

**PARK CITY MUNICIPAL CORPORATION
 PLANNING COMMISSION
 CITY COUNCIL CHAMBERS
 October 28, 2015**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF October 14, 2015

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

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

<i>Consideration of an ordinance amending the Land Management Code Section 15, Chapter 11 and all historic zones to expand the historic sites inventory and require review by the Historic Preservation Board of any demolition permit in a historic district and associated definitions in Chapter 15-15.</i>	PL-15-02895 49
<i>Public hearing and continued to November 11, 2015</i>	<i>Planning Director Erickson</i>

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

<i>Land Management Code Amendment regarding Nightly Rentals use in the HR-L Chapter 2.1 and Definitions Chapter 15.</i>	PL-15-02817 51
<i>Public hearing and possible recommendation to City Council on November 5, 2015</i>	<i>Planner Astorga</i>

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-14-02451 71
<i>Public hearing and possible action</i>	<i>PL-15-02471 Planner Astorga</i>

327 Woodside Avenue Steep Slope Conditional Use Permit for an addition and Conditional Use Permit for an Accessory Apartment in the HR-1 District.	PL-15-02861 149
<i>Public hearing and possible action</i>	<i>PL-15-02862 Planner Astorga</i>

900 Round Valley Drive-Pre-Master Planned Development review for proposed amendments to the IHC Master Planned Development	PL-15-02695 183
<i>Public hearing and possible action regarding compliance with the Park City General Plan to allow submittal of the full MPD Amendment application.</i>	<i>Planner Whetstone</i>

ADJOURN

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

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

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

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Director, Bruce Erickson; Kirsten Whetstone, Planner; Francisco Astorga, Planner; John Boehm, Planner; Polly Samuels McLean, Assistant City Attorney

REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

September 23, 2015

Commissioner Worel referred to page 6 of the Staff report, page 4 of the Minutes, first sentence and changed upper dining to correctly read **outdoor dining**. Commissioner Worel referred to page 10 of the Staff report, page 8 of the Minutes, last sentence and added an "s" to the end of building. The sentence should correctly read, "There were just a few buildings that they were looking at."

MOTION: Commissioner Joyce moved to APPROVE the minutes of September 23, 2015 as amended. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

It was noted that Commissioners Strachan, Joyce and Worel had attended the City Council meeting when the Alice Claim applications were discussed. Commissioner Joyce provided an update. He noted that the City Council looked at two issues regarding the Alice Claim.

The first was a discussion on the negative recommendation that was forwarded from the Planning Commission. The second was to look at the "Gully Plan", which was a new plan that looked very similar to what the Planning Commission had asked for in terms of moving structures off the hill, more compact, and smaller houses. Commission Joyce reported that the applicants had asked the City Council to process the plan without remanding it back to the Planning Commission. The City Council declined that request and ultimately remanded it back to the Planning Commission. Commission Joyce noted that since it was only a work session the applicant still had the opportunity to present their original plan to the City Council for review and a decision on the negative recommendation. He believed the City Council strongly advised the applicant to put the Gully Plan back into the process and begin with the Planning Commission. From a procedural standpoint, Commissioner Joyce was pleased that the City Council strongly supported the work that the Planning Commission had done on this project and directed the applicant to come back to the Planning Commission.

Commissioner Worel recalled that when Vail came forward with the Gondola and the Snow Hut project for approval, a condition of approval was that the historic sites inventory would be completed by October 1st. Planning Director Erickson stated that Vail had submitted the inventory on time, as well as a draft of the plan they were required to submit for financing future projects. The City had also received the financial commitment that would be dedicated to the first historic site preservation. Director Erickson noted that the Staff was currently conducting a review of the inventory. The Planning Commission would be updated as soon as the review is completed and Vail has the opportunity look at their comments.

Director Erickson reported that Diane Foster and the Summit County Manager have talked about bringing in a consultant to learn about consensus building. Some members from the City Council and the County Council plan to attend. It is a three-day intensive training. The date is yet to be determined, but sometime late winter. Director Erickson encouraged anyone from the Planning Commission to attend if they were interested. He would forward the information to the Commissioners but they should not feel pressured or obligated to attend because it is an extensive time commitment.

Director Erickson introduced Ann Laurent, Park City's new Community Development Director. He noted that Ms. Laurent has an extraordinary background and he was excited to be working with her.

Ann Laurent stated that she comes to Park City from Los Alamos, New Mexico but she grew up in Scottsdale, Arizona. She went back East for college and after meeting her husband they lived in the Midwest before moving to Los Alamos. She has two middle school children. Ms. Laurent stated that she loves this line of work and she was looking

forward to her new position in Park City. She enjoys working with the Staff and all of the challenges they encounter are very familiar. Ms. Laurent was anxious to work with the Planning Commission as they move forward on many good issues.

The Commissioners welcomed Ms. Laurent.

Director Erickson noted that typically the Planning Commission has one meeting in December and November because of the Thanksgiving and Christmas holidays. However, because there are important ordinances coming forward that need to be completed on time in addition to LMC changes, he asked if the Planning Commission would consider a second meeting in November and possibly December to get everything accomplished before the end of the year.

The Commissioners and Staff discussed potential meeting dates and tentatively set Tuesday, November 17th for the second meeting in November. How much they accomplish in November would determine whether or not a second meeting might be necessary in December.

Commissioner Joyce recalled only having one meeting in January because of Sundance, he and asked if the Staff could look at scheduling a second meeting for that month as well. Director Erickson noted that several Staff members focus all of their time in January on Sundance permits and enforcement. Finding time to prepare for a meeting could be difficult; however they would look into it. Commissioner Joyce suggested that they could turn the second meeting in January into a work session to discuss some of the issues if the Staff is not available.

Planner Astorga announced that Bruce Erickson was appointed as the Planning Director for Park City and was no longer an Interim Planning Director. The Planning Commission congratulated Mr. Erickson and welcomed him to his permanent position.

Planner Astorga announced that Planner John Boehm was leaving the Planning Department next month to move to Australia. He will be missed. The Commissioners congratulated Planner Boehm and wished him luck.

WORK SESSION

Discussion of the use of Consent Agendas

Director Erickson noted that the Planning Commission previously had questions regarding Consent Agenda. City Attorney Mark Harrington had briefly touched on Consent Agendas

during a previous meeting; however, because it was brief they decided to schedule a work session for a more in-depth explanation and discussion.

Director Erickson introduced Nicole Cottle, the West Valley City Community Development Director. Ms. Cottle was under contract with Park City to help with some of the more complicated project approvals. Mr. Erickson stated that Ms. Cottle was experienced in handling Consent Agenda items and she was in attendance this evening to talk to the Planning Commission. Assistant City Attorney McLean also had some knowledge and was prepared to answer questions.

Assistant City Attorney McLean explained that the Planning Director sets the agenda. The Planning Commission can also provide input for the agenda. She understood from the minutes that City Attorney Mark Harrington was trying to explain that there have been legal issues with items that were on Consent. The Legal Department has concerns about plat amendment because per the Code, plat amendments require a public hearing and putting it on the Consent Agenda exposes the City legally. Even though the City makes it easy for the public to comment, it creates a difficult situation. She believed Ms. Cottle would speak to that issue and plat amendments are handled in West Valley City. Ms. McLean stated that if the goal of the Planning Commission was to expedite moving through a list of plat amendments, they could find other ways to expedite the process without being on a Consent Agenda.

Nicole Cottle stated that when she contracted with Park City she was asked to help look at the processes and procedures of the City to make sure everything was in proper order so the City could be “King Kong”. Ms. Cottle explained that she uses the term “King Kong” because whatever policy direction is set by the Planning Commission and City Council on any issue, those decisions need to be as defensible as possible.

Ms. Cottle stated that they started to look through all of the processes and procedures, not just Consent Agendas. As they started to look at the Consent Agenda in detail they started to discuss what could be done to make those types of decision bulletproof. They talked about the specific issue of putting public hearing required items on a Consent Agenda. Ms. Cottle stated that when the City is challenged on a decision, the easiest thing for the opposing lawyer to do it to challenge on procedure. If the City has not followed the procedure exactly, it is easy for a lawyer make a case or for a judge to make a decision without hearing the facts. Ms. Cottle remarked that the Planning Commission could be completely correct in their assessment and followed every step to make their decision, but if they missed one procedural issue it is not defensible.

Ms. Cottle stated that in looking at this issue as a team, they decided to bring the Consent Agenda discussion to the Planning Commission this evening. Based on her understanding

and experience as a land use lawyer for 17 years, she has had a lot of opportunity to lose in court and to lose on procedure. For that reason she wants Park City and any other jurisdiction she works with to be “King Kong”. After their discussions the Staff decided that it was best to schedule public hearing items under the Regular Agenda and not on a Consent Agenda; and at the same time look at ways to expedite the process. Ms. Cottle personally recommended that any item requiring a public hearing should not be handled on a Consent Agenda.

Commissioner Band asked Ms. Cottle if she had personally seen a number of lawsuits resulting from Consent Agenda items, or whether it was something they were anticipating and trying to avoid. Ms. Cottle replied that she personally has never seen a Planning Commission or a City Council put an item on a Consent Agenda that required a public hearing. Therefore, the short answer to the question was no, she had not seen a specific case. However, she had not researched outside of Utah so there might be a case. Ms. Cottle reiterated that procedurally Consent Agendas leave them open to the potential argument.

Commissioner Band pointed out that the Chair always opens a public hearing and asks if anyone from the public has comments on any of the Consent Agenda items. If someone wishes to speak that particular item is pulled from the Consent Agenda. She felt that process already addressed the legal issue and Ms. Cottle’s concerns because the public is given the opportunity to speak on any of the items. Ms. Cottle explained that the first issue was that a lawyer would challenge an item that was put on the Consent Agenda because it is easy to challenge. The second issue is the fact that someone has to proactively say they want to speak on an item, which is more intimidating than just coming to the podium once the public hearing has been opened for a specific item. Ms. Cottle believed that placing Consent Agenda items on the Regular Agenda would only take two or three minutes longer than approving them all at once on a Consent Agenda.

Ms. Cottle emphasized that the intent is to make sure that the Planning Commission makes the strongest and most defensible decisions possible so there are no loose ends when the Staff has to defend their position.

Commissioner Band asked if would be more acceptable if the Chair read through the list of Consent Agenda items and opened a public hearing on each one separately. Ms. Cottle felt that approach might get them closer to the intent of the State law, but it may not change the general perception of handling each item individually.

Commissioner Joyce stated that the Planning Commission takes public input on everything on the agenda, regardless of the item or how small the matter. For that reason, nothing would ever be placed on a Consent Agenda without calling for a public hearing. If

someone was going to be “chilled” or intimidated by having to speak on a Consent Agenda item, that same logic could be said about publicly commenting on a Steep Slope CUP.

Assistant City Attorney McLean remarked that most times the Planning Commission opens a public hearing and closes the public hearing, and then re-opens the public hearing at the next meeting if the item was continued. She noted that if the Planning Commission takes public comment and sends the item back for more information, it is not necessary to open the public hearing again when the item comes back. Commissioner Joyce stated that on occasions when the Planning Commission has not opened a public hearing on a returning item, they were told that it was noticed for public hearing and they needed to take public input. Ms. McLean replied that noticing for public hearing is a habit and because the City wants people to participate. Commissioner Joyce clarified that he was not opposed to the process. He was responding to Ms. Cottle’s comment that some items require public hearing and others do not by pointing out that the Planning Commission takes public input on everything. They post for public hearings and they open up public hearings without exception.

Ms. McLean stated that under State Law and under the LMC, subdivisions and plat amendments require a public hearing. She noted that the Staff could come back with a list of items that require public hearings under State Code, and they could also change the LMC to address some of the conflicts. Ms. McLean noted that under State Code Conditional Use Permits do not require a public hearing. The LMC requires a public hearing for CUPs, but the Code also states that CUPs can be on the Consent Agenda.

Commissioner Joyce liked the current policy of allowing public input. If people care enough to attend a meeting, they should be given the opportunity to speak. He was not interested in changing that policy. Commissioner Joyce clarified that he was one who raised the idea of using a Consent Agenda because each item takes 10 to 15 minutes longer than just opening a public hearing on all Consent Agenda Items and only pulling off the ones that people have issues with. For example, if there were six Consent Agenda items and no one wanted to comment, those six items were approved in 30 seconds in a much more efficient process for both the Commissioners and the public.

Commissioner Joyce remarked that the Staff is very conservative about what goes on the Consent Agenda. If they receive any public input on an item or items that have been divisive or contentious in the past are not put on the Consent Agenda.

Commissioner Band was unclear as to why they started having a Consent Agenda and then changed. She agreed that if it causes the City legal issues there should not be a Consent Agenda; which is why she asked if there was a precedent for legal problems or if they were just trying to avoid it. In her opinion there is a significant difference between the

two. Commission Band believed they should not always been afraid to try something; particularly in this case where they call for public input on all Consent Agenda items. It gives the public the same opportunity that they would have with items on the Regular Agenda.

Commissioner Worel stated that the Consent Agenda came in towards the end of her term as Chair of the Planning Commission. She agreed with Commissioner Joyce that it was started because they had a number of applications at each meeting for something as simple as removing a lot line and there was never public input. It became tedious, which is why the Staff decided that a Consent Agenda was appropriate for these types of items.

Chair Strachan noted that the LMC specifically allows for a Consent Agenda in front of the Planning Commission. If an applicant submits an application for a plat amendment or an extension of time they have the right to request that it be placed on the Consent Agenda if it is uncontested. He questioned how they could tell an applicant they were not entitled to invoke that Code provision. Chair Strachan stated that unless that provision is removed from Code, it sends a mixed message to an applicant.

Assistant City Attorney McLean believed that was a deficiency in the Code. Currently there is no criteria for what goes on a Consent Agenda and the Staff makes that decision arbitrarily. That procedure opens them up to treating applications differently. Chair Strachan language read from LMC regarding Consent Agendas and he agreed that the language was very vague.

Director Erickson noted that State Law requires a public hearing on any plat action. The question before the legal team is whether or not those items can be bundled. The second question is whether or not the Planning Commission wants to see Conditional Uses as public input Consent Agenda items as opposed to public hearings items on the Regular Agenda. If their preference is Consent Agenda, the LMC would have to be revised to allow for that. Director Erickson believed that the neighbors would want to comment on a Steep Slope CUP application in the Historic District. However, the public might not be as interested in a CUP application in Park Meadows related to a green front yard. Director Erickson clarified that those were the types of policy issues they were facing. If they decide to bundle the plat amendments, the Staff needs to establish a clear set of guidelines so if it has to be defended in Court, they would have the answers and point to the criteria. Director Erickson pointed out that this was just a work session so those decisions could not be made this evening.

Chair Strachan believed there was consensus among the Planning Commission to keep the Consent Agenda as a time saving tool. However, it was clear that the Code needed to

be revised to add better criteria and clarification for when an item can be placed on the Consent Agenda.

Commissioner Thimm pointed out that the Planning Commission did not come up with the Consent Agenda. It has occurred in Park City and he assumed there was precedent for Consent Agendas in other jurisdictions. If they intended to look into it further, he suggested that they look into successful procedures that have allowed Consent Agendas so they can streamline the process. Commissioner Thimm remarked that there have been nights when the agenda has been full and the meeting has gone very late. In addition to the Commissioners and Staff staying late, the public is kept late as well. Commissioner Thimm agreed that everyone wanted their decisions to be bulletproof, and he would like to know if that could be successfully accomplished using the Consent Agenda.

Ms. Cottle stated that the Planning Commission had outlined the same direction that the Planning Department and the Legal Department were following. They were trying to clean up the ordinance and research successful paths to create a more streamlined process from start to finish.

CONTINUATIONS (Public Hearing and Continue to date specified.)

1. 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. (Application PL-14-02451) (Application PL-15-02471)

Planner Astorga reported that the agenda was updated to include this item for Continuation. He noted that the Staff typically does a one-page write-up for a continuation; however, they discovered the mistake too late to include the write-up in the Staff report. Fortunately, the mistake was caught early enough to amend the Agenda to avoid having to re-notice this item.

Planner Astorga noted that three people had made public comment and he would inform them that the CUPs were continued to the next meeting.

Director Erickson noted that the continuation date on the Agenda was October 14th. Planner Astorga clarified that the Agenda was incorrect and the correct date should be October 28th.

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

MOTION: Commissioner Worel moved to CONTINUE 550 Park Avenue - Steep Slope CUP for construction of a new single family dwelling, and CUP for a parking area with five or more spaces to October 28, 2015. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

- 1. 134 Main Street – 134 Main Street Plat Amendment- proposal to remove existing lot lines within the property to create one lot of record.**
(Application PL-15-02868)

Planner John Boehm reviewed the application for the 134 Main Street Plat Amendment. The owner of 134 Main Street was requesting a plat amendment for the purpose of combining lots 13, a portion of lot 14, and an unplatted metes and bounds parcel into one single lot of record on Main Street. The applicant was requesting the plat amendment in order to construct a new single family home on the site.

Planner Boehm stated that the property is currently vacant and has a historic home to the north and a non-historic home to the south. The applicant came to the Planning Department in March 2015 and met with the Staff during a Design Review Team meeting. During that meeting the Staff informed the applicant that a plat amendment would be required in order to meet the minimum lot size requirement for the HR-2 District. They also discussed several issues regarding compatibility with historic structures. The applicant is well aware of all the challenges they face if they proceed with construction, including parking, flood plain, soils, etc.

The Planning Staff found good cause for this plat amendment. Combining the lots would create a single Code compliant size lot from a substandard lot, a remnant lot and a metes and bounds parcel. The Staff recommended that the Planning Commission conduct a public and consider forward a positive recommendation for the 134 Main Street plat based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Marshall King, representing the applicant, was present to answer questions.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Phillips read from Finding #7 on page 20 of the Staff report. “The maximum footprint allowed for this lot would be 1,201 square feet.” Using the equation in the LMC to calculate footprint, he calculated a footprint of 876.3. Commissioner Phillips stated that per the LMC a 1,201 footprint was for a lot area of 2,813. He pointed out that this lot fell way below that lot area and was closer to a standard 25’ x 75’ Old Town lot of 1,875 square feet.

Planner Boehm stated that Commissioner Phillips was correct. The proposed plat amendment would create a single lot of close to 2,000 square feet. He apologized for the error.

Marshall King recalled a number similar to what Commissioner Phillips had calculated. Commissioner Phillips requested that his calculation of 876.3 be verified by the Staff.

Assistant City Attorney McLean recommended that the Planning Commission make the motion to amend Finding of Fact #7. The Staff can verify the math and if it is slightly different they would inform the City Council of the difference.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the 134 Main Street Plat Amendment in accordance with the Findings of Fact, Conclusion of Law and Conditions of Approval as amended with the revision to Finding #7 regarding the footprint calculation, and verification by Staff. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 134 Main Street

1. The plat is located at 134 Main Street within the Historic Residential (HR-2) District, Subzone-B.
2. The 134 Main Street Plat Amendment consists of Lots 13, a portion of Lot 14, and an un-platted metes and bounds parcel located in Block 20 of the Snyder’s Addition to the Park City Survey.
3. On August 6, 2015 the applicants submitted an application for a plat amendment to combine Lots 13, a portion of Lot 14, and an un-platted metes and bounds parcel, into one (1) lot of record containing a total of 1,956 square feet.
4. The application was deemed complete on August 10, 2015.

5. The HR-2 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.
6. The proposed plat amendment creates one (1) lot of record consisting of 1,956 square feet.
7. The maximum footprint allowed in the HR-2 zone is 876.3 square feet for the proposed lot based on the lot area of the lot.
8. The property is currently vacant.
9. Lot 13 does not currently meet the minimum lot size requirement for single-family homes in the HR-2 District
10. The remnant of lot 14 is undevelopable as it does not meet the minimum lot size or width for single-family homes in the HR-2 District.
11. The un-platted, metes and bounds parcel on the property is undevelopable as it does not meet the minimum lot size or width for single-family homes in the HR-2 District.
12. The lot is located in a FEMA Flood Zone A.

Conclusions of Law – 134 Main Street

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 – 134 Main Street

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. 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.

4. The City will require a 10 foot wide snow storage easement along the front of the property and a 10 foot wide stream and drainage meandering corridor easement along the rear of the property.

5. The applicant must meet all requirements for construction of structure in a FEMA Flood Zone A.

2. 1055 Norfolk Avenue – 812 Norfolk Plat Amendment – proposal to remove interior lot line to combine lots into one lot of record.
(Application PL-15-02877)

Planner Boehm reviewed the application for a plat amendment at 812 Norfolk Avenue to combine Lot 14 and a remnant portion of Lot 15 into a single lot of record located on Norfolk Avenue. The applicant was requesting this plat amendment in order to renovate the existing historic home located on the property. The existing historic home was built across the lot line in 1906 and the lot line needs to be removed before the applicant can renovate the historic structure. Planner Boehm noted that currently the existing historic home did not meet the side yard sets due to the fact that the property line runs through the middle of the house.

The Planning Staff found good cause for this plat amendment. Combining the lots would remove the existing lot line between the two lots and through the existing historic home. The plat will incorporate a remnant half lot into a platted lot and resolve the existing non-compliant setback issues. The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation for the 1055 Norfolk Avenue plat amendment based on the finding of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Marshall King, representing the applicant, was present to answer questions.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for 1055 Norfolk Avenue plat amendment proposal to remove an interior lot line. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1055 Norfolk Avenue

1. The plat is located at 1055 Norfolk Avenue within the Historic Residential (HR-1) District.
2. The 1055 Norfolk Avenue Plat Amendment consists of Lots 14 and the southerly ½ of 15 of Block 16 of the Snyder's Addition to the Park City Survey.
3. On August 6, 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 August 10, 2015.
5. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.
6. The proposed plat amendment creates one (1) lot of record consisting of 2,812.5 square feet.
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. There is an existing historic structure located at 1055 Norfolk Avenue.
9. The existing historic structure does not meet the current side yard setback requirement of three feet (3') along the current lot line between Lots 14 and 15.
10. The remnant of lot 15 is undevelopable as is twelve and a half feet in width (12.5')

which does not meet the minimum lot width in the HR-1 district of twenty-five feet (25').

11. The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lot.

Conclusions of Law – 1055 Norfolk Avenue

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

Conditions of Approval – 1055 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, 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. 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.
4. A ten foot (10') wide public snow storage easement is required along the frontage of the lot on Norfolk Avenue and shall be shown on the plat.

3. **812 Norfolk Avenue – 812 Norfolk Plat Amendment – proposal to remove interior lot line to combine lots into one lot of record (Application PL-15-02886)**

Planner Boehm handed out copies of public input he received earlier that day. He had also emailed it to the Commissioners when he received it that morning.

Planner Boehm reviewed the application for a plat amendment at 812 Norfolk to combine Lot 19 and a remnant portion of Lot 18 into one single lot of record on Norfolk Avenue. An existing non-historic single family home that sits on the site was built across the lot lines in 1972. The applicant intends to demolish the existing non-historic structure at 812 Norfolk and construct a new single family home on the combined lots.

The Planning Staff found good cause for this plat amendment. Combining the lots will remove the existing lot line between the two lots and through the existing non-historic home. The plat will incorporate a remnant one-half lot into a platted lot and resolve any existing non-compliant setback issues.

Regarding the public input that was received that morning, the Staff found that the dispute on the east property line was a civil matter. The Planning Department received a complete application for a plat amendment and the application meets all of the LMC requirements. It also includes a survey stamped by a license surveyor showing that the wall is within the property boundaries. The Staff must base their recommendation on that information.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation for the 812 Norfolk plat amendment based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance.

Commissioner Worel asked whether the civil matter should be addressed in a condition of approval. Assistant City Attorney McLean replied that it was a civil matter between the parties. The applicant bears the risk of having to come back to the Planning Commission to amend the plat if the civil issue cannot be resolved.

Chair Strachan asked if the new structure would come back to the Planning Commission for a CUP. Planner Boehm answered no, because it would not require a Steep Slope CUP.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Phillips had the same issue with the square foot calculation in Finding of Fact #7 that he addressed in 134 Main Street. He pointed out that in the table in the LMC, 1,201 square feet was the number for a 3,750 square foot lot. However, he calculated the footprint square footage for this item to be 1,075.5. Again, he asked the Staff to double-check his calculation.

MOTION: Commissioner Worel moved to forward a POSITIVE recommendation to the City Council for the 812 Norfolk Avenue plat based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended with the revision to Finding #7 regarding the footprint calculation, and verification by Staff. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 812 Norfolk Avenue

1. The plat is located at 812 Norfolk Avenue within the Historic Residential (HR-1) District.
2. The 812 Norfolk Avenue Plat Amendment consists of Lots 19 and the southerly ½ of 18 of Block 11 of the Snyder's Addition to the Park City Survey.
3. On August 6, 2015 the applicants submitted an application for a plat amendment to combine one and a half (1.5) lots containing a total of 2,472.5 square feet into one (1) lot of record.
4. The application was deemed complete on August 10, 2015.
5. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling.
6. The proposed plat amendment creates one (1) lot of record consisting of 2,472.5 square feet.
7. The maximum footprint allowed in the HR-1 zone is 1,075.5 square feet for the proposed lot based on the lot area of the lot.
8. There is an existing, non-historic structure located at 812 Norfolk Avenue.
9. The existing structure does not meet the current side yard setback requirement of three feet (3') along the current lot line between Lots 18 and 19.

10. The remnant parcel of lot 18 is undevelopable as is twelve and a half feet (12.5') in width which does not meet the minimum lot width in the HR-1 district of twenty-five feet (25').

11. The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lot.

Conclusions of Law – 812 Norfolk Avenue

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

Conditions of Approval – 812 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, 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. 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.
4. A four foot (4') wide walkway easement along the north property line of the combined lots will be recorded on the plat.
5. A ten foot (10') wide public snow storage easement is required along the frontage of the lot on Norfolk Avenue and shall be shown on the plat

4. **333 Main Street – First Amendment to the Parkite Commercial Condominium record of survey plat to create two commercial condominium units from a portion of the existing platted commercial convertible area.**
(Application PL-15-02912)

Planner Kirsten Whetstone reviewed the request to amend the Parkite Commercial Condominium record of survey for the purpose of platting two private commercial condominium units located at 333 Main Street. It was recently remodeled and a Certificate of Occupancy had been issued. Planner Whetstone stated that this Commercial Condominium Record of Survey plat had been previously recorded. The intent is to divide a portion of the large convertible commercial space into two commercial condominium spaces D & E, which would allow those spaces to be sold as private commercial spaces. The remaining portion would be kept as commercial convertible space.

Planner Whetstone noted that the application also memorializes an access easement through the tunnel and out to Swede Alley for the commercial space in the basement. It does not provide access that was not already recorded. She explained that it was granted on the residential condominium plat and the applicants wanted to have it on this plat because it dictates the commercial spaces.

Planner Whetstone reported on a call she received from a member of the public wanting to make sure there was no additional access to Park Avenue for commercial space. She informed that person that it would not provide access for commercial units out to Park Avenue. Planner Whetstone remarked that there was no change in the uses of these spaces. It would be used as retail space and subject to the vertical zoning ordinance. There is no capability for restaurant use.

The Staff found good cause for this amendment and recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as outlined in the draft ordinance.

Marshall King, representing the applicant, was present to answer questions.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Band moved to forward a POSITIVE recommendation to the City Council for 333 Main Street for the First Amendment to the Parkite Commercial Condominium record of survey plat to create two commercial condominium units from a portion of the existing platted commercial convertible area, based on the Findings of Fact, Conclusions of Law and Conditions of Approval. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 333 Main Street

1. The property is located at 333 Main Street between Main Street and Park Avenue and consists of Lot A of the 333 Main Street plat amendment. There is an existing four story commercial building on the property that was recently remodeled and a certificate of occupancy was issued in October 2015.
2. On February 27, 2009, a Historic District Design Review (HDDR) was approved for a complete renovation of the building. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the interior space and exterior skin of the building in compliance with the revised 2009 Design Guidelines for Historic Districts and Sites and to reflect the proposed residential uses where the interior spaces changed the exterior elevations, windows, access, patios, etc. An additional revision to the May 2, 2011 HDDR action letter clarifying access to the building, to include language that the north and south tunnels provide access to the building in addition to Main Street and Park Avenue, was approved on July 30, 2012.
3. On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building known as the 333 Main Street Subdivision. On March 8, 2010, the Council extended the approval for one year. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011.
4. Commercial uses within the HCB zone are allowed uses. Commercial uses within the HR2 portion are below the grade of Park Avenue and are existing nonconforming uses.
5. Residential condominium spaces within the building were platted with The Parkite Residential Condominiums record of survey plat application that was approved by the City Council on July 10, 2014 and recorded at Summit County on December 5, 2014.

6. Commercial areas within the building were platted with The Parkite Commercial Condominiums record of survey plat approved by City Council on September 18, 2014 and recorded at Summit County on December 5, 2014.

7. The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on the plat because of the duration of the lease. The parking subject to the lease is currently provided within a garage in the Main Street Mall building with access to Park Avenue. The private 559 sf garage space is platted as unit 1G on the residential condominium record of survey plat for this property.

8. Five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street were memorialized with the recorded subdivision plat.

9. This plat amendment does not change the existing access, utility, and parking easements.

10. This property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with regards to providing parking for a third floor of the Main Street Mall (for office uses proposed with the original construction). The property was assessed and paid into the Main Street Parking Improvement District for the 1.5 FAR (for commercial and retail on the main and lower floors).

11. This plat amendment does not change the parking requirements or parking agreements.

12. Commercial space is located at the street along the Main Street frontage, including commercial space within the historic structures, with residential space located above and/or behind commercial space. All of the storefront units are subject to the vertical zoning ordinance as described in LMC Chapter 15-26-2 Uses.

13. Access is provided to a parking garage via the existing north tunnel for residential condominium units only. The parking garage is located on the lowest level and is designated as common area for the residential uses.

14. Loading and services for the commercial uses, which are retail uses, will be from Swede alley via the south tunnel and from Main Street. No loading for commercial uses will be from Park Avenue as there is no access to Park Avenue from the

commercial units, other than required emergency egress.

15. An elevator was constructed at the Main Street level to provide ADA access to Unit C-1 on the Lower Level. A walkway from the elevator to Unit C-1 provides ADA access. Easements for the elevator and walkway were recorded and documented on The Parkite Commercial Condominium plat providing perpetual ADA access to Commercial Unit C-1, as well as access to the south tunnel.

16. Following recordation of the Parkite Residential Condominium record of survey plat on December 5, 2014, the residential HOA granted an easement to the commercial HOA over this space (elevator and walkway) for the benefit of the commercial units consistent with the limited common ownership designation on the commercial plat.

17. The access easement for C-2 is memorialized on Sheet 3 of this amended plat.

18. On September 1, 2015, an application was submitted to the Planning Department requesting an amendment to The Parkite Commercial Condominium record of survey plat to create two commercial condominium units (Unit D and Unit E) from platted commercial convertible space and to memorialize the access easement for Unit C-2 on the lower level.

19. Unit D is identified as 1,851 square feet in area. Unit E is identified as 2,758 square feet in area. The remaining commercial convertible space decreases by 4,609 square feet to 10,883 square feet.

20. Creation of private commercial condominium units allows this commercial area to be sold as a private commercial unit, as opposed to being a tenant leased space. No change of use or changes to any existing easements or agreements are proposed with this requested plat amendment.

Conclusions of Law – 333 Main Street

1. There is good cause for this amended condominium plat.
2. The amended condominium plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed amended condominium plat.
4. Approval of the amended condominium plat, subject to the conditions stated below,

does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 333 Main Street

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request is made in writing prior to the expiration date and the extension is granted by the City Council.
3. All conditions of approval of the 333 Main Street Subdivision plat and approved Historic District Design Review shall continue to apply.
4. All new construction at this property shall comply with applicable building and fire codes and any current non-compliance issues for tenant spaces, such as ADA access and bathrooms, emergency access, etc. shall be addressed prior to building permit issuance.
5. Elevator space and associated easements are to be shown on the record of survey plat.
5. **Land Management Code Amendment regarding Nightly Rentals use in the HRL Chapter 2.1 and Definitions Chapter 15 (Application PL-15-02817)**

Chair Strachan commended Planner Astorga on his work in preparing the Staff report. It was a complete package with excellent analysis and good visuals.

Planner Astorga stated that this item was a pending ordinance to prohibit nightly rentals from the HRL East District. He explained that the HRL District identified in the zoning map is found in two parts of town. The one they were looking at this evening is known as the McHenry Avenue sub-area neighborhood. The second portion of the HRL District is the King/Sampson/Upper Norfolk area. Planner Astorga clarified that this particular LMC amendment would only apply to the McHenry sub-area neighborhood.

Planner Astorga reported that the Staff first identified the number of sites in the District and came up with a total of 24 sites. They then went to the Summit County website to identify whether those sites were primary or secondary ownership. They found that three sites

were vacant and identified on the County website as residential secondary unimproved. The two other categories were residential primary improved and residential secondary improved. Planner Astorga reported that 13 sites were primary and 8 sites were secondary. He noted that the Staff reviewed the City records for business licenses that were issued for nightly rental and found one license. However, after researching further they found that in 2007 the Planning Commission approved a conditional use permit for a nightly rental at 202 Ontario. Planner Astorga pointed out that within the last ten years the Planning Department has only looked at one nightly rental in this part of the District, and it was on Ontario Avenue and not McHenry. He remarked that even though it is not part of the specific McHenry neighborhood, it is still part of that specific zoning district. Planner Astorga presented a site plan to show that three sites on the end completely access off of Ontario Avenue and not Rossi Hill.

Planner Astorga explained that this issue began prior to 2008 and the Planning Department has had many conversations regarding nightly rental use in this specific District. He stated that McHenry Road is narrow and after having several discussions with the City Engineer it was determined that the road width does not meet specific engineer codes. Planner Astorga noted that the primary reason for this amendment were the impacts that have to be mitigated for a conditional use permit, specifically in terms of additional vehicles that would impact this neighborhood.

Planner Astorga reported that the pending ordinance activated on May 13, 2015. Due to various reasons, this was the first time the Planning Department had the opportunity to do additional research and bring it to the Planning Commission. Planner Astorga stated that the Staff also looked at the nightly rental strategy in the General Plan that was recently adopted. That section of the General Plan was included in the Staff report on pages 83-91. The Staff had done an occupancy and second home analysis and each neighborhood was identified in a specific category on page 87 of the Staff report. It was broken down into primary residential or resort oriented. Planner Astorga noted that Old Town fell in the middle of the two categories because 48% of Old Town is already nightly rental. In addition, 25% of all nightly rental licenses were found in Old Town. He explained that the strategy in the General Plan indicates that they should continue to entertain both types of neighborhoods within Old Town. However, because Old Town already has a high designation at 48%, the Staff believes that prohibiting nightly rental from this small McHenry neighborhood would strengthen the primary neighborhood and contribute to the mix they were trying to accomplish in Old Town based on its proximity to the Resort.

Planner Astorga stated that based on the strategy in the General Plan, as well as the purpose statements of the HRL District, the Staff recommended that the Planning Commission consider removing the conditional use designation for nightly rentals in this specific area of town.

Planner Astorga reported that noticing letters were sent to every property owner for this meeting, even though it was not required by State Code. However, because of a noticing discrepancy the Planning Commission would not be able to take action on this item this evening. He requested that the Planning Commission continue this item to October 28, 2015; but possibly give a head nod this evening on whether or not they agreed with the Staff recommendation. He was also interested in hearing their comments to see if any issues need to be fine-tuned before they take formal action at the next meeting. Planner Astorga noted that the City Council would take action on this amendment on November 5th because the pending ordinance expires 180 days from its inception.

Planner Astorga had received two letters of public input. One was from Mary Wintzer, a property owner in this District who supported the amendment. The second letter was from Steve Elrich, a property owner outside of this District who was concerned that his neighborhood would be next. Planner Astorga had informed Mr. Elrich that the Planning Department was not ready to make a recommendation outside of this neighborhood; and that due to the proximity to the Resort the Staff believed it would not be appropriate to remove that conditional use from his neighborhood. Planner Astorga noted that this particular amendment has always been noticed for this specific neighborhood only.

Chair Strachan opened the public hearing.

Mary Wintzer, a resident at 320 McHenry, stated that Merritt and Bob Bennett and David and Stacy Wintzer could not attend this evening but they supported this amendment to prohibit nightly rentals in the McHenry neighborhood. Ms. Wintzer noted that Barbara and John Rennell were in Switzerland and they neither supported nor opposed the amendment.

Ms. Wintzer thought Planner Astorga had identified the key impacts regarding the poor access. The road narrows to one lane in the winter and it is a substandard road. She stated that even though Ontario was included, the neighbors on McHenry were the ones making this request. They are a unique neighborhood unlike any in Old Town. They applied for and received a no nightly rental designation in 1983 because they knew who they were and what they wanted for their neighborhood. In 25 years the City has never had a nightly rental application on McHenry, which speaks to the spirit, the character, and the fabric of their neighborhood. They are totally different from any Old Town area. Ms. Wintzer remarked that the McHenry neighborhood has larger lots with yards. They have open space and everything else you would find in a normal neighborhood. It is like "human penguin colony" and the neighbors take care of each other. The neighbors built the park on dedicated McHenry after obtaining permission from the City. It overlooks Old Town and they received a State Beautification award for it. Tourists enjoy it as well as hikers and others in the community. Ms. Wintzer stated that there is a lot of camaraderie and carrying

not only about their neighborhood but also Old Town. They feel strongly about keeping the neighborhood the way it is even after they are gone. It is a viable neighborhood that spans several generations. Ms. Wintzer clarified that the McHenry neighbors were asking that they not be subjected to not knowing who was staying on their street or knowing whether they will meet someone on the road who does not know how to safely drive the streets. Ms. Wintzer believed her neighborhood represents the spirit of Old Town and what Old Town once was. They exemplify sense of community, small town feeling, and natural setting because of the open space. When people come to McHenry Avenue they know they are someplace different than any other area of Old Town. She emphasized that the neighbors were asking to be recognized and to have their neighborhood preserved. Ms. Wintzer pointed out that their property values have increased because of the character of the neighborhood. That was their argument 25 years ago and it is still true today because people are willing to pay for neighborhood security and community.

Michael Kaplan stated that he lives in the neighborhood and he agreed with some of the points Ms. Wintzer had made. However, he has been living there for 16 years and he purchased his house with the intent of turning it into a nightly rental. Changing the Code would affect what he thought he could do when he bought the house. Mr. Kaplan noted that most of the properties on the street about properties that are allowed to be nightly rentals. They still hear the noise and are awakened late at night from nightly rental properties. Mr. Kaplan stated that a prohibition on nightly rentals could have a negative effect when someone wants to sell their property if it cannot be used as nightly rental property. He noted that Planner Astorga presented fine-tuning the ordinance as an option. Mr. Kaplan suggested grandfathering the properties that currently exist with the ability to have nightly rentals and to have the ordinance in place for properties that will be built in the future. He thought that would be a better compromise.

Commissioner Campbell asked if Mr. Kaplan would be willing to have the grandfather clause expire with the transfer of a property. Mr. Kaplan was not prepared to answer that question without giving it more thought. His suggestion was an effort to meet the needs of those who currently live there.

Assistant City Attorney McLean explained that State law regulates non-conforming uses. If a nightly rental existed prior to this ordinance being pending, that use would be vested and it could continue as long as it was not abandoned for more than one year. However, once the pending ordinance was started they would not be able to grandfather the use.

Anita Baer stated that she has lived on McHenry for 26 years and it is a great neighborhood. She has a piece of property for sale and she has contingencies on it such as no flat roof and no nightly rentals. If her property sells that would be part of the condition of the sale. Mr. Baer lives alone and she feels safe in her neighborhood. If this

ordinance is not adopted, she might consider moving because she wants to live in a neighborhood and not a place where different people come in and out.

Charlie Wintzer pointed out that the ordinance was changed to allow nightly rentals ten years ago. If Mr. Kaplan has owned his property for 16 years he purchased it before nightly rentals were allowed in the neighborhood. Ms. Wintzer stated that when he was on the Planning Commission they denied two CUPs for nightly rental on Sampson. The condition to mitigate the traffic was that they would park in the parking structure and walk up on a snowy night. With the lack of enforcement they questioned how they could be done but the City Council overturned their decision. Mr. Wintzer remarked that over time he has come to the conclusion that a CUP is an allowed use and you need to fight harder to get whatever you want. If a CUP is an allowed use, it would be taken advantage of. He honestly believed their properties are worth more money without nightly rentals. If someone wants nightly rental they can go anywhere else in town. Those who do not want nightly rental will come to this neighborhood.

David Constable stated that he and his wife were doing an addition on 287 McHenry. They purchased the property 12 years ago and at that time he believed it was a nightly rental free zone. He was disappointed when he recently discovered that nightly rentals could be allowed. Mr. Constable was currently living in a rental unit on Daly Avenue until their house is finished. Prior to that they were on Deer Valley Drive where there were six nightly rentals next to them and one across the street. In his opinion, residents and nightly rentals do not co-exist. Nightly rentals create traffic and parking problems, as well as the major problem of different agenda. People come on vacation with the idea of having fun, which is a completely different attitude from someone who lives there on a permanent basis. Mr. Constable thought it was unfair to subject a full-time resident to that kind of disturbance. He believed this area of town was a perfect place to prohibit nightly rentals and create a balance in the community by allowing this to be a real neighborhood. Mr. Constable commented on Mr. Kaplan's and noted that there are only two or three lots left on McHenry that can be built on. At this point grandfathering would be a moot point. Mr. Constable was not concerned about property values and he thought the ordinance would be a bonus.

Matey Erdos, a 16 year resident at 310 McHenry, stated that she was compelled to McHenry for the reasons Ms. Wintzer had described. It is a great neighborhood and a great community. She intends to stay there full time for as long as she could. Ms. Erdos was opposed to nightly rentals and stated that she over-emphasized and underscored what some of the others have said. Ms. Erdos was concerned that they had not emphasized enough the volume of traffic coming up and down a very narrow steep street. It was as grave concern because she did not believe McHenry could handle the volume of traffic from nightly rentals. Ms. Erdos echoed her support for not allowing nightly rentals on McHenry.

Chair Strachan closed the public hearing.

Commissioner Band asked for clarification on how McHenry went from not being allowed nightly rental to allowing nightly rental ten years ago. Planner Astorga stated that the City did a major LMC rewrite in 1999 where the City amended every zoning district in the entire City. Based on his research, the HRL District was created sometime in the 1980s, and in 2000 the nightly rental use was re-introduced as a result of the LMC rewrite.

Charlie Wintzer explained that when the Code was first put in place, the neighborhood, with the help of Bill Ligety who was the Planning Director, wrote the HRL zone to keep it single-family and larger lots. The neighbors on Sampson also liked that idea and asked if they could be part of the HRL. When Sampson started to become ski in ski-out property the development community put pressure on the City to make a change. The neighbors on McHenry were busy getting ready for the Olympics and failed to notice that a change was being made that would affect their neighborhood. Ms. Wintzer clarified that the change was due to pressure from the developers to change Sampson; not McHenry. For that reason, the neighbors were only requesting this amendment for McHenry and not the entire HRL zone.

Commissioner Band was completely in favor of allowing the residents to go back to prohibiting nightly rentals because it was in accordance with the General Plan. She used to live on Empire and she moved away because she had a young child and there were no families. They have talked about keeping Park City Park City and the General Plan and the community are in favor of trying to keep some pockets of Old Town where people actually live. Commissioner Band would like to see this happen more often.

Commissioner Thimm thought the proposal was consistent with the LMC. He was familiar with the street and it is difficult to drive. He shared the concern about someone unfamiliar with Park City trying to drive the road in snow. He believed it was a well-founded reason and why the LMC was set up. Commissioner Thimm remarked that in addition to preserving the neighborhood it was also a public safety decision. He pointed out that the Planning Commission does not consider property values, but they do follow the Land Management Code.

Commissioner Thimm asked if the City needed to rewrite a new zone for this amendment. He was unsure how they could place an ordinance on a portion of a zone. Commissioner Joyce pointed out that footnote was attached stating that this conditional use only applies in the west half of the HRL. Commissioner Thimm was pleased with that it could be addressed with a footnote because he was concerned about creating a new district.

Chair Strachan stated that his only question was whether the subzone should be defined more specifically, as opposed to Sampson/King/Ridge. He was concerned that someone on the border might interpret that to mean they could have nightly rentals. Chair Strachan recommended having a survey line to delineate exactly where the subzone starts and stops. Planner Astorga replied that his recommendation was doable.

Commissioner Campbell was in favor of people in the neighborhood being able to self-govern on this type of an issue. His only hesitation was that the decision by the neighbors was not unanimous. During public input at least one resident was opposed and he felt like they would be taking away a right that he has now. Commissioner Campbell asked if the Planning Commission had the right to take away the right of nightly rentals.

Assistant City Attorney McLean stated that it was a zoning decision and the Planning Commission has the ability to make legislative decisions. She noted that any LMC change affects the property rights for someone. As an example, Director Erickson pointed out that every time they write a legislative act that reduces height the people who have not already built are subject to the new height restriction, regardless of what their neighbor was allowed to do. Commissioner Campbell understood the example; however, they do not reduce the height for existing houses and make them comply with the new restriction. Director Erickson replied that if someone currently has a valid business license for nightly rentals and the conditional use has not expired, it would become a valid non-conforming use.

Commissioner Campbell understood the difference and he was comfortable with the explanation. Commissioner Joyce clarified that if a conditional use permit for nightly rental lapses for more than one year, the use goes away and nightly rentals would no longer be permitted. Director Erickson replied that he was correct.

Commissioner Joyce stated that he lives in one of the true anomalies in town that is platted as no nightly rentals. His only concern was that the City has primarily left nightly rental enforcement to the HOAs. He asked if an HOA governed this area. Ms. Wintzer stated that they used to have an HOA but the City said they were not a subdivision and the HOA was discontinued.

Commissioner Joyce favored the amendment to prohibit nightly rentals, but he thought they needed to be careful in how they justify it. He was comfortable justifying it on the fact that the majority of residents have requested it. However, he would have an issue justifying it based on the substandard street because almost all the streets in Old Town are narrow and substandard. If that is the justification, they would have to evenly apply it to all the areas with those types of streets. He preferred not to use safety as the reason for approving this amendment.

Director Erickson stated that substandard streets needed to be read in combination with the other criteria in the LMC, such as neighborhood character, which they determine through public input, and preservation of a mix of housing types in the district, etc. He noted that the Findings were crafted to include all of the requirements from the LMC and the General Plan for neighborhood protection in that area. Commissioner Joyce was satisfied with that explanation.

Commissioner Phillips favored the amendment and he specifically agreed with the comments made by Commissioners Thimm and Band. He would like the Staff to research whether other areas were suitable for this type of neighborhood because it is a good way to preserve Park City. It is a main mission for the community as it evolves and continues to evolve. Commissioner Phillips felt this was preserving a neighborhood just as they like to preserve historic homes.

Commissioner Worel stated that as she read the Staff report she was reminded of the Sampson Avenue request for nightly rentals that the Planning Commission denied. She was on the Planning Commission at that time and the main concern were the impacts that additional traffic and parking would create for snow removal and emergency vehicles. She has been on McHenry and she sees the same situation. Commissioner Worel stated that asking people to park at China Bridge in the middle of winter and walk is not an option because people will not do it. She did not believe it was fair to put the burden of enforcement on the neighbors, which was another issue that was raised when they looked at the nightly rental on Sampson Avenue. It is unpleasant for anyone to have to call the police or a tow truck and the neighbors should not have to bear that burden. Commissioner Worel was in favor of enforcing no nightly rentals in the McHenry Avenue neighborhood.

MOTION: Commissioner Band moved to CONTINUE the Land Management Code amendment regarding night rentals use in the HRL East neighborhood, Chapter 2.1 and Definitions Chapter 15 to October 28, 2015. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

6. 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 (HDB), and associated definitions in Chapter 15-15, Defined Terms (Application PL-15-02810)

Planner Whetstone requested that the Planning Commission review amendments to Chapter 2.5 which is the Historic Recreation Commercial (HRC) zone, the lower Main

Street area, as well as Chapter 2.6, the Historic Commercial Business (HCB) zone, which is basically Main Street and includes Heber and Swede Alley.

The Staff recommended that the Planning Commission conduct a public hearing, provide direction and continue this item to November 11th.

Planner Whetstone noted that this item came before the Planning Commission in June at which time they discussed changing the language to include storefronts on private plazas. After hearing public input, attending HCPA meetings and visiting the sites, the Staff removed the language regarding plazas from the amendment.

Planner Whetstone stated that vertical zoning is a planning tool that regulates the location of uses vertically within a building or site. It is desirable in downtown business districts to reserve the street level for high level activity and revenue generating uses that promote the vitality of the street. Those uses include retail shops, restaurants, bars, galleries and similar uses. Office and residential uses would be on the floors above the storefront.

Planner Whetstone stated that the purpose of the proposed amendments is to amend and clarify language in the zoning sections to have a footnote that excludes specific uses from storefront property, as well as clarifying the definition of storefront property. Planner Whetstone reiterated that the Staff originally proposed to include private plazas but that language has since been removed.

Planner Whetstone referred to Goal 16, Objective 16B and Strategy 16.1-10 of the General Plan, which talks about historic Main Street being the heart of the City for residents and to encourage tourism in the District. The Objective says to limit uses within the first story of building along Main Street to retail and restaurant establishments that are inviting to the passing pedestrian, and to discourage office uses, real estate show rooms, parking, etc. Planner Whetstone noted that the Implementation Strategy states that the City should re-examine the existing vertical zoning ordinance from 2007 that requires commercial retail shops along Main Street, and consider strengthening the ordinance. Planner Whetstone noted that the City's Economic Development Strategic Plan had similar language and suggests that uses that are not inviting to the general public and have a negative impact on the economy and the vitality should be removed from storefront properties.

Planner Whetstone stated that the objective of these amendments is to clarify and strengthen the existing regulations to specifically address the adopted Goals and Strategies of the General Plan.

Planner Whetstone referred to the language changes outlined on page 97 of the Staff report. She noted that one change that was different from the existing language was to

exclude the west side of Park Avenue from the HRC zoned storefront properties. She pointed out that the uses on the west side back up to the HR-1 zone, which is a residential zone, where offices and other compatible uses and have worked well. Planner Whetstone stated that language excluding the HRC zoned areas north of 8th Street currently exists. The remaining language was consistent and the Staff no longer suggested removing the buildings of the Summit Watch Plaza at 702, 710, 780, 804, 890 and 900 Main Street. Those storefronts face the private plaza and based on input from the HPCA, property owners, business owners and others, the Staff determined that this was not the time to consider this type of a regulation. However, the Staff recommended revisiting the issue in 3-5 years.

Planner Whetstone stated that one change in the HCB zone is to clarify in the tables that hotels are not allowed in storefront areas. Lobbies and access for uses on the second floor would be allowed in a small storefront with a door. Planner Whetstone commented on a change that was not presented at the Planning Commission meeting in June, which is to relook at private event space and consider adding it to the list of conditional uses in these two zones as an administrative conditional use. They should also consider including vertical zoning for that use. Planner Whetstone noted that typically event spaces are active a few times during the year and sit empty the rest of the time. The Staff would like the Planning Commission to consider allowing a private event space to be located within storefront property with an approved MFL or Special Event permit for the duration of the event as part of the footnote. Otherwise it would require an Administrative CUP and be subject to vertical zoning.

Planner Whetstone stated that when a definition appears in two places in the Code and the definition is amended, there is a risk of not wording it exactly the same in both places. She recommended removing the definition of Storefront Property under "S" and leave it under Property Storefront with an amended definition to read, "A separately enclosed space area or unit that fronts on a public street. The term "fronts on a public street" shall mean a separate enclosed space area or unit with 1) a window or entrance within 50 feet of the adjacent public street measured from the edge of pavement to the window or entrance; and 2) a window or entrance that is not more than eight feet above or below grade of the adjacent public street."

Planner Whetstone noted that there are split level and multi-level properties on Main Street. The Staff was not proposing to regulate areas that are right at the street but within the basement.

Planner Whetstone clarified that the definition of Private Plaza on page 99 of the Staff report was added because the term Private Plaza is used in some of the regulations but it

is not defined by definition. She emphasized that Private Plaza would not be added to the Vertical Zoning Ordinance.

Planner Whetstone requested input from the Commissioners on discussion items listed on page 99 of the Staff report. She presented a revised HRC map. Director Erickson noted that there was some imprecision in the mapping, particularly relating to the Building at 738, Marriott Plaza. He indicated the section that would be regulated on Main Street. The private plaza on the backside would not be regulated. Director Erickson stated that once the plaza goes above six feet it is not regulated with the storefront. He also commented on 692 Main Street and clarified that the intent is to regulate the street side of that building but not the private plaza side.

Commissioner Joyce asked for the logic of why so many specific buildings were excluded, particularly since they already agreed not include plazas and the rules that are in place give exclusions. Planner Whetstone stated that it was primarily due to previous agreements within Master Planned Developments. The previous language specifically excluded HRC zoned properties north of 8th Street. Director Erickson explained that the intent was to achieve a balance between storefront activities and other activities that would bring people to Main Street on a more regular basis. In the past they over-regulated storefronts and conceptualized drop-off and restaurant business because there were less people on the lower streets. They heard from the business community that allowing additional office spaces in that area would bring more people to Main Street on a regular basis.

Commissioner Joyce asked why that would not apply to all of Main Street. Director Erickson replied that it varies in tourist attractiveness. Commissioner Joyce stated in his time on the Planning Commission he has learned that anytime something is done a third of the people are unhappy. In this case, Lower Main Street did not want vertical zoning because they would be negatively affected. At the same time those on Upper Main Street complain that there is no activity at the top of the street. Commissioner Joyce noted that there will always be pushback whenever a change is proposed.

Director Erickson understood the point Commissioner Joyce was making. He explained that this was an economic test to drive the broadest possible sector of people to the businesses in HRC and HCB. When it was originally instituted it was over-regulated and that regulation was not accomplishing what it was intended to do, which was to encourage business use on lower Main Street in the HCB District. Director Erickson stated that conceptually the west side of Park is a transition zone designed to be a mix of uses in that location. On the east side of Park Avenue they wanted to preserve the storefront facades because that was the Main Street business district. Director Erickson pointed out that this was the type of discussion they wanted from the Planning Commission and he appreciated the question regarding Staff strategy. He explained that the Staff's strategy was 1)

deregulate the places where the current regulation was not working; and 2) have a defined business district with storefronts in the District and the option to do storefronts on the margins; with the idea of driving four or five of the market sectors to the streets on upper or lower Main.

Planner Whetstone requested input from the Commissioners regarding the west side of Park Avenue. She pointed out that the properties north of 8th Street on the west side were all residential properties in the HRC.

Commissioner Band stated that she was the one who initially said that if they wanted to create vitality they should not allow offices in storefronts. They talked about plazas and that the highest and best use for those areas was retail, commercial, etc. However, after walking the area with Alison Butz she recognized that there were serious problems that were not conducive to uses. Commissioner Band strongly believed they should go towards the highest and best use, but at the same time she thought they needed to look at the reality and understand that some of these are not great spots. If they could entice a business that has employees who would use the rest of Main Street she would be comfortable with that solution. Commissioner Band liked the idea of revisiting the issue in three to five years because things change and they do not know what will happen over time. She reiterated her previous position of not allowing private clubs on the street level.

Chair Strachan opened the public hearing.

Alison Butz representing the Historic Park City Alliance stated that HPCA was 100% in favor of the regulations outlined in the Staff report. They appreciate the Staff walking the area and understanding some of the concerns about the plazas. Ms. Butz was happy to relook at this in three years. She believed that if the market continues they would see business move down there anyway. However, to require someone to open a retail store in some of those challenging spaces would result in businesses failing. Ms. Butz favored giving opportunities for success with an office use within the next few years. Regarding event space in storefront property, she noted the HPCA was supportive of that only being allowed during a Master Festival License or a Special Event Permit. What they currently see is a decrease in vibrancy around those larger spaces that are only occupied during January. She hoped that by restricting events during the other times of years it would spur on some year-around uses in those areas. It was part of a larger discussion by the HPCA regarding tenant mix of how to maintain authenticity, local businesses, the mom and pop shops, and maintain historic Park City and Main Street as a shopping and entertainment District. It is harder to sell that idea when buildings are vacant. Ms. Butz appreciated the work the Staff had done.

Mike Sweeney stated he carefully read the Staff report and he generally agreed with Ms. Butz except for special events. He noted that there are places where special events should occur, but the issue that the HPCA was raising situations like the Claimjumper, where the building owner does not need the money and only uses the space for special events or private event. Mr. Sweeney noted that there were no definitions for a public event and a private event. He thought they needed to think about these things because currently every restaurant can hold a private event without obtaining an Administrative CUP because they sell out their restaurant for one night. In reality, they are doing what the HPCA wants to do, which is bring more people to Main Street. Mr. Sweeney suggested that some of the language in the document needed to be clarified. In general, he was very pleased with what Director Erickson and Planner Whetstone had drafted but they needed to work on specific definitions. Mr. Sweeney stated that he holds private and public events on his deck. He pulled an Administrative CUP that he pulled in 2006 which allows him to do certain things on the deck, subject to the rest of the Code and making sure it is a safe event. Mr. Sweeney requested the opportunity to spend more time with the Staff and walk through this process. He also had issue with the 50' horizontal off of public streets. He did not want to encourage people to have a 50' setback on Main Street or any other commercial area streets. Mr. Sweeney thought the language should be clarified. He liked what was currently in place. He did not think it was acceptable to encourage people who have vacant spaces to go back 50 feet on Main Street. A 50' setback did not make sense. Mr. Sweeney stated that if there is a hole on Main Street, for example the Kimball Art Center, it stops the transition of people moving across the street, which is not good. They need to keep the continuity of the shops all the way along the street.

Mr. Sweeney commented on the question regarding Park Avenue on the west side. He stated that there is an approved project by the bridge which has commercial space, but it was questionable whether someone would spend the money to do the project. Mr. Sweeney commented on projects on the east side of Park Avenue below the Sumo Restaurant and noted that they now have commercial space all the way down to 9th Street. He would like to see that evolve into something special.

Chair Strachan closed the public hearing.

Commissioner Band thought the Staff had done a great job. In terms of the discussion points on page 99 she was satisfied with Items 1 and 2. Item 3, she liked that they defined Public Plaza even though she agreed that they should not force that issue at this time. Commissioner Band was in agreement with Items 4, 5 and 6.

Commissioner Thimm believed that excluding the plaza areas was the right thing to do. He has been on those plazas and even during the busy season it was always very quiet. He thought allowing office uses on the plazas was appropriate. Commissioner Thimm

reviewed the list of discussion points. He agreed with Item 1. Item 2, talks about lobbies and access points being appropriate at street level for prohibited uses, and he thought they should also include exits. Commissioner Thimm was not opposed to limiting to a certain percentage, but he suggesting adding the caveat that there could be a minimum allowable size depending on the size of the building. For example, a three-foot wide lobby would not be appropriate if the intent is to have an access point where people can connect to that space and out to the sidewalk.

Planner Whetstone noted that the Staff had that same thought, and the question was how to clarify the size of a lobby to avoid having an entire storefront lobby. The Staff still needed to work out the details.

Commissioner Thimm thought the suggestion in Item 3 to revisit the lower Main Street area in three to five years was a good idea. Regarding Item 4, Commissioner Thimm asked why exclusions were being looked at. Planner Whetstone clarified that it was primarily the plaza space. Item 5 addressed transitional edges. Commissioner Thimm agreed with providing a transition at the edge of the zone. He believed that softening the edge of a zone when there is a drastic change to the next zone was appropriate. With regard to Item 6, whether new construction and remodels should create storefronts, Commissioner Thimm agreed with the language providing that there was enough latitude to allow for replacement in kind to improve the aesthetics, even if there was not a change in use. Planner Whetstone reported that the Staff was still working with the Legal Department on where that regulation would fit in the Code.

Assistant City Attorney McLean stated that the Legal Department was thinking about requiring storefront property in the zone where this applies, and anything pre-existing would fall under the non-conforming status, and the non-complying structure would match the State Code. If more than 50% of the building was renovated or changed, it would lose that non-conforming status and they would have to put in a storefront.

Commissioner Campbell thought they needed to support whatever occurs in the Plazas regardless of whether or not they like the design in the lower Main Street area. Anything they could do to make it more viable was worth doing. Commissioner Campbell understood from the discussion that an office could go into plaza space now, but when this is reviewed in three years it might not be allowed. Assistant City Attorney McLean replied that if it is changed in three years, the existing offices would be grandfathered. Ms. McLean noted that currently there are real estate offices on Main Street because they were in existence prior to the 2009 LMC amendments. As long as they continue that use and do not abandon it for more than one year, they are allowed to continue that use.

Commissioner Joyce was comfortable with everything except what was excluded. He thought the west side of Park Avenue could become an issue. Currently there is a lot of residential, which is fine, because it would all be grandfathered until the use is abandoned. However, he was concerned about the possibility of tearing down residential houses to build commercial that is allowed in the zone. Commissioner Joyce understood the cut off at 9th Street because it is the end of Main Street, but he did not understand 8th Street on Main Street or Park Avenue because it seemed unusually artificial.

Director Erickson suggested that they reconsider the HRC designation on the west side because vertical zoning would not have the controls Commissioner Joyce was looking for. Director Erickson thought that was a discussion worth having at a different time if the Commissioners agreed that additional study needed to be done on whether vertical zoning was appropriate for the west side of Park Avenue. He is an advocate of the free market, but he questioned whether the free market would work well on the west side or if some regulation was needed.

Commissioner Joyce asked if they make the changes and include down to 9th Street whether that would be included anyway because they were MPDs. Director Erickson believed they would be grandfathered in because they were previous MPDs. Planner Whetstone thought it would depend on what was specified in the Development Agreement. She pointed out that since there is less activity going further away from Main Street north towards 9th, the Staff did not feel that this was the appropriate time to look at it.

Director Erickson stated that the Staff could come back with more strategy clarification. The Staff was pushing towards free market north of 8th, but if regulatory affairs are needed the Commissioners could make that decision. Commissioner Joyce appreciated the offer to come back with additional strategies because unless they do something different they could risk losing it. He was primarily interested in looking at the east side of Park Avenue and Main Street.

Chair Strachan wanted to know if an MPD would be subject to vertical zoning. Assistant City Attorney McLean agreed with Planner Whetstone that it would depend on the development agreement. If the developer agreement is silent and just says commercial then it would be subject to the regulations of the zone. She would look at the wording in the development agreement.

Commissioner Phillips favored the idea of getting more information. He thought the Staff had done a good job. Commissioner Phillips liked the removal of the plaza and the idea of revisiting the issue. However, instead of a three to five year time frame he suggested relooking at it when the buildings fill up to a certain point.

Director Erickson stated that this District is under constant review by the Historic Main Street Business Alliance and the two organizations managed by the City Council. It is an ongoing, constant review. Director Erickson noted that the three to five year period would allow enough time to gather evidence without being too long. Commissioner Phillips agreed with the comments made by his fellow Commissioners. He believed the amendment was in line with the intention of the General Plan.

Commissioner Worel echoed the comments of her fellow Commissioners. She thought it would be helpful to get more strategic information on why this all came to be the way it is. Commissioner Worel appreciated the comment by Mike Sweeney in regards to needing more definitions. She noted that page 96 of the Staff report talks about abandonment of buildings. She asked if someone has a business license and only open three months a year, whether the remainder of the year would be considered abandonment. Assistant City Attorney McLean stated that it would depend on the use. However, if the owner has an active business license for three weeks of the year it would not be considered abandonment. Commissioner Worel noted that it would not protect from all the dark spaces on the street. Ms. McLean stated that dark spaces would be a separate conversation. Commissioner Worel was still not clear on what would constitute abandonment. Chair Strachan believed that abandonment would be the intent to abandon the use. Ms. McLean remarked that abandonment has to do with being grandfathered in. An existing non-conforming use is allowed to continue until it is abandoned for 12 months. She pointed out that there is no way to equate that an empty building was not a use. Ms. McLean stated that the question has been raised in the past and there is a large concern by the Main Street Merchants regarding those dark spaces. She was unsure how a City could tell someone that they must have an active business inside of their building. Commissioner Worel thought there could be a way but this was not the time to discuss it.

MOTION: Commissioner Band moved to CONTINUE the Land Management Code Amendments regarding vertical zoning storefront regulations in Chapter 15-2.5-2, Chapter 15-2.6-2 and the associated definitions in Chapter 15-15 to November 11, 2015. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

7. **Consideration of an ordinance amending the Land Management Code Section 15, Chapter 11 and all historic zones to expand the Historic Sites Inventory and require review by the Historic Preservation Board of any demolition permit in a historic district and associated definitions in Chapter 1515.**
(Application PL-15-02895)

Director Erickson reported that the information the Planning Commission was seeing for the first time was reviewed by the City Council and the Historic Preservation Board in a joint meeting a month ago. It was also reviewed in detail at the last HPB meeting.

Planner Grahn requested that the Planning Commission provide input and direction on what was being proposed. She noted that redlines have not been proposed to the LMC but the Staff would come back with those redlines.

Planner Grahn commented on six topics for discussion as outlined in the Staff report.

- 1) Historic Designations. The Staff was proposing to add a third category called Contributory and it would be for building over years old.
- 2) Define Demolition and modify the LMC definition to include the ANSI definition, which also includes dismantling, razing or wrecking.
- 3) Demolition Permit Review. The HPB has been reviewing demolition requests.
- 4) Noticing requirement for demolition reviews. Currently there is no noticing requirement and the Staff was proposing to be consistent with the requirements for the Historic District Design Review in that 14 days prior to the hearing they would post a property notice on the site, as well as send a mailing notice.
- 5) Demolition by Neglect.
- 6) Criteria for Visual Compatibility.

Following the discussion this evening, Planner Grahn requested that the Planning Commission continue this item to November 11th.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Director Erickson clarified that there was a distinction between the LMC changes and the Historic District Design Guideline changes. The distinction was in the visual compatibility section. If the Planning Commission chose to bifurcate due to time constraints, he preferred that they focus on the Land Management Code amendments since those were under the pending ordinance.

Planner Grahn commented on the change under Historic Designation to add the third category of "Contributory". The criteria for Contributory was defined on page 166 of the Staff report.

Commissioner Phillips noted that the Staff report indicated that Contributory sites would be identified through a survey that was not yet completed. He asked when that survey would be completed. Planner Grahn replied that the Staff would set the criteria and the categories. CRSA was currently conducting an intensive level survey of Old Town and the City was looking at hiring another firm to do a reconnaissance level survey of buildings that were identified as contributory. The Staff believed that approximately 113 buildings need to be surveyed. Once they have the survey results the Staff will determine whether they fall under Landmark, Significant or Contributory. Planner Grahn explained that Contributory sites would be listed on a separate list and would not be designated to the Historic Sites Inventory. If an owner receives grant funds for a Contributory building, it would be moved over and protected on the Historic Sites Inventory.

Commissioner Joyce understood that someone interesting in purchasing a historic house would know that the house was considered Contributory before buying it rather than finding out when they want to remodel or do an addition. Planner Grahn replied that he was correct. However, the challenging part is that the 40 year mark keeps moving and the list would be updated periodically to make sure everything is captured.

Chair Strachan asked if it was incumbent upon the owner to find out if the structure is on the list or whether it would show on a title report. Director Erickson stated that it would not come up on a title report. He believed it would be part of the normal due diligence that anyone should do when purchasing property.

Commissioner Band assumed that the Board of Realtors would create a form for it. She had sent the information to the Board of Realtors so they would be aware of what to expect. She thought it would be similar to the addendum that was done for soils.

Director Erickson stated that at a minimum they want to make sure they have an Inventory. The City was not interested in regulating unless a component of a historic building can be redone or a grant is awarded. They also want to make sure they have a record of history after the mining area to present day. That was the reason for the floating 40 year mark. Director Erickson remarked that the types of structures that are Contributory provide the opportunity to a better job of defining neighborhood character because they contribute to the neighborhood.

Commissioner Joyce thought the term “Contributory” was vague. He noted that A-frames are part of the ski culture in Park City and pre-1975, but there is no interest in preserving them. Director Erickson explained that the ski era buildings are contributory in terms of mass and scale, but not particularly for the A-frame design. For example, if someone was looking for a new home in and they see five homes in the neighborhood that are the same size, that would be the neighborhood compatibility for how large the new home could be. Director Erickson clarified that at this point they were not regulating ski era homes, but they want to be able to tell that story 30 years from now. If A-frames go away at least they would be documented.

Commissioner Joyce stated that his question was more about the limitations of what they will allow people to do with Contributory structures. He gave the example of owning an A-frame that was on the list. Planner Grahn explained that the A-frame structure would be evaluated by Staff and reviewed by the HPB. Commissioner Joyce was concerned about going down the path of preserving structures that were previously determined not worth saving.

Commissioner Band asked if the HPB could prohibit someone from tearing down their A-frame structure. Commissioner Phillips pointed out that just like the Planning Commission the HPB Board changes over time and in five or ten years they might be trying to decipher what was intended. Commissioner Phillips was concerned that the process left the door open for more opinionate discretion.

Planner Grahn stated that the Staff intends to create demolition review criteria that the HPB could apply so everyone is treated equally. The Staff would be working with the HPB to define specific criteria to make sure it is a fair review process.

Commissioner Band wanted to know if the HPB would have the purview to deny demolition of a Contributory home. She noted that the Planning Commission was being asked to discuss this issue, but it was difficult without seeing the criteria to understand what could or could not be done. Commissioner Band stated that the process of going through the City for anything is extremely onerous and she was concerned about adding another layer. She agreed with most of what was in the pending ordinance, but she struggled with the idea of Contributory structures because it was very vague.

Commissioner Worel concurred. She was bothered by the vagueness when she read the Staff report. Commissioner Joyce thought the language, “rhythm and pattern of the streetscape” was particularly vague. Commissioner Band was not in favor of leaving anything vague or arbitrary. The HPB review should not be a subjective process. If they establish that the HPB could not keep someone from demolishing a Contributory structure, she questioned why it would go before the HPB. Director Erickson stated that it would be

the same reason that someone would go before the HPB for a Landmark or Significant Site. It is a public decision-making process that is not left to the Staff.

Director Erickson stated that the Staff did not intend to make the language vague; however rhythm, scale and compatibility are terms of art in their profession. The Staff would come back with greater definition on those terms, along with a proper set of criteria. Director Erickson noted that there were only 113 homes to be evaluated and if they do not meet the established criteria they would not be listed.

Commissioner Campbell pointed out that the list would grow every year because of the floating 40 year mark. Commissioner Phillips stated that the citizens should not have to worry from year to year whether their structure might be listed as Contributory.

Assistant City Attorney McLean stated that from a legal standpoint it would be helpful for the Staff to address the Contributory Site. She pointed out that in order to qualify the site would have to meet items A through E on page 166 of the Staff report. She read from Item B, which states that it has to be contributing to the Mining Era Residences National Register District. She interprets that to mean that it would not be just any house. It must be contributing. She asked the Staff to clarify that statement. Ms. McLean felt it was important to recognize that what was being proposed would not prevent demolition of any contributory structure unless it received a grant from the City.

Commissioner Thimm asked if the category of contributory lined up with the contributory definitions that are part of SHIPO and part of the National Register. Planner Grahn replied that the answer was yes and no. She explained that SHIPO is based on the National Register. The Landmark buildings in Park City are National Register eligible or considered National Register eligible because they are located within the District and contribute. Significant buildings would most likely fall into the Contributory category based on a Reconnaissance level survey. The new Contributory category was more in response to the pending ordinance in trying to review and capture some of the buildings that are not clearly defined by Landmark and Significant.

Director Erickson stated that this was benchmarked across other Districts ranging from Breckenridge to Crested Butte to Denver to San Francisco to Salt Lake City. In most cases they have a category like Contributory. He clarified that the Park City Staff did not invent this category.

Commissioner Thimm pointed out that every year another building becomes 40 or 50 years old. He assumed there would be a survey to actually establish that and he wanted to know how often surveys would be conducted. Planner Grahn replied that currently they only looked at buildings that were 1975 and younger. She noted that in ten years those building

would be 50 years old and some may be National Register eligible. The question is whether they want to save the 40 year old buildings that were built in the 1980s. That is a decision that the community will have to make.

Commissioner Campbell questioned how something that was built in the 1980s would contribute to the Mining Era. Planner Grahn replied that it would depend on how the structure was designed. Commissioner Band stated that it was more about the story of the town. Director Erickson remarked that a replicate building could be contributory to the District and not be eligible for demolition because it received grants. Planner Grahn pointed out that if a Landmark or Significant structure was not allowed to be demolished but the City allowed reconstruction or panelization, it would remain on the Historic Sites Inventory rather than be listed Contributory. Director Erickson stated that if someone wanted to build a structure in 2015 to match a miner's home, it would probably be designated as Contributory 40 years from now.

Commissioner Joyce read from page 167 of the Staff report under Demolition Permit Review, "The purpose behind this provision is to create a vehicle for reviewing and approving the demolition (as defined above), panelization, reconstruction, rotation....of structures that are 40 years or older that are in the H District or identified as historic." He understood that any structure that was already historic would have gone through this review without the pending ordinance. The only new piece is the Contributory designation. Planner Grahn replied that he was correct. She explained that prior to this pending ordinance a panelization or reconstruction project on a Landmark or Significant structure would have been reviewed and approved by Staff. Under this pending ordinance the HPB would make that determination rather than the Chief Building Official or the Planning Director. Commissioner Joyce originally understood that nothing in the process would prevent someone from demolishing a contributory building. However, from Planner Grahn's explanation it appears that the HPB would approve or deny demolition, which means the HPB could prevent a demolition. Director Erickson agreed that the HPB could deny a demolition; however, they would have to work harder to deny at the contributory level.

Commissioner Joyce thought it was important to be clear to the public that under this ordinance a new category of buildings will be required to go through an approval process. Commissioner Band noted that one change with the ordinance is that panelization is considered demolition. Planner Grahn replied that panelization has always been considered demolition, but what is new is that the pending ordinance states that any demolition as defined by the International Building Code requires HPB review. She explained that under the IBC demolition can mean scraping the lot, panelizing or reconstruction. It can also mean cutting a 4" square for a dryer vent because the wood in that 4" square is being demolished.

Director Erickson offered to come back with additional clarification. Commissioner Campbell stated that if the HPB has to work harder to prevent a demolition of a contributory building, he wanted to know what “work harder” means. Commissioner Thimm concurred.

Commissioner Thimm stated that based on his work he was familiar with designations at the 50 year mark. He wanted to know how demolition from 40 to 49 years was different from the year 50. Planner Grahn felt the Staff needed to work on clarification because most of the Landmark and Significant structures are 100 years old. She offered to come back with suggestions to help clarify that process. Commissioner Joyce wanted to know what happens to a 40 year old building that is listed when it becomes 50 years old. Commissioner Worel asked if it would be reviewed again at the 50 year mark. Commissioner Thimm assumed that at the 50 year mark there would be a new survey that might change the designation of a Contributory building to Significant. He thought the process was nebulous as currently proposed. Commissioner Thimm recalled from how it was presented at a previous meeting that there was no change in what happened to a building from year 40 to 49, other than to identify it. He thought it now sounded like the HPB would be reviewing those structures and that review could allow a provision for denial. He believed that was a significant change from what was originally discussed. Commissioner Thimm could not say whether it was right or wrong because it was not clear.

Assistant City Attorney stated that the Staff purposely decided not to put in the redlines because they did not want to spend time redlining Code without knowing what the Commissioners would or would not support. She suggested that Planner Grahn ask questions that would help her bring back the redlines to the Planning Commission.

Planner Grahn commented on the Demolition Permit Review. She stated that currently under the pending ordinance, if a structure is 40 years or older, the HPB was reviewing any materials being removed from a structure, as well as scraping the lot, panelizing, or reconstructing. The Staff met with the HPB to hear their input. Planner Grahn stated that the HPB would like to continue reviewing items that are 40 years or older, but they do not want to review demolition of materials that are not on the historic portion of the structure such as materials from a newer addition.

Commissioner Band was not opposed, but she felt that once an addition goes through the Historic Design Review and is added to the historic structure, the entire structure then becomes historic and should be looked at as a whole. Commissioner Thimm that Commissioner Band’s thinking was consistent with SHIPO in that once a building is designated the changes are the evolution of that building.

Planner Grahn noted that the Historic Preservation Board does not do Design Review. Therefore, the HPB only looks at removal of materials and they do not have a say in what material goes back in its place.

Commissioner Joyce could not understand why the HPB would look at everything over 40 years old regardless of whether it was on the Contributory list or the HSI. He wanted to know the reason for adding the extra step on buildings that were already determined to be historically insignificant. Planner Grahn stated that buildings that were potentially historic were slipping through the cracks, which is one reason for the pending ordinance. The Staff will be relooking at strengthening the Design Guidelines to make sure the HPB has something to compare a demolition to. Director Erickson explained that the HPB has other roles and responsibilities, including preservation of historic neighborhoods. The reaction from the City Council and the public was that neighborhoods were being destroyed because buildings were being demolished, and even the non-historic buildings contributed to the neighborhood. For that reason the City tasked the HPB with protecting the neighborhood in conjunction with other LMC designated authorities.

Chair Strachan used the example of a house that goes through the analysis because it is 41 years old and it is deemed not contributory and completely insignificant. Two years later the owner decides to tear it down he then has to go through another process before the HPB and risk that the HPB could make a different determination. Chair Strachan could not understand why they needed the second process when the structure was already determined to be insignificant and a non-issue.

Chair Strachan stated they should either review all the demolition requests or create criteria for a Contributory structure, but it should not be both. An owner should not have to go through the process twice. Commissioner Band concurred. If the concern was structures slipping through the cracks then every demolition in the Historic District should go through a review process and they should eliminate the Contributory survey. Commissioner Worel agreed.

Chair Strachan was concerned about a slippery slope where the HPB could arbitrarily decide what was contributory because it would be impossible to define the criteria as specifically as they would like without using subjective terms. Commissioner Campbell agreed because what the HPB understands now could be interpreted differently by another HPB Board ten years from now. Commissioner Phillips reiterated that it was one of his biggest concerns.

Planner Grahn thought the Planning Commission had raised good questions and it was something the Staff needed to keep working through.

Commissioner Thimm asked if he was correct in assuming that there was still no definition for demolition. Planner Grahn stated that page 166 of the Staff report contained the definition from the LMC. However, the Staff was proposing to modify that definition to include more about dismantling, raising and wrecking, and to also make clear that it is not part of the CAD process. The revised definition would come back as part of the redlines.

Planner Grahn summarized that the Planning Commission wanted the Staff to clear up the vagueness, provide clarification on the 40 to 50 year process, and to create clear criteria. Chair Strachan also wanted them to revisit the idea of making someone goes through an HPB review twice.

Commissioner Band commented on Demolition by Neglect. She was in favor of strengthening the language, but she questioned how peeling handrails and trim contribute to demolition by neglect. Commissioner Joyce stated that he was trying to figure out how he would apply Demolition by Neglect in terms of what they were asking people to do to the mine sites. He asked for clarification at the next meeting regarding how this affects the mine sites and what Talisker or Vail would be required to do and what the penalty would be if they did not comply.

Director Erickson stated that a topic for another meeting would be Certificates of Appropriateness for Demolition versus Demolition by Neglect versus Building Abatement.

Commissioner Campbell commented on the fact that so many people are not aware of this ordinance and what it means. He asked if it was possible to create publicly searchable registry on the Park City website where a current homeowner or a perspective buyer could quickly find out where their house or potential purchase falls on the list. He thought it was important to publicize the new Contributory category and have the criteria easily displayed.

MOTION: Commissioner Thimm moved to CONTINUE the LMC Amendments concerning Historic Preservation to November 11, 2015. Commissioner Campbell seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 8:55 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: LMC Amendment Park City Historic Sites Inventory Criteria & Demolition Permits
Author: Bruce Erickson, AICP, Planning Director
Date: October 28, 2015
Type of Item: Legislative – LMC Amendment

Summary Recommendations

Due to an error in Noticing by the Park City Planning Department, the LMC Amendments were legally noticed for the October 28, 2015, meeting. However at the October 14, 2015, Planning Commission Meeting, the Planning Commission continued the LMC Amendment regarding Historic Sites Inventory criteria and demolitions permits to the November 11, 2015 meeting.

Staff recommends the Planning Commission conduct a discussion of the LMC Amendments regarding Historic Sites Inventory criteria and demolition permits in the Historic District; conduct a public hearing and to continue the item to November 11, 2015.

Description

Project Name: LMC Amendment regarding Historic Sites Inventory criteria and demolition permits in the Historic District
Applicant: Planning Department
Proposal: Revisions to the Land Management Code

Planning Commission Staff Report



Subject: LMC Amendment
Author: Francisco J. Astorga, Senior Planner
Date: October 28, 2015
Type of Item: Legislative – Land Management Code Amendment
Nightly Rentals in the HR-L District-East

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends that the Planning Commission review the proposed amendments to the Land Management Code (LMC) for Chapter 2.1 Historic Residential-Low (HR-L) Density District as described in this staff report, open the public hearing, and consider forwarding a positive recommendation to the City Council.

Description

Proposal Name: LMC Amendment regarding Nightly Rental conditional use in the HR-L District-east Chapter 2.1.
Applicant: Planning Department
Proposal: Land Management Code Amendment

Acronyms within this Report

LMC Land Management Code
HR-L Historic Residential-Low Density District
CUP Conditional Use Permit

Background

For several years the Planning Department has been having discussions with residents in the HR-L District-East, regarding the Conditional Use of Nightly Rentals in their neighborhood. Exhibit B is a map of this area. The HR-L District is comprised of two (2) sectors within Old Town. The HR-L District-East is known as the McHenry Avenue neighborhood mainly accessed off Rossie Hill Drive on the east side of Old Town. The HR-L District-West is on the west side of Old Town primary comprised of Sampson Avenue, King Road, and Ridge Avenue. The proposed LMC amendment would only affect the HR-L District-East.

The LMC defines a nightly rental as the following:

Nightly Rental. The rental of a Dwelling Unit or any portion thereof, including a Lockout Unit for less than thirty (30) days to a single entity or Person. Nightly Rental does not include the Use of Dwelling Units for Commercial Uses.

On October 14, 2015, the Planning Commission reviewed this proposed LMC Amendment disallowing Nightly Rentals in the HR-L District-East as proposed by the Planning Department. During that meeting the Planning Commission opened a public

hearing and public comment was made by several property owners in this neighborhood. Several comments were made in support of the LMC Amendment from property owners while one comment was made from one property owner not to amend the LMC. As reflected in the meeting minutes found in this Planning Commission packet the majority of the Commission favored the Amendment.

District Purpose

The purpose of the (HR-L District is to:

- A. reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- B. provide an Area of lower density Residential Use within the old portion of Park City,
- C. preserve the character of Historic residential Development in Park City,
- D. encourage the preservation of Historic Structures,
- E. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- G. define Development parameters that are consistent with the General Plan policies for the Historic core.

Analysis

A conditional use is an allowed use if reasonable conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with application standards. The LMC indicates that the City shall not issue a Conditional Use Permit (CUP) unless the Planning Commission concludes that:

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

The HR-L District-East consists of 24 properties. The following table below represents the current Assessment/Appraisal Code per Summit County EagleWeb website accessed in October 2015:

	Number of Sites
Residential Primary Improved	13
Residential Secondary Improved	8
Residential Secondary Unimproved	3

Of the twenty-four (24) properties, thirteen (13) of them have primary residents, eight (8)

of them are set as secondary homes, and three (3) of them are vacant.

Staff found that in 2007, the Planning Commission approved a CUP for Nightly Rental at 202 Ontario Avenue, within the HR-L District-East. Should the Planning Commission, and ultimately City Council, follow Staff's recommendation of prohibiting Nightly Rentals in this HR-L District-East, the approved use at 202 Ontario Avenue would become a legal non-conforming use which use would be allowed to continue as outlined in LMC § 15-9 Non-conforming Uses and Non-complying Structures.

General Plan

Volume II of the General Plan contains a Nightly Rental Balance Strategy, pages 81 - 86. The General Plan indicates that there are 3,928 nightly rentals in Park City as of January 2012. Based on the entire stock of housing units in the City limits, Nightly Rentals equated to 46% of housing units. While the Old Town neighborhood has the highest percentage of Nightly Rentals within the City, consisting of 25%, and is 48% Nightly Rental within the Old Town neighborhood, this neighborhood as a whole does not have a predominant trend towards vacant housing or a high percentage of second homes. The General Plan indicates that the higher numbers of Nightly Rentals in Old Town are due to the higher density of the historic configuration of the Park City Survey and Snyder's Addition, which platted lots of record consisting of 1,875 square feet, creating an urban environment of approximately twenty-three (23) units per acre.

The General Plan recommends that in order to maintain a balance between primary residents and resort oriented neighborhoods, Thaynes, Park Meadows, Bonanza Park & Snow Creek, Prospector, Masonic Hill, and Quinn's Junction neighborhoods should remain primary residential neighborhoods. This allows the Resort Center, Lower Deer Valley, and Upper Deer Valley to maintain their resort aspect. Old Town should remain a mix of the two (2) as primary residents and resort oriented neighborhood.

The Old Town neighborhood was historically full time primary residential. When Park City re-invented itself as the City evolved into a world class destination, its residential makeup began to change. Old Town property owners realized how valuable land was and they started to try to maximize the land values as development pressure made it a more desirable resort destination.

The General Plan indicates that the City should consider incentives for primary homeownership in Old Town; a balance between residents and tourists is desirable in this neighborhood. Additional policies that might reinforce this balance include:

- Improved enforcement of nightly rental locations in Old Town;
- Consideration of nightly rentals as a Conditional Use within the HR-1 Zoning District, rather than an Allowed Use; and/or
- Reconsideration of allowing nightly rentals in the HR-L Zoning District as an Allowed Use or Conditional Use; and/or
- Consideration of new criteria for nightly rental Conditional Use permits.

Land Management Code HR-L District

The District Purpose as stated in the LMC (first/second page of this staff report) lay out a key element found throughout the Park City Historic Districts and particularly in the HR-L District-East to “to reduce density that is accessible only by substandard streets”. McHenry Avenue is sub-standard in terms of width. Parking management in the district further exacerbates traffic problems and can be compounded in snow conditions. Nightly rental users unfamiliar with parking restrictions or snow conditions can cause large restrictions on vehicle access.

District Purpose B considers the provision of lower density “residential use” within Old Town. Nightly Rentals have the potential to fill bedrooms to the maximum and perhaps have sleeping provisions in living rooms or other spaces, even though space may comply with building and life safety codes. By having Nightly Rental units full during holiday periods, the density of people in this district is increased. The potential for noise, and lights disrupting residential normalcy is increased.

Staff finds that by prohibiting Nightly Rentals within the HR-L District-East, it would further protect the integrity of this Old Town sub-neighborhood to remain predominantly as a primary resident neighborhood.

Process

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

Notice

Legal notice of a public hearing was posted in the required public spaces and published in the Park Record. The Planning Department sent courtesy letters to every property owner according to Summit County records with the HR-L District-East neighborhood.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of LMC amendments. The public hearing for these amendments was properly and legally noticed as required by the LMC. The Planning Department received two (2) letters regarding the proposed amendment, one in support and one in opposition. See Exhibit E – Public Comments.

Significant Impacts

The proposed amendment limits the ability for a property owner to submit a Nightly Rental CUP application to the Planning Department for Planning Commission review and Final Action. The amendment prohibits Nightly Rentals in the HR-L District-East. The existing site, 202 Ontario Avenue, with the approved Nightly Rental CUP would be treated as legal non-conforming use regulated under LMC § 15-9 Non-conforming Uses and Non-complying Structures.

Recommendation

Staff recommends that the City Council review the proposed amendments to the Land Management Code (LMC) for Chapter 2 as described in this report, open the public hearing, and consider adopting the ordinance as presented in Exhibit A – Proposed Ordinance.

Exhibits

- Exhibit A – Proposed Ordinance
- Exhibit B – HR-L District-East Area
- Exhibit C – HR-L District Table
- Exhibit D – General Plan Strategy: Nightly Rental Balance
- Exhibit E – Public Comments

Exhibit A – Proposed Ordinance

Draft Ordinance 15-XX

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING SECTION 15-2.1-2 USES IN THE HISTORIC RESIDENTIAL-LOW DENSITY (HR-L) DISTRICT.

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote the health, safety and welfare of the residents, visitors, and property owners of Park City; and

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code and identifies necessary amendments to address planning and zoning issues that have come up in the past, and to address specific Land Management Code issues raised by the public, Staff, and the Commission, and to align the Code with the Council's goals; implementing the General Plan; and

WHEREAS, the City's goals include preservation of Park City's character regarding Old Town improvements, historic preservation, sustainability, affordable housing, and protecting Park City's residential neighborhoods and commercial districts; and

WHEREAS, Chapters 2.1, Historic Residential-Low Density District (HR-L) provides a description of requirements, provisions and procedures specific to this zoning district that the City desires to revise.

WHEREAS, by prohibiting Nightly Rentals within the HR-L District-East, it would further protect the integrity of this Old Town sub-neighborhood to remain predominantly as a primary resident neighborhood.

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on May 13, 2005, October 14, 2015, and October 28, 2015; and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on November 5, 2015; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City

Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2.1 Section 2. The recitals above are incorporated herein as findings of fact. Section 15-2.1-2 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 1).

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2015

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, Mayor

Attest:

Acting City Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachment 1

15-2.1-2. USES.

(A) ALLOWED USES.

- (1) Single Family Dwelling
- (2) Home Occupation
- (3) Child Care, In-Home Babysitting
- (4) Child Care, Family¹
- (5) Child Care, Family Group¹
- (6) Accessory Building and Use
- (7) Conservation Activity
- (8) Agriculture
- (9) Residential Parking Area or Structure with four (4) or fewer spaces

(B) CONDITIONAL USES.

- (1) Nightly Rentals⁸
- (2) Lockout Unit
- (3) Accessory Apartment²
- (4) Child Care Center¹
- (5) Essential Municipal and Public Utility Use, facility, service, and Building
- (6) Telecommunication Antenna³
- (7) Satellite dish greater than thirty-nine inches (39") in diameter⁴
- (8) Residential Parking Area or Structure five (5) or more spaces
- (9) Temporary Improvement⁵
- (10) Passenger Tramway Station and Ski Base Facility⁶
- (11) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge⁶
- (12) Recreation Facility, Private
- (12) Fences greater than six feet (6') in height from Final Grade^{5,7}

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

(Amended by Ord. Nos. 06-56; 09-10; ~~15-xx~~)

¹See LMC Chapter 15-4-9 for Child Care Regulations

²See LMC Chapter 15-4-7, Supplemental Regulations for Accessory Apartments

³See LMC Chapter 15-4-14, Telecommunications Facilities

⁴See LMC Chapter 15-4-13, Satellite Receiving Antennas

⁵Subject to Administrative or Administrative Conditional Use permit, see LMC Chapter 15-4.

⁶See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

⁷See LMC Chapter 15-4-2, Fences and Walls

⁸Conditional Use Permit allowed only in the West sub-neighborhood only located south of platted 2nd Avenue, west of Upper Norfolk and Daly Avenues, and east of King Road. No Nightly Rentals are allowed elsewhere in this Zoning District.

Exhibit B HR-L District-East

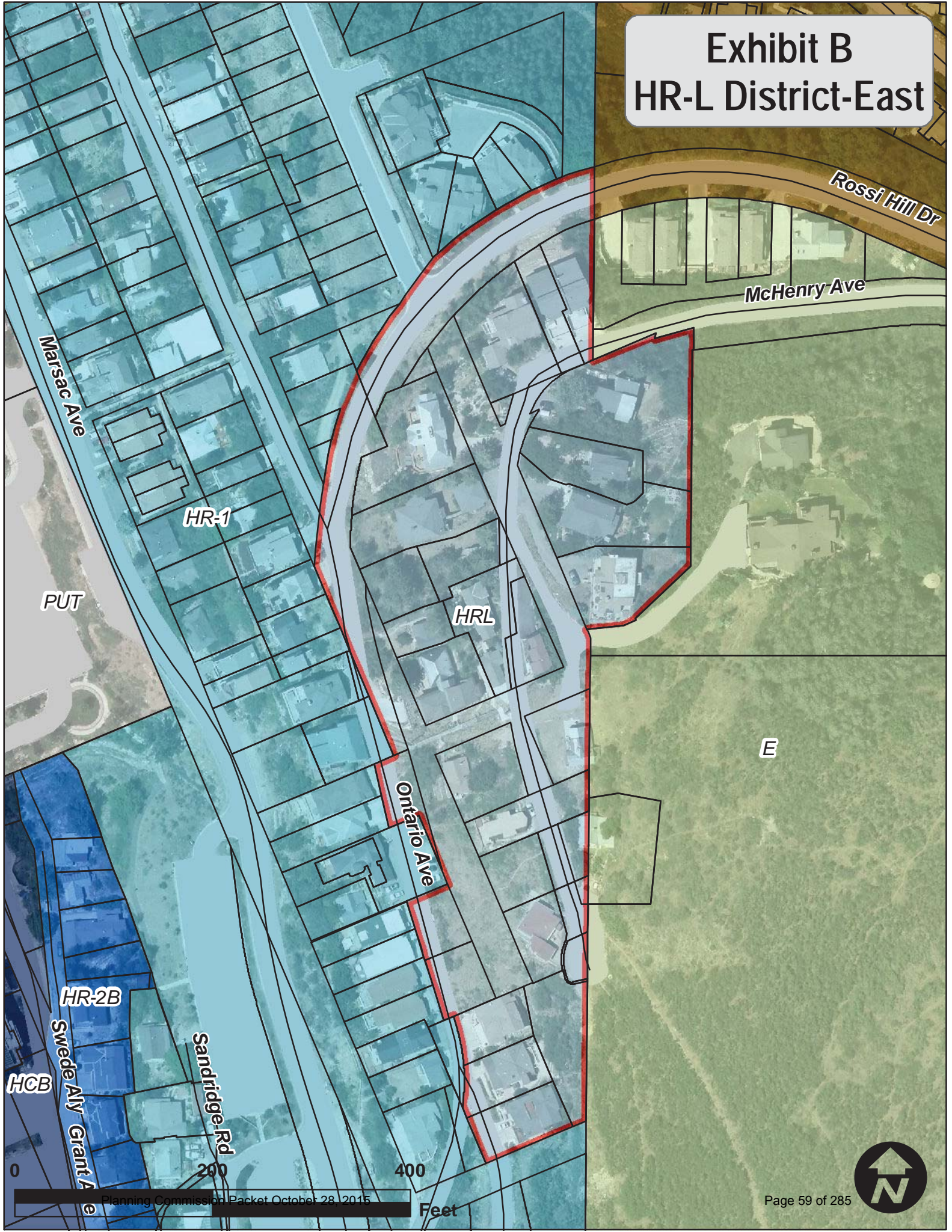


Exhibit C – HR-L District Table

#	Street	Parcel	Appraisal Code
353	McHenry	PC-509-C-5-A	RESIDENTIAL SECONDARY IMPROVED
351	McHenry	PC-509-C-5	RESIDENTIAL PRIMARY IMPROVED
347	McHenry	PC-509-C-4	RESIDENTIAL SECONDARY IMPROVED
335	McHenry	335-MC-1	RESIDENTIAL PRIMARY IMPROVED
331	McHenry	331-MC-A	RESIDENTIAL PRIMARY IMPROVED
327	McHenry	331-MC-B	RESIDENTIAL SECONDARY UNIMPROVED
321	McHenry	321-MC-1	RESIDENTIAL SECONDARY IMPROVED
257	McHenry	PC-500-1	RESIDENTIAL SECONDARY IMPROVED
277	McHenry	PC-501-A-1	RESIDENTIAL PRIMARY IMPROVED
253	McHenry	BAER-1	RESIDENTIAL SECONDARY UNIMPROVED
235	McHenry	IBS-1	RESIDENTIAL PRIMARY IMPROVED
320	Ontario	331-MC-C	RESIDENTIAL SECONDARY UNIMPROVED
316	Ontario	PC-488-A	RESIDENTIAL SECONDARY IMPROVED
308	Ontario	308-ONT-1	RESIDENTIAL PRIMARY IMPROVED
264	Ontario	264-ONT-ALL	RESIDENTIAL PRIMARY IMPROVED
210	Ontario	IVERS-2	RESIDENTIAL SECONDARY IMPROVED
206	Ontario	IVERS-3	RESIDENTIAL SECONDARY IMPROVED
202	Ontario	IVERS-4	RESIDENTIAL SECONDARY IMPROVED
154	Ontario	HBTRS-1	RESIDENTIAL PRIMARY IMPROVED
302	McHenry	PC-486-A	RESIDENTIAL PRIMARY IMPROVED
310	McHenry	RHS-4	RESIDENTIAL PRIMARY IMPROVED
320	McHenry	RHS-3	RESIDENTIAL PRIMARY IMPROVED
330	McHenry	RHS-2	RESIDENTIAL PRIMARY IMPROVED
350	McHenry	RHS-1	RESIDENTIAL PRIMARY IMPROVED

Appraisal Code	Sites
RESIDENTIAL PRIMARY IMPROVED	13
RESIDENTIAL SECONDARY IMPROVED	8
RESIDENTIAL SECONDARY UNIMPROVED	3



SENSE OF
COMMUNITY



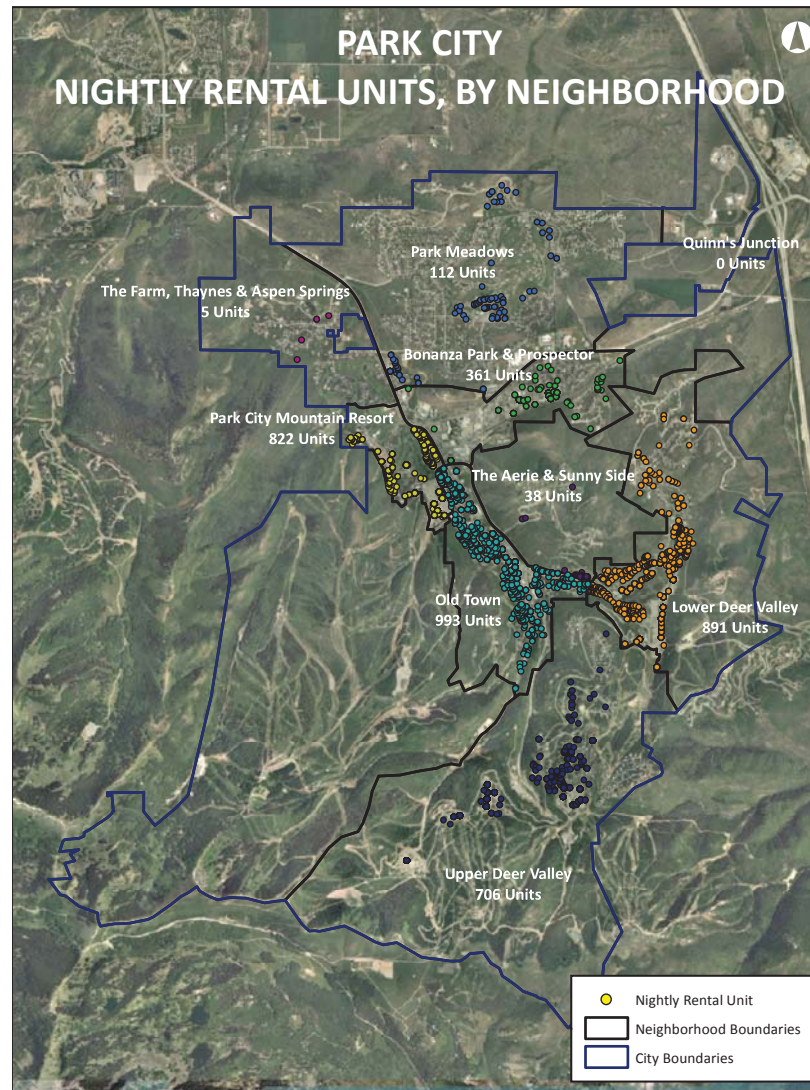
STRATEGY: Nightly Rental Balance

Currently, a Nightly Rental is defined within the Land Management Code as the rental of a dwelling unit for less than thirty (30) days. Due to the resort nature of the Park City economy, the land is often more valuable than the structure located upon it. The economics of the property are often significantly increased if the structure can be commercialized. As a result, the City has experienced a higher demand of nightly rentals. This is directly related to the existing trend of increased second-home ownership within the City which allows for nightly rental opportunities.

Nightly Rentals are allowed in every zoning district except:

- Recreation and Open Space (ROS)
- Protected Open Space (POS)
- Public Use Transition (PUT)
- Community Transition (CT)

The Single Family (SF) zone only allows for nightly rentals within the Prospector Village Subdivision.

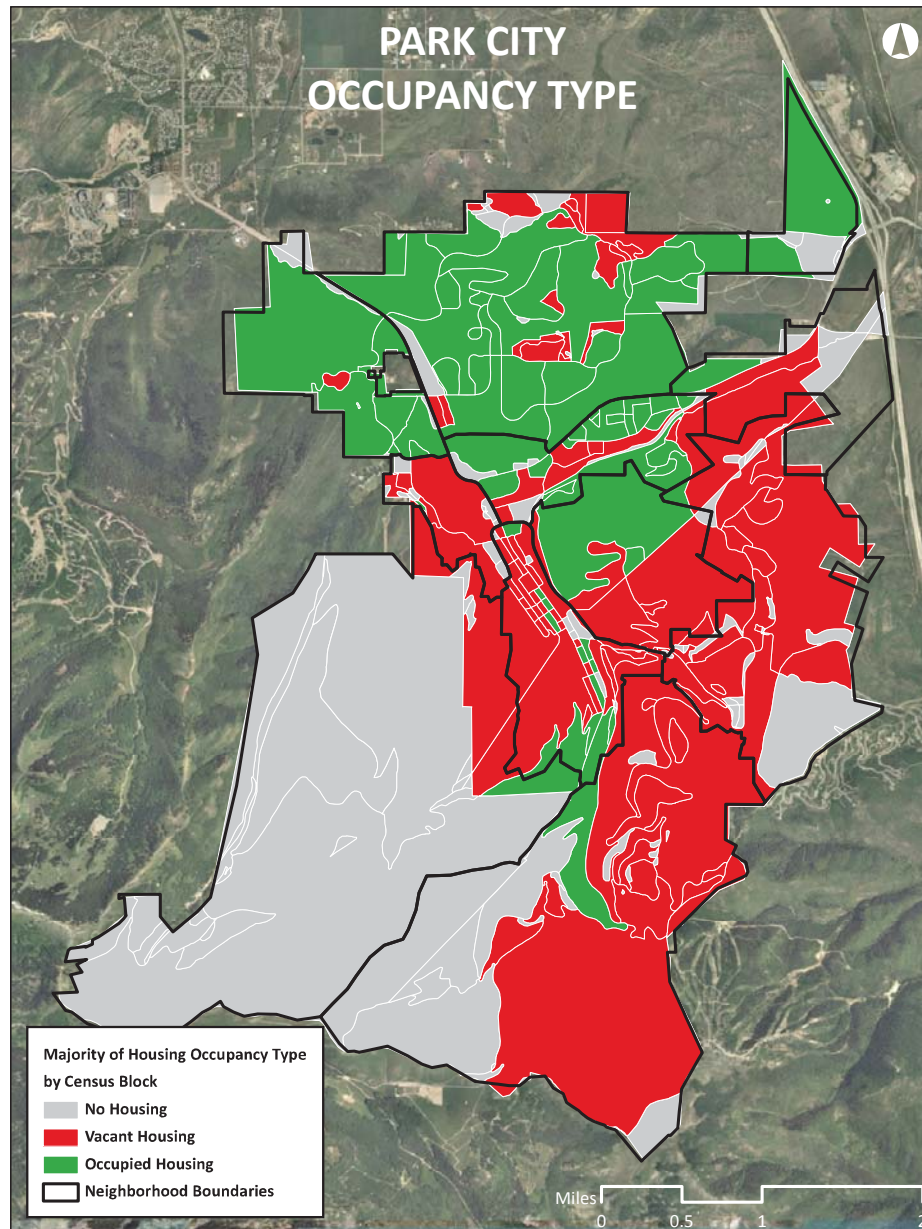


Nightly Rental units are scattered throughout Park City. The neighborhood with the most units is Old Town (993) followed by the resort neighborhoods. The City should look closely at Old Town and consider the provision of incentives for primary home ownership. Balancing this resource for locals, as well as visitors, will be essential to the success of Main Street and the neighborhood.

Nightly Rental is a Conditional Use (CUP) in the Historic Residential-Low Density (HR-L) District and is prohibited in the April Mountain/Mellow Mountain Subdivision located in the Residential Development (RD) District.

There are 3,928 nightly rentals in Park City out of 8,520 total housing units (January 2012) within the City; therefore, based upon the entire stock of housing units in Park City, 46% are nightly rentals.

Thaynes, Park Meadows, Bonanza Park & Snow Creek, Prospector, Masonic Hill, and Quinn’s Junction neighborhoods have a majority of occupied housing units, while the rest of town is predominantly vacant (e.g. secondary) housing. The Old Town neighborhood is comprised of Census Blocks that are predominantly vacant housing; however, there are several blocks that contain a majority of occupied housing.



Occupancy Type: The map to the left illustrates the existing neighborhood boundaries in terms of the majority of housing occupancy type by Census Block. The map is divided into three categories: no housing, vacant housing, and occupied housing.

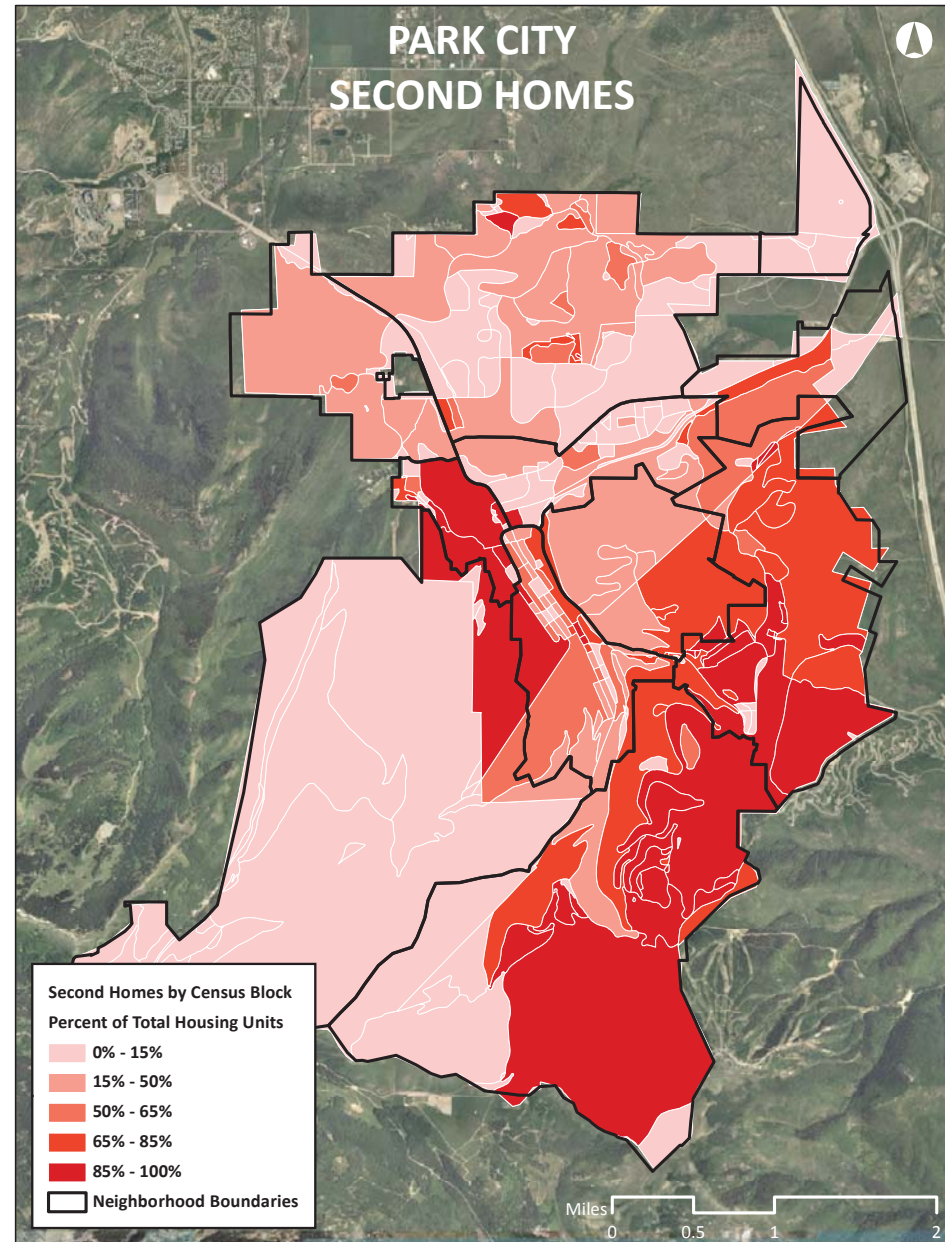
The Nightly Rental table on the following page contains the total number of nightly rentals per neighborhood, percent of nightly rentals within the City per neighborhood, total number of housing units, and the percent of nightly rental units in each neighborhood.

The 'Neighborhood Type' designation, located at the right side of the table, consists of primary or resort oriented designation based on the occupancy majority. Where there is a majority of vacant housing, second home ownership, and also nightly rental, the neighborhood has been identified as a resort neighborhood.

The neighborhood with the highest percentage of nightly rental in Park City is Old Town containing 25%, followed by Lower Deer Valley, Resort Center, then Upper Deer Valley. The Nightly Rental average (percent of total housing units) within the City is forty-six percent (46%).

While the Old Town neighborhood has the highest percentage of nightly rentals (25%) and the higher number of nightly rentals than any other neighborhood (993 out of 2,059), the Old Town

Second Homes: The map to the right shows second homes by Census Block in terms of percent of total housing units. The map is represented in terms of color intensity. The darker tones show a higher percentage of second homes while the lighter tones show a lower percentage.



Neighborhood	Number of Units	Percent of All Nightly Rental	Total Housing Units	Nightly Rental as Percent of All Units	Neighborhood Type
Thaynes	5	0%	231	2%	Primary Res
Park Meadows	112	3%	1,456	8%	Primary Res
Bonanza Park & Prospector	361	9%	1,208	30%	Primary Res
Resort Center	822	21%	1,135	72%	Resort
Old Town	993	25%	2,059	48%	Primary Res/Resort
Masonic Hill	38	1%	186	20%	Primary Res
Lower Deer Valley	891	23%	1,070	83%	Resort
Upper Deer Valley	706	18%	1,173	60%	Resort
Quinn's Junction	-	0%	3	0%	Primary Res
TOTAL	3,928		8,520	46%	

Neighborhood as a whole does not have a predominant trend towards vacant housing or a high percentage of second homes. The higher values for Nightly Rentals are due to the higher density of the historic configuration of the Park City Survey and Snyder's Addition, which platted lots of record consisting of 1,875 square feet, creating an urban environment of approximately 23 units per acre.

City records show a population of approximately 4,200 people in the 1930 Census, solely within what is now known as Old Town. This statistic notes the density of the town historically.

In order to maintain a balance between primary residents and resort oriented neighborhoods, Thaynes, Park Meadows, Bonanza Park & Snow Creek, Prospector, Masonic Hill, and Quinn's Junction neighborhoods should remain

primary residential neighborhoods. This allows the Resort Center, Lower Deer Valley, and Upper Deer Valley to maintain their resort aspect.

The Old Town neighborhood was historically full time primary residential. When Park City re-invented itself as the City evolved into a world class destination, its residential makeup began to change. Old Town property owners realized how valuable land was and



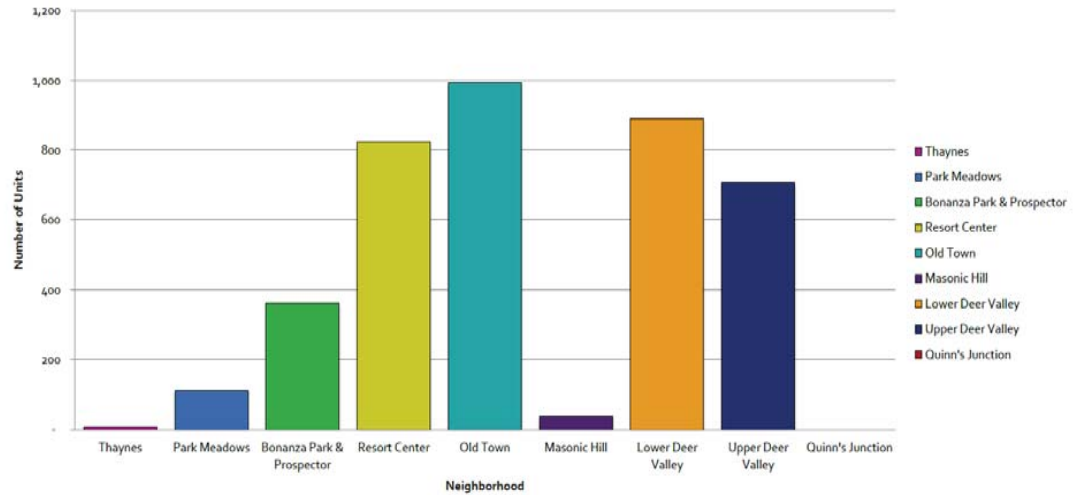
they started to try to maximize the land values as development pressure made it a more desirable resort destination.

The City should consider incentives for primary homeownership in Old Town; a balance between residents and tourists is desirable in this neighborhood.

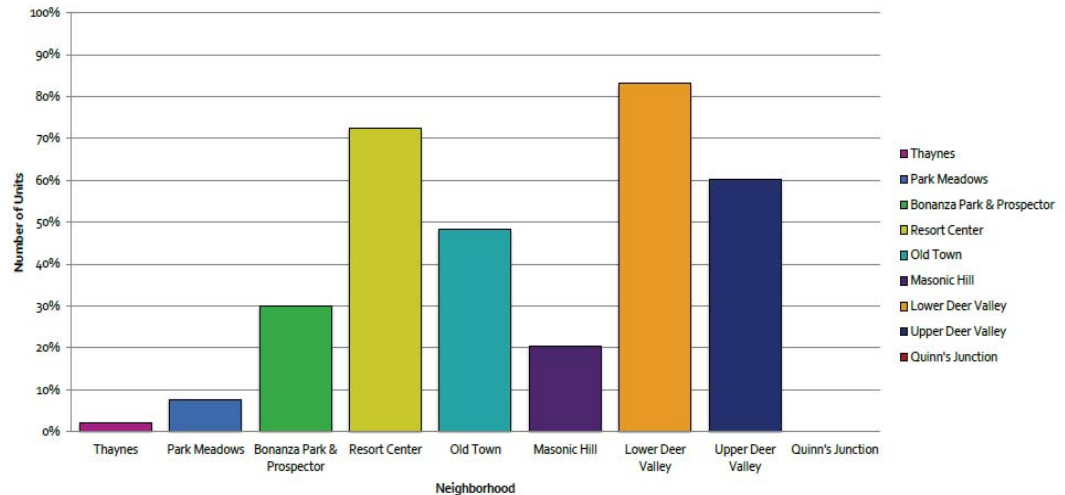
Additional policies that might reinforce this balance include:

- Improved enforcement of nightly rental locations in Old Town;
- Consideration of nightly rentals as a Conditional Use within the HR-1 Zoning District, rather than an Allowed Use; and/or
- Reconsideration of allowing nightly rentals in the HRL Zoning District as an Allowed Use or Conditional Use; and/or
- Consideration of new criteria for nightly rental Conditional Use permits.

Park City Nightly Rental Units By Neighborhood



Park City Nightly Rental Units as a Percent of Total Residential Units



October7, 2015

Dear Planning Commission,

I am writing to you today about my concerns with regards to potential changes in the HR-L zoning on the east side of Old Town.

I purchased my first home at 99 King Rd in 1987 and I currently reside at 97 King Rd on the west side HR-L zone.

My main concern is that if nightly rentals are no longer an allowed use with a CUP on the east side of the HR-L district that this will set a precedent. I believe that we all have the right to make a decision if we want to live in our home or rent it nightly to visiting guests. The CUP process is in place to make sure that the home meets certain guidelines for rentals. If said owner wants to use it as a second home and rent it when they are not in town that should be there right.

The argument is that nightly rentals guests are loud. My stance is that nightly rental guests are visiting our City to have a good time. I have never had any issues in my neighborhood with nightly rental guests. The guests that I have spoken with have been kind and gracious.

I can tell you many stories of long term renters that make your life hell at 3:00 in the morning. Long term renters have one car and one dog per person. I believe that it was 2006 when the long term renters at 99 King Rd would throw wild parties most nights. Their two dogs were the dogs that were going all the way to Red Pine canyon and killing the sheep at night.

Whether you live on the east or west side HR-L district you should have the right to choose how you live in your home.

Nightly rental homes also bring in 45% more property tax revenue and 10.45% nightly rental tax.

Sincerely,



Stephen Elrick

Exhibit E – Public Comments

In 1983 the residents of McHenry Ave. applied to be zoned for no nightly rentals. The HRL zone was formed to give us this designation. Some years later it was discovered that that designation had been taken away .

We are re-applying to be a “no nightly rental” zone for many of the same original reasons.

#1 On the basis of life /safety issues. McHenry is a very narrow, steep , dead end street. In the winter our road reduces to one lane. What makes the difference in our safety is that the residents know the road, how to drive it and help each other. We do not have to contend with strangers who rent nightly trying to come and go on our street. We don’t have people parking on the road and making it impassable for the plow. (Our cohesiveness was demonstrated this summer during our 13 week road project....when we all pulled together to get thru a difficult ordeal)

#2...Our property values are increased by being a neighborhood of full time residents. There are no unsightly trash cans and extra cars all over the road. The houses are not dark most of the year.

We watch out for our neighbors’ homes and keep the street free of any crime. We have a neighborhood park that the residents maintain. It is a welcome stop for tourists and other residents walking by....and has received a State Beautification Award.

Our neighborhood is distinguished by larger lots and more open space. Our home values have continued to increase without nightly rentals. We believe that we have a special area of Old Town that is more marketable because of our full time character.

#3....We are one of the last bastions of Old Town neighborhoods left. We are worth saving.

Full time neighborhoods are rapidly disappearing in Old Town. We are probably the largest pocket of full time residents left. The fact that since 1983 when we made our original request...nothing has changed as far as nightly rental demonstrates the power of our full time cohesiveness. The fabric and character of our neighborhood has remained strong for 30 years. The few 2nd homeowners...know that we will watch their houses and all will be well when they are absent. This means a lot to people moving into Park City.

#4...We are just as viable today as 1983. Among our residents we have one teenager, 3 children under 13 and a baby on the way. In addition, 3 new grandchildren are visiting the Hill regularly...(Rossi Hill 2nd generation).

We respectfully ask that support be given to our effort to keep our neighborhood in the spirit of “keep Park City, Park City”. Not only will it enhance our quality of life...but those visitors that walk thru our neighborhood.



McHenry Ave. Neighborhood Study..

17 units, 8 full time, 4 yearly rental, 1 monthly rental, 4- 2nd homes(no rental)

351/353 Duplex...Bonnie/ Don & Christine....351 occasional monthly rental, 353 2nd home /no rental

347.....Beth & Blake....2nd home /no rental

335.....Merritt & Bob Bennett.....**Full Time**

331.....Jerry Fiat.....2nd year of construction??

321.....Ed & Debbie Axtell.....**Full Time**

287.....Patricia & David Constable.....**Full Time**

277.....Michael Kaplan.....**Full Time**/ yearly rental

235.....Anita Baer.....**Full Time**

243.....Laura & David.....yearly rental

?.....Dustin& Brady Christiansen (Armstrong).....**Full Time**

302Michael & Yvette Gallagher.....yearly rental

300.....Tom & Ann Grady.....2nd home /no rental

310.....Matey Erdos & Morgan Hole.....**Full Time**

320Mary & Charlie Wintzer.....**Full Time**

330David & Stacy Wintzer.....yearly rental

350.....Barbara & Jean Runell.....2nd home/ no rental

Francisco Astorga

From: Brad Brainard <bbrainard@saguaroime.com>
Sent: Tuesday, October 06, 2015 12:39 PM
To: Council_Mail; Francisco Astorga
Subject: NIghtly Rentals

October 6, 2015

Dear Council Members,

We would like to express our unequivocal opposition to amending the current Nightly Rental policy for HRL District- East. As homeowners, we purchased with this option in effect and object to the possibility of that being stripped away. How we choose to utilize our property should be at our discretion, not dictated by local government. As non-resident owners our property tax is higher, even though we use fewer government services-please don't take away an option to recover some of those costs.

Vote against prohibiting nightly rentals.

Sincerely

Bradley J and Catherine P Brainard
316/317 Ontario Ave
PO Box 4281
Park City, Utah 84060

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 550 Park Avenue
Project #: PL-15-02451 & PL-15-2471
Author: Francisco J. Astorga, Senior Planner
Date: October 28, 2015
Type of Item: Administrative – Conditional Use Permit

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 over a parking structure AND a Conditional Use Permit for a *Residential Parking 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.

Description

Applicant/Owner: 545 Street Holdings, LLC represented by Billy Reed and Jonathan DeGray, architect
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 over a parking structure on a vacant site and a CUP for a *Residential Parking Structure with five (5) or more spaces, associated with a residential Building on the same Lot*.

Background

On September 16, 2014, the Planning Department deemed this application complete. On August 04, 2015, the City received revised plans for the proposals at 550 Park Avenue. The property is located in the Historic Residential-2 (HR-2) District. On May 13, 2015, the Planning Commission reviewed the Plat Amendment associated with this project and forwarded a positive recommendation to the City Council. The subject site is currently being proposed at Lot 1 of the Cardinal Park Subdivision.

Also during the May 13, 2015, Planning Commission meeting there was ample discussion regarding building form and scale, Steep Slope CUP criterion #6, specifically regarding that the garage must be subordinate in design to the main building. During this meeting a letter from a neighbor was acknowledged and public comments were

shared by two (2) others in attendance that night. See Exhibit F – 13 May 2015 Planning Commission Meeting Minutes. The Planning Commission moved to continue that item to a future date as a model was offered by the applicant to be submitted for review by the Planning Commission. Since that time, the applicant has been working with staff as they have made the necessary changes as requested by Staff and the Planning Commission to meet the Steep Slope CUP criteria, as the recent challenge was identified in May 2015 to have a garage subordinate in design to the main building.

This application includes a request for a Conditional Use Permit for construction over slopes that are thirty percent (30%) or greater. The proposed dwelling is a new-single family dwelling over a parking structure. 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 CUP application for review by the Planning Commission, pursuant to Land Management Code (LMC) § 15-2.2-6. A Historic District Design Review (HDDR) application is concurrently being reviewed by staff for compliance with the Design Guidelines for Historic Districts.

In August 2014, the Planning Department approved a HDDR application at 545 Main Street for a remodel/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 Historic Commercial Business (HCB) District.

As indicated on Finding of Fact no. 10 of the approved April Inn site 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 (4 x \$14,000). The property owner desires to seek approval of the City for the actual creation of four (4) parking spaces on the HR-2 District for the purpose of providing parking for the Main Street site.

The applicant requested use of City property to access the parking area in the form of an easement for the benefit of the April Inn, the Main Street site. The City Council approved the easement; however, the agreement will not be finalized until these CUPs applications are approved. See Exhibit B – Draft Fee In Lieu of Parking Agreement 545 Main Street, Exhibit C – February 26, 2015 City Council Staff Reports, and Exhibit D – February 26, 2015 City Council Meeting Minutes. 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 four (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. One (1) parking space is for the single-family dwelling, while the applicant currently requests five parking spaces for the April Inn.

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 CUP 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 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.

The site contains two (2) zoning districts; however, the requested structure take place over the HR-2 District. The construction over steep slopes and the parking structure with six (6) parking spaces takes place within the HR-2 District.

Analysis- Steep Slope CUP

A single-family dwelling is an allowed use in the HR-2 District. The Planning Director has made a determination that even though there is more than one (1) unit on the Lot,

in this case the use of the structure is as a single-family dwelling. The proposed single-family dwelling is 2,133 square feet consisting of a three (3) bedroom house without a garage. A single-family dwelling requires two (2) parking spaces. The applicant proposes one (1) parking space accessed directly off Park Avenue onto its parking pad and one (1) parking space accessed off Main Street through the alley directly below the proposed house adjacent to the other five (5) parking spaces requested for the April Inn site.

The lowest level is the parking level consisting of 142 square feet as it contains a small entry and a staircase leading to the street level. The parking area consists of 1,084 square feet. The parking level only has built walls on the west and north elevations, in the form of a foundation wall. A column is placed on the southwest corner of the structure for support. The south elevation is completely open as it is its direct access from the alley. The middle level is identified as the street level and is accessed directly off Park Avenue. The main door of the house is on this level access through an eighteen foot (18') wide front porch. The street level has three (3) bedrooms, two (2) bathrooms, and a family room. The street level contains 1,107 square feet and it also has a rear deck. The upper level has the living room, dining room, kitchen, and a bathroom. The upper level has both a front and rear deck. The upper level is 884 square feet.

These Conditional Use Permits are 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.

Staff makes the following Land Management Code related findings:

LMC Requirements	Standard	Proposed
Building Footprint	1,132.5 square feet maximum, (based on the lot within the HR-2 District)	1,127 square feet, <u>complies.</u>
Front/Rear Yard Setbacks	10 feet, minimum	Front: 10.5', <u>complies.</u> Rear: 16', <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, highest at 26.6 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	A Structure shall have a maximum height of thirty	<u>Complies.</u>

Top Plate	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 [...].	<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>

LMC § 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, ten feet (10') from property line at Park Avenue. The rear setback is fifteen feet (15'). 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 approximately forty percent (40%). The last sixty-five feet (65') contain a flat slope which can be measured at nine percent (9%) approximately.

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 (2) access points: Park Avenue and Main Street. The Park Avenue access corresponds to an eighteen foot (18') wide porch for pedestrian access as well as a parking space directly off Park Avenue. The Park Avenue access is by right simply for having frontage over a street recognized on Park City's Streets Master Plan. The Main Street access for the house has a covered parking space and a door leading to the upstairs street level. The five (5) remaining parking spaces are for the exclusive use of the April Inn and are only to have access through the alley off Main Street. 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.

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 just one (1) parking space for the house on the Park Avenue street level.

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 (1) parking space from Park Avenue at the street level and the rest off Main Street through what would be considered the side of the building at the lowest level. Due to the topography of the site, from the front elevation, the site resembles a two (2) story building. The maximum building height of twenty-seven feet (27') make the proposed structure follow the perceived natural topography of the site. The front façade is broken up which assists in providing 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 street level at the back contains a deck. The upper level at the front and back

contain a deck. The green roof has a step towards the middle which assists in breaking up the massing in two (2) components. The street and upper levels at the front elevation contain a vertical step in front wall plane which breaks up the proposed structure. The deck above the porch also assists in breaking up the mass and a small roof form over the left side of the front elevation vertical break adds more articulation to the building form. The proposed green roof is not accessible and is considered a passive space which will not require railings, etc. The green roof will not act as a patio. Staff recommends that the fireplace above the roof is reduced as it tends to “stick out” as seen from the front elevation.

- 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 fourteen foot (14') front yard setback to the structure. The upper level deck is ten and a half feet (10.5') from the front property line. The front has small roof form to the left, a wide eighteen foot porch to the right, and a four foot (4') vertical façade shift which minimize the “wall effect”. The proposed structure has a twenty foot (20') rear yard setback to the structure. The street level rear deck is sixteen feet (16") from the rear property line. The proposed design contains the required ten foot (10') step-back on the third story.

- 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 (3) 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 seventeen to twenty-seven feet (17-27') measured from existing grade, as required by the LMC.

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

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.**

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 two (2) parking spaces for the residential single-family dwelling, one (1) parking space accessed directly off Park Avenue and one (1) parking space accessed off the alley through Main Street. The LMC 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 a 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 2,133 square feet consisting of a three (3) bedroom house with most of the lowest level consisting of parking spaces. The house has one (1) parking space accessed off Park Avenue and one (1) parking space accessed through the alley via Main Street. The living space of the parking level is 142 square feet. The parking level area consisting of six (6) parking spaces is 1,084 square feet. The living space of the street level floor is 1,107 square feet. The living space of the upper level floor is 884 square feet.

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

The requested use of the single-family dwelling is off Park Avenue as well as through Main Street and the alley. 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 the proposed 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 applicant proposes a total of seven (7) parking spaces on-site: Two (2) parking spaces for the single-family dwelling; and Five (5) parking spaces for the April Inn.

The LMC indicates that a single-family dwelling requires a minimum of two (2) parking spaces. The first (1st) parking space is accessed off Park Avenue while the second (2nd) parking space is found below the street level.

The remaining five (5) parking spaces, as well as the second one (1) for the house, are accessed off Main Street through a drafted easement agreement over City owned property. The five (5) parking spaces are to be built for the benefit of 545 Main Street, April Inn.

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

The single-family dwelling has internal pedestrian circulation directly off each parking area. The first (1st) parking space is accessed off Park Avenue, the second (2nd) parking space as well as the five (5) parking spaces are accessed off Main Street through the alley.

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, realign, and landscape. The applicant will have to receive a separate permit through the City Engineer's office to rebuild and realign the City stairs, as well as landscaping City owned property.

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 size of the proposed building.

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 Historic Residential-1 and the HCB Districts.

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 file a Condominium Record of Survey for the April Inn, 545 Main Street, and the proposed structure.

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 structure 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 as conditioned.**

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.**

Applicant requests a total of one (1) unit over the HR-2 portion of the development.

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. **Not applicable.**
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. **Not applicable.**
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.**

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 E – Public Comment.

Alternatives

- The Planning Commission may approve the requested CUPs as conditioned or amended, or
- The Planning Commission may deny the requested CUPs 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 and/or may not be able to build the requested single-family dwelling/parking structure.

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 over a parking structure 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.

General Findings of Fact:

1. The site is located at 550 Park Avenue.
2. The site is located in the HR-2 District.
3. The site is currently being proposed at Lot 1 of the Cardinal Park Subdivision.
4. This application includes a request for a Conditional Use Permit for construction of a new-single family dwelling over a parking structure.
5. A Historic District Design Review (HDDR) application is concurrently being reviewed by staff for compliance with the Design Guidelines for Historic Districts.
6. 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
7. A single-family dwelling is an allowed use in the HR-2 District.
8. The proposed single-family dwelling is 2,133 square feet consisting of a three (3) bedroom house without a garage.

9. A single-family dwelling requires two (2) parking spaces.
10. The applicant proposes two (2) parking spaces for the single-family dwelling
11. The applicant proposes five (5) parking spaces for the April Inn site.
12. The lowest level is the parking level consisting of 142 square feet.
13. The parking area consists of 1,084 square feet.
14. The middle level is identified as the street level and is accessed directly off Park Avenue.
15. The street level has three (3) bedrooms, two (2) bathrooms, and a family room.
16. The street level contains 1,107 square feet and it also has a rear deck.
17. The upper level has the living room, dining room, kitchen, and a bathroom.
18. The upper level has both a front and rear deck.
19. The upper level is 884 square feet.
20. The maximum building footprint is 1,135.5 square feet.
21. The proposed building footprint is 1,127 square feet.
22. The minimum front/rear yard setbacks are ten feet (10).
23. The front yard setbacks are ten and a half feet (10.5').
24. The rear yard setbacks are sixteen feet (16').
25. The minimum side yard setbacks are three feet (3').
26. The side yard setbacks are three feet (3').
27. The proposed structure complies with the maximum building height, including the following provisions: final grade, thirty-five foot rule, vertical articulation, roof pitch.

Steep Slope CUP Specific Findings of Fact:

1. The proposed structure is located and designed to reduce visual and environmental impacts of the Structure.
2. 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.
3. The proposed structure has two (2) access points: Park Avenue and Main Street.
4. The Park Avenue access corresponds to an eighteen foot (18') wide porch for pedestrian access as well as a parking space directly off Park Avenue.
5. The Main Street access for the house has a covered parking space and a door leading to the upstairs street level. The five (5) remaining parking spaces are for the exclusive use of the April Inn and are only to have access through the alley off Main Street.
6. 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.
7. The proposal does not including any terracing other than the effect of the structure on the site.
8. 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 parking space from Park Avenue at the street level of the structure and the rest off Main Street through what would be considered the side of the building at the lowest level of the structure.

9. The maximum building height of 27 feet make the proposed structure follow the perceived natural topography of the site.
10. The front façade is broken up which assists in providing front yard variation.
11. The roof form, the decks both in front and back, and the vertical step in the front break up the mass of the building and adds more articulation to the building form.
12. The proposed green roof is not accessible and is considered a passive space which will not require railings, etc. The green roof will not act as a patio.
13. Staff recommends that the fireplace above the roof is reduced as it tends to “stick out” as seen from the front elevation.
14. The front has small roof form to the left, a wide eighteen foot porch to the right, and a four foot (4’) vertical façade shift which minimize the “wall effect”.
15. The proposed design contains the required ten foot (10’) step-back on the third story.
16. The proposed structure is both horizontally and vertically articulated and broken into compatible massing components.
17. The design includes setback variations and lower building heights for portions of the structure on the rear elevation.
18. 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 (3) story dwellings.
19. The entire building ranges in height from seventeen to twenty-seven feet (17-27’) measured from existing grade, as required by the LMC.

CUP for Parking with 5 or More Spaces Specific Findings of Fact:

1. The proposal shall be consistent with the Design Guidelines for Park City’s Historic Districts and Historic Sites.
2. The application is currently being reviewed by staff for compliance with the Design Guidelines where the scale, compatibility, historic character is thoroughly reviewed.
3. Applicant proposes two (2) parking spaces for the residential single-family dwelling, one parking space accessed directly off Park Avenue and one parking space accessed off the alley through Main Street. The LMC requires a single-family dwelling to have two (2) parking spaces.
4. Staff recommends that the applicant submit the required report by a Certified Arborist and that the loss of significant mitigation is replaced on a like per like basis.
5. 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.
6. The proposed single-family dwelling is 2,133 square feet consisting of a three (3) bedroom house with most of the lowest level consisting of parking spaces.
7. The house has one parking space accessed off Park Avenue and one parking space accessed through the alley via Main Street.
8. The requested use of the single-family dwelling is off Park Avenue as well as through Main Street and the alley.
9. 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 the proposed 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.

10. No additional utility capacity is required for the requested use.
11. Emergency vehicles can easily access the unit and no additional access is required.
12. The applicant proposes a total of seven (7) parking spaces on-site: Two (2) parking spaces for the single-family dwelling; and Five (5) parking spaces for the April Inn.
13. The LMC indicates that a single-family dwelling requires a minimum of two (2) parking spaces.
14. The first (1st) parking space is accessed off Park Avenue while the second (2nd) parking space is found below the street level.
15. The remaining five (5) parking spaces, as well as the second one (1) for the house, are accessed off Main Street through a drafted easement agreement over City owned property.
16. The five (5) parking spaces are to be built for the benefit of 545 Main Street, April Inn.
17. The single-family dwelling has internal pedestrian circulation directly off each parking area.
18. The first (1st) parking space is accessed off Park Avenue, the second (2nd) parking space as well as the five (5) parking spaces are accessed off Main Street through the alley.
19. Screening and landscaping is proposed at towards the front of the house.
20. The applicant requests to build a new single-family dwelling at the Park Avenue elevation.
21. The applicant requests the roof of the structure to be a passive non-accessible green roof, which is allowed.
22. No useable open space will be affected with the requested use from what is currently found on site.
23. There are stairs on the west end of the City owned alley, which the applicant requests to rebuild, realign, and landscape. The applicant will have to receive a separate permit through the City Engineer's office to rebuild and realign the City stairs, as well as landscaping City owned property.
24. No signs and lighting are associated with this proposal.
25. The requested uses will not affect the existing physical design and compatibility with surrounding structures in mass, scale and style.
26. The proposal will not affect any control of delivery and service vehicles, loading/unloading, and screening.
27. The expected ownership and management of the property is not projected to add impacts that would need additional mitigation.
28. The proposal is not located within the Sensitive Lands Overlay.
29. The applicant requests to build a residential parking structure 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.

30. 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.
31. The proposed structure within the HR-2 portion of the lot meets the building height requirements of the HR-2 District as stated.
32. The new structure fronting on Park Avenue does not contain commercial uses.
33. Only the lot area within the HCB portion of the lot shall be used to calculate the commercial floor area.
34. Applicant requests a total of one (1) unit over the HR-2 portion of the development.
35. 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.
36. The width of the proposed structure is twenty nine feet (29').
37. No density transfer is being proposed.

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 October 28, 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, realign, 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 and applicable City Codes.
14. The new structures fronting on Park Avenue shall not contain commercial uses.
15. 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.
16. The maximum allowed Building Footprint for the HR-2 Lot shall be subject to Section 15-6-5(B).
17. The easement agreement for access to the lower parking must be recorded prior to issuance of any building permits.
18. The applicant shall submit the report by a Certified Arborist prior to building per LMC § 15-2.3-15. Loss of significant mitigation shall be replaced on a like per like basis.
19. The proposed fireplace above the roof shall be reduced as it tends to "stick out" as seen from the front elevation.

Exhibits

Exhibit A – Vicinity Map

Exhibit B – Plans:

Aa – Area Square Foot Calculations

Topographic Map

A0.1 – Site Plan/Landscape Plan/Parking Plan

A1.1 – Parking Level & Street Level Floor Plans

A1.2 – Upper Level Floor Plan & Roof Plan

A2.0 – Exterior Elevations

A2.1 – Streetscape Elevations

A3.0 - A3.1 – Building Sections

Exhibit C – Fee In Lieu of Parking Agreement 545 Main Street & HDDR Action Letter

Exhibit D – 09.17.2015 City Council Staff Report including 02.26.2015 Report

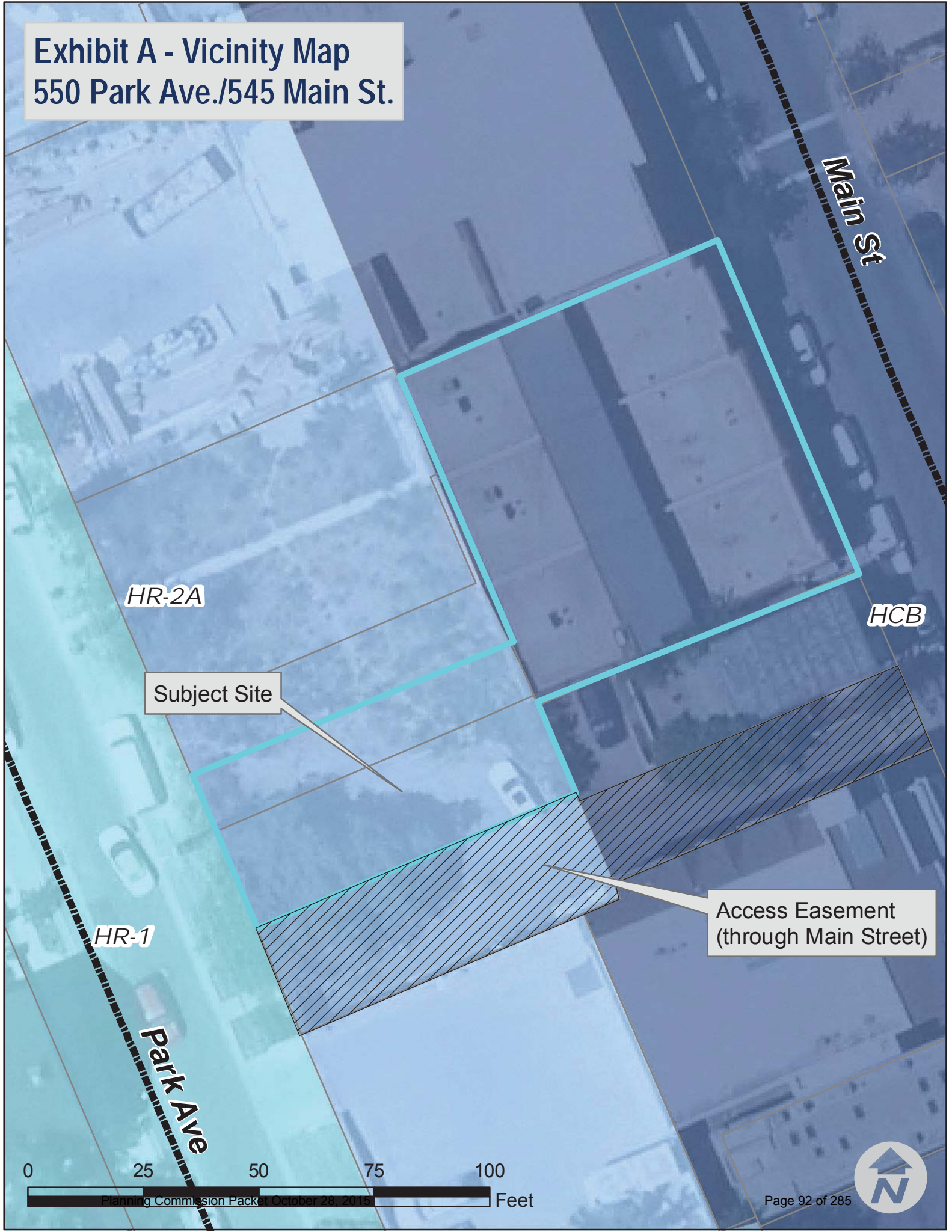
Exhibit E – 02.26.2015 City Council Meeting Minutes

Exhibit F – 09.17.2015 Draft City Council Meeting Minutes

Exhibit G – Public Comment

Exhibit H – 05.13.2015 Planning Commission Meeting Minutes

Exhibit A - Vicinity Map
550 Park Ave./545 Main St.



HR-2A

Subject Site

HCB

HR-1

Access Easement
(through Main Street)

Main St

Park Ave



PARK AVENUE LOT E

550 PARK AVENUE PARK CITY, UT 84060

HISTORIC DISTRICT DESIGN REVIEW APPLICATION SET

CONSULTANTS

ARCHITECTURAL
JONATHAN DEGRAY
P.O. BOX 1674
614 MAIN STREET SUITE 302
PARK CITY, UTAH 84060
TEL. (435) 648-7263
FAX: (435) 649-7263
EMAIL: degrayarch@qvestoffice.net

LEGEND

	BRICK & STONE		OFFICE
	EARTH		ROOM NUMBER
	CONCRETE		FLOOR POINT ELEV.
	CONCRETE MASONRY UNIT		CENTER LINE
	STEEL (LARGE SCALE)		ROUND, DIA.
	RIGID INSULATION		CHANNEL
	ROUGH WOOD		ANGLE
	BLOCKING		DETAIL
	ALUMINUM (LARGE SCALE)		SECTION CUT, DETAIL
	GRAVEL		BUILDING SECTION
	FINISHED WOOD		KEYED NOTES
	BATT OR BLOWN INSULATION		WINDOW TYPE
	PLASTER, SAND, GROUT, MORTAR		DOOR NUMBER
	STEEL (SMALL SCALE)		REVISION
	BITUMINOUS PAVING		INTERIOR WALL ELEV.
	PLYWOOD		WALL TYPE
	GYPSUM BOARD		

CODE ANALYSIS

APPLICABLE CODES
2012 IRC 2012 IRC
2012 IPC 2012 IMC
2011 NEC 2012 IFGC
2009 IECC 2012 IFC

OCCUPANCY: R3

CONSTRUCTION TYPE: VB

AREA SQUARE FOOT CALCULATIONS				
	EXISTING	NEW	TOTAL	REMODEL
PARKING LEVEL	-	142	142	-
MAIN LEVEL	-	1107	1107	-
UPPER LEVEL	-	884	884	-
TOTAL LIVING SPACE	-	2133	2133	-
ALLOWABLE LIVING SPACE	-	-	-	-
PARKING	-	1084	1084	-
FOOTPRINT	-	1127	1127	-
ALLOWABLE FOOTPRINT	-	1132.5	-	-
LOT AREA	2625			
LOD FENCE				
DISTURBED AREA				

BACKFLOW PREVENTERS (3 TOTAL)

DEFERRED SUBMITTALS

INDEX TO DRAWINGS

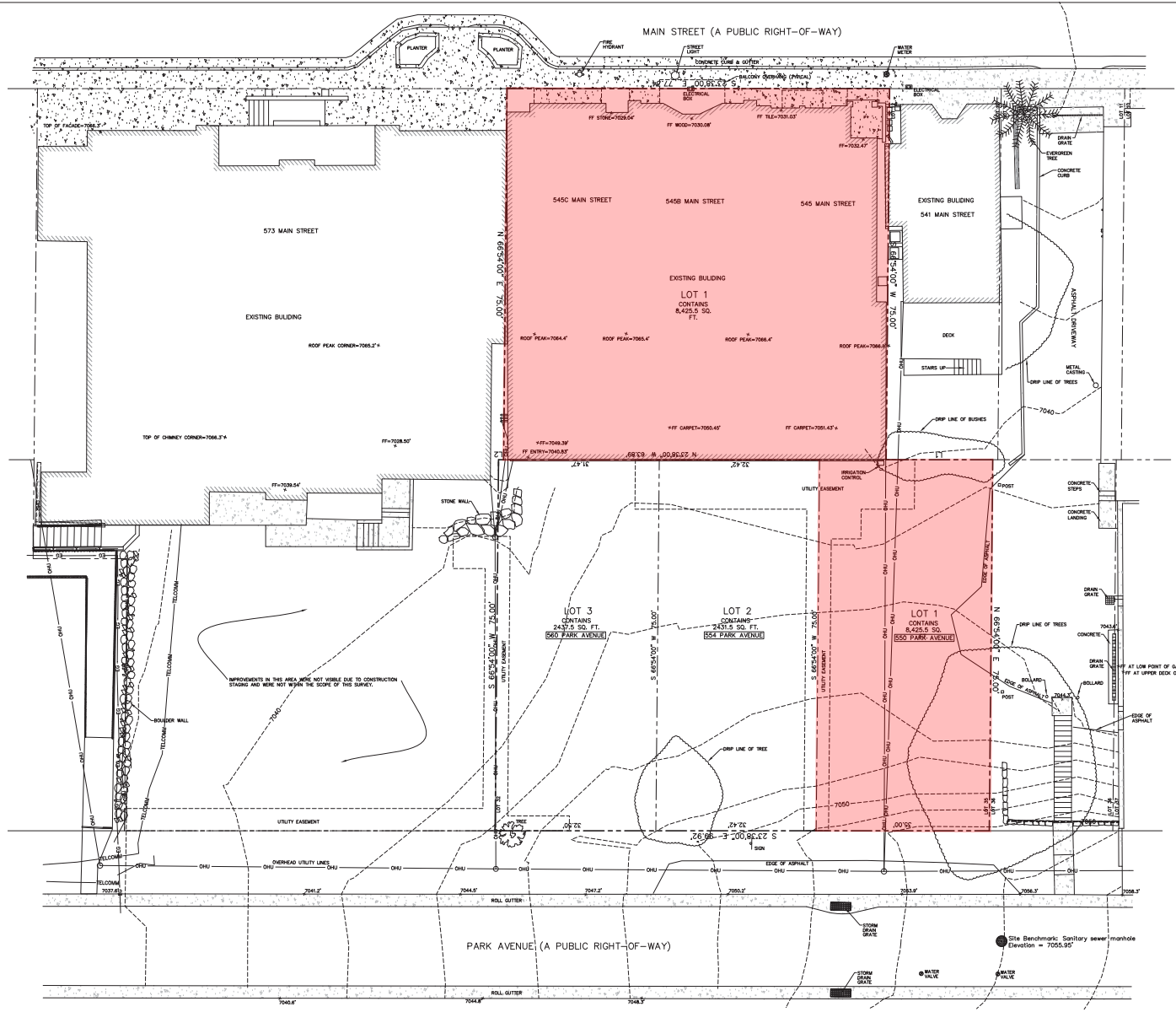
#	SHEET #	SHEET DESCRIPTION
1	Aa	COVER SHEET
SURVEY		
2	1 OF 1	RECORD OF SURVEY AND TOPOGRAPHIC MAP
ARCHITECTURAL		
3	A0.1	PROPOSED SITE PLAN & LANDSCAPE PLAN
4	A1.1	FLOOR PLANS - PARKING LEVEL, STREET LEVEL
5	A1.2	FLOOR PLANS - UPPER LEVEL, ROOF LEVEL
6	A2.0	EXTERIOR ELEVATIONS
7	A2.1	STREETSCAPE ELEVATION
8	A3.0	BUILDING SECTIONS
9	A3.1	BUILDING SECTIONS
10	A3.1	GENERAL NOTES AND DETAILS
11	A5.2	DETAILS
12	A6.0	DOOR, WINDOW AND ROOM SCHEDULES
MECHANICAL, ELECTRICAL, PLUMBING		
13	MEP.0	MECHANICAL, ELECTRICAL, PLUMBING GENERAL NOTES
14	MEP.1	MECHANICAL, ELECTRICAL, PLUMBING PLAN - LOWER LEVEL, MAIN LEVEL, UPPER LEVEL

ABBREVIATIONS

AC	AIR CONDITIONING	F.D.	FLOOR DRAIN	PR.	PAIR
ACUST.	ACOUSTICAL	END	FOUNDATION	R.D.	ROOF DRAIN
ADD.	ADDENDUM	FIN.	FINISH	RIG.	REGULAR
ADJ.	ADJUSTABLE	FLR.	FLOOR	R.S.	ROUGH-SAWN
ALLOW.	ALLOWANCE	FR.	FIRE RATED	RAD.	RADIUS
ALUM.	ALUMINUM	FTG.	FOOTING	RENZ.	REINFORCING
APPROX.	APPROXIMATE	G.	GAS	REYD.	REQUIRED
B.D.	BOARD	GA.	GALVANIZED IRON	REV.	REVERSED
B.U.	BUILT-UP	GA.	GALVANIZED	RM.	ROOM
B.W.	BOTH WAYS	GALV.	GALVANIZED	R.O.	ROUGH OPENING
B.L.C.	BUILDING	GRD.	GRADE	S & R	SHELF AND ROD
BLK.	BLOCK	G.W.B.	GYPSUM WALL BOARD	S.C.	SOLID CORE
BRK.	BRICK	G.L.B.	GULL-LAM BEAM	SCHED.	SCHEDULE
CL	CAST IRON	H.B.	HOSE BIBB	SHT.	SHEET
C.M.U.	CONCRETE MASONRY UNIT	HD.	HEAD	SM.	SPECIFICATION
CLG.	CEILING	H.M.	HOLLOW METAL	STD.	STANDARD
COL.	COLUMN	INT.	INSIDE DIAMETER	ST.	STEEL
COMP.	COMPACTED COMPOSITE	INT.	INTERIOR	STRUC.	STRUCTURAL
CONC.	CONCRETE	IRRIG.	IRRIGATION	SYS.	SYSTEM
CONSTR.	CONSTRUCTION	INSUL.	INSULATION	T & B	TOP AND BOTTOM
CONTR.	CONTRACTOR	J.B.	JAMB	T & G	TONGUE AND GROOVE
CONT.	CONTINUOUS	JNT.	JOINT	T.O.	TOP OF
D.F.	DRINKING FOUNTAIN DOUGLAS FIR	M.E.	MOISTURE RESISTANT	T.O.F.	TOP OF FOOTING
DIA.	DIAMETER	MANFR.	MANUFACTURER	T.O.W.	TOP OF WALL
DM.	DIMENSION	MAX.	MAXIMUM	TYP.	TYPICAL
DN.	DOWN	MECH.	MECHANICAL	T.S.	STEEL TUBE COLUMN
DWG.	DRAWING	MIN.	MINIMUM	U.O.	UNLESS NOTED OTHERWISE
DTL.	DETAIL	NI	NEW	VERT.	VERTICAL
EA.	EACH	N.I.C.	NOT IN CONTRACT	V.T.R.	VENT THRU ROOF
E.F.	EXHAUST FAN	N.F.S.	NOT TO SCALE	W.	WATER
E.F.S.	EXT. INSUL. FINISH SYSTEM	NO.	NUMBER	WD.	WOOD
E.	EXPANSION JOINT	O.C.	ON CENTER	W.	WITH
ELEC.	ELECTRICAL	O.D.	OUTSIDE DIAMETER	WP.	WATERPROOF
ELEV.	ELEVATION	O.F.D.	OVERFLOW DRAIN	WR.	WATER RESISTANT
EQ.	EQUAL	OPNG.	OPENING	WH.	WATER HEATER
E.L.	EXPANSION TANK	P.L.W.D.	PLYWOOD	W.S.	WATER STOPENER
EXIST. (E)	EXISTING	PNT.	PAINT	W.W.F.	WELDED WIRE FABRIC
EXT.	EXTERIOR	PNTD.	PAINTED	W.W.M.	WOVEN WIRE MESH

GENERAL NOTES

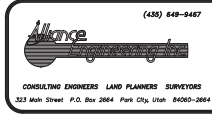
- THIS DESIGN IS AN ORIGINAL UNPUBLISHED WORK, AND MAY NOT BE DUPLICATED, PUBLISHED AND/OR USED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT/ENGINEER.
- THESE SHEETS - LISTED BY DRAWING INDEX, ALL ACCOMPANYING SPECIFICATIONS FOR MATERIALS, WORKSMANSHIP QUALITY, AND NOTES HAVE BEEN PREPARED SOLELY FOR THE CONSTRUCTION AND FINISH OF PROJECT IMPROVEMENTS, COMPLETE AND READY FOR OCCUPANCY AND USE.
- ALL WORK IS TO BE PERFORMED IN ACCORDANCE WITH PERTINENT JURISDICTIONAL CODES, RESTRICTIONS, COVENANTS, AND/OR ORDINANCES. ANY CONFLICT BETWEEN DESIGN AND REQUIREMENT SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.
- ANY AND ALL PROPOSED CHANGE, MODIFICATIONS AND/OR SUBSTITUTION SHALL BE REPORTED TO THE ARCHITECT/ENGINEER BEFORE PROCEEDING.
- IN THE EVENT OF CONFLICT BETWEEN THE DESIGN DOCUMENTS AND/OR JURISDICTIONAL REQUIREMENTS, THE MORE RESTRICTIVE FROM THE STANDPOINT OF SAFETY AND PHYSICAL SECURITY SHALL APPLY.
- ANY INSTALLATION, FINISH, OR COMPONENT INTENDED TO PROVIDE ENCLOSURE, WEATHER ABILITY OR APPEARANCE QUALITY SHALL BE PRODUCED AS A REPRESENTATIVE SAMPLE PRIOR TO PROCEEDING WITH COMPLETION. WORK PERFORMED WITHOUT WRITTEN APPROVAL OF SUCH SAMPLE BY THE ARCHITECT/ENGINEER SHALL BE DONE AT THE RISK OF THE CONTRACTOR. A MINIMUM OF TWO (2) WORKING DAYS NOTICE SHALL BE GIVEN.
- ALL WORK SHALL BE INSPECTED BY GOVERNING AGENCIES IN ACCORDANCE WITH THEIR REQUIREMENTS. JURISDICTIONAL APPROVAL SHALL BE SECURED BEFORE PROCEEDING WITH WORK.
- BUILDING DESIGN IS GENERALLY PREDICATED UPON PROVISIONS OF THE 2012 IRC AND AMENDMENTS AS MAY HAVE BEEN LOCALLY ENACTED. ALL REQUIREMENTS OF THE JURISDICTIONAL FIRE SAFETY PREVENTION DISTRICT SHALL BE ACCOMMODATED BY THIS DESIGN AND ANY CONSEQUENT CONSTRUCTION.
- ALL 2 1/2" GAS PIPE SYSTEM METER SETS REQUIRES PRIOR APPROVAL FROM QUESTAR GAS COMPANY. PROVIDE A LETTER FROM QUESTAR APPROVING SYSTEM.
- ALL FIELD WELDING OR TORCH WORK WILL REQUIRE A SEPARATE "HOT WORK" PERMIT PRIOR TO BEGINNING WORK. IFC 105.6.11



NOTES

1. Site Benchmark: Sanitary sewer manhole
Elevation=7055.95'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on December 3, 2012.
4. Property corners were set or found during a survey performed February 14, 2012.
5. Snow coverage at the time of the survey was approximately 0" to 6"
As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.

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



(435) 648-9467
 STAFF:
 MARSHALL KING
 MARTY MORRISON
 HARRISON HOLLEY
 DATE: 8/24/15

TOPOGRAPHIC MAP
 PROPOSED PLAT W/EXISTING CONDITIONS
 EXHIBIT
 FOR: 545 MAIN STREET HOLDINGS, LLC
 JOB NO.: 1-3-14
 FILE: X:\ParkCitySurvey\dwg\ar\topo2014\010314-april-parking.dwg

SHEET
 1
 OF
 1

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 NURSERYMANS STANDARD SPECIFICATIONS.
- ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DRAWINGS, DETAILS, AND SPECIFICATIONS.
- CONTRACTOR SHALL VERIFY ALL QUANTITIES. IN CASE OF A DISCREPANCY, THE ILLUSTRATED LOCATIONS SHALL DICTATE COUNT.
- CONTRACTOR SHALL COORDINATE ALL PLANTING WITH IRRIGATION CONTRACTOR, AS NEEDED.
- IN THE EVENT OF A DISCREPANCY NOTIFY THE ARCHITECT OR OWNER IMMEDIATELY.
- NO SUBSTITUTIONS SHALL BE ALLOWED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT OR OWNER.
- 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 "TREN" 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							
[Symbol]	[Symbol]	12	Colorado Blue Spruce	Picea pungens	3" Dia.	6'-10"	6'-8" tall
		24	Aspen	Populus tremuloides	3" Dia.	6'-10"	
SHRUBS							
[Symbol]	[Symbol]	48	Red twig dogwood	Cornus sericea "baileyi"	5 Gal.		Spacing as noted on plan
PERENNIAL PLANTS							
[Symbol]	[Symbol]	28	Blisshells	Campanula	1 Gal.	12"x18"	Distribute Equally
		28	Columbine	Aquilegia Canadensis	1 Gal.	12"x18"	Distribute Equally
		28	Trailing Daisy	Eriogonum Flagellaris	1 Gal.	12"x18"	Distribute Equally
		28	Blanket Flower	Gaillardia Aristata	1 Gal.	12"x18"	Distribute Equally
OTHER							
[Symbol]	[Symbol]	936 S/F	Wood Chips		Small		3" Thick Layer
[Symbol]	[Symbol]	589 S/F	Native Grass Seed Mix		1 Bb/1500	Hydroseeded	See seed mix below
[Symbol]	[Symbol]	0 S/F	Drought Tolerant Fescue	Sheep Fescue			

NATIVE GRASS SEED MIX
 The seed mix shall be selected 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 100.00' 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% Alpha Bluegrass.

* In addition, add 10 lbs./acre each of Linnam lewisii and Penstemon Eatoni with native grass seed mixture.

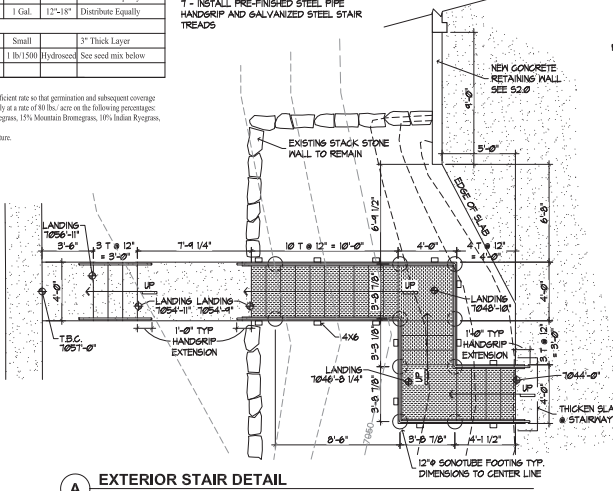
'CITY STAIR' CONSTRUCTION:
 1 - POUR 12" SONOTUBE FOOTINGS WITH CUSTOM STEEL MOUNTING BRACKETS @ CENTER.
 2 - ATTACH 3 1/8" X 16 1/2" 6LB STRINGERS USING (4) THRU-BOLTS @ EA. MOUNTING BRACKET BOLT SIZE PER CITY.
 3 - ATTACH VERTICAL 4X6 POSTS TO STRINGER USING (3) THRU-BOLTS @ PRE-DRILLED HOLES. BOLT SIZE PER CITY.
 4 - ATTACH 3 1/8" X 6' 6LB RAIL TO VERTICAL 4X6 POSTS USING (2) THRU-BOLTS @ PRE-DRILLED HOLES. BOLT SIZE PER CITY.
 5 - STAIN AND SEAL ALL WOOD STAIRWAY PARTS.
 6 - MEASURE FOR STEEL PIPE HANDGRIP AND GALVANIZED STEEL STAIR TREAD AND LANDING FABRICATION.
 T - INSTALL PRE-FINISHED STEEL PIPE HANDGRIP AND GALVANIZED STEEL STAIR TREADS



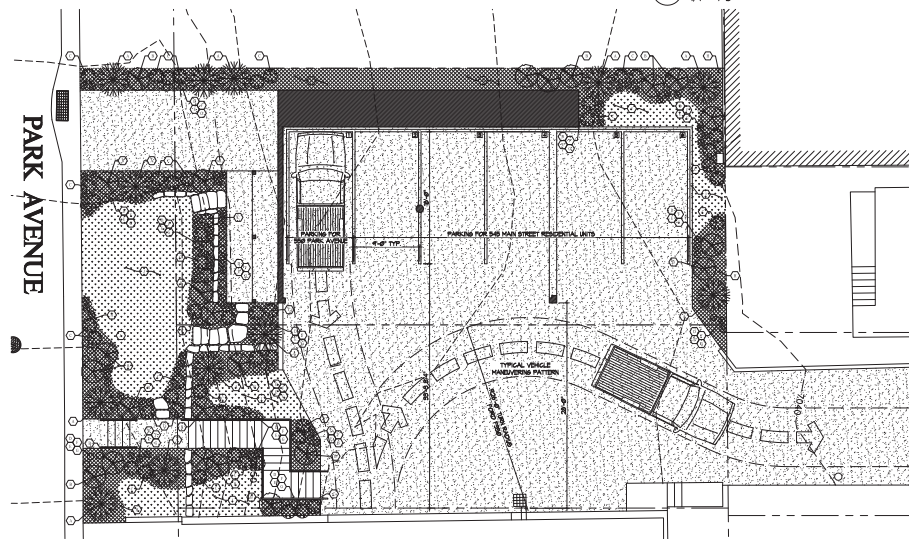
TYPICAL 'CITY STAIR'



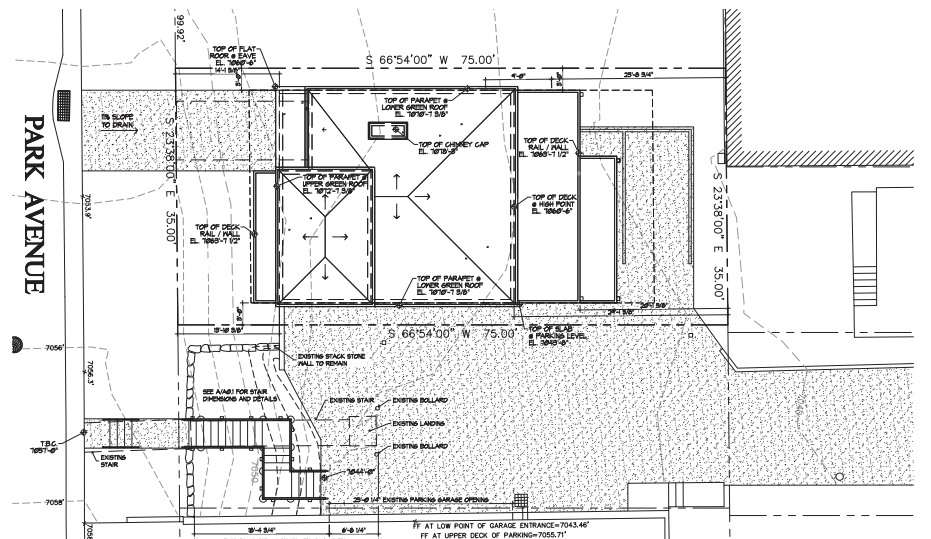
3 AERIAL PHOTO OF PROPOSED SITE
1" = 100'



A EXTERIOR STAIR DETAIL
1/4" = 1'-0"



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



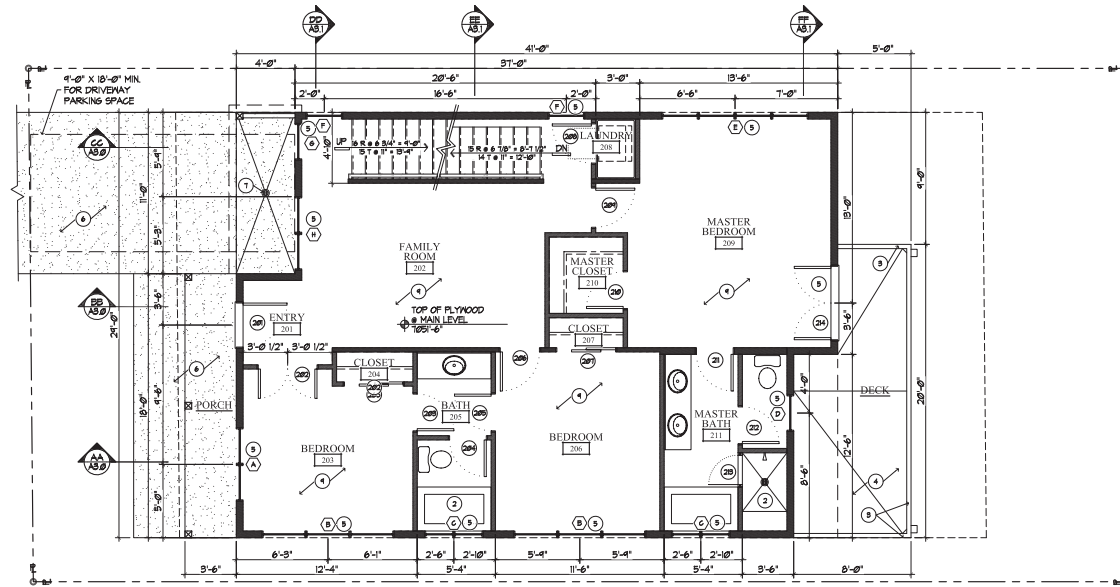
1 PROPOSED SITE PLAN
1/8" = 1'-0"

Jonathan DeGray
Architect

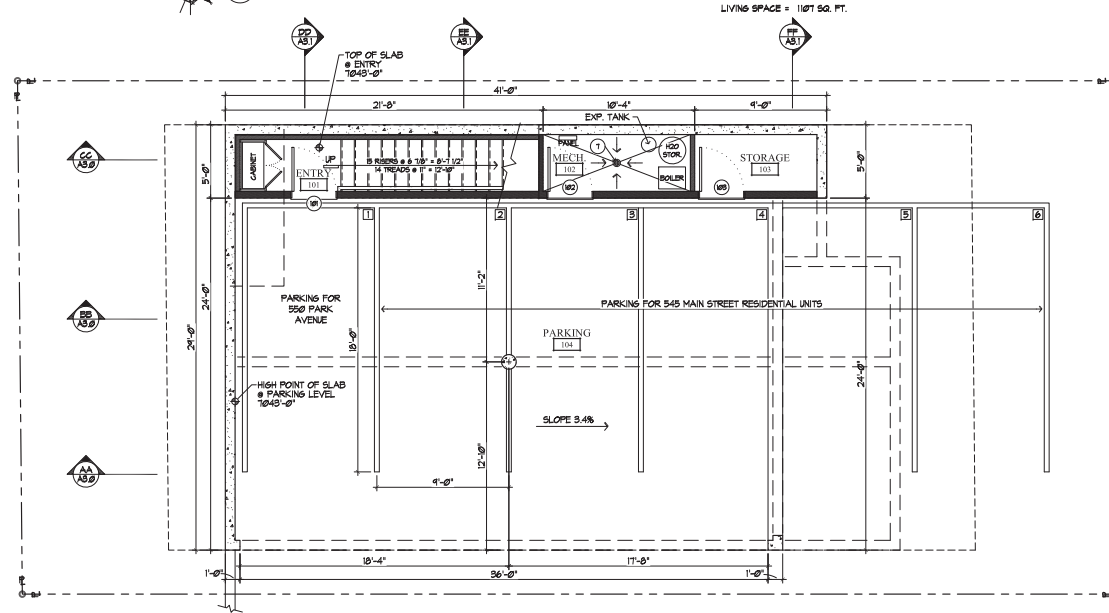
PARK AVENUE - LOT E
350 PARK AVENUE
PARK CITY, UT 84060

PROPOSED SITE PLAN
LANDSCAPE & PARKING PLAN

DATE: 09/03/15
PROJECT NUMBER:
SHEET NUMBER:
A0.1



PROJECT NORTH
 2 STREET LEVEL FLOOR PLAN
 1/4" = 1'-0"

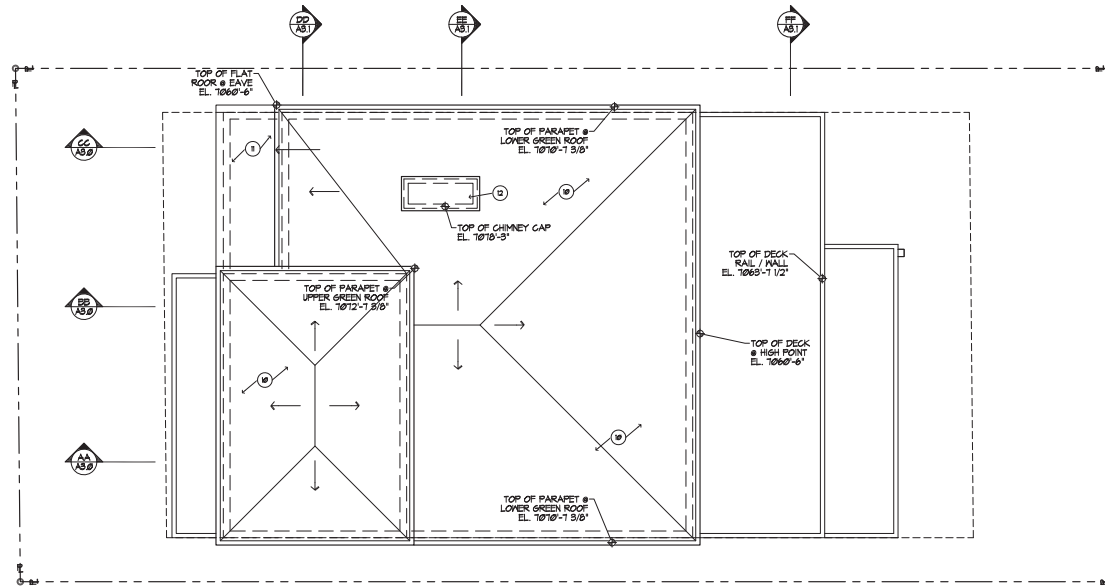


PROJECT NORTH
 1 PARKING LEVEL FLOOR PLAN
 1/4" = 1'-0"

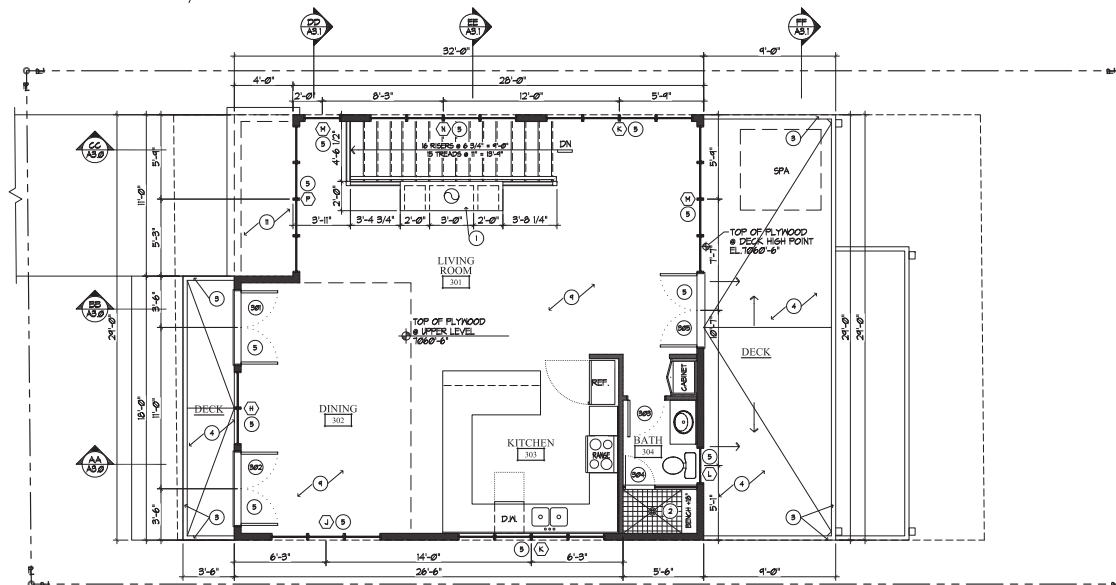
LIVING SPACE = 142 SQ. FT.
 PARKING = 1004 SQ. FT.

- GENERAL NOTES**
- 1- NEW 2X FRAMED WALL
 - 2- NEW 8\"/>
- KEYED NOTES**
- 1 36\"/>

Jonathan DeGray Architect
PARK AVENUE - LOT E 350 PARK AVENUE PARK CITY, UT 84060
PARKING LEVEL & STREET LEVEL FLOORPLANS
DATE: 09/03/15 PROJECT NUMBER: SHEET NUMBER: A1.1



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



PROJECT NORTH
 NORTH
3 UPPER LEVEL FLOOR PLAN
 1/4" = 1'-0"

LIVING SPACE = 884 SQ. FT.

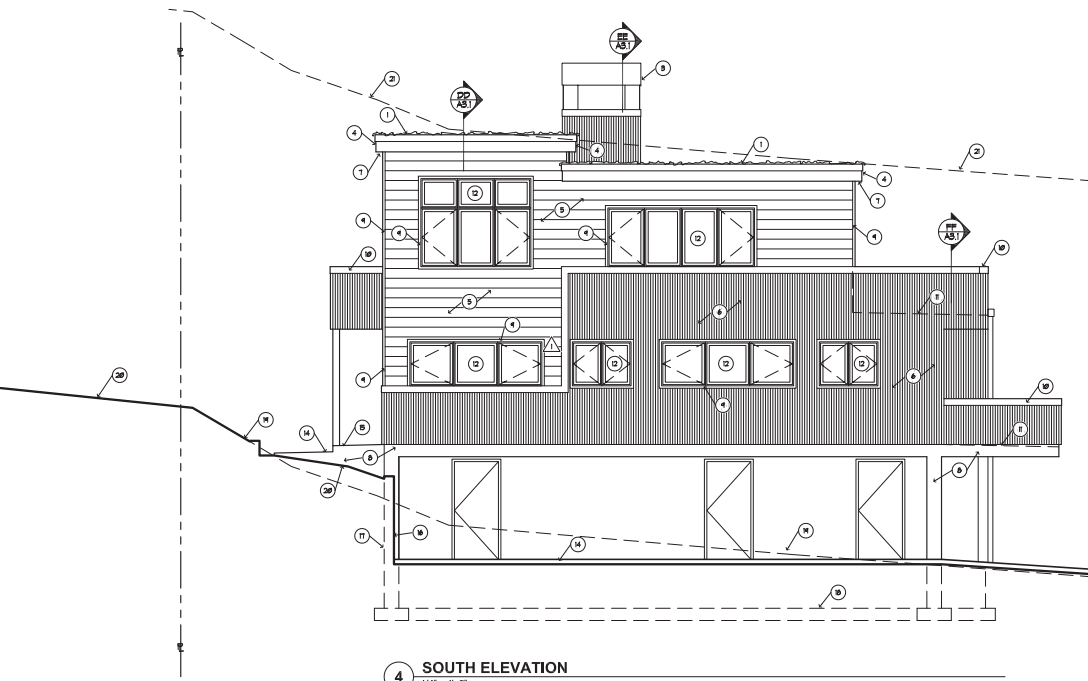
- GENERAL NOTES**
- NEW 2X FRAMED MALL
 - NEW 8" CONCRETE MALL
 - EXTERIOR WALLS TO BE 2X6 FRAMING W/ R-20 INSULATION - TYP. ALL INTERIOR WALLS TO BE 2X4 FRAMING, U.N.O. W/ R-13 INSULATION - TYP. ALL FLOOR JOIST TO BE II 7/8" T.J. FRAMING U.N.O. W/ R-42 INSULATION - TYP. ALL ROOF JOIST TO BE II 7/8" T.J. FRAMING U.N.O. W/ R-42 INSULATION TYP.
- KEYED NOTES**
- 1 36" ENCLOSED GAS FIREPLACE, OPENING FRAMED ON 18" 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 MALL - ALIGN TOP OF MALL WITH BOTTOM OF ADJACENT WINDOWS - SEE B1A/B FOR DETAILS
 - 4 DECK SURFACE TO DRAIN MIN. 1/4" PER 12" TO SCUPPER SEE B1A/B FOR DETAILS
 - 5 ALUMINUM GLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS - SEE SCHEDULE
 - 6 CONCRETE PORCH/PATIO/DRIVEWAY, REINFORCED PER ENGINEER, BROOM FINISH NATURAL COLOR.
 - 7 4" CONCRETE FLOOR SLAB, REINFORCED PER ENGINEER, SLOPE 4 DRAIN TO SUMP
 - 8 NOT USED
 - 9 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

Jonathan DeGray
 Architect

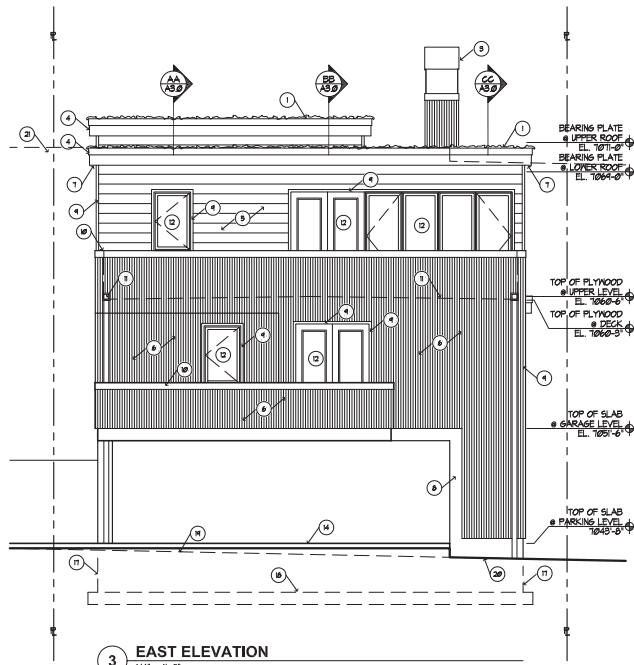
PARK AVENUE - LOT E
 350 PARK AVENUE
 PARK CITY, UT 84060

UPPER LEVEL FLOORPLAN
 & ROOF LEVEL PLAN

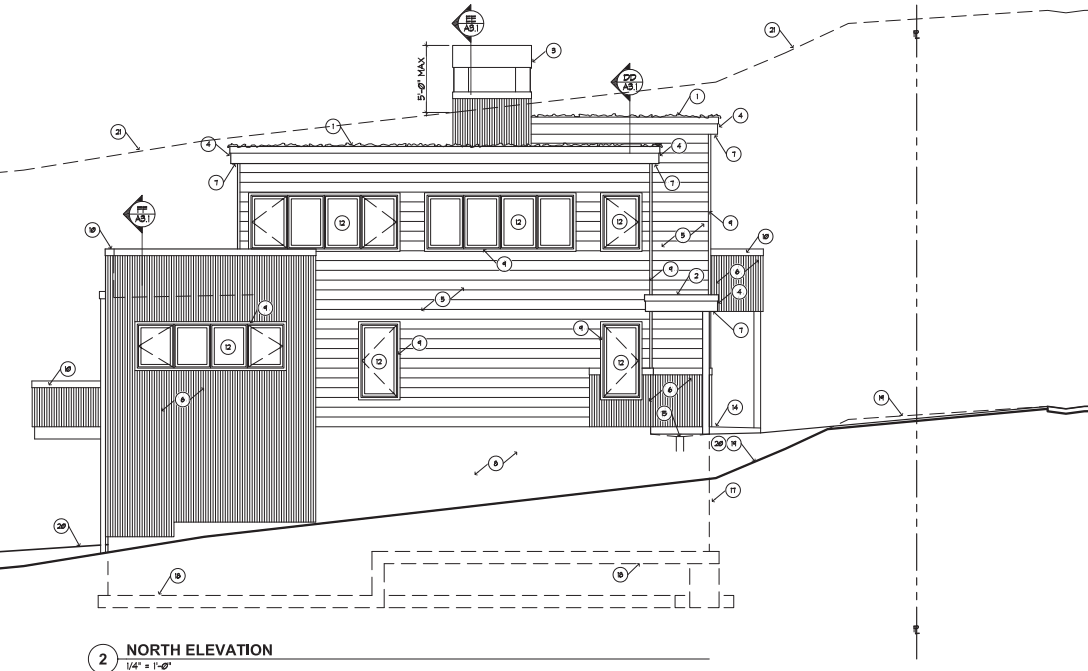
DATE: 09/03/15
 PROJECT NUMBER:
 SHEET NUMBER:
A1.2



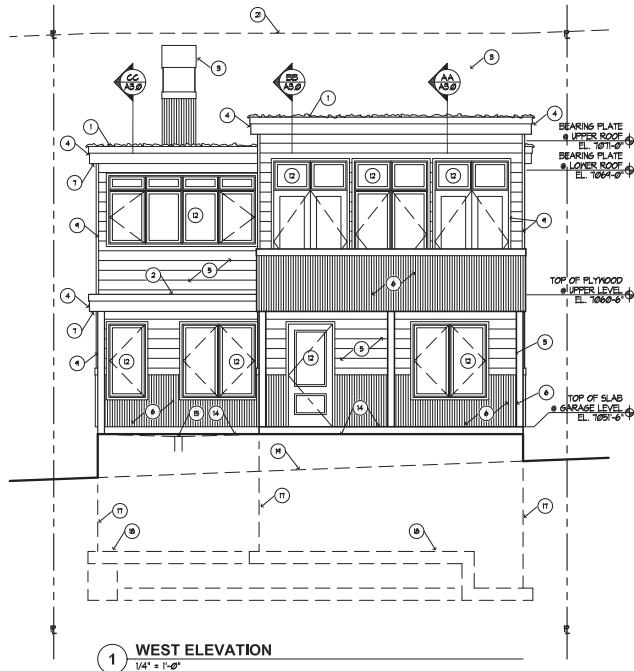
4 SOUTH ELEVATION
1/4" = 1'-0"



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



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



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

- KEYED NOTES**
- 1 GREEN ROOF - SEE A/A3.0 FOR DETAILS
 - 2 FLAT ROOF - SEE B/A3.0 FOR DETAILS
 - 3 RATED METAL CHIMNEY CAP STRUCTURE - SEE A/A2.0 FOR DETAILS
 - 4 5/4" X 5/2" ON 5/4" X 4 1/4" BUILT UP CEDAR FASCIA - STAINED
 - 5 HORIZONTAL CEDAR LAP SIDING - 8" REVEAL - ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
 - 6 VERTICAL CORRUGATED CORE 18 METAL SIDING - ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
 - 7 T&G CEDAR SOFFIT PL. CONTINUOUS SOFFIT VENT - STAINED.
 - 8 R&B RUBBED CONCRETE FINISH
 - 9 1" X 2" CEDAR TRIM @ HORIZONTAL LAP SIDING 2" X 2" CEDAR TRIM @ VERTICAL SIDING - STAINED
 - 10 DECK RAILING / HALF WALL - ALIGN TOP OF WALL WITH BOTTOM OF ADJACENT WINDOWS - SEE D/A3.0 FOR DETAILS.
 - 11 DECK SURFACE TO DRAIN MIN 1/4" PER 12" TO SCUPPER SEE D/A3.0 FOR DETAIL
 - 12 ALUMINUM GLAD WOOD WINDOWS AND DOORS 1/1" INSULATED GLASS - SEE SCHEDULE A/B.0
 - 13 NOT USED
 - 14 PORCH / PATIO / DRIVEWAY / SIDEWALK. CONCRETE - BROOM FINISH NATURAL COLOR. REINFORCED PER ENGINEER.
 - 15 DRIVEWAY DRAIN TO SUMP.
 - 16 STACKED ROCK RETAINING WALL SEE DETAIL A/Z.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 course.

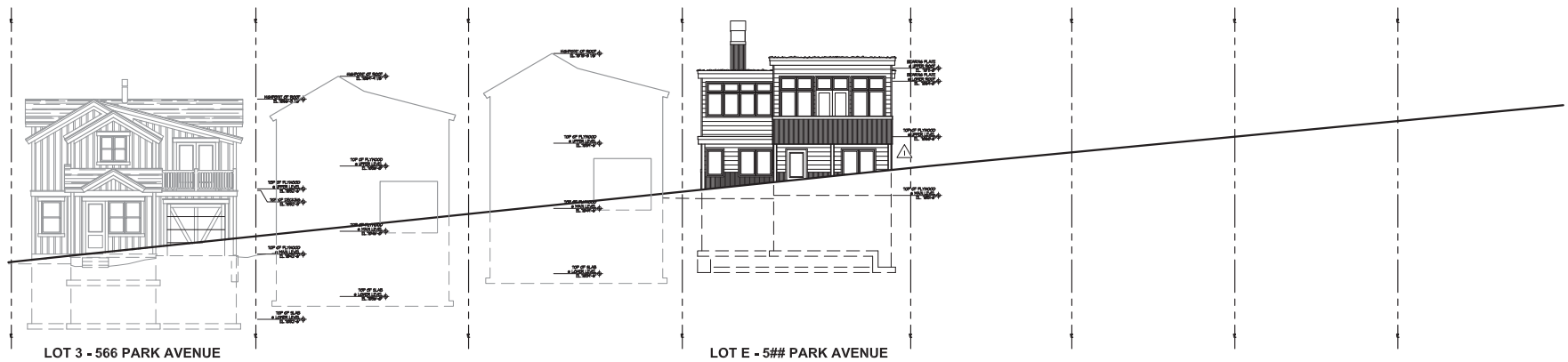
STACKED STONE RETAINING WALL
NO SCALE

Jonathan DeGray
Architect

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

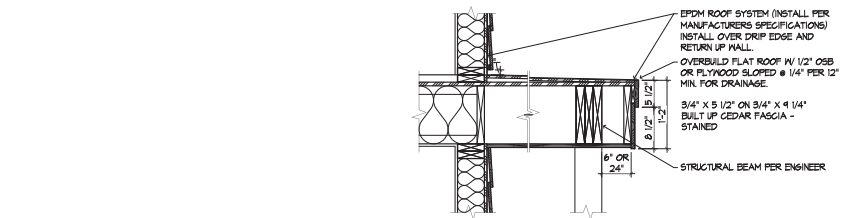
EXTERIOR ELEVATIONS

DATE: 09/03/15
PROJECT NUMBER:
SHEET NUMBER:
A2.0

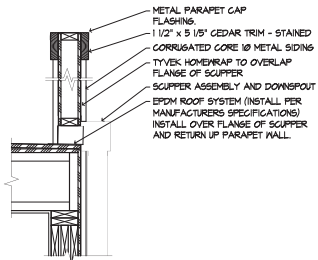


1 STREETScape ELEVATION
1/8" = 1'-0"

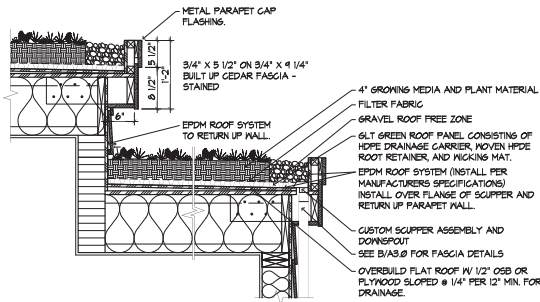
<p>PROJECT LOCATION: PARK AVENUE - LOT E 550 PARK AVENUE PARK CITY, UT 84060</p>	
<p>PROJECT ARCHITECT: Jonathan DeGray Architect</p> <p><small>P.O. Box 1079, Lehi, Utah 84043 1000 West 2000 South, Suite 3002, Park City, Utah 84060 435.769.7211, 435.769.7212, 435.769.7213</small></p>	
<p>DATE: 09/03/15</p>	
<p>PROJECT NUMBER:</p>	
<p>REVISIONS:</p>	
<p>WEEK NUMBER: A2.1</p>	



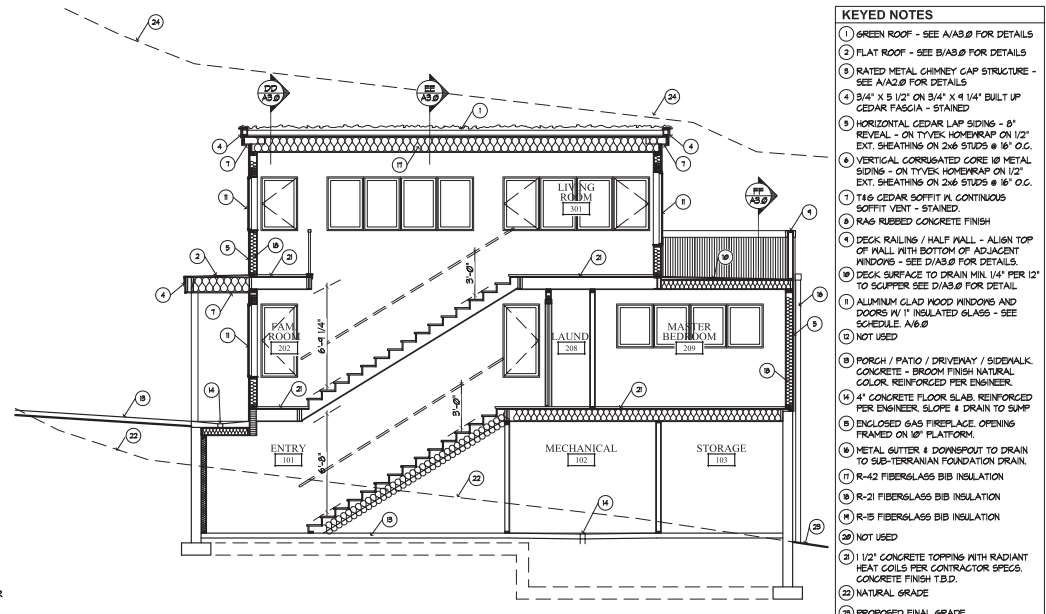
B FLAT ROOF DETAILS
1" = 1'-0"



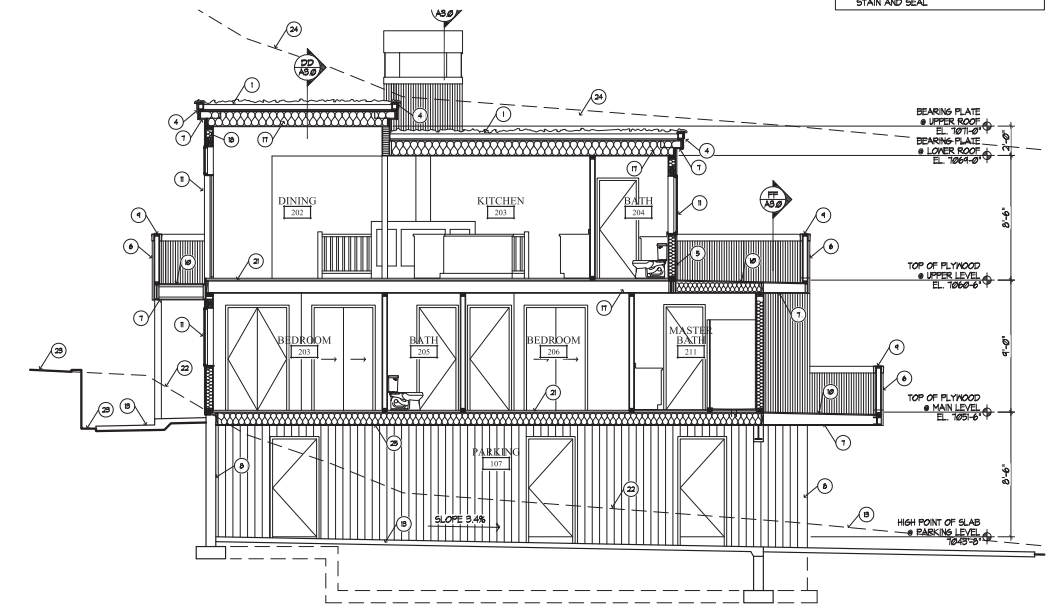
D DECK RAILING & SCUPPER DETAILS
1" = 1'-0"



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



- KEYED NOTES**
- GREEN ROOF - SEE A/A/S FOR DETAILS
 - FLAT ROOF - SEE B/A/S FOR DETAILS
 - RATED METAL CHIMNEY CAP STRUCTURE - SEE A/A/S FOR DETAILS
 - 3/4" X 5 1/2" ON 3/4" X 4 1/4" BUILT UP CEDAR FASCIA - STAINED
 - HORIZONTAL CEDAR LAP SIDING - 8" REVEAL - ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
 - VERTICAL CORRUGATED CORE 10 METAL SIDING - ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
 - T&G CEDAR SOFFIT PL. CONTINUOUS SOFFIT VENT - STAINED.
 - R&B RUBBED CONCRETE FINISH
 - DECK RAILING / HALF WALL - ALIGN TOP OF WALL WITH BOTTOM OF ADJACENT WINDOWS - SEE D/A/S FOR DETAILS.
 - DECK SURFACE TO DRAIN MIN. 1/4" PER 12" TO SCUPPER SEE B/A/S FOR DETAIL
 - ALUMINUM GLAD WOOD WINDOWS AND DOORS W/ 1" INSULATED GLASS - SEE SCHEDULE A/B/S
 - NOT USED
 - PORCH / PATIO / DRIVEWAY / SIDEWALK: CONCRETE - BROOM FINISH NATURAL COLOR. REINFORCED PER ENGINEER.
 - 4" CONCRETE FLOOR SLAB REINFORCED PER ENGINEER. SLOPE 4 DRAIN TO SUMP
 - ENCLOSED GAS FIREPLACE OPENING FRAMED ON 10" PLATFORM.
 - METAL BUTTER # DOWNSPOUT TO DRAIN TO SUB-TERRANEAN FOUNDATION DRAIN.
 - R-42 FIBERGLASS BIB INSULATION
 - R-21 FIBERGLASS BIB INSULATION
 - R-5 FIBERGLASS BIB INSULATION
 - NOT USED
 - 1/2" CONCRETE TOPPING WITH RADIANT HEAT COILS PER CONTRACTOR SPECS. CONCRETE FINISH T.B.D.
 - NATURAL GRADE
 - PROPOSED FINAL GRADE
 - 21'-0" ABOVE PROPOSED FINAL GRADE
 - 6" TONGUE AND GROOVE CEDAR SIDING STAIN AND SEAL



- BEARING PLATE # UPPER ROOF**
EL. 1071'-0"
- BEARING PLATE # LOWER ROOF**
EL. 1064'-0"
- TOP OF PLYWOOD # UPPER LEVEL**
EL. 1066'-0"
- TOP OF PLYWOOD # MAIN LEVEL**
EL. 1055'-0"
- HIGH POINT OF SLAB # PARKING LEVEL**
1045'-0"

Jonathan DeGray
Architect

P.O. Box 1879, Lehi, Utah - Street, Suite 202, Park City, Utah 84302
1000 West Hill, Lehi, Utah 84042

PARK AVENUE - LOT E
350 PARK AVENUE
PARK CITY, UT 84300

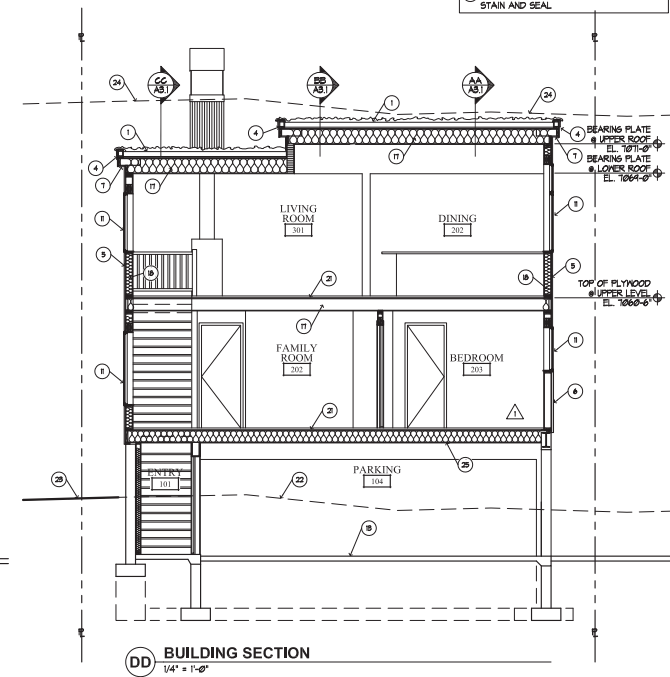
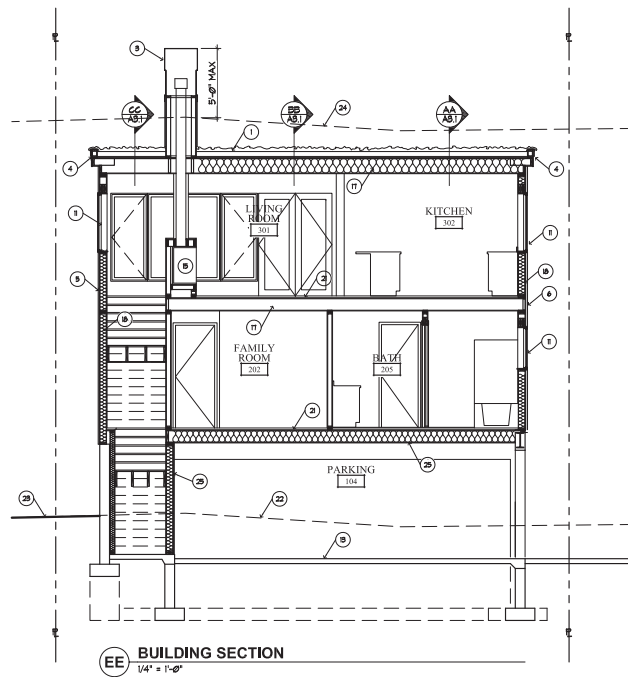
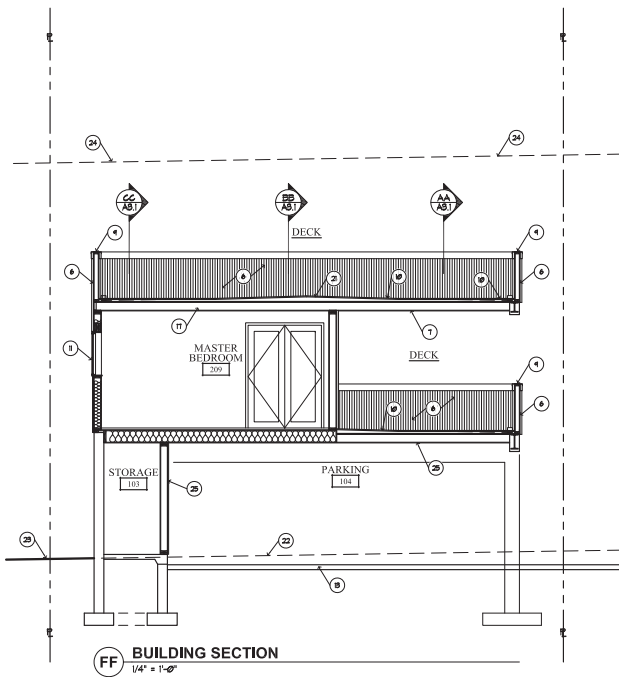
BUILDING SECTIONS

REVISIONS:

DATE: 09/03/15

PROJECT NUMBER:

SHEET NUMBER:
A3.0



- 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 4 1/4" BUILT UP CEDAR FASCIA - STAINED
 - ⑤ HORIZONTAL CEDAR LAP SIDING - 8" REVEAL - ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
 - ⑥ VERTICAL CORRUGATED CORE 10 METAL SIDING - ON TYVEK HOMEWRAP ON 1/2" EXT. SHEATHING ON 2x6 STUDS @ 16" O.C.
 - ⑦ T&G CEDAR SOFFIT PL. CONTINUOUS SOFFIT VENT - STAINED.
 - ⑧ R48 RUBBED CONCRETE FINISH
 - ⑨ DECK RAILING / HALF HALL - 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 GLAZED WOOD WINDOWS AND DOORS IV 1" INSULATED GLASS - SEE SCHEDULE A/B.0
 - ⑫ NOT USED
 - ⑬ PORCH / PATIO / DRIVEWAY / SIDEWALK - CONCRETE - BROOM FINISH NATURAL COLOR. REINFORCED PER ENGINEER.
 - ⑭ 4" CONCRETE FLOOR SLAB. REINFORCED PER ENGINEER. SLOPE 4" DRAIN TO SUMP
 - ⑮ ENCLOSED GAS FIREPLACE. OPENING FRAMED ON 10" PLATFORM.
 - ⑯ METAL BUTTER 4" DOWNSPOUT TO DRAIN TO SUB-TERRANEAN FOUNDATION DRAIN.
 - ⑰ R-42 FIBERGLASS BIB INSULATION
 - ⑱ R-21 FIBERGLASS BIB INSULATION
 - ⑲ R-5 FIBERGLASS BIB INSULATION
 - ⑳ NOT USED
 - ㉑ 1/2" CONCRETE TOPPING WITH RADIANT HEAT COILS PER CONTRACTOR SPECS. CONCRETE FINISH T.B.D.
 - ㉒ NATURAL GRADE
 - ㉓ PROPOSED FINAL GRADE
 - ㉔ 21'-0" ABOVE PROPOSED FINAL GRADE
 - ㉕ 6" TONGUE AND GROOVE CEDAR SIDING STAIN AND SEAL

Jonathan DeGray
Architect

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

BUILDING SECTIONS

DATE: 09/03/15
PROJECT NUMBER:
SHEET NUMBER:
A3.1

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 allow 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
P.O. Box 1480, 445 Marsac Ave
Park City, UT 84060-1480
E-mail: Christy.alexander@parkcity.org

8. **Section Headings.** Section headings and numbers are for convenience only, and are not to be considered limitations or modifications or provisions set forth in the body of this Agreement.

9. **Applicable Law.** The parties hereby expressly agree that this Agreement shall be governed and construed in accordance with Utah law and courts of law sitting in Summit

County, State of Utah shall have jurisdiction and venue for purposes of hearing any disputes arising out of this Agreement.

10. Severability. The provisions of this Agreement are severable, and should any provisions hereof be void, voidable, or unenforceable, or invalid, such void, voidable, unenforceable, or invalid provision shall not affect any other portion or provision of this Agreement.

11. Entire Agreement. This Agreement constitutes the entire agreement of the parties with respect to the fee in lieu of parking requirement under the Notice, and supersedes all oral understandings and agreements. Alterations or amendments to this Agreement must be in writing, executed by the parties hereto.
[signature page follows]

IN WITNESS WHEREOF, on the date first shown above, 545 Main has caused this Fee In Lieu Of Parking Agreement 545 Main Street to be executed, and Park City has caused this Agreement to be accepted and executed in its corporate name by its City Manager.

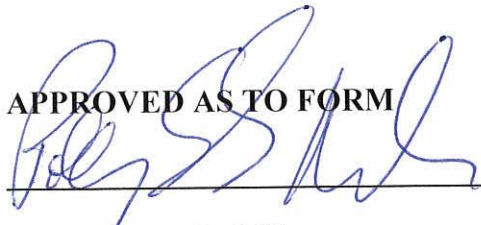
PARK CITY:

By: 
City Manager

Attest:

Marci Heil, City Recorder




APPROVED AS TO FORM
City Attorney's Office

545 MAIN:

545 Main Street Holdings, LLC,
an Oklahoma limited liability company

By: W.R. Johnston & Co.

Its: Manager

By: 
Dana Reindl

Its: Vice President



August 4, 2014

Billy Reed
115 Jennifer Ct.
Alamo, CA 94507

REVISED NOTICE OF PLANNING DEPARTMENT ACTION

Project Address: 545 Main Street
Project Description: Historic District Design Review
Date of Revised Action: August 4, 2014
Project Number: PL-13-02118

Summary of Staff Action

Staff reviewed this HDDR application for compliance with the June 19, 2009 Historic District Design Guidelines, specifically with 1) Universal Guidelines for New Construction in Historic Districts (#1 through 8) and 2) Specific Guidelines: A. Site Design; B. Primary Structures; D. Off-Street Parking Areas, Garages, & Driveways; G. Exterior Lighting; and I. Sustainability. Staff found that as conditioned the proposed renovation and addition to the existing non-historic building will comply with applicable Guidelines. This letter serves as the revised final action letter and approval for the proposed design for the addition at 545 Main Street. The plans, as redlined, are approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 545 Main Street.
2. The property is not listed as a historically significant site as defined in the Park City Historic Sites Inventory.
3. The property is located in the Historic Commercial Business (HCB) zoning district and is subject to all requirements of the Park City Land Management Code (LMC) and all the guidelines of the 2009 Historic District Design Guidelines.
4. The parcel is approximately 5,800.5 square feet in size for entire three combined lots. The minimum lot size requirement in the HCB district is 1,250 square feet and the maximum allowable FAR is 4.0.
5. The existing developed site is located on the 545 Main Street plat.

6. The neighborhood is characterized by historic and non-historic commercial retail, office, restaurant uses, apartments, condos and single family homes on average historically-sized lots.
7. The proposed addition is 1,226 square feet. The existing non-historic building is 12,699 square feet and with the addition will have 13,925 square feet total area. The existing FAR is 2.19 and with the proposed addition will have an FAR of 2.4 total.
8. The proposed addition will comply with all setbacks. Hot tubs must be located with a five foot setback in the side and rear yards.
9. Access to the property is from Main Street.
10. No off-street parking spaces are provided. An FAR of 1.5 is exempt from parking requirements as the property was paid in full per the 1984 Special Improvement District. The remaining FAR is not exempt from parking nor has ever been paid for existing residential uses and the applicant will need to provide for four (4) off-street parking spaces for the three new units. The applicant proposes to pay a fee-in-lieu of \$14,000 per space or provide on-site parking prior to building permit approval.
11. The proposed addition meets the height limits and height envelopes for the HCB zoning. The building footprint and setbacks also comply with the zoning requirements.
12. The proposal, as conditioned complies with applicable Universal Design Guidelines for new construction in Historic Districts.
13. The proposal, as conditioned complies with applicable Specific Design Guidelines for new construction, including A- Site Design, B- Primary Structures, D- Off-Street Parking Areas, Garages, & Driveways; G- Exterior Lighting, and I- Sustainability.
14. On April 7, 2014, a Historic District Design Review application was submitted to the Planning Department for the above described work.
15. On April 17, 2014, Staff posted notice of receipt of the HDDR application and sent out notice letters to property owners as required by the Land Management Code. No public comment was provided regarding the addition that was not mitigated.
16. On June 24, 2014, Staff posted notice of final action as required by the Land Management Code. The appeal period runs until 5 pm on July 4, 2014.
17. On August 4, 2014, Staff revised the final action approval to incorporate revisions to the parking requirement.

Conclusion of Law

1. The proposal complies with the 2009 Park City Design Guidelines for Historic Districts and Historic Sites, as conditioned.
2. The proposal complies with the Land Management Code requirements pursuant to the Historic Commercial Business (HCB) District (lot size, setbacks, etc.).
3. The proposed work is consistent with Park City General Plan.

Conditions of Approval

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall consider and mitigate impacts to the existing neighboring structures, and existing infrastructure/streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on June 17, 2014 and approved on June 24, 2014, as redlined. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to construction. Any changes, modifications, or deviations from the approved work that have not been approved by the Planning and Building Departments may result in a stop work order.
3. The designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take precedence. Any discrepancies found among these documents that would cause a change in the approved construction shall be reviewed and approved prior to construction.
4. If a complete building permit has not been obtained by August 4, 2015, this HDDR approval will expire, unless an extension is requested prior to the expiration date and granted by the Planning Department.
5. The City Engineer shall review and approve all appropriate grading, utility installation, public improvements, drainage plans, and flood plain issues, for compliance with City and Federal standards, and this is a condition precedent to building permit issuance.
6. Any areas disturbed during construction surrounding the proposed work shall be brought back to its original state.
7. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area. Existing trees shall be shown on the final Landscape Plan and shall be maintained, unless permission is granted by the City Engineer and/or City Forester for removal. Mitigation shall be proposed for all Significant Vegetation proposed to be removed.
8. Construction waste should be diverted from the landfill and recycled when possible.
9. All exterior lighting shall meet Park City's lighting ordinance and be downward directed and shielded, including any existing lighting that does not currently comply.
10. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain. Roof mounted equipment and vents shall be painted to match the roof and/or adjacent wall color and shall be screened or integrated into the design of the structure.

11. All exterior wood siding shall be painted or stained a solid color, and when possible, a low VOC (volatile organic compound) paint and finish shall be used. Provide a weather protective finish to wood surfaces that were not historically painted.
 12. Stone retaining walls shall consist of square, natural stones, small in size that a miner could carry.
 13. All windows shall be trimmed and the trim shall be consistent on all exterior windows.
 14. All stone veneer should consist of natural stone.
 15. All exterior concrete must be textured.
 16. All exterior metal trim must be non-reflective.
 17. Hot tubs require a building permit and compliance with the zone setbacks.
 18. An encroachment agreement, between the applicant and the City Engineer for the balconies encroaching into the City Right-of-Way, shall be obtained prior to building permit approval.
 19. A fee-in-lieu, of \$14,000 per each four (4) required parking spaces, shall be paid or provide parking on-site prior to building permit approval.
 20. Approval of this HDDR was noticed on June 24, 2014, and any approval is subject to a 10 day appeal period.
 21. All standard conditions of approval shall apply (see attached).
-

If you have any questions about this approval, please do not hesitate to contact me. I can be reached at (435) 615-5068, or via e-mail at christy.alexander@parkcity.org.

Sincerely,



Christy J. Alexander, AICP
Planner II



DATE: September 17, 2015

TO HONORABLE MAYOR AND COUNCIL

On February 26, 2015, Council granted a non-exclusive vehicle and pedestrian easement across City property to April Inn (545 Main Street), allowing the owners 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).

In the February 26, 2015 staff report, staff indicated to Council that six (6) parking spaces would be dedicated for the use by residents/guests of the Inn. The developer has recently submitted a request to use one (1) of the six (6) parking spaces to meet the LMC parking requirements for a proposed house at 550 Park Avenue.

This change would require an amendment to the easement allowing both April Inn and 550 Park Avenue to use the City owned alley to access their parking facility.

Respectfully:

Matthew Cassel, City Engineer



City Council Staff Report

Subject: Amendment to Vehicle and Pedestrian Easement for 545 Main Street (April Inn)
Authors: Matthew Cassel, Engineering
Francisco Astorga, Planning
Date: September 17, 2015
Type of Item: Legislative

Summary Recommendations:

Staff recommends that City Council grant an amendment to the recently approved non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street). The amendment will allow 550 Park Avenue to also benefit from the non-exclusive vehicle and pedestrian easement across City property.

Executive Summary:

On February 26, 2015, Council granted a non-exclusive vehicle and pedestrian easement across City property to April Inn (545 Main Street). The 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). In the February 26, 2015 staff report, staff indicated to Council that these six (6) parking spaces would be dedicated for the use by residents/guests of the April Inn. The developer has recently submitted a request to use one (1) of the six (6) parking spaces to meet the LMC parking requirements for the proposed house at 550 Park Avenue.

This change would require an amendment to the easement allowing both April Inn and 550 Park Avenue to use the City owned alley to access their parking facility.

Acronyms:

LMC – Land Management Code
ROW – Right-of-Way
Etc. – Et cetera

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 ROW. Despite a thorough review, no records were found that indicated that the alley was ever formally dedicated as ROW. 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 ROW, a vehicle and pedestrian easement would not be required).

On February 26, 2015, Council granted a non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street). This easement would allow the development of six (6) parking spaces immediately west of April Inn dedicated for use by residents/guests of April Inn. The parking is located on the developer's property. This easement agreement has been created but staff has held the document and not processed it until Council approves the development's other applications. The Cardinal Park plat was approved by City Council on June 4, 2015. Additionally, the steep slope CUP and the CUP for a parking area with five or more spaces is scheduled to be heard by the Planning Commission on September 23, 2015.

Analysis:

545 Street Holdings, LLC (the developer) 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 34 and 35 are currently being developed as 550 Park Avenue. April Inn recently re-modeled their facility from 12 units down to 3 units.

The developer has submitted plans for the development of 550 Park Avenue. Their plans propose using one (1) of the six (6) parking spaces dedicated for use by April Inn residents/guests to be used to satisfy the parking requirements for 550 Park Avenue.

550 Park Avenue is required to provide two off-street parking spaces. One parking space is proposed to be accessed from Park Avenue while the other parking space is proposed to be accessed from Main Street.

The six (6) space parking facility is still located to the immediate west of the April Inn, and would still be accessible only from Main Street via the alley. Two of the parking spaces would still be surface while the other four will be covered. The covered parking spaces are proposed to be located under 550 Park Avenue.

Staff previously supported the vehicle and pedestrian easement for two reasons (from the February 26, 2015 staff report):

- 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. The vehicle and pedestrian easement allows parking for the residential uses of April Inn to 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. 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.

Staff supports the amendment to the vehicle and pedestrian easement for two reasons:

- April Inn still meets their LMC parking requirement – The Planning Department had previously determined that the three (3) units in April Inn would require four (4) off-street parking spaces. With six (6) parking spaces proposed, two (2) of the spaces were not specifically dedicated to meeting a parking requirement so one (1) of the parking spaces could be dedicated to 550 Park Avenue,
- As noted in the paragraph above, due to the reduction in residential units in April Inn, the traffic impacts to Main Street should be reduced. Changing one parking space to being dedicated to 550 Park Avenue, staff still anticipates seeing an overall reduction in traffic impacts to Main Street.

Department Review:

This report has been reviewed by City Manager, Legal, Public Works and Planning. All concerns raised by these departments have been incorporated herein.

Alternatives:

A. Approve the Request:

Approving the amendment to the easement will allow April Inn (545 Main Street) and 550 Park Avenue to develop parking on their parcel. This is Staff's recommendation.

B. Deny the Request:

Denying the amendment to the easement will then require the developer to redesign 550 Park Avenue with two parking spaces accessed from Park Avenue.





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 amendment to the easement is not granted, the developer will need to redesign 550 Park Avenue with two parking spaces accessed from Park Avenue instead of their current proposal of one parking space accessed from Park Avenue and one parking space accessed from Main Street.

Recommendation:

Staff recommends that City Council grant an amendment to the recently approved non-exclusive vehicle and pedestrian easement across City property for the benefit of April Inn (545 Main Street) The amendment will allow 550 Park Avenue to also benefit from the non-exclusive vehicle and pedestrian easement across City property.

Attachments:

- February 26, 2015 Staff Report,
- Exhibit of Easement and Property Ownership.
- Draft Vehicle and Pedestrian Easement
- Proposed Cardinal Park Plat



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 thorough 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
<input type="checkbox"/> High Desired Outcomes might the Recommended Action Impact	<input type="checkbox"/> Safe community that is walkable and bike-able		<input type="checkbox"/> Shared use of Main Street by locals and visitors <input type="checkbox"/> 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

When recorded please return to:
Park City Municipal Corporation
Attn: City Engineer
P.O. Box 1480
Park City, Utah 84060

NON-EXCLUSIVE VEHICLE AND PEDESTRIAN EASEMENT AGREEMENT

THIS NON-EXCLUSIVE VEHICLE AND PEDESTRIAN 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 lots of record generally known as the north 21 ½ feet of Lot 11 and all of Lot 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 lots of record is more particularly described in **Exhibit B** hereto (“Parcel 2”); and

WHEREAS, on March 22, 1984, Old Towne Associates (537 Main Street) and Sierra Pacific (543 Park Avenue) entered into an agreement with Park City to use this Parcel 2 for pedestrian and vehicular access to their adjacent properties. The 1984 agreement allows Old Towne Associates and Sierra Pacific to improve Parcel 2 subject to City’s prior approval and, while the City provides maintenance as required for safe pedestrian access, Old Towne Associates and Sierra Pacific may provide supplemental maintenance as deemed necessary and appropriate; and

WHEREAS, 545 Main desires a private, non-exclusive vehicle and pedestrian 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:

1. 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 private, non-

exclusive vehicle and pedestrian 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. This non-exclusive vehicle and pedestrian access granted to 545 Main Street shall be appurtenant to Parcel 1.

2. **GOVERNING LAW.** This Agreement shall be interpreted and governed by the laws of the State of Utah.

3. **FUTURE USE.** The City may, at some future date, elect to install utilities or other public improvements within this property and easement. To the extent that any utility work or public improvement requires the removal, relocation, replacement and/or destruction of any encroachments, 545 Main may have been using within the City's property, the City shall require 545 Main to remove such encroachments pursuant to the notice in paragraph 4 below. 545 Main acknowledges that 545 Main have no rights to compensation for the loss of the encroachments or loss of the use of the property and/or change in the grade and elevation of the easement. This acknowledgement, in the event the encroachments are removed for any reason whatsoever in the sole determination of the City, is the consideration given for the granting of this easement for the continued use.

4. **PUBLIC IMPROVEMENTS.** Prior to commencing public improvements in a manner that will require the removal or relocation of encroachments, the City will give 545 Main ninety (90) days prior written notice, in which time 545 Main shall make adjustments to and remodel their respective improvements as necessary to accommodate the changes in the property at 545 Main's cost.

5. **MAINTENANCE.** 545 Main or its successors shall, at their sole expense, maintain their encroachments in a good state of repair at all time, and upon notice from the City, will repair any damaged, weakened or failed sections. If a notice to repair is received from the City, 545 Main or its successors, Old Towne Associates or its successors and Sierra Pacific or its successors shall coordinate the repairs. 545 Main agrees to hold the City harmless and indemnify the City for any and all claims which might arise from third parties, who are injured as a result of 545 Main's use of the easement for private purposes, or from the failure of 545 Main's improvements. Nothing herein shall limit or waive any provision or defense of the Utah Government Immunity Act.

6. **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.

7. **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.

8. **SUCCESSORS AND ASSIGNS.** This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties.

9. **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.

10. **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.

11. **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. This agreement shall be in effect until the license is revoked by the City. Revocation shall be effected by the City recording a notice of revocation with the Summit County Recorder and sending notice to 545 Main or their successors.

12. **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: _____.

13. **INCORPORATION OF RECITALS AND ATTACHMENTS.** All Recitals in this Agreement and all attachments hereto are hereby fully incorporated by reference herein.

14. **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.

15. **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.

16. **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 Vehicle and Pedestrian Easement Agreement on the date first above written.

PARK CITY:

By: _____
City Manager

Attest:

Marcie 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

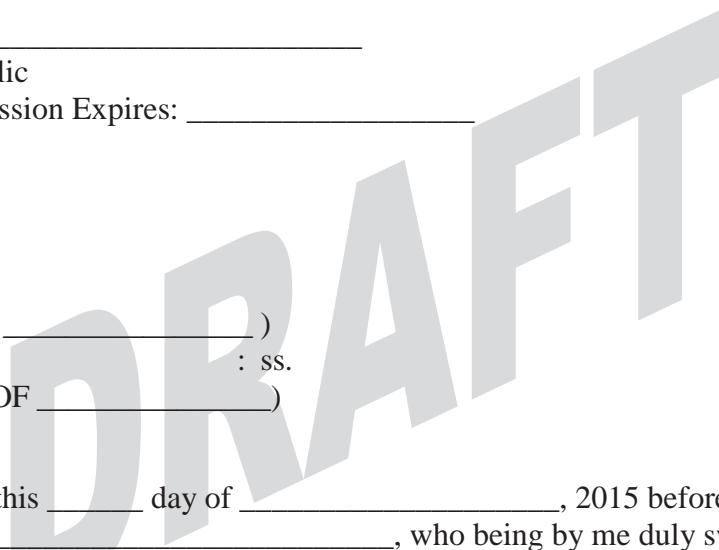
By: _____
Print Name: _____
Its: Vice President

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: _____

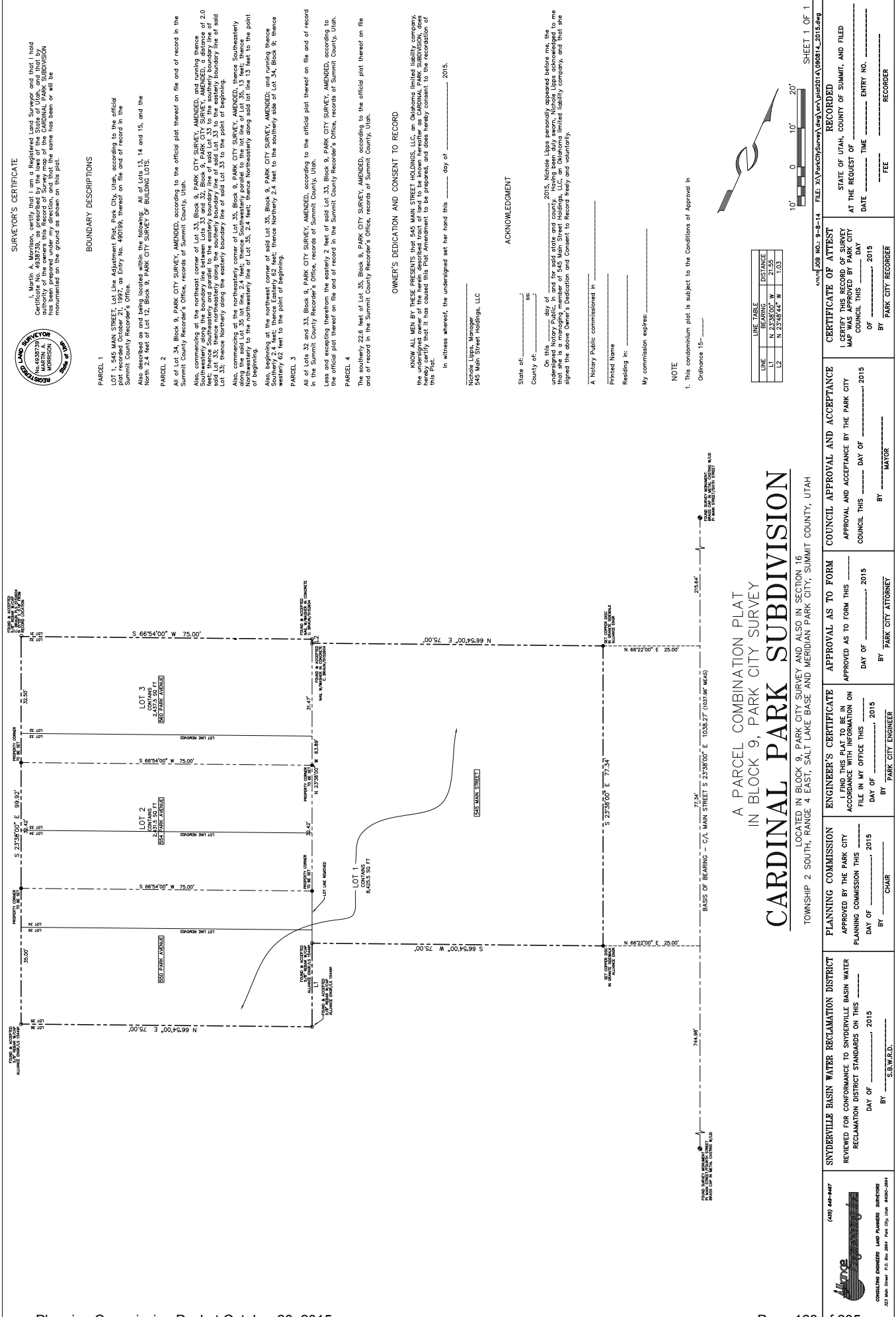
EXHIBIT A

Legal Description of Parcel 1

DRAFT

EXHIBIT B

Legal Description of Parcel 2



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold the certificate of registration in the State of Utah. I have personally supervised the survey and the accuracy of the same. This Record of Survey has been prepared under my direction, and that the same has been or will be monumented on the ground as shown on this plat.



BOUNDARY DESCRIPTIONS

PARCEL 1

LOT 1, 545 MAIN STREET, Lot Line Adjustment Plat, Park City, Utah, according to the official Record of Survey, as Entry No. 48039, filed on the 14th day of August, 2015, in the Summit County Recorder's Office.

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

PARCEL 2

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

Southwesterly along the easterly boundary line of said Lot 33 to the southern boundary line of said Lot 35; thence Southwesterly and parallel to the easterly boundary line of said Lot 33 to the southern boundary line of said Lot 33; thence Northwesterly along the easterly boundary line of said Lot 33 to the point of beginning.

Also, commencing at the northeast corner of Lot 35, Block 9, PARK CITY SURVEY, AMENDED, thence Southwesterly along the easterly boundary line of Lot 35, Block 9, PARK CITY SURVEY, AMENDED, and running thence along the northwesterly line of Lot 35, 2.4 feet; thence Northwesterly along said lot line 13 feet to the point of beginning.

Also, beginning at the northeast corner of Lot 35, Block 9, PARK CITY SURVEY, AMENDED; and running thence Southwesterly 2.4 feet; thence Easterly 82 feet; thence Northerly 2.4 feet to the southern side of Lot 34, Block 9; thence westerly 82 feet to the point of beginning.

PARCEL 3

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

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

PARCEL 4

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

OWNER'S DEDICATION AND CONSENT TO RECORD

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

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

Michelle Lynn Williams
545 Main Street Holdings, LLC

ACKNOWLEDGMENT

State of: _____
County of: _____
On this _____ day of _____, 2015, Nicole Lips personally appeared before me, the undersigned Notary Public, and for said state and county, she acknowledged to me that she is a managing member of 545 Main Street Holdings, LLC, an Oklahoma limited liability company, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

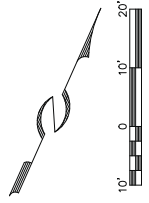
A Notary Public commissioned in _____

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

NOTE

1. This condominium plat is subject to the Conditions of Approval in Ordinance 15-_____.

LINE	BEARING	DISTANCE
1	N 23°36'00" W	21.55
2	N 23°48'44" W	1.03



FILE: X:\ParkCity\Survey\48039\48039-14_2015.dwg SHEET 1 OF 1

CARDINAL PARK SUBDIVISION

A PARCEL COMBINATION PLAT
IN BLOCK 9, PARK CITY SURVEY

LOCATED IN BLOCK 9, PARK CITY SURVEY AND ALSO IN SECTION 15
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015</p> <p>BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE FIND THIS PLAT TO BE IN ACCORDANCE WITH THE FILE IN MY OFFICE THIS _____ DAY OF _____, 2015</p> <p>BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2015</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE I CERTIFY THIS RECORD OF SURVEY WAS RECORDED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015</p> <p>BY _____ MAYOR</p>
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(435) 445-4467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
322 Main Street P.O. Box 2004 Park City, Utah 84002-2004

**PARK CITY COUNCIL MEETING MINUTES
SUMMIT COUNTY, UTAH,
February 26, 2015 P a g e | 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 Butcher, 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

reviewing the municipal code, Stewart learned these trucks using their air brakes are in violation of the noise ordinance but that no one is willing to enforce it. A secondary complaint is noise in Swede Alley. After meeting with City employees, the City Attorney's office, emailing and working with police, Stewart and Cluff reiterate no one is willing to help them. Simpson explains the procedure for handling the matter and Diane Foster, City Manager, states she has addressed the issue with and will follow up with Stewart and Cluff.

Lauren Locke and Erin Brown of Sage Mountain, a local nonprofit, spoke on their advocacy for farm animals as they are currently building a small rescue facility for these animals. Brown states they are currently advocating a vegetarian diet as large-scale animal agriculture is the single most destructive industry facing the planet today. They urge Park City residents to adopt a non-animal diet.

Delphine Campes, 61 Daley Ave, states parking this year in Old Town has been the worst ever with all the events and renters and property owners have decided to tear down historical lots and turn them in to parking lots. States there's nowhere to park and asks Council to do something about it as it is a disturbance to the neighborhood. Foster suggests Campes contact the Neighborhood Traffic Management Program where she can go to address all the right people at the same time. Kristin Whetstone, Planning, states they got a complaint that a parking lot was being made from a historical lot and that the first step is to apply for a historic design team pre-review, which will happen on Thursday and they will go from there.

IV. CONSENT AGENDA

1. Consideration of a Request for Use of Public Property to Display Public Art Near 638 Park Avenue
2. Consideration of a Request to Authorize the City Manager to Execute an Amendment to the Park Avenue Pathways 2015 Construction Agreement with B. Jackson Construction, in a Form Approved by the City Attorney, as Change Orders No. 1 and 2, for an Increase Not to Exceed \$86,644.01, for a Total Not to Exceed \$1,047,055.81

Approved unanimously

3. Consideration of an Amendment to the existing Vehicle and Pedestrian Easement for the April Inn located at 545 Main Street.

Council voted to pull this off the consent agenda.

Approved unanimously

Francisco Astorga, Senior Planner, reports the easement has not been written as they're waiting on Planning Commission to review the conditional use permit for the construction of the combination single family dwelling and parking structure. The reason for the amendment is because the applicant has requested to use one of six parking spaces for the benefit of Park Ave residents. City engineer decided to bring it back since there was no discussion about this in February. Simpson asks if this change is due to Planning Commission direction to the applicant. Astorga says no, that the placement of the garage next to the house was not meeting code. Beerman asks if moving a stairway is in question. Astorga states it is in question but the issues regarding the stairway are controlled by the city engineer's office. They are considering a proposal to realign the staircase.

Public Hearing

Ruth Menitane [sic], 305 Woodside, states the amendment to the original easement will create a possibility of changing the parking and the elimination of two garages on Park Avenue is monumental

and the entire project is moving in a positive direction.

Sanford Melville, 527 Park Avenue, states the alley is already pretty tight and what is being proposed is a six-car carport. Explains the difficulty of maneuvering around a carport in this space and expresses concern since this area also serves as a pedestrian thoroughfare.

Approved unanimously

V. NEW BUSINESS

1. Consideration of an Ordinance Adopting a Waste and Recycling Receptacle Ordinance for Old Town Park City, UT, and an Amendment to Park City Municipal Code for Waste and Recycling Receptacles Managed by Nightly Rentals in Old Town Park City, UT:

Matt Abbott, Sustainability, states the ordinance addresses consistency issues such as look, education and enforcement. Changes include starting curbside no earlier than 6:00 pm on collection day and include a fee change from \$1000 to \$750. If the ordinance is adopted, there will be a 90-day education period after which Staff will return with a Manager's Report. Beerman asks about labeling the totes, to which Abbott states receptacles should be labeled on both front and the top.

Public Hearing

Becca Gerber asked for clarification on the collection time.

Michael asked for a definition of "curbside." Staff explains curbside means where the actual collection takes place and traffic is not impeded. Michael asks about impeding bicycles on Park Avenue. Simpson and Peek clarify curbside and Beerman adds it's hard to make a clear definition in Old Town since every home is different. Abbott reminds us the educational period will address these questions.

Approved unanimously

2. Consideration of a Request to Move Current Dispatch Employees from the "Public Employee" Retirement System to the "Public Safety" Retirement System Offered by the State of Utah

Brooke Moss, Cherie Ashe and Police Captain Rick Ryan addressed the details of the change, emphasizing it means a higher benefit at a bigger cost to the city but one that is justified due to the dangerous nature of the jobs.

Approved unanimously

3. Consideration of a Resolution Designating September 26, 2015, as Park City Neighbor Day

Stuart Johnson, Anya Grahn and Marielle Pariseau, members of Leadership Park City Class 21, explain this is their class project, chosen because they feel the community needs to connect through smaller, more personal get togethers. Pariseau asks Council and residents to make the pledge of connecting with three neighbors this September 26th, and to do so every year.

Approved unanimously

4. Consideration of an Ordinance of the Bee Plat Amendment Located at 281 and 283 Deer Valley Drive, Park City, UT Pursuant to Findings of Fact, Conclusions of Law, and Conditions of Approval in a Form Approved by the City Attorney.

Hannah Turpin, Planning, states applicant will combine four lots in to two with a common wall

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

Francisco Astorga

From: Sanford Melville <smelville@outlook.com>
Sent: Thursday, September 17, 2015 12:01 PM
To: Council_Mail
Cc: Francisco Astorga; Matt Cassel
Subject: Public Comment on Consent Agenda Item Number 3 - Consideration of Amendment to Easement for April Inn Across City Alley

Dear Mayor and Council,

I see that City Council has on their agenda tonight as No. 3 on the "Consent Agenda" a request from the developer of 550 Park and 545 Main to modify their proposed easement in the City's alley for the April Inn -- they want one of the parking spaces for 550 Park to also be allowed as one of the 6 carport spaces they propose to build on the lower level of a structure at 550 Park, which will be accessed from the Alley. See packet at pp 50-67. I ask that you consider my comments below and further discuss this agenda item.

I do think there are issues with the City agreeing to an easement across the City's alley to allow a six-stall carport on the alley for several reasons. These include that it will essentially turn the alley into the carport's driveway since it is a carport of six spaces, which must be backed out of from each carport space. The proposal is not for access to a garage entrance, which would be like the Cunningham Building across the alley, and be just an garage entrance for cars to drive in and out of. Allowing an easement for purposes of a 6-stall carport on the alleyway will require far more intrusion on and use of the alley, and that seems to be a giving-away of a substantial portion of the City's alley to this developer, for which I see little public benefit.

Instead the developer could use more than one of his lots behind the April Inn for his proposed parking amenities for the April Inn and make an actual garage with access from the alley (like the Cunningham Bldg garage). While the developer may instead wish to utilize more of the City alley for purposes of building only a carport and not build an actual garage, it would seem more appropriate for the developer to use his own lots.

Although not shown in the current packet, this developer has also proposed that in order to accommodate the 6-stall carport, the public stairway up to Park Avenue be rebuilt to a configuration that will move across the alley and end blindly along the wall of the Cunningham Building garage right at the garage exit. This will be a potentially unsafe modification. Picture a family walking down the stairs, with a child running ahead and arriving at the bottom of the stairway just as a car pulls out of the garage. That child will not be visible until he steps into the path of the exiting vehicle. The developer has also proposed the removal of the beautiful mature trees on the Park Avenue side of the alley. In addition, the proposed stairway rebuild will jeopardize the historic stone retaining wall from which the current public stairway extends.

Also, I ask whether the neighboring property owners and holders of easements to the alley, such as the Cunningham building, have been consulted about the proposed easement.

Thank you for considering my comments.

Sanford Melville
527 Park Avenue

Also to accomodate the 6-stall carport the stairway will be modified to be unsafe since it will end blindly at the Cunningham bldg's garage entrance. The trees there will also go, and the historic stone wall probably also for this project.

Hope

Sent from Windows Mail

Planning Commission Meeting
May 13, 2015
Page 16

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 zoning 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 H-2. Historically the H-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 H-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 H-2 zone. Planner Astorga stated that the plat amendment and the CUP are related because the special criteria for the H-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 H□-2(A). The Staff report for the conditional use permit application outlines the necessary criteria for the Steep Slope C□P, special conditional use requirements, as well as the H□-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 □ohn 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.

□onathan 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 H-1 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 Orel 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 C-P.

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 Winter, 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 H-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. 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 HDD 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 Metstone 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 CIP 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 Metstone 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 facade 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 Corel 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 H-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 CIP for the single family dwelling and approve the CIP for a parking area with five or more spaces.

Assistant City Attorney McLean pointed out that the Findings for both CIPs were intertwined. She recommended that both CIPs be continued and that the Staff draft separate Findings for each CIP application. She noted that the CIP 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 [redacted] moved to CONSTITUTE 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-MAI-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 H□-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 H□-2.
21. A duplex dwelling is a conditional use in the Historic □esidential-2 District.
22. The minimum lot area for a duplex dwelling is 3,750 square feet.
23. The proposed lots, including the H□-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 □esidential-2 District is twenty-five feet (25').
25. The proposed lot width of Lot 1 within the H□-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 H□-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 □oning Districts.
30. The maximum building footprint of lot 1 shall be 1,132.5 square feet. (H□-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 one line.

34. The current property owner would own everything within these two areas, proposed lot 1, until a Condominium ecord 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 $\frac{1}{2}$) in diameter or greater measured four and one-half feet (4 $\frac{1}{2}$) 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 se Permits in Sub-one A, consisting of lots in the H $\frac{1}{2}$ -2 District that are west of Main Street, excluding those Lots within Block 13.

40. Special requirements apply to Lots in Sub-one A that are part of a Plat Amendment that combines a Main Street, HCB oned, Lot with an adjacent Park Avenue, H $\frac{1}{2}$ -2 oned, 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 protected across the H $\frac{1}{2}$ -2 and beneath the main floor of a single-family dwelling, a residential structure facing Park Avenue.

42. The proposed structure within the H $\frac{1}{2}$ -2 portion of the lot meets the minimum side and front yard setbacks of the H $\frac{1}{2}$ -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 H $\frac{1}{2}$ -2 portion of the lot meets the building height

requirements of the H□-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 H□-2 portion of the Development is limited by the Lot and Site □ requirements of the H□-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. □ emergency access onto the H□-2 portion of the property is proposed.

49. □ext 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 Claimumper 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. □o density transfer is being proposed.

54. Maximum allowed Building Footprint for the H□-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 Metstone 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