

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY HALL, COUNCIL CHAMBERS
AUGUST 10, 2011**



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM

WORK SESSION – *Items are discussion items only, public input may be taken, no action will take place*

Soil Ordinance – Informational Update

5

ROLL CALL

ADOPTION OF MINUTES OF JULY 27, 2011

17

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

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

263 Park Avenue – Conditional Use Permit for a private driveway in a public right-of-way PL-11-01291

47

Public hearing and possible action

235 McHenry Avenue – Modification of a Steep Slope Conditional Use Permit PL-11-01273

103

Public hearing and possible action

201 Upper Norfolk Avenue – Extension of a Steep Slope Conditional Use Permit PL-11-01240

123

Public hearing and possible action

16 Sampson Avenue – Steep Slope Conditional Use Permit PL-08-00572

149

Public hearing and possible action

Land Management Code – Amendments to Chapter 1 (General Provisions), Chapter 11 (Historic Preservation), and Chapter 15 (Definitions) – to amend the review process of reconstructions and panelizations to include the Historic Preservation Board PL-11-01203

197

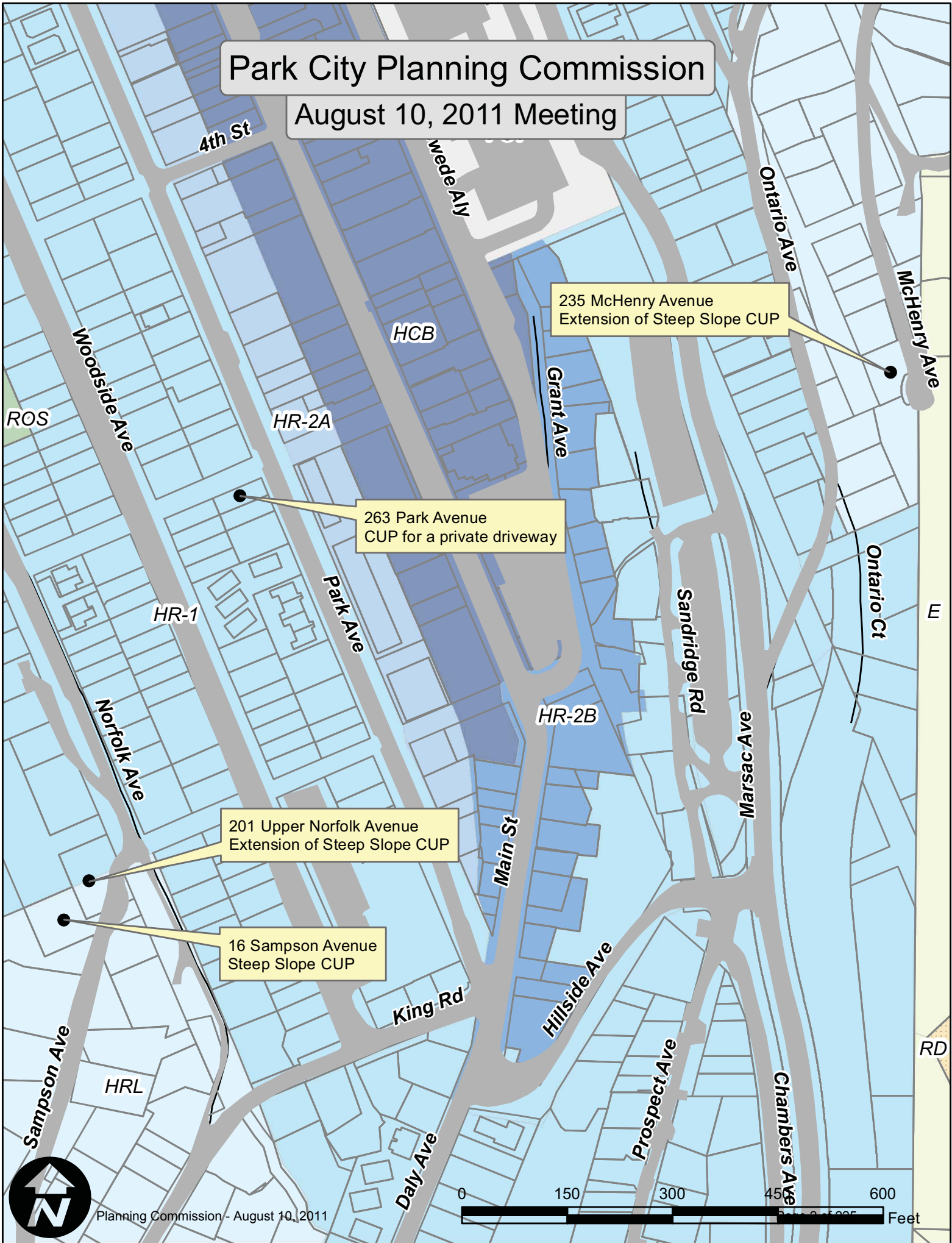
Public hearing and possible recommendation to City Council

ADJOURN

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.

Park City Planning Commission

August 10, 2011 Meeting



WORK SESSION

Planning Commission Staff Report



Subject: The “Soil Ordinance”
Author: Joan Card, Sustainability
Environmental Regulatory Affairs
Manager
Date: August 10, 2011
Type of Item: Work Session – Informational

The Park City Landscaping and Maintenance of Soil Cover (aka the Soil Ordinance) has been in effect since 1988. The current form of the Soil Ordinance was passed in 2003. The Soil Ordinance is in place to limit human exposure to historic mill tailings, which contain high levels of lead and arsenic. In essence the Soil Ordinance requires:

- 6-inch “approved topsoil” cover on properties within the Soil Ordinance boundary—approved topsoil contains less than 200 mg/kg lead.
- 6-inch bark or gravel cover on top of weed barrier fabric is a compliance option to allow xeriscaping
- Laboratory analysis must be conducted to ensure compliance with the 200 mg/kg standard and then the City issues a Certificate of Compliance
- Excavated soil from within the boundary containing greater than 200 mg/kg must be disposed of at a state or federally-approved facility
- No soil can be removed from the boundary for use as fill.

The Soil Ordinance is enforced by the Building Department in close coordination with the new Environmental Regulatory Affairs Team in the Sustainability Department.

Please see the enclosed copy of the Soil Ordinance, Soil Ordinance “Fact Sheet” for additional information.

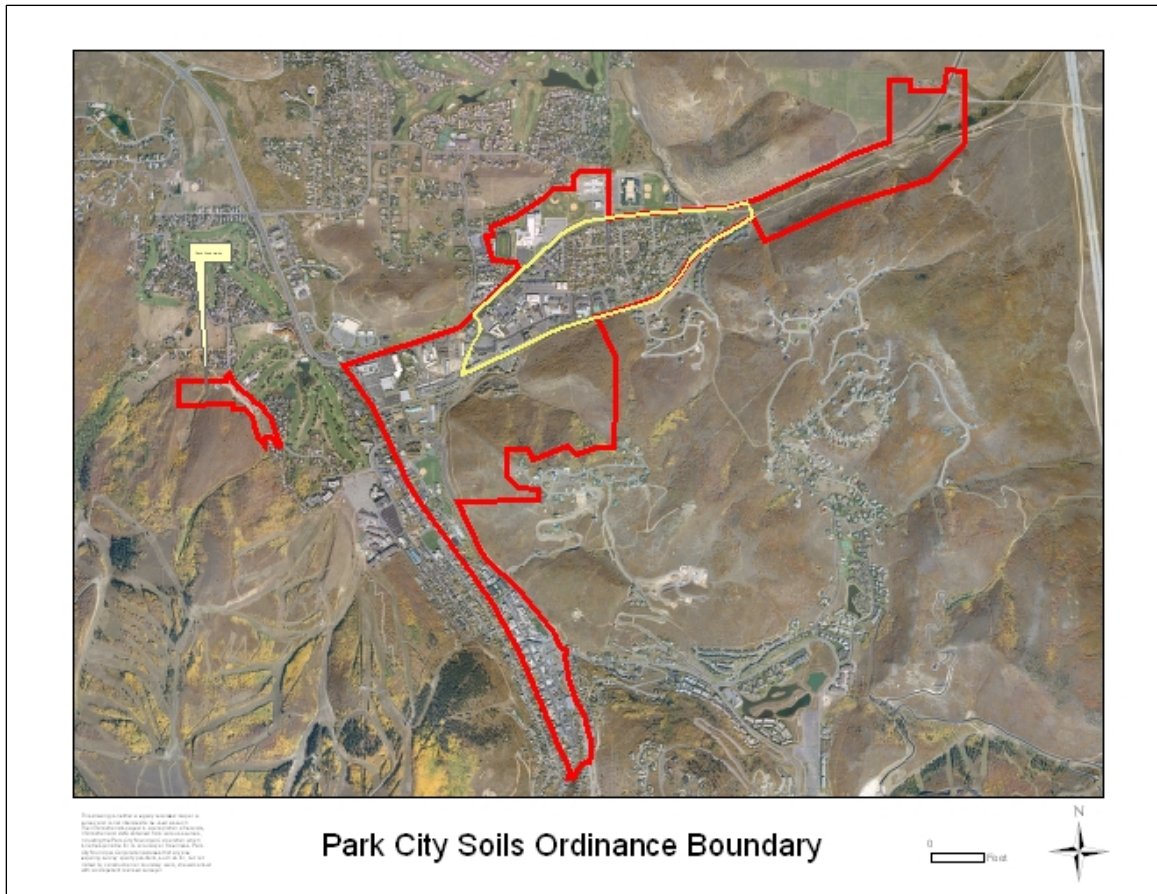
A Powerpoint presentation containing an overview of the ordinance, its purpose and history will be presented at the Planning Commission meeting on August 10, 2011.

CHAPTER 15 - PARK CITY LANDSCAPING AND MAINTENANCE OF SOIL COVER

11-15- 1. AREA.

This Chapter shall be in full force and effect only in that area of Park City, Utah, which is depicted in the map below and accompanied legal description, hereinafter referred to as the Soils Ordinance Boundary.

(Amended by Ord. No. 03-50)



MAP OF AREA SUBJECT TO LANDSCAPING AND TOPSOIL REQUIREMENTS (ORIGINAL MAP AMENDED BY THIS ORDINANCE ON FILE IN THE CITY RECORDER'S OFFICE) and as described as follows:

Beginning at the West 1/4 Corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base & Meridian; running thence east along the center section line to the center of Section 10, T2S, R4E; thence north along the center section line to a point on the easterly Park City limit line, said point being South 00°04'16" West 564.84 feet from the north 1/4 corner of Section 10, T2S, R4E; thence along the easterly Park City limit line for the

following thirteen (13) courses: North 60°11'00" East 508.36'; thence North 62°56' East 1500.00'; thence North 41°00' West 30.60 feet; thence North 75°55' East 1431.27'; thence North 78°12'40" East 44.69 feet; thence North 53°45'47" East 917.79 feet; thence South 89°18'31" East 47.22 feet; thence North 00°01'06" East 1324.11 feet; thence North 89°49'09" West 195.80 feet; thence South 22°00'47" West 432.52'; thence South 89°40'28" West 829.07 feet; thence North 00°09'00" West 199.12 feet; thence West 154.34 feet to a point on the west line of Section 2, T2S, R4E; thence south on the section line to the southerly right-of-way line of State Route 248; thence westerly along said southerly right-of-way line to the easterly right-of-way line of State Route 224, also known as Park Avenue; thence southerly along the easterly line of Park Avenue to the west line of Main Street; thence southerly along the westerly line of Main Street to the northerly line of Hillside Avenue; thence easterly along the northerly line of Hillside Avenue to the westerly line of Marsac Avenue, also known as State Route 224; thence northerly along the westerly line of Marsac Avenue to the westerly line of Deer Valley Drive; thence northerly along the westerly line of Deer Valley Drive, also known as State Route 224, to the southerly line of Section 9, T2S, R4E; thence easterly to the west line of Section 10, T2S, R4E; thence northerly to the point of beginning.

Together with the following additional parcels:

Spiro Annexation Area Legal Description:

A parcel of land located in Summit County, Utah, situated in the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point that is South 396.80 feet and West 1705.14 feet from the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being a 5/8" rebar on the westerly right-of-way line of Three Kings Drive, as described on the Arsenic Hall Annexation Plat, recorded no. 345954 in the office of the Summit County Recorder, said point also being on a curve to the left having a radius of 625.00 feet of which the radius point bears North 71°08'49" East; and running thence southeasterly along said right-of-way line the following three (3) courses: (1) southeasterly along the arc of said curve 352.91 feet through a central angle of 32°21'09"; thence (2) South 51°12'20" east 141.13 feet to a point on a curve to the right having a radius of 290.00 feet, of which the radius point bears South 38°47'40" West; thence (3) along the arc of said curve 70.86 feet through a central angle of 14°00'00"; thence along the southwesterly right-of-way line of Three Kings Drive and along the arc of a 680.00 foot radius curve to the left, of which the chord bears South 47°16'17" East 235.91 feet; thence along the westerly boundary of the Dedication Plat of Three Kings Drive and Crescent Road, recorded no.116010 in the office of the Summit County Recorder, the following eight (8) courses: (1) South 57°12'20" east 39.07 feet to a point on a curve to the right having a radius of 495.00 feet, of which the radius point bears South 32°47'40" West; thence (2) along the arc of said curve 324.24 feet through a central angle of 37°31'50"; thence(3) South 19°40'30" East 385.45 feet to a point on a curve to the left having a radius of 439.15 feet, of which the radius point bears North

70°19'30" East; thence (4) along the arc of said curve 112.97 feet through a central angle of 14°44'21" to a point of reverse curve to the right having a radius of 15.00 feet, of which the radius point bears South 55°35'09" West; thence (5) southerly along the arc of said curve 22.24 feet through a central angle of 84° 57'02" to a point of compound curve to the right having a radius of 54.94 feet, of which the radius point bears North 39°27'49" West; thence (6) westerly along the arc of said curve 115.99 feet through a central angle of 120°57'49"; thence (7) North 08°30'00" West 31.49 feet to a point on a curve to the left having a radius of 105.00 feet, of which the radius point bears South 81°30'00" West; thence (8) along the arc of said curve 378.43 feet through a central angle of 206°30'00" to a point on the easterly line of Park Properties, Inc. parcel, Entry no. 129128, Book M73, page 31, in the office of the Summit County Recorder; thence along the easterly boundary of said parcel the following five (5) courses: (1) North 42°30'00" West 220.00 feet; thence (2) North 11°00'00" West 235.00 feet; thence (3) North 21°32'29" West 149.57 feet (deed North 21°30'00" West 150.00 feet) to a 5/8" rebar; thence (4) North 42 30'49" West 195.18 feet (deed North 42°30'00" West 195.29 feet) to a 5/8" rebar; thence (5) North 89°57'46" West 225.95 feet (deed West 224.19 feet) to a 5/8" rebar; thence along a boundary of Park Properties, Inc. parcel, Entry no. 324886, Book 565, Page 717, in the office of the Summit County Recorder the following three (3) courses: (1) North 02°45'19" East 99.92 feet (deed North 100.20 feet) to a 5/8" rebar; thence (2) North 89°51'20" West 496.04 feet to a 5/8" rebar; thence (3) North 89°35'52" West 481.94 feet (deed North 89 45'00" West 992.17 feet for courses (2) and (3) to a point on the west line of the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Basin and Meridian; thence along said quarter section line North 00°15'24" West 407.62 feet to a point on the Bernolfo Family Limited Partnership parcel, Entry no. 470116, Book 1017, Page 262, in the office of the Summit County Recorder, thence North 89°59'54" East 482.91 feet (deed East 493.92 feet) to a point on the Vince D. Donile parcel, Entry no. 423999, Book 865, Page 287, in the office of the Summit County Recorder, said point being a 5/8" rebar and cap; thence along said parcel the following five (5) courses: (1) South 89°59'49" East 358.30 feet (deed East 358.35 feet) to a point on a non tangent curve to the right having a radius of 110.00 feet, of which the radius point bears South 88°41'47" East (deed South 88°44'18" East); thence (2) northerly along the arc of said curve 24.32 feet (deed 24.14 feet) through a central angle of 12°39'58" to a 5/8" rebar cap; thence (3) North 13°46'17" East 49.98 feet (deed North 13°50'00" East 50.00 feet) to a 5/8" rebar and cap on a curve to the right having a radius of 60.00 feet (chord bears North 27 16'47" East 28.00 feet); thence (4) northeasterly along the arc of said curve 28.26 feet (deed 28.27 feet) through a central angle of 26°59'09" to a 5/8" rebar and cap; thence (5) North 40°46'38" East 83.23 feet (deed North 40°50'00" East 83.24 feet) to the point of beginning.

The basis for bearing for the above description is South 00°16'20" West 2627.35 feet between the Northeast corner of Section 8, and the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base & Meridian. TAX SERIAL NOS. PP-25-A AND PCA-1002-C-1

To be combined with a parcel of land located in Summit County, Utah, situated in the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point that is West 1727.82 feet and South 310.72 feet from the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the westerly right-of-way of Three Kings Drive and running thence West 417.99 feet; thence South 246.59 feet; thence East 358.35 feet to a point on a curve to the right, the radius point of which bears South 88°44'18" east 110.00 feet; thence northeasterly along the arc of said curve 24.14 feet to the point of tangency; thence North 13°50'00" East 50.00 feet to the point of a 60.00 foot radius curve to the right; thence northeasterly along the arc of said curve 28.27 feet to the point of tangency; thence North 40°50'00" East 83.24 feet to a point on the westerly right-of-way of Three Kings Drive, said point being on a curve to the right, the radius point of which bears North 71°07'38" East 625 feet; thence northwesterly along the arc of said curve and along the right-of-way 89.33 feet to the point of beginning. TAX SERIAL NOS. PCA-1002-F

Also including the Park City High School and Elementary School properties identified as Tax Serial Numbers (PCA-2-2300-X, PCA-2-2300-A-1-X, PCA-2-2101-6-A-X, PCA-2-2101-6-X).

EXCEPTING THEREFROM all lots and parcels platted as Chatham Crossing Subdivision, Hearthstone Subdivision, Aerie Subdivision and Aerie Subdivision Phase 2, according to the official plats thereof recorded in the office of the Summit County Recorder.

(Amended by Ord. No. 03-50)

11-15- 2. MINIMUM COVERAGE WITH TOPSOIL OR OTHER ACCEPTABLE MEDIA.

- (A) All real property within the Soils Ordinance Boundary must be covered and maintained with a minimum cover of six inches (6") of approved topsoil and acceptable cover described in Section 11-15-3 over soils exceeding the lead levels specified in Section 11-15-7, except where such real property is covered by asphalt, concrete, permanent structures or paving materials.
- (B) As used in this Chapter, "approved topsoil" is soil that does not exceed 200 mg/Kg (total) lead representatively sampled and analyzed under method SW-846 6010.
- (C) Parking of vehicles or recreational equipment shall be contained on impervious surfaces and not areas that have been capped with acceptable media.

(Amended by Ord. No. 03-50)

11-15- 3. ACCEPTABLE COVER.

- (A) All areas within the Soils Ordinance Boundary where real property is covered with six inches (6") or more of "approved topsoil" defined in Section 11-15-2 (B) must be vegetated with grass or other suitable vegetation to prevent erosion of the 6" topsoil layer as determined by the Building Department.
- (B) Owners that practice xeriscape are allowed to employ a weed barrier fabric if the property is covered with six inches (6") of rock or bark and maintained to prevent soil break through.
- (C) As used in this Chapter, "soil break through" is defined as soil migrating through the fabric and cover in a manner that exposes the public and shall be deemed in violation of this Chapter.
- (D) As used in this Chapter, "xeriscape" is defined as a landscaping practice that uses plants that grow successfully in arid climates and a landscaping design intended to conserve City water resources.

(Amended by Ord. No. 03-50)

11-15- 4. ADDITIONAL LANDSCAPING REQUIREMENTS.

In addition to the minimum coverage of topsoil requirements set forth in Section 11-15-2 and the vegetation requirements set forth in Section 11-15-3, the following additional requirements shall apply:

- (A) **FLOWER OR VEGETABLE PLANTING BED AT GRADE.** All flower or vegetable planting beds at grade shall be clearly defined with edging material to prevent edge drift and shall have a minimum depth of twenty-four inches (24") of approved topsoil so that tailings are not mixed with the soil through normal tilling procedures. Such topsoil shall extend twelve inches (12") beyond the edge of the flower or vegetable planting bed.
- (B) **FLOWER OR VEGETABLE PLANTING BED ABOVE GRADE.** All flower or vegetable planting beds above grade shall extend a minimum of sixteen inches (16") above the grade of the six inches (6") of approved topsoil cover and shall contain only approved topsoil.
- (C) **SHRUBS AND TREES.** All shrubs planted after the passage of this Chapter shall be surrounded by approved topsoil for an area, which is three times bigger than the rootball and extends six inches (6") below the lowest root of the shrub at planting. All trees planted after the passage of this Chapter shall have a minimum of eighteen inches (18") of approved topsoil around the rootball with a minimum of twelve inches (12") of approved topsoil below the lowest root of the tree.

(Amended by Ord. No. 03-50)

11-15- 5. DISPOSAL OR REMOVAL OF AREA SOIL.

- (A) Following any work causing the disturbance of soils within the Soils Ordinance Boundary, such as digging, landscaping, and tilling soils, all disturbed soils must be collected and reintroduced onsite by either onsite soil capping specified in Section 11-15-2 or off-site disposal as required by this Chapter and/or State and/or Federal law.
- (B) All soil generated from the Soils Ordinance Boundary that cannot be reintroduced within the Soils Ordinance Boundary and are destined for off-site disposal must be sampled and characterized with representative sampling and tested at a State Certified Laboratory.
- (C) Soils exhibiting a hazardous characteristic exceeding the following Toxic Characteristic Leaching Procedure (TCLP) standards, must be managed as a hazardous waste and disposed of within a Utah Department of Environmental Quality permitted facility:

Arsenic – 5.0 mg/L (TCLP) Method 6010 B

Lead – 5.0 mg/L (TCLP) Method 6010 B

- (D) Soils not failing the TCLP standards may be disposed within a non-hazardous landfill facility providing a “Disposal Acceptance Letter” to the Building Department is issued by the disposal facility.
- (E) No soils generated within the Soils Ordinance Boundary are allowed to be exported for use as fill outside the Soils Ordinance Boundary.
- (F) Reuse of generated soils within the Soils Ordinance Boundary is acceptable provided the receiving property is covered with six inches (6”) of clean topsoil or covered with an acceptable media, i.e. vegetation, bark, rock, as required by this Chapter.
- (G) Soils that are relocated within the Soils Ordinance Boundary must be pre-approved by the Building Department before being relocated and reused.

(Amended by Ord. No. 03-50)

11-15- 6. DUST CONTROL.

Contractor or owner is responsible for controlling dust during the time between beginning of construction activity and the establishment of plant growth sufficient to control the emissions of dust from any site. Due care shall be taken by the contractor or owner, to protect workmen while working within the site from any exposure to dust emissions during construction activity by providing suitable breathing apparatus or other appropriate control.

11-15- 7. CERTIFICATE OF COMPLIANCE.

- (A) Upon application by the owner of record or agent to the Park City Building Department and payment of the fee established by the department, the Park City Building Department shall inspect the applicant's property for compliance with this Chapter. When the property inspected complies with this Chapter, a Certificate of Compliance shall be issued to the owner by the Park City Building Department.
- (B) Verifying soil cap depth and representative samples results that are equal to or below the following standards will result in full compliance and eligibility for the certificate:

Occupied Property – Lead 200 mg/Kg (Total) Method SW-846 6010

Vacant Property – Lead 1000 mg/Kg (Total) Method SW-846 6010

(Amended by Ord. No. 03-50)

11-15- 8. TRANSIT CENTER DISTURBANCE

All construction activity, utility modification, and landscaping that results in the breach of the installed protective cap or the generation of soils must be conducted in accordance to the implemented Site Management Plan, which is retained within the Building Department.

(Amended by Ord. No. 02-32; 03-50)

11-15- 9. PROPERTY WITH KNOWN NON-COMPLIANT LEVELS OF LEAD

- (A) Property exceeding the lead levels defined in Section 11-15-7 that have been representatively sampled and have not been capped per Section 11-15-2 are required to comply with this Chapter by December 31, 2004.
- (B) Non-compliant lots exceeding the criteria within Section 11-15-7 will be sent two (2) warning notices in an effort to correct the non-compliance issue.

(Amended by Ord. No. 03-50)

11-15- 10. WELLS.

All wells for culinary irrigation or stock watering use are prohibited in the Area (Soils Ordinance Boundary).

11-15- 11. NON-SAMPLED AND UNCHARACTERIZED LOTS.

- (A) Lots that have not been characterized through representative sampling and are

within the original Soils Ordinance Boundary are required to be sampled by the year 2006.

- (B) After the property has been sampled, lots exceeding the lead levels within Section 11-15-7 are required to comply with this Chapter within a 12-month period.

11-15- 12. FAILURE TO COMPLY WITH CHAPTER.

Any person failing to landscape, maintain landscaping, control dust or dispose of tailings as required by this Chapter and/or comply with the provisions of this Chapter, shall be guilty of a Class B misdemeanor. Any person failing to comply with the provisions of this Chapter may be found to have caused a public nuisance as determined by the City Council of Park City, and appropriate legal action may be taken against that person.

(Amended by Ord. No. 03-50)

FACT SHEET

Park City Landscaping and Maintenance of Soil Cover

“THE SOIL ORDINANCE”

Certain areas in Park City are impacted by the presence of historic mine tailings in the soil, which may have high levels of metals, especially arsenic and lead. To help protect the health of our residents from certain risks associated with exposure to mine waste soils, Park City enacted “The Soil Ordinance.” Park City Municipal Code 11-15-1. The Soil Ordinance applies only in a specified area of Park City—the Soil Ordinance Boundary.



Park City Soils Ordinance Boundary

See also <http://mapserv.utah.gov/ParkCityGIS/>. Failure to comply with the Soil Ordinance is a Class B misdemeanor.

The Soil Ordinance requires property owners within the Soil Ordinance Boundary to:

Obtain a Certificate of Compliance

- Obtain a Certificate of Compliance from the City. This involves the City sampling the property to determine if soils are above an action level, typically 200 mg/Kg total lead. If soils above this level are found they must be capped by “Approved topsoil” or by weed barrier fabric and 6 inches of bark or rock. “Approved topsoil” contains less than 200 mg/Kg total lead. Once capped, the City will resample the property for compliance with the Soils Ordinance and if compliant issue a Certificate of Compliance.

Maintain the Cap

- Maintain the approved topsoil or maintain the weed barrier fabric and 6 inches of bark or rock.
- If the cap is disturbed please contact the City for testing to verify the cap remains.
- Park vehicles only on paved surfaces.

Exercise Care When Gardening and Landscaping

- In planting beds at grade, use 24 inches of “approved topsoil” and extend the 24 inches of topsoil at least 12 inches beyond the edge of the planting bed.
- In planting beds above grade, extend the bed 16 inches above the grade of the 6 inch “approved topsoil” cover.
- When planting shrubs, use approved topsoil in an area three times bigger than the root ball and at least 6 inches below the lowest root of the shrub at planting.
- When planting trees, use approved topsoil in an area 18 inches around the root ball and at least 12 inches below the lowest root of the tree at planting.
- Control dust during construction and before vegetative or other form of cover is in place.

Reintroduce Disturbed Soils at the Property or Dispose of Appropriately

- Ensure any tilled, dug or otherwise disturbed soils are reintroduced on the property and capped with 6 inches of approved topsoil.
- If excavated or disturbed soils cannot be reintroduced on their property, property owners must sample the soil and send it to a State certified laboratory for a Toxicity Characteristic Leaching Procedure (TCLP) test. Soils that fail the TCLP test must be managed as a hazardous waste and disposed at a Utah Department of Environmental Quality permitted facility. Soils that do not fail the TCLP test may be disposed at a municipal landfill, so long as the owner obtains a “Disposal Acceptance Letter” from the landfill.

MINUTES – JULY 27, 2011

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
JULY 27, 2011**

PRESENT: Charlie Wintzer, Brooke Hontz, Julia Pettit, Mick Savage, Adam Strachan, Jack Thomas, Nann Worel, Thomas Eddington, Katie Cattan, Kirsten Whetstone, Mark Harrington, Polly Samuels McLean

WORK SESSION ITEMS

Treasure Hill – Information Update

Director Eddington reported that the Planning Commission would have the opportunity this evening to review the same displays that were presented to the public during an open house for Treasure Hill at the Eccles lobby. The boards displayed around the room represented the negotiation process and pertinent points of discussion.

City Attorney Mark Harrington remarked that this presentation to the Planning Commission was a fine line, since the Condition Use Application for Treasure Hill was still pending. The Planning Commission was subject to the rules of any conditional use permit, which limits their involvement to official review at public meetings. Therefore, the prohibition of ex parte contact was in effect. Mr. Harrington noted that City officials and others have negotiated into a very active role under the letter of intent, which has been a year long process to look at all options from a zero buyout to design alternatives. When these situations occur, a way to keep the Planning Commission updated is to provide them with the same information that is presented to the public.

City Attorney Harrington clarified that the update this evening was not an opportunity for the Planning Commission to review the project in the context of a pending application. He understood that it was difficult for the Planning Commission because they were in a time-out mode in terms of official review; but at the same time, it is important to keep them updated on the progress. Since there were more specifics regarding the alternatives, the Sweeney Group was willing to entertain high-level concept feedback. Mr. Harrington advised the Planning Commission that it would be appropriate to provide limited feedback on legislative aspects such as density transfers, etc. They should avoid making comparisons with the current application or expressing what they would like to see in the current application.

Director Eddington noted that a number of options were being proposed, including a 50% buy down and a 100% buy down, which were outlined on the display boards. Additional displays included the Treasure Entitlement, PCMR History & Economic Alternatives, Commitments, Current PCMR Involvement, Potential Cost of Public Bonds, Mitigating Impacts through Redesign and New Receiving Zone, Community Visioning, Finding Balance Between Economic, Community and Environment and the Next Steps.

Work Session Notes
 July 27, 2011
 Page 2



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architecture
aerial view
treasure concept (e)
December 8, 2010



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architecture
lowell street view
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December 8, 2010



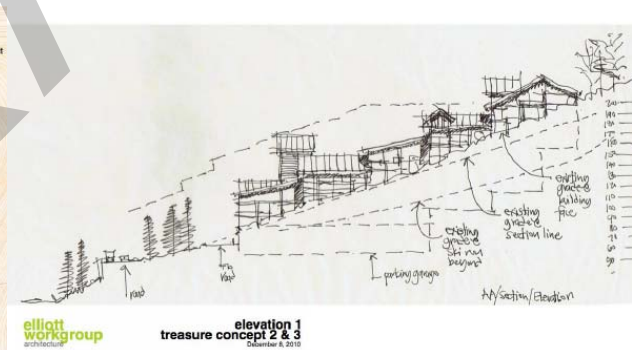
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December 8, 2010



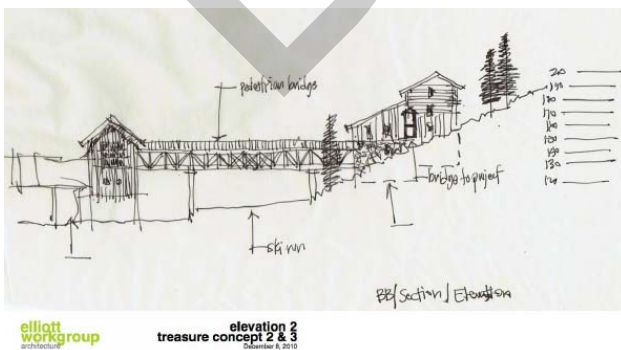
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December 8, 2010



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December 8, 2010



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December 8, 2010



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December 8, 2010

Work Session Notes
July 27, 2011
Page 3



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December 8, 2010



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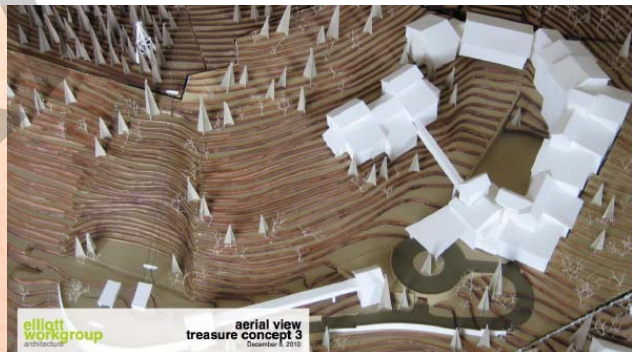
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December 8, 2010



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December 8, 2010



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December 8, 2010



The Planning Commission left the dais to view the displays.

Craig Elliott, an architect and participant of the negotiating team, stated that he was asked to work with the City and the Sweeney Group to come up with a solution that would remove 50% of the net residential density and reduce the impacts on Old Town. Mr. Elliott stated that conceptually they looked at what was there within the volumes described in the MPD. He had prepared a small model that worked through the solution based on the massing and volumes that were described in the 1986 study. Using the model, Mr. Elliott was able to show the 100% solution of the project based on the MPD document, and what the Sweeney's presented for the project based on the same MPD.

He then showed what it would look like if 50% of the density was removed. Based on discussions during the negotiation meetings, cuts were clearly an issue. Using the model, Mr. Elliott indicated the areas where density was removed or re-arranged in an effort to reduce the impacts. They pulled density, reduced massing and minimized the cuts.

Mr. Elliott remarked that the reduction was an improvement, but there were still related issues that could be improved. Mr. Elliott had taken photographs from different viewpoints to see the impacts. He indicated a development piece on the model which had relatively large structures. While they were smaller than other structures on the property, it was still large in mass and scale. Its proximity to Old Town and the view sheds seen from different locations was very prominent, even with the reduced version.

Mr. Elliott stated that they went through three different versions to see how that might be changed. They decided to remove all the density located in a specific area and pulled everything back and up the mountain. For that version they went outside the boundary of the building location. By pushing development up and into the mountain, they realized they could begin to change some of the aspects. Pulling up the mountain completely changed the perspective from all the view sheds and the angles.

Commissioner Thomas asked Mr. Elliott to show what grade was modified and what was existing natural grade. Mr. Elliott indicated areas where cuts would occur based on the geometry required. He stated that there would be no grade change unless improvements would occur for ski runs. Mr. Elliott expected to maintain the knoll as it currently exists. He remarked that the goal was to preserve as much of the prow on the Mountain as possible because it encroaches into Old Town as the most visually prominent.

Mr. Elliott explained what was done to improve the entry element to the project from a design perspective, as well as an access point. Mr. Elliott stated that they tried to follow the grade as much as possible for the perimeters, going from a 1-1/2 to 3/12 stories on the perimeters, and allow the center to be excavated and create some openings, since that is the natural shape of the Gulch. He noted that it would create a plaza area, as well as fire access. He indicated the access to underground parking.

From a relationship issue, Mr. Elliott stated that they started developing veins with bridges as a way to move people. He envisioned that to be a timber frame structure with glass elements and a walkway, either moving or stationary.

Mr. Elliott had taken photographs from different parts to show the progression, and he offered to provide a link so the Planning Commission could view those photographs.

Commissioner Strachan asked about the number of stories on the northwest and northeast portion. Mr. Elliott replied that for the perimeters, they were looking at going from 1-1/2 to 3-1/2 stories, depending on the grade. On the inside core it could be ten stories.

Commissioner Thomas asked if the cuts were similar to the previous application on the inside core. Mr. Elliott replied that the previous application had a larger cut down low. The new cut was a little higher, but they tried to maintain some of the existing grade.

Michael Barille with Plan Works Design, stated that his firm does long range planning for Park City Mountain Resort. Due to that involvement he was asked to look at potential implications to the Resort if bed base density is transferred away from PCMR. He was also asked to look for potential receiving areas on land that the resort controls that could possibly handle some of that density and help mitigate traffic and visual impacts that may have been generated by a full-scale Treasure project at the original site.

Mr. Barille reviewed to an exhibit to show a potential area of land above the Marriott Mountainside and into the Main Bowl ski area. It would be over the ridge from Old Town and buildings could be visually tucked on the backside of the ridge. It would feel more like part of the resort and less like it was looming over the edge of Old Town. It would be more integral to parking, circulation, and street design that is meant to handle the kind of traffic the Resort generates. In addition, the density could be accessed at that point rather than using Lowell Avenue.

Mr. Barille remarked that another important concept with a receiving area at the Resort versus other areas of town was that the land values match up more closely to the land values where the original Treasure density is located. It is easier for a developer to consider moving density into that location without there being a huge density bump or payment per unit on the transfer.

From a land planning concept, Mr. Barille stated that they tried to keep the impacts minimal by bringing the road up as close to the Resort as possible. Therefore, he proposed that the road could come off the corner of Lowell Avenue that is closest to the Resort, then wind up the hill and over the Ridge into the site. It would require crossing Kings Crown ski run. Mr. Barille felt strongly that there should be people movers or other non-rubber tire ways to move people from the resort to the

project site, from Lowell to the project site, and within parking areas down to the Treasure Hill site and into Old Town. Moving people would provide an economic and fiscal connection with Old Town.

Chair Wintzer asked if it was possible to make the entire entrance to the Resort all the way down to Three Kings Drive through the parking lot structure, rather than use the upper part on Lowell. Mr. Barille replied that he had not been that aggressive for this purpose, but it was an interesting thought.

Commissioner Strachan wanted to know why they were not looking at the PCMR parking lots underneath the people mover that goes to the City Park as a potential receiving zone. Mr. Barille stated that currently there is an existing MPD on those parking lots. The Resort current evaluation believes it was planned right for the amount of density and adding to that density might create issues.

Commissioner Strachan referred to the same people mover and asked Mr. Barille what he sees there. Mr. Barille believed it was less associated with the proposed concept. He explained long range plans being considered for the future. In looking at the future of the upper parking at the Resort, it makes sense to consider a connection from the Resort through that corridor and down to Park Avenue. It would provide the ability to connect with existing transit routes and move people from the Resort into Town without the use of personal vehicles.

City Attorney Harrington noted that the parking lots were actually being considered as a potential sending zone, in addition to the status quo. There may be an opportunity to remove that density as part of this plan.

Mr. Barille remarked that Bamberger is a third property owner who owns a parcel that has partial zoning on a portion of the property. The access point they propose to use comes through that parcel, which would necessitate reaching out to them to conceptually participate in the idea. The thought is that some portion of development from that parcel might remain on the property, however some might be sent for the purpose of trying to mitigate visual and traffic impacts.

Commissioner Hontz asked if three or four of the parking lots proposed as sending zones were all covered with the MPD. Mr. Barille answered yes. Chair Wintzer clarified that each parking lot under the MPD have their own development entitlements. Commissioner Savage felt that when appropriate, it would be helpful for the Planning Commission to see an overview of the MPD.

Commissioner Pettit asked if the property where the Resort was proposing to receive density was owned by PCMR. Mr. Barille answered yes.

Commissioner Pettit noted that the uses that were removed with the alternative proposal did not include the hotel use. She pointed out that if the proposed use is a hotel, they still did not have a good idea of what that would mean in terms of uses associated with the hotel. In looking at the impacts in the reduced density proposal, her issues would be type of use and intensity of use, the back of house, the parking, and the type of traffic attracted to the site. Commissioner Pettit asked whether it was appropriate to consider another traffic study once the use is more clearly defined to

determine if there would be a change in the traffic flow. Commissioner Pettit commented on the reduced parking concept and the need to find ways to force people to minimize car use either at the current location or the proposed location. She thought it was important to encourage people to leave their cars and enjoy the pedestrian or public transportation experience.

General Plan – Information Update

Planner Katie Cattan noted that the Staff had been diligently working on housing and they were ready to move into land use.

Planner Cattan provided an updated on the trends occurring in Park City, and noted that the Staff has been working with Phyllis Robinson and Rhoda Stauffer in the Sustainability Department. Planner Cattan stated that the information presented this evening was a high-level overview of trends. She intended to come back later with implementations and strategies for the General Plan.

Planner Cattan noted that the first trend was an increased gap in affordability evidenced by the median prices of homes sold. She stated that on a national level, household income is measured through HUD, and they look at the median household income for the entire County. Planner Cattan tried to get numbers specific to Park City, however, the State had mixed in County numbers with the City numbers. Rhoda has been working with people at the State to try to obtain only the City numbers. Planner Cattan hoped to have accurate City numbers when the General Plan was ready to be published.

Planner Cattan stated that Park City does their affordability assessments off of the Summit County median household income. Therefore, it is an accurate number to utilize when talking about the affordability gap. Planner Cattan presented a graph to show that the median home price had escalated tremendously from 2003 up to 2007 and 2008. The market has been readjusting and she was waiting for the number for 2010. Planner Cattan pointed out that as the market readjusted, it had not readjusted at the rate that household incomes had risen, which causes the gap to continue.

Planner Cattan stated that households with lower incomes are typically at 50% of AMI. Park City is different because it is a resort community. The moderate earners are 80% of AMI, which creates an issue in terms of attainable housing within the Park City community. From 2005 to 2010, only 16.8% of condo units were affordable to moderate income families. For that same period, only 9.3% of the units were affordable to low income households. Planner Cattan noted that there were zero opportunities for single-family homes in both categories. This was an apparent issue in Park City and the divide was growing.

Planner Cattan presented an inventory of Park City's affordable housing, which showed the distribution of deed restricted affordable housing. She would like future discussions from the Planning Commission on the location and distribution of affordable housing, particularly in terms of how essential it is to have affordable housing close to commercial areas and public transportation. In outlining policies for future direction and MPDs that are required to provide affordable housing, the Staff will be looking to the Planning Commission for direction on the future of affordable housing

and where it is appropriate. Planner Cattan pointed out that the inventory showed some affordable housing in Deer Valley and Park City Heights, but the majority is currently located around Bonanza Drive and Prospector.

Planner Cattan reviewed a map from 2008 showing where Park City employees lived. She was still waiting for current numbers from the Census. In 2008 there were 13,800 jobs in Park City. Of those jobs, 2000 or 15% lived in the City boundaries; 50% lived between the City boundaries, Summit County and Wasatch; and 50% of the work force comes from Provo, Salt Lake City and Ogden. Planner Cattan stated that during the housing study, people were asked to give the most often reason as to why employees leave. She noted that 41% said it was the length of their commute; 39% said wage; 28% cited more favorable work schedules and conditions. Planner Cattan remarked that the numbers on the Census were fascinating in terms of how the commute has increased over time for employees in Park City.

Commissioner Pettit asked if they would also look at the number of people who live in Park City and commute to work outside of the City. Planner Cattan replied that the information was readily available. Commissioner Pettit it would be helpful information in terms of finding opportunities for people to live and work in Park City.

Planner Cattan reported on the primary resident and secondary resident population. She noted that the trend shows a stable number of primary residents. In the 2000 Census primary residents were 7,300. In the 2010 Census, the number was 7, 558. Even though the numbers were similar, she believed a number of people sold their homes and new residents moved in. Planner Cattan stated that the trend also showed a large increase in secondary residents. Looking at the total housing units in town, in 1990 there were 5,500, in 2000 the number increased to 6,600, and in 2010, 9,471 units were secondary residents.

Commissioner Savage asked if secondary homeowners were identified on the graph. Director Eddington replied that they were identified on the bottom of the graph as vacant housing units. He noted that the Census defines residents that are not permanent as vacant units. Commissioner Savage stated that he was trying to understand the relationship between total housing units, which would include units that have been built but not yet sold or occupied. Planner Cattan noted that a variable was included. The Budget Department was in the process of determining the actual numbers based on taxes.

Commissioner Savage believed the issue was important based on the socio-economic impact of second homeowners within the City limits in the future. He felt that demographic represented a significant part of the Cityscape. He encouraged the Planning Commission to think of how they could do a better job of embracing the second home community as it relates to their work on the General Plan and other attributes related to the community. Currently, he did not believe there was a strong pro-active outreach.

Planner Cattan presented a color coded map showing all the primary and secondary homes, as well as the areas where secondary homes were more prominent and the changes that have occurred in Old Town . She asked the Planning Commission to begin thinking about new implementation strategies that could be utilized. The Staff would prepare a list for the Planning Commission to

evaluate. Director Eddington stated that the Staff was working with the IT Department to expand the GIS visual images. He felt it was important to have the ability to apply some of the numbers to the City and to the neighborhoods.

Based on the explanation that second homes were identified in the Census as vacant, Commissioner Savage felt that "vacant" was an inaccurate word. Planner Cattan stated that it would also be inaccurate to label the "vacant" homes as secondary homes because there are also vacant homes on the market that are not secondary. Commissioner Worel asked if it was possible to separate the secondary homes from vacant homes for sale. Director Eddington reiterated that the Budget Department was researching the tax rolls to find more accurate information. However, he did not anticipate a significant change in the numbers.

Commissioner Pettit pointed out that if a secondary homeowner rents their home and the renter signs a year lease, it would be considered a primary residence because someone lives in the home full-time. Planner Cattan stressed the importance of the secondary homeowner and what they contribute to the day to day experience in Park City.

Planner Cattan reviewed a graph showing the shift in inventory type, based on a recent study that was done by the University of Utah for the Sustainability Department. She noted that there has not been an increase in apartment complexes in the past ten years, which produces much of the affordable housing. The study identified that as a need based on the wait list for affordable housing. However, the Sustainability Department was re-looking at that study because there have been apartment vacancies and the wait list is not that long. For that reason, they did not believe there was a dire need to move forward.

Planner Cattan stated that the next trend showed a steady increase in home size. In 1990 the average gross square footage for a single unit was 5,070. She pointed out that the increases were slightly skewed because 113 permits were issued in 1990. In 2000 the average house size was 5,697 square feet, but only 82 permits were issued. In 2010 the average home size increased to 6800 square feet, but only 19 permits were issued. Commissioner Thomas thought it would be interesting to see those numbers mapped, as well.

Commissioner Pettit thought another interesting metric would be the average house size for primary occupied housing versus the average square footage of vacant housing.

Planner Cattan reviewed the trend showing the aging population. She noted that since 1990 the percentage of people 65 and over living in Park City has increased. It is becoming more difficult for younger families to live in Park City because of the affordability factor. Older retirees who have already raised families are choosing to live in Park City.

Planner Cattan reviewed a list of housing goals that were compiled from City Council goals, goals from public outreach, and goals from previous housing plans. The Staff filtered those down to main themes and defined goals and had prepared a list of five goals. The first was to provide a variety of housing options to meet the socio-economic needs of people who live and work in Park City. The second was to preserve Park City Character through providing a diversity of housing types. The third was to balance primary and secondary home ownership. The fourth was to promote housing that is energy efficient, environmentally sensitive and that blends with the City's natural

environment. The fifth was to collaborate efforts with private, non-profit, and public to develop regional housing solutions.

Commissioner Savage was interested in hearing the Staffs analysis on how to balance primary and secondary home ownership. Planner Cattan stated that the Staff would be bringing that analysis to the Planning Commission for discussion and input on implementation strategies.

Planner Cattan noted that Rhoda and Phyllis were currently working on a plan that should go the City Council within the next 90 days for updating the affordable housing ordinance. The Planning Department was working closely with Rhoda and Phyllis on discussions for housing in the General Plan.

Commissioner Worel asked if the existing infrastructure was a factor in determining the percentage of primary versus secondary homeowners. Planner Cattan replied that infrastructure would be a big factor, particularly related to the fourth goal. She believed the infrastructure discussion would be one of smart growth. The infrastructure would be inventoried for any new development. Commissioner Worel wanted to know if half of the vacant homes became primary, whether the current infrastructure could support it. Director Eddington stated that it would depend on where the homes were located. He recognized that it would be a challenge when thinking where future affordable, attainable, and life-cycle housing might be located.

In working on the General Plan, Commissioner Savage thought the Staff and the Planning Commission should clearly enunciate the rationale for why they want to achieve a certain percentage of primary residents and the demographics of those primary residents. Understanding the reason for it makes having the conversation for how to do it more attractive. Planner Cattan noted that some of the reasons came from the 2009 Visioning process. One of the factors was to maintain small town and community character through day to day interaction with neighbors. If the number of primary residents continues to dwindle, it would affect the small town experience.

Chair Wintzer believed another important factor was how the City bases the taxes. Second homeowners generate more property taxes, but they pay much less sales tax. He pointed out that the City keeps a larger percentage of sales tax than property tax, and that needs to be weighed in terms of balancing the community.

Commissioner Savage pointed out that if the City wants to attract young families as permanent residents in Park City, they would need to create good jobs and very affordable housing. He suggested the possibility of encouraging second homeowners to become primary homeowners and retire in Park City. That would increase the percentage of primary residents and maintain the neighborhood community.

Annual Open and Public Meetings Act Training

This training was given after the regular meeting.

Assistant City Attorney McLean stated that the State Legislature requires annual training of the

Open Public Meetings Act. She believed it was important for the Planning Commission to have a refresher course each year to be reminded of the spirit of the act and the importance of transparency by having meetings and decision making occur in public.

Assistant City Attorney McLean remarked that the Open and Public Meeting Act requires open deliberations in the eye of the public. The Planning Commission is subject to the Act and the law is quite extensive in terms of the net of committees that are included. It also includes advisory committees.

Assistant City Attorney McLean handed out a sheet with eleven requirements under the Open Public Meetings Act. She provided a brief summary of each one and explained what procedures the Commissioners needed to follow in order to comply.

She noted that because there are seven Commissioners, they always need a quorum of four to conduct any business, including work sessions. If they do not have a quorum they cannot hold a meeting

Commissioner Strachan asked what qualifies as business. Assistant City Attorney McLean replied that business is defined as matters over which they have jurisdiction. Commissioner Strachan asked if the Planning Commission could discuss an application outside of a public meeting if they had denied that application. Ms. McLean advised against it until after the appeal period because it could come back to the Planning Commission on appeal or as a remand.

Chair Wintzer asked about public noticing for subcommittees if a quorum of Planning Commissioners were on the subcommittee. City Attorney McLean replied that the subcommittee would never have a quorum; therefore, it would not be considered a meeting. She noted that recording the meeting and having written minutes are also requirements for having a meeting.

Assistant City Attorney McLean noted that the Commissioners now have their own City email account and they should keep their City email separate from their private email. She pointed out that under the GRAMMA Act any City business is discoverable. The reason for having a City email is to protect their privacy.

Commissioner Thomas wanted to know what he should do in the event that someone sends him an email regarding an application. He asked if he needed to read the email to acknowledge that he received it. Assistant City Attorney McLean stated that if the Commissioners receive an email regarding an appeal or an application, it is appropriate to delete the email without reading it, since they are not supposed to be getting ex parte communication. However, if they do respond, even if only to let the person know they do not accept ex parte communication, and there is a GRAMMA request, the City has the obligation to search for that information.

Assistant City Attorney McLean read the only change this year on Open and Public Meetings, "Nothing in this chapter shall be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in an open meeting." She explained that based on that language, the State Code would allow the Commissioners to text or email each other. However, as counsel to the Planning

Commission she advised them that once they text or email, they are subject to GRAMMA. She recommended that they call each other if they have something to discuss.

Assistant City Attorney McLean requested that the Commissioners avoid discussing any business when they meet for drinks or dinner after the meeting. Chair Wintzer stated the Planning Commission had the responsibility to monitor their conversations and to remind each other when someone forgets. He thought it was important that the Planning Commission use that time for social conversation to avoid any negative perception.

Assistant City Attorney noted that the Planning Commission has three major roles; legislative, administrative, and quasi-judicial. They have the most latitude under the legislative role in terms of talking to the public and each other. In the administrative role, all evidence should be presented and discussed in the public meeting. If they encounter someone outside of the meeting, they should disclose that conversation during the public meeting so everyone has the benefit of that information. Ms. McLean recommended that they limit those conversations by encouraging the person to attend the meeting and make their comments or submit their comments in writing. Ms. McLean remarked that the most restrictive role is quasi-judicial where they act as judges. She noted that the Code specifically addresses ex parte conversations.

Assistant City Attorney McLean stated that the Code also talks about disclosure and the importance of disclosing any potential personal or business conflicts. If they question whether something should be disclosed, they should ask the legal department. Even if it is wrong advice, advice from the Legal Department gives the Planning Commission governmental immunity.

In terms of meeting location, the Code and State regulation states that the meeting can only be held at the regular location, with the exception of site visits or good reason why the regularly scheduled meeting should be held elsewhere. Ms. McLean had provided the reasons for closed meetings for information purposes only. It was not applicable to the Planning Commission but she felt it was important for them to understand the limited times that a meeting could be closed.

Assistant City Attorney McLean outlined noticing procedures. All meetings need to be noticed with an agenda 24 hours prior to the meeting. She stated that in spite of the many complaints they hear about noticing, the City noticing requirements goes beyond what is required by law. If any Commissioner has an item to discuss, they should contact the Planning Department so it can be put on the agenda 24 hours prior to the meeting. She noted that the Commissioners could register for e-notify on the website and they would be notified when the Staff report and pertinent information is available on the website.

Assistant City Attorney McLean commented on public comment. She noted that the Open Meeting Law only requires that deliberations occur in the public eye and that the decision making process is transparent. Not all actions require public hearing, however, the City is usually receptive if someone attends and would like to make a comment. If someone is rude or goes off topic, the Planning Commission has the right to stop the speaker.

Ms. McLean noted that the agenda always allows for public input on items not listed on the agenda. If someone makes a point that the Planning Commission believes is germane, they can discuss the matter as long as no decision is made. If they wish to take action, they should direct the Staff to

add it to the agenda for the next meeting.

Assistant City Attorney McLean reiterated that meetings need to be recorded and minutes written. Under the Code, minutes are the official record of the meeting. It was evident that the Planning Commission carefully reads the minutes and she encouraged them to continue that diligence.

Assistant City Attorney McLean stated that if anyone intentionally or knowingly violates the Open and Public Meetings Act, they could be subject to a Class B. Misdemeanor and the action taken could be void. It goes to the spirit of transparency and public trust.

Chair Wintzer stated that he has asked Patricia Abdullah to provide training on how to utilize the website. It could not be done in a public meeting but it would be helpful if she could do one training for all the interested Commissioners. He asked if that training would be a problem if four or more Commissioners attended, since it would be a quorum.

City Attorney Mark Harrington stated that it would be appropriate for the Planning Commission to do that type of training as long as they were not conducting business. It would not require noticing, but they would probably notice it as a courtesy.

City Attorney Harrington commented on the difficulty of avoiding ex parte communication, particularly because Park City is a small town. In terms of transparency, he believed it was only a matter of time before someone challenged the fact that they go for drinks after the meeting or comments that are heard at a small social function regarding a pending application. The Legal Department acknowledges that small town risks are high and the purpose of the training is to make sure the Planning Commission knows the limitations and to be constantly aware of their environment. They all have the obligation to be diligent when having discussions outside of public meetings. Mr. Harrington stated that the City looks for opportunities outside of the formal format to allow meaningful opportunities for discussion. He believed the third joint meeting with the City Council would provide the opportunity for break out groups and smaller group discussion.

City Attorney Harrington stated that much of the role of the Planning Commission is administrative and applying the Code. It is difficult when they have the desire to approve applicants that are presenting the best project instead of just a Code compliant project. The question is how to collaborate to achieve the best result as opposed to crunching the numbers and administering the Code in a yes or no manner.

City Attorney Harrington stated that the State requires annual training, but he encouraged the Planning Commission to revisit the Open Public Meetings Act more frequently. He also encouraged them to utilize the Legal Department when they have questions or concerns.

The Work Session adjourned.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JULY 27, 2011

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Julie Pettit, Mick Savage, Adam Strachan, Jack Thomas, Nann Worel

EX OFFICIO:

Planning Director, Thomas Eddington; Katie Cattan, Planner, Kirsten Whetstone Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Wintzer called the meeting to order at 7:00 p.m. and noted that all of the Commissioners were present.

ADOPTION OF MINUTES

June 22, 2011

Commissioner Hontz referred to page 25 of Staff report, page 5 of the minutes, second paragraph from bottom, and changed Planner Kirsten to Planner Whetstone

Commissioner Pettit referred to page 35 of the Staff report, page 15 of the minutes, the motion at the bottom of the page regarding Park City Heights. The language stated that Commissioner Pettit made the motion; however, she had chaired that meeting and was certain that another Commissioner had made the motion. Commissioner Pettit requested that someone re-listen to the recording to verify the correct person making the motion.

MOTION: Commissioner Pettit moved to APPROVE the minutes of June 22, 2011 subject to the corrections stated and the requested verification. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

July 13, 2011

Commissioner Worel referred to Page 46 of the Staff report, page 6 of the minutes – second paragraph, first line – and corrected “sits over there legal lots of record to, “ sits over **three** legal lots of record.”

Commissioner Worel referred to Page 49 of the Staff report, page 8 of the minutes – Modified Finding of Fact #21, fourth line, and corrected the satisfie4d to **satisfied**.

MOTION: Commissioner Hontz moved to APPROVE the minutes of July 13, 2011 as corrected. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously by the Commissioners who had attended the July 13th meeting. Commissioner Pettit abstained since she was absent from that meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington announced that the next joint meeting with the City Council was scheduled for July 25th, following the City Council meeting.

Chair Wintzer requested that the City devise a microphone system that allows the applicants to present their project without causing someone to trip over the cord. He pointed out that during the last two meetings, someone tripped and the microphone was knocked to the floor.

Commissioner Pettit disclosed that she would be on vacation and unable to attend the meeting on August 10th. Commissioner Hontz disclosed that she was also unable to attend the August 10th meeting. Chair Wintzer disclosed that he would not attend the meeting on August 25th. It was established that the Planning Commission would have a quorum for both August meetings.

CONTINUATION(S) – Public Hearing and Continue to Date Specified

633 Woodside Avenue - CUP
Application #PL-11-01270)

Chair Wintzer opened the public hearing. There was no comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE 633 Woodside Avenue - CUP to August 10, 2011. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

CONSENT AGENDA

1159 Empire Avenue – Record of Survey

MOTION: Commissioner Pettit moved to REMOVE 1159 Empire Avenue from the Consent Agenda to allow for questions and discussion. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 1159 Empire Avenue – Record of Survey (Application #PL-11-01228)

Commissioner Pettit noted that she was not present at the last meeting, but in reading the minutes, she understood the discussion that led to the determination for a positive recommendation to the City Council to approve the record of survey plat for 1159 Empire Avenue. However, the structure is a 1979 condominium and the request would create a fairly large lot by removing the lot lines to accommodate the condominium record of survey. She was concerned that if the condominium complex was to be torn down for re-development, what could be built would not be consistent with what the City is doing to address house sizes with lot combinations. Commissioner Pettit suggested adding a condition of approval that would be tied to the removal of the existing condominium complex for future development.

Assistant City Attorney McLean believed the application for 1159 Empire Avenue came in prior to the TZO that was placed by the City Council. She understood the concerns related to the TZO that could be relevant, but in terms of the timing, the applicant is only required to comply with the Code in effect at the time the application was submitted.

Commissioner Strachan recalled that the discussion dealt with use and whether the intensity would increase or decrease. If the record of survey is a lot combination in disguise and would allow a single family home to be built to replace the four condominium units, he believed the intensity of use would decrease.

Commissioner Pettit pointed out that the zoning was HR-1 and the plat would create a lot three times larger than the standard HR-1 minimum lot size. Planner Cattan remarked that the condominium structure is located on the border of the HRC zone and there are a number of larger developments across 12th Street. It is more difficult in the HR-1 zone to find a condominium building that sits on three lots.

Planner Cattan stated that if the building were to burn down, the four owners would need a conditional use permit to build a duplex. A triplex or greater would not be allowed. If the four owners wanted to build a single-family home, they would be restricted to the footprint allowed by Code.

Assistant City Attorney McLean remarked that if the structure was to burn down, the owners would have the right to rebuild the exact structure within one year.

Commissioner Strachan referred to Conditions of Approval #1 and corrected typographical errors. The condition should read, "The City Attorney and City Engineer must review and approve the final

form and content of the plat for compliance with the Land Management Code and conditions of approval as a condition precedent to recording the plat”.

Condition of Approval #3 states that a 10-foot wide public snow storage easement is required along the front of the property.” He was not opposed to the requirement, but the Planning Commission did not have that discussion. He was told that the 10-foot snow storage was a standard requirement.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation for 1159 Empire Avenue Condominiums record of survey plat according to the Findings of Fact, Conclusions of Law, and Conditions of Approval attached to the draft ordinance. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 1159 Empire Avenue

1. The property is located at 1159 Empire Avenue.
2. The owners of the property located at 1159 Empire Avenue have petitioned the City Council for approval of the 1159 Empire Avenue Condominiums Record of Survey Plat.
3. The property is located in the Historic Residential (HF-1) District.
4. The structure is a built-multi-unit dwelling which contains four units.
5. A building permit was given to build the multi-unit dwelling in 1979.
6. A multi-unit dwelling is currently a prohibited use in the HR-1 district.
7. The multi-unit dwelling is a legal non-conforming use.
8. There is not a minimum lot size for a multi-unit dwelling in the HR-1 because a multi-unit dwelling is a prohibited use.
9. Based on Title 15 LMC, Chapter 2.2, Table 15-2.2, the maximum footprint allowed for this lot is 2,050 square feet, and the footprint of the existing structure is 2,058.5 square feet, making the structure a legal, non-complying structure.
10. The area of the lot is 5625 square feet.
- 11; The setback requirements for a seventy-five (75) feet deep by seventy-five feet (75') wide lot are ten feet (10') front yard, ten feet (10') rear yard, and five feet (5') with a combined minimum of eighteen feet (18') side yards. The existing four-plex does not comply with the side yard setback requirements. The structure is located five feet (5') from the property line on each side. The combined minimum of eighteen feet (18') has not been met. Therefore, the structure is a legal, non-complying structure.

12. Parking requirements for the four-plex have been met within the site. The parking ratio requirement for a multi-unit dwelling with units between 650-1000 sf (LMC 15-3-6) is 1.5 parking spaces per dwelling unit, requiring a total of six (6) parking spaces. There are six interior parking spaces in the garage and two in front of the building.
13. The total size of the habitable living space is 3,146 square feet, with unit 1 being 769 square feet, unit 2 being 771 square feet, unit 3 being 780 square feet, and unit 4 being 826 square feet.
14. The four-plexes is both a legal, non-conforming use and a legal, non-conforming structure. Currently, the four units cannot be sold individually.
15. The Condominium Conversion will allow the four units to be sold individually.
16. Per LMC 15-9-1, the purpose of the chapter is to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the development standards prescribed by the code. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the structure and site through such measures as landscaping, building design, or the improved function of the use in relation to other uses.
17. LMC Section 15-9-5, regulates that "n non-conforming use may be moved, enlarged, altered, or occupy additional land, except as provided within Section 15-9-5. The change in ownership interest is not altering the non-conforming use in a manner which would increase the degree of non-conformity.
18. During the July 13, 2011 Planning Commission meeting, the Commission found good cause for the condominium plat because: the degree of the legal, non-conforming use and the legal, non-complying structure was not being moved, enlarged, expanded, or altered in a manner to increase the non-conformity; the sale of smaller units within Old Town could result in more attainable housing within the Historic District; and the structure is in essence being adaptively reused. Adaptive reuse of buildings is a green building technique that results in minimal waste, recycling, and minimal new consumption of goods.
19. The findings within the Analysis section are incorporated within.

Conclusions of Law – 1159 Empire Avenue

1. There is good cause for this condominium Record of Survey.
2. The Record of Survey Plat is consistent with the Park City Land Management Code and applicable State law regarding Condominium Record of Survey Plats.
3. Neither the public nor any person will be materially injured by the proposed condominium record of survey.

4. As conditioned, the condominium record of survey is consistent with the Park City General Plan.

Conditions of Approval – 1159 Empire Avenue

1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval as a condition precedent to 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 year's time, this approval and the plat will be void.
3. A ten foot wide public snow storage easement is required along the front of the property.
4. No remnant parcels are created.

2. 333 Main Street – Condominium Conversion
(Application #PL-11-01293)

Planner Kirsten Whetstone reviewed the request for a condominium of the Main Street Mall, the entire existing building, creating two condominium units. Unit A would be the bottom three floors and Unit B would be the top two floors. The Condominium Conversion creates separate ownership opportunities, as well as financing mechanisms for the renovation and remodel of the Main Street Mall, which was approved with the revised Historic District Design Review for the proposed changes. The primary changes occur to the exterior on Main Street and some interior changes.

Planner Whetstone pointed out that this application did not include the proposals previously discussed by the applicant, such as the extension of new commercial into the HR-2 Zone or the residential units in the HR-2 zone that would require a master planned development. This condominium conversion would only allow convertible space for two residential units in the HCB where residential units in the penthouse would be allowed uses, as well as the typical uses allowed in the HCB zone.

Planner Whetstone noted that the application was consistent with the one-lot subdivision plat that was recorded with the County. The conditions memorialize the same easements under the road to access this from Swede Alley. There is also a 99 year lease for a parking garage off of Park Avenue, which is reflected on the plat.

Planner Whetstone presented slides showing the Main Street Mall and the surrounding area. She showed the one lot subdivision and various walking easement to Swede Alley.

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

Chair Wintzer asked Planner Whetstone to explain the rear setbacks off of Park Avenue. Planner Whetstone replied that there is not a rear setback. The setback in the HCB zone is zero. In the HR-2 zone the required setback is 10 feet for a typical HR-2 lot. Without the middle line, there are only front setbacks; one in the HCB and the other off of Park Avenue.

Chair Wintzer asked if it could be expanded to the street without a setback. Planner Whetstone clarified that there would be a front setback to the street. Director Eddington stated that Planner Whetstone had described the area between the HCB and the HR-2 line, where the building obviously crosses over.

Chair Wintzer referred to the walking easements underneath the street, and noted that a previous owner sold off the air rights above those easements. There was also a transfer of parking easements. He asked if that had been incorporated into the study. Planner Whetstone identified the parking easement. She believed they were identified as ten private parking spaces. There are 56 parking spaces with the existing parking agreement, and then the additional ten. Planner Whetstone noted that the air was not part of this ownership.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE Recommendation to the City Council for the 333 Main Street Condominium Plat, based on the Finding of Fact, Conclusions of Law, and Conditions of Approval found in the draft ordinance. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 333 Main Street

1. The property is located at 333 Main Street between Main Street and Park Avenue and consists of Lots 7-15 and 18-26, Block 11, of the Amended Park City Survey. There is an existing four story commercial building on the property.
2. The existing building, known as the Main Street Mall, was constructed in 1984 across property lines and zone lines.
3. On March 26, 2009, the City Council approved a plat amendment to create a single lot of record from the multiple underlying lots for the existing Main Street Mall building. On March 8, 2010, the Council extended the approval for one year to allow the applicants additional

time to finalize the plat in preparation for signatures and recordation at Summit County. The 333 Main Street one lot subdivision plat was recorded at Summit County on April 12, 2011.

4. The Main Street portion of the building is located in the Historic Commercial Business District (HCB) with access to Main Street and the Park Avenue portion of the building is located in the Historic Residential 2 (HR-2) zoning district with limited access to Park Avenue. The building has legal non-complying side yard setbacks within the HR-2 zone.
5. Main Street is important to the economic well being of the Historic Commercial business district and is the location of many activities important to the vitality and character of Park City. The Main Street Mall architecture is out dated and not in compliance with the 2009 Design Guidelines for Historic Sites and Districts and the owners are proposing a renovation and improvement to the building.
6. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the exterior in compliance with the 2009 Design Guidelines for Historic Districts and Sites.
7. The property is encumbered with a recorded 99 year lease agreement to provide parking for the property at 364 Park Avenue. This lease agreement is identified on the plat because of the duration of the lease. The parking subject to the lease is currently provided within a garage in the Main Street Mall building with access to Park Avenue.
8. Five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and the land title of survey for 333 Main Street was memorialized with the recorded subdivision plat. These easements are also include on the proposed condominium plat.
9. On June 27, 2011, the City received a complete application for a condominium plat to create 2 two non-residential condominium units (Unit A and Unit B) within the existing space of the Main Street Mall building and consistent with the May 2011, approved Historic District Design Review plans. Unit A is all of the space on the basement level combined with all of the space on the two floors above it. Unit B is all of the space above Unit A. This plat provides two separate ownership units that allow the proposed Main Street Mall renovation and financing to occur in separate phase. No residential uses or condominiums are proposed.
10. No changes to the existing parking are proposed with this condominium plat and all parking agreements and easements continue to apply unless and until they are amended by both parties. A review of parking requirements and parking agreements associated with additions to the building or changes of use of this building shall be reviewed at the time of building permit application.
11. A condominium plat amendment would be required when any convertible space is converted for use and ownership is changed. Some of that space may be used to create residential condominium units. As shown, these residential units are within the HCB zoned

portion and are allowed uses by the zone. Any residential units requested for the HR-2 zone portions require a conditional use permit and/or a Master Planned Development.

Conclusions of Law – 333 Main Street

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

Conditions of Approval – 333 Main Street

1. The City Attorney and City Engineer will review and approve the final form and content of the condominium plat for compliance with State law, the Land Management Code, the recorded subdivision plat, and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the condominium plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless an extension request application has been filed with the City prior to expiration.
3. All conditions of approval of the 333 Main Street subdivision plat and approved Historic District Design Review shall continue to apply.
4. All new construction at this property shall comply with all applicable building codes and any current non-compliance issues for tenant spaces, such as ADA access and bathrooms, restaurant grease traps, etc. within the building shall be addressed with tenant improvement building permits for those spaces.
5. Prior to issuance of any building permits for reconfiguration of interior spaces that result in additional floor area or residential uses, a detailed parking analysis shall be presented to the Planning Department, identifying compliance with requirements of the 1986 Parking Agreement and the LMC. The parking analysis shall identify and discuss all existing parking agreements associated with the property.

**3. Upper Ridge Subdivision – Plat Amendment
(Application #PL-11-01238)**

The Planning Commission held a site visit prior to the meeting.

Planner Whetstone noted that a public hearing was noticed for this meeting. She stated that the applicant was still providing requested information and the Staff needed to complete their analysis. She was working with the City Engineer in an effort to understand the issues with the easements in the area and construction in the right-of-way as a driveway or street.

Planner Whetstone had provided a summary of the neighborhood meeting in the Staff report. To better clarify the density, she distributed copies of the density calculations that she had received from the applicant this evening.

Planner Whetstone requested that the Planning Commission conduct a public hearing this evening and continue the public hearing and the item to August 10th. Depending on how timely additional information is submitted, she may need beyond August 10th to analyze the information.

In response to density questions, Planner Whetstone presented the 1887 Plat #1 of the Millsite Subdivision, which included the lots on Daly. She pointed out that the area shown in red were full platted lots, even though they did not meet the lot size of 3750 square feet that is currently required. Planner Whetstone clarified that the 1187 plat shows that the smaller lots are full platted lots and not portions of lots.

Chair Wintzer wanted to know how many houses could be built in this location under the current Code. Planner Whetstone replied that none of the lots are 3750 square feet, therefore, nothing could be built without a lot combination.

Planner Whetstone stated that at the last meeting Director Eddington calculated the number of TDRs based on the total square footage of the property. Director Eddington believed the number was 17.65 units. Planner Whetstone had done her own calculation by dividing the total square footage of the property by 3750 square feet, and she also came up with 17 units. She then went to the next tier, which was to look at the density of the property that did not include the area being dedicated for existing roads or the open space parcel. Planner Whetstone stated that when she divided 34,527 square feet as the total property by 3750 square feet, the result was 9.21 lots. She noted that other issues such as steeper slopes and geo-technical issues would need to be considered.

Planner Whetstone stated that another calculation formula was to look at the linear feet along platted Ridge Avenue, which is about 300 feet. That number could be divided into 6 50 foot wide standard lots. A standard 3750 square feet is typically two Old Town lots, 25' and 25', or 50 feet wide. Planner Whetstone pointed out that the minimum lot width in the HRL is 35 feet, but the lots would have to be deeper to meet the 3750 square foot requirement.

Planner Whetstone noted that the applicant was proposing 6 lots varying in size from 3759 square feet to 8105 square feet, with lot widths varying from 35 feet to 50 feet.

Jeremy Pack, representing the applicant, stated that just taking the contiguous area and not the separated parcels, under the current HRL zone they would be allowed 8.6 lots. He noted that they were only proposing six lots because that was the number that would fit within in the topography. Mr. Pack pointed out that all six lots are larger than the minimum required. He believed Planner

Whetstone had accurately summarized the density breakdown they had prepared. Mr. Pack reiterated that the density was being reduced based on the total square footage of the contiguous property. He remarked that the area they were proposing to disturb under the 3750 square foot requirement equates to 7.7, which was more than the six lots they were requesting.

Planner Whetstone reviewed the full plat amendment process as outlined in the Staff report. She also presented an aerial photo showing the proposed lots and existing Ridge Avenue. Planner Whetstone noted that the applicants have ownership of Parcel B, which is being dedicated for existing Ridge Avenue. However, they do not own the land that is approximately a hundred feet from the intersection of Daly and Ridge. Planner Whetstone pointed out that there is an easement in Ridge Avenue, but she needed to talk with the City Engineer to better understand it before doing the analysis.

Chair Wintzer opened the public hearing.

Tom Bennett, an attorney, represented Sherry Levitan, the owner of the home at 135 Ridge Avenue. Mr. Bennett stated that the major concern was the current means of access being suggested on the proposed plat. Mr. Bennett indicated the Levitan home and another home on the other side of the proposed right-of-way. He felt the proposal had problematic legal issues, as well as significant problematic site design and impact issues. From a legal standpoint, he understood that the applicant was taking a platted right-of-way on the 1887 plat, and concluding that it constitutes a public right-of-way. In looking at the plat, Mr. Bennett felt there were questions as to what the designation of the road as a right-of-way really means, because there was no dedication language on the plat. It was only labeled as a right-of-way for the road. Mr. Bennett understood that the proposal would take the roadway that has never physically existed, and convert it into a private roadway for the use of the lots. Mr. Bennett asked whether the current status of the property is a public right-of-way. If they conclude that it is a public right-of-way, he wanted to know how it would get converted into a private driveway. He thought that process should be examined. Mr. Bennett stated that a more serious problem is where the proposed right-of-way exists with respect to Ms. Levitan's house and the one across the street. He believed the entry way was being shoehorned in between those two houses. Mr. Bennett pointed out that it is a ridge, which is why it was named Ridge Avenue. He understood that the plan would basically chop off the ridge in order to get the road to the needed elevation to access the homes. The result would be a significant amount of cutting into the ridgeline, which would create a significant impact to the neighborhood. It also creates a direct negative impact on Ms. Levitan's house because the road would be located at the same level as her patio several feet away. There would be a similar situation with the home across the road. It would also entail the removal of at least three extremely large Douglas Fir trees. Mr. Bennett remarked that the road does not belong in that location and it is not the proper way to access the lots. He believed there were alternative ways to access these lots and he urged the Planning Commission to require the applicant to come back with a plan that shows alternative means to access the lots.

Mr. Bennett noted that the Staff report indicated that additional information still needed to be submitted. He retained the right to make additional comments when those materials are presented.

Don Simon, a resident at 234 Ridge at the intersection of Ridge and Daly. He noted that his home is far enough away from the proposed plat and he would not be immediately affected. Mr. Simon stated that he was speaking from the standpoint of a community member and the impacts on the community. He could see no reason for bringing the ridge line down to the grade that would meet the 10% limit, and moving the houses higher than they would need to be with a different access. If the applicant had no other access alternative they might be able to make the case that this is their only legal access, but there are alternatives. Mr. Simon was concerned about snow on the road and where it would go. He suggested that if they used the money spent on this infrastructure development and put it into improvements for Ridge, it would benefit the entire neighborhood.

Chair Wintzer stated that before the Planning Commission discussed the issues or requested details that would cost the applicant additional time and money, it was important to determine whether or not this proposal meets the Land Management Code and the General Plan.

Chair Wintzer explained his reasons as to why he believed it did not meet the LMC or the General Plan. It did not meet the objectives on page 6 and 24 of the General Plan that addresses ridge line encroachments; page 34 and 57, which talks about steep slope and ridge line encroachments; and page 148, which talks about historic compatibility and clustering development to stay off ridge lines within the Historic District.

Regarding the Land Management Code, Chair Wintzer did not believe the proposal meets A, C, E, F, or G of the purpose statement of the HRL zone. It does not meet the criteria of developing on steep slopes as identified in Section 15-2.1-6; the criteria of location of development in Section 15-2.1-6(1). If it comes back for a CUP, based on the criteria in 15.2.1(9) he believed they would have to reduce the heights of the homes to something that would not encroach on the ridge line. Chair Wintzer did not think the proposal met the purpose statement of the General Subdivision Requirements, Section 15-7-2(B), (D), (E), (G) and (K). It does not meet the General Subdivision requirements in Section 15-7.3-2 (D) and (F). Chair Wintzer noted that if the plat amendment was approved it would come back for a CUP. He did not believe it would meet the review criteria 1, 2, 8, and 15 as described in Section 15-1-10(E). Based Section 15-7.3-1(D) Chair Wintzer believed the Planning Commission had the right to deny this project as proposed.

Commissioner Pettit noted that 15-7.3-1(D) was also referenced in a letter from Mr. Gaylord's on behalf of Sherry Levitan. Commissioner Pettit read the language in 15-7.3-1(D), Restrictions Due to Character of the Land, "Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, mine hazards, potential toxic waste, adverse earth formations or topography, wetlands, geologic hazards, utility easements or other features including ridge lines, which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the Subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Planning Commission, upon recommendation of the qualified engineer to solve the problems created by the unsuitable land conditions. The burden of the proof shall lie with the Developer, and such land shall be set aside or reserved for uses as shall not involve such a danger." Commissioner Pettit clarified for the record the definition of a ridge line area as defined in the Code. "A ridge line area is the top ridge or crest of hill or slope, plus the land located within 150 feet on both sides of the top crest or ridge". The Code defines crest of hill as,

"The highest point on a hill or slope that as measured continuously throughout the property. Any given property may have more than one crest of hill".

Chair Wintzer stated that unless the applicant was willing to enter the property from the lower side, he was not comfortable moving forward with the plat amendment as proposed.

Commissioner Pettit again cross referenced the definition she read with Mr. Gaylord's letter and the points made by Mr. Bennett during the public hearing. She pointed out that access was the primary issue in terms of the impacts on the neighbors on both sides of the proposed road, and the fact that the road follows along a ridge line. Commissioner Pettit supported Chair Wintzer for all the reasons he stated. She could not find good cause for this particular lot combination with the access as currently proposed.

Commissioner Strachan concurred. Destroying a ridge and inserting a road in order to build homes does not meet the intent or the terms of the LMC and the General Plan.

Commissioner Hontz concurred with her fellow Commissioners. In her opinion the crux is more than just the ridge itself and the platted Ridge Avenue. It is also the Ridge access. Commissioner Hontz did not believe the Planning Commission would be able to find good cause for any development unless they talk about what would happen to Ridge Avenue. During the site visit it was evident that the road could only accommodate one vehicle at a time. The road has been deemed substandard and dangerous by the Streets Master Plan and by previous Planning Commissions. Commissioner Hontz stated for all the reasons mentioned and the Code language cited, she would not be able to make findings that would support any development on the ridge or platted Ridge Avenue.

Commissioner Hontz stressed the need to address existing Ridge before any development could occur off that access. She anticipated negative impacts from improving that road as well. There would be more cuts and fills and it would further impact the residents lower down on Daly Avenue in terms of where the road would end. Addressing that road would take time and thoughtful consideration. Commissioner Hontz remarked that vegetation, wild fire, additional viewpoints, fire standards, and the trail were related discussions that should also occur as they move forward, as well as other issues identified in the public meeting.

Commissioner Hontz referred to the horseshoe area where King Road comes up, and noted that there were three lots, one of which was completely encumbered by the existing roads. She pointed out a sizeable area within the horseshoe area that was not encumbered by either King Road or Ridge Avenue. By her calculations, she thought it would be possible to build two similar sized homes or one larger home on those existing lots. In her opinion, development made more sense in an area that would complete the neighborhood, and at the same time preserve the vegetation of trees, bushes and wildflowers that they saw on the proposed lots 1-6.

Commissioner Worel concurred with her fellow Commissioners.

Commissioner Thomas also concurred with the previous comments. He would not suggest that he had a solution and he would not venture into how to solve the problem. However, putting homes and a road on the ridge and creating an unsafe intersection was not a workable plan.

Commissioner Savage recognized that there was a property rights issue because someone owns the property and they are entitled to develop their property. However, what the owner can do is subject to deep debate and it starts with the question of the right-of-way to access those lots. Commissioner Savage felt it was important to address Mr. Bennett's question about whether there is a right-of-way, and if there is and it is public, could it be converted to private. That was a fundamental foundation problem that needed to be addressed before they moved forward. In addressing that question, they should also look at the question of viable access alternatives to take advantage of some of the rights that may exist with that property. Commissioner Savage stated that another question within the context of the proposed development was the definition of a ridge. When he was on the site it felt like a ridge to him. He was not sure if removing the ridge as a way of not building on a ridge was a viable plan. Commissioner Savage stated that if he were the applicant, he would want to address those issues in a fairly specific fashion within the context of the General Plan and the LMC. At that point, the applicant may have a more receptive approach for the Planning Commission to consider for the use of his property rights.

Commissioner Hontz noted that a certain number of TDRs were associated with this property. Hypothetically, if the Planning Commission was to approve a lesser number in a different location, it would extinguish the TDR rights forever. As they continue down the path those doors would close in terms of getting a certain value and number. Commissioner Hontz encouraged the applicant to do the TDR exercise to fully understand what those might be.

Planner Whetstone asked if the TDRs would go away if the applicant received approval for three or four lots, but the plat was never recorded due an issue with the CUP and the project expired. Director Eddington replied that the plat would not dictate it, but any construction or improvements would eliminate the TDR opportunity because it is all or nothing.

Mr. Pack noted that all the lots are individual lots. He asked if it was all or none because the applicant decided to group them into one parcel. Director Eddington replied that it was an all or nothing situation because it was an overall submission. Assistant City Attorney McLean stated that when the TDR ordinance was passed, the intent was to protect the whole area. Once any development is allowed, it lessens the benefits to the City and the community. Ms. McLean recalled from the Code that TDRs were affected by building rather than platting. However, she would need to review the Code closely to see if once it is platted, it would change the number of TDRs that would be granted.

Planner Whetstone stated that an earlier discussion with the applicant was to see if there were ways to provide a benefit to the neighborhood. One obvious benefit would be the improvement of Ridge Avenue. Where Ridge Avenue crosses private property is problematic. She suggested that they bring in other property owners and have a larger planning discussion of the Daly/Ridge/King/Sampson neighborhood to see if there are alternatives to utilizing existing Ridge. Planner Whetstone thought it was important to get an opinion from the City Engineer on the possibilities of actually improving Ridge and what those improvements would look like.

Mr. Pack asked if the Planning Commission had additional suggestions they could consider. Commissioner Thomas stated that it was not the role of the Planning Commission to solve the problem. Their role is to respond to the design presented, which makes it difficult for the Planning Commission to offer design solutions. As direction to the applicant, Commissioner Thomas believed there was some agreement among the Planning Commissioners with regard to pulling the units off the ridge and down the hill, and for alternative access.

Commissioner Hontz suggested that if the applicants return with another plan, it would be better to review it in a work session format. Commissioner Thomas agreed with the work session format. He also felt it was important to allow the applicants to work out an alternative plan without spending a significant amount of time and money.

Gus Sherry, representing the applicant, asked if the public hearing was still open. Chair Wintzer stated that it would be closed with a motion; however, it could be re-opened at another meeting.

MOTION: Commissioner Strachan made a motion to close the public hearing. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Chair Wintzer asked if the applicant wanted the Planning Commission to continue the item to a date uncertain and allow them time to explore an alternative plan, or if they preferred to have the application denied this evening. Mr. Pack preferred a continuance.

MOTION: Commissioner Strachan moved to CONTINUE the plat amendment for Upper Ridge Avenue, Block 75, Lots 1-18 and 88-109, Block 76, Lots 15-17 to a date uncertain. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Legal Training

The Planning Commission moved into work session for annual legal training on the Open and Public Meetings Act. The discussion can be found in the Work Session Notes.

The Park City Planning Commission meeting adjourned at 8:15 p.m.

Approved by Planning Commission: _____

REGULAR AGENDA

Planning Commission Staff Report



Project Number: PL-11-01291
Subject: 263 Park Avenue- Conditional Use Permit for Construction in City Right-of-Way
Author: Kirsten Whetstone
Date: August 10, 2011
Type of Item: Administrative – Conditional Use Permit

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing, review the proposed CUP for a driveway in a platted, un-built City right-of-way (Third Street), and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

Topic

Applicant: Stacy Sachen, owner
Location: 263 Park Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential single family adjacent and Treasure Mountain Inn condominiums across the street.
Reason for Review: Conditional Use Permits require Planning Commission review and approval

Proposal

The owner of the significant historic house at 263 Park Avenue is requesting approval of a Conditional Use Permit (CUP) for construction of a driveway within a portion of platted, un-built Third Street (there are stairs in the right of way) to access a proposed garage from the side to be located under the historic house.

The driveway is approximately 50 feet in length from Park Avenue and varies from 12' in width at Park Avenue to 20' in width in front of the garage doors. There is sufficient area to construct a useable driveway and also allow for an improved public space just off of Park Avenue.

The location of the driveway facilitates a side access garage, and minimizes impacts of a garage addition to an historic house. A Historic District Design Review application is being reviewed concurrently with this CUP request.

In order to approve this Conditional Use Permit the Planning Commission must determine whether the proposal complies with the specific criteria described in Land Management Code Section 15-3-5- standards of review for the construction of private driveways within platted, un-built City streets

Background

The property is located at 263 Park Avenue within the Historic Residential (HR-1) zoning district. The house was constructed circa 1883 and is considered a modified Hall-Parlor house. A rear addition was added in the 1940s and a second floor and side deck were added in 1973, according to the County assessor's office.

The entire house was remodeled and added onto from 1998 to the early 2000s. This work included replacing windows, siding, and roofing. The front porch and stairs were rebuilt. The 1973 side deck was removed, and foundation work was done around the newer area. The rock walls were rebuilt at this time. This house is listed as a significant historic structure on the 2009 Park City Historic Sites Inventory.

The house currently has no garage and utilizes on-street parking on Park Avenue in front of the house when spaces are available.

Third Street ROW to the north of 263 Park Avenue is developed with City Stairs connecting Park to Woodside Avenue. The stairs and stair setback take up approximately 8.5 feet of the 30' ROW. An area approximately 16' by 12' has been leveled out and graveled to create off-street parking within the ROW. This area is used by the neighborhood for off-street parking. There is a sewer line in the ROW approximately 5' south of the stairs.

According to the SBWRD when the parking area was leveled out the required sewer line depth was compromised. SBWRD has requested the applicant remedy this situation by relocating the line towards the center of the ROW and placing it deeper in the ground to maintain adequate frost depth. The applicant has agreed to do this work.

The rebuilt historic rock wall for 263 Park Avenue is located in the southern 2' of the ROW. The walls will be repaired and maintained in the current location. The remaining ROW is undeveloped and contains grasses and weeds and informal stepping stones.

On April 19, 2011, the applicant submitted a pre-HDDR application for a garage to be located beneath the historic house. The application was reviewed by the Design Review Team on April 27th. The applicant was encouraged to pursue a side facing garage design with access from Third Street and was informed that a Conditional Use permit would be required to construct a driveway within the platted, un-built Third Street ROW. The City Engineer was supportive of the use of the ROW to access the house. The driveway is proposed to be 10' wide at the street and 20' wide in front of the garage and take up approximately 600 sf of the ROW.

On June 27, 2011, the applicant submitted a Historic District Design Review for a garage to be located beneath the existing house with access from Third Street. The proposed design does not require the house to be raised or lowered from its existing location and final grade can remain as it exists for the perimeter of the house, with the exception of just the area of the garage doors. The allowable building height from final grade is within the maximum 27'. The garage would not increase the building footprint,

which currently is approximately 950 square feet. On July 5th, Staff provided the initial notice to the adjacent neighbors and posted the property for 14 days. Following a staff decision on the HDDR application, a final noticing and posting will occur.

On June 25, 2011, the City received a complete application for a Conditional Use Permit for construction of a private driveway within the platted, un-built Third Street right of way.

Analysis

The Land Management Code (15-3-5) sets the following standards of review for the construction of private driveways within platted, unbuilt City streets.

(A) The driveway shall not exceed ten percent (10%) Slope.

Complies. The driveway is 2.5% slope and does not exceed 10%.

(B) Adequate snow storage area along the downhill side and/or end of the driveway shall be provided.

Complies. The driveway plan includes a snow melt system to reduce need for additional snow storage area, however there is adequate snow storage located on the landscaped area at the west end of the driveway should the applicant decide not to pursue a heated driveway. A landscaped area between the stairs and the driveway will also provide an area for snow shedding.

(C) The driveway must be paved with asphalt or concrete.

Complies. The driveway will be paved with concrete. The City Engineer recommends using pervious paving concrete.

(D) The driveway must not pre-empt any existing physical parking which may occur in the platted Street. If the platted Street has been improved to provide Public Parking, then any driveway proposal must replace such parking with new Public Parking of equal or better convenience and construction.

Complies. The City Engineer has determined that there is no formal parking within the Third Street ROW in this location. The area has been graded and neighbors have put down gravel in order to use this area for informal off street parking. There are property owners on Woodside Avenue who regularly use the area for parking. The City Engineer has determined that the existing area is not considered "existing physical parking" in part because the area is not paved and in part because the grading was not permitted and has created a shallow sewer main in this area. The area doesn't meet the required dimensions of 9' by 18' for one space and 18' by 18' for 2 spaces. The driveway will serve a two car parking garage beneath the historic house and two cars will be removed from the on-street parking capacity. The informal parking area will be paved to create one space and the applicant will install a sign to indicate it is available for resident parking.

(E) The driveway and related improvements such as retaining walls shall be designed and built to minimize present and future conflicts with public utilities and stairs.

Complies. The driveway and related improvements, including the retaining wall along

the Third Street stairs, are designed to minimize conflicts with utilities and with use of the existing Third Street stairs. The applicant agrees to make the required improvements to the SBWRD sewer line that exists within Third Street. The applicant agrees to move the existing fire hydrant and other utilities as requested by the City Engineer to a location where they do not conflict with creation of a formal parking space within Third Street ROW or conflict with other utilities or use of the Third Street stairs.

(F) The driveway construction requires a Conditional Use Permit, Section 15-1-10.

Complies. This application is for the Conditional Use Permit. The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use, as conditioned, mitigates impacts of and addresses the following items:

(1) size and location of the Site;

No unmitigated impacts.

The Conditional Use Permit is for construction of a private driveway within a portion of platted, unbuilt Third Street. The driveway is approximately 50 feet in length from Park Avenue and varies from 10' in width at Park Avenue to 20' in width in front of the garage doors. There is sufficient area to construct a useable driveway and also allow for an improved public space just off of Park Avenue. The location of the driveway facilitates a side access garage, and minimizes impacts of a garage addition to an historic house.

(2) traffic considerations including capacity of the existing Streets in the Area;

No unmitigated impacts.

The driveway will not affect the capacity of Park Avenue or other Streets in the Area as the owners currently park their vehicles on the street.

(3) utility capacity;

No unmitigated impacts.

The applicant has worked with the City Engineer and Snyderville Basin Water Reclamation District to draft a utility plan that relocates the existing sewer line in the Third Street ROW five feet further away from the City Stairs (12' to the south) and deep enough to provide required cover. When the informal parking area was graded, it left the sewer line with insufficient cover for frost depth and exposed retaining walls along the north side of 263 Park Avenue. The sewer line needs to be several feet deeper. The fire hydrant will be relocated to allow access to the public parking space along Third Street stairs. The applicant is paying to do the utility work. A final utility plan to be submitted for review by the City Engineer and SBWRD is a condition of approval.

(4) emergency vehicle Access;

No unmitigated impacts.

The driveway is accessed from Park Avenue and there are no proposed changes to the current emergency vehicle access along Park Avenue.

(5) location and amount of off-Street parking;

No unmitigated impacts.

There is a net increase of one residential parking space in the area. Two vehicles will be removed from parking on Park Avenue and into a garage and there is currently informal gravel parking on Third Street adjacent to the stairs which will be improved to one paved space as part of the driveway project.

(6) internal vehicular and pedestrian circulation system;

No unmitigated impacts.

The proposed driveway is 50 feet long and provides an area for paved residential public parking in addition to access to the garage for 263 Park Avenue. An additional backing area is not proposed due to the additional disturbance and impacts of additional retaining walls. A typical driveway on Park Avenue requires backing onto the street and low traffic volumes allow this to occur most of the time.

(7) fencing, Screening, and landscaping to separate the Use from adjoining Uses;

No unmitigated impacts.

The proposed driveway will incorporate a retaining wall with a maximum height of six feet total above existing grade tapering down to final grade. A landscape plan that includes the driveway area and walls will be required at the time of the building permit application to help screen and mitigate the visual impact of these walls and protect the Third Street stairs.

(8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;

No unmitigated impacts.

The retaining walls for the proposed driveway will be within the existing right of way and the height is minimized to only what is necessary to retain the slope and protect the stairs. The rock walls along the existing 263 Park Avenue property will be repaired as necessary with existing stones.

(9) usable Open Space;

No unmitigated impacts.

The driveway is 10 feet wide at the Park Avenue right of way and increases to 20 feet in front of the garage. A landscaped buffer between the driveway and the retaining wall along the stairs is recommended by staff. Approximately 28' of landscaping and snow storage area at the end of the driveway are provided. The impacted areas of the ROW will be landscaped and maintained by the property owner.

(10) signs and lighting;

No unmitigated impacts.

A sign is proposed to indicate the public parking space. There are two existing light posts associated with the Third Street stairs. Any exterior lighting proposed

for the garage area is required to comply with the City's lighting requirements and the Historic District Design Guidelines.

(11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

No unmitigated impacts.

The driveway and retaining wall are smaller than any surrounding building. The wall will require a landscape plan to mitigate the visual impact. Final configuration and finish of the walls will be in compliance with the final Historic District Design Review, utilizing existing stones, matching natural stones, and may include board formed concrete for the south side of the wall along the stairs.

(12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;

No unmitigated impacts.

This criterion does not apply.

(13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash pickup Areas;

No unmitigated impacts.

Delivery and service vehicles will be able to use the driveway to service the house and could use the public space to service houses in the immediate neighborhood without blocking Park Avenue.

(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; and

No unmitigated impacts.

The City will maintain ownership of the right of way with an Encroachment Permit designating maintenance as the responsibility of the 263 Park Avenue property owners. The property owners will also be responsible for maintaining the snow melt system and landscaping associated with the driveway, to include the sloped area for a distance of 75' from Park Avenue equivalent to the depth of the adjacent lots (75').

(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.

No unmitigated impacts.

The site is not within the Sensitive Lands Overlay. The retaining walls are designed to step down with the grade and will be screened with additional plantings. Maximum height of the retaining walls is 6' stepping down to meet final grade approximately 25' back from Park Avenue. Given the location of the existing house and topography, the driveway is in an appropriate location. The driveway design shall take into consideration storm water drainage and the utility plans shall identify how the storm water will be handled so as to not impact adjacent and down stream properties. Previous paving is recommended,

provided it works with snow melt.

(G) An Encroachment Permit for the driveway is required.

Complies. The City Engineer has the authority to grant an Encroachment Permit for the driveway and associated retaining walls. The City Engineer has reviewed the proposal, visited the site, and provided input at the Development Review meeting that an encroachment permit can be granted for the driveway, subject to approval of the Conditional Use Permit, Historic District Design Review, and conditions related to improvements to the Sewer line and relocation of the fire hydrant. Staff recommends a condition of approval that the encroachment agreement be recorded prior to building permit issuance.

(H) Private utilities, including snow melt devices, within the platted City Street require approval by the City Engineer.

Complies. Any private utilities and snowmelt devices are subject to an Encroachment Permit and approval by the City Engineer according to a standard snowmelt agreement review process conducted by the City Engineer.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time. A final utility plan will be required to be reviewed with the building permit and which shall have been approved by the City Engineer prior to issuance of a building permit. An Encroachment Agreement and Snow Melt Agreement with the City Engineer are required prior to issuance of a building permit. A final Historic District Design review and approval is required prior to issuance of a building permit.

Notice

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

Public Input

Staff received public input on the proposed CUP for the driveway (see Exhibit C) due to conflicts with the current use of the area for parking and of concerns with drainage, location of utilities, and creation of parking within the Third Street right of way.

Alternatives

- The Planning Commission may approve the Conditional Use Permit as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion on the Conditional Use Permit.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The side access garage could not be constructed. The applicant could submit a request for a garage under the historic house with access from Park Avenue.

Future Process

The Planning Commission takes final action on Conditional Use permit applications. Approval or denial of a conditional use permit may be appealed according to LMC Section 1-18. Prior to building permit issuance, approval of a Historic District Design Review application is required and any conditions of approval of the CUP must be met.

Recommendation

Staff recommends the Planning Commission conduct a public hearing, review the proposed CUP for a driveway in a platted, un-built City right-of-way (Third Street), and consider approving the CUP according to the findings of fact, conclusions of law, and conditions of approval outlined in this report.

Findings of Fact:

1. The property is located at 263 Park Avenue.
2. The zoning is Historic Residential (HR-1).
3. The house at 263 Park Avenue was constructed in 1883. The house is a modified Hall-Parlor house and is listed as a Significant historic structure on the current Park City Historic Sites Inventory.
4. The house is located on Lot 16, Block 2 of the Park City Survey. Lot 16 contains 1,875 square feet and is adjacent to platted right-of-way for un-built Third Street. The City constructed a public staircase in the right-of-way to connect Park Avenue and Woodside Avenue.
5. There is an existing sewer line in the right of way and existing overhead power lines cross the eastern twenty feet of the ROW providing power to 263 Park. According to the SBWRD when the parking area was leveled out the required sewer line depth was compromised. SBWRD has requested the applicant remedy this situation by relocating the line towards the center of the ROW and placing it deeper in the ground to maintain adequate frost depth. The applicant has agreed to do this work.
6. A rear addition was added in the 1940s and a second floor and side deck were added in 1973, according to the County assessor's office. The entire house was remodeled in the late 1990s, including windows, siding, roofing, porch and front stairs were rebuilt, the 1973 side deck was removed, and foundation work was done around the newer area. The rock walls were rebuilt at this time.
7. Access to the house is from Park Avenue via a front entry door facing the street. The house currently has no garage. On-street parking is utilized by the current owner.
8. Third Street ROW to the north of 263 Park Avenue is developed with City Stairs connecting Park Avenue to Woodside Avenue. The stairs and stair setback take up approximately 8.5 feet of the 30' ROW. An area approximately 16' by 12' has been leveled out and graveled to create off-street parking within the ROW. This area is used by the neighborhood for off-street parking. The rebuilt historic rock wall for 263 Park Avenue is located in the southern 2' of the ROW. The wall will be repaired and

maintained in the current location. The remaining ROW is undeveloped and contains grasses and weeds and informal stepping stones.

9. On April 19, 2011, the applicant submitted a pre-HDDR application for a garage to be located beneath the historic house. The application was reviewed by the Design Review Team on April 27th. The applicant was encouraged to pursue the side facing garage design with access from Third Street and was informed that a Conditional Use permit would be required to construct a driveway within the platted, un-built Third Street ROW.
10. On June 27, 2011, the applicant submitted a Historic District Design Review. The proposed design does not require the house to be raised or lowered from its existing location. Final grade will remain as it exists at the perimeter of the house, with the exception of the area of the garage. The allowable building height from final grade is within the maximum 27'. The existing access, front porch, and front entry door will remain.
11. The Design Guidelines encourage garages to be placed to the rear of historic structures if there is an option to do so. The proposed garage is located on the side of the house towards the rear and beneath that portion of the house that was modified with the second story. The side access from the Third Street right-of-way minimizes impacts of the garage on the front façade and streetscape and maintains the character of the neighborhood.
12. The first set of public notices for the Historic District Design Review was sent out on July 5, 2011 and the property was posted. Staff is in the process of finalizing the design review application and will condition that review upon approval of a Conditional Use permit for the driveway.
13. The proposed driveway has a 2.5% slope.
14. The driveway is proposed to be 10' wide at the street and 20' wide in front of the garage and take up approximately 600 sf of the ROW.
15. There is adequate snow storage at the end of the driveway. A snow melt system is proposed and requires an Encroachment Agreement to be approved by the City Engineer prior to issuance of a building permit.
16. There is a net increase of one parking space, with two spaces removed from Park Avenue and into a garage and in the location of the informal gravel parking area one paved space will be provided for neighborhood parking.
17. The driveway and related improvements, including the retaining walls and relocated sewer line, are designed to minimize present and future conflicts with public utilities and stairs.
18. The staff findings in the Analysis section of this report are incorporated herein.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. 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. The plan shall include a phasing, timing, staging, and coordination of construction with adjacent projects to address mitigation of neighborhood impacts due to the volume of construction in this neighborhood.
3. Measures to protect the historic house and the Third Street stairs shall be included in the Construction Mitigation Plan (CMP). The Chief Building Official shall determine the amount of the historic preservation guarantee, based on the proposed construction plans.
4. City Engineer review and approval of all construction, including grading, utility installation, public improvements and storm drainage plans, and all construction within the ROW, for compliance with City standards, is a condition precedent to building permit issuance.
5. Snyderville Basin Water Reclamation District review and approval of the utility plans for compliance with SBWRD standards and procedures, is a condition precedent to building permit issuance.
6. No building permits shall be issued for this project until the final plans for the garage and retaining walls are reviewed and approved by the Planning Department staff for compliance with the Historic District Design Guidelines.
7. A final landscape plan shall be submitted for approval by the Planning Department and the landscaping shall be complete prior to issuance of a final certificate of occupancy for the garage. Landscaping shall include the sloped area within 75' of Park Avenue and a minimum of 3' landscaped buffer between the driveway and wall along the stairs. The landscape plan shall provide mitigation of the visual impacts of the retaining walls and driveway.
8. An Encroachment Agreement for the driveway is a condition precedent to issuance of a Building Permit to be approved by the City Engineer as to content and by the City Attorney as to form. The Agreement shall include requirements for driveways, utilities, snowmelt system and maintenance of such items, including landscaping and retaining walls. Pervious paving is recommended if it works with the snow melt system.
9. The applicant/property owner is responsible to maintain all landscaping associated with the driveway and retaining walls, including the sloped area within 75' of Park Avenue.
10. Applicant agrees to post a sign noticing the public of the parking space prior to certificate of occupancy of the garage.
11. The applicant stipulates to these conditions.

Exhibits

Exhibit A- Plans

Exhibit B- Applicant's letter

Exhibit C- Photos

Exhibit D- Letters from neighbors

Exhibit E- Snyderville Basin Water Reclamation District letter

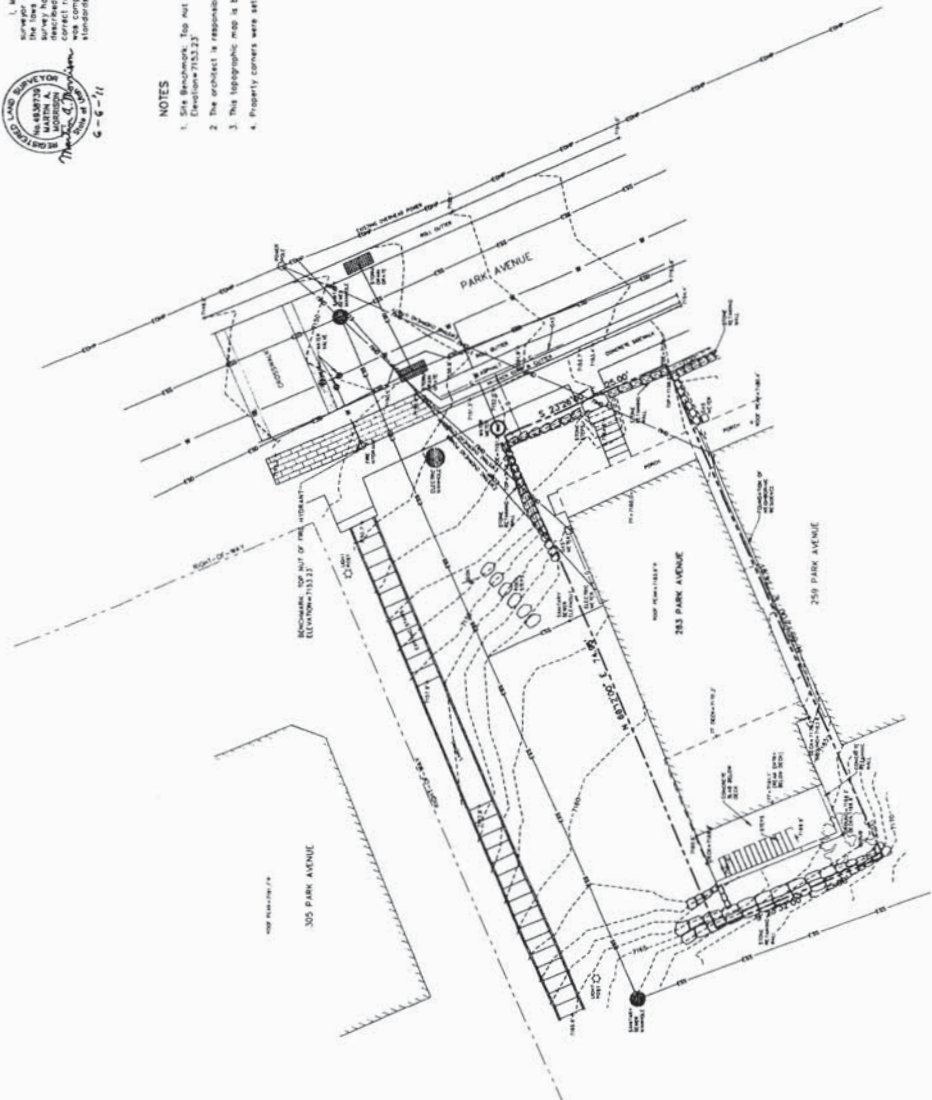
SURVEYOR'S CERTIFICATE

I, Martin A. Maciejowski, am a duly licensed and sworn surveyor and I hold certificate No. 4130739 as provided under the laws of the State of Utah. I further certify that I have personally supervised the work of any assistants or employees who have participated in the making of this map. I further certify that this topographic survey is a correct representation of the land surveyed and that the field work was done in compliance with generally accepted industry standards for accuracy.



NOTES

1. Site Benchmarks: Top of Mt. of the Hydrant Elevation=7153.23'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on May 24, 2011.
4. Property corners were set or found.



RECEIVED
 JUN 27 2011
 PLANNING DEPT.

STAFF: MARSHALL KING, MICHAEL STANOWICZ
 TOPOGRAPHIC AND EXISTING CONDITIONS MAP
 LOT 16, BLOCK 2 + RIGHT-OF-WAY
 FOR: DAVID BAGLINO
 JOB NO.: 3-2-11
 DATE: 6/8/11
 FILE: S:\ParkCity\Drawings\topo\topo2011\060311.dwg



SHEET
U1

DRIVEWAY AND SEWER
PLAN AND PROFILE

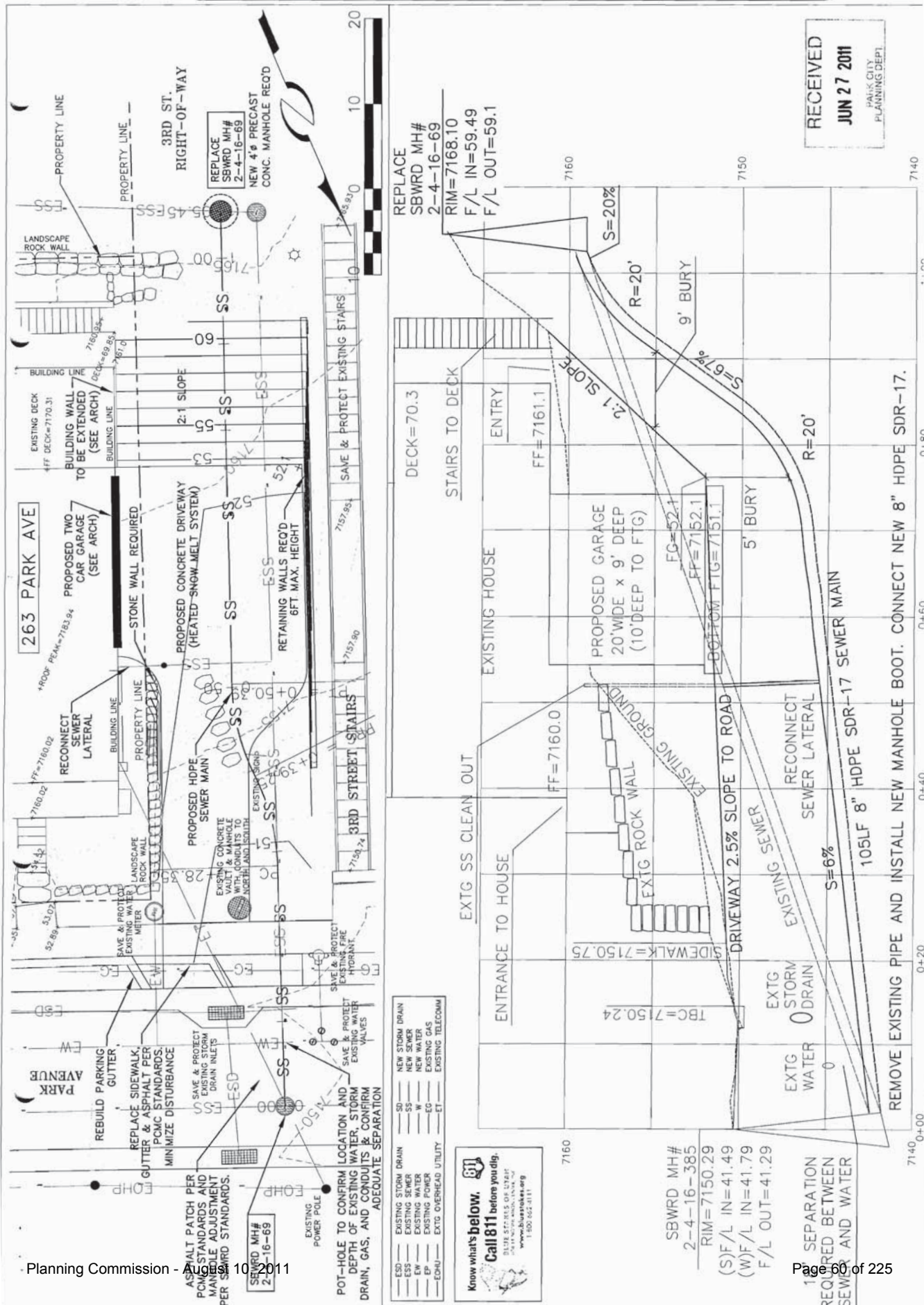
263 PARK AVENUE

STAFF: MICHAEL DEKONOWICZ

DATE: 6/22/11

FOR: DAVID BAGLINO
JOB NO.: 5-5-11
FILE: X:\PerCitySurvey\dwg\160ParkAve\Plan.dwg

CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
222 Main Street, P.O. Box 2884, Park City, Utah 84002-2884



RECEIVED
JUN 27 2011
PARK CITY
PLANNING DEPT.

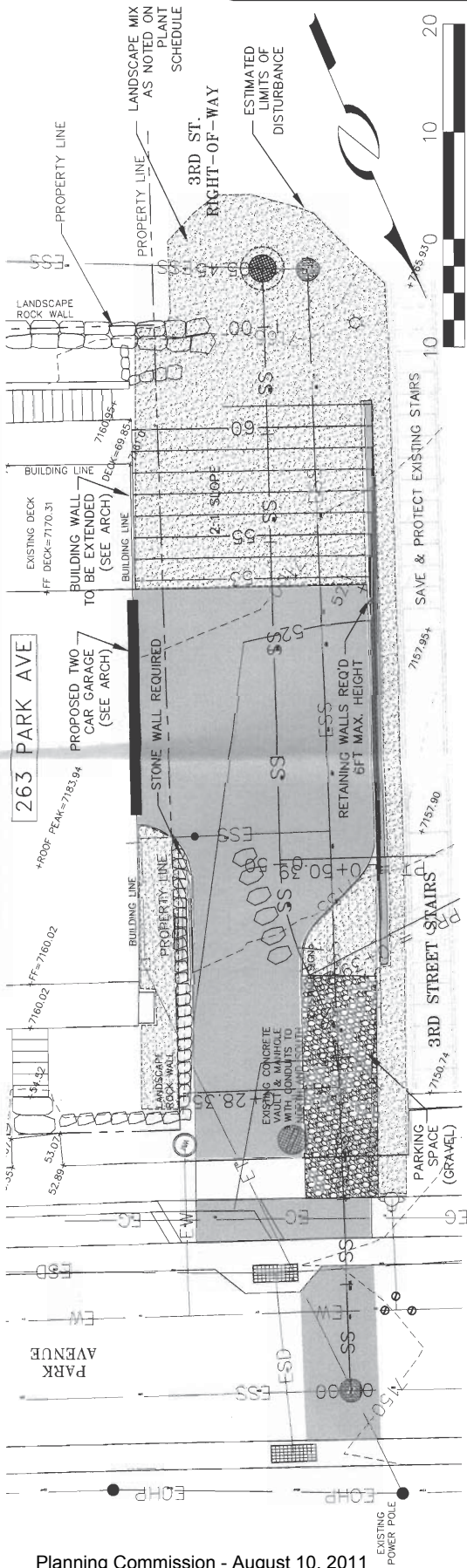
- ESD - EXISTING STORM DRAIN
- ESS - EXISTING SEWER
- EW - EXISTING WATER
- EP - EXISTING POWER
- EDU - EXISTING OVERHEAD UTILITY
- ET - EXISTING TELECOMM
- NSD - NEW STORM DRAIN
- NSS - NEW SEWER
- NW - NEW WATER
- NP - NEW POWER
- NU - NEW OVERHEAD UTILITY
- NT - NEW TELECOMM

Know what's below.
Call 811 before you dig.
www.811utah.com
1-800-662-0111

SBWRD MH#
2-4-16-385
RIM=7150.29
(S) F/L IN=41.49
(W) F/L IN=41.79
F/L OUT=41.29

1. SEPARATION
REQUIRED BETWEEN
SEWER AND WATER

REMOVE EXISTING PIPE AND INSTALL NEW MANHOLE BOOT. CONNECT NEW 8" HDPE SDR-17.



PLANT SCHEDULE

SYMBOL	SPECIES NAME	qty
	NATIVE GRASS SEED MIX	
	Hard Fescue	35%
	Sheep Fescue	25%
	Chewing Fescue	20%
	Rocky Mountain Penstemon	10%
	Blue Flax	5%
	White Yarrow	5%

Seed mix shall be applied at a rate of 70 lbs. PLS (Pure live seed) per acre. Contact Granite Seed
 1697 W. 2100 S
 Lehi, UT 84043-9551
 (801) 768-4422 www.graniteseed.com

FOR: DAVID BAGLINO
 DRIVEWAY AND SEWER
 REVEGETATION PLAN

DATE: 6/22/11

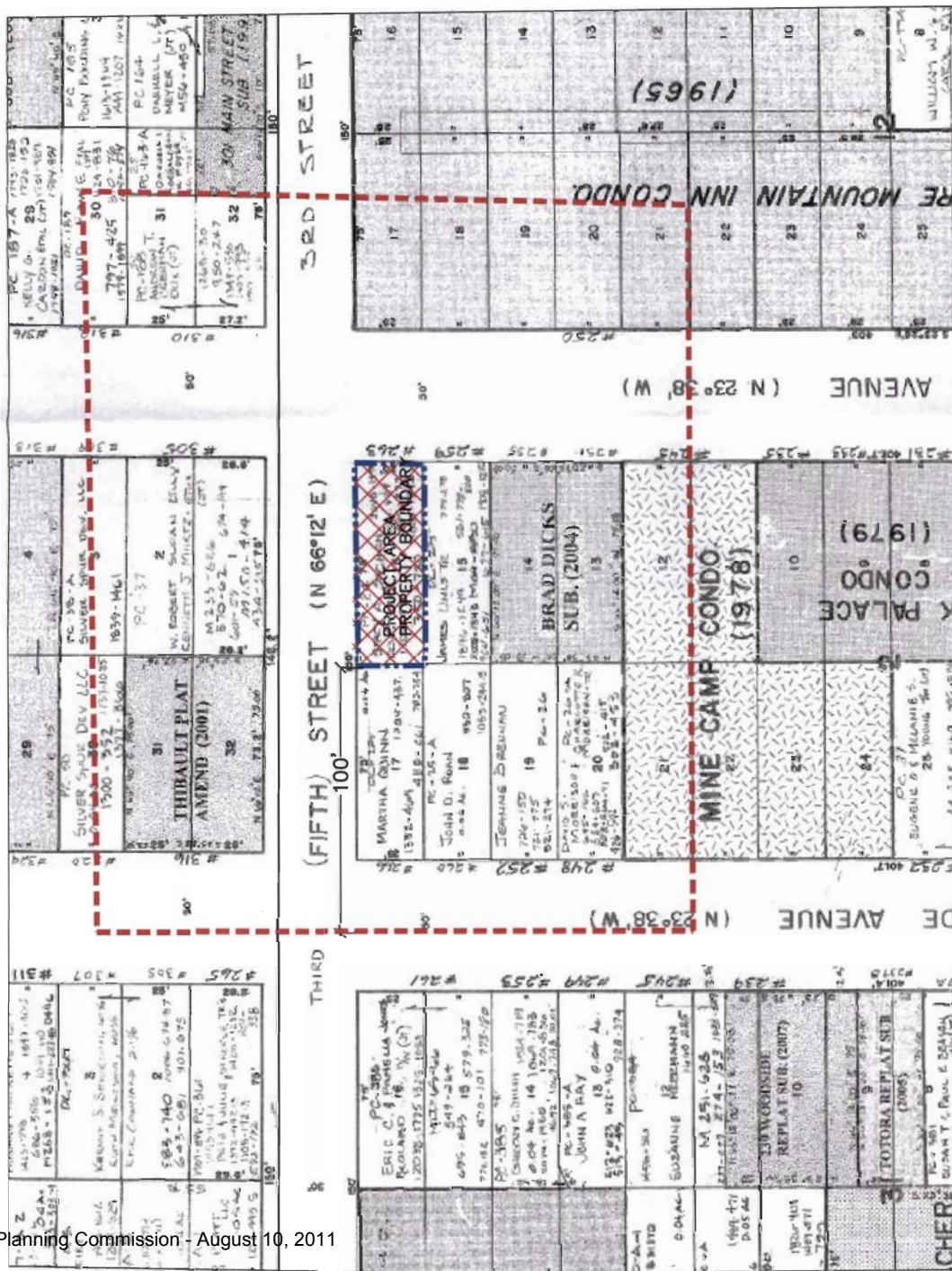
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 MICHAEL DEMKOWICZ
 STAFF: (435) 648-9487

263 PARK AVENUE
 SHEET L1

FILE: X:\proj\15\survey\dwg\160ParkAve\Prfl.dwg

303 Main Street P.O. Box 2864 Park City, Utah 84090-2864

RECEIVED
 JUN 25 2011
 PARK CITY
 PLANNING DEPARTMENT



NOTES:
ALL PROPERTIES WITHIN 100 FEET OF THE PROJECT AREA CONSIST OF OVERNIGHT ACCOMMODATIONS AND RESIDENTIAL USES.



RECEIVED
JUN 25 2011
PARK CITY
PLANNING DEPT.

STAFF: MICHAEL DEMKOWICZ
MICHAEL DEMKOWICZ
DATE: 6/23/11

FOR: 100-FOOT ADJOINING NEIGHBORS
263 PARK AVENUE
CONDITIONAL USE PERMIT

JOB NO.: 5-5-11
FILE: X:\ParkCitySurvey\100\263 Park Ave\ 263 CUP exhibit.dwg

SHEET 1 OF 1

Choice Engineering Inc.
133 Main Street, Park City, Utah 84060-3000
330 Main Street, Park City, Utah 84060-3000
330 Main Street, Park City, Utah 84060-3000

CUP Supplemental Description of Project

Project Name: Stacey Sachen

Project Address: 263 Park Ave Park City, UT 84060

Project Description

The overall proposed project consists of adding a garage under an existing residence with a new driveway access to the garage. The CUP application is for adding this driveway within platted un-built city street as mandated by the LMC section 15-3-5. The CUP project consists of a residential driveway, retaining walls and replacement of a sewer main. The driveway would access a proposed garage located below the main level of the existing residence. The driveway is proposed to be concrete with a heated snow melt system. Driveway grades would be approximately 3%, well under the 10% maximum allowable slope.

With respect to snow storage, the driveway is proposed to include a snow melt system. This will melt any accumulated snow on the driveway. Further, the slope directly in front of the driveway shall remain clear, with the exception of grasses, and could accommodate stored snow in the event the snow melt system fails.

The driveway will not pre-empt existing street-side parking on Park Ave., as the applicant's vehicle will not longer need to park on Park Ave. and will make use of the driveway and proposed garage. The applicant will also provide a public parking space immediately adjacent and parallel to the 3rd Street stairs.

Retaining walls will be required in order to build the driveway and access the proposed garage. The walls shall comply with Historic District guidelines.

There will be no anticipated conflicts with public utilities. Below ground utilities will continue to have clear access. The sewer line will be re-built in order to accommodate the grade change for the driveway. Power lines are well above the proposed driveway location.

Project History

Our original concept was to access the garage from the front of the house. The house is a significant historic site and therefore is subject to the Historic Design Review process. Due to the Historic Guide Lines our preliminary historic design review application of adding the garage entrance on the front side of the house was denied. After review of the guidelines it was decided to utilize the 3rd Ave ROW that provides us access to the side of the house that is preferred within the historic guide lines and approved in our 2nd preliminary historic design review meeting. The City Engineer (Matt Cassel) has approved the use of the 3rd Ave ROW as per our site plan presented. Also sewer runs down the 3rd Ave ROW and will need to be lowered as part of the driveway construction. Snyderville Basin has formally approved the sewer line extension

application in the June 20th Board meeting (see attached letter). This project meets all historic district guide lines, City Engineer requirements and Snyderville Basin requirements. This project also benefits the city as it removes two cars from the narrow Park Ave street that parking during winter months is challenging to say the least.

CUP Questions and Answers:

- How will the proposed use "fit in" with surrounding uses? – The use of the property is residential, is consistent with surrounding uses, and would remain so under this application. This project provides access for a home owner on a public ROW that has not been improved, to an existing home. The driveway fits in perfectly as any other driveway does, it has no alternate impact.
- What type of service will it provide to Park City?– This project is a benefit to Park City as it removes two vehicles off of the narrow Park Ave street, where parking is a battle throughout the year significantly during winter months. One space shall be available for off-street public parking.
- Is the proposed use consistent with the current zoning district and with the General Plan? - Yes the project is consistent with the current zoning district and General Plan.
- Is the proposed use similar or compatible with other uses in the same area? – Yes, many other homes in the surrounding area have completed remodels that have added garage and driveway. Also TMI across the street has a current project underway that they are utilizing the same 3rd Ave ROW to add additional footprint and structures to their building.
- Is the proposed use suitable for the proposed site? Yes, all engineering and utility design has been completed and the impact esthetically is minimal at best.
- Will the proposed use emit noise, glare dust, pollutants, and odor? No
- What will be the hour of operation and how many people will be employed? Construction hours will follow PC Old Town construction guidelines and approximately five employees. Employees will utilize park and ride parking areas.
- Are there other special issues that need to be mitigated? No.

HISTORIC SITE FORM - HISTORIC SITES INVENTORY

PARK CITY MUNICIPAL CORPORATION (10-08)

1 IDENTIFICATION

Name of Property:

Address: 263 Park Ave

AKA:

City, County: Park City, Summit County, Utah

Tax Number: PC-24

Current Owner Name: COOL WATER RESORT PROPERTIES-263 LLC Parent Parcel(s):

Current Owner Address: 2525 E CAMELBACK RD STE 136 , PHOENIX, AZ 85016

Legal Description (include acreage): SUBD: PARK CITY BLOCK 2 BLOCK: 2 LOT: 16 PLAT: 0LOT 16 BLK 2
PARK CITY SURVEY IQC-47 XWD-351 JQC-165 M76-138 M126-130
M163-283 M169-227 350-730 688-628 (REF:1215-319) 1349-874 1392-689
1704-891 1800-1342 1807-877 1894-529, 0.04 Acres

2 STATUS/USE

Property Category

- building(s), main
 building(s), attached
 building(s), detached
 building(s), public
 building(s), accessory
 structure(s)

Evaluation*

- Landmark Site
 Significant Site
 Not Historic

Reconstruction

- Date:
Permit #:
 Full Partial

Use

- Original Use: Residential
Current Use: Residential

*National Register of Historic Places: ineligible eligible
 listed (date:)

3 DOCUMENTATION

Photos: Dates

- tax photo:
 prints: 1995 & 2006
 historic: c.

Drawings and Plans

- measured floor plans
 site sketch map
 Historic American Bldg. Survey
 original plans:
 other:

Research Sources (check all sources consulted, whether useful or not)

- abstract of title
 tax card
 original building permit
 sewer permit
 Sanborn Maps
 obituary index
 city directories/gazetteers
 census records
 biographical encyclopedias
 newspapers

- city/county histories
 personal interviews
 Utah Hist. Research Center
 USHS Preservation Files
 USHS Architects File
 LDS Family History Library
 Park City Hist. Soc/Museum
 university library(ies):
 other:

Bibliographical References (books, articles, interviews, etc.) Attach copies of all research notes and materials.

Blaes, Dina & Beatrice Lufkin. "Final Report." Park City Historic Building Inventory. Salt Lake City: 2007.

Carter, Thomas and Goss, Peter. *Utah's Historic Architecture, 1847-1940: a Guide*. Salt Lake City, Utah: University of Utah Graduate School of Architecture and Utah State Historical Society, 1991.

McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1998.

Roberts, Allen. "Final Report." Park City Reconnaissance Level Survey. Salt Lake City: 1995.

Roper, Roger & Deborah Randall. "Residences of Mining Boom Era, Park City - Thematic Nomination." National Register of Historic Places Inventory, Nomination Form. 1984.

4 ARCHITECTURAL DESCRIPTION & INTEGRITY

Building Type and/or Style: Hall-parlor type / Vernacular style

No. Stories: 2

Researcher/Organization: Preservation Solutions/Park City Municipal Corporation Date: Dec. 2008

Additions: none minor major (describe below) Alterations: none minor major (describe below)

Number of associated outbuildings and/or structures: accessory building(s), # ____; structure(s), # ____.

General Condition of Exterior Materials:

- Good (Well maintained with no serious problems apparent.)
- Fair (Some problems are apparent. Describe the problems.):
- Poor (Major problems are apparent and constitute an imminent threat. Describe the problems.):
- Uninhabitable/Ruin

Materials (The physical elements that were combined or deposited during a particular period of time in a particular pattern or configuration. Describe the materials.):

Foundation: The foundation is not visible in the available photographs and therefore its material or existence cannot be verified.

Walls: The exterior walls are clad in wooden drop/novelty siding.

Roof: The side-gabled roof is sheathed in composition shingles.

Windows/Doors: The façade windows are two-over-two double-hung set symmetrically flanking the entry door. The door is four-panel wooden with a transom light overhead.

Essential Historical Form: Retains Does Not Retain, due to:

Location: Original Location Moved (date _____) Original Location:

Design (The combination of physical elements that create the form, plan, space, structure, and style. Describe additions and/or alterations from the original design, including dates--known or estimated--when alterations were made): This two-story frame hall-parlor type house had a catslide rear addition visible in the c.1940 tax photo. A second floor was added at some time between 1959 and 1973. It is not visible in the 2006 photograph.

Setting (The physical environment--natural or manmade--of a historic site. Describe the setting and how it has changed over time.): The lot slopes up steeply from the finished road bed and city stairs flank the lot. A uncut stone retaining wall with irregular courses parallels the street and is bisected by the front stairs. Like most of the historic neighborhoods in Park City, the overall setting is a compact streetscape with narrow side yards and other homes of similar scale within close proximity.

Workmanship (The physical evidence of the crafts of a particular culture or people during a given period in history. Describe the distinctive elements.): Much of the physical evidence from the period that defines the typical Park City mining era home has been altered and, therefore, lost.

Feeling (Describe the property's historic character.): The physical elements of the site, in combination, do not effectively convey a sense of life in a western mining town of the late nineteenth and early twentieth centuries.

Association (Describe the link between the important historic era or person and the property.): The Hall-Parlor house form is the earliest type to be built in Park City and one of the three most common house types built in Park City during the mining era; however, the extent of the alterations to the main building diminishes its association with the past.

The extent and cumulative effect of alterations to the site render it ineligible for listing in the National Register of Historic Places.

5 SIGNIFICANCE

Architect: Not Known Known: (source:)

Date of Construction: c. 1883¹

Builder: Not Known Known: (source:)

The site must represent an important part of the history or architecture of the community. A site need only be significant under one of the three areas listed below:

1. Historic Era:

- Settlement & Mining Boom Era (1868-1893)
- Mature Mining Era (1894-1930)
- Mining Decline & Emergence of Recreation Industry (1931-1962)

Park City was the center of one of the top three metal mining districts in the state during Utah's mining boom period of the late nineteenth and early twentieth centuries, and it is one of only two major metal mining communities that have survived to the present. Park City's houses are the largest and best-preserved group of residential buildings in a metal mining town in Utah. As such, they provide the most complete documentation of the residential character of mining towns of that period, including their settlement patterns, building materials, construction techniques, and socio-economic make-up. The residences also represent the state's largest collection of nineteenth and early twentieth century frame houses. They contribute to our understanding of a significant aspect of Park City's economic growth and architectural development as a mining community.²

2. Persons (Describe how the site is associated with the lives of persons who were of historic importance to the community or those who were significant in the history of the state, region, or nation):

3. Architecture (Describe how the site exemplifies noteworthy methods of construction, materials or craftsmanship used during the historic period or is the work of a master craftsman or notable architect):

6 PHOTOS

Digital color photographs are on file with the Planning Department, Park City Municipal Corp.

Photo No. 1: East elevation (primary façade). Camera facing west, 2006.

Photo No. 2: Northeast oblique. Camera facing southwest, 1995.

Photo No. 3: Northeast oblique. Camera facing southwest, 1973.

Photo No. 4: North elevation. Camera facing south, tax photo.

¹ Summit County Recorder.

² From "Residences of Mining Boom Era, Park City - Thematic Nomination" written by Roger Roper, 1984.

**SERIAL NO.
RE-APPRAISAL CARD (1940 APPR. BASE)**

Owner's Name _____
 Owner's Address _____
 Location _____
 Kind of Building Res Street No. Park Ave
 Schedule 1 Class 3 Type 1-2-3-4 Cost \$ _____ X _____ %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Actual Factor	Totals
<u>1</u>	x x		<u>672</u>	\$ -	\$ <u>1438</u>
	x x			\$	\$
	x x			\$	\$

No. of Rooms 40/1-Up Condition _____

Description of Building	Add	Deduct
Foundation—Stone _____ Conc. _____ None <input checked="" type="checkbox"/>		<u>118</u>
Ext. Walls <u>Brightex</u>		
Insulated—Floors _____ Walls _____ Clgs. _____		
Roof—Type <u>Gob.</u> Mat. <u>Shg.</u>		
Dormers—Small _____ Med. _____ Lg. _____		
Bays—Small _____ Med. _____ Lg. _____		
Porches—Front <u>50' @ 1"</u>	<u>50</u>	
Rear _____ @ _____		
Cellar—Basin't— $\frac{1}{4}$ $\frac{1}{2}$ $\frac{3}{4}$ full-floor <u>Dir. Value</u>		
Basement Apts.—Rooms Fin. _____		
Attic Rooms—Fin. <u>1</u> Unfin. _____	<u>163</u>	
Plumbing— Class _____ Tub _____ Trays _____ Basin _____ Sink _____ Toilet _____ Urns _____ Ftns. _____ Shr. _____ Dishwasher _____ Garbage Disp. _____	<u>350</u>	
Heat—Stove <input checked="" type="checkbox"/> H. A. _____ Steam _____ S. _____ Blr. _____ Oil <input checked="" type="checkbox"/> Gas _____ Coal _____		
Air Conditioned _____ Incinerators _____		
Radiant—Pipeless _____		
Finish— Hd. Wd. _____ Floors— Fir. <input checked="" type="checkbox"/> Conc. _____		<u>20</u>
Cabinets _____ Mantels _____	<u>40</u>	
Tile— Walls _____ Wainscot. _____ Floors _____		
Lighting—Lamp _____ Drops <input checked="" type="checkbox"/> Fix. _____ <u>Lumberized No. Steds - 5 @ 35"</u>		<u>175</u>
Total Additions and Deductions	<u>603</u>	<u>313</u>
Net Additions or Deductions	<u>-313</u>	<u>1438</u>

Ave Age 58 Yrs. by Est. Owner
 Tenant
 Neighbors
 Records

REPRODUCTION VALUE \$ 1728
 Depr. 1-2-3-4-5-6 70/30 % \$ _____
 Reproduction Val. Minus Depr. \$ 518

Remodeled _____ Est. Cost _____ Remodeling Inc. _____ % \$ _____
 Garage—S 8 C _____ Depr. 2% 3% _____ Obsolescence _____ \$ _____
 Cars _____ Walls _____ Out Bldgs. _____ \$ _____
 Roof _____ Size x Age _____ \$ _____
 Floor _____ Cost _____ Depreciated Value Garage _____ \$ _____

Remarks (50 yr Ave Used - 1941) Total Building Value \$ _____

Serial No. PC 24

Location _____
 Kind of Bldg. Res St. No. 263 Park Ave
 Class 3 Type 1 2 3 4. (4) Cost \$ _____ X _____ %
 Stories | Dimensions | Cu. Ft. | Sq. Ft. | Factor | Totals
 1 | x x | | 672 | | \$ 1452
 | x x | | | | |
 | x x | | | | |
 Gar.—Carpport x Flr. _____ Walls _____ Cl. _____

Description of Buildings	Additions	
Foundation—Stone _____ Conc. _____ None <input checked="" type="checkbox"/>		
Ext. Walls <u>Bricktex</u>		
Insulation—Floors _____ Walls _____ Clgs. _____		
Roof Type <u>Gable</u> Mtl. <u>Shingle</u>		
Dormers—Small _____ Med. _____ Large _____		
Bays—Small _____ Med. _____ Large _____		
Porches—Front <u>50</u> @ <u>100</u>	<u>50</u>	
Rear _____ @ _____		
Porch _____ @ _____		
Metal Awnings _____ Mtl. Rail _____		
Basement Entr. _____ @ _____		
Planters _____ @ _____		
Cellar/Bsmt. — 1/4 1/2 3/4 Full _____ Floor <u>dirt</u>	<u>50</u>	
Bsmt. Apt. _____ Rooms Fin. _____ Unfin. _____		
Attic Rooms Fin. <u>1</u> Unfin. _____	<u>217</u>	
Plumbing {	Class <u>1</u> Tub <u>1</u> Trays _____ Basin <u>1</u> Sink <u>1</u> Toilet <u>1</u> Wtr. Sfr. _____ Shr. St. _____ O.T. _____ Dishwasher _____ Garbage Disp. _____	
		<u>350</u>
Built-in-Appliances _____		
Heat—Stove <input checked="" type="checkbox"/> H.A. _____ Steam _____ Stkr. _____ Blr. _____ Oil _____ Gas _____ Coal _____ Pipeless _____ Radiant _____		
Air Cond. _____		
Finish—Fir <input checked="" type="checkbox"/> Hd. Wd. _____		
Floor—Fir <input checked="" type="checkbox"/> Hd. Wd. _____ Other _____		
Cabinets _____ Mantels _____		
Tile—Walls _____ Wainseot _____ Floors _____		
Storm Sash—Wood D. _____ S. _____; Metal D. _____ S. _____		
Total Additions	<u>667</u>	

No one
 Living in
 this house
 at this time
 and is in
 bad need of
 repairs from
 the outside
 Salvage
 \$15000
 10-15-68
 1708

Year Built _____	Avg. Age <u>66</u>	Current Value	\$ <u>2119</u>
Inf. by <u>Owner - Tenant - Neighbor - Record - Est.</u>		Commission Adj.	% _____
Remodel Year _____ Est. Cost _____		Bldg. Value	
Garage—Class _____ Depr. 2% 3% _____ Carport—Factor _____		Depr. Col. 1 2 3 4 5 6 <u>30</u>	% _____
Cars _____ Floor _____ Walls _____ Roof _____ Doors _____		Current Value Minus Depr.	\$ <u>636</u>
Size—x _____ Age _____ Cost _____ x _____ % _____			
Other _____			
		Total Building Value	\$ _____

Appraised 11-28 19 59 By 1331

PC 24
Serial Number

OF
Card Number

Owners Name Helen M. PLUMMER
 Location Park City
 Kind of Bldg. Res St. No. 263 PARK
 Class III Type 1 2 3 4. Cost \$ _____ X _____ %

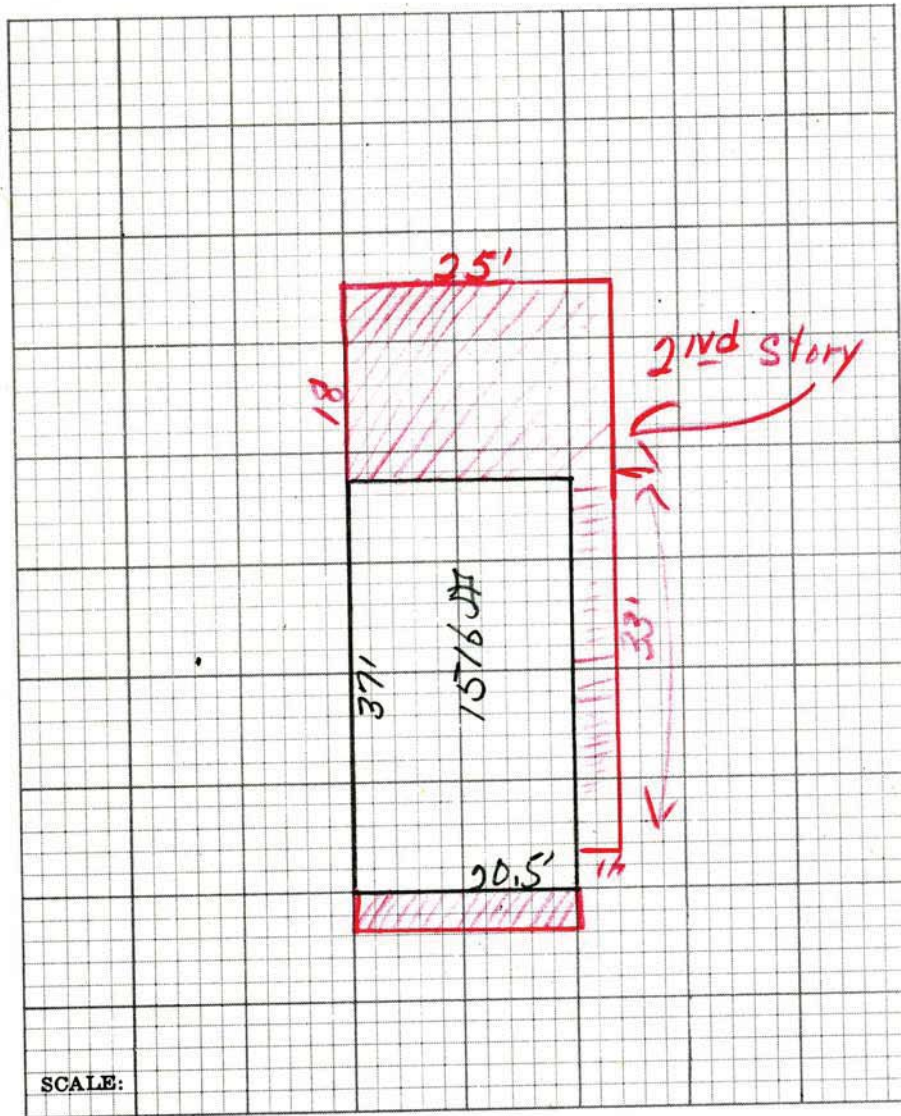
Stories	Dimensions	Sq. Ft.	Factor	Totals	Totals
1	x 20.5' x 37	758		\$	\$
2	x 20.5' x 37	758			
	x x	1516	7.93	12,022	

Att. Gar.—C.P. _____ x _____ Flr. _____ Walls _____ Cl. _____

Description of Buildings	Additions	Additions
Foundation—Stone _____ Conc. _____ Sills _____		
Ext. Walls _____		
Roof Type _____ Mtl. _____		
Dormers—Small _____ Med. _____ Large _____		
Bays—Small _____ Med _____ Large _____		
Porches—Front _____ @ _____		
Rear _____ @ _____		
Porch _____ @ _____		
Planters _____ @ _____		
Ext. Base. Entry _____ @ _____		
Cellar-Bsmt. — ¼ ⅓ ½ ⅔ ¾ Full _____ Floor _____		
Bsmt. Gar. _____		
Basement-Apt. _____ Rms. _____ Fin. Rms. _____		
Attic Rooms Fin. _____ Unfin. _____		
Plumbing {	Class _____ Tub _____ Trays _____	
	Basin _____ Sink _____ Toilet _____	
	Wtr. Sfr. _____ Shr. St. _____ O.T. _____	
	Dishwasher _____ Garbage Disp. _____	
Heat—Stove _____ H.A. _____ FA _____ HW _____ Stkr _____ Elec. _____		
Oil _____ Gas _____ Coal _____ Pipeless _____ Radiant _____		
Air Cond. — Full _____ Zone _____		
Finish—Fir. _____ Hd. Wd. _____ Panel _____		
Floor—Fir. _____ Hd. Wd _____ Other _____		
Cabinets _____ Mantels _____		
Tile—Walls _____ Wainscot _____ Floors _____		
Storm Sash—Wood D. _____ S. _____; Metal D. _____ S. _____		
Awnings — Metal _____ Fiberglass _____		

Total Additions		4,576
Year Built _____	Avg. 1.	Replacement Cost 16,598
	Age 2.	Obsolescence
Inf. by {	Owner - Tenant -	Adj. Bld. Value
	Neighbor - Record - Est.	Conv. Factor x.47 95
Replacement Cost—1940 Base		
Depreciation Column 1 2 3 4 5 6		
1940 Base Cost, Less Depreciation		
Total Value from reverse side		
Total Building Value		\$ 15,768

Appraised 10-24 19 73 By J.F.
 Appraised 2 19 _____ By _____



RESIDENTIAL OUT BUILDINGS	Age	Size	Area	Factor	Cost	Conv. Fac.	Adj. Cost	Depr. Value
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		
		x				.47		

Garage — Class _____ Depr. 2% 3% _____

Cars _____ Floor _____ Walls _____ Roof _____ Doors _____

Size _____ x _____ Age _____ Cost _____ x 47% _____

_____ 1940 Base Cost _____ x _____ % Depr. _____

Total _____

REMARKS _____



PO 24

Utah State Historical Society Historic Preservation Research Office Structure/Site Information Form

1
IDENTIFICATION

Street Address: 263 Park Ave. Plat PC Bl.2 Lot 16
 Name of Structure: T. R. S.
 Present Owner: Frederick T. Duncan UTM:
 Owner Address: 17901 N.W. 85th Ave., Miami, Florida 33015 Tax #: PC-24

2
AGE/CONDITION/USE

Original Owner: Construction Date: @1891 Demolition Date:
 Original Use: residential
 Present Use: Occupants:
 Single-Family Park Vacant
 Multi-Family Industrial Religious
 Public Agricultural Other
 Commercial
 Building Condition: Integrity:
 Excellent Site Unaltered
 Good Ruins Minor Alterations
 Deteriorated Major Alterations

3
STA

Preliminary Evaluation: Final Register Status:
 Significant National Landmark District
 Contributory National Register Multi-Resource
 Not Contributory State Register Thematic
 Intrusion

4
DOCUMENTATION

Photography: 11/77
 Date of Slides: Date of Photographs:
 Views: Front Side Rear Other
 Views: Front Side Rear Other
 Research Sources:
 Abstract of Title City Directories LDS Church Archives
 Plat Records Biographical Encyclopedias LDS Genealogical Society
 Plat Map Obituary Index U of U Library
 Tax Card & Photo County & City Histories BYU Library
 Building Permit Personal Interviews USU Library
 Sewer Permit Newspapers SLC Library
 Sanborn Maps Utah State Historical Society Library Other

Bibliographical References (books, articles, records, interviews, old photographs and maps, etc.):

Summit County Recorder and Assessor Records, Summit County Courthouse, Coalville, Utah.
Sanborn Maps, Park City, Utah, 1889, 1900, 1907.

Architect/Builder: unknown

Building Materials: wood

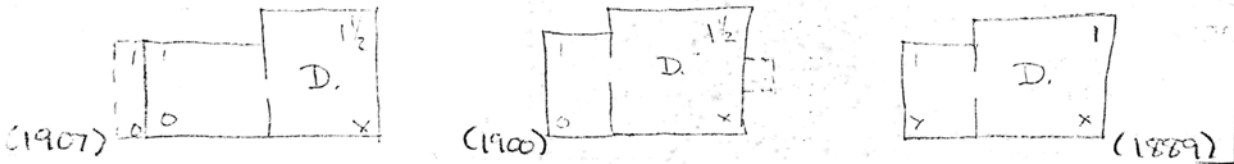
Building Type/Style: residential

Description of physical appearance & significant architectural features:

(Include additions, alterations, ancillary structures, and landscaping if applicable)

Two-story (one-and-a-half) frame structure with a gable roof, and an extension beyond the gable to form a salt-box type treatment. New window openings have been added to the attic level on the gable end, as well as a balcony addition which extends along the north side. The door and windows on the facade have also been replaced with aluminum.

Plan sketches from Sanborn Maps:



Statement of Historical Significance:

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> Aboriginal Americans | <input type="checkbox"/> Communication | <input type="checkbox"/> Military | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Conservation | <input checked="" type="checkbox"/> Mining | <input type="checkbox"/> Science |
| <input type="checkbox"/> Architecture | <input type="checkbox"/> Education | <input type="checkbox"/> Minority Groups | <input type="checkbox"/> Socio-Humanitarian |
| <input type="checkbox"/> The Arts | <input type="checkbox"/> Exploration/Settlement | <input type="checkbox"/> Political | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Commerce | <input type="checkbox"/> Industry | <input type="checkbox"/> Recreation | |

An early dwelling which, although altered, represents the salt-box adaptation to a mining camp, a typical type in mining towns.

The original property owner was Edward P. Ferry, large Park City landowner. In 1881 it went from Ferry to Michael H. Hennessey, and in 1882 to Ida A. James (and mortgaged back to Hennessey that same year). In 1885 deeded to Frank E. James from Ida A. James, and in 1888 back to Ida James. Ida Warnock (James) sold the property to Evidred Viko in 1896, and to George E. Barton in 1902, and Emily Maud Barton; and in 1915 sold to Summit at a tax sale.

No available information on either Ida James or Ida Warnock.









263 Park



JUN 27 2011
PARK CITY
PLANNING DEPT.

263 Park





263 PARK

SITE



SITE

263 PARK



263 PARK



3RD ST. STAIR



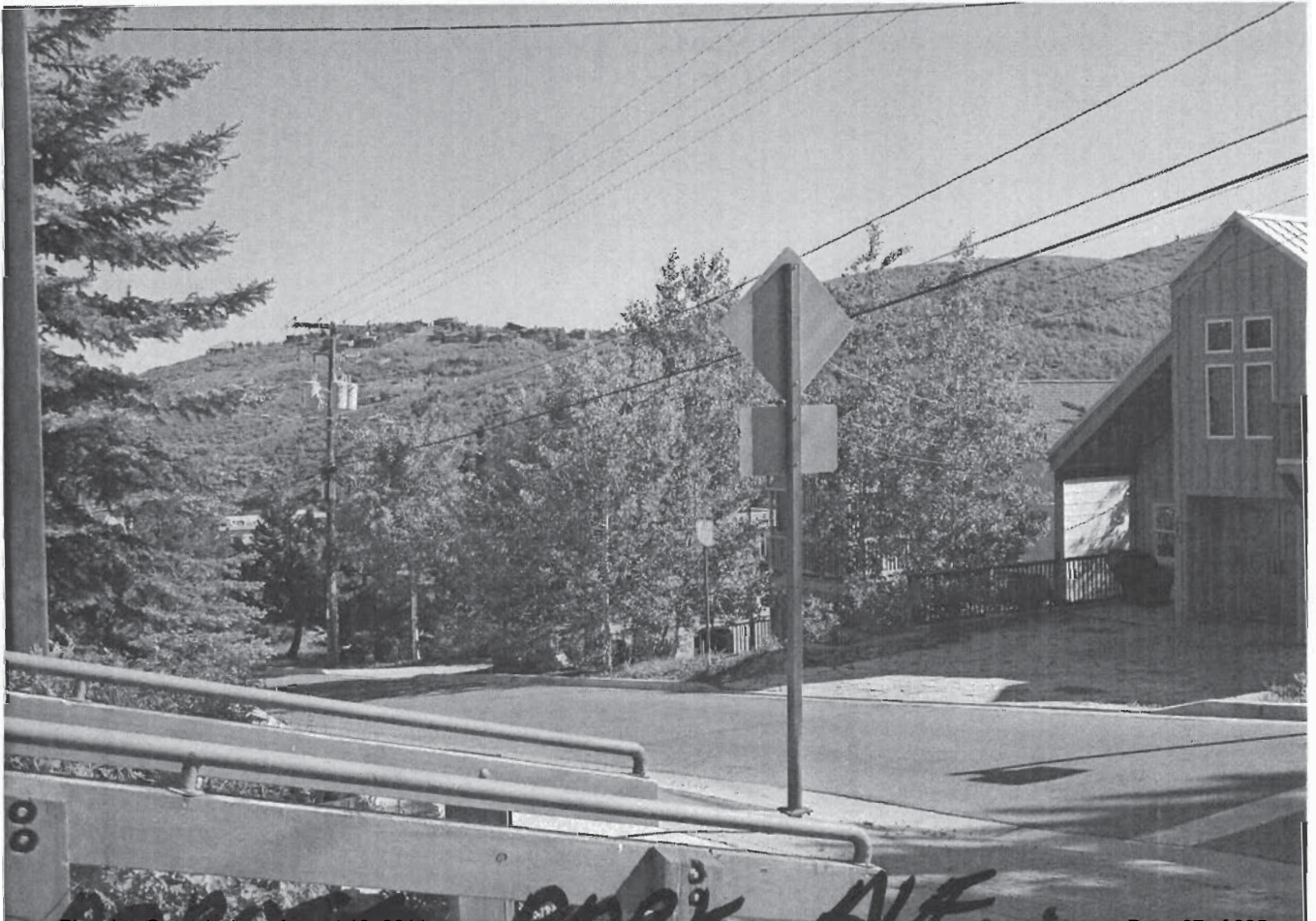
HOUSES - NORTH ALONG PARK AVE.

ADJACENT HOME - NORTH





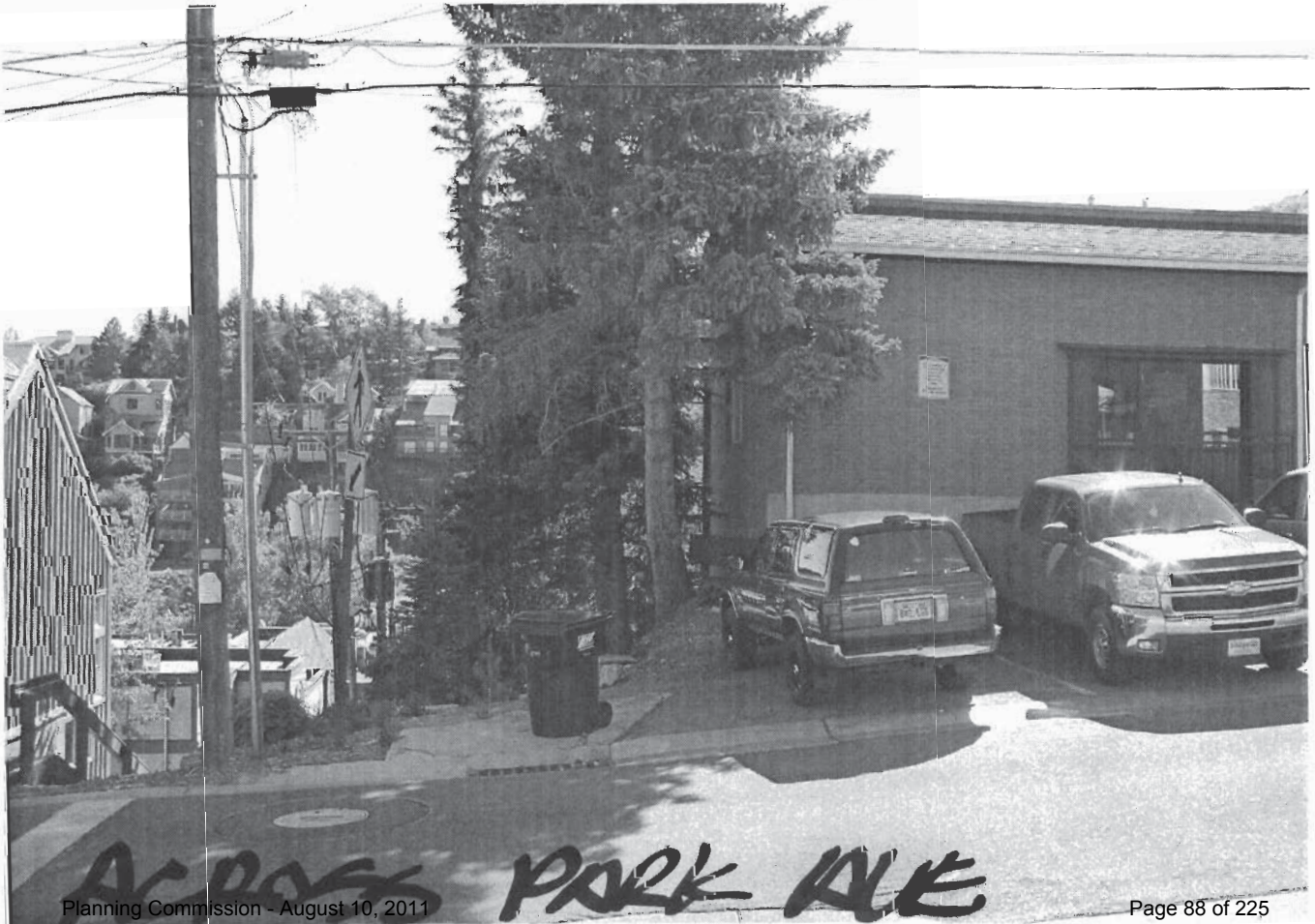
ACROSS PARK AVE.



ACROSS PARK AVE



ACROSS PARK AVE



ACROSS PARK AVE

From: John Abbott [jabbott@us.ibm.com]
Sent: Wednesday, July 20, 2011 12:17 AM
To: Kirsten Whetstone
Subject: PL-11-01243 263 Park

I am writing you to provide input on the proposal for 263 Park Ave for an under ground garage accessed off of the 3rd Street vacated roadway.

My wife Monique and I own 316 Woodside directly above the proposed project and across the 3rd Street stairs. Our historic home at 316 Woodside was built facing the now vacated 3rd Street. This left 316 Woodside without any off street parking much like 263 Park. Several years ago 316 Woodside and 263 Park were allowed by the city to improve the parking area at the 3rd Street stairs intersection with Park Ave. This parking was not officially designated to these properties, but it has been shared primarily by these properties. Over the past several years we have paid to maintain that space by adding gravel and clearing snow. We have also attempted to build dedicated parking on our property, but have been met with a stalemate from the planning/historic processes even though this makes us the only house on the down hill side of upper Woodside without off street parking.

If this plan would go through we would no longer have access to decent parking. Almost all of 200's-300's on Woodside have driveways and thus there are very very few parking spots. Since we have not been allowed to improve our 50 feet of frontage on Woodside, there is no ability to park cars along our property.

We are in favor of development in Oldtown, and understand the need for historic and non-historic homes to improve their properties by creating off street parking and garage space. Our position on this project is that if 263 Park is allowed to access their property from the vacated 3rd Street, that the two parking spaces currently available be moved further up the vacated third street or designated along side the 3rd street stairs including space for snow removal.

Finally, as far as we know, no notification has yet been sent out on this project, and at least some of the neighbors, including us, have not received notification.

Good Luck,

John Abbott
IBM Software Group, Tivoli Services
Senior Systems Management Specialist
jabbott@us.ibm.com
612.220.1550

From: kenmartz@hotmail.com

To:

Subject: 263 Park Ave. PL-11-01243 Use of 3rd. St. right of way

Date: Tue, 12 Jul 2011 03:56:37 +0000

First I would like to say that my wife and I live at 305 Park Ave. on the other side of the right of way and have not received written notice of this in the mail as of July 11, 2011. Some observation and facts about the right of way. We have owned the property at 305 for some 41 years and have seen many changes to the contour, new sewer lines and new 3rd. ave. stairs and the complete rebuilding and lowering of the street in our area by at least 2 feet. The City without notice to us in 1991 placed the stairs one foot from our property lines next to a falling down historic rock wall. I later had to take the historic wall down and construct an engineered wall some 5 ft from the stairs causing us to lose some 4 feet of our small yard. There is a sewer line in the middle of the right of way and main hole cover at the bottom middle of the right of way. There is a fire hydrant to the right of the manhole cover. Also when the new street was done and all new utilities were put in electrical conduit was put in to eventually under ground the power. A power box is supposed to go behind the fire hydrant on the right of way. The owners of the house directly behind me on Woodside have no offstreet parking and have been utilizing this right of way for parking and maintain it in the winter for years. I'm not objecting that maybe a garage be put on the side of the house as it would maintain the historic street scape but there are certainly additional issues to consider and I think some requirements that should be requested from the City. They are as follow: 1. The retaining wall should be made of stacked sandstone or if engineered face in sandstone like the front of the house and not be cave like. 2. The wall driveway etc. should not utilize more than half of the right of way. 3. The owners that are requesting this change should be required to post a landscape bond and do some level of restoration and maintenance of the City property they will be utilizing back to their lot line. The right of way property is full of noxious weeds and thistle. Their own yard is in hideous condition. 4. All of the other right of ways that owners have improved on upper Park Ave. have landscaped and maintained that area of the right of way. Thank you for including this in the packet. If I can be of further assistance please contact me at 435-714-2120. Ken Martz

From: Ken Martz [kenmartz@hotmail.com]

Sent: Monday, July 18, 2011 11:31 AM

To: Kirsten Whetstone

Subject: 263 Park Ave. PL-11-01243 Use of 3rd. St. Right of way.

Just some additional comments about this project after meeting with you and seeing the plan. The survey you have seems incorrect as it pertains to my property line. The lamp post shown is actually on my property and my property is one foot from the stairs not 3' as shown. The fire hydrant should definitely not be moved toward or in front of my property as it would impede exit from my house and be in front of my walkway to the house. With this hindrance I don't think a second width parking spot should be allowed on the right side of the right of way. They will have additional tandem parking as it approaches the new garage. Please place this with my comments in the packet for We. 19th mtg. Thanks Ken Martz



SNYDERVILLE BASIN

WATER RECLAMATION DISTRICT

2800 HOMESTEAD RD, PARK CITY, UT 84098

WWW.SBWRD.ORG

T 435-649-7993

F 435-649-8040

June 21, 2011

Mr. David Baglino
Wasatch Engineering Construction Inc.
P.O. Box 684206
Park City, UT 84068

RE: 3rd Street Sewer Re-route
Line Extension Agreement Acceptance

Dear Mr. Baglino:

The Line Extension Agreement (LEA) for the above referenced project was accepted by the Board of Trustees at their June 20, 2011 meeting. A copy of the LEA is enclosed. With this acceptance you are now authorized to begin the design of the wastewater facilities for the project.

Please contact Kevin Berkley with any questions.

Sincerely,

Bryan D. Atwood, P.E.
District Engineer

Enclosure

cc: Park City Planning Department (w/o enclosure)
Project File



WATER RECLAMATION DISTRICT

2800 HOMESTEAD RD., PARK CITY, UT 84098 WWW.SBWRD.ORG T 435-649-7993 F 435-649-8040

LINE EXTENSION AGREEMENT FOR PUBLIC WASTEWATER SYSTEM

This AGREEMENT is made and entered into this 6th day of JUNE, 2011, by and between Wasatch Engineering Contractors Inc., a(n) _____ (“DEVELOPER”) and the SNYDERVILLE BASIN WATER RECLAMATION DISTRICT, a local district of the State of Utah, (“SBWRD”)

This Agreement is made with reference to the following facts:

DEVELOPER is the owner and developer of Public Easement, located adjacent to 263 Park Ave turning down 3rd Ave in Summit County, Utah (“PROJECT”) and is hereby applying to the SBWRD for wastewater service.

The SBWRD has certain requirements for development approval and construction of wastewater facilities in the SBWRD service area which are contained in “Development Procedures, Design Standards, and Construction Specifications for Wastewater Facilities in the Snyderville Basin Water Reclamation District” (SBWRD Standards). The SBWRD Standards are hereby incorporated and made a part of this Agreement by reference.

The SBWRD requires approval of an agreement by the SBWRD Board of Trustees for Developers to begin the design and construction process of new wastewater facilities intended to become part of the Public Wastewater System owned and operated by the SBWRD, modifications to the existing Public Wastewater System, or certain Private Wastewater Systems proposed to connect to the Public Wastewater System.

When this Agreement is accepted by the Board of Trustees, the following terms and conditions shall apply to planning, design, and construction of the Public Wastewater System extension or modification, payment of fees and other costs, and acceptance of the extension or modification for ownership and maintenance by the SBWRD.

AGREEMENT

NOW, THEREFORE, in consideration of the services to be provided by SBWRD and contributions of facilities by DEVELOPER to SBWRD, which are hereby acknowledged by the parties to be adequate to support this Agreement, and the mutual covenants and promises contained herein, the parties hereto agree as follows:

1. Definitions: The terms used in this Agreement are defined in the definition of terms contained in the SBWRD Standards.

2. **Contact Information.**

a. Developer Information:
 Company: WASATCH ENGINEERING CON. INC.
 Contact Person: DAVID BAGLINO
 Mailing Address: PO BOX 684206
 City: Park City State: Utah
 Telephone Number: 435-604-0600 Fax Number: 435-604-0574
 Email: davidbaglino@msn.com

b. Project Manager Information:
 Company: Same AS Above
 Contact Person: _____
 Mailing Address: _____
 City: _____ State: _____
 Telephone Number: _____ Fax Number: _____
 Email: _____
 () Buyer () Agent () Engineer () Other: _____

3. **Project Information**

a. Project Name: 3rd St. Sewer Re-Route
~~() Stacy Jackson 263 Park Ave PG, UT~~
 b. Type of Project:
 () Single Family Residential Subdivision () Planned Unit Development
 () Condominium () Comm./Ind. Subdivision
 Residence () Other: _____
 c. Legal Description of Property Being Developed: (Attach copy of Description)
 d. Projected Construction Start Date: ASAP
 e. Residential Wastewater Discharge:

Estimated Residential Equivalents (REs):
 (Provide attachment if necessary) N/A

	<u>Number</u>	<u>Estimated REs/Lot or Unit</u>	<u>Total REs</u>
Single Family Residential Lots	_____	_____	_____
Planned Unit Development Units	_____	_____	_____
Condominium Units	_____	_____	_____
Commercial/Industrial (sq. ft.)	_____	_____	_____
Other: _____	_____	_____	_____
TOTAL REs			_____

f. Nonresidential Wastewater Discharge: (If applicable)

N/A

Estimated Nonresidential Wastewater Quantity and Strength

Average Daily Flow Rate (g.p.m.)	_____
Total Suspended Solids (TSS) in mg/l	_____
Biochemical Oxygen Demand (BOD) in mg/l	_____

4. Term of Agreement

This Agreement shall remain in full force and effect until the expiration of the Warranty Period as defined in paragraph 16, unless terminated by the SBWRD as provided herein. The SBWRD may take any of the following actions relative to this Agreement depending on the progress of the PROJECT:

- 1) If the PROJECT has not received Final Design Approval by the SBWRD within 1 year of the date of this Agreement, this Agreement shall expire. The SBWRD will provide written notice to the DEVELOPER of the expiration of the Agreement. If the DEVELOPER wishes to pursue construction of the Public Wastewater System extension or modification required for the PROJECT after expiration of this Agreement, a new Line Extension Agreement with the SBWRD and payment of additional Engineering Services Fees, as discussed in paragraph 10, will be required.
- 2) If the PROJECT has received Final Design Approval but construction of the Public Wastewater System extension or modification covered by this Agreement has not begun within 1 year of the date of Final Design Approval, this Agreement and Final Design Approval shall expire. The SBWRD will provide written notice to the DEVELOPER of the expiration of the Agreement and Final Design Approval. If the DEVELOPER wishes to pursue construction of the Public Wastewater System extension or modification required for the PROJECT after expiration of this Agreement, a new Line Extension Agreement with the SBWRD, a new Final Design Approval based on the SBWRD Standards in effect at that time, and payment of additional Engineering Services Fees, as discussed in paragraph 10, will be required.
- 3) If construction of the Public Wastewater System extension or modification has begun but has not yet received Final Project Approval from the SBWRD within 1 year of the date of Final Design Approval, the SBWRD may, in its sole discretion, exercise its rights under the Improvement Completion Agreement. The Improvement Completion Agreement is hereby incorporated and made a part of this Line Extension Agreement by reference.

5. Installation of Required Improvements at DEVELOPER's Cost

- a. DEVELOPER acknowledges that extension or modification of the Public Wastewater System and extending Private Lateral Wastewater Lines to each lot or unit within the PROJECT is necessary to provide wastewater service to the PROJECT.
- b. The cost of designing and constructing the extension or modification of the Public Wastewater System covered by this Agreement and extending Private Lateral Wastewater Lines to each lot or unit within the PROJECT according to SBWRD Standards shall be

borne solely by the DEVELOPER because the PROJECT benefits the DEVELOPER's property.

c. DEVELOPER shall provide necessary "wyes" in the Public Wastewater Lines for each lot or unit to be serviced under this Agreement and shall extend Private Lateral Wastewater Line stubs to each lot or unit in accordance with SBWRD Standards.

d. The cost of extending the Private Lateral Wastewater Line from the end of the lateral stub, installed with the main line, to the building or unit shall be the responsibility of the homeowner or building owner. The SBWRD shall not be responsible for this cost. Such work shall conform to SBWRD Standards.

e. Before actual connection of each building or unit to the Public Wastewater System and before a building permit will be approved, the owner or owner's authorized representative thereof shall follow SBWRD procedures for submittal and approval of such connection and pay in full the SBWRD Administration and Impact Fees, at the rate in effect at the time SBWRD authorizes this connection.

f. The SBWRD shall not be responsible for ownership, maintenance or repair of Private Lateral Wastewater Lines or the connection of said Private Lateral Wastewater Line to the Public Wastewater System.

6. Compliance with Standards

DEVELOPER agrees to comply with all procedures and requirements of the SBWRD for the design and construction of the extension or modification of the Public Wastewater System described in this Agreement as contained in the SBWRD Standards.

7. Engineering Services

a. DEVELOPER shall contract with or retain a qualified Project Engineer for the purpose of providing engineering services for the design and construction of the extension or modification of the Public Wastewater System covered by this Agreement. The Project Engineer shall be a Licensed Professional Engineer in the State of Utah.

b. DEVELOPER and DEVELOPER's Project Engineer shall meet all planning, design, construction, and approval requirements as contained in the SBWRD Standards.

c. Inspection of the extension or modification of the Public Wastewater System covered by this Agreement will be performed by the SBWRD to insure compliance with the SBWRD Standards.

8. Wastewater Service Availability and System Capacity

a. Notwithstanding any other terms of this and any other document of the SBWRD, the obligation of the SBWRD to provide wastewater service pursuant to this Agreement shall be limited to existing and available wastewater system capacity. SBWRD shall have the ability to deny wastewater service if connection to the system will cause an increase in costs of service, affect SBWRD compliance with any governmental regulations or permits, or otherwise prove detrimental to the public interest and the SBWRD.

b. Any user or proposed user whose source or sources of water results in the physical, biological, or chemical alteration of the receiving waters of the SBWRD water reclamation facilities or otherwise increases treatment, service, or other costs shall either

be denied connection or shall be required to pay its pro rata share of the costs created by its use of these water sources. These determinations and calculations shall be in the sole discretion of the SBWRD.

c. The obligation of the SBWRD to provide wastewater service pursuant to this Agreement is contingent upon the DEVELOPER obtaining Final Design Approval and Final Project Approval for the PROJECT from the SBWRD according to the SBWRD Standards and the payment of the applicable Impact Fees and other fees or costs applicable to the PROJECT. Wastewater service will not be committed by the SBWRD until the SBWRD receives full payment of all required fees including Impact Fees.

d. Upon submission of the preliminary wastewater system design by the DEVELOPER, the SBWRD shall review the capacity of the existing Public Wastewater System.

1) Should the SBWRD determine, upon review of the capacity and other demands of the existing Public Wastewater System and the anticipated impact of the wastewater quantity or quality contemplated by this Agreement, that the existing Public Wastewater System downstream of the connection of the PROJECT should be modified to increase capacity or otherwise to allow for the additional wastewater load of, or to alleviate other problems created by the PROJECT, the design of any additional Public Wastewater System improvements (new or upgraded) may be included as part of the PROJECT.

2) DEVELOPER's financial and other responsibility for modifying the existing Public Wastewater System pursuant to this provision shall be determined by the SBWRD in its sole discretion.

3) Any modified Public Wastewater System design determined to be DEVELOPER's responsibility by the SBWRD shall be designed by DEVELOPER's Project Engineer and submitted for Final Design Approval to the SBWRD.

4) DEVELOPER agrees to pay for all reasonable costs attendant to modifying the existing Public Wastewater System to incorporate PROJECT. Said costs shall include but are not limited to design and construction of the modified Public Wastewater System.

e. If the SBWRD finds in the course of its planning for the overall SBWRD service area that the extensions or modifications to the Public Wastewater System covered by this Agreement should be modified in design or increased in capacity to allow for its use in servicing future projects, the design changes to the proposed Public Wastewater System improvements shall be part of DEVELOPER's design and construction responsibility. The method of payment for reimbursement of the increased costs of such design and construction shall be as specified in paragraph 9 of this Agreement. All such reimbursable costs shall be approved by the SBWRD.

9. Reimbursable Costs

a. During planning and design of the extension or modification of the Public Wastewater System covered by this Agreement the SBWRD will evaluate the need for a modification in design or increase in capacity in said extension or modification to allow for its use in providing wastewater service to future projects. If the SBWRD determines that a modification in design or increase in capacity is needed, the DEVELOPER shall initially pay the full cost for the design and construction of these modifications and the

SBWRD shall reimburse the DEVELOPER for the required modifications according to the procedures contained in this paragraph 9.

b. DEVELOPER shall submit for review and approval by the SBWRD, documentation in a form acceptable to the SBWRD, of estimated reimbursable costs prior to Final Design Approval. The actual amount of reimbursable costs to be paid to DEVELOPER and the payment schedule thereof shall be determined and agreed upon in writing between SBWRD and DEVELOPER prior to Final Design Approval.

c. Any sums to be reimbursed to DEVELOPER shall be paid by the SBWRD to DEVELOPER following construction and Final Project Approval of the PROJECT and after payment by DEVELOPER of any and all fees or costs due the SBWRD as a result of the terms of this Agreement.

10. Payment of SBWRD Engineering Fees

a. At the time this Agreement was submitted, DEVELOPER deposited with the SBWRD a **non-refundable \$100 LEA Application Fee** for the PROJECT for processing of this Agreement.

b. DEVELOPER acknowledges that the SBWRD will incur expenses relating to planning, design review and construction inspection of extensions or modifications of the Public Wastewater System necessary to provide wastewater service to the PROJECT. DEVELOPER agrees to pay SBWRD an **Engineering Services Fee equal to six percent (6%) of the estimated construction cost** of said extensions or modifications to compensate SBWRD for the expenses incurred.

c. The estimated construction cost shall be determined by the SBWRD after reviewing an estimate of construction costs prepared by the DEVELOPER's Project Engineer.

d. At the time this Agreement was submitted, DEVELOPER deposited with the SBWRD a **non-refundable Engineering Services Fee prepayment of \$750.00**. The Engineering Services Fee prepayment paid by DEVELOPER shall be applied as a credit toward DEVELOPER's total Engineering Services Fee for the PROJECT.

e. Payment of the remaining portion of the Engineering Services Fee shall be made prior to Plat Approval or Final Design Approval by the SBWRD.

f. Nothing in this Agreement shall preclude the SBWRD from seeking additional Engineering Services Fees in the event the total estimated construction cost is deficient or in the event of changing circumstances.

g. If additional Engineering Services Fees are required, DEVELOPER agrees to pay the amount that becomes due and payable to the SBWRD from DEVELOPER under the terms of this Agreement within 30 days following the first billing of such amount. In the event payment is not made within this time period, DEVELOPER agrees to pay the SBWRD interest on the unpaid balance at the rate of 1.5 percent per month from the date of the first billing until the entire balance is paid in full.

h. If DEVELOPER defaults on or fails to comply with any condition of this Agreement, DEVELOPER agrees to pay all costs of enforcing the terms of this Agreement and all costs of remedying such default or noncompliance the SBWRD may incur, including reasonable attorney fees and associated costs. The SBWRD reserves the right to certify delinquent fees to the Summit County Treasurer for collection as a property tax or to utilize such other collection method or methods selected by the

SBWRD.

i. Applicant agrees to pay all fees or costs incurred by the SBWRD that arise from the terms of this Agreement prior to Plat approval, Final Design Approval or Final Project Approval by the SBWRD. If such payments are not made by the DEVELOPER, the SBWRD shall not be obligated to provide these approvals or take further action with respect to the PROJECT.

11. Improvement Completion Agreement

a. DEVELOPER agrees to establish with the SBWRD a properly executed Improvement Completion Agreement (I.C. Agreement) to ensure and guarantee the completion of the extension or modification of the Public Wastewater System, warranty of the work as required by this Agreement and payment to the SBWRD of all amounts due including but not limited to construction costs, engineering fees, inspection fees, administrative fees, and legal fees and costs which may be experienced by the SBWRD under the terms of this Agreement.

b. DEVELOPER shall establish the I. C. Agreement prior to the earliest occurrence of one of the following:

1) Final Design Approval.

2) Plat Approval.

3) Site Plan Approval if the DEVELOPER requires approval of the site plan prior to the receipt of Final Design Approval and an extension or modification of the Public Wastewater System is required to provide wastewater service to the PROJECT.

c. The I. C. Agreement amount shall be established based on the estimated construction cost of the extensions or modifications of the Public Wastewater System required for the PROJECT. The estimated construction cost shall be determined prior to Final Design Approval by the SBWRD after reviewing an estimate of construction costs prepared by the DEVELOPER's Project Engineer.

d. The amount of the **I. C. Agreement shall be 125 percent (125%) of the estimated construction cost** as determined by the SBWRD.

e. Release of funds from the I. C. Agreement to the DEVELOPER shall be made in accordance with the provisions of the I. C. Agreement.

f. The SBWRD will retain not less than 10 percent of the I. C. Agreement amount during the Warranty Period as defined in the SBWRD Standards. Said retained amount shall constitute a contingency fund if the facilities are unacceptable in accordance with SBWRD Standards.

12. Easements

a. DEVELOPER shall provide necessary wastewater system easements prior to Final Design Approval granting the SBWRD full right to construct, operate, maintain, repair, replace, augment and/or remove and replace the extension or modification of the Public Wastewater System covered by this Agreement.

b. DEVELOPER shall be responsible for securing and purchasing appropriate wastewater system easements and right-of-ways from third parties at no cost to the SBWRD if any part of the extensions or modifications of the Public Wastewater System covered by this Agreement are to be located on land belonging to third parties.

c. Easements or rights-of-ways shall be granted to the SBWRD on the SBWRD standard Grant of Easement form.

13. Violations

a. Should DEVELOPER construct any portion of the extension or modification of the Public Wastewater System covered by this Agreement without first obtaining Final Design Approval by the SBWRD, as evidenced by Approved Construction Drawings stamped and signed by the SBWRD, or without inspection by the SBWRD, the DEVELOPER shall be required, and hereby agrees, at its sole expense, to excavate and remove all portions of the work of extension or modification in violation.

b. DEVELOPER agrees that upon connection of the extension or modification of the Public Wastewater System covered by this Agreement to the existing Public Wastewater System, a watertight plug shall be installed and maintained between the two systems by the DEVELOPER. This plug shall remain in place until the DEVELOPER is notified by the SBWRD that the plug may be removed. DEVELOPER shall be responsible for removal of the plug and a SBWRD representative shall be present for plug removal.

c. If the DEVELOPER fails to comply with the provisions of this paragraph 13, DEVELOPER agrees to repair and pay for all damages to the existing Public Wastewater System and/or the cleaning of the downstream wastewater collection system. In addition, DEVELOPER shall pay \$250.00 per day to the SBWRD for each occurrence in which DEVELOPER is found to be in violation of said condition.

14. Substantial Completion

a. Substantial Completion Approval by the SBWRD will be granted only when there is a need to issue an Authorization to Use for a building or facility in the area of the PROJECT prior to Final Project Approval and the District Engineer finds that the requested use is not inconsistent with public health and safety.

b. DEVELOPER shall follow the procedures and complete all items required and meet all standards for Substantial Completion Approval as contained in the SBWRD Standards. The SBWRD shall have no obligation to grant Substantial Completion Approval if all requirements have not been completed.

c. Substantial Completion Approval granted by the SBWRD is only an accommodation to DEVELOPER and shall not relieve DEVELOPER of any project completion responsibility or other responsibility pursuant to this Agreement or the I. C. Agreement.

d. Until the Public Wastewater System is accepted by the District, the DEVELOPER shall retain ownership of the extension or modification of the Public Wastewater System covered by this Agreement which receives Substantial Completion Approval and shall remain solely responsible for all necessary maintenance, repairs, and replacement prior to Final Project Approval.

e. Prior to Substantial Completion Approval the entire Public Wastewater System located downstream of the PROJECT must have received Final Project Approval by the SBWRD.

15. Final Project Approval

- a. Upon Final Project Approval, the SBWRD shall accept dedication of and responsibility for the maintenance of the extension or modification of the Public Wastewater System covered by this Agreement. DEVELOPER shall remain responsible for warranty items as defined in paragraph 16.
- b. The SBWRD shall have no obligation to grant Final Project Approval for the PROJECT if the proposed extension or modification of the Public Wastewater System covered by this Agreement does not meet the requirements of the SBWRD Standards or if all applicable fees have not been paid in full.
- c. Prior to Final Project Approval the entire Public Wastewater System located downstream of the PROJECT must have received Final Project Approval by the SBWRD.

16. Warranty of Improvements

- a. DEVELOPER agrees that upon Final Project Approval by the SBWRD of the extension or modification of the Public Wastewater System covered by this Agreement and in accordance with the I. C. Agreement, DEVELOPER shall remain responsible to correct all problems due to defects in material and workmanship and incorrect information on the Record Drawings during the Warranty Period as defined in the SBWRD Standards.
- b. Upon expiration of the Warranty Period the SBWRD shall accept full responsibility for the extension or modification of the Public Wastewater System covered by this Agreement.

17. Transfer of Title

- a. Upon receipt of Final Project Approval by the SBWRD for the extension or modification of the Public Wastewater System covered by this Agreement, DEVELOPER transfers, conveys, and warrants to the SBWRD all rights, title, and interest in the new facilities, free and clear of encumbrances, and warrants that the facilities transferred have been constructed in accordance with the requirements, rules, and regulations of the SBWRD.
- b. Upon Final Project Approval, the SBWRD shall thereafter be the owner thereof and shall maintain the same.
- c. The Transfer of Title does not include any Private Lateral Wastewater Line stubs installed as part of the PROJECT. These stubs shall become part of the Private Lateral Wastewater Line serving the lots or unit of the PROJECT and shall be owned, operated and maintained by the owner of the lot or unit.

18. Indemnification

- a. DEVELOPER agrees to indemnify, defend, and otherwise hold the SBWRD, its employees, officers, independent contractors, and agents harmless from all claims resulting from the design, construction, and operation of the extension or modification of the Public Wastewater System covered by this Agreement that are approximately caused

by the acts or omissions of the DEVELOPER or others under DEVELOPER's control and supervision prior to Final Project Approval by the SBWRD.

b. DEVELOPER and DEVELOPER's Contractor shall be responsible for full compliance with the applicable excavation, trenching, and confined space worker safety regulations of the U.S. Department of Labor Occupational Safety and Health Administration as administered by the Utah Occupational Safety and Health Division.

19. Insurance

a. DEVELOPER or DEVELOPER's Contractor shall obtain and maintain in full force and effect throughout the construction period of the PROJECT comprehensive general public liability and property damage insurance at the rate of \$1,000,000 each occurrence and \$2,000,000 aggregate from an insurance company authorized to issue insurance in the State of Utah.

b. The liability and property damage insurance shall include SBWRD as an additional named insured.

c. DEVELOPER or DEVELOPER's Contractor shall have on file with the SBWRD a certificate from the insurance company evidencing that DEVELOPER has complied with the insurance requirements stated herein.

20. Property Ownership and Corporate Resolutions

a. DEVELOPER hereby verifies and warrants it is the legal owner, or is legally authorized to represent the owner of the area of the PROJECT to be served under this Agreement.

b. DEVELOPER hereby warrants that it has permission to enter upon the property of third parties in order to design, construct, inspect, or otherwise ensure access to the facilities governed by this Agreement and grants permission to the SBWRD and its agents to enter upon that property and the property of DEVELOPER covered by this Agreement.

c. DEVELOPER hereby warrants that it has the authority to execute all agreements required under the terms of this Agreement

d. A copy of the Corporate Resolution and/or Power of Attorney authorizing the acts required of DEVELOPER as well as verification of DEVELOPER's right to enter into this Agreement, shall be attached and made a part of this Agreement.

21. Choice of Law

This agreement and the obligations of the parties hereunder shall be governed by and interpreted in accordance with the laws of the State of Utah.

22. Integration

The terms and conditions of this agreement shall constitute the full and complete agreement by and between these parties and shall supersede all prior oral or written agreements, representations, or discussions of the parties and shall be binding upon their heirs, successors, administrators, and assigns.

Planning Commission Staff Report



Subject: 235 McHenry Avenue
Project: PL-11-01273
Author: Kayla Sintz – Planner/Architect
Date: August 10, 2011
Type of Item: Administrative – Steep Slope Conditional Use Permit Modification

Summary Recommendations

Staff recommends that the Planning Commission review the request for a Steep Slope Conditional Use Permit (CUP) Modification at 235 McHenry Avenue to remove Condition of Approval #2 and consider denying the request based on the findings of fact, and conclusions of law.

Description

Applicant: Anita Baer, Owner
Location: 235 McHenry Avenue
Zoning: Historic Residential – Low Density (HR-L)
Adjacent Land Uses: Residential (Estate and HR-1)
Reason for Review: Modification to a Conditional Use Permit approval

Background

On June 7, 2011 the City received a complete application for a Request for Modification of Approval of a Conditional Use Permit.

On July 8, 2009 the Planning Commission approved an application for a Steep Slope Conditional Use Permit at 235 McHenry Avenue. This property is an existing non-historic single family residence located in the Historic Residential – Low Density (HR-L) zoning district. The CUP was for an addition on a steep slope to the 1970's-era single family residence. A Historic District Design Review was also approved by staff.

On October 2, 2008 City Council approved the Ivers/Baer Subdivision (a three lot subdivision). This project is Lot 1 of the Ivers/Baer Subdivision.

Analysis

Between the time the Ivers/Baers Subdivision was submitted in 2006, approved by Council on October 2, 2008 and recordation in March of 2009, a deck and hot tub were constructed which crossed the property line to the north, also owned by the Baers (identified as the Baer Subdivision 2001) and discovered in the survey submitted with the 2009 Steep Slope CUP application.

A building permit #BD-07-13179 was granted for the deck expansion with associated hot tub on October 22, 2007, but has not passed final inspections. Staff is unsure as to

how the permit was granted across property lines. Ron Ivie, Chief Building Official at the time of the 2009 CUP approval, recommended removal the encroaching deck. Condition of Approval #2 was included in the 2009 CUP conditions of approval requiring this deck and hot tub to be moved within property lines and meeting all setbacks prior to temporary certificate of occupancy. Further, these modifications were to be included on the construction drawings for the 2009 addition. The construction drawings for the 2009 CUP garage addition did include removal of the encroaching deck and hot tub. Staff reviewed and signed off on the drawings. A building permit BD-10-15548 was issued on September 7, 2010 for the addition and is currently under construction. The permit has not been finalized. However, the deck still exists over the property line.

The non-complying side yard setback where the existing home is located will continue to be non-complying with the modified plat notes from the Ivers/Baer Subdivision, as stated in Finding of Fact #4.

The applicant is now requesting to allow the continued location of the encroaching north deck (the hot tub has been removed). The applicant is requesting to grant herself an easement for the deck to remain as the current owner owns both contiguous lots. Condition of Approval #2 from the 2009 CUP would have to be removed prior to the owner pursuing this option.

Staff's recommendation is to deny the request and require the deck be brought into compliance. Applicant can come into compliance by either removing the portion of the deck to property line or submitting an application for a Lot Line Adjustment, to be done administratively, in which the north property line would be moved to accommodate the encroaching deck and meeting all setback requirements indicated on the plat. Staff would not have recommended the 2009 CUP for approval or have signed off on the associated building permit had the property owner not agreed to remove the encroachment and/or bring it into compliance at that time. Generally, Staff does not support encroachment agreements for physical encroachments which are not historic. Here the deck encroachment over the property line was done around 2007 and was noticed by the City at the time of the steep slope CUP application. Applicant was aware of the requirement to remove the deck at the time the steep slope CUP was granted and agreed to those conditions when the addition was built. Furthermore, from a legal perspective, a person cannot grant an easement to oneself (the "bundle of property rights" merges).

Condition of Approval #2 from the July 8, 2009 report indicates:

2. Hot tub and deck encroachment identified in Survey of April 8, 2009 will be moved to meet all setbacks within property lines prior to Certificate of Occupancy issuance. Such moving of structure will be shown on building permit plans.

Side Yard setback requirements per plat:

Required:	10 feet to north, 14 feet to south, <u>minimum totaling 24 feet</u>
Approved in 7/8/09:	Non-complying 5 feet side yard to the north (due to existing structure), 10 feet side yard to the north for NEW construction; 14 feet to south, <u>complies</u>
Current proposed:	Leave deck in place. Encroaches into adjacent lot by +/- (7) seven feet

Process

The approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

Department Review

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

Public Input

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

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The existing, non-complying encroaching deck would remain and there would be an encroachment over property lines.

Recommendation

Staff recommends that the Planning Commission review the request for a Steep Slope Conditional Use Permit (CUP) modification at 235 McHenry Avenue for removal of Condition of Approval #2 and consider denying the request. Staff has prepared the following findings of fact and conclusions of law:

Findings of Fact:

1. The property is located at 235 McHenry Avenue within the Historic Residential – Low Density (HR-L) zoning district.
2. This lot is identified as Lot 1 of the Ivers/Baers Subdivision.
3. The Building Department granted a building permit BD-07-13179 for deck expansion/hot tub on October 22, 2007. This permit is open and has not been finalized.
4. The minimum side yard setback as approved with the plat is 10 feet with a total of 24 feet required. This lot has a setback of 14 feet to the south and a non-complying 5 feet to the north.(required to be 10' for any new construction). The north side yard setback is non-complying due to a corner of the pre-existing structure sitting in the setback 5 feet.

5. The Planning Commission approved a Steep Slope CUP for 235 McHenry Avenue on July 8, 2009 for a garage addition.
6. Condition of Approval #2 from the July 8, 2009 approval indicates:
 2. *Hot tub and deck encroachment identified in Survey of April 8, 2009 will be moved to meet all setbacks within property lines prior to Certificate of Occupancy issuance. Such moving of structure will be shown on building permit plans.*
7. The Building Department granted a building permit BD-10-15548 for a garage addition which included removal of an encroaching deck, on September 7, 2010. This permit is still active and has not been finalized.
8. Although the hot tub has been removed, the deck still encroaches 7 feet over the property line.
9. Applicant owns the property being encroached upon.
10. On June 7, 2011 the owner submitted an application for CUP Modification to remove Condition of Approval #2, in order for the encroaching deck remain in place.
11. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law:

1. The CUP modification request is not consistent with the Park City Land Management Code.
2. All Conditions from the 2009 Approval continue to apply.

Exhibits

- Exhibit A – Conditional Use Permit – Staff Report July 8, 2009
- Exhibit B – Photographs of encroaching deck
- Exhibit C – Survey submitted with CUP and Site Plan – July 7, 2009
- Exhibit D – Ivers Baer Subdivision – recorded March 4, 2009
- Exhibit E – Baer Subdivision – recorded August 13, 2001
- Exhibit F – Owner's request for deck to remain – June 7, 2011

Planning Commission Staff Report



Subject: 235 McHenry Avenue
Author: Kayla Sintz
Date: July 8, 2009
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review the request for a Steep Slope Conditional Use Permit (CUP) at 235 McHenry Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Applicant: Anita Baer, Owner, represented by Jonathan DeGray, Architect
Location: 235 McHenry Avenue
Zoning: Historic Residential – Low Density (HR-L)
Adjacent Land Uses: Residential (Estate and HR-1)
Reason for Review: Construction on a steep slope requires a CUP

Background

On April 22, 2009 the City received a completed application for a Conditional Use Permit (CUP) for construction on a Steep Slope at 235 McHenry Avenue. Supplemental information was provided on May 26, 2009. This property is an existing non-historic single family residence located in the Historic Residential – Low Density (HR-L) zoning district. The application is for an addition to the 1970's-era single family residence. Because the total proposed dwelling square footage is greater than 1,000 square feet, and would be constructed on a slope greater than 30%, the applicant is required to file a Conditional Use Application for review by the Planning Commission, pursuant to Section 15-2.1-6 of the LMC. A Historic District Design Review is also under review by staff.

This property is Lot 1 of the Ivers/Baer Subdivision (a three lot subdivision).

Between the time the Ivers/Baers Subdivision was submitted in 2006 to recordation in March of 2009, a deck and hot tub were constructed which crossed the property line to the north, also owned by the Baers (identified as the Baer Subdivision 2001) and discovered in the survey submitted with this current application. Condition of Approval #2 has been added requiring this deck and hot tub to be moved within property lines and meeting all setbacks prior to temporary certificate of occupancy. Further, these modifications are to be included on the construction drawings for this addition.

Analysis

The applicant proposes an addition to an existing non-historic single-family home at 235 McHenry Avenue in the HR-L zoning district. The existing home is 1,728 square feet. If

approved, an addition of approximately 1,373 square feet (including garage) will be built, for a total residence square footage of 3,101 square feet. Staff has reviewed the proposed design and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	3,750 square feet, <u>minimum</u>	3,750 square feet, <u>complies</u>
Building Footprint	1519 square feet (based on lot area) <u>maximum</u>	880 square feet existing plus 492 square feet addition totaling 1372 square feet, <u>complies</u>
Front and Rear Yard	10 feet, <u>minimum per Conditions on Ivers-Baers Subdivision</u>	10 feet (front), <u>complies</u> 10" feet (rear), <u>complies</u>
Side Yard	10 feet to north, 14 feet to south, <u>minimum totaling 24 feet</u>	Non-complying 5 feet side yard to the north (due to existing structure), 10 feet side yard to the north for NEW construction; 14 feet to south, <u>complies</u>
Height	27 feet above existing grade, <u>maximum.</u> 27 feet above final grade around the perimeter, <u>maximum.</u>	27 feet above existing grade, <u>complies.</u> Various heights around the perimeter under 27 feet, <u>complies</u>
Parking	One required at time of original construction (per 1968 LMC)	Legal, non-conforming: 1 interior space provided, <u>complies</u>
Roof Pitch	7:12 to 12:12, or a "green" roof	Flat "green" roof, <u>complies</u>
Number of stories	3 maximum with 10 foot step in third story facade	3 stories, downhill garage configuration; <u>complies</u>
Final grade	No more than four feet from existing grade	<u>Complies</u>

Section 15-2.1-6 of the LMC provides for development on steep sloping lots in excess of one thousand square feet (1,000 s. ft.) within the HR-L zoning district, subject to the following criteria:

Criteria 1: Location of Development. Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts**

The proposed design consists of a garage plus two level addition (3 levels total) to an existing non-historic structure meeting all minimum setback requirements for the HR-L zone as Conditioned in the Ivers-Baer Subdivision, Lot 1. The addition is occurring on the south side of the existing residence. Due to the addition containing a garage and one interior parking space, the addition is located in an area most easily accessed by a vehicle and minimizing driveway area off of McHenry. A vegetated flat roof has been proposed.

Criteria 2: Visual Analysis. The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project. **No unmitigated impacts**

The proposed structure is not viewable from any of the key vantage points as indicated in the LMC nor is it viewable from the top of the China Bridge parking structure. The most viewable intersection is from Hillside/Main Street and cross-canyon exposure from higher residential streets in the HR-1. The minimal size of the addition as well as its flat vegetated roof form is subordinate to the existing, non-historic residence.

Criteria 3: Access. Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible. **No unmitigated impacts**

As indicated in Criterion 1, the proposed addition is garage based with two levels of living area below. Therefore access is driven by the proximity to McHenry which inherently minimizes driveway area. Total driveway width is shown at 11'-3" wide and a 3% slope. Due to setback limitations and existing residence restrictions, the driveway length doesn't meet the minimum space requirements for surface parking. It tapers from a length of 11'-6" to the north and 18'-6" to the south. New entry walk with fill below bridges McHenry to the new front entry with minimal elevation change. A new patio connects the driveway area to the entry. Ten feet of identified snow storage area also exists along the entire front lot line along McHenry. This area is required to be landscaped as well.

Criteria 4: Terracing. The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts**

The slope of this lot is approximately 40%. There is an existing retaining wall in the front yard which will remain. Retaining is not proposed in the rear or side yards due to the existing residence currently utilizing exterior levels of decking into the home design on the downhill side versus creating flattened areas of yard. Final grade matches existing grade on other perimeter areas.

Criteria 5: Building Location. Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize

opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard. **No unmitigated impacts**

Based on the location of the original non-historic residence and the steepness of the lot, the addition inherently minimizes driveway impact and maintains the natural slope of the lot. This design helps minimize the impact and scale of other adjacent properties as viewed from both McHenry as well as Ontario and streets below.

Criteria 6: Building Form and Scale. Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts**

As indicated in other Criteria discussion, the vegetated, low roof profile are subordinate to the main structure. The roof line falls below the existing main structure and the addition is generally confined to the footprint created by the garage by itself. There is a small bay window addition to the north for the modification of an internal stair.

Criteria 7: Setbacks. The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts**

The minimum front setback for this lot is ten feet (10') along McHenry Avenue. As the only current lot of the Ivers/Baer Subdivision containing a structure, the two remaining lots in this subdivision could be built on. However, a wall effect does not exist in this area of McHenry. This addition does not affect the rear yard at Ontario Avenue.

Criteria 8: Dwelling Volume. The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts.**

No limit in volume size is recommended by staff. The proposed addition is scaled appropriately. The footprint is 147 square feet less than that allowed by the lot size.

Criteria 9: Building Height (Steep Slope). The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass

and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts**

The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade and from final grade around the perimeter.

Process

The approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed. Approval of the Historic District Design Guideline compliance is noticed separately.

Department Review

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

Public Input

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

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed addition to this existing, non-historic single family residence could not occur.

Recommendation

Staff recommends that the Planning Commission review the request for a Steep Slope Conditional Use Permit (CUP) at 235 McHenry Avenue. Staff has prepared the following findings of fact, conclusions of law, and conditions of approval for the Commission's consideration:

Findings of Fact:

1. The property is located at 235 McHenry Avenue within the Historic Residential – Low Density (HR-L) zoning district.
2. This lot is identified as Lot 1 of the Ivers/Baers Subdivision.
3. Under the current LMC, the maximum footprint for the lot is 1,519 square feet, subject to Steep Slope CUP review by the Planning Commission.
4. The existing footprint is 880 square feet in size.
5. The proposed footprint is 1,372 square feet in size.
6. The existing single family residence is 1,728 square feet in size.
7. The proposed addition to this residence is 1,373 square feet in size which will create a total square footage of 3,101 square feet including the garage.
8. Access to the property is from McHenry Avenue.
9. The current Land Management Code minimum front yard setback for lots of this size is 10 feet.

10. The current Land Management Code minimum rear yard setback is 10 feet.
11. The minimum side yard setback is 14 feet to the south and 10 feet to the north for this lot, with a total of 24 feet. The non-complying north side yard setback for existing structure is 5 feet.
12. The current Land Management Code maximum building height in the HR-L zone is 27 feet
13. The current Land Management Code maximum number of stories allowed is three stories.
14. This addition to this single family residence is three stories and under the 27-foot height limit with a flat, green roof.
15. The residence is considered a legal, non-conforming structure because it only has one parking space based on 1968 Land Management Code in effect at the time of construction. This parking space was a surface space in the front setback.
16. The applicant is proposing one interior parking space.
17. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.1-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

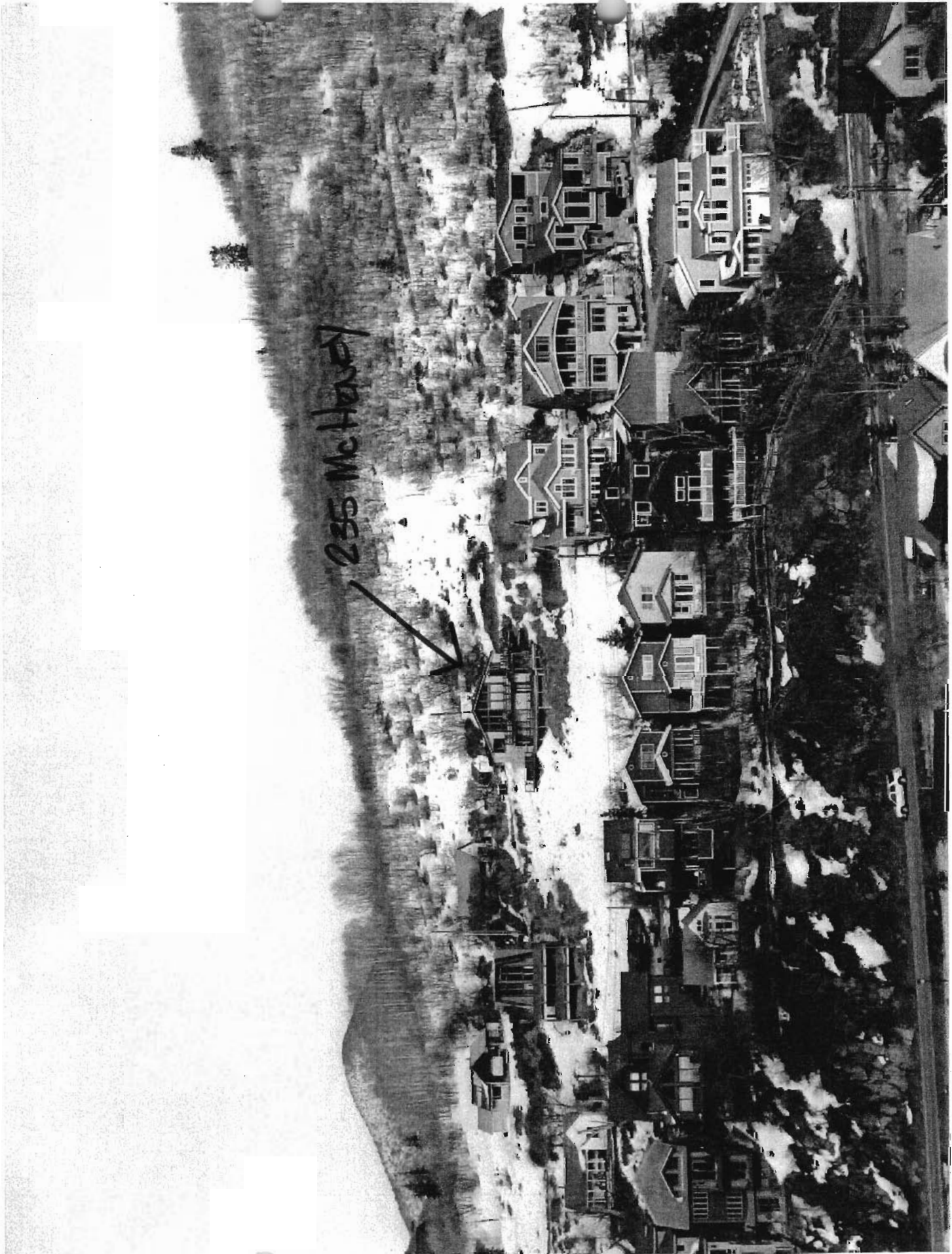
Conditions of Approval:

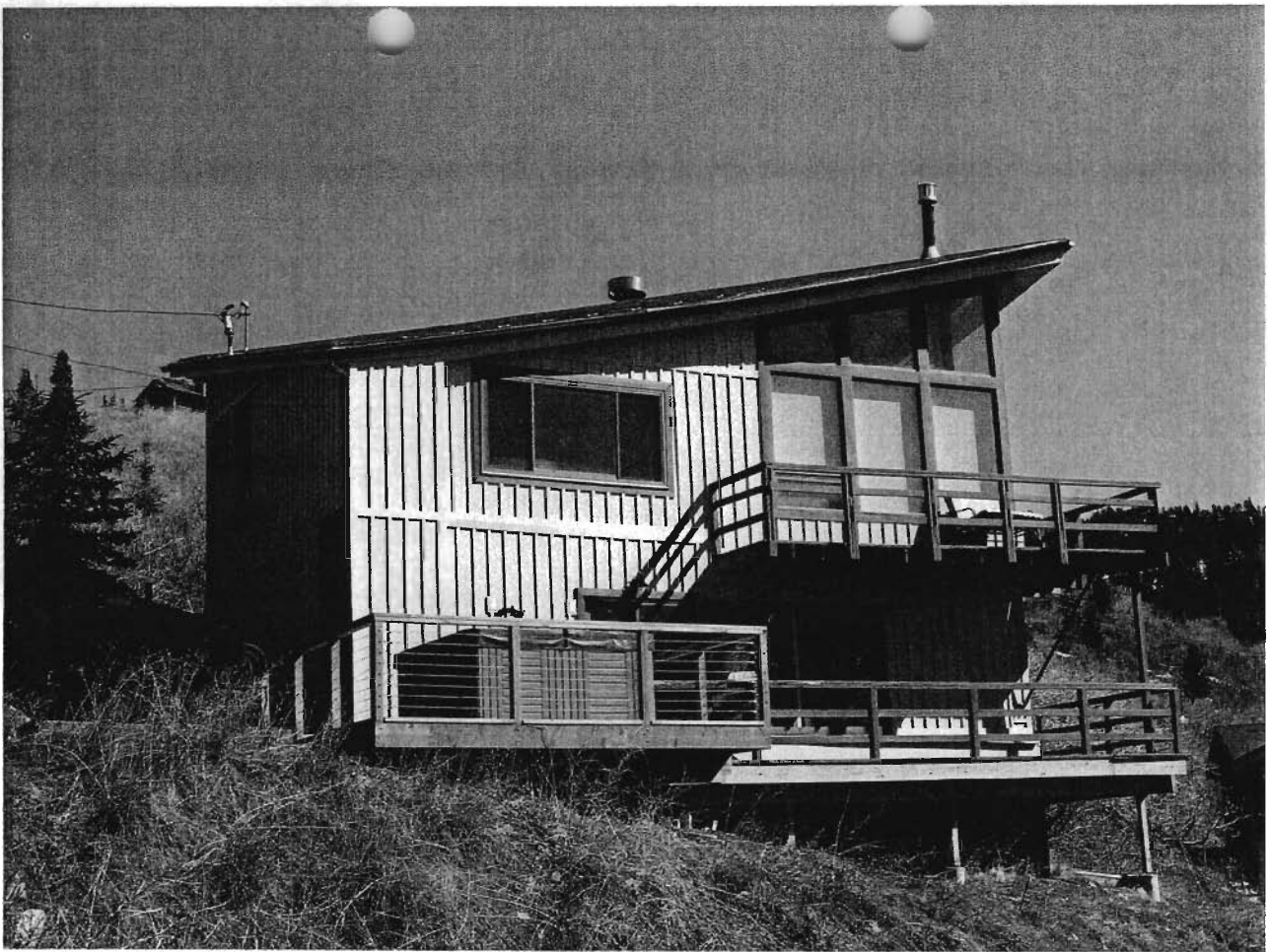
1. All Standard Project Conditions shall apply.
2. Hot tub and deck encroachment identified in Survey of April 8, 2009 will be moved to meet all setbacks within property lines prior to temporary Certificate of Occupancy issuance. Such moving of structure will be shown in building permit plans.
3. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
4. City Engineer review and approval of all appropriate grading, utility installation, 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 Landscape Architect, prior to building permit issuance.
6. No building permits shall be issued for this project unless and until the design of the addition to the single family residence is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Historic District Design Guidelines.
7. 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.

8. The flat roof will be vegetated. Specifications of system will be reviewed by the Planning and Building Departments prior to building permit issuance. Vegetated roof will be required to be maintained.
9. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer if required by the Building Department.
10. This approval will expire on July 8, 2010, if an application for a building permit has not been submitted prior to this date.
11. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission.

Exhibits

Exhibit A – Site Plan, Floor Plans and Elevations, Photographs





Summit County Parcel Reference Map

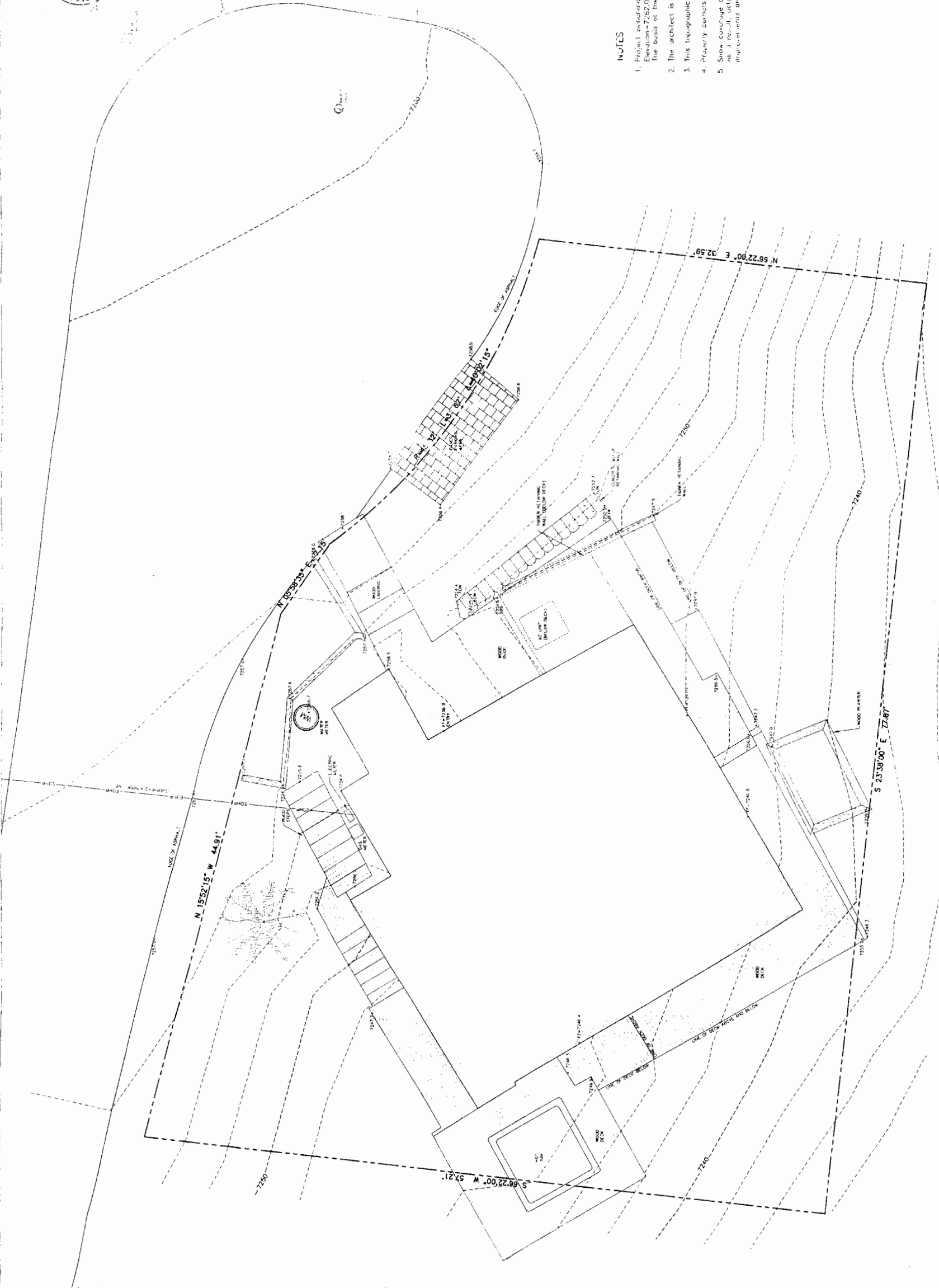


SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor in the State of Utah. I further certify that this topographic survey has been made under my direction of the laws shown and described herein. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in accordance with generally accepted industry standards for accuracy.

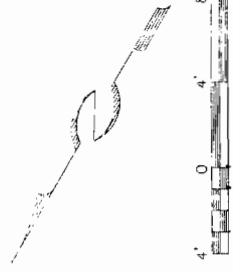


THE DOCUMENT SUBMITTED WITH THESE PLANS IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD.



NOTES

1. Project location: Sanitary Sewer Manhole Elevation=7262.0' the basis of the elevation is the Park City Monument Control Map, 1960.
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on March 17, 2009.
4. Property corners were set.
5. Some corners of this line of the survey was approximately 0'-2\"/>



JUN 07 2011

**EXISTING CONDITIONS SURVEY
2355 MCHENRY AVENUE**

**STAFF:
MARK SHALL KNOX
MARTY MUMFORD
STEVE SCHUELER**



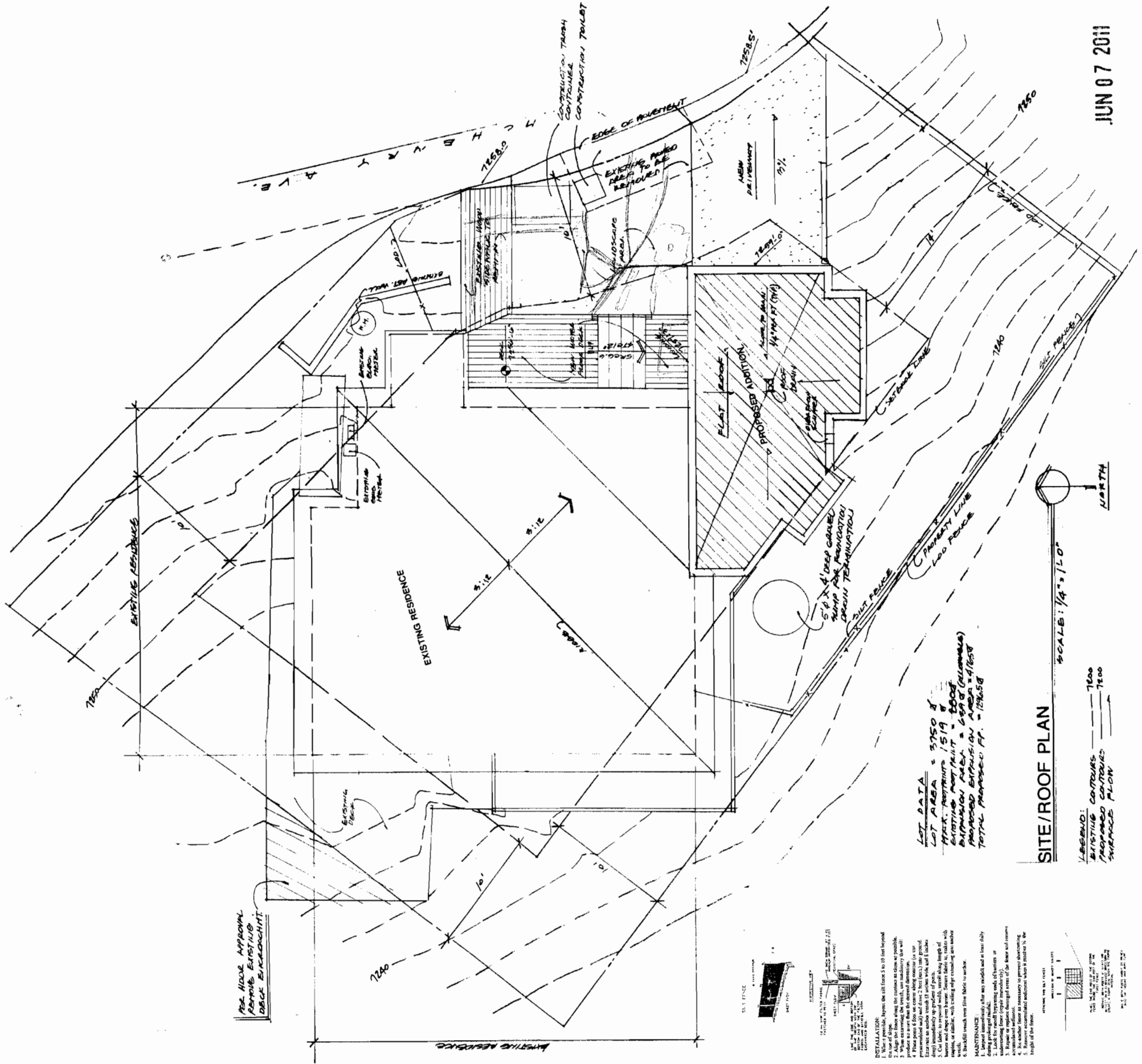
ALIXS CONSULTING ENGINEERS
LAND PLANNERS & SURVEYORS
333 Main Street, P.O. Box 2048 Park City, Utah 84302-2048
(435) 644-9467

DATE: 4/8/09

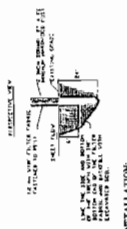
**FOR: DAVID BAKER
JOB NO.: 4-2-09
FILE: K:\ParkCity\Survey\dwg\topo2009\06u309.dwg**

**SHEET
1
OF
1**

T-2



LOT DATA = 3750 sq ft
 LOT AREA = 1519 sq ft
 EXISTING FOOTPRINT = 6000 sq ft
 PROPOSED EXPOSURE AREA = 4185 sq ft
 TOTAL PROPOSED FP = 12658



- INSTALLATION:**
1. Install at every proposed access point of a construction site.
 2. Clear and grub area and grade to provide slope above driveway, or access/egress.
 3. Compact aggregate and place filter fabric, if required.
 4. Place coarse aggregate, 1 to 2" in size, to a minimum depth of 4" over the filter fabric.
- MAINTENANCE:**
1. Inspect daily for loss of gravel or sediment buildup.
 2. Inspect adjacent roadway for sediment deposit and clean by sweeping or blowing.
 3. Repair or replace damaged areas of the curb and aggregate.
 4. In winter limit snow removal to prevent damage to the curb.
 5. Remove accumulated sediment which is located in the depth of the filter.

LEGEND:
 EXISTING CONTOURS
 PROPOSED CONTOURS
 SURFACE PLAN

SCALE: 1/4" = 1'-0"

NORTH

JUN 07 2011



OWNER'S EDUCATION AND CONSENT TO RECORD

I, John A. Ivers, Surveyor No. 12448, do hereby certify that the plat shown on the face of this map, and the lines and bearings thereon, were prepared by me or under my direct supervision and that I am a duly licensed and qualified surveyor in the State of Utah. I further certify that the plat shown on the face of this map, and the lines and bearings thereon, were prepared by me or under my direct supervision and that I am a duly licensed and qualified surveyor in the State of Utah.

John A. Ivers
 Surveyor
 1-27-2009

LEGAL DESCRIPTION

PARCEL 1
 A parcel of land located in the northeast quarter of the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Basin and Meridian, and parcel of the South 2.0 half of Lot 4, and all of Lot 7 and 8, Block 60, Park City Survey, according to the official plat thereof on the one of record in the office of the Summit County Recorder, Summit County, Utah.

PARCEL 2
 Lot 1, West 1/4, First Amendment located in Block 51, one block 60' of the Park City Survey, according to the official plat recorded May 21, 2001, as City No. 2001-001, in the office of the Summit County Recorder.

PARCEL 3
 Portions of a parcel being 622707' and 94,45' feet from the southeast corner of Block 52, Park City Survey, according to the official plat thereof on the one of record in the office of the Summit County Recorder, Utah, and parcel being 114,54' feet from the southeast corner of Block 52, Park City Survey, according to the official plat thereof on the one of record in the office of the Summit County Recorder, Utah, and parcel being 114,54' feet from the southeast corner of Block 52, Park City Survey, according to the official plat thereof on the one of record in the office of the Summit County Recorder, Utah, and parcel being 114,54' feet from the southeast corner of Block 52, Park City Survey, according to the official plat thereof on the one of record in the office of the Summit County Recorder, Utah.

OWNER'S EDUCATION AND CONSENT TO RECORD

I, *David L. Burt*, do hereby certify that the plat shown on the face of this map, and the lines and bearings thereon, were prepared by me or under my direct supervision and that I am a duly licensed and qualified surveyor in the State of Utah. I further certify that the plat shown on the face of this map, and the lines and bearings thereon, were prepared by me or under my direct supervision and that I am a duly licensed and qualified surveyor in the State of Utah.

David L. Burt
 Surveyor
 December 1, 2008

ACKNOWLEDGMENT

State of Utah, ss: I, *David L. Burt*, County of Summit, do hereby certify that the plat shown on the face of this map, and the lines and bearings thereon, were prepared by me or under my direct supervision and that I am a duly licensed and qualified surveyor in the State of Utah. I further certify that the plat shown on the face of this map, and the lines and bearings thereon, were prepared by me or under my direct supervision and that I am a duly licensed and qualified surveyor in the State of Utah.

David L. Burt
 Surveyor
 December 1, 2008

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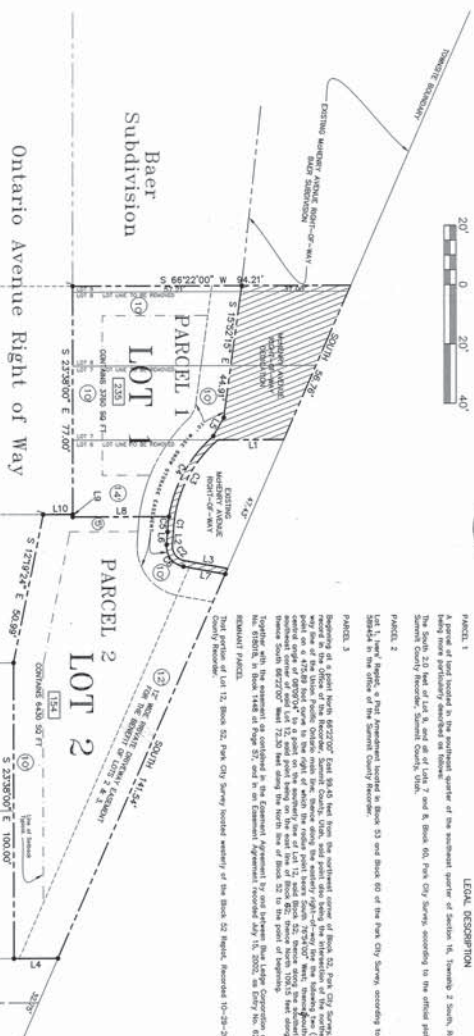
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David L. Burt
 Surveyor
 December 1, 2008

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David L. Burt
 Surveyor
 December 1, 2008



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 02°22'00" W	22.72
L2	S 02°22'00" W	14.86
L3	S 79°51'53" W	14.86
L4	N 66°27'00" E	14.86
L5	S 02°22'00" W	4.14
L6	S 02°22'00" W	4.14
L7	N 79°51'53" E	14.86
L8	S 66°27'00" W	32.59
L9	S 66°27'00" W	10.00
L10	S 66°27'00" W	12.89
L11	N 66°27'00" W	12.89
L12	N 23°29'00" W	24.04

CORNER TABLE

CORNER	BEARING	LENGTH	DETA.
C1	S 02°22'00" W	08707.97'	
C2	S 02°22'00" W	38754.16'	
C3	S 02°22'00" W	06700.55'	
C4	S 02°22'00" W	06700.55'	
C5	S 02°22'00" W	06700.55'	
C6	S 02°22'00" W	06700.55'	
C7	S 02°22'00" W	06700.55'	
C8	S 02°22'00" W	06700.55'	

NOTES

1. The monument shown hereon, hereon, and adjacent hereon, is a monument to the Survey of the State of Utah, and is a monument to the Survey of the State of Utah.
2. The monument shown hereon, hereon, and adjacent hereon, is a monument to the Survey of the State of Utah, and is a monument to the Survey of the State of Utah.
3. The monument shown hereon, hereon, and adjacent hereon, is a monument to the Survey of the State of Utah, and is a monument to the Survey of the State of Utah.
4. A monument shown hereon, hereon, and adjacent hereon, is a monument to the Survey of the State of Utah, and is a monument to the Survey of the State of Utah.
5. A monument shown hereon, hereon, and adjacent hereon, is a monument to the Survey of the State of Utah, and is a monument to the Survey of the State of Utah.
6. A monument shown hereon, hereon, and adjacent hereon, is a monument to the Survey of the State of Utah, and is a monument to the Survey of the State of Utah.

A LOT COMBINATION PLAT
 A RESUBDIVISION OF LOTS 12, 16-18 IN BLOCK 52 AND
 LOTS 6-9 IN BLOCK 60, PARK CITY SURVEY
IVERS/BAER SUBDIVISION

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



OWNER'S EDUCATION AND CONSENT TO RECORD

I, *John A. Ivers*, do hereby certify that the plat shown on the face of this map, and the lines and bearings thereon, were prepared by me or under my direct supervision and that I am a duly licensed and qualified surveyor in the State of Utah. I further certify that the plat shown on the face of this map, and the lines and bearings thereon, were prepared by me or under my direct supervision and that I am a duly licensed and qualified surveyor in the State of Utah.

John A. Ivers
 Surveyor
 August 10, 2011

ACKNOWLEDGMENT

State of Utah, ss: I, *John A. Ivers*, County of Summit, do hereby certify that the plat shown on the face of this map, and the lines and bearings thereon, were prepared by me or under my direct supervision and that I am a duly licensed and qualified surveyor in the State of Utah. I further certify that the plat shown on the face of this map, and the lines and bearings thereon, were prepared by me or under my direct supervision and that I am a duly licensed and qualified surveyor in the State of Utah.

John A. Ivers
 Surveyor
 August 10, 2011

PLANNING COMMISSION APPROVED AS TO FORM THIS 27th DAY OF February 2009 A.D. BY *John A. Ivers* PARK CITY ENGINEER

ENGINEER'S CERTIFICATE I FIND THE PLAT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ENGINEERING ACT OF 1909, AS AMENDED, AND I HEREBY CERTIFY THAT THE PLAT IS TRUE AND CORRECT.

APPROVAL AS TO FORM THIS 27th DAY OF February 2009 A.D. BY *John A. Ivers* PARK CITY ATTORNEY

CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY WAS FILED IN THE OFFICE OF THE COUNTY CLERK OF SUMMIT COUNTY, UTAH, ON THIS 27th DAY OF February 2009 A.D.

COUNCIL APPROVAL AND ACCEPTANCE APPROVED AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 30th DAY OF October 2009 A.D. BY *John A. Ivers*

RECORDED #866530

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE OFFICE OF DAVID L. BURT, SURVEYOR, 433 E. THE LINES BUILDING, PARK CITY, UTAH

Anita Baer
PO Box 937
Park City Utah, 8460
June 7, 2011

I am requesting to allow continued location of existing North Deck as previously permitted by the Park City Building Department. Attached are required documents requested.

A handwritten signature in black ink, appearing to read "Anita Baer". The signature is written in a cursive, flowing style.

JUN 07 2011

Planning Commission Staff Report



Subject: 201 Norfolk Avenue
Author: Kayla Sintz –Planner/Architect
Application #: PL-11-01240
Date: August 10, 2011
Type of Item: Administrative – Extension of Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review the request for an additional one year extension of the approval of the Steep Slope Conditional Use Permit (CUP) at 201 Norfolk Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission’s consideration.

Description

Applicant: Eric Herman and Susan Fredston-Herman
Architect: Ken Pollard
Location: 201 Norfolk Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Extension of Steep Slope CUP beyond one year requires Planning Commission review and approval

Background

On May 27, 2009, the Planning Commission approved a Steep Slope Conditional Use Permit for an addition to a non-historic house at 201 Norfolk Avenue. The original application was deemed complete after the 2009 Land Management Code changes regarding steep slopes went into effect but prior to the 2009 Historic District Guidelines being adopted.

On June 9, 2010 the Planning Commission approved an extension for this CUP good for one year from the date of the original approval extended until May 27, 2011. A complete application for request to extend the approval an additional year (until May 27, 2012) was received on May 6, 2011.

Under the Land Management Code, the Planning Director can administratively approve the first year extension. An additional year extension request is heard by the Planning Commission.

The property is located in the Historic Residential (HR-1) zoning district. There is an existing residence on the property; the application is for an addition including a garage. Because the total proposed dwelling square footage is greater than 1,000 square feet,

and would be constructed on a slope greater than 30%, the applicant is required to file a Conditional Use Application for review by the Planning Commission, pursuant to Section 15-2.2-6 of the LMC.

The existing building started as a duplex built circa 1970's. In 2000, the 201 Norfolk Avenue subdivision was approved and recorded. The subdivision created two lots, one for the duplex and the second for a new building located at 205 Norfolk. In 2002, the duplex was rehabilitated and converted into a single family dwelling at the same time as the construction of the adjacent (to the north) 205 Norfolk Avenue by a previous owner. The First Amended 201 Norfolk Avenue subdivision was approved in 2007 which included the adjacent (to the south) 16 Sampson Avenue. The First Amended 201 Norfolk Avenue subdivision made the 201 Norfolk property larger in order to create a garage to the south with shared access with 16 Sampson.

Analysis

The applicant has requested that the CUP for 201 Norfolk be extended for an additional year pending the re-design of 16 Sampson and associated Steep Slope CUP approval on that application. A Steep Slope CUP for the existing historic house at 16 Sampson was initially reviewed concurrently with the CUP for 201 Norfolk. However, the design for 16 Sampson was not found by the Planning Commission to be in compliance with the revised LMC requirements for the historic zones, specifically the maximum 4 foot grade modification, and was continued to a date uncertain. The applicant has been working actively on a redesign at 16 Sampson, to include numerous meetings with the City's Preservation Consultant, Dina Blaes; building official, Roger Evans, and Planning Director, Thomas Eddington, as well as, the project planner to explore design alternatives and additional historic guideline changes. The garage and driveway for 201 Norfolk are integrally connected to the outcome of 16 Sampson.. The additional year extension, if granted, will extend the original approval date to May 27, 2012. No additional extension would be available beyond this date.

LMC 15-1-10(G) addresses when extensions may be granted. It states in part:

***EXPIRATION.** Unless otherwise indicated, Conditional Use permits expire one year from the date of Planning Commission approval, unless the Conditionally Allowed Use has commenced on the project or a Building permit for the Use has been issued.*

. . . .

The Planning Commission may grant an additional one (1) year extension when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings..."

Thus, the standard of review of an extension is if the "applicant is able to demonstrate

no change in circumstance that would result in an unmitigated impact.” Here, the only change of circumstance since the original approval is that the 2009 Historic District Guidelines were adopted. Therefore, staff is recommending that if the extension is granted it be subject to a condition of approval that the approval meet the current June 19, 2009 Historic District Guidelines.

Previous Approval and Criteria Analysis: The following analysis was provided during the analysis of the original Steep Slope CUP on May 27, 2009:

The applicant proposes an addition to a non-historic single-family home at 201 Norfolk Avenue in the HR-1 zoning district. The existing house at 201 Norfolk is approximately 2,310 square feet. If approved, a structure of approximately 4,286 square feet (including garage and the existing building) will be built. Staff has reviewed the proposed design and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	1,875 square feet, <u>minimum</u>	6,115 square feet, <u>complies</u>
Building Footprint	2,168 square feet (based on lot area) <u>maximum</u>	2,165 square feet, <u>complies</u>
Front and Rear Yard	10 feet, <u>minimum</u>	10 feet (front), <u>complies</u> 10 feet (rear), <u>complies</u>
Side Yard (from First Amended plat)	5 feet, <u>minimum</u>	5 and 19 feet, <u>complies</u>
Height	27 feet above existing grade, <u>maximum</u> . 27 feet above final grade around the perimeter, <u>maximum</u> .	19 feet above existing grade with a flat, vegetated roof, <u>complies</u> . Various heights around the perimeter under 27 feet, <u>complies</u>
Parking	Two parking spaces are required.	2 interior spaces, <u>complies</u>
Roof Pitch	7:12 to 12:12, or a “green” roof	New roof is flat, vegetated, green roof, <u>complies</u>
Number of stories	3 maximum	Two existing and proposed, <u>complies</u>
Final grade	No more than four feet from existing grade	<u>Complies</u>

Section 15-2.2-6 of the LMC provides for development on steep sloping lots in excess of one thousand square feet (1,000 s. ft.) within the HR-1 zoning district, subject to the following criteria:

Criteria 1: Location of Development. Development is located and designed to reduce visual and environmental impacts of the Structure. No unmitigated impacts

The proposed design consists of an addition to a single-family non-historic structure. The addition includes a two-car garage (none exists currently) and reconfiguration of the existing spaces creating a five bedroom home. The addition will match the existing house in materials, height, and scale. The minimum setback requirements for the HR-1 zone are met. The topography of the site varies in terms of steep slope percentages with rock retaining walls on the south side.

Criteria 2: Visual Analysis. The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project. No unmitigated impacts

The proposed structure will not be viewed from the key vantage points as indicated in the LMC. The applicant has submitted a photo montage inserting the proposed addition onto the existing house with the house to the north and south included. Past the house to the south (16 Sampson) is a vacant lot.

Criteria 3: Access. Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible. No unmitigated impacts

The proposed design incorporates a single driveway to both 201 Norfolk and 16 Sampson on the south side of 201 Norfolk. The driveway to 201 Norfolk is nearly flat as Sampson rises steeply to the south and the driveway is at the southern extent of the lot for 201 Norfolk. The garage for 201 Norfolk will be accessed from the side.

Criteria 4: Terracing. The project may include terraced retaining Structures if necessary to regain Natural Grade. No unmitigated impacts

Limited retaining is necessary as the rear of the house retains grade. A single retaining wall extends from the southwest corner of the garage of 201 Norfolk and curves around a planting area becoming the east side of the stairs into 16 Sampson. The driveway entrance from Sampson is situated to provide near level access to the garage of 201 Norfolk.

Criteria 5: Building Location. Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard. No unmitigated impacts

The addition is on a portion of the lot that has several retaining walls that were constructed with remodel of the building. The construction of the rear building wall will retain grade. The grade at the front of the addition will be undisturbed. Access is shared with 16 Sampson to the south minimizing the amount of hard surface for driveways. Utilities are already installed for the existing building.

Criteria 6: Building Form and Scale. Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts**

The building addition is parallel to the existing contours. It is two stories with a flat, vegetated roof that is lower than the existing roof. The front façade of the addition steps back from the existing building face. The garage door faces south and is not visible from a direct view of the house.

Criteria 7: Setbacks. The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts**

The minimum front setback for this lot is ten feet (10') along both Norfolk and Sampson. The foundation wall is close to the setback at two corners then steps away. The rear setback is also ten feet (10'). The rear property line is overlapped by 16 Sampson and 205 Norfolk with no common corner for all three properties. No wall effect is created at either the front or the rear.

Criteria 8: Dwelling Volume. The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts**

The design is generally compatible with the volume of the contemporary single-family homes in the area. If approved, a house of 4,286 square feet including the garage and existing house will be created. The total footprint will be 2,165 square feet. The addition and the existing house are both two stories. The historic house directly to the south (16 Sampson being reviewed concurrently) is proposed to be remodeled and added on to creating an overall house size of 4,006 feet.

Criteria 9: Building Height (Steep Slope). The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in

Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. No unmitigated impacts

The proposed addition is 19' and incorporates a flat green, planted roof meeting the twenty-seven feet (27') maximum building height requirement measured from existing grade and from final grade around the perimeter.

Process

The approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed. Approval of the Historic Design Guideline compliance is noticed separately and required prior to issuance of any building permits.

Department Review

This project has gone through an interdepartmental review. Issues that were brought up at that time have been addressed with revised plans or conditions of approval.

Notice

The property was posted and notice was mailed to the one property owner within 300 feet. Legal notice was also put in the Park Record.

Public Input

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

Alternatives

- The Planning Commission may approve the extension to the Conditional Use Permit as conditioned or amended, or
- The Planning Commission may deny the extension to the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may continue the discussion on the extension to the Conditional Use Permit and provide specific direction to the applicant and staff.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The Conditional Use Permit would expire and the addition could not be built without going through the CUP process again meeting all current LMC and Historic Guideline changes in affect at the time of application.

Recommendation

Staff recommends that the Planning Commission review the request for an additional year extension of the Steep Slope Conditional Use Permit (CUP) at 201 Norfolk

Avenue. Staff has prepared the following findings of fact, conclusions of law, and conditions of approval for the Commission's consideration:

Findings of Fact:

1. The property is located at 201 Norfolk Avenue within the Historic Residential (HR-1) zoning district.
2. The existing building started as a duplex built circa 1970's. In 2000, the 201 Norfolk Avenue subdivision was approved and recorded. The subdivision created two lots, one for the duplex and the second for a new building located at 205 Norfolk. In 2002, the duplex was rehabilitated and converted into a single family dwelling at the same time as the construction of the adjacent (to the north) 205 Norfolk Avenue by a previous owner.
3. The existing house at 201 Norfolk is approximately 2,310 square feet.
4. The First Amended 201 Norfolk Avenue subdivision was approved in 2007 which included the adjacent (to the south) 16 Sampson Avenue. The First Amended 201 Norfolk Avenue subdivision made the 201 Norfolk property larger in order to create a garage to the south with shared access with 16 Sampson.
5. This lot is adjacent to the HRL zone and is characterized by several historic residential structures and mostly larger contemporary houses on larger lots.
6. Access to the property is from a shared driveway with 16 Sampson Avenue.
7. Under the current LMC, the minimum front yard setback for lots of this size is 10 feet.
8. Under the current LMC, the minimum rear yard setback is 10 feet.
9. Under the current LMC, the minimum side yard setback is 5 feet for this lot, with a total of 19 feet.
10. Under the current LMC, the maximum building height in the HR-1 zone is 27 feet. No height exceptions are allowed.
11. The maximum number of stories allowed is three stories.
12. The roof pitch in the HR-1 zone is required to be a minimum of 7:12, unless the roof is a flat vegetated roof.
13. The addition is two stories with a flat, vegetated roof under the 27-foot height requirement.
14. The applicant is proposing two parking spaces within a double car garage with a shared access driveway with 16 Sampson. The garage doors face away from the street.
15. The maximum footprint for the lot is 2,168 square feet, subject to Steep Slope CUP review by the Planning Commission. The proposed footprint is 2,165 square feet with the addition.
16. The Planning Commission approved a Steep Slope Conditional Use Permit on May 27, 2009. The CUP is valid for one year unless a building permit or an extension is granted.
17. The Planning Commission approved a one year extension on the Steep Slope CUP. The CUP extension is valid for one year unless a building permit or an extension is granted. The extension would expire on May 27, 2011.
18. A complete application for additional year extension was received on May 6, 2011.
19. Pursuant to LMC 15-1-10(G): *The Planning Commission may grant an additional*

one (1) year extension when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request.

20. The Historic District Guidelines have changed since the time of the original application and the request for this extension.
21. The second CUP extension is valid for one year unless a building permit is granted. This extension will expire on May 27, 2012.
22. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law:

1. The CUP and extension, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B) and 15-1-10(G).
2. The CUP extension, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.
5. No change in circumstance that would result in an unmitigated impact has been found.

Conditions of Approval:

1. This approval is subject to the project meeting the current (June 19, 2009) Historic District Guidelines.
2. A building permit may not be issued while a structure sits over the property line.
3. All Standard Project Conditions shall apply.
4. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
5. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
6. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.
7. No building permits shall be issued for this project unless and until the design of the addition is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Historic District Design Guidelines.
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.
9. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer if required by the Building Department.
10. This approval will expire on May 27, 2012, if an application for a building permit has not been issued prior to this date.

11. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission.

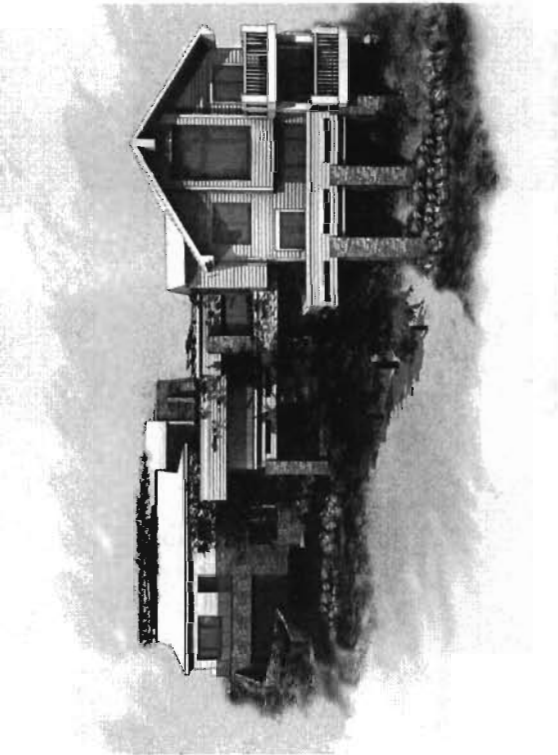
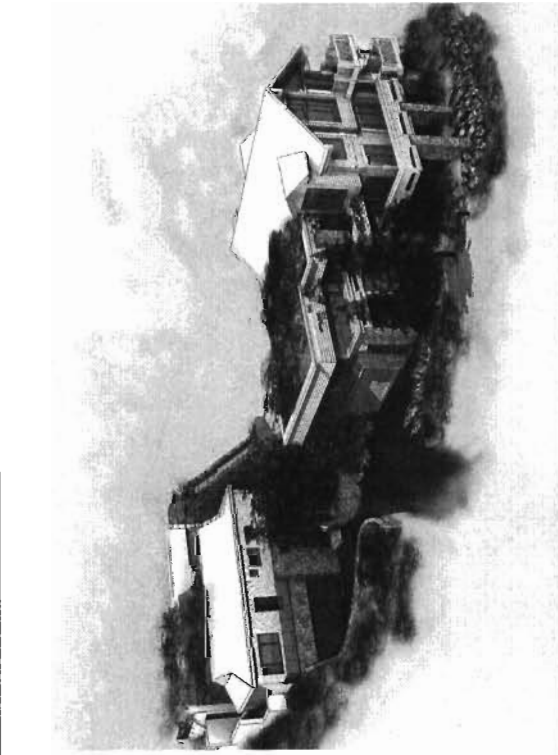
Exhibits

Exhibit A – Site Plan, Floor Plans and Elevations - original approval May 27, 2009

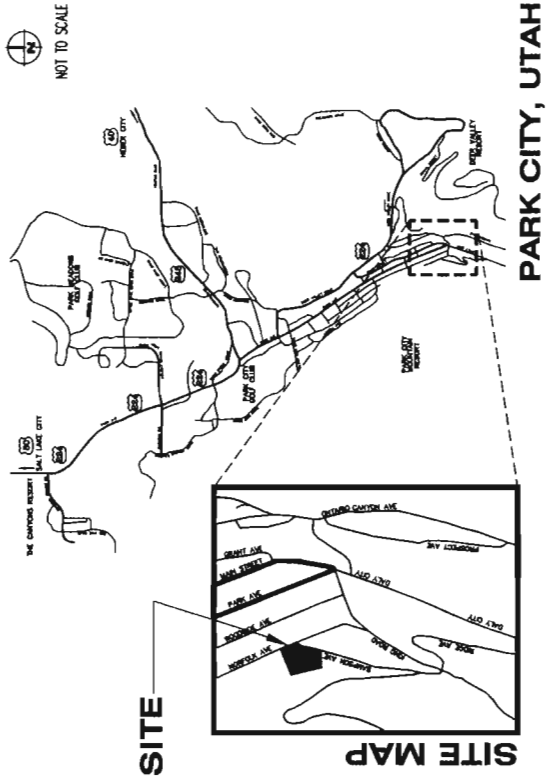
Exhibit B – Planning Commission Meeting Minutes – June 9, 2010

PROJECT: 201 NORFOLK RESIDENCE

CONCEPT RENDERINGS



VICINITY MAP



GENERAL NOTES

- CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS AND REPORT ANY CHANGES REQUIRED TO ARCHITECT BEFORE COMMENCING WITH WORK.
- CONTRACTOR IS RESPONSIBLE FOR CHECKING ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS FOR ACCURACY AND CORRECTING THAT ALL CONDITIONS SHOWN ARE BUILDABLE. ANY QUESTIONS PERTAINING TO THESE OR ANY OTHER CONDITIONS SHOULD BE SUBMITTED TO THE ARCHITECT IN WRITING FOR CLARIFICATION.
- TYPICAL MEANS FOR ALL SIMILAR CONDITIONS, UNLESS OTHERWISE NOTED.
- ALL VERTICAL DIMENSIONS SHOWN TO FLOOR ARE TO THE TOP OF CONCRETE OR TOP OF FLOOR SHEATHING.
- DETAILS ARE USUALLY KEYED ONLY ONCE AND ARE TYPICAL (TYP) FOR SIMILAR CONDITIONS THROUGHOUT UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL ADHERE TO ALL CODES, RULES AND REGULATIONS, GOVERNING CONSTRUCTION, BUILDING ACCESS AND THE USE OF FACILITIES AS SET BY FEDERAL, STATE AND LOCAL CODES, BUILDING DEPARTMENT AGENCIES AND THE BUILDING OWNERS.
- LARGE SCALE DRAWINGS TAKE PRECEDENCE OVER SMALL SCALE DRAWING. DETAILS TAKE PRECEDENCE OVER ALL OTHER DRAWINGS.
- CONTRACTOR SHALL NOTIFY ARCHITECT OF CONFLICTS IN WRITING.
- ALL EXPOSED GYPSUM BOARD EDGES TO HAVE METAL "J" EDGE TRIM (USE 20-A).
- NO SUBSTITUTIONS WILL BE ALLOWED WITHOUT PRIOR APPROVAL BY THE ARCHITECT.
- ALUMIUM MEANS SIMILAR COMPONENTS OF CONSTRUCTION, I.E. WALLS, JAMBS, ETC.
- IF DOCUMENTS ARE AT VARIANCE WITH ONE ANOTHER ON A PARTICULAR ITEM OR ITEMS, CONTRACTOR SHALL BASE THE PROPOSAL ON THE MOST STRINGENT OF THE CONDITIONS. ITEMS OR COMMENT SPECIFIED UNDER ONE TRADE SHALL BE BINDING AS IF SPECIFIED UNDER ALL APPLICABLE TRADES.
- THE CONTRACTOR SHALL ARRANGE FOR INSPECTIONS NECESSARY TO OBTAIN A CERTIFICATE OF OCCUPANCY BY OFFICIALS AS DESIGNATED BY THE AUTHORITY HAVING JURISDICTION.
- THE CONTRACTOR SHALL MAINTAIN FOR THE ENTIRE LENGTH OF CONTRACT DATES, EXOT LIGHTING, FIRE PROTECTIVE DEVICES AND ALARMS TO CONFORM TO LOCAL BUILDING CODE REQUIREMENTS, IN OCCUPIED AREAS OF THE BUILDING.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADEQUATELY SUPPORTING, BRACING AND PROTECTING WORK DURING CONSTRUCTION AGAINST DAMAGE, BREAKING, COLLAPSE DISTORTION AND/OR MISALIGNMENT IN ACCORDANCE WITH APPLICABLE CODES, STANDARDS AND GOOD PRACTICE.
- THE CONTRACTOR SHALL VERIFY THAT DRAWINGS AND SPECIFICATIONS ARE THE LATEST ISSUE PRIOR TO COMMENCING CONSTRUCTION.
- IN CASE OF CONFLICT BETWEEN ARCHITECT AND ENGINEER'S DRAWINGS IN LOCATION OF MATERIALS/EQUIPMENT, THE ARCHITECTURAL DRAWINGS SHALL GOVERN. CLARITY WITH ARCHITECT.
- THE CONTRACTOR SHALL NOT PROCEED WITH WORK WITHOUT WRITTEN AUTHORIZATION FROM THE ARCHITECT, FAILURE TO OBTAIN SUCH AUTHORIZATION SHALL INVALIDATE A CLAIM FOR EXTRA COMPENSATION.
- THE CONTRACTOR IS RESPONSIBLE FOR THE CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES AND COORDINATION OF WORK AND THE WORK PERFORMED BY THE SUBCONTRACTORS.
- THE CONTRACTOR SHALL PROTECT THE PREMISES AND OCCUPANTS ON THE PROJECT SITE FROM DAMAGE OF INJURY RESULTING OPERATIONS. THE CONTRACTOR SHALL PROMOTE AND MAINTAIN NECESSARY COVERING, BOARDS TEMPORARY PARTITIONS, AND DOOR REQUIREMENTS TO PROTECT EXISTING WORK, MATERIALS AND FINISHES TO REMAIN AT THE JOB SITE. THE CONTRACTOR SHALL BE HELD RESPONSIBLE DAMAGES ATTRIBUTABLE TO HIS OPERATIONS AND REPAIRS OF REPLACEMENT WITHOUT ADDITIONAL CHARGES TO THE PARTY AFFECTED.
- SUBSTITUTIONS, REVISIONS, OR CHANGES MUST BE SUBMITTED TO ARCHITECT FOR REVIEW AND APPROVAL (IN CONFORMANCE WITH PROCEDURES) PRIOR TO PURCHASE, FABRICATION OR INSTALLATION.
- ALL LUMBER IN CONTACT WITH CONCRETE OR MASONRY INCLUDING LEDGERS AND FLOORING WALLS MUST BE PRESERVATIVELY TREATED OR FOUNDATION-GRADE REDWOOD.

GRAPHICS

	EARTH-SECTION
	GRAVEL-FILL
	CONCRETE-SECTION
	CONCRETE-ELEVATION
	METAL-LARGE SCALE
	METAL-SMALL SCALE
	PLYWOOD IN SECTION
	WOOD-FINISHED
	FRAMING OR CONTINUOUS WOOD BLOCKING IN SECTION
	INTERMEDIATE WOOD BLOCKING IN SECTION
	BATT INSULATION IN SECTION
	RIGID INSULATION IN SECTION
	GLASS
	TILE
	CARPET
	GYPSUM BOARD
	GLAZING-ELEVATION

SYMBOLS

	COLUMN GRID / BUILDING GRID
	BUILDING SECTION NUMBER
	SHEET DRAWN ON
	WALL SECTION NUMBER
	SHEET DRAWN ON
	DETAIL NUMBER
	SHEET DRAWN ON
	INTERIOR ELEVATION NUMBER
	SHEET DRAWN ON
	EXTERIOR ELEVATION NUMBER
	SHEET DRAWN ON
	WINDOW MARK
	DOOR MARK
	KEYED NOTE
	REVISION NUMBER
	WALL TYPE
	INDICATES CENTER LINE
	ELEVATIONS TAG
	NORTH DIRECTION
	ROOM FINISH KEY

ABBREVIATIONS

ALUM	ALUMINUM CLAD WOOD
B.O.	BOTTOM OF
C.	CARPET
CONC	CONCRETE
EQ	EQUAL
EX	EXISTING
F.F.	FINISH FLOOR
F.T.	FULLY TEMPERED
F.V.	FIELD VERRY
GB	GYPSUM BOARD PAINTED
GB	GYPSUM BOARD READY TO PAINT
H.P.	HIGH POINT
PT	PORCELAIN TILE
R.O.	ROUGH OPENING
SS	STAINLESS STEEL
ST	STONE
SM	SMILAR
ST	STEEL WINDOW FRAME
SW	STEEL WINDOW
T.O.	TOP OF
TYP.	TYPICAL
W	WOOD
WR	WATER RESISTANT GYPSUM BOARD
WRP	WATER RESISTANT GYPSUM BOARD PAINTED

DEFERRED SUBMITTALS

- ALL SUBMITTALS TO BE APPROVED BY ARCHITECT.
- FIRE SPRINKLER SUBMITTAL
 - RADIANT HEAT SUBMITTAL

PROJECT TEAM

OWNER
ERIC & SUSAN FREDSTON-HERMANN
ARCHITECT

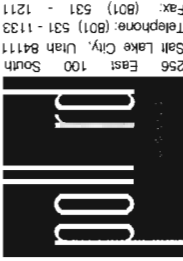
POLLARD ARCHITECTS
256 EAST 100 SOUTH
SALT LAKE CITY, UT 84111
PHONE: (801) 531-1133
FAX: (801) 531-1211

CIVIL ENGINEER
ALLIANCE ENGINEERING INC.
323 MAIN STREET
PARK CITY, UT 84060
PHONE: (435) 649-9467
FAX: (435) 649-9475

STRUCTURAL ENGINEER
GREENE STRUCTURAL ENGINEERING
2081 EAST 1300 SOUTH
SALT LAKE CITY, UT 84108
PHONE: (801) 487-9595
FAX: (801) 487-9422

DRAWING INDEX

SHEET	SHEET TITLE
GENERAL	
G-001	COVER SHEET, DRAWING INDEX, & PROJECT INFORMATION
CIVIL	
C-1	LAND TITLE SURVEY
C-2	CERTIFIED TOPOGRAPHICAL SURVEY
STRUCTURAL	
S-101	GENERAL STRUCTURAL NOTES
S-102	FOOTING AND FOUNDATION PLAN
S-103	MAIN FLOOR FRAMING PLAN
S-104	ROOF FRAMING PLAN
S-8.1	STRUCTURAL DETAILS
S-8.2	STRUCTURAL DETAILS
S-8.3	STRUCTURAL DETAILS
S-8.4	STRUCTURAL DETAILS
S-8.5	STRUCTURAL DETAILS
ARCHITECTURAL	
A5-101	SITE PLAN
A5-101	DEMOLITION PLAN-LOWER LEVEL
A-101	FLOOR PLAN-LOWER LEVEL
A5-102	DEMOLITION PLAN-UPPER LEVEL
A-102	FLOOR PLAN-UPPER LEVEL
A-103	ROOF PLAN
A-201	EXTERIOR ELEVATIONS
A-202	EXTERIOR ELEVATIONS
A-301	BUILDING SECTIONS
A-302	BUILDING SECTIONS
A-303	BUILDING SECTIONS
A-304	WALL SECTIONS
A-305	WALL SECTIONS
A-306	WALL SECTIONS
A-307	WALL SECTIONS
A-401	STAIR PLANS, ELEVATIONS, SECTIONS & DETAILS
A-501	BUILDING DETAILS
A-502	BUILDING DETAILS
A-601	DOOR & WINDOW SCHEDULES & ELEVATIONS
A-602	DOOR & WINDOW DETAILS
A-603	WINDOW DETAILS
ELECTRICAL	
EL-101	LIGHTING/POWER PLAN-LOWER LEVEL
EL-102	LIGHTING/POWER PLAN-UPPER LEVEL
MECHANICAL & PLUMBING	
MP-101	MECHANICAL & PLUMBING PLAN-LOWER LEVEL
MP-102	MECHANICAL & PLUMBING PLAN-UPPER LEVEL



SEAL

REGISTERED ARCHITECT
NAME: _____
REGISTRATION NO. _____

ALL DRAWINGS ARE THE PROPERTY OF THE ARCHITECT. NO REPRODUCTION OR TRANSMISSION OF ANY KIND IS PERMITTED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

PROJECT

201 Norfolk Residence
Park City, Utah

REVISION	DATE

PROJECT NO.: _____
DATE: 06/09/09

SHEET

COVER SHEET
DRAWING INDEX
PROJECT-INFO.

APR 2010

PARK CITY OF
PLANNING DEPT.

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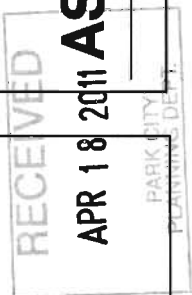
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NAME
REGISTRATION NO.
EXPIRES

PROJECT
201 Norfolk Residence
201 Norfolk Avenue
Park City, Utah

REVISION	DATE

PROJECT NO: 09/09/09
DATE:

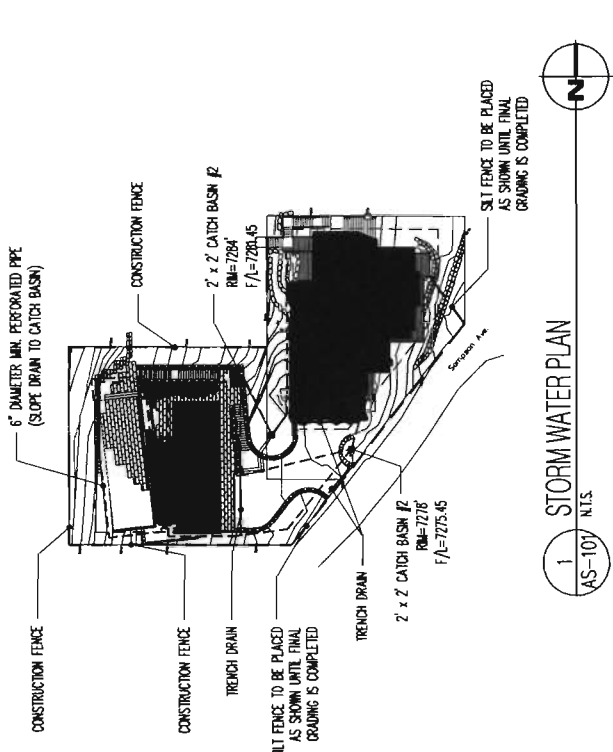
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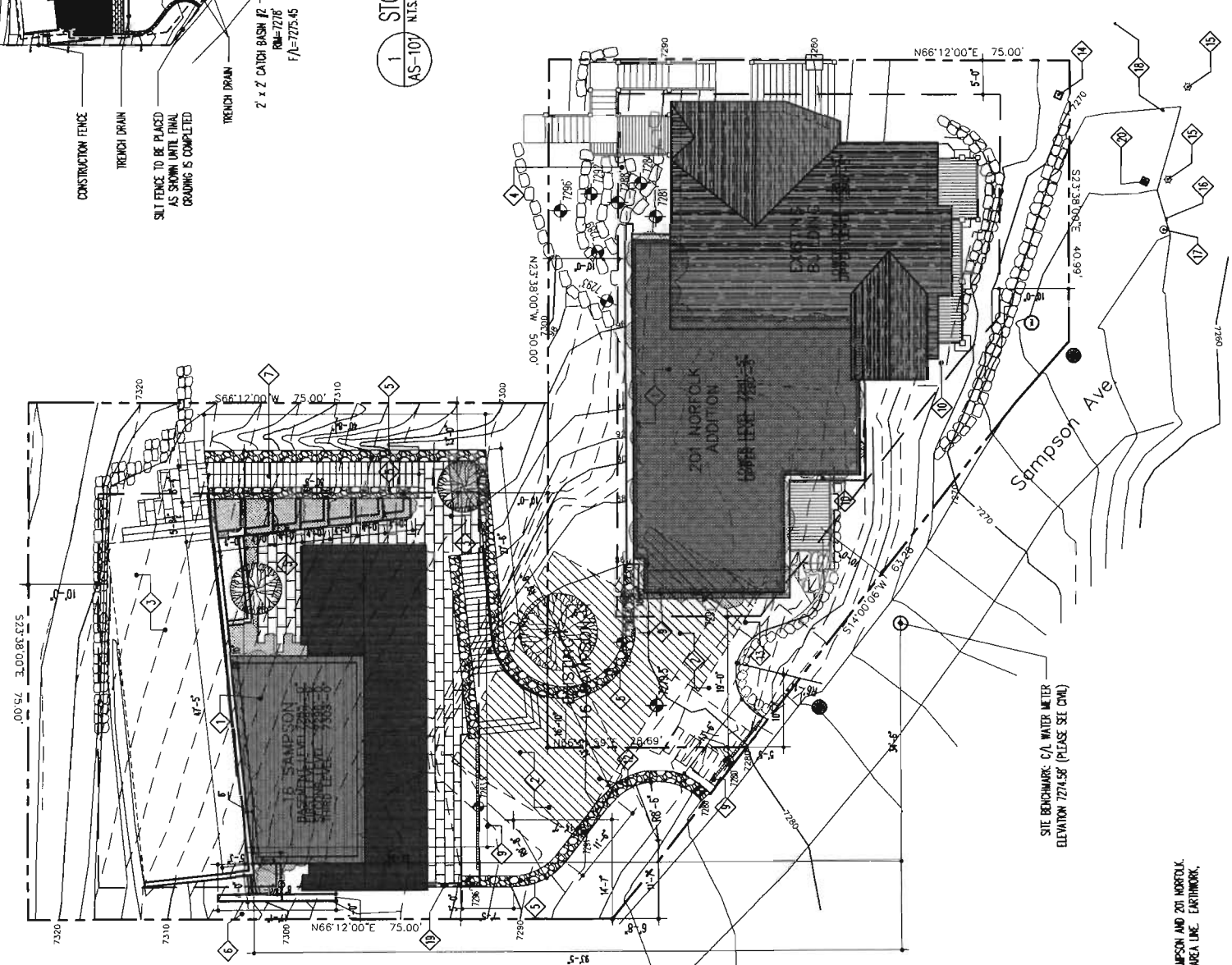
- KEY NOTES**
1. VEGETATED ROOF SYSTEM.
 2. SHARED CONCRETE DRIVEWAY, TO BE RADWANT HEATED
 3. PAVERS
 4. STONE BOULDER RETAINING WALL, SEE STRUCTURE DRAWINGS FOR DETAILS
 5. STONE RETAINING WALL
 6. CONCRETE RETAINING WALL
 7. CONCRETE STAIRS
 8. PLANTING AREAS
 9. TRENCH DRAIN, SEE DETAIL 0
 10. NEW EXTERIOR DECK, SEE DETAIL 0
 11. EXTERIOR HANDRAIL, SEE DETAIL 0
 12. LOCATION OF EXISTING BUILDING SEE THE HISTORIC PRESERVATION PLAN FOR INFORMATION
 13. EXISTING IRRIGATION VALVE BOX TO REMAIN
 14. EXISTING LIGHT POST TO REMAIN
 15. EXISTING CONDUIT POLE TO REMAIN
 16. EXISTING POWER POLE TO REMAIN
 17. EXISTING DRIVE WAY FOR 205 NORFOLK
 18. ELECTRICAL METER BOX
 19. CLEAN OUT FOR CATCH BASIN

- GENERAL NOTES**
1. SURFACE WATER SHALL DRAIN AWAY FROM THE STRUCTURE AT ALL POINTS, DIRECT THE DRAINAGE WATER TO THE STREET OR AN APPROVED DRAINAGE COURSE BUT NOT ONTO NEIGHBORING PROPERTIES. THE GRADE SHALL FALL A MINIMUM OF 6 INCHES WITHIN THE FIRST TO FEET.
 2. CALL BULLETS/MS @ 1-801-532-5000 AT LEAST 48 HOURS PRIOR TO THE COMMENCEMENT OF ANY SITE CONSTRUCTION
 3. SEE A-105 FOR DRAINAGE
 4. SEE LANDSCAPE AND IRRIGATION DRAWINGS FOR PLANTING AND IRRIGATION SYSTEM.
 5. 16 SAMPSON LOT SIZE CONTAINS +/- 6100.7 SQUARE FEET. SEE LEGAL DESCRIPTION
 6. 201 NORFOLK LOT SIZE CONTAINS +/- 6157.2 SQUARE FEET. SEE LEGAL DESCRIPTION
 7. REMOVE AND REINSTALL ALL STONE RETAINING WALLS AS NEEDED
 8. REMOVE AND REINSTALL IRRIGATION VALVE BOXES AS NEEDED
 9. REMOVE EXISTING WOOD CRIBBED RETAINING WALL
 10. SEE A-105 FOR ALL GROUND ELEVATION
 11. SANITARY SEWER INSTALLATION SHALL COMPLY WITH SPOKO REQUIREMENTS
 12. CONTRACTOR SHALL NOTIFY SPOKO PRIOR TO CONSTRUCTION, SEWER LATERAL INSTALLATION MUST BE INSPECTED BY SPOKO
 13. WATER SERVICE INSTALLATION SHALL COMPLY WITH POUIC REQUIREMENTS
 14. CUT AND FILL SLOPES SHALL NOT EXCEED 2:1 IN SLOPE EXCEPT FOR TEMPORARY EXCAVATIONS
 15. ALL EXCAVATIONS, FILL CUTS AND GRADING SHALL COMPLY WITH IRC CHAPTER 4
 16. DUST CONTROL, ACCESS AND HAULAGE ROADS SHALL BE MAINTAINED IN A DUST FREE CONDITION BY SURFACING OR OTHER TREATMENT AS APPROVED BY THE CITY ENGINEER AND DUST SHALL BE CONTROLLED IN ALL OTHER OPERATIONAL AREAS OF THE EXCAVATION SITE.
 16. PROVIDE PROTECTIVE CONSTRUCTION FENCING AROUND CONSTRUCTION SITE.
 16. PROVIDE TEMPORARY SANITARY FACILITY @ CONSTRUCTION SITE.

- GRAPHIC LEGEND**
- = SANITARY SEWER MANHOLE
 - = CITY MONUMENT
 - = CATCH BASIN
 - ▣ = DECORATIVE IRON FENCE
 - ⊖ = ELECTRIC BOX
 - ⊕ = ELECTRIC METER
 - ⊗ = ELECTRIC MANHOLE
 - ⊙ = FIRE HYDRANT
 - ⊚ = FIBER OPTICS BOX
 - ⊛ = GAS METER
 - ⊜ = GATE POST
 - ⊝ = LIGHT POLE
 - ⊞ = POWER POLE
 - ⊟ = STORM DRAIN MANHOLE
 - ⊠ = TELEPHONE MANHOLE
 - ⊡ = WATER METER
 - ⊢ = WATER TELEPHONE
 - ⊣ = OVERHEAD POWER



- EROSION CONTROL NOTES**
1. NO EARTH SHALL BE MOVED UNTIL EROSION CONTROL MEASURES ARE IN PLACE
 2. SITE TO BE RE-VEGETATED WITH NATIVE VEGETATION
 3. EROSION CONTROL MEASURES WILL BE MAINTAINED AND REPAIR IN PLACE UNTIL NATIVE RE-VEGETATION ESTABLISHED
 4. PREPARED DISTURBED AREAS AFTER CONSTRUCTION IS COMPLETED
- SILT FENCE INSTALLATION NOTES**
1. POST SPACED 10' O.C. MAX
 2. FENCE SHALL BE MAINTAINED AND ACCUMULATED MATERIAL REMOVED
 3. SET POSTS AND EXCAVATE A 4" X 4" TRENCH UPSLOPE ALONG THE LINE OF THE POST
 4. STAPLE WIRE FENCING TO THE POSTS
 5. ATTACH THE FILTER FABRIC TO WIRE FENCE AND EXTEND INTO TRENCH
 6. PLACE FILTER FABRIC AT BOTTOM OF TRENCH AND BACKFILL W/ EXCAVATED SOIL
 7. FILTER FABRIC TIED TO MESH EVERY 24" AT TOP AND MIDDLE & OVERLAP AT VERTICAL SEAMS

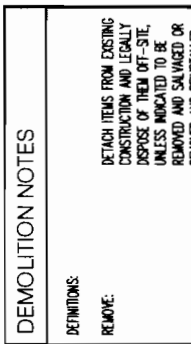


PERMIT QUANTITIES SUMMARY

TOTAL AREA OF DISTURBANCE: 9,983 SQ BETWEEN BOTH 16 SAMPSON AND 201 NORFOLK.
ALL EXISTING VEGETATION TO BE REMOVED WITHIN THE FENCED AREA LINE. EXISTING, CONSTRUCTION STAGING, AND EXCAVATION:

16 SAMPSON
201 NORFOLK

1,763 CUBIC YARDS
+ 1,200 CUBIC YARDS
= 2,963 CUBIC YARDS



SEAL

SIGNATURE

REGISTRATION NO.

PROJECT

201 Norfolk Residence

201 Norfolk Avenue
Park City, Utah

REVISION	DATE

PROJECT NO: 09/09/09
DATE:

SHEET
LOWER LEVEL DEMOLITION FLOOR PLAN
AD-101 of

DEMOLITION NOTES

DEFINITIONS:

REMOVE: DETACH ITEMS FROM EXISTING CONSTRUCTION AND LEGALLY DISPOSE OF THEM OFF-SITE, UNLESS INDICATED TO BE REMOVED AND SALVAGED OR REMOVED AND REINSTALLED.

REMOVE AND SALVAGE: DETACH ITEMS FROM EXISTING CONSTRUCTION AND DELIVER THEM TO OWNER READY FOR REUSE.

REMOVE AND REINSTALL: DETACH ITEMS FROM EXISTING CONSTRUCTION, PREPARE THEM FOR REUSE, AND REINSTALL ALL THEM WHERE INDICATED.

EXISTING TO REMAIN: EXISTING ITEMS OF CONSTRUCTION THAT ARE NOT TO BE REMOVED AND THAT ARE NOT OTHERWISE INDICATED TO BE REMOVED, REMOVED AND SALVAGED, OR REMOVED AND REINSTALLED.

1. THE CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS AND ALL DIMENSIONS AT THE JOB SITE. DISCREPANCIES BETWEEN EXISTING CONDITIONS AND DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING WITH SELECTIVE DEMOLITION.

2. OWNER WILL OCCUPY PORTIONS OF BUILDING IMMEDIATELY ADJACENT TO SELECTIVE DEMOLITION AREA. CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT TENANT SPACES AND FINISHES DURING CONSTRUCTION FROM DUST, DEBRIS AND DAMAGE. COORDINATE SCHEDULING OF DEMOLITION WITH OWNER.

3. DASHED LINES INDICATE EXISTING ITEMS TO BE REMOVED, REMOVED AND SALVAGED, OR REMOVED AND REINSTALLED.

4. DISPOSAL OF DEMOLISHED MATERIALS: REMOVE DEBRIS, RUBBER, AND OTHER MATERIALS RESULTING FROM DEMOLITION OPERATIONS FROM BUILDING SITE, TRANSPORT AND LEGALLY DISPOSE OF OR RECYCLE OFF SITE.

IF HAZARDOUS MATERIALS ARE ENCOUNTERED DURING DEMOLITION IMMEDIATELY NOTIFY ARCHITECT AND OWNER. COMPLY WITH APPLICABLE REGULATIONS, LAWS, AND ORDINANCES CONCERNING REMOVAL, HANDLING, AND PROTECTION AGAINST EXPOSURE OR ENVIRONMENTAL POLLUTION. BURNING OF DEMOLISHED MATERIALS IS NOT PERMITTED ON PROJECT SITE.

5. OWNER SHALL HAVE FIRST CLAIM TO ALL SALVAGEABLE MATERIALS REMOVED UNDER THIS WORK.

6. SALVAGE ITEMS: ITEMS IDENTIFIED HEREIN OR ON DRAWINGS AS "SALVAGE - DELIVER TO OWNER", OR ARE IDENTIFIED BY OWNER'S REPRESENTATIVE AS SALVAGEABLE, SHALL BE CAREFULLY REMOVED AND STORED AS DIRECTED BY OWNER.

- STONE BOULDERS (E.G. 10" DIAMETER)
- JACKSON LEDGE STONE
- WOOD RAILINGS
- DOORS, FRAMES, AND HARDWARE
- WINDOWS, FRAMES, AND HARDWARE

7. DO NOT CUT STRUCTURAL OR LOAD BEARING ELEMENTS WITHOUT ARCHITECT'S APPROVAL. STRUCTURAL ELEMENTS INCLUDING COLUMNS AND BEAMS.

8. PROVIDE TEMPORARY BARRICADES AND OTHER PROTECTION REQUIRED TO PREVENT INJURY.

9. PROVIDE TEMPORARY SERVICES DURING INTERRUPTIONS TO EXISTING UTILITIES, AS ACCEPTABLE TO GOVERNING AUTHORITIES. PROVIDE PIPASS CONNECTIONS AS NECESSARY TO MAINTAIN CONTINUITY OF SERVICE TO OCCUPIED AREAS OF BUILDING.

10. PRIOR TO DEMOLITION, LOCATE, IDENTIFY, STUB OFF, AND DISCONNECT UTILITY SERVICES THAT ARE NOT INDICATED TO REMAIN.

11. TRASH IS TO BE REMOVED DAILY.

12. CLEANUP AND REPAIR: UPON COMPLETION OF DEMOLITION WORK, REMOVE TOOLS, EQUIPMENT, AND DEMOLISHED MATERIALS FROM SITE. REMOVE PROTECTION AND LEAVE INTERIOR AREAS BROOM CLEAN.

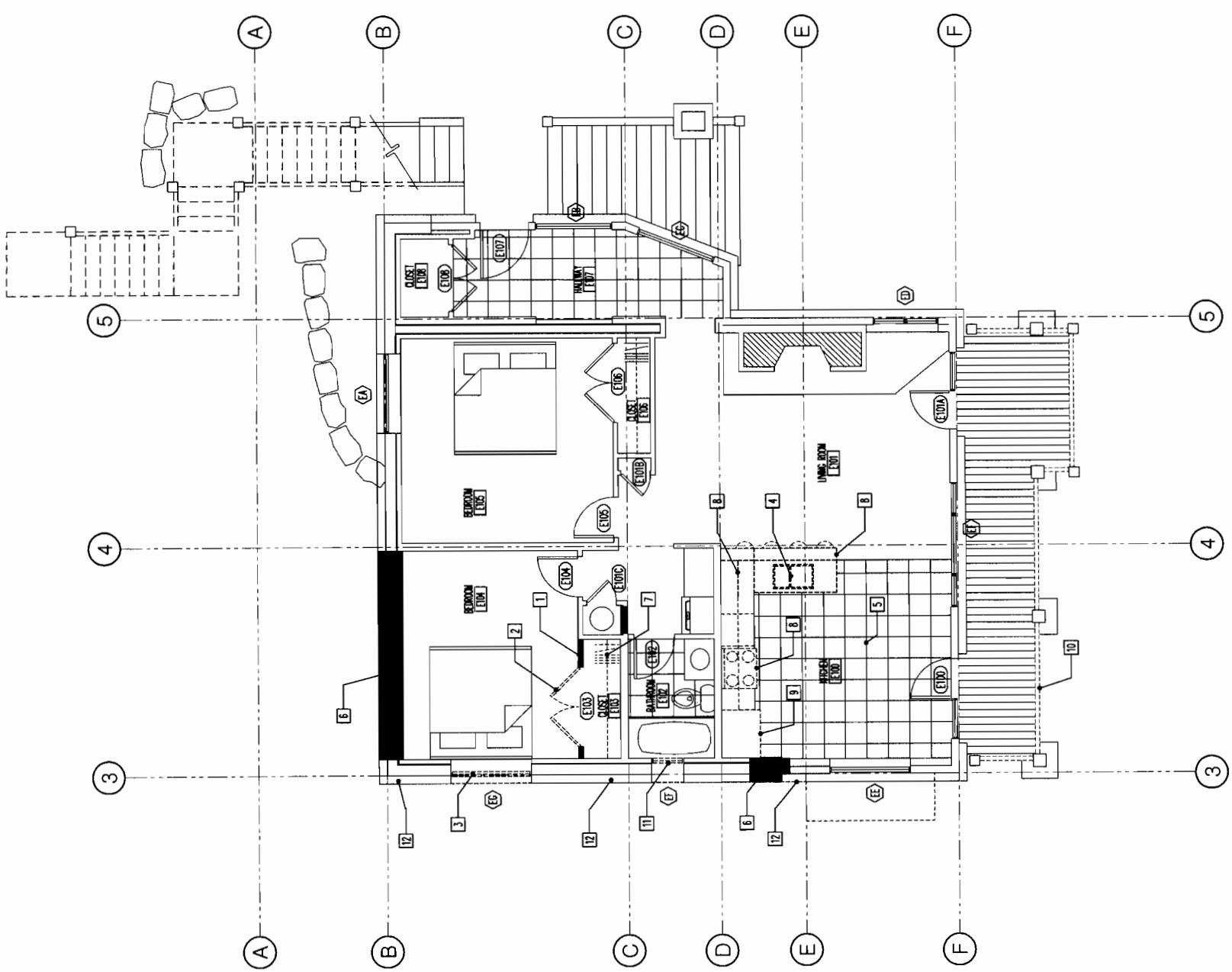
13. REPAIR DEMOLITION PERFORMED IN EXCESS OF THAT REQUIRED: RETURN STRUCTURES AND SURFACES TO REMAIN AND ADJACENT AREAS TO CONDITION EXISTING BEFORE SELECTIVE DEMOLITION WORK BEGINS.

14. REFER TO A-101 AND A-102 FOR ALL NEW CONSTRUCTION. COORDINATE DEMOLITION OF EXTERIOR AND INTERIOR WITH NEW CONSTRUCTION.

- KEY NOTES**
- REMOVE EXISTING WOOD STUD PARTITION WALLS.
 - REMOVE AND SALVAGE EXISTING DOOR, FRAME, AND ASSOCIATED HARDWARE. REINSTALL OPENING IN WALL AS REQUIRED.
 - REMOVE AND REINSTALL EXISTING WINDOW FRAME AND ASSOCIATED HARDWARE WHERE INDICATED. REINSTALL OPENING IN WALL AS REQUIRED.
 - REMOVE AND SALVAGE EXISTING PLUMBING AND ASSOCIATED FIXTURES. CAP OFF ALL UTILITY LINES.
 - REMOVE AND SALVAGE EXISTING FLOORING AND BASE.
 - REMOVE OPENING IN WALL.
 - REMOVE.
 - REMOVE AND SALVAGE.
 - REMOVE AND REINSTALL WHERE INDICATED.
 - REMOVE AND SALVAGE WOOD RAILINGS. REINSTALL WHERE INDICATED.
 - REMOVE AND SALVAGE EXISTING WINDOW FRAME AND ASSOCIATED HARDWARE. REINSTALL OPENING IN WALL AS REQUIRED.
 - REMOVE AND SALVAGE STONE CLADDING AND SOUND ON EXISTING WALL. REINSTALL WHERE INDICATED.

GRAPHIC LEGEND

- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- EXISTING JACKSON LEDGE STONE



1 LOWER LEVEL DEMOLITION PLAN
AD-101 SCALE: 1/4" = 1'-0"



201 Norfolk Residence
 201 Norfolk Avenue
 Park City, Utah

PROJECT: 201 Norfolk Residence
 SHEET: LOWER LEVEL FLOOR PLAN
 DATE: 09/09/09

REVISION	DATE

BUILDING AREAS

BUILDING FOOTPRINT:
 TOTAL LOT SIZE: 6,115 SQUARE FEET
 MAXIMUM BUILDING FOOTPRINT: 2,168 SQUARE FEET
 PROPOSED BUILDING FOOTPRINT: 2,165 SQUARE FEET
 BUILDING SQUARE FOOTAGE:

LOWER LEVEL: EXISTING: 1,133 SQUARE FEET
 GARAGE: 546 SQUARE FEET
 TOTAL: 2,171 SQUARE FEET

ADDITION:
 TOTAL: 1,177 SQUARE FEET
 UPPER LEVEL: EXISTING: 988 SQUARE FEET
 TOTAL: 2,165 SQUARE FEET

BUILDING TOTAL: 4,286 SQUARE FEET

GRAPHIC LEGEND

- EXISTING WALL TO REMAIN
- NEW WALL
- NEW CONCRETE WALL
- JACKSON LEDE STONE (TO MATCH EXISTING)

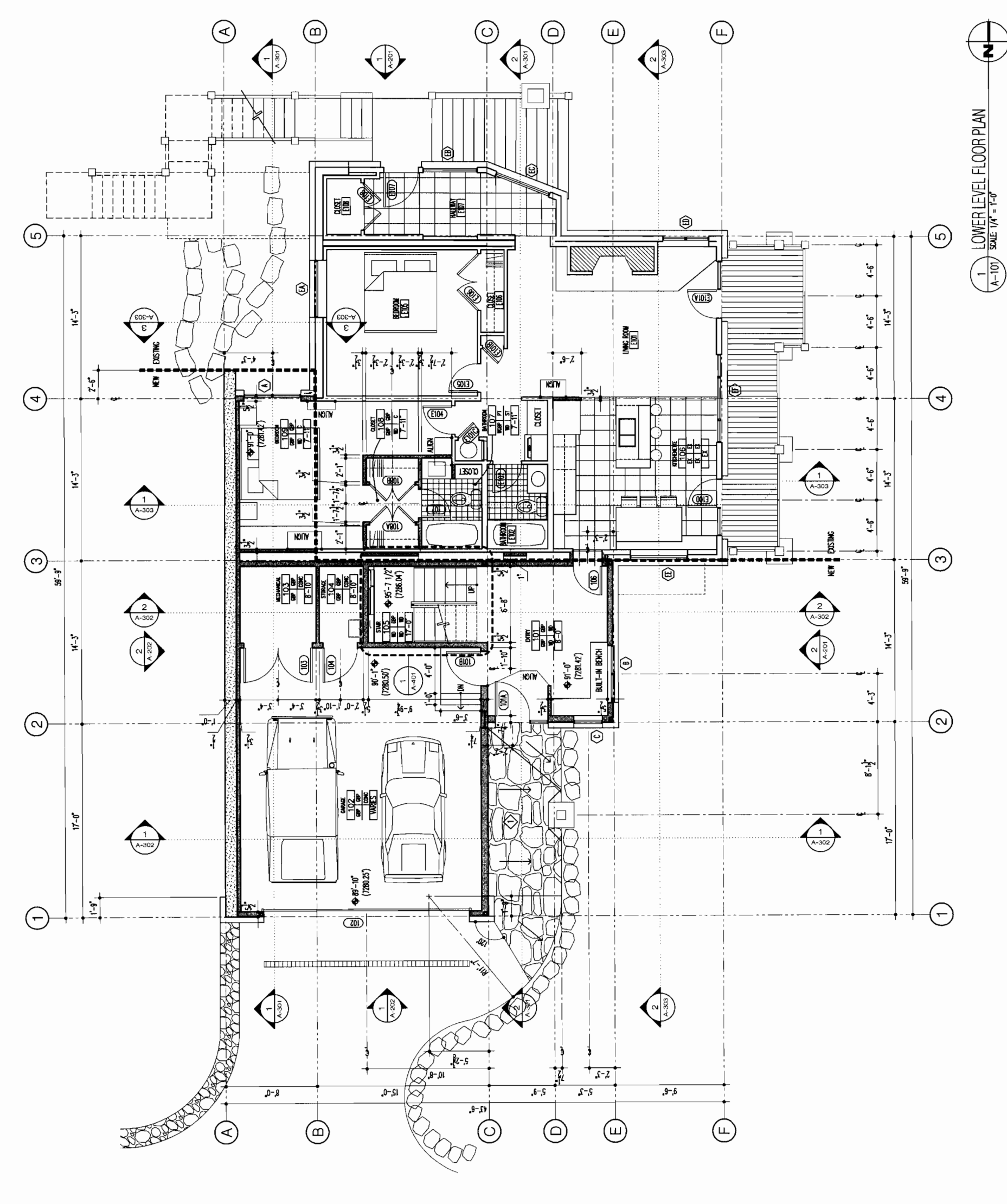
KEYNOTES

- STONE PIERER WALKWAY W/ HEATED REINFORCED CONCRETE SLAB SLOPE 1/4" PER FOOT AWAY FROM DOOR OPENING AND BUILDING WALL.

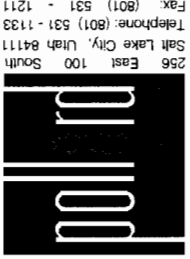
APR 18 2011

LOWER LEVEL FLOOR PLAN

A-101 of



1 LOWER LEVEL FLOOR PLAN
 SCALE: 1/4" = 1'-0"



256 East 100 South
Salt Lake City, Utah 84111
Telephone: (801) 531-1133
Fax: (801) 531-1211

SEAL

SIGNATURE: _____
NAME: _____
REGISTRATION NO: _____

PROJECT: 201 Norfolk Residence
201 Norfolk Avenue
Park City, Utah

201 Norfolk Residence

REVISION	DATE

PROJECT NO: 06/06/09
DATE: 06/06/09
SHEET: _____

UPPER LEVEL
DEMOLITION
FLOOR PLAN

AD-102

of _____

DEMOLITION NOTES

DEFINITIONS:

REMOVE: DETACH ITEMS FROM EXISTING CONSTRUCTION AND LEGALLY DISPOSE OF THEM OFF-SITE, UNLESS INDICATED TO BE REMOVED AND SALVAGED OR REMOVED AND REINSTALLED.

REMOVE AND SALVAGE: DETACH ITEMS FROM EXISTING CONSTRUCTION AND DELIVER THEM TO OWNER READY FOR REUSE.

REMOVE AND REINSTALL: DETACH ITEMS FROM EXISTING CONSTRUCTION, PREPARE THEM FOR REUSE, AND REINSTALL THEM WHERE INDICATED.

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- JACKSON LEDGE STONE
- WOOD RAILINGS
- DOORS, FRAMES, AND HARDWARE
- WINDOWS, FRAMES, AND HARDWARE

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8. PROVIDE TEMPORARY BARRICADES AND OTHER PROTECTION REQUIRED TO PREVENT INJURY.

9. PROVIDE TEMPORARY SERVICES DURING INTERRUPTIONS TO EXISTING UTILITIES, AS ACCEPTABLE TO GOVERNING AUTHORITIES. PROVIDE BYPASS CONNECTIONS AS NECESSARY TO MAINTAIN CONTINUITY OF SERVICE TO OCCUPIED AREAS OF BUILDING.

10. PRIOR TO DEMOLITION, LOCATE, IDENTIFY, STOP OFF, AND DISCONNECT UTILITY SERVICES THAT ARE NOT INDICATED TO REMAIN.

11. TRASH IS TO BE REMOVED DAILY.

12. CLEANUP AND REPAIR UPON COMPLETION OF DEMOLITION WORK. REMOVE TOOLS, EQUIPMENT, AND DEMOLISHED MATERIALS FROM SITE. REMOVE PROTECTION AND LEAVE INTERIOR AREAS BROOM CLEAN.

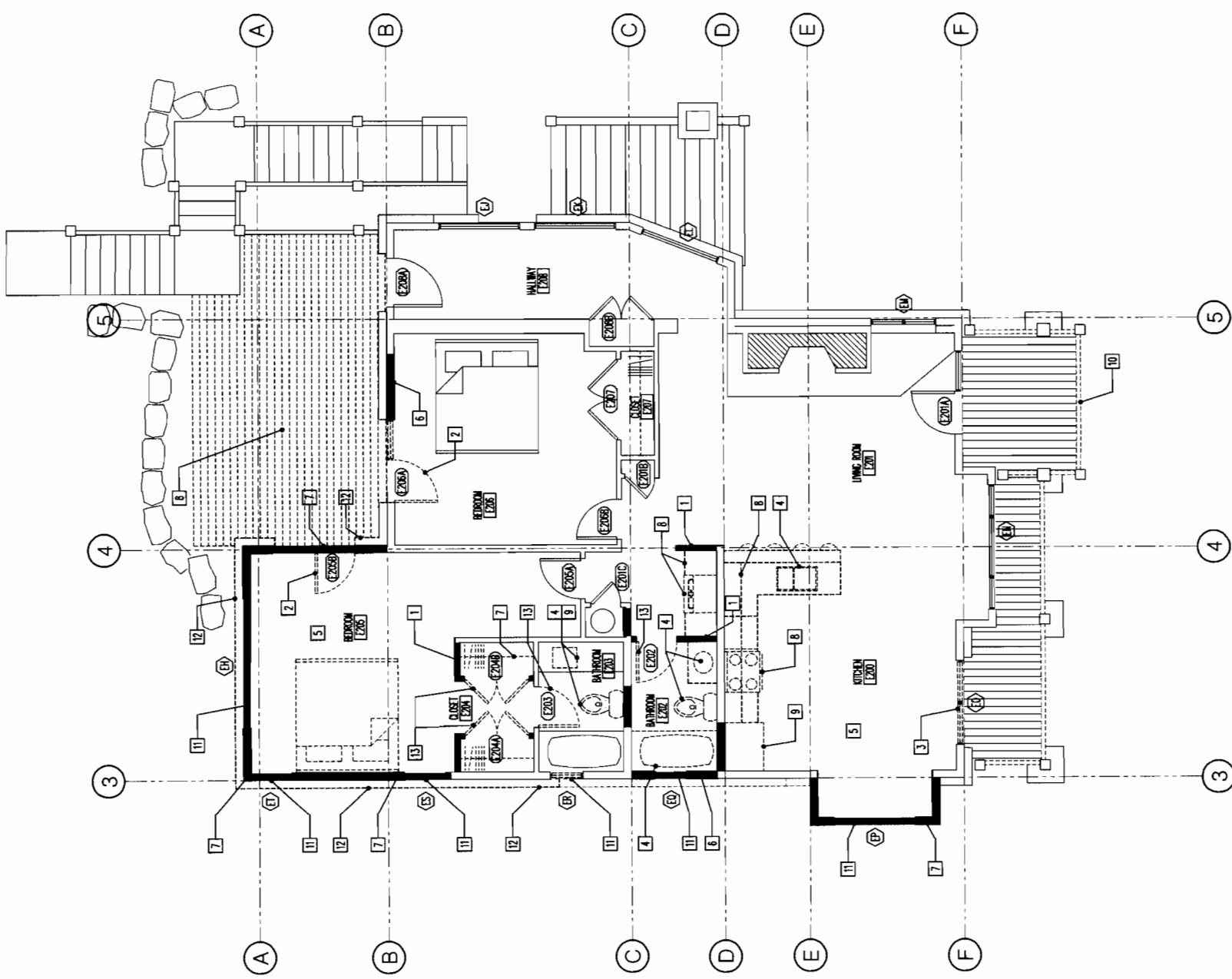
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14. REFER TO A-101 AND A-102 FOR ALL NEW CONSTRUCTION. COORDINATE DEMOLITION OF EXTERIOR AND INTERIOR WITH NEW CONSTRUCTION.

- ### KEY NOTES
- REMOVE EXISTING WOOD STUD PARTITION WALLS.
 - REMOVE AND SALVAGE EXISTING DOOR, FRAME, AND ASSOCIATED HARDWARE. WELL OPENING IN WALL AS REQUIRED.
 - REMOVE AND REINSTALL EXISTING WINDOW, FRAME, AND ASSOCIATED HARDWARE WHERE INDICATED. WELL OPENING IN WALL AS REQUIRED.
 - REMOVE AND SALVAGE EXISTING PLUMBING AND ASSOCIATED FITURES. CAP OFF ALL UTILITY LINES.
 - REMOVE AND SALVAGE EXISTING FLOORING AND BASE.
 - DEMO OPENING IN WALL.
 - REMOVE.
 - REMOVE AND SALVAGE.
 - REMOVE AND REINSTALL WHERE INDICATED.
 - REMOVE AND SALVAGE WOOD RAILINGS. REINSTALL WHERE INDICATED.
 - REMOVE AND SALVAGE EXISTING WINDOW, FRAME, AND ASSOCIATED HARDWARE. WELL OPENING IN WALL AS REQUIRED.
 - REMOVE AND SALVAGE STONE CLADDING AND SILING ON EXISTING WALL. REINSTALL WHERE INDICATED.
 - REMOVE AND REINSTALL EXISTING DOOR, FRAME, AND ASSOCIATED HARDWARE WHERE INDICATED. WELL OPENING IN WALL AS REQUIRED.

GRAPHIC LEGEND

- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- EXISTING JACKSON LEDGE STONE



1 UPPER LEVEL DEMOLITION PLAN
AD-102 SCALE: 1/4" = 1'-0"



APR 18 2011

201 Norfolk Residence
 201 Norfolk Avenue
 Park City, Utah

PROJECT: 201 Norfolk Residence
 SHEET: UPPER LEVEL FLOOR PLAN
 PROJECT NO: 08/09/09
 DATE: 08/09/09

REVISION	DATE

BUILDING AREAS

BUILDING FOOTPRINT:
 TOTAL LOT SIZE: 6,115 SQUARE FEET
 MAXIMUM BUILDING FOOTPRINT: 2,165 SQUARE FEET
 PROPOSED BUILDING FOOTPRINT: 2,165 SQUARE FEET
 BUILDING SQUARE FOOTAGE:

LOWER LEVEL: EXISTING: 1,133 SQUARE FEET
 ADDITION: 546 SQUARE FEET
TOTAL: 2,121 SQUARE FEET

UPPER LEVEL: EXISTING: 1,177 SQUARE FEET
 ADDITION: 988 SQUARE FEET
TOTAL: 2,165 SQUARE FEET

BUILDING TOTAL: 4,286 SQUARE FEET

GRAPHIC LEGEND

EXISTING WALL TO REMAIN
 NEW WALL
 NEW CONCRETE WALL
 JACKSON LEDGE STONE (TO MATCH EXISTING)

KEYNOTES

◇ FRAME NEW WALLS IN SAME LOCATION AS EXISTING WALLS

BUILDING AREAS

BUILDING FOOTPRINT:
 TOTAL LOT SIZE: 6,115 SQUARE FEET
 MAXIMUM BUILDING FOOTPRINT: 2,165 SQUARE FEET
 PROPOSED BUILDING FOOTPRINT: 2,165 SQUARE FEET
 BUILDING SQUARE FOOTAGE:

LOWER LEVEL: EXISTING: 1,133 SQUARE FEET
 ADDITION: 546 SQUARE FEET
TOTAL: 2,121 SQUARE FEET

UPPER LEVEL: EXISTING: 1,177 SQUARE FEET
 ADDITION: 988 SQUARE FEET
TOTAL: 2,165 SQUARE FEET

BUILDING TOTAL: 4,286 SQUARE FEET

GRAPHIC LEGEND

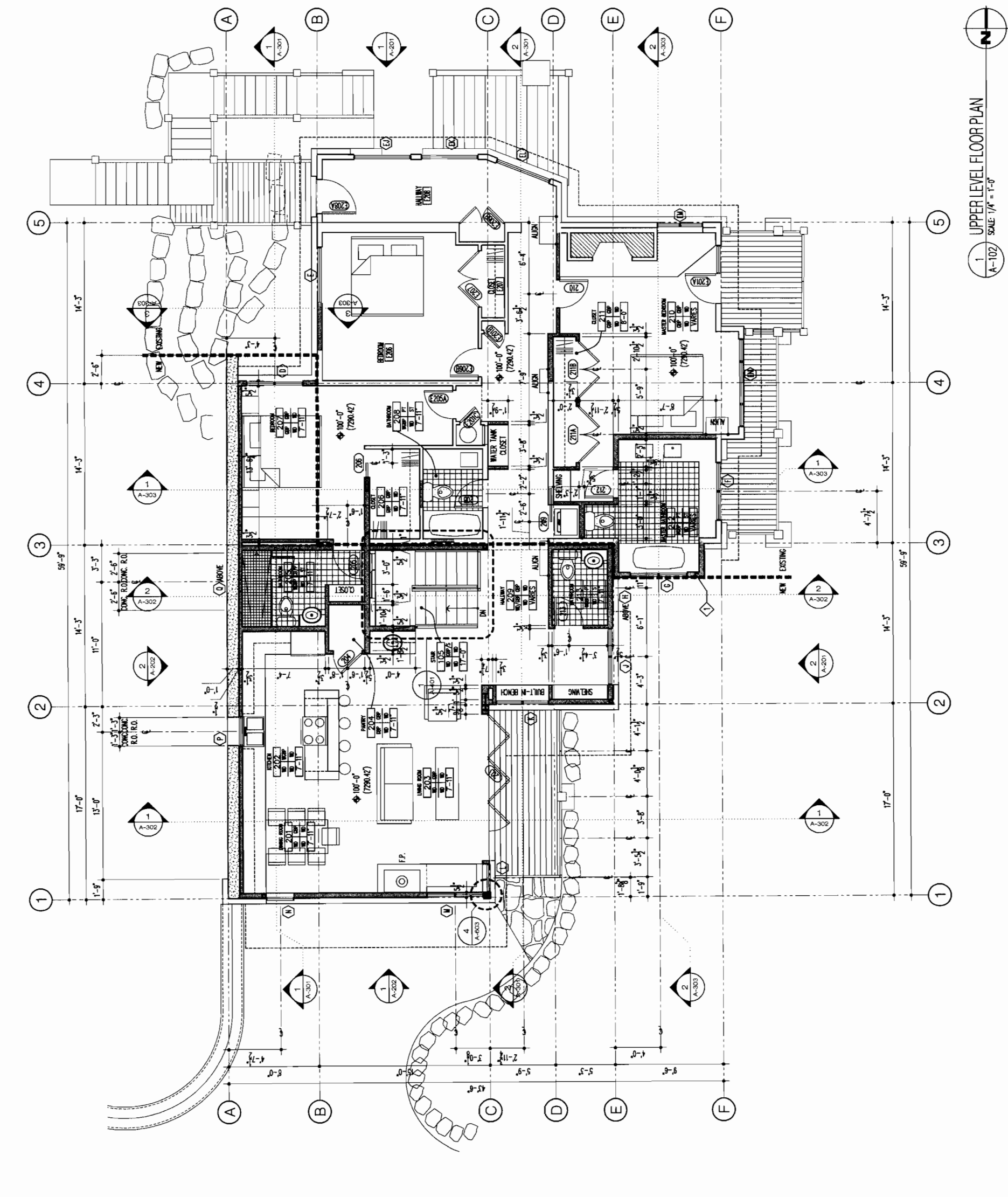
EXISTING WALL TO REMAIN
 NEW WALL
 NEW CONCRETE WALL
 JACKSON LEDGE STONE (TO MATCH EXISTING)

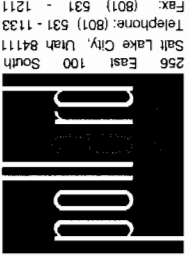
KEYNOTES

◇ FRAME NEW WALLS IN SAME LOCATION AS EXISTING WALLS

APR 18 2011 A-102 of

UPPER LEVEL FLOOR PLAN





256 East 100 South
Salt Lake City, Utah 84111
Telephone: (801) 531-1133
Fax: (801) 531-1211

SEAL
SIGNATURE
NAME
REGISTRATION NO.

PROJECT

201 Norfolk Residence
201 Norfolk Avenue
Park City, Utah

REVISION	DATE

PROJECT NO: 09106/09
DATE:

SHEET
ROOF PLAN
A-103 of

BUILDING AREAS

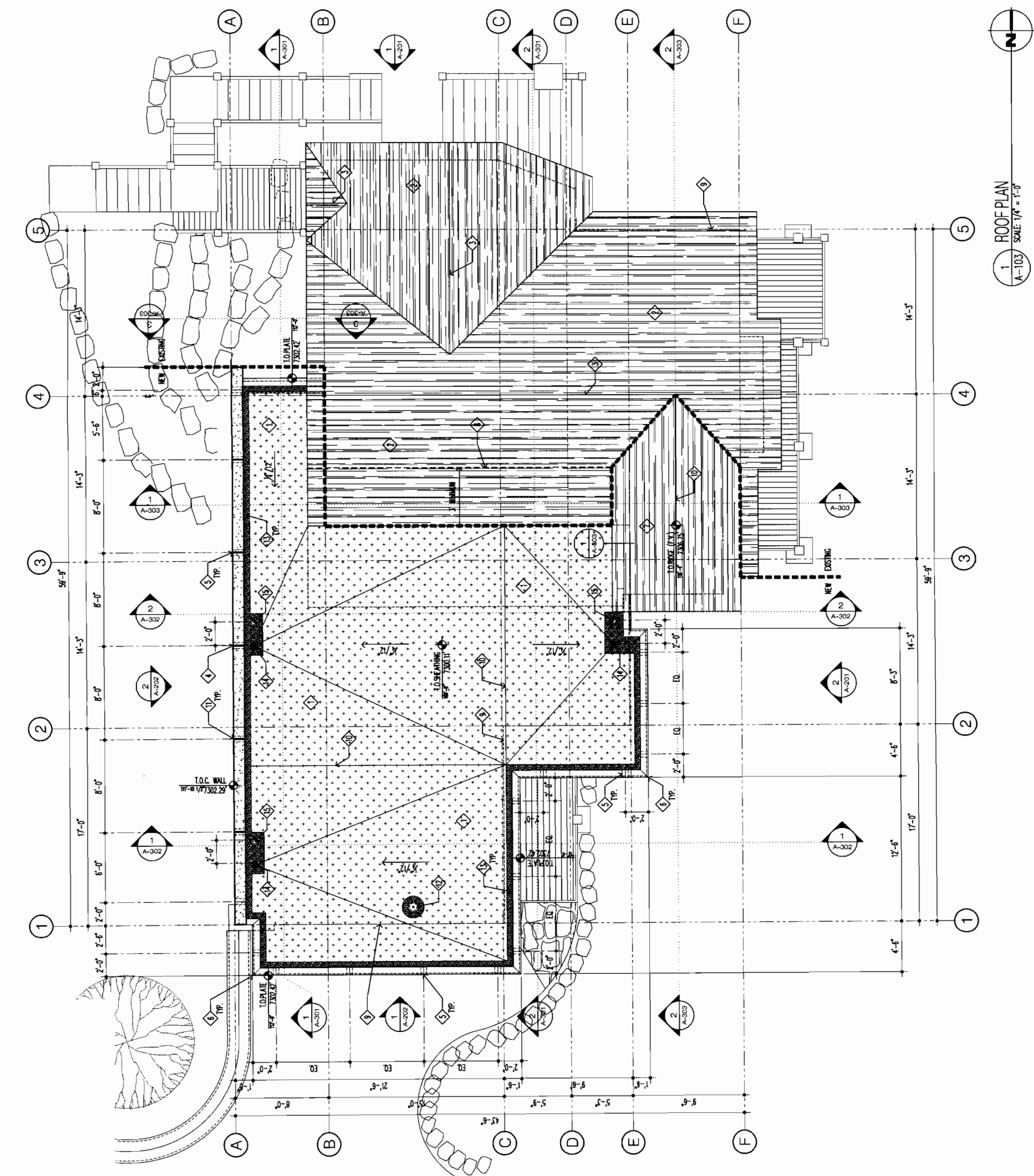
BUILDING FOOTPRINT:
TOTAL LOT SIZE: 6,115 SQUARE FEET
MAXIMUM BUILDING FOOTPRINT: 2,165 SQUARE FEET
PROPOSED BUILDING FOOTPRINT: 2,165 SQUARE FEET

BUILDING SQUARE FOOTAGE:
LOWER LEVEL: EXISTING: 1,131 SQUARE FEET
CHANGE: 546 SQUARE FEET
ADDITION: 442 SQUARE FEET
TOTAL: 2,121 SQUARE FEET

UPPER LEVEL: EXISTING: 1,177 SQUARE FEET
ADDITION: 988 SQUARE FEET
TOTAL: 2,165 SQUARE FEET

BUILDING TOTAL: 4,286 SQUARE FEET

- KEYNOTES**
- 1 NEW VEGETATED ROOF SYSTEM
 - 2 EXISTING ASPHALT SHINGLE ROOF TO REMAIN
 - 3 EXISTING ROOF LINE TO REMAIN
 - 4 CONTRACTION (CONTROL) JOINT
 - 5 METAL COPING W/ SPURCE PLATE @ SEAMS, TYP.
 - 6 PROVIDE FULL CORNER METAL COPING PIECE, TYP.
 - 7 NEW ASPHALT SHINGLE ROOF - MATCH EXISTING
 - 8 EXTEND FROM MEMBRANE TO MINIMUM BEYOND VEGATED ROOF ALONG EXISTING ROOF SLOPE. REMOVE EXISTING ASPHALT SHINGLES UP TO THIS POINT. INSTALL NEW ASPHALT SHINGLES OVER MEMBRANE ROOF - MATCH EXISTING.
 - 9 BUILDING OUTLINE BELOW
 - 10 NEW ROOF LINE
 - 11 KEY JOINT
 - 12 PREPLACE VENT
 - 13 STONE BALLAST
 - 14 PRIMARY ROOF DRAIN, SEE DETAIL
 - 15 SECONDARY OVERFLOW DRAIN, SEE DETAIL



1 ROOF PLAN
A-103 SCALE: 1/4" = 1'-0"

REVISION	DATE

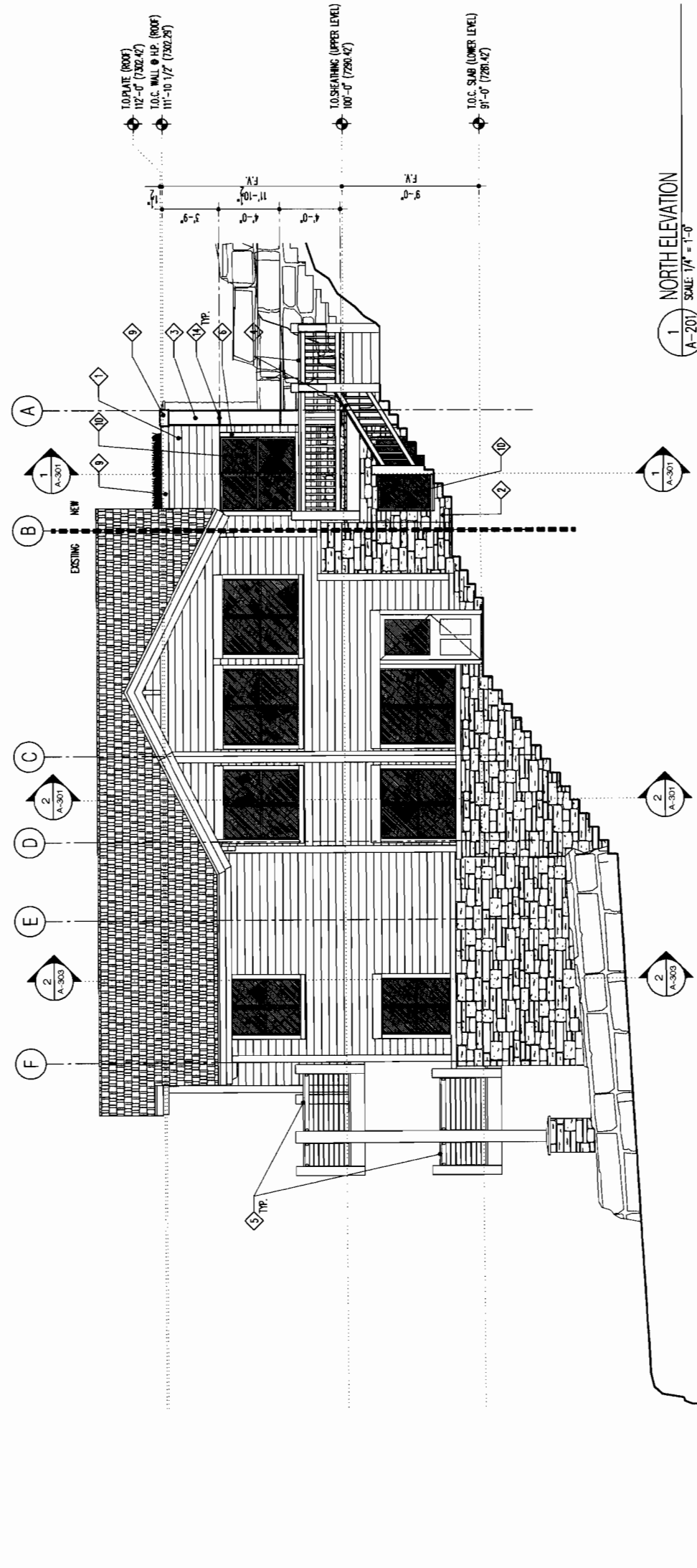
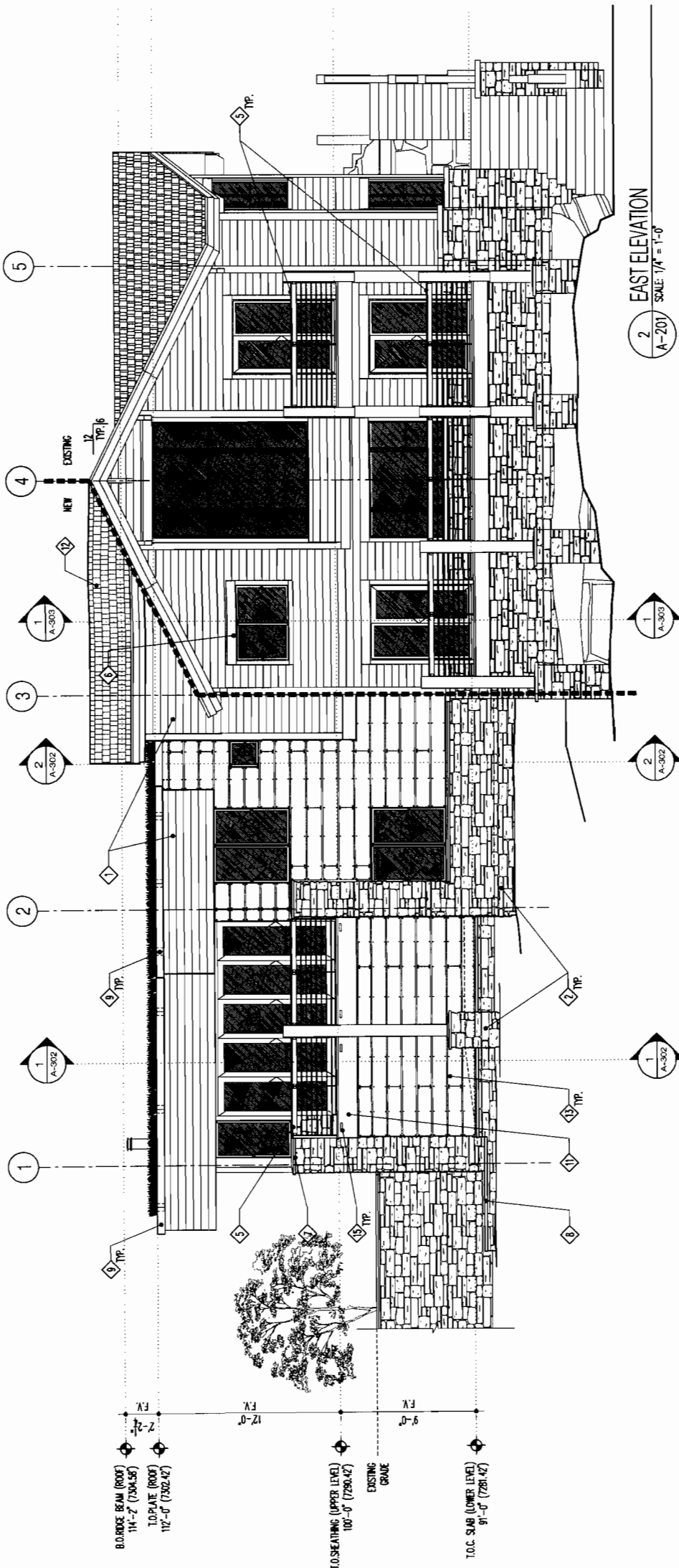
PROJECT NO. _____
DATE: 08/09/09

SHEET
EXTERIOR ELEVATIONS
A-201 of

KEYNOTES

- 1 WOOD SINK, MATCH EXISTING
- 2 JACKSON LEWIS STONE (MATCH EXISTING & EXISTING TO BE REMOVED AND REINSTALLED HERE)
- 3 ARCHITECTURAL CONCRETE
- 4 WOOD GUARDRAIL (MATCH EXISTING & EXISTING TO BE REMOVED AND REINSTALLED HERE)
- 5 STAINLESS STEEL GUARDRAIL, SEE 1/A-502 (SM)
- 6 WOOD TRIM (MATCH EXISTING)
- 7 STONE CAP
- 8 STONE PAPER WALKWAY W/ HEATED REINFORCED CONCRETE SLAB, SLOPE 1/4" PER FOOT AWAY FROM DOOR OPENING AND BUILDING WALL
- 9 METAL COPING W/ SPACE PLATE @ SEAMS, TYP.
- 10 EXISTING WINDOW TO BE REMOVED AND REINSTALLED HERE, SEE 2/A-601
- 11 EXPOSED WOOD BEAM (MATCH EXISTING)
- 12 ARCHITECTURAL ASPHALT SHINGLES
- 13 PARKLEY FACADE SYSTEM, SEE A-503
- 14 KEY JOINT
- 15 SCUPPER

APR 18 2011



PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JUNE 9, 2010

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Dick Peek, Brooke Hontz, Richard Luskin, Julia Pettit, Adam Strachan

EX OFFICIO:

Thomas Eddington, Planning Director; Brooks Robinson, Principal Planner; Mark Harrington, City Attorney; Polly Samuels McLean, Assistant City Attorney; Ron Ivie, Chief Building Official; Jeff Schoenbacher, Building Department.

=====

REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Vice-Chair Peek called the meeting to order at 6:05 p.m. and noted that all Commissioners were present, except Commissioners Wintzer and Savage who were excused.

II. ADOPTION OF MINUTES

May 12, 2010

MOTION: Commissioner Strachan moved to APPROVE the minutes of May 12, 2010 as written. Hontz seconded the motion.

VOTE: The motion passed unanimously.

May 26, 2010

MOTION: Commissioner Strachan moved to APPROVE the minutes of May 26, 2010 as written. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously by those who were present at that meeting. Commissioner Pettit abstained since he had not attended.

III. PUBLIC COMMUNICATIONS

There was no comment.

IV STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES

MOTION: Commissioner Strachan made a motion to move the discussion of 9100 Marsac Avenue to the first item on the agenda before the Continuations. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Director Eddington reported that the Neighborhood Public Input Session for the General Plan was scheduled for July 6th and July 20th at the High School. He asked for volunteers from the Planning Commission to go on the radio and prompt people to attend those sessions. Commissioners Pettit and Hontz volunteered.

Commissioner Strachan asked about email addresses. Director Eddington replied that each Commissioner should be receiving their City email address through the IT Department. In the transition period, the Staff would send reminders to their regular emails, but all content will be posted on their City email address.

Commissioner Pettit asked about the joint meeting with the City Council on June 17th. Director Eddington stated that a joint meeting was scheduled on June 17th, between 5:00-6:00. The Staff would provide the City Council with an update of the Bonanza Park General Plan discussion.

Commissioner Pettit disclosed that her firm has been retained to represent United Park City Mines. For that reason she would recuse herself from the 9100 Marsac Avenue Montage matter on the agenda this evening.

Commissioner Strachan disclosed that he would be recusing himself from the discussion on 201 Norfolk because the applicant is a current client of his law firm.

REGULAR AGENDA/PUBLIC HEARINGS/POSSIBLE ACTION

2. 201 Norfolk Avenue - Extension of Steep Slope Conditional Use Permit **(Application #PL-10-00941)**

Commissioner Strachan recused himself and left the room.

Planner Brooks Robinson reported that this item was a request for an extension of a steep slope conditional use permit at 201 Norfolk Avenue that was originally approved on May 27th, 2009.

Planner Robinson noted that the project at 201 Norfolk is tied into the adjacent property, which the applicants also own at 16 Sampson Avenue. That property also went through a steep slope conditional use but it has not been found to meet the requirements of the Land Management Code. Although the applicants are still working on re-designing 16 Sampson, they are requesting to obtain the extension of approval for 201 Norfolk.

Planner Robinson stated that Commissioner Pettit had requested the minutes from the May 27, 2009 approval and those were emailed to the Commissioners.

Planner Robinson explained that under the Land Management Code, when considering requests for extensions of approval, the Staff looks for changes in the Land Management Code or circumstances that would require further mitigation. He noted that this was the first application that came in under a pending ordinance for LMC changes and the design review guidelines were also being amended. The application had to wait until those Code changes were adopted. No subsequent Code changes have occurred that would affect this particular project.

Finding no changes in circumstance, the Staff recommended approval of the one year extension of the approved steep slope CUP.

Commissioner Pettit stated that she had spoken with Assistant City Attorney, Polly Samuels McLean regarding the process, since she had voted against granting this particularly CUP in May 2009. She questioned how she could vote for an extension when she believed that certain criteria had not been met in terms of mitigating the impacts when this was originally approved.

Assistant City Attorney McLean explained that the issue before the Planning Commission this evening was whether or not to grant the extension. It is not a revisit of the original CUP. The Planning Commission voted in favor of the application and granting the CUP, and although individual Commissioners may disagree with the vote, the Planning Commission as one unit made that decision. Ms. McLean clarified that the issue this evening is specifically directed to the section in the LMC that allows the Planning Commission to vote for an additional one year extension if the applicant is able to demonstrate no change in circumstances that would result in an unmitigated impact. The question before the Planning Commission is whether or not no change in circumstance has been demonstrated that would result in an unmitigated impact. It has nothing to do with revisiting the application that was approved.

Commissioner Hontz asked if that also applied to Commissioners who were not on the Planning Commission at the time of the original approval and a party to that decision. Ms. McLean answered yes, because the Planning Commission as a unit made that decision, even though individual members disagreed.

Commissioner Pettit stated that after reading the LMC, she believes it is a very narrow standard. As an example, if there had been subsequent changes to the LMC that would impact this particular application, the Planning Commission would then have the opportunity to determine whether or not it was appropriate to grant the extension under the prior Code. She asked Ms. McLean if that was a correct interpretation. Assistant City Attorney McLean explained that this application came in right after the Land Management Code changed, however, if it had come in under the old Code, that would be a change of circumstances.

Commissioner Pettit felt this was a difficult position. She was being asked to make a decision on extending a CUP for an additional year when she could not support the underlying application. However, understanding that she was being asked to uphold a decision of the Planning

Commission as a body, she was inclined to vote in favor of granting the extension with the caveat that she did not and still does not support the underlying application.

Vice-Chair Peek opened the public hearing.

There was no comment.

Vice-Chair Peek closed the public hearing.

Commissioner Pettit clarified that the way the LMC language reads, the extension can only be up to one year. Ms. McLean agreed. She understood that individual Commissioners may feel their hands are tied, but the Planning Commission as a Board voted on the application and granted the CUP. Therefore, they are bound by their own decisions, even if an individual disagreed with the overall Board decision.

Commissioner Hontz stated that she was not on the Planning Commission at the time of the original approval; however, in reviewing the criteria she would have voted against the application based on the number of unmitigated impacts. Commissioner Hontz understood the complexity of the situation, but felt it was difficult to consider approving an extension when she did not agree with the language and the analysis.

Assistant Attorney McLean agreed that it was a very narrow question because the entire CUP was not open for discussion. Commissioner Pettit stated that her issue is that the reason for having a sunset date for CUPs is to keep them from being going on for years without constructing the project. It also takes into account how the community develops, as well as changes in policy and how they view the General Plan and the application of the LMC. Commissioner Pettit believed there was tension between wanting to have the ability to stay flexible as things change. Under these circumstances it is a limited extension of the original granting of the application. She suggested that the issue may need to be re-visited in terms of how the language is drafted and whether or not they should consider granting extensions.

City Attorney Harrington felt that was a fair assessment and believed the key words were "if things change", not people change. He noted that reasonable people can disagree, which is the basis of governing, and prior decisions still need to hold for vesting, fairness and other reasons. The change needs to be either in material things or a fact for the policy as enabled by law, but not by individual perceptions. That is the reason why the CUP is tied to specific criteria and not a more subjective process. Mr. Harrington agreed with Commissioner Hontz that it is extremely difficult to approve something you were not a party to originally and would not agree with today. However, it is a separate analysis based on two specific issues.

MOTION: Commissioner Peek moved to APPROVE the request for a one-year extension of the approval of the Steep Slope Conditional Use Permit for 201 Norfolk Avenue based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as outlined in the Staff report. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 201 Norfolk Avenue

1. The property is located at 201 Norfolk Avenue within the Historic Residential (HR-1) zoning district.
2. The existing building started as a duplex built circa 1970's. In 2000, the 201 Norfolk Avenue subdivision was approved and recorded. The subdivision created two lots, one for the duplex and the second for a new building located at 205 Norfolk. In 2002, the duplex was rehabilitated and converted into a single family dwelling at the same time as the construction of the adjacent (to the north) 205 Norfolk Avenue by a previous owner.
3. The existing house at 201 Norfolk is approximately 2,310 square feet.
4. The First Amended 201 Norfolk Avenue subdivision was approved in 2007 which included the adjacent (to the south) 16 Sampson Avenue. The First Amended 201 Norfolk Avenue subdivision made the 201 Norfolk property larger in order to create a garage to the south with shared access with 16 Sampson.
5. This lot is adjacent to the HRL zone and is characterized by several historic residential structures and mostly larger contemporary houses on larger lots.
6. Access to the property is from a shared driveway with 16 Sampson Avenue.
7. Under the current LMC, the minimum front yard setback for lots of this size is 10 feet.
8. Under the current LMC, the minimum rear yard setback is 10 feet.
9. Under the current LMC, the minimum side yard setback is 5 feet for this lot, with a total of 19 feet.
10. Under the current LMC, the maximum building height in the HR-1 zone is 27 feet. No height exceptions are allowed.
11. The maximum number of stories allowed is three stories.
12. The roof pitch in the HR-1 zone is required to be a minimum of 7:12, unless the roof is a flat vegetated roof.
13. The addition is two stories, with a flat, vegetated roof under the 27-foot height requirement.
14. The applicant is proposing two parking spaces within a double car garage with a shared access driveway with 16 Sampson. The garage doors face away from the street.

15. The maximum footprint for the lot is 2,168 square feet, subject to Steep Slope CUP review by the Planning Commission. The proposed footprint is 2,165 square feet with the addition.
16. The Planning Commission approved a Steep Slope Conditional Use Permit on May 27, 2009. The CUP is valid for one year unless a building permit or an extension is granted.
17. An application for extension of approval was received on March 31, 2010.
18. The findings in the Analysis Section of this report are incorporated herein.

Conclusions of Law - 201 Norfolk Avenue

1. The CUP and extension, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B) and 15-1-10(G).
2. The CUP extension, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.
5. No change in circumstance that would result in an unmitigated impact has been found.

Conditions of Approval - 201 Norfolk Avenue

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 is a condition precedent to building permit issuance.
4. A final landscape plan shall be submitted for review and approval by the City Landscape Architect, prior to building permit issuance.
5. No building permits shall be issued for this project unless and until the design of the addition is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Historic District Design Guidelines.
6. 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.

7. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that have been prepared, stamped and signed by a licensed structural engineer, if required by the Building Department.
8. This approval will expire on May 27, 2011, if an application for a building permit has not been submitted prior to this date.
9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission.

The Park City Planning Commission meeting adjourned at 7:00 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report



Subject: 16 Sampson Avenue
Project #: PL-08-00572
Author: Kayla Sintz – Architect/Planner
Date: August 10, 2011
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review the request for a Steep Slope Conditional Use Permit (CUP) at 16 Sampson Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Applicant: Eric Herman and Susan Fredston-Herman
Architect: Ken Pollard
Location: 16 Sampson Avenue
Zoning: Historic Residential Low Density (HRL)
Adjacent Land Uses: Residential
Reason for Review: Construction on a steep slope requires a CUP

Background

On November 25, 2008 the City received a completed application for a Conditional Use Permit (CUP) for Construction on a Steep Slope at 16 Sampson Avenue. The property is located in the Historic Residential Low Density (HRL) zoning district. There is an existing historic house (designated as Significant) on the property. The application is for an addition and renovation to the historic house, including adding a garage under the house. Because the total proposed dwelling square footage is greater than 1,000 square feet, and would be constructed on a slope greater than 30%, the applicant is required to file a Conditional Use Application for review by the Planning Commission, pursuant to Section 15-2.1-6 of the LMC.

This application was submitted concurrently with the neighboring 201 Norfolk Avenue Steep Slope Conditional Use Permit, also owned by the Hermans. In addition, an application for a Determination of Historical Significance was submitted for review by the Historic Preservation Board (HPB). The HPB met on May 6, 2009 and found that the house at 16 Sampson is historically significant and will remain on the Historic Sites Inventory. In addition, the HPB was favorable to the overall design concept of the project. A Historic District Design Review (HDDR) application is being reviewed by staff. Because the application for HDDR review was complete prior to the June 19, 2009 Design Guidelines being adopted, HDDR review has been under the 1983 Guidelines. Staff has found initial compliance with the Guidelines.

The 16 Sampson Avenue subdivision was approved in 2007 concurrently with the adjacent (to the north) First Amended 201 Norfolk Avenue subdivision. The 16 Sampson Subdivision consolidated four Old Town lots into one lot of record with a road dedication for existing Sampson Avenue. The first amended 201 Norfolk Avenue subdivision was added to the 201 Norfolk property in order to create a garage to the south with shared access with 16 Sampson.

The complete application for this CUP was received after October 22, 2008; therefore the application was subject to the pending ordinance doctrine with the proposed Land Management Code changes to the Historic Residential zones. The Land Management Code changes adopted April 22, 2009 apply.

The existing footprint of the single story historic house, minus several subsequent additions/alterations to the house, is approximately 768 square feet. The proposed footprint is 2,160 square feet with a total floor area, including garage, of 3,904 square feet.

The Planning Commission held public hearings and work session discussions on May 13, May 27, June 24, August 12, and September 23, 2009, and discussed the proposed Steep Slope Conditional Use Permit. The Commission had found that the requirement for final grade to be within 4 feet (plus or minus) around the periphery of the structure (LMC 15-2.1-5) had not been met, as well as, not having concrete pavers on a flat green roof which is required to be strictly vegetated. The Commission found that the concrete staircase on the north side of the property was an artifice that did not meet the intent or language of the code regarding final grade as the staircase created a retaining wall for a patio between the stairs and the building and that the patio itself was not within four feet of Existing Grade. At that meeting, the CUP was continued to January 13, 2010 for the applicant to revise its plans based on the comments from Planning Commission.

Prior to the January 13, 2010 meeting, the applicant requested the application be continued to a date uncertain in order to address additional concerns with the historic structure and re-work the revised design in order to comply with the Land Management Code.

From September 2009 until the present the applicant has met numerous times with the City's Preservation Consultant, Dina Blaes; Staff Architect/Planner, Kayla Sintz; and Roger Evans, Building Department, along with the Planning Director, Thomas Eddington who determined the applicant had moved forward in a reasonably expeditious manner as required in LMC 15-1-14.

As a result of these meetings and Planning Commission's comments, the architect and applicant have revised the plans, essentially flipping the patio to the south side where, because of grade, the patio and building walls are within four feet of existing grade. The staircase from previous plans has been removed. Based upon the comments made at

the prior hearings/work sessions, the Commission indicated that the other criteria of the Steep Slope CUP had been met.

While this project is vested under the previous Historic Guidelines, Staff made several recommendations in regards to the historic structure of which all were accommodated for in the new design. These include:

- Breaking up double garage door with intermediate member simulating two separate garages
- Limiting stone on the historic structure railing towards the north and continuing wooden railing to minimize stone scale
- Bringing back historic roof form (1940's tax photo) and window configuration shown in documented photographs

Analysis

The applicant proposes an addition to an historic single-family home at 16 Sampson Avenue in the HRL zoning district. If approved, a structure of approximately 3,904 square feet (including the existing building) will be built. Staff has reviewed the proposed design and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	3,750 square feet, <u>minimum</u>	6,100 square feet, <u>complies</u>
Building Footprint	2,164.8 square feet (based on lot area) <u>maximum</u>	2,160 square feet, <u>complies</u>
Front and Rear Yard	10 feet, <u>minimum</u>	26 feet (front to street), <u>complies</u> 10 feet (rear), <u>complies</u>
Side Yard	5 feet, <u>minimum</u> , 18 feet <u>total</u>	5 and 13 feet, <u>complies</u>
Height	27 feet above existing grade, <u>maximum</u> . 27 feet above final grade around the perimeter, <u>maximum</u> .	14 feet above existing grade with a flat, vegetated roof, <u>complies</u> . Various heights around the perimeter under 16 feet, <u>complies</u>
Parking	Two parking spaces are required.	2 interior spaces, <u>complies</u>
Roof Pitch	7:12 to 12:12, or a "green" roof	New roof is flat, vegetated, green roof, <u>complies</u>
Number of stories	3 maximum	Complies
Final grade	No more than four feet from existing grade	Complies

Section 15-2.1-6 of the LMC provides for development on steep sloping lots in excess of one thousand square feet (1,000 sq. ft.) within the HRL zoning district, subject to the following criteria:

Criteria 1: Location of Development. Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts**

The proposed design consists of an addition to a single-family one story historic structure. The addition includes a two-car garage (none exists currently) underneath the historic home. The house will be moved from its current location which is straddling the property line with 201 Norfolk and placed within the required setbacks. The house will share a driveway with 201 Norfolk and is placed a minimum of 26 feet back from the front property line along Sampson Avenue.

Criteria 2: Visual Analysis. The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project. **No unmitigated impacts**

The proposed structure will not be viewed from the key vantage points as indicated in the LMC. The applicant has submitted a photo montage of both 16 Sampson and 201 Norfolk.

Criteria 3: Access. Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible. **No unmitigated impacts**

The proposed design incorporates a single driveway to both 201 Norfolk and 16 Sampson. The driveway access is on the uphill (south) portion of Sampson creating a nearly flat access to 201 Norfolk and, with the excavation and retaining walls, a two foot difference from the street to the garage at 16 Sampson. Due to the steep grade at the front along Sampson, the driveway will incorporate retaining walls on either side. Along the south side, the retaining wall is generally 5 feet above the driveway, getting taller (up to 13 feet) as it approaches the house. The wall on the north side of the driveway is approximately 4 feet in height.

Criteria 4: Terracing. The project may include terraced retaining Structures if necessary to regain Natural Grade. **No unmitigated impacts**

Limited retaining is necessary as the rear of the house retains grade and the flat, vegetated roof transitions into the hillside. The Land Management Code requires that final grade be within four feet (4') of existing grade. The previous design has been modified so the patio now is at the south of the structure and meets existing grade. The project is now in compliance.

A window well for emergency egress from a Main Level bedroom is required and shown on the drawings. The window well size is based on the size of the window opening (by code) and will be required to be equipped with a ladder.

Criteria 5: Building Location. Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard. **No unmitigated impacts**

Access is shared with 201 Norfolk to the north minimizing the amount of hard surface for driveways. Utilities are already installed for the existing building, although would have to be relocated with the relocation of 16 Sampson. The building is set behind the rear wall of the adjacent house at 201 Norfolk and is dug into the hillside. The rear, flat roof transitions into the hill allowing the natural vegetation to be visible past the roof.

Criteria 6: Building Form and Scale. Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts**

The building is parallel to the existing contours and dug into the hillside. The Main floor is within four feet of existing grade (higher on the south and lower on the north) creating a low profile. The garage is below existing grade and over 26 feet from the street.

The house presents a two and a half story façade to the street with four levels within the structure. The rear two-story addition is stepped a half story from the front, historic house. It is two stories with a flat, partially vegetated roof that transitions into the hillside. The Planning Commission previously discussed this issue and found the four stepped levels keeping within the intent of the three story maximum requirement.

Criteria 7: Setbacks. The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts**

The minimum front setback for this lot is ten feet (10') along Sampson. This is partially a "flag" lot with the primary width of the lot behind the adjacent 201 Norfolk lot. The rear setback is also ten feet (10'). No wall effect is created at either the front or the rear.

Criteria 8: Dwelling Volume. The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts**

The design is generally compatible with the volume of the contemporary single-family homes in the area. If approved, a house of 3,904 square feet including the garage and existing historic house will be created. The total footprint will be 2,160 square feet (2,164.8 square feet is allowed). The new house presents as a two and a half story building from the front façade (see discussion on Criteria 6). The historic house is visually identifiable from the new addition and maintains its historic form from the front façade.

Criteria 9: Building Height (Steep Slope). The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **No unmitigated impacts**

The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade and from final grade around the perimeter. The house is less than 16 feet above existing grade and incorporates a flat roof section to lessen impacts of the overall mass.

Process

The approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed. Approval of the Historic District Design Guideline compliance is noticed separately.

Department Review

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

Public Input

Two adjacent neighbors have provided input at the previous public hearings. Meeting minutes are attached. Staff received one phone call in support of the application being approved.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur.

Recommendation

Staff recommends that the Planning Commission review the request for a Steep Slope Conditional Use Permit (CUP) at 16 Sampson Avenue. Staff has prepared the following findings of fact, conclusions of law, and conditions of approval for the Commission's consideration:

Findings of Fact:

1. The property is located at 16 Sampson Avenue within the Historic Residential Low Density (HRL) zoning district.
2. The existing footprint of the single story historic house, minus several subsequent additions/alterations to the house, is approximately 768 square feet. The proposed footprint is 2,160 with a total floor area, including garage, of 3,904 square feet. A footprint of 2,164.8 square feet is allowed.
3. The lot size is 6,100 square feet.
4. The existing house is considered Historically Significant, is listed on the Park City Historic Sites Inventory, and this designation was affirmed by the Historic Preservation at its meeting of May 6, 2009.
5. The 16 Sampson Avenue subdivision was approved in 2007 concurrently with the adjacent (to the north) First Amended 201 Norfolk Avenue subdivision. The 16 Sampson subdivision consolidated four Old Town lots into one lot of record with a road dedication for existing Sampson Avenue.
6. The first amended 201 Norfolk Avenue subdivision added to the 201 Norfolk property in order to create a garage to the south with shared access with 16 Sampson.
7. The HRL zone is characterized by several historic residential structures and mostly larger contemporary houses on larger lots.
8. Access to the property is from a shared driveway with 16 Sampson Avenue.
9. Under the current LMC, the minimum front yard setback for lots of this size is 10 feet. The front of the garage is approximately 26 feet from the front property line at its closest point.
10. Under the current LMC, the minimum rear yard setback is 10 feet. The addition is ten feet from the rear property line.
11. Under the current LMC, the minimum side yard setback is 5 feet for this lot, with a total of 18 feet. The north side of the house is 13 feet from the property line and the south side of the house is 5 feet from the property line.
12. Under the current LMC, the maximum building height in the HR-1 zone is 27 feet. No height exceptions are allowed. The proposed house does not exceed 27 feet in height.
13. Under the current LMC, the maximum number of stories allowed is three stories.
14. The addition is two stories with a flat, vegetated roof under the 27-foot height requirement.
15. The applicant is proposing two parking spaces within a double car garage with a shared access driveway with 201 Norfolk Avenue.
16. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. 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 is a condition precedent to building permit issuance.
4. A final landscape plan shall be submitted for review and approval by the City Planning Department, prior to building permit issuance.
5. No building permits shall be issued for this project unless and until the design of the addition is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Historic District Design Guidelines.
6. 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.
7. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer if required by the Building Department.
8. This approval will expire on August 10, 2012, if an application for a building permit has not been issued.
9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to changes from the Historic District Design Review.
10. The window well on the north façade will be limited to the minimum egress size of the associated bedroom window and will contain an emergency egress ladder, per IBC.

Exhibits

Exhibit A – Site Plan, Floor Plans and Elevations

Exhibit B – Staff Report, August 12, 2009 with meeting minutes

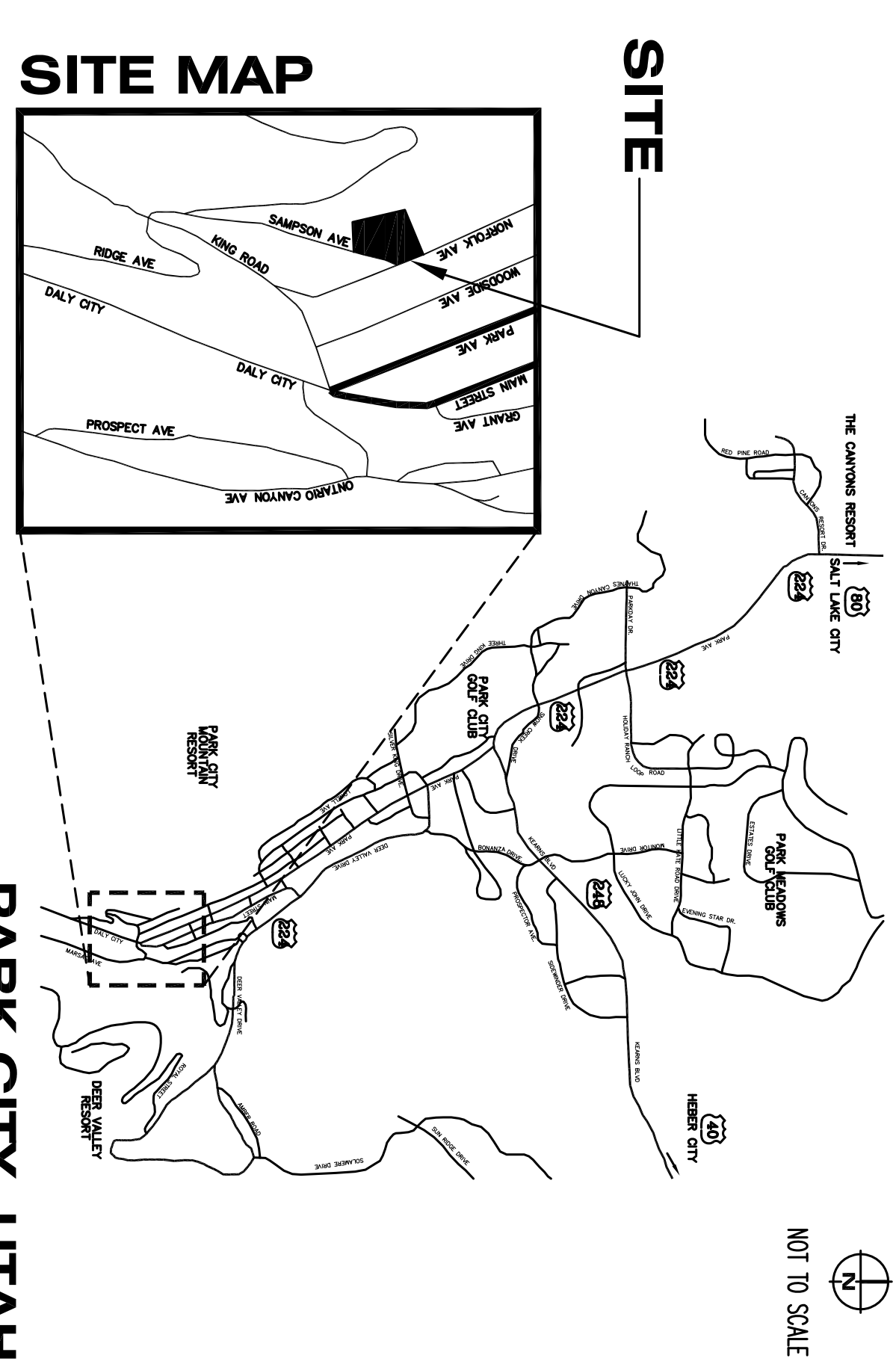
Exhibit C – Staff Report, September 23, 2009 with meeting minutes

PROJECT: 16 SAMPSON RESIDENCE

CONCEPT RENDERINGS



VICINITY MAP



SITE MAP

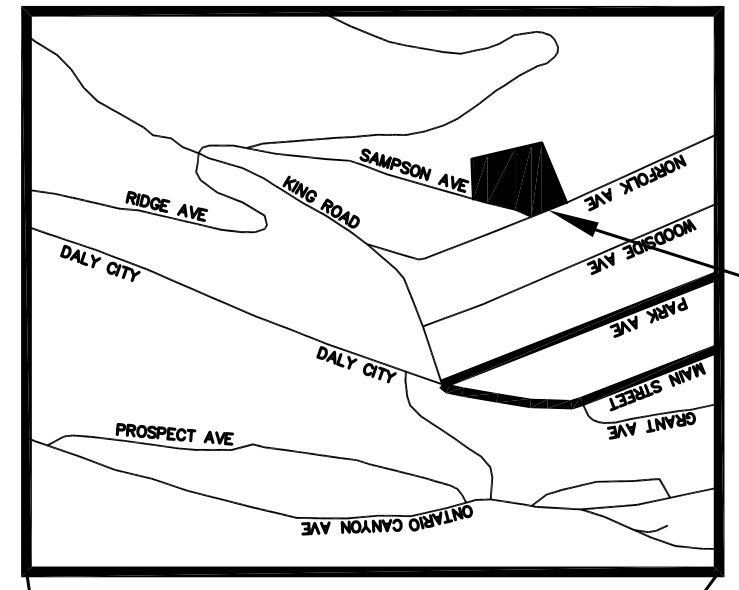


EXHIBIT A

GENERAL NOTES

1. CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS AND REPORT ANY CHANGES REQUIRED TO ARCHITECT BEFORE COMMENCING WITH WORK.
2. CONTRACTOR IS RESPONSIBLE FOR CHECKING ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS FOR ACCURACY AND CONFIRMING THAT ALL CONDITIONS SHOWN ARE BUILDABLE. ANY QUESTIONS PERTAINING TO THESE OR ANY OTHER CONDITIONS SHOULD BE SUBMITTED TO THE ARCHITECT IN WRITING FOR CLARIFICATION.
3. TYPICAL MEANS FOR ALL SIMILAR CONDITIONS, UNLESS OTHERWISE NOTED.
4. ALL VERTICAL DIMENSIONS SHOWN TO FLOOR ARE TO THE TOP OF CONCRETE OR TOP OF FLOOR SREATHING.
5. DETAILS ARE USUALLY KEPT ONLY ONCE AND ARE TYPICAL (TYP.) FOR SIMILAR CONDITIONS THROUGHOUT UNLESS OTHERWISE NOTED.
6. CONTRACTORS SHALL ADHERE TO ALL CODES, RULES AND REGULATIONS GOVERNING CONSTRUCTION, BUILDING ACCESS AND THE USE OF FACILITIES AS SET BY FEDERAL, STATE AND LOCAL CODES, BUILDING DEPARTMENT AGENCIES AND THE BUILDING OWNERS.
7. LARGE SCALE DRAWINGS TAKE PRECEDENCE OVER SMALL SCALE DRAWINGS. DETAILS TAKE PRECEDENCE OVER ALL OTHER DRAWINGS. CONTRACTOR SHALL NOTIFY ARCHITECT OF CONFLICTS IN WRITING.
8. ALL EXPOSED Gypsum BOARD EDGES TO HAVE METAL "J" EDGE TRIM (USG 200-A).
9. NO SUBSTITUTIONS WILL BE ALLOWED WITHOUT PRIOR APPROVAL BY THE ARCHITECT.
10. ALGA MEANS SIMILAR COMPONENTS OF CONSTRUCTION, I.E., WALLS, JAMBS, ETC.
11. IF DOCUMENTS ARE AT VARIANCE WITH ONE ANOTHER ON A PARTICULAR ITEM OR ITEMS, CONTRACTOR SHALL BASE THE PROPOSAL ON THE MOST STRINGENT OF THE CONDITIONS, ITEMS OR EQUIPMENT SPECIFIED UNDER ONE TRADE SHALL BE BINDING AS IF SPECIFIED UNDER ALL APPLICABLE TRADES.
12. THE CONTRACTOR SHALL ARRANGE FOR INSPECTIONS NECESSARY TO OBTAIN A CERTIFICATE OF OCCUPANCY BY OFFICIALS AS DESIGNATED BY THE AUTHORITY HAVING JURISDICTION.
13. THE CONTRACTOR SHALL MAINTAIN FOR THE ENTIRE DURATION OF CONTRACT EXITS, EXIT LIGHTING, FIRE PROTECTIVE DEVICES AND ALARMS TO CONFORM TO LOCAL BUILDING CODE REQUIREMENTS, IN OCCUPIED AREAS OF THE BUILDING.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADEQUATELY SUPPORTING, BRACING AND PROTECTING WORK DURING CONSTRUCTION AGAINST DAMAGE, BREAKING, COLLAPSE DISTORTION AND/OR MISALIGNMENT IN ACCORDANCE WITH APPLICABLE CODES, STANDARDS AND GOOD PRACTICE.
15. THE CONTRACTOR SHALL VERIFY THAT DRAWINGS AND SPECIFICATIONS ARE THE LATEST ISSUE PRIOR TO COMMENCING CONSTRUCTION.
16. IN CASE OF CONFLICT BETWEEN ARCHITECT AND ENGINEER'S DRAWINGS IN LOCATION OF MATERIALS/EQUIPMENT, THE ARCHITECTURAL DRAWINGS SHALL GOVERN. CLARIFY WITH ARCHITECT.
17. THE CONTRACTOR SHALL NOT PROCEED WITH WORK WITHOUT WRITTEN AUTHORIZATION FROM THE ARCHITECT. FAILURE TO OBTAIN SUCH AUTHORIZATION SHALL INVALIDATE A CLAIM FOR EXTRA COMPENSATION.
18. THE CONTRACTOR IS RESPONSIBLE FOR THE CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES AND COORDINATION OF WORK AND THE WORK PERFORMED BY THE SUBCONTRACTORS.
19. THE CONTRACTOR SHALL PROTECT THE PREMISES AND OCCUPANTS ON THE PROJECT SITE FROM DAMAGE OF INJURY RESULTING OPERATIONS. THE CONTRACTOR SHALL PROVE AND MAINTAIN NECESSARY COVERING, BOARDS TEMPORARY PARTITIONS, AND DOOR REQUIREMENTS TO PROTECT EXISTING WORK, MATERIALS AND FINISHES TO REMAIN AT THE JOB SITE. THE CONTRACTOR SHALL BE HELD RESPONSIBLE DAMAGES ATTRIBUTABLE TO HIS OPERATIONS AND REPAIRS OF REPLACEMENT WITHOUT ADDITIONAL CHARGES TO THE PARTY AFFECTED.
20. SUBSTITUTIONS, REVISIONS, OR CHANGES MUST BE SUBMITTED TO ARCHITECT FOR REVIEW AND APPROVAL. (IN CONFORMANCE WITH PROCEDURES) PRIOR TO PURCHASE, FABRICATION OR INSTALLATION.
21. ALL DIMENSIONS (UNLESS OTHERWISE NOTED) ARE TO FACE OF CONCRETE, FACE OF STUD OR CENTERLINE OF OPENINGS.
22. ALL LUMBER IN CONTACT WITH CONCRETE OR MASONRY INCLUDING LEDGERS AND FLOORING WALLS MUST BE PRESERVATIVELY TREATED OR FOUNDATION-GRADE REDWOOD.

GRAPHICS

	EARTH-SECTION
	GRAVEL FILL
	CONCRETE-SECTION
	CONCRETE-ELEVATION
	METAL-LARGE SCALE
	METAL-SMALL SCALE
	PLYWOOD IN SECTION
	WOOD-FINISHED
	FRAMING OR CONTINUOUS WOOD BLOCKING IN SECTION
	INTERMEDIATE WOOD BLOCKING IN SECTION
	BATT INSULATION IN SECTION
	RIGID INSULATION IN SECTION
	GLASS
	TILE
	CARPET
	GYPNUM BOARD
	GLAZING-ELEVATION

SYMBOLS

	COLUMN GRID / BUILDING GRID
	BUILDING SECTION NUMBER
	SHEET DRAWN ON
	WALL SECTION NUMBER
	SHEET DRAWN ON
	DETAIL NUMBER
	SHEET DRAWN ON
	INTERIOR ELEVATION NUMBER
	SHEET DRAWN ON
	EXTERIOR ELEVATION NUMBER
	SHEET DRAWN ON
	WINDOW MARK
	DOOR MARK
	KEYED NOTE
	REVISION NUMBER
	WALL TYPE
	INDICATES CENTER LINE
	ELEVATION TAG
	NORTH DIRECTION
	ROOM FINISH KEY

ABBREVIATIONS

ALWD	ALUMINUM CLAD WOOD
B.O.	BOTTOM OF
C	CARPET
CONC	CONCRETE
EQ.	EQUAL
EX	EXISTING
F.F.	FINISH FLOOR
F.L.	FULLY TEMPERED
F.V.	FIELD VERIFY
GBP	GYPNUM BOARD PAINTED
GB	GYPNUM BOARD READY TO PAINT
HP	HIGH POINT
PI	PORCELAIN TILE
R.O.	ROUGH OPENING
RS	STAINLESS STEEL
S	STONE
SM	SMILAR
ST	STONE TILE
SW	STEEL WINDOW FRAME
T.O.	TOP OF
T.O.C.	TOP OF CONCRETE
TP	TYPICAL
WD	WOOD
WR	WATER RESISTANT GYPNUM BOARD PAINTED
WP	WATER RESISTANT GYPNUM BOARD PAINTED

PROJECT TEAM

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DRAWING INDEX

SHEET	SHEET TITLE
GENERAL	COVER SHEET, DRAWING INDEX, & PROJECT INFORMATION
C-1	LAND TITLE SURVEY
C-2	CERTIFIED TOPOGRAPHICAL SURVEY
STRUCTURAL	
ARCHITECTURAL	
EX-101	HISTORICAL PRESERVATION PLAN
AS-101	SITE PLAN
A-101	FLOOR PLAN-BASEMENT LEVEL
A-102	FLOOR PLAN-LOWER LEVEL
A-103	FLOOR PLAN-MAIN LEVEL
A-104	FLOOR PLAN-UPPER LEVEL
A-105	ROOF PLAN
A-201	EXTERIOR ELEVATIONS
A-202	EXTERIOR ELEVATIONS
A-301	BUILDING SECTION
A-302	BUILDING SECTION
A-303	WALL SECTION
A-304	WALL SECTION
A-401	STAR PLANS, ELEVATIONS, SECTIONS AND DETAILS
A-502	BUILDING DETAILS
A-501	BUILDING DETAILS
A-601	DOOR & WINDOW SCHEDULES/ELEVATIONS
ELECTRICAL	
EL-101	LIGHTING/POWER PLAN-BASEMENT LEVEL
EL-102	LIGHTING/POWER PLAN-LOWER LEVEL
EL-103	LIGHTING/POWER PLAN-MAIN LEVEL
EL-104	LIGHTING/POWER PLAN-UPPER LEVEL

SEAL

SIGNATURE: _____
NAME: _____
REGISTRATION NO.: _____
Karl Pollard

pollard architects

256 East 100 South
Salt Lake City, Utah 84111
Telephone: (801) 531 - 1133
Fax: (801) 531 - 1211

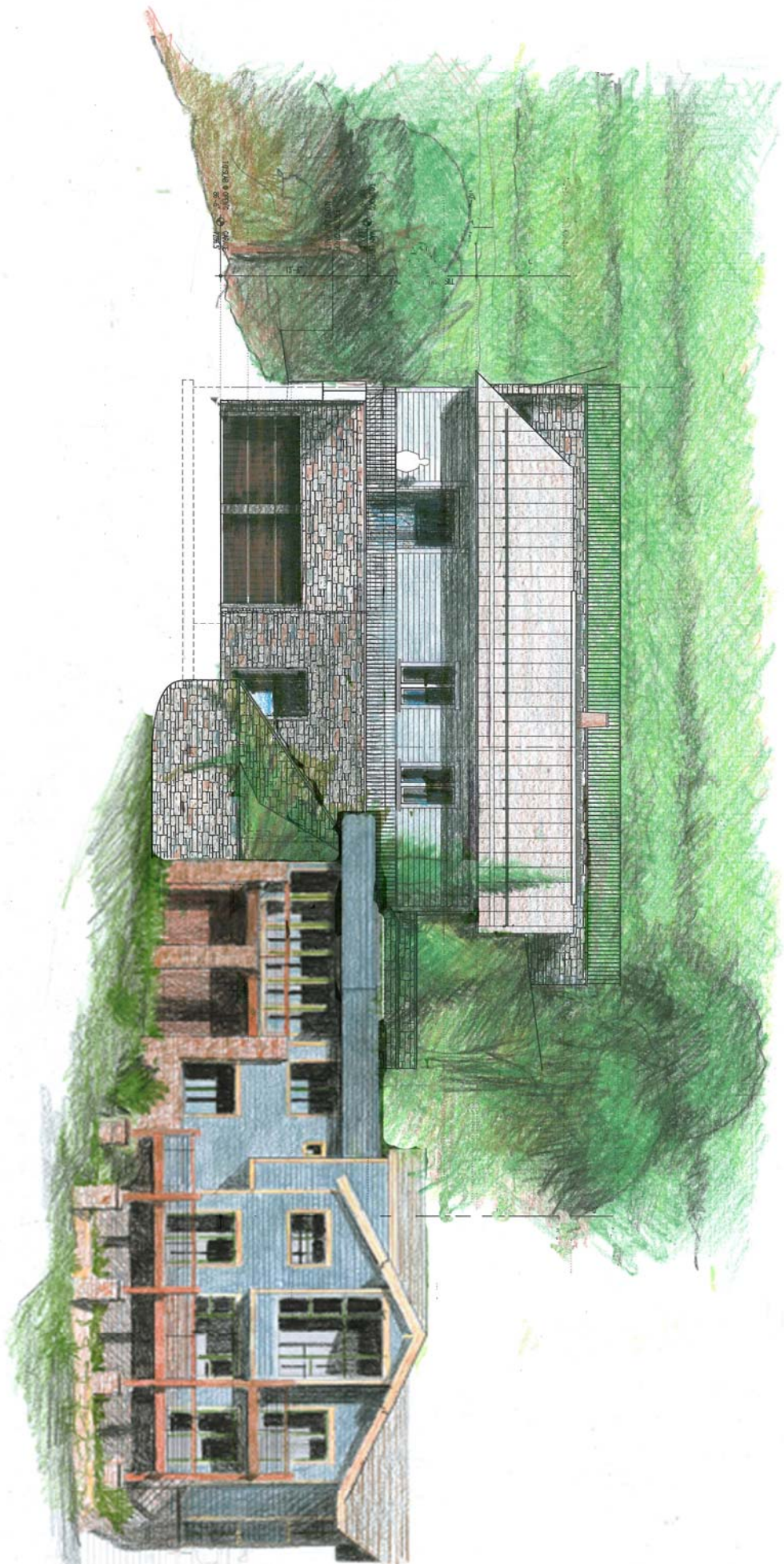
16 Sampson Residence

16 Sampson Avenue
Park City, Utah

REVISION	DATE
General	09/09/09

PROJECT NO.: 04/28/09
DATE:

SHEET: _____
COVER SHEET
DRAWING INDEX
PROJECT INFO.
G-001
of _____





A
A-201
SCALE 1/4" = 1'-0"
EAST ELEVATION

SHEET
EXTERIOR
ELEVATIONS
A-201
of

REVISION	DATE
A	09/09/09

16 Sampson Residence
16 Sampson Avenue
Park City, Utah

PROJECT
DATE
DRAWN BY
CHECKED BY
DATE

pollard
ARCHITECTS
256 East 100 South
Salt Lake City, Utah 84111
Telephone (801) 531-1133
Fax: (801) 531-1211



A NORTH ELEVATION
A-203 SCALE 1/4" = 1'-0"

SHEET
EXTERIOR
ELEVATIONS
A-203
of

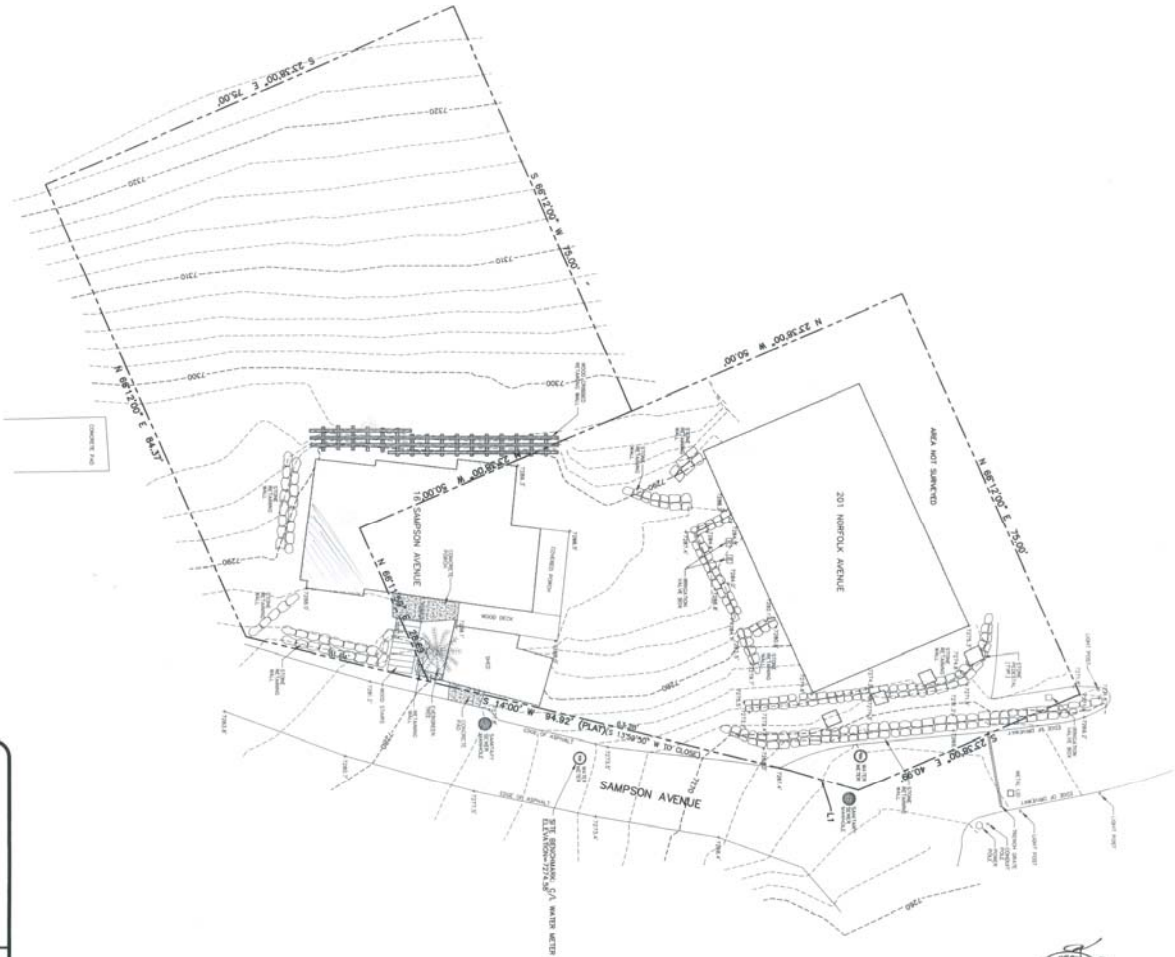
PROJECT NO.	042849
DATE	
REVISION	DATE
1 General	09/09/09

16 Sampson Residence
16 Sampson Avenue
Park City, Utah

PROJECT
ARCHITECT
DATE
SCALE

pollard
ARCHITECTS

255 East 100 South
Salt Lake City, Utah 84111
Telephone: (801) 531-1133
Fax: (801) 531-1211



SURVEYOR'S CERTIFICATE

I, John DeBenedictis, do hereby certify that I am a registered land surveyor in the State of Utah. I further certify that a topographic map has been made under my direction of the lots shown and described hereon, and that the same are in accordance with the laws and regulations of the State of Utah. I further certify that the field work was conducted in compliance with generally accepted industry standards for accuracy.

NOTES

1. Site Benchmark: Water Meter
Elevation=774.56'
2. The architect is responsible for verifying building methods, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on July 29, 2008.
4. Property corners were not set.

LINE	BEARING	DISTANCE
LI	N 16°43'07" E	11.65



WEDGE

(435) 644-1447

CONSULTING ENGINEERS, LAND SURVEYORS, ARCHITECTS

STAFF:
 SURVEYOR: JOHN DEBENEDICTIS
 ARCHITECT: STEVE SCHUELER
 ARCHITECT: BRYAN SCHUELER

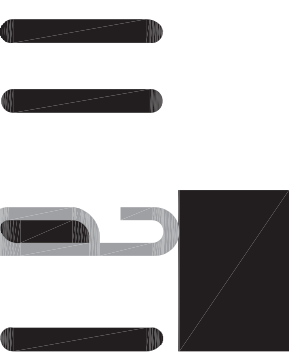
DATE: 9/17/08

TOPOGRAPHIC SURVEY

16 SAMPSON/201 NORFOLK AVENUE
BLOCK 78, LOTS 14-18, 44-46

FOR: POLLARD-PARTNERS ARCHITECTS
JOB NO.: 9-7-08
FILE: XV\Projects\Survey\98\16\16\topo\080908.dwg

1



256 East 100 South
 Salt Lake City, Utah 84111
 Telephone: (801) 531 - 1133
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SEAL

SIGNATURE
 NAME
 REGISTRATION NO.

Ken Bellard

PROJECT

16 Sampson Residence

**16 Sampson Avenue
 Park City, Utah**

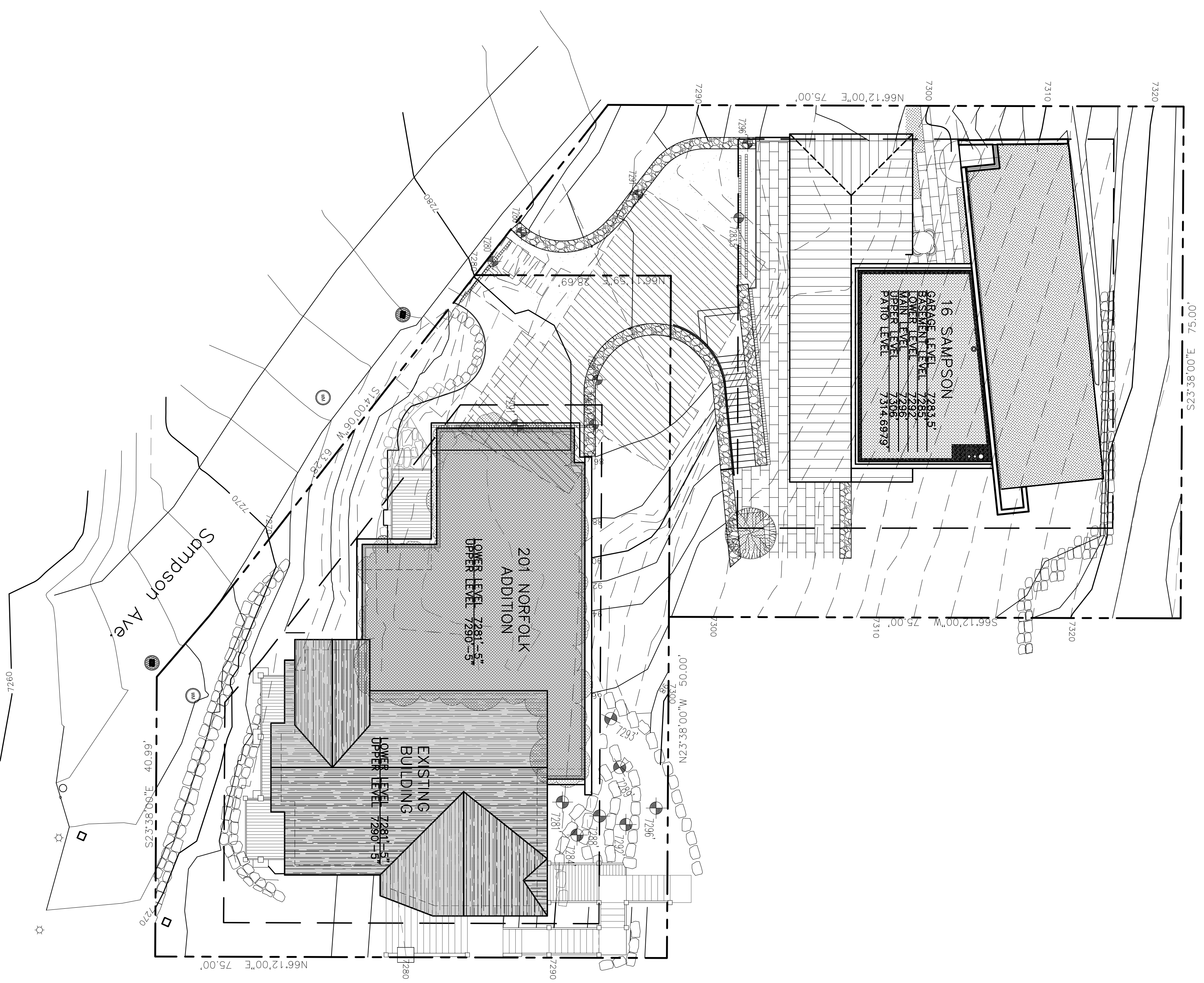
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General	09/09/09

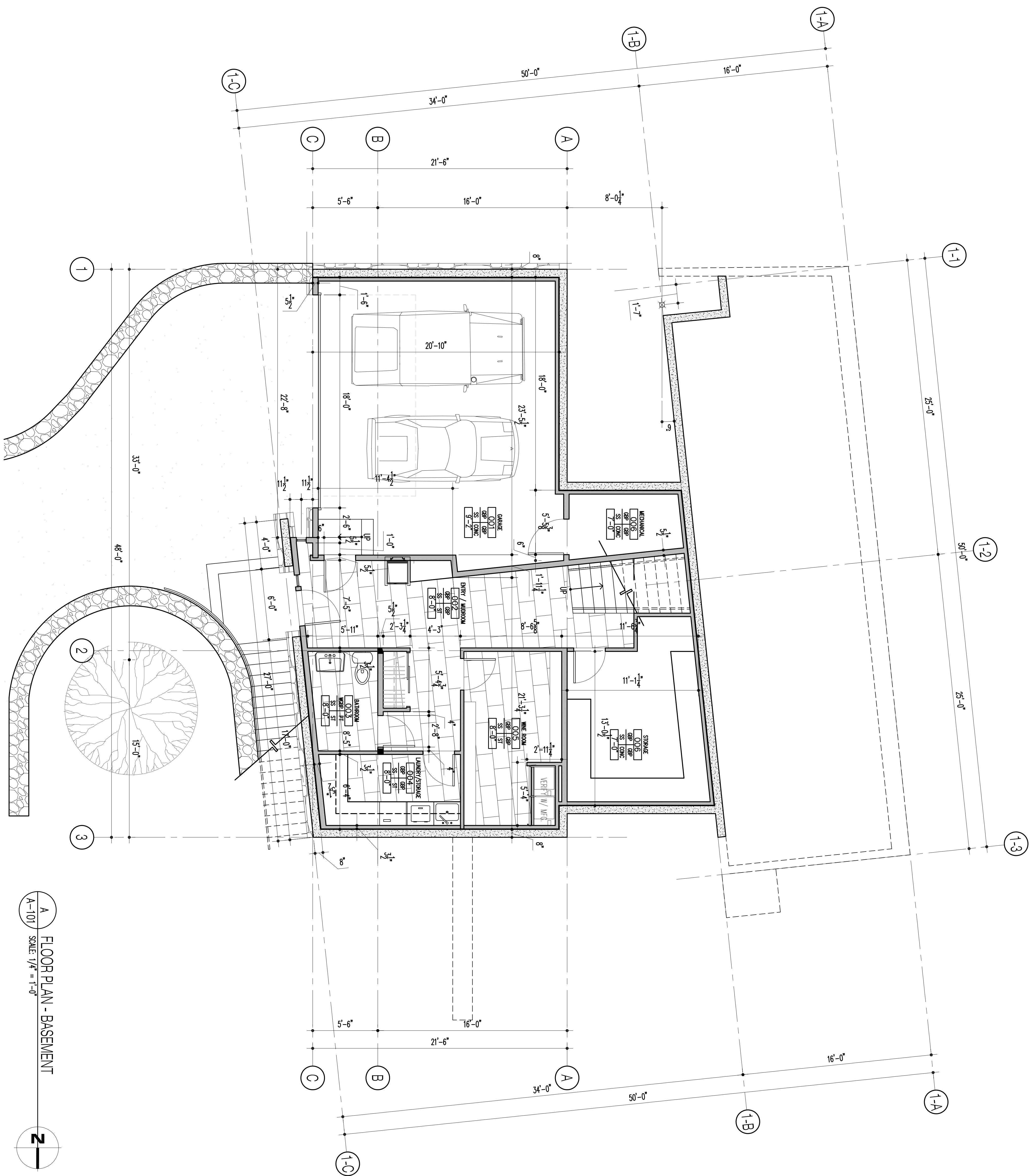
PROJECT NO.:
 DATE:

04/28/09

SHEET
 SITE PLAN

AS-101
 of





A
A-101
SCALE: 1/4" = 1'-0"
FLOOR PLAN - BASEMENT
2



molinaro
architects
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Salt Lake City, Utah 84111
Telephone: (801) 531 - 1133
Fax: (801) 531 - 1211

SEAL
SIGNATURE
NAME
REGISTRATION NO.
Karl Bellard

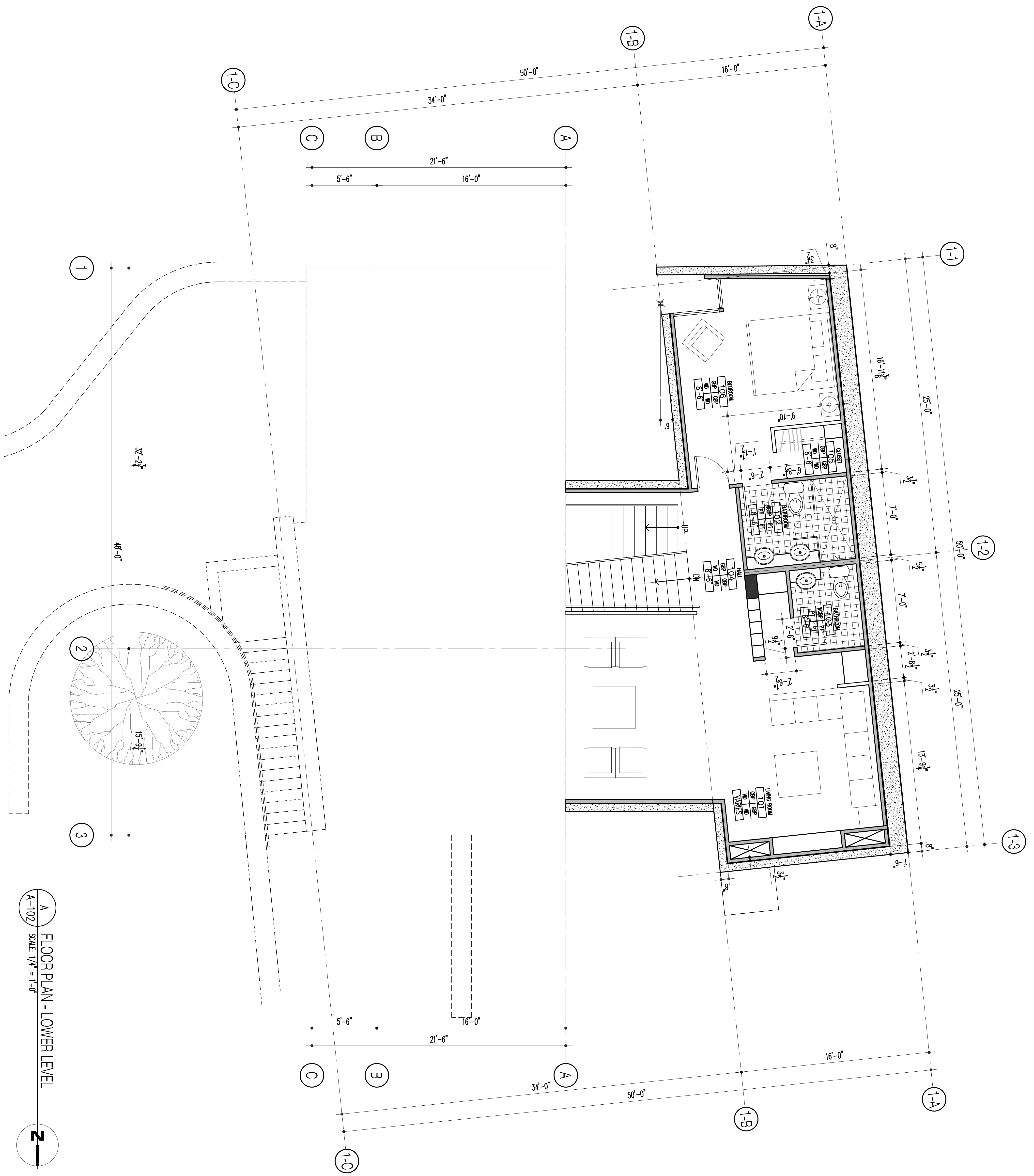
PROJECT

16 Sampson Residence
16 Sampson Avenue
Park City, Utah

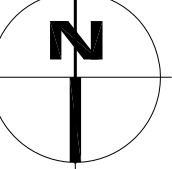
REVISION	DATE
General	09/09/09

PROJECT NO.:
DATE:

SHEET
FLOOR PLAN
BASEMENT
A-101
of



A-102 FLOOR PLAN - LOWER LEVEL



16 Sampson Residence

16 Sampson Avenue
Park City, Utah

PROJECT

SIGNATURE
NAME
REGISTRATION NO.

Ken Bellard

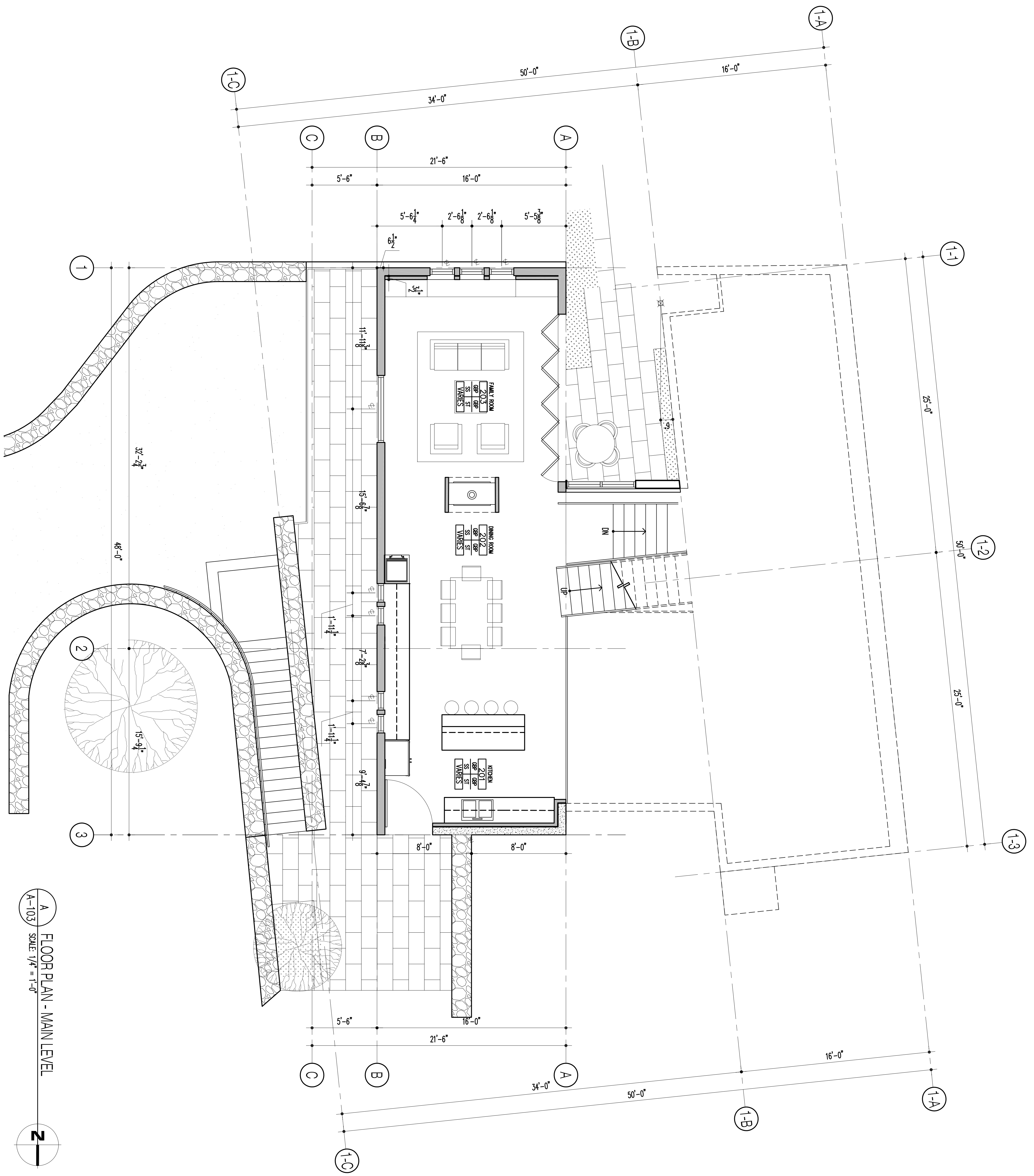
REVISION	DATE
General	09/09/09

PROJECT NO.: 04/28/09
DATE:

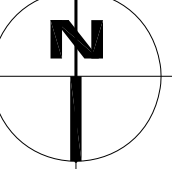
SHEET
FLOOR PLAN
LOWER LEVEL

A-102
of

256 East 100 South
Salt Lake City, Utah 84111
Telephone: (801) 531 - 1133
Fax: (801) 531 - 1211



A-103 FLOOR PLAN - MAIN LEVEL
SCALE: 1/4" = 1'-0"



SHEET
FLOOR PLAN
MAIN LEVEL
A-103
of

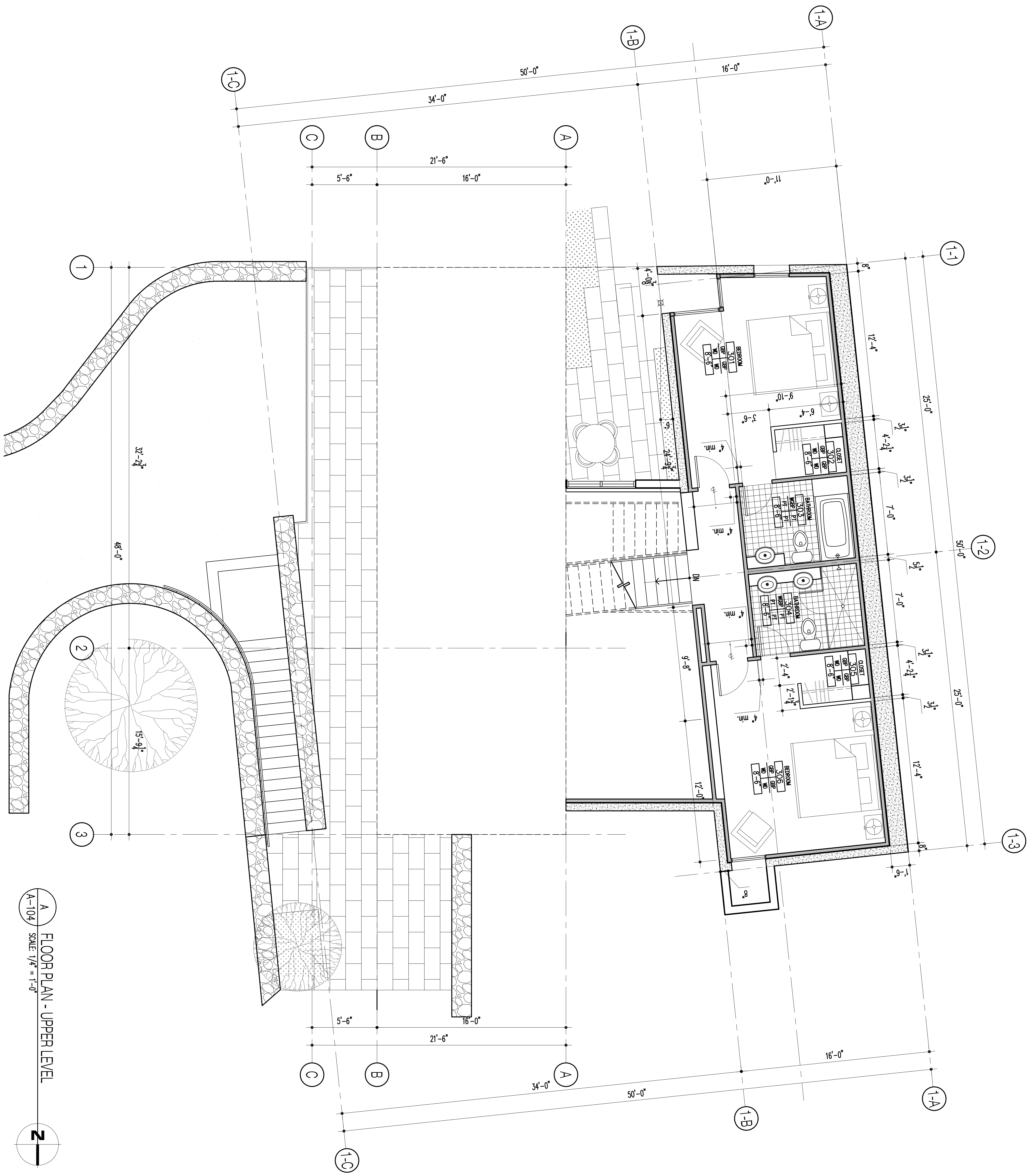
PROJECT NO.: 04/28/09
DATE:

REVISION	DATE
General	09/09/09

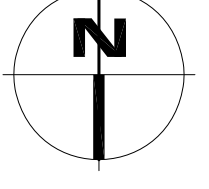
16 Sampson Residence
16 Sampson Avenue
Park City, Utah

PROJECT
SIGNATURE
NAME
REGISTRATION NO.
Karl Bellini

poltero
architects
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Salt Lake City, Utah 84111
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Fax: (801) 531 - 1211



A
A-104 FLOOR PLAN - UPPER LEVEL
SCALE: 1/4" = 1'-0"



16 Sampson Residence

16 Sampson Avenue
Park City, Utah

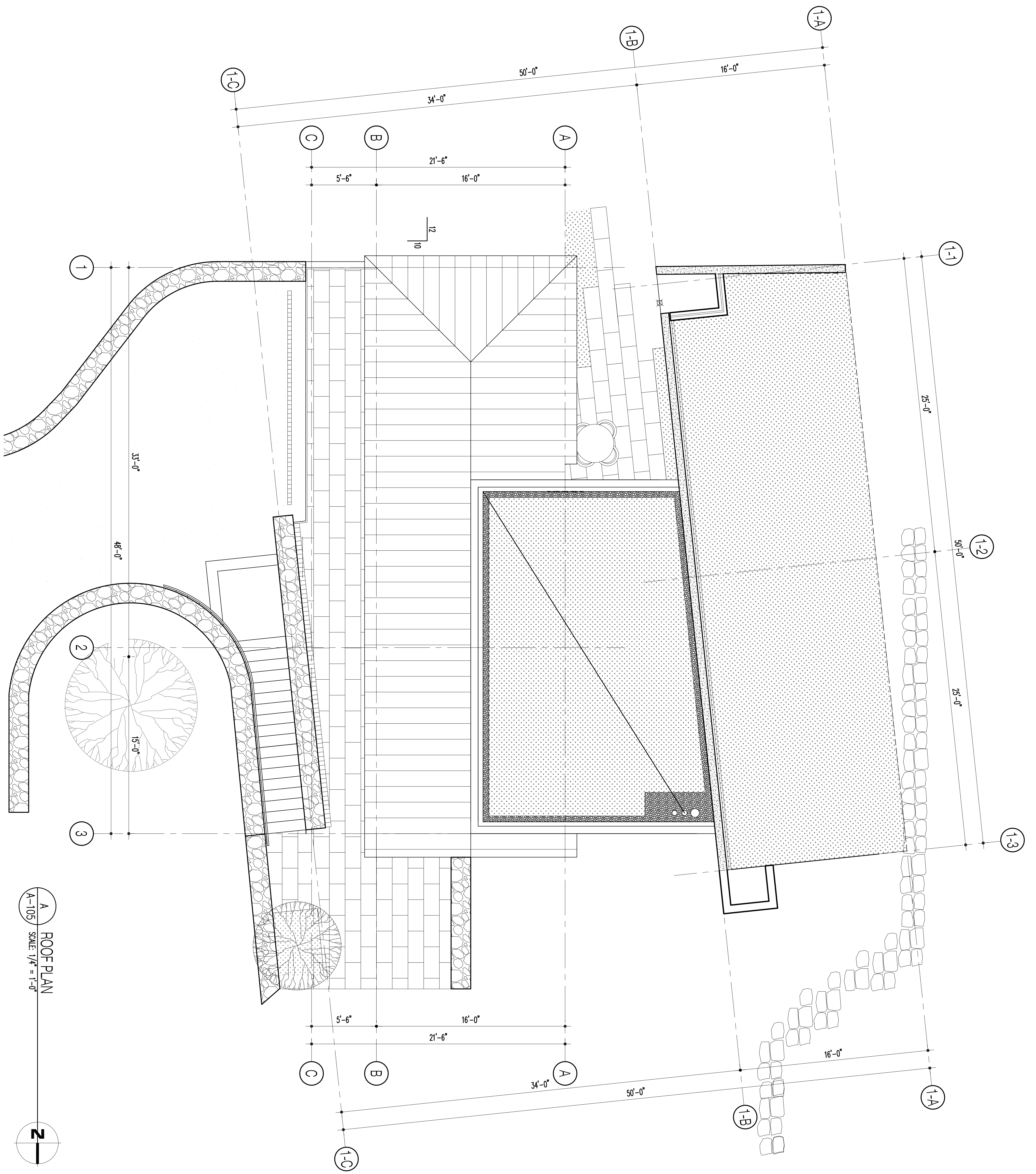
PROJECT:
SIGNATURE: _____
NAME: _____
REGISTRATION NO.: _____
SEAL

REVISION	DATE
General	09/09/09

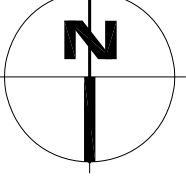
PROJECT NO.:
DATE: 04/28/09

SHEET
FLOOR PLAN
UPPER LEVEL
A-104
of

pollaro
architects
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Salt Lake City, Utah 84111
Telephone: (801) 531 - 1133
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A
A-105 ROOF PLAN
SCALE: 1/4" = 1'-0"



16 Sampson Residence

16 Sampson Avenue
Park City, Utah

REVISION	DATE
General	09/09/09

PROJECT NO.: 04/28/09
DATE:

SHEET
ROOF PLAN

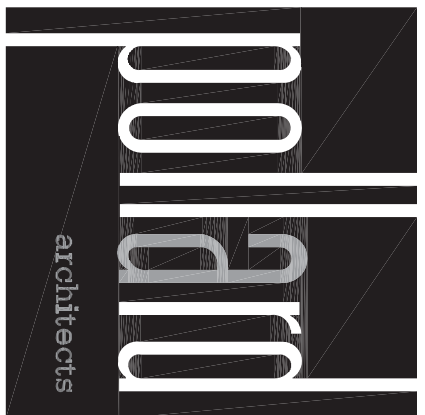
A-105
of

SEAL

SIGNATURE
NAME
REGISTRATION NO.
Karl Bellini

PROJECT

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Telephone: (801) 531 - 1133
Fax: (801) 531 - 1211

SEAL

SIGNATURE: _____
NAME: _____
REGISTRATION NO.: _____

PROJECT: _____

16 Sampson Residence

**16 Sampson Avenue
Park City, Utah**

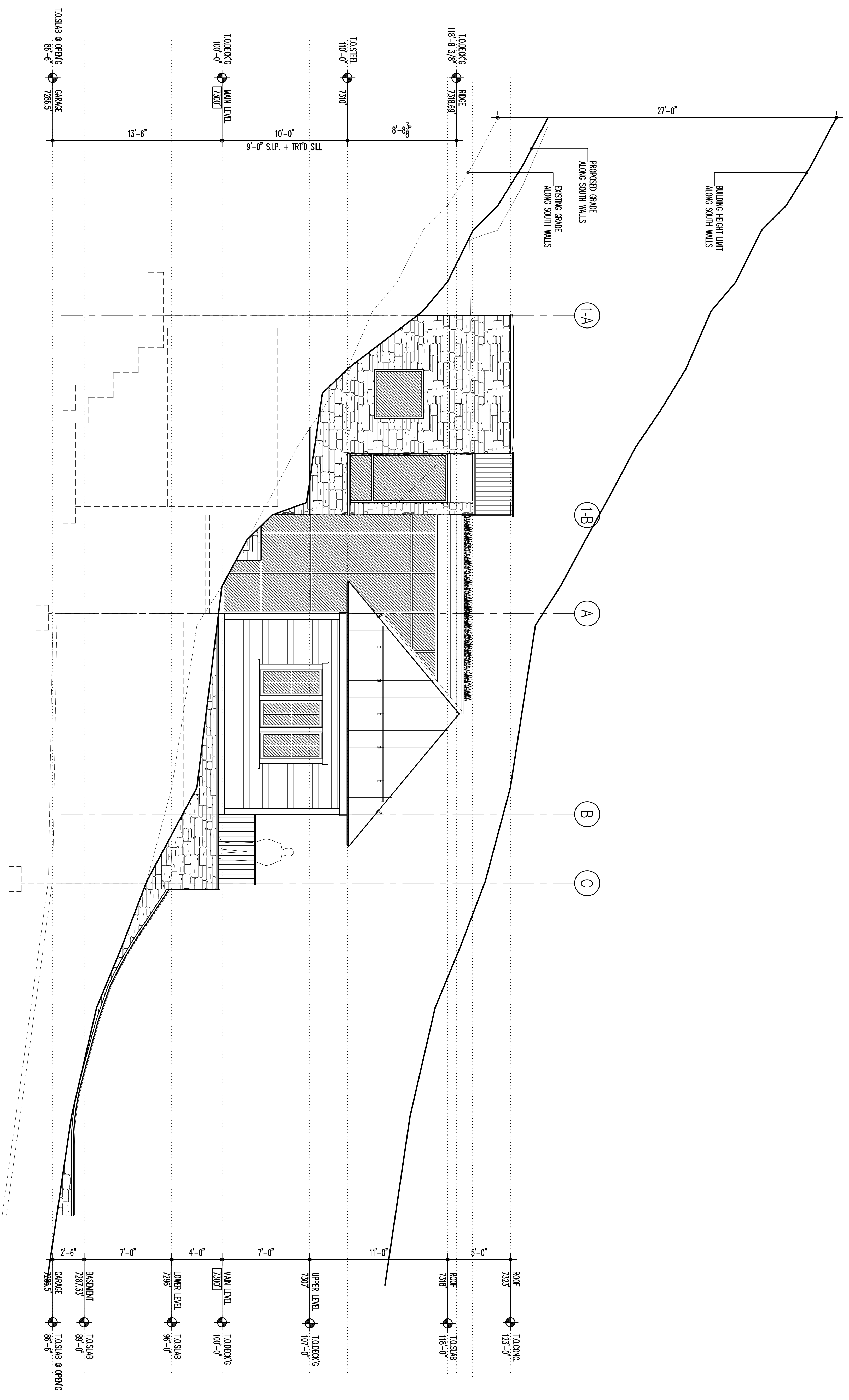
REVISION	DATE
General	09/09/09

PROJECT NO.: _____
DATE: 04/28/09

SHEET _____
EXTERIOR
ELEVATIONS

A-202

of _____





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SEAL

SIGNATURE
NAME: Ken Polaro
REGISTRATION NO.:

PROJECT

16 Sampson Residence

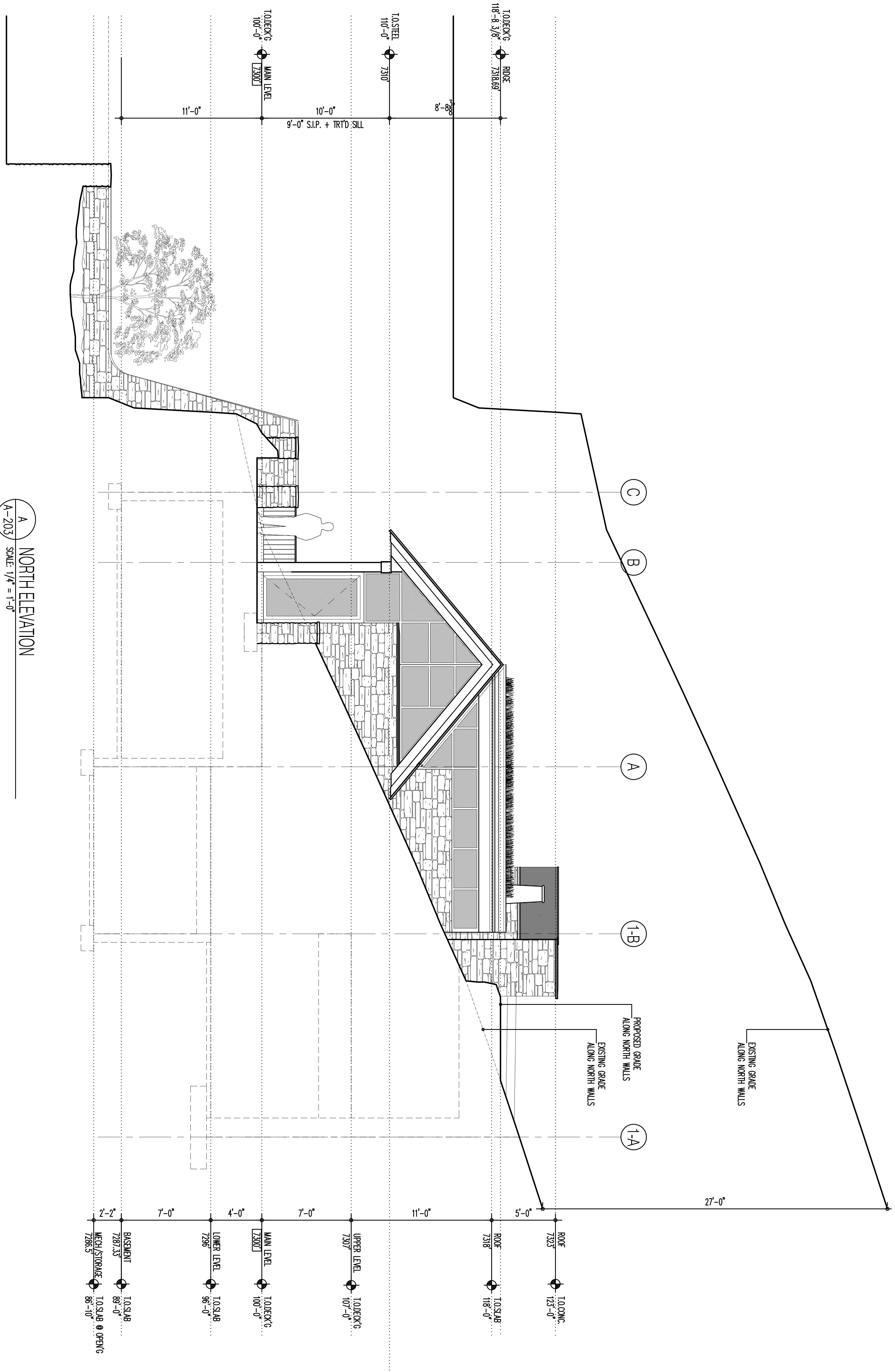
16 Sampson Avenue
Park City, Utah

REVISION	DATE
General	09/09/09

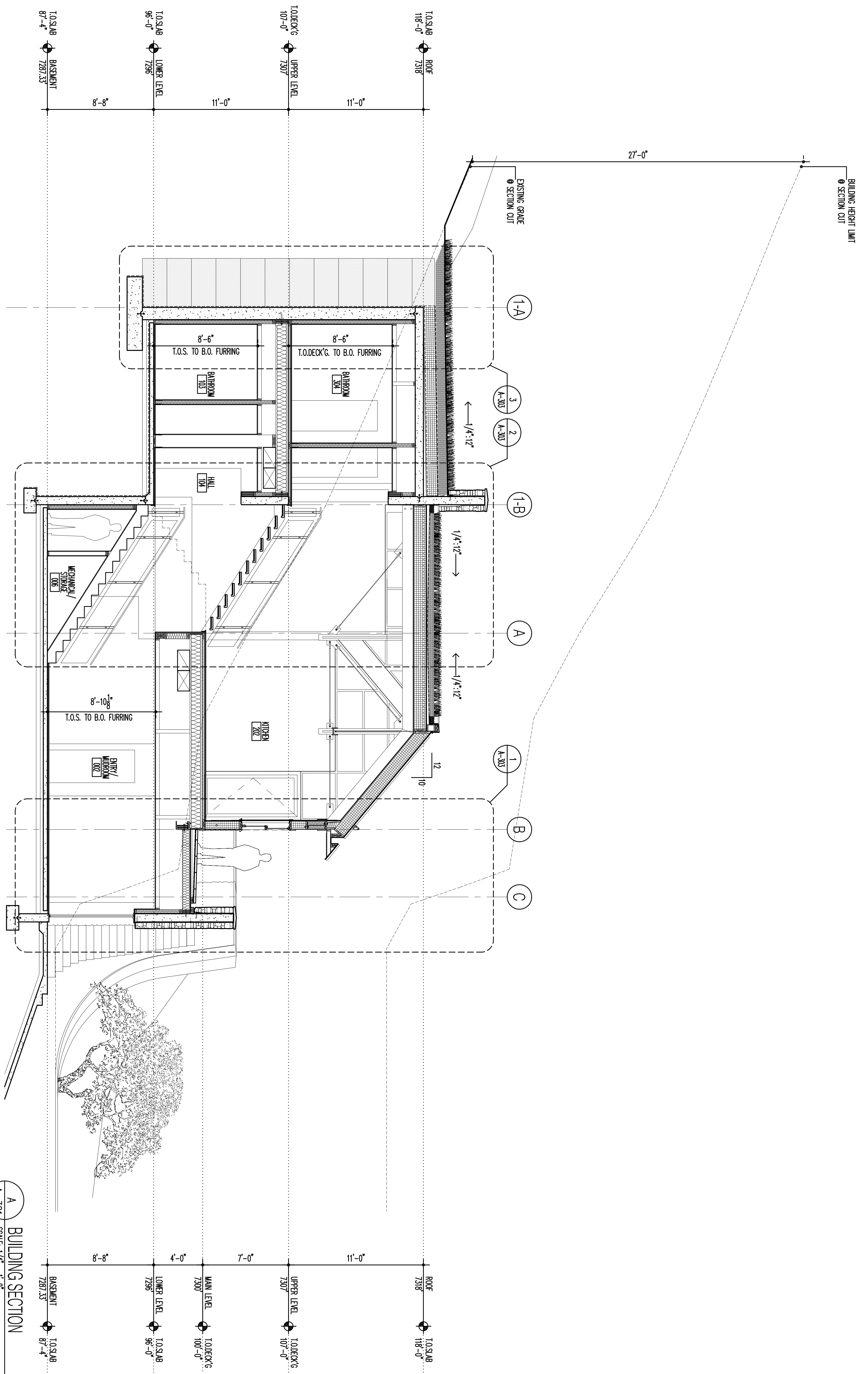
PROJECT NO.: 04/29/09
DATE:

SHEET
**EXTERIOR
ELEVATIONS**

A-203
of



A NORTH ELEVATION
A-203 SCALE: 1/4" = 1'-0"



A
A-301 BUILDING SECTION
SCALE: 1/4" = 1'-0"

PROJECT NO.: 04/29/09
DATE:

REVISION	DATE
General	09/09/09

16 Sampson Residence

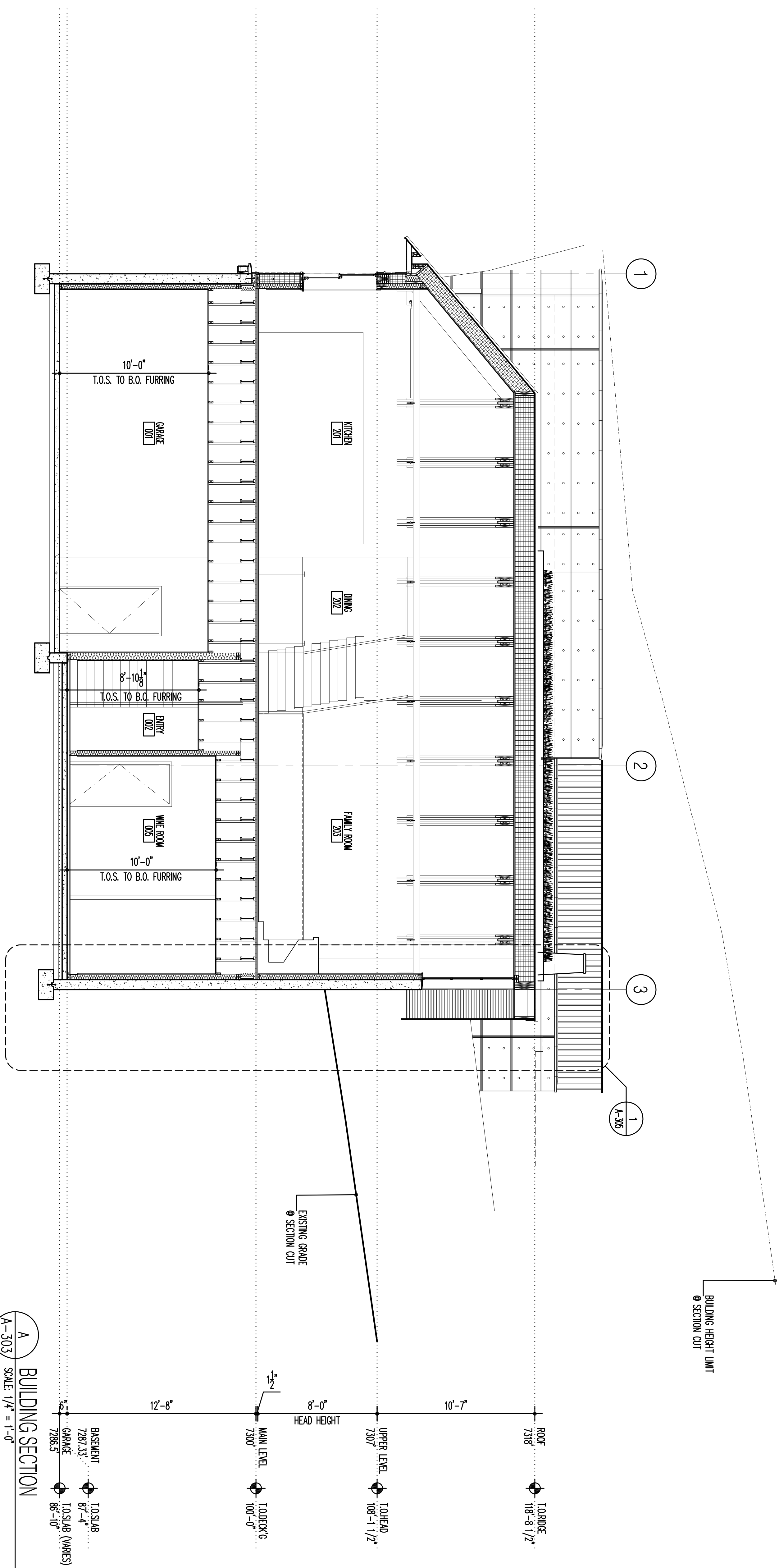
16 Sampson Avenue
Park City, Utah

PROJECT: 16 Sampson Residence
 SIGNATURE: *Ken Pollock*
 NAME: Ken Pollock
 REGISTRATION NO.: 1000000000

pollock
architects

256 East 100 South
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Telephone: (801) 531 - 1133
Fax: (801) 531 - 1211

SHEET: BUILDING SECTIONS
A-302
 of



A
A-303 BUILDING SECTION
SCALE: 1/4" = 1'-0"

PROJECT NO.: 04/28/09
DATE:

REVISION	DATE
General	09/09/09

16 Sampson Residence

16 Sampson Avenue
Park City, Utah

PROJECT

SEAL

SIGNATURE: _____
NAME: _____
REGISTRATION NO.: _____

As the architect, I and/or my firm, hereby certify that the design and construction of the building shown on this drawing were prepared by me or under my direct supervision and control, and that I am a duly licensed architect in the State of Utah.

molero
architects

256 East 100 South
Salt Lake City, Utah 84111
Telephone: (801) 531 - 1133
Fax: (801) 531 - 1211

SHEET

BUILDING SECTIONS

A-303

of _____

Planning Commission Staff Report



Subject: 16 Sampson Avenue
Author: Brooks Robinson
Date: August 12, 2009
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review the request for a Steep Slope Conditional Use Permit (CUP) at 16 Sampson Avenue. Staff has prepared findings of fact, conclusions of law, and conditions of approval for the Commission's consideration.

Description

Applicant: Eric and Susan Fredston-Herman, owner, represented by Ken Pollard, architect
Location: 16 Sampson Avenue
Zoning: Historic Residential Low Density (HRL)
Adjacent Land Uses: Residential
Reason for Review: Construction on a steep slope requires a CUP

Background

On November 25, 2008 the City received a completed application for a Conditional Use Permit (CUP) for Construction on a Steep Slope at 16 Sampson Avenue. The property is located in the Historic Residential Low Density (HRL) zoning district. There is an existing historic house (designated as Significant) on the property. The application is for an addition and renovation to the historic house, including adding a garage under the house. Because the total proposed dwelling square footage is greater than 1,000 square feet, and would be constructed on a slope greater than 30%, the applicant is required to file a Conditional Use Application for review by the Planning Commission, pursuant to Section 15-2.1-6 of the LMC.

This application was submitted concurrently with the neighboring 201 Norfolk Avenue Steep Slope Conditional Use Permit, also owned by the Hermans. In addition, an application for a Determination of Historical Significance was submitted for review by the Historic Preservation Board (HPB). The HPB met on May 6, 2008 and found that the house at 16 Sampson is historically significant and will remain on the Historic Sites Inventory. In addition, the HPB was favorable to the overall design concept of the project. A Historic District Design Review application is being reviewed by staff.

The 16 Sampson Avenue subdivision was approved in 2007 concurrently with the adjacent (to the north) First Amended 201 Norfolk Avenue subdivision. The 16 Sampson Subdivision consolidated four Old Town lots into one lot of record with a road dedication for existing Sampson Avenue. The first amended 201 Norfolk Avenue

subdivision was added to the 201 Norfolk property in order to create a garage to the south with shared access with 16 Sampson.

The complete application for this CUP was received after October 22, 2008; therefore the application was subject to the pending ordinance doctrine with the proposed Land Management Code changes to the Historic Residential zones. The Land Management Code changes adopted April 22, 2009 apply.

The existing footprint of the single story historic house, minus several subsequent additions/alterations to the house, is approximately 768 square feet. The proposed footprint is 2,153 with a total floor area, including garage, of 4,006 square feet.

The Planning Commission held public hearings on May 13 and May 27, 2009, and discussed the proposed Steep Slope Conditional Use Permit. Two specific items were found not in compliance with Land Management Code criteria: the amount of pavers on the “green” roof and the requirement for final grade to be within 4 feet of existing grade (plus or minus) around the periphery of the structure (LMC 15-2.1-5). The Commission found that the concrete staircase on the north side of the property was an artifice that did not meet the intent or language of the code regarding final grade as the staircase created a retaining wall for a patio between the stairs and the building.

On June 24, 2009, the applicant presented a revised plan to the Planning Commission during a work session (Minutes attached). The plans eliminated the pavers on the green roof and provided stepped planters on the south side of the staircase on the north property line. The majority of the Commissioners present found this solution satisfactorily addressed the issue.

Analysis

The applicant proposes an addition to an historic single-family home at 16 Sampson Avenue in the HRL zoning district. If approved, a structure of approximately 4,006 square feet (including the existing building) will be built. Staff has reviewed the proposed design and made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Lot Size	3,750 square feet, <u>minimum</u>	6,100 square feet, <u>complies</u>
Building Footprint	2,164.8 square feet (based on lot area) <u>maximum</u>	2,153 square feet, <u>complies</u>
Front and Rear Yard	10 feet, <u>minimum</u>	26 feet (front to street), <u>complies</u> 10 feet (rear), <u>complies</u>
Side Yard	5 feet, <u>minimum</u> , 18 feet <u>total</u>	5 and 13 feet, <u>complies</u>

Height	27 feet above existing grade, <u>maximum.</u> 27 feet above final grade around the perimeter, <u>maximum.</u>	14 feet above existing grade with a flat, vegetated roof, <u>complies.</u> Various heights around the perimeter under 16 feet, <u>complies</u>
Parking	Two parking spaces are required.	2 interior spaces, <u>complies</u>
Roof Pitch	7:12 to 12:12, or a "green" roof	New roof is flat, vegetated, green roof, <u>complies</u>
Number of stories	3 maximum	Complies
Final grade	No more than four feet from existing grade	Commission found compliance at previous work session

Section 15-2.1-6 of the LMC provides for development on steep sloping lots in excess of one thousand square feet (1,000 sq. ft.) within the HRL zoning district, subject to the following criteria:

Criteria 1: Location of Development. Development is located and designed to reduce visual and environmental impacts of the Structure. **No unmitigated impacts**

The proposed design consists of an addition to a single-family one story historic structure. The addition includes a two-car garage (none exists currently) underneath the historic home. The house will be moved from its current location which is straddling the property line with 201 Norfolk and placed within the required setbacks. The house will share a driveway with 201 Norfolk and is placed a minimum of 26 feet back from the front property line along Sampson Avenue.

Criteria 2: Visual Analysis. The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the project. **No unmitigated impacts**

The proposed structure will not be viewed from the key vantage points as indicated in the LMC. The applicant has submitted a photo montage of both 16 Sampson and 201 Norfolk.

Criteria 3: Access. Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged, where feasible. **No unmitigated impacts**

The proposed design incorporates a single driveway to both 201 Norfolk and 16 Sampson. The driveway access is on the uphill (south) portion of Sampson creating a nearly flat access to 201 Norfolk and, with the excavation and retaining walls, a two foot difference from the street to the garage at 16 Sampson. Due to the steep grade at the front along Sampson, the driveway will incorporate retaining walls on either side. Along the south side, the retaining wall is generally 5 feet above the driveway, getting taller (up to 13 feet) as it approaches the house. The wall on the north side of the driveway is approximately 4 feet in height.

Criteria 4: Terracing. The project may include terraced retaining Structures if necessary to regain Natural Grade. No unmitigated impacts

Limited retaining is necessary as the rear of the house retains grade and the flat, vegetated roof transitions into the hillside. The recent Land Management Code changes require that final grade be within four feet (4') of existing grade. Along the north side of the project, a concrete staircase extends from the Main (second) level to the roof of the addition. While the staircase itself is within four feet of existing grade, inside the staircase, to the south, is a patio around the existing house up to ten feet below existing grade. LMC 15-2.1-5 states: *Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance.* The revised plans shown to the Planning Commission on June 24th provided additional stepped retaining walls along the north side of the stair case to minimize the visual impact of the courtyard. The interior patio, with the additional stepped planters, is found not to be final grade and therefore not subject to the 4 foot requirement.

A single retaining wall extends from the southwest corner of the garage of 201 Norfolk and curves around a planting area becoming the east side of the stairs into 16 Sampson.

A retaining wall on the south side of the addition is a window well. Staff finds that the height of the wall can be lowered five feet as existing grade at this location is 7306 and wall height shown is 7311.

Criteria 5: Building Location. Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard. No unmitigated impacts

Access is shared with 201 Norfolk to the north minimizing the amount of hard surface for driveways. Utilities are already installed for the existing building, although would have to be relocated with the relocation of 16 Sampson. The building is set behind the rear wall of the adjacent house at 201 Norfolk and is dug into the hillside. The rear, flat roof transitions into the hill allowing the natural vegetation to be visible past the roof.

Criteria 6: Building Form and Scale. Where Building masses orient against the Lot's existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Commission may require a garage separate from the main Structure or no garage. **No unmitigated impacts**

The building is parallel to the existing contours and dug into the hillside. The Main floor is within four feet of existing grade (higher on the south and lower on the north) creating a low profile. The garage is below existing grade and over 26 feet from the street.

The house presents a two and a half story façade to the street with four levels within the structure. The rear two-story addition is stepped a half story from the front, historic house. It is two stories with a flat, partially vegetated roof that transitions into the hillside. The Planning Commission previously discussed this issue and found the four stepped levels keeping within the intent of the three story maximum requirement.

Criteria 7: Setbacks. The Planning Commission may require an increase in one or more Setbacks to minimize the creation of a "wall effect" along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures. **No unmitigated impacts**

The minimum front setback for this lot is ten feet (10') along Sampson. This is partially a "flag" lot with the primary width of the lot behind the adjacent 201 Norfolk lot. The rear setback is also ten feet (10'). No wall effect is created at either the front or the rear.

Criteria 8: Dwelling Volume. The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **No unmitigated impacts**

The design is generally compatible with the volume of the contemporary single-family homes in the area. If approved, a house of 4,006 square feet including the garage and existing historic house will be created. The total footprint will be 2,153 square feet. The new house presents as a two and a half story building from the front façade (see discussion on Criteria 6). The historic house is generally separated from the new addition and maintains its historic form.

Criteria 9: Building Height (Steep Slope). The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass

and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. No unmitigated impacts

The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade and from final grade around the perimeter. The house is less than 16 feet above existing grade and incorporates a flat roof section to lessen impacts of the overall mass.

Process

The approval of this application constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed. Approval of the Historic District Design Guideline compliance is noticed separately.

Department Review

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

Public Input

Two adjacent neighbors have provided input at the previous public hearings.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur.

Recommendation

Staff recommends that the Planning Commission review the request for a Steep Slope Conditional Use Permit (CUP) at 16 Sampson Avenue. Staff requests discussion on several items. Subject to the outcome of the discussion, Staff has prepared the following findings of fact, conclusions of law, and conditions of approval for the Commission's consideration:

Findings of Fact:

1. The property is located at 16 Sampson Avenue within the Historic Residential Low Density (HRL) zoning district.
2. The existing footprint of the single story historic house, minus several subsequent additions/alterations to the house, is approximately 768 square feet. The proposed footprint is 2,153 with a total floor area, including garage, of 4,006 square feet.
3. The lot size is 6,100 square feet.
4. The existing house is considered Historically Significant, is listed on the Park City Historic Sites Inventory, and this designation was affirmed by the Historic Preservation at its meeting of May 6, 2009.
5. The 16 Sampson Avenue subdivision was approved in 2007 concurrently with the adjacent (to the north) First Amended 201 Norfolk Avenue subdivision. The 16

Sampson subdivision consolidated four Old Town lots into one lot of record with a road dedication for existing Sampson Avenue.

6. The first amended 201 Norfolk Avenue subdivision added to the 201 Norfolk property in order to create a garage to the south with shared access with 16 Sampson.
7. The HRL zone is characterized by several historic residential structures and mostly larger contemporary houses on larger lots.
8. Access to the property is from a shared driveway with 16 Sampson Avenue.
9. Under the current LMC, the minimum front yard setback for lots of this size is 10 feet. The front of the garage is approximately 26 feet from the front property line at its closest point.
10. Under the current LMC, the minimum rear yard setback is 10 feet. The addition is ten feet from the rear property line.
11. Under the current LMC, the minimum side yard setback is 5 feet for this lot, with a total of 18 feet. The north side of the house is 13 feet from the property line and the south side of the house is 5 feet from the property line.
12. Under the current LMC, the maximum building height in the HR-1 zone is 27 feet. No height exceptions are allowed. The proposed house does not exceed 27 feet in height.
13. Under the current LMC, the maximum number of stories allowed is three stories.
14. The addition is two stories with a flat, vegetated roof under the 27-foot height requirement.
15. The applicant is proposing two parking spaces within a double car garage with a shared access driveway with 201 Norfolk Avenue.
16. The maximum footprint for the lot is 2,164.8 square feet, subject to Steep Slope CUP review by the Planning Commission. The proposed footprint is 2,153 square feet with the addition.
17. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law:

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. 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 is a condition precedent to building permit issuance.
4. A final landscape plan shall be submitted for review and approval by the City

- Planning Department, prior to building permit issuance.
5. No building permits shall be issued for this project unless and until the design of the addition is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the Historic District Design Guidelines.
 6. 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.
 7. Prior to the issue of a building permit the applicant shall submit a detailed shoring plan with calculations that have been prepared, stamped, and signed by a licensed structural engineer if required by the Building Department.
 8. This approval will expire on August 12, 2010, if an application for a building permit has not been submitted prior to this date. If the building permit application expires after the August 12, 2010 date, then this CUP approval expires as well unless a request for an extension is made to the City Planning Department prior to expiration.
 9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission, subject to changes from the Historic District Design Review.
 10. A retaining wall on the south side of the addition is a window well. The height of the wall must be lowered five feet as existing grade at this location is 7306 and wall height shown is 7311

Exhibits

Exhibit A – Site Plan, Floor Plans and Elevations

Exhibit B – Photo montage with 201 Norfolk

Exhibit C – Minutes from June 24, 2009, work session

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
JUNE 24, 2009**

PRESENT: Evan Russack, Rory Murphy, Dick Peek, Julia Pettit, Adam Strachan, Thomas Eddington, Brooks Robinson, Katie Cattan, Kayla Sintz, Polly Samuels McLean,

WORK SESSION ITEMS

16 Sampson Avenue - Steep Slope CUP

Planner Robinson reported that during a previous meeting the Planning Commission had discussed two adjacent projects at 16 Sampson Avenue and 201 Norfolk. 201 Norfolk is a contemporary house with an addition for a garage and additional living space. The Planning Commission approved the project at 201 Norfolk. Two specific issues were raised for 16 Sampson Avenue and that item was continued.

Planner Robinson noted that a historic house on the site at 16 Sampson would be moved as part of the renovation, remodel and addition. The applicants had a green roof on top of the contemporary addition in the rear of the house and the Planning Commission had an issue with the amount of pavers on top of that roof. That issue was an easy fix and the pavers were removed, which the architect was prepared to show this evening.

Planner Robinson stated that the second issue was based on the new Land Management Code changes in terms of limiting excavation and how grade is perceived on the outside of a structure. The new Code change says that existing grade and final grade must be within 4 feet of each other, plus or minus. On this particular project there was an exterior concrete stair on the north side of the building that went to the top of the flat roof, green roof addition. That created a plaza space between the historic house and the new addition to that house and the stair. At the last meeting, the Planning Commission felt that did not comply with the requirement to be within four feet of previously existing grade. Planner Robinson noted that the applicant had brought a model and photos to begin a discussion on what is and is not acceptable.

Kent Pollard stated that in terms of the natural grade that came around, they ended up stepping the wall to be within four feet of the natural grade as it comes down. He noted that the area where the bedroom is on the backside of the existing significant building is lower than the grade because it was needed for egress as required by Code. Mr. Pollard provided modeling of different options.

Mr. Pollard stated that after talking with some of the neighbors, they ended up cutting back the deck on 201 Norfolk. Mr. Pollard pointed out that they were trying to work with the neighbors as much as possible. He explained how they accomplished the stepping. Mr. Pollard stated that they could emphasize the landscape more by taking some of the stone wall out of the stairway and continuing the concrete stepping every four or five steps with regards to the stairs. That would blend the landscape even more.

Vice-Chair Russack recalled that at the last meeting the Planning Commission had directed the Staff to relook at the definition in the LMC for a green roof. He did not think it was realistic to expect that a green roof would be only vegetation. There needs to be some type of paver allowance so people can move around to maintain it.

Planner Robinson stated that the Staff is starting to look at definitions from other municipalities and they would come back with language for a work session discussion.

Commissioner Peek felt that maintaining a green roof without pavers would depend on the type of species. It would be easy to walk on grass or various ground covers and that would meet the current definition of a green roof.

Commissioner Pettit reported that the EPA in Denver is doing experimental work with green roofs and trying to hone in on different technical issues. It is important to know that the selection of species to be utilized on the roof are appropriate for Park City climate and water issues. She believed a lot of work needs to be done in terms of a green roof ordinance and understanding how they can implement, regulate and control from a quality perspective. Commissioner Pettit thought the EPA website would be worth looking at.

Commissioner Murphy commended the architect for taking their comments into consideration. He felt their concerns were addressed and suggested that they use their experience to help with the LMC language.

Vice-Chair Russack was concerned about defining something in conjunction with a current application. Director Eddington stated that once the paving stone was removed, the green roof met the definition 100% and it is a fully green roof. Vice-Chair Russack asked if the applicant could add pavers if the definition was changed to allow a certain percentage of the roof to be pavers. Director Eddington answered yes.

Vice-Chair Russack was comfortable that the solution to step the wall with the vegetation and stairway addressed the grade issue.

Commissioner Pettit encouraged more landscaping as a buffer. Mr. Pollard agreed and noted that the applicants had pushed for landscaping.

Mr. Pollard noted that other cities are looking at green roofs through carbon footprints and that may be a helpful area to justify pavers or certain coverages on very intensive, intensive or extensive green roofs.

Planner Robinson noted that this item had been continued to a date uncertain and the Staff would schedule it for a public hearing based on the comments this evening.

Commissioner Peek agreed that it was a great design and he admired the effort; however, he did not think it complied with the LMC new requirement for returning within four feet of existing grade.

Mr. Pollard stated that they did the best they could to return it on the edges. Part of the Code requires egress for the bedrooms at a certain distance into the grade. They provided that egress for the bedrooms and it happens to result in a plaza between the building and the back building into the hill. Commissioner Peek commented on design alternatives that would meet the current Code definition.

Planning Commission Meeting Minutes – August 12, 2009

REGULAR AGENDA/PUBLIC HEARINGS

1. 16 Sampson Avenue - Steep Slope Conditional Use Permit

Commissioner Strachan recused himself from this item.

Planner Kirsten Whetstone reviewed the request for a steep slope CUP for an addition and renovation of a historic house at 16 Sampson Avenue. The applicant is proposing to add a garage under the house. Because the proposed dwelling square footage is greater than 1,000 square feet and the construction is a slope greater than 30%, a conditional use application is required.

Planner Whetstone noted that the Planning Commission had previously reviewed this application and public hearings were held. The application was last reviewed on June 24, 2009, at which time the Planning Commission identified issues related to the massing.

Vice-Chair Russack recalled that the only remaining issue at the June 24th meeting was the grade with the walkway and planters. Planner Whetstone clarified that the issue was whether the grade met the LMC requirement that final grade can be no more than four feet of existing grade. She noted that the revised plans presented to the Planning Commission on June 24th provided additional stepped retaining walls along the north side of the staircase to minimize the visual impact of the courtyard. The interior patio was found not to be final grade and therefore would not be subject to the four-foot requirement.

Ken Pollard, representing the applicant, stated that the concerns raised at the last meeting were minimized by stepping and providing planters. He noted that carrying the stepped planting and removing the stone wall between the planting and the stairway would minimize it even more. Mr. Pollard stated that they minimized the stairway that provides maintenance access to the green roof. They also needed to retain the grade as it comes down control drainage on-site. Mr. Pollard felt this was the best and most appropriate solution.

Vice-Chair Russack opened the public hearing.

There was no comment.

Vice-Chair Russack closed the public hearing.

Commissioner Pettit commented on the issue regarding the new Land Management Code requirement that final grade be brought back to within four feet. She understood that in order to accommodate a window well on the north side, there is a gap between the stairs and the homes. She was not comfortable that the design met the intent of the Code.

Commissioner Peek did not believe it met the intent of what they were trying to accomplish with that particular change to the LMC. The project on Ridge that precipitated the change to final grade being returned to within four feet of existing grade and created the use of landscape retaining, defeated the purpose of limiting the size of the structure. He felt the solution for 16 Sampson was the issue in reverse because they addressed the grade requirement by having a creative retaining structure.

Commissioner Wintzer stated that at a previous meeting he had expressed a concern that the retaining wall did not meet the intent of the Code. The idea was to reduce excavation and not encourage it and he held to his original belief that this did not meet that intent.

Commissioner Peek believed that in various future iterations this could be a bolder retaining wall to give access to bedroom egress. There is an exception for window wells and per Code, a stair out of the window well gives egress. He pointed out that there are no daylighting window wells. He noted that a Code window well has a certain dimension, a stairway or fixed ladder and is shielded from snow shedding.

Commissioner Pettit agreed with Commissioners Peek and Wintzer and clarified that this was the only issue she had with this project. Commissioner Pettit suggested that the Planning Commission could deny this application or allow the applicant to come back with another solution.

For clarification, Planner Whetstone read from the Code, "final grade must be within four vertical feet of existing grade around the periphery of the structure except for the placement of approved window wells, emergency egress and a garage".

Vice-Chair Russack summarized that based on the comments, grade should be brought back into the house and the patio should be eliminated. Commissioner Wintzer replied that this was correct. Throughout their discussions, the idea was to bring the grade up to the building and avoid over-excavation.

Mr. Pollard stated that they had looked at several approaches for getting access to the bedrooms, to provide daylight, and clearing a pathway for access to the upper portion of the roof for maintenance. They felt this was the best solution to address those issues and still work with access from the bedroom. Taking the grade into the building would damage the significant wood structure and would require putting a concrete wall against the house. In his opinion, the current design is the best plan to maintain the landscape and the significant house and to gain access to the window well. They could minimize some of the wall, but he felt it was an appropriate solution for many of the concerns expressed throughout this very long process.

Vice-Chair Russack remarked that based on the uniqueness of the site and the design, he was not as uncomfortable with the plan as the other Commissioners.

Commissioner Peek stated that if the plan does not comply with Code, the only remedy for the applicant would be the Board of Adjustment. The Planning Commission could not approve it solely on good design. He pointed out that there are a number of steep uphill lots and future solutions will be creative retaining structures that go against the modification to the LMC.

MOTION: Commissioner Pettit moved to DENY the steep slope conditional use permit for 16 Sampson Avenue. Commissioner Peek seconded the motion.

Mr. Pollard preferred to have the matter continued. He felt this design was the most appropriate solution for the problem, but he wanted the opportunity to see if it could be revised. Based on the applicant's request, Commissioner Peek withdrew his second to the motion.

MOTION: Commissioner Pettit revised her motion to CONTINUE the steep slope CUP for 16 Sampson Avenue to September 23, 2009. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously. Commissioner Strachan was recused.

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 16 Sampson Avenue
Author: Brooks Robinson
Date: September 23, 2009
Type of Item: Administrative – Steep Slope Conditional Use Permit

Summary Recommendations

Staff recommends that the Planning Commission review the request for a Steep Slope Conditional Use Permit (CUP) at 16 Sampson Avenue. Staff requests work session discussion on proposed solutions to the excavation, existing/final grade criteria.

Description

Applicant: Eric and Susan Fredston-Herman, owner, represented by Ken Pollard, architect
Location: 16 Sampson Avenue
Zoning: Historic Residential Low Density (HRL)
Adjacent Land Uses: Residential
Reason for Review: Construction on a steep slope requires a CUP

Background

The Planning Commission held public hearings and work session discussions on May 13, May 27, June 24, and August 12, 2009, and discussed the proposed Steep Slope Conditional Use Permit. The Commission has found that the requirement for final grade to be within 4 feet (plus or minus) around the periphery of the structure (LMC 15-2.1-5) has not been met. The Commission found that the concrete staircase on the south side of the property was an artifice that did not meet the intent or language of the code regarding final grade as the staircase created a retaining wall for a patio between the stairs and the building. Attached are two studies and two alternatives for discussion and direction from the Planning Commission.

Option One has been seen by the Commission previously. Based on this plan, a motion to deny was made and seconded at the August 12th hearing and appeared to have support of four of the Commissioners present. Option Two is an alternative that removes the staircase yet retains the courtyard and a retaining wall. The wall is a buttress support for the rear portion of the building. The issue remains whether the intent and language of LMC 15-2.1-5 is met. That language reads in part:

“Final Grade must be within four vertical feet (4’) of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance.”

The applicant has also supplied two Studies with Final Grade up next to the building. In each Study the back wall and approximately half of the north wall of the historic building

are buried. In Study 2, the new addition to the rear is raised out of the ground so the emergency egress window well is not as deep as in other alternatives.

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
September 23, 2009**

PRESENT: Vice-Chair Evan Russack, Brooke Hontz, Dick Peek, Julia Pettit, Adam Strachan, Charlie Wintzer, Thomas Eddington, Brooks Robinson, Katie Cattan, Mark Harrington

Commissioner Thomas was excused.

WORK SESSION ITEMS

16 Sampson Avenue - Steep Slope CUP (Application #PL-08-00572)

Commissioner Strachan recused himself from the discussion.

Vice-Chair Russack stated that the Planning Commission had previously discussed this item several times and at the last meeting the applicant requested a continuance to allow time to respond to additional concerns. Vice-Chair Russack pointed out that some of the Commissioner's disagree with the applicant's interpretation of the Code and he felt they should be able to come to a conclusion this evening.

Planner Brooks Robinson noted that the applicants had provided drawings contained in the Staff report. Two options for discussion were also shown on the screen. Planner Robinson stated that the Staff report also contained the current language for the LMC which states that, "final grade must be within four vertical feet of existing grade around the periphery of the structure, except for the placement of approved window wells, emergency egress and a garage entrance".

Ken Pollard, representing the applicant, stated that they tried to address every issue through this process. Mr. Pollard clarified that he agreed with the Planning Commission regarding their comments about the stairway. Based on those comments, additional landscaping was added around the stairway.

Mr. Pollard stated that the wall coming off of the building is actually a structure wall that holds the frame of the house into the side of the hill. The wall retaining the earth to the north is a structure of the building. He referred to the LMC language, "...around the peripheral of the structure of the house." and noted that the buttress wall is essential for the structure of the house. Mr. Pollard reiterated his agreement with the request for additional landscaping. He explained that the original intent was to address the scale of the building and keep it within the earth so the scale of the historical significant structure is visible from the street.

Mr. Pollard stated that another unique characteristic of the site is that the cross section

from east to west and north to south is different because it comes up and rolls. In looking at the longitudinal cross section of the building in terms of the grade and with the buttress wall, they have roughly 180-190 square feet left between what the footprint of the building can be and what the structure is required. In addition, they allowed natural light to come into the building.

Mr. Pollard stated that from reading the Code and looking at the historic building and the structure of the building, they interpreted that as the periphery of the structure. Mr. Pollard pointed out that the stairway was original introduced for maintenance access to the green spaces above. However, through various work session discussions, they learned that they could do more landscaping and still approach the green maintenance.

Mr. Pollard believed they met all the requirements of the LMC with regard to the structural wall and the egress to the bedroom on the lower level. He noted that another gray area is the dimension of the egress to the bedroom. Mr. Pollard stated that throughout this year long process, they have tried to respond to all the concerns and questions raised by the Planning Commission. He was surprised at the last meeting to hear that the Planning Commission was still opposed to the project, particularly since the comments prior to that meeting were favorable.

Mr. Pollard was open for further discussion, but he felt they had met the Code.

Commissioner Peek clarified that the current version was the stairway. Mr. Pollard replied that the stairway was eliminated and the wall steps up the hill. A second version showed mitigation through landscaping with elements that tier down into the exterior courtyard. Commissioner Peek asked if the structural wall was within the footprint of the structure. Mr. Pollard answered yes. Commissioner Peek thought there appeared to be living space beneath the patio area on the north side of the structure. Mr. Pollard replied that there was no living space. Mr. Pollard remarked that the drawing showed the structural wall within the setbacks but not within the footprint. Commissioner Peek clarified that the footprint of the building and the buttress retaining structure were outside of the footprint of the building. Mr. Pollard replied that this was correct.

Vice-Chair Russack understood that the original design was revised and that the current design proposed was Option 2. In this revised plan, the stairs were removed. Mr. Pollard recalled a comment from a previous meeting about additional landscaping and noted that stepped landscaping could be added for the courtyard to achieve visual mitigation. Based on his interpretation of the Code, they are drawing the grade into the structure.

Commissioner Peek felt they were still at the same place in terms of returning grade within four feet of existing grade around the periphery of the structure. He agreed that a retaining wall is a structure, but it exceeds the footprint of the building. Mr. Pollard pointed out that

the wall is the structure of the house. It is a buttress for the rear left wall. Commissioner Peek understood that it was an engineering solution for retaining. Mr. Pollard replied that it was an alternative for excavating into the hill. Commissioner Peek stated that the solution still did not return the grade to within four feet of the periphery of the structure. He interpreted the Code to indicate that as "building structure". Mr. Pollard pointed out that the Code does not say "building structure." He thought that might be the source of miscommunication.

Mr. Pollard remarked that they were not trying to make an exception. He was trying to produce a project for his client that was respectful of Old Town and the significance of the scale of the area. Commissioner Peek pointed that his disagreement was not with the design solution, but he needs to make sure it complies with the Code.

Commissioner Pettit agreed with Commissioner Peek. Every aspect of the design has been sensitive to the Historic District, however, she could not find compliance with the Code based on her interpretation. Mr. Pollard stated that according to the Planning Commission's interpretation of the LMC, grade would be returned to the side of the structure as it existed in the existing building, which causes problems with the existing structure. Commissioner Pettit felt the Planning Commission needed to go back to the intent for implementing that language in the LMC. It was based on challenges experienced on steep slopes and the amount of excavation, as well as the impacts from putting houses into the hillside. They tried to create a way in which a building on a steep slope is more compatible with historic structures in the Historic District.

Commissioner Pettit agreed that the design is sensitive to the Historic District, but how they apply the Code for this project is the decision they set for future applicants. She was not willing to compromise to accommodate this project, considering the purpose for implementing the language in the Code.

Commissioner Hontz referred to the 02 study, which was a solution created if the buttress wall is not allowed. She did not find the buttress wall to be a solution and thought it was unacceptable for Mr. Pollard to present a plan and then say this is what we get if we have to bring the grade to meet Code. Mr. Pollard clarified that 02 was an old study that he showed for trying to bring the scale down. He had no interest in the 02 version. What he was trying to say is that whether the grade is against the house or out, that is the structure. He could put the grade in to the house and have the same condition, but it would present a problem similar to an existing condition with snow and the damage that would be done to the significant existing building. Mr. Pollard stated that he was trying to make that clear because of the snow loading that happens on the hillside. The buttress against the building constitutes itself as a structure. They are mitigating the excavation to put the buttress into the hill. As the Code reads, it is the peripheral of the structure.

Mr. Pollard stated that he has been working with the Staff and his intent is to do the best he can. The obstruction is in trying to work the scale of the building with the landscape. He believes they meet both the egress and the law of the LMC based on how the language is written.

Commissioner Wintzer asked if this project had been reviewed by the Historic Preservation Board. Planner Robinson stated that it has gone through the Historic District Design Review process. He noted that a steep slope CUP is a chicken and egg balance because the steep slope process may change the building significantly. Therefore, the design review has not been finalized. The Staff has spoken with the architect regarding design concerns and the existing historic house.

Vice-Chair Russack asked if the 02 study showed bringing the grade back to the building. Mr. Pollard replied that the 02 study was the grade up to the building and the wall needed to be a concrete wall. It was an earlier study and the scale of the bedrooms were different. A later version flipped the floor plan and allowed them to reduce the scale of the back bedroom to address concerns for the house and the views. Mr. Pollard noted that he had presented that version nearly six months ago.

Vice-Chair Russack wanted to know how far the historic structure would be moved into the hill. Mr. Pollard replied that it would be moved approximately 20-24 feet up the hill. Vice-Chair Russack believed that the challenge was interpretation. The Planning Commission interpreted the Code to mean that grade needs to be returned within the periphery of the building. Mr. Pollard was making the argument that the connecting wall was the periphery wall. Vice-Chair Russack suggested that Mr. Pollard pay close attention to the comments expressed by Commissioner Pettit because it reflected why the Code was written to bring the grade back to the periphery of the building. Vice-Chair Russack remarked that the reasons for adding the language to the LMC were numerous and primarily negative reasons. Manipulation was being done prior to the new language.

Vice-Chair Russack clarified that neither his comments nor those of the other Commissioners were against the beauty of the design. However, they need to make a decision based on how the LMC was written and apply that against the project. Vice-Chair Russack stated that moving the building into the hill to achieve a better design created an issue with bringing grade back to the periphery. In order for the Planning Commission to find compliance with the LMC and approve this project, Mr. Pollard needed to find a way to bring grade back to the periphery of the building. The Commissioners concurred. Commissioner Wintzer recalled that the comments made at the last meeting indicated that the intent of the Code was not met.

Mr. Pollard stated that the existing historic structure illegally sits across the lot lines and does not comply. He was also trying to mitigate that issue, which is one reason why the

structure was moved up the hill. Because of the nature of the site and the topography moving one direction or the other, if they could look at one or two sides of the structure being historically significant, they could take the grade into one side. Mr. Pollard stated that they could flip the volume of the connector between the old house and the new house. He believed that would resolve all the concerns about running into the peripheral of the structure.

The Commissioners were unable to visualize that approach without seeing a plan. Planner Robinson explained that the north side of the building has had additions on it over time and there is no historic fabric or character left. Mr. Pollard stated that currently the plan configuration is a Z. If they need to take the line straight out and move the grade into the periphery of the structure, the bottom would be moved over and the court would be on the east side. It would then meet the grade.

Commissioner Peek asked if the relocation of the building went through a historic design review process. Planner Robinson stated that nothing has been finalized. When the previous owner requested a plat amendment, lot lines were created and resulted in a lot line running through the existing building. He was unsure how that happened, but the City approved the plat amendment, which created a non-compliant situation. Planner Robinson noted that the house needs to be moved to bring it into compliance with the Code.

Commissioner Peek understood that re-locating the historic house needed to be approved through the design review process. Planner Robinson noted there is a process under the new guidelines; however, 16 Sampson is not subject to the new guidelines because they were adopted after the application was submitted. He noted that the HPB reviewed this project for determination of significance and found it to be significant. Because the historic structure had been changed over time, it was taken off the Historic Structure Inventory and then put back on with the more recent inventory.

Commissioner Wintzer suggested that Mr. Pollard come back to the Planning Commission with a drawing they could review. He noted that the LMC was revised with guidance from the Legal Department. If the Planning Commission allows exceptions, it weakens the reason for amending the LMC. Mr. Pollard clarified that he was not requesting an exception. He truly believed they had met the Code according to the language as written. Commissioner Peek stated that he interprets structure to mean the footprint of the building. Commissioner Wintzer concurred.

Planner Robinson stated that the project architect could work on alternatives for the Planning Commission to review at another work session.



Planning Commission Staff Report

Planning Department

Subject: Land Management Code Amendments -
HPB review of Reconstructions and Disassembly of Historic
Structures

Author: Kayla Sintz, Architect/Planner

Date: August 10, 2011

Type of Item: Legislative

Summary Recommendations

Staff recommends that the Planning Commission conduct a public hearing and discuss proposed amendments to the Land Management Code for Chapters 1, 11 and 15 in order to have the Historic Preservation Board review and approve all Reconstructions and Disassembly of structures on the Historic Sites Inventory. Staff recommends the Commission forward a positive recommendation to the City Council based on the findings of fact and conclusions of law found in the draft ordinance.

Topic

Project Name: LMC Amendments
Applicant: Planning Department
Proposal: Revisions to the Land Management Code – HPB review of
Reconstructions and Disassembly of Historic Structures

Background

During the February 3, 2011 joint City Council, Planning Commission and Historic Preservation Board visioning session, concerns in regards to the process by which a Reconstruction is permitted as part of a Historic District Design Review were discussed. Public and property noticing, as well as, opportunity for public input were also discussed. Direction was given to Staff to expand the review of all Reconstructions to include a formal, noticed review and approval by the Historic Preservation Board.

Reconstruction is defined in the Land Management Code:

1.204 RECONSTRUCTION. *The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving Site, landscape, Building, Structure or object for the purpose of replicating its appearance at a specific period of time and in its Historic location.*

Reconstruction is a recognized form of Preservation as outlined in the City's Historic Guidelines. LMC 15-11-15 outlines criteria and procedure for the Reconstruction of an existing historic building or historic structure.

Staff recommends *Disassembly* also be included under the Historic Preservation Board's review and defined in the LMC.

1.86 DISASSEMBLY. *The act or process of taking apart a Historic Building or Structure in the largest workable components possible for the purpose of accurately reassembling it in its original form, location, and orientation.*

Amendments

The Historic Guidelines will have to be updated to match the proposed changes to the Land Management Code. These amendments serve to add the Historic Preservation Board as review and approval body in regards to all Reconstruction and Disassembly requests for all structures listed on the Historic Sites Inventory (HSI) and will amend the following Sections:

Amendments to Chapter 1 – General Provisions

These amendments add the HPB's review of Reconstructions and Disassemblies to the Notice Matrix which include Posting requirements, Courtesy Mailing requirements and Publishing requirements.

Section 15-1-21. Notice Matrix.

Posted: 14 days prior to the hearing before the Historic Preservation Board

Courtesy Mailing: 14 days prior to the hearing before the Historic Preservation Board to Owners within 300 feet

Published: Once 14 days prior to the hearing before the Historic Preservation Board

Amendments to Chapter 11- Historic Preservation

These amendments requires the HPB instead of the Planning Department to review Reconstructions and Disassemblies

Section 15-11-5. Purposes (J)

Section 15-11-14. (A) Criteria for Disassembly and Reassembly of the Historic Building(s) on a Landmark or Significant Site.

Section 15-11-14. (B) Procedure for the Disassembly and Reassembly of a Landmark Site or a Significant Site.

Section 15-11-15. (A) Criteria for Reconstruction of the Historic Building(s) and/or Structure(s) on a Landmark or a Significant Site.

Section 15-11-15. (B) Procedure for the Reconstruction of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site.

Amendments to Chapter 15 – Definitions

These amendments add the term *Disassembly* to Definitions.

Section 15-15-1. Definitions.

Section 15-15-2. List of Defined Terms.

Department Review

These amendments have been reviewed by the Planning, Engineering, and Building Departments as well as the Legal Department.

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 Section 15-1-18.

Notice

Legal notice of a public hearing was posted in the required public spaces and published in the Park Record.

Public Input

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

Alternatives

- Conduct a public hearing on the LMC amendments described herein and forward a positive recommendation to the Council as presented, or as amended at the hearing.
- Conduct a public hearing and direct staff to forward a negative recommendation to the Council and provide specific findings for this action.
- Continue action on the LMC amendments to a date certain.

Significant Impacts and Consequences of *not* taking the Suggested Recommendation

With these proposed amendments, owners of Historic Structures proposing Reconstruction or Disassembly as part of their remodeling or renovation project would need approval by the Historic Preservation Board. If the proposed amendments were not approved, Staff would continue the Reconstruction and Disassembly review and approval process administratively which has occurred since the June, 2009 adoption of the Historic Guidelines.

Recommendation

Staff recommends the Planning Commission conduct a public hearing, discuss the proposed amendments to the Land Management Code as described in this report and as

redlined in the Exhibits, and consider forwarding a positive recommendation to the City Council based on the findings of fact and conclusions of law found in the draft ordinance.

Exhibits

Ordinance

Exhibit A - LMC Chapter One - General Provisions and Procedures

Exhibit B - LMC Chapter Eleven – Historic Preservation

Exhibit C – LMC Chapter Fifteen - Definitions

Ordinance No. 11-____

AN ORDINANCE APPROVING AMENDMENTS TO THE PARK CITY LAND MANAGEMENT CODE REQUIRING HISTORIC PRESERVATION BOARD REVIEW AND APPROVAL OF RECONSTRUCTIONS AND DISASSEMBLY OF STRUCTURES ON THE HISTORIC SITES INVENTORY AMENDING CHAPTERS 1, 11 AND 15.

WHEREAS, the Land Management Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, welfare of Park City's citizens and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values;

WHEREAS, Staff saw a need to expand the ability of the Historic Preservation Board to review and approve the Reconstruction and Disassembly of historic structures in order to provide more oversight to preserve historic character;

WHEREAS, these amendments were identified during the 2011 City Council Visioning;

WHEREAS, Chapter 15 – Definitions provides clarity of meaning for words used in the Land Management Code and amendments to existing definitions and new definitions are necessary to clarify terms that are not currently defined in the Code. The City desires to clarify these terms to including and/or revising definitions in the Land Management Code.

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

WHEREAS, the City's historic sites are among its most important cultural, educational, and economic assets;

WHEREAS, the Planning Department duly noticed and conducted a public hearing at the regularly scheduled meeting on August 10, 2011, and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on _____, 2011; 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 Utah State Code and the Park City General Plan, and to be consistent with the values and identified goals of the Park City community to protect health and safety, maintain the quality of life for its residents, and to preserve the community's unique character.

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

SECTION 1. AMENDMENTS CHAPTER 1 OF THE LAND MANAGEMENT CODE.

Chapter 15-1 is hereby amended as attached hereto as Exhibit A. Any conflicts or cross-references from other provisions of the LMC to Chapter 15-1 shall be resolved by the Planning Director.

SECTION 2. AMENDMENTS TO CHAPTER 11 OF THE LAND MANAGEMENT CODE.

Chapter 15-11 is hereby amended as attached hereto as Exhibit B. Any conflicts or cross-references from other provisions of the LMC to Chapter 11 shall be resolved by the Planning Director.

SECTION 3. AMENDMENTS CHAPTER 15 OF THE LAND MANAGEMENT CODE.

Chapter 15-15 is hereby amended as attached hereto as Exhibit C. Any conflicts or cross-references from other provisions of the LMC to Chapter 15 shall be resolved by the Planning Director.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective upon publication.

Dated this ____ day of _____, 2011

PARK CITY MUNICIPAL CORPORATION

Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark D. Harrington, City Attorney

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures 15-1-24

NOTICE MATRIX			
ACTION:	POSTED:	COURTESY MAILING:	PUBLISHED:
<u>Reconstruction and Disassembly of sites on Historic Sites Inventory</u>	<u>14 days prior to the hearing before the Historic Preservation Board</u>	<u>14 days prior to the hearing before the Historic Preservation Board to Owners within 300 feet</u>	<u>Once 14 days prior to the hearing before the Historic Preservation Board</u>
Historic District or Historic Site Design Review	<p>First Posting: The Property shall be posted for a 14 day period once a Complete Application has been received. Other posted legal notice not required.</p> <p>Second Posting: For a 10 day period once the Planning Department has determined the proposed plans comply or does not comply with the Design Guidelines for Historic Districts and Historic Sites. Other posted legal notice not required.</p>	<p>First Mailing: To Owners within 100 feet once a Complete Application has been received, establishing a 14 day period in which written public comment on the Application may be taken.</p> <p>Second Mailing: To Owners within 100 feet and individuals who provided written comment on the Application during the 14 day initial public comment period. The second mailing occurs once the Planning Department determines 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 10 day period in which the Planning Department's decision may be appealed.</p>	See appeals from Planning Director, Historic Preservation Board, Planning Commission, including City Council Call-Up. Section 15-1-18.

PARK CITY MUNICIPAL CODE
TABLE OF CONTENTS
TITLE 15 LAND MANAGEMENT CODE - CHAPTER 11

TITLE 15 - LAND MANAGEMENT CODE**CHAPTER 11 - HISTORIC PRESERVATION**

15-11-1.	ESTABLISHMENT OF BOARD.....	1
15-11-2.	TERMS AND QUALIFICATIONS OF MEMBERS.....	1
15-11-3.	ORGANIZATION	2
15-11-4.	ABSENCE DEEMED RESIGNATION OR GROUNDS FOR, REMOVAL.....	2
15-11-5.	PURPOSES.....	2
15-11-6.	ADDITIONAL DUTIES	3
15-11-7.	LIMITATIONS.....	3
15-11-8.	STAFF ASSISTANCE	3
15-11-9.	PRESERVATION POLICY	4
15-11-10.	PARK CITY HISTORIC SITES INVENTORY	5
15-11-11.	DESIGN GUIDELINES FOR PARK CITY'S HISTORIC DISTRICTS AND HISTORIC SITES.....	9
15-11-12.	HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW.....	9
15-11-13.	RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.....	13
15-11-14.	DISASSEMBLY AND REASSEMBLY OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.....	13
15-11-15.	RECONSTRUCTION OF AN EXISTING HISTORIC BUILDING OR HISTORIC STRUCTURE	15
15-11-16.	DEMOLITION OF HISTORIC BUILDINGS, STRUCTURES, AND SITES	15
15-11-17.	CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD)	16
15-11-18.	PRE-HEARING APPLICATION REQUIREMENTS.....	16
15-11-19.	CAD HEARING	17



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 11 - HISTORIC PRESERVATION

*Chapter adopted by Ord. No. 02-07;
Chapter Amended in Entirety by Ord. No.
03-34*

**CHAPTER 11 – HISTORIC
PRESERVATION**

**15-11-1. ESTABLISHMENT OF
BOARD.**

Pursuant to the Historic District Act, Section 11-18-1, et seq. of the Utah Code, 1953, and other applicable power, there is hereby created a Park City Historic Preservation Board (HPB). The HPB shall be composed of seven (7) members.

(Amended by Ord. No. 06-69)

**15-11-2. TERMS AND
QUALIFICATIONS OF MEMBERS.**

Members of the HPB shall serve terms of three (3) years. The terms shall be staggered. Terms may expire on May 1, however, members of the HPB shall continue to serve until their successors are appointed and qualified.

(A) The Mayor shall appoint a new HPB member to fill vacancies that might arise

and such appointments shall be to the end of the vacating member's term.

(B) It is the first priority of the City Council that the HPB have technical representation in Historic preservation, therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect, or other professional having substantial experience in rehabilitation-type construction, serving on the HPB, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least two (2) nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the Application process.

(C) In addition, the HPB should include members with the following qualifications, or representing the following interests:

(1) A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.

(2) A member living in the Historic District with demonstrated

interest and knowledge of Historic preservation.

(3) A member appointed at large from Park City with demonstrated interest and knowledge of Historic preservation.

(4) A member associated with Main Street Business and commercial interests.

15-11-3. ORGANIZATION.

(A) **CHAIR.** The HPB shall elect one of its members to serve as Chair for a term of one (1) year at its first meeting following the expiration of terms and appointment of new members. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. If the Chair is absent from any meeting where a quorum would otherwise exist, the members may appoint a Chair Pro Tem to act as Chair solely for that meeting.

(B) **QUORUM.** No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by four (4) of the appointed members, including the Chair or Chair Pro Tem.

(C) **VOTING.** All actions of the HPB shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken shall approve any action taken. The Chair may vote at the meetings.

(Amended by Ord. Nos. 07-34; 09-10; 11-05)

15-11-4. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL.

Any HPB member who is absent from two (2) consecutive regularly scheduled Board meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or removed for cause by the Council. Members of the HPB are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

15-11-5. PURPOSES.

The purposes of the HPB are:

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

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

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

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

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

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

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

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

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

(J) To review and take action on all Reconstruction and Disassembly of Sites on the Historic Sites Inventory

(Amended by Ord. No. 09-23)

15-11-6. ADDITIONAL DUTIES.

In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of the City Council:

(A) Participate in the design review of any City-owned projects located within the designated Historic District.

(B) Recommend to the City Council the purchase of interests in Property for purposes of preserving the City's cultural resources.

(C) Recommend to the Planning Commission and the City Council zoning boundary changes for the district to preserve the historical integrity of the Area. Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(D) Provide advice and guidance on request of the Property Owner or occupant on the construction, restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, Historic Site, and Property within the Historic District, or neighboring Property within a two (2) block radius of the Historic District.

(Amended by Ord. No. 09-23)

15-11-7. LIMITATIONS.

The HPB has no authority to waive or increase any requirement of any ordinance of the City.

15-11-8. STAFF ASSISTANCE.

The City may, subject to the approval of the City Manager, provide staff and/or the HPB with such assistance from:

- (A) Utah Heritage Foundation.
- (B) National Trust for Historic Preservation.
- (C) Utah State Division of History.

- (D) Park City Historical Society.
- (E) American Institute of Architects (AIA).
- (F) The National Alliance of Preservation Commissions.
- (G) American Planning Association (APA)

(Amended by Ord. Nos. 06-35; 09-23)

15-11-9. PRESERVATION POLICY.

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of Historic Sites, Buildings, and Structures is required. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

(A) **HISTORIC PRESERVATION PLAN.** The Planning Department is authorized to require that Developers prepare a Historic Preservation Plan as a condition of approving an Application for a Building project that affects a Historic

Structure, Site or Object. The Planning Director and the Chief Building Official, or their designees, must approve the Historic Preservation Plan.

(B) **GUARANTEE REQUIRED.** The Planning Department is also authorized to require that the Applicant provide the City with a financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.

(C) **TERMS OF GUARANTEE.** The Guarantee shall be similar in form to other Guarantees required by this title and shall consist of an Escrow deposit, a cash deposit with the City, a letter of credit or some combination of the above as approved by the City, including but not limited to a lien on the Property.

(D) **AMOUNT OF THE GUARANTEE.** The amount of the Guarantee shall be determined by the Chief Building Official, or his designee. The Building and Planning Departments shall develop standardized criteria to be used when determining the amount of the Historic preservation Guarantee. Such amount may include additional cost or other penalties for the destruction of Historic material(s).

(E) **EFFECT OF NON-COMPLIANCE.** If the Developer does not comply with the terms of the Historic Preservation Plan as determined by the Chief Building Official and the Planning Director, or their designees, the City shall have the right to keep the funds of the Guarantee, including the ability to refuse to grant the Certificate of Occupancy and

resulting in the requirement to enter into a new Historic Preservation Plan and Guarantee. The funds of the Guarantee shall be used, in the City's discretion, for Historic preservation projects within the City.

(F) **RELEASE OF GUARANTEE.**

The Guarantee shall not be released prior to the issuance of the final Certificate of Occupancy or at the discretion of the Chief Building Official and Planning Director, or their designees, based on construction progress in compliance with the Historic Preservation Plan.

(Amended by Ord. Nos. 09-09; 09-23)

15-11-10. PARK CITY HISTORIC SITES INVENTORY.

The Historic Preservation Board may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community.

(A) **CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

(1) **LANDMARK SITE.** Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty

(50) years if the Site is of exceptional importance to the community; and

(b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and

(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:

(i) An era that has made a significant contribution to the broad patterns of our history;

(ii) The lives of Persons significant in the history of the community, state, region, or nation; or

(iii) The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.

(2) **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a Significant Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and

(b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:

(i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or

(ii) Addition of upper stories or the removal of original upper stories occurred after the Period of Historic Significance, or

(iii) Moving it from its original location to a Dissimilar Location, or

(iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way.

(c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:

(i) An era of Historic importance to the community, or

(ii) Lives of Persons who were of Historic importance to the community, or

(iii) Noteworthy methods of construction, materials, or craftsmanship used

during the Historic period.

(3) Any Development involving the Reconstruction of a Landmark Site or a Significant Site that is executed pursuant to Section 15-11-15 of this code shall remain on the Park City Historic Sites Inventory and shall be listed as a Significant Site.

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

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

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

(1) **COMPLETE APPLICATION.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon

receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

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

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

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

shall be made pursuant to Section 15-1-21 of this code. Appeals shall be considered only on the record made before the Historic Preservation Board.

(C) **REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES INVENTORY.** The Historic Preservation Board may remove a Site from the Historic Sites Inventory. Any Owner of a Site listed on the Park City Historic Sites Inventory may submit an Application for the removal of his/her Site from the Park City Historic Sites Inventory. The Planning Department may submit an Application for the removal of a Site from the Park City Historic Sites Inventory. The criteria and procedures for removing a Site from the Park City Historic Sites Inventory are as follows:

(1) **CRITERIA FOR REMOVAL.**

- (a) The Site no longer meets the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) because the qualities that caused it to be originally designated have been lost or destroyed; or
- (b) The Building (main, attached, detached, or public) Accessory Building, and/or Structure on the Site has been demolished and will not be reconstructed; or
- (c) Additional information indicates that the Building, Accessory

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

(2) **PROCEDURE FOR REMOVAL.**

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

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

(c) **Hearing and Decision.** The Historic Preservation Board will hear testimony from the Applicant and public and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory." The HPB shall review the Application "de novo" giving no deference to the prior determination. The

Applicant has the burden of proof in removing the Site from the inventory. If the HPB finds that the Application does not comply with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached, or public) Accessory Building, and/or Structure will be removed from the Historic Sties Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

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

(Amended by Ord. Nos. 09-05; 09-23)

15-11-11. DESIGN GUIDELINES FOR PARK CITY'S HISTORIC DISTRICTS AND HISTORIC SITES.

The HPB shall promulgate and update as necessary Design Guidelines for Use in the Historic District zones and for Historic Sites. These guidelines shall, upon adoption by resolution of the City Council, be used by the Planning Department staff in reviewing Historic District/Site design review Applications. The Design Guidelines for Park City's Historic Districts and Historic Sites shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. The Design Guidelines are incorporated into this Code by reference. From time to time, the HPB may recommend changes in the Design Guidelines for Park City's Historic Districts and Historic Sites to Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the City Council.

(Amended by Ord. No. 09-23)

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

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

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5. Whenever a conflict exists between the LMC and the Design Guidelines, the more restrictive provision shall apply to the extent allowed by law.

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

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

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

information to the Applicant. It is the responsibility of the Applicant to understand the requirements of the Application.

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

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

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

(a) For Non-Historic Structures and Sites - minor routine maintenance, minor routine construction work and minor alterations having little or no negative impact on the historic character of the surrounding neighborhood or the Historic District, such as work on roofing, decks, railings, stairs, hot tubs and patios, foundations, windows, doors,

trim , lighting, mechanical equipment, paths, driveways, retaining walls, fences, landscaping, interior remodels, temporary improvements, and similar work.

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

(c) For Landmark Historic Structures and Sites - minor routine maintenance and minor routine construction having no negative impact on the historic character of the surrounding neighborhood,

the Historic Structure, or the Historic District, such as re-roofing; repair of existing decks, railing, and stairs; hot tubs and patios located in a rear yard; replacement of existing windows and doors in existing or historic locations; repair of existing trim and other historic detailing; lighting, mechanical equipment located in a rear yard area or rear façade, repair of paths, driveways, and existing retaining walls; fences, landscaping, interior remodels, temporary improvements, and similar work.

(B) **COMPLETE APPLICATION.**

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

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

(D) **DECISION.** Following the fourteen (14) day public notice period noted in Section 15-1-21 of this Code. The Planning Department staff shall make, within forty-five (45) days, written findings, conclusions of law, and conditions of approval or

reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy. Staff shall also provide notice pursuant to Section 15-1-21.

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

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

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

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

Application to the Historic Preservation Board.

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

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

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

(2) Any Historic Preservation Board decision may be appealed to

the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 f this Code. Appeals shall be considered only on the record made before the Historic Preservation Board and will be reviewed for correctness.

(Amended by Ord. Nos. 09-23; 10-11; 11-05)

15-11-13. RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the relocation and/or orientation of Historic Buildings, Structures, and Sites.

(A) CRITERIA FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE. In

approving a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Planning Department shall fine the project complies with the following criteria:

(1) A portion of the Historic Building(s) and/or Structure(s) encroaches on an adjacent Property and an easement cannot be secured; or

(2) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

(3) The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation on the existing Site; or

(4) The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site.

(B) PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF A LANDMARK SITE OR A SIGNIFICANT SITE. All

Applications for the relocation and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site within the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code.

(Created by Ord. No. 09-23)

15-11-14. DISASSEMBLY AND REASSEMBLY OF A HISTORIC

BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the **Disassembly** and reassembly of Historic Buildings, Structures, and Sites.

(A) CRITERIA FOR DISASSEMBLY AND REASSEMBLY OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR SIGNIFICANT SITE. In

approving a Historic District or Historic Site design review Application involving **Disassembly** and reassembly of the Historic Building(s) and/or Structure(s) on a Landmark Site or Significant Site, the **Planning Department Historic Preservation Board** shall find the project complies with the following criteria:

- (1) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) cannot reasonably be moved intact; or
- (2) The proposed **Disassembly** and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or
- (3) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; or
- (4) The Planning Director and the Chief Building Official

determine that unique conditions and the quality of the Historic preservation plan warrant the proposed **Disassembly** and reassembly;

Under all of the above criteria, the Historic Structure(s) and or Building(s) must be reassembled using the original materials that are found to be safe and/or serviceable condition in combination with new materials; and

The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

(B) PROCEDURE FOR THE DISASSEMBLY AND REASSEMBLY OF A LANDMARK SITE OR A SIGNIFICANT SITE. All Applications for

the **Disassembly** and reassembly of any Historic Building(s) and/or Structure(s) on a Landmark Site of a Significant Site within the City shall be reviewed by the **Planning Department Historic Preservation Board** pursuant to Section 15-11-12 of this Code.

If an Application involving the **Disassembly** and reassembly of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the reassembled Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

(Created by Ord. No. 09-23; Amended by Ord. No. 11-05))

15-11-15. RECONSTRUCTION OF AN EXISTING HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the Reconstruction of Historic Buildings, Structures, and Sites.

(A) **CRITERIA FOR RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** In approving an Application for Reconstruction of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the **Planning Department Historic Preservation Board** shall find the project complies with the following criteria:

- (1) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 116.1 of the International Building Code; and
- (2) The Historic Building(s) and/or Structure(s) cannot be made safe and/or serviceable through repair; and
- (3) The form, features, detailing, placement, orientation and location of the Historic Building(s) and/or Structure(s) will be accurately depicted, by means of new construction, based on as-built measured drawings, historical records, and/or current or Historic photos.

(B) **PROCEDURE FOR THE RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE.** All Applications for the Reconstruction of any Historic Building and/or Structure on a Landmark Site or a Significant Site within the City shall be reviewed by the **Planning Department Historic Preservation Board** pursuant to Section 15-11-12 of this Code.

If an Application involving the Reconstruction of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the Reconstructed Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

(Created by Ord. No. 09-23; Amended by Ord. No. 11-05)

15-11-16. DEMOLITION OF HISTORIC BUILDINGS, STRUCTURES AND SITES.

It is the intent of this and succeeding sections to preserve the Historic and architectural resources of Park City, through limitations on Demolition of Historic Buildings, Structures and Sites to the extent it is economically feasible, practical and necessary. The Demolition or removal of Historic Buildings, Structures and Sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation,

adaptive reuse, Reconstruction, and relocation within the Historic District. It is recognized, however, that economic hardship and other factors not entirely within the control of a Property Owner may result in the necessary Demolition of a Historic Building, Structure or Site.

(A) **DEMOLITION, RECONSTRUCTION, OR REPAIR OF HAZARDOUS BUILDINGS.** If, upon review, the Chief Building Official determines the subject Building, Structure or Site to be structurally unsound, and a hazardous or dangerous Building, pursuant to Section 116.1 of the International Building Code, the Chief Building Official may order its Demolition, Reconstruction, or repair.

(B) **REQUIREMENT FOR STAY OF DEMOLITION.** In the absence of a finding of public hazard, the Application for Demolition shall be stayed for 180 days.

(Amended by Ord. Nos. 09-10; 09-23; 11-05)

15-11-17. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD).

With the exception of any Building or Structure falling under the purview of Section 116.1 of the International Building Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be Historic, pursuant to the standards of review set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) herein, may be Demolished

without the issuance of a Certificate of Appropriateness for Demolition (CAD) by an independent CAD Hearing Board appointed by the City. Application for a CAD shall be made on forms prescribed by the City and shall be submitted to the Planning Department.

(Amended by Ord. Nos. 06-35; 09-10; 09-23)

15-11-18. CAD PRE-HEARING APPLICATION REQUIREMENTS.

Upon submittal of a CAD Application to the Planning Department, a pre-hearing period of forty-five (45) days shall commence, during which time the Owner shall allow the City to post and sustain a visible sign stating that the Property is “threatened.” Said sign shall be at least three feet by two feet (3’X2’), readable from a point of public Access and state that more information may be obtained from the Planning Department for the duration of the stay. In addition, the Owner shall conduct negotiations with the City for the sale or lease of the Property or take action to facilitate proceedings for the City to acquire the Property under its power of eminent domain, if appropriate and financially possible.

At the end of the forty-five (45) days, the Application will be scheduled for a hearing before the CAD Hearing Board, upon showing that the above requirements have been met and all economic hardship information required has been submitted. The Applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Planning Department staff shall notify the Owner if any additional

information is needed to complete the Application.

(A) **CAD HEARING BOARD.** Upon confirmation of receipt of a complete CAD Application, the City shall appoint an independent CAD Hearing Board, consisting of three (3) members, for the purpose of reviewing and taking action upon the Application. The City Manager shall appoint the CAD Board as the need might arise, solely for the purpose of reviewing and taking final action on all CAD Applications.

It is the first priority of the City that the CAD Board has substantial experience in finance, real estate, and commercial business interests. Hence, the Board should possess the following qualifications, or represent the following interests:

- (1) A member appointed at large from Park City with demonstrated knowledge of economics, accounting and finance;
- (2) A member appointed at large from Park City who is an attorney at law; and
- (3) A member appointed from the Board of Adjustment.

15-11-19. CAD HEARING.

At the hearing, the CAD Hearing Board will review the Application pursuant to the economic hardship criteria set forth in Section 15-11-19(A) herein, and consider public input. The CAD Hearing Board may only approve Demolition of a Historic

Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the CAD Application.

(A) **ECONOMIC HARDSHIP CRITERIA.** In order to sustain a claim of unreasonable economic hardship, the Owner shall provide information pertaining to whether the Property is capable of producing a reasonable rate of return for the Owner or incapable of beneficial Use. The City shall adopt by resolution separate standards for investment or income producing and non-income producing Properties, as recommended by the HPB. Non-income Properties shall consist of Owner occupied Single-Family Dwellings and non-income producing institutional Properties. The information required by the City may include, but not be limited to the following:

- (1) Purchase date, price and financing arrangements;
- (2) Current market value;
- (3) Form of ownership;
- (4) Type of occupancy;
- (5) Cost estimates of Demolition and post-Demolition plans;
- (6) Maintenance and operating costs;
- (7) Costs and engineering feasibility of rehabilitation;
- (8) Property tax information; and

- (9) Rental rates and gross income from the Property.

The CAD Hearing Board, upon review of the CAD Application, may request additional information as deemed appropriate.

(B) **CONDUCT OF OWNER EXCLUDED.** Demonstration of economic hardship by the Owner shall not be based on conditions resulting from:

- (1) willful or negligent acts by the Owner; or
- (2) purchasing the Property for substantially more than market value at the time of purchase; or
- (3) failure to perform normal maintenance and repairs; or
- (4) failure to diligently solicit and retain tenants; or
- (5) failure to provide normal tenants improvements.

(C) **DECISION.** The CAD Hearing Board shall make written findings supporting the decision made. The CAD Hearing Board may determine that unreasonable economic hardship exists and approve the issuance of a CAD if one of the following conditions exists:

- (1) For income producing Properties, the Building, Structure or Site cannot be feasibly used or rented at a reasonable rate or return

in its present condition or if rehabilitated and denial of the Application would deprive the Owner of all reasonable Use of the Property; or

- (2) For non-income producing Properties, the Building, Structure or Site has no beneficial Use as a residential dwelling or for an institutional Use in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; and

- (3) The Building, Structure or Site cannot be feasibly Reconstructed or relocated.

(D) **APPROVAL.** If the CAD Hearing Board approves the Application, the Owner may apply for a Demolition permit with the Building Department and proceed to Demolish the Building, Structure or Site in compliance with other regulations as they may apply. The City may, as a condition of approval, require the Owner to provide documentation of the Demolished Building, Structure or Site according to the standards of the Historic American Building Survey (HABS). Such documentation may include a complete history, photographs, floor plans, measured drawings, an archeological survey or other information as specified. The City may also require the Owner to incorporate an appropriate memorializing of the Building, Structure or Site, such as a photo display or plaque, into the proposed replacement project of the Property. Approval of a CAD shall be valid for one (1) year.

(E) **DENIAL**. If the CAD Hearing Board denies the Application, the Owner shall not Demolish the Building, Structure or Site, and may not re-apply for a CAD for a period of three (3) years from the date of the CAD Hearing Board's final decision, unless substantial changes in circumstances have occurred other than the re-sale of the Property or those caused by the negligence or intentional acts of the Owner. It shall be the responsibility of the Owner to stabilize and maintain the Property so as not to create a structurally unsound, hazardous, or dangerous Building, as identified in Section 116.1 of the International Building Code. The City may provide the owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available.

(F) **APPEAL**. The City or any Persons adversely affected by any decision of the CAD Hearing Board may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Officer's decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within thirty (30) days after the date of the CAD Hearing Board's decision.

(Amended by Ord. Nos. 09-10; 09-23; 10-11; 11-05)

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 15- Definitions

15-15-11

1.80 DEVELOPMENT AGREEMENT.

A contract or agreement between an Applicant or Property Owner and the City pursuant to the provisions in this Code and used as an implementation document for Master Planned Developments.

1.81 DEVELOPMENT APPROVAL APPLICATION. Includes any Application for any Development approval including, but not limited to Grubbing, Grading, an alteration or revision to an approved MPD, Conditional Use permit (CUP), zoning or rezoning, Subdivision, or annexation. The term "Development Approval Application" shall not include any Building Permits associated with construction within an approved Subdivision or on an existing platted Lot unless otherwise specified.

1.82 DEVELOPMENT CREDIT. A credit measured in Unit Equivalents that denotes the amount of density on a Sending Site which may be Transferred.

1.83 DEVELOPMENT CREDIT CERTIFICATE. The certificate issued by the Planning Director of Park City that represents the total number of development credits recognized for and derived from the sending site that may be Transferred.

1.84 DEVELOPMENT RIGHT. The right held by a fee simple property owner to build on a legally established parcel of real property. This right is limited by applicable zoning ordinances.

1.85 DISABLED CARE. A long-term care residential facility for disabled Persons, Persons suffering from a physical or mental impairment that substantially limits one (1)

or more of a Person's major life activities, including a Person having a record of such an impairment or being regarded as having such an impairment.

1.86 DISASSEMBLY. The act or process of taking apart a Historic Building or Structure in the largest workable components possible for the purpose of accurately reassembling it in its original form, location, and orientation

1.87 DISSIMILAR LOCATION. A location that differs from the original location in terms of vegetation, topography, other physical features, and proximity of Structures.

1.88 DWELLING.

(A) **Dwelling, Duplex.** A Building containing two (2) Dwelling Units.

(B) **Dwelling, Triplex.** A Building containing three (3) Dwelling Units.

(C) **Dwelling, Multi-Unit.** A Building containing four (4) or more Dwelling Units.

(D) **Dwelling, Single Family.** A Building containing not more than one (1) Dwelling Unit.

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

1.90 ECONOMIC HARDSHIP.

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 15- Definitions

15-15-38

Facility, Co-Location)	Dwelling, Multi-Unit
Commercial Use	Dwelling, Single Family
Commercial Use, Support	Dwelling Unit
Commercial Use, Resort Support	
Common Area	-E-
Common Ownership	Economic Hardship, Substantial
Compatible or Compatibility	Elder Care
Conditional Use	Elevator Penthouse
Condominium	Equipment Shelter (see Telecommunications Facility, Equipment Shelter
Conservation Activity	Escrow
Conservation Easement	Essential Historical Form
Constitutional Taking	Exterior Architectural Appearance
Construction Activity	
Construction Mitigation Plan	-F-
Construction Plan	Facade, Building
Contributing Building, Structure, Site/Area or Object	Façade, Front
Council	Facade Easement
Cover, Site	Facade Shift
Crawl Space	Fence
Crest of Hill	Filtered Light Fixture
Cul-de-sac	Final Action
	Final Plat
-D-	First Story
Deli or Delicatessen	Flood Plain Area
Demolish or Demolition	Floor Area, Gross Commercial
Density	Floor Area, Gross Residential
Design Guideline	Floor Area, Net Leasable
Detached	Floor Area Ratio (FAR)
Developable Land	Foot Candle
Developer	Foot Candle, Average (afc)
Development	Foot Candle, Horizontal (hfc)
Development Agreement	Foot Candle, Vertical (vfc)
Development Approval Application	Frontage
Development Credit	Fully Shielded
Development Credit Certificate	
Development Right	-G-
Disabled Care	Garage, Commercial
<u>Disassembly</u>	Garage, Front Facing
Dissimilar Location	Garage, Private
Dwelling, Duplex	Garage, Public
Dwelling, Triplex	Geologic Hazard