



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF June 24, 2015

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

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

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. PL-15-02451 & 47
PL-15-02471
Planner
Astorga

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

940 Empire Avenue Subdivision – Plat Amendment combining one and a half lots in order to remove the lot line under an existing non-historic home. PL-15-02762 127
Planner
Alexander
Public hearing and possible recommendation to City Council on July 30, 2015

Lot 20, Block 9, Snyder's Addition, Norfolk Avenue - *The property is located between 1046 Norfolk Avenue and 1102 Norfolk Avenue on a vacant lot.* - Steep Slope Conditional Use Permit for construction of a new single-family dwelling on a vacant lot. PL-15-02723 141
Planner
Turpen
Public hearing and possible action

52 and 58 Silver Strike Trail - Seventh Supplemental Plat for The Belles at Empire Pass, Units 15 and 16 PL-15-02775 169
Planner
Whetstone
Public hearing and possible recommendation to City Council on July 30, 2015

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

222 Sandridge Avenue - Plat amendment to combine portions of Lots 19, 20, and 21 in Block 72 of the Park City Survey into one lot of record. PL-15-02769 187
Planner
Whetstone
Public hearing and possible recommendation to City Council on July 30, 2015

1893 Prospector Avenue – Master Planned Development Application for a new building containing 11 residential units on Lot 25b of the Giga plat Replat of Parking Lot F at Prospector Square. PL-15-02698 223
Planner
Whetstone

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.

Public hearing and possible action

Alice Claim south of intersection of King Road and Ridge Avenue – Alice Claim Subdivision and Plat Amendment <i>Public hearing and consideration of applicant request and staff recommendation to continue to July 22, 2015</i>	PL-08-00371 <i>Planner Alexander</i>	327
Alice Claim south of intersection of King Road and Ridge Avenue – Conditional Use Permit for retaining walls up to 10' in height. <i>Public hearing and consideration of applicant request and staff recommendation to continue to July 22, 2015</i>	PL-15-02669 <i>Planner Alexander</i>	395

ADJOURN

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

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PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JUNE 24, 2015

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Kayla Sintz, Planning Manager; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Christy Alexander, Planner; Mark Harrington, City Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Campbell who arrived later.

ADOPTION OF MINUTES

June 10, 2015

Commissioner Band referred to page 66 of the Staff report, page 14 of the minutes and corrected the vote on the motion for 875 Main Street to reflect that she had voted against the motion. The vote should be corrected to read, **The motion passed 4-1. Commissioner Band voted against the motion.**

Commissioner Band referred to page 89 of the Staff report, page 37 of the minutes under the public hearing for Alice Claim and changed Jim Doiling to the correct spelling of Jim **Doilney**.

Commissioner Joyce referred to page 62 of the Staff report, page 10 of the minutes, middle of the first paragraph, and changed “as a designation for residents” to correctly read “**destination** for residents...”

Commissioner Joyce referred to page 82 of the Staff report, page 30 of the Minutes and changed “five 6’ retaining walls add up to 10’ to correctly read “...add up to **30’**.”

MOTION: Commissioner Phillips moved to APPROVE the minutes of June 24, 2015 as amended. Commissioner Joyce seconded the motion.

VOTE: The motion passed. Commissioner Campbell was not present for the vote. Commissioner Worel abstained since she was absent on June 10th.

May 13, 2015

MOTION: Commissioner Phillips moved to APPROVE the minutes of May 13th, 2015 as written. Commissioner Worel seconded the motion.

VOTE: The motion passed. Commissioners Band, Joyce and Thimm abstained since they were absent on May 13th.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Phillips disclosed that he lives across the street from 125 Norfolk, the Consent Agenda item, but he did not believe that would impact his decision this evening.

Commissioner Phillips disclosed that he has a non-complying hot tub that would not affect his judgement in the discussion this evening. He would move his hot tub two feet if necessary.

Commissioner Phillips disclosed that he would be recusing himself from 259, 261, 263 Norfolk Avenue due to past professional relationships with the applicant. He was not certain that this association would not affect his judgement.

Commissioner Phillips asked if the City had looked at annexing Snow's Lane either recently or in the past. He was working on a house on that street and noticed hazardous conditions that could cause problems on the City property. He also recalled that someone had applied for a position on the City Council believing that they were within the City limits but later found they were not. Commissioner Phillips suggested that the Staff look at whether or not annexing would make sense.

Planning Manager Sintz offered to research what has historically been done and report back to the Planning Commission. Chair Strachan recalled some discussion about that during the Silver Star development application.

Commissioner Phillips noticed that 259, 261, 263 Norfolk was not posted and has not been posted for some time. Commissioner Band stated that she found the sign in the weeds today and re-staked it. However, the sign was dated March 25th, which was the last time it

was on the agenda. Commissioner Phillips noted that he had made this same comment about the sign at the March 25th meeting. He questioned whether or not was considered proper noticing if the sign was lying down.

City Attorney Mark Harrington pointed out that Commissioner Phillips had recused himself from this item and he should not be making comments. If the other Commissioners had questions regarding signage and public noticing they should make their comments when the item comes up on the agenda.

WORK SESSION

Sign Code Amendment regarding Resort Free-Standing Signs.

Planner Christy Alexander reported that the sign code is part of the Municipal Code and any amendments to the Sign Code go through the City Council as the approval body. However, they value the opinion of the Planning Commission and the purpose of this work session is to hear feedback regarding the proposed sign code amendment.

Planner Alexander stated that the City has been partnering with Deer Valley in working on improvements to the Deer Valley Road right-of-way. The City Engineer has been working with the resort in talking about wayfinding signage, and how to improve and update what currently exists, as well as potential signage for the future. Planner Alexander noted that current language in the sign code states that any free-standing signs are limited to 7-feet in height. With this improvement to the right-of-way the City Engineer and Deer Valley were talking about specific signage, which she presented to the Planning Commission. The intent is to help visitors to the community know when they were actually entering the resort area, since many people do not know where Deer Valley begins.

Planner Alexander stated that the Resort was proposing a free-standing sign up to 20'. However, after looking at signs within the community, what signs the Resorts currently have, and which signs are most visible and legible to both pedestrians and vehicle traffic, the Staff recommended limiting the signage to 14' in height. The City Engineer had requested 16'. Planner Alexander noted that with the changes or proposed amendments to the sign code they would need to amend the height limit, limit the number of signs to two free-standing signs, and reduce the setback from 10' off the property line to 5' off the property line. In addition, if there are right-of-way improvements, any signage within the right-of-way must be approved by the City Engineer.

The Staff requested input from the Planning Commission regarding the height limit, number of signs, and the setbacks.

Commissioner Thimm could find nothing in the amendment that suggested a change in the face area of the sign, which is currently 20 square feet. He questioned how they would measure 20 square feet on the sign Planner Alexander was showing on the screen. He asked whether it would be the text area or the whole sign. Planner Alexander replied that it would be any image and text. Commissioner Thimm clarified that it would just be the logo or decorative portion and the wording. Planner Alexander answered yes.

Commissioner Thimm referred to language regarding special exceptions and noted that Item a) mentions an entrance corridor. He asked if the Code defines an entrance corridor. Planner Alexander believed it was defined somewhere in the Code, but she was unsure how specific it was and suggested that they look at revising the language for clarification. Commissioner Thimm thought it would be easy for people to stretch the limits of the Code without a clear definition.

Planning Manager Sintz asked if Commissioner Thimm thought Item a) that states within 300 feet of the Resort's property needed clarification. She noted that they were interchanging entry exit corridor, but they were honing in on the proximity of the Resort property. Commissioner Thimm thought the language was gray and nebulous. Planner Alexander understood that the concern was that where the property begins is different than the entry corridor. Commissioner Thimm stated that the issue was what might be construed to be an entrance corridor by some but not by others. He thought that needed to be clarified. Planner Alexander agreed.

Commissioner Joyce remarked that a lot of thought went into drafting the current Sign Code. He wanted to know the real motivation behind the proposed amendments and what problem they were trying to solve. Planner Alexander replied that much of the signage was done before the Olympics or for the Olympics and things have changed since then. The City was already looking at amending the Sign Code this year, and with Vail taking over PCMR and wanting to update their signage, the Staff tried to look at providing the best wayfinding signage for the Resort areas to help guide the tourists.

Commissioner Joyce asked if the signage was literally intended to be a directional signage. He did not believe the example Planner Alexander presented as the proposed sign was not directional. He thought it made more sense to have signage at the roundabout directing people to many choices; or to have signage at the base of Deer Valley directing buses, drop-off traffic, etc. to different locations. Commissioner Joyce remarked that the proposed example looked more like a welcome sign that did not meet the needs of wayfinding.

Commissioner Joyce reiterated his consistent concern about making Code exceptions for an individual business. If the issue is that the Resorts are special because they generate so much traffic to one place, he would prefer changing the LMC to have special signage

requirements for a use that generates this volume of traffic. Commissioner Joyce pointed out that the two Resorts were asking for new signage and he was uncomfortable changing the Code for that particular type of business. He believed it was a big mistake. Commissioner Joyce noted that later in the meeting the Planning Commission would be discussing a Code change regarding vertical zoning specifically to eliminate some of the odd exceptions that exist in the Code.

Commissioner Joyce stated that his message to City Council would be that if the intent is to teach people how to get to the base of Deer Valley, a good 7' road sign should be sufficient because they have those same signs all over town for various businesses and they work fine. He was unsure why that would not be adequate for the Resorts. Commissioner Joyce personally believed they were only having this discussion because the City was actively involved in working on the Deer Valley Beautification.

Planner Manager Sintz remarked that the existing signs in place are not in compliance with Sign Code and the intent is to look at all the signs as a whole, recognizing that the City has two large resort destinations that do have an identity and a brand within the City. The Staff thought it was best to look at it in a cohesive manner.

Commissioner Joyce stated that if the answer is that the Sign Code is broken and they made a mistake when they thought 7' was adequate, then the question is whether it should apply to hotels and other businesses. He was willing to have that discussion to determine whether or not there are mistakes in the Sign Code. There are several examples where the Code was changed to fix many non-compliant things and he had no problem with that process. He reiterated that a lot of thought went into the current 7' height and he was uncomfortable picking it apart one sign at a time without good reason and being fair to other businesses. He used hotels as an example. Planner Manager Sintz remarked that hotels are very different than the two major Resort destinations. She stated that the Staff would never recommend a 14' sign for a hotel.

Chair Strachan could not find reference in the Code indicating that the proposed change only applied to ski resorts. He specifically referenced 12.9.1(G). Planner Alexander stated that the Resorts are specifically mentioned in her redlined version. She clarified that the current Code language does not address the Resorts specifically. Chair Strachan asked if the City Attorney could see problems with giving one business a right that is not extended to other businesses.

City Attorney Harrington stated that the more exception based they are, particularly in light of recent federal litigation, the more they put the City at risk. However, they are able to differentiate different classes of signage, but not the content. Mr. Harrington stated that it had not yet been reviewed comprehensively because they first wanted to hear input from

the Commissioners and policy direction. Mr. Harrington thought they could expect a fairly quick return and some broader recommendations on the entire Sign Code, particularly with regard to temporary signage. At that point the Planning Commission would have the opportunity to address non-complying and temporary exceptions. Mr. Harrington believed Commissioner Joyce was accurate in saying that the best basis to distinguish was directional signage. He noted that directional can include arrival. Mr. Harrington emphasized that the more exception based and limited in number, the more at risk they are to be challenged, particularly if it is content based and subject to scrutiny. Mr. Harrington noted that there has been a high degree of voluntary compliance in Park City because people in the community recognize the importance of aesthetic regulations. He stated that there is a functional difference between a UDOT sign and a Resort sign, and there is an analysis that the Staff can draw upon that shows the deficiencies in direction signs. The City receives a high number of complaints regarding directional confusion.

Commissioner Joyce stated that the Staff report talks about wayfinding, but in his opinion the proposed example was not a wayfinding sign.

Commissioner Band concurred with Commissioner Joyce. They were talking about Deer Valley now but they would eventually have this same discussion for PCMR. If they intend to amend the Sign Code they should look at all signs. She was opposed to a piecemeal approach. If the City wanted to make exceptions for the two big ski resorts they could still make that decision.

Commissioner Joyce stated that if exceptions are made for the ski resorts it should be driven by traffic volume rather than use.

Commissioner Worel agreed that the signs needed to be wayfinding. She also was also uncomfortable relating the size of the sign to the perceived importance of what it relates to.

Chair Strachan concurred with Commissioners Band and Joyce. He believed the St. Regis would be the next entity that would request a 14' sign. He thought it needed to be more Code driven. Exceptions could be allowed but it should be for businesses that occupy recreation open space or something similar. He did not favor specifying ski resorts.

Chair Strachan suggested that the Staff re-work the amendment and bring it back to the Planning Commission for further discussion.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. Land Management Code Amendment regarding Nightly Rentals use in the HR-L (Application PL-15-02817). Chapter 2.1 and green roof definition and application in

HR-L; Chapter 2.1, HR-1 (Application PL-15-02818). Chapter 2.2, HR-2 Chapter 2.3, RC Chapter 2.16, and Definitions Chapter 15.

Chair Strachan opened the public hearing.

Michael Kaplan stated that he is a professor and one of the courses he teaches is Ski Resort Management. He actually did a study on the evolution of ski towns and currently Park City is at a new pulse where businesses will come in and property will be sold to people who are looking for third homes. The businesses will be market businesses. It is a function of the rates and due to the sale and recovery of the economy. Mr. Kaplan thought the City should focus on getting hot beds on Main Street in the form of nightly or long-term rentals. He stated that in general, the ski resorts that are more successful focus growth and density towards the core. Mr. Kaplan remarked that the way the Code reads currently, the developers are making \$2 million condos and they are becoming second, third and fourth homes, which does not add to the energy of Main Street. Mr. Kaplan stated that he is involved with Main Street and there is a great need for hot beds. That should be the direction of the Code as they amend it.

Chair Strachan asked if Mr. Kaplan favored adding nightly rentals in zones or decreasing the number of nightly rentals.

Mr. Kaplan stated that he favored giving an incentive to developers to make nightly rentals. He offered suggestions for incentives to steer developers away from the current model. He suggested that the Code encourage smaller units and remove some of the parking prohibitions and other things that forced the developers in the direction they have taken.

Chair Strachan closed the public hearing.

MOTION: Commissioner Phillips moved to CONTINUE the LMC Amendments regarding nightly rentals and green roofs to July 22nd, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

1. 125 Norfolk Avenue – Hewtex Plat Amendment combining portions of Lots 7, 8, 11 and all of Lots 9 and 10 Block 78 of the Millsite Reservation.
(Application PL-15-02720)

Chair Strachan opened the public hearing. There were no comments.

MOTION: Commissioner Joyce moved to APPROVE the Consent Agenda. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 125 Norfolk Avenue

1. The property is located at 125 Norfolk Avenue.
2. The property is in the Historic Residential-Low Density (HR-L) Zoning District.
3. The subject property consists of Portions of Lots 7, 8, 11 and all of Lots 9 and 10 in Block 78 of the Millsite Reservation.
4. Existing Lots 8, 9, and 10 contain a single-family dwelling built in 1973 and a non-historic detached garage constructed at an unknown date. The building footprint of the single-family dwelling is approximately 672 square feet. The building footprint of the non-historic detached garage is approximately 304.5 square feet.
5. An asphalt driveway is located on Lots 7, 8, 9, and 10.
6. The proposed plat amendment creates one (1) lot of record from the existing three (3) partial lots and two (2) full lots equaling 7,417 square feet.
7. A single-family dwelling is an allowed use in the Historic Residential-Low Density (HR-L) District.
8. The minimum lot area for a single-family dwelling is 3,750 square feet; the lot at 125 Norfolk Avenue will be 7,417 square feet. The proposed lot meets the minimum lot area for a single-family dwelling.
9. The maximum building footprint for a lot this size, 7,417 square feet, is 2,444.5 square feet. Compared to adjacent properties on Sampson Avenue within the HR-L zone, the average lot size is 6,237.5 square feet. The average building footprint of those properties on Sampson Avenue within the HR-L zone is 2,162.29 square feet.
10. The minimum lot width allowed in the HR-L District is thirty-five feet (35'). The proposed lot is one hundred twelve feet six inches (112'6") wide. The proposed lot meets the minimum lot width requirement.
11. The minimum side yard setbacks for a one hundred twelve feet six inch (112'6") wide lot are fifteen feet (15').
12. The minimum front and rear yard setbacks for a lot seventy-five feet (75') in depth are fifteen feet (15') and thirty feet (30') total per Table 15-2.1a in the Land Management Code.
13. The existing non-historic single-family dwelling is thirteen feet (13') from the rear

property line on its southwest corner.

14. The existing non-historic detached garage encroaches into the Public Right-of-Way over the east property line approximately one foot seven inches (1'7") on the northeast corner. The existing non-historic detached garage is approximately one foot three inches (1'3") from the east property line on the southeast corner. The property owner will demolish the non-historic detached garage prior to plat recordation which will eliminate the encroachment.

15. The existing single-family dwelling is a legal non-complying as the structure and does not meet the rear yard setbacks. The Building Department does not keep Building Permits prior to 1979. It is unknown whether or not a Building Permit was obtained to construct the single-family dwelling.

16. The combined side yards setbacks are to be thirty feet (30') per Table 15-2.1 in the Land Management Code.

17. The proposed plat amendment will not cause undo harm to adjacent property owners.

18. The proposed lot area of 7,417 square feet is a compatible lot combination as the entire Historic Residential-Low Density District has abundant sites with comparable dimensions.

19. The applicant submitted a Historic District Design Review (HDDR) Pre-application on October 21, 2014 to construct an addition to the non-historic structure and demolish the existing non-historic detached garage. A Design Review Team meeting occurred on October 29. A second Design Review Team meeting occurred on April 1. Currently, there are no active applications under review.

20. The applicant applied for a Plat Amendment application on March 19, 2015. The Plat Amendment application was deemed complete on April 22, 2015.

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

Conclusions of Law – 125 Norfolk Avenue

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

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

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

Conditions of Approval – 125 Norfolk 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 the final signed mylar has not been presented to the City for City signatures for recordation 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 of July 9, 2016, and an extension is granted by the City Council.

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

4. The property owner must demolish the existing non-historic detached garage which encroaches into the Public Right-of-Way on the east side of the property prior to plat recordation.

5. 13-D sprinklers are required for any new construction or significant renovation of existing.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 534 Park Avenue – Conditional Use Permit Modification to relocate the bed and breakfast's laundry facilities into the non-historic garage on the property. (Application PL-15-02759)

Planner Anya Grahn explained that the Washington School House Bed and Breakfast has an existing laundry room in their basement. They currently outsource the laundry for the facility and they would like to upgrade the laundry facilities by moving them into the garage.

Planner Grahn stated that the existing historic building and the garage are over footprint for what is allowed on the site. Therefore, no addition could be made and the applicant would have to use the existing buildings. In 1983 this bed and breakfast use was approved by the Historic District Commission as part of the renovation. At that time the garage was not included as part of the site. It was acquired in 2000 from John Plunkett. Mr. Plunkett had submitted a letter to the Planning Commission indicating that there was a minor error in what he had appealed in the early 2000s. Planner Grahn stated that in 2001, after the garage had been obtained as part of the site, a plat amendment was done to include the garage.

The Staff report outlined the reasons why the Staff believed the application complies with the Conditional Permit. However, Planner Grahn requested discussion on Item 12, which relates to noise, smells, etc. The applicant plans to install exterior vents on the south side

facing the Washington School house rather than the neighbor on the other side of the building. The applicant also plans to put in a new air condenser on the west side at the rear of the property. Planner Grahn had added Conditions of Approval requiring vegetation; and restricting the hours for using the laundry room between 7:00 a.m. to 10:00.

Planner Grahn reviewed the site plan showing the location of the new vents and the new condenser.

Chair Strachan asked if the compressor was necessary for the laundry machines. A representative for the applicant stated that it was only an air conditioning condenser.

Commissioner Worel referred to page 157 of the Staff report, which stated that the applicant was proposing to install a commercial size washing machine, ironing board and small utility sink in the current garage. She asked if there was a reason why a dryer was omitted. Planner Grahn replied that it was an error and there would be a dryer. Commissioner Worel assumed that the dryer was the reason for venting.

Commissioner Phillips asked how many loads of laundry they anticipated per day. The applicant's representative estimated between three to four loads per day. It is a 12 room bed and breakfast with 13 beds. With the commercial units all the linens could be done in one or two loads per day, and the towel would be a separate load. He estimated four loads on a heavy day.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Thimm clarified that the condenser would only serve the laundry room. He was told that this was correct. The applicant's representative stated that it was a very quiet system.

Commissioner Joyce asked about access from the main building to the laundry. The applicant's representative stated that there is a front entrance off of Park Avenue and the staff would walk back and forth outside. Commissioner Joyce asked if the garage has been used to park cars. The applicant answered no.

Commissioner Joyce noted that Planner Grahn had asked for feedback on Item 12 regarding noise and smell. He assumed the restricted hours for the laundry matched the

pool hours of 7:00 to 10:00. He believed it was more appropriate to match the construction hours which ends earlier in the evening and starts later on the weekend.

Commissioner Joyce suggested adding a condition of approval limiting the scope to one washer and one dryer. Commissioner Joyce referred to page 168 of the Staff report. In looking at redoing the garage door he thought it was odd that the one on the right had wall-mounted heating and air conditioning unit mounted to the opening garage doors. The applicant's representative believed the drawing was incorrect and that it was meant to be above the doors inside on the brick portion. He stated that it still may not go in that exact location. Commissioner Joyce clarified that he only questioned it because of the intent to keep things away from the wall closest to the neighbor.

Commissioner Joyce stated that if they could limit the number to one washer and one dryer and use the standard construction hours for the hours of operation, he was comfortable with the application.

Planner Grahn offered to add a condition of approval with a limitation of one washer, one dryer, one small sink, one iron. She asked if the Commissioners wanted to discuss an end time for daily operation.

Planning Manager Sintz noted that the construction hours are Monday-Saturday 7:00 a.m. to 9:00 p.m. and Sunday 9:00 a.m. to 6:00 p.m. Ms. Sintz referred to Condition #7, which stipulates that the approval is for the laundry room use only. She recommended adding "on-site" to the language. Commissioner Joyce clarified that his concern was with the 10:00 p.m. end time. He asked if the applicant would agree to a time restriction of 7:00 a.m. to 8:00 p.m. The applicant's representative agreed, noting that most of the laundry would be done during business hours.

Commissioner Phillips stated that based on the standards for review he believed the applicant met all four standards listed in the Staff report. He agreed with Commissioner Joyce on the condition to limit the number of washers and dryers. Commissioner Phillips asked how many decibels would be heard on the outside of the building compared to a regular washer and dryer. The applicant's representative was unprepared to answer but offered to ask their sales rep. Commissioner Phillips was only concerned because sometimes the longer the ducts the more turns and the sound coming out the other end could be quieter. He recommended that they ask the sales rep if something could be done to make the machines quieter out of respect to the neighbors. Commissioner Phillips thought there was a definite advantage to this request because not having a laundry service pick up and drop off the laundry eliminates one car on the road.

Commissioner Joyce stated that he was present when they installed the commercial washer and dryer at the Friends of Animals in Brown's Canyon and it did not produce any more noise than other washers and dryers. The applicant's representative pointed out that the building has 10" thick concrete.

Commissioner Thimm noted that Condition #3 talks about fire sprinklers being required for new construction. He stated that the use was being changed and equipment was being added. He asked if they would be required to provide a fire suppression system. Planner Grahn replied that given the equipment in the garage and the fact that the garage is currently not sprinklered, the Building Department was requiring sprinklers. Commissioner Thimm thought it was a good idea to have a fire suppression system, but he thought the language should be changed to say for this project rather than for new construction.

Planner Grahn was comfortable changing the language; however, she believed that the Building Department would view it as new construction because the systems were being updated. Planning Manager Sintz suggested striking the words "for new construction".

MOTION: Commissioner Band moved to APPROVE 543 Park Avenue Conditional Use Permit to relocate the bed and breakfast laundry facilities into the non-historic garage on the property; based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as amended.

VOTE: The motion passed unanimously.

Findings of Fact – 543 Park Avenue

1. The property is located at 543 Park Avenue, and is currently the home of the Washington School House bed and breakfast.
2. The zoning is Historic Residential (HR-1).
3. The proposed Modification to Conditional Use Permit is to permit the construction of on-site laundry facilities consisting of one (1) commercial size washing machine, one (1) commercial size dryer, one (1) commercial ironing board, one (1) small utility sink, and one (1) heating/cooling unit. The on-site laundry facilities are an auxiliary use of the bed and breakfast, in the non-historic accessory garage structure. The garage is north of and adjacent to the Washington School House building and is located within the same lot of record.
4. The Washington School House bed and breakfast is a landmark structure listed on the Park City Historic Sites Inventory (HSI) and the National Register of Historic Places (listed

in 1978). The stone building was constructed in 1889. According to the HSI, the building was vacant and in disrepair at the time of its listing on the National Register in 1978.

5. On September 21, 1983, the Historic District Commission granted a conditional use permit for the site to be rehabilitated and adaptively reused as a bed and breakfast. The site continues to be used as such, and it has twelve (12) guest rooms. The Washington School House provides breakfast, snacks, and other light meals as needed to its guests.

6. On March 22, 1984, Park City Municipal Corporation entered a non-exclusive easement agreement for the parking access and use of the staircase located as the north 21.5 feet of Lot 11 and all of Lot 36, Block 9 of the amended plat of Park City Survey.

7. On October 9, 1984, an easement agreement (entry #225977) granted the Washington School Inn a private easement for the 11 automobile parking spaces.

8. On June 7, 2001, the Park City Council approved a plat amendment to combine seven Old Town lots into one lot of record on the site where the Inn is located.

9. On November 10, 2010, the Planning Commission approved a Conditional Use Permit for a private recreation facility, which included a year-round heated lap pool with connected hot tub and spa located behind the Washington School Inn bed and breakfast

10. Use of the garage as an accessory structure is an allowed use in the HR-1 zone.

11. The garage has a side yard setback of four feet (4') along the north property line; the required side yard setback is three feet (3'). The garage is not historic.

12. The garage measures approximately 21 feet by 23 feet, or approximately 483 square feet. It is currently used as a storage room to support the bed and breakfast use only; it is not currently being used for parking.

13. The property is currently over footprint for the lot configuration with the existing historic structure and non-historic garage, thus no addition could be added to either existing structure, and no new enclosed building could be placed on the site.

14. Additional parking requirements for the site are not affected by this application. Parking by guests or employees shall only occur in designated parking associated with the original Conditional Use Permit for the bed and breakfast. The 1983 CUP approval did not include the garage as part of the site's parking requirement, thus any current use of the garage for private guest parking was an additional, but not required, benefit to the bed and breakfast.

15. The proposed laundry room does not require additional parking per the requirements of the Land Management Code. The relocation of the laundry room to the accessory structure will not displace any existing parking.

16. Adherence to previously approved associated parking with the original bed and breakfast CUP will be followed. Guests and employees will continue to not be permitted to park on Woodside Avenue. Deliveries and servicing of the bed and breakfast as well as its pool will continue to occur off of Park Avenue, per the existing CUP applications. Because the bed and breakfast will no longer be outsourcing their laundry, there will be a reduction to trucks servicing the site to fulfill the bed and breakfast's laundry needs.

17. The laundry facility in the garage will not interfere with existing access routes for emergency vehicles. The most direct emergency access to the laundry room will be from Park Avenue.

18. Minor exterior changes to the non-historic garage will include revising the design and operation of the existing overhead door, as well as new vents and flues on the south elevation of the structure. Laundry facilities are an auxiliary use to the bed and breakfast. Only laundry for the bed and breakfast will be done on site. Any new exhaust vents will not impact the site's existing open space.

19. Ownership of the current business license will not change. The use is limited to owners and guests of the property.

20. The use is proposed to be contained within the existing accessory structure—the garage, and no new structures are proposed at this time. The garage is not located on a Steep Slope, nor is the property located in the Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance.

21. Staff findings in the Analysis section are incorporated herein.

Conclusions of Law – 543 Park Avenue

1. The CUP, as proposed, is not consistent with all requirements of the Park City Land Management Code.
2. The CUP, as proposed, is consistent with the Park City General Plan.
3. Neither the public nor any person will be materially injured by the proposed CUP.

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

Conditions of Approval – 543 Park Avenue

1. The applicant shall apply for a building permit from the City within one (1) year from the date of Planning Commission approval. If a building permit has not been granted within one year's time, this Conditional Use Permit will be void.

2. An approved Historic District Design Review will be required prior to building permit issuance for any exterior work.

3. Fire sprinklers will be required by the Chief Building Official at the time of review of the building permit submittal.

4. Any improvements in the City right-of-way will require an Encroachment Agreement with the City prior to building permit issuance.

5. The needed exterior condenser will comply with LMC 15-2.2-3(I) which requires screened mechanical equipment and similar structures to be located a minimum of 5 feet from the side lot line. Any new exterior exhaust vents and similar equipment shall be screened with vegetation.

6. The laundry room shall only be used between the hours of 7am and 8pm.

7. The approval is for the on-site laundry room use only. Any additional uses would require additional CUP modification and are outside the scope of the 1983 bed and breakfast conditional use permit, the 2010 private recreation facility conditional use permit, and this 2015 modification to CUP.

8. No guest or employee parking shall occur on Woodside Avenue or Park Avenue. Guest and employee parking shall adhere to the 1983 conditional use permit approval. Service and deliveries for the Washington School House Bed and breakfast shall continue along Park Avenue.

9. Any new signage will require a new sign permit.

10. No new lighting is proposed at this time. Any new lighting shall be reviewed and approved by the Planning Department prior to installation.

11. Noise levels shall comply with 6-3-9 of the Park City Municipal Code.

2. **259, 261, 264 Norfolk Avenue – Consideration of the First Amended Upper Norfolk Subdivision Plat – Amending Conditions of Approval on Ordinance No. 06-55. (Application PL-15-02664)**

Commissioner Phillips recused himself and left the room.

Planner Astorga reviewed the application to amend the original ordinance 06-55, which approved the Upper Norfolk subdivision in 2006. Jerry Fiat was representing the three entities that own each lot.

Planner Astorga stated that in 2006 a specific condition of approval indicated that construction access to the lots would be from King Road. In 2009 the applicant lost that access easement and, therefore, they were in violation of the condition of approval. Planner Astorga reported that the Planning Commission first reviewed this amendment to the ordinance on March 25, 2005 and it was continued until this evening. The two conditions of approval requiring access from King Road were outlined on page 190 of the Staff report. The applicant was requesting to amend those two conditions. Planner Astorga noted that the construction easement agreements were granted; however, the one with the access had a specific time frame and it had expired.

Planner Astorga stated that when the Planning Commission reviewed this application on March 25th they talked about construction mitigation and the Steep Slope conditional use that was discussed in the original approval in 2006. Pages 191 and 192 of the Staff report outlined some of the items that were discussed in 2006 regarding the Steep Slope CUP.

Planner Astorga commented on the first part of this application, which was construction mitigation. Exhibit C in the Staff report was the actual letter written by Jerry Fiat concerning the construction mitigation. The first is the desire to build all three units at the same time. The second is that staging area has been secured in the back of the sites on Mr. Sfire's property. An easement agreement was obtained and that agreement expires two years after the start of construction. Planner Astorga noted that in his letter Mr. Fiat indicated that no materials would be staged on the street, that parking will take place in a shared private driveway, and there is sufficient space for cars and trucks to turnaround without having to back up or down Upper Norfolk. Mr. Fiat also indicated in his letter that they intend to encourage carpooling to further reduce traffic. Trucks will not be allowed to queue up on Upper Norfolk. The road would only be closed for specific utility upgrades. Deliveries could be accommodated in the area of the three lots.

Planner Astorga noted that the letter was reviewed by the Building Department. The Building Department does not approve the actual construction mitigation until the building permit is issued; however, they had no issues with what was being proposed. Planner Astorga noted that language was drafted in the Building Department's form and the information was placed on the actual construction mitigation plan, with a disclaimer that it was subject to change at any time. Planner Astorga stated that the Chief Building Official has the ability to amend a construction mitigation plan to address specific concerns that may arise during construction.

Planner Astorga stated it was unfortunate that the applicants lost the access off of King Road because there is no other way to accommodate construction other than through King Road. Based on recommendations by the Building Department, Planner Astorga recommended that the Planning Commission approve the specific ordinance that amends the original plat from 2006. The lots have always been viewed as buildable lots of record, but access would be more difficult.

Planner Astorga commented on the issue regarding construction on steep slope. He explained that as the Staff further examined the minutes from 2006 they found that many questions and concerns were not addressed because they would be discussed with the Steep Slope CUP. He noted that whenever an issue was raised by either the public or the Commissions, the re-occurring answer was that all of the items would be addressed through a Steep Slope Conditional Use Permit.

Planner Astorga noted that Exhibit F showed the actual site with the triplex that has since been demolished. The next Exhibit was the actual survey that was submitted in 2006 that showed a large encroachment of the triplex over the City right-of-way. Planner Astorga presented the existing conditions site plan that was submitted in 2006, as well as a preliminary proposed site plan that was submitted. He pointed to the existing berm and the shared driveway. Planner Astorga stated that the trucks would come in, make the turn and then make an applicable turnaround in that area where it would not affect the neighborhood. Planner Astorga noted that the construction easement he mentioned earlier was behind the lots towards the west.

Planner Astorga presented an Exhibit that was shown in 2006. One imaged showed the existing conditions with the triplex. Another image represented the proposed with each single family dwelling at approximately the same section cut.

Planner Astorga stated that in June 2010 a memo was written by the Planning Department indicating that this site required a Steep Slope CUP. In August 2010 another memo was written by the Planning Department stating that a Steep Slope CUP was not required. Planner Astorga explained that when the Staff reviewed the site at the applicant's request,

they looked at the plat but failed to look at the Findings of Ordinance 06-55. Finding 13 of the Ordinance indicated that the sites were on steep slopes and required a Steep Slope conditional use permit. Planner Astorga stated that this application was the reason why plat notes are now placed on new plats referencing the actual ordinance recorded with the City. The plat note would direct people to the findings of fact, conclusions of law, and conditions of approval for the plat.

Planner Astorga reviewed the site plan that was recently submitted by the applicant regarding construction mitigation. The area in yellow in the back was the construction staging area, which is the shared driveway. Planner Astorga referred to the survey and verified that the topo lines match the submitted survey. He noted that Lot C, before the area was disturbed, had a slope of 67%. Regarding the other two lots, he indicated a slope of 53% and 38%. Planner Astorga remarked that it could be debated as to whether or not it meets the Steep Slope CUP requirement because of the disturbance that took place. He noted that the survey was done before the triplex was removed, but at that time it had a slope of 67%. Based on that information the Staff recommended that they honor the original Finding of Fact requiring the applicant to come back with a Steep Slope CUP for each lot.

The Staff recommended that the Planning Commission amend the ordinance to allow building three single family dwellings. He reiterated that there is no longer access through King Road and they would have to use Upper Norfolk. Specific conditions of approval address vegetation and changes to the construction mitigation plan. If the construction mitigation plan changes for any reason, the applicant has the responsibility to inform the neighbors. Planner Astorga reported on a technical aspect of the easement in the back that was an error in the survey, and he recommending making that change. Another condition of approval requires a cross access temporary construction easement over the three lots so staging during construction could occur on the three properties.

Planner Astorga clarified that the only way to amend an ordinance is to apply for another ordinance which amends it. A memo by the Planning Director is not sufficient to remove a specific finding, conclusions of law, or condition of approval.

Jerry Fiat, representing the applicants, remarked that the condition regarding access in the rear was not in the plat. They were new owners who were not aware of the condition. A plan was submitted in 2009 to build, at which time the Planning Department discovered the access issue and suggested that they amend the ordinance. He clarified that the applicants had no issue with amending the Ordinance.

Mr. Fiat thought the major issue was the Steep Slope CUP. He recognized that either he or the buyers should have checked for findings of fact, but it was not on the plat and they

had a clear letter from the Planning Director. Mr. Fiat explained that in 2009 plans were submitted to determine whether or not it required the Steep Slope CUP process. After the Planning Department determined that it was steep slope he met with Planner Astorga and former Planning Director Thomas Eddington because he did not think it was right. Mr. Fiat noted that the area on the third lot is steep because they dug it out for parking. It is a disturbed area and not the natural topography of the area. Mr. Fiat stated that in looking at pictures of the triplex, it is evident that the triplex fully extended on to the berm. He noted that the public right-of-way was used for parking and the triplex was also on the public right-of-way. Mr. Fiat emphasized that the site was disturbed. Mr. Fiat remarked that the site was measured which is why the Planning Director which is why the Planning Director wrote another letter in conflict with the first letter.

Mr. Fiat stated that they have been trying to build these lots for a while and they have almost lost this season. They have a letter that was written in good faith stating that a Steep Slope CUP is not required. Mr. Fiat noted that they removed a six unit structure that was 47' in height and encroached on to the public right-of-way. They would like to build three homes and create a better situation on the site.

Commissioner Band asked Planner Astorga to explain the construction mitigation process if the approved construction mitigation plan is changed. Planner Astorga clarified that changes normally do not occur. He added a condition of approval due to the issues related to the narrowness of Norfolk and the expectation of the neighborhood that access would occur off King Road. Planner Astorga stated he followed the same noticing criteria for a plat amendment, which is to notify property owners within 300 feet. The applicants would have to provide an updated list of neighbors within 300 feet and to notify the neighbors that the x-component of their construction mitigation plan has been amended. Planner Astorga stated that the Chief Building Official has the authority to approve, amend or deny construction mitigation plans.

Commissioner Band asked if there was a specific time frame for notifying the neighbors. Planner Astorga offered to include language in the condition requiring that letters be sent the day the amended construction mitigation plan is approved. Commissioner Band thought the neighbors should be noticed a day or due prior to something that would affect them so they would know what to expect and could plan accordingly. Planning Manager Sintz noted that something similar occurred with the construction of the Main Street Mall and a system was put in place that notified property owners when changes would be occurring on the street. She believed they would use that model.

Commissioner Worel noted that pages 193 and 194 talks about construction easements and that two of the legal descriptions were incorrect. She asked if that should be in the conditions of approval. She also noted that in the redlined Condition #5 was struck where

it talks about construction easement agreements. Planner Astorga stated that he wanted the Planning Commission to understand the original findings of fact, conclusions of law and conditions of approval. For example, page 201 contained the existing findings of fact and those were redlined to show the changes proposed for the amended ordinance. On page 202, Conditions 4 and 5 would be struck because Condition #4 addressed the King Road access; and Condition #5 was tied to Condition #4.

To answer Commissioner Worel's first question, Planner Astorga referred to the Condition #6 in the proposed draft ordinance. He noted that the easement was drawn appropriate, but once they looked at distances and angles it did not quite close. The intent is to have the surveyor address that item. Planner Astorga stated that Mr. Fiat was already working on the language to address the technical aspects that were not appropriate drafted in the recorded documents. Planner Astorga referred to Condition #7 and stated that since they would be staging on Mr. Sfire's property, the Planning Department wanted an inventory of the landscaping to make sure it is brought back up to what is was.

Commissioner Thimm stated that if they were making a finding of fact that there is sufficient area on the property to conduct construction staging, he questioned why an off-site area was shown for staging as part of the presentation. Planner Astorga replied that the off-site area is what makes the area sufficient for construction staging. Commission Thimm thought Finding #14 did not reflect that intent. Planner Astorga agreed and revised Finding #14 to read, "There is sufficient area on the property and adjacent to it to conduct construction staging."

Commissioner Joyce thought Finding of Fact #14 should be changed to read, "between the property and the easement there is sufficient property for construction staging."

Chair Strachan opened the public hearing.

Debbie Brabender, a resident at 283 Upper Norfolk, believed her property would be the most impacted by the construction. She emphasized that the applicants have the right to build their house and she encourages it because beautiful homes will improve the neighborhood value. Ms. Brabender stated that her only concern is that the road that comes in in front of these houses would drive on the City property right in front of her guest house that she rents as nightly rentals. She will lose the parking spot and that section will be the turnaround spot for everyone else. Ms. Brabender was not pleased with that prospect. She has spoken with Planner Astorga and there are ongoing discussions with regard to how they can square up their property and not lose the privacy in front of their guest house. Ms. Brabender liked that the Planning Commission was going back to the original documents to make sure everything was being done appropriately. Ms. Brabender reiterated that she was not opposed to the project. As the only person on the end of the

street who lives there full time she understands the traffic situation. She was pleased to see the plans for the driveway, but she disagreed with how the driveway circles around in front of her lot because it would be the turnaround spot.

Michael Kaplan stated that he owns the property at 236 and 238 Upper Norfolk, where it becomes a choke point on the street. Mr. Kaplan cited an incident where cars were parked on both sides of the street and there was an emergency with a toddler, but because the road is narrow the emergency vehicles could not get through. Luckily, everything worked out fine, but since his property is nightly rental he put up signs allowing people to park on one side of the street but not the other. Mr. Kaplan emphasized that the road is very narrow and he requested that everything possible be done to leave room for emergency vehicles. He had done his part and he hoped others would be considerate of the situation.

Chair Worel closed the public hearing.

Commissioner Worel was impressed with the construction mitigation plan and she thought Mr. Fiat was working hard to lessen the impacts on the neighborhood as much as possible. She has always had concerns with Upper Norfolk. She was interested to hear the comment about the shape of the driveway.

Commissioner Joyce referred to the site plan on page 226 of the Staff report and pointed out where the property line comes across for the house next door. Mr. Fiat noted that the hatched areas on the site plan are the areas that were historically used for parking and they were reclaiming it as berm. Mr. Fiat stated that their original intent was to reduce or eliminate the parking that was in the unimproved right-of-way and return some of the berm to screen it better. He was willing to move it more, but they were not trying to create parking because they have the shared driveway for parking.

Mr. Fiat remarked that no one puts together a construction mitigation plan like he does. He believed he was the only developer who rents parking spaces and never uses City parking for construction sites. They always rent parking and they also enforce it. He thought they did an exemplary job of controlling the situation on all of their projects and he could not recall a single complaint. Mr. Fiat understood the comment about losing the parking, but the narrowness of the road is caused by the amount of parking that occurs on the public right-of way and not by the project.

Commissioner Joyce asked if Mr. Fiat had an easement on the City right-of-way that would allow them to turn it into private driveway. Mr. Fiat stated that most of the improved public right-of-ways are not in a platted right-of-way. There is usually a significant difference between the improved right-of-way and the lots and it is typically crossed. He pointed out that this occurs on every project throughout Old Town. He noted that usually it is a single

driveway for each lot. They would prefer a single driveways but they were specifically requested to eliminate the number of driveways. They came in with a proposal for two and they were asked to do one.

Planner Astorga presented an exhibit of the outer edge of the Park City survey. He noted that the red area in the circle represented the subject property. The area above it was the next property and it was not included in the Park City survey. That was the reason for the unique angle. Planner Astorga reviewed the aerial photograph and pointed out that platted Norfolk ends on the angle. Everything north was private property with an easement over those areas to access the other three or four homes. Planner Astorga understood that Commissioner Joyce was questioning whether 283 or 263 would have access. That was the reason why another condition of approval was added stating that any improvements to the right-of-way would have to be filed and appropriately approved by the City Engineer. Planner Astorga clarified that the parking that has taken place was never formalized by the City. He understood that it was illegal parking that has been enjoyed up to this point.

Commissioner Joyce expected that one property would not be allowed to come up in front of another property on the right-of-way. He assumed that the access would be associated with Lot 283 rather than Lot 263. City Engineer Matt Cassel stated that the City tries to keep the driveways within the boundaries of the property lines to avoid causing impacts to the neighbors. There is nothing written prohibiting drives to extend beyond the property lines but it is a guiding principle.

Commissioner Joyce sympathized with the applicants regarding the steep slope issue. However, as he read through all the past minutes, the driveway was the one issue that kept coming up but kept getting pushed to the steep slope CUP. The concerns related to the berms, how amount of cut, retaining walls and other issues. Commissioner Joyce believed that when the previous Planning Commission gave approval for the plat, it was done based on the assumption that they would have a secondary level of approval to shape the plan. Commissioner Joyce was comfortable with the construction mitigation plan and he would like the applicant to be able to move forward, but he was uncomfortable with the driveway piece and making sure it gets done right.

Mr. Fiat noted that they were not disturbing any of the berm. They were actually bringing back and revegetating the berm. With City Engineer approval, Mr. Fiat was willing to move the driveway 90 degrees off the public right-of-way to stay away from being in front of 283 Norfolk. Commissioner Joyce asked if Mr. Fiat was convinced that they could bring the driveway up to the first house and not encounter driveway steepness issues. Mr. Fiat replied that the Code would not allow them to exceed 14%. He commented on a driveway was currently being torn out because the grade was 16%. Mr. Fiat remarked that

everyone in town was very aware of the strict rules. If he moved the driveway he would have to make it work within the 14% requirement.

Commissioner Band asked if they were using the public right-of-way to stage pouring the driveway. She had walked the lot and questioned how they would get everything to the back staging area. Mr. Fiat stated that they would grade the driveway either use a crane over a forklift to move everything to the staging area. He explained that a small crane usually fits within the space. Mr. Fiat realized that the concrete truck would have to be on the road when the last piece of the driveway is poured, but he believed there was sufficient space on-site to build the project. Mr. Fiat stated that relative to other sites this was a very manageable project.

Commissioner Thimm thanked Mr. Fiat for a thorough and detailed construction mitigation plan. In terms of the right-of-way and the driveway, Commissioner Thimm stated that he tends to look at a piece of property from the right-of-way line to the edge of curb or sidewalk as frontage. He favored moving the driveway perpendicular off of Norfolk because it was more in line with how he defines frontage.

Commissioner Thimm commented on the steep slope issue. He agreed with the applicant that a letter is on file saying that it was not steep slope; however, another letter on file says that it is. In addition, the Planning Staff was recommending that the condition of approval having it be a steep slope should remain. Commissioner Thimm asked Planner Astorga if there was an outstanding issue that made the Staff draw that conclusion. Planner Astorga replied that it was the review of the minutes from 2006 and the number of items that were not addressed on the belief that it would be reviewed under a Steep Slope CUP.

Planner Astorga admitted that he had written the last memo on behalf of the former Planning Director and that they had not looked at the ordinance. They only looked at the plat and there was not a plat note. They went on-site but since none of the planners are certified surveyors they made their determination based on what they knew. As a professional planner, after reading all the minutes, he thought it clearly reflected that all of the items regarding the driveway and the design of the house were to be reviewed through the Steep Slope CUP process.

Commissioner Campbell thought there was a perception in the neighborhood that the right-of-way extends perpendicular from the roadway. His only objection was using the triangular section above. He felt that piece should stay with the house to the north. If Mr. Fiat was willing to move it perpendicular and felt comfortable that he could meet the driveway grade, Commissioner Campbell could support it. After driving by the site, he thought the steep slope situation was created by the prior excavation. He believed the natural grade would not have met the steep slope requirement. Commissioner Campbell

pointed out that the previous Planning Commission talked about reviewing a steep slope CUP because they were under the assumption that the property was a steep slope. That does not mean that it actually was a steep slope.

Commissioner Band was inclined to lean towards the Staff recommendation to keep the condition for a Steep Slope CUP because of the minutes from 2006. However, if they choose to remove the condition, she thought it was important to address the issues that were kicked down the road if there was not going to be a Steep Slope CUP process.

Commissioner Campbell questioned whether they were technically able to discuss those issues this evening. City Attorney Harrington replied that the Staff had not framed the issues for discussion. He suggested that the Planning Commission outline the specific issues so the Staff could prepare a recommendation for the next meeting.

Commissioner Band understood that the two options were 1) approve the ordinance as amended, keeping the Steep Slope CUP; or 2) Continue this item to another meeting when the Planning Commission could discuss some of the issues.

Chair Strachan felt this was one circumstance where the equities weigh in favor of the developer. He understood the issue of getting two conflicting letters and the mixed message it sends. In his opinion, where there is a tie it goes to the “runner”, and in this case that would be the developer. Chair Strachan remarked that the question was whether or not they could adequately mitigate the potential impacts in the context of a plat amendment application. He believed they could mitigate the impacts without going through the Steep Slope CUP process, especially since the developer was given mixed messages.

Chair Strachan thought the greatest impacts and the ones that could be mitigated related to construction impacts, the driveway, and construction staging. He pointed out that the CUP process would get them to the same point they were at this evening, and many of the conditions that the Planning Commission would end up imposing had already been agreed to by the construction mitigation plan. If Mr. Fiat was willing to take all of the bullet points outlined on page 193 of the Staff report and make them conditions of approval to this plat amendment, Chair Strachan believed that would achieve the goal of mitigating the impacts.

Mr. Fiat agreed to what Chair Strachan was suggesting, and noted that he had originally suggested that it become a condition of approval.

Commissioner Melissa clarified that if the Commissioners agreed they would be removing Finding of Fact #13.

Commissioner Thimm concurred with Chair Strachan. He believed the LMC and the Planning Staff would enforce the mitigation of impacts. Commissioner Thimm liked the adage of the tie going to the runner. He appreciated Mr. Fiat's persistent effort.

Commissioner Band asked if they needed to add language to the construction mitigation plan to address the comment by Planning Manager Sintz that a specific system was in place to notify the neighbors if changes to the Plan occur. Planner Astorga pointed out that the condition should be removed entirely because those items would become conditions of approval and the Chief Building Official would not have the ability to amend the construction mitigation plan.

Chair Strachan suggested that the Planning Commission take a break and move to the next item on the agenda to give Planner Astorga the opportunity to draft the revised findings of fact and conditions of approval and bring it back to the Planning Commission for action this evening. The Commissioners concurred.

Chair Strachan noted that since the majority of the public were present for the LMC amendment regarding Vertical Zoning storefronts, the Planning Commission would move that to the next agenda item.

Commissioner Phillips returned to the meeting.

3. **Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2 Uses in Historic Recreation Commercial (HRC), Chapter 15-2.6-2 Uses in Historic Commercial Business (HCB), and associated Definitions in Chapter 15-15 Defined Terms (Application PL-15-02810)**

Planner Whetstone reviewed the proposed amendments to Chapter 2.5 and 2.6, as well as changes to the definitions in Chapter 15. The Staff recommended that the Planning Commission conduct a public hearing and continue the item to July 22nd to allow time for the Staff to consider input from both the Planning Commission and the public. Planner Whetstone stated that the Staff intends to provide noticing to the business owners prior to the July 22nd, meeting. She noted that every property owner within the area of the vertical zoning ordinance was noticed for this meeting; and it would be beneficial to hear from the businesses.

Planner Whetstone stated that Goal 16 in the General Plan stated, "To maintain Historic Main Street District as the heart of the City for residents and encourage tourism in the District." Objectives talk about limiting uses within the first story of buildings along Main Street to retail and restaurant establishments that are inviting to passing pedestrians. Uses that should be discouraged included office space, real estate, show rooms, parking, etc.

An implementation strategy is to re-examine the City's vertical zoning ordinance that requires commercial retail shops along Main Street and to consider strengthening that ordinance.

Planner Whetstone stated that additionally the City has an economic development strategic plan that includes goals related to maintain and improving a balance of sustainable community goals by going beyond economic initiatives and include social and environmental strategies to preserve Main Street.

Planner Whetstone stated that the proposed amendments pro-actively direct uses that have a more positive impact or effect on the economic and social vitality and activity level of the street to look at street level storefronts. Upper level spaces in the districts in this area can continue to accommodate offices, residential, real estate offices and those types of uses. Planner Whetstone remarked that the proposed amendment expands the reach to Lower Main Street and suggests taking out any areas that were exempt from the existing ordinance. Planner Whetstone summarized that the proposed amendment would amend the table to add additional uses that would not be allowed in storefront properties; to expand the location of the ordinance; and to relook at the definition where a property fronts on a street or a public or private plaza. She noted that a private plaza has its own definition and this amendment would not include a small, personal or private plaza. However, if it is on Main Street it would probably fall under this amendment because it would be within 50 feet of the street.

Planner Whetstone had reviewed the ordinance and read through the minutes of how it was created and why some areas were exempt. She recognized that some areas may still need to be exempt and she anticipated a lot of conversation regarding this issue.

Planner Whetstone requested that the Planning Commission consider adding a requirement that new construction or redevelopment reconstruction shall not be manipulated so as to not create a storefront property.

Planner Whetstone stated that the storefronts are regulated by a footnote to the uses. They added the footnote "any residential use". She pointed out that nightly rental was not mentioned in the list because it was already part of the residential use. A bed and breakfast and a hostel were added, as well as minor hotel rooms. They also added under conditional uses triplex, multi-units, guest houses, and group care facilities. Also added were parking areas or structures, as well as recreation facilities; commercial, public and private. Planner Whetstone clarified that the footnote are uses are prohibited in the HRC zone, storefronts on Main Street, Swede Alley, Heber Avenue and Park Avenue, excluding the HRC zoned areas on the west side of Park Avenue. She noted that three HRC properties across from the Kimball Arts Center are residential buildings. Other historic

buildings on the west side of Park Avenue with different uses back to residential and it seemed appropriate that adaptive reuse of those buildings may be an office. Planner Whetstone remarked that an item for discussion would be to allow a hotel on a Main Street storefront but not the hotel rooms. Hotel lobbies would also be prohibited unless they were open to the public.

Planner Whetstone reviewed the items for discussion outlined on page 480 of the Staff report: 1) Are there Uses that the Commission finds should be excluded or included from the provisions of this Ordinance; 2) How should access to upper and lower level spaces be regulated? Should access and/or lobby areas for hotels, residential condominium properties, offices, private clubs, etc. be limited to a certain percentage of the overall Storefront area? Should these regulations apply to lobbies that are essentially public because they provide access through to public restaurants, bars, and shops; 3) Does the Commission find that expansion of the Ordinance to the lower MainStreet area by a) including Public and Private Plaza areas in the definition of Storefront, and b) by removing the current language that excludes certain properties, further addresses the City's adopted Goals and Objectives and strengthens the existing Ordinance; 4) Are there certain properties or spaces that should be excluded from the provisions of this Ordinance due to existing physical constraints, such as the location or orientation of windows, entry ways or other reasons? Should the properties that front onto the northern interior plaza at Summit Watch continue to be excluded from the Vertical Ordinance, thus allowing non-retail uses to located in that area; 5) Staff has exempted the HRC zoned properties located on the west side of Park Avenue because these properties transition to adjacent residential properties on Woodside. Residential and office uses within Storefront Areas are compatible uses in this transition area. Should this area be included in the Vertical Zoning regulations; 6) Should new development be required to have Storefront Areas if located on Main, Heber, Swede, or east side of Park and within the HRC and HCB Zoning Districts?

Chair Strachan opened the public hearing.

Doug Clyde thought the discussion items were well framed and he intended to stay and listen to their discussion. Mr. Clyde had read the ordinance and believed that it generally accomplishes what they want. However, he had concerns about the plaza issue. He thought it was unclear what the relationship of a plaza is to the specific streets on which the storefronts are regulated. It is unclear when a plaza becomes part of one of those regulated streets. For example, in reading the ordinance one could construe that the 1st Street stairs are a public plaza connected to Park Avenue and perhaps should have storefront all the way up the stairs. He thought the intent of what they were trying to accomplish was good but he cautioned them to consider the unintended consequences.

Mike Sweeney stated that he is one of the owners of a plaza and had a difficult time understanding the thinking with respect to the plazas. Plazas were not involved on Main Street. Mr. Sweeney remarked that he, his brothers and others provide Park City with lower Main Street because until they developed it there was not a lower Main Street. It was a Mill plat and it terminated at Heber Avenue. Mr. Sweeney stated that from his understanding as the President of the HPCA at the time this was going on, they were talking about storefront on the Main Street level. It did not involve his plaza or the Main Street Summit Watch Plaza, which are the only two plazas on Main Street that are 1,000 square feet. Mr. Sweeney stated that the businesses on the interior of the Marriott Summit Watch need all the help they can get because very few businesses have been successful in the 20 years since the plaza was created. Mr. Sweeney noted that he help craft the original language and the fact that it has been expanded to include private plazas does not make any sense. He supported the idea of having commercial retail in storefronts, which includes bars and event centers. Mr. Sweeney stated that the purpose of the ordinance is to make sure that the commercial activity on Main Street is existing. He does not believe in having parking come in on Main Street. He remarked that this came to the attention of the City Council because of how 205 Main Street was designed. The reason for this amendment is to make sure that something like 205 Main Street never happens again. Mr. Sweeney stated that when he was involved with the HPCA they looked at what they thought was right for Main Street to create the commercial activity and the vibrancy they were looking for. He believed that was what they were trying to protect to make sure that 205 did not happen again on Main Street. Mr. Sweeney noted that the real estate firms were asked to leave Main Street and they will not be coming back. Mr. Sweeney wanted to meet with Planner Whetstone to go through in detail what he understands about this particular situation they were in right now.

Eric Nelson agreed that this conversation was triggered by what happened on 205 Main Street, which in his view is a disaster for the City and for Main Street. He believed the City had an opportunity to vitalize that section of Main Street, and so far they have lost that opportunity. Mr. Nelson had read the Staff report and he had no comments on it. However, he did want to comment on process. When a project like 205 Main Street is not reviewed by the Planning Commission and the City Council, and neither body even knew it had been approved, the process is flawed. When the buck stops with the City Council and they knew nothing about it that is a problem. Mr. Nelson stated that someone needed to address the process because 205 Main Street was not the only instance where a project was approved without the Planning Commission or the City Council seeing it; and that is a mistake. Mr. Nelson requested that the Staff and the Planning Commission address that issue.

Chair Strachan closed the public hearing.

Commissioner Campbell agreed that plazas were a separate issue. He was unsure how to address plazas, but he thought they were crafting a shotgun approach to stop 205 Main from happening again. Commissioner Campbell stated that it is only two plazas and both need whatever help they could give them. He did not believe they should be treated the same way as Main Street.

Commissioner Thimm concurred with Commissioner Campbell with regard to looking at plazas differently. He has walked them many times and he sees the struggles. In terms of access, Commissioner Thimm thought having lobbies for offices and hospitality as part of the storefront face for Main Street makes sense. However, it was important to look at it holistically if they intend to make changes to the LMC as opposed to a knee jerk reaction to one project.

Commissioner Band thought the downtown plaza areas have started to change and a lot of the businesses have been there for a while. The more they can encourage good shops to be there the more people will go there. Commissioner Band stated that if the concern was about the vibrancy of that area, taking plazas out of the ordinance will hurt more than it will help. If the intent is to address the lack of vibrancy on lower Main and on this plaza, they should not do it by putting in offices and real estate business. They need to help the area by making it more vibrant and keep the retail and commercial spaces that will bring people in.

Commissioner Joyce asked Planning Manager Sintz not to put the Planning Commission in the same position they were put in for Bonanza Park where owners are caught off guard and blindsided. He wanted to make sure that the people who are the most affected are clearly informed about this amendment. Commissioner Joyce thought a reaction to 205 Main Street was part of the timing, but at the last meeting they discussed a private club at 875 Main that was zoned as an exception, even though it was not a desirable storefront use. Commissioner Joyce noted that what they were really trying to do was make downtown a vibrant place to come. Places that draw people are where the people go because it is interesting. His problem with the plaza are the uses that do not draw people in. He agreed with Commissioner Band that they were not trying to fix Main Street. They were trying to make the whole area a vibrant place to go. He would like to include plaza and make them as vibrant as Main Street. The focus should not be to make sure 205 Main does not happen again, but rather to make sure that Old Town is a vibrant place for people to go.

Commissioner Joyce did not believe the west side of Park Avenue should be an exception. He understood the transition, but trying to explain that transition to a tourist is vague. Commissioner Joyce commented on the idea of allowing a hotel entrance but not the rooms. He thought they needed to be clear about parking lots and entrances. It somehow

needed to be addressed but he was unsure how to do it. He reiterated that he rarely favors exceptions because if they have a rule it should apply to all.

Commissioner Phillips was on the fence for both the exemption for the west side of Park Avenue and the plazas. He was leaning towards the street level plazas but after listening to the different arguments he was still forming his opinion.

Planner Whetstone noted that on the far north end of the plaza there was really nothing happening in that area. However, the Staff looked at the end where Main Street curves and discussed whether or not to exempt that portion. They determined that if the goal is to encourage commercial it should be the whole plaza.

City Attorney Harrington stated that property ownership down there gives alternatives and they may be able to work collaboratively with the owners to get a more specific amendment to the MPD. The previous minutes reflect that the goal was balance. Former Commissioner Wintzer had said, "We do not want to dictate the results down there but we want to turn the tide." Mr. Harrington noted that there was a lot of discussion regarding plazas and thought they needed a good map to know which areas they were talking about. He cautioned them about ruling out doing something specific with the other area because they may want more flexibility in that area.

Commissioner Phillips thought it would be helpful if Planner Whetstone could identify all the plazas for the next meeting. Commissioner Phillips did not want to make it difficult for the property owners to lease their spaces. Commissioner Campbell agreed. If the businesses are having problems leasing space now, they should not cut out half of their potential tenants without collaborating with first collaborating with the owners. Planner Whetstone stated that the Staff would do some outreach with the business owners. It was tentatively scheduled to come back to the Planning Commission on July 22nd, but that could be postponed if the outreach takes longer.

Chair Strachan thought the Planning Commission would agree that a private residence club on those plazas was not acceptable.

Commissioner Worel agreed with her fellow Commissioners. She applauded Commissioner Band for encouraging vibrancy. Commissioner Worel questioned why the City had not reach out to the business owners. She agreed with Commissioner Joyce about the process and not being blindsided like they were with Bonanza Park to find that the owners and tenants were the last to know what was going on and the last to provide input. Commissioner Worel believed the business owners on Main Street would provide valuable input.

Commissioner Worel recognized that it was not a discussion for this evening, but she thought Eric Nelson made an excellent point about the approval process. She thought the Planning Commission should address the process of how projects are approved by Staff to avoid the surprise they had with 205 Main Street. Chair Strachan suggested that it be a work session item.

City Attorney Harrington recalled that the process had more to do with the stakeholder meetings. He noted that past minutes reflect working groups. Mr. Harrington stated that the pendulum swung at one time and the City Council looked at streamlining the process. He noted that process is a policy decision to be made by the Planning Commission and the City Council. The Staff could write the Code to have everything come to the Planning Commission or the HPB and make an appellate body. It was an efficiency that the policymakers could decide.

Chair Strachan personally thought the Planning Commission should review the projects. It was one reason why they were appointed and one reason why the City Council was elected. He did not like leaving the decision to Staff. There are times when Staff approval is appropriate, but a CUP or any project over a small amount of square footage should be reviewed by the Boards and Commissions that the community agreed should have the control. Chair Strachan favored having a work session on the process and which projects could just go to the Staff.

Commissioner Joyce agreed that they do not want to hurt the businesses, but at the same time this is an opportunity to plan and to proactively try to shape what downtown becomes. He recognized that there needs to be a balance, but if they plan to shape the outcome it will require rules and guidance that may not be popular to everyone.

Planner Whetstone reiterated that the outreaches would take place before this comes back to the Planning Commission. However, it was important to get an ordinance published so they would have a broad pending ordinance for the public hearing.

Commissioner Band thought they could all agree that the highest and best use is a vibrant area. She stated that no one will be happy about getting a use taken away and the property owners would want as many broad options as possible. If they want this to be vibrant the City might have to partner with the businesses to bring vibrancy to Main Street. She encourage the Staff to phrase it in that way when they do the outreach so the business owners will be willing to listen.

MOTION: Commissioner Worel moved to CONTINUE the LMC Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2, Uses in Historic Recreation Commercial and Chapter 15-2.6-2, uses in HCB and associated Definitions in

Chapter 15-15 Defined Terms, to July 22, 2015. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

4. **Continued discussion on 259, 261, 263 Norfolk Avenue - Amending Conditions of Approval on Ordinance No. 06-55.**

Commissioner Phillips recused himself and left the room.

Planner Astorga stated that the findings and conditions could be revised for the Planning Commission to make a recommendation, but he did not feel the Staff could support it when it goes to City Council based on the fact that Lot 1 on the north has not been disturbed. Therefore, it met the Steep Slope CUP criteria then and the Staff finds that it would still meet the Steep Slope CUP criteria. Planner Astorga pointed out that the Planning Commission addressed a number of items regarding construction mitigation, but the Steep Slope CUP addresses volume, massing, and other items not related to construction mitigation. Planner Astorga stated that if the Planning Commission moves forward this evening, but he wanted the applicant to understand that the Staff would have an alternate recommendation for the City Council. He reiterated that as written in the Code, any development on a slope 30% or greater requires the applicant to submit a Steep Slope CUP application.

Chair Strachan suggested that the Planning Commission stay with their earlier plan to send it to the City Council and let the City Council make the final decision. City Attorney Harrington stated that an alternative would be to clarify that by removing Finding of Fact #13 the Planning Commission was not saying a CUP is or is not required. They were only removing it as a statement of fact and the actual determination would be made during the application when the property is surveyed. Mr. Harrington was unclear as to why so many iterations of determinations were made outside of the normal process.

Commissioner Joyce stated that part of the problem is that when the Planning Commission reviews a plat amendment and they have questions about what it will look like once it is built, often times that discussion is deferred because they know it will go through a CUP process and they will see it again with more detail. He thought it was evident from the minutes that the previous Planning Commission made the same decision thinking that it would be coming back for a Steep Slope CUP. Commissioner Joyce thought the question was whether it is less than 30% because it was disturbed or is it more than 30% because it was disturbed.

City Attorney Harrington understood the argument; however, a Staff determination prior to having a complete application is a preliminary guess and interpretation. In his opinion, the two conflicting letters bear less weight than a final action and a finding of fact and condition of approval that is not appealed by the current applicant at the time. Mr. Harrington recommended that the Planning Commission base their decision to remove the condition for a steep slope CUP on the issues they have identified. At the same time, if the Planning Commission was affirmatively stating that a Steep Slope CUP is not required, that needs to be based on substantial evidence as well. Unless they have a complete application by which that determination is traditionally made, they did not have evidence in the record to make that determination.

Commissioner Campbell thought there was consensus among the Commissioners that the applicant was dealt an unfair hand because of the two letters. He suggested that the Planning Commission take a straw poll to let the applicant know there was support to move forward with the project and they should feel comfortable taking it to the next level of planning.

Commissioner Joyce understood from Mr. Harrington that the Commissioners could remove the Finding of Fact requiring a steep slope, without saying for certain whether or not there is a need for a Steep Slope CUP. If the survey determines that it is a steep slope, then it would come back to the Planning Commission. Commissioner Joyce preferred that approach rather than taking a straw poll. Commissioner Band concurred. Commissioner Worel favored removing Finding #13.

Mr. Fiat stated that there was a finding of fact that it was steep sloped based on a survey that was given when a house was still on the property; and he did not question or comment on it. Then a complete application was submitted and they followed the process to build a house. At that point they received a letter stating that the applicant needed to go through a steep slope CUP. He questioned it at that time and met with the Planner Astorga and former Planning Director Eddington to explain why they disagreed with the determination. After looking through survey and hearing the explanation, Planner Astorga and Director Eddington agreed that it was altered grade and that all the grades were under 30%. Mr. Fiat pointed out that they had followed the correct process and that the second letter was not a letter of confusion. The Planning Department was aware of both letters and they responded with the awareness of both letters. Mr. Fiat remarked that what the Planning Department was not aware of was the finding of fact in the ordinance that it was steep slope, and that is the part that was out of process. The finding of fact from 2006 was not the normal process because it could be easily determined that a lot is not steep slope, but what cannot be determined is whether or not it requires a CUP. Mr. Fiat explained that the criteria for a Steep Slope CUP is whether it or not it is more than 30% grade measuring a 15% distance where the lot is being disturbed. The lot might have a very steep section but

that does not mean it requires a Steep Slope CUP. In his opinion, saying that it is a Steep Slope CUP was wrong in that process. Mr. Fiat thought they had been dealt an unfair hand, but he was willing to follow what Mr. Harrington had suggested. His concern was prolonging the process further.

Chair Strachan informed Mr. Fiat that there was only so much the Planning Commission could do under the Code, but they would try to do the best they could to move this forward; recognizing that it might not be as far as Mr. Fiat would like.

Chair Strachan understood from the comments that if they were to strike Finding of Fact #13 and incorporate the conditions of approval that Planner Astorga had drafted during the break, the Planning Commission could be in a position to make a viable motion. The Commissioner concurred.

Commissioner Band understood that the only revisions were to add the construction mitigation plan to the conditions of approval and to strike Finding #13. Planner Astorga replied that other findings also needed to be removed.

The Commissioners reviewed and amended the findings and conditions and made additional corrections. Findings 23 and 24 were removed. Findings 4 and 5 were removed from the 2006 Ordinance No. 06-55.

Condition of Approval #4 was revised to read, "An agreement must be entered into with the City Engineer concerning any construction staging which occurs within platted but un-built Upper Norfolk Right-of-Way. No access and/or staging shall take place north of a line perpendicular to platted Norfolk Avenue from the northeast corner of 263 Norfolk."

Finding #4 was revised to read, "There is sufficient area on the Lots and the obtained temporary construction easement to conduct construction staging.

Condition #7 was revised to require an existing conditions landscape plan and a survey of the staging plan. Condition #8 was deleted as written and replaced with a new Condition #8 adding the construction mitigation plan in condition format.

Planner Astorga clarified that if the survey reflects 30% or greater slopes, it would be tied to specific LMC criteria. He was told this was correct. Commissioner Joyce pointed out that if the natural grade has been disturbed he believed the numbers would be subjective. Based on earlier comments by his fellow Commissioners, if it is subjective the applicant should be given the benefit of the doubt.

Planner Astorga explained that the next step would be for the applicant to record a document indicating these specific conditions of approval. They would then have to submit for a HDDR, which they would be required to submit a survey with the site plan over that survey to conduct the analysis. The question was whether the 2006 survey would be utilized or whether it should be an updated survey since the demolition of the triplex. Mr. Fiat remarked that he already an updated survey. He did not believe they could interpret anything from the survey because it is just a hole in the ground. Planner Astorga requested that Mr. Fiat provide the updated survey to the Planning Department.

Mr. Fiat was confused about the process. He understood that this would not be a plat recording that requires signatures from the City Engineer, the City Attorney and the Mayor. Planner Astorga replied that it was a full plat. This was done before with an amendment for Risner Ridge. It followed plat format but there were two or three plat notes in the middle without technical drawings that said these conditions of approval shall apply. He had spoken with the Legal Department and the City has consistently followed specific amendments to plats that need to have notes added. Mr. Fiat asked if he needed to prepare a plat. Chair Strachan answered yes.

Chair Strachan agreed that the numbers from the survey would be subjective, but he did not think there was a mechanism to give the benefit of the doubt to the applicant if the Staff concludes that the slope is greater than 30%. Commissioner Joyce agreed that if the determination is that the slope is greater than 30% it should be a Steep Slope CUP without question. However, he believed it would come down to guessing the natural slope of the land. Chair Strachan remarked that the Staff and the applicant were better experienced than the Planning Commission to gather the evidence and find the answer. Commissioner Thimm assumed that Commissioner Joyce's comment was duly noted by Staff in the event that the percentage is slightly close to 30%.

Commissioner Campbell thought it was important that the Planning Commission stay within the bounds of what they are allowed to do, and they do not have the ability to determine steep slope. However, he believed they had the right to tell the applicant that if he has to come back with a CUP they will try to make it as painless as possible. Chair Strachan was uncomfortable making that statement because if the applicant comes back with an application that does not meet the Code they would be held to the same standards as anyone else. Commissioner Campbell agreed. His point was that they would try to move the process along as quickly as possible.

MOTION: Commissioner Melissa moved to forward a POSITIVE recommendation for 259, 261, 263 Norfolk Avenue – Consideration of the first amended Upper Norfolk Subdivision plat, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Worel seconded the motion.

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

Findings of Fact – 259/261/263 Norfolk Avenue

1. The properties are located at 259/261/263 Norfolk Avenue.
2. The three (3) proposed lots would share one (1) driveway.
3. The proposed lots are for the purposes of building single-family houses.
4. There is sufficient area on the Lots and the obtained temporary construction easement to conduct construction staging.
5. Norfolk Avenue is a substandard, narrow street on steep hillside.
6. On-street and off-street parking in the Upper Norfolk Avenue area is significantly limited due to the steep, narrow streets and lack of shoulder areas.
7. Snow removal and emergency access to the Upper Norfolk Avenue neighborhood is frequently difficult to maintain due to the steep, narrow streets and existing high on-street parking demand.
8. LMC § 15-7-6: Subdivisions – General Provisions, Conditions authorizes the City to attach reasonable conditions to land subdivisions which relate to design, dedication, improvement, and restrictive land use so as to conform to the physical and economic development of Park City and to the safety and general welfare of future lot owners in the subdivision and the community at large.
9. In July 2006 the City Council approved the Upper Norfolk Subdivision plat by Ordinance 06-55.
10. The plat was recorded at Summit County on June 01 2007.
11. The property owners request to remove the following two (2) conditions of approval from Ordinance 06-55:
 4. Construction access to the lots is to be from King Road through the adjacent property to the west, as per the submitted construction easement agreements.
 5. The construction easement agreements must be finalized and submitted to the city prior to receiving building permits.

12. All other conditions of approval in Ordinance 06-55 will remain in effect.
13. Conditions of approval 4 and 5 stipulated that construction access would be from King Road via a construction access that would cross separately owned adjacent property.
14. The access was made possible through a temporary construction access easement agreement that expired in December 2009 and the owners have been unable to secure and extension of this easement.
15. The temporary construction access easement agreement was executed and recorded in October 2006. The easement terminated in December 2009.
16. The applicant has indicated that construction for the three (3) single-family dwellings would take place at the same time and that the above statements would be in compliance with the signed agreement.
17. The proposed construction is to terminate in two (2) years or less as the easement agreement indicates such.
18. Cross access easement for the three (3) lots would also need to be executed prior to construction as the lots are built upon the available space is reduced.
19. The dimension of the Lots will not change with this Plat Amendment. The only change to the Upper Norfolk Subdivision by this First Amended Upper Norfolk Subdivision will be the plat notes and conditions of approval as contained herein.
20. The remaining conditions of approval shall continue to apply to the site. These three (3) conditions include:
 - The lots are to be used for the construction of single family houses.
 - A Utility/Grading plan is required to be reviewed and approved by the City Engineer prior to issuance of a building permit.
 - A note shall be added to the plat prior to recordation that prohibits accessory apartments on the newly created lots.
21. Staff recommends adding a condition of approval that indicates that the applicant shall submit a detailed existing conditions landscape plan or survey of the staging area prior to any construction. When the work is finished, the applicant shall be responsible of re-landscaping the disturbed area.
22. The Park City Building Department has reviewed the applicant's proposed mitigation in detail and does not find that any additional items to be addressed at this time.

Conclusions of Law – 259/261/263 Norfolk Avenue

1. There is good cause for this Plat Amendment to amend the conditions of approval of executed ordinance no. 06-55 and add notes to the plat due to the expiration of the recorded temporary construction access easement.
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 – 259/261/263 Norfolk Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. The remaining conditions of approval from Ordinance No: 06-55 shall continue to apply.
 - The lots are to be used for the construction of single-family houses
 - A Utility/Grading plan is required to be reviewed and approved by the City Engineer prior to issuance of a building permit
 - A note shall be added to the plat prior to recordation that prohibits accessory apartments on the newly created lots
4. An agreement must be entered into with the City Engineer concerning any construction staging which occurs within platted but un-built Upper Norfolk Right-of-Way. No access and/or staging shall take place north of a line perpendicular to platted Norfolk Avenue from the northeast corner of 263 Norfolk.
5. Prior to plat recordation, each lot will grant the other two (2) lots construction access easements which shall be executed and recorded and which will not expire until all single-family dwelling structures are built.

6. Prior to plat recordation, the Temporary Construction Access Easement on 220 King language shall be drafted appropriately, and if necessary, the applicant shall work with the easement signee to record an accurate description of the work area identified as Exhibit D on the Easement.

7. The applicant shall submit a detailed existing conditions landscape plan and survey of the staging area prior to any construction. When the work is finished, the applicant shall be responsible of re-landscaping the disturbed area.

8. Planning Commission Conditions:

- a. The applicant shall request to build all three (3) units at the same time.
- b. Staging area has been secured along the rear of the properties of approximately 2,000 square feet.
- c. Materials shall not be staged on the street.
- d. No parking shall be permitted anywhere other than on the shared private drive and on the lots themselves. Neighborhood parking space shall not be used. The applicant shall not request any street parking passes.
- e. No vehicles shall back up or down Upper Norfolk as there is sufficient room to turn all the vehicles around.
- f. The applicant shall store spoils from the excavation and reuse it for back fill to reduce the loads out of the site.
- g. The applicant shall encourage car-pooling to further reduce traffic.
- h. The applicant shall not allow any vehicles to queue on Upper Norfolk
- i. No road closures other than utility upgrades shall be needed
- j. All deliveries and unloading shall be off the shared driveway, and shall not block the street.
- k. All other normal Construction Mitigation Plan requirements in Old Town shall apply.

5. **Land Management Code Amendments regarding 1) Setbacks for patios and hot tubs in HRL, Chapter 2.1, HR-1 Chapter 2.2, HR-2 Chapter 2.3, RC Chapter 2.16; 2) Annexations procedure and review in Chapter 8; 3) Non-conforming uses and non-complying structures in Chapter 9; 4) Definitions of carports, essential municipal and public utilities, facilities, and uses and others in Chapter 15; 5) Applicability of Steep Slope Conditional Use Permits in HRL, HR-1, and HR-2; 6) Conditional Use Permit review and site requirements in HRM Section 15-2.; 7) Board of Adjustment standard of review and appeals in Chapter 1 and Chapter 10; and 8) Combination of condominium units procedure in Chapter 7. (Application PL-14-02595)**

Commissioner Phillips returned to the meeting.

Planner Whetstone reported that these were a collection of LMC amendments based on an annual review. The Planning Commission had already reviewed some of the amendments and provided direction to the Staff.

Planner Whetstone remarked that there were four substantive changes. The first was setbacks for hot tubs in the HRL, HR-1, HR-2 and HRC zones. The proposal is to reduce the 5' setback to a 3' setback. She noted that the Planning previously discussed this item and the minutes from the previous meeting were included in the Staff report.

The second substantive change was the applicability of the Steep Slope CUPs in the HRL, HR-1 and HR-2 zones. Planner Whetstone stated that there has been confusion in defining 1,000 square feet of construction or 1,000 square feet of structure. The Staff was proposing to eliminate the 1,000 square foot threshold and instead require construction for any structure with a building footprint in excess of 200 square feet. Planner Whetstone stated that the Staff chose the 200 square feet number because it is the size of a single car garage.

Commissioner Phillips pointed out that a single car garage has a 252 square foot footprint.

Planner Whetstone noted that language was also added to require a Steep Slope CUP for any access driveway located on a slope of 30% or greater. As currently written the reference to "access" was not clear.

Commissioner Thimm asked if the 200 square feet needed to be on the area that exceeds the 30%. Planner Whetstone answered yes. He clarified that if the house was on a 30% or greater slope but the garage or addition was not on the slope greater than 30%, this code amendment would not apply. Planner Whetstone replied that he was correct.

Commissioner Thimm read Item 2 from page 297, "A Steep Slope Conditional Use permit is required for construction of any addition to an existing Structure, when the addition has a new Building Footprint in excess of two hundred (200 sq. ft.), if the new Building Footprint is located upon an existing Slope of thirty (30%) or greater." He referred to the last phrase stating that "...if the new building footprint is located on an existing slope of 30% or greater. Based on his interpretation, having a house that is 1,000 square feet and adding 200 square feet to the footprint, means the new building footprint is 1200 square feet.

Planning Manager Sintz understood his point and suggested removing the word "new" from the language. The word "new" was replaced with "the footprint of the addition."

Planner Whetstone stated that the third item is a non-conforming use demolition. She stated that the confusion has always been the question of how much of a non-conforming building could be taken down voluntarily before it is demolished. She noted that the State Code says 50% but that has never been in the Park City LMC. The Staff recommended adding language stating, "More than 50% of gross floor area" to replace "the majority of the structure".

Chair Strachan asked why it was a problem that needed to be solved. Planning Manager Sintz stated that when someone has an existing non-conforming structure, someone removes 99% of the structure and leaves one piece to keep it an existing non-conforming structure. This amendment aligns with the Code regarding use and structure. Planner

Planner Whetstone stated that the other amendments related to process such as appeals to the Board of Adjustment regarding the HDDR if it involves a City project. If the HPB is involved in that review they should not be the review body and the appeal would go to the Board of Adjustment. She noted that the standard of review was also changed to a de Novo review.

Planner Whetstone noted that the changes regarding condo units were driven by the effort to align with the State Code.

Commissioner Campbell referred to page 298 and thought Items 2(a) and 2(b) were redundant. He also thought 2(a) regarding mechanical systems was vague and he explained the reason for his concern. Planner Whetstone believed the language was taken directly from State Code. City Attorney Harrington offered to verify that it was from State Code. If it could be changed the Staff would revise the language to address his concern and bring it back to the Planning Commission for review prior to going to City Council.

Chair Strachan called for additional comments or concerns on the amendments as proposed. Commissioner Phillips asked whether 200 square feet was the correct number for a garage or accessory structure on a steep slope or whether it should be 252 square feet. The Commissioners discussed various scenarios and decided to keep the number at 200 square feet.

Commissioner Campbell referred to page 302, 15-9-8 Appeals, and removed the period after the word "decision" so the wording reads as one sentence. The sentence was revised to read, "The City or any Person with standing adversely affected by a decision of the Board of Adjustment under this Chapter may petition the District Court in Summit County for a review of the decision, and such review shall be made according to the requirements of the Utah State Code."

Planner Whetstone referred to the amendment regarding carports. She noted that a statement in the design guidelines talks about discouraging carports, but “carport” has never been defined in the definitions. The Staff drafted a definition for a standard carport with poles and open sides and a roof. “A carport is a covered parking space attached to the house, or free standing, which is not completely enclosed by walls and does not include garage doors.” Planner Whetstone stated that the definition would be used when the Design Guidelines are reviewed and amended to determine whether or not carports would be appropriate in certain circumstances.

Planner Whetstone noted that definitions were also clarified for light industrial, mixed use, and building footprint.

Planner Whetstone noted that the proposed amendment to the annexation procedure aligns with the State Code language.

The Commissioners discussed setbacks for hot tubs. The Planning Commission had a significant discussion at the last meeting and they thought Staff had captured their comments in the amendments. They had talked about a 3’ setback and no screening except for mechanical. Commissioner Thimm thought the language in Item 8 regarding screening appeared to encompass more than just mechanical. For clarity, the Commissioners agreed to amend Item 8 to read, “Mechanical equipment (which must be screened), hot tubs, or similar Structures located at least three feet (3’) from the Rear Lot Line.”

Chair Strachan opened the public hearing.

Ruth Meintsma, 305 Woodside, stated that most of her comments were addressed in the discussion; however, her primary issue was carports. She thought the definition was too broad and it might eliminate some good possibilities. Due to the late hour, she requested that the Planning Commission exclude the definition of carports from their recommendation this evening, and she could meet with the Staff to work on more specificity for the definition. Ms. Meintsma stated that she also had prepared visuals.

Commissioner Phillips stated that if Ms. Meintsma’s suggestions would substantially change the definition, the Planning Commission should hear what she has to say versus just meeting with the Staff.

The Planning Commission agreed to remove carports from their recommendation and to table it until the July 22nd meeting when Ms. Meintsma could present what she had prepared. Planner Whetstone stated that Chapter 2.4, HRM was noticed for this meeting

but it was not on the agenda because the LMC amendments had not been finalized.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to forward a POSITIVE recommendation to the City Council for Land Management Code amendments regarding 1) Setbacks for patios and hot tubs in HRL; 2) Annexation Procedure and Review; 3) Non-conforming uses and non-complying structures; 5) Applicability of Steep Slope Conditional Use permits; 6) Conditional Use Permit review and site requirements in the HRM; 7) Board of Adjustment standard of review and appeals in Chapter 1 and Chapter 10; and 8) Combination of condominium units procedure in Chapter 7, as amended per their discussion. Commissioner Joyce seconded the motion.

Planner Whetstone noticed that Item 6 was the HRM item she had mentioned that was noticed but the amendments were not yet finalized for discussion this evening.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 9:30 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 550 Park Avenue
Project #: PL-15-02451 & PL-15-2471
Author: Francisco Astorga, Senior Planner
Date: July 8, 2015
Type of Item: Work Session – Steep Slope Conditional Use Permit and a Residential Parking Area or Structure with five (5) or more spaces, associated with a residential Building on the same Lot

Summary Recommendations

Staff recommends the Planning Commission 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. Staff recommends that the Commission provide input and direction to the applicant and staff.

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 (CUP) for a new single-family dwelling on a vacant lot of record and a CUP 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 May 13, 2015, the Planning Commission reviewed the requested application. See Exhibit A – 13 May 2015 Planning Commission Meeting Minutes and Exhibit B – 13 May 2015 Planning Commission Staff Report. The Planning Commission provided several comments regarding compliance with the following standards:

- Conditional Use permit criteria – Land Management Code (LMC) § 15-1-10
- Steep Slope Conditional Use Permit criteria – LMC § 15-2.3-6
- Special Requirements for CUPs in HR-2, Sub-zone A – LMC § 15-2.3-8

During the May 13, 2015, meeting the Planning Commission found that the requested Steep Slope CUP did not meet LMC § 15-2.3-6(B)(6), which states the following:

*(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.*

Discussion

The applicant submitted updated drawings on June 25, 2015, as well as a letter clarifying several items listed below. See Exhibit B – Updated Plans Submitted on 25 June 2015, Exhibit C – 25 June 2015 Letter addressing Staff and Planning Commission comments, and Exhibit D – Model Shots.

1. Model review and garage door material.
2. Public stair access, building code compliance, and reconfiguration.
3. Retaining wall.
4. Proposed landscaping in the City Right-of-Way.
5. Proposed entry reconfiguration and LMC Steep Slope CUP criteria 6 compliance explanation.
6. Intended use of the garage spaces accessed off Park Avenue, entry level floor.
7. Number of parking spaces requested accessed off Main Street, parking level floor).

Staff identifies the following items regarding LMC criteria 6:

- a. The proposed structure contains a flat green roof as a primary roof form.
- b. The green roof has a step towards the middle which breaks up the massing in two (2) smaller components.
- c. The proposed green roof is not accessible and is considered a passive space. The green roof will not act as a patio.
- d. The mid-level at the back contains a deck, which further breaks the pattern.
- e. The mid-level at the front elevation contains three (3) vertical breaks: The entry, porch area, is five and a half feet (5½') wide and is one foot (1') forward of the garage door plane on the left.
- f. The garage door plane on the left is eleven and one half feet (11½') wide.
- g. The garage door plane on the right is twelve feet (12') wide and is recessed two feet (2') from the garage door plane on the left.
- h. The massing of the upper level is follows the same plane of the entry area as it is one foot (1') in front of the garage door plane on the left and three feet (3') from the garage door plane on the right.

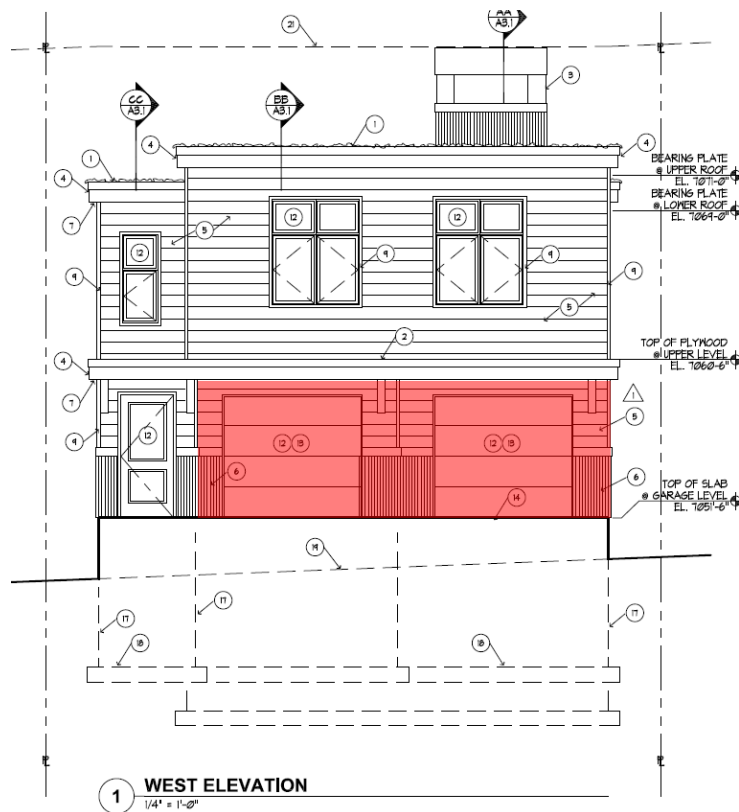
The applicant wrote in their letter the following description regarding compliance with LMC Steep Slope CUP criteria 6:

There was discussion at the last planning commission meeting that the front door was set back and garage doors were set forward. We have changed the front elevation to bring the front door forward and then step the garage doors back. It was also brought up that the garage may not comply with criteria 6 of the steep slope requirements in the LMC. 6. Building Form and Scale says "The garage must be subordinate in design to the main building". Within a 35x75 lot there is little opportunity to do anything with the garage but included it in the mass of the main building. With or without the garage the mass of the front elevation will be as it is shown in the current drawings. The area of the front elevation is 599 sq. ft. of that the garage doors occupy 112 sq. ft. of 18% of the total front elevation. Based on this limited percentage we believe it is fair to say the garage is a subordinate element on the front elevation of the main building.

Staff's analysis:

Staff does not find that the updated proposal as shown on the submittal plans and model meets the criteria 6 Building Form and Scale. Staff does not find the garage to be subordinate in design to the main building and that the impacts of the design are not adequately mitigated, and disagree with the applicant's response. Staff finds that the garage, not the garage doors, takes too much space within the front elevation. Criteria 6 does not indicate that the *garage doors* need to be subordinate in design to the main building, but rather, that the *garage* must be subordinate in design.

There are several percentages/ratios that can be estimated to find a comparison, relationship, proportionality, etc. Staff finds that the area below in red is what should be counted as the garage, as these two (2) planes, both within three feet (3') of the closest plane to the street are the actual garage:



Discussion Point 1: Does the Planning Commission concur with this finding regarding what constitute the garage?

Staff finds that the following percentages/ratios can be calculated based different means of measurement:

- 1. Garage coverage over front elevation: 35%**
Garage coverage: 211.5 SF (shown in red)
Front Elevation coverage: 608.5 SF
- 2. Garage coverage over front elevation entry (mid) floor level: 80%**
Garage coverage: 211.5 SF
Front Elevation entry level coverage: 265.5 SF
- 3. Floor area over upper and entry floor levels: 97%**
Living space and storage (Excluding parking level accessed off Main): 983 SF
Garage accessed off Park Avenue: 957
- 4. Floor area over all floors excluding the lower level parking: 84%**
Living space/storage/mechanical: 1,139 SF
Garage accessed off Park Avenue: 957
- 5. Floor area over all floors: 46%**
Living space and storage: 2,091 SF
Garage accessed off Park Avenue: 957

Staff finds that these percentages/ratios are relevant regarding quantifying the standard that the garage must be subordinate. While the LMC does not quantify a numeric value, staff finds that the most appropriate comparison would be item 2 above, which simply compares the amount of garage façade over the front elevation entry level floor. Another way to look at it, is from linear dimensions as the proposal requests five and a half feet (5½') of pedestrian scale exposure, entry porch, and twenty three and a half feet (23½') of garage area which equates to 81% of linear entry level floor coverage. Staff does not recommend utilizing percentages/ratios based on floor area, items 3 – 5 above, due to the depth and volume which could influence each factor that may not be viewed from the street.

Discussion Point 2: Does the Planning Commission concur with this finding regarding the provided percentages/ratios?

While Staff recognized that the applicant was willing to place the entry area one foot (1') forward of the garage door to the left and three feet (3') forward of the garage door to the right, Staff finds that such design change does not adequately mitigate the impacts of the design. In order to mitigate those impacts, the applicant could expand on the entry area even more as well as making the garage area less prominent, or subordinate to the main building to comply with Steep Slope CUP criteria. Does Planning Commission Agree?

Exhibits

Exhibit A – 13 May 2015 Planning Commission Meeting Minutes

Exhibit B – 13 May 2015 Planning Commission Staff Report

Exhibit C – Updated Plans Submitted on 25 June 2015

Exhibit D – 25 June 2015 Letter addressing Staff and Planning Commission comments

Exhibit E – Model Shots

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apply.

3. **545 Main Street & 550/554/560 Park Avenue – Plat Amendment to create four (4) lots of record from five (5) lots (Application PL-15-02466)**
4. **550 Park Avenue – Steep Slope CUP for construction of a new single-family dwelling and a CUP for a parking area with five or more spaces. (Application PL-14-02541 and PL-15-02471)**

Planner Astorga requested that the Planning Commission discuss the two items together, conduct a public hearing and take two separate actions.

Planner Astorga noted that there were two different zone districts within the plat amendment that includes 545 Main Street, which is the April Inn, and four lots on Park Avenue. He presented a slide showing that Lots 2 and 3 would become larger. Lot 3 would be 32.5 feet in width and the standard 75' deep lot. Lot 2 as proposed would be 32.42 x 75'. Lots 2 and 3 are on Park Avenue and the zoning district on that side of the block is HR-2. Historically the HR-2 was known as the HTO zone, which was the historic transitional overlay from the Main Street uses that tended to spill into the residential HR-1 zone.

Planner Astorga noted that the applicant submitted the plat amendment application, as well as a conditional use permit. He explained that the purpose of combining 550 and 545 Main Street is to accommodate a use that is listed in the HR-2 zone. Planner Astorga stated that the plat amendment and the CUP are related because the special criteria for the HR-2(A) zone applied to both. He stated that the reason for the plat amendment is to accommodate a structure on 550 Park Avenue with a conditional use permit for the structure and residential a parking area with five or more parking spaces for the associated use on the same lot.

Planner Astorga reported that the original application that was submitted was not a plat amendment. It rearranged the lot on Park Avenue but it did not combine the two lots. The applicant had to request a plat amendment to remove the lot line because the use would not work as the April Inn recently received a Historic District Design Review approval to remodel 12 units into 3 units. Planner Astorga pointed out that the April Inn is not a historic building; however when it was approved there was no parking on site. The developer began working with the Staff and paid \$14,000 per parking space in order to move forward with that specific remodel. Planner Astorga remarked that his unique concept was a conditional use permit based upon a building where the main floor and the upper floor would be the single family dwelling, and the lower level would be the parking structure for the uses associated in the HCB zoned lot. The Code allows for this type of request. The

Staff report contained the analysis regarding the special requirements for the HR-2(A). The Staff report for the conditional use permit application outlines the necessary criteria for the Steep Slope CUP, special conditional use requirements, as well as the HR-2(A) criteria. Planner Astorga reported that a few months ago the City Engineer, Matt Cassel, went before the City Council on behalf of the applicant to see if the Council would grant an easement on the alley to use the property for the lowest level of the structure. He noted that people mistakenly think it is a right-of-way because of the layout, but it is actually City owned property. The easement would allow the structure to only be accessed through Main Street. The City Council indicated that the easement would be granted and they were in the process of drafting the final language.

Planner Astorga reported on a letter he received from John Plunkett that was included as public comment in the Staff report.

Chair Strachan understood that there would be six parking spaces in Lot 1; two would be uncovered and four would be covered. He asked if the uncovered spaces would be off of Park Avenue or toward Main Street.

Jonathan DeGray, representing the applicant, replied that they would be toward Main Street. Planner Astorga reviewed the proposed site plan showing where the parking spaces would be located.

Commissioner Phillips thought the two uncovered spaces already exist because people park cars there. Chair Strachan asked if Lots 2 and 3 would eventually be single family homes. Mr. DeGray answered yes. Commissioner Strachan asked if those homes would have garages. Mr. DeGray answered yes. There would be space for one car in the garage and another car in the driveway. Chair Strachan assumed there would be no access from the easement to those lots. Mr. DeGray replied that this was correct. They would be independent lots accessed off of Park Avenue. Planner Astorga clarified that the six parking spaces belong to the April Inn. The main floor of the structure has separate parking for the house.

Chair Strachan referred to the letter from Mr. Plunkett and he asked if the applicants would be willing to a condition stating that none of the parking that may be built on Lots 1, 2, or 3 for the residential uses could ever be used for the April Inn or any commercial use. He noted that Mr. Plunkett was concerned that if the April Inn parking overflows they could potentially tell people to park in the Park Avenue residence parking.

Paul Colton, representing the applicant, noted that the Code already has that requirement and they were not opposed to adding it as a condition. Planner Astorga noted that per

Code the parking must be below the Park Avenue level. The Staff was comfortable adding a condition of approval to reiterate the Code requirement.

Assistant City Attorney McLean suggested a condition to read, "Parking for the April Inn may only be accessed from Main Street". Mr. Colton pointed out that the only physical access to the parking is off of Main Street.

Chair Strachan also favored some of the other conditions that were suggested by Mr. Plunkett. For example, a condition stating that the emergency exit door for the April Inn could not be used as an entrance. Planner Astorga clarified that he had not added language regarding the door because the building permit for the April Inn shows that the door would be eliminated. Chair Strachan asked if there was any access to the April Inn from the Park Avenue side. He was told there was not. Chair Strachan stated that the fine line between the HR1 and the HCB was difficult to work with and he felt this proposal actually works for the commercial side without impacting the residential on Park Avenue. Commissioner Worel thought it was a creative solution. Commissioner Phillips concurred. It also relieves some of the existing parking pressures.

Chair Strachan opened the public hearing for both the plat amendment and the CUP.

Sanford Melville, a resident at 527 Park Avenue, commented on the letter from John Plunkett and he stated for the record that he fully supported the comments and concerns that were raised in the letter. Mr. Melville was concerned about the four tandem parking spaces on the middle level of the Park Avenue home. A one-bedroom residence was being proposed and he thought it was unusual to have four-car parking for a one-bedroom house.

He believed it called into question the ultimate use of the parking. If this is approved, Mr. Melville thought a condition of approval should include a statement that the four car parking could only be used for the Park Avenue residents. Mr. Melville was also concerned about the two garage doors facing Park Avenue for the tandem parking. He referred to the elevation on page 190 of the Staff report. He thought it presented a visual wall of garage doors on the street level which is something Park City has been trying to eliminate from recent projects. Mr. Melville found nothing in the proposal to protect the historic retaining wall at the top of the steps on Park Avenue on the City property. He suggested adding a provision to protect or damage or not undermine the historic wall. Mr. Melville was concerned about the re-routing of the steps leading from Park Avenue to the alley and the City property. He thought it appeared that the applicant was proposing to use almost all of the City property up to Park Avenue as entrances to the lower garage level. The exhibit on page 188 illustrates how they intend to re-route the steps. The existing steps go down into the alley. If the steps are re-routed he was concerned that they would become very steep. Mr. Melville was concerned that the public steps would be sacrificed for the project. He noted that the steps are heavily used by the residents of Park Avenue and re-routing them

would be unfortunate. Mr. Melville believed there were inconsistencies in the drawings as far as whether there would be doors on the six parking spaces or whether it would be an open space. It was unclear from the packet how that would look.

Mary Wintzer, a resident at 320 McHenry, stated that she had not studied this particular item; however, after listening to Mr. Melville she agreed that if this is a one bedroom structure it makes no sense to have the parking. She asked the Planning Commission to scrutinize the project and consider the comment about the stairs being used by the public. If all of this is being facilitated by using City property, that also makes no sense because of the Visioning of small town and historic character. If the applicant has to use City property to facilitate all of this development, she would ask the Planning Commission to look at it carefully because that was not what the citizens in Old Town intended in the Visioning.

Chair Strachan closed the public hearing.

Chair Strachan asked if the four spaces built for the single family homes would only be used by the single family residents, or whether they could be used by April Inn. Planner Astorga stated that per Code, the parking spaces that access off Park Avenue could only be used for the single family dwelling. The HCB uses can only spill over into the HR-2 if it is below the Park Avenue level. Therefore the spaces cannot be used as parking for any of the HCB.

Chair Strachan asked the reason for having four spaces for a one-bedroom dwelling. Mr. DeGray explained that the two tandem garages are locked out. Two spaces are required and dedicated for the residents. The other two are for the building owner. When he rents the building he wants to have a lockout to store his vehicles and other things.

Chair Strachan asked if Lots 2 and 3 would have tandem garages side by side. Mr. DeGray stated that Lots 2 and 3 are individual single family lots that have not been designed. Because of the loss of space on the lowest level to facilitate the parking for the residential units at the April Inn, it would be a very small house that would probably be used as a one-bedroom rental facility. Having extra storage for his uses made more sense than having a 1,000 square foot home.

Commissioner Phillips agreed that it was a lot of stalls for one unit, but he understood that the garage could be used for storage, table tennis, or other uses. However, the garage is supposed to be subordinate in design, but he sees a lot of garage doors facing the street with a subordinate entry. He personally did not believe the garages were subordinate.

Mr. DeGray stated that based on the Staff's input during the HDDR review they created stepping in the front elevations and recesses at the entry and at the garage door to create

movement along the front elevation. Mr. Phillips noted that those techniques are typically used. He was unsure how to define subordinate and asked Planner Astorga if he was correct in understanding that the Code requires garages to be subordinate.

Planner Astorga replied that the General Plan defines the word subordinate, but he was unsure whether there was a specific regulation or policy requiring it. Planner Whetstone noted that the Historic District Design Review Guidelines address garages being subordinate.

Commissioner Phillips understood that the second half of the garage was for the building owner. He asked if it was the same owner of the Main Street property, and if so, whether he could park there and walk down the stairs into the other building. Regardless of whether it is the owner or a tenant they were trying to discourage that type of access. Planner Astorga replied that it was actually prohibited. Mr. DeGray noted that during the plat discussion the Planning Commission had talked about adding a condition limiting the use of the parking garage to the residents at 550 Park Avenue.

Assistant City Attorney McLean noted that Criteria #6 for a Steep Slope CUP outlined on page 170 of the Staff report specifically states that the garage must be subordinate in design to the main Building. Criteria #6 also states that 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.

Mr. DeGray asked Planner Astorga to show the streetscape on page 191 of the Staff report because he thought the west elevation of the building was somewhat deceiving as what is seen from the street.

Commissioner Phillips noted that in the past the Planning Commission has requested that applicants step the garage. He referred to the three homes on page 191 and commented on the percentage of garage doors facing the street. He believed the intent of the word "subordinate" was to keep from having the whole face of the house be the garage. Commissioner Phillips pointed out that the existing house has a single car garage with a nice dominant entry. He was concerned that the entry door of the proposed house would not even be seen driving down Park Avenue because it is recessed, and only the garage doors would be visible. Commissioner Phillips felt strongly that the intent of the Code was to prevent that from occurring.

Assistant City Attorney McLean understood that Commissioner Phillips felt that the double garage door impacts the building form and scale. However, those impacts could be mitigated if, for example, there was one garage door. Commissioner Phillips understood the difficulty of having one garage door because there were two separate

garages. He thought adding windows to the side of the garage would help add some interest to the building driving down the street. Commissioner Phillips offered design suggestions for the applicant to consider. Planner Whetstone suggested the possibility of flipping the entrance and the garage so the entrance would be to the front and the garage would be recessed.

Commissioner Campbell thought that because it was already stepped the two garage doors would not present the unified façade that it appeared to be in the drawing. He believed the applicant had already complied with the intent of the Code by making that step and they were giving up garage space to do it. He suggested that they try to camouflage the garage doors in some way to make it look more like the siding of the house. Commissioner Campbell thought a 3-D model would help better visualize the true effect of the garage doors, because he believed the garages were stepped more than what was showing in the drawing.

Commissioner Worel agreed that the garage doors were not subordinate to the house. She also thought a 3-D model would help.

Chair Strachan read from the Code regarding special requirements for MPDs and Conditional Use Permits in Subzone A. "The commercial portions of a structure extending from the HCB to the HR-2 must be designed to minimize the commercial character of the building and use, and must mitigate all impacts on the adjacent residential uses." He pointed out that it was not the classic "reasonably mitigate" the impacts. In these situations all the impacts must be mitigated. Chair Strachan remarked that the owner was using this as a personal garage to forward a commercial use of renting the unit. He pointed out that under that scenario it was a commercial use and not a residential use. The impact to the adjacent residential uses would be the owner driving up and down Park Avenue to park in the garage when he does not live there. Chair Strachan did not believe the purpose and intent of the garage a residential use that complies with the Code.

Mr. DeGray thought Chair Strachan was misrepresenting the intent of the owner. The owner intended to use the garage purely for storage while he was renting the building whether nightly or monthly. The owner would not be using the garage daily. Chair Strachan remarked that the owner may not have that intent but he could use it on a daily basis. Mr. DeGray agreed, but the purpose is to use it as storage space, which is not prohibited by Code. He clarified that it was not for a commercial enterprise.

Chair Strachan clarified that if this was only for a residential unit, the person designing the residential unit would not opt for four parking spaces for a one-bedroom unit. He believed they would opt to have more bedrooms and two parking spaces. Chair

Strachan stated that the extra garage was obviously for the owner of the residential unit on Lot 1 so he could park there and use it for storage in conjunction with the commercial lot that he owns. He pointed out that in combining the lots Lot 1 becomes a commercial lot. It is residential on the top but the rest is commercial.

Assistant City Attorney McLean recommended that the Planning Commission look at Criteria. She understood that their concern was that the impacts of this design do not coordinate with adjacent properties in terms of preserving of natural vegetation, minimizing driveway and parking areas and provide variation of the front yard. Those concerns were addressed in Criteria #5. She also heard concerns related to Criteria #6 regarding the garage must be subordinate in design to the main building. Another issue was addressed in Criteria 8, the dwelling volume.

Commissioner Campbell stated that the perceived bulk of the garage and the house were intertwined. He believed the only issue was the two garage doors. If one of the garage doors looked like siding you would not be able to tell it was a garage door unless you were up close to it.

Mr. DeGray summarized the direction from the Planning Commission for either re-designing the front of the garage or better portraying what was actually designed. He was willing to prepare a 3-D model showing the shade and shadow and how the garages are stepped back. He would look at creating even further stepping between the garage doors and making the entry to the building proud of the garage doors. He asked if that would be acceptable to the Planning Commission if he came back with a proposal that accomplished those three items.

Chair Strachan suggested that the Planning Commission could forward a positive recommendation for the plat amendment this evening because the design for Lot 1 design works as a good way to access the HCB zone. They should continue the CUP for the single family dwelling and approve the CUP for a parking area with five or more spaces.

Assistant City Attorney McLean pointed out that the Findings for both CUPs were intertwined. She recommended that both CUPs be continued and that the Staff draft separate Findings for each CUP application. She noted that the CUP for parking could be a Consent Agenda item at the next meeting.

Commissioner Campbell clarified that he was personally not opposed to having four cars in the garage. However, he would like the applicant to hide the fact that two-thirds of the front of the house is a garage door. Commissioner Phillips concurred.

Mr. DeGray commented on the landscaping element and noted that the curb cut is limited to the front of the northerly garage door. He would also show that as a street view on a 3-D model.

Chair Strachan requested that the applicant also address the public comments regarding the stairs and how they would be re-routed. Assistant City Attorney McLean stated that she was not aware that the stairs were moving. The stairs are on City property and she asked if they had obtained permission from the City engineer to re-route the stairs. Planner Astorga stated that a condition of approval states that any type of work or remodeling of the City stairs would have to be approved by the City Engineer. Planner Astorga understood that the reason for changing the stairs was to allow for a car to pull in and out of the first driveway.

Mr. DeGray stated that the bottom third of the stairs would be remodeled and the number of rise and run would remain the same. The steepness of the stairs would be the same. Mr. DeGray remarked that historic wall that was mentioned would not be affected at all. Planner Astorga noted that the landscaping would also have to be approved by the City Engineer through the encroachment agreement process. Chair Strachan asked Mr. DeGray to address those issues at the next meeting to allay their concerns and the public concerns.

Commissioner Phillips noted that the stairs are heavily used. He asked about the width of the existing paved area of the alley and whether it would be wide enough to paint a line for pedestrians. Assistant City Attorney McLean stated that they were working on the easement to allow the applicant to use the alley. As part of that they could require designating a pedestrian area to make it safer for pedestrians since they were adding parking for six additional cars.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the Plat Amendment at Cardinal Park Subdivision based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Worel moved to CONTINUE the Steep Slope Conditional Use Permit for construction of a new single-family dwelling at 550 Park Avenue, as well as the Conditional Use Permit for a parking area of five or more spaces to June 10, 2015. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Cardinal Park Subdivision – Plat Amendment

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 – Cardinal Park Subdivision – Plat Amendment

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 – Cardinal Park Subdivision – Plat Amendment

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.
5. **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 (Application PL-15-02698)**

Planner Whetstone stated that this project has two applications. One is a master planned development and the second is a conditional use permit. The property is located in

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
Building Footprint	1,132.5 square feet maximum, (based on <i>proposed</i> lot area)	1,116.08 square feet, <u>complies.</u>
Front/Rear Yard Setbacks	10 feet, minimum	Front: 10'-3", <u>complies.</u> Rear: 23'-1", <u>complies.</u>
Side Yard Setbacks	3 feet, minimum	North: 3 feet, <u>complies.</u> South: 3 feet, <u>complies.</u>
Building (Zone) Height	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>
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].	4 feet or less, <u>complies.</u>
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].	<u>Complies.</u>
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required [...].	<u>Complies.</u>
Roof Pitch	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 (3 of 4) 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

550 Park Avenue – Conditional Use Permit – Parking

Revised, 12-9-14

Project Description

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***

FEE IN LIEU OF PARKING AGREEMENT

545 MAIN STREET

THIS FEE IN LIEU OF PARKING AGREEMENT 545 MAIN STREET (the “Agreement”), is made the 23rd 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, 6th Floor
Oklahoma City, OK 73118
Fax: (925)938-3722
E-mail: billy.reed@sbcglobal.net

and to Park City at:

Christy Alexander
PO 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.

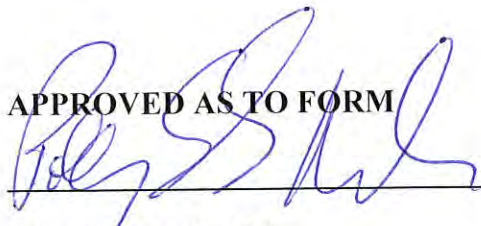
PARK CITY:

By: 
City Manager

Attest:

Marci Heil, City Recorder



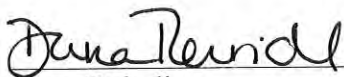

APPROVED AS TO FORM
City Attorney's Office

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.

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:

	World Class Multi-Seasonal Resort Destination (Economic Impact)	Preserving & Enhancing the Natural Environment (Environmental Impact)	An Inclusive Community of Diverse Economic & Cultural Opportunities (Social Equity Impact)	Responsive, Cutting-Edge & Effective Government
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 
Comments:				

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, 6th 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

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:

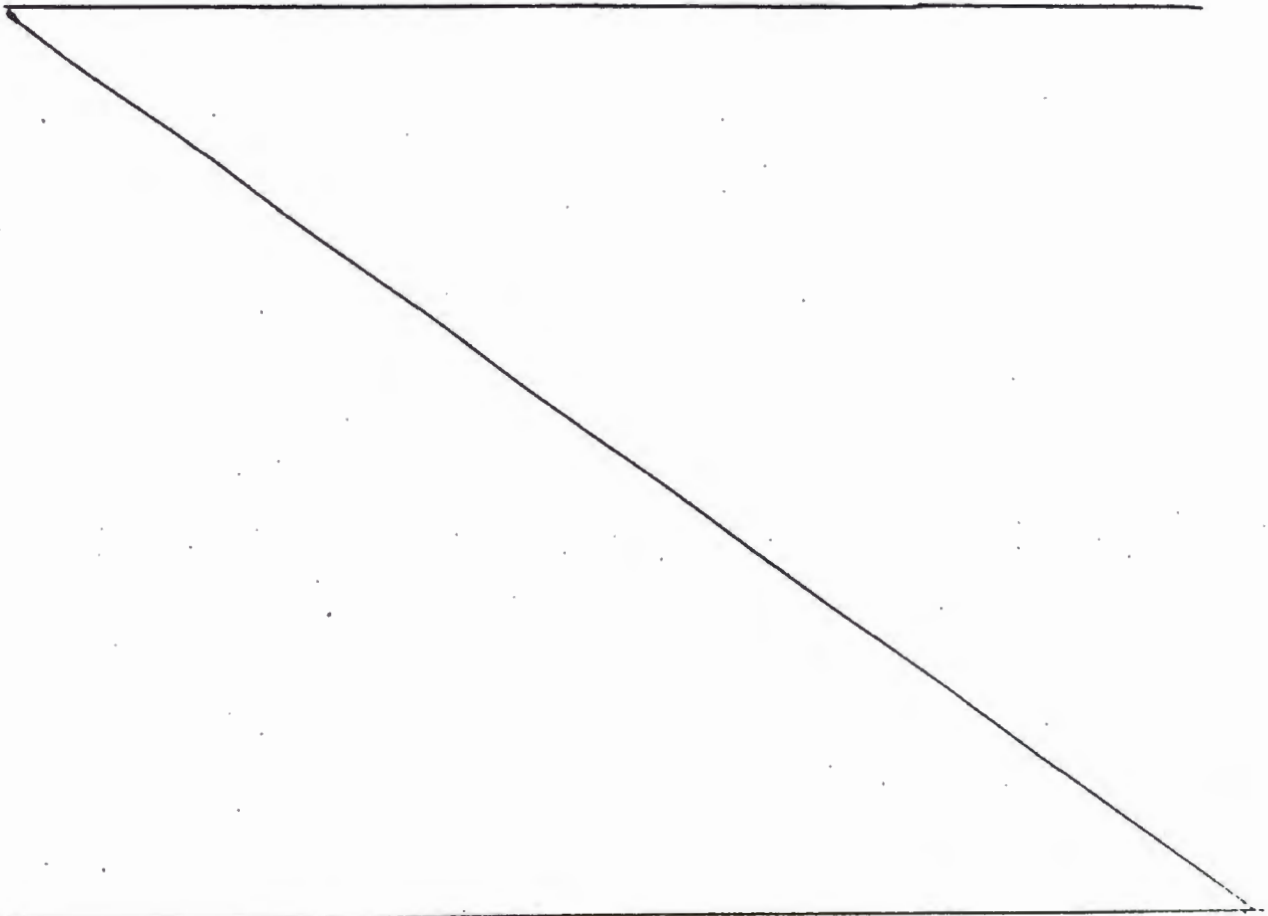
1. City hereby grants to Old Towne a private non-exclusive pedestrian and vehicular right-of-way easement over the Right-of-Way as described above. Such easement shall be appurtenant to the property described in Exhibit "A" and shall run with such property.

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".

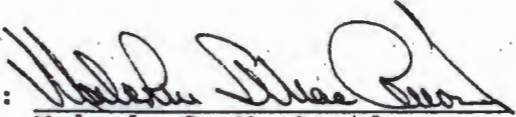


6. This Agreement shall be binding on, and shall inure to the benefit of, the successors and assigns of Old Towne and Sierra Pacific, respectively.

In witness whereof, the parties have entered into this Agreement as of the date first written above.

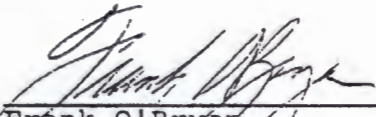
Old Towne Associates,
a Utah general partnership

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: 
Muyá Pro Tempore

Sub-Exhibit J

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 5th 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

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,

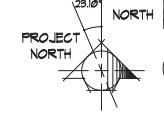
John Plunkett & Barbara Kuhr
557 Park Avenue

PLANTING NOTES

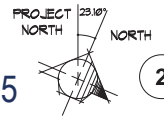
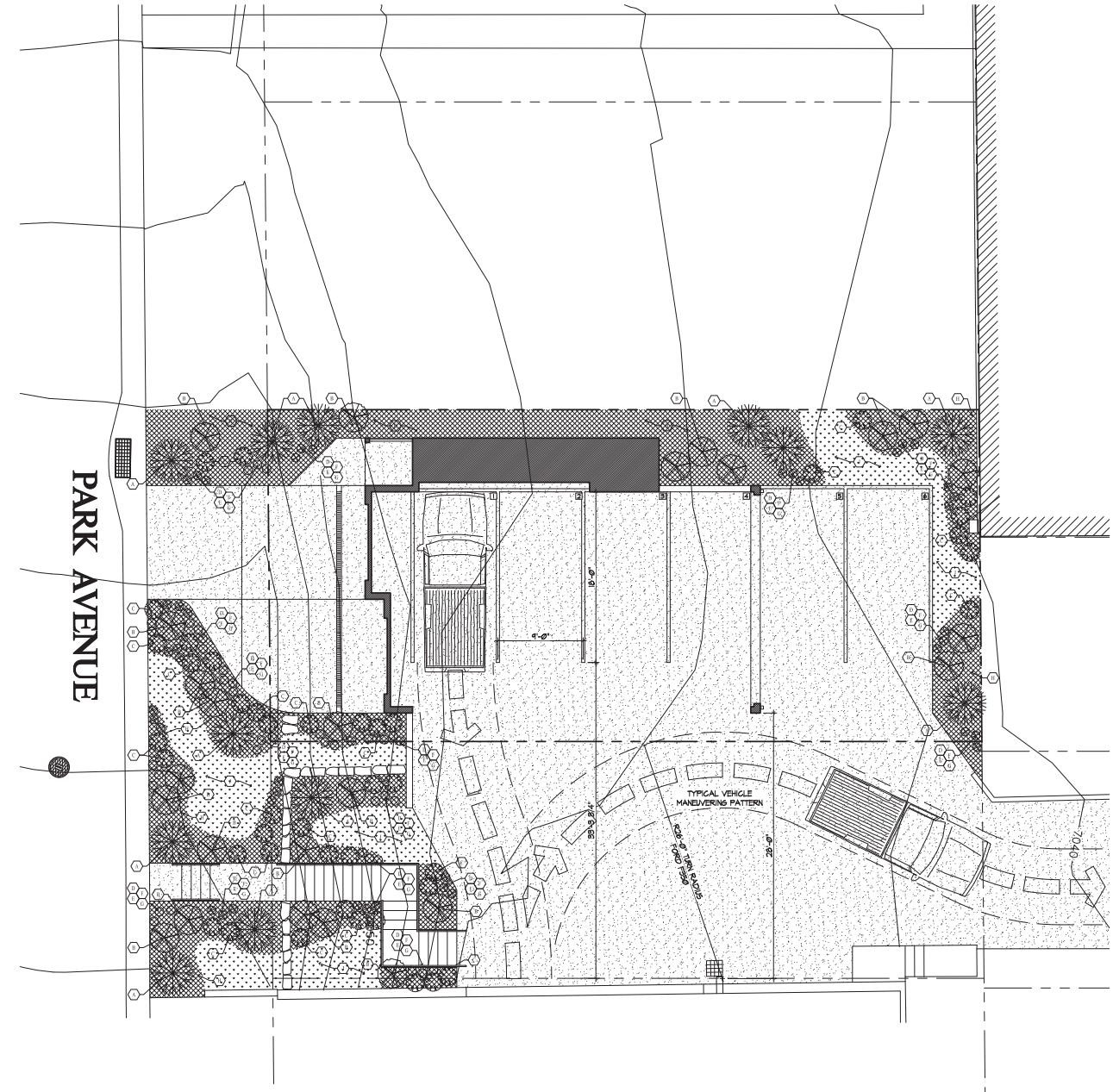
- CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INITIATION OF EXCAVATION OR PLANTING OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES ON SITE OR ADJACENT PROPERTY SHALL BE CONTRACTORS RESPONSIBILITY.
- AUTOMATIC IRRIGATION IS REQUIRED, PROVIDE SHOP DRAWINGS FOR APPROVAL.
- ALL PLANT MATERIAL SHALL CONFORM TO CURRENT AMERICAN ASSOCIATION OF NURSERYMAN'S 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.
- SHRUB BEDS SHALL RECEIVE 6" OF TOPSOIL.
- ALL SHRUB BEDS SHALL HAVE 3" OF DECOMPOSED BARK MULCH INSTALLED.
- SHRUB BED EDGING SHALL BE PRESSURE TREATED WOOD OR "Trex" EDGING, IT SHALL SEPARATE ALL SHRUB BEDS/ NATIVE GRASS LOCATIONS.
- ALL PLANTS AND ALL PLANT STAKES SHALL BE SET PLUMB.
- ALL ROOT 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							
A	12	Colorado Blue Spruce	Picea pungens	3" Dia.	6'-10"	6' - 8' tall	
	25	Aspen	Populus tremuloides	3" Dia.	6'-10"		
SHRUBS							
C	44	Red twig dogwood	Cornus sericea "baileyi"	5 Gal.			Spacing as noted on plan
PERENNIAL PLANTS							
D	19	Bluebells	Campanula	1 Gal.	12"-18"		Distribute Equally
E	19	Columbine	Aquilegia Caerulea	1 Gal.	12"-18"		Distribute Equally
F	19	Trailing Daisy	Erigeron Flagellaris	1 Gal.	12"-18"		Distribute Equally
G	19	Blanket Flower	Gaillardia Aristata	1 Gal.	12"-18"		Distribute Equally
OTHER							
H	1048	Wood Chips		Small			3" Thick Layer
I	407 S/F	Native Grass Seed Mix		1 lb/1500	Hydroseed		See seed mix below
J	0 s/f	Drought Tolerant Fescue	Sheep Fescue				

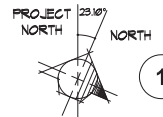
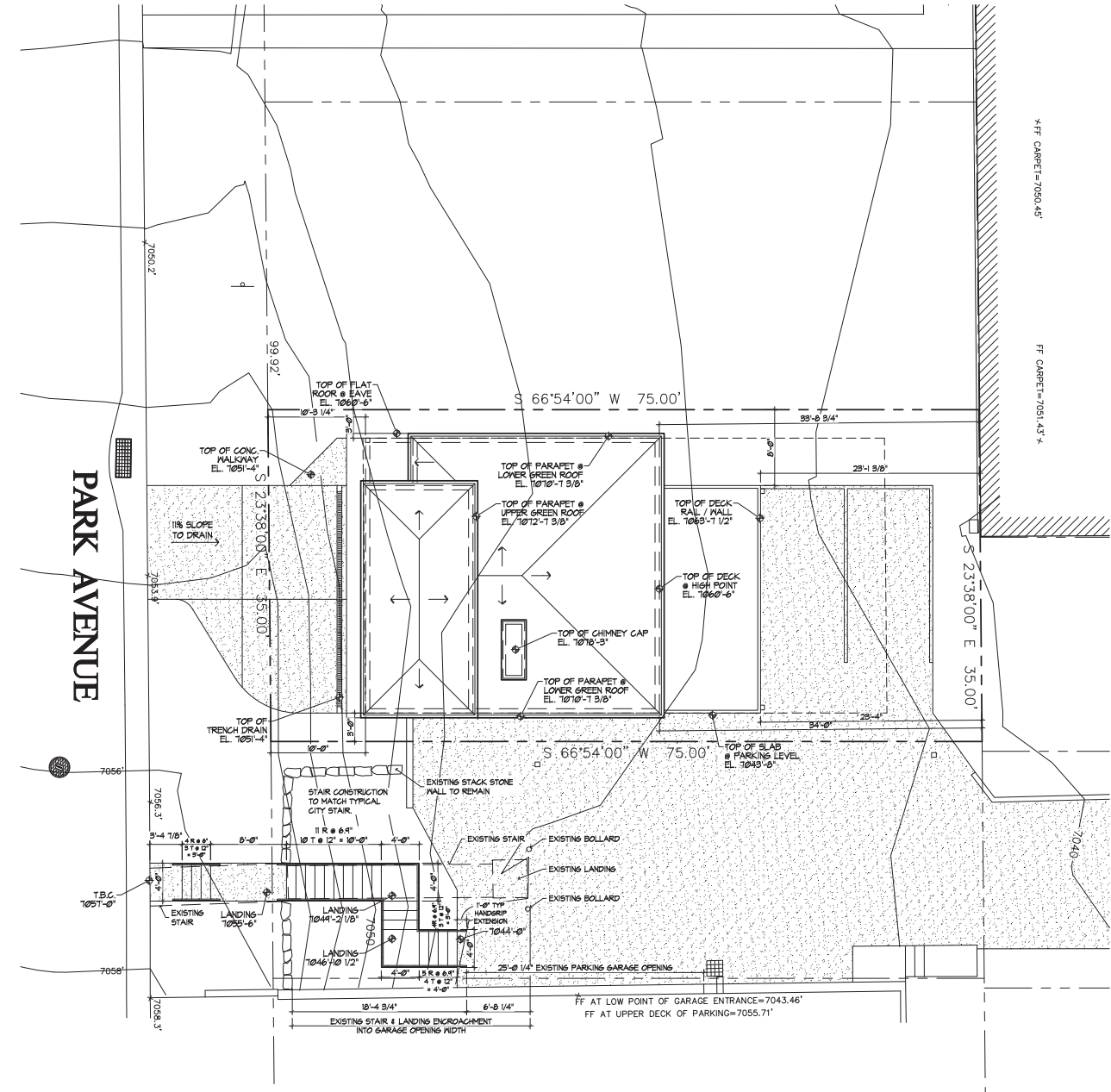
NATIVE GRASS SEED MIX
 The seed mix shall be utilized in areas specified for native grasses. This mixture shall be applied at a sufficient rate so that germination and subsequent coverage reaches 80% in a representative 10'x10' area. If coverage does not reach 80% reseeding must occur. Apply at a rate of 80 lbs./ acre on the following percentages: 20% Crested Wheatgrass, 10% Streambank Wheatgrass, 20% Pubescent Wheatgrass, 15% Perennial Ryegrass, 15% Mountain Bromegrass, 10% Indian Ryegrass, 10% Alpine Bluegrass.
 * In addition, add 10 lbs./ acre each of Limn. lewisii and Penstemon Eatonii with native grass seed mixture.



3 AERIAL PHOTO OF PROPOSED SITE
 1" = 100'



2 LANDSCAPE & PARKING PLAN
 1/8" = 1'-0"



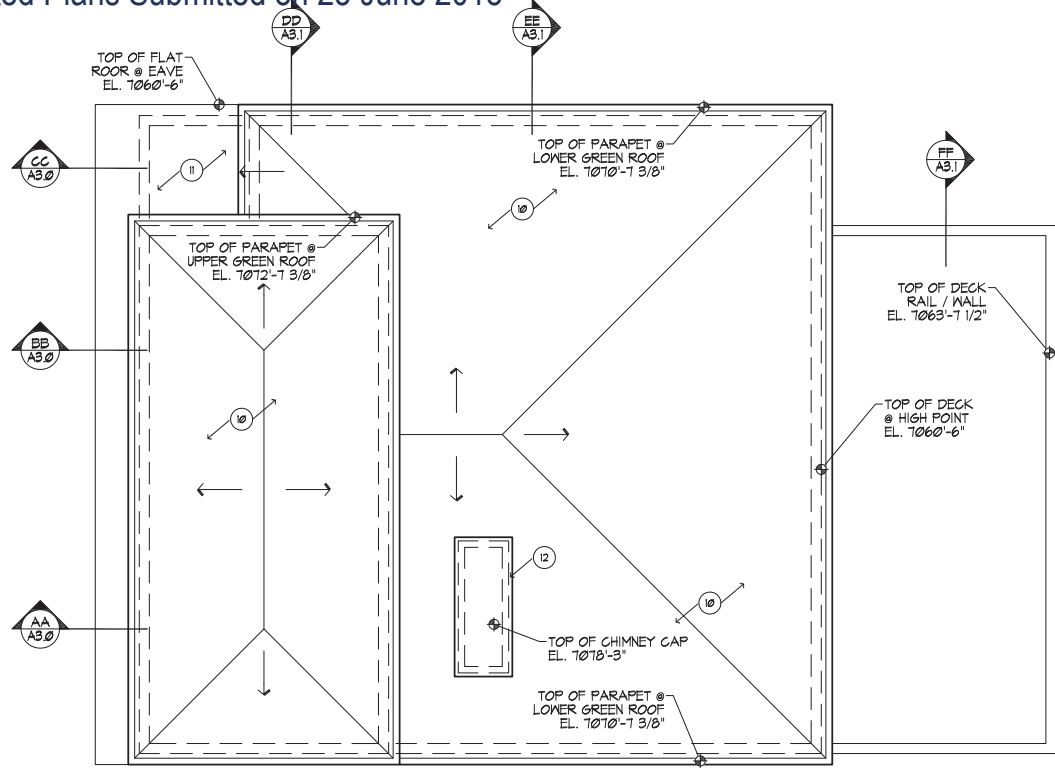
1 PROPOSED SITE PLAN
 1/8" = 1'-0"

Jonathan DeGray
 Architect
 P.O. Box 1074, 614 Main Street, Suite 302, Park City, Utah 84060
 Tel. 435-649-7253, E-mail: jon@jdgarcia.com

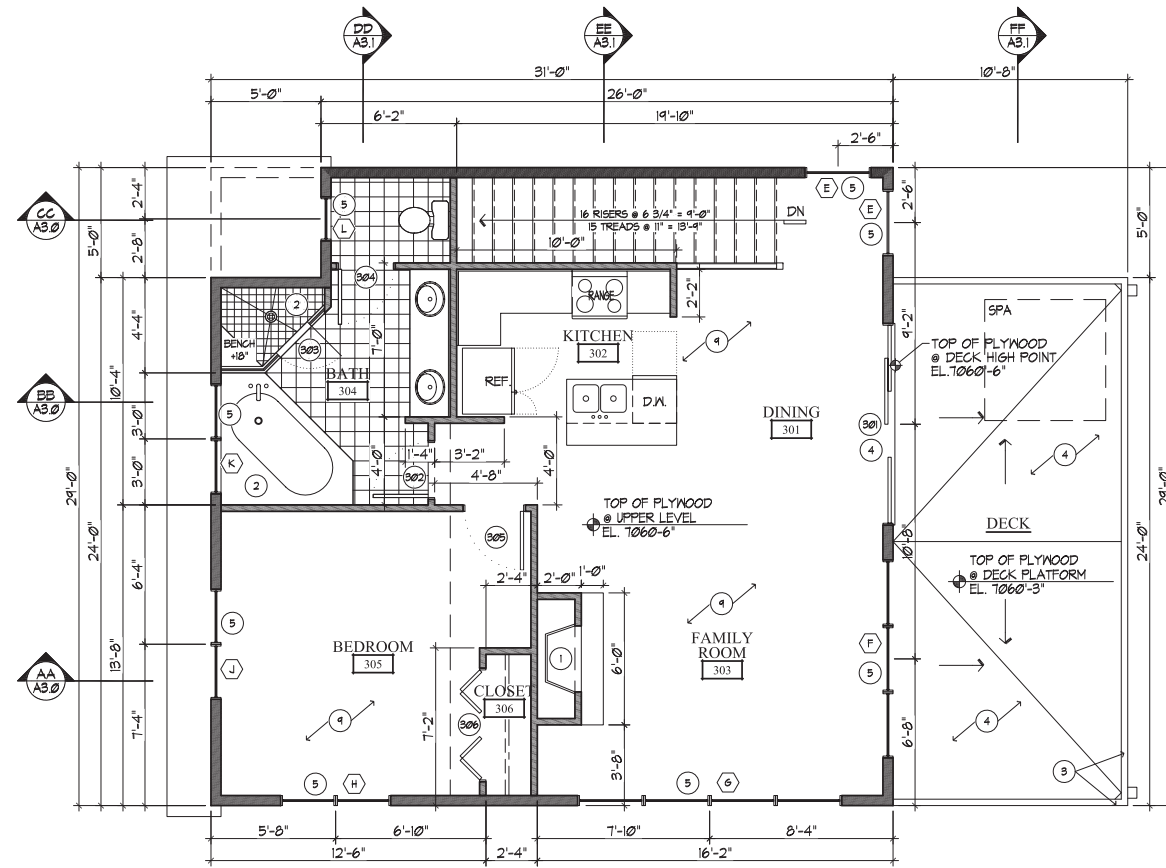
PARK AVENUE - LOT E
 550 PARK AVENUE
 PARK CITY, UT 84060

PROPOSED SITE PLAN
 LANDSCAPE & PARKING PLAN

DATE: 06/25/15
 PROJECT NUMBER:
 SHEET NUMBER: **A0.1**

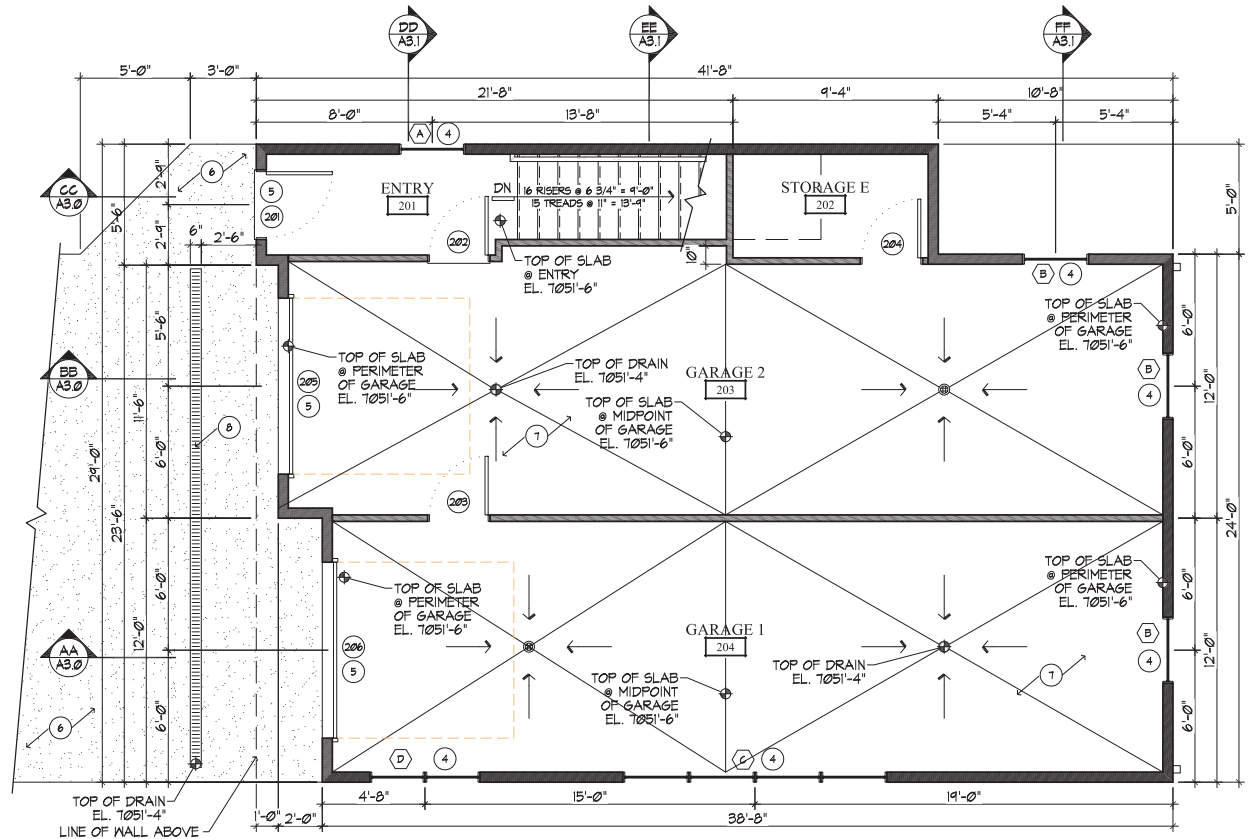


4 ROOF LEVEL PLAN
1/4" = 1'-0"

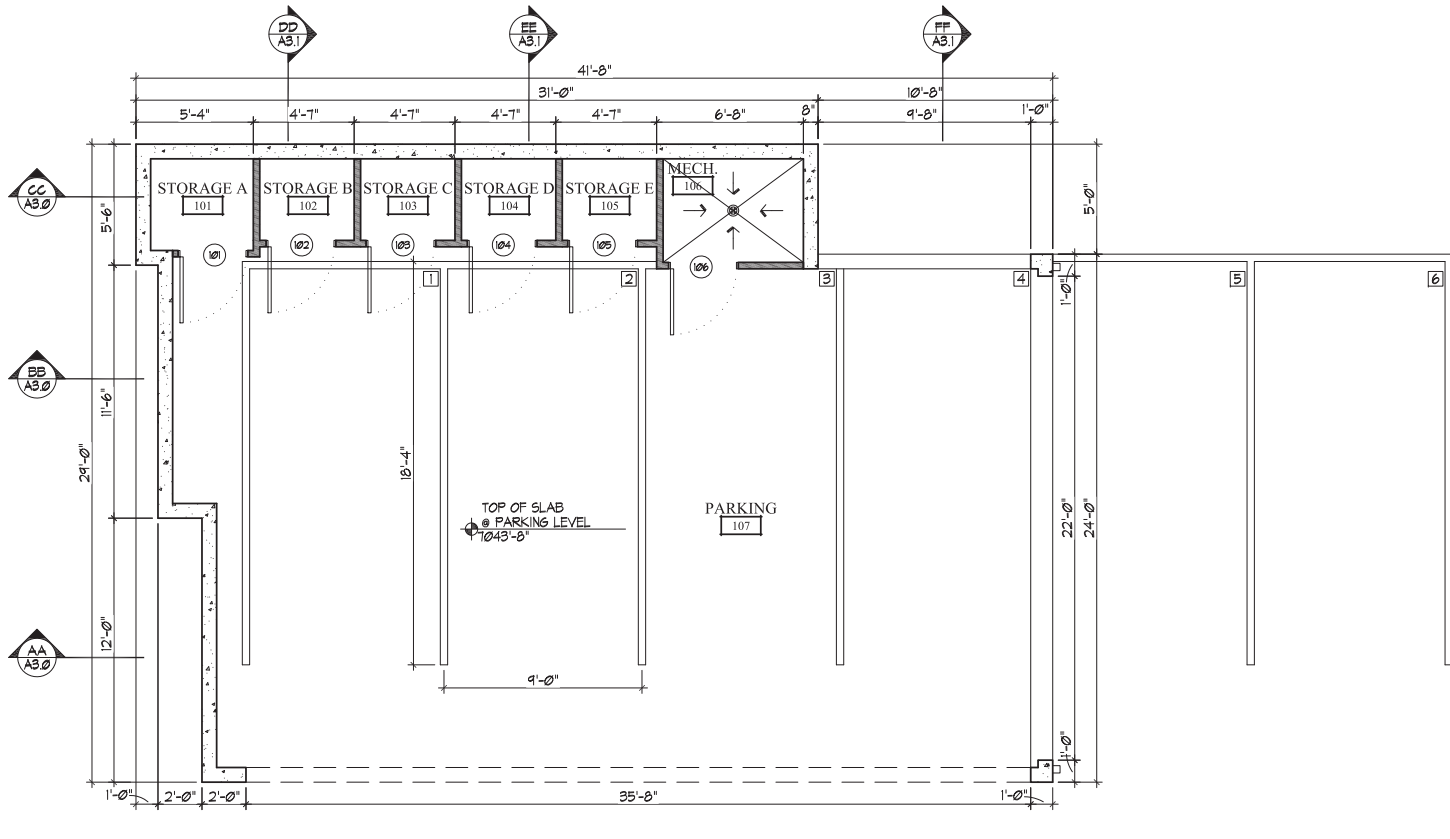


3 UPPER LEVEL FLOOR PLAN
1/4" = 1'-0"
UPPER LEVEL LIVING SPACE = 874 SQ. FT.

- GENERAL NOTES**
- NEW 2X FRAMED WALL
 - NEW 8" CONCRETE WALL
 - 1- 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 11 1/8" TJI FRAMING U.N.O. W/ R-42 INSULATION - TYP. ALL ROOF JOIST TO BE 11 1/8" TJI FRAMING U.N.O. W/ R-42 INSULATION TYP.
- KEYED NOTES**
- 1 36" ENCLOSED GAS FIREPLACE. OPENING FRAMED ON 10" PLATFORM.
 - 2 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.
 - 3 DECK RAILING / HALF WALL - ALIGN TOP OF WALL WITH BOTTOM OF ADJACENT WINDOWS - SEE B/A3.0 FOR DETAILS
 - 4 DECK SURFACE TO DRAIN MIN. 1/4" PER 12" TO SCUPPER SEE B/A3.0 FOR DETAIL
 - 5 ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS - SEE SCHEDULE.
 - 6 CONCRETE PORCH/PATIO/DRIVEWAY. BROOM FINISH, NATURAL COLOR. REINFORCED PER ENGINEER.
 - 7 4" CONCRETE FLOOR SLAB, REINFORCED PER ENGINEER. SLOPE & DRAIN TO SUMP
 - 8 DRIVEWAY TRENCH DRAIN TO SUMP.
 - 9 1 1/2" CONCRETE TOPPING WITH RADIANT HEAT COILS PER CONTRACTOR SPECS. CONCRETE FINISH T.B.D.
 - 10 GREEN ROOF - SEE A/A3.0 FOR DETAILS
 - 11 FLAT ROOF - SEE A/A3.0 FOR DETAILS
 - 12 RATED METAL CHIMNEY CAP STRUCTURE - SEE A/A2.0 FOR DETAILS



2 STREET LEVEL FLOOR PLAN
1/4" = 1'-0"
STREET LEVEL LIVING SPACE = 60 SQ. FT.
GARAGE = 457 SQ. FT.
STORAGE = 44 SQ. FT.



1 PARKING LEVEL FLOOR PLAN
1/4" = 1'-0"
PARKING = 452 SQ. FT.
STORAGE = 114 SQ. FT.
MECHANICAL = 42 SQ. FT.

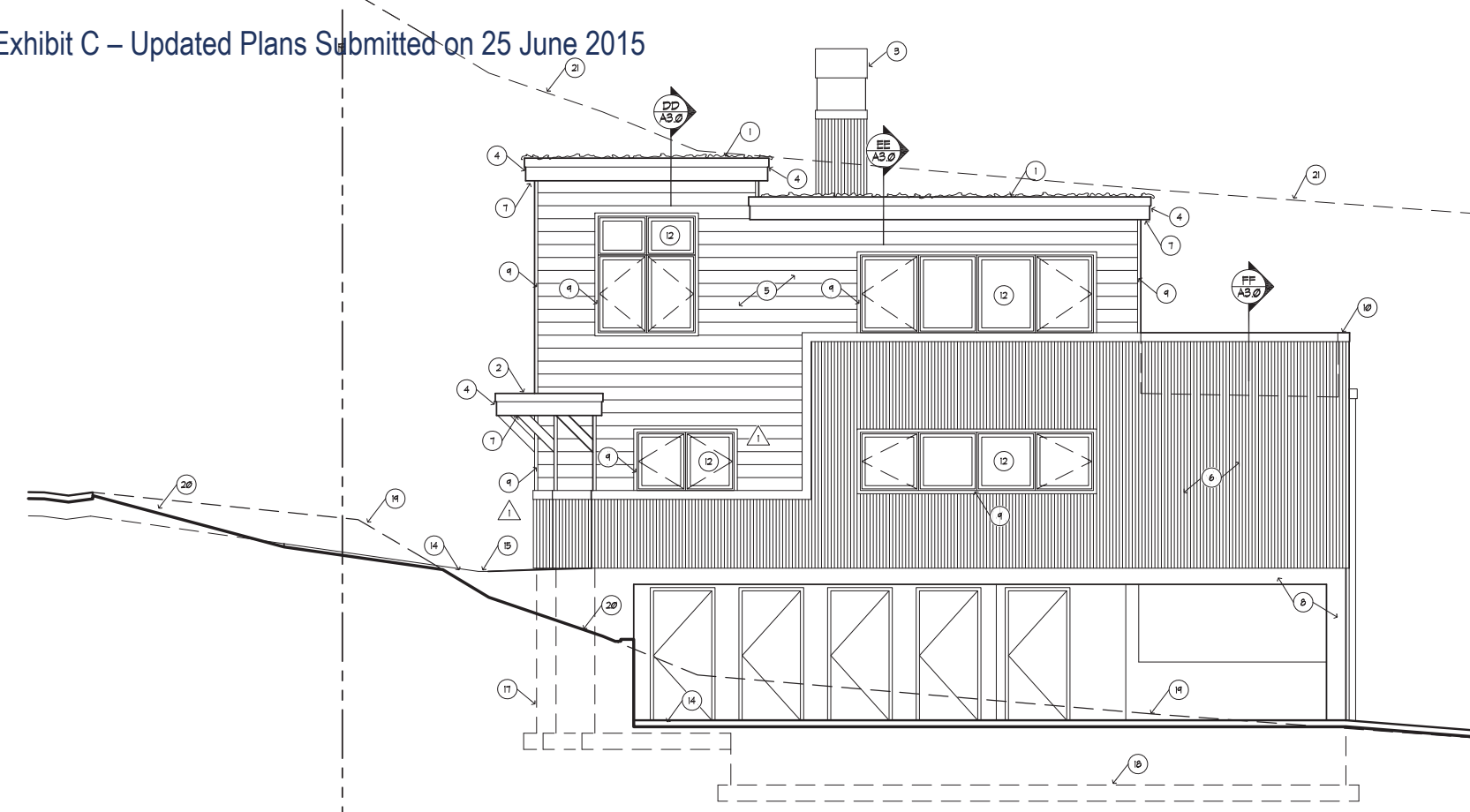
Jonathan DeGray
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Tel. 435-649-7253, E-mail: jon@jdgarchitect.com

PARK AVENUE - LOT E
550 PARK AVENUE
PARK CITY, UT 84060

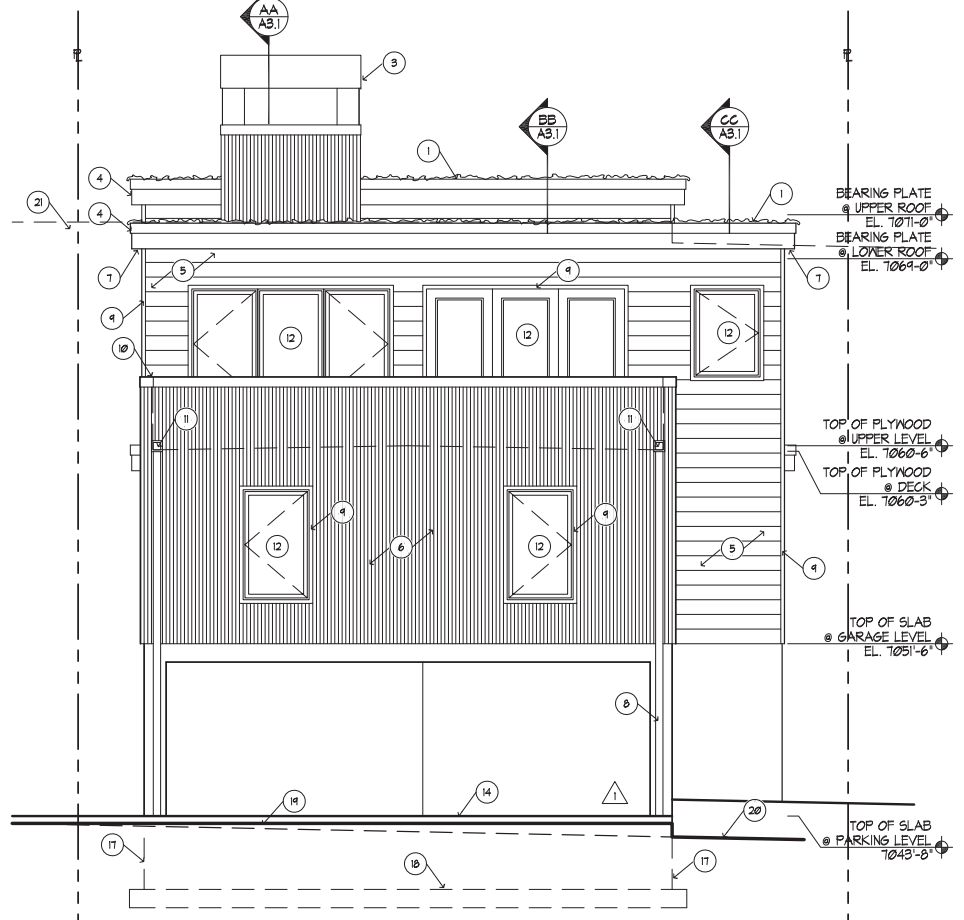
FLOOR PLANS
PARKING, STREET, & UPPER LEVELS
& ROOF LEVEL PLAN

DATE: 06/15/15
PROJECT NUMBER:

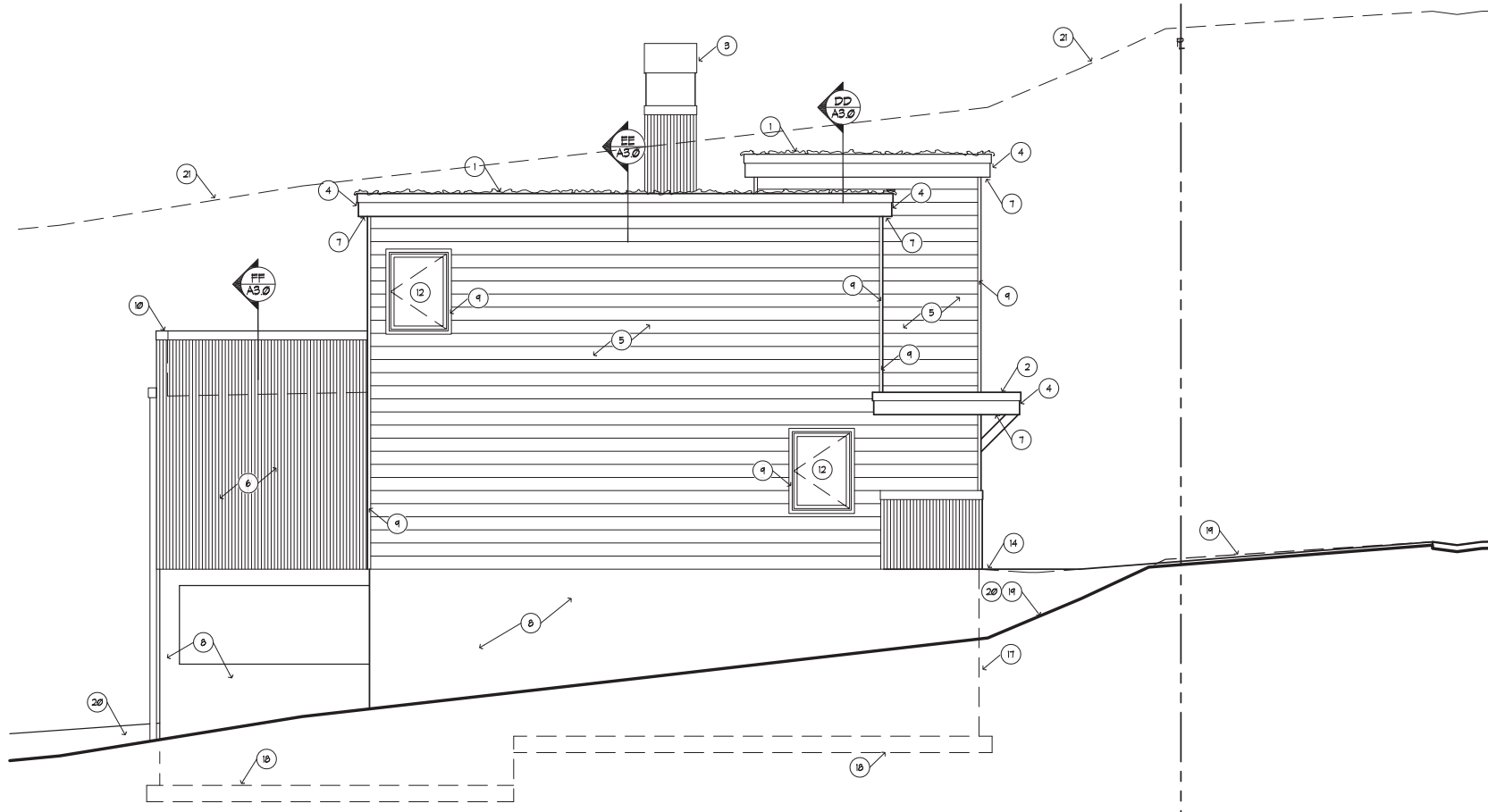
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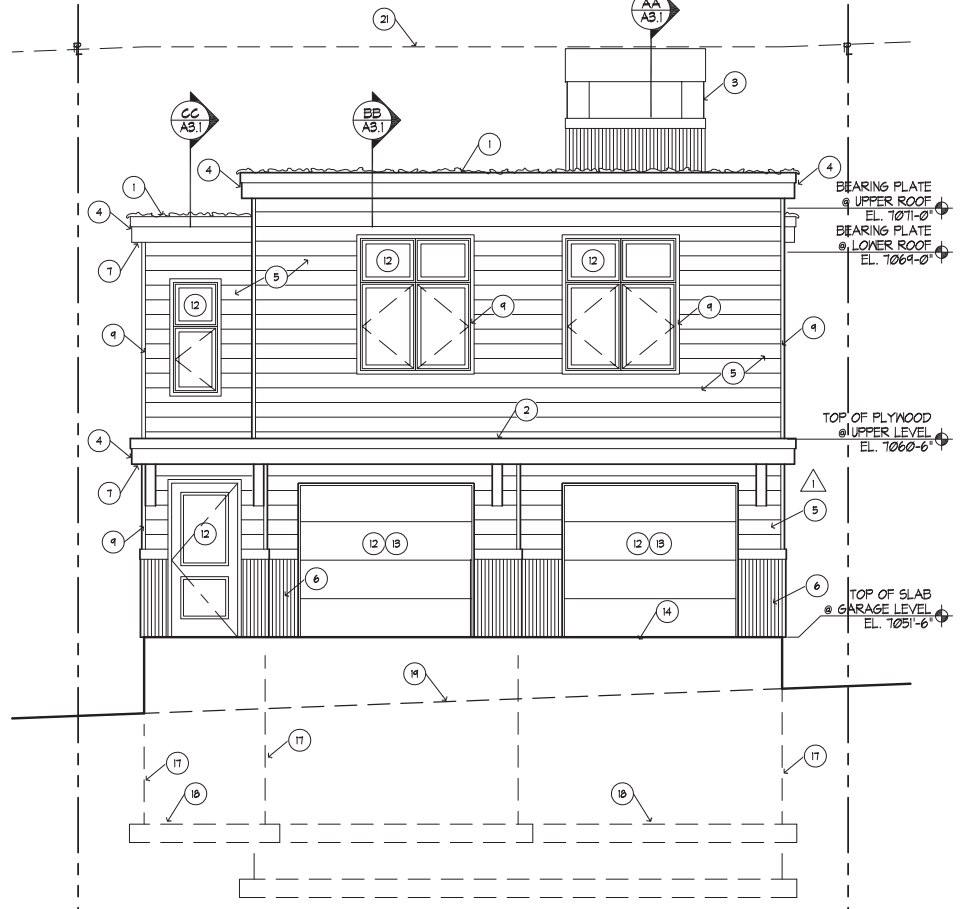
4 SOUTH ELEVATION
1/4" = 1'-0"



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

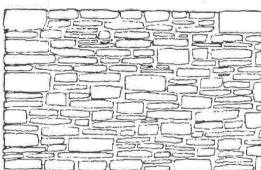
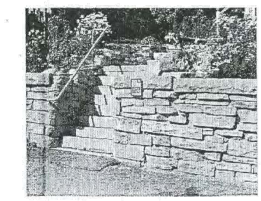


1 NORTH ELEVATION
1/4" = 1'-0"



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

- KEYED NOTES**
- 1 GREEN ROOF - SEE A/A3.0 FOR DETAILS
 - 2 FLAT ROOF - SEE B/B3.0 FOR DETAILS
 - 3 RATED METAL CHIMNEY CAP STRUCTURE - SEE A/A2.0 FOR DETAILS
 - 4 3/4" X 5 1/2" ON 3/4" X 1 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 10 METAL SIDING - ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
 - 7 T&G CEDAR SOFFIT W/ CONTINUOUS SOFFIT VENT - STAINED
 - 8 RAG 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/D3.0 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/6.0
 - 13 CARRIAGE STYLE OVERHEAD GARAGE DOOR - SEE DOOR SCHEDULE A/6.0
 - 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.
 - 19 NATURAL GRADE
 - 20 PROPOSED FINAL GRADE
 - 21 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

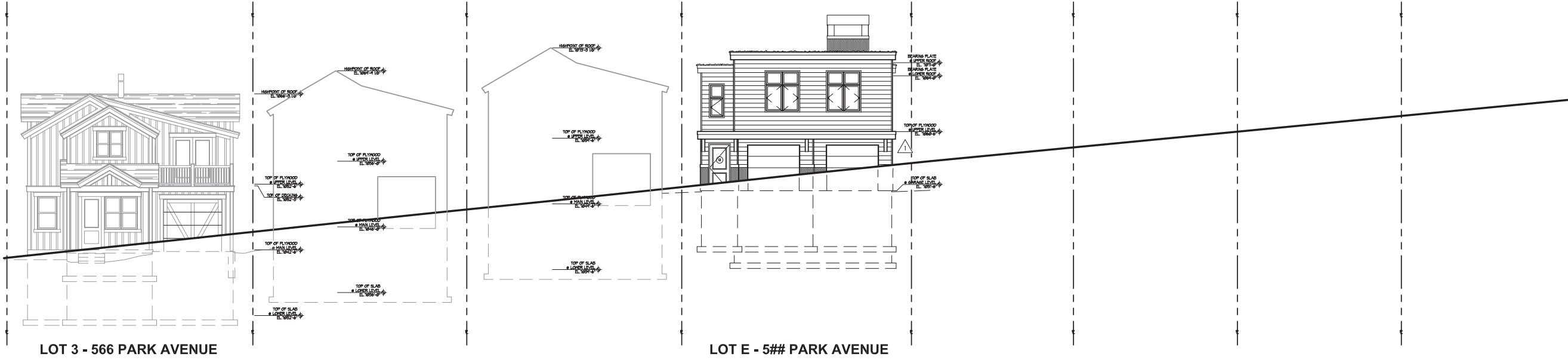
Jonathan DeGray
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Tel. 435-649-7253, E-mail: jon@jdgarchitect.com

PARK AVENUE - LOT E
550 PARK AVENUE
PARK CITY, UT 84060

EXTERIOR ELEVATIONS

DATE: 06/15/15
PROJECT NUMBER:

SHEET NUMBER:
A2.0



1 STREETScape ELEVATION

Jonathan DeGray
Architect

P.O. Box 1074, 614 Main Street, Suite 302, Park City, Utah 84060
Tel. 435-649-7263, E-mail: jon@jdgwa.com

PARK AVENUE - LOT E
550 PARK AVENUE
PARK CITY, UT 84060

STREETScape ELEVATION

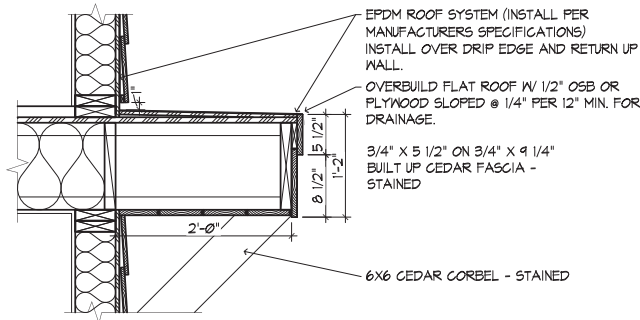
REVISIONS:

DATE: 06/15/15

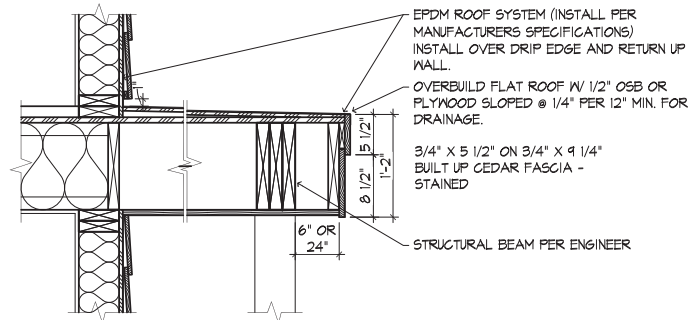
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SHEET NUMBER:

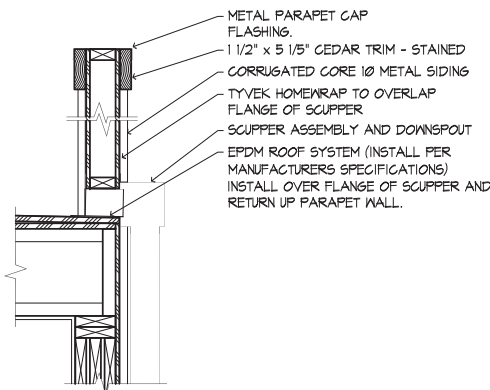
A2.1



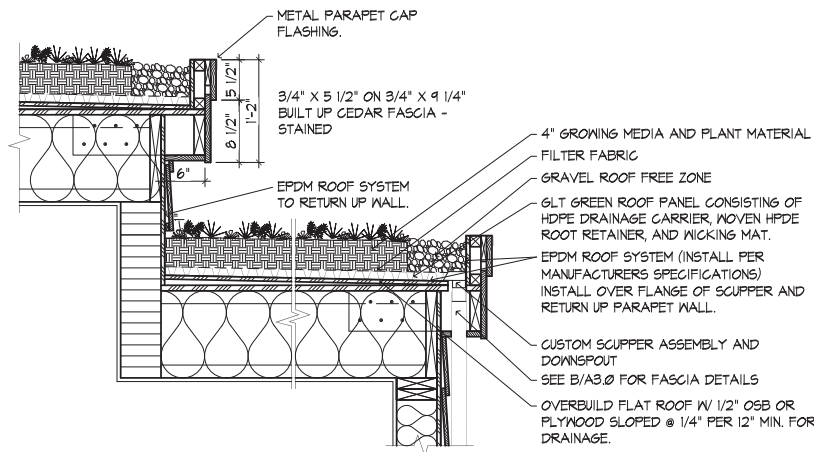
C EYEBROW DETAILS
1" = 1'-0"



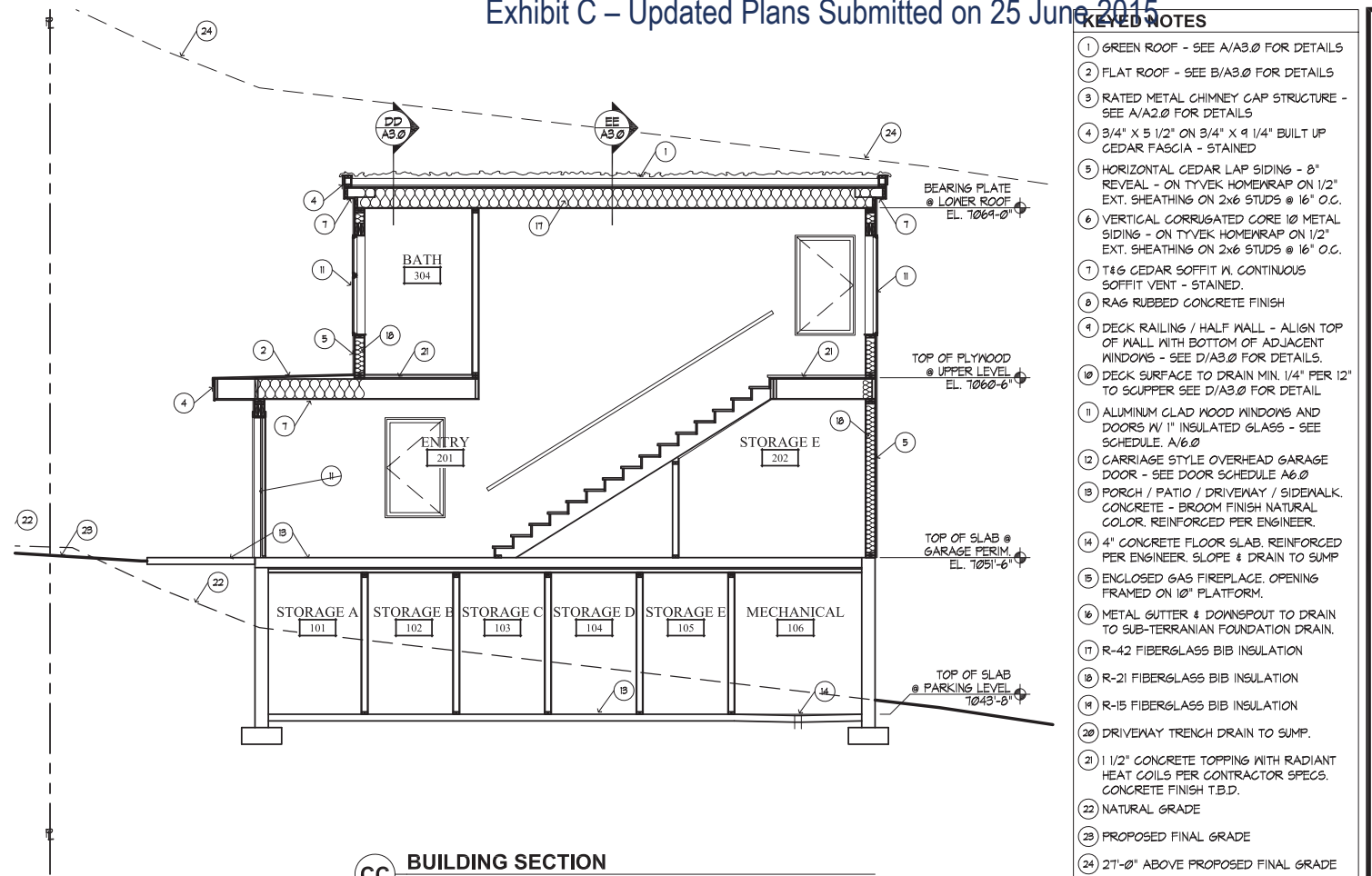
B FLAT ROOF DETAILS
1" = 1'-0"



D DECK RAILING & SCUPPER DETAILS
1" = 1'-0"

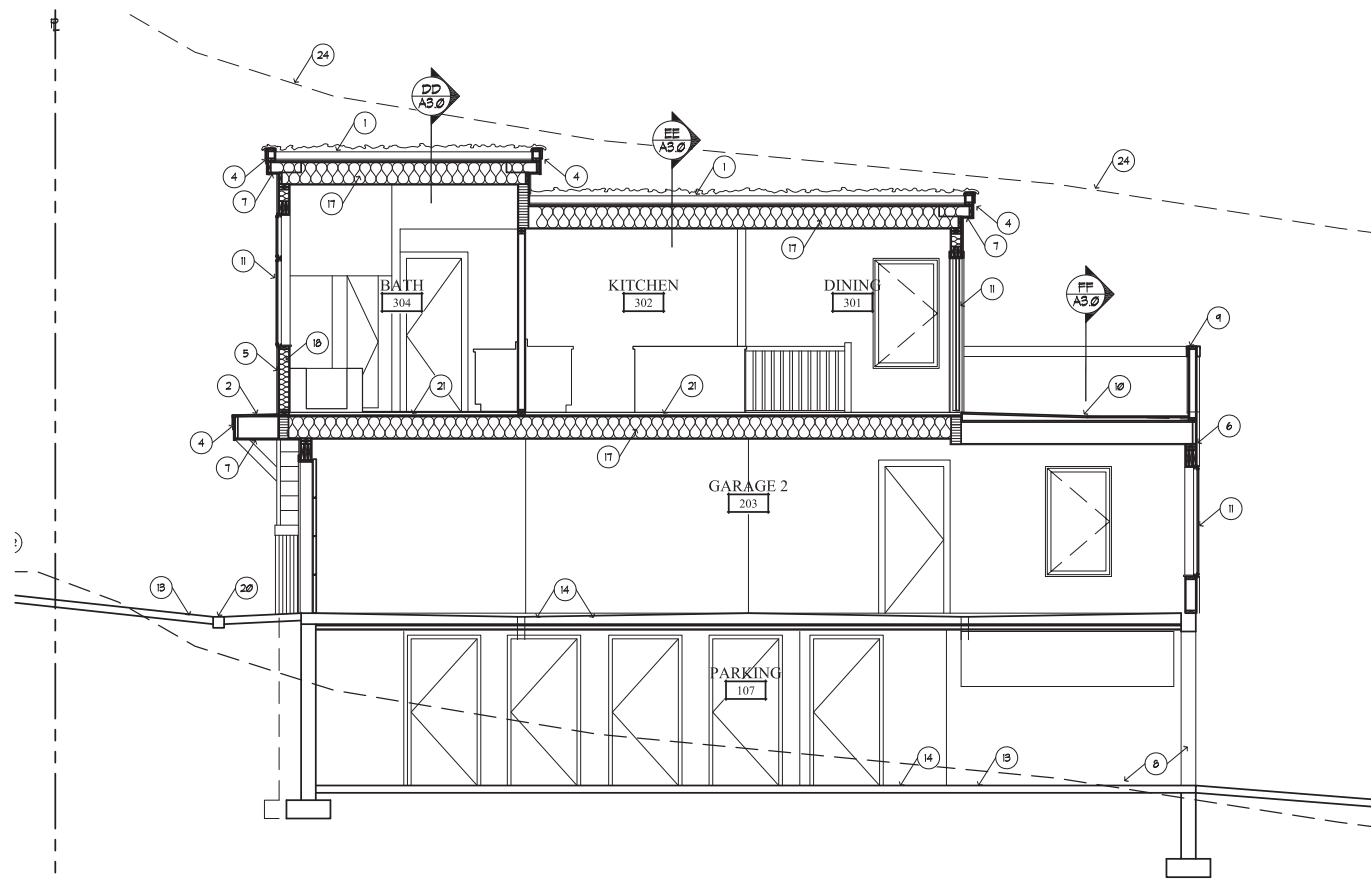


A GREEN ROOF DETAILS
1" = 1'-0"

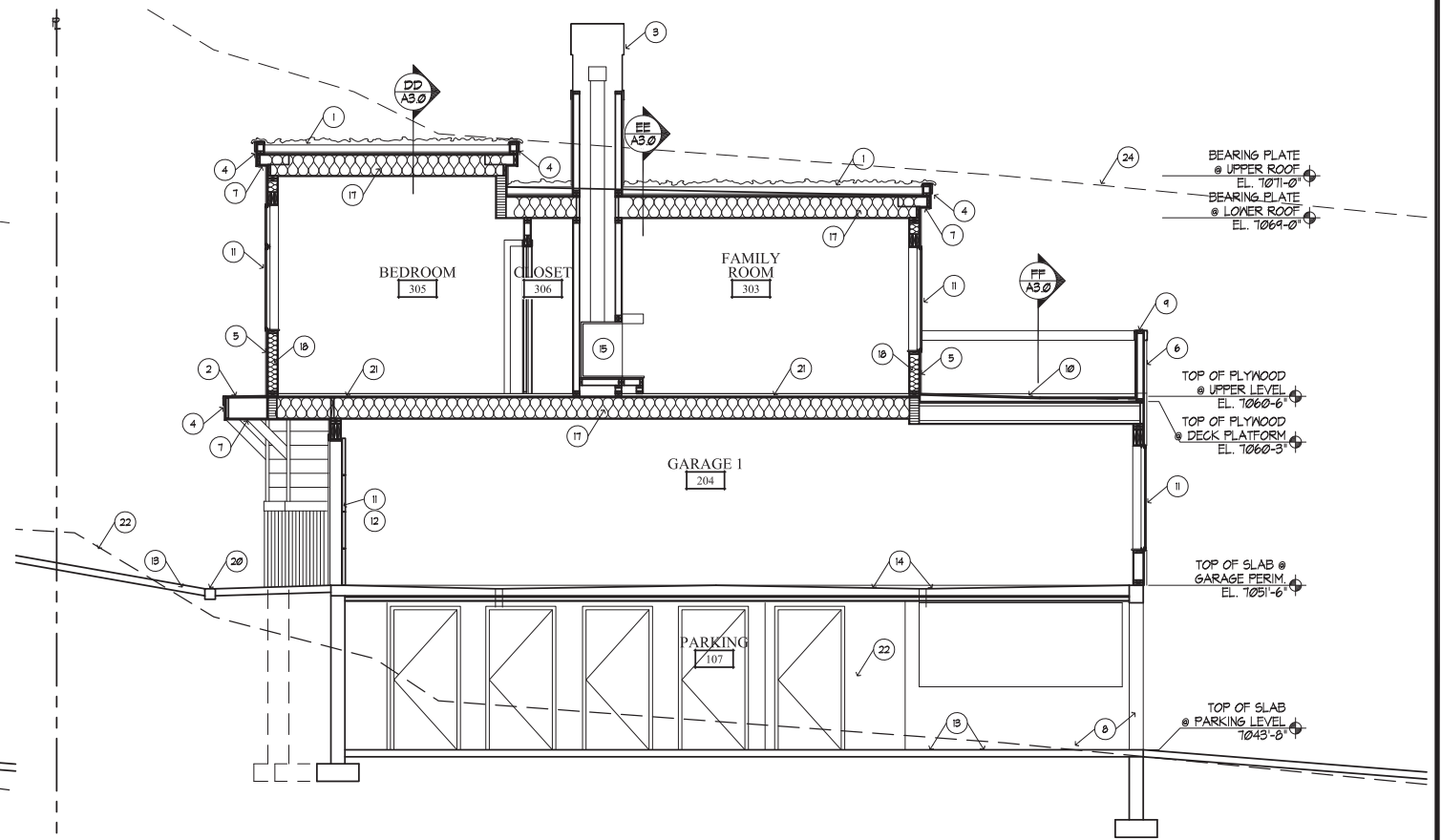


CC BUILDING SECTION
1/4" = 1'-0"

- 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 3/4" X 5 1/2" ON 3/4" X 1 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 10 METAL SIDING - ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
 - 7 T&G CEDAR SOFFIT W/ CONTINUOUS SOFFIT VENT - STAINED.
 - 8 R&G RUBBED CONCRETE FINISH
 - 9 DECK RAILING / HALF WALL - ALIGN TOP OF WALL WITH BOTTOM OF ADJACENT WINDOWS - SEE D/A3.0 FOR DETAILS.
 - 10 DECK SURFACE TO DRAIN MIN. 1/4" PER 12" TO SCUPPER SEE D/A3.0 FOR DETAIL
 - 11 ALUMINUM CLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS - SEE SCHEDULE A/6.0
 - 12 CARRIAGE STYLE OVERHEAD GARAGE DOOR - SEE DOOR SCHEDULE A6.0
 - 13 PORCH / PATIO / DRIVEWAY / SIDEWALK CONCRETE - BROOM FINISH NATURAL COLOR. REINFORCED PER ENGINEER.
 - 14 4" CONCRETE FLOOR SLAB. REINFORCED PER ENGINEER. SLOPE & DRAIN TO SUMP
 - 15 ENCLOSED GAS FIREPLACE. OPENING FRAMED ON 10" PLATFORM.
 - 16 METAL GUTTER & DOWNSPOUT TO DRAIN TO SUB-TERRANEAN FOUNDATION DRAIN.
 - 17 R-42 FIBERGLASS BIB INSULATION
 - 18 R-21 FIBERGLASS BIB INSULATION
 - 19 R-15 FIBERGLASS BIB INSULATION
 - 20 DRIVEWAY TRENCH DRAIN TO SUMP.
 - 21 1 1/2" CONCRETE TOPPING WITH RADIANT HEAT COILS PER CONTRACTOR SPECS. CONCRETE FINISH T.B.D.
 - 22 NATURAL GRADE
 - 23 PROPOSED FINAL GRADE
 - 24 27'-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 1074, 614 Main Street, Suite 302, Park City, Utah 84060
Tel: 435-649-7253, E-mail: jdgray@jonathandegray.com

PARK AVENUE - LOT E
550 PARK AVENUE
PARK CITY, UT 84060

BUILDING SECTIONS

REVISIONS:

DATE:

PROJECT NUMBER:

SHEET NUMBER:

DATE:

06/15/15

PROJECT NUMBER:

SHEET NUMBER:

396

DATE:

06/15/15

PROJECT NUMBER:

SHEET NUMBER:

396

DATE:

06/15/15

PROJECT NUMBER:

SHEET NUMBER:

396

- 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
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 - 16 METAL GUTTER & DOWNSPOUT TO DRAIN TO SUB-TERRANEAN FOUNDATION DRAIN.
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 - 22 NATURAL GRADE
 - 23 PROPOSED FINAL GRADE
 - 24 27'-0" ABOVE PROPOSED FINAL GRADE

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PARK AVENUE - LOT E
 550 PARK AVENUE
 PARK CITY, UT 84060

BUILDING SECTIONS

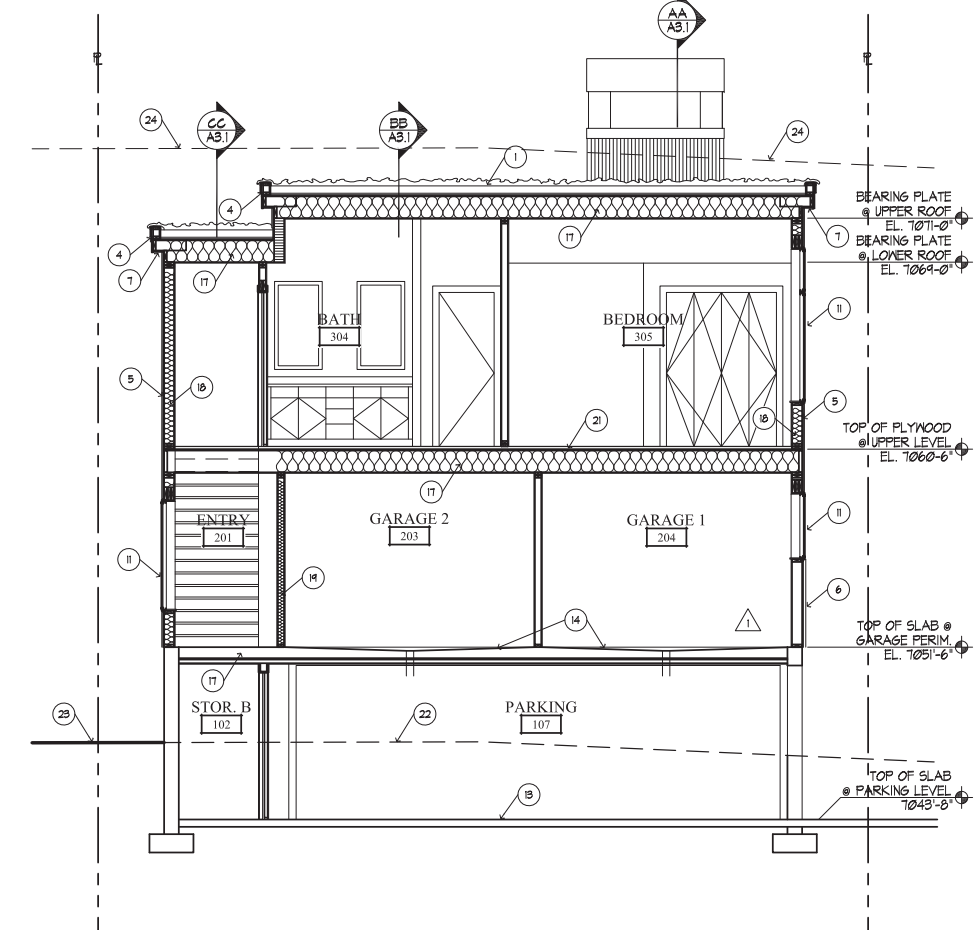
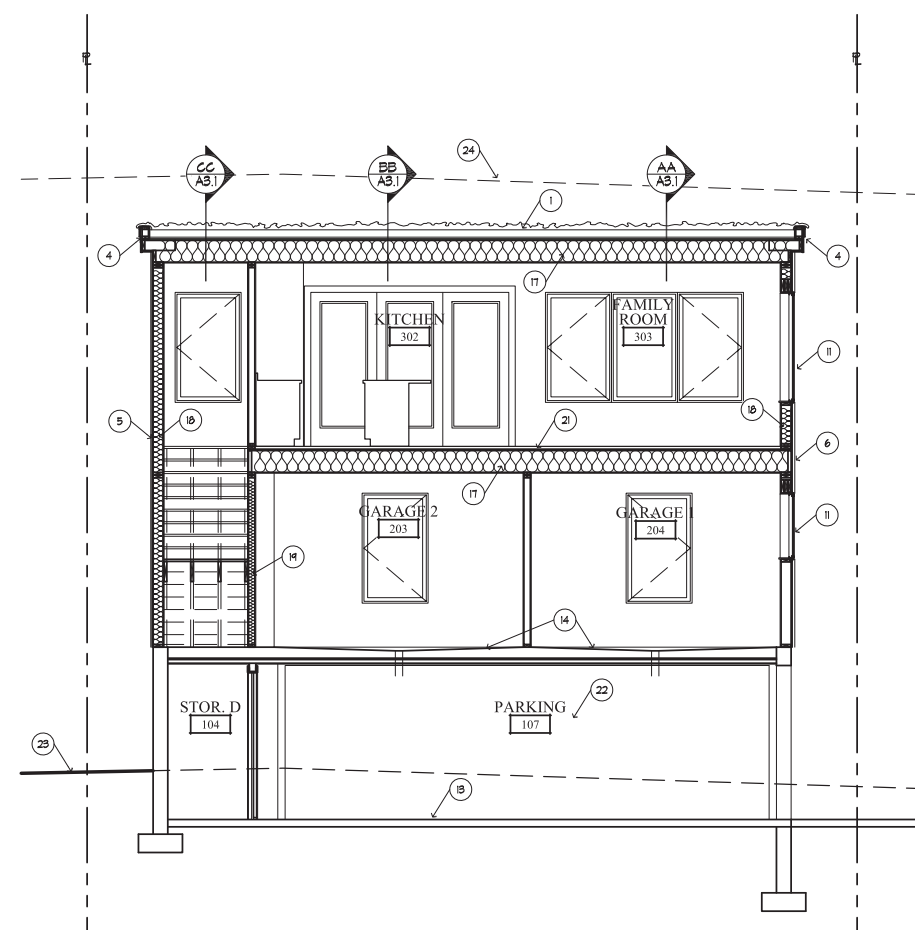
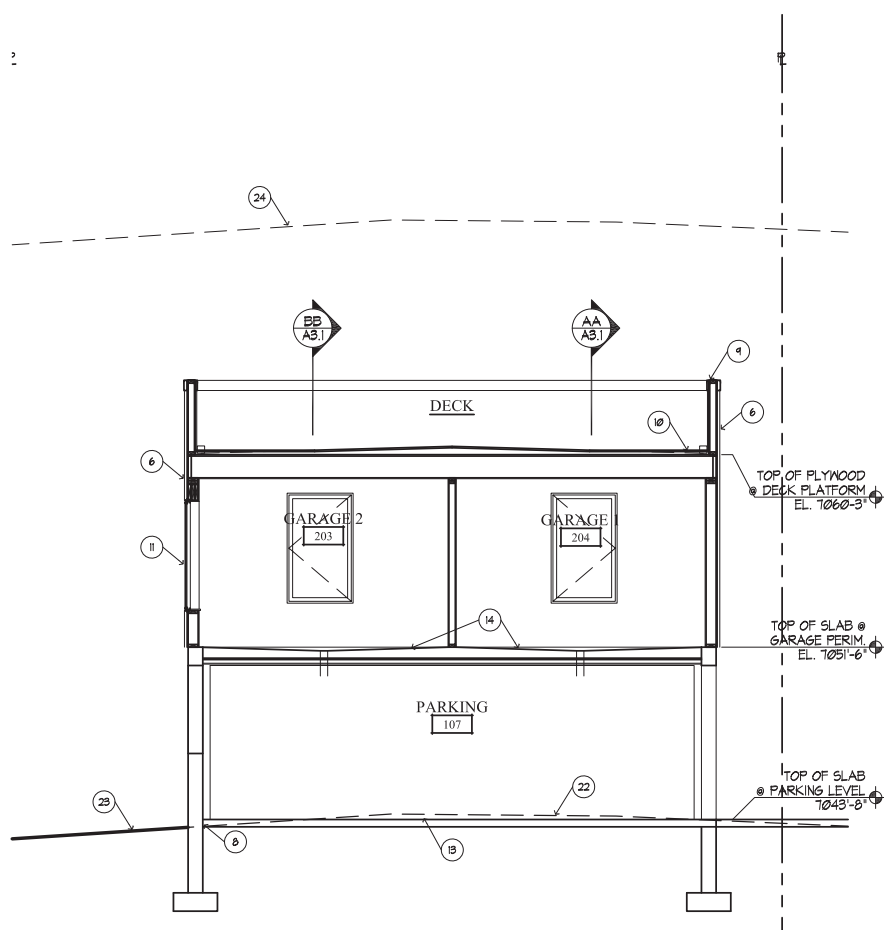


Exhibit D – 25 June 2015 Letter addressing Staff and Planning Commission comments
Jonathan DeGray - Architect

June 25, 2015
Park City Municipal Corporation
443 Marsac Avenue
Park City, Utah

Attn: Francisco Astorga, Planning Department

Re: 550 Park Avenue – Steep Slope CUP
Planning Commission Work Session

Francisco,

In preparation to the work session meeting I wanted to provide an outline of issues we have addressed and material provided to better support the current proposal for a single family home at this location.

1. We have reworked the 3D model and views as discussed with you. Material at the garage door will be wood. We will have a presentation at the work session that will allow multiple view options of the model
2. There has been some comments regarding the public stair. It is our intention to keep the stair access from the alley to Park Avenue. The current stair does not have code compliant riser height and the straight run projects out into the existing parking garage entry by 6'-8". We are proposing to add two landings to shorten the overall run of the stair. This will keep the stair west of the existing garage opening and out of the way for access to the furthest west parking space proposed at 550 Park Ave. This will also correct the riser issue. Please see the revised site plan.
3. There is a wall supporting the public stair and there has been some discussion as to whether or not this wall will be affected by the proposed construction activity. The existing wall is on city property and will not be affected by this proposed work. We will protect the wall to whatever extent the building official of city engineer requires.
4. Regarding the landscaping at 550 Park Avenue. We have provided a landscape plan that includes improvements both on the property at 550 Park and on the adjacent city property next to the public stair. This proposed plan has been reviewed by the city engineer. He has indicated preliminary approval of the plan with the exception that city staff would review the viability of the existing Box Elder tree located on the west end of the common property line and give us direction as to whether or not the city will want to have us try and keep any or all of that tree. Please note that the proposed driveway into 550 Park Ave. is narrowed at the street and that the landscaping is carried out into this peninsula to create a buffer between the street and front of building.
5. There was discussion at the last planning commission meeting that the front door was set back and garage doors were set forward. We have changed the front elevation to bring the front door forward and then step the garage doors back. It was also brought up that the garage may not comply with criteria 6 of the steep slope requirements in the LMC. 6. Building Form and Scale says "The garage must be subordinate in design to the main building". Within a 35x75 lot there is little opportunity to do anything with the garage but included it in the mass of the main building. With or without the garage the mass of the front elevation will be as it is shown in the current drawings. The area of the front elevation is 599 sq. ft. of that the garage doors occupy 112 sq. ft. of 18% of the total front elevation. Based on this limited percentage we believe it is fair to say the garage is a subordinate element on the front elevation of the main building.

614 Main Street, Suite 302

P.O. Box 1674, Park City, Utah 84060 Tel./Fax 435-649-7263

Email: degrayarch@qwestoffice.net Web: www.degrayarchitect.com



6. There seemed to be some confusion as to the intended use of the garages. I will attempt to clarify. The owner of the building intends to use the residence and to be able to rent it from time to time as a nightly of event, like Sundance, rental. He would like to be able to keep a car on site and the second, owner lock out, garage will allow him to do that while still maintaining a garage, primary garage, for any renter to use.
7. You had asked for clarification as to why we are proposing 6 parking spaces at the ally when only 4 are required by our agreement with the city. The site was required to provide 9 spaces. It was determined the site had credit for 5 and that 4 would need to be either paid for or provided. 550 Park Avenue site will provide the 4 required spaces but is large enough to provide 6. Since this is the case it is the owner's intention is to make the additional spaces available to the residential units in 545 Main Street. This will mean that 6 spaces for 3 residential units will be available providing as many as 2 spaces to each residential unit at 545 Main Street. These two spaces will provide additional parking and reduce impact on Main Street parking demand even further than the four required spaces.

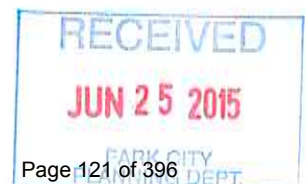
I hope this information along with the updated drawings and model help you to further understand this application.

Please do not hesitate to contact me with any questions.

Sincerely,



Jonathan DeGray Architect





05/29/2015



05/29/2015





05/29/2015

Planning Commission Staff Report



Subject: 940 Empire Avenue Subdivision Plat
Author: Christy J. Alexander, AICP, Planner II
Project Number: PL-15-02762
Date: July 8, 2015
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the 940 Empire Ave Subdivision plat, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

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

Description

Applicant: Justin Steinberg, owner/Larry Feldman, representative
Location: 940 Empire 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 1 and a half (1.5) existing lots (Lots 23 & half of Lot 22) into one (1) lot of record located in Block 15 of the Snyder's Addition to the Park City Survey. The applicant currently owns both lots and requests to combine the lots to create one (1) new larger lot on which they plan to demolish the existing A-frame home and build a new single-family home at 940 Empire 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 May 7, 2015 the applicant submitted a complete application for the 940 Empire Avenue Subdivision plat. The property is located at 940 Empire Avenue in the Historic Residential (HR-1) District.

Currently both Lots 23 and the southerly ½ of 22 contain one A-frame single family home. Both lots are now owned by Justin Steinberg. There have been several lot splits consistently down the same street where others have combined one and a half lots. Only one lot (Lot 23-a standard Old Town lot) currently meets the minimum lot area standards as given for the HR-1 District. The applicant states their intentions are to build a single-family home on the proposed combined lot.

Analysis

The proposed plat amendment creates one (1) lot of record consisting of 2,812.5 square feet. The minimum lot area for a single family dwelling is 1,875 square feet. Both lots currently contain an existing non-historic A-frame single family home. The combined lot area does not meet the minimum lot size of 3,750 square feet for a duplex. The applicant has not yet submitted a Historic District Design Review application or plans for the proposed structure on the lot.

There is currently one (1) existing building on the north side of the proposed lot. The lot to the north (southerly ½ of Lot 22) contains a building with four and a half (4.5') side setbacks on the lot line shared with 940 Empire Ave. The lot to the south (936 Empire Avenue Subdivision) of 940 Empire Ave is a vacant lot. The existing home at 940 Empire Avenue encroaches onto 936 Empire Ave by 0.3 feet. An encroachment agreement was previously recorded between the two property owners.

Any new structure proposed for the combined lot created by this plat amendment would need to meet the current LMC code requirements of 3 feet side yard setbacks (6 total),. Front and rear yard setbacks would need to meet current code standards of a minimum of ten feet (10'). The properties within 200 feet across the street on the west side of Lowell Ave consist of mainly duplex dwellings, larger single-family dwellings and vacant lots.

The minimum lot width allowed in the district is twenty-five feet (25'). The proposed width will be thirty-seven and a half (37.5') 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 in width as well. The houses

within 200 feet to the north and south on the east side of Empire Ave consist of typical “Old Town” single-family dwellings and vacant lots. The proposed lot combination meets the lot and site requirements of the HR-1 District described below:

Required	Existing	Permitted
Lot Size	2,812.5 square feet	1,875 square feet minimum
Building Footprint	Approximately 1,029 square feet	1,201 square feet maximum (based on the lot area of 2,812.5 square feet)
Front/rear yard setbacks	27 feet front yard setback and 7 feet rear yard setback	10 feet minimum, 20 feet total (based on the lot depth of 75 feet)
Side yard setbacks	13.5 feet northerly side setback and 0 feet southerly side setback	3 feet minimum, 6 feet total (based on the lot width of 37.5 feet); in this case with 6 feet on the northerly side due to existing structure on the property line and 3 feet on the southerly side.
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. Plat: cannot exceed eighteen feet (18') in height above the garage floor with an appropriate pitched roof (8:12 or greater). Height exception for the garage may be granted if it meets the preceding criteria.
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	Two parking spaces	Two (2) parking spaces per dwelling.

The plat also contains an existing retaining wall to the south and front of the property that encroaches onto the property to the south by approximately one foot. The applicant has already obtained an encroachment agreement for the retaining wall with the adjacent neighbor. 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. A steep slope conditional use permit may be required for development on the amended lot. Recordation of this plat and completion and approval of a final Historic District Design Review (HDDR) and Steep Slope CUP application, if required, 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 existing house to clear up the lot line running underneath the home and any new construction will be on one sole lot. The plat will incorporate a remnant ½ lot into a platted lot. 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 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 June 24, 2015. Legal notice was also published in the Park Record by June 20, 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 City Council public hearing.

Process

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

Alternatives

- The Planning Commission may forward a positive recommendation for approval of the 940 Empire Avenue Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation for the 940 Empire 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 one and a half (1.5) existing lots would not be adjoined and would remain as is. The lot at 940 Empire Avenue would remain with an existing home situated on top of a lot line and any 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 approving the 940 Empire Avenue Subdivision plat based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A – Proposed Plat

Exhibit B – Existing Conditions Survey

Exhibit C – Vicinity Map/Aerial

Exhibit D – Photographs

**AN ORDINANCE APPROVING THE 940 EMPIRE AVENUE SUBDIVISION PLAT,
LOCATED AT 940 EMPIRE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the 940 Empire Avenue Subdivision located at 940 Empire Avenue, have petitioned the City Council for approval of the 940 Empire Avenue Subdivision plat; and

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

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

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

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

WHEREAS, on July 30, 2015 the City Council held a public hearing on the proposed 940 Empire Avenue Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 940 Empire Avenue Subdivision plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 940 Empire Avenue Subdivision plat, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The plat is located at 940 Empire Avenue within the Historic Residential (HR-1) District.
2. The 940 Empire Avenue Subdivision consists of Lots 23 & southerly ½ of 22 of Block 15 of the Snyder's Addition to the Park City Survey.
3. On May 7, 2015, the applicants submitted an application for a plat amendment to combine one and a half (1.5) lots containing a total of 2,812.5 square feet into one (1) lot of record.
4. The application was deemed complete on May 7, 2015.
5. The lots at 940 Empire Avenue currently contain an existing A-frame single family home.

6. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.
7. The maximum footprint allowed in the HR-1 zone is 1,201 square feet for the proposed lot based on the lot area of the lot.
8. The existing home currently has a zero foot (0') southerly side setback and the existing home encroaches onto 936 Empire Avenue by approximately 0.3 feet on the lot line shared with 936 Empire Avenue as well as the existing retaining wall that encroaches approximately one foot onto 936 Empire Avenue.
9. An encroachment agreement was previously recorded between 936 Empire Avenue and 940 Empire Avenue on 2015.
10. The existing side yard setbacks to the north are 13.5 feet which complies with the LMC.
11. The front yard setback is 27 feet which complies with the LMC but the rear yard setback is only 7 feet which makes this structure legal, non-conforming.
12. The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lot.

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 and completion and approval of a final Historic District Design Review (HDDR) and Steep Slope CUP, if required, applications are required prior to building permit issuance for any construction on the proposed lot.
4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
5. A ten foot (10') wide public snow storage easement is required along the frontage of the lots with Lowell Avenue and shall be shown on the plat.
6. Snowshed agreements from the northerly neighbor are required prior to plat recordation.

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

PASSED AND ADOPTED this ____ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

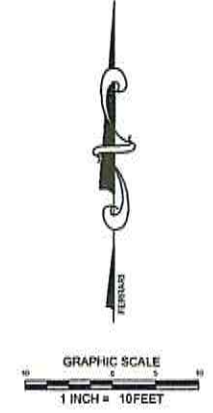
Mark Harrington, City Attorney

EXHIBIT A



VICINITY AND ZONING MAP
NOT TO SCALE

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



OWNER'S DEDICATION AND CONSENT TO RECORD

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

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

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

STEVE L. ROSENBERG

ACKNOWLEDGMENT

STATE OF UTAH:)
 COUNTY OF SUMMIT:) SS

ON THIS _____ DAY OF _____, 2014, _____

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

MY COMMISSION EXPIRES _____
 NOTARY PUBLIC
 RESIDING IN _____

LEGAL DESCRIPTION:

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

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

MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE NORTHWEST CORNER OF LOT 24, BLOCK 15, SNYDER'S ADDITION TO PARK CITY, THENCE NORTH 54°01'00" EAST 75.00 FEET, THENCE SOUTH 35°59'00" EAST 37.50', THENCE SOUTH 51°01'00" WEST 75.00 FEET, THENCE NORTH 35°59'00" EAST 37.50 FEET TO THE POINT OF BEGINNING. CONTAINING 2812.5 SQ. FT.±

NOTES:

1. MODIFIED 13-0 SPRINKLERS WILL BE REQUIRED FOR NEW CONSTRUCTION AS REQUIRED BY THE CHIEF BUILDING OFFICIAL AT THE TIME OF REVIEW OF THE BUILDING PERMIT SUBMITTAL.
2. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE OF 14-08

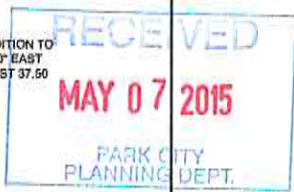
SURVEYOR'S STATEMENT

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

GREGORY J. FERRARI, P.L.S. 5406908 EXPIRES
 MARCH 31, 2015

LEGEND:

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

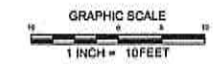


 FERRARI SURVEYING, LLC P.O. B. 683001 PARK CITY, UT (435) 640-0412 Planning Commission Meeting July 8, 2015	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2014 A.D. BY: _____ S.B.W.R.C.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2014 BY: _____ CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2014 A.D. BY: _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2014 A.D. BY: _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D. BY: _____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D. BY: _____ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE Page 486 of 396
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EXHIBIT B

RECORD OF SURVEY & TOPOGRAPHICAL MAP

940 EMPIRE AVENUE
 PARCEL SA-161
 LOT 23 & THE NORTHERLY 1/2 OF LOT 22, BLOCK 15, SNYDERS ADDITION TO PARK CITY
 LOCATED IN THE NORTHEAST QUARTER OF SECTION 16
 TOWNSHIP 2S RANGE 4E
 SALT LAKE BASE AND MERIDIAN



SURVEYOR'S STATEMENT

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

GREGORY J. FERRARI, P.L.S. 5046908 EXPIRES
 MARCH 31, 2017



P.O. BOX 683001
 PARK CITY, UT 84068

LEGAL DESCRIPTION:

LOT 23 AND THE NORTHERLY HALF OF LOT 22, BLOCK 15, SNYDERS ADDITION TO PARK CITY SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDERS OFFICE.

LEGEND:

	PROPERTY LINE		5/8" REBAR & CAP L57075114
	MAJOR CONTOUR		5/8" REBAR & CAP L85046908
	MINOR CONTOUR		FOUND NAIL AND WASHER
	CENTER LINE		STREET MONUMENT
	PUBLIC UTILITY EASEMENT		DRAINAGE INLET
			POWER POLE
			GAS METER
			WATER MANHOLE

PROJECT INFORMATION:

CLIENT: LARRY FELDMAN
 2320 BEAR HOLLOW DRIVE
 PARK CITY, UT 84098

PROJECT ADDRESS: 940 EMPIRE AVENUE
 PARK CITY, UT 84068

SERIAL NO: SA-161

RECORD INFORMATION: LOT 23 AND THE NORTH 1/2 LOT 22, BLOCK 15, SNYDERS ADDITION TO PARK CITY

NOTES:

1. THE PURPOSE OF THIS SURVEY IS LOCATE THE BOUNDARIES OF THIS PROPERTY ON THE GROUND AND CREATE A TOPOGRAPHICAL MAP AT THE REQUEST OF LARRY FELDMAN.
2. THE EVIDENCE OF BOUNDARY SHOWN HEREON IS TAKEN FROM RECORD INFORMATION COMPILED FROM SNYDERS ADDITION TO PARK CITY SUBDIVISION.
3. NO INVESTIGATION CONCERNING ENVIRONMENTAL & SUBSURFACE CONDITIONS, OR THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
4. NO INVESTIGATION CONCERNING THE LOCATION OF OR EXISTENCE OF UTILITY SERVICE LINES TO THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
5. ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO ANY DESIGN OR CONSTRUCTION.
6. DATE OF FIELD WORK APRIL 15, 2015.
7. VERTICAL DATUM IS ASSUMED.
8. BUILDING SETBACKS MUST BE CONFIRMED WITH THE COUNTY, HOMEOWNERS ASSOCIATION, ARCHITECTURAL COMMITTEE, OR SIMILAR ADVISORY GROUP, IF ANY.
9. THE OWNER OF THE PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT.
10. BASIS OF BEARING SHOWN HEREON.

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

RECORD OF SURVEY AND TOPOGRAPHICAL MAP
 940 EMPIRE AVENUE
 SA-161
 LOT 23 AND THE NORTHERLY HALF OF LOT 22,
 BLOCK 15, SNYDERS ADDITION TO PARK CITY
 PARK CITY
 SUMMIT COUNTY
 UTAH

BAR IS ONE INCH ON ORIG. DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

SURVEY BY:	GF:TM
SURVEY DATE:	4-15-15
DESIGN BY:	GF
DRAWING BY:	GF
CHECKED BY:	GF

DATE: 4-15-15

SCALE: 1"=10'

HORIZONTAL OF

VERTICAL OF

2" CONTOURS

Page 137 of 396

MAY 07 2015

PARK CITY

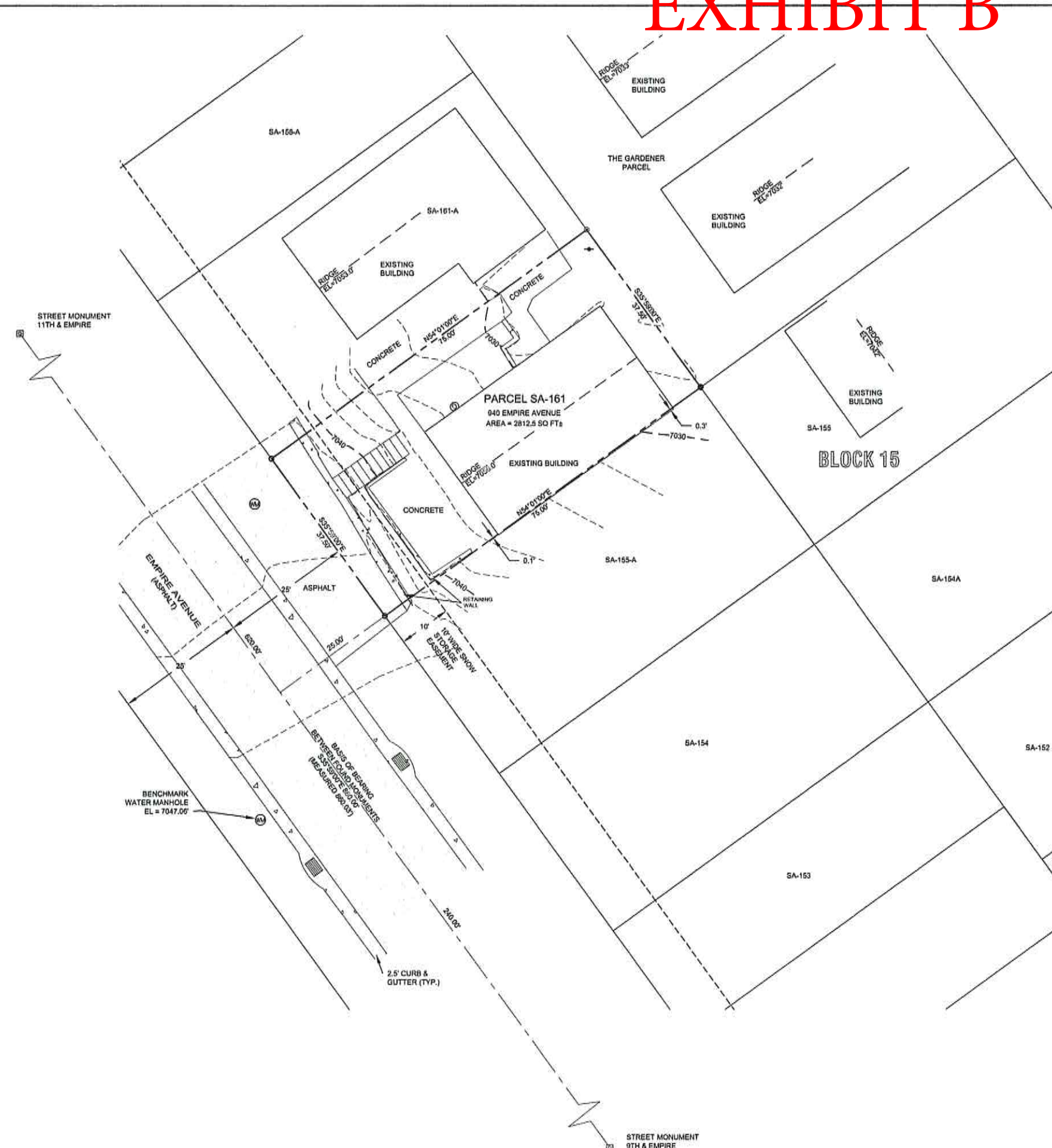


EXHIBIT C

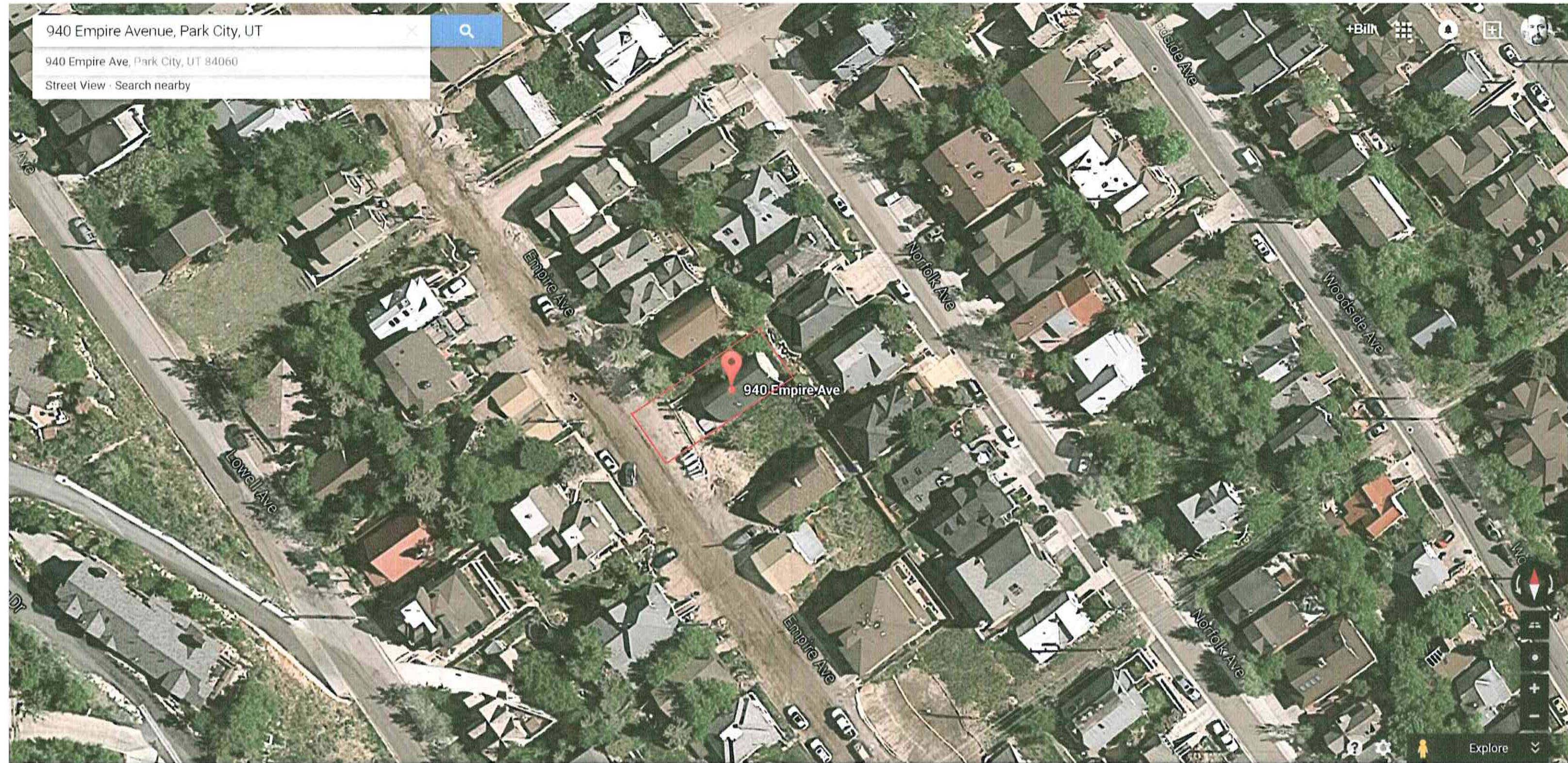
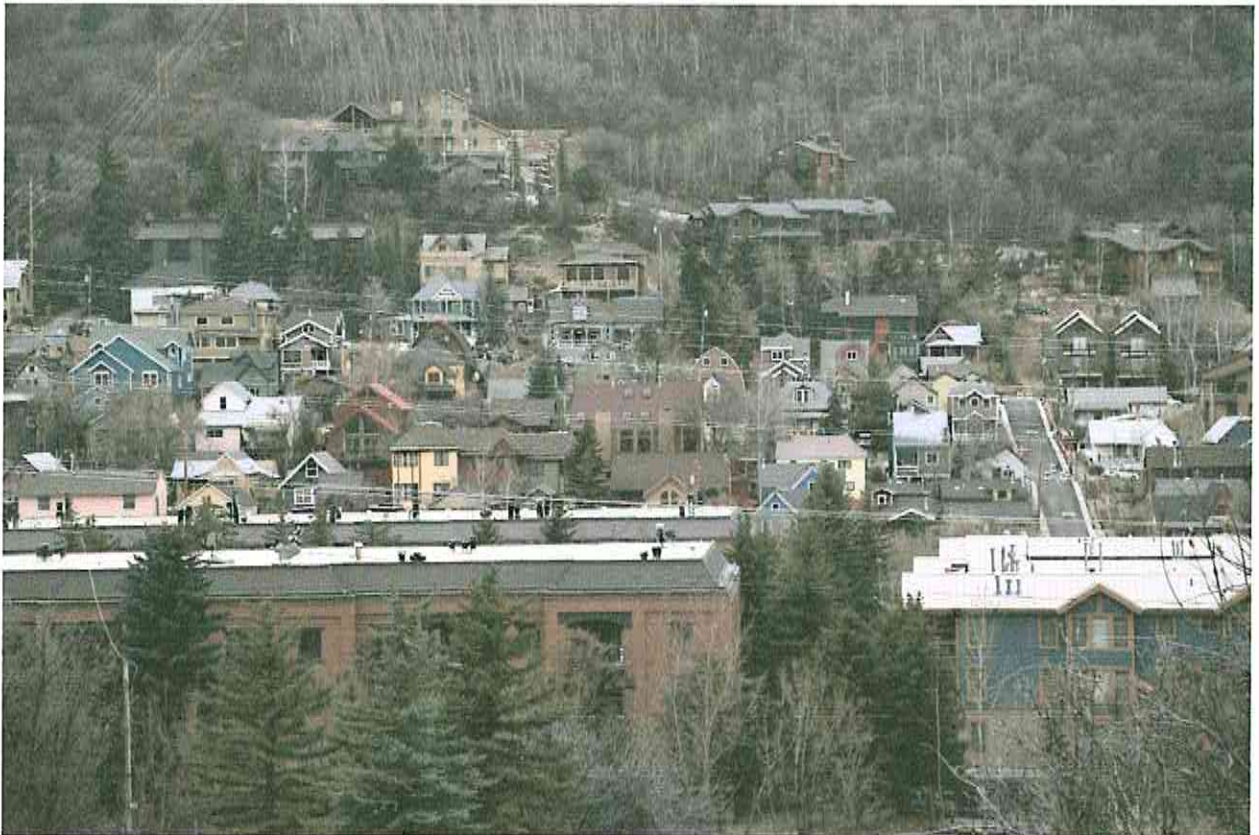


EXHIBIT D





Planning Commission Staff Report



Subject: Lot 20, Block 9, Snyder's Addition, Norfolk Avenue
Project #: PL-15-02723
Author: Hannah Turpen, Planner
Date: July 8, 2015
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit (CUP) at Lot 20, Block 9, Snyder's Addition, Norfolk Avenue, conduct a public hearing, and approve the Steep Slope CUP for Lot 20, Block 9, Snyder's Addition, Norfolk Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

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

Description

Owner/ Applicant: Magnus Floden (represented by Jamie Thomas, contractor)
Location: Lot 20, Block 9, Snyder's Addition, Norfolk Avenue –
The property is located between 1046 Norfolk Avenue and 1102 Norfolk Avenue on a vacant lot.
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
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 (CUP) for a new single family home with a proposed square footage of approximately 2,532 square feet (sf) (including the 252.5 square foot single car garage) on a vacant 1,875 square foot lot located at Lot 20, Block 9, Snyder's Addition, Norfolk Avenue. The total floor area exceeds 1,000 sf and the construction is proposed on a slope of 30% or greater.

Background

On April 14, 2015 the City received a completed application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at Lot 20, Block 9, Snyder's Addition, Norfolk Avenue. The property is located in the Historic Residential (HR-1) District. The lot contains 1,875 square feet.

This application is a request for a Conditional Use Permit for construction of new single family dwelling. Because the total proposed structure square footage is greater than 1,000 square feet, and would be constructed on a slope greater than thirty percent (30%), the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to Land Management Code (LMC) § 15-2.2-6.

The property is located between 1046 Norfolk Avenue and 1102 Norfolk Avenue on a vacant lot. The property is currently listed as Lot 20, Block 9, Snyder’s Addition, Norfolk Avenue. An address will be assigned to the property by the City Engineer at a later date.

A Historic District Design Review (HDDR) application was approved on June 10, 2015 (Exhibit A).

Purpose

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

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

Analysis

The proposed house contains a total of 1,875 square feet, including the 252.5 square foot single car garage proposed on the upper level. The proposed footprint is 844 square feet. The house complies with all setbacks, building footprint, and building height requirements of the HR-1 zone. Staff reviewed the plans and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	Minimum of 1,875 square feet	1,875 square feet, <u>complies.</u>
Building Footprint	844 square feet <u>maximum</u>	844 square feet, <u>complies.</u>
Front Yard	10 feet minimum	13 feet (front) porch, <u>complies</u> ; 18 feet to single-car garage, <u>complies.</u>
Rear Yard	10 feet minimum	Increases from 13’1” to 14’7.5” across rear property line, <u>complies.</u>

Side Yard	3 feet minimum, total 6 feet.	3 feet on each side, <u>complies.</u> Total of six feet, <u>complies.</u>
Height	27 feet above existing grade, <u>maximum.</u>	26'8", ridge of gable on the north elevation, <u>complies.</u>
Height (continued)	A Structure shall have a maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.	31 feet, <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.	Maximum difference is 4 feet on the north, south, east and west elevations, <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. Architectural features, that provide articulation to the upper story façade setback may encroach into the minimum 10 ft. setback but shall be limited to no more than 25% of the width of the building encroaching no more than 4 ft. into the setback.	The rear roof line measures 23 feet in height, <u>complies.</u>
Roof Pitch	Between 7:12 and 12:12.	The main roofs have 7:12 pitches, <u>complies.</u>
Parking	Two (2) off-street parking spaces required.	One (1) space within a single car garage and one uncovered space on the driveway, within the lot area, compliant with required dimensions, <u>complies.</u>

The overall slope of the lot is roughly 26.6%. The driveway sits on a slope of approximately 40%. The driveway is the only portion of the built structure that sits on a slope greater than 30%.

LMC § 15-2.3-7 requires a Conditional Use permit for development on steep sloping lots (30% or greater) if the structure contains more than one thousand square feet (1,000 sf) of floor area, including the garage, and stipulates that the Conditional Use Permit can be granted provided the proposed application and design comply with the following criteria and impacts of the construction on the steep slope can be mitigated:

Criteria 1: Location of Development.

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

The proposed single family dwelling is located on the lot in a manner that reduces the visual and environmental impacts. The foundation is stepped with the existing topography to minimize the amount of excavation necessary. The proposed landscape plan incorporates significant vegetation. The proposed footprint complies with that allowed for the lot area. The front and rear setbacks meet all requirements, and are increased for portions of the structure. The hillside within the side yard will be terraced with retaining walls no greater than six feet (6') in height from existing grade. The driveway is the only portion of the built structure that sits on a slope greater than 30%. The majority of the house sits on a slope far less than 30% which allows floor levels to relate closely to existing topography.

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 photographic visual analysis, including street views, to show the proposed streetscape and how the proposed house fits within the context of the slope, neighboring structures, and existing vegetation.

The visual analysis and streetscape demonstrate that the proposed design is visually compatible with the neighborhood, similar in scale and mass than surrounding structures, and visual impacts are mitigated. There is minimized excavation because the majority of the house is not located on the grade that dramatically rises to form Norfolk Avenue. Vegetation will be added as necessary and retaining walls will be limited to terracing in the side yards.

Criteria 3: Access.

Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. The garage sits below the street level reducing the fill needed to access the garage and the front door. Common driveways and Parking Areas, and side Access to garages are strongly encouraged; however a side access garage is not possible on this site. **No unmitigated impacts.**

The proposed design incorporates a suspended driveway which will sit approximately two feet (2') above final grade. The driveway will be suspended for a total distance of approximately 11.5 feet west of the single-car garage foundation. The suspended driveway is needed to accommodate the change in the grade from Norfolk Avenue measured at the curb and gutter at an approximate elevation of 6972' and drops to an approximate elevation of 6956' at the front (west) façade of the single-car garage. There is a total elevation change of 16' between the Norfolk Avenue curb and gutter and the front (west) façade of the single-car garage with a total slope of approximately 45.7%. The slope of the driveway will be approximately 8.9%.

Criteria 4: Terracing.

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

Minor retaining is necessary to regain natural grade around the proposed structure to provide for egress on the south elevation. Minor and limited retaining is also being requested around the driveway located in the front yard area. Both of these areas will meet the LMC development standards of retaining walls in setback areas which range from four feet (4') to the maximum height of six feet (6') above final grade.

There is a steep grade in the front fifteen feet (15') of the lot and a gentle grade in the remaining sixty feet (60') of the lot. Overall, the slope is 26.6% for the entire lot. The slope increases to 40% in the front fifteen feet (15') of the lot.

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 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. As previously noted, the house is located on a relatively gentle grade except at the front fifteen feet (15') of the driveway, which sits on the steep slope below Norfolk Avenue. The driveway access was designed to accommodate the significant slope between the Norfolk Avenue curb and gutter and the front (west) façade of the garage.

Terraced stone retaining walls, not exceeding six feet in height from Existing Grade, will be constructed to retain the hillside in the side yards and around the driveway. The Final Grade will be changed no more than four feet (4') from the Existing Grade. The site design and building footprint provide an increased front setback area in front of the garage. Side setbacks and building footprints are maintained consistent with the pattern of development and separation of structures in the neighborhood.

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 main ridge of the roof orients with the contours. The size of the lot allows the design to not offend the natural character of the site as seen on the submitted plans. The house steps with the grade and is broken into a series of smaller components that are compatible with the District. The stepping creates rear and side elevations that respect the adjacent properties.

Staff finds that the proposed design is consistent with the Design Guidelines for Historic Districts and Historic Sites. The structure reflects the historic character of Park City's Historic Sites such as simple building forms, unadorned materials, and restrained ornamentation. The style of architecture selected and all elevations of the building are designed in a manner consistent with a contemporary interpretation of the chosen style. The Historic District Design Review (HDDR) application for this project was approved on June 10, 2015

Exterior elements of the new development—roofs, entrances, eaves, chimneys, porches, windows, doors, steps, retaining walls, garages, etc.—are of human scale and are compatible with the neighborhood and even traditional architecture. The scale and height of the new structure follows the predominant pattern of the neighborhood. Further, this style of this house is consistent with the Design Guidelines. It does not detract from nearby historic properties, but rather lends itself to the overall character of the neighborhood.

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.**

The proposed structure meets the standard LMC setbacks for a lot this size consisting of a minimum of ten feet (10') front/rear yard setbacks. The minimum side yard setbacks are three feet (5') minimum and six feet (6') total.

Front setbacks are increased as the garage portion of the house is setback 18 feet from the property line and thirty five feet (35') from the edge of the street, to accommodate the code required parking space entirely on the lot. No wall effect is created with the proposed design. 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.

The Chief Building Official determined that the rear setback separating the encroaching historic garage (associated with 1053 Woodside Avenue) and the new single-family

dwelling fitted with a NFPA 13 Modified System shall be eight feet (8') (Condition of Approval #11). If no sprinkler system is installed on the new single-family dwelling, the rear setback separation shall be ten feet (10'). The rear setback separation measurement includes eaves and decks. The proposed structure is setback eight feet (8') from the encroaching historic garage.

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 structure is articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. The design minimizes the visual mass and mitigates the differences in scale between the proposed house and surrounding structures.

Criteria 9: Building Height (Steep Slope).

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

The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade at the highest point. The heights of the main ridges range from twenty three feet (23') to twenty six feet eight inches (26'8") above the existing grade. Portions of the house are less than twenty seven feet (27') in height. The tallest ridge (26'8") is not visually apparent from the front, back, or sides of the house.

The applicant also meets the criteria outlined in LMC 15-2.2-5(A) stating that the structure shall have a maximum height of thirty-five feet (35') measured from the lowest finished floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters. The height from the lowest finished floor plane to the highest wall plate is thirty one feet (31').

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. The applicant has submitted a Historic District Design Review (HDDR) application; however, this has not yet been approved.

Department Review

This project has gone through an interdepartmental review. During the Development Review Committee meeting, it was discovered that there will need to be a separation between the encroaching historic garage (associated with 1053 Woodside Avenue) and the new single-family dwelling. The Chief Building Official determined that the rear setback separating the encroaching historic garage (associated with 1053 Woodside Avenue) and the new single-family dwelling fitted with a NFPA 13 Modified System shall be eight feet (8') (Condition of Approval #11). If no sprinkler system is installed on the new single-family dwelling, the rear setback separation shall be ten feet (10'). The rear setback separation measurement includes eaves and decks. The proposed structure is setback eight feet (8') from the encroaching historic garage. No further issues were brought up other than standards items that have been addressed by revisions and/or conditions of approval.

Notice

The property was posted and notice was mailed to property owners within 300 feet on June 24, 2015. Legal notice was also published in the Park Record in accordance with requirements of the LMC on June 20, 2015.

Public Input

No input has been received regarding the Steep Slope CUP.

Alternatives

- The Planning Commission may approve the Conditional Use Permit for Lot 20, Block 9, Snyder's Addition, Norfolk Avenue as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and provide staff with Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts

As conditioned, there are no significant fiscal or environmental impacts from this application. The lot is an existing platted residential lot that contains native grasses and shrubs. Due to the site's proximity to the mining sites, the site will be required to submit a soil mitigation plan at the time of their building permit.

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur and the applicant would have to revise the plans.

Recommendation

Staff recommends the Planning Commission review the application for a Steep Slope Conditional Use Permit at Lot 20, Block 9, Snyder's Addition, Norfolk Avenue and conduct a public hearing. 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 on Norfolk Avenue at Lot 20, Block 9 of Snyder's Addition to the Park City Survey.

2. The property is located within the Historic Residential (HR-1) District and meets the purpose of the zone.
3. A single family dwelling is an allowed use in the HR-1 District.
4. The property is described as Lot 20, Block 9 of the Snyder's Addition to the Park City Survey.
5. The lot contains 1,875 square feet.
6. The lot is currently vacant.
7. A Historic District Design Review (HDDR) application was approved by staff on June 10, 2015 for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.
8. This is a 25' x 75' "Old Town" lot. There is minimal existing vegetation on this lot. This is a downhill lot.
9. Access to the property is from Norfolk Avenue, a public street.
10. Two parking spaces are proposed on site. One space is located inside a single car garage and one is accommodated by a driveway parking space.
11. The neighborhood is characterized by a mix of historic and non-historic residential structures, single family homes and duplexes.
12. The proposal consists of a single family dwelling of 2,532 square feet, including the basement area and single car garage.
13. The driveway is designed with a maximum width of eleven feet three and-a-half inches (11'3.5") and is approximately thirty five feet (35') in length from the garage to the existing edge of Norfolk Avenue with a minimum of eighteen feet (18') of driveway located on the property. The garage door complies with the maximum height and width.
14. The proposed driveway has an overall slope of 8.9% as measured from the front of the garage to the edge of the paved street.
15. An overall building footprint of 844 square feet is proposed. The maximum allowed footprint for this lot is 844 square feet.
16. The proposed structure complies with all setbacks. The minimum front and rear yard setbacks are ten feet (10'). The minimum side yard setbacks are three feet (3').
17. The Chief Building Official determined that the rear setback separating the encroaching historic garage (associated with 1053 Woodside Avenue) and the new single-family dwelling fitted with a NFPA 13 Modified System shall be eight feet (8') (Condition of Approval #11). If no sprinkler system is installed on the new single-family dwelling, the rear setback separation shall be ten feet (10'). The rear setback separation measurement includes eaves and decks. The proposed structure is setback eight feet (8') from the encroaching historic garage.
18. 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 twenty seven feet (27') in height.
19. The applicant submitted a visual analysis, cross valley views and a streetscape showing a contextual analysis of visual impacts of this house on the cross canyon views and the Norfolk Avenue streetscape. Staff finds that the proposed house is compatible with the surrounding structures based on this analysis.
20. 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. There is no existing significant vegetation on the lot.

21. 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 40% slope area.
22. 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 (27') in height.
23. 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.
24. 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.
25. This property is required to have independent utility services for water, sewer, power, etc.
26. No lighting has been proposed at this time. Lighting will be reviewed at the time of the HDDR and Building Permit application for compliance with the LMC lighting code standards.
27. The findings in the Analysis section of this report are incorporated herein.
28. The applicant stipulates to the conditions of approval.

Conclusions of Law

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

Conditions of Approval

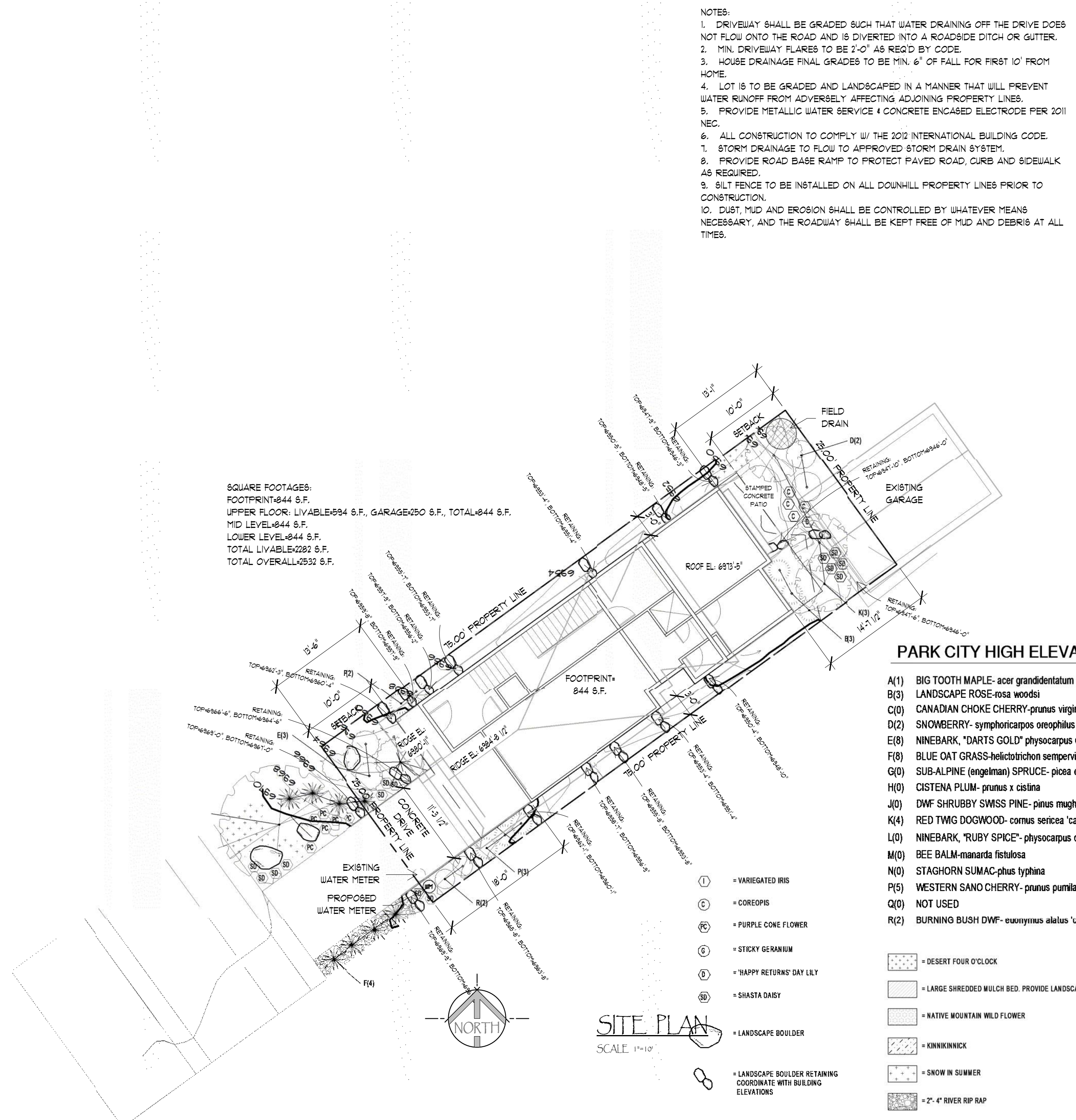
1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting the historic house to the west from damage.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip

irrigation. Lawn area shall be limited in area.

6. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the west and the non-historic structure to the north.
7. This approval will expire on June 24, 2016, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
8. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.
9. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
10. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
11. The Chief Building Official determined that the rear setback separating the encroaching historic garage (associated with 1053 Woodside Avenue) and the new single-family dwelling fitted with a NFPA 13 Modified System shall be eight feet (8'). If no sprinkler system is installed on the new single-family dwelling, the rear setback separation shall be ten feet (10'). The rear setback separation measurement includes eaves and decks.
12. The driveway width must be a minimum of ten feet (10') and will not exceed twelve feet (12') in width.
13. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
14. Construction waste should be diverted from the landfill and recycled when possible.
15. 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.

Exhibits

- Exhibit A- Plans (existing conditions, site plan, elevations, floor plans)
- Exhibit B- Existing Conditions Survey
- Exhibit C- Visual Analysis/Streetscape
- Exhibit D- Existing Photographs



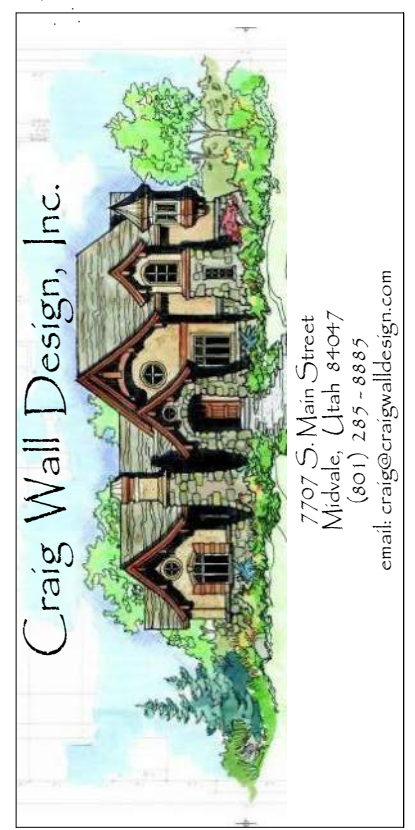
PARK CITY HIGH ELEVATION PLANT LIST

- A(1) BIG TOOTH MAPLE- acer grandidentatum
 - B(3) LANDSCAPE ROSE-rosa woodsii
 - C(0) CANADIAN CHOKE CHERRY-prunus virginiana
 - D(2) SNOWBERRY- symphoricarpos oreophilus
 - E(8) NINEBARK, "DARTS GOLD" physocarpus o. harnis
 - F(8) BLUE OAT GRASS-helictotrichon sempervirens
 - G(0) SUB-ALPINE (engelmann) SPRUCE- picea engelmannii
 - H(0) CISTENA PLUM- prunus x cistina
 - J(0) DMF SHRUBBY SWISS PINE- pinus mugho
 - K(4) RED TWIG DOGWOOD- cornus sericea 'cardinal
 - L(0) NINEBARK, "RUBY SPICE"- physocarpus opulifolius
 - M(0) BEE BALM-manarda fistulosa
 - N(0) STAGHORN SUMAC-plus typhina
 - P(5) WESTERN SANO CHERRY- prunus pumila besseyi
 - Q(0) NOT USED
 - R(2) BURNING BUSH DMF- euonymus alatus 'compactus'
- (1) = VARIEGATED IRIS
 - (2) = COREOPSIS
 - (3) = PURPLE CONE FLOWER
 - (4) = STICKY GERANIUM
 - (5) = "HAPPY RETURNS" DAY LILY
 - (6) = SHASTA DAISY
 - (7) = LANDSCAPE BOULDER
 - (8) = LANDSCAPE BOULDER RETAINING COORDINATE WITH BUILDING ELEVATIONS
- (1) = DESERT FOUR O'CLOCK
 - (2) = LARGE SHREDDED WILCH RED. PROVIDE LANDSCAPE FABRIC UNDER.
 - (3) = NATIVE MOUNTAIN WILD FLOWER
 - (4) = KINKKINICK
 - (5) = SNOW IN SUMMER
 - (6) = 2'- 4' RIVER RIP RAP

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Drawn By: J. Bailey
 Engineered By: [Blank]
 Plan #: [Blank]
 Plan Name: [Blank]

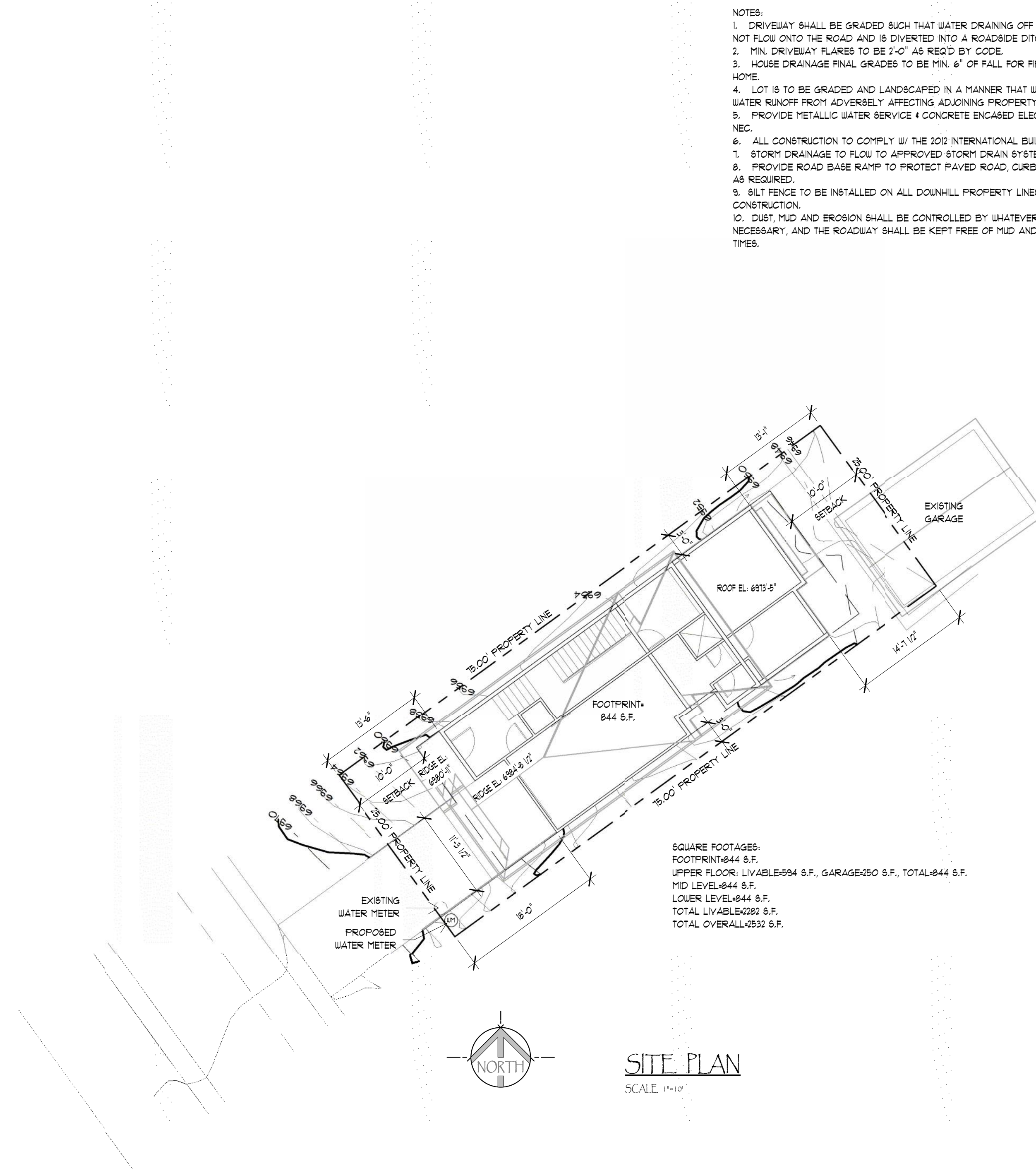
Notes
 Each Sub-Contractor Shall Check And Understand All Dimensions, Notes And Other Aspects Of This Project Applicable To Their Trade And Affecting Other Trades Prior To And During Construction.
 Notify Designer Or Engineer In Writing Of Any Discrepancies Or Changes On The Drawings Before Proceeding With Any Work.
 Each Sub-Contractor Shall Coordinate Work With Other Trade Through The General Contractor.
 The Designer Will Not Assume Responsibility For Any Misuse Or Misreading Of These Plans Where Information Is Available But Unclear. The Person Using These Plans Is Responsible For Clarifying Any Questions According To The Conditions Stated Above.



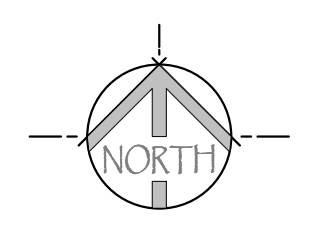
Residence for Magnus Flood
 Lot 20 Norfolk Ave.
 Park City, Utah

PRINT DATE: April 7, 2015
 SHEET: C1.0

SITE PLAN



- NOTES:
1. DRIVEWAY SHALL BE GRADED SUCH THAT WATER DRAINING OFF THE DRIVE DOES NOT FLOW ONTO THE ROAD AND IS DIVERTED INTO A ROADSIDE DITCH OR GUTTER.
 2. MIN. DRIVEWAY FLARES TO BE 2'-0" AS REQ'D BY CODE.
 3. HOUSE DRAINAGE FINAL GRADES TO BE MIN. 6" OF FALL FOR FIRST 10' FROM HOME.
 4. LOT IS TO BE GRADED AND LANDSCAPED IN A MANNER THAT WILL PREVENT WATER RUNOFF FROM ADVERSELY AFFECTING ADJOINING PROPERTY LINES.
 5. PROVIDE METALLIC WATER SERVICE + CONCRETE ENCASED ELECTRODE PER 2011 NEC.
 6. ALL CONSTRUCTION TO COMPLY W/ THE 2012 INTERNATIONAL BUILDING CODE.
 7. STORM DRAINAGE TO FLOW TO APPROVED STORM DRAIN SYSTEM.
 8. PROVIDE ROAD BASE RAMP TO PROTECT PAVED ROAD, CURB AND SIDEWALK AS REQUIRED.
 9. SILT FENCE TO BE INSTALLED ON ALL DOWNHILL PROPERTY LINES PRIOR TO CONSTRUCTION.
 10. DUST, MUD AND EROSION SHALL BE CONTROLLED BY WHATEVER MEANS NECESSARY, AND THE ROADWAY SHALL BE KEPT FREE OF MUD AND DEBRIS AT ALL TIMES.



SITE PLAN
SCALE: 1"=10'

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Drawn By: J. Dwyer
 Engineered By: _____
 Plan #: _____
 Plan Name: _____

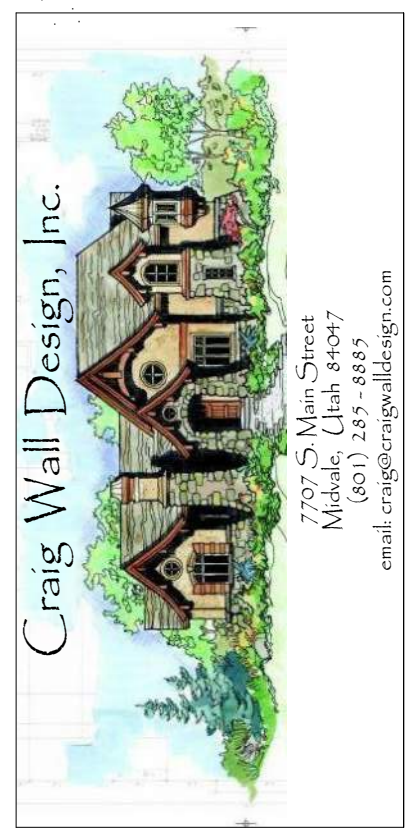
Notes

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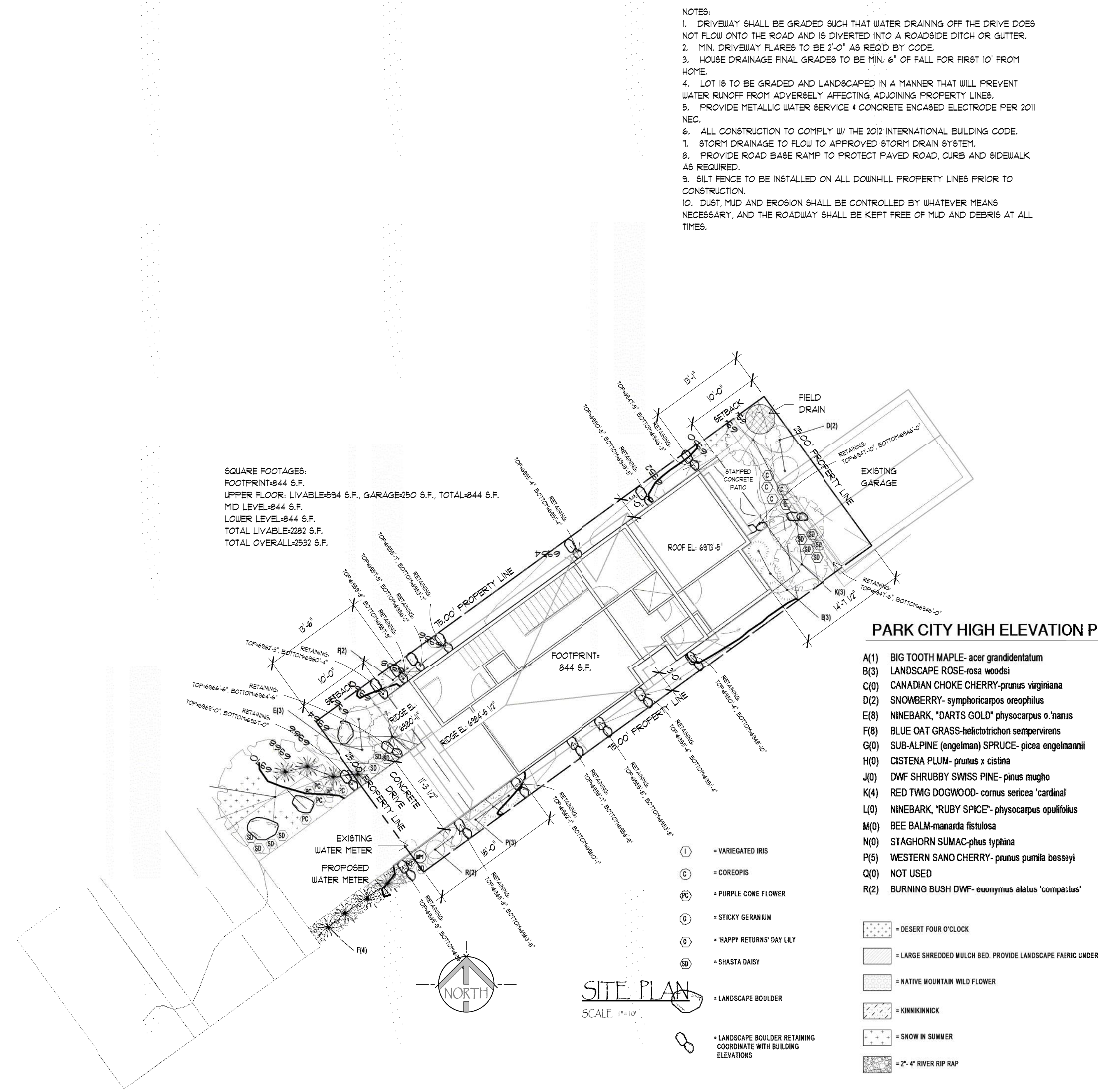
The Designer Will Not Assume Responsibility For Any Misuse Or Misreading Of These Plans Where Information Is Available But Unclear. The Person Using These Plans Is Responsible For Clarifying Any Questions According To The Conditions Stated Above.



Residence for Magnus Floden
 Lot 20 Norfolk Ave.
 Park City, Utah

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- NOTES:**
1. DRIVEWAY SHALL BE GRADED SUCH THAT WATER DRAINING OFF THE DRIVE DOES NOT FLOW ONTO THE ROAD AND IS DIVERTED INTO A ROADSIDE DITCH OR GUTTER.
 2. MIN. DRIVEWAY FLARES TO BE 2'-0" AS REQ'D BY CODE.
 3. HOUSE DRAINAGE FINAL GRADES TO BE MIN. 6" OF FALL FOR FIRST 10' FROM HOME.
 4. LOT IS TO BE GRADED AND LANDSCAPED IN A MANNER THAT WILL PREVENT WATER RUNOFF FROM ADVERSELY AFFECTING ADJOINING PROPERTY LINES.
 5. PROVIDE METALLIC WATER SERVICE + CONCRETE ENCASED ELECTRODE PER 2011 NEC.
 6. ALL CONSTRUCTION TO COMPLY W/ THE 2012 INTERNATIONAL BUILDING CODE.
 7. STORM DRAINAGE TO FLOW TO APPROVED STORM DRAIN SYSTEM.
 8. PROVIDE ROAD BASE RAMP TO PROTECT PAVED ROAD, CURB AND SIDEWALK AS REQUIRED.
 9. SILT FENCE TO BE INSTALLED ON ALL DOWNHILL PROPERTY LINES PRIOR TO CONSTRUCTION.
 10. DUST, MUD AND EROSION SHALL BE CONTROLLED BY WHATEVER MEANS NECESSARY, AND THE ROADWAY SHALL BE KEPT FREE OF MUD AND DEBRIS AT ALL TIMES.

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Drawn By: J. Dwyer
 Engineered By: [Signature]
 Plan #: [Blank]
 Plan Name: [Blank]

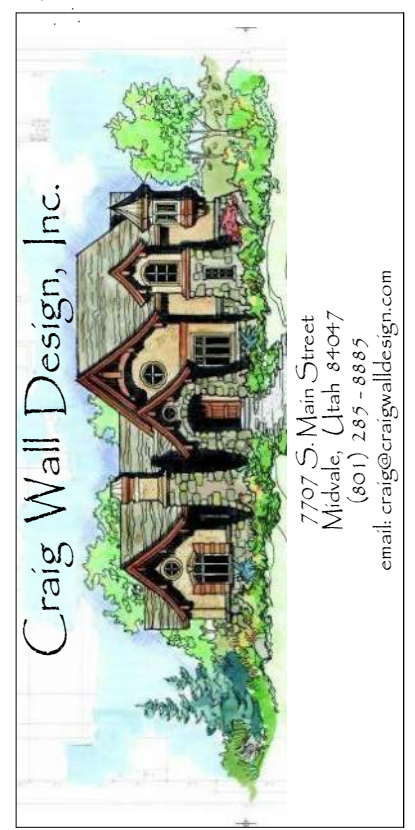
Notes

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Residence for Magnus Flooden
 Lot 20 Norfolk Ave.
 Park City, Utah

PRINT DATE: April 7, 2015
 SHEET: C1.0

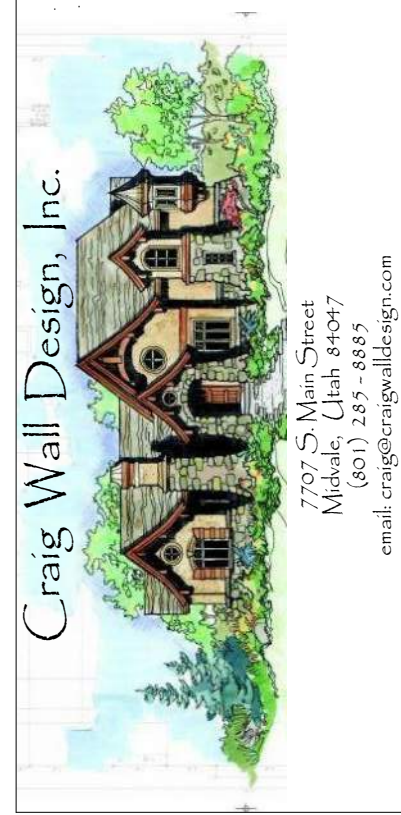
SITE PLAN



SITE - AERIAL

PRINT DATE
April 7, 2015
SHEET
C1.1

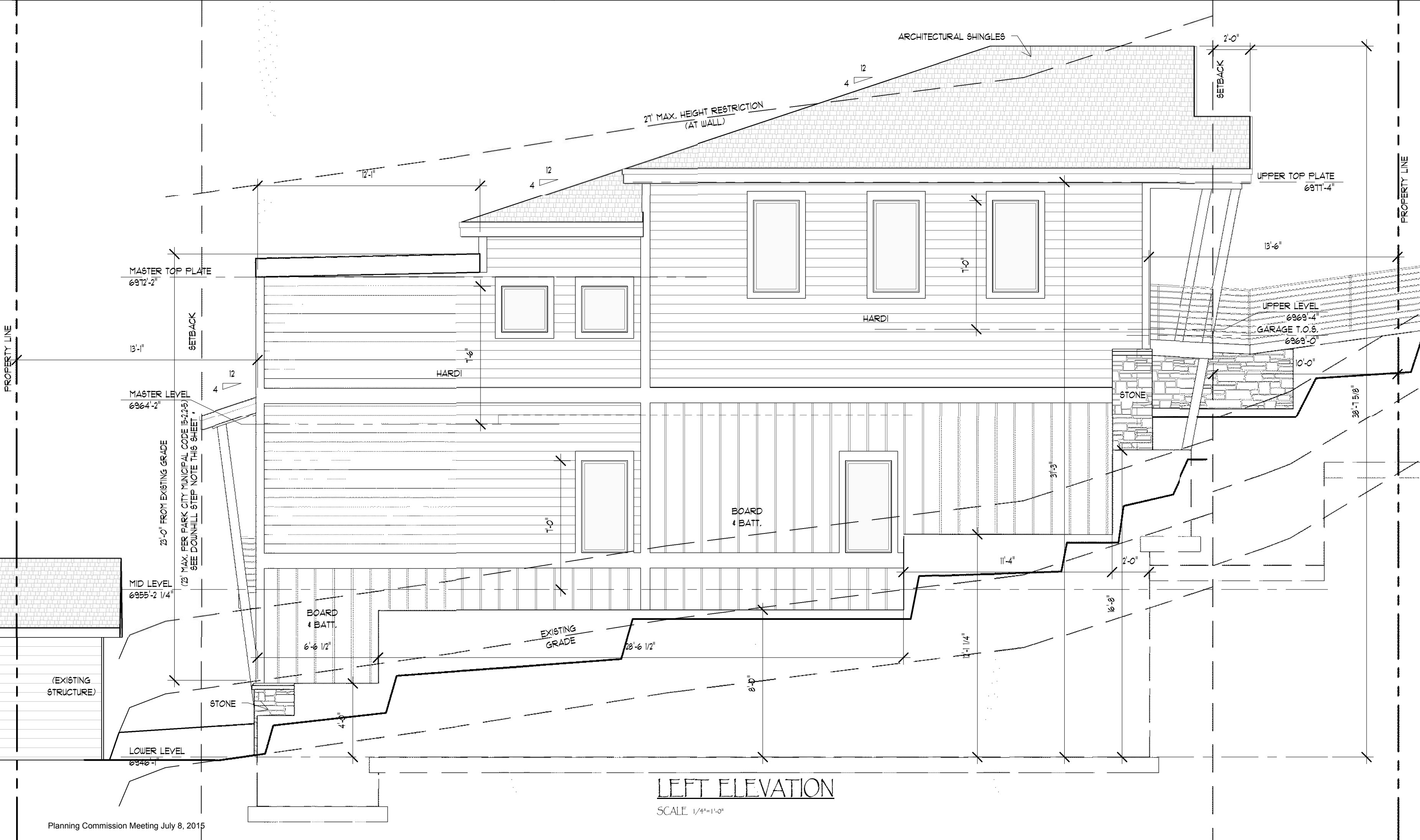
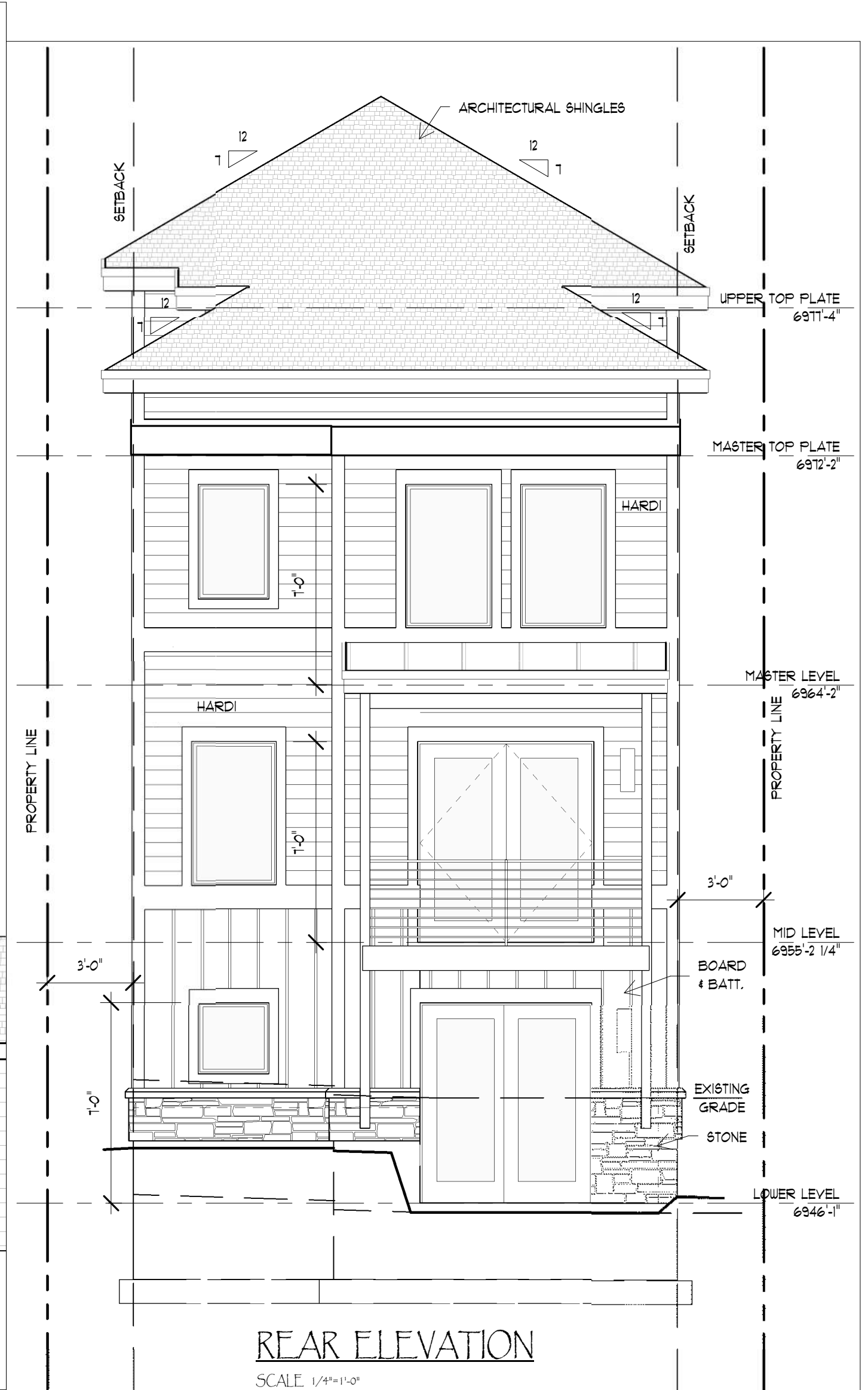
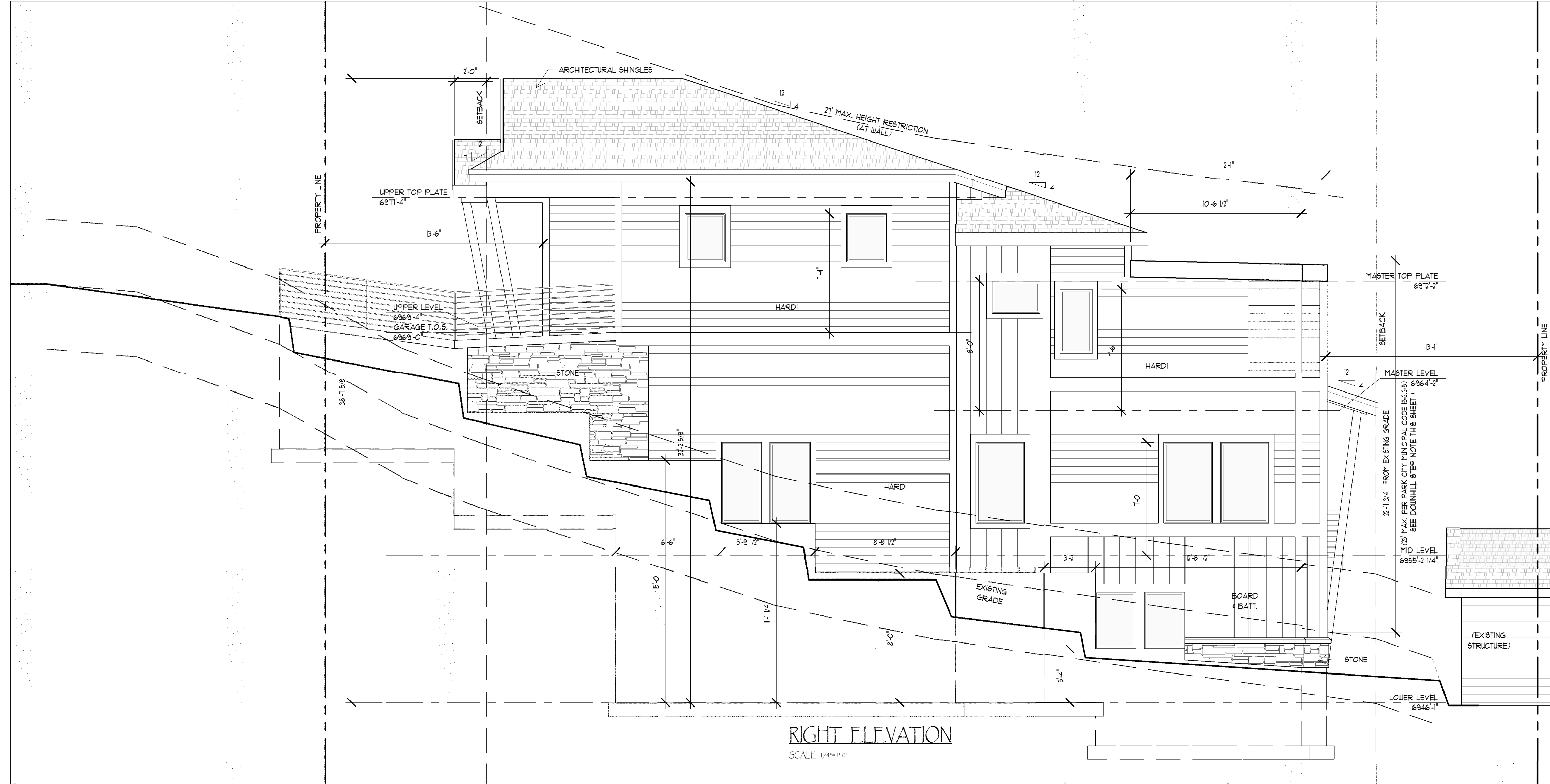
Residence for Magnus Floden
Lot 20 Norfolk Ave.
Park City, Utah



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Drawn By: J. Bentley
Engineered By:
Plan #:
Plan Name:

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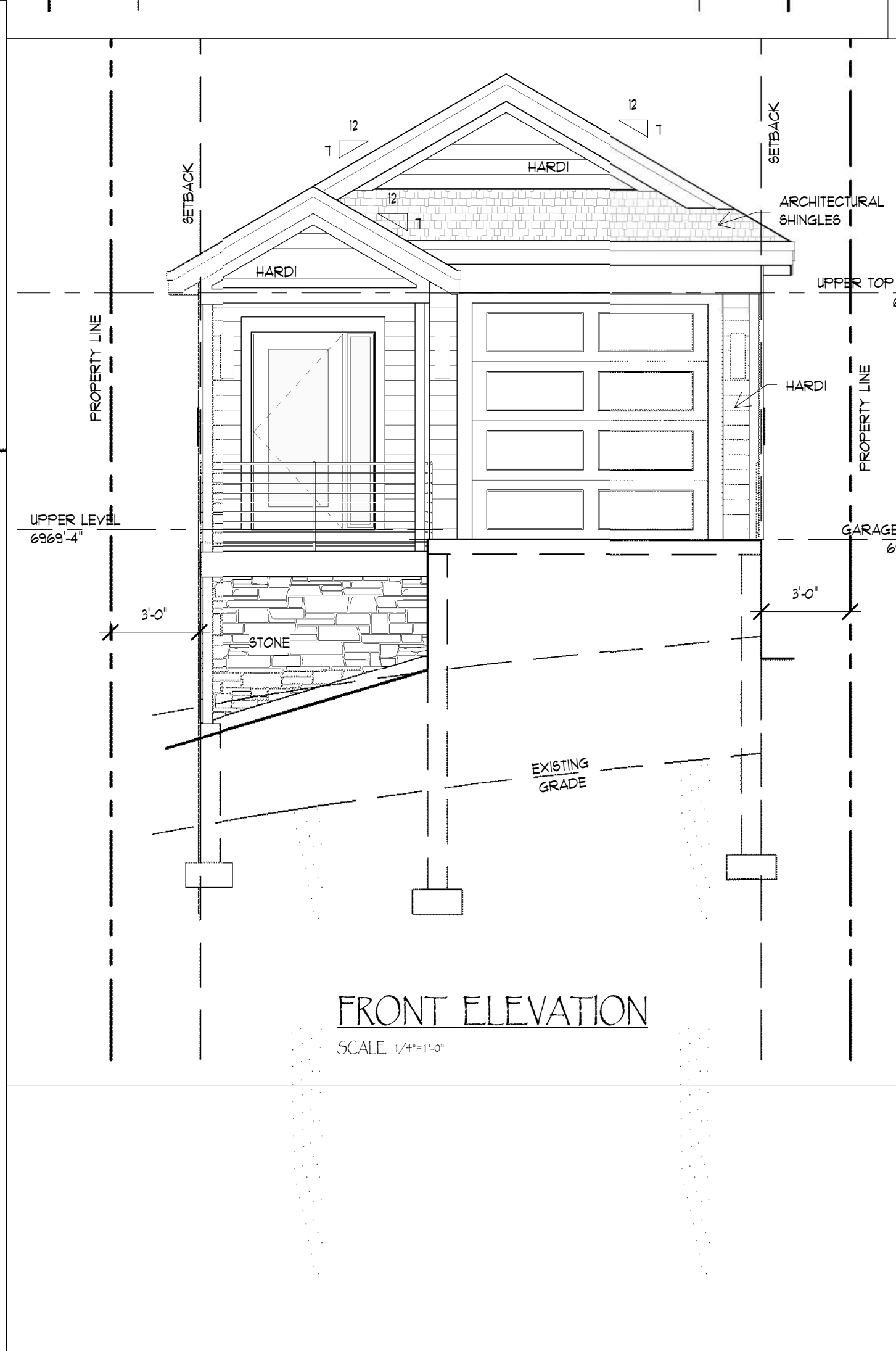


NOTES:

1. EXTERIOR WALL FINISHES MUST BE LISTED, LABELED, AND INSTALLED AS PER MANUFACTURER'S INSTALLATION INSTRUCTION GUIDES.
2. INSPECTION OF THE WEATHER-RESISTIVE BARRIER AND FLASHING IN ORDER TO PREVENT WATER FROM ENTERING THE WEATHER-RESISTANT EXTERIOR WALL ENVELOPE IS REQUIRED. R103.15
3. ALL FOOTINGS SHALL BEAR 30" OR 36" MIN. BELOW FINISH GRADE (VERIFY DEPTH WITH LOCAL CODES), BUT NO LESS THAN 12" BELOW NATURAL GRADE.
4. HOUSE DRAINAGE FINAL GRADES TO BE MIN. 6" OF FALL FOR FIRST 10' FROM HOME.

WINDOWS TO BE WINDSOR FINNACLE

* DOWNHILL STEP NOTE (MUNICIPAL CODE 5-2.2.3-B): A TEN FOOT (10') MINIMUM HORIZONTAL STEP IN THE DOWNHILL FACADE 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 THE BUILDING FOOTPRINT MEETS THE LOWEST POINT OF EXISTING GRADE.



Revision	1	2	3	4	5	6

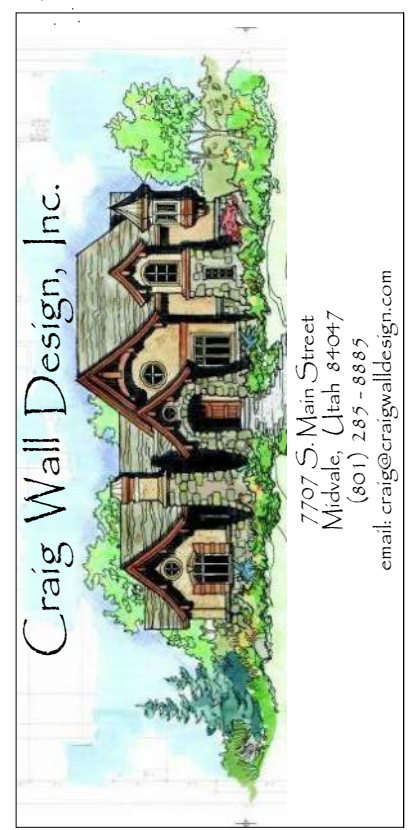
Drawn By: J. Bailey
 Engineered By: _____
 Plan #: _____
 Plan Name: _____

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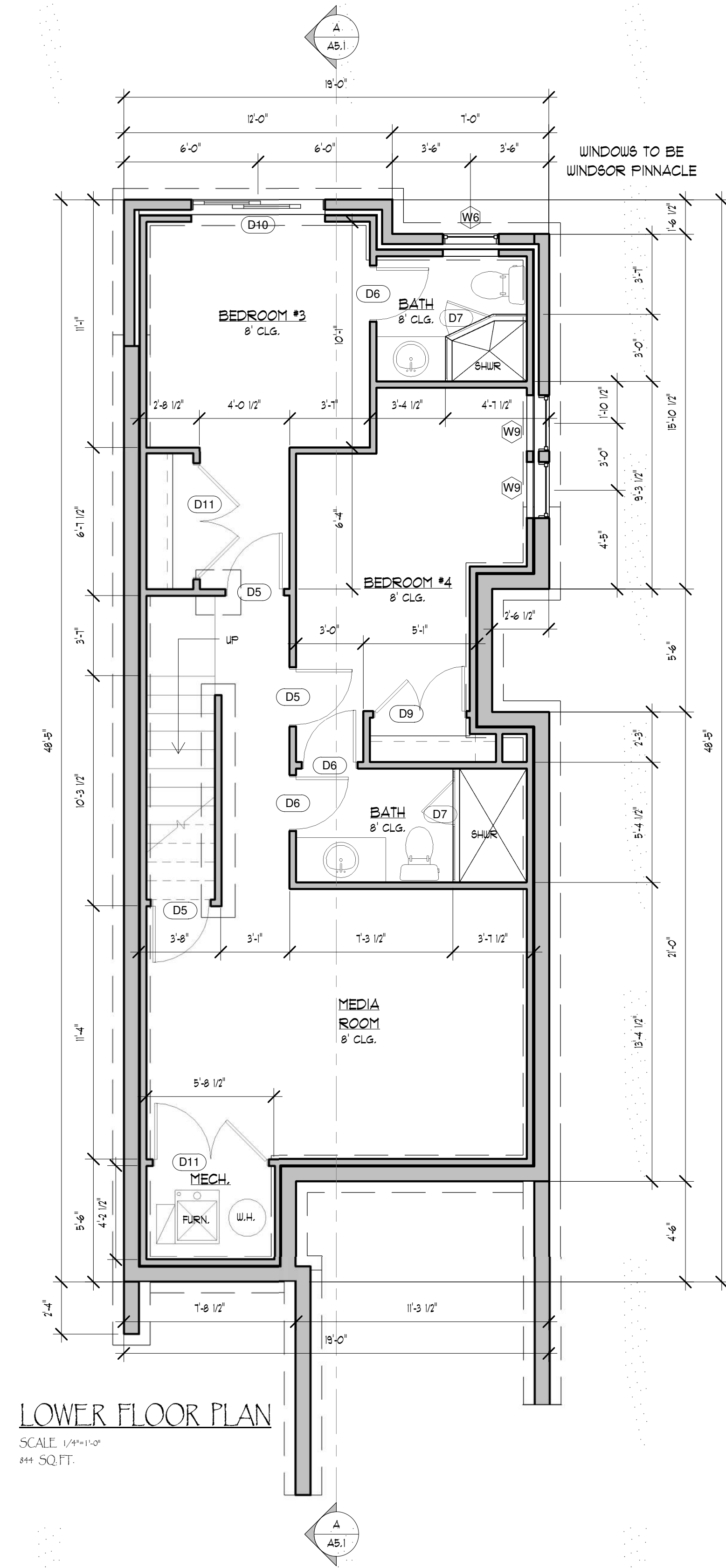
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Residence for Magnus Flooden
 Lot 20 Norfolk Ave.
 Park City, Utah

PRINT DATE: April 7, 2015
 SHEET: A1.0

EXTERIOR ELEVATIONS



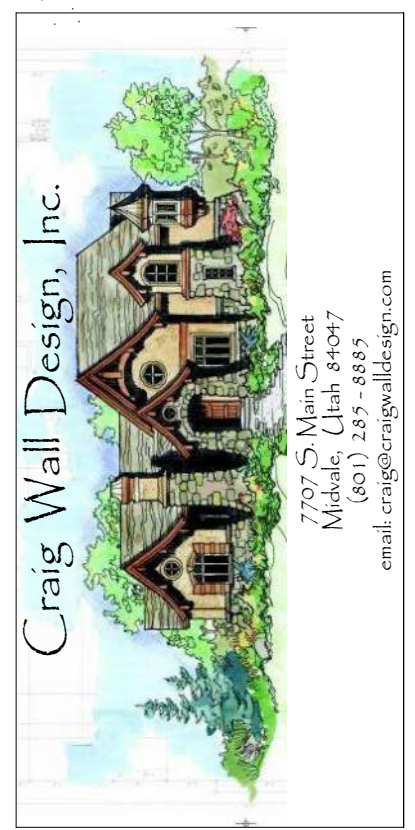
SEE SHEET A5.1
FOR WINDOW & DOOR
SCHEDULES

LOWER FLOOR PLAN
SCALE: 1/4"=1'-0"
844 SQ. FT.

#	Revision
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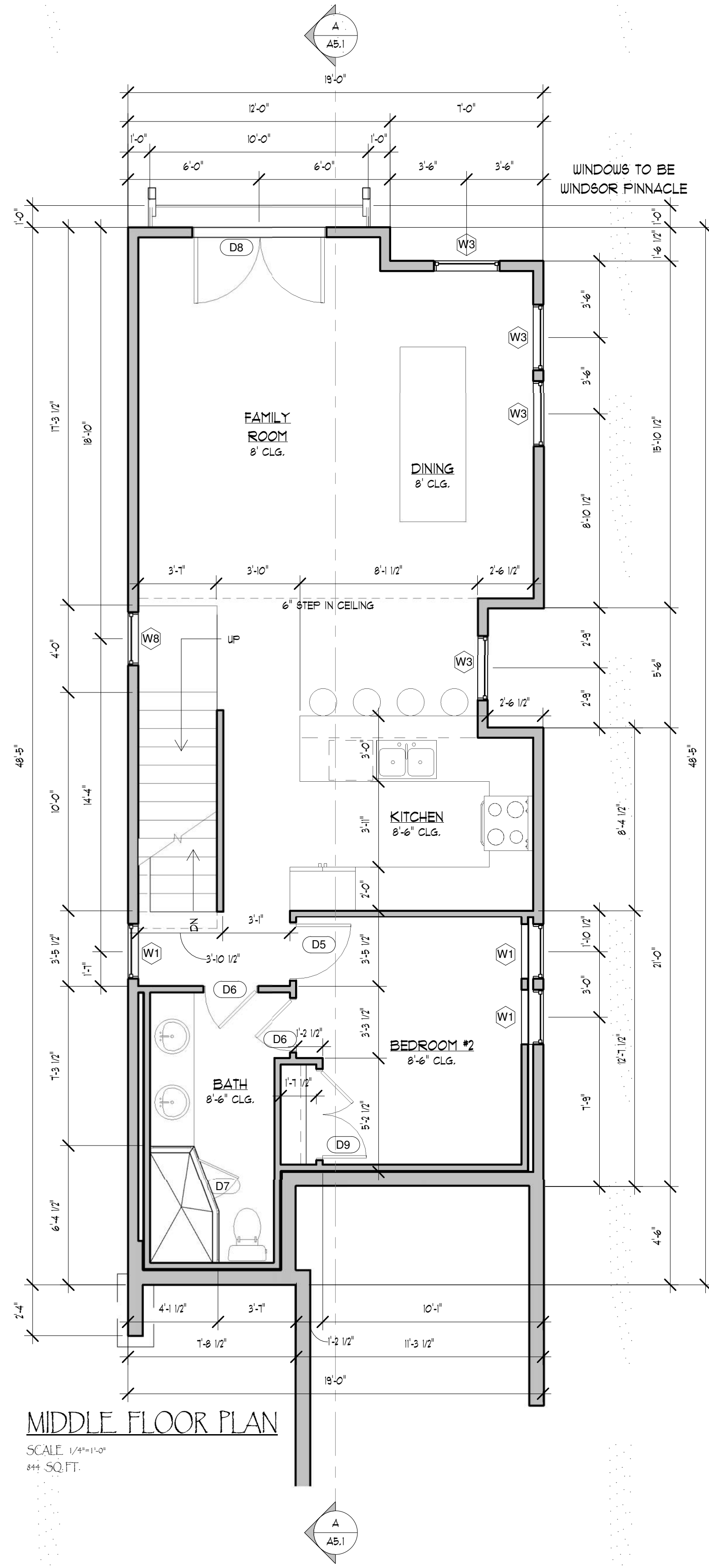
Drawn By: J. Dwyer
Engineered By:
Plan #:
Plan Name:

Notes
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Residence for Magnus Flooden
Lot 20 Norfolk Ave.
Park City, Utah

PRINT DATE
April 7, 2015
SHEET
A2.0



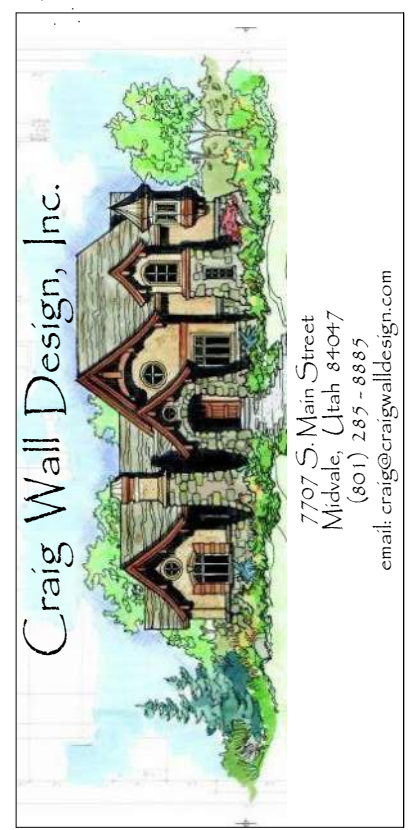
SEE SHEET A5.1
FOR WINDOW & DOOR
SCHEDULES

MIDDLE FLOOR PLAN
SCALE 1/4"=1'-0"
444 SQ. FT.

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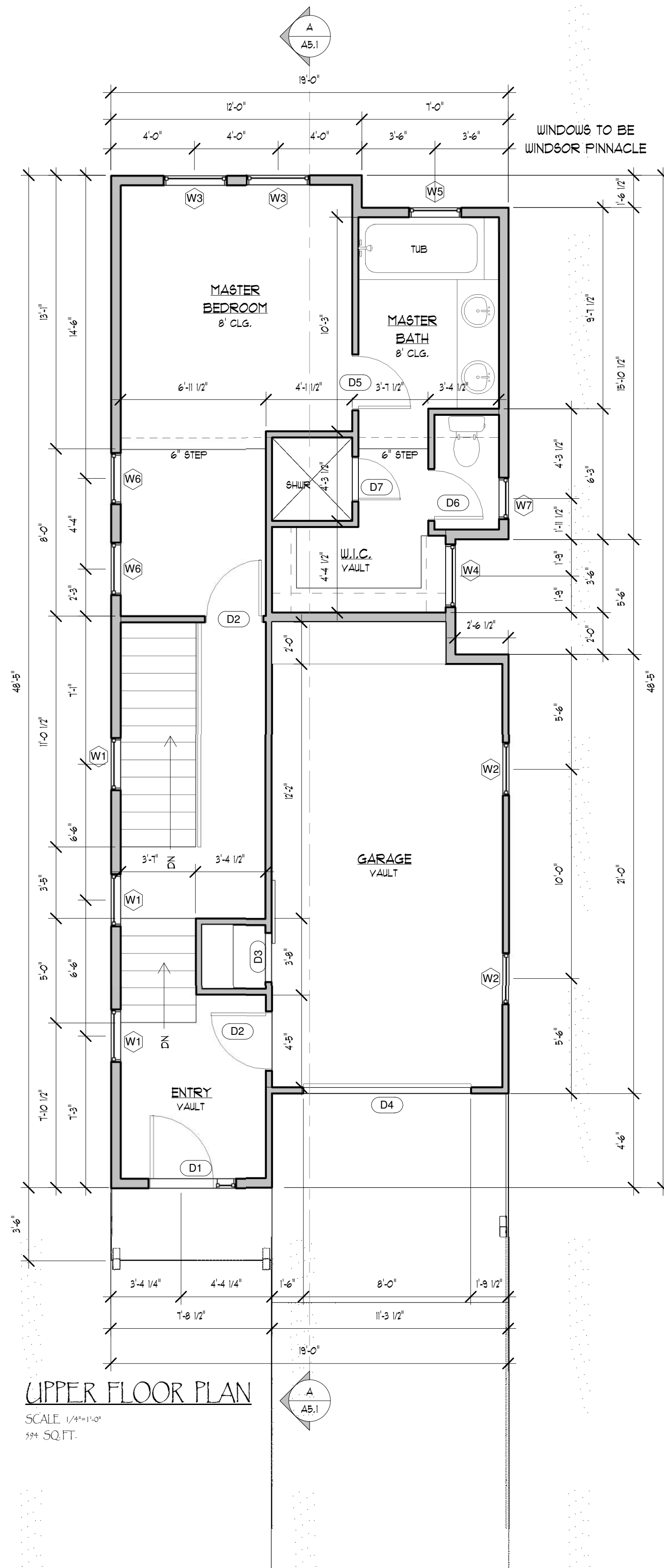
Drawn By: J. Dwyer
Engineered By:
Plan #:
Plan Name:

Notes
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Residence for Magnus Flooden
Lot 20 Norfolk Ave.
Park City, Utah

PRINT DATE
April 7, 2015
SHEET
A3.0



UPPER FLOOR PLAN
 SCALE: 1/4"=1'-0"
 394 SQ. FT.

SEE SHEET AB.1
 FOR WINDOW & DOOR
 SCHEDULES

UPPER FLOOR PLAN

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Drawn By: J. Dwyer	Engineered By:
Plan #:	Plan Name:

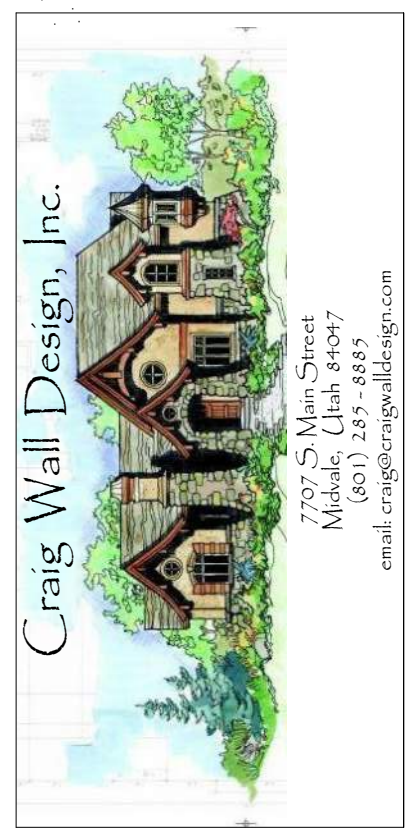
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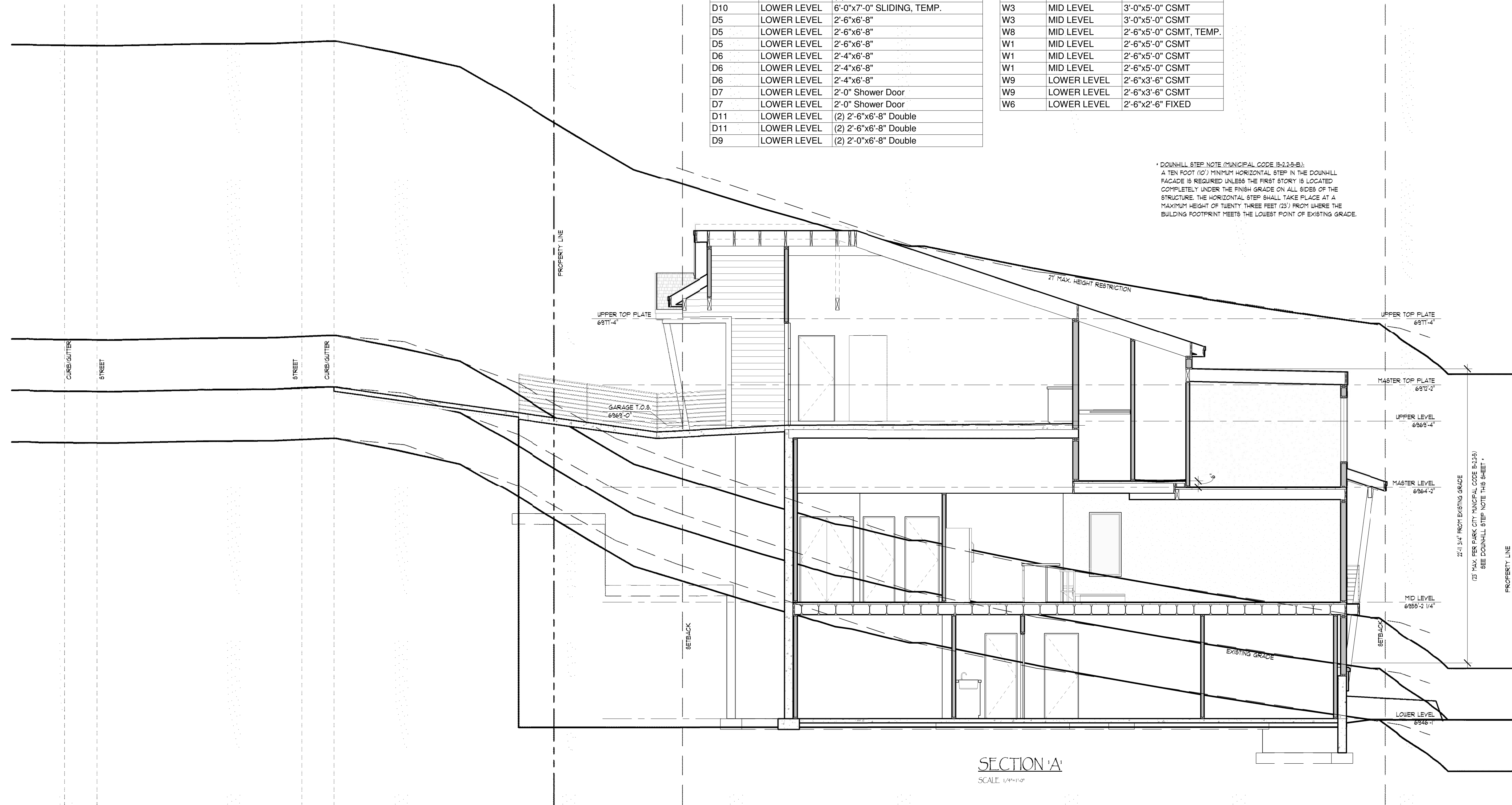


Residence for Magnus Floden
 Lot 20 Norfolk Ave.
 Park City, Utah

PRINT DATE
 April 7, 2015
 SHEET
A3.1

Door Schedule		
Type Mark	Level	Type
D1	UPPER LEVEL	3'-0"x6'-8" w/ 12" SIDELITE, TEMP.
D2	UPPER LEVEL	2'-8"x6'-8"
D3	UPPER LEVEL	2'-4"x6'-8" Barn-Style Door
D4	GARAGE T.O.S.	8'-0"x8'-0" OVERHEAD
D2	MASTER LEVEL	2'-8"x6'-8"
D5	MASTER LEVEL	2'-6"x6'-8"
D6	MASTER LEVEL	2'-4"x6'-8"
D7	MASTER LEVEL	2'-0" Shower Door
D5	MID LEVEL	2'-6"x6'-8"
D6	MID LEVEL	2'-4"x6'-8"
D6	MID LEVEL	2'-4"x6'-8"
D7	MID LEVEL	2'-0" Shower Door
D8	MID LEVEL	(2) 3'-0"x7'-0" FRENCH, TEMP.
D9	MID LEVEL	(2) 2'-0"x6'-8" Double
D10	LOWER LEVEL	6'-0"x7'-0" SLIDING, TEMP.
D5	LOWER LEVEL	2'-6"x6'-8"
D5	LOWER LEVEL	2'-6"x6'-8"
D6	LOWER LEVEL	2'-4"x6'-8"
D6	LOWER LEVEL	2'-4"x6'-8"
D6	LOWER LEVEL	2'-4"x6'-8"
D7	LOWER LEVEL	2'-0" Shower Door
D7	LOWER LEVEL	2'-0" Shower Door
D11	LOWER LEVEL	(2) 2'-6"x6'-8" Double
D11	LOWER LEVEL	(2) 2'-6"x6'-8" Double
D9	LOWER LEVEL	(2) 2'-0"x6'-8" Double

Window Schedule		
Type Mark	Level	Type
W1	UPPER LEVEL	2'-6"x5'-0" CSMT
W1	UPPER LEVEL	2'-6"x5'-0" CSMT
W1	UPPER LEVEL	2'-6"x5'-0" CSMT
W2	UPPER LEVEL	2'-6"x3'-0" FIXED
W2	UPPER LEVEL	2'-6"x3'-0" FIXED
W3	MASTER LEVEL	3'-0"x5'-0" CSMT
W3	MASTER LEVEL	3'-0"x5'-0" CSMT
W4	MASTER LEVEL	3'-0"x2'-0" FIXED
W5	MASTER LEVEL	2'-6"x4'-0" CSMT, TEMP.
W6	MASTER LEVEL	2'-6"x2'-6" FIXED
W6	MASTER LEVEL	2'-6"x2'-6" FIXED
W7	MASTER LEVEL	2'-0"x4'-0" CSMT
W3	MID LEVEL	3'-0"x5'-0" CSMT
W3	MID LEVEL	3'-0"x5'-0" CSMT
W3	MID LEVEL	3'-0"x5'-0" CSMT
W8	MID LEVEL	2'-6"x5'-0" CSMT, TEMP.
W1	MID LEVEL	2'-6"x5'-0" CSMT
W1	MID LEVEL	2'-6"x5'-0" CSMT
W1	MID LEVEL	2'-6"x5'-0" CSMT
W9	LOWER LEVEL	2'-6"x3'-6" CSMT
W9	LOWER LEVEL	2'-6"x3'-6" CSMT
W6	LOWER LEVEL	2'-6"x2'-6" FIXED

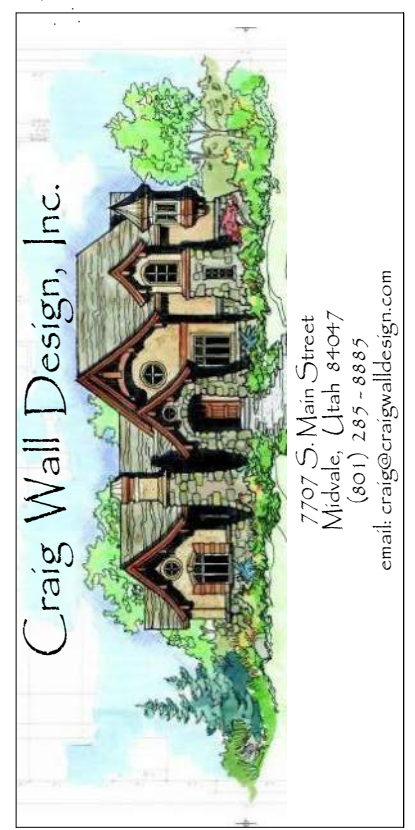


* DOWNHILL STEP NOTE (MUNICIPAL CODE 18-2-2-5-B):
 A TEN FOOT (10') MINIMUM HORIZONTAL STEP IN THE DOWNHILL
 FACADE IS REQUIRED UNLESS THE FIRST STORY IS LOCATED
 COMPLETELY UNDER THE FINISH GRADE ON ALL SIDES OF THE
 STRUCTURE. THE HORIZONTAL STEP SHALL TAKE PLACE AT A
 MAXIMUM HEIGHT OF TWENTY THREE FEET (23') FROM WHERE THE
 BUILDING FOOTPRINT MEETS THE LOWEST POINT OF EXISTING GRADE.

Revision	
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 Engineered By: [Blank]
 Plan #: [Blank]
 Plan Name: [Blank]

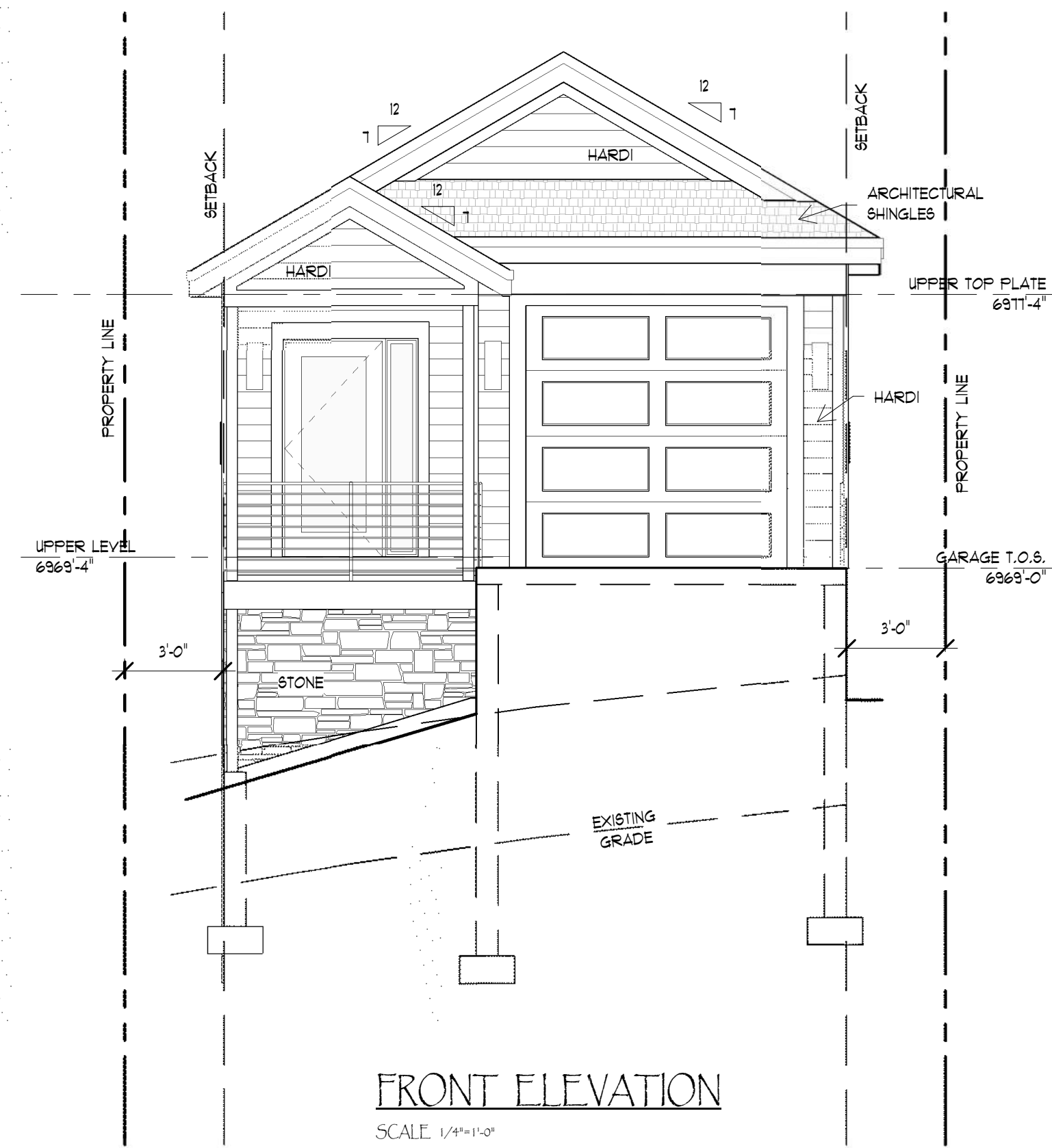
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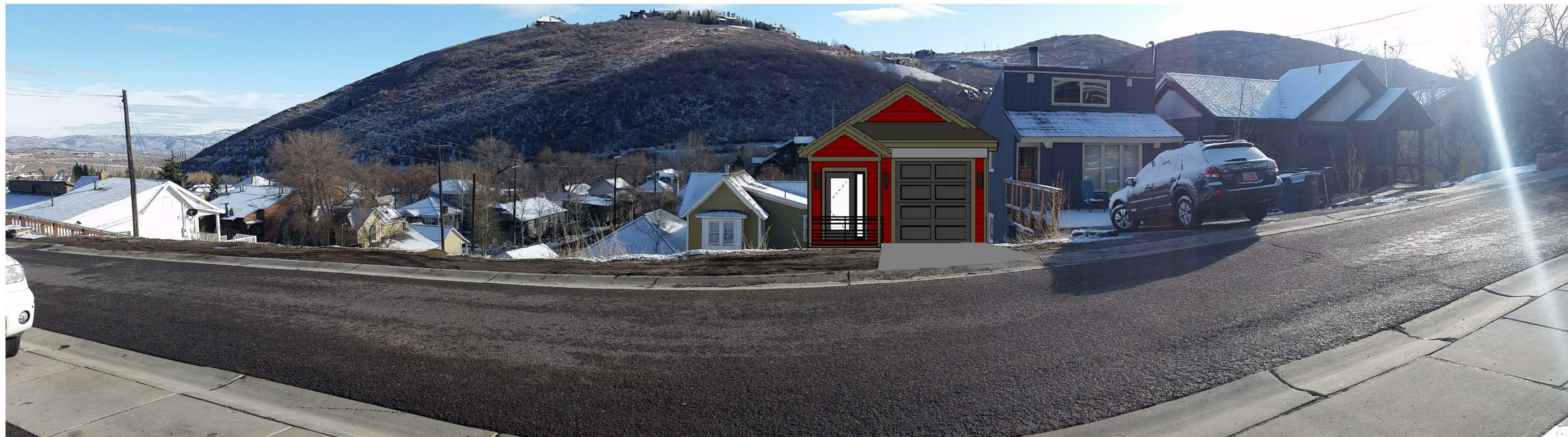
Residence for Magnus Flooden
 Lot 20 Norfolk Ave.
 Park City, Utah

PRINT DATE
 April 7, 2015
 SHEET
A5.1

SECTIONS



LOT 20 NORFOLK AVENUE FRONT ELEVATION AND CONTEXT PHOTO



#	Revision
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Drawn By: J. Dwyer
 Engineered By:
 Plan #:
 Plan Name:

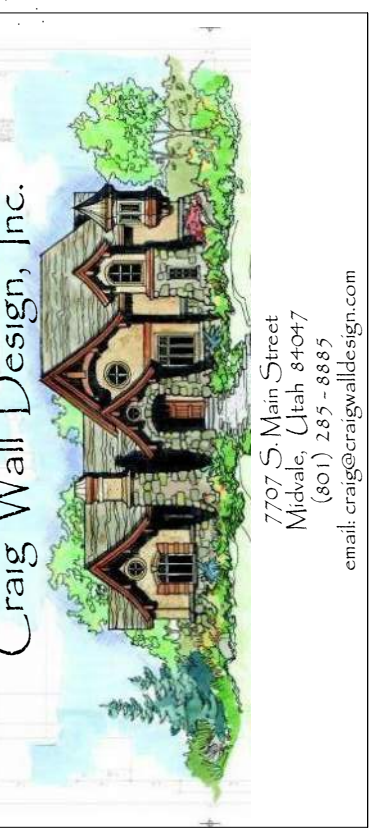
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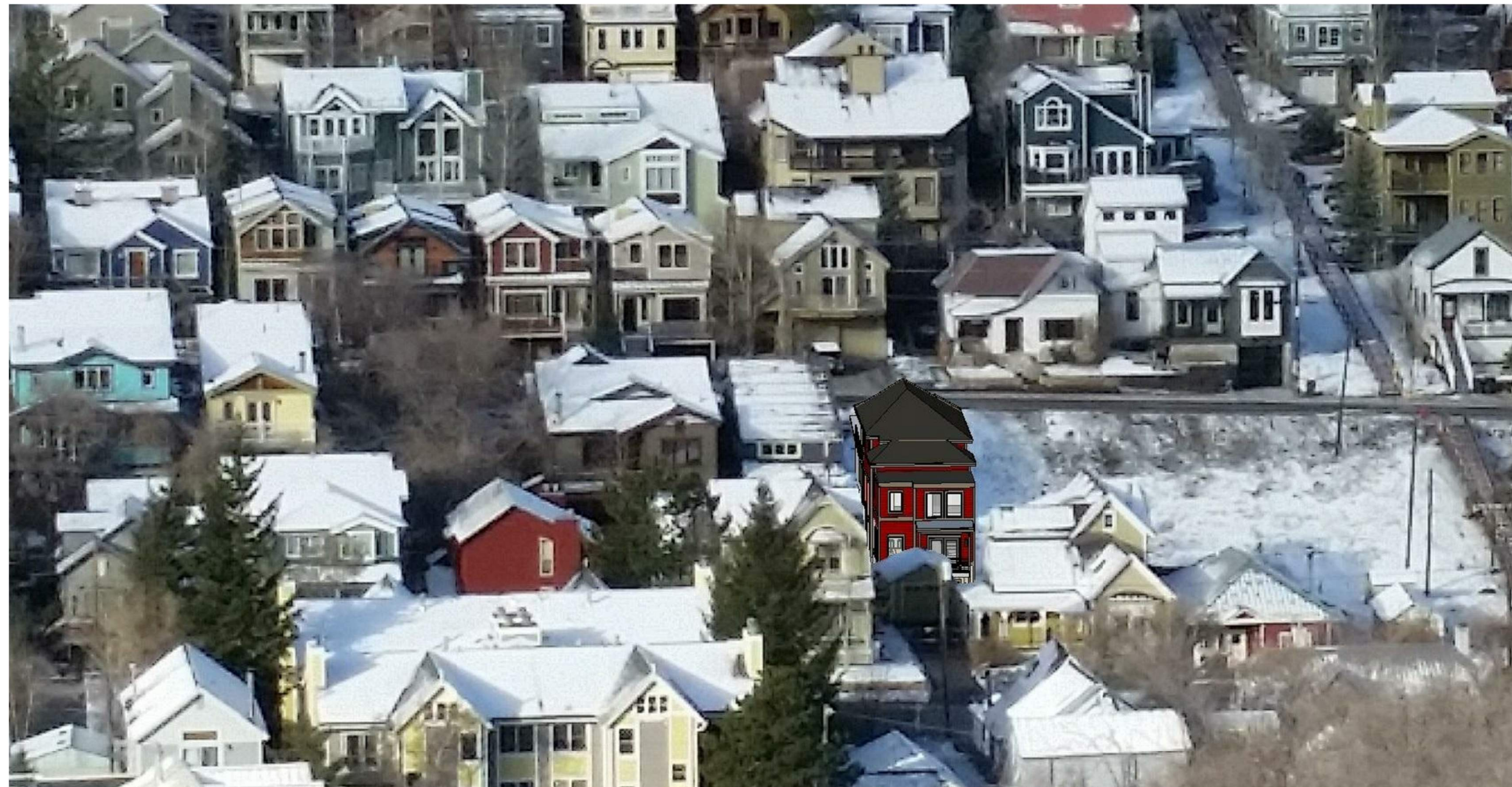
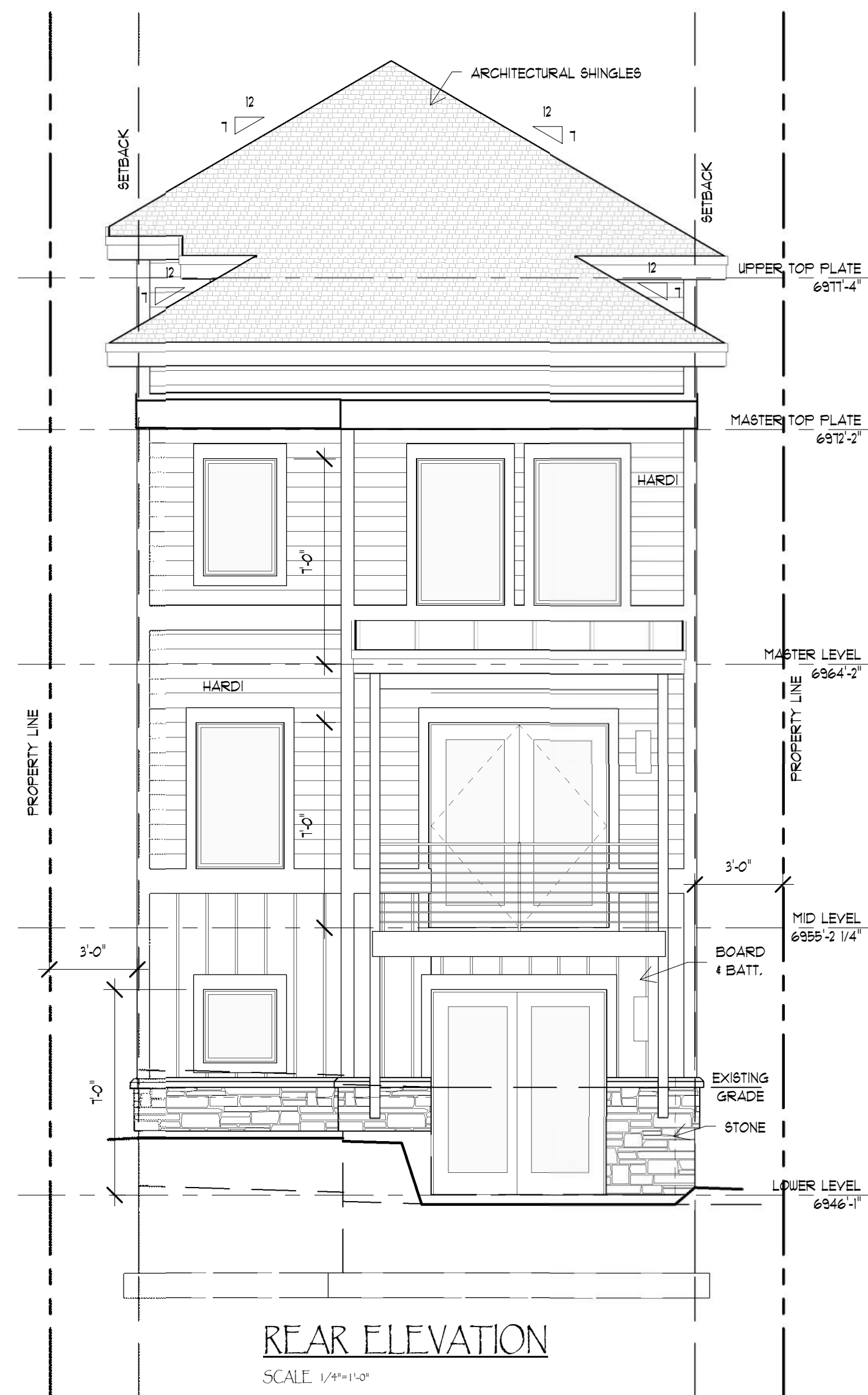
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STREETSCAPE/CONTEXT PHOTO

Residence for Magnus Floden
 Lot 20 Norfolk Ave.
 Park City, Utah

PRINT DATE
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 SHEET
A6.0



LOT 20 NORFOLK AVENUE
REAR ELEVATION AND CONTEXT PHOTO

#	Revision
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Drawn By: J. Bailey
Engineered By:
Plan #:
Plan Name:

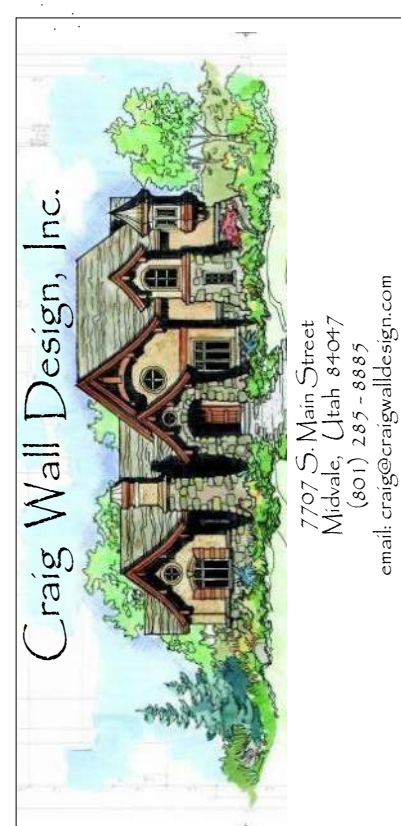
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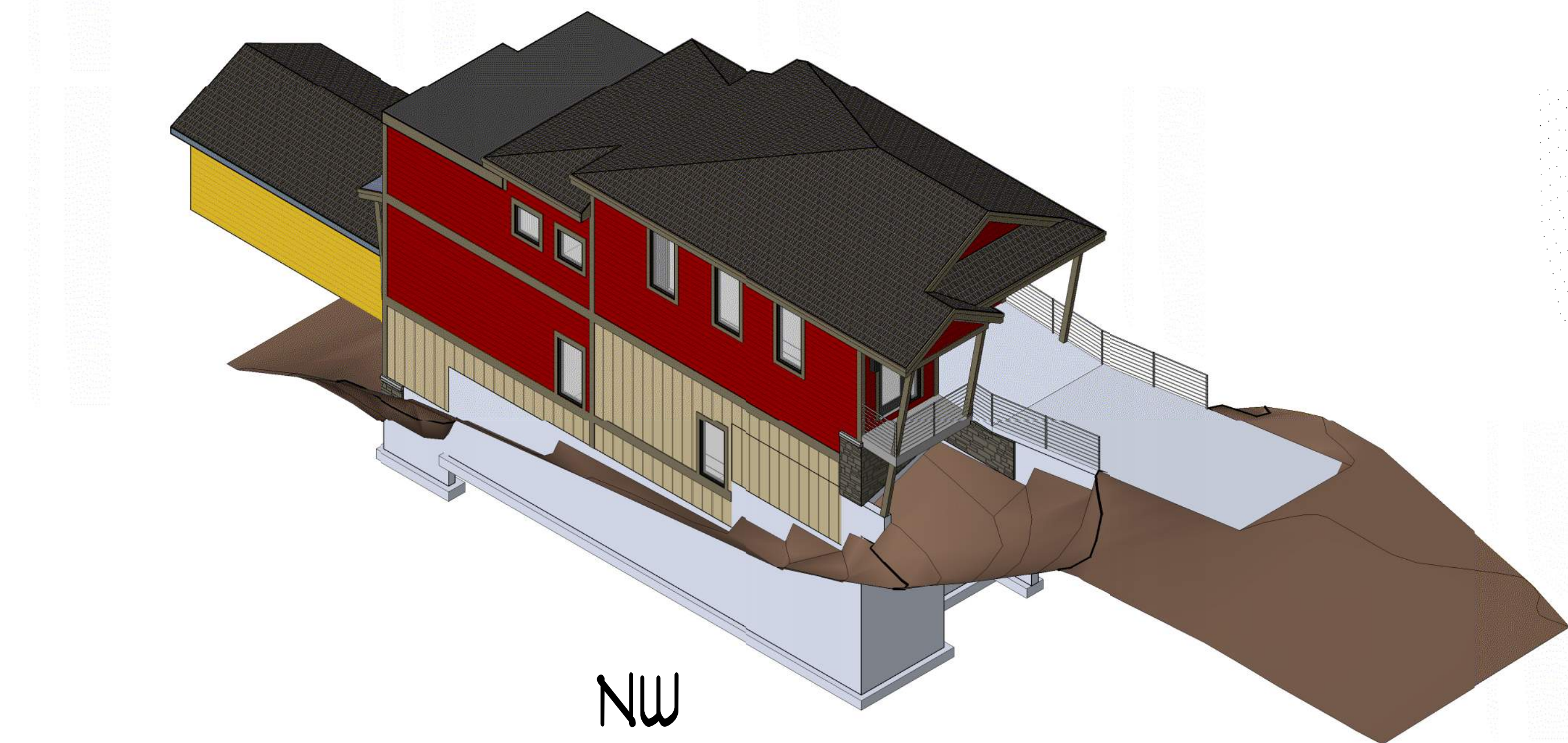
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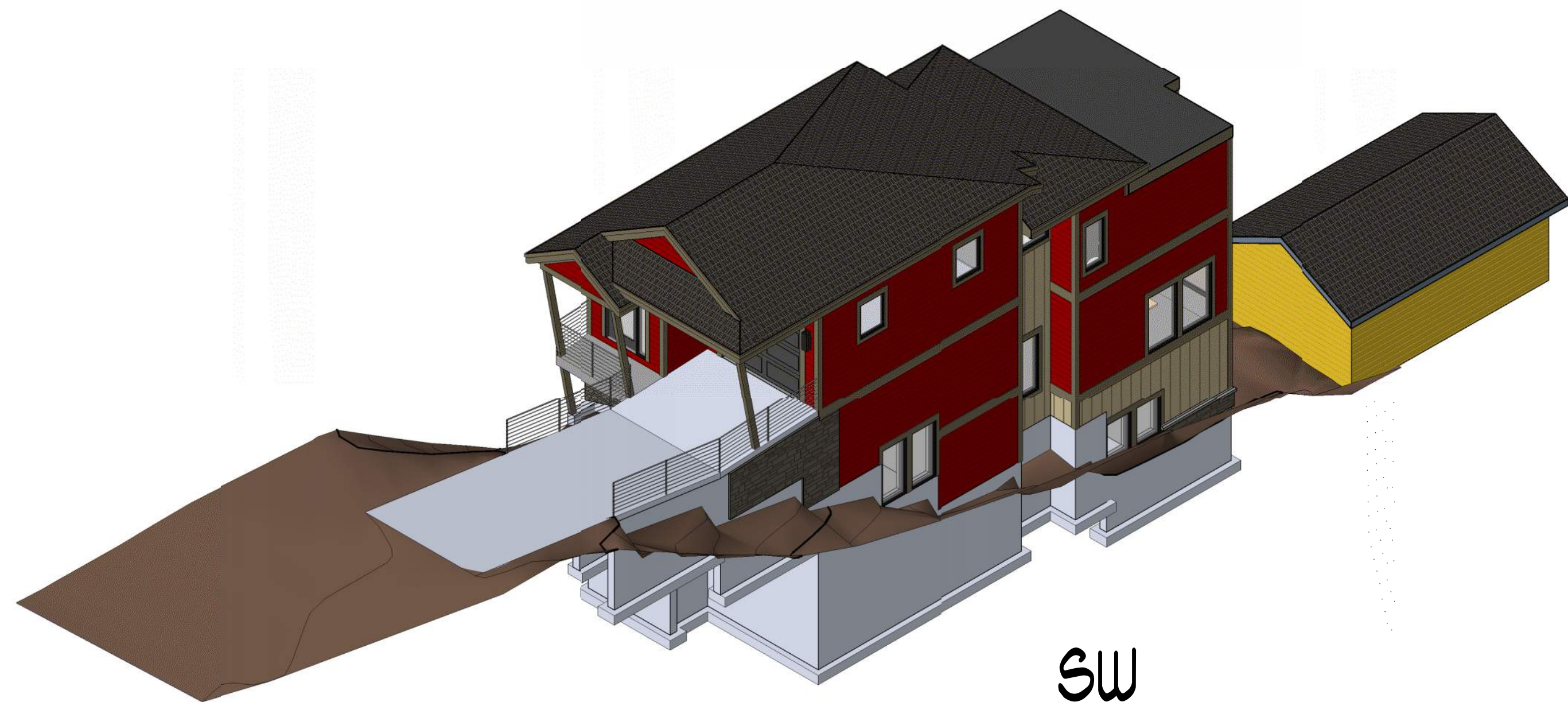
Residence for Magnus Floden
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PRINT DATE
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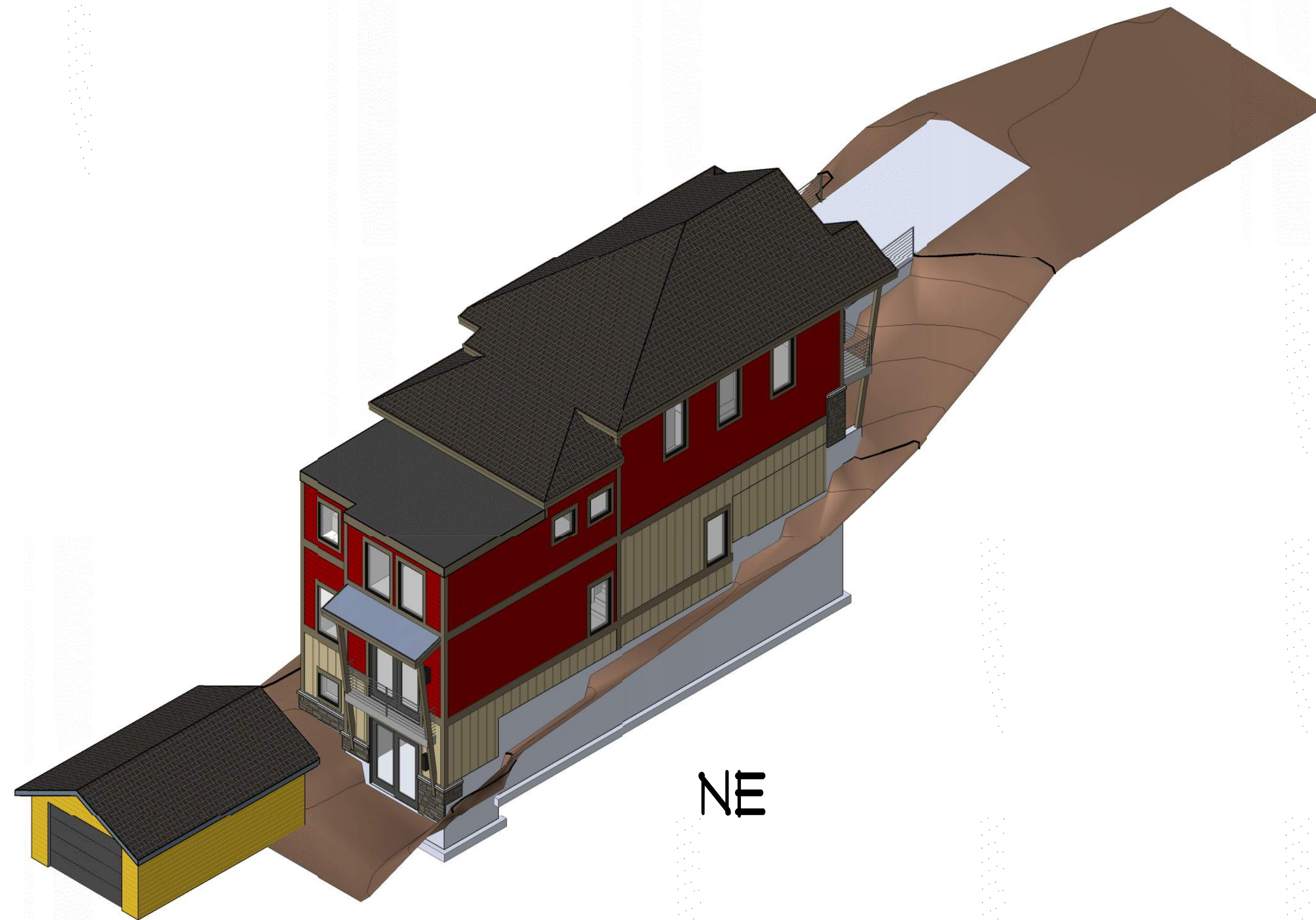
REAR CONTEXT PHOTO



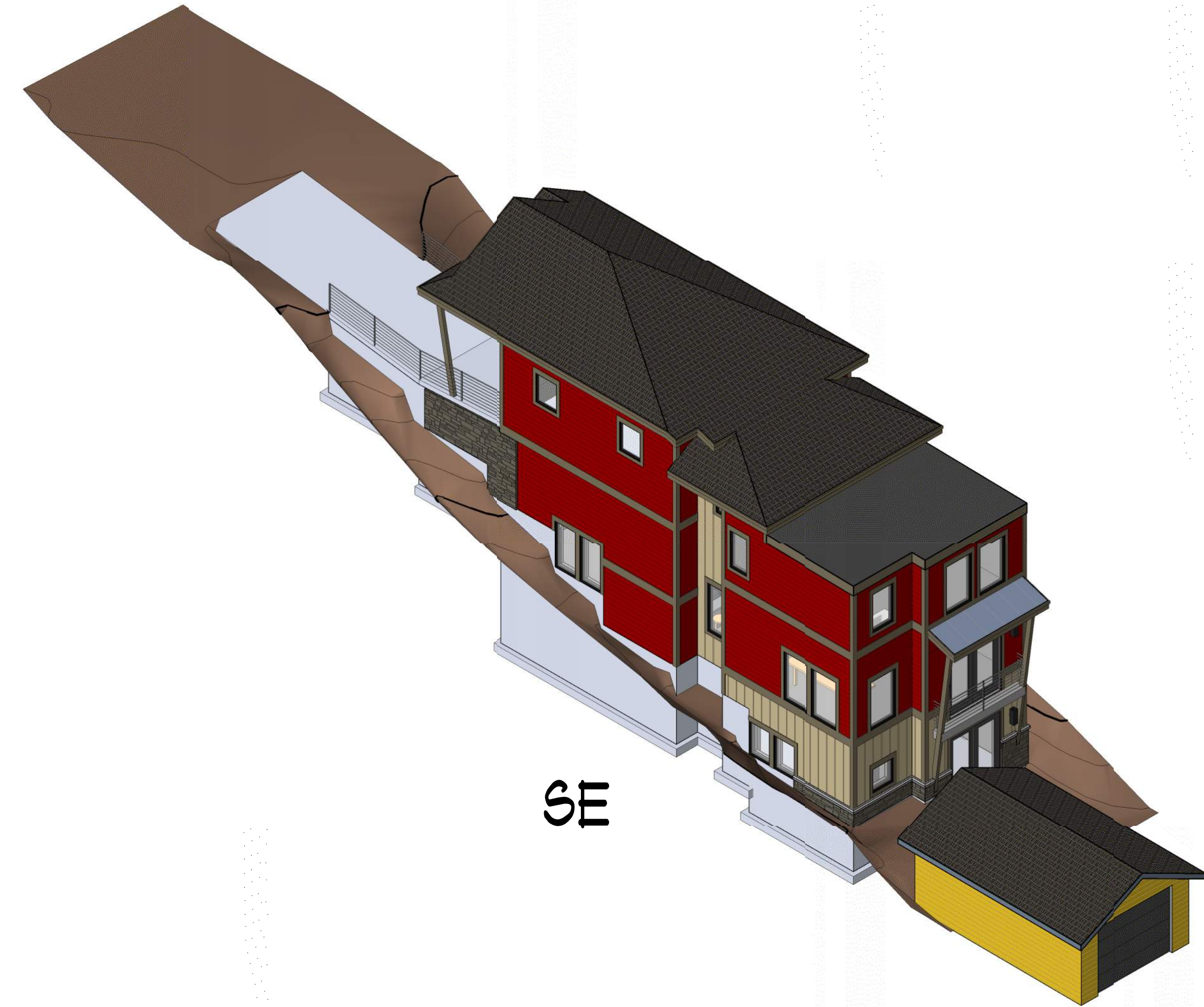
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Drawn By: J. Davley
 Engineered By:
 Plan #:
 Plan Name:

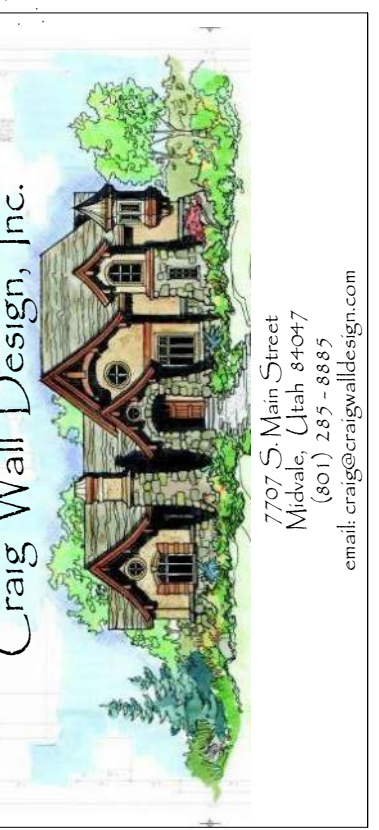
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MASSING AXONOMETRICS

Residence for Magnus Flooden
 Lot 20 Norfolk Ave.
 Park City, Utah

PRINT DATE
 April 7, 2015
 SHEET
A6.2









Planning Commission Staff Report



Subject: Seventh Supplemental Plat for Belles at Empire Pass Units 15 and 16
Author: Kirsten A Whetstone, MS, AICP- Senior Planner
Date: July 8, 2015
Type of Item: Administrative – Supplemental Plat (condominium plat amendment)
Project Number: PL-15-02775

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the Seventh Supplemental Plat for Constructed Units for the Belles at Empire Pass Condominium plat amending Units 15 and 16 and consider forwarding a positive recommendation to City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

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

Topic

Applicant: Belles at Empire Pass HOA and owner of Units 15 and 16
Location: 52 and 58 Silver Strike Trail
Zoning: Residential Development (RD) as part of the Village at Empire Pass MPD
Adjacent Land Uses: Single family condominium units, multi-family condominium units, development parcels of the Village at Empire Pass MPD, ski trails and open space.
Reason for Review: Plat amendments require Planning Commission review and a recommendation with final action by the City Council.

Proposal

The purpose of this application is to plat as-built conditions of constructed Units 15 and 16 and to identify common, limited common and private areas for these Units, as stipulated by the underlying Silver Strike Subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass condominium plat. A condition of approval of this underlying condominium plat requires that upon completion of the condominium units, a supplemental condominium plat identifying as-built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy.

Purpose

The purpose of the Residential Development RD District is to:

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

Background

On May 19, 2015, the City received a complete application for this plat to memorialize as-built conditions for Units 15 and 16 of the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass condominium plat that was approved by City Council on March 24, 2011 and recorded at Summit County on November 28, 2011. This supplemental plat is a requirement of the underlying condominium plat.

On June 24, 1999, the City Council adopted Ordinance 99-30 and Resolution 20-99 approving the annexation and development agreement for the 1,655 acre Flagstaff Mountain area. Resolution 20-99 granted the equivalent of a "large-scale" master planned development (MPD) and set forth the types and locations of land use; maximum densities; timing of development; development approval process; as well as development conditions and amenities for each parcel.

On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A. The MPD identified an area of Pod A as the location for 18 detached single-family homes, similar to the Paintbrush units currently under construction in other parts of Empire Pass. The Development Agreement allowed a total of 60 units (single detached or duplex) within the annexation area and the rest of the units being multi-family (stacked-flat or tri-plex or greater attached). The Belles at Empire Pass condominiums (formerly known as Christopher Homes) utilize 17 of the 60 allocated PUD style units for the Flagstaff Development area.

On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record within Pod A. Lot 1 is 4.37 acres in size while lot 2 contains 1.99 acres. The plat was recorded on December 1, 2006. The subject units, Units 15 and 16 of the

Belles at Empire Pass are located on Lot 1 of the Silver Strike Subdivision and were originally platted as part of the Christopher Homes condominium plat.

March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats phases I, II, III, and IV. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011. A condition of approval of the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass plat requires that upon completion of the condominium units, a supplemental condominium plat identifying as built conditions, shall be approved by the City Council and recorded at Summit County as a condition precedent to issuance of a final certificate of occupancy.

All conditions of the underlying approvals, namely the Village at Empire Pass MPD; Silver Strike Subdivision; and the Amended, Consolidated, and Restated Belles at Empire Pass condominium plat continue to apply and are reflected as conditions of approval and plat notes on this proposed supplemental plat (Exhibit A).

On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012. There are been four supplemental plats recorded since November 20, 2012 to memorialize construction of all Belles Units constructed to date. Remaining Units include Units 3, 13, and 14.

Analysis

This request for a Seventh Supplemental plat for Constructed Units at The Belles at Empire Pass amends Units 15 and 16 and documents the final as built conditions in accordance with the Utah Condominium Act. The zoning is Residential Development (RD-MPD); subject to the Village at Empire Pass MPD and underlying plats.

The Silver Strike subdivision restricts each unit to a maximum house size of 5,000 square feet of Gross Floor Area as defined in the LMC, excluding 600 square feet for garage area and any basement area that is below final grade.

The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such equipment. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable." Basement area is included in the UE calculations.

A total of 90,000 square feet (45 UE) were approved for the Belles at Empire Pass area (formerly known as the Christopher Homes at Empire Pass condominiums). Within the Flagstaff Development Agreement one residential unit equivalent equals two thousand

square feet of Gross Floor Area, including the basement area. Units 15 and 16 meet the maximum house size requirement in both Gross Floor Area and Unit Equivalent calculation as noted above. Unit 15 contains 4,988.8 sf of Gross Floor Area, excluding basement area and 600 sf garage area and accounts for 3.31 UEs based on the Total Floor area of 6,626.8 sf (includes basement area but not garage area). Unit 16 contains 4,977.8 sf of Gross Floor Area, excluding basement area and 600 sf garage area and accounts for 3.45 UEs based on the Total Floor area of 6,901.8 sf (includes basement area but not garage area). The twelve (12) units platted to date (Units 1, 2, 4, 5, 6,7, 8, 9, 10, 11, 12 and 17) utilize 31.07 Unit Equivalents (UE). Adding Units 15 and 16 brings the current total to 37.83 UE (See Exhibit E- UE Chart for the Belles Condominiums).

Site development parameters are as follows:

	Permitted	Approved
Height	28' (+5' for pitched roof)	33' max with pitched roof. No height exception. <u>Units 15 and 16 comply.</u>
Front setback	20', 25' to front facing garage	20' minimum to house 25' minimum to garage. <u>Units 15 and 16 comply.</u>
Rear setback	Setbacks are per the Building Code and MPD (MPD allows zero setback)	10' minimum from Lot boundary. <u>Units 15 and 16 comply.</u>
Side setbacks	Setbacks are per the Building Code and MPD (MPD allows zero setbacks).	10' minimum from Lot boundaries allowed by MPD. <u>Units 15 and 16 comply.</u>
Parking	Two spaces required	2 per unit. <u>Units 15 and 16 comply.</u>
Maximum house size (based on the Silver Strike subdivision and defined per the Land Management Code)	5,000 sf (Gross Floor Area excludes basement area, below final grade, and 600 sf of garage area).	Unit 15 contains 4,988.8 sf Gross Floor Area Unit 16 contains 4,977.8 sf Gross Floor Area <u>Units 15 and 16 comply.</u>
Unit Equivalent (based on the Village at Empire Pass MPD)	Maximum of 45 UE for all of the Belles Condominiums. Gross floor area for UE calculations excludes 600 sf garage and any uninhabitable space, i.e. crawl space, attics, etc. Includes basement area.	Unit 15 – 6626.8 sf which is 3.31 UE. Unit 16 – 6,901.8 sf which is 3.45 UE. <u>Units 15 and 16 comply.</u> Total of all platted units to date is 37.83 UE (All Units except 3, 13, and 14)

Good Cause

Staff finds good cause for this record of survey amendment as it memorializes and documents as-built conditions and UE calculations for this unit. Units 15 and 16 comply with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. In addition the units are consistent with the development pattern envisioned in the Village at Empire Pass MPD and the 14 Technical Reports.

Department Review

This project has gone through interdepartmental review by the Development Review Committee on June 9, 2015. An issue regarding a sewer lateral and sewer easement was raised by the Snyderville Basin Water Reclamation District that will be addressed prior to final plat recordation.

Notice

On June 24, 2015, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on June 20, 2015.

Public Input

Staff has not received public input on this application at the time of this report.

Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. A Building Permit is publicly noticed by posting of the permit.

Alternatives

- The Planning Commission may recommend that the City Council approve the application for the Seventh Supplemental plat for Constructed Units at The Belles at Empire Pass for Units 15 and 16, as conditioned or amended, or
- The Planning Commission may recommend that the City Council deny the application and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion and provide Staff and the Applicant with specific direction regarding additional information necessary to make a recommendation on this item.

Significant Impacts

There are no significant fiscal or environmental impacts from this application. Water and sewer impact fees, and other fees associated with increased floor area, are evaluated during the building permit process and collected prior to issuance of any building permits.

Consequences of not taking the Suggested Recommendation

No certificate of occupancy for the Units may be granted until the plat is recorded.

Recommendation

Staff recommends that the Planning Commission hold a public hearing for the Seventh Supplemental Plat for Constructed Units for the Belles at Empire Pass Condominium plat amending Units 15 and 16 and consider forwarding a positive recommendation to City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance

Exhibits

Ordinance

Exhibit A- Seventh Supplemental plat for Belles Units 15 and 16

Exhibit B- Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass- recorded plat

Exhibit C- Aerial Photo

Exhibit D- Existing conditions and topography

Exhibit E- UE Chart

Ordinance No. 15-

AN ORDINANCE APPROVING THE SEVENTH SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS AT THE BELLES AT EMPIRE PASS CONDOMINIUMS AMENDING UNITS 15 AND 16, LOCATED AT 52 AND 58 SILVER STRIKE TRAIL, PARK CITY, UTAH.

WHEREAS, the owners of the property known as The Belles at Empire Pass Condominium Units 15 and 16, have petitioned the City Council for approval of the Seventh Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project; and

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

WHEREAS, proper legal notice was published in the Park Record on June 20, 2015, and notice letters were sent to all affected property owners on June 24, 2015, in accordance with the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on July 8, 2015, to receive input on the supplemental plat;

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

WHEREAS, on July 30, 2015, the City Council held a public hearing on the amended record of survey plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Seventh Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project to document the as-built conditions and constructed Unit Equivalents for constructed Units 15 and 16.

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 Seventh Supplemental plat for Constructed Units at the Belles at Empire Pass, a Utah Condominium project, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property, Units 15 and 16 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, are located at 52 and 58 Silver Strike Trail. The property is located on portions of Lot 1

of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.

2. The property is located within the RD –MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village of Empire Pass MPD.
3. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 18 PUD –style detached single family homes and duplexes.
5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Units 15 and 16 are located on a portion of Lot 1 of the Silver Strike Subdivision.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.
11. On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012.
12. On May 9, 2013, the City Council approved the Third Supplemental Plat for Constructed Unit 4 and the Fourth Supplemental Plat for Constructed Units 5 and 6. These plats were recorded on October 28, 2013.
13. On February 6, 2014, the City Council approved the Fifth Supplemental Plat for Constructed Units 10 and 11.
14. On April 3, 2014, the City Council approved the Sixth Supplemental Plat for Constructed Units 7, 8, and 17. On December 11, 2014, the City Council approved an amendment to the Sixth Supplemental Plat.
15. On May 19, 2015 the Planning Department received a complete application for the Seventh Supplemental Plat for Constructed Units 15 and 16.

16. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for all constructed units at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.
17. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. The plat is consistent with the development pattern envisioned by the Village at Empire Pass MPD and the 14 Technical Reports of the MPD and the Flagstaff Development Agreement.
18. Units 15 and 16 are located on a portion of Lot 1 of the Silver Strike subdivision plat.
19. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area.
20. Unit 15 contains 4,988.8 sf of Gross Floor Area, excluding basement area and 600 sf garage area and accounts for 3.31 UEs based on the Total Floor area of 6,626.8 sf (includes basement area but not 600 square feet of garage area).
21. Unit 16 contains 4,977.8 sf of Gross Floor Area, excluding basement area and 600 sf garage area and accounts for 3.45 UEs based on the Total Floor area of 6,901.8 sf (includes basement area but not 600 square feet of garage area).
22. The twelve (12) units platted to date (Units 1, 2, 4, 5, 6,7, 8, 9, 10, 11, 12 and 17) utilize 31.07 Unit Equivalents (UE). Adding Units 15 and 16 brings the current total to 37.83 UE. Units 2, 13, and 14 are yet to be constructed.
23. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for all Belles units, in addition to the maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable on this plat." Within the Flagstaff Development Agreement one residential unit equivalent equals 2,000 sf.
24. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.
25. The findings in the analysis section are incorporated herein.

Conclusions of Law:

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Units 15 and 16.
2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed supplemental plat.
4. Approval of the supplemental plat, subject to the conditions of approval stated below, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form of the supplemental plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will present the final signed mylar plat to the City, for City signatures and recordation at Summit County, within one year of the date of City Council approval, or this approval will be considered void; unless an extension request is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass shall continue to apply.
4. As a condition precedent to issuance of a final certificate of occupancy for Units 15 and 16, this supplemental plat shall be recorded at Summit County.
5. A note shall be added to the plat prior to recordation stating the following, "At the time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards".
6. The unit sizes and UEs shall be reflected on the plat.

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

PASSED AND ADOPTED this ___ day of ____, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

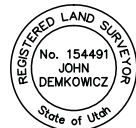
Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owners, this Seventh Supplemental Plat for Constructed Units of THE BELLES AT EMPIRE PASS CONDOMINIUMS, a Utah Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown hereon is correct.



BOUNDARY DESCRIPTIONS

EXHIBIT A

OWNER'S DEDICATION AND CONSENT TO RECORD

(PARCEL 1)

UNITS 15 and 16, of the Amended, Consolidated and Restated Condominium of THE BELLES AT EMPIRE PASS, (formerly known as Christopher Homes at Empire Pass), a Utah expandable condominium project, together with an undivided interest in the common areas and facilities as described in the official plat recorded November 28, 2011, as Entry No. 934780 and the Amended and Restated Declaration of Condominium recorded November 28, 2011, as Entry No. 934781 in Book 2105 at Page 961, Summit County Recorder's Office.

(EASEMENT 1)

Together with a right-of-way and easement for public and private utilities and a private road over the Silver Strike Trail as delineated on the official plat of Banner Wood Subdivision as recorded August 12, 2005, as Entry No. 746718 in the records of the Summit County Recorder.

KNOW ALL MEN BY THESE PRESENTS THAT, WICHITA, LP, a Utah Limited Partnership, the owner of Units 15 and 16, hereby certifies that it has caused a survey to be made and this Seventh Supplemental Plat for Constructed Units, The Belles at Empire Pass Condominiums to be prepared, and does hereby consent to the recordation of this Fifth Supplemental Plat for Constructed Units and submit to the Utah Condominium Ownership Act.

In witness whereof the undersigned has executed this certificate and dedication this ____ day of _____, 2015.

Wichita, LP
a Utah Limited Partnership
By BelleArbor, Inc.
Its Managing General Partner
By: _____
Mark H. Prothro
President

ACKNOWLEDGMENT

State of _____ ss:
County of _____

This instrument was acknowledged before me this ____ day of _____, 2015, by Mark H. Prothro, the president of Wichita, LP, a Utah Limited Partnership, by BelleArbor, Inc., its Managing General Partner.

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

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, the undersigned President of The Belles at Empire Pass Homeowners Association, Inc., and as owner of the Common Areas described herein does hereby certify that it has caused this survey to be made and this Seventh Supplemental Condominium Plat for Constructed Units, The Belles at Empire Pass to be prepared and hereby consents to the recordation of this Seventh Supplemental Condominium Plat for Constructed Units, The Belles at Empire Pass and submit to the Utah Condominium Ownership Act. As President, he also certifies that more than 67% of the Owners of the Units have approved this Seventh Supplemental Condominium Plat.

Mark H. Prothro, President _____ Date _____
The Belles at Empire Pass Homeowners Association, Inc.

ACKNOWLEDGMENT

State of _____ ss:
County of _____

On this ____ day of _____, 2015, personally appeared before me Mark H. Prothro, whose identity is personally known to me (or has proven on the basis of satisfactory evidence) and who by me sworn/affirmed, did say that he is the President of The Belles at Empire Pass Homeowners Association, Inc. 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 Mark H. Prothro acknowledged to me that said Corporation executed the same.

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

NOTES:

- All conditions of approval of The Village at Empire Pass Master Development Plan and the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of the Belles at Empire Pass, recorded November 28, 2011, Entry No. 934780 shall continue to apply.
- A Limited Common Area includes 10' on all sides of the Completed Unit ("Buffer Area") and also includes the patio and driveway for that Unit and a 7' space below the boundary of the Unit for the purpose of providing unit owners with added privacy and the exclusive right to use and occupy such land surrounding their respective Unit. All other lands within the described property shall be Common Area. The use of all Common and Limited Common areas is described in more detail in the Amended Declaration, but shall include pedestrian and ski trails.
- All Common Area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District (SBWRD), Park City Fire Protection District, Summit County and the The Belles At Empire Pass Homeowners for the purpose of providing access for utility and drainage installation, use, maintenance and eventual replacement.
- Units 15 and 16 are served by private wastewater lateral lines. The Empire Pass Master Homeowners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of all sanitary sewer laterals serving the The Belles At Empire Pass Units within the plat. The cost of such maintenance and replacement shall be paid by The Belles At Empire Pass Homeowners Association, Inc. as part of the Common Expenses.
- Lots designated as Ejector Pump (EP) lots may require privately owned wastewater ejector pumps.
- At the time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.
- This plat is subject to the conditions of approval in Ordinance 15-____.
- The UE square footage for Unit 15 is 6,626.8 square feet and the Gross Residential Floor Area is 4,988.8 square feet. The Unit Equivalent for Unit 15 is 3.513.
- The UE square footage for Unit 16 is 6,901.8 square feet and the Gross Residential Floor Area is 4,977.8 square feet. The Unit Equivalent for Unit 16 is 3.451.

LINE	BEARING	DISTANCE
L1	N 42°49'03" W	25.35
L2	S 68°07'49" W	40.54
L3	N 89°42'15" W	22.73
L4	N 88°37'11" E	32.23
L5	N 68°43'41" E	17.25
L6	N 86°47'04" W	13.48
L7	S 17°27'15" W	16.26
L8	S 17°13'26" W	23.14
L9	S 49°21'24" W	13.25
L10	S 26°26'16" E	8.61
L11	S 26°26'16" E	9.40
L12	N 62°47'25" E	21.80
L13	S 74°57'35" W	10.56
L14	N 23°26'12" E	6.25
L15	N 00°13'06" E	19.46
L16	N 25°55'04" E	21.09
L17	S 81°44'25" E	13.74

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING
C1	196.63	28.67	8°21'19"	N 3°52'54" W
C2	209.75	123.66	33°46'43"	N 8°49'47" E
C3	184.75	108.92	33°46'43"	N 8°49'47" E
C4	221.63	32.32	8°21'19"	N 3°52'54" W
C5	100.00	3.97	2°16'20"	N 33°36'57" W
C6	165.00	39.55	13°43'55"	N 25°38'55" W
C7	23.96	39.22	93°48'03"	N 4°52'16" E
C8	23.96	17.81	42°35'22"	S 87°54'22" E
C9	53.82	27.64	29°25'12"	N 73°49'12" E
C10	80.00	11.35	8°07'32"	N 63°10'22" E

LEGEND:

- STREET ADDRESS ON SILVER STRIKE TRAIL
- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP

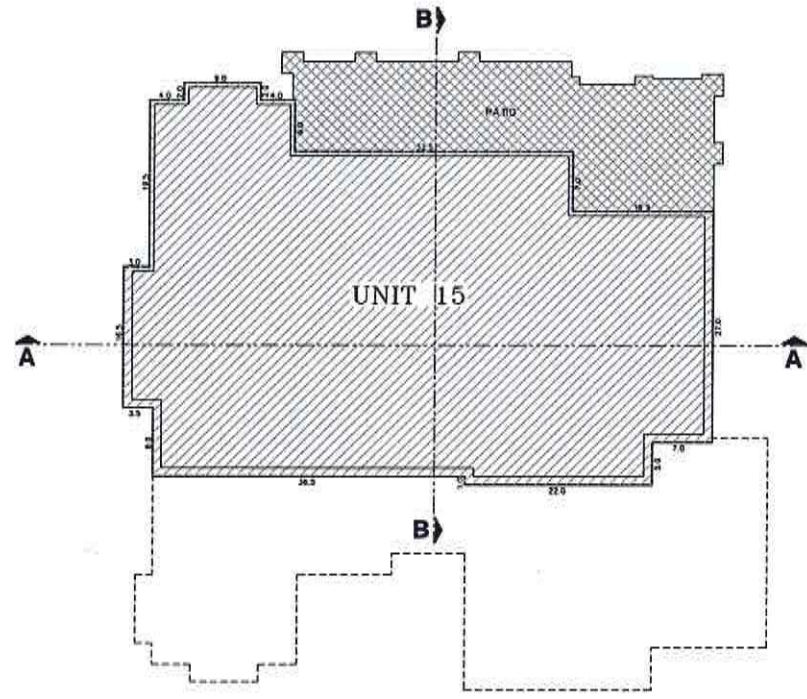


SEVENTH SUPPLEMENTAL PLAT FOR CONSTRUCTED UNITS
THE BELLES AT EMPIRE PASS
A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 15 & 16
LOCATED IN SECTION 28, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

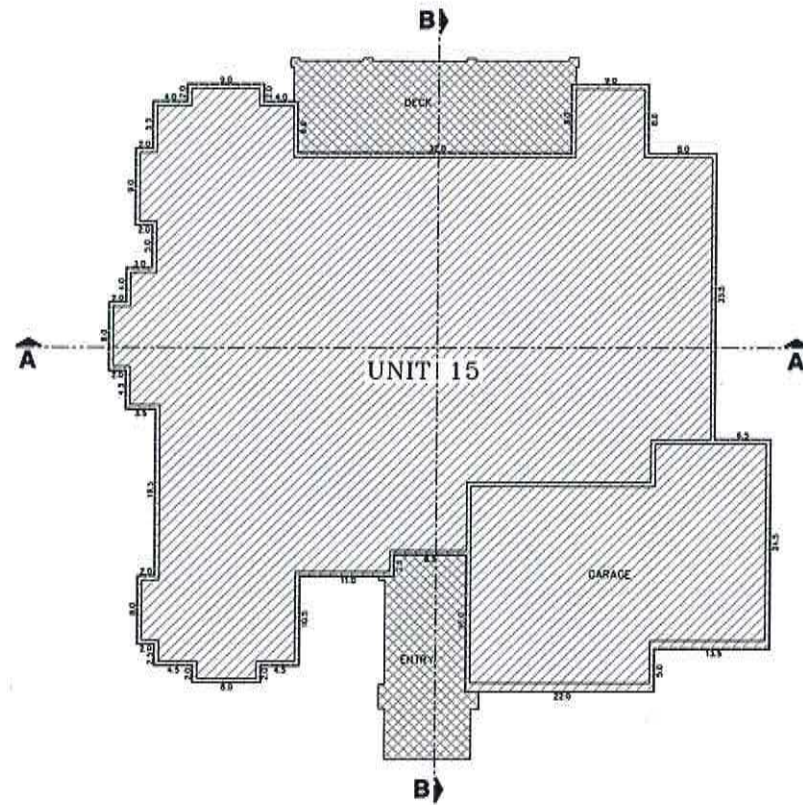
SHEET 1 OF 3

6/22/15 JOB NO.: 6-6-10 FILE:\Empire\dwg\SSS\Plat\Belles\Units15&16\SH11 Unit 15+16.dwg

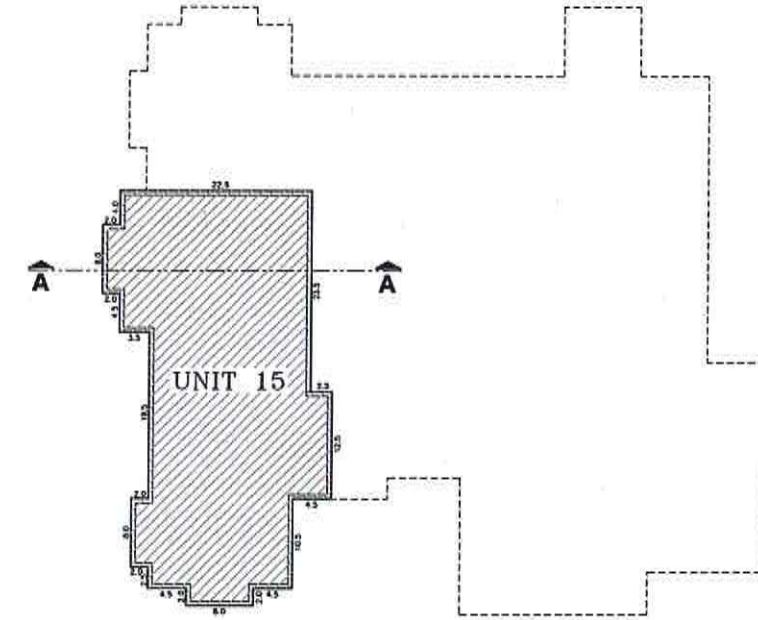
 Planning Commission Meeting July 8, 2015 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED 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. _____ Page 179 of 396 FEE _____ RECORDER _____
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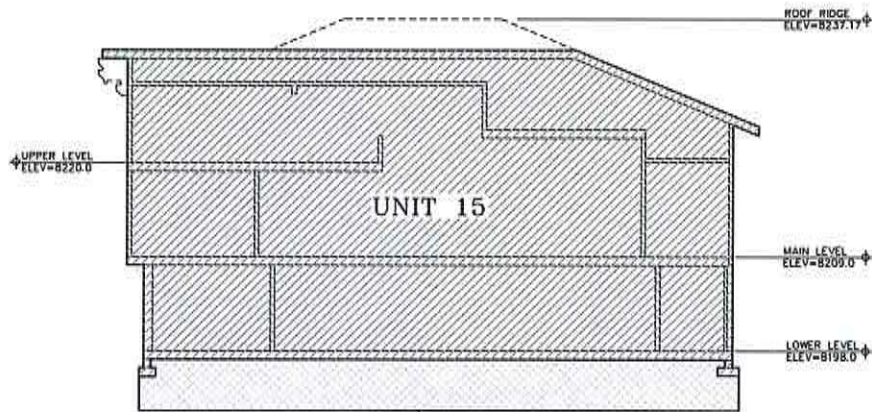
1 LOWER LEVEL AREAS
SCALE: 1" = 10'



2 MAIN LEVEL AREAS
SCALE: 1" = 10'

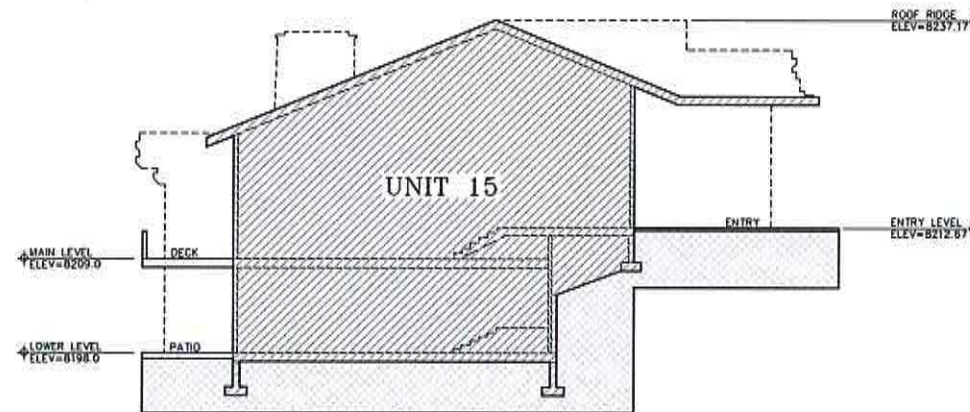


3 UPPER LEVEL AREAS
SCALE: 1" = 10'



1 SECTION A-A
SCALE: 1" = 10'

The area under the unit extending to 7 feet below the lowest finished floor is designated Limited Common.
See sheet 1 for dimensions of Limited Common area at the perimeter of the unit.



2 SECTION B-B
SCALE: 1" = 10'

The area under the unit extending to 7 feet below the lowest finished floor is designated Limited Common.
See sheet 1 for dimensions of Limited Common area at the perimeter of the unit.

UNIT 15 SQUARE FOOTAGE TABLE*

LEVELS	UE**	GROSS RESIDENTIAL FLOOR AREA (SF)
LOWER	2,394.5	2,394.5
MAIN	3,157.3	3,157.3
UPPER	814.0	814.0
GARAGE	791.0	791.0
TOTAL SF	7,226.8	7,226.8
Garage Allowance	-600.0***	-600.0***
Basement	No Allowance	-1,838.0****
TOTAL SF	6,826.8	4,988.8

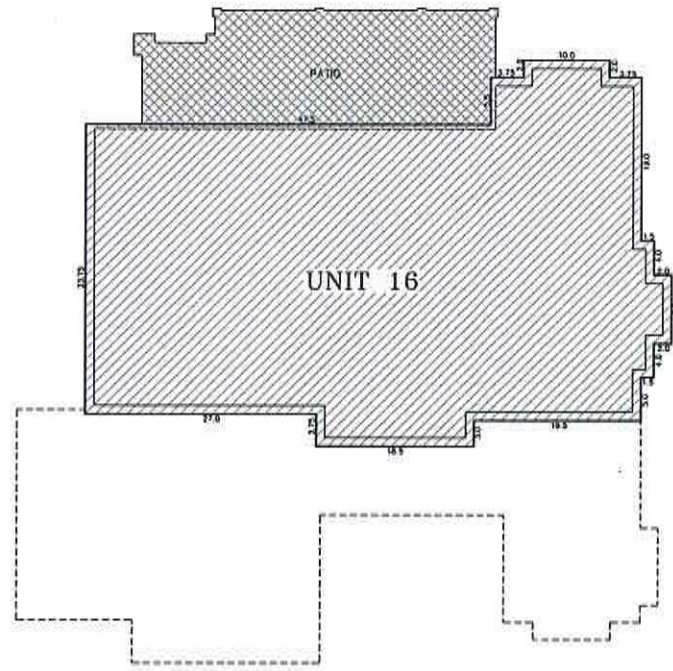
* Per Architectural Drawings
 ** Per Flagstaff Development Agreement
 *** Per Land Management Code
 **** Allowance below finished grade on Lower Level per Land Management Code

COMMON AREA
 PRIVATE OWNERSHIP
 LIMITED COMMON OWNERSHIP
 (Limited Common Ownership shown on this sheet denotes improvements including patios, entries, and decks. See Sheet 1 for full extent of Limited Common Ownership associated with each unit.)

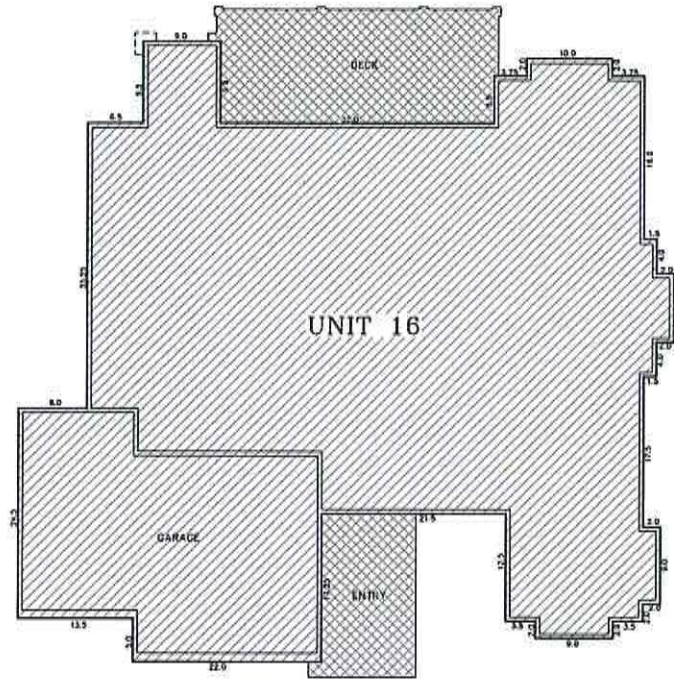
SEVENTH SUPPLEMENTAL PLAN FOR CONSTRUCTED UNITS
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SHEET 2 of 3

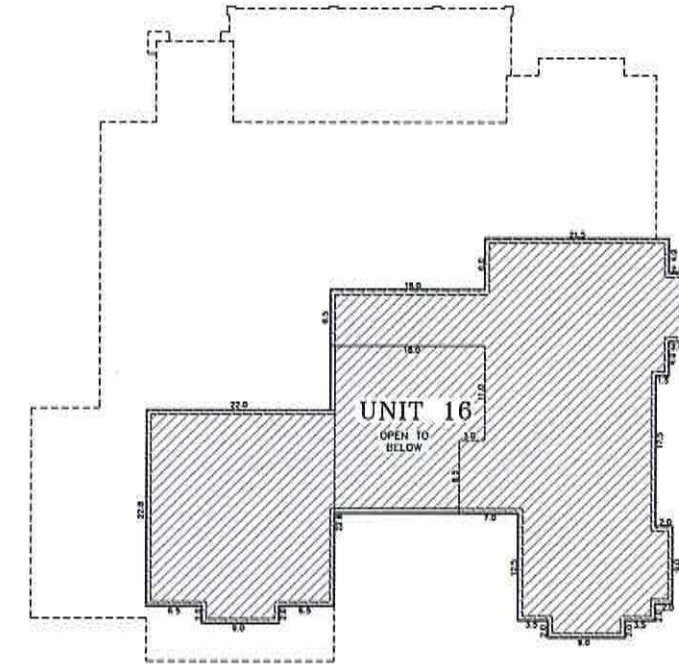
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RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF _____
 DATE _____ TIME _____ ENTRY NO. _____
 FEE _____ RECORDER _____
 4/24/15



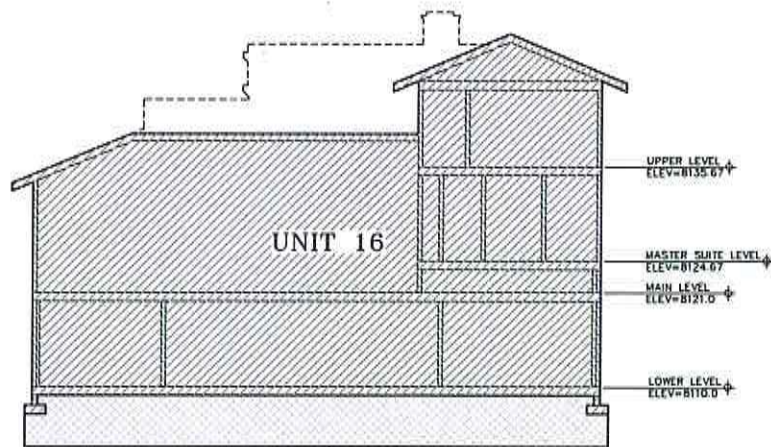
1 LOWER LEVEL AREAS
SCALE: 1" = 10'



2 MAIN LEVEL AREAS
SCALE: 1" = 10'

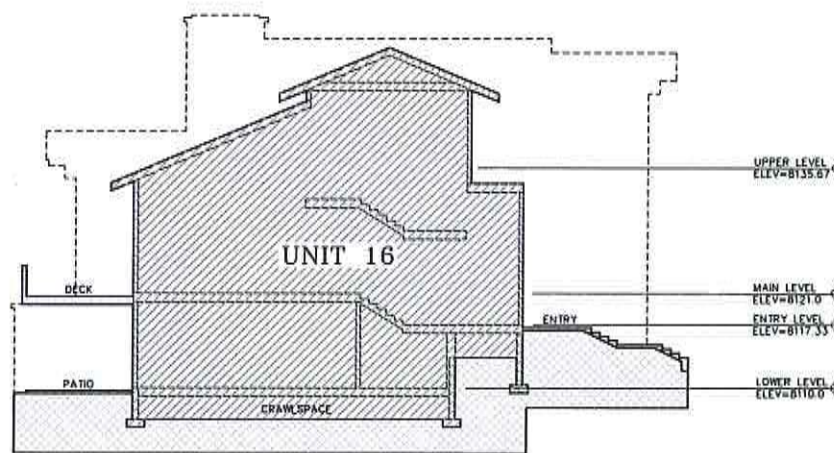


3 UPPER LEVEL AREAS
SCALE: 1" = 10'



1 SECTION A-A
SCALE: 1" = 10'

The area under the unit extending to 7 feet below the lowest finished floor is designated Limited Common.
See sheet 1 for dimensions of Limited Common area at the perimeter of the unit.



2 SECTION B-B
SCALE: 1" = 10'

The area under the unit extending to 7 feet below the lowest finished floor is designated Limited Common.
See sheet 1 for dimensions of Limited Common area at the perimeter of the unit.

UNIT 16 SQUARE FOOTAGE TABLE*

LEVELS	UE** SQUARE FOOTAGE	GROSS RESIDENTIAL FLOOR AREA (SF)
LOWER	2,235.0	2,235.0
MAIN	3,031.0	3,031.0
UPPER	1,444.8	1,444.8
GARAGE	791.0	791.0
TOTAL SF	7,501.8	7,501.8
Garage Allowance	-600.0***	-600.0***
Basement	No Allowance	-1,924.0****
TOTAL SF	6,901.8	4,977.8

* Per Architectural Drawings
** Per Flagstaff Development Agreement
*** Per Land Management Code
**** Allowance below finished grade on Lower Level per Land Management Code

- COMMON AREA
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP
(Limited Common Ownership shown on this sheet denotes improvements including patios, entries, and decks. See Sheet 1 for full extents of Limited Common Ownership associated with each unit.)

SEVENTH SUPPLEMENTAL PLAN FOR CONSTRUCTED UNITS
THE BELLES AT EMPIRE PASS
 A UTAH EXPANDABLE CONDOMINIUM PROJECT AMENDING UNITS 15 & 16
 LOCATED IN SECTION 26, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SHEET 3 of 3

JOB NO.: 6-6-10 FILE: K:\Empire\wg\5555\Plan\Belles\Units\15+16\Unit3.dwg

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF _____
 DATE _____ TIME _____ ENTRY NO. _____

Page 181 of 396

NOTES

- This Record of Survey map of the Belles At Empire Pass, supersedes, amends, replaces, and consolidates the following:
Christopher Homes at Empire Pass, Phase I, Recorded 10-3-2007, as Entry No. 827065
Christopher Homes at Empire Pass, Phase II, Recorded 2-20-2008, as Entry No. 838083
Christopher Homes at Empire Pass, Phase III, Recorded 12-1-2008, as Entry No. 862023
Christopher Homes at Empire Pass, Phase IV, Recorded 11-19-2008, as Entry No. 858243
- A Declaration of Condominium for The Belles At Empire Pass (originally Christopher Homes at Empire Pass) was recorded on October 3, 2007 as Entry Number 827065 in Book 1892 at Page 819 in the Office of the Summit County Recorder, as amended by (1) that First Amendment to Declaration of Condominium for Christopher Homes At Empire Pass, recorded February 20, 2008 as Entry Number 838083 in Book 1915 at Page 1364 in the Office of the Summit County Recorder, State of Utah, (2) that Second Amendment to Declaration of Condominium for Christopher Homes At Empire Pass recorded December 1, 2008 as Entry Number 862023 in Book 1958 at Page 1072 in the Office of the Summit County Recorder, State of Utah, and (3) that Third Amendment to Declaration of Condominium for Christopher Homes At Empire Pass recorded November 19, 2008 as Entry Number 859546 in Book 1957 at Page 396 in the Office of the Summit County Recorder, State of Utah (collectively referred to herein as the "Original Declaration and the First Amended and Restated Declaration of Condominium for The Belles At Empire Pass" and hereinafter referred to as the "Declaration of Condominium") in accordance with the Utah Condominium Act. An development within the Belles Homes At Empire Pass Condominium Project is subject to said Amended Declaration. The boundary lines of each Unit shown herein are the approximate boundaries of the lot or constructed units as set forth on this Plat. After each Unit has been constructed ("Completed Unit") the boundary of that Unit shall automatically be amended to the actual dimensions constructed as the Condominium Unit and shall include the complete interior and exterior of the Completed Unit for all detached units and shall include only the interior of the Units for all Town Home Units. The detailed definitions of these terms are more fully set forth in the Amended Declaration. Subject to Park City ordinances in place at the time and unless otherwise approved by the City Attorney and City Engineer, the Owner will be required to amend this Plat by recording a Supplemental Plat as defined by the Amended Declaration after construction is complete to reflect the as-built boundaries of the Completed Units, Common Areas and Limited Common Areas.
- The approved maximum lease size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area excludes basement areas below final grade and 600 square feet of garage area. In addition, Unit 2 is limited to a maximum of 974 square feet of Basement Area.

- The Flagstaff Development Agreement requires a calculation of unit equivalents (UE) for these units, in addition to maximum house size. The UE formula includes net interior square footage calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits, and the well enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage is garage space up to 600 square feet per unit and all space designated as non-habitable. A total of 45 UE (90,000 square feet) are permitted for the units designated by this Plat.
- A Limited Common Area includes 10' on all sides of the Completed Unit ("Buffer Area") and also includes the patio and driveway for that Unit and 7' space below the boundary of the Unit for the purpose of providing unit owners with added privacy and the exclusive right to use and occupy such land surrounding their respective Unit. All other lands within the described property shall be the Common Area. The use of all Common and Limited Common areas is described in more detail in the Amended Declaration but shall include preparation and air trails.
- All Common Area is dedicated as a non-exclusive easement to Park City Municipal Corporation, Snyderville Basin Water Reclamation District (SBWRD), the Park City Fire Protection District, Summit County and the Belles At Empire Pass Homeowners for the purpose of providing access for utility and drainage installation, use, and maintenance and eventual replacement.
- All Units are served by private wastewater lateral lines. The Empire Pass Master Homeowners Association, Inc. (the "Master Association") shall be responsible for the maintenance and replacement of all solitary sewer laterals serving the Belles At Empire Pass Units within the plat. The cost of such maintenance and replacement shall be paid by the Belles At Empire Pass Owners Association, Inc., as part of the Common Expenses.
- Lots designated as Ejector Pump (EP) lots may require privately owned wastewater ejector pumps.
- At the time of any resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards.
- Access to the units is by private roads and is not warranted by Park City.
- All conditions of approval of the Village at Empire Pass Master Development Plan and the Silver Strike Subdivision plat shall continue to apply.

- A fire protection plan specifying the use of modified 130 sprinklers is required for review by the Park City Building Department prior to issuance of any permit.
- Under certain limited circumstances as set forth in the Amended Declaration this Plat may be amended by the recording of Supplemental Plats without the consent of 67% of the Unit Owners.
- The recording of Supplemental Plats for Constructed Units shall be the responsibility of the original Declarant, or the Owner thereof, as is more fully set forth in the original Declaration and in the Amended Declaration.
- Construction of units shall comply with all setbacks, heights and International Building Code (IBC) separation requirements.
- Prior to issuance of a final occupancy permit, the Supplemental Plat for that Unit shall be approved by Park City Council and recorded with the Summit County Recorder.
- All conditions of the Flagstaff Mountain Development Agreement and Amalgamation Agreement continue to apply.
- This condominium plat is subject to all conditions of approval of Ordinance 11-10.



SURVEYOR'S CERTIFICATE
I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I have prepared this Plat in accordance with the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner(s), this Amended and Restated Declaration of Condominium for THE BELLES AT EMPIRE PASS CONDOMINIUM, a Utah Condominium Project, in accordance with the provisions of the Utah Condominium Ownership Act. I further certify that the information shown thereon is correct.
John Demkowicz, L.S. #154491
July 28, 2011
DAR

BOUNDARY DESCRIPTIONS

(Parcel 1)
Units 1, 2, 3 and 4, Christopher Homes at Empire Pass Condominiums, Phase I, a Utah Expandable Condominium project, together with an undivided interest in the common areas and facilities as described in the official plat recorded OCTOBER 3, 2007 as Entry No. 827065 and the Declaration of Condominium recorded OCTOBER 3, 2007 as Entry No. 827066 in Book 1892 at Page 819, SUMMIT County Recorder's Office.

(Parcel 2)
Units 5, 10, 11 and 12, Christopher Homes at Empire Pass Condominiums, Phase 2, a Utah Expandable Condominium project, together with an undivided interest in the common areas and facilities as described in the official plat recorded FEBRUARY 20, 2008 as Entry No. 838083, Declaration of Condominium recorded OCTOBER 3, 2007 as Entry No. 827065 in Book 1892 at Page 819 and First Amendment to the Declaration of Condominium recorded FEBRUARY 20, 2008 as Entry No. 838084 in Book 1915 at Page 1364, SUMMIT County Recorder's Office.

(Parcel 3)
Units 15 and 16, Christopher Homes at Empire Pass Condominiums, Phase 3, a Utah Expandable Condominium project, together with an undivided interest in the common areas and facilities as described in the official plat recorded DECEMBER 1, 2008 as Entry No. 862022, Declaration of Condominium recorded OCTOBER 3, 2007 as Entry No. 827065 in Book 1892 at Page 819, First Amendment to the Declaration of Condominium recorded FEBRUARY 20, 2008 as Entry No. 838084 in Book 1915 at Page 1364, Second Amendment to the Declaration of Condominium recorded DECEMBER 1, 2008 as Entry No. 862023 in Book 1958 at Page 1072 and Third Amendment to the Declaration of Condominium recorded NOVEMBER 19, 2008 as Entry No. 859546 in Book 1957 at Page 396 SUMMIT County Recorder's Office.

(Parcel 4)
Units 5, 6, 7, 8, 13, 14, 17 and 18, Christopher Homes at Empire Pass Condominiums, Phase IV, a Utah Expandable Condominium project, together with an undivided interest in the common areas and facilities as described in the official plat recorded DECEMBER 1, 2008 as Entry No. 862022, Declaration of Condominium recorded OCTOBER 3, 2007 as Entry No. 827065 in Book 1892 at Page 819, First Amendment to the Declaration of Condominium recorded FEBRUARY 20, 2008 as Entry No. 838084 in Book 1915 at Page 1364, Second Amendment to the Declaration of Condominium recorded DECEMBER 1, 2008 as Entry No. 862023 in Book 1958 at Page 1072 and Third Amendment to the Declaration of Condominium recorded NOVEMBER 19, 2008 as Entry No. 859546 in Book 1957 at Page 396 SUMMIT County Recorder's Office.

(Easement 1)
Parcels 1, 2, 3 and 4 are together with the following Easement:
Together with a right of way and easement for public and private utilities and a private road over the Silver Strike Trail as delineated on the official plat of Banner Road Subdivision as recorded August 12, 2005 as Entry No. 748718 in the records of the Summit County Recorder.

The above descriptions are identical with the property contained in Lots 1 and 2, Silver Strike Subdivision, recorded 12-1-2006, Entry # 708134.

OWNER'S DEDICATION AND CONSENT TO RECORD

SHOW ALL MEN BY THESE PRESENTS THAT, the undersigned President of the Belles at Empire Pass Homeowners Association, Inc. and as owner of the Common Areas described herein, do hereby certify that it has caused this survey to be made and this Condominium Plat of The Belles at Empire Pass to be prepared and hereby consents to the recording of this First Amended Declaration of Condominium and submit to the Utah Condominium Ownership Act. As President, he also certifies that more than 67% of the Owners of the Units have approved this First Amended Declaration of Condominium.
Mark H. Frutkin, President
28 July 2011
The Belles at Empire Pass Homeowners Association, Inc.

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 28th day of July, 2011.
By Mark H. Frutkin, President, The Belles at Empire Pass Homeowners Association, Inc.
Seri Ekstra
Notary Public
Tori Ekstrom
Printed Name
Residing in Summit County
My commission expires: April 10, 2012

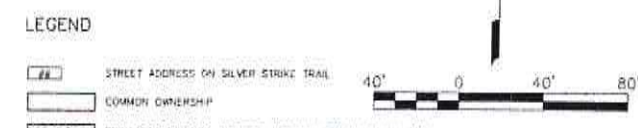
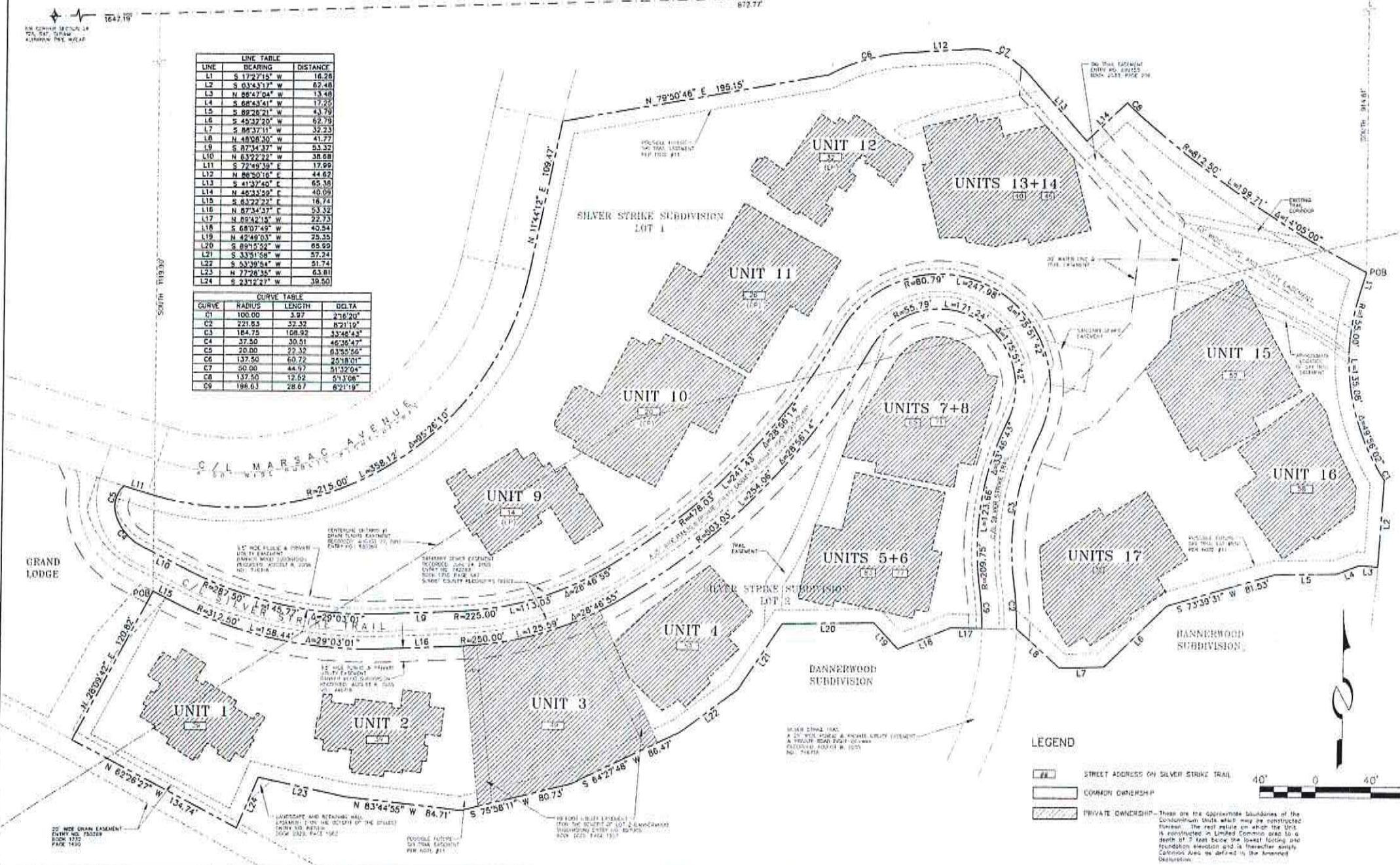
AMENDED, CONSOLIDATED, AND RESTATED CONDOMINIUM PLAT OF
THE BELLES AT EMPIRE PASS
(FORMERLY KNOWN AS CHRISTOPHER HOMES AT EMPIRE PASS)
A UTAH CONDOMINIUM PROJECT
LOCATED IN THE NORTHWEST QUARTER OF SECTION 28
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 172°15' W	16.26
L2	S 034°37' W	82.48
L3	N 88°47'04" W	13.48
L4	S 88°43'41" W	13.70
L5	S 89°28'21" W	43.70
L6	S 45°32'20" W	52.79
L7	S 84°37'11" W	32.33
L8	N 48°08'30" W	41.77
L9	S 87°34'37" W	53.32
L10	N 63°22'22" E	38.68
L11	S 72°48'38" E	17.99
L12	N 86°50'16" E	44.62
L13	S 41°37'40" E	65.38
L14	N 46°32'50" E	40.09
L15	S 63°22'22" E	18.74
L16	N 87°34'37" E	53.32
L17	N 82°42'15" W	22.73
L18	S 68°07'45" W	40.54
L19	N 42°49'03" W	25.35
L20	S 89°15'52" W	65.59
L21	S 33°51'58" W	57.74
L22	S 53°39'54" W	51.74
L23	N 77°26'35" W	63.81
L24	S 23°12'27" W	39.50

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	100.00	3.97	276°20"
C2	221.83	32.32	82°11"
C3	184.75	108.52	32°46'34"
C4	37.50	30.51	42°24'43"
C5	20.00	22.32	63°52'56"
C6	137.50	60.72	25°18'01"
C7	50.00	44.97	51°32'04"
C8	137.50	12.62	51°32'08"
C9	188.81	28.67	82°11"



 SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS <u>11th</u> DAY OF <u>Oct</u> , 2011 A.D. BY <u>[Signature]</u> S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 23rd DAY OF FEBRUARY, 2011 A.D. BY <u>[Signature]</u> CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>16th</u> DAY OF <u>November</u> , 2011 A.D. BY <u>[Signature]</u> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>16th</u> DAY OF <u>November</u> , 2011 A.D. BY <u>[Signature]</u> PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS <u>24th</u> DAY OF <u>MARCH</u> , 2011 A.D. BY <u>[Signature]</u> PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 24th DAY OF MARCH, 2011 A.D. BY <u>[Signature]</u> MAYOR	JOB NO.: 6-6-10 FILE: \\server\org\div\records\land\plat\belles\belles plat-2.csg
						RECORDED # <u>934780</u> STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF <u>Summit Title</u> DATE <u>11/28/11</u> TIME <u>1:44 PM</u> BOOK <u>1958</u> PAGE <u>182</u> FEE <u>677.00</u> <u>[Signature]</u> Page 182 of 396

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, WCHTA, LP, A UTAH LIMITED PARTNERSHIP, the owner of Units 4,5,6,7,8,9,10,11,13,14,15,16,17, and 18, hereby certifies that it has caused this survey to be made and this Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recordation of this Amended and Restated Condominium Plat and submit to the Utah Condominium Ownership Act.

The owner certifies that Units the units shown on this plat, but not under construction at the time the plat was recorded, will, when completed, be in conformance with the approved Master Planned Development, Declarations of Condominiums, and the Land Management Code of Park City Municipal Corporation.
In witness whereof the undersigned has executed this certificate and dedication this 28 day of December 2010.

WCHTA, LP
A Utah Limited Partnership
By Resolution, Inc.
It's Managing General Partner
By Mark Prothro
Mark H. Prothro
President

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 28th day of December, 2010.
by Mark Prothro the president of WCHTA LP, a Utah Limited Partnership.
Seri Ekstrom
Notary Public
Teri Ekstrom
Printed Name
Residing in: Summit County
My commission expires: 3/10/2012

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, STEVEN H. LEVINE and CYNTHIA SILVAGNI LEVINE, CO-TRUSTEES of the STEVEN AND CYNTHIA LEVINE LIVING TRUST dated April 16, 1997, the owner of Unit 1, hereby certifies that they have caused this survey to be made and this Amended and Restated Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recordation of this Condominium Plat and submit to the Utah Condominium Ownership Act.

In witness whereof the undersigned has executed this certificate and dedication this 28th day of December 2010.
SH
Steven H. Levine
Co-Trustee of the Steven and Cynthia Levine Living Trust dated April 16, 1997.
Cynthia Silvagni Levine
Cynthia Silvagni Levine
Co-Trustee of the Steven and Cynthia Levine Living Trust dated April 16, 1997.

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 28th day of December, 2010.
by Steven H. Levine and Cynthia Silvagni Levine co-trustees of the STEVEN AND CYNTHIA LEVINE LIVING TRUST dated April 16, 1997.
Seri Ekstrom
Notary Public
Teri Ekstrom
Printed Name
Residing in: Summit County
My commission expires: 3/10/2012

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, VAN D. GREENFIELD AND AMY GREENFIELD, HUSBAND AND WIFE AS JOINT TENANTS, the owners of Unit 2, hereby certifies that they have caused this survey to be made and this Amended and Restated Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recordation of this Condominium Plat and submit to the Utah Condominium Ownership Act.

In witness whereof the undersigned has executed this certificate and dedication this 28 day of JANUARY 2010.
Van D. Greenfield
Van D. Greenfield
Joint Tenant
Amy Greenfield
Amy Greenfield
Joint Tenant

ACKNOWLEDGMENT

State of New York
County of Sullivan
This instrument was acknowledged before me this 28 day of JANUARY, 2010.
by Van D. Greenfield and Amy Greenfield, Joint Tenants.
Colleen Repkowski
Notary Public
Colleen Repkowski
Printed Name
Residing in: 60 Main St., Southampton, NY
My commission expires: 3/31/11

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, JAY FLATLEY, TRUSTEE OF THE FLATLEY FAMILY TRUST, dated July 18, 2001, the owners of Unit 3, hereby certifies that they have caused this survey to be made and this Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recordation of this Amended and Restated Condominium Plat and submit to the Utah Condominium Ownership Act.

The owner certifies that Units the units shown on this plat, but not under construction at the time the plat was recorded, will, when completed, be in conformance with the approved Master Planned Development, Declarations of Condominiums, and the Land Management Code of Park City Municipal Corporation.
In witness whereof the undersigned has executed this certificate and dedication this 6th day of JANUARY 2011.
Jay Flatley
Jay Flatley
Trustee of the Flatley Family Trust

ACKNOWLEDGMENT

State of CALIFORNIA
County of SAN DIEGO
This instrument was acknowledged before me this 10th day of JANUARY, 2011.
by Jay Flatley, Trustee of the Flatley Family Trust dated July 18, 2001.
J. FISHER
Notary Public
J. FISHER
Printed Name
Residing in: SAN DIEGO COUNTY
My commission expires: 4/16/2014

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, GREGORY D. GOVEN and JANE A. GOVEN, AS TRUSTEES OF THE GOVEN REVOCABLE FAMILY TRUST (DATED MAY 4TH, 2006), the owners of Unit 12, hereby certifies that they have caused this survey to be made and this Condominium Plat of The Belles at Empire Pass to be prepared, and does hereby consent to the recordation of this Amended and Restated Condominium Plat and submit to the Utah Condominium Ownership Act.

In witness whereof the undersigned has executed this certificate and dedication this 28th day of December 2010.
Gregory D. Goven
Gregory D. Goven
Trustee of the Goven Revocable Family Trust
dated May 4th, 2006.
Jane A. Goven
Jane A. Goven
Trustee of the Goven Revocable Family Trust
dated May 4th, 2006.

ACKNOWLEDGMENT

State of Utah
County of Summit
This instrument was acknowledged before me this 28th day of December, 2010.
by Gregory D. Goven and Jane A. Goven, trustees of the Goven Revocable Family Trust.
Seri Ekstrom
Notary Public
Teri Ekstrom
Printed Name
Residing in: Summit County
My commission expires: 3/10/2012

ACKNOWLEDGMENT

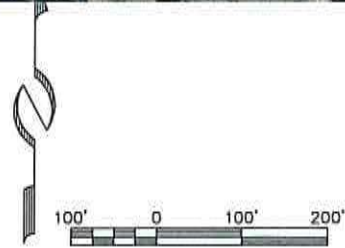
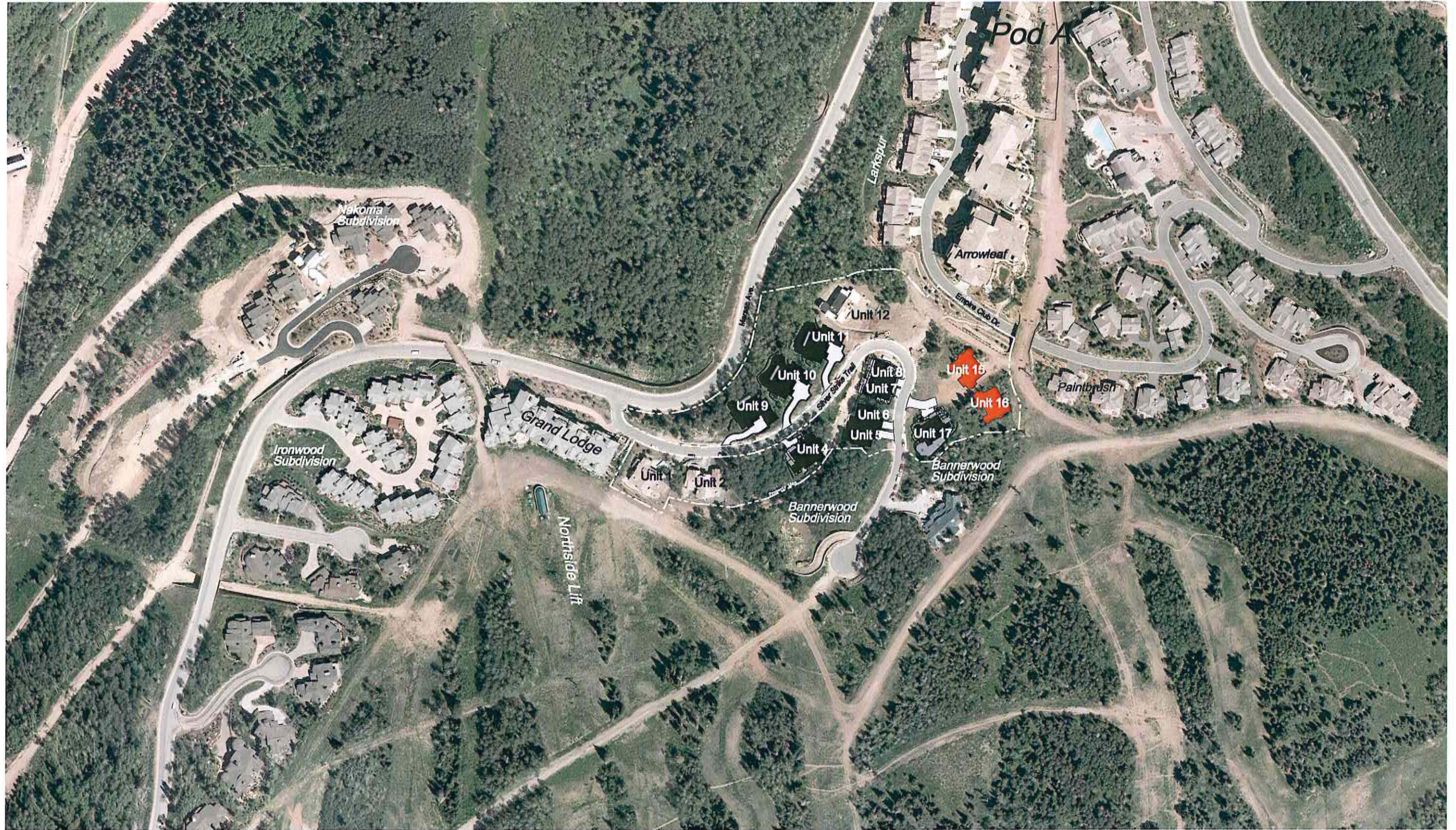
State of Utah
County of Summit
This instrument was acknowledged before me this 28th day of December, 2010.
by Van D. Greenfield.
Seri Ekstrom
Notary Public
Teri Ekstrom
Printed Name
Residing in: Summit County
My commission expires: April 10, 2012

THE BELLES AT EMPIRE PASS

LOCATED IN THE NORTHWEST QUARTER OF SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

JOB NO.: 6-6-10 FILE: X:\Empire\dwg\SSC\plat\Belles\Belles plat-2.dwg
RECORDED 4931780
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF COMPTON TITLE
DATE 11/28/10 TIME 1:47PM BOOK PAGE
FEE 87700 Rhonda Francis Steady
Page 188 of 396





Alliance
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 323 Main Street, P.O. Box 2064, Park City, Utah 84060-2064
 (435) 849-2467
 STAFF:
 MARSHALL KING
 JEFF KITCHEN
 DATE: 4/28/15

AERIAL PHOTOGRAPH
 THE BELLES AT EMPIRE PASS
 Units 15 & 16
 FOR: Wichita LP
 JOB NO.: 6-6-10
 FILE: X:\empire\dwg\666\plot\belles\exhibits\Unit 15+16\airfal-e\Page 184 of 396

SHEET
 1
 OF
 1

SURVEYOR'S CERTIFICATE

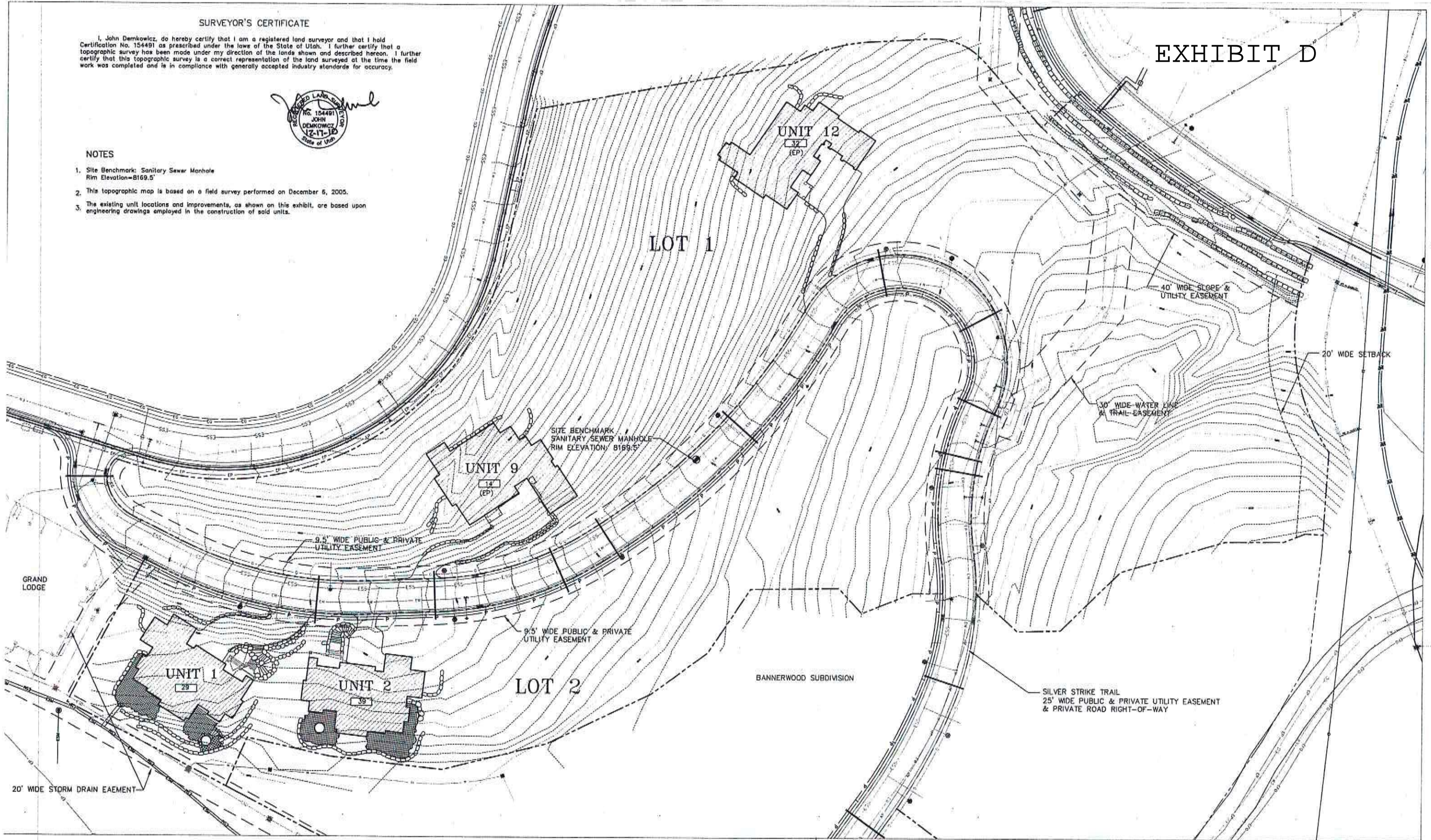
I, John Demkowicz, do hereby certify that I am a registered land surveyor and that I hold Certification No. 154491 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described hereon. I further certify 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.



EXHIBIT D

NOTES

1. Site Benchmark: Sanitary Sewer Manhole
Rim Elevation=8169.5'
2. This topographic map is based on a field survey performed on December 5, 2005.
3. The existing unit locations and improvements, as shown on this exhibit, are based upon engineering drawings employed in the construction of said units.



LEGEND

EXISTING SANITARY SEWER	ESS
EXISTING STORM DRAIN	ESD
EXISTING WATER	EW
EXISTING POWER	P
EXISTING TELEPHONE	T
EXISTING GAS	G
EXISTING FIBER OPTICS	EFO
ABANDONED WATER	AW
ABANDONED POWER	AP



<p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2004 Park City, Utah 84002-2004</p>	<p>(435) 642-2467</p> <p>STAFF: J. DEMKOWICZ M. KING S. SCHUELER</p>	<p>EXISTING CONDITIONS\ TOPOGRAPHIC SURVEY</p> <p>THE BELLES AT EMPIRE PASS</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 12/15/10</p>	<p>FOR: Wichita LLP JOB NO.: 05-05-01 FILE: X:\Emp\dwg\silverstrike\sub\belles\existing topo 11-3-10.dwg</p>	

THE BELLES AT EMPIRE PASS

EXHIBIT E

UNIT #	GROSS SQ. FOOTAGE ⁽¹⁾	UNIT EQUIVALENCY ⁽²⁾
Single Family Dwelling		
1 completed	6,010.8 SF	3.005
2 completed	6,614.0 SF	3.307
3 ⁽³⁾⁽⁴⁾⁽⁵⁾	5,974.0 SF	2.987
4 completed	5,629.0 SF	2.815
Duplex		
5 under construction	4,194.0 SF	2.096
6 under construction	3,673.5 SF	1.836
Duplex		
7 under construction	4,208.0 SF	2.104
8 under construction	3,673.5 SF	1.836
Single-Family Dwelling		
9 completed	5,738.0 SF	2.869
10 under construction	5,754.5 SF	2.877
11 under construction	5,754.5 SF	2.877
12 completed	5,275.8 SF	2.637
Duplex		
13 ⁽⁴⁾⁽⁵⁾	4,168.2 SF	2.080
14 ⁽⁴⁾⁽⁵⁾	4,168.2 SF	2.080
Single Family Dwelling		
15 ⁽⁴⁾⁽⁵⁾	6,626.8 SF	3.313
16 ⁽⁴⁾⁽⁵⁾	6,907.8 SF	3.450
17 under construction	5,629.0 SF	2.815
TOTAL:	90,000 SF ⁽⁶⁾	45 ⁽⁵⁾

(1) Gross living square footage is based on paint to paint area. There is a 600 sq.ft. allowance for the garage. Any additional garage area will be added to the gross living square footage.

(2) Unit Equivalency (U.E.): One U.E. is equal to 2000 sq.ft. and is based on the Gross Square Footage -see (1)

(3) Unit 3 is owned by a private party. This square footage is an allowance toward a future home. (Max basement area = 974 sq.ft.)

(4) Units Gross Square Footage & Unit Equivalency (UE) are subject to change. However, the maximum allowed UEs for The Belles At Empire Pass is 45 UEs.

(5) Units are allowed a max. of 5,000 sq.ft. based on paint to paint gross area and as defined by the Land Management Code, and per the Silver Strike subdivision notes & conditions.

02-10-11

Rev. 3-11-14



Planning Commission Staff Report

Subject: 222 Sandridge Avenue Subdivision
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Project Number: PL-15-02769
Date: July 8, 2015
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 222 Sandridge Subdivision plat amendment located at 222 Sandridge Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

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

Description

Applicant: 222 Sandridge, LLC, represented by David Baglino
Location: 222 Sandridge Avenue
Zoning: Historic Residential-1 (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

The applicant requests to combine portions of Lots 19, 20, and 21, Block 72 of the Park City Survey into one (1) Lot of Record by removing the interior lot lines that separates the lots. A historic structure was constructed across the property lines and the owner desires to restore the historic house and construct an addition.

Background

On May12, 2015, the City received a completed Plat Amendment application for the 222 Sandridge Avenue Subdivision. The property is located at 222 Sandridge Avenue. The property is located within the Historic Residential-1 (HR-1) Zoning District and consists of portions of Lots 19, 20, and 21, Block 72 of the Park City Survey. The property is commonly owned by the applicant and is recognized by Summit County as Parcel PC-600 (Tax ID). Currently, a landmark historic single-family house is located on the property straddling the property line between Lots 19 and 20. According to the Historic Sites Inventory the historic house was constructed circa 1904 (1885 per Utah State Historical Society Site Information Form). The northern shed lean-to addition (4' by 12') was added circa 1940. The City is currently reviewing a Historic District Design Review application for a restoration and addition to the existing historic house.

Purpose

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

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

Analysis

The proposed Plat Amendment creates one (1) lot of record from portions of three (3) lots consisting of 3,553 square feet. A single-family dwelling is an allowed use in the Historic Residential-1 District. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lot meets the minimum lot area for a single-family dwelling. A duplex dwelling is a conditional use in the Historic Residential-1 District. The minimum lot area for a duplex dwelling is 3,750 square feet. The proposed lot does not meet the minimum lot area for a duplex dwelling.

The minimum lot width allowed in the Historic Residential-1 District is twenty-five feet (25'). The proposed lot is 31.96 feet wide at the minimum at the frontage on Sandridge Avenue, a prescriptive access roadway. The proposed lot meets the minimum lot width requirement.

According to the title report, existing conditions survey, and surveyors plat the Sandridge Avenue roadway is located to the east of the proposed lot and is not located on subject property. According to the documents provided with the application the proposed plat does not impede access to 228 Sandridge Avenue (See Exhibits D and G). However to be certain, Staff recommends a condition of approval that prior to plat recordation the property owner shall verify that the driveway for 228 Sandridge is not located on subject property (222 Sandridge) and if it is located on 222 Sandridge an access easement shall be provided for the benefit of 228 Sandridge Avenue.

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

LMC Requirements	Requirements
Building Footprint	1,455 square feet, maximum based on lot size.
Front/Rear Yard Setbacks	10 feet minimum based on lot depth. Existing house complies.
Side Yard Setbacks	5 feet minimum, 10 feet total based on lot width. The existing historic house has a zero side yard setback on the north property line. This is a legal non-complying

	condition because the house is historic and this portion of the house was added on circa mid- 1940s. Existing house complies with the south side yard setback.
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required [...].
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

The property is located within a Flood Plain area identified on the FEMA maps. Staff recommends a condition of approval that an elevation certificate, showing that the lowest occupied floor is at or above the Base Flood Elevation (BFE), be submitted prior to issuance of a building permit. The property is located within the Park City Soils Ordinance boundary and staff recommends a condition of approval that all requirements of the Park City Soils Ordinance are complied with as part of the building permit process for future construction. Establishment of a sewer easement and upgraded sewer laterals are required for this property. The final mylar plat is required to be signed by the Snyderville Basin Water Reclamation District and this ensures that requirements of the District are addressed prior to plat recordation.

Good Cause

Planning Staff finds that there is good cause for this plat amendment as 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. Combining the Lots will allow the property owner to move forward with an addition and restoration of the historic house. Furthermore, the plat amendment will resolve the existing building encroachments over interior lot lines.

Encroachments

The submitted certified as-built survey shows a tiered historic low rubble stone wall (no foundation, just piled stones) buried in heavy vegetation encroaching a diminimus 3"-4" onto the subject property from the property to the west for approximately five feet (5') along the rear property line. An historic rubble pile of rocks is also located between the subject property and property to the north. It is about 18" high and does not have a foundation. The pile of rocks retains the ground between the two houses. These encroachments are historic and diminimus in nature.

A railroad tie retaining wall is located on the property line between the subject property and adjacent property to the north. The railroad tie wall encroaches from the property to the north onto subject property a diminimus 1"-2" for about five feet (5') in one area and 15" for the width of the wall (5") at a further east location. The railroad tie wall is not

historic. The applicant bears the burden of proper approvals for the railroad wall, which may include providing an encroachment agreement with the neighbor, or the retaining walls may be relocated or removed to be completely on each separate property.

The City staircase between Sandridge Avenue and Swede Alley runs along the south property line of subject property and does not create an encroachment on subject property. The existing house at 222 Sandridge also does not encroach on the property to the north, as the property line follows the foundation of the house in this location. This portion of the house is an older addition (mid 1940's). There is a neighboring house on the northern portion of Lot 19, however the 222 Sandridge Avenue property owner does not own that portion of Lot 19 and no encroachment of the adjacent house exists on this property. Any new construction will have to meet current LMC setbacks.

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. Issues raised include flood plain issues that will need to be resolved prior to building permit issuance, sewer service and easements, Park City Soils Boundary regulations, and minor retaining wall encroachments. These issues have been addressed with conditions of approval.

Notice

On June 24, 2015, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on June 20, 2015, according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 222 Sandridge Avenue Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 222 Sandridge Avenue Subdivision and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on this item.

Consequences of not taking the Planning Department's Recommendation

The site would remain as is. The site would contain one (1) single-family dwelling straddling the property line between Lots 19 and 20 and the portion of Lot 21 would remain a remnant lot.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the 222 Sandridge Avenue Subdivision plat amendment located at 222 Sandridge Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Ordinance

Exhibit A – Proposed Plat

Exhibit B – Applicant's Project Description

Exhibit C – Aerial Photograph

Exhibit D – Record of Survey & As-Built Map

Exhibit E – County Tax Map

Exhibit F – Historic Sites Inventory

Exhibit G – Photos

Ordinance No. 15-XX

**AN ORDINANCE APPROVING THE 222 SANDRIDGE AVENUE SUBDIVISION
LOCATED AT 222 SANDRIDGE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 222 Sandridge Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on June 20, 2015, the property was properly noticed according to the requirements of the Land Management Code and legal notice was published in the Park Record; and

WHEREAS, on June 24, 2015, the property was posted and notice was sent to all affected property owners; and

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

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

WHEREAS, on July 30, 2015, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the 222 Sandridge Avenue Subdivision Plat Amendment.

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

SECTION 1. APPROVAL. The 222 Sandridge Avenue Subdivision plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 222 Sandridge Avenue.
2. The property is in the Historic Residential-1 (HR-1) Zoning District.
3. The subject property consists of portions of Lots 19, 20, and 21, Block 72, Park City Survey.
4. The property is recognized by Summit County as Parcel PC-600 (Tax ID).
5. There is an existing landmark historic structure located on Lots 19 and 20 that straddles the common property line. The house was constructed circa 1904.
6. The proposed Plat Amendment creates one (1) lot of record from portions of three (3) lots consisting of a total of 3,553 square feet.

7. The maximum building footprint for a lot this size is 1,455 square feet.
8. A single-family dwelling is an allowed use in the Historic Residential-1 District.
9. The minimum lot area for a single-family dwelling is 1,875 square feet.
10. The proposed lot meets the minimum lot area for a single-family dwelling.
11. A duplex dwelling is a conditional use in the Historic Residential-1 District.
12. The minimum lot area for a duplex dwelling is 3,750 square feet.
13. The proposed lot does not meet the minimum lot area for a duplex dwelling.
14. The minimum lot width allowed in the Historic Residential-1 District is twenty-five feet (25'). The proposed lot is 31.96 feet wide and meets the minimum lot width requirement.
15. The existing historic house has a zero side yard setback on the north property line. This is a legal non-complying condition because the house is historic and this portion of the house was added on circa mid- 1940s. Existing house complies with the south side yard setback.
16. The submitted certified as-built survey shows a tiered historic low rubble stone wall (no foundation, just piled stones) buried in heavy vegetation encroaching a minimum 3"-4" onto subject property from the property to the west for approximately five feet (5') along the rear property line.
17. An historic rubble pile of rocks is also located between the subject property and property to the north. It is about 18" high and does not have a foundation. The pile of rocks retains the ground between the two houses. This encroachment is historic and minimum in nature.
18. A railroad tie retaining wall is located on the property line between the subject property and adjacent property to the north. The railroad tie wall encroaches from the property to the north onto subject property a minimum 1"-2" for about five feet (5') in one area and encroaches approximately 15" onto subject property at another location to the east.
19. The applicant bears the burden of proper approvals for the railroad wall that encroaches 15", which may include providing an encroachment agreement for the neighbor, or the retaining walls may be relocated or removed to be completely on each separate property.
20. The property is located within the Flood Plain area identified on the FEMA maps.
21. The property is located within the Park City Soils Ordinance boundary.
22. Establishment of a sewer easement and upgraded sewer laterals are required for this property.
23. According to the title report and existing conditions survey, the road, "Sandridge Avenue", is not part of the proposed plat. To ensure that access to 228 Sandridge is not impeded by this proposed plat Staff recommends a condition of approval that prior to recordation of the plat the property owner will verify that the driveway access to 228 Sandridge Avenue is not impeded and if the driveway is located on a portion of 222 Sandridge Avenue then an access easement will be required to be provided for the benefit of 228 Sandridge Avenue.
24. 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 plat amendments.
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 the final signed mylar has not been presented to the City for City signatures for recordation 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 of July 30, 2016, and an extension is granted by the City Council.
3. All new construction shall comply with LMC setback regulations in effect at the time of building permit issuance.
4. A ten feet (10') wide public snow storage easement will be required along the Sandridge Avenue frontage of the property and shall be shown on the plat prior to recordation.
5. 13-D sprinklers are required for any new construction or significant renovation of existing.
6. The encroaching railroad tie retaining wall on the north property line shall be resolved prior to plat recordation.
7. An elevation certificate, showing that the lowest occupied floor is at or above the Base Flood Elevation (BFE), shall be submitted prior to issuance of a building permit and reviewed by the City Engineer.
8. All requirements of the Park City Soils Ordinance shall be complied with as part of the building permit process for any future construction on this property.
9. All requirements of the Snyderville Basin Water Reclamation District shall be satisfied prior to recordation of the plat.
10. Prior to plat recordation the property owner shall verify that the driveway for 228 Sandridge is not located on subject property (222 Sandridge) and if it is located on 222 Sandridge or a portion thereof, an access easement shall be provided for the benefit 228 Sandridge Avenue.

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

PASSED AND ADOPTED this 30th day of July, 2015.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

Marci Heil, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Exhibit A- Proposed plat

PARK CITY SURVEY, BLOCK 72,
PORTIONS OF LOTS 19, 20 & 21

(222 SANDRIDGE AVENUE)

PROJECT INTENT

✓ The property at 222 Sandridge Avenue includes eastern portions of Lots 19, 20 and 21, Block 72, Park City Survey. An existing residence straddles the lot line common to Lots 19 and 20 as originally platted. In addition, there is a small portion of Lot 21 at the southwesterly corner of the property. The owner desires to unify the property into one lot of record by removing the existing lot lines, with the ultimate goal of renovating the existing residence.

MAY 12 2015



222 Sandridge Avenue looking West



222 Sandridge Avenue looking Northwest

VED
MAY 12 2015
SINK CITY
PLANNING COMMISSION



222 Sandridge Avenue looking North



222 Sandridge Avenue looking East

EXHIBIT C

SURVEYOR'S CERTIFICATE

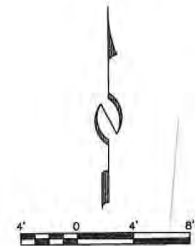
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4938739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described herein. I further certify 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: Fire hydrant top nut
Elevation=7154.97
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 March 12, 2015.
4. Property corners were found.

LINE	BEARING	DISTANCE
L1	N 02°28'41" W	1.18
L2	S 08°30'47" E	1.55
L3	S 28°26'10" W	3.85
L4	S 24°45'12" W	4.43
L5	S 38°53'00" W	2.78
L6	N 13°34'00" W	2.08
L7	N 04°12'34" W	2.69

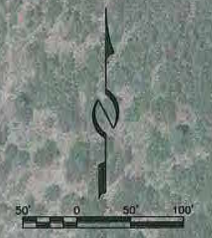



MAY 12 2015

<p>(435) 648-8447 CORPORATE ENGINEERS LAND PLANNERS SURVEYORS 222 West Street, 2nd Floor, Salt Lake City, Utah 84102-2001</p>	<p>STAFF: MARSHALL KING MARTY MORRISON JEFF KITCHEN</p>	<p>EXISTING CONDITIONS & TOPOGRAPHIC MAP 222 SANDRIDGE PARK CITY SURVEY</p>	<p>SHEET 1 OF 1</p>
	<p>FOR: WASATCH MOUNTAIN BUILDERS JOB NO.: 7-1-15 FILE: X:\ParkCitySurvey\dwg\mrt\topo2015\070115.dwg</p>	<p>DATE: 4/21/15</p>	

EXHIBIT D

SUBJECT
PROPERTY



 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 222 Main Street P.O. Box 2884 Park City, Utah 84060-2884</small>	<small>(435) 644-4147</small> STAFF: MARSHALL KING HARRISON HOLLEY	AERIAL PHOTOGRAPH 222 SANDRIDGE AVENUE	SHEET 1 of 1 MAY 11 2015
	DATE: 3/31/15	FOR: WASATCH MOUNTAIN BUILDERS JOB NO.: 7-1-15 FILE: X:\ParkCitySurvey\dwg\Exhibit\222 sandridge-photo.dwg	

HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

1 IDENTIFICATIONName of Property: **Matilda M. Stromberg House**

Address: 222 Sandridge Road

AKA:

City, County: Park City, Summit County, Utah

Tax Number: PC-600

Current Owner Name: Virginia Jaramillo

Parent Parcel(s):

Current Owner Address: 1812 Forane Street, Barstow, CA 92311

Legal Description (include acreage): 0.07 acres; PARK CITY BLOCK 72 (MILLSITE RES) BLOCK: 72 PLAT: B BUILDING: 0.00FRAME DWELLING HOUSE ON SAND RIDGE E'LY FROM GRANT AVE; ALSO DESC AS BEG AT AN EXISTING FENCE COR THAT IS DUE E 294.47 FT; DUE S 142.16 FT FROM NE COR LOT 16 BLK 12 PARK CITY; TH N 77*50'30" E ALONG FENCE 25.22 FT; TH N 4* W 1.25 FT N 86* E BETWEEN 2 HOUSES 41 FT TO W'LY SD EXISTING RD; TH S 28* E ALONG SD RD 36 FT TO THE EXTENSION OF NW'LY SIDE OF A 3 FT WOODEN STAIRWAY; TH S 53* W ALONG SD STAIRWAY 63 FT TO AN ANGLE POINT; TH CONTINUING ALONG SD STAIRWAY S 39*03' W 26.03 FT TO A PT OF FENCE LINE EXTENDED; TH N 11* W ALONG EXT OF FENCE LINE 82.0 FT TO BEG

2 STATUS/USEProperty Category

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

Evaluation*

- Landmark Site
 Significant Site
 Not Historic

Reconstruction

- Date:
 Permit #:
 Full Partial

Use

- Original Use: Residential
 Current Use: Residential

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

3 DOCUMENTATIONPhotos: Dates

- tax photo:
 prints: 1983, 1995 & 2006
 historic: c.

Drawings and Plans

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

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

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

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

Blaes, Dina & Beatrice Lufkin. "Final Report." Park City Historic Building Inventory. Salt Lake City: 2007.

Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah: University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.

McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.

Roberts, Allen. "Final Report." Park City Reconnaissance Level Survey. Salt Lake City: 1995.

Roper, Roger & Deborah Randall. "Residences of Mining Boom Era, Park City - Thematic Nomination." National Register of Historic Places Inventory, Nomination Form. 1984.

Researcher/Organization: Dina Blaes/Park City Municipal Corporation

Date: November, 08

4 ARCHITECTURAL DESCRIPTION & INTEGRITY

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

No. Stories: 1

Additions: none minor major (describe below) Alterations: none minor major (describe below)Number of associated outbuildings and/or structures: accessory building(s), # 1; structure(s), # _____.

General Condition of Exterior Materials:

 Good (Well maintained with no serious problems apparent.) Fair (Some problems are apparent. Describe the problems.): Poor (Major problems are apparent and constitute an imminent threat. Describe the problems.): Uninhabitable/Ruin**Materials** (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Site: House is perched on ridge, facing west toward town.

Foundation: 1949, 1958 & 1968 tax cards indicate no foundation, not verified.

Walls: Wood drop siding and asbestos shingles.

Roof: Cross-wing form sheathed in shingles.

Windows/Doors: Narrow double-hung sash type.

Essential Historical Form: Retains Does Not Retain, due to:Location: Original Location Moved (date _____) Original Location:**Design** (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): The one-story frame T/L cottage by addition is largely unchanged from the description provided in the 1983 National Register nomination (see Structure/Site Form, 1983).**Setting** (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The house is perched on the ridge with the primary façade facing west toward Main Street. The setting has not significantly change, though a paved parking area has been added to the east rear yard. A small accessory building, in poor condition, sits just east of the rear lean-to addition. The accessory building is visible in the tax photo (weathered exterior materials suggesting it is not newly constructed in c. 1940), is noted in the 1949 tax photo, but is not seen on the 1907 Sanborn Insurance map.**Workmanship** (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): The physical evidence from the period that defines this as a typical Park City mining era house are the simple methods of construction, the use of non-beveled (drop-novelty) wood siding, the plan type, the simple roof form, the informal landscaping, the restrained ornamentation, and the plain finishes. The asbestos siding on the east façade diminishes the workmanship of the historic era.**Feeling** (Describe the property's historic character.): The physical elements of the site, in combination, convey a sense of life in a western mining town of the late nineteenth and early twentieth centuries.**Association** (Describe the link between the important historic era or person and the property.): The "T" or "L" cottage (also known as a "cross-wing") is one of the earliest and one of the three most common house types built in Park City during the mining era.This site was nominated to the National Register of Historic Places in 1984 as part of the *Park City Mining Boom Era Residences Thematic District*, but was not listed because of the owner's objection. It was built within the historic period, defined as 1872 to 1929 in the district nomination. The site retains its historic integrity and would be

considered eligible for the National Register as part of an updated or amended nomination. As a result, it meets the criteria set forth in LMC Chapter 15-11 for designation as a Landmark Site.

5 SIGNIFICANCE

Architect: Not Known Known: (source:)

Date of Construction: c. 1904¹

Builder: Not Known Known: (source:)

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

1. Historic Era:

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

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

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

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

6 PHOTOS

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

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

Photo No. 2: South elevation - partial. Camera facing north, 2006.

Photo No. 3: Southwest oblique. Camera facing northeast, 2006.

Photo No. 4: Accessory building. Camera facing southeast, 2006.

Photo No. 5: South elevation - partial. Camera facing north, 1995.

Photo No. 6: West elevation (primary façade). Camera facing east, 1983.

Photo No. 7: East elevation. Camera facing west, tax photo.

¹ Summit County Tax Assessor.

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

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

Owner's Name _____
 Owner's Address _____
 Location _____
 Kind of Building RES. Street No. _____
 Schedule 1 Class 3 Type 1-2-3-4 Cost \$ 1391 X 1.06 %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Actual Factor	Totals
1	x x		688	\$	\$ 1474
	x x2	LEANING	88	\$.80	\$ 70
	x x			\$	\$

No. of Rooms 5 Condition FAIR 1544

Description of Building	Add	Deduct
Foundation—Stone Conc. None <input checked="" type="checkbox"/>		112
Ext. Walls <u>ASBESTOS SHG</u>		
Insulated—Floors Walls Clgs.		
Roof—Type <u>GAB.</u> Mat. <u>PAT SHG</u>		
Dormers—Small Med. Lg.		
Bays—Small <u>FALSE</u> Med. Lg.	18	
Porches—Front <u>176 @ .80</u>	140	
Rear @		
Cellar—Basin't— $\frac{1}{4}$ $\frac{1}{2}$ $\frac{3}{4}$ full-floor <u>DIRT</u>		
Basement Apts.—Rooms Fin.		
Attic Rooms Fin. Unfin.		
Plumbing— Class <u>1</u> Tub <u>1</u> Trays <u>1</u> Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u> Urns <u>1</u> Ftns. <u>1</u> Shr. <u>1</u> Dishwasher <u>1</u> Garbage Disp. <u>1</u>	315	
Heat—Stove <u>1</u> H. A. <u>1</u> Steam <u>1</u> S. <u>1</u> Blr. <u>1</u> Oil <u>1</u> Gas <u>1</u> Coal <u>1</u>		
Air Conditioned Incinerators		
Radiant—Pipeless		
Finish— Hd. Wd. <u>1</u> Floors <u>1</u> Hd. Wd. <u>1</u> Fir. <u>1</u> Conc. <u>1</u>		
Cabinets Mantels		
Tile— Walls <u>1</u> Wainscot. <u>1</u> Floors <u>1</u>		
Lighting—Lamp <u>1</u> Drops <u>1</u> Fix. <u>1</u>		
<u>HOOD LINED.</u>		125

Total Additions and Deductions 473 237 1544
 Net Additions or Deductions 237 \$ + 236

Age 45 Yrs. by Est. Owner
 Tenant
 Neighbors
 Records
 REPRODUCTION VALUE \$ 1980
 Depr. 1-2-3-4-5-6 58/42 % \$ 747
 Reproduction Val. Minus Depr. \$ 747

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

Remarks AT AGE ON OLD CARD 37 YRS. (1941) Total Building Value \$ _____

Location Block 72 E. Pt of Lot 20.
 Kind of Bldg. RES St. No. 222 Sand Ridge
 Class 3 Type 1 2 3 4. Cost \$ 1435 X 100 %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Factor	Totals
1	x x		688		\$ 1435
	x x				
	x x				

Gar.—Carport x Flr. Walls Cl.

Description of Buildings	Additions	
Foundation—Stone <u>Conc.</u> None <input checked="" type="checkbox"/>		
Ext. Walls <u>Asph/Flt Siding</u>		
Insulation—Floors <u>Walls</u> Clgs. <u></u>		
Roof Type <u>Gable</u> Mtl. <u>Flt</u>		
Dormers—Small <u>Med.</u> Large <u></u>		
Bays—Small <u>Med.</u> Large <u></u>		
Porches—Front <u>176 @ 100</u>	176	
Rear <u>4x10 48 @ 80</u>	32	
Porch <u>4x12 48 @ 80</u>	38	
Metal Awnings <u>Mtl. Rail</u>		
Basement Entr. <u>@</u>		
Planters <u>@</u>		
Cellar Bsmt. — 1/4 1/2 3/4 Full <u>Flr</u>		
Bsmt. Apt. <u>Rooms Fin.</u> Unfin. <u></u>		
Attic Rooms Fin. <u>Unfin.</u>		
Plumbing {	350	
		Class <u>1</u> Tab <u>1</u> Trays <u></u>
		Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u>
		Wtr. Sfr. <u>Shr. St.</u> O.T. <u></u>
Dishwasher <u>Garbage Disp.</u>		
Built-in-Appliances <u></u>		
Heat—Stove <input checked="" type="checkbox"/> H.A. <input checked="" type="checkbox"/> Steam <u>Stkr.</u> Blr. <u></u>		
Oil <input checked="" type="checkbox"/> Gas <input checked="" type="checkbox"/> Coal <u>Pipeless</u> Radiant <u></u>		
Air Cond. <u></u>		
Finish—Fir <input checked="" type="checkbox"/> Hd. Wd. <u></u>		
Floor—Fir <input checked="" type="checkbox"/> Hd. Wd. <u>Other</u>		
Cabinets <u>Mantels</u>		
Tile—Walls <u>Wainseot</u> Floors <u></u>		
Storm Sash—Wood D. <u>S.</u> ; Metal D. <u>S.</u>		

Total Additions		596	596
Year Built <u>Avg Age 1949-49</u>	Avg. <u>54</u>	Current Value	\$ 2031
Inf. by <u>Owner - Tenant - Neighbor - Record - Est.</u>	Age	Commission Adj. %	
Remodel Year	Est. Cost	Bldg. Value	
Garage—Class <u>Depr. 2% 3%</u>	Carport—Factor	Depr. Col. (1 2 3 4 5 6) <u>33</u> %	
Cars <u>Floor</u> Walls <u>Roof</u> Doors <u></u>		Current Value Minus Depr.	\$ 1670
Size—x Age <u>Cost</u> x %			
Other			
Total Building Value			\$

91 600
Serial Number

OF
Card Number

Owners Name _____
 Location Blk 72 EPT of lot 20
 Kind of Bldg. Res St. No. 222 Sand Ridge
 Class 2 Type 1 2 3 ④ Cost \$ _____ X 100 %

Stories	Dimensions	Sq. Ft.	Factor	Totals	Totals
1	x x	724		\$ 2352	\$
	x x				
	x x				

Att. Gar.—C.P. _____ x _____ Flr. _____ Walls _____ Cl. _____

Description of Buildings	Additions	Additions
Foundation—Stone _____ Conc. _____ Sills <input checked="" type="checkbox"/>		
Ext. Walls <u>sld</u> (A)		
Roof Type <u>gab</u> Mtl. <u>Put</u>		
Dormers—Small _____ Med. _____ Large _____		
Bays—Small _____ Med _____ Large _____		
Porches—Front <u>186 @ 100</u>	<u>186</u>	
Rear <u>40 @ 100</u>	<u>40</u>	
Porch <u>56 @ 100</u>	<u>56</u>	
Planters _____ @ _____		
Ext. Base. Entry _____ @ _____		
Cellar-Bsmt. — 1/4 1/8 1/2 3/4 Full _____ Floor <u>cell</u>	<u>40</u>	
Bsmt. Gar. _____		
Basement-Apt. _____ Rms. _____ Fin. Rms. _____		
Attic Rooms Fin. _____ Unfin. _____		
Plumbing {	Class <u>1</u> Tub. <u>1</u> Trays _____	
	Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u>	
	Wtr. Sfr. _____ Shr. St. _____ O.T. _____	
	Dishwasher _____ Garbage Disp. _____	<u>550</u>
Heat—Stove _____ H.A. _____ FA <u>X</u> HW _____ Stkr _____ Elec. _____		
Oil _____ Gas <u>X</u> Coal _____ Pipeless _____ Radiant _____	<u>323</u>	
Air Cond. — Full _____ Zone _____		
Finish—Fir. <u>✓</u> Hd. Wd. _____ Panel _____		
Floor—Fir. <u>✓</u> Hd. Wd. _____ Other _____		
Cabinets <u>1</u> Mantels _____		
Tile—Walls _____ Wainscot _____ Floors _____		
Storm Sash—Wood D. _____ S. _____; Metal D. _____ S. _____		
Awnings — Metal _____ Fiberglass _____		

Total Additions		<u>1185</u>
Year Built <u>1904</u>	Avg. <u>1911</u>	Replacement Cost <u>3537</u>
<u>1964</u>	Age <u>2</u>	Obsolescence
Inf. by <u>Owner</u> Tenant -		Adj. Bld. Value
<u>Neighbor - Record - Est.</u>		Conv. Factor <u>x.47</u>
Replacement Cost—1940 Base		
Depreciation Column <u>1</u> 2 3 4 5 6		
1940 Base Cost, Less Depreciation		
Total Value from reverse side		
Total Building Value		\$



Property Type:

Historic Preservation Research Office

Structure/Site Information Form

IDENTIFICATION 1

Street Address: 222 Sandridge
Name of Structure: Matilda M. Stromberg House
Present Owner: Trinidad Jaramillo
Owner Address: P.O. Box 433, Park City, Utah 84060

UTM: 12 458320 4498880
T. R. S.

Year Built (Tax Record): Effective Age: Tax#: PC 600
Legal Description: Kind of Building:
Begin at an east fence corner that is due East 294.47 feet and due South 142.16 feet from northeast corner Lot 16 Block 72, Park City, thence North 77 degrees 30 minutes East along fence 25.22 feet; thence North 4 degrees West 1.25 feet North 80 degrees East between 2 houses 41.0 feet to Westerly side existing road to Northwestern side of a 3 foot wooden stairway, thence South 53 degrees West along said stairway 63 feet to an angle point; thence continue along said (see cont. sheet)

STATUS/USE 2

Original Owner: Unknown Construction Date: c. 1885 Demolition Date:
Original Use: Residence Present Use:
Building Condition: Integrity: Preliminary Evaluation: Final Register Status:
[] Excellent [] Site [] Unaltered [x] Significant [] Not of the [] National Landmark [] District
[x] Good [] Ruins [x] Minor Alterations [] Contributory [] Historic Period [] National Register [] Multi-Resource
[] Deteriorated [] Major Alterations [] Not Contributory [] State Register [] Thematic

DOCUMENTATION 3

Photography: Date of Slides: 1983 Slide No.: Date of Photographs: 1983 Photo No.:
Views: [] Front [] Side [] Rear [] Other Views: [] Front [] Side [] Rear [] Other

Research Sources:
[x] Abstract of Title [x] Sanborn Maps [] Newspapers [] U of U Library
[x] Plat Records/Map [] City Directories [] Utah State Historical Society [] BYU Library
[x] Tax Card & Photo [] Biographical Encyclopedias [] Personal Interviews [] USU Library
[] Building Permit [x] Obituary Index [] LDS Church Archives [] SLC Library
[] Sewer Permit [x] County & City Histories [] LDS Genealogical Society [x] Other Census Records

Bibliographical References (books, articles, records, interviews, old photographs and maps, etc.):

Architect/Builder: Unknown

Building Materials: Wood

Building Type/Style: T/L Cottage by Addition

Description of physical appearance & significant architectural features:
(Include additions, alterations, ancillary structures, and landscaping if applicable)

This house is a one story T/L cottage with a gable roof. It is a T/L cottage by addition. A cross-wing was added to an existing hall and parlor house to form a T/L cottage. This was a common and acceptable method of expanding and at the same time updating a small house in Park City. The older folk type, the hall and parlor house, was effectively changed to resemble the popular T/L cottage. On the 1889 Sanborn Insurance Map, the building shows up as a hall and parlor house. By 1900 a cross-wing had been added to the north side of the building. The bump in the roof line where the two sections were joined visually confirms that a change was made. Unlike most T/L cottages by addition, which reflect the traditional hall and parlor arrangement of openings on the stem-wing, this house, instead of having a door between two windows, has the door at one end of the stem-wing flanked by two windows. A porch with square piers and a straight post balustrade spans the facade and wraps around the south end of the building. It terminates at a shed extension that was added to the southeast corner of the building. This type of extension was common in Park City and usually provided space for a wood or coal shed. There is also a small shed extension on the north side of the building. In-period additions are part of Park City's architectural vocabulary. Although in many cases an addition represents a major alteration
(See continuation sheet)

Statement of Historical Significance:

Construction Date: c. 1885

Built c. 1885, the Matilda M. Stromberg House at 222 Sandridge is architecturally significant as one of about 34 extant T/L cottages by addition in Park City, 11 of which are included in this nomination. The T/L cottage was one of three popular Park City house forms that was built in the late nineteenth century. T/L cottages by addition make up 9% of the total number of in-period buildings in Park City, and represent 30% of the total number of houses with T/L plans. The T/L cottage resulted from the addition of a cross-wing to an existing hall and parlor house, and is significant because it documents the most common major method of expanding a small mining town cottage.

The original hall and parlor section of this house was built by at least 1889, according to the Sanborn Insurance Maps, but the exact date of its construction and the name of its original owner are unknown. The earliest owner associated with this house was Matilda M. Stromberg, who, in 1917, sold it to Victor and Rosina Sandstrom. It is not known when Mrs. Stromberg bought this house or whether she lived there or rented it out. Nothing is known about her except that her last name was formerly Leahy.

Victor and Rosina Sandstrom owned the house from 1917 until 1938, when they sold it to Oscar H. and Jennie S. Lowe. In 1945, Trinidad Jaramillo, the current owner, and her husband, Louis, bought the house.

222 Sandridge

Description continued:

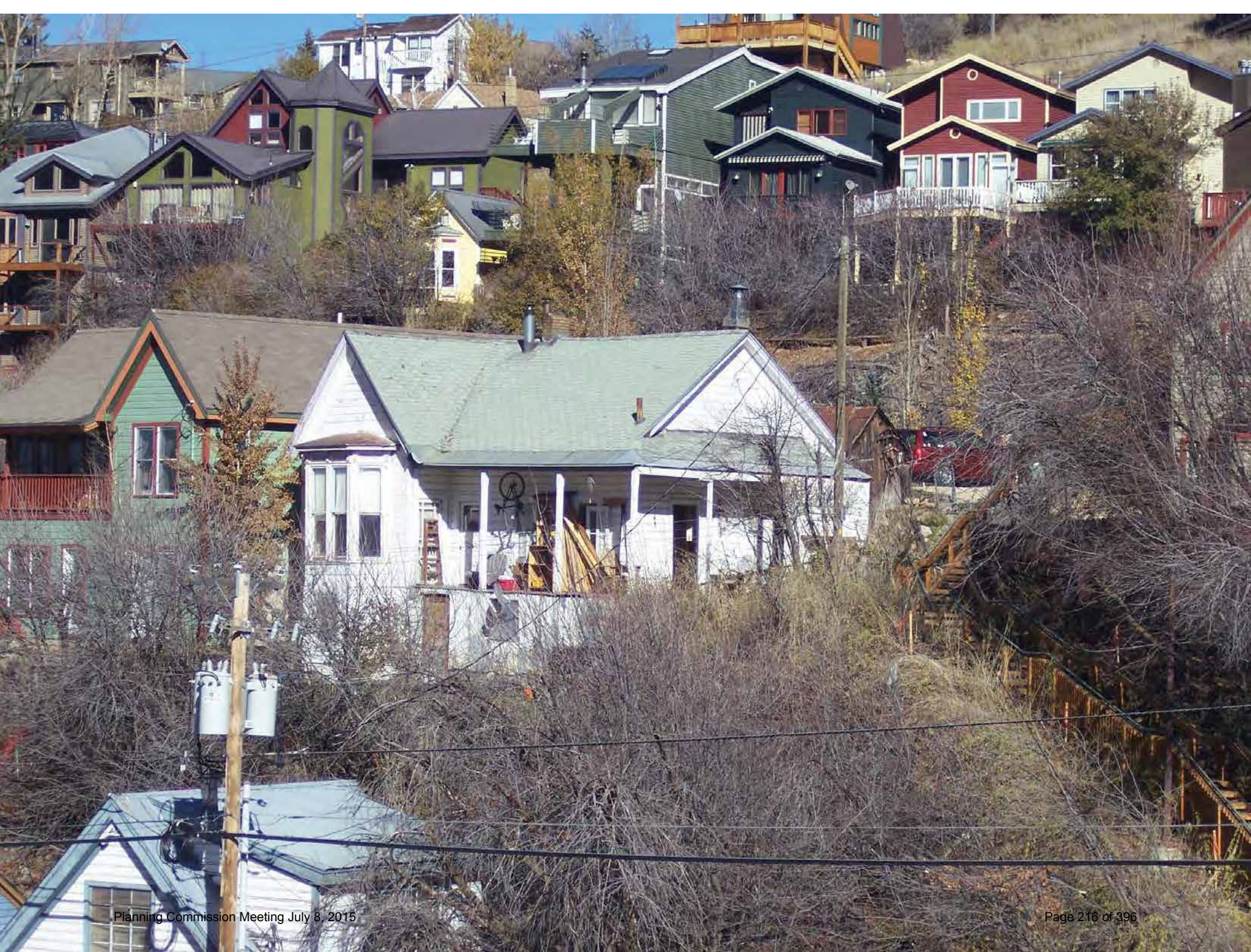
of the original house, it usually contributes to the significance of a house because it documents the most common and acceptable method of expansion of the small Park City house. There was a door in the south end of the building which was shifted west, probably reflecting an internal change. An elaborate Italianate bay is attached to the front of the cross-wing. It has a hip roof, brackets under the eaves, a single one over one double hung sash window on each side and two windows across the front. A window below the crosswing and one under the porch indicate that the house has a basement. It is unknown whether the basement is original or is a later addition. It, however, does not affect the original character of the building. The rear of the house is sided with board and batten siding. The house no longer maintains its integrity as a hall and parlor house. It does maintain its integrity as a T/L cottage, a form it had achieved by 1900. The changes that have been made are minor and do not affect the building's original integrity.

Legal Description continued:

stairway South 39 degrees 03 minutes West 26.03 feet to a point of fence line extended, thence North 11 degrees West along ext. of fence line 82.0 feet to beginning.

Less than one acre.







Looking north from Sandridge Avenue

EXHIBIT G



Looking South from Sandridge Avenue





Looking East from Swede Alley



Rubble wall between
222 and 228 Sandridge

