

# Planning Commission Staff Report



**Subject:** The Lodges at Deer Valley – Phase One – First Amended – Record of Survey Plat  
**Author:** Makena Hawley, City Planner  
**Project Number:** PL-15-02943  
**Date:** February 10, 2016  
**Type of Item:** Administrative – Condominium Plat Amendment

## Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation for the Lodges at Deer Valley – Phase One – First Amended record of survey plat, based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

## Description

**Applicant:** The Lodges at Deer Valley Owners Association  
(Represented by Marshall King, Alliance Engineering)  
**Location:** 2900 Deer Valley Drive  
**Zoning:** Residential Development (RD), Master Planned Development  
**Adjacent Land Uses:** Single-family, duplex residential, Deer Valley Resort parking lots, and recreation open space  
**Reason for Review:** Plat amendments require Planning Commission review and City Council review and action.

## Proposal

The applicant is requesting a Plat Amendment for the purpose of memorializing the existing “convertible space 2” parking spaces as common area. The existing record of survey had originally separated specific areas of the parking garage as “convertible space 2” for possible amenities in the future. Since the recordation of the initial plat, the space has only been used as parking spots and now the HOA is proposing the plat reflect the area as common area. The plat amendment changes the ownership designation from convertible space to common area and does not remove any of the existing parking spaces.

## Purpose

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

- a) Allow a variety of Residential Uses that are Compatible with the City’s Development objectives, design standards, and growth capabilities;
- b) Encourage the clustering of residential to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services;

- c) Allow commercial and recreational activities that are in harmony with residential neighborhoods;
- d) Minimize impacts of the automobile on architectural design;
- e) Promote pedestrian connections within Developments and between adjacent areas; and
- f) Provide opportunities for variation in architectural design and housing types.

### **Background**

On September 25, 2015 the applicant submitted a complete application for the Lodges at Deer Valley – Phase One – First Amended record of survey plat. The property is located at 2900 Deer Valley Drive in the Residential Development (RD) District, subject to the provisions of the Deer Valley Master Planned Development (MPD). This development is adjacent to the Hanover-Queen Esther Subdivision and recreation open space just down the street from the Deer Valley Resort parking lots. The affected areas are recognized by the County as Parcels: LDVC-1-D-102, LDVC-1-B-301, LDVC-1-C-316 (Tax ID's).

The Lodges at Deer Valley record of survey was originally approved by City Council on November 11, 1997 and recorded on March 20, 1998. The total area of the approved Development is 12.65 acres and construction of the eighty five (85) units began in 1999. All of the units have been constructed and certificates of occupancy have been issued.

The recorded record of survey for the Lodges at Deer Valley, page 2, designated 62 parking stalls as “convertible space 2”. Originally the developer of the Lodges at Deer Valley created the “Convertible space 2” to allow for development options for the future in case the space could be turned into a ski shop or commercial space of some kind. In 2013 the Lodges at Deer Valley HOA acquired ownership of this space and have been paying tax on the “convertible space 2” under the Tax ID LDVC-1-CS-2. The space is already utilized as common area, the HOA would like to memorialize it as common area which will also take away the Tax ID number that was assigned to it and the taxes would fall under normal common area taxes. The request does not remove any parking spaces from the building.

### **Analysis**

The proposed plat amendment will retire the original Sheet 2 and replace it with the proposed Sheet 2 for this application. This will effectively memorialize the 62 parking spaces currently known as “convertible space 2” to “common area”. The existing as-built conditions of the 62 parking spaces will not change. The proposed plat amendment will not affect any of the lot requirements for the RD zone or the approved record of survey as no changes to the built environment will occur.

In 1999 the parking requirements by the Land Management code required 2 parking spaces for every unit with full bedroom and exceeded one thousand (1,000) square feet. The current Land Management code requires 1.5 spaces per dwelling unit greater than one thousand (1,000) square feet and less than two thousand (2,000) square feet.

LMC Parking Requirement for 85 units in 1998 -	169 spaces
LMC Parking Requirement for 85 units in 2016 -	127 spaces

The Lodges at Deer Valley have 162 parking spaces total. There appears to be more spaces than would be required by the current code however at the time when the Lodges were built the code required additional spaces then that which is currently necessary.

The proposed plat amendment does not create any new non-conforming situations and does not remove any of the parking spaces. This plat amendment is consistent with the Park City LMC and applicable State law regarding condominium plats. Any future additions to the existing development must comply with current LMC requirements as well as the Deer Valley MPD.

**Good Cause**

Planning Staff finds there is good cause for this record of survey plat amendment. Memorializing the convertible space 2 to common area will allow the Lodges at Deer Valley owners to have an undivided interest in the area and the plat will not allow for the space to be further developed outside of what the HOA can allow. Staff finds that the plat will not cause undo harm to adjacent property owners and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements and the Deer Valley MPD. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community. No decrease in parking spaces is proposed.

**Department Review**

This project has gone through an interdepartmental review. The Legal Department raised an issue that because under one section of the Utah State Code, it states that Convertible space is common area. However, another section states that it should be treated as a Unit. Due to this conflict and because the convertible space could be developed in the future, the County gives convertible space a tax ID. Since the HOA acquired the area, they decided to memorialize the space to common area to be taxed as such. No additional issues were raised by any of the other departments or service providers regarding this proposal that have not been addressed by the conditions of approval.

**Notice**

On January 10, 2016 the property was posted and notice was mailed to property owners within 300 feet in accordance with requirements in the LMC. On January 23, 2016 the legal notice was also published in the Park Record and on the public notice website in accordance with the requirements of the LMC.

**Public Input**

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

### **Process**

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

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the Lodges at Deer Valley – Phase One – First Amended record of survey plat as conditioned or amended; or
- Planning Commission may forward a negative recommendation to the City Council for the Lodges at Deer Valley – Phase One – First Amended record of survey plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the plat amendment to a date certain and provide direction to the applicant and/or staff to provide additional information necessary to make a decision on this item.

### **Significant Impacts**

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

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

The proposed plat amendment would not be recorded and the existing plat would remain as is. The Lodges at Deer Valley unit owners would continue to pay taxes on the Convertible 2 space and there would still be possibilities to develop this area in the future.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing for the Lodges at Deer Valley – Phase One – First Amended record of survey plat located at 2900 Deer Valley Drive and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

### **Exhibits**

Exhibit A – Draft Ordinance

Exhibit B – Project Intent Letter

Exhibit C – Current Plat (Page 1 &2 only – Entire Plat is available upon request)

Exhibit D – Proposed Plat (Page 2 only)

Exhibit E – Recorded Tax Deed

Exhibit F – Current tax ID receipt from Convertible Space 2 area

## Exhibit A- Draft Ordinance and Proposed Plat

Ordinance 16-XX

### **AN ORDINANCE APPROVING THE LODGES AT DEER VALLEY PHASE ONE, FIRST AMENDED RECORD OF SURVEY PLAT, UTAH EXPANDABLE CONDOMINIUM PROJECT LOCATED AT 2900 DEER VALLEY DRIVE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Lodges at Deer Valley Phase One, have petitioned the City Council for approval of the Lodges at Deer Valley Phase One, First Amended subdivision plat; and

WHEREAS, the owners of the Lodges at Deer Valley Phase One wish to change the Convertible Space 2 to Common Area on page 2 of the Lodges at Deer Valley Phase One Record of Survey plat; and

WHEREAS, on January 23, 2016 the legal notice was published in the Park Record and on the public notice website in accordance with the requirements of the Land Management Code; and

WHEREAS, the property was properly noticed and letters sent to affected property owners on January 10, 2016, according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on February 10, 2016 to receive input on the proposed subdivision;

WHEREAS, on February 10, 2016 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 3, 2016, the City Council held a public hearing on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed plat amendment.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The Deer Valley Phase One, First Amended record of survey plat, a Utah expandable condominium project, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

### **Findings of Fact:**

1. The property is located at 2900 Deer Valley Drive within the Residential Development (RD) Zoning District and is subject to the Deer Valley Master Planned Development.
2. The Lodges at Deer Valley Phase One record of survey plat was originally approved by City Council on November 11, 1997 and recorded on March 20, 1998.
3. The total area of the Lodges at Deer Valley Phase One record of survey plat is 12.65 acres.
4. There are fifty three (53) units in the Lodges at Deer Valley Phase One record of survey plat and eighty five (85) units total at the Lodges at Deer Valley.
5. On September 21, 2015, the applicant submitted an application to amend the existing Lodges at Deer Valley Phase One record of survey plat.
6. The application was deemed complete on September 25, 2015.
7. The original page 2 of the Lodges at Deer Valley Phase One record of survey plat includes 62 parking spaces labeled as Convertible space.
8. The proposed plat amendment would memorialize the existing 62 parking spaces as common area of the Lodges at Deer Valley Phase One record of survey plat and remove that area as convertible space.
9. The proposed plat amendment does not create any new non-complying or non-conforming situations.
10. The proposed plat does not decrease the number of parking spaces.
11. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

### **Conclusions of Law:**

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

### **Conditions of Approval:**

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A note shall be included on the plat that all conditions of approval and plat notes of the Lodges at Deer Valley Phase One record of survey continue to apply.

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

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016

PARK CITY MUNICIPAL CORPORATION

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

ATTEST:

\_\_\_\_\_  
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

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

# EXHIBIT B - Project Intent Letter

## THE LODGES AT DEER VALLEY PHASE 1-FIRST AMENDED

September 9, 2015

### PROJECT INTENT

The Lodges at Deer Valley, Phase One, was recorded March 20, 1998, as Entry No. 502238. Page 2 of the plat, the Parking Level, contains 62 parking stalls designated as Convertible Space 2. The Lodges at Deer Valley Owners Association has since acquired ownership of this space. The purpose of this plat amendment is to change the Convertible Space 2 to common ownership. It is intended to retire the original Sheet 2 and replace it with the proposed Sheet 2 in this application.



EXHIBIT C - Current Plat (Pages 1 & 2 Only)

SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931 as prescribed by the laws of the State of Utah, and that I have caused to be made under my direction and by the authority of the owner(s), this Record of Survey Map of THE LODGES AT DEER VALLEY, PHASE "1", an Expandable Utah Condominium Project in accordance with the provisions of Section 57-8-13(1) of the Utah Condominium Ownership Act. I further certify this plat accurately represents the surveyed property.

*John Demkowicz*  
JOHN DEMKOWICZ, L.S. 163931  
DATE: 2-24-98

BOUNDARY DESCRIPTION

A parcel of land located in Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian; Beginning at a point on the easterly right-of-way line of Deer Valley Drive East, a public right-of-way, which is due South 893.86 feet and due East 4263.10 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 37° 00' 00" East 73.72 feet along said easterly right-of-way line to a point on a 464.15 foot radius curve to the left (center bears North 53° 30' 00" West 464.15 feet of which the central angle is 36° 09' 46"); thence northerly along the arc of said curve and said easterly right-of-way line 292.95 feet to the point of a 25.00 foot radius reverse curve to the right (center bears South 89° 09' 46" East 25.00 feet of which the central angle is 84° 07' 59"); thence northeasterly along the arc of said curve and the easterly right-of-way line of Queen Esther Drive, a public right-of-way, 36.71 feet to a point of tangency; thence North 84° 58' 11" East 34.83 feet along said easterly right-of-way line to a point on a 200.00 foot radius curve to the left (center bears North 05° 01' 49" West 200.00 feet of which the central angle is 34° 01' 35"); thence northeasterly along the arc of said curve and said easterly right-of-way line 119.77 feet; thence South 39° 03' 24" East 94.43 feet; thence South 81° 27' 39" East 97.62 feet; thence South 66° 01' 24" East 170.47 feet; thence South 10° 11' 15" West 541.77 feet; thence North 85° 42' 00" East 303.24 feet; thence North 04° 18' 00" East 148.02 feet; thence North 81° 27' 39" West 92.34 feet; thence North 53° 00' 00" West 171.70 feet; to the point of beginning. This description contains 6.27 Acres.

CONVERTIBLE LAND 1

A parcel of land located in Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian; Beginning at a point South 806.21 feet and East 4357.30 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 08° 32' 21" West 35.41 feet; thence North 81° 27' 39" West 20.58 feet; thence North 33° 10' 50" East 38.95 feet; thence South 81° 27' 39" East 4.14 feet to the point of beginning. This description contains 0.01 Acres.

CONVERTIBLE LAND 2

A parcel of land located in Section 15, Township 2 South, Range 4 East, Salt Lake Base and Meridian; Beginning at a point South 944.91 feet and East 4330.85 feet from the East Quarter Corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 81° 27' 39" East 158.51 feet; thence North 08° 32' 21" East 59.53 feet; thence South 81° 27' 39" East 44.88 feet; thence South 08° 32' 21" West 25.46 feet; thence South 81° 27' 39" East 115.58 feet; thence South 08° 32' 21" West 212.75 feet; thence North 85° 42' 00" West 139.71 feet; thence North 04° 18' 00" East 148.02 feet; thence North 81° 27' 39" West 92.34 feet; thence North 53° 00' 00" West 86.86 feet to the point of beginning. This description contains 0.89 Acres.

CONSENT TO RECORD AND SUBORDINATION

The undersigned U.S. Bank National Association is the holder of a Deed of Trust dated June 30, 1997, and recorded June 30, 1997, as Entry No. 481740, in Book 1057, beginning at Page 87 of the official records of Summit County, Utah, together with related loan documents (collectively "Loan Documents") which constitute liens of record against the property to this Record of Survey Map. U.S. Bank National Association hereby subordinates the liens and encumbrances of the Loan Documents to this Record of Survey Map and to the rights of the Owners as set forth in the Declaration of Condominium for THE LODGES AT DEER VALLEY and consents to the recordation of this Record of Survey Map.

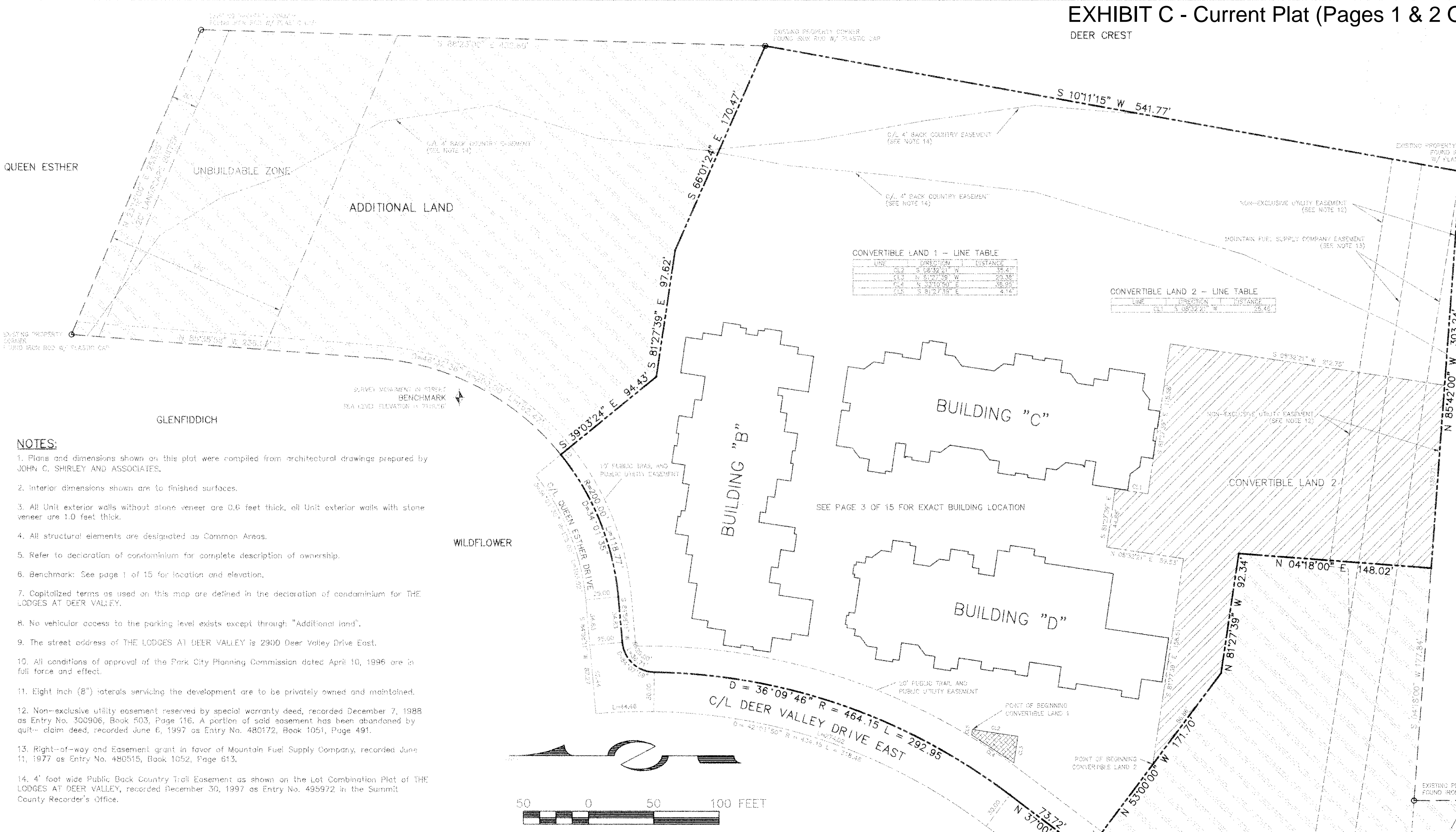
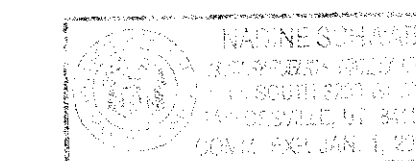
By *William D. ...*  
its Vice President

ACKNOWLEDGMENT

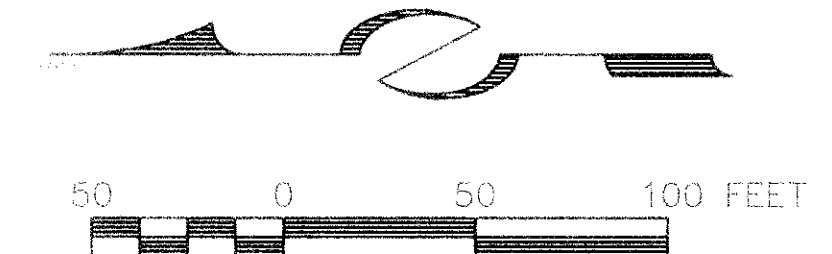
STATE OF Utah )  
COUNTY OF Salt Lake ) ss.

On the 24<sup>th</sup> day of February, 1998, personally appeared before me *Rhonda ...* who, being by me duly sworn, did say that he is the Vice President of U.S. Bank National Association, that said instrument was signed in behalf of said corporation by authority of its by-laws or a resolution of its board of directors, and said *Rhonda ...* acknowledged to me that said corporation executed the same.

*Rhonda ...*  
Notary Public  
My Commission Expires: January 1, 2000



- NOTES:**
- Plans and dimensions shown on this plat were compiled from architectural drawings prepared by JOHN C. SHIRLEY AND ASSOCIATES.
  - Interior dimensions shown are to finished surfaces.
  - All Unit exterior walls without stone veneer are 0.6 feet thick, all Unit exterior walls with stone veneer are 1.0 feet thick.
  - All structural elements are designated as Common Areas.
  - Refer to declaration of condominium for complete description of ownership.
  - Benchmark: See page 1 of 15 for location and elevation.
  - Capitalized terms as used on this map are defined in the declaration of condominium for THE LODGES AT DEER VALLEY.
  - No vehicular access to the parking level exists except through "Additional land".
  - The street address of THE LODGES AT DEER VALLEY is 2900 Deer Valley Drive East.
  - All conditions of approval of the Park City Planning Commission dated April 10, 1996 are in full force and effect.
  - Eight inch (8") laterals servicing the development are to be privately owned and maintained.
  - Non-exclusive utility easement reserved by special warranty deed, recorded December 7, 1988 as Entry No. 300906, Book 503, Page 116. A portion of said easement has been abandoned by quit-claim deed, recorded June 6, 1997 as Entry No. 480772, Book 1051, Page 491.
  - Right-of-way and easement grant in favor of Mountain Fuel Supply Company, recorded June 11, 1977 as Entry No. 480515, Book 1052, Page 613.
  - 4' foot wide Public Back Country Trail Easement as shown on the Lot Combination Plat of THE LODGES AT DEER VALLEY, recorded December 30, 1997 as Entry No. 495972 in the Summit County Recorder's Office.



OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, Lodge Development Company, L.L.C., a Utah limited liability company, is the fee simple owner of the herein described tract of land and consents to the recordation of this Record of Survey Map in accordance with Utah Code Annotated §57-8-13, subdividing the land into condominium ownership, and creating units, common areas, limited common areas, convertible spaces, and easements, all as set forth herein, to be known as THE LODGES AT DEER VALLEY. Also the undersigned dedicates to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, Park City Fire Protection District, and Summit County, any non-exclusive utility easements shown on this Record of Survey Map for the purpose of providing utility service to the property, and the installation, use, maintenance, and eventual replacement of utilities.

Lodge Development Company, L.L.C.,  
a Utah limited liability company  
*F. Lynn Padon*  
F. Lynn Padon  
Manager and member

ACKNOWLEDGMENT

STATE OF Utah )  
COUNTY OF Summit ) ss.

On the 25<sup>th</sup> day of February, 1998, personally appeared before me F. Lynn Padon, who, being by me duly sworn, did say that he is a manager and member of Lodge Development Company, L.L.C., a Utah limited liability company, and that the within and foregoing Owner's Dedication and Consent to Record was signed on behalf of said limited liability company, and said F. Lynn Padon duly acknowledged to me that he executed the same on behalf of said limited liability company with proper authority.

*Candace J. Moore*  
Notary Public  
My Commission Expires: July 1, 2001

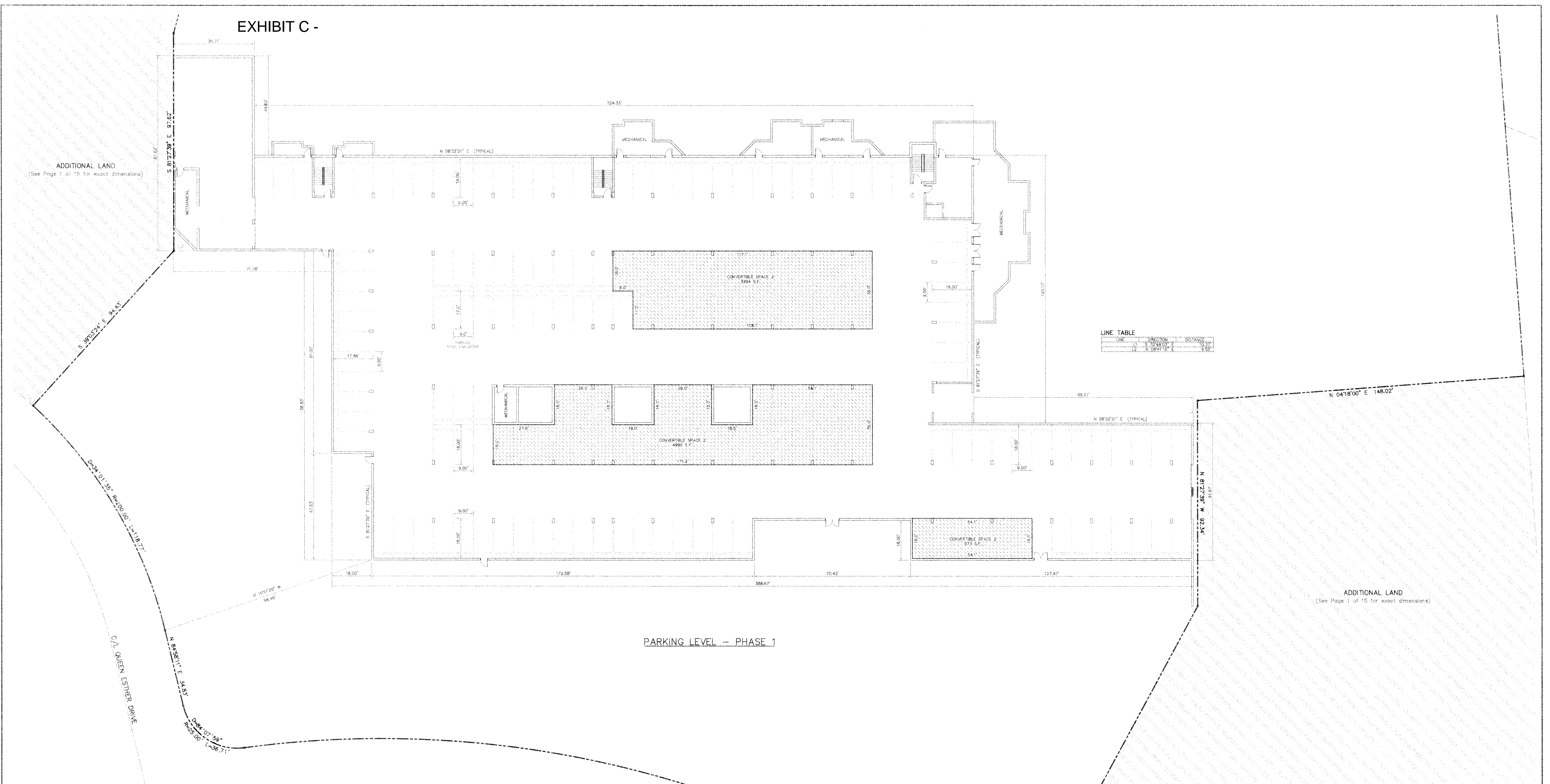
- OPEN SPACE
- CONVERTIBLE LAND 1
  - CONVERTIBLE LAND 2
  - CONVERTIBLE SPACE 1
  - CONVERTIBLE SPACE 2
  - COMMON OWNERSHIP
  - PRIVATE OWNERSHIP
  - LIMITED COMMON OWNERSHIP
  - LIMITED COMMON OWNERSHIP ASSOCIATED WITH CONVERTIBLE SPACE 1
  - ADDITIONAL LAND

RECORD OF SURVEY MAP  
**THE LODGES AT DEER VALLEY**

PHASE ONE  
A UTAH EXPANDABLE CONDOMINIUM PROJECT  
LOCATED IN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,  
PARK CITY, SUMMIT COUNTY, UTAH

<p>JOB NO. 1-10-95 \LDV\PH1F1</p> <p>ALLIANCE ENGINEERING INC. P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (435) 649-9467</p>	<p>SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS <u>25<sup>th</sup></u> DAY OF <u>FEBRUARY</u>, 1998 A.D.</p> <p>BY <i>Marian D. Morgan</i> S.B.S.I.D.</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS <u>11<sup>th</sup></u> DAY OF <u>MARCH</u>, 1998 A.D.</p> <p>BY <i>B. Miller</i> CHAIRMAN</p>	<p>ENGINEERS CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS <u>4<sup>th</sup></u> DAY OF <u>MARCH</u>, 1998 A.D.</p> <p>BY <i>Eric W. Adams PE</i> PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS <u>16<sup>th</sup></u> DAY OF <u>MARCH</u>, 1998 A.D.</p> <p>BY <i>Mark D. Hargis</i> PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS <u>11</u> DAY OF <u>NOVEMBER</u>, 1997 A.D.</p> <p>BY <i>Janet M. Scott</i> PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS <u>11</u> DAY OF <u>NOVEMBER</u>, 1997 A.D.</p> <p>BY <i>Pauline ...</i> MAYOR</p>	<p># <u>502238</u> RECORDED</p> <p>STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <u>Coalition Title</u> DATE <u>03-20-98</u> TIME <u>9:27 AM</u> BOOK <u>---</u> PAGE <u>---</u></p> <p>\$ <u>503</u> FEE BY <i>Alan ...</i> RECORDER</p>
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EXHIBIT C -

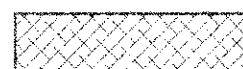
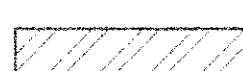


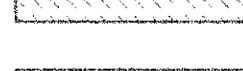

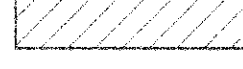

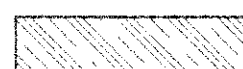


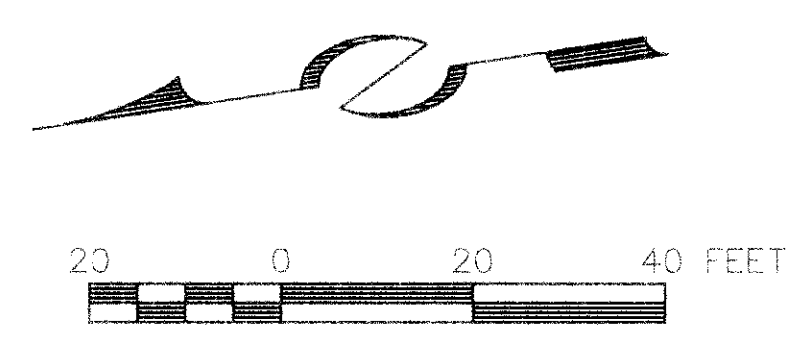
LINE TABLE

LINE	DIRECTION	DISTANCE
1	S 75°48'03\"	10.37'
2	S 68°41'19\"	9.50'

PARKING LEVEL - PHASE 1

- NOTES:
1. PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY JOHN C. SHIRLEY AND ASSOCIATES.
  2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
  3. ALL UNIT EXTERIOR WALLS WITHOUT A STONE VENEER ARE 0.6 FEET THICK. ALL UNIT EXTERIOR WALLS WITH A STONE VENEER ARE 1.0 FEET THICK.
  4. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
  5. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
  6. BENCHMARK: SEE PAGE 1 OF 15 FOR LOCATION AND ELEVATION.
  7. CAPITALIZED TERM AS USED ON THIS MAP ARE DEFINED IN THE DECLARATION OF CONDOMINIUM FOR THE LODGES AT DEER VALLEY.
  8. THE STREET ADDRESS OF THE LODGES AT DEER VALLEY IS 2900 DEER VALLEY DRIVE EAST.
  9. ALL CONDITIONS OF APPROVAL OF THE PARK CITY PLANNING COMMISSION DATED APRIL 10, 1996 ARE IN FULL FORCE AND EFFECT.

-  CONVERTIBLE LAND 1
-  CONVERTIBLE LAND 2
-  CONVERTIBLE SPACE 1
-  CONVERTIBLE SPACE 2
-  COMMON OWNERSHIP
-  PRIVATE OWNERSHIP
-  LIMITED COMMON OWNERSHIP
-  LIMITED COMMON OWNERSHIP ASSOCIATED WITH CONVERTIBLE SPACE 1
-  ADDITIONAL LAND

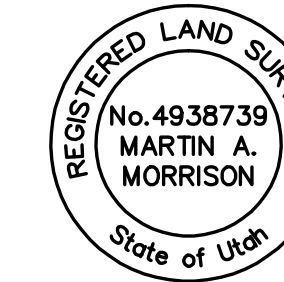


RECORD OF SURVEY MAP  
**THE LODGES AT DEER VALLEY**  
 PHASE ONE

A UTAH EXPANDABLE CONDOMINIUM PROJECT  
 LOCATED IN SECTION 15, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,  
 PARK CITY, SUMMIT COUNTY, UTAH

#502238 RECORDED  
 STATE OF UTAH COUNTY OF SUMMIT AND FILED  
 AT THE REQUEST OF Coalition Title  
 DATE 03-10-98 TIME 9:27AM BOOK --- PAGE ---  
 \$ 503.00 Alan Davis  
 FEE RECORDER

EXHIBIT D - Proposed plat (Page 2 only)



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this Record of Survey map of The Lodges At Deer Valley Phase One-First Amended and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

LEGAL DESCRIPTION

Convertible Space 2, The Lodges At Deer Valley, Phase One, a Utah Expandable Condominium Project, together with an undivided appurtenant interest in and to the common areas and facilities of said project, as the same are identified and established in the Record of Survey Map recorded March 20, 1998, as entry no. 502238 and in the declaration of covenants, conditions and restrictions, recorded March 20, 1998, as entry no. 502239, in book 1129, at page 13, in the Summit County Recorder's Office.

ASSOCIATION DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, on behalf of The Lodges At Deer Valley Owners Association, having complied with the requirements of both Statutes and the Recorded Declaration hereby consent to the recording of this amended record of survey map.

Karl R. Sattler, President  
The Lodges At Deer Valley Owners Association

ACKNOWLEDGMENT

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, personally appeared before me, the undersigned Notary Public, in and for said County and State, Karl R. Sattler, being duly sworn, acknowledged to me that he is the president of the The Lodges At Deer Valley Owners Association and that he signed the above Owner's Dedication and Consent to Record for, on, and in behalf of all of the unit owners at the The Lodges At Deer Valley Condominium Project acting as a group (under the name of the The Lodges At Deer Valley Owners Association) in accordance with the Utah Condominium Ownership Act, U.C.A., Sections 57-1-1 et seq. (1963) as amended and supplemented, and the Declarations of Covenants, Conditions, and Restrictions for The Lodges At Deer Valley Condominium.

A Notary Public Commissioned in \_\_\_\_\_

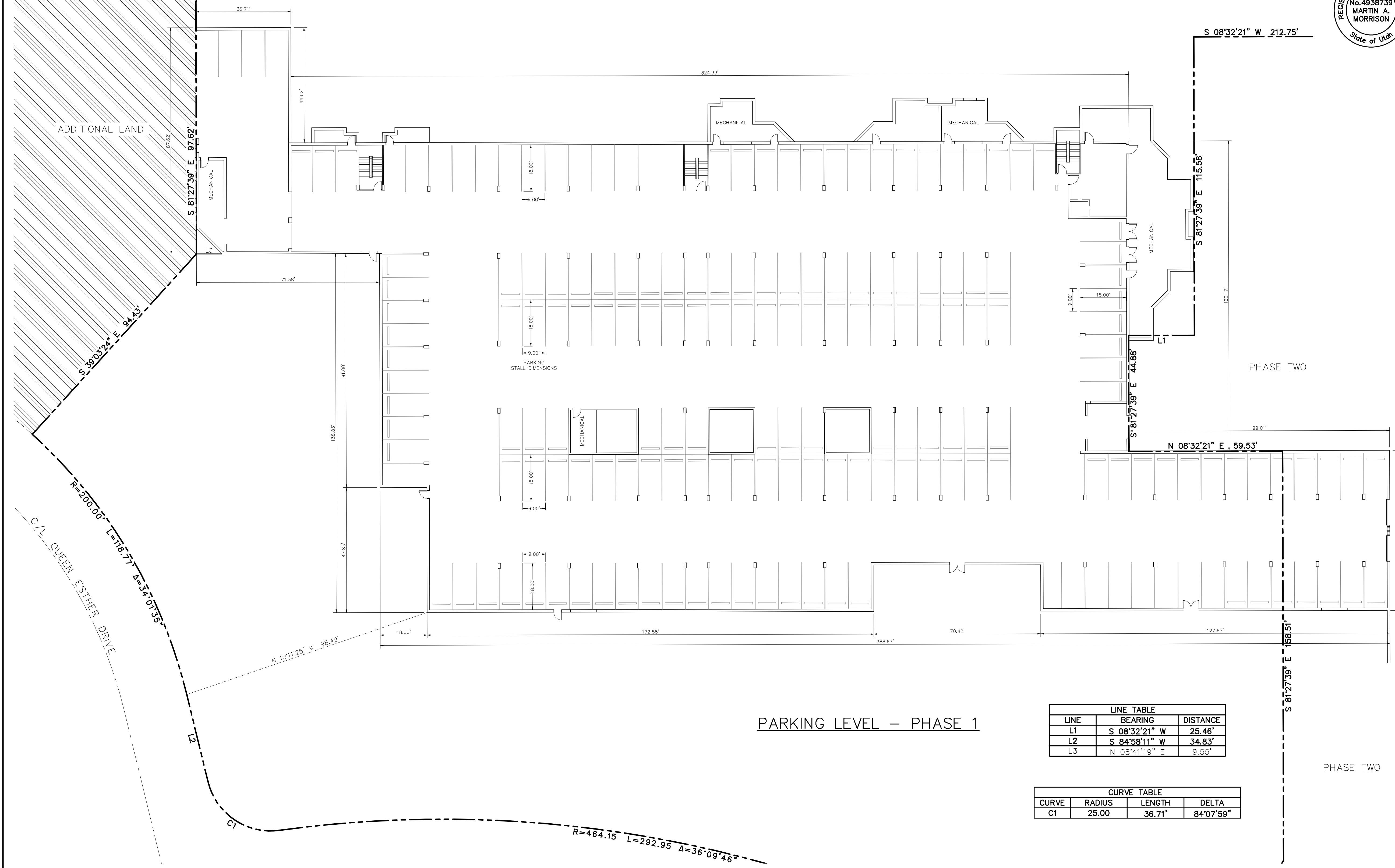
Printed Name \_\_\_\_\_

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

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

NOTES:

- This plat is subject to the Conditions of Approval in Ordinance 15-\_\_\_\_\_.
- Plans and dimensions shown on this plat were compiled from architectural drawings prepared by John C. Shirley and Associates.
- Interior dimensions shown are to finished surfaces.
- All unit exterior walls without a stone veneer are 0.6 feet thick. All unit exterior walls with a stone veneer are 1.0 feet thick.
- All structural elements are designated as common areas.
- Refer to Declaration of Condominium for complete description of ownership.
- Benchmark: See page 1 of 15 for location and elevation.
- Capitalized term as used on this map are defined in the Declaration of Condominium for The Lodges At Deer Valley.
- The street address of The Lodges At Deer Valley is 2900 Deer Valley Drive East.
- All conditions of approval of the Park City Planning Commission dated April 10, 1996, are in full force and effect.

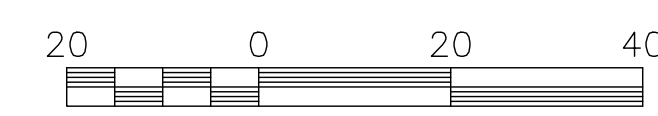
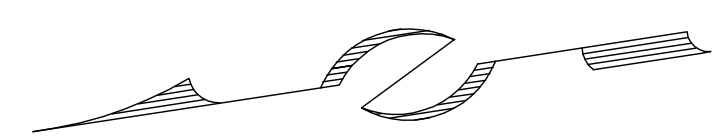


PARKING LEVEL - PHASE 1

LINE	BEARING	DISTANCE
L1	S 08°32'21\" W	25.46'
L2	S 84°58'11\" W	34.83'
L3	N 08°41'19\" E	9.55'

CURVE	RADIUS	LENGTH	DELTA
C1	25.00	36.71'	84°07'59\"

- CONVERTIBLE LAND 1
- CONVERTIBLE LAND 2
- CONVERTIBLE SPACE 1
- CONVERTIBLE SPACE 2
- COMMON OWNERSHIP
- PRIVATE OWNERSHIP
- LIMITED COMMON OWNERSHIP
- LIMITED COMMON OWNERSHIP ASSOCIATED WITH CONVERTIBLE SPACE 1
- ADDITIONAL LAND



RECORD OF SURVEY MAP  
**THE LODGES AT DEER VALLEY**

PHASE ONE-FIRST AMENDED  
A UTAH EXPANDABLE CONDOMINIUM PROJECT

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

SHEET 2 OF 15

(435) 649-9467  
**Alliance Engineering Inc.**  
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT  
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016  
BY \_\_\_\_\_ S.B.W.R.D.

PLANNING COMMISSION  
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015  
BY \_\_\_\_\_ CHAIR

ENGINEER'S CERTIFICATE  
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016  
BY \_\_\_\_\_ PARK CITY ENGINEER

APPROVAL AS TO FORM  
APPROVED AS TO FORM THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016  
BY \_\_\_\_\_ PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE  
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016  
BY \_\_\_\_\_ MAYOR

CERTIFICATE OF ATTEST  
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016  
BY \_\_\_\_\_ PARK CITY RECORDER

RECORDED  
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF \_\_\_\_\_ DATE \_\_\_\_\_ TIME \_\_\_\_\_ ENTRY NO. \_\_\_\_\_ FEE \_\_\_\_\_ RECORDER \_\_\_\_\_

# EXHIBIT E- Recorded Tax Deed

**ENTRY NO. 00972319**

06/13/2013 11:27:24 AM B: 2191 P: 1397

Tax Deed PAGE 1/1

MARY ANN TRUSSELL, SUMMIT COUNTY RECORDER

FEE 0.00 BY SUMMIT COUNTY AUDITOR



When recorded return to:  
Summit County Auditor  
Send Tax Notice To:

Lodges at Deer Valley Owners Association  
P.O. Box 2250  
Park City, Utah 84060

## TAX DEED

SUMMIT COUNTY, a body corporate and politic of the State of Utah, Grantor, hereby conveys to: Lodges at Deer Valley Owners Association  
P.O. Box 2250  
Park City, Utah 84060

Grantee, of the following described real estate in SUMMIT COUNTY, UTAH:

Parcel # LDVC-1-CS-2

CONVERTIBLE SPACE 2, THE LODGES AT DEERVALLEY CONDOMINIUM PHASE 1; ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE. CONT 9957 SQ FT. TOGETHER WITH AN UND 1.646% INT IN THE COMMON AREA

This conveyance is made in consideration of payment by the Grantee of the sum of \$34,369.03 delinquent taxes, penalties, interest and costs, constituting a charge against said real estate, which was sold to said County at preliminary sale for non-payment of general taxes assessed against it for the year 2008 in the sum of \$5,011.67.

Dated this 13th day of June, 2013.

SUMMIT COUNTY

By: Blake J. Trussell  
Auditor



# EXHIBIT F - Current Tax ID Receipt from

## Tax Account

# Convertible space 2

### Summary

Account Id 0341861  
 Parcel Number LDVC-1-CS-2  
 Owners LODGES AT DEER VALLEY OWNERS ASSOCIATION  
 Address PO BOX 2250  
 PARK CITY, UT 84060  
 Situs Address 2900 DEER VALLEY DR E  
 Legal CONVERTIBLE SPACE 2, THE LODGES AT DEERVALLEY CONDOMINIUM PHASE 1; ACCORDING TO THE OFFICIAL PLAT ON FILE IN THE SUMMIT COUNTY RECORDERS OFFICE. CONT 9957 SQ FT. TOGETHER WITH AN UND 1.646% INT IN THE COMMON AREA 2191-1397

### Inquiry

As Of

Taxes Due \$5,825.76

Total Due \$5,825.76

### Value

Area Id	Tax Rate	
07 - 07 - PARK CITY A,J,K,U (D-D)	0.0084800000	
	Actual	Assessed
MISC - 13A	687,000	687,000
Taxes		\$5,825.76

The amounts of taxes due on this page are based on 2015 property value assessments.



# Planning Commission Staff Report



**Subject:** First Amended Sunnyside Subdivision Lot 10  
**Author:** Kirsten Whetstone, MS, AICP- Senior Planner  
**Project Number:** PL-15-03024  
**Date:** February 10, 2016  
**Type of Item:** Legislative – Plat Amendment

## Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the First Amended Sunnyside Subdivision Lot 10 plat amendment located at 615 Mellow Mountain Road and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

## Description

**Applicant:** Greylock Holdings, LLC, owner  
**Applicant Representative:** Marshall King, Alliance Engineering  
**Location:** 615 Mellow Mountain Road  
**Zoning:** Single Family (SF) District  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Plat Amendments require Planning Commission review and City Council review and action

## Proposal

The applicant requests to combine an adjacent remnant parcel with Lot 10 of the Sunnyside Subdivision to create one (1) 20,518 square foot, platted lot of record in order to construct a single-family house on the property. Lot 10 and the remnant parcel are commonly owned by the Applicant. (See Exhibit A proposed plat and Exhibit B applicant's letter).

## Background

On December 8, 2015, the City received a plat amendment application for Sunnyside Subdivision Lot 10 located at 615 Mellow Mountain Road. The application was deemed complete on December 11, 2015. The property is located within the Single Family (SF) District and is currently undeveloped. The 16,163 sf platted lot (Lot 10) and the 4,355 sf remnant parcel are commonly owned by the applicant and recognized by Summit County as Parcel #SNS-10.

Sunnyside Subdivision was approved by City Council on July 19, 1979, and recorded at Summit County on August 3, 1979 (See Exhibit C existing Sunnyside Subdivision plat). At the time of plat recordation, there was land, adjacent and to the east, that was by error not included in the subdivision plat drafted for recordation. The eastern boundary of the subdivision was to coincide with the eastern boundary of the MS 5665 Lilly No. 3

Mining Claim but it fell approximately 31' short. See Exhibit D- Summit County Recorder Office working copy of the Sunnyside Subdivision plat, Exhibit E- County Recorder Map, Exhibit F- Boundary Survey of Mining Claim Lots in the area and Exhibit G- Aerial Photo showing Quit Claim parcel.

The Sunnyside Subdivision plat was drawn up excluding this approximately 31' wide strip of property. The error was discovered in December of 1979 and the strip was quit claimed from the original land owner/developer (Royal Street Land Company) to the owner of the recorded subdivision (Park City Alliance, James Gaddis Investment Company, LTD, etc.), as Entry No. 161985, Book M147, Page 467 at Summit County Recorder Office. The strip of land runs north/south from the southern boundary of Lot 10 to the northern boundary of Lot 11 across Mellow Mountain Road.

On January 15, 1981, a warranty deed, Entry No. 175389, Book M 177, Page 414 was recorded at Summit County Recorder office conveying a parcel approximately 31 feet wide extending the length of Lot 10 from the southerly boundary to the northerly boundary. This parcel is the 4,355 sf remnant parcel subject to the requested plat amendment. A similar warranty deed was entered in the records for Lot 11 on the other side of Mellow Mountain Road.

In 1986, a building permit was issued for construction of a single-family house on Lot 11 located at 606 Mellow Mountain Road. The house was constructed across the warranty deed line and there was no requirement for a plat amendment at that time. The house on Lot 11 was constructed with a side setback measured from the eastern boundary of the warranty deed description (see Exhibit G).

The current owner of Lot 10 would like to construct a single-family house on Lot 10 and is required to record the plat amendment to resolve the remnant parcel issue prior to issuance of a building permit. Summit County recognizes Lot 10 and the remnant parcel with a single Tax ID number (SNS-10). Based on research by the applicant, there are no utilities currently located in the non-exclusive public utility easement described on the Sunnyside Subdivision plat. Staff reviewed the documents, including a document from Summit County stating that the utility easement along the east boundary of the lot was moved to the east boundary of the warranty deed description back in the early 1980s. The applicant verified that there are no existing utilities.

### **Purpose**

The purpose of the Single Family (SF) Zoning District is to:

- (A) maintain existing predominately Single Family detached residential neighborhoods,
- (B) allow for Single Family Development Compatible with existing Developments,
- (C) maintain the character of mountain resort neighborhoods with Compatible



residential design; and

(D) require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile.

**Analysis**

The proposed plat amendment creates one (1) lot of record from undeveloped, platted Lot 10 of the Sunnyside Subdivision and an adjacent remnant parcel. Lot 10 was platted with approval and recordation of the Sunnyside Subdivision in 1979. Lot 10 is 16,163 square feet (sf) in area. The adjacent remnant lot is 4,355 sf in area. Amended Lot 10 will have a total of 20,518 sf of lot area. Lots in Sunnyside Subdivision range in area from 8,596 sf to 23,860 sf. The applicant desires to construct a single-family house on the amended lot.

A single-family dwelling is an allowed use in the Single Family (SF) District. Duplexes and multi-dwelling buildings are not allowed. There are no minimum or maximum lot sizes in the SF District. There is not a minimum or maximum lot width identified in the SF District. The existing lot is 63.54 feet wide and the proposed lot is 97.74 feet wide. Access to the property is from Mellow Mountain Road.

The following table shows applicable development parameters in the Single Family (SF) District (Land Management Code Section 15-2.11):

<b>LMC Requirements</b>	<b>Requirements</b>
<b>Building Footprint</b>	No maximum building footprint or house size is associated with the SF District or Sunnyside Subdivision.
<b>Front/Rear Yard Setbacks</b>	Front setback- minimum of 25 feet for front facing garage and 20 feet for the main house or side of garage. Rear setback- minimum of 15 feet. (standard exceptions apply)
<b>Side Yard Setbacks</b>	Side setbacks- minimum of 12 feet. (standard exceptions apply)
<b>Building (Zone) Height</b>	No Structure shall be erected to a height greater than twenty-eight (28') from Existing Grade. Exceptions apply, including 5' height to 33' for pitched roof (4:12 and greater).

Utility easements recorded on the Sunnyside Subdivision plat shall be platted on the amended plat, including 5' wide non-exclusive utility easements along the front and side lot lines and 20' wide non-exclusive utility easement along the rear lot line. The applicant verified that there are no existing utilities in the 5' non-exclusive utility easement along the existing Lot 10 easterly property boundary. The easement was relocated to the east boundary of the warranty deed description by the County.

The final mylar plat is required to be signed by the Snyderville Basin Water Reclamation

District (SBWRD) and this ensures that requirements of the District are addressed prior to plat recordation. A ten foot wide public snow storage easement is required along the front lot line.

### **Good Cause**

Planning Staff finds that there is good cause for this plat amendment as the plat amendment will resolve a remnant parcel issue. The plat amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code for any future development can be met. Combining the Lot and parcel will allow the property owner to move forward with a building permit for a new house on the new lot. There are no encroachments to be resolved. Plat recordation and compliance with all requirements of the SF District are required prior to issuance of a building permit.

### **Process**

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

### **Department Review**

This project has gone through an interdepartmental review. Issues raised regarding the history of the remnant parcel have been further researched by staff and explained by the applicant (see Exhibit B). Other issues have been addressed with conditions of approval.

### **Notice**

On January 27, 2016, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record on January 23, 2016, according to requirements of the Land Management Code.

### **Public Input**

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

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the First Amended Sunnyside Subdivision Lot 10 plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the First Amended Sunnyside Subdivision Lot 10 plat amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on this item.

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

The platted lot and remnant parcel would remain as is, and continue to be commonly owned. A house could be built on the platted lot; however the issue of the remnant parcel would remain unresolved. Sunnyside Subdivision does not have house size

limitations based on lot size.

**Summary Recommendation**

Staff recommends the Planning Commission hold a public hearing for the First Amended Sunnyside Subdivision plat amendment located at 615 Mellow Mountain Road and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

**Exhibits**

Ordinance

Exhibit A – Proposed Plat Amendment

Exhibit B – Applicant’s Project Intent and existing conditions survey/aerial

Exhibit C – Existing Sunnyside Subdivision plat

Exhibit D – Recorder’s Working Copy of Sunnyside Subdivision plat

Exhibit E – County Recorder Map

Exhibit F – Boundary Survey of Mining Claims- Lilly No. 5

Exhibit G – Quit Claim property Exhibit and on Aerial Photo

Exhibit H – Photos

**Ordinance No. 16-XX**

**AN ORDINANCE APPROVING THE FIRST AMENDED SUNNYSIDE SUBDIVISION LOT 10 PLAT AMENDMENT LOCATED AT 615 MELLOW MOUNTAIN ROAD, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 615 Mellow Mountain Road has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on January 23, 2016, the property was properly noticed according to the requirements of the Land Management Code and legal notice was published in the Park Record; and

WHEREAS, on January 27, 2016, the property was posted and notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on February 10, 2016, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on February 10, 2016, forwarded a recommendation to the City Council; and,

WHEREAS, on March 10, 2016, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the First Amended Sunnyside Subdivision plat amendment.

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

**SECTION 1. APPROVAL.** The First Amended Sunnyside Subdivision Lot 10 plat amendment as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is located at 615 Mellow Mountain Road.
2. The property is in the Single Family (SF) Zoning District.
3. The subject property consists of platted Lot 10 of the Sunnyside Subdivision and a remnant parcel located adjacent to the easterly boundary of Lot 10.
4. The property, including Lot 10 and the remnant parcel, is recognized by Summit County as Parcel SNS-10 (Tax ID).
5. The property is currently undeveloped and the owner would like to construct a single family home on the new platted lot.
6. The proposed plat amendment creates one (1) 20,518 square foot (sf), platted lot

of record, by combining the 16,163 sf existing Lot 10 and the 4,355 sf remnant parcel under common ownership.

7. There are no minimum or maximum lot sizes in the SF District.
8. Lots in Sunnyside Subdivision range in area from 8,596 sf to 23,860 sf.
9. Sunnyside Subdivision was approved by City Council on July 19, 1979 and recorded at Summit County on August 3, 1979.
10. At the time of plat recordation, land adjacent and to the east, was by error not included in the subdivision plat drafted for recordation. The eastern boundary of the subdivision was to coincide with the eastern boundary of the MS 5665 Lilly No. 3 Mining Claim.
11. The Sunnyside Subdivision plat was drawn up excluding this approximately 31' wide strip of property. The strip of land runs north/south from the southern boundary of Lot 10 to the northern boundary of Lot 11 across Mellow Mountain Road.
12. The platting error was discovered in December of 1979 and the 31' wide strip was quit claimed from the original land owner/developer (Royal Street Land Company) to the owner of the recorded subdivision (Park City Alliance, James Gaddis Investment Company, LTD, etc.), as Entry No 161985, Book M147, Page 467 at the Summit County Recorder's Office.
13. On January 15, 1981, a warranty deed, Entry No. 175389, Book M 177, Page 414, was recorded at the Summit County Recorder's office conveying a parcel approximately 31 feet wide extending the length of Lot 10 from the southerly boundary to the northerly boundary. This parcel is the 4,355 sf remnant parcel subject to the requested plat amendment.
14. A similar warranty deed was entered into the records for Lot 11.
15. In 1986 a building permit was issued for construction of a single family house on Lot 11 located at 606 Mellow Mountain Road. The house was constructed across the warranty deed line and there was no requirement for a plat amendment at that time. The house on Lot 11 was constructed with a side setback measured from the eastern boundary of the warranty deed description, which is the eastern boundary of TAX ID number SNS-11.
16. The applicant desires to construct a single family house on the amended Lot 10.
17. There is no maximum building footprint or house size identified for the Sunnyside Subdivision and all requirements of Land Management Code Section 15-2.11 (SF District) apply.
18. A single-family dwelling is an allowed use in the Single Family (SF) District.
19. There is not a minimum or maximum lot width identified in the SF District. The existing lot is 63.54 feet wide and the proposed lot will be 97.74 feet wide.
20. Access to the property is from Mellow Mountain Road, a public street.
21. Duplexes and multi-family dwellings are not allowed in the SF District.
22. There are no encroachment issues.
23. Utility easements recorded on the Sunnyside Subdivision plat are required to be shown on the amended plat, including 5' wide non-exclusive utility easements along the front and side lot lines and 20' wide non-exclusive utility easement along the rear lot line.
24. There are no existing utilities in the 5' non-exclusive utility easement along the

existing Lot 10 easterly property boundary and the Summit County documents show that the 5' easement was moved to the eastern boundary of the warranty deed (remnant parcel). The plat amendment plat will memorialize utility easements per the original plat and warranty deed.

25. An existing wastewater line extends along the western property line of Lot 10.
26. The final mylar plat is required to be signed by the Snyderville Basin Water Reclamation District to ensure that requirements of the District are addressed prior to plat recordation.
27. Snow storage area is required along public streets and rights-of-way due to the possibility of large amounts of snowfall in this location.
28. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

#### Conclusions of Law:

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

#### Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If the plat is not recorded within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date of March 10, 2017 and an extension is granted by the City Council.
3. All new construction shall comply with LMC setback regulations in effect at the time of building permit issuance.
4. A ten foot (10') wide public snow storage easement is required along the Mellow Mountain Road frontage of the property and shall be shown on the plat prior to recordation.
5. A five foot (5') wide non-exclusive public utilities and SBWRD easement is required along the front and side lot lines of the new lot.
6. A twenty foot (20') wide non-exclusive public utilities easement is required along the rear lot line of the new lot.
7. Modified 13-D sprinklers are required for any new construction and shall be noted on the plat.
8. All requirements of the Snyderville Basin Water Reclamation District shall be satisfied prior to recordation of the plat and/or noted on the plat.

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

PASSED AND ADOPTED this 10<sup>th</sup> day of March, 2016.

PARK CITY MUNICIPAL CORPORATION

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

ATTEST:

\_\_\_\_\_  
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

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

**Exhibit A- Proposed plat**

# EXHIBIT A



### SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, this Record of Survey map of the FIRST AMENDED LOT 10 SUNNYSIDE SUBDIVISION has been prepared under my direction and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

### DEED DESCRIPTION

LOT 10, SUNNYSIDE SUBDIVISION, according to the official plat thereof, recorded in the Summit County Recorder's Office.

Also:

Beginning at the southeast corner of Lot 10, SUNNYSIDE SUBDIVISION according to the official plat thereof on file and of record in the office of the Summit County Recorder; and running thence South 74°44'40" East 32.51 feet; thence North 136.61 feet; thence North 66°50' West 34.20 feet to the northeast corner of said Lot 10; thence South 141.395 feet to the point of beginning.

### OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that GREYLOCK HOLDINGS, LLC, a Connecticut limited liability company, the undersigned owner of the herein described tract of land, to be known hereafter as FIRST AMENDED LOT 10 SUNNYSIDE SUBDIVISION, does hereby certify that it has caused this Plat Amendment to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this \_\_\_\_ day of \_\_\_\_\_, 2016.

GREYLOCK HOLDINGS, LLC, a Connecticut limited liability company

By: Brian Navarro, Managing Member

### ACKNOWLEDGMENT

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

ss: \_\_\_\_\_

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

On this \_\_\_\_ day of \_\_\_\_\_, 2016, Brian Navarro personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Managing Member of GREYLOCK HOLDINGS, LLC, a Connecticut limited liability company, and that said document was signed by him on behalf of said corporation by authority of its Bylaws, or Resolution of its Board of Directors, and he acknowledged to me that he executed the FIRST AMENDED LOT 10 SUNNYSIDE SUBDIVISION.

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

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

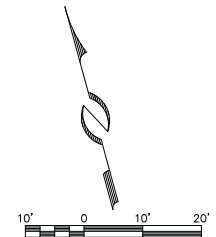
Residing in: \_\_\_\_\_

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

### NOTE

This subdivision is subject to the Conditions of Approval in Ordinance 16-\_\_\_\_\_

CURVE TABLE		
CURVE	RADIUS	LENGTH
CT	370.52	27.20
		DELTA
		041°2'23"



**LOT 10A**  
[615 MELLOW MOUNTAIN ROAD]  
CONTAINS 20,518 SQ FT

## FIRST AMENDED LOT 10 SUNNYSIDE SUBDIVISION

A SINGLE FAMILY SUBDIVISION LOCATED IN SECTION 15  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

SHEET 1 OF 1

 (435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016 BY <u>S.B.W.R.D.</u>	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____
	1/15/16 JOB NO.: 6-9-15 FILE: X:\Eastof010Town.dwg\ar\plot2015\060915.dwg						



SUNNYSIDE SUBDIVISION  
LOT 10 PLUS ADDITIONAL

(615 MELLOW MOUNTAIN ROAD)

## PROJECT INTENT

January 11, 2016

Sunnyside Subdivision was recorded August 3, 1979, in the office of the Summit County Recorder. At the time of the plat recordation, there was additional land to the east of Sunnyside Subdivision that erroneously was not included in the originally recorded subdivision. The east boundary of Sunnyside Subdivision was to be the east boundary of the Lilly No. 3 mining claim, but the Lilly No. 3 mining claim was previously surveyed in the incorrect location.

On December 5, 1979, a quitclaim deed, Entry No. 161985, Book M147, Page 467, for a parcel approximately 31 feet wide (the difference between where the Lilly No. 3 mining claim should have been and where the subdivision was actually platted) extending from the northerly boundary of Lot 11, Sunnyside Subdivision, across Mellow Mountain Road to the southerly boundary of Lot 10 Sunnyside Subdivision, was granted to the developer of Sunnyside Subdivision. On January 15, 1981, a warranty deed, Entry No. 175389, Book M177, Page 414, for a parcel approximately 31 feet wide, extending from the northerly boundary of Lot 10 to the southerly boundary of Lot 10, was conveyed by the developer to the owner of Lot 10, Sunnyside Subdivision. A similar scenario also occurred with Lot 11, Sunnyside Subdivision.

It is the desire of the current owner to unify the original Lot 10 with the additional 31-foot-wide strip into one lot of record, with the ultimate goal of constructing a single-family residence on the amended and unified lot of record.

# Sunnyside Subdivision Lot 10

## EXHIBIT B2

### NARRATIVE

1. Survey requested by: Thaynes Capital LLC.
2. Purpose of survey: locate the deed description, the improvements and the topographic relief.
3. Basis of survey: found Street and Property Monuments.
4. Date of survey: October 26, 2012.
5. Property monuments set or found as shown.
6. Located in the West Half of Section 15, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. " 5.0' wide non-exclusive utilities easement at the front, sides, and rear of all lots unless noted otherwise."
9. See the official plat of Sunnyside Subdivision, on file and of record in the office of the Summit County Recorder, for other possible easements, restrictions or setbacks.
10. An assumed elevation of 7200 feet, from the U.S.G.S. Quad. map 'Park City East', was assigned to the top of the sewer manhole lid in front of the property as shown.



### DEED DESCRIPTION

Lot 10, Sunnyside Subdivision, according to the official plat thereof on file and of record in the Summit County Recorder's Office; containing 0.37 acres, more or less.  
 Also:  
 Beginning at the Southeast corner of Lot 10, Sunnyside Subdivision, according to the official plat thereof, on file and of record in the office of the Summit County Recorder; and running thence South 74°44'40" East 32.51 feet; thence North 136.31 feet; thence North 66°30' West 34.20 feet to the Northeast corner of said Lot 10; thence South 141.395 feet to the point of beginning; containing 0.10 acres, more or less.

### SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.



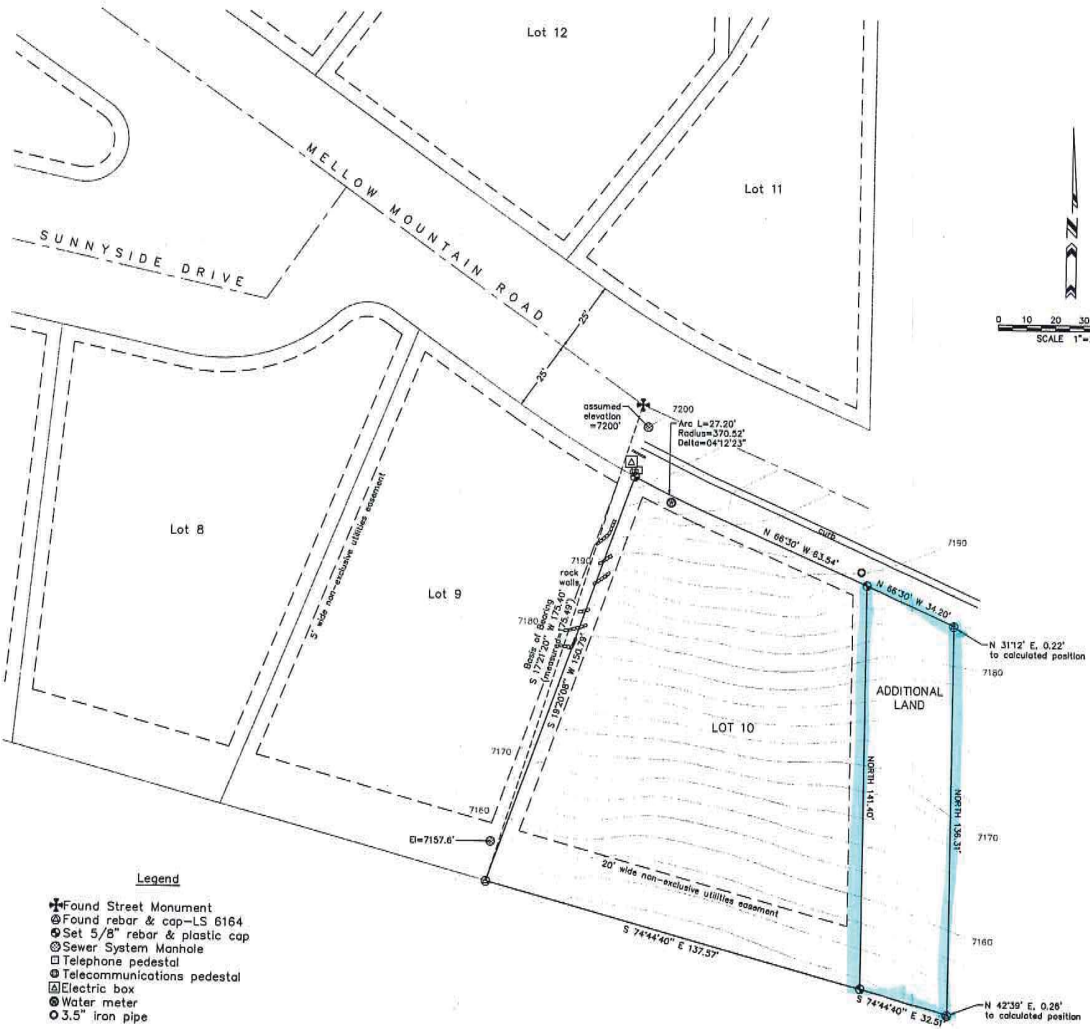
Nov 6 12  
Date

J.D. Gailey URS#359005



**Alpine Survey, Inc.**  
 19 Praesector Drive  
 Park City, Utah 84060  
 (435) 655-8016

FILE NO. S0007694  
 BY: J.D. GAILEY 11/06/12  
 DATE: 11/06/12  
 SCALE: AS SHOWN  
 PROJECT: SUNNYSIDE SUBDIVISION



### Legend

- ⊕ Found Street Monument
- ⊙ Found rebar & cap-LS 6164
- ⊗ Set 5/8" rebar & plastic cap
- ⊕ Sewer System Manhole
- ⊠ Telephone pedestal
- ⊙ Telecommunications pedestal
- ⊠ Electric box
- ⊙ Water meter
- 3.5" iron pipe




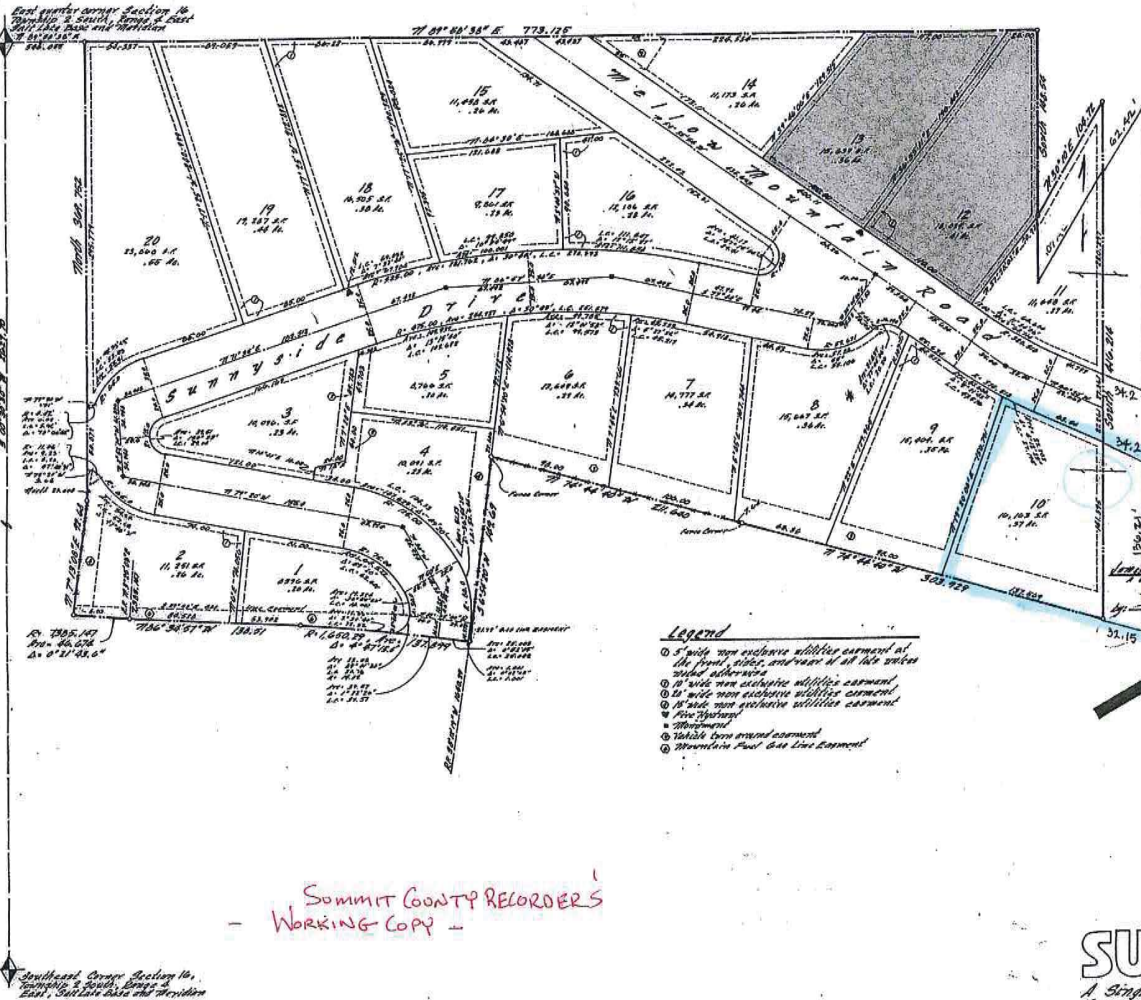
 <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 Main Street P.O. Box 2104 Park City, Utah 84060-2104</small>	<small>(435) 848-8487</small> <b>STAFF:</b> MARSHALL KING JESSIE MORENO	<b>AERIAL PHOTOGRAPH</b> <b>615 MELLOW MOUNTAIN ROAD</b> <b>LOT 10, SUNNYSIDE + ADDITIONAL</b>	<b>SHEET</b> <b>1</b> <b>OF</b> <b>1</b>
	<b>DATE:</b> 10/20/15	<b>FOR:</b> BRIAN NAVARRO <b>JOB NO.:</b> 6-9-15 <b>FILE:</b> X:\EastOfOldTown\dwg\ExhibitB\sunnyside lot 10-ortho.dwg	



EXHIBIT D



Surveyors Certificate

I, D.L. Silver & hereby certify that I am a Registered Land Surveyor and that I have surveyed the above described land and have substituted and exact of same has been correctly surveyed and staked on the ground as shown on this plat.

Beginning at a point which is North 89° 58' 36" East 546.085 feet from the East quarter corner of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian Township corner; Thence 89° 58' 36" East 725.125 feet; thence South 168.54 feet; thence West 303.920 feet, more or less, to a fence corner; thence North 70° 44' 40" West 104.76 feet to a point on a 100.00 foot radius curve to the left, the radius being 137.899 feet to a point of tangency; thence South 52° 28' 57" West 104.57 feet to a point of 738.187 feet; thence thence along the arc of said curve 46.074 feet; thence North 15° 08' East along a fence line 92.65 feet to a fence corner; thence North 348.752 feet to the point of beginning.

Contains 6,000 Acres

4 June 1977  
Date

Owners Dedication

That all men by these presents that we the undersigned parties of the hereby described tract of land having caused same to be subdivided into lots and streets to be hereafter known as SUNNYSIDE SUBDIVISION do hereby dedicate for the public use of the public all streets and easements shown on this plat as intended for public use. In witness whereof we have hereunto set our hands this 4<sup>th</sup> Day of June, A.D. 1977

Large Redded Investment to the R. S. DAVIS  
 [Signature]  
 [Signature]  
 [Signature]

Professional Engineering Exp.  
 [Signature]

Acknowledgment

State of Utah  
 County of Summit  
 On this 5<sup>th</sup> Day of JUNE, A.D. 1977 personally appeared before me, the undersigned Notary Public in and for the State of Utah and County of Summit, being duly sworn did say that he is the owner of the parcel of property as described within the proposed subdivision plat, and that he signed the owners dedication freely and voluntarily for the purposes therein mentioned.

[Signature]  
 Notary Public  
 My Commission Expires 10-2-80  
 Building on Salt Lake County, Utah

Acknowledgment

State of Utah  
 County of Summit  
 On this 8<sup>th</sup> Day of August, A.D. 1977, personally appeared before me, the undersigned Notary Public in and for the State of Utah and County of Summit, being duly sworn did say that he is the general partner of Denver Builders Development, Inc., a Utah Limited Partnership and that said Limited Partnership is an owner in common of the property on which the proposed Sunnyside Subdivision is located, and that he signed the owners dedication freely and voluntarily for the purposes therein mentioned.

RECEIVED  
 JAN 08 2016  
 PARK CITY PLANNING DEPT.

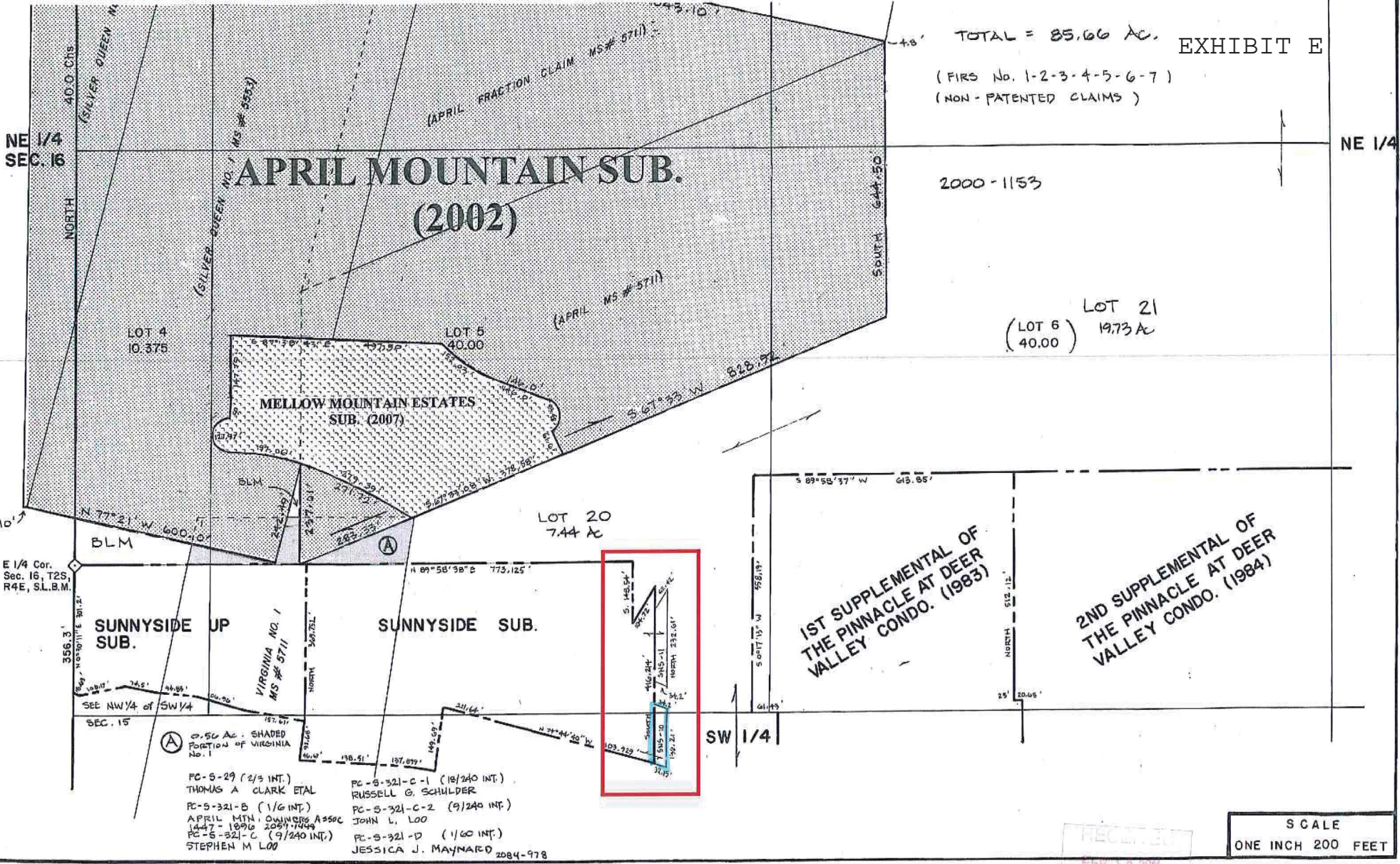
**SUNNYSIDE SUBDIVISION**

A Single Family Subdivision located in the West 1/2 of Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian

Recorded concurrently herewith a Declaration of Protective Covenants for Sunnyside Subdivision

Prepared by: <b>Alliance Engineering</b> Civil Engineering Planning Surveying 323 Main Street, Suite 2000 Park City, Utah 84060	City Planning Commission Approved and Assented by the Park City Planning Commission this 23 <sup>rd</sup> Day of July, A.D. 1977 [Signature]	Engineers Certificate Approved & Assented by the Park City Engineering Department this 23 <sup>rd</sup> Day of July, A.D. 1977 [Signature]	Approval as to Form Approved as to Form this 10 <sup>th</sup> Day of July, A.D. 1977 [Signature]	Certificate of Affect Affect this 23 <sup>rd</sup> Day of July, A.D. 1977 [Signature]	Council Approval & Acceptance Approved & Assented by the Park City Council this 15 <sup>th</sup> Day of July, A.D. 1977 [Signature]	77-158192 Recorded State of Utah, County of Summit, Recorded and Affect at the expense of: Michael D. Kavich Civil Eng. & Surveying Firm, Inc., Park City, Utah Fee \$ 200.00 [Signature]
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Summit County RECORDERS  
 - WORKING COPY -



TOTAL = 85.66 AC. EXHIBIT E  
 (FIRS No. 1-2-3-4-5-6-7)  
 (NON-PATENTED CLAIMS)

2000-1153

LOT 21  
 (LOT 6) 19.73 AC  
 (40.00)

E 1/4 Cor.  
 Sec. 16, T2S,  
 R4E, S.L.B.M.

FC-S-29 (2/3 INT.) THOMAS A CLARK ETAL  
 FC-S-321-B (1/6 INT.) APRIL MTH. OWNERS ASSOC  
 (4471 - 1992) 2007-1144  
 FC-S-321-C (9/240 INT.) STEPHEN M LOO  
 FC-S-321-C-1 (18/240 INT.) RUSSELL C SCHULDER  
 FC-S-321-C-2 (9/240 INT.) JOHN L. LOO  
 FC-S-321-D (1/60 INT.) JESSICA J. MAYNARD 2084-978

SCALE  
 ONE INCH 200 FEET

RECEIVED  
 FEB 13 2016  
 PLANNING COMMISSION

NW 1/4 Sec 15

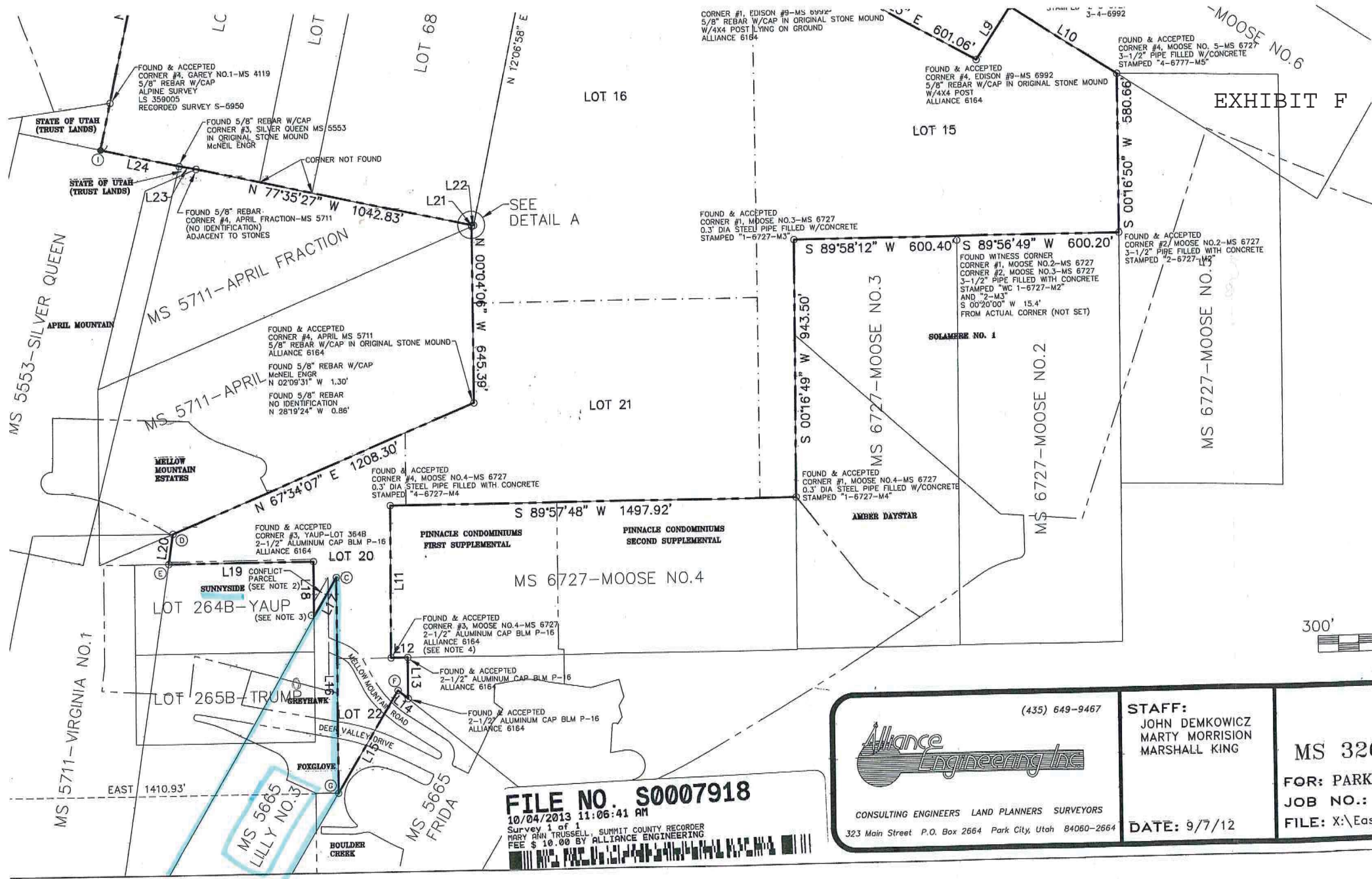


EXHIBIT F

**FILE NO. S0007918**

10/04/2013 11:06:41 AM  
 Survey 1 of 1  
 MARY ANN TRUSSELL, SUMMIT COUNTY RECORDER  
 FEE \$ 10.00 BY ALLIANCE ENGINEERING



(435) 649-9467

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS

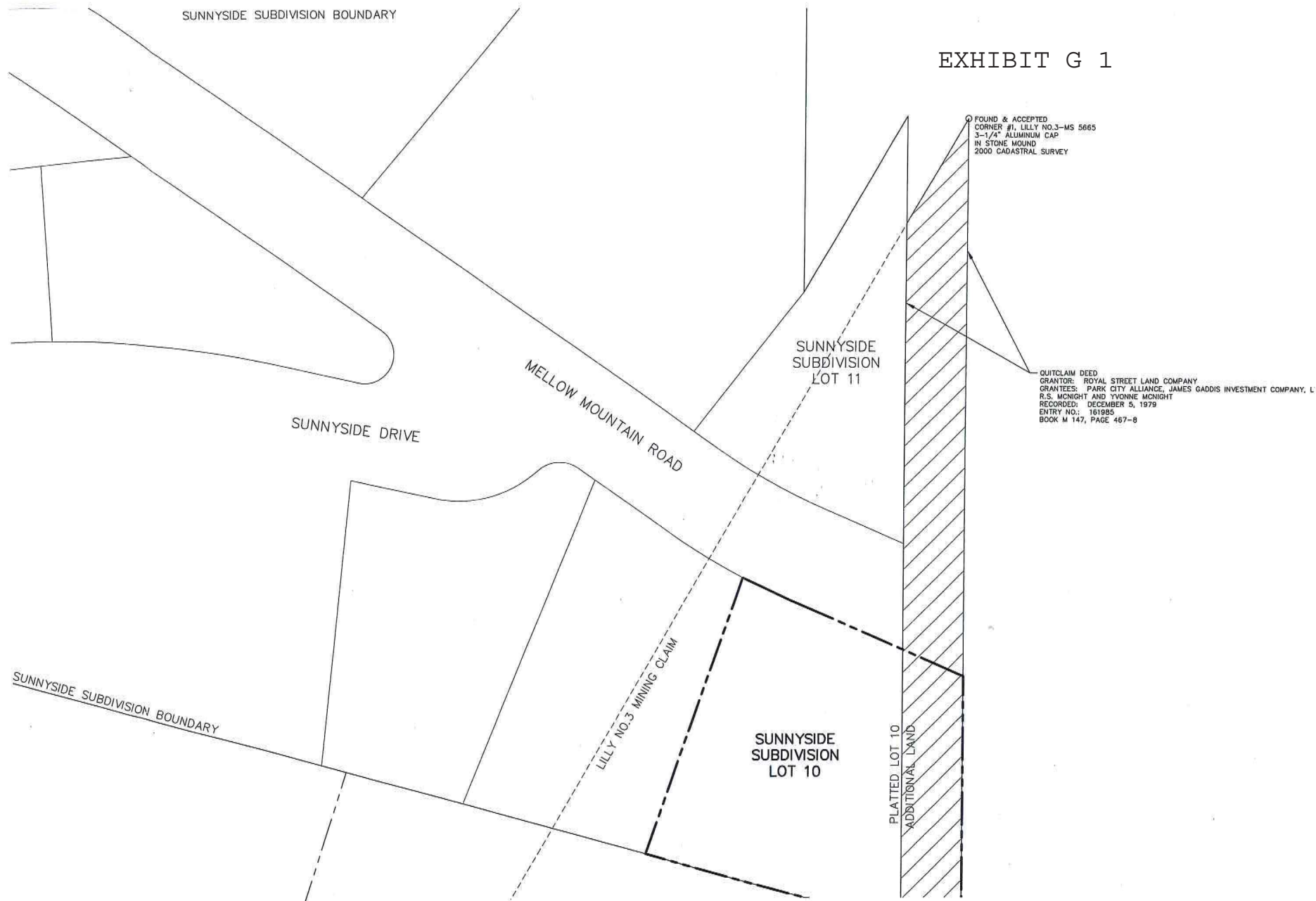
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

**STAFF:**  
 JOHN DEMKOWICZ  
 MARTY MORRISON  
 MARSHALL KING

**DATE:** 9/7/12

**MS 320**  
**FOR:** PARK  
**JOB NO.:**  
**FILE:** X:\Eas

EXHIBIT G 1





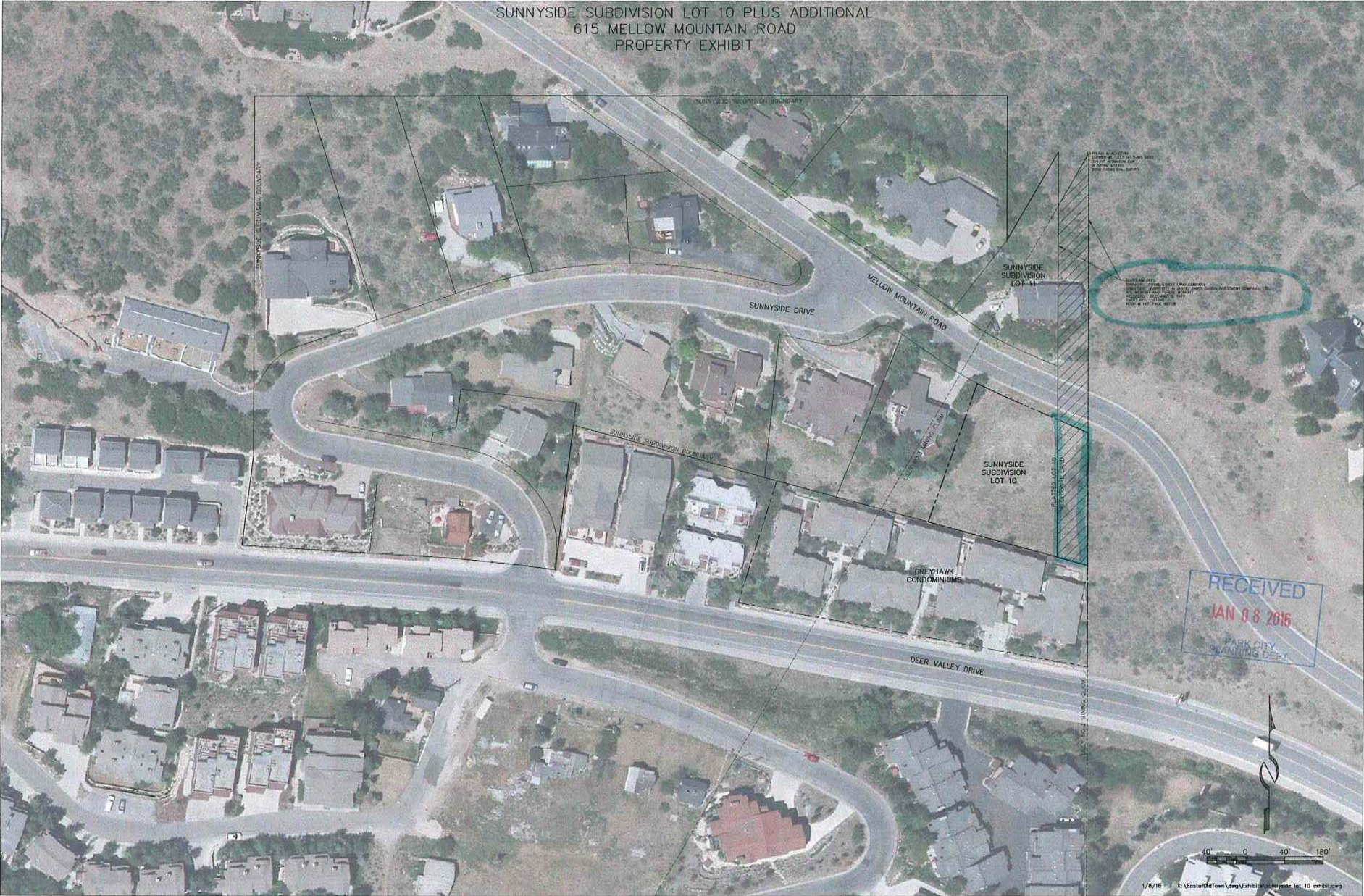
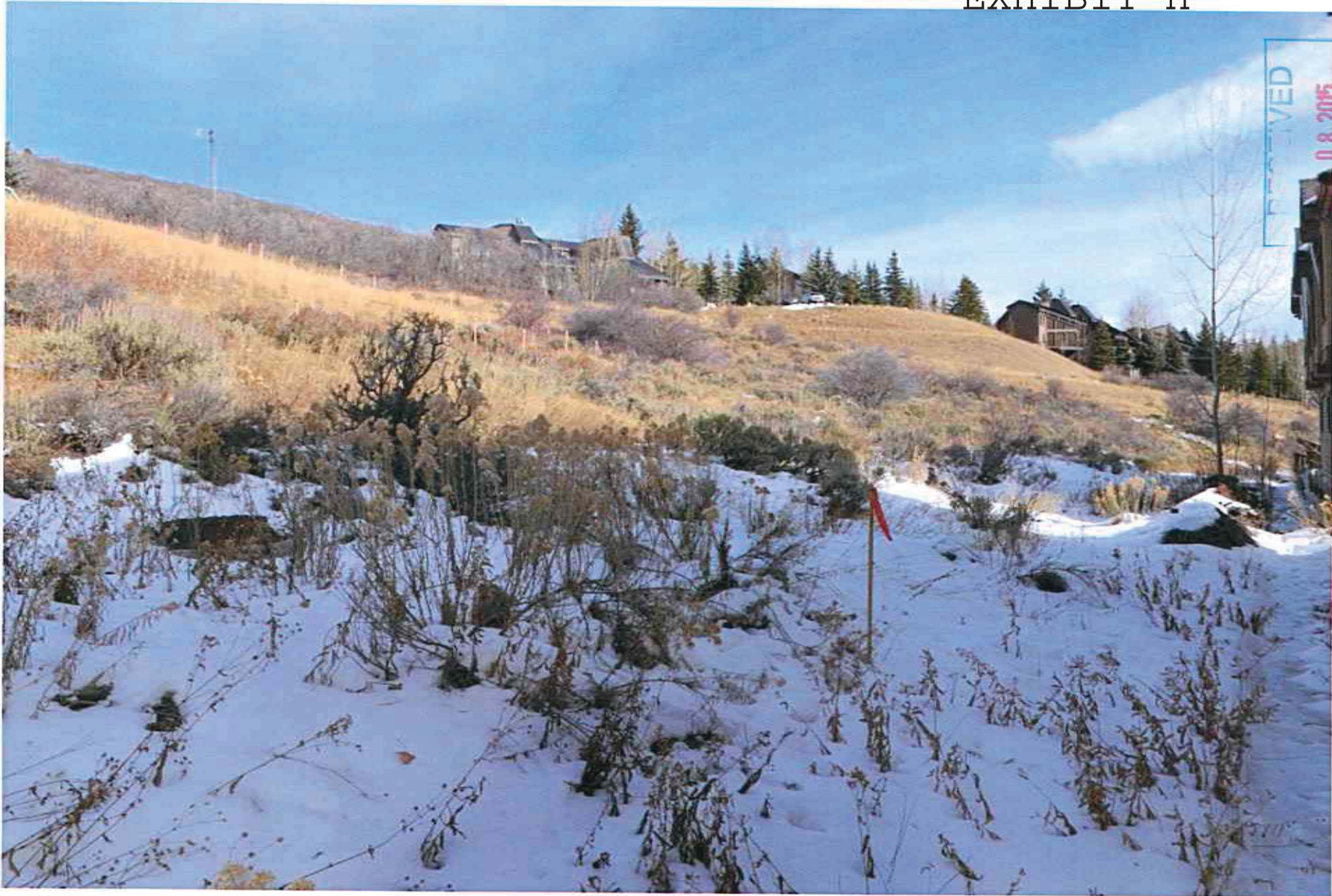
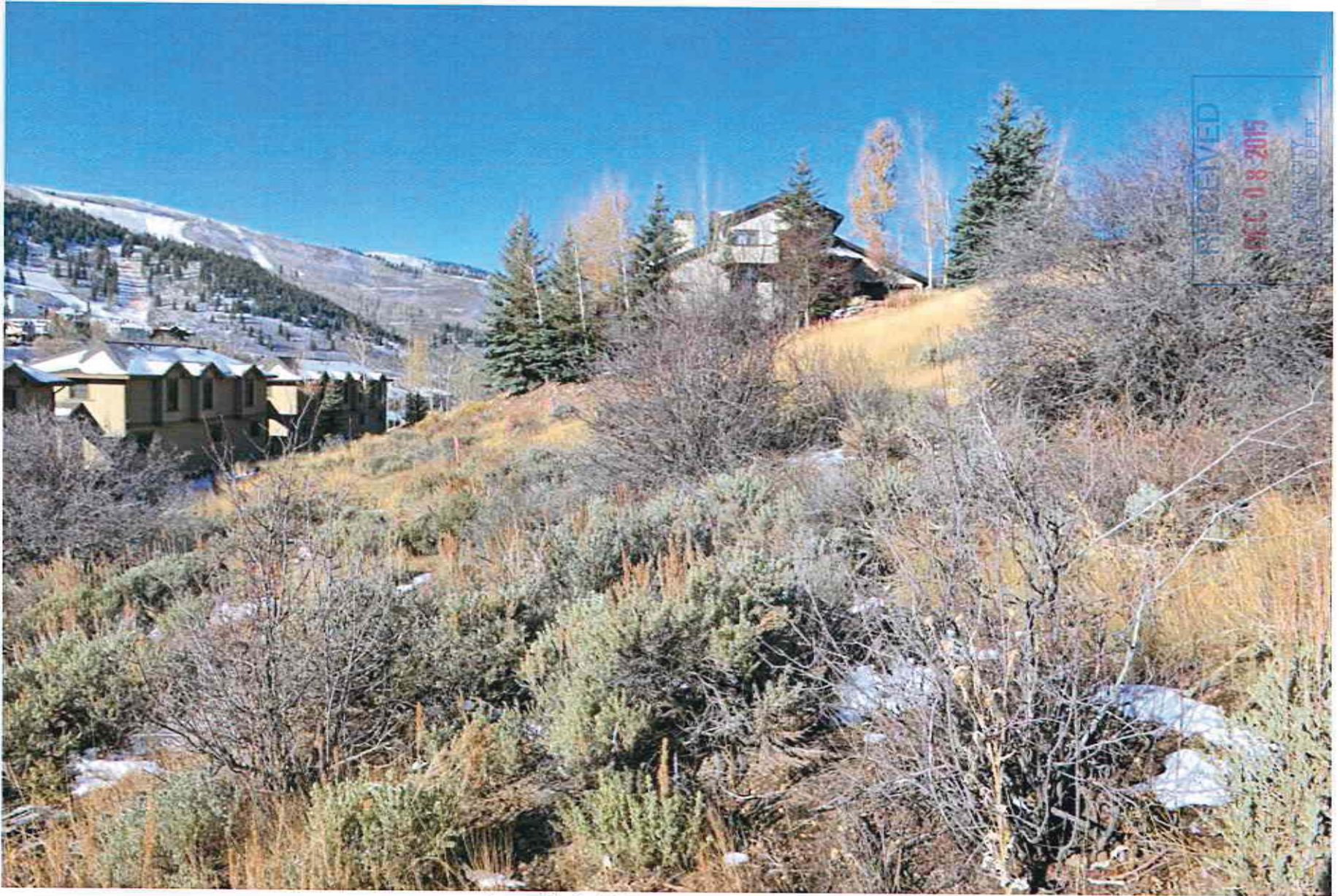


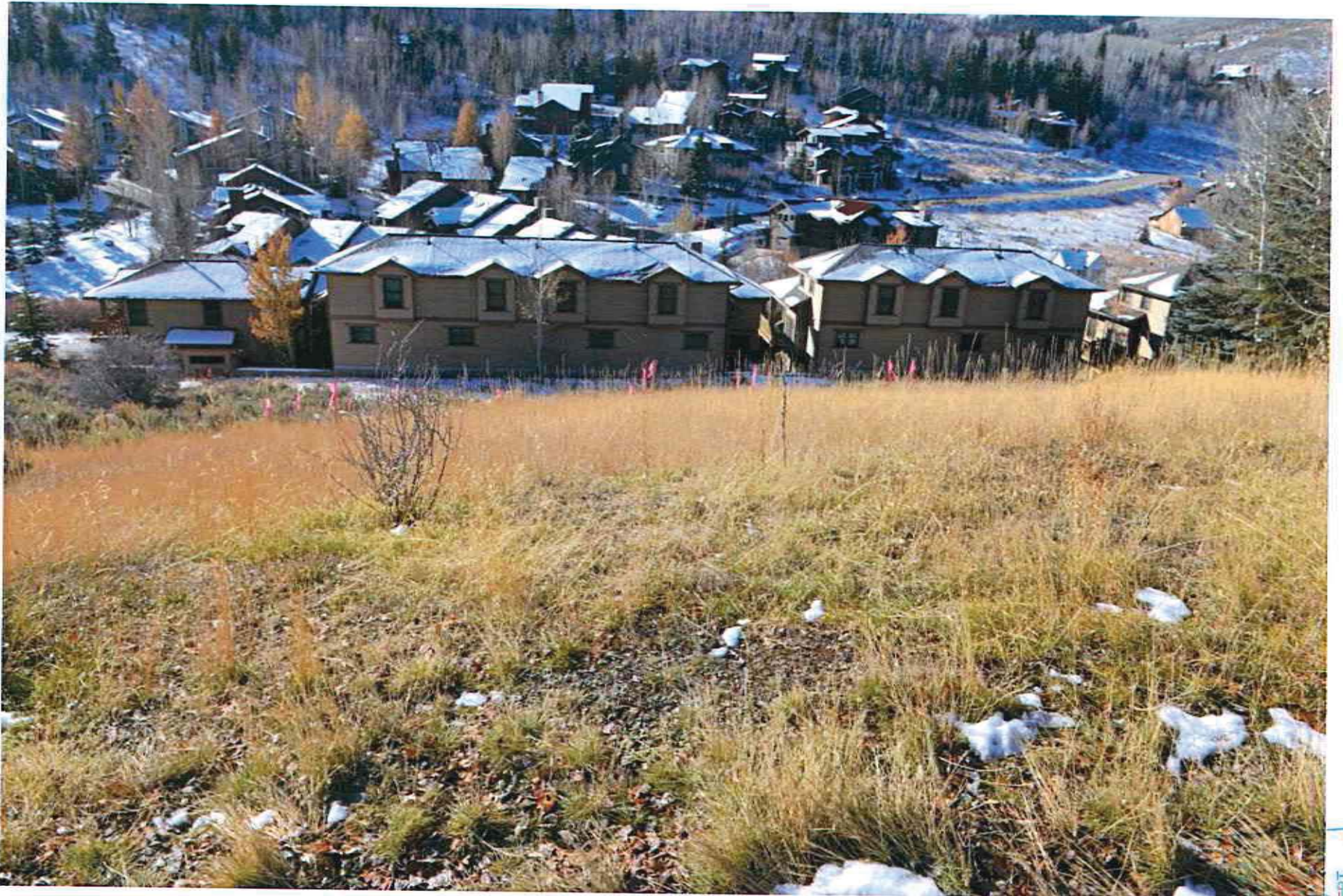
EXHIBIT H



Sunnyside Subdivision, Lot 10 looking northeasterly

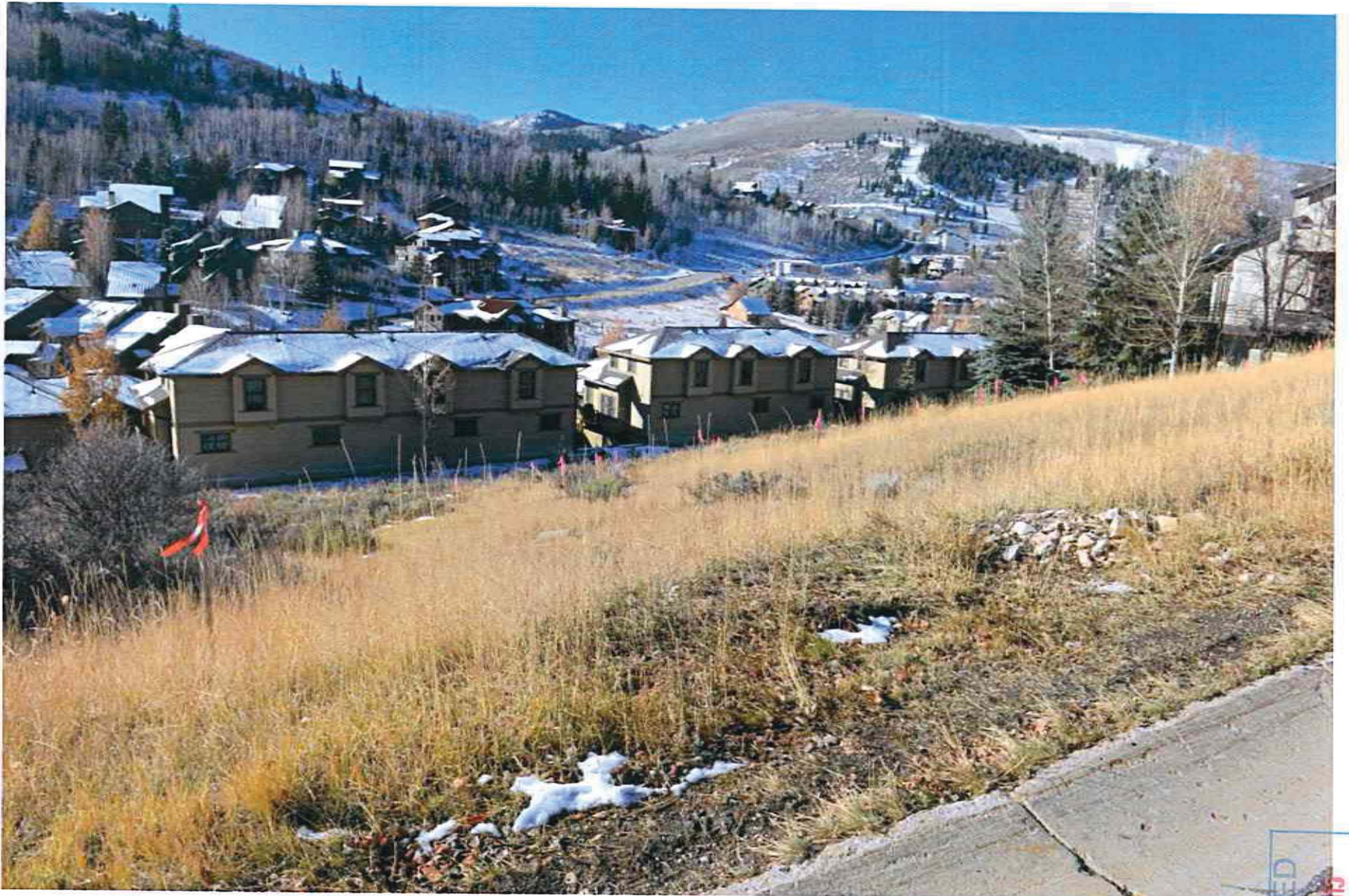


Sunnyside Subdivision, Lot 10 looking west



Sunnyside Subdivision, Lot 10 looking south

RECEIVED  
DEC 08 2015  
PARK CITY  
PLANNING DEPT.



Sunnyside Subdivision, Lot 10 looking southwesterly

RECEIVED  
DEC 08 2015  
PARK CITY  
PLANNING DEPT.





PLANNING DEPARTMENT

## Planning Commission Staff Report

**Subject:** 1043 & 1049 Park Avenue Plat Amendment  
**Author:** Anya Grahn, Historic Preservation Planner  
**Project Number:** PL-15-02979  
**Date:** February 10, 2016  
**Type of Item:** Legislative – Plat Amendment

### Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 1043 & 1049 Park Avenue Plat Amendment located at the same address and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

### Description

**Applicants:** 1043 Park Avenue Holdings, LLC and Jeffrey Stanford  
Pierce  
**Location:** 1043-1049 Park Avenue  
**Zoning:** Historic Residential-1 (HR-1)  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Plat Amendments require Planning Commission review and City Council review and action

### Proposal

The 1049 Park Avenue Plat Amendment was recorded on June 13, 2014; whereas, 1043 Park Avenue currently consists of the north half (1/2) of Lot 11, the south 20 feet of Lot 12, and the north half (1/2) of Lot 22, Block 4, Snyder's Addition to Park City. The applicant is proposing to add approximately five feet (5') of the north portion or existing Lot 12 to Lot 13, changing the location of the lot line between 1049 and 1043 Park Avenue so that each historic house on its own lot. Additionally, this plat amendment will remove the lot line which runs through the historic house at 1043 Park Avenue.

### Background

On October 21, 2015, the City received a Plat Amendment application for the 1043 and 1049 Park Avenue Plat Amendment; the application was deemed complete on November 24, 2015. The properties are located at the same address and are in the Historic Residential (HR-1) District. The subject property consists of all of the 1049 Park Avenue Subdivision as well as the north half (1/2) of Lot 11, the south 20 feet of Lot 12, and the north half (1/2) of Lot 22, Block 4, Snyder's Addition to Park City which is where 1043 Park Avenue is located.

Both 1043 and 1049 Park Avenue are listed on Park City's Historic Sites Inventory (HSI). 1043 Park Avenue is designated as "significant," and 1049 Park Avenue is designated as "landmark". Both properties were built between 1895-1905, during the

Mature Mining Historic Era (1894-1930). The historic house at 1049 Park Avenue encroaches over its south property line into the 1043 Park Avenue property, and the historic house at 1043 Park Avenue encroaches over its south property line into 1035 Park Avenue. There is currently a Conditional Easement agreement between 1043 and 1049 Park Avenue for maintenance of the encroachment of the 1049 Park Avenue historic house, recorded in April 2004.

The historic house at 1043 Park Avenue received a Historic District grant in 1990; however, it does not appear that grant funds were ever awarded or that any renovation work was completed. In 2014, a building permit was issued to restructure the roof from the interior in order to meet snow loads. The house has been used as a nightly rental.

The historic house at 1049 Park Avenue also had improvements in the past. In 2007, a plat amendment was previously approved for Sarah's Subdivision to replat 1049 Park Avenue; however, the plat was never recorded. Similarly, the property received a Historic District Grant in 2009, but the funds were never dispersed due to inactivity. After the current owner acquired the property, a Historic District Design Review (HDDR) application was approved in 2013 and a Historic District Grant was awarded the same year. The plat amendment for the 1049 Park Avenue Subdivision which only included Lot 13 and north 5 feet of Lot 12 was approved by City Council in March 2014, and the plat was recorded in June 2014 (see City Council staff report 3.20.14—Exhibit G).

### **Purpose**

The purpose of the HR-1 District is to:

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

### **Analysis**

The proposed Plat Amendment will create two (2) lots of record from the existing Lot 1, 1049 Park Avenue subdivision, as well as the north half (1/2) of Lot 11, the south 20 feet of Lot 12 and the north half (1/2) of Lot 22, Block 4, Snyder's Addition.

A single-family dwelling is an allowed use in the HR-1 District. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings. The following table shows applicable Land Management Code (LMC) development parameters in the HR-1 District for the existing situation:



<b>Existing Conditions:</b>				
<b>Required</b>	<b>1043 Park Avenue (Lot 2) Existing</b>	<b>Permitted</b>	<b>1049 Park Avenue (Lot 1), Existing</b>	<b>Permitted</b>
<b>Lot Size</b>	2,984.3 square feet	1,875 square feet minimum <b>Complies</b>	2,640.7 square feet	1,875 square feet minimum <b>Complies</b>
<b>Allowed Footprint</b>	1,174 square feet	1,261.78 square feet square feet, maximum. <b>Complies</b>	1,043 square feet	1,138.27 square feet, maximum. <b>Complies</b>
<b>Front/Rear Yard Setbacks</b>	26 feet, front yard; 78 feet rear yard	15 feet, for total of 30 feet <b>Complies<sup>1</sup></b>	19 feet, front yard; 10 feet rear yard	10 feet, for total of 20 feet <b>Complies<sup>1</sup></b>
<b>Side Yard Setbacks</b>	7 feet north side yard; 0 feet south side yard	3 feet, minimum for total of 6 feet. <b>Historic – valid complying<sup>1</sup></b>	3 feet north side yard; 0 feet south side yard	3 feet, minimum for total of 6 feet. <b>Historic – valid complying<sup>1</sup></b>

<sup>1</sup>LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.

As previously noted, the historic house at 1049 Park Avenue encroaches over the existing lot line and into the 1043 Park Avenue property. The applicant intends to relocate the property line approximately 3.5 feet at the east (front) side of the property and approximately 6.5 feet at the west (rear) side of the property in order to maintain a minimum 3 foot side yard setback from the house at 1043 Park Avenue, which complies with Building Code requirements. The relocation will create a side yard setback for 1043 Park Avenue of 3 feet and a side yard setback for 1049 Park Avenue of 2.36 feet. The modification to the existing property line between 1043-1049 Park Avenue will eliminate the encroachment of the historic 1049 Park Avenue house into the 1043 Park Avenue property, while also allowing 1043 Park Avenue to meet International Building Code separation requirements for fire safety.

The following conditions will exist following the plat amendment:

<b>Proposed Conditions:</b>		
	<b>1043 Park Avenue (Lot 2)</b>	<b>1049 Park Avenue- (Lot 1)</b>
<b>Lot Size</b>	2,994.7 square feet	2,630.4 square feet
<b>Allowed Footprint</b>	1,265.43 square feet	1,134.49 square feet

At the recommendation of the Development Review Committee (DRC) and the Building Department, the applicant has located the new property line between 1043 and 1049 Park Avenue to be 3 feet from 1043 Park Avenue and 2.36 feet from 1049 Park Avenue (see Exhibit F). This will allow 1043 Park Avenue to meet the required three foot (3') side yard setback and comply with the International Building Code (IBC) requirements for fire ratings. The relocation of the existing lot line will also resolve the encroachment

of 1049 Park Avenue and provide the structure with a 2.36 foot side yard setback along the south side of the property. Historic structures that do not comply with Building Setbacks are valid complying structures per LMC 15-2.2-4.

As part of the renovation of 1049 Park Avenue, a deck was constructed over the existing property line into the 1043 Park Avenue property, now owned by the same owner. The applicant is working with the City to remove a portion of the new deck at 1049 Park Avenue in order to resolve the encroachment. Decks, not more than thirty inches (30") in height above Final Grade are permitted in the setback, and this deck does not exceed thirty inches (30") in height. Condition of Approval #7 has been added to this plat amendment to guarantee that the work is completed.

The submitted survey also reveals a number of encroachments:

- At 1043 Park Avenue, the historic house extends two feet (2') over the south property line into the 1035 Park Avenue property. Further, the hot tub encroaches two feet (2') over the rear (west) property line, and there is an existing block patio that extends over the 1043-1035 Park Avenue lot line in the south side yard.
- At 1049 Park Avenue, the historic house extends three feet (3') over the property line and the historic front porch is built to property line. The deck at 1049 Park Avenue extends to the south wall of the historic house, and encroaches approximately five feet (5') over the existing property line. By relocating the property line between 3.5 and 6.5 feet to the south, the encroachments at 1049 Park Avenue will be resolved. Staff has added Condition of Approval #4 requiring that the applicant address all encroachments on the site which will exist after the proposed lot line amendment prior to plat recordation.

The City Engineer will also require two (2) – ten foot (10') snow storage easements to be granted along the front and rear property lines of 1043 Park Avenue to address street frontages, per Condition of Approval #3; public snow storage easements have already been granted as part of the 1049 Park Avenue Subdivision and shall remain along Park Avenue.

### **Good Cause**

Staff finds good cause for this Plat Amendment. By relocating the property line between 1043 and 1049 Park Avenue 3.5 to 6.5 feet to the south, the historic house at 1049 Park Avenue will no longer encroach into the 1043 Park Avenue property. The plat amendment will also address existing encroachments that exist on both properties. Interior lot lines between Lots 11 and 12 and Lots 11 and 22 will also be removed at 1043 Park Avenue. Finally, public snow storage and utility easements will be provided on the lots.

### **Process**

The approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 15-1-18.

### **Department Review**

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

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet on January 27, 2016. Legal notice was also published in the Park Record according to requirements of the Land Management Code on January 23, 2016.

### **Public Input**

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

### **Alternatives**

- The Planning Commission may forward positive recommendation to the City Council for the 1043 & 1049 Park Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 1043 & 1049 Park Avenue Plat Amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 1043 & 1049 Park Avenue Plat Amendment.

### **Significant Impacts**

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

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

The site would remain as is. The historic structure at 1049 Park Avenue will continue to encroach into the 1043 Park Avenue property. Any new development to occur at 1043 Park Avenue will be required to be built to setbacks determined by the property's interior lot lines, and encroachments on this property, such as the hot tub and patio, will not be resolved. Further, the City will not gain the additional snow storage easements at 1043 Park Avenue.

### **Summary Recommendation**

Staff recommends the Planning Commission hold a public hearing for the 1043 & 1049 Park Avenue Plat Amendment located at the same address and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

### **Exhibits**

- Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)
- Exhibit B – Survey
- Exhibit C – County Tax Map
- Exhibit D – Aerial Photographs with 500' Radius
- Exhibit E– Site Photographs

Exhibit F—Structures Relative to Proposed Property Line  
Exhibit G – 3.20.14 1049 Park Avenue City Council Report

## Exhibit A – Draft Ordinance

Ordinance No. 16-XX

AN ORDINANCE APPROVING THE 1043 & 1049 PARK AVENUE PLAT AMENDMENT LOCATED AT 1043 AND 1049 PARK, PARK CITY, UTAH.

WHEREAS, the owners of the properties located at 1043 and 1049 Park Avenue have petitioned the City Council for approval of the Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 10, 2016, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on February 10, 2016, forwarded a \_\_\_\_\_ recommendation to the City Council; and,

WHEREAS, on March 3, 2016, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 1043 & 1049 Park Avenue Plat Amendment.

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

**SECTION 1. APPROVAL.** 1043 & 1049 Park Avenue Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

### **Findings of Fact:**

1. The properties are located at 1043 and 1049 Park Avenue.
2. The properties are located in the Historic Residential (HR-1) District.
3. The subject property consists of all of the 1049 Park Avenue Subdivision, recorded in 2013, as well as 1043 Park Avenue, which contains the north half (1/2) of Lot 11, the south 20 feet of Lot 12, and the north half (1/2) of Lot 22, Block 4, Snyder's Addition to Park City.
4. The applicant is proposing to add the north five feet (5') of Lot 12 to Lot 13, changing the location of the lot line between 1049 and 1043 Park Avenue so that each historic house on its own lot. Additionally, this will remove the lot line which runs through the historic house at 1043 Park Avenue.

5. The house at 1043 Park Avenue is listed as “Significant” on Park City’s Historic Sites Inventory; the house at 1049 Park Avenue is listed as “Landmark.”
6. The proposed Plat Amendment creates two (2) lots of record from the existing one (1) lot, two (2)-half (1/2) lots, and one partial lot.
7. The Plat Amendment removes one (1) lot line going through the historic house at 1043 Park Avenue, and the interior lot line separating Lots 11 and 22.
8. The Plat Amendment also resolves the encroachment of the historic house at 1049 Park Avenue encroaching over the existing property line and into the 1043 Park Avenue property.
9. The proposed Plat Amendment combines the property into two (2) lots. 1043 Park Avenue (Lot 2) will contain 2,994.7 square feet and 1049 Park Avenue (Lot 1) will contain 2,630.4 square feet.
10. A single-family dwelling is an allowed use in the District.
11. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings.
12. The minimum lot width required is twenty-five feet (25’). The proposed lots meet the minimum lot width requirement.
13. At 1043 Park Avenue, the maximum building footprint allowed based on proposed lot size of 2,994.7 square feet is 1,265.43 square feet.
14. At 1049 Park Avenue, the maximum building footprint allowed based on the proposed lot size of 2,630.4 square feet is 1,134.49 square feet.
15. The minimum front/rear yard setback for 1043 Park Avenue is fifteen feet (15’) based on the lot depth. The minimum total front/rear yard setback is thirty feet (30’).
16. The minimum front/rear yard setback for 1049 Park Avenue is twelve feet (12’) based on the lot depth. The minimum total front/rear yard setbacks for both lots are twenty-five feet (25’).
17. The minimum side yard setbacks for both lots are three feet (3’) based on the lot width. 1043 Park Avenue currently has side yard setbacks of seven feet (7’) on the north and 0 feet on the south. 1049 Park Avenue currently has a side yard setback of three feet (3’) on the north and 0 feet on the south. Both historic houses encroach over their prospective south property lines.
18. Per LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures. 1043 and 1049 Park Avenue are valid complying structures.
19. At 1043 Park Avenue, the existing historic house encroaches approximately two feet (2’) over the south property line and into the 1035 Park Avenue property. The hot tub and block patio also encroach two feet (2’) over the west (rear) property line.
20. At 1049 Park Avenue, the existing historic house encroaches approximately 3 feet (3’) over the south property line and into the 1043 Park Avenue property. There is a deck, constructed in 2015, that encroaches five feet (5’) over the current property line.
21. 1043 and 1049 Park Avenue are located in a FEMA Flood Zone X.
22. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

### **Conclusions of Law:**

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

**Conditions of Approval:**

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. A ten feet (10') wide public snow storage easement will be required along the Park Avenue and Woodside Avenue frontages of 1043 Park Avenue; the existing public snow storage easements along Park Avenue at 1049 Park Avenue shall remain.
4. At 1043 Park Avenue, the applicant shall address the encroachment of the historic house onto the 1035 Park Avenue site.
5. At 1043 Park Avenue, the applicant shall also remove or enter into an encroachment agreement for the encroaching hot tub and block patio prior to plat recordation.
6. 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.
7. At 1043 Park Avenue, vehicular access to the site shall be limited to Woodside Avenue.
8. A portion of the new deck at 1049 Park Avenue shall be removed to the property line in order to resolve the encroachment. Decks, not more than thirty inches (30") in height above Final Grade are permitted in the setback, and this deck does not exceed thirty inches (30") in height.

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

PASSED AND ADOPTED this 3<sup>rd</sup> day of March, 2016.

PARK CITY MUNICIPAL CORPORATION

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Jack Thomas, MAYOR

ATTEST:

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City Recorder

APPROVED AS TO FORM:

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Mark Harrington, City Attorney

**Attachment 1** – Proposed Plat





**SURVEYOR'S CERTIFICATE**

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold the record of Survey map of 1043 & 1049 Park Avenue, Addendum Plat Amendment to the original plat thereof, as shown on this plat. I further certify that the information on this plat is accurate.

**BOUNDARY DESCRIPTION**

**PARCEL 1:**  
The North 1/2 of Lot 11, the South 20 feet of Lot 12, and the North 1/2 of Lot 22, Block 4, in the Summit County Recorder's Office.  
**PARCEL 2:**  
All of Lot 1, 1049 Park Avenue, Subdivision, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

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

KNOW ALL MEN BY THESE PRESENTS that 1043 PARK AVENUE HOLDINGS, LLC, as to Parcel 1, and 1049 PARK AVENUE PLAT AMENDMENT, does hereby certify that it has consented to the Plat Amendment to the original plat thereof, and does hereby consent to the recordation of this Plat. In witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**ACKNOWLEDGMENT**

Jeffrey Stanford Place, Manager  
1043 PARK AVENUE HOLDINGS, LLC  
State of \_\_\_\_\_  
County of \_\_\_\_\_  
On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, the undersigned Jeffrey Stanford Place, hereby acknowledged before me that he is the duly authorized officer of the above named entity, having been duly sworn, and that he has read and understands the contents of the above Declaration and Consent to Record freely and voluntarily.

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

KNOW ALL MEN BY THESE PRESENTS that Jeffrey Stanford Place, as to Parcel 2, the 1049 PARK AVENUE PLAT AMENDMENT, does hereby certify that he has consented to the Plat Amendment to the original plat thereof, and does hereby consent to the recordation of this Plat. In witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**ACKNOWLEDGMENT**

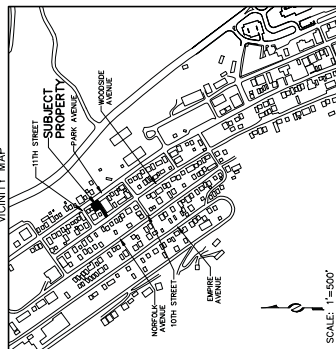
Jeffrey Stanford Place, an unmarried man  
State of \_\_\_\_\_  
County of \_\_\_\_\_  
On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, the undersigned Jeffrey Stanford Place, hereby acknowledged before me that he is the duly authorized officer of the above named entity, having been duly sworn, and that he has read and understands the contents of the above Declaration and Consent to Record freely and voluntarily.

**NOTE**

This dedication is subject to the Conditions of Approval in Ordinance 16-\_\_\_\_\_.

**LEGEND**

XXXX Street address on Park Avenue



SCALE: 1"=500'

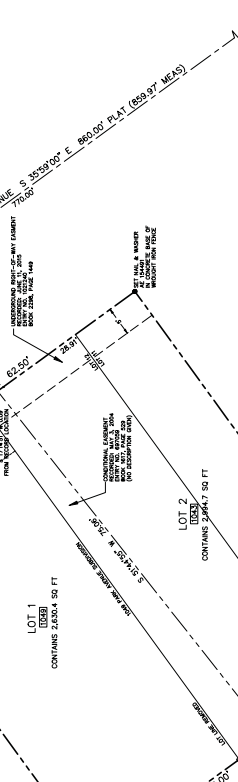


TABLE OF BEARINGS AND DISTANCES

LINE	BEARING	DISTANCE
L1	S. 35°59'00" E.	12.50'



**1043 & 1049 PARK AVENUE PLAT AMENDMENT**

A RE-SUBDIVISION OF PLATTED LOTS  
IN BLOCK 4, SNYDER'S ADDITION TO PARK CITY SURVEY  
LOCATED IN SECTION 16,  
TOWNSHIP 2 SOUTH, RANGE 12 EAST, T3N, R12E, S40E,  
PARK CITY, SUMMIT COUNTY, UTAH

FILE: X:\SnyderAddition\1043 & 1049 Park Ave\2015\09-13-2015.dwg SHEET 1 OF 1

 (435) 644-4457 CONSULTING ENGINEERS AND PLANNERS, INC. 222 Main Street, 4th Floor, Park City, Utah 84050-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS DATE OF _____ 2016 BY _____ S.E.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DATE OF _____ 2016 BY _____ CHAIR	ENGINEER'S CERTIFICATE FIND THIS PLAT TO BE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL ENGINEERS AND ARCHITECTS OF THE STATE OF UTAH, AND FILE IN MY OFFICE THIS DATE OF _____ 2016 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS DATE OF _____ 2016 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DATE OF _____ 2016 BY _____ MAYOR	CERTIFICATE OF ATTEST I, _____ COUNTY CLERK OF SUMMIT, AM FILED THIS _____ DAY OF _____ 2016 BY _____ PARK CITY RECORDER
---	--	--	--	---	---	--

**SURVEYOR'S CERTIFICATE**

I, Mark A. Hayden, a duly licensed and bonded surveyor and that I have certification no. 4437739 as provided under the laws of the State of Utah, I further certify that a topographic map of the property described herein, as shown on the attached sheets, was completed and is in compliance with generally accepted industry standards for accuracy.

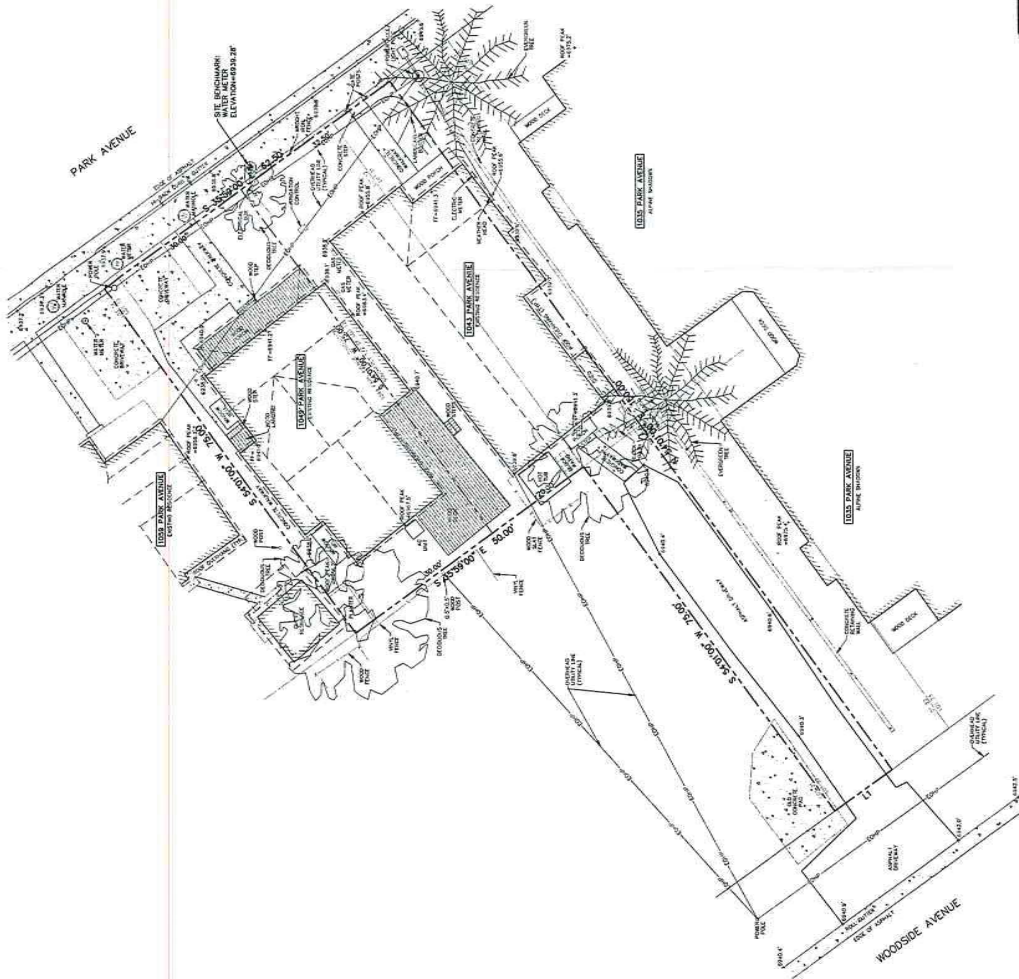


11-23-15

**NOTES**

1. Site Benchmark: Water Meter Elevation: 6939.28'
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 July 21, 2014.
4. Property corners were set or found.

LINE	TABLE	DEGREE
101	S. 89°29'00" E.	11.50'



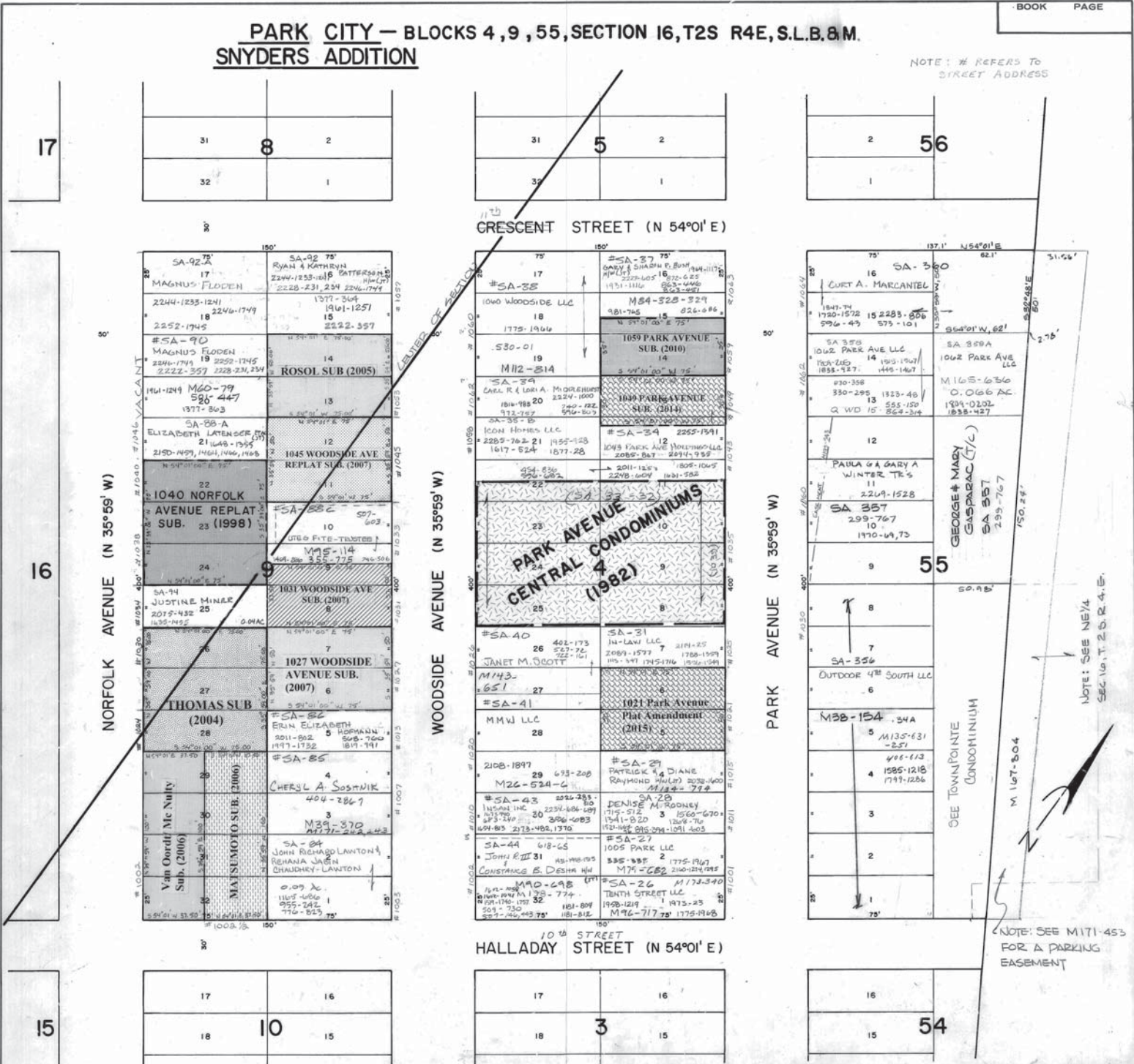
(409) 449-1667  CONSULTING SURVEYORS AND PLANNERS 427 West 27th Street, Suite 200, Salt Lake City, Utah 84115-1414	STAFF: MARY ALLEN KING MARY ALLEN KING JESSIE MORENO	DATE: 11/23/15	SHEET 1 OF 1
	EXISTING CONDITIONS & TOPOGRAPHIC MAP 1043 & 1049 PARK AVENUE LOTS 12, 13, & 1/2 OF LOTS 11 & 22 FOR: DAVE HAGLINO JOB NO.: 8-12-13 FILE: X:\Soyden\Addition\4437739\topo2015\081213.dwg		



**PARK CITY — BLOCKS 4, 9, 55, SECTION 16, T2S R4E, S.L.B.&M.  
SNYDERS ADDITION**

BOOK PAGE

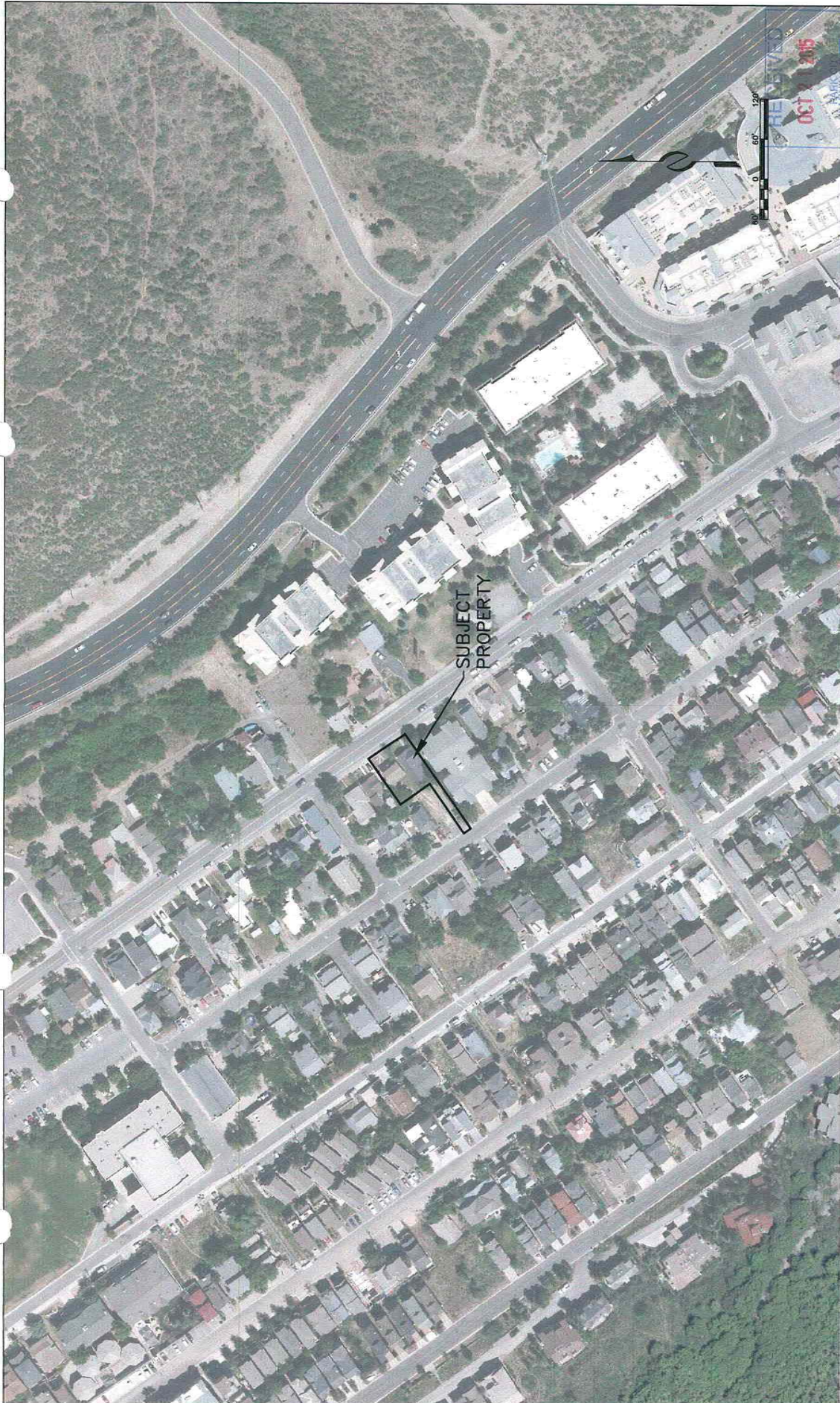
NOTE: # REFERS TO STREET ADDRESS



Approved	REVISIONS - DATE AND INITIAL	(In Pencil)
Utah State Tax Comm	1/27/16	
Date	By	

**SUMMIT COUNTY, UTAH**

SCALE  
ONE INCH 40 FEET  
BOOK PAGE



	STAFF: WASHALL BING JOP KITCHEN	DATE: 3/2/15
	AERIAL PHOTOGRAPHY 1043 & 1049 PARK AVENUE FOR: WALKER ENGINEERING CONTRACTORS JOB NO.: E-15-13 FILE: \\A:\Support\delon\delon\1043&1049 park ave-aerial.jpg	
SHEET 1 OF 1		



Looking West



Looking Southwest



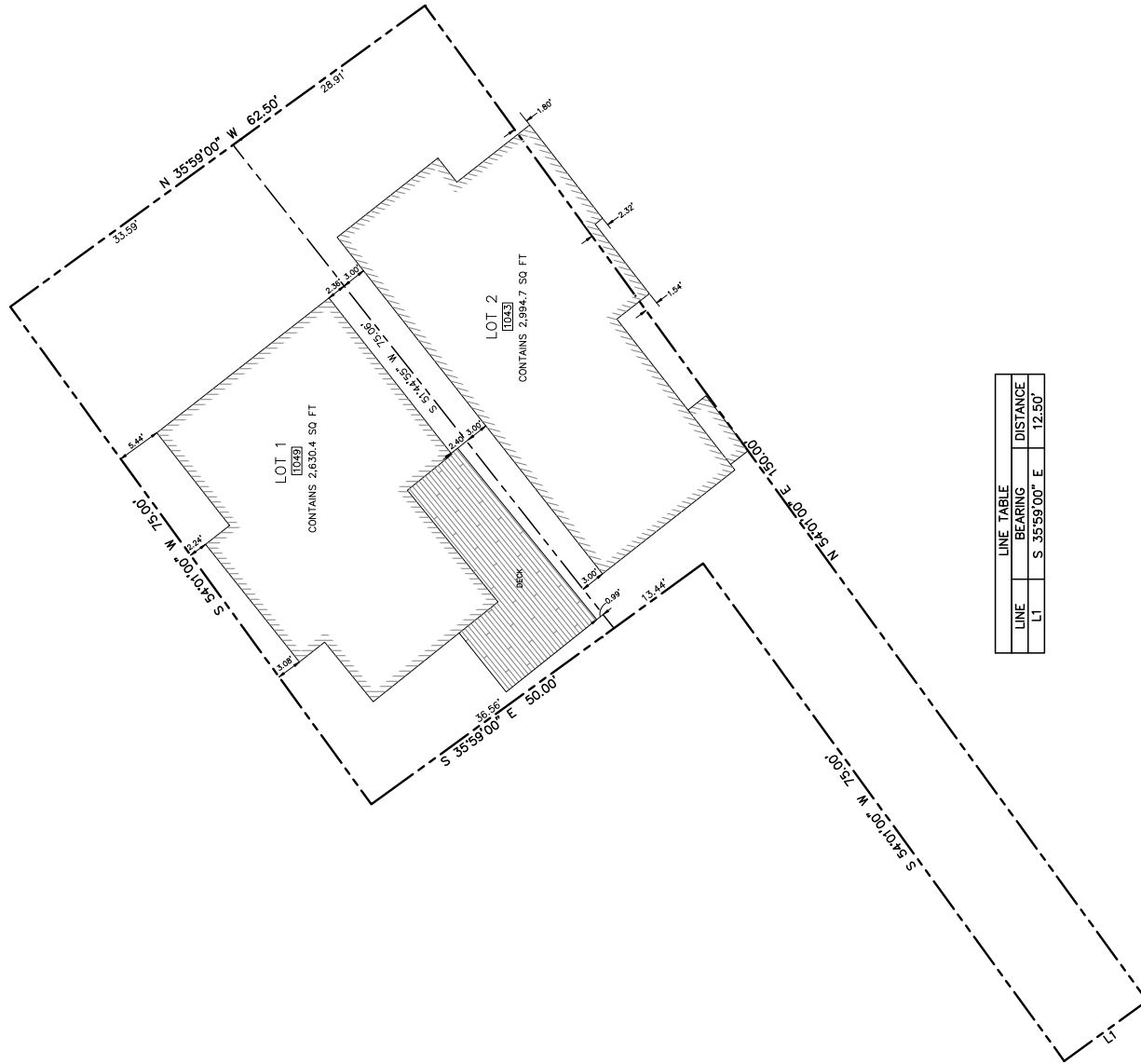
1043 Park Avenue Looking North



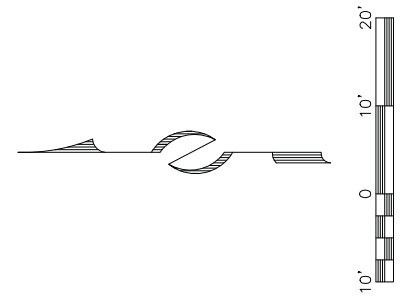
Looking East

RECEIVED  
OCT 21 2015  
PLANNING DEPT.

EXHIBIT SHOWING STRUCTURES RELATIVE  
TO PROPOSED PROPERTY LINE



LINE	BEARING	DISTANCE
LT	S 35°59'00" E	12.50'



1043 & 1049 PARK AVENUE SUBDIVISION

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

12/31/15

X:\Snyders\Addition\dwg\src\plot2013\091213-2015.dwg

(435) 649-9467

**Alliance Engineering Inc.**  
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
323 Main Street P.O. Box 2664 Park City, Utah 84080-2664

## City Council Staff Report



**Application #:** PL-13-01893  
**Subject:** 1049 Park Avenue Subdivision  
**Author:** Anya Grahn, Historic Preservation  
**Planner**  
**Date:** March 20, 2014  
**Type of Item:** Administrative – Plat Amendment

### Summary Recommendations

Staff recommends the City Council hold a public hearing for the 1049 Park Avenue Subdivision located at the same address, and consider approving the proposed plat amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

### Description

**Applicant:** Dave Baglino, Wasatch Engineering Contractors  
**Location:** 1049 Park Avenue  
**Zoning:** Historic Residential (HR-1) District  
**Adjacent Land Uses:** Residential condominiums, single-family residential, vacation rentals  
**Reason for Review:** Plat approval requires City Council review and approval

### Proposal

The applicant is requesting a Plat Amendment for the purpose of combining the north five feet (5') of Lot 12 and all of Lot 13 of Block 4 of Snyder's Addition to the Park City Survey. There is an existing historic home on the property identified as a Landmark on the City's Historic Sites Inventory (HSI) that straddles the lot line between Lots 12 and 13, and encroaches into the neighboring property to the south by two (2') to three (3') feet. The applicant wishes to combine the lots in order to move forward with a Historic District Design Review (HDDR) approval.

### Purpose

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

- (A) Preserve present land Uses and character of the Historic residential Areas of Park City,
- (B) Encourage the preservation of Historic Structures,
- (C) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- (D) Encourage single family Development on combinations of 25' x 75' Historic Lots,
- (E) Define Development parameters that are consistent with the General Plan policies for the Historic core, and



- (F) Establish Development review criteria for the new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

## **Background**

The 1049 Park Avenue property is listed on the Historic Sites Inventory (HSI) as a “Landmark” site which includes a two (2) story frame hall-parlor house. The house has had minimal changes, the most significant of which is the reconstruction of the front porch with a pediment above the entrance. The hall-parlor form is the earliest type to be built in Park City and is one (1) of three (3) of the most common house types built in Park City during the Mining Era. The site was individually nominated to the National Register of Historic Places in 1984 as part of the Park City Mining Boom Era Residences Thematic District, but was not listed due to the owner’s objection. Because the site retains its historic integrity and is eligible for the National Register, it has been designated as “landmark” on the City’s HSI.

On May 29, 2013, the Planning Department received a Historic District Design Review (HDDR) application for the renovation of 1049 Park Avenue, which included constructing a new addition at the rear of the historic structure. The HDDR application was approved on July 18, 2013; however, the Building Department was unable to issue a building permit for the construction of a new basement addition which would occur on the adjacent property. Though a maintenance easement existed, the City required the applicant to submit a consent letter from the neighboring property owner that provided their permission to build the basement over the shared property line. Further analysis revealed that a root cellar and crawl space existed beneath the historic structure. The root cellar is approximately seven feet ten inches (7’10”) in height and encroaches approximately three feet (3’) into the 1043 Park Avenue property. A crawlspace is beneath the remainder of the structure and is roughly three feet ten inches (3’10”) in height. A portion of the crawlspace also encroaches approximately two feet (2’) into the neighboring property.

The Planning Director determined that the replacement of the existing root cellar and foundation with a new basement foundation did not increase the degree of the existing foundation’s nonconformity on February 10, 2014 (Exhibit F).

During this analysis, it was also discovered that the applicant needed to complete a plat amendment in order to remove the interior property line. A revised HDDR action letter was sent to the applicant on February 10, 2014, that added a Condition of Approval that no building permit would be issued prior to the recordation of the subdivision plat amendment.

In January 2014, the applicant applied for a plat amendment in order to move forward with the approved HDDR. The applicant requested that the Planning Commission forward a positive recommendation to City Council for a plat amendment combining the north five feet (5’) of Lot 12 and all of Lot 13 of Block 4 of the Snyder’s Addition to Park City. The existing landmark historic structure encroaches over the interior lot line and on to the property at 1043 Park Avenue. This encroachment increases from east to

west, varying from two feet (2') to three feet (3'). The square footage of the encroachment is 47.5 square feet.

1043 Park Avenue, the parcel directly to the south of 1049 Park Avenue, contains the north half of lot 11, the south twenty feet (20') of lot 12, and the north half of lot 22 of Block 4 of Snyder's Addition. This lot contains approximately 3,375 square feet, or 0.07 acres. It is not a substandard lot. Further, the site is listed as "Significant" in the City's Historic Site Inventory.

The Planning Commission held a Public Hearing and voted unanimously (5-0) to forward a positive recommendation of the 1049 Park Avenue Subdivision on February 19, 2014. Public comment was provided at this meeting in regards to the parking conditions on Sampson Avenue.

### Analysis

The home currently straddles the lot line between Lots 12 and 13 of Block 4 of the Snyder's Addition. The plat amendment is necessary in order for the applicants to make the necessary improvements to the site, which were approved as part of the Historic District Design Review (HDDR) on July 18, 2013.

	HR-1 Zone Designation	Existing Conditions	Proposed Conditions
<i>Lot Size</i>	1,850 SF	2,250 SF	2,250 SF
<i>Setbacks</i>			
Front (West)	10 ft.	18.5 ft. (porch) ; <i>complies</i>	18.5 ft.
Rear (East)	10 ft.	19 ft.; <i>complies</i>	10 ft.
Side (North)	3 ft.	2 ft. ; <i>valid complying (historic)</i>	2 ft.
Side (South)	3 ft.	0 ft. (encroaches 2-3ft, increasing to the west); <i>valid complying (historic)</i>	0 ft. (encroaches 2-3 ft. increasing to the west.)
<i>Height above existing grade</i>	27 ft.	23.5 ft.	26.5 ft. (new rear addition)

The proposed plat amendment does not increase any degree of nonconformity with respect to setbacks. The plat amendment would remove existing encroachments over the interior lot lines. The additions to the landmark structure would be required to meet the current setback requirements.

In running the footprint formula, the total allowed footprint on this lot is 991.4 SF. The historic structure encroaches 47.5 feet onto the property at 1043 Park Avenue. The total footprint of the historic building and new addition will be 1,035.75 square feet; however, only 988.25 square feet of this footprint will be located on the 1049 Park Avenue property because the remaining 47.5 square feet is located on the property at 1043 Park Avenue. As has been the standard in Park City, the 47.5 SF that encroach

will be deducted from the total allowed footprint at 1043 Park Avenue. With the reduction of the encroachment, 1043 Park Avenue would be able to have a footprint of approximately 1,348.5 square feet; the total allowed square footage for that property is 1,396 square feet based on the survey (see Exhibit E).

As seen in the following chart, the current size of the historic structure at 1049 Park Avenue is similar in size to other historic structures in the neighborhood. The proposed addition is relatively small due to the footprint limitations and will not create a house that is larger than those seen in the neighborhood. The chart below shows the approximate house size for other historic structures on the 1000 block of Park Avenue.

<b>Address:</b>	<b>Year Built:</b>	<b>Lot Size (+/-)</b>	<b>Existing SF</b>	<b>Max Footprint</b>	<b>Historical Significance</b>
1000 Park	2002	100,928.52 SF	Condo Development		Non-Historic
1001 Park	1984	1,875 SF	1,620 SF	844 SF	Non-Historic
1005 Park	1993	1,875 SF	1,520 SF	844 SF	Non-Historic
1011 Park	1968	1,875 SF	1,059 SF	844 SF	Non-Historic
1015 Park	1894	1,875 SF	1,049 SF	844 SF	Significant
1021 Park	1901	3,750 SF	980 SF	1,519 SF	Landmark
1025 Park	1993	1,875 SF	1,834 SF	844 SF	Non-Historic
1030 Park	1971	14,810 SF	1,071 SF	3222 SF	Non-Historic
1035 Park	1982	11,250 SF	Condo Development		Non-Historic
1043 Park	1905	3,375 SF	1,204 SF	1,396 SF	Significant
<b>1049 Park</b>	<b>1910</b>	<b>2,250.04 SF</b>	<b>1,171 SF</b>	<b>991.4</b>	<b>Landmark</b>
1059 Park	1904	2,613.6 SF	848 SF	1,128.31	Significant
1060 Park	1946	13,939.2 SF	953 SF	3,184.46	Significant
1062 Park	1926	3,750 SF	605 SF	1,519 SF	Landmark
1064 Park	Vacant Lot	6,969.6	N/A	2,355.55	Non-Historic
1063 Park	1920	3,049.2	857	1,284.53	Landmark

The amendment of one (1) partial lot and one (1) full lot is not uncommon in Old Town, and the 1049 Park Avenue Subdivision is in keeping with the lot sizes already in existence in this neighborhood. The smallest lot size on this block is 1,875, or a traditional twenty-five by seventy-five foot (25'x75') Old Town Lot. The largest lot size is at 1000 Park Avenue and includes the three (3) condominium structures facing Deer Valley Drive. The second largest is at 1030 Park Avenue and is 14,810 square feet; this is the location of Prudential Real Estate Office. The average lot size, not including the development at 1000 Park Avenue is 4,958 square feet, and the property at 1049 Park Avenue is roughly forty-five percent (45%) of the average lot size.

Aside from an HDDR and Building Permit, if the applicant wishes to add an addition to the house, there are no other regulatory processes anticipated for this property. The site is not on a steep slope.

### **Good Cause**

Planning Staff believes there is good cause for the application. Combining the lots will allow the property owner to move forward with site improvements, which include restoring the historic landmark house and adding a rear addition. If left un-platted, the property remains as is. Moreover, the plat amendment will resolve the issue of the existing landmark structure straddling interior lot lines. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat will not cause undo harm on any adjacent property owner because the proposal meets the requirements of the Land Management Code (LMC) and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. In approving the plat, the City will gain one (1) ten foot (10') snow storage easement along Park Avenue as well as resolve the existing building encroachments over interior lot lines. The applicant cannot move forward with this addition until the plat amendment has been recorded.

### **Process**

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

### **Department Review**

This project has gone through an interdepartmental review. No additional issues were raised regarding the subdivision.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record.

### **Public Input**

No public input was provided at the February 26, 2014, Planning Commission.

### **Alternatives**

- The City Council may approve the 1049 Park Avenue Subdivision as conditioned or amended; or
- The City Council may deny the 1049 Park Avenue Subdivision and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the 1049 Park Avenue Subdivision; or
- The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

### **Significant Impacts**

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

**Consequences of not taking the Suggested Recommendation**

The proposed plat amendment would not be recorded and one (1) and one-half (1/2) existing lots would not be adjoined. Any additions to or renovations of the historic house would not be permitted because the interior lot line runs through the house.

**Recommendation**

Staff recommends the City Council hold a public hearing for the 1049 Park Avenue Subdivision, and consider approve the 1049 Park Avenue Subdivision based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

**Exhibits**

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Existing Conditions Survey

Exhibit C – Vicinity Map/Aerial Photograph and streetscape photos

Exhibit D – Plat Map

Exhibit E – Survey of 1043 Park Avenue

Exhibit F – Planning Director Determination Letter, 2.10.14

Exhibit G – Planning Commission Minutes, 2.12.14

## Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 14-

### **AN ORDINANCE APPROVING THE 1049 PARK AVENUE SUBDIVISION PLAT LOCATED AT 1049 Park Avenue, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 1049 Park Avenue, has petitioned the City Council for approval of the plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 26, 2014 to receive input on the proposed subdivision;

WHEREAS, on February 26, 2014 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 20, 2014 the City Council held a public hearing on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 1049 Park Avenue Subdivision.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The 1049 Park Avenue Subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

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

1. The property is located at 1049 Park Avenue within the Historic Residential (HR-1) Zoning District.
2. The applicants are requesting to combine the north five (5) feet of Lot 12 and all of Lot 13 of Block 4, Snyder's Addition into one (1) Parcel.
3. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of a rear yard addition to the historic house.
4. The amended plat will create one new 2,250.04 square foot lot.
5. The existing historic 1,171 square foot home is listed as "Landmark" on the Historic Sites Inventory (HSI).

6. Per Land Management Code (LMC) 15-2.2-4 Historic Structures that do not comply with building setbacks, off-street parking, and driveway location standards are valid Complying Structures. The historic structure is a valid complying structure, though it straddles the property line that separates Lots 12 and 13.
7. The existing historic structure encroaches into the property at 1043 Park Avenue. The degree of the encroachment increases from two feet (2') to three feet (3') from east to west. The total square footage of the encroachment is 47.5 square feet. A conditional easement currently exists to address this encroachment.
8. Any proposed additions to the existing historic home require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.
9. The maximum allowed building footprint allowed on the lot is 991.3 square feet. The applicant intends to construct a new rear addition and renovate the existing historic home. Following the renovation, the total footprint of the house will be 1035.75 square feet; however, only 988.25 square feet of this footprint will be located on the 1049 Park Avenue property. The remaining 47.5 square feet of the encroachment is located at 1043 Park Avenue.
10. The amendment of one and one-half (1.5) lots would be smaller than the average size of lot combinations on Park Avenue and is in keeping with the traditional size of development on the 1000 block of Park Avenue.
11. New additions to the rear of the historic home require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.
12. On May 29, 2013, the Planning Department received a Historic District Design Review (HDDR) application for the renovation of 1049 Park Avenue, which included constructing a new addition at the rear of the historic structure. The HDDR application was approved on July 18, 2013; however, no building permit can be issued prior to the recording of the plat amendment.
13. The approval of the HDDR application was revised on February 10, 2014.
14. There is an existing root cellar and crawlspace beneath the historic building. The applicant intends to replace this makeshift foundation with a new basement foundation. The Planning Director determined that a new basement foundation did not increase the degree of the existing foundation's nonconformity on February 10, 2014. Rather, the replacement of the existing root cellar and foundation with a new basement foundation is maintenance and necessary to ensure the longevity of the historic structure.
15. On January 14, 2014, the applicant applied for a plat amendment in order to move forward with the approved HDDR. The application was deemed complete on February 11, 2014.

#### Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.

3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one (1) 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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
5. A 10 foot (10') wide public snow storage easement is required along the street frontage of the lot along Park Avenue and shall be shown on the plat.
6. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment easements shall be provided.

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

PASSED AND ADOPTED this \_\_\_\_ day of March, 2014.

PARK CITY MUNICIPAL CORPORATION

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

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM:



---

Mark Harrington, City Attorney

**ENGINEER'S CERTIFICATE**

I, John C. Williams, hereby state that I am a Registered Land Surveyor with the State of Utah, License No. 12345. I have prepared this plat in accordance with the laws of the State of Utah, and I hereby certify that the same has been prepared in accordance with the laws of the State of Utah, and I further certify that the information on this plat is true and correct.



**BOUNDARY DESCRIPTION**

The North 5 feet of Lot 12 and all of Lot 13, Block 4, Snyder's Addition in the Park City Survey, located in the 4th Ward, Summit, in the 2nd Meridian in the 1st Range of the Salt Lake County Records.

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

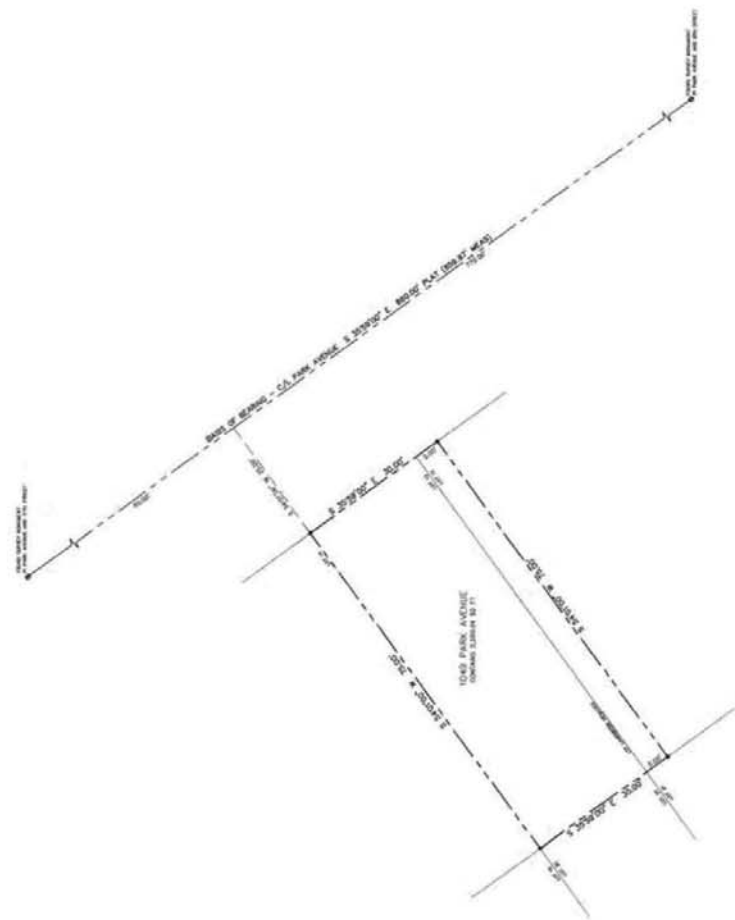
KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the above described land, to wit, the undersigned, do hereby consent to the preparation of this plat, and do hereby consent to the incorporation of this plat in the public records of the State of Utah, and do hereby consent to the recording of this plat in the public records of the State of Utah, and do hereby consent to the recording of this plat in the public records of the State of Utah, and do hereby consent to the recording of this plat in the public records of the State of Utah.

**ACKNOWLEDGMENT**

I, the undersigned, do hereby certify that the information on this plat is true and correct, and that I am a duly qualified and licensed Surveyor in the State of Utah.



A PARCEL COMBINATION PLAT  
 A COMBINATION OF THE NORTH 5 FEET OF LOT 12 AND ALL OF LOT 13 IN BLOCK 4, SNYDER'S ADDITION  
**1049 PARK AVE. SUBDIVISION**  
 LOCATED IN SECTION 18  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH



RECEIVED  
 JAN 14 2014  
 PARK CITY TRAINING DEPT.

	PLAN NO. 20-12-13 THE CITY OF PARK CITY, UTAH	RECORDED IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT OF THE COUNTY OF SUMMIT, UTAH
	APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ 2014 A.D.	APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____ 2014 A.D.
BY _____ MAYOR	BY _____ CHAIR	BY _____ DISTRICT ENGINEER
APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____ 2014 A.D.	APPROVED BY THE PARK CITY ENGINEERING DISTRICT DISTRICT ENGINEER ON THIS _____ DAY OF _____ 2014 A.D.	APPROVED BY THE PARK CITY ENGINEERING DISTRICT DISTRICT ENGINEER ON THIS _____ DAY OF _____ 2014 A.D.
BY _____ PARK CITY ATTORNEY	BY _____ DISTRICT ENGINEER	BY _____ DISTRICT ENGINEER
CERTIFICATE OF ATTEST I HEREBY CERTIFY THAT THE RECORD OF THIS MAP WAS FILED IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT OF THE COUNTY OF SUMMIT, UTAH, ON THIS _____ DAY OF _____ 2014 A.D.	BY _____ DISTRICT ENGINEER	BY _____ DISTRICT ENGINEER
COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ 2014 A.D.	APPROVED BY THE PARK CITY ENGINEERING DISTRICT DISTRICT ENGINEER ON THIS _____ DAY OF _____ 2014 A.D.	APPROVED BY THE PARK CITY ENGINEERING DISTRICT DISTRICT ENGINEER ON THIS _____ DAY OF _____ 2014 A.D.
BY _____ MAYOR	BY _____ CHAIR	BY _____ DISTRICT ENGINEER
APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____ 2014 A.D.	APPROVED BY THE PARK CITY ENGINEERING DISTRICT DISTRICT ENGINEER ON THIS _____ DAY OF _____ 2014 A.D.	APPROVED BY THE PARK CITY ENGINEERING DISTRICT DISTRICT ENGINEER ON THIS _____ DAY OF _____ 2014 A.D.
BY _____ PARK CITY ATTORNEY	BY _____ CHAIR	BY _____ DISTRICT ENGINEER

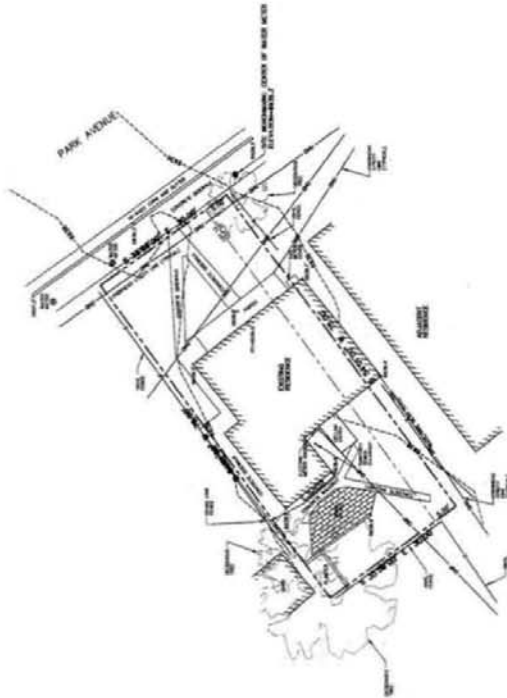
**SURVEYOR'S CERTIFICATE**

I, John Benesch, do hereby certify that I am a registered land surveyor and that I have carefully examined the plat or parcel map shown hereon and find that it conforms to the laws of the State of Illinois and that the same is a true and correct representation of the land shown thereon and that the same is in compliance with generally accepted industry standards of accuracy.



**NOTES**

1. The Benchmark, Center of water meter, Eastwood(202).
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 June 8, 2008.
4. Property corners were set or found.



	<b>STATE OF ILLINOIS</b> SURVEYORS ASSOCIATION
<b>EXISTING CONDITIONS MAP</b> 1049 PARK AVENUE, SNYDERS ADDITION NORTH 5' OF LOT 12 AND LOT 13, EVID OF	
FOR: RES GARRETT JOB NO.: 3-4-08 DATE: 8/21/08	
FILE: U:\Users\jbenesch\My Documents\080808.dwg	

PARK CITY  
PLANNING DEPT.





500 FOOT EXHIBIT



LOCATED IN SECTION 16  
 TOWNSHIP 2 SOUTH, RANGE 10 EAST, MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH

# 1049 PARK AVE SUBDIVISION

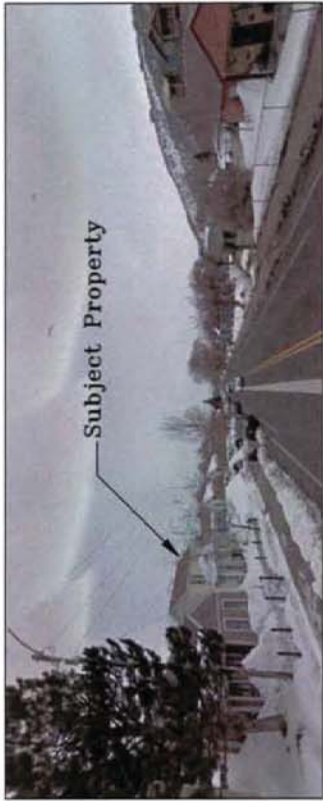


10 SCALE SITE PLAN

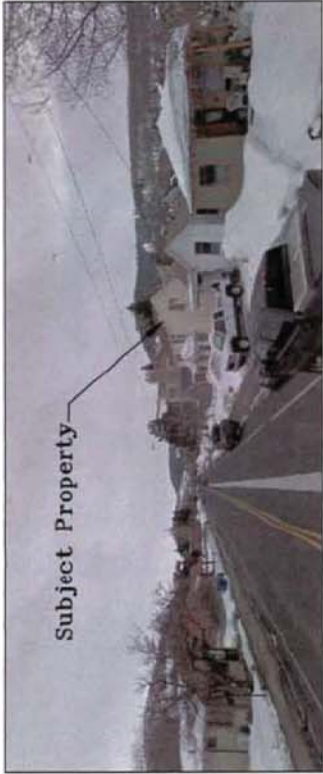


RECEIVED  
 JAN 14 2014  
 PARK CITY PLANNING DEPT.

STAFF CONSULTING MATERIALS	DATE: 1/22/14
OCTUBO-PHOTOS 1049 PARK AVE. SUBDIVISION SNYDER'S ADDITION FOR: DAVID MAGLINO JOB: 1049-14-11 PLAN: 1049-14-11	SHEET: 1 OF 1



LOOKING NORTH FROM PARK AVE.

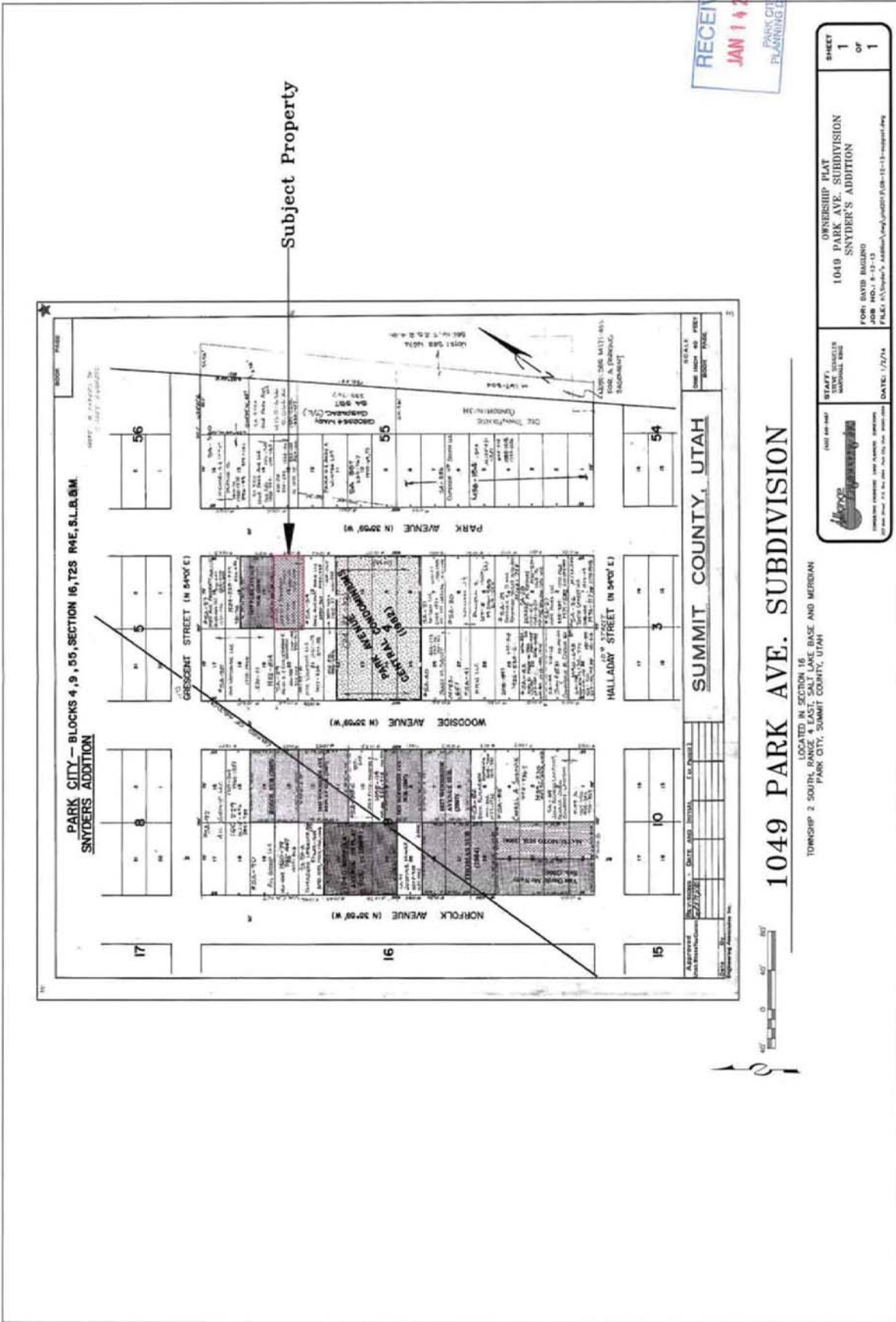


LOOKING SOUTH FROM PARK AVE.



LOOKING WEST FROM PARK AVE.

	STAFF: CONCEPT MICHAEL KIM	STREETScape PANDORAS 1049 PARK AVE. SUBDIVISION SNYDER'S ADDITION	SHEET <b>1</b> OF <b>1</b>
	DATE: 1/27/14	FOR: DAVID BICHLER JOB NO.: 8-17-13 FILE: C:\Users\p\Documents\work\projects\8-08-13-14\mappack.dwg	RECEIVED 1 JAN 14 2014 PARK CITY PLANNING DEPT.



RECEIVED  
 JAN 14 2014  
 PARK CITY  
 PLANNING DEPT.

STAFF: KIMBERLY MORGAN, MAPPING ENGINEER  
 DATE: 1/7/14

OWNERSHIP PLAT  
 1049 PARK AVE. SUBDIVISION  
 SNYDER'S ADDITION

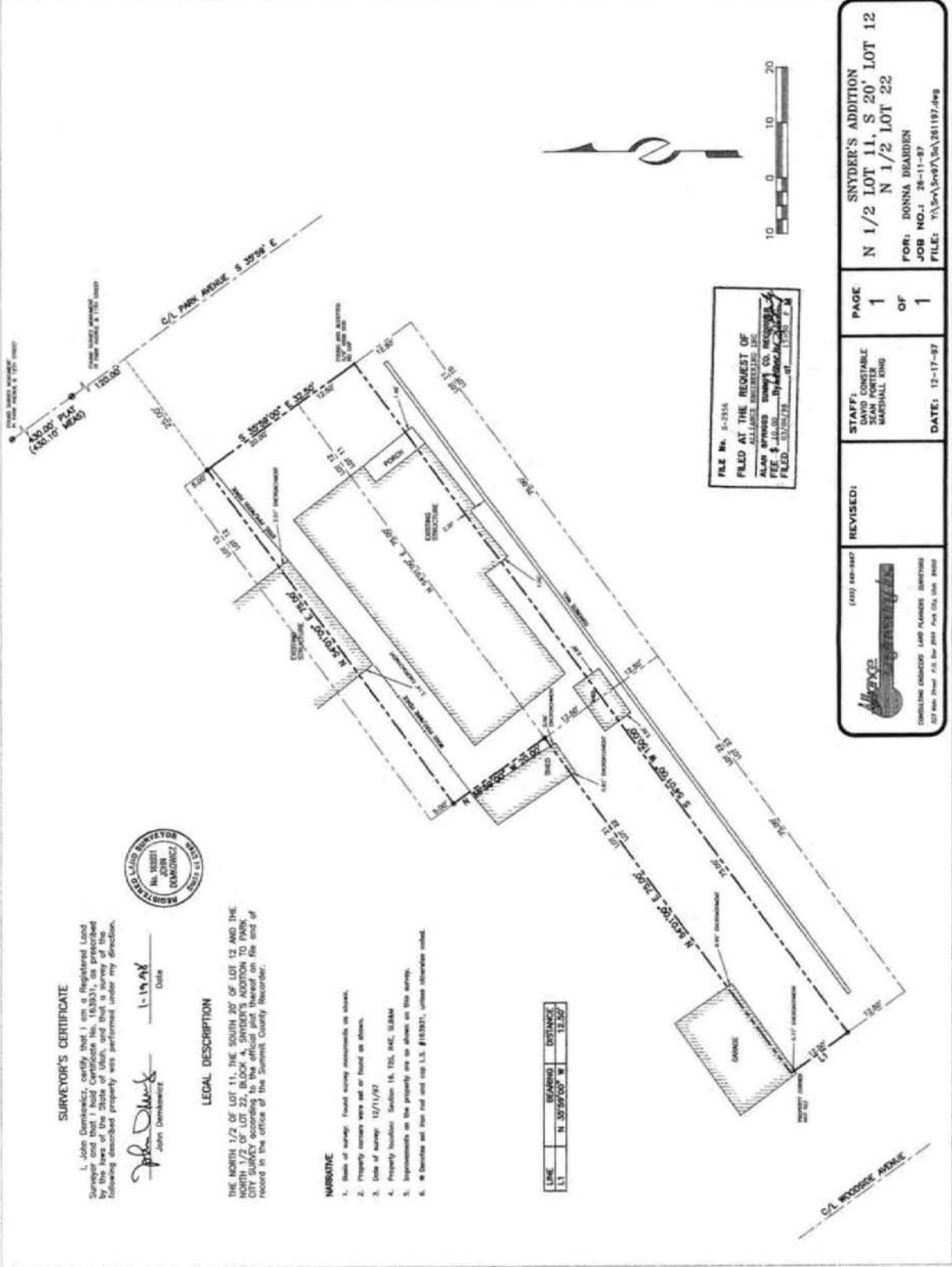
FOR: DAVID BULLING  
 JOB NO. 13-11-13  
 FILE: C:\Users\j.morgan\My Documents\1049 Park Ave-13-11-13.mxd

SHEET  
 1  
 OF  
 1

1049 PARK AVE. SUBDIVISION

LOCATED IN SECTION 16  
 TOWNSHIP 2 SOUTH, RANGE 12 EAST, MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH

RECEIVED  
 JAN 14 2014  
 PARK CITY  
 PLANNING DEPT.



**SURVEYOR'S CERTIFICATE**

I, John Demme, certify that I am a Registered Land Surveyor in the State of Utah, and that a survey of the following described property was performed under my direction.

*John Demme*  
 John Demme  
 Date: 1-14-14



**LEGAL DESCRIPTION**

THE NORTH 1/2 OF LOT 11, THE SOUTH 20' OF LOT 12 AND THE NORTH 1/2 OF LOT 22, BLOCK 4, SNYDER'S ADDITION TO PARK CITY SURVEY according to the official plat thereof on file and record in the office of the Summit County Recorder.

**NARRATIVE**

1. Basis of survey: Fixed survey monuments on shown.
2. Property corners were set or found as shown.
3. Date of survey: 12/11/13
4. Property location: Section 16, T2S, R4E, S84M
5. Improvements on the property are as shown on this survey.
6. All bearings are true and old U.S. #103071, unless otherwise noted.

LINE	BEARING	DISTANCE
1,1	N 35°59'00" W	12.50'

FILE No. 2-2514  
 FILED AT THE REQUEST OF  
 ALLIANCE BUILDERS, INC.  
 ALAN SPYDER, BARRY CO. RECORDERS  
 FEE \$ 10.00  
 FILED - SUMMIT - at 1:50 P.M.

SNYDER'S ADDITION  
 N 1/2 LOT 11, S 20' LOT 12  
 N 1/2 LOT 22

FOR: DONNA BEARDEN  
 JOB NO.: 28-11-87  
 FILE: Y:\5-1-5097A\50181187.dwg

STAFF: DAVID CONSTABLE  
 MARGARET MARSHALL KING

DATE: 12-17-87

REVISOR: (only for 1987)

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
 137 Main Street, 2nd Floor, Park City, Utah, 84050





10 February 2014

Kevin Horn  
PO Box 386  
Bountiful, UT 84011

Dave Baglino  
Wasatch Engineering Contractors, Inc.  
1762B Prospector Avenue  
Park City, UT 84060

Dear Kevin and Dave:

**NOTICE OF PLANNING DIRECTOR DETERMINATION**

Project Address: 1049 Park Avenue  
Project Description: Determination of legal non-complying structure status for existing landmark structure  
Project Number: HDDR: PL-12-01816; Plat: PL-14-02232  
Date of Action: January 28, 2014

**Action Taken By Planning Director:**

The Planning Director has made a determination that the existing structure located at 1049 Park Avenue is a valid complying structure. According to Land Management Code Section 15-2.2-4, Historic Structures that do *not* comply with building setbacks, off-street parking, and driveway location standards are valid complying structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards, and Building Height.

The proposed basement addition is replacing an existing cellar and crawlspace. The basement and crawlspace do not meet the setback requirements and appear to have been built out-of-period. This portion of the house is legal non-complying and there is a conditional easement in place as the house extends over the property line. Per LMC 15-9-6(A), any non-complying structure may be repaired, maintained, altered, or enlarged provided that such repair, maintenance, alteration, or enlargement shall neither create a new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of the structure.

The Planning Director finds that replacing the existing foundation and cellar with a new basement does not create a new non-compliance nor will it increase the degree of the existing non-compliance of all or any part of the basement structure.

Similarly, there is an existing non-complying out-of-period (non-historic) one-story addition along the north property line that does not currently comply with setbacks. The walls of this structure are comprised of tin panels atop limited stud wall construction. Some wood wall construction has rotted along the north elevation, near finished grade. During the renovation, these walls will be replaced with new walls that meet the International Building Code (IBC). This will be completed in an effort to repair the existing structure.

The Planning Director has made this determination based on the following findings of fact and conditions of approval:

Findings of Fact:

1. The property is located at 1049 Park Avenue.
2. The property is located in the Historic Residential (HR-1) District, and is subject to all the requirements of the Park City Land Management Code (LMC) and the 2009 updates to the Park City Design Guidelines for Historic Districts and Historic Sites.
3. The lot contains an existing historic "landmark" house.
4. The area of the lot is 2,250 square feet. The minimal lot size in the HR-1 zoning district is 1,875 square feet.
5. Per LMC 15-2.2-4, Historic Structures that do not comply with Building Setbacks, Off-street parking, and driveway location standards are valid complying structures. The existing historic structure encroaches over the south property line and a non-historic one-story addition does not meet the current side yard setbacks along the north property line. No on-site parking is currently available.
6. A conditional easement was recorded with the county on May 3, 2004, for the maintenance of the encroaching historic structure over the neighboring property to the south. The historic structure encroaches by approximately two feet (2') to three feet (3'), increasing from east to west.
7. The historic structure will be elevated twenty-four inches (24") in order to pour a new basement foundation to follow the footprint of the existing structure and new addition. Per Design Guidelines B.3.2, the basement foundation will not significantly diminish the original placement, orientation, and grade of the historic building. No more than two feet (2') of the new foundation will be visible above the finished grade on the primary and secondary facades.
8. The setback requirements for the lot are three feet (3') for the side yards and ten feet (10') in the front and rear yards. The existing structure does not meet the setback requirements.

9. On July 18, 2013, a Historic District Design Review (HDDR) application was approved by Planning Staff for an exterior remodel of the structure. A revised Action Letter was sent on February 10, 2014.
10. The structure complies with the 27 foot height limit.

Conditions of Approval:

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the high volume of construction in this neighborhood.
3. City Engineer review and approval of all construction, including grading, utility installation, public improvements and drainage plans, and construction within the ROW, for compliance with the City standards is a condition precedent to building permit issuance.
4. No building permits shall be issued for this project until the final plans for the building remodel are reviewed and approved by the Planning Department staff for compliance with the Historic District Design Review and conditions as approved on July 18, 2013 and revised on February 10, 2014.
5. A final landscape plan shall be submitted for approval by the Planning Department and the landscaping shall be complete prior to issuance of a Certificate of Occupancy for the structure.
6. No building permit shall be issued prior to recording the plat amendment.

Sincerely,



Thomas E. Eddington, Jr. AICP, LLA  
Park City Planning Director

CC: Anya Grahn, Historic Preservation Planner

MOTION: Commissioner Strachan moved to CONTINUE the public hearing on 901 Norfolk Avenue plat amendment to March 12, 2014. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

**REGULAR AGENDA** – Discussion, public hearing, action.

**1. 1049 Park Avenue Subdivision  
(Application PL-13-01893)**

Planner Anya Grahn reviewed the application for a plat amendment for the property located at 1049 Park Avenue. A historic house is located on the property. The lot consists of one Old Town lot and an additional two to three feet of the north half of Lot 12, which is directly to the south. The applicant was requesting to remove an interior lot line in order to move forward with renovation plans for the house.

Planner Grahn noted that the existing house encroaches approximately 48 feet on to the neighboring property, which is typical on Park Avenue. When the street was resurveyed all the lot lines shifted and the encroachments occurred. A conditional easement with the neighbor allows them to do maintenance.

Planner Grahn stated that the requested plat amendment was standard procedure for removing an interior lot line. Once the interior lot line is removed, the lot would be slightly larger than a standard Old Town lot; but still relatively small compared to other lots in the neighborhood. In addition to the lot line combination allowing the applicant to move forward with his renovation plan, the City would also gain a ten-foot snow storage easement across the front of the property.

The Staff recommended that the Planning Commission conduct a public hearing for the subdivision and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval outlined in the Staff report.

Kevin Horn, the project architect, noted that the Staff report did not mention that the applicant had a signed letter from the neighbor giving consent for the plat amendment to move forward.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation for the plat amendment at 1049 Park Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 1049 Park Avenue

1. The property is located at 1049 Park Avenue within the Historic Residential (HR-1) Zoning District.
2. The applicants are requesting to combine the north five (5) feet of Lot 12 and all of Lot 13 of Block 4, Snyder's Addition into one (1) Parcel.
3. The plat amendment is necessary in order for the applicant to move forward with an HDDR for the purpose of a rear yard addition to the historic house.
4. The amended plat will create one new 2,250.04 square foot lot.
5. The existing historic 1,171 square foot home is listed as "Landmark" on the Historic Sites Inventory (HSI).
6. Per Land Management Code (LMC) 15-2.2-4 Historic Structures that do not comply with building setbacks, off-street parking, and driveway location standards are valid Complying Structures. The historic structure is a valid complying structure, though it straddles the property line that separates Lots 12 and 13.
7. The existing historic structure encroaches into the property at 1043 Park Avenue. The degree of the encroachment increases from two feet (2') to three feet (3') from east to west. The total square footage of the encroachment is 47.5 square feet. A conditional easement currently exists to address this encroachment.
8. Any proposed additions to the existing historic home require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process.

9. The maximum allowed building footprint allowed on the lot is 991.3 square feet. The applicant intends to construct a new rear addition and renovate the existing historic home. Following the renovation, the total footprint of the house will be 1035.75 square feet; however, only 988.25 square feet of this footprint will be located on the 1049 Park Avenue property. The remaining 47.5 square feet of the encroachment is located at 1043 Park Avenue.

10. The amendment of one and one-half (1.5) lots would be smaller than the average size of lot combinations on Park Avenue and is in keeping with the traditional size of development on the 1000 block of Park Avenue.

11. New additions to the rear of the historic home require adherence to current setbacks as required in the HR-1 District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.

12. On May 29, 2013, the Planning Department received a Historic District Design Review (HDDR) application for the renovation of 1049 Park Avenue, which included constructing a new addition at the rear of the historic structure. The HDDR application was approved on July 18, 2013; however, no building permit can be issued prior to the recording of the plat amendment.

13. The approval of the HDDR application was revised on February 10, 2014.

14. There is an existing root cellar and crawlspace beneath the historic building. The applicant intends to replace this makeshift foundation with a new basement foundation. The Planning Director determined that a new basement foundation did not increase the degree of the existing foundation's nonconformity on February 10, 2014. Rather, the replacement of the existing root cellar and foundation with a new basement foundation is maintenance and necessary to ensure the longevity of the historic structure.

15. On January 14, 2014, the applicant applied for a plat amendment in order to move forward with the approved HDDR. The application was deemed complete on February 11, 2014.

#### Conclusions of Law – 1049 Park 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 – 1049 Park 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 (1) 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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment is recorded with the Summit County Recorder's office.

4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.

5. A 10 foot (10') wide public snow storage easement is required along the street frontage of the lot along Park Avenue and shall be shown on the plat.

6. Encroachments across property lines must be addressed prior to plat recordation and shall either be removed or encroachment easements shall be provided.

**2. 7101 Silver Lake Drive – Conditional Use Permit for Lockout Units  
(Application PL-13-02034)**

Planner Francisco Astorga handed out public comment he had received over the weekend. Due to a personal matter he was out of the office and unable to forward the comments to the Planning Commission prior to the meeting.







PLANNING DEPARTMENT

# Planning Commission Staff Report

**Subject:** Gateway Estates Replat, Second Amended & Zoning Map Amendment Request  
**Author:** Francisco Astorga, AICP, Senior Planner  
**Project Number:** PL-15-03017 & PL-15-03018  
**Date:** 10 February 2016  
**Type of Item:** Legislative – Plat Amendment & Zoning Map Amendment

### Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Gateway Estates Replat - Second Amended located at 408/410/412 Deer Valley Loop and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Staff recommends the Planning Commission hold a public hearing for the requested Zoning Map Amendment from Historic Residential-1 (HR-1) District to Residential-1 (R-1) District at 408/410/412 Deer Valley Loop and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

### Description

**Applicant:** Charles and Judith Tink  
represented by Marshall King, Alliance Engineering, Inc.  
**Location:** 408/410/412 Deer Valley Loop  
**Zoning:** Historic Residential-1 (HR-1) District  
**Proposed Zoning:** Residential-1 (R-1) District  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Plat Amendments and Re-zoning applications require Planning Commission review and City Council review and action

### Proposal

Lots 1, 2, and 3 of the Gateway Estates Replat Subdivision Amended are owned by Charles and Judith Tink, as tenants in common since 2011. The property owners request to reconfigure the existing three (3) lots into two (2) lots of record. The property owners also request to rezone the property from HR-1 to R-1 District.

### Background

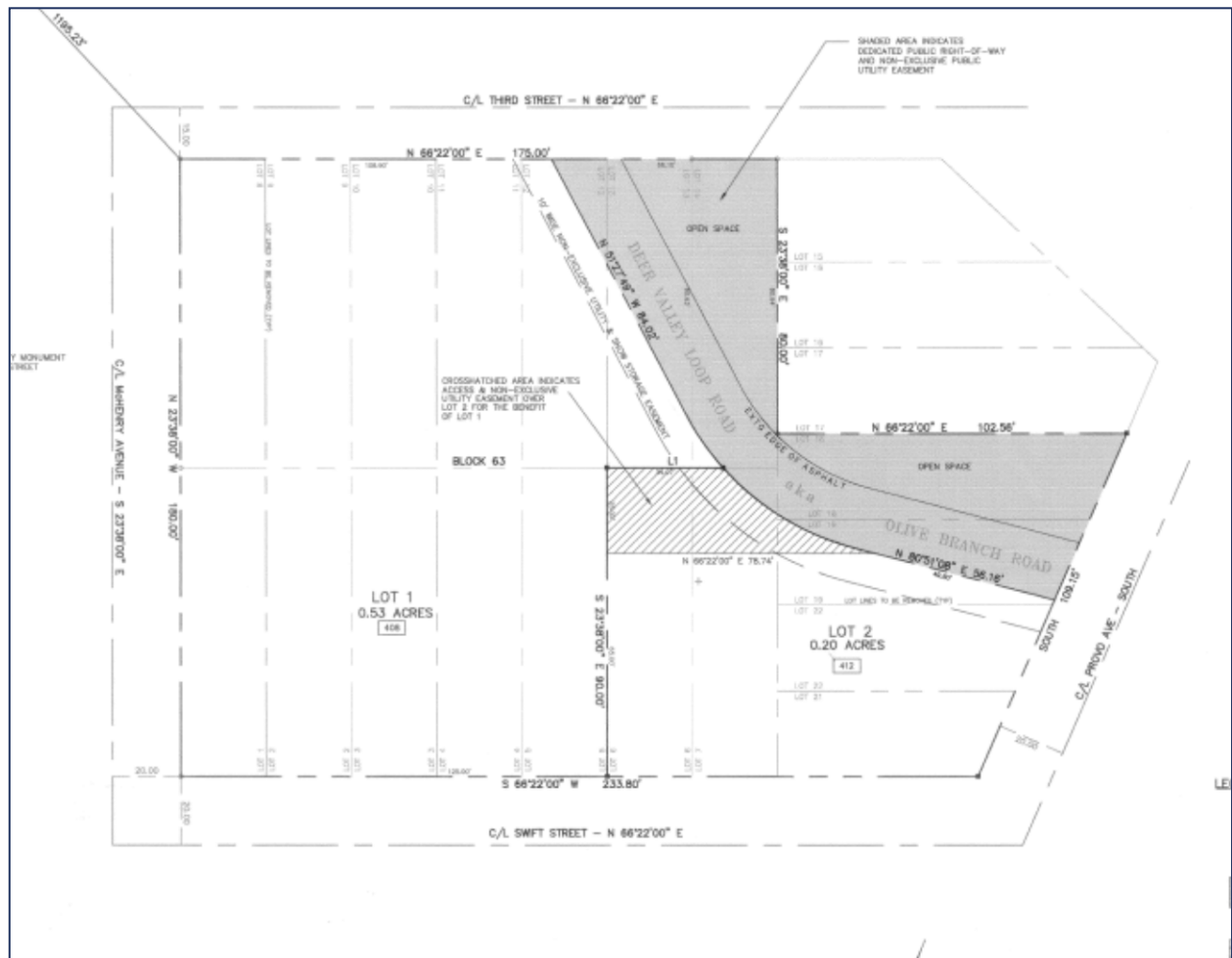
On December 04, 2015, the City received a completed Plat Amendment application for the Gateway Estates Replat - Second Amended and a completed Zoning Map Amendment application requesting to change the zoning from HR-1 to R-1 District. The property is located at 408/410/412 Deer Valley Loop. The property is in the HR-1

District. The subject property consists of Lots 1, 2, and 3 of the Gateway Estates Replat Subdivision Amended. Lot 1 is recognized by Summit County as Parcel GWE-1-Am (Tax ID). Lot 2 is recognized by Summit County as Parcel GWE-2-Am (Tax ID). Lot 3 is recognized by Summit County as Parcel GWE-3-Am (Tax ID).

Currently, Lot 3 contains a single-family dwelling. The single-family dwelling was built in 2010, after the property owner was able to obtain the proper development permits with the City. According to Park City Building Department approved records the existing single-family dwelling is approximately 4,315 square feet, consisting of a the livable area, basement, and garage.

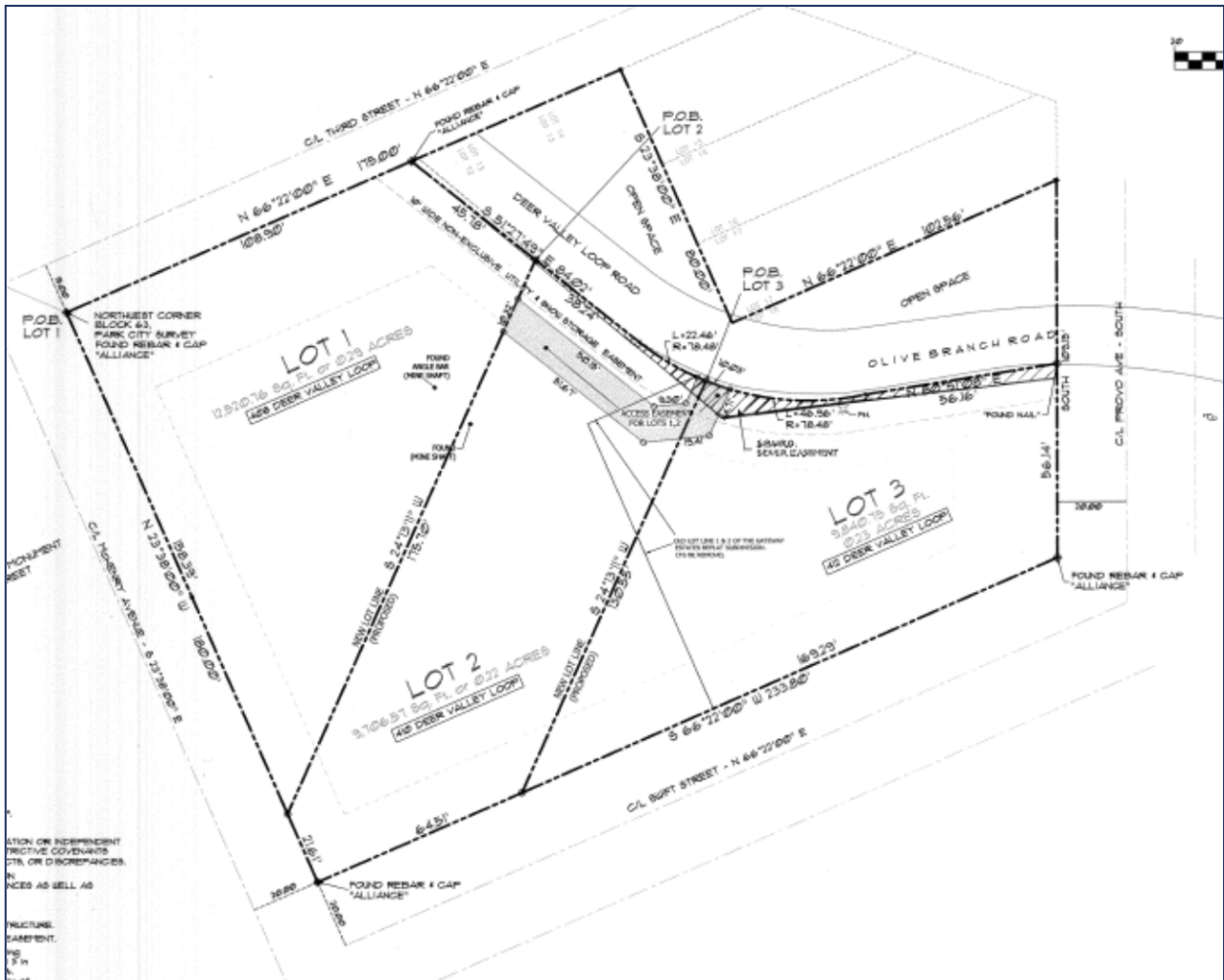
Plat Amendment History

In March 2000, the City Council approved the Gateway Estates Replat Subdivision. This Plat Amendment combined eighteen (18) Old Town lots in Block 63 of the Park City Survey into two (2) lots of record. This plat was recorded in June 2000. See Exhibit F – Gateway Estates Replat (retired), or partial exhibit below:

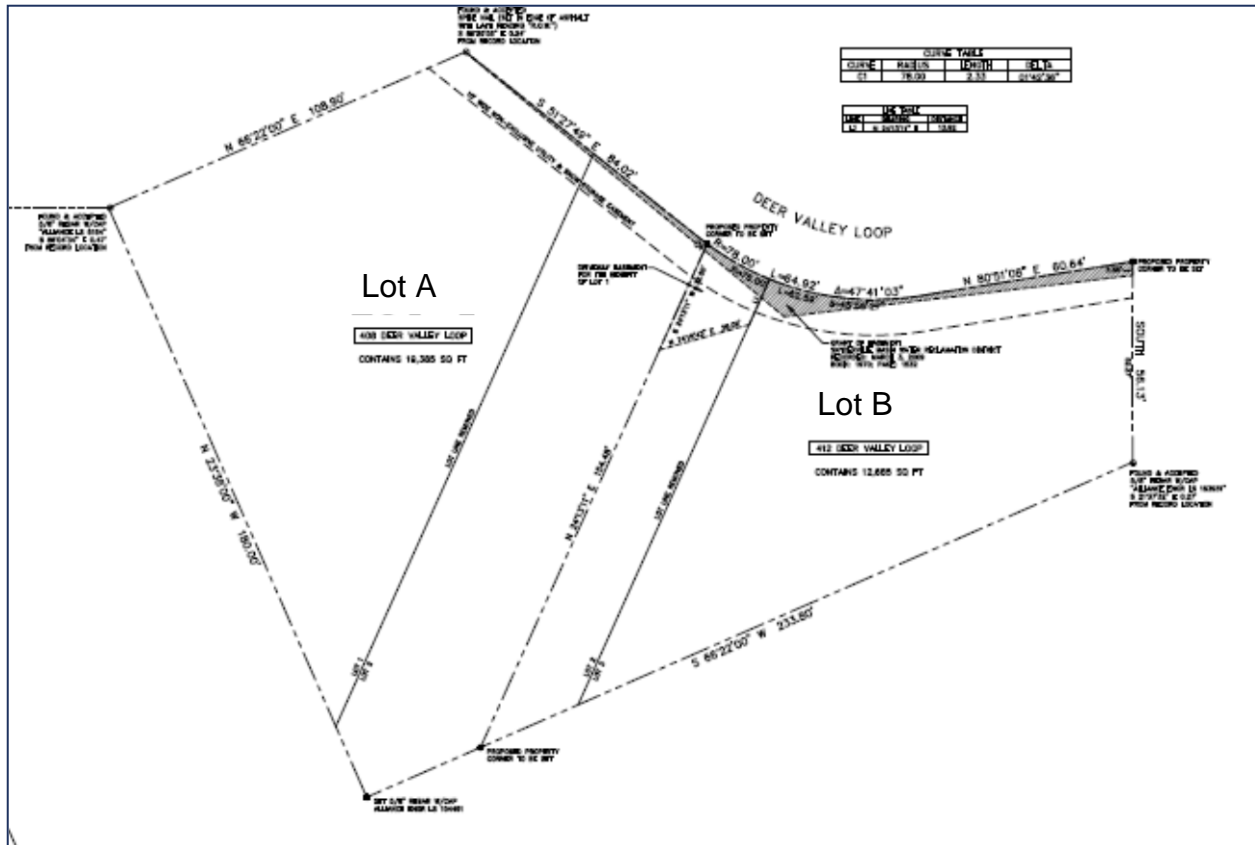


In August 2008, the City Council approved the Gateway Estates Replat Subdivision Amended. This Plat Amendment reconfigured the two (2) approved lots into three (3).

This Plat Amendment was recorded in March 2009 and the 2000 Plat Amendment was *retired* at the County. See Exhibit G – Gateway Estates Replat Amended, or partial exhibit below:



The current proposal is similar to the 2000 Plat Amendment. See Exhibit A1 – Plat Amendment Attachment 1 – Proposed Plat, or partial exhibit below:



In September 2008, the property owner submitted three (3) Steep Slope Conditional Use Permits (SSCUPs) and three (3) Historic District Design Review (HDDR) applications for the construction of three (3) single-family dwellings, one (1) on each lot. In April 2009, the Planning Commission approved the SSCUPs and the Planning Department approved the HDDRs. The property owner at the time, moved forward with building permit plans for Lot 3, 412 Deer Valley Loop. The property owner did not submit building permits for Lot 1 or 2 of the Gateway Estates Replat Amended (2009 plat, see Exhibit G) and the remaining approved SSCUPs and HDDRs expired as no building permits were applied for within one (1) year's time.

**Purpose**

The purpose of the HR-1 District is to:

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

which mitigate impacts to mass and scale and the environment.

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

- A. allow continuation of land Uses and architectural scale and styles of the original Park City residential Area,
- B. encourage Densities that preserve the existing residential environment and that allow safe and convenient traffic circulation,
- C. require Building and Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile,
- D. require Building design that is Compatible with the topographic terrain and steps with the hillsides to minimize Grading,
- E. encourage Development that protects and enhances the entry corridor to the Deer Valley Resort Area,
- F. provide a transition in Use and scale between the Historic Districts and the Deer Valley Resort; and
- G. encourage designs that minimize the number of driveways accessing directly onto Deer Valley Drive.

**Plat Amendment Analysis HR-1 District**

The proposed Plat Amendment reconfigures three (3) lots of record into two (2) lots. Lot 1 is currently 12,520.76 square feet (0.29 acres). Lot 2 is currently 9,706.57 square feet (0.22 acres). Lot 3 is 9,840.75 square feet (0.23 acres).

A single-family dwelling is an allowed use in the HR-1 District. The minimum lot area for a single-family dwelling is 1,875 square feet (approx. 0.04 acres). Proposed Lot A is 19,385 square feet. Proposed Lot B is 12,685 square feet. The proposed lots meet the minimum lot area for single-family dwellings within the HR-1 District.

A duplex dwelling is a conditional use in the HR-1 District, however; when the three (3) lot subdivision was approved in 2008/2009, a plat note was placed indicating that duplexes would not be allowed in this subdivision as stipulated by the property owner at the time. The current property owner stipulates to continuing this existing plat note/condition of approval. See Condition of Approval no. 3.

The minimum lot width allowed in the HR-1 District is twenty-five feet (25'). The proposed width of Lot A is approximately 98 feet. The proposed width of Lot B is approximately 129 feet. The proposed lots meet the minimum lot width required in the HR-1 District.

The table below shows applicable development parameters in the HR-1 District:

LMC Regulation	Requirement:
Building Footprint	Lot A: 4,500 square feet max., based on lot size. Lot B: 3,109.5 square feet max., based on lot size.

	(see Building Footprint section below)
Front & Rear Yard	Lot A: 10 feet, min., based on lot depth. Lot B: 15 feet, min., based on lot depth.
Side Yard	Lot A: 10 feet, min., 24 feet total, based on lot width. Lot B: 10 feet, min., 30 feet, total, based on lot width.
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.
Final Grade	Final Grade must be within four vertical feet (4') of Existing Grade around the periphery [...].
Lowest Finish Floor Plane to Highest Wall Top Plate	A Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].
Vertical Articulation	A ten foot (10') minimum horizontal step in the downhill façade is required [...].
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.

**Plat Amendment Analysis R-1 District**

The proposed Plat Amendment reconfigures three (3) lots of record into two (2). A single-family dwelling is an allowed use in the R-1 District. The minimum lot area for a single-family dwelling is 2,812 square feet (approx. 0.065 acres). Proposed Lot 1 is 19,385 square feet. Proposed Lot 2 is 12,685 square feet. The proposed lots meet the minimum lot area for a single-family dwelling in the R-1 District.

A duplex dwelling is an allowed use in the R-1 District, however; when the three (3) lot subdivision was approved in 2008/2009, a plat note was placed indicating that duplexes would not be allowed in this subdivision as stipulated by the property owner at the time. The current property owner does not request to undo this existing plat note/condition of approval. See Condition of Approval no. 3.

A triplex is a conditional use in the R-1 District. The minimum lot area for a triplex dwelling is 5,625 square feet. The proposed lots meet the minimum lot area for a triplex dwelling.

The applicant has stipulated to not allow any duplexes on site, to be consisting with the 2008/2009 approved Plat Amendment. A Triplex dwelling is even more intensive than a duplex. Staff recommends adding a condition of approval in the form of a Plat note that simply indicates that a triplex dwelling would not be allowed. See Condition of Approval no. 3.

The minimum lot width allowed in the R-1 District is thirty-seven and one-half feet (37.5'). The proposed width of Lot A is approximately 98 feet. The proposed width of Lot B is approximately 129 feet. The proposed lots meet the minimum lot width allowed in the R-1 District.

The table below shows applicable development parameters in the R-1 District:

LMC Regulation	Requirements
Front Yard	The minimum Front Yard is fifteen feet (15'). New Front Facing Garages for Single Family and Duplex Dwellings must be at least than twenty feet (20') from the Front Property Line.
Rear Yard	The minimum Rear Yard is ten feet (10').
Side Yard	The minimum Side Yard is five feet (5').
Special Setback Requirements for Conditional Uses	Side Yard: The minimum Side Yard is ten feet (10').  Front Yard: The minimum Front Yard is twenty feet (20'). All yards of Structures fronting on any Streets must be considered Front Yards for the purposes of determining required Setbacks. Garages must be a minimum of five feet (5') behind the front facade of the Main Building or underground.  Rear Yard: The minimum Rear Yard is ten feet (10').
Building (Zone) Height	No Structure may be erected to a height greater than the Zone Height of twenty-eight feet (28') from Existing Grade.  Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 or greater.

The following requirements below, outlined in the HR-1 District regulations, are not required in the R-1:

- Building Footprint (max. based on lot size)
- Final Grade (+/- 4 around the periphery)
- Lowest Finish Floor Plane to Highest Wall Top Plate (35' max. internal height)
- Vertical Articulation (10' step-back at downhill façade)
- Roof Pitch (required from 7:12 - 12:12).

Staff recognizes that with the R-1 District zoning designation, the property owner would no longer be restricted to these regulations above. Other than Building Footprint, Staff does not find any issues of concern regarding the R-1 designation of the subject site as this site is disconnected in terms of connectivity with the rest of the HR-1 District. The character of this sub-neighborhood is completely different than what is expected in what Park City is most familiar with the HR-1 District, known as the historic single-family dwelling neighborhood. Because of its disconnection, the site does not feel like a part of Old Town. See Zoning Map Amendment Analysis section of this staff report.

Building Footprint

The recorded plat has a maximum footprint table as shown below:

	Maximum Footprint Allowed
Lot 1	2243 Sq. Ft.

Lot 2	1750 Sq. Ft.
Lot 3	1750 Sq. Ft.

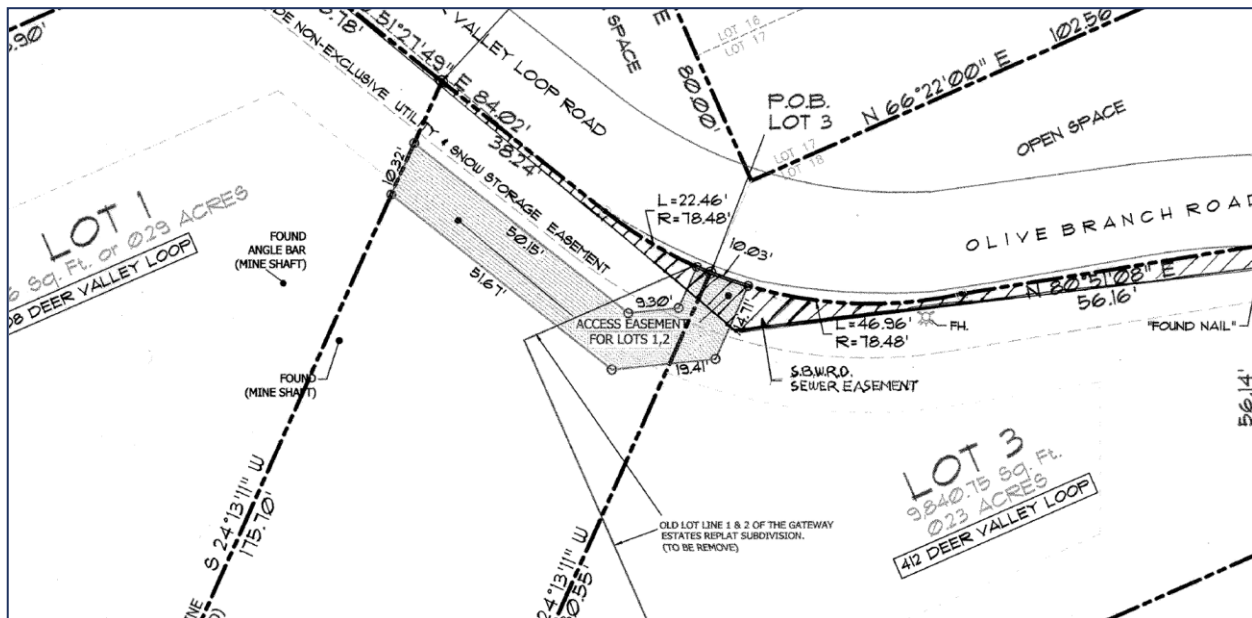
In 2008/2009 the City limited the maximum Building Footprint to a combined total of **5,753** square feet. The City was consistent with the 2000 Plat Amendment approval which limited Lot 1 to 3,150 square feet and Lot 2 to 2,593 square feet, a combined total of **5,753** square feet. According to the 2000 Plat Amendment approval, remnant lots north of Deer Valley Loop were used as part of the total footprint calculation formula as they were dedicated to the City as open space. See Exhibit K – 30 March 200 CC Staff Report.

The applicant, at this time, requests to rezone the property from HR-1 to R-1. The R-1 District Does not restrict the Building Footprint. Staff recognizes the consistency of the Maximum Building Footprint regulation that has been followed through the sub-sequent Plat Amendments which originated from the first in 2000.

Staff recommends adding a condition of approval that would indicate that the combined maximum footprint of the two (2) lots shall not exceed **5,753** square feet. Staff recommends limiting the Building Footprint to the original Plat Amendment note which limited Lot 1 to 3,150 square feet, maximum, and Lot 2 to 2,593 square feet, maximum, a combined total of **5,753** square feet. See Condition of Approval no. 8.

Access

In 2008/2009 the approved Plat contained an access easement for the benefit of lot 1 and Lot 2 over Lot 2 and Lot 3. See Exhibit G – Gateway Estates Replat Amended, or partial exhibit below:



The proposed Plat Amendment requests re-platting a similar driveway access easement



over proposed Lot B for the benefit of proposed lot A. See Condition of Approval no. 7.

### Mine Shaft

During the 2008/2009 review of the Plat Amendment and other Land Use applications, Planning Staff identified two (2) mine shafts onsite near the Lot 1/Lot 2 side property line. See Exhibit G – Gateway Estates Replat Amended, or partial exhibit above. In order to mitigate the impacts of construction the following Condition of Approval was added to that approval as suggested by the Chief Building Official at the time:

*A letter shall be provided to the city by a registered Professional Engineer certifying that the mine shafts have properly been closed and that they can adequately support any proposed construction if applicable prior to building permit issuance.*

Staff recommends keeping that same condition. See Condition of Approval no. 5.

### Good Cause

Planning Staff finds that there is Good Cause for this Plat Amendment as the amendment will not cause undo harm to adjacent property owners and all requirements of the Land Management Code can be met.

### Zoning Map Amendment Analysis

The subject site is currently in the HR-1 District. As indicated on the current zoning map below, the site is adjacent to the R-1 District to the north and northeast, and adjacent to the HR-1 to the south and southwest. The site is completely disconnected from Old Town. The access to the site is off Deer Valley Drive to Deer Valley Loop. The area from the Marsac Avenue/Deer Valley Drive round-about is in the R-1 District towards the end of the subject property towards the east as it then transitions to the Residential-Medium Density (RM) District.

The major difference between the HR-1 and the R-1 District is the requirement of Historic District Design Review (HDDR) and Steep Slope Conditional Use Permit (SSCUP) in the HR-1 zone. HDDRs are reviewed by the Planning Department. SSCUPs are reviewed by the Planning Commission. Should the site be rezoned to R-1 the property owner would no longer need to submit HDDR and SSCUP applications in order to move forward with development.

The subject site does not contribute to preserving present land uses and character of the historic residential areas of Park City as its access is surrounded by the R-1 and RM District. The surround sites do not contribute to the character and scale of the Historic District. The subject site provides a transition in use and scale between the Historic District and the Deer Valley Resort.

Regarding allowed/conditional uses, see the following table below:

<b>Listed Use:</b>	<b>HR-1</b>	<b>R-1</b>
Single Family Dwelling	allowed	allowed
Lockout Unit <sup>1</sup>	allowed	allowed
Nightly Rental <sup>1</sup>	allowed	allowed
Home Occupation	allowed	allowed
Child Care, In-Home Babysitting <sup>2</sup>	allowed	allowed
Child Care, Family <sup>2</sup>	allowed	allowed
Child Care, Family Group <sup>2</sup>	allowed	allowed
Accessory Building and Use	allowed	allowed
Conservation Activity	allowed	allowed
Agriculture	allowed	allowed
Residential Parking Area or Structure, with four (4) or fewer spaces	allowed	allowed
Duplex Dwelling	conditional	allowed
Tripex Dwelling		conditional
Guest House on Lots one (1) acre or greater	conditional	conditional
Secondary Living Quarters	conditional	allowed
Accessory Apartment <sup>3</sup>	conditional	allowed
Group Care Facility	conditional	conditional
Child Care Center	conditional	conditional
Public and Quasi-Public Institution, church and school	conditional	conditional
Essential Municipal and Public Utility Use, Facility, Service, and Structure	conditional	conditional
Telecommunication Antenna <sup>4</sup>	conditional	conditional
Satellite Dish, greater than thirty-nine inches (39") diameter <sup>5</sup>	conditional	conditional
Bed and Breakfast Inn <sup>6</sup>	conditional	conditional
Hotel, Minor, (fewer than sixteen (16) rooms) <sup>6</sup>	conditional	
Residential Parking Area or Structure with five (5) or more spaces.	conditional	
Temporary Improvement <sup>7</sup>	conditional	conditional
Passenger Tramway Station and Ski Base Facility <sup>8</sup>	conditional	
Ski tow rope, ski lift, ski run, and ski bridge <sup>9</sup>		conditional
Outdoor Event <sup>8</sup>		conditional

<sup>1</sup>Nightly Rental of a Lockout Unit requires a Conditional Use permit

<sup>2</sup>See LMC Chapter 15-4-9 for Child Care Regulations

<sup>3</sup>See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

<sup>4</sup>See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

<sup>5</sup>See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

<sup>6</sup>In Historic Structures only. Parking requirements of Chapter 15-3 shall apply.

<sup>7</sup>Subject to Administrative or Administrative Conditional Use permit

<sup>8</sup> See LMC Chapter 15-4-18, Passenger Tramways and Ski-Base Facilities

<sup>9</sup>As part of an approved Ski Area Master Plan. See LMC Chapter 15-4-18, Passenger Tramways and Ski Base Facilities

Master Planned Development with moderate income housing Density bonus <sup>10</sup>		conditional
Master Planned Development with residential and transient lodging Uses only <sup>10</sup>		conditional
Recreation Facility, Private		conditional
Fences and walls greater than six feet (6') in height from Final Grade <sup>8</sup>		conditional

The allowed/conditional use difference lies within duplex dwellings, triplex dwellings, secondary living quarters, accessory apartments, minor hotels, residential parking areas or structures with five (5) or more spaces, ski facilities, ski facility amenities, outdoor events, MPDs, and private recreation facilities.

Any use not listed as an allowed or conditional use is prohibited. Any spaces left blank on this table would indicate that the use is not allowed in this district. Staff notes that fences/walls greater than six feet (6') are allowed in the HR-1 District, as they are allowed City wide per LMC § 15-4-2.

Staff finds that the requested Zoning Map Amendment from HR-1 to R-1 is appropriated based on the fact that this site is completely disconnected from the rest of the HR-1. A resident and/or visitor, does not have to go through any historic neighborhood to get to this site. This part of town, the Deer Valley Loop sub-neighborhood, is often associated as the Deer Valley entry. Furthermore, all properties in the immediate area are in the R-1 District.

Staff recognizes that the requested Zoning Map Amendment from HR-1 to R-1 removes the Historic District Design Review and Steep Slope Conditional Use Permit. It also removes specific building height parameters of the HR-1 District outlined in the Plat Amendment section of this report: final grade (+/- 4 around the periphery), internal height (35' max.), 10' step-back at downhill façade, required roof pitch (7:12 - 12:12). Staff finds that the regulations no longer needed because of the Zone Change are alleviated by the specific conditions of approval regarding Building Footprint limitation and duplex/triplex restriction in conjunction with the Plat Amendment which removes the one (1) unit of density. The existing character of this sub-neighborhood is passive to the HR-1 Building Height requirements such as the 10' step-back at downhill façade, required roof pitch, etc. The existing character of this sub-neighborhood does not reflect character defining features represented in the compliance of the Design Guidelines for Historic Districts.

### **General Plan Compliance**

Volume I of the General Plan contains goals, objectives, and strategies for each of the four (4) Core Values: Small Town, Natural Setting, Sense of Community, and Historic Character. The General Plan goals are copied below in *italics* below:

<sup>10</sup>Subject to provisions of LMC Chapter 15-6, Master Planned Development

### Small Town

- *Goal 1: Park City will protect undeveloped lands, discourage sprawl, and direct growth inward to strengthen existing neighborhoods. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood.*
- *Goal 2: Park City will emphasize and preserve our sense of place while collaborating with the Wasatch Back and Salt Lake County regions through regional land use and transportation planning. Not applicable.*
- *Goal 3: Park City will encourage alternative modes of transportation on a regional and local scale to maintain our small town character. Not applicable.*

### Natural Setting

- *Goal 4: Open Space: Conserve a connected, healthy network of open space for continued access to and respect for the Natural Setting. Not applicable.*
- *Goal 5: Environmental Mitigation: Park City will be a leader in energy efficiency and conservation of natural resources reducing greenhouse gas emissions by at least fifteen percent (15%) below 2005 levels in 2020. Not applicable.*
- *Goal 6: Climate Adaptation: Park City will implement climate adaptation strategies to enhance the City's resilience to the future impacts of climate change. Not applicable.*

### Sense of Community

- *Goal 7: Life-cycle Housing: Create a diversity of primary housing opportunities to address the changing needs of residents. Not applicable.*
- *Goal 8: Workforce Housing: Increase affordable housing opportunities and associated services for the work force of Park City. Not applicable.*
- *Goal 9: Parks & Recreation: Park City will continue to provide unparalleled parks and recreation opportunities for residents and visitors. Not applicable.*
- *Goal 10: Park City will provide world-class recreation and public infrastructure to host local, regional, national, and international events that further Park City's role as a world-class, multi-seasonal destination resort while maintaining a balance with our sense of community. Not applicable.*
- *Goal 11: Support the continued success of the multi-seasonal tourism economy while preserving the community character that adds to the visitor experience. Not applicable.*
- *Goal 12: Foster diversity of jobs to provide greater economic stability and new opportunities for employment in Park City. Not applicable.*

- *Goal 13: Arts & Culture: Park City will continue to grow as an arts and culture hub encouraging creative expression. Not applicable.*
- *Goal 14: Living within Limits: The future of the City includes limits (ecological, qualitative, and economic) to foster innovative sustainable development, protect the community vision, and prevent negative impacts to the region. Not applicable*

#### Historic Character

- *Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations. The subject site, based on its proximity, does not assist in maintaining the integrity of historic resources within Park City as there are no sites designated on the Park City Historic Sites Inventory and its two National Register Historic Districts that can be affected by the Zone Change. The proposed Zone Change does not affect the character, context and scale of the local historic district.*
- *Goal 16: Maintain the Historic Main Street District as the heart of the City for residents and encourage tourism in the district for visitors. The proposed Zone Changes does not affect the “heart” of the City, Main Street.*

#### Process

The approval of this Plat Amendment application and approval of the proposed rezoning application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC § 1-8

#### Department Review

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

#### Notice

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

#### Public Input

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

#### Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Gateway Estates Replat - Second Amended and the Zoning Map Amendment as conditioned or amended; or (+ +)
- The Planning Commission may forward a negative recommendation to the City Council for the Gateway Estates Replat - Second Amended and the Zoning Map

- Amendment and direct staff to make Findings for this decision; or (- -)
- The Planning Commission may forward a positive recommendation to the City Council for the Gateway Estates Replat- Second Amended and may forward a negative recommendation on the Zoning Map Amendment application and direct staff to make Findings for this decision. (+ -)
- The Planning Commission may forward a negative recommendation to the City Council for the Gateway Estates Replat- Second Amended and may forward a positive recommendation on the Zoning Map Amendment application and direct staff to make Findings for this decision. (- +)
- The Planning Commission may continue the discussion on Gateway Estates Replat - Second Amended and the Zoning Map Amendment.

### **Significant Impacts**

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

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

The lots and zoning designation would remain as is.

### **Summary Recommendations**

#### **Plat Amendment**

Staff recommends the Planning Commission hold a public hearing for the Gateway Estates Replat - Second Amended located at 408+410+412 Deer Valley Loop and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

#### **Rezoning**

Staff recommends the Planning Commission hold a public hearing for the requested Zoning Map Amendment from Historic Residential-1 (HR-1) District to Residential-1 (R-1) District at 408/410/412 Deer Valley Loop and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

### **Exhibits**

- Exhibit A1 – Plat Amendment Draft Ordinance with Proposed Plat
- Exhibit A2 – Zoning Map Amendment Draft Ordinance
- Exhibit B – Applicant's Project Description
- Exhibit C – Existing Conditions & Topographic Map
- Exhibit D – Aerial Photograph
- Exhibit E – County Tax Map
- Exhibit F – Gateway Estates Replat (retired)
- Exhibit G – Gateway Estates Replat Amended
- Exhibit H – Site Photographs
- Exhibit I – Zoning Exhibit
- Exhibit J – Adjacent Use Aerial Photograph
- Exhibit K – 30 March 200 CC Staff Report

## Exhibit A1: Plat Amendment Draft Ordinance

Ordinance No. 16-XX

### **AN ORDINANCE APPROVING GATEWAY ESTATES REPLAT - SECOND AMENDED LOCATED AT 408/410/412 DEER VALLEY LOOP, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 408/410/412 Deer Valley Loop has petitioned the City Council for approval of the Plat Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 10, 2016, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on February 10, 2016, forwarded a recommendation to the City Council; and,

WHEREAS, on March 3, 2016, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve Gateway Estates Replat - Second Amended.

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

**SECTION 1. APPROVAL.** Gateway Estates Replat - Second Amended as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

#### General Findings of Fact:

1. The property is located at 408/410/412 Deer Valley Loop.
2. The property is in the Historic Residential-1 District.
3. The subject property consists of Lots 1, 2, and 3, of the Gateway Estates Replat Subdivision Amended.
4. Lot 1 and 2 are currently vacant.
5. Lot 3 contains a single-family dwelling, built in 2010, approximately 4,315 square feet.
6. In March 2000, the City Council approved the Gateway Estates Replat Subdivision which combined eighteen (18) Old Town lots in Block 63 of the Park City Survey into two (2) lots of record and was recorded in June 2000.

7. In August 2008, the City Council approved the Gateway Estates Replat Subdivision Amended, which reconfigured the two (2) approved lots into three (3) lots of record and was recorded in March 2009.
8. When the Gateway Estates Replat Subdivision Amended (2009) was recorded at Summit County, the Gateway Estates Replat Subdivision (2000) was retired.
9. The proposed Plat Amendment reconfigures three (3) lots of record into two (2) lots.

#### Plat Amendment Findings of Fact HR-1

1. A single-family dwelling is an allowed use in the HR-1 District.
2. The minimum lot area for a single-family dwelling is 1,875 square feet.
3. Proposed Lot A is 19,385 square feet.
4. Proposed Lot B is 12,685 square feet.
5. The proposed lots meet the minimum lot area for single-family dwellings within the HR-1 District.
6. A duplex dwelling is a conditional use in the HR-1 District, however; when the three (3) lot subdivision was approved in 2008/2009, a plat note was placed indicating that duplexes would not be allowed in this subdivision as stipulated by the property owner at the time. See Condition of Approval no. 3.
7. The minimum lot width allowed in the HR-1 District is twenty-five feet (25').
8. The proposed width of Lot A is approximately 98 feet.
9. The proposed width of Lot B is approximately 129 feet.
10. The proposed lots meet the minimum lot width required in the HR-1 District.
11. In 2008/2009 the City limited the maximum Building Footprint to a combined total of 5,753 square feet.
12. The City was consistent with the 2000 Plat Amendment approval which limited Lot 1 to 3,150 square feet and Lot 2 to 2,593 square feet, a combined total of 5,753 square feet.
13. According to the 2000 Plat Amendment approval, remnant lots north of Deer Valley Loop were used as part of the total footprint calculation formula as they were dedicated to the City as open space.
14. The R-1 District Does not restrict the Building Footprint.
15. Staff recommends limiting the Building Footprint to the original Plat Amendment note which limited Lot 1 to 3,150 square feet, maximum, and Lot 2 to 2,593 square feet, maximum, a combined total of 5,753 square feet. See Condition of Approval no. 8.
16. In 2008/2009 the approved Plat contained an access easement for the benefit of lot 1 and Lot 2 over Lot 2 and Lot 3.
17. The proposed Plat Amendment requests re-platting a similar driveway access easement over proposed Lot B for the benefit of proposed lot A.
18. During the 2008/2009 review of the Plat Amendment, Planning Staff identified two (2) mine shafts onsite near the Lot 1 and Lot 2 side property line.
19. In order to mitigate the impacts of possible construction a condition was added to that approval as suggested by the Chief Building Official requiring that a letter be provided to the City by a registered Professional Engineer certifying that the mines shafts have properly been closed and that they can adequately support any



proposed construction if applicable prior to building permit issuance. See Condition of Approval no. 4.

#### Plat Amendment Findings of Fact R-1 District

1. A single-family dwelling is an allowed use in the R-1 District.
2. The minimum lot area for a single-family dwelling is 2,812 square feet (approx. 0.065 acres).
3. Proposed Lot A is 19,385 square feet.
4. Proposed Lot B is 12,685 square feet.
5. The proposed lots meet the minimum lot area for a single-family dwelling in the R-1 District.
6. A duplex dwelling is an allowed use in the R-1 District, however; when the three (3) lot subdivision was approved in 2008/2009, a plat note was placed indicating that duplexes would not be allowed in this subdivision as stipulated by the property owner at the time.
7. The current property owner does not request to undo this existing plat note/condition of approval.
8. A triplex is a conditional use in the R-1 District.
9. The minimum lot area for a triplex dwelling is 5,625 square feet.
10. The proposed lots meet the minimum lot area for a triplex dwelling.
11. The minimum lot width allowed in the R-1 District is thirty-seven and one-half feet (37.5').
12. The proposed width of Lot A is approximately 98 feet.
13. The proposed width of Lot B is approximately 129 feet.
14. The proposed lots meet the minimum lot width allowed in the R-1 District.
15. In 2008/2009 the City limited the maximum Building Footprint to a combined total of 5,753 square feet.
16. The City was consistent with the 2000 Plat Amendment approval which limited Lot 1 to 3,150 square feet and Lot 2 to 2,593 square feet, a combined total of 5,753 square feet.
17. According to the 2000 Plat Amendment approval, remnant lots north of Deer Valley Loop were used as part of the total footprint calculation formula as they were dedicated to the City as open space.
18. The R-1 District Does not restrict the Building Footprint.
19. Staff recommends limiting the Building Footprint to the original Plat Amendment note which limited Lot 1 to 3,150 square feet, maximum, and Lot 2 to 2,593 square feet, maximum, a combined total of 5,753 square feet. See Condition of Approval no. 8.
20. In 2008/2009 the approved Plat contained an access easement for the benefit of lot 1 and Lot 2 over Lot 2 and Lot 3.
21. The proposed Plat Amendment requests re-platting a similar driveway access easement over proposed Lot B for the benefit of proposed lot A.
22. During the 2008/2009 review of the Plat Amendment, Planning Staff identified two (2) mine shafts onsite near the Lot 1 and Lot 2 side property line.
23. In order to mitigate the impacts of possible construction a condition was added to that approval as suggested by the Chief Building Official requiring that a letter be

provided to the City by a register Professional Engineer certifying that the mines shafts have properly been closed and that they can adequately support any proposed construction if applicable prior to building permit issuance. See Condition of Approval no. 4.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that duplexes and triplex dwellings are not allowed in the subdivision.
4. A letter shall be provided to the city by a register Professional Engineer certifying that the mines shafts have properly been closed and that they can adequately support any proposed construction if applicable prior to building permit issuance.
5. There shall be a ten foot (10') wide non-exclusive utility and snow storage easement along the front property line as indicated on the plat.
6. There shall be an access easement over Lot B for the benefit of Lot A as indicated on the plat.
7. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
8. A note shall be added to the plat prior to recordation limiting the Maximum Building Footprint for Lot A to 3,150 square feet and for Lot B to 2,593 square feet.

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

PASSED AND ADOPTED this 3<sup>rd</sup> day of March, 2016.

PARK CITY MUNICIPAL CORPORATION

---

Jack Thomas, MAYOR

ATTEST:

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Marci Heil, City Recorder

APPROVED AS TO FORM:

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Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

## Exhibit A2: Zoning Map Amendment Draft Ordinance

Ordinance No. 16-XX

### **AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FROM HISTORIC RESIDENTIAL (HR-1) DISTRICT TO RESIDENTIAL (R-1) DISTRICT AT 408/410/412 DEER VALLEY LOOP, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 408/410/412 Deer Valley Loop has petitioned the City Council for approval of a Zoning Map Amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on February 10, 2016, to receive input on Zoning Map Amendment; and

WHEREAS, the Planning Commission, on February 10, 2016, forwarded a recommendation to the City Council; and,

WHEREAS, on March 3, 2016, the City Council held a public hearing to receive input on the Zoning Map Amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve Amend the Zoning Map.

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

**SECTION 1. APPROVAL.** Zoning Map Amendment from Historic Residential (HR-1) District to Residential (R-1) District is approved subject to the following Findings of Facts, and Conclusions of Law.

#### Findings of Fact:

1. The property is located at 408/410/412 Deer Valley Loop.
2. The property is in the Historic Residential-1 District.
3. The subject property consists of Lots 1, 2, and 3, of the Gateway Estates Replat Subdivision Amended.
4. Lot 1 and 2 are currently vacant.
5. Lot 3 contains a single-family dwelling.
6. The site is adjacent to the R-1 District to the north and northeast.
7. The site is adjacent to the HR-1 to the south and southwest.
8. The site is completely disconnected from Old Town.

9. The access to the site is off Deer Valley Drive then to Deer Valley Loop.
10. The area from the Marsac Avenue/ Deer Valley Drive roundabout is in the R-1 District towards the end of the subject property towards the east as it then transitions to the Residential-Medium Density (RM) District.
11. The HR-1 District requires Historic District Design Reviews and Steep Slope Conditional Use Permit applications.
12. Historic District Design Reviews are reviewed by the Planning Department. Steep Slope Conditional Use Permits are reviewed by the Planning Commission.
13. The R-1 District does not require the review of Historic District Design Reviews and Steep Slope Conditional Use Permit applications.
14. The subject site does not contribute to preserving present land uses and character of the historic residential areas of Park City as its access is surrounded by the R-1 and RM District.
15. The surround sites do not contribute to the character and scale of the Historic District.
16. The subject site provides a transition in use and scale between the Historic District and the Deer Valley Resort.
17. The allowed/conditional use difference lies within duplex dwellings, triplex dwellings, secondary living quarters, accessory apartments, minor hotels, residential parking areas or structures with five (5) or more spaces, ski facilities, ski facility amenities, outdoor events, MPDs, and private recreation facilities.
18. The HR-1 District lists duplex dwellings, secondary living quarters, and accessory apartments as conditional uses.
19. The R-1 District lists duplex dwellings, secondary living quarters, and accessory apartments as allowed uses.
20. The HR-1 District does not allow triplex dwellings.
21. The R-1 District lists triplex dwellings as a conditional use.
22. The HR-1 District lists minor hotels, residential parking area or structure with five (5) or more spaces, and passenger tramway station/ski base facilities as conditional uses.
23. The R-1 District does not allow minor hotels, residential parking area or structure with five (5) or more spaces, and passenger tramway station/ski base facilities.
24. The R-1 lists ski tow rope/ski lift/ski run/ski bridge, outdoor events, MPDs, and private recreation facilities as conditional uses.
25. The HR-1 District does not allow ski tow rope/ski lift/ski run/ski bridge, outdoor events, MPDs, and private recreation facilities.

26. The requested Zoning Map Amendment from HR-1 to R-1 is appropriate.
27. The subject site completely disconnected from the rest of the HR-1.
28. A resident and/or visitor, does not have to go through any historic neighborhood to get to this site.
29. This part of town, the Deer Valley Loop sub-neighborhood, is often associated as the Deer Valley entry.
30. All properties in the immediate area are in the R-1 District.
31. The requested Zoning Map Amendment removes the Historic District Design Review and Steep Slope Conditional Use Permit.
32. It also removes specific building height parameters of the HR-1 District outlined in the Plat Amendment section of this report: final grade (+/- 4 around the periphery), internal height (35' max.), 10' step-back at downhill façade, required roof pitch (7:12 - 12:12).
33. The regulations in the HR-1 not found in the R-1 District are alleviated by the specific conditions of approval regarding Building Footprint limitation and duplex/triplex restriction in conjunction with the Plat Amendment which removes the one (1) unit of density.
34. The existing character of this sub-neighborhood is passive to the HR-1 Building Height requirements such as the 10' step-back at downhill façade, required roof pitch, etc.
35. The existing character of this sub-neighborhood does not reflect character defining features represented in the compliance of the Design Guidelines for Historic Districts.
36. The proposed Zoning Map Amendment directs complimentary development into an existing neighborhood.
37. The subject site, based on its proximity, does not assist in maintaining the integrity of historic resources within Park City as there are no sites designated on the Park City Historic Sites Inventory and its two National Register Historic Districts that can be affected by the Zone Change.
38. The proposed Zone Change does not affect the character, context and scale of the local historic district.
39. The proposed Zone Changes does not affect the "*heart*" of the City, Main Street.

Conclusions of Law:

1. There is Good Cause for this Zoning Map Amendment.
2. The Zoning Map Amendment request is consistent with the Park City General Plan and the Park City Land Management Code.
3. The Zoning Map Amendment is consistent with applicable State law.
4. Neither the public nor any person will be materially injured by the proposed Zoning Map Amendment.
5. Approval of the Zoning Map Amendment does not adversely affect the health, safety and welfare of the citizens of Park City.

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

PASSED AND ADOPTED this 3<sup>rd</sup> day of March, 2016.

PARK CITY MUNICIPAL CORPORATION

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Jack Thomas, MAYOR

ATTEST:

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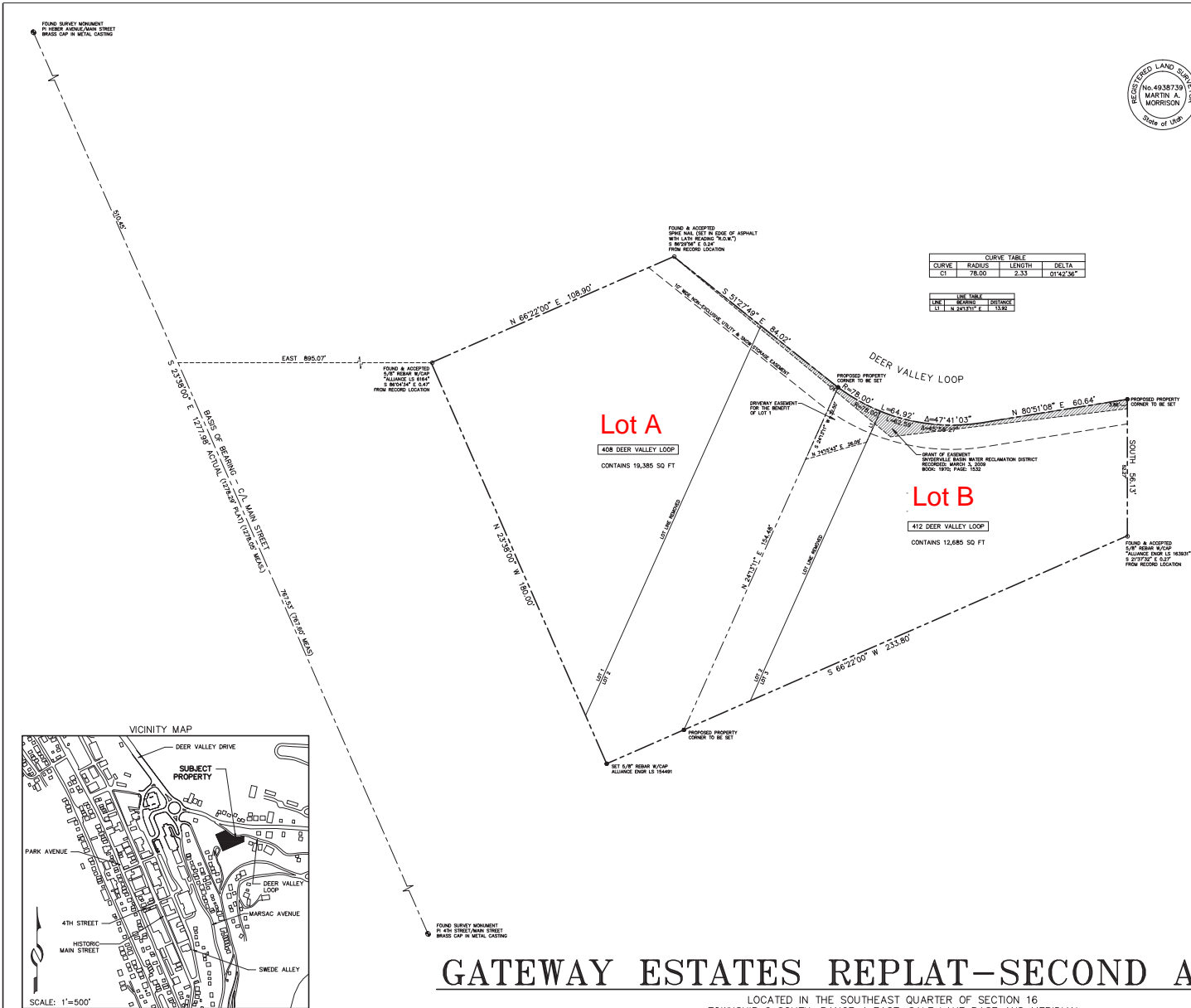
Marci Heil, City Recorder

APPROVED AS TO FORM:

---

Mark Harrington, City Attorney

# Attachment 1 - Proposed Plat



### SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners, this Record of Survey map of GATEWAY ESTATES REPLAT—SECOND AMENDED has been prepared under my direction and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

### DEED DESCRIPTIONS

All of LOTS 1, 2 and 3, GATEWAY ESTATES REPLAT SUBDIVISION AMENDED, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

### OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Charles W. Tink & Judith Tink, husband & wife as tenants in common, hereby certify that they have caused a survey to be made and this Second Amended Plat to be prepared and hereby consent to the recordation of this Second Amended Plat.

In witness whereof, the undersigned set his hand this \_\_\_\_ day of \_\_\_\_\_, 2016.  
 In witness whereof, the undersigned set her hand this \_\_\_\_ day of \_\_\_\_\_, 2016.  
 By: Charles W. Tink  
 By: Judith Tink

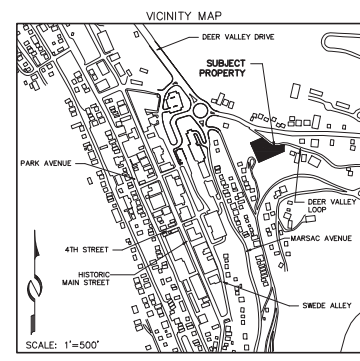
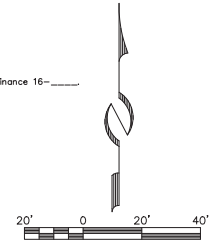
### ACKNOWLEDGMENT

State of \_\_\_\_\_  
 County of \_\_\_\_\_  
 On this \_\_\_\_ day of \_\_\_\_\_, 2016, Charles W. Tink personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Charles W. Tink acknowledged to me that he is the person whose name is subscribed to this instrument, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.  
 Notary Public  
 Printed Name \_\_\_\_\_  
 Residing In: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

### ACKNOWLEDGMENT

State of \_\_\_\_\_  
 County of \_\_\_\_\_  
 On this \_\_\_\_ day of \_\_\_\_\_, 2016, Judith Tink personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Judith Tink acknowledged to me that she is the person whose name is subscribed to this instrument, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.  
 Notary Public  
 Printed Name \_\_\_\_\_  
 Residing In: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

NOTE  
 This subdivision is subject to the Conditions of Approval in Ordinance 16-\_\_\_\_



## GATEWAY ESTATES REPLAT—SECOND AMENDED

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

SHEET 1 OF 1

 (435) 649-0467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____
	FILE: X:\ParkCitySurvey\dwg\ar\plat2015\011015.dwg						



### Project Intent

Judy and Bill Tink would like to build a contemporary home for themselves on what is currently Lot 1 and Lot 2 of Gateway Estates, Park City (408 and 410 Deer Valley Loop).

They currently reside at 412 Deer Valley Loop (Lot 3 of Gateway Estates) and intend to sell this property upon completion of their new home.

### History

Approval had been granted in 2009 for three single family homes to be built on Lots 1, 2 and 3 of Gateway Estates. But in the end, only Lot 3 was developed.

The house was completed in August 2010 and the Tinks purchased the house in June 2011. Lots 1 and 2 were purchased by the Tinks in July 2011 and have remained undeveloped.

### Plat Amendment

The submitted existing conditions and topographic map shows the three lots as currently delineated on the currently recorded amended plat of Gateway Estates along with a proposed modification to return Gateway Estates into two lots.

Reasons for this include but are not limited to:

- We wish to reduce the number of homes from three to two on the total property thus decreasing the density.
- We wish to increase the distance between properties built on this land
- Improve the privacy afforded the homeowners on each lot
- Significantly increase the amount of land devoted to green space on these lots by reducing homes from three to two
- Afford additional space for native animal traffic to move through the area

### Re-Zone

Gateway Estates exists as an anomaly within the Deer Valley Loop / Deer Valley Drive residential area. It is zoned as Historic Residential (HR-1) and yet the only property built to HR-1 standards that we are aware of is our home at 412 Deer Valley Loop.

We request that Gateway Estates be re-zoned to Residential (R-1) for the reasons outlined below:

- We wish to build a more contemporary style home and feel the HR-1 restrictions would compromise this
- All properties in the immediate area (with the exception of 412 Deer Valley Loop) are R-1
- Our immediate neighbor would be Roundabout Condos and this is a contemporary structure



- The ridgeline paralleling Ontario Road is the visual separation of Old Town and 408 Deer Valley Loop and therefore our property cannot be seen from Old Town
- The new condominiums and the Tlou property on Echo Spur are contemporary design and yet both of these are between Old Town and 408 Deer Valley Loop. We believe these properties were rezoned from HR-1 to R-1
- The Park City Land Management Code under R-1 defines one of its purposes as "Encourage development that protects and enhances the entry corridor to the Deer Valley Resort Area". Certainly this property will be part of this entry corridor as it will be at the junction of Deer Valley Drive and Deer Valley Loop
- Another purpose of the R-1 code is to "Encourage densities that preserve the existing residential environment and that allow safe and convenient traffic circulation". Certainly there would be no impact on traffic as entry to the property would be via the existing easement access agreement for a driveway with 412 Deer Valley Loop. Also, we would be reducing the house densities by re-establishing Gateway Estates to two lots verses the current three lots.
- All current new construction in this area can be defined as contemporary or modern. This includes Roundabout Condominiums, Echo Spur Condominiums, the Tlou home on Echo Spur and the Mullen home on Rossie Hill Drive.

Furthermore, it is highly likely that we would use the same architect as being used on the Roundabout Condos thus providing a consistent architectural feel as people access the entry corridor to the Deer Valley Resort Area.

Bill Tink  
October 25, 2015

DEC 01 2015

Exhibit C – Existing Conditions & Topographic Map

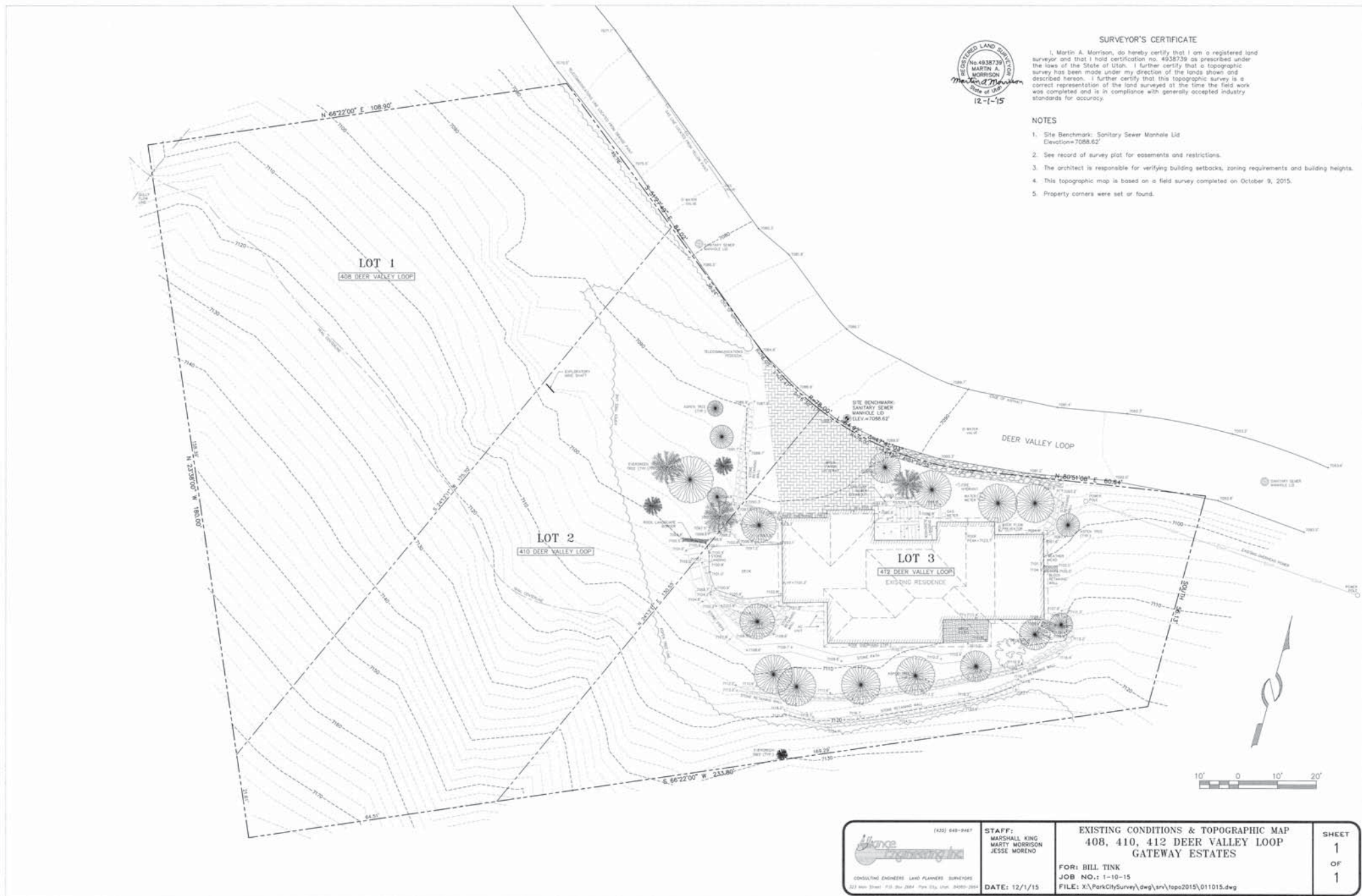


Exhibit D – Aerial Photograph




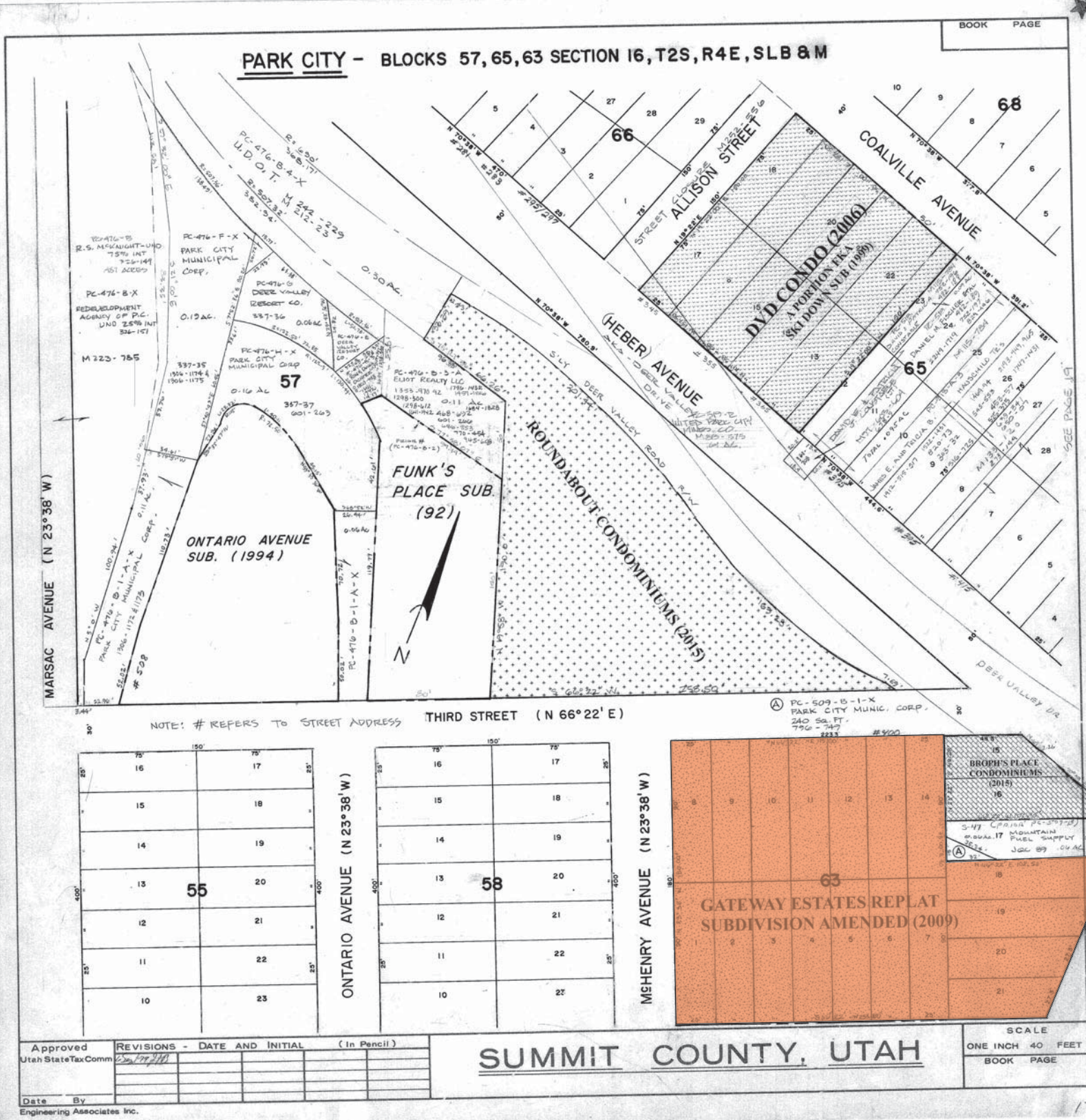
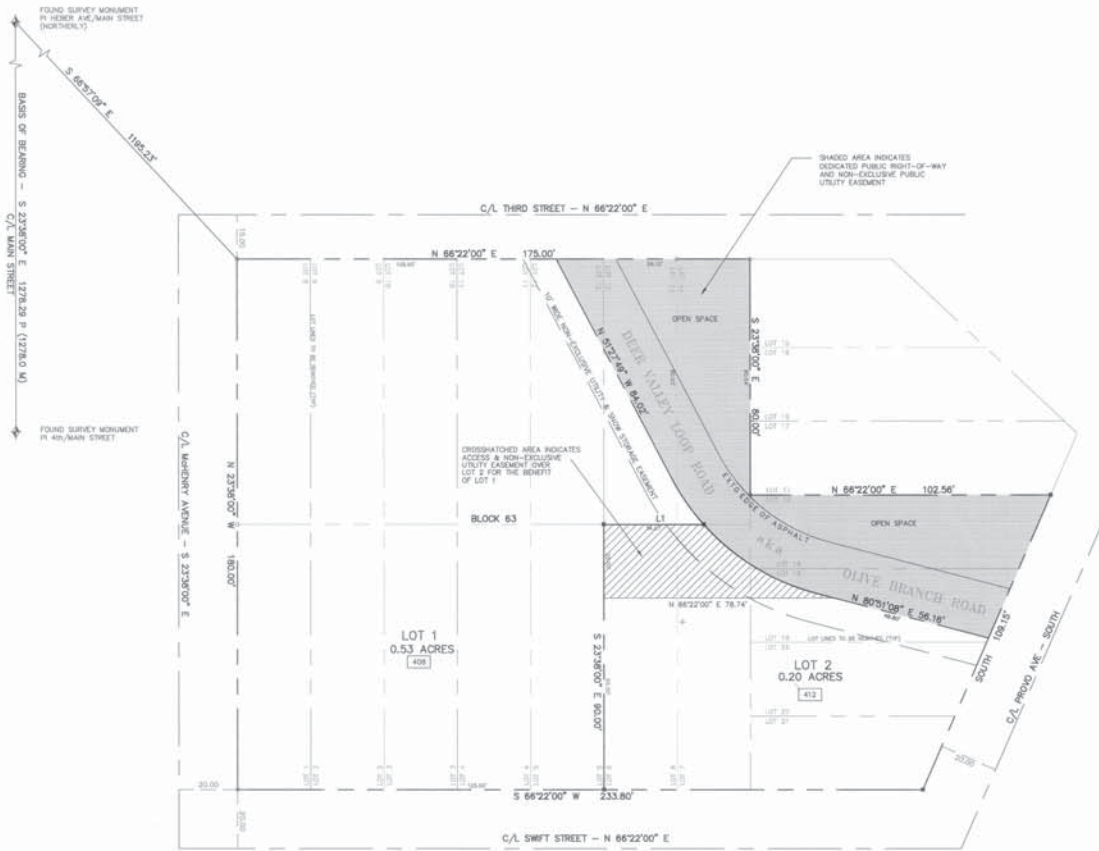
 <p>(435) 648-9427 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2164 Park City, Utah 84060-2164</p>	<p>STAFF: MARSHALL KING JESSE MORENO</p>	<p>AERIAL PHOTOGRAPH GATEWAY ESTATES BLOCK 63, PARK CITY SURVEY</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 12/1/15</p>		

Exhibit E – County Tax Map



# Exhibit F – Gateway Estates Replat (retired)



NOTES:  
 1. FOR DEVELOPMENT PURPOSES THE MAXIMUM SQUARE FOOTAGE OF THE BUILDING FOOTPRINT IN LOT NO. 1 SHALL BE 3,150 SQUARE FOOT.  
 2. FOR DEVELOPMENT PURPOSES THE MAXIMUM SQUARE FOOTAGE OF THE BUILDING FOOTPRINT IN LOT NO. 2 SHALL BE 2,593 SQUARE FOOT.

**SURVEYOR'S CERTIFICATE**

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163031, as prescribed by the laws of the State of Utah, and that by authority of the owner(s), I have prepared this Record of Survey map of GATEWAY ESTATES REPLAT and that the same has been or will be monumented on the ground as shown on this plat.

*John Demkowicz*  
 John Demkowicz

5/16/00  
 Date



**LEGAL DESCRIPTION**

ALL OF BLOCK 63, PARK CITY SURVEY, PARK CITY, UTAH, ACCORDING TO THE ORIGINAL PLAT THEREOF, RECORDED IN THE OFFICE OF THE COUNTY RECORDER, SUMMIT COUNTY, UTAH, EXCEPTING THEREFROM LOTS 15, 16, AND 17.

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

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as the GATEWAY ESTATES REPLAT, do hereby certify that we have caused this Lot Line Amendment Plat to be prepared, and we, Thomas Hurd and Paula Hurd, husband and wife as joint tenants, hereby consent to the recordation of this Lot Line Amendment Plat.  
 ALSO, the owners or their representative, hereby irrevocably offer for dedication to the City of Park City of the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and construction drawings in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set their hands this 16<sup>th</sup> day of May, 2000.  
*Thomas Hurd*  
 Thomas Hurd  
 Owner  
*Paula Hurd*  
 Paula Hurd  
 Owner

LINE TABLE		
LINE	LENGTH	BEARING
17	37.04	S88°22'00" W

CURVE TABLE			
CURVE	LENGTH (FEET)	DELTA	
17	19.19	78.00	1450'40"
18	45.73	78.00	3320'20"

**LEGEND**

- PROPERTY CORNER PREVIOUSLY SET, RECORDED SURVEY S-1875
- PROPERTY CORNER TO BE SET
- DEDICATED PUBLIC RIGHT-OF-WAY AND NON-EXCLUSIVE PUBLIC UTILITY EASEMENT
- ▨ ACCESS & NON-EXCLUSIVE UTILITY EASEMENT
- 412 STREET ADDRESS ON DEER VALLEY LOOP ROAD

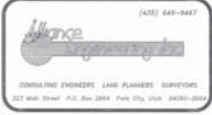
**ACKNOWLEDGEMENT**

State of Utah:  
 County of Summit:  
 On this 16<sup>th</sup> day of May, 2000, Thomas Hurd and Paula Hurd personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Thomas Hurd and Paula Hurd acknowledged to me that they are the owners of the herein described tract of land and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.  
*Wanda Kester Jones*  
 Notary Public  
 My commission expires November 5, 2001.



## LOT LINE ADJUSTMENT GATEWAY ESTATES REPLAT

LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND THE PARK CITY SURVEY, PARK CITY, SUMMIT COUNTY, UTAH



**SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT**  
 REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 17<sup>th</sup> DAY OF MAY, 2000 A.D.  
 BY *[Signature]*  
 S.S.I.D.

**PLANNING COMMISSION**  
 APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 24<sup>th</sup> DAY OF MAY, 2000 A.D.  
 BY *[Signature]*  
 CHAIRMAN

**ENGINEER'S CERTIFICATE**  
 I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 19<sup>th</sup> DAY OF MAY, 2000 A.D.  
 BY *[Signature]*  
 PARK CITY ENGINEER

**APPROVAL AS TO FORM**  
 APPROVED AS TO FORM THIS 26<sup>th</sup> DAY OF MAY, 2000 A.D.  
 BY *[Signature]*  
 PARK CITY ATTORNEY

**CERTIFICATE OF ATTEST**  
 I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 30<sup>th</sup> DAY OF MARCH, 2000 A.D.  
 BY *[Signature]*  
 PARK CITY RECORDER

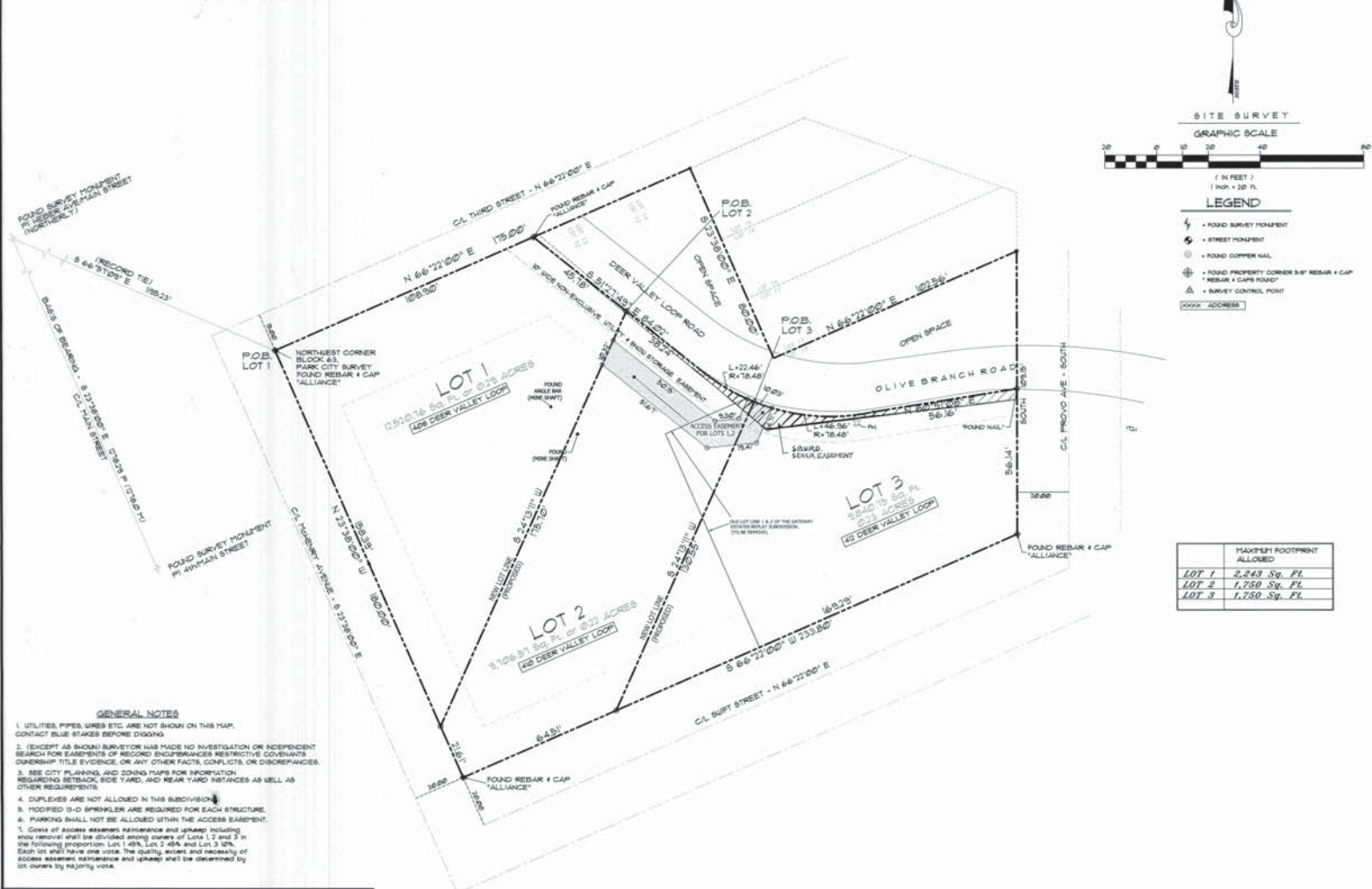
**COUNCIL APPROVAL AND ACCEPTANCE**  
 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 30<sup>th</sup> DAY OF MARCH, 2000.  
 BY *[Signature]*  
 MAYOR

JOB NO.: 8-12-99 FILE: Z:\SRV\SRV99\PCS\HURDP.DWG  
**#566533 RECORDED**  
 STATE OF UTAH, COUNTY OF SUMMIT, FILED AT THE REQUEST OF Coalition Title  
 DATE 06-01-2000 TIME 10:40AM BOOK --- PAGE ---  
 FEE 35.00 *[Signature]*  
 RECORDED *[Signature]*

# Exhibit G – Gateway Estates Replat Amended

## GATEWAY ESTATES REPLAT SUBDIVISION (AMENDED)

LOT LINE ADJUSTMENT  
AMENDING LOT 1 & 2  
LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE 4 MERIDIAN  
SUMMIT COUNTY, UTAH



LOT	MAXIMUM FOOTPRINT ALLOWED
LOT 1	2,543 Sq. Ft.
LOT 2	1,250 Sq. Ft.
LOT 3	1,250 Sq. Ft.

### SURVEYOR'S CERTIFICATE

I, TIMOTHY R. JOHANSON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR HOLDING CERTIFICATE NO. 5152850 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY THE OWNERS I HAVE SURVEYED THE TRACT OF LAND SHOWN ON THIS PLAN, OF BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:



### BOUNDARY DESCRIPTION

AMENDING LOTS 1 & 2 OF THE GATEWAY ESTATES REPLAT SUBDIVISION, (FILED 486633) RECORDED JUNE 1, 2000. LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE 4 MERIDIAN, SUMMIT COUNTY, UTAH.

ALSO, DESCRIBED AS, ALL OF BLOCK 63, PARK CITY SURVEY, PARK CITY, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN THE OFFICE OF THE COUNTY RECORDER, SUMMIT COUNTY, UTAH, EXCEPTING THEREFROM LOTS 16, 18, AND 17, NEW LOTS 1-3 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**LOT 1**  
Beginning at a point that is South 68°57'00" East, a distance of 1,195.23 feet from an existing monument located in the intersection of Haber Avenue & Main Street to the Point of Beginning; said point being describe as the Northwesterly corner of Block 63, Park City Survey; said point monumented with a 5/8" Rebar & Cap stamped "Alliance" there surveying:  
North 68°22'00" East, a distance of 108.90 feet; then  
South 51°27'49" East, a distance of 45.79 feet; then  
South 24°12'11" West, a distance of 175.70 feet; then  
North 68°22'00" West, a distance of 158.39 feet to the Point of Beginning.  
(Containing 12,221 square feet or 0.287 acres, more or less.)

**LOT 2**  
Beginning at a point that is East, a distance of 135.57 feet; then North, a distance of 15.14 feet from the Northwesterly corner of Block 63, Park City Survey; said point monumented with a 5/8" Rebar & Cap stamped "Alliance" there surveying:  
South 57°27'49" East, a distance of 58.24 feet to the point of curve of a non tangent curve to the left, of which the radius point lies North 38°29'11" East, a radial distance of 78.48 feet; then southeasterly along the arc, through a central angle of 16°23'48", a distance of 22.46 feet; then  
South 24°12'11" West, a distance of 130.55 feet; then  
South 68°22'00" West, a distance of 84.51 feet; then  
North 22°30'00" West, a distance of 21.51 feet; then  
North 24°12'11" East, a distance of 175.70 feet to the Point of Beginning.  
(Containing 9,709 square feet or 0.223 acres, more or less.)

**LOT 3**  
Beginning at a point that is East, a distance of 154.82 feet; then South, a distance of 19.98 feet from the Northwesterly corner of Block 63, Park City Survey; said point monumented with a 5/8" Rebar & Cap stamped "Alliance" there surveying:  
At the beginning of a curve to the left, of which the radius point lies North 22°00'24" East, a radial distance of 78.48 feet; then  
easterly along the arc, through a central angle of 34°16'48", a distance of 46.56 feet; then  
North 68°57'00" East, a distance of 56.14 feet; then  
South, a distance of 56.14 feet; then South 68°22'00" West, a distance of 169.29 feet; then  
North 24°12'11" East, a distance of 130.55 feet to the Point of Beginning.  
(Containing 8,841 square feet or 0.202 acres, more or less.)

### OWNERS CERTIFICATE OF CONSENT TO RE-OPEN

KNOW ALL MEN BY THESE PRESENTS THAT DEER VALLEY LOOP, LLC AND REDWOOD ROAD TWO, LLC, THE UNDERSIGNED OWNERS OF THE HEREBY DESCRIBED TRACT OF LAND TO BE KNOWN HEREAFTER AS GATEWAY ESTATES REPLAT SUBDIVISION (AMENDED), CERTIFY THAT I HAVE CAUSED THIS LOT LINE ADJUSTMENT PLAT TO BE MADE AND CONSENT TO THE REODICATION AT THIS LOT LINE ADJUSTMENT PLAT. ALSO, THE OWNER, OR HIS/HER REPRESENTATIVE, HEREBY IRREVOCABLY OFFER FOR DEDICATION TO THE CITY OF PARK CITY ALL THE STREETS, LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, PARKS, AND REQUIRED UTILITIES AND EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION. IN WITNESS WHEREOF, THE UNDERSIGNED SET THEIR HAND THIS DAY OF 2016.

*Mark Wesley*  
DEER VALLEY LOOP-LLC  
*Redwood Road Two, LLC*

### ACKNOWLEDGMENT

STATE OF UTAH  
COUNTY OF SUMMIT  
ON THIS 11 DAY OF 2016, A.D., 2016, PERSONALLY APPEARED BEFORE ME, TRUDY W. STUMPH, WHO BEING SOLELY SWORN DID SAY THAT THEY ARE THE UNDERSIGNED SIGNERS OF THE ABOVE DESCRIBED INSTRUMENT, AND THAT THEY KNOW THE CONTENTS OF THE INSTRUMENT AND THE SIGNATURES OF THE SIGNERS THEREON, AND THAT THE INSTRUMENT IS VOLUNTARILY EXECUTED BY THEM.  
MY COMMISSION EXPIRES



### GATEWAY ESTATES REPLAT SUBDIVISION (AMENDED)

LOT LINE ADJUSTMENT  
AMENDING LOT 1 & 2  
LOCATED IN THE SOUTHEAST 1/4 OF SECTION 16,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST,  
SALT LAKE BASE 4 MERIDIAN  
SUMMIT COUNTY, UTAH

**GENERAL NOTES**

- UTILITIES, PIPES, WELLS ETC. ARE NOT SHOWN ON THIS MAP. CONTACT BLUE STAKES BEFORE DIGGING.
- EXCEPT AS SHOWN SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT RESEARCH FOR EVIDENCE OF RECORD ENCUMBRANCES RESTRICTIVE COVENANTS OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS, CONFLICTS, OR DISCREPANCIES.
- SEE CITY PLANNING AND ZONING MAPS FOR INFORMATION REGARDING RETRACTION, SIDE YARDS, AND REAR YARD DISTANCES AS WELL AS OTHER REQUIREMENTS.
- DUPLICATES ARE NOT ALLOWED IN THIS SUBDIVISION.
- MODIFIED 3-D SPRINKLER ARE REQUIRED FOR EACH STRUCTURE.
- PARKING SHALL NOT BE ALLOWED WITHIN THE ACCESS EASEMENT.
- COATS OF ACCESS EASEMENTS MAINTENANCE AND UPKEEP INCLUDING VIEWS (REMOVE AND) BE DIVIDED EQUALLY OWNERS OF LOTS 1, 2 AND 3 IN THE FOLLOWING PROPORTION: LOT 1 40%, LOT 2 40% AND LOT 3 20%. EACH CO WILL HAVE ONE VOTE. THE QUALITY, SCOPE, AND NATURE OF ACCESS EASEMENTS MAINTENANCE AND UPKEEP SHALL BE DETERMINED BY LOT OWNERS BY MAJORITY VOTE.

**LAND DESIGN ENGINEERING**  
7412 SOUTH STATE STREET  
SUITE 203  
MIDVALE CITY, UTAH 84047  
OFFICE: (801) 495-2341  
FAX: (801) 495-2547

**LDE**  
LAND DESIGN ENGINEERING, LLC

- PLANNING
- ENGINEERING
- SURVEYING

**CITY APPROVAL & ACCEPTANCE**  
APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS 10 DAY OF August, 2008 A.D.

*Rama Williams*  
CITY CLERK

**CITY PLANNING COMMISSION**  
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS 09 DAY OF March, 2016 A.D.

*John Thomas*  
CHAIRMAN  
3-18-09

**CERTIFICATE OF ATTEST**  
I CERTIFY THIS RECORD OF SURVEY WAS APPROVED BY PARK CITY COUNCIL THIS 10 DAY OF August, 2008 A.D.

*Justin Scott*  
CITY CLERK

**PARK CITY ENGINEER'S CERTIFICATE**  
I FIND THIS PLAT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTAH SURVEYING ACT.

*[Signature]*  
PARK CITY ENGINEER

**SNYDERVILLE BASIN WATER RECLAMATION DISTRICT**  
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS

*[Signature]*  
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

**APPROVAL AS TO FORM**  
APPROVED AS TO FORM THIS 11 DAY OF March, 2016 A.D., 2016

*[Signature]*  
PARK CITY SURVEYOR

**FILED**  
FILED AT THE REQUEST OF U.S. Title of Utah  
DATE 3-24-2016 TIME 3:01 PM BOOK 1833 PAGE 43

*[Signature]*  
COUNTY RECORDER



Gateway Estates looking east

## Exhibit H – Site Photographs





Gateway Estates looking southeast



Gateway Estates looking northeasterly



Gateway Estates looking west

# Exhibit I - Existing Zoning Map 408+410+412 Deer Valley Drive



### Legend

- Road Edges
- Building Outline
- Parcels
- Streets


### Zoning District

- HRL
- HR-1
- HR-2A
- HR-2B
- HRM
- HRC
- HCB
- ROS
- POS
- E
- SF
- R-1
- RD
- RDM
- RM
- RC
- GC
- LI
- PUT
- CT
- RCO
- MPD

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# Exhibit J – Adjacent Use Aerial Photograph



 <p>(435) 648-9467</p> <p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 322 Main Street, P.O. Box 2654 Park City, Utah 84060-2654</p>	<p>STAFF: MARSHALL KING JESSE MORENO</p>	<p>AERIAL PHOTOGRAPH GATEWAY ESTATES BLOCK 63, PARK CITY SURVEY</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 12/1/15</p>	<p>FOR: BILL TINK JOB NO.: 1-10-15 FILE: X:\ParkCitySurvey\dwg\Exhibits\Gateway Estates\gateway estates-ortho.dwg</p>	



**CITY COUNCIL STAFF REPORT**

**Date:** March 30, 2000  
**Department:** Planning Department  
**Title:** 412 Deer Valley Loop Road - Plat Amendment  
**Type of Item:** Legislative

**Summary Recommendations:** Conduct a public hearing and adopt the attached Ordinance approving a plat amendment to consolidate lots 1-14 and lots 18-21 of Block 63 of the Park City Survey into two separate lots of record.

**A. Project Statistics**

**Applicant:** Tom and Paula Hurd  
**Location:** 412 Deer Valley Loop Road  
**Zoning:** HR-1 - Historic Residential District  
**Adjacent Land Uses:** Residential  
**Project Planner:** Kevin LoPiccolo  
**Date of Application:** January 5, 2000

**B. Background**

On February 23, 2000, the Planning Commission voted to forward to City Council a positive recommendation to approve a plat amendment to combine a total of eighteen historic platted lots into two separate lots of record.

The proposed application requests is to combine 18 lots in Block 63 of the Park City Survey into two separate lots of record. Lot 1 would be approximately 27,007 square feet and Lot 2 would be approximately 12,196 square feet. The property is zoned HR-1. The lots are located on the northeast slope of Rossie Hill below Silver Pointe Subdivision.

The property slopes up to the south to platted Fifth Street. Lots 1-14 has a slope of approximately 40% and Lots 18-21 has a slope of approximately 30 %. Deer Valley Loop Road, a prescriptive right-of-way, bisects the northeast portion of the property. Deer Valley Loop Road was known as Olive Branch Road in the mining era.

The development pattern in the general area of Deer Valley Loop Road consists of single-family dwellings and multi-family structures.

**C. Analysis**

**Use:** Future development will need to comply with requirements for Steep Slope Development as set forth in the Land Management Code. Each lot will be reviewed separately under a conditional use permit. The design of each proposed single-family dwelling will be reviewed pursuant to the Historic Design Guidelines.

**Minimum lot size and underlying zoning:** As currently platted, the applicant has 18 platted HR-1 lots. Under the HR-1 zone, the minimum lot size is 1,875 square feet. The applicant is proposing to combine all lots into two lots of record. The new lots will be 27,007 and 12,196 square feet respectively.

27,007 12,196

**Access**

Deer Valley Loop Road, a prescribed roadway, crosses the property and an existing driveway would provide access to both parcels. An easement would be created across a portion of parcel 2 for access and utilities for the benefit of parcel 1. Deer Valley Loop Road and two small remnant parcels as part of the condition of approval will be dedicated to City as part of the Plat Amendment approval. In exchange for the road dedication, the square footage of the two small remnant parcels will be added to Lot 1 for purposes of calculating maximum building footprints. The area of the dedicated road right-of-way will not be added to the lot areas for purposes of calculating maximum building footprint.

**D. Public Input**

All owners within 300' of the property were noticed. As of the date of this report there have been two phone calls in support of the proposed plat amendment.

**Recommendation**

The Community Development Department recommends approval of the proposed Plat Amendment application to allow the creation of two lots of record, based upon the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

**Finding of Fact:**

1. The property is in the HR-1 Zone.
2. Deer Valley Loop Road is characterized by single-family dwellings, and multi-family structures.
3. The plat amendment results in combining eighteen lots into two lots of record.
4. The proposed lot combination will create one 27,007 square foot lot and one 12,196 square foot lot. Minimum lot size for a single family dwelling is 1,875 square feet.
5. The applicant is deducting Deer Valley Loop Road through the property as public right-of-way and the remnant parcels to the north as open space.
6. The applicant stipulates to all conditions of approval.

**Conclusions of Law:**

1. Neither the public nor any person will be materially injured by the proposed plat revision.

2. There is good cause for the amendment.
3. The amended plat is consistent with the Park City Land Management Code and applicable State law regarding Subdivision plats.

**Conditions of Approval:**

1. The City Attorney and City Engineer's review and approval of the final form and content of the amended plat is a condition precedent to recording the plat.
2. All standard Project Conditions shall apply and Land Management Codes shall apply.
3. The final plat shall be recorded at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year time, the approval and the plat shall be considered void.
4. A Construction Management Plan (CMP) shall be submitted to and approved by the Community Development Department prior to the issuance of any building permits. The plan shall address staging, material storage, construction time lines, special signs, parking, fencing, and any other construction related details to the satisfaction of the Community Development Department.
5. The project complies with the fire and emergency access requirements, by virtue of a fire protection plan which addresses alternative methods of code compliance, such as provision of type 13D fire sprinkler systems, alternative access, fire separation of structures, and non-combustible roof materials.
6. A ten (10) foot non-exclusive utility and snow storage easement along Deer Valley Loop Road shall be dedicated to the City on the plat. Adherence to these provisions is required.
7. Construction for Steep Slope Development shall be reviewed by the Planning Commission as provided in the Land Management Code.
8. Design of the proposed homes on all lots require review and approval for compliance with the Historic District Design Guidelines.
9. The Deer Valley Road right-of-way may not be used for maximum building footprint calculation. The remnant lots north of Deer Valley Loop Road may be used as part of the total footprint calculation formula found in the HR-1 zone. The remnant lots north of Deer Valley Loop Road shall be designated as Open Space on the plat.
10. No remnant lot created hereby is separately developable.
11. The remnant parcels to the north shall be revised and shown on the plat public as right-of-way.

**Exhibits:**

- Exhibit A - Vicinity Map
- Exhibit B- Existing Plat Map
- Exhibit C - Standard Project Conditions
- Exhibit D - Minutes from February 23, 2000