

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
July 11, 2018**



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF June 27, 2018

PUBLIC COMMUNICATIONS – Items not scheduled on the regular agenda

STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

Twisted Branch Subdivision Plat – A Subdivision Plat for 4 lots of record for an on-mountain private restaurant, a City water tank, a City pump station, and a recreational warming shelter/yurt; existing Twisted Branch Road; parcels for Deer Valley Resort uses; open space; and existing SR 224, subject to the Flagstaff Annexation and Development Agreement, located within the Empire Pass Development Area.

Public hearing and Continuation to date uncertain.

PL-17-03664 17
*Planner
Whetstone*

Amended Flagstaff Technical Report #15 – Construction Mitigation Plan.

Public hearing and Continuation to August 8, 2018.

Park City Heights Subdivision – Amendment to subdivision phasing plan.

Public hearing and Continuation to date uncertain.

PL-17-03552 18
*Planner
Whetstone*

341 Ontario 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%.

Public hearing and Continuation to August 8, 2018.

PL-15-02915 19
*Planner
Grahm*

CONSENT AGENDA – *All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. If a member of the public or a member of the Planning Commission requests a public hearing on a consent agenda item, then the item shall be removed from the consent agenda and acted on at the same meeting.*

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.

1114 Park Avenue – Conditional Use Permit for an Addition to a Historic Structure located within a Building Setback. This is a proposal to convert an unfinished crawlspace that is located within the Side Yard Setback area of a “Significant” Structure into habitable basement area. The proposal is all interior work having little to no impact on the exterior of the structure and no increase in Building Footprint would be achieved.
Public Hearing and possible action.

PL-18-03888 20
Planner Tyler

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

Land Management Code (LMC) Amendment – LMC Amendments regarding Chapter 15-1-18 Appeals and Reconsideration Process as well as Chapter 15-1-21 Notice Matrix to reflect the 30 day appeal period for Historic District Design Reviews.
Public hearing and possible recommendation for City Council on August 2nd, 2018.

PL-18-03885 44
*Planner
Grahm*

1900 Park Ave – Roadhouse Subdivision– Proposal to create one (1) legal lot of record from an existing metes and bounds parcel.
Public hearing and possible recommendation for City Council on August 2, 2018.

PL-18-03870 68
*Planner
Newberry*

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
JUNE 27, 2018

COMMISSIONERS IN ATTENDANCE:

Chair Melissa Band, Sarah Hall, John Kenworthy, John Phillips, Laura Suesser

EX OFFICIO: Planning Director, Bruce Erickson; Anya Grahn, Planner; Tippe Morlan, Planner; Mark Harrington, City Attorney; Rebecca Ward, Legal Intern

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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 except Commissioners Sletten and Thimm, who were excused.

ADOPTION OF MINUTES

June 13, 2018

MOTION: Commissioner Kenworthy moved to APPROVE the Minutes of June 13, 2018 as written. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

PUBLIC COMMUNICATIONS

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Erickson reported that the Planning Department was planning on only having one Planning Commission meeting in July on July 11th.

Commissioner Kenworthy disclosed a prior working relationship with Jonathan DeGray, the project architect for 89 King Road. However, he did not believe that previous relationship would require him to recuse from that agenda item.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **89 King Road – A request for a Conditional Use Permit to allow construction of a new single-family structure on a steep slope. The applicant proposes at least 200 square feet of Building Footprint to be built upon an existing slope of 30 percent or greater. (Application PL-18-03843)**

Director Erickson noted that this normally would be a Consent Agenda item. If the Planning Commission had no questions or concerns the Staff would not give a full presentation. The Commissioners could open the public hearing and take action.

There were no questions or concerns.

Chair Band opened the public hearing.

There were no comments.

Chair Band opened the public hearing.

MOTION: Commissioner Kenworthy moved to APPROVE the conditional use permit for 89 King Road to allow the construction of a single-family home on a steep slope, according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the Staff report. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 89 King Road

1. The property is located at 89 King Road.
2. The site consists of the entirety of Lot 26, Lot 27, Lot 28, and a remnant parcel of Lot 25 of Block 76 of the Park City Survey.
3. The property is in the Historic Residential – Low Density (HRL) District.
4. There is an existing non-historic structure at this address which was constructed in 1950.
5. The existing structure does not meet current LMC front or side yard setback requirements.
6. At the time the residence was constructed, the property was a part of the Historic Residential (HR-1) zoning district.
7. The zoning for King Road was changed from HR-1 to HRL as approved by the City Council on June 7, 1984.
8. On April 5, 2018, the City Council approved the 89 King Road Plat Amendment to combine the lots and remnant lots of the subject property into one lot of record. This plat is currently pending recordation.

9. On May 3, 2018, a Historic District Design Review (HDDR) application was submitted to the City and deemed complete. A public hearing was held on May 17, 2018, application with no public comment made.
10. A final decision on the HDDR application is pending an outcome for this Steep Slope CUP application; the current design cannot be approved without Steep Slope approval.
11. On May 10, 2018, a complete Steep Slope CUP application was submitted to the City.
12. On June 13, 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 June 13, 2018, according to requirements of the Land Management Code.
13. The proposed home is a single-family dwelling which is an allowed use in the HRL district.
14. The minimum lot area in this zone is 3,750 square feet. This lot has an area of 4,915 square feet.
15. The minimum lot width in the HRL zone is 35 feet. This lot meets the requirements of this zone at 75 feet in width.
16. The subject lot will also be approximately 60 feet deep.
17. The minimum front yard setback is 10 feet. The proposed structure has a 10-foot front yard setback.
18. The minimum rear yard setback is 10 feet. The proposed structure has a 10-foot rear yard setback.
19. The minimum side yard setback is 5 feet on each side and 18 feet total. The proposed structure has a 14-foot side yard setback on the north side and a 10-foot side yard setback on the south side with a total of 24 feet on both sides.
20. The maximum building footprint for a lot this size is 1,864.4 square feet. The proposed footprint meets this standard at approximately 1,784 square feet.
21. The proposed structure is approximately 4,059 square feet in size.
22. The new construction takes place over slopes that are thirty percent (30%) or greater.
23. In many areas, the slope is approximately 100%.
24. The proposed structure complies with the maximum building height as follows:
 - a. The structure cannot be more than 27 feet from existing grade. It is proposed to be 25 feet from existing grade at its highest point.
 - b. The structure cannot be more than 35 feet measured from the lowest finish floor plane to the point of the tallest wall top plate. The proposed structure measures at 33.7 feet.
 - c. The final grade must be within 4 vertical feet of the existing grade. The maximum difference proposed is 2 feet.

- d. A 10-foot minimum horizontal step in the downhill façade is required at a maximum height of twenty-three feet (23') from where Building Footprint meets the lowest point of existing Grade. The proposed structure meets this requirement.
- e. The primary roof pitch is required to be between 7:12 and 12:12. The proposed structure has a primary roof pitch of 7:12.
25. The garage is proposed to have two (2) standard parking spaces which meet the off-street parking requirement of two (2) spaces.
26. This property is located outside of the Soils Ordinance Zone.
27. The applicant submitted plans including a streetscape showing how the structure will be observed when viewed from Prospect Avenue.
28. The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.
29. The proposed house is located within the building pad and outside of all setbacks required on the lot.
30. The structure is proposed to match the stepping of similar homes in its vicinity.
31. The drive access is approximately 10 feet long with a grade of 0 percent from the street.
32. The proposed structure is oriented against the lot's existing contours and is stepped with the grade.
33. The proposed structure meets all size, height, setback, and volume related requirements indicated in the LMC for the HRL zone.
34. The proposed massing component is compatible with both the volume and massing of structures in the area comprised of three story dwellings.

Conclusions of Law – 89 King Road

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.

Conditions of Approval – 89 King Road

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
 - a. No construction related parking or material storage shall be allowed on the street.

- b. There shall be no construction vehicle staging on the street and deliveries shall be “just in time” to the satisfaction of the City Engineer and Building Department.
- c. Construction access, deliveries, and parking shall be coordinated with all other construction projects based off of King Road.
- d. These requirements shall be shown in the Construction Mitigation Plan.
3. A final utility plan, including a drainage plan for utility installation, public improvements, and drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Design Guidelines for Historic Districts and Historic Sites.
7. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to additional changes related more specifically to the architectural design made during the Historic District Design Review.
8. As part of the building permit review process, the applicant shall submit a certified topographical survey of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges to confirm that the building complies with all height restrictions.
9. The applicant shall submit a detailed shoring plan prior to the issue of a building permit. The shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer.
10. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade unless an exception is granted by the City Engineer per the LMC, Chapter 4.
11. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.
12. Construction waste should be diverted from the landfill and recycled when possible.

13. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved by the Planning Department in writing to be removed, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size.
 14. The property is located outside the Park City Landscaping and Maintenance of Soil Cover Ordinance (Soils Ordinance) and therefore not regulated by the City for mine related impacts. If the property owner does encounter mine waste or mine waste impacted soils they must handle the material in accordance to State and Federal law.
 15. The plat amendment must be recorded prior to issuance of a building permit.
 16. This approval will expire on June 27, 2019 if a building permit has not been issued by the building department before the expiration date, unless a written request for an extension is submitted prior to the expiration date and the extension is granted by the Planning Director.
2. **1117 Park Avenue – A plat amendment proposing to combine the north half of Lot 3 and Lot 4, Block 5 of the Snyder’s Addition to Park City into one (1) lot of record measuring 2,812.5 square feet. (Application PL-18-03863)**

Planner Grahn was available to answer questions.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

Commissioner Hall questioned the reference to the non-compliant setback and asked why the Staff was recommending a positive recommendation.

Planner Grahn noted that the applicant has proposed to rotate the house when lifting to add a foundation, which would resolve the setback issue. The Staff had added a condition of approval stating that the plat amendment would not be recorded and the applicant would not be issued a Certificate of Occupancy until the setback is met. Planner Grahn explained that the reason for showing the setback as non-complying on the chart in the Staff report was to make it clear as to why the condition of approval was necessary.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 1117 Park Avenue plat amendment, based on the Findings of Fact,

Conclusions of Law, and Condition of Approval as found in the draft ordinance. Commissioner Hall seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1117 Park Avenue

1. The property is located at 1117 Park Avenue.
2. The property consists of the north half of Lot 3 and Lot 4, Block 5, of the Snyder's Addition to Park City.
3. The property is in the Historic Residential (HR-1) District.
4. This site is not designated as historic on the City's Historic Sites Inventory.
5. The Plat Amendment seeks to remove 1.5 lots of record into a single lot of record measuring 2,812.5 square feet.
6. The existing house was constructed in 1979. A rear addition was added in 2005. The existing house has been determined to be non-complying as a 1993-1994 addition was constructed with a 2.5-foot side yard setback. The applicant has proposed to rotate the house 2 degrees in order to comply with the 3-foot side yard setback requirements.
7. On December 7, 2017, the applicant submitted a Historic District Design Review (HDDR) application for the renovation of the house that included an addition. The application was deemed complete on January 18, 2018.
8. The applicant submitted a plat amendment application on May 2, 2018; it was deemed complete on May 16, 2018.
9. 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 as it will measure 2,812.5 square feet. The lot does not meet the minimum size for a duplex.
10. A single-family dwelling is an allowed use in the District.
11. The minimum width of a Lot is 25 feet measured 15 feet back from the Front Lot Line. The proposed lot width meets the minimum requirement as it is 37.50 feet wide.
12. The minimum front yard setbacks for a lot of this depth in the HR-1 Zoning District are 10 feet; the proposal complies and has a front yard setback of 26 feet.
13. The minimum rear yard setbacks for a lot of this depth in the HR-1 Zoning District are 10 feet; the proposal complies and has a rear yard setback of 9 feet. It is an existing non-complying structure.
14. The minimum side yard setback for a lot of this width is 3 feet for a total of 6 feet in the HR-1 zoning district. The existing house is legal non-complying and has a 6-foot north side yard setback and a 2.5-foot south side yard setback.

15. The maximum building footprint for a lot measuring 2,812.5 square feet in the HR-1 Zoning District is 1,200.7 square feet. The existing house complies as it has a footprint of 910 square feet.
16. The maximum building height for the HR-1 zoning district is 27 feet from Existing Grade; the existing house is 20.5 feet tall.
17. The only encroachment on this site is a fence that wraps around the backyard. Portions of the fence encroach over the rear lot line and into the property at 1110 Woodside Avenue to the west and 1109 Park Avenue to the south.
18. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 1117 Park Avenue

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

Conditions of Approval – 1117 Park Avenue

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official and shall be noted on the plat.
4. The fence in the backyard that encroaches into the properties at 1110 Woodside Avenue and 1109 Park Avenue shall be demolished or relocated within the property boundaries of 1117 Park Avenue.
5. The City Engineer will also require the dedication of ten foot (10') wide public snow storage easements along Park Avenue
6. The applicant shall rotate the house by 2 degrees in order to comply with required 3-foot side yard setbacks of the HR-1 District. The applicant shall provide an updated certified survey following the rotation to verify that the setbacks have been met. No Certificate of Occupancy (CO) will be issued nor will the plat amendment

be recorded until the house has been rotated to comply with the required 3-foot side yard setbacks.

3. **227 Main Street – A plat amendment proposing to combine Lots 7 and 8, Block 12, of the Park City Amended Survey into one lot of record measuring 3,750 square feet. (Application PL-18-03847)**

Planner Grahn was available to answer questions.

Chair Band opened the public hearing.

There were no comments.

Chair Band closed the public hearing.

Commissioner Kenworthy asked if the Third District Court actions were still ongoing or whether they had ceased with the new owner.

City Attorney Mark Harrington replied that it appears they have ceased. There was an Order to Show Cause for Non-activity on the Courts efforts to clean it up. Mr. Harrington assumed the court action would quietly go away because there has been no activity since the Motion was filed.

MOTION: Commissioner Hall moved to forward a POSITIVE recommendation to the City Council for the 227 Main Street plat amendment, based on the Findings of Fact, Conclusions of Law, and the Conditions of Approval found in the draft ordinance. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 227 Main Street

1. The property is located at 227 Main Street.
2. The property consists of all of Lots 7 and 8 of Block 12 of the Park City Amended Survey.
3. The property is in the Historic Commercial Business (HCB) District.
4. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Significant.
5. The Plat Amendment removes an interior lot line and creates one (1) lot measuring 3,750 square feet.

6. On October 2, 2015, the Park City Building Department issued a Notice and Order to repair the historic Star Hotel. The building has been uninhabitable since 2015, and no stabilization has occurred.
7. On October 6, 2016, the applicant submitted a Determination of Significance (DOS) application to remove the site from the City's Historic Sites Inventory. The Historic Preservation Board (HPB) reviewed the DOS application and found that it met the criteria to be designated as Significant on November 2, 2016. This determination was then appealed to the BOA on February 21, 2017, and the BOA upheld the HPB's determination. This determination has been appealed to Third District Court.
8. On July 6, 2017, Planning Director Bruce Erickson found that no payment had been made for the assessment for the property during the period of August 16, 1974 to January 1, 1984 for the Main Street Off-Street Parking Special Improvement District, in accordance with LMC 15-2.6-9(B). Therefore, new construction must provide off street parking. The former owner, West Lake Lands, LLC, appealed this determination on July 17, 2017.
9. The Planning Commission reviewed and upheld the Planning Director's determination on August 23, 2017. West Lake Lands, LLC appealed this decision in Third District Court.
10. Westlake Lands, LLC sold the property to the current owner, Hoffman Properties, LC, in January 2018. Hoffman Properties, LC took over Westlake Lands, LLC's Historic District Design Review (HDDR) application, which had been deemed complete on May 23, 2017. The HDDR is currently under review as staff has been working with the applicant on complying with the LMC and Design Guidelines.
11. On April 20, 2018, the applicant submitted a plat amendment to combine the existing two (2) lots of record into one (1) lot of record. The application was deemed complete on April 26, 2018.
12. The minimum Lot Size required in the HCB Zoning District is 1,250 square feet; the proposed lot size is 3,750 square feet.
13. The minimum lot width is 25 feet and minimum lot depth is 50 feet in the HCB Zoning District; the proposed lot width is 50 feet and lot depth is 75 feet.
14. The HCB Zone has 0 front, rear, and side yard setbacks. The historic building encroaches 4 to 5 feet, increasing from north to south, into the Main Street right-of-way. The existing historic building has a 7.67-foot south side yard setback and 4.04-foot north side yard setback. It has a 25 rear (west) yard setback.
15. The HCB Zone allows a Floor Area Ratio (FAR) of up to 4.0. The current historic building has a FAR of approximately 1.45.
16. Per LMC 15-2.6-5, the maximum Building volume for each Lot is defined by a plane that rises vertically at the Front Lot Line to a height of thirty feet (30') measured above the average Natural Grade and then proceeds at a forty-five degree (45°) angle toward the rear of the Property until it intersects with a point forty-five feet

(45') above the Natural Grade and connects with the rear portion of the bulk plane. The existing building is 24.67 feet tall.

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

Conclusions of Law – 227 Main Street

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding 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. The existing historic building encroaches 4 to 5 feet into the Main Street right-of-way, increasing from north to south. The applicant shall enter into an encroachment agreement with the City Engineer to address this encroachment. The encroachment agreement shall be recorded prior to recordation of the plat.

4. **835 Empire Avenue – A plat amendment proposing to combine all of Lot 5 and the south half of Lot 6, Block 20, Snyder's Addition to Park City to create one (1) lot of record measuring 2,812.5 square feet. (Application PL-18-03881)**

Planner Grahn was available to answer questions.

Chair Band opened the public hearing.

There were no comments.

Chair Band Closed the public hearing.

Commissioner Kenworthy referred to page 119 of the Staff report, Condition #7, and asked how that condition would work.

Planner Grahn stated that typically if a non-historic building can be altered and there is an encroachment, the owner is required to either enter into an encroachment agreement with the neighbor; or for example, if it is an eave overhanging, they must shave off the eave. In this case, because the historic house encroaches, the Staff recommended that the owner enter into an encroachment agreement. However, recognizing that the neighbor may not consent to an encroachment agreement, they would not want to change the historic house to remedy the encroachment.

Chair Kenworthy assumed that was the reason for using the word “request” in the condition. Planner Grahn replied that he was correct. Planner Grahn explained that the formalization would be an encroachment agreement; but if the owner tried to work with the neighbor and could not enter into an encroachment agreement, the City would recognize that they at least tried and the condition would be met.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the 835 Empire Avenue plat amendment, based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Kenworthy seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 835 Empire Avenue

1. The property is located at 835 Empire Avenue.
2. The site is designated as Landmark on the City’s Historic Sites Inventory.
3. The house was listed on the National Register of Historic Places in 1984.
4. On May 15, 2018, the applicant submitted a plat amendment application; it was deemed complete on May 15, 2018.
5. The plat amendment proposes to combine all of Lot 5 and the south half of Lot 6, Block 20, Snyder’s Addition to Park City to create one (1) lot of record measuring 2,812.5 square feet.
6. An existing set of concrete stairs extend beyond the front (east) property line and into the Empire Avenue right-of-way, and there are also two tiers of railroad tie retaining walls constructed in the Empire Avenue right-of-way.

7. Per LMC 15-2.2-4 Existing Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures.
8. The minimum Lot Size in the HR-1 Zoning District is 1,875 square feet; the applicant is proposing a lot size of 2,812.5 square feet.
9. The maximum allowed Footprint for a lot of this size in the HR-1 Zoning District is 1,200.7 square feet; the existing historic house has a footprint of 756 square feet.
10. The required front yard setback is 10 feet; the historic house has a 15-foot front yard setback.
11. The required rear yard setback is 10 feet; the historic house has a rear yard setback of 19 feet.
12. The required side yard setback is 3 feet, for a total of 6 feet. The historic house has a 10-foot north side yard setback and a 0-foot south side yard setback. The eave of the historic house extends over the south lot line.
13. The Zone Height is 27 feet and requires a 10-foot horizontal step on the downhill side that occurs at 23 feet above Existing Grade. The current height of the historic structure is 21.5 feet.
14. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 835 Empire Avenue

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

Conditions of Approval – 835 Empire Avenue

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. 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 and concrete landscape steps that encroach into the Empire Avenue right-of-way in front of 835 Empire Avenue. The applicant shall remove these retaining walls prior to recording the plat. The applicant shall enter into an encroachment agreement with the City Engineer for any landscape steps needed to access the property that are located within the right-of-way.
6. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
7. The owner shall request to formalize the encroachment of the historic roof eaves with an encroachment agreement from their neighbor to the South.

The Park City Planning Commission Meeting adjourned at 5:50 p.m.

Approved by Planning Commission: _____

PENDING APPROVAL



Planning Commission Staff Report

Application: PL-17-03664
Subject: Twisted Branch Road Subdivision and Amended Flagstaff Development Technical Report #15- Construction Mitigation Plan
Author: Kirsten Whetstone, MS, AICP, Senior Planner
Date: July 11, 2018
Type of Item: Continuation

Summary Recommendations

Staff recommends Planning Commission conduct a public hearing and continue the subdivision plat to a date uncertain and the Construction Mitigation Plan to August 8th.

Description

Owner: REDUS Park City LLC and Park City Municipal Corporation
Applicant: Michael Demkowics - Alliance Engineering
Location: Guardsman Pass and Twisted Branch Roads and metes and bounds property between them 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, Guardsman Pass Road, B2 East Subdivision (undeveloped residential), Red Cloud Subdivision (residential lots) and open space areas and trails.

Proposal

This is a request for a subdivision plat to create four (4) platted lots of record and eight (8) open space parcels consistent with the 2007 Amended Flagstaff Development Agreement. The subdivision includes an existing private road known as Twisted Branch Road and an existing seasonal State Route 224 (SR 224). There is no residential or commercial development density proposed or assigned to any of the proposed lots or parcels. The applicant requests continuation to allow additional time to work with the City on the wording of proposed condition of approval number 8.

- Staff recommends continuation of the Twisted Branch Subdivision to a date uncertain.
- Staff recommends continuation of amendments to the Flagstaff Development Technical Report #15 Construction Mitigation Plan to August 8th.

Planning Commission Staff Report



Subject: Park City Heights Phasing Plan
Project #: PL-17- 03552
Author: Kirsten Whetstone, MS, AICP
Date: July 11, 2018
Type of Item: Administrative

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue this item to a date uncertain.

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 Park City Heights Phase 2 Subdivision plat. Approved Phase 2 of the subdivision 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 is planned from Calamity Lane. Staff requests continuation to a date uncertain to allow the applicant to address issues related to the housing mitigation plan.

Planning Commission Staff Report

Subject: 341 Ontario Avenue
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-15-02915
Date: July 11, 2018
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to August 8, 2018, in order for the application to be properly noticed..

Description

Owner/ Applicant: Matt Day (Jon P. Sparano, Architect)
Location: 341 Ontario Avenue
Zoning: Historic Residential-1 (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Construction of an addition to an existing historic single-family home in excess of 200 square feet of Building Footprint that will be located upon an existing slope of 30% or greater.

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 1114 Park Avenue – Addition to a Historic Structure located within a Building Setback
Project #: PL-18-03888
Author: Hannah M. Tyler
Date: July 11, 2018
Type of Item: Administrative – Conditional Use Permits

Summary Recommendations

Staff recommends that the Planning Commission review the Conditional Use Permits for an addition to a Historic Structure located within a Building Setback, hold a public hearing, and consider approving the requested application based on the Findings of Fact, Conclusions of Law, and Conditions of Approval for the Commission's consideration.

Description

Applicant: Joseph Kelley (Represented by Kevin Horn, Architect)
Location: 1114 Park Avenue
Zoning District: Historic Residential-Medium Density (HR-M) Zoning District
Adjacent Land Uses: Single-Family, Multi-Family, Open Space/Public Park
Reason for Review: Conditional Use Permit applications are reviewed and approved by the Planning Commission

Proposal

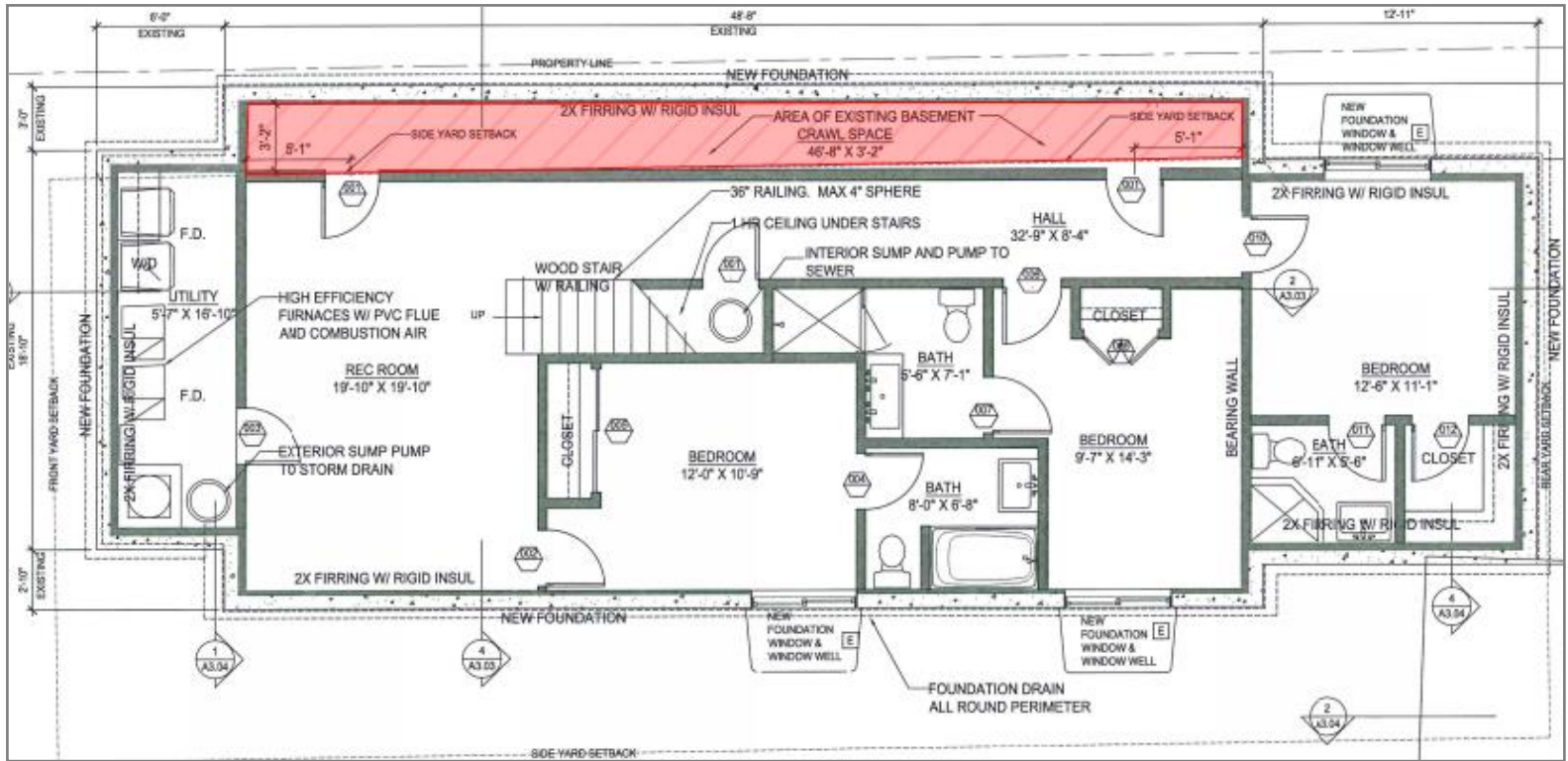
The applicant is proposing to convert an unfinished crawlspace that is located within the Side Yard Setback area of a Historic Structure into habitable basement area. 1114 Park Avenue is a "Significant" Site and [LMC 15-2.4-6\(A\)](#) allows for the Planning Commission to grant an exception to the Building Setback in order to achieve new construction consistent with the Historic District Design Guidelines. The crawlspace area in question is located below the north side of the Historic Structure and is 147.7 square feet.

A Historic District Design Review (HDDR) application was approved in 2015 for the complete restoration of the Historic Structure, construction of a basement foundation, and construction of an addition to the rear (east). The 2015 HDDR Action Letter is included as Exhibit C. As a part of the construction, the basement foundation was poured underneath the existing Historic Structure. Because the Historic Structure had already occupied the Setback area, a foundation was permitted beneath the existing Structure within the Setback area; however, the basement space had to be designated as uninhabited crawlspace in the areas located within the Side Yard Setback.

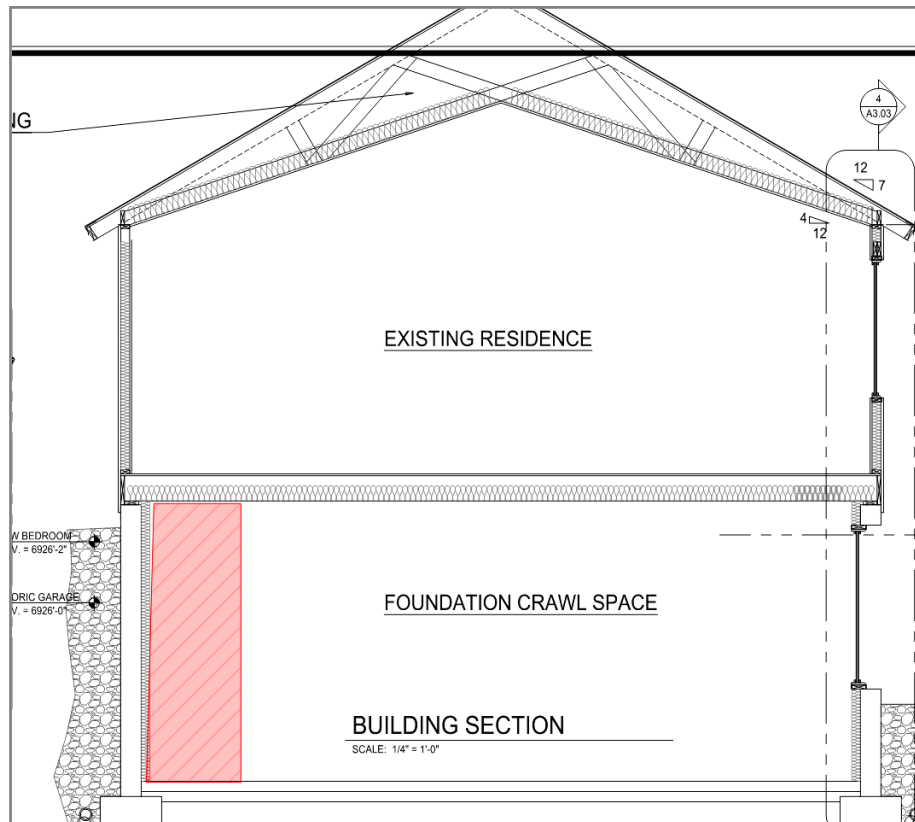
At this time, the applicant is requesting to "finish" the areas currently designated as crawlspace and convert them into habitable basement area. The proposal is all interior work having little to no impact on the exterior of the structure and no increase in Building Footprint would be achieved.

Staff has included Figure 1 which identifies the area that is to be converted into habitable basement.

Figures 1A-1B: Proposed Crawlspace Conversion into Habitable Basement Area within the Side Yard Setback area. The red shaded areas identify the areas of the crawlspace within the Side Yard Setback.



**1A: BASEMENT FLOOR PLAN:
1B: SECTION**



Background

The Conditional Use Permit application was deemed complete on June 5, 2018. Staff has included Table 1 which identifies previous applications for this property:

Table 1: Previous Applications			
Year	Application/Permit Type	Description	Action Taken
2015	Plat Amendment	Removal of interior lot lines.	Approved
2015	HDDR	Restoration of the Historic Structure, construction of a basement foundation, and construction of an addition in the rear (east).	Approved
2015	Building Permit	Restoration of the Historic Structure, construction of a basement foundation, and construction of an addition in the rear (east).	Approved
2018	Conditional Use Permit	Addition to a Historic Structure Located within a Building Setback (conversion of a crawlspace within the Side Yard Setback into habitable basement area)	Under review.

Purpose

The purpose of the Historic Residential Medium Density (HR-M) 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 Conditional Use Permit is subject to the following review criteria in the LMC:

- Per [LMC 15-2.4-3](#), the Planning Director shall review any Conditional Use permit (CUP) Application in the HR-M District and shall forward a recommendation to the Planning Commission regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5.

- Per [LMC 15-2.4-6\(A\)](#), the Planning Commission may grant an exception to the Building Setback for additions to Historic Buildings consistent with the Historic District Design Guidelines.
- Per [LMC 15-1-10\(E\)](#), the proposal is subject to review according to the Conditional Use Permit Criteria.

Staff has included the following sections for Analysis:

- I. [LMC 15-2.4-3 Conditional Use Permit Review](#)
- II. [LMC 15-2.4-6\(A\) Existing Historic Structures Exceptions](#)
- III. [LMC 15-1-10\(E\) Conditional Use Permit Review Criteria](#)

Section I. [LMC 15-2.4-3 Conditional Use Permit Review](#).

The Planning Director shall review any Conditional Use permit (CUP) Application in the HR-M District and shall forward a recommendation to the Planning Commission regarding compliance with the Design Guidelines for Park City’s Historic Districts and Historic Sites and Chapter 5. The Planning Commission shall review the Application according to Conditional Use permit criteria set forth in Section 15-1-10. Staff has provided an analysis of the CUP criteria for properties located in the HR-M in *italics* below:

1. Consistent with the Design Guidelines for Park City’s Historic Districts and Historic Sites.
No Unmitigated Impacts.
The proposal is all interior work having little to no impact on the exterior of the Historic Structure. The 2015 HDDR was reviewed for compliance with the Design Guidelines for Park City’s Historic Districts and Historic Sites.
2. The Applicant may not alter the Historic Structure to minimize the residential character of the Building.
No Unmitigated Impacts.
The proposal is all interior work having little to no impact on the exterior of the Historic Structure.
3. Dedication of a Façade Preservation Easement to assure preservation of the Structure is required.
Complies as conditioned.
The applicant is to dedicate a façade preservation easement to the City. Condition of Approval #7 has been added requiring the façade easement.
4. New Buildings and additions must be in scale and Compatible with existing Historic Buildings in the neighborhood. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street.
No Unmitigated Impacts.
The proposal is all interior work having little to no impact on the exterior of the Historic Structure. The crawlspace area that is located within the Side Yard Setback is beneath the north end of the existing structure. No increase in Building Footprint was achieved through the addition of the crawlspace area in question. As a result, there is

no visual impact to the perceived mass from the Street because this is subterranean with little to no impact to the exterior of the Historic Structure.

5. Parking requirements of Section 15-3 shall be met. The Planning Commission may waive parking requirements for Historic Structures. The Planning Commission may allow on-Street parallel parking adjacent to the Front Yard to count as parking for Historic Structures, if the Applicant can document that the on-Street Parking will not impact adjacent Uses or create traffic circulation hazards. A traffic study, prepared by a registered Engineer, may be required.

No Unmitigated Impacts.

The Planning Commission may waive parking requirements for Historic Structures. The existing home is not required to have off street parking as exempted per [LMC 15-2.4-6](#), Existing Historic Structures that do not comply with Off-Street Parking are valid Non-Complying Structures. The proposed crawlspace conversion into habitable area does not create a Lockout Unit or an Accessory Apartment; and will only expand the existing basement hallway area and won't create a new room. The total area of the crawlspace is 147.7 square feet.

6. All Yards must be designed and maintained in a residential manner. Existing mature landscaping shall be preserved wherever possible. The Use of native plants and trees is strongly encouraged.

Not applicable.

The proposal is all interior work having little to no impact on the exterior of the Historic Structure. There is no impact to the exterior landscaping.

7. Required Fencing and Screening between commercial and Residential Uses is required along common Property Lines.

Not applicable.

There are no commercial Use; therefore, no separation between Residential and commercial Uses is required.

8. All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent Properties and on pedestrians.

Not applicable.

The proposal is all interior work having little to no impact on the exterior of the Historic Structure. There is no impact to the utility equipment.

Section II. [LMC 15-2.4-6\(A\) Existing Historic Structures Exceptions](#)

Staff has provided an analysis of [15-2.4-6\(A\) Existing Historic Structures Exceptions](#) in *italics* below:

- A. **EXCEPTION.** For additions to Historic Buildings and new construction on sites listed on the Historic Sites Inventory and in order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards:

1. Upon approval of a Conditional Use permit, and
Pending.

Pending Planning Commission review and approval.

2. When the scale of the addition and/or driveway is Compatible with the Historic Structure, and

Complies.

The proposal is all interior work having little to no impact on the exterior of the Historic Structure and is therefore compatible, and no changes are proposed to the existing driveway.

3. When the addition complies with all other provisions of this Chapter, and

Complies.

The addition has been reviewed for compliance with the Design Guidelines and LMC through the HDDR Process (approved in 2015).

4. When the addition complies with the adopted Building and Fire Codes, and

Complies.

The addition has been reviewed for compliance with the Building and Fire Codes through the Building Permit (associated with the approved 2015 HDDR).

5. When the addition complies with the Design Guidelines for Historic Districts and Sites.

Complies.

The addition has been reviewed for compliance with the Design Guidelines for Historic Districts and Historic Sites through the 2015 HDDR process. The proposal is all interior work having little to no impact on the exterior of the Historic Structure.

Section III. LMC 15-1-10(E) Review

The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

1. Size and location of the site

No Unmitigated Impacts

The Lot is 3,485 square feet (.08 acres). The site is located on Park Avenue (west property boundary) and abuts Sullivan Road to the east. This is a Historic Single-Family Dwelling with no change in Use proposed.

2. Traffic considerations including capacity of the existing Streets in the Area

No Unmitigated Impacts

There is no change in Use that would generate additional vehicular trips beyond the current and Historic Single-Family use.

3. Utility capacity

No Unmitigated Impacts

The proposal is all interior work having little to no impact on the exterior of the Historic Structure. The increase in habitable space will have no impact on the current utility equipment and capacity needs.

4. Emergency vehicle access

No Unmitigated Impacts

The proposal is all interior work having little to no impact on the exterior of the Historic Structure. There is no impact to the existing emergency vehicle access.

5. Location and amount of off street parking

No Unmitigated Impacts.

Per LMC 15-2.4-6, Existing Historic Structures that do not comply with Off-Street parking are valid Non-Complying Structures. The proposed crawlspace conversion into habitable area does not create a Lockout Unit or an Accessory Apartment; therefore, no additional parking is required.

6. Internal vehicular and pedestrian circulation system

7. **Not applicable.**

There is no impact to the existing internal and pedestrian circulation system.

8. Fencing, Screening and landscaping to separate the Use from adjoining Uses

No Unmitigated Impacts

The proposal is all interior work having little to no impact on the exterior of the Historic Structure. There is no impact to the exterior landscaping. In addition, there are no commercial Uses that require separation from Residential Uses.

9. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots

No Unmitigated Impacts

The proposal is all interior work having little to no impact on the exterior of the Historic Structure. The crawlspace area that is located within the setback is beneath the north end of the existing structure. The total area of the crawlspace area is 147.7 square feet. No increase in Building Footprint was achieved through the addition of the subject crawlspace/basement area. As a result, there is no visual impact to the perceived mass from the Street because this is subterranean with little to no impact to the exterior of the Historic Structure.

10. Usable Open Space

No Unmitigated Impacts

The proposal is all interior work having little to no impact on the exterior of the Historic Structure.

11. Signs and lighting

Not applicable.

There are no signs or lighting on site.

12. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing

No Unmitigated Impacts

There is no impact to the Compatibility with surrounding structures or perceived mass from the Street because this is a subterranean area of the existing Structure with little to no impact to the exterior of the Historic Structure.

13. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property Off-site

Not applicable.

There are no changes that will result in additional noise, vibration, odors, steam, or other mechanical factors.

14. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas

Not applicable.

There are no changes that will impact the control of delivery and service vehicles, loading and unloading zones, or Screening of trash pickup Areas.

15. Expected Ownership and management of the project as primary residences, Condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities

Not applicable.

This is a Single-Family Dwelling.

16. Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site

Not applicable.

There are no changes that will impact the exterior conditions of the structure or the topography of the Site.

17. Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding.

No Unmitigated Impacts

This proposal has been reviewed for consistency with the Goals and Objectives of the Park City General Plan. In 2015, a HDDR was approved for the restoration, construction of a basement foundation, and construction of an addition to the rear (east). As a result, the Historic Structure which had once experienced many out-of-period alterations was restored to its Period of Historic Significance. The General Plan establishes several goals and objectives specific to Historic Preservation, including, but not limited to:

- Goal 15: Preserve the integrity, mass, scale, compatibility and historic fabric of the nationally and locally designated historic resources and districts for future generations.
- Objective 15A: Maintain the integrity of historic resources within Park City as a community asset for future generations, including historic resources locally

designated on the Park City Historic Sites Inventory and its two National Register Historic Districts – the Main Street Historic District and the Mining Boom Era Residences Thematic District.

- Objective 15B: Maintain character, context and scale of local historic districts with compatible infill development and additions.

Department Review

This project has gone through an interdepartmental review.

Notice

On June 27th, 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 June 23rd, 2018 according to requirements of the Land Management Code.

Public Input

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

Alternatives

1. The Planning Commission may approve the Conditional Use Permit for the addition to a Historic Structure located within a Building Setback at 1114 Park Avenue, as conditioned or amended; or
2. The Planning Commission may continue the discussion on the Conditional Use Permit addition to a Historic Structure located within a Building Setback at 1114 Park Avenue; or
3. The Planning Commission may deny Conditional Use Permit for the addition to a Historic Structure located within a Building Setback at 1114 Park Avenue and direct staff to make Findings for this decision.

Significant Impacts

There are no significant fiscal impacts from this application that haven't been addressed.

Consequences of not taking action on the Suggested Recommendation

The applicant would have to maintain the existing designated crawlspace area as uninhabitable area.

Recommendation

Staff recommends that the Planning Commission review the Conditional Use Permits for an addition to a Historic Structure located within a Building Setback, hold a public hearing, and consider approving the requested application based on the Findings of Fact, Conclusions of Law, and Conditions of Approval for the Commission's consideration.

Findings of Fact

1. The subject property is located at 1114 Park Avenue and is a "Significant" Site in the

Historic Residential-Medium Density (HR-M) Zoning District.

2. The applicant is proposing to convert an unfinished crawlspace that is located within the Side Yard Setback area of a Historic Structure into habitable basement area. The crawlspace area is located below the north side of the Historic Structure and is 147.7 square feet.
3. A Historic District Design Review (HDDR) application was approved in 2015 for the complete restoration of the Historic Structure, construction of a basement foundation, and construction of an addition to the rear (east). As a part of the construction, the basement foundation was poured underneath the existing Historic Structure. Because the Historic Structure had already occupied the Setback area, a foundation was permitted beneath the existing Structure within the Setback area; however, the basement space had to be designated as uninhabited crawlspace in the areas located within the Side Yard Setback.
4. The proposal is all interior work having little to no impact on the exterior of the structure and no increase in Building Footprint would be achieved.
5. Per LMC 15-2.4-3, the Planning Director shall review any Conditional Use permit (CUP) Application in the HR-M District and shall forward a recommendation to the Planning Commission regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites and Chapter 5.
6. Per LMC 15-2.4-6(A), the Planning Commission may grant an exception to the Building Setback for additions to Historic Buildings consistent with the Historic District Design Guidelines.
7. Per LMC 15-1-10(E), the proposal is subject to review according to the Conditional Use Permit Criteria.
8. The Conditional Use Permit application for an Addition to a Historic Structure located within the Building Setback was deemed complete on June 5, 2018.
9. The Historic Structure at 1114 Park Avenue is a Single-Family Dwelling. A Single-Family Dwelling is an Allowed Use in the HR-M Zoning District.
10. A Plat Amendment for 1114 Park Avenue was approved by City Council and recorded at Summit County in 2015.
11. There are no unmitigated impacts to LMC 15-2.4-3(1) as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. The 2015 HDDR was reviewed for compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites.
12. There are no unmitigated impacts to LMC 15-2.4-3(2) as the proposal is all interior work having little to no impact on the exterior of the Historic Structure.
13. The proposal complies with LMC 15-2.4-3(3) as the applicant is to dedicate a façade preservation easement to the City. Condition of Approval #7 has been added requiring the façade easement.
14. There are no unmitigated impacts to LMC 15-2.4-3(4) as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. The crawlspace area that is located within the Side Yard Setback is beneath the north end of the existing structure. No increase in Building Footprint was achieved through the addition of the crawlspace area in question. As a result, there is no visual impact to the perceived mass from the Street because this is subterranean with little to no impact to the exterior of the Historic Structure.

15. There are no unmitigated impacts to LMC 15-2.4-3(5) as per LMC 15-2.4-6, Existing Historic Structures that do not comply with Off-Street Parking are valid Non-Complying Structures. The proposed crawlspace conversion into habitable area does not create a Lockout Unit or an Accessory Apartment; therefore, no additional parking is required.
16. LMC 15-2.4-3(6) is not applicable as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. There is no impact to the exterior landscaping.
17. LMC 15-2.4-3(7) is not applicable as there are no commercial Use; therefore, no separation between Residential and commercial Uses is required.
18. LMC 15-2.4-3(8) is not applicable as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. There is no impact to the utility equipment.
19. The proposal complies with LMC 15-2.4-6(A)(1) as the Planning Commission has reviewed and approved a Conditional Use Permit for the proposed Use.
20. The proposal complies with LMC 15-2.4-6(A)(2) as the proposal is all interior work having little to no impact on the exterior of the Historic Structure.
21. The proposal complies with LMC 15-2.4-6(A)(3) as The addition has been reviewed for compliance with the Design Guidelines and LMC through the HDDR Process (approved in 2015).
22. The proposal complies with LMC 15-2.4-6(A)(4) as the addition has been reviewed for compliance with the Building and Fire Codes through the Building Permit (associated with the approved 2015 HDDR).
23. The proposal complies with LMC 15-2.4-6(A)(5) as the addition has been reviewed for compliance with the Design Guidelines for Historic Districts and Historic Sites through the 2015 HDDR process. The proposal is all interior work having little to no impact on the exterior of the Historic Structure.
24. There are no unmitigated impacts to LMC 15-1-10(E)(1) Size and location of the site, as the Lot is 3,485 square feet (.08 acres). The site is located on Park Avenue (west property boundary) and abuts Sullivan Road to the east.
25. There are no unmitigated impacts to LMC 15-1-10(E)(2) Traffic considerations including capacity of the existing Streets in the Area, as there is no change in Use that would generate additional vehicular trips beyond the current and Historic Single-Family use.
26. There are no unmitigated impacts to 15-1-10(E)(3) Utility capacity, as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. The increase in habitable space will have no impact on the current utility equipment and capacity needs.
27. There are no unmitigated impacts to LMC 15-1-10(E)(4) Emergency vehicle access as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. There is no impact to the existing emergency vehicle access.
28. There are no unmitigated impacts to LMC 15-1-10(E)(5) Location and amount of off street parking, as per LMC 15-2.4-6, Existing Historic Structures that do not comply with Off-Street parking are valid Non-Complying Structures. The proposed crawlspace conversion into habitable area does not create a Lockout Unit or an Accessory Apartment; therefore, no additional parking is required.

29. LMC 15-1-10(E)(6) Internal vehicular and pedestrian circulation system, is not applicable as there is no impact to the existing internal and pedestrian circulation system.
30. There are no unmitigated impacts to LMC 15-1-10(E)(7) Fencing, Screening and landscaping to separate the Use from adjoining Uses, as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. There is no impact to the exterior landscaping. In addition, there are no commercial Uses that require separation from Residential Uses.
31. There are no unmitigated impacts to LMC 15-1-10(E)(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots, as the proposal is all interior work having little to no impact on the exterior of the Historic Structure. The crawlspace area that is located within the setback is beneath the north end of the existing structure. No increase in Building Footprint was achieved through the addition of the subject crawlspace/basement area. As a result, there is no visual impact to the perceived mass from the Street because this is subterranean with little to no impact to the exterior of the Historic Structure.
32. There are no unmitigated impacts to LMC 15-1-10(E)(9) Usable Open Space, as the proposal is all interior work having little to no impact on the exterior of the Historic Structure.
33. LMC 15-1-10(E)(10) Signs and lighting, is not applicable as there are no signs or lighting on site.
34. There are no unmitigated impacts to LMC 15-1-10(E)(11) Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing, as there is no impact to the Compatibility with surrounding structures or perceived mass from the Street because this is a subterranean area of the existing Structure with little to no impact to the exterior of the Historic Structure.
35. LMC 15-1-10(E)(12) Noise, vibration, odors, steam, or other mechanical factors that might affect people and property Off-site, is not applicable as there are no changes that will result in additional noise, vibration, odors, steam, or other mechanical factors.
36. LMC 15-1-10(E)(13) Control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas, is not applicable as there are no changes that will impact the control of delivery and service vehicles, loading and unloading zones, or Screening of trash pickup Areas.
37. LMC 15-1-10(E)(14) Expected Ownership and management of the project as primary residences, Condominiums, time interval ownership, nightly rental, or commercial tenancies, how the form of ownership affects taxing entities, is not applicable as this is a Single-Family Dwelling.
38. LMC 15-1-10(E)(15) Within and adjoining the Site, impacts on Environmentally Sensitive Lands, Slope retention, and appropriateness of the proposed Structure to the topography of the Site, is not applicable as There are no changes that will impact the exterior conditions of the structure or the topography of the Site.
39. There are no unmitigated impacts to LMC 15-1-10(E)(16) Reviewed for consistency with the goals and objectives of the Park City General Plan; however such review for consistency shall not alone be binding, as This proposal has been reviewed for consistency with the Goals and Objectives of the Park City General Plan. In 2015, a HDDR was approved for the restoration, construction of a basement foundation, and

construction of an addition to the rear (east). As a result, the Historic Structure which had once experienced many out-of-period alterations was restored to its Period of Historic Significance. The General Plan establishes several goals and objectives specific to Historic Preservation, including, but not limited to Goal 15A and Objective 15A.

40. On June 27th, 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 June 23rd, 2018 according to requirements of the Land Management Code.
41. The Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law

1. The application complies with all requirements of the LMC and satisfies all Conditional Use Permit review criteria as established by the [LMC 15-1-10](#), [LMC 15-2.4-3\(E\) Conditional Use Review \(HR-M\)](#), and [15-2.4-6\(A\) Existing Historic Structures Exceptions](#).
2. The Use, as conditioned, is Compatible with surrounding Structures in Use, scale, mass and circulation; and
3. The effects of any differences in Use or scale have been mitigated through careful planning.

Conditions of Approval

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards, to include driveway and Parking Area layout, is a condition precedent to building permit issuance. An approved shoring plan is required prior to excavation.
4. This approval will expire on July 11, 2019, if a complete building permit submittal has not been received, unless a written request for an extension is received and approved by the Planning Director prior to the date of expiration
5. Modified 13-D fire sprinkler system is required.
6. All above grade utility facilities shall be located on the property and properly screened.
7. The applicant shall dedicate façade preservation easements to the City for the historic structure at 1114 Park Avenue prior to the issuance of a Building Permit.

Exhibits

- Exhibit A: Proposed Plans
Exhibit B: Standard Project Conditions
Exhibit C: 2015 HDDR Action Letter

Exhibit A: Proposed Intent and Plans

1114 Park Ave.

CONDITIONAL USE PERMIT

This Conditional Use Permit application is for the use of a portion of the existing basement located under the historic structure located within the required 5' sideyard setback.

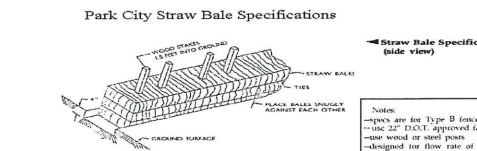
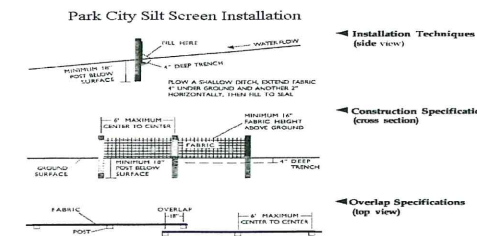
The residence was recently preserved through a restoration, repair/replacement of the existing foundation and crawl space and a legal addition. The foundation was structurally required to extend to the perimeter of the entire historic structure to replace the existing crawl space foundation. A portion of the basement foundation which falls directly under the historic structure is historically within the 5' sideyard setback. The use of this portion of the basement has no effect on the historic structure, site, occupancy, nor is appearant in any way.

The basement area included in this conditional use permit is 152 SF. The entitled basement area is 1.286 SF.

RECEIVED
MAY 21 2018
PARK CITY
PLANNING DEPT.

1114 PARK AVE. BASEMENT FINISH

PERMIT SET 9-8-2017

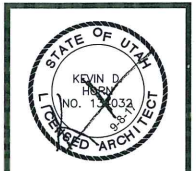
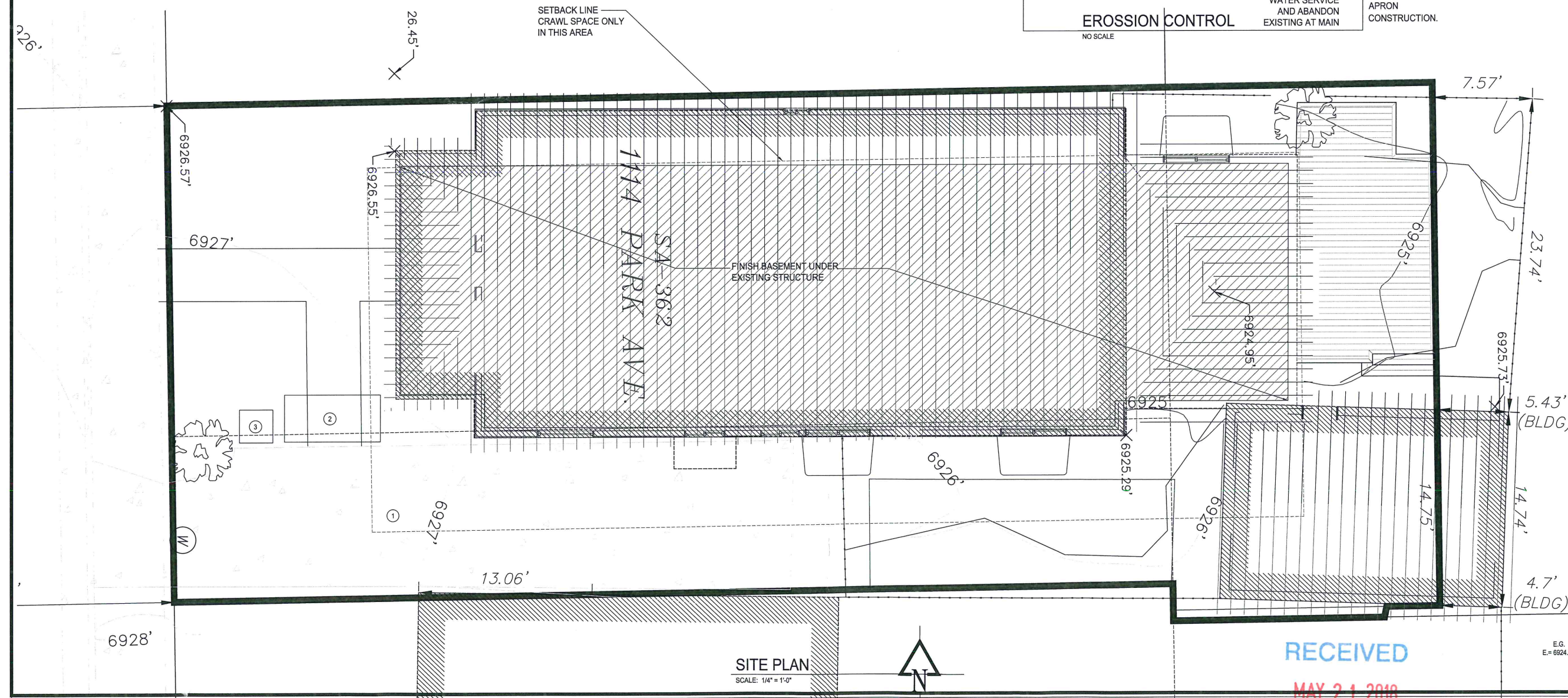


- SITE NOTES:
- CONSTR. ACCESS & PARKING
 - DUMPSTER
 - PORTABLE TOILET WITH WRAP

NOTE:
 GENERAL CONTRACTOR IS TO ARRANGE A MEETING WITH THE PLAN CHECKER, THE GENERAL CONTRACTOR AND EXCAVATOR FOR THIS PROJECT PRIOR TO ANY PERMITS BEING ISSUED

NOTE:
 APPLICATION TO WORK IN A PUBLIC RIGHT-OF-WAY IS REQUIRED PRIOR TO DRIVEWAY CURB CUT AND APRON CONSTRUCTION.

EROSION CONTROL
 NO SCALE
 PROVIDE NEW 1.1/2" WATER SERVICE AND ABANDON EXISTING AT MAIN



JOSEPH KELLEY
 233 N. DEERE POINT DR. E
 HIGHLAND PARK IL 60035

OWNER

HORN PARTNERS ARCHITECTURE

P.O. BOX 386 BOUNTIFUL, UT 84011-386
 P H N 801.933.4676 or 801.295.4676
 FAX 801.299.1111 www.hornandpartners.com

BASEMENT FINISH	
PARK CITY, UTAH 84060	
PROJ	1506-A101B
DRAWING DATE:	9-8-2017
DRAWN BY:	
CHECKED BY:	

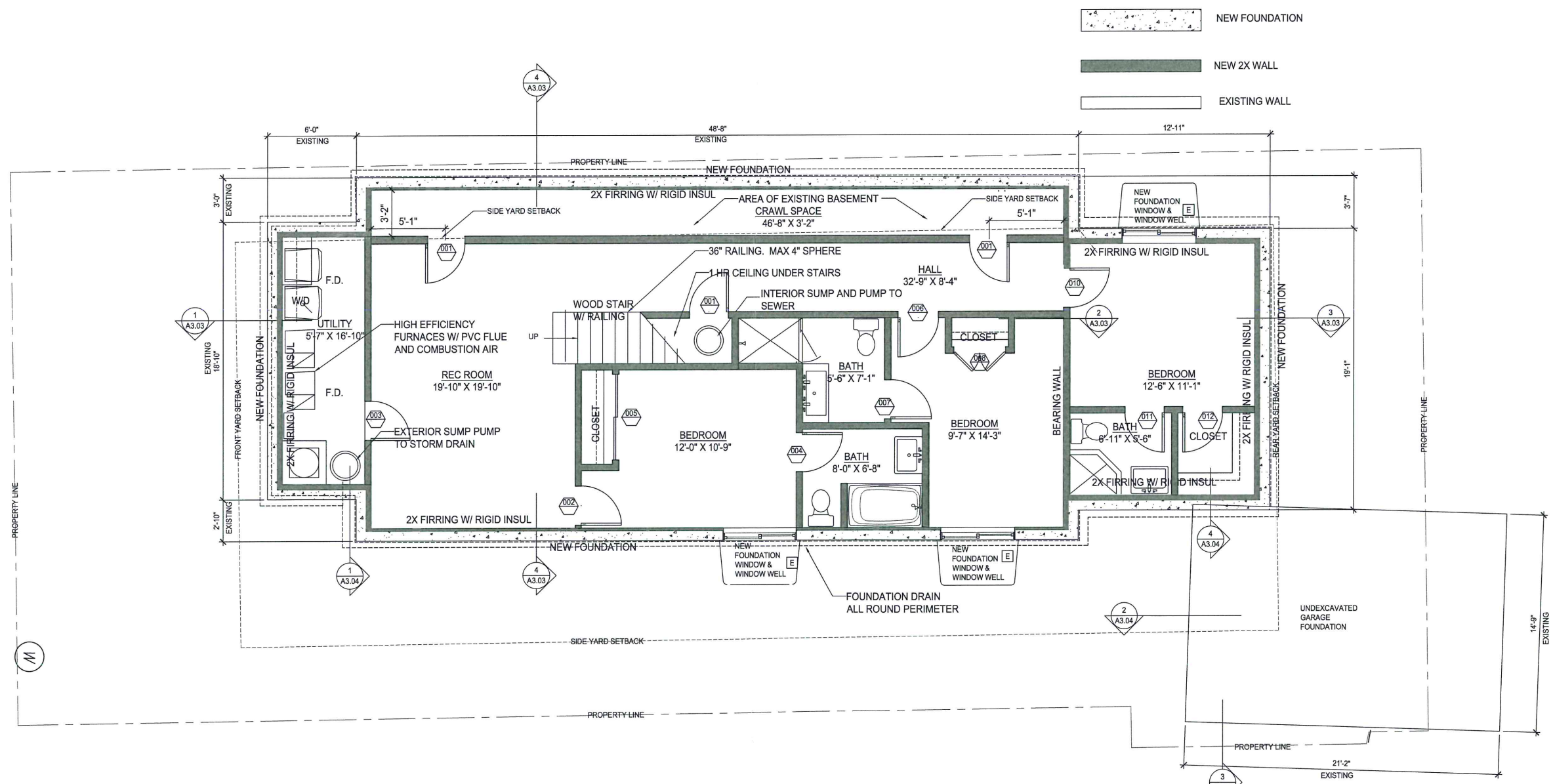
SITE PLAN

A1.01B

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 MAY 21 2018
 PARK CITY PLANNING DEPT.

DOOR SCHEDULE													
MRK.	DOOR					FRAME					HARDWARE GROUP	REMARKS	
	SIZE	TYPE	MATERIAL	FINISH	GLAZING	RATING	TYPE	MATERIAL	FINISH	GLAZING			RATING
001	2'-8" x 6'-8"	-	WD	STAIN	-	-	-	WD	STAIN	-	-	PASSAGE	3 LOCATIONS
002	2'-8" x 6'-8"	-	WD	STAIN	-	-	-	WD	STAIN	-	-	PRIVACY	-
003	2'-8" x 6'-8"	-	WD	STAIN	-	-	-	WD	STAIN	-	-	PASSAGE	-
004	2'-8" x 6'-8"	-	WD	STAIN	-	-	-	WD	STAIN	-	-	PRIVACY	-
005	6'-0" x 6'-8"	-	WD	STAIN	-	-	-	WD	STAIN	-	-	BYPASS	-
006	2'-8" x 6'-8"	-	WD	STAIN	-	-	-	WD	STAIN	-	-	PRIVACY	-
007	2'-8" x 6'-8"	-	WD	STAIN	-	-	-	WD	STAIN	-	-	PRIVACY	-
008	3'-6" x 6'-8" PAIR	-	WD	STAIN	-	-	-	WD	STAIN	-	-	FRICITION	-
009	2'-8" x 6'-8"	-	WD	STAIN	-	-	-	WD	STAIN	-	-	PASSAGE	-
010	2'-8" x 6'-8"	-	WD	STAIN	-	-	-	WD	STAIN	-	-	PRIVACY	-
011	2'-8" x 6'-8"	-	WD	STAIN	-	-	-	WD	STAIN	-	-	PRIVACY	-
012	2'-8" x 6'-8"	-	WD	STAIN	-	-	-	WD	STAIN	-	-	PASSAGE	-

ROOM FINISH SCHEDULE				
ROOM	FLOOR	BASE	WALLS	TRIM / CASING
REC. ROOM	STAINED CONC.	6" PAINTED	PAINTED GYP.	3" PAINTED
POWDER	STAINED CONC.	6" PAINTED	PAINTED GYP.	3" PAINTED
HALL	STAINED CONC.	6" PAINTED	PAINTED GYP.	3" PAINTED
BEDROOM	CARPET	6" PAINTED	PAINTED GYP.	3" PAINTED
BATH	PORCELEAN TILE	6" PAINTED	PAINTED GYP.	3" PAINTED
BEDROOM	CARPET	6" PAINTED	PAINTED GYP.	3" PAINTED
BATH	PORCELEAN TILE	6" PAINTED	PAINTED GYP.	3" PAINTED
BEDROOM	CARPET	6" PAINTED	PAINTED GYP.	3" PAINTED
BATH	PORCELEAN TILE	6" PAINTED	PAINTED GYP.	3" PAINTED



LOWER FLOOR PLAN
SCALE: 1/4" = 1'-0" 1,338 SF

NEW FOUNDATION
NEW 2X WALL
EXISTING WALL



JOSEPH KELLEY
239 N. DEERE POINT DR. E
HIGHLAND PARK IL 60035
OWNER

HORN PARTNERS
ARCHITECTURE
P.O. BOX 386 BOUNTIFUL, UT 84011-386
P H N 801.933.4676 or 801.295.4676
F A X 801.299.1111 www.hornpartners.com

BASEMENT FINISH
1114 PARK AVE
PARK CITY, UTAH 84060

DRAWING DATE: 9-8-2017
DRAWN BY:
CHECKED BY:

JOB NO.
FILE NO. 1565-A202B

BASEMENT FINISH PLAN
A2.02B

RECEIVED
MAY 21 2018
PARK CITY PLANNING DEPT.



October 30, 2015

Joseph Kelley
233 N. Deere Park Dr.
Highland Park, IL 60035

CC: Kevin Horn, Architect

NOTICE OF PLANNING STAFF ADMINISTRATIVE ACTION

Project Address: 1114 Park Avenue
Project Description: Restoration of Significant structure and new addition
Date of Action: October 30, 2015
Project Number: PL-14-02587

Summary of Staff Action

Staff reviewed this project for compliance with the Historic District Design Guidelines, specifically with 1) Universal Guidelines for Historic Sites (#1 through 10) and 2) Specific Guidelines: A. Site Design; B. Primary Structures; C. Park Areas, Detached Garages, and Driveways; and D. Additions to Historic Structures. Staff found that as conditioned the proposed restoration and new addition will comply with applicable Guidelines. This letter serves as the final action letter and approval for the proposed design for 1114 Park Avenue, as redlined subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 1114 Park Avenue.
2. The property is located in the Historic Residential Medium-Density (HR-M) District, and is subject to all requirements of the Park City Land Management Code (LMC) and the 2009 updates to the Park City Design Guidelines for Historic Districts and Historic Sites.
3. The house is listed as "Significant" on the Historic Sites Inventory (HSI). The single-car garage accessory structure is associated with the site and is also considered historic as it contributes to the historic context of the house and site as a whole.
4. The historic house was constructed c. 1901.
5. Sometime after the 1940's, the historic ornate front porch was either removed completely or enclosed (screened-in).

6. According to the 1978 Utah State Historic Society Historic Preservation Site Information Form, in 1960 a one-story addition was added to the rear of the historic house with a sun deck in the rear yard.
7. A single-car garage accessory structure was added sometime after 1929. The current accessory structure does not show up on the 1929 Sanborn Map and accessory structures were not always documented as a part of the 1978 survey. It is not clear exactly when the garage was added, although staff has concluded that it was likely constructed in the 1940's or 1950's based on its materials and simple form.
8. The applicant will remove the existing north, south, and west non-historic walls of the non-historic enclosed porch.
9. The applicant will remove the entire (225.5 total square feet) non-historic east (rear) wall of the house.
10. The applicant will remove a portion (41.25 total square feet) of the historic north wall of the historic single-car garage accessory structure.
11. The applicant will remove a portion (6.75 total square feet) of the historic south wall on the historic house surrounding two (2) existing non-historic windows.
12. The applicant will lift the non-historic and historic portions of the house and the historic single-car garage accessory structure for a new crawlspace and replace the existing non-historic and historic portions of the concrete foundation.
13. The applicant will remove five (5) non-historic doors and one (1) non-historic single-car garage door.
14. The applicant will remove one (1) historic and eleven (11) non-historic windows.
15. The subject property consists of three (3) parcels which include: parcel #1, the northerly half of Lot 3 and all of Lot 4, Block 56, Snyder's Addition; parcels #2 and #3 include the parcels that abut the easterly line of Block 56 extending approximately twenty feet (20') east towards the western flank of Sullivan Road.
16. Parcel #1 (the northerly half of Lot 3 and all of Lot 4) contains a historic house, built in 1901. The existing historic house straddles the lot line between the northerly half of Lot 3 and Lot 4, Block 56, Snyder's Addition.
17. The building footprint of the historic house is approximately 1,318 square feet.
18. The building footprint of the historic single-car garage accessory structure is approximately 375.49 square feet.
19. A historic single-car garage accessory structure is located on Parcel #2. The historic single-car garage accessory structure encroaches into Park City Municipal Sullivan Corporation property.
20. On July 2, 2015, the Planning Department received a Historic District Design Review (HDDR) Application. The application was deemed complete on August 21, 2015.
21. On October 1, 2015, the applicant applied for a Plat Amendment application for 1114 Park Avenue; the application was deemed complete on October 13, 2015.
22. On October 21, 2015 the Historic Preservation Board reviewed and approved the removal of existing material from the historic house and historic single-car garage accessory structure as a part of the HDDR application.
23. The proposed plat amendment creates one (1) lot of record from the existing three (3) parcels equaling 3,615.23 square feet.
24. A single-family dwelling is an allowed use in the Historic Residential Medium-Density (HR-M) District.

25. The minimum lot area for a single-family dwelling is 1,875 square feet; the lot at 1114 Park Avenue will be 3,615.23 square feet. The proposed lot meets the minimum lot area for a single-family dwelling.
26. The combined lot does not meet the requirements for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-M zone.
27. The minimum lot width allowed in the HR-M District is thirty-seven and one-half feet (37.5'). The proposed lot is thirty-seven and one-half feet (37.5') wide.
28. The neighborhood is characterized by a mix of single family historic homes, single family non-historic homes, and multi-family homes.
29. The lot has street frontage on Park Avenue, a public right-of-way.
30. The existing historic house does not meet the required side yard setback on the north. The side yard setback on the north side is 0 ft. 7.2 in. to 1 ft. 2.4 in. (from east to west). The existing historic house meets all requirements for front and rear setbacks and the south side yard setback. The front yard setback is 17 ft. to 16 ft. 7.2 in. (from north to south). The rear yard setback is 22 ft. 9.6 in. to 23 ft. (from north to south).
31. The existing historic single-car garage accessory structure does not meet the required side yard setback on the south or the rear yard setback. The side yard setback on the south side is 0 ft. The rear yard setback is 0 ft. The existing historic single-car garage accessory structure meets all requirements for front and north side yard setback. The front yard setback is 79 ft. to 78 ft. The north side yard setback is 24 ft. 4.8 in. to 24 ft. (from east to west).
32. In accordance with the Land Management Code (LMC) 15-2.2-4, Historic Structures that do not comply with Building Setbacks are valid Complying Structures. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.
33. The property is located in a FEMA Flood Zone A which requires the lowest occupied floor to be equal to or above the base flood elevation. An elevation certificate will be required.
34. The property is located within the Park City Soils Ordinance. A Certificate of Compliance will be required.
35. The proposed addition complies with the setbacks outlined in LMC 15-2.4-4 Lot and Site Requirements: five foot (5') side yard setbacks on the north and south, a fifteen foot (15') front yard (west) setback, and a ten foot (10') rear (east) yard setback.
36. The historic house will be lifted a maximum of two feet (2') from its existing elevation.
37. The proposal, as conditioned, complies with the applicable Universal Guidelines for Historic Sites in Historic Districts.
38. The proposal, as conditioned complies with applicable Specific Design Guidelines for Historic Sites, including A- Site Design; B- Primary Structures; C. Off-Street Parking Areas, Garages, & Driveways; D – Additions to Historic Structures; H. Accessory Structures; J- Exterior Lighting, and L- Sustainability.
39. Besides complying with the Historic District Design Guidelines, the proposed architectural design also meets the requirements of 15-5-5 of the LMC.
40. On August 21, 2015, the first mailing (fourteen day notice) was sent to all property owners within 100 feet based on the list of property owners provided by the applicant.
41. On October 30, 2015 a ten-day notice was sent to all property owners within 100 feet based on the list of property owners provided by the applicant.

42. The final ten-day appeal period of this approval expires on November 9, 2015.
43. The existing historic structure has an existing crawlspace. As existing, the crawl space is legal non-complying. The proposed replacement crawlspace beneath the historic house did not increase the degree of non-compliance.

Conclusion of Law

1. The proposal complies with the 2009 Park City Design Guidelines for Historic Districts and Historic Sites as conditioned.
2. The proposed building meets the applicable Historic District Design Guidelines for Historic Sites as well as applicable Universal Design Guidelines.
3. The proposal complies with the Land Management Code requirements pursuant to the HR-1 District.

Conditions of Approval

1. Receipt and approval of a Construction Mitigation Plan (CMP) by the Building Department is a condition precedent to the issuance of any building permit. The CMP shall consider and mitigate impacts to the existing historic structure, adjacent structures, and existing infrastructure/streets from the construction. All anticipated road closures shall be described and permitted in advance by the Building Department.
2. Final building plans and construction details shall reflect substantial compliance with the drawings stamped in on October 2, 2015, redlined and approved by the Planning Department on October 30, 2015. Any changes, modifications, or deviations from the approved design shall be reviewed and approved by the Planning Director prior to construction. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
3. Where historic exterior materials cannot be repaired, they shall be replaced with materials that match the original in all respects: scale, dimension, texture, profile, material, and finish. The replacement of existing historic material shall be allowed only after the applicant can show that the historic materials are no longer safe and/or serviceable and cannot be repaired to a safe and/or serviceable condition. No substitute materials have been proposed at this time. The applicant shall work with the Planning Department to review the condition of all historic materials prior to disposal.
4. If additional material is to be removed from the historic structure(s), approval by the Historic Preservation Board will be required under the pending ordinance passed August 6, 2015.
5. A structural engineer shall be responsible for creating a cribbing plan prior to the house being lifted from its existing foundation. Within five (5) days of installation, the structural engineer will inspect and approve the cribbing as constructed. If the cribbing is to be relocated or altered at any time during the construction of the foundation, the structural engineer shall create and approve a new cribbing plan. The structural engineer shall re-inspect and re-approve the cribbing within five (5) days of any relocation or alteration to the cribbing.
6. The historic house shall be set on its new foundation within thirty (30) days of lifting.

7. The designer and/or applicant shall be responsible for coordinating the approved architectural drawings/documents with the approved construction drawings/documents. The overall aesthetics of the approved architectural drawings/documents shall take precedence. Any discrepancies found among these documents that would cause a change in appearance to the approved architectural drawings/documents shall be reviewed and approved prior to construction. Any changes, modifications, or deviations from the approved design that have not been approved by the Planning and Building Departments may result in a stop work order.
8. All standard conditions of approval shall apply (see attached).
9. If a building permit has not been obtained by October 30, 2016, this HDDR approval will expire, unless an extension is requested prior to the expiration date and granted by the Planning Department.
10. Any area disturbed during construction surround the proposed work shall be brought back to its original state prior to issuance of a Certificate of Occupancy.
11. Exterior lighting is not approved at this time. Lighting shall be approved with the Building Permit, and cut sheets and locations shall be submitted to the Planning Department for review and approval prior to installation. All exterior lighting shall meet Park City's lighting ordinance and be downward directed and shielded.
12. All exterior wood siding shall either be painted or stained with a solid color, and when possible, a low-VOC (volatile organic compound) paint and finish should be used.
13. A final landscape and irrigation plan must be submitted with the Building Permit application. This landscape plan shall incorporate landscaping so that the off-street parking area and associated vehicles should be visually buffered from adjacent properties and the primary public right-of-way.
14. The Historic Preservation Plan must be approved by the Planning Director and the Chief Building Official, or their designees.
15. The applicant must provide the City with a Financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.
16. The City Engineer shall review and approval all appropriate grading, utility installation, public improvements, drainage plans, and flood plain issues, for compliance with City and Federal standards, is a condition precedent to building permit issuance.
17. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.
18. A plat amendment is required to remove any and all interior lot lines and address all encroachments. This plat must be recorded with the Summit County Recorder's Office prior to the issuance of any building permits.

All approvals are subject to all of the notes as indicated on the drawings.
If you have any questions about this approval, please do not hesitate to contact me. I can be reached at (435) 615-5059, or via e-mail at hannah.turpen@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hannah M. Turpen', with a stylized flourish at the end.

Hannah M. Turpen
Planner

PARK CITY MUNICIPAL CORPORATION
STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found

between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.

11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.

April 2007

Planning Commission Staff Report

Subject: Roadhouse Subdivision
Author: Laura Newberry, Planner
Date: July 11, 2018
Type of Item: Legislative – Subdivision

Project Number:	PL-18-03885
Applicant:	Poly Bros. LLC
Location:	1900 Park Avenue
Zoning:	General Commercial (GC) and Frontage Protection Zone (FPZ)
Adjacent Land Uses:	Commercial
Reason for Review:	Plat Amendments require Planning Commission review and City Council approval.

Proposal

The proposed Roadhouse Subdivision seeks to convert a metes and bounds parcel (SA-224-H) into one legal lot of record. The proposed subdivision creates one lot, approximately 44,866.8 square feet in size. There is an existing restaurant, Squatter’s Roadhouse Grill, at this address.

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the Roadhouse Subdivision located at 1900 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.

Background

On April 17, 2017, the Planning Department received an application for a Conditional Use Permit to allow Salt Lake Brewing Company to make improvements within the Frontage Protection Zone (FPZ) at 1900 Park Avenue. On May 24, 2017, the Park City Planning Commission approved the CUP with the following Condition of Approval (#11):

“The applicant shall not receive a Certificate of Occupancy for the improvement areas...unless a plat amendment application to create a one-lot subdivision from the current metes and bounds parcel has been received by the Planning Department and deemed to be a complete application.”

On May 18, 2018, the Planning Department received an Extension/Modification to Approval application to amend the Conditions of Approval on the existing CUP for 1900 Park Avenue. On May 18, 2018, the application was deemed complete. The applicant

requested that the Condition of Approval #12 be extended for one additional year to allow additional time for the Subdivision to be recorded. According to LMC 15-1-10(G), “the Planning Director may grant and extensions of a Conditional Use Permit for one (1) additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the review criteria in Section 15-1-10€ or other provisions of the Land Management Code in effect at the time of extension request.”

On May 29, 2018, the Planning Department approved the Modification to amend the Condition of Approval #12, extending the recordation deadline to May 29, 2019. Staff also added the following conditions of approval:

- 13. The plat amendment application must be deemed complete no later than June 15, 2018.
- 14. No further extension beyond this approved extension, dated May 29, 2018, will be granted.

On June 12, 2018, the Plat Amendment application to create a one-lot subdivision at 1900 Park Avenue complete.

Purpose

The purpose of the GC District can be found in [Land Management Code \(LMC\) Section 12-2.18-1](#).

The purpose of the FPZ District can be found in [LMC 15-2.20-1](#).

Analysis

The purpose of this subdivision is to convert one existing metes and bounds parcel into one legal lot of record. This subdivision is required as a conditional of approval for the CUP issued for improvements to the existing Restaurant use at this location (see Background section above). The proposed lot will be approximately 44,866.8 square feet.

The existing restaurant at this address was originally constructed in approximately 1977. In 1990, an outdoor deck was constructed for a previous restaurant at this location which is still in use today.

There are no Lot Size requirements within the GC Zone. The proposed Subdivision meets the requirements of the GC zone, including setbacks and building height.

Table 1: GC Zone Requirements

	GC Zone Setbacks	Proposed Setbacks
Front Setback	20 feet	51 feet
Rear Setback	10 feet	23 feet
Side Setback	10 feet	79 feet

The project is located within the FPZ, which requires all structures to be at least thirty feet from the nearest highway Right-of-Way. The FPZ also requires a CUP for all construction between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way. The applicant has an existing CUP for Site improvements and an additional outdoor deck.

Good Cause

Staff finds good cause for this subdivision in that it will convert an existing parcel into a legal lot of record. There are four existing Easements recorded that will also be memorialized through the recordation of this Subdivision. The existing Conditional Use Permit contains a Condition of Approval that the applicant must convert the parcel to a legal lot of record in order to maintain the CUP approval.

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. A

Department Review

This project has gone through an interdepartmental review. The Engineering Department requested several dimensions to be labeled on the Plat to occur during redlines after this application has been approved by City Council. They have also requested a five foot (5') snow storage easement to be added along Park Avenue. While the typical snow storage easement is ten feet (10'), the Engineering Department has determined that a five foot (5') easement would be sufficient and would not encroach into the existing parking spaces. The property is subject to MS4 (Municipal Separate Storm Sewer System) Requirements and is located within the FEMA Flood Zone X (See Exhibit G).

Notice

On June 27, 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 June 23, 2018, according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Roadhouse Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Roadhouse Subdivision and direct staff to make Findings for this decision; or

- The Planning Commission may continue the discussion on the Roadhouse Subdivision.

Significant Impacts

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

Consequences of not taking recommended action

The subject property would remain as one metes and bounds parcel, and the existing commercial building would remain, but the proposed site improvements under the CUP could not occur.

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the Roadhouse Subdivision 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
 - Attachment 1 – Proposed Subdivision
- Exhibit B – Existing Survey
- Exhibit C – Aerial Photograph
- Exhibit D – Existing Plat
- Exhibit E – Applicant’s Project Description
- Exhibit F – Site Photographs
- Exhibit G – FEMA Map

Exhibit A – Draft Ordinance

Ordinance No. 2018-XX

AN ORDINANCE APPROVING THE ROADHOUSE SUBDIVISION LOCATED AT 1900 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1900 Park Avenue has petitioned the City Council for approval of the Subdivision; and

WHEREAS, on June 27, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on June 23, 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 July 11, 2018, to receive input on subdivision; and

WHEREAS, the Planning Commission, on July 11, 2018, forwarded a _____ recommendation to the City Council; and,

WHEREAS, on August 2, 2018, the City Council held a public hearing to receive input on the subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Roadhouse Subdivision located at 1900 Park Avenue.

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

SECTION 1. APPROVAL. The Roadhouse Subdivision, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 1900 Park Avenue.
2. The site consists of one metes and bounds parcel located south of the Snow Creek Crossing Subdivision.
3. There are four existing easements that will be memorialized with recordation of this Subdivision.
4. The property is in the General Commercial (GC) District.
5. The property is in the Frontage Protection Zone (FPZ).
6. The property is within the FEMA Flood Zone X.

7. There is an existing commercial building at this location.
8. On June 27, 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 June 23, 2018, according to requirements of the Land Management Code.
9. The City received a Plat Amendment application for the Roadhouse Subdivision on May 18, 2018. The application was deemed complete on June 12, 2018.
10. The proposed plat will create a one-lot subdivision measuring approximately 44,866.8 square feet in size.
11. The existing building was constructed in approximately 1977.
12. The existing commercial building is currently used as a restaurant, which is an allowed use in the GC district.
13. In the GC District, the minimum front yard setback is twenty feet (20'). The existing building is located at least fifty-one feet (51') behind the front property line.
14. In the GC District, the minimum rear yard setback is ten feet (10'). The existing building is at least twenty three feet (23') from the rear property line.
15. In the GC District, the minimum side yard setback is ten feet (10') on each side. The existing building is at least seventy-nine (79') from the side property line.
16. In the FPZ, all structures shall be at least thirty feet from the nearest highway Right-of-Way. The existing structure is at least fifty-one feet (51') behind the nearest highway Right-of-Way.
17. In the FPZ, a Conditional Use Permit is required for all construction between thirty feet (30') and one hundred feet (100') from the nearest Right-of-Way. The applicant has an existing Conditional Use Permit for site improvements and an additional outdoor deck which will comply with all Setback requirements.
18. The proposed Subdivision will not cause undo harm to adjacent property owners.
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 Subdivision.
2. The Subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed Subdivision.
4. Approval of the Subdivision, 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 subdivision 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 and an extension is granted by the City Council.

3. A five foot (5') wide public snow storage easement along the frontage of Park Avenue is required and shall be provided on the plat.
4. Utility structures such as ground sleeves and transformers and other dry utility boxes must be located on the lot.
5. Non-exclusive public utility easements (PUE) shall be indicated on the plat prior to recordation as approved by the City Engineer and SBWRD, including drainage easements.
6. A financial security to guarantee for the installation of any required public improvements is required prior to plat recordation in a form approved by the City Attorney and in an amount approved by the City Engineer.
7. A ten foot (10') wide public snow storage easement is required along the public street frontage of the Lot and Parcel.
8. Fire sprinklers are required for new construction per the Chief Building Official at the time of review of the building permit. A note stating this shall be on the plat.
9. No certificate of occupancy shall be issued on the proposed improvements until recordation of this plat.
10. The property is subject to MS4 storm water requirements, and a MS4 permit is required for all land disturbance activities.

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

PASSED AND ADOPTED this 2nd day of August, 2018.

PARK CITY MUNICIPAL CORPORATION

MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Attachment 1 – Proposed Plat

Attachment 1 – Proposed Plat

Exhibit B – Existing Survey

Exhibit C – Aerial Photograph

Exhibit D – Existing Plat

SW 1/4 SECTION 9
T 2 S - R 4 E

SALT LAKE BASE & MERIDIAN
SCALE

NW 1/4 SEC 9

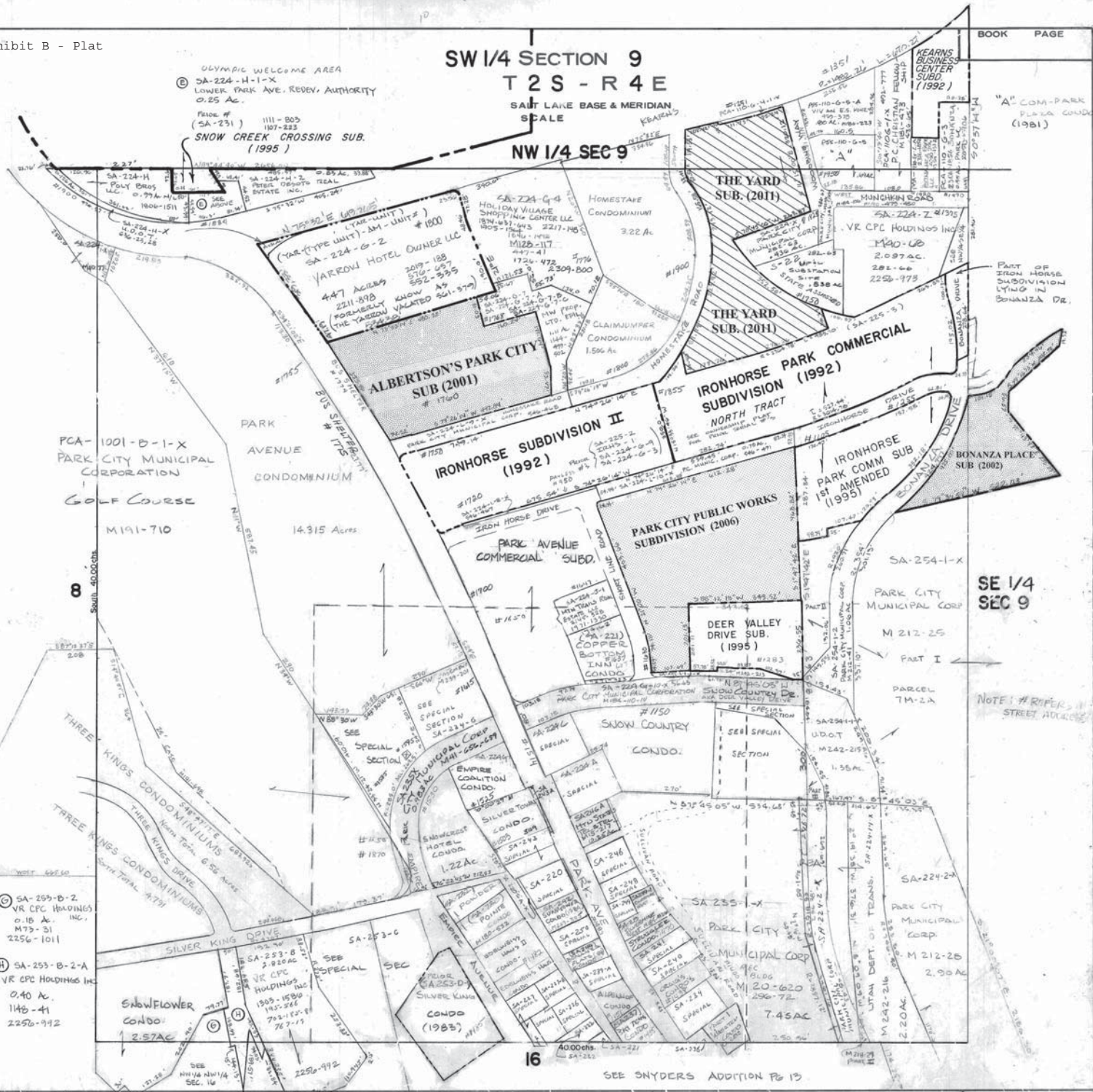
BOOK PAGE

OLYMPIC WELCOME AREA
SA-224-H-1-X
LOWER PARK AVE. REDEV. AUTHORITY
0.25 AC.

PLAT #
(SA-231) 1111-805
1071-223
SNOW CREEK CROSSING SUB.
(1995)

KEARNS BUSINESS CENTER SUBD (1992)

"A" COM-PARK PLAZA CONDO (1981)



PCA-1001-B-1-X
PARK CITY MUNICIPAL CORPORATION
GOLF COURSE

8

SE 1/4 SEC 9

16

SEE SNYDERS ADDITION Pg 13

Approved	REVISIONS	DATE	INITIAL	(In Pencil)
Utah State Tax Comm				
Date				
By				

SUMMIT COUNTY, UTAH

SCALE
ONE INCH = 200 FEET
BOOK PAGE

Engineering Associates Inc.

SW 1/4 SEC 9

Exhibit E – Applicant’s Project Description



Subdivision Plan Application - Project Statement/Scope of Work Exhibit A

April 25, 2018

Park City Planning Department
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060

Project Applicant:
Squatters Roadhouse Grill
1900 Park Avenue
Park City, UT 84098

Project Statement:

In 2006, Squatters Roadhouse Grill took over and renovated the old Mount Air Café, anchoring the northern entry corridor into Park City. Positioned within the Frontage Protection Zone a Conditional Use Permit was required for the renovation and was approved by the Planning Commission.

Then, in 2017 some upgrades were in store for a second outdoor dining patio, secondary entry/exit and a remodel/expansion of an existing restroom. Since the scope of work lies within the frontage protection zone once again a Conditional Use Permit was applied for and Approved by Park City Planning Commission on 5-24-17, Application No. PL-17-03528.

One of the Conditions of Approval for the Proposed Improvements is to create a new one-lot subdivision plat from the current metes and bounds parcel. Salt Lake Brewing Company on behalf of the property Owners, Poly Bros., LLC, is filing this application.

Exhibit F – Site Photographs

Subdivision Plan Application – Parcel Photographic Documentation

April 25, 2018

Park City Planning Department
445 Marsac Avenue
P.O. Box 1480
Park City, UT 84060

Project Applicant:
Squatters Roadhouse Grill
1900 Park Avenue
Park City, UT 84098

Exhibit D Item No. 6;
Photographic Views of Existing Parcel:



Figure 1a – project south elevation



Figure 1b – project south panoramic elevation



Figure 2a – on site project west elevation



Figure 2b – project west elevation



Figure 3 – on site project north elevation



Figure 4 – on site project east elevation

Exhibit G – FEMA Map



<p>MAP PANELS</p> <ul style="list-style-type: none"> <input type="checkbox"/> Digital Data Available <input checked="" type="checkbox"/> No Digital Data Available <input checked="" type="checkbox"/> Unmapped 	<p>SPECIAL FLOOD HAZARD AREAS</p> <ul style="list-style-type: none"> Without Base Flood Elevation Zone A, V, A99 With BFE or Depth Regulatory Floodway Zone A 	<p>OTHER AREAS</p> <ul style="list-style-type: none"> Area of Minimal Flood Hazard Effective LOMRs Area of Undetermined Flood 	<p>OTHER FEATURES</p> <ul style="list-style-type: none"> Cross Sections with 1% Annual Chance Water Surface Elevation Coastal Transect Base Flood Elevation Line (BFE) Limit of Study Jurisdiction Boundary Coastal Transect Baseline Profile Baseline Hydrographic Feature
<p>OTHER AREAS</p> <ul style="list-style-type: none"> Area of Minimal Flood Hazard Effective LOMRs Area of Undetermined Flood Channel, Culvert, or Storm S Levee, Dike, or Floodwall 	<p>OTHER AREAS OF FLOOD HAZARD</p> <ul style="list-style-type: none"> 0.2% Annual Chance Flood of 1% annual chance flood depth less than one foot or areas of less than one square Future Conditions 1% Annual Chance Flood Hazard Zone X Area with Reduced Flood Risk due to Levee. See Notes. Zone X Area with Flood Risk due to Levee Zone X 	<p>OTHER AREAS OF FLOOD HAZARD</p> <ul style="list-style-type: none"> Without Base Flood Elevation Zone A, V, A99 With BFE or Depth Regulatory Floodway Zone A 	<p>OTHER FEATURES</p> <ul style="list-style-type: none"> Cross Sections with 1% Annual Chance Water Surface Elevation Coastal Transect Base Flood Elevation Line (BFE) Limit of Study Jurisdiction Boundary Coastal Transect Baseline Profile Baseline Hydrographic Feature

Planning Commission Staff Report



Subject: Land Management Code Amendments
Author: Anya Grahn, Historic Preservation Planner
Application No. PL-18-03870
Date: July 11, 2018
Type of Item: Legislative – Land Management Code Amendments Notice Matrix and Appeals

Summary Recommendations

Staff recommends that the Planning Commission review the proposed Land Management Code (LMC) Amendments to Chapter 15-1-18 Appeals and Reconsideration Process as well as update Chapter 15-1-21 Notice Matrix to reflect the 30 day appeal period for Historic District Design Reviews (HDDR). This LMC amendment is consistent with the LMC Amendments adopted as [Ordinance 2017-42](#) in August 2017 that reflected changes in state law that went into effect on May 9, 2017.

Description

Proposal: LMC amendments to update Notice Matrix to reflect 30-day required appeal period for Historic District Design Reviews (HDDR).

Applicant: Planning Department

Location: Historic Zoning Districts [Historic Residential Low-Density (HRL); Historic Residential 1 (HR-1); Historic Residential 2 (HR-2); Historic Residential-Medium Density (HRM); Historic Recreation Commercial (HRC); Historic Commercial Business (HCB)]; sites designated as Historic but outside the H-Districts

Reason for Review: LMC Amendments require Planning Commission review, public hearing, and recommendation plus City Council review, public hearing, and final action

Background

Due to changes in the state law that went into effect on May 9, 2017, staff amended the LMC to address Section 15-1-18 Appeals and Reconsideration Process. The 2017 state law changes stated that appellants had the ability to choose for appeals on Historic Preservation related applications to be reviewed by either the Board of Adjustment (current appeal body) or City Council. Thus, appeals of staff decisions on Historic District Design Review (HDDR) applications for compliance with the Design Guidelines for Historic Districts and Historic Sites and appeals of Historic Preservation Board decisions now go either to the BOA or City Council. In addition, Utah Code 10-9a-704 was amended to allow for a 30-day appeal period for all Historic District application decisions. Lastly, Utah Code 10-9a-707 added language regarding interpretation of land use regulations by the appeal authority.

The Planning Commission forwarded a positive recommendation to City Council for these LMC amendments on June 28, 2017, and City Council approved the LMC amendments on August 3, 2017 through [Ordinance 2017-42](#). At that time, the LMC was amended to include a 30 day appeal period for Historic Preservation related decisions; however, the appeal period was not updated in LMC 15-1-21 Notice Matrix to reflect this 30-day appeal period; staff is now proposing to amend the Notice Matrix. Staff also noticed that additional updates were needed to LMC 15-1-18(B) and (E) to reflect the opportunity for appeals to be heard by either City Council or the Board of Adjustment (BOA).

Analysis

Staff is proposing to modify LMC 15-1-18 Appeals and Reconsideration Process for appeals being heard by either City Council or the BOA, staff is proposing the following LMC amendments:

15-1-18 Appeals And Reconsideration Process

(B) HISTORIC PRESERVATION BOARD (HPB). The City or any Person with standing adversely affected by any decision of the Historic Preservation Board may be appealed to the Board of Adjustment or City Council at the request of the appellant. If the appellant chooses to have the City Council hear the appeal, the appellant must specify this in writing at the time the appellant submits the appeal.

...

(E) TIMING. All appeals must be made within ten (10) calendar days of the Final Action except for an appeal from a decision by the historic preservation authority, which is Staff, regarding the Design Guidelines for Historic Districts and Historic Sites or a decision by the Historic Preservation Board regarding a land use application, in which case the applicant may appeal the decision within thirty (30) days after the day on which the historic preservation authority issues a written decision. If the appellant chooses to have the City Council hear the appeal, the appellant must specify this in writing at the time the appellant submits the appeal. The reviewing body, with the consultation of the appellant, shall set a date for the appeal. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

Staff is proposing to modify the Notice Matrix table outlined in LMC 15-1-21 in order to reflect the 30-day appeal period for HDDR applications and HPB determinations.

NOTICE MATRIX (See Section 15-1-12 for specific notice requirements)			
Historic District or Historic Site Design Review	First Posting: The Property shall be posted for a 14 day period once a Complete Application has been received. The date of the public hearing shall be	First Courtesy Mailing: To Property Owners within 100 feet once a Complete Application has been received, establishing a 14 day period in which written	If appealed, then once 14 days before the date set for the appeal.

	<p>indicated in the first posting. Other posted legal notice not required.</p> <p>Second Posting: For a 40 <u>30</u> day period once the Planning Department has determined the proposed plans comply or does not comply with the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.</p>	<p>public comment on the Application may be taken. The date of the public hearing shall be indicated.</p> <p>Second Courtesy Mailing: To Property Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period. The second mailing occurs once the Planning Department determines whether the proposed plans comply or do not comply with the Design Guidelines for Historic Districts and Historic Sites and no later than 45 days after the end of the initial public comment period. This establishes a 40 <u>30</u> day period after which the Planning Department's decision may be appealed.</p>	
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Process

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

Notice

On June 27, 2018, legal notice of a public hearing was posted in the required public spaces, on the Utah Public Notice website, and published in the Park Record. The Planning Commission continued the item on the June 13, 2018 meeting.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of LMC amendments. The public hearing for these amendments was properly and legally noticed as required by the LMC. No public input has been received as of the date of this report.

Significant Impacts

The proposed LMC amendments are consistent with the LMC amendments adopted in August 2017 to reflect changes to state law that went into effect in May 2017 and approval of these amendments aligns the state code changes as well as the Notice Matrix with the text.

Recommendation

Staff recommends that the Planning Commission review the proposed Land Management Code (LMC) Amendments to Chapter 15-1-21 Notice Matrix to reflect the 30 day appeal period for Historic District Design Reviews (HDDR) as well as update Chapter 15-1-18 Appeals and Reconsideration Process. This LMC amendment is consistent with the LMC Amendments adopted as [Ordinance 2017-42](#) in August 2017 that reflected changes in state law that went into effect on May 9, 2017.

Exhibits

Exhibit A – Proposed Ordinance

Exhibit A – Proposed Ordinance

Draft Ordinance 2018-XX

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, TITLE 15, CHAPTER 1 SECTIONS 18 (APPEALS) AND 21 NOTICE MATRIX

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 Utah state legislature made changes in 2017 that impacted the treatment of historic resources, including the required public noticing for such actions; and

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

WHEREAS, June 27, 2018, legal notice was published in the Park Record as required by the Land Management Code; and

WHEREAS, the Planning Commission conducted a public hearing at the regularly scheduled meeting on July 11, 2018, and forwarded a recommendation to the City Council; and

WHEREAS, the City Council conducted a public hearing at its regularly scheduled meeting on August 2, 2018; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 1 (General Provision and Procedures), Section 15-1-18. The recitals above are incorporated herein as findings of fact. Section 15-1-18 of the Land Management Code of Park City is hereby amended as redlined (see Attachment A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 1 (General Provision and Procedures), Section 15-1-21. The recitals above are incorporated herein as findings of fact. Section 15-1-21 of the Land Management Code of Park City is hereby amended as redlined (see Attachment B).

PASSED AND ADOPTED this 2nd day of August, 2018

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, Mayor

Attest:

Michelle Kellogg, City Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachment A

15-1-18 Appeals And Reconsideration Process

- A. **STAFF.** Any decision by either the Planning Director or Planning Staff regarding Application of this LMC to a Property may be appealed to the Planning Commission. Appeals of decisions regarding the Design Guidelines for Historic Districts and Historic Sites shall be reviewed by the Board of Adjustment or City Council at the request of the appellant. If the appellant chooses to have the City Council hear the appeal, the appellant must do so in writing at the time the appellant submits the appeal.
- B. **HISTORIC PRESERVATION BOARD (HPB).** The City or any Person with standing adversely affected by any decision of the Historic Preservation Board may be appealed to the Board of Adjustment or City Council at the request of the appellant. If the appellant chooses to have City Council hear the appeal, the appellant must specify this in writing at the time the appellant submits the appeal.
- C. **PLANNING COMMISSION.** The City or any Person with standing adversely affected by a Final Action by the Planning Commission on appeals of Staff action may petition the District Court in Summit County for a review of the decision. Final Action by the Planning Commission on Conditional Use permits and Master Planned Developments (MPDs) involving City Development may be appealed to the Board of Adjustment at the City Council's request. All other Final Action by the Planning Commission concerning Conditional Use permits (excluding those Conditional Use permits decided by Staff and appealed to the Planning Commission; final action on such an appeal shall be appealed to the District Court) and MPDs may be appealed to the City Council. When the City Council determines it necessary to ensure fair due process for all affected parties or to otherwise preserve the appearance of fairness in any appeal, the City Council may appoint an appeal panel as appeal authority to hear any appeal or call up that the Council would otherwise have jurisdiction to hear. The appeal panel will have the same scope of authority and standard of review as the City Council. Only those decisions in which the Planning Commission has applied a land Use ordinance to a particular Application, Person, or Parcel may be appealed to an appeal authority.
1. **APPEAL PANEL MEMBERSHIP AND QUALIFICATIONS.** The appeal panel shall have three (3) members. The decision to appoint and the appointment of an appeal panel shall be made by the City Council at a duly noticed public meeting after publicly noticed request for qualifications. Qualifications shall include a weighted priority for the following: Park City or Area residency, five years or more of prior experience in an adjudicative position, and/or a legal or planning degree. Each member of the appeal panel shall have the ability to:

- a. Conduct quasi-judicial administrative hearings in an orderly, impartial and highly professional manner.
 - b. Follow complex oral and written arguments and identify key issues of local concern.
 - c. Master non-legal concepts required to analyze specific situations, render findings and determinations.
 - d. Absent any conflict of interest, render findings and determinations on cases heard, based on neutral consideration of the issues, sound legal reasoning, and good judgment.
2. **PROCESS.** Any hearing before an appeal panel shall be publicly noticed, include a public hearing, and meet all requirements of the Utah Open and Public Meetings Act. The appeal panel shall have the same authority and follow the same procedures as designated for the “City Council” in this section 15-1-18 (G-I). The City Council may decide to appoint an appeal panel for a particular matter at any time an application is pending but the appointment of the individual members of the panel shall not occur until an actual appeal or call up is pending.

D. **STANDING TO APPEAL.** The following has standing to appeal a Final Action:

1. Any Person who submitted written comment or testified on a proposal before the Planning Department, Historic Preservation Board or Planning Commission;
2. The Owner of any Property within three hundred feet (300') of the boundary of the subject site;
3. Any City official, Board or Commission having jurisdiction over the matter; and
4. The Owner of the subject Property.

E. **TIMING.** All appeals must be made within ten (10) calendar days of the Final Action except for an appeal from a decision by the historic preservation authority which is Staff regarding the Design Guidelines for Historic Districts and Historic Sites or a decision by the Historic Preservation Board regarding a land use application, in which case the applicant may appeal the decision within thirty (30) days after the day on which the historic preservation authority issues a written decision. If the appellant chooses to have City Council hear the appeal, the appellant must specify this in writing at the time the appellant submits the appeal. The reviewing body, with the consultation of the appellant, shall set a date for the appeal. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

- F. **FORM OF APPEALS.** Appeals to the Planning Commission, Board of Adjustment, or Historic Preservation Board must be filed with the Planning Department. Appeals to the City Council must be filed with the City Recorder. Appeals must be by letter or petition, and must contain the name, address, and telephone number of the petitioner; his or her relationship to the project or subject Property; and must have a comprehensive statement of all the reasons for the appeal, including specific provisions of the law, if known, that are alleged to be violated by the action taken. The Appellant shall pay the applicable fee established by resolution when filing the appeal. The Appellant shall present to the appeal authority every theory of relief that it can raise in district court. The Appellant shall provide required envelopes within fourteen (14) days of filing the appeal.
- G. **BURDEN OF PROOF AND STANDARD OF REVIEW.** The appeal authority shall act in a quasi-judicial manner even if the appeal authority is the City Council. The appellant has the burden of proving that the land use authority erred. The appeal authority shall review factual matters de novo, without deference to the land use authority's determination of factual matters. The appeal authority shall determine the correctness of the land use authority's interpretation and application of the plain meaning of the land use regulations, and interpret and apply a land use regulation to favor a land use application unless the land use regulation plainly restricts the land use application. All appeals must be made in writing. Review of petitions of appeal shall include a public hearing and shall be limited to consideration of only those matters raised by the petition(s), unless the appeal authority grants either party approval to enlarge the scope of the appeal to accept information on other matters. New evidence may be received so long as it relates to the scope of the appeal. City Council, when acting as an appeal body for appeals of Historic Preservation decisions, may exercise only administrative authority.
- H. **NON-ADVERSARIAL PROCESS.** For all appeals before City Council, and any Board or Commission, the following shall apply:
1. The procedural hearings and reviews established by the City's regulatory procedures does not adopt or utilize in any way the adversary criminal or civil justice system used in the courts.
 2. The role of City staff, including legal staff, is to provide technical and legal advice and professional judgment to each decision making body, including City Council, as they are not advocates of any party or position in a dispute, notwithstanding the fact that their technical and legal advice and professional judgment may lead them to make recommendations concerning the matter.
 3. In the absence of clear evidence in the record that a staff member has lost his or her impartiality as a technical adviser, the City's need for consistent,

coherent and experienced advisers outweighs any claims of bias by the applicant.

- I. **WRITTEN FINDINGS REQUIRED.** The appeal authority shall direct staff to prepare detailed written Findings of Fact, Conclusions of Law and the Order.

- J. **CITY COUNCIL ACTION ON APPEALS.**
 1. The City Council, with the consultation of the appellant, shall set a date for the appeal.
 2. The City Recorder shall notify the Property Owner and/or the Applicant of the appeal date. The City Recorder shall obtain the findings, conclusions and all other pertinent information from the Planning Department and shall transmit them to the Council.
 3. The City Council may affirm, reverse, or affirm in part and reverse in part any properly appealed decision of the Planning Commission. The City Council may remand the matter to the appropriate body with directions for specific Areas of review or clarification. City Council review of petitions of appeal shall include a public hearing and be limited to consideration of only those matters raised by the petition(s), unless the Council by motion, enlarges the scope of the appeal to accept information on other matters.
 4. Staff must prepare written findings within fifteen (15) working days of the City Council vote on the matter.

- K. **CITY COUNCIL CALL-UP.** Within fifteen (15) calendar days of Final Action on any project, the City Council, on its own motion, may call up any Final Action taken by the Planning Commission or Planning Director for review by the Council. Call-ups involving City Development may be heard by the Board of Adjustment at the City Council's request. The call-up shall require the majority vote of the Council. Notice of the call-up shall be given to the Chairman of the Commission and/or Planning Director by the Recorder, together with the date set by the Council for consideration of the merits of the matter. The Recorder shall also provide notice as required by Sections 15-1 -12 and 15-1-18 (K) herein. In calling a matter up, the Council may limit the scope of the call-up hearing to certain issues. The City Council, with the consultation of the Applicant, shall set a date for the call-up. The City Recorder shall notify the Applicant of the call-up date. The City Recorder shall obtain the findings, and all other pertinent information and transmit them to the Council.

- L. **NOTICE.** There shall be no additional notice for appeals of Staff determination other than listing the matter on the agenda, unless notice of the Staff review was provided, in which case the same notice must be given for the appeal. Notice of appeals of Final Action by the Planning Commission and Historic Preservation Board; notice of all appeals to City Council, reconsiderations, or call-ups shall be given by:

1. Publishing the matter once at least fourteen (14) days prior to the first hearing in a newspaper having general circulation in Park City;
2. Mailing courtesy notice at least fourteen (14) days prior to the first hearing to all parties who received mailed courtesy notice for the original action.
3. Posting the Property at least fourteen (14) days prior to the first hearing; and
4. Publishing notice on the Utah Public Notice Website at least fourteen (14) days prior to the first hearing.

M. **STAY OF APPROVAL PENDING REVIEW OF APPEAL**. Upon the filing of an appeal, any approval granted under this Chapter will be suspended until the appeal body, pursuant to this Section 15-1-18 has acted on the appeal.

N. **APPEAL FROM THE CITY COUNCIL**. The Applicant or any Person aggrieved by City action on the project may appeal the Final Action by the City Council to a court of competent jurisdiction. The decision of the Council stands, and those affected by the decision may act in reliance on it unless and until the court enters an interlocutory or final order modifying the decision.

O. **RECONSIDERATION**. The City Council, and any Board or Commission, may reconsider at any time any legislative decision upon an affirmative vote of a majority of that body. The City Council, and any Board or Commission, may reconsider any quasi-judicial decision upon an affirmative vote of a majority of that body at any time prior to Final Action. Any action taken by the deciding body shall not be reconsidered or rescinded at a special meeting unless the number of members of the deciding body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

P. No participating member of the appeal panel may entertain an appeal in which he or she acted as the land Use authority.

Attachment B
15-1-21 Notice Matrix

NOTICE MATRIX (See Section 15-1-12 for specific notice requirements)			
ACTION:	POSTED (ON THE CITY WEBSITE OR IN AT LEAST THREE (3) PUBLIC PLACES WITHIN THE CITY:	MAILING:	PUBLISHED (IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN CITY AND ON THE UTAH PUBLIC NOTICE WEBSITE):
Zoning and Rezoning	14 days prior to the first hearing before Planning Commission and City Council. Any subsequent hearings shall be posted at least 24 hours prior to hearing.	Required mailing 14 days prior to the first hearing to each Affected Entity and to each Property Owner whose property is at least partially within the area to be zoned or rezoned.	14 days prior to the first hearing before the Planning Commission and City Council.
LMC Amendments	14 days prior to the first hearing before the Planning Commission and City Council. Any subsequent hearings shall be posted at least 24 hours prior to hearing.	Required mailing 14 days prior to the first hearing to each Affected Entity.	14 days prior to the first hearing before the Planning Commission and City Council.
General Plan Amendments	14 days prior to the first hearing before the Planning Commission and City Council. Any subsequent hearings shall be posted at least 24 hours prior to hearing.	Required mailing 14 days prior to the first hearing to each Affected Entity.	14 days prior to the first hearing. Any subsequent hearings shall be so published at least 24 hours prior to hearing.
Master Planned Developments (MPD)	14 days prior to the first hearing.	Courtesy mailing 14 days prior to the first hearing, to Property Owners within 300 ft.	14 days prior to the first hearing.

Appeals of Planning Director, Historic Preservation Board, or Planning Commission decisions or City Council Call-Up and Reconsideration	14 days prior to the date set for the appeal, reconsideration, or call-up hearing (See Section 15-1-18).	Courtesy mailing 14 days prior to the appeal, reconsideration, or call-up hearing, to all parties who received mailed notice for the action being appealed (See Section 15-1-18).	14 days prior to the date set for the appeal, reconsideration, or call-up hearing (See Section 15-1-18).
Conditional Use Permit	14 days prior to the first hearing before the Planning Commission.	Courtesy mailing 14 days prior to the first hearing before the Planning Commission, to Property Owners within 300 ft.	14 days prior to the first hearing before the Planning Commission.
Administrative Conditional Use Permit	10 days prior to Final Action.	Courtesy mailing 10 days prior to Final Action, to adjacent Property Owners.	No published notice required.
Administrative Permit	10 days prior to Final Action.	Courtesy mailing 10 days prior to Final Action, to adjacent affected Property Owners.	No published notice required.
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment	14 days prior to the first hearing before the Board of Adjustment.	Courtesy mailing 14 days prior to the first hearing before the Board of Adjustment, to owners within 300 ft.	14 days prior to the first hearing before the Board of Adjustment.
Certificate of Appropriateness for Demolition (CAD)	45 days on the Property upon refusal of the City to issue a CAD; 14 days prior to the first hearing before the CAD Hearing Board.	Courtesy mailing 14 days prior to the first hearing before the Historic Preservation Board, to Property Owners within 300 ft.	14 days prior to the first hearing before the Historic Preservation Board.
Determination of Significance	14 days prior to the first hearing before the Historic Preservation	Courtesy mailing 14 days prior to the first hearing before the	14 days prior to the first hearing before the Historic Preservation

	Board.	Historic Preservation Board to property owners within 100 feet.	Board.
Historic Preservation Board Review for Material Deconstruction	14 days prior to the first hearing before the Historic Preservation Board.	Courtesy mailing 14 days prior to the first hearing before the Historic Preservation Board to property owners within 100 feet.	14 days prior to the first hearing before the Historic Preservation Board.
Historic District or Historic Site Design Review	<p>First Posting: The Property shall be posted for a 14 day period once a Complete Application has been received. The date of the public hearing shall be indicated in the first posting. Other posted legal notice not required.</p> <p>Second Posting: For a 40 <u>30</u> day period once the Planning Department has determined the proposed plans comply or does not comply with the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.</p>	<p>First Courtesy Mailing: To Property Owners within 100 feet once a Complete Application has been received, establishing a 14 day period in which written public comment on the Application may be taken. The date of the public hearing shall be indicated.</p> <p>Second Courtesy Mailing: To Property Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period. The second mailing occurs once the Planning Department determines whether the proposed plans comply or do not comply with the Design Guidelines for Historic Districts and Historic Sites and no later than 45 days after the end of the initial public comment period. This establishes a 40 <u>30</u> day period after which</p>	If appealed, then once 14 days before the date set for the appeal.

		the Planning Department's decision may be appealed.	
Annexations	Varies, depending on number of Owners and current State law. Consult with the Legal Department.		
Termination of Project Applications	-----	Required mailing to Owner/Applicant and certified Agent by certified mail 14 days prior to the Planning Director's termination and closure of files.	-----
Lot Line Adjustments: Between 2 Lots without a plat amendment	10 days prior to Final Action on the Property. Other posted legal notice not required.	Courtesy mailing to Property Owners within 300 ft. at time of initial Application for Lot line adjustment. Need consent letters, as described on the Planning Department Application form, from all adjacent Owners.	No published notice required.
Preliminary and Final Subdivision Plat Applications	14 days prior to the first hearing.	Courtesy mailing 14 days prior to the first hearing to Property Owners within 300 ft.	14 days prior to the first hearing before the Planning Commission and City Council.
Condominium Plats	14 days prior to the first hearing.	Courtesy mailing 14 days prior to the first hearing to Property Owners within 300 ft.	14 days prior to the first hearing before the Planning Commission and City Council.
Condominium Plat Amendments	14 days prior to the first hearing.	Courtesy mailing 14 days prior to the first hearing, to Property Owners within 300 ft.	14 days prior to the first hearing before the Planning Commission and City Council.
Subdivision Plat Amendments	14 days prior to the first hearing.	Courtesy mailing 14 days prior to the first hearing, to Property Owners within 300 ft.	14 days prior to the first hearing before the Planning Commission and City Council.

Implementing an Amendment to Adopted Specifications for Public Improvements that Apply to a Subdivision or Development		The City shall give a thirty (30) day mailed notice and an opportunity to comment to anyone who has requested the notice in writing.	
Vacating or Changing a Public Street, Right-of-Way, or Easement	14 days prior to each hearing before the City Council on or near the Street, Right-of-Way, or easement in a manner that is calculated to alert the public.	Required mailing to each Property Owner of record of each Parcel or Lot that is accessed by the Public Street, Right-of-Way or easement at least 14 days prior to the hearing before the City Council.	14 days prior to the hearing before the City Council.
Extension of Approvals	Posted notice shall be the same as required for the original application.	Mailed notice shall be the same as required for the original application.	Published notice shall be the same as required for the original application.
<p>1) For all Applications, notice will be given to the Applicant of date, time, and place of the public hearing and public meeting to consider the Application and of any Final Action on a pending Application.</p> <p>2) All notices, unless otherwise specified in this Code or by State law, must state the general nature of the proposed action; describe the land affected; and state the time, place and date of the hearing. Once opened, the hearing may be continued, if necessary, without re-publication of notice until the hearing is closed.</p> <p>3) A copy of each Staff report regarding the Applicant, or the pending Application, shall be provided to the Applicant at least three (3) business days before the public hearing or public meeting.</p> <p>4) If notice provided per this Section is not challenged within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper.</p> <p>5) All days listed are the minimum number of days required.</p> <p>Appendix A – Official Zoning Map (Refer to the Planning Department)</p>			