old and would be considered to be historic structures due to the age of construction. No determination of historical significance has been made. Any changes to the historic buildings would require review by the Planning Department for compliance with the LMC preservation ordinance and Historic Design Guidelines. The Flagstaff Historic Preservation Technical Report will necessarily need to be amended to include those resources within the annexed area. The annexation therefore has a significant public benefit in the area of historic or cultural resources, in that several historic structures will be included within the City limits. If the structures are rehabilitated to building code, resort support uses could be permitted subject to a Conditional Use Permit.

128. Finding of Fact no. 7, of the 2007 annexation indicated that the proposed annexation protects the general interests and character of Park City including several historic mining era structures within the Park City Boundary.

129. The applicants agreed to update the mitigation as identified in the original Annexation Agreement regarding historic preservation:  
Historic Preservation. The Historic Preservation Plan, at a minimum, shall contain an inventory of historically significant structures located within the Project and shall set forth a preservation and restoration plan, including a commitment to dedicating preservation easements to the City, with respect to any such historically significant structures. The head frame at Daly West site is historically significant.

130. The Annexation Agreement for the United Park City Mines Company Lands at PCMR tied the various agreements together.

131. This 2007 Annexation is conditioned upon the Amended and Restated Development Agreement For Flagstaff Mountain, the Talisker Conservation Deed Restriction and the Conservation Easement executed and recorded herewith. (Annexation Agreement paragraph 26).

132. The inventory is to be completed to comply with the 2007 Annexation and the Preservation and Restoration Plans are finished and approved by the City.

133. A Condition of Approval to this MPD amendment requiring completion of the

outstanding inventory and subsequent Preservation and Restoration Plans prior to the City accepting any application for base area development is to be added.

134. The Preservation and Restoration plans shall also indicate a stabilization timeframe for each site.

135. In accordance with LMC §15-8-5(C)(3), the prior applicants at the time of the 2007 annexation acknowledged numerous trails in the annexed area, and their public use through dedication to the Park City Master Trails Map. See exact language below:

5. Trails. Numerous trails exist on the annexation property. These trails will be available for public use subject to reasonable restrictions due to construction, maintenance, and environmental factors including wildlife and erosion. The existing and any newly required trails shall be added to the Park City Master Trails and as necessary dedicated to the City either on the Annexation plat or at the time of PCMR MPD amendment.

136. A Condition of Approval to this MPD amendment requiring trails language needs to be added to this approval.

137. The proposed Interconnect Gondola and Snow Hut on-mountain restaurant are not detrimental impacts of the Mountain Upgrade Plan.

138. The Interconnect increases accessible terrain as it connects PCMR with the Canyons Resort.

139. The Snow Hut expansion reduces the resort's restaurant seating deficiencies.

#### Conclusions of Law - MPD

A. The MPD Amendment, as conditioned, complies with all the requirements of the Land Management Code;

B. The MPD Amendment, as conditioned, meets the minimum requirements of Section 15-6-5 herein;

C. The MPD Amendment, as conditioned, is consistent with the Park City General Plan;

D. The MPD Amendment, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;

E. The MPD Amendment, as conditioned, strengthens and enhances the resort character of Park City;

F. The MPD Amendment, as conditioned, compliments the natural features on the

Site and preserves significant features or vegetation to the extent possible;

G. The MPD Amendment, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and Historic Compatibility, where appropriate, and protects residential neighborhoods and Uses;

H. The MPD Amendment, as conditioned, provides amenities to the community so that there is no net loss of community amenities;

I. The MPD Amendment, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

J. The MPD Amendment, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

K. The MPD Amendment, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

L. The MPD Amendment has been noticed and public hearing held in accordance with this Code.

M. The MPD Amendment, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction, per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.

N. The MPD Amendment, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.

O. The MPD Amendment, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

#### Conditions of Approval – MPD

1. The project shall fully comply with any provisions indicated in the LMC or approved MPD regarding lighting, trash/recycling enclosures, mechanical equipment, etc.
2. In the event mine waste is encountered, it must be handled in accordance to State and Federal Law.
3. Employee Housing. Unless Section 2.2 of the Development Agreement is previously satisfied by the developer in an off-site location which shall include employee housing required by the development of Parcel A (the “Required Employee Housing”), or an

updated housing plan is approved by the Housing Authority, the Developer shall include as part of the next application for a Small Scale MPD/CUP approved after March 25, 2015 under the Development Agreement for Parcels A-E (the "Next Small Scale MPD Application") an affordable housing plan subject to Park City Housing Authority approval per the Housing Resolution in effect at the time of application for the Required Employee Housing and the employee housing required for the Next Small Scale MPD/CUP Application as determined by such resolution. Unless otherwise approved in the housing plan or previously satisfied, a completion bond or letter of credit in a form approved by the City Attorney will be required for the Required Housing as a condition of building permit issues for the Next Small Scale MPD. Nothing in this condition shall be deemed to relieve any owner or prior developer of Parcel A from any liability that may exist to the City, the Developer, or any future developers in the MPD for failure to comply with Section 2.2 of the Development Agreement.

4. Historic Preservation. In furtherance of assisting the developers in meeting their obligations under Section 2.9.3 of the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007, the Developer under the PCMR Development Agreement shall, (a) identify historically significant structures within the PCMR Development Agreement Property by October 1, 2015, (b) complete the inventory of historically significant structures and the preservation and restoration plan for such structures, as located within the PCMR Development Agreement Property (provided such sites are confirmed to be located within the property either owned by VR CPC Holdings, Inc. or held by VR CPC Holdings, Inc. pursuant to its ground lease from TCFC LeaseCo LLC) by March 25, 2016; (upon completion of the staff approval of the preservation and restoration plan, the applicant shall come back to the Planning Commission to report on the prioritization, annual check-in schedule and progress report on work complete to date) and (c) no later than March 25, 2016, dedicate and/or secure preservation easements for the historically significant structures (or reasonably equivalent long-term rights satisfactory to the City if easements are unavailable) for the City with respect to the identified sites within the PCMR Development Agreement Property. In addition, by October 1, 2015, the Developer under the PCMR Development Agreement shall contribute a total of \$50,000 towards the preservation of the prioritized historically significant structures on the PCMR Development Agreement Property as approved by the Planning Department/Preservation Planner, and propose a five (5) year capital fundraising plan dedicated towards restoration/stabilization of the historically significant structures. Nothing herein shall release the original Flagstaff Mountain Developer (e.g., United Park City Mines) or current property owner from any existing obligation under the Ordinance 07-10, and all related agreements including the Amended and Restated Development Agreement for Flagstaff Mountain dated March 2, 2007.

5. Trails. Public trails existing at the time of annexation in 2007 were added to the Park City Master Trails Plan in 2008 as depicted on Exhibit P. Developer is finalizing survey and other closing matters with regards to their acquisition and ground lease of the property. A final trails plan shall be submitted and evaluated as part of the next application for a Small Scale MPD/CUP approved after March 25, 2015 under the Development Agreement for Parcels A-E (the "Next Small Scale MPD Application") to determine which existing trails or any newly required trails are required to be dedicated to the City. Unless such trails are previously dedicated by plat/subdivision, prior to the issuance of a Certificate of Occupancy for the Next Small Scale MPD Application, the Developer and any other necessary owner/party shall execute an irrevocable offer of dedication or easement in compliance with the requirements of Section 5 of the Annexation Agreement which remains in full force and effect, and states: Numerous trails exist on the annexation property. These trails will be available for public use subject to reasonable restrictions due to construction, maintenance, and environmental factors including wildlife and erosion. The existing and any newly required trails shall be added to the Park City Master Trails and as necessary dedicated to the city either on the Annexation plat or at the time of PCMR MPD amendment.

#### Findings of Fact – CUP

1. LMC § 15-4-18 indicates that the location and use of a passenger tramway, including a ski tow or ski lift, is a Conditional Use.
2. CUPs under this section shall be issued only after public hearing before the Planning Commission, and upon the Planning Commission finding that all the following conditions can be met.
3. The interconnect complies with the Ownership of Liftway and Public Purpose criteria.
4. The interconnect complies with the Width, Utility Clearance, Liftway Setback, State Regulation, criteria, as conditioned.

#### Conclusions of Law – CUP

1. The application complies with all requirements of the Land Management Code.
2. The use will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The use is consistent with the Park City General, as amended.

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

#### Conditions of Approval – CUP

1. All Standard Project Conditions shall apply.
  2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
  3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
  4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
  5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
  6. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
  7. This Conditional Use Permit approval will expire on March 25, 2016, if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Commission.
4. **429 Ontario Avenue – Steep Slope Conditional Use Permit – Construction of a new single-family dwelling.** (Application PL-14-02351)

Chair Strachan resumed the Chair.

Planner Astorga reviewed the application for a steep slope conditional use permit on a vacant platted lot at 429 Ontario Avenue. The Planning Department received a complete



application for a single family dwelling, which is a permitted use in the zone. However, a conditional use permit is required for building over a slope of 30% or greater if the structure is more than 1,000. This application fell into that requirement. Planner Astorga reported that concurrently with this application they were in the final stages of finalizing the Historic District Design Review.

Planner Astorga stated that the application meets the building footprint. This is an interesting lot as indicated on the survey. It has a platted easement for access. Planner Astorga stated that Ontario Avenue was built in an interesting way. Therefore, unlike other vacant lots where most of the houses are built with either a 10' foot front yard setback, or an 18' foot setback to park a vehicle on the driveway, this application does not have that ability because the platted easement prohibits parking a car. Therefore, the house needed to be offset approximately 16 feet from the front property line, which meets the setbacks. However, this created design issues. Planner Astorga noted that the applicant had gone through several iterations prior to the plan presented this evening.

Planner Astorga stated that another item for discussion was the roof height. He indicated gardening or planting features on the lot that were apparently used at some point. The Staff did not find any historical significance for the elements, but they did make a determination per the natural grade definition in the LMC, that the grade has been altered. Planner Astorga reviewed the site plan to show where a section of the house did not meet the maximum building height as viewed from the front elevation. It was approximately eight inches for a distance of three or four feet. Planner Astorga noted that Park City looks at the roof in terms of real time by looking at roof over topo and making sure that every point is below the maximum building height. Based on the manmade features and the specific definition of natural grade, he, along with the applicant and former Planning Director Thomas Eddington, determined that if the grade was not disturbed this site would meet the maximum height. Planner Astorga requested discussion by the Planning Commission the proposed height as it relates to the maximum building height. Planner Astorga noted that the project designer, Jeremy Pack, had to shrink the house many times before designing something they were all comfortable with and could recommend to the Planning Commission.

Planner Astorga commented on the roof pitch an read from page 275 of the Staff report, "The primary roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch. He noted that in looking at the front elevation, the gable does not orient towards the street and it does meet the 7:12 roof pitch. However, the roof form over the garage is a flat roof but not a green roof. Planner Astorga asked the Commissioners for feedback on whether or not it falls under the provision, "A roof that is not part of the primary roof design

may be below the required 7:12 roof pitch.” He noted that as viewed from the front elevation the garage and the house appear to be separate. However, the other elevations show two levels of house underneath the garage. Planner Astorga remarked that there was some gray area between the house and the garage.

Planner Astorga stated that if the Planning Commission could not make the finding, the applicant has two options. First, they could make it into a green roof, which would meet the definition. The second option would be to extend the roof, which would be more difficult because the applicant is required to have two parking spaces. The applicant was proposed tandem parking, is allowed in Old Town. Planner Astorga remarked that the applicant was not meeting the building height as currently proposed with the flat roof. However, an exception in the Code can be granted on a downhill lot. When the Code was written the Staff discovered that on a downhill slope it may not be possible to have a tandem garage and still meet the height. For that reason the exception was added. Planner Astorga clarified that if they put a roof over the garage structure, the applicant may still come back and request a height exception, because he is hindered by the required roof pitched of 7:12 and 12:12, versus the appropriate length necessary for a tandem garage.

Planner Astorga stated that other than the requested discussion on maximum building height as measured from natural grade, and the roof over the garage, the Staff finds compliance with all the other parameters of the HR-1 District. Following the discussion this evening, the Staff recommended that the Planning Commission conduct a public hearing and consider approving the steep slope conditional use permit according to the findings of fact, conclusions of law and conditions of approval in the Staff report.

Planning Manager Sintz asked if the applicant could do a pitched roof and obtain a height exception from the Planning Director for a downhill lot to meet the tandem garage scenario, and still meet Code. As currently designed with the flat roof, they would need an exception that would give approximately 32 feet. If they were to add a pitch, it would be significantly more. The maximum limit on the exception is 35'. Therefore, the applicant most likely could not do a pitched roof and still request the exception. Ms. Sintz asked what the height exception request for the garage would be if they did an interpolated grade across the site similar to the other side. In that scenario with a flat roof, Planner Astorga believed it would be under the 35' maximum. Ms. Sintz assumed the applicant could then do a pitched roof up to 35' if the grade was interpolated. Planner Astorga answered yes.

Chair Strachan thought they could only do it if they could not find that the existing grade was the controlling point. Ms. Sintz stated that it was obvious that the grade has been manipulated. The Staff has worked with applicants in the past to see if an interpolated grade across the site reveals another identifying point on the lot. Planner Astorga remarked that the house is tight and setback exactly ten feet, which is the requirement.

The garage is right to the edge of the driveway. He believed this was one of the few sites where the LMC has done a good job regulating the bulkiness of the structure because it is so tight everywhere. Chair Strachan remarked that there are some difficult lots in Old Town. Planner Astorga agreed, and noted that those lots are the last ones to be developed.

Commissioner Worel noted that Condition of Approval #7 requires a certified topo survey of the property. Planner Astorga replied that he did have a certified topo survey. He believed the language in Condition #7 was a standard condition of approval. Commissioner Worel clarified that the topo they were measuring against was the certified topo, and they would not be seeing another topo. Planner Astorga answered yes.

Chair Strachan opened the public hearing.

Scott Coty stated that he lives at the end of the right-of way and has for 31 years. His main concern was parking. Mr. Coty hoped the garage is large enough to for two cars. Many times he has not been able to get into his driveway with all of the construction going on at the end of his driveway between this project and another project. Mr. Coty understood that the property can be developed, but again, his main concern is property and his ability to reach his house. Mr. Coty had no other objections. He liked the looks of the house and he thought it would add value to the neighborhood.

Chair Strachan noted that two parking spaces is required by Code and the Building Department will check the size of the parking spots before issuing a Certificate of Occupancy.

Jeremy Pack, representing the applicant, stated that in addition to parking two cars in the garage, here would also be room to park cars in front of the garage. Planner Astorga stated that for the benefits of Lots 1, 2, 25 and 16, no off-street is allowed in the driveway easement. Mr. Pack identified a flat area away from the easement that would be used for additional parking. Planner Astorga questioned whether the concept described by Mr. Pack would comply with the Historic District Design Guidelines. He recommended that Mr. Pack provide two parking spaces in the garage and have their guests park at China Bridge.

Chair Strachan closed the public hearing.

Commissioner Worel liked the design. At first glance thought there was a deck on top of the garage but later realized there was no access to it. She asked if a deck was ever contemplated because there are railings. Mr. Pack indicated a ladder type structure that leads to the top of the garage. Planner Astorga clarified that it was not meant to be habitable space. Mr. Pack agreed. Planning Manager Sintz stated that originally when the

flat roof exemption when in and stated that it had to be a green roof, it was to prohibit the use of flat roofs for patio areas.

Commissioner Band was comfortable with the interpolated grade. She did not think the planter boxes should be part of grade. She liked the proposal.

Commissioner Phillips had no issues and supported the design. He did not believe the area where the height exceeded the maximum by 8" was enough to make the applicant redesign the house. Commissioner Band understood that the interpolated topo would put the height under the maximum. Planner Astorga answered yes.

Commissioner Campbell commended Mr. Pack on the design. He believed Mr. Pack had the experience to know that it was not only a difficult lot to design but it would also be difficult and expensive to build on. Commissioner Campbell thought the Planning Commission should be prepared to see more of these application come before them because only the difficult lots are left to build in Old Town. He suggested finding a way to standardize the approval process for these applications because they add more value to the neighborhood than vacant lots. Planner Astorga pointed out that these lots are also difficult for the planners to review.

Commissioner Joyce was astounded that any could design a house and build it on such a steep lot between two houses. He did not have any problems with the flat roof. He supported the proposal.

Commissioner Thimm thought this was a good solution to a difficult problem. He believed the definition of natural grade and the interpolation point was the correct interpretation. Commission Thimm thought tandem parking was a good resolution of an issue that exists due to situations beyond their control. He referred to a conversation earlier this evening about contemporary versus more traditional architecture. He believed the two blended together well in this circumstance and he thought it was a nice solution. Commissioner Thimm thanked the Planning Staff for working with the applicant to achieve a resolution that everyone could feel comfortable with.

Chair Strachan stated that he had the minority opinion. He thought the Code specifically says existing grade as defined; and the term "interpolated" does not even exist in the Code. Chair Strachan stated that terms of convenience read into Codes are the devils of the Code reader. He was not opposed to flat roofs, but per the Code they have to be green. He understood that the lots are difficult, and in this situation where it was apparent how the Commissioners would vote, he suggested that the Staff put a definition of interpolated grade on the list of changes to the LMC.

Planner Astorga noted that the definition of Natural Grade was outlined on page 277 of the Staff report, and he had underlined the sentence, "The Planning Department shall estimate the natural grade if not readily apparent." Planning Manager Sintz thought the interpolated grade was more of a realistic expectation of what natural grade was than the modified grade that was created by adding the planter boxes causing the unnatural condition.

Chair Strachan stated that while it might be true, it was not in the Code. Ms. Sintz would argue that it is. Her interpretation was opposite of how Chair Strachan read it. In her opinion, interpolated takes the grade back to more of what the natural grade would be to give a fair shot at what the rest of the lot reads. Based on Ms. Sintz comment, Chair Strachan questioned why they would have "existing grade" defined in the Code as "the grade prior to any proposed development". He reads that to mean the proposed application. Ms. Sintz acknowledged that she and Chair Strachan were interpreting the same language differently. Chair Strachan clarified that he was not saying it was unfair or absurd. His issue is that it was not in the Code.

Commissioner Band thought Chair Strachan made a good point and she agreed that it needed to be clarified in the Code. Chair Strachan reiterated his request to put it on the list of LMC changes to be considered. Commissioner Campbell suggested that it should be a separate discussion and not when they have an application in front of them. He thought they should approve this application and allow the applicant to move forward; and then use it as a model for their discussion to draft language that is clear for future applications. The Commissioners agreed.

MOTION: Commissioner Worel moved to APPROVE the Steep Slope Conditional Use permit for the construction of a new single family dwelling at 429 Ontario Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 429 Ontario Avenue

1. The property is located at 429 Ontario Avenue.
2. The property is located in the Historic Residential-1 District.
3. The property is Lot 2 of the Anderson Re-Plat.
4. The applicant requests a Conditional Use Permit for construction of a new-single family dwelling.

5. The total proposed structure square footage is greater than 1,000 square feet, and would be constructed on a slopes greater thirty percent (30%) or greater.
6. A Historic District Design Review application is concurrently being reviewed by staff for compliance with the Design Guidelines for Historic Districts.
7. The proposed structure is 3,385 square feet, which includes the 385 square foot two (2) car tandem garage.
8. The proposed main floor is 599 (plus the garage).
9. The proposed lower floor is 1,244 square feet.
10. The proposed sub-1 lower floor is 1,157 square feet.
11. The property is 3,750 square feet in size.
12. The maximum building footprint is 1,519 square feet.
13. The proposed building footprint is 1,518.42 square feet.
14. The minimum front and rear yard setbacks are ten feet (10').
15. The proposed front yard setback is sixteen feet (16').
16. The proposed rear yard setback is ten feet (10').
17. The minimum side yard setbacks are five feet (5') minimum, ten feet (10') total.
18. The proposed north side yard setback is six feet (6').
19. The proposed south side yard setback is five feet (5')
20. The proposed structure is to comply with the building height parameters outline in the Land Management Code.
21. The proposed structure complies with the maximum building height parameters.
22. The proposed structure is located towards the center of the lot with a sixteen foot (16') front yard setback and a ten foot (10') rear yard setback.

23.The applicant submitted a model, and streetscape renderings showing a contextual analysis of visual impacts.

24.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 cross canyon view.

25.The cross canyon view contains a back drop of three and four (3 & 4) story buildings.

26.The building is located in a neighborhood of similar structures and is completely surrounded by developed sites.

27.The platted lot contains an access easement for the benefit of lots 1, 2, 25, & 26.

28.The plat also indicates that no off-street parking is allowed in the driveway easement.

29.The proposal uses the access easement into a two (2) car tandem garage.

30.According to the submitted site plan only one (1) retaining wall is proposed.

31.The proposed retaining wall is set up along the northeast corner of the proposed structure running north towards the neighboring house.

32.The proposed retaining wall replaces an existing wall which supports the platted driveway easement.

33.The retaining wall will meet the Land Management Code development standards as they are permitted to not exceed six feet (6') above final grade when placed in the side yard setback areas.

34.Due to the topography of the site, from the front elevation the site resembles a one (1) story building with a significant cut as the proposed structure is a three (3) story single-family dwelling as seen on the other three (3) elevations.

35.The maximum building height of 27 feet make the proposed lot follows the perceived natural topography of the site. The rear portion of the garage, per the proposed tandem garage exception, breaks the twenty seven foot (27') maximum.

36.The front façade is broken up which assists in providing front yard variation.

37. The main ridge orients with the contours and the street.
38. The tandem garage solution chosen, as affected by the platted driveway easement, minimizes the impact of the garage door on street.
39. The rear elevation is broken up as it contains rear access decks and the form has both vertical and horizontal small individual compartments.
40. The garage roof is completely different than the roof over the house as it is flat.
41. The portion of the house has the minimum 7:12 roof pitch.
42. The different pitch makes the garage subordinate in design.
43. The flat roof is not a green roof, per the Land Management Code's definition.
44. A green roof is defined as "A roof of a Building that is covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems. This does not refer to roofs which are colored green, as with green roof shingles".
45. The Land Management Code indicates that the primary roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 roof pitch.
46. The roof over the garage is simply not part of the primary roof pitch, therefore, that roof form may be below the required roof pitch.
47. As viewed from Ontario Avenue, the garage is found to be subordinate to the house as they have two (2) completely different roof forms.
48. The proposed structure is both horizontally and vertically articulated and broken into compatible massing components.
49. The design includes setback variations and lower building heights for portions of the structure on the rear elevation.
50. The proposed massing and architectural design components are compatible with both the volume and massing of single-family dwellings in the area comprised of



three and four (3 & 4) story dwellings.

51.The site has a man-made feature revealed by the certified topographic survey.

52.The man-made feature area created an effect on the site along the north side of the subject site as it has been flattened.

53.The Planning Department estimates Natural Grade, if not readily apparent, by reference elevations at points where the disturbed Area appears to meet the undisturbed portions of the Property.

54.The Planning Director has reviewed the topographic survey in terms of natural grade and finds that the site has indeed been disturbed as shown on survey and other evidence has been submitted to the Planning Department for review.

55.The Planning Director estimates that the elevation contours have been pushed to the front of the lot.

56.The Land Management Code designates a height exception for a tandem garage on a downhill lot in the Historic Residential-1 District.

57.Thomas Eddington, Planning Director, has reviewed the proposal and finds that the proposed tandem garage meets the criteria in order to receive the height exception for the tandem configuration garage.

#### Conclusions of Law – 429 Ontario Avenue

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

#### Conditions of Approval – 429 Ontario

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.
7. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
8. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. This approval will expire on March 25, 2016, if a building permit has not issued by the building department before the expiration date, unless an extension of this approval has been granted by the Planning Commission.
10. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes made during the Historic District Design Review.
11. All retaining walls within any of the setback areas shall not exceed more than six feet

(6') in height measured from final grade.

12. As part of the Construction Mitigation Plan, an access plan for 421 and 417 Ontario will be provided.

5. **259, 261, 263 Norfolk Avenue – Consideration of the First Amended Upper Norfolk Subdivision Plat – Amending Conditions of Approval on Ordinance No. 06-55.** (Application PL-15-02665)

Commissioner Phillips recused himself and left the room.

Planner Astorga introduced Jerry Fiat and John Pelichoud, representing the applicants. He handed out two letters of public comment that he received after the packet was prepared.

Planner Astorga reviewed the administrative application amending conditions of approval of an approved ordinance 06-55. He stated that originally there was a triplex on the site that had illegal lockout units. The triplex structure was demolished and the site was replatted to three lots of record; 259, 261, and 263 Norfolk. When that application was approved in 2006, there were seven conditions of that approval, as outlined on page 316 of the Staff report. Condition #4 read, "Construction access to the lots is to be from King Road through the adjacent property to the west, as per the submitted construction easement agreements." Condition #5 read, "The construction easement agreements must be finalized and submitted to the City prior to receiving building permits". Planner Astorga noted that the application met all the conditions of approval. At that time the applicant's representative had the ability to secure access easement for construction through King Road; and not through Upper Norfolk, which was part of the condition of approval.

Planner Astorga reviewed a 2012 aerial photograph on page 330 of the staff report, which showed the three lots. He noted that there was secured staging area behind each of the lots which went over the 220 King Road property that is currently owned by Robert Sfire. In addition to the staging areas there was also an easement through 220 King Road to through the lot known as the Herman Property. Planner Astorga stated that the issue is that the Herman property lot had an expiration date and the construction easement would cease on December 31<sup>st</sup>, 2009. Therefore, when the property owners failed to receive their approvals through both the Planning Department through design reviews, and subsequently for building permits, they were in violation of the ordinance that approved the plat amendment creating the three subject lots.

Planner Astorga stated that since the King Road access is no longer an option, the applicant is requesting to come off Norfolk Avenue but still utilize the staging area that was obtained through the proper easements. He noted that the language on the 220 King

Road lot indicated the use of a construction staging area for two years from the time construction begins. Planner Astorga remarked that it was a difficult situation because due to circumstances the applicants were currently not meeting those specific conditions of approval.

Planner Astorga explained that the Staff asked the applicants to submit the plat amendment application again. The reason was not to amend the plat but rather to remove the conditions of approval, and to comply with the new plan as indicated by the applicant's representative in his project description. The language of the project description was included on page 317 of the Staff report, indicating what they would do to mitigate the construction.

Planner Astorga stated that since the applicant only has two years to build and they have a good area for staging construction materials, they would like to move forward and build each single family dwelling on all three lots at the same time. The Staff believed their proposal was an appropriate method of construction.

Jerry Fiat clarified that at the time he was the representative for the property owner and he had secured two different easements. One was for construction staging, which was the easement with Robert Sfire, and it would remain the same because the construction staging has not changed.

Chair Strachan asked if that easement would expire. Mr. Fiat stated that it expires two years after the start of construction. He clarified that the easement was purchased from Mr. Sfire to facilitate building the homes. The intent was always to build all three homes at one time. Mr. Fiat stated that what has changed is that he was the owner of the adjoining property at 200 King Road and he granted an easement across the property that expired after two years. The reason for the expiration was in case he wanted to build on that lot. Mr. Fiat pointed out that the condition of approval was in the ordinance but not on the plat.

Mr. Fiat stated that there was confusion over the matter and Assistant City Attorney McLean informed them that they had to go through the process of amending the ordinance with the condition of approval requiring access off of King Road. Mr. Fiat explained that the plan is to have all the staging materials and all the parking, dumpster and porta-pottys will all be off of Upper Norfolk.

Chair Strachan asked if they would be building a road from Norfolk through one of the lots to access the staging area. Mr. Fiat answered no. They would simply lift it up and over the site. Mr. Fiat clarified that even though he had granted that access, he never thought it was a viable access. It is a 1,000 feet of disturbance to get from King Road and 20,000 feet of re-vegetating. The property owner at the time gave the easement but they never

thought of it as a viable access. Mr. Fiat stated that there would be no parking or construction staging on Upper Norfolk. It would only be used for access.

Chair Strachan asked Mr. Fiat to explain how it would work when a cement truck goes up to pour the foundation. Mr. Fiat replied that there is a shared driveway for all three lots and the truck would pull into the unimproved upper Norfolk right-of-way. Chair Strachan wanted to know what would happen while the driveway was being built. He was concerned about the lack of room on Upper Norfolk. Mr. Fiat remarked that there was enough room because they had paid for an easement on the back. Chair Strachan was comfortable with the staging area but the issue was getting it ready. Mr. Fiat assured him that there was room to pull everything off the road.

Commissioner Joyce noted that many issues were brought up during the plat amendment discussions that were brushed off to be addressed during the Steep Slope CUP process. He understood that the Staff had re-evaluated the site and a Steep Slope CUP was not required. Commissioner Joyce pointed out that it was in a finding of fact that those issues would be addressed with the Steep Slope CUP. In reading the minutes for the plat amendment there was a lot of discussion regarding the position and location of the driveway and how it would be accessed. That was only one of the items that was mentioned throughout the minutes that was put off until the Steep Slope CUP.

Commissioner Joyce pointed out that some of the checks and balances that the previous Planning Commission relied on were now gone because the site was re-evaluated and it was determined that the percentage of slope was under 30%. Planner Astorga explained that removing the triplex completely changed the topography of the site. Based on that fact former Planning Director Eddington went on site and measured the grades. Planner Astorga stated that if Commissioner Joyce was more concerned with the access that was part of the original approval, none of that would be changing. Construction access would be the only change. Commissioner Joyce clarified that his issue was that when the Planning Commission approved the plat they chose not to address a number of their concerns as part of the plat amendment because they planned to address those concerns as part of the Steep Slope CUP. Now there is no CUP process he was concerned about addressing those issues.

Mr. Fiat stated that he did not have the list of concerns that Commissioner Joyce was referring to, but he could address the driveway. He explained that originally the proposal was to have individual driveways. That was met with opposition and they instead proposed two driveways. Since there was still opposition they opted for a single shared driveway. Mr. Fiat remarked that a full detail of the proposed shared driveway was provided at the time and the City should have it on file. He pointed out that the driveway is in the City right-of-way and the City Engineer would have absolute control over it. The applicants have to

secure an agreement with the City for the driveway, which is the normal process. Mr. Fiat felt certain that there were no outstanding issues with the driveway.

Commissioner Astorga understood that Commissioner Joyce was concerned when the determination was made that the site no longer required a Steep Slope CUP, because when the Planning Commissioner approved the plat amendment they believed that the mitigating factors would be reviewed in that future process. Commissioner Joyce clarified that he would not have an issue with it if he had not read through the past meeting minutes and saw how many times specific concerns were pushed off to the CUP process. Chair Strachan recalled that nightly rentals and lockouts were two concerns that they intended to address with the Steep Slope CUP. Mr. Fiat noted that the applicants had volunteered not to have lockouts. That was specified in the conditions of approval and it would not change.

Assistant City Attorney McLean clarified that the language in the conditions of approval says no accessory apartments. Mr. Fiat was unclear on the difference between a lock out and an accessory apartment. Planner Astorga understood that when the concern was raised, the applicant stipulated to adding that specific plat note and that would not change.

Planner Astorga asked if Commissioner Joyce would feel more comfortable if the Staff conducted a Steep Slope CUP analysis to try and mitigate the identified concerns from 2006. Commissioner Joyce understood that it would be an additional burden on the Staff but he thought it was a necessary step.

Chair Worel referred to page 350 of the Staff report, and noted that the Minutes from 2006 reflect that Planner Maloney said that the 14 criteria listed in the Conditional Use Permit section of the Land Management Code would have to be addressed and all issues would have to be mitigated prior to the applicant receiving a conditional use permit. That clarified that the Planning Commission intended to look at all 14 criteria. Planner Astorga remarked that in that same paragraph in the minutes Planner Maloney, who was the project planner at the time, also noted that all three lots are on slopes greater than 30% which will require a conditional use permit prior to any development on the property. He pointed out that the plat amendment was done prior to demolition of the triplex, which is why the Steep Slope CUP was referenced.

Commissioner Campbell wanted to know who tore down the triplex. Mr. Fiat provided some background. He stated that the property was sold to an individual, David Dewer. The structure was 45' in height and it was built on the unimproved right-of-way. It had six units, three of which were illegal. When Mr. Dewer purchased the property and what was not included in the conditions of approval for the plat amendment, was the requirement to demolish the triplex structure before the plat was recorded. However, plat was recorded before the structure was demolished, creating an illegal structure that spanned all three

lots. When they looked at rebuying the property, they had conversations with Ron Ivie and found that the City was actually looking at demolishing the triplex. In those conversations, Mr. Fiat told Ron Ivie that if they purchased the property they would demolish the structure immediately, which they did. The grade was interpolated once the structure was removed. Mr. Fiat remarked that having to go through a Steep Slope CUP is a large burden and a time consuming process. They would like to build the houses this year.

Commissioner Campbell clarified that he was not pushing for the applicant to go through the Steep Slope CUP process. However, he thought it was important to at least look at the 14 criteria that the former Planning Commission thought they would be reviewing to address their concerns. Mr. Fiat stated that from his reading of the minutes, the Planning Commission was not saying that they had 14 concerns. He believed it was more to the point that 14 points are reviewed in a conditional use permit.

Commissioner Campbell was curious how the topography of the lot changed during the demolition. Mr. Fiat replied that the structure spanned the entire property and there were overhanging decks, which made it difficult to accurately determine the grade. Once the structure was removed the Planning Department measured all the way across from the high point to the low point and it was found to be 17% or 18% slope. Mr. Fiat clarified that the grade had not changed, it was just more accurately.

Chair Strachan asked if the determination that it would be subject to a Steep Slope CUP was made before or after the structure was removed. Planner Astorga replied that the determination for a Steep Slope CUP was made as part of the plat amendment. Mr. Fiat was uncertain whether a formal determination was ever made because it was never really addressed. He stated that he never actually read the conditions of approval and it was his fault for not paying attention to the comments. He has since learned a hard lesson that they need to read the conditions and the plat notes.

Assistant City Attorney asked if there was a determination letter by Thomas Eddington regarding steep slopes. Planner Astorga answered yes. However, the letter was not included in the Staff report because the applicant was requesting to remove the two conditions of approval. Planner Astorga noted that Finding #13 of Ordinance 06-55 reads, "The proposed lots have slopes of greater than 30% and are subject to a conditional use permit, construction on a steep slope review." Planner Astorga stated that he does not like doing that on the plats that he reviews because he never knows whether the applicant will choose to put their footprint on those exact slopes. He addresses that issue with the design review and building permits and when he receives a certified survey. That is when he can honestly say that the slope hits the threshold. Planner Astorga felt it was premature to make that determination at the time of the plat amendment unless it can be verified that the entire lot is over 30%.

Assistant City Attorney McLean stated that because the Finding of Fact was part of the plat amendment approval, and the Staff has indicated that the finding may not be accurate, in re-opening the ordinance, the Planning Commission needs evidence to show that it is no longer accurate so the Finding of Fact could be removed. Planner Astorga agreed. He suggested that the applicant could submit a survey for the Staff to review. He noted that a survey could not be submitted without a footprint and a proposed floor plan on the survey. At that point the Staff would be able to make a determination of whether or not the slope was 30% or greater. Ms. McLean thought they already knew the footprint because the discussion this evening is about where the construction will take place. Planner Astorga clarified that the Staff did not know the exact location of the footprints of the three lots. He would ask the applicant to provide a certified survey and to identify an approximate location of the footprint.

Commissioner Campbell thought that was unnecessary because when the applicant comes in for a building permit it would not be approved if the slope is over 30%. Planner Astorga stated that if he sees 30% or greater slopes, independent of what may have been said in a previous memo, he has the obligation to say that it hits the threshold. Commissioner Campbell understood that it would come back to the Planning Commission if the slope was found to be over 30%. Planner Astorga answered yes. However, he understood Commissioner Joyce's concern about the previous Planning Commission waiting for the CUP to address the issues.

Commissioner Campbell believed Mr. Fiat was right in saying that the 14 criteria in the LMC would have to be addressed in a Steep Slope CUP, but they were not 14 specific concerns that were raised. Commissioner Campbell pointed out that if the slope is less than 30% those 14 criteria would not apply to these lots. Assistant City Attorney McLean stated that the concern she was hearing was that according to the 2006 Minutes there was further discussion about factors related to the original subdivision, and those concerns would be addressed with the Steep Slope CUP. In this case the Staff is finding that a Steep Slope CUP is not required. However, since there is an existing Finding of Fact that talks about a Steep Slope Cup, and because they were re-opening the ordinance, she recommended that the issue be addressed to determine whether or not the Finding of Fact is accurate. If a certified survey shows that a Steep Slope CUP is not needed, the Planning Commission could determine whether other issues needed to be addressed as part of the subdivision.

Chair Strachan opened the public hearing.

Jeff Braebender, a property owner at 283 Upper Norfolk, adjacent to 263 Norfolk. Mr. Braebender appreciated that the applicants have a right and an opportunity to build on their



project, and they should. However, he was concerned with the staging area behind 263. There is a large stand of mature scrub oak, and he would not want that disturbed or torn out for the convenience of a staging area because they would not be able to return it to its existing condition. Mr. Braebender requested that the language be strengthened to address the impacts to the staging area. He pointed out that there was still a significant amount of space that could accommodate the staging without disturbing the stand of scrub oak. Mr. Braebender stated that his second issue was treating all three lots as though they were the same, because they are not. When looking at the slope he thought the lots need to be addressed individually and not together. Mr. Braebender commented on access and he referred to the 25 feet of green space by Norfolk Avenue that is owned by the City. He understood that the applicants intend to cut a driveway where the bare land is but leave that green space. He did not believe that made sense and he thought the Commissioner would draw that same conclusion if they visited that area. Mr. Braebender stated that no one should dig a tunnel through there and leave dirt alongside of the road. The road is one car length wide in that spot. He thought it would be an opportunity to take out that space and provide direct access into those spots and to provide additional parking spaces. It would improve the road at the same time. Mr. Braebender believed his suggestion would also resolve the staging area problem. In his opinion, this was an opportunity for the City to work with the developer and spend City money to fix problems that already exist, especially for the people living from 302 through 256 who have difficulty getting in and out of their driveways now. He believed that at some point the City would have to address fixing Norfolk Avenue and this would fix at least 25% of it in conjunction with this project.

Ed DiSisto, a resident at 244 Upper Norfolk, stated that the original plan to stage the access and the mitigation behind was considered because of the problems that would occur if it was done on Norfolk Avenue. He noted that five years ago two people died on Norfolk Avenue and it is uncertain what can happen or when it will happen. There have always been problems with emergency vehicles getting all the way down the street to assist people in need. Mr. DiSisto remarked that the proposal says nothing about construction parking, particularly when three lots are being built at the same time. He also had a personal concern. He indicated a retaining wall and noted that the City gave Mr. Pack and Don Holbrook permission to build a retaining wall to create parking spaces for 244, 238 and 236 Norfolk. In one of the first plans that Mr. Fiat proposed, he wanted to cut down half that wall to create an ingress and egress to the project. That plan was reviewed and it was determined to be a bad idea primarily because of the slope. There was also an agreement with the City to have that wall there. Mr. DiSisto was concerned about a precedent of the City giving permission to someone and then taking it away and giving it to someone else. Mr. DiSisto wanted to make sure that nothing is allowed to creep in that would allow something like that to happen again. He remarked that there is nowhere for large construction trucks to turn around on the road, and traffic would be backed up or blocked waiting for those trucks to move. He was also concerned about storing the

excavated dirt, and he questioned how much of the staging area would be taken away for storing. Mr. DiSisto had not seen a mitigation plan, and he was left to rely on a few sentences in the Staff report, which he believed left it open for the applicants to do whatever they want.

Chair Strachan closed the public hearing.

Commissioner Campbell felt that he had sent the wrong message by misreading the 2006 Minutes. In re-reading them, he reiterated that the applicant was correct in stating that the 14 points of the Steep Slope CUP has nothing to do with particular application. He believed the question was whether or not a Steep Slope CUP was required, and Planner Astorga was indicating that it was not. Commissioner Campbell pointed out that if that assumption is wrong and the Staff finds that a Steep Slope CUP is required, it would come back to the Planning Commission.

Chair Strachan asked what legal standard was being applied. He personally has never been involved in amending an ordinance. Assistant City Attorney stated that it was not called out in the Code; and she believed it goes back to the original ordinance. The applicants have the right to build on their property and they have platted lots. The objective is to correct what was previously done. She believed it was more akin to a regular subdivision process when amending the original ordinance. Chair Strachan agreed. Using the example of an MPD, when a design is materially changed from an approved MPD, the whole MPD comes back for review. He believed that changing or removing one or two selected conditions of approval is like a stack of dominoes because they are all intertwined. Ms. McLean stated that the Planning Commission needs evidence to show that the slope is less than 30% so the Finding of Fact that talks about the Steep Slope CUP can be removed. Chair Strachan could not find a Code section that allows an applicant to amend a past ordinance. The closest process is when an applicant fails to record the plat on time and they have to start the process over. He was unsure which Code section they could cite to validate that they were following the Code by amending this ordinance to eliminate a condition of approval. He was uncomfortable doing that without following something specific in the Code.

Assistant City Attorney McLean stated that ordinances, by their own nature, can be amended. It would be a new ordinance that amends the prior ordinance. She noted that it has been done before and cited examples. Ms. McLean clarified that the lot lines were not being changed to change the plat. The request is to change the access that was identified in the conditions of approval. She stated that the Planning Commission has the purview to look into whether or not it is a Steep Slope CUP because that is a specific Finding of Fact #13. They also need to understand why the conditions of approval are there, and that those concerns have been met.

Commissioner Joyce stated that separating his issue with the Steep Slope CUP, and focusing on the access issue, he would need to delve into some of the impacts addressed in a construction mitigation plan before he could be comfortable removing the requirements. He needed to be convinced that their plans for construction staging, etc., would not greatly impact the neighbors or the road. Mr. Fiat noted that he specifically stated that there would be no parking on the street. He currently has three projects in progress and not one construction worker's car is parked in any part of the public right-of-way. He noted that he is allowed two parking passes to park on the street and he never takes them. He secures off-street parking for all of the workers, and sometimes that involves a shuttle to the work site, renting parking spaces or paying people to use their parking spaces. He lived on a street and he knows how angry he gets when someone takes his parking. Commissioner Joyce thought the problem was greater than just upsetting a neighbor. The street is very narrow and if one construction truck is stopped to unload, emergency vehicles are blocked from accessing the road. He needed to hear and understand their plan before he would consider removing the conditions of approval.

Mr. Fiat was prepared to talk about the specifics of the plan. Chair Strachan understood that Commissioner Joyce was looking for evidence that the plan would work, as opposed to having Mr. Fiat just talk about it.

Commissioner Thimm agreed with Commissioner Joyce. He noted that a condition was made and to whatever degree it was part of the premise for the approval. He thought that issue needed to be revisited so the Commissioners could understand exactly how the access would happen. He was willing to accept that it may work, but at that moment the Planning Commission had nothing in front of them to support it, other than Mr. Fiat telling them that it will work based on examples of other sites. Commissioner Thimm asked Assistant Attorney McLean how they should address the Finding regarding the Steep Slope CUP. Planner Astorga stated that if he had been the project planner in 2006 he would have written the Finding to say, "if there are any slopes of 30% or greater and the house sits on them, then it shall require the Steep Slope CUP application." Commissioner Thimm agreed that it would be better language, but the Finding was not written that way. Planner Astorga clarified that they could rewrite the Finding with that language. Ms. McLean agreed that it could be one way to address the issue. The other way would be to come back with a copy of a certified survey.

Commissioner Joyce was comfortable that if the steep slopes were determined, it would come back to the Planning Commission. He reiterated that his frustration was that the previous Planning Commission had concerns, but they did not spend time on them because throughout the minutes they kept saying it would be addressed in a Steep Slope CUP. He thought it was a fundamental assumption of their approval, and they disregarded

some concerns in an effort to deal with them later. The problems that were kicked down the road now have nowhere to go to be addressed. Commissioner Joyce remarked that a having a certified survey would not address his concern.

Commissioner Band thought her fellow Commissioners had done a good job stating the problem.

Commissioner Worel was still hung up on the statement by Planner Maloney that all three lots were on slopes greater than 30% which would require a CUP. He hoped that he had based his statement on something that could back it up, such as a survey or something else that was submitted as part of the proposal. Commissioner Worel believed that all of the decisions made by the Planning Commission and the City Council at that point in time were, in part, based on the Steep Slope CUP. She asked the Staff to research whether or not there was a past survey that they could compare with a current survey. Planner Astorga noted that there was not a current survey on the land.

Commissioner Band asked if they needed to treat this as a new application. Assistant City Attorney McLean stated that the applicant submitted an application to amend the ordinance. It was called the First Amended of the Subdivision, and the applicant was requesting to amend the subdivision plat to remove two conditions, and to address the finding of fact was not accurate.

Chair Strachan noted that Findings of Fact 13-17 say that the proposed lots have steep slopes greater than 30%; that there is not sufficient area on the property to conduct construction staging; Norfolk Avenue and Upper Norfolk are substandard narrow streets on steep hillside; on-street and off-street parking on Upper Norfolk and Norfolk is significantly limited due to steep narrow streets; snow removal and emergency access. Chair Strachan remarked that at a minimum, they needed to get evidence in the record to mitigate those findings. He thought it should be done through a very detailed construction mitigation plan or some type of submittal that addresses, for example, Finding #17, snow removal and emergency access. Without some type of plan to address those particular findings of fact, he was not sure they could say the potential impacts have been mitigated, which they are required to do by Code.

John Pack, stated that he flew in from Chicago to attend this meeting. He used to live in Park Meadows and he now lives in Chicago. He and his wife purchased the property at 263 Norfolk from the bank. He understood that the Planning Commission wants to be responsible to all the parties involved and work towards solutions, and he appreciated that. Mr. Pack stated that when he purchased the property in 2010 he and his wife did a significant amount of research to make sure it was a good parcel. They looked at the plat, the title record, and consulted an attorney. He noted that none of the issues raised this

evening were ever mentioned. There was never a hint that these issues could have existed. Therefore, they purchased their property believing it was a buildable lot. It was only later that they realized that the ordinance had not been properly recorded on to the plat. Mr. Pack felt like an innocent party in the matter because after doing his due diligence he still had no knowledge of these prior issues. He thought the Commissioners had a legitimate concern regarding emergency access, and he agreed that it was important to address those issues because it is a matter of public safety. Mr. Pack asked the Planning Commission to be sensitive of the fact that he was not involved in the previous process and he and his wife thought they were buying a piece of property in a beautiful part of Park City where they could build a nice, historically relevant home. He hoped they could reach a conclusion that meets the City's needs as well as those of the applicants.

Assistant City Attorney McLean understood that people do not always know where to look for ordinances; however, this ordinance was correctly passed and published and met all the legal requirements. She clarified that ordinances do not always get recorded against the property. Ms. McLean stated that thanks to the efforts of Mr. Fiat, the City has changed its procedure to give people more notice of the ordinance numbers and the ordinance number now put on the plat. But at that time the ordinance was legal. Not having it on the plat did not create a deficiency in the ordinance.

Mr. Fiat stated that the hard language is his letter that was included in the Staff report says that all staging, parking, deliveries, cranes, dumpster, porta-potty's, etc., will be off the driveway servicing the three lots, or on the properties and additional staging area in the rear of the properties. No shall park in the neighbors' parking spaces or outside the driveway servicing the lots. He believed that language was stronger than anything he has typically done in Old Town. He thought it was clear that they would not impede any emergency vehicles or snow removal. Mr. Fiat was comfortable making the language part of the construction mitigation plan, or even part of the ordinance.

Chair Strachan stated that there still needs to be evidence that a fire truck or other emergency vehicles are certain dimensions and how much right-of-way they need for access. Mr. Fiat was unsure how he could provide that evidence. Assistant City Attorney McLean told Mr. Fiat that the Planning Commission was asking for a construction mitigation plan in writing, and that there be some analysis of the other terms, which were pushed off at the original plat based on there being a Steep Slope CUP, as well as some analysis from Staff as to how those are addressed currently.

Commissioner Campbell thought construction mitigation plans were the purview of the Building Department. Ms. McLean replied that the Building Department handles the construction mitigation plan, but when there are issues related to the platting, the Planning Commission can add conditions of approval related to the construction mitigation plan.

Commissioner Campbell agreed with Chair Strachan that the letter from the applicant did not give enough teeth. He clarified that if the Planning Commission was forwarding an amendment to the City Council which would basically become a new ordinance, they could add anything they wanted to the ordinance. Ms. McLean replied that this was correct. Commissioner Campbell thought they could add a condition stating that these notes would be incorporated in the new ordinance and move this forward this evening.

Commissioner Band agreed. She thought they could add conditions of approval regarding the staging, construction vehicles, dumpsters, etc. that holds the applicants to do what they have stated they intend to do. She believed they could do that this evening rather than require the applicant to come back. Commissioner Band stated that she was trying to find a solution without requiring the applicant to do studies.

Commissioner Joyce pointed out that the original intent of the conditions of the approval was to take construction off of Upper Norfolk and keep it on King Road. The fact that they are building three houses simultaneously puts three pieces of construction traffic in a significantly small area at one time.

Chair Strachan clarified that he was not suggesting that the applicant do a study. He just wanted to see something in writing showing how they propose to keep the trucks off the road. Chair Strachan thought it was important to see the construction mitigation plan. Mr. Fiat stated that he has already submitted a full construction plan to the Building and Planning Departments. Planner Astorga clarified that what they received was a site plan. There was nothing regarding construction mitigation. Planner Astorga understood that Chair Strachan wanted to see a mitigation plan that addresses Findings 13-17 to see how the applicant intends to mitigate the findings from 2006. Chair Strachan was not opposed to drafting new findings if that was a better approach.

Mr. Fiat pointed out that if they make it a condition of approval, Code Enforcement would make sure that the conditions are met. Chair Strachan wanted mitigation measures that would keep it from going as far as Code Enforcement. In order to fulfill their responsibility to mitigate what they know are impacts, they need something in writing to support an approval.

Chair Strachan called for a motion.

**MOTION:** Commissioner Joyce moved to CONTINUE 259, 261, 263 Norfolk Avenue, consideration of First Amended Upper Norfolk Subdivision Plat to May 13, 2015. Commissioner Worel seconded the motion.

VOTE: The motion passed 4-1. Commissioner Campbell voted against the motion. Commissioner Phillips was recused.

The Park City Planning Commission Meeting adjourned at 10:15 p.m.

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

# Planning Commission Staff Report



**Application #:** PL-15-02695  
**Subject:** Intermountain Healthcare Hospital  
**Author:** Kirsten Whetstone, Sr. Planner  
**Date:** April 8, 2015  
**Type of Item:** Administrative –Master Planned Development Pre-application public hearing and discussion

## **Summary Recommendations**

Staff recommends the Planning Commission conduct a public hearing and continue the Master Planned Development Pre- application meeting application regarding proposed amendments to the IHC Master Planned Development (MPD) to May 13, 2015, to allow Staff and the Applicant additional time to prepare a framework for Planning Commission discussion of the issues.

## **Description**

**Applicant:** IHC Hospital, Inc. represented by Morgan D. Busch  
**Location:** 900 Round Valley Drive  
**Zoning District:** Community Transition (CT)  
**Adjacent Land Uses:** Park City Recreation Complex, USSA training facility, US 40, and Round Valley open space  
**Reason for Review:** Pre-Applications for MPDs and MPD amendments require Planning Commission review and a finding of compliance with the Park City General Plan prior to submittal of a full Master Planned Development application.



# Planning Commission Staff Report



**Application No:** PL-14-02466 & PL-14-02451  
**Subject:** Cardinal Park Avenue Subdivision & 560 Park Avenue Steep Slope CUP  
**Author:** Francisco Astorga, Senior Planner  
**Date:** April 8, 2015  
**Type of Item:** Administrative – Plat Amendment & Steep Slope Conditional Use Permit

## Summary Recommendation

Staff recommends the Planning Commission conduct a public hearing and continue the Cardinal Avenue Subdivision Plat Amendment and 560 Park Avenue Steep Slope Conditional Use Permit to May 13, 2015, to allow Staff and the applicant additional time to work through the applications.

## Description

**Applicant:** 545 Main Street Holdings, LLC  
represented by Billy Reed and Jonathan DeGray

**Location:** Plat Amendment: 545 Main Street & 550/554/560 Park Ave.  
Steep Slope CUP: 560 Park Ave.

**Zoning:** Historic Residential (HR-2) and Historic Commercial Business (HCB) Districts

**Adjacent Land Uses:** Residential and commercial

**Reason for Review:** Plat Amendments require Planning Commission review and recommendation with final action by the City Council.  
Conditional Use Permits require Planning Commission review and approval



# Planning Commission Staff Report



**Subject:** Fairway Village No. 1, First Amended Subdivision Plat  
**Author:** John Paul Boehm, City Planner  
**Project Number:** PL-14-02569  
**Date:** April 8, 2015  
**Type of Item:** Administrative – Plat Amendment

## Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council for the Fairway Village No. 1, First Amended subdivision plat, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

## Description

**Applicant:** Fairway Village Homeowners Association  
C/O Ryan Dickey  
**Location:** Fairway Village No. 1, PUD  
**Zoning:** Residential Development (RD), Master Planned Development  
**Adjacent Land Uses:** Single-family and duplex residential  
**Reason for Review:** Plat amendments require Planning Commission review and City Council action

## Proposal

The applicant is requesting a Plat Amendment for the purpose of memorializing the existing building footprints. The existing Planned Unit Development (PUD) units were constructed in a different orientation than what is currently shown on the recorded plat for this subdivision.

## Purpose

The purpose of the Residential Development (RD) District is to:

- a) Allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities;
- b) Encourage the clustering of residential to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services;
- c) Allow commercial and recreational activities that are in harmony with residential neighborhoods;
- d) Minimize impacts of the automobile on architectural design;
- e) Promote pedestrian connections within Developments and between adjacent areas; and
- f) Provide opportunities for variation in architectural design and housing types.

## **Background**

On January 6, 2015 the applicant submitted a complete application for the Fairway Village No. 1, First Amended subdivision plat. The property is located at the Fairway Village Number 1 Planned Unit Development in the Residential Development (RD) District. This development is adjacent to the Park Meadows Country Club and its associated golf course.

The Fairway Village No. 1 Planned Unit Development was originally approved by City Council on December 12, 1979 and recorded on December 17, 1979. The total area of the approved Development is 139,029 square feet, or 3.19 acres. Construction of the twenty eight (28) units began in early 1980 and was completed later that same year.

The recorded plat for the Fairway Village No. 1 PUD incorrectly reflects the actual footprints of the sixteen (16) units on the west side of Fairway Village Drive. Small areas shown as common area on the plat were actually enclosed within the unit walls during construction of the units. The plat currently shows detached garages, but during construction the garages were attached to the units, creating a hallway from the garage to the unit through what is shown as common area on the plat.

In 2014, several unit owners were unable to acquire building permits for remodels in the aforementioned hallways in this Development as the plat reflected they were attempting to build in the common area without HOA approval.

## **Analysis**

The proposed plat amendment will effectively memorialize the existing as-built conditions of the sixteen (16) units on the west side of Fairway Village Drive by designating approximately 225 square feet per unit as private area instead of common area, which is how this area is currently shown on the recorded plat. No changes are proposed for the twelve (12) units on the east side of Fairway Village Drive as the footprints of these units were properly platted in 1979. The proposed plat amendment will not affect any of the lot requirements for the RD zone or the approved PUD as no changes to the built environment will occur.

The proposed plat amendment will also allow for the existing utility easements that run throughout the project to be properly recorded on the plat. The City Engineer, several members of the City's Water Department, and a representative from the Snyderville Basin Sewer Improvement District have all expressed a desire to place easements on the plat to memorialize the existing utility services. Staff is recommending a condition of approval that these existing utility easements be reflected on the plat prior to recordation.

The proposed plat amendment does not create any new non-conforming situations. This plat amendment is consistent with the Park City LMC and applicable State law regarding subdivision plats. Any future additions to the existing home must comply with current LMC requirements.

## **Good Cause**

Planning Staff finds there is good cause for this plat amendment. Memorializing the existing conditions will eliminate further issues with the acquisition of building permits and will allow for streamlined processing of future planning applications. Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. 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.

### **Department Review**

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

### **Notice**

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

### **Public Input**

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

### **Process**

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

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the Fairway Village No. 1, First Amended subdivision plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the plat amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item. .

### **Significant Impacts**

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

### **Consequences of not taking the Suggested Recommendation**

The proposed plat amendment would not be recorded and the existing plat would remain as is. The Fairway Village No. 1 unit owners would need to acquire HOA approval for work in the common area before a building permit could be issued.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing, consider input, and consider forwarding a positive recommendation to the City Council for the Fairway Village No. 1, First Amended subdivision plat based on the findings of fact, conclusions of law, and conditions of approval as stated in the draft ordinance.

### **Exhibits**

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Current Plat

Exhibit C – Building Lines Exhibit

Exhibit D – Project Intent Letter

Exhibit E – Photos

## Exhibit A- Draft Ordinance and Proposed Plat

Ordinance 15-

### **AN ORDINANCE APPROVING THE FAIRWAY VILLAGE NO. 1, FIRST AMENDED SUBDIVISION PLAT LOCATED AT FAIRWAY VILLAGE NUMBER 1 PLANNED UNIT DEVELOPMENT, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Fairway Village No. 1 PUD, have petitioned the City Council for approval of the Fairway Village No. 1, First Amended subdivision plat; and

WHEREAS, the existing conditions of the Fairway Village No. 1 PUD do not match the original Fairway Village No. 1 subdivision plat; and

WHEREAS, the owners of the Fairway Village No. 1 PUD wish to correct the discrepancies between the existing conditions and the original Fairway Village No. 1 subdivision plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 8, 2015 to receive input on the proposed subdivision;

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

WHEREAS, on May 7, 2015, the City Council held a public hearing on the proposed Fairway Village HOA Re-plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed Fairway Village No. 1, First Amended subdivision plat.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Fairway Village No. 1, First Amended subdivision plat, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

#### **Findings of Fact:**

1. The property is located at Fairway Village No. 1 PUD within the Residential Development (RD) Zoning District.
2. The Fairway Village No. 1 Planned Unit Development was originally approved by City Council on December 12, 1979 and recorded on December 17, 1979.
3. The total area of the Fairway Village No. 1 PUD is 3.19 acres.
4. There are twenty eight (28) units in the Fairway Village No. 1 PUD.
5. On December 8, 2014, the applicant submitted an application to amend the existing Fairway Village No. 1 subdivision plat.
6. The application was deemed complete on January 6, 2015.
7. The sixteen (16) units on the west side of Fairway Village Drive were built with hallways that connect the garage to the main unit.
8. The original Fairway Village No. 1 subdivision plat shows that the garages are detached from the main units.
9. The proposed plat amendment would memorialize the existing built environment of the Fairway Village No. 1 PUD.
10. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming situations.
11. Fairway Village Drive is private and is not maintained by the City

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The requested utility easements from the City Engineer, City Water Department, and Snyderville Basin Sewer Improvement District must be placed on the amended plat prior to 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

**FAIRWAY VILLAGE NO.1 FIRST AMENDED  
A PLANNED UNIT DEVELOPMENT**

Amending Units 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 & 43 of Fairway Village No. 1  
Located in the Northwest Quarter of Section 3 & the Northeast Quarter of Section 4, Township 2 South, Range 4 East, Salt Lake Base and Meridian,  
Summit County, Utah, May 2014

**SURVEYOR'S CERTIFICATE**  
I, Mark H Gregory, do hereby certify that I am a Professional Land Surveyor in the State of Utah holding certificate number 334578 as prescribed by Title 58, Chapter 22 of the Professional Engineers and Land Surveyors Licensing Act. I further certify that by the authority of the owners, I have made an accurate survey of the tract of land shown and described hereon in accordance with Sections 17-23-17 of the Utah State Code, have verified all measurements shown and have subdivided said property into streets hereafter to be known as Fairway Village No. 1 First Amended, a Planned Unit Development and that the same has been surveyed and monuments have been placed on the ground as represented on this plat.

**BOUNDARY DESCRIPTION**

A parcel of land located in the Northwest Quarter of Section 3 & the Northeast Quarter of Section 4, Township 2 South, Range 4 East, Salt Lake Base and Meridian, Summit County, Utah, described as follows:  
**BEGINNING** of the Northwest Corner of Fairway Village No. 1, a Planned Unit Development recorded December 17, 1979 as Entry No. 162328 in the records of the Summit County Recorder, said corner being South 05°02'47" East 1,323.23 feet along the north line of 4, Township 2 South, Range 4 East, Salt Lake Base and Meridian and South 327.38 feet from the North Quarter Corner of said Section 4, on thence along the southerly line of Meadows Drive the following two courses: 1) Easterly 84.11 feet along the arc of a 665.78 foot radius curve to the left through a central angle of 04°38'23" and a long chord of South 84°10'18" East 84.10 feet to a point of reverse curvature of a 447.00 foot radius curve to the right and 2) Easterly 128.10 feet along said curve through a central angle of 18°25'10" and a long chord of South 78°17'25" East 127.88 feet to the westerly line of Fairway Village Drive and a point of compound curvature of a 35.00 foot radius curve to the right; thence along said westerly line the following seven courses: 1) Southwesterly 57.01 feet along said curve through a central angle of 53°18'50" and a long chord of South 23°24'55" East 50.91 feet, 2) South 23°15'00" West 23.78 feet to a point of tangency of a 165.00 foot radius curve to the left, 3) Southwesterly 268.62 feet along said curve through a central angle of 92°35'00" and a long chord of South 23°02'30" East 238.35 feet, 4) South 69°20'00" East 334.30 feet to a point of tangency of a 180.00 foot radius curve to the right, 5) Southwesterly 181.89 feet along said curve through a central angle of 57°30'00" and a long chord of South 40°25'00" East 174.07 feet, 6) South 11°30'00" East 14.07 feet to a point of tangency of a 20.00 foot radius curve to the right and 7) Southwesterly 314.42 feet along said curve through a central angle of 87°00'00" and a long chord of South 33°30'00" West 28.28 feet to the north line of Sunny Slopes Drive; thence along said line South 78°30'00" West 121.01 feet; thence North 40°25'00" West 80.62 feet; thence North 69°20'00" West 418.18 feet; thence North 22°00'00" West 355.00 feet; thence North 95.23 feet to the POINT OF BEGINNING. Said parcel contains 139,029 square feet or 3.19 acres, more or less.



Date \_\_\_\_\_  
Mark H Gregory  
P.L.S. No. 334578

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_ the signer of the foregoing instrument, who duly acknowledged to me that (s)he is a \_\_\_\_\_ of Fairway Village Homeowners Association, a Utah non-profit corporation, and that he or she signed said Owner's Dedication and Consent to Record for, on and behalf of said Association and said \_\_\_\_\_ duly acknowledged that said Association executed the same.

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_ to me known to the individual or individuals described in and who executed the foregoing instrument and that they signed the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_ to me known to the individual or individuals described in and who executed the foregoing instrument and that they signed the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

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**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

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**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_ to me known to the individual or individuals described in and who executed the foregoing instrument and that they signed the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

**OWNERS' DEDICATION AND CONSENT TO RECORD**

Knew all men by these presents that the undersigned owners of the tract of land described at left, having caused the same to be subdivided into lots and streets to be hereafter known as:  
Fairway Village No. 1 First Amended, a Planned Unit Development  
do hereby dedicate for perpetual use of the public all, street right-of-ways, alpha lots and easements as shown on this plat as intended for Public use. Owners hereby agree to warrant and defend and save the City harmless against any assessments or other encumbrance on a dedicated street which will interfere with the City's use, maintenance and operation of the street.

- |   |   |
|---|---|
| Fairway Village Homeowners Association            | Dennis Cathey                                     |
| Gary A. Hurwitz                                   | Holly Ruckdschel                                  |
| Michael J. Schimberg                              | The Black Living Trust                            |
| Colleen G. Anders                                 | ORA-GAC, Inc.                                     |
| Werner Enterprises Inc.                           | Annette Croca-Bates Revocable Trust               |
| The Huebner-Corradini Trust                       | The Huebner-Corradini Trust                       |
| Victor Buzachera                                  | Nancy S. Buzachera                                |
| Karl Frederick Schlopy                            | Lauri M. Schlopy                                  |
| The Hoshaw Family Trust                           | Jonathan Shopir                                   |
| Carolyn F. Shopir                                 | The Jodyne Roseman Trust                          |
| Ronald N. Fox and Rochelle A. Fox Revocable Trust | Ronald N. Fox and Rochelle A. Fox Revocable Trust |

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_ to me known to the individual or individuals described in and who executed the foregoing instrument and that they signed the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

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**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_ the signer of the foregoing instrument, who duly acknowledged to me that (s)he is the \_\_\_\_\_ corporation, and is authorized to execute the foregoing Agreement in its behalf and that he or she executed it in such capacity.

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_ the signer of the foregoing instrument, who duly acknowledged to me that (s)he is the \_\_\_\_\_ corporation, and is authorized to execute the foregoing Agreement in its behalf and that he or she executed it in such capacity.

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

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STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

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**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

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**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

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**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

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COUNTY OF \_\_\_\_\_ } ss

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STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

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**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

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**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss

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Fairway Village Amended Plat 22735 (Survey) (Plat - Amendment).dwg

 Dominion Engineering Associates, L.C. 5884 South Green Street Park City, Utah 84301 Planning Commission Meeting - April 8, 2015	PARK CITY ENGINEER I find this plat to be in accordance with information on file in my office this ____ day of _____, 2014. _____ Park City Engineer	PARK CITY PLANNING COMMISSION Approved and accepted by the Park City Planning Commission this ____ day of _____, 2014. _____ Chair	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT Reviewed for conformance to Snyderville Basin Water Reclamation District Standards on this ____ day of _____, 2014. _____ S.B.W.R.D.	APPROVAL AS TO FORM Approved as to form this ____ day of _____, 2014. _____ Park City Attorney	CERTIFICATE OF ATTEST I certify this record of survey map was approved by Park City Council this ____ day of _____, 2014. _____ Park City Recorder	PARK CITY COUNCIL Approved and acceptance by the Park City Council this ____ day of _____, 2014. _____ Park City Mayor	RECORDED No. _____ State of Utah, County of Summit Recorded and Filed at the request of: _____ Date: _____ Times: _____ Books: _____ Pages: _____ Fee \$ _____ Summit County Recorder	NUMBER _____ ACCOUNT _____ SHEET 1 Page 82 of 492 ETS
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1923.23'  
North 1/4 Corner Section 4  
T. 2 S., R. 4 E., S.L.B.M.  
Found Aluminum Cap

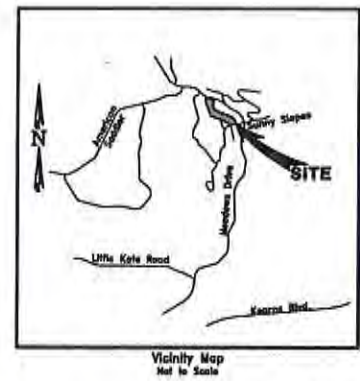
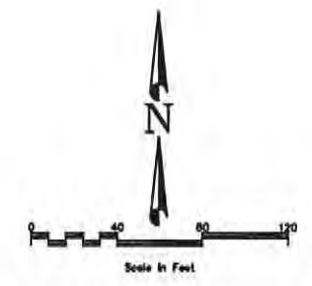
North East Corner Section 4  
T. 2 S., R. 4 E., S.L.B.M.  
Found Rebar & Cap Stamped  
"PHL 15173736" 0.8' South  
of Corner

**FAIRWAY VILLAGE NO.1 FIRST AMENDED**  
A PLANNED UNIT DEVELOPMENT  
Amending Units 28, 29, 30, 31, 32, 33, 34, 35, 36, 37,  
38, 39, 40, 41, 42 & 43 of Fairway Village No. 1  
Located in the Northwest Quarter of Section 3 & the Northeast Quarter of Section 4,  
Township 2 South, Range 4 East, Salt Lake Base and Meridian,  
Summit County, Utah, May 2014

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD TANGENT
C1	665.76'	54.10'	4°39'23"	S 84°10'19" E	54.09' 27.07'
C2	35.00'	57.01'	8°5'18"30"	S 2°24'55" E	30.91' 37.10'
C3	20.00'	31.42'	90°00'00"	S 3°30'00" W	28.28' 20.00'
C4	35.00'	60.27'	98°39'47"	S 29°10'07" W	53.09' 40.74'
C5	20.00'	31.42'	90°00'00"	N 56°30'00" W	28.28' 20.00'
C6	35.00'	54.98'	90°00'00"	S 88°15'00" W	49.50' 35.00'

**LEGEND**

- Section Corner Monument (As Noted)
- Street Monument Found
- Property Boundary Line
- Monument Line
- Easement Line
- Set Rebar w/ Cap Stamped "Domination Engineering" (Unless Otherwise Noted)
- Private Ownership
- Common Area



**DOMINION**  
Engineering Associates, L.C.  
5084 South Green Street  
Murray, Utah 84123 801-713-3000

RECORDED No. _____	NUMBER _____
State of Utah, County of Summit Recorded and Filed of the request of: _____	ACCOUNT _____
Date: _____ Time: _____ Book: _____ Page: _____	SHEET 2
Fee \$ _____	Summit County Recorder

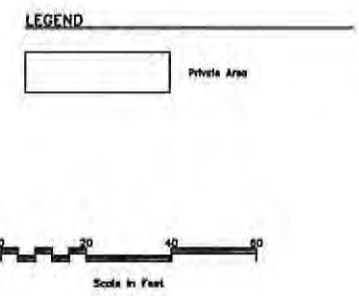
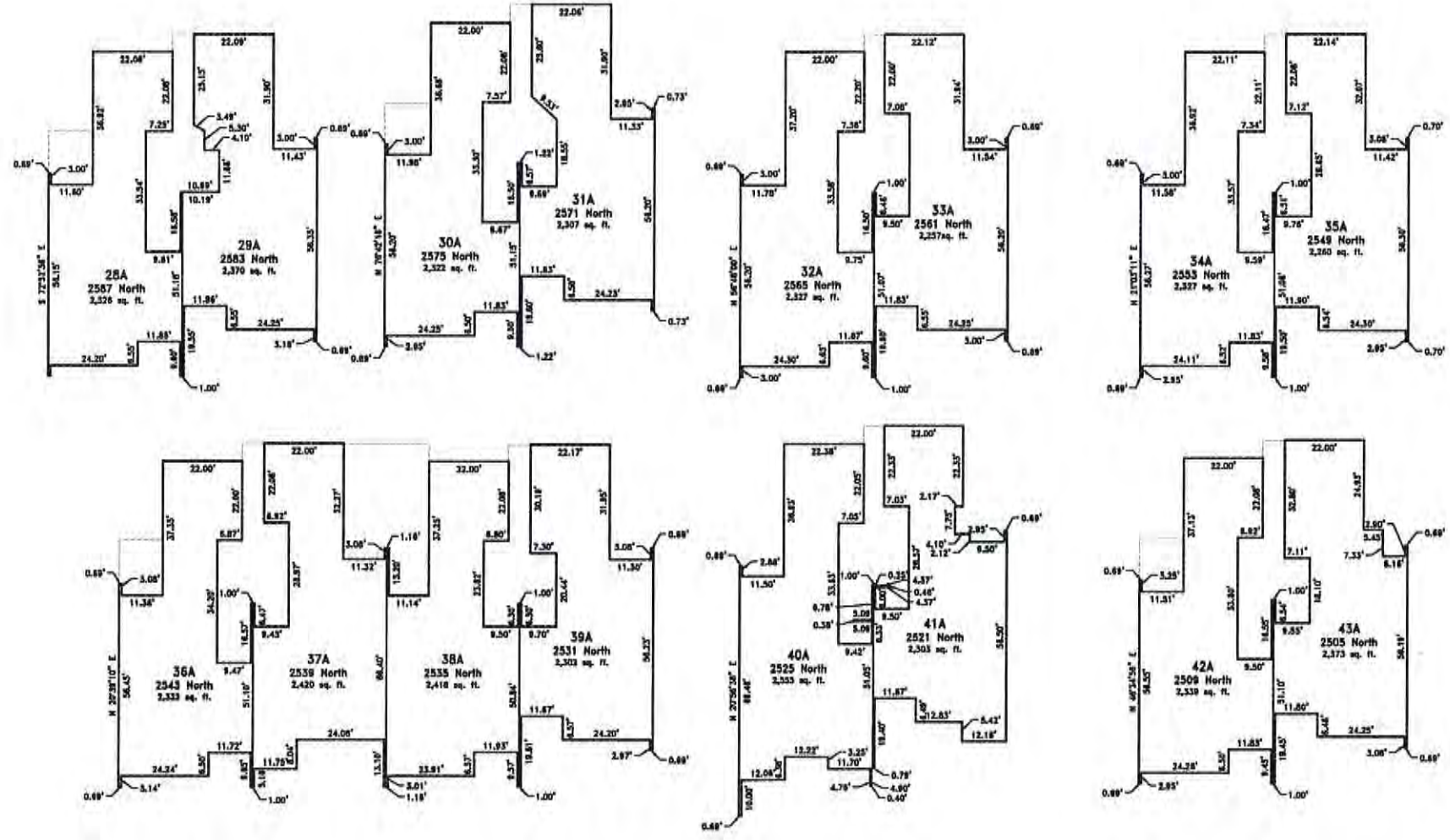
RECEIVED  
JAN 06 2015  
PLANNING DEPT.

Fairway Village Amended Plat 2275 Survey/Map Amendment.dwg

Planning Commission Meeting - April 8, 2015

Page 83 of 102ETS

**FAIRWAY VILLAGE NO.1 FIRST AMENDED**  
**A PLANNED UNIT DEVELOPMENT**  
 Amending Units 28, 29, 30, 31, 32, 33, 34, 35, 36, 37,  
 38, 39, 40, 41, 42 & 43 of Fairway Village No. 1  
 Located in the Northwest Quarter of Section 3 & the Northeast Quarter of Section 4,  
 Township 2 South, Range 4 East, Salt Lake Base and Meridian,  
 Summit County, Utah, May 2014



Fairway Village Amended Plat, 2275\Survey\dwg\Plat\_Amendment1.dwg



RECEIVED  
**JAN 06 2015**  
 PLANNING COMMISSION

RECORDED No.	NUMBER
State of Utah, County of Summit Recorded and Filed at the request of:	ACCOUNT
Date: _____ Time: _____ Book: _____ Page: _____	SHEET <b>3</b>
Fee \$ _____	Summit County Recorder Page 843 of 490 ETS

**SURVEYOR'S CERTIFICATE**

I, James G. West, do hereby certify that I am a Registered Land Surveyor and that I hold certificate No. 3082 as prescribed under the Laws of the State of Utah. I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described below and subdivided said tract of land into lots and streets, hereafter to be known as Fairway Village No. 1 and that same has been correctly surveyed and staked on the ground as shown on this plat.

Beginning at the Northwest corner of Park Meadows Subdivision No. 6A, as recorded, said point also being N. 0° 01' 43" E. 1775.15 feet along a section line and East 152.25 feet from the East Quarter corner of Section 4, T.2S., R.4E., S.L.B. & M., said point being on a 367.00 foot radius curve to the right, the radius point of which bears S. 74° 35' 39" W. 367.00 feet; thence Southeasterly along the arc of said curve 40.02 feet; thence S. 78° 30' W. 313.59 feet; thence N. 11° 30' W. 30.00 feet; thence N. 40° 25' W. 80.62 feet; thence N. 69° 20' W. 418.16 feet; thence N. 22° 00' W. 355.00 feet; thence North 95.23 feet to a point on a 665.76 foot radius curve to the left, the radius point of which bears N. 8° 09' 25" E. 665.76 feet; thence Southeasterly along the arc of said curve 57.11 feet to a point of a 447.00 foot radius reverse curve to the right, the radius point of which bears S. 3° 30' W. 447.00 feet; thence Southeasterly along the arc of said curve 157.08 feet to a point of tangency; thence S. 66° 45' E. 162.00 feet to a point of a 367.00 foot radius curve to the right, the radius point of which bears S. 23° 15' W. 367.00 feet; thence Southeasterly along the arc of said curve 158.53 feet to a point of a 433.00 foot radius reverse curve to the left, the radius point of which bears N. 48° 00' E. 433.00 feet; thence Southeasterly along the arc of said curve 211.60 feet to a point of a 367.00 foot radius reverse curve to the right, the radius point of which bears S. 20° 00' W. 367.00 feet; thence Southeasterly along the arc of said curve 349.70 feet to a point of beginning.  
Contains 6.35 acres.

Sep 20, 1979  
Date

James G. West  
James G. West

**OWNER'S DEDICATION**

Know all men by these presents that we the undersigned, owners of the herein described tract of land having caused same to be subdivided into lots and streets to be hereafter known as Fairway Village No. 1 do hereby dedicate for perpetual use of the lot owners all common areas shown on this plat. Reserving unto the undersigned for the granting to adjacent properties a non-exclusive easement of ingress and egress and for vehicular and pedestrian traffic over those portions of property graded and surfaced as roadways in the manner set forth in the Declarations of Covenants, Conditions and Restrictions recorded here with we have hereunto set our hands this 17th day of October, A.D. 1979.

Enoch R. Smith, Partner  
Victor R. Ayers, Partner

**ACKNOWLEDGMENT**

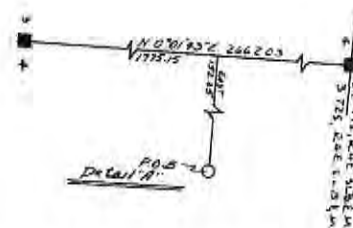
STATE OF UTAH  
COUNTY OF SUMMIT

On this 17th day of October, A.D. 1979, personally appeared before me, the undersigned, Notary Public in and for said State and County, Enoch R. Smith and Victor R. Ayers who after being duly sworn, acknowledged to me that they are partners of Park Meadows Development Company, a Utah partnership, that they signed the owners' dedication freely and voluntarily for and in behalf of said company for the purposes therein mentioned and said company executed the same.

My Commission Expires January 26, 1981  
Residing in Salt Lake County, Utah

Notary Public

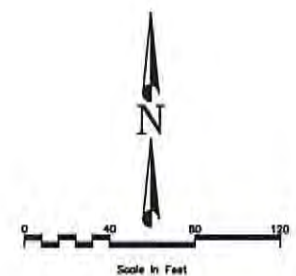
Legend:  
● Fire Hydrants



- Notes
- 1 All tie lines are at 90° to center lines and property lines unless otherwise noted.
  - 2 Typical building lots as denoted by numbers 28 thru 43 are measured same as lots 34 and 39 and associated limited common areas.
  - 3 Typical building lots as denoted by numbers 16 thru 27 are measured same as lot 24 and associated limited common areas.
  - 4 Non-cross-hatched areas are to be common areas dedicated to the use of the Fairway Village No. 1 Homeowners Association and its members.
  - 5 Recorded concurrently with this plat is a Declaration of Covenants which details the rights and obligations of parties having or acquiring an interest in this property.
  - 6 Single cross-hatched areas indicate private ownership.
  - 7 Double cross-hatched areas are limited common ownership associated for use with the unit associated by the same number.

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JAN 06 2015  
PARK CITY PLANNING DEPT.

Prepared By: J.J. Johnson & Associates Civil Engineering Planning Surveying 1700 Park Avenue P.O. Box 1661 Park City, Utah 84060 Planning Commission Meeting - April 8, 2015	City Planning Commission Approved & Accepted by the Park City Planning Commission this 10th Day of Oct. A.D. 1979 Chairman	<b>FAIRWAY VILLAGE No. 1</b> <b>A PLANNED UNIT DEVELOPMENT</b> Located in N.E. Quarter of Section 4, T.2S., R.4E., S.L.B. & M.	Certificate of Attest Attest this 22th Day of Dec. A.D. 1979 Park City Recorder	Council Approval & Acceptance Approved & Accepted by the Park City Council this 22th Day of Dec. A.D. 1979 Mayor	No. 162326 Recorded State of Utah, County of Summit, Recorded and Filed at the request of: Summit County Title Date 12-17-79 Time 4:45 Fee 24.50 Summit County Recorder
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**LEGEND**  
 [Pink outline] Original Plotted Building Lines

RECEIVED  
 JAN 06 2015  
 PARK CITY  
 PLANNING DEPT.

P:\Fairway Village Amended Plat 2275\Survey\dwg\Exhibit.dwg

DRAWN	WNC 8/14	CHECKED	
DESIGNED		PROJECT ENGINEER	
		PROJECT MANAGER	

**FAIRWAY VILLAGE HOMEOWNERS ASSOCIATION**  
**PARK CITY, UTAH**



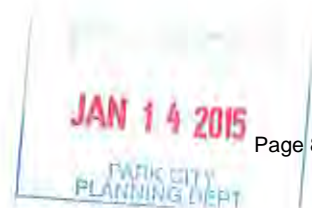
**FAIRWAY VILLAGE No. 1 FIRST AMENDED**  
**BUILDING LINE EXHIBIT**

PROJECT NO.	2275-01		
SHEET NO.	1 of 1		
NO.	REVISIONS	BY	DATE

## **Project Intent / Scope of Work**

The current PUD plat incorrectly reflects the actual footprint of the existing buildings. Small areas shown as common area on the plat are actually enclosed within townhouse walls, and in fact were originally constructed this way in 1979. The original neighborhood plat shows detached garages, but during construction the garages were attached to the house, creating a hallway from the garage to the townhouse unit through what is shown on the plat as common area.

A year ago, two owners faced challenges from the building department when they attempted to pull permits for remodels, as it appeared the owners were building in common area when they were remodeling in the aforementioned hallways. In reality, these areas had always been part of the townhouse. The HOA seeks to rectify this problem for owners who wish to do work in the future by correcting the plat with this amendment.











# Planning Commission Staff Report



**Subject:** 936 Empire Avenue  
**Project #:** PL-15-02618  
**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 936 Empire Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 936 Empire 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:** Steve Rosenberg  
**Architect:** Bill Van Sickle, designer/Larry Feldman, representative  
**Location:** 936 Empire 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 3,815 square feet new single family home (including the full basement area and garage) on a 2,812.5 square foot lot located at 936 Empire 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 January 6, 2015, the City received an application for a Steep Slope Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 936 Empire Avenue. The property is located in the Historic Residential (HR-1) District. The application was deemed complete on January 22, 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 3,815 square feet total (including the full basement and the double car garage) on an amended "Old Town" lot containing 2,812.5 square feet. The property is described as Lot 1 of the 936 Empire Avenue Subdivision, a combination of one and a half standard "Old Town" lots. Because the total proposed structure is greater than 1,000 square feet, and the slope within the first 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 home was submitted on January 6, 2015. This application was approved on March 31, 2015 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 October 27, 2014, the applicant submitted an application for a plat amendment to combine the one and a half (1.5) lots containing a total of 2,812.5 square feet into one (1) lot of record in order to construct a new single family home. The City Council approved the 936 Empire Avenue Subdivision plat on February 12, 2015 and is pending recordation but will need to be recorded prior to February 12, 2016 and building permit approval. There is an existing home and retaining wall to the north that encroaches onto this property by 0.3 feet as addressed on the plat. There is also a current application submitted to the Planning Department by the owner of the lot to the north requesting to demolish that non-historic structure. The design of this proposed home is based on the existing home to the north and wall being demolished. Therefore there is a condition of approval that the existing structures which encroach on this property must be demolished prior to building permit being granted.

### **Analysis**

The lot has an average slope, across the entire depth, of twenty four percent (24%) but upwards of 35-38% slopes within the first 20 feet from the ROW. The lot is a combination of one and a half standard "Old Town" lots, both previously being vacant. This property already has access to utility services for water, sewer, etc. off of Empire Avenue.

The proposed home contains a total of 3,815 square feet, including the basement and a double car garage. The proposed building footprint totals 1,201 square feet. The 2,812.5 square foot lot allows a building footprint of 1,201 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 ten feet (10') which meets the required ten feet (10') of stepping. See below for description of each floor:

Floor	Proposed Sq. Ft. for Home
Basement	1,198 square feet
Garage	357 square feet
Lower	801 square feet
Main	844 square feet
Upper	615 square feet
Overall area	3,815 square feet

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	2,812.5 square feet, <u>complies.</u>
Building Footprint	1,201 square feet (based on lot area) <u>maximum</u>	1,201 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- 12 feet, <u>complies.</u> Rear- 18 feet, <u>complies.</u>
Side Yard	3 feet minimum for lot (6 feet total) There are existing encroachments to the north due to the existing home and retaining wall which is proposed to be demolished but will affect setback requirements if not demolished.	3 feet on both sides; will <u>comply if home and retaining wall to north are demolished and remove building code issues due to the lack of separation of the buildings.</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> <u>No height exception for garage is requested.</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 at 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	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 was approved on March 31, 2015 for their Historic District Design Review application.

#### 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 February 12, 2015 and is unrecorded but will need to be recorded before February 12, 2016 and building permit approval), in a manner that reduces the visual and environmental impacts of the Structure. The main level is set slightly below the 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 1201 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 the proposed home 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 one and a half “old town” lots with many similar 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 12 feet back from the edge of Empire 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 Empire Avenue. Side access is not feasible due to the width of the lot. The proposed driveway has an overall slope of 0.14% 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 rear becoming relatively steeper at the front. Overall, the slope is 24%. There are no proposed retaining walls. The lots to the north of the subject lot has an existing single family home and the lot to the south had an existing single family home that has currently pulled a permit for demolition but is not yet demolished, 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 (12') in front of the garage and (18') 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 16 feet. The garage door is setback 12' from the edge of the street and the ROW 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 main level to meet existing grade. The garage however, is not subordinate in design in that it is not setback more from the street than the home and the width is not minimized. Staff has worked with the applicant to separate the garages and setback one 3 feet from the other so as to create a shadow and minimize the perceived bulk and "wall effect" and by implementing columns between the two garage doors.

#### 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 are greater than is required by Code as the garage portion of the house is currently setback 12 feet from the property line and the edge of the street, to accommodate the code required parking spaces inside the garages and 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 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**

At the time of publishing this report, no public input was received on this Steep Slope CUP application.

### **Alternatives**

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 936 Empire Avenue, or
- The Planning Commission may deny the Steep Slope CUP Permit for 936 Empire 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. The lot is a combination of one and a half vacant lots.

### **Recommendation**

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 936 Empire Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 936 Empire 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 936 Empire 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 1 of the 936 Empire Avenue Subdivision. The lot area is 2,812.5 square feet.
4. A Historic District Design Review (HDDR) application was approved on March 31, 2015 for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. This lot is a combination of one and a half "Old Town" lots, which was previously vacant. This is a downhill lot.
6. Access to the property is from Empire Avenue, a public street.
7. There is an existing home and retaining wall to the north that encroaches onto the property 0.3 feet. There is a current application that has been submitted to the Planning and Building Departments requesting to demolish these structures.
8. Two parking spaces are proposed on site. Two spaces are proposed within an attached garage within the lot area.
9. The neighborhood is characterized by primarily non-historic and historic residential structures, single family homes, duplexes and condos.
10. The proposal consists of a total of 3,815 square feet, including the basement area and a double car garage.
11. The proposed driveway was designed with a maximum width of 16 feet and is approximately 12 feet in length from the garage to the existing edge of street with a

- minimum of 12 feet of driveway located on the property. The garage doors comply with the maximum height and width of nine feet by nine feet.
12. The proposed driveway has an overall slope is 0.14% as measured from the front of the garage to the edge of the paved street.
  13. An overall combined building footprint of 1,201 square feet is proposed. The maximum allowed footprint for this lot is 1,201 square feet.
  14. The proposed structure complies with all setbacks.
  15. 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.
  16. 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.
  17. 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 Empire Avenue streetscape.
  18. 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.
  19. 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.
  20. 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.
  21. 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.
  22. 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.
  23. 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 double car garages.
  24. 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.
  25. 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.
  26. The findings in the Analysis section of this report are incorporated herein.
  27. The applicant stipulates to the conditions of approval.

### **Conclusions of Law:**

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. The existing home and retaining wall to the north that are encroaching on this property must be demolished prior to building permit approval. If the home and wall are not demolished the proposed home at 936 Empire Avenue will need to be redesigned to meet current LMC required setbacks and building code requirements from existing structures and this Steep Slope Approval shall be amended or voided.
8. The plat approved by City Council on February 12, 2015 shall be recorded at the County prior to February 12, 2016 and Building Permit approval.
9. 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.
10. 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.
11. Modified 13-D residential fire sprinklers are required for all new structures on the lot.
12. 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.
13. Construction waste should be diverted from the landfill and recycled when possible.
14. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding

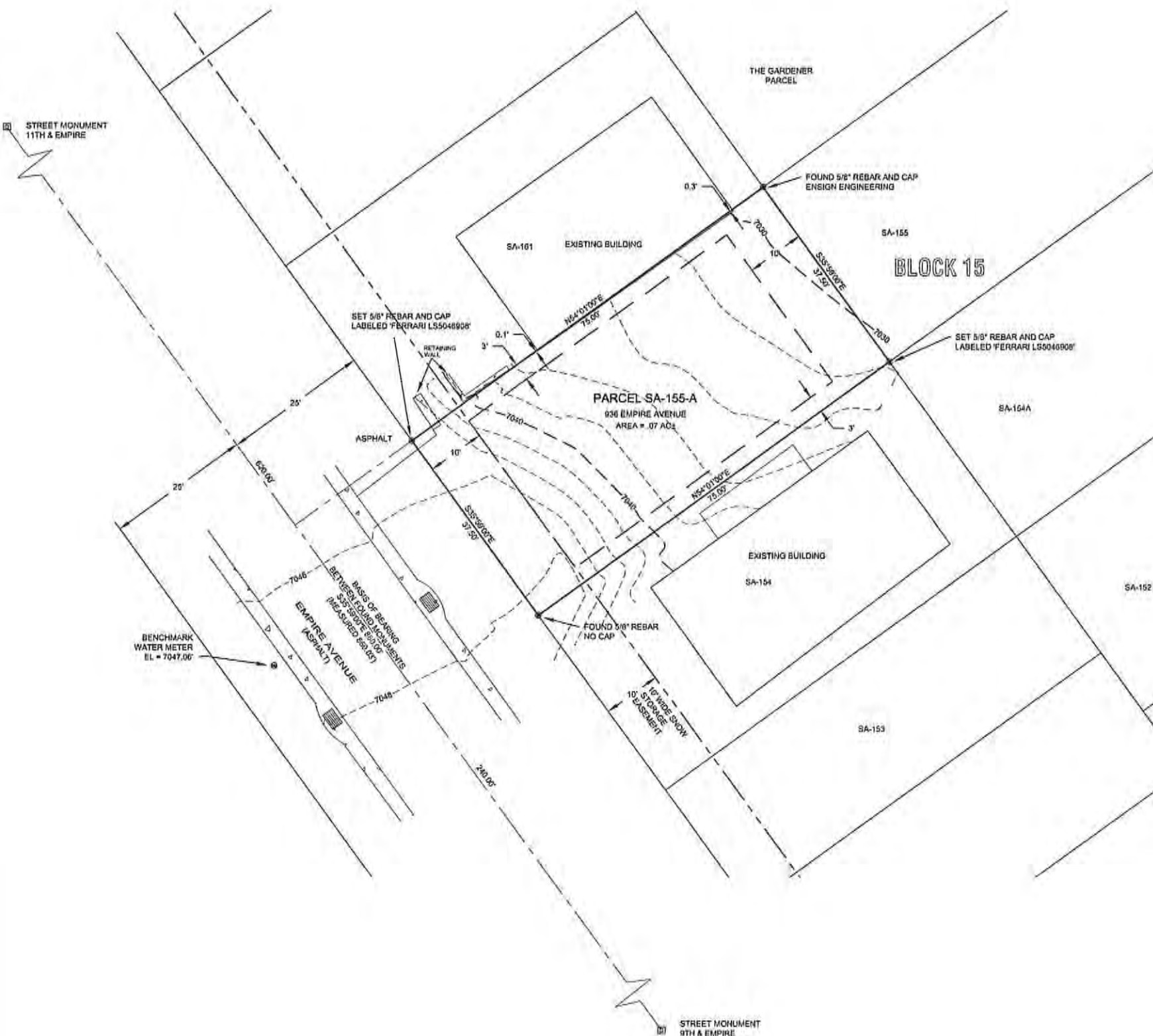
**Exhibits**

Exhibit A - Plans (existing conditions, site plan, landscape plan, elevations, floor plans (date stamped March 12, 2015)

Exhibit B - Visual Analysis and Streetscape

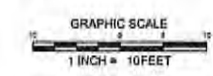
Exhibit C – Photographs and Vicinity Map

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



**RECORD OF SURVEY & TOPOGRAPHICAL MAP**

936 EMPIRE AVENUE  
 PARCEL SA-155-A  
 LOT 24 & THE NORTHERLY 1/2 OF LOT 25, BLOCK 15, SNYDERS ADDITION TO PARK CITY  
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 16  
 TOWNSHIP 2S RANGE 4E  
 SALT LAKE BASE AND MERIDIAN



**SURVEYOR'S STATEMENT**

I GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5406908. THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME, OR UNDER MY DIRECTION, OF THE HEREON DESCRIBED PROPERTY AND THAT TO THE BEST OF MY KNOWLEDGE IT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED.

GREGORY J. FERRARI, P.L.S., 0046908 EXPIRES  
 MARCH 31, 2015



P.O. BOX 683001  
 PARK CITY, UT 84068

**LEGAL DESCRIPTION:**

LOT 24 AND THE NORTHERLY HALF OF LOT 25, BLOCK 15, SNYDERS ADDITION TO PARK CITY SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

**LEGEND:**

	PROPERTY LINE		PROPERTY CORNER (AS NOTED)
	MAJOR CONTOUR		WATER MANHOLE
	MINOR CONTOUR		STREET MONUMENT
	CENTER LINE		DRAINAGE INLET
	PUBLIC UTILITY EASEMENT		
	BUILDING ENVELOPE		

**PROJECT INFORMATION:**

CLIENT:	LARRY FELDMAN 936 EMPIRE AVE. PARK CITY, UT 84060
PROJECT ADDRESS:	936 EMPIRE AVENUE PARK CITY, UT 84060
SERIAL NO.:	SA-155-A
RECORD INFORMATION:	LOT 24 AND THE NORTH 1/2 LOT 25, SNYDERS ADDITION TO PARK CITY

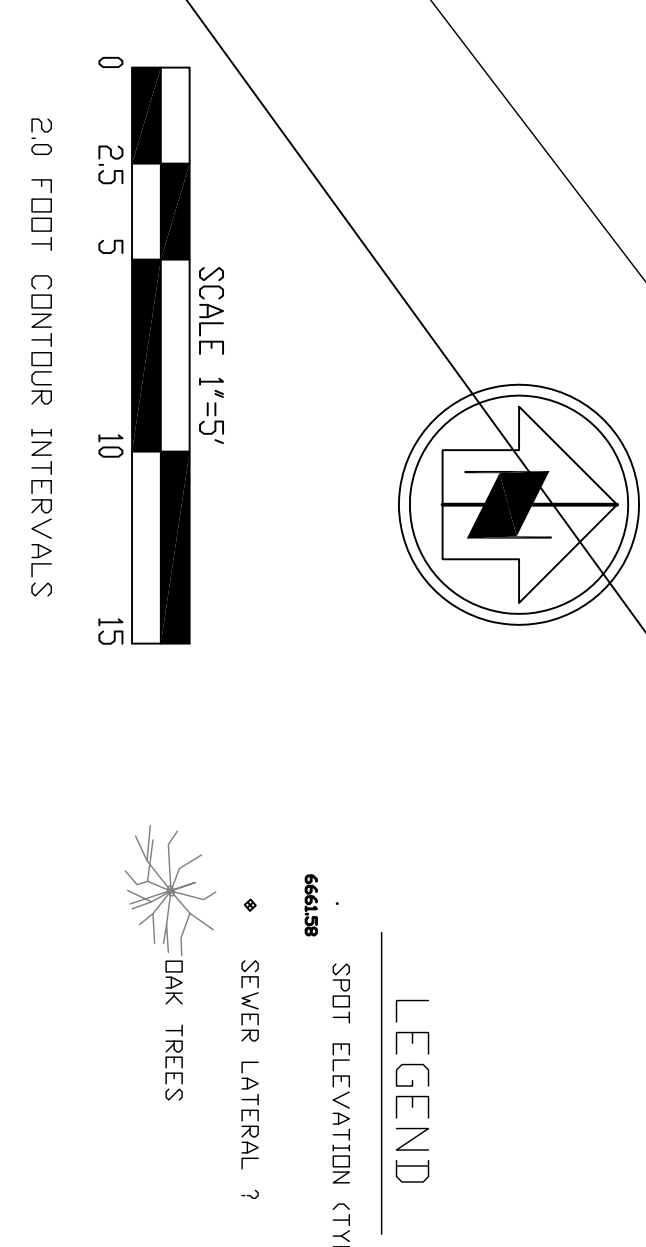
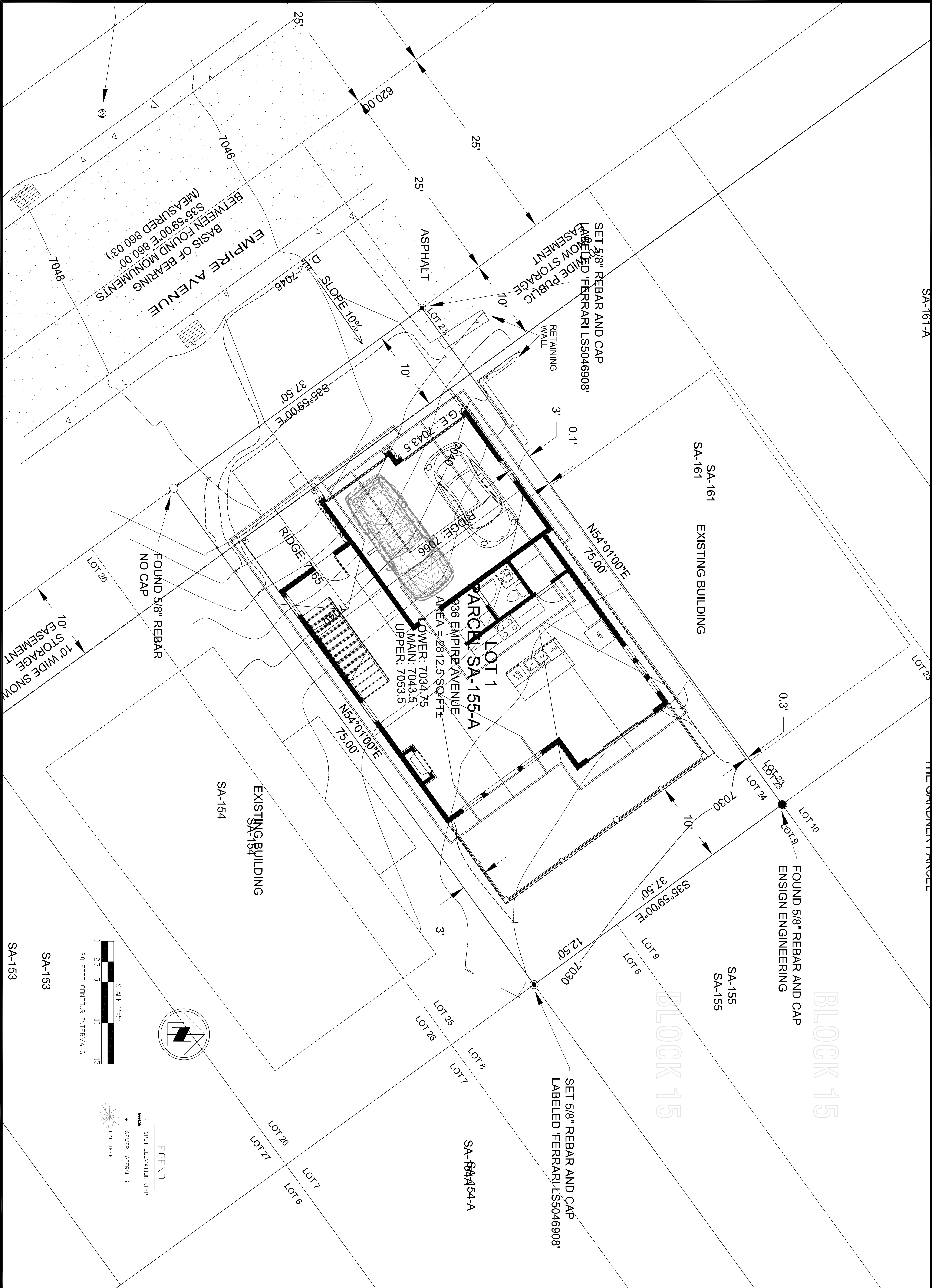
**NOTES:**

1. THE PURPOSE OF THIS SURVEY IS LOCATE THE BOUNDARIES OF THIS PROPERTY ON THE GROUND AND CREATE A TOPOGRAPHICAL MAP AT THE REQUEST OF LARRY FELDMAN.
2. THE EVIDENCE OF BOUNDARY SHOWN HEREON IS TAKEN FROM RECORD INFORMATION COMPILED FROM SNYDERS ADDITION TO PARK CITY SUBDIVISION.
3. NO INVESTIGATION CONCERNING ENVIRONMENTAL & SUBSURFACE CONDITIONS, OR THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
4. NO INVESTIGATION CONCERNING THE LOCATION OF OR EXISTENCE OF UTILITY SERVICE LINES TO THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
5. ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO ANY DESIGN OR CONSTRUCTION.
6. DATE OF FIELD WORK SEPTEMBER 24, 2014.
7. VERTICAL DATUM IS ASSUMED.
8. BUILDING SETBACKS MUST BE CONFIRMED WITH THE COUNTY, HOMEOWNERS ASSOCIATION, ARCHITECTURAL COMMITTEE, OR SIMILAR ADVISORY GROUP, IF ANY.
9. THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT.
10. BASIS OF BEARING SHOWN HEREON.

**REUSE OF DOCUMENTS**  
 THIS DOCUMENT & THE IDEAS & DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF FERRARI SURVEYING & IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF FERRARI SURVEYING.

**RECORD OF SURVEY AND TOPOGRAPHICAL MAP**  
 936 EMPIRE AVENUE  
 SA-155-A  
 LOT 24 AND THE NORTHERLY HALF OF LOT 25,  
 BLOCK 15, SNYDERS ADDITION TO PARK CITY  
 PARK CITY  
 SUMMIT COUNTY  
 UTAH

BAR IS ONE INCH ON CORR. DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.	
SURVEY BY:	GF-TM
SURVEY DATE:	9-24-14
DESIGN BY:	GF
DRAWN BY:	GF
CHECKED BY:	GF
DATE:	9-25-14
SCALE:	1 OF 1
1:10	
2:CONTOURS	



BLOCK 15

BLOCK 15

**A1.3**

SHEET

DATE OF PLANS  
JAN 2015

SITE & GRADING PLAN  
SCALE: 1" = 5'

NEW RESIDENCE  
936 EMPIRE AVENUE  
PARK CITY, UTAH  
84098

SNYDERS ADDITION  
LOT 24  
BLOCK 15

D:\VSD Logo\Van Sickle Logo (2).jpg  
4109 S 1400 E  
Salt Lake City, UT 84124  
(801) 694-9683  
bill.draftmaster@gmail.com  
www.vansicklearchitecture.com

THESE PLANS ARE THE PROPERTY OF VAN SICKLE DESIGN & DRAFTING. ANY REPRODUCTION OR USE OF THESE PLANS WITHOUT THE WRITTEN CONSENT OF VAN SICKLE DESIGN & DRAFTING IS STRICTLY PROHIBITED. THE USER ASSUMES ALL LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THESE PLANS. ALL DIMENSIONS ARE TO UNLESS OTHERWISE SPECIFIED. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

**VAN SICKLE**  
**DESIGN & DRAFTING**  
 4109 S 1400 E  
 Salt Lake City, UT 84124  
 (801) 694-9683

**SNYDERS**  
**ADDITION**  
**LOT 24**  
**BLOCK 15**

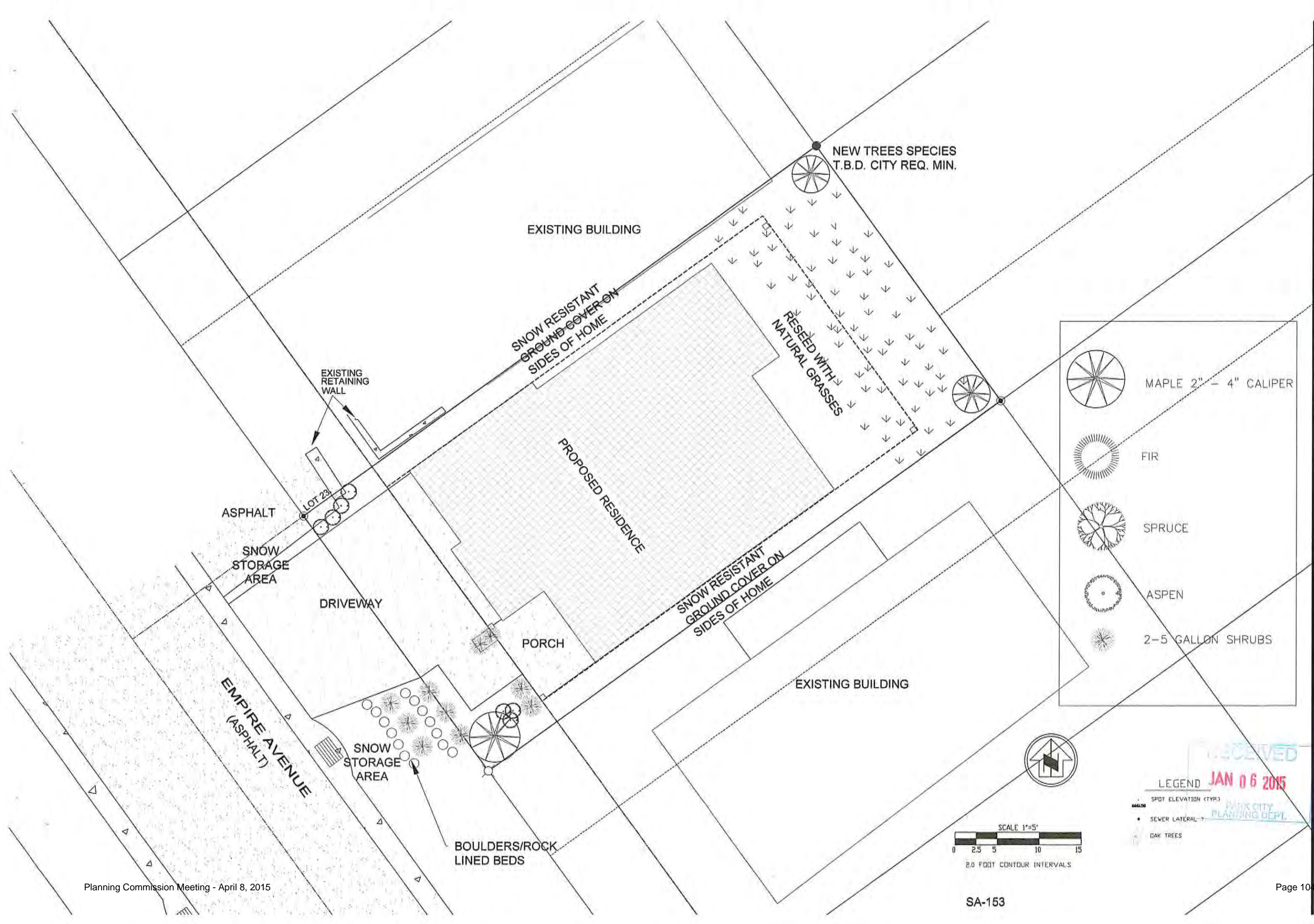
**NEW RESIDENCE**  
 936 EMPIRE AVENUE  
 PARK CITY, UTAH  
 0.1000

**LANDSCAPE**  
**PLAN**

**SCALE:**  
**1" = 5'**

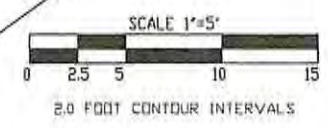
**DATE OF**  
**PLANS**  
**JAN 2015**

**SHEET**



**LEGEND**

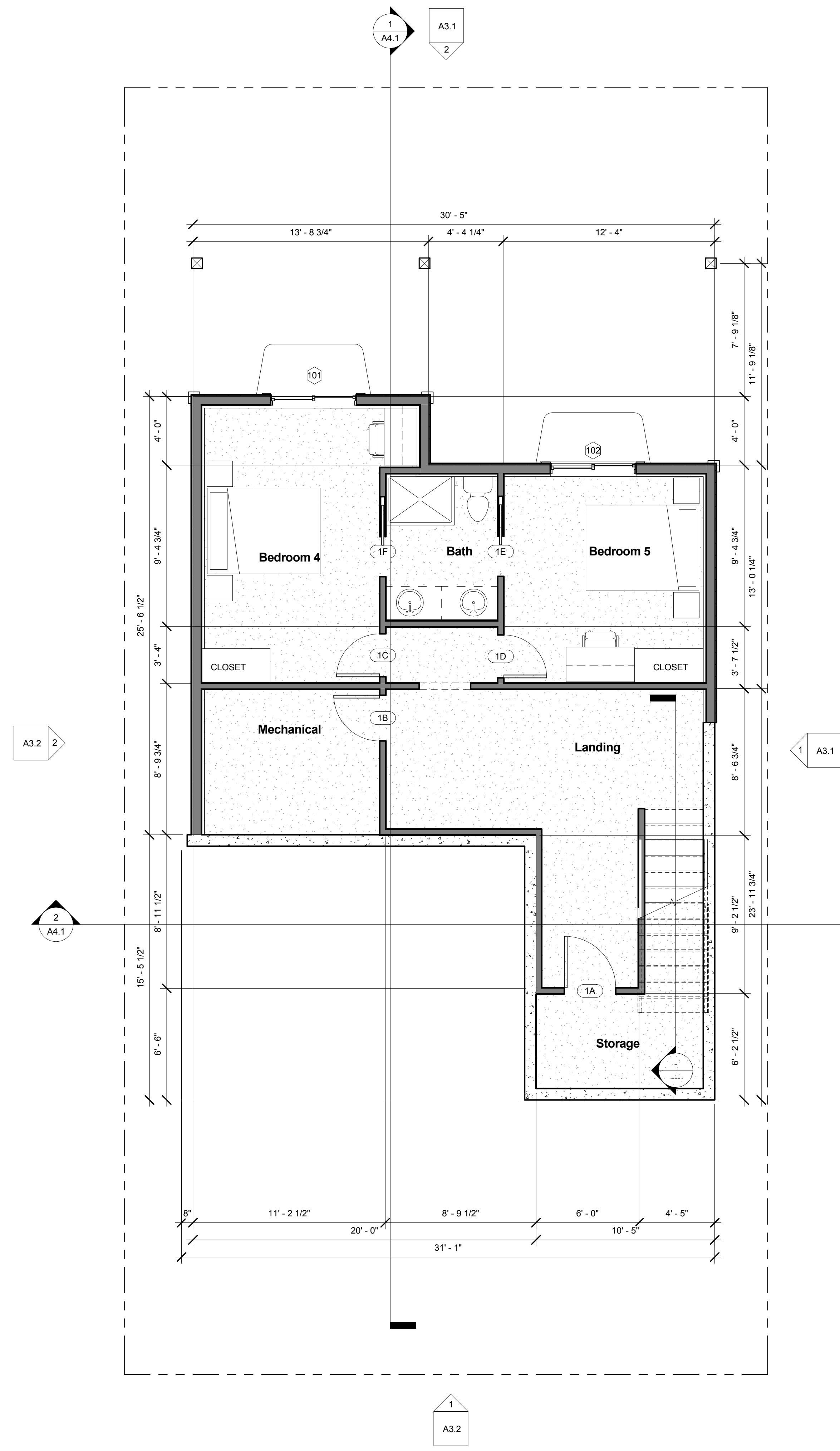
- MAPLE 2" - 4" CALIPER
- FIR
- SPRUCE
- ASPEN
- 2-5 GALLON SHRUBS



RECEIVED  
 JAN 06 2015  
 PARK CITY  
 PLANNING DEPT.







Window Schedule - Basement					
Mark	Rough Opening		Type	Manufacturer	Comments
	Width	Height			
101	5' - 0"	4' - 0"	Slider		
102	5' - 0"	4' - 0"	Slider		

Door Schedule - Basement				
Door Number	Door Size	Manufacturer	Model	Finish Comments
1A	36" x 80"			
1B	32" x 80"			
1C	30" x 80"			
1D	30" x 80"			
1E	28" x 80"			
1F	28" x 80"			

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

THE ABOVE DRAWINGS AND SPECIFICATIONS AND THE QUALITY, TESTING AND PERFORMANCE REPRESENTED HEREIN ARE AND SHALL REMAIN THE PROPERTY OF E.L. HARRIS AND NO PART THEREOF SHALL BE COPIED, REPRODUCED, EITHER IN WHOLE OR IN PART, OR IN CONNECTION WITH ANY OTHER WORK OR PROJECT OR BY ANY OTHER PERSON FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY HAVE BEEN PREPARED AND DELIVERED WITHOUT THE WRITTEN CONSENT OF E.L. HARRIS AND SUCH CONSENT WILL BE GRANTED ONLY UPON CONCLUSIVE EVIDENCE OF THESE RESTRICTIONS.

WRITERS DRAWINGS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER ALL OTHER DRAWINGS, CONTRACTS, ORDERS, NOTES, AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE NOTIFIED IMMEDIATELY BY AN AUTHORIZED PERSON OF THE PARTISAN AND OF ANY CHANGES TO THESE DRAWINGS. ALL WORK SHALL BE SUBJECT TO THE APPROVAL OF THE ARCHITECT. THESE APPROVALS SHALL BE LIMITED TO THE OFFICE FOR APPROVAL. THESE APPROVALS SHALL NOT BE BINDING ON THE ARCHITECT FOR APPROVAL. THESE APPROVALS SHALL NOT BE BINDING ON THE ARCHITECT FOR APPROVAL.

BY REVIEWING THESE PLANS THE CONTRACTOR UNDERSTANDS THAT THERE MAY BE DISCREPANCIES BETWEEN THE PLANS AND THE FIELD CONDITIONS. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON THE JOB AND NOTIFY THIS OFFICE OF ANY DISCREPANCIES IMMEDIATELY UPON DISCOVERY. THESE APPROVALS SHALL NOT BE BINDING ON THE ARCHITECT FOR APPROVAL.

BY ACCEPTING THESE PLANS THE CONTRACTOR UNDERSTANDS THAT THERE MAY BE DISCREPANCIES BETWEEN THE PLANS AND THE FIELD CONDITIONS. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON THE JOB AND NOTIFY THIS OFFICE OF ANY DISCREPANCIES IMMEDIATELY UPON DISCOVERY. THESE APPROVALS SHALL NOT BE BINDING ON THE ARCHITECT FOR APPROVAL.

**VAN SICKLE**  
DESIGN & DRAFTING  
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bill.draftmaster@gmail.com  
www.vansicklearchitecture.com

**New Residence**  
936 Empire Avenue  
Park City, Utah 84098

**Basement Floor**  
SCALE:  
1/4" = 1'-0"

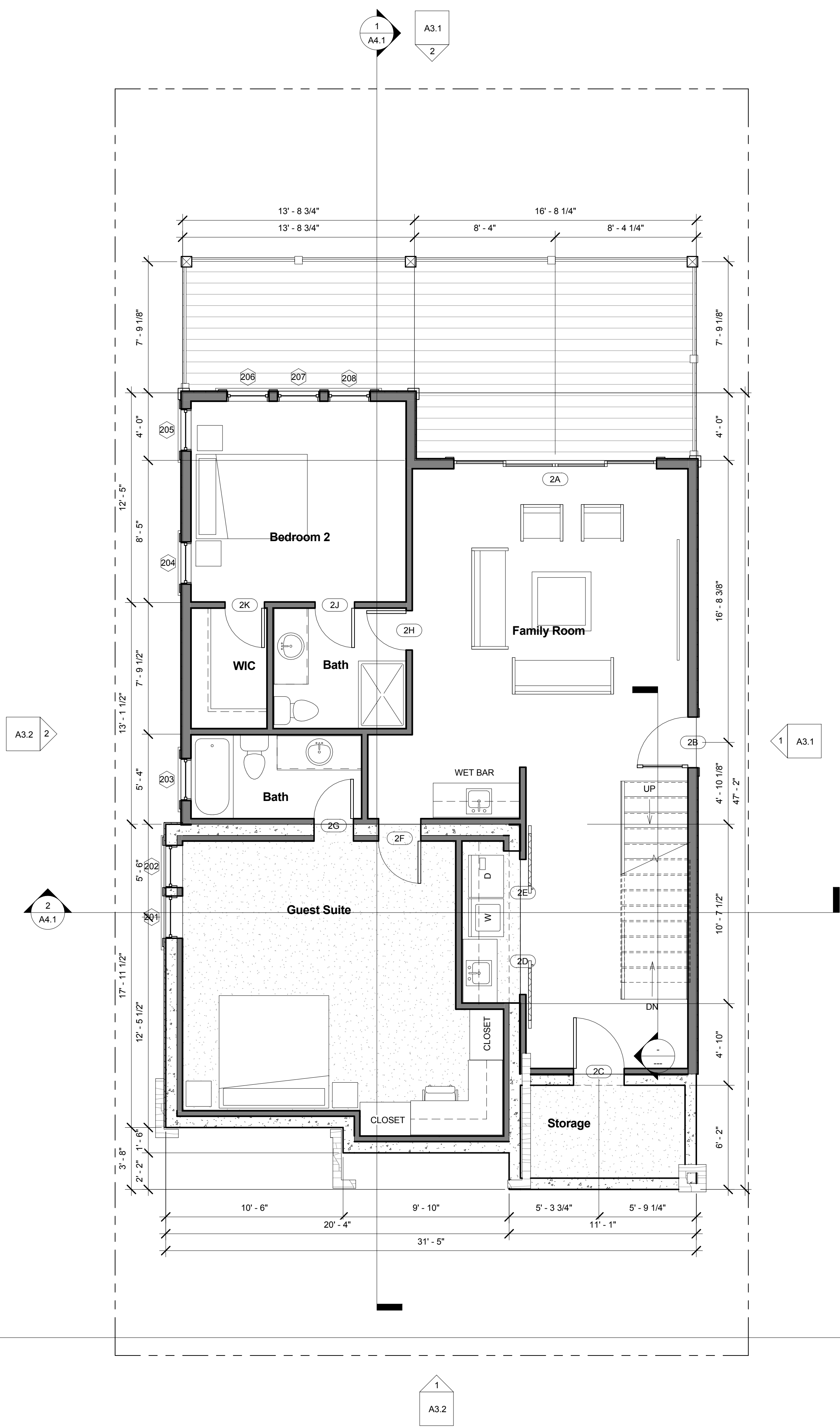
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**A2.0**

THE ABOVE DRAWINGS AND SPECIFICATIONS AND THE QUALITY, TESTING AND PERFORMANCE REPRESENTED HEREIN ARE AND SHALL REMAIN THE PROPERTY OF E.L. VANSICKLE AND NO PART THEREOF SHALL BE REPRODUCED OR COPIED OR USED IN CONNECTION WITH ANY OTHER PROJECT OR FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF E.L. VANSICKLE. ANY REVISIONS TO THESE DRAWINGS SHALL BE MADE BY THE ARCHITECT AND NO OTHER PERSON SHALL BE AUTHORIZED TO MAKE ANY CHANGES TO THESE DRAWINGS WITHOUT THE WRITTEN CONSENT OF E.L. VANSICKLE. ANY REVISIONS TO THESE DRAWINGS SHALL BE MADE BY THE ARCHITECT AND NO OTHER PERSON SHALL BE AUTHORIZED TO MAKE ANY CHANGES TO THESE DRAWINGS WITHOUT THE WRITTEN CONSENT OF E.L. VANSICKLE.

BY ACCEPTING THESE PLANS THE CONTRACTOR UNDERSTANDS THAT THERE MAY BE DISCREPANCIES BETWEEN THE SET AND THE FIELD AND THAT THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THAT THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES BETWEEN THE SET AND THE FIELD AND THAT THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES BETWEEN THE SET AND THE FIELD.

BY ACCEPTING THESE PLANS THE CONTRACTOR UNDERSTANDS THAT THERE MAY BE DISCREPANCIES BETWEEN THE SET AND THE FIELD AND THAT THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THAT THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES BETWEEN THE SET AND THE FIELD.



Door Schedule - Lower				
Door Number	Door Size	Manufacturer	Model	Finish Comments
2A	12'-0" x 7'-0"			
2B	36" x 96"			
2C	36" x 80"			
2D	48" x 96"			
2E	48" x 96"			
2F	30" x 96"			
2G	28" x 80"			
2H	28" x 80"			
2J	28" x 80"			
2K	28" x 80"			

Window Schedule - Lower					
Mark	Rough Opening		Type	Manufacturer	Comments
	Width	Height			
201	2' - 6"	5' - 0"	Double Hung		
202	2' - 6"	5' - 0"	Double Hung		
203	2' - 6"	4' - 0"	Double Hung		
204	2' - 6"	4' - 0"	Double Hung		
205	2' - 6"	4' - 0"	Double Hung		
206	2' - 6"	5' - 0"	Double Hung		
207	2' - 6"	5' - 0"	Double Hung		
208	2' - 6"	5' - 0"	Double Hung		

1 Lower Floor  
1/4" = 1'-0"

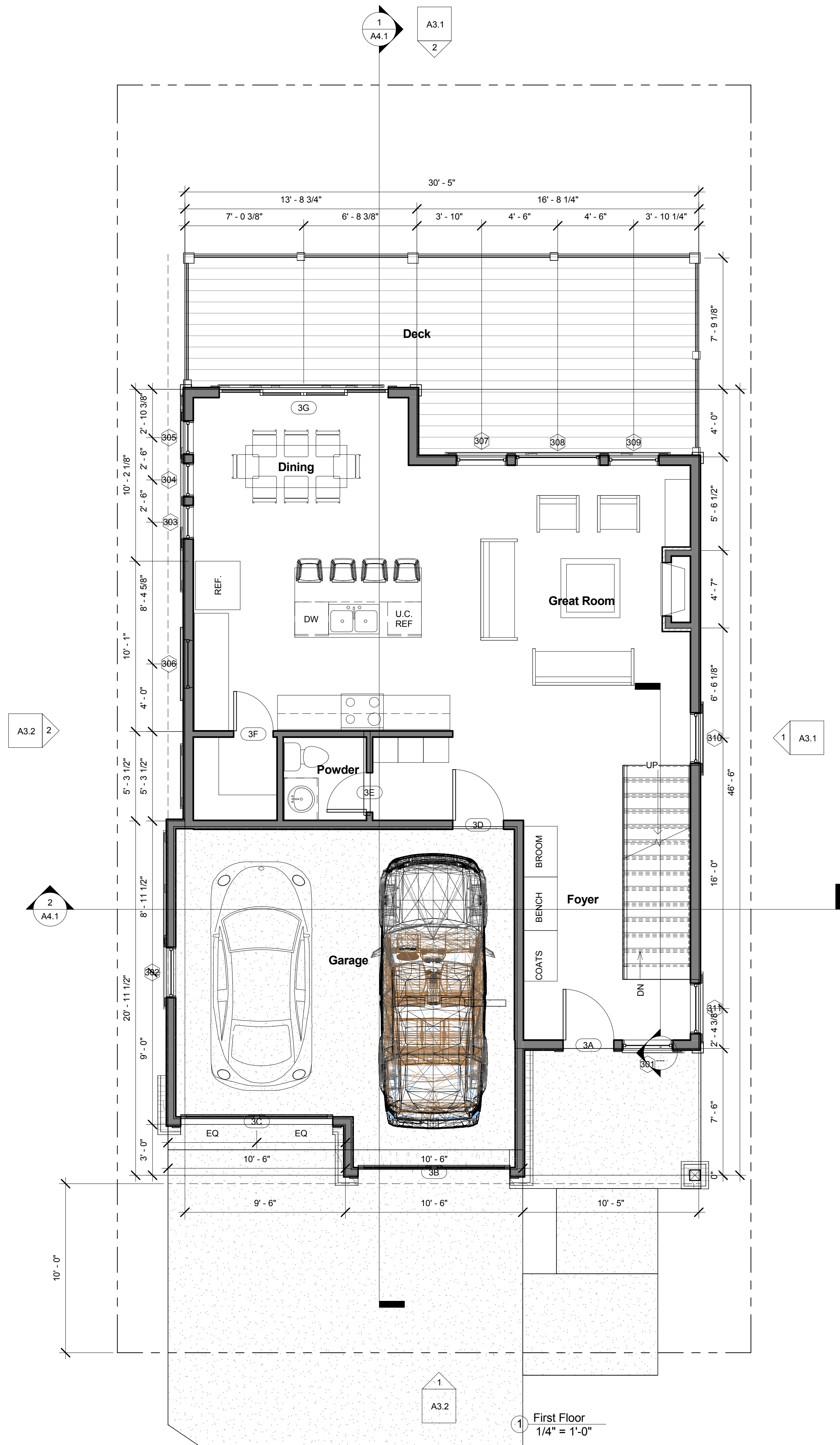
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**New Residence**  
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**Lower Level Plan**  
SCALE:  
1/4" = 1'-0"

DATE  
3/12/2015  
8:21:40 AM

SHEET  
**A2.1**



Door Schedule - Main				
Door Number	Door Size	Manufacturer	Model	Finish Comments
3A	36" x 84"			
3B	9' x 8'			
3C	9' x 8'			
3D	36" x 96"			
3E	28" x 80"			
3F	28" x 80"			
3G	10'-0" x 8'-0"			

Window Schedule - Main					
Mark	Rough Opening		Type	Manufacturer	Comments
	Width	Height			
301	3' - 0"	5' - 0"	Double Hung		
302	3' - 0"	4' - 0"	Double Hung		
303	2' - 0"	5' - 0"	Double Hung		
304	2' - 0"	5' - 0"	Double Hung		
305	2' - 0"	5' - 0"	Double Hung		
306	3' - 0"	4' - 0"	Double Hung		
307	3' - 0"	6' - 0"	Double Hung		
308	5' - 0"	6' - 0"	Fixed		
309	3' - 0"	6' - 0"	Double Hung		
310	3' - 0"	4' - 0"	Double Hung		
311	3' - 0"	4' - 0"	Double Hung		

THE ABOVE DRAWINGS AND SPECIFICATIONS AND THE SEALS, STAMPS AND SIGNATURES REPRESENTED HEREIN ARE AND SHALL REMAIN THE PROPERTY OF B.L. VANSICKLE AND NO PART THEREOF SHALL BE COPIED, REPRODUCED, EITHER IN CONNECTION WITH ANY OTHER WORK OR PROJECT OR BY ANY OTHER PERSON FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY HAVE BEEN PREPARED AND DELIVERED WITHOUT THE WRITTEN CONSENT OF B.L. VANSICKLE. B.L. VANSICKLE ASSUMES NO LIABILITY FOR ANY CONCLUSIVE EVIDENCE OF THESE RESTRICTIONS.

WRITING INSTRUMENTS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER ORAL INSTRUCTIONS, COMMENTS, ORAL AGREEMENTS AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE NOTIFIED IMMEDIATELY BY AN INSTRUMENT FROM THE ARCHITECT AND/OR CONTRACTOR OF ANY CHANGES TO THESE DRAWINGS. ALL SUCH NOTICES MUST BE SUBMITTED TO THE OFFICE FOR APPROVAL PRIOR TO PROCEEDING WITH CONSTRUCTION.

BY SIGNING THESE PLANS THE CONTRACTOR UNDERSTANDS THAT THERE MAY BE DISCREPANCIES BETWEEN THE SEALS AND THE DRAWINGS AND SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES OF ERRORS AND WILL NOTIFY THE OFFICE OF ANY ERRORS THAT MAY OCCUR DURING CONSTRUCTION.

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 bill.draftmaster@gmail.com  
 www.vansicklearchitecture.com

**New Residence**  
 936 Empire Avenue  
 Park City, Utah 84098

**First Floor Plan**  
 SCALE:  
 1/4" = 1'-0"

DATE  
 3/12/2015  
 8:21:45 AM

SHEET  
**A2.2**

THE ABOVE DRAWING AND SPECIFICATIONS AND THE QUALITY, TESTING AND ARRANGEMENTS REPRESENTED HEREIN ARE AND SHALL REMAIN THE PROPERTY OF E.L. WARRICK AND NO PART THEREOF SHALL BE COPIED, REPRODUCED, EITHER IN WHOLE OR IN PART, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF E.L. WARRICK AND SUCH CONSENT WITH THESE DRAWINGS SHALL BE OBTAINED FROM THE ARCHITECT. NO PART OF THESE DRAWINGS SHALL BE USED FOR ANY OTHER PROJECT OR FOR WHICH THEY HAVE BEEN PREPARED AND DEVELOPED WITHOUT THE WRITTEN CONSENT OF E.L. WARRICK AND SUCH CONSENT WITH THESE DRAWINGS SHALL BE OBTAINED FROM THE ARCHITECT.

NO PART OF THESE DRAWINGS SHALL BE USED FOR ANY OTHER PROJECT OR FOR WHICH THEY HAVE BEEN PREPARED AND DEVELOPED WITHOUT THE WRITTEN CONSENT OF E.L. WARRICK AND SUCH CONSENT WITH THESE DRAWINGS SHALL BE OBTAINED FROM THE ARCHITECT.

BY ACCEPTING THESE PLANS THE CONTRACTOR UNDERSTANDS THAT THERE MAY BE DISCREPANCIES BETWEEN THE PLANS AND THE FIELD CONDITIONS. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE NOTIFIED IMMEDIATELY BY THE CONTRACTOR OF ANY DISCREPANCIES OR OMISSIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

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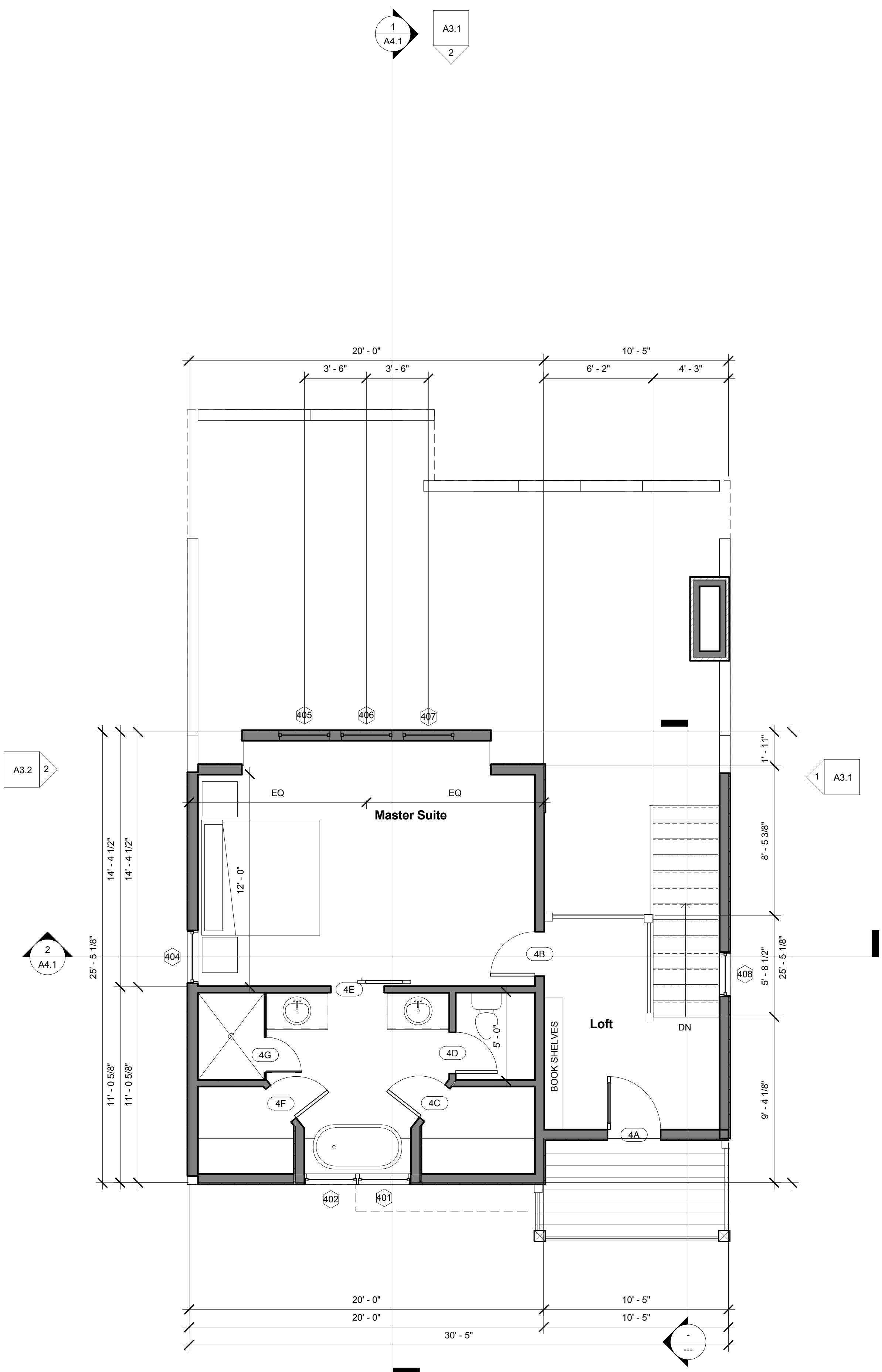
**Second Floor Plan**  
SCALE:  
1/4" = 1'-0"

DATE  
3/12/2015  
8:21:45 AM

SHEET  
**A2.3**

Door Schedule - Upper				
Door Number	Door Size	Manufacturer	Model	Finish Comments
4A	36" x 80"			
4B	30" x 80"			
4C	28" x 80"			
4D	28" x 80"			
4E	36" x 80"			
4F	28" x 80"			
4G	24" x 80"			

Window Schedule - Upper					
Mark	Rough Opening		Type	Manufacturer	Comments
	Width	Height			
401	3' - 0"	5' - 0"	Double Hung		
402	3' - 0"	5' - 0"	Double Hung		
404	3' - 0"	5' - 0"	Double Hung		
405	3' - 0"	4' - 0"	Double Hung		
406	3' - 0"	4' - 0"	Double Hung		
407	3' - 0"	4' - 0"	Double Hung		
408	2' - 6"	4' - 0"	Double Hung		



1 Second Floor  
1/4" = 1'-0"



① Front Perspective



② Rear Perspective

THE ABOVE DRAWINGS AND SPECIFICATIONS AND THE LOCAL ORDINANCES AND REGULATIONS REPRESENTED HERETO ARE AND SHALL REMAIN THE PROPERTY OF V.S. VANSICKLE AND NO PART THEREOF SHALL BE LOANED, REPRODUCED, COPIED OR USED IN CONNECTION WITH ANY OTHER WORK OR PROJECT OR BY ANY OTHER PERSON FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY HAVE BEEN PREPARED AND DEVELOPED WITHOUT THE WRITTEN CONSENT OF V.S. VANSICKLE. V.S. VANSICKLE HEREBY DISCLAIMS ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, IN CONNECTION WITH THESE DRAWINGS. V.S. VANSICKLE SHALL HAVE NO LIABILITY FOR ANY DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THESE DRAWINGS. V.S. VANSICKLE SHALL BE RESPONSIBLE FOR ALL PERMITS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE NOTIFIED IMMEDIATELY BY THE CONTRACTOR OF ANY VIOLATIONS OF ANY PERMITS AND CONDITIONS OBTAINED BY THESE DRAWINGS. ALL WORK SHALL BE SUBJECT TO THE APPROVAL OF THE LOCAL AGENCIES AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. V.S. VANSICKLE SHALL NOT BE RESPONSIBLE FOR ANY DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THESE DRAWINGS. V.S. VANSICKLE SHALL BE RESPONSIBLE FOR ALL PERMITS AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE NOTIFIED IMMEDIATELY BY THE CONTRACTOR OF ANY VIOLATIONS OF ANY PERMITS AND CONDITIONS OBTAINED BY THESE DRAWINGS. ALL WORK SHALL BE SUBJECT TO THE APPROVAL OF THE LOCAL AGENCIES AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

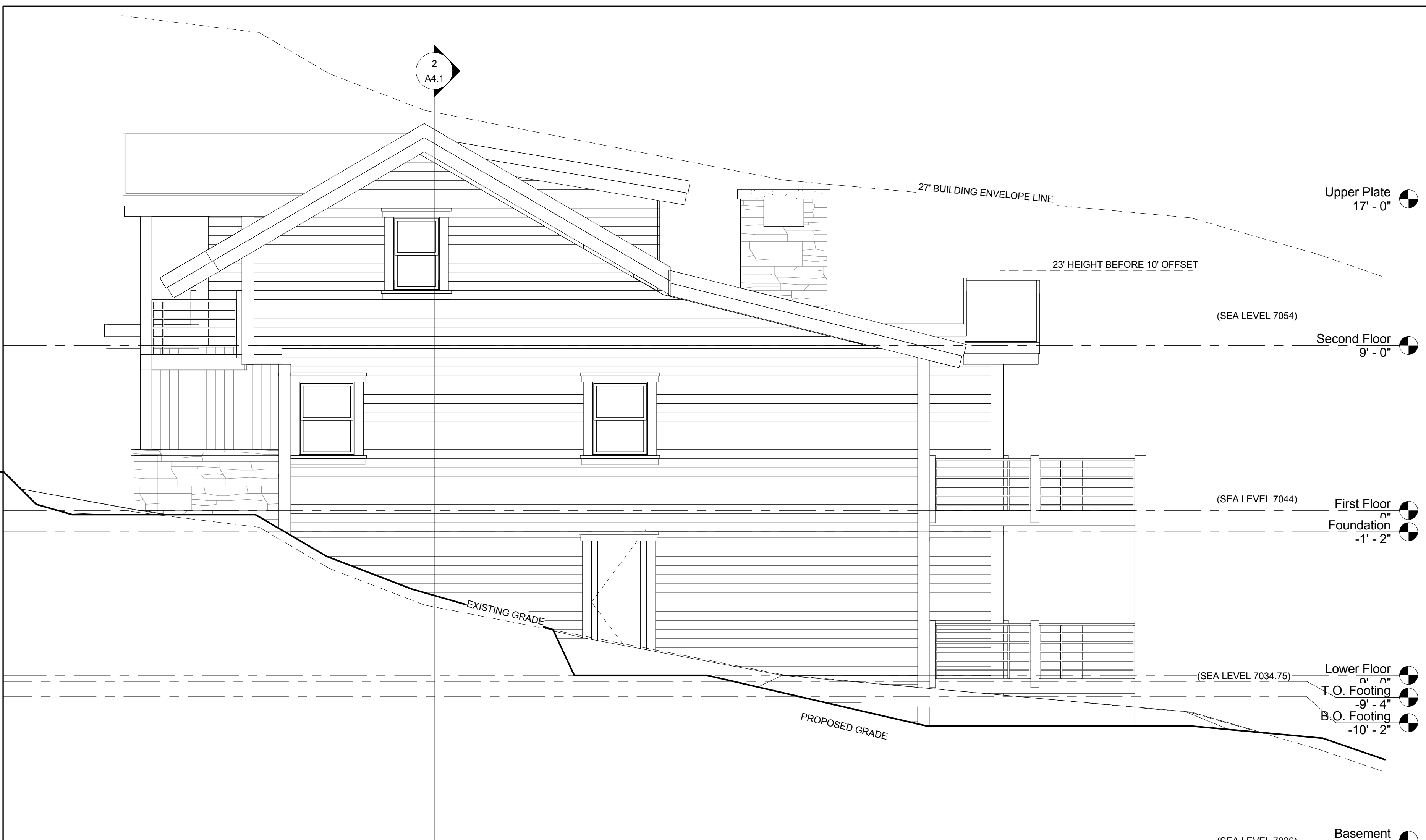
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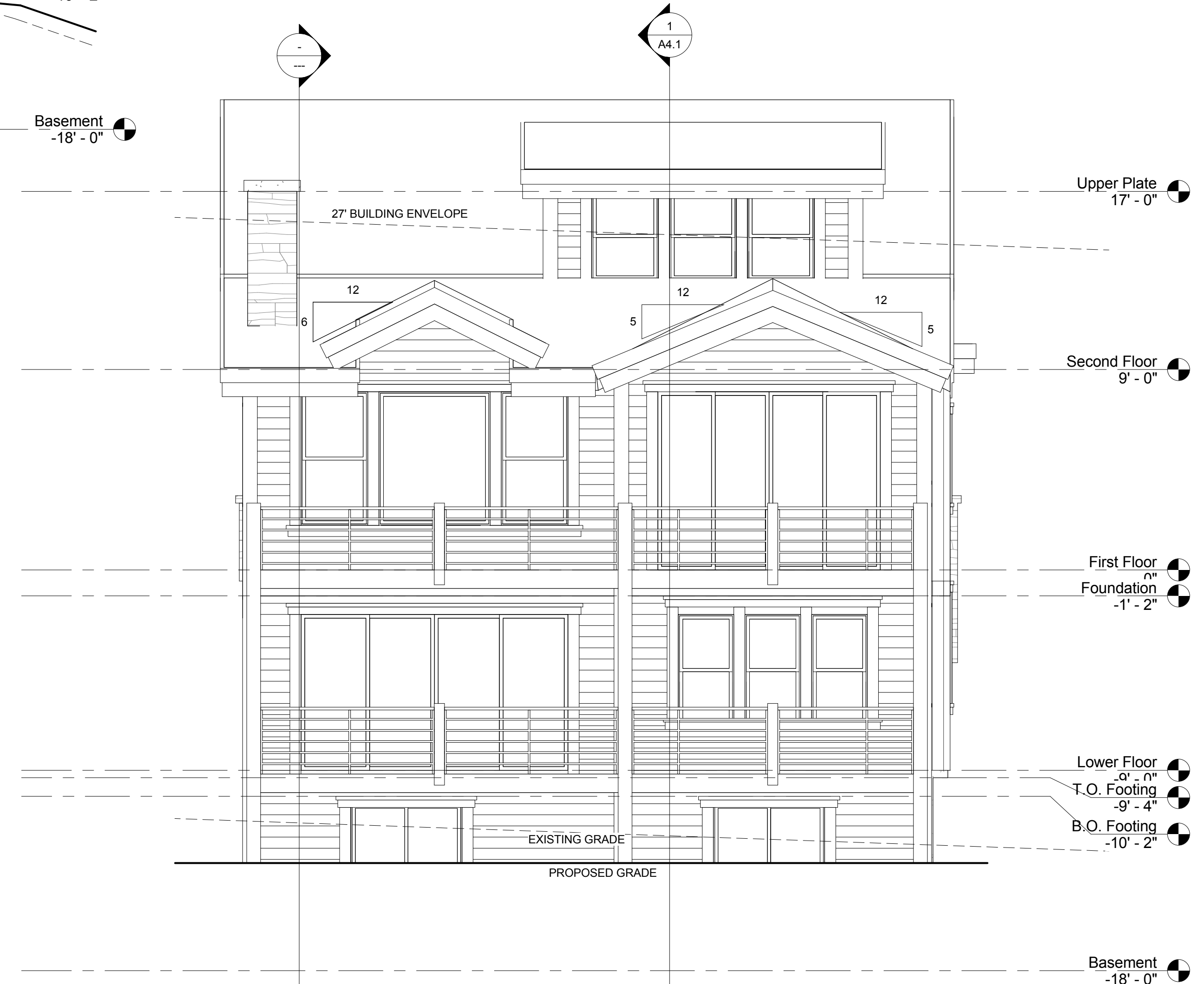
**Perspectives**  
 SCALE: \_\_\_\_\_

DATE  
 3/12/2015  
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SHEET  
**A3.0**



1 East Elevation  
1/4" = 1'-0"



2 North Elevation  
1/4" = 1'-0"

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WRITING INSTRUMENTS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER ALL OTHER INSTRUMENTS, CONTRACTS, ORDERS, AND SPECIFICATIONS FOR ALL PURPOSES AND CONDITIONS ON THE JOB AND THIS OFFICE SHALL BE HELD HARMLESS BY ANY VIOLATION THEREOF BY THE CONTRACTOR AND/OR ANY OTHER PARTY. THESE DRAWINGS ARE NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF B.L. VANSICKLE.

BY READING THESE PLANS THE CONTRACTOR UNDERSTANDS THAT THERE MAY BE DISCREPANCIES BETWEEN THE SEALS AND THE DRAWINGS AND THAT THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES OR ERRORS AND WILL NOTIFY THE OFFICE OF ANY ERRORS THAT MAY OCCUR DURING CONSTRUCTION.

BY ACCEPTING THESE PLANS THE CONTRACTOR UNDERSTANDS THAT THERE MAY BE DISCREPANCIES BETWEEN THE SEALS AND THE DRAWINGS AND THAT THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES OR ERRORS AND WILL NOTIFY THE OFFICE OF ANY ERRORS THAT MAY OCCUR DURING CONSTRUCTION.

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**New Residence**  
936 Empire Avenue  
Park City, Utah 84098

**Elevations**

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

DATE  
3/12/2015  
8:21:57 AM

SHEET  
**A3.1**

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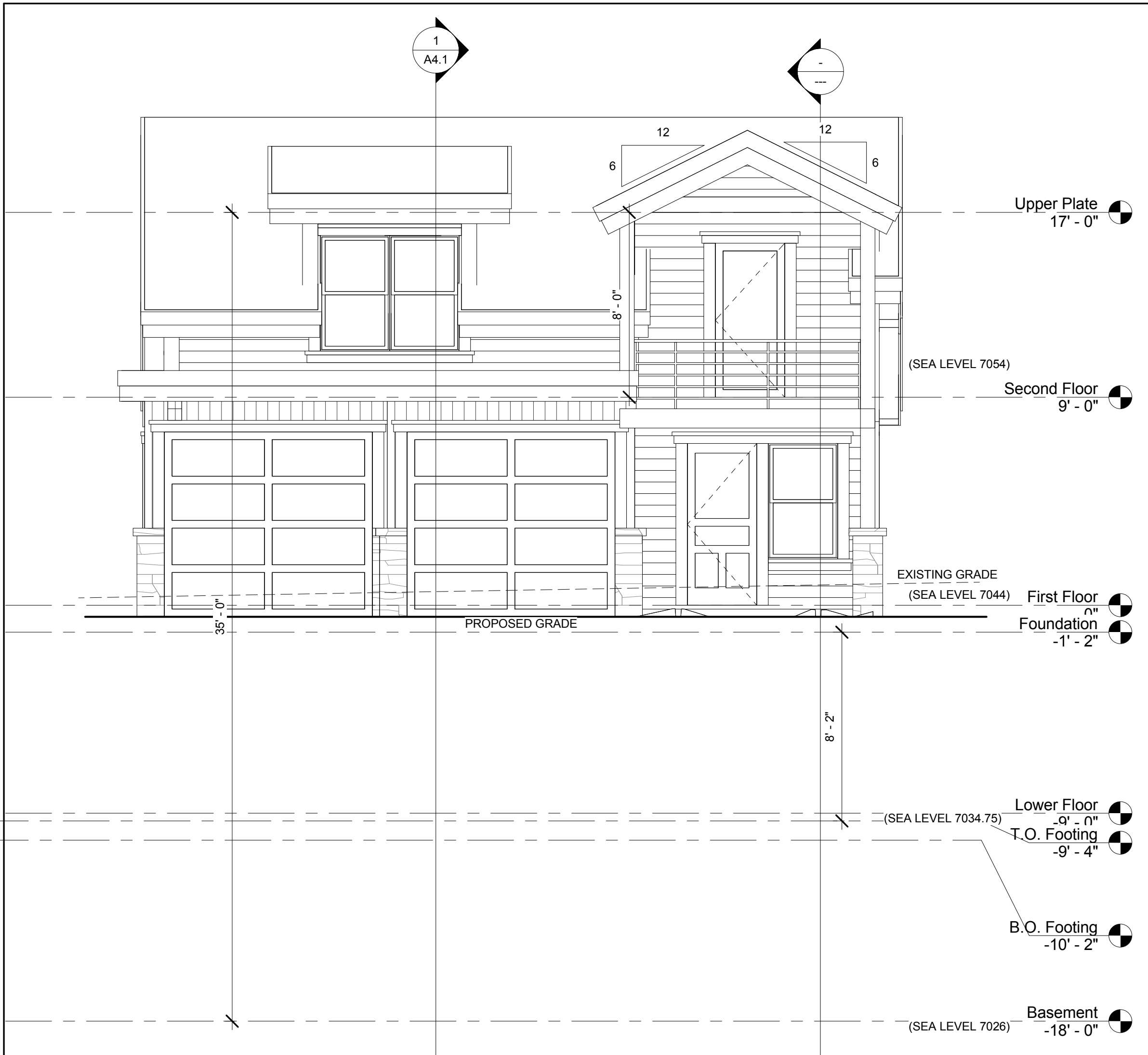
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**New Residence**  
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Park City, Utah 84098

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

DATE  
3/12/2015  
8:21:58 AM

SHEET  
**A3.2**



1 South Elevation  
1/4" = 1'-0"



2 West Elevation  
1/4" = 1'-0"



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WRITTEN PERMISSION ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER ALL HANDWRITING, CORRECTIONS, CHANGES, NOTES AND BE RESPONSIBLE FOR ALL HANDWRITING AND CORRECTIONS ON THE JOB AND THIS OFFICE SHALL BE NOTICED IMMEDIATELY BY AN INDICATOR OTHER THAN THE HANDWRITING AND CORRECTIONS NOTED BY THESE DRAWINGS. ALL WORK SHALL BE LIMITED TO THE OFFICE FOR APPROVAL PRIOR TO PROCEEDING WITH CONSTRUCTION.

BY READING THESE PLANS THE CONTRACTOR UNDERSTANDS THAT THERE MAY BE DISCREPANCIES BETWEEN THE SET AND THE FIELD AND THAT THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES OR ERRORS AND WILL NOTIFY THE OFFICE OF ANY ERRORS THAT ARISE DURING CONSTRUCTION.

BY ACCEPTING THESE PLANS, THE CONTRACTOR AGREES TO BE BOUND BY THESE PLANS AND TO HOLD THE CLIENT, THEIR AGENTS, ARCHITECTS, ENGINEERS, DESIGNERS AND ALL OTHERS HARMLESS FROM AND AGAINST ALL LIABILITY OF ANY KIND, INCLUDING BUT NOT LIMITED TO, THE CLIENT'S NEGLIGENCE OR OTHER LIABILITY IN THE PLAN DOCUMENTS AND TO THE EXTENT OF THE PROVISIONS OF ANY APPLICABLE LAW AND TO THE EXTENT OF THE PROVISIONS OF ANY APPLICABLE CONTRACT.

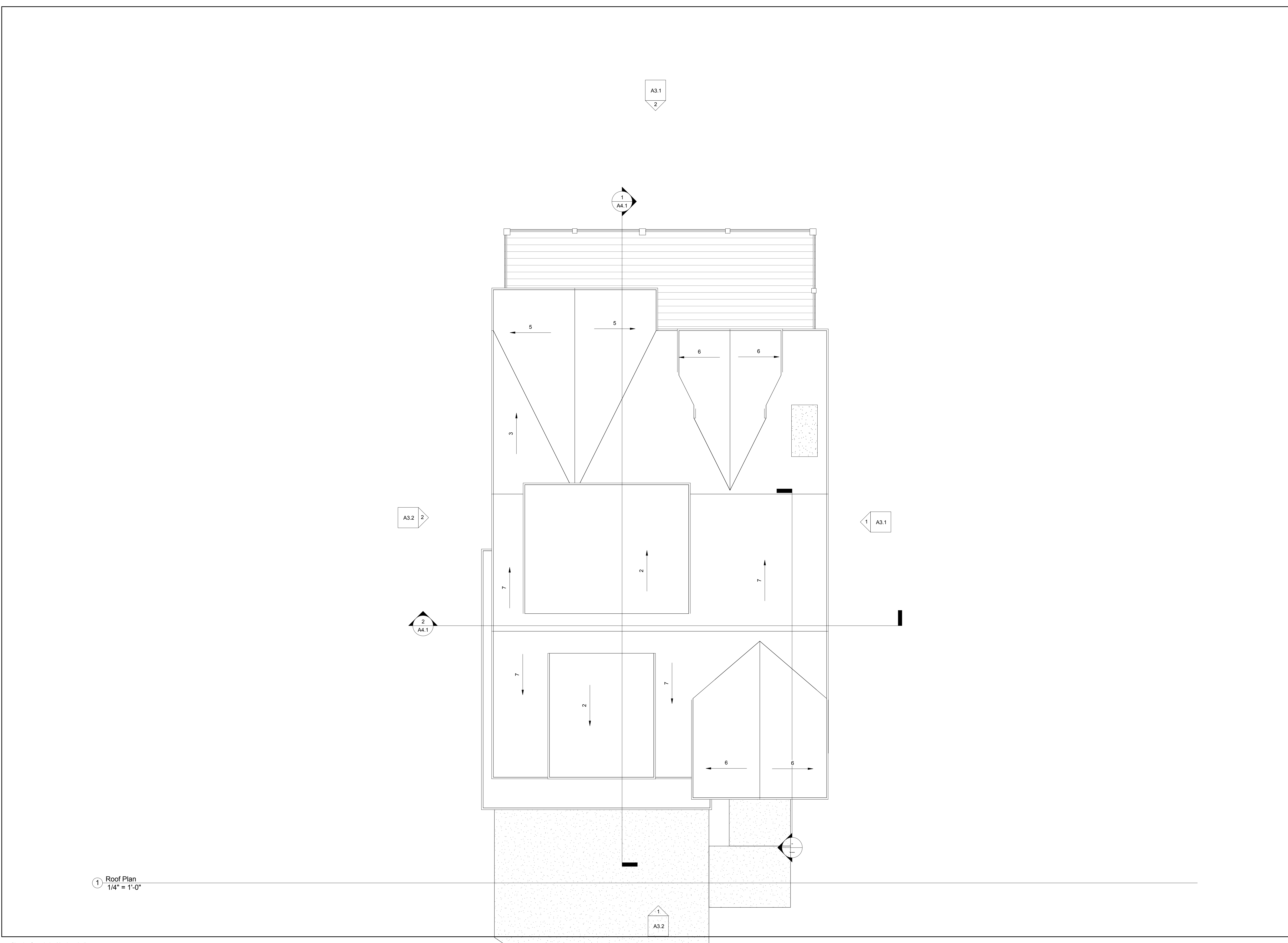
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**New Residence**  
 936 Empire Avenue  
 Park City, Utah 84098

**Roof Plan**  
 SCALE:  
 1/4" = 1'-0"

DATE  
 3/12/2015  
 8:21:59 AM

SHEET  
**A3.3**



2  
A4.1



① Depth Section A  
1/4" = 1'-0"

1  
A4.1



② Width Section  
1/4" = 1'-0"

THE ABOVE DRAWINGS AND SPECIFICATIONS AND THE SEALS, STAMPS AND INSTRUMENTS REPRESENTED HEREIN ARE AND SHALL REMAIN THE PROPERTY OF B.L. VANSICKLE AND NO PART THEREOF SHALL BE LOANED, REPRODUCED, COPIED OR USED IN CONNECTION WITH ANY OTHER WORK OR PROJECT OR IN ANY OTHER MANNER FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY HAVE BEEN PREPARED AND DELIVERED WITHOUT THE WRITTEN CONSENT OF B.L. VANSICKLE. SUCH VIOLATION WILL BE CONSIDERED A BREACH OF CONTRACT AND WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW. CONSTRUCTION OF THIS PROJECT SHALL BE IN ACCORDANCE WITH THE SEALS, STAMPS AND INSTRUMENTS REPRESENTED HEREIN AND NO PART THEREOF SHALL BE LOANED, REPRODUCED, COPIED OR USED IN CONNECTION WITH ANY OTHER WORK OR PROJECT OR IN ANY OTHER MANNER FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY HAVE BEEN PREPARED AND DELIVERED WITHOUT THE WRITTEN CONSENT OF B.L. VANSICKLE. SUCH VIOLATION WILL BE CONSIDERED A BREACH OF CONTRACT AND WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.

BY SIGNING THESE PLANS THE CONTRACTOR UNDERSTANDS THAT THERE MAY BE DISCREPANCIES BETWEEN THE SEALS AND INSTRUMENTS REPRESENTED HEREIN AND THE SEALS, STAMPS AND INSTRUMENTS REPRESENTED ON OTHER PLANS AND THAT THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DISCREPANCIES OR ERRORS AND WILL NOTIFY THE OFFICE OF ANY DISCREPANCIES OR ERRORS THAT MAY OCCUR DURING CONSTRUCTION.

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**New Residence**  
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Park City, Utah 84098

**Building Sections**

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

DATE  
3/12/2015  
8:22:05 AM

SHEET  
**A4.1**









Park City Planning Department  
454 Marsac Avenue  
Park City, UT 84060

Re: 936 Empire Lot Photos for Plat Amendment / Lot Line Adjustment

The following attached photos are from the interior of the lot looking out for this lot.

Thanks,

Bill Van Sickle











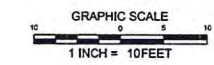


RECEIVED  
 JAN 06 2015  
 PARK CITY  
 PLANNING DEPT.

**936 EMPIRE AVENUE RE-PLAT**  
 AMENDMENT TO LOT 1 1185 EMPIRE AVENUE PLAT AMENDMENT SUBDIVISION  
 BLOCK 27 SNYDERS ADDITION  
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 16  
 TOWNSHIP 2S RANGE 4E  
 SALT LAKE BASE AND MERIDIAN



**VICINITY AND ZONING MAP**  
 NOT TO SCALE



**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS THAT STEVE L. ROSENBERG, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, HAVE CAUSED SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS THE 936 EMPIRE AVENUE REPLAT, DOES HEREBY CERTIFY THAT THEY HAVE CAUSED THIS PLAT AMENDMENT TO BE PREPARED. STEVE L. ROSENBERG HEREBY CONSENTS TO THE RECORDATION OF THIS PLAT AMENDMENT.

ALSO, THE OWNERS, OR HIS REPRESENTATIVE, HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY ALL THE STREETS, LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, PARKS AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION.

IN WITNESS WHEREOF THE UNDERSIGNED SET HIS HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

STEVE L. ROSENBERG

**ACKNOWLEDGMENT**

STATE OF UTAH: )  
 COUNTY OF SUMMIT: ) SS

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, \_\_\_\_\_

PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID STATE AND COUNTY, HAVING BEEN DULY SWORN, \_\_\_\_\_ ACKNOWLEDGED TO ME THAT HE IS THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND, AND THAT HE SIGNED THE ABOVE OWNER'S DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY.

MY COMMISSION EXPIRES \_\_\_\_\_  
 NOTARY PUBLIC  
 RESIDING IN \_\_\_\_\_

**LEGAL DESCRIPTION:**

**FORMER PC-155-A:** ALL OF LOT 24, AND THE NORTHERLY HALF OF LOT 25, BLOCK 15, SNYDER'S ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

**LOT 1:** ALL OF LOT 24, AND THE NORTHERLY HALF OF LOT 25, BLOCK 15, SNYDER'S ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 24, BLOCK 15, SNYDER'S ADDITION TO PARK CITY, THENCE NORTH 54°01'00" EAST 75.00 FEET; THENCE SOUTH 35°59'00" EAST 37.50'; THENCE SOUTH 51°01'00" WEST 75.00 FEET; THENCE NORTH 35°59'00" EAST 37.50 FEET TO THE POINT OF BEGINNING. CONTAINING 2313 SQ. FT.±

**NOTES:**

1. MODIFIED 13-D SPRINKLERS WILL BE REQUIRED FOR NEW CONSTRUCTION AS REQUIRED BY THE CHIEF BUILDING OFFICIAL AT THE TIME OF REVIEW OF THE BUILDING PERMIT SUBMITTAL.
2. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE OF 14-08

**SURVEYOR'S STATEMENT**

I GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5406908. THIS PLAT AMENDMENT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE SURVEYED PROPERTY.

GREGORY J. FERRARI, P.L.S. 5046908 EXPIRES  
 MARCH 31, 2015

**LEGEND:**

- PROPERTY LINE
- - - CENTER LINE
- - - EASEMENT
- LOT LINE
- XXX STREET ADDRESS ON EMPIRE AVE.
- 5/8" REBAR AND CAP LS 5046908
- 5/8" REBAR AND CAP ENSIGN ENG.
- ⊗ 5/8" REBAR NO CAP

<p>FERRARI SURVEYING, LLC        P.O.B. 683001 PARK CITY, UT        (435) 640-0412        Planning Commission Meeting - April 8, 2015</p>	<p><b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b></p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY: _____        S.B.W.R.C.</p>	<p><b>PLANNING COMMISSION</b></p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2014</p> <p>BY: _____        CHAIRMAN</p>	<p><b>ENGINEER'S CERTIFICATE</b></p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY: _____        PARK CITY ENGINEER</p>	<p><b>APPROVAL AS TO FORM</b></p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY: _____        PARK CITY ATTORNEY</p>	<p><b>CERTIFICATE OF ATTEST</b></p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY: _____        PARK CITY RECORDER</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b></p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY: _____        MAYOR</p>	<p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____</p> <p>DATE _____ TIME _____ BOOK _____ PAGE _____</p> <p>FEE _____</p>
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## Planning Commission Staff Report

**Subject:** 823 Woodside Replat  
**Author:** Francisco Astorga  
**Project Number:** PL-15-02663  
**Date:** April 08, 2015  
**Type of Item:** Administrative – Plat Amendment

### **Summary Recommendations**

Staff recommends the Planning Commission hold a public hearing for the 823 Woodside Replat located at 823 Woodside Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

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

### **Description**

**Applicant:** 823 Woodside, LLC represented by Gary Bush  
**Location:** 823 Woodside Avenue  
**Zoning:** Historic Residential-1  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Plat Amendments require Planning Commission review and City Council review and action

### **Proposal**

The north one-half (½) of Lot 5 and all of lot 6, Block 11, Snyder's Addition to the Park City Survey are owned by the same entity. The original lots lines from the historic survey still exist on said lots. The owner desires to unify the property into one (1) lot of record by removing the existing interior lot line.

### **Background**

On February 10, 2015, the City received a completed Plat Amendment application for the 823 Woodside Replat. The property is located at 823 Woodside Avenue. The property is in the Historic Residential-1 District. The subject property consists of the north one-half (½) of Lot 5 and all of lot 6, Block 11, Snyder's Addition. The entire area is recognized by the County as Parcel SA-124 (Tax ID).

Currently the site contains a single-family dwelling. The site is listed on Park City's Historic Site Inventory and is designated as a Significant Historic site. According to Summit County records the structure was built in 1904 and contains a total living area of 1,100 square feet. According to the submitted survey the building footprint of the existing historic dwelling is approximately 1,000 square feet.

## **Purpose**

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

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

## **Analysis**

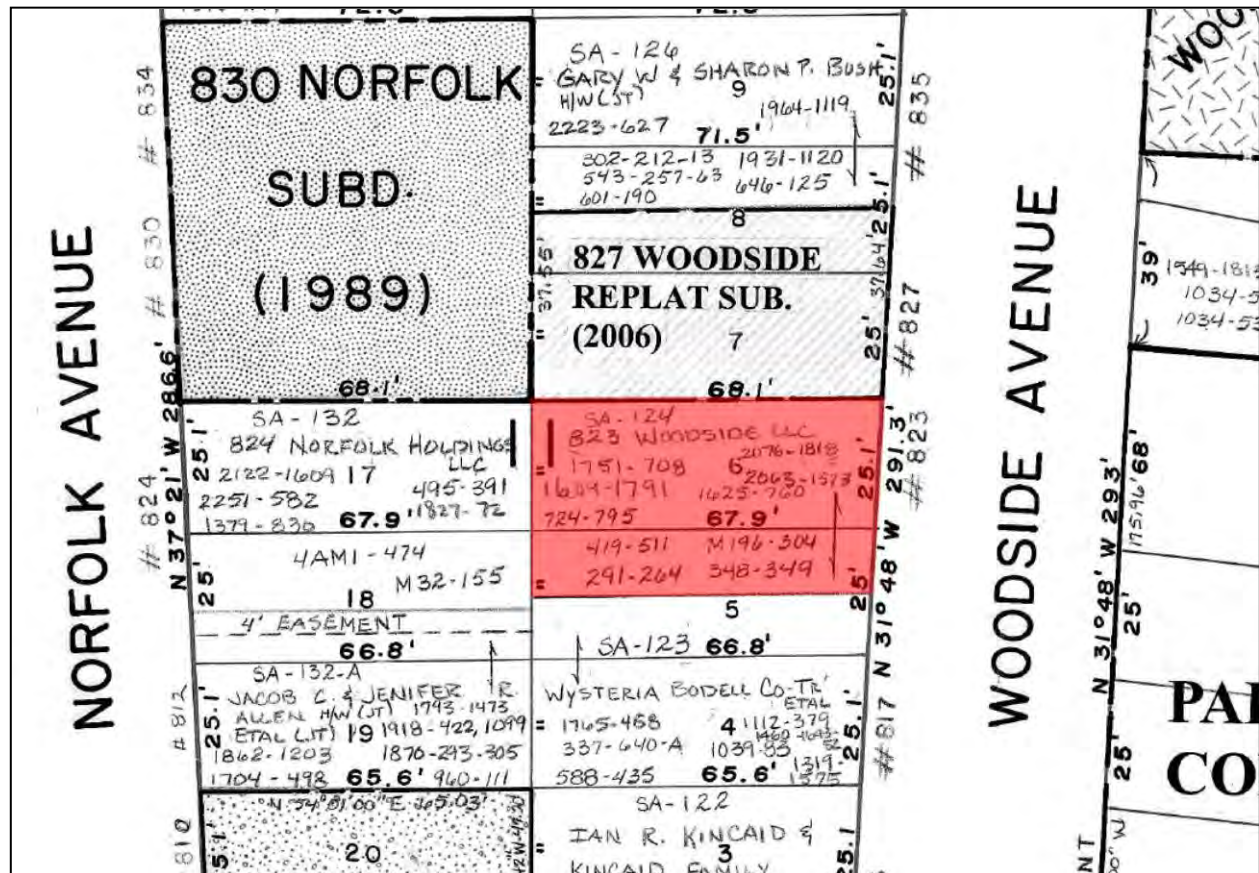
The proposed plat amendment creates one (1) lot of record from the existing lot and a half (½) consisting of 2,558 square feet. A single-family dwelling is an allowed use in the Historic Residential-1 District. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lot meets the minimum lot area for a single-family dwelling. The minimum lot width allowed in the Historic Residential-1 District is twenty-five feet (25'). The proposed lot is 37.6 feet wide. The proposed lot meets the minimum lot width requirement. The following table shows applicable development parameters in the Historic Residential-1 District:

<b>LMC Requirements</b>	<b>Requirements</b>
<b>Building Footprint</b>	1,107.8 square feet, maximum based on lot size.
<b>Front/Rear Yard Setbacks</b>	10 feet minimum.
<b>Side Yard Setbacks</b>	5 feet minimum, 10 feet total.
<b>Building (Zone) Height</b>	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
<b>Final Grade</b>	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].
<b>Lowest Finish Floor Plane to Highest Wall Top Plate</b>	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].
<b>Vertical Articulation</b>	A ten foot (10') minimum horizontal step in the downhill façade is required [...].
<b>Roof Pitch</b>	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

Staff has identified that the existing historic structure does not meet the north and south side yard setbacks. The structure is less than one foot (1') from the north side yard property line. The structure is just over four feet (4') from the south side yard property line. Land Management Code § 15-2.2-4 indicates that historic structures that do not

comply with building setbacks are valid complying structures. Furthermore, this same section indicates that additions to historic structure must comply with building setbacks, etc.

Staff finds good cause for this plat amendment as the existing remnant parcel, the half (½) lot will become part of a legal lot of record. The other half (½) of Lot 5 is owned by another entity, recognized as parcel SA-23, 817 Woodside Avenue, and has not been incorporated into its own replat. See County Plat Map below:

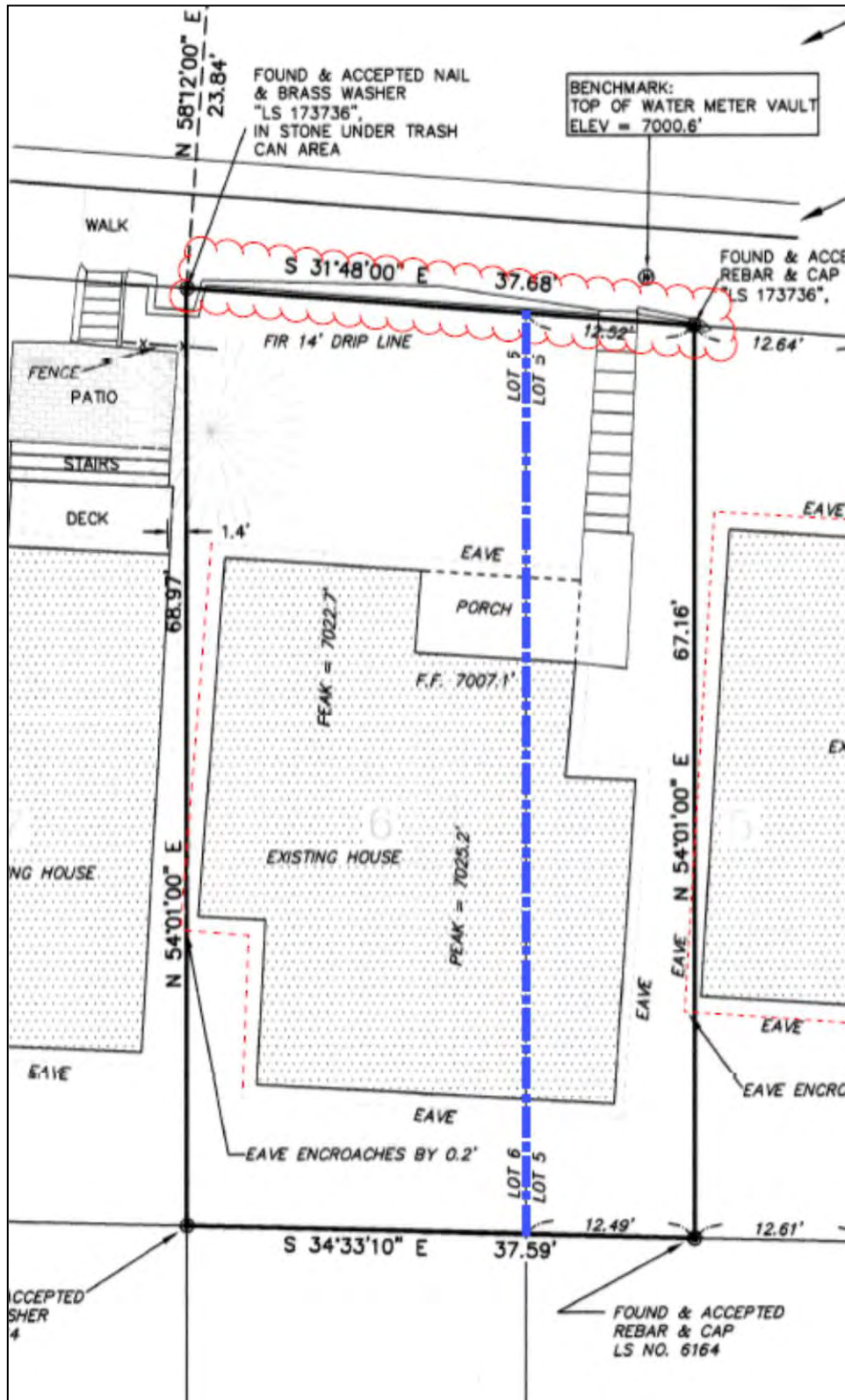


The existing historic structure straddles the lot line between Lot 5 and Lot 6; therefore, this Plat Amendment would make the historic structure be in one (1) of lot of record instead of having most of the structure on Lot 6 and a small portion of the structure on half (½) of Lot 5, a separate remnant parcel.

### Encroachments

The historic structure is less than one foot (1') from the north side property line and the overhang on that side encroaches 0.2 feet into the north neighboring property. Also, the historic structure on 817 Woodside Avenue, directly south of the subject property, is less than one foot (1') from the south property line and its roof overhang encroaches by 0.8 feet on to this property. Staff recognizes that the historic roof eave encroachments are de minimus, and encroachment agreements are not required.

The retaining wall along the east property line encroaches into the City Right-of-Way. This encroachment must be addressed prior plat recordation. See Exhibit D – Existing Survey, the magnified survey on the next page is shown with encroachments outlined in red and lot line to be removed in blue.





### **Good Cause**

Planning Staff finds that there is good cause for this plat amendment as the amendment cleans up the property lines and removes a property line existing under a Significant historic building. Staff finds that the plat amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met.

### **Process**

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

### **Department Review**

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

### **Notice**

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

### **Public Input**

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

### **Alternatives**

- The Planning Commission may forward positive recommendation to the City Council for the 823 Woodside Replat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 823 Woodside Replat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 823 Woodside Replat.

### **Significant Impacts**

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

### **Consequences of not taking the Planning Department's Recommendation**

The site would remain as is. The site would contain one (1) single lot and one half (½) a lot, as a remnant parcels. The existing historic structure would continue to straddle the interior lot line.

### **Summary Recommendation**

Staff recommends the Planning Commission hold a public hearing for the 823 Woodside Replat located at 823 Woodside Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

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**Exhibits**

- Exhibit A – Draft Ordinance with Proposed Plat
- Exhibit B – Applicant’s Project Description
- Exhibit C – Aerial Photograph
- Exhibit D – Existing Survey
- Exhibit E – County Tax Map
- Exhibit F – Historic Site Form and site photographs

**Ordinance No. 15-XX**

**AN ORDINANCE APPROVING THE 823 WOODSIDE REPLAT  
LOCATED AT 823 WOODSIDE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 823 Woodside Avenue has petitioned the City Council for approval of the Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 8, 2015, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on May 7, 2015, forwarded a recommendation to the City Council; and,

WHEREAS, on May 7, 2015, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 923 Park Avenue Subdivision Plat Amendment.

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

**SECTION 1. APPROVAL.** 823 Woodside Replat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is located at 823 Woodside Avenue.
2. The property is in the Historic Residential-1 District.
3. The subject property consists of the north one-half (½) of Lot 5 and all of lot 6, Block 11, Snyder's Addition to the Park City Survey.
4. The entire area is recognized by the County as Parcel SA-124.
5. The site is listed on Park City's Historic Site Inventory and is designated as a significant historic site.
6. The building footprint of the existing dwelling is approximately 1,000 square feet.
7. The proposed plat amendment creates one (1) lot of record from the existing area consisting of 2,558 square feet.

8. The maximum building footprint for a lot this size, 2,558 square feet, is 1,107.8 square feet.
9. A single-family dwelling is an allowed use in the Historic Residential-1 District.
10. The minimum lot area for a single-family dwelling is 1,875 square feet.
11. The proposed lot meets the minimum lot area for a single-family dwelling.
12. The minimum lot width allowed in the district is twenty-five feet (25').
13. The proposed lot is 37.68 feet wide.
14. The proposed lot meets the minimum lot width requirement.
15. The existing historic structure does not meet the north and south side yard setbacks.
16. The structure is less than one foot (1') from the north side yard property line.
17. The structure is just over four feet (4') from the south side yard property line.
18. The minimum side yard setbacks for a lot that is 37.68 feet wide is five feet (5').
19. Land Management Code § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
20. Additions to historic structure must comply with building setbacks.
21. The existing remnant parcel, the half (½) lot will become part of a legal lot of record.
22. The other half (½) of Lot 5 is owned by another entity, recognized as parcel SA-23, 817 Woodside Avenue, and has not been incorporated into its own replat.
23. The existing historic structure straddles the lot line between Lot 5 and Lot 6.
24. The Plat Amendment would make the historic structure be in one (1) of lot of record instead of having most of the structure on Lot 6 and a small portion of the structure on half (½) of Lot 5, a separate remnant parcel.
25. The historic structure is less than one foot (1') from the north side property line and the overhang on that side encroaches 0.2 feet into the north neighboring property.
26. The historic structure on 817 Woodside Avenue, directly south of the subject property, is less than one foot (1') from the south property line and its roof overhang encroaches by 0.8 feet on to this property.
27. The historic roof eave encroachments are de minimus, and encroachment agreements are not required.
28. The retaining wall along the east property line encroaches into the City Right-of-Way. This encroachment must be addressed prior plat recordation.
29. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

#### Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the front of the property.
4. 13-d sprinklers will be required per the Chief Building Official for any significant renovation.
5. The retaining wall along the east property line encroaches into the City Right-of-Way. This encroachment must be addressed prior plat recordation.

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

PASSED AND ADOPTED this 7<sup>th</sup> day of May, 2015.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

\_\_\_\_\_  
Marci Heil, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

**Attachment 1 – Proposed Plat**



**823 WOODSIDE REPLAT – A LOT LINEN ADJUSTMENT**

THE NORTH ONE-HALF OF LOT 5 AND ALL OF LOT 6, BLOCK 11, SNYDER'S ADDITION TO THE PARK CITY SURVEY LYING WITHIN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST SALT LAKE BASE & MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

**PLAT NOTES:**

1. THE PURPOSE OF THIS AMENDMENT IS TO JOIN THE LOT 6 AND THE NORTH HALF OF LOT 5 IN TO ONE LOT.

**LEGAL DESCRIPTION**

THE NORTH ONE-HALF OF LOT 5 AND ALL OF LOT 6, BLOCK 11, SNYDER'S ADDITION TO PARK CITY SURVEY, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

I, KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE HEREIN DESCRIBED TRACT OF LAND, TO BE KNOWN HEREAFTER AS THE 823 WOODSIDE REPLAT, DO HEREBY CERTIFY THAT I HAVE CAUSED THIS PLAT TO BE PREPARED, AND I/WE, \_\_\_\_\_ OF 823 WOODSIDE, LLC, HEREBY CONSENT(S) TO THE RECORDED OF THIS PLAT.

ALSO, THE OWNER(S), OR HIS/HER REPRESENTATIVE(S), HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY ALL THE STREETS LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, PARKS, AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

KING RIDGE RESOURCES, LLC

ACKNOWLEDGEMENT  
STATE OF UTAH  
COUNTY OF SUMMIT:

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SUMMIT, IN SAID STATE OF UTAH, 823 WOODSIDE, LLC, THE PERSON THAT EXECUTED THE WITHIN INSTRUMENT AND KNOWN TO ME TO BE (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) THE PERSON WHO EXECUTED THE WITHIN INSTRUMENT ON BEHALF OF SAID PERSON, BEING DULY SWORN ACKNOWLEDGED TO ME THAT THEY ARE THE OWNER OF THE HEREIN DESCRIBED TRACT OF LAND AND THEY SIGNED THE ABOVE OWNER'S DEDICATION AND CONSENT TO RECORD FREELY AND VOLUNTARILY.

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

I, CHRISTOPHER R. BRAUN, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 5152604, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THIS PLAT WAS PREPARED UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF PARK CITY MUNICIPAL CORPORATION. I FURTHER CERTIFY THAT THE PROPERTY BOUNDARIES AS SHOWN ARE CORRECT.

CHRISTOPHER R. BRAUN  
PLS 5152604

DATE \_\_\_\_\_



<p><b>PARK CITY PLANNING COMMISSION</b> APPROVED BY THE PARK CITY PLANNING COMMISSION ON THIS _____ DAY OF _____, 2014 A.D.</p> <p>CHAIRMAN _____</p>	<p><b>CERTIFICATE OF ATTEST</b> I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY _____ PARK CITY RECORDER</p>	<p><b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b> REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY _____ S.B.W.R.D.</p>	<p><b>ENGINEERS CERTIFICATE</b> I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY _____ PARK CITY ENGINEER</p>	<p><b>APPROVAL AS TO FORM</b> APPROVED AS TO FORM THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b> APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.</p> <p>BY _____ MAYOR</p>	<p><b>RECORDED</b> STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____</p>
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## Exhibit B – Applicant's Project Description

Planning Dept.  
Park City Municipal Corporation  
445 Marsac Ave  
PO Box 1480  
Park City, Utah 84060  
435-615-5060

Briefly we plan to stabilize the building with a poured concrete foundation, address some health & safety issues with mechanical systems, provide off street parking, replace porch posts and existing windows with more appropriate DH windows as seen in the enclosed tax photo. The wood frame "L" type structure is sitting on the dirt, and is deteriorating from rot. Also the front retaining wall is deteriorating from rot and needs to be addressed asap.

Our proposal to install a full perimeter concrete foundation will stabilize the building, and eliminate the wood in contact with the ground. Lifting the house by 1 foot 10 inches will accomplish this, and allow for a basement and garage/off street parking as well. I have enclosed two photos as examples of where this type of work has been done on the street, and within the block (835 Woodside, 839 Woodside).

This scope of work includes raising the house intact, and in its current location. This will allow for excavation for foundation. Then the house will come back down onto the new foundation with first floor 1'10" above current elevation. The scope will also include new DH windows to resemble original windows. Also included will be health & safety issues like mechanical upgrades to heat, electrical, and plumbing systems. The work will also include returning exterior trim detail, and porch posts back to original form.

We hope you are as excited as we are about this rehabilitation project, and look forward to working with you to further develop, and finalize plans to save this building from further deterioration.

Sincerely,  
Gary Bush





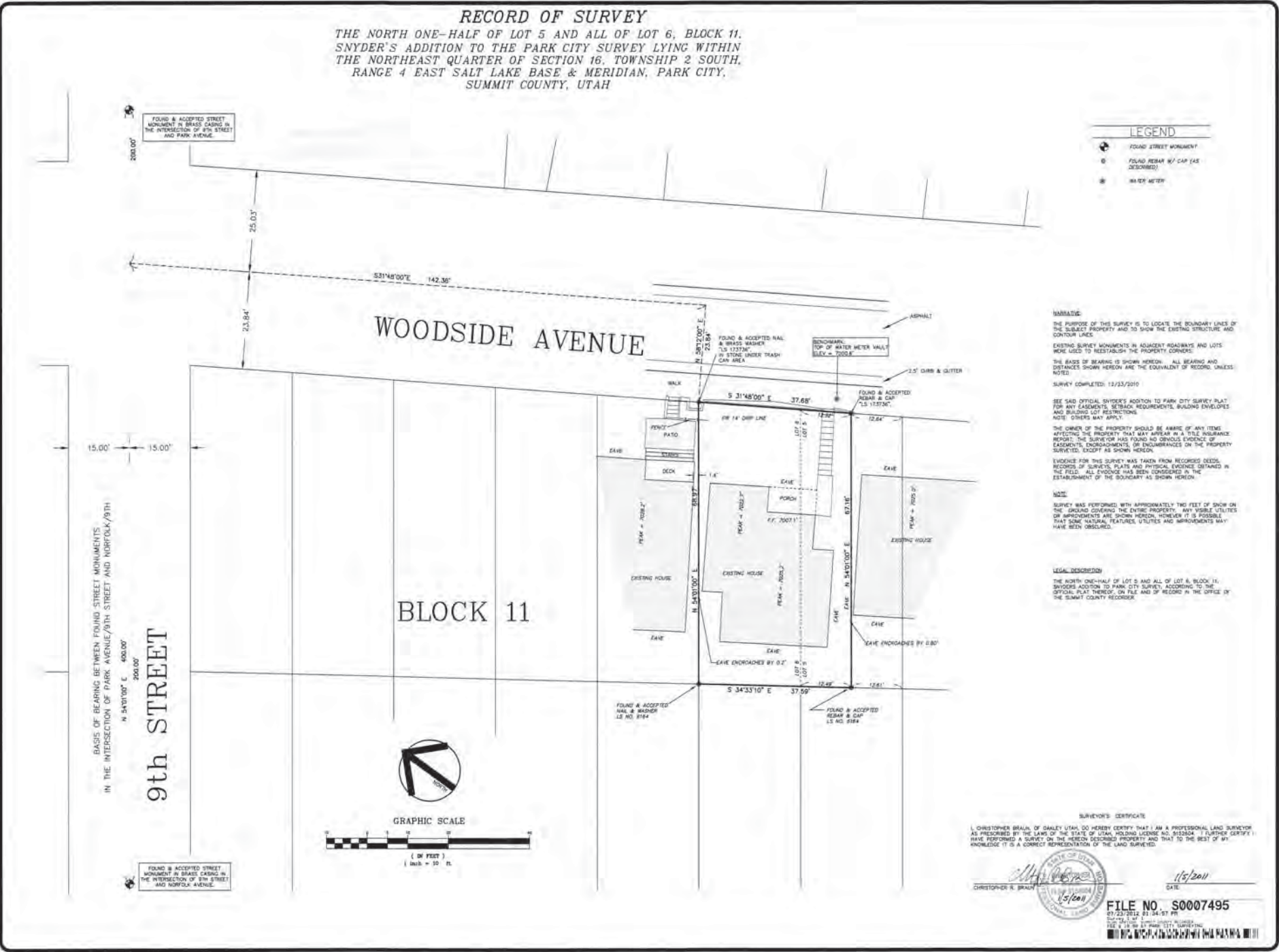
# Exhibit C - Vicinity Map 823 Woodside Replat



0 5 10 20 30  
feet

**Legend**

- Address
- Parcels
- Streets



**Park City Surveying**

101 East Main Street  
Park City, Utah 84302  
(435) 764-1111

DATE	BY	REVISIONS

SURVEYED BY: CB/BO  
DRAWN BY: CDB  
DATE: 01/2011

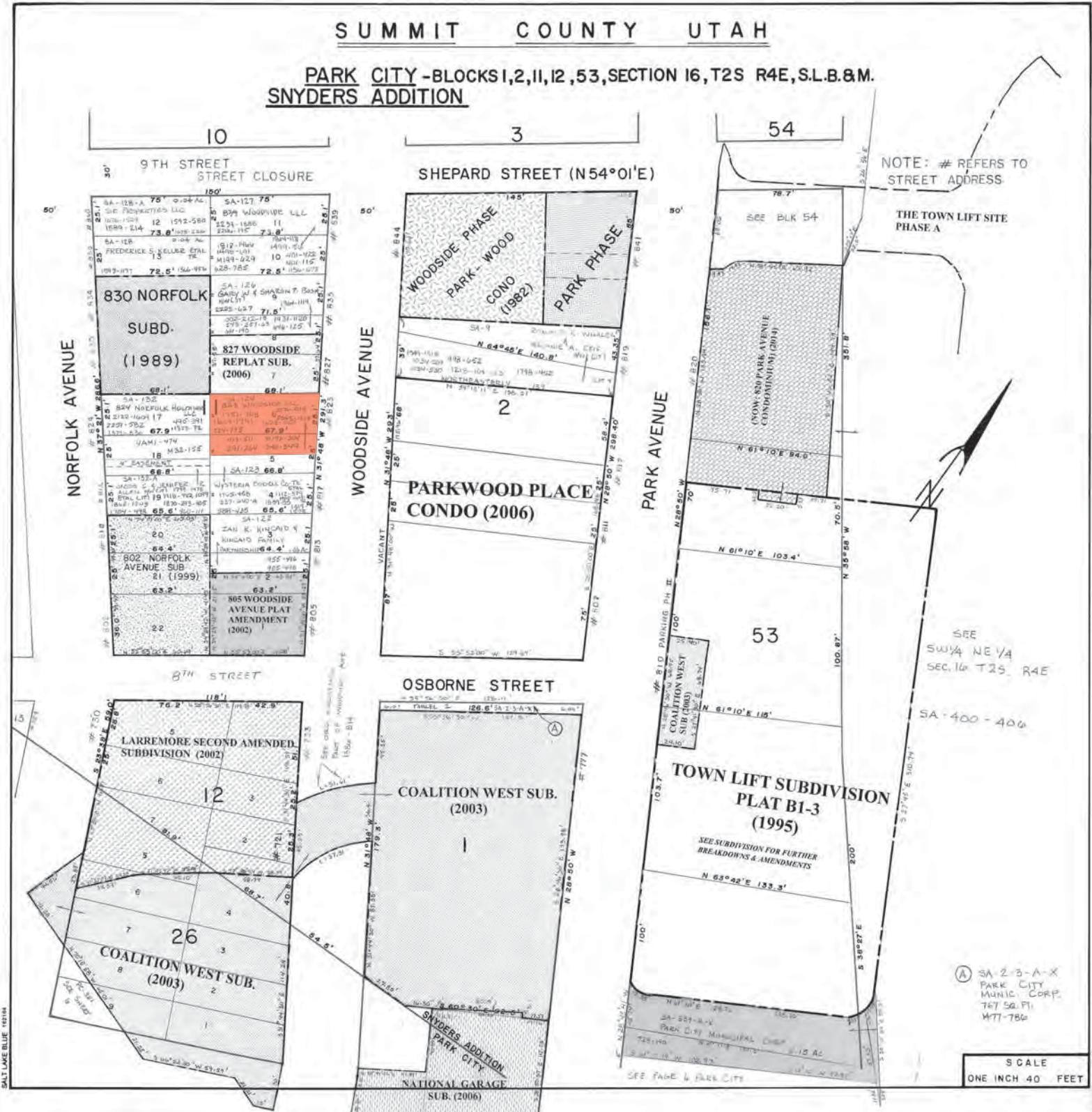
**RECORD OF SURVEY**  
NORTH HALF OF LOT 5 & ALL OF LOT 6,  
BLOCK 11, SNYDERS ADDITION

FORM: BUSH  
DWG: SA B11 L5-6

SHEET 1 OF 1

SUMMIT COUNTY UTAH

PARK CITY - BLOCKS 1, 2, 11, 12, 53, SECTION 16, T2S R4E, S.L.B.&M.  
SNYDERS ADDITION



NOTE: # REFERS TO STREET ADDRESS

THE TOWN LIFT SITE PHASE A

SEE SW 1/4 NE 1/4 SEC. 16 T2S R4E

SA-400-404

(A) SA-2-B-A-X  
PARK CITY  
MUNIC. CORP.  
747 SO. P1  
M77-784

SCALE  
ONE INCH 40 FEET

# HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

## 1 IDENTIFICATION

Name of Property:

Address: 823 Woodside Avenue

AKA:

City, County: Park City, Summit County, Utah

Tax Number: SA-124

Current Owner Name: Coxroche, LLC

Parent Parcel(s):

Current Owner Address: 2151 Solamere Drive, Park City, UT 84060

Legal Description (include acreage): 0.06 acres; N1/2 LOT 5 & ALL LOT 6 BLK 11 SNYDERS ADDITION.

## 2 STATUS/USE

Property Category

- building(s), main
- building(s), attached
- building(s), detached
- building(s), public
- building(s), accessory
- structure(s)

Evaluation\*

- Landmark Site
- Significant Site
- Not Historic

Reconstruction

- Date: \_\_\_\_\_
- Permit #: \_\_\_\_\_
- Full  Partial

Use

- Original Use: Residential
- Current Use: Residential

\*National Register of Historic Places:  ineligible  eligible  
 listed (date: )

## 3 DOCUMENTATION

Photos: Dates

- tax photo:
- prints:
- historic: c.

Drawings and Plans

- measured floor plans
- site sketch map
- Historic American Bldg. Survey
- original plans:
- other:

Research Sources (check all sources consulted, whether useful or not)

- abstract of title
- tax card
- original building permit
- sewer permit
- Sanborn Maps
- obituary index
- city directories/gazetteers
- census records
- biographical encyclopedias
- newspapers
- city/county histories
- personal interviews
- Utah Hist. Research Center
- USHS Preservation Files
- USHS Architects File
- LDS Family History Library
- Park City Hist. Soc/Museum
- university library(ies):
- other:

Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.

Blaes, Dina & Beatrice Lufkin. "Final Report." Park City Historic Building Inventory. Salt Lake City: 2007.  
 Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah: University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.  
 McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.  
 Roberts, Allen. "Final Report." Park City Reconnaissance Level Survey. Salt Lake City: 1995.  
 Roper, Roger & Deborah Randall. "Residences of Mining Boom Era, Park City - Thematic Nomination." National Register of Historic Places Inventory, Nomination Form. 1984.

## 4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: T/L cottage / vernacular style

No. Stories: 1

Additions:  none  minor  major (describe below) Alterations:  none  minor  major (describe below)

Number of associated outbuildings and/or structures:  accessory building(s), # \_\_\_\_\_;  structure(s), # \_\_\_\_\_.

General Condition of Exterior Materials:

- Good (Well maintained with no serious problems apparent.)

Researcher/Organization: Dina Blaes/Park City Municipal Corporation

Date: November, 08

- Fair (Some problems are apparent. Describe the problems.):
- Poor (Major problems are apparent and constitute an imminent threat. Describe the problems.):
- Uninhabitable/Ruin

**Materials** (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Site: Retaining wall and steps along south lot line. Un-maintained vegetation in front yard, mature trees on north and rear yards.

Foundation: Unknown.

Walls: Wood drop siding and corner boards. Inset partial-width porch supported by turned columns.

Roof: Cross-wing sheathed in standing seam metal material.

Windows: Vinyl side-sliders with decorative trim casing--corner blocks, exaggerated pediment. Entry door is a frame-and-panel door with upper light.

Essential Historical Form:  Retains  Does Not Retain, due to:

Location:  Original Location  Moved (date \_\_\_\_\_) Original Location:

**Design** (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): The site has been altered significantly. The windows and openings have been altered from side-by-side vertically oriented double-hung units in the gable end to a single horizontally oriented vinyl side slider units. Also, the single double-hung unit south of the door has been replaced with a horizontally oriented vinyl side slider. The wood siding does not reflect the infill below the window and may indicate that the siding has been replaced. The porch supports do not appear as turned columns in the tax photo and may have been added concurrently with the decorative window trim. The changes are conjectural and significant and diminish the site's original character.

**Setting** (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The setting has not been significantly altered. The typical front yard with a gradual rise from a retaining wall at the street edge to the house has been maintained and the vegetation is informal.

**Workmanship** (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): Much of the physical evidence from the period that defines the typical Park City mining era home has been altered and, therefore, lost.

**Feeling** (Describe the property's historic character.): The physical elements of the site, in combination, convey a sense of life in a western mining town of the late nineteenth and early twentieth centuries.

**Association** (Describe the link between the important historic era or person and the property.): The "T" or "L" cottage (also known as a "cross-wing") is one of the earliest and one of the three most common house types built in Park City during the mining era; however, the extent of the alterations to the main building diminishes its association with the past.

The extent and cumulative effect of alterations to the site render it ineligible for listing in the National Register of Historic Places.

**5 SIGNIFICANCE**

Architect:  Not Known  Known: (source: )

Date of Construction: c. 1904<sup>1</sup>

Builder:  Not Known  Known: (source: )

<sup>1</sup> Summit County records.

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

1. Historic Era:

- Settlement & Mining Boom Era (1868-1893)
- Mature Mining Era (1894-1930)
- Mining Decline & Emergence of Recreation Industry (1931-1962)

Park City was the center of one of the top three metal mining districts in the state during Utah's mining boom period of the late nineteenth and early twentieth centuries, and it is one of only two major metal mining communities that have survived to the present. Park City's houses are the largest and best-preserved group of residential buildings in a metal mining town in Utah. As such, they provide the most complete documentation of the residential character of mining towns of that period, including their settlement patterns, building materials, construction techniques, and socio-economic make-up. The residences also represent the state's largest collection of nineteenth and early twentieth century frame houses. They contribute to our understanding of a significant aspect of Park City's economic growth and architectural development as a mining community.<sup>2</sup>

2. Persons (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

3. Architecture (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

## 6 PHOTOS

Digital color photographs are on file with the Planning Department, Park City Municipal Corp.

**Photo No. 1:** East elevation. Camera facing west, 2006.

**Photo No. 2:** East elevation. Camera facing west, 1995.

**Photo No. 3:** Southeast oblique. Camera facing northwest, tax photo.

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<sup>2</sup> From "Residences of Mining Boom Era, Park City - Thematic Nomination" written by Roger Roper, 1984.

**SERIAL NO.  
RE-APPRAISAL CARD (1940 APPR. BASE)**

Owner's Name \_\_\_\_\_  
 Owner's Address \_\_\_\_\_  
 Location \_\_\_\_\_  
 Kind of Building KES Street No. \_\_\_\_\_  
 Schedule 1 Class 3 Type 1-2-3-4 Cost \$ \_\_\_\_\_ X \_\_\_\_\_ %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Actual Factor	Totals
<u>1</u>	<u>x x</u>		<u>984</u>	\$	\$ <u>1867</u>
	<u>x x</u>			\$	\$
	<u>x x</u>			\$	\$

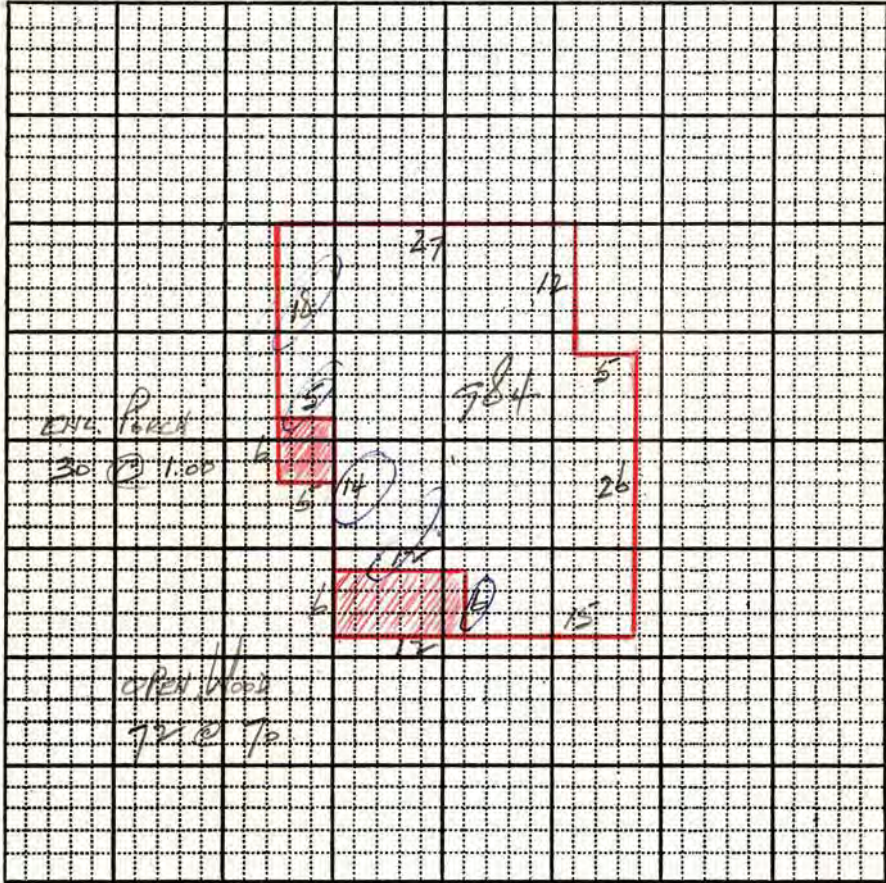
No. of Rooms 5 & Bath Condition Good

Description of Building	Add	Deduct
Foundation—Stone <u>1.00</u> Conc. <u>1/2</u> None <u>1/2</u>		<u>70</u>
Ext. Walls <u>SIDING</u>		
Insulated—Floors _____ Walls _____ Clgs. _____		
Roof—Type <u>GAB</u> Mat. <u>SHG</u>		
Dormers—Small _____ Med. _____ Lg. _____		
Bays—Small _____ Med. _____ Lg. _____		
Porches—Front <u>72 @ .70</u>	<u>50</u>	
Rear <u>30 @ 1.00</u>	<u>30</u>	
Cellar—Basin't <u>1/4</u> <u>1/2</u> <u>3/4</u> full-floor <u>Cont</u>	<u>35</u>	
Basement Apts.—Rooms Fin. _____		
Attic Rooms _____ Fin. <u>STAIRS ONLY</u> Unfin. _____	<u>52</u>	
Plumbing—{ Class _____ Tub _____ Trays _____ Basin _____ Sink _____ Toilet _____ Urns _____ Ftns. _____ Shr. _____ Dishwasher _____ Garbage Disp. _____	<u>350</u>	
Heat—Stove <u>✓</u> H. A. _____ Steam _____ S. _____ Blr. _____ Oil _____ Gas _____ Coal _____		
Air Conditioned _____ Incinerators _____		
Radiant—Pipeless _____		
Finish—{ Hd. Wd. _____ Floors—{ Hd. Wd. _____ Fir. _____ { Fir. _____ Conc. _____		
Cabinets <u>1</u> Mantels _____	<u>40</u>	
Tile—{ Walls _____ Wainscot. _____ Floors _____		
Lighting—Lamp _____ Drops <u>✓</u> Fix. _____ <u>Com. FINE LINED.</u>		<u>125</u>
<b>Total Additions and Deductions</b>	<u>557</u>	<u>195</u>
<b>Net Additions or Deductions</b>	<u>195</u>	<u>1867</u>

REPRODUCTION VALUE \$ 2229  
 Depr. 1-2-3-4-5-6 58/42 % \$ \_\_\_\_\_  
 Reproduction Val. Minus Depr. \$ 936

Remodeled \_\_\_\_\_ Est. Cost \_\_\_\_\_ Remodeling Inc. \_\_\_\_\_ % \$ \_\_\_\_\_  
 Garage—S 8 C \_\_\_\_\_ Depr. 2% 3% \_\_\_\_\_  
 Cars \_\_\_\_\_ Walls \_\_\_\_\_ Out Bldgs. \_\_\_\_\_ \$ \_\_\_\_\_  
 Roof \_\_\_\_\_ Size x Age \_\_\_\_\_ \$ \_\_\_\_\_  
 Floor \_\_\_\_\_ Cost \_\_\_\_\_ Depreciated Value Garage \_\_\_\_\_ \$ \_\_\_\_\_

Remarks \_\_\_\_\_ **Total Building Value** \$ \_\_\_\_\_



OUT BUILDINGS	Age	Size	Area	Factor	Cost	Depr. Value
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				
		x				



Serial No. JA 124

JAME E. SWEATFIELD

Location Block 11 SA, N 1/2 lot 5-911 lot 6

Kind of Bldg. RES St. No. \_\_\_\_\_

Class 3 Type 1 2 3 4 Cost \$ 1903 X — %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Factor	Totals
<u>1</u>	<u>x x</u>		<u>984</u>		<u>\$ 1903</u>
	<u>x x</u>				
	<u>x x</u>				

Gar.—Carport x Fr. \_\_\_\_\_ Walls \_\_\_\_\_ Cl. \_\_\_\_\_

Description of Buildings	Additions
Foundation—Stone _____ Conc. <input checked="" type="checkbox"/> None <input checked="" type="checkbox"/>	
Ext. Walls <u>Siding (A) ALUM 1963</u>	
Insulation—Floors _____ Walls _____ Cigs. <u>—</u>	
Roof Type <u>Gable</u> Mtl. <u>Shg</u>	
Dormers—Small _____ Med. _____ Large _____	
Bays—Small _____ Med. _____ Large _____	
Porches—Front <u>6x12</u> @ <u>60</u> <u>80</u> <u>48</u>	
Rear <u>5x6</u> @ <u>30</u> @ <u>60</u> <u>18</u>	
Porch _____ @ _____	
Metal Awnings _____ Mtl. Rail _____	
Basement Entr. _____ @ _____	
Planters _____ @ _____	
Cellar-Bsmt. — 1/4 1/3 1/2 3/4 Full _____ Floor _____	
Bsmt. Apt. _____ Rooms Fin. _____ Unfin. _____	
Attic Rooms Fin. _____ Unfin. _____	
Plumbing { Class <u>(1)</u> Tub <u>1</u> Trays _____ Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u> <u>350</u> Wtr. Sfr. _____ Shr. St. _____ O.T. _____ Dishwasher _____ Garbage Disp. _____	
Built-in-Appliances _____	
Heat—Stove <u>X</u> H.A. _____ Steam _____ Stkr. _____ Blr. _____ Oil _____ Gas _____ Coal <u>X</u> Pipeless _____ Radiant _____	
Air Cond. _____	
Finish—Fir <u>✓</u> Hd. Wd. _____	
Floor—Fir <u>✓</u> Hd. Wd. _____ Other _____	
Cabinets <u>1</u> Mantels _____	
Tile—Walls _____ Wainseot _____ Floors _____	
Storm Sash—Wood D. _____ S. _____ ; Metal D. _____ S. _____	
Total Additions <u>416</u>	

Year Built _____	Avg. <u>54</u>	Current Value	\$ <u>2319</u>
<u>Acquired 1949-45</u>	Age _____	Commission Adj. <u>0%</u> <u>10%</u>	<u>233</u>
Inf. by { Owner - Tenant - Neighbor - Record - Est.		Bldg. Value	<u>2087</u>
Remodel Year _____	Est. Cost _____	Depr. Col. <u>(1)</u> 2 3 4 5 6 <u>33%</u>	
		Current Value Minus Depr.	\$ <u>689</u>
Garage—Class _____	Depr. 2% 3%	Carport—Factor _____	
Cars _____	Floor <u>X</u> Walls _____	Roof _____ Doors _____	
Size—_____ x _____	Age _____	Cost _____ x _____ %	
Other _____			

Total Building Value \$ \_\_\_\_\_

Appraised 5-2- 19 58 By 1302

5A 124  
Serial Number

OF  
Card Number

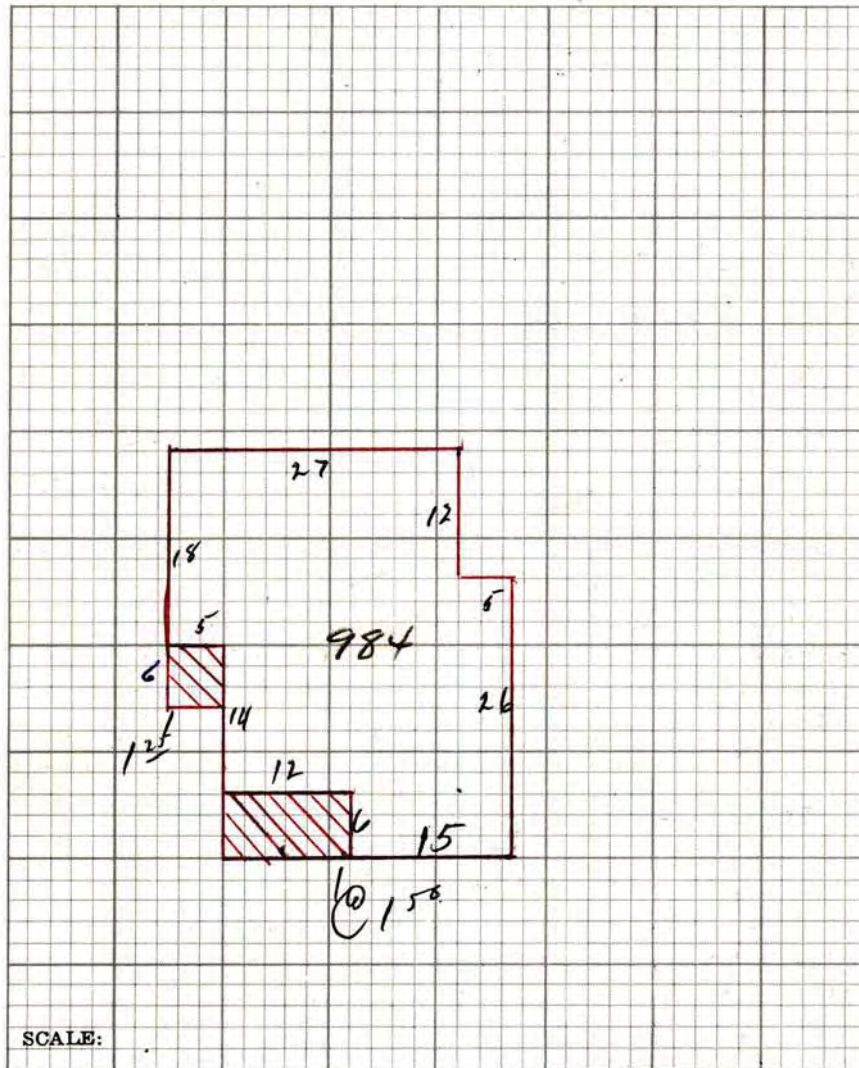
Owners Name Jane E Sweetfield  
Location N 1/2 at 500 W 11th Bk 11 SA  
Kind of Bldg. 1 1/2 St. No. 823 Woodside Ave  
Class. 1 Type 1 2 3 4 1 Cost \$ \_\_\_\_\_ X 100 %

Stories	Dimensions	Sq. Ft.	Factor	Totals	Totals
	x x	984		\$ 2954	\$
	x x				
	x x				

Att. Gar.—C.P. \_\_\_\_\_ x \_\_\_\_\_ Flr. \_\_\_\_\_ Walls \_\_\_\_\_ Cl. \_\_\_\_\_

Description of Buildings	Additions	Additions
Foundation—Stone _____ Conc. _____ Sills <u>X</u>		
Ext. Walls <u>ALUM Siding (A)</u>		
Roof Type _____ Mtl. _____		
Dormers—Small _____ Med. _____ Large _____		
Bays—Small _____ Med _____ Large _____		
Porches—Front <u>472 @ 1<sup>50</sup></u>	<u>108</u>	
Rear <u>30 @ 1<sup>25</sup></u>	<u>38</u>	
Porch _____ @ _____		
Planters _____ @ _____		
Ext. Base. Entry _____ @ _____		
Cellar—Bsmt. — 1/4 1/8 1/2 2/3 3/4 Full _____ Floor <u>40</u>		
Bsmt. Gar. _____		
Basement—Apt. _____ Rms. _____ Fin. Rms. _____		
Attic Rooms Fin. _____ Unfin. _____		
Plumbing {	Class <u>1</u> Tub. <u>1</u> Trays _____	550
	Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u>	
	Wtr. Sfr. _____ Shr. St. _____ O.T. _____	
	Dishwasher _____ Garbage Disp. _____	
Heat—Stove <u>X</u> H.A. _____ FA _____ HW _____ Stkr _____ Elec. _____		
Oil _____ Gas _____ Coal <u>X</u> Pipeless _____ Radiant _____		
Air Cond. — Full _____ Zone _____		
Finish—Fir. <u>✓</u> Hd. Wd. _____ Panel _____		
Floor—Fir. <u>✓</u> Hd. Wd _____ Other _____		
Cabinets <u>1</u> Mantels. _____		
Tile—Walls _____ Wainscot _____ Floors _____		
Storm Sash—Wood D. _____ S. _____; Metal D. <u>1</u> S. <u>30</u>		
Awnings — Metal _____ Fiberglass _____		

Total Additions			<u>766</u>
Year Built <u>1964</u>	Avg. <u>1904</u>	Replacement Cost	<u>4486</u>
	Age <u>2</u>	Obsolescence	
Inf. by <u>Owner</u> Tenant - Neighbor - Record - Est.		Adj. Bld. Value	
		Conv. Factor	<u>x.47</u>
Replacement Cost—1940 Base			
Depreciation Column <u>1</u> 2 3 4 5 6			
1940 Base Cost, Less Depreciation			
Total Value from reverse side			
Total Building Value \$			



RESIDENTIAL OUT BUILDINGS	Age	Size	Area	Fac-tor	Cost	Conv. Fac.	Adj. Cost	Depr. Value
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		

Garage — Class \_\_\_\_\_ Depr. 2% 3% \_\_\_\_\_

Cars \_\_\_\_\_ Floor \_\_\_\_\_ Walls \_\_\_\_\_ Roof \_\_\_\_\_ Doors \_\_\_\_\_

Size \_\_\_\_\_ x \_\_\_\_\_ Age \_\_\_\_\_ Cost \_\_\_\_\_ x 47% \_\_\_\_\_

1940 Base Cost \_\_\_\_\_ x \_\_\_\_\_ % Depr. \_\_\_\_\_

Total \_\_\_\_\_

REMARKS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_









## Planning Commission Staff Report

**Subject:** 205 Main Street Plat  
**Author:** Francisco J. Astorga, Senior Planner  
**Project Number:** PL-14-02608  
**Date:** April 8, 2014  
**Type of Item:** Administrative – Condominium Record of Survey

### **Summary Recommendations**

Staffs recommends the Planning Commission hold a public hearing for 205 Main Street Plat Condominium Record of Survey located at 205 Main Street and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance.

*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:** 205 Main Street, LLC, Todd Cusick  
represented by Jack Johnson  
**Location:** 205 Main Street  
**Zoning:** Historic Commercial Business  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Condominium Record of Surveys require Planning  
Commission review and City Council review and action

### **Proposal**

The property owner proposes to record a Condominium Record of Survey for a six (6) unit residential multi-unit dwelling consisting of a four (4) story structure and a parking garage. The property owner requests to record the proposed Record of Survey to be able to sell each unit individually.

### **Background**

On February 19, 2015, the City received a completed application for the 205 Main Street Plat Condominiums. The property is located at 205 Main Street in the Historic Commercial Business District. The subject property consists of Parcel 1 of the Park Place on Main Street Plat Amendment approved by the City Council in April 1998 and recorded with Summit County in 1999.

In October 2012 the applicant received a Historic District Design Review approval to build a six (6) unit multi-unit dwelling with a parking garage. In September 2013, the applicant received a one (1) year extension, to allow the Historic District Design Review to expire in October 2014. The applicant applied for a building permit in July 2014. The

Planning Department signed off the building permit in September 2014. Due to some miscommunication discrepancy with the applicant and the Building Department, the Permit was not issued until December 2014. Currently, the site is under construction and has an active building permit for the six (6) unit multi-unit structure.

### **District Purpose**

The purpose of the Historic Commercial Business 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.

### **Analysis**

A condominium is not a type of use but a form of ownership. The following requirements apply to multi-unit dwellings in the Historic Commercial Business District:

- Use: Multi-Unit Dwelling.  
Allowed use, complies.
- Minimum lot area: 1,250 square feet.  
9,148 square feet, complies.
- Minimum lot width: 25 feet.  
119.8 feet, complies.
- Front, Rear, and Side Yards: There are no minimum front, rear, or side yard dimensions in the Historic Commercial Business District.
- Maximum Floor Area Ratio: 4.0.  
2.02 (18,148.49 divided by 8,985), complies.
- Maximum Building Volume and Height: 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, complies.

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 (in this case 27' due to HR-2 District), 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, complies.

- Minimum parking requirements for Apartment/Condominium 2,000 sf floor area or greater: 2 per dwelling unit.

Applicant proposes to build fifteen (15) parking spaces, all within the parking garage. The minimum number of parking spaces required by the Land Management Code based on the six (6) dwelling units is twelve (12), complies.

Staff finds Good Cause for the Condominium Record of Survey Plat as the requested form of ownership is not detrimental to the overall character of the neighborhood. This application, as shown on the proposed plat, allows the following units to be platted as private ownership:

Unit A – 2,961.81 sf  
Unit B – 2,753.05 sf  
Unit C – 3,308.74 sf  
Unit D – 2,962.07 sf  
Unit E – 3,256.11 sf  
Unit F – 2,906.71 sf  
**Total – 18,148.49 sf**

Common spaces include most of the parking garage, entry vestibule and stairs, elevator, roof, foundation, exterior walls, etc. Limited common spaces include the mechanical areas, storage, balconies, patios, etc.

#### Condominium Conversions

LMC § 15-4-12 indicates that existing structures shall not be converted to condominium ownership without first receiving the review and recommendation of the Planning, Engineering and Building Departments, City Attorney, and Record of Survey plat approval from the City. Furthermore, required public improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance. The structure must be brought into substantial compliance with the Building code as a condition precedent to plat approval.

This structure is not yet built. A building permit was issued in December 2014 to build what has been approved (through that Historic District Design Review). The applicant is actively working on the project. The structure, as approved on plans, is to be built per current building codes as approved.

### **Process**

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

### **Department Review**

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

### **Notice**

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

### **Public Input**

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

### **Alternatives**

- The Planning Commission may forward positive recommendation to the City Council for the 205 Main Street Plat Condominium Record of Survey as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 205 Main Street Plat Condominium Record of Survey and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 205 Main Street Plat Condominium Record of Survey.

### **Significant Impacts**

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

### **Consequences of not taking the Planning Department's Recommendation**

The proposed building would remain as is and the property owner would not have the option to sell the units individually.

### **Summary Recommendation**

Staffs recommends the Planning Commission hold a public hearing for 205 Main Street Plat Condominium Record of Survey located at 205 Main Street and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance.

### **Exhibits**

- Exhibit A – Draft Ordinance with Proposed Condominium Record of Survey
- Exhibit B – Existing Conditions Survey
- Exhibit C – Current Plat
- Exhibit D – Vicinity Map
- Exhibit E – Front Elevation Rendering

Exhibit F – Historic District Design Review Action Letter

**Ordinance No. 15-XX**

**AN ORDINANCE APPROVING 205 MAIN STREET PLAT CONDOMINIUM RECORD OF SURVEY PLAT LOCATED AT 205 MAIN STREET, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 205 Main Street has petitioned the City Council for approval of the condominium record of survey plat; and

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

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

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

WHEREAS, it is in the best interest of Park City, Utah to approve the 205 Main Street Plat Condominium Record of Survey.

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

**SECTION 1. APPROVAL.** 205 Main Street Plat Condominium Record of Survey as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is located at 205 Main Street.
2. The property is in the Historic Commercial Business District.
3. The property consists of Lot 1 of Park Place on Main Street Plat.
4. The proposed condominium Record of Survey plat memorializes each dwelling unit within the multi-unit dwelling as a separate unit that can be leased or owned separately.
5. A condominium is not a type of use but a form or ownership.
6. A multi-unit dwelling is an allowed use in the Historic Commercial Business District.
7. The current lot is 9,148 square feet and complies with the minimum lot area of

- 1250 square feet in the Historic Commercial Business District.
8. The current lot width is 119.8 feet and complies with the minimum lot width of 25 feet in the Historic Commercial Business District.
  9. There are no minimum front, rear, or side yard dimensions in the Historic Commercial Business District.
  10. The proposed Floor Area Ratio is 2.02 (18,148.49 divided by 8,985) and complies with the maximum Floor Area Ratio of 4.0 in the Historic Commercial Business District.
  11. The proposal complies with the Maximum Building Volume and Height as described in Land Management Code § 15-2.6-5, as applicable.
  12. Applicant proposes to build fifteen (15) parking spaces, all within the parking garage. The minimum number of parking spaces required by the Land Management Code based on the six (6) dwelling units is twelve (12).
  13. The requested form of ownership is not detrimental to the overall character of the neighborhood.
  14. This application allows the following units to be platted as private ownership:
    - a. Unit A – 2,961.81 sf
    - b. Unit B – 2,753.05 sf
    - c. Unit C – 3,308.74 sf
    - d. Unit D – 2,962.07 sf
    - e. Unit E – 3,256.11 sf
    - f. Unit F – 2,906.71 sf
    - g. Total – 18,144.09 sf
  15. Common spaces include most of the parking garage, entry vestibule and stairs, elevator, roof, foundation, exterior walls, etc.
  16. Limited common spaces include the mechanical areas, storage, balconies, patios, etc.
  17. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

#### Conclusions of Law:

1. The Condominium Plat is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.
2. Neither the public nor any person will be materially injured by the proposed Condominium Plat.
3. 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 plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City

Council.

3. A tie breaker mechanism shall be included in the CC&Rs.
4. Required public improvements and landscaping, as applicable, shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance.

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

PASSED AND ADOPTED this 7<sup>th</sup> day of May, 2015.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

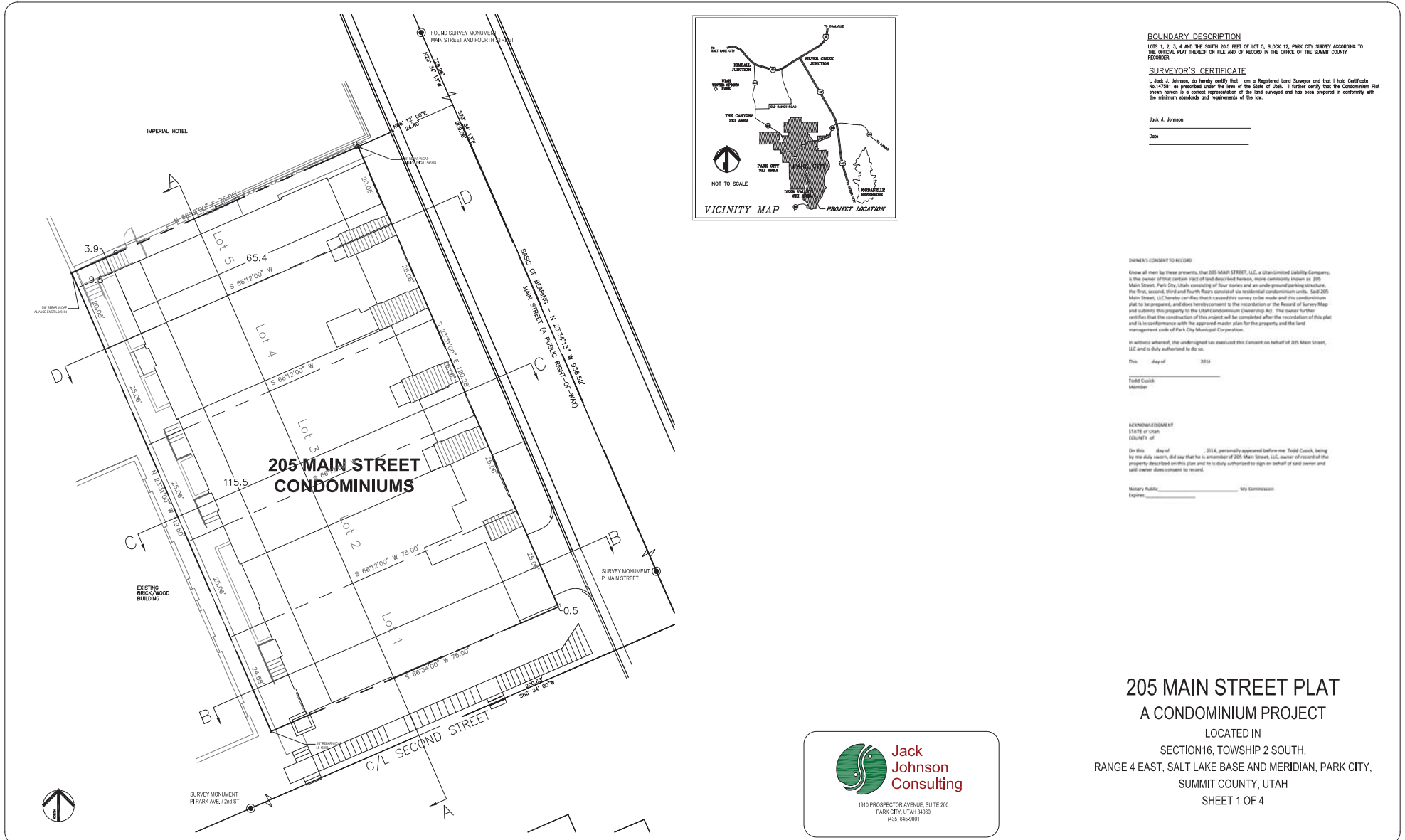
\_\_\_\_\_  
Marci Heil, City Recorder

APPROVED AS TO FORM:

\_\_\_\_\_  
Mark Harrington, City Attorney

**Attachment 1 – Proposed Plat**

# Attachment 1 – Proposed Condo Plat



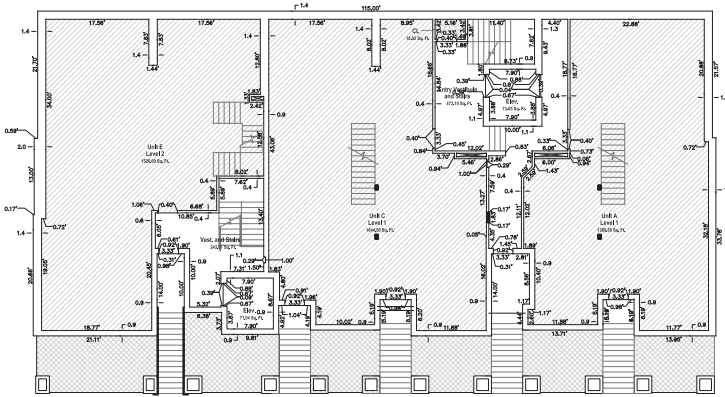
**205 MAIN STREET PLAT**  
**A CONDOMINIUM PROJECT**  
 LOCATED IN  
 SECTION 16, TOWNSHIP 2 SOUTH,  
 RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY,  
 SUMMIT COUNTY, UTAH  
 SHEET 1 OF 4



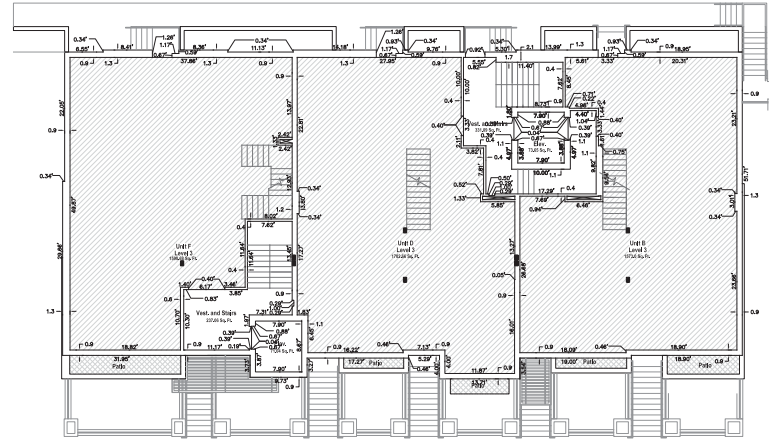
<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b></p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 A.D.</p> <p>BY _____ MAYOR</p>	<p><b>ENGINEERS CERTIFICATE</b></p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF _____, 2015 A.D.</p> <p>BY _____ PARK CITY ENGINEER</p>	<p><b>PLANNING COMMISSION</b></p> <p>REVIEWED BY THE PARK CITY PLANNING COMMISSION THIS 9TH DAY OF APRIL, 2015 A.D.</p> <p>BY _____ CHAIR</p>	<p><b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b></p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 A.D.</p> <p>BY _____ S.B.W.R.D.</p>	<p><b>APPROVAL AS TO FORM</b></p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2015</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p><b>CERTIFICATE OF ATTEST</b></p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 A.D.</p> <p>PARK CITY RECORDER</p>	<p><b>RECORDED</b></p> <p>ENTRY NO. _____ BOOK _____ PAGE _____          STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF: _____          DATE _____ TIME _____</p> <p>COUNTY RECORDER</p>
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LEGEND

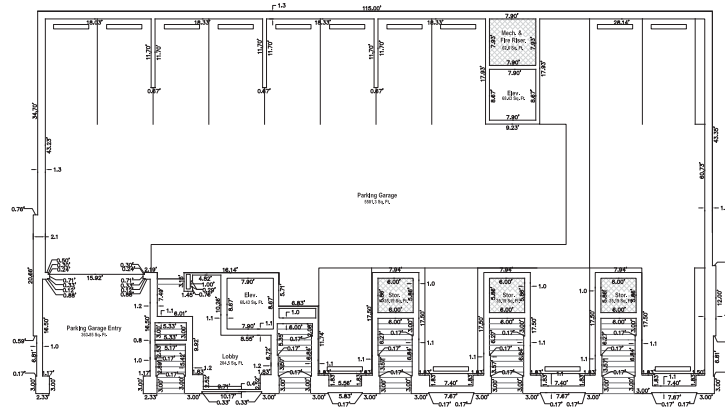
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-  LIMITED COMMON AREA
-  COMMON AREA



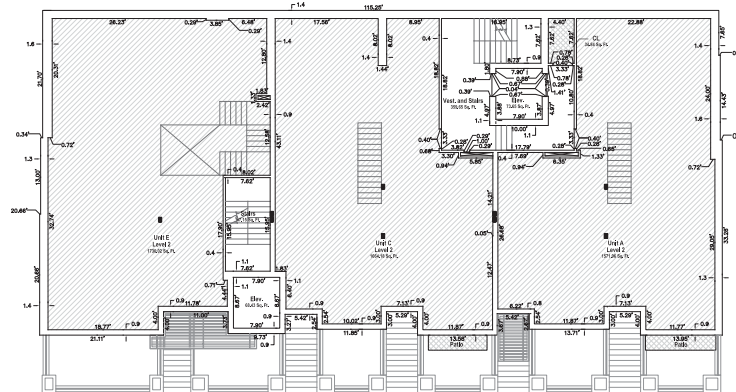
**LEVEL 1**



**LEVEL 3**



**PARKING**



**LEVEL 2**



**205 MAIN STREET PLAT**  
A CONDOMINIUM PROJECT

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



1910 PROSPECTOR AVENUE, SUITE 200  
PARK CITY, UTAH 84302  
(435) 645-9001

RECORDED

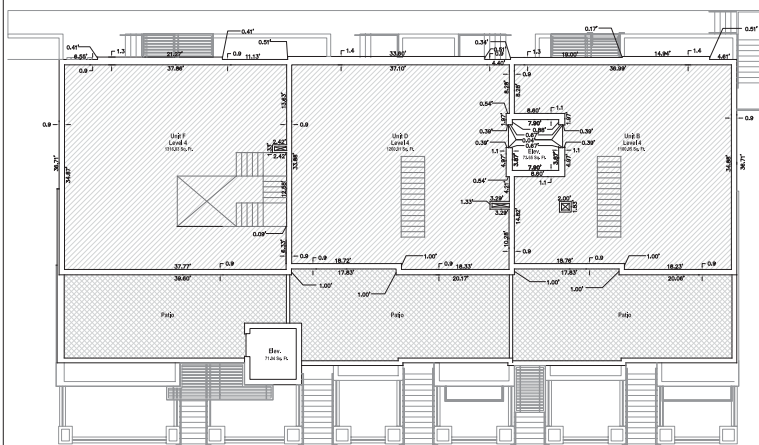
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STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
AT THE REQUEST OF: \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_

COUNTY RECORDER \_\_\_\_\_



LEGEND

-  PRIVATE OWNERSHIP
-  LIMITED COMMON AREA
-  COMMON AREA



**LEVEL 4**

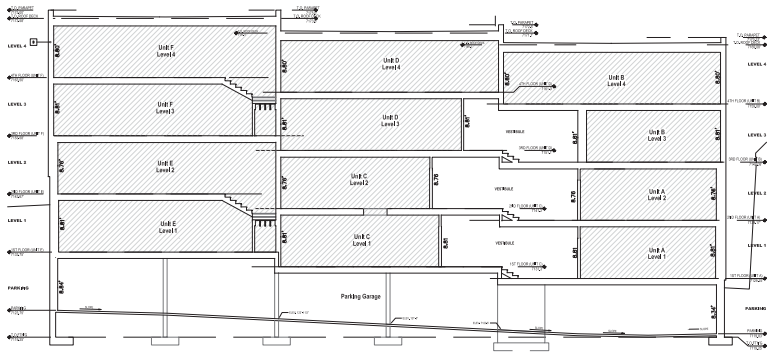
**205 MAIN STREET PLAT**  
**A CONDOMINIUM PROJECT**  
 LOCATED IN  
 SECTION 16, TOWNSHIP 2 SOUTH,  
 RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY,  
 SUMMIT COUNTY, UTAH  
 SHEET 3 OF 4



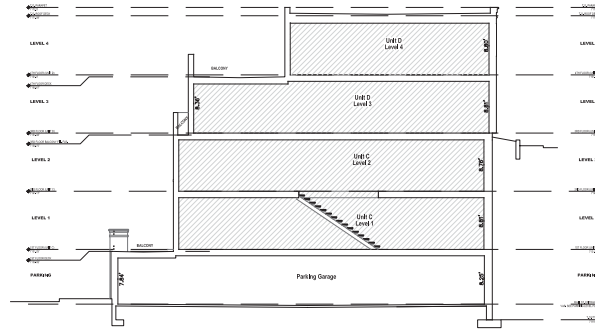
RECORDED

ENTRY NO. \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
 AT THE REQUEST OF: \_\_\_\_\_  
 DATE \_\_\_\_\_ TIME \_\_\_\_\_

\_\_\_\_\_  
 COUNTY RECORDER



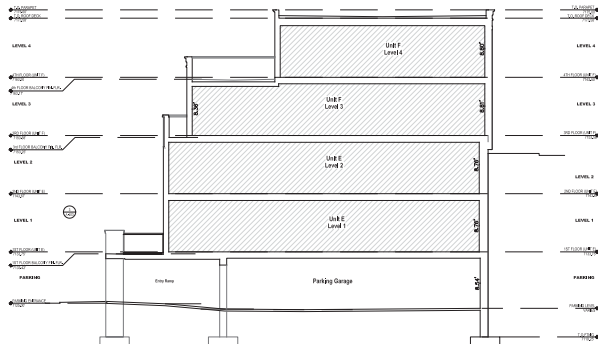
**SECTION A-A**



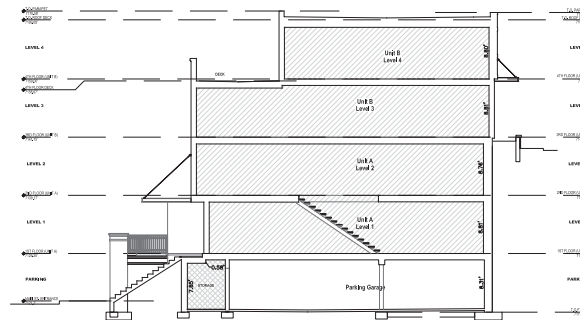
**SECTION C-C**

**LEGEND**

-  PRIVATE OWNERSHIP
-  LIMITED COMMON AREA
-  COMMON AREA



**SECTION B-B**



**SECTION D-D**

**205 MAIN STREET PLAT  
A CONDOMINIUM PROJECT**

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

0 5 10 20 30  
SCALE: 1"=10'



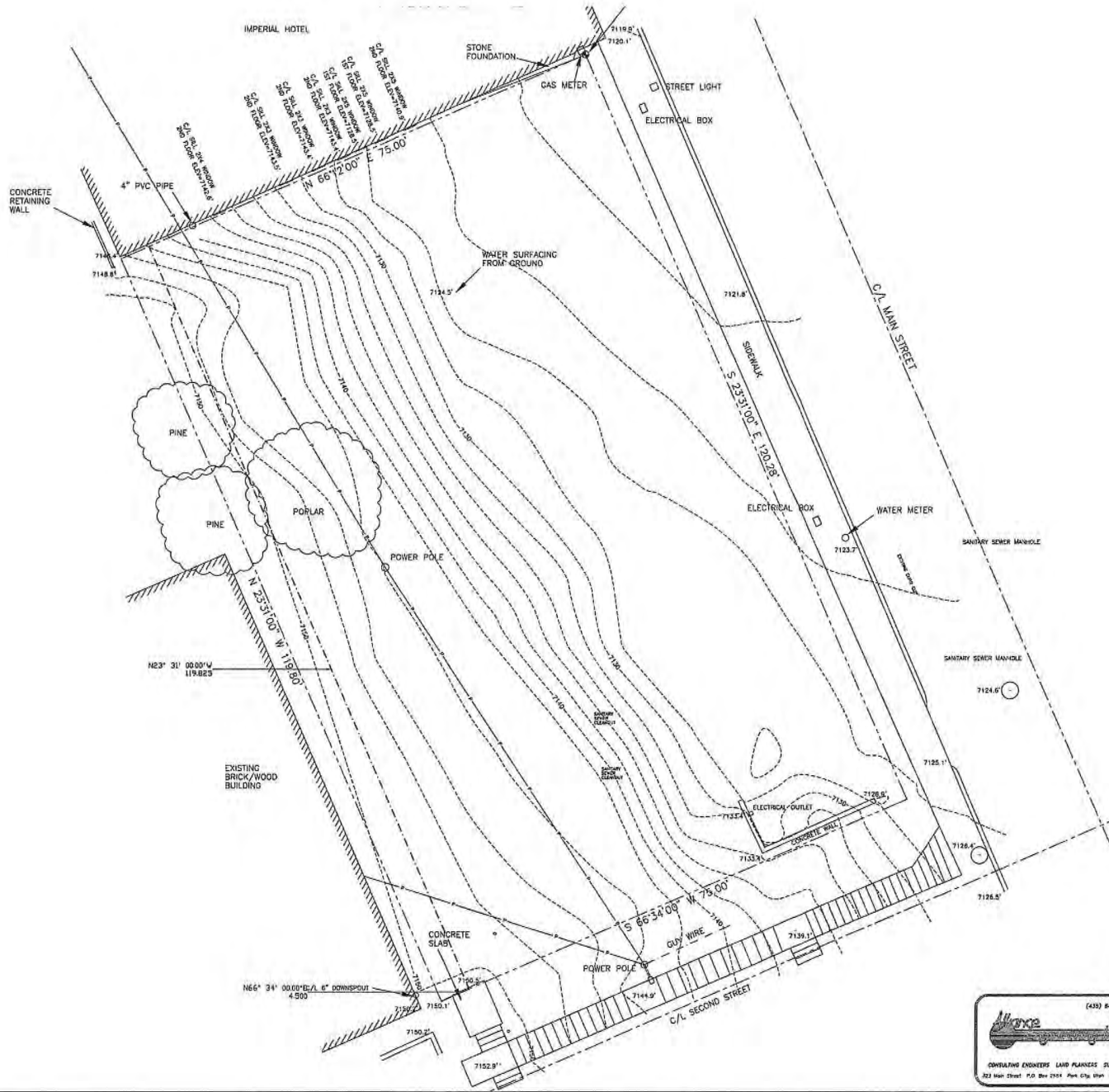
1910 PROSPECTOR AVENUE, SUITE 200  
PARK CITY, UTAH 84060  
(435) 644-0001

**RECORDED**

ENTRY NO. \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED  
AT THE REQUEST OF: \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_

\_\_\_\_\_  
COUNTY RECORDER

# Exhibit B – Existing Conditions Survey

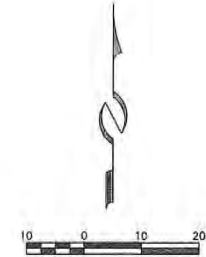


**SURVEYOR'S CERTIFICATE**

I, John Demkowicz, do hereby certify that I am a registered land surveyor and that I hold certification no. 154491 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described herein. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

**NOTES:**

1. PROJECT BENCHMARK PROPERTY CORNER ELEVATION = 7120.4'
2. THE ARCHITECT IS RESPONSIBLE FOR VERIFYING BUILDING SETBACKS, ZONING REQUIREMENTS, AND BUILDING HEIGHTS.
3. THIS TOPOGRAPHIC MAP IS BASED ON A FIELD SURVEY PERFORMED ON JANUARY 26, 1998, AND UPDATED ON JANUARY 25, 2007.
4. PROPERTY CORNERS WERE SET. SEE RECORDED SURVEY S-1573, SUMMIT COUNTY UTAH.
5. SNOW COVERAGE AT THE TIME OF THE SURVEY WAS APPROXIMATELY 1.0'-2.0'.



DEC 30 2014

REVISED 8/31/07 TO SHOW EXISTING CURB CUT



(435) 649-2467

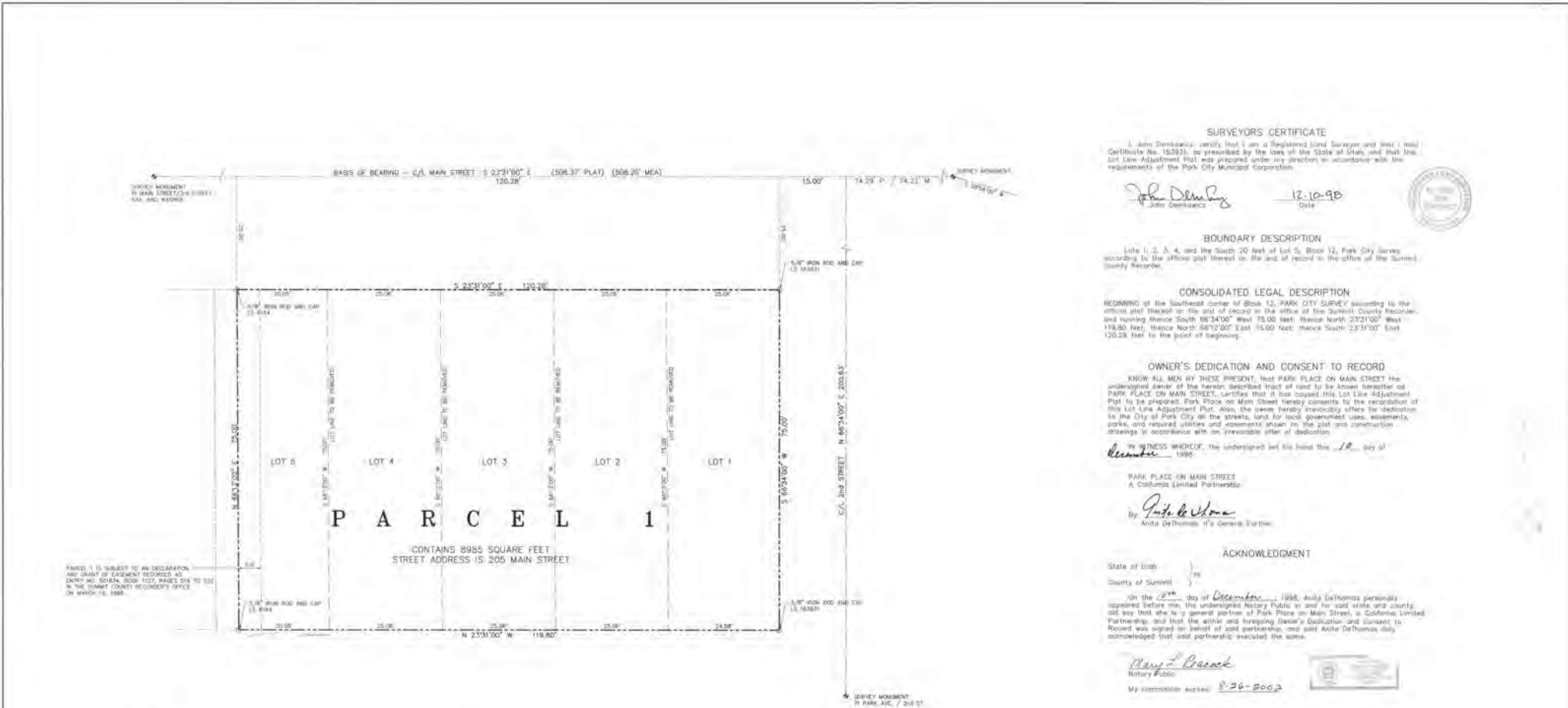
STAFF:  
MARSHALL KING  
MARTY MORRISON

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
322 Main Street, P.O. Box 2945 Park City, Utah 84302-2945

**EXISTING CONDITIONS**  
**205 MAIN STREET**  
**PARK PLACE ON MAIN STREET**  
FOR: AVENUE COMMUNITIES, LLC  
JOB NO.: 5-9-08  
DATE: 8/31/07

FILE: X:\ParkCitySurvey\dwg\arp\topo08\060906.dwg

SHEET  
1  
OF  
1



**SURVEYORS CERTIFICATE**  
 I, John Demkowicz, certify that I am a Registered Land Surveyor and hold License Certificate No. 15323, as prescribed by the laws of the State of Utah, and that this Lot Line Adjustment Plat was prepared under my direction in accordance with the requirements of the Park City Municipal Corporation.  
 John Demkowicz  
 Date 12-10-98

**BOUNDARY DESCRIPTION**  
 Lots 1, 2, 3, 4, and the South 20 feet of Lot 5, Block 12, Park City Survey according to the official plat thereof on file and of record in the office of the Summit County Recorder.

**CONSOLIDATED LEGAL DESCRIPTION**  
 BEGINNING at the Southeast corner of Block 12, PARK CITY SURVEY according to the official plat thereof on file and of record in the office of the Summit County Recorder, and running thence South 66°34'00" West 75.00 feet, thence North 23°31'00" West 118.80 feet, thence North 66°12'00" East 15.00 feet, thence South 23°31'00" East 120.28 feet to the point of beginning.

**OWNER'S DEDICATION AND CONSENT TO RECORD**  
 KNOW ALL MEN BY THESE PRESENTS that PARK PLACE ON MAIN STREET the undersigned owner of the herein described tract of land to be known hereafter as PARK PLACE ON MAIN STREET, certifies that it has caused this Lot Line Adjustment Plat to be prepared. Park Place on Main Street hereby consents to the recording of this Lot Line Adjustment Plat. Also, the owner hereby irrevocably offers for dedication to the City of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

IN WITNESS WHEREOF, the undersigned set his hand this 10 day of December 1998.  
 PARK PLACE ON MAIN STREET  
 A California Limited Partnership  
 By Anita DeThornas  
 Anita DeThornas it's General Partner

**ACKNOWLEDGMENT**  
 State of Utah )  
 County of Summit ) ss  
 On the 10th day of December, 1998, Anita DeThornas personally appeared before me, the undersigned Notary Public in and for said state and county, and she is a general partner of Park Place on Main Street, a California Limited Partnership, and that she with and foregoing General Description, and Consent to Record was signed on behalf of said partnership, and said Anita DeThornas duly acknowledged that said partnership executed the same.  
 Mary E. Branch  
 Notary Public  
 My commission expires: 8-26-2003

- NOTES:**
- See record of survey #8-1873, recorded Summit County, Utah.
  - A Site Report and Storming Plan, prepared by a licensed engineer and reviewed and approved by the Community Development Department, will be required from the applicant prior to any construction.
  - Any encroaching sewer laterals on the site shall be mitigated by the affected private parties.

**LOT LINE ADJUSTMENT PLAT  
 PARK PLACE ON MAIN STREET**

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

<p>JOB NO. 01-04-97 FILE \pic\p\p-010497</p> <p><b>ALLIANCE ENGINEERING INC.</b>                  P.O. BOX 2664                  323 MAIN STREET                  PARK CITY, UTAH 84060                  (435) 649-9467</p>	<p><b>SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT</b>                  REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 18th DAY OF December 1998 A.D.                  By Roger E. Robinson                  S.E.S.I.D.</p>	<p><b>PLANNING COMMISSION</b>                  APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 21st DAY OF January 1999 A.D.                  BY [Signature]                  CHAIRMAN</p>	<p><b>ENGINEERS CERTIFICATE</b>                  I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 21st DAY OF December 1998 A.D.                  BY [Signature]                  PARK CITY ENGINEER</p>	<p><b>APPROVAL AS TO FORM</b>                  APPROVED AS TO FORM THIS 17th DAY OF January 1999 A.D.                  BY [Signature]                  PARK CITY ATTORNEY</p>	<p><b>CERTIFICATE OF ATTEST</b>                  I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 30th DAY OF April 1998 A.D.                  BY [Signature]                  PARK CITY RECORDER</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b>                  APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 30th DAY OF April 1998 A.D.                  BY [Signature]                  MAYOR</p>	<p># 528026 RECORDED                  STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF Coalition Title DATE 20th TIME 02:45 PM PAGE 1                  7311                  [Signature]                  RECORDER</p>
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# Exhibit D - Vicinity Map 205 Main Street



**Legend**

- Address
- Parcels
- Streets

0 25 50 100 150 Feet  
 Planning Commission Meeting - April 8, 2015

Exhibit E - Front Elevation Rendering





**Building • Engineering • Planning**

October 29, 2012

Craig Elliot  
On behalf of 205 Main Street Group, LLC  
P.O. Box 3419  
Park City, Utah 84060

**NOTICE OF PLANNING STAFF ADMINISTRATIVE ACTION**

**Project Address:** 205 Main Street, Parcel 1 Park Place on Main Street.  
**Project Description:** Proposed Six (6) Dwelling-Unit Residential Condominium.  
**Date of Action:** October 29, 2012  
**Project Number:** PL-12-01603

**Summary of Staff Action**

Staff reviewed this project for compliance with the Historic District Design Guidelines, specifically with 1) Universal Guidelines for New Construction (#1 through #7) and 2) Specific Guideline: A1. Building Setbacks & Orientation, A.2 Lot Coverage, A.4 Site Grading & Steep Slope Issues, A.5 Landscaping, B.1 Mass, Scale & Height, B.2 Key Building Elements, and D. Off-Street Parking Areas. Staff found that as conditioned the proposed six unit residential dwelling will comply with applicable Guidelines. This letter serves as the final action letter and approval for the proposed design for 205 Main Street, as redlined subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

**Findings of Fact**

1. The property is located at 205 Main Street, more specifically Parcel 1 of the Park Place on Main Street Plat Amendment which originally consisted of five (5) full Old Town lots.
2. The parcel is approximately 9,148 square feet in size. The minimum lot size in the Historic Commercial Business (HCB) District is 1,250 square feet.
3. The property is located in the HCB District.
4. Multi-Unit dwellings are a permitted use in the HCB District.
5. This is a vacant parcel not identified on the City's Historic Sites Inventory and is not designed as a Historically Significant or Landmark Site.
6. Each of the six proposed units is labeled between A through F. Unit A is 3,037 square feet, Unit B is 2,989 square feet, Unit C is 3,092 square feet, Unit D is 3,025 square feet, and Unit F is 2,906 square feet.

7. The proposed building is a four (4) story structure with a parking garage at the main level and three (3) stories of residential above.
8. The maximum building height allowed in the HCB District is forty-five feet (45') feet measured from the natural grade. The proposed building is approximately thirteen feet (13') tall at the front-yard setback (property line) with a maximum height of forty-five feet (45') at the highest point from the natural grade and twenty-five feet (25') tall at the rear yard setback.
9. There are not front, rear or side-yard requirements in the HCB District, in essence allowing a "zero-lot-line" building.
10. The proposed building meets the minimum requirements of Section 15-2.6-5(A) and (B) – Maximum Building Volume and Height of the LMC.
11. The applicant is required to provide three parking spaces per dwelling unit. The plans only show two spaces per unit. Section 15-3-6(A) Parking Ration Requirements for Specific Land Use Categories – Residential Uses, requires three parking spaces for all residential dwellings (apartment or condominium) over 2,500 square feet. Section 15-2.6-9 Parking Regulations (in the HCB District) requires that the required off-street parking either be provided on-site, or that a fee established by the City be paid in lieu of the required parking and multiplied by the required spaces. In this case, the applicant can either provide the six (6) additional spaces within the garage or pay the required fee as calculated by the City.
12. The parking stalls within the garage do not appear to meet the minimum parking standards set forth in Section 15-3-3(F) Parking Space Dimensions, which requires that each stall have a minimum of nine-feet (9') in with by eighteen-feet (18') long. The back-up drive aisle must be twenty-four feet (24') wide between spaces. It appears that this area can be reconfigured to meet this code and will be a condition of approval.
13. The proposed building uses a mixture of exterior materials including three primary materials of brick, stone, and cement board. Other exterior materials include cut stone and stainless steel trim (see Exhibit "A").
14. Each unit has an exterior entrance onto Main Street as well as a separate entrance from the parking garage.
15. The proposed design complies with the Universal Guideline #1 for New Construction in that the proposed building uses simple building forms, unadorned materials, and restrained ornamentation.
16. The proposed building complies with Universal Guideline #2 for new construction because it does not directly imitate existing historic structures located on surrounding properties or within the Historic District.
17. The proposed building complies with Universal Guideline #3 due to the fact that the architecture of the proposed building is designed in a manner consistent with a contemporary interpretation of its chosen style and that the stylistic elements are not simply applied to the exterior. The building does not replicate a style that never appeared in Park City and does not radically conflict with the character of Park City's Historic Sites.
18. The proposed building complies with Universal Guideline #4 because the proposed building and site design respect the existing topography, character, and site defining features. There are a limited numbers of existing trees or vegetation on the site, and



- cuts, fill, and retaining walls will not be visible to the public as the building will be constructed to follow the contour of the existing hillside.
19. The proposed building complies with Universal Guideline #5 as the proposed exterior elements of the building, including roofs, entrances, eaves, chimneys, porches, windows, doors, steps, retaining walls, garages, etc., are to be of human scale and are designed to be compatible with neighboring Historic Sites, including the adjacent Imperial Hotel and Grappa restaurant building.
  20. The proposed building complies with Universal Guideline #6 because the scale and height of the proposed structure follows the predominant pattern of the neighborhood with special consideration given to Historic Sites, including the aforementioned buildings.
  21. The proposed building complies with Universal Guideline #7 due to the fact that the size and mass of the structure will be compatible with the size of the property Lot coverage, building bulk, and mass are compatible with Historic Sites in the neighborhood, including most of the surrounding sites.
  22. The proposed building complies with Universal Guideline #8 as the construction of said building will not physically damage nearby Historic Sites. The applicant will be required to submit a construction mitigation plan, including a plan to mitigate potential damage to surrounding buildings as part of the building permit submittals.
  23. The proposed building complies with Specific Guideline A1. Building Setbacks & Orientation in that the location of the structure on the site is proposed in a manner that follows the predominant pattern of historic buildings along Main Street, maintaining traditional setbacks, orientation of entrances, and alignment along Main Street. The proposed building avoids a design that will cause snow shedding onto adjacent properties due to the fact that the building will have a flat roof.
  24. The proposed building complies with Specific Guideline A2. Lot Coverage; in that the proposed coverage is in fact compatible with the surrounding Historic Sites. Most of the adjacent sites have lot coverage equal to 90-100%. The applicant is proposing a rear yard setback to provide for an open space area between the proposed building and the adjacent Jefferson House Condominium.
  25. The proposed building complies with Specific Guideline A.4. Site Grading and Steep Slope Issues. The proposed building and site design respond to the natural contour of the property. The proposed structure steps down the hill to follow the existing contours slopes, and building scale is minimized in the rear-yard as the building is designed to limit/limiting the height to twenty-five feet (25') so as not to tower over the adjacent Jefferson House Condominiums. The building design minimizes cuts into the hillside, respect the sites natural slope. There is no fill proposed and the proposed retaining wall will be the rear of the building visible from only the interior of the parking garage. The proposed excavation will not exceed one-story in depth.
  26. The proposed building complies with Specific Guideline A.5 Landscaping. The landscape plans propose planters in front and rear that will have water efficient drip irrigation with seasonal plant materials. Because the building is proposed to have a zero-lot setback in the front, there is no other landscaping proposed. The proposed landscape treatment adjacent to the sidewalk is part of a comprehensive, complementary and integrated design. Adjacent buildings provide no landscaping between Main Street and the buildings and, this proposal will offer visual relief between the street and the building. Rear landscaping will also be planters which will

- be placed in the rear yard setback area and will include the planting of trees and shrubs between the proposed structure and the Jefferson House Condominium.
27. The proposed building complies with Specific Guideline A.6. Mass, Scale and Height. The building will have a mass that is visually compatible with the surrounding Historic Sites along Main Street. The proposed building will have articulation in the wall plane and roof heights for each unit to help diminish the visual impact of the overall building mass, form, and scale. The proposed variations in roof height and vertical element will break up the form, mass, and scale of the overall structure. The building is designed not to tower over the adjacent building to the rear, and a twenty-five foot (25') height and increased setback will allow for light and air into the adjacent building. The proposed structure is not stepped up the side of the hill to maintain a constant height or to appear as a building that "crawls" up the side of the hill. The proposed building is not significantly taller or shorter than surrounding historic buildings along Main Street. The proposed structure maintains a similar height as the adjacent Imperial Hotel and Grappa restaurant building. All windows, balconies and decks are oriented towards Main Street in order to respect the existing conditions of adjacent neighboring properties to the rear and sides. The primary façade of the proposed building is compatible with the width of surrounding historic buildings and the structure is set back significantly from the plane of the primary façade, not only for design consideration, but for functionality of the front porch as well.
  28. The proposed building complies with Specific Guideline B.2 Key Building Features, including compliance with Roofs, Materials, Windows and Doors, Porches, Paint & Color, Mechanical and Utility Systems and Service Equipment. The proposed flat roof is compatible with a majority of roof forms in Old Town. Windows and doors are compatible with surrounding historic buildings and proportional to the scale and style of the building. The Porches have been incorporated into the initial construction of the building and are compatible with the building style, scale and proportion, Paint and Colors are opaque and there are no transparent painted surfaces proposed. Mechanical and Utility Systems and Service Equipment is proposed to be screened from public view, including roof-mounted equipment which shall be placed beyond the mid-point of the roof and not visible from any public right of way.
  29. The proposed building complies with Specific Guideline D. Off Street Parking Areas. The structure includes an at-grade parking structure on the main floor that is completely enclosed and screened from public view. The applicant is required to provide three (3) parking spaces per unit, has shown a total of twelve (12) parking spaces on-site, and will be required to pay a fee in lieu of for the remaining six (6) spaces needed.
  30. The application was received on August 28, 2012. On September 26, 2012, the application was taken to the Development Review Committee (DRC) for their review of the project. Although Historic District Design Reviews are not required to have a DRC review, the size and complexity of the project prompted Staff to have the item reviewed. DRC comments that resulted in conditions are included in the Conditions of Approval section of this Staff Report.
  31. On September 26, 2012, the Planning Staff requested that the applicant submit a statement of compliance to Land Management Code Section 15-2.6-2(A)(2) and Section 15-15-1.248. Staff noted that the footnote in Section 15-2.6-2(A)(2) prohibits residential uses in storefront properties adjacent to Main Street. On September 27,

the applicant responded in writing to Staff's request for a statement of compliance. The response is attached hereto as Exhibit "B".

32. On September 29, 2012, the first mailing (fourteen day notice) was sent to all property owners within 100 feet based on the list of property owners provided by the applicant.
33. On October 16<sup>th</sup>, a ten-day notice was sent to all property owners within 100 feet based on the list of property owners provided by the applicant.
34. The final ten-day appeal period of this approval will expire on November 5, 2012.

#### Conclusion of Law

1. The proposal complies with the 2009 Park City Design Guidelines for Historic Districts and Historic Sites as conditioned.
2. The proposal complies with the Land Management Code requirements pursuant to the Historic Commercial Business (HCB) District (lot size, setbacks, etc.).
3. Multi-Unit Dwellings are an Allowed Use in the HCB District per Section 15-2.5-2(A)(2) of the LMC.
4. The proposed project complies with Section 15-2.6-2(A)(2) of the LMC that prohibits residential uses in "storefront properties" as the proposal does not create a storefront that meets the strict definition of "Storefront Property" as defined in Section 15-15-1.248 of the LMC.
5. The proposed building meets the applicable Historic District Design Guidelines for New Construction, as well as applicable Universal Design Guidelines.

#### Conditions of Approval

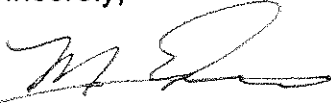
1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall consider and mitigate impacts to the existing adjacent structures (Jefferson House Condominiums, Imperial Hotel, and the Grappa restaurant building (et al), and existing infrastructure/streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on August 28, 2012, redlined and approved by the Planning Department on October 29, 2012. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to construction. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
3. The designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take precedence. Any discrepancies found among these documents that would cause a change in appearance to the approved architectural drawings/documents shall be reviewed and approved prior to construction. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
4. All standard conditions of approval shall apply (see attached).

5. If a building permit has not been obtained by September 24, 2013 this HDDR approval will expire, unless an extension is requested prior to the expiration date and granted by the Planning Department.
6. Any area disturbed during construction surrounding the proposed work shall be brought back to its original state prior to issuance of a Certificate of Occupancy.
7. Construction waste should be diverted from the landfill and recycled when possible.
8. Exterior lighting is not approved. Cut sheets and locations shall be submitted to the Planning Department for review and approval prior to installation. All exterior lighting shall meet Park City's lighting ordinance and be downward directed and shielded.
9. The City Engineer shall review and approval all appropriate grading, utility installation, public improvements, drainage plans, and flood plain issues, for compliance with City and Federal standards, and this is a condition precedent to building permit issuance.
10. All electrical service equipment and sub-panels as well as all mechanical equipment, except those owned and maintained by public utility companies, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain. Roof mounted equipment shall be placed beyond the mid-point of the roof, and appropriately screened from public view with architecturally compatible materials to complement the building, and vents shall be painted to match the roof and/or adjacent wall color and shall be screened or integrated into the design of the structure.
11. Water Department – Street pressure is about 60 psi, the highest fixtures and fire sprinklers in that building will sit at about 35 – 40 psi static. The water system for the building shall be required to be design with these figures in mind.
12. Questar Gas – The natural gas line is on the east side of Main Street and at the time of building we will have to cut the asphalt road to install a service line to this new building. There will be costs incurred for this, and Questar will need city approval to cut the road. The applicant shall contact Jeff Hundley at 435-654-6186 or at [Jeff.Hundley@questar.com](mailto:Jeff.Hundley@questar.com) prior to the connection of the gas line.
13. Snyderville Basin Water Reclamation District – Sewer service will have one master line. If future plans are to subdivide each unit, a separate sewer service would be required for each. The applicant may want to consider this up-front to avoid issues in the future.
14. Engineering – The property is located in the Soils Ordinance boundaries. All soil removed from the property will have to be properly disposed of at a hazardous waste facility that can accept contaminated soils.
15. Building Department – the conditions of approval for the previously approved project regarding window egress on the north side of the proposed building next to the Imperial Hotel shall apply. Specific language will be included in the final action letter.
16. Transportation - Only one curb cut will be allowed onto Main Street. The location of the existing curb cut is proposed to stay and is the preferred location.
17. A fee in lieu of on-site parking for six (6) additional parking spaces shall be required. Payment of the fee shall be required prior to the issuance of the building permit.
18. The parking garage lot layout shall be re-designed to meet the LMC requirements of Section 15-3-3(F) of the LMC.

19. Approval of this HDDR was noticed on October 26, 2012, and any approval is subject to a 10 day appeal period.

If you have any questions about this approval, please do not hesitate to contact me. I can be reached at (435) 615-5063, or via e-mail at [mathew.evans@parkcity.org](mailto:mathew.evans@parkcity.org).

Sincerely,



~~Mathew W. Evans~~  
Senior Planner

Attached - Standard Project Conditions

PARK CITY MUNICIPAL CORPORATION  
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found