

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
May 23, 2018**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF May 9, 2018

PUBLIC COMMUNICATIONS – Items not scheduled on the regular agenda

STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

Recognition Plaque Awarded to Adam Strachan – Mayor Andy Beerman, Planning Commission Chair Melissa Band, Planning Commission, and Community Development staff would like to thank former Planning Commission Chair Adam Strachan for his service and dedication to the Park City Community.

CONTINUATIONS

115 Sampson Avenue – Steep Slope Conditional Use Permit – applicant is proposing to construct an addition to a historic house, designated as “Significant” on the Historic Sites Inventory, on a slope greater than 30%. PL-18-03794 28
Planner
Grahn
Public hearing and continuation to Planning Commission on June 13, 2018

Land Management Code Amendments regarding Food Trucks in Chapters 15-1-10 Conditional Use Review Process; 15-2.5 Historic Recreation Commercial (HRC) District; 15-2.6 Historic Commercial Business (HCB) District; 15-2.13 Residential Development (RD) District; 15-2.14 Residential Development-Medium Density (RDM) District; 15-2.16 Recreation Commercial (RC) District; 15-2.17 Regional Commercial Overlay (RCO) District; 15-2.18 General Commercial (GC) District; 15-2.19 Light Industrial (LI) District; 15-2.22 Public Use Transition (PUT) District; 15-2.23 Community Transition (CT) District; and 15-15 Defined Terms. PL-18-03846 29
Planner Tyler
Public hearing and continuation to a date uncertain

Twisted Branch Road Subdivision Plat – A Subdivision Plat for 3 lots of record for an on-mountain private restaurant, a City water tank and pump station, and a recreational warming shelter/yurt; existing Twisted Branch Road; parcels for Deer Valley Resort uses; open space and existing SR 244, subject to the Flagstaff Annexation and Development Agreement, located within the Empire Pass Development Area. PL-17-03664 60
Planner
Whetstone
Public hearing and continuation to Planning Commission on June 13, 2018

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

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

Flagstaff Mountain and Empire Pass Development – Construction Mitigation Plan amendments regarding clean excavation materials stockpiling and depositing and construction traffic routing. *Planner Whetstone 61*
Public hearing and continuation to Planning Commission on June 13, 2018

Park City Heights Subdivision – Amendment to subdivision phasing plan. *Planner Whetstone 62*
Public hearing and continuation to Planning Commission on June 13, 2018

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

1062 and 1064 Park Avenue – A plat amendment proposing to create a two (2) lot subdivision from four (4) existing lots of record and two (2) metes-and-bounds parcels. *PL-18-03818 Planner Tyler 63*
Public hearing and possible recommendation to City Council on June 7th, 2018

1011 Empire Plat Amendment, located at the same address – A plat amendment proposing to subdivide 3 existing lots of record addressed at 1011 Empire Avenue into two lots of record. *PL-17-03625 Planner Grahn 92*
Public hearing and possible recommendation for City Council on June 21, 2018

1135 Norfolk Plat Amendment, located at the same address—A plat amendment proposing to combine all of Lots 8 and 9 and the south half of Lot 10, Block 17 of the Snyder’s Addition to Park City into one lot of record. *PL-18-03826 Planner Grahn 105*
Public hearing and possible recommendation for City Council on June 21, 2018

ADJOURN

***Parking validations will be provided for Planning Commission meeting attendees that park in the China Bridge parking structure.**

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MAY 9, 2018

COMMISSIONERS IN ATTENDANCE:

Chair Melissa Band, Sarah Hall, John Kenworthy, John Phillips, Mark Sletten, Laura Suesser, Douglas Thimm

EX OFFICIO: Planning Director, Bruce Erickson; Anya Grahn, Planner; Hannah Tyler, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES

April 25, 2018

MOTION: Commissioner Phillips moved to APPROVE the Minutes of April 25, 2018 as written. Commissioner Hall seconded the motion.

VOTE: The motion passed. Commissioners Suesser and Thimm abstained since they were absent on April 25th.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Assistant City Attorney McLean introduced Rebecca Ward, a legal intern working in the City Attorney's Office. Ms. Ward was working on both a Legal Degree and a Masters in Planning at the University of Utah.

Assistant City Attorney McLean announced that she was fortunate to be chosen to go to Courchevel France for six weeks this summer in a first-time ever employee exchange. In October or November, a Planner from France would be coming to work in Park City. Ms. McLean noted that she would miss the Planning Commission meetings in June, and she would be back for the July 25th meeting. Rebecca Ward will attend the Planning Commission meetings in her absence. City Attorney Mark Harrington will be supervising,

and if there is an item that he thinks he needs to sit in on, he will work with Ms. Ward to make that determination. The Planning Commission would have legal counsel at every meeting.

The Commissioners congratulated Ms. McLean on being selected for the employee exchange program.

CONTINUATIONS – Public hearing and continue to date specified.

1. Twisted Branch Road Subdivision Plat – A Subdivision Plat for 3 lots of record for an on-mountain private restaurant, a City water tank, and a recreational warming shelter/yurt; platted ROW for existing Twisted Branch Road; and platted parcels for Deer Valley Resort ski trails and bridges, open space, and existing Guardsman Pass Road, subject to the Flagstaff Annexation and Development Agreement, located within the Empire Pass Development Area.
(Application PL-17-03664)

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

Planner Whetstone reported that this was a continuation to allow the Staff additional time to review the plat and the conditions. She clarified that the plat would create lots and parcels up Twisted Branch Road and Guardsman Road. It will plat a public right-of-way for the Guardsman Road, but instead of saying “plating a right-of-way for Twisted Branch Road”, which is a private road, the language will say that it will also plat existing Twisted Branch Road as a private road. The gates will stay in place. Planner Whetstone noted that there was confusion as to whether Twisted Branch Road would become a public road and she wanted to clarify that it was only platting the road as a private road.

Director Erickson stated that whoever makes the motion to Continue this item should remove the ROW in front of Twisted Branch, and add the words “private road”.

Planner Whetstone noted that the clarification would be made in the next Staff report and on the new revised plat.

MOTION: Commissioner Phillips moved to CONTINUE the Twisted Branch Road Subdivision Plat – A Subdivision Plat for 3 lots of record for an on-mountain private restaurant, a City water tank, and a recreational warming shelter/yurt; private road for existing Twisted Branch Road; and platted parcels for Deer Valley Resort ski trails and bridges, open space, and existing Guardsman Pass Road, subject to the Flagstaff

Annexation and Development Agreement, located within the Empire Pass Development Area to May 23, 2018. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **The Gardner Parcel – First Amended located at 943-945 Norfolk Avenue – A subdivision proposing to divide the existing Gardner Parcel plat into two (2) legal lots of record. (Application PL-18-03801)**

Planner Anya Grahn reported that a plat amendment was done in the 1990s to combine three lots into a one lot subdivision. An existing historic house is on the north side of the lot. There is a 1994/1995 detached structure containing a garage and an accessory on the south side.

Planner Grahn stated that the applicant was proposing to draw a new subdivision line between the two structures, demolish the 1995 garage and rebuild the lot. She noted that currently no plans had been submitted for the re-development, but the Planning Department anticipated that plans would be submitted.

Planner Grahn reported that the applicant went to the Historic Preservation Board last week and received approval for the material deconstruction for work on the house. She showed what the plat would look like when completed. The historic house would be on Lot A and Lot B would be an undeveloped lot. Planner Grahn noted that the applicant had already applied for a demolition permit. A couple of encroachments exist in terms of retaining walls, sidewalks and pads between the two structures. The applicant applied for a demolition permit to remove the structure as well as those improvements. Those items will be cleaned up prior to recordation.

Chair Band assumed that the retaining wall would be replaced with something that would not encroach. Planner Grahn answered yes. The existing retaining walls encroach into the right-of-way and across the proposed shared property line.

Commissioner Kenworthy referred to page 24 of the Staff report, Finding 18, which stated that the proposed setback was 75'. Planner Grahn replied that it should be 10' and she thanked Commissioner Kenworthy for catching the error.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

MOTION: Commissioner Thimm moved to forward a POSITIVE recommendation to the City Council for the Gardner Parcel First Amended, located at 943 to 945 Norfolk Avenue based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance and as amended to change the setback from 75' to 10' in Finding #18. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – The Gardner Parcel

1. The property is located at 943-945 Norfolk Avenue.
2. The historic house at 945 Norfolk Avenue was constructed in 1896 by Nathaniel J. Williams.
3. In July 1994, the Historic District Commission (HDC) approved the construction of a new addition that included a four-car parking garage and 1,200 square foot apartment to the south of the historic house. The design mimicked the roof form, dormers, materials, and detailing of the historic house.
4. At the time of the HDC's approval, the use was considered a "duplex" and the house and garage. The garage and accessory apartment are in a detached structure, separate from the historic house.
5. In 1995, the Park City Council approved Ordinance 95-13, a plat amendment to combine "All of Lots 10, 11, & 12, Blk 15, Snyders Addition to Park City." The Gardner Parcel was recorded with the Summit County Recorder on July 16, 1996.
6. In 2009, this site was listed on Park City's Historic Sites Inventory (HSI) and was designated as Landmark.
7. The applicant submitted a Historic District Design Review (HDDR) application on March 13, 2018; it was deemed complete on March 19, 2018. The HDDR application is currently under review by the Planning Department.
8. The Historic Preservation Board reviewed and approved the Material Deconstruction on May 2, 2018. They determined that the contemporary site improvements were not historic and approved the removal of rock and stone retaining walls, sidewalks, landscaped stairs, driveway, and other improvements.
9. The current application proposes to subdivide the lot into two legal lots of record. Lot A (945 Norfolk Avenue) will contain 2,963 square feet; while Lot B (943 Norfolk Avenue) will contain 2,662 square feet.
10. On April 17, 2018, the applicant submitted a build permit to demolish the detached

garage structure and non-historic landscape improvements at 943 Norfolk Avenue. The permit has not yet been issued.

11. Along the front (east) side of the property, there are retaining walls that encroach into the city right-of-way.

12. Between the two buildings there are a concrete walkway, wood and concrete steps, and a portion of the covered porch at 943 Norfolk Avenue that will encroach over the proposed subdivision line.

13. Along the rear (west) yard, there is an existing retaining wall that encroaches onto the 945 Norfolk Avenue property from 950 Empire Avenue. Survey note #10 states, "There is a rock wall encroaching in the property pertinent to the construction of the adjacent property."

14. In the rear yard, there is also a retaining wall that extends from 945 Norfolk Avenue into the property to the north at 955 Norfolk, as well as a series of retaining walls that cross over the proposed subdivision line between 943 and 945 Norfolk Avenue.

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

16. Per LMC 15-2.2-3 (A), the minimum Lot Area is 1,875 square feet for a Single Family Dwelling; Lot A will comply at 2,963 square feet, and Lot B will comply at 2,662 square feet.

17. Per LMC 15-2.2-3 (D), the building footprint is based on the Lot Size. Lot A will produce an allowable footprint of 1,254.275 square feet; it currently has a footprint of 1,186.875 square feet. Lot B will produce an allowable footprint of 1,146.079 square feet; it currently has a footprint of 960 square feet.

18. Per LMC 15-2.2-3(E), the minimum Front and Rear Yard setbacks for Lots with a depth up to 75 feet, such as these proposed lots, is 75 feet. Following the subdivision, Lot A containing the Historic House will have a front yard setback of 7 feet and a rear yard setback of 19 feet; historic structures are valid non-complying buildings. With the existing structure, Lot B will have a front yard setback of 17 feet and a rear yard setback of 16 feet.

19. Per LMC 15-2.2-3(H), the minimum side yard increases for lots greater than 37.5 feet in width. Lot A has a proposed lot width of 39.50 and will require side yard setbacks of 5 feet for a total of 10 feet; with the Historic house, the site will have a 2 foot side yard setback on the north side and a 6 foot side yard setback on the south side. Lot B has a proposed lot width of 35.50 and will require 3 foot setbacks for a total of 6 feet; with the existing detached garage-accessory apartment structure, the site will have 0 ft. setback on the north side and 12 foot setback on the south side.

20. Per LMC 15-2.2-5 Building Height, no structure shall be erected to a height greater than 27 feet from Existing Grade. The Historic house has a height of 26.1 feet and the 1994 garage-accessory apartment addition has a height of 23.9 feet. The historic house was constructed prior to the requirement of a 10-foot horizontal step in the downhill façade; it is a valid non-complying structure. The detached garage accessory

apartment was built in 1994 prior to the requirement of a 10 foot horizontal step in the downhill façade; it is legal non-complying.

21. The 1994 garage-accessory apartment addition to the site is legal non-complying; however, the applicant has proposed to demolish it and redevelop Lot B. It does not cross the proposed subdivision line, but would have a 0-foot setback if the building were to remain.

22. The 1995 plat amendment approval included a five foot (5') snow storage easement along the Norfolk Avenue right-of-way. The City has since been consistent in requiring a 10-foot snow storage easement.

23. The Park City Planning Department received the plat amendment application on March 6, 2018; the application was deemed complete on March 8, 2018.

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

Conclusions of Law – The Gardner Parcel

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

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
4. A 10-foot wide public snow storage easement along the frontage of Norfolk Avenue is required and shall be provided on the plat.
5. There are non-historic retaining walls that encroach into the right-of-way in front of both 943 and 945 Norfolk Avenue. The applicant shall remove these encroachments prior to recording the plat.
6. Prior to recording the plat, the applicant shall remove the non-historic encroachments between the two properties, including the concrete deck and stairs as well as the series of stone retaining walls in the backyard.

7. The applicant shall either remove the contemporary rock retaining walls or enter into an encroachment agreement with the neighbor at 950 Empire Avenue for the rock retaining wall that extends from 950 Empire Avenue into 945 Norfolk Avenue.
8. The applicant shall remove the contemporary rock retaining walls that extend from 945 Norfolk Avenue into the property directly north.
9. The applicant shall demolish the garage-accessory apartment structure at 943 Norfolk Avenue prior to recording the plat.

2. **The Anderson Plat Amendment located at 1203 Park Avenue – A plat amendment proposing to combine to combine 1.5 existing lots of record addressed at 1203 Park Avenue into one lot of record.**
(Application PL-18-03846)

Planner Grahn stated that several encroachments extend into the right-of-way, including a garage. There are also improvements that encroach into the library parcel. Planner Grahn presented a slide showing development with historic houses and the library portion.

Planner Grahn stated that the applicant was proposing to create a legal lot of record. This plat is different because there is an illegal duplex on this property. The Planning Department was working with the applicant to move forward with a Historic District Design Review to make the house single family and remove the illegal duplex. Planner Grahn noted that the plat amendment would also remove the interior lot line.

Planner Grahn reported that the Building Department was working on an agreement with the owner so the illegal duplex would not be rented and that the kitchen will be removed. Removing the kitchen removes the duplex unit, as defined in the LMC.

Director Erickson noted that the Chief Building Official and the Code Enforcement Officer were present to answer questions regarding the duplex. He pointed out that the duplex was a separate issue unrelated to the plat. Planner Grahn remarked that removal of the duplex was tied to the plat amendment in a condition of approval.

Assistant City Attorney McLean clarified that it was currently not being used as a duplex based on Code Enforcement action.

Shelly Hatch, Code Enforcement, stated that when she spoke with the owner they told her it was no longer being rented. She remarked that the next step is the Notice of Violation and she would add language stating that the kitchen needs to be removed before the plat can be recorded.

Commissioner Phillips noted that the single-family home will not come back to the Planning Commission it does not require a CUP. Planner Grahn replied that it should not come back with to the Planning Commission because a single-family home is an allowed use in the zone. However, if the plans change it might come back to the Planning Commission.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the Anderson plat amendment located at 1203 Park Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Suesser seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – The Anderson Plat Amendment

1. The property is located at 1203 Park Avenue.
2. The property is in the Historic Residential-Medium (HRM) District.
3. The subject property consists of all of Lot 1 and the south ½ of Lot 2, Block 6, Snyder's Addition to Park City. The proposed plat amendment creates one (1) lot of record.
4. Though constructed prior to 1938 and over fifty (50) years old, the site is not designated as historic on the Park City Historic Sites Inventory (HSI) as it does not meet the criteria for either Landmark or Significant. The house has been significantly altered by non-historic additions that have significantly altered the house's Essential Historical Form and diminished its historic integrity.
5. On December 14, 2014, the City notified the property owner at 1203 Park Avenue via certified mail that the area on his side of the fence was owned by the City and the City would give permission to use this property; however, the owner of 1203 Park Avenue did not have any "permanent right, title, or interest of any kind" vested in the area to the east of the fence as the "City may, at some future date, elect to remove the fence and not have City property on your side of the fence." The letter indicated that the owner waived any right to compensation for the loss of improvements made to the east side of the fence as this property did not belong to him.
6. In 2016, the applicant submitted a Historic District Design Review Pre-application to

discuss development opportunities and renovation of the house. As a follow-up to the Design Review Team (DRT) meeting, staff informed the applicant via email on September 1, 2016, that the lot size did not meet the minimum requirements for a duplex and that additional research would be needed to show the duplex was constructed legally. The applicant has not provided any additional evidence to show the applicant was constructed legally, nor has staff uncovered any additional documentation verifying the legal construction of the duplex.

7. On March 24, 2017, the City received a Plat Amendment application for the Anderson Plat Amendment located at 1203 Park Avenue; the application was not complete as staff requested the applicant provide additional required information in order to move forward with processing the application.

8. During staff's review of the materials submitted, staff reaffirmed that the building is an illegal duplex. In the HRM Zoning District, Duplexes are an Allowed Use only when a minimum lot size of 3,750 square feet is provided; the applicant's lot size is 2,812.5 square feet. Staff continued to work with the owners' representative, architect Michael Stoker, through June 2017, emphasizing that staff could not move forward on this plat amendment unless the applicant either consented to a Condition of Approval to remove the illegal duplex use or the applicant prove the use had been approved.

9. On January 11, 2018, Code Enforcement received a formal complaint from a member of the public that had tried to rent the apartment, but had discovered that it was an illegal duplex. Code Enforcement Officer Shelley Hatch emailed the owner a copy of the Notice of Violation on January 30, 2018, and posted the property on the same day.

10. On February 20, 2018, the applicant submitted updated information for the plat amendment application. The application was complete on March 9, 2018.

11. No HDDR application has been submitted at this time. There has been no evidence or proof submitted in order for the Planning Director to make a determination that this was a legally constructed duplex; at this time, Building and Planning Department staff have moved forward with correcting the illegal duplex use.

12. The Plat Amendment removes one (1) lot line going through the existing structure.

13. The property currently contains 2,812.5 square feet. The property abuts Park Avenue on the east side of the house and 12th Street to the south.

14. The proposed Plat Amendment combines the property into one (1) lot measuring 2,812.5 square feet.

15. The existing house is an illegal duplex as it does not meet the lot size requirements for a duplex in the HRM zoning district and no evidence was presented with the application indicating that the duplex was allowed legally, nor has owner requested a determination that the use was a legal non-conforming use. The applicant has proposed to redevelop the house into a single-family dwelling; however, no Historic District Design Review (HDDR) application has been submitted at this time.

16.A Duplex is defined by the LMC as a Building containing two (2) Dwelling Units.

17.A Dwelling Unit is defined by the LMC as a Building or portion thereof designed for Use as the residence or sleeping place of one (1) or more Persons or families and includes a Kitchen, but does not include a Hotel, Motel, Lodge, Nursing Home, or Lockout Unit.

18.A single family dwelling is an allowed Use in the HRM zoning district and requires a minimum lot size of 1,875 square feet; the lot size complies with this requirement.

19.A duplex dwelling is an allowed Use in the HRM zoning district and requires a minimum lot size of 3,750 square feet; the lot size does not comply with this requirement.

20.The minimum lot width in the HRM zoning district is 37.5 feet; this lot complies with a lot width of 37.5 feet.

21.The required front yard setback is 10 feet; the existing front yard complies at 15 feet.

22.The required rear yard setback is 10 feet; the existing rear yard setback does not comply at 0 feet as the garage encroaches over the west property line.

23.The required side yard setbacks are 5 feet; the existing side yard setbacks do not comply as the house is 2 feet along the north property line and the garage has a 0 foot setback along the south property line.

24.There are several encroachments on this site that have been verified by the existing conditions survey. The existing garage and concrete pathways encroach into the 12th Street right-of-way. Along the west property line, a portion of the garage encroaches onto the neighboring City-owned property at 1255 Park Avenue (Park City Library).

25.In 1992, the City constructed the fence in order to prevent cars parked in the Library parking lot from shining lights into the houses to the east.

26.There is no maximum building footprint requirement in the HRM zoning district. The house has to meet the required setbacks.

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

Conclusions of Law – The Anderson 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 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 – The Anderson Plat Amendment

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 12th Street frontages of the property and shall be shown on the plat.
4. The property owner shall remove the portions of the c.1974 garage that encroaches into the City-owned property at 1255 Park Avenue along the west elevation as well as the portion of the garage that encroaches onto the 12th Street right-of-way on the south elevation. This shall be completed prior to recordation of the plat amendment with the Summit County Recorder's Office.
5. The applicant shall enter into an agreement with the City specifying that the Kitchen will be removed no later than June 29, 2018, and the duplex unit will not be rented out; the illegal duplex use shall be removed prior to recording the plat with Summit County Recorder's Office.
6. A note shall be added to the plat stating that residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.

3. **Land Management Code (LMC) Amendment – LMC Amendments regarding Affordable Housing in Chapter 15-6-7 Master Planned Affordable Housing Developments (Application PL-18-03846)**

Planner Hannah Tyler reviewed the Master Planned Affordable Housing Developments Land Management Code amendments. These amendments went to the City Council on April 4th in response to the Council Retreat where the City Council reaffirmed affordable housing as a critical priority. Planner Tyler stated that many of these amendments were consistent with the General Plan, as well as the City Council goals.

Planner Tyler reported that the Planning Department has been working closely with the affordable housing team. She noted that the purpose of this amendment is to incentivize public and private development of affordable housing within the City limits. The criteria for using this Code is to have an acre or more of land, or using a minimum of ten unit equivalents. A residential unit equivalent is 2,000 square feet; therefore, 20,000 square feet of residential use is the threshold to use this section of Code at the base.

Planner Tyler stated that the issue with this section of the Code is that no affordable housing project has actually used this Code, even though it has been in the LMC since

1984. The Staff began looking at the critical issues and the problems. One is the parking requirements. Currently, the requirement is one space per bedroom, which is much different than a normal development requirement. Second is the requirement to have a minimum of 100% affordable. She used the most recent Woodside Park Phase I as an example of a development that is not 100% affordable. These are City projects, and in order to fund these projects the City has to sell some market rate units. Therefore, the City could not meet this section of Code. Planner Tyler pointed out that the intent is to bring this section of Code more in line with reality.

Planner Tyler noted that one change is to lower the minimum percentage of affordable units. They propose to restructure the density bonus allocation from the current flat density bonus of 20 UEs and change it to a zone by zone basis. The next would be to create consistency in the off-street parking requirements. Finally, the definitions would be updated to be consistent with the Housing Resolution.

Planner Tyler remarked that when the Staff met with the City Council they were given direction to work out appropriate density bonus allocations. They looked at other cities and benchmarked what Park City was doing compared to other communities. The Planning Department also conducted a Park City specific density study; and looked at what density actually is from a land use standpoint. The Planning Department library has many books that look at density and different communities ranging from 100 units per acre to one unit per acre.

Commissioner Suesser asked for an explanation of the density bonus allocation. Director Erickson explained that currently in a regular MPD the developer can apply for up to 20 units per acres as a density bonus if the development is 100% affordable. He noted that the allocation fails on two levels. One is the requirement for 100% affordable. Second is that the density bonus is not an incentive because there is never enough land to meet that requirement. The Staff was proposing to change the way the way the density incentive works.

Planner Tyler started her review with the purpose statement of the Code. She reiterated that currently, there has to be 100% affordable housing to use this section of Code. The proposed amendment would lower that amount to 50%. They were also proposing to allow attainable housing to count towards the minimum percentage of affordable because the Housing Resolution currently counts attainable housing, which is 101% to 150% of area median income. The Staff report included a grid on what that would look like based on family size. Planner Tyler stated that the numbers come from the Housing Resolution which is guided by the Housing Authority, who is the City Council, and those numbers change on an annual basis. In order for this Code to be consistent with what the City

Council wants to provide with affordable housing, the amendments add “attainable” to this Section.

Director Erickson explained that the strategy that Planner Tyler was bringing forward is an effort to tie the LMC as closely as possible to the Housing Resolution. It allows the City Council to fine tune the resolution every year without having to revise the LMC every year. That strategy carries through all the amendments proposed for this Chapter.

Commissioner Kenworthy was anxious to hear about changes to the parking because parking is the restriction on all of these Codes.

Planner Tyler noted that the purpose statement is similar to what was done in 1984; however, the goals for affordable housing have not changed. In the 2000s, an update was done to represent the General Plan at the time. The Staff assessed it with the Affordable Housing Team and found that overall the purpose is consistent with what the City Council wanted.

Planner Tyler commented on density bonus. She reiterated that the current density bonus is 20 unit equivalents per acres. Anyone can have that bonus under the current requirements. When this was before the City Council there was a lot of pushback on that number because 20 UEs equates to 40,000 square feet of residential area. They looked at ways to calculate density bonus on a zone by zone basis. They agreed that density should be allocated proportionately to the base zone density. For example, HR-1 should have density that is consistent with the neighboring properties. Planner Tyler stated that two sliding scales were created. One is a density bonus for the percentage of affordable or attainable of the total project area. If 50% of the project is deed restricted attainable or affordable, a 50% density bonus would be allocated based on the base zone density. The Staff report contained a chart of every zone that was based on the maximum density. However, the chart does not take into account infrastructure requirements and other issues with an individual lot.

Planner Tyler stated that the next scale is that the City would provide a density bonus based on the AMI served. The AMI will be tied to the Resolution as reflected in the redlines on Exhibit 1. She noted that every MPD will have a base affordable housing obligation. Those units will not count towards the percentage of affordable; therefore, a density bonus will not be given for the base affordable housing obligation. Planner Tyler explained that 50% of the density bonus will be required to be affordable housing. The other half could be market rate, which will hopefully incentivize the private sector to utilize this section of the Code.

Director Erickson clarified that both scales are used in the calculation of density. The development has to deliver the required units and be consistent with the zone bonus rate. He pointed out that the amendments are structured in a way that drives market rate to get affordable housing, but it does not drive adding market rate to any zone. That was an issue raised by the City Council and Planner Tyler drafted language to address their concerns.

Commissioner Sletten stated that he was on the City's Blue Ribbon Housing Commission and one of the matrixes was included in the Staff report. Commissioner Sletten noted that it was looked at purely from a public standpoint and it did not include a partnership or include tax credits. The Blue Ribbon Commission strictly looked at what affordable level within a total project needed to be included in order to drive to 12%. He noted that the percentages they came up with were considerably lower than what was being proposed with these amendments. Commissioner Sletten clarified that he was not opposed to making changes because no applications were submitted under the current Code. However, he questioned whether applications would be submitted under the amended Code, based on the two charts and the matrix comparing the EPS study to what is being proposed this evening.

Anne Laurent, Community Development Director, did not believe that what was being proposed would overcome what developers or landowners can make doing a market rate project. She noted that the City has received proposal on City-owned land. There is little land left and people approach the City to do an affordable housing project if the City gives them the land. However, they later come back asking for height exemptions, parking exemptions, and exceptions from Historic District Guidelines and other things. For that reason, the City started doing affordable housing projects because the caveats for someone else to do it were unknown in terms of cost to the City. Ms. Laurent believed these changes would give the City the opportunity to put out an RFP on City-owned land because they now know what can be done in terms of additional density and other matters, and they could draft a public/private partnership to clarify who is responsible for what costs and what those costs would be.

Director Erickson clarified that the Staff report contained the EPS study so the Commissioners could see the relationship of density, as well as the relationship between doing detached products and the townhome/flat type products in those two calculations. He pointed out that all of the numbers include a land cost. Two things will occur going forward. The Housing Department will benchmark against the existing projects to see where they come out on Woodside I, Woodside II, 1450 and 1460 Park. They were also looking at the King's Crown project and Ivory to make sure it works. Director Erickson remarked that resources were committed out of his budget to go outside to something like EPS to re-run the models from an external standpoint to make sure these sliding scales

are attractive, particularly for a public/private partnership. Once the Planning Commission provides feedback, Planner Tyler will go back to the City Council to make sure this makes good business sense and how it compares to other models. Director Erickson stated that most of the HUD funding housing works at a density of approximately 7 or 8 units per acre.

Scott Loomis with Mountainland Trusts has agreed to use HUD money, particularly relative to rental units, at the low end of the AMI.

Mr. Sletten believed the public/private partnership was the key to the model. The Blue Ribbon Commission came to that conclusion in looking at every different aspect.

Planner Laurent noted that the Housing Authority, which is the City Council wearing a different hat. She stated that the Housing Authority has a money allocated for affordable housing and they already have projects lined up where they intend to spend that money. However, it is not a fund that replenishes itself and the City will run out of money. They need private investment in affordable housing and the City needs to find ways to create better opportunities.

Commissioner Kenworthy asked if they had calculated the density difference that they would have been able to do as a City on the Park Avenue project or any other City projects in terms of these amendments. Director Erickson replied that a 50% density bonus in the HR-1 zone results in four additional units. In order to do four additional units on Woodside Park Phase I, or 1450/1460 Park, the units would be smaller. He calculated the square footage for the additional units. Commissioner Kenworthy thought the extra units would be significant. Director Erickson commented on the size of dormitory-style housing for seasonal workers at 20%-30% AMI.

Commissioner Sletten agreed that anything additional was better; but he suggested that they keep an eye on the matrix and calculate the returns. If minor tweaks can be made to improve the ratios they should do it. Director Erickson anticipated that the Housing Authority would calculate the numbers and the City would use outside resource such as EPS because they already have the models.

Chair Band noted that the eight condos at Central Park has less density than the Green Park Co-housing that was previously proposed. Central Park did not maximize the density. Having the density does not mean it would be used because they take into account rhythm and scale and other issues. Director Erickson commented on other measures for density such as being in close proximity to transit and in close proximity to developed parks and recreation.

Planner Tyler commented on the current parking requirements in the section, which is one space per bedroom. The proposed amendment would match the off-street parking

requirement to the standard MPD requirements so everyone is treated equally. She provided an example to explain the current requirement, which the Staff believed deterred any affordable housing project. Planner Tyler remarked that a second piece is to create a parking exemption for micro-units. Micro units are 500 square feet or less in a typical studio configuration. They units would still be deed restricted affordable and she assumed it would target seasonal workers who may not own a car. Planner Tyler noted that no more than ten micro units will be allowed to use the exception. A parking management plan would be necessary to mitigate the negative impacts of not providing for up to ten units.

Chair Band asked what a parking management plan would look like. Director Erickson stated that a benefit to the City doing the development is that they can control the deed restrictions. The deed restriction has the ability to restrict the total amount of parking. Secondly, the City is debating whether spaces need to be assigned, and that is being benchmarked against 1450/1460 Park and Central Park Condos, which did not assign parking spaces. They are watching to see if the non-assigned parking spaces reduces the total amount of parking demand. Director Erickson stated that Planner Tyler was also bringing forward the shared ride model to reduce parking. Proximity to transit is a major component in a management plan. Director Erickson believed within the next five years that the City would look at additional neighborhood parking plans for specific areas.

Chair Band understood that the parking management plan was more about enforcement. Director Erickson replied that it was about enforcement and about putting underlying legal restrictions on who can have a car in a project.

Commissioner Kenworthy believed the parking issue was a critical issue for the private sector in trying to accomplish the low end of parking issues. He used examples on Main Street and Swede Alley to explain his concern. He enjoyed this parking discussion and felt they needed to seriously consider eliminating parking for the micro units to encourage developers to build these additional units.

Commissioner Thimm asked how the Staff came up with ten micro-units as a solid number regardless of the size of a project. He thought it should be a percentage rather than an actual fixed number. Planner Tyler was open to exploring a percentage. The City Council had discussed putting a cap on the micro-units but did not specify a number. The Staff came up with ten following the Council meeting. She was not opposed to percentage based parking. Commissioner Thimm remarked that in terms of land use and density, it was more logical to base it on project size rather than fixed number.

Director Erickson noted that there is a mechanism inside the parking management plan to vary parking. There is also a mechanism inside the MPD to vary parking. He did not believe they knew enough about the function and residents of the micro-unit to make it

percentage based at this point. The intent is to make it easy to manage. If it is not right, they can fix it in the future. Director Erickson noted that some of what Planner Tyler was presenting this evening, including the fixed limit on units, came from her research on other resort towns. At this point, he did not think a percentage would be any better.

Ms. Laurent remarked that the City Council has goals on the housing side and parking has been considered a hindrance for building affordable units. For her, the question is which comes first; reducing the parking requirement and then having more regulation in the streets, or waiting to do the reduction until the parking program is in place. Ms. Laurent did not want affordable housing developments to be a “black eye”. She wanted people to look at them favorably.

Director Erickson remarked that another issue for parking is the question of how many people are sleeping in a bedroom and how many bedrooms can be separately rented. Some communities regulate the total number of rooms that can be rented. Currently, Park City does not have those types of regulations.

Ms. Laurent noted that there was a difference between what Director Erickson was talking about and the affordable housing program. Affordable housing is deed restricted housing. What Director Erickson was talking about could be a private landowner and the home is not deed-restricted. Ms. Laurent clarified that there are restrictions regarding rental aspects in the deed-restricted units.

Commissioner Kenworthy remarked that parking was a difficult issue for the City and it was the hardest issue for the developers to overcome to build these smaller units.

Chair Band asked if the Housing Authority has considered specifying a certain number of cars per unit in the lease or in the deed restriction. Ms. Laurent replied that it could definitely be restricted with a major caveat. If they allow public parking on the street, they cannot prohibit the unit resident from using public parking. If they restrict the parking it pushes people into the street, which creates another issue unless they have a parking restriction program in the neighborhood. Chair Band clarified that her point is regardless of whether it is a rental or deed restricted unit, that person signs on to only have one car. She understood it would be difficult to enforce, but if that house has a car on-site and another car on the street that would be a violation. Ms. Laurent clarified that the deed restriction is to the lots; not to the public right-of-way. The City cannot restrict fair access to the public right-of-way.

Director Erickson noted that the current permit program is to give out as many permits as anyone wants. The first control mechanism to is limit the number of permits each property can have in the Historic Districts to most likely two. He believed that would have a

significant effect on parking. Director Erickson suggested that they not get hung up on parking because they all understand the problem. He relied on Planner Tyler to adequately work out the parking situation.

Planner Tyler remarked that the next amendment was a Code clean-up. The rental restriction section has a provision about moderate income housing exception, which the City does not have. The last one added a definition of Attainable Housing. The proposed definition exactly mirrors the housing resolution. Because this term is referenced a lot in needed to be in both the LMC and in the Housing Resolution.

Planner Tyler noted that the Staff was looking for feedback and a recommendation to the City Council for the proposed amendments. It will go back to the City Council next week to get the amendments in place so new projects coming in can be subject to the new Code.

Commissioner Thimm noted that incentives and parking restrictions were one avenue. However, in terms of project design, he asked if thought was given to having further incentives for affordable housing having to do with additional height. Director Erickson answered yes. The current policy is that the City is unwilling to allow a different height than what is allowed in the zone where the project is being developed.

Commissioner Kenworthy asked about putting housing inside the transportation hubs. For example, in Boulder, Colorado Google did transportation underneath their building. Director Erickson replied that it was being looked at on the Homestake project and Iron Horse as part of that District. They saw an opening with potential developers to wrap their parking garage with the housing requirement. He thought that might be tried at the Canyon quicker than in Park City. Commissioner Kenworthy asked if it was in the Code. Director Erickson replied that it could be done right now under the Code. They also have the opportunity to do mixed-use inside of the Code.

Assistant City Attorney McLean stated that she had reviewed the Staff report extensively; however, in looking at it again, she had two questions. Ms. McLean noted that the chart mentioned that the bonus was limited only for AUEs. She asked Planner Tyler where that was referenced in the language. Ms. McLean asked if the Staff had thought about how to determine what the AMI should be for the density bonus units. She questioned whether there was a restriction or if they could be attainable units.

Planner Tyler stated that the language says that it can be affordable or attainable for the density bonus inside the sliding scale. Director Erickson explained that when a proposal is submitted and the developer proposes x-number of units at y-AMI, they would get a bonus for that. The deed restrictions would keep the units at that AMI.

Planner Tyler pointed Ms. McLean to the language that addressed her first question. Ms. McLean read, "A minimum of 50% of a density bonus shall be affordable housing". She understood that half of the bonus could be market rate. Planner Tyler replied that she was correct. Ms. McLean thought the language was different than what was identified in the bonus density chart. The Staff would make the chart and the language consistent before going back to the City Council. Chair Band asked for clarification on the intent. Planner Tyler replied that the intent is that half of the density bonus units can be market rate and half must be affordable. For example, if the density bonus is five units; 2.5 units can be market rate and 2.5 must be affordable. Ms. McLean pointed out that 2.5 units could be affordable or attainable.

Director Erickson clarified that the original intention was not to allow original market rate as part of the density bonus. He believed the final conclusion was that 50% of the bonus would be affordable units and 50% could be market rate units. Ms. McLean recalled a previous discussion that if it is part of an MPD, the developer would not get extra density.

Chair Band understood that the density bonus was not to help developers pencil their development. It is more to bring in developers who can make affordable housing work. Ms. Laurent stated that from her experience it would be discounted or donated land, and it would be a partnership that the City participates in in some way. It makes the development on the site a known quantity for the proposed developer to negotiate. Currently, it is an open book and no one knows what the Planning Commission might or might not approve.

Director Erickson noted that the Planning Department was reviewing a preliminary proposal for 60 dormitory units at an existing condominium project inside of Deer Valley, completely independent of market rate, because they are short of housing units. Director Erickson had not seen all of the specifics, but he believed it would generally work. The problem is that they do not want to overburden the system with housing that was not designed to accommodate that number of units.

Commissioner Suesser asked if the City would be a partner in that dormitory housing. Director Erickson answered no. At this point it was a private developer.

Ms. Laurent commented on the difference between rental and seasonal versus affordable and for-sale. Chair Band wanted to know at what percentage of AMI it was feasible for someone to go from being a renter to being an owner. Ms. Laurent replied that the rule of thumb out of HUD is that in order to obtain a mortgage and own a home, it is 60% of AMI. Typically, 40%-50% of AMI are people who rent. In some cases, people in the 40%-50% AMI can qualify for a higher AMI priced unit.

Ms. Laurent noted that it is difficult to do a public/private partnership in a deed restricted unit on rental because they are deed-restricting the rate rent that can be charged in perpetuity. At some point the owner has to reinvest in the property to fix it up, but they are not making additional money to pay for those improvements. Ms. Laurent stated that tax credit projects only last 15 years, but they can reapply for new tax credits, resell the tax credits and fix up the units. It provides an infusion of cash to keep the units affordable for a few more years. If the City puts its funds into a rental project in a public/private partnership, the developer is likely to want to develop the project and either own it or sell it to an operator with deed restriction that says it is only for x-amount of years. After that it becomes market rate, or the City has to reinvest in order to keep it affordable. Seasonal housing works as workforce housing because the unit itself is not restricted. She explained the calculation to show why dorm-style housing is able to sustain itself.

Commissioner Hall recalled a previous comment by Ms. McLean regarding affordable housing at the Montage. If it was feasible, she asked if they should at least allow the Montage to explore that option. Ms. McLean explained that the large-scale MPDs are heavily negotiated. From a legal standpoint it opens up a can of worms because it would require re-opening the MPD. Per the Code, if an MPD is opened, everything in the MPD can be re-addressed. Ms. McLean stated that it was ultimately a policy decision, but re-opening an MPD is a challenge.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

Director Erickson asked Planner Tyler to reiterate what she wanted from the Planning Commission. Planner Tyler stated that the Staff recommendation was to forward a positive recommendation based on the proposed redlines in Exhibit 1. The Staff was planning to take this back to the City Council next week to get these amendments adopted and in the Code, so as projects start to come in the applicants can use the amended Code section in an effort to encourage more affordable housing.

Commissioner Phillips thought a lot of thought had gone into this matter by the Staff, the City Council, and the Blue Ribbon Commission. The City Council has motivation which is driving this forward. He did not have additional comments or proposed changes to offer.

Commissioner Phillips had comments that were off-topic, but he thought this was a good time to mention it. He pointed out that the intent is to get people who work in Park City to live as neighbors in Park City. It made him think of accessory apartments and finding

different ways to incentivize new construction and new homes to put in accessory apartments. Commissioner Phillips asked if there was room for allowing flexibility in the Code for accessory apartments in terms of footprint and setbacks. He thought it was important to incentivize the residential unit community to have affordable accessory units. Commissioner Phillips noted that in an earlier item this evening they were talking about an illegal duplex. He was curious to know what makes it a duplex versus an accessory apartment. He questioned whether there was a way to adjust the numbers and formulas to make it pencil out for homeowner and others to be incentivized to add a unit in one of their homes.

Director Erickson stated that the City is looking at a number of ways to possibly deregulate accessory apartments and to accommodate them without pushing cars onto the streets. Commissioner Phillips noted that San Francisco is grappling with the same issue and they have a program in place that provides the opportunity. It is driven by the cost of housing, which is what Park City is experiencing.

Planner Tyler noted that Salt Lake City was currently revisiting the issue with the City Council about adding Accessory Dwelling Units in all zones. She offered to forward the links to the Planning Commission if they were interested. Planner Tyler stated that currently Salt Lake requires a certain proximity to transit. A number of historic homes already have accessory units that were put in during a historic period. They have illegal ADUs and the larger, richer communities do not want ADUs in their community. Director Erickson stated that the Staff had benchmarked the AEU model in Boulder, Colorado. He noted that if Park City could ban RV parking in driveways, it would free up a parking space for an accessory unit. People choose to have a consumptive lifestyle and it precludes the opportunity to use that parking space for an ADU.

Mr. Laurent noted that many areas in Park City allow accessory apartment but people do not take advantage of it for a few reasons. One is they do not want to take parking spaces that are currently provided. They have talked about a way to apply the micro-unit piece to an exempt parking situation if it meets specific criteria. Another piece is that if the City opens that flood gate, communities where the HOA prohibits accessory apartments will come out and ask for the ability to come to the City if someone violates that prohibition.

Director Erickson stated that the new definition for yard/side yard/driveway/parking area may affect the ability to drive additional parking spaces. He anticipated that it would come before the Planning Commission next month. It will address RV parking and more parking in the right locations.

Commissioner Hall asked about the conversations the Staff has had with the developers regarding incentives. Ms. Laurent replied that the developers want to make money. They

are not interested in doing an affordable housing projects if it loses money. Commissioner Hall asked if the proposed plan was primarily targeted for an RFP or a joint project. Ms. Laurent stated that currently if a developer wants to do a development on city-owned land and submits a proposal, their first question is what are they allowed to do. They are told they have to do an MPD, which is a negotiated process with height limits and parking requirements. The developers usually come back requesting exceptions from all the requirements to make it pencil. The developers rarely share their numbers until there is a development agreement where it can be held confidential as a private development. Ms. Laurent noted that the cost of construction, materials, and contaminated soils is significantly high, and density is the only way to offset those costs. Ms. Laurent pointed out that there are many parcels where the density is not maximized, and the Commissioners should not be fooled by the density argument.

Director Erickson stated that density is also a function of what AMI they were targeting, and what family unit they are targeting. He suggested that they look at Planner Tyler's table of density comparisons with the affordable housing units currently in stock. They sit at considerably less than 20-30 units per acre.

Commissioner Kenworthy asked how often the fee-in-lieu program has been used in the residential zoned areas. Ms. Laurent replied that it is not used very often. It is primarily used when there is a partial unit obligation. Sometimes a payment is made in-lieu to someone else who is delivering a product that fulfills the obligation. The fee-in-lieu goes through the Housing Authority. It is a fairly low priority, but now that projects are in the pipeline the Council is more interested in considering in-lieu for those who have a hard time knowing what to do with affordable housing. Commissioner Kenworthy specifically asked about fee-in-lieu for the parking situations. Director Erickson replied that the fee-in-lieu for parking only applies in the Historic District. He explained that the parking fee-in-lieu was specific to the Historic Commercial Business, and it was designed to fund a portion of the China Bridge. All the lots on Main Street are zero lot line and there is no available parking. The idea was to provide the needed parking inside China Bridge. In 1984 everyone was able to buy in at 1.5 floor area ratio and use their parking money to build China Bridge. The fee-in-lieu built the second phase. If someone wanted to do an expansion, they paid the fee-in-lieu. The problem is that some historic buildings are exempt. Director Erickson stated that the City was currently looking at the fee-in-lieu program to see if they were incentivizing people driving to Main Street or whether additional restrictions are required. It is different than the fee-in-lieu for housing. Director Erickson believed a fee-in-lieu would be the last priority that the Housing Authority would accept.

Commissioner Kenworthy asked for the cost of a fee-in-lieu for a unit. Ms. Laurent replied that it was based on the average residential construction cost per square foot that is calculated by the Building Department. She believed it was approximately \$300 currently.

Commissioner Sletten noted that the Blue Ribbon Commission applied it across the Board, and it applied to an addition or remodel on a house. If the addition was \$250,000, a percentage of the fee-in-lieu would go towards affordable housing. It was a meaningful fund for the City to use for recycling real estate. Ms. Laurent stated that the Budget Department has been working on ways to find other sources of revenues. However, they are limited by the State in terms of what they can charge for impact fees and other assessments.

Commissioner Thimm stated that he has been involved in a number of affordable housing projects and they are difficult. They are difficult to finance and it is difficult to get a community behind them. In Park City the governing entity is supportive of affordable housing and that is a great benefit. He supports the proposed amendments and was in favor of forwarding a positive recommendation. However, in looking at the micro-unit exemption, it might be difficult to figure out a percentage, but it is doable. It is important to find a percentage that would help to incentivize additional units. With respect to building height, Commissioner Thimm did not believe it made sense from a massing and planning standpoint to allow it in every district, but there are districts where height could make sense. Commissioner Thimm did not believe they were doing the best they could in looking at this honestly if they do not look at increasing the buildable area. He recognized that it might be a future discussion, but being dead-set against it across the board limits what they might be able to do.

Director Erickson did not disagree with Commissioner Thimm. They had looked at the Fireside and Iron Horse units and some of the units have additional stories. They were not opposed to height on some of the hillsides where there is a backdrop. Director Erickson believed the biggest constraint on meeting the housing demand is how many exemptions they have from the requirements for housing; as well as the percentage of the affordable housing project to be developed.

Chair Band understood that these amendments were being proposed for the purpose of clarity moving forward. It may not be perfect but it is step one towards a better end result. She believed more work needed to be done but these amendments accomplished the intended goal.

Commissioner Kenworthy supported the comments made by Commissioner Thimm. They have to find a compromise. The City was doing everything possible regarding transportation, but if they want to satisfy the affordable housing issue, they may have to compromise by allowing height in areas where they do not particularly want height.

Chair Band pointed out that the City looked at additional height and density during the previous Bonanza Park discussions. She asked if that discussion would be resurrected

and whether they would again look at height and density in certain areas. Director Erickson stated that the current direction to the Staff is to work within the current Code. Currently, some height exceptions can be applied for open space and design. He believed Bonanza Park failed more because of the form based code issue rather than because of additional height.

Ms. Laurent gave a brief update on the Homestake lot and the Bonanza Park area. She noted that the neighbors are in favor of redevelopment but they are against height that blocks their views. Ms. Laurent stated that from the outreach the City has conducted, there is a strong sensitivity to additional height. If the Planning Commission wants to push the issue, they can make that recommendation to the City Council to be considered as policy. The balancing act is to push the issue for meaningful process, but not so hard that it kills progress. They are still trying to find the right balance.

Director Erickson suggested that the Planning Commission could add to their recommendation to ask the Planning Department to continue to work on additional solutions for height and parking restrictions, and to continue to work on the cap on micro-units for parking reductions.

Commissioner Suesser requested that they also add consistency throughout the proposal with regards to the density bonus. Also, making rental units a priority.

MOTION: Commissioner Sletten moved to forward a POSITIVE recommendation to the City Council for the proposed changes to the Land Management Code regarding amendments addressing Master Planned Affordable Housing Developments in LMC 15-6-7 and associated Defined Terms in LMC 15-15 per Exhibit 1, with additional recommendations to the Planning Department to continue to work on the height modifications, to continue to work on the limitations to the micro-unit, to clarify the language with respect to market rate units versus density bonus, the parking restrictions, and to continue to work on trying to deliver additional rental units. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission Meeting adjourned at 7:20 p.m.

Approved by Planning Commission: _____

PENDING APPROVAL

Planning Commission Staff Report

Subject: 115 Sampson Avenue
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-18-03794
Date: May 23, 2018
Type of Item: Administrative- Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to June 13, 2018 pending further internal review.

Description

Applicant: 115 Sampson Avenue
Location: Silver Potato LLC (Joseph Sponholz and Nancy Bronstein),
represented by architect Jon Degray
Zoning: Historic Residential Low Density (HRL)
Adjacent Land Uses: Single and multi-family residential development
Reason for Review: Steep Slope Conditional Use Permits (SS-CUPs) require
Planning Commission review and approval.

Planning Commission Staff Report



Subject: LMC Amendments – Food Trucks
Author: Hannah M. Tyler, Planner
Project Number: PL-18-03846
Date: May 23, 2018
Type of Item: Legislative – Land Management Code (LMC) Amendments

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to a date uncertain to allow for City Council to conduct a Work Session with Planning Staff.

Description

Project Name: Land Management Code Amendments regarding Food Trucks in Chapters 15-1-10 Conditional Use Review Process; 15-2.5 Historic Recreation Commercial (HRC) District; 15-2.6 Historic Commercial Business (HCB) District; 15-2.13 Residential Development (RD) District; 15-2.14 Residential Development-Medium Density (RDM) District; 15-2.16 Recreation Commercial (RC) District; 15-2.17 Regional Commercial Overlay (RCO) District; 15-2.18 General Commercial (GC) District; 15-2.19 Light Industrial (LI) District; 15-2.22 Public Use Transition (PUT) District; 15-2.23 Community Transition (CT) District; and 15-15 Defined Terms.

Applicant: Planning Department
Proposal: Revisions to the Land Management Code regarding Food Truck regulations.

Exhibits

Exhibit 1 Draft Ordinance

- Exhibit A – LMC § 15-1-10.5 Conditional Use Review Process for Food Trucks
- Exhibit B – LMC § 15-2.5-2 Uses in Historic Recreation Commercial (HRC) District
- Exhibit C – LMC § 15-2.6-2 Uses in Historic Commercial Business (HCB) District
- Exhibit D – LMC § 15-2.13-2 Uses in Residential Development (RD) District
- Exhibit E – LMC § 15-2.14-2 Uses in Residential Development-Medium Density (RDM) District
- Exhibit F – LMC § 15-2.16-2 Uses in Recreation Commercial (RC) District
- Exhibit G – LMC § 15-2.17-2 Uses in Regional Commercial Overlay (RCO) District
- Exhibit H – LMC § 15-2.18-2 Uses in General Commercial (GC) District
- Exhibit I – LMC § 15-2.19-2 Uses in Light Industrial (LI) District
- Exhibit J – LMC § 15-2.22-2 Uses in Public Use Transition (PUT) District
- Exhibit K – LMC § 15-2.23-2 Uses in Community Transition (CT) District
- Exhibit L – LMC § 15-15 Defined Terms

Exhibit 1 – Draft Ordinance

Ordinance No. 2018-XX

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, AMENDING 15-1-10.5 CONDITIONAL USE REVIEW PROCESS FOR FOOD TRUCKS; 15-2.5 HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT; 15-2.6 HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT; 15-2.13 RESIDENTIAL DEVELOPMENT (RD) DISTRICT; 15-2.14-2 USES IN RESIDENTIAL DEVELOPMENT-MEDIUM DENSITY (RDM) DISTRICT; 15-2.16-2 USES IN RECREATION COMMERCIAL (RC) DISTRICT; 15-2.17 REGIONAL COMMERCIAL OVERLAY (RCO) DISTRICT; 15-2.18 GENERAL COMMERCIAL (GC) DISTRICT; 15-2.19 LIGHT INDUSTRIAL (LI) DISTRICT; 15-2.22 PUBLIC USE TRANSITION (PUT) DISTRICT; 15-2.23 COMMUNITY TRANSITION (CT) DISTRICT; AND 15-15 DEFINED TERMS.

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

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to promote unique experiences for residents and visitors.

WHEREAS, the City reviews the Land Management Code (LMC) on a regular basis and identifies necessary amendments to address planning and zoning issues; to address specific LMC issues raised by Staff, Planning Commission, and City Council; to align the Code with the Council's goals; and

WHEREAS, Utah State Code 10-8-84 grants the City the right to pass ordinances that are necessary to provide for the safety and health, and promote the prosperity of the City. Utah State Code 10-9a-102 grants the City the right to pass such laws for the use of land; and

WHEREAS, Park City's Economic Development Plan encourages facilitation and establishment of attractions and areas of interest for both visitors and residents; maintaining and improving the balance of Sustainable Community goals by going beyond economic initiatives to include social and environmental strategies; and protection and preservation of the historic Main Street downtown area as the heart of the region; and

WHEREAS, these proposed Land Management Code amendments were reviewed for consistency with the recently adopted Park City General Plan; and

WHEREAS, the Park City General Plan includes Goal 11 states, "Support the continued success of the multi-seasonal tourism economy while preserving the

community character that adds to the visitor experience” and Objective 11A states, “The vibrancy of Park City’s resorts is essential to the success of resort support businesses. The City must provide flexibility to allow the primary resorts to evolve with the tourism industry, increase occupancy rates year round, and create more demand for the resort support industries throughout the City” and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on May 23, 2018, and forwarded a _____ recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on _____, 2018; and

WHEREAS, it is in the best interest of the residents and visitors of Park City, Utah, to amend the Land Management Code to be consistent with the values and goals of the Park City General Plan and the Park City Council and to protect health and safety and maintain the quality of life for its residents and visitors.

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

SECTION 1. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code, adopting section 15-1-10.5 Conditional Use Review Process for Food Trucks. The recitals above are incorporated herein as findings of fact. Chapter 15-1 of the Land Management Code of Park City is hereby amended as redlined in Exhibit A.

SECTION 2. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Section 15-2.5-2 Uses in Historic Recreation Commercial (HRC) District. The recitals above are incorporated herein as findings of fact. Section 15-2.5-2 of the Land Management Code of Park City is hereby amended as redlined in Exhibit B.

SECTION 3. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Section 15-2.6-2 Uses in Historic Commercial Business (HCB) District. The recitals above are incorporated herein as findings of fact. Section 15-2.6-2 of the Land Management Code of Park City is hereby amended as redlined in Exhibit C.

SECTION 4. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Section 15-2.13-2 Uses in Residential Development (RD) District. The recitals above are incorporated herein as findings of fact. Section 15-2.13-2 of the Land Management Code of Park City is hereby amended as redlined in Exhibit D.

SECTION 5. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Section 15-2.14-2 Uses in Residential Development-Medium Density (RDM) District. The recitals above are incorporated herein as findings of fact. Section 15-2.14-2 of the Land Management Code of Park City is hereby amended as redlined in Exhibit E.

SECTION 6. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Section 15-2.16-2 Uses in Recreation Commercial (RC) District. The recitals above are incorporated herein as findings of fact. Section 15-2.16-2 of the Land Management Code of Park City is hereby amended as redlined in Exhibit F.

SECTION 7. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Section 15-2.17 Regional Commercial Overlay (RCO) District. The recitals above are incorporated herein as findings of fact. Section 15-2.17-2 of the Land Management Code of Park City is hereby amended as redlined in Exhibit G.

SECTION 8. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Section 15-2.18-2 Uses in General Commercial (GC) District. The recitals above are incorporated herein as findings of fact. Section 15-2.18-2 of the Land Management Code of Park City is hereby amended as redlined in Exhibit H.

SECTION 9. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Section 15-2.19-2 Uses in Light Industrial (LI) District. The recitals above are incorporated herein as findings of fact. Section 15-2.19-2 of the Land Management Code of Park City is hereby amended as redlined in Exhibit I.

SECTION 10. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Section 15-2.22-2 Uses in Public Use Transition (PUT) District. The recitals above are incorporated herein as findings of fact. Section 15-2.22-2 of the Land Management Code of Park City is hereby amended as redlined in Exhibit J.

SECTION 11. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Section 15-2.23-2 Uses in Community Transition (CT) District. The recitals above are incorporated herein as findings of fact. Section 15-2.23-2 of the Land Management Code of Park City is hereby amended as redlined in Exhibit K.

SECTION 12. APPROVAL OF AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15-15 Defined Terms. The recitals above are incorporated herein as findings of fact. Chapter 15-15 of the Land Management Code of Park City is hereby amended as redlined in Exhibit L.

SECTION 13. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2018

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibits

- Exhibit A – LMC § 15-1-10.5 Conditional Use Review Process for Food Trucks
- Exhibit B – LMC § 15-2.5-2 Uses in Historic Recreation Commercial (HRC) District
- Exhibit C – LMC § 15-2.6-2 Uses in Historic Commercial Business (HCB) District
- Exhibit D – LMC § 15-2.13-2 Uses in Residential Development (RD) District
- Exhibit E – LMC § 15-2.14-2 Uses in Residential Development-Medium Density (RDM) District
- Exhibit F – LMC § 15-2.16-2 Uses in Recreation Commercial (RC) District
- Exhibit G – LMC § 15-2.17-2 Uses in Recreation Commercial Overlay (RCO) District
- Exhibit H – LMC § 15-2.18-2 Uses in General Commercial (GC) District
- Exhibit I – LMC § 15-2.19-2 Uses in Light Industrial (LI) District
- Exhibit J – LMC § 15-2.22-2 Uses in Public Use Transition (PUT) District
- Exhibit K – LMC § 15-2.23-2 Uses in Community Transition (CT) District
- Exhibit L – LMC § 15-15 Defined Terms

Exhibit A – LMC § 15-1-10.5 Conditional Use Review Process for Location of Food Trucks

15-1-10.5 CONDITIONAL USE REVIEW PROCESS FOR LOCATION OF FOOD TRUCKS

The Planning Department will evaluate all proposed Conditional Uses for the location of Food Trucks and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Use and put its evaluation and recommendation in a report to the Planning Commission.

A Conditional Use for the location of a Food Truck shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.

If the reasonable anticipated detrimental effects of a proposed Conditional Use for the location of a Food Truck cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the Conditional Use may be denied.

All proposed Conditional Uses for the location of Food Trucks shall be reviewed according to the following procedure, unless a subsequent provision of this LMC specifically sets forth an administrative approval process for a Conditional Use for the location of a Food Truck, in which case that section shall control:

- A. **THE APPLICATION.** An Applicant must file a Complete Application on forms provided by the Planning Department for Conditional Uses. The Applicant shall be the owner of the location.
- B. **NOTICE/POSTING.** Upon receipt of a Complete Application, the Planning Department shall provide notice per Section 15-1 -12, NOTICE.
- C. **PLANNING COMMISSION REVIEW REQUIRED.** The Planning Commission shall conduct a public hearing on the proposed Conditional Use permit Application and shall either approve, deny, or modify and approve the permit.
- D. **CONCLUSIONS REQUIRED.** The Planning Department shall not issue a Conditional Use permit for the location of a Food Truck unless the Planning Commission concludes that:
 1. the Application complies with all requirements of this LMC;
 2. the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;
 3. the effects of any differences in Use or scale have been mitigated through careful planning.
- E. **STANDARDS FOR REVIEW.** The Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use for the

location of a Food Truck mitigates impacts of and addresses the following items:

1. size and location of the Site;
 2. dimensions expected for the Food Truck(s), and Parking plan for the Food Truck(s) within the site area. Food Truck(s) shall be sited on an approved hard-surfaced area;
 3. emergency vehicle Access;
 4. location and amount of off-Street parking for patrons and employees;
 5. pedestrian management plan;
 6. any signs and lighting that are affixed to the Food Truck;
 7. noise, vibration, odors, steam, exhaust, or other mechanical factors that might affect people and Property Off-Site. Amplified music or noise is not permitted;
 8. control of delivery and service vehicles, delivery of supplies, loading and unloading zones,
 9. Screening of trash and recycling pickup Areas, location of restroom facilities, and non-operating parking;
 10. on lots less than one-half (1/2) acre, no more than one (1) Food Truck is allowed to operate;
 11. must not be located within ten feet (10') of the extension of any building entranceway, doorway, or emergency egress;
 12. must not be using any required parking spots;
 13. Food Truck shall be removed daily from the location;
 14. must not impede safe movement of vehicular and pedestrian traffic, snow removal, parking lot circulation or access to any public alley, access easement, or sidewalk;
 15. must not operate during Level II and Level III Special Events without Special Event Permit in the subject Zoning District;
 16. appropriateness of the location of the Food Truck to the existing topography of the Site; and
 17. length of time food truck is expected to be at location and how frequently (i.e. will it be there permanently or will it switch every day); how long and often will food trucks be at the location; hours of operation;
 18. access to the location for the truck;
 19. reviewed for consistency with the goals and objectives of the Park City General Plan; however, such review for consistency shall not alone be binding.
- F. **TRANSFERABILITY.** A Conditional Use permit is transferable with the title to the underlying Property so that an Applicant may convey or assign an approved project without losing the approval. The Applicant may not Transfer the permit off the Site on which the approval was granted.
- G. **EXPIRATION.** Food Truck location CUPs shall be subject to the same conditions of expiration as 15-1-10.
- H. **APPEALS.** Appeals must be pursuant to Section 15-1-18 herein.

Exhibit B – LMC § 15-2.5-2 Uses in Historic Recreation Commercial (HRC) District

15-2.5-2 USES IN HISTORIC RECREATION COMMERCIAL (HRC) DISTRICT

Uses in the HRC are limited to the following:

A. ALLOWED USES.¹⁰

1. Single Family Dwelling⁵
2. Duplex Dwelling⁵
3. Secondary Living Quarters⁵
4. Lockout Unit^{1,5}
5. Accessory Apartment^{2,5}
6. Nightly Rental⁵
7. Home Occupation⁵
8. Child Care, In-Home Babysitting
9. Child Care, Family³
10. Child Care, Family Group³
11. Child Care Center³
12. Accessory Building and Use
13. Conservation Activity
14. Agriculture
15. Bed and Breakfast Inn^{4,5}
16. Boarding House, Hostel⁵
17. Hotel, Minor, fewer than 16 rooms⁵
18. Office, General⁵
19. Parking Area or Structure, with four (4) or fewer spaces⁵

B. CONDITIONAL USES.^{9, 10}

1. Triplex Dwelling⁵
2. Multi-Unit Dwelling⁵
3. Guest House, on Lots one acre⁵
4. Group Care Facility⁵
5. Public and Quasi-Public Institution, Church, School
6. Essential Municipal Public Utility Use, Facility, Service and Structure
7. Telecommunication Antenna⁶
8. Satellite Dish, greater than thirty-nine inches (39") in diameter⁷
9. Plant and Nursery stock products and sales
10. Hotel, Major⁵
11. Timeshare Projects and Conversions⁵
12. Private Residence Club Project and Conversion^{4,5}
13. Office, Intensive⁵
14. Office and Clinic, Medical⁵
15. Financial Institution, without drive-up window⁸
16. Commercial Retail and Service, Minor⁸
17. Commercial Retail and Service, personal improvement⁸
18. Neighborhood Convenience Commercial, without gasoline sales
19. Café or Deli⁸

20. Restaurant, General⁸
21. Restaurant and café, Outdoor Dining⁴
22. Outdoor Events and Uses⁴
23. Bar
24. Parking Area or Structure, with five (5) or more spaces⁵
25. Temporary Improvement⁴
26. Passenger Tramway Station and Ski Base Facility
27. Ski Tow, Ski Lift, Ski Run, and Ski Bridge
28. Recreation Facility, Commercial, Public, and Private
29. Entertainment Facility, Indoor
30. Fences greater than six feet (6') in height from Final Grade⁴
31. Private Residence Club, Off-Site⁵
32. Private Event Facility⁵
33. Special Events⁴
34. Food Truck locations¹¹

C. **PROHIBITED USES.** Unless otherwise allowed herein, any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

¹Nightly rental of Lockout Units requires a Conditional Use permit

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

³See LMC Chapter 15-4-9 for Child Care Regulations

⁴Requires an Administrative or Administrative Conditional Use permit, see Section 15-4.

⁵Prohibited in HRC Zoned Storefront Property adjacent to Main Street, Heber Avenue and Park Avenue, excluding those HRC Zoned Properties on the west side of Park Avenue and also excluding those HRC Zoned Properties with the following addresses: 702 Main Street, 710 Main Street, 738 Main Street (for the plaza side storefronts), 780 Main Street, 804 Main Street (for the plaza side storefronts), 875 Main Street, 890 Main Street, 900 Main Street, and 820 Park Avenue. Hotel rooms shall not be located within Storefront Property; however access, circulation, and lobby areas are permitted within Storefront Property.

⁶See LMC Chapter 15-4-14, Supplemental Regulations For Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations For Satellite Receiving Antennas

⁸If Gross Floor Area is less than 2,000 sq. ft., the Use shall be considered an Allowed Use

⁹No community locations are defined by Utah Code 32-B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

¹⁰Within the HRC Zoning District, no more than seven (7) Conventional Chain Businesses are permitted in Storefront Properties.

¹¹Subject to compliance with the criteria set forth in section 15-1-10.5

Adopted by Ord. 00-51 on 9/21/2000

Amended by Ord. 04-39 on 3/18/2004

Amended by Ord. 06-69 on 10/19/2006

Amended by Ord. 07-55 on 8/30/2007

Amended by Ord. 09-10 on 3/5/2009

Amended by Ord. 12-37 on 12/20/2012

Amended by Ord. 16-02 on 1/7/2016

Amended by Ord. 2017-45 on 8/17/2017

Exhibit C – LMC § 15-2.6-2 Uses in Historic Commercial Business (HCB) District

15-2.6-2 USES IN HISTORIC COMMERCIAL BUSINESS (HCB) DISTRICT

Uses in the Historic Commercial Business (HCB) District are limited to the following:

A. ALLOWED USES.¹¹

1. Single Family Dwelling¹
2. Multi-Unit Dwelling¹
3. Secondary Living Quarters¹
4. Lockout Unit^{1,2}
5. Accessory Apartment^{1,3}
6. Nightly Rental⁴
7. Home Occupation¹
8. Child Care, In-Home Babysitting¹
9. Child Care, Family^{1,5}
10. Child Care, Family Group^{1,5}
11. Child Care Center^{1,5}
12. Accessory Building and Use¹
13. Conservation Activity
14. Agriculture
15. Bed and Breakfast Inn^{1, 6}
16. Boarding House, Hostel¹
17. Hotel, Minor, fewer than 16 rooms¹
18. Office, General¹
19. Office, Moderate Intensive¹
20. Office and Clinic, Medical¹
21. Financial Institution, without drive-up window
22. Commercial Retail and Service, Minor
23. Commercial Retail and Service, personal improvement
24. Commercial Neighborhood Convenience, without gasoline sales
25. Restaurant, Cafe or Deli
26. Restaurant, General
27. Bar
28. Parking Lot, Public or Private with four (4) or fewer spaces
29. Entertainment Facility, Indoor
30. Salt Lake City 2002 Winter Olympic Games Legacy Displays⁷
31. Temporary Winter Balcony Enclosures

B. CONDITIONAL USES.^{10, 11}

1. Group Care Facility¹
2. Public and Quasi-Public Institution, Church, School
3. Essential Municipal Public Utility Use, Facility, Service, and Structure
4. Telecommunication Antenna⁸
5. Satellite Dish, greater than thirty-nine inches (39") in diameter⁹
6. Plant and Nursery stock products and sales

7. Hotel, Major¹
8. Timeshare Projects and Conversions¹
9. Timeshare Sales Office, Off-Site within an enclosed Building¹
10. Private Residence Club Project and Conversion^{1,6}
11. Commercial Retail and Service, Major
12. Office, Intensive¹
13. Restaurant, Outdoor Dining⁶
14. Outdoor Events and Uses⁶
15. Hospital, Limited Care Facility¹
16. Parking Area or Structure for five (5) or more cars¹
17. Temporary Improvement⁶
18. Passenger Tramway Station and Ski Base Facility
19. Ski Tow, Ski Lift, Ski Run, and Ski Bridge
20. Recreation Facility, Public or Private
21. Recreation Facility, Commercial
22. Fences greater than six feet (6') in height from Final Grade⁶
23. Private Residence Club, Off-Site¹
24. Special Events⁶
25. Private Event Facility¹
26. Food Truck locations¹²

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

¹Prohibited in HCB Zoned Storefront Property adjacent to Main Street, Heber Avenue, Grant Avenue, and Swede Alley. Hotel rooms shall not be located within Storefront Property; however access, circulation and lobby areas are permitted within Storefront Property.

²Nightly Rental of Lock Units requires a Conditional Use permit

³See LMC Chapter 15-4, Supplementary Regulations for Accessory Apartments

⁴Nightly Rental of residential dwellings does not include the Use of dwellings for Commercial Uses

⁵See LMC Chapter 15-4-9 for Child Care Regulations

⁶Requires an Administrative or Administrative Conditional Use permit

⁷Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services Agreement and/or Master Festival License. Requires an Administrative Permit.

⁸See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁹See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

¹⁰No community locations as defined by Utah Code 32B-1-102 (Alcoholic Beverage Control Act) are permitted within 200 feet of Main Street unless a variance is permitted for an outlet, as defined by Utah Code 32B-1-202, to obtain a liquor license.

¹¹Within the HCB Zoning District, no more than seventeen (17) Conventional Chain Businesses are permitted in Storefront Properties.

¹²Subject to compliance with the criteria set forth in section 15-1-10.5

*Adopted by Ord. 00-51 on 9/21/2000
Amended by Ord. 02-38 on 9/12/2002
Amended by Ord. 04-39 on 3/18/2004
Amended by Ord. 06-69 on 10/19/2006
Amended by Ord. 07-55 on 8/30/2007
Amended by Ord. 09-10 on 3/5/2009
Amended by Ord. 12-37 on 12/20/2012
Amended by Ord. 16-01 on 1/7/2016
Amended by Ord. 16-02 on 1/7/2016
Amended by Ord. 2017-45 on 8/17/2017*

Exhibit D – LMC § 15-2.13-2 Uses in Residential Development (RD) District

15-2.13-2 USES IN RESIDENTIAL DEVELOPMENT (RD) DISTRICT

Uses in the RD District are limited to the following:

A. ALLOWED USES.

1. Single-Family Dwelling
2. Duplex Dwelling
3. Secondary Living Quarters
4. Lockout Unit¹
5. Accessory Apartment²
6. Nightly Rental³
7. Home Occupation
8. Child Care, In-Home Babysitting⁴
9. Child Care, Family⁴
10. Child Care, Family Group⁴
11. Accessory Building and Use
12. Conservation Activity Agriculture
13. Parking Area or Structure with four (4) or fewer spaces
14. Recreation Facility, Private
15. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

B. CONDITIONAL USES.

1. Triplex Dwelling⁶
2. Multi-Unit Dwelling⁶
3. Guest House
4. Group Care Facility
5. Child Care Center⁴
6. Public and Quasi-Public Institution, Church, and School
7. Essential Municipal Public Utility Use, Facility, Service, and Structure
8. Telecommunication Antenna⁷
9. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁸
10. Raising, grazing of horses
11. Cemetery
12. Bed and Breakfast Inn
13. Hotel, Minor⁶
14. Hotel, Major⁶
15. Private Residence Club Project and Conversion¹⁰
16. Office, General^{6,9}
17. Office, Moderate Intensive^{6,9}
18. Office, Medical^{6,9}
19. Financial Institution without drive-up window^{6,9}
20. Commercial Retail and Service, Minor^{6,9}
21. Commercial Retail and Service, personal improvement^{6,9}
22. Commercial, Resort Support^{6,9}
23. Café or Deli^{6,9}

24. Restaurant, Standard^{6,9}
25. Restaurant, Outdoor Dining¹⁰
26. Outdoor Event¹⁰
27. Bar^{6,9}
28. Hospital, Limited Care Facility^{6,9}
29. Parking Area or Structure with five (5) or more spaces
30. Temporary Improvement¹⁰
31. Passenger Tramway Station and Ski Base Facility¹¹
32. Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹¹
33. Recreation Facility, Public
34. Recreation Facility, Commercial⁶
35. Entertainment Facility, Indoor^{6,9}
36. Commercial Stables, Riding Academy¹²
37. Master Planned Development with moderate income housing density bonus¹²
38. Master Planned Development with residential and transient lodging Uses only¹²
39. Master Planned Development with Support Retail and Minor Service Commercial Uses¹²
40. Heliport¹²
41. Vehicle Control Gate¹³
42. Fences and walls greater than six feet (6') in height from Final Grade¹⁰
43. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹⁴
44. Amenities Club
45. Food Truck locations^{6,9,15}

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

¹Nightly rental of Lockout Units requires a Conditional Use permit

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

³Nightly Rentals do not include the Use of dwellings for Commercial Uses and Nightly Rentals are not permitted in the April Mountain and Mellow Mountain Estates Subdivisions

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

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License.

⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development

⁷See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunications Facilities

⁸See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁹Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Developments.

¹⁰Requires an administrative Conditional Use permit.

¹¹As part of an approved Ski Area Master Plan. See LMC Chapter 15-4-18.

¹²Subject to provisions of LMC Chapter 15-6, Master Planned Development

¹³See Section 15-4-19 for specific review criteria for gates

¹⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

¹⁵[Subject to compliance with the criteria set forth in section 15-1-10.5](#)

Adopted by Ord. 00-51 on 9/21/2000
Amended by Ord. 02-38 on 9/12/2002
Amended by Ord. 04-08 on 3/4/2004
Amended by Ord. 05-39 on 6/30/2005
Amended by Ord. 06-76 on 11/9/2006
Amended by Ord. 11-05 on 1/27/2011
Amended by Ord. 14-35 on 6/26/2014

Exhibit E – LMC § 15-2.14-2 Uses in Residential Development-Medium Density (RDM) District

15-2.14-2 USES IN RESIDENTIAL DEVELOPMENT-MEDIUM DENSITY (RDM) DISTRICT

Uses in the RDM District are limited to the following:

A. ALLOWED USES.

1. Single Family Dwelling
2. Duplex Dwelling
3. Triplex Dwelling
4. Secondary Living Quarters
5. Lockout Unit¹
6. Accessory Apartment²
7. Nightly Rental³
8. Home Occupation
9. Child Care, In Home Babysitting⁴
10. Child Care, Family⁴
11. Child Care, Family Group⁴
12. Accessory Building and Use
13. Conservation Activity
14. Agriculture
15. Parking Area or Structure with four (4) or fewer spaces
16. Recreation Facility, Private
17. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

B. CONDITIONAL USES.

1. Multi Unit Dwelling⁶
2. Guest House
3. Group Care Facility
4. Child Care Center
5. Public and Quasi Public Institution, Church, and School
6. Essential Municipal Public Utility Use, Facility, Service, and Structure
7. Telecommunication Antenna⁷
8. Satellite Dish, greater than thirty nine inches (39") in diameter⁸
9. Raising grazing of horses
10. Cemetery
11. Bed and Breakfast Inn
12. Boarding House, Hotel
13. Hotel, Minor⁶
14. Hotel, Major⁶
15. Private Residence Club Project and Conversion¹¹
16. Office, General⁶,
17. Office, Moderate Intensive^{6,9}
18. Office and Clinic, Medical^{6,10}
19. Financial Institution, without drive up window^{6,10}

20. Commercial Retail and Service, Minor^{6,10}
21. Commercial Retail and Service, personal improvement^{6,10}
22. Commercial, Resort Support^{6,10}
23. Cafe or Deli^{6,10}
24. Restaurant, Standard^{6,10}
25. Restaurant, Outdoor Dining¹¹
26. Outdoor Event¹¹
27. Bar^{6,10}
28. Hospital, Limited Care Facility^{6,9}
29. Parking Area or Structure with five (5) or fewer spaces
30. Temporary Improvement¹¹
31. Passenger Tramway Station and Ski Base Facility¹²
32. Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹²
33. Recreation Facility, Public
34. Recreation Facility, Commercial⁶
35. Entertainment Facility, Indoor^{6,9}
36. Commercial Stables, Riding Academy^{6,10}
37. Master Planned Development with moderate income housing Density bonus⁶
38. Master Planned Development with residential and transient lodging Uses only⁶
39. Master Planned Development with Support Retail and Minor Service Commercial⁶
40. Fences greater than six feet (6') in height from Final Grade
41. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹³
42. Food Truck locations^{6,10,14}

C. **PROHOBITED USES**. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

¹Nightly Rental of Lockout Units requires a Conditional Use permit.

²See LMC Chapter 15-4, Accessory Apartments.

³Nightly Rentals do not include the Use of Dwellings for Commercial Use.

⁴See LMC Chapter 15-4, Child Care Regulations

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License

⁶Subject to provisions of LMC Chapter 15-6, Master Planned Development.

⁷See LMC Chapter 15-4-14, Telecommunication Facilities.

⁸See LMC Chapter 15-4-13, Satellite Receiving Antennas.

⁹General Offices are only permitted with an approved Master Planned Development and may only be approved as the redevelopment of an existing Building or Property. In addition to meeting the necessary criteria in the LMC Chapter 15-6 MPD's, the Planning Commission must find that: a) the redevelopment of an existing Building or Property to a General Office use will substantially advance the objectives of Economic Element of the General Plan or other more specific neighborhood plans; b) it has minimized/eliminated any potential detrimental impact on the resort and/or resort-residential character of the RDM District and the Frontage Protection

Zone through careful planning and conditions of approval; c) it will not result in an intensification of use incompatible with neighboring developments; and d) it will not result in substantial increase in the existing trip generations for services and deliveries.

¹⁰Allowed only as a secondary or support Use to the primary Development or Use and intended as a convenience for residents or occupants of adjacent or adjoining residential Development.

¹¹Requires an administrative Conditional Use permit.

¹²As part of an approved Ski Area Master Plan. See LMC Chapter 15-4-18, Passenger Tramways and Ski Base Facilities

¹³Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

¹⁴[Subject to compliance with the criteria set forth in section 15-1-10.5](#)

Adopted by Ord. 00-51 on 9/21/2000

Amended by Ord. 02-24 on 6/27/2002

Amended by Ord. 02-38 on 9/12/2002

Amended by Ord. 04-39 on 3/18/2004

Amended by Ord. 06-76 on 11/9/2006

Exhibit F – LMC § 15-2.16-2 Uses in Recreation Commercial (RC) District

15-2.16-2 USES IN RECREATION COMMERCIAL (RC) DISTRICT

Uses in the RC District are limited to the following:

A. ALLOWED USES.

1. Single Family Dwelling
2. Duplex Dwelling
3. Triplex Dwelling
4. Secondary Living Quarters
5. Lockout Unit¹
6. Accessory Apartment²
7. Nightly Rental³
8. Home Occupation
9. Child Care, In-Home Babysitting⁴
10. Child Care, Family⁴
11. Child Care, Family Group⁴
12. Child Care Center⁴
13. Accessory Building and Use
14. Conservation Activity
15. Agriculture
16. Bed & Breakfast Inn
17. Boarding House, Hostel
18. Hotel, Minor
19. Parking Area or Structure with four (4) or fewer spaces
20. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

B. CONDITIONAL USES.

1. Multi-Unit Dwelling
2. Group Care Facility
3. Public and Quasi-Public Institution, Church, and School
4. Essential Municipal and Public Utility Use, Facility, Service, and Structure
5. Telecommunications Antenna⁶
6. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
7. Raising, grazing of horses
8. Cemetery
9. Hotel, Major
10. Timeshare Project and Conversion
11. Timeshare Sales Office
12. Private Residence Club Project and Conversion⁹
13. Office, General⁸
14. Office, Moderate⁸
15. Office and Clinic, Medical⁸
16. Financial Institution without drive-up window⁸
17. Minor Retail and Service Commercial⁸
18. Retail and Service Commercial, personal improvement⁸

19. Transportation Service⁸
20. Neighborhood Market, without gasoline sales⁸
21. Café or Deli⁸
22. Restaurant, General⁸
23. Restaurant, Outdoor Dining^{8,9}
24. Bar⁸
25. Hospital, Limited Care Facility⁸
26. Parking Area or Structure with five (5) or more spaces
27. Temporary Improvement⁹
28. Passenger Tramway Station and Ski Base Facility¹⁰
29. Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge¹⁰
30. Outdoor Events and Uses⁹
31. Recreation Facility, Public and Private⁸
32. Recreation Facility, Commercial⁸
33. Entertainment Facility, Indoor⁸
34. Commercial Stables, Riding Academy⁸
35. Master Planned Developments
36. Heliport⁸
37. Special Events⁹
38. Amenities Club
39. Food Truck locations^{8,11}

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

¹Nightly Rental of Lockout Units requires a Conditional Use permit

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

³Nightly Rentals do not include the Use of dwellings for Commercial Uses

⁴See LMC Chapter 15-4-9, Child Care Regulations

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License. Requires an Administrative Permit.

⁶See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁸As support Use to primary Development or Use, subject to provisions of LMC Chapter 15-6, Master Planned Development

⁹Requires an Administrative or Administrative Conditional Use permit, see Section 15-4

¹⁰As part of an approved Ski Area Master Plan

¹¹[Subject to compliance with the criteria set forth in section 15-1-10.5](#)

Adopted by Ord. 00-51 on 9/21/2000

Amended by Ord. 02-38 on 9/12/2002

Amended by Ord. 04-39 on 3/18/2004

Amended by Ord. 06-76 on 11/9/2006

Amended by Ord. 09-10 on 3/5/2009

Amended by Ord. 11-05 on 1/27/2011

Amended by Ord. 15-35 on 10/12/2015

Exhibit G – LMC § 15-2.17-2 Uses in Regional Commercial Overlay (RCO) District

15-2.17-2 USES IN REGIONAL COMMERCIAL OVERLAY (RCO) DISTRICT

Uses in the RCO District are limited to the following:

A. ALLOWED USES.

1. Secondary Living Quarters
2. Lockout Unit¹
3. Accessory Apartment²
4. Nightly Rental
5. Home Occupation
6. Child Care, In-Home Babysitting³
7. Child Care, Family³
8. Child Care, Family Group³
9. Accessory Building and Use
10. Conservation Activity
11. Agriculture
12. Parking Area or Structure with four (4) or fewer spaces
13. Recreation Facility, Private
14. Allowed Uses in the Underlying Zoning District
15. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁴

B. CONDITIONAL USES.

1. Multi-Unit Dwelling⁵
2. Group Care Facility⁵
3. Child Care Center^{3,5}
4. Public and Quasi-Public Institution, Church and School⁵
5. Essential Municipal Public Utility Use, Facility, Service, and Structure⁵
6. Telecommunication Antenna⁶
7. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
8. Plant and Nursery stock products and sales⁵
9. Bed and Breakfast Inn⁵
10. Boarding House, Hostel⁵
11. Hotel, Minor⁵
12. Hotel, Major⁵
13. Private Residence Club Project and Conversion⁹
14. Timeshare Sales Office, off-site⁵
15. Office, General⁵
16. Office, Moderate Intensive⁵
17. Office, Intensive⁵
18. Office and Clinic, Medical⁵
19. Financial Institution, with and without drive-up window^{5,8}
20. Retail and Service Commercial, Minor⁵
21. Retail and Service Commercial, personal improvement⁵
22. Retail and Service Commercial, Major⁵
23. Transportation Service⁵
24. Retail Drive-Up Window⁸

25. Neighborhood Convenience Commercial⁵
26. Commercial, Resort Support⁵
27. Gasoline Service Station⁵
28. Cafe, Deli⁵
29. Restaurant, General⁵
30. Restaurant, Outdoor Dining⁹
31. Outdoor Event⁹
32. Restaurant, Drive-up window⁸
33. Bar⁵
34. Hospital, Limited Care Facility⁵
35. Hospital, General⁵
36. Parking Area or Garage with five (5) or more spaces⁸
37. Temporary Improvement⁹
38. Passenger Tramway Station and Ski Base Facility⁵
39. Ski tow rope, ski lift, ski run, and ski bridge⁵
40. Recreation Facility, Public⁵
41. Recreation Facility, Commercial⁵
42. Entertainment, Indoor⁵
43. Master Planned Developments⁵
44. Heliport⁵
45. Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹⁰
46. Food Truck locations^{5,11}

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

¹Nightly Rental of Lockout Units requires a Conditional Use permit

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

³See LMC Chapter 15-4-9 Child Care Regulations

⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License.

⁵Subject to provisions of Chapter 15-6, Master Planned Developments

⁶See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁸See Section 15-2.18-5 criteria for drive-up windows

⁹Requires an administrative Conditional Use permit

¹⁰Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

¹¹[Subject to compliance with the criteria set forth in section 15-1-10.5](#)

Adopted by Ord. 00-51 on 9/21/2000

Amended by Ord. 02-38 on 9/12/2002

Amended by Ord. 04-39 on 9/23/2004

Amended by Ord. 06-76 on 11/9/2006

Exhibit H – LMC § 15-2.18-2 Uses in General Commercial (GC) District

15-2.18-2 USES IN GENERAL COMMERCIAL (GC) DISTRICT

Uses in the GC District are limited to the following:

A. ALLOWED USES.

1. Secondary Living Quarters
2. Lockout Unit¹
3. Accessory Apartment²
4. Nightly Rental
5. Home Occupation
6. Child Care, In-Home Babysitting³
7. Child Care, Family³
8. Child Care, Family Group³
9. Child Care Center³
10. Accessory Building and Use
11. Conservation Activity
12. Agriculture
13. Plant and Nursery Stock production and sales
14. Bed & Breakfast Inn
15. Boarding House, Hostel
16. Hotel, Minor
17. Hotel, Major
18. Office, General
19. Office, Moderate Intensive
20. Office, Intensive
21. Office and Clinic, Medical and Veterinary Clinic
22. Financial Institution without a drive-up window
23. Commercial, Resort Support
24. Retail and Service Commercial, Minor
25. Retail and Service Commercial, Personal Improvement
26. Retail and Service Commercial, Major
27. Cafe or Deli
28. Restaurant, General
29. Hospital, Limited Care Facility
30. Parking Area or Structure with four (4) or fewer spaces
31. Parking Area or Structure with five (5) or more spaces
32. Recreation Facility, Private

B. CONDITIONAL USES.

1. Single Family Dwelling
2. Duplex Dwelling
3. Triplex Dwelling
4. Multi-Unit Dwelling
5. Group Care Facility
6. Public and Quasi-Public Institution, Church, and School
7. Essential Municipal Public Utility Use, Facility, Service, and Structure

8. Telecommunication Antenna⁴
9. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁵
10. Timeshare Project and Conversion
11. Timeshare Sales Office, off-site within an enclosed Building
12. Private Residence Club Project and Conversion⁸
13. Financial Institution with a Drive-up Window⁶
14. Retail and Service Commercial with Outdoor Storage
15. Retail and Service Commercial, Auto Related
16. Transportation Service
17. Retail Drive-Up Window⁶
18. Gasoline Service Station
19. Restaurant and Cafe, Outdoor Dining⁷
20. Restaurant, Drive-up Window⁶
21. Outdoor Event⁷
22. Bar
23. Sexually Oriented Businesses⁸
24. Hospital, General
25. Light Industrial Manufacturing and Assembly
26. Temporary Improvement⁷
27. Passenger Tramway and Ski Base Facility
28. Ski tow rope, ski lift, ski run, and ski bridge
29. Commercial Parking Lot or Structure
30. Recreation Facility, Public
31. Recreation Facility, Commercial
32. Indoor Entertainment Facility
33. Master Planned Development with moderate housing density bonus⁹
34. Master Planned Developments⁹
35. Heliport
36. Temporary Sales Trailer in conjunction with an active Building permit for the Site.⁸
37. Fences greater than six feet (6') in height from Final Grade⁷
38. Household Pet, Boarding⁷
39. Household Pet, Daycare⁷
40. Household Pet, Grooming⁷
41. Food Truck locations¹⁰

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

¹Nightly rental of Lockout Units requires Conditional Use permit

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

³See LMC Chapter 15-4-9 Child Care Regulations

⁴See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁵See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁶See Section 2-18-6 for Drive-Up Window review

⁷Requires an administrative Conditional Use permit

⁸See Section 2-17-8 for additional criteria.

⁹Subject to provisions of LMC Chapter 15-6, Master Planned Development

¹⁰[Subject to compliance with the criteria set forth in section 15-1-10.5](#)

Adopted by Ord. 00-51 on 9/21/2000

Amended by Ord. 04-39 on 9/23/2004

Amended by Ord. 06-76 on 11/9/2006

Amended by Ord. 14-57 on 11/20/2014

Exhibit I – LMC § 15-2.19-2 Uses in Light Industrial (LI) District

15-2.19-2 USES IN LIGHT INDUSTRIAL (LI) DISTRICT

Uses in the LI District are limited to the following:

1. ALLOWED USES.

- Secondary Living Quarters
2. Accessory Apartment¹
3. Nightly Rental
4. Home Occupation
5. Child Care, In-Home Babysitting²
6. Child Care, Family²
7. Child Care, Family Group²
8. Child Care Center²
9. Agriculture
10. Plant and Nursery Stock
11. Office, General
12. Office, Moderate Intensive
13. Office, Intensive
14. Financial Institution without drive-up window
15. Retail and Service Commercial, Minor
16. Retail and Service Commercial, Personal Improvement
17. Retail and Service Commercial, Major
18. Commercial, Resort Support
19. Hospital, Limited Care
20. Parking Area or Structure with four (4) or fewer spaces
21. Recreation Facility, Private

B. CONDITIONAL USES.

1. Multi-Unit Dwelling
2. Group Care Facility
3. Child Care Center²
4. Public and Quasi-Public Institution, Church, and School
5. Essential Municipal Public Utility Use, Facility, Service, and Structure
6. Telecommunication Antenna³
7. Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁴
8. Accessory Building and Use
9. Raising, grazing of horses
10. Bed and Breakfast Inn
11. Boarding House, Hostel
12. Hotel, Minor
13. Private Residence Club Project and Conversion⁶
14. Office and Clinic, Medical and Veterinary Clinic
15. Financial Institutions with Drive-Up Window⁵
16. Retail and Service Commercial with Outdoor Storage
17. Retail and Service Commercial, Auto-Related
18. Transportation Services

19. Retail Drive-Up Window⁵
20. Gasoline Service Station
21. Café or Deli
22. Restaurant, General
23. Restaurant, Outdoor Dining
24. Restaurant, Drive-Up Window⁵
25. Outdoor Event⁶
26. Bar
27. Hospital, General
28. Light Industrial Manufacturing and Assembly Facility
29. Parking Area or Structure with five (5) or more spaces
30. Temporary Improvement⁶
31. Passenger Tramway Station and Ski Base Facility
32. Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge
33. Recreation Facility, Public
34. Recreation Facility, Commercial
35. Entertainment Facility, Indoor
36. Commercial Stables, Riding Academy
37. Master Planned Developments⁷
38. Heliports
39. Commercial Parking Lot or Structure
40. Temporary Sales Office, in conjunction with an active Building permit.
41. Fences and Walls greater than six feet (6') in height from Final Grade⁶
42. Household Pet, Boarding⁶
43. Household Pet, Daycare⁶
44. Household Pet, Grooming⁶
45. Food Truck locations⁸

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

¹See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

²See LMC Chapter 15-4-9 Child Care Regulations

³See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁴See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁵See Section 2.19-8 for Drive-Up Window review criteria

⁶Subject to an administrative Conditional Use permit.

⁷Subject to provisions of LMC Chapter 15-6, Master Planned Development.

⁸Subject to compliance with the criteria set forth in section 15-1-10.5

Adopted by Ord. 00-51 on 9/21/2000

Amended by Ord. 04-39 on 9/23/2004

Amended by Ord. 06-76 on 11/9/2006

Amended by Ord. 14-57 on 11/20/2014

Exhibit J – LMC § 15-2.22-2 Uses in Public Use Transition (PUT) District

15-2.22-2 USES IN PUBLIC USE TRANSITION (PUT) DISTRICT

Uses in the Public Use Transition District are limited to the following:

A. ALLOWED USES.

1. Municipal/Institutional Accessory Building and Use 600 sf or less
2. Conservation Activity
3. Parking Lot, Public or Private with four (4) or fewer spaces
4. Public Utility or Essential Services
5. Public Assembly Uses
6. Outdoor Events

B. CONDITIONAL USES.

1. Public and Quasi-Public Institution, Church, School, Post Office
2. Entertainment Facility, Outdoor
3. Essential Municipal Public Utility Use, Facility, or Service Structure
4. Parking Area or Structure for five (5) or more cars
5. Liquor Store
6. Commercial Retail and Service, Minor
7. Outdoor Recreation Equipment
8. Outdoor Grills/Beverage Service Stations
9. Restaurant, Outdoor Dining¹
10. Restaurant, Café or Deli
11. Accessory Building or Use greater than 600 sf
12. Telecommunication Antenna²
13. Satellite Dish, greater than thirty-nine inches (39”) in diameter³
14. Temporary Improvement/Outdoor Use
15. Salt Lake City 2002 Winter Olympic Legacy Displays⁴
16. Master Planned Developments
17. Passenger Tramways, ski towers, and ski lift facilities.
18. Food Truck locations⁵

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

¹Required Administrative Conditional Use permit

²See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

³See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed in an Area other than the original location set forth in the services agreement and/or Master Festival License.

⁵Subject to compliance with the criteria set forth in section 15-1-10.5

Exhibit K – LMC § 15-2.23-2 Uses in Community Transition (CT) District

15-2.23-2 USES IN COMMUNITY TRANSITION (CT) DISTRICT

Uses in the Community Transition District are limited to the following:

A. ALLOWED USES.

1. Conservation Activities
2. Home Occupation
3. In-home Babysitting
4. Family Child Care
5. Secondary Living Quarters
6. Agriculture

B. ADMINISTRATIVE CONDITIONAL USES.

1. Trails and Trailhead Improvements
2. Outdoor Recreation Equipment
3. Essential Public Utility Use, Service or Structure less than 600 sf
4. Accessory Buildings less than 600 sf
5. Parking Areas with 4 or fewer spaces
6. Outdoor Events and Outdoor Music, see Section 15-4
7. Temporary Improvement
8. Outdoor Dining and support retail associated with support Uses with an MPD
9. Special Events
10. Fences and Walls, see Section 15-4
11. Anemometer and Anemometer Tower

C. CONDITIONAL USES.

1. Master Planned Developments (MPDs)
2. Public, Quasi-Public, Civic, Municipal Uses
3. General Acute Hospital
4. Alternative Professional Health-related Services
5. Athletic Training and Testing Offices and Facilities
6. Athletic Program Administrative Offices
7. Support Short-Term Athlete Housing or lodging associated with an approved recreation facility (within an approved MPD)
8. Accredited Physician Office Space
9. Accredited Medical & Dental Clinics
10. Medical Heliport
11. Group Care Facility
12. Ancillary Support Commercial (within an approved MPD)
 - a. Gift Shop
 - b. Dispensing pharmacy
 - c. Medical supply
 - d. Restaurant
 - e. Deli
 - f. Outdoor Grills/ Beverage Service Stations
 - g. Child Care Center

h. Food Truck²

13. Recreation Facility, Public and Private
14. Recreation Facility, Commercial
15. Park and Ride Lot
16. Municipal/Institutional Accessory Building and Use
17. Parking Lot, Public or
18. Public Utility or Essential Services
19. Single Family Dwelling (with an approved MPD¹)
20. Duplex Dwelling (with an approved MPD¹)
21. Multi-Unit Dwelling (with an approved MPD¹)
22. Telecommunication Antenna
23. Transit Facilities
24. Parking Areas, Lots, and Structures with more than five (5) Parking Spaces
25. Raising and Grazing of Horses
26. Commercial Riding Stables
27. Small Energy Wind Systems

D. **PROHIBITED USES**. Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

¹Residential Uses cannot exceed 1 unit/acre

²Subject to compliance with the criteria set forth in section 15-1-10.5

Adopted by Ord. 06-48 on 6/29/2006

Amended by Ord. 07-25 on 4/19/2007

Amended by Ord. 09-10 on 3/5/2009

Exhibit L – LMC § 15-15 Defined Terms

15-15 DEFINED TERMS

FOOD TRUCK.

- (a) “Food Truck” means a fully encased food service establishment:
 - (i) on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
 - (ii) from which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption.
 - (iii) Does not include the sale of any products other than food and beverages for human consumption.
- (b) “Food truck” does not include a food cart or an ice cream truck.
- (c) “Food cart” means a cart:
 - (i) that is not motorized; and
 - (ii) that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.
- (d) “Ice cream truck” means a fully encased food service establishment:
 - (i) on a motor vehicle or on a trailer that a motor vehicle pulls to transport;
 - (ii) from which a vendor, from within the frame of the vehicle, serves ice cream;
 - (iii) that attracts patrons by traveling through a residential area and signaling the truck’s presence in the area, including by playing music; and
 - (iv) that may stop to serve ice cream at the signal of a patron.



Planning Commission Staff Report

Application: PL-17-03664
Subject: Twisted Branch Road Subdivision
Author: Kirsten Whetstone, MS, AICP, Senior Planner
Date: May 23, 2018
Type of Item: Continuation

Summary Recommendations

Staff recommends Planning Commission conduct a public hearing and continue this item to June 13, 2018.

Description

Owner: REDUS Park City LLC and Park City Municipal Corporation
Applicant: Michael Demkowics - Alliance Engineering
Location: SR 224 and Twisted Branch Road and metes and bounds property adjacent within the Flagstaff Annexation area
Zoning: Residential Development (RD-MPD) and Recreation Open Space (ROS), subject to the Flagstaff Annexation and Development Agreement
Adjacent Land Uses: Deer Valley Resort, SR 224, B2 East Subdivision (undeveloped condominium residential), Red Cloud Subdivision (single family residential), open space areas, conservation easements, and trails.

Proposal

This is a request for a subdivision plat to create platted lots of record for 1) an on-mountain “Beano’s” style restaurant as described in the amended Flagstaff Development Agreement, 2) a City water tank and public trailhead parking, and 3) a small warming shelter (less than 800 square feet in area). The plat will also identify Twisted Branch Road as a private road and create parcels for Deer Valley Resort (ski runs, trails, bridges, snowmaking, access, etc.), open space, and plat SR 224. No residential development density is proposed or assigned to any of the proposed lots or parcels. Staff is recommending continuation to June 13th to allow additional time for interdepartmental review of the staff report.



**Planning Commission
Staff Report**

Application: PL-17-03664
Subject: Flagstaff and Empire Pass Development Construction Mitigation Plan amendments
Author: Kirsten Whetstone, MS, AICP, Senior Planner
Date: May 23, 2018
Type of Item: Continuation

Summary Recommendations

Staff recommends Planning Commission conduct a public hearing and continue this item to June 13, 2018.

Description

Applicant/Owner: REDUS Park City LLC and Park City Municipal Corporation
Location: Empire Pass Master Planned Development area
Zoning: Residential Development (RD-MPD) and Recreation Open Space (ROS), subject to the Flagstaff Annexation and Development Agreement
Adjacent Land Uses: Deer Valley Resort, open space areas and trails.

Proposal

This is a request to amend the Construction Mitigation Plan (CMP) technical report for the Empire Pass Master Planned Developments to address routing of construction vehicles and location of clean excavated soil depository and storage. The current identified site at Daly West is developed with the Montage Resort. Staff recommends continuation to June 13th to allow additional time to address issues raised at interdepartmental review.

Planning Commission Staff Report



Subject: Park City Heights Phasing Plan
Project #: PL-17- 03552
Author: Kirsten Whetstone, MS, AICP
Date: May 23, 2018
Type of Item: Administrative

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue this item to June 13, 2018.

Topic

Applicant: Ivory Development LLC
Applicant representative: Brad Mackay
Location: 3900 Calamity Lane (Located south of Richardson Flat Road and west of US Highway 40)
Zoning: Community Transition (CT), subject to the Park City Heights Master Planned Development
Adjacent Land Uses: Single family homes and lots of Park City Heights Phase 1, Open Space, and future Park City Heights phases.

Disclosure: The City retains a security interest as the holder of a Trust Deed in conjunction with a prior transaction regarding the property. However, the City is not an applicant and does not have any current ownership in the property.

The applicant requests revisions to the overall phasing plan as previously discussed by the Planning Commission during review of the Park City Heights Phase 2 Subdivision plat. Phasing approved with the preliminary plat for Phase 2 included 46 lots south of Phase 1 consisting of a mix of Cottage Homes and Homestead Homes.

Approved Phase 2 of the Subdivision plat includes construction of the extension of Calamity Lane (off Existing Ledger Way) and two short cul-de-sacs and incorporates a portion of Phase 3 as well as Phases 5 and 6. The applicants intend to construct a water tank and infrastructure for the water system within Calamity Lane this summer. Access to the water tank access road is planned from Calamity Lane. Proposed Phase 2 is a logical extension of Phase 1. Staff requests continuation to June 13, 2018.

Planning Commission Staff Report

Subject: Sunshine Ski Home Plat Amendment (1062-1064 Park Avenue)
Author: Hannah M. Tyler, Planner
Project Number: PL-18-03818
Date: May 23, 2018
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Sunshine Ski Home Plat Amendment located at 1062 Park Avenue and 1064 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 as found in the draft ordinance.

Description

Applicant: Sunshine Rose, Inc. (1062 Park Avenue) and SkiHome, LLC (1064 Park Avenue) – Represented by Marshall King, Alliance Engineering
Location: 1062 Park Avenue and 1064 Park Avenue
Zoning: Historic Residential-Medium Density District (HRM)
Adjacent Land Uses: Single-Family, Multi-Family, Trails and Open Space
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

1062 Park Avenue and 1064 Park Avenue are adjoining properties, each consisting of two (2) platted lots in Snyder’s Addition to Park City Survey and an adjacent metes-and-bounds parcel to the northeast. The applicant intends to create a two (2) lot subdivision from the existing four (4) platted lots and two (2) metes-and-bounds parcels.

The Plat Amendment application was submitted on March 13, 2018. The proposed site location consists of 1064 Park Avenue (vacant lot) and 1062 Park Avenue (“Landmark” Site).

Background

The Plat Amendment application was submitted on March 13, 2018. The application was deemed complete on March 21, 2018.

The subject properties (1062 Park Avenue and 1064 Park Avenue) each consist of two (2) platted lots in Snyder’s Addition to Park City Survey and an adjacent metes-and-bounds parcel to the northeast. The Plat Amendment would create a two (2) lot subdivision from the four (4) platted lots and two (2) metes-and-bounds parcels.

1062 Park Avenue is listed as a “Landmark” Site (single-family dwelling) on the Park City Historic Sites Inventory (HSI).

1064 Park Avenue is currently a vacant lot. Until 2007, there was a structure on the site that was designated as “Significant” on the Park City HSI. In 2007, the Historic Preservation Board (HPB) reviewed a Determination of Significance (DOS) application submitted by the owner at the time. The HPB found the structure to be non-historic due to incompatible and out-of-period additions to the front (west) façade of the structure – the structure was removed from the Park City HSI. The structure was demolished in 2007. Since 2007, the site has been vacant.

Staff has included a complete list of previous applications for both 1062 and 1064 Park Avenue in Table 1 below.

Table 1: Past Applications and/or Permits for 1062 and 1064 Park Avenue:

1062 Park Avenue			
Year	Application/Permit Type	Description	Action Taken
2001	Historic District Design Review	Remodel existing structure into a salon.	Withdrawn
2018	Historic District Design Review-Pre Application	Restore the “Landmark” single-family dwelling and construct an addition.	Design Review Team meeting held. Pending further action.
1064 Park Avenue			
Year	Application/Permit Type	Description	Action Taken
2006	Plat Amendment	The applicant proposed a two (2) lot subdivision.	Closed due to new ownership
2006	Historic District Design Review	The applicant proposed a new single-family dwelling behind the then existing “Brand X Cattle Company” Restaurant (subject to plat approval)	Closed due to new ownership
2007	Determination of Significance	The applicant proposed to remove the existing “Significant” structure from the Park City HSI.	Approved (site removed from Park City HSI)
2007	Demolition Permit	Demolish the non-historic structure.	Approved
2007	Plat Amendment	The applicant proposed a three (3) lot subdivision.	Closed due to inactivity
2007	Historic District Design Review Application	The applicant proposed three (3) single-family dwellings (subject to plat approval).	Closed due to inactivity
2014	Building Permit (Staging)	The “Significant” Structure at 820 Park Avenue (the Denver & Rio Grande Western Railroad Passenger Station) was temporarily relocated and staged	Approved

		on the vacant lot during the construction at 820 Park Avenue. The “Significant” Structure was then relocated back to 820 Park Avenue once the foundation and other construction activities were completed.	
2015	Historic District Design Review-Pre Application	The applicant requested to discuss development options.	
2017	Historic District Design Review-Pre Application	The applicant requested to discuss development options.	
2018	Historic District Design Review-Pre Application	The applicant requested to discuss development options.	
2018	Historic District Design Review Application	The application has not been deemed complete. The applicant is proposing to construct a new Duplex Dwelling with separate Garage Accessory Structure. Due to the incomplete status of this application, not Land Use analysis has been conducted.	Incomplete Application Notice sent on May 17, 2018 – on hold.

The applicant has stated the proposed intent for future uses/developments on each lot. The applicant has submitted Historic District Design Review-Pre Applications for each lot’s proposal. A full Historic District Design Review application was submitted for 1064 Park Avenue, but the application was deemed Incomplete on May 17, 2018 due to insufficient submittal materials – the application is on hold until the correct materials have been submitted; therefore, no review has been completed for compliance with the LMC or Design Guidelines for Historic Districts or Historic Sites. No full Historic District Design Review application has been submitted for 1062 Park Avenue as described by the applicant herein; therefore, no formal plans have been reviewed by staff for complete compliance with the LMC or Design Guidelines for Historic Districts or Historic Sites.

Table 2: Applicant’s proposed future development uses for each lot:

Lot A (1064 Park Avenue)
Construct a Duplex Dwelling with a detached building at the rear of the property. The detached building will consist of a garage.
Lot B (1062 Park Avenue)
Renovate the existing historic house and construct an addition in the rear.

Purpose

The purpose of the Historic Residential Medium Density (HRM) District is to:

- A. allow continuation of permanent residential and transient housing in original residential Areas of Park City,

- B. encourage new Development along an important corridor that is Compatible with Historic Structures in the surrounding Area,
- C. encourage the rehabilitation of existing Historic Structures,
- D. encourage Development that provides a transition in Use and scale between the Historic District and the resort Developments,
- E. encourage Affordable Housing,
- F. encourage Development which minimizes the number of new driveways Accessing existing thoroughfares and minimizes the visibility of Parking Areas, and
- G. establish specific criteria for the review of Neighborhood Commercial Uses in Historic Structures along Park Avenue.

Analysis

The applicant intends to create a two (2) lot subdivision from the four (4) platted lots and two (2) metes-and-bounds parcels (Exhibit A).

Portions of both 1062 and 1064 Park Avenue are located in Federal Emergency Management Agency’s (FEMA) Flood Zone AO and Flood Zone X. All development will have to provide elevation certificates certifying compliance with the minimum FEMA Flood Zone requirements.

The following table shows the applicable Land Management Code (LMC) development parameters and compliance in the HRM District:

Lot A (1064 Park Avenue)	
Standard:	Minimum Requirement:
Lot Size – square feet (SF)	3,750 SF minimum for Duplex Dwelling; complies.
Lot Width – feet (ft.)	37.5 ft. minimum; complies
Front Yard Setbacks – feet (ft.)	15 ft. minimum for Duplex Dwellings
Rear Yard Setbacks – feet (ft.)	10 ft. minimum for Duplex Dwellings
Side Yard Setbacks – feet (ft.)	1 ft. minimum for detached Accessory Buildings
Building Height – feet (ft.)	5 ft. minimum for Duplex Dwellings
	5 ft. minimum for detached Accessory Buildings
Building Height – feet (ft.)	Maximum Building Height is 27 ft.
Lot B (1062 Park Avenue)	
Standard:	Minimum Requirement:
Lot Size – square feet (SF)	1,750 SF minimum for a single-family dwelling; complies.

Lot Width – feet (ft.)	37.5 ft. minimum; <i>complies</i>
Front Yard Setbacks – feet (ft.)	15 ft. minimum for Single-Family Dwellings, existing Historic Single-Family Dwelling is 12 ft. 6 in.; <i>complies</i>
Rear Yard Setbacks – feet (ft.)	10 ft. minimum for Single-Family Dwellings, existing Historic Single-Family Dwelling is 87 ft.; <i>complies</i> 1 ft. minimum for detached Accessory Buildings, existing Accessory Dwelling is 66 ft.; <i>complies</i>
Side Yard Setbacks – feet (ft.)	5 ft. minimum for Single-Family Dwellings, existing Single-Family Dwelling is 9 ft. 6 in.; <i>complies</i> 5 ft. minimum for Accessory Dwelling, existing Accessory Dwelling is 5 ft.; <i>complies.</i>

The HRM zoning district does not have a maximum building footprint. Rather the development simply has to meet the required setbacks and lot area for the type of building. Both properties are located in FEMA Flood Zone X.

The City Engineer will also require the applicant to grant ten foot (10') snow storage easements along Park Avenue and 11th Street indicated by Condition of Approval #6.

Good Cause

Staff finds good cause for this Plat Amendment as interior lot lines and metes-and-bounds parcel boundaries will be removed for both 1062 and 1064 Park Avenue creating two (2) legal lots of record. In addition, ten foot (10') snow storage easements along Park Avenue and 11th Street will be granted to the City.

Process

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

Department Review

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

Notice

On May 9th, 2018 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on May 5th, 2018 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 Sunshine Ski Home Plat Amendment at 1062 and 1064 Park Avenue as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Sunshine Ski Home Plat Amendment at 1062 and 1064 Park Avenue and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Sunshine Ski Home Plat Amendment at 1062 and 1064 Park Avenue to a future date.

Significant Impacts

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

Consequences of not taking recommended action

Consequences of not taking the Planning Department's recommendation are that the Site would remain as is.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the Sunshine Ski Home Plat Amendment located at 1062 Park Avenue and 1064 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 as found in the draft ordinance.

Exhibits

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

Ordinance No. 18-XX

AN ORDINANCE APPROVING THE SUNSHINE SKI HOME PLAT AMENDMENT LOCATED AT 1062 PARK AVENUE AND 1064 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the properties located at 1062 Park Avenue and 1064 Park Avenue have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on May 5, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on May 9, 2018 proper legal notice was sent to all affected property owners and published in the Park Record and on the Utah Public Notice Website; and

WHEREAS, the Planning Commission held a public hearing on May 23, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on May 23, 2018, forwarded a _____ recommendation to the City Council; and,

WHEREAS, June 7, 2018, 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 the Sunshine Ski Home Plat Amendment located at 1062 Park Avenue and 1064 Park Avenue.

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

SECTION 1. APPROVAL. The Sunshine Ski Home Plat Amendment located at 1062 Park Avenue and 1064 Park Avenue, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The properties are located at 1062 Park Avenue and 1064 Park Avenue are in the Historic Residential-Medium Density (HR-M) District.
2. The proposed site location consists of 1062 Park Avenue (“Landmark” Single-Family Dwelling) and 1064 Park Avenue (vacant lot).
3. 1062 Park Avenue and 1064 Park Avenue are adjoining properties, each consisting of two (2) platted lots in Snyder’s Addition to Park City Survey and an adjacent metes-and-bounds parcel to the northeast.
4. The applicant intends to create a two (2) lot subdivision from the four (4) platted lots and two (2) metes-and-bounds parcels.
5. The Plat Amendment application was complete on March 21, 2018.

6. 1062 Park Avenue is listed as a “Landmark” Site (single-family dwelling) on the Park City Historic Sites Inventory (HSI). The applicant has stated their intent to restore the “Landmark” single-family dwelling and construct an addition in the rear.
7. 1064 Park Avenue is currently a vacant lot.
8. Portions of both 1062 and 1064 Park Avenue are located in Federal Emergency Management Agency’s (FEMA) Flood Zone AO and Flood Zone X. All development will have to provide elevation certificates certifying compliance with the minimum FEMA Flood Zone requirements.
9. The minimum lot width in the HRM District is 37.5 feet; the lot width of Lot A and Lot B will be 37.5 feet.
10. For lots over 75 feet in depth, the required Front Yard Setback for the Single-Family Dwelling and a Duplex Dwelling is 15 feet in the HRM Zoning District.
11. The required Rear Yard Setback is 10 feet in the HRM Zoning District.
12. The required Side Yard Setback for the Single-Family Dwelling and a Duplex Dwelling is 5 feet in the HRM District.
13. A single-family dwelling is an allowed use in the HRM Zoning District.
14. A duplex dwelling is an allowed use in the HRM Zoning District.
15. Staff finds good cause for this Plat Amendment as interior lot lines and metes-and-bounds parcel boundaries will be removed for both 1062 and 1064 Park Avenue creating two (2) legal lots of record. In addition, ten foot (10’) public snow storage easements along Park Avenue and 11th Street will be granted to the City.
16. The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards.
17. On May 9th, 2018 the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published on the Utah Public Notice Website and Park Record on May 5th, 2018 according to requirements of the Land Management Code.
18. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of

City Council approval. If recordation has not occurred within one 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 is granted by the City Council.

3. The applicant shall show and label all easements with Snyderville Basin Water Reclamation District (SBWRD) on the plat amendment.
4. A ten feet (10') wide public snow storage easement will be required along the Park Avenue and 11th Street frontage of the property.
5. All development will have to provide elevation certificates certifying compliance with the minimum FEMA Flood Zone requirements.

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

PASSED AND ADOPTED this 7th day of June, 2018.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7248891, as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the tract of land into lots, together with easements, hereafter to be known as SUNSHINE SKI HOME PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTIONS

1062 PARK AVENUE
Parcel 1
All of Lot 13 and 14, Block 55, Snyders Addition to Park City, according to the official plat thereof on file and of record in the office of the Summit County Recorder's Office.

Parcel 2
A parcel of land lying northeasterly of and adjacent to Lots 13 and 14 of Block 55, Snyders Addition to Park City, in Park City, Summit County, Utah, bounded and described as follows:
Beginning at the northeasterly corner of said Lot 14; thence along the northwesterly line of said Lot 14 extended northeasterly North 54°01' East, a distance of 59.32 feet; thence South 32°48' East, a distance of 50.08 feet, more or less, to the southeasterly line of said Lot 13; thence along said northeasterly extension, South 54°01' West, a distance of 56.54 feet, more or less, to the most easterly corner of said Lot 13; thence along the northeasterly line of said Block 55, North 35°59' West, a distance of 50.00 feet, more or less, to the point of beginning.

1064 PARK AVENUE
Lots 15 and 16, Block 55, SNYDERS ADDITION TO THE PARK CITY, according to the official plat thereof on file and of record in the office of the Summit County Recorder.

Also: Beginning at the Northeasterly corner of Lot 16, Block 55, Snyders Addition to the Park City Survey, according to the official plat thereof recorded in the office of the Summit County Recorder, and running thence North 54°01' East 62.1 feet; thence South 32°48' East 50 feet, more or less; thence South 54°01' West 62.1 feet, more or less, to the Southeast corner of Lot 15, said Block 55; thence North 35°59' West along the East side of Lots 15 and 16, 50 feet, more or less, to the point of beginning.

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 54°39'06" W (S 54°01' W)	2.85'

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that SUNSHINE ROSE, INC., the undersigned owner as to 1062 Park Avenue, to be known hereafter as SUNSHINE SKI HOME PLAT AMENDMENT, does hereby certify that it has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2018.
By: Hades Wong, Manager
SUNSHINE ROSE, INC.

ACKNOWLEDGMENT

State of _____;
County of _____ ss:

On this _____ day of _____, 2018, Hades Wong personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Manager of SUNSHINE ROSE, INC., and that said document was signed by him on behalf of said corporation by authority of its Bylaws, or Resolution of its Board of Directors, and he acknowledged to me that he executed the SUNSHINE SKI HOME PLAT AMENDMENT.

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

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that SKIHOME, LLC, the undersigned owner as to 1064 Park Avenue, to be known hereafter as SUNSHINE SKI HOME PLAT AMENDMENT, does hereby certify that it has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2018.
By: Kevin Burns, Manager
SKIHOME, LLC

ACKNOWLEDGMENT

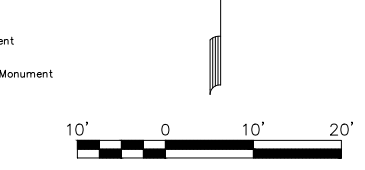
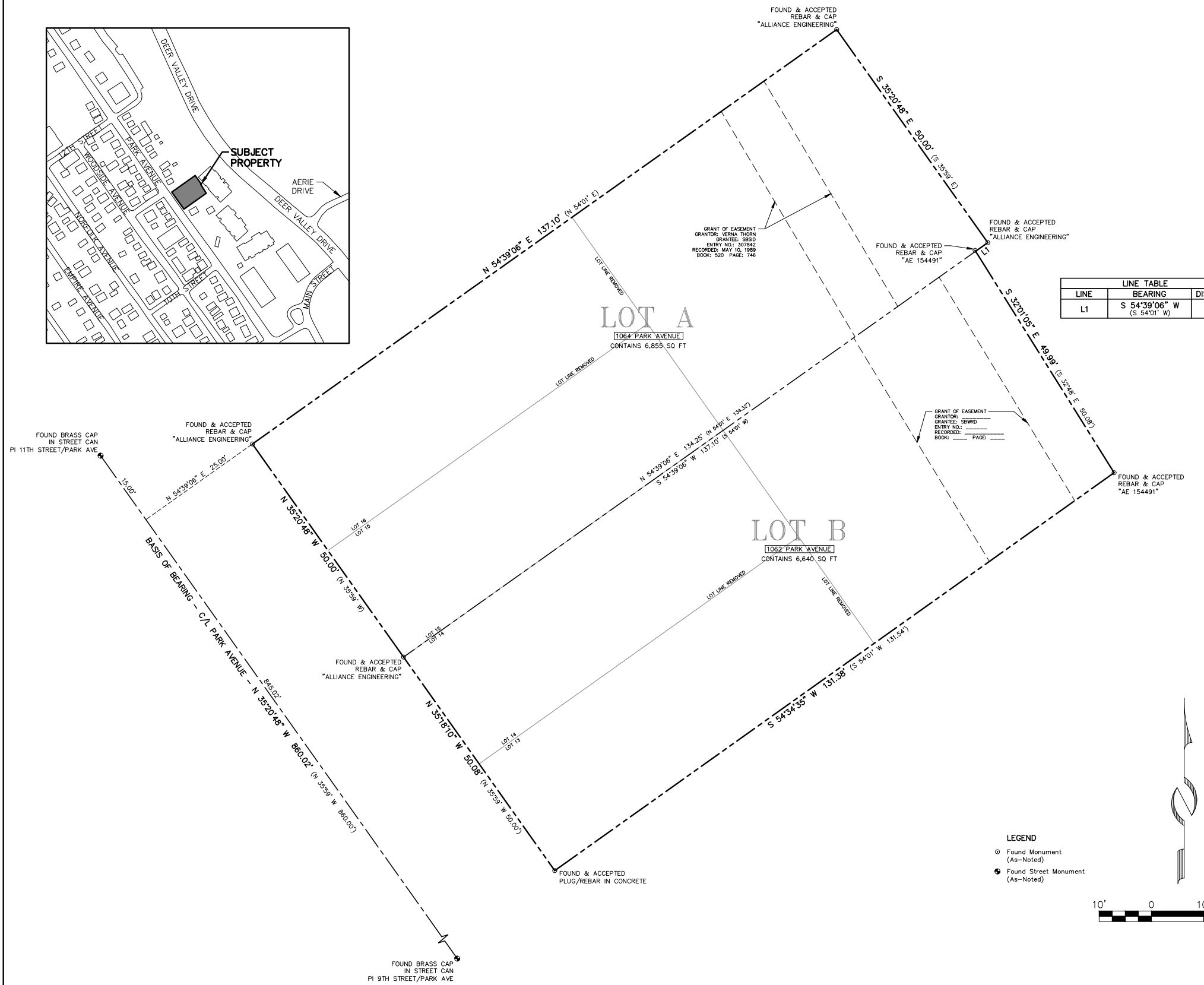
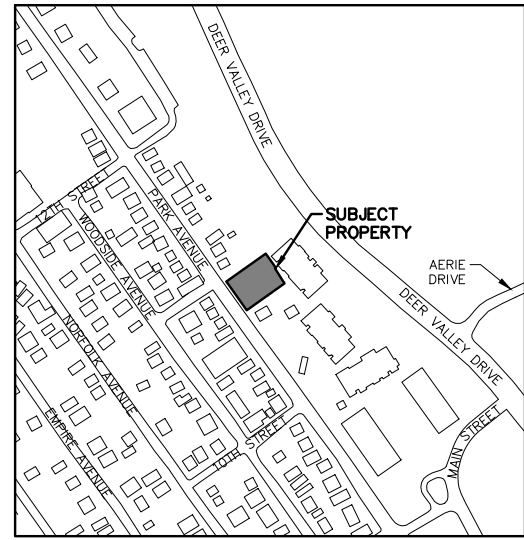
State of _____;
County of _____ ss:

On this _____ day of _____, 2018, Kevin Burns personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Manager of SKIHOME, LLC, and that said document was signed by him on behalf of said corporation by authority of its Bylaws, or Resolution of its Board of Directors, and he acknowledged to me that he executed the SUNSHINE SKI HOME PLAT AMENDMENT.

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

NOTES

- 1. This plat is subject to the Conditions of Approval in Ordinance 2018-_____.
- 2. See Record of Survey S-_____.



SUNSHINE SKI HOME PLAT AMENDMENT

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

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

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2018
BY _____ S.B.W.R.D.

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2018
BY _____ CHAIR

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2018
BY _____ PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM THIS _____ DAY OF _____, 2018
BY _____ PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2018
BY _____ MAYOR

CERTIFICATE OF ATTEST
I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2018
BY _____ PARK CITY RECORDER

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

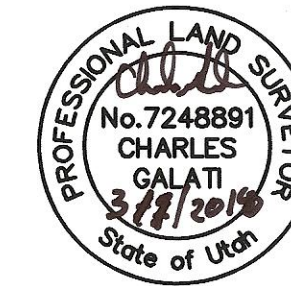
Exhibit B – Survey(s)

1062 PARK AVENUE SURVEY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN
RECORD OF SURVEY - SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 7248891, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the heron described property and that to the best of my knowledge this plat is a correct representation of said survey.



LEGAL DESCRIPTION

PARCEL 1:

All of Lot 13 and 14, Block 55, Snyder's Addition to Park City, according to the official plat thereof on file and of record in the office of the Summit County Recorder's Office.

PARCEL 2:

A parcel of land lying northeasterly of and adjacent to Lots 13 and 14 of Block 55, Snyder's Addition to Park City, in Park City, Summit County, Utah, bounded and described as follows:

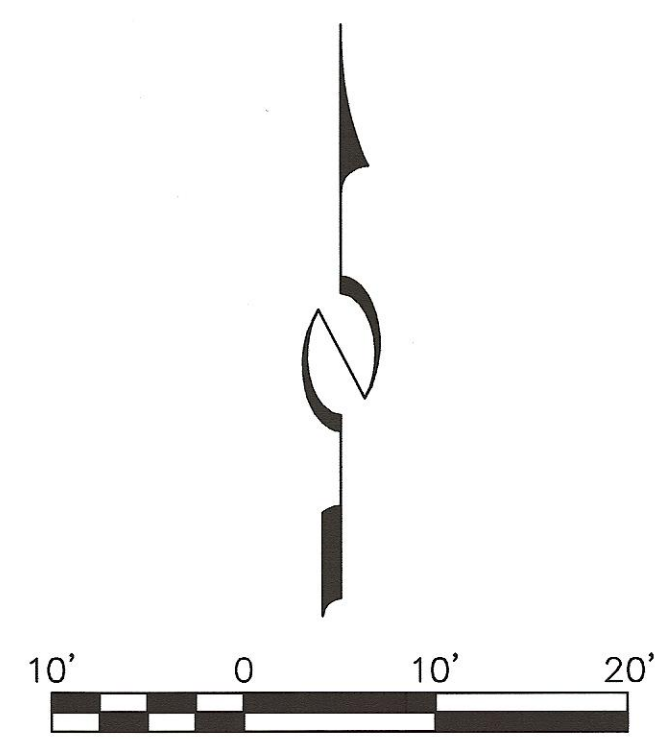
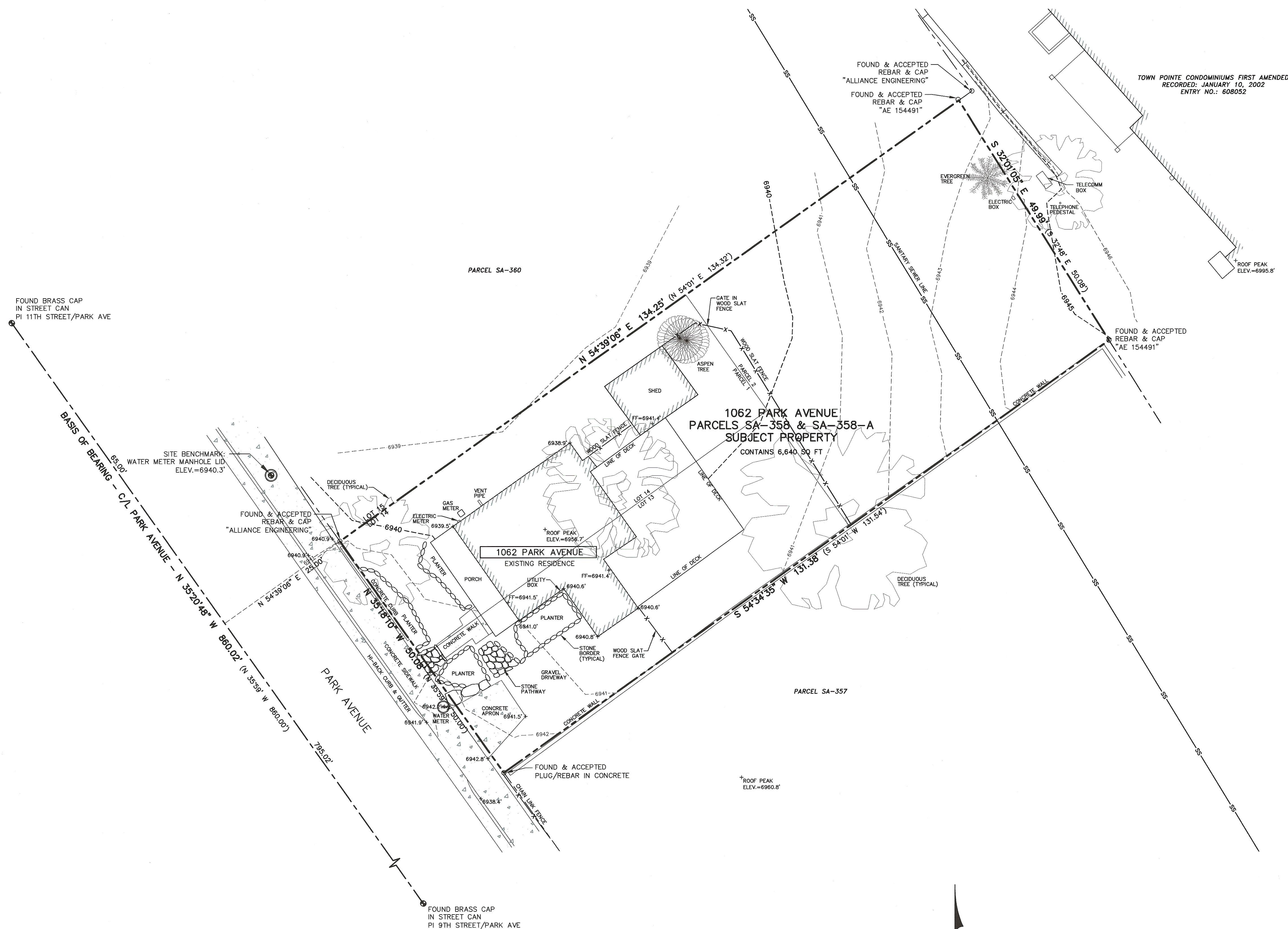
Beginning at the northeasterly corner of said Lot 14; thence along the northwesterly line of said Lot 14 extended northeasterly North 54°01' East, a distance of 59.32 feet; thence South 32°48' East, a distance of 50.08 feet, more or less, to the southeasterly line of said Lot 13 extended northeasterly; thence along said northeasterly extension, South 54°01' West, a distance of 56.54 feet, more or less, to the most easterly corner of said Lot 13; thence along the northeasterly line of said Block 55, North 35°59' West, a distance of 50.00 feet, more or less, to the point of beginning.

NOTES

1. Basis of Bearing for this survey is between the found street monuments as shown on this plat.
2. Field work for this survey was completed February 27, 2018, and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to locate and monument the boundary in addition to performing an Existing Conditions and Topography survey for the possibility of improvements to the property.
4. A Title Report was not provided to the surveyor and no easements were located as part of this survey. The surveyor found no obvious evidence of easements, encroachments or encumbrances on the property surveyed except as shown hereon.
5. Recorded deeds, county tax maps, Town Pointe Condominiums First Amended Plat, recorded surveys S-5957, S-6279 and S-6752 (all on file and of record in the Summit County Recorder's Office), and physical evidence found in the field were all used to determine the boundary as shown on this plat.
6. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
7. Property corners were found as shown.
8. Record bearings and distances, when different from measured, are in parenthesis ().
9. Site Benchmark: Water Meter Manhole Lid Elevation=6940.3' as shown.
10. Snow coverage at the time of the survey was approximately 1-2'. As a result, monuments, improvements, and/or conditions may exist which are not shown on this survey.
11. Elevations for this survey are NAVD 88 and were determined using the Utah Turn GPS network.

LEGEND

- Set 5/8" rebar w/cap
- * "ALLIANCE ENGINEERING"
- (Unless noted otherwise)
- Found Monument (As-Noted)
- ⊙ Found Street Monument (As-Noted)



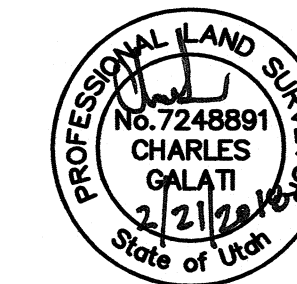
<p>(435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</p>	STAFF: CHARLES GALATI RYAN BETZ JASON WYNNE	1062 PARK AVENUE EXISTING CONDITIONS & TOPOGRAPHIC MAP	SHEET 1 OF 1
	DATE: 3/1/18	FOR: THAD WONG JOB NO.: 5-2-18 FILE: X:\SnydersAddition\dwg\sr\svry2018\050218-1062 Park Ave\050218.dwg	

1064 PARK AVENUE SURVEY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST
SALT LAKE BASE AND MERIDIAN
RECORD OF SURVEY - SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 7248891, as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the hereon described property and that to the best of my knowledge this plat is a correct representation of said survey.



LEGAL DESCRIPTION

PARCEL 1:

Lots 15 and 16, Block 55, Snyder's Addition to the Park City Survey, according to the official plat thereof recorded in the office of the Summit County Recorder.

PARCEL 2:

Beginning at the northeasterly corner of Lot 16, Block 55, Snyder's Addition to the Park City Survey, according to the official plat thereof recorded in the office of the Summit County Recorder, and according to the official plat thereof recorded in the office of the Summit County Recorder, and running thence North 54°01' East 62.1 feet; thence South 32°48' East 50 feet, more or less, thence South 54°01' West 62.1 feet, more or less, to the southeast corner of Lot 15, Block 55; thence North 35°59' West along the east side of Lots 15 and 16, 50 feet, more or less, to the point of beginning.

NOTES

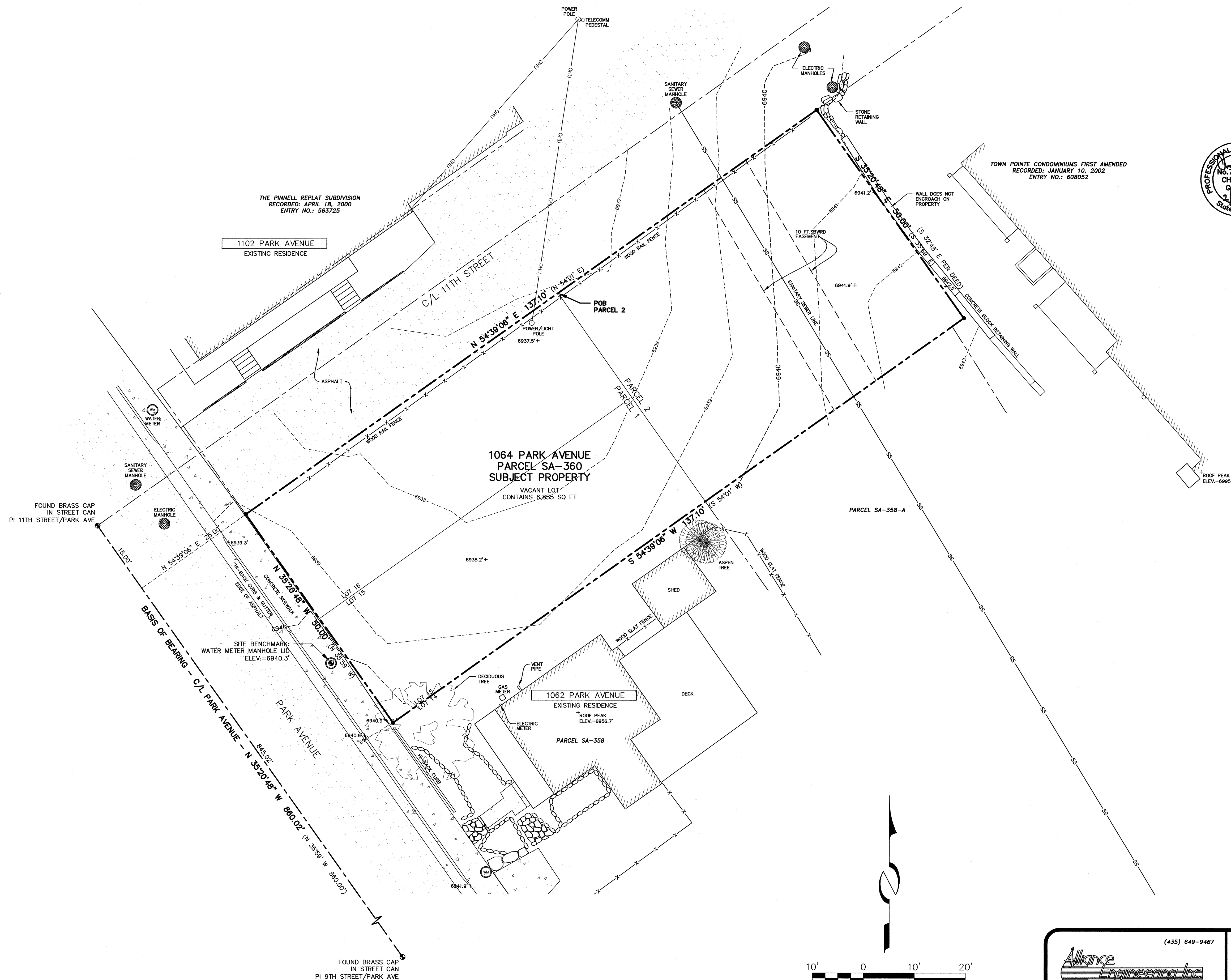
1. Basis of Bearing for this survey is between the found street monuments as shown on this plat.
2. Field work for this survey was completed January 11, 2018, and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to locate and monument the boundary in addition to performing an Existing Conditions and Topography survey for the possibility of improvements to the property.
4. A Title Report was provided to the surveyor and only easements shown were located as part of this survey. The surveyor found no obvious evidence of easements, encroachments or encumbrances on the property surveyed except as shown hereon.
5. Recorded deeds, Town Pointe Condominiums First Amended Plat, recorded surveys S-5957, S-6279 and S-6752 (all on file and of record in the Summit County Recorder's Office), and physical evidence found in the field were all used to determine the boundary as shown on this plat.
6. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
7. Property corners were set as shown.
8. Record bearings and distances, when different from measured, are in parenthesis ().
9. Site Benchmark: Water Meter Manhole Lid Elevation=6940.3' as shown.
10. Snow coverage at the time of the survey was approximately 4-6". As a result, monuments, improvements, and/or conditions may exist which are not shown on this survey.
11. Elevations for this survey are NAVD 88 and were determined using the Utah Turn GPS network.

LEGEND

- Set 5/8" rebar w/cap "ALLIANCE ENGINEERING" (Unless noted otherwise)
- ⊙ Found Street Monument (As-Noted)

REVISIONS

- 2/21/18: The encroaching fence at the northernmost corner of the property has been removed and is being reflected hereon.

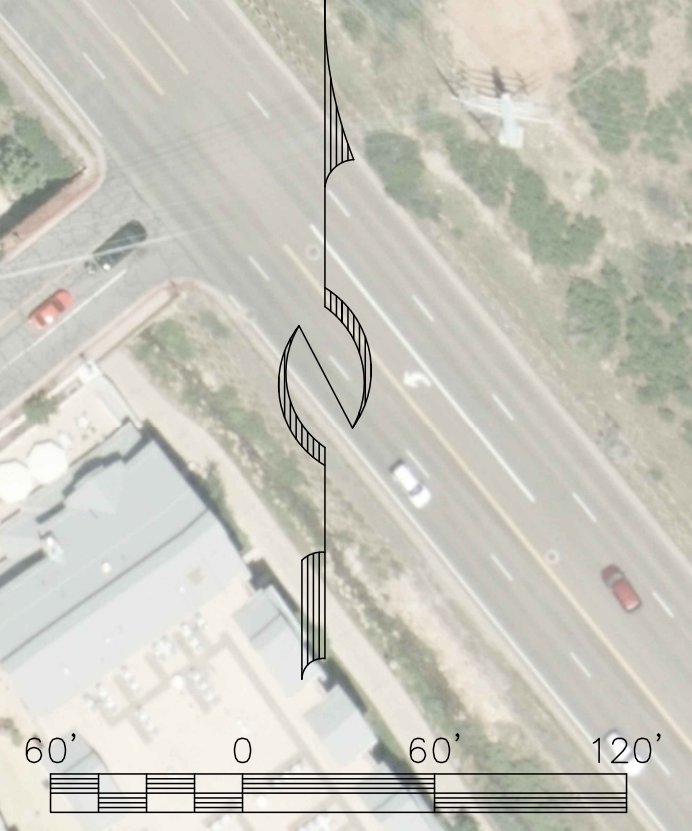


<p>(435) 649-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2864 Park City, Utah 84060-2864</p>	STAFF: CHARLES GALATI RYAN BETZ JASON WYNNE	1064 PARK AVENUE EXISTING CONDITIONS & TOPOGRAPHIC MAP	SHEET 1 OF 1
	DATE: 2/21/18	FOR: KEVIN BURNS JOB NO.: 1-1-18 FILE: X:\SnydersAddition\dwg\sr\sr\2018\010118-1064 Park Ave\010118.dwg	

Exhibit C – Aerial Photographs with 500' Radius



SUBJECT
PROPERTY



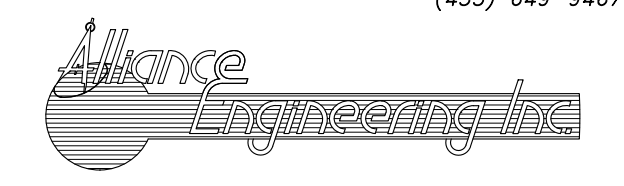
<p>(435) 649-9467  <small>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</small></p>	<p>STAFF: RYAN BETZ MARSHALL KING</p> <p>DATE: 3/2/18</p>	<p>AERIAL PHOTOGRAPH 1062 & 1064 PARK AVENUE BLOCK 55, SNYDER'S ADDITION</p> <p>FOR: KEVIN BURNS & THAD WONG JOB NO.: 1-1-18 & 5-2-18 FILE: X:\SnydersAddition\dwg\Exhibits\1062&1064 park ave-ortho.dwg</p>	<p>SHEET 1 OF 1</p>
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Exhibit D – Site Photographs



1062 & 1064 Park Avenue - looking easterly



1062 & 1064 Park Avenue - looking southerly



1062 & 1064 Park Avenue - looking southeasterly

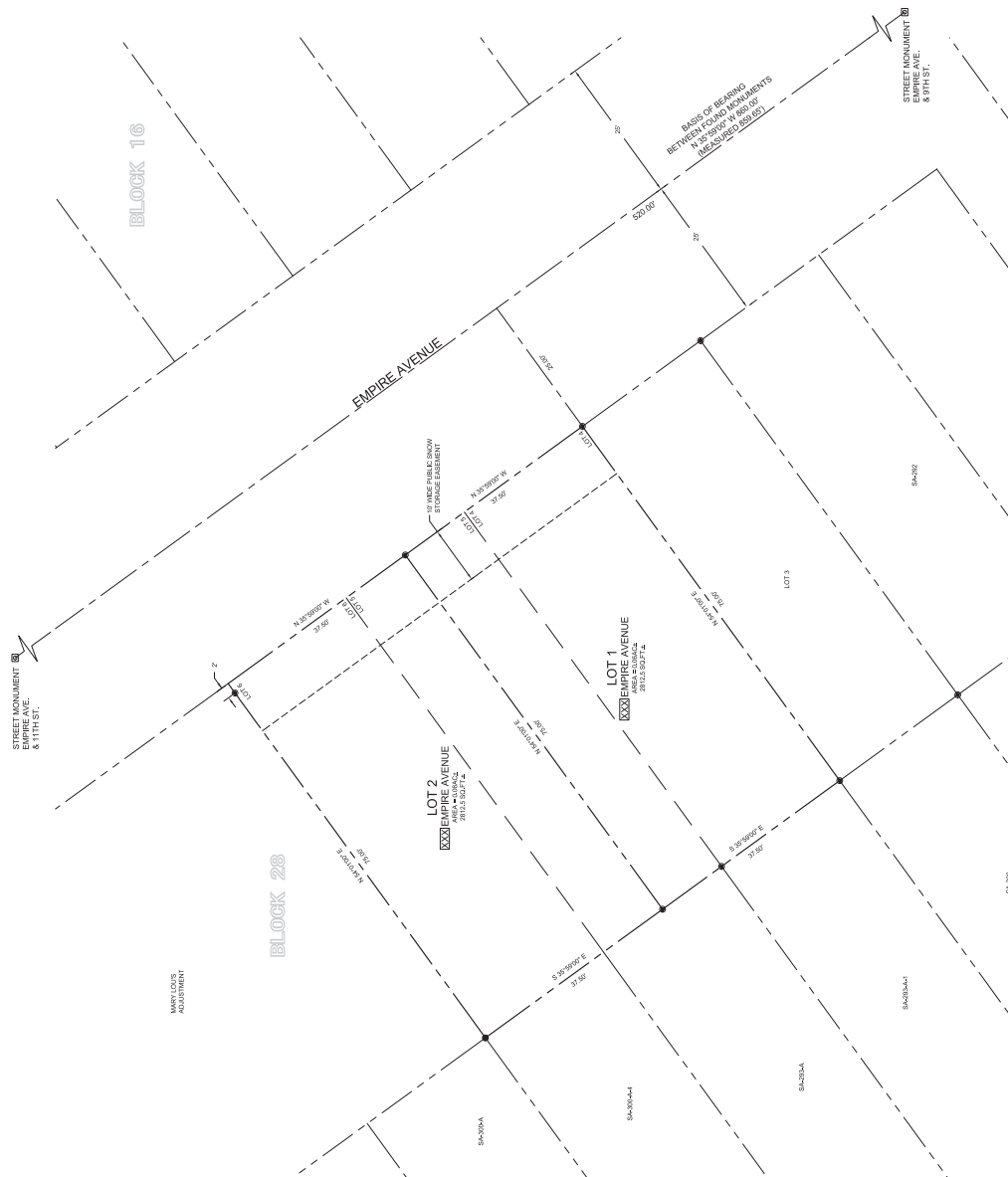


1062 & 1064 Park Avenue - looking northerly



1062 & 1064 Park Avenue - looking westerly

1011 EMPIRE AVENUE PLAT AMENDMENT
 AMENDMENT TO LOTS 4, 5 & 6
 BLOCK 28 SNYDERS ADDITION TO PARK CITY
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
 TOWNSHIP 25 RANGE 4E
 SALT LAKE BASE AND MERIDIAN



SURVEYOR'S STATEMENT

GREGORY J. FERRARI OF PARK CITY, UTAH, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF UTAH, HOLDING LICENSE NO. 5040006. THIS PLAT AMENDMENT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT ACCURATELY REPRESENTS THE SUBMITTED INFORMATION AND PROPERTY. I FURTHER CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THE SUBMITTED PROPERTY.



OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT 1011 EMPIRE AVENUE LLC, THE UNDERSIGNED OWNERS OF LOTS 4, 5 AND 6 OF BLOCK 28 SNYDERS ADDITION TO PARK CITY, UTAH, HAS HEREBY CONSENTED TO THE RECORDATION OF THIS PLAT AMENDMENT. 1011 EMPIRE AVENUE LLC HEREBY CONSENTS TO THE RECORDATION OF THIS PLAT AMENDMENT.

1011 EMPIRE AVENUE LLC, A NEW YORK LIMITED LIABILITY COMPANY

BY: _____
 PRINTED NAME: _____
 TITLE: _____

LIMITED LIABILITY COMPANY NOTARY ACKNOWLEDGMENT

STATE OF _____ COUNTY OF _____
 I, _____, PERSONALLY APPEARED BEFORE ME, **JUSTIN S. STENBERG**,
 ON THIS _____ DAY OF _____, 20____, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME OR PROVEN ON THE BASIS OF SATISFACTORY
 EVIDENCE AND WHO BY ME DULY SWORN/AFIRMED, DID SAY THAT HE/SHE IS THE _____
 (TITLE OR OFFICE) OF **1011 EMPIRE AVENUE LLC**, A NEW YORK LIMITED LIABILITY COMPANY, AND THAT
 SAID DOCUMENT WAS SIGNED BY HIM/HER IN BEHALF OF SAID LIMITED LIABILITY COMPANY BY AUTHORITY
 OF ITS OPERATING AGREEMENT OR RESOLUTION OF ITS MEMBERS, AND HE/SHE ACKNOWLEDGED TO ME
 THAT HE/SHE EXECUTED THE **1011 EMPIRE AVENUE PLAT AMENDMENT**.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC
 RESIDING IN _____

LEGAL DESCRIPTION:

LOT 4, LOT 5 AND THE SOUTHERLY 10' OF LOT 5, BLOCK 28, SNYDERS ADDITION TO PARK CITY,
 ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD AT THE SUMMIT,
 COUNTY RECORDERS OFFICE.
LOT 2:
 ALL OF LOT 6 AND THE NORTHERLY 1/2 OF LOT 5, BLOCK 28, SNYDERS ADDITION TO PARK CITY,
 COUNTY RECORDERS OFFICE.

NOTES:

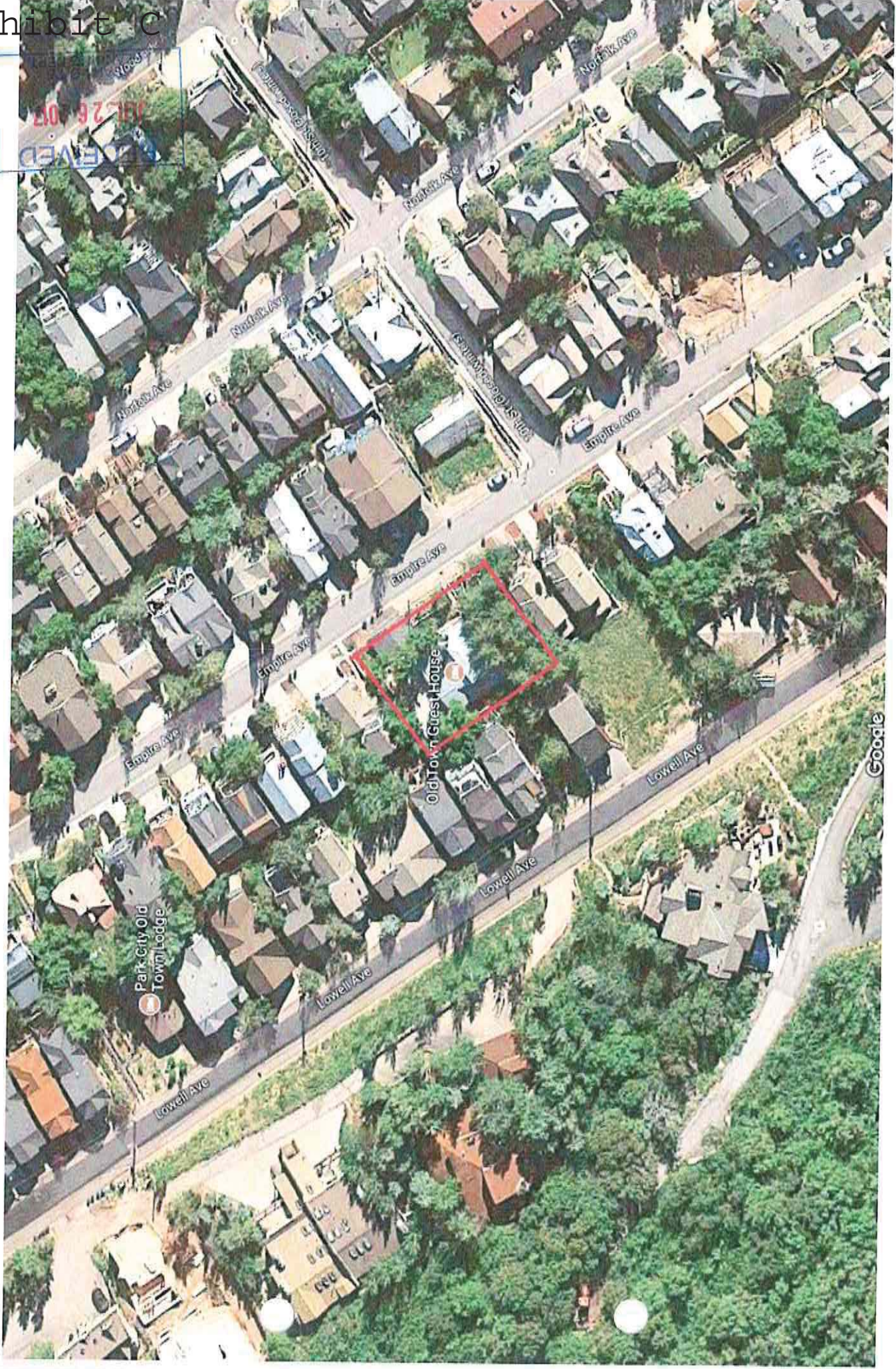
- MODIFIED 1-50 SPRINKLERS WILL BE REQUIRED FOR NEW CONSTRUCTION AS REQUIRED BY THE CITY OF PARK CITY BUILDING DEPARTMENT AT THE TIME OF PERMIT SUBMITTAL.
- THIS PLAT AMENDMENT IS SUBJECT TO THE CONDITIONS OF APPROVAL OF ORDINANCE XXXX.

LEGEND:

- PROPERTY LINE
- ADJOINING PROPERTY LINE
- CENTER LINE
- EASEMENT
- LOT LINE TO BE REMOVED
- STREET ADDRESS ON EMPIRE AVE.

<p>FERRARI SURVEYING, LLC P.O. BOX 650001, PARK CITY, UT (435) 644-0162</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2017 A.D. BY: _____ S.S.E.V.C.</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2017 BY: _____ CHAIRMAN</p>	<p>ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2017 A.D. BY: _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2017 A.D. BY: _____ PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF PLAT AMENDMENT WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2017 A.D. BY: _____ PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2017 A.D. BY: _____ MAYOR</p> <p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____</p>
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RECEIVED
MAY 26 2012





RECEIVED
JUL 26 2017
PARK CITY
PLANNING DEPT.

RECEIVED
JUL 26 2017
PARK CITY
PLANNING DEPT.



RECEIVED
JUL 26 2017
PARK CITY
PLANNING DEPT.





RECEIVED
JUL 26 2017
PARK CITY
PLANNING DEPT.

VAN SICKLE DESIGN & DRAFTING
 4109 S 1400 E
 Salt Lake City, UT 84124
 (801) 694-9683
 bill.draftmaster@gmail.com
 www.vansicklearchitecture.com

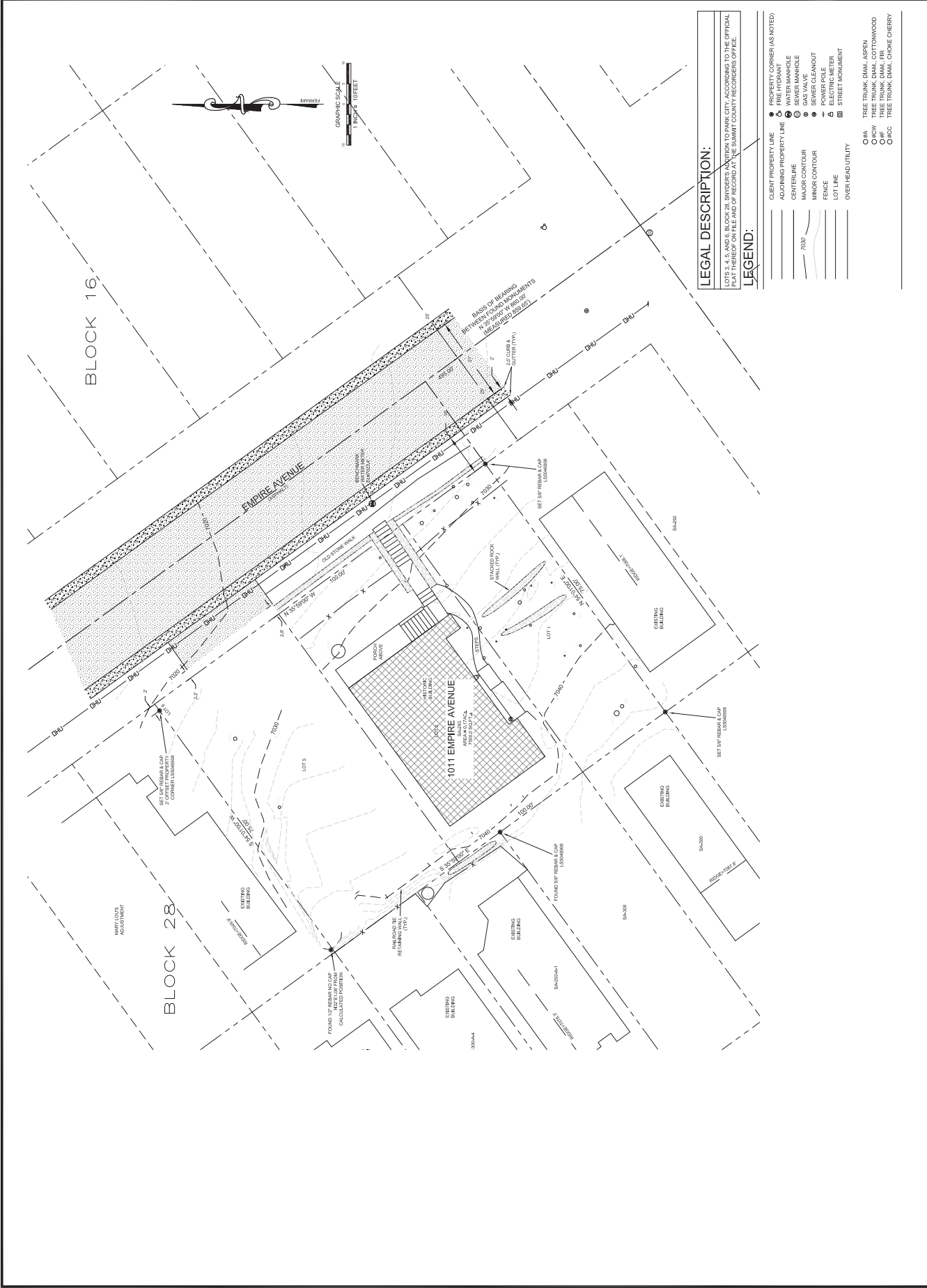
1011 EMPIRE PLAT AMENDMENT LOT 2

HISTORIC HOME
 1011 EMPIRE AVENUE
 PARK CITY, UTAH
 84098

EXISTING HOME EXHIBIT
 SCALE: 1" = 10'

DATE OF PLANS
 SEPT 2017

SHEET
 A1.3



LEGAL DESCRIPTION:
 LOTS 3, 4, 5, AND 6, BLOCK 28, SHEDS ADDITION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREON ON FILE AND OF RECORD AT THE SUMMIT COUNTY RECORDS OFFICE.

LEGEND:

—	CLIENT PROPERTY LINE	●	PROPERTY CORNER (AS NOTED)
—	ADJOINING PROPERTY LINE	○	WATER MANHOLE
—	CENTERLINE	○	SEWER MANHOLE
—	MAJOR CONTOUR	○	GAS VALVE
—	MINOR CONTOUR	○	SEWER CLEANOUT
—	FENCE	○	ELECTRIC METER
—	LOT LINE	○	STREET MONUMENT
—	OVERHEAD UTILITY	○	
○	TR	○	TREE TRUNK: DIAL, ASPEN
○	TR	○	TREE TRUNK: DIAL, COTTONWOOD
○	TR	○	TREE TRUNK: DIAL, RR
○	TR	○	TREE TRUNK: DIAL, GROVE CHERRY

Planning Commission Staff Report

Subject: 1011 Empire Avenue Plat Amendment
at 1011 Empire Avenue
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-17-03625
Date: May 23, 2018
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 1011 Empire Avenue Plat Amendment located at the same address and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: 1011 Empire Avenue, LLC (Gavin Steinburg), represented by Bill Van Sickle
Location: 1011 Empire Avenue
Zoning: Historic Residential-1 (HR-1)
Adjacent Land Uses: Single and multi-family residential development
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action.

Proposal

The proposed plat amendment seeks to subdivide the existing three (3) lots of record into two (2) lots. The historic house located at 1011 Empire Avenue, designated as “Significant” on the City’s Historic Sites Inventory (HSI), will be located on Lot 1 of the proposed two lot subdivision. Lot 2 is a vacant lot and will be redeveloped.

Background

This property has had limited land use applications in the past. In 1991, a Conditional Use Permit (CUP) was approved by Planning Commission for a Bed and Breakfast (B&B), called the Old Town Guesthouse. As part of the approval, the Planning Commission waived the requirement for two (2) parking spaces. In 1999, the applicant requested a CUP to create a four (4)-room inn, increasing the occupancy of the B&B. According to the January 27, 2000 City Council report, the B&B added two (2) additional rooms (four bedrooms total) and the applicant requested that the City waive two (2) more parking spaces required by a four-room B&B. City Council reviewed alternatives for parking to prevent the B&B parking from consuming parking in the public right-of-way in front of the applicant’s property. Previously, the Planning Commission had found that “no on-site parking is possible and all alternatives for proximate parking have been explored and exhausted.” The expansion of the bed and breakfast was approved and parking for the use was limited to the street.

In June 2017, 1011 Empire LLC purchased the property. On April 3, 2017, the applicant submitted a Historic District Design Review Pre-application (pre-app) to discuss opportunities for renovating the historic house and subdividing the lots. Staff provided input regarding the pre-application and process for Historic District Design Review (HDDR) process.

On July 26, 2017, the applicant submitted a subdivision application to subdivide the existing four (4) lots of record into three (3) lots. The application was deemed complete on August 14, 2017. Following further analysis, the applicant chose to amend their plat amendment to exclude Lot 3, Block 28 of Snyders Addition to Park City as this lot was already a legal lot of record and could be developed without going through the plat amendment process; a HDDR for a new single family house was approved for this lot on January 26, 2018.

The applicant brought in an updated plat amendment request on March 6, 2018, to combine the three (3) existing lots (Lots 4, 5, and 6 of the Snyders Addition) and subdivide these lots into two lots of record. The historic house will be located on Lot 1 of the proposed subdivision. The applicant is proposing to remove the existing non-conforming garage that encroaches 3 feet over the property line and the addition on the north side of the historic house as they redevelop these lots; neither of these improvements are historic.

On November 28, 2017, the Planning Department received a Historic District Design Review (HDDR) application for the property at 1011 Empire Avenue. The application was deemed complete on January 31, 2018; however, staff has been working with the applicant to comply with the Land Management Code and Design Guidelines. The Historic District Design Review (HDDR) application has not yet been approved.

The Historic Preservation Board (HPB) reviewed and approved the applicant's request to remove the detached garage and other non-historic site improvements on April 18, 2018 [[Staff Report](#) (starting page 17) and [Minutes](#) (starting page 1)]. The applicant is not proposing to move the historic house. Once the garage and north addition to the historic house have been removed, all lot and site requirements for the historic house can be met with the proposed plat.

Purpose

The purpose of the HR-1 District is to:

- A. preserve present land Uses and character of the Historic residential Areas of Park City,
- B. encourage the preservation of Historic Structures,
- C. encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods,
- D. encourage single family Development on combinations of 25' x 75' Historic Lots,

- E. define Development parameters that are consistent with the General Plan policies for the Historic core, and
- F. establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment.

Analysis

The purpose of this application is to subdivide the existing three (3) lots of record into two (2) lots of record. The applicant proposes to maintain and renovate the historic house on proposed Lot 1 of the 1011 Empire Avenue Subdivision and develop Lot 2 of the subdivision to the north.

The following are the lot and site requirements of LMC for the HR-1.

	LMC Requirements for HR-1 District:	Existing Conditions (of the three lots):	Proposed:	
			Lot 1 (Containing Historic House)	Lot 2 (Undeveloped Lot)
Minimum Lot Size	1,875 SF	5,625 SF	2,812.5 SF	2,812.5 SF
Lot Width	25 foot, minimum	75 feet	37.5 ft.	37.5 ft.
Footprint	Based on lot size	2,050.13 SF based on lot size of 5,625 SF	843.75 SF	1,201 SF
Setbacks				
Front Yard	10 ft.	0 ft. (Non-historic garage encroaches a max of 3ft. over east property line and into the City ROW) ²	19 ft.	10 ft.
Rear Yard	10 ft.	8 ft. ¹	8 ft. ¹	10 ft.
Side Yard	3 ft., total of 6 ft.	3.5 ft. (North property line)	3 ft. (North property line)	3 ft. side yards, total 6 ft.
		3 ft. (South property line)	3 ft. (South property line)	
Building Height above Existing Grade	27 ft.	30.1 ft. ¹	26.1 ft.; no 10 foot horizontal step ¹	27 ft.

1. *Per LMC 15-2.2-4, Existing Historic Structures that do not comply with Building Setbacks, Off-Street parking, Building Height, Building Footprint, and driveway location standards are Valid Complying Structures.*
2. *The existing non-historic garage encroaches a max of 3ft. over east property line and into the City ROW. The applicant is proposing to demolish the garage prior to recording the plat amendment.*

There are several existing encroachments on site. There is an existing non-historic garage, constructed in the 1970s, which encroaches up to 3 feet on the southeast side; it is not historic, and the HPB approved its demolition on April 18, 2018, as part of their Material Deconstruction Review. There are also existing stairs leading from the street to the historic house that are bordered by stone retaining walls that encroach into the City right-of-way. The stacked stone retaining walls do not appear in the c.1941 tax photograph of the house, and the HPB found they were not historic. Staff has added the following Conditions of Approvals to address these issues:

#3. The existing garage encroaches approximately three feet (3') into the right-of-way. The applicant shall remove the existing garage prior to recordation of this plat amendment.

#4. The existing stone retaining walls encroach approximately three feet (3') into the right-of-way. The applicant shall remove the existing retaining walls prior to recordation of this plat amendment.

The City Engineer will also require the dedication of ten foot (10') snow storage easements along Empire Avenue (see Condition of Approval #6). Additionally, the City Engineer will require that the "Reserved Parking" signs be removed as street parking is public and not exclusively reserved for the residents of 1011 Empire Avenue (Condition of Approval #7). During the HDDR process, the City Engineer will require that the gravel behind the curb be removed and replaced with landscaping to prevent parking behind the curb and gutter (Condition of Approval #8).

Staff finds that the plat, as conditioned, to reconfigure the three (3) lots into two (2) lots of record, will not cause undo harm to adjacent property owners because the proposed plat meets the requirements of the Land Management Code for the HR-1 zoned portions and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements in effect at the time of application for building permits.

Good Cause

Staff finds good cause for this Plat Amendment as the City will receive a snow storage easement along Empire Avenue. This plat will also resolve existing encroachments into the City's right-of-way, including the stacked stone retaining walls and non-historic garage. Furthermore, the historic house will no longer straddle an interior lot line and will be entirely located on its own lot; any additions made to the historic house would have to comply with LMC setbacks as required for the interior lot line created by this plat amendment. A requirement of the plat amendment is to remove the illegal parking space and sign that allowed private parking on the City right-of-way.

Process

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

Department Review

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

Notice

On May 9, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on May 5, 2017, 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 positive recommendation to the City Council for the 1011 Empire Avenue Subdivision, located at the same address, as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 1011 Empire Avenue Subdivision, located at the same address, and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 1011 Empire Avenue Subdivision for additional information to address comments raised at the meeting.

Significant Impacts

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

Consequences of not taking recommended action

Consequences of not taking the Planning Department's recommendation are that the encroachments would not be resolved with the plat and the site would continue to be three (3) legal lots of record. The historic house would straddle an interior lot line and any additions to the house would be required to meet setbacks based on existing lot lines.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the 1011 Empire Avenue Subdivision located at the same address and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)

Exhibit B – Survey

Exhibit C – Aerial Photographs with 500' Radius & Site Photographs

Exhibit D – Location of Historic House Respective of New Subdivision Lines

Ordinance No. 18-XX

AN ORDINANCE APPROVING THE 1011 EMPIRE AVENUE PLAT AMENDMENT LOCATED AT 1011 EMPIRE AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1011 Empire Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on May 9, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on May 5, 2018, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on May 23, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on May 23, 2018, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on June 21, 2018, 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 1011 Empire Plat Amendment located at the same address.

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

SECTION 1. APPROVAL. The 1011 Empire Avenue Plat Amendment, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1011 Empire Avenue.
2. The property consists of all of Lots 4, 5, and 6 of Block 28 of Snyders Addition to Park City.
3. The property is in the Historic Residential (HR-1) District.
4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Significant.
5. The Plat Amendment removes two (2) interior lot lines.
6. The proposed Plat Amendment combines the property into two (2) lots: Lot 1 which includes the historic house will include 2,812.5 square feet. Lot 2 will contain 2,812.5 square feet.

7. The minimum lot area for a single-family dwelling is 1,875 square feet in the HR-1 zone. The proposed lots meet the minimum lot area for single-family dwellings. The proposed lots do not meet the minimum lot area for a duplex at 3,750 square feet.
8. A single-family dwelling is an allowed use in the District.
9. The minimum width of a Lot is 25 feet measured 15 feet back from the Front Lot Line. The proposed lots meet the minimum lot width requirement with widths of 37.50 feet.
10. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
11. The applicant proposes to maintain and renovate the historic house on Lot 1 of the 1011 Empire Avenue Subdivision and develop Lot 2 with a new single family house.
12. The minimum front/rear yard setbacks are 10 feet (10'); the minimum total front plus rear yard setbacks are minimum of twenty feet (20'). The historic house, located on Lot 1 of the proposed plat amendment, has a front yard setback of 19 feet and a rear yard of 8 feet. The 8 foot rear setback is valid non-complying. There is an existing non-historic garage which is non-historic which has 0' front setback and encroaches in the City right of way. The owner has indicated he will remove the garage.
13. The minimum side yards for the two (2) proposed lots are 3 feet for a total of 6 feet for each lot.
14. There are several existing encroachments on site. The existing non-historic garage, constructed in the 1970s, encroaches three feet (3') into the City right-of-way. There are also stacked stone retaining walls that encroach approximately two feet (2') into the right-of-way.
15. The area behind the curb is not landscaped and has become an illegal, gravel parking space.
16. The applicant stipulates to abandoning the Bed and Breakfast use approved in 1991 and 1999 by the Park City Planning Commission and to removal of the reserved parking sign.
17. The Park City Planning Department received the plat amendment application on July 26, 2017; the application was deemed complete on August 14, 2017. The applicant then amended his plat amendment and submitted a revised request on March 6, 2018.
18. On April 18, 2018 the Historic Preservation Board approved the Material Deconstruction associated with the HDDR at 1011 Empire, this included approval to remove the non-historic garage and stone retaining walls in the public ROW.
19. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The existing garage encroaches approximately three feet (3') into the right-of-way. The applicant shall remove the existing garage prior to recordation of this plat amendment.
4. The existing stone retaining walls encroach approximately three feet (3') into the right-of-way. The applicant shall remove the existing retaining walls prior to recordation of this plat amendment.
5. Residential fire sprinklers will be required for all new construction per the requirements of the Chief Building Official.
6. Ten foot (10') public snow storage easement shall be granted along the Woodside Avenue right-of-way.
7. The "Reserved Parking" signs within the right-of-way shall be removed as street parking is public and not exclusively reserved for 1011 Empire Avenue.
8. Prior to plat recordation, the applicant shall remove the illegal gravel parking pads behind the curb and landscape this area to prevent future parking.
9. The Owner stipulates that he is abandoning the Bed and Breakfast Use at this location.

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

PASSED AND ADOPTED this 21st day of June, 2018.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

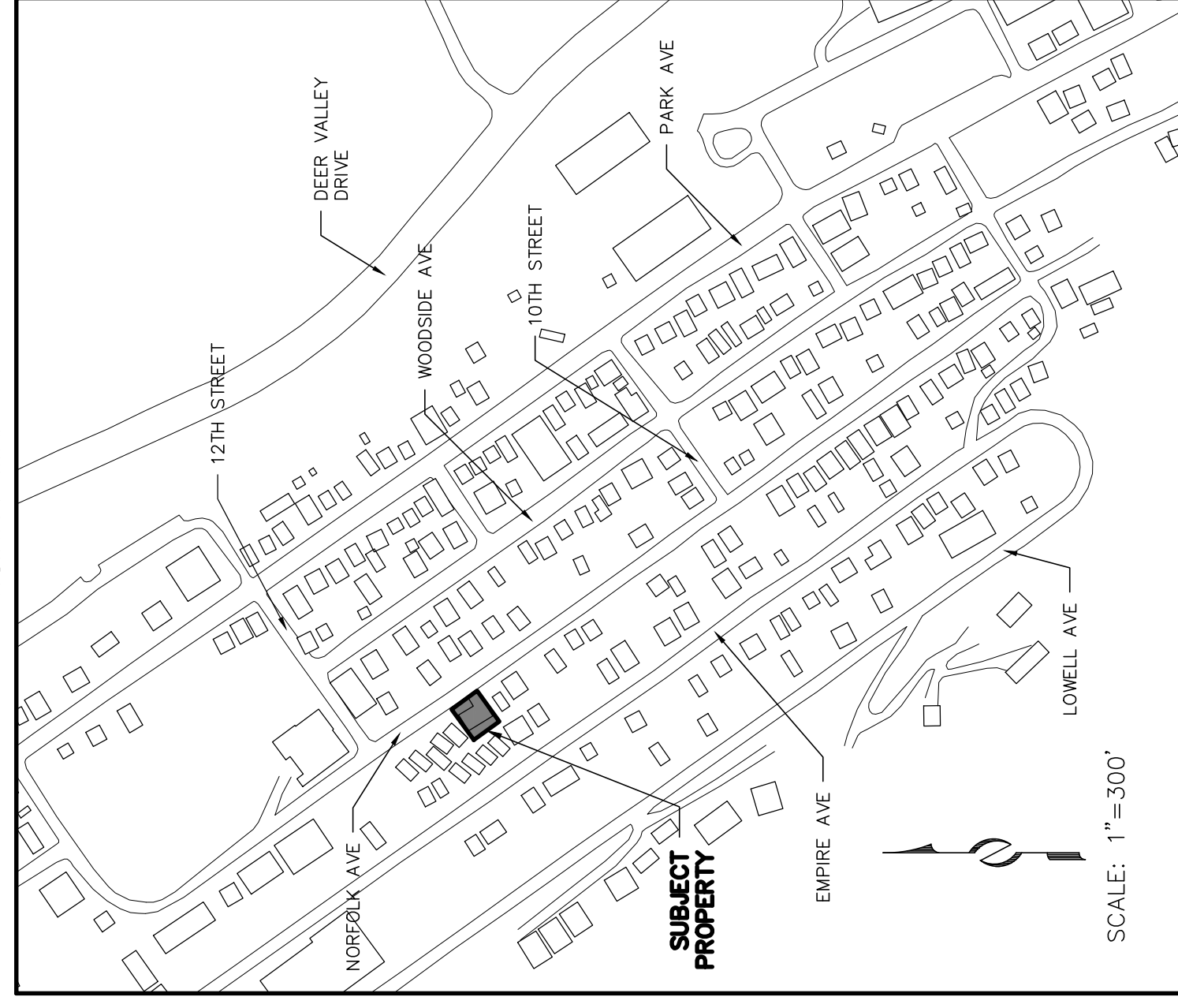
City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

VICINITY MAP



FOUND STREET MONUMENT CENTERLINE INTERSECTION 13TH STREET/NORFOLK AVENUE



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7248891, as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the tract of land into lots and streets, together with easements, hereafter to be known as 1135 NORFOLK AVENUE PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

All of 8 and 9, South 1/2 of Lot 10, Block 17, Snyder's Addition to Park City, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that, David R. Emmett and Bobbi Lynn Emmett, Co-Trustees of The 2015 Emmett Family Trust, dated December 16, 2015, hereby certify that they have caused this plat amendment to be made and hereby consent to the recordation of this Plat Amendment.

ALSO, the owner hereby irrevocably offers for dedication to the City of Park City all the easements shown on this plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this _____ day of _____, 2018. In witness whereof, the undersigned set her hand this _____ day of _____, 2018.

By: _____ David R. Emmett, Co-Trustee
By: _____ Bobbi Lynn Emmett, Co-Trustee

ACKNOWLEDGMENT

State of _____ : ss.
County of _____

On this _____ day of _____, 2018, David R. Emmett personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Co-trustee of The 2015 Emmett Family Trust, dated December 16, 2015, and that said document was signed by him on behalf of said Trust by authority of the Trust; and he acknowledged to me that he executed the 1135 NORFOLK AVENUE PLAT AMENDMENT.

A Notary Public commissioned in Utah

Printed Name _____
Residing in: _____
My commission expires: _____
Commission No: _____

ACKNOWLEDGMENT

State of _____ : ss.
County of _____

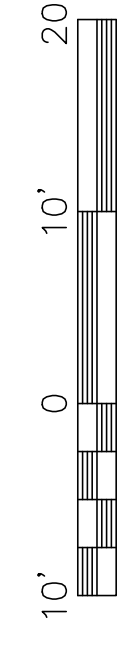
On this _____ day of _____, 2018, Bobbi Lynn Emmett personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that she is the Co-trustee of The 2015 Emmett Family Trust, dated December 16, 2015, and that said document was signed by her on behalf of said Trust by authority of the Trust; and she acknowledged to me that she executed the 1135 NORFOLK AVENUE PLAT AMENDMENT.

A Notary Public commissioned in Utah

Printed Name _____
Residing in: _____
My commission expires: _____
Commission No: _____

NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2018-_____.
- See Record of Survey S-9102.



- LEGEND**
- Found Street Monument (As-noted)
 - Set 5/8" rebar w/ cap, "ALLIANCE ENGINEERS"
 - Found Monument (As-noted)

BASIS OF BEARING - N 35°59'00" W 995.13' (995.00')

S 35°39'00" E 62.50'

LOT A
1135 NORFOLK AVENUE
CONTAINS 4,867.50 SQ. FT.

FOUND AND ACCEPTED
NAIL & WASHER STAMPED "MCNEIL ENG"
ON WOOD WALKWAY
N75W 0.16" FROM CALCULATED POSITION

FOUND AND ACCEPTED 5/8" REBAR W/ CAP FROM CALCULATED POSITION

1135 NORFOLK AVENUE PLAT AMENDMENT

A LOT COMBINATION PLAT OF LOTS 8, 9 AND THE SOUTH HALF OF LOT 10, BLOCK 17, SNYDER'S ADDITION TO PARK CITY SURVEY

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

3/22/18 JOB NO.: 10-2-18 FILE: X:\ss\dwg\src\plat2018\100218.dwg

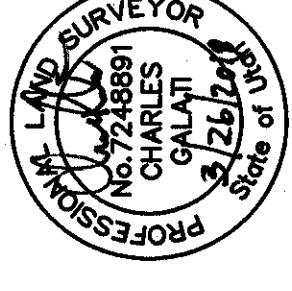
 (435) 648-9467 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84002-2664	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2018</p> <p>BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2018</p> <p>BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2018</p> <p>BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2018</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2018</p> <p>BY _____ MAYOR</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2018</p> <p>BY _____ PARK CITY RECORDER</p> <p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____</p> <p>FEE _____ RECORDER _____</p> <p>TIME _____ DATE _____ ENTRY NO. _____</p>
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1135 NORFOLK AVENUE

LOCATED IN THE NORTHWEST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
RECORD OF SURVEY
SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold Certificate No. 7248891, as prescribed by the laws of the State of Utah. I further certify that a survey of the hereon described property has been performed under my direction and that to the best of my knowledge this plat is a correct representation of said survey.



LEGAL DESCRIPTION

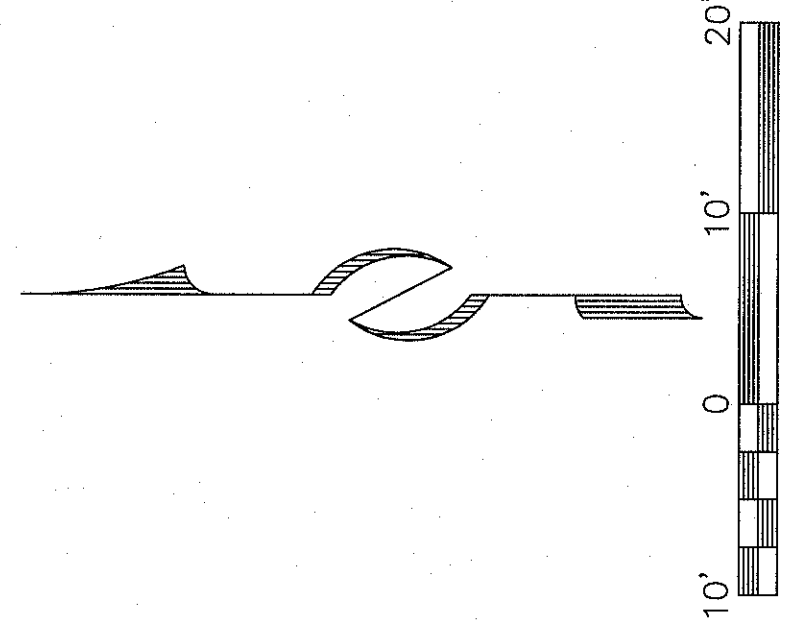
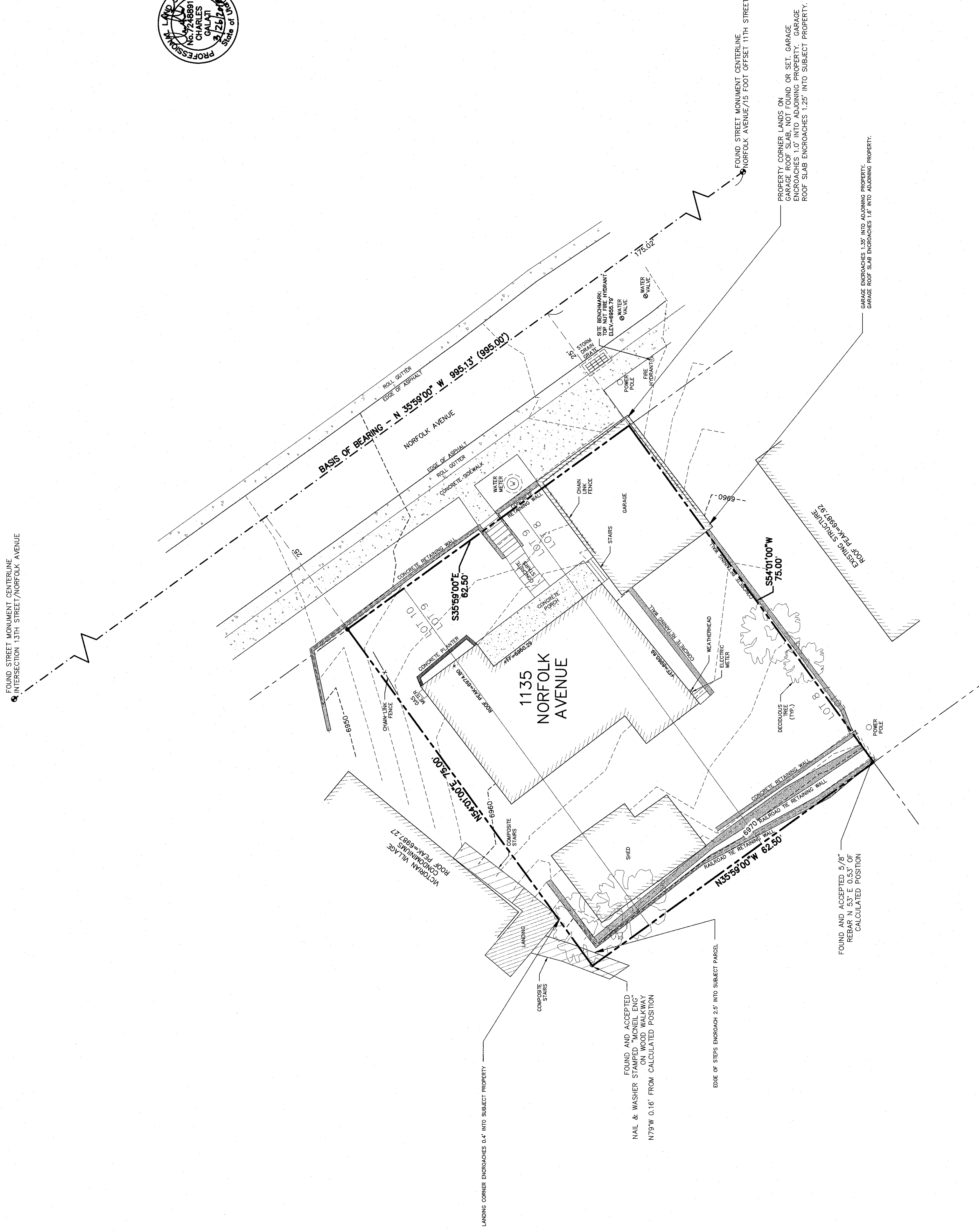
All of Lots 8 and 9, and the south half of Lot 10, Block 17, Snyder's Addition to Park City, Utah, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

NOTES

1. Basis of Bearing for this survey is between the found brass cap street monuments as shown on this plat.
2. Field work for this survey was completed May 9, 2017, and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to locate and monument the boundary in addition to performing an Existing Conditions and Topography survey for the possibility of future improvements to the property.
4. A title report was not provided to the surveyor and no easements are shown as part of this survey.
5. Recorded deeds, Victorian Village Condominium Plat recorded as Entry No. 235901, 1117 Norfolk Avenue Subdivision Plat recorded as Entry No. 629605, and Matthes Condominium Plat recorded as Entry No. 898445, and a Recorded Survey of 1135 Norfolk Ave. performed by this surveyor, all on file and of record with the Summit County Recorder's Office, and physical evidence found in the field were all used to determine the boundary as shown on this plat.
6. Site Benchmark is the top nut of a fire hydrant with an Elevation=6955.79' as shown.
7. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
8. Property corners were found or set as shown.
9. Record bearings and distances are in parenthesis () when different than measured.

LEGEND

- Set 5/8" rebar w/cap
"ALLIANCE ENGR/AS 15449"
(Unless noted otherwise)
- Found Monument
(As-Noted)
- Found Street Monument
(As-Noted)



REVISIONS
3/26/18 - SHOW ORIGINAL LOT LINES

STAFF:
CHARLES GALATI
TANDIN CHAPMAN
SLUFE CORNITT
GREG SUDAN
RYAN BETZ

(435) 649-9487
Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
322 15th Street P.O. Box 2664 Park City, Utah 84060-2664

DATE: 3/26/18

SHEET
1
OF
1

EXISTING CONDITIONS & TOPOGRAPHIC MAP
LOTS 8, 9 & south half of 10, BLOCK 17,
SNYDERS ADDITION TO PARK CITY

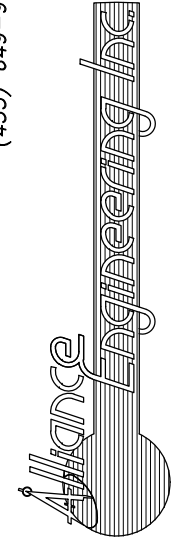
FOR:
JOB NO.: 11-4-17
FILE: X:\SnydersAddition\dwg\sr\sr2017\110417-1135 Norfolk\110417-1135 Norfolk.dwg



SUBJECT
PROPERTY

STAFF: MARSHALL KING JUAN CARRASCO	FOR: CAM SCHIEDEL	DATE: 2/20/18	FILE: X:\SnydersAddition\dwg\Exhibits\1135_norfolk-exhibits.dwg	SHEET
				1
AERIAL PHOTOGRAPH 1135 NORFOLK AVENUE BLOCK 17, SNYDER'S ADDITION				
JOB NO.: 10-2-18				

(435) 649-9487



Alliance Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

Planning Commission Staff Report

Subject: 1135 Norfolk Avenue Plat Amendment
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-18-03810
Date: May 23, 2018
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 1135 Norfolk Avenue Plat Amendment, located at the same address, and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: David R. Emmett and Bobbi Lynn Emmett
Location: 1135 Norfolk Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Single family, condominium, and duplex structures
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action.

Proposal

The applicant is proposing to combine all of Lots 8 and 9 and the south half of Lot 10, Block 17 of the Snyder's Addition to Park City. The total square footage of the combined is 4,687.50 square feet. The house at 1135 Norfolk Avenue is designated as Significant on the Park City Historic Sites Inventory (HSI).

Background

This project has had minimal applications in the past. In 1989, the Historic District Commission awarded a \$5,000 grant to former owner Jim Steinmetz to stabilize and restructure the porch, install a new standing seam metal roof, remove aluminum siding and replace historic wood siding in-kind, install new wood windows, replace the chimney with a flue, and replace the front door; the work was completed the same year. No preservation easement was required at the time of the grant award.

The site has also been reviewed as part of several reconnaissance and intensive level historic resource surveys. In 1982, Ellen Beasley conducted a reconnaissance level survey that led to the development of the Mining Boom Era Residences Thematic district nomination to the National Register of Historic Places (NRHP) in 1984; Beasley found that the site was a "typical example" of Park City architecture and that "if some alterations were reversed, would be contributing." In 1995, Allen Roberts conducted a separate review and found that the building was contributing to the NRHP. In 2009, the

Park City Historic Sites Inventory was adopted and 1135 Norfolk Avenue was designated as Significant (see [Historic Site Form](#)).

On March 23, 2018, the Planning Department received a plat amendment application for the 1135 Norfolk Avenue Plat Amendment. The application was deemed complete on March 29, 2018. The applicant does not currently have a Historic District Design Review (HDDR) application under review; however, this plat amendment is the first step in moving forward with restoring the historic house and redeveloping the historic site.

As the garage is not historic (likely built after 1950) and was not identified as historic on the Historic Site Form, staff finds that it can be demolished without Material Deconstruction Review by the Historic Preservation Board (HPB).

Purpose

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

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

Analysis

The purpose of this application is to combine Lots 8, 9, and the south half of lot 10, Block 17 of the Snyder's Addition. The historic house, existing shed in the backyard, and garage are situated over these interior lot lines.

There are a number of improvements on this site that encroach onto the neighboring properties. Along the east (front) property line adjacent to the City right-of-way, a non-historic concrete retaining wall was built in the right-of-way. There is a non-historic garage on the southeast corner of the lot that encroaches into the right-of-way as well as onto the neighboring property directly to the south at 1121 Norfolk Avenue. There are also a series of concrete and railroad tie retaining walls that extend from the southwest corner of the garage west along the south property line and then into the backyard of 1135 Norfolk Avenue. A portion of the railroad tie retaining wall encroaches into the property directly to the west, and into the Victorian Village Condominiums. Finally, it appears that the Victorian Village Condominiums built a composite staircase that bisects the northwest corner of this subject property.

Based on staff's Sanborn Fire Insurance Map analysis, staff believes the shed in the backyard is not historic; however, it was likely built before 1960 based on its construction method and materials.

In order to address the existing non-historic encroachments, staff has incorporated the following Conditions of Approval:

#3. The applicant shall demolish the portion of non-historic concrete garage that encroaches into the City right-of-way and neighboring property at 1121 Norfolk Avenue prior to recordation of the plat amendment.

#4. The applicant shall demolish the portion of the non-historic concrete and railroad tie retaining walls prior to recordation of the plat amendment.

#5. The composite staircase that bisects the northwest corner of this lot and owned by the Victorian Village Condominiums shall either be removed or the applicant shall enter into an encroachment agreement with Victorian Village Condominiums for the stairs, prior to recordation of the plat amendment.

The following table outlines the existing site conditions:

	LMC Requirements for HR-1 District (Based on Existing Lot Size):	Existing Conditions:
Minimum Lot Size	1,875 sf.	4,687.50 sf., <i>complies.</i>
Minimum Lot Width	25 ft., minimum	62.50 ft., <i>complies.</i>
Allowed Footprint	1,801.016 sf.	1,732 sf., <i>complies.</i>
Setbacks		
Front Yard	10 ft.	0 ft. (concrete garage), <i>does not comply</i>
Rear Yard	10 ft.	5 ft. (non-historic shed); <i>complies</i> ¹
Side Yard	5 ft., total of 14 ft.	5 ft. (north side yard); 0 ft. (garage), <i>does not comply.</i>
Building Height above Existing Grade	27 feet	16.8 feet
Interior Height feet measured from lowest finished floor plane to height of tallest wall plate	35 ft.	Less than 16 feet

¹ Per LMC 15-2.2-3(G)(6), detached Accessory Buildings not more than 18 feet in height located a minimum of 5 feet behind the front façade of the Main Building, and maintaining a minimum Rear Yard setback of 1 foot are permitted in the backyard.

Once combined, the total lot size and width will be larger than neighboring single-family lots; however, development on this lot is limited due to the location of the historic house

on the site. As demonstrated by the survey, the width of the historic house is greater approximately 37 feet wide and extends over two interior lot lines. The house currently has a front yard setback of 15 feet from the street. Parts of the house have a rear yard setback of 26 to 33 feet, limiting the depth of a rear addition. Even with the demolition of the non-historic garage and shed, staff does not believe the applicant will be able to achieve the maximum footprint on this lot due to the location of the historic house that is centered on the site. Further, the historic house could not be relocated unless it was found to meet the criteria of [LMC 15-11-13\(A\)](#).

Good Cause

Staff finds that there is good cause for this Plat Amendment as the interior lot lines running through the lot will be removed, creating one full lot of record. Public snow storage easements will be provided on the lot. Combining the lots will remove the interior lot lines and allow the owners to move forward with restoring the historic house and redeveloping the historic site. Existing encroachments will be resolved prior to plat recordation.

Process

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

Department Review

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

Notice

On May 9, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on May 5, 2018, 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 1135 Norfolk Avenue Plat Amendment, located at the same address, as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 1135 Norfolk Avenue Plat Amendment, located at the same address, and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 1135 Norfolk Avenue Plat Amendment, located at the same address, and request additional information or analysis in order to make a recommendation.

Significant Impacts

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

Consequences of not taking recommended action

Consequences of not taking the Planning Department's recommendation is that the site would continue to be one parcel containing 2.5 lots of record with various unaddressed encroachments and structures located across lot lines. Should the applicant not move forward with a plat amendment, the applicant will not be able to move forward with redevelopment of the site.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the 1135 Norfolk Avenue Plat Amendment, located at the same address, and consider forwarding a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)

Exhibit B – Survey of Existing Conditions

Exhibit C – Aerial Photographs with 500' Radius & Site Photographs

Ordinance No. 18-XX

AN ORDINANCE APPROVING THE GARDNER PARCEL-FIRST AMENDED SUBDIVISION LOCATED AT 1135 NORFOLK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1135 Norfolk Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on May 9, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on May 5, 2018, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on May 23, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on May 23, 2018, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on June 21, 2018, 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 1135 Norfolk Avenue Plat Amendment, located at the same address.

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

SECTION 1. APPROVAL. The 1135 Norfolk Avenue Plat Amendment, located at the same address and 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 1135 Norfolk Avenue.
2. The site contains all of Lots 8 and 9 and the south half of Lot 10, Block 17 of the Snyder's Addition to Park City The property is in the Historic Residential (HR-1) District.
3. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Significant.
4. The Plat Amendment removes two (2) interior lot lines.
5. The proposed Plat Amendment combines the property into one lot of record.

6. The minimum Lot Size for a single-family dwelling is 1,875 square feet in the HR-1 zone. The proposed lots meet the minimum lot area for single-family dwellings as it will create a lot containing 4,687.5 square feet.
7. The total lot size and width will be larger than neighboring single-family lots; however, development on this lot is limited due to the location of the historic house on the site, which limits additional development to the rear of the historic house.
8. A single-family dwelling is an allowed use in the District.
9. The minimum width of a Lot is 25 feet measured 15 feet back from the Front Lot Line. The proposed lot meets the minimum lot width requirement at 62.50 feet.
10. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
11. The minimum front/rear yard setbacks are 10 feet (10'); there is a non-historic shed in the backyard that has a 5 foot rear yard setback and complies with the allowed rear yard setback of 1 foot for Accessory Buildings less than 18 feet in height, per LMC 15-2.2-3(G)(6). There is a 0 foot front yard setback as a non-historic concrete garage encroaches over the front property line and into the City's right-of-way.
12. The minimum side yards are 5 feet for a total of 14 feet. The existing site has a side yard setback of 5 feet along the north property line, but 0 feet along the south property line. The non-historic concrete garage encroaches into the neighboring property to the south.
13. There are several existing encroachments on site. The existing non-historic concrete garage encroaches approximately 2 feet into the City right-of-way and approximately 1.5 feet into the property directly to the south at 1121 Norfolk Avenue. There are concrete retaining walls built into the right-of-way and into the neighboring property at 1121 Norfolk Avenue. There is also a railroad tie retaining wall that encroaches over the property west property line and into the neighboring property. The Victorian Village Condominiums. Finally, it appears that the Victorian Village Condominiums built a composite staircase that bisects the northwest corner of the subject site.
14. The Park City Planning Department received the plat amendment application on March 23, 2018; the application was deemed complete on March 29, 2018.
15. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

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

Conditions of Approval:

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The applicant shall demolish the portion of the non-historic concrete garage that encroaches into the City right-of-way and neighboring property at 1121 Norfolk Avenue prior to recordation of the plat amendment.
4. The applicant shall demolish the portion of the non-historic concrete and railroad tie retaining walls prior to recordation of the plat amendment.
5. The composite staircase that bisects the northwest corner of this lot and owned by the Victorian Village Condominiums shall either be removed or the applicant shall enter into an encroachment agreement with Victorian Village Condominiums for the stairs, prior to recordation of the plat amendment.
6. Residential fire sprinklers are required for all new construction per requirements of the Chief Building Official, and shall be noted on the plat
7. Ten foot (10') public snow storage easement shall be granted along the Woodside Avenue right-of-way.

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

PASSED AND ADOPTED this 21st day of June, 2018.

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney