



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF February 10, 2016

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

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

2392 Holiday Ranch Loop Road- Conditional Use Permit for construction of a new well house that will support both the Divide and Park Meadows Well on the same property that the current well houses exist. <i>Continuation to March 23, 2016</i>	PL-16-03079 <i>Planner Hawley</i>	41
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REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

545 Main Street / 550 Park Avenue, April Inn Condominiums – Condominium Record of Survey that creates a total of seven (7) units. <i>Public hearing and Possible Recommendation to City Council on March 24, 2016</i>	PL-16-03089 <i>Senior Planner Astorga</i>	43
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Land Management Code Amendments regarding noticing in Chapter 15-1-18, Historic Preservation in Chapter 15-11, and associated definitions in Chapter 15-15, Defined Terms. <i>Public hearing and Possible Recommendation to City Council on March 24, 2016</i>	PL-15-03024 <i>Planner Grahm</i>	67
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ADJOURN

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
FEBRUARY 10, 2016

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

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

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:30 p.m. and noted that all Commissioners were present.

ADOPTION OF MINUTES

January 13, 2016

Commissioner Band referred to page 10, first full paragraph, and changed Director Eddington to correctly read **Director Erickson**.

MOTION: Commissioner Band moved to APPROVE the minutes of January 13, 2016 as amended. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Erickson reported that a Planning Commission liaison position was open on the Citizens Open Space Advisory Committee. He noted that Commissioner Joyce has fulfilled that role in the past and expressed an interest in continuing to do so. Director Erickson requested that the Planning Commission appoint a member and an alternate to the COSAC.

Chair Strachan was not opposed to having Commissioner Joyce continue as the liaison, as long as he was willing to serve. Chair Strachan noted that he was the alternate but he has never had to attend, which was a testament to Commissioner Joyce's commitment and attendance record. Chair Strachan remarked that he would be leaving the Planning Commission in July so he would not be able to continue as the alternate. Commissioner Band offered to be the alternate for COSAC.

MOTION: Commissioner Phillips moved to nominate Steve Joyce as the Planning Commission representative to the Citizens Open Space Advisory Committee, and Melissa Band as the alternate. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Director Erickson stated that he and Alfred Knotts, the Transportation Manager, thought it would be interesting for the Planning Commission to hear an update what was being done in regards to transportation. He noted that the transportation report that was emailed to the Commissioners was the internal report that goes to the City Manager on a weekly basis. The language in black was the previous week and the language shown in red was the update. He noted that it was a more detailed report of what was occurring than what was presented during the work session at the last meeting. Director Erickson stated that if the report format was too detailed they would summarize it for future updates; however, he believed this format was more informative.

Chair Strachan agreed that the more informative format was better; but he did not think it was necessary to print it out because the Commissioners could read it on their email. Director Erickson noted that copies would still be printed for the public.

Chair Strachan wanted to know who attends the transportation planning meetings. Director Erickson explained that the update was from Mr. Knotts. The attendees depend on the committee and the area. Lower Park Avenue, Bonanza Park, and the Short Range Transit Development Plan were internal reviews by Mr. Knotts. The Corridor Studies were meetings with UDOT, the resorts, the hotels, the school district, and Park City to form the Transportation Management Advisory Association. Automated traffic recorders and MOU with UDOT were meetings with Mr. Knotts and the State. Sometimes Director Erickson or Matt Cassel, the City engineer, are involved if they have issues that require coordination with the State. For example, he is involved in intersection improvements on Bonanza. Matt Cassel is involved in updates on some of the Streets Master Plan. Director Erickson stated that it is very complicated and Mr. Knotts is doing a great job.

Commissioner Joyce asked if it would be possible to forward the updates to the Planning Commission each week. Director Erickson stated that he prepares a report weekly and Mr. Knotts prepares a report weekly. The reports are combined and submitted to the City Manager, and portions of it go to the City Council. He would discuss it with Mr. Knotts and the Planning Commission may see it going forward. It may lag a week or two because the Planning Commission meets every two weeks. It needs to be noticed and published because it would be part of the Staff report. Chair Strachan asked if the Commissioners could be included on the cc of the email list rather than have it part of the packet. It would be a public document that they were reviewing.

Assistant City Attorney McLean stated that this was the first time she had seen the document. Assuming that it is subject to GRAMA and a public document, they should be able to include the Commissioners on the email list, but they also need to make it available to the public as well. Director Erickson offered to work on the logistics for the next meeting.

Director Erickson stated that over the summer the Staff outlined a program of training in building consent. The training is set and the date was scheduled. Director Erickson requested two volunteers from the Planning Commission spend February 22, 23, and 24 from 8:00 to 5:00 in very intensive training. The cost would come out of the Planning Department budget for the fiscal year. Director Erickson remarked that the majority of the City Council would attend, Diane Foster and Tom Fisher from Summit County were also planning to attend, as well as other department heads. He had reserved two spaces for the Planning Commission; however, if no one could attend he would release those spots to other people.

Chair Strachan had a conflict and would be unable to attend. Commissioner Band stated that she would like to attend but would not know for a day or two whether she could commit. Commissioner Joyce offered to attend. Commissioners Phillips and Thimm also had conflicts on those days. Chair Strachan stated that Commissioner Band should let Director Erickson know as soon as possible whether she would attend. If she cannot attend, the second spot reserved for the Planning Commission should be open to someone else.

Commissioner Phillips stated that he was looking through minutes from previous meetings and noted that they previously talked about looking at Snow's Lane. He asked if Director Erickson could provide an update when the Planning Commission would be getting high level information on that area.

Director Erickson did not believe they would be dealing with annexation declaration boundaries until the second quarter, which is the process for looking at annexing Snow's Lane and any other lands the City Council directs them to look at. Planner Whetstone

reported that she has also had conversations with property owners who use Snow's Lane, and they are interested in being annexed and doing something on their property. Planner Whetstone understood that Snow's Lane has an access easement over Armstrong property. It is not a City street. Director Erickson pointed out that there were issues from an applicant standpoint, as well as the annexation boundary declaration, which has to go through the Lieutenant Governor's Office.

Commissioner Phillips anticipated a busy year for the Planning Department based on the building that is occurring or proposed. He asked about staffing for the workload. Director Erickson stated that they were currently in the budget cycle for fiscal year 2017 and fiscal year 2018. Currently, one Staff position is open and he did not anticipate making a request for additional Staff. He was confident that the Staff would be able to handle the workload.

Commissioner Campbell disclosed that he was the builder on 308 Deer Valley Drive, which is next door to the Gateway Estates project. He did not believe it presented a conflict or would affect his ability to discuss and vote on the agenda item this evening.

CONSENT AGENDA

1. 8910 Empire Club Drive- Conditional Use Permit for construction of Building 5 of the Village at Empire Pass Master Planned Development, consisting of 27 residential units, 1 ADA unit, and 1 deed restricted unit located on Lot 15 Village at Empire Pass West Side Subdivision (Application PL-15-02983)
2. 8910 Empire Club Drive- Condominium record of survey plat for 27 residential units within Building 5 of the Village at Empire Pass Master Planned Development. (Application PL-15-03003)

Chair Strachan opened the public hearing on the Consent Agenda items.

There were no comments or requests to remove an item from the Consent Agenda.

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

VOTE: The motion passed unanimously.

Findings of Fact – 8910 Empire Club Drive - CUP

1. The One Empire Pass Conditional Use Permit (CUP) is located in the RD-MPD zoning district, within Pod A of the Village at Empire Pass Master Planned Development.

2. The property is subject to the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999 and amended on March 2, 2007.
3. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities for the annexation area.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Village MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The MPD (known as Mountain Village) was amended to include Pod B2 (Montage). The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multifamily units) and 16 single family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units. To date 352 multi-family units (558.3 UE) (of which 52 are PUD style units) and 16 single family units have been platted and/or built.
5. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff, Arrowleaf A and B, and Grand Lodge. Still to be approved are Tower Residences (Building 1), Building 3, Building 4, and subject property One Empire Pass, as Building 5. There is sufficient remaining density (226.7 UE), or 198 units, to accommodate the density of Building 5 (32.48 UE) as 27 units in a lodge style building.
6. Approximately 368 certificates of occupancy for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D) have been issued. According to the Annexation and Development Agreement, the affordable housing obligations come due for each 150 certificates of occupancy. The next housing obligation trigger point is 450 certificates of occupancy. The 27 certificates of occupancy for One Empire Pass would bring the total to 395 certificates of occupancy.
7. One affordable AUE is proposed as part of the One Empire Pass condominium plat, as part of the sale agreement for the 32.8 UEs the applicant purchased from the owner.
8. On October 26, 2015, the Planning Department received an application for a Conditional Use Permit for a twenty seven unit residential building to be located on Lot 15 of the Village at Empire Pass West Side Subdivision.

9. The application was deemed complete on October 30, 2015.

10. Access to the property is from Empire Club Drive, a private street, via Marsac Avenue, a public street.

11. The property is also known as Lot 15 of the Village at Empire Pass West Side Subdivision, approved by Council in 2005 and recorded at Summit County on August 12, 2005. Lot 15 consists of 50,999 square feet of lot area and is currently undeveloped.

12. The property is subject to subdivision plat notes that require compliance with RD zone setbacks, approval of a Conditional Use Permit for each building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units, membership in the Empire Pass Master HOA, identifies Empire Club Drive as a private street, plats a 20' snow storage easement along the street frontages, requires water efficient landscape, and includes other utility and maintenance provisions.

13. The proposed One Empire Pass CUP consists of a single multi-story building with 27 residential units ranging in size from 1,140 sf to 3,895 sf, one 900 sf affordable housing unit, and one 944 sf ADA unit. The gross building area is 113,293 sf, including the parking garage, storage, mechanical, trash and recycling area, fire command closet, pool mechanical, and entry lobby, as well as circulation elevators and stairs, and common amenities on the upper floors that do not utilize UEs.

14. The building consists of 64,965 square feet of residential uses and utilizes 32.48 Unit Equivalents. Common amenities areas (exercise and recreation rooms, ski lockers, locker rooms, etc. are proposed at the south end of levels one and two. Common amenity areas do not require use of UEs.

15. No commercial uses are proposed.

16. The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Based on unit sizes, fifty-two (52) spaces would be required for the 27 units based and one ADA unit. The 25% reduction is 40 spaces. The underground parking structure will have 38 spaces and 2-4 surface spaces will be provided near the front drop-off area.

17. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.

18. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception was approved with the Village Master Plan Development. Specific volumetric diagrams were approved for each Building Site. For Building 5, 20% of the building was permitted to reach 80' above existing grade, 55% of the building to reach 92' above existing grade, and 25% of the building to reach 74' above existing grade. The volumetric diagram allows Building 5 to be four to six stories.

19. The proposed building complies with the granted height exceptions and percentages, number of stories, and required vertical and horizontal articulation. The proposed building is 11.5' to 15' lower than the 80' allowance (20% of the building), approximately 9'-8" below the 92' allowance (55% of the building), and approximately 5' lower than the 74' allowance (25% of the building).

20. The building complies with all RD District zone setbacks maintaining a 25' front setback, 12' side setbacks, and 15' rear setbacks.

21. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of building permits for buildings within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.

22. The Construction Mitigation Plan for the Mountain Village reiterates downhill construction truck traffic for this Conditional Use Permit will use Royal Street, as opposed to Marsac Avenue.

23. Excavated soil will remain within the Flagstaff Annexation area as required by the Annexation Agreement.

Conclusions of Law – 8910 Empire Club Drive - CUP

1. The CUP, as conditioned, is consistent with the Village at Empire Pass Master Planned Development and Flagstaff Mountain Resort Master Planned Development, the Park City Land Management Code, and the General Plan.

2. The proposed use, as conditioned, will be compatible with the surrounding structures in use, scale, mass and circulation.

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

Conditions of Approval – 8910 Empire Club Drive - CUP

1. All standard conditions of approval apply to this Conditional Use Permit.
2. A final water efficient landscape and irrigation plan that indicates required storm water facilities and snow storage areas, and that meets the defensible space requirements, shall be submitted with the building permit application for approval by the Planning, Building, and Engineering Departments.
3. All exterior lights must conform to the City lighting ordinance and the Flagstaff Mountain Resort Design Guidelines. Final compliance with the City's Lighting Ordinance will be verified at the time of building permit plan review and prior to issuance of a certificate of occupancy.
4. All exterior signs require a sign permit prior to installation.
5. Materials color samples and final design details shall be approved by staff prior to building permit issuance and shall be in substantial compliance with the elevations reviewed by the Planning Commission on January 13, 2016.
6. All exterior mechanical equipment shall be painted and/or otherwise screened and shielded from public streets. All wall and roof top vents and protruding mechanical shall be painted to match the adjacent wall or roof.
7. All utility facilities must be located on site. A plan must be provided at the time of the building permit application showing all utility locations, including dry utilities. The applicant shall provide verification that the utility plan is viable and the utility boxes can be screened.
8. The final building plans and construction details for the project shall substantially comply with the drawings reviewed by the Planning Commission on January 13, 2016 and February 10, 2016.
9. The applicant shall record a condominium Record of Survey prior to selling individual units.
10. Utility and grading plans, including storm water drainage plans, must be approved by the City Engineer prior to Building Permit issuance.

11. Affordable housing provided with this Conditional Use Permit shall comply with all requirements and stipulations of the Flagstaff Development Agreement and the City's affordable housing resolution in effect at the time of the Development Agreement prior to issuance of a certificate of occupancy for the building.

12. All conditions of approval of the Village at Empire Pass MPD shall continue to apply.

13. All conditions of approval of the Flagstaff Annexation and Development Agreement shall continue to apply, including the restrictions on solid wood burning fireplaces, removal of excavated materials, construction of pedestrian connections to the transit hub within the Village, and provision of any required ADA and affordable housing units.

Findings of Fact – 8910 Empire Condominium record of survey plat

1. The One Empire Pass Condominiums are proposed on Lot 15 of the Village at Empire Pass West Side Subdivision, within Pod A of the Village at Empire Pass Master Planned Development.

2. The property is located at 8910 Empire Club Drive.

3. The property is in the Residential Development (RD) Zoning District.

4. The property is subject to the Flagstaff Mountain Annexation and Development Agreement approved by City Council per Resolution No. 99-30 on June 24, 1999 as amended on March 2, 2007.

5. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass (Village MPD) (Pods A and B1) within the Flagstaff Mountain Annexation and Development area. The MPD (known as Mountain Village) was amended to include Pod B2 (Montage).

6. The Mountain Village (Pods A, B1 and B2) was approved for a maximum of 785 UE of multi-family (550 multi-family units) and 16 single-family units. A maximum of 60 PUD style units (i.e. Belles, Paintbrush, and Nakoma) were approved as part of the overall multi-family units.

7. To date, 352 multi-family units (558.3 UE) (of which 52 are PUD style units) and 16 single-family units have been platted and/or built within the Mountain Village.

8. Constructed lodge style buildings include Shooting Star, Silver Strike, Flagstaff,

Arrowleaf A and B, and Grand Lodge. Condominium record of survey plats have been approved and recorded for these buildings.

9. Still to be approved as Conditional Use Permits are Tower Residences (Building 1), Building 3, Building 4, and subject property One Empire Pass, as Building 5.

10. A Conditional Use Permit application for One Empire Pass, aka Building 5 was received on October 26, 2015 and is being reviewed concurrently with this application.

11. There is sufficient remaining density (226.7 UE), or 198 units, to accommodate the density of Building 5 (32.48 UE) as 27 units in a lodge style building.

12. Approximately 368 certificates of occupancy for the entire Flagstaff Annexation and Development area (Pods A, B1, B2, and D) have been issued. According to the Annexation and Development Agreement, the affordable housing obligations come due for each 150 certificates of occupancy. The next housing obligation trigger point is 450 certificates of occupancy. The 27 certificates of occupancy for One Empire Pass would bring the total to 395 certificates of occupancy.

13. On November 13, 2015, the Planning Department received an application for a Condominium Record of Survey plat for the 27 unit residential building to be located on Lot 15 of the Village at Empire Pass West Side Subdivision.

14. The application was deemed complete on November 20, 2015.

15. The Village at Empire Pass West Side Subdivision was approved by Council in 2005 and recorded at Summit County on August 12, 2005. Lot 15 consists of 50,999 square feet of lot area and is currently undeveloped.

16. The property is subject to subdivision plat notes that require compliance with RD District zone setbacks, approval of a Conditional Use Permit for each building prior to issuance of a building permit, a declaration of condominium and a record of survey plat prior to individual sale of units, membership in the Empire Pass Master HOA, identifies Empire Club Drive as a private street, plats a 20' snow storage easement along the street frontages, requires water efficient landscape, and includes other utility and maintenance provisions.

17. The proposed One Empire Pass Lodge building is a multi-story building with 27 residential units ranging in size from 1,140 sf to 3,895 sf, one 900 sf affordable housing unit, and one 944 sf ADA unit. The ADA unit is platted as Common Area.

The affordable unit is platted as Private Area and a deed restriction acceptable to the City will be recorded prior to recordation of the plat.

18. The proposed gross building area, including parking and all common areas is approximately 113,293 square feet. The total residential area subject to Unit Equivalentents is 64,965 square feet utilizing 32.48 Unit Equivalentents. All saleable residential area platted as private area within the Units is counted into the Unit Equivalentent figure and one UE is 2,000 square feet of residential area. Common amenities areas (exercise and recreation rooms, ski lockers, locker rooms, etc. for the use of unit owners and guests) are proposed at the south end of levels one and two. No commercial uses are proposed.

19. The Transit and Parking Management Plan requires a 25% reduction in parking from what would be normally required by the LMC. Based on unit sizes, 55 spaces would be required for the 27 units based and one ADA unit. The 25% reduction is 42 spaces. The underground parking structure will have 38 spaces and 4-5 surface spaces will be provided near the front drop-off area.

20. The elevation and climate of Flagstaff creates a harsh environment for utilities and their maintenance.

21. The maximum Building Height in the RD District is 28 feet (33 feet with a pitched roof). A height exception was approved with the Village Master Plan Development. Specific volumetric diagrams were approved for each Building Site. For Building 5, 20% of the building was permitted to reach 80' above existing grade, 55% of the building to reach 92' above existing grade, and 25% of the building to reach 74' above existing grade. The volumetric diagram allows Building 5 to be four to six stories.

22. The proposed building complies with the granted height exceptions and volumetric in terms of percentage at certain heights, number of stories, and required vertical and horizontal articulation. The proposed building is 11.5' to 15' lower than the 80' allowance (20% of the building), approximately 9'-8" below the 92' allowance (55% of the building), and approximately 5' lower than the 74' allowance (25% of the building).

23. The building complies with all RD District zone setbacks maintaining a 25' front setback, 12' side setbacks, and 15' rear setbacks.

24. A Master Homeowners Association document and Maintenance Agreement for the Mountain Village were reviewed and approved by the City prior to issuance of

building permits for buildings within the Mountain Village. This property is also subject to these documents, in addition to any declaration of condominium and CCRs recorded with the condominium plat.

25. The proposed record of survey plat for the condominium building and development is consistent with the development pattern envisioned in the MPD and the 14 Technical Reports.

Conclusions of Law – 8910 Empire Avenue – Condominium Record of Survey Plat

1. There is good cause for this record of survey.
2. The record of survey 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 record of survey.
4. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 8910 Empire Avenue – Condominium Record of Survey Plat

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey 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 record of survey plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void unless a written request for an extension is submitted to the City prior to the expiration date and the City Council grants an extension.
3. The record of survey plat will note that all conditions of approval of the Village at Empire Pass Master Planned Development, the Village at Empire Pass West Side subdivision plat, and the One Empire Pass Conditional Use Permit shall continue to apply.
4. A deed restriction for the Employee Housing Unit acceptable to the City is required prior to plat recordation. The plat will note that the EHU is subject to a deed restriction. The CCRs shall reflect a lower par-value to reflect the reduced cost of the

unit (or exempt the unit from HOA fees) to ensure that the unit doesn't lose its affordability due to HOA fees.

5. The plat will note the Employee Housing Unit and the ADA accessible unit.

6. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on Lot 15.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **2900 Deer Valley Drive, The Lodges at Deer Valley Phase one, First Amended Condominium, Record of Survey – Proposal to convert the 62 parking spaces from convertible space to common ownership. (Application PL-15-02943)**

Planner Francisco Astorga reported that Makena Hawley was the planner on this item. She was out of the Country and he would be presenting the item this evening in her absence.

Planner Astorga reviewed the application for a record of survey condo plat to change the 62 parking spaces currently platted as convertible space to common space. He explained that per the County Assessor's office the taxes are higher if the space is platted as "convertible". Planner Astorga noted that the use does not change. The space will continue to be used for parking.

Planner Astorga explained that the type of ownership is different from convertible to common; therefore the change is required to go through a condominium record of survey amendment in order for the applicant to record the document with the proposed change.

The Staff requested that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the Lodge at Deer Valley Phase One, First Amended Record of Survey Plat,

based on the Findings of Fact, Conclusions of Law and Conditions of Approval. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 2900 Deer Valley Drive

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 nonconforming 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 – 2900 Deer Valley Drive

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 – 2900 Deer Valley Drive

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.

2. 615 Mellow Mountain Road- First Amendment to Lot 10 Sunnyside Subdivision (Application PL-15-03024)

Planner Kirsten Whetstone reviewed the request for a plat amendment to amend the Sunnyside subdivision, Lot 10 to include a remnant parcel into the platted lot. The history was outlined in the Staff report.

Planner Whetstone explained that when the original subdivision plat was recorded it was not drawn correctly. It was supposed to go to the east boundary of the Lilly Mining Claim but it was drawn slightly to the west and leaving out this parcel. Planner Whetstone stated that the County continues to recognize this 4,355 square foot parcel as being part of Lot 10 and it has the same tax ID as lot 10. However, there has never been a formal subdivision plat amendment to actually include it. It is a vacant lot and the property owners would like to construct a house on it, recognizing that they have a parcel that is not a part of their lot.

Planner Whetstone stated that the Staff had reviewed the application and included standard conditions of approval. The Staff recommended that the Planning Commission, conduct a public hearing and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the First Amended Sunnyside Subdivision Plat Map Amendment located at 615 Mellow Mountain Road. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 615 Mellow Mountain Road

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 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 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 – 615 Mellow Mountain Road

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 – 615 Mellow Mountain Road

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.
3. **1043 & 1049 Park Avenue, Plat Amendment – Proposal to combine these two lots in order to relocate the existing lot line between 1043-1049 Park Avenue to address the encroachment of the historic house at 1049 Park Avenue, as well as remove any existing lot lines of the 1043 Park Avenue plat. (Application PL-15-02979)**

Planner Anya Grahn reported that the applicant was proposing to add approximately five feet of the north portion of existing Lot 12 to 13. The intent is to move the interior lot line

between 1043 and 1049 Park Avenue to resolve the encroachment of the Landmark house at 1049 Park Avenue. In addition, it also resolves other encroachments related to these lots, including a hot tub and a deck at 1043 Park. It also grants a snow storage easement.

The Staff recommended that the Planning Commission conduct a public hearing for the 1043 and 1049 Plat Amendment, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval.

Commissioner Phillips wanted to know the significance of the grant money that was never used. Planner Grahn stated that in the Staff report they try to outline any history and background that relates to the property. That was the only reason for including the information about the grant.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the 1043 and 1049 Park Avenue Plat Amendment, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1043 and 1059 Park Avenue

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 – 1043 and 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 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 – 1043 and 1049 Park Avenue

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.
4. **408/410/412 Deer Valley Loop Road, Gateway Estates Replat Second Amended – Plat Amendment creating two (2) lots of record from the three (3) platted lots. (Application PL-15-03017)**
5. **408/410/412 Deer Valley Loop Road, request for Zone Change from Historic Residential – 1 (HR-1) District to Residential-1 (R-1) District. (Application PL-15-03018)**

Planner Astorga requested that the Planning Commission discuss these two items simultaneously. However, they were two separate requests. One was for the plat amendment and the other was for a zone change.

Planner Astorga stated that the original plat for 408/410/412 Deer Valley Loop Road was approved by the City and recorded in 2000. Currently, the site is in the HR-1 District and approximately 18 lots of record were part of this plat as it met the Code in 2000.

Planner Astorga stated that in 2008 the former property owner submitted a plat amendment rearranging the two lots of record into three lots; and that request was approved and recorded. Planner Astorga reported that the steep slope criteria was reviewed by the Planning Department and the Planning Commission for three separate single family dwellings and CUP approval was granted. The applicant also received approval for three Historic District Design Reviews because it is part of the HR-1 District. When the steep slope CUPs were approved the Staff and the Planning Commission talked about a potential rezone because of the specific items that were added to the LMC in 2009 such as the 10-foot setback, a three-story maximum restriction, and other components that this site had to meet because it was zoned HR-1. All the surrounding properties from Deer Valley Loop Road was zoned R-1.

Planner Astorga stated that after receiving the approvals the applicant only built one house at 412 Deer Valley Loop Road. Charles and Judith Tink purchased the house and the three lots of record and currently live at 412 Deer Valley Loop Road. He explained that that Mr. and Mrs. Tink would like to go back to two lots of record in order to build a house on "Lot A". The middle lot, which would be 410 Deer Valley Loop Road would be absorbed by Lot A and Lot B, which is 408 and 412 Deer Valley Loop Road. Planner Astorga remarked that Mr. and Mrs. Tink would like to build a new home on Lot A to live in; and either keep or selling the existing home at 412 Deer Valley Loop Road.

Planner Astorga stated that the Staff had conducted an analysis and found that the request meets all of the current development parameters in the HR-1 District for the plat amendment. The Staff was prepared to make findings for compliance with the HR-1 Zone.

Planner Astorga stated that they could discuss the former conditions of approval, such as the mine shafts that were found in 2008 and the condition that was worded by the Chief Building Official; as well as other items regarding access which are supposed to remain in place. However, he first wanted to discuss another issue that had occurred. In 2008 the Staff, the Planning Commission, and the owner decided to restrict duplexes on the site, and it was included as a plat note on the recorded plat. Mr. and Mrs. Tink have no desire to build a duplex, but if they change the zoning classification it would open the door to triplexes as an allowed use in the R-1 zone. Mr. Tink has indicated that they would be comfortable adding the same restriction for triplexes.

Planner Astorga reviewed the request for a zone change. He presented the zoning map shown on page 302 of the Staff report, and identified the three lots of record and the

approximate footprint of the existing home. He noted that access was directly from the roundabout off of Deer Valley Drive and right on to Deer Valley Loop Road. He pointed out that the main access to everything else around the property is zoned R-1. Planner Astorga stated that continuing on Deer Valley Loop Road eventually moves into the RM zones, which are more intensive uses allowed in the RM District. Planner Astorga stated that if the Planning Commission chooses to forward a positive recommendation to the City Council, the zoning classification would be changed from approximately the middle of Echo Spur, platted Fourth Street, and the platted Provo or Utah right-of-way so it would all be within the R-1 designation. Should the Planning Commission and the City Council finding that the plat amendment also complies with the development parameters of the HR-1 zone, the Staff had also created findings for that action.

Planner Astorga reiterated that the difficulty is that there are components in the HR-1 District that this applicant would have to meet that no one else in their direct neighborhood would have to meet. He proposed a trade where the applicant would get the R-1 rezone without having to go through a Steep Slope CUP or a HDDR; and the Staff could mitigate that accordingly because the more intense uses that are allowed in the R-1 would no longer be allowed. It would also remove one unit of density from this neighborhood.

Chair Strachan asked if the new zoning line would follow the lot line of the three lots. Planner Astorga answered yes, with the exception of the right-of-way, which would also be rezoned R-1. He noted that Echo Spur could remain in the HR-1 if they preferred. Planner Astorga stated that the zoning does not affect any work on public right-of-way because those situations are handled by the City Engineer. No private improvements are allowed in public rights-of-way other than connections, stairs, roads, etc., that are approved by the City Engineer. He explained that the preference is to follow the zoning designation to avoid confusion regarding zoning on the unbuilt rights-of-way.

Assistant City Attorney McLean understood that they were looking at the current zoning map, but she thought Planner Astorga was also going to attach the revising zoning map. Ms. McLean stated that the revised map needed to be attached to the ordinance when this goes to the City Council. Planner Astorga clarified that there was not a revised map that showed the proposed rezone and he apologized for not having one to include. Ms. McLean thought it was important for the Planning Commission to see a map that shows exactly where the new zone would be because that would be their recommendation to the City Council and what the City Council will sign as the new Zoning Map.

Commissioner Campbell asked if it would be described verbally as part of the record. Ms. McLean replied that it could be done verbally as long as it is clear in the recommendation.

Planner Astorga did not believe it mattered whether the center line of the Provo right-of-way remains R-1 or RM because it would not affect the right-of-way in any way. It would be up to the Planning Commission how they would want to recommend it to the City Council. Assistant City Attorney McLean stated that it should be as uniform as possible.

Chair Strachan opened the public hearing on both the request for a zone change and the plat amendment.

There were no comments.

Chair Strachan stated that any recommendation to the City Council should be clear that the zone change would have no effect on the Echo Spur pending development. He would not want that developer to request a zone change. Commissioner Band remarked that Echo Spur was under construction and some of the homes were already built. Chair Strachan believed that ground was not yet broken to construct the homes to the south. Commissioner Campbell provided clarification on the development. He noted that Lots 7 and 6 were completed. Lots 5 and 4 were permitted and would begin construction in the Spring. Chair Strachan agreed that the development was far enough along that they probably would not request a change, but it was a long battle and the developer was not pleased with the zoning. Chair Strachan acknowledged that zoning boundaries are different on one side as opposed to the other and it is sometimes difficult to enforce it. If a zoning line is moved they need to strongly consider the precedent it might set.

Assistant City Attorney McLean believed there was a finding of fact regarding the access. If the Planning Commission is in favor of the rezone they could be specific as to why they were recommending this particular rezone. It is a legislative decision and the Staff supports it is because the access is from Deer Valley Loop and not through any historic districts.

Commissioner Phillips asked if there was any way in the future that they would request access from Echo Spur. Planner Astorga did not believe they could request a different access because of the way the original 2000 plat and the 2008 replat were done. It was specifically platted with access for Lot 1 and 2 through Deer Valley Loop.

Assistant City Attorney McLean noted that the plat amendments were before the Planning Commission and they could put a condition of approval on the plat regarding access.

Commissioner Campbell referred to the topo on page 293 of the Staff report and pointed out a 40 foot drop on the Echo Spur side. Commissioner Phillips agreed that it was highly unlikely, but still probable. He created a scenario where someone could design a house on

the upper side and bring a driveway in off Echo Spur. For that reason he wanted to make sure that would never be a possibility.

Planner Astorga reviewed the original map from 2000. A cross-hatched area indicated access and a non-exclusive utility easement over Lot 2 for the benefit of Lot 1.

Chair Strachan agreed with Commissioner Phillips. He thought it was wise to prohibit access off Echo Spur.

Commissioner Thimm asked a question regarding permitted and conditional uses. He noted that there was commentary in the Staff report over the concern of intensity of use. The Staff recommended maintaining the condition of approval excluding duplexes and adding a condition of approval excluding triplexes. Commissioner Thimm pointed out that they left secondary living quarters and accessory apartments. He questioned why the Staff did not have the same concern regarding that intensity of use. Planner Astorga explained that secondary living quarters and accessory apartments are allowed uses in the RI-1 District. Based on the size of the lot the Staff did not find it necessary to mitigate those uses because they were more difficult to address in Old Town because of the limited lot sizes. He was not opposed to adding additional restrictions if the Commissioners felt more comfortable doing so.

Commissioners Band and Phillips were not in favor of restricting secondary living quarters and accessory apartments. Commissioner Band thought both of those uses would be acceptable because Old Town is high density. She noted that they were reducing the density by removing one lot. Commissioner Band stated that Deer Valley Loop Drive is very steep and it can be an issue during the winter. She supported the idea of having less impact with only two houses; but in her opinion secondary living quarters and accessory apartments should remain allowed uses and not be changed to conditional uses.

Commissioner Joyce thought it was something they should continue to encourage secondary living quarters and accessory apartments to address the affordable housing issue. He was opposed to any restrictions that would make it harder to provide that type of living situation. Commissioner Thimm understood their reasoning.

Commissioner Phillips stated that too often they attach restrictions to plats prohibiting duplexes. He asked if the Code was correctly written to support their intent for not allowing duplexes. Commissioner Phillips suggested that in some areas duplexes should be a conditional use as opposed to an allowed use so they were not continually having to address it.

Director Erickson was not prepared to answer the question and he offered to look into it. In the zone it applies more broadly than to just one parcel. Director Erickson clarified that for the Staff report Planner Astorga memorialized the previous Planning Commission's action of not allowing an expansion. Planner Astorga stated that it was also done because the property owner stipulated to keeping the same plat note. If the property owner had disagreed, they would be having a different conversation.

Director Erickson reported that the Staff would be bringing forth a slate of LMC changes in April. If the Commissioners would like to add something once they see the list it could be discussed at that time.

Commissioner Phillips noted that in looking at rezoning this area, they talked about how the east side of Echo Spur does not align with the west side. He thought there appeared to be two additional lots sitting on a triangular piece behind the two houses. Commissioner Phillips thought those lots fit more with the HRL or the Estate zones. Planner Astorga pointed to the triangle piece Commissioner Phillips was referring to. Commissioner Phillips asked if the three homes belong in HR-1 or whether they should be HRL or E.

Planner Astorga stated that it was part of the Silver Pointe subdivision MPD, which covered two duplexes, a single family dwelling and all the duplexes on the other side of the street. The MPD crossed multiple zone lines as it was in the HR-1, RM, Estates, HRL and the new house at the corner of Rossi and McHenry and Coalition View. They were all part of the MPD in 1998 or 1999. Planner Astorga indicated two parcels that he believed were open space parcels for the slipper parcel at the Silver Pointe subdivision. Planner Astorga reiterated that it was approved as an MPD. Commissioner Phillips was comfortable with the explanation. However, he personally thought it appears to belong in a different zone. Chair Strachan understood the point Commissioner Phillip was making; but Silver Pointe has never tried to change their zone and he was not comfortable changing it for them.

Chair Strachan noted that both applications needed separate motions. Assistant City Attorney McLean suggested that they take action on the zoning change before the plat amendment.

Director Erickson had drafted language for a motion based on the discussion this evening. They would be recommending changing the zone from HR-1 to R-1 regarding the property in question along the north, east and south property lines of the proposed property, and all of either Provo or Utah right-of-way adjacent to the property. Director Erickson clarified that they would recommend rezoning the property known as the Gateway Estates to R-1 along the property lines of the north, west and south property and all of Provo Street adjacent to the property.

Chair Strachan thought the language was vague, but he assumed there would be a property line with a metes and bounds description that would go to the City Council. Ms. McLean answered yes. She asked Planner Astorga to show the lines on the existing zoning map where it would go along the property lines. It would exclude Echo Spur and the rights-of-way, but it would go straight across. Director Erickson explained that it was all of the property known as the Gateway Estates replat following the property line on the north, west and south property lines, and the south property line extended across all of the right-of-way adjacent to the property of platted Provo Street adjacent to the Gateway Estates Subdivision.

Assistant City Attorney McLean noted that an ordinance cannot be passed without the exhibit or the zoning map. Therefore, the Staff will make sure it is mapped with a legal description of the area when this goes to the City Council.

Chair Strachan suggested that the Commissioners make a motion to forward a positive recommendation on the draft ordinance with the particular zoning map to be given to the City Council. The motion should be conditioned on the zoning map reflecting the meeting minutes.

MOTION: Commissioner Phillips moved to forward a POSITIVE Recommendation to the City Council for the proposed zone change request for the property at 408/410/412 Deer Valley Loop Road from Historic Residential-1 (HR-1) to Residential 1 (R-1) with the revised zoning map to be given to the City Council, on the condition that the zoning map reflects the meeting minutes, and according to the Findings of Fact and Conclusions of Law found in the draft ordinance. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

Chair Strachan called for a motion on the plat, and noted that there was consensus on adding a condition of approval stating that access to the new lots be off Deer Valley Loop road only.

Director Erickson stated that there were two alternatives for the Findings of Fact, Conclusions of Law and Conditions of Approval. One was if the project stayed in the HR1 and the other was if the project moved to R-1 zoning. He requested that whoever made the motion reference the Findings of Fact for the R-1 Zone found on page 283 of the Staff report and add a condition of approval that the access to development on this site will come from Deer Valley Loop Road.

MOTION: Commissioner Joyce moved to forward a POSITIVE recommendation to the City Council for the plat amendment for the Gateway Estates Replat Second Amended located

at 408/410/412 Deer Valley Loop Road, based on the Findings of Fact for the R-1 District found on Page 283 of the Staff report, the Conclusions of Law and Conditions of Approval, including the additional condition stating that all access to the development is off of Deer Valley Loop Road. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Zone Change to R-1

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 – Zone Change to R-1.

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.

General Findings of Fact – Gateway Estates plat amendment

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 of 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 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. See Condition of Approval no. 4.

Conclusions of Law – Gateway Estates plat amendment.

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

Conditions of Approval – Gateway Estates plat amendment

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. 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.
9. Access shall be limited to Deer Valley Loop only.

Commissioner Joyce requested discussion on the LMC amendments. Director Erickson reported that the first round of LMC changes deal with definition problems related to setbacks, heights. They will address with protection of historic homes that are lower than 40 feet below an existing access road. They will also address measuring heights on curved roofs. Director Erickson stated that the Staff may also try to get a modification to the vertical zoning in the location of Marriott Plaza. Also coming forward are the updated

Historic District Design Guidelines, Neighborhood Character and notification coming from the historic site.

Commissioner Phillips asked if the Planning Commission would have input on the Design Guidelines. Assistant City Attorney McLean replied that the Design Guidelines are adopted by resolution by the City Council. The Historic Preservation Board is the body that reviews the Design Guidelines. If the Planning Commission would like information on what the HPB is doing it could be provided. Ms. McLean stated that the only things that would involve the Planning Commission would be areas that change the LMC or certain items being codified as opposed to being guidelines.

The Park City Planning Commission Meeting adjourned at 6:35 p.m.

Approved by Planning Commission: _____



Planning Commission Staff Report

PLANNING DEPARTMENT

Subject: Creekside Well Filtration Building – 2392 Holiday Ranch Loop Road
Author: Makena Hawley, Planner 1
Date: February 24, 2016
Type of Item: Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the Creekside Well Filtration Building Conditional Use Permit to March 23, 2016, to allow Staff the additional time to work through the applications.

Description

Applicant: Park City Municipal Corporation represented by Alison Kuhlow-Butz
Location: 2392 Holiday Ranch Loop Road
Zoning: Recreation Open Space (ROS)
Adjacent Land Uses: Single Family (SF)
Reason for Review: The Park City Municipal Water Department is proposing to construct a new building in order to house both wells and have the additional space for the filtration requirements by the Division of Drinking Water standards.



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: April Inn Condominiums
Author: Francisco J Astorga, AICP, Senior Planner
Project Number: PL-16-03089
Date: 24 February 2016
Type of Item: Legislative – Condominium Record of Survey

Summary Recommendations

Staffs recommends that the Planning Commission hold a public hearing for the April Inn Condominiums Record of Survey located at 545 Main Street/550 Park Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance.

Description

Applicant: 545 Main Street Holdings, LLC,
represented by Marshall King, Alliance Engineering, Inc.
Location: 545 Main Street / 550 Main Street
Zoning: Historic Commercial Business (HCB) and Historic
Residential-2 (HR-2) District
Adjacent Land Uses: Commercial and Residential
Reason for Review: Condominium Record of Surveys require Planning
Commission review and City Council review and action

Proposal

The property owner proposes to record a Condominium Record of Survey that creates a total of seven (7) units: three (3) commercial units (existing on Main Street, street level), three (3) residential units (existing on Main Street, 2nd & 3rd levels), and one (1) residential unit on Park Avenue with a parking garage that will serve the Park Avenue residence as well as the three (3) existing residential units on Main Street.

Background

On January 19, 2016, the City received a completed Condominium Record of Survey application for the April Inn Condominiums. The property is located at 545 Main Street in the HCB District and at 550 Park Avenue in the HR-2 District. The subject property consists of Lot 1 of the Cardinal Park Plat Amendment approved by the City Council in November 2015, and not yet recorded at Summit County.

The Cardinal Park Plat Amendment is located at 545 Main Street and 550, 554, 560 Park Avenue. The property is in the Historic Commercial Business (HCB) and Historic Residential-2 (HR-2) District, respectively. The Cardinal Park Plat Amendment consisted of Lot 1 of the 545 Main Street Plat and Lot 32, 33, 34, and 35 of Block 9 of the Amended Plat of the Park City Survey. The Main Street lot has a non-historic

building known as the April Inn. The Cardinal Park Plat Amendment reconfigured these five (5) lots into three (3) lots of record by removing and shifting lot lines.

Analysis

A condominium is not a type of use but a form of ownership. The proposed Condominium Record of Survey plat identifies private, common, and limited common ownership areas within the existing and proposed building.

HCB District

A Multi-Unit Dwelling is an allowed use in the HCB District. The proposal complies with the allowed uses in the HCB District. Lot 1 of the Cardinal Park Plat Amendment is 8,425.5 square feet in total with 5,800.5 square feet of it within the HCB District and the remainder is located in the HR-2 District. The minimum lot area within the HCB District is 1,250 square feet. The HCB zoned portion of Lot 1 is 5,800.5 square feet and complies with the required minimum lot area. The minimum lot width within the HCB District is twenty five feet (25'). The lot width of the HCB zoned portion of Lot 1 is 77.34 feet and complies with the minimum lot width.

There are no minimum front, rear, or side yard setback dimensions in the HCB District. The maximum Floor Area Ratio (FAR) within the HCB District is 4.0 or 23,202 square feet (5,800.5 square feet x 4.0). The existing gross area of the HCB zoned portion of Lot 1 is 15,539 square feet. The existing FAR is 2.68 (15,539 ÷ 5,800.5) and meets the maximum FAR. The maximum Building volume for the HCB Zoned lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane. The maximum Building volume is met.

HR-2 District

A single-family dwelling is an allowed use in the HR-2 District. Although the unit is part of a lot with several units on it, the Planning Director has determined that this use is as a single-family dwelling. The minimum lot area for a single-family dwelling is 1,875 square feet. The area of Lot 1 is 8,425.5 square feet in total with 2,625 square feet of it within the HR-2 District and the remainder is located in the HCB District. The HR-2 zoned portion of Lot 1 is 2,625 square feet and complies with the required minimum lot area. The minimum lot width allowed in the HR-2 District is twenty-five feet (25'). The lot width of the HR-2 zoned portion of Lot 1 is thirty five feet (35') and complies with the minimum lot width.

The proposed single-family dwelling/parking garage structure shall be subject to the parameters outlined in the HR-2 District. The following table shows applicable development parameters in the Historic Residential-2 District:

LMC Provision	HR-2 Requirements
Building Footprint	1,132.5 square feet max. (based on HR-2 zoned lot area)

Front/Rear Yard Setbacks	10 feet minimum.
Side Yard Setbacks	5 feet minimum, 10 feet total.
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.
Parking spaces	Two (2) spaces.

Staff finds Good Cause for the Condominium Record of Survey as the requested form of ownership is not detrimental to the overall character of the neighborhood. In addition, it allows for the sale of the individual units. It is a requirement of the underlying subdivision, the Cardinal Park Plat Amendment, that units are required to be subdivided through a Record of Survey application before individual sale.

This application, as shown on the proposed plat, allows the following units to be platted as private ownership:

- Commercial Unit A – 1,392 square feet.
- Commercial Unit B – 1,541 square feet.
- Commercial Unit C – 1,556 square feet.
- Residential Unit D – 2,994 square feet, plus a 213 square foot garage.
- Residential Unit E – 2,855 square feet, plus 220 square foot garage.
- Residential Unit F – 2,808 square feet, plus a 220 square foot garage.
- Residential Unit G – 1,826 square feet, plus a 232 square foot garage.

Units A, B, and C are found on the street level directly off to the Main Street sidewalk and are of a commercial designation. The commercial units cannot be used as offices per the current *vertical zoning ordinance*. Units D, E, and F are found above commercial units on the second and third level of the existing building. Units A – F are addressed as 545 Main Street. Residential unit G is a single-family dwelling and parking garage structure to be built and will have the 550 Park Avenue address. The total private ownership of this entire project is 15,857 square feet.

The proposed Record of Survey consists of common area, private residential, limited common residential, and private commercial. The exterior and boundary walls, floor joists, foundations, roofs, mechanical areas, utility chase, etc. are to be platted as common space. The four (4) residential units, D, E, F, & G, are to be platted as private residential including the four (4) garages to be access off the alley via Main Street. The three (3) commercial units, A, B, & C, are to be platted as private commercial. The

storage areas accessed through the three (3) garages, external parking space adjacent to Unit G, exterior decks, internal circulation, etc., are platted limited common residential.

Condominium Conversions

LMC § 15-4-12 indicates that existing structures shall not be converted to condominium ownership without first receiving the review and recommendation of the Planning, Engineering and Building Departments, City Attorney, and Record of Survey Plat approval from the City. Furthermore, required public improvements and landscaping shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance. The structure must be brought into substantial compliance with the Building code as a condition precedent to plat approval.

In September 2014, the City issued a building permit to remodel the April Inn, 545 Main Street, into the six (6) units. The applicant is still working on this active building permit. The structure, as approved on plans, is to be built per current building codes as approved. The combination single-family dwelling/parking garage structure at 550 Park Avenue is not yet built and the applicant has not submitted a building permit for it. The Planning Commission's approval of the steep slope CUP and the parking garage use expires on October 28, 2016, if a building permit is not issued or if an extension request is not granted.

Soils Boundary

The property is located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) boundary. Prior to building permit issuance, a soils management plan must be submitted and final construction must comply with the Soils Ordinance.

Process

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

Department Review

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

Notice

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

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the April Inn Condominium Record of Survey as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the April Inn Condominium Record of Survey and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on April Inn Condominium Record of Survey.

Significant Impacts

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

Consequences of not taking the Planning Department's Recommendation

The proposed building would remain as is and the property owner would not have the option to sell the units individually.

Summary Recommendation

Staffs recommends the Planning Commission hold a public hearing for the April Inn Condominium Record of Survey located at 545 Main Street/550 Park Avenue and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance.

Exhibits

- Exhibit A – Draft Ordinance with Proposed Condominium Record of Survey plat
- Exhibit B – Applicant’s Project Intent
- Exhibit C – Existing Conditions & Topographic Map
- Exhibit D – Aerial Photograph
- Exhibit E – Site Photographs

Ordinance No. 16-XX

AN ORDINANCE APPROVING THE APRIL INN CONDOMINIUMS RECORD OF SURVEY PLAT LOCATED AT 545 MAIN STREET & 550 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 545 Main Street/550 Park Avenue have petitioned the City Council for approval of the Condominium Record of Survey; 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 24, 2016, to receive input on plat amendment; and

WHEREAS, the Planning Commission, February 24, 2016, forwarded a recommendation to the City Council; and,

WHEREAS, on March 24, 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 April Inn Condominiums Record of Survey Plat.

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

SECTION 1. APPROVAL. April Inn Condominiums Record of Survey plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 545 Main Street in the HCB District and at 550 Park Avenue in the HR-2 District.
2. The subject property consists of Lot 1 of the Cardinal Park Plat Amendment approved by the City Council in November 2015, and not yet recorded at Summit County.
3. The Cardinal Park Plat Amendment shall be recorded prior to the recordation of this Condominium Record of Survey.
4. In October 2015, the Park City Planning Commission approved a request for a

Steep Slope Conditional Use Permit (CUP) for a new single-family dwelling over a parking structure on a vacant site and a CUP for a *Residential Parking Structure with five (5) or more spaces, associated with a residential Building on the same Lot,*

5. The property owner proposes to record a Condominium Record of Survey that creates a total of seven (7) units.
6. A condominium is not a type of use but a form of ownership.
7. A Multi-Unit Dwelling is an allowed use in the HCB District.
8. The proposal complies with the allowed uses in the HCB District.
9. Lot 1 of the Cardinal Park Plat Amendment is 8,425.5 square feet in total with 5,800.5 square feet of it within the HCB District and the remainder is located in the HR-2 District.
10. The minimum lot area within the HCB District is 1,250 square feet.
11. The HCB zoned portion of Lot 1 is 5,800.5 square feet and complies with the required minimum lot area.
12. The minimum lot width within the HCB District is twenty five feet (25').
13. The lot width of the HCB zoned portion of Lot 1 is 77.34 feet and complies with the minimum lot width.
14. There are no minimum front, rear, and side yard setback dimensions in the HCB District.
15. The maximum Floor Area Ratio (FAR) within the HCB District is 4.0 or 23,202 square feet (5,800.5 square feet x 4.0).
16. The existing gross area of the HCB zoned portion of Lot 1 is 15,539 square feet.
17. The existing FAR is 2.68 (15,539 ÷ 5,800.5) and meets the maximum FAR.
18. The maximum Building volume for the HCB Zoned lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet (45') above the Natural Grade and connects with the rear portion of the bulk plane.
19. The maximum Building volume is met.
20. A single-family dwelling is an allowed use in the HR-2 District.
21. The minimum lot area for a single-family dwelling is 1,875 square feet.
22. The area of Lot 1 is 8,425.5 square feet in total with 2,625 square feet of it within the HR-2 District and the remainder is located in the HCB District.
23. The HR-2 zoned portion of Lot 1 is 2,625 square feet and complies with the required minimum lot area.
24. The minimum lot width allowed in the HR-2 District is twenty-five feet (25').
25. The lot width of the HR-2 zoned portion of Lot 1 is thirty five feet (35') and complies with the minimum lot width.
26. The proposed single-family dwelling / parking garage structure shall be subject to the parameters outlined in the HR-2 District.
27. The proposed Condominium Record of Survey Plat as the requested form of ownership is not detrimental to the overall character of the neighborhood.
28. This application allows the following units to be platted as private ownership:
 - a. Commercial Unit A – 1,392 square feet.
 - b. Commercial Unit B – 1,541 square feet.

- c. Commercial Unit C – 1,556 square feet.
 - d. Residential Unit D – 2,994 square feet, plus a 213 square foot garage, totaling 3,207 square feet.
 - e. Residential Unit E – 2,855 square feet, plus 220 square foot garage, totaling 3,075 square feet.
 - f. Residential Unit F – 2,808 square feet, plus a 220 square foot garage, totaling 3,028 square feet.
 - g. Residential Unit G – 1,826 square feet, plus a 232 square foot garage, totaling 2,058 square feet.
29. The total private ownership of this project is 15,857 square feet.
 30. Units A, B, and C are found on the street level directly off to the Main Street sidewalk and are of a commercial designation.
 31. Units D, E, and F are found above commercial units on the second and third level of the existing building.
 32. Units A – F are addressed as 545 Main Street.
 33. Residential unit G is a single-family dwelling and parking garage structure to be building and will have the 550 Park Avenue address.
 34. The proposed Record of Survey consists of common area, private residential, limited common residential, and private commercial.
 35. The exterior and boundary walls, floor joists, foundations, roofs, mechanical areas, utility chase, etc. are to be platted as common space.
 36. The four (4) residential units, D, E, F, & G, are to be platted as private residential including the four (4) garages to be access off the alley via Main Street.
 37. The three (3) commercial units, A, B, & C, are to be platted as private commercial.
 38. The storage areas accessed through the three (3) garages, external parking space adjacent to Unit G, exterior decks, internal circulation, etc., are platted limited common residential.
 39. The property is located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) boundary. Prior to building permit issuance, a soils management plan must be submitted and final construction must comply with the Soils Ordinance.
 40. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

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

- and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
 3. The Cardinal Park Plat Amendment shall be recorded prior to the recordation of this Condominium Record of Survey.
 4. Required public improvements and landscaping, as applicable, shall be completed at the time of conversion or security provided to ensure completion as provided by ordinance.
 5. The property is located within the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) boundary. Prior to building permit issuance, a soils management plan must be submitted and final construction must comply with the Soils Ordinance.

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

PASSED AND ADOPTED this 24th day of March, 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

ATTEST:

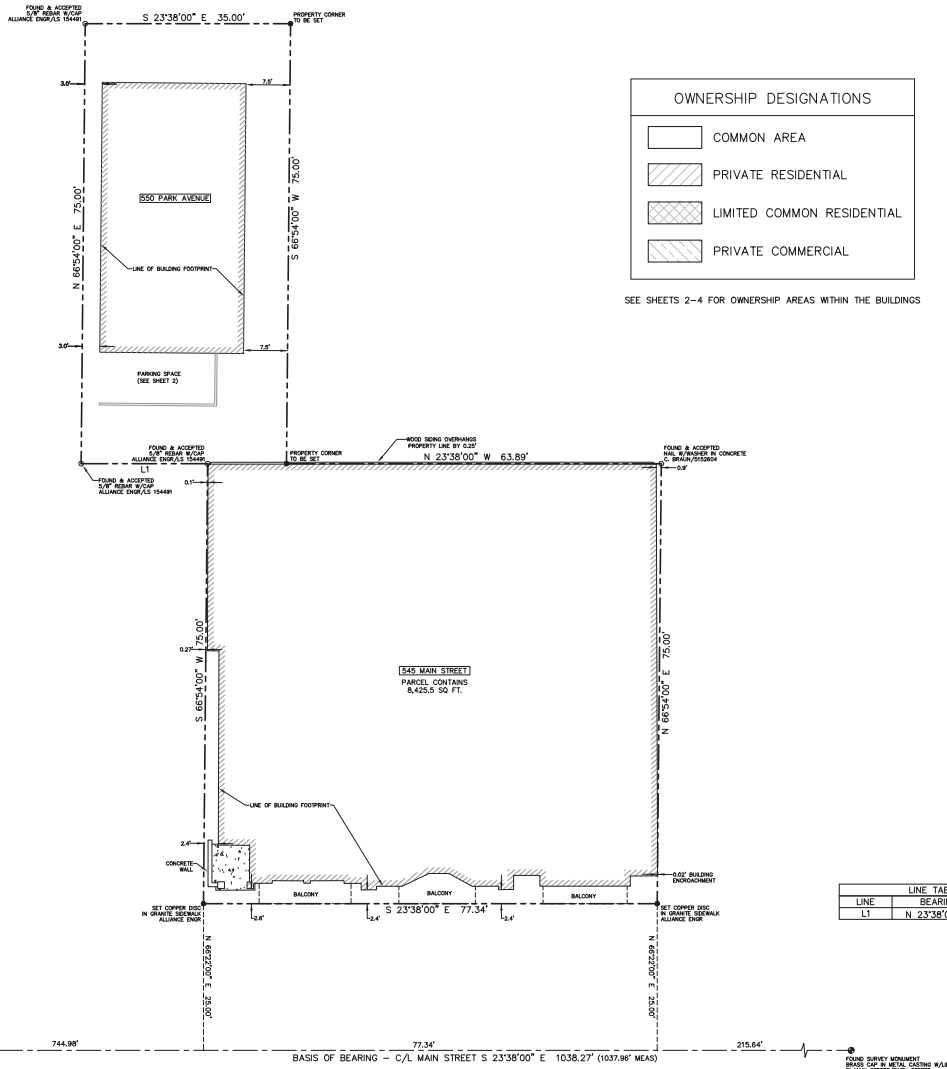
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Attachment 1 - Proposed Condominium Record of Survey



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 APRIL INN CONDOMINIUMS has been prepared under my direction, and that the same has been monumented on the ground as shown on this plat.

BOUNDARY DESCRIPTION

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

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

PARCEL 2
 Beginning at the easternmost corner of Lot 35, Block 9, Park City Survey, and running thence South 66°54'00" West 75.00 feet; thence North 23°38'00" West 35.00 feet; thence North 66°54'00" East 75.00 feet; thence South 23°38'00" East to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

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

In witness whereof, the undersigned set her hand this ____ day of _____ 2016.

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

By: _____
 Nichole Lipps, Vice President

ACKNOWLEDGMENT

State of: _____
 SS: _____

County of: _____

On this ____ day of _____, 2016, Nichole Lipps 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 she is the Vice President of 545 Main Street Holdings, LLC, an Oklahoma limited liability company, and that said document was signed by her on behalf of said corporation by authority of its Bylaws, or Resolution of its Board of Directors, and she acknowledged to me that she executed this plat of April Inn Condominiums.

By: _____
 A Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

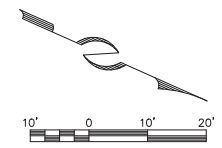
Commission No. _____

NOTES

- The survey monument at Fourth Street and Main Street shown on the Park City Monument Control Map, recorded November 2, 1982, as Entry No. 197765 was destroyed. A mag nail was set at its original location based on survey information obtained from previous surveys.
- The dimensions of the interior spaces shown on this plat are taken from architectural drawings. It is the intent that the units be constructed as shown, though variations may occur.
- This condominium plat is subject to the Conditions of Approval in Ordinance 16-_____.

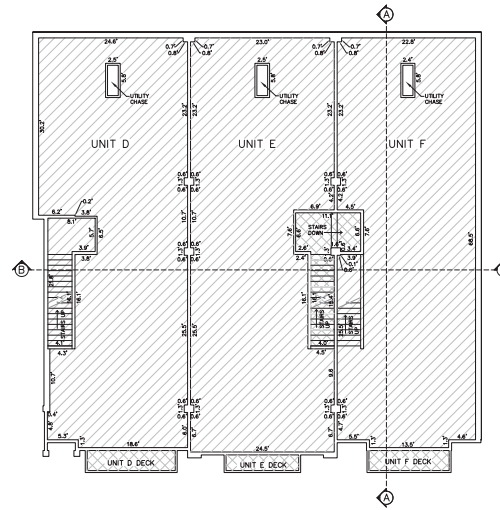
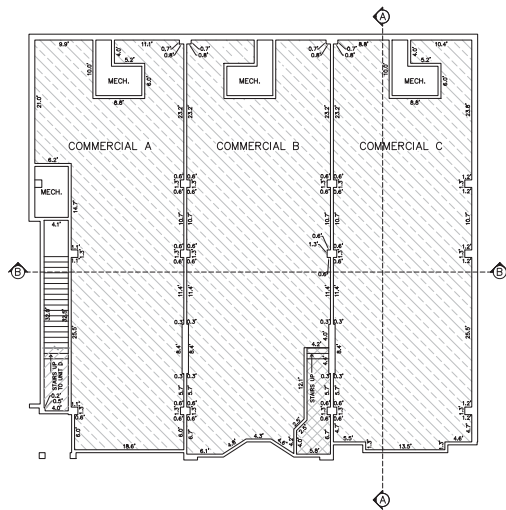
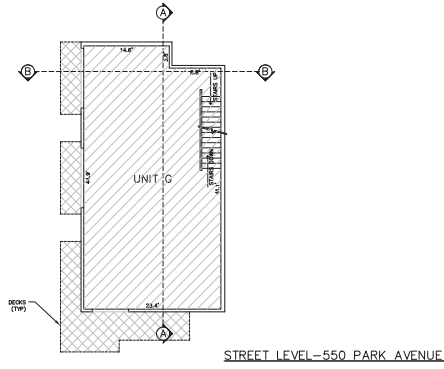
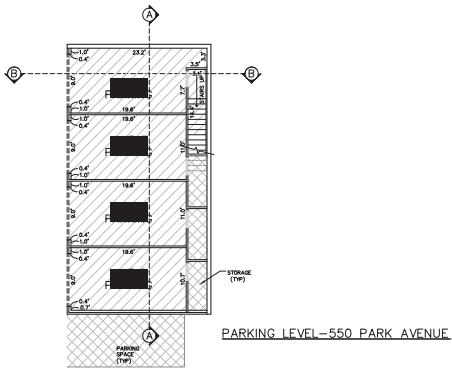
A PARCEL COMBINATION PLAT IN BLOCK 9, PARK CITY SURVEY **APRIL INN CONDOMINIUMS**

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



SHEET 1 OF 4

 (435) 649-9457 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84302-2664	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 _____
	1/28/16 JOB NO.: 1-3-14 FILE: X:\ParkCitySurvey\dwg\ar\plat2014\010314.dwg						



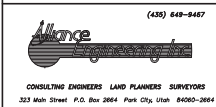
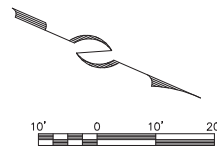
UNIT AREA TABLE

UNIT	PRIVATE OWNERSHIP AREA	GARAGE AREA
COMMERCIAL A	1392 SQ FT	N/A
COMMERCIAL B	1541 SQ FT	N/A
COMMERCIAL C	1556 SQ FT	N/A
UNIT D	2994 SQ FT	213 SQ FT
UNIT E	2855 SQ FT	220 SQ FT
UNIT F	2808 SQ FT	220 SQ FT
UNIT G	1826 SQ FT	232 SQ FT

OWNERSHIP DESIGNATIONS

	COMMON AREA
	PRIVATE RESIDENTIAL
	LIMITED COMMON RESIDENTIAL
	PRIVATE COMMERCIAL

APRIL INN CONDOMINIUMS



JOB NO.: 1-3-14 FILE: X:\ParkCitySurvey\dwg\ar\plat2014\010314.dwg
1/29/14

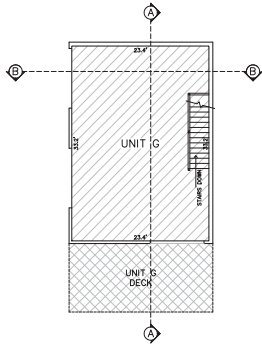
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STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

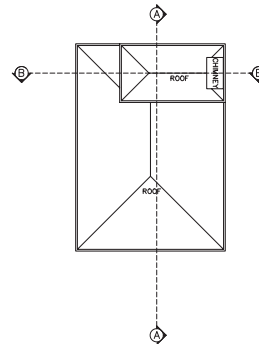
AT THE REQUEST OF _____

DATE _____ TIME _____ ENTRY NO. _____

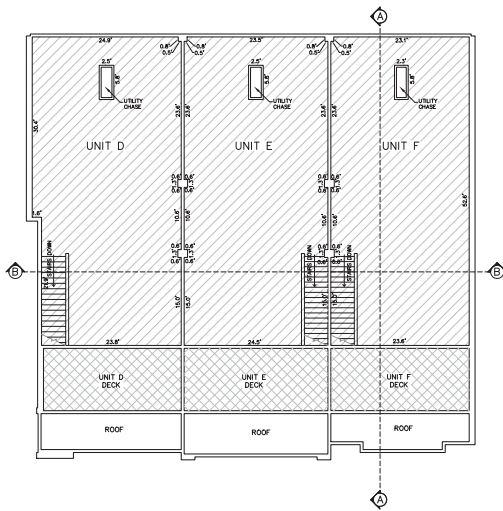
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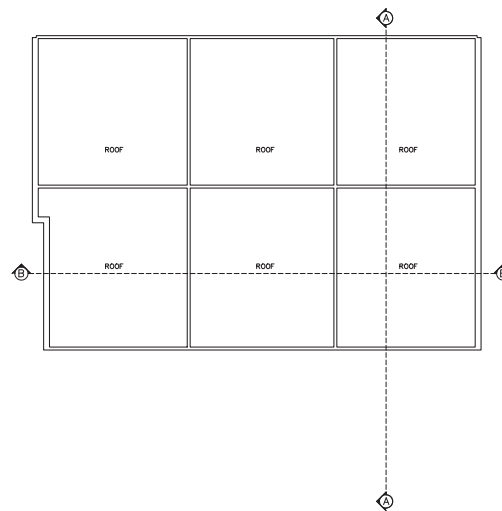
UPPER LEVEL-550 PARK AVENUE



ROOF LEVEL-550 PARK AVENUE



THIRD LEVEL-545 MAIN STREET



ROOF LEVEL-545 MAIN STREET

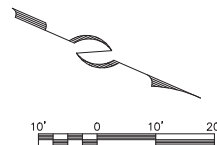
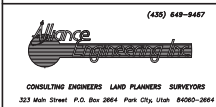
UNIT AREA TABLE

UNIT	PRIVATE OWNERSHIP AREA	GARAGE AREA
COMMERCIAL A	1392 SQ FT	N/A
COMMERCIAL B	1541 SQ FT	N/A
COMMERCIAL C	1556 SQ FT	N/A
UNIT D	2984 SQ FT	213 SQ FT
UNIT E	2855 SQ FT	220 SQ FT
UNIT F	2808 SQ FT	220 SQ FT
UNIT G	1826 SQ FT	232 SQ FT

OWNERSHIP DESIGNATIONS

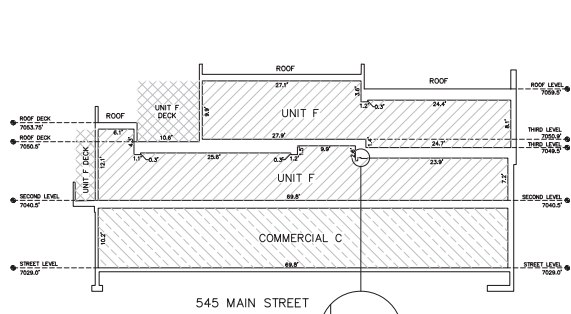
- COMMON AREA
- PRIVATE RESIDENTIAL
- LIMITED COMMON RESIDENTIAL
- PRIVATE COMMERCIAL

APRIL INN CONDOMINIUMS

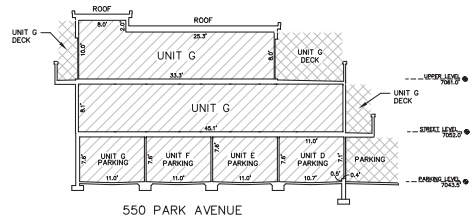


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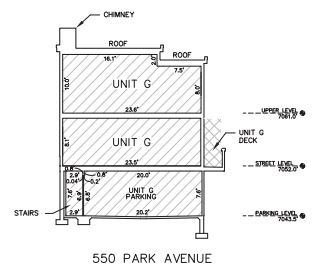
RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ ENTRY NO. _____
FEE _____ RECORDER _____



SECTION (A)

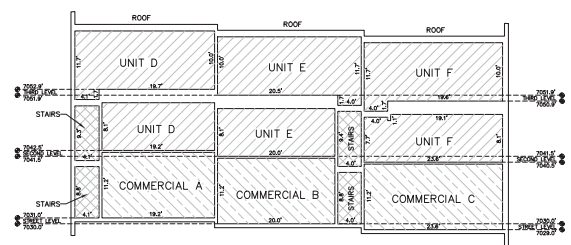


550 PARK AVENUE



550 PARK AVENUE

SECTION (B)

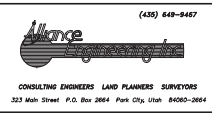


545 MAIN STREET

SECTION (C)

OWNERSHIP DESIGNATIONS	
	COMMON AREA
	PRIVATE RESIDENTIAL
	LIMITED COMMON RESIDENTIAL
	PRIVATE COMMERCIAL

APRIL INN CONDOMINIUMS



JOB NO.: 1-3-14 FILE: X:\ParkCitySurvey\dwg\ar\plat2014\010314.dwg
1/29/14

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED

AT THE REQUEST OF _____

DATE _____ TIME _____ ENTRY NO. _____

FEE _____ RECORDER _____

545 MAIN STREET CONDOMINIUMS

PROJECT INTENT

545 Main Street Lot Line Adjustment Plat was recorded October 21, 1997, as Entry No. 490199. An existing building that is currently under renovation, and known as the April Inn, occupies the property within this plat. The Cardinal Park Plat Amendment that is currently in the process of being finalized and recorded includes the 545 Main Street Lot Line Adjustment Plat as well as a parcel on Park Avenue that abuts the 545 Main Street Lot Line Adjustment Plat. The 545 Main Street property and the property on Park Avenue will be combined to create Lot 1 of the Cardinal Park Plat Amendment.

This current submittal proposes a condominium plat which will include the 545 Main Street property and the Park Avenue property. It is proposed to create parking on the Park Avenue property with a residence above. The parking will serve the Park Avenue residence as well as the three units at 545 Main Street.




Exhibit D – Aerial Photograph



SUBJECT PROPERTY

60' 0 60' 120'

 <p>(435) 648-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</p>	<p>STAFF: MARSHALL KING JESSE MORENO</p>	<p>AERIAL PHOTOGRAPH 545 MAIN STREET BLOCK 9, PARK CITY SURVEY</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 1/18/16</p>	<p>FOR: 545 MAIN STREET HOLDINGS, LLC JOB NO.: 1-3-14 FILE: X:\ParkCitySurvey\dwg\Exhibits\545 Main Street-ortho.dwg</p>	













Planning Commission Staff Report

Subject: LMC Amendment Park City Historic Sites Inventory Criteria & Demolition Permits
Author: Bruce Erickson, AICP, Planning Director
Anya Grahn, Historic Preservation Planner
Date: February 24, 2016
Type of Item: Legislative – LMC Amendment

Summary Recommendations

On December 17, 2015, City Council passed Ordinance 15-53 to amend the Land Management Code in order to modify the Notice Matrix, Section 15-1-21; Purposes, 15-11-5; Park City Historic Sites Inventory, 15-11-10 Historic District or Historic Site Design Review, Section 15-11-12; Historic Preservation Board Review For Demolition Section 15-12.5-15; And Definitions, Section 15-15. Following adoption of the ordinance, staff found that there were several additional modifications that needed to be made in order to clarify the process.

The Planning Department requests the Planning Commission open a public hearing, review the possible Land Management Code amendments, and forward a positive recommendation regarding staff's proposed changes as referenced in this staff report to City Council.

Description

Project Name: LMC Amendment regarding demolition noticing in the H-Districts, Historic Preservation Board Review for Material Deconstructions in the Historic District, and Definitions
Applicant: Planning Department
Proposal: Revisions to the Land Management Code

Reason for Review

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

Background

On December 17, 2015, City Council passed Ordinance 15-53 to amend the Land Management Code (LMC). The following sections were updated as part of this amendment:

- Review Procedure, Section 15-1-8
- Appeal Process, Section 15-1-18
- Notice Matrix, Section 15-1-21
- Architectural Review, Section 15-2.1-8
- Architectural Review, Section 15-2.2-8

- Architectural Review, Section 15-2.3-11
- Architectural Review, Section 15-2.4-10
- Architectural Review, Section 15-2.5-7
- Architectural Review, Section 15-2.6-6
- Purposes of the Historic Preservation Board, Section 15-11-5
- Park City Historic Sites Inventory, Section 15-11-10
- Historic District/Historic Site Design Review, Section 15-11-12
- Relocation and/or Reorientation of a Historic Building or Historic Structure, Section 15-11-13
- Disassembly and Reassembly of a Historic Building or Historic Structure, Section 15-11-14
- Reconstruction of an Existing Historic Building or Historic Structure, Section 15-11-15
- Definitions, Section 15-15
- Adopting Historic Preservation Board Review for Material Deconstruction, Section 15-12.5-15

Following adoption of the pending ordinance, staff found several discrepancies that need to be addressed and/or corrected:

- City Council and the HPB requested that there be greater noticing for all demolitions in the Historic Districts, not just those applications for material deconstruction.
- Staff needs to modify the Purposes of the Historic Preservation Board, outlined in 15-11-5, in order to reflect that the HPB is no longer the appeal body for appeals on action taken by the Planning Department regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites.
- Staff needs to add an additional reference to 15-11-12.5 Historic Preservation Board Review for Material Deconstruction to 15-11-12(A)(3) Historic District or Historic Site Design Review.
- Staff can remove the appeal process outlined in 15-11-12(E)
- The reference to Historic Preservation Board Review for Demolition needs to be modified to Historic Preservation Board Review for Material Deconstruction.
- Staff needs to amend the definition of Demolition, outline in 15-15-1.75 in order to address the Historic Preservation Board's Material Deconstruction review.

Analysis

Staff requests that the Planning Commission review and provide input on the topics outlined above and summarized in more detail in the following:

1. Noticing for all Demolitions in the H-Districts

During the past round of amendments, City Council and the Historic Preservation Board requested and staff supports creating a noticing program for demolitions in the historic district. While amendments were made to LMC 15-1-21 to amend the noticing matrix to create a requirement for the HPB's Material Deconstruction review, there was not

noticing requirements for all demolitions within the Historic Districts, regardless of historic designation, to the LMC.

Staff is proposing to add a noticing requirement for all demolition permits which scrape 75% of the structure or more, in any of the H-Districts. This noticing requirement will be administered by the Building Department. The noticing will include a mailing within 100 feet and a posting at the property 10 days once the Planning Department has approved the demolition permit.

Staff is proposing the following:

Notice Matrix			
ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Certificate of Appropriateness for Demolition (CAD)	45 days on the Property upon refusal of the City to issue a CAD ; 14 days prior to the hearing before the CAD Hearing Board.	14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the hearing before the Historic Preservation Board.
Determination of Significance	14 days prior to hearing before the Historic Preservation Board.	14 days prior to the hearing before the Historic Preservation Board to property owners within 100 feet	Once 14 days prior to hearing before the Historic Preservation Board.
Historic Preservation Board Review for Material Deconstruction	14 days prior to hearing before the Historic Preservation Board	14 days prior to the hearing before the Historic Preservation Board to property owners within 100 feet	Once 14 days prior to the hearing before the Historic Preservation Board.
<u>Demolition in the H-District to remove 75% or more of any existing structure</u>	<u>For a 10 day period once the Planning Department has approved the Building Department's demolition permit.</u>	<u>To Owners within 100 feet once the Planning Department has approved the Building Department's demolition permit.</u>	<u>No published notice required.</u>

2. 15-11-5 Purposes of the Historic Preservation Board

HPB is no longer the appeal body for appeals on action taken by the Planning Department regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites.

Staff proposes the following changes:

15-11-5. PURPOSES.

The purposes of the HPB are:

(A) To preserve the City's unique Historic character and to encourage compatible design and construction through the creation, and periodic update of comprehensive Design Guidelines for Park City's Historic Districts and Historic Sites;

(B) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;

(C) To provide input to staff, the Planning Commission and City Council towards safeguarding the heritage of the City in protecting Historic Sites, Buildings, and/or Structures;

(D) To recommend to the Planning Commission and City Council ordinances that may encourage Historic preservation;

(E) To communicate the benefits of Historic preservation for the education, prosperity, and general welfare of residents, visitors and tourists;

(F) To recommend to the City Council Development of incentive programs, either public or private, to encourage the preservation of the City's Historic resources;

(G) To administer all City-sponsored preservation incentive programs;

~~*(H) To review all appeals on action taken by the Planning Department regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites;*~~

(I) To review and take action on all designation of Sites to the Historic Sites Inventory Applications submitted to the City; and

(J) To review and take action on material deconstruction applications for those Sites listed on the Historic Sites Inventory.

3. 15-11-12(A)(3) Design Guidelines for Park City's Historic Districts and Historic Sites

We need to reference 15-11-12.5 Historic Preservation Board Review for Material Deconstruction as part of 15-11-12(A)(3) Historic District or Historic Site Design Review.

Staff is proposing the following changes:

15-11-12(A)(3). HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW.

(A) PRE-APPLICATION CONFERENCE.

(1) *It is strongly recommended that the Owner and/or Owner's representative attend a pre-Application conference with representatives of the Planning and Building Departments for the purpose of determining the general scope of the proposed Development, identifying potential impacts of the Development that may require mitigation, providing information on City-sponsored incentives that may be available to the Applicant, and outlining the Application requirements.*

(2) *Each Application shall comply with all of the Design Guidelines for Historic Districts and Historic Sites unless the Planning Department determines that, because of the scope of the proposed Development, certain guidelines are not applicable. If the Planning Department determines certain guidelines do not apply to an Application, the Planning Department staff shall communicate, via electronic or written means, the information to the Applicant. It is the responsibility of the Applicant to understand the requirements of the Application.*

(3) *The Planning Director, or his designee, may upon review of a Pre-Application submittal, determine that due to the limited scope of a project the Historic District or Historic Site Design Review process as outlined in LMC Sections 15-11-12(B-E) and Historic Preservation Board Review For Material Deconstruction as outlined in LMC Sections. 15-11.12.5 are ~~is~~ not required and is exempt.*

If such a determination is made, the Planning Director, or his designee may, upon reviewing the Pre-Application for compliance with applicable Design Guidelines, approve, deny, or approve with conditions, the project. If approved, the Applicant may submit the project for a Building Permit. ...

4. 15-11-12(E) Appeals

Following adoption of the ordinance, staff discovered that the appeal process had not been clearly defined for the new Historic Preservation Board Review for Material Deconstructions. The changes to the LMC required that an appeal body be identified for the review of HPB determinations for those actions described above. The LMC amendments included making the Board of Adjustment the appeal body for the HPB subject to LMC 15-1-18.

Staff did not review the appeal process with Planning Commission and Historic Preservation Board as part of their review of the LMC changes adopted by Council in December. Currently, the LMC has all appeals of HPB action going to the Board of Adjustment. These proposed amendments continue that process, and expand it slightly to include all HDDR appeals since now the HPB will be reviewing portions of HDDRs

either by review of material deconstruction or for the additional review proposed. Even though the HPB won't reviewing all HDDRs, having the BOA review any HDDR appeals allow the appeals to all go to one body.

Staff recommends removing the language in LMC 15-11-10 (B)(4), 15-11-10 (C)(2)(d), 15-11-12(E) because it is repetitive and only having the appeal process outlined in LMC 15-11-18.

5. Historic Preservation Board Review for Demolition vs. Historic Preservation Board Review for Material Deconstruction.

As part of the LMC amendments, language was added to permit the Historic Preservation Board Review (HPBR) for material deconstruction. Staff is using the term material deconstruction instead of demolition as it addresses the systematic removal of materials for reuse and selective disposal. The National Trust for Historic Preservation differentiates deconstruction from demolition in that deconstruction is more selective in its material removal, can be used to remove and salvage specific materials, and is more systematic in its approach than demolition, which is generally considered to be the total scrape or loss of the historic building. HPB shall review all material deconstruction permits for any structure listed on the Historic Sites Inventory except for Routine Maintenance as defined by Section 15-11-12 (A)(3).

Staff found only one (1) instance in the amended LMC changes where demolition had not been changed to material deconstruction. Staff suggests making the following revisions:

15-11-12.5. HISTORIC PRESERVATION BOARD REVIEW FOR DEMOLITIONS MATERIAL DECONSTRUCTION.

The Historic Preservation Board shall review and approve, approve with conditions, or deny, all Applications for Material Deconstruction involving any Building(s) (main, attached, detached, or public), Accessory Buildings and/or Structures designated to the Historic Sites Inventory as Landmark or Significant.

Prior to issuance of a Building Permit for any material deconstruction work, the Historic Preservation Board shall review the proposed plans for compliance with the Land Management Code. Planning staff shall review Material Deconstruction applications of interior elements that (1) have no impact on the exterior of the structure; or (2) are not structural in nature; or (3) the scope of work is limited to exploratory demolition.

6. Definition of Demolition, outlined in 15-15-1.75

Finally, staff found that the definitions for Material Deconstruction and Demolition adopted by the ordinance did not clearly define the two types of actions. Staff is proposing to amend the definition of Demolition so that it does not include Material Deconstruction:

1.75 DEMOLISH OR DEMOLITION. Any act or process that destroys in part or in whole a Building or Structure. Includes dismantling, razing, or wrecking of any fixed Building(s) or Structure(s). Excludes Building(s) and/or Structure(s) undergoing relocation and/or reorientation pursuant to Section 15-11-13 of this Code, disassembly pursuant to Section 15-11-14 of this Code, and Reconstruction pursuant to Section 15- 11-15 of this Code. It also excludes any Material Deconstruction approved by the Historic Preservation Board pursuant to Section 15-11-12.5, or is exempt pursuant to 15-11-12(A).

Process

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

Department Review This report has been reviewed by the Legal Department.

Notice

Legal notice of a public hearing was posted in the required public spaces and public notice websites on February 3, 2016 and published in the Park Record on February 6, 2016 per requirements of the Land Management Code.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. No public input has been received at the time of this report. Staff has noticed this item for public hearings on February 24, 2016, conducted by the Planning Commission.

Recommendation:

The Planning Department requests the Planning Commission open a public hearing, review the possible Land Management Code amendments, and forward a positive recommendation regarding the staff's proposed changes as referenced in this staff report to City Council.

Exhibits

Exhibit 1 – Draft Ordinance

Exhibit A – Chapter 1 of the LMC

Exhibit B – Chapter 11 of the LMC

Exhibit C – Chapter 15 of the LMC

Ordinance No. 16-

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING NOTICE MATRIX, SECTION 15-1-21; PURPOSES, SECTION 15-11-5; PARK CITY HISTORIC SITES INVENTORY, 15-11-10; HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW, SECTION 15-11-12; HISTORIC PRESERVATION BOARD REVIEW FOR DEMOLITION SECTION 15-12.5-15; AND DEFINITIONS, SECTION 15-15.

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

WHEREAS, it is in the best interest of the community to periodically amend the Land Management Code to reflect the goals and objectives of the City Council and to align the Code with the Park City General Plan; and

WHEREAS, the City Council finds that the proposed changes to the Land Management Code are necessary to supplement existing zoning regulations to protect Historic structures and the economic investment by owners of similarly situated property (currently Historic); and

WHEREAS, Park City was originally developed as a mining community and much of the City's unique cultural identity is based on the historic character of its mining era buildings; and

WHEREAS, these buildings are among the City's most important cultural, educational, and economic assets;

WHEREAS, the demolition of potentially historic buildings would permanently alter the character of a neighborhood, community and City;

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

SECTION 1. AMENDMENTS TO TITLE 15- LAND MANAGEMENT CODE CHAPTER ONE (GENERAL PROVISIONS AND PROCEDURES), SECTION 21 (NOTICE MATRIX). The recitals above are incorporated herein as findings of fact. Chapter 1 Section 21 of the Land Management Code of Park City is hereby amended as redlined (Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15- LAND MANAGEMENT CODE CHAPTER 11 (HISTORIC PRESERVATION) SECTIONS 5 (PURPOSES), 10 (PARK CITY HISTORIC SITES INVENTORY), 12 (HISTORIC DISTRICT OR HISTORIC SITE

DESIGN REVIEW) AND 12.5 (HISTORIC PRESERVATION BOARD REVIEW FOR DEMOLITION). The recitals above are incorporated herein as findings of fact. Chapter 11, Sections 5, 10, 12 and 12.5 of the Land Management Code of Park City is hereby amended as redlined (Exhibit B).

SECTION 3. AMENDMENTS TO TITLE 15- LAND MANAGEMENT CODE CHAPTER 15 (DEFINITIONS) SECTION 1.75 (DEMOLISH OR DEMOLITION). The recitals above are incorporated herein as findings of fact. Chapter 15, Section 1.75 of the Land Management Code of Park City is hereby amended as redlined (Exhibit C).

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective 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 A- Amendments To Title 15- Land Management Code Chapter One (General Provisions And Procedures), Section 21 (Notice Matrix)

15-1 -21. NOTICE MATRIX.

NOTICE MATRIX			
ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Zoning and Rezoning	14 days prior to each hearing before the Planning Commission and City Council	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
LMC Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
General Plan Amendments	14 days prior to each hearing before the Planning Commission and City Council.	14 days to each affected entity.	Once 14 days prior to each hearing before the Planning Commission and City Council.
Master Planned Developments (MPD)	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Appeals of Planning Director, Historic Preservation Board, or Planning Commission decisions or City Council Call-Up	7 days prior to the date set for the appeal or call-up hearing.	To all parties who received mailed notice for the original Administrative or Planning Commission hearing 7 days prior to the hearing.	Once 7 days before the date set for the appeal or call-up hearing.

NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Conditional Use Permit	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Administrative Conditional Use Permit	10 days prior to Final Action.	10 days prior to Final Action, to adjacent Property Owners.	No published notice required.
Administrative Permit	10 days prior to Final Action.	10 days prior to Final Action, to adjacent affected Property Owners.	No published notice required.
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment	14 days prior to the hearing before the Board of Adjustment.	14 days prior to the hearing before the Board of Adjustment, to owners within 300 ft.	Once 14 days prior to hearing before the Board of Adjustment.
Certificate of Appropriateness for Demolition (CAD)	45 days on the Property upon refusal of the City to issue a CAD; 14 days prior to the hearing before the CAD Hearing Board.	14 days prior to the hearing before the Historic Preservation Board, to Owners within 300 ft.	Once 14 days prior to the hearing before the Historic Preservation Board.
Determination of Significance	14 days prior to hearing before the Historic Preservation Board.	14 days prior to the hearing before the Historic Preservation Board to property owners within 100 feet.	Once 14 days prior to hearing before the Historic Preservation Board.

NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Historic Preservation Board Review for Material Deconstruction	14 days prior to the hearing before the Historic Preservation Board.	14 days prior to the hearing before the Historic Preservation Board to property owners within 100 feet.	Once 14 days prior to the hearing before the Historic Preservation Board.
<u>Demolition in the H-District to remove 75% or more of any existing structure</u>	<u>For a 10 day period once the Planning Department has approved the Building Department's demolition permit.</u>	<u>To Owners within 100 feet once the Planning Department has approved the Building Department's demolition permit.</u>	<u>No published notice required.</u>
Historic District or Historic Site Design Review	<p>First Posting: The Property shall be posted for a 14 day period once a Complete Application has been received. The date of the public hearing shall be indicated in the first posting. Other posted legal notice not required.</p> <p>Second Posting: For a 10 day period once the Planning Department has determined the proposed plans comply or does not comply with the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.</p>	<p>First Mailing: To Owners within 100 feet once a Complete Application has been received, establishing a 14 day period in which written public comment on the Application may be taken. The date of the public hearing shall be indicated.</p> <p>Second Mailing: To Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period. The second mailing occurs once the Planning Department determines whether the proposed plans comply or do not comply with the Design Guidelines for Historic Districts and Historic Sites and no later than 45 days after the end of</p>	If appealed, then once 7 days before the date set for the appeal

NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
		the initial public comment period. This establishes a 10 day period after which the Planning Department's decision may be appealed.	
Annexations	Varies, depending on number of Owners and current State law. Consult with the Legal Department.		
Termination of Project Applications	-----	Mailed Notice: To Owner/Applicant and certified Agent by certified mail 14 days prior to the Planning Director's termination and closure of files.	-----
Lot Line Adjustments: Between 2 Lots without a plat amendment.	10 days prior to Final Action on the Property. Other posted legal notice not required.	To Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from adjacent Owners.	-----
Preliminary and Final Subdivision Plat Applications	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.
Condominium Applications; Record of Survey Plats	14 days prior to the hearing before the Planning Commission.	14 days prior to the hearing before the Planning Commission, to Owners within 300 ft.	Once 14 days prior to the hearing before the Planning Commission.

NOTICE MATRIX

ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
Record of Survey Amendments	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.
Subdivision Plat Amendments	14 days prior to the hearing.	14 days prior to the hearing, to Owners within 300 ft.	Once 14 days prior to the hearing.
Vacating or Changing a Street	-----	14 days prior to the hearing before the City Council, to Owners within 300 ft. and to affected entities.	Once a week for 4 consecutive weeks prior to the hearing before the City Council.
Extension of Approvals	Posted notice shall be the same as required for the original application.	Courtesy mailing shall be the same as required for the original application.	Published notice shall be the same as required for the original application.

Note: For all Applications, notice will be given to the Applicant of date, time, and place of the public hearing and public meeting to consider the Application and of any Final Action on a pending Application.

Appendix A – Official Zoning Map (Refer to the Planning Department)

Exhibit B -- Amendments to Title 15- Land Management Code Chapter 11 (Historic Preservation) Sections 5 (Purposes), 10 (Park City Historic Sites Inventory), 12 (Historic District Or Historic Site Design Review), and 12.5 (Historic Preservation Board Review For Demolition).

15-11-5. PURPOSES.

The purposes of the HPB are:

- (A) To preserve the City's unique Historic character and to encourage compatible design and construction through the creation, and periodic update of comprehensive Design Guidelines for Park City's Historic Districts and Historic Sites;
- (B) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;
- (C) To provide input to staff, the Planning Commission and City Council towards safeguarding the heritage of the City in protecting Historic Sites, Buildings, and/or Structures;
- (D) To recommend to the Planning Commission and City Council ordinances that may encourage Historic preservation;
- (E) To communicate the benefits of Historic preservation for the education, prosperity, and general welfare of residents, visitors and tourists;
- (F) To recommend to the City Council Development of incentive programs, either public or private, to encourage the preservation of the City's Historic resources;
- (G) To administer all City-sponsored preservation incentive programs;
- ~~(H) To review all appeals on action taken by the Planning Department regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites;~~
- (I) To review and take action on all designation of Sites to the Historic Sites Inventory Applications submitted to the City; and
- (J) To review and take action on material deconstruction applications for those Sites listed on the Historic Sites Inventory.

15-11-10 PARK CITY HISTORIC SITES INVENTORY

(B) PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.

The Planning Department shall maintain an inventory of Historic Sites. It is hereby declared that all Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures within Park City, which comply with the criteria found in Sections 15-11-10(A)(1) or 15-11-10(A)(2) are determined to be on the Park City Historic Sites Inventory.

Any Owner of a Building (main, attached, detached or public), Accessory Building, and/or Structure, may nominate it for listing in the Park City Historic Sites Inventory. The Planning Department may nominate a Building (main, attached, detached or public), Accessory Building, and/or Structure for listing in the Park City Historic Sites Inventory. The nomination and designation procedures are as follows:

(1) **COMPLETE APPLICATION.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

(2) **NOTICE.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.

(3) **HEARING AND DECISION.** The Historic Preservation Board will hold a public hearing and will review the Application for compliance with the “Criteria for Designating Historic Sites to the Park City Historic Sites Inventory.” If the Historic Preservation Board finds that the Application complies with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached or public), Accessory Building, and/or Structure will be added to the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

~~(4) **APPEAL.** The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of Historic Preservation Board final action. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this code. Appeals shall be considered only on the record made before the Historic Preservation Board.~~

(C) **REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES**

INVENTORY. The Historic Preservation Board may remove a Site from the Historic Sites Inventory. Any Owner of a Site listed on the Park City Historic Sites Inventory may submit an Application for the removal of his/her Site from the Park City Historic Sites Inventory. The Planning Department may submit an Application for the removal of a Site from the Park City Historic Sites Inventory. The criteria and procedures for removing a Site from the Park City Historic ~~Sties~~ Sites Inventory are as follows:

(1) **CRITERIA FOR REMOVAL.**

(a) The Site no longer meets the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) because the qualities that caused it to be originally designated have been lost or destroyed; or

(b) The Building (main, attached, detached, or public) Accessory Building, and/or Structure on the Site has been demolished and will not be reconstructed; or

(c) Additional information indicates that the Building, Accessory Building, and/or Structure on the Site do not comply with the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2).

(2) **PROCEDURE FOR REMOVAL.**

(a) **Complete Application.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for removal, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

(b) **Notice.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.

(c) **Hearing and Decision.** The Historic Preservation Board will hear testimony from the Applicant and public and will review the Application for compliance with the “Criteria for Designating Historic Sites to the Park City Historic Sites Inventory.” The HPB shall review the Application “de novo” giving no deference to the prior determination. The Applicant has the burden of proof in removing the Site from the inventory. If the HPB finds that the Application does not comply with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached, or public) Accessory Building, and/or Structure will be removed from the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

~~(d) **Appeal.** The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this Code. Appeals shall be considered only on the record made before the Historic Preservation Board and will be reviewed for correctness.~~

15-11-12. HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW.

The Planning Department shall review and approve, approve with conditions, or deny, all Historic District/Site design review Applications involving an Allowed Use, a Conditional Use, or any Use associated with a Building Permit, to build, locate, construct, remodel, alter, or modify any Building, accessory Building, or Structure, or Site located within the Park City Historic Districts or Historic Sites, including fences and driveways.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5. Whenever a

conflict exists between the LMC and the Design Guidelines, the more restrictive provision shall apply to the extent allowed by law.

(A) **PRE-APPLICATION CONFERENCE.**

(1) It is strongly recommended that the Owner and/or Owner's representative attend a pre-Application conference with representatives of the Planning and Building Departments for the purpose of determining the general scope of the proposed Development, identifying potential impacts of the Development that may require mitigation, providing information on City-sponsored incentives that may be available to the Applicant, and outlining the Application requirements.

(2) Each Application shall comply with all of the Design Guidelines for Historic Districts and Historic Sites unless the Planning Department determines that, because of the scope of the proposed Development, certain guidelines are not applicable. If the Planning Department determines certain guidelines do not apply to an Application, the Planning Department staff shall communicate, via electronic or written means, the information to the Applicant. It is the responsibility of the Applicant to understand the requirements of the Application.

(3) The Planning Director, or his designee, may upon review of a Pre-Application submittal, determine that due to the limited scope of a project the Historic District or Historic Site Design Review process as outlined in LMC Sections 15-11-12(B-E) and Historic Preservation Board Review For Material Deconstruction as outlined in LMC Sections. 15-11.12.5 are is-not required and is exempt.

If such a determination is made, the Planning Director, or his designee may, upon reviewing the Pre-Application for compliance with applicable Design Guidelines, approve, deny, or approve with conditions, the project. If approved, the Applicant may submit the project for a Building Permit.

Applications that may be exempt from the Historic Design Review process, include, but are not limited to the following:

(a) For Non-Historic Structures and Sites - minor routine maintenance, minor routine construction work and minor alterations having little or no negative impact on the historic character of the surrounding neighborhood or the Historic District, such as work on roofing, decks, railings, stairs, hot tubs and patios, foundations, windows, doors, trim , lighting, mechanical equipment, paths, driveways, retaining walls, fences, landscaping, interior remodels, temporary improvements, and similar work.

(b) For Significant Historic Structures and Sites - minor routine maintenance, minor routine construction work and minor alterations having little or no negative impact on the historic character of the surrounding neighborhood, the Historic Structure or the Historic District, such as work on roofing, decks, railings, stairs, hot tubs and patios, replacement of windows and doors in existing or to historic locations, trim, lighting, mechanical equipment located in a rear yard area or rear façade, paths, driveways, repair of existing retaining walls, fences, landscaping, interior remodels, temporary improvements, and similar work.

(c) For Landmark Historic Structures and Sites - minor routine maintenance and minor routine construction having no negative impact on the historic character of the surrounding neighborhood, the Historic Structure, or the Historic District, such as re-roofing; repair of existing decks, railing, and stairs; hot tubs and patios located in a rear yard; replacement of existing windows and doors in existing or historic locations; repair of existing trim and other historic detailing; lighting, mechanical equipment located in a rear yard area or rear façade, repair of paths, driveways, and existing retaining walls; fences, landscaping, interior remodels, temporary improvements, and similar work.

(d) For Significant and Landmark Historic Structures and Sites, the Planning Director may determine that the proposed work is Emergency Repair Work having little or no negative impact on the historic character of the surrounding neighborhood or the Historic District.

(B) **COMPLETE APPLICATION**. The Owner and/or Applicant for any Property shall be required to submit a Historic District/Site design review Application for proposed work requiring a Building Permit in order to complete the work.

(C) **NOTICE**. Upon receipt of a Complete Application, but prior to taking action on any Historic District/Site design review Application, the Planning staff shall provide notice pursuant to Section 15-1-12 and 15-1-21 of this Code.

(D) **PUBLIC HEARING AND DECISION**. Following the fourteen (14) day public notice period noted in Section 15-1-21 of this Code the Planning Department staff shall hold a public hearing and make, within forty-five (45) days, written findings, conclusions of law, and conditions of approval or reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy. Staff shall also provide notice pursuant to Section 15-1-21.

(1) Historic District/Site design review Applications shall be approved by the Planning Department staff upon determination of compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites. If the Planning Department staff determines an Application does not comply with the Design Guidelines, the Application shall be denied.

(2) With the exception of any Application involving the Reconstruction of a Building, Accessory Building, and/or Structure on a Landmark Site, an Application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in 15-11-10(A)(1).

(3) An Application associated with a Significant Site shall be denied if the Planning Department finds that the proposed project will result in the Significant Site no longer meeting the criteria set forth in 15-11-10(A)(2).

~~(E) — **APPEALS.** The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Department decision made on a Historic District/Site design review Application to the Historic Preservation Board.~~

~~All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project, and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines that are alleged to be violated by the action taken. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.~~

~~Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 of this Code. The appellant shall provide required stamped and addressed notice envelopes within fourteen (14) days of the appeal. The notice and posting shall include the location and description of the proposed Development project. The scope of review by the Historic Preservation Board shall be the same as the scope of review at the Planning Department level.~~

~~(1) — The Historic Preservation Board shall either approve, approve with conditions, or disapprove the Application based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.~~

~~(2) — The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Historic Preservation Board decision made on a Historic Preservation Board Review for Material Deconstruction to the Board of Adjustment. All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines that are alleged to be violated by the action taken. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.~~

~~Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 of this Code. The appellant shall provide required stamped and addressed notice envelopes within fourteen (14) days of the appeal. The notice and posting shall include the location and description of the proposed Development project. The scope of review by the Historic Preservation Board shall be the same as the scope of review at the Planning Department level.~~

~~(i) — The Board of Adjustment shall either approve, approve with conditions, or disapprove the Application based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.~~

(F) **EXTENSIONS OF APPROVALS.** Unless otherwise indicated, Historic District Design Review (HDDR) approvals expire one (1) year from the date of the Final Action. The Planning Director, or designee, may grant an extension of an HDDR approval for one (1) additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original HDDR approval per Section 15-1-12. Extension requests must be submitted to the Planning Department in writing prior to the date of the expiration of the HDDR approval.

(Amended by Ord. Nos. 09-23; 10-11; 11-05; 12-37; 15-53)

15-11-12.5 HISTORIC PRESERVATION BOARD REVIEW FOR DEMOLITIONS MATERIAL DECONSTRUCTION.

The Historic Preservation Board shall review and approve, approve with conditions, or deny, all Applications for Material Deconstruction involving any Building(s) (main, attached, detached, or public, Accessory Buildings and/or Structures designated to the Historic Sites Inventory as Landmark or Significant.

Prior to issuance of a Building Permit for any material deconstruction work, the Historic Preservation Board shall review the proposed plans for compliance with the Land Management Code. Planning staff shall review ~~m~~Material ~~d~~Deconstruction applications of interior elements that (1) have no impact on the exterior of the structure; or (2) are not structural in nature; or (3) the scope of work is limited to exploratory demolition.

(A) COMPLETE APPLICATION.

The Owner and/or Applicant for any Property shall be required to submit a Historic Preservation Board Review For Material Deconstruction for proposed work requiring a Building Permit in order to complete the work.

(B) NOTICE. Upon receipt of a Complete Application, but prior to taking action on any Historic Preservation Board Review for Material Deconstruction application, the Planning staff shall provide notice pursuant to Section 15-1-12 and 15-1-21 of this Code.

(C) PUBLIC HEARING AND DECISION. Following the fourteen (4) day public notice period noted in Section 15-1-21 of this Code, the Historic Preservation Board shall hold a public hearing and make written findings, conclusions of law, and conditions of approval or reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy.

(Approved by Ord. No. 15-53)

Exhibit C -- Amendments to Title 15- Land Management Code Chapter 15 (Definitions)

1.74 DEMOLISH OR DEMOLITION. Any act or process that destroys in part or in whole a Building or Structure. Includes dismantling, razing, or wrecking of any fixed Buildings(s) or Structure(s). Excludes Building(s) and/or Structure(s) undergoing relocation and/or reorientation pursuant to Section 15-11-13 of this Code, disassembly pursuant to Section 15-11-14 of this Code, or Reconstruction pursuant to Section 15-11-15 of this Code, and Reconstruction pursuant to Section 15- 11-15 of this Code. It also excludes any Material Deconstruction approved by the Historic Preservation Board pursuant to Section 15-11-12.5, or is exempt pursuant to 15-11-12(A).