

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 Equivalents is 64,965 square feet utilizing 32.48 Unit Equivalents. All saleable residential area platted as private area within the Units is counted into the Unit Equivalent 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: \_\_\_\_\_