



## AGENDA

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

#### ROLL CALL

#### ADOPTION OF MINUTES OF April 8, 2015

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

#### STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

#### WORK SESSION – *Discussion items only, no action taken*

Capital Improvement Projects - Yearly report given to Planning Commission regarding the Capital Improvement Projects approved by City Council. 69

355 Ontario Avenue – Steep Slope Conditional Use Permit for a new accessory building/garage on a lot with an existing historic home. PL-15-02716 79  
*Discussion of stepping of additions if historic home is on property*  
Planner  
Alexander

#### CONTINUATIONS

221 Main Street. Condominium Conversion. Staff recommends the Planning Commission conduct a public hearing and continue the item to an undecided date to allow staff to confirm new ownership. PL-14-02491 111  
*Public hearing and continuation to uncertain date*  
Planner  
Turpen

327 Woodside Avenue – Plat Amendment combining two (2) lots into one (1). PL-14-02663 112  
*Public hearing and continuation May 27, 2015*  
Planner  
Astorga

7101 Stein Circle – Stein Eriksen Residences Condominium Plat Amending the North Silver Lake Condominium Plat , PL-15-02680 113  
*Public hearing and continuation May 27, 2015*  
Planner  
Astorga

259/261/263 Norfolk Avenue - Consideration of the First Amended Upper Norfolk Subdivision Plat – Amending Conditions of Approval on Ordinance No. 06-55. PL-15-02665 114  
*Public hearing and continuation May 27, 2015*  
Planner  
Astorga

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

355 Ontario Avenue – Steep Slope Conditional Use Permit for a new accessory building/garage on a lot with an existing historic home. PL-15-02716 115  
*Public hearing and possible action*  
Planner  
Alexander

1021 Park Avenue - Plat Amendment combining two lots in order to remove the lot line with an existing historic home. PL-15-02703 79  
*Public hearing and possible recommendation to City Council on June 4, 2015*  
Planner  
Alexander

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.

<p>545 Main Street &amp; 550/554/560 Park Avenue – Plat Amendment to create four (4) lots of record from five (5) lots.  <i>Public hearing and possible recommendation to City Council on June 4, 2015</i></p>	<p>PL-15-02466  <i>Planner  Astorga</i></p>	<p>139</p>
<p>550 Park Avenue – Steep Slope Conditional Use Permit for construction of a new single-family dwelling and a Conditional Use Permit for a parking area with five or more spaces.  <i>Public hearing and possible action</i></p>	<p>PL-14-02451  PL-15-02471  <i>Planner  Astorga</i></p>	<p>165</p>
<p>1893 Prospector Avenue – Master Planned Development for a new building containing 11 residential units on Lot 25b of the Giga plat Replat of Parking Lot F at Prospector Square.  <i>Public hearing and possible action</i></p>	<p>PL-15-02698  <i>Planner  Whetstone</i></p>	<p>221</p>
<p>1893 Prospector Avenue – Conditional Use Permit for residential uses in the General Commercial (GC) zone for a new building containing 11 residential units on Lot 25b of the Giga plat Replat of Parking Lot F at Prospector Square.  <i>Public hearing and possible action</i></p>	<p>PL-14-02584  <i>Planner  Whetstone</i></p>	<p>241</p>
<p>Land Management Code Amendment regarding Nightly Rentals use in the HR-L Chapter 2.1 and green roof definition and application in HR-L Chapter 2.1, HR-1 Chapter 2.2, HR-2 Chapter 2.3, RC Chapter 2.16, and Definitions Chapter 15.  <i>Public hearing and continuation to June 24, 2015</i></p>	<p>No PL #  <i>Planner  Astorga</i></p>	<p>323</p>

**ADJOURN**

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PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
APRIL 8, 2015

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Steve Joyce, Preston Campbell, John Phillips, Doug Thimm, Nann Worel

EX OFFICIO:

Kayla Sintz, Planning Manager; Francisco Astorga, Planner; Christy Alexander, Planner;  
Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

Vice-Chair Joyce called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioners Band and Strachan.

**ADOPTION OF MINUTES**

March 25, 2015

Commissioner Worel stated that she had reached her term limits as Chair and that a new Chair and Vice-Chair were appointed at the last meeting. On page 13 of the minutes she was referred to as Chair Worel and that should be corrected to read **Commissioner Worel**.

MOTION: Commissioner Phillips moved to APPROVE the minutes of March 25, 2015 as amended. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

**PUBLIC INPUT**

Brooke Hontz stated that she is a former Commissioner who served on the Planning Commission for 4-1/2 years. She truly appreciated their service because she could speak from experience about the difficulty of the job and how much work it entails. Ms. Hontz was present this evening because of the recent Land Management Code discussions regarding TDRs. She had been unable to attend the previous meetings but to her knowledge and from reading the minutes she understood that a recommendation had not been finalized. Ms. Hontz stated that in her profession she represents development

clients and she has also worked as a consultant for other cities and counties. She writes Code and she has written some TDR ordinances.

Ms. Hontz stated that when she was a Commissioner the Planning Commission had the opportunity to put the Code together and the City Council made it an ordinance, and it was a major success. However, even at that time they were unsure whether they had the metrics right or whether the way they measured how TDRs would be calculated was good enough. The intent was to get something in an ordinance so it could be tested by time and people inquiring. She believed the test has shown that TDRs are not quite where they need to be.

Ms. Hontz remarked that the Planning Commission initially considered creating a TDR bank. At that time Planner Katie Cattan and some of the Commissioners were on board with moving forward with the bank. Ms. Hontz pointed out that through the process of creating the ordinance it was evident that a TDR bank was an extra step and it was complicated. All the moving parts needed to be more defined and it still needed more work, even though everyone had agreed that it was an important piece for moving forward.

Ms. Hontz believes the program can and will work, and it was more than just the measurement of value in terms of the number of TDRs that would be received. She thought they were relatively close, if not accurate. Ms. Hontz would like the Planning Commission to look into establishing the TDR bank, which is the fund that the City sets aside, and begin looking at TDRs to purchase. She explained her reasons for making that request and provided examples where a bank would be beneficial. Ms. Hontz stated that when Flagstaff was established a 1% real estate transfer tax clause was included in the Agreement. She ran the numbers from the previous 365 days on just the Montage and the 1% collected from that project, specifically for the City to fund open space and transit. She met with Nate in the Budget Department to see where the Empire Pass fund was, how much was in it, and whether it could be used for TDRs. She found that it could be used for TDRs. There is money in the fund and it has increased over the past 365 days. Knowing that there is money in the fund she would like the Planning Commission to ask the Staff to look into the possibility of bringing everything together. She recognized that it was more a matter for the City Council, but she felt the Planning Commission was only looking at part of TDRs and not the entire picture. She requested that they consider that as they move forward.

Neal Krasnick, stated that he has been a resident of Park City since 1988 and he owns a condominium on the North End of City Park. Mr. Krasnick stated that he has worked in different places and resources in Utah and California long enough to know that money and orders eventually come from the government in terms of what they want to support. Mr. Krasnick stated that when planners and developers come before the City Council, they



need to know that there needs to be very good hiking and biking trails. Park City's business is outdoor recreation and while it is primarily in the winter, there is no reason why they cannot expand that to outdoor recreation 12 months out of the year. He has built trails for the Forest Service in the Mirror Lake area and he knows that sustainable trails are possible and they do not have to be rebuilt continually. People can be attracted to Park City to hike and bike and recreate; and when they came they bring money into town. They can no longer rely on just ski vacations because the weather has changed.

On a separate issue, Mr. Krasnick stated that the City has been working on developing the Prospector Park subdivision. He lives in Snow Country and he received a letter in the mail saying that he now votes at the middle school rather than in the historic Old Town District. He looked to see what subdivision he was in and found that he is no longer in the Old Town District. Snow Country is now in the Prospect Subdivision in the General Commercial District. He understood that to mean that Snow Country Condominiums could potentially open a sexually oriented bar and restaurant because that use is allowed in the GC zone. He asked the Planning Commission to keep that in mind and to also consider his comments about hiking and biking trails to encourage tourism year-round.

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

Planning Manager Sintz noted that the Planning Department had sent an email asking which Commissioners would be available for a joint City Council/Planning Commission/Planning Department dinner at the Mayor's house on Tuesday, June 16<sup>th</sup>. Only two Commissioners had responded and she asked the others to let her know if they planned to attend.

Planning Manager Sintz reported that four Staff members would be attending the National American Planning Association Conference in Seattle the following week.

Vice-Chair Joyce clarified that there would not be a Planning Commission meeting on April 22<sup>nd</sup>. Ms. Sintz answered yes. The next meeting would be May 13<sup>th</sup>. Vice-Chair Joyce stated that he would be out of town for the May 13<sup>th</sup> meeting.

Commissioner Thimm disclosed that he worked collaboratively with Greg Brown several years ago on a project outside of Utah. Mr. Brown was a representative on the Alice Claim project and despite their past working relationship, Commissioner Thimm felt certain that he could be objective in the Alice Claim discussion this evening.

Commissioner Phillips disclosed that he would be recusing himself from the Alice Claim items on the agenda.

Commissioner Phillips commented on on-site noticing and mentioned a number of properties where the signs were falling over or lying on the ground. He pointed out that the small white signs on a stick are not adequate and most are not visible. Commissioner Phillips asked why they were not using the glass signs that stand out.

Planning Manager Sintz stated that wood stake signs were used prior to the double metal signs with plexiglass. She noted that a considerable amount of money was spent on those signs and unfortunately they kept disappearing. Ms. Sintz offered to look into signage and come back with alternative options. She noted that a sign notification has been modified as more of an FYI for reconstruction, which was requested by the HPB. She suggested that the Staff could solicit bids again on a new type of custom sign based on the double stick with plexiglass.

### **CONTINUATIONS (Public Hearing and Continue to date specified.)**

Vice-Chair Joyce opened the public hearing for 900 Round Valley Drive Pre-MPD, 550 Park Avenue- Steep Slope CUP, and the 550-560 Park Avenue & 545 Main Street Plat Amendment.

There were no comments.

Vice-Chair Joyce closed the public hearing.

Planning Manager Sintz requested that the Planning Commission continue 900 Round Valley to a date uncertain rather than May 13<sup>th</sup> as indicated on the agenda.

MOTION: Commissioner Worel moved to CONTINUE 900 Round Valley – Pre-Master Planned Development public hearing and discussion to a date uncertain. Commissioner Preston seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Thimm moved to CONTINUE the 550 Park Avenue Steep Slope CUP and the 550-560 Park Avenue & Main Street Plat Amendment to May 13, 2015. Commission Campbell seconded the motion.

VOTE: The motion passed unanimously.

### **CONSENT AGENDA**

Vice-Chair Joyce asked if the Planning Commission wanted any of the items removed from the Consent Agenda for discussion. There were none.

Vice-Chair Joyce opened the public hearing on the Consent Agenda: Fairway Village No. 1 PUD, 936 Empire Avenue-Steep Slope CUP, 823 Woodside Avenue – Plat Amendment, and 205 Main Street – Condominium Record of Survey.

There were no comments.

Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Phillips moved to APPROVE or forward a POSITIVE recommendation on all items on the Consent Agenda. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

1. Fairway Village No. 1 PUD – Fairway Village HOA Re-plat – Plat Amendment to memorialize existing building footprints. (Application PL-14-02569)

#### Findings of Fact – Fairway Village No. 1 PUD

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 noncomplying or non-conforming situations.
11. Fairway Village Drive is private and is not maintained by the City.

### Conclusions of Law – Fairway Village No. 1 PUD

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 – Fairway Village No. 1 PUD

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.
2. 936 Empire Avenue – Steep Slope Conditional Use Permit for a new single-family home on a vacant lot (Application PL-15-02618)

### Findings of Fact – 936 Empire Avenue

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 is 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 – 936 Empire Avenue

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 – 936 Empire Avenue

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

3. 823 Woodside Avenue – Plat Amendment to combine one and a half lots into a single lot of record. (Application PL-15-02663)

#### Findings of Fact – 823 Woodside Avenue

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 – 823 Woodside Avenue

1. There is Good Cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code



and applicable State law regarding Subdivisions.

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

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

#### Conditions of Approval – 823 Woodside 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 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.

4. 205 Main Street – Condominium Record of Survey for 6 units in a multi-unit dwelling. (Application PL-14-02608)

#### Findings of Fact – 205 Main Street

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 – 205 Main Street

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 – 205 Main Street

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.

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

1. **Alice Claim south of intersection of Kind Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment.** (Application PL-08-00371)
2. **Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 25' in height.** (Application PL-15-02669)

Commissioner Phillips recused himself and left the room.

Planner Alexander requested that the Planning Commission combine the two applications for discussion and public hearing.

Planner Alexander stated that the applicant had reviewed the findings of fact and conditions of approval for both the subdivision and the CUP and requested some revisions. The Staff agreed to some of the revisions but not all, and a few additional conditions of approval were added.

Planner Alexander reported that the Alice claim property is at the top of King Road at the intersection where Ridge Avenue, Sampson Avenue and Gulch all come together. The subdivision is approximately 8.65 acres and a plat amendment on .38 acres. Eight of the homes are located within the HR-1 District. Lot 1 is located within the Estate Zone with a Sensitive Lands Overlay. Planner Alexander explained that because the proposal is less than 10 lots it is not a Master Planned Development.

Planner Alexander noted that the Planning Commission had visited the site and reviewed this application in October during work session. She noted that the applicants had been before the Planning Commission and City Council several times beginning in 2002 and the applicants were now looking at revising that plan.

Planner Alexander noted that at the last meeting the Planning Commission expressed comments and concerns and they requested additional information. They wanted to see what was above and around the site and how it was zoned and platted out. Some were concerned about development on the steep slopes, particularly in the Sensitive Lands Overlay and the Estate lot. The Commissioners had expressed concern regarding compatibility of the structures with surrounding HR-1 zones, as well as the adjacent HRL zone. Commissioner Thimm had requested to see cross sections of the homes. Planner Alexander had not been given cross sections and assumed they would be in the applicant's presentation this evening.

Planner Alexander reviewed the site plan from 2009 compared to the current site plan proposed. At the last meeting the Planning Commission requested that the applicants move the Estate lots down. Based on that recommendation the lots were moved further down closer to the City-owned property. Planner Alexander stated that the applicants were requesting additional items in the current site plan, which included a reduction in the setbacks for the Estate lot. Currently the Estate lot is required to have 30 feet on the front, side and rear of the homes. They were requesting a reduction down to 10 feet for the front, 10 feet for the side and 20 feet for the rear.

Planner Alexander referred to the table on page 188 of the Staff report which listed the individual lots and the percentage of slope across those lots. The Estate lot was moved off the very steep slope and the slope for the Estate lot was reduced to 31%. The rest of the open space would be left as is as a no disturb zone. She noted that the applicants would have to apply for a Steep Slope CUP for any lots over 30% slope in the HR-1 zone. Lot 7 was the steepest at 64%; Lot 6 was 55%; Lot 4 was 47%; Lot 2 was 45%; Lots 3 and 5 were 38%. Lot 1 was 31% and Lot 9 was 26%. Planner Alexander requested that the Planning Commission discuss the steep slopes and whether they were acceptable for development.

Planner Alexander reported that the Staff and the applicants had worked out solutions for the water pressure. The applicants have shown they can meet the minimum water pressure. She pointed out that it would be the minimum which may present an issue in the future. The applicants also met the requirements for access; however, the City Engineer has asked them to consider additional recommendations. Regarding sewer and utility issues, the Sewer Department has not received a finalized plan, but they were signers on the plat. Once the applicant receives approval from the City Council they must finalize everything with the Sewer Department. Planner Alexander noted that the Staff had drafted conditions of approval stating that if any redesign of the utilities pose issues or if the site plan is significantly altered as determined by the Planning Director, the applicant will be required to resubmit a new application and any approvals will be null and void.

Planner Alexander commented on clustering and asked the Planning Commission to provide input on whether or not it was compatible with the surrounding zone. She had included in the Staff report the footprint sizes of the homes along King Road, Sampson Avenue, Daly and Ridge Avenue to aid in their discussion this evening.

Planner Alexander noted that the applicants had stipulated to most of the conditions with the revisions submitted today, and she expected the applicant would discuss those revisions.

Greg Brown with DHM Design, introduced Jerry Fiat, representing King Development, Brad Cahoun, legal counsel, David Fagen from King Development, Joe Tesch, Tesch law, Mark Deemer with DHM Design Planning and Landscape Architecture, Seth Briggs from Stan-Tech Engineering, and Kathy Harris, Environmental Consultant. Mr. Brown thanked Planner Alexander and all of the City Staff for their efforts in this long process and for making sure the applicants had everything the Planning Commission needed to make what he hoped would be a positive decision.

Mr. Brown noted that DHM Design had prepared a site model. Vice-Chair Joyce stated that the Commissioners had the opportunity to look at the model prior to the meeting. Mr. Brown remarked that they would not be repeating the entire work session presentation they had given in October because Planner Alexander had assured him that it was already part of the record. The presentation this evening would primarily focus on the changes that were made to the site plan in response to the comments and concerns express by the Planning Commission in October.

Mr. Brown clarified that they were before the Planning Commission on four applications; the plat amendment, the subdivision, the side yard setback variance, and the conditional use permit retaining walls. They were four separate issues but they needed to be discussed together.

Mr. Brown outlined the five primary concerns they heard in October. One was a discussion about access for the open lands and having public access to the open space. There was a concern about the amount of site disturbance and trying to define how much site disturbance there would be. There was a need to further mitigate and study the entry retaining wall. The Staff had looked at compatibility with the surrounding neighborhoods and made recommendations regarding that issue. Mr. Brown believed the biggest discussion point was the location of the Estate lot.

Mr. Brown summarized their response to the issues. He noted that the HR-1 lots were significantly decreased in size, which created open space surrounding those lots. They were working with third parties, including the Summit Land Conservancy, to find someone

to deed that property to or who would hold the easement; or any other process that would hold the open space in perpetuity. Mr. Brown stated that they had shown disturbance envelopes and restrictions on the Estate lot and the eight lots on HR-1.

They did further terracing and landscaping to try to mitigate the retaining wall. In terms of building size and height, the Staff recommended further restrictions that they had agreed to. They also relocated the Estate lot to the bottom flatter portion of the gulch area on the site.

Mr. Brown presented the plan for the HR-1 lots that was shown in October, highlighting the lots that were proposed at that time. He presented the revised plan showing their current proposal for the eight lots and how they substantially decreased the size of the actual lots that would be sold. He reiterated that the surrounding space would be open space. Mr. Brown stated that a restriction would be placed on the Estate lot making the area outside of the building envelope and the road right-of-way a no disturb zone.

Mr. Brown noted that the entire site is a little over nine acres, and approximately 6.6 acres or 73% of the site is open space. The HR-1 zone is approximately 3.47 acres with 1.62 or 46% in open space. The Estate zone is 5.1 acres and 4.6 or 88% of that is open space for the Estate lot. Mr. Brown stated that the disturbance envelopes limit the amount of disturbance on all nine homes to 32,400 square feet, which is 8% of the site. He pointed out how they tried to limit the amount of disturbance to make sure people were comfortable with what they had planned for the site. Mr. Brown stated that most of the roadway or at least the disturbance zone parts already exist.

Mr. Brown remarked that the disturbance restriction on the nine lots is a platted requirement. He presented a slide showing the building envelope and the disturbance envelope around the building envelope. The limit of the disturbance envelope is 20 feet out from the building envelope.

Mr. Brown recalled significant discussion in October regarding the entry retaining wall, and noted that all the retaining walls were looked at as part of the CUP. One of the requests was to increase the landscaping. He presented the plan that was used to create the model. The landscaping shown assumed two-years of growth in an effort to be more realistic rather than exaggerated. Mr. Brown presented a drawing showing the entry wall as two-tiers. He noted that the Staff was recommending that it be broken up even further. Mr. Brown stated that one concern was the amount of landscaping that could fit and still accommodate snow storage, etc., and they tried to be practical in what was proposed. Mr. Brown presented a view of the site with the houses up above. He identified the existing evergreen trees. Another view was looking into the entry of the project with the houses behind the trees. Mr. Brown pointed out the entry wall, as well as the wall above, and

noted that houses would be built in front of that retaining wall. He and Mr. Fiat have discussed the possibility that the wall could become part of house. Mr. Brown identified the walls behind Lots 5 and 6. He presented a view looking up at the road coming up to Lot 7 and explained how they were bridging over the City property to access Lot 7. From the human scale view, the large evergreens trees would be saved to block the view of the retaining wall.

Mr. Brown commented on building size and height in the HR-1 District and further restrictions that were done based on Staff recommendations. As mentioned at the last meeting, the buildings were restricted to a maximum of two stories. The Staff asked that they further restrict the height to a maximum height of 25 feet.

Mr. Brown stated that the Estate lot was a main topic during the work session in October and there was an issue with the location on the hillside. In relooking at the plan they realized that the Estate lot could be moved down to where it was currently shown on the plat. The new location is in the gulch and has a much lower visibility. Mr. Brown noted that the site is very tight and for that reason the applicants have asked for a reduction in the setback from 30 feet required for Estate lots to 10 feet on the side and front and 20 feet on the back. The reduction would allow them to better fit a home on the lot given the constraints of the roads and the City property. Mr. Brown believed that moving the house off of the hillside to a much flatter portion of the gulch area was a good compromise.

Mr. Brown commented on the modifications that were worked out with the help of the Staff and Engineering, including the water issue. Mr. Brown provided the Commissioners with a copy of the power point presentation.

Planner Alexander noted that representatives from the Sewer District, the Water Department and the City Engineer were present to answer questions.

Mr. Brown clarified that the footprints were too scale but they were still working on the design details and architecture of the houses.

Vice-Chair Joyce confirmed that the utilities, sewer, environmental cleanup and other issues that could affect the design of the project were outside of the Planning Commission purview. He understood that if the Planning Commission were to forward a positive recommendation and it was approved by the City Council; but the applicant later found that a reasonable change was required, they would have to reapply for the conditional use permit. Planner Alexander replied that this was correct.

Jerry Fiat recognized that they would have to reapply, although he was not pleased with that requirement. Mr. Fiat stated that they more engineering work was done on this project

regarding those issues than has been done on any other project. He noted that it was difficult to finish this project without having the site selections completed. Mr. Fiat was comfortable moving forward at this point; however, if the Planning Commission thought this was a good site plan he would also be comfortable with a continuance to allow time to finalize the design and all of the conditions before bringing it back to the Planning Commission. He estimated that it would take two to three months to complete but it would eliminate the unknowns. Mr. Fiat was uncomfortable with the idea that the Planning Director would have the discretion to determine what constitutes a significant change. He thought that terminology was vague.

Commissioner Worel wanted to know how they would address the issue if there were differences between what the applicant proposed for the findings of fact and conclusions of law versus what was proposed by Staff.

Assistant Attorney McLean explained that the Staff had reviewed the applicant's proposed changes, made their own changes, and then provided the Planning Commission with the new changes. She pointed out that the Planning Commission had the purview to accept, change or amend any of the findings or conditions presented by either the applicant or the Staff.

Commissioner Thimm stated that because the Commissioners were handed the revised redlined findings and conditions at the beginning of the meeting, he requested that Planner Alexander review the differences.

Planner Alexander reviewed the changes to the Findings of Fact as follows:

A Finding was inadvertently labeled as #1 between Findings 19 and 20. The #1 was replaced with #20 and the rest of the Findings were renumbered.

The language stating that the proposed 5,000 square feet, as well as the 25 foot maximum, should only be for the HR-1lots. The applicants were still proposing a 2,500 square foot footprint for the Estate Lot.

Newly numbered Finding 25 – There were minor errors with the differences of the submittals and calculations of the grid of the lots.

Findings 34 and 35 were new findings that correlate with the Conditions of Approval that were added stating that the applicant shall complete all site and public improvement prior to plat recordation. Or if the applicant submits a finalized or engineered design, the applicant may petition the Planning Commission to allow the applicant to submit an adequate financial guarantee for all site and public improvements.



Planner Alexander reviewed the revised Conditions of Approval as follows:

The #1 was inadvertently left out and the first condition was numbered #2. The Conditions were renumbered.

Planner Alexander referred to Condition #7 in the applicant's submitted conditions, and noted that the applicant was asking to come back before the Planning Commission if there was a substantial change to the site plan. However, because a subdivision is approved by the City Council, the applicant would not be allowed to come back to the Planning Commission. The Staff stands firm on their condition that if there is a substantial change as determined by the Planning Director, the approval shall be null and void, and the applicant would have to submit a new application.

Planner Alexander noted that the same applied for the next condition regarding the Sewer.

Planner Alexander referred to the newly numbered Condition #10 and noted that the Staff had removed the language, "no building permits shall be issued until the culvert is fully installed" and replaced it with "All State requirements must be obtained and the culvert must be fully installed prior to plat recordation." Planner Alexander explained that if the culvert is not put in, they could not meet the 50-foot setback from the streams required for the lot, which would change the entire site plan.

Planner Alexander referred to newly numbered Condition #15, and pointed out that the 25 foot height maximum was only for the HR-1 district. The same changed applied to #16 regarding the 5,000 square foot maximum total floor area.

Newly numbered Condition 17, change "main" utilities to "wet" utilities. Planner Alexander noted that the applicant had requested "or with special conditions." The Staff added that language with additional language, "as approved by the proper and regulatory agencies." She noted that in addition to the City Engineer approval, the State would have to approve a stream alteration permit and other requirements.

Planner Alexander referred to newly numbered Condition #21 which states that The Applicant will need to receive City Council's approval to give them an access over the City's property. She noted that the Applicant wanted to execute an agreement, but it was something the City Council would have to decide at the time of subdivision approval because approval of the subdivision is contingent on approving the access. Approving the subdivision would automatically grant the access.

Planner Alexander noted that newly numbered Condition #22 was cleaned up to require the applicant to provide recommendations to the City Engineer. Condition #23 regarding the Utah Department of Environmental Quality, the first part was what the applicant had requested. The second part "if required by UDOT the City will cooperate in allowing for the Certificate of Completion to cover remediated soils inside the City property." In speaking with the City soils person they were told that the language was not necessary and it was removed. Condition #24 - the applicant request adding "If the site management plan is required", which the Staff agreed to add. Condition #27, "if the site plan is substantially altered as determined by the Planning Director", Planner Alexander reiterated that the applicant had requested that it come back to the Planning Commission, but the previous explanation implied that it would be a City Council approval and the approval should be null and void.

Planner Alexander noted that three Conditions of Approval were added. Condition #28, "Off-site and public improvements shall be completed prior to plat recordation." If not, they could come back to the Planning Commission to allow the applicant to submit an adequate financial guarantee to make sure the improvements are put in before the lots are sold off.

Condition #29, "Utility maintenance access is required across lots A & C." This condition was requested by the Water Department. They also requested Condition #30, "The individual water booster or fire sprinkler system pumps to increase water pressure will not be allowed."

Vice-Chair Joyce understood that Lots A and C were under the roadway. Planner Alexander replied that this was correct.

Planner Alexander reviewed the revised Findings and Condition of the CUP application. She noted that there was a slight discrepancy in showing the walls. She stated that some of the walls were not showing the correct heights. She presented a slide identifying the correct wall heights. She noted that the wall heights were changed in Finding #7 to reflect the correct wall heights.

The language was cleaned up in Finding of Fact #11 to make the sentence more easily readable. Planner Alexander referred to Finding #14 and noted that because they did not have the plat as an exhibit, they changed the language to "site plan". Findings 17 & 18 were added today. Finding 17, "Proposed tree heights will only screen approximately 50% of the walls vertically where located. Proposed trees will only screen approximately 25% of the walls horizontally, which creates a visual impact that can be mitigated by Condition of Approval #17". Finding 18, "The walls as proposed create an unbroken massing that will be visibly clear from vantage points and create a visual impact that can be mitigated by Condition of Approval #18."

Planner Alexander reviewed the Conditions of Approval. Condition of Approval #8, the word “roads” was replaced with “drives”.

Planner Alexander noted that the applicants were concerned with the stated expiration date in Condition #10 because if they did not get the plat recorded in time the CUP would expire. The applicant was requesting language stating that it would expire one year after the date of recording of the plat. The Code states that the CUP would expire after one year; however, the applicant can come back and request a year extension. Another option is that the Planning Commission may grant a two-year approval.

Planner Alexander noted that Condition #15 was removed because it was addressed in Conditions 17 and 18. The language in Condition #16 was clarified to say that if any of the existing mature trees are disturbed, they would have to be replaced in kind and with the equivalent number and caliper and size as determined by the City Arborist.

Regarding Condition 18, Planner Alexander stated that the applicant had requested that the Planning Director should have the discretion to determine terracing the walls between two and four tiers. The Staff recommended adding, “And they must show further terracing of the walls between two to six tiers at each location, with each wall to be limited to ten feet in height to be approved by the Planning Director.” The Staff believed that a ten foot height could be properly mitigated with trees to cover the walls and reduce the visual impacts of the high walls.

Condition 19 was removed because it was not needed. Condition #21 was revised to include the language requested by the applicant, “Any substantial changes not contemplated by Condition of Approval 19 above.” The condition also addresses the requirement for the applicant to submit a new application if the site plan is significantly altered.

Planner Alexander noted that Conditions were added to include the language suggested by the applicant, but without the language “the City will cooperate in allowing for the soils inside the City’s property.” Language requiring a site management plan was also added.

Planner Alexander stated that in January the applicant had submitted in each of their retaining wall locations one very large wall and different sizes at each location. She requested that they show alternatives with terracing. Planner Alexander clarified that the drawings shown included the terracing of the walls. She explained the terracing and noted that the Staff believed it was an improvement but thought that it could be mitigated further with more terracing and landscaping.

Mr. Fiat clarified that the applicants were comfortable with the Staff recommendations with the exception of minor housekeeping issues. Mr. Fiat requested that the Planning Commission grant the CUP approval for two years on the walls because logistically it was not possible to meet the one-year date.

Assistant City Attorney McLean explained that the Code states, "Unless otherwise indicated, Conditional Use Permits expire one year from the date of Planning Commission approval". A typical CUP is approved for one year and the Planning Commission can extend it for a second year. It would have to come back to the Planning Commission to be extended for the third year. However, the Planning Commission can indicate a special circumstance and initially approve the CUP for two years.

Vice-Chair Joyce opened the public hearing on both the plat amendment and the CUP for the retaining wall.

Planner Alexander had forwarded to the Planning Commission two public input emails she received that day from two neighbors, and she would submit those emails into the record.

Lee Gurstein addressed the access component of the proposal as discussed on page 184 of the Staff report. It talks about alternative access and alternative access problems and issues since the applicant does not have access to property at 135 Ridge Avenue. The problems include creating a five-way intersection, width of the roads, emergency access, creating a retaining wall, removing part of the mountain and protecting mature trees. Mr. Gurstein stated that he is one of the owners of 135 Ridge Avenue. Before he lived there he understood that there were some negotiations about sale or provision of access for this project. For some reason those negotiations were stopped. Prior to this meeting he had a brief conversation with legal representative Joe Tesch and Mr. Gurstein wanted it on the record that those negotiations will be resumed.

Carol Sletta a resident at 135 Sampson had concerns regarding the five-way intersection. She has traveled the road over 35 years and she was concerned about the public safety and functionality of the road. She encouraged them to make that part of the road safe for everyone and that it can be easily accessed by emergency vehicles and nightly renters.

Brooke Hontz requested that the Planning Commission asked that a letter she wrote earlier that day be submitted into the record in its entirety so she would not have to read it verbatim and could just highlight specific points. Mr. Hontz recalled that this project came before the Planning Commission when she was a Commissioner; however, a decision was never made and this Planning Commission was now faced with addressing the issues. Ms. Hontz stated that she reviewed the information that was submitted in October from the standpoint of a private citizen as well as a former Planning Commissioner. She asked

herself what she would be able to do on the site without the current applications. If no access is provided nothing could be done because some of the land is partial lots of record but another part is a metes and bounds parcel. She pointed out that where the development was occurring is really one big lot. Ms. Hontz thought it was imperative that the Planning Commission spend sufficient time on this subdivision application not only because of the mining history and steep slopes, but also to make sure that it fits within the LMC and the General Plan before moving forward. Ms. Hontz stated that in 2010 the Planning Commission saw a similar development nearby on Upper Ridge. Five comments at that time centered around whether they would be creating lots that are difficult to build or unbuildable based on current Codes; road widths and substandard roads; issues in terms of how this relates to the Streets Master Plan which is still in effect; geotechnical issues and sensitive lands. She noted that the Commissioners discussed these issues not only for the Alice Claim project but also for the surrounding areas. Ms. Hontz stated that access is a moving target and warrants looking at other solutions. She thought it was ridiculous to create an alternative access in that location and on a right-of-way that does not have to be approved by the City. Ms. Hontz noted that the definition of right-of-way in the LMC means it can actually be a ski lift, a stairway or a trail. So many things are related to access, including going against the purpose statements and the specifics of subdivision themselves that it should be looked at. Ms. Hontz was glad that people were concerned about reaching this project in the case of an emergency. She stated that what the Fire Department requires adds additional impacts of impervious surface, turnarounds and more vegetation removal. It is needed but it also speaks to the undevelopable nature of the site. Ms. Hontz stated that more concerning was the fact that it talks about secondary access and it references Ridge Avenue as a potential future secondary access. Ms. Hontz stated that her letter outlines ten points referencing the concerns related to even contemplating Ridge Avenue as a secondary access in the future.

Ms. Hontz agreed with the Staff analysis regarding clustering. She thought the lot configuration and density were in question. Regarding water delivery and sewer, Ms. Hontz thought things may have moved faster than what was identified in the packet. She recognized that there may be acceptable water solutions that make sense in some projects. It is logical to allow someone to sort out the water delivery details after the subdivision is approved. However, in this instance with all the other issues and the way the Conditions are written, she believed was setting up the City for failure. Too many pieces still need to be addressed and it is important to first understand whether the solution is feasible. Ms. Hontz remarked that another key are the restrictions due to the character of the land, which is LMC Section 15.7.3-1 Section D. It was also highlighted on page 188 of the Staff report. She encouraged the Commissioners to spend time on that section because she did not believe the information provided by the applicant addresses the concerns of the very steep slopes, which are significant issues. She commented on recent training the Commissioners had by Brent Bateman from Ombudsman's Office and the fact

that it is up to the Planning Commission and the City Council to make sure this subdivision meets all the standards and codes and that it is safe. She believed the Ombudsman's analysis throughout the State has brought problems to light in terms of dealing with steep slopes. Ms. Hontz stated that her conclusions of law differ from the Staff's, and she requested that the Planning Commission consider asking the Staff to prepare conditions for denial based on her information, as well as additional information that could be provided that proves there is no good cause for this plat amendment. It does not meet the Subdivision Code policy 15-7-3, Policy B, because the sewer and water service to be required as stated within that section are not clear enough. Additional proof is Policy C and the subdivision purpose statements.

Charlie Wintzer stated that the last time this project came before the public no public input was taken in the interest of time. He handed out copies of the statements he had prepared for that meeting. Mr. Wintzer stated that when he was on the Planning Commission and this project came before them, all the remediation work was done based on the hopes of getting the subdivision approved. He remarked that the project never reached the point of discussion where the Commissioners could ask questions about the details. Mr. Wintzer stated that whatever the Planning Commission does during this meeting would either strengthen or weaken the Code going forward. He stated that the comments he made in 2011 regarding the Ridge Subdivision hold true for this proposed subdivision. He stated that the City has spent time and energy protecting the open space around this area and around Old Town. They negotiated a deal with the Sweeney's to move Treasure off of the hill, density was moved off of the hill when they negotiated the Montage project, and the City purchased open space on the hill across the canyon. What they do here could jeopardize that work. This applicant wants to build on two hillsides and one ridgeline. Mr. Wintzer noted that this application falls under the old General Plan. He handed out pages from the old General Plan that talks about staying off of hillsides and ridgelines, which is reinforced by all the purpose statements. For this particular project the most important purpose statements are the ones for the SLO and the two purpose statements about subdivision, which talks about ridgelines and hillside. Mr. Wintzer stated that the LMC backs up the statements in the General Plan and in the purpose statements. He counted 30 different places that he did not believe the Staff had properly addressed. This project could be built on flat ground at the bottom of the hill, and both the General Plan and the LMC directs them to do that. The homes should be clustered together to keep them off the hillside, to reduce cuts and fills, and to create a sense of community. Mr. Wintzer also provided a handout with all the Code issues he had identified. He encouraged the Planning Commission to continue this project until Commissioner Strachan was present, since he was the only Commissioner on the Planning Commission who saw this project the last time. He thought it would be important for the new Commissioners to hear his perspective. Mr. Wintzer provided another handout that did not pertain to this project, but it was where he had gathered all the information on this project.

Peter Marth stated that he lives at 27 Hillside Avenue, which is a HR-1 street that is currently being overrun by commercial vehicles. He asked the applicants to think about how it was possible to mitigate construction traffic impacts for nine homes in a subdivision on a steep slope at the top of Old Town. Mr. Marth reminded the Planning Staff that you cannot mitigate impacts from construction traffic. What they do is mitigate the impacts for cars and trucks, but not for the people living in Old Town. He commented on a hole in the ground on the PCMR hillside that has been sitting there for two years and it is an eyesore. He wanted to know what guarantees that this would not happen again. Mr. Marth wanted to know what would guarantee that they could mitigate traffic impacts. These impacts affect the "quality of life" and those words are littered throughout the Building Code and the LMC. It is impossible to mitigate the impacts from a development of this size in Old Town. The streets are substandard and the slopes are steep. Mr. Marth requested significantly more discussion before any of this project could be considered. It was difficult enough contemplating this project living on Hillside Avenue, but he was very sensitive to the people in Upper Old Town who live on King Road and Sampson because they would be experiencing a decrease in quality of life which is a permanent loss that cannot be mitigated.

Vice-Chair Joyce closed the public hearing.

Commissioner Worel thanked the applicants for listening to their concerns and she appreciated having the model to see what they were proposing. She appreciated that they were willing to reduce the lot sizes to create more open space and that they moved the Estate lot down into the gulch. However, she had concerns about the retaining walls and the fact the City Engineer and the Sewer and Water Department had concerns about this project. Commissioner Worel asked the City Engineer to address questions regarding the traffic. She noted that the Staff report indicated that Mr. Cassel had expressed concerns about the proposed intersection and that his questions were not answered with the traffic study.

City Engineer Matt Cassel explained that the original traffic study looked at volumes, but he knows that the volumes up there would not exceed any limits they have. He stated that the issue was not about volume. It was about maneuverability of the intersection having five or six roads coming together, and whether there were ways to improve the intersection from the standpoint of health and safety. Mr. Cassel stated that the applicant had submitted a report and they have presented alternatives and recommendations. He was not completely comfortable with it yet, but he felt like they were making progress.

Commissioner Worel commented on the CUP application regarding the retaining walls. She understood from the Staff report that there were concerns that the retaining walls may

not work or might damage some of the infrastructure. City Engineer Cassel stated that at this point he did not know the exact design of the walls or whether there would be anything behind the retaining walls. He explained that the concern with utilities is having offsets. For example, water lines are supposed to be buried six feet in depth, but if they are placed two feet away from a retaining wall they are exposed the same as if they are not buried deep enough. He stated that the drives are narrow and the sewer and water need to be spaced at least 10 feet apart. Putting all the dry utilities together takes up a lot of space rather quickly. If retaining walls are placed next to the road it exposes the utilities to the environment. They were trying to make sure that all the utilities fit together and that the retaining walls do not cause impact to the utilities as they move forward.

Vice-Chair Joyce thought from earlier comments that they were close to resolving the safety piece of the traffic. However, he understood from Mr. Cassel that there was uncertainty as to whether or not it might work. Mr. Cassel replied that they were close to a resolution. He reiterated that volume of traffic was less of an issue than maneuverability. The applicant has ideas on the table and Mr. Cassel did not think they were far from resolving the issues.

Commissioner Worel had questions for Kyle MacArthur with the Water Department. Mr. MacArthur stated that he was the distribution manager and he was not entirely familiar with this project. He has been communicating with the Water Engineer who does all the plan reviews, and he would try to answer their questions.

Commissioner Worel commented on concerns expressed in the Staff report about getting enough water pressure. Mr. MacArthur stated that they were right at the bottom of the pressured required by the Division of Drinking Water. This project will meet the minimum requirements given the modifications proposed for the design. He stated that as future operators of the system, he could almost guarantee that the first person moving in would complain about the minimal water pressure and the Water Company will not be able to do anything. The remaining concern with the low pressure is the ability to meet the fire flow requirement.

Commissioner Thimm asked Mr. MacArthur if he was comfortable with the fire flow for that area. Mr. MacArthur replied that it was up to the Fire Marshall and he believed the Fire Marshall had made the determination that it was sufficient.

Commissioner Worel asked Brian Atwood, the District Engineer for the Water Reclamation District, if he was comfortable with the site regarding sewage. Mr. Atwood stated that a specific process must be followed to get to final design approval and construction before they can provide waste water service. The final design must be approved before they can move on to platting. However, all they have seen so far is a preliminary utilities plan, which



does not show a lot of detail. Based on review of the preliminary utilities plan the Water Reclamation District raised questions with the developer and their engineer, who was confident that all their concerns could be addressed. Until they have that information they could not determine whether or not the proposal would work.

Commissioner Worel was concerned that they may be creating unbuildable lots. She asked if there was a precedent for building on a 64% slope. Planner Alexander stated that there are many areas with varying amount of steep slopes within the Old Town District. She identified specific properties that were developed on steep slopes. She pointed out that 30% slope stated in the Steep Slope CUP is an average. A property may be steeper at the front of the lot and gradually decrease, but if it is a 30% slope overall it requires a Steep Slope CUP. Planner Alexander commented on 429 Woodside and noted that the first 50% of the lot was 80% slope and they were approved to build. Planner Alexander clarified that not every site is suitable for development. For the Alice Claim project the Staff made sure that no building would occur on a ridgeline. She offered to do a more in-depth analysis if requested by the Planning Commission to determine how buildable the 64% lot would be and whether there were any old mine sites.

Commissioner Worel thought the in-depth analysis would be helpful. Planner Alexander noted that the homes would come back for a Steep Slope CUPs and additional mitigation could be done with that process as well. Commissioner Worel reiterated that her concern was whether they were creating something that would not be buildable. Commissioner Worel stated that excellent points were made during the public hearing and the Commissioners were given a significant amount of material this evening that they had not had the opportunity to review. She favored a continuance to give the Commissioners time to read through the material and consider the input.

Commissioner Thimm agreed with Commissioner Worel. Considering the amount of written information they received and the information provided by the City Engineer and representatives from the Water and Sewer Departments, he would support a continuance to be able to study all the information. Commissioner Thimm commented on the discussion in the Staff report regarding the stream diversion and dealing with the Army Corp of Engineers. He has worked with other wetlands situations and it has never been easy. It appears that a lot of this subdivision depends on that diversion and he asked if there has been any discussion with the Army Corp of Engineers.

Jerry Fiat stated that it was a dry stream bed. The only time water runs down it is when they clear the water tank. The old road used to run down the stream bed. Mr. Fiat stated that they rebuilt the stream bed as part of the cleanup. Part of the cleanup plan is to culvert part of the stream and they already have a permit in place to do so.

Commissioner Thimm referred to page 188 of the Staff report which states that the applicant had not provided information regarding mitigation of potential hazards. It was after a statement that was quoted by the LMC which says that until hazards have been adequately addressed in terms of mitigation the land cannot be subdivided. Commissioner Thimm asked where they were in terms of looking at these potential hazards and whether it was even proper to be discussing this plat amendment before that was addressed.

Planner Alexander stated that these were issues that could be mitigated during the Steep Slope CUP process, but they could require a mitigation plan from the applicant now if the Planning Commission preferred. Assistant City Attorney McLean clarified that this section of the Code was talking about the actual site itself. A Steep Slope CUP is a conditional use but it is allowed. Things such as reducing the building pad, relocating the building pad or expressing how it could be done are the types of mitigations addressed in the LMC. Relying on the Steep Slope CUP would not address those issues.

Commissioner Thimm thought there appeared to be a general list in the Staff report rather than specific by lot. As part of moving forward he thought those should be identified to make sure the lots are not unbuildable because the hazards cannot be mitigated.

A representative for the applicant noted that a geo-technical report was submitted and there were generally no issues on the site. A geo-technical report had not been done for each building site. The applicant assumed that would be done as part of the submittals for the individual houses.

Commissioner Thimm asked if the conditions of approval could be specific enough to talk about making provision for mitigation for any of the houses. Planner Alexander stated that the City Engineer reviewed the draft technical report and nothing was flagged from his reading of the report. Assistant City Attorney McLean stated that the Planning Commission could request that the applicant come back with geo-tech reports for the individual lots if they have concerns related to the provision of the Code. She pointed out that once the site is divided into lots they are sellable and people are entitled to develop them. Commissioner Thimm clarified that his concern was that these hazards would not be mitigated and someone has a legal lot to build on. He thought they should find a way to address those issues since the Staff felt that adequate information had not yet been provided.

Mr. Brown asked if that could be accomplished with a plat note so when someone buys a parcel they have the information that a geo-technical report must be done for each lot. Assistant City Attorney McLean explained that if the geo-technical report concludes that the site is not suitable to build, they would be in the situation of having created a lot that was sold but not buildable. Ms. McLean remarked that a subdivision creates a lot of record and

essentially says those lots can be developed. The purpose of the subdivision process is to make sure the infrastructure is in place and that it meets the subdivision requirements.

Mr. Brown stated that the challenge was doing a geo-technical report for each site in the subdivision because that is typically not part of the subdivision process. Commissioner Thimm acknowledged that he said for each lot, but he would be satisfied with a general report that would cover the points in the Land Management Code holistically for the site. Mr. Brown offered to review the geo-tech report to make sure it aligns with the LMC.

Commissioner Thimm commented on the house size. It was noted that the lot size was reduced but the square footage of the homes is more than what exists in the neighborhood. The statement in the Staff report was that it did not comply with the intent of the purpose statement and he agreed with that statement. Commissioner Thimm thought the amount of square footage proposed was not compatible with the adjacent areas. He asked how the Planning Staff arrived at the suggested modifications considering that they were still larger than the adjacent homes.

Planner Alexander recognized that the square footage of the proposed homes for the footprint was much larger than the surrounding neighborhoods. The Staff wanted more clustering but it was an effort to find compromises on limiting the height and for the 5,000 square feet to include the basement and any garages. She noted that the Estate lot was not reduced because it was taken off the hill located into the gully. If the Planning Commission preferred, the Staff could look at bringing the homes off the hillside and clustered to be more compatible with the surrounding neighborhoods.

Mr. Brown commented on the concern regarding compatibility. He noted that they were proposing a maximum of two stories with a larger footprint, keeping in mind that most of the surrounding structures were more than two stories. From a massing standpoint they tried to push the mass down and locate the house on the contour rather than against the contour. Mr. Fiat stated that most of the houses in Old Town are uphill/downhill lots that are dug deep into the hill with multiple stories. Many have one bedroom per level and it is not conducive for family living. The purpose of the larger footprint was to allow multiple bedrooms on one level and the kitchen and living space on another level. A larger footprint also allows more articulation in the architectural design. Mr. Fiat remarked that the 5,000 square foot gross limit was proposed to eliminate the games being played about excluding garages or basements. He did not believe the numbers in the Staff report truly represent the true size of the houses in the neighborhood. Many of the houses are significantly larger than what they were proposing as a gross square footage. Mr. Fiat pointed out that 5,000 square feet was a cap because on some lots they would not be able to build that amount of square footage.

In terms of the retaining walls and terracing, Commissioner Thimm understood the maximum height would be 10' with the potential for additional terracing. When they terrace and create planting areas between walls, he asked what Mr. Brown thought would be a good distance to create healthy vegetated planting zones wall to wall as they go up the hillside. Mr. Brown thought it was a trade-off because they were chasing the slope. Wider planting beds are better for plants but it will result in more walls. He understood the Code specifies a minimum of four feet and it is possible to grow plants in four feet. Commissioner Thimm stated that if this is approved, he suggested a more organic flow with terracing as opposed to the long straight lines. He suggested that applicants give more thought to the wall design.

Commissioner Campbell thought the applicant was in a situation where they did not know how much money to invest in plans without knowing whether it would be approved. Their application appears to be incomplete because they did not want to spend the money on a more complete application until they heard direction from the Planning Commission. Commissioner Campbell was comfortable with the fact that the applicant was willing to use the Staff's conditions of approval rather than their own. He was unsure why the Commissioners were given two different versions this evening rather than consolidating it beforehand.

Commissioner Campbell referred to Condition #22 for the subdivision and felt that the language was vague. He had the same complaint about the rest of the conditions. He would like the conditions of approval to be more clear and concise so the applicants understand what the Planning Commission was asking and the consequences if the conditions are not met. Commissioner Campbell thought 30 conditions were too many and he would like to see it reduced to a more manageable number.

Commissioner Joyce appreciated the revisions the applicants had made in response to their concerns at the work session. One of his biggest concerns was the Sensitive Lands Overlay. It is the most protected land in the LMC and anything they can do to avoid digging and dredging and putting things on steep hillside is appreciated. From his perspective giving the setback reduction to get the Estate lot off the hill was a good trade-off. Commissioner Joyce noticed that the changes talked about in the findings of fact in the CUP of the houses being 2,500 square feet, 5,000 square feet in total size, and 25' in height were only for the HR-1 lots and not the Estate lot. For the Estate lot the 2,500 square foot footprint was mentioned but square footage and height were not addressed. He assumed the applicant would build whatever was allowed for the Estate lot within the footprint. Mr. Fiat answered yes. He noted that 28' was the height limit for the Estate lot.

Vice-Chair Joyce was concerned about having 30 feet of retaining wall at the entrance where it is most visible. He encouraged the applicant to do whatever they could to

negotiate an easement to be able to use the existing right-of-way. Vice-Chair Joyce understood from public comments that the previous Planning Commission had discussed various ideas; however in his reading of the minutes from those meetings he did not believe the Commissioners had reached the level of detail they were discussing this evening. Vice-Chair Joyce recognized that the applicant took a financial risk when they decided to do the environmental cleanup. However, he did not believe the Planning Commission has not had the opportunity to evaluate whether or not this was a legitimate plat layout for the property. He sees a neighborhood that is extremely difficult to develop for many reasons, and they were basically building in a steep gulch. In his eight months as a Commissioner he has never seen a situation where almost every house in the neighborhood is on very steep lot and he personally has not seen a 64% slope developed.

Vice-Chair Joyce stated that he walked the neighborhood and all the streets and this project did not have the same feel. There were a number of issues to be considered such as the steep slope requirements, size, clustering and mass and scale compatibility. He thought this proposal was something he would see in a Park Meadows subdivision. Vice-Chair Joyce believed the map clearly showed how different this project was from the rest of the HR-1 District. He did not have actual numbers to compare the square footage, but in looking at the footprint even the reduction to 2,500 square feet was still 80% larger than most of the houses in the neighborhood. Vice-Chair Joyce stated that if size was the only issue he might be able to consider it, but he was bothered by the decision not to cluster the houses as recommended by Staff.

Vice-Chair Joyce also questioned the ability to mitigate a 30' wall. In his opinion planting bushes and shrubs was not sufficient mitigation. Vice-Chair Joyce stated that the applicants decided the plat layout and the Planning Commission was being asked to make it work with retaining walls. He pointed out that if they were building more compatible with the HR-1 District, the buildings would be smaller and tightly clustered and retaining would not be a problem.

Vice-Chair Joyce had the biggest issue with Lot 7 and the proposal to build a raised road with a bridge as a driveway with two-thirds of it in the Sensitive Lands Overlay, and then building Lot 7 on a ridge on a 60% slope. He personally did not believe Lot 7 should be considered a buildable lot. Vice-Chair Joyce commented on the non-disturbance areas as defined and he did not believe the proposed lot layout was compatible with the requirements of the HR-1 zone. As a result, they were left to deal with other issues that may or may not be mitigated.

Vice-Chair Joyce requested that the applicants work with the Planning Department to make the houses more compatible from the standpoint of size and clustering. In addition to his concerns regarding Lot 7, he also had problems with Lots 2 and 3 because building n those

lots require multiple tiers of retaining walls that would not otherwise be required. He could not support the driveway and bridge on the Sensitive Land Overlay to access one lot. Vice-Chair Joyce would like the limits of disturbance reduced to a more reasonable number and he suggested approximately 75% of the lot size.

Vice-Chair Joyce was also interested in hearing more about the Planning Director's discretion to determine whether or not a change is significant enough to require a re-application. Planning Manager Sintz wanted to come back and have that discussion with the Planning Commission. She believed the difference between minor and major alterations actually rests with the specifics of the application.

Assistant City Attorney McLean stated that if the changes to the site plan pertain to retaining wall size, etc., those start to become significant. She stated that if this item is continued, the applicant would have the opportunity to provide more detail in terms of what the final site plan will be based on utility plans, sewer plans, etc.

Vice-Chair Joyce wanted more detail but he did not want the applicants spending a lot of money before the Commissioners could concur on giving specific direction on certain items. Vice-Chair Joyce understood that the applicants have the right to develop their property, but he wanted to see a different layout that clusters the houses more tightly, reduces the house size to be more compatible with the HR-1 District, and minimizes the need for retaining walls.

Vice-Chair Joyce pointed to the comment that the applicant was discussing a conservation easement with the Summit Lands Conservancy. He disclosed that he sits on the Summit Lands Conservancy Board and he had spoken with the Director who told him that she had spoken with the applicant but had not yet received a proposal. Vice-Chair Joyce requested something clearer than the word "open space" because someone has to own the land. It was not clear whether the applicant was willing to obtain conservation easements and deed transfers as part of this plat.

Vice-Chair Joyce clarified that his relationship with Summit Land Conservancy would not affect his ability to be fair in reviewing this application.

Commissioner Worel requested a conversation with the other land owner regarding access to the property. Mr. Fiat stated that they spent two years and hundreds of thousands of dollars on negotiations, and the other landowner backed out at the last minute. They would like to do it because it is a better access and more economically feasible, but they were not successful then and he did not want high expectations that it would happen now. Mr. Fiat offered to pursue it with the landowner because it would be beneficial to the community and the applicants, but he was not hopeful.

Assistant City Attorney McLean suggested that the Commissioners give a head nod on whether or not they agreed with the direction Vice-Chair Joyce had recommended to the applicants because it would affect what comes back at the next meeting.

Commissioner Campbell asked if Vice-Chair Joyce was suggesting that they carve the site into 25' x 75' lots to look like the rest of Old Town. Vice-Chair Joyce answered no, because that is not what the rest of Old Town looks like. He pointed out that the Staff analysis was on King Road and Sampson, which are not the smaller lots in the oldest part of town. Vice-Chair Joyce clarified that he would like the houses clustered more tightly to minimize the retaining walls and the driveways. If the lots were flatter he would not be so concerned.

Commissioner Thimm stated that when he looked at the contours of the ground and thought about the HR zone and the typical lots, he tried to visualize how the clustering could work to feel more like Old Town. He determined that it might be possible, but it would require compromise in terms of number of buildable lots they would achieve because of the amount of ground that is the slope. Commissioner Thimm had concerns with the massing compared to the Old Town model as outlined by the LMC. He would like the applicants to make an attempt to show how it could work, or possibly an attempt to show that it would not work and why.

Commissioner Campbell believed that when a development is on the edge of any of these Districts the rules should be different. He pointed out that this development would back up to what will be open space. Commissioner Campbell disagreed that it should look the rest of Old Town. In his opinion, it was a gateway to the open space that they all hope remains open space and he preferred to see the houses spread out rather than clustered.

Vice-Chair Joyce asked if Commissioner Campbell had a problem with the size and number of retaining walls. Commissioner Campbell stated that he was not pleased with the retaining walls but sometimes there is no way to get around it.

Commissioner Worel reiterated that her main concern was whether they were creating something that was not buildable. She believed the concerns they expressed and what they would like to see in the future would give them the answers. She did not favor the retaining walls, particularly since the width of the walls will require irrigation for the trees and vegetation. Commissioner Worel noted that there were already water issues and she was concerned about adding more irrigation. Mr. Fiat stated that the irrigation would only be until the vegetation was established. He commented on other examples around town where that has occurred on retaining walls. Commissioner Worel did not want the

applicants to go through the expense of redesigning the layout. However, she would like to see the geo-tech report to know whether the steep slopes are buildable.

Planner Alexander summarized the major issues as compatibility, whether the slopes are buildable, access, and terracing and mitigating the retaining walls.

Mr. Fiat believed they had a clear idea of what the Commissioners wanted to see and they would try to address their concerns. He thought they could complete their study and be ready to come back to the Planning Commission in May. Planner Alexander requested the second meeting in May.

MOTION: Commissioner Worel moved to CONTINUE both the Alice Claim South of Intersection of King Road and Ridge Avenue - Alice Claim Subdivision and Plat Amendment; and the Alice Claim South of Intersection of King Road and Ridge Avenue Conditional Use Permit for retaining walls up to 25 feet in height, to May 27<sup>th</sup>, 2015. Commissioner Thimm seconded the motion. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Phillips returned to the meeting.

**3. 74 Daly Avenue – Steep Slope Conditional Use Permit for a new single-family home on a vacant lot. (Application PL-15-02684)**

Planner Alexander noted that this item and the next item for 80 Daly Avenue have the same property owner and architect. The applicant previously came before the Planning Commission for a plat amendment for a subdivision into two lots. The Planning Commission had forwarded a positive recommendation and the request was approved by the City Council. Planner Alexander remarked that during the plat amendment process concerns were raised regarding neighborhood compatibility, size of the homes and the mass and scale. The Planning Commissioner requested that the applicant provide compatibility studies in relation to the streetscape, footprint and square footages in the area. The requested study was included in the Staff report.

Planner Alexander reviewed the proposal for a 2,304 square foot single family home on 74 Daly Avenue on a slope greater than 30%, which requires a Steep Slope CUP. Planner Alexander had not yet approved the HDDR pending concerns and possible revisions this evening. Planner Alexander stated that the applicant had revised the windows and some materials to address some of the concerns.



Planner Alexander had received public comment earlier in the day regarding the roof pitch. There is a requirement that the primary roof have a 7/12 pitch and the person inquiring questioned the slope of the gables. Planner Alexander explained that the Staff had deemed the roofline as the primary roof. However, the applicant could be directed to change the gables if they are determined to be more than just ornamental gables over windows. In looking at the right elevation she believed the gables protrude more than just an ornamental element.

Planner Alexander remarked that due to the shape and size of the home the applicants were proposing to build a smaller home with a small retaining wall in the rear and between the homes on the sides.

The Staff found that the application meets all the requirements and recommended that the Planning Commission conduct a public hearing and consider approving the Steep Slope CUP.

Vice-Chair Joyce opened the public hearing.

Ruth Meintsma, a resident at 305 Woods, stated that she had reviewed the Staff report with Carlene Riley.

Carlene Riley, a resident at 84 Daly Avenue, stated that Ms. Meintsma would be speaking on her behalf regarding the technical aspects. Ms. Riley would speak later about the personal impacts of this project.

Ms. Meintsma stated that she and Ms. Riley focused on the compatibility and she read from the Staff analysis on page 324 of the Staff report. The applicant had completed an analysis of the streetscape massing and livable square footage. There was a comment about comparison of lots size that they did not believe was appropriate. Ms. Meintsma reviewed the streetscape analysis provided by the applicant. Ms. Riley had noted that it compared the only single-family, which was Ms. Riley's home, to the non-existing new project single family. In terms of size comparison they were all multi-units. For that reason they thought the analysis was inaccurate. Ms. Meintsma noted that the spatial arrangement on the street was not correct. Next to Ms. Riley's house on the south, the space shown on the exhibit was not there because a multi-plex structure is directly next to her house. The same is true of the multi-plex to the left. The space shown is not there because the two structures are right next to each other. In finding those errors, Ms. Meintsma questioned what other things might be inaccurate in the compatibility analysis. The spatial incorrectness made them not trust the streetscape. Ms. Meintsma commented on language stating that the compatibility analysis was not representative of the homes sizes in lower Daly because there are smaller single family homes across the street that

are not included in this analysis. She noted that Ms. Riley was prepared to speak to those smaller houses.

Ms. Riley stated that there were three homes single-family homes across the street her that were under 900 square. Her house looks like a midget compared to the rest. Ms. Riley remarked that she has sunlight in her bathroom in the afternoon and that window will be block by the new construction. As proposed, this project will take everything away from there and from her living. Ms. Riley stated that she likes the design but she would like to see it smaller. She understood from the last meeting that the applicant intended to keep it smaller but what they have proposed is massive. She pointed out that this would be the first applicant to ever go back to Anchor Avenue and she wanted someone to make sure the soil is stable.

Planner Alexander pointed out that Ms. Riley was commenting more on the house at 80 Daly. She asked if Ms. Riley had issues with the house at 74 Daly.

Ms. Riley preferred that they have two smaller houses.

Delphine Comp, a resident across the street on 61 Daly Avenue, stated that she was not part of the compatibility study because the applicant only compared their side of the street. Ms. Comp stated that they have a family of three and they live in less than 500 square feet. She understood that 80 Daly Avenue would be almost 4,000 square feet, which is enormous compared to the rest of Daly. She noted that the applicant was proposing single family homes but they compared it multi-plex units. There are many eyesores on Daly Avenue that needs to be stopped if possible. The number of stories was also an issue. When she attended the last meeting she thought it was clear that the structure would be kept at two stories; however, it is now proposed to be four stories. She thought the height was massive and it would be painful to look at it from across the street.

Planner Alexander informed Ms. Comp that this public hearing was for 74 Daly and suggested that she hold her comments regarding 80 Daly until the public hearing for that item.

Vice-Chair Joyce closed the public hearing.

Commissioner Phillips stated that he also questioned how the analysis factored in the comparison to other types of buildings. Planner Alexander stated that they looked at lot sizes. She agreed that Ms. Riley had a significantly smaller home, but based on her lot size she could do an addition to make her home equally as large as what was being proposed. Commissioner Phillips clarified that he had noticed the comparisons but he did not believe it would change his opinion on this project.

Commissioner Phillips commented on the 7/12 pitch. He has seen this on other applications as well, where he would not be able to tell that it was a 7/12 pitch looking from the front elevation. The dominant roof is seen from the side, but his personal opinion is that the dominant roof is what is visible from the street. Commissioner Phillips did not have a particular objection, but he could see the potential to change around some of the pitches. Being a builder himself, he suggested that the bay walls to the left could be lowered to create a steeper pitch. He understood that the intent of the 7/12 pitch was to be in keeping with the historic homes.

Planner Alexander stated that her recommendation would be to change the pitch to 7/12 in the areas where the gables protrude. Commissioner Phillips thought that would be in keeping with the intent of the 7/12 pitched. Craig Kitterman, the architect, believed that could be easily accomplished. Planning Manager Sintz recommended that Mr. Kitterman look at the change holistically for the front façade.

Commissioner Worel stated that she had concerns about the size of the house in comparison to the size of the other houses on Daly Avenue. However, looking at it from the streetscape and the size of the box, she could not say it was out of line with the rest of the structures on the street. Commissioner Worel favored the idea of changing the roof pitch.

Commissioner Thimm stated that the size and massing of the house at 84 Daly did catch his eye, but he realized that it was the existing size but not the size that it could be if an addition was added. In terms of what is allowed and what has already occurred on the street, Commissioner Thimm thought the proposed house appeared to be compatible. Regarding the roof, he had a hard time coming to the conclusion that the dominant portion of the roof was a 7/12 pitch because of the shed extension on the rear. Commissioner Thimm agreed that if both of the front dormers could be a steeper pitch it would give the feeling that the roof is a 7/12 pitch. Commissioner Thimm liked the center gable because it breaks up the façade and he preferred that the center gable be left as is. He thought that overall, the way the elevation has been broken into pieces, what you see are historic relationships. Commissioner Thimm stated that he could support this application with the changes to the roof.

Commissioner Campbell asked if the Planning Commission could add a condition of approval requiring that the roof pitches come into compliance so the applicant would not have to come back. Assistant City Attorney McLean stated that the Planning Commission could make that decision. If they were comfortable that the recommended change would comply with Code then they could address it with a condition of approval.

Planner Alexander reiterated that she still needed to approve the HDDR and she would have the applicant make the revision to the roof before giving that approval.

Vice-Chair Joyce noted that at the last meeting Commissioner Strachan expressed concern about whether or not they should be allowed to build on top of the land that was deeded over for Anchor Avenue. Vice-Chair Joyce believed that with the plat approval that issue was resolved.

Vice-Chair Joyce stated that his primary concern was the scale and whether it was a duplex or single-family house. He thought the answer was the size of the box and he was surprised to find that it was smaller than most of the other boxes on that side of the street. Vice-Chair Joyce was comfortable with the change to the roof as suggested.

Planner Alexander drafted the condition to read, "The roof pitch of the two front gables shall be redesigned to have a 7/12 pitch."

MOTION: Commissioner Phillips moved to APPROVE the Steep Slope Conditional Use Permit for 74 Daly Avenue based on the Findings of Facts, Conclusions of Law and Conditions of Approval as amended. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 74 Daly Avenue

1. The property is located at 74 Daly Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot A of the 74 & 80 Daly Avenue Subdivision. The lot area is 2,200.8 square feet.
4. A Historic District Design Review (HDDR) application is required and will be reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. This lot is a combination of a portion of Lot 9, a portion of Lot 10, and a portion of the vacated Anchor Avenue located in Block 74 of the Park City Survey which was previously vacant. This is an uphill lot.
6. Access to the property is from Daly Avenue, a public street.

7. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage, within the lot area.

8. The neighborhood is characterized by primarily non-historic and historic residential structures, single family homes, duplexes and condos.

9. The proposal consists of a total of 2,304 square feet, including the garage.

10. The proposed driveway was designed with a maximum width of twelve feet and is approximately 18 feet in length from the garage to the existing edge of street with a minimum of 18 feet of driveway located on the property. The garage door complies with the maximum height and width of nine feet by nine feet.

11. The proposed driveway has an overall slope of 0.06% as measured from the front of the garage to the edge of the paved street.

12. An overall combined building footprint of 930.9 square feet is proposed. The maximum allowed footprint for this lot is 972.4 square feet.

13. The proposed structure complies with all setbacks.

14. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.

15. The proposed home complies with the LMC required total building height of 35' from the lowest floor plane to the highest wall plate and is in compliance with the LMC required step back of 10' at the building height of 23' at the rear façade.

16. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this home on the cross canyon views and the Daly Avenue streetscape.

17. Retaining is only necessary at the rear of the lot as shown on the left (south) elevation in between 74 & 80 Daly. This retaining wall is proposed at 4' in height which complies with the LMC. There are no window wells.

18. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.

19.The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% or greater slope areas.

20.The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.

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

22.The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.

23.No lighting has been proposed at this time. Lighting will be reviewed at the time of Building Permit application for compliance with the LMC lighting code standards.

24.The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.

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

26.The applicant stipulates to the conditions of approval.

#### Conclusions of Law – 74 Daly Avenue

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 – 74 Daly Avenue

1. All Standard Project Conditions shall apply.

2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.

3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.

4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.

6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.

7. No building permit shall be issued until the 74 & 80 Daly Avenue Subdivision is recorded.

8. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.

9. This approval will expire on April 8, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is

granted by the Planning Director.

10. Modified 13-D residential fire sprinklers are required for all new structures on the lot.

11. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.

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

13. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding.

14. The roof pitch of the two front gables shall be redesigned to have a 7/12 pitch.

**4. 80 Daly Avenue – Steep Slope Conditional Use Permit for a new single-family home on a vacant lot (Application PL-15-02683)**

Planner Alexander noted that because 80 Daly was a larger lot size the proposed home was much larger. The house was designed to be four stories stepping with the hill. No retaining walls were required. The proposal met the design guidelines; however, the HDDR had not yet been approved.

The Staff found no issues with this application. Due to the size of the lot and the possibility that the lot next door could build an addition to their own home resulting in the same size as the proposed home, the Staff recommended that the Planning Commission conduct a public hearing and consider approving the Steep Slope CUP.

Vice-Chair Joyce opened the public hearing.

Carlene Riley asked that the same comments she had made during the public hearing for 74 Daly Avenue be applied to 80 Daly Avenue.

Delphine Comp remarked that 80 Daly Avenue was different from 74 Daly Avenue. The proposed structure is almost 4,000 square feet and it is huge. She asked someone to show her another single family home nearby that was close to being that large. Ms. Comp thought they were going to make a difference on Daly but they were faced with the same issues. Ms. Comp had a problem with four stories and the size of the house. She was disappointed to see what was proposed today versus what they had discussed last time in terms of making the houses smaller.



Vice-Chair Joyce closed the public hearing.

Commissioner Campbell stated that it is obviously upsetting when someone lives in a house and their views or light are blocked. However, he was unsure how the Planning Commission could address that issue and still keep with the rules of the LMC. Formulas and calculations are followed for a reason so applications are not judged emotionally. Commissioner Campbell remarked that unless this application violates a formula the Planning Commission has no choice but to approve it.

Planning Manager Sintz stated that Planner Astorga has done a number of different analysis in the neighborhood. If anyone wanted to see that information the Planning Department could provide it.

Vice-Chair Joyce commented on the difference between single-family or duplex. He understood that the comparison was based on size of structure and not whether one family or two families live in the structure. He pointed out that the proposed home was large, but it was still smaller than a lot of the buildings on the street. Vice-Chair Joyce asked if there would be any time when being a duplex, multi-plex, or single-family would make a difference when doing a size comparison.

Planning Manager Sintz replied that an existing non-conforming structure would probably not be included in the analysis.

Assistant City Attorney McLean advised the Planning Commission to always go back to the Steep Slope CUP criteria in terms of location of development, visual analysis, building form and scale, etc. She explained that the criteria are applied to the numbers to see how the impacts are mitigated.

Vice-Chair Joyce recalled that at the time of the plat approval the Commissioners had concerns about size and massing compared to other things on the street. And they agreed with the applicant to have those discussions as part of the CUP rather than hold up the plat. Vice-Chair Joyce understood that it was not an explicit part of the Steep Slope CUP, but it was something that was agreed to as part of the plat amendment.

Commissioner Worel stated that from a personal standpoint she was heartbroken to hear that sunlight would be blocked from coming into a neighbor's home. However, from the standpoint of the CUP and the visual analysis of the boxes on the street, she did not believe the proposed home was incompatible and she could find no reason to deny it.

Commissioner Phillips concurred with Commissioner Worel.

Commissioner Thimm stated that in looking at the elevation it was at the extreme edge of what he would be comfortable with; but in looking at it through the lens of the LMC and the zone he had to agree with Commissioner Worel that there was no reason to deny it.

Planner Alexander asked if the Planning Commission would add the condition regarding the roof pitch to this approval.

MOTION: Commissioner Phillips moved to APPROVE the Steep Slope Conditional Use Permit for 80 Daly Avenue 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.

#### Findings of Fact – 80 Daly Avenue

1. The property is located at 80 Daly Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot B of the 74 & 80 Daly Avenue Subdivision. The lot area is 2,200.8 square feet.
4. A Historic District Design Review (HDDR) application is required and will be reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. This lot is a combination of a portion of Lot 9, a portion of Lot 10, and a portion of the vacated Anchor Avenue located in Block 74 of the Park City Survey, which was previously vacated. This is an uphill vacant lot.
6. Access to the property is from Daly Avenue, a public street.
7. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage, within the lot area.
8. The neighborhood is characterized by primarily non-historic and historic residential structures, single family homes, duplexes and condos.

9. The proposal consists of a total of 4,207 square feet, including the garage.
10. The proposed driveway was designed with a maximum width of twelve feet and is approximately 22.5 feet in length from the garage to the existing edge of street and located on the property. The garage door complies with the maximum height and width of nine feet by nine feet.
11. The proposed driveway has an overall slope of 0% as measured from the front of the garage to the edge of the paved street.
12. An overall combined building footprint of 1,416 square feet is proposed. The maximum allowed footprint for this lot is 1,418.7 square feet.
13. The proposed structure complies with all setbacks.
14. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.
15. The proposed home complies with the LMC required total building height of 35' from the lowest floor plane to the highest wall plate and is in compliance with the LMC required step back of 10' at the building height of 23' at the rear façade.
16. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this home on the cross canyon views and the Daly Avenue streetscape.
17. Retaining is not necessary around the home on the upper, steeper portion of the lot. There will be no free-standing retaining walls. There are no window wells.
18. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.
19. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% or greater slope areas.
20. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.

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

22. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.

23. No lighting has been proposed at this time. Lighting will be reviewed at the time of Building Permit application for compliance with the LMC lighting code standards.

24. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.

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

26. The applicant stipulates to the conditions of approval.

#### Conclusions of Law – 80 Daly Avenue

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 – 80 Daly Avenue

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

issuance of any building permits.

3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.

4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.

6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.

7. No building permit shall be issued until the 74 & 80 Daly Avenue Subdivision is recorded.

8. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.

9. This approval will expire on April 8, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.

10. Modified 13-D residential fire sprinklers are required for all new structures on the lot.

11. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.

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

13. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding

14. The roof pitch of the two front gables shall be redesigned to have a 7/12 pitch.

**5. 1825 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. (Application PL-15-02655)**

Planner Whetstone introduced John Shirley, the project architect, and Alan Long, representing the two applicants. The applicants were the owner of the Silver Star Realty, which was a CUP approved in October, and the Silver Star Plaza Condominiums Owner Association.

Planner Whetstone reported that the applicants were requesting an amendment to the condominium record of survey plat for the Silver Star Plaza Buildings N, O, P, Q, R plat, to adding a Building S, which is a single-story building, 2200 square feet gross area, including the existing historic mine, the tunnel entrance and a future addition. The applicants included this as a commercial condominium unit with a designation as private area. The area is currently designated common area to the HOA. Changing the designation would allow the area to be sold separately.

Planner Whetstone noted that the uses were approved on October 22, 2014 as the Three Kings Realty at Silver Star conditional use permit. Building S is located between Buildings O and R. Building S was shown with the proposed addition. The property is located in the RDM District and is subject to the Spiro Tunnel Master Planned Development. Both the Master Planned Development and the Conditional Use Permit on this project approve the office uses. The purpose of the plat is to talk about ownership and to allow the common area to be converted to private area. The proposed plat amendment is consistent with the RDM zoning, the Spiro Tunnel Master Plan and the Three Kings Realty Conditional Use Permit and Land Management Code.

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

Planner Whetstone noted that the first Whereas of the Draft Ordinance talks about approval of an amended condominium plat to add Building F as an 1888 square foot

commercial condominium unit. She stated that 1888 square feet is on the plat; however the conditional use permit approved 2,260 square feet gross floor area. She pointed out that the numbers need to be consistent with the conditional use permit. Planner Whetstone stated that Finding of Fact #4 talks about 1888 square foot. The finding should be revised and 1888 square foot should be replaced with 2,260 square foot gross floor area. She stated that those numbers were consistent with the Findings and Approvals of the Conditional Use Permit.

Vice-Chair Joyce asked for clarification on the square footage numbers and what Planner Whetstone was proposing to change. Planner Whetstone read from page 367 of the Staff report, "WHEREAS, owners of the property known as Silver Star Plaza Condominiums Buildings "N", "O", "P", "Q", and "R", a Utah Condominium Project, (aka Silver Star Condominium project) located at 1825 Three Kings Drive, have petitioned the City Council for approval of an amended condominium plat to add Building "S" as a 1,888 square foot commercial condominium unit located between Buildings "O" and "R" and to change the ownership designation for Building "S" from common area to private area. She noted that 1,888 square feet was approved in the conditional use permit.

After re-reading the statement Planner Whetstone decided that a change was not necessary because 1,888 square feet is the actual net leasable area. She revised Finding of Fact #4 to read, "Building "S" is proposed to be located between buildings "O" and "R" and consists of a total of 1,888 square feet net and 2,260 gross floor area."

Commissioner Thimm referred to a narrative from the architect on page 383 of the Staff report that talks about a leasable area of 1,909 and a gross area of 1,991 square feet. He wanted to know which number were correct.

Craig Kitterman replied that 1,888 square feet net and 2,660 square feet gross were accurate numbers.

Vice-Chair Joyce opened the public hearing.

There were no comments.

Commissioner Phillips stated that when he was in the hallway he ran into Jeff Ward, the owner of the Café. Mr. Ward was not able to stay for the meeting and he asked Commissioner Phillips to say that he was in favor of the application. He also said it would be less of an impact on his business if the project could be started as soon as possible.

Vice-Chair Joyce closed the public hearing.

MOTION: Commissioner Worel moved to forward a POSITIVE recommendation to approve 1825 South Three Kings Drive, the First Amended Silver Star Plaza Condominiums, Buildings N, O, P, Q & R, record of survey plat, to add Building S as a commercial condominium space for an approved 1888 square foot office and commercial building, according to the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 1825 South Three Kings Drive

1. The property is located at 1825 Three Kings Drive.
2. The property is located in the Residential Development Medium density (RDM) zoning district and subject to the Spiro Tunnel Master Planned Development (MPD) (aka Silver Star MPD). Office uses are allowed within the Spiro Tunnel MPD.
3. The applicant's request for this plat amendment is to include a Building "S" as a commercial condominium unit with a designation as "private area". Building "S" includes office uses and storage for the Silver Star Café. These uses were approved on October 22, 2014, as the Three Kings Realty at Silver Star Conditional Use Permit. Building "S" also includes the existing historic mine tunnel entrance shed but not the covered tunnel leading to the mine.
4. Building "S" is proposed to be located between buildings "O" and "R" and consists of a total of 1,888 square feet net and 2,260 gross floor area.
5. Building "S" is located within the Park City Soils Ordinance Boundary.
6. On November 30, 2006, the City Council approved the Silver Star Plaza Condominiums Buildings "N", "O", "P", "Q", and "R", a Utah Condominium Project condominium record of survey plat. The plat was recorded at Summit County on February 19, 2008 and identifies the location and ownership of existing Buildings N, O, P, Q, and R.
7. This first amended plat adds Building "S" to the Silver Star Plaza Condominium Buildings "N", "O", "P", "Q", and "R", a Utah Condominium Project condominium record of survey plat in order to identify the building as a commercial condominium unit designated as private ownership. The building is currently identified as common area owned by the Silver Star Plaza Condominiums HOA.



8. On January 16, 2015, an application was submitted for the first amendment to the Silver Star Plaza Condominiums Buildings “N”, “O”, “P”, “Q”, and “R”, a condominium record of survey plat. The application was deemed complete on February 24, 2015.

9. The condominium plat amendment is required in order to identify the location and ownership of existing Building “S” and to include the proposed addition.

10. The proposed uses and amended condominium plat are consistent with the Spiro Tunnel MPD and the Three Kings Realty CUP.

11. No non-complying situations are created with the plat amendment.

12. The existing building is listed on the Historic Sites Inventory as a Significant Historic Site.

13. On December 4, 2014, the Silver Star Plaza Owners Association met and voted unanimously to approve the real estate office project as proposed.

14. On October 27, 2004, the Planning Commission approved the Spiro Tunnel Master Planned Development and Conditional Use Permit for a mixed use development consisting of 97 residential unit equivalents (74 condominium units, 22 cottage units and one single family house with guest); an artist-in-residence campus with up to 14,500 sf of offices, studios, and gallery retail space; support commercial uses and support meeting space; and 16.11 (AUE) of affordable housing units (21 units in Buildings N and O).

15. Support commercial and support meeting space (up to 10% of the total residential floor area is 19,400 sf based on a total of 97 residential UE) was specifically allowed during the MPD approval for the Silver Star project, as the project was considered a nightly rental condominium project.

16. Currently there are 11,367 sf of commercial/office uses and 5,594 sf of support commercial uses. The addition of 1,325 sf of office space will bring total commercial/office to 12,692 sf which is less than 14,500 sf allowed and will bring the total support commercial uses to 5,914 sf. Up to 14,500 sf of commercial and office uses are allowed by the Spiro Tunnel MPD in addition to 19,400 sf of support commercial/meeting space based on 97 UE of residential uses.

17. Parking for the Spiro Tunnel MPD was built to accommodate all of the 14,500 sf of

allowed commercial and office uses. Management of parking is the responsibility of the Silver Star Homeowners Association and various updates have been presented to the Planning Commission.

18. A water line previously located under the historic shed was relocated during construction of the Silver Star project. Additional relocation of this water line may be necessary prior to construction of Building S.

19. The historic shed and a portion of the mine tunnel are located on a 30' nonexclusive utility easement on the current recorded plat. This easement will need to be modified on the amended plat with final approval of the easement subject to City Engineer and City Water Department review.

#### Conclusions of Law – 1825 South Three Kings Drive

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

#### Conditions of Approval – 1825 South Three Kings Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.
3. All conditions of approval of the Spiro Tunnel Master Planned Development shall continue to apply and a note shall be included on the plat referring to the Spiro Tunnel MPD prior to recordation.

4. All plat notes on the Silver Star Plaza Condominiums Buildings “N”, “O”, “P”, “Q”, and “R” record of survey plat shall be included on the plat prior to recordation.
5. All conditions of approval of the Three Kings Realty at Silver Star Conditional Use Permit approved on October 22, 2014, shall apply to this plat and shall be referred to with a plat note on the plat prior to recordation.
6. All required ADA access, occupancy loads, and other specific Building and Fire Code requirements for the new building shall be addressed prior to issuance of a building permit.
7. Historic District Design Review approval for the addition to the historic structure is a condition of building permit issuance.
8. All required access and utility easements as required by the City Engineer shall be identified on the plat prior to recordation.
9. All soil disturbance and proposed landscaping shall adhere to requirements of the Park City Soils Boundary Ordinance and Park City Municipal Code Section 11-15-1 and included in the building permit application.
10. A final utility and grading plan shall be submitted and approved by the City Engineer, City Water Department, Fire District, and SBWRD District prior to issuance of a building permit. Existing water service will need to be evaluated and may need to be upgraded to meet fire flow requirements for the proposed uses and required fire sprinkler system.
11. A storm water and drainage plan shall be submitted and approved by the City Engineer prior to issuance of a building permit for construction on this property.
12. A construction mitigation plan (CMP) shall be submitted with the building permit application and shall identify how construction activity and construction parking impacts on the residential units and commercial uses will be mitigated. The CMP shall indicate where the temporary storage building will be relocated to during construction of the permanent building.
13. Access to the tunnel shall be maintained at all times consistent with the easement and notes on the plat and conditions identified herein.
14. Access to the Spiro Tunnel shall be provided to Park City. Access shall facilitate equipment and vehicles as needed for operations and requires as a minimum:

- a. Clear unobstructed access to the proposed shed remodel for a minimum width of 15 feet.
- b. Paved access from the private drive to the proposed tunnel shed capable of supporting H2O loadings.
- c. Mine rail tracks shall extend to within 10 feet of the existing private drive and shall be fully functional for mine rail cars.
- d. Provide a 5 foot minimum clearance on either side of the mine rail tracks.
- e. Access to the proposed tunnel shed shall be restricted to Park City authorized personnel.

15. Proposed building improvements shall meet Utah DDW (Division of Drinking Water) and Park City's tunnel access security requirements. Building plans shall require Park City Water review and approval with respect to meeting all such security requirements.

16. A note shall be added to the plat indicating that the proposed shed remodel shall provide for adequate ventilation of the mine.

17. A note shall be added to the plat indicating that existing rails are the property of Park City for use in tunnel access maintenance.

18. The applicant is required to maintain security to the Spiro Tunnel during all proposed construction activities. The specifics of this security maintenance shall be provided with the building permit application.

19. A 30 feet wide, minimum, water line and tunnel access easement extending from the proposed shed remodel to the existing private drive shall be provided on the plat prior to recordation and a 10 feet wide, minimum, waterline and tunnel access easement within the proposed shed remodel to the tunnel entrance shall be provided on the plat prior to recordation. The final language shall be approved by the City Attorney and City Engineer prior to plat recordation.

20. The plat shall include language, in a form approved by the City Attorney, indicating that the tunnel access and operations may result in disturbances, such as construction activities, noise, fumes, etc., to the proposed office and storage uses, which may occur at any time and the City, shall be held harmless for such impacts.

21. Park City's access, for the purpose of water line operation and maintenance and for tunnel access, along with the existing private drive shall be clarified and noted on the plat prior to recordation.

22. Park City shall be held harmless from claims resulting from tunnel related occurrences, such as flooding and other such occurrences and this shall be noted on the plat prior to recordation.

23. If relocation of any water lines is necessary for construction of Building S the lines shall be relocated prior to building permit issuance and only upon approval of a final utility plan by the City Engineer.

24. All easements and encumbrances as identified in the current Title Report and as required by the City Engineer for utilities, access, and for exclusive use by the Park City Water Department shall be identified on the final mylar, to be verified and approved by the City Engineer prior to plat recordation.

**6. Land Management Code Amendment regarding Heber Avenue Sub-zone in the Historic Recreation Commercial District (Section 15-2.5-10)  
(Application PL-15-02690)**

Planner Francisco Astorga reported that the Planning Department received an application from LCC properties Group for an amendment to the Heber Avenue subzone. He introduced Kevin Horne, David Luber and Tom Elliott, the representatives for the applicant.

Planner Astorga stated that the Heber Avenue Subzone was currently Heber Avenue to the north and all the properties that front Heber Avenue for an approximate distance of 150 feet. He presented a map illustrating the boundary of the Heber Avenue subzone, which included the Kimball Arts Center and other properties west of Main Street. Planner Astorga pointed out that only one site is vacant.

Planner Astorga clarified that the City does not receive many requests for LMC amendments from the public. However, this particular amendment was initiated by the public and not by Staff. Planner Astorga explained that as part of the application process, the applicant is required to write the Code as written on the application. He reviewed the current language for the Heber Avenue parameters. The first is that all of the allowed and conditional uses from the HRC District do not apply to this subzone. The language mimics that allowed and conditional uses from Main Street, in the HCB, Historic Commercial Business District. Planner Astorga noted that the applicant was no proposing to change that language and it would remain the same. The floor area ratio that exists in the HRC District, which is 1.0 FAR, does not apply to this subzone and there was no request to change the FAR.

Planner Astorga clarified that the request is to change Item D to mimic the height indicated for Main Street in the HBC District. He explained that the current height

parameter in the HRC measures height from existing grade up to 32 feet for a flat roof. A pitch roof allows for an additional five feet. Planner Astorga stated that the height parameters in the HCB is 45 feet. The applicant was requesting to extend the height from 32' to 45' in the Heber Subzone.

Planner Astorga noted that this was a legislative item and the City Council would have the final say. He stated that other than the specified policies already in place, there were no specific criteria for review as there would be with a conditional use permit or a plat amendment.

Planner Astorga reported on a phone call he received from the Executive Director of the Utah Heritage Foundation confirming that the Planning Commission had received his letter. The letter was included as Exhibit I in the Staff report. Planner Astorga stated that it was the only public input received prior to preparing the Staff report; however, over the weekend and up until this meeting he received 20 emails from concerned residents. The emails would be forwarded to the Commissioners and would become part of the record. Planner Astorga noted that none of the emails supported the requested LMC amendment.

The Staff recommended that the Planning Commission review the application, conduct a public hearing and forward a negative recommendation to the City Council based on the fact that the Staff finds that the intent of the Heber Avenue Subzone was to provide a transitional element from the HRC to the HCB zones, and that transition is a function of setbacks and height. Should they lose the height, the only difference would be the setback requirement. The Staff believes that mimicking the height of the HCB would lose that transition.

David Luber complimented Planner Astorga and the Staff for their efforts in working with the applicant, LLC Properties Group. As indicated in their overview and response to the Staff report, they are the contract purchaser for the Kimball Arts Center and they expected to close that transaction later in the month. Mr. Luber remarked that the applicant had submitted three applications to the Staff and this was one of those three. The other two applications were for the HDDR review, which was currently being done, and the other was a parking CUP that is subject to review by the Planning Commission on May 13<sup>th</sup>. Mr. Luber stated that the HDDR review was on hold pending a recommendation by the Planning Commission this evening. The parking CUP would not change regardless of whether or not there was a change in height.

Mr. Luber remarked that there have been comments about this request having been before the Planning Commission in the past. He believed this request was different in a number of respects from previous applicants. Mr. Luber explained that the previous application and documents were contained in the Staff report as an exhibit. It goes back to 2008 where the

applicant at that time sought a rezone to HCB for the new building area and to retain some of the dynamics of the existing Kimball Gallery in an HRC. Mr. Luber clarified that the zone text amendment they were proposing focuses exclusively on the height while keeping the rest of the HRC in place.

Mr. Luber referred to a statement in the Staff report indicating that the Staff did not believe that any objectives of the General Plan were being met by the zone text amendment. Since receiving the Staff report over the weekend, he found eight items that were directly on point towards meeting the objectives of the General Plan. They would explain that further in their presentation. Mr. Luber stated that the issue comes down to an interpretation of transition, continuity, scale and massing. He believed their presentation would show the proposed height of 45' in context to the surrounding zones, subzones and the structures and buildings that have been approved by the City Council and Planning Commission over many years. They were prepared to show that the transition they were proposing actually fits better than a 32' height building.

Mr. Luber reviewed a slide of the amendment procedures and explained how they had followed the requirements. On July 9, 2008 options were suggested that would address the applicant's objectives but would not entail rezone of the property and could extend the Heber Avenue subzone to the Main Street facing portion of the property. One of those suggested options was an LMC amendment. Mr. Luber remarked that it was exactly what this applicant was doing. They were taking the Staff recommendation from 2008 and applying it to the zone text amendment and the amendment to the LMC.

Mr. Luber presented a rendering showing that zeroed in on the Kimball Building at a 45' height, the elevation was at 7048. Looking north-south, east-west and the surrounding buildings, they would see that in the HRC by MPD 45' is basically the height that was built for the Marriott structure. The 692 building also received a fourth floor by using leftover MPD density in the HRC. Mr. Luber compared the MPD that was done for the Sky Lodge and noted that the elevation was 7064, compared to the 7048 with their fourth floor. He pointed out several other properties that were 45 feet and the associated elevations. Mr. Luber stated that in talking about the scale, uses and transition, they would submit that their project, based on the zone text amendment, provides a better transition and meets the bed base issues and policies in the Main Street Historic District. Mr. Luber presented another slide showing the number of building surrounding the Kimball that are already four stories. They were made exceptions through the MPD process and they were designed and approved in a process that allowed for more massing along the entire boulevard of zones. Mr. Luber believed that decision was already made and they were conforming to that continuity with respect to the surrounding zones. Mr. Luber reviewed another slide showing zones, uses and scale going north to south and west to east in what he would call the continuity.

Mr. Luber stated that their presentation would go into detail regarding the table of uses and scales. Looking at the various zones it goes from more permitted to less permitted. The more permitted is clearly the HCB which is 100% FAR. All the setbacks are zero with a 45' height. Mr. Luber remarked that taking the HRC/Heber Avenue, which is a less development, and put in a 10' front yard, 5' side yard, and 10' rear yard setbacks and project the project in terms of massing and density to FAR, he believed they were going in the right direction because the FAR is reduced from 100% to 81%. He compared the HRC zone and noted that they were 63% FAR. The HR-1 zone would be a 42% FAR. Mr. Luber stated that the most dramatic slide showed the elements he wanted to address this evening. He explained that the applicant decided to lower the amount of height and density over the existing garage to one story to keep a very low profile and keep the icon structure very visible. The intent is to restore the structure and keep it intact for ages and generations to come. They were looking at the fourth floor as added space because they were giving up space on the garage. Mr. Luber stated that in looking at the setbacks and side yards and how the building was imposed in terms of the HRC and the Heber amended, as well as the ZTA, the FAR would be 50% which was actually below the current HRC zone.

Assistant City Attorney McLean advised the Planning Commission to look at this only as a Code change. The specifics of the actual building were not applicable because it was unique to one building. The issue before them was an amendment to change the LMC and she recommended that they focus on that aspect.

Mr. Luber suggested that Ms. McLean allow the Planning Commission to look at the generalization of the percentages. Kevin Horn remarked that the percentages shown in their presentation were general numbers of a hypothetical 75' x 25' lot and those would be zone wide for all three zones. He noted that the density increases as they progress through the zones.

Mr. Horn reviewed the Purpose Statements of the HRC District and explained why he believed they were fulfilled by the text amendment. Purpose A is to maintain and enhance the character of the historic streetscape. He stated that there has always been an invisible barrier between upper Main and Lower Main and this would continue that streetscape according to Purpose A. Purpose B is pedestrian oriented scale. They recognize that construction along Main Street in the same scale of the surrounding buildings would continue that sense of place that is Main Street. Purpose C talks about minimizing the visual impact of automobiles and parking. Currently there are on-grade open parking areas. By applying this purpose of the zone they would be incorporating and enclosing that parking within the structure. Purpose D is to preserve and enhance landscape and public spaces adjacent to the streets. What was shown in blue was within the property and it



would be developed as public sidewalk. There were also five and ten foot setbacks in compliance with the zone. Purpose E talks about the transition of scale and uses between the HCB and HRC zone. There is some change from east to west; however, going from north to south goes from HCB zone through the HRC zone of which 32 feet is the exception and not the rule. Purpose F and G refer to the bed base at the town lift and allowing limited retail and commercial uses consistent with a resort bed base. Starting with the Town Lift all of the structures have been designed and approved for the purpose of contributing to the vitality of the Town Lift and its functionality. Mr. Horn stated that the closeness of this zone warrants that same treatment. Purpose H is to encourage preservation and rehabilitation of Historic Buildings. Three structures fall into this zone and the proposed increase in height would facilitate and strengthen the ability to provide that preservation of life safety as well as preservation of this resource for the City.

Mr. Luber outlined the objectives that he believed were complimentary to the general text amendment and what they were asking the Planning Commission to achieve. It would put infrastructure in place, lower the amount of on-site parking, contribute to the bed base, keep the iconic structure of the Kimball garage by only focusing height on the new building area facing Main Street, maintain regulatory consistency and continuity with surrounding structures that have four floors. In terms of incentives for adaptive re-use, Mr. Luber believed the incentives were quite clear. Being able to have the fourth floor would help them with the financial model of preserving the Kimball Art Gallery and iconic structure.

Mr. Luber stated that he has been asked whether this would provide any financial benefits to the City. He remarked that their project and the request for the amendment would maximize tax revenue to the City. As a non-profit the current ownership pays no taxes. He estimated that the increase in property taxes, sales tax and increased bed tax would result in significant funds to the City without any adverse economic impact or infrastructure.

Vice-Chair Joyce opened the public hearing.

Reed Foster, a Park City resident for nine years, stated that he is a builder and residential designer and has watched this project through its various phases. Mr. Reed had walked the site earlier that day and he did not understand the transitional zone between Upper and Lower Main. He did not think that keeping the height limit lower in any way helps that transition take place. In his opinion, everything being three stories did not help the transition at all. Mr. Reed thought there was precedent in the area for four stories and he urged the Planning Commission to allow the four stories as requested.

Sanford Melville, a resident on Park Avenue, urged the Planning Commission to deny this request to amend the LMC for the Heber Subzone. He agreed with the comment in the Staff report that there was no public benefit to increase the maximum zone height from 32

feet to 45 feet as requested by the applicant. Mr. Melville pointed out that it represented over a 40% increase in the allowed maximum zone height in this area. If allowed, he believed it would create a canyon-like in this very important corridor to the Historic District.

Ruth Meintsma, a resident at 305 Woodside, thought the picture presented was the telling story. She noted that there was no label of height on the Depot, which is a single story. In looking at the lower numbers she could see an oasis of transition zone. The structures are mostly one and two structures and the higher ones are separated. Ms. Meintsma pointed out that the little pocket where the Kimball is located the structures are lower stories. She thought the applicants only pulled out the highest buildings for their comparison. She suggested that they also pull the lowest buildings to put it all in context.

Jim Tedford, a Park City resident, stated that Historic Main Street continues to come under attack. Even though it is on the National Register of Historic Places and recognized as a unique attraction to locals and visitors, Mining Era Main Street was gradually changing to an anywhere USA version. Mr. Tedford remarked that over the years City Hall has spent thousands of hours and thousands of dollars writing the Park City General, the Land Management Code and the Historic District Design Guidelines in an effort to protect and preserve Park City's Heritage. He stated that the current language was not written in a vacuum and the public has always had the opportunity to participate. Mr. Tedford pointed out that people with personal residences and those with Main Street businesses abided by the rules and successfully made changes to their structures within the current LMC and Design Guidelines. They did so without attempting to change the laws or ignore them in hopes of convincing the local authorities that they deserved an exception. Mr. Tedford thought it was unfortunate that many developers design new buildings and additions that blatantly disregard the laws, and then try to convince the Planning Staff and/or Planning Commission to approve them. If that fails they try to change the laws to accommodate their design. Mr. Tedford stated that the group Preserve Historic Main Street was adamantly opposed to any changes in the current LMC that would allow additional height and change the zone to allow additional height. He emphasized that their objection referred to the entire zone and not one particular building. The zone was well-thought out over the years as a transitional zone and it should be maintained as a transition zone. Granting this request would set a terrible precedent of allowing developers to change the LMC to fit their plan.

Lynn Fey stated that he cares very much about the historic district and historic preservation. She understood that the purpose this evening was not to discuss the developer's plans for the historic Kimball structure; but what the developer was asking the Planning Commission to do was attached to the historic Kimball structure. Ms. Fey acknowledged that exceptions have been made for some buildings and there are height differentials; however, none of the buildings that were mentioned were attached to a

historic structure. Ms. Fey pointed out that in historic preservation you are not allowed to build a one-story addition on top of a historic structure. She asked the Commissioners to picture a one-story Kimball building with a four-story, massive addition to that one-story structure. She believed it was significantly out of scale. Ms. Fey assumed that some people would not be bothered by the change to the Kimball because it is just an old garage, but for those who live in Park City and care about historic preservation, they love the funky Kimball building and the history that goes with it. She was opposed to having a massive addition attached to that historic structure.

Mike Sweeney stated that he was responsible for creating some of the taller buildings when they decided in 1981 to put a ski lift into Old Town Park City. Mr. Sweeney noted that they were required by the Park City Mountain Resort to agree to develop that area as a bed base for the Town Lift. In 1983 the Planning Commission and the City Council approved the Town Lift, but it was not built until 1987 because his family, Park City Mountain Resort and the Huntsman family agreed with PCMR to acquire the land and make sure it would become the base for the Town Lift. It took from 1979 to 1987 to obtain a permit to do that, in addition to working with several other companies to acquire all of that property to make Park City the only place that has a ski lift to Main Street. Mr. Sweeney stated that he pays very close attention to Main Street. The most important thing they can do for Main Street is solve the parking problem and the lack of bed base on Main Street. Mr. Sweeney commented on the amount of office space on Main Street that was being converted to condominiums and not put into a rental pool. He supported this proposed amendment because it was the right thing to do to accomplish the needed bed base in Old Town.

Bill Coleman stated that many things have happened to help justify a change in this zone. He provided background and history on how the idea of the Town Lift was started, as well as other projects in the area. Mr. Coleman stated that at the time they needed height and density and they needed to have it around the Town Lift. He commented on the number of structures that were not commercial buildings when the zone was put into place. Mr. Coleman stated that there was a different sensitivity throughout the town. There was a time and place for the zone to occur, but that has changed. He believed the Planning Commission has every reason to consider a change. He stated that the height of the buildings on Main Street is 45' because in 1970 the fire truck could not reach anything over 45 feet. That was the reason for the 45' height limitation. Mr. Coleman thought it was important to think this same type of thinking throughout the town. They need to look at the resort bases where they want the density so people would not have to drive. They did not want to have the impact grow and not deal with making room for it. Mr. Coleman thought the Planning Commission should also be looking at ways to add height in the BoPa District. People are opposed to tall buildings, but in reality they need to look at everything and determine where it is easy to put them to minimize the transportation issues and to

maximize the resort base so people will not need a car. He also suggested putting them around the transit center. Mr. Coleman stated that if the gondola happens and they have the Town Lift and Main Street, there is no reason not to put height there. He pointed out that things have to evolve and it begins to evolve with the Planning Commission. Rules can be changed and this request is suggesting a change. Mr. Coleman believed there needed to be a broader way of thinking by both the Planning Commission and the City Council. He remarked that this amendment request was a great opportunity to begin fixing problems without affecting the residential uses that were there when the zone was created.

Dave Hanscom stated that he and his former neighbor have disagreed on many things for many years, including this application. Mr. Hanscom encouraged the Planning Commissioner to follow the Staff recommendation and deny the zoning change.

Alex Butwinski did not envy the Planning Commission because this situation is where the desire to remain historic rubs up against development. He asked the Planning Commission to look at that area of Main Street and the variations in height. An important factor is that they are not big boxes next to each other. Mr. Butwinski thought this site allowed the opportunity to create openness on that corner. He did not believe that a large, square, four-story building on that corner was in keeping with the plus side of Old Town, which is the historic character; recognizing the need to balance that with the development of hot beds on Main Street. It is a difficult equation to balance, but in this particular case he thought it was better to keep the open space and the variety of sense of place similar to what exists now. He did not favor allowing a larger building.

Matt Mullen, Chairman of the Board of the Kimball Arts Center, stated that he was asked by the Board to attend this meeting to listen to the proceedings, and to clear the air on several points. Mr. Mullen noted that the Kimball is leaving its historic home. It was unfortunate and sad, but they were leaving and the building is for sale. If this applicant who was under contract to buy it, it would be someone else. The Kimball is moving on and they found a site that better fits their needs. Mr. Mullen wanted to make sure that the Commissioners made their decision based on the facts of the application before them this evening and not on what the Kimball might do, because the Kimball ship has sailed.

Vice-Chair Joyce closed the public hearing.

Commissioner Worel asked if this zone change request was approved, whether the building on the opposite corner could be built to four stories. Planning Manager Sintz replied that it was an MPD and they would have to re-open the MPD and do that analysis. She clarified that the Kimball site is not eligible for an MPD. Planner Astorga agreed that the building Commissioner mentioned would have to re-open the MPD, but yes they could increase the height.

Commissioner Thimm asked to see the map showing the buildings within the sub-zone boundary. Commissioner Worel asked if Zoom was in the zone.

Kevin Horn clarified that the Heber Avenue sub-zone specifically says parcels that front Heber Avenue. Planner Astorga believed that the Zoom building did front Heber Avenue. The site itself was in the condo plat. He noted that the dash line was a record of survey. Therefore, it was not a lot, it was a unit within that area. Everything else would be common space. He remarked that 80% of the building would qualify.

Commissioner Thimm found this to be an interesting issue. One of his concerns about missed opportunities in Park City was the disconnect between upper and lower Main Street. He thought it was important to find a way to knit those together. Commissioner Thimm stated that a lot of planners talk about a million dollar corner, but in his opinion this was a multi-million dollar corner. From a planning standpoint he could see the value in creating height and anchoring a corner in this location. It is diagonally across the street from another four-story building and it makes sense. However, this was not just a proposal for a specific building design. The proposal is to change a zone and create changes that would potentially be disrespectful of important elements from a scaling standpoint in other areas along this face. For that reason he could not support it.

Commissioner Campbell believed the overwhelming issue of the future of Park City is traffic, and he favored anything that would get people out of their cars. He remarked that the City has paid lip service to that issue for a long time without doing anything to resolve it. Commissioner Campbell supports anything that provides a place for people to stay where they do not need a car. In his opinion that trumps everything else and he was in favor of this application for that one reason.

Vice-Chair Joyce stated that is always uncomfortable about changing a zone on behalf of one building. The fact that the applicant submitted their building plans as part of the rezone request reinforced the fact that this was all about adding a fourth story to their building. Vice-Chair Joyce thought the elevation comparisons the applicant presented showing the different building going up the street were nonsensical. In looking at the steepness of Main Street, the buildings at the top would have to be zero feet high and the ones at the bottom could be huge, yet the elevation would appear to be even. He remarked that the important thing was building height. He noted that many times there is a give and take for height, open space, affordable housing, etc., but they did not have that to consider from a rezoning standpoint. Vice-Chair Joyce had walked the area he thought the applicant was not forthcoming in showing all of the buildings. There were a number of buildings of varying heights that were not included in their presentation because they primarily pointed out the four story buildings. Vice-Chair Joyce stated that some people may choose to agree with Commissioner Campbell that adding density is the right thing

and it rules the decision. However, if they honor the reason the zone was put into place with the idea of transition, this building would pop up above everything around it because it is surrounded by one, two and three story buildings. Vice-Chair Joyce thought the question was whether they were willing to change the zoning and overrule the past intention of the sub-zone, or whether they should continue to honor it as the transition and keep it the same.

Commissioner Worel stated that she had visited the site and walked the area and she tried to get a perspective of what a four-story building would look like. While doing that she was standing next to a group of visitors to Park City. They all had their cameras out and were having a conversation about how amazing it was to be able to stand on the street and take a picture of the view corridor from the corner of the Tavern. One comment she heard was, "Can you imagine waking up and being able to look at this everyday". Commissioner Worel believed that speaks to the character of Main Street and the area. If they approve this zoning change they could potentially open the door to have the entire area four story buildings. She was not comfortable doing that and could not support this request.

Commissioner Phillips concurred with his fellow Commissioners. He tried to take his focus off of one specific property because they were talking about changing an entire zone. He also sees Heber Avenue as an entry corridor to Main Street and believes just as many cars enter there as any other part of Main Street. Commissioner Phillips noted that per the Code the HRC zone was created to transition the zones. He understood that the height was a compromise of the two zones and he could not find good cause to change what was put in place with the clear purpose of transitioning zones. Commissioner Phillips stated that Purpose Statement E was clear and changing the height exception would ignore that statement completely. He agreed with the importance of bed base, but he did not think it was a large enough trade-off to change the character of the zone.

Mr. Luber asked for the opportunity to respond to the comments made by the public and the Commissioners. Tony Tyler, the project manager, responded to the interpretation based on what the zone may or may not imply for other properties. He believed the elephant in the room was the fact that other properties within the Heber sub-zone have already been rezoned under an MPD. Mr. Tyler noted that there were trade-offs that allowed higher heights for additional considerations, but that is not an available tool in this particular case. Mr. Tyler asked the Planning Commission if there was a process the applicant could follow that would help achieve what seems to be a very clear transition east to west towards Park Avenue that steps down the building, as well as a continuous height distinction as it drops down towards Main Street, including the fourth story, that would achieve those goals without this particular type of movement that does in effect change one aspect of an individual zone. Mr. Tyler stated that in reality, it only affects this applicant. To open the door to additional properties that are already covered by an MPD is

not practical or feasible unless there was some catastrophic accident. Those properties have already been condominiumized and master planned. He did not believe they would come back to the Planning Commission and ask for a four-story building on the corner of Main and Heber. Mr. Tyler thought it was misguided to think of it in terms of a one property zone change. Mr. Tyler asked for guidance on how to achieve the objectives of maintaining the historic Kimball building, while at the same time making the project economically viable with the additional floor to height they would achieve on the Main Street portion of the property.

Vice-Chair Joyce stated in his experience they either change the zoning code or the zone itself, or get into the negotiations of an MPD where trade-offs can be made. Given the past failed rezone and the comments by the Commissioners this evening, he suggested that the applicants needed to work within the zone and the height of the zone.

Planner Astorga stated that the applicant has the right to request a variance; however, he would not recommend a variance and the Staff would not support it. He explained that the applicant could follow the course of this application and ask the Planning Commission to take a vote this evening, since they would have another chance to present their case to the City Council. Planner Astorga explained that in 2013 the City took away the ability in the HRC zone to have an MPD, which fluctuates the massing of a specific structure through a site suitability analysis. Those other sites were able to be developed through the MPD component, but this site does not have the MPD option. Planner Astorga stated that the applicant could also follow the same General Plan purpose statements and the financial benefit by building a three-story building.

Assistant City Attorney stated that based on the comments this evening, the Planning Commission should either vote to forward a recommendation to the City Council, or the applicant could withdraw the application. Mr. Luber stated that the applicant had no interest in withdrawing the application.

**MOTION:** Commissioner Worel moved to forward a **NEGATIVE** recommendation to the City Council for the LMC amendment regarding the Heber Avenue subzone in the HRC Zone.

**VOTE:** The motion passed 4-1. Commissioner Campbell voted against the motion.

The Park City Planning Commission Meeting adjourned at 10:30 p.m.

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



**Planning Commission  
Staff Report**

**Subject:** FY 2016 Capital Improvement Project Plan  
**Author:** Matt Cassel, City Engineer  
**Date:** May 13, 2015  
**Type of Item:** Informational Item



**Description**

The City Engineer recommends that the Planning Commission review the 2016 Capital Improvement Project Plan for consistency with the General Plan. The projects highlighted in the plan are those that could have planning implications.

**Background**

In previous years after the Capital Improvement Plan (CIP) Committee (made up by staff) had completed their analysis and project prioritization and provided their final recommendation to the City Manager, the plan has been forwarded to the Planning Commission for review for consistency with the existing General Plan.

**Process**

Using a ranking system developed by the Budget Department, individual projects submitted by each department were ranked and scored by the committee members, the results were combined and a project prioritization list was created. The CIP Committee completed their analysis and project prioritization in late March and this list is attached as Exhibit A.

The ranking system included five criteria;

- ✓ **Criteria 1 – Objectives** - Meets the vision of a current City Council Goal/Priority (Weight 1.25),
- ✓ **Criteria 2 – Funding** – Source availability an competition for funds (Weight 1.5),
- ✓ **Criteria 3 – Necessity** – Project is a “need have” verses a “nice to have” (weight 1.25),
- ✓ **Criteria 4 – Investment** – Project has a positive history of prior investment suggesting additional support (Weight 1.00), and
- ✓ **Criteria 5 – Cost/Benefit Analysis** – Revenues (or savings) compared to costs (operating and capital) (Weight 1.00).

**Department Review**

This project has not gone through an interdepartmental review.

**Public Input**

No public input has been requested at the time of this report.

**Recommendation**

The City Engineer recommends that the Planning Commission review the 2016 Capital Improvement Project Plan for consistency with the General Plan.

**Exhibit**

Exhibit A – CIP Description Report

Capital Improvement Plan		
FY 2015 - 2020		
Project Number & Name	Manager	Project - Description
New 000352 Legal Software for Electronic Document Management and Workflow	Robertson	During the past two years, legal staff has researched a few software storage companies to fit the needs of the department with eliminating hard files that can be effortlessly converted over to an efficient paperless system (electronically). The Legal Staff has decided to begin converting over with the Prosecution Program first and is anticipating moving in the same direction at a later time for all civil litigation files and project files.
New 000362 McPolin Farm Barn Seismic Upgrade	Carey	The existing structure is currently inadequate to resist snow loads, wind loads and high seismic loads required by local building codes. There are several structural deficiencies with the general framing of the building that should be repaired. The connection of the floor beams to the exterior wood post needs to be strengthened, the gable walls need to be stiffened and the floor framing at the stairs need to be strengthened. The gable walls need to be stiffened and the floor framing at the stairs needs to be strengthened. Under design snow loads, the roof structure is highly over stressed. One of the 2014 top priorities for City Council is historic preservation. The McPolin farm is considered a historic icon in the entryway corridor to Park City. If it falls down we'll all be in trouble. Staff and the FOF Committee feel that the City should also make the barn available for small tours while they are in the process of the stabilization. A survey by the community will be completed by March 15, and will be presented to Council 3/26/15
New 000363 Payment for snow storage lot	McAfee	Fall of 2014 City Council approved the purchase of .78 acres located at Round Valley Drive in the Quinn's Junction area for the purpose of remote snow storage lot and laydown yard.
New 000366 1450-60 Park Avenue	Robinson	Development of an 8 - 12 unit affordable housing subdivision at 1450-60 Park Avenue. This property was purchased in 2009 for affordable housing. Council has provided direction to move forward with the city as the sponsor/developer. Estimated development costs including soft costs and construction is \$2,61,750. It is expected that 85 percent of the CIP request (\$1.92mi) will be reimbursed through proceeds of sale.
New 000368 Artificial Turf Replacement Quinn's	Fonnesbeck	Artificial turf field was installed in 2005 and has a life expectancy of 10-15 years. We are projecting replacement in 2020.
New 000369 Parks Irrigation System Efficiency Improvements	Fonnesbeck	Create a program to fund irrigation system improvement to increase system efficiencies. Some of our irrigation systems are approaching 30 years old and in need of an upgrade. With new irrigation equipment or modifications, current systems could be updated to improve system efficiencies. The program would include: <ul style="list-style-type: none"> <li>• Perform a water audit using a certified third party auditor to test the distribution uniformity (DU) of the larger systems.</li> <li>• Evaluate each park design and functionality; identify opportunities to modify existing park area to create a lower water use landscape.</li> <li>• Use audit information to identify inefficiencies in each system and outline future projects.</li> <li>• Create a program to systematically upgrade irrigation system and/or landscaping. Following system upgrades, the park would be retested to verify efficiency increases. The program would be an on-going program investing 25,000 annually.</li> </ul>
New 000370 Remote snow storage site improvements	McAfee	Site improvements are necessary to ensure proper BMP's are established and create better usage of property.
New 000371 Streets and Water Maintenance Building	McAfee	Public Works Operations Facility for Streets and Water Operations and Equipment.
New 000376 Expand Rental Locker Capacity	Noel	Add 22 rental lockers to our current inventory of 64.
New 000380 Private Land Acquisition #1	Robinson	This is a joint acquisition with the open space fund of private property. The land will be developed to include publicly accessed open space as well as a small subdivision of approximately 8 single family homes. The total acquisition cost is \$500,000. This CIP request is for \$250,000.
New 000381 Private Land Development #1	Robinson	Development of an 8 unit affordable housing community. The land is currently under negotiation. This request is dependent upon successful acquisition. The initial phase of the request is for \$184,000 in predevelopment funding. Total estimated development costs including soft costs and construction is \$2,288,400. It is expected that 90 percent of the CIP request will be reimbursed through proceeds of sale.
New 000382 13th Avenue Corridor	Robinson	This is a request for predevelopment funding in FY 18 and construction funding in FY 19 to create 8 small cottages along 13th Street on the edge of the library field. This was a site Council added to the five-year housing agenda. It will be considered this spring during the Lower Park Avenue design charrette. Total estimated development costs are \$1,886,000.
New 000384 Old Town Housing	Robinson	This project is the development of 12-units townhouse/stacked flat in Old Town on land to be acquired. Estimated development costs including soft costs and construction is \$3,205,000. It is expected that 84 percent of the CIP request will be reimbursed through proceeds of sale. This percentage may increase depending on the cost of soil remediation and overall construction costs.
New 000386 Land Acquisition/Banking Program	Robinson	This request is for funding for feasibility and land acquisition for future development. Several potential sites have been identified. As the City begins an aggressive housing development program, it will be necessary to have a source of funding for future land acquisition to respond to new opportunities. Land acquisitions may be done in tandem with open space purchases.
New 000387 Neighborhood Preservation Program	Robinson	This an acquisition/rehabilitation/resale program targeted to older neighborhoods in Park City that are being targeted for tear down/redevelopment and pushing prices beyond even middle income residents. This is designed as a pilot program to promote reinvestment by the private sector and develop new funding sources and mechanisms for homeownership. There is currently on property under negotiation.
New 000388 Traffic Management Cameras	Cashel	Real time visual monitoring of developing traffic conditions will enable the City to respond more effectively to traffic events.
New 000391 Master Plan for Recreation Amenities	Fisher	We have completed the Mountain Recreation Action Plan but need to complete a master plan for the Park City Sports Complex as well as the PC MARC. Facilities have been identified but need to take a global look at existing spaces and facilities so we have a clearer picture of what goes where.
New 000392 Comstock Tunnel Discharge	Ober	Elimination of groundwater discharge to Silver Creek. This will prevent the need for a UPDES Permit and potential treatment of water.
New 000396 HR: Applicant Tracking Software (Recruiting software)	Robertson	Currently all recruitments (part time, seasonal, full time, etc.) are handled manually by HR and the respective departments conducting a recruitment. The recruitment process involves manual entry of resumes and applicants' information. When a successful candidate is hired, the candidate must complete additional paperwork, that otherwise could be automated. Applicant tracking software would streamline the HR recruitment process. Applicant software generates digital versions of paper forms and tracks the candidates' progress through the recruitment. Thus improving the overall process.
New 000398 Replacement of Data Backup System	Robertson	Currently all City data is stored on a platform that provides data backup and recovery services. However, our City data has grown at exceptionally high rates in the past two years, thus our backup platform requires an upgrade to meet these new demands.
New 000399 Video Storage Array	Robertson	The capture, storage and archiving of video information is a large component to the City's information store. However, much of this information should be separated into lower cost infrastructure. Thus reducing the cost of upgrading existing (higher-priority) storage array.
New 000400 Paid Parking Infrastructure for Main Street Area	Fonnesbeck	Paid Parking Infrastructure for Main Street Area - Gates, technology, signage, other improvements
New 000401 C7 - Neck Tank to Last Chance	McAfee	Replace undersized and inadequate supply line in lower deer valley

New 000402 C1 - Quinns WTP to Boothill - Phase 1	McAfee	This is project will increase the water line size in a key area of our system between the Quinns WTP and the Boothill Tank. This will be required to deliver more water associated with at WTP expansion.
New 000403 Regionalization Fee	McAfee	This is a contractual obligation associated with the Western Summit County Project
New 000404 Operational Water Storage Pond	McAfee	Operational water storage pond for the Lost Canyon Importation Project
New 000407 Building Permit Issuance Software	Robertson	In order to increase customer service, efficiency and capabilities, the Building Department is requesting a new permit tracking software. Currently, the Building Department office staff manually type an inspection schedule to post online each day. Redundant permit files are created in order to receive fees (at the time of plan review deposit, permit issuance, increased bonds, etc.) a new permit is created. Applicants complete a carbon copy application forms and then must wait to allow time for the office staff to manually input their information into the computer. Inspectors hand write inspection reports in the field and then type the inspection results into the computer at the end of the day when they return to the office. (City Manager Recommended)
<b>New 000408 LED Streets Lights Phase I</b>	<b>McAfee</b>	<b>Awarded as part of the innovation grant challenge.</b>
New 000409 Bus Stop Play Project	Fisher	Awarded as part of the innovation grant challenge.
New 000410 Park City Disc Golf	Rockwood	The Budget, Recreation and Sustainability departments are currently evaluating the possibilities of installing a 18 to 27 hole disc golf course in Park City. Disc golf is a rapidly growing sport across the County and is played by a wide user base of men and women from ages 8 to 80 as a low cost alternative outdoor recreation activity. In the United States alone, there are currently over 4,900 disc golf courses available in a multitude terrains and skill levels. The addition of a free, publicly available, disc golf course in Park City would be a great addition to the outdoor recreation options for guests and the local community. With this project, staff is proposing the addition of a world class level course suitable for amateurs and professionals as well as new comers to the sport. Staff is currently evaluating location options which may possible be suitable and appropriate for disc golf. Disc golf courses are sustainable options which use the current topography and have low impact on the environment. A disc golf course requires little maintenance and minimal staff time. Staff's intention is to create a high quality course which will meet the high Park City recreation standards. Staff will return to council with additional details and proposals as options are evaluated.
New 000411 Parks and Golf Maintenance Buildings	Fonnesbeck	
CP0001 Planning/Capital Analysis	Rockwood	Annual analysis of General Impact Fees to determine/justify formula, collection, use. Including GASB 34 planning and implementation.
CP0002 Information System Enhancement/Upgrades	Robertson	Funding of computer expenditures and major upgrades as technology is available. Technological advancements that solve a City need are funded from here. Past examples include web page design and implementation, security systems, document imaging, telephony enhancements, etc.
<b>CP0003 Old Town Stairs</b>	<b>Twombly</b>	<b>An ongoing program to construct or reconstruct stairways in the Old Town Area. Stairways that are in a dilapidated condition beyond effective repair are replaced. Most of the stair projects include retaining walls, drainage improvements and lighting. Like trails, the priority depends on factors such as adjacent development, available easements, community priority and location. Funding comes largely from RDAs so most funding is restricted for use in a particular area. Tread replacements are planned beginning with the oldest in closest proximity to Main Street. New sets proposed include 9th St. with three new blocks at \$300,000 (LPARDA);10th St. with 1 new block at \$100,000 (LPARDA);possible improvements to Crescent Tram pending resolution of the current parcel discussions (no identified funding); Reconstruct 3rd St, 4th St, 5th St, others as prioritized (Main St RDA). See also Project #722.</b>
<b>CP0005 City Park Improvements</b>	<b>Fisher</b>	<b>As Park City and surrounding areas continue to grow, there is a greater public demand for recreational uses. This project is a continuing effort to complete City Park. The funds will be used to improve and better accommodate the community's needs with necessary recreational amenities.</b>
CP0006 Pavement Management Implementation	McAfee	This project provides the funding necessary to properly maintain and prolong the useful life of City owned streets and parking lots. Annual maintenance projects include crack sealing, slurry sealing, rototilling, pavement overlays and utility adjustments.
CP0007 Tunnel Maintenance	McAfee	Maintenance and inspection of the Judge and Spiro Mine tunnels. Replacement of rotting timber with steel sets and cleanup of mine cave ins. Stabilization of sidewall shifting with split set of bolts and screening. Track replacement. Flow meter OM&R.
CP0009 Transit Rolling Stock Replacement	Fonnesbeck	This program provides for the replacement of the existing transit fleet. It is anticipated what the Federal Transit Administration will be providing 80 percent of the purchase cost.
CP0010 Water Department Service Equipment	McAfee	Replacement of vehicles and other water department service equipment that is on the timed depreciation schedule.
<b>CP0013 Affordable Housing Program</b>	<b>Robinson</b>	<b>The Housing Advisory Task Force in 1994 recommended the establishment of ongoing revenue sources to fund a variety of affordable housing programs. The city has established the Housing Authority Fund (36-49048) and a Projects Fund (31-49058). Fund 36-49048 will be for the acquisition of units as opportunities become available, provision of employee mortgage assistance, and prior housing loan commitments. It will also provide assistance to developers in the production of units.</b>
<b>CP0014 McPolin Farm</b>	<b>Carey</b>	<b>City Farm Phase II - Landscaping. Trailhead parking. Completion of the sidewalks, ADA accessible trail to safely accommodate the passive use of the property. Pads and interpretive signs to display antique farm equipment.</b>
CP0017 ADA Implementation	Fonnesbeck	Many of the City's buildings have restricted programs due to physical restraints of the buildings. An ADA compliance audit was conducted by the building department and phase one improvements have been made. Additional funds will be needed to continue the program to complete phase 2 and 3 improvements.
CP0019 Library Development & Donations	Juarez	Project 579 also includes a category 39124. Public Library development grant. This is a grant made to all public libraries in Utah by the State, based on population and assessed needs. The uses of this money are restricted by State statute, and must be outlined in the Library goals which are set by the Library Board and due to the State Library at the end of October each year.
<b>CP0020 City-wide Signs Phase I</b>	<b>Weidenhamer</b>	<b>Funded in FY02 - Continue to coordinate and install way-finding and directional signs throughout the City.</b>
CP0021 Geographic Information Systems	Robertson	Utilize the geographic information system software obtained in grant from ESRI to produce a base map, parcel map, and street center line map. Maps will be used by numerous city departments for planning and design purposes. This program is a joint venture between PCMC & SBSID. An interlocal agreement is pending between PCMC, SBSID, and Summit County.
CP0025 Bus Shelters	Fonnesbeck	Passenger amenities such as shelters, and benches have proven to enhance transit ridership. This project will provide the funding necessary to redesign and install shelters and benches at new locations. These locations will be determined using rider and staff input as well as rider data. Funding will be 80% FTA funds, 20% transit fund balance.
CP0026 Motor Change-out and Rebuild Program	McAfee	In order to minimize the potential for water distribution interruptions all system pumps and motors are evaluated at least yearly with those indicating a problem taken out of service and either repaired or replaced. Funded by user fees.
CP0028 5 Year CIP Funding	Rockwood	This account is for identified unfunded projects.
CP0036 Traffic Calming	Cassel	Over the last few years residents have expressed concerns with the speed and number of vehicles, safety of children and walkers. The interest of participation for traffic calming has come in from all areas of town. Funding covers traffic studies, signage, and speed control devices.

CP0040 Water Dept Infrastructure Improvement	McAfee	General asset replacement for existing infrastructure including such assets as pipelines, pump stations, valve vaults, etc.
CP0041 Trails Master Plan Implementation	Twombly	Existing Funds will be utilized to construct the following trails and infrastructure: Prospector connection, April Mountain Plan, Historic trail signage and Daly Canyon connections. Additionally, Phase III trailheads at April Mountain and Meadows Dr. East. Requested funds for future FY include projects associated with continuation of trail connectivity as outlined in the Trails Master Plan and those identified in the PC Heights MPD, more specifically identified as Phase I and II of the Quinn's Park and Ride connections. Easements have been secured for these pathways. Staff will utilize local and state grants to offset costs associated with these connections.
<b>CP0042 Property Improvements Gilmore O.S.</b>	<b>Twombly</b>	<b>The City's property acquisitions often require improvements for the City's intended uses. Improvements typically include structural studies, restoration, environmental remediation, removal of debris, basic cleanup, landscaping, and signs.</b>
CP0046 Golf Course Improvements	Fonnesbeck	This fund encompasses all golf course related projects, enlarging tee boxes, fairways, restroom upgrade, landscaping, pro-shop improvements and other operational maintenance projects.
CP0047 Downtown Enhancements/Design	Gustafson	Close Out Project
CP0061 Economic Development	Weidenhamer	The project was created to provide "seed money" towards public/private partnership ideas. These expenditures are a result of the beginning stages of economic development plan.
CP0069 Judge Water Treatment Improvements	McAfee	Funded by federal funds, user fees, bonds. This project will fund improvement necessary to meet EPA water quality mandates for the Judge Tunnel source.
CP0070 Meter Reading Upgrade	McAfee	This project will provide funding to upgrade meters to enable remote radio reading of water meters. This process will improve the efficiency and effectiveness of water billing.
CP0073 Marsac Seismic Renovation	Gustafson	Marsac seismic, HVAC, ADA and associated internal renovations.
CP0074 Equipment Replacement - Rolling Stock	Andersen	This project funds the replacement of fleet vehicles based upon a predetermined schedule. The purpose of the project is to ensure the City has the funding to replace equipment that has reached the end of its useful life.
CP0075 Equipment Replacement - Computer	Robertson	The computer replacement fund supports replacement of computer equipment and support infrastructure including network, servers, and climate control systems. However, replacement decisions are driven by technological advancements, software requirements, and obsolescence.
CP0081 OTIS Water Pipeline Replacement	McAfee	Water Replacement as part of the OTIS road projects
CP0089 Public Art	Rockwood	This project is designed to fund public art as part of an "Arts Community Master Plan". Public Art will be funded following the Council adopted 1% allocation form each City construction project policy where applicable.
CP0090 Friends of the Farm	Carey	Use to produce events to raise money for the Friends of the Farm and use for improvements to the farm.
CP0091 Golf Maintenance Equipment Replacement	Fonnesbeck	This fund is used for golf course equipment replacement.
<b>CP0092 Open Space Improvements</b>	<b>Fonnesbeck</b>	<b>This fund provides for maintenance, improvements, and acquisition of Park City's Open Space.</b>
CP0097 Bonanza Drive Reconstruction	Cassel	To accommodate new water lines, pedestrian enhancements, gutters, storm drains and landscaping. Possible UDOT small urban area funding.
<b>CP0100 Neighborhood Parks</b>	<b>Twombly</b>	<b>This project includes the creation of neighborhood parks through the use of Park and Ice bond proceeds. This includes projects in Park Meadows, Prospector, and Old Town.</b>
<b>CP0107 Retaining Wall at 41 Sampson Ave</b>	<b>Cassel</b>	<b>City contribution of retaining wall at 41 Sampson Avenue (Donnelly House)</b>
CP0108 Flagstaff Transit Transfer Fees	Cashel	Account for transit transfer fees dedicated to improvement enhancement of Park City transit system.
<b>CP0115 Public Works Complex Improvements</b>	<b>Fonnesbeck</b>	<b>This project will provide for additional office space &amp; furnishings required to house streets/transit/fleet personnel.</b>
CP0118 Transit GIS/AVL System	Fonnesbeck	GIS and AVL systems to provide real time information to passengers and managers to better manage the transit system.
CP0123 Replace Police Dispatch System	Robertson	Replace police CAD/RMS system to meet Public Safety demands.
<b>CP0128 Quinn's Ice/Fields Phase II</b>	<b>Twombly</b>	<b>Additional development of outdoor playing fields and support facilities</b>
CP0136 County Vehicle Replacement Fund	Fonnesbeck	Holding account for Regional Transit Revenue dedicated to vehicle replacement of county owned equipment.
CP0137 Transit Expansion	Fonnesbeck	These funds are dedicated to purchasing new busses for expanded transit service.
CP0140 Emergency Power	McAfee	Complete study to develop recommendations for emergency backup power needs for the water system.
CP0142 Racquet Club Program Equipment Replacement	Fisher	For ongoing replacement of fitness equipment.
CP0146 Asset Management/Replacement Program	Fonnesbeck	Money is dedicated to this account for asset replacement each year. Creation of schedule in FY 07 for Building replacement. Updated in FY 13.
CP0150 Ice Facility Capital Replacement	Noel	For ongoing capital replacement at Quinn's Ice Facility. Funding provided by City and Basin per interlocal agreement.
CP0152 Parking Equipment Replacement	Andersen	For replacement of parking meters on Main St., parking vehicles, and handheld ticket writers. Funded by meter fee revenues.
CP0155 OTIS Phase II(a)	Cassel	OTIS Phase II and III – These projects are a continuation of the Old Town Infrastructure Study and resulting rebuild of Old Town roads that started in 2002. The upcoming roads include 8th Street, 12th Street, McHenry Avenue, Rossi Hill Drive and Silver King.
CP0157 OTIS Phase III(a)	Cassel	OTIS Phase II and III – These projects are a continuation of the Old Town Infrastructure Study and resulting rebuild of Old Town roads that started in 2002. The upcoming roads include 8th Street, 12th Street, McHenry Avenue, Rossi Hill Drive and Silver King.
CP0160 Ice Facility Capital Improvements	Noel	For various projects related to the Ice Facility as outlined in the Strategic Plan.
CP0163 Quinn's Fields Phase III	Twombly	Construction of remaining 3 planned playing fields, sports lighting for 2 fields, scoreboards for all fields, parking spaces for 167 vehicles, parking lot lights, trails, sidewalks, and supporting irrigation system, utilities, landscaping and seeding.
CP0167 Skate Park Repairs	Fisher	Re-paint fence and re-caulk the concrete joints.
CP0171 Upgrade OH Door Rollers	Fonnesbeck	Maintenance Equipment & Parts for Old Bus Barn Doors
<b>CP0176 Deer Valley Drive Reconstruction</b>	<b>Cassel</b>	<b>Total estimated project cost: \$2,000,000. Unfunded amount is the difference between \$1,000,000 in requested impact fees and local match (which is funded by Transfer from General Fund).</b>
CP0177 China Bridge Improvements & Equipment	Andersen	Stairwell Old CB; Fire Sprinkler Upgrade OLD CB; Snow Chute
CP0178 Rockport Water, Pipeline, and Storage	McAfee	This project will construct upgrades to the Mt. Regional Water Pump Station at Rockport and a new pump station and intake that will be owned and operated by WBWCD, all to deliver Park City's reserved water from Rockport and Smith Morehouse reservoirs. Also included is the cost of water from WBWCD and replacement fund for the infrastructure.
CP0181 Spiro Building Maintenance	McAfee	Construct upgrades to office building supports that are rotting and determine and construct necessary drainage improvements to the building.
CP0186 Energy Efficiency Study -City Facilities	Ober	Data management for all municipal utilities. This tool will expedite carbon foot printing and better identify energy and cost saving opportunities.

CP0191 Walkability Maintenance	McAfee	This funding is provided for the purpose of ongoing maintenance of completed Walkability Projects.
CP0196 Downtown Projects - Phase III	Weidenhamer	Pedestrian connections and enhancements in the downtown corridor
CP0201 Shell Space	Gustafson	Construction of Shell Space
CP0203 China Bridge Event Parking	Andersen	This project will provide additional parking for Park City.
CP0216 Park & Ride (Access Road & Amenities)	Fonnesbeck	This project will provide funding to construct an access road from Wasatch County to the new park and ride at Richardson Flats. Intersection improvements at SR-248 are necessary for safe and efficient operations of Park and Ride and Park City Heights.
CP0217 Emergency Management Program	Daniels	This project funds Emergency Program Management, the Emergency Operations Center (EOC), City building emergency preparedness supplies, emergency response equipment and supplies, interim mobile command post, community outreach and emergency information technology and communications. Apparently our request for \$15,000 for FY2014 was inadvertently left off in 2012 and was not included in the two-year budget. Projects we anticipated having those funds for are now on hold. However after reviewing the program I believe we can decrease the original FY14 request to \$10,000 from \$15,000. For FY15 & FY16 the \$10,000 for each year increases EOC, response, sheltering and technological capabilities.
CP0226 Walkability Implementation	Weidenhamer	This project funds varying projects related to the Walkability Community program. The projects to be completed with this funding will be as outlined by the Walkability Steering and CIP committees and as approved by City Council during the 2007 Budget Process  This was cp0190 in the FY2009 budget
<b>CP0228 Snow Creek Affordable Housing</b>	<b>Robinson</b>	<b>For the planning, design, and construction of the Snow Creek Affordable Housing Project.</b>
CP0229 Dredge Prospector Pond	Fonnesbeck	This fund would pay for the dredging of the Prospector Pond. (Project delayed for Storm Water Master Plan)
CP0231 Mortgage Assistance Program	Robinson	This program provides second mortgage loans to assist employees to purchase homes in the city/school district. The importance of local employees has been recognized during emergency mgmt. planning. It is also an employee recruitment/retention tool.
CP0236 Triangle Property Environmental Remediate	Ober	Cost associated with the assessment and closure of the property through the Utah Voluntary Clean-up program.
CP0238 Quinn's Junction Transmission Lines	McAfee	This is complete and should be deleted
CP0239 PC Heights Capacity Upgrade (tank)	McAfee	This is to pay for an upsize of the Park City Heights Tank per the Water Agreement
CP0240 Quinn's Water Treatment Plant	McAfee	Capacity expansion of Quinns Water Treatment Plant and pig launch/retrieval facility.
CP0244 Transit Contribution to County	Fonnesbeck	For annual capital contribution to Summit County
CP0248 Middle Silver Creek Watershed	Ober	Non-water related acres: accrued a liability and expenditure of \$272,000 in the government-wide statements, governmental activities column
CP0250 Irrigation Controller Replacement	Fonnesbeck	The Parks Department has a total of 38 irrigation controllers located throughout town at all City facilities including, City buildings, athletic fields, parks, school fields, etc. These electronic devices provide irrigation control to landscaped areas by radio communication from the Central computer to the individual field units. Some of these controllers are 20 years old, as they were originally installed in the early 1990s. Over the past four years we've continued to experience many electronic/communication problems with these old outdated field units. We recommend taking a systematic approach by replacing 2-4 controllers a year for the next several years. To date we are about 30% complete.
CP0251 Electronic Record Archiving	Robertson	This project is used to purchase and implement electronic archival solutions for storage and conversion of paper processes/workflows. As of February 2014, phase one has been paid and implementation will soon begin. Finance will be the initial benefactor and will begin processing and storing invoices electronically saving storage and retrieval time.
CP0252 Park City Heights	Robinson	Predevelopment expenses for PC Hts including consultants (wholly our cost) engineering, traffic and design studies (split with Boyer)
CP0255 Golf Course Sprinkler Head Upgrade	Fonnesbeck	The sprinkler heads on the course are 26 years old. These heads are worn out and outdated. The new sprinkler heads are more efficient in water application and distribution uniformity. PROJECT COMPLETED - PLEASE REMOVE
CP0256 Storm Water Improvements	Cassel	This money would be to fix and repair any of our current storm water issues within the city.
CP0258 Park Meadows Ponds Control Structure	Cassel	The existing control structure uses planks that are occasionally removed causing downstream flood. This would replace the wood planks with a lockable gate.
CP0260 Monitor and Lucky John Drainage	Cassel	Correct the drainage issue around the Lucky John and Monitor intersection.
<b>CP0263 Lower Park Avenue RDA</b>	<b>Weidenhamer</b>	<b>The project entails planning, design, demolition, reconstruction of historic buildings, construction of new buildings, and possible land acquisition in the Lower Park, Woodside, platted Norfolk and Empire Avenues North of 13th Street within the Lower Park Avenue RDA. PM I includes new community center and reconstruction of 2 historic houses at Fire Station area.</b>
CP0264 Security Projects	Daniels	The Building Security Committee was established in 2008 and makes recommendations on security issues, training and equipment for all occupied city buildings. The two largest components are Closed Circuit Video Systems (CCVS) and Electronic Access Controls (electronic door locks), along with some smaller security upgrades including, alarms, fragment retentive film, lighting and training. This is a multi-year project with estimates for camera upgrades and expansion at \$200,000, Access Controls at \$150,000 and other projects at \$50,000. Some funding for upgrades may be available from the Asset Management Fund. The funds from the LPARDA are for the City Park Recreation Building and/or the Library/Education Center. Emergency Management Information Technology and Building Maintenance are partners in this project.
<b>CP0265 Crescent Tramway Trail</b>	<b>Cassel</b>	<b>This request is to secure funds specifically for the improvement of the Crescent Tramway Trail creating an identifiable, safe, and connected pedestrian trail. The Crescent Tramway easement follows the historic route of a narrow-gauge railroad which was first used in the late 1800s to carry ore from the Crescent Mine to the Park City Smelting Company. The trail begins near the corner of Park Ave and Heber Ave and winds up the foothills. It passes Woodside Ave, Norfolk Ave, and Lowell Ave, before it reaches a plethora of trails within the recreational open space areas. the tram route closed in 1898 after the smelter burned to the ground, and the railroad tracks were pulled up around 1901. The tramway has since been used as a pedestrian path, hiking trail, and bike route. Past development along the Crescent Tramway Trail has made it difficult to follow the pedestrian easement and it is even unrecognizable as a pedestrian trail in areas.</b>
CP0266 Prospector Drain - Regulatory Project	Ober	Project is being done under an Administrative Order on Consent with the EPA to address the discharge of metals impacted water from the Prospector Drain and Biocell. Project involves first conducting an Engineering Evaluation and Cost Analysis, then selecting a remedial action and implementation. In addition, a Natural Resource Damage Assessment must be done that will determine compensatory restitution for damages to natural resources.

CP0267 Soil Repository	Ober	Should we successfully complete the current negotiations with the EPA on the Multi-Party agreement then Park City would likely need to financially participate in a portion of the construction of a soils repository. These would be a one-time cost. Ongoing costs for the repository would likely be incurred by United Park City Mines. Park City would likely not have a future role in the operation of the repository.
CP0269 Environmental Revolving Loan Fund	Ober	Sustainability Staff is requesting \$100,000 in additional funds for the Environmental Revolving Loan Fund. With the hire of an Energy Project Manager through Rocky Mountain Power's demand side management program, Sustainability will be pursuing 3,000,000 kWh in energy savings over the next three years. This work will result in annual, ongoing savings of at least \$75,000 per year (\$225,000 per year by 2019). Increasing the Environmental Revolving Loan Fund by \$100,000, or to a total balance of \$278,000, will allow the Energy Project Manager to rapidly fund and deploy projects. The Environmental Revolving Loan Fund is repaid through energy savings. All but \$24,000 of the fund is currently invested in high return projects.
CP0270 Downtown Enhancements Phase II	Weidenhamer	10 year improvement plan for pedestrian enhancements and public gathering spaces in the Main Street area. Pedestrian enhancements consist of replacing the curb, gutter, sidewalks, street lights, and the addition of storm drains, benches, trash and recycling bins... Gathering spaces include plazas and walkways.
CP0273 Landscape Water Checks	McAfee	sprinkler audits and improvement recommendations
CP0274 PC Heights Development Infrastructure	McAfee	
CP0275 Smart Irrigation Controllers	McAfee	This is an incentive program designed to reduce water demand through the use of technology that adjusts watering amounts based on climatic conditions.
CP0276 Water Quality Study	McAfee	This is for various water quality related studies and activities such as pipe cleaning, monitoring equipment installation, studies, and research opportunities.
CP0277 Rockport Capital Facilities Replacement	McAfee	This is for asset replacement related to the diversion and pumping structures on the Rockport Reservoir
CP0278 Royal Street	Cassel	Royal Street Project – The Royal Street Project is the permanent repairs to the section of Royal Street that slide during the high spring run-off from a three years ago. This project will reinforce the existing wall to give it a 20 plus year life span. Current life span at construction was estimated at five years. Construction will start this July and be completed by October.
CP0279 224 Corridor Study and Strategic Plan	Cashel	Project includes a corridor study and strategic plan for State Route 224 between Thaynes Canyon Drive and the Deer Valley Drive/Bonanza Drive intersection. The resulting Plan will be a guideline for future decisions regarding Walkability projects and connectivity, transportation efficiencies, and access. The Plan will fold into land use and redevelopment decisions regarding the western side of the Bonanza Park district and General Plan discussions.
CP0280 Aquatics Equipment Replacement	Fisher	There is no capital replacement fund for the two outdoor pools. This will be set up to build a fund balance for the eventual replacement of pool infrastructure and equipment. This year we had to use Asset Management Funds for several repair/replacement items.
CP0282 Fuel Trailer	Andersen	Purchase a fuel trailer with capacity enough to refuel emergency generators from city fuel tanks at new fueling facility
CP0283 Storm Water Utility Study	Cassel	Storm Water Utility Study – This study will look at the opportunities in creating a storm water utility which would then be used to fund our storm water system operation and maintenance activities. Currently funds are used from other Public Work programs to maintain our current storm water system. This study will look at how the utility will be structured, the potential revenue generated and the administrative operations of the utility.
CP0285 PCMR Transit Center	Fonnesbeck	This CIP will fund the design and construction of a new transits center at Park City Mountain Resort
CP0286 Ironhorse Electronic Access Control	Fonnesbeck	This CIP will provide for Electronic Access Control for the 72 doors at Ironhorse Public Works Facility. Costs are shared based upon proportional share of doors. Project will be phased over 3 years.
CP0287 Ironhorse Seasonal Housing	Fonnesbeck	Seasonal housing (Dorm Style) for up to 16 seasonal transit employees to be constructed on Ironhorse Property. Rents will recapture op expenses, capital renewal, and initial capital.
CP0288 Transit Signal Priority	Fonnesbeck	This CIP project will install Transit Signal Priority equipment in Signals along SR-248 and SR-224. this system will provide extra green light when a transit bus is in the signal queue. This increased green time will contribute to the convenience and dependability of Transit travel times.
CP0289 Ironhorse Transit Facility Asset Management	Fonnesbeck	This CIP will fund ongoing Capital Renewal needs for the City's expanded Ironhorse Transit facility. This fund will provide for roof, parking garage, HVAC, lifts and equipment capital renewal. Summit County contributes its proportional share.
CP0290 APP Development	Robertson	This App Development request consists of development services required to create and maintain new "Apps" that are becoming an expected part of city services delivery. It is anticipated that several core functions could be offered through Apps on mobile devices, namely requesting information and work from city staff. A proposed historic web app has been approved by Council and is expected to be completed fall 2014.
CP0291 Memorial Wall	Fisher	Council was supportive of building a Memorial Wall at the PC Cemetery. The cost of construction will be recovered through the sale of "plates" that will be installed on the wall.
CP0292 Cemetery Improvements	Fisher	City Council has an interest in developing a head stone replacement and restoration program for the cemetery. There is also an interest in using ground penetrating radar to see if the southwest corner of the cemetery can be reclaimed.
CP0293 Parking System Software	Andersen	Replace existing parking system software and hardware
CP0294 Spriggs Barn	Fonnesbeck	This option will provide funding to stabilize the Spriggs Barn from further dilapidation and begin a long rang plan for restoration.
CP0296 Staff Interactive Budgeting Software	Briggs	Close Out Project - Budgeting for Outcomes software to streamline budgeting process. The software will include an easy-to use and aesthetically pleasing interface (dashboard), budget monitoring and reporting, forecasting, adhoc analysis, real-time updates, and a performance measurement component. Software also includes the ability to breakdown current departmental budgets into distinct BFO programs in an user-friendly format. Software also includes advanced budget monitoring capabilities as well as performance measure integration. Should work seamlessly with the Eden Accounting System.
CP0297 Parking Wayfinding	Andersen	Wayfinding for Main Street parking resources. First year is for signage and consulting assistance with finding garage and internal garage circulation. Years 2 and 3 are for a smart system to indicate stalls available.



CP0298 Historic Preservation	Eddington	1. National Register historic district study. 2. Intensive level surveys within National Register District. 3. Intensive level surveys of Landmark Buildings. 4. Intensive level surveys of significant buildings.
CP0299 Raw Water Line and Tank	McAfee	This can be deleted
CP0300 Irrigation Screening Facility	McAfee	The irrigation screening facility will provide screening of water from the Weber River and the potential Round Valley Reservoir. The purpose of this facility is to screen fine particles and organic material prior to entering the irrigation system. Without this facility, existing irrigation systems would become clogged and would not function properly.
CP0301 Scada and Telemetry System Replacement	McAfee	This project is to replace and upgrade the water system's SCADA (supervisory control and data acquisition) system. There are many limits to the current system including limited technical experts that understand the programming, limited ability to report, trend, and integrate water quality monitoring and trending. This upgrade will allow the system to be better integrated into the Quinns WTP system and the AMR system.
CP0302 Deer Valley Drive - Water Infrastructure	McAfee	This project will be a part of the road reconstruction project and will replace water infrastructure including a distribution and transmission mainline, several valve vaults, and a modification to a underground pump station. It is recommended that this water infrastructure be replaced in conjunction with the road project to avoid future emergency repairs.
CP0303 Empire Tank Replacement	McAfee	As part of the drinking water solution for the Judge Tunnel Source, the Empire Tank will be converted into a raw water tank and as a result will need to be replaced to meet drinking water storage requirements. In addition to the projected water storage deficit in the Old Town area, the existing Woodside tank is approximately 50 years old. Both of these factors will be considered with the new tank construction.
CP0304 Quinn's Water Treatment Plant Asset Replacment	McAfee	With the addition of Quinns Junction Water Treatment Plant (QJWTP), a budget line item is required for asset management of this \$14,000,000 facility. This money will be used to replace valve, pumps, membranes, and other items to be replaced at the facility over time.
CP0305 Quinn's Dewatering	McAfee	A mechanical dewatering process addition at QJWTP will be required once Judge Tunnel water is treated at this facility. Judge water contains various constituents in particulate form which will be filtered out by the membranes at QJWTP creating a concentrated waste stream that requires treatment. The current waste stream is discharged into the sanitary sewer which is then treated at Snyderville Basin's Silver Creek Facility. However, with the addition of Judge's waste stream, discharge to the sewer will be prohibited as a result of the concentrated metal content.
CP0306 Open Space Acquisition	Rockwood	City Council pledged \$15 million as part of the Additional Resort Sales Tax. Funds were allocated or planned in three phases as a mixture of cash and debt. Phases were to be adjusted as necessary to match actual land acquisition needs. Phase I, \$4.5 M. FY2014; Phase II, \$5.5 M. FY2015; Phase III, \$5 M. FY2017.
CP0307 Open Space Conservation Easement Monitor	Rockwood	
CP0308 Library Remodel	Twombly	<p>The library renovation will start in June 2014 and completion is estimated in Spring 2015. The construction budget is \$6.82 M, and the total budget is \$9.32. The scope includes:</p> <ul style="list-style-type: none"> <li>• Interior renovation and expansion of the library into all of floors one and two;</li> <li>• Interior renovation of the 3rd floor for flexible community space and Park City Cooperative Preschool (PCCP) and Park City Film Series (PCFS). This community space is anticipated to be used in the short term to house senior center functions and support community activities during off hours, including pre and post function support to the Santly;</li> <li>• An added, single-story entry sequence to the library at the north façade;</li> <li>• A 2 story addition at the northwest corner providing added function, flexibility and consolidation of services; and</li> <li>• Modifications of the 1992 addition to expose the original historic structure on the south, west and north facades.</li> </ul>
CP0309 Multi-Generational Housing	Weidenhamer	<p>Park City is in need of housing that is structured to meet the changing needs of the community. Multi-generational housing can include smaller, multi-level units for singles and young couples, larger units for growing families and smaller single-level units with built-in fixtures that allow a person to age-in-place.</p> <p>Pursue an age-in-place and attainable housing project on city-owned land at the location of the current senior center, former Park Avenue fire station and adjacent land acquired from Knudson and Elliott Work Group. The current schedule allows for a charrette to identify goals, relative density and scope of the project in summer 2014 with a projected start of construction in spring 2016.</p>
CP0311 Senior Community Center	Weidenhamer	Possible renovation to City facilities in LPARDA such as the Miner's Hospital to provide for senior and community needs.
CP0312 Fleet Management Software	Fonnesbeck	Procurement and implementation of fleet management software to replace Lucity and Fuel Management equipment that has proven inadequate to provide Fleet Management with data and reporting necessary to meet stringent federal transit administration reporting requirements and analytical support required for sound fleet mgmt. Staff has worked closely with it on assessment of current system and all parties agree replacement is justified.
CP0313 Transportation Plans and Studies	Cashel	Funding for transportation/transit plan studies (e.g. short range transit development plan SR-224, corridor studies, mountain transportation plans). These plans & studies will determine required transit/transportation capital programs for future years.
CP0314 Richardson Flat Road-Improvement	Fonnesbeck	Obligation to improve Richardson Flat Road as set forth in Park City Heights Annexation Agreement development agreement and sales agreement.
CP0316 Transit Facility Capital Renewal Account	Fonnesbeck	This project will serve as a reserve account for capital assets owned and operated by park city transit. Annual contributions will ensure critical buildings will have a local funding source as they require renewal. Level of funds assume federal transit admin. grants are available when required. Funds will be used for Major capital items such as roofing, paint, siding, cameras, etc.
CP0317 Deer Valley Dr. Phase II	Cassel	Deer Valley Drive Phase 2 – This project follows the Deer Valley Drive road project that was completed last year. This project includes adding more sidewalk, pedestrian lighting, landscaping, bus pullouts and bridge repair amongst other things. Construction will start in July of this year and be completed by October.



CP0318 Bonanza Park/RMP Substation Mitigation	Rockwood	\$1.5 million was originally allocated by Council to provide mitigation and relocation costs related to the Rocky Mountain Power Bonanza Park Substation. Staff recommends these funds remain in the Bonanza Park project area to be used for mitigation, economic development and infrastructure improvements contingent on the completion and adoption of the Bonanza Park Area Plan.
CP0321 Fitness in the Park	Fisher	Installation of at least 8 pieces of fitness equipment located outside. Locations being considered are city park, or the farm trail.
CP0322 Cement Practice Walls	Fisher	Practice walls can be used by various groups and individuals to practice ball sports against. These would be built to the specs of an outdoor handball court. Potential locations include sports complex or City Park
CP0323 Dog Park Improvements	Fisher	Looking to create a more attractive dog park at the Park City Sports Complex. This project may include additional shade, terrain, variations and obstacle course as well as landscape enhancements.
CP0324 Recreation Software	Fisher	The recreation department is looking to replace the current class software system that provides program registration, membership sales, facility and court booking, league scheduling and online services. This system is utilized by the PC MARC, the recreation and tennis departments, and to a lesser degree the HR, special Events and Parks departments. The services this software system provides are CORE City services. The current system is outdated, and the client/server system seems to be fading out industry-wide.
CP0325 Network & Security Enhancements	Robertson	This project provides for hardware and software to better protect key departments and the organization for internal and external cyber threats. This project also assists with compliance for PCI, Homeland Security and PCI. Phase one of this project has been completed, phase two includes expansion of network security filters across remaining departments.
CP0326 Website Remodel	Robertson	The City website is in need of an upgrade. While visual enhancements will be a function of this project, the key changes will include improved mobile capabilities, content management and incorporation of new technologies. As of January 2014, IT has met with department website publishers to identify needs and wants with project kick-off in April/May.
CP0327 Outdoor Tennis Court Rebuild	Fisher	Rebuild seven outdoor courts at PC MARC and add 4 pickleball courts. Project needs an additional \$70,000 to complete it properly. This includes \$22,000 in change orders, \$16,500 in removable fence panels around the bubble, \$15,200 for 4 shade cabanas and \$17,000 to cover irrigation & landscaping
CP0328 Meeting Documentation Software	Glidden	This project is for the purchase and implementation of a Meeting Management software solution that is primarily for the recording and streaming of public meetings for both audio and video (utilization of video streaming will be a phased consideration with meeting room upgrades). The software will also support work flow process for meeting packets. As of February 2014, the initial project kick-off meeting has been initiated.
CP0329 Main Street Infrastructure Asset Management	McAfee	This Funding is dedicated for replacement and maintenance to the Main Street Improvement program
CP0330 Spiro/Judge Pre-treatment	McAfee	This is for treatment of the Judge and Spiro mine tunnels to comply with the clean water act
CP0331 Micro-Hydro/Thaynes Pump Station	McAfee	
CP0332 Library Technology Equipment Replacement	Robertson	In 2014, Council approved a Library facility remodel that included operational enhancements and public space for a digital media and technology lab. This CIP serves as a fund to replace aging technology not eligible under the Computer Replacement Fund.
CP0333 Engineering Survey Monument Re-establish	Cassel	Monument Re-establishment – this project sets a small amount of money aside to start re-establishing survey monuments that have been damaged or destroyed over the years. These monuments are located very two to three blocks and were set in the early 1980s. Without a County Surveyor to oversee the County monument system, the task falls to the Cities to maintain their own survey monument system.  Many of our survey monuments around town have been disturbed/destroyed. This CIP re-establishes the most critical monuments most notably those along Main Street.
CP0334 Repair of Historic Wall/Foundation	Cassel	The historic wall/foundation located just south of Hillside Avenue is located in the ROW and is showing signs of disrepair. This project is to have the wall structurally evaluated and to have the repairs completed.
CP0335 Engineering Small Projects Fund	Cassel	Small Project Funds – This project will address small projects around town which currently include stair repairs north of Marsac, replacement of handrails along Heber, Main Street bridge repairs and bridge evaluations. The purpose of completing these projects is to keep our image polished.
CP0336 Prospector Avenue Reconstruction	Cassel	Prospector Avenue Reconstruction – Park City is slated to receive \$1,000,000 in Small Urban Fund Grant money in 2016. These funds require a 7% match but also have strict restrictions on how they are used. The CIP money requested is to allow our staff to complete the project in one season. Elements of the project include updated storm drains, sidewalks, bus pullouts, additional lighting, resurfacing of the road, bike lanes, etc.
CP0337 Solar Installation - MARC	Ober	This request is for a solar installation on the MARC. This 194kW system will be the City's largest and most prominent solar installation.
CP0338 Council Chambers Advanced Technology Upgrade	Robertson	This project provides for significant technology upgrades to the Council Chambers area to allow for public audio and video feeds. This supports flexibility and multipurpose use of the area. Also, this allows for the improved recording and zone acoustics. This project addresses the structural limitations of the room requiring concrete cuts and conduit.
CP0339 Fiber Connection to Quinn's Ice & Water	Robertson	This project provides for a high-speed fiber connection to the Quinn's water treatment plant and to the Ice arena with the potential to serve other public/private needs.
CP0340 Fleet Shop Equipment Replacement	Andersen	This project funds the acquisition and replacement of fleet shop necessary for vehicle servicing equipment such as computer diagnostic equipment, tire servicing equipment, and vehicle lifts/jacks that are not affixed to the building based upon a useful life calculations. The purpose of the project is to ensure the City has the funding to replace equipment that has reached the end of its useful life.
CP0341 Regional Interconnect	McAfee	This is one of 3 interconnects that are planned to connect park city's water system with Mountain Regional and Summit Water. This was a part of the Western Summit County Regional Water Supply Agreement we entered into in 2013.
CP0342 Meter Replacement	McAfee	This is the meter and laterals asset management program
CP0343 Park meadows Well	McAfee	The park meadows well has been classified as ground water under the direct influence of surface water. This designation happened in 2014 and will require treatment. This is one of 8 critical water sources for the City.
CP0344 PRV Improvements for Fire Flow Storage	McAfee	This project will replace aging PRV's and allow us to balance the surplus water storage in certain areas of the City with areas that have a storage deficit.
CP0345 Three Kings/Silver King Pump Station	McAfee	
CP0346 Fairway Hills to Park Meadows Redundancy	McAfee	This will provide access to the Fairway hills storage for the boot hill pressure zone.
CP0347 Queen Esther Drive	McAfee	



# Planning Commission Staff Report



**Subject:** 355 Ontario Avenue  
**Project #:** PL-15-02716  
**Author:** Christy J. Alexander, AICP, Planner II  
**Date:** May 13, 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 355 Ontario Avenue, discuss the rear stepping of the building, conduct a public hearing, and consider approving the Steep Slope CUP. 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:** William McKenna/Ontario, LLC  
**Architect:** David White  
**Location:** 355 Ontario Avenue  
**Zoning:** Historic Residential (HR-1)  
**Adjacent Land Uses:** Residential single family homes and duplexes  
**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 1,270.5 square feet new accessory building (garage) on a 3,352 square foot lot with an existing Landmark historic home located at 355 Ontario Avenue. The total floor area of the new construction 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 March 17, 2015, the City received an application for a Steep Slope Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 355 Ontario Avenue. The property is located in the Historic Residential (HR-1) District. The application was deemed complete on April 15, 2015. This application is a request for a Steep Slope Conditional Use Permit for construction of a new accessory building (with a garage) which is proposed to be 1,270.5 square feet total (including the garage) on an amended "Old Town" lot containing 3,352 square feet and an existing historic home. The property is described as Lot A of the Ontario Three Subdivision, a combination of Lots 18, 19 and 20 in Block 54 of the Park City Survey. Because the total proposed structure is greater than 1,000 square feet, and the slope within the rear 50' of the lot is greater than thirty percent (30%), the applicant is required to file a Steep Slope Conditional Use Permit application for review by the Planning Commission, pursuant to LMC § 15-2.2-6 and prior to issuance of a building permit.

A separate Historic District Design Review (HDDR) application required for the proposed accessory building (garage) was submitted on March 17, 2015 and was deemed complete on April 15, 2015. This application is being reviewed concurrently for compliance with the Design Guidelines for Historic Districts and Historic Sites that were adopted in 2009. Issuance of a building permit for the proposed accessory building is dependent on approval of the Historic District Design Review.

On November 11, 2014, the applicant submitted a complete application for a plat amendment to subdivide the property into two (2) lots as the owner of Lot 20 has an agreement with the owner of Lots 18/19 to purchase a portion of Lot 19 to the north with the goal of modifying the entrance to the existing residence on Lot 20. The original lot line when Park City Survey was platted still exists between Lots 18, 19, 20. The owners desire to reconfigure Lots 18, 19, and 20 into two (2) lots of record by re-configuring the existing lot line between Lot 19 and 20, and removing the lot line between Lot 18 and 19. The City Council unanimously approved the Ontario Three Subdivision plat on March 5, 2015. The plat is pending recordation but will need to be recorded prior to March 5, 2016 and prior to building permit approval.

### **Analysis**

The lot has an average slope, across the entire depth, of forty percent (40%) with at least 30% slope over the first 50 feet of the front of the lot which requires the applicant to receive a Steep Slope CUP. The lot is described as Lot A of the Ontario Three Subdivision, a combination of Lots 18, 19, and 20, Block 54, of the Park City Survey.

This property already has access to utility services for water, sewer, etc. off of Ontario Avenue.

The proposed accessory building contains a total of 1,270.5 square feet, including the garage. The proposed building footprint on the lot totals 1,388.3 square feet with the accessory building's footprint combined with the existing home's footprint. The 3,352 square foot lot allows a building footprint of 1,388.3 square feet. The accessory building has a footprint of 596.3 square feet and the existing home has 792 square feet. The accessory building complies with all setbacks, building footprint, and interior building height requirements of 35' of the HR-1 zone and the Planning Director has granted a 2' height exception for the garage on a downhill lot to allow for a 29' exterior building height from existing grade. The third story of the accessory structure does not include horizontal stepping of 10' but Staff interprets the stepping of the historic home at 21' high to meet the spirit of the requirement. This is requested to be a discussion item for the Commission.

See below for description of each floor:

Floor	Proposed Sq. Ft. for Accessory Building
Garage	262.5 square feet including garage
Mid	504 square feet
Lower	504 square feet
Overall area	1,270.5 square feet including garage

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

Requirement	LMC Requirement	Proposed for New Accessory Building
Lot Size	Minimum of 1,875 square feet	3,352 square feet, <u>complies.</u>
Building Footprint	1,388.3 square feet (based on lot area) <u>maximum</u>	1,388.3 square feet combined with house and accessory building, <u>complies.</u>
Front and Rear Yard	10 feet minimum; 20 feet total (decks, porches and bay windows may extend up to 3' into the front setback for a max width of 10')	Front- 10 feet, <u>complies.</u> Rear- 44 feet, <u>complies.</u>
Side Yard	5 feet minimum (10 feet total) based on lot width of 41.50'	5 feet on north side- <u>complies.</u> 5 feet on south side- <u>complies.</u> no window wells- <u>complies.</u>
Height	27 feet above existing grade, <u>maximum.</u> 35 feet above existing grade is permitted for a single car garage on a downhill lot.	Various heights all at or less than 29 feet. The applicant has requested a special exception to the height of a garage on a downhill lot. The Planning Director has granted this 2'

		exception- <u>complies.</u>
Total Building Height	35 feet from lowest floor plane to highest wall plate	35 feet- <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	(4 feet) or less- <u>complies.</u>
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade.	Third story on rear façade is 10' back from lower levels, this stepping occurs at the twenty-one foot (21') height if taken from the lowest grade on the historic home, the accessory building itself does not step but Staff believes it still meets the spirit of the LMC and asks this to be a discussion item for the Planning Commission. Staff's interpretation is that it <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	No parking is required for the existing historic house.	One (1) space within the proposed single car garage and one space to the south of the garage- <u>complies.</u>

### 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 accessory building is located on an approved platted lot, (which was approved on March 5, 2015 and is unrecorded but will need to be recorded before March 5, 2016 and building permit approval), in a manner that reduces the visual and environmental impacts of the Structure. The main level is set at grade of the street to minimize visual impacts on the Streetscape (Exhibit B). The foundation is stepped with the grade and the amount of excavation for the accessory building is minimized due to the existing topography. There is no major vegetation present on the vacant lot. The

proposed 596.3 square feet footprint of the building complies with that allowed for the lot area.

#### Criteria 2: Visual Analysis.

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

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

This site contains a combination of portions of two “old town” lots with many similar lots and structures in the immediate neighborhood. The lot currently has an existing historic home off the walkway from Shorty’s Stairs.

The visual analysis and streetscape demonstrate that the proposed design of the accessory building 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 20 feet back from the edge of Ontario Avenue. The second parking space will be paved directly adjacent to the garage on the south side. Due to the driveway width, the second space will be screened by vegetation and bushes to be planted on the property near the right-of-way which was addressed with the HDDR application.

#### 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 Ontario Avenue. Side access is not feasible due to the width of the lot. The proposed driveway has an overall slope of 0% as measured from the front of the garage to the edge of the paved street due to a cantilevered bridge. 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 an average slope of 40% over the entire lot. There are no proposed retaining walls. The lots to the south and north of the subject lot have existing single family homes, 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 accessory 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 (10') in front of the garage and to the entry. Side setbacks and building footprints are maintained consistent with the pattern of development and separation of structures in the neighborhood. The driveway width is 12 feet. The garage door is setback 20' from the edge of the street and at least 10' from the property line. The 10' setback from the property will not be sufficient for a parking space, therefore the applicant proposed the second parking space directly adjacent to the garage to the south. The front yard area adjacent to the driveway entrance 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 accessory building steps with the grade and is broken into a series of smaller components that are compatible with the District. The garage is a separate structure from the main house.

Criteria 7: Setbacks.

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

Front setbacks were already increased as the accessory building is currently setback 20 feet from the edge of the street and 10 feet from the property line, to accommodate the adjacent parking space entirely on the lot. No wall effect is created with the proposed design of the building. 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 by interpreting the horizontal step from the



existing historic home. This will be a discussion item for the Commission whether the Commission agrees with Staff's interpretation of the intent of the LMC required stepping.

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 building is both articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The design proposes a height exception for the single car garage as allowed by the LMC. The Planning Director has given this 2 feet exception. The proposed massing and architectural design components are compatible with both the volume and massing of structures in the area. The proposed building's footprint of 596.3 sf with a combined footprint of 1,388.3 square feet with the existing house falls within the mean footprint for Ontario Ave. The proposed volume and massing is compatible with single family dwellings in the area. The lots adjacent to this lot are similar to the size of the proposed lot. The design minimizes the visual mass and mitigates the differences in scale between the proposed building 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. **Discussion requested**

The proposed structure exceeds the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point at two points where it is twenty nine feet (29'). The Planning Director has approved the 2' height exception for the garage on a downhill lot as per LMC Section 15-2.2-5.(D)(4) Garage on Downhill Lot. Portions of the building are less than 27' in height. The differences in scale between the proposed Structure and existing Structures are mitigated.

Up to 35 foot height is allowed for the garage on a downhill lot if given a special exception by the Planning Director, this design proposes to utilize a height exception of 2' – taking the height up to 29 feet from existing grade at the garage level. The design complies with the 27 foot height allowance measured from existing grade in all other areas.

Staff finds that the design allows additional architectural elements and aesthetics, provides compatibility of design at the street level, meets the overall building Height requirement with a minimal exception needed for the garage, and reduces the mass at the rear of the structure with the historic home blocking the view of the lower level of the

building on the downhill side. The accessory structure is detached from the historic home and in order for the stepping to occur at the 23 foot height on the accessory building, the garage depth would be decreased and then not be deep enough to fit a vehicle. For this reason Staff does not recommend the accessory building be stepped and interprets the historic home as providing the necessary stepping as the intent of the requirement was for a passerby on the downhill side to not see a three story massing vertically. With this configuration a passerby would see the historic home and then a stepping before the accessory building. This will be a discussion item for the Commission.

### **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 April 22, 2015, the property was posted and notice was mailed to property owners within 300 feet. On April 25, 2015, legal notice was published in the Park Record in accordance with requirements of the LMC.

### **Public Input**

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

### **Alternatives**

- The Planning Commission may approve the Steep Slope Conditional Use Permit for 355 Ontario Avenue as conditioned, or
- The Planning Commission may deny the Steep Slope CUP Permit for 355 Ontario Avenue and direct staff to make Findings for this decision, or
- The Planning Commission may request the applicant provide revisions or provide other specific items and continue the discussion to a date certain.

### **Significant Impacts**

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

### **Recommendation**

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at 355 Ontario Avenue, conduct a public hearing, and consider approving the Steep Slope CUP for 355 Ontario 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 355 Ontario Avenue.
2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. The property is described as Lot A of the Ontario Three Subdivision. The lot area is 3,352 square feet.
4. A Historic District Design Review (HDDR) application is required and will be reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
5. This lot is a combination of a portion of Lots 18 and 19 located in Block 54 of the Park City Survey, which was previously vacated. This is downhill lot with an existing historic home.
6. Access to the property is from Ontario Avenue, a public street.
7. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway directly adjacent to the garage on the south, within the lot area.
8. The neighborhood is characterized by primarily non-historic and historic residential structures, single family homes and duplexes.
9. The proposal consists of a total of 1,270.5 total square feet, including the garage.
10. The proposed driveway was designed with a maximum width of twelve feet and is approximately 20 feet in length from the garage to the existing edge of street and located on the property. The garage door complies with the maximum height and width of nine feet by nine feet.
11. The proposed driveway has an overall slope of 0% as measured from the front of the garage to the edge of the paved street.
12. An overall combined building footprint with the existing Landmark historic house and accessory structure of 1,338.3 square feet is proposed. The maximum allowed footprint for this lot is 1,338.3 square feet. The accessory structure totals 596.3 square feet of footprint and the historic home totals 792 square feet of footprint.
13. The proposed structure complies with all setbacks of 5' side yards and 10' front and rear yards, with the proposed structure setback 5' on both side yards, 10' on the front and 44' on the rear.
14. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade except for portions of the garage. The Planning Director has approved an exception to the height of 29' for a garage on a downhill lot. Portions of the building are less than 27' in height.
15. The proposed structure 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 of the existing historic home whereas it does not meet the step back on the accessory structure itself.
16. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this home on the cross canyon views and the Ontario Avenue streetscape.
17. Retaining is not necessary around the home on the upper, steeper portion of the lot. There will be no free-standing retaining walls. There are no window wells.
18. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.

19. The site design, stepping of the foundation and building mass, increased articulation, and decrease in the allowed difference between the existing and final grade mitigates impacts of construction on the 30% or greater slope areas on the first 50' of the front of the lot, which requires the Steep Slope CUP.
20. The design includes setback variations in the front and back and lower building heights for portions of the structure in both the front and back where facades are less than twenty-seven feet in height.
21. The proposed massing and architectural design components are compatible with both the volume and massing of other buildings in the area. No wall effect is created with adjacent structures due to stepping, articulation, and placement of the house on the lot.
22. The proposed structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as foundation, roofing, materials, window and door openings, and single car garages.
23. No lighting has been proposed at this time. Lighting will be reviewed at the time of Building Permit application for compliance with the LMC lighting code standards.
24. The applicant submitted a visual analysis, cross canyon view, and streetscape showing a contextual analysis of visual impacts of the proposed structure on the adjacent streetscape.
25. The findings in the Analysis section of this report are incorporated herein.
26. The applicant stipulates to the conditions of approval.

### **Conclusions of Law:**

1. The Steep Slope CUP application is consistent with the Park City General Plan.
2. The application is consistent with requirements of the Park City LMC, specifically Section 15-2.2-6 (B) (1-10) regarding development on Steep Slopes.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

### **Conditions of Approval:**

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.

6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit, the 2009 Design Guidelines for Historic Districts and Historic Sites (Historic District Design Review) and the Land Management Code.
7. No building permit shall be issued until the Ontario Three Subdivision is recorded.
8. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
9. This approval will expire on May 13, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and the request is granted by the Planning Director.
10. Modified 13-D residential fire sprinklers are required for all new structures on the lot.
11. All exterior lighting, on porches, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way. Light trespass into the night sky is prohibited.
12. Construction waste should be diverted from the landfill and recycled when possible.
13. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surroundings.
14. No livable bedrooms, bathrooms, or kitchen areas shall be created inside the accessory building as it is for a garage and storage only, due to the proposed building not meeting the size requirement of an accessory apartment in association with the size of the existing dwelling.

### **Exhibits**

Exhibit A - Plans (existing conditions, site plan, landscape plan, floor plans, elevations, streetscape, section (date stamped April 20<sup>th</sup> and April 15<sup>th</sup> and March 17<sup>th</sup>, 2015)

Exhibit B - Visual Analysis and Streetscape

Exhibit C – Photographs and Vicinity Map

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

Exhibit E- Planning Director determination on 2' height exception

# NEW ACCESSORY STRUCTURE FOR 355 ONTARIO AVE. PARK CITY, UTAH 84060

## DRAWING LIST

- ECS-1 EXISTING CONDITIONS SURVEY AND TOPO
- PAS-2 ONTARIO THEE SUBDIVISION PLAT AMENDMENT
- A-1 NEW SITE PLAN - LANDSCAPE PLAN
- A-2 GARAGE & MID-LEVEL FLOOR PLANS
- A-3 LOWER LEVEL FLOOR PLAN
- A-4 WEST & EAST ELEVATIONS
- A-5 NORTH ELEVATION
- A-6 SOUTH ELEVATION
- A-7 BUILDING SECTION and ARCH. DETAILS

## OCCUPANCY GROUP R-3

### HR-1 ZONING

HISTORIC DESIGNATION- LANDMARK

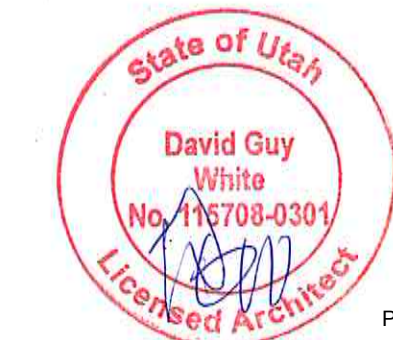
ALLOWABLE FOOTPRINT= 1388.3 SQ. FT.  
EXIST. FOOTPRINT HISTORIC HOUSE= 792 SQ. FT.,  
ALLOWABLE FOOTPRINT ACCESSOR STRUCT.= 596.3 SQ.FT.

ACTUAL FOOTPRINT ACCESSORY STRUCT= 596.3 SQ. FT.

### DEFERRED SUBMITTALS

1. FIREPLACES
2. RADIANT HEAT TUBE LAYOUT, BOILER SPECS., HEAT LOSS CALCS.
3. GAS PIPING SCHEMATIC
4. FIRE SPRINKLING SYSTEM LAYOUT AND SPECS. TO BE APPROVED BY THE PARK CITY BUILDING DEPT.
5. CONTRACTOR SHALL PROVIDE PROPER NUMBER OF BACKFLOW PREVENTORS TO BE INSTALLED IN THIS STRUCTURE. INCLUDE THE LAWN SPRINKLING SYSTEM, FIRE SPRINKLING SYSTEM AND NUMBER OF BOILERS ETC.

GOVERNING BUILDING CODE- IRC 2012



REVISIONS:	BY:

**DAVID G. WHITE ARCHITECT**  
 P.O. BOX 1313 - 2703 ESTATES DRIVE  
 PARK CITY, UTAH 84060  
 (801) 649 - 8379

**COVER SHEET**  
 ACCESSORY STRUCTURE FOR  
 355 ONTARIO AVE. ONTARIO, LLC  
 PARK CITY, UTAH 84060

DATE: 3/15/15  
 SCALE: NA  
 DRAWN BY: SAM  
 JOB: ONTARIO, LLC  
 SHEET  
**A-0**  
 OF SHEETS

3/17/15

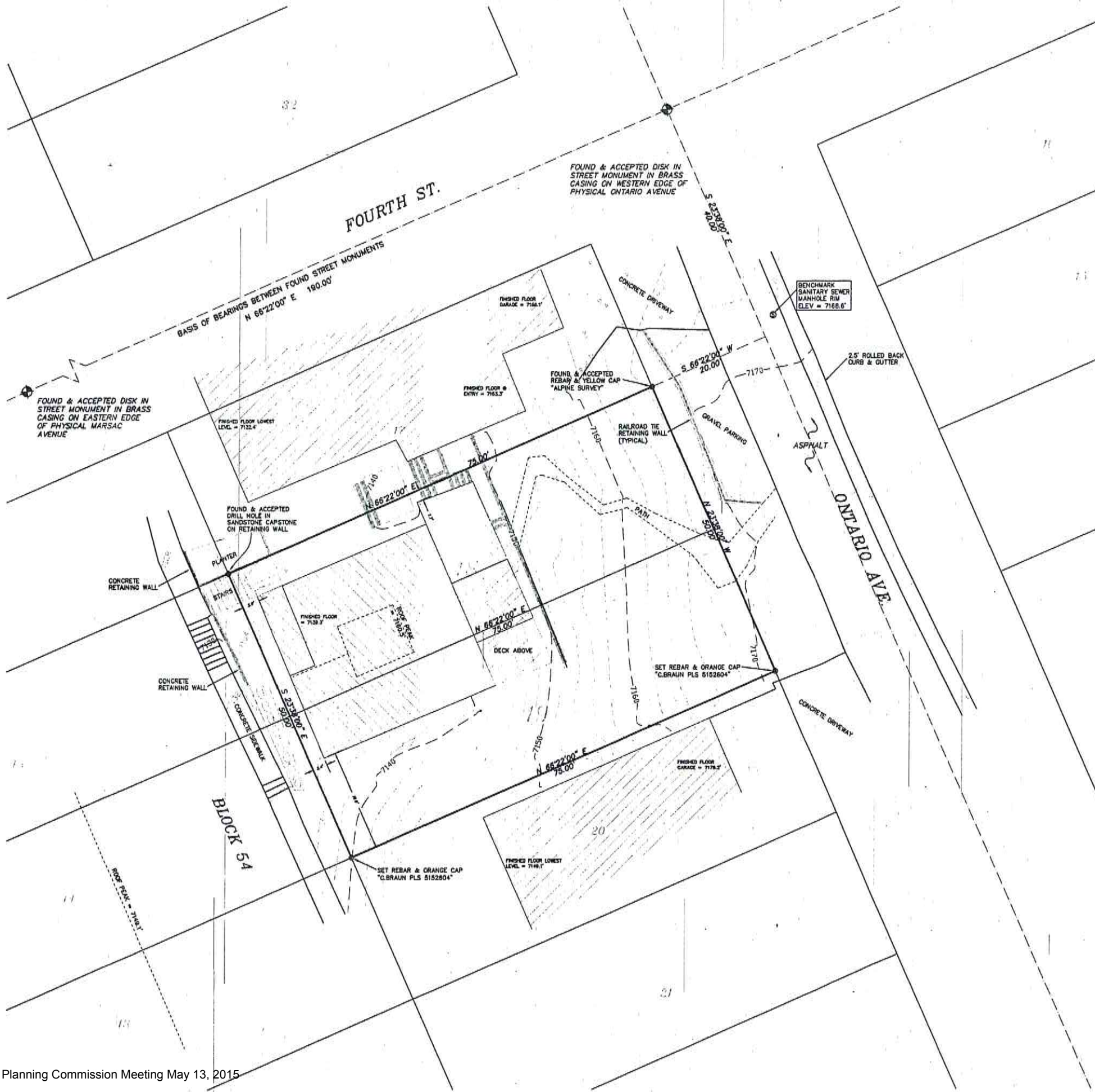


# BOUNDARY AND EXISTING CONDITIONS SURVEY

355 ONTARIO AVENUE  
LYING WITHIN BLOCK 54, LOTS 18 & 19  
AMENDED PARK CITY SURVEY, PARK CITY  
SUMMIT COUNTY, UTAH



SCALE 1" = 8'



**NARRATIVE:**  
THE PURPOSE OF THIS SURVEY IS TO SHOW THE EXISTING STRUCTURE AND CONTOUR INFORMATION FOR THE SUBJECT PROPERTY.  
SURVEY COMPLETED: 06/03/2011  
SEE SAID OFFICIAL AMENDED PARK CITY SURVEY PLAT FOR ANY EASEMENTS, SETBACK REQUIREMENTS, BUILDING ENVELOPES AND BUILDING LOT RESTRICTIONS.  
NOTE: OTHERS MAY APPLY.  
THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT; THE SURVEYOR HAS FOUND NO OBVIOUS EVIDENCE OF EASEMENTS, ENCROACHMENTS, OR ENCUMBRANCES ON THE PROPERTY SURVEYED, EXCEPT AS SHOWN HEREON.  
EVIDENCE FOR THIS SURVEY WAS TAKEN FROM RECORDED DEEDS, RECORDS OF SURVEYS, PLATS AND PHYSICAL EVIDENCE OBTAINED IN THE FIELD. ALL EVIDENCE HAS BEEN CONSIDERED IN THE ESTABLISHMENT OF THE BOUNDARY AS SHOWN HEREON.

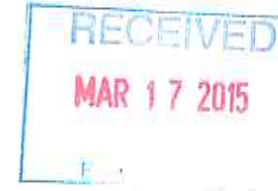
**LEGAL DESCRIPTION:**  
ALL OF LOTS 18 AND 19, BLOCK 54 OF THE AMENDED PARK CITY SURVEY, ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

**Park City Surveying**  
J.D. JENSEN  
P.O. BOX 171  
PARK CITY, UTAH 84302  
407-734-1234

DATE	BY	REVISIONS

SURVEYED BY:  
CB  
DRAWN BY:  
CB  
DATE:  
06-2011

FOR: **Mckenna**  
**BOUNDARY AND EXISTING CONDITIONS SURVEY**  
BLOCK 54, LOTS 18 & 19  
355 ONTARIO, PARK CITY  
DWG: Blk 54 L18-19 - Mckenna

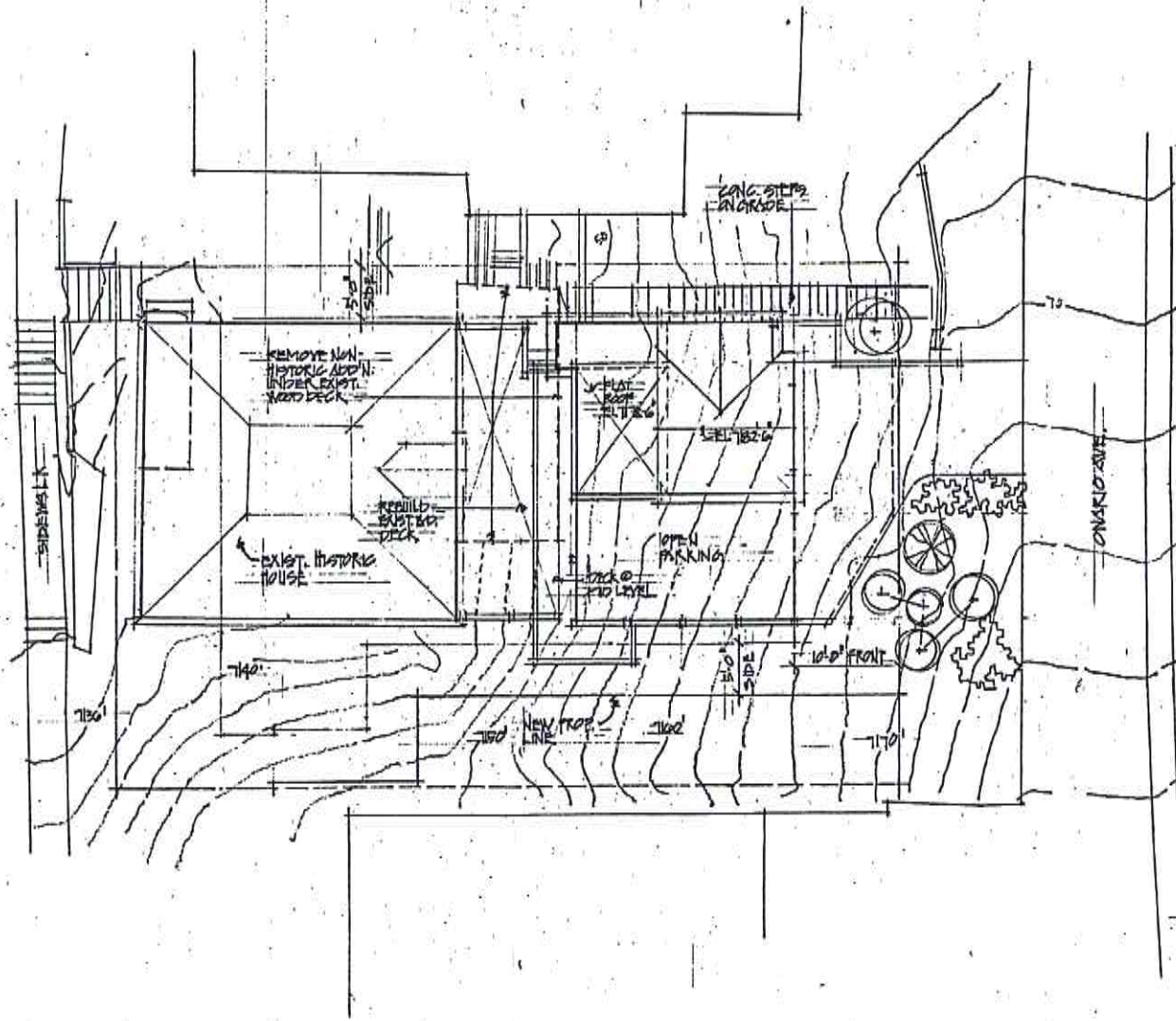


**SURVEYOR'S CERTIFICATE**  
I, CHRISTOPHER BRAUN, OF OAKLEY UTAH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, HOLDING LICENSE NO. 5152604. I FURTHER CERTIFY I HAVE PERFORMED A SURVEY ON THE HEREIN DESCRIBED PROPERTY AND THAT TO THE BEST OF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

CHRISTOPHER R. BRAUN *Signature* 6/10/11  
DATE: 6/10/11  
PLS # 5152604  
PROFESSIONAL LAND SURVEYOR

FILE NO. S0007490  
07/23/2012 01:34:57 PM  
Survey 1 of 1  
SUMMIT COUNTY RECORDER  
P.O. BOX 100000  
PARK CITY, UTAH 84302

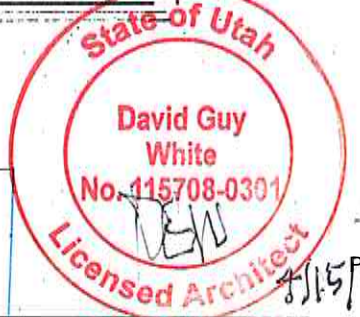




- NOTES**
- ALL LANDSCAPE IRRIGATION SHALL BE DRIP TYPE IRRIGATION
  - ALL DISTURBED AREAS WITHIN THE L.P.D. SHALL BE GRADED & RE-SEEDED W/ DROUGHT TOLERANT NATURAL GRASSES & WILDFLOWERS.
- LANDSCAPE LEGEND**
- OPEN CLUMP (8'-0" MIN. HT.)
  - EVERGREEN (COLORADO BLUE SPRUCE - 6'-0" 8'-0" HT.)
  - SHRUBS (DROUGHT TOLERANT)
  - OAK BRUSH (EXIST.)

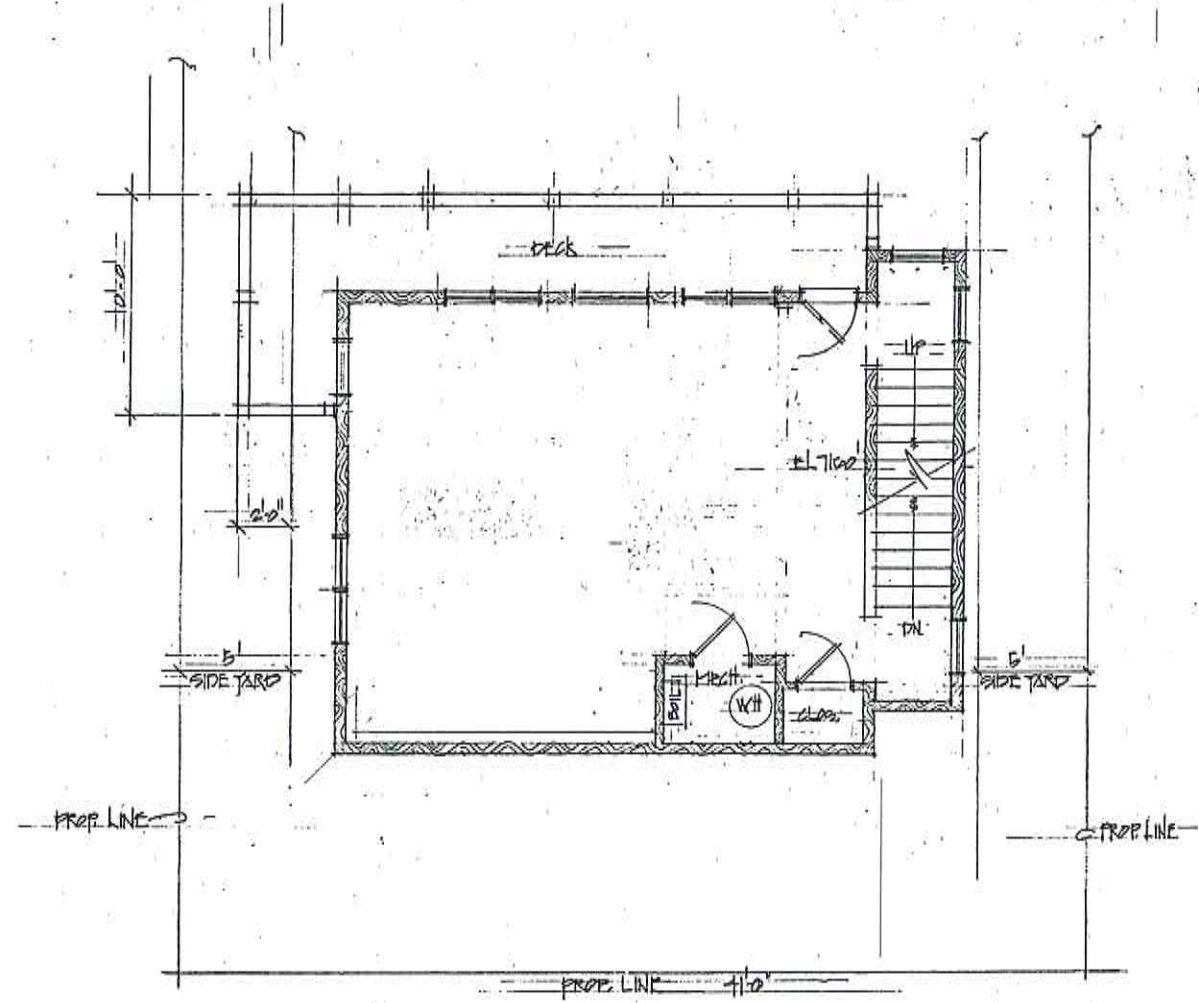
NEW SITE PLAN  
 1/8" = 1'-0"

RECEIVED  
 APR 15 2015  
 PARK CITY

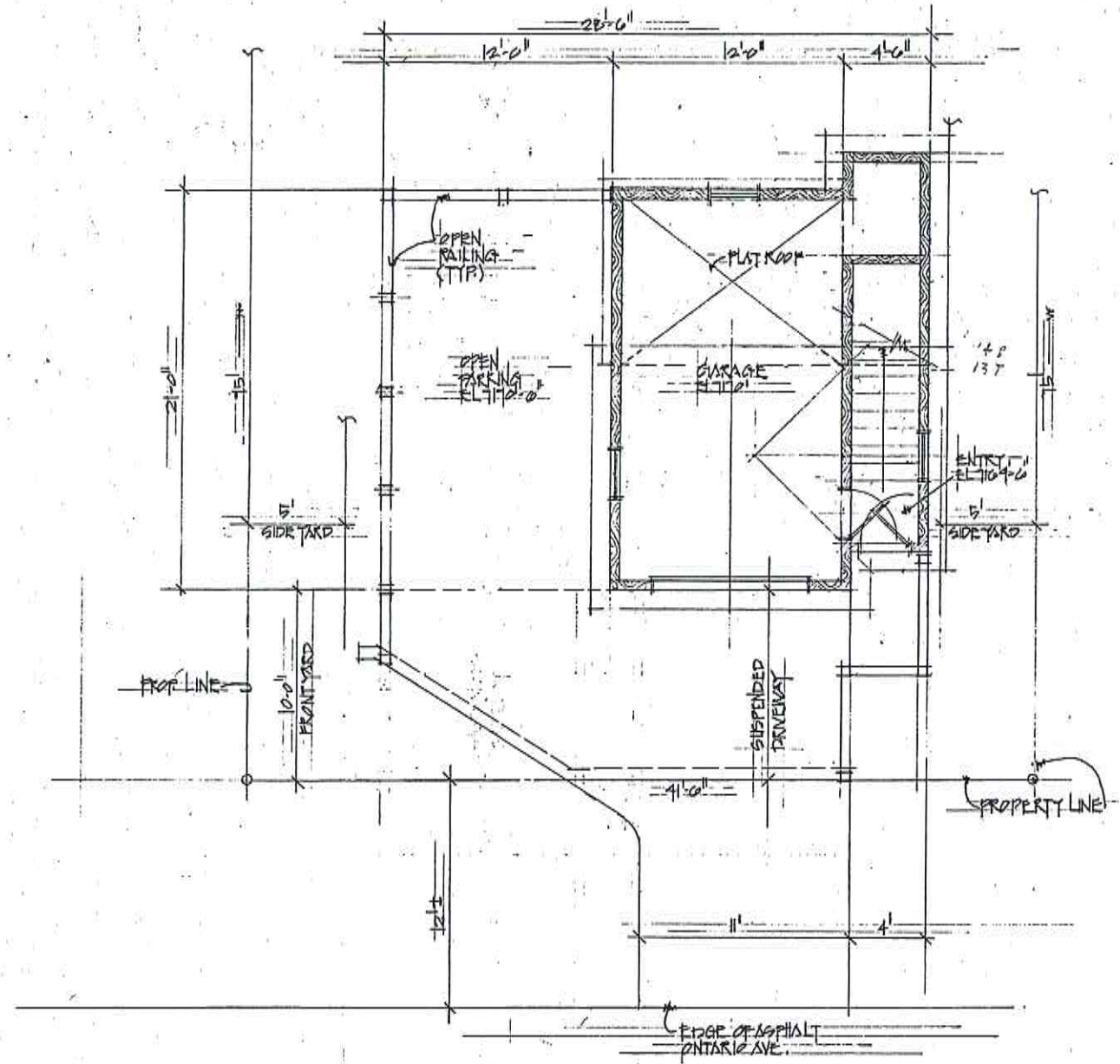


NEW SITE PLAN  
 APR 15 2015  
 Scale  
 Drawn  
 Joe PATRICK LLC  
 Sheet  
 1 of 1  
 Or Sheets





MID-LEVEL  
PLAN  
1/4" = 1'-0"



GARAGE LEVEL  
PLAN  
1/4" = 1'-0"

RECEIVED  
APR 20 2015  
PARK CITY PLANNING DEPT.

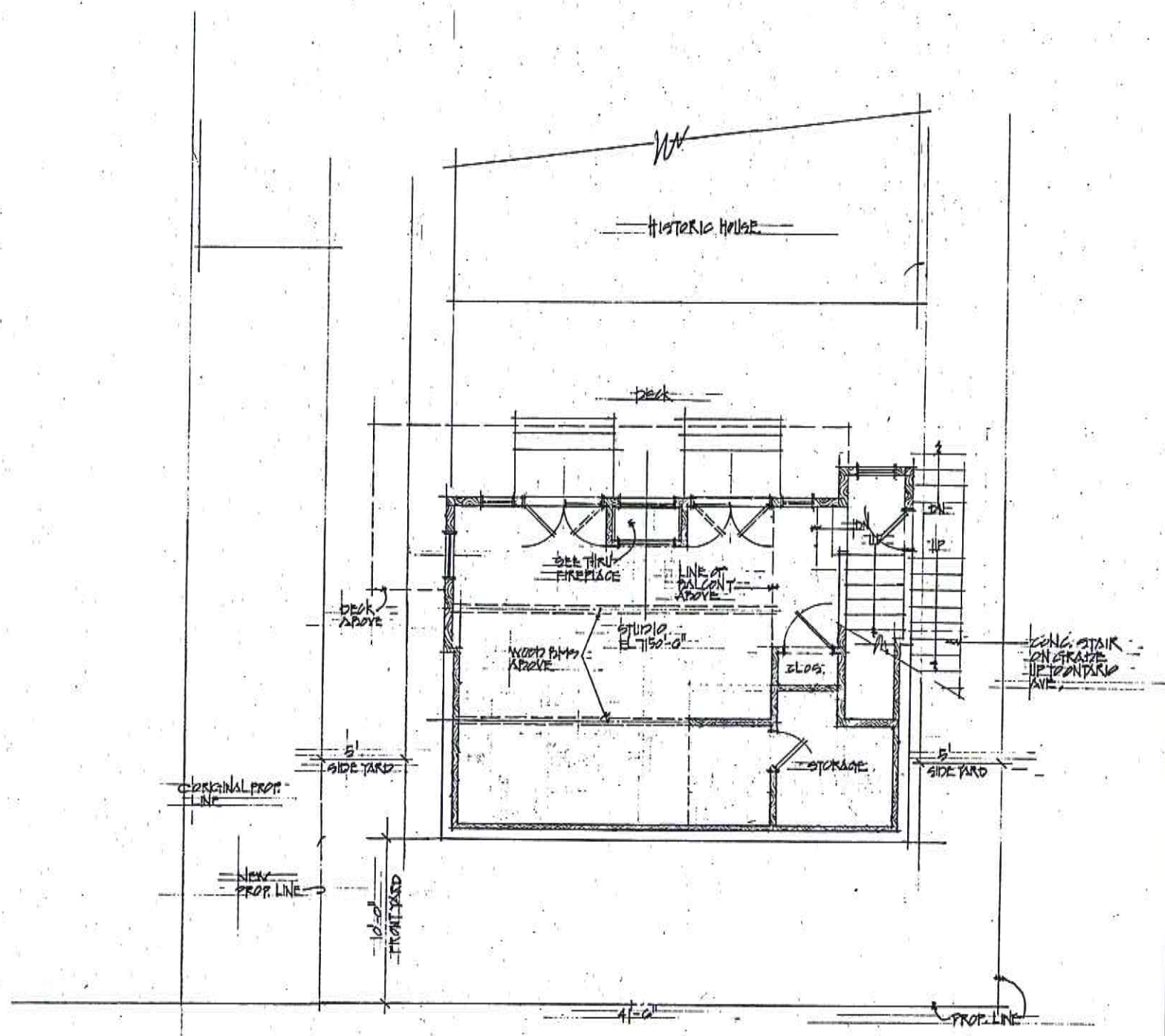
REVISIONS	BY

DAVID G. WHITE, ARCHITECT  
P.O. BOX 1313 - 2703 ESTATES DRIVE  
PARK CITY, UTAH 84060  
(435) 648-8379 FAX: (435) 655-6645  
EMAIL: dgwhite@amason.com

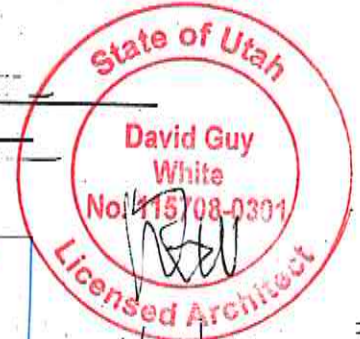
FLOOR PLANS  
Date 3-13-15  
Scale  
Drawn  
Job ONTARIO LLC  
Sheet 330  
Of 330  
A-2  
Sheets

REVISIONS	BY

DAVID G. WHITE, ARCHITECT  
 P.O. BOX 1313 - 2703 ESTATES DRIVE  
 PARK CITY, UTAH 84060  
 (435) 649-0379 FAX: (435) 655-0045  
 EMAIL: dwhite@amason.com



LOWER LEVEL  
 PLAN  
 1/4" = 1'-0"



4/15/15

FLOOR PLANS

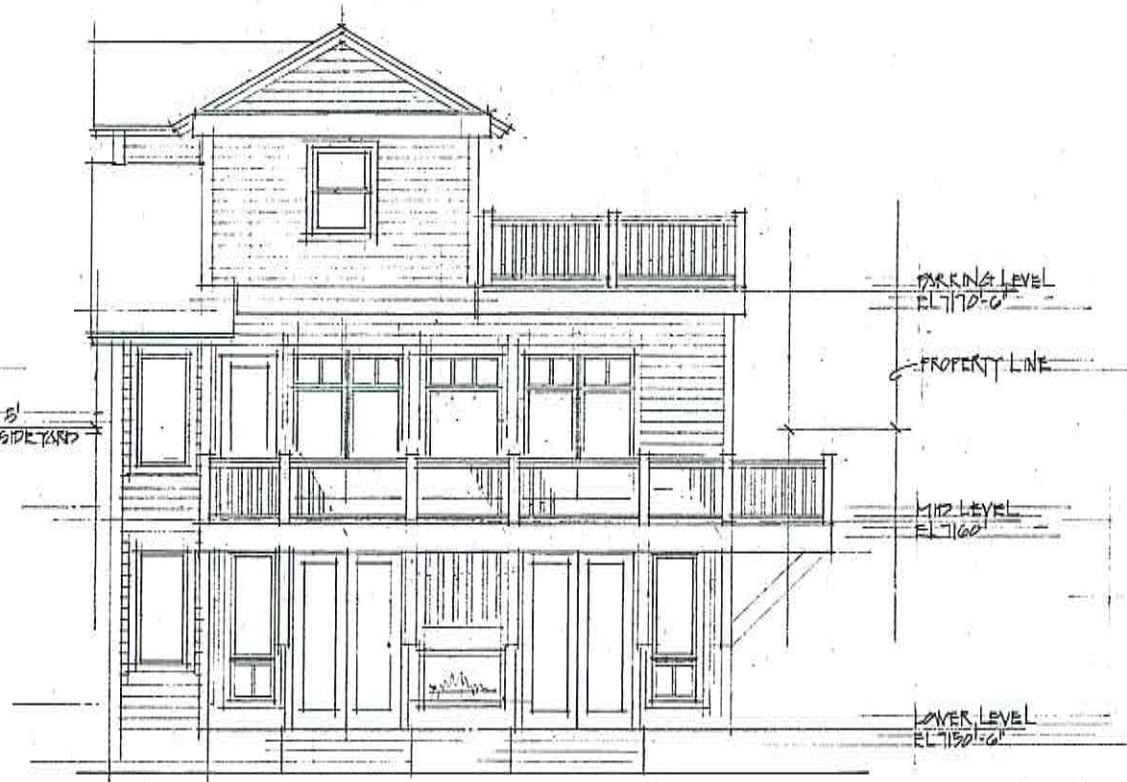
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Drawn	John Pharis, LLC
Checked	
Sheet	



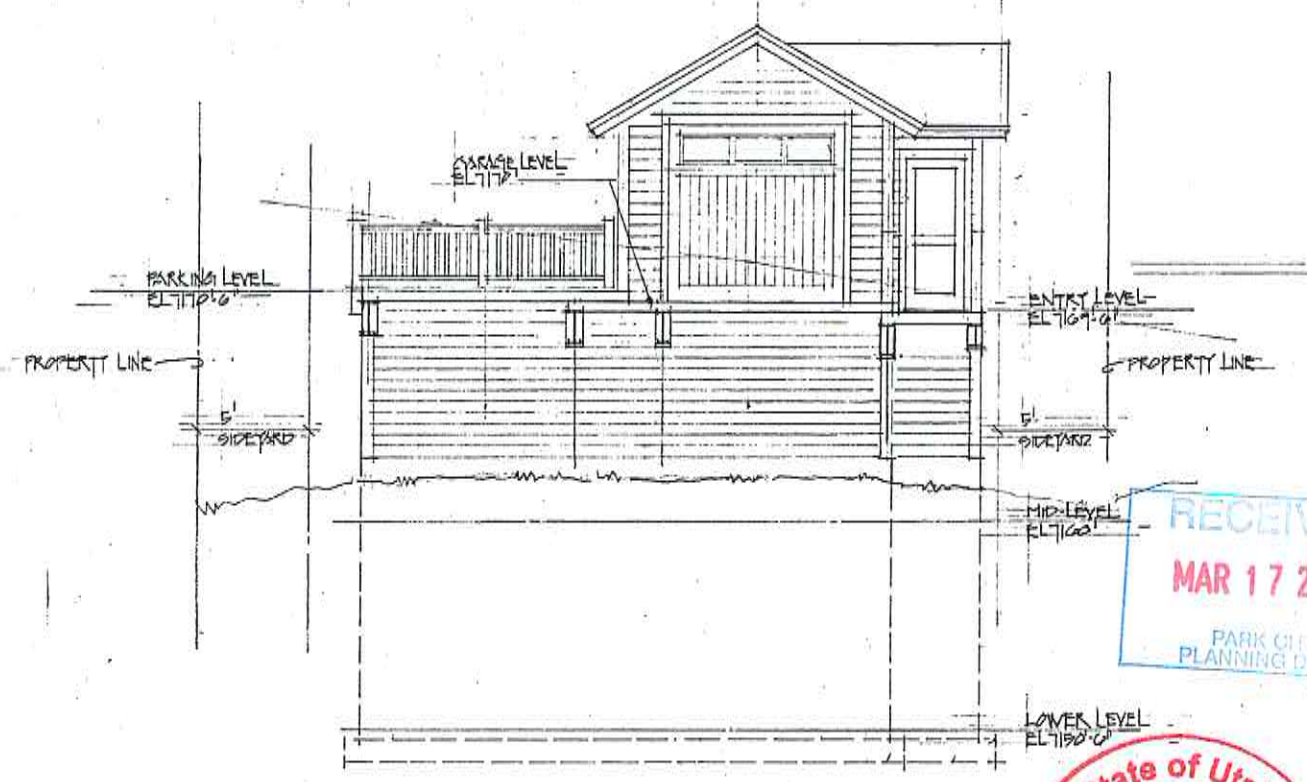
- REFERENCE NOTES
1. Existing grade shown dashed.
  2. New finish grade
  3. Glue-laminated beam- See framing plans. 1" chamfer all exposed ends. All Glue-lam beams to be smooth finish.
  4. 1"x6" beveled Cedar siding. (New addition portion).
  5. Historic structure- Existing and new horizontal siding. Replace unusable siding with new siding milled to match existing exactly. See Preservation drawing for exact profile.
  6. 2"x Cedar corner trim. (New addition only) All corner, window and door trim on reconstructed Historic building shall be 1"x material.
  7. Exterior door and window trim- 2"x cedar jamba, 3"x heads and sills for windows and 3"x heads for doors. (New addition structure only).
  8. 1"x Cedar fascia. (two piece) See detail
  9. 1"x6" Cedar soffit with vent.
  10. Roof to wall surface- extend ice and water shield over entire roof deck except top two feet @ ridges. Where vertical walls intersect roof, extend ice and water shield up wall min. 18" behind exterior siding material.
  11. Roof Covering- Asphalt shingles, 50 yr rating.
  12. Aluminum clad insulated wood windows and doors (New addition portion). Windows in the Historic structure shall be primed wood exterior and interior frames. U= 0.36 or better. See Window and Door Schedule. See also Preservation drawing for existing window sizes.
  13. Galvanized metal flashing.
  14. 3/4" blown and batted insulation. R= 13 min.
  15. 5/8" blown and batted insulation. R= 22 min.
  16. 12" blown and batted insulation. R= 46 min.
  17. 10" blown and batted insulation. R= 31 min.
  18. Waterproof membrane and drainage mat on all foundation walls protecting living living space below grade. Install 6" perforated drain plastic drain wrapped in filter fabric and set in gravel. Extend downhill to daylight.
  19. 4" concrete slab on 2" rigid insulation. Install 6 mil plastic vapor barrier under rigid insulation. Install conc., insulation and vapor barrier over 4" gravel base.
  20. 8" reinf. Conc. foundation wall. See structural.
  21. Guardrails- see details.
  22. Floor joists- see framing plans.
  23. Roof joists- see framing plans.
  24. See interior finish schedule for floor, wall and ceiling finishes.
  25. 4" concrete slab w/ 6x6-10/10 wire mesh on 4" gravel base.
  26. Wood overhead garage door with electric operator.
  27. Stone retaining wall. Wall to be hand stacked in dry stack pattern.
  28. Cedar board and batten siding (vertical pattern). 1"x8" boards with 1"x4" battens.
  29. 15" horizontal steel channel (painted).

REVISIONS	BY

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P.O. BOX 1313 - 2703 ESTATES DRIVE  
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(435) 649-0379 FAX: (435) 655-8045  
EMAIL: dgwhite@amssson.com



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



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

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PLANNING DEPT

State of Utah  
David Guy White  
No. 115708-0301  
Licensed Architect

ELEVATIONS

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Of	Sheets

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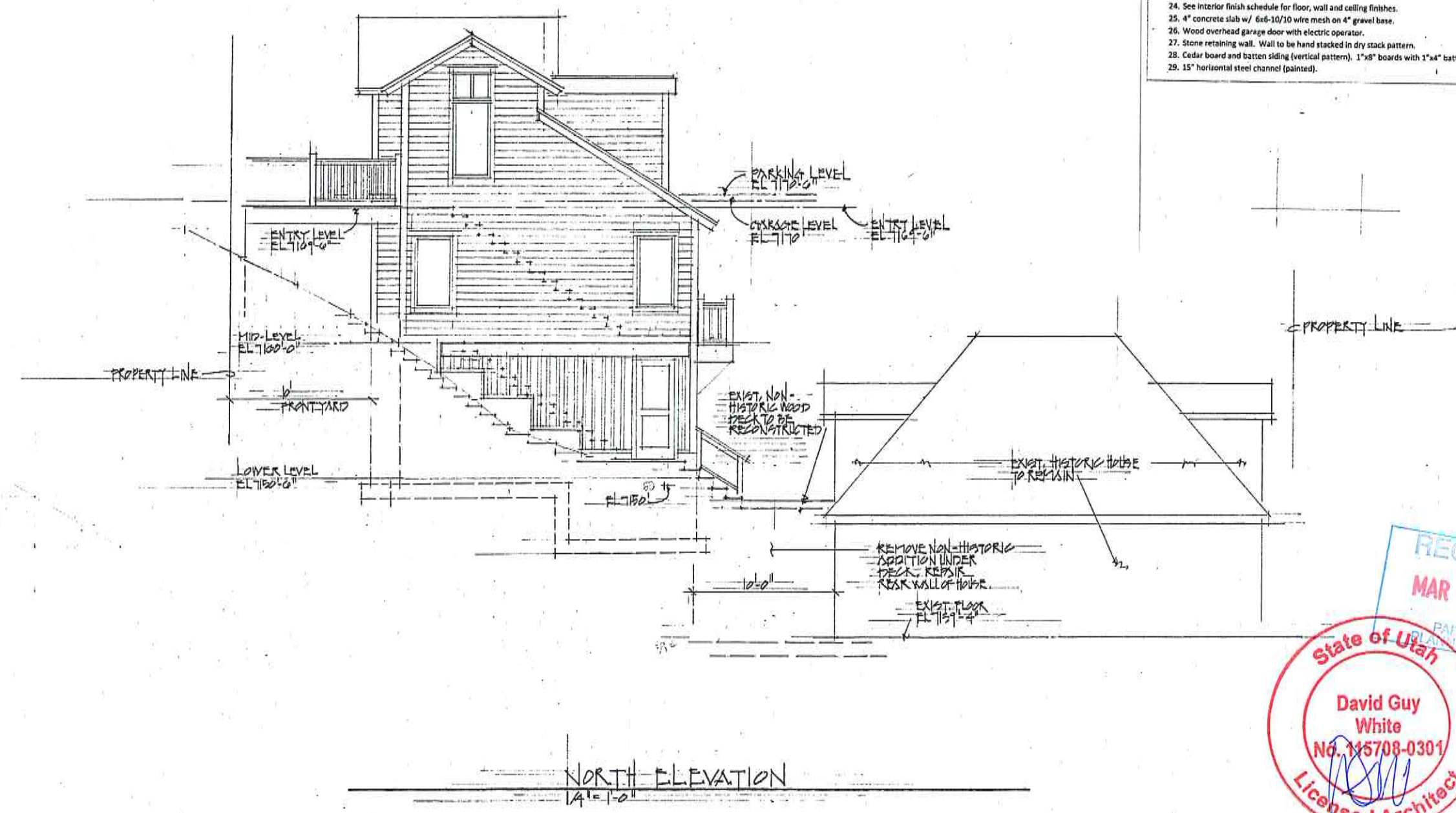


- REFERENCE NOTES
1. Existing grade shown dashed.
  2. New finish grade
  3. Glue-laminated beam- See framing plans. 1" chamfer all exposed ends. All Glue-lam beams to be smooth finish.
  4. 1"x6" beveled Cedar siding. (New addition portion).
  5. Historic structure- Existing and new horizontal siding. Replace unusable siding with new siding milled to match existing exactly. See Preservation drawing for exact profile.
  6. 2"x Cedar corner trim. (New addition only) All corner, window and door trim on reconstructed Historic building shall be 1"x material.
  7. Exterior door and window trim- 2"x cedar jambs, 3"x heads and sills for windows and 3"x heads for doors. (New addition structure only).
  8. 1"x Cedar fascia. (two piece) See detail
  9. 1"x6" Cedar soffit with vent.
  10. Roof to wall surface- extend ice and water shield over entire roof deck except top two feet @ ridges. Where vertical walls intersect roof, extend ice and water shield up wall min. 18" behind exterior siding material.
  11. Roof Covering- Asphalt shingles, 50 yr rating.
  12. Aluminum clad insulated wood windows and doors (New addition portion). Windows in the Historic structure shall be primed wood exterior and interior frames. U= 0.36 or better. See Window and Door Schedule. See also Preservation drawing for existing window sizes.
  13. Galvanized metal flashing.
  14. 3/4" blown and binned insulation. R= 13 min.
  15. 5/8" blown and binned insulation. R= 22 min.
  16. 1 1/2" blown and binned insulation. R= 46 min.
  17. 10" blown and binned insulation. R= 31 min.
  18. Waterproof membrane and drainage mat on all foundation walls protecting living living space below grade. Install 6" perforated drain plastic drain wrapped in filter fabric and set in gravel. Extend downhill to daylight.
  19. 4" concrete slab on 2" rigid insulation. Install 6 mil plastic vapor barrier under rigid insulation. Install conc., insulation and vapor barrier over 4" gravel base.
  20. 8" reinf. Conc. foundation wall. See structural.
  21. Guardrails- see details.
  22. Floor joists- see framing plans.
  23. Roof joists- see framing plans.
  24. See interior finish schedule for floor, wall and ceiling finishes.
  25. 4" concrete slab w/ 6x6-10/10 wire mesh on 4" gravel base.
  26. Wood overhead garage door with electric operator.
  27. Stone retaining wall. Wall to be hand stacked in dry stack pattern.
  28. Cedar board and batten siding (vertical pattern). 1"x8" boards with 1"x4" battens.
  29. 15" horizontal steel channel (painted).

REVISIONS BY

NO.	DESCRIPTION	DATE	BY

DAVID G. WHITE, ARCHITECT  
P.O. BOX 1313 - 2703 ESTATES DRIVE  
PARK CITY, UTAH 84302  
(435) 649-8379 FAX: (435) 655-8845  
EMAIL: dgwhite@amason.com

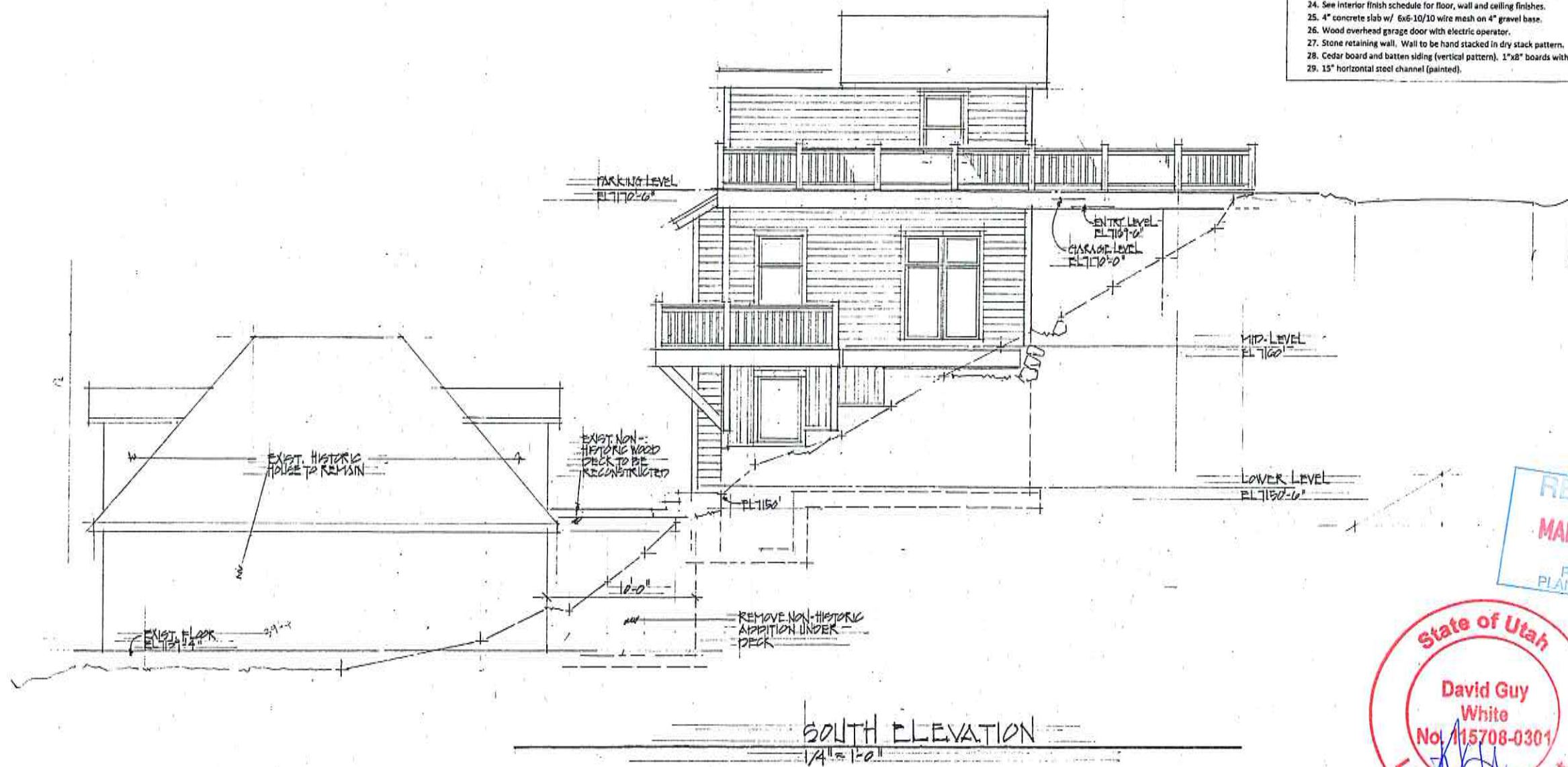


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State of Utah  
David Guy White  
No. 145708-0301  
Licensed Architect

3/17/15





- REFERENCE NOTES
- Existing grade shown dashed.
  - New finish grade
  - Glue-laminated beam- See framing plans. 1" chamfer all exposed ends. All Glue-lam beams to be smooth finish.
  - 1"x6" beveled Cedar siding. (New addition portion).
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  - 2"x Cedar corner trim. (New addition only) -All corner, window and door trim on reconstructed -Historic building shall be 1 1/2" material-
  - Exterior door and window trim- 2"x cedar jambs, 3"x heads and sills for windows and 3"x heads for doors. (New addition structure only).
  - 1"x Cedar fascia. (two piece) See detail
  - 1"x6" Cedar soffit with vent.
  - Roof to wall surface- extend ice and water shield over entire roof deck except top two feet @ ridges. Where vertical walls intersect roof, extend ice and water shield up wall min. 18" behind exterior siding material.
  - Roof Covering- Asphalt shingles, 50 yr rating.
  - Aluminum clad insulated wood windows and doors (New addition portion). Windows in the Historic structure shall be primed wood exterior and interior frames. U= 0.36 or better. See Window and Door Schedule. See also Preservation drawing for existing window sizes.
  - Galvanized metal flashing.
  - 3 1/2" blown and binned insulation. R= 13 min.
  - 5 1/2" blown and binned insulation. R= 22 min.
  - 12" blown and binned insulation. R= 46 min.
  - 10" blown and binned insulation. R= 31 min.
  - Waterproof membrane and drainage mat on all foundation walls protecting living living space below grade. Install 6" perforated drain plastic drain wrapped in filter fabric and set in gravel. Extend downhill to daylight.
  - 4" concrete slab on 2" rigid insulation. Install 6 mil plastic vapor barrier under rigid insulation. Install cone, insulation and vapor barrier over 4" gravel base.
  - 8" reinf. Conc. foundation wall. See structural.
  - Guardrails- see details.
  - Floor joists- see framing plans.
  - Roof joists- see framing plans.
  - See interior finish schedule for floor, wall and ceiling finishes.
  - 4" concrete slab w/ 6x6-10/10 wire mesh on 4" gravel base.
  - Wood overhead garage door with electric operator.
  - Stone retaining wall. Wall to be hand stacked in dry stack pattern.
  - Cedar board and batten siding (vertical pattern). 1"x8" boards with 1"x4" battens.
  - 15" horizontal steel channel (painted).

REVISIONS	BY

DAVID G. WHITE, ARCHITECT  
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 PARK CITY, UTAH 84060  
 (435) 649-0379 FAX: (435) 655-8845  
 EMAIL: dgwhite@amsinc.com

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State of Utah  
 David Guy White  
 No. 115708-0301  
 Licensed Architect

3/17/15

ELEVATIONS

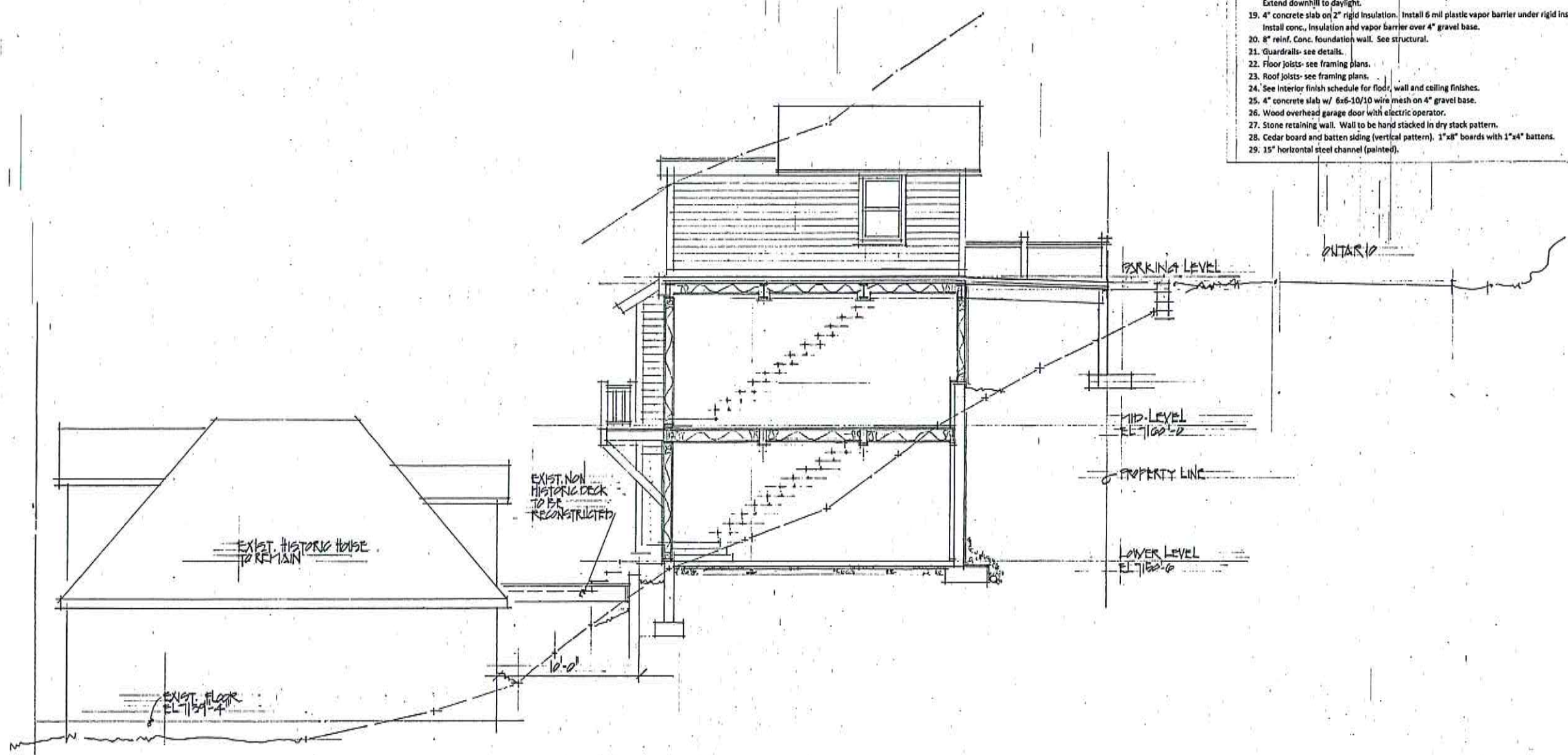
Date	3-17-15
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- REFERENCE NOTES
- Existing grade shown dashed.
  - New finish grade
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  - 10" blown and binned insulation. R= 31 min.
  - Waterproof membrane and drainage mat on all foundation walls protecting living space below grade. Install 6" perforated drain plastic drain wrapped in filter fabric and set in gravel. Extend downhill to daylight.
  - 4" concrete slab on 2" rigid insulation. Install 6 mil plastic vapor barrier under rigid insulation. Install conc., insulation and vapor barrier over 4" gravel base.
  - 8" reinf. Conc. foundation wall. See structural.
  - Guardrails- see details.
  - Floor joists- see framing plans.
  - Roof joists- see framing plans.
  - See Interior finish schedule for floor, wall and ceiling finishes.
  - 4" concrete slab w/ 6x6-10/10 wire mesh on 4" gravel base.
  - Wood overhead garage door with electric operator.
  - Stone retaining wall. Wall to be hard stacked in dry stack pattern.
  - Cedar board and batten siding (vertical pattern). 1"x8" boards with 1"x4" battens.
  - 15" horizontal steel channel (painted).

REVISIONS	BY

DAVID G. WHITE, ARCHITECT  
P.O. BOX 1313 - 2703 ESTATES DRIVE  
PARK CITY, UTAH 84060  
(435) 649-0379 FAX: (435) 655-0645  
EMAIL: dgwhite@mission.com



BUILDING SECTION  
1/4" = 1'-0"

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APR 20 2015  
PARK CITY PLANNING DEPT.

Date	3-15-15
Scale	
Drawn	
Job	355 ONTARIO
Sheet	
Of	Sheets



EXHIBIT B









# EXHIBIT C

## Exhibit H – Site Photographs



347 & 355 Ontario Avenue looking west



347 Ontario Avenue looking west





347 & 355 Ontario Avenue looking north



355 Ontario Avenue looking east







355 Ontario Avenue looking west



355 Ontario Avenue looking west















PARK CITY  
PLANNING DEPT.  
MAY 13 2015



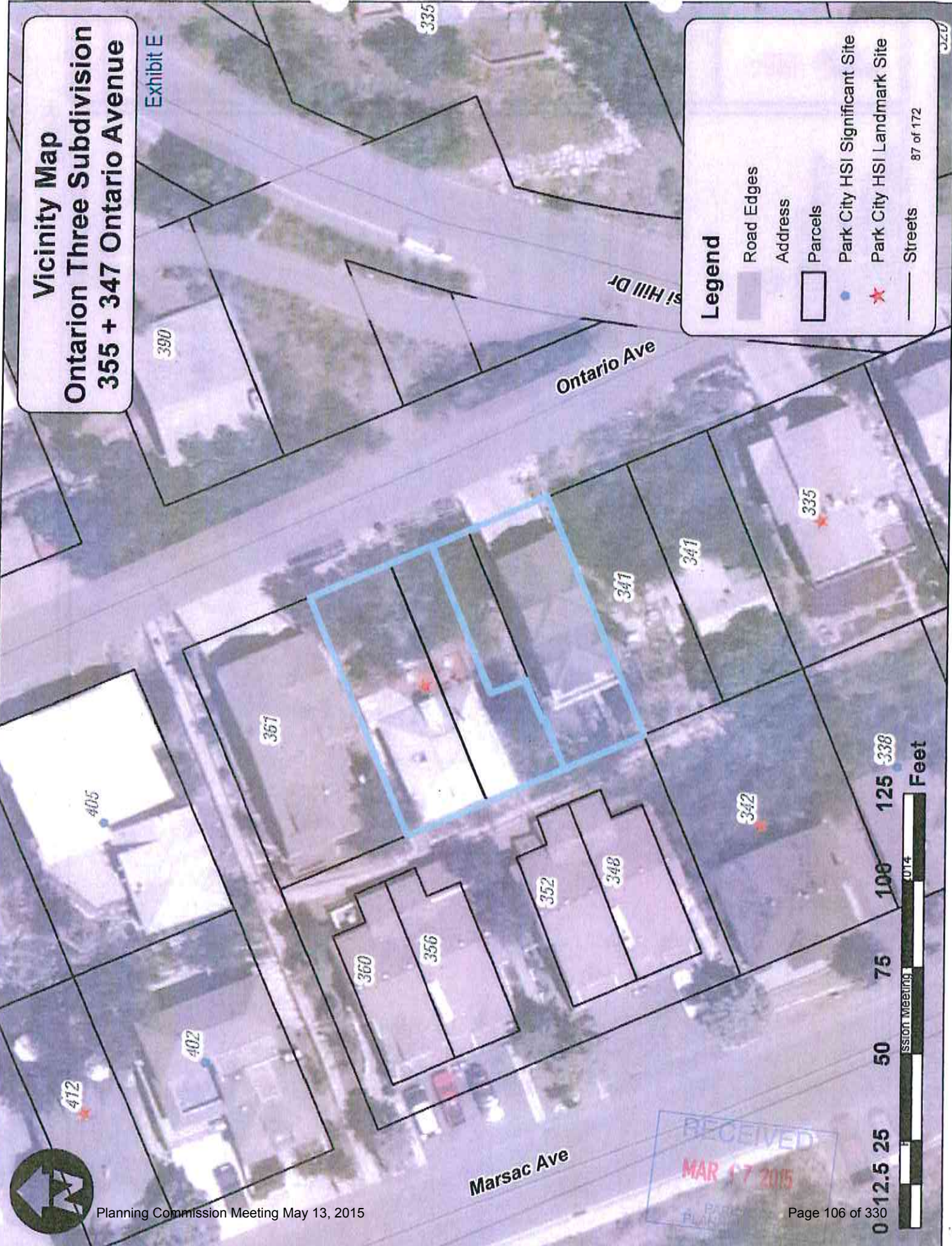
**Vicinity Map**  
**Ontarion Three Subdivision**  
**355 + 347 Ontario Avenue**

Exhibit E

**Legend**

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

87 of 172



RECEIVED  
 MAR 17 2015  
 PARK CITY PLANNING

1014





SUBJECT  
PROPERTY

<p>PLANNING COMMISSION 1000 10th St. N. Grand Rapids, MI 49503</p>	<p>STAFF: JILL OSE HARRISON VOLLEY</p>	<p>AERIAL PHOTOGRAPH LOTS 18, 19 &amp; 20 BLOCK 54, PCS 347 &amp; 355 ONTARIO AVENUE FOR: MIKE STEWART JOB NO.: 5-1-14 FILE: 2\Projects\54\Aerial\Aerials\Aerials\Aerials-photos.dwg</p>	<p>SHEET 1 OF 1</p>
<p>DATE: 10/16/14</p>			

RECEIVED  
MAR 17 2015  
PARK CLERK



# EXHIBIT D



### SURVEYOR'S CERTIFICATE

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

### BOUNDARY DESCRIPTION

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

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

### OWNER'S DEDICATION AND CONSENT TO RECORD

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

William E. McKenna, Manager  
Ontario, LLC

### ACKNOWLEDGMENT

State of \_\_\_\_\_

County of \_\_\_\_\_

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

Signature \_\_\_\_\_

A Notary Public commissioned in \_\_\_\_\_

Printed Name \_\_\_\_\_

Residing in: \_\_\_\_\_

My commission expires: \_\_\_\_\_

### OWNER'S DEDICATION AND CONSENT TO RECORD

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

Michael R. Stewart

### ACKNOWLEDGMENT

State of \_\_\_\_\_

County of \_\_\_\_\_

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

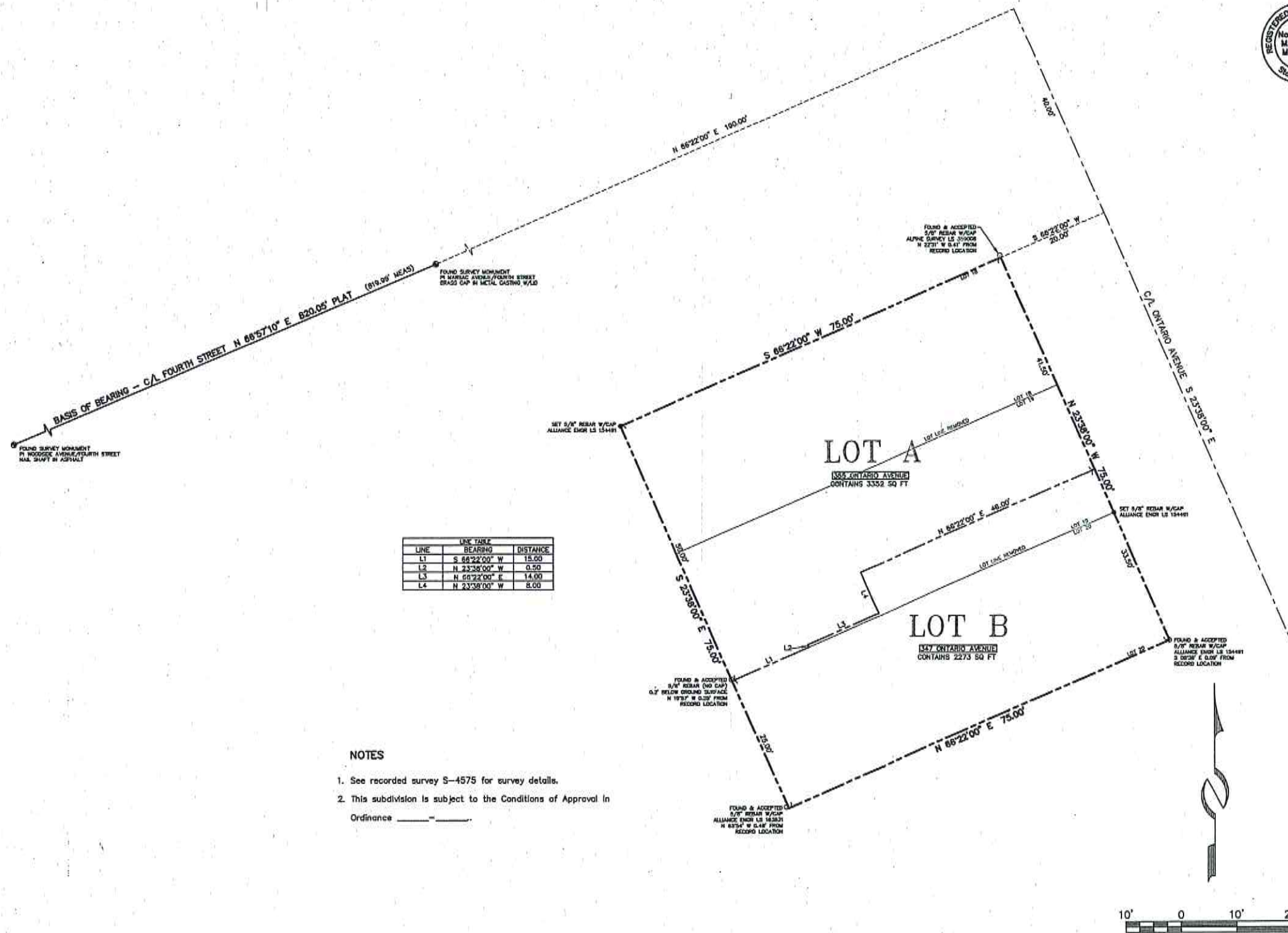
Signature \_\_\_\_\_

A Notary Public commissioned in \_\_\_\_\_

Printed Name \_\_\_\_\_

Residing in: \_\_\_\_\_

My commission expires: \_\_\_\_\_



LINE	BEARING	DISTANCE
L1	S 68°22'00" W	15.00
L2	N 23°38'00" W	0.50
L3	N 23°38'00" E	14.00
L4	N 23°38'00" W	8.00

### NOTES

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

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

## ONTARIO THREE SUBDIVISION

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

SHEET 1 OF 1

11/11/14 JOB NO.: S-9-14 FILE: X:\ParkCitySurvey\dwg\sr\plat2014\050914.dwg

<p>(435) 648-2487 SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ PLANNING COMMISSION Meeting May 13, 2015 DAY OF _____, 2015 BY _____ S.R.W.R.D.</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015 BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ MAYOR</p>	<p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ Page 108 of 330 ENTRY NO. _____ FEE _____ RECORDER _____</p>
	<p>333 Main Street P.O. Box 2064 Park City, Utah 84060-2064</p>					



# EXHIBIT E



April 10, 2015

William McKenna  
PO Box 1976  
Park City, UT 84060

## NOTICE OF PLANNING DIRECTOR DETERMINATION

Project Address: 355 Ontario Avenue  
Project Description: Planning Director Determination for garage height exception above 27 feet  
Project Number: HHDR: PL-14-02435 and SS CUP: PL-15-02716  
Date of Action: April 10, 2015

### Action Taken by Planning Director:

Per Land Management Code (LMC) 15-2.3-6 Building Height, no structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height; however, the following Building Height exception applies:

*4. Garage on a Downhill Lot. The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five (35') from existing grade.*

The Planning Director finds that the garage on the downhill lot located at 355 Ontario Avenue may exceed the twenty-seven feet (27') height limit with a proposed height of 29 feet due to the following Findings of Fact:

### Findings of Fact:

1. The intent of this regulation is to accommodate a single car garage in a tandem

configuration and to avoid garages wider than single-car width

2. The proposed garage height is 9 feet, 6 feet under the allowable 35 feet height exception subject to approval by the Planning Director.
3. The garage is a single car garage.
4. The Lot slopes downhill on the east elevation.

Conditions of Approval

1. All standard conditions of approval shall apply.

If you have any questions regarding this determination, please don't hesitate to contact the Planning Department at 435-615-5060.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Sintz', with a stylized flourish at the end.

Kayla Sintz  
Planning Director

CC: Christy Alexander, Planner II

# Planning Commission Staff Report



**Subject:** Imperial Hotel - 221 Main Street Plat  
**Author:** Hannah Turpen, Planner  
**Project Number:** PL-14-02491  
**Date:** May 13, 2015  
**Type of Item:** Administrative – Condominium Record of Survey

## **Summary Recommendations**

Staff recommends the Planning Commission conduct a public hearing and continue the item to an undecided date to allow Staff to confirm new ownership of the property.

## **Topic**

**Applicant:** Westlake Land, LLC  
Represented by Jack Johnson

**Location:** 221 Main Street

**Zoning:** Historic Commercial Business (HCB)

**Adjacent Land Uses:** Residential and Commercial

**Reason for Review:** Condominium Record of Surveys require Planning Commission review and City Council review and action

## Planning Commission Staff Report



**Subject:** 327 Woodside Amended Subdivision  
**Author:** Francisco Astorga, Senior Planner  
**Project Number:** PL-15-02714  
**Date:** May 13, 2015  
**Type of Item:** Administrative – Plat Amendment

### **Summary Recommendations**

Staff recommends the Planning Commission hold a public hearing for the 327 Woodside Amended Subdivision located at 327 Woodside Avenue and continue the item to the May 27, 2015 Planning Commission meeting to allow Staff additional time to work through the application.

### **Description**

**Applicant:** Richard and Jill Lesch represented by Jonathan DeGray  
**Location:** 327 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**

Lot 7 and Lot 8, Block 30, of the Amended Plat of the Park City Survey are separately owned by the same entity. The property owners desire to unity the two (2) lots into one (1) lot of record by removing the lot line which separates the lots. Currently, Lot 7 contains a single-family dwelling. The single-family dwelling was built in 2001. According to Summit County records the structure contains a total living area of 1,526 square feet, with a basement area of 314 square feet, and an attached built in garage area of 561 square feet. Lot 8 is currently vacant.

# City Council Staff Report



PLANNING DEPARTMENT

**Project Number:** PL-15-02680  
**Subject:** Stein Eriksen Residences Condominium Plat  
**Author:** Francisco Astorga, Senior Planner  
**Date:** May 13, 2015  
**Type of Item:** Administrative – Condominium Record of Survey

## **Summary Recommendations**

Staff recommends the Planning Commission hold a public hearing for the Stein Eriksen Residences Condominium Plat amending North Silver Lake Condominium Plat and continue the item to the May 27, 2015 Planning Commission meeting to allow Staff additional time to work through the application.

## **Description**

**Applicant:** SR Silver Lake LLC represented by Marinel Robinson  
**Location:** 7101 Stein Circle  
North Silver Lake Condominium Plat  
**Zoning:** Residential Development (RD) District  
**Adjacent Land Uses:** Ski resort and residential  
**Reason for Review:** Condominium Record of Survey Plats are required to be reviewed by the Planning Commission and reviewed and approved by the City Council

## **Proposal**

Due to market demand and buyer requests revisions, the applicant request to adjust building envelopes and condominium interiors from the existing plat.

Under the Deer Valley Resort Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial/support space. In 2010 the Park City Planning Commission approved a Conditional Use Permit (CUP) for the development consisting of fifty four (54) private total units: sixteen (16) detached single family dwellings/duplexes and four (4) condominium buildings containing thirty eight (38) private dwelling units. In 2014, the applicant received Condominium Record of Survey plat which is consistent with the approved 2010 CUP.

**Planning Commission  
Staff Report**



**Application No:** PL-15-02665  
**Subject:** 259, 261, 263 Norfolk Avenue  
Upper Norfolk Subdivision Plat  
**Author:** Francisco J. Astorga, City Planner  
**Date:** May 13, 2015  
**Type of Item:** Administrative – Amending Conditions of Approval on  
Ordinance No. 06-55

**Summary Recommendations**

Staff recommends the Planning Commission hold a public hearing for the Upper Norfolk Subdivision Plat Amendment, located at 259, 261, 263 Norfolk Avenue, to amend conditions of approval on Ordinance No. 06-55 adopted in 2006 continue the item to the May 27, 2015 Planning Commission meeting to allow Staff additional time to work through the application.

**Description**

**Applicants:** 259 Upper Norfolk, LLC, Amos Fiat, member  
261 Upper Norfolk, LLC, Amos Fiat, member  
263 Upper Norfolk LLC, John Pelichioud, member  
Represented by Jerry Fiat  
**Location:** 259/261/263 Norfolk Avenue  
**Zoning:** Historic Residential (HR-1) District  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Plat amendments require Planning Commission review and City Council approval

**Proposal**

This is a request to remove two (2) conditions of approval on executed Ordinance No. 06-55 adopted in 2006 which approved the Upper Norfolk Subdivision Plat. One of the conditions of approval in the Ordinance called for construction access to take place from King Road rather than Upper Norfolk Avenue. Construction access was made possible through temporary access agreements with adjacent property owners with access from King Road. The agreement was executed and recorded in October 2006, with a stipulation that it would become void December 2009. The Upper Norfolk Subdivision received approval in July 2006 and the plat was recorded in June 2007.

# Planning Commission Staff Report



**Subject:** 1021 Park Avenue Subdivision Plat  
**Author:** Christy J. Alexander, AICP, Planner II  
**Project Number:** PL-15-02703  
**Date:** May 13, 2015  
**Type of Item:** Administrative – Plat Amendment

## Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the 1021 Park Ave Subdivision, 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:** Bill Hart, owner/Marshall King, representative  
**Location:** 1021 Park Ave  
**Zoning:** Historic Residential (HR-1)  
**Adjacent Land Uses:** Single-family and Duplex homes  
**Reason for Review:** Plat amendments require Planning Commission review and City Council action

## Proposal

The applicant is requesting a Plat Amendment for the purpose of combining two (2) existing lots (Lots 5 & 6) into one (1) lot of record located in Block 4 of the Snyder's Addition to the Park City Survey. The applicant currently owns both lots and had a historic home sitting over the property line of the two lots. The home has been through the Historic District Design Review process, has a preservation plan in place, and has been deconstructed. The home will be reconstructed per an approved preservation plan and the applicant requests to combine the lots to create one (1) lot of record on which they plan to re-build the historic single-family home at 1021 Park Avenue.

## Purpose

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

- (A) Preserve present land Uses and character of the Historic residential areas of Park City,
- (B) Encourage the preservation of Historic Structures,
- (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,

- (D) Encourage single family development on combinations of 25' x 75' Historic Lots,
- (E) Define development parameters that are consistent with the General Plan policies for the Historic core, and
- (F) Establish development review criteria for new development on Steep Slopes which mitigate impacts to mass and scale and the environment.

### **Background**

On March 11, 2015 the applicant submitted a complete application for the 1021 Park Avenue Subdivision. The property is located at 1021 Park Avenue in the Historic Residential (HR-1) District.

Currently both Lots 5 & 6 are vacant of any structures due to the historic home having been deconstructed. Both lots are owned by Bill Hart. There have been several similar lot combinations in this neighborhood combining one and a half or two lots. Both lots are typical 1,875 sf Old Town lots and currently meet the minimum lot area standards as given for the HR-1 District. A preservation plan is in place which will require the owner to reconstruct the historic single-family home on the combined lot in the historic location which was across the shared lot line. The HDDR was approved on March 18, 2015 and the preservation guarantee for the reconstruction of the historic structure has been posted with the City.

A brief timeline and summary of the historic home, reasoning for deconstruction and intent to reconstruct:

- The structure was built c. 1901, according to the Historic Site Form. By 1940, a porch had been constructed along the length of the rear façade; this porch was enclosed by 1968 and a shed addition was built to the west of it. .
- Currently, the main building (house) is approximately 1,008.4 square feet; of this, only approximately 699.7 square feet is the original four-room historic structure. A rear porch addition was constructed by 1940 and within the historic period, but enclosed after 1940; this addition totals approximately 196.3 square feet. The post-1941 shed addition contains approximately 112.4 square feet.
- Per Land Management Code (LMC) 15-11-15, in order for reconstruction to be approved, the historic structure must be found by the Chief Building Official to be hazardous or dangerous pursuant to Section 116.1 of the International Building Code. The Building Department issued a Notice and Order to repair, vacate, and demolish the structure on April 11, 2013 due to the severe overall deterioration of the building. The structure cannot be made serviceable through repair. Furthermore, the form, features, detailing, placement, orientation, and location of the Historic Building will be accurately depicted by means of new construction based on as-built measured drawings, historical records, and/or current or historic photos, as conditioned.
- Per the 2009 Historic Site Form, the one-story single wall structure with hipped roof is a pyramid style house constructed c. 1901. (The Physical Condition Report suggests the house was constructed prior to 1901.) The front porch is not original,



but likely added sometime after the historic period. The site form suggests that the house was covered in shingles in 1978; however, the current owner removed this material c. 2003 and replaced it with new drop novelty siding.

- In 1978, the house was listed as “contributing” on the National Register of Historic Places—Thematic District of Residences of the Mining Boom Era.
- On August 23, 1994, the City received an application for a Certificate of Appropriateness for Demolition (CAD) from the present property owner; the CAD was closed by the Planning Department on December 29, 1995, due to inactivity.
- On December 5, 1994, the Historic District Commission (HDC) heard an appeal by Bill Hart, submitted on October 14, 1994, and the HDC found that the structures at 1015 and 1021 Park Avenue were historically significant.
- On April 11, 2013, the Park City Building Department issued a Notice and Order to Repair and Vacate for the structure at 1021 Park Avenue. The Notice and Order required that the building be secured, including covering windows and doors; the electrical meter be removed from the building and the meter base secured; the exterior branch circuit panel on the south side of the building removed; the chimney and roof be stabilized; and the building be vacated due to lack of sanitation and safety concerns.
- On November 5, 2013, the Building Department issued an Administrative Citation to Bill Hart for not complying with the April Notice and Order.
- On July 13, 2014, Administrative Law Judge Alissa Owed ruled in favor of the plaintiff, Park City Municipal Corporation, in an Administrative Code Enforcement (ACE) hearing. The ACE hearing found that the property owner had failed to comply with the requirements as delineated by the Notice and Order and Administrative Citation.
- The City commissioned a Physical Conditions Report for 1021 Park Avenue; SWCA submitted this report in an effort for the Building Department to move ahead on necessary repairs. The applicant submitted this report as part of his HDDR on February 13, 2015.
- Bill Hart submitted a Pre-HDDR application with the intent to work with the City on moving ahead on necessary repairs on December 11, 2014. A full HDDR application was submitted on February 13, 2015, and was deemed complete on February 19, 2015.
- The historic house was structurally unsound. There was a large hole in the pyramid roof on the rear elevation that has caused additional stress and strain on the single wall and limited stud wall construction beneath the roof collapse; the Building Department had found that the existing structural system was in danger of immediate collapse because of these defects.
- New siding was placed over the historic drop novelty siding. Much of the original siding suffers from wood rot and mold; in some cases, the siding is completely deteriorated and not salvageable. The removal of the wood shingles that clad the house c. 1970s had left nail holes that had accelerated the deterioration of the remaining historic siding.
- As early as 1994, site visits with the Planning and Building Departments found that the electrical system was inadequate and posed a fire hazard. The Building Department concluded the same in their 2013 site visits.

- The structure had significant mold due to the lack of foundation, deterioration of the single wall construction, and the collapse of the rear roof structure.
- The structure was in severe decline due to years of deferred maintenance. Due to its deteriorated state, the interior had significant mold growth that had rendered it uninhabitable. Paint deterioration and severe wood rot were also present on the exterior.

**Analysis**

The proposed plat amendment creates one (1) lot of record consisting of 3,750 square feet. The minimum lot area for a single family dwelling is 1,875 square feet. Neither lots currently contain any structures and are vacant due to the historic home having been deconstructed. The combined lot area meets the minimum lot size of 3,750 square feet for a duplex. The applicant submitted a Historic District Design Review application and plans for the deconstruction and proposed reconstruction with a small addition to the historic home on the lot to the Design Review Team. The Historic Design Review application for deconstruction was approved on March 18, 2015.

There are currently two (2) existing homes on either side of the proposed lot. The homes within 200 feet across the street on the east side of Park Ave consist of mainly single-family and duplex dwellings and vacant lots. Any new structure proposed for the combined lot created by this plat amendment would need to meet the current LMC code requirements of 5 feet side yard setbacks (10 feet total). Front and rear yard setbacks would need to meet current code standards of a minimum of ten feet (10'). The preservation plan in place calls for the historic home to be reconstructed in the historic location, placing the home in the exact location it was before deconstruction in which it straddled the lot lines.

The minimum lot width allowed in the district is twenty-five feet (25'). The proposed width will be fifty (50') feet. The proposed lot will be compatible with the existing neighborhood as the two lots either side of the proposed lot are approximately each thirty-seven and a half (37.5') feet. The houses within 200 feet to the north and south on the west side of Park Ave consist of typical "Old Town" single-family and duplex dwellings. The proposed lot combination meets the lot and site requirements of the HR-1 District described below:

<b>Required</b>	<b>Existing/Historic</b>	<b>Permitted</b>
Lot Size	3,750 square feet	1,875 square feet minimum
Building Footprint	N/A	1,518.75 square feet maximum (based on the lot area of 3,750 square feet)

Front/rear yard setbacks	Front 13 / Rear 16	10 feet minimum, 20 feet total (based on the lot depth of 75 feet)
Side yard setbacks	11, 11	5 feet minimum, 10 feet total (based on the lot width of 50 feet).
Height	N/A	27 feet above existing grade, maximum. 35 feet above existing grade is permitted for a single car garage on a downhill lot upon Planning Director approval.
Height (continued)	N/A	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.
Final Grade	N/A	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.
Vertical Articulation	N/A	A ten foot (10') minimum horizontal step in the downhill façade is required unless the First Story is located completely under the finish Grade on all sides of the Structure. The horizontal step shall take place at a maximum height of twenty three feet (23') from where Building Footprint meets the lowest point of existing Grade.
Roof Pitch	N/A	Between 7:12 and 12:12. A roof that is not part of the primary roof design may be below the required 7:12 roof pitch.
Parking	N/A	Two (2) parking spaces per dwelling.

This plat amendment is consistent with the Park City LMC and applicable State law regarding plat amendments. Any new structures must comply with current LMC requirements. Recordation of this plat and completion and approval of a final Historic District Design Review (HDDR) and Steep Slope CUP, if required, application are required prior to building permit issuance for any construction on the proposed lot.

### **Good Cause**

Planning Staff finds there is good cause for this plat amendment. Combining the lots will allow the historic house to be reconstructed and will remove the existing lot line between the two lots. 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.

Staff finds that the plat will not cause undo harm to adjacent property owners and all future development, including any additions to the historic structure, will be reviewed for compliance with requisite Building and Land Management Code, and applicable Historic District Design Guidelines requirements.

### **Department Review**

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

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet in accordance with the requirements in the LMC on April 22, 2015. Legal notice was also published in the Park Record by April 25, 2015 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. Any public input on the HDDR or reconstruction worth noting?

### **Process**

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

### **Alternatives**

- The Planning Commission may forward a positive recommendation for approval of the 1021 Park Avenue Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation for the 1021 Park Avenue Subdivision and direct staff to make findings for this decision; or

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

### **Significant Impacts**

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

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

The proposed plat amendment would not be recorded and the two (2) existing lots would not be adjoined and remain as is. The lot at 1021 Park Avenue would remain vacant, thus hindering the reconstruction of the historic home. New construction would have to comply with the current LMC requirements for any new structures on typical “Old Town” single lots.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the 1021 Park Avenue Subdivision based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

### **Exhibits**

Draft Ordinance

Exhibit A –Proposed Plat

Exhibit B – Existing Conditions Survey

Exhibit C – Vicinity Map/Aerial

Exhibit D – Photographs

Exhibit E – HDDR Approval for Deconstruction

**Draft Ordinance with Proposed Plat**

Ordinance 15-

**AN ORDINANCE APPROVING THE 1021 PARK AVENUE SUBDIVISION, LOCATED AT 1021 PARK AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the 1021 Park Avenue Subdivision located at 1021 Park Avenue, have petitioned the City Council for approval of the 1021 Park Avenue Subdivision; and

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

WHEREAS, proper legal notice was sent to all affected property owners on April 22, 2015 according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on May 13, 2015 to receive input on the proposed subdivision;

WHEREAS, on May 13, 2015 the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on June 4, 2015 the City Council held a public hearing on the proposed 1021 Park Avenue Subdivision; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the proposed 1021 Park Avenue Subdivision.

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 1021 Park Avenue Subdivision, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The plat is located at 1021 Park Avenue within the Historic Residential (HR-1) District.
2. The 1021 Park Avenue Subdivision consists of Lots 5 & 6 of Block 4 of the Snyder's Addition to the Park City Survey.
3. On February 25, 2015, the applicants submitted an application for a plat amendment to combine two (2) lots containing a total of 3,750 square feet into one (1) lot of record.
4. The application was deemed complete on March 11, 2015.

5. The site is a developed parcel which had a historic structure which has been deconstructed, identified on the City's Historic Sites Inventory (HSI) as a "Landmark" site.
6. The lots at 1021 Park Ave are currently vacant after the historic home was deconstructed in order to satisfy the Building Department's Notice and Order.
7. Approval of the HDDR for deconstruction was noticed on March 18, 2015.
8. The Encumbrance and Agreement for Historic Preservation for 1021 Park Avenue states that the historic home must be reconstructed as outlined in the Historic Preservation Plan by March 30, 2017.
9. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.
10. The maximum footprint allowed in the HR-1 zone is 1,518.75 square feet for the proposed lot based on the lot area of the lot.
11. The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lot.
12. Lots 5 & 6 of Block 4 of the Snyder's Addition to the Park City Survey are located in a FEMA flood zone X, which is an area with an 0.2% annual chance of flooding or an areas with a 1% annual chance of flooding with average depths of less than one (1) foot.
13. The front yard setback is approximately 13 feet, the rear yard setback is approximately 16 feet. The side yard setbacks are approximately 11 feet each. These setbacks meet the requirements of the Land Management Code.

#### 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. Recordation of this plat is required prior to building permit issuance for any construction on the proposed lot.
4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.

5. A ten foot (10') wide public snow storage easement is required along the frontage of the lots with Park Avenue and shall be shown on the plat.
6. All conditions of approval from the HDDR approval of March 18, 2015 continue to apply.

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

PASSED AND ADOPTED this \_\_\_\_day of \_\_\_\_\_, 2015

PARK CITY MUNICIPAL CORPORATION

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

ATTEST:

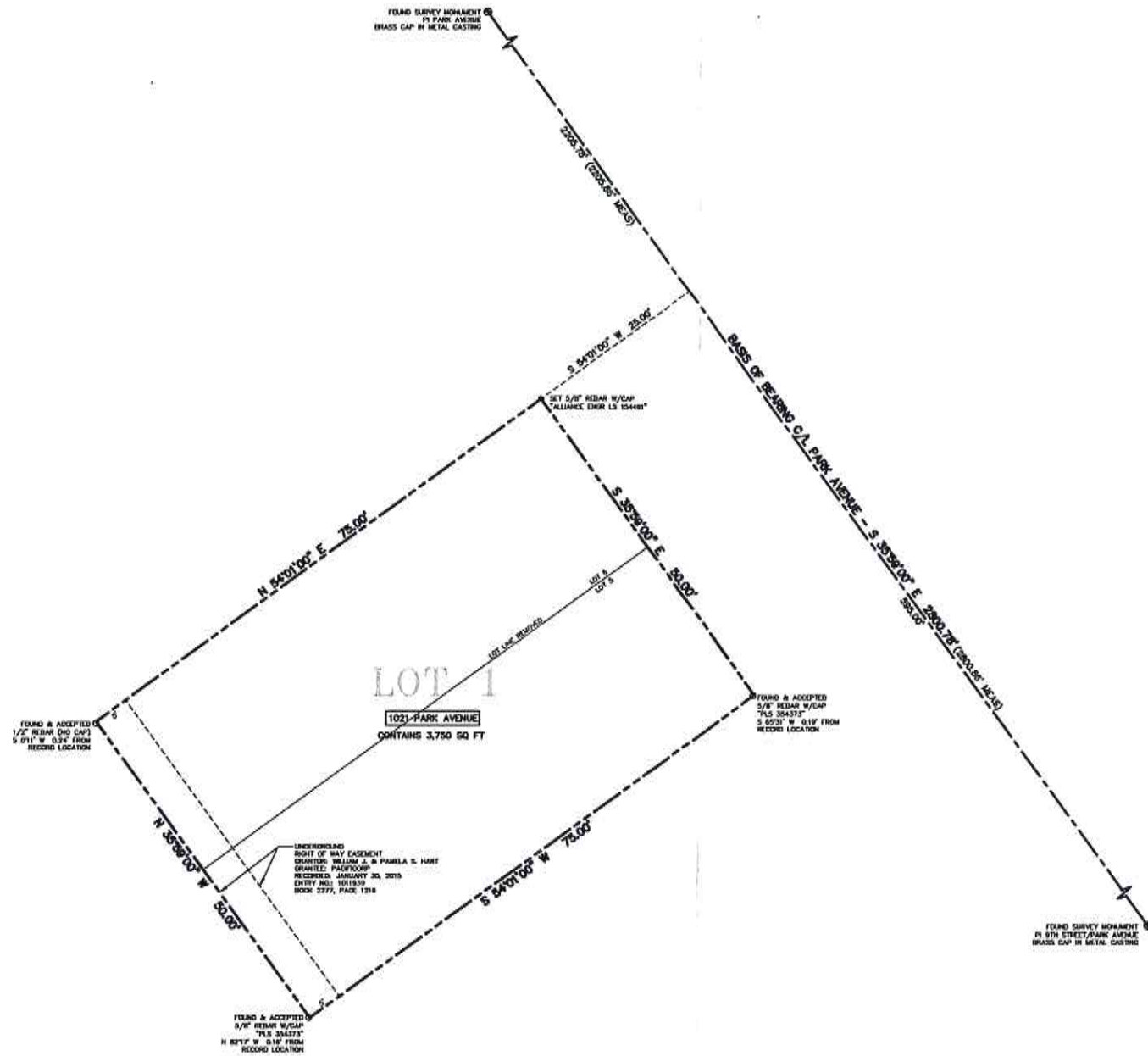
\_\_\_\_\_  
Marci Heil, City Recorder

APPROVED AS TO FORM:

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



# Exhibit A



### SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this Record of Survey map of 1021 PARK AVENUE SUBDIVISION and that the same has been or will be monumented on the ground as shown on this plot. I further certify that the information on this plot is accurate.

### BOUNDARY DESCRIPTION

All of Lots 5 and 6, Block 4, SNYDER'S ADDITION TO PARK CITY SURVEY, according to the official plot thereof, on file and of record in the office of the Summit County Recorder.

### OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, WILLIAM J. HART & PAMELA S. HART, HUSBAND & WIFE AS JOINT TENANTS, hereby certify that they have caused a survey to be made and this amended Record of Survey Map to be prepared and hereby consent to the re-recording of this amended Record of Survey Map.

In witness whereof, the undersigned set his hand this \_\_\_\_ day of \_\_\_\_\_, 2015.  
 By: William J. Hart

In witness whereof, the undersigned set her hand this \_\_\_\_ day of \_\_\_\_\_, 2015.  
 By: Pamela S. Hart

### ACKNOWLEDGMENT

State of \_\_\_\_\_  
 County of \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2015, William J. Hart personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, William J. Hart acknowledged to me that he is the person whose name is subscribed to this instrument, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public: \_\_\_\_\_  
 Printed Name: \_\_\_\_\_  
 Residing in: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

### ACKNOWLEDGMENT

State of \_\_\_\_\_  
 County of \_\_\_\_\_

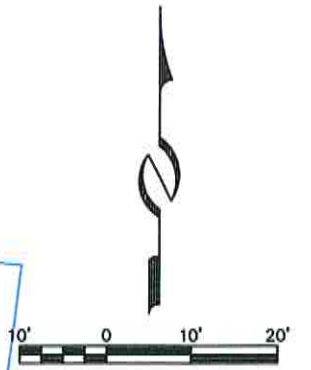
On this \_\_\_\_ day of \_\_\_\_\_, 2015, Pamela S. Hart personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Pamela S. Hart acknowledged to me that she is the person whose name is subscribed to this instrument, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public: \_\_\_\_\_  
 Printed Name: \_\_\_\_\_  
 Residing in: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

NOTE:  
 This subdivision is subject to the Conditions of approval in Ordinance 15-\_\_\_\_\_.

## A COMBINATION OF LOTS 5 & 6, BLOCK 4, SNYDER'S ADDITION TO PARK CITY SURVEY 1021 PARK AVENUE SUBDIVISION

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

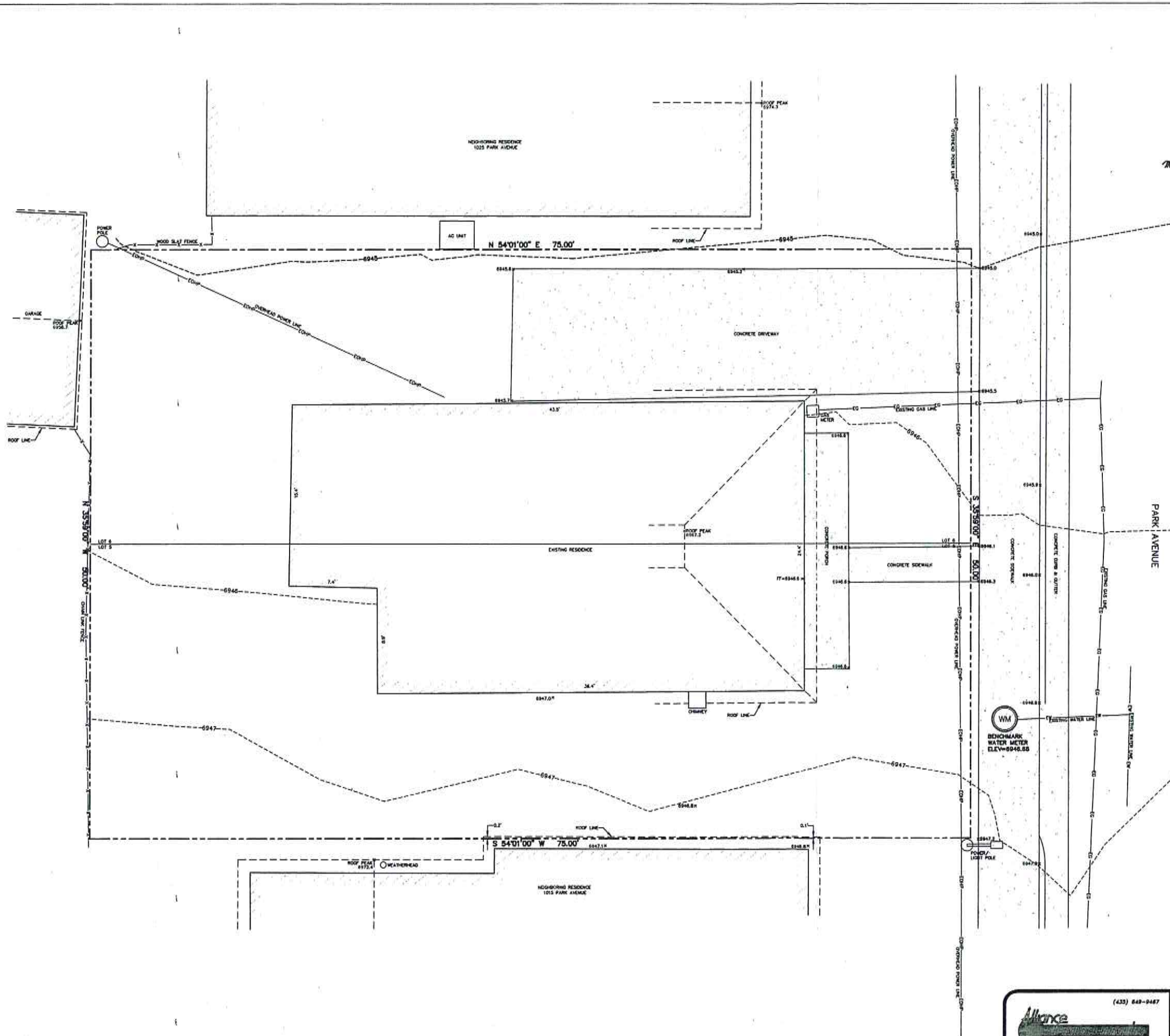


SHEET 1 OF 1

 (435) 648-8467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2064 Park City, Utah 84060-2064	<b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b> REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 BY _____ S.B.W.R.D.	<b>PLANNING COMMISSION</b> APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015 BY _____ CHAIR	<b>ENGINEER'S CERTIFICATE</b> I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ENGINEER	<b>APPROVAL AS TO FORM</b> APPROVED AS TO FORM THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ATTORNEY	<b>COUNCIL APPROVAL AND ACCEPTANCE</b> APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ MAYOR	<b>CERTIFICATE OF ATTEST</b> I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ PARK CITY RECORDER	<b>RECORDED</b> STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ FEE _____ RECORDER _____
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Planning Commission Meeting May 13, 2015

# Exhibit B

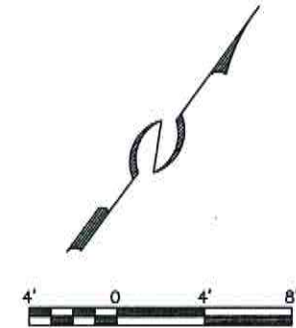


### SURVEYOR'S CERTIFICATE

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

### NOTES

1. Site Benchmark: Water meter  
Elevation=6946.68
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 February 4, 2015.
4. Property corners were set or found.
5. Snow coverage at the time of the survey was approximately 0" to 6". As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.

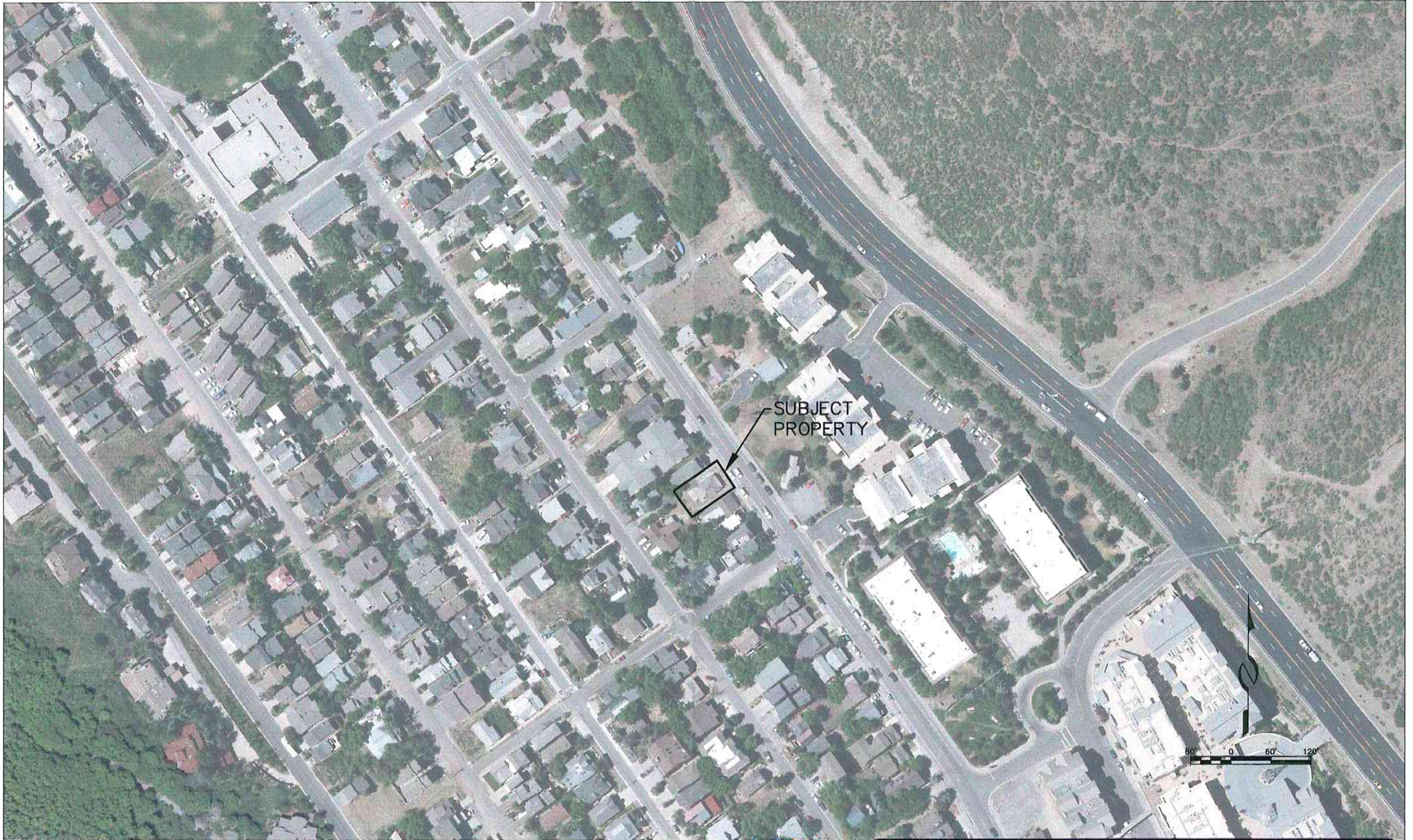


RECEIVED  
FEB 25 2015  
PARK CITY  
PLANNING DEPT.

<p>(435) 648-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Moh Street P.O. Box 2884 Park City, Utah 84090-2884</p>	<p>STAFF: MARSHALL KING MARTY MORRISON JEFF KITCHEN</p>	<p>EXISTING CONDITIONS/TOPOGRAPHIC MAP 1021 PARK AVENUE BLOCK 4, SNYDER'S ADDITION</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 2/13/15</p>	<p>FOR: BILL &amp; PAM HART JOB NO.: 1-2-15 FILE: X:\SnydersAddition\dwg\src\topo2015\010215.dwg</p>	<p>Page 126 of 330</p>



Exhibit C



SUBJECT  
PROPERTY



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PARK CITY  
PLANNING DEPT.

**Alliance Engineering Inc.**  
(435) 648-9487  
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
827 Main Street P.O. Box 2884 Park City, Utah 84060-2884

**STAFF:**  
MARSHALL KING  
JEFF KITCHEN

**DATE:** 2/13/15

**AERIAL PHOTOGRAPH**  
**LOTS 5 & 6, BLOCK 4**  
**SNYDER'S ADDITION TO PARK CITY SURVEY**  
**FOR: BILL & PAM HART**  
**JOB NO.:** 1-2-15  
**FILE:** X:\SnydersAddition\dwg\Exhibits\1021 park ave-ortho.dwg

**SHEET**  
**1**  
**OF**  
**1**



# Exhibit D



Looking East



Looking East

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PLANNING DEPT.





Looking West



Looking Southwest



**PLANNING DEPARTMENT**

March 18, 2015

Bill Hart  
 PO Box 1666  
 Park City, UT 84060

CC: David White

NOTICE OF PLANNING DEPARTMENT ACTION

<u>Project Address</u>	1021 Park Avenue
<u>Description</u>	Historic District Design Review
<u>Date of Action</u>	March 18, 2015
<u>Project #</u>	PL-14-02250

Summary of Staff Action

Staff reviewed this project for compliance with the Historic District Design Guidelines, specifically with Specific Guideline G. Reconstruction of Existing Historic Structures. The applicant proposes to reconstruct the historic structure and add a small addition; new construction following the deconstruction of the structure located at 1021 Park Avenue. Plans for the reconstruction will be reviewed through a separate Historic District Design Review (HDDR). This HDDR (PL-14-02250) only approves the deconstruction of the structure in order to meet the Building Department's Notice and Order dated April 11, 2013. This letter serves as the final action letter and approval for the proposed deconstruction of the Landmark structure at 1021 Park Avenue, 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 1021 Park Avenue.
2. The parcel is approximately 3,750 square feet in size. The minimum lot size in the Historic Residential -1 (HR-1) District is 1,850 square feet.
1. The property is located in the Historic Residential 1 (HR-1) District.
2. The site is a developed parcel with a historic structure, identified on the City's Historic Sites Inventory (HSI) as a "Landmark" site.
3. The structure was built c. 1901, according to the Historic Site Form. By 1940, a porch had been constructed along the length of the rear façade; this porch was

- enclosed by 1968 and a shed addition was built to the west of it. These two additions are described in the Physical Conditions Report completed by SWCA.
4. Currently, the main building (house) is approximately 1,008.4 square feet; of this, only approximately 699.7 square feet is the original four-room historic structure. A rear porch addition was constructed by 1940 and within the historic period, but enclosed after 1940; this addition totals approximately 196.3 square feet. The post-1941 shed addition contains approximately 112.4 square feet.
  5. Per Land Management Code (LMC) 15-11-15, in order for reconstruction to be approved, the historic structure must be found by the Chief Building Official to be hazardous or dangerous pursuant to Section 116.1 of the International Building Code. The Building Department issued a Notice and Order to repair, vacate, and demolish the structure on April 11, 2013 due to the severe overall deterioration of the building. The structure cannot be made serviceable through repair. Furthermore, the form, features, detailing, placement, orientation, and location of the Historic Building will be accurately depicted by means of new construction based on as-built measured drawings, historical records, and/or current or historic photos, as conditioned.
  6. Per the 2009 Historic Site Form, the one-story single wall structure with hipped roof is a pyramid style house constructed c. 1901. (The Physical Condition Report suggests the house was constructed prior to 1901.) The front porch is not original, but likely added sometime after the historic period. The site form suggests that the house was covered in shingles in 1978; however, the current owner removed this material c. 2003 and replaced it with new drop novelty siding.
  7. In 1978, the house was listed as “contributing” on the National Register of Historic Places—Thematic District of Residences of the Mining Boom Era.
  8. On August 23, 1994, the City received an application for a Certificate of Appropriateness for Demolition (CAD) from the present property owner; the CAD was closed by the Planning Department on December 29, 1995, due to inactivity.
  9. On December 5, 1994, the Historic District Commission (HDC) heard an appeal by Bill Hart, submitted on October 14, 1994, and the HDC found that the structures at 1015 and 1021 Park Avenue were historically significant.
  10. On April 11, 2013, the Park City Building Department issued a Notice and Order to Repair and Vacate for the structure at 1021 Park Avenue. The Notice and Order required that the building be secured, including covering windows and doors; the electrical meter be removed from the building and the meter base secured; the exterior branch circuit panel on the south side of the building removed; the chimney and roof be stabilized; and the building be vacated due to lack of sanitation and safety concerns.
  11. On November 5, 2013, the Building Department issued an Administrative Citation to Bill Hart for not complying with the April Notice and Order.
  12. On July 13, 2014, Administrative Law Judge Alissa Owed ruled in favor of the plaintiff, Park City Municipal Corporation, in an Administrative Code Enforcement (ACE) hearing. The ACE hearing found that the property owner had failed to comply with the requirements as delineated by the Notice and Order and Administrative Citation.



13. The City commissioned a Physical Conditions Report for 1021 Park Avenue; SWCA submitted this report in an effort for the Building Department to move ahead on necessary repairs. The applicant submitted this report as part of his HDDR on February 13, 2015.
14. Bill Hart submitted a Pre-HDDR application with the intent to work with the City on moving ahead on necessary repairs on December 11, 2014. A full HDDR application was submitted on February 13, 2015, and was deemed complete on February 19, 2015.
15. The historic house is structurally unsound. There is a large hole in the pyramid roof on the rear elevation that has caused additional stress and strain on the single wall and limited stud wall construction beneath the roof collapse; the Building Department has found that the existing structural system is in danger of immediate collapse because of these defects.
16. New siding was placed over the historic drop novelty siding. Much of the original siding suffers from wood rot and mold; in some cases, the siding is completely deteriorated and not salvageable. The removal of the wood shingles that clad the house c. 1970s has left nail holes that have accelerated the deterioration of the remaining historic siding.
17. As early as 1994, site visits with the Planning and Building Departments found that the electrical system was inadequate and posed a fire hazard. The Building Department concluded the same in their 2013 site visits.
18. The structure has significant mold due to the lack of foundation, deterioration of the single wall construction, and the collapse of the rear roof structure.
19. The structure is in severe decline due to years of deferred maintenance. Due to its deteriorated state, the interior has significant mold growth that has rendered it uninhabitable. Paint deterioration and severe wood rot are also present on the exterior.
20. At this time the applicant is proposing to deconstruct the structure in order to satisfy the Building Department's Notice and Order.
21. The proposed work complies with Specific Guideline G.1. in that the Chief Building Official has determined the structure to be a hazardous or dangerous building, pursuant to Section 115.1 of the International Building Code, AND the building cannot be made safe and/or serviceable through repair.
22. The proposed work complies with Specific Guideline G.2 as conditioned.
23. The proposed work complies with Specific Guideline G.3 as conditioned.
24. The proposed work complies with Specific Guideline G.4 as conditioned.
25. The proposed work complies with Specific Guideline G.5 as the applicant will preserve any historic material during the deconstruction and reuse any salvageable, remaining historic materials found to be safe and/or serviceable.
26. The proposed work complies with Specific Guideline G.6 as conditioned.
27. The proposed work complies with Specific Guideline G.7 as conditioned.
28. The proposed work complies with Specific Guideline G.8 as conditioned.
29. The proposed work complies with Specific Guideline G.9 as conditioned.



### 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 Residential (HR-1) District (lot size, setbacks, etc.).
3. The proposed building meets the applicable Historic District Design Guidelines for Historic Sites in Park City, 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 neighboring structures, and existing infrastructure/streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department.
2. Final construction details shall reflect substantial compliance with the Preservation Plan stamped in on February 12, 2015 and the Physical Conditions report stamped in on February 13, 2015, redlined and approved by the Planning Department on March 18, 2015. 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 work 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 documents with the approved construction documents. Any discrepancies found among these documents that would cause a change in the approved construction shall be reviewed and approved prior to construction. Any changes, modifications, or deviations from the approved construction that have not been approved by the Planning and Building Departments may result in a stop work order.
4. The applicant must provide the City with a Financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan prior to obtaining a building permit.
5. If a building permit has not been obtained by March 18, 2016, this HDDR approval will expire, unless an extension is requested prior to the expiration date and granted by the Planning Department.
6. 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.
7. Any area disturbed during construction surrounding the proposed work shall be brought back to its original state.
8. Construction waste should be diverted from the landfill and recycled when possible.

9. A second Historic District Design Review (HDDR) application will be submitted to the Planning Department for the reconstruction and proposed addition at 257 McHenry Avenue and approved by the Planning Department prior to the start of any construction to rebuild the historic structure.
10. The new construction shall comply with the Design Guidelines for Historic Sites in Park City.
11. The reconstruction shall be guided by documentation and physical evidence, as outlined in the Physical Conditions Report and as-built measured drawings, in order to facilitate an accurate re-creation.
12. Reconstruction shall not be based on conjectural designs or on a combination of different features from other historic buildings.
13. The reconstruction shall include recreating the documented design of the exterior features such as the roof shape, architectural detailing, windows, entrances and porches, steps and doors, and their historic spatial relationships.
14. The reconstructed building shall accurately duplicate the appearance of the historic building in materials, design, and texture.
15. The reconstructed building shall duplicate the historic building, and also the setting, placement, and orientation of the original structure.
16. The reconstruction shall re-establish the historic relationship between the building and historic site features.
17. The building shall not be reconstructed on a location other than its original site unless the Planning Director and Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation on the existing site.
18. Any parts or elements of the building that can be salvaged shall be marked as they are systematically separated from the structure. Non historic siding should be removed from the north, south, and east elevations. Any salvageable historic siding should be reclaimed. Any siding that can be made safe and serviceable through repair shall be preserved and reused on the reconstruction. Contrasting colors of paint or carpenter wax crayons shall be used to establish a marking code for each component. The marking shall be removable or shall be made on surfaces that will be hidden from view when the structure is reassembled.
19. Important architectural features that can be salvaged shall be removed, marked, and stored before the structure or element is deconstructed.
20. The applicant shall salvage the two-over-two double hung window on the northeast corner of Addition 1. This salvaged window shall be used to reproduce new double-hung wood windows on the historic house. The non-historic siding around this window should be removed during the deconstruction to verify original trim measurements that were historically used on the house.
21. Non-historic siding should be removed on the façade to look for ghost lines or past evidence of a front porch, per B.7. of the Physical Conditions Report.
22. A plat amendment to the 1021 Park Avenue site shall be recorded with the Summit County Recorder's Office prior to the issuance of any building permits for new construction.
23. Approval of this HDDR was noticed on March 18, 2015, and any approval is subject to a 10 day appeal period.

24. All standard conditions of approval shall apply (see attached).

If you have any questions about this approval, please do not hesitate to contact me. I can be reached at (435) 615-5067, or via e-mail at [anya.grahn@parkcity.org](mailto:anya.grahn@parkcity.org).

Sincerely,

A handwritten signature in black ink that reads "Anya E. Grahn". The signature is written in a cursive, flowing style.

Anya E. Grahn  
Historic Preservation Planner

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 between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.

14. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.

April 2007

## Planning Commission Staff Report

**Subject:** Cardinal Park Subdivision  
**Author:** Francisco Astorga, Senior Planner  
**Project Number:** PL-15-02466  
**Date:** May 13, 2015  
**Type of Item:** Administrative – Plat Amendment

### Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Cardinal Park Subdivision Plat Amendment located at 550 - 560 Park Avenue and 545 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 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:** 545 Street Holdings, LLC represented by Billy Reed  
Jonathan DeGray, and Marshall King (Alliance Engineering)  
**Location:** 545 Main Street & 550/554/560 Park Avenue.  
**Zoning:** Historic Residential-2 and Historic Commercial Business  
**Adjacent Land Uses:** Residential and Commercial  
**Reason for Review:** Plat Amendments require Planning Commission review and City Council review and action

### Proposal

Lot 1 of the 545 Main Street plat and Lot 32, 33, 34, and 35 of Block 9 of the Amended Plat of the Park City Survey are owned by the same entity. The property owner desires to reconfigure these five (5) lots into three (3) lots of record by removing and shifting some lot lines.

### Background

On April 14, 2015, the City received a completed revised Plat Amendment application for the Cardinal Park Subdivision. The property is located at 545 Main Street and 550, 554, 560 Park Avenue. The property is in the Historic Commercial Business (HCB) and Historic Residential-2 (HR-2) District, respectively. The subject property consists of Lot 1 of the 545 Main Street Plat and Lot 32, 33, 34, and 35 of Block 9 of the Amended Plat of the Park City Survey. The Main Street lot has a non-historic building known as the April Inn and is recognized by Summit County as Parcel 545-MAIN-1. The four (4) Park Avenue lots are vacant and are recognized by Summit County as Parcels PC-137 (lot 32 & 33), PC-131 (lot 34), and PC-138 (lot 35).

## **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.

The purpose of the Historic Residential-2 District is to:

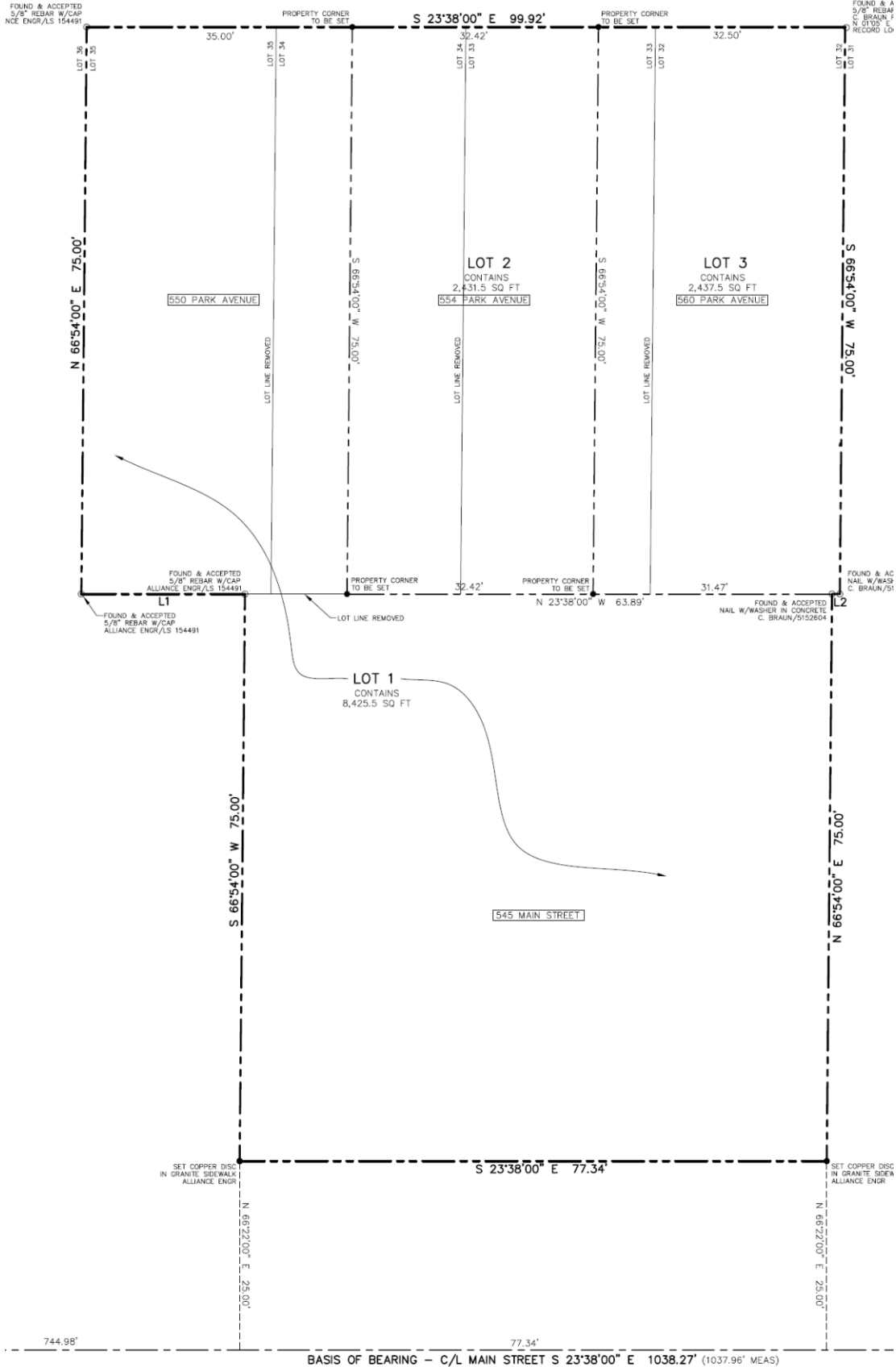
- A. allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:
  - 1. Upper Main Street;
  - 2. Upper Swede Alley; and
  - 3. Grant Avenue,
- B. encourage and provide incentives for the preservation and renovation of Historic Structures,
- C. establish a transition in Use and scale between the HCB, HR-1, and HR-2 Districts, by allowing Master Planned Developments in the HR-2, Subzone A,
- D. encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the Historic District,
- E. define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with Historic Structures and the Historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and
- F. provide opportunities for small scale, pedestrian oriented, incubator retail space



- in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue,
- G. ensure improved livability of residential areas around the historic commercial core,
  - H. encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use, scale, character and design that is Compatible with the historic character of the surrounding residential neighborhood,
  - I. encourage residential development that provides a range of housing opportunities consistent with the community's housing, transportation, and historic preservation objectives,
  - J. minimize visual impacts of the automobile and parking by encouraging alternative parking solutions,
  - K. minimize impacts of Commercial Uses on surrounding residential neighborhood.

### **Analysis**

The proposed Plat Amendment creates three (3) lots of record from the existing five (5) lots. The three (3) existing Park Avenue lots are to be reconfigured into three (3) lots with a depth of seventy-five feet (75') and a width ranging from 32.42' to 35'. The April Inn lot would be combined with the newly reconfigured lot northwest of it. See diagram below showing the proposed plat:



Lot 1 would have two (2) addresses, one (1) for Main Street, the April Inn, 545 Main Street and one (1) for Park Avenue, 550 Park Avenue. This proposed lot would retain the HR-2 District zoning on the Park Avenue side and the HCB District zoning on the Main Street side with all of their associated rights and restrictions per the special requirements listed in the HR-2 District. There are no provisions in the Land Management Code (LMC) which prohibit the two (2) zoning districts within the same lot. The LMC lists a specific parking use in the HR-2 listed as Conditional, i.e., Planning Commission review and approval. The LMC lists Conditional Use no. 22 as a *Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot.* The applicant applied for a Conditional Use Permit for this use which is being heard contemporaneously. The applicant would like to provide residential parking for the April Inn on the Park Avenue lot accessed off Main Street only in the form of a structure consisting of parking level/structure on the lower level, with a single-family dwelling above, two floors, being accessed off Park Avenue. If the lots are not combined, the applicant is unable to apply for this specific Conditional Use as it is clearly listed with the requirement that the parking for the residential building have to be on the same lot.

In the HR-1, directly on the West side of Park Avenue, the similar conditional use is listed as a Residential Parking Area or Structure with five (5) or more spaces. It does not indicate the requirement that the residential parking has to be associated with a residential building on the same a lot.

A single-family dwelling is an allowed use in the Historic Residential-2 District. The minimum lot area for a single-family dwelling is 1,875 square feet. The area of proposed Lot 1 is 8,425.5 square feet in total with 2,625 square feet of it within the HR-2 District. The minimum lot area in the HCB District is 1,250 square feet. The area of proposed Lot 2 is 2,431.5 square feet. The area of proposed Lot 3 is 2,437.5 square feet. The areas of proposed lots meet the minimum lot area for single-family dwellings in the HR-2. A duplex dwelling is a conditional use in the Historic Residential-2 District. The minimum lot area for a duplex dwelling is 3,750 square feet. The proposed lots, including the HR-2 portion of Lot 1, do not meet the minimum lot area for a duplex dwelling. The minimum lot width allowed in the Historic Residential-2 District is twenty-five feet (25'). The proposed lot width of Lot 1 within the HR-2 District is 35 feet. The proposed lot width of Lot 2 is 32.42 feet. The proposed lot width of Lot 3 is 32.5 feet. The proposed lots, including the HR-2 portion of Lot 1, meet the minimum lot width requirement.

Regarding Lot 1, specifically when viewed in context of the HR-2/HCB District, staff recognizes that any provisions regarding lot size shall be governed by the rights and restrictions of their corresponding zoning Districts. Staff recognizes that a future property owner might want to take advantage of the combined lot area of 8,425.5 square feet as some parameters are a product of lot area. Staff recommends approval of the plat amendment, only based on that each zoning district governs its own area, i.e., the maximum building footprint associated with the rights of building a single-family

dwelling in the HR-2 District be restricted to the HR-2 zoned area consisting of 2,625 square feet. Also, any Floor Area Ratio (FAR) requirements within the HCB area to be restricted to the HCB zoned area within lot 1 consisting of 5,800.5 square feet. These restrictions and limitations are also included in the HR-2 special requirements section of this staff report.

The applicant stipulates this possible condition of approval. The following table shows applicable development parameters in the Historic Residential-2 District:

<b>LMC Provision</b>	<b>HR-2 Requirements</b>
<b>Building Footprint</b>	Lot 1: 1,132.5 square feet max. Lot 2: 1,060.5 square feet max. Lot 3: 1,062.7 square feet max.
<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.
<b>Parking spaces</b>	Two (2) spaces per unit.

The following table shows applicable development parameters in the Historic Residential-2 District:

<b>LMC Provision</b>	<b>HCB Requirements</b>
<b>Floor Area Ratio</b>	The maximum Floor Area Ratio (FAR) is 4.0.
<b>Front/Rear/side Yard Setbacks</b>	There are no minimum required Front, Rear, or Side Yard dimensions in the HCB District.
<b>Side Yard Setbacks</b>	5 feet minimum, 10 feet total.
<b>Maximum Building Volume</b>	The maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane. [...]

<b>Parking spaces</b>	Two (2) spaces per unit.
-----------------------	--------------------------

Staff finds that the rear yard setback for Lot 1 shall be measured from the zone line, as this plat amendment currently removes that property line which in terms of lots, separated the Park Avenue and the Main Street lots. Based on the determination that Lot 1 is to be reviewed separately from each zoning District, staff does not find that any extra-ordinary items need to be addressed with this plat amendment as the site will follow the overall character and fulfill the purpose of each individual area, neighborhood, and zoning district.

Ownership

The submitted Plat Amendment combines an HCB lot with a residential Park Avenue lot. The current property owner would own everything within these two areas, proposed lot, until a Condominium Record of Survey is submitted by the applicant, reviewed and approved by the City and recorded at the County.

Vegetation Protection

LMC § 15-2.3-15 indicates that:

*The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.*

*Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 5.*

Staff recommends that the applicant submit the required report by the certified arborist and that the loss of significant mitigation is replaced on a like per like basis.

**Special Requirements**

LMC § 15-2.3-8 indicates special requirements for Master Planned Development and Conditional Use Permits in Sub-zone A, consisting of lots in the HR-2 District that are west of Main Street, excluding those Lots within Block 13. The following special requirements apply only to Lots in Sub-Zone A that are part of a Master Planned Development, a Conditional Use Permit, or a Plat Amendment that combines a Main Street, HCB zoned, Lot with an adjacent Park Avenue, HR-2 zoned, Lot or portion of a Lot, for the purpose of restoring an Historic Structure, constructing an approved addition to an Historic Structure, constructing a residential dwelling or Garage on Park Avenue, or expanding a Main Street Business into the HR-2 zoned Lot:

1. All Commercial Uses extending from Main Street into the HR-2 Zone are subject to the Conditional Use Permit review requirements of Section 15-1-10 and the

Master Planned Development requirements of Section 15-6 if the development is part of a Master Planned Development. These Commercial Uses must be located below the Grade of Park Avenue projected across the HR-2 Lot and beneath the Main Floor of a residential Structure or Structures facing Park Avenue.

Occupancy of the below Grade Floor Area is conditioned upon completion of the residential structure on the HR-2 Lot. **Complies.**

*The applicant requests to build a residential parking area for the April Inn below grade of Park Avenue projected across the HR-2 and beneath the main floor of a single-family dwelling, a residential structure facing Park Avenue.*

2. All Buildings within the HR-2 portion of the development must meet the minimum Side and Front Yard Setbacks of the HR-2 District as stated in Section 15-2.3-4, unless the Planning Commission grants an exception to this requirement during the MPD review and the development is consistent with the MPD Section 15-6-5(C). Below Grade Structures, such as parking structures and Commercial Floor Area extending from Main Street beneath a residential Structure or Structures on Park Avenue may occupy Side Yard Setbacks subject to Building and Fire Codes and trespass agreements. **Complies.**

*The proposed structure within the HR-2 portion of the lot meets the minimum side and front yard setbacks of the HR-2 District as stated. The parking structure below the single-family dwelling does not occupy side yard setbacks other than the access leading to it.*

3. All Buildings within the HR-2 portion of the development must meet the Building Height requirements of the HR-2 District as stated in Section 15-2.3-6. **Complies.**

*The proposed structure within the HR-2 portion of the lot meets the building height requirements of the HR-2 District as stated.*

4. Existing and new Structures fronting on Park Avenue may not contain Commercial Uses, except as permitted in Section 15-2.3-8 (B) (1). **Complies.**

*The new structure fronting on Park Avenue does not contain commercial uses.*

5. A Floor Area Ratio of 4.0 shall be used to calculate the total Commercial Floor Area. Only the Lot Area within the HCB Lot may be used to calculate the Commercial Floor Area. **Complies.**

*Only the lot area within the HCB portion of the lot shall be used to calculate the commercial floor area.*

6. The number of residential units allowed on the HR-2 portion of the Development is limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4. **Complies.**
7. All entrances and Access, including service and delivery, for the Commercial Use must be off of a Street or easement within the HCB District. The Commercial Structure must be designed to preclude any traffic generation on residential Streets, such as Park Avenue. Any emergency Access, as required by the Uniform Building Code (UBC), onto the HR-2 portion of the Property must be designed in such a manner as to absolutely prohibit non-emergency Use. Alarms shall be installed on all emergency doors that provide access to Park Avenue. **Complies.**

*The access for the parking structure underneath the single-family dwelling is off Main Street, HCB District, through an easement. The applicant is not asking for a commercial structure. No emergency access onto the HR-2 portion of the property is proposed.*

8. Commercial portions of a Structure extending from the HCB to the HR-2 District must be designed to minimize the Commercial character of the Building and Use and must mitigate all impacts on the adjacent Residential Uses. Impacts include such things as noise, odor and glare, intensity of activity, parking, signs, lighting, Access and aesthetics.
9. No loading docks, service yards, exterior mechanical equipment, exterior trash compounds, outdoor storage, ADA Access, or other similar Uses associated with the HCB Uses are allowed within the HR-2 portion of the Property, and all such Uses shall be screened for visual and noise impacts. **Complies as conditioned. Discussion requested.**

*The applicant proposes four (4) parking spaces underneath the proposed single-family and two (2) garage doors for the parking of four (4) parking spaces off Park Avenue. Next to the four (4) parking spaces are four (4) small storage areas and also a small mechanical room. The storage and mechanical areas cannot be seen from elevation except from the south side as they are indeed located on the lowest parking level and access from the interior part of this level. Staff does not find these areas to be detrimental as they are below the single-family dwelling and would only be viewed from the south side when a vehicle is not parked on the lowest level of the structure. Does the Planning Commission agree with Staff's findings?*

10. The Property Owner must donate a Preservation Easement to the City for any Historic Structures included in the Development. **Not applicable.**

*The April Inn building is not historic.*

11. Any Historic Structures included in the development shall be restored or rehabilitated according to the requirements of the LMC Chapter 11- Historic Preservation. **Not applicable.**

*There are no historic sites or buildings within the proposed plat amendment.*

12. Any adjoining Historic Structures under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use permit and/or Master Planned Development. **Not applicable.**

*The applicant controls the Claimjumper Building located at 573 Main Street, which already received a Plat Amendment approval by the City in 2012, and these same Special Requirements were analyzed, reviewed, and applied, as findings of fact, conclusions of law, and conditions of approval were met.*

13. The allowed Building Width of any Structure above Final Grade is up to forty (40) feet. Building Widths shall reflect the typical variation, pattern and Historic character of the surrounding residential neighborhood. **Complies.**

*The width of the proposed structure is twenty nine feet (29').*

14. Residential Density Transfers between the HCB and HR-2 Zoning Districts are not permitted. A portion of the Gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by this Section. **Complies.**

*No density transfer is being proposed.*

15. Maximum allowed Building Footprint for the HR-2 Lot is subject to Section 15-6-5(B). **Complies as conditioned.**

### **Good Cause**

Planning Staff finds that there is good cause for this plat amendment as 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**

The City received one public comment regarding this application on May 8, 2015. See Exhibit G – Public Comment.

### **Alternatives**

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

### **Significant Impacts**

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

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

The property lines would remain as is. The applicant would not be able to request a Conditional Use Permit for a Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot.

### **Summary Recommendation**

Staff recommends the Planning Commission hold a public hearing for the Cardinal Park Subdivision Plat Amendment located at 550 - 560 Park Avenue and 545 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 as found in the draft ordinance.

### **Exhibits**

Exhibit A – Draft Ordinance with Proposed Plat  
Exhibit B – Applicant's Project Description  
Exhibit C – Aerial Photograph with Zoning  
Exhibit D – Topographic Map  
Exhibit E – County Tax Map  
Exhibit F – Site Photographs  
Exhibit G – Public Comment.

## Exhibit A: Draft Ordinance

Ordinance No. 15-XX

AN ORDINANCE APPROVING THE CARDINAL PARK SUBDIVISIONC LOCATED AT 545 MAIN STREET & 550, 554, 560 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 545 Main Street and 550/554/560 Park 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 May 13, 2015, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on May 13, 2015, forwarded a recommendation to the City Council; and,

WHEREAS, on June 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 Cardinal Park Subdivision Plat Amendment.

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

**SECTION 1. APPROVAL.** Cardinal Park Subdivision 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 545 Main Street and 550, 554, 560 Park Avenue.
2. The property is in the Historic Commercial Business (HCB) and Historic Residential-2 (HR-2) District, respectively.
3. The subject property consists of Lot 1 of the 545 Main Street Plat and Lot 32, 33, 34, and 35 of Block 9 of the Amended Plat of the Park City Survey.
4. The Main Street lot has a non-historic building known as the April Inn and is recognized by Summit County as Parcel 545-MAIN-1.
5. The four (4) Park Avenue lots are vacant and are recognized by Summit County as Parcels PC-137 (lot 32 & 33), PC-131 (lot 34), and PC-138 (lot 35).

6. The proposed Plat Amendment creates three (3) lots of record from the existing five (5) lots.
7. The four (4) existing Park Avenue lots are to be reconfigured into three (3) lots with a depth of seventy-five feet (75') and a width ranging from 32.42' to 35' and the April Inn lot would be combined with the newly reconfigured lot northwest of it.
8. Lot 1 would have two (2) addresses, one (1) for Main Street, the April Inn, 545 Main Street and one (1) for Park Avenue, 550 Park Avenue.
9. Lot 2 would be addressed 554 Park Avenue.
10. Lot 3 would be addressed 560 Park Avenue.
11. Lot 1 would retain the HR-2 District zoning on the Park Avenue side and the HCB District zoning on the Main Street side with all of their associated rights and restrictions.
12. There are no provisions in the Land Management Code (LMC) which prohibit the two (2) Districts within the same lot.
13. A single-family dwelling is an allowed use in the Historic Residential-2 District.
14. The minimum lot area for a single-family dwelling is 1,875 square feet.
15. The area of proposed Lot 1 is 8,425.5 square feet.
16. The minimum lot area in the HCB District is 1,250 square feet.
17. The proposed area of lot 1 within the HR-2 District is 2,625 square feet.
18. The area of proposed Lot 2 is 2,431.5 square feet.
19. The area of proposed Lot 3 is 2,437.5 square feet.
20. The areas of proposed lots meet the minimum lot area for single-family dwellings in the HR-2.
21. A duplex dwelling is a conditional use in the Historic Residential-2 District.
22. The minimum lot area for a duplex dwelling is 3,750 square feet.
23. The proposed lots, including the HR-2 portion of Lot 1, do not meet the minimum lot area for a duplex dwelling.
24. The minimum lot width allowed in the Historic Residential-2 District is twenty-five feet (25').
25. The proposed lot width of Lot 1 within the HR-2 District is 35 feet.
26. The proposed lot width of Lot 2 is 32.42 feet.
27. The proposed lot width of Lot 3 is 32.5 feet.
28. The proposed lots, including the HR-2 portion of Lot 1, meet the minimum lot width requirement.
29. Any provisions regarding lot size regarding Lot 1 shall be governed by the rights and restrictions of their corresponding zoning Districts.
30. The maximum building footprint of lot 1 shall be 1,132.5 square feet. (HR-2 District).
31. The maximum building footprint of Lot 2 shall be 1,060.5 square feet.
32. The maximum building footprint of Lot 3 shall be 1,062.7 square feet.
33. The rear yard setback for Lot 1 shall be measured from the zone line.
34. The current property owner would own everything within these two areas, proposed lot 1, until a Condominium Record of Survey is submitted by the applicant, reviewed and approved by the City and recorded at the County.
35. The Property Owner must protect Significant Vegetation during any Development activity.
36. Significant Vegetation includes large trees six inches (6") in diameter or greater

measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

37. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist.
38. The applicant must submit the required report by the certified arborist and that the loss of significant mitigation is replaced on a like per like basis.
39. LMC § 15-2.3-8 indicates special requirements for Master Planned Development and Conditional Use Permits in Sub-zone A, consisting of lots in the HR-2 District that are west of Main Street, excluding those Lots within Block 13.
40. Special requirements apply to Lots in Sub-Zone A that are part of a Plat Amendment that combines a Main Street, HCB zoned, Lot with an adjacent Park Avenue, HR-2 zoned, Lot for the purpose of constructing a residential dwelling or Garage on Park Avenue.
41. The applicant requests to build a residential parking area for the April Inn below grade of Park Avenue projected across the HR-2 and beneath the main floor of a single-family dwelling, a residential structure facing Park Avenue.
42. The proposed structure within the HR-2 portion of the lot meets the minimum side and front yard setbacks of the HR-2 District as stated.
43. The parking structure below the single-family dwelling does not occupy side yard setbacks other than the access leading to it.
44. The proposed structure within the HR-2 portion of the lot meets the building height requirements of the HR-2 District as stated.
45. The new structure fronting on Park Avenue does not contain commercial uses.
46. Only the lot area within the HCB portion of the lot shall be used to calculate the commercial floor area.
47. The number of residential units allowed on the HR-2 portion of the Development is limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4.
48. The access for the parking structure underneath the single-family dwelling is off Main Street, HCB District, through an easement. The applicant is not asking for a commercial structure. No emergency access onto the HR-2 portion of the property is proposed.
49. Next to the four (4) parking spaces are four (4) small storage areas and also a small mechanical room. The storage and mechanical areas cannot be seen from elevation except from the south side as they are indeed located on the lowest parking level and access from the interior part of this level.
50. The width of the proposed structure is twenty nine feet (29').
51. There are no historic sites or buildings within the proposed plat amendment.
52. The applicant controls the Claimjumper Building located at 573 Main Street, which already received a Plat Amendment approval by the City in 2012, and these same Special Requirements were analyzed, reviewed, and applied, as findings of fact, conclusions of law, and conditions of approval were met.
53. No density transfer is being proposed.
54. Maximum allowed Building Footprint for the HR-2 Lot is subject to Section 15-6-5(B).
55. 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 along Park Avenue.
4. A note shall be added to the Plat Amendment to be approved in a form by the City Attorney which shall indicate that the any provisions regarding lot size regarding Lot 1 shall be governed by the rights and restrictions of their corresponding zoning Districts and for purposes of lot area shall not be added collectively.
5. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
6. The applicant shall submit the report by a certified arborist per LMC § 15-2.3-15 and that the loss of significant mitigation shall be replaced on a like per like basis.

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

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

PARK CITY MUNICIPAL CORPORATION

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Jack Thomas, MAYOR

ATTEST:



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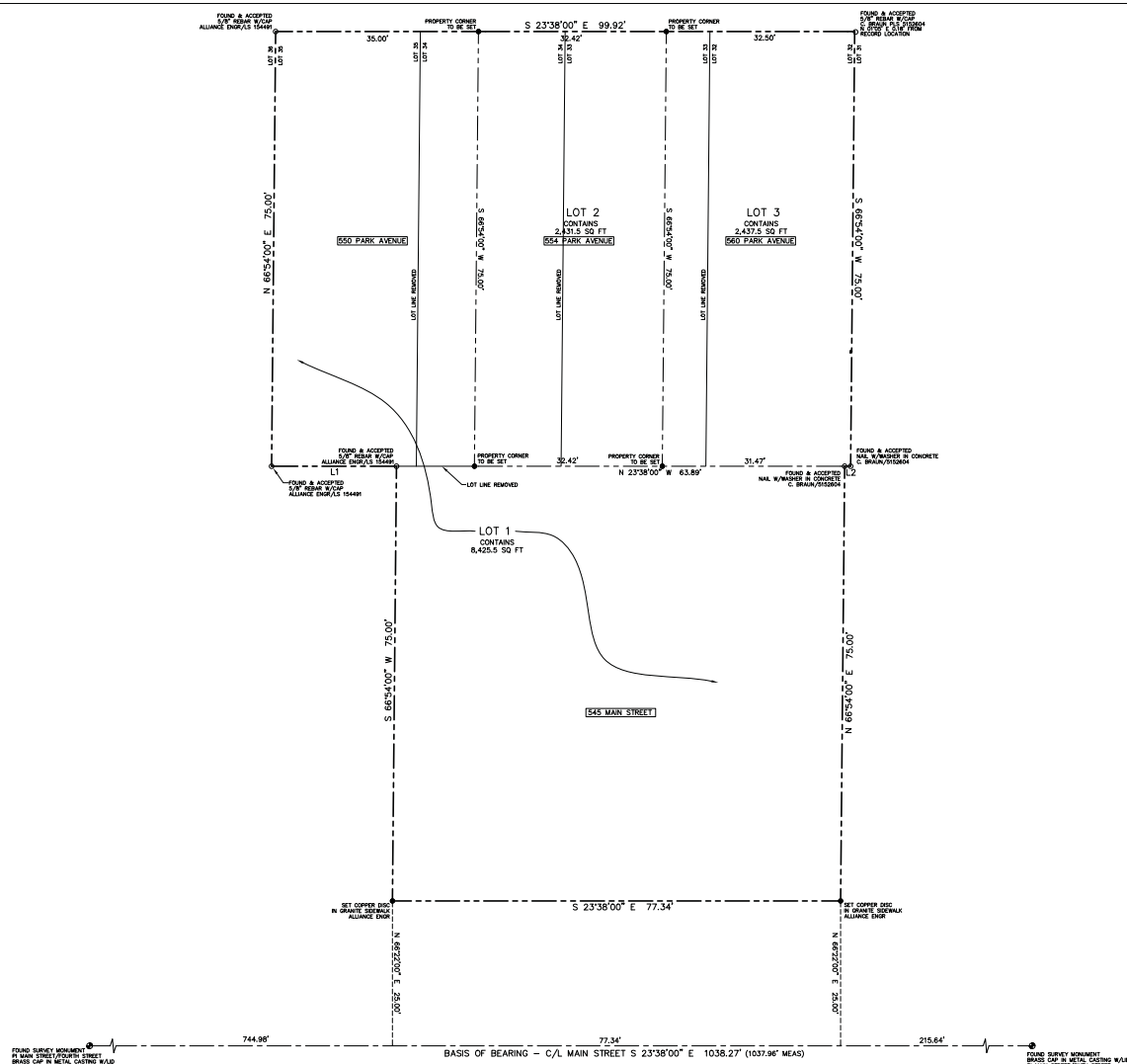
Marci Heil, City Recorder

APPROVED AS TO FORM:

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Mark Harrington, City Attorney

**Attachment 1** – Proposed Plat



**SURVEYOR'S CERTIFICATE**  
 I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, this Record of Survey map of the CARDINAL PARK SUBDIVISION has been prepared under my direction, and that the same has been or will be monumented on the ground as shown on this plat.

**BOUNDARY DESCRIPTIONS**

**PARCEL 1**  
 LOT 1, 545 MAIN STREET, Lot Line Adjustment Plat, Park City, Utah, according to the official plat recorded October 21, 1997, as Entry No. 490199, thereof on file and of record in the Summit County Recorder's Office.

Also described as and being located within the following: All of Lots 13, 14 and 15, and the North 2.4 feet of Lot 12, Block 9, PARK CITY SURVEY OF BUILDING LOTS.

**PARCEL 2**  
 All of Lot 34, Block 9, PARK CITY SURVEY, AMENDED, according to the official plat thereof on file and of record in the Summit County Recorder's Office, records of Summit County, Utah.

Also, commencing at the northeast corner of Lot 33, Block 9, PARK CITY SURVEY, AMENDED; and running thence Southwesterly along the boundary line between Lots 33 and 32, Block 9, PARK CITY SURVEY, AMENDED, a distance of 2.0 feet; thence Southeastery and parallel to the easterly boundary line of said Lot 33 to the southerly boundary line of said Lot 33; thence northeasterly along the southerly boundary line of said Lot 33 to the easterly boundary line of said Lot 33; thence Northerly along the easterly boundary line of said Lot 33 to the point of beginning.

Also, commencing at the northeasterly corner of Lot 35, Block 9, PARK CITY SURVEY, AMENDED, thence Southwesterly along the said Lot 35 lot line, 2.4 feet; thence Southwesterly parallel to the lot line of Lot 35, 13 feet; thence Northerly to the northwesterly line of Lot 35, 2.4 feet; thence Northeasterly along said lot line 13 feet to the point of beginning.

Also, beginning at the northwest corner of said Lot 35, Block 9, PARK CITY SURVEY, AMENDED; and running thence Southerly 2.4 feet; thence Easterly 62 feet; thence Northerly 2.4 feet to the southerly side of Lot 34, Block 9; thence westerly 62 feet to the point of beginning.

**PARCEL 3**  
 All of Lots 32 and 33, Block 9, PARK CITY SURVEY, AMENDED, according to the official plat thereof on file and of record in the Summit County Recorder's Office, records of Summit County, Utah.

Less and excepting therefrom the easterly 2 feet of said Lot 33, Block 9, PARK CITY SURVEY, AMENDED, according to the official plat thereof on file and of record in the Summit County Recorder's Office, records of Summit County, Utah.

**PARCEL 4**  
 The southerly 22.6 feet of Lot 35, Block 9, PARK CITY SURVEY, AMENDED, according to the official plat thereof on file and of record in the Summit County Recorder's Office, records of Summit County, Utah.

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

KNOW ALL MEN BY THESE PRESENTS that 545 MAIN STREET HOLDINGS, LLC, an Oklahoma limited liability company, the undersigned owner of the herein described tract of land to be known hereafter as CARDINAL PARK SUBDIVISION, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

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

Nichole Lipps, Manager  
 545 Main Street Holdings, LLC

**ACKNOWLEDGMENT**

State of \_\_\_\_\_;  
 County of \_\_\_\_\_;

On this \_\_\_\_ day of \_\_\_\_\_, 2015, Nichole Lipps personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Nichole Lipps acknowledged to me that she is a managing member of 545 Main Street Holdings, LLC, an Oklahoma limited liability company, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

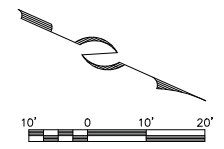
A Notary Public commissioned in \_\_\_\_\_  
 Printed Name \_\_\_\_\_  
 Residing in: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

**NOTE**  
 1. This condominium plat is subject to the Conditions of Approval in Ordinance 15-\_\_\_\_\_.

A PARCEL COMBINATION PLAT  
 IN BLOCK 9, PARK CITY SURVEY  
**CARDINAL PARK SUBDIVISION**

LOCATED IN BLOCK 9, PARK CITY SURVEY AND ALSO IN SECTION 16  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

LINE	BEARING	DISTANCE
L1	N 23°38'00" W	21.55
L2	N 23°48'44" W	1.03



 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2664, Park City, Utah 84060-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____
	4/14/14 JOB NO.: 9-9-14 FILE: X:\ParkCitySurvey.dwg\enr\plat2014\090814_2015.dwg						

PARK CITY SURVEY, BLOCK 9,  
LOTS 32-35  
CARDINAL PARK AVENUE SUBDIVISION

PROJECT INTENT

Lots 32-35 are owned by one entity. The original lot lines when Park City Survey was platted still exist between these lots. In addition, there is also a smaller parcel within Lot 33 and two smaller parcels within Lot 35. The owner desires to remove the existing deed lines creating the smaller parcels as well as removing the original lot lines. The goal at that point is to create three different lots of record with the intent of constructing a single family residence on each lot.



# Exhibit C - Aerial Photograph with Zoning Cardinal Park Subdivision



HR-2A

HCB

Subject Property

Main St

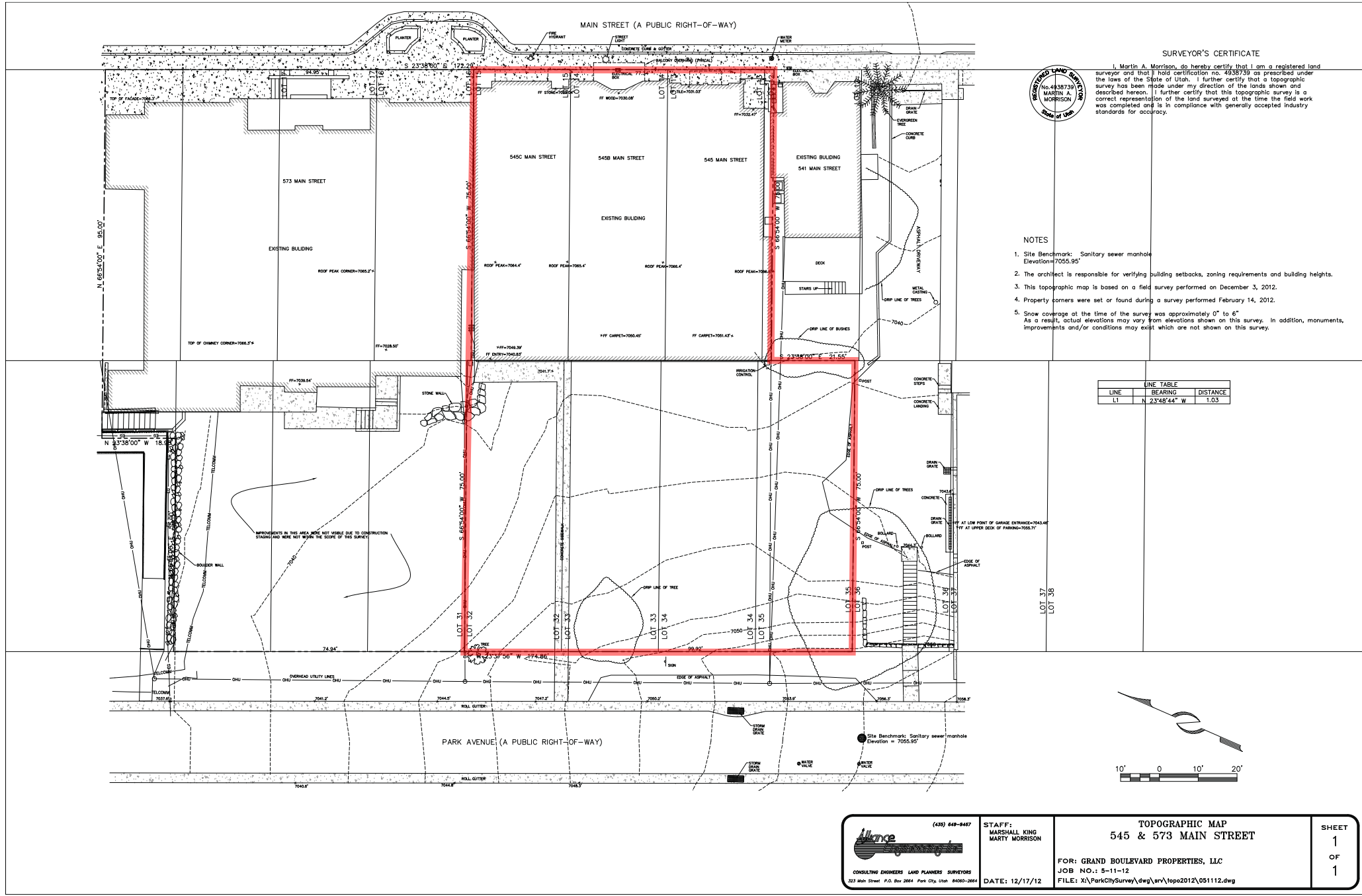
City owned alley

HR-1

Park Ave



Exhibit D – Topographic Map



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

**REGISTERED LAND SURVEYOR**  
 No. 4938739  
 MARTIN A. MORRISON  
 STATE OF UTAH

- NOTES**
1. Site Benchmark: Sanitary sewer manhole Elevation=7055.95'
  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 December 3, 2012.
  4. Property corners were set or found during a survey performed February 14, 2012.
  5. Snow coverage at the time of the survey was approximately 0" to 6". As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 23°48'44" W	1.03

 (435) 648-8467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2684 Park City, Utah 84050-2684	STAFF: MARSHALL KING MARTY MORRISON	TOPOGRAPHIC MAP 545 & 573 MAIN STREET	SHEET 1 OF 1
	DATE: 12/17/12	FOR: GRAND BOULEVARD PROPERTIES, LLC JOB NO.: 5-11-12 FILE: X:\ParkCitySurvey\dwg\arr\topo2012\051112.dwg	



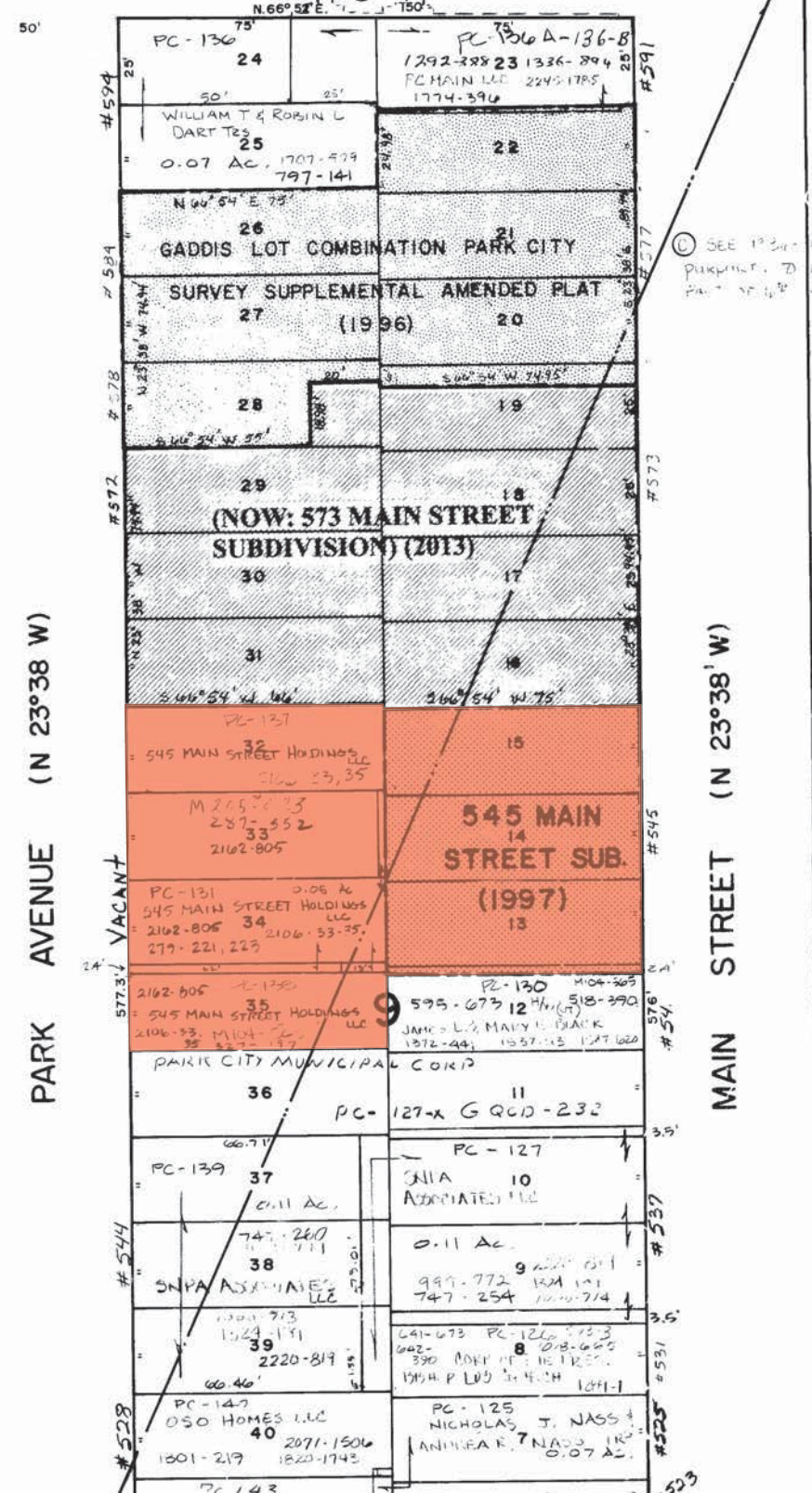
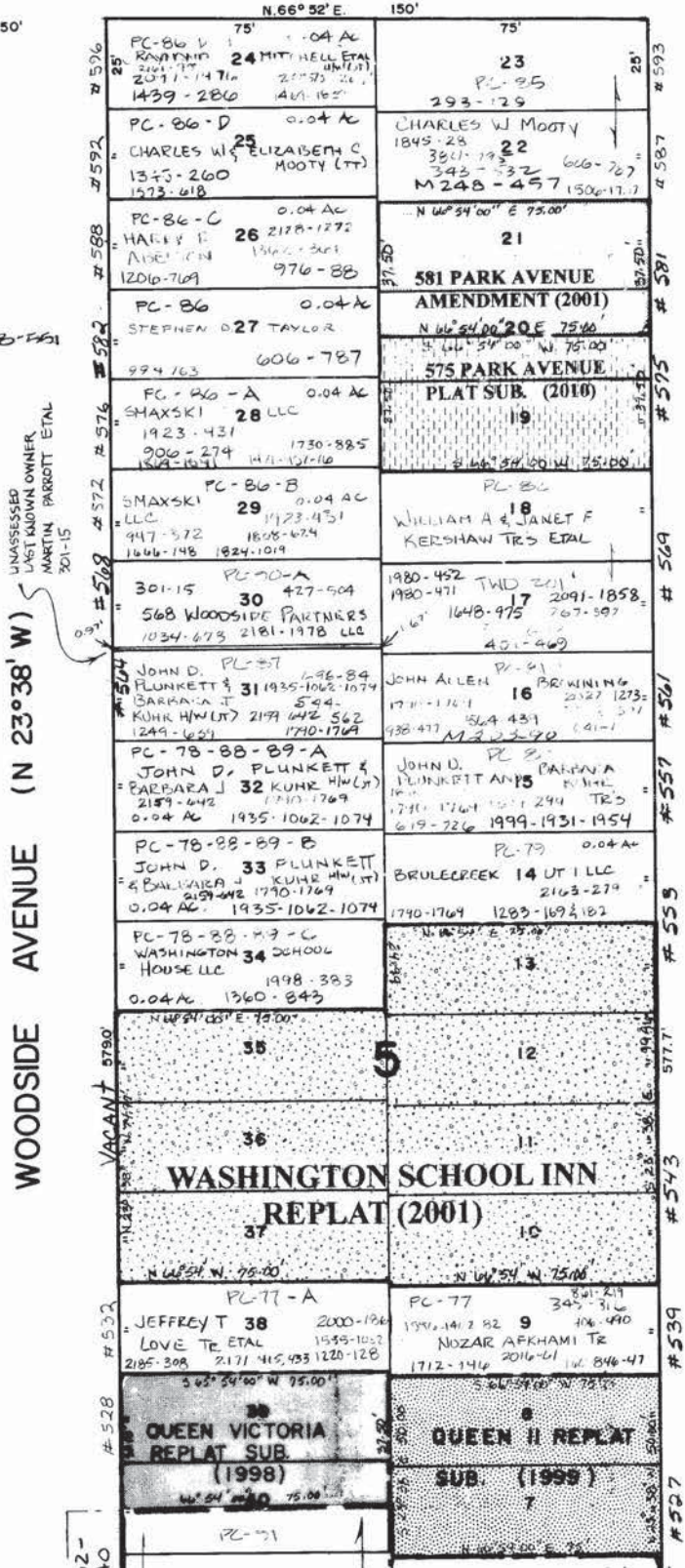
NOTE: # REFERS TO STREET ADDRESS

BOOK PAGE

BLOCKS 5,9,28, SECTION 16, T2S, R4E, SL.B.8.M.

SECOND STREET

60TH STREET





Cardinal Park Avenue – Driveway Looking East



Cardinal Park Avenue – Driveway Looking West







Cardinal Park Avenue – Looking South



Cardinal Park Avenue – Looking Northwesterly



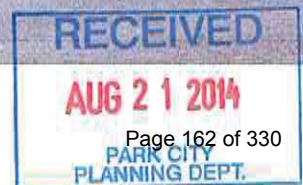




Cardinal Park Avenue – Looking North



Cardinal Park Avenue – Looking East



## Exhibit G - Public Comment

May 7, 2015

To: Park City Planning Commission

From: John Plunkett & Barbara Kuhr, 557 Park Avenue

Re: April Inn and Park Ave Plat Amendment and CUP Applications

Dear Planning Commissioners:

We live across the street from this project. We're glad that a single-family house has been proposed for one of the Park Avenue lots, but have some concerns that we hope the Planning Department and Commission can address as Conditions of Approval for both the Plat and CUP applications:

### **Plat Amendment**

There are Special Requirements for CUPs in this Sub-Zone A of Park Avenue. We request that these Special Requirements be included on the Plat, to make enforcement clear for future owners of the property:

— Parking spaces accessed from Main Street are only for use by Residents of the April Inn, and only for parking, not HCB garbage collection.

— The April Inn emergency exit only door cannot be used as an entrance to the HCB building.

— The Park Avenue garage can only be used by the residents of the Park Ave house. This is important because the applicant owns both the Claim-jumper and April Inn buildings in the HCB, and all the Park Avenue lots behind them — The temptation to use Park Avenue for HCB parking or garbage collection is great, but is prohibited by the sub-zone restrictions.

The specific Sub-zone A restrictions include (edited excerpts):

15-2.3-8 (B)

(1)...Commercial Uses must be located...beneath the Main Floor of a residential structure facing Park Avenue

(4)...new Structures fronting on Park Avenue may not contain Commercial Uses...

(7)...emergency Access...onto the HR-2 portion of the Property must be designed...to absolutely prohibit non-emergency Use. Alarms shall be installed on all emergency doors that provide access to Park Avenue.



(9)...No loading docks, service yards, exterior trash equipment, exterior trash compounds, outdoor storage, ADA access, or other similar Uses are allowed within the HR-2 portion of the Property...

### **CUP Applications**

We believe the double-tandem garages, and parking spaces in the rear-yard set-back violate the LMC, and we request that they be brought into compliance. Five Park Avenue parking spaces for a small, one-bedroom house seems excessive, and calls into question their Use by the HCB properties. There is also Significant Vegetation that is half on the City easement and half on the Park Ave lots, that is not shown on the development plans and should be taken into consideration.

The double garage doors violate two of the HR-2 Purposes:

15-2.3-1

(H) encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use...

(J) minimize visual impacts of the automobile and parking by encouraging alternative parking solutions”

The parking spaces in the rear-yard setback are another violation, as the LMC states that parking cannot cover more than 50% of the rear-yard area.

### **Public Utility Boxes, Vegetation**

There are several telephone utility boxes that will have to be moved from their Park Ave location behind the Claimjumper. We have been told they will be relocated on the City easement by the stairs, but this is not shown on the Landscape plans for the Park Avenue lot. We request that the plans be revised to include the utility boxes, as well as new Significant Vegetation to replace the mature trees that will be lost in construction.

Thank-you for your consideration.

Sincerely,

John Plunkett & Barbara Kuhr  
557 Park Avenue

# Planning Commission Staff Report



PLANNING DEPARTMENT

**Subject:** 550 Park Avenue  
**Project #:** PL-15-02451 & PL-15-2471  
**Author:** Francisco Astorga, Senior Planner  
**Date:** May 13, 2015  
**Type of Item:** Administrative – Conditional Use Permits

## Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and review a request for a Steep Slope Conditional Use Permit for the construction of a new single-family dwelling and a Conditional Use Permit for a *Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot* at 550 Park Avenue based on the 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

**Applicant/Owner:** 545 Street Holdings, LLC represented by Billy Reed and Jonathan DeGray  
**Location:** 550 Park Avenue  
**Zoning:** Historic Residential-2  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Construction of structures greater than 1,000 square feet on a steep slope requires a Conditional Use Permit.  
*A Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot requires a Conditional Use Permit.*

## Proposal

This application is a request for a Steep Slope Conditional Use Permit for a new single-family dwelling on a vacant lot of record and a Conditional use Permit for a *Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot. Both uses would be accommodated on the same structure/lot.*

## Background

On April 14, 2015, the City received a completed application for a Conditional Use Permit for "Construction on a Steep Slope" and a Conditional Use Permit for Residential Parking area with five (5) or more spaces, at 550 Park Avenue. The property is located in the Historic Residential-2 District. The property is currently being reviewed as a plat amendment at this same Planning Commission meeting, and is currently being proposed to be re-platted as Lot 1 of the Cardinal Park Subdivision.

This application includes a request for a Conditional Use Permit for construction of a new-single family dwelling. Because 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, the applicant is required to submit a Steep Slope Conditional Use Permit application for review by the Planning Commission, pursuant to Land Management Code § 15-2.2-6. A Historic District Design Review application is concurrently being reviewed by staff for compliance with the Design Guidelines for Historic Districts.

On August 4, 2014, the Planning Department approved a historic district design Review application at 545 Main Street for a remodel and an addition. The applicant is currently working on this active building permit application. This site is known as the April Inn and is located in the HCB

As indicated on finding of fact no. 10 of the approved HDDR: *“no off-street parking spaces are provided. An FAR of 1.5 is exempt from parking requirements as the property was paid in full per the 1984 Special Improvement District. The remaining FAR is not exempt from parking nor has ever been paid for existing residential uses and the applicant will need to provide for four (4) off-street parking spaces for the three new units. The applicant proposes to pay a fee-in-lieu of \$14,000 per space or provide on-site parking prior to building permit approval.”*

The property owner deposited with the City the parking fee in lieu in the cash amount of \$56,000.00 (4 spaces multiplied by \$14,000.00 per space). The property owner desires to seek approval of the City for the actual creation of six (6) parking spaces on the HR-2 District for the purpose of providing parking for the Main Street site.

The applicants requested use of City property to access the parking area in the form of an easement for the benefit of the April Inn. The City Council approved the easement however the agreement will not be finalized until other applications are approved. See Exhibit H – Draft Fee In Lieu of Parking Agreement 545 Main Street. As indicated on the agreement: “some or all which may be returned to 545 Main depending upon the outcome of the approval process of the 4 parking spaces on the property. The applicant currently requests to provide six (6) parking spaces on the lowest level of the structure also housing a single-family dwelling.

The LMC indicates that the use listed as *A Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot* requires a Conditional Use Permit to be reviewed and approved by the Planning Commission. The applicant seeks this approval to be able to accommodate parking and have the \$56,000.00 for the four (4) required parking spaces returned.

### **Purpose**

The purpose of the Historic Residential-2 District is to:

- A. allow for adaptive reuse of Historic Structures by allowing commercial and office Uses in Historic Structures in the following Areas:
  1. Upper Main Street;

2. Upper Swede Alley; and
  3. Grant Avenue,
- B. encourage and provide incentives for the preservation and renovation of Historic Structures,
  - C. establish a transition in Use and scale between the HCB, HR-1, and HR-2 Districts, by allowing Master Planned Developments in the HR-2, Subzone A,
  - D. encourage the preservation of Historic Structures and construction of historically Compatible additions and new construction that contributes to the unique character of the Historic District,
  - E. define Development parameters that are consistent with the General Plan policies for the Historic core that result in Development that is Compatible with Historic Structures and the Historic character of surrounding residential neighborhoods and consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites and the HR-1 regulations for Lot size, coverage, and Building Height, and
  - F. provide opportunities for small scale, pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley, and Grant Avenue,
  - G. ensure improved livability of residential areas around the historic commercial core,
  - H. encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use, scale, character and design that is Compatible with the historic character of the surrounding residential neighborhood,
  - I. encourage residential development that provides a range of housing opportunities consistent with the community's housing, transportation, and historic preservation objectives,
  - J. minimize visual impacts of the automobile and parking by encouraging alternative parking solutions, minimize impacts of Commercial Uses on surrounding residential neighborhood.

**Analysis- Steep Slope CUP**

A single-family dwelling is an allowed use in the Historic Residential-1 District. The proposed single-family dwelling is 1,989 square feet consisting of a one (1) bedroom house with two (2) two-car tandem garages accessed off Park Avenue consisting of 1080 square feet. Below the proposed single-family dwelling is a parking level, accessed off Main Street consisting of 1,105 square feet. The structure is three (3) stories, with most of the house on the upper level, the entry and tandem garages on the street garage level (Park Avenue), and the parking garage in the lowest parking level. The parking level (lowest) only has walls towards the west (Park Avenue), in the form a foundation wall, and a wall towards the north. The parking level is accessed off an alley owned by the City from the south of the lot. See Exhibit I – February 26, 2015 City Council Staff Reports and Exhibit J – February 26, 2015 City Council Meeting Minutes.

This Conditional Use Permit is for the development at 550 Park Avenue, currently a portion of proposed lot 1 of the Cardinal Park Subdivision. The applicant has not requested any changes or amendment through this application for the work currently being worked on the April Inn, which is the other portion of proposed Lot 1 of the requested Cardinal Park Subdivision.

The parking level provides for four (4) covered parking spaces and two (2) non-covered, behind the proposed structure. Staff makes the following Land Management Code related findings:

LMC Requirements	Standard	Proposed
<b>Building Footprint</b>	1,132.5 square feet maximum, (based on <i>proposed</i> lot area)	1,116.08 square feet, <u>complies.</u>
<b>Front/Rear Yard Setbacks</b>	10 feet, minimum	Front: 10'-3", <u>complies.</u> Rear: 23'-1", <u>complies.</u>
<b>Side Yard Setbacks</b>	3 feet, minimum	North: 3 feet, <u>complies.</u> South: 3 feet, <u>complies.</u>
<b>Building (Zone) Height</b>	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing ( <u>natural</u> ) Grade.	Various heights all under 27 feet, <u>complies.</u>
<b>Final Grade</b>	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].	4 feet or less, <u>complies.</u>
<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 [...].	<u>Complies.</u>
<b>Vertical Articulation</b>	A ten foot (10') minimum horizontal step in the downhill façade is required [...].	<u>Complies.</u>
<b>Roof Pitch</b>	Roof pitch must be between 7:12 and 12:12 for primary roofs. A Green Roof may be below the required 7:12 roof pitch as part of the primary roof design.	All primary roof forms contain a green roof. <u>complies.</u>

Land Management Code § 15-2.3-6 provides for development on steep sloping lots in excess of one thousand square feet (1,000 sq. ft.) within the Historic Residential-2 District, subject to the following criteria:

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



*The proposed structure is located towards the front of the lot at the approximate ten feet (10') from property line at Park Avenue. The rear setback is 23 feet. The side yards setbacks are both at the minimum of three feet (3'). From Park Avenue towards the rear the site, the first twenty feet (20') is considered the steepest part of the site with a slope of forty percent (40%) approximately. The last sixty-five feet (65') contain a flat slope which can be measured at nine percent (9%) approximately. Due to the steepness of the site up front, the applicant maximizes opportunities for parking towards the center and the back of the lot as the proposal asks for six (6) parking spaces, four (4) under the house, and two (2) behind it.*

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 proposed Access, and Building mass and design; and to identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities. **No unmitigated impacts.**

*The applicant submitted plans including a streetscape showing how the three (3) structure will be observed as a two (2) story dwelling when viewed from Park Avenue, due to the character of the slopes towards the front which limits the maximum building height. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283.*

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 structure has two access points: directly off Park Avenue for the house into the two tandem garages, and from the City owned Alley off Main Street then turning north, into the parking level, the lowest floor of the structure. The Park Avenue, access is by right simply for having frontage over a street recognized on Park City's Streets Master Plan. The side access of the lowest parking level was granted by the City to the applicant in a recent City Council discussion to be finalized in a form approved by the City Attorney and City Engineer. The parking access off Main Street is for the April Inn and has not been considered for the single-family dwelling, as the applicant has made a request to satisfy those parking requirements off Park Avenue on the middle level of the structure.*

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

*The proposal does not including any terracing other than the effect of the structure on the site. The structure capitalizes on the existing grades to have the parking area on the lowest level and the house on the highest two (2).*

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 proposed structure is located towards the front and center of the lot in order to capitalize the access to both driveways from each one of the access point, one from Park Avenue at the mid-level of the structure and one off Main Street through what would be considered the side of the building at the lowest level of the structure. Due to the topography of the site, from the front elevation, the site resembles a two (2) story building. The maximum building height of 27 feet make the proposed structure follow the perceived natural topography of the site. The front façade is broken up which assists in providing front yard variation.*

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 proposed structure contains a flat green roof as a primary roof form. The mid-level at the back contains a deck. The green roof has a step towards the middle which assists in breaking up the massing in two (2) smaller components. The mid-level at the front elevation also contains a step back in front wall plane which breaks up the proposed structure. The proposed green roof is not accessible and is considered a passive space which will not require railings. The green roof will not act as a patio.*

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.**

*The proposed structure has a ten foot three inch (10'-3") front yard setback. The front has small roof form, small porch, and two (2) foot step back in one of the tandem garage doors which minimize the "wall effect". The rear elevation contains the required ten foot (10') step-back on the third story, and is also broken up as the rear wall of the lowest level is not filled in but is designed with a column on each corner to support the proposed structure.*

8. **Dwelling Volume.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in [LMC Chapter 2.2 –

HR-1]. 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 structure is both horizontally and vertically articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure on the rear elevation. 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.*

9. **Building Height (Steep Slope).** The maximum Building Height in the HR-2 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 entire building ranges in height from twenty to twenty feet (20'-27').*

**Conditional Use Permit Review for Parking with 5 or more spaces...**

Land Management Code (LMC) § 15-2.16-2(B)(11) indicates that a *Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot* is a conditional use in the HR-2 District. LMC § 15-2.3-3 indicates that the Planning Commission shall review any Conditional Use permit (CUP) Application in the HR-2 District according to Conditional Use permit criteria set forth in Section 15-1-10 as well as the following:

- A. Consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites, Section 15-4. **Complies as conditioned.**

*The application is currently being reviewed by staff for compliance with the Design Guidelines.*

- B. The Applicant may not alter a Historic Structure to minimize the residential character of the Building. **Not applicable.**

*The subject site is not historic.*

- C. Dedication of a Facade Preservation Easement for Historic Structures is required to assure preservation of Historic Structures and the Historic fabric of the surrounding neighborhood. **Not applicable**

*The subject site is not historic.*

- D. New Buildings and additions must be in scale and Compatible with the mass, height, width, and historic character of the surrounding residential neighborhood and existing Historic Structures in the neighborhood. Larger Building masses

should be located to rear of the Structure to minimize the perceived mass from the Street. **Complies as conditioned.**

*The application is currently being reviewed by staff for compliance with the Design Guidelines where the scale, compatibility, historic character is thoroughly reviewed.*

- E. Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures and may consider in-lieu fees for all or a portion of parking requirements for Master Planned Developments. Calculation of in-lieu fees shall be based on the Park City Municipal Code Section 11-12-16 and any adopted City Council fees in effect at the time a complete application is received. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required. **Complies with the parking requirements of Section 15-3.**

*Applicant proposes four (4) parking spaces for the residential single-family dwelling access of Park Avenue. Three of the four (3of4) comply with minimum parking area requirements. The Code requires a single family dwelling to have two (2) parking spaces.*

- F. All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged. **Complies as conditioned.**

*LMC § 15-2.3-15 indicates that:*

*The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.*

*Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 5.*

*Staff recommends that the applicant submit the required report by the certified arborist and that the loss of significant mitigation is replaced on a like per like basis.*

- G. Fencing and Screening between residential and Commercial Uses may be required along common Property Lines. **Not applicable.**

*No fencing is being proposed at this time. The applicant requests to landscape the site. See criterion F above.*

- H. All utility equipment and service areas must be fully Screened to prevent visual and noise impacts on adjacent residential Properties and on pedestrians. **Complies as conditioned.**

*The applicant shall be responsible of screening utility equipment through their final landscape plan to be approved prior to building permit issuance. Any utility equipment in the Right-of-Way shall also be screened through proper approval and authorization of the City Engineer.*

The Planning Commission must review each of the following items when considering whether or not the proposed conditional use mitigates impacts of and addresses the following items as outlined in LMC § 15-1-10(E):

1. Size and location of the site. **No unmitigated impacts.**

*The proposed single-family dwelling is 1,989 square feet consisting of a one (1) bedroom house with two (2) two-car tandem garages accessed off Park Avenue consisting of 1080 square feet. Below the proposed single-family dwelling is a parking level, accessed off Main Street consisting of 1,105 square feet. The structure is three (3) stories, with most of the house on the upper level, the entry and tandem garages on the street garage level (Park Avenue), and the parking garage in the lowest parking level.*

2. Traffic considerations. **No unmitigated impacts.**

*The requested use of the single-family dwelling is off Park Avenue. The requested use of the parking area on the lowest level is off Main Street. From time to time, Main Street may be closed for specific events, such as Miner's Day parade in September, Arts Festival in August, etc., Pursuant to the Easement Agreement the owners of the April Inn during these street closure they may not access their parking garage. The applicant stipulates these street closures and understands that they would have to abide the same restrictions currently faced by other residential property owners and businesses on Main Street.*

3. Utility capacity. **No unmitigated impacts.**

*No additional utility capacity is required for the requested use.*

4. Emergency vehicle access. **No unmitigated impacts.**

*Emergency vehicles can easily access the unit and no additional access is required.*



5. Location and amount of off-street parking. **No unmitigated impacts.**

*The LMC indicates that a single-family dwelling requires a minimum of two (2) parking spaces. The mid-level provides two (2) tandem garages with four (4) parking spaces accessed off Park Avenue. Three of the four parking spaces meet the code in term of minimum parking area. The LMC does not indicate a maximum number of parking spaces. These spaces access of Park Avenue are not to be used for any other site found in the HCB including the April Inn.*

*The site also has six (6) parking spaces which are to be built for the benefit of 545 Main Street access of Main Street through a drafted easement agreement over City owned property.*

6. Internal circulation system. **No unmitigated impacts.**

*The single-family dwelling has a driveway accessed directly off Park Avenue. The parking level (lowest floor) is to have its access off Main Street.*

7. Fencing, screening and landscaping to separate uses. **No unmitigated impacts.**

*Screening and landscaping is proposed at towards the front of the house.*

8. Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots. **No unmitigated impacts.**

*The applicant requests to build a new single-family dwelling at the Park Avenue elevation. The applicant requests the roof of the structure to be a passive non-accessible green roof, which is allowed.*

9. Usable open space. **No unmitigated impacts.**

*No useable open space will be affected with the requested use from what is currently found on site. There are stairs on the west end of the City owned alley, which the applicant requests to rebuild and landscape. The applicant will have to receive a separate permit through the City Engineer's office for this work.*

10. Signs and lighting. **No unmitigated impacts.**

*No signs and lighting are associated with this proposal. Any new exterior lighting is subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC at the time of application. All signs are subject to the Park City Sign Code.*

11. Physical design and compatibility with surrounding structures in mass, scale and style. **No unmitigated impacts.**

*The applicant requests to build a new single-family dwelling at the Park Avenue elevation. The applicant requests the roof of the structure to be a passive non-accessible green roof, which is currently allowed. The requested uses will not affect the existing physical design and compatibility with surrounding structures in mass, scale and style. Staff does not find that additional impacts need to be mitigated in terms of this criterion due to the small size of the requested use.*

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site. **No unmitigated impacts.**

*Noise, vibration, odors, steam or mechanical factors are anticipated that are normally associated within the residential district including its intended nature to be a transition between the HR-1 and the HCB.*

13. Control of delivery and service vehicles, loading and unloading zones, and screening. **No unmitigated impacts.**

*The proposal will not affect any control of delivery and service vehicles, loading/unloading, and screening.*

14. Expected ownership and management of the property. **No unmitigated impacts.**

*The expected ownership and management of the property is not projected to add impacts that would need additional mitigation. The property is owned by 545 Main Street Holdings LLC. The applicant in the future may request to “condominimize” the 545 Main Street building, April Inn, and the house at 550 Park which may include the parking spaces currently requested on the lowest level.*

15. Sensitive Lands Review. **No unmitigated impacts.**

*The proposal is not located within the Sensitive Lands Overlay.*

### **Special Requirements**

LMC § 15-2.3-8 indicates special requirements for Master Planned Development and Conditional Use Permits in Sub-zone A, consisting of lots in the HR-2 District that are west of Main Street, excluding those Lots within Block 13. The following special requirements apply only to Lots in Sub-Zone A that are part of a Master Planned Development, a Conditional Use Permit, or a Plat Amendment that combines a Main Street, HCB zoned, Lot with an adjacent Park Avenue, HR-2 zoned, Lot or portion of a Lot, for the purpose of restoring an Historic Structure, constructing an approved addition to an Historic Structure, constructing a residential dwelling or Garage on Park Avenue, or expanding a Main Street Business into the HR-2 zoned Lot:

1. All Commercial Uses extending from Main Street into the HR-2 Zone are subject to the Conditional Use Permit review requirements of Section 15-1-10 and the Master Planned Development requirements of Section 15-6 if the development is

part of a Master Planned Development. These Commercial Uses must be located below the Grade of Park Avenue projected across the HR-2 Lot and beneath the Main Floor of a residential Structure or Structures facing Park Avenue. Occupancy of the below Grade Floor Area is conditioned upon completion of the residential structure on the HR-2 Lot. **Complies.**

*The applicant requests to build a residential parking area for the April Inn below grade of Park Avenue projected across the HR-2 and beneath the main floor of a single-family dwelling, a residential structure facing Park Avenue.*

2. All Buildings within the HR-2 portion of the development must meet the minimum Side and Front Yard Setbacks of the HR-2 District as stated in Section 15-2.3-4, unless the Planning Commission grants an exception to this requirement during the MPD review and the development is consistent with the MPD Section 15-6-5(C). Below Grade Structures, such as parking structures and Commercial Floor Area extending from Main Street beneath a residential Structure or Structures on Park Avenue may occupy Side Yard Setbacks subject to Building and Fire Codes and trespass agreements. **Complies.**

*The proposed structure within the HR-2 portion of the lot meets the minimum side and front yard setbacks of the HR-2 District as stated. The parking structure below the single-family dwelling does not occupy side yard setbacks other than the access leading to it.*

3. All Buildings within the HR-2 portion of the development must meet the Building Height requirements of the HR-2 District as stated in Section 15-2.3-6. **Complies.**

*The proposed structure within the HR-2 portion of the lot meets the building height requirements of the HR-2 District as stated.*

4. Existing and new Structures fronting on Park Avenue may not contain Commercial Uses, except as permitted in Section 15-2.3-8 (B) (1). **Complies.**

*The new structure fronting on Park Avenue does not contain commercial uses.*

5. A Floor Area Ratio of 4.0 shall be used to calculate the total Commercial Floor Area. Only the Lot Area within the HCB Lot may be used to calculate the Commercial Floor Area. **Complies.**

*Only the lot area within the HCB portion of the lot shall be used to calculate the commercial floor area.*

6. The number of residential units allowed on the HR-2 portion of the Development is limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4. **Complies.**

7. All entrances and Access, including service and delivery, for the Commercial Use must be off of a Street or easement within the HCB District. The Commercial Structure must be designed to preclude any traffic generation on residential Streets, such as Park Avenue. Any emergency Access, as required by the Uniform Building Code (UBC), onto the HR-2 portion of the Property must be designed in such a manner as to absolutely prohibit non-emergency Use. Alarms shall be installed on all emergency doors that provide access to Park Avenue.  
**Complies.**

*The access for the parking structure underneath the single-family dwelling is off Main Street, HCB District, through an easement. The applicant is not asking for a commercial structure. No emergency access onto the HR-2 portion of the property is proposed.*

8. Commercial portions of a Structure extending from the HCB to the HR-2 District must be designed to minimize the Commercial character of the Building and Use and must mitigate all impacts on the adjacent Residential Uses. Impacts include such things as noise, odor and glare, intensity of activity, parking, signs, lighting, Access and aesthetics.
9. No loading docks, service yards, exterior mechanical equipment, exterior trash compounds, outdoor storage, ADA Access, or other similar Uses associated with the HCB Uses are allowed within the HR-2 portion of the Property, and all such Uses shall be screened for visual and noise impacts. **Complies as conditioned. Discussion requested.**

*The applicant proposes four (4) parking spaces underneath the proposed single-family dwelling with another two (2) uncovered parking spaces towards the rear. Next to the four (4) parking spaces are four (4) small storage areas and also a small mechanical room. The storage and mechanical areas cannot be seen from elevation except from the south side as they are indeed located on the lowest parking level and access from the interior part of this level. Staff does not find these areas to be detrimental as they are below the single-family dwelling and would only be viewed from the south side when a vehicle is not parked on the lowest level of the structure. Does the Planning Commission agree with Staff's findings?*

10. The Property Owner must donate a Preservation Easement to the City for any Historic Structures included in the Development. **Not applicable.**
11. Any Historic Structures included in the development shall be restored or rehabilitated according to the requirements of the LMC Chapter 11- Historic Preservation. **Not applicable.**
12. Any adjoining Historic Structures under common ownership or control must be considered a part of the Property for review purposes of the Conditional Use permit and/or Master Planned Development. **Not applicable.**

13. The allowed Building Width of any Structure above Final Grade is up to forty (40) feet. Building Widths shall reflect the typical variation, pattern and Historic character of the surrounding residential neighborhood. **Complies.**

*The width of the proposed structure is twenty nine feet (29').*

14. Residential Density Transfers between the HCB and HR-2 Zoning Districts are not permitted. A portion of the Gross Floor Area generated by the Floor Area Ratio of the HCB Zoning District and applied only to Lot Area in the HCB Zone, may be located in the HR-2 Zone as allowed by this Section. **Complies.**

*No density transfer is being proposed.*

15. Maximum allowed Building Footprint for the HR-2 Lot is subject to Section 15-6-5(B). **Complies as conditioned.**

### **Process**

Approval of this application constitutes Final Action that may be appealed to the City Council following the procedures found in Land Management Code § 15-1-18. Approval of the Historic District Design Guideline compliance is noticed separately and is 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 would have to be addressed during building permit review.

### **Public Input**

The City received one public comment on May 8, 2015. See Exhibit K – Public Comment.

### **Alternatives**

- The Planning Commission may approve the requested Steep Slope Conditional Use Permit as conditioned or amended, or
- The Planning Commission may deny the requested Steep Slope Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

### **Significant Impacts**

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

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

The construction as proposed could not occur. The applicant would have to revise their plans. The applicant would not be able to use their site as parking for the adjacent building.

### **Recommendation**



Staff recommends the Planning Commission hold a public hearing and review a request for a Steep Slope Conditional Use Permit for the construction of a new single-family dwelling and a Conditional Use Permit for a *Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot* at 550 Park Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of Approval for the Commission's consideration.

**Findings of Fact:**

1. The property is located at 550 Park Avenue.
2. The Property is located in the HR-2 District.
3. The property is currently being reviewed as a plat amendment this same Planning Commission meeting, and is currently being re-platted as Lot 1 of the Cardinal Park Subdivision.
4. This application is a request for a Conditional Use Permit for construction of a new-single family dwelling.
5. A Historic District Design Review application is concurrently being reviewed by staff for compliance with the Design Guidelines for Historic Districts.
6. On August 4, 2014, the Planning Department approved a historic district design Review application at 545 Main Street for a remodel and an addition. This site is known as the April Inn and is located within the HCB District.
7. An agreement was recorded with the City regarding parking for the April Inn.
8. The property owner deposited with the City the parking fee in lieu in the cash amount of \$56,000.00 (4 spaces multiplied by \$14,000.00 per space).
9. The property owner desires to seek approval of the City for the actual creation of six (6) parking spaces on the HR-2 District for the purpose of providing parking for the Main Street site. As indicated on the agreement: "some or all which may be returned to 545 Main depending upon the outcome of the approval process of the 4 parking spaces on the property.
10. The applicant currently requests to provide six (6) parking spaces on the lowest level of the structure also housing a single-family dwelling.
11. The LMC indicates that the use listed as A Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot requires a Conditional Use Permit to be reviewed and approved by the Planning Commission.
12. The applicant seeks this approval to be able to accommodate parking and be returned the \$56,000.00 for the four (4) required parking spaces.
13. A single-family dwelling is an allowed use in the Historic Residential-2 District.
14. The proposed single-family dwelling is 1,989 square feet consisting of a one (1) bedroom house with two (2) two-car tandem garages accessed off Park Avenue consisting of 1080 square feet.
15. Below the proposed single-family dwelling is a parking level, accessed off Main Street consisting of 1,105 square feet.
16. The structure is three (3) stories, with most of the house on the upper level, the entry and tandem garages on the street garage level (Park Avenue), and the parking garage in the lowest parking level.
17. The parking level provides for four (4) covered parking spaces and two (2) non-covered, behind the proposed structure.
18. The proposed footprint is 1,116.08 square feet.

19. The maximum footprint is 1,132.5 square feet.
20. The minimum front/rear yard setbacks are ten feet (10').
21. The front yard setback is 10'-3".
22. The rear yard setback is 23'-1".
23. The side yards setbacks are both at the minimum of three feet (3').
24. From Park Avenue towards the rear the site, the first twenty feet (20') is considered the steepest part of the site with a slope of forty percent (40%) approximately.
25. The last sixty-five feet (65') contain a flat slope which can be measured at nine percent (9%) approximately.
26. The applicant submitted plans including a streetscape showing how the three (3) structure will be observed as a two (2) story dwelling when viewed from Park Avenue, due to the character of the slopes towards the front which limits the maximum building height.
27. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283.
28. The proposed structure has two access points: directly off Park Avenue for the house into the two tandem garages, and from the City owned Alley off Main Street then turning north, onto the parking level, the lowest floor of the structure. The Park Avenue, access is by right simply for having frontage over a street recognized on Park City's Streets Master Plan.
29. The side access of the lowest parking level was granted by the City to the applicant in a recent City Council discussion to be finalized in a form approved by the City Attorney and City Engineer.
30. The proposal does not including any terracing other than the effect of the structure on the site.
31. The maximum building height of 27 feet make the proposed structure follow the perceived natural topography of the site.
32. The front façade is broken up which assists in providing front yard variation.
33. The proposed structure contains a flat green roof as a primary roof form.
34. The mid-level at the back contains a deck.
35. The green roof has a step towards the middle which assists in breaking up the massing in two (2) smaller components.
36. The mid-level at the front elevation also contains a step back in front wall plane which breaks up the proposed structure.
37. The front has small roof form, small porch, and two (2) foot step back in one of the tandem garage doors which minimize the "wall effect".
38. The rear elevation contains the required ten foot (10') step-back on the third story, and is also broken up as the rear wall of the lowest level is not filled in but is designed with a column on each corner to support the proposed structure.
39. The proposed structure is both horizontally and vertically articulated and broken into compatible massing components.
40. The design includes setback variations and lower building heights for portions of the structure on the rear elevation.
41. 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.
42. The entire building ranges in height from twenty to twenty feet (20'-27').
43. The subject site is not historic.

44. The application is currently being reviewed by staff for compliance with the Design Guidelines where the scale, compatibility, historic character is thoroughly reviewed.
45. Applicant proposes four (4) parking spaces for the residential single-family dwelling access of Park Avenue.
46. Three of the four (3of4) comply with minimum parking area requirements.
47. The Code requires a single-family dwelling to have a minimum of two (2) parking spaces.
48. The Property Owner must protect Significant Vegetation during any Development activity.
49. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4 ½ ') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.
50. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist.
51. Staff recommends that the applicant submit the required report by the certified arborist and that the loss of significant mitigation is replaced on a like per like basis.
52. No fencing is being proposed at this time.
53. The applicant shall be responsible of screening utility equipment through their final landscape plan to be approved prior to building permit issuance.
54. Any utility equipment in the Right-of-Way shall also be screened through proper approval and authorization of the City Engineer.
55. The requested use of the single-family dwelling is off Park Avenue.
56. The requested use of the parking area on the lowest level is off Main Street.
57. From time to time Main Street may be closed for specific events, such as Miner's Day parade in September, Arts Festival in August, etc., and finds that the applicant understands that during these street closure they may not access their parking garage. The applicant stipulates these street closures and understands that they would have to abide the same restrictions currently faced by other residential property owners and businesses on Main Street.
58. No additional utility capacity is required for the requested use.
59. Emergency vehicles can easily access the unit and no additional access is required.
60. The LMC indicates that a single-family dwelling requires two (2) parking spaces.
61. The mid-level provides two (2) tandem garages with four (4) parking spaces accessed off Park Avenue.
62. The site also has six (6) parking spaces which are to be built for the benefit of 545 Main Street access of Main Street through a drafted easement agreement over City owned property.
63. The single family dwelling has a driveway accessed directly off Park Avenue.
64. The parking level (lowest floor) is to have its access off Main Street.
65. Screening and landscaping is proposed towards the front of the house.
66. The applicant requests the roof of the structure to be a passive non-accessible green roof, which is currently allowed.
67. No useable open space will be affected with the requested use from what is currently found on site.
68. There are stairs on the west end of the City owned alley, which the applicant requests to rebuild and landscape. The applicant will have to receive a separate permit through the City Engineer's office for this work.

69. No signs and lighting are associated with this proposal. Any new exterior lighting is subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC at the time of application. All signs are subject to the Park City Sign Code.
70. The requested uses will not affect the existing physical design and compatibility with surrounding structures in mass, scale and style.
71. Noise, vibration, odors, steam or mechanical factors are anticipated that are normally associated within the residential district including its intended nature to be a transition between the HR-1 and the HCB.
72. The proposal will not affect any control of delivery and service vehicles, loading/unloading, and screening.
73. The expected ownership and management of the property is not projected to add impacts that would need additional mitigation.
74. The entire lot is owned by 545 Main Street Holdings LLC.
75. The proposal is not located within the Sensitive Lands Overlay.
76. LMC § 15-2.3-8 indicates special requirements for Master Planned Development and Conditional Use Permits in Sub-zone A, consisting of lots in the HR-2 District that are west of Main Street, excluding those Lots within Block 13.
77. There are special requirements that apply only to Lots in Sub-Zone A that are part of a Conditional Use Permit for the purpose of constructing a residential dwelling or Garage on Park Avenue.
78. The applicant requests to build a residential parking area for the April Inn below grade of Park Avenue projected across the HR-2 and beneath the main floor of a single-family dwelling, a residential structure facing Park Avenue.
79. The proposed structure within the HR-2 portion of the lot meets the minimum side and front yard setbacks of the HR-2 District as stated.
80. The parking structure below the single-family dwelling does not occupy side yard setbacks other than the access leading to it.
81. The proposed structure within the HR-2 portion of the lot meets the building height requirements of the HR-2 District as stated.
82. The new structure fronting on Park Avenue does not contain commercial uses.
83. Only the lot area within the HCB portion of the lot shall be used to calculate the commercial floor area.
84. The number of residential units allowed on the HR-2 portion of the Development is limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4.
85. The access for the parking structure underneath the single-family dwelling is off Main Street, HCB District, through an easement. The applicant is not asking for a commercial structure. No emergency access onto the HR-2 portion of the property is proposed.
86. Next to the four (4) parking spaces are four (4) small storage areas and also a small mechanical room. The storage and mechanical areas cannot be seen from elevation except from the south side as they are indeed located on the lowest parking level and access from the interior part of this level.
87. The width of the proposed structure is twenty nine feet (29').
88. No density transfer is being proposed.
89. Maximum allowed Building Footprint for the HR-2 Lot is subject to Section 15-6-5(B).

**Conclusions of Law:**

1. The Application complies with all requirements of this LMC;
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 Plan, as amended; and
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 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 May 13, 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 Yards shall be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The use of native plants and trees is strongly encouraged.
12. From time to time Main Street may be closed for specific events, such as Miner's Day parade in September, Arts Festival in August, etc., and finds that the applicant understands that during these street closure they may not access their parking garage. The applicant stipulates these street closures and understands that they would have to abide the same restrictions currently faced by other residential property owners and businesses on Main Street.



13. There are stairs on the west end of the City owned alley, which the applicant requests to rebuild and landscape. The applicant shall receive a separate permit through the City Engineer's office for this work to the satisfaction of the City Engineer.
14. The number of residential units allowed on the HR-2 portion of the Development shall be limited by the Lot and Site Requirements of the HR-2 District as stated in Section 15-2.3-4.
15. The maximum allowed Building Footprint for the HR-2 Lot shall be subject to Section 15-6-5(B).
16. The easement agreement for access to the lower parking must be recorded prior to issuance of any building permits.
17. The applicant shall submit the report by a certified arborist per LMC § 15-2.3-15 and that the loss of significant mitigation shall be replaced on a like per like basis.
18. The parking on the lowest level shall only be used for the April Inn site to be finalized through the easement agreement.

### **Exhibits**

- Exhibit A – Applicant's Project Description Steep Slope CUP & CUP
- Exhibit B – Topographic Map
- Exhibit C – Proposed Site Plan & Landscape Plan (Sheet A0.1)
- Exhibit D – Floor Plans (Sheet A1.1)
- Exhibit E – Exterior Elevations (Sheet A2.0)
- Exhibit F – Streetscape Elevations (Sheet A2.1)
- Exhibit G – Building Sections (Sheet A3.0)
- Exhibit H – Fee In Lieu of Parking Agreement 545 Main Street & HDDR Action Letter
- Exhibit I – February 26, 2015 City Council Staff Reports
- Exhibit J – February 26, 2015 City Council Meeting Minutes
- Exhibit K – Public Comment

## Exhibit A – Applicant’s Project Description Steep Slope CUP & CUP

550 Park Avenue – Conditional Use Permit – Parking  
Project Description

Revised, 12-9-14

1.

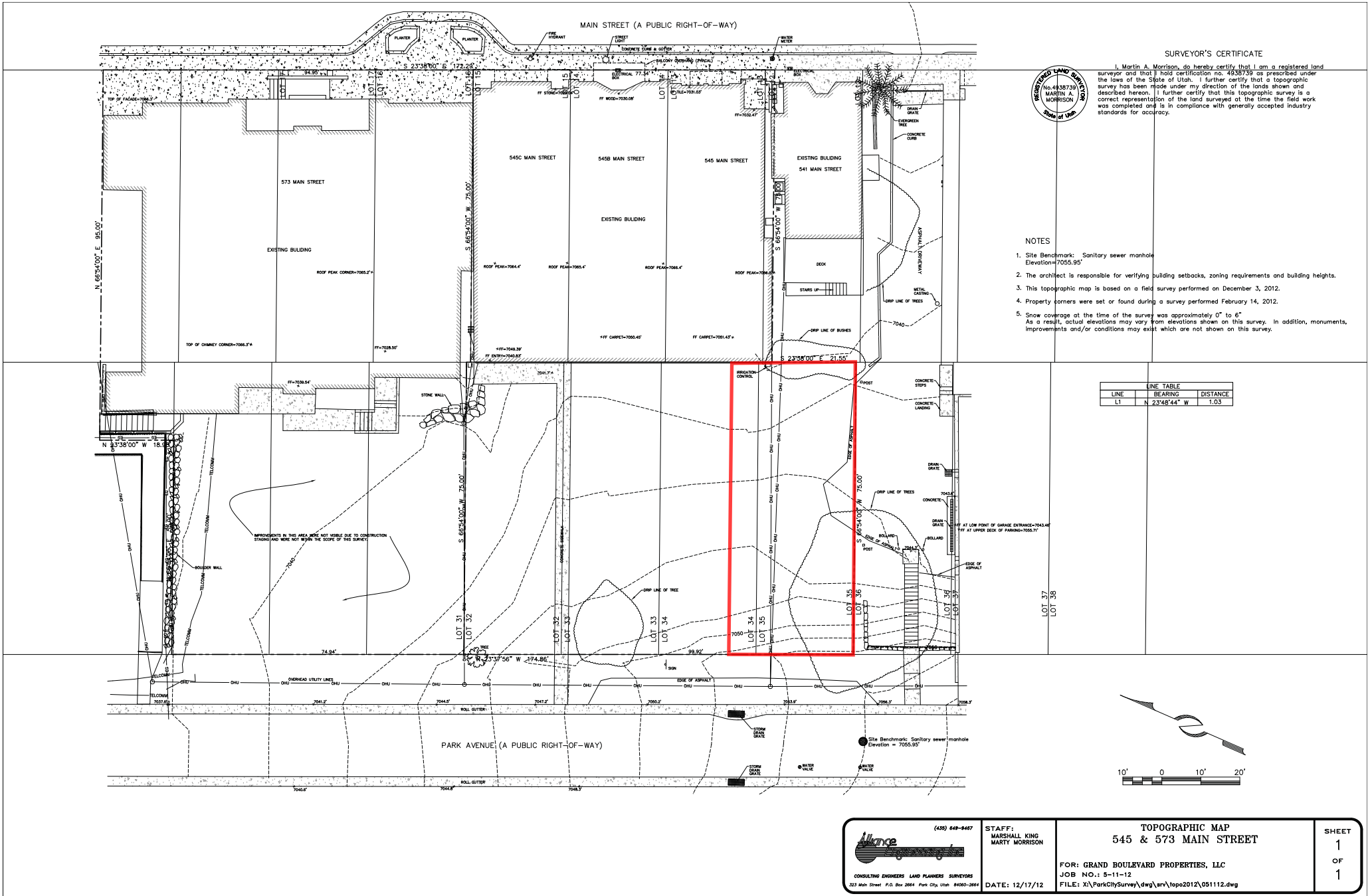
- a. How will the proposed use “fit-in” with surrounding uses?  
*The proposed improvements to 545 Main Street and 550 Park Avenue include: conversion of 12 residential units to three units 545 Main Street in the HCB zone and construction of a new single family home at 550 Park Avenue in the HR-2 zone. The lower level of 550 Park Avenue will house 6 parking spaces that serve as off street parking spaces for the three new residential units in 545 Main Street. These spaces will be accessed off Main Street via the existing alley between 537 and 541 Main Street. This existing ally already exclusively serves as access to existing parking for 541 Main Street and the commercial parking structure for 537 Main Street.*  
*The home at 550 Park Ave. access off Park Avenue and will match the use and scale of the other residential units on Park Avenue.*
- b. What type of service will it provide to Park City?  
*The intense hotel use of the 12 units at 545 Main Street will be reduced to a substantially less intensive 3 units. The existing 12 units did not provide any off street parking. Six off street parking spaces will now be provided.*
- c. Is the proposed use consistent with the current zoning district and with the General Plan?  
*Retaining a residential component at 545 Main Street will help to keep a vibrant Main Street where people not only shop but actually live. The single family development of 550 Park Avenue continues the residential character of Park Avenue but, with the unique alley access off Main Street, adds a support element to the residential uses at 545 Main Street. Additionally, 550 Park Avenue sits in the HR2 zone. HR2 is a transition zone. Providing a residential component that relates to Park Ave. and a parking component that access off Main Street and supports residential on Main Street is consistent with the current zoning and is not contrary to the General Plan*
- d. Is the proposed use similar or compatible with other uses in the same area?  
*Yes, see response to item #1a*
- e. Is the proposed use suitable for the proposed site?  
*The residential component at 550 Park Avenue matches size and scale of the other properties on Park Ave and the proposed lower parking becomes part of an alley access that already serves exclusively as access to private parking facilities.*
- f. Will the proposed use emit noise, glare dust, pollutants, and odor?  
*No excessive noise, glare, dust, pollutants, or odor will be emitted from these residential sites. The residential component will be similar in use to all other residential properties in the HR2 zone. The parking component will be below the residence and very difficult to see from Park Avenue. The 6 proposed spaces service residential uses. Frequency of traffic will be residential in nature and not as intense as retail uses.*
- g. What will be the hour of operation and how many people will be employed?  
*The proposed uses are not commercial in nature.*
- h. Are other special issues that need to be mitigated?  
*No*

550 Park Avenue

Submittal Requirement – Steep Slope CUP

2. Project compliance with development on Steep Slope Criteria per LMC, HR-2, 15-2.3-7
  1. Location of Development – ***The slope at 550 Park Avenue is similar to other properties on the downhill, east side of Park Avenue. The site rolls off from the street steeply, just over 30% and then flattens out to approx.10%. The garage doors and the windows of the living unit above the garage will face Park Avenue. The home access off Park Ave. and will set into the site so that retaining of the site will be limited to the Park Ave wall. As the site drops away to the east and flattens the side walls of the lower level will daylight requiring no additional retaining.***
  2. Visual Analysis - ***The home is not visible from any key vantage points.***
  3. Access – ***Access to the home will be off Park Ave and is via a driveway that is 11% slope from the road down to the garage. The building will be 2 stories off the Park Ave elevation, similar to other newer homes on the street.***
  4. Terracing – ***There will be retaining walls on either side of the driveway, parallel to the driveway, 3 -4' in height to recapture original grade. Once past the drive the home will sit adjacent to original grade and no retaining will be necessary.***
  5. Building Location – ***The building will fit in to the existing topography with retaining limited to the driveway area to allow access to Park Avenue from the residential entry and the garage. The proposed ally access parking elevation falls on the ally elevations and requires no additional retaining to work.***
  6. Building Form and Scale – ***The building form fits into the existing contours and steps down the slope. By stepping the building it is broken into smaller forms that are in keeping with typical residential forms found in the district.***
  7. Setbacks – ***The lot is 35' wide and the building 29' . The front and rear elevations are composed of two shifted forms that break up the mass of the building.***
  8. Dwelling Volume – ***Proposed volume of the building is in keeping with adjacent residential forms along Park Ave.***
  9. Building Height - ***The building height complies with the requirements of the LMC***

# Exhibit B – Topographic Map



### SURVEYOR'S CERTIFICATE

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



### NOTES

1. Site Benchmark: Sanitary sewer manhole Elevation=7055.95'
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 December 3, 2012.
4. Property corners were set or found during a survey performed February 14, 2012.
5. Snow coverage at the time of the survey was approximately 0" to 6". As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 23°48'44" W	1.03

LOT 37  
LOT 36

<p>(435) 648-8467</p> <p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2654 Park City, Utah 84050-2654</p>	<p>STAFF: MARSHALL KING MARTY MORRISON</p>	<p>TOPOGRAPHIC MAP 545 &amp; 573 MAIN STREET</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 12/17/12</p>	<p>FOR: GRAND BOULEVARD PROPERTIES, LLC JOB NO.: 5-11-12 FILE: X:\ParkCitySurvey\dwg\arr\topo2012\051112.dwg</p>	

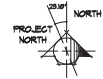
# Exhibit C – Proposed Site Plan & Landscape Plan (Sheet A0.1)

## PLANTING NOTES

- CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INITIATION OF ENCAVATION OR PLANTING OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES ON SITE OR ADJACENT PROPERTY SHALL BE CONTRACTORS RESPONSIBILITY.
- AUTOMATIC IRRIGATION IS REQUIRED. PROVIDE SHOP DRAWINGS FOR APPROVAL.
- ALL PLANT MATERIAL SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF NURSERYMANS STANDARD SPECIFICATIONS.
- ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DRAWINGS, DETAILS, AND SPECIFICATIONS.
- CONTRACTOR SHALL VERIFY ALL QUANTITIES. IN CASE OF A DISCREPANCY, THE ILLUSTRATED LOCATIONS SHALL DICTATE COUNT.
- CONTRACTOR SHALL COORDINATE ALL PLANTING WITH IRRIGATION CONTRACTOR, AS NEEDED.
- IN THE EVENT OF A DISCREPANCY NOTIFY THE ARCHITECT OR OWNER IMMEDIATELY.
- NO SUBSTITUTIONS SHALL BE ALLOWED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT OR OWNER.
- SIRUB BEDS SHALL RECEIVE 6" OF TOPSOIL.
- ALL SIRUB BEDS SHALL HAVE 3" OF DECOMPOSED BARK MULCH INSTALLED.
- SIRUB BED EDGING SHALL BE PRESSURE TREATED WOOD OR "TREX" EDGING. IT SHALL SEPARATE ALL SIRUB BEDS NATIVE GRASS LOCATIONS.
- ALL PLANT WRAPPING MATERIAL MADE OF SYNTHETICS OR PLASTICS SHALL BE REMOVED AT TIME OF PLANTING AND PROPERLY DISCARDED.
- NO BARE ROOT STOCK SHALL BE USED.
- FOR PLANTING BACK FILL SOIL MIX, SEE SPECIFICATIONS.

PLANT SCHEDULE							
SYMBOL	KEY	QUANTITY	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING	COMMENTS
DECIDUOUS TREES							
	12	12	Colorado Blue Spruce	Picea pungens	3" Dia.	6'-10"	6' - 8' tall
	25	25	Aspen	Populus tremuloides	3" Dia.	6'-10"	
SHRUBS							
	44	44	Red twig dogwood	Cornus sericea "Bailey"	5 Gal.		Spacing as noted on plan
PERENNIAL PLANTS							
	19	19	Blechnella	Campanula	1 Gal.	12"x18"	Distribute Equally
	19	19	Columbine	Aquilegia Caeerulea	1 Gal.	12"x18"	Distribute Equally
	19	19	Trailing Daisy	Erigeron Flagellaris	1 Gal.	12"x18"	Distribute Equally
	19	19	Blanket Flower	Gaillardia Aristata	1 Gal.	12"x18"	Distribute Equally
OTHER							
	1048		Wood Chips		Small		3" Thick Layer
	407 S F		Native Grass Seed Mix		1 Bu/1500	Hydroseed	See seed mix below
	0 s f		Drought Tolerant Fescue	Sheep Fescue			

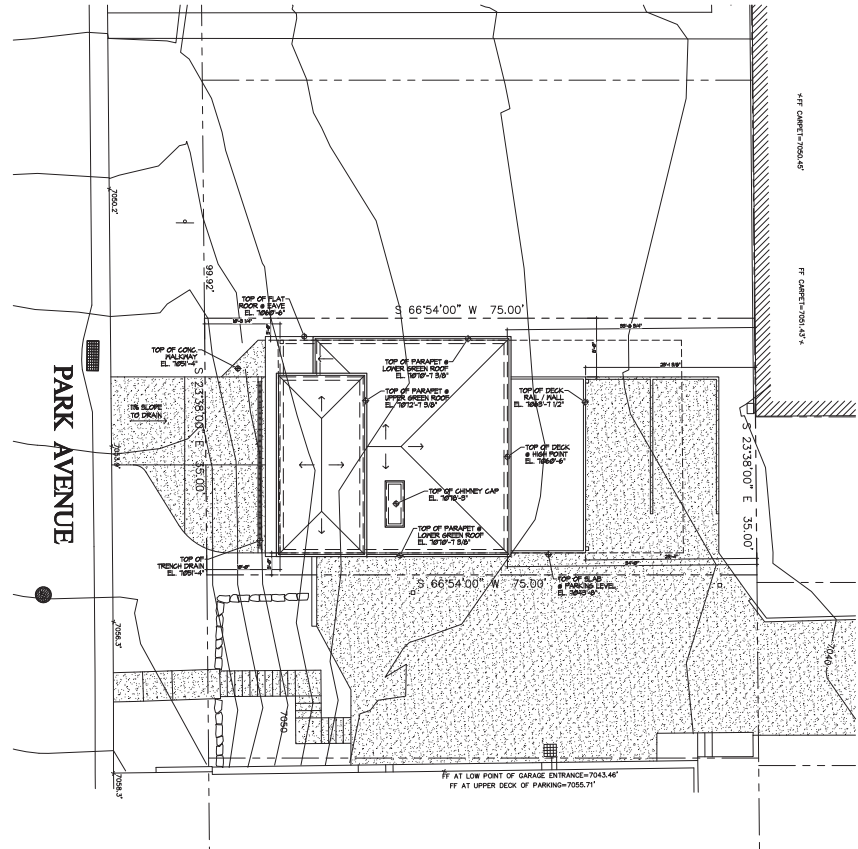
**NATIVE GRASS SEED MIX**  
 The seed mix shall be sown in areas specified for native grasses. This mixture shall be applied at a sufficient rate so that germination and subsequent coverage reaches 80% in a representative 10'x10' area. If coverage does not reach 80% reseeding must occur. Apply at a rate of 80 lbs./acre on the following percentages:  
 20% Crested Wheatgrass, 10% Streambank Wheatgrass, 20% Pubescens Wheatgrass, 15% Perennial Ryegrass, 15% Mountain Bromegrass, 10% Indian Ryegrass, 10% Alopecurus.  
 \* In addition, add 10 lbs./acre each of Linnam lewisii and Penstemon. Eateni with native grass seed mixture.



3 AERIAL PHOTO OF PROPOSED SITE  
 1" = 100'



2 LANDSCAPE PLAN  
 1/8" = 1'-0"



1 PROPOSED SITE PLAN  
 1/8" = 1'-0"

**Jonathan DeGray**  
Architect

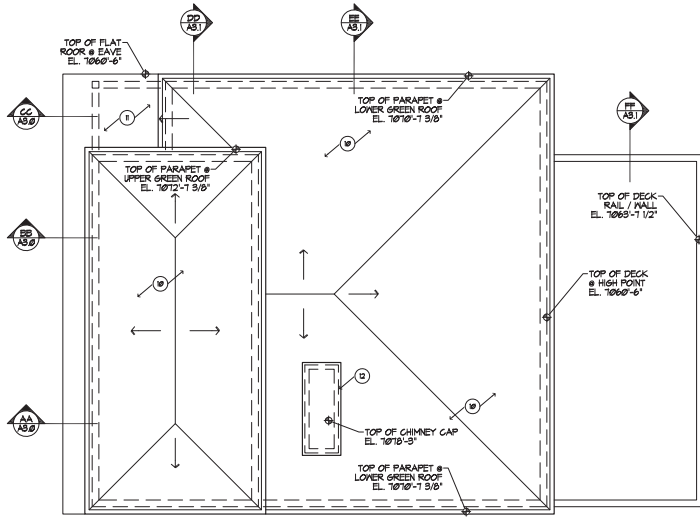
PARK AVENUE - LOT E  
350 PARK AVENUE  
PARK CITY, UT 84060

PROPOSED SITE PLAN  
& LANDSCAPE PLAN

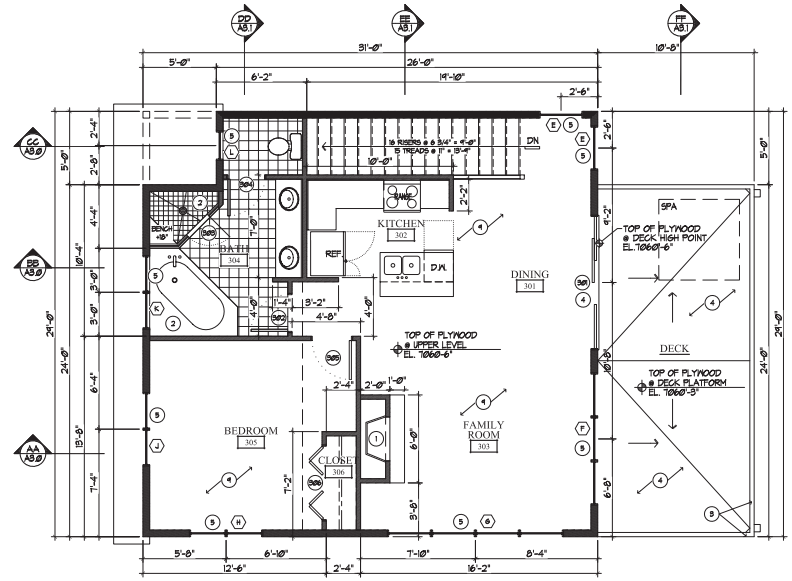
DATE: 04/14/15  
PROJECT NUMBER:  
SHEET NUMBER:  
**A0.1**



# Exhibit D – Floor Plans (Sheet A1.1)



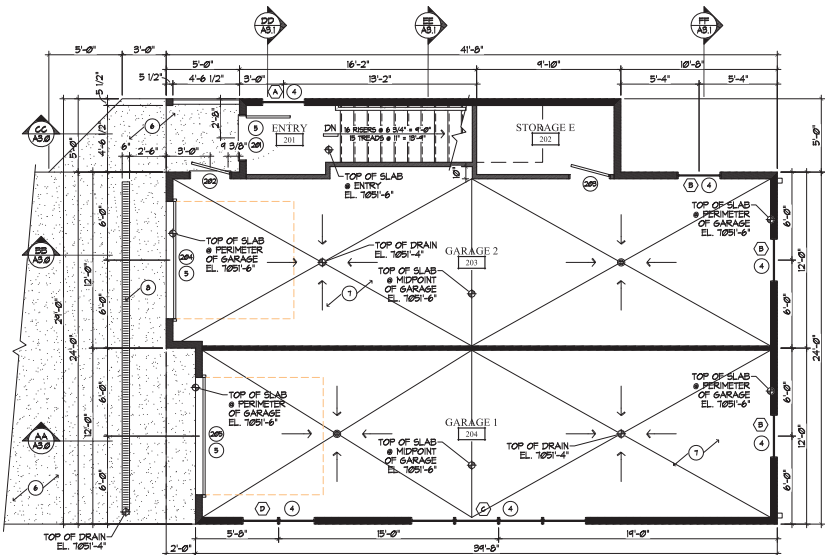
**4 ROOF LEVEL PLAN**  
1/4" = 1'-0"



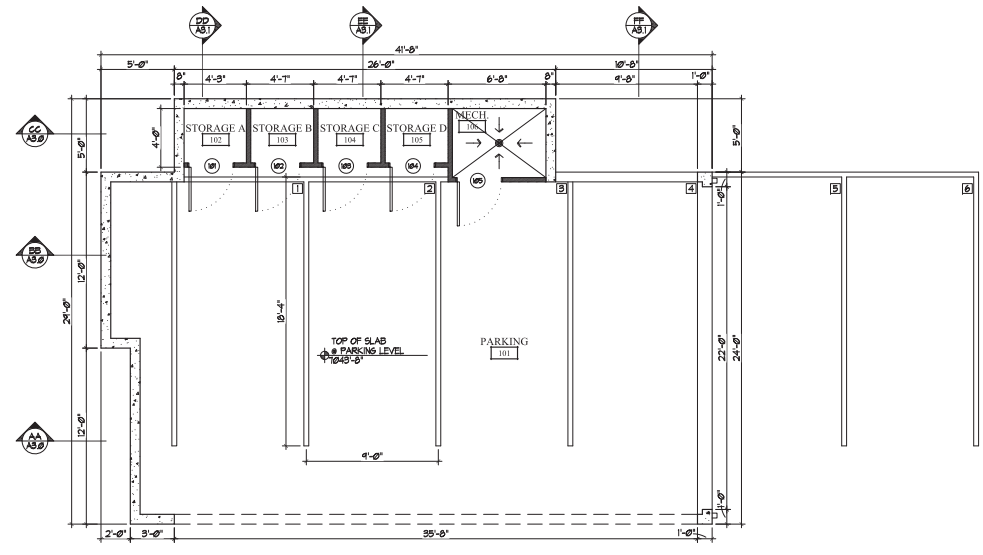
**3 UPPER LEVEL FLOOR PLAN**  
1/4" = 1'-0"  
UPPER LEVEL LIVING SPACE = 874 SQ. FT.

- GENERAL NOTES**
- NEW 2X FRAMED MALL
  - NEW 8" CONCRETE MALL
  - EXTERIOR WALLS TO BE 2X6 FRAMING W/ R-21 INSULATION - TYP. ALL INTERIOR WALLS TO BE 2X4 FRAMING, U.N.O. W/ R-13 INSULATION - TYP. ALL FLOOR JOIST TO BE II 7/8" T.J. FRAMING U.N.O. W/ R-42 INSULATION - TYP. ALL ROOF JOIST TO BE II 7/8" T.J. FRAMING U.N.O. W/ R-42 INSULATION TYP.

- KEYED NOTES**
- 36" ENCLOSED GAS FIREPLACE, OPENING FRAMED ON 18" PLATFORM.
  - TUBS AND SHOWERS WITH TILED WALLS REQUIRE A PORTLAND CEMENT APPLICATION, FIBER-CEMENT OR GLASS MAT GYPSUM BACKER, GREEN BOARD IS NO LONGER ALLOWED IN THIS APPLICATION.
  - DECK RAILING / HALF MALL - ALIGN TOP OF MALL WITH BOTTOM OF ADJACENT WINDOWS - SEE B1A/3 FOR DETAILS
  - DECK SURFACE TO DRAIN MIN. 1/4" PER 12" TO SCUPPER SEE B1A/3 FOR DETAILS
  - ALUMINUM GLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS - SEE SCHEDULE.
  - CONCRETE PORCH/PATIO/DRIVEWAY, REINFORCED PER ENGINEER.
  - 4" CONCRETE FLOOR SLAB, REINFORCED PER ENGINEER, SLOPE 1/8" DRAIN TO SUMP.
  - DRIVEWAY TRENCH DRAIN TO SUMP.
  - 1/2" CONCRETE TOPPING WITH RADIANT HEAT COILS PER CONTRACTOR SPECS, CONCRETE FINISH T.B.D.
  - GREEN ROOF - SEE A1A/3 FOR DETAILS
  - FLAT ROOF - SEE A1A/3 FOR DETAILS
  - RATED METAL CHIMNEY CAP STRUCTURE - SEE A1A/2 FOR DETAILS



**2 STREET LEVEL FLOOR PLAN**  
1/4" = 1'-0"  
STREET LEVEL LIVING SPACE = 35 SQ. FT.  
GARAGE = 1000 SQ. FT.  
STORAGE = 51 SQ. FT.



**1 PARKING LEVEL FLOOR PLAN**  
1/4" = 1'-0"  
PARKING = 971 SQ. FT.  
STORAGE = 87 SQ. FT.  
MECHANICAL = 41 SQ. FT.



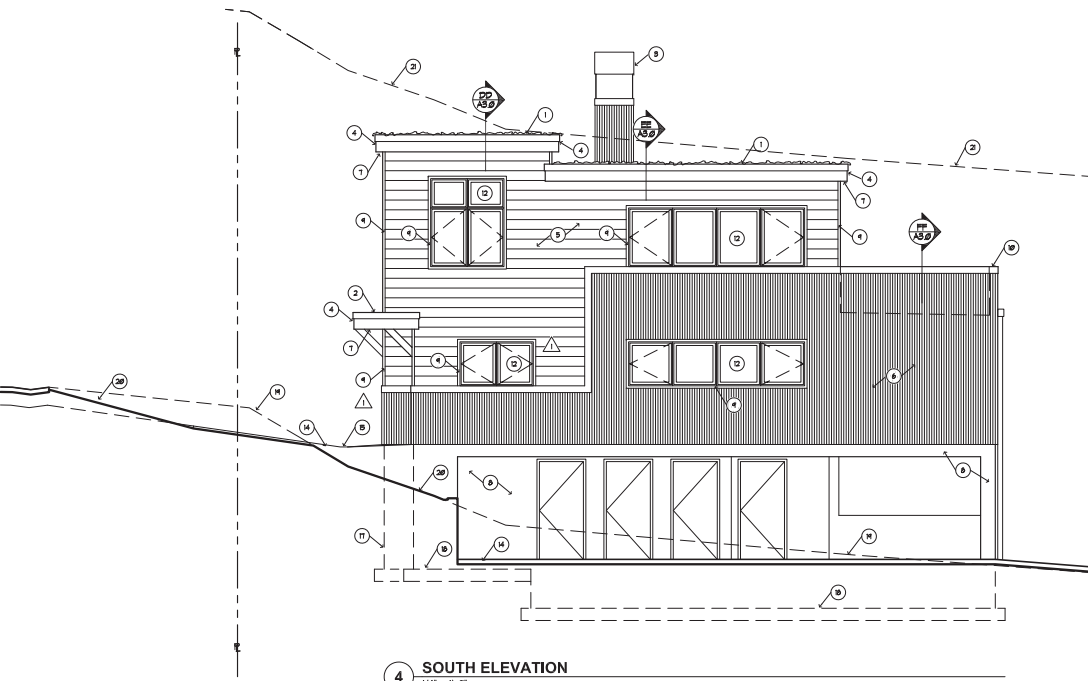
**Jonathan DeGray**  
Architect

PARK AVENUE - LOT E  
350 PARK AVENUE  
PARK CITY, UT 84060

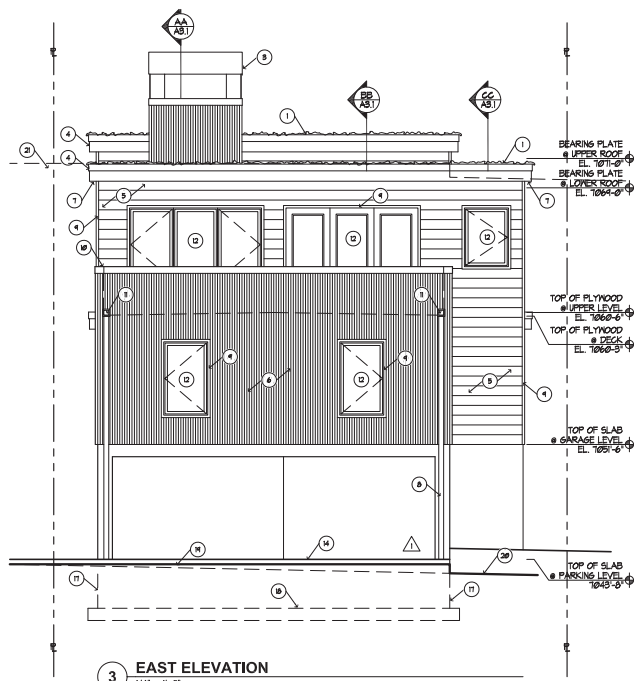
FLOOR PLANS  
PARKING, STREET, & UPPER LEVELS  
& ROOF LEVEL PLAN

DATE: 04/14/15  
PROJECT NUMBER:  
SHEET NUMBER:  
**A1.1**

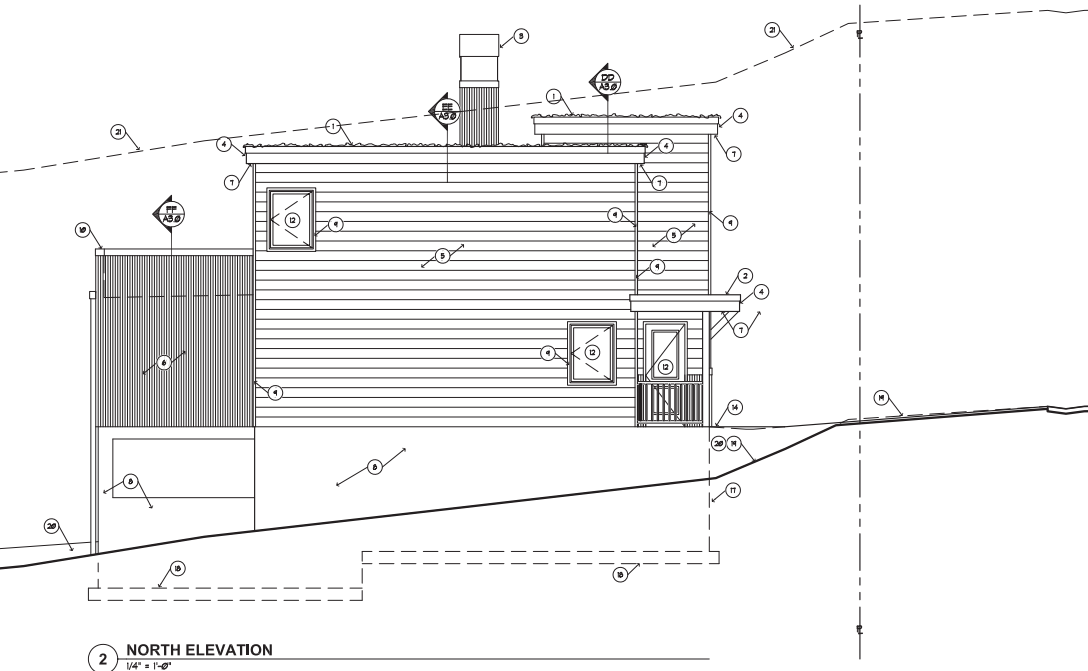
# Exhibit E – Exterior Elevations (Sheet A2.0)



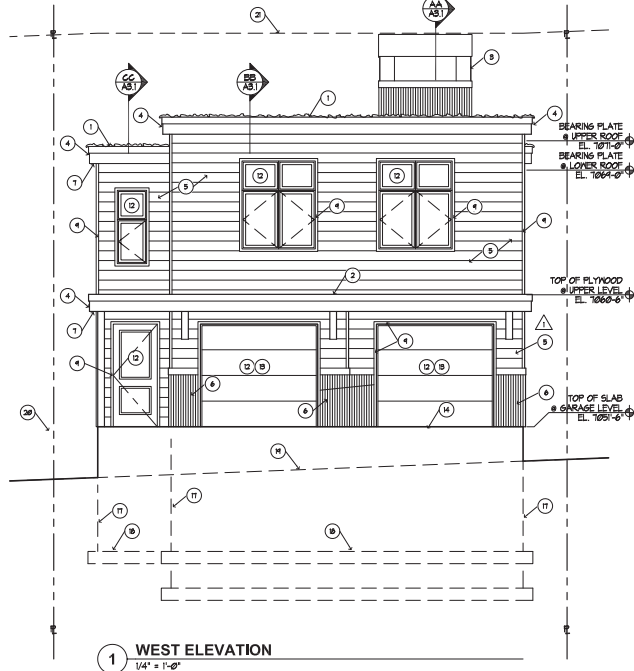
**4 SOUTH ELEVATION**  
1/4" = 1'-0"



**3 EAST ELEVATION**  
1/4" = 1'-0"

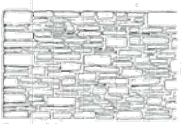


**2 NORTH ELEVATION**  
1/4" = 1'-0"



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

- KEYED NOTES**
- ① GREEN ROOF - SEE A/A3.0 FOR DETAILS
  - ② FLAT ROOF - SEE B/A3.0 FOR DETAILS
  - ③ RATED METAL CHIMNEY CAP STRUCTURE - SEE A/A2.0 FOR DETAILS
  - ④ 2 1/4" X 5 1/2" ON 5/4" X 4 1/4" BUILT UP CEDAR FASCIA - STAINED
  - ⑤ HORIZONTAL CEDAR LAP SIDING - 8" REVEAL - ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
  - ⑥ VERTICAL CORRUGATED CORE 18 METAL SIDING - ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
  - ⑦ T&G CEDAR SOFFIT PL. CONTINUOUS SOFFIT VENT - STAINED.
  - ⑧ R&B RUBBED CONCRETE FINISH
  - ⑨ 1" X 2" CEDAR TRIM @ HORIZONTAL LAP SIDING 2" X 2" CEDAR TRIM @ VERTICAL SIDING - STAINED
  - ⑩ DECK RAILING / HALF WALL - ALIGN TOP OF WALL WITH BOTTOM OF ADJACENT WINDOWS - SEE D/A3.0 FOR DETAILS
  - ⑪ DECK SURFACE TO DRAIN MIN 1/4" PER 12" TO SCUPPER SEE D/A3.0 FOR DETAIL
  - ⑫ ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS - SEE SCHEDULE A/A.0
  - ⑬ GARRAGE STYLE OVERHEAD GARAGE DOOR - SEE DOOR SCHEDULE A6.0
  - ⑭ PORCH / PATIO / DRIVEWAY / SIDEWALK. CONCRETE - BROOM FINISH NATURAL COLOR. REINFORCED PER ENGINEER.
  - ⑮ DRIVEWAY TRENCH DRAIN TO SUMP.
  - ⑯ STACKED ROCK RETAINING WALL SEE DETAIL A/2.0
  - ⑰ FOUNDATION LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING.
  - ⑱ FOOTING LINE SHOWN HIDDEN - SEE STRUCTURAL FOR SIZE AND REINFORCING.
  - Ⓐ NATURAL GRADE
  - Ⓒ PROPOSED FINAL GRADE
  - Ⓓ 21'-0" ABOVE PROPOSED FINAL GRADE



**Squared Rubble**  
A rubble wall built of squared stones of varying sizes and coursed at every third or fourth stone.

**STACKED STONE RETAINING WALL**  
NO SCALE

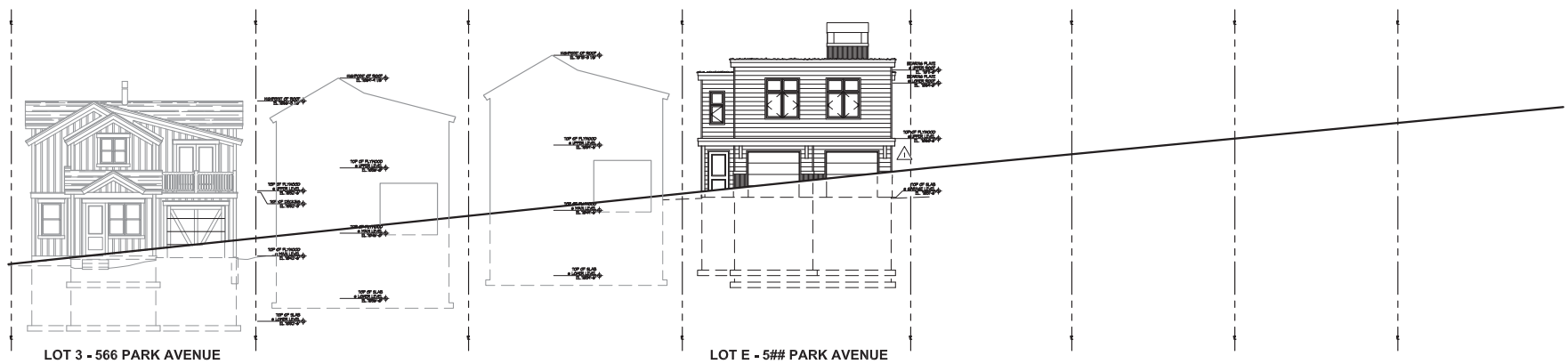
**Jonathan DeGray**  
Architect

PARK AVENUE - LOT E  
350 PARK AVENUE  
PARK CITY, UT 84060

EXTERIOR ELEVATIONS

DATE: 04/14/15  
PROJECT NUMBER:  
SHEET NUMBER:  
**A2.0**

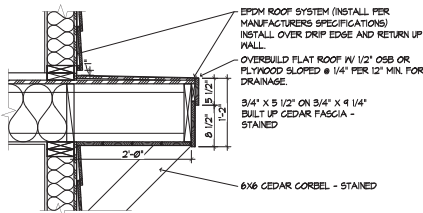
Exhibit F – Streetscape Elevations (Sheet A2.1)



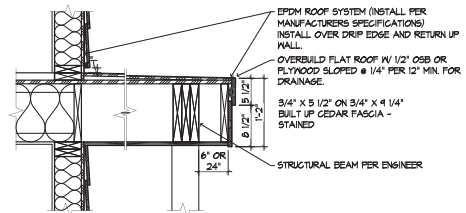
1 STREETScape ELEVATION  
1/8" = 1'-0"

Jonathan DeGray Architect	
P.O. Box 1179, Park City, Utah 84302 100 North 200 West, Suite 300, Park City, Utah 84301 100 North 200 West, Suite 300, Park City, Utah 84301	
PROJECT LOCATION: PARK AVENUE - LOT E 550 PARK AVENUE PARK CITY, UT 84300	
SHEET DESCRIPTION: STREETScape ELEVATION	
REVISIONS:	
DATE:	04/14/15
PROJECT NUMBER:	
SHEET NUMBER: A2.1	

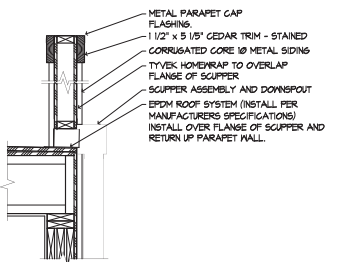
# Exhibit G – Building Sections (Sheet A3.0)



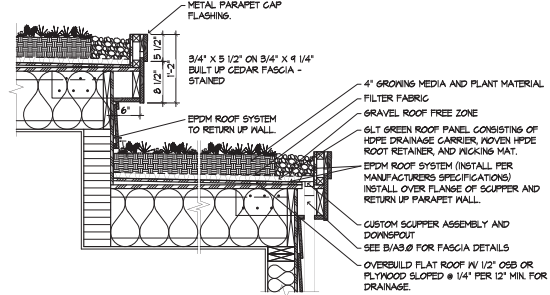
**C EYEBROW DETAILS**  
1/4" = 1'-0"



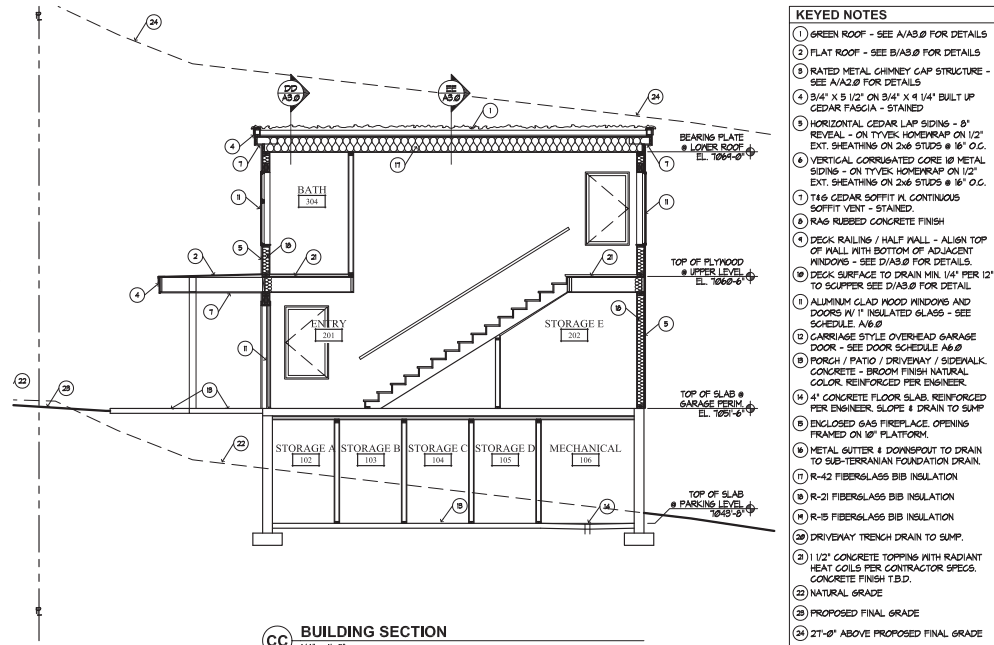
**B FLAT ROOF DETAILS**  
1/4" = 1'-0"



**D DECK RAILING & SCUPPER DETAILS**  
1/4" = 1'-0"

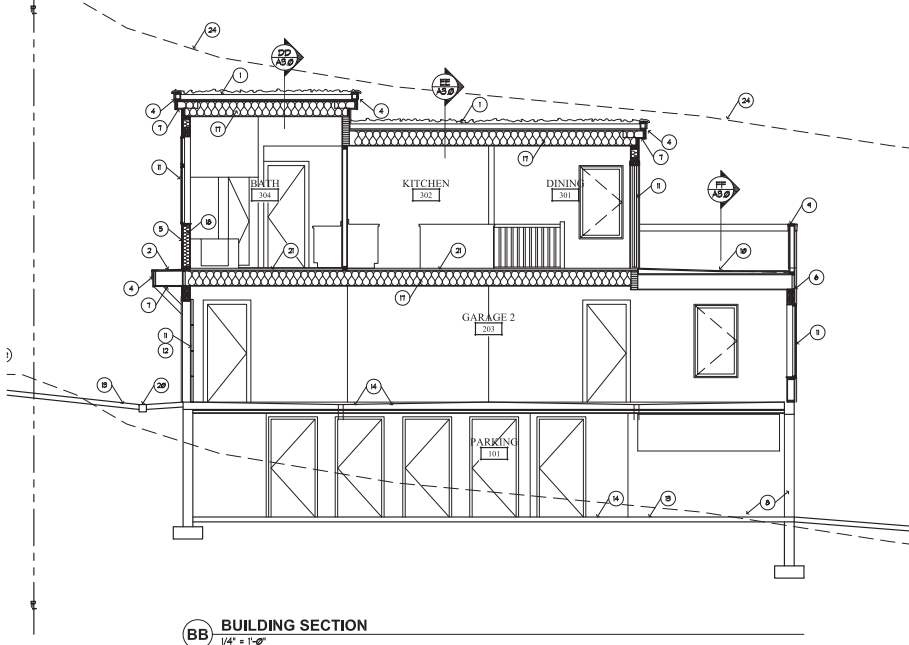


**A GREEN ROOF DETAILS**  
1/4" = 1'-0"

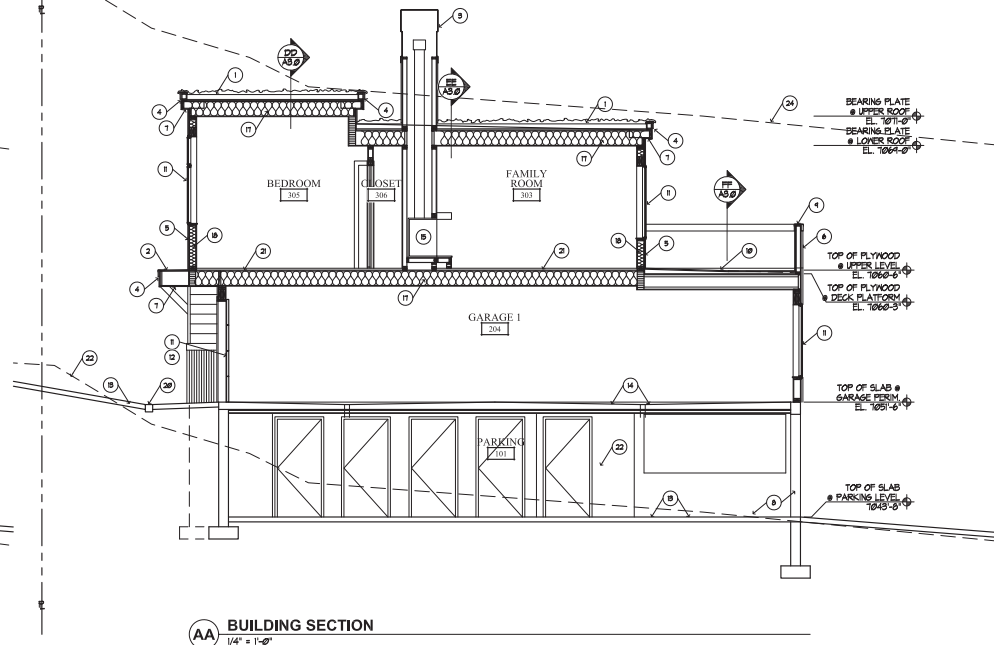


**CC BUILDING SECTION**  
1/4" = 1'-0"

- KEYED NOTES**
- GREEN ROOF - SEE A/B/S FOR DETAILS
  - FLAT ROOF - SEE B/A/S FOR DETAILS
  - RATED METAL CHIMNEY CAP STRUCTURE - SEE A/A/S FOR DETAILS
  - 3/4" X 5 1/2" ON 3/4" X 4 1/4" BUILT UP CEDAR FASCIA - STAINED
  - HORIZONTAL CEDAR LAP SIDING - 8" REVEAL - ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
  - VERTICAL CORRUGATED CORE 10 METAL SIDING - ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
  - T&G CEDAR SOFFIT PL CONTINUOUS SOFFIT VENT - STAINED.
  - R48 RUBBER CONCRETE FINISH
  - DECK RAILING / HALF WALL - ALIGN TOP OF WALL WITH BOTTOM OF ADJACENT WINDOWS - SEE D/A/S FOR DETAILS.
  - DECK SURFACE TO DRAIN MIN. 1/4" PER 12" TO SCUPPER SEE D/A/S FOR DETAIL
  - CARRIAGE STYLE OVERHEAD GARAGE DOOR - SEE DOOR SCHEDULE A6 @
  - PORCH / PATIO / DRIVEWAY / SIDEWALK CONCRETE - BROOM FINISH NATURAL COLOR. REINFORCED PER ENGINEER.
  - 4" CONCRETE FLOOR SLAB REINFORCED PER ENGINEER. SLOPE 1/4" DRAIN TO SUMP
  - ENCLOSED GAS FIREPLACE OPENING FRAMED ON 10" PLATFORM.
  - METAL BUTTER 1/4" DOWNSPOUT TO DRAIN TO SUB-TERRANEAN FOUNDATION DRAIN.
  - R-42 FIBERGLASS BIB INSULATION
  - R-21 FIBERGLASS BIB INSULATION
  - R-5 FIBERGLASS BIB INSULATION
  - DRIVEWAY TRENCH DRAIN TO SUMP.
  - 1/2" CONCRETE TOPPING WITH RADIANT HEAT COILS PER CONTRACTOR SPECS. CONCRETE FINISH T.B.D.
  - NATURAL GRADE
  - PROPOSED FINAL GRADE
  - 21'-0" ABOVE PROPOSED FINAL GRADE



**BB BUILDING SECTION**  
1/4" = 1'-0"



**AA BUILDING SECTION**  
1/4" = 1'-0"

**Jonathan DeGray**  
Architect

P.O. Box 1874, Lehi, Utah 84040

1000 West 1200 South, Suite 302, Park City, Utah 84302

PARK AVENUE - LOT E  
350 PARK AVENUE  
PARK CITY, UT 84300

BUILDING SECTIONS

REVISIONS:

DATE: 04/14/15  
PROJECT NUMBER:

SHEET NUMBER:  
**A3.0**

**FEE IN LIEU OF PARKING AGREEMENT**

**545 MAIN STREET**

**THIS FEE IN LIEU OF PARKING AGREEMENT 545 MAIN STREET** (the “Agreement”), is made the 23<sup>rd</sup> day of September 2014, by and between 545 Main Street Holdings, LLC, an Oklahoma limited liability company (“545 Main”) and Park City Municipal Corporation (“Park City”), a nonprofit corporation of Utah.

**WITNESSTH:**

**WHEREAS**, 545 Main owns the property located at 545 Main Street, Park City, Utah, commonly known as the April Inn (the “Property”);

**WHEREAS**, in connection with that certain Revised Notice of Planning Department Action, Project Number PL-13-02118, dated August 4, 2014 (the “Notice”, a copy of which is attached hereto) 545 Main is required to provide parking spaces or pay a fee in lieu of providing such spaces to Park City;

**WHEREAS**, within the HCB District, the Land Management Code 15-2.6-9 Parking Regulations requires “The parking must be on-site or paid by fee-in-lieu of on-site parking set by Resolution equal to the parking obligation multiplied by the per space parking fee/in-lieu fee.”

**WHEREAS**, Park City, as a result of its revised FAR calculations, has determined that the correct number of required spaces in connection with Paragraph 19 of the Notice is four (4) spaces;

**WHEREAS**, 545 Main desires to seek approval of Park City for the actual creation of four (4) additional parking spaces on property which adjoins the Property, but desires to obtain a building permit and proceed with the construction referenced in the Notice without any delay that might otherwise be caused by seeking approval of the four (4) parking spaces;

**WHEREAS**, 545 Main and Park City desire to agree that 545 Main will deposit with Park City the parking fee in lieu in the cash amount of \$56,000.00 (4 spaces multiplied by \$14,000.00 per space), some or all of which may be returned to 545 Main depending upon the outcome of the approval process of the 4 parking spaces on the property adjoining the Property, all in accordance with the terms of this Agreement.

**AGREEMENT**

**NOW, THEREFORE**, in consideration of the promises and covenants of the parties contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:



1. **Number of Required Parking Spaces.** Park City has calculated that the number of parking spaces required in connection with the work referenced in the Notice, and specifically Paragraph 19 of the Notice is four (4) parking spaces. For the HCB district, the Land Management Code requires LMC 15-2.6-9 “The parking must be on-site or paid by fee-in-lieu of on-site parking set by Resolution equal to the parking obligation multiplied by the per space parking fee/in-lieu fee.”

2. **Fee in Lieu of Parking.** At the time this Agreement is executed, 545 Main shall deliver to Park City a fee in lieu of parking for four (4) parking spaces in the total amount of \$56,000.00 (4 spaces multiplied by \$14,000.00 per space) (the “Fee”). Upon receipt of this executed Agreement and the Fee, the requirement for parking for the Property based upon the Notice shall be satisfied. 545 Main shall submit a complete application for approvals which would allowing for the parking at 550 Park Avenue within two months of executing this Agreement and diligently pursue an application to Park City to obtain approval of four (4) parking spaces on property which adjoins the Property, which would satisfy the four (4) parking space requirement of the Notice for the Property. The requirement to submit a complete application shall be satisfied when 545 Main or its agent has delivered the following items to the Park City Planning Department:

- A. a filled out and signed Conditional Use Permit for Planning Commission Review application found on the Park City website at: <http://www.parkcity.org/Modules/ShowDocument.aspx?documentid=4592> (although the approval being sought is not a Conditional Use Permit, the Planning Department Director has determined that the Conditional Use Permit application contains all of the necessary information required to seek the approval that 545 Main seeks). The application shall include 1) a survey of the property; and 2) schematic plans including a scaled site plan and landscape plan showing any retaining walls, dimensions of the four (4) parking spaces, materials to be used in the parking spaces and any hard surfaces, and the width of the driveway onto the lot.
- B. an application fee of \$1,140.00

If, within two years from the date of this Agreement 545 Main obtains approval for the four (4) parking spaces, or any lesser number of spaces, Park City will refund to 545 Main the Fee, if four (4) spaces are approved, or \$14,000.00 per space for each parking space approved if less than four (4) spaces are approved and Park City shall retain the remainder of the Fee. Park City shall not pay any interest on any part of the Fee if refunded. In the event that none of the four (4) spaces are approved within two years of the date of this Agreement, Park City will retain the entire Fee.

3. **Proceeding at Own Risk.** 545 Main acknowledges that it is proceeding with an application to put the parking at 550 Park Ave either through a request to the Planning Commission pursuant to LMC 15-3-2 (“Required parking must be on-site unless the Planning Commission allows such parking on adjacent or nearby deed restricted lots.”) or a plat amendment to connect the parking area to the Property with the restriction that the parking be for residential use only pursuant to LMC 15-2.3-2 (A) (11). Park City has not given any assurance or guaranteed any results in these applications.

4. **Successors and Assigns.** This Agreement and all of the covenants, provisions and conditions herein contained shall inure to the benefit of and be binding upon the successors and assigns of each party.

5. **Waiver.** No waiver of any breach of this Agreement shall be deemed a waiver of any subsequent breach of the same or any other condition.

6. **Time of Essence.** Time is of the essence of this Agreement and every term, covenant, and condition herein contained.

7. **Notices.** Any notices or requests to be made under this Agreement shall be by United States Mail, e-mail or facsimile, and sent

to 545 Main at:

**545 Main Street Holdings, LLC**  
501 N. W. Grand Boulevard, 6<sup>th</sup> Floor  
Oklahoma City, OK 73118  
Fax: (925)938-3722  
E-mail: billy.reed@sbcglobal.net

and to Park City at:

Christy Alexander  
P.O. Box 1480, 445 Marsac Ave  
Park City, UT 84060-1480  
E-mail: Christy.alexander@parkcity.org

8. **Section Headings.** Section headings and numbers are for convenience only, and are not to be considered limitations or modifications or provisions set forth in the body of this Agreement.

9. **Applicable Law.** The parties hereby expressly agree that this Agreement shall be governed and construed in accordance with Utah law and courts of law sitting in Summit

County, State of Utah shall have jurisdiction and venue for purposes of hearing any disputes arising out of this Agreement.

10. **Severability.** The provisions of this Agreement are severable, and should any provisions hereof be void, voidable, or unenforceable, or invalid, such void, voidable, unenforceable, or invalid provision shall not affect any other portion or provision of this Agreement.

11. **Entire Agreement.** This Agreement constitutes the entire agreement of the parties with respect to the fee in lieu of parking requirement under the Notice, and supersedes all oral understandings and agreements. Alterations or amendments to this Agreement must be in writing, executed by the parties hereto.  
[signature page follows]

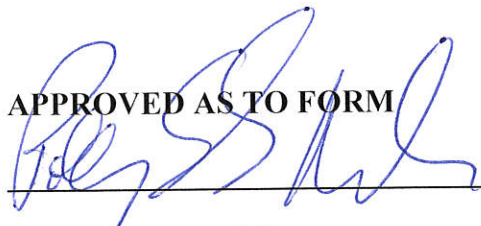
IN WITNESS WHEREOF, on the date first shown above, 545 Main has caused this Fee In Lieu Of Parking Agreement 545 Main Street to be executed, and Park City has caused this Agreement to be accepted and executed in its corporate name by its City Manager.

**PARK CITY:**

By:   
City Manager

Attest:  
  
Marci Heil, City Recorder



  
APPROVED AS TO FORM  
City Attorney's Office

**545 MAIN:**

545 Main Street Holdings, LLC,  
an Oklahoma limited liability company

By: W.R. Johnston & Co.

Its: Manager

By:   
Dana Reindl  
Its: Vice President



August 4, 2014

Billy Reed  
115 Jennifer Ct.  
Alamo, CA 94507

REVISED NOTICE OF PLANNING DEPARTMENT ACTION

Project Address: 545 Main Street  
Project Description: Historic District Design Review  
Date of Revised Action: August 4, 2014  
Project Number: PL-13-02118

Summary of Staff Action

Staff reviewed this HDDR application for compliance with the June 19, 2009 Historic District Design Guidelines, specifically with 1) Universal Guidelines for New Construction in Historic Districts (#1 through 8) and 2) Specific Guidelines: A. Site Design; B. Primary Structures; D. Off-Street Parking Areas, Garages, & Driveways; G. Exterior Lighting; and I. Sustainability. Staff found that as conditioned the proposed renovation and addition to the existing non-historic building will comply with applicable Guidelines. This letter serves as the revised final action letter and approval for the proposed design for the addition at 545 Main Street. The plans, as redlined, are approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 545 Main Street.
2. The property is not listed as a historically significant site as defined in the Park City Historic Sites Inventory.
3. The property is located in the Historic Commercial Business (HCB) zoning district and is subject to all requirements of the Park City Land Management Code (LMC) and all the guidelines of the 2009 Historic District Design Guidelines.
4. The parcel is approximately 5,800.5 square feet in size for entire three combined lots. The minimum lot size requirement in the HCB district is 1,250 square feet and the maximum allowable FAR is 4.0.
5. The existing developed site is located on the 545 Main Street plat.



6. The neighborhood is characterized by historic and non-historic commercial retail, office, restaurant uses, apartments, condos and single family homes on average historically-sized lots.
7. The proposed addition is 1,226 square feet. The existing non-historic building is 12,699 square feet and with the addition will have 13,925 square feet total area. The existing FAR is 2.19 and with the proposed addition will have an FAR of 2.4 total.
8. The proposed addition will comply with all setbacks. Hot tubs must be located with a five foot setback in the side and rear yards.
9. Access to the property is from Main Street.
10. No off-street parking spaces are provided. An FAR of 1.5 is exempt from parking requirements as the property was paid in full per the 1984 Special Improvement District. The remaining FAR is not exempt from parking nor has ever been paid for existing residential uses and the applicant will need to provide for four (4) off-street parking spaces for the three new units. The applicant proposes to pay a fee-in-lieu of \$14,000 per space or provide on-site parking prior to building permit approval.
11. The proposed addition meets the height limits and height envelopes for the HCB zoning. The building footprint and setbacks also comply with the zoning requirements.
12. The proposal, as conditioned complies with applicable Universal Design Guidelines for new construction in Historic Districts.
13. The proposal, as conditioned complies with applicable Specific Design Guidelines for new construction, including A- Site Design, B- Primary Structures, D- Off-Street Parking Areas, Garages, & Driveways; G- Exterior Lighting, and I- Sustainability.
14. On April 7, 2014, a Historic District Design Review application was submitted to the Planning Department for the above described work.
15. On April 17, 2014, Staff posted notice of receipt of the HDDR application and sent out notice letters to property owners as required by the Land Management Code. No public comment was provided regarding the addition that was not mitigated.
16. On June 24, 2014, Staff posted notice of final action as required by the Land Management Code. The appeal period runs until 5 pm on July 4, 2014.
17. On August 4, 2014, Staff revised the final action approval to incorporate revisions to the parking requirement.

---

#### 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. The proposed work is consistent with Park City General Plan.

#### 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 neighboring structures, 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 June 17, 2014 and approved on June 24, 2014, as redlined. 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 work 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 the approved construction shall be reviewed and approved prior to construction.
4. If a complete building permit has not been obtained by August 4, 2015, this HDDR approval will expire, unless an extension is requested prior to the expiration date and granted by the Planning Department.
5. The City Engineer shall review and approve 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.
6. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
7. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area. Existing trees shall be shown on the final Landscape Plan and shall be maintained, unless permission is granted by the City Engineer and/or City Forester for removal. Mitigation shall be proposed for all Significant Vegetation proposed to be removed.
8. Construction waste should be diverted from the landfill and recycled when possible.
9. All exterior lighting shall meet Park City's lighting ordinance and be downward directed and shielded, including any existing lighting that does not currently comply.
10. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain. Roof mounted equipment 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. All exterior wood siding shall be painted or stained a solid color, and when possible, a low VOC (volatile organic compound) paint and finish shall be used. Provide a weather protective finish to wood surfaces that were not historically painted.
  12. Stone retaining walls shall consist of square, natural stones, small in size that a miner could carry.
  13. All windows shall be trimmed and the trim shall be consistent on all exterior windows.
  14. All stone veneer should consist of natural stone.
  15. All exterior concrete must be textured.
  16. All exterior metal trim must be non-reflective.
  17. Hot tubs require a building permit and compliance with the zone setbacks.
  18. An encroachment agreement, between the applicant and the City Engineer for the balconies encroaching into the City Right-of-Way, shall be obtained prior to building permit approval.
  19. A fee-in-lieu, of \$14,000 per each four (4) required parking spaces, shall be paid or provide parking on-site prior to building permit approval.
  20. Approval of this HDDR was noticed on June 24, 2014, and any approval is subject to a 10 day appeal period.
  21. All standard conditions of approval shall apply (see attached).
- 

If you have any questions about this approval, please do not hesitate to contact me. I can be reached at (435) 615-5068, or via e-mail at [christy.alexander@parkcity.org](mailto:christy.alexander@parkcity.org).

Sincerely,



Christy J. Alexander, AICP  
Planner II



## City Council Staff Report

**Subject:** Vehicle and Pedestrian Easement for 545 Main Street (April Inn)  
**Author:** Matthew Cassel, City Engineer  
**Date:** February 26, 2015  
**Type of Item:** Legislative

### Summary Recommendations:

Staff recommends that City Council grant a non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street).

### Description:

The Vehicle and Pedestrian Easement would allow the owners of April Inn (545 Main Street) to access the back lot of their property from the City owned alley located between the Cunningham Building (537 Main Street) and the General Store (541 Main Street).

### Background:

On April 1, 1940, Summit County conveyed and quit claimed to Park City the alley located between the Cunningham Building (537 Main Street) and the General Store (541 Main Street). The legal description is as follows:

- The north 21.5 feet of Lot 11 and all of Lot 36 of Block 9, Park City Survey.

From Eric DeHaan's Memorandum dated October 11, 1999 (see attachments):

- As the Old Towne Shops and the two-level parking structure immediately west of Old Towne Shops were being developed in 1984, the City and property developer entered into an easement agreement providing for continued vehicular and pedestrian access within the alley,
- The upper level of the parking structure is accessed from Park Avenue while the lower level is accessed from Main Street. The easement agreement provides for the lower level access from Park Avenue if Main Street were ever to become a pedestrian mall.

Specifics of the Easement Agreement include:

- Old Towne Shops (537 Main Street) and Sierra Pacific (543 Park Avenue) entered into a parking agreement with each other which necessitated improvements to the alley,
- City granted a non-exclusive pedestrian and vehicular easement over the alley property to Old Towne Shops,
- City granted a non-exclusive pedestrian and vehicular easement over the alley

- property to Sierra Pacific,
- Old Towne Shop and Sierra Pacific were responsible for improvements in the alley,
- The City would maintain the alley as required for safe pedestrian access. Old Towne Shop and Sierra Pacific may supplement the City's maintenance of the alley.

Right-of-Way – The non-exclusive easement agreement with Old Towne Shop and Sierra Pacific notes that the alley is a Right-of-Way. Despite an through review, no records were found that indicated that the alley was ever formally dedicated as Right-of-Way. Staff considers the alley to be City property and thus the requirement to provide a formal easement for April Inn (If the alley was a dedicated public Right-of-Way, a vehicle and pedestrian easement would not be required).

**Analysis:**

April Inn currently owns lots 13, 14, 15, 32, 33, 34, and 35 of Block 9. April Inn is located on Lots 13, 14 and 15 (545 Main Street), Lots 32, 33, 34 and 35 are currently un-developed and front Park Avenue. April Inn is currently re-modeling their facility from 12 units down to 3 units. They have submitted plans for the development of the lots fronting Park Avenue and are requesting to build a 6 space parking facility to the immediate west of the April Inn, which would be accessible from Main Street via the alley. Two of the parking spaces will be surface while the other four will be covered. The covered parking spaces are proposed to be located under a house; the house's access will be from Park Avenue. These six parking spaces would be on April Inn property and would be dedicated for the use by residents/guests of the April Inn. This easement request would allow access to this parking facility through and across the alley. Because of the differential grade and proposed development, access from Park Avenue would be difficult.

Staff supports the vehicle and pedestrian easement for two reasons:

- April Inn had paid their parking assessment into China Bridge for their commercial uses but not for their residential uses. It is unclear as to where the previous residents/renters of the 12 units parked, but is assumed they were parking within the Main Street corridor. By allowing this vehicle and pedestrian easement, parking for the residential uses of April Inn will be established,
- April Inn has reduced the number of residential units from 12 to 3 and has proposed satisfying their residential parking requirements on site. If Council approves the vehicle and pedestrian easement for April Inn, staff anticipates a slight increase in trips generated from the immediate area near April Inn but an overall reduction in traffic impacts to the Main Street corridor due to the reduction in residential units.

A draft of the easement is included with this staff report. Easement specifics

- Language is inserted to address the closing of Main Street for special events,
- The 1984 easement agreement with Old Towne and Sierra Pacific includes a paragraph stating "City shall maintain the Right-of-Way as required for safe



pedestrian access, but Old Towne and Sierra Pacific may supplement the City's maintenance as they deem necessary or appropriate." Staff interprets this paragraph to indicate that the City will maintain the alley to minimum safety standards for pedestrian access (but not vehicular access). If the grantee would like to add amenities such as more lighting, landscaping, signage, etc, they may upon City approval. A paragraph such as this one will be included in the vehicle and pedestrian easement for April Inn.

An alternative to granting the vehicle and pedestrian easement would be to sell the property to the parties and retain an easement for pedestrian use. Because of the significant grade difference, this alley will never be a thoroughfare and thus will not be part of the City's transportation network. Also, staff does not foresee the future use of this alley to change. The advantage of selling the property would be the shifting of current maintenance program for the alley to the parties purchasing the property. One disadvantage will be the ownership of this parcel by three separate entities and the City resources necessary for the parties to come to an shared ownership agreement.

**Department Review:**

This report has been reviewed by City Manager, Legal, Sustainability, Public Works, and Planning. All concerns raised by these departments have been incorporated herein.

**Alternatives:**

**A. Approve the Request:**

Approving the easement will allow April Inn (545 Main Street) to develop parking on their parcel. This is Staff's recommendation.

**B. Deny the Request:**

Denying the easement will then not allow April Inn to provide on-site parking accessed from Main Street.





**C. Continue the Item:**

If the Council desires more information about the easement, the item may be continued.

**D. Do Nothing:**

This would have the same affect as denying the request for the easement.

**Significant Impacts:**

	<b>World Class Multi-Seasonal Resort Destination (Economic Impact)</b>	<b>Preserving &amp; Enhancing the Natural Environment (Environmental Impact)</b>	<b>An Inclusive Community of Diverse Economic &amp; Cultural Opportunities (Social Equity Impact)</b>	<b>Responsive, Cutting-Edge &amp; Effective Government</b>
Which Desired Outcomes might the Recommended Action Impact?	+ Safe community that is walkable and bike-able		+ Shared use of Main Street by locals and visitors  + Physically and socially connected neighborhoods	
Assessment of Overall Impact on Council Priority (Quality of Life Impact)	Positive 	Neutral 	Positive 	Neutral 
<b>Comments:</b>				

There are no significant or financial impacts arising from the recommended action.

**Consequences of not taking the recommended action:**

If the easement is not granted, vehicle and pedestrian access to the proposed on-site parking for the April Inn (545 Main Street) cannot occur.

**Recommendation:**

Staff recommends that City Council grant a non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street).

**Attachments:**

Draft Vehicle and Pedestrian Easement,  
Exhibit of Easement and Property Ownership.  
Eric Dehaan Memorandum dated October 11, 1999 including the  
Non-Exclusive Easement Agreement between Park City, Old  
Towne Associates and Sierra Pacific

## NON-EXCLUSIVE EASEMENT AGREEMENT

**THIS NON-EXCLUSIVE EASEMENT AGREEMENT** (the “Agreement”) is entered into this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between 545 Main Street Holdings, LLC, an Oklahoma limited liability company (“545 Main”) and Park City Municipal Corporation (“Park City”), a nonprofit corporation of Utah.

### RECITALS

WHEREAS, 545 Main owns the real property located at 545 Main Street and certain property to the rear or west of 545 Main Street, Park City, Utah 84060, more particularly described in **Exhibit A** hereto (“Parcel 1”); and

WHEREAS, Park City owns a lot of record generally known as Lots 11 & 36, Block 9 of the Park City Survey, which fronts Main Street south of 545 Main Street over which 545 Main would like to access Parcel 1, which lot of record is more particularly described in **Exhibit B** hereto (“Parcel 2”); and

WHEREAS, Park City desires to grant to 545 Main a perpetual, non-exclusive easement for ingress and egress over Parcel 2 for the benefit of Parcel 1, subject to closures from time of Parcel 2 by Park City in connection with various special events throughout the year.

### AGREEMENT

**NOW THEREFORE**, in consideration of Ten Dollars (\$10.00), the mutual promises and covenants made herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

- GRANT OF EASEMENT.** Park City hereby grants to the owner of Parcel 1, its successors and assigns, for the benefit of Parcel 1 its successors and assigns, a perpetual, non-exclusive easement over Parcel 2 for the purpose of pedestrian and vehicular ingress and egress to and from Parcel 1, which grant of easement is expressly made subject to Park City’s right, in its sole discretion, to temporarily close Parcel 2 to vehicular access during special events. The easement granted herein shall be effective from and after the date of recording of this Agreement in the official records of the Summit County Recorder.
- GOVERNING LAW.** This Agreement shall be interpreted and governed by the laws of the State of Utah.
- AMENDMENT OR WAIVER.** This Agreement may be amended only by an instrument in writing signed by the parties hereto. No provision of this Agreement and no obligation of either party under this Agreement may be waived except by an instrument in writing signed by the party waiving the provision or obligation. The waiver of any breach of any

of the terms, covenants or conditions hereof on the part of one party to be kept and performed shall not be a waiver of any preceding or subsequent breach of the same or any other term, covenant or condition contained herein.

4. **ENTIRE AGREEMENT.** This Agreement, including exhibits, contains the entire Agreement and understanding between the parties with regard to the subject matter of this Agreement. All terms and conditions contained in any other writings previously executed by the parties and all other discussions, understandings or agreements regarding the subject matter of this Agreement shall be deemed to be superseded by this Agreement.

5. **SUCCESSORS AND ASSIGNS.** This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties.

6. **CONSTRUCTION OF AGREEMENT.** The language and all parts of this Agreement shall be in all cases construed simply according to their fair meaning and not strictly for or against either of the parties hereto. Headings at the beginning of sections and subsections of this Agreement are solely for the convenience of the parties and are not part of this Agreement. When required by the context, whenever the singular number is used in this Agreement, the same shall include the plural, and the plural shall include the singular; the masculine gender shall include the feminine and neuter genders and vice versa; and the word "person" shall include corporations, partnerships or other forms of associations or entities.

7. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be an original and such counterparts shall together constitute but one and the same instrument.

8. **SEVERABILITY.** Invalidation of any one of the covenants or provisions of this Agreement or any part thereof by judgment or court order shall not affect any other covenant or provision of this Agreement, which shall remain in full force and effect.

9. **NOTICES.** Any notices or requests to be made under this Agreement shall be by United States Mail, e-mail or facsimile, and sent

to 545 Main at:

**545 Main Street Holdings, LLC**  
501 N. W. Grand Boulevard, 6<sup>th</sup> Floor  
Oklahoma City, OK 73118  
Fax: (925)938-3722  
E-mail: billy.reed@sbcglobal.net

and to Park City at:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
E-mail: \_\_\_\_\_.

**10. INCORPORATION OF RECITALS AND ATTACHMENTS.** All Recitals in this Agreement and all attachments hereto are hereby fully incorporated by reference herein.

**11. NO PARTNERSHIP.** Neither this Agreement nor the acts of the parties is intended to create and does not create a joint venture or partnership between the parties.

**12. FURTHER ASSURANCES.** Each party shall execute and deliver any and all documents that may be reasonably requested by the other party in order to document and perform fully and properly the provisions of this Agreement.

**13. COVENANTS TO RUN WITH THE LAND.** The respective benefits and burdens of the easement granted herein and the terms hereof shall run with and be appurtenant to Parcel 1 and Parcel 2 and shall inure to the benefit of and be binding on their respective owners, successors in interest and assigns.

**IN WITNESS WHEREOF,** the undersigned have executed this Non-Exclusive Easement Agreement on the date first above written.

**PARK CITY:**

By: \_\_\_\_\_  
**City Manager**

**Attest:**

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

**APPROVED AS TO FORM**

\_\_\_\_\_  
**City Attorney's Office**

**545 MAIN:**

545 Main Street Holdings, LLC,  
an Oklahoma limited liability company

By: W.R. Johnston & Co.  
Its: Manager

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Its: Vice President



**ACKNOWLEDGEMENTS**

STATE OF UTAH            )  
                                      : ss.  
COUNTY OF SUMMIT    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015 before me personally appeared \_\_\_\_\_, who being by me duly sworn, acknowledged to me that he/she signed the foregoing instrument, as the duly appointed and authorized City Manager of PARK CITY MUNICIPAL CORPORATION.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
                                      : ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015 before me personally appeared \_\_\_\_\_, who being by me duly sworn, acknowledged to me that he/she signed the foregoing instrument, as the duly appointed and authorized signatory of 545 MAIN STREET HOLDINGS, LLC.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

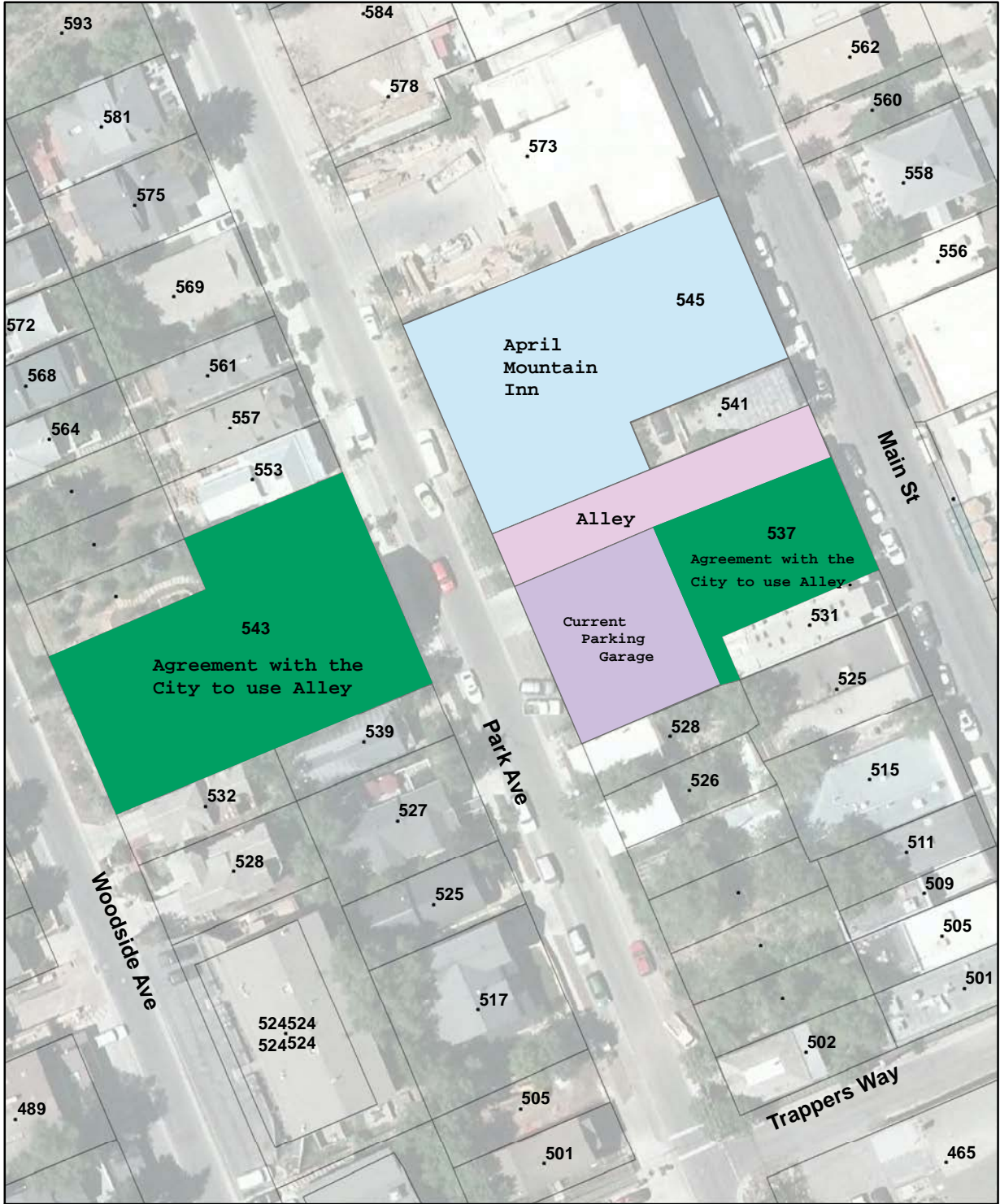
**EXHIBIT A**

**Legal Description of Parcel 1**

**EXHIBIT B**

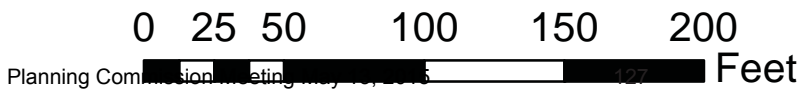
**Legal Description of Parcel 2**

# PROPERTY MAP APRIL INN (545 MAIN)



## Legend

- WASHINGTONSCHOOLINN2
- PARKINGGARAGE
- PCMCSTRIP
- APRILMTNINN
- WASHINGTONSCHOOLINN



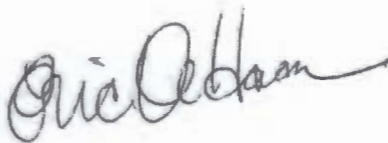
**MEMORANDUM**

**To:** Honorable Mayor Olch  
Members of the City Council

**From:** Eric W. DeHaan, P.E., City Engineer

**Date:** October 11, 1999

**Subject:** Alley on Main Street next to Hay Charley



Two weeks ago a question was raised about maintenance of the City-owned alley which runs west from Main Street next to Hay Charley. The question came up during the discussion of the Park Avenue pedestrian connection to the Bamberger and Gaddis buildings. This memo will provide background information on the alley, which was the subject of much discussion back in 1984.

The alley consists of a 21.5-foot-wide portion of a platted lot on Main Street and an entire 25-foot-wide platted lot on Park Avenue. The lots meet at their ends, forming the alley. The lots are owned in fee title by Park City Municipal Corporation.

As the Old Towne Shops and the two-level parking structure behind the Old Towne Shops were being developed in 1984, the City and the property developer entered into an easement agreement providing for continued vehicular and pedestrian access within the alley. A copy of the easement agreement is attached. The upper level of the parking structure has always accessed from Park Avenue. Further, the agreement provides for the lower level to access from Park Avenue if Main Street were ever to become a pedestrian mall, although the physical construction of a ramp leading down to the lower floor of the parking structure from Park Avenue would be difficult because of the vertical drop down from Park Avenue.

The City has provided considerable maintenance of the alley, although in the winter the alley tends to become icy because of the tall building on its south side. This summer the Public Works department repaved a portion of the alley, and the staircase connecting the alley to Park Avenue has been reconstructed by the City. There is a provision in the easement agreement for the private beneficiaries to supplement City maintenance of the alley if they so desire.

The alley was at one time proposed to be the secondary access for the Bamberger Building at 545 Main, but because the alley slopes at 11% and carries vehicular traffic, it was not possible for the Bamberger ADA access to be developed to Main Street by way of the alley.

Please let me know if you would like any further information on our Hay Charley alley. My phone number is 615-5075.



NON-EXCLUSIVE EASEMENT AGREEMENT

This Agreement is entered into by and among Park City Municipal Corporation ("City"), Old Towne Associates, a Utah general partnership ("Old Towne"), and Sierra Pacific Financial, a California general partnership ("Sierra Pacific"), as of March \_\_\_\_\_, 1984.

Recitals:

A. Old Towne is the owner of certain real property located at 537 Main Street, Park City, Utah presently known as the Old Towne Shoppes and more particularly described in Exhibit "A" attached to this Agreement and incorporated by this reference.

B. Sierra Pacific is the owner of certain real property located at 543 Park Avenue, Park City, Utah known as the Washington School and more particularly described in Exhibit "B" attached to this Agreement and incorporated by this reference.

C. Old Towne and Sierra Pacific have entered into a parking agreement which necessitates the improvement of an existing right-of-way connecting Park Avenue and Main Street and more particularly described as the North 21.5 feet of Lot 11, and all of Lot 36, Block 9, of the amended plat of Park City Survey ("the Right-of-Way"). (THE ALLEY BETWEEN OLD TOWNE SHOPPES & HAY CHARLEYS)

D. It is in the best interests of the public health, safety and welfare to improve the Right-of-Way described above and to grant non-exclusive easements to Old Towne and Sierra Pacific appurtenant to each of the properties described in Exhibits "A" and "B", as provided in this Agreement.

Now, therefore, the parties hereto agree as follows:

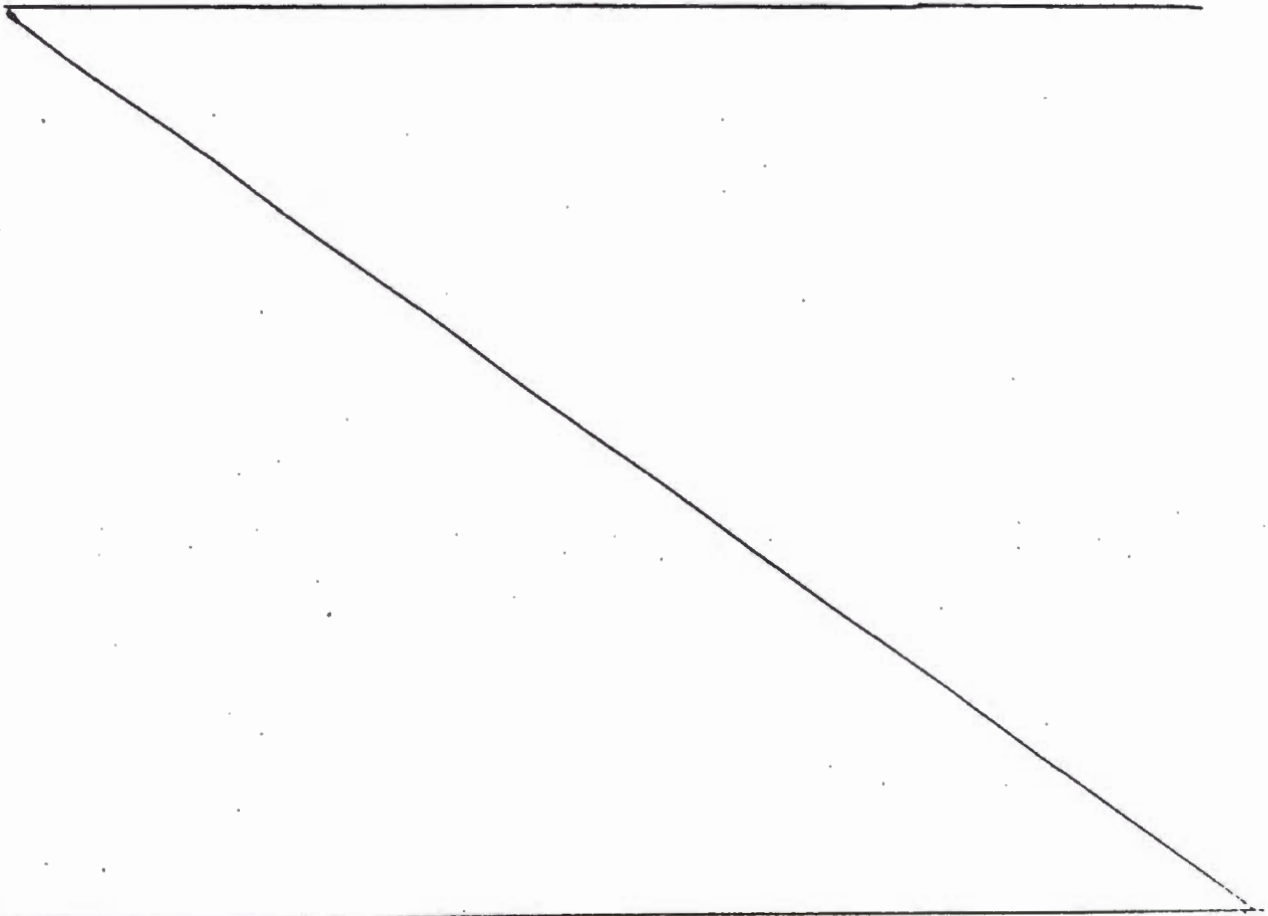
1. City hereby grants to Old Towne a private non-exclusive pedestrian and vehicular right-of-way easement over the Right-of-Way as described above. Such easement shall be appurtenant to the property described in Exhibit "A" and shall run with such property.

2. City hereby grants to Sierra Pacific a private non-exclusive pedestrian and vehicular right-of-way easement over the Right-of-Way as described above. Such easement shall be appurtenant to the property described in Exhibit "B" and shall run with such property.

3. Old Towne and Sierra Pacific shall improve the Right-of-Way by, among other things, rebuilding the existing stairs and installing lights to light the stairs. Such lights shall be hooked into the City's lighting system. All improvements to the Right-of-Way shall be subject to City's prior approval.

4. City shall maintain the Right-of-Way as required for safe pedestrian access, but Old Towne and Sierra Pacific may supplement the City's maintenance as they deem necessary or appropriate.

5. The easement granted hereby shall create no implication or duty by City to provide or allow vehicular access to the Right-of-Way from Main Street. At such time, if any, that motor vehicles are prohibited or restricted from access to the Right-of-Way from Main Street, City shall permit the Right-of-Way to be used in a manner that will permit vehicular access from Park Avenue to the lower level of parking at the rear of the property described in Exhibit "A".

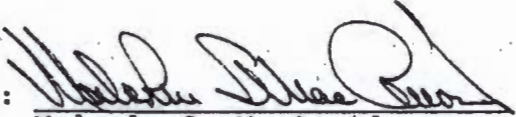


6. This Agreement shall be binding on, and shall inure to the benefit of, the successors and assigns of Old Towne and Sierra Pacific, respectively.

In witness whereof, the parties have entered into this Agreement as of the date first written above.

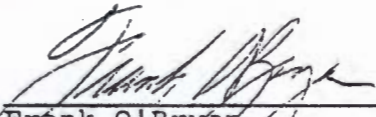
Old Towne Associates,  
a Utah general partnership

By The MacQuoid Company,  
a Utah corporation

By:   
Malcolm S. MacQuoid,  
President

Sierra Pacific Financial,  
a California general partnership

By Spring Mountain Enterprises,  
a California corporation

By:   
Frank O'Bryan,  
President

Park City Municipal Corporation

By:   
William Steleman  
Mayor Pro Tempore

**PARK CITY COUNCIL MEETING MINUTES  
SUMMIT COUNTY, UTAH,  
February 26, 2015 Page | 4**

**IV. CONSIDERATION OF MINUTES FROM THE FEBRUARY 12, 2015 CITY COUNCIL MEETINGS**

**Council member Peek moved to approve the  
February 12, 2015 City Council minutes  
Council member Beerman seconded  
Approved unanimously**

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

1. Consideration of a request for a non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street).

Council member Beerman stated that at the end of the staff report it mentioned selling the property, inquiring if that was something staff was in favor of. Cassel stated that staff is not in favor.

**Council member Beerman moved to approve the consent agenda  
Council member Simpson seconded  
Approved unanimously**

**VI. NEW BUSINESS**

1. Main Street Project Discussion

Matt Twombly, Project Manager, discussed the Main Street projects stating that the 2014 improvements have come in at the budget that was analyzed. Stating the streetscape projects are coming in under budget and the plazas are coming in over budget. Twombly will be coming to Council on March 5<sup>th</sup> with the 2015 Streetscape design plan. Council member Henney expressed frustration with the loss of parking with the City Hall plaza as well as this being a low priority on the HPCA list without addressing their main priority of the Brew Pub plaza. Council member Peek stated that Swede Alley does need the safety and face lift. Council member Matsumoto agreed with Peek that this area needs a face lift and softening the look of the area is a good idea. Council member Beerman stated that the work that has been done so far is great and is pleased with the plaza's so far but he too is frustrated that the HPCA priorities have been leap frogged. Council member Simpson stated that she does not recall this project leap frogging any other project, she agrees with Matsumoto and Peek. Mayor Thomas agrees with Matsumoto, Peek and Simpson.

Mayor Thomas opened the floor for public input.

Alison Butz, HPCA, stated that the biggest worry with the HPCA is that the Council has allocated a certain amount of money and it will run out. They were looking to book end Main



## Exhibit K - Public Comment

May 7, 2015

To: Park City Planning Commission

From: John Plunkett & Barbara Kuhr, 557 Park Avenue

Re: April Inn and Park Ave Plat Amendment and CUP Applications

Dear Planning Commissioners:

We live across the street from this project. We're glad that a single-family house has been proposed for one of the Park Avenue lots, but have some concerns that we hope the Planning Department and Commission can address as Conditions of Approval for both the Plat and CUP applications:

### **Plat Amendment**

There are Special Requirements for CUPs in this Sub-Zone A of Park Avenue. We request that these Special Requirements be included on the Plat, to make enforcement clear for future owners of the property:

— Parking spaces accessed from Main Street are only for use by Residents of the April Inn, and only for parking, not HCB garbage collection.

— The April Inn emergency exit only door cannot be used as an entrance to the HCB building.

— The Park Avenue garage can only be used by the residents of the Park Ave house. This is important because the applicant owns both the Claim-jumper and April Inn buildings in the HCB, and all the Park Avenue lots behind them — The temptation to use Park Avenue for HCB parking or garbage collection is great, but is prohibited by the sub-zone restrictions.

The specific Sub-zone A restrictions include (edited excerpts):

15-2.3-8 (B)

(1)...Commercial Uses must be located...beneath the Main Floor of a residential structure facing Park Avenue

(4)...new Structures fronting on Park Avenue may not contain Commercial Uses...

(7)...emergency Access...onto the HR-2 portion of the Property must be designed...to absolutely prohibit non-emergency Use. Alarms shall be installed on all emergency doors that provide access to Park Avenue.



(9)...No loading docks, service yards, exterior trash equipment, exterior trash compounds, outdoor storage, ADA access, or other similar Uses are allowed within the HR-2 portion of the Property...

### **CUP Applications**

We believe the double-tandem garages, and parking spaces in the rear-yard set-back violate the LMC, and we request that they be brought into compliance. Five Park Avenue parking spaces for a small, one-bedroom house seems excessive, and calls into question their Use by the HCB properties. There is also Significant Vegetation that is half on the City easement and half on the Park Ave lots, that is not shown on the development plans and should be taken into consideration.

The double garage doors violate two of the HR-2 Purposes:

15-2.3-1

(H) encourage and promote Development that supports and completes upper Park Avenue as a pedestrian friendly residential street in Use...

(J) minimize visual impacts of the automobile and parking by encouraging alternative parking solutions”

The parking spaces in the rear-yard setback are another violation, as the LMC states that parking cannot cover more than 50% of the rear-yard area.

### **Public Utility Boxes, Vegetation**

There are several telephone utility boxes that will have to be moved from their Park Ave location behind the Claimjumper. We have been told they will be relocated on the City easement by the stairs, but this is not shown on the Landscape plans for the Park Avenue lot. We request that the plans be revised to include the utility boxes, as well as new Significant Vegetation to replace the mature trees that will be lost in construction.

Thank-you for your consideration.

Sincerely,

John Plunkett & Barbara Kuhr  
557 Park Avenue





## Planning Commission Staff Report

**Application #:** PL-15-02698  
**Subject:** Central Park City Condominiums MPD  
**Author:** Kirsten Whetstone, MS, AICP- Senior Planner  
**Date:** May 13, 2015  
**Type of Item:** Master Planned Development

### Summary Recommendations

Staff recommends that the Planning Commission conduct a public hearing and consider the application for a Master Planned Development for eleven residential dwelling units within a new building to be located at 1893 Prospector 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

**Applicant:** Mr. Peabody LLC, Hank Louis, Ehlias Louis, CDR  
Development, owners  
**Location:** 1893 Prospector Avenue  
**Zoning:** General Commercial (GC)  
**Adjacent Land Uses:** Residential condominiums to the west (Suncreek) and east (Prospector), Rail Trail and open space to the south, and condos/commercial/offices to the north and west along Prospector Avenue.  
**Reason for Review:** Master Planned Development applications require Planning Commission review, a public hearing, and final action by the Planning Commission.

### Proposal

The applicant requests review of an application for a Master Planned Development for a new multi-unit residential building proposed to be constructed on vacant Lot 25b of the Gigaplat Replat, being a replat of the Prospector Square Subdivision. The Master Planned Development is required for residential projects with greater than 10 units. The project includes an eleven unit, energy efficient, residential project located within the Prospector Square neighborhood. Nine units are proposed as small market rate attainable units and two units are proposed as deed restricted units compliant with the City's Housing Resolution 25-12. The project is located in the General Commercial (GC) zone which requires a Conditional Use Permit for residential uses. A Conditional

Use Permit application is being reviewed concurrently with this Master Planned Development (see staff report in packet). **Staff requests discussion of the requested 6'6" height exception and review against the criteria for height increase as outlined in LMC § 15-6-5 (F) of the Land Management Code as outlined below.**

### **Background**

The property is located within the General Commercial (GC) zoning district subject to the Prospector Square overlay requirements (Land Management Code § 15-2.18-3(I)). The subject property, located at 1893 Prospector Avenue, consists of a 5,760 square foot platted lot. The lot is amended Lot 25b of the Gigaplat replat, a replat of Lots 25a, 25b, and Parking Lot F of the Prospector Square Supplemental Amended Plat. Amended Lot 25b is a vacant, undeveloped privately owned development lot that is currently part of a 92 space asphalt parking lot.

Parking Lot F is owned by and utilized as a shared parking lot for Prospector Square Property Owners Association (PSPOA). A total of 103 parking spaces will result upon completion of this project and the 1897 Prospector Avenue CUP project, approved for Lot 25a. This includes 12 spaces located under the subject building. The applicant and PSPOA have signed an agreement stipulating that upon completion of this project there will be a total of at least 103 parking spaces (Exhibit I). All of the parking spaces are intended to be shared spaces for the Prospector Square area.

On June 5, 2014, the City Council voted to approve the Gigaplat replat that reconfigures Lots 25a, 25b and Parking Lot F of the Prospector Square Supplemental Amended Plat (Exhibit C). The plat was recorded on May 1, 2015.

On June 25, 2014, the Planning Commission approved a Conditional Use Permit for four residential units within a mixed use building proposed to be constructed at 1897 Prospector Avenue, located on Lot 25a of the Gigaplat replat. Lot 25a is located due north of 1893 Prospector Avenue.

A building permit application for the 1897 Prospector project was received by the City in February 2015 and the plans are currently under review. The owners of these two projects intend to coordinate construction of the two projects in order to reduce construction impacts on the neighborhood. The two owners are responsible for reconstruction of Parking Lot F, landscaping, and coordinating of utility installation as well as providing an interim parking plan and other construction mitigation measures during construction. These items will be spelled out in the Construction Mitigation Plans for each individual building permit.

On December 15, 2014, Staff received an application for a pre-MPD for the Central Park City Condominiums project located in the General Commercial zoning district. The application was considered complete on February 24, 2015. On February 24, 2015, the applicant submitted a complete application for the Conditional Use Permit for residential uses in the GC District. The CUP application was revised on April 13, 2015 to

incorporate the required affordable unit, bringing the total number of residential units to eleven.

On March 25, 2015, the Planning Commission conducted a public meeting on the pre-MPD and Conditional Use Permit application. The Commission found that the pre-MPD preliminary concept plans were consistent with the General Plan and GC Zone. The Conditional Use Permit application was reviewed and continued to the April 8, 2015 meeting. On April 8<sup>th</sup> the item was continued to the May 13, 2015 meeting.

An MPD application for the Central Park City Condominiums was submitted on February 24, 2015, and deemed complete upon submittal of revised plans on April 13, 2015. The CUP application for residential uses within the GC zoning district is also scheduled for a public hearing and Planning Commission review at this May 13, 2015 meeting. A staff report for the CUP application is included in this May 13, 2015, packet.

### **Review against the General Plan**

Staff reviewed the MPD for compliance with the General Plan during the pre-MPD review (see Exhibit J) and found that the proposed multi-dwelling building is consistent with the goals and strategies General Plan.

### **Purpose of the GC Zone**

The purpose of the General Commercial (GC) District is to:

- (A) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- (B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- (C) protect views along the City's entry corridors,
- (D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,
- (E) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,
- (F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and
- (G) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities,



plazas, pocket parks, sitting Areas, play Areas, and Public Art.

### **Process**

On March 25, 2015, Staff presented the Conditional Use Permit application as a work session item simultaneously with the pre-MPD hearing, to allow the Commission to review the Pre-MPD application within the context of the Conditional Use Permit request for residential uses in the GC zone. The pre-MPD hearing was required prior to the Commission reviewing the full MPD application. The complete MPD application was submitted following the March 25<sup>th</sup> meeting. Recordation of the approved amended subdivision plat was a condition precedent to issuance of any building permits for this property. The plat was recorded on May 1, 2015. Approval of this Master Planned Development application by the Planning Commission constitutes Final Action that may be appealed to City Council following procedures found in Land Management Code § 1-18.

### **Analysis**

The project incorporates multi-level design elements, open decks and green roof terrace/garden areas, possible pedestrian connections to the Rail Trail, covered parking and storage located on the first level, no reduction of existing PSPOA shared parking, energy efficient design and construction, distinct architectural design, and a site design that diminishes visual impacts of the existing vast asphalt parking area that is Parking Lot F of the Prospector Square Subdivision (Exhibits A-H). A green planted roof garden and roof top deck provide outdoor space for the residents. Ten (10) units each have two (2) bedrooms, one or two baths, storage areas on the lowest level, and covered parking provided under the building. The units range in size from 810 to 1,017 square feet. One unit is a 500 sf studio unit.

The approximately 11,279 sf building complies with the Prospector Square Floor Area Ratio of 2.0 (11,520 square feet are allowed for the 5,760 sf lot area). The building is three and four stories in height.

The applicant is requesting a height exception through the MPD process as allowed per Land Management Code § 15-6-5 (F). The height exception requested is for approximately six feet six inches (6'6") for approximately 30% of the roof area for the eastern portion of the building. The remaining 70% of the roof area is less than the allowed zone height of 35'. The height exception is discussed in further detail below.

An affordable housing mitigation plan was submitted to the City's Housing Manager. The project must comply with the Park City Housing Resolution 02-15 which requires a 15% affordable housing obligation. The plan outlines two options: 1) include on site the necessary affordable unit equivalents (AUE) or 2) include one affordable unit for some portion of the required AUE and pay the in-lieu fee for the remaining AUE square footage (Exhibit A2). The applicant's first choice is to provide 9 market rate units and 2 affordable units within the building on site. If the housing authority approves some in-lieu fees then the applicant will provide 10 market rate units, 1 affordable unit and the remainder of the obligation as in-lieu fees. The Park City Housing Authority has final approval authority of the Housing Plan. The Housing

Resolution stipulates the size of various types of units and includes requirements for deed restrictions, affordability, occupancy, and other attributes. At least one affordable, deed restricted unit is proposed on the site and is included in the current building layout. If the remaining AUE are provided on site they will be included in the current layout and nine units will be market rate with 2 units as deed restricted affordable units.

The proposal complies with lot and site requirements of the GC District as described below.

<b>GC Zone</b>	<b>Permitted by LMC for Prospector Overlay of the GC zone 15-2.18-3 (I)</b>
Lot Size	No minimum lot size. Lot is 5,760 sf
Building Footprint- Floor Area Ratio (FAR)	FAR must not exceed two (2) – 11,520 sf exclusive of required affordable housing floor area. All uses except enclosed parking areas are subject to the FAR. Approximately 11,279 sf of building floor area is proposed. One studio unit is 500 sf, 7 units are 2 bd/1ba at 810 sf, 3 units are 2bd/2ba at 1,017 sf. Additional circulation and storage area are included in the total of 11,279 sf of floor area. (FAR of 1.96). This includes the affordable housing floor area.
Front/rear yard setbacks	Zero lot line development permitted.
Side yard setbacks	Zero lot line development permitted.
Building Height	Allowed Building Height is 35' (an additional 5' to 40' would be allowed for a pitched roof; however this building has a flat roof). A 6'6" building Height exception to 41'6" is requested through the MPD for a partial fourth story at the eastern portion of the building. The remainder of the building is less than 35' in height. Building Height exceptions LMC 15-2.18-4 apply. Building height will be verified at the time of Building Permit review for compliance with the MPD approval.

Parking	All parking on the Parking Lots A-K is shared parking for residential and commercial uses in Prospector Square. Additional private parking for specific lots may be provided entirely within the individual lot boundary. The project provides a total of 103 code compliant parking spaces, including the 12 spaces provided under the subject building. There are approximately 91 existing spaces (not all spaces meet current code.) All of the parking is shared parking. Parking will be satisfied for this building but the additional uses will impact the overall parking needs for the Prospector Square area because there currently are times of the day and seasons of the year when there appears to be inadequate parking for the approved uses.
Architectural Design	All construction is subject to LMC Chapter 15-5- Architectural Design Guidelines with final review conducted at the time of the Building Permit. The architecture is distinct yet complementary of the eclectic styles in the neighborhood. A blend of wood, concrete, metal, and glass as well as the flat roofs and open decks provide a contemporary, slightly industrial look.
Uses	All uses listed in 15-2.18-2 (A) Allowed Uses are permitted unless otherwise noted. All uses listed in 15-2.18-2 (B) Conditional Uses, including residential uses, require approval by the Planning Commission. A CUP for residential uses is being reviewed concurrently with the MPD.

Residential Uses in the General Commercial (GC) zoning district are a Conditional Use subject to review of the criteria set forth in the LMC 15-1-10(E) and further described in the Staff report for the Conditional Use Permit which is also in this May 13<sup>th</sup> packet.

All Master Planned Developments shall be reviewed for the following requirements in accordance with Section 15-6-5 of the Land Management Code.

*(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section.*

*The Site shall be looked at in its entirety and the Density located in the most appropriate locations.*

The Site Suitability Analysis for this site is straight forward for this 5,760 sf vacant platted lot. The Prospector Square Subdivision allows for zero lot line development and density is restricted by the Floor Area Ratio of 2.0, which allows a maximum density, or floor area, of 11,520 sf. The proposed eleven units and circulation area include a total of 11,279 sf. The density is located entirely on an existing, relatively flat, platted lot that is currently part of an asphalt parking lot. While the parking under the building uses the entire footprint, the building above and the residential density is well articulated with the multi-story building containing open decks, roof top patios and gardens in an “L” shape oriented towards the Rail Trail and mountain views to the south. The Prospector Overlay Zone allows the lot to be developed with a zero lot line development pattern provided the FAR is maintained. **Complies.**

***(B) MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 DISTRICT. (Not applicable)***

*(C) SETBACKS. The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size.*

The property is not greater than one (1) acre in size. **(Not applicable)**

***(D) OPEN SPACE.***

*All Master Planned Developments shall contain a minimum of sixty percent (60%) open space with open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1 and HR-2) zones, and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%).*

The project is located in the GC zone and is therefore exempt from the open space requirement of the MPD. The lot is currently an asphalt parking area. Development of this lot does not impact existing open space area provided by the Prospector Square Subdivision and the applicant, in conjunction with the adjacent 1897 Prospector CUP, is providing approximately 6,000 sf of new landscaped areas within the parking lot and along the perimeter of the parking lot. **(Complies)**

***(E) OFF-STREET PARKING.***

*The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this Code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal.*

The applicant is not requesting an increase or a decrease in the parking that was required for the Prospector Square Subdivision. Parking Lot F will have a total of 103 shared parking spaces upon completion of this project (and the project at 1897 Prospector). There are currently approximately 91 parking spaces, although some along the east property line are not code compliant with regards to length. In particular the spaces along the east property line are shorter than 18' due to the parking from the adjacent condominium project encroaching onto the subject property. The completed parking lot will regain the encroaching space and those spaces will become code compliant spaces. The existing non-paved grassy areas, previously Lots 25a and 25b of the plat before the Gigaplat replat, will be developed with 32 new parking spaces. Providing parking under the subject building provides an additional 12 parking spaces for Parking Lot F. LMC Code parking requirements for the eleven residential units is significantly less than would be required if the building were restaurant, retail or office uses. Parking to meet the requirements of the subject building are provided within the revised shared parking lot. **Complies.**

*(F) **BUILDING HEIGHT.** The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination. The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings. **Staff requests discussion regarding the request for a 6'6" height increase for the eastern portion of a partial fourth floor for approximately 30% of the building roof.***

*(1) The 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, including requirements for facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;*

The requested height increase does not result in increased square footage or Building volume over what would be allowed under the zone. The GC zone allows a 35' building height for flat roofs with an additional 5' for pitched roofs for a total height of 40'. The applicant is requesting a 6'6" height increase for the eastern portion of the partial fourth floor to a maximum height of 41'6" for the flat roofed building. Approximately 30% of the total roof area is subject to height exception request. Other portions (70%) of the building are at 30' in height, which is five feet less than allowed 35' for a flat roof. The building does not exceed the allowable FAR of 11,520 sf. The height exception provides for architectural variation and interest. **Does the Commission agree with the finding that the increased Building Height does not result in increased square footage or Building volume over what would be allowed under the zone Height and Density?**



*(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated as determined by the Site Specific analysis and approved by the Planning Commission;*

Adjacent structures are separated in a way that they will not experience potential problems, such as shadowing, loss of solar Access, and loss of air circulation due to the extra 6'6" of building height for the eastern 30% of the building. The neighboring condominium properties to the east and west are located more than 120' away from the subject building. The proposed building at 1897 Prospector is located 50' to the north with the residential units located on the upper floors and the property management shop located on the eastern portion of the building so as to not be affected by shadows, solar access or air circulation. The rail trail, while not an adjacent Structure, is located approximately 65' to the south of the building, and is approximately 12' higher than the parking lot. The building will not cause loss of solar access or air circulation on the rail trail due to the location, orientation, and relationship of the building to the trail. **Does the Commission find that the Buildings have been positioned to minimize visual impacts on adjacent Structures and that potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss of air circulation have been mitigated?**

*(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;*

Additional landscaping is proposed that does not currently exist within the parking lot and along the perimeter of Parking Lot F that will provide vegetated buffering between the proposed building and adjacent structures. There is existing vegetation between the rail trail and the site and additional trees will provide screening. Existing landscaping and setbacks create separation between the proposed building and adjacent properties to buffer the adjacent condominium buildings from adverse impacts due to the additional building height. **Does the Commission find that there is adequate landscaping and buffering from adjacent Properties and Uses and that increased Setbacks and separations from adjacent projects are being proposed?**

*(4) The additional Building Height results in more than the minimum Open Space required and results in the Open Space being more usable and publicly accessible; and*

There is no requirement of open space in the GC zone, however, additional Building Height results in a more articulated and open building design with the opportunity to provide open decks and patios as useable open areas for the residents as community open space for the project, not just for individual units. **Does the Commission find that the additional Building Height results in**

**more than the minimum Open Space required and results in the Open Space being more usable and publicly accessible?**

*(5) The additional Building Height shall be designed in a manner that provides a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;*

The applicant provided renderings, floor plans, and elevations that demonstrate the transition in roof elements and articulation provided by the additional height for a portion of the building that comply with the façade variation and articulation as required in Chapter 5 Architectural Guidelines. **Does the Commission find that the additional Building Height is designed in a manner that provides a transition in roof elements in compliance with Chapter 5, Architectural Guidelines?**

*According to the LMC, if and when the Planning Commission grants additional height due to a Site specific analysis and determination, that additional 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.*

*(G) **SITE PLANNING.** An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:*

*(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.*

**Complies.** The building is located within a vacant, flat, asphalt lot that was replatted with the Gigaplat replat to break up the vastness of the paved Parking Lot F. The building is oriented and designed with good horizontal and vertical articulation to not present as a solid rectangular block. There is no existing Significant Vegetation on the lot as it is currently a paved asphalt parking lot. However the Significant Vegetation off-site to the south will be protected and maintained.

*(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.*

**Complies.** The proposed plan includes minimal grading as the site is currently a mostly level parking lot. No retaining structures are proposed.

*(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.*

**Complies.** The proposed utility plans and buildings are designed to work with the Existing Grade. Minimal grading is proposed and no cuts and fills are proposed.

*(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails are recorded on the subdivision plat. Construction of any new trails will be required consistent with the Park City Trails Master Plan.*

**Complies.** The public Rail Trail located to the south of the property will be maintained and the informal connection to the trail at the southwest corner of Parking Lot F will be maintained. A pedestrian bridge connection from the building to the Rail Trail for the residents is proposed and will require necessary permits from the City and State Parks in order to construct and maintain it.

*(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/ bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.*

**Complies.** The building will have significant surface parking being located within Parking Lot F of the Prospector Square Subdivision planning area. Pedestrian sidewalks are located along the frontage of Parking Lot F with Prospector Avenue. Additional pedestrian connections are provided by the HOA walkway to the west and the Rail Trail to the south. The informal connection from Lot F to the Rail Trail will be maintained. Pedestrian walkways are provided for access to the building.

*(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan allows for snow storage Areas. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.*

**Complies.** Approximately 6,000 sf of new landscaped areas are provided within the previously solid asphalt parking lot and perimeter areas to allow for snow storage from the parking lot. Snow removal and snow storage is provided by the Prospector Square Owners Association onto land that they own. The proposed MPD does not include any surface parking or snow storage requirements area as the 12 spaces associated with the MPD are located under the building.

*(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers for the future phases. These facilities shall be Screened or enclosed. Pedestrian Access shall*

*be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.*

**Complies.** The site plan includes an existing trash refuse area that the applicant will screen by constructing an enclosure of materials compatible with the building. Recycling facilities for the building will be provided on the lower parking level to be convenient to the residents.

*(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.*

**Complies.** The property is located within close proximity to the public bus system with stops on Prospector Avenue, Bonanza Avenue, and Kearns Blvd, all located within 100' to ½ mile of the property. There are no additional transportation amenities, such as a shuttle system, proposed. Drop off for private van and shuttle service can be accommodated with the under building parking and circulation area.

*(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.*

**Complies.** No loading docks are proposed or required for the residential uses. Service and delivery to the units will be provided from the parking lot to the residential units or a separate postal box area located on the lower level.

*(H) **LANDSCAPE AND STREETScape.** To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where new landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Plantings will not be mulched with rock. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.*

**Complies.** There is no existing vegetation on the Lot. Significant vegetation off-site to the south will be maintained. As conditioned, the final landscape and irrigation plan must be approved by Planning Department staff with the building permit review. Additional landscaping within the parking lot will be provided to the extent that parking spaces are not diminished. Perimeter plantings are proposed to provide buffers to the adjacent residential properties. Off-site landscaping requires approval of the adjacent property owners. As conditioned, exterior lighting will be reviewed at the time of the building permit review for compliance with the LMC.

*(I) **SENSITIVE LANDS COMPLIANCE.** All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conforms to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.*

**Complies as conditioned.** The property is not located within the Sensitive Lands Overlay Zone. The property is located within the Park City Soils Ordinance Boundary and adjacent to a stream that contains wetland areas. The property is located within a flood plain zone. No sensitive slopes or ridgelines are identified. Staff recommends conditions of approval to address development within the Soils Ordinance Boundary, adjacent to wetlands, and within a flood plain area.

*(J) **EMPLOYEE/AFFORDABLE HOUSING.** MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.*

**Complies.** A housing plan was submitted for review by the City's Housing Manager. The project must comply with the Park City Housing Resolution 02-15 which requires a 15% affordable housing obligation (1.5 AUE at 900 sf per AUE). The applicant's affordable housing mitigation plan outlines two options: 1) include on site the necessary affordable unit equivalents (AUE) or 2) include one affordable unit for a portion of the required AUE and pay the in-lieu fee for the remaining AUE square footage (Exhibit A2). The Park City Housing Authority has final approval authority of the Housing Plan. The applicant's preference is to include all of the required deed restricted units within the building. The Housing Resolution also stipulates the size of various types of units and includes requirements for deed restrictions, affordability, occupancy, and other attributes. At least one affordable, deed restricted unit is proposed on the site and included in the current building layout. If the remaining AUE are provided on site they will be included in the current layout as 2 deed restricted affordable units and 9 market rate units. Staff recommends a condition that the affordable units must be completed and ready for occupancy, or the in-lieu fees paid in full) prior to issuance of a certificate of occupancy for the market rate units.

*(K) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.*

**Complies with Planning Commission's determination.** Staff does not recommend that a Child Care Center be provided on-site. Limited permanent Child Care demands will be generated by the eleven unit building and there are Child Care facilities within close proximity of the site.

*(L) **MINE HAZARDS.** All MPD applications shall include a map and list of all known Physical Mine Hazards on the property and a mine hazard mitigation plan.*

**Complies.** The applicant has indicated that there are no Mine Hazards on the site.

*(M) **HISTORIC MINE WASTE MITIGATION.** For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the*



*Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.*

**Complies.** The applicant has prepared a soils report for Lot 25b and is working with the City's Soils Ordinance Boundary staff and City Engineer to ensure that all requirements of the Soils Ordinance Boundary are complied with. The applicant proposes minimal grading and a soil capping protocol that will leave the soil on site.

**Department Review**

This project has gone through an interdepartmental review at a Development Review Committee meeting and issues raised, namely regarding adequate water service to meet fire flow requirements, utility service locations, floodplain, and soils ordinance issues, have been addressed with revised plans and conditions of approval.

**Notice**

On March 11, 2015, the property was posted and notices of the public hearings for the Pre-MPD and CUP were mailed to property owners within 300 feet. Legal notice of the MPD was published in the Park Record on April 29, 2015. The property posted and notices regarding the public hearing for the MPD were mailed on April 28, 2015.

**Public Input**

No public input has been received by the Staff on the MPD application at the time of this report

**Alternatives**

- The Planning Commission may approve the Master Planned Development application for the Central Park City Condominiums as conditioned or amended.
- The Planning Commission may deny the Master Planned Development application for the Central Park City Condominiums and direct staff to make Findings for this decision.
- The Planning Commission may continue the Master Planned Development application it to a date certain and provide staff and the applicant with direction on additional information required in order to make a final decision.

**Significant Impacts**

There are no significant impacts to the City or neighborhood as a result of the proposed Master Planned Development.

**Consequences of not taking the Suggested Recommendation**

If the MPD is not approved the applicant could revised the plans to include fewer residential units or the building could be constructed for other allowed uses in the GC zone, such as retail, office, restaurant, property management, etc.

**Recommendation**

Staff recommends the Planning Commission conduct a public hearing and consider the application for a Master Planned Development for eleven residential dwelling units within a new building to be located at 1893 Prospector Avenue. Staff has

prepared the following findings of fact, conclusions of law, and conditions of approval for the Commission's consideration:

### Findings of Fact

1. The subject property is located at 1893 Prospector Avenue and consists of Lot 25b of the Gigaplat replat, a replat of Lots 25a, 25b, and Parking Lot F of the Prospector Square Supplemental Amended Plat.
2. The Gigaplat replat was approved by City Council on June 5, 2014. The final mylar was recorded on May 1, 2015.
3. Lot 25b is a vacant, undeveloped privately owned development lot that is currently part of an asphalt parking lot. The lot contains 5,760 sf.
4. The property is located in the General Commercial (GC) zone and within the Prospector Square Subdivision Overlay.
5. On December 15, 2014, Staff received an application for a pre-MPD for the Central Park City Condominiums (fka Central Park City Apartments) project located in the General Commercial zoning district. The application was considered complete on February 24, 2015.
6. On February 24, 2015, the applicant submitted a complete application for the Conditional Use Permit for residential uses in the GC District. The CUP application was revised on April 13, 2015 to incorporate the required affordable unit, bringing the total number of residential units to eleven.
7. The MPD is being processed concurrently with the Conditional Use Permit for residential uses in the General Commercial district.
8. On March 25, 2015, the Planning Commission conducted a public meeting on the pre-MPD and Conditional Use Permit application. The Commission found that the pre-MPD preliminary concept plans were consistent with the General Plan and GC Zone. The Conditional Use Permit application was reviewed and continued to the April 8<sup>th</sup> meeting where it was continued to the May 13, 2015 meeting.
9. In the General Commercial (GC) zoning district, residential uses, including multi-dwelling units, are required to be reviewed per the Conditional Use Permit criteria in the Land Management Code (LMC) and require approval by the Planning Commission. Retail, restaurant, bars, offices uses, and similar uses are allowed uses in the GC zone.
10. An FAR of 2 is allowed for buildings within the Prospector Square Subdivision Overlay.
11. The proposed building consists of approximately 11,279 sf of residential uses and circulation area. The proposed FAR is 1.96. There are seven units at approximately 810 sf, three units at 1,017 s, and one studio unit at 500 sf. The units are designed to be smaller, attainable market rate dwelling units for full time residents. At least one, if not two of the units will be deed restricted affordable units to satisfy the required affordable housing obligation required by Resolution 2-15, pending approval by the Housing Authority. The remaining units will be market rate units.
12. Maximum building height in the GC zone is 35' and the applicant has requested through the MPD application, a building height exception of six feet six inches (6'6") for the eastern portion of the building to a height of 41'6". Approximately 30% of the total roof area is subject to the height exception request. The remaining roof areas (70%) of the building less than 35' in height.

13. The building does not exceed the allowable density or maximum floor area ratio (FAR of 2) as allowed by the GC zone based on the total lot area.
14. There are no adjacent structures that will experience potential problems, such as shadowing, loss of solar Access, and loss of air circulation due to the extra 6'6" of building height for the eastern 30% of the building. The neighboring condominium properties to the east and west are located more than 120' away from the subject building. The proposed building at 1897 Prospector is located 50' to the north with the residential units located on the upper floors and the property management shop located on the eastern portion of the building so as to not be affected by shadows, solar access or air circulation. The rail trail, while not an adjacent Structure, is located approximately 65' to the south of the building, and is approximately 12' higher than the parking lot. The building will not cause loss of solar access or air circulation on the rail trail due to the location, orientation, and relationship of the building to the trail.
15. Additional landscaping is proposed that does not currently exist within the parking lot and along the perimeter of Parking Lot F that will provide vegetated buffering between the proposed building and adjacent structures and rail trail as noted in #13 above. There is sufficient setback and separation between the proposed building and the edge of Parking Lot F to buffer the adjacent condominium buildings from adverse impacts due to the additional building height.
16. There is no requirement of open space in the GC zone, however, additional Building Height results in a more articulated and open building design with the opportunity to provide open decks and patios as useable open areas for the residents.
17. The applicant provided renderings, floor plans, and elevations that demonstrate the transition in roof elements and articulation provided by the additional height for a portion of the building that complies with the façade variation and articulation as required in Chapter 5 Architectural Guidelines.
18. Utilities necessary for this use are available at or near the site. A utility plan was approved by the City Engineer and utility providers and utility easements necessary for the use were provided on the plat amendment prior to recordation.
19. Any additional utility capacity, in terms of fire flows and residential fire sprinklers will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit and prior to recordation of the subdivision plat. Necessary utilities and upgrades shall be installed as required by the City Engineer.
20. Twelve (12) parking spaces are required for the proposed residential uses. Twelve covered parking spaces are proposed on the main level. Parking within Prospector Square is shared and upon completion of the reconfigured Parking Lot F, there will be a total of 103 parking spaces, including the 12 spaces located under the building, as per the Owner's parking agreement with the Prospector Square Property Owner Association. All 103 parking spaces are intended to be shared parking per the parking agreement. There are approximately 91 spaces currently.
21. A pedestrian bridge connection to the Rail Trail is proposed from the building. The Rail Trail is owned by State Parks and certain permits and/or encroachment agreements will be necessary in order to construct the bridge. The informal connection from Lot F to the Rail Trail will be maintained.
22. The site plan includes an existing trash/refuse area that the applicant will screen

by constructing an enclosure of materials compatible with the building. Recycling facilities for the building will be provided on the lower parking level to be convenient to the residents.

23. No outdoor storage of goods or mechanical equipment is proposed.
24. No fencing is proposed.
25. The three and four story building is proposed to be located north of the Rail Trail fully within platted Lot 25b. The Prospector Overlay within the GC zone allows zero setbacks to property lines. The building is oriented towards the Rail Trail and is separated from the Rail Trail and adjacent buildings so as not to cause adverse shadowing on any existing units, or on the Rail Trail.
26. The building includes façade shifts on all elevations. Residential uses are located on the second, third, and fourth floors with common outdoor terraces and green roof elements oriented to the south.
27. No changes to the existing open space within the Prospector Square planned area are proposed with the residential uses. The new building is proposed to be constructed on an existing re-platted lot. Common decks and terraces are provided as open areas for the residents of the units to share.
28. The physical design of the building, in terms of mass, scale, style, design and architectural detailing complies with Title 15-5-5- Architectural Design Guidelines of the Land Management Code and is compatible with the surrounding buildings. The proposed building is contemporary and distinct in design and compliments the variety of building styles in the area. Materials consist of wood, metal, concrete and glass. Green planted roofs and roof terraces provide outdoor space for the residents.
29. No signs are proposed at this time. All signs are subject to the Park City Sign Code.
30. Exterior lighting will be reviewed at the time of the building permit review.
31. The residential uses will not create noise, vibration, odors, steam or other mechanical factors that might affect people and property off-site.
32. The applicants propose to design and construct an enclosure for the existing trash dumpster located at the southwest corner of the parking lot. The service area within the enclosed parking area will include a recycling area.
33. There are no loading docks or delivery bays associated with these uses.
34. The applicant initially intends to own the building and rent the units as long term residences. If the owner desires to sell individual units in the future, a condominium record of survey plat will need to be applied for and recorded at Summit County.
35. The proposal exists within the Park City Soil Ordinance Boundary.
36. The development is located in a FEMA Flood Zone A.
37. The development is located adjacent to a stream with wetlands.
38. The project must comply with the Park City Housing Resolution 02-15 which requires a 15% affordable housing obligation (1.5 AUE at 900 sf per AUE). The applicant's affordable housing mitigation plan outlines two options: 1) include on site the necessary affordable unit equivalents (AUE) or 2) include one affordable unit for a portion of the required AUE and pay the in-lieu fee for the remaining AUE square footage (Exhibit A2). The applicant's preference is to include two required deed restricted units and nine market rate units within the proposed building. The Park City Housing Authority has final approval authority of the Housing Plan.
39. The findings in the Analysis section of this report are incorporated herein.

### Conclusions of Law

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of the LMC Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood Compatibility and protects residential neighborhoods and Uses.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD, as conditioned, meets the provisions of 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.
11. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD has been noticed and public hearing held in accordance with this Code.
13. The MPD, 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 programs and codes adopted by the Park City Building Department in effect at the time of the Application.
14. The MPD, as conditioned, addresses and mitigates Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.
15. Additional building height, as reviewed by the Planning Commission on May 13, 2015, complies with the criteria for additional building height per LMC Section 15-6-5 (F).

### Conditions of Approval

1. All standard conditions of project approval shall apply to this project.
2. Any signs associated with the use of the property must comply with the City's Sign Code.
3. No outdoor storage of goods or mechanical equipment is allowed on-site.
4. Review and approval of a final drainage plan by the City Engineer is required prior to building permit issuance.
5. Review and approval of the final utility plans, including review to ensure adequate fire flows for the building, is required prior to building permit issuance.



6. Prior to issuance of a certificate of occupancy for the building, the reconfigured Parking Lot F shall be completed, including paving, striping, and landscaping.
7. Final building plans, exterior building materials and colors, and final design details must be in substantial compliance with the plans reviewed by the Planning Commission on May 13, 2015, and shall be approved by staff prior to building permit issuance.
8. Building Height will be verified for compliance with the approved MPD plans prior building permit issuance.
9. The Construction Mitigation Plan, submitted prior to building permit issuance, shall include detailed information regarding coordination of utility installation, reconstruction of Parking Lot F, and the provision of an interim parking plan during construction.
10. Prior to construction of the pedestrian bridge connection to the Rail Trail all required permits and/or encroachment easements and agreements shall be obtained from the State Parks property owner and the City. If required permits, easements, and agreements are not obtained the bridge will not be constructed.
11. A stream alteration permit and/or 404 permit will be required for any work in the stream area.
12. An elevation certificate will be required showing that the lowest occupied floor is at or above the base flood elevation.
13. A stream study will be required to determine the upstream and downstream flood plain impacts. Impacts will be required to be mitigated.
14. A wetland delineation study by a certified wetland delineator will be required prior to building permit issuance to verify if any wetlands will be disturbed with construction of the building.
15. As part of the final utility plan and prior to issuance of a building permit, the water system must be modeled to verify that adequate fire flows and pressures can be provided to this building.
16. All exterior lighting on the terraces and porches shall be reviewed by the Planning Department with the Building Permit application and shall be subdued, down directed, shielded, and with no exposed bare bulbs.
17. A Development Agreement shall be ratified by the Planning Commission within six months of this approval. The Agreement shall reiterate all applicable requirements for Development Agreements in the LMC as well as zoning requirements related to findings, conclusions, and conditions of approval of the MPD.
18. The Affordable Housing Mitigation Plan shall be approved by the Housing Authority and shall be included in the final Development Agreement.
19. All required affordable housing shall be complete, with certificates of occupancy issued and/or fees in-lieu paid in full, prior to issuance of any certificates of occupancy for the market rate units.
20. The building plans shall be reviewed at the time of the building permit review for incorporation of 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 programs and codes adopted by the Park City Building Department in effect at the time of the Application.

**Exhibits (See Conditional Use Permit Report)**

Exhibit A- Applicant's letter

Exhibit B- Existing Conditions Survey

Exhibit C- Gigaplat re-plat

Exhibit D- Grading Plan

Exhibit E- Utilities Plan

Exhibit F- Site Plan

Exhibit G- Floor Plans

Exhibit H- Elevations

Exhibit I- General Commercial (GC) zoning district

Exhibit J- Staff report and Minutes of the March 25, 2015, Planning Commission meeting



## Planning Commission Staff Report

**Subject:** Central Park City Condominiums  
**Author:** Kirsten Whetstone, MS, AICP  
**Project Number:** PL-14-02584  
**Date:** May 13, 2015  
**Type of Item:** Conditional Use Permit for Residential Uses

### **Summary Recommendations**

Staff recommends that the Planning Commission hold a public hearing and consider the application for a Conditional Use Permit for residential use consisting of eleven residential dwelling units within a new building, to be located at 1893 Prospector Avenue. Staff has prepared the following 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**

**Applicant:** Mr. Peabody LLC, Hank Louis, Ehlias Louis, CDR Development, owners  
**Location:** 1893 Prospector Avenue  
**Zoning:** General Commercial (GC)  
**Adjacent Land Uses:** Residential condominiums to the west and east, Rail Trail and open space to the south, and commercial/offices to the north and west.  
**Reason for Review:** Residential uses in the General Commercial (GC) zone require a Conditional Use Permit (CUP) with review and final action by the Planning Commission.

### **Proposal**

The applicant requests review of an application for a Conditional Use Permit for a new residential building proposed to be constructed on vacant Lot 25b of the Gigaplat Replat, being a replat of the Prospector Square Subdivision. The Conditional Use Permit is required for residential uses in the General Commercial (GC) zoning district. The project includes an eleven unit, energy efficient, residential project located within the Prospector Square neighborhood. According to the affordable housing mitigation plan the applicant's preference is to construct all of the required affordable AUE (affordable unit equivalents) on the site. Nine units would be small market rate units and two units would be required deed restricted units compliant with the City's Housing Resolution 2-15. A Master Planned Development for the multi-unit building, including a possible height exception, is being reviewed concurrently with this Conditional Use Permit.

## **Background**

The property is located within the General Commercial (GC) zoning district subject to the Prospector Square overlay requirements (Land Management Code § 15-2.18-3(l)). The subject property, located at 1893 Prospector Avenue, consists of a 5,760 square foot platted lot. The lot is amended Lot 25b of the Gigaplat replat, a replat of Lots 25a, 25b, and Parking Lot F of the Prospector Square Supplemental Amended Plat. Amended Lot 25b is a vacant, undeveloped privately owned development lot.

Parking Lot F is owned by and utilized as a shared parking lot for Prospector Square Property Owners Association (PSPOA). A total of 103 parking spaces will result upon completion of this and the 1897 Prospector Avenue CUP projects. Twelve (12) parking spaces are proposed under the building. The applicant and PSPOA have signed an agreement stipulating that upon completion of this project there will be a total of 103 parking spaces. There are currently 91 spaces in Parking Lot F and 32 new spaces will be created in the previous location of Lots 25a and 25b prior to the replat.

On June 5, 2014, the City Council voted to approve the Gigaplat replat that reconfigures Lots 25a, 25b and Parking Lot F of the Prospector Square Supplemental Amended Plat (Exhibit C). The final mylar plat was recorded on May 1, 2015.

On June 25, 2014, the Planning Commission approved a Conditional Use Permit for residential uses within a mixed use building proposed to be constructed at 1897 Prospector Avenue, located on Lot 25a of the Gigaplat replat. The building will have retail/property management offices on the ground floor and four residential uses on the top floors. A building permit application for the 1897 Prospector project was received by the City in February 2015 and the plans are currently under review. The two buildings are designed by the same architects and are similar in that they have a contemporary design and similar materials. The 1983 Prospector building contains only residential uses.

The owners of these two projects intend to coordinate construction of the two projects in order to reduce construction impacts on the neighborhood. The two owners are responsible for reconstruction of Parking Lot F and coordinating of utility installation as well as providing an interim parking plan and other construction mitigation measures during construction. These items will be spelled out in the Construction Mitigation Plans for each individual building permit.

On December 15, 2014, Staff received an application for a pre-MPD for the Central Park City Condominiums project located in the General Commercial zoning district. The application was considered complete on February 24, 2015. On February 24, 2015 the applicant submitted a complete application for this Conditional Use Permit for residential uses in the GC District. The CUP application was revised on April 13, 2015 to incorporate the required affordable units, bringing the total number of residential units to eleven.

On March 25, 2015, the Planning Commission conducted a public meeting on the pre-MPD and Conditional Use Permit application. The Commission found that the pre-MPD concept plans were consistent with the General Plan and GC Zone. The Conditional Use Permit application was reviewed and continued to the April 8, 2015 meeting (Exhibit J). On April 8, 2015, the item was continued to the May 13, 2015 meeting. This item has been legally re-noticed for the May 13, 2015 meeting.

A full MPD application for the Central Park City Condominiums was submitted on February 24, 2015, and deemed complete upon submittal of revised plans on April 13, 2015. The MPD application is also scheduled for a public hearing and planning commission review at the May 13, 2015 meeting. A staff report for the MPD application is included in the May 13, 2015, packet. On May 14, 2015, the Housing Authority is scheduled to review the applicant's affordable housing plan.

### **Purpose of the GC Zone**

The purpose of the General Commercial (GC) District is to:

- (A) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- (B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- (C) protect views along the City's entry corridors,
- (D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,
- (E) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,
- (F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and
- (G) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and Public Art.

### **Process**

On March 25, 2015, Staff presented the Conditional Use Permit application as a work session item simultaneously with the pre-MPD hearing, to allow the Commission to



review the Pre-MPD application within the context of the Conditional Use Permit request for residential uses in the GC zone. The pre-MPD hearing is required prior to the Commission reviewing the full MPD application. The complete MPD application was submitted following the March 25<sup>th</sup> meeting and is described in a separate report included in this May 13<sup>th</sup> meeting packet.

Approval of this Conditional Use Permit by the Planning Commission constitutes Final Action that may be appealed to City Council following procedures found in Land Management Code § 1-18.

### **Analysis**

The project incorporates multi-level design elements, open and green common deck areas, pedestrian connections to the Rail Trail, covered parking and storage located on the first level, no reduction of existing parking, solar panels, distinct architectural design, and a site design that diminishes visual impacts of the existing vast asphalt parking area that is Parking Lot F of the Prospector Square Subdivision (Exhibits A-H).

Ten (10) units each have two (2) bedrooms, one or two baths, storage areas on the lowest level, and covered parking provided under the building. The units range in size from 810 to 1,017 square feet. One unit is a 500 sf studio unit.

The approximately 11,279 sf building complies with the Prospector Square Floor Area Ratio of 2.0 (11,520 square feet are allowed for the 5,760 sf lot area). The building is three and four stories in height. Through the MPD process the applicant is requesting a height exception of approximately six feet six inches (6'6") for 30% of the roof at the eastern portion of the building with the remaining roof area (70%) proposed at less than the allowed zone height of 35'. A green planted roof garden and roof top deck provide shared outdoor space for the residents.

An affordable housing mitigation plan was submitted with the MPD application describing how the 15% affordable housing obligation will be met. The plan outlines two options: 1) include on site the necessary affordable unit equivalents (AUE) or 2) include one affordable unit for some portion of the required AUE and pay the in-lieu fee for the remaining AUE square footage. The applicant's preference is to provide 2 deed restricted affordable units on site to comply with the required AUE. Nine of the 11 units would be sold as market rate units.

The Park City Housing Authority has final approval authority of the Housing Plan and is scheduled to review the Plan on March 14th. Currently two deed restricted units are proposed on the site.

The proposal complies with lot and site requirements of the GC District (Exhibit I) as described below.

<b>GC Zone</b>	<b>Permitted by LMC for Prospector Overlay of the GC zone 15-2.18-3 (I)</b>
Lot Size	No minimum lot size. Lot is 5,760 sf
Building Footprint- Floor Area Ratio (FAR)	FAR must not exceed two (2) – 11,520 sf exclusive of required affordable housing floor area. All uses except enclosed parking areas are subject to the FAR. Approximately 11,279 sf of building floor area is proposed. One studio unit is 500 sf, 7 units are 2 bd/1ba at 810 sf, 3 units are 2bd/2ba at 1,017 sf. Additional circulation and storage area are included in the total of 11,279 sf of floor area. (FAR of 1.96). This includes the affordable housing floor area.
Front/rear yard setbacks	Zero lot line development permitted.
Side yard setbacks	Zero lot line development permitted.
Building Height	Allowed Building Height is 35'. A 6'6" building Height exception to 41'6" is requested through the MPD for the fourth story (30% of the building roof) at the eastern portion of the building. The remainder of the building is less than 35' in height. Building Height exceptions LMC 15-2.18-4 apply. Building height will be verified at the time of Building Permit review for compliance with the MPD approval.
Parking	All parking on Parking Lots A-K is shared parking for residential and commercial uses in the entire Prospector Square development area. There are currently 91 parking spaces with those along the east property line non-compliant in terms of length. The reconfigured parking lot will make all spaces code compliant. Additional private parking for specific lots in Prospector Square may be provided entirely within the individual lot boundary. These two combined development projects and reconfiguration of Parking Lot F will result in a total of 103 parking spaces, including the 12 spaces provided under the proposed building, which are also shared spaces. The residential units require a total of 12 parking spaces, 12 spaces are provided.

Architectural Design	All construction is subject to LMC Chapter 15-5- Architectural Design Guidelines with final review conducted at the time of the Building Permit.
Uses	All uses listed in 15-2.18-2 (A) Allowed Uses, are permitted unless otherwise noted. All uses listed in 15-2.18-2 (B) Conditional Uses, including residential uses, require approval of a conditional use permit, by the Planning Commission.

Residential Uses in the General Commercial (GC) zoning district are a Conditional Use subject to review of the following criteria for potential impacts, as set forth in the LMC 15-1-10(E):

1. Size and location of Site

The 11,279 sf three and four story building is proposed on a 5,760 sf lot within the Prospector Square area. There are seven units at approximately 810 sf, three units at 1,017 s, and one studio unit at 500 sf. The units are designed to be smaller, attainable market rate dwelling units for full time residents. Two units are proposed as deed restricted affordable units. The Prospector Square area is characterized by individual businesses on small lots, as well as larger residential condominium buildings, and mixed use buildings with commercial on the ground floor and offices and/or residential uses on the upper floors. Within the Prospector Square Overlay district of the GC zone, the maximum Floor Area Ratio (FAR) for all lots is two (2). The proposed building yields a Floor Area Ratio (FAR) of 1.96, which is within the maximum size allowed in the zone. The existing lot is sufficient in size for the proposed residential uses. The lot is ideally located for smaller residential uses. It is located approximately 104' back from the sidewalk along Prospector Avenue and is located adjacent to existing residential uses to the east and west and to the Rail Trail open space to the south. **No unmitigated impacts.**

2. Traffic considerations including capacity of the existing Streets in the area

At times the streets and intersections in Prospector Square area are congested and development of this vacant development lot has the potential to add traffic to this area. The existing platted lot is part of the approved planned mixed use Prospector Square neighborhood. This is not unanticipated development. Office, retail, and multi-family residential units are the anticipated uses in the Prospector Square neighborhood and while the street system was designed to handle the anticipated development, there are times when the streets and intersections are at capacity.

Allowed development with a floor area ratio (FAR) of 2.0 has been anticipated since approval of the Prospector Square subdivision. The capacity of streets,

intersections, and shared parking lots were designed with the Prospector Square subdivision planning area to accommodate build out of all the development parcels. This lot is one of the last five or six lots to develop.

The proposed building has an FAR of 1.96 which is within the anticipated Floor Area Ratio and allowed development parameters of the Prospector Square Subdivision overlay. Commercial buildings in Prospector Square often include a mix of retail and offices uses, such as Bellemark Buildings at 1912 and 1960 Sidewinder Drive, 1760 Prospector, Expertech at 1910 Prospector, Ontario Design at 1920 Prospector, the Clayton Building at 1795 Sidewinder, the Associated Plaza at 1755 Prospector, etc. and are generally traffic intensive due to the uses. Residential properties, such as Carriage House, Prospector Condominiums, Sun Creek, etc. are just residential properties. Of any area in Park City, the Prospector Square area has the greatest potential to become more pedestrian oriented which could reduce the traffic impacts that already exist.

Development on this lot includes small (500 sf to 1,010 sf) residential units with no commercial or office uses. Allowing smaller residential uses in an area of high employment opportunities and within walking distance of the bus lines, shops, restaurants, schools, and recreation amenities provides the potential for mitigation of additional vehicular traffic. **No unmitigated impacts**

3. Utility capacity

Utilities necessary for this use are available at or near the site. A utility plan and utility easements were required as a condition precedent to recordation of the plat to be approved by the City Engineer and utility providers. Final utility plans were reviewed by the City Engineer prior to issuance of a building permit for the 1897 Prospector CUP. Existing water service is being evaluated for fire flow and fire sprinkler requirements for the residential uses on this lot, as was done at 1897 Prospector Avenue. **No unmitigated impacts as conditioned.**

4. Emergency vehicle access

The proposed development will not interfere with existing access routes for emergency vehicles. **No unmitigated impacts.**

5. Location and amount of off-street parking

The parking spaces located on Parking Lot F are intended for common use by all of the Prospector Square lots in the area. The parking lots were designed to accommodate all anticipated development in the Prospector Square area. This CUP is proposed on an existing, platted development lot within the Prospector Square master planned area.

The eleven residential units require twelve (12) spaces according to the LMC. There are currently 91 parking spaces in Parking Lot F. A total of 103 parking spaces will be provided upon reconfiguration of the Parking Lot in compliance with the Parking Agreement between the owner and the Prospector Square

Owner Association (PSOA). This includes the twelve covered parking spaces provided on the main level of the proposed building and it includes construction of 32 new parking spaces on the grassy areas that used to be Lots 25a and 25b. There will be no net loss of parking.

Parking demand for an 11,500 sf commercial/office building would be 35 spaces. Parking demand for a one story 5,760 sf restaurant would be 58 spaces. Therefore parking demand for residential uses within this size of building is significantly less. The commercial and office uses require three to four times more parking. Residential development of this vacant lot is less of an impact on the parking than commercial or office development, which are allowed uses not subject to conditional use permit review.

Parking demand (in terms of timing) for residential uses is generally opposite demand for retail and office uses. Residential peak parking typically occurs at different times of the day than retail and office uses.

Staff recommends a condition of approval that prior to issuance of a certificate of occupancy for the building; the reconfigured Parking Lot F shall be completed, including paving, striping, and landscaping.

Staff also recommends as a condition of approval that the Construction Mitigation Plan, submitted prior to building permit issuance, shall include detailed information regarding coordination of utility installation, reconstruction of Parking Lot F, and the provision of an interim parking plan during construction. **No unmitigated impacts, as conditioned.**

6. Internal vehicular and pedestrian circulation system;

Internal vehicular and pedestrian circulation system includes existing sidewalks along Prospector Avenue, a Prospector Association walkway located to the west of the parking lot, and the Rail Trail bike path located to the south, with informal access that will not be altered. The applicant has proposed a pedestrian bridge connecting the building to the Rail Trail. Circulation within the Parking Lot will be improved with the reconfigured parking lot. Staff recommends a condition of approval that prior to construction of the proposed pedestrian bridge connection to the Rail Trail that all required permits and/or encroachment agreements be obtained from the State Parks property owner and the City. The applicant has been working with State Parks and has an agreement to pursue the bridge. If the applicant does not gain approval then the bridge will not be constructed. The informal connections to the Rail Trail from Parking Lot F will remain. **No unmitigated impacts as conditioned.**

7. Fencing, Screening, and Landscaping to separate the use from adjoining uses;

No outdoor storage of goods or mechanical equipment is proposed or allowed onsite. No fencing is proposed. Additional landscaping areas are proposed within Lot F to provide areas for landscaping close to the building to buffer and

soften the central portion of the parking lot and building. Landscaping on the south side of the building and on the green roofs will be provided for shade and buffering of the building from the Rail Trail. **No unmitigated impacts.**

8. Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;

The three and four story building is proposed to be located north of the Rail Trail fully within platted Lot 25b. The Prospector Overlay within the GC zone allows zero setbacks to property lines. The building is oriented more towards the Rail Trail than to Parking lot F or adjacent buildings and is well separated from the Rail Trail and adjacent buildings so as not to cause adverse shadowing on any existing units, or on the Rail Trail.

Covered parking for the units is located on the first level, it is not underground parking. The building includes façade shifts on all elevations. Residential uses are located on the second, third, and fourth floors with common outdoor terraces and green roof elements oriented to the south.

Maximum building height in the GC zone is 35' (40' is allowed with a pitched roof) and the applicant has requested through the MPD application, a building height exception of six feet six inches (6'6") for 30% of the building roof at the eastern portion of the building. This height of this portion of the building would be a maximum of 41'6" from existing grade. The remainder (70%) of the building roof is less than the allowed building height of 35'. The building would not exceed the allowable density or maximum floor area ratio (FAR of 2) as allowed by the GC zone. **No unmitigated impacts as conditioned, requires MPD approval.**

**This design requires Planning Commission approval of the requested Height Exception as part of the MPD. Staff recommends a condition of approval for the CUP that Building Height shall be verified for compliance with the approved MPD plans prior building permit issuance.**

9. Usable open space:

Not applicable there are no changes to the existing open space within the Prospector Square area associated with the residential uses or new building proposed to be constructed on an existing re-platted lot. Common decks and terraces are provided as open areas for the units to share. **No unmitigated impacts.**

10. Signs and Lighting:

There are no signs proposed for the building. Signs require compliance with the Park City Sign Code and shall be reviewed by the Planning Department for compliance prior to installation. Staff recommends a condition of approval that exterior lighting shall be reviewed by the Planning Department with the Building Permit application. All exterior lighting shall be subdued, down



directed, shielded, and with no exposed bare bulbs. **No unmitigated impacts as conditioned.**

11. Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing:  
The physical design of the building, in terms of mass, scale, style, design and architectural detailing complies with Title 15-5-5- Architectural Design Guidelines of the Land Management Code and is compatible with the surrounding buildings. The proposed building is contemporary and distinct in design and compliments the variety of building styles in the area. Materials consist of wood, metal, concrete and glass. Green planted roofs and roof terraces provide outdoor space for the residents. Textures, materials, and colors meet architectural design guidelines and will be reviewed for compliance with the Architectural Design Guidelines at the time of building permit submittal. The building is an allowed use in the zone and the CUP is for the residential uses. The smaller, residential units are compatible with the condominium residential uses in the neighborhood. **No unmitigated impacts.**
12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site:  
The residential uses will not create noise, vibration, odors, steam or other mechanical factors that might affect people and property off-site. **No unmitigated impacts.**
13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup area:  
The applicants propose to design and construct an enclosure to screen the existing trash dumpster located at the southwest corner of the parking lot. The service area within the enclosed parking area will include a recycling area. There are no loading docks associated with these uses. **No unmitigated impacts.**
14. Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities:  
The applicant initially intends to own the building and rent the units as long term residences. If the owner desires to sell individual units in the future, a condominium record of survey plat will need to be applied for and recorded at Summit County before any units can be sold individually. **No unmitigated impacts.**
15. Within and adjoining the site, impacts on Environmentally Sensitive Lands, slope retention, and appropriateness of the proposed structure to the topography of the site.  
The site exists within the Park City Soil Ordinance Boundary, therefore any soil disturbance or proposed landscaping must adhere to Park City Municipal Code 11-15-1. Failure to comply with the Soil Ordinance is a

Class B misdemeanor.

The site is located within a FEMA Flood Zone A. Along with requiring an elevation certificate, a study must be completed to show the effects of the development on the upstream and downstream sections of Silver Creek. Any significant impacts upstream or downstream will need to be mitigated.

The site is located adjacent to a stream with wetlands. Wetland delineation may be required to identify any wetlands. Any excavation within the stream banks will require a stream alteration permit from the State of Utah and possibly a 404 permit from the Army Corps of Engineers. No development is proposed beyond the current developed asphalt parking area. **No unmitigated impacts, as conditioned.**

### **Department Review**

This project has gone through an interdepartmental review at a Development Review Committee meeting and issues raised, namely regarding adequate water service to meet fire flow requirements, utility service locations, floodplain, and soils ordinance issues, have been addressed with revised plans and conditions of approval.

### **Notice**

On March 11, 2015, the property was posted and notices of the public hearings for the Pre-MPD and CUP were mailed to property owners within 300 feet. Legal notice of the CUP was published in the Park Record on March 7, 2015 and again on April 29, 2015. The property was re-posted and notice letters were sent out again on April 28<sup>th</sup>.

### **Public Input**

No public input was provided at the public hearing on March 11, 2015. Staff received a phone message from a property owner in the Prospector Square neighborhood requesting additional information regarding the project. Staff provided the staff reports and exhibits.

### **Alternatives**

- The Planning Commission may approve the Conditional Use Permit for the Central Park City Condominiums as conditioned or amended.
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision.
- The Planning Commission may continue the Conditional Use Permit to a date certain and provide staff and the applicant with direction on additional information required in order to make a final decision.

### **Significant Impacts**

There are no significant impacts to the City or neighborhood as a result of the proposed Conditional Use Permit for residential uses.

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

If the CUP is not approved the residential uses would not be allowed, however the building could be constructed for other allowed uses in the GC zone, such as retail, office, restaurant, property management, etc.

### **Recommendation**

Staff recommends that the Planning Commission hold a public hearing and consider the application for a Conditional Use Permit for residential use consisting of eleven residential dwelling units within a new building, to be located at 1893 Prospector Avenue. Staff has prepared the following findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

### **Findings of Fact**

1. The subject property is located at 1893 Prospector Avenue and consists of Lot 25b of the Gigaplat replat, a replat of Lots 25a, 25b, and Parking Lot F of the Prospector Square Supplemental Amended Plat.
2. The Gigaplat replat was approved by City Council on June 5, 2014. The final mylar was recorded on May 1, 2015.
3. Lot 25b is a vacant, undeveloped privately owned development lot.
4. The property is located in the General Commercial (GC) zone and within the Prospector Square Subdivision Overlay.
5. On December 15, 2014, Staff received an application for a pre-MPD for the Central Park City Condominiums project located in the General Commercial zoning district. The application was considered complete on February 24, 2015.
6. On February 24, 2015, the applicant submitted a complete application for the Conditional Use Permit for residential uses in the GC District. The CUP application was revised on April 13, 2015 to incorporate the required affordable unit, bringing the total number of residential units to eleven.
7. On March 25, 2015, the Planning Commission conducted a public meeting on the pre-MPD and Conditional Use Permit application. The Commission found that the pre-MPD preliminary concept plans were consistent with the General Plan and GC Zone. The Conditional Use Permit application was reviewed and continued to the May 13, 2015 meeting.
8. In the General Commercial (GC) zoning district, residential uses, including multi-dwelling units, are required to be reviewed per the Conditional Use Permit criteria in the Land Management Code (LMC) and require approval by the Planning Commission. Retail and offices uses are allowed uses in the GC zone.
9. An FAR of 2 is allowed for buildings within the Prospector Square Subdivision Overlay.
10. The building consists of approximately 11,279 sf of residential uses and circulation area. The proposed FAR is 1.96. There are seven units at approximately 810 sf, three units at 1,017 s, and one studio unit at 500 sf. The units are designed to be smaller, attainable market rate dwelling units for full time residents. At least one and potentially two units will be deed restricted affordable unit depending on the Housing Authority's approval.
11. Allowing smaller residential uses in an area of high employment opportunities

and within walking distance of the bus lines, shops, restaurants, schools, and recreation amenities is one method of mitigating vehicular trips of residential uses.

12. The capacity of streets, intersections, and shared parking lots were designed with the Prospector Square planned area to accommodate build out of all the development parcels. There are no significant traffic impacts associated with the proposed uses as build out of these platted lots is anticipated with the Prospector Square Subdivision approval. Office and retail uses are allowed to be constructed on this lot without approval of a Conditional Use Permit.
13. Utilities necessary for this use are available at or near the site. Prior to recordation of the plat amendment for this property a utility plan and utility easements will be approved by the City Engineer and utility providers.
14. Any additional utility capacity, in terms of fire flows and residential fire sprinklers will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit and prior to recordation of the subdivision plat. Necessary utilities and upgrades shall be installed as required by the City Engineer.
15. The proposed development will not interfere with access routes for emergency vehicles.
16. The residential uses create a reduced parking impact from the allowed uses of retail and office. Parking demand (in terms of timing) for residential uses is generally opposite the demand for retail and office uses.
17. There are 91 existing parking spaces within Parking Lot F. Parking within Prospector Square is shared and upon completion of the reconfigured Parking Lot F, there will be a total of 103 parking spaces, including the 12 spaces located under the building, as per the Owner's parking agreement with the Prospector Square Property Owner Association. All 103 parking spaces are intended to be shared parking per the parking agreement.
18. Internal vehicular and pedestrian circulation system includes existing sidewalks along Prospector Avenue, a Prospector Association walkway located to the west of the parking lot, and the Rail Trail bike path located to the south, with informal access that will not be altered. Circulation within the Parking Lot will be improved with the reconfigured parking lot.
19. A pedestrian bridge connection to the Rail Trail is proposed from the building. The Rail Trail is owned by State Parks and certain permits and/or encroachment agreements will be necessary in order to construct the bridge. The bridge will not be constructed if necessary agreements and easements are not secured.
20. No outdoor storage of goods or mechanical equipment is proposed.
21. No fencing is proposed.
22. The three and four story building is proposed to be located north of the Rail Trail fully within platted Lot 25b. The Prospector Overlay within the GC zone allows zero setbacks to property lines. The building is oriented towards the Rail Trail and is separated from the Rail Trail and adjacent buildings so as not to cause adverse shadowing on any existing units, or on the Rail Trail.
23. The building includes façade shifts on all elevations. Residential uses are

located on the second, third, and fourth floors with common outdoor terraces and green roof elements oriented to the south.

24. Maximum building height in the GC zone is 35' and the applicant has requested through the MPD application, a building height exception of six feet six inches (6'6") for 30% of the roof for the eastern portion of the building to a height of 41'6". The remainder of the building roof (70%) is less than the allowed building height. The building would not exceed the allowable density or maximum floor area ratio (FAR of 2) as allowed by the GC zone.
25. No changes to the existing open space within the Prospector Square planned area are proposed with the residential uses. The new building is proposed to be constructed on an existing re-platted lot. Common decks and terraces are provided as open areas for the units to share.
26. The physical design of the building, in terms of mass, scale, style, design and architectural detailing complies with Title 15-5-5- Architectural Design Guidelines of the Land Management Code and is compatible with the surrounding buildings. The proposed building is contemporary and distinct in design and compliments the variety of building styles in the area. Materials consist of wood, metal, concrete and glass. Green planted roofs and roof terraces provide outdoor space for the residents.
27. No signs are proposed at this time. All signs are subject to the Park City Sign Code.
28. Exterior lighting will be reviewed at the time of the building permit review.
29. The residential uses will not create noise, vibration, odors, steam or other mechanical factors that might affect people and property off-site.
30. The applicants propose to design and construct an enclosure for the existing trash dumpster located at the southwest corner of the parking lot. The service area within the enclosed parking area will include a recycling area.
31. There are no loading docks associated with this use.
32. If the owner desires to sell individual units in the future, a condominium record of survey plat will need to be applied for and recorded at Summit County.
33. The proposal exists within the Park City Soil Ordinance Boundary.
34. The development is located in a FEMA Flood Zone A.
35. The development is located adjacent to a stream with wetlands.
36. The findings in the Analysis section of this report are incorporated herein.

#### Conclusions of Law

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

#### Conditions of Approval

1. All standard conditions of project approval shall apply to this project.

2. Any signs associated with the use of the property must comply with the City's Sign Code.
3. No outdoor storage of goods or mechanical equipment is allowed on-site.
4. Review and approval of a final drainage plan by the City Engineer is required prior to building permit issuance.
5. Review and approval of the final utility plans for 1893 Prospector are required prior to building permit issuance.
6. Prior to issuance of a certificate of occupancy for the building, the reconfigured Parking Lot F shall be completed, including paving, striping, and landscaping.
7. Building Height shall be verified for compliance with the approved MPD plans prior building permit issuance.
8. The Construction Mitigation Plan, submitted prior to building permit issuance, shall include detailed information regarding coordination of utility installation, reconstruction of Parking Lot F, and the provision of any required interim parking during construction.
9. Prior to issuance of a building permit for construction of the proposed pedestrian bridge connection to the Rail Trail all required permits and/or encroachment agreements shall be obtained from the State Parks property owner and the City.
10. A stream alteration permit and/or 404 permit will be required for any work in the stream area.
11. An elevation certificate will be required showing that the lowest occupied floor is at or above the base flood elevation.
12. A stream study will be required to determine the upstream and downstream flood plain impacts. Impacts will be required to be mitigated.
13. A wetland delineation study by a certified wetland delineator will be required prior to building permit issuance to verify if any wetlands will be disturbed with construction of the building.
14. As part of the final utility plan and prior to issuance of a building permit, the water system must be modeled to verify that adequate fire flows and pressures can be provided to this building and whether water line upgrades are required.
15. All exterior lighting on the terraces and porches shall be reviewed by the Planning Department with the Building Permit application and shall be subdued, down directed, shielded, and with no exposed bare bulbs.
16. All conditions of approval of the Master Planned Development for 1893 Prospector Avenue apply to this Conditional Use Permit.

### **Exhibits**

- Exhibit A- Applicant's letter revised 4.13.15 and 5.7.15 email regarding the Housing Plan
- Exhibit B- Existing Conditions Survey
- Exhibit C- Gigaplat re-plat
- Exhibit D- Grading Plan
- Exhibit E- Utilities Plan
- Exhibit F- Site Plan
- Exhibit G- Floor Plans
- Exhibit H- Elevations
- Exhibit I- GC Zone section of LMC
- Exhibit J- Staff report and minutes of the March 25, 2015 PC meeting



Park City Municipal Corporation  
 Kirsten Whetstone  
 c/o Planning Department  
 445 Marsac Ave  
 PO Box 1480  
 Park City, UT 84060



RE: **Amendment** of the Central Park City Condominium Project Master Planned Development Application to include the City's Affordable Housing Requirement direction, submittal requirement #3. The amended information from our previous MPD application is highlighted in yellow (for clarity and efficiency).

Applicant: Mr. Peabody LLC, (Hank Louis, Ehlias Louis, CDR Development)  
 Project: Central Park City Condominiums  
 Location: 1893 Prospector Ave, Lot 25-B of the Gigaplat Replat

### General Project Description

Central Park City Condominiums is a project to build eleven (11) condominium units on Lot 25-B of the Gigaplat Replat of Parking Lot F, 1897 Prospector Square. The aim of the project is to provide housing in Central Park City that promotes its proximity as the main benefit to both the community and owners. With the connection to the Rail Trail and its close proximity to the local bus route, alternative transportation is available decreasing the reliability of automobiles around Park City. The design of the building incorporates multi-level design with vast open/communal space and decks to promote a community within the building. In addition, the project provides a new building with a design incorporating a visual aesthetic to improve the Prospector Avenue corridor.

For reference, Gigaplat Replat is a development agreement between Queeksdraw LLC (Hank Louis, Rhonda Sideris) and the Prospector Square Property Owners Association (PSPOA) to reconfigure parking Lot F, 1897 Prospector Ave. The reconfiguration is an effort to create an organic infill for the developments of Prospector Square Lot F providing a more urban feel for the area. This is accomplished by providing housing infrastructure on the existing "tarmac" like parking lot, therefore providing a natural feel to the area including true circulation and logical building sites. Current zoning of Lot 25-B is General Commercial (GC), however Queeksdraw LLC (Hank Louis & Rhonda Sider) is submitting an application for a Conditional Use Permit for Lot 25-B via the Planning Department.

The conceptual design of the Central Park City Condo building, drawings herein, incorporates the necessary requirements from the development agreement between Queeksdraw LLC & PSPOA, stating that the Gigaplat Replat shall include 103 parking spaces in Lot F (currently 99 spaces). In addition, careful consideration of the F.A.R. (2.0) and benefits to both the surrounding area and potential tenants were balanced. The resulting building has the following design characteristics:

- To conform to the parking space requirement the majority of the building is "on stilts" to provide the necessary parking required in Lot F. 12 parking slots under the building on will be on existing grade with residential units on floor two (2), three (3), and four (4).

- This configuration provides 104 parking slots on parking lot F.
- The eleven (11) units consist of: Three (3) two (2) bedrooms / two (2) bathrooms units, and seven (7) two (2) bedrooms / one (1) bathroom units, and one (1) studio unit.
- Each unit will have a storage closet on grade adjacent to the main circulation column (stairs and elevator to units) and parking stalls.
- The South side of the building includes a bridge, connected walkway, to the Rail Trail path connecting to the main bike/walk paths for Park City.
- The design incorporates natural light through each unit by using a L shape global floor plan allowing corners for windows and views of Park City Mountain Resort, or the “PC” mountain adjacent to Park City’s public schools.
- A large common space deck and a common space rooftop deck for the building residents incorporating a green-planted roof garden.

Central Park City Condo building is within the F.A.R. regulation: Lot 25-B is 5760 square feet with a F.A.R. of 2.0, resulting with an allowance of **11,520** square feet.

Unit / Space	Square Feet	# of Units	Total
Studio	500	1	486
Small (2bd/1ba)	810	7	5670
Large (2bd/2ba)	1017	3	3051
Storage Closet	52	11	572
Circulation Area	1500	1	1500
<b>Total</b>			<b>11,279</b>

### MPD Applicability

The Central Park City Condo project, upon completion, will result in a building with the following characteristics that align with the purpose of MPD in the Land Management Code (Chapter 6, Section 15-6-1):

- Lot 25-B in Lot F backs up to the Rail Trail and Open Space to the south. Project incorporates both features with views and design to compliment the use.
- Neighborhood consists of Residential Condominiums to the west and east, and commercial/offices and planned residential (Rhonda Sideris project on lot 25-A) to the north and west. Food, residential shops, and Athletic club all within walking distance. Development agreement with PSPOA results in more parking for lot F, from existing 99 spaces to 104 spaces. Gigaplat Replat accommodates the required (1) spot per bedroom. There are 12 parking slots under the building.
- With the connection to the Rail Trail, and location to public transportation bus route, the project promotes the community goals of less automobile usage and community resort feel of Park City.
- A positive contribution to the city through the addition of residential volume on the market. Project promotes the use of the Rail Trail for transportation to the main path artery to Main Street, and Park City Mountain Resort.
- Three different floor plan configurations provide diversity for the potential owners, with the goal of providing housing in Central Park City.



- Project promotes sustainable development through best practices of design through green rooftop, and plans of energy efficient building and appliances. Furthermore, the location and proximity to alternate transportation limiting the need for automobile use via free bus and the Rail Trail link.

Lot 25-B on Parking Lot F is in the General Commercial (GC) zoning designation with zero lot line development permitted. To optimize the Central Park City Condo project for the lot and development agreements (views, parking, flood plain, etc.), the design results in an “L” shape global plan. This allows the majority of the common space to face the Rail Trail and open space to the south. The project is within the F.A.R. limits (2.0), however with exception to the circulation column and storage spaces, all interior space begins on level two (the level connected to the Rail Trail). Therefore the building is four (4) stories on the northeastern corner, level 1 parking (on grade) and levels 2-4 residential, and three (3) stories along the northwestern wing, level 1 parking (on grade) and levels 2-3 residential.

### **MDP Requirement Applicability**

The following is our response and vision to the MPD Requirements listed in Chapter 6, Section 15-6-5.

- **DENSITY:** Maximum density is governed by the F.A.R. Lot 25-B has a F.A.R. of 2.0 resulting in allowable of 11,520 square feet. Central Park City Condo building is within this restriction measuring at 11,279 (see previous chart for details).
- **BUILDING FOOTPRINT IN HR-1 & HR-2:** Not Applicable. Lot 25-B is in a General Commercial (GC) zone.
- **SETBACKS:** Not Applicable. Lot 25-B is in zone GC that allows a Lot-line-to-Lot-line building envelope.
- **OPEN SPACE:** Not Applicable. Lot 25-B is in zone GC, and per definition GC zone is exempt.
- **OFF-STREET PARKING:** Development Agreement between Queeksdrow LLC and PSPOA regulates the Gigaplat Replat to provide no fewer than 99 parking slots for new configured Lot F. The design of Central Park City Condo building is “on stilts” to help conform and exceed the parking slot restriction. With the aid of the 12 slots under Central Park City Condo building the Gigaplat Replat provides 104 parking slots for the reconfigured Lot F.
- **BUILDING HEIGHT:** Central Park City Condo project is asking for a building height exemption. The reason for the request is due to the design solution that allows the building to be constructed and still be in agreement with PSPOA parking slot requirements, and reserve the architecturally interesting aesthetics for the project. The building is using the existing grade as parking, therefore only the circulation column and storage closets are touching the existing grade. Raising the building living floor and the open communal decks provide openness aesthetic and characteristic that will help to provide a new feel for the Prospector Avenue corridor. Residential units comprise of floors 2, 3, and 4. The maximum roof height is 41’-6”, the General Commercial code limit is 35’. Due to the multi-level design approach only a portion of the entire building exceeds the limit. Only the north east section of the building has the 4<sup>th</sup> level which is the reason for our height exemption request.



- Our request for the height exemption does NOT result in an increase of square footage. Central Park City Condos will NOT exceed current F.A.R. restriction.
- Conceptual design of the building is not believed to create shadows or loss of solar access to adjacent structures. Additionally the Gigaplat Replat positioned Lot 25-B with ample parking lot buffers and circulation for air in the surrounding area.
- Gigaplat Replat incorporates landscaping that currently does not exist on Lot F, and the site plan does provide advantageous buffering to adjacent structures.
- Open space is not affected by the height exemption request.
- Lot 25-B is in a GC zone.
- **SITE PLANNING:** Gigaplat Replat was completed to provide a more organic infill to Lot F to give a more urban feel to any developments on the site. Lot 25-B is both a beneficiary and active participant to this favorable development approach.
  - The building sites were arranged to provide a flow to the area and break up the “tarmac” looks of parking Lot F.
  - Minimal grading is accomplished by using the grade as the parking level.
  - Minimal grading will be performed to improve the flow of water from its current state, around the building and appropriately directed toward existing drainage routes.
  - Central Park City Condo building will be physically connected to the rail trail providing alternate modes of transportation around town.
  - Gigaplat Replat and the development agreement between Queeksdraw LLC and PSPOA has resulted in the addition of pedestrian walkways and improved vehicle flow around Lot F. Additionally, landscaping will be added to the Lot F to help visually direct and soften the developments.
  - Gigaplat Replat has provided the necessary allotment for snow removal and snow storage areas for Lot F.
  - Gigaplat Replat designates the necessary trash collection and recycling facilities for Lot F and Central Park City Condo project.
  - Local bus stop on Prospector Ave. is called out on the site plan.
  - Service and delivery access loading and unloading for the Gigaplat Replat is called out on site plan.
- **LANDSCAPE AND STREET SCAPE:** Gigaplat Replat includes added landscaping for Lot F.
- **SENSITIVE LANDS COMPLIANCE:** Lot 25-B is not in a sensitive lands zone.
- **EMPLOYEE/AFFORDABLE HOUSING:** The Central Park City Condo project is required to provide Affordable Housing Units under the MDP LMC. The project will provide the necessary Affordable Housing with one of the following options, as allowed by the Affordable Housing Resolution 25-12.
  - The project will include, on site, the necessary square feet of required fully compliant Affordable Unit Equivalentents (AUE), OR
  - The project will include some AUE compliant square feet on site AND pay the in lieu fee for the remaining square feet (AUE) not provided.

Central Park City Condos priority is to include all required AUE on site under the full compliance of the Housing Resolution, however it is undecided at this time which option above will be chosen. We have followed the necessary steps with the City’s Sustainability Department and have provided the information above via a Affordable Housing mitigation plan document.

This document details our plan (in either case above) with the necessary square footage calculations required to fully comply with the Housing Resolution 25-12.

- **CHILD CARE:** Not applicable.
- **MINE HAZARDS:** Not applicable.
- **HISTORIC MINE WASTE MITIGATION:** Have a soils report for Lot 25-B, using minimal grading and capping techniques and leaving the soil on site.



EXHIBIT A  
(see revised)

Park City Municipal Corporation  
Planning Department  
445 Marsac Ave  
PO Box 1480  
Park City, UT 84060

RE: Central Park City Condominium Master Planned Development Application, submittal requirement #3.

Applicant: Mr. Peabody LLC, (Hank Louis, Ehlias Louis, CDR Development)  
Project: Central Park City Condominiums  
Location: 1893 Prospector Ave, Lot 25-B of the Gigaplat Replat

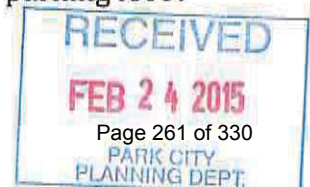
**General Project Description**

Central Park City Condominiums is a project to build ten (10) two bedroom units on Lot 25-B of the Gigaplat Replat of Parking Lot F, 1897 Prospector Square. The aim of the project is to provide housing in Central Park City that promotes its proximity as the main benefit to both the community and owners. With the connection to the Rail Trail and its close proximity to the local bus route, alternative transportation is available decreasing the reliability of automobiles around Park City. The design of the building incorporates multi-level design with vast open/communal space and decks to promote a community within the building. In addition, the project provides a new building with a design incorporating a visual aesthetic to improve the Prospector Avenue corridor.

Gigaplat Replat is a development agreement between Queeksdraw LLC (Hank Louis, Rhonda Sideris) and the Prospector Square Property Owners Association (PSPOA) to reconfigure parking Lot F, 1897 Prospector Ave. The reconfiguration is an effort to create an organic infill for the developments of Prospector Square Lot F providing a more urban feel for the area. This is accomplished by providing housing infrastructure on the existing "tarmac" like parking lot, therefore providing a natural feel to the area including true circulation and logical building sites. Current zoning of Lot 25-B is General Commercial (GC), however Queeksdraw LLC (Hank Louis & Rhonda Sider) is submitting an application for a Conditional Use Permit for Lot 25-B via the Planning Department.

The conceptual design of the Central Park City Condo building, drawings herein, incorporates the necessary requirements from the development agreement between Queeksdraw LLC & PSPOA, stating that the Gigaplat Replat shall include no fewer than the existing parking spaces in Lot F (99 spaces). In addition, careful consideration of the F.A.R. (2.0) and benefits to both the surrounding area and potential tenants were balanced. The resulting building has the following design characteristics:

- To conform to the parking space requirement the majority of the building is "on stilts" to provide the necessary parking required in Lot F. 12 parking slots under the building on will be on existing grade with residential units on floor two (2), three (3), and four (4). This configuration provides 104 parking slots on parking lot F.





- The ten (10) units consist of: four (4) two (2) bedrooms, two (2) bathrooms units, and six (6) two (2) bedrooms, one (1) bathroom units.
- Each unit will have a storage closet on grade adjacent to the main circulation column (stairs and elevator to units) and parking stalls.
- The South side of the building includes a bridge, connected walkway, to the Rail Trail path connecting to the main bike/walk paths for Park City.
- The design incorporates natural light through each unit by using a L shape global floor plan allowing corners for windows and views of Park City Mountain Resort, or the "PC" mountain adjacent to Park City's public schools
- A large common space deck and a common space rooftop deck for the building residents incorporating a green-planted roof garden.

Central Park City Condo building is within the F.A.R. regulation: Lot 25-B is 5760 square feet with a F.A.R. of 2.0, resulting with an allowance of 11,520 square feet.

### **MPD Applicability**

The Central Park City Condo project, upon completion, will result in a building with the following characteristics that align with the purpose of MPD in the Land Management Code (Chapter 6, Section 15-6-1):

- Lot 25-B in Lot F backs up to the Rail Trail and Open Space to the south. Project incorporates both features with views and design to compliment the use.
- Neighborhood consists of Residential Condominiums to the west and east, and commercial/offices and planned residential (Rhonda Sideris project on lot 25-A) to the north and west. Food, residential shops, and Athletic club all within walking distance. Development agreement with PSPOA results in more parking for lot F, from existing 99 spaces to 104 spaces. Gigaplat Replat accommodates the required (1) spot per bedroom. There are 12 parking slots under the building.
- With the connection to the Rail Trail, and location to public transportation bus route, the project promotes the community goals of less automobile usage and community resort feel of Park City.
- A positive contribution to the city through the addition of residential volume on the market. Project promotes the use of the Rail Trail for transportation to the main path artery to Main Street, and Park City Mountain Resort.
- Two different floor plan configurations provide diversity for the potential owners, with the goal of providing housing in Central Park City.
- Project promotes sustainable development through best practices of design through green rooftop, and plans of energy efficient building and appliances. Furthermore, the location and proximity to alternate transportation limiting the need for automobile use via free bus and the Rail Trail link.

Lot 25-B on Parking Lot F is in the General Commercial (GC) zoning designation with zero lot line development permitted. To optimize the Central Park City Condo project for the lot and development agreements (views, parking, flood plain, etc.), the design results in an "L" shape global plan. This allows the majority of the common space to face the Rail Trail and open space



to the south. The project is within the F.A.R. limits (2.0), however with exception to the circulation column and storage spaces, all interior space begins on level two (the level connected to the Rail Trail). Therefore the building is four (4) stories on the northeastern corner, level 1 parking (on grade) and levels 2-4 residential, and three (3) stories along the northwestern wing, level 1 parking (on grade) and levels 2-3 residential.

### **MDP Requirement Applicability**

The following is our response and vision to the MPD Requirements listed in Chapter 6, Section 15-6-5.

- A. **DENSITY:** Maximum density is governed by the F.A.R. Lot 25-B has a F.A.R. of 2.0 resulting in allowable of 11,520 square feet. Central Park City Condo building is within this restriction.
- B. **BUILDING FOOTPRINT IN HR-1 & HR-2:** Not Applicable. Lot 25-B is in a General Commercial (GC) zone.
- C. **SETBACKS:** Not Applicable. Lot 25-B is in zone GC that allows a Lot-line-to-Lot-line building envelope.
- D. **OPEN SPACE:** Not Applicable. Lot 25-B is in zone GC, and per definition GC zone is exempt.
- E. **OFF-STREET PARKING:** Development Agreement between Queeksdraw LLC and PSPOA regulates the Gigaplat Replat to provide no fewer than 99 parking slots for new configured Lot F. The design of Central Park City Condo building is "on stilts" to help conform and exceed the parking slot restriction. With the aid of the 12 slots under Central Park City Condo building the Gigaplat Replat provides 104 parking slots for the reconfigured Lot F.
- F. **BUILDING HEIGHT:** Central Park City Condo project is asking for a building height exemption. The reason for the request is due to the design solution that allows the building to be constructed and still be in agreement with PSPOA parking slot requirements, and reserve the architecturally interesting aesthetics for the project. The building is using the existing grade as parking, therefore only the circulation column and storage closets are touching the existing grade. Raising the building living floor and the open communal decks provide openness aesthetic and characteristic that will help to provide a new feel for the Prospector Avenue corridor. Residential units comprise of floors 2, 3, and 4. The maximum roof height is 41'-6", the General Commercial code limit is 35'. Due to the multi-level design approach only a portion of the entire building exceeds the limit. Only the north east section of the building has the 4<sup>th</sup> level which is the reason for our height exemption request.
  - 1. Our request for the height exemption does NOT result in an increase of square footage. Central Park City Condos will NOT exceed current F.A.R. restriction.
  - 2. Conceptual design of the building is not believed to create shadows or loss of solar access to adjacent structures. Additionally the Gigaplat Replat positioned Lot 25-B with ample parking lot buffers and circulation for air in the surrounding area.
  - 3. Gigaplat Replat incorporates landscaping that currently does not exist on Lot F, and the site plan does provide advantageous buffering to adjacent structures.
  - 4. Open space is not affected by the height exemption request.

5. Lot 25-B is in a GC zone.
- G. **SITE PLANNING:** Gigaplat Replat was completed to provide a more organic infill to Lot F to give a more urban feel to any developments on the site. Lot 25-B is both a beneficiary and active participant to this favorable development approach.
1. The building sites were arranged to provide a flow to the area and break up the "tarmac" looks of parking Lot F.
  2. Minimal grading is accomplished by using the grade as the parking level.
  3. Minimal grading will be performed to improve the flow of water from its current state, around the building and appropriately directed toward existing drainage routes.
  4. Central Park City Condo building will be physically connected to the rail trail providing alternate modes of transportation around town.
  5. Gigaplat Replat and the development agreement between Queeksdraw LLC and PSPOA has resulted in the addition of pedestrian walkways and improved vehicle flow around Lot F. Additionally, landscaping will be added to the Lot F to help visually direct and soften the developments.
  6. Gigaplat Replat has provided the necessary allotment for snow removal and snow storage areas for Lot F.
  7. Gigaplat Replat designates the necessary trash collection and recycling facilities for Lot F and Central Park City Condo project.
  8. Local bus stop on Prospector Ave. is called out on the site plan.
  9. Service and delivery access loading and unloading for the Gigaplat Replat is called out on site plan.
- H. **LANDSCAPE AND STREET SCAPE:** Gigaplat Replat includes added landscaping for Lot F.
- I. **SENSITIVE LANDS COMPLIANCE:** Lot 25-B is not in a sensitive lands zone.
- J. **EMPLOYEE/AFFORDABLE HOUSING:** Not applicable
- K. **CHILD CARE:** Not applicable.
- L. **MINE HAZARDS:** Not applicable.
- M. **HISTORIC MINE WASTE MITIGATION:** Have a soils report for Lot 25-B, using minimal grading and capping techniques and leaving the soil on site.



Park City Municipal Corporation  
Planning Department  
445 Marsac Ave  
PO Box 1480  
Park City, UT 84060

RE: Application for Master Planned Development, submittal requirement #2

Applicant: Queeksdraw LLC, (Hank Louis & Rhonda Sideris)  
Project: Central Park Apartments  
Location: 1917 Prospector Ave, Lot 25b of the Gigaplat Replat

### **General Project Description**

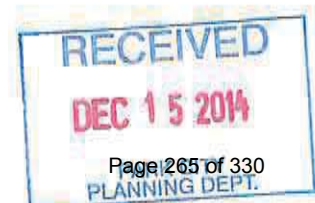
Central Park City Apartments is a project to build ten (10) two bedroom units to be leased with 12-month terms on the Lot 25b of the Gigaplat Replat of Parking Lot F, 1897 Prospector Square. Current zoning of the lot is General Commercial (GC), however Queeksdraw LLC is submitting an application for a Conditional Use Permit via the Planning Department.

The conceptual design, drawings herein, incorporates the necessary requirements from the development agreement between Queeksdraw LLC & PSPOA (Prospector Square Property Owners Association), stating that the Gigaplat Replat shall include no fewer than the existing parking spaces in Lot F (99 spaces). In addition, careful consideration of the F.A.R. (2.0) and benefits to both the surrounding area and potential tenants were balanced. The resulting building has the following design characteristics:

- The entire building is “on stilts” to provide the necessary parking required on Lot F. The parking will be on existing grade with first residential units on floor two (2).
- The ten (10) units consist of: four (4) two (2) bedrooms, two (2) bathroom units, and six (6) two (2) bedrooms, one (1) bathroom units.
- 12 parking spaces are retained under the building on grade.
- Each unit will have a storage closet on grade adjacent to the main circulation column (stairs and elevator to units) and parking stalls.
- The South side of the building includes a bridge, connected walkway, to the Rails Trails path connecting to the main bike/walk paths for Park City.
- The design incorporates natural light through each unit by using a L shape global floor plan allowing corners for windows and views of Park City Mountain Resort, or the “PC” mountain adjacent to Park City’s public schools
- A large second floor (first residential floor) common space deck and a common space rooftop deck for the building residents incorporating a green-planted roof garden.

The goal of the project is to provide needed housing in Central Park City that promotes its proximity as the main benefit to both the community and to the tenants. With the connection to the Rail Trail and its close proximity to the local bus route, alternative transportation is available decreasing the reliability of automobiles around Park City.

### **MPD Applicability**



Central Park Apartments project, upon completion, will result in a building with the following characteristics that align with the purpose of MPD in the Land Management Code (Chapter 6, Section 15-6-1):

- Lot 25b in Lot F backs up to the Rail Trail and Open Space to the south. Project incorporates both features with views and design to compliment the use.
- Neighborhood consists of Residential Condominiums to the west and east, and commercial/offices and planned residential (Rhonda Sideris project on Lot25a) to the north and west. Food, residential shops, and Athletic club all within walking distance. Development agreement with PSPOA results in more parking for Lot F, from existing 99 spaces to 105 spaces. 12 spaces are designed under the project and surplus parking with the additional six (6) from the Replat and the rest of parking lot F to accommodate one (1) spot per bedroom.
- With the connection to the Rail Trail, and location to public transportation bus route, the project promotes the community goals of less automobile usage and community resort feel of Park City. In addition, providing residential space as long-term rentals (12 month leases) for young professionals to live in Central Park City vs. options out towards Kimbal Junction.
- A positive contribution to the city through the addition of residential volume on the market for the City's work force. Project promotes the use of the Rail Trail for transportation to the main path artery to Main Street, and Park City Mountain Resort.
- Two different apartment configurations provide diversity for the potential tenants, with the goal of providing housing to young/new professionals in Central Park City.
- Project promotes sustainable development through best practices of design through green rooftop, and plans of energy efficient building and appliances. Furthermore, the location and proximity to alternate transportation limiting the need for automobile use via free bus and the Rail Trail link.

Lot 25b on Parking Lot F is in the General Commercial (GC) zoning designation with zero lot line development permitted. To optimize the Central Park Apartment project for the lot and development agreements (views, parking, flood plain, etc.), the design results in an "L" shape global plan. This allows the majority of the common space to face the Rail Trail and open space to the south. The project is within the F.A.R. limits (2.0), however with exception to the circulation column and storage spaces, all interior space begins on level two (the level connected to the Rail Trail). Therefore the building is four (4) stories on the northeastern corner, level 1 parking (on grade) and levels 2-4 residential, and three (3) stories along the northwestern wing, level 1 parking (on grade) and levels 2-3 residential.





**Kirsten Whetstone**

---

**From:** Ehlias Louis <ehlias.louis@mac.com>  
**Sent:** Monday, March 16, 2015 10:08 AM  
**To:** Kirsten Whetstone  
**Cc:** Andrew Foster  
**Subject:** Central Park City Condo Project (Affordable Housing Clarification)

Kirsten,

We had a meeting with Rhoda Stauffer in the Sustainable Department to better understand our requirements for providing affordable units in the Central Park City Condo project. Therefore we need to clear up our assumption that was incorrect in the application for the MPD. Detailed below is our response and understanding of our position:

- Per MPD requirement Section 15-6-5, Subsection J, **Affordable Housing:**
  - Central Park City Condo project has 10 units, therefore mandated by the Affordable Housing Resolution 25-12 we have to provide 1.5 Affordable Housing Units (AHU). Using the calculation formula provided in the Affordable Housing Resolution, we will need to provide 1,350 sq. ft.
  - These AHU units will be provided by Central Park City Condo Project by the allowable process outlined in the Resolution.
  - Our general thinking of how to provide the AHU is to either provide the required square footage on-site under deed restricted unit sales, or to pay the in lieu fee outlined in the Resolution, OR a combination of both.
  - If we elect to provide the square footage AHU via on-site deed restricted unit sales, we will not use the AHU square feet in our calculation to abide by the F.A.R. of 2.0 for the project. In other words, the project in whole could be over the 2.0 F.A.R. restriction, however as stated in Section 8 of the Affordable Housing Resolution 25-12, on-site AHU units do not count against density calculations for the project.

Please don't hesitate to contact either Andrew or me if you have any questions,

Kindly,

Ehlias

-----  
Ehlias Louis  
Gigaplex Design  
966 Rosemary St.  
Denver, CO 80230  
720.289.4443  
[ehlias.louis@mac.com](mailto:ehlias.louis@mac.com)

**Kirsten Whetstone**

---

**From:** Rhoda Stauffer  
**Sent:** Thursday, May 07, 2015 5:45 PM  
**To:** Ehlias Louis  
**Cc:** Kirsten Whetstone; Andrew Foster  
**Subject:** Re: Housing Plan for 1893 Prospector

As Ehlias has already stated, we are keyed up to go before the Housing Authority on May 14. We are providing Council with two options - one being that both units will be built on site (staff's priority and recommendation) and the second being a combination of in-lieu fee and one unit on site.

I am very happy that Ehlias has indicated that it is very likely that putting both units on site will work better for them as well since staff -- and likely Council -- will prefer that option.

Hope this helps and Kirsten, I'll forward my staff report when everyone has approved it.  
 Thanks

Rhoda

Sent from my iPad

On May 7, 2015, at 4:56 PM, Ehlias Louis <[ehlias.louis@mac.com](mailto:ehlias.louis@mac.com)> wrote:

Kirsten,

I have provided the answers to your questions below in black. Will we have the opportunity to review your report before the planning commission meeting on Wednesday?

Let me know if you have any further questions.

Thanks,

Ehlias

On May 7, 2015, at 4:41 PM, Kirsten Whetstone <[kirsten@parkcity.org](mailto:kirsten@parkcity.org)> wrote:

What is the final Housing Mitigation Plan for the 10 units?

The housing mitigation plan is that we will be providing 2 units as deed restricted affordable units on site (in the building) abiding by the Housing Resolution 25-12. The building is 11 total units: 2 deed restricted units, and 9 market units.

I understand that you are providing 1 unit within the building.  
 What about the rest? Do you have approval from the Housing Authority yet?

The other nine (9) units will be sold at market rate. No, we do not have approval yet.

If not, when do you anticipate getting it?

We have a meeting with the Housing Authority on Thursday May 14th (day after planning commission).

If they say no to fees for the rest of the required housing will the proposed building change?

In lieu fees is not the direction we are going anymore. If they say no to the on site units, and ask for in lieu fees instead, we will sell the units all market rate and pay fees (I don't think they would do that).

I need at least an affirmative from the applicant on what your current plan entails, not what options you are considering.

Thanks

Kirsten

Kirsten A. Whetstone, MS, AICP  
Senior Planner

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

<image001.jpg>

# EXHIBIT B

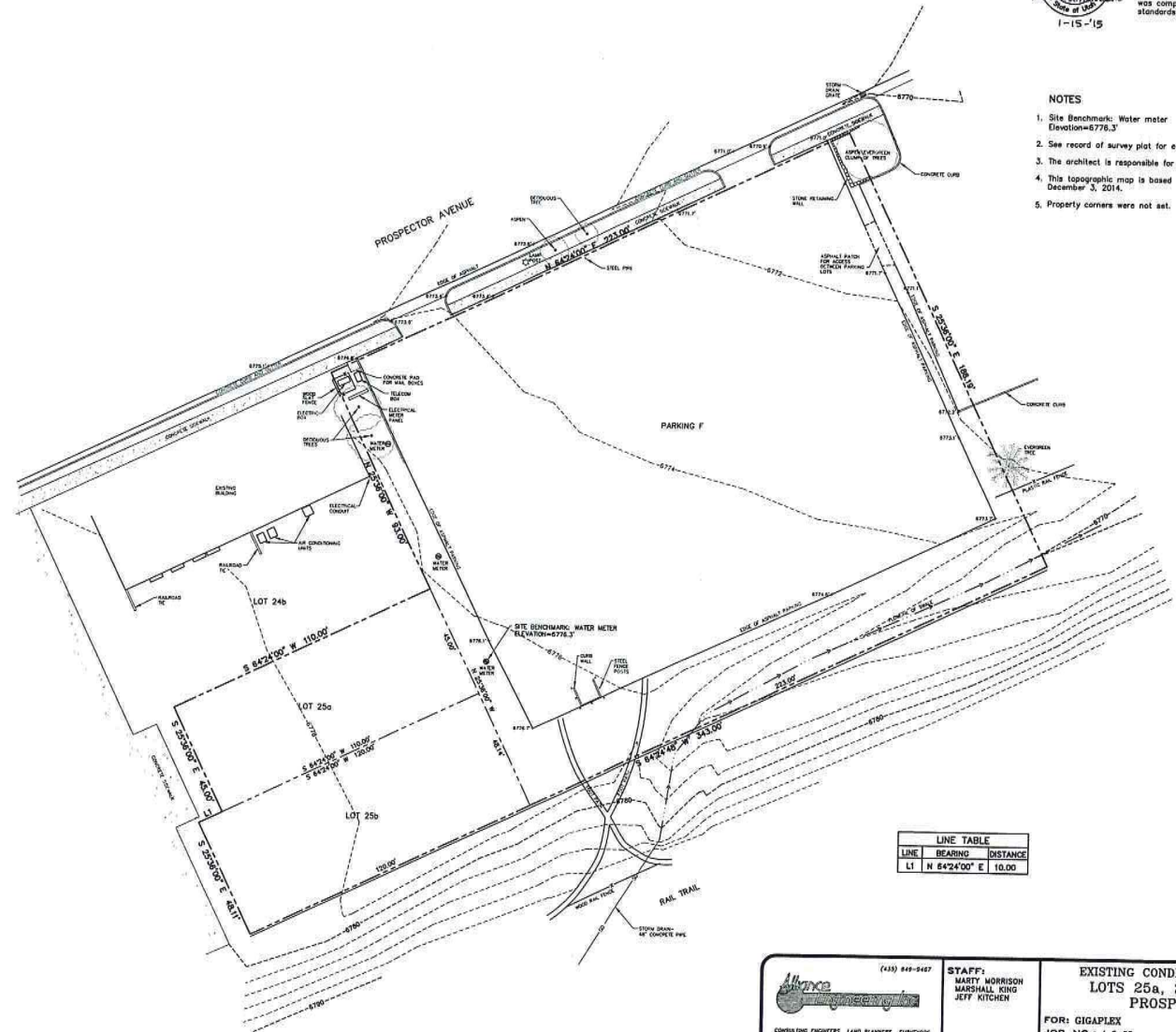


### SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold Certification No. 4038730 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and it is in compliance with generally accepted industry standards for accuracy.

### NOTES

1. Site Benchmark: Water meter Elevation=5776.3
2. See record of survey plot for easements and restrictions.
3. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
4. This topographic map is based on field surveys performed on July 20, 1994, April 28, 2005, and December 3, 2014.
5. Property corners were not set.



LINE TABLE		
LINE	BEARING	DISTANCE
LI	N 84°24'00" E	10.00



<p>(435) 848-2487</p> <p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS</p> <p>222 Main Street, P.O. Box 2084 Park City, Utah 84050-2084</p>	<p>STAFF:</p> <p>MARTY MORRISON MARSHALL KING JEFF KITCHEN</p>	<p>EXISTING CONDITIONS/TOPOGRAPHIC MAP</p> <p>LOTS 25a, 25b and PARKING F</p> <p>PROSPECTOR SQUARE</p>	<p>SHEET</p> <p>1</p> <p>OF</p> <p>1</p>
	<p>FOR: GIGAPLEX</p> <p>JOB NO.: 4-3-08</p> <p>FILE: K:\Prospector\dwg\mrt\topo2008\040508.dwg</p>	<p>DATE: 1/15/15</p>	





**gtgplex**  
 ARCHITECTS  
 1255 Ironhorse Drive,  
 2nd level  
 PO BOX 3360  
 Park City, UT 84060  
 P: 435-649-7800  
 F: 435-649-6545  
 office@gtgplex.com

**QUEEKSDRAW LLC**  
 1915 PROSPECTOR AVE. LOT 25B

date:  
 12/15/14

dwg title:  
 EXISTING  
 SITE

dwg #:  
 A101

A101

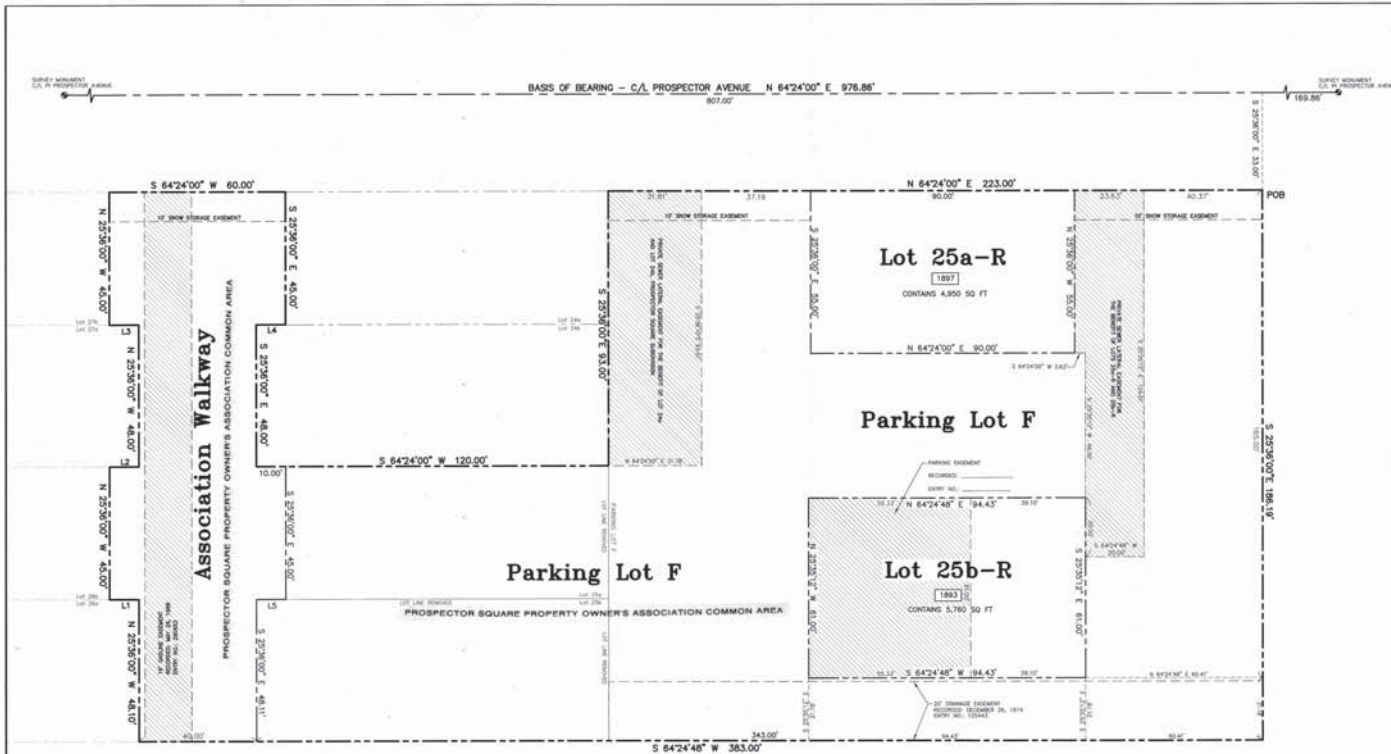
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**DEC 15 2014**  
 PARK CITY  
 PLANNING DEPT.

⊕ ① EXISTING SITE  
 1" = 40'-0"

EXISTING CONDITIONS PHOTO



# EXHIBIT C



LINE	BEARING	DISTANCE
L1	S 84°24'00" W	10.00'
L2	N 84°24'00" E	10.00'
L3	S 84°24'00" W	10.00'
L4	S 84°24'00" W	10.00'
L5	S 84°24'00" W	10.00'

NOTE  
 XXXX Street address on Prospect Avenue

- Ownership, operation, and maintenance of the private sewer lateral for the benefit of Lot 25b-R shall be the responsibility of the owner of Lot 25b-R.
- Modified 13-D sprinklers may be required for new construction to be determined by the Chief Building Official at the time of review of the building permit submittal.
- This plot is subject to the conditions of approval in Ordinance 14-28.
- Future development on Lot 25b-R is required to comply with the Order of the State Engineer regarding streamside construction application Number 12-35-505A, or as amended and restated. This permit expires January 15, 2016.
- All required Army Corps of Engineers permits are required prior to any work in the stream corridor, including stream rehabilitation work.
- An elevation certificate is required for each building prior to the issuance of building permits, as required by the Flood Plain Manager, for any work in the flood plain.
- The subdivision is located in FEMA Flood Zone A, which will require a hydraulic & hydrology study upstream and downstream of development prior to permit issuance for construction on Lot 25b-R.

A RESUBDIVISION OF LOTS 25a, 25b, Parking Lot F, & Common Area of Prospect Square Supplemental Amended Plat

## GIGAPLAT REPLAT

LOCATED IN NE 1/4 SECTION 9  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH



**SURVEYOR'S CERTIFICATE**  
 I, John Demaree, certify that I am a Registered Land Surveyor and that I hold Certificate No. 15449, as prescribed by the laws of the State of Utah, and that by authority of the owner, I have prepared this Record of Survey map of the GIGAPLAT REPLAT and that the same has been or will be as shown on the ground or shown on this plat. I further certify that the information on this plat is accurate.

**PROPERTY DESCRIPTIONS**  
 Parcel 1:  
 All of Lot 25A PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, according to the official plat thereof, recorded as Entry No. 397064 of the official records in the office of Summit County Records, records of Summit County, Utah.  
 Parcel 2:  
 All of Lot 25B PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, according to the official plat thereof, recorded as Entry No. 397064 of the official records in the office of Summit County Records, records of Summit County, Utah.  
 Parcel 3:  
 All of Lot F, PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, according to the official plat thereof, recorded as Entry No. 397064 of the official records in the office of Summit County Records, records of Summit County, Utah.  
 Parcel 4:  
 A parcel of land located in the northeast corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at the easternmost corner of Lot 25a of the Amended Plat of Prospect Square, recorded as Entry #125443 according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being located South 89°41'14" East 83.785 feet and North 64°24'48" East 83.882 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the easterly and northerly boundaries of Lot 25a the following two (2) courses: (1) North 25°38'00" West 48.10 feet; thence (2) South 84°24'00" West 10.00 feet to the southeasterly corner of Lot 25a; thence along the easterly boundary of Lot 25a North 25°38'00" West 45.00 feet to the southeasterly corner of Lot 27a; thence along the southerly, easterly and northerly boundaries of Lot 27a the following three (3) courses: (1) North 84°24'00" East 15.00 feet; thence (2) North 25°38'00" West 45.00 feet; thence (3) South 84°24'00" West 10.00 feet to the southeasterly corner of Lot 27a; thence along the easterly boundary of Lot 27a North 25°38'00" West 45.00 feet to the southerly right-of-way of Prospect Avenue, Amended Plat of Prospect Square; thence along said southerly right-of-way North 84°24'00" East 60.00 feet to the northerly corner of Lot 25a; thence along the westerly boundary of Lot 25a South 25°38'00" East 65.00 feet to the northerly boundary of Lot 25a; thence along the northerly, westerly and southerly boundaries of Lot 25a the following three (3) courses: (1) South 84°24'00" West 10.00 feet; thence (2) South 25°38'00" East 45.00 feet; thence (3) North 84°24'00" East 10.00 feet to the northeasterly corner of Lot 25a; thence along the easterly boundary of Lot 25a South 25°38'00" East 45.00 feet to the northerly boundary of Lot 25b; thence along the northerly and westerly boundaries of Lot 25b the following two (2) courses: (1) South 84°24'00" West 10.00 feet; thence (2) South 25°38'00" East 48.11 feet to the southerly boundary of said Amended Plat of Prospect Square; thence along the southerly boundary of the Amended Plat of Prospect Square South 84°24'48" West 40.00 feet to the point of beginning.

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

KNOW ALL MEN BY THESE PRESENTS THAT IGM, LLC, A Utah Limited Liability Company, the undersigned owner of Parcel 1, does hereby certify that it has caused this survey to be made and Gigaplat Reply to be prepared, and does hereby consent to the recordation of this plat amendment.  
 In witness whereof the undersigned has executed this certificate and dedication this 25 day of February 2015.  
 IGM, LLC, a Utah Limited Liability Company  
 By: Rhonda Slater  
 Rhonda Slater  
 President

**ACKNOWLEDGMENT**

State of Utah  
 County of Summit  
 On this 25th day of February, 2015, personally appeared before me Rhonda Slater, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that she is the President of IGM, LLC, a Utah Limited Liability Company and that said document was signed by her on behalf of said corporation by authority of its bylaws, or (resolution of its board of directors), and said Rhonda Slater acknowledged to me that said corporation executed the same.  
 Notary Public  
Kathryn N. Gold  
 Kathryn N. Gold  
 Printed Name: Kathryn N. Gold  
 Residing in: Park City, Utah  
 My commission expires: 03/06/2017

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

KNOW ALL MEN BY THESE PRESENTS THAT PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION, the undersigned owner of Parcels 2 & 4, does hereby certify that it has caused this survey to be made and Gigaplat Reply to be prepared, and does hereby consent to the recordation of this plat amendment.  
 In witness whereof the undersigned has executed this certificate and dedication this 24th day of February, 2015.  
 By: Dean S. Barrett  
 Dean S. Barrett, President  
 PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION

**ACKNOWLEDGMENT**

State of Utah  
 County of Summit  
 On this 24th day of February, 2015, personally appeared before me, the undersigned notary public, in and for said County and State, Dean S. Barrett, acknowledged to me that he is the president of PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION and that he signed the above on behalf of PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION.  
 Notary Public  
Kathryn N. Gold  
 Kathryn N. Gold  
 Printed Name: Kathryn N. Gold  
 Residing in: Park City, Utah  
 My commission expires: 03/06/2017

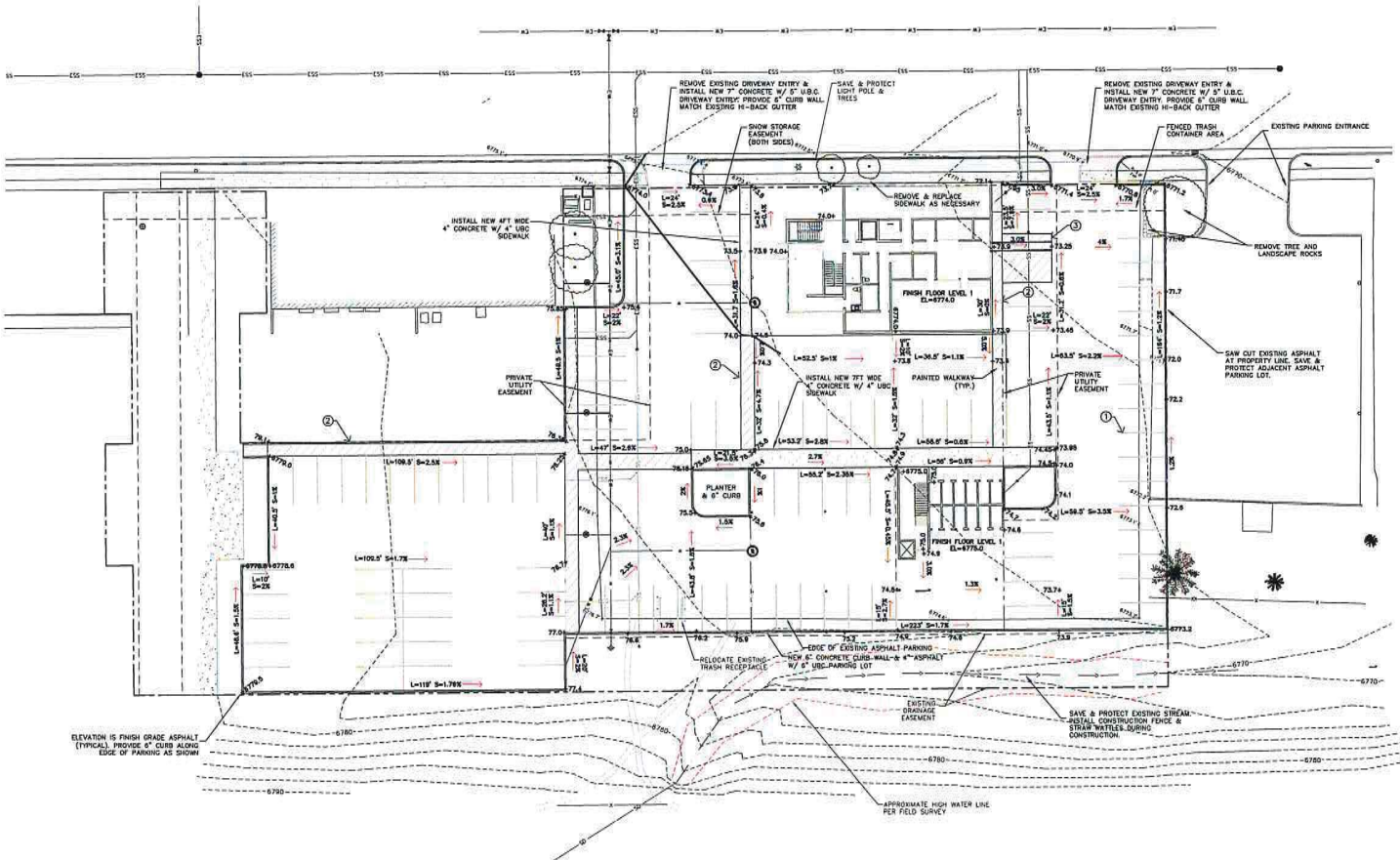
**ACKNOWLEDGMENT**

State of Utah  
 County of Summit  
 On this 2nd day of March, 2015, personally appeared before me Henry Louis, whose identity is personally known to me (or proven on the basis of satisfactory evidence), and who by me duly sworn/affirmed, did say that he is the president of FIGHORN LEIGHORN, LTD. and that said document was signed by him on behalf of said corporation by authority of its bylaws, or (resolution of its board of directors), and said Henry Louis acknowledged to me that said corporation executed the same.  
 Notary Public  
Kathryn N. Gold  
 Kathryn N. Gold  
 Printed Name: Kathryn N. Gold  
 Residing in: Park City, UT  
 My commission expires: 03/06/2017



 (435) 669-6667 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 223 Main Street P.O. Box 2864 Park City, Utah 84302-2864	<b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b> REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>3</u> DAY OF <u>March</u> , 2015 BY: <u>[Signature]</u> S.B.W.R.D.	<b>PLANNING COMMISSION</b> APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 14TH DAY OF MAY, 2014 BY: <u>[Signature]</u> CHAIR	<b>ENGINEER'S CERTIFICATE</b> I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 18th DAY OF <u>March</u> , 2015 BY: <u>[Signature]</u> PARK CITY ENGINEER	<b>APPROVAL AS TO FORM</b> APPROVED AS TO FORM THIS 30th DAY OF <u>April</u> , 2015 BY: <u>[Signature]</u> PARK CITY ATTORNEY	<b>COUNCIL APPROVAL AND ACCEPTANCE</b> APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 5TH DAY OF JUNE, 2014 BY: <u>[Signature]</u> MAYOR	<b>CERTIFICATE OF ATTEST</b> I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 30th DAY OF <u>April</u> , 2015 BY: <u>[Signature]</u> PARK CITY RECORDER	<b>RECORDED</b> STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>Park City Lodging, Inc.</u> DATE <u>5/11/15</u> TIME <u>2:44pm</u> ENTRY NO. <u>1017722</u> <u>32.00</u> FEE <u>C. Willoughby Sparty</u> RECORDER
	SHEET 1 OF 1 JOB NO.: 4-5-08 FILE: X:\Prospector\Udev\proj\2015\045008.dwg						

EXHIBIT D



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 FEB 24 2015  
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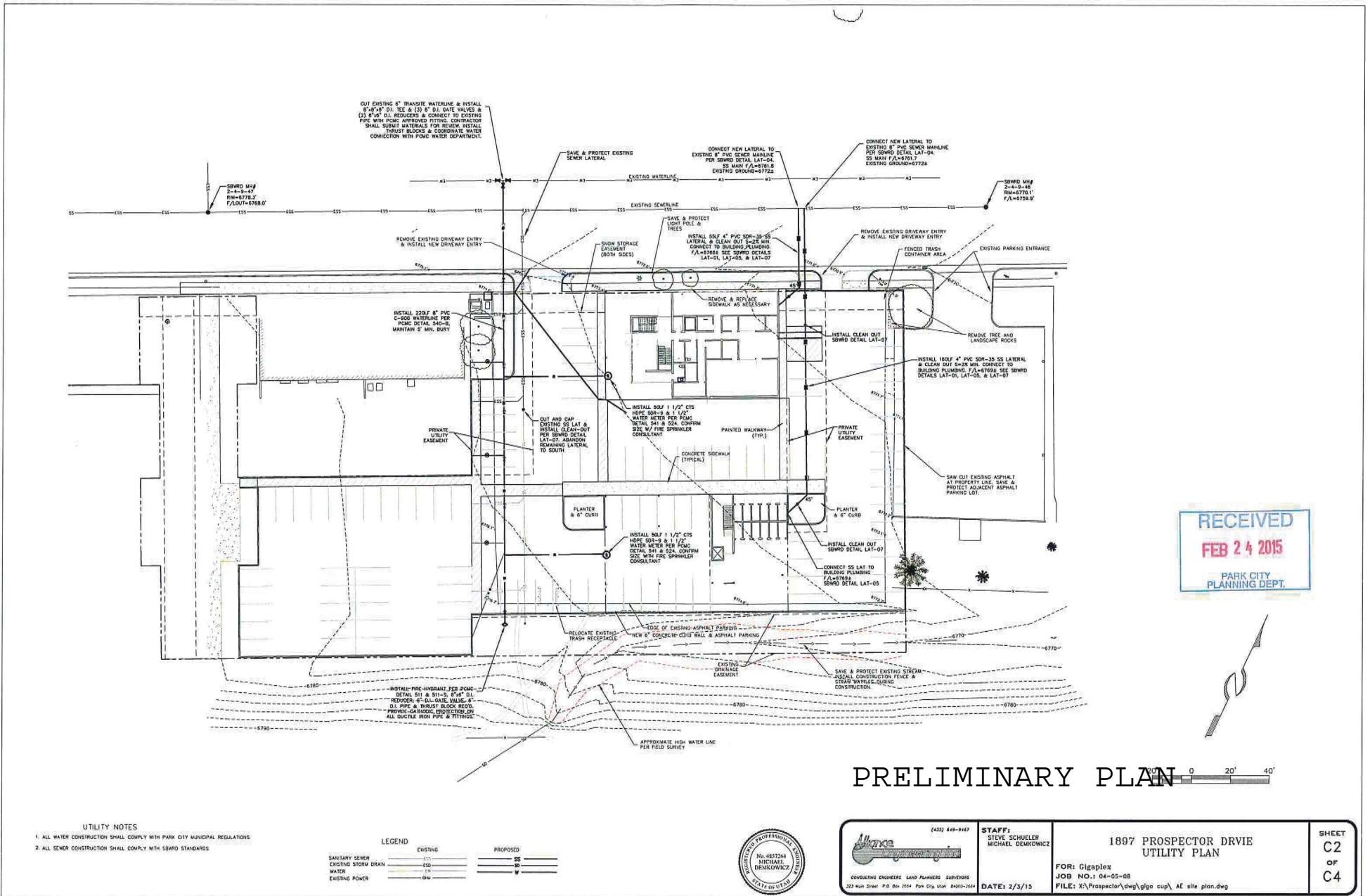
**PAVEMENT MARKINGS:**  
 ① PARKING STRIPING (9'X18' STALLS) (YELLOW COLOR)  
 ② WALKWAY STRIPING (18" STRIPES) (WHITE COLOR)  
 ③ BUILDING LOADING STRIPING (18" STRIPES) (YELLOW COLOR)



**Mike Engineering**  
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
 222 Main Street, P.O. Box 2084, Park City, Utah 84050-2084  
 (435) 619-9687

STAFF: STEVE SCHUELLER MICHAEL DEMKOWICZ	1897 PROSPECTOR DRIVE GRADING PLAN	SHEET C1 OF C4
FOR: Gigaplex JOB NO.: 04-05-08 FILE: X:\Prospector\dwg\gigo_eup\AE_site_plan.dwg	DATE: 2/3/15	

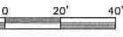




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PRELIMINARY PLAN



- UTILITY NOTES
1. ALL WATER CONSTRUCTION SHALL COMPLY WITH PARK CITY MUNICIPAL REGULATIONS.
  2. ALL SEWER CONSTRUCTION SHALL COMPLY WITH SBMD STANDARDS.

LEGEND	
EXISTING	PROPOSED
SANITARY SEWER	SS
EXISTING STORM DRAIN	SD
WATER	W
EXISTING POWER	P



**glnca**  
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
 323 High Street P.O. Box 2054 Park City, Utah 84002-2054  
 (435) 848-9447

STAFF:  
 STEVE SCHUELER  
 MICHAEL DEMKOWICZ

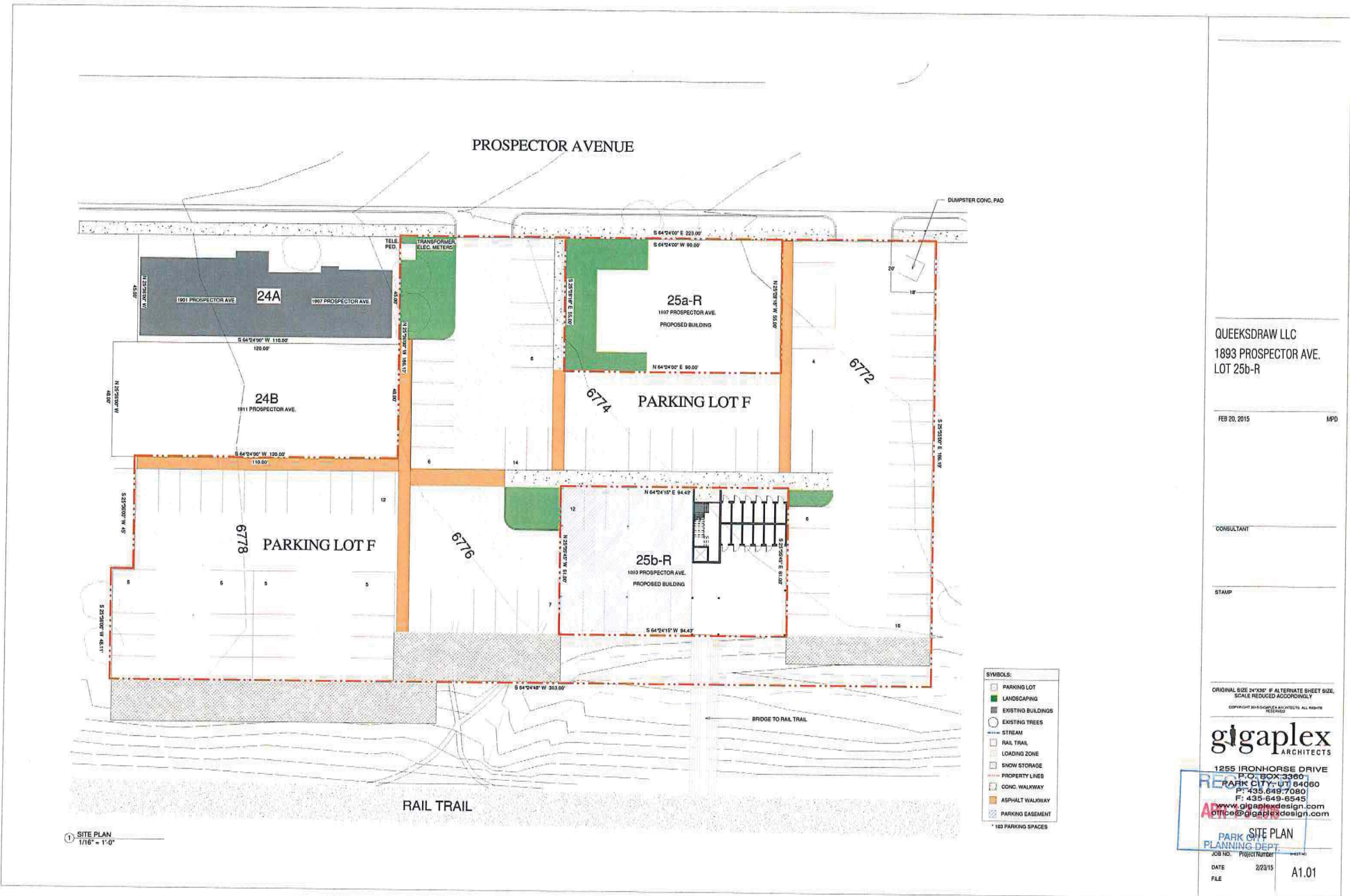
1897 PROSPECTOR DRIVE  
 UTILITY PLAN

FOR: Gloglex  
 JOB NO.: 04-05-08  
 FILE: X:\Prospector\dwg\glog cup\ AE site plan.dwg

DATE: 2/3/15

SHEET  
 C2  
 OF  
 C4

# EXHIBIT F



QUEEKSDRAW LLC  
1893 PROSPECTOR AVE.  
LOT 25b-R

FEB 20, 2015 MPD

CONSULTANT

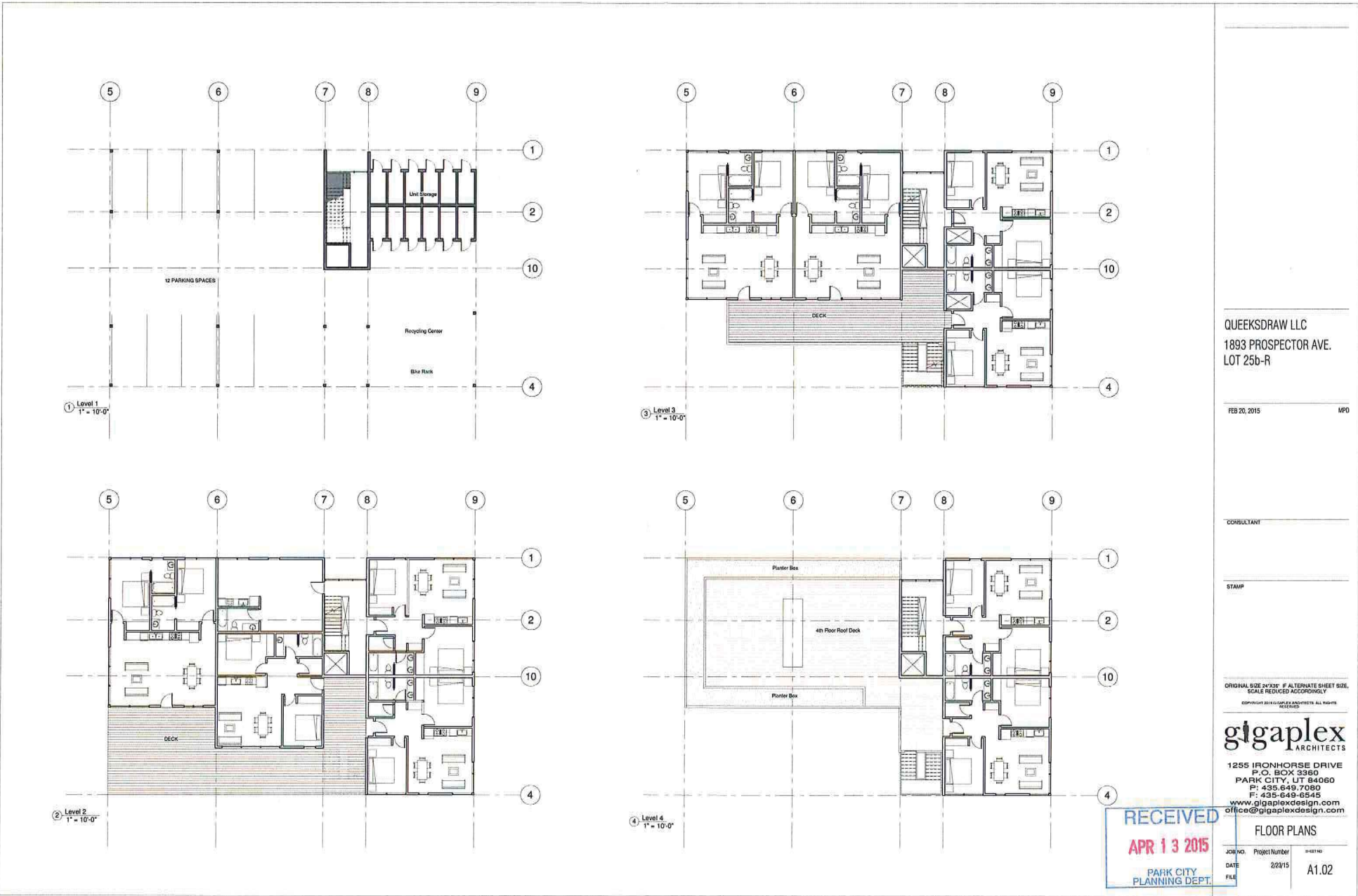
STAMP

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**gigaplex**  
ARCHITECTS  
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P: 435-649-7080  
F: 435-649-6545  
www.gigaplexdesign.com  
info@gigaplexdesign.com

**PLANNING DEPT.**  
**SITE PLAN**  
JOB NO. PROJECT NUMBER SHEET NO.  
DATE 2/20/15  
FILE A1.01

EXHIBIT G



QUEEKSDRAW LLC  
1893 PROSPECTOR AVE.  
LOT 25b-R

FEB 20, 2015 MPD

CONSULTANT

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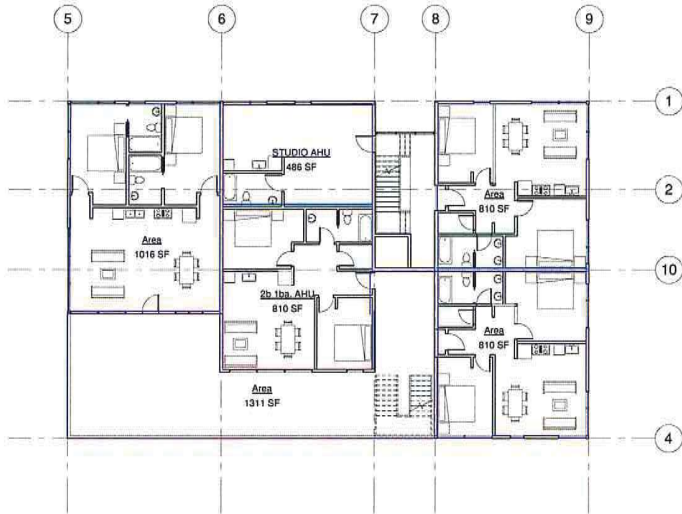
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PARK CITY  
PLANNING DEPT.

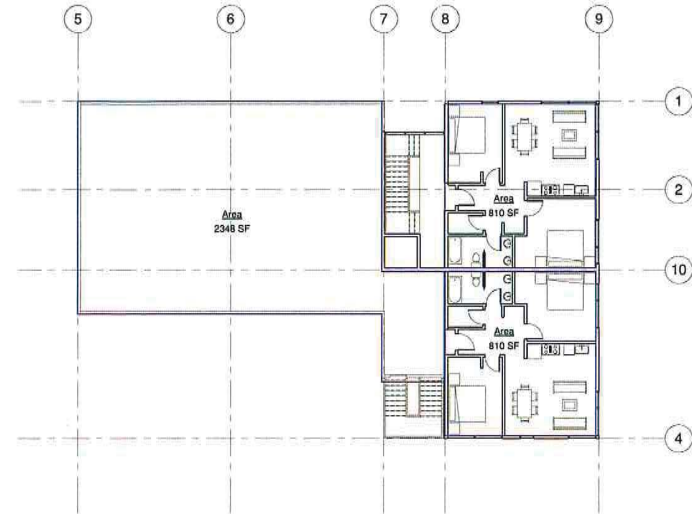
FLOOR PLANS

JOB NO.	Project Number	SHEET NO.
DATE	2/23/15	A1.02
FILE		

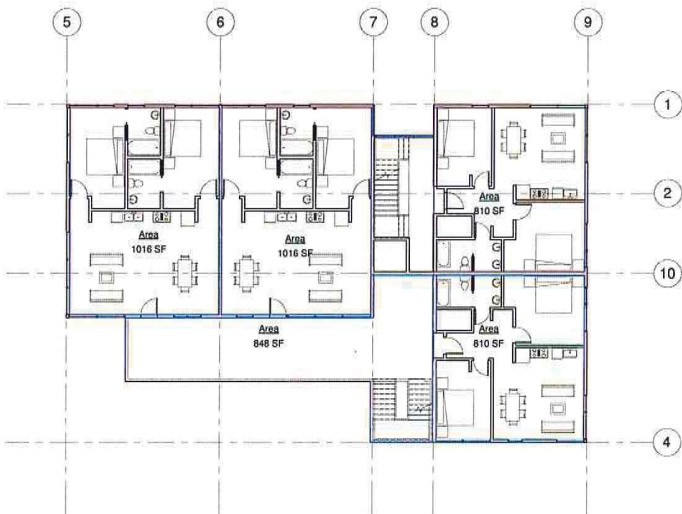




① Level 2  
1" = 10'-0"



③ Level 4  
1" = 10'-0"



② Level 3  
1" = 10'-0"

QUEEKSDRAW LLC  
1893 PROSPECTOR AVE.  
LOT 25b-R

FEB 20, 2015 MFD

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APR 13 2015  
PLANNING DEPT  
DATE: 2/23/15  
FILE: A105

# EXHIBIT H



QUEEKSDRAW LLC  
 1893 PROSPECTOR AVE.  
 LOT 25b-R

FEB 20, 2015 MPD

CONSULTANT

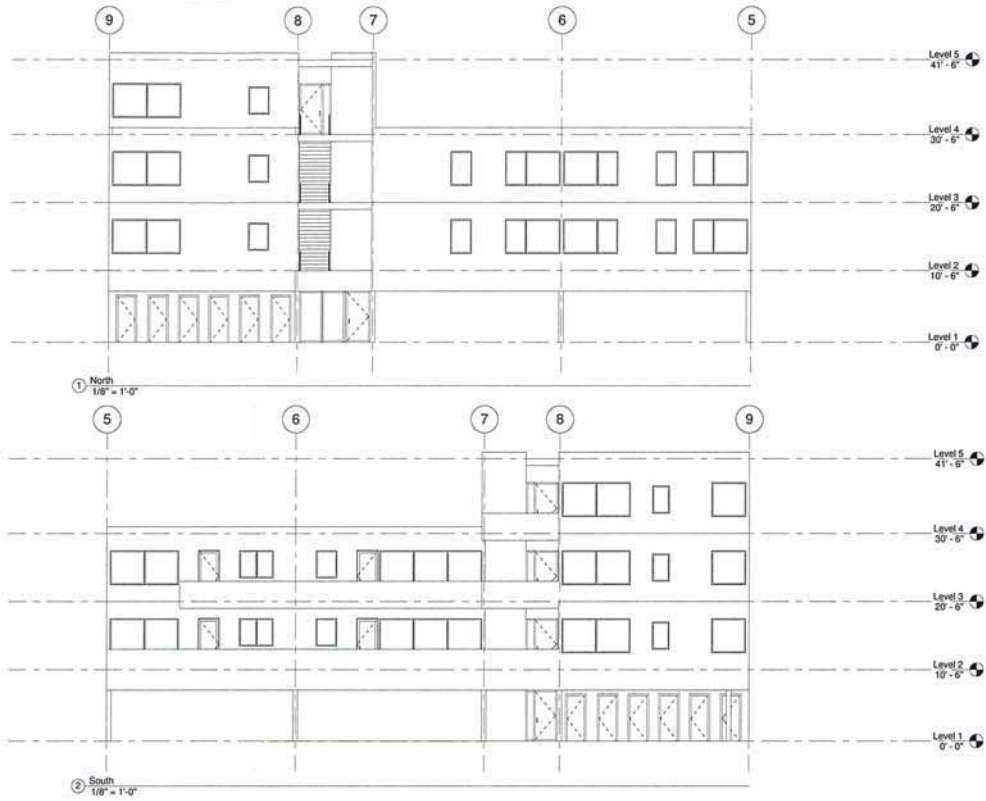
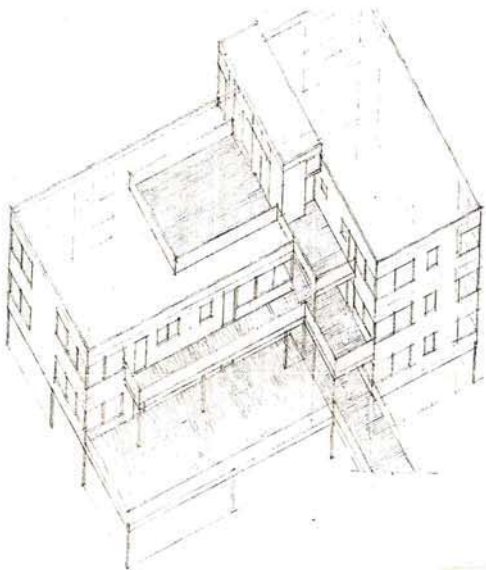
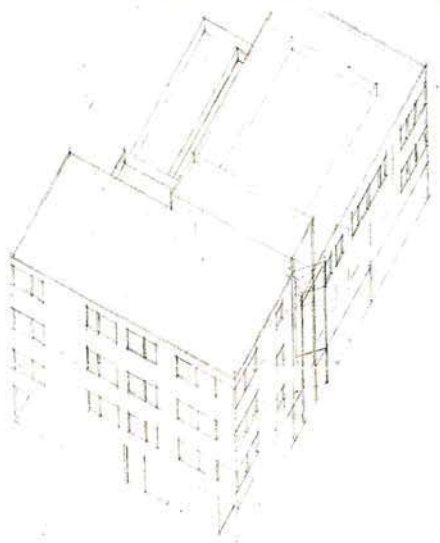
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 APR 13 2015 ELEVATIONS  
 PARK CITY PLANNING DEPT. 202315  
 Project Number: 202315  
 SHEET NO: A103  
 FILE



3 3D - Gigaplex

**gigaplex**  
ARCHITECTS  
1255 Ironstone Drive,  
2nd level  
PO BOX 3360  
Park City, UT 84060  
P: 435-649-7000  
F: 435-649-6545  
www.gigaplex.com

**QUEEKSDRAW LLC**  
1915 PROSPECTOR AVE. LOT 25B

date:  
12/15/14

dwg title:  
ELEVATIONS

dwg #:

**A103**



**PARK CITY MUNICIPAL CODE  
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**TITLE 15 - LAND MANAGEMENT CODE (LMC)**  
**CHAPTER 2.18 - GENERAL COMMERCIAL (GC) DISTRICT**

*Chapter adopted by Ordinance No. 00-51*

**15-2.18-1. PURPOSE.**

The purpose of the General Commercial (GC) District is to:

- (A) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- (B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- (C) protect views along the City’s entry corridors,
- (D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,

(E) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,

(F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and

(G) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and Public Art.

**15-2.18-2. USES.**

Uses in the GC District are limited to the following:

(A) **ALLOWED USES.**

- (1) Secondary Living Quarters



- (2) Lockout Unit<sup>1</sup>
- (3) Accessory Apartment<sup>2</sup>
- (4) Nightly Rental
- (5) Home Occupation
- (6) Child Care, In-Home Babysitting<sup>3</sup>
- (7) Child Care, Family<sup>3</sup>
- (8) Child Care, Family Group<sup>3</sup>
- (9) Child Care Center<sup>3</sup>
- (10) Accessory Building and Use
- (11) Conservation Activity
- (12) Agriculture
- (13) Plant and Nursery Stock production and sales
- (14) Bed & Breakfast Inn
- (15) Boarding House, Hostel
- (16) Hotel, Minor
- (17) Hotel, Major
- (18) Office, General
- (19) Office, Moderate Intensive
- (20) Office, Intensive
- (21) Office and Clinic, Medical
- (22) Financial Institution without a drive-up window
- (23) Commercial, Resort Support
- (24) Retail and Service Commercial, Minor
- (25) Retail and Service Commercial, Personal Improvement
- (26) Retail and Service Commercial, Major
- (27) Cafe or Deli

- (28) Restaurant, General
- (29) Hospital, Limited Care Facility
- (30) Parking Area or Structure with four (4) or fewer spaces
- (31) Parking Area or Structure with five (5) or more spaces
- (32) Recreation Facility, Private

(B) **CONDITIONAL USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Multi-Unit Dwelling
- (5) Group Care Facility
- (6) Public and Quasi-Public Institution, Church, and School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna<sup>4</sup>
- (9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter<sup>5</sup>
- (10) Timeshare Project and Conversion
- (11) Timeshare Sales Office, off-site within an enclosed Building
- (12) Private Residence Club Project and Conversion<sup>8</sup>

---

<sup>1</sup>Nightly rental of Lockout Units requires Conditional Use permit

<sup>2</sup>See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

<sup>3</sup>See LMC Chapter 15-4-9 Child Care Regulations

---

<sup>4</sup>See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

<sup>5</sup>See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

- (13) Financial Institution with a Drive-up Window<sup>6</sup>
- (14) Retail and Service Commercial with Outdoor Storage
- (15) Retail and Service Commercial, Auto Related
- (16) Transportation Service
- (17) Retail Drive-Up Window<sup>6</sup>
- (18) Gasoline Service Station
- (19) Restaurant and Cafe, Outdoor Dining<sup>7</sup>
- (20) Restaurant, Drive-up Window<sup>6</sup>
- (21) Outdoor Event<sup>7</sup>
- (22) Bar
- (23) Sexually Oriented Businesses<sup>8</sup>
- (24) Hospital, General
- (25) Light Industrial Manufacturing and Assembly
- (26) Temporary Improvement<sup>7</sup>
- (27) Passenger Tramway and Ski Base Facility
- (28) Ski tow rope, ski lift, ski run, and ski bridge
- (29) Commercial Parking Lot or Structure
- (30) Recreation Facility, Public
- (31) Recreation Facility, Commercial
- (32) Indoor Entertainment Facility

- (33) Master Planned Development with moderate housing density bonus<sup>9</sup>
- (34) Master Planned Developments<sup>9</sup>
- (35) Heliport
- (36) Temporary Sales Trailer in conjunction with an active Building permit for the Site.<sup>8</sup>
- (37) Fences greater than six feet (6') in height from Final Grade<sup>7</sup>

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

*(Amended by Ord. Nos. 04-39; 06-76)*

**15-2.18-3. LOT AND SITE REQUIREMENTS.**

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

(A) **FRONT YARDS.** The minimum Front Yard is twenty feet (20') for all Main and Accessory Buildings and Uses. The twenty foot (20') Front Yard may be reduced to ten feet (10'), provided all on-Site parking

<sup>9</sup>Subject to provisions of LMC Chapter 15-6, Master Planned Development

<sup>6</sup>See Section 2-18-6 for Drive-Up Window review

<sup>7</sup>Requires an administrative Conditional Use permit

<sup>8</sup>See Section 2-17-8 for additional criteria.

is at the rear of the Property or underground. The Frontage Protection Overlay Zone (FPZ) requires a minimum landscaped buffer of thirty-feet (30') in width abutting the Street. See Section 15-2.20. The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3(I)

**(B) FRONT YARD EXCEPTIONS.**

The Front Yard must be open and free of any Structure except:

- (1) Fence, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.
- (2) Uncovered steps leading to the Main Building; provided, the steps are not more than four feet (4') in height from Final Grade, not including any required handrails, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.
- (3) Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.
- (4) Sidewalks, patios, and pathways.
- (5) Decks, porches, and Bay Windows not more than ten feet (10')

wide, projecting not more than three feet (3') into the Front Yard.

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for driveways, allowed Parking Areas and sidewalks may be Hard-Surfaced or graveled. See Section 15-3-3 General Parking Area and Driveway Standards.

(7) Circular driveways meeting all requirements stated in Section 15-3-4.

**(C) REAR YARD.** The minimum Rear Yard is ten feet (10'). The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-1-2.18-3(I).

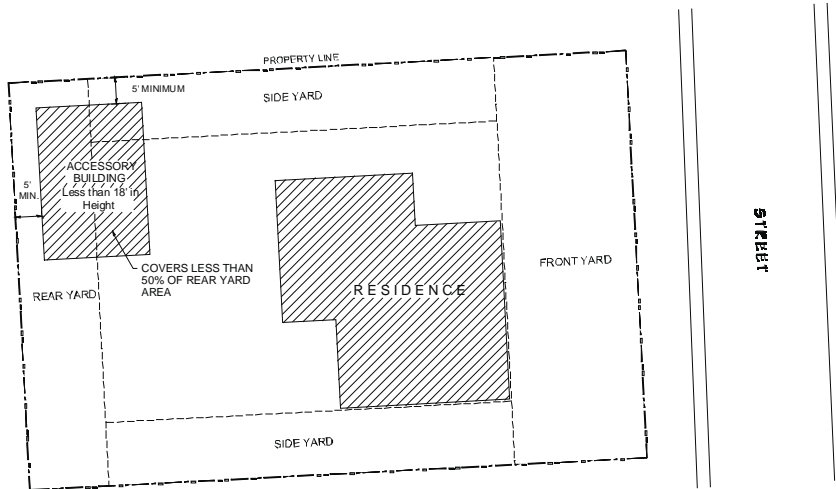
**(D) REAR YARD EXCEPTIONS.**

The Rear Yard must be open and free of any Structure except:

- (1) Bay Window or chimneys not more than ten feet (10') wide, projecting not more than two feet (2') into the Rear Yard.
- (2) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.
- (3) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.
- (4) Window sills, belt courses, cornices, trim and other ornamental

features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(5) Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structures must not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:



(6) Hard-Surfaced Parking Areas subject to the same location requirements as a detached Accessory Buildings and meeting all landscaping requirements stated in Section 15-3-3.

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

(8) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation.

The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.

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

(10) Enclosed porches, including a roof and open on three (3) sides, and similar Structures not more than nine feet (9') into the Rear Yard provided the adjoining Property is dedicated as Natural or Landscaped Open Space and meets minimum International Building Code (IBC) and Fire Code requirements.

(E) **SIDE YARD.**

(1) The minimum Side Yard is ten feet (10').

(2) Side Yards between connected Structures are not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(3) The minimum Side Yard for a Detached Accessory Building not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main

Building must be one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side Yard must be three feet (3').

(4) On Corner Lots, the Side Yard that faces a Street is considered a Front Yard and the Setback must not be less than twenty feet (20').

(5) The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3(I)

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

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

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

(3) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.

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



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

(6) Awnings over a doorway or window extending not more than three feet (3') into the Side Yard.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.

(8) Driveways leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Paths and steps connecting to a City stairway, trail, or path.

(10) Screened mechanical equipment, hot tubs, and similar Structures located a minimum of five feet (5') from the Side Lot Line.

(11) Unenclosed porches, including a roof and open on three (3) sides, and similar Structures not more than nine feet (9') into the Side Yard provided the adjoining Property is dedicated as Natural or Landscaped Open Space and meets minimum International Building Code (IBC) and Fire Code requirements.

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

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

(I) **PROSPECTOR OVERLAY ESTABLISHING A MAXIMUM FLOOR AREA FOR DEVELOPMENT**. The following requirements apply to specific Lots in the Prospector Square Subdivision:

(1) **AFFECTED LOTS**. Lots 2A through Lot 49D, except Lots 40, 41, 42, 43, 44, 45, and 46, and parking Lots A through K as shown on the Amended Prospector Square Subdivision Plat.

(2) **MAXIMUM FLOOR**

**AREA RATIO (FAR).** The FAR must not exceed two (2.0) for all Affected Lots as specified above. All Uses within a Building, except enclosed Parking Areas, are subject to the Floor Area Ratio (FAR). Parking Lots A - K must have no Use other than parking and related Uses such as snow plowing, striping, repaving and landscaping.

(3) **REDUCED SITE REQUIREMENTS.** In the Prospector Square Subdivision, Front, Side and Rear Yards may be reduced to zero feet (0') for all Affected Lots as specified above. Commercial Lots within the Frontage Protection Zone shall comply with FPZ setbacks per LMC Section 15-2-20. This section is not intended to conflict with the exceptions listed above nor shall it be interpreted as taking precedence over the requirement of Section 15-2.18-3(H) Clear View of Intersection.

*(Amended by Ord. Nos. 04-11; 06-76; 13-23)*

**15-2.18-4. BUILDING HEIGHT.**

No Structure shall be erected to a height greater than thirty-five feet (35') from Existing Grade. This is the Zone Height.

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

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

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

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

(4) Church spires, bell towers, and like architectural features, subject to LMC Chapter 15-5 Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

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

(6) Ski life and tramway towers may extend above the Zone Height subject to a visual analysis and approval by the Planning Commission.

*(Amended by Ord. Nos. 06-76; 07-25)*

**15-2.18-5. ARCHITECTURAL**

**REVIEW.**

Prior to the issuance of a Building permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

*(Amended by Ord. No. 06-76)*

**15-2.18-6. CRITERIA FOR DRIVE-UP WINDOWS.**

Drive-up windows require special Conditional Use permit (CUP) to consider traffic impacts on surrounding Streets. The Applicant must demonstrate that at periods of peak operation of the drive-up window, the Business patrons will not obstruct driveways or Streets and will not interfere with the intended traffic circulation on the Site or in the Area.

**15-2.18-7. SEXUALLY ORIENTED BUSINESSES.**

The purpose and objective of this Section is to establish reasonable and uniform regulations to prevent the concentration of Sexually Oriented Businesses or their location in Areas deleterious to the City, and to prevent inappropriate exposure of such Businesses to the community. This Section is to be construed as a regulation of time, place, and manner of the operation of these

Businesses, consistent with the United States and Utah State Constitutions.

(A) **LOCATION OF BUSINESSES, RESTRICTIONS.** Sexually Oriented Businesses, are Conditional Uses.

No Sexually Oriented Business may be located:

- (1) within three hundred feet (300') of any school, day care facility, cemetery, public park, library, or religious institution;
- (2) within three hundred feet (300') of any residential zoning boundary; or
- (3) within three hundred feet (300') of any liquor store or other Sexually Oriented Business.

(B) **MEASUREMENT OF DISTANCES.** For the purposes of this Section, distances are measured as follows:

- (1) The distance between any two (2) Sexually Oriented Businesses is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which each Business is located.
- (2) The distance between Sexually Oriented Businesses and any school, day care facility, public park, library, cemetery or religious institution is measured in a straight line, without regard to intervening

Structures or objects, from the closest exterior wall of the Structure in which the Sexually Oriented Business is located, to the nearest Property Line of the premises of the school, day care facility, public park, library, cemetery, or religious institution.

(3) The distance between Sexually Oriented Businesses and any residential zoning boundary is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which the Sexually Oriented Business is located, to the nearest Property Line of the residential zone.

(C) **DEFINITIONS.** Terms involving Sexually Oriented Businesses which are not defined in this Chapter have the meanings set forth in the Municipal Code of Park City, Section 4-9-4.

**15-2.18-8. CRITERIA FOR BED AND BREAKFAST INNS.**

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

(A) If the Use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(B) The Structure has at least two (2) rentable rooms. The maximum number of

rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

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

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

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

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

(G) No Kitchen is permitted within rental rooms.

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

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

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

(I) The Use complies with Section 15-1-

10, Conditional Use review.

**15-2.18-9. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.**

(A) **OUTDOOR DISPLAY OF GOODS PROHIBITED.** Unless expressly allowed as an Allowed or Conditional Use, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.18-9(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) **OUTDOOR USES PROHIBITED/EXCEPTIONS.** The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) **OUTDOOR DINING.** Outdoor dining is subject to the following criteria:

- (a) The proposed seating Area is located on private Property or leased public Property and does not

diminish parking or landscaping.

(b) The proposed seating Area does not impede pedestrian circulation.

(c) The proposed seating Area does not impede emergency Access or circulation.

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

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

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

(g) No net increases in the Restaurant’s seating capacity without adequate mitigation of the increased parking demand.

(2) **OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS.** Outdoor grills and/or beverage service stations are subject to the following criteria:

- (a) The Use is on private Property or leased public Property, and does not diminish parking or landscaping.



(b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.

(c) The Use is Compatible with the neighborhood.

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

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

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

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

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

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

Outdoor storage and display of bicycles, kayaks, motorized scooters, and canoes is subject to the following criteria:

(a) The Area of the proposed bicycle, kayak,

motorized scooter, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.

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

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

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

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

**(4) OUTDOOR EVENTS AND MUSIC.**

Outdoor events and music requires an Administrative Conditional Use permit. The Use must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

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

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

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

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

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

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

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

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

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

*(Amended by Ord. Nos. 05-49; 06-76)*

**15-2.18-10. VEGETATION PROTECTION.**

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health

and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3(C) and Title 14.

**15-2.18-11. SIGNS.**

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

**15-2.18-12. RELATED PROVISIONS.**

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

## EXHIBIT J

Planning Commission Meeting  
March 25, 2015  
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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.

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.

Commissioner 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.



## Planning Commission Staff Report

**Subject:** Central Park Apartments MPD  
**Author:** Kirsten Whetstone, MS, AICP  
**Project Numbers:** PL-14-02586 and PL-14-02584  
**Date:** March 25, 2015  
**Type of Items:** Pre-Master Planned Development and  
Conditional Use Permit

### Summary Recommendations

Staff recommends the Planning Commission holds public hearings and considers the applications for 1) a Pre-Master Planned Development and 2) a Conditional Use Permit for ten (10) residential units within a new building to be located at 1893 Prospector Avenue on an existing platted lot of record. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Note: The posted and mailed notice letters included both the pre-MPD and CUP information, however the published notice included only the pre-MPD and therefore Staff recommends review and action on the Pre-MPD with review and continuation to the next meeting following April 8, 2015, for the CUP.

### Description

**Applicant:** Mr. Peabody LLC, Hank Louis, Ehlias Louis, CDR  
Development, owners  
**Location:** 1893 Prospector Avenue  
**Zoning:** General Commercial (GC)  
**Adjacent Land Uses:** Residential condominiums to the west and east, Rail Trail and open space to the south, and commercial/offices to the north and west.  
**Reason for Review:** Pre-Applications for MPDs require Planning Commission review and a finding of compliance with the Park City General Plan prior to submittal of a Master Planned Development application. Residential projects with 10 or more units require a Master Planned Development.  
Residential uses in the General Commercial (GC) zone require a Conditional Use Permit (CUP) with review and final action by the Planning Commission.

### Proposal

The applicant requests review of applications for 1) a pre-Master Planned Development and 2) a Conditional Use Permit for a ten residential unit building proposed to be constructed on Lot 25b of the Gigaplat Replat, a replat of the



Prospector Square Subdivision reviewed by the Planning Commission and approved by the City Council in June of 2014. The Pre-MPD application is submitted for Planning Commission review prior to submittal of the full MPD application. The Conditional Use Permit (CUP) is required for residential uses in the General Commercial (GC) zoning district.

The pre-MPD/CUP proposal is for a ten unit, energy efficient, affordably priced, residential project located within the Prospector Square neighborhood. The project incorporates multi-level design elements, open and green common deck areas, pedestrian connections to the Rail Trail, covered parking located on the first level, no reduction of existing parking, good solar access and building design, and a site design that diminishes the visual impacts of the existing vast parking area that is Park Lot F (Exhibits A-H).

Each of the ten (10) units has two (2) bedrooms, one or two baths, a storage closet on the lowest level, and one (1) covered parking space (twelve (12) total covered parking spaces are provided under the building). The units range in size from 810 to 1,010 square feet.

The approximately 11,500 sf building complies with the Prospector Square Floor Area Ratio of 2.0 (11,520 square feet for the 5,760 sf lot area). The building is three and four stories in height and the applicant is requesting a height exception of approximately six feet six inches (6'6") for the eastern portion of the building with the remainder of the building less than the allowed zone height. A green planted roof garden and roof top deck provide outdoor space for the residents. An affordable housing mitigation plan will be submitted with the MPD application describing how the 15% affordable housing obligation (1.5 Affordable Unit Equivalents (AUE)) will be met.

### **Background**

The property is located within the General Commercial (GC) zoning district subject to the Prospector Square overlay requirements. The subject property, located at 1893 Prospector Avenue, consists of a 5,760 square foot lot, amended Lot 25b of the Gigaplat replat, being a replat of Lots 25a, 25b, and Parking Lot F (Prospector Square) of the Prospector Square Supplemental Amended Plat. Amended Lot 25b is a vacant, undeveloped privately owned development lot.

Parking Lot F is owned by and utilized as a shared parking lot for Prospector Square Property Owners Association (POA). A total of 103 parking spaces will result upon completion of this project, including the 12 spaces located under the building. The applicant and POA have signed an agreement stipulating that upon completion of this project there will be a total of 103 parking spaces.

On June 5, 2014, the City Council voted to approve the Gigaplat replat that reconfigures Lots 25a, 25b and Parking Lot F of the Prospector Square Supplemental Amended Plat (Exhibit C). The final mylar plat is being circulated for signatures and has not yet been recorded at Summit County.

On June 25, 2014, the Planning Commission approved a Conditional Use Permit for residential uses within a mixed use building proposed to be constructed at 1897 Prospector Avenue, located on Lot 25a of the Gigaplat replat. A building permit application for the 1897 Prospector project was received by the City in February and the plans are currently under review. The owners of these two projects would like to coordinate construction of the two projects simultaneously in order to reduce construction impacts on the neighborhood. The two owners are responsible for reconstruction of Parking Lot F and coordinating of utility installation as well as providing an interim parking plan during construction. These items will be spelled out in the Construction Mitigation Plans for each individual building permit.

On December 15, 2014, Staff received an application for a pre-MPD for the ten residential units building located in the General Commercial zoning district. The application was considered complete on February 24, 2015. On February 24, 2015 the applicant submitted a complete application for the Conditional Use Permit for residential uses in the GC District.

### **Purpose**

The purpose of the General Commercial (GC) District is to:

- (A) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- (B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- (C) protect views along the City's entry corridors,
- (D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,
- (E) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,
- (F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and
- (G) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and Public Art.

## **Process**

A requirement for any Master Planned Development (MPD) (or amendment to an MPD) is a pre-application public meeting and determination of compliance with the Park City General Plan and the specific zoning district (GC zone). The Land Management Code (LMC 15-6-4(B)) describes the pre-Application process as follows:

“At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

The Planning Commission shall review the preliminary information for compliance with the General Plan and will make a finding that the project complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified application or the General Plan would have to be modified prior to formal acceptance and processing of the Application.”

### **Review of Conditional Use Permit with Pre-MPD**

Staff is presenting the Conditional Use Permit application as a work session item simultaneously with the pre-MPD hearing to allow the Commission to review the request for residential uses in the GC zone within the context of the pre-MPD application discussion. The Conditional Use Permit plans requesting approval of residential uses within the GC zone include much of the same information reviewed with the pre-Master Planned Development.

### **Review of final MPD application**

The final MPD application will be presented to the Commission at the next meeting following the April 8, 2015 meeting, provided that the Commission concurs with Staff that the pre-MPD complies with the General Plan and specific requirements of the GC Zone. MPD plans, including site plan and landscape plan details, architectural elevations and height exception analysis, a phasing plan, utility and grading plan, soils and mine hazard review, affordable housing mitigation plan, and other MPD requirements will be reviewed with the final MPD application.

### **Analysis and Discussion for Pre-MPD**

The purpose of the pre-application public meeting is to have the applicant present preliminary concepts and to give the public an opportunity to respond to those concepts prior to submittal of the MPD amendment application. Staff provided the GC Chapter from the Land Management Code (Exhibit I). The Commission should also refer to relevant Goals and Strategies, as well as the Prospector Neighborhood Section, of the General Plan (Exhibit J- Park City General Plan-not attached). Due to the level of detail required for the Conditional Use Permit and the relatively uncomplicated MPD proposal, the pre-MPD contains more detail than typical

preliminary concept plans.

### GC Zoning

The purpose of the General Commercial (GC) District is listed above. The GC zone (Exhibit I) allows for a variety of land uses. Residential uses are permitted with a Conditional Use Permit approved by the Planning Commission. The applicant has submitted a Conditional Use Permit for residential uses within the GC zone for simultaneous review with the MPD application. Review of the Conditional Use Permit is outlined in this report and Staff finds that as conditioned, impacts of the proposed residential uses (primarily location and type of residential uses, traffic and parking) can be mitigated. Providing housing opportunities, as proposed with this application, in an area with employment opportunities and in close proximity to open space, trails, the bus system, shopping, recreation, schools, daycare, and dining, promotes the mixed land use concepts and vitality as allowed by the GC zoning and as identified in the new General Plan for this neighborhood.

### General Plan

The proposed MPD for 10 residential units is located within the Prospector neighborhood, as described in the new Park City General Plan. Specific elements of the General Plan (Exhibit J) that apply to this project include the following: (*Staff analysis and comments in italics*)

**Prospector Neighborhood-** The property is located within the Prospector Neighborhood section of the General Plan. Uses contemplated for this neighborhood include a variety of retail commercial and residential uses to create a vibrant mixed use neighborhood.

*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 Prospector Neighborhood section of the General Plan.*

**Small Town-** Goals include protect undeveloped land; discourage sprawl, and direct growth inward to strengthen existing neighborhoods. Goals also include encourage alternative modes of transportation.

*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 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.*

**Natural Setting-** Goals 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.

*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.*

**Sense of Community-** Goals 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.

*A primary reason for the proposed MPD is to provide energy efficient, smaller affordable housing units in close proximity to employment, retail, dining, recreation, open space, trails, 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.*

**Discussion requested.**

**Does the Planning Commission find the proposed MPD complies with the General Plan? The Commission should discuss the pre-MPD concept plans, including the request for a height exception to 41’6” for a portion of the building, from the GC allowed height of 35’ (up to 40’ is allowed in the GC zone for pitched roofs), and provide direction to the applicant and staff. The remainder of the building is less than 35’ in height.**

**Analysis of the Conditional Use Permit**

The proposal complies with lot and site requirements of the GC District as described below.

<b>GC Zone</b>	<b>Permitted by LMC for Prospector Overlay of the GC zone 15-2.18-3 (I)</b>
Lot Size	No minimum lot size. Lot is 5,760 sf
Building Footprint- Floor Area Ratio (FAR)	FAR must not exceed two (2). All Uses in the Bldg. except enclosed parking areas are subject to the FAR. Approximately 11,500 sf total of building floor area is proposed (FAR of 1.99). 6 units at approx 810 sf 4 units at approx 1,010 sf
Front/rear yard setbacks	Zero lot line development permitted.
Side yard setbacks	Zero lot line development permitted.



Building Height	Allowed Building Height is 35'. A 6'6" building Height exception to 41'6" is requested through the MPD for the fourth story at the eastern portion of the building. The remainder of the building is less than 35' in height. Building Height exceptions of LMC 15-2.18-4 apply. Building height will be verified at the time of Building Permit review.
Parking	Per Prospector Square Subdivision Overlay all parking on the Parking Lots A-K is shared parking for residential and commercial uses. Additional private parking for specific lots may be provided entirely within the individual lot boundary. There is a Parking agreement with PSOA to maintain a total of 103 parking spaces, including the 12 spaces provided under the building. The 10 residential units require a total of 12 parking spaces, 12 spaces are provided.
Architectural Design	All construction is subject to LMC Chapter 15-5- Architectural Design Guidelines with final review conducted at the time of the Building Permit.
Uses	All uses listed in 15-2.18-2 (A) Allowed Uses are permitted unless otherwise noted. All uses listed in 15-2.18-2 (B) Conditional Uses, including residential uses, require approval by the Planning Commission. Residential projects with 10 or more units require a Master Planned Development.

Residential Uses in the General Commercial (GC) zoning district are a Conditional Use subject to review of the following criteria (potential impacts) set forth in the LMC 15-1-10(E):

1. Size and location of Site:

The 11,500 sf three and four story building is proposed on a 5,760 sf lot within the Prospector Square area. There are six units at approximately 810 sf and four units at 1,010 sf. The units are designed to be smaller, more affordable dwelling units for full time residents. The Prospector Square area is characterized by individual businesses on small lots, as well as larger residential condominium buildings, and mixed use buildings with commercial

on the ground floor and offices and/or residential uses on the upper floors. Within the Prospector Square Overlay district of the GC zone, the maximum Floor Area Ratio (FAR) for all lots is two (2). The proposed building yields a Floor Area Ratio (FAR) of 1.99, which is within the maximum size allowed in the zone. The existing lot is sufficient in size for the proposed residential uses. The lot is ideally located for smaller residential uses. It is located approximately 104' back from the sidewalk along Prospector Avenue and is located adjacent to existing residential uses to the east and west and to the Rail Trail open space to the south. **No unmitigated impacts.**

2. Traffic considerations including capacity of the existing Streets in the area;

At times the streets and intersections in Prospector Square area are congested and development of this vacant lot has the potential to add traffic to this area. The lot is an existing platted lot that is part of the approved planned mixed use Prospector Square neighborhood. This is not unanticipated development.

Allowed development with a floor area ratio (FAR) of 2.0 has been anticipated since approval of the Prospector Square subdivision. The capacity of streets, intersections, and shared parking lots were designed with the Prospector Square planned area to accommodate build out of all the development parcels. This lot is one of the last five or six lots to develop.

The proposed building has an FAR of 1.99 which is within the anticipated Floor Area Ratio and allowed development parameters. Commercial buildings in Prospector Square most often include office uses on the second and third floors. Development on this lot includes only small (800 – 1,010 sf) residential units with no commercial or office uses. Allowing additional smaller, more affordable residential uses in an area of high employment opportunities and within walking distance of the bus lines, shops, restaurants, schools, and recreation amenities is one method of mitigating vehicular trips. **No unmitigated impacts**

3. Utility capacity;

Utilities necessary for this use are available at or near the site. Prior to recordation of the plat amendment for this property a utility plan and utility easements are required to be approved by the City Engineer and utility providers. Final utility plan will be reviewed by the City Engineer prior to issuance of building permits. Existing water service will need to be evaluated for fire requirements for the residential uses, and any required fire sprinkler systems. **No unmitigated impacts.**

4. Emergency vehicle access;

The proposed development will not interfere with existing access routes for emergency vehicles. **No unmitigated impacts.**

5. Location and amount of off-street parking;

The parking spaces located on Parking Lot F are intended for common use by all of the Prospector Square lots in the area. The parking lots were designed to accommodate all anticipated development on all of the Prospector Square lots. This CUP is proposed on an existing, platted lot within the Prospector Square master planned area.

The ten residential units require twelve (12) spaces according to the LMC (1 space up to 1,000 sf and 1.5 for up to 2,000 sf). Twelve covered parking spaces are provided on the main level. These are in addition to the shared spaces located on Parking Lot F. A total of 103 parking spaces will be provided upon reconfiguration of the Parking Lot in compliance with the Parking Agreement between the owner and the Prospector Square Owner Association (PSOA).

Parking demand for an 11,500 sf commercial/office building would be 35 spaces. Parking demand for a one story 5,760 sf restaurant would be 58 spaces. Parking demand (in terms of timing) for residential uses is generally opposite the demand for retail and office uses. The residential uses require significantly less parking than commercial/office/restaurant uses and residential demand times typically occur at different times of the day than retail/office uses.

Staff recommends a condition of approval that prior to issuance of a certificate of occupancy for the building; the reconfigured Parking Lot F shall be completed, including paving, striping, and landscaping.

Staff also recommends as a condition of approval that the Construction Mitigation Plan, submitted prior to building permit issuance, shall include detailed information regarding coordination of utility installation, reconstruction of Parking Lot F, and the provision of an interim parking plan during construction. **No unmitigated impacts, as conditioned.**

6. Internal vehicular and pedestrian circulation system:  
Internal vehicular and pedestrian circulation system includes existing sidewalks along Prospector Avenue, a Prospector Association walkway located to the west of the parking lot, and the Rail Trail bike path located to the south, with informal access that will not be altered. Circulation within the Parking Lot will be improved with the reconfigured parking lot. **No unmitigated impacts.**
7. Fencing, Screening, and Landscaping to separate the use from adjoining uses:  
No outdoor storage of goods or mechanical equipment is proposed or allowed onsite. No fencing is proposed. Additional landscaping areas are proposed within Lot F to provide areas for trees and landscaping close to the building to buffer and soften the central portion of the parking lot and building. Landscaping on the south side of the building and on the green roofs will be provided for shade as well as to buffer the views from the Rail Trail. **No**

**unmitigated impacts.**

8. Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;

The three and four story building is proposed to be located north of the Rail Trail fully within platted Lot 25b. The Prospector Overlay within the GC zone allows zero setbacks to property lines. The building is oriented more towards the Rail Trail than to Parking lot F or adjacent buildings and is well separated from the Rail Trail and adjacent buildings so as not to cause adverse shadowing on existing units, or on the Rail Trail. Covered parking for the units is located on the first level, it is not underground parking. The building includes façade shifts on all elevations. Residential uses are located on the second, third, and fourth floors with common outdoor terraces and green roof elements oriented to the south.

Maximum building height in the GC zone is 35' and the applicant has requested through the MPD application, a building height exception of six feet six inches (6'6") for the eastern portion of the building to a height of 41'6". The remainder of the building is less than the allowed building height. The building would not exceed the allowable density or maximum floor area ratio (FAR of 2) as allowed by the GC zone. **No unmitigated impacts as conditioned.**

**This design requires Planning Commission approval of the requested Height Exception as part of the MPD. Staff recommends a condition of approval for the CUP that Building Height shall be verified for compliance with the approved MPD plans prior building permit issuance.**

9. Usable open space;

Not applicable there are no changes to the existing open space within the Prospector Square area associated with the residential uses or new building proposed to be constructed on an existing re-platted lot. Common decks and terraces are provided as community open areas for the units to share. **No unmitigated impacts.**

10. Signs and Lighting;

There are no signs or exterior lighting proposed for the building at this time. Any new exterior signs or lighting must be approved by the Planning Department for compliance with the LMC prior to installation. All exterior lighting on the terraces and porches will be down directed, shielded, and will not include bare bulbs. **No unmitigated impacts**

11. Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

The physical design of the building, in terms of mass, scale, style, designs and architectural detailing complies with Title 15-5-5- Architectural Design Guidelines of the Land Management Code and is compatible with the

surrounding buildings. The proposed building is contemporary in design and compliments the variety of building styles in the area. Materials consist of wood, metal, concrete and glass. Green planted roofs and roof terraces provide outdoor space for the residents. Textures, materials, and colors meet architectural design guidelines and will be reviewed for compliance with the Architectural Design Guidelines at the time of building permit submittal. The building is an allowed use in the zone and the CUP is for the residential uses. The smaller, more affordable residential units are compatible with the uses in the neighborhood. **No unmitigated impacts.**

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site;

The residential uses will not create noise, vibration, odors, steam or other mechanical factors that might affect people and property off-site. **No unmitigated impacts.**

13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup area;

The applicants propose to design and construct an enclosure for the existing trash dumpster located at the southwest corner of the parking lot. The service area within the enclosed parking area will include a recycling area. There are no loading docks associated with these uses. **No unmitigated impacts.**

14. Expected ownership and management of the project as primary residences, condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities;

The entire building will be owned by the applicants and units will be rented. If the owner desires to sell individual units in the future, a condominium record of survey plat will need to be applied for and recorded at Summit County upon approval. **No unmitigated impacts.**

15. Within and adjoining the site, impacts on Environmentally Sensitive Lands, slope retention, and appropriateness of the proposed structure to the topography of the site.

The site exists within the Park City Soil Ordinance Boundary, therefore any soil disturbance or proposed landscaping must adhere to Park City Municipal Code 11-15-1. Failure to comply with the Soil Ordinance is a Class B misdemeanor.

The site is located within a FEMA Flood Zone A. Along with requiring an elevation certificate, a study must be completed to show the effects of the development on the upstream and downstream sections of Silver Creek. Any significant impacts upstream or downstream will need to be mitigated.

The site is located immediately adjacent to a stream with wetlands. Wetland delineation may be required to identify any wetlands. Any excavation within



the stream banks will require a stream alteration permit from the State of Utah and possibly a 404 permit from the Army Corps of Engineers. **No unmitigated impacts, as conditioned.**

### **Department Review**

This project has gone through an interdepartmental review at a Development Review Committee meeting and issues raised, namely regarding adequate water service to meet fire flow requirements, utility service locations, floodplain, and soils ordinance issues, have been addressed with the conditions of approval. No further issues were brought up at that time.

### **Notice**

On March 11, 2015, the property was posted and notices of the public hearings for the Pre-MPD and CUP were mailed to property owners within 300 feet. Legal notice of the pre-MPD public hearing was published in the Park Record on March 7, 2015. The legal published notice did not include specific information about the CUP public hearing. Staff will provide legal published notice of both the CUP and the full MPD for concurrent review at the next meeting following the April 8, 2015 Planning Commission meeting.

### **Public Input**

No public input has been received by the time of this report on either the CUP or the Pre-MPD.

### **Alternatives for the CUP**

- The Planning Commission should hold a public hearing and provide Staff and the applicant with input on the Conditional Use Permit (CUP) and continue the discussion of the CUP to allow for proper legal published notice of the CUP for a public hearing to occur concurrent with the final MPD.

### **Alternatives for the Pre-MPD**

- The Planning Commission may approve the Pre-MPD as conditioned or amended.
- The Planning Commission may deny the Pre-MPD and direct staff to make Findings for this decision.
- The Planning Commission may continue the CUP to a date certain and provide staff and the applicant with direction on additional information required in order to make a final decision.

### **Significant Impacts**

There are no significant impacts to the City or neighborhood as a result of the pre-MPD or proposed Conditional Use Permit for residential uses.

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

If the MPD is not approved then the applicant can either amend the project to include fewer than 10 residential units or modify the project to comply with the General Plan

goals. If the CUP is not approved the residential uses would not be allowed, however the building could be constructed for other allowed uses in the GC zone, such as retail, office, restaurant, property management, etc.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing and consider the applications for 1) a Pre-Master Planned Development and 2) a Conditional Use Permit for ten (10) residential units within a new building to be located at 1893 Prospector Avenue. Staff has prepared the following findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Staff recommends review and action on the Pre-MPD with review and continuation to the next meeting following April 8, 2015, for the CUP to be reviewed concurrent with the final MPD.

### **Pre-MPD Application**

#### **Findings of Fact for pre-MPD application**

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 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 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 for the Pre-MPD Application**

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.

### Conditional Use Permit

Staff has provided the following findings of fact, conclusions of law, and conditions of approval for the Planning Commission's review and discussion. Written and posted notice of the public hearing was provided per requirements of the Land Management Code. The published legal notice did not include the Conditional Use permit and therefore Staff recommends the Commission review, provide input and continue the public hearing for the CUP to the next meeting following the April 8, 2015 meeting where the CUP can be reviewed simultaneously with the full Master Planned Development Application.

### Findings of Fact for the Conditional Use Permit

1. The subject property is located at 1893 Prospector Avenue.
2. The property is located in the General Commercial (GC) zone and within the Prospector Square Subdivision overlay.
3. Residential uses, including multi-dwelling units, are required to be reviewed per the Conditional Use Permit criteria in the Land Management Code (LMC) and require approval by the Planning Commission.
4. An FAR of 2 is allowed for buildings within the Prospector Square Subdivision overlay.
5. The building consists of a total of approximately 11,500 sf of residential uses and the proposed FAR is 1.99.
6. Twelve (12) parking spaces are required for the proposed residential uses. Twelve covered parking spaces are proposed on the main level. Parking within Prospector Square is shared and upon completion of the reconfigured Parking Lot F, there will be a total of 103 parking spaces, including the 12 spaces located under the building as per the Owner's parking agreement with the Prospector Square Property Owner Association.
7. No outdoor storage of goods or mechanical equipment is proposed.
8. There are no significant traffic impacts associated with the proposed uses as build out of these platted lots is anticipated.
9. The residential uses create a reduced parking impact from the allowed uses of retail and office which have a 34.5 parking space requirement as opposed to 12 parking spaces for the 10 residential units.
10. Any additional utility capacity, in terms of fire flows, will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit and prior to recordation of the subdivision plat. .
11. The proposed development will not interfere with access routes for emergency vehicles.
12. No signs are proposed at this time.
13. Exterior lighting will be reviewed at the time of the building permit review.
14. The proposal exists within the Park City Soil Ordinance Boundary.
15. The findings in the Analysis section of this report are incorporated herein.
16. The development is located in a FEMA Flood Zone A.

### Conclusions of Law

1. The application satisfies all Conditional Use Permit review criteria for

residential uses as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1-15)] and all requirements of the LMC.

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

### **Conditions of Approval**

1. All standard conditions of project approval shall apply to this project.
2. All signs associated with the use of the property must comply with the City's Sign Code.
3. No outdoor storage of goods or mechanical equipment is allowed on-site.
4. Review and approval of a final drainage plan by the City Engineer is required prior to building permit issuance.
5. Review and approval of the final utility plans, including review to ensure adequate fire flows for the building, is required prior to building permit issuance.
6. Prior to issuance of a certificate of occupancy for the building, the reconfigured Parking Lot F shall be completed, including paving, striping, and landscaping.
7. Building Height will be verified for compliance with the approved MPD plans prior building permit issuance.
8. The Construction Mitigation Plan, submitted prior to building permit issuance, shall include detailed information regarding coordination of utility installation, reconstruction of Parking Lot F, and the provision of an interim parking plan during construction.
9. A stream alteration permit and/or 404 permit will be required for any work in the stream area,
10. An elevation certificate will be required showing the lowest occupied floor is at or above the base flood elevation,
11. A stream study will be required to determine the upstream and downstream flood plain impacts. Impacts will be required to be mitigated,
12. A wetland delineation study by a certified wetland delineator will be required prior to building permit issuance to verify if any wetlands will be disturbed with construction of the building.
13. As part of the final utility plan and prior to issuance of a building permit, the water system must be modeled to verify that adequate fire flows and pressures can be provided to this building.

### **Exhibits** See CUP report for Exhibits

- Exhibit A- Applicant's letter
- Exhibit B- Existing Conditions Survey
- Exhibit C- Gigaplat re-plat
- Exhibit D- Grading Plan
- Exhibit E- Utilities Plan
- Exhibit F- Site Plan



Exhibit G- Floor Plans

Exhibit H- Elevations

Exhibit I- LMC Section 2.18- General Commercial (GC) District

Exhibit J- Park City General Plan (not attached) - available at [www.parkcity.org](http://www.parkcity.org)

# Planning Commission Staff Report



**Subject:** LMC Amendments  
**Author:** Francisco Astorga, Planner  
**Date:** May 13, 2015  
**Type of Item:** Legislative – LMC Amendments  
Nightly Rental in the HRL East District  
Green Roofs in the Historic Residential and the RC Districts.

## **Summary Recommendations**

Staff recommends that the Planning Commission review the Land Management Code Amendment regarding Nightly Rentals use in the HR-L Chapter 2.1 and possible amendments to the Green Roof definition and application in HR-L Chapter 2.1, HR-1 Chapter 2.2, HR-2 Chapter 2.3, RC Chapter 2.16, and Definitions Chapter 15. Staff recommends that the Planning Commission review the staff report, open and continue the public hearing, and consider continuing this item to the June 24, 2015 Planning Commission meeting as noticed. Staff does not recommend action at this time, but requests that the Commission provide input and direction regarding these two (2) topics.

## **Description**

**Project Name:** LMC Amendment regarding Nightly Rental use in the HR-L Chapter 2.1. Review of the Green Roof definition and its application in HR-L Chapter 2.1, HR-1 Chapter 2.2, HR-2 Chapter 2.3, RC Chapter 2.16, and Definitions Chapter 15.  
**Applicant:** Planning Department  
**Proposal:** Possible revisions to the Land Management Code

## **Background**

For a several years the Planning Department has been having discussions with residents in the HR-L District, east of Main Street, regarding the Conditional Use of Nightly Rentals in this part of town. Exhibit B is a map of this area. Staff requests to initiate the discussion and pending ordinance with the Planning Commission regarding possible amendments in this area of the HR-L District. The Land Management Code defines a nightly rental as the following:

*Nightly Rental. The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.*

## **Nightly Rental Analysis**

The LMC indicates that the City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

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

2. the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;
3. the Use is consistent with the Park City General Plan, as amended; and
4. the effects of any differences in Use or scale have been mitigated through careful planning.

The LMC indicates that the Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

1. size and location of the Site;
2. traffic considerations including capacity of the existing Streets in the Area;
3. utility capacity, including Storm Water run-off;
4. emergency vehicle Access;
5. location and amount of off-Street parking;
6. internal vehicular and pedestrian circulation system;
7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
9. usable Open Space;
10. signs and lighting;
11. physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;
12. noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;
13. control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;
14. expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and
15. within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site.

According to LMC § 15-3-6(A), the residential parking ratio requirements of a nightly rental use are the following:

*Parking for the first six (6) bedrooms is based on the parking requirement for the dwelling. An additional space is required for every additional two (2) bedrooms utilized by the Nightly Rental Use. Parking for Historic Structures may be allowed on the Street adjacent to the Property, if approved by the Planning, Engineering, and Building Departments.*

Staff would like to provide this information above to the Planning Commission for discussion and analysis to examine if the City should further review this District to disallow the use. Staff requests to come back to the Planning Commission with the

following studies:

- Neighborhood survey of the Nightly Rental use
- Number of current approved Nightly Rental conditional use permits

**Discussion requested: Does the Planning Commission agree that this needs to be reviewed? If so, does the Planning Commission recommend other studies need to be prepared? Staff has prepared a pending ordinance for this possible amendment to avoid a rush of applications since the Code is currently being reviewed.**

### **Green Roof Analysis**

In 2009 the City added a provision regarding Green Roofs being allowed in the HR-L, HR-1, HR-2, and RC Districts. A Green Roof is currently defined as the following:

*Green Roof. 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.*

The LMC indicates the following regarding Green Roofs and how it applies to Building Height:

Roof Pitch. 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.

(1) A Structure containing a flat roof shall have a maximum height of thirty-five feet (35') measured from the lowest floor plan to the highest wall top plate that supports the ceiling joists or roof rafters. The height of the green roof, including the parapets, railing, or similar features shall not exceed twenty four inches (24") above the highest top plate mentioned above.

Staff would like to present this information for review and to survey the Planning Commission to see if they find that this portion of the Lang Management Code needs to be amended/clarified or if it needs to be left as is. The Land Management Code does not dictate the use of the green roof, active vs. passive, accessible vs. non-accessible, etc.

**Regarding the green roof discussion the Planning Department has not drafted a pending ordinance as staff would like to treat this as a work session discussion.**

**Process**

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

**Notice**

Legal notice of a public hearing was posted in the required public spaces and published in the Park Record.

**Public Input**

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. The public hearing for these amendments was properly and legally noticed as required by the Land Management Code.

**Exhibits**

Exhibit A – Proposed Ordinance

Exhibit B – HR-L East Area



## Exhibit A – Proposed Ordinance

Draft Ordinance 15-XX

### **AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING SECTION 15-2.1-2 USES IN THE HISTORIC RESIDENTIAL-LOW DENSITY (HRL) EAST DISTRICT.**

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code and identifies necessary amendments to address planning and zoning issues that have come up in the past years, and to address specific LMC issues raised by the public, Staff, and the Commission, to address applicable changes to the State Code, and to align the Code with the Council's goals; implementing the General Plan; and

WHEREAS, the City's goals include preservation of Park City's character regarding Old Town improvements, historic preservation, sustainability, affordable housing, and protecting Park City's residential neighborhoods and commercial districts; and

WHEREAS, Chapters 2.1, Historic Residential-Low Density District (HRL) provides a description of requirements, provisions and procedures specific to this zoning district that the City desires to revise. These revisions concern the conditional use of Nightly Rental in the District; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on \_\_\_\_\_, 2015; and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on \_\_\_\_\_, 2015; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2- Sections 15-2.1-2. The recitals above are incorporated herein as findings of fact. Section 15-2.1-2 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 1).

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, Mayor

Attest:

\_\_\_\_\_  
Marcy Heil, City Recorder

Approved as to form:

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

## Attachment 1

### 15-2.1-2. USES.

#### (A) ALLOWED USES.

- (1) Single Family Dwelling
- (2) Home Occupation
- (3) Child Care, In-Home Babysitting
- (4) Child Care, Family<sup>1</sup>
- (5) Child Care, Family Group<sup>1</sup>
- (6) Accessory Building and Use
- (7) Conservation Activity
- (8) Agriculture
- (9) Residential Parking Area or Structure with four (4) or fewer spaces

#### (B) CONDITIONAL USES.

- ~~(1)~~ ~~Nightly Rentals~~
- ~~(21)~~ Lockout Unit
- ~~(32)~~ Accessory Apartment<sup>2</sup>
- ~~(43)~~ Child Care Center<sup>1</sup>
- ~~(54)~~ Essential Municipal and Public Utility Use, facility, service, and Building
- ~~(65)~~ Telecommunication Antenna<sup>3</sup>
- ~~(76)~~ Satellite dish greater than thirty-nine inches (39") in diameter<sup>4</sup>
- ~~(87)~~ Residential Parking Area or Structure five (5) or more spaces
- ~~(98)~~ Temporary Improvement<sup>5</sup>
- ~~(409)~~ Passenger Tramway Station and Ski Base Facility<sup>6</sup>
- ~~(4410)~~ Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge<sup>6</sup>
- ~~(4211)~~ Recreation Facility, Private
- ~~(4312)~~ Fences greater than six feet (6') in height from Final Grade<sup>5,7</sup>

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

(Amended by Ord. Nos. 06-56; 09-10; ~~15-XX~~)

<sup>1</sup>See LMC Chapter 15-4-9 for Child Care Regulations

<sup>2</sup>See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments

<sup>3</sup>See LMC Chapter 15-4-14, Telecommunications Facilities

<sup>4</sup>See LMC Chapter 15-4-13, Satellite Receiving Antennas

<sup>5</sup>Subject to Administrative or Administrative Conditional Use permit, see LMC Chapter 15-4.

<sup>6</sup> See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

<sup>7</sup> See LMC Chapter 15-4-2, Fences and Walls



# Exhibit B HRL District-East

