

**PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION  
CITY COUNCIL CHAMBERS  
June 25, 2014**



**AGENDA**

**MEETING CALLED TO ORDER AT 5:30PM**

**ROLL CALL**

**ADOPTION OF MINUTES OF June 11, 2014**

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

**STAFF/BOARD COMMUNICATIONS AND DISCLOSURES**

**CONTINUATIONS**

- |  |   |
|--|---|
| 1604 & 1608 Deer Valley Drive – Plat Amendment<br><i>Public hearing and continuation to July 9, 2014</i>   | PL-14-02344<br><i>Planner Boehm</i>     |
| 1310 Lowell Avenue – Amendment to Master Planned Development<br><i>Public hearing and continuation to July 9, 2014</i>                           | PL-13-02136<br><i>Planner Astorga</i>   |
| 1310 Lowell Avenue – Conditional Use Permit<br><i>Public hearing and continuation to July 9, 2014</i>  | PL-13-02135<br><i>Planner Astorga</i>   |
| 1851 Little Kate Road, Dority Springs Subdivision– Plat Amendment<br><i>Public hearing and continuation to July 9, 2014</i>                      | PL-12-01733<br><i>Planner Astorga</i>   |
| 333 Main Street – The Parkite Condominiums Record of Survey Plat for a Commercial Unit<br><i>Public hearing and continuation to July 9, 2014</i> | PL-14-02302<br><i>Planner Whetstone</i> |

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

- |  |   |               |
|--|---|---------------|
| 1201 Norfolk Avenue, Nirvana at Old Town Subdivision – Plat Amendment<br><i>Applicant has pulled application</i>   | PL-14-02298<br><i>Planner Alexander</i> |               |
| 3840 Rising Star Lane – Plat Amendment<br><i>Applicant has pulled application</i>  | PL-14-02371<br><i>Planner Boehm</i>     |               |
| 257 McHenry Avenue – Plat Amendment<br><i>Public hearing and recommendation to City Council on July 10<sup>th</sup>, 2014</i>  | PL-14-02338<br><i>Planner Grahn</i>     | <i>Pg. 31</i> |
| 1897 Prospector Avenue – Conditional Use Permit for mixed use building for Park City Lodging and four residential units on Lot 25a of Parking Lot F of the amended Prospector Square Subdivision Plat<br><i>Public hearing and possible action</i> | PL-14-02307<br><i>Planner Whetstone</i> | <i>Pg. 95</i> |

*Continued on second page...*

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

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

Land Management Code Amendments related to:

1. Appeals (LMC Chapter 15-1-18)
2. Completion Guarantees (LMC Chapter 15-7.2)
3. Design Guidelines regarding Exterior Materials (LMC Chapter 15-5.5)
4. Definitions (LMC Chapter 15)
5. GC and LI regarding animal services (Continued to July 9<sup>th</sup>)

*Public hearing and recommendation to City Council on July 17<sup>th</sup>, 2014*

PL-14-02348 Pg.  
Planner 119  
Whetstone

## **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.

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

**PARK CITY PLANNING COMMISSION  
WORK SESSION MINUTES  
JUNE 11, 2014**

PRESENT: Preston Campbell, Stewart Gross, Steve Joyce, John Phillips, Clay Stuard, Thomas Eddington, Kayla Sintz, John Boehm, Polly Samuels McLean.

Commissioners Strachan and Worel were excused.

**WORK SESSION ITEMS**

**Land Management Code Chapter 15-5.5 – Architectural Review**

Planner John Boehm noted that on May 14<sup>th</sup> the Planning Commission requested that the Staff conduct a reconnaissance level analysis regarding the applicability of vinyl siding in the Prospector Park neighborhood. The purpose of this work session was to discuss the Staff's assessment and analysis.

Planner Boehm reported that currently LMC Section 15-5.5, under the Architectural Design Guidelines, lists vinyl as a prohibited siding material. Subsection 11 has an exemption for aluminum siding, as well as synthetic stone. At the May 14<sup>th</sup> meeting, Ben and Melanie Martin, homeowners in Prospector, requested that vinyl also be included as an exemption.

Planner Boehm stated that the Staff visited the Prospector Park neighborhood and performed a visual analysis of the existing conditions. They found that Mr. and Mrs. Martin were fairly accurate in terms of the number of homes that currently have vinyl siding. Approximately 44 of 160 homes have vinyl siding from a street level analysis. On a few of the homes it was more difficult to discern whether the siding was aluminum or vinyl. With approximately 44 homes being vinyl, the rest were either aluminum or a masonite-like composite. Planner Boehm pointed out that the predominant siding material was aluminum.

Planner Boehm remarked that the Staff did a high-level investigation of the pros and cons of vinyl and discovered that there was significant information both for and against, and the answers regarding vinyl were varied. The Staff determined that in order to be fair and equitable, in addition to a thorough investigation of vinyl, they should also do a thorough investigation of all siding materials.

Planner Boehm noted that the Planning Department has supported the prohibition of vinyl based on aesthetic character and its susceptibility to break down in high altitude climates. The Staff found that there have been improvements to the aesthetics of vinyl, but they found no hard evidence on whether or not the new vinyls would withstand the high altitude environment. At this point, the Staff felt that vinyl should remain on the list of prohibited siding materials.

Commissioner Joyce questioned why 44 homes in Prospecter have vinyl siding if it was prohibited. Director Eddington stated that the ordinance prohibiting siding went into effect in 2006. Prior to the ordinance, vinyl siding was not prohibited. After 2006, vinyl siding was only allowed if it was to replace existing vinyl siding. Commissioner Stuard clarified that the vinyl siding on those 44 homes was eight years old or older. Planner Boehm noted that some of the homes may have violated the ordinance and used vinyl siding after the ordinance was in place or other may have replaced existing siding.

Commissioner Campbell wanted to know how much of a burden is put on the Staff when someone requests an exception, and how often that occurs. Director Eddington stated that the primary Exception requests are for aluminum because that is a permissible siding. It takes several days for the Staff to look at the materials, visit the neighbor and take photographs to make sure what was being proposed is compatible.

Commissioner Campbell stated that building materials change faster than the LMC gets updated and he preferred to give the Staff the flexibility to make those decisions. He believed the vinyl product that Mr. and Mrs. Martin presented at the last meeting looked better than three-fourths of the siding materials already in Prospecter. As a builder, he thought it had good energy-efficiency, good thermal property and good moisture. In his opinion, twenty years from now it would look better compared to its neighbors. Commissioner Campbell proposed saying, "aluminum, vinyl, or other siding materials", and leave the discretion to the Staff. His only concern was overwhelming the Planning Department with additional work.

Commissioner Gross clarified that Commission Campbell was proposing to change the LMC to give the Planning Director the purview to make a decision on siding materials. Commissioner Campbell pointed out that the Planning Director already has that purview, but only for aluminum siding. He was proposing to change the language to read, "aluminum, vinyl and other siding materials" to the list of Exceptions, to be determined by the Planning Director on a case by case basis. Commissioner Campbell thought the Staff was capable of determining the difference between quality siding and inferior siding.

Commissioner Stuard was not uncomfortable making the change that Commission Campbell was proposing, but he felt that additional research need to be done regarding the use of vinyl. Commissioner Campbell thought the Staff could do the research without it coming back to the Planning Commission. Commissioner Stuard clarified that he was in favor of making the change now, but he wanted the Staff to continue to do the research. After vinyl siding is approved for two or three homes, physical evidence in the field may show whether or not vinyl siding should continue to be an excepted material. Commissioner Stuard emphasized the importance of further research before too many requests are approved for vinyl siding.

Commissioner Joyce stated that vinyl siding has progressed and it can be done in all shapes and textures. He thought that Planner Boehm's comment about not being able to tell what the siding was on some of the homes was proof that vinyl is not obvious from a distance. Commissioner Joyce believed that the negative feeling towards vinyl comes from the cruddy vinyl that was on the market 25 years ago. It was a terrible product and one hail storm could shred a house or sunlight would cause it to flake. However, the product has been improved and elements have been added to keep it from fading and breaking down. In most cases, vinyl siding holds up better than wood in many environments. Commissioner Joyce suggested that the Staff set a minimum standard for vinyl so they would not be wasting their time looking at inferior vinyl.

Director Eddington stated that if the Planning Commission decided to allow vinyl siding as an exception, he would recommend a thickness minimum and other minor standards, similar to the standards in place for aluminum siding. Director Eddington noted that this was a work session and he understood that the Planning Commission was directing the Staff to come back with an amendment to the LMC that incorporates the language proposed by Commissioner Campbell. It would be publicly noticed for the June 25<sup>th</sup> meeting and the Planning Commission would forward a recommendation to the City Council for final approval.

Commissioner Phillips agreed with the idea of looking at all siding materials. He commented on the number of masonite-type products, and stated that in his experience it is the least stable product. The masonite does not hold up to standing water and it can disintegrate after a wet winter. Commissioner Phillips suggested that the Staff look closely at masonite in their studies, because it might be better to add vinyl to the list of exceptions and move masonite products from an approved material to an exception as well.

Planner Boehm stated that all siding materials have a range. Commissioner Phillips agreed, which is why the Staff would have the ability to research the particular siding the applicant proposes and make the determination based on that research.

Commissioner Joyce stated that as he drove around Prospect, affordable housing came to mind. The City is pushing for affordable housing and vinyl is one way to keep the cost down. Also, as he drove around, some of the houses that looked the worst were those with wood siding that had been stained or painted and it was peeling off. Commissioner Joyce recalled that when Mr. and Mrs. Martin spoke at the last meeting, the issue they had with their current wood siding was water damage caused by the masonite product.

Director Eddington pointed out that in addition to quality, vinyl was prohibited primarily because of the character issue and the desire to keep Park City Park City. Commissioner Campbell thought it was difficult to identify vinyl from the street and he thought homeowners should have the ability to choose the siding they want.

Commissioner Philips stated that the most important part of vinyl is how it looks. The type of vinyl used in the tract homes in Sandy would not fit in. However, the sample Mr. and Mrs. Martin brought in looked nice and it would fit in. He assumed the Planning Department considers that when looking at the exceptions.

Commissioner Gross summarized that the proposal by Commissioner Campbell was to revise the LMC to say, "aluminum, vinyl and other siding materials" as Exceptions. Planner Boehm stated that the Staff would also add language regarding thickness and other standards to ensure a higher quality material.

Commissioner Campbell disagreed with specifying thickness, etc., because materials continually change and that would eliminate the flexibility to consider new materials. Director Eddington stated that the types of vinyl are extensive and the Staff would do the necessary research to ensure the right product for Park City's climate. However, he felt that minimal parameters would be beneficial to the Staff and the applicants.

Planning Manager Sintz agreed with Commissioner Campbell in terms of changing technology. She suggested that there would be more flexibility if they leave out a numeric value and state that the thickness of material would be a review criteria. Director Eddington clarified that he was not saying that it needed a specific numeric value, but they have to talk about some type of standard. Commissioner Stuard suggested a quantitative standard that addresses durability in light of UV, standing water, etc. Planner Boehm thought the applicant should be given some idea of what the Staff would be reviewing and the expectation.

Planner Boehm stated that the Staff would come back with the language proposed, as well as flexible language for the Planning Commission to review. Commissioner Stuard reiterated Commissioner Phillips comments regarding Masonite products and moving it from the list of approved materials to the list of exceptions. Commissioner Phillips questioned whether that could be done without further research of masonite-type materials.

Commissioner Campbell suggested that they make the change for vinyl at this point and allow the Staff to research other materials. Commissioner Stuard was comfortable with that suggestion as long as masonite materials would be addressed in the future. Director Eddington stated that over time the Planning Commission would be looking at a number of issues related to materials because the technology has changed.

Commissioner Joyce echoed Commission Campbell's concern regarding increased workload for the Staff. He encouraged the Staff to let them know whenever they have an idea that may overburden the Planning Department. He hoped the decisions they made this evening would be a reasonable reflection of changes in the market, without greatly impacting the Staff.

Chair Pro-Tem Gross called for public input.

Ben Martin stated that he and his wife were the homeowners who requested the discussion regarding vinyl, and he appreciated the direction that was taken this evening. Mr. Martin thought a case by case basis was a good approach. He presented photos of the masonite siding on his home to show that it had exceeded its life span. Mr. Martin again presented the vinyl siding material that he proposed to use to replace the wood siding. They had chosen the best grade category in terms of thickness, moisture barrier, etc. He noted that they have the approval from the neighbors directly surrounding them, as well as neighbors around the area who support what they were doing to improve their home. He believed that in addition to improving their home, it would also improve the value of the surrounding homes in the neighborhood.

The Work Session was adjourned.

DRAFT

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
JUNE 11, 2014

COMMISSIONERS IN ATTENDANCE:

Chair Pro-Tem Gross, Preston Campbell, Steve Joyce, John Phillips, Clay Stuard

EX OFFICIO:

Planning Director; Tom Eddington; Planning Manager, Kayla Sintz; Kirsten Whetstone, Planner; Anya Grahn, Planner; John Boehm, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

**ROLL CALL**

Chair Pro-Tem Savage called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except for Commissioners Strachan and Worel who were excused.

DRAFT

**ADOPTION OF MINUTES**

May 28, 2014

MOTION: Commissioner Stuard moved to APPROVE the minutes of May 28, 2014 as written. Commissioner Phillips seconded the motion.

VOTE: The motion passed. Commissioner Campbell abstained since he was absent on May 28, 2014.

**PUBLIC INPUT**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Planning Manager Sintz referred to page 4 of the Staff report and noted that during a meeting in May the Planning Commission had continued 1851 Little Kate Road, Dority Spring Subdivision plat amendment to the meeting this evening. That project was not scheduled on the agenda this evening and it would be re-noticed. She requested that the Planning Commission continue the item to June 25<sup>th</sup>.

Assistant City Attorney McLean suggested that the Planning Commission call for public input on the Dority Springs projects because it was noticed for this meeting.

Chair Pro-Tem Gross called for public input on 1851 Little Kate Road, Dority Springs Subdivision. There were no comments.

Chair Pro-Tem Gross continued 1851 Little Kate Road, Dority Spring Subdivision Plat Amendment to June 25, 2014.

Director Eddington announced that the City Council was having a study session on Bonanza Park on June 12<sup>th</sup> at 3:00 p.m.

Commissioner Stuard disclosed that he and Commissioner Phillips had toured the 333 Main Street Project. He had requested the tour because he was new on the Planning Commission and had not participated in the earlier deliberations. He wanted to understand the project before the Planning Commission acted on the condominium record of survey. Commissioner Stuard stated that at his request, Planner Kirsten had set up the tour with the owner's representative and the project manager.

**CONTINUATIONS – Public Hearing and Continuation to date specified.**

1. 1310 Lowell Avenue – Amendment to Master Planned Development  
(Application PL-13-02136)

Chair Pro-Tem Gross opened the public hearing.

Jim Doilney, representing the Marsac Mill Manor and Silver Mill House Condominium Association at the base of the Resort, read a letter they had written to the Planning Commission opposing any effort to reduce the parking lot at Park City Mountain Resort. People in the community have been damaged because PCMR made a most unfortunate mistake; and now PCMR and Vail's failure to compromise was reducing skier reservations and jeopardizing property values. They believe that Park City should do its best not to compound the problem. The letter further stated that Park City can initiate actions and motivate PCMR to maintain the mountain terrain by refusing to allow any parking reductions at PCMR. The 1998 Development Agreement is voided if a major ski area is not maintained. They requested an opinion from the City Attorney that a Woodward approval would not help PCMR re-establish otherwise debatable development agreement rights. A Woodward approval would enhance PCMR's Vail downside by setting up the ability to develop the parking lot into a mini-sports resort needing less parking. If skiers and boarder cannot conveniently park at the Resort, they will take their skier dollars to the Canyons, which would benefit Vail, or to the Cottonwood Canyons. The only way to protect

Park City is to maintain the integrity of the base area of PCMR as a full and complete ski resort by insisting that all current parking capacity remain; rather than allowing parking to be destroyed to accommodate a sports resort if PCMR cannot work out a compromise with Vail. Allowing PCMR to destroy parking now on the promise of building parking structure at some point in the future is dangerous and raises the possibility that parking would never be replaced; or if it is replaced, not with the same quality and configuration contemplated. Regardless of the impacts on Park City, they expected neither PCMR nor Vail to sacrifice to reduce their losses. PCMR, an excellent corporate citizen for decades has threatened worse cases by planning to remove ski lifts from any lost lands and positioning Woodward to anchor a smaller resort. Reducing skier parking and asserting that they will never sell regardless of community impacts does not sound like a party that has the community's interest at heart. Therefore, the community looks to the Planning Commission and the City Council to protect the interest of every business owner and property owner in Park City whose investment depends upon a viable and desirable ski resort with quality access and adequate parking. In looking at the events that have transpired to date, it is clear that PCMR and Vail will operate from a position of what they believe is in their own best interest. They implored the City not to compound PCMR's mistake and the damage to the community by allowing them to develop without replacing the lost parking spaces. Those spaces will be needed if there is any hope of maintaining Park City's in-town, world class ski resort instead of becoming just an action sports camp with limited mountain access. They reiterated a request from an April 22<sup>nd</sup>, 2014 letter to the Planning Commission to increase the overall Resort Center parking to accommodate both existing uses and the proposed additional use proposed by Cam Woodward. Given the peak parking challenges, which will be further exacerbated by the proposed Camp Woodward development, an equal trade strategy is not sufficient. The project should provide adequate provision of parking alternatives during construction for the temporary loss of 230 parking spaces.

Mr. Doilney pointed out for the record that the Canyons have routinely missed deadlines on their Development Agreement by more than two days. Rule of law would indicate that their Development Agreement is in the same amount of default as PCMR. He hoped that the City would implore the County to enforce that agreement at the same level as Vail was trying to enforce the PCMR agreement.

Commissioner Stuard noted that the Planning Commission had not recently seen the Woodward proposal and he asked the Staff for an update. Director Eddington stated that the Planning Commission would review the project at the next meeting. The Commissioners had requested information relative to Woodward in terms of design, massing and numbers. PCMR would be prepared to address those questions at the next meeting.

Commissioner Joyce asked if they would also address the idea of moving around the vested rights. Director Eddington replied that it would address the square footage within the Woodward facility, as well as the density allocations on each of the pods.

Mr. Doilney pointed out that any re-addressing of the development agreement and process of applications would strengthen their hand to enforce a development agreement. He would ask the City Attorney whether a development agreement made in the context of a ski resort stands to rise in the absence of a ski resort.

Chair Pro-Tem Gross closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE 1310 Lowell Avenue Amendment to MPD to June 25, 2014. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

2. 1310 Lowell Avenue – Conditional Use Permit  
(Application PL-13-02135)

Chair Pro-Tem Gross opened the public hearing. There were no comments. Chair Pro-Tem Gross closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE 1310 Lowell Avenue – CUP to June 25, 2014. Commissioner Stuard seconded the motion.

VOTE: The motion passed unanimously.

3. 1604 & 1608 Deer Valley Drive – Plat Amendment  
(Application PL-14-02344)

Chair Pro-Tem Gross opened the public hearing. There were no comments. Chair Pro-Tem Gross closed the public hearing.

MOTION: Commissioner Joyce move to CONTINUE 1604 & 1608 Deer Valley Drive – Plat Amendment to a date uncertain. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

4. 257 McHenry Avenue – Plat Amendment  
(Application PL-14-02338)

Chair Pro-Tem Gross opened the public hearing. There were no comments. Chair Pro-Tem Gross closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE 257 McHenry Avenue – Plat Amendment to June 25, 2014. Commissioner Phillips seconded the motion.

5. 333 Main Street – The Parkite Condominium Record of Survey  
(Application PL-14-02302)

Chair Pro-Tem Gross opened the public hearing. There were no comments. Chair Gross closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE 333 Main Street – The Parkite Condominium Record of Survey to June 25, 2014. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Stuard asked why the commercial units were being continued and the residential units were on the regular agenda. Planner Kirsten Whetstone stated that the Planning Department received two separate applications for two separate condominium plats. One is for the residential units at the Main Street Mall for the Parkite, and the second is a separate condominium plat for the commercial. She explained that an amendment to the commercial to create different spaces would require agreement from the residential units. There would be two Owners Associations, one for the residential and one for the commercial, as well as a Master Association.

Planner Whetstone stated that originally it was proposed to be one commercial unit to be owned by one entity, and it would then be divided up into leased tenant space. However, the basement created a separate space that could be separately owned, and it did not have proper access. The item was continued to allow the Staff time to take it back for department review. The access issue still needed to be resolved.

The Planning Commission moved into Work Session to discuss LMC Chapter 15-5.5 Architectural Review. The discussion can be found in the Work Session Minutes dated June 11, 2014.

The Planning Commission moved out of Work Session and convened the Regular Agenda.

## REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

### 1. 337 Daly Avenue – Steep Slope Conditional Use Permit (Application #PL-14-02290)

Planner Anya Grahn introduced the applicant, Tori Shaver, and Steve Schueler with Alliance Engineering. She reported that 337 Daly was Lot 5 of the Daly West Subdivision and it was currently a vacant lot. The owner was proposing to build a new single-family structure. A Steep Slope CUP is required because the building is over 1,000 square feet and the slope of the lot at the rear of the property is over 30%.

Planner Grahn stated that like many of the lots on Daly Avenue the lot is flat and then elevates steeply in grade up the back. In looking at all ten criteria for the building, the majority of the development is located primarily on the flat portion of the lot. The house is sunken in the back so the first level is partially buried underground. They did a nice job of using the slight grade change at the front of the property to install a 9% slope driveway.

Planner Grahn presented a visual analysis and noted that much of the bulk of the house was behind the cross-wing design, which helps hide its size and helps to keep with the historic character of the neighborhood. Access is right off of Daly Avenue. Some terracing occurs at the back of the property. The deck is off of the second floor and into the hillside; therefore, the amount of retaining walls and terracing at the back of the lot is minimal. The form and scale is consistent with other houses on Daly Avenue, and the sizes of the architectural elements are of human scale. The project meets the required setbacks and the applicant has kept the distance between the houses and his front yard very consistent with the neighbors and other historic properties. The building height complies with the 27' requirement. The height in the back is much lower than what could have been allowed.

The Staff recommended that the Planning Commission review the application and hold a public hearing and approve the Steep Slope CUP.

Commissioner Campbell asked about the issue with the footprint. Planner Grahn explained that when the applicant initially brought in their Steep Slope CUP, the Staff measured it and realized that there were overhangs that increased the footprint beyond what was allowed. The size of the house was reduced approximately 300 square feet to resolve the issue. The applicant, Tori Shaver, explained that cantilevering on the second level was eliminated.

Commissioner Campbell requested that the Planning Commission revisit this concept

with the amendments to the Land Management Code, because as currently written he believed the LMC rewards poor design. Commissioner Campbell assumed that the design with the cantilevers looked better than what the applicant was forced into to comply with the footprint requirement. He requested that the Staff prepare a report with different design scenarios so the other Commissioners could understand why it was important to change that portion of the LMC and how it pushes design into a square box. Commissioner Campbell understood the reason for minimizing the volume on this project, but the LMC forces square boxes. He thought the City should be in the position to rewarding good design.

Mr. Shaver stated that the revisions he was forced to make caught himself and the project architect off-guard. He is a mechanical engineer and in his world the footprint is the portion of the building that touches the ground. His architect had the same assumption. Mr. Shaver remarked that it was so standard in their minds that they did not bother to read the LMC regarding the footprint to know that the requirement was not standard.

Director Eddington noted that the Planning Commission would be revisiting footprint and building sizes as one of the initial LMC revisions. Commissioner Campbell suggested that the Staff use the original design for this application as a test case example.

Commissioner Phillips thought the project was straightforward. He referred to language in the LMC stating that the Planning Commission may require articulation to prevent a wall effect. He asked if that was intended to prevent just a flat wall. Director Eddington replied that the language is part of the Architectural Review portion of the Code. It is primarily applicable to commercial development structures because it talks about certain lengths of buildings. Commissioner Phillips clarified that he only mentioned it because in looking at the drawings, it appears that there is one long flat wall. He was comfortable with the design and he was not suggesting a change. He was mainly asking for clarification.

Mr. Shaver pointed out that the articulation that applies to this home was on the front facing property. At 23 feet they were required to have a certain setback to avoid a straight wall projecting to the street. Director Eddington noted that the City typically has challenges with the side walls in Old Town because it is only a three-foot setback and people usually build all the way out.

Commissioner Stuard asked if the wall effect applied to the side of buildings. Director Eddington replied that in Old Town the lots are usually not long enough to justify that application of the Code.

Commissioner Joyce noticed the creek running through the front of the yard. Mr. Shaver stated that the creek is under the ground in the storm drain pipe under Daly Avenue. A dry creek runs through at a low elevation and there is a small dip in the driveway. If there is runoff, it would go down the center of the driveway and across the driveway, and not in the garage.

Chair Pro-Tem Gross opened the public hearing.

There were no comments.

Chair Pro-Tem Gross closed the public hearing.

Chair Pro-Tem Gross asked about the 9' wide driveway, noting that the Code calls for 10 to 12 feet. Planner Grahn stated that a condition of approval was added to make sure that the minimum driveway width was 10' to meet the Code.

Commissioner Stuard corrected Finding of Fact #7, second sentence, to say that the lot was an uphill lot.

Commissioner Joyce noted that there should be a separation between Findings 3 and 4. Planner Grahn made the suggestion to combine Findings 3 and 4 as Finding #3 and to renumber the remaining findings.

MOTION: Commissioner Stuard moved to APPROVE the Steep Slope Conditional Use Permit for 337 Daly Avenue, based upon the Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report and as amended. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 337 Daly Avenue

1. The property is located at 337 Daly Avenue.
2. The property is described as Lot 5 of the Daly West Subdivision. The allowable building footprint is 1,571 sf for a lot of this size. The proposed building footprint is 1,568 sf.
3. Ordinance 07-51, which approved the Daly West Subdivision, limits the footprint to

1,571 square feet and requires that only a single-family residence be constructed on this property. The applicant is proposing to construct a single-family residence.

4. The site is not listed as historically significant on the Park City Historic Sites Inventory and there are no structures on the lot.

5. The property is located in the HR-1 zoning district, and is subject to all requirements of the Park City Land Management Code (LMC) and the 2009 Design Guidelines for Historic Districts and Historic Sites.

6. Access to the property is from Daly Avenue, a public street. The lot is an uphill lot. The lot is a vacant, platted lot with existing grasses and little other vegetation. The lot is located between an existing non-historic single family home, a vacant lot, and is located across the street from a small historic mining shack. There are no existing structures or foundations on the lot.

7. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage.

8. The neighborhood is characterized by primarily historic and non-historic single family and duplex houses. Daly Canyon forms the rear yard.

9. The lot is an undeveloped lot containing primarily grasses, weeds, and shrubs that are not classified as significant vegetation.

10. The applicant submitted an HDDR application in March 2014; the application was deemed complete on March 20, 2014.

11. The proposed design is a single family dwelling consisting of 3,132 square feet of living area (including the 275 sf single car garage) with a proposed building footprint of 1,568 sf.

12. The driveway is proposed to be a maximum of 9 feet in width and 19 feet in length from the edge of the street to the garage in order to place the entire length of the second parking space entirely within the lot. The garage door complies with the maximum width and height of nine feet (9').

13. The proposed structure complies with all setbacks.

14. The proposed structure complies with allowable height limits and height envelopes for the HR-1 zoning as the two (2) story house measures less than 27 feet in height

from existing grade, the structure is less than the maximum height of 35 feet measured from the lowest finish floor plane to the point of the highest wall top plate that supports the ceiling joists or roof rafters.

15. The proposal, as conditioned, complies with the Historic District Design Guidelines as well as the requirements of 15-5-5 of the LMC.

16. The proposed materials reflect the historic character of Park City's Historic Sites, incorporating simple forms, unadorned materials, and restrained ornamentation. The exterior elements are of human scale and the scale and height follows the predominant pattern of the neighborhood, in particular the pattern of houses on the Daly Avenue.

17. The structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as the foundation, roofing, materials, as well as window and door openings. The single car attached garage and off-street parking area also complies with the Design Guidelines and is consistent with the pattern established on Daly Avenue.

18. No lighting has been proposed at this time. Lighting will be reviewed at the time of the building permit for compliance with the Land Management Code lighting standards.

19. The applicant submitted a visual analysis/ perspective, cross canyon view from the east, and a streetscape showing a contextual analysis of visual impacts on adjacent streetscape.

20. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at six feet (6') or less. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.

21. The site design, stepping of the building mass, articulation, and decrease in the allowed difference between the existing and final grade for much of the structure mitigates impacts of construction on the 30% slope areas. The Building Department will require a shoring plan for stabilizing the slope above.

22. The plans include setback variations, increased setbacks, decreased building heights, and an overall decrease in building volume and massing.

23. The proposed massing, articulation, and architectural design components are compatible with the massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to the stepping, articulation, and placement of the house.

24. The findings in the Analysis section of this report are incorporated herein.

25. The applicant stipulates to the conditions of approval.

26. The lot is located in a Zone A Special Flood Hazard Area based on the FEMA Flood Insurance Rate Maps.

#### Conclusions of Law – 337 Daly Avenue

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 – 337 Daly Avenue

1. All Standard Project Conditions shall apply.

2. No Building permit shall be issued until the Plat has been recorded.

3. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. The CMP shall include language regarding the method of protecting the historic house to the west from damage.

4. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.

5. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance. Altering of the site topography may require a stream study to determine impacts to the flood plains.

6. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area.

7. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the west and the non-historic structure to the north.

8. This approval will expire on June 11, 2015, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.

9. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.

10. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.

11. Modified 13-D residential fire sprinklers are required for all new construction on this lot.

12. The driveway width must be a minimum of ten feet (10') and will not exceed twelve feet (12') in width.

13. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited. Final lighting details will be reviewed by the Planning Staff prior to installation.

14. Construction waste should be diverted from the landfill and recycled when possible.

15. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.

16. As stipulated by Ordinance 07-51, any relocation of the existing utility pole and guy wires located on this property will not be the responsibility of Park City.

17. Also stipulated by Ordinance 07-51, the city acknowledges that there is an existing private water channel along the frontages of Lots 5 and 6 of the Daly West Subdivision. The channel begins with a diversion from Silver Creek on the property owned by United Park City Mines Company and continues through Lots 1 through 6. The City has no obligation to operate, maintain, or repair the existing private channel.

**2. 333 Main Street – The Parkite Condominiums Record of Survey Plat for Residential Units (Application PL-14-02301)**

Planner Whetstone reviewed the application for a condominium record of survey plat to memorialize 15 residential condominium units for the Main Street Mall that are under construction. In response to a question as to whether the residential units could stand alone without the commercial plat, Planner Whetstone believed it could stand alone. It would be similar to the Montage, which has an area of condominiums and another area that is owned by whoever owns the building. By creating 15 condominium units, they are able to sell the units individually.

The Staff recommended that the Planning Commission conduct a public hearing for the Parkite residential condominiums record of survey plat for 15 residential condominiums located at 333 Main Street, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval found in the draft ordinance.

Commissioner Stuard referred to page 99 of the Staff report regarding the north tunnel access. He noted that the second diagram was a planned view of the tunnel coming from Swede Alley on the right over to the building on the left. He indicated a choke point a third of the way from the right. It showed a 45 degree angled wall and it gets

fairly tight at that point. He had asked the developer's representative how that would be resolved to allow access to the parking garage. The Tom Bennett, the applicant's representative, explained that a portion of the existing 45 degree angled wall, and as it continues to a 90 degree wall, would be configured. The developer had re-acquired rights to an easement that was once given to the adjacent property and he had the right to reconstruct that area.

Mr. Bennett stated that the drawing showed the current configuration of the easements through that property. Three or four different easements go through the property and the applicant has negotiated an agreement with the owner of the property that will terminate the old easements and replace it with a new reconfigured easement that would go straight through that area instead of taking the jog. Mr. Bennett noted that the agreement was negotiated but it has not yet been signed. It has been in existence in principle for several months and the attorneys have agreed to all the terms.

Planner Whetstone noted that a condition of approval #6 was written to say that prior to recordation of the plat, the existing encroachment agreement would be finalized. Mr. Bennett thought the condition should say "easements" instead of encroachment agreement. Planner Whetstone clarified that the encroachment agreement language came from the City Engineer and it relates to the maintenance of the tunnel and City utilities. However, she believed that Condition #6 addressed the encroachment agreement between the City and the property owner regarding the tunnels and access issues to City utilities.

Commissioner Stuard wanted to make sure that when the units were completed and occupied, that the occupants could access the parking. He asked if they had all the proper assurances in the conditions to ensure that happens.

Mr. Bennett explained that the plat currently shows the current recorded easements, because that is the requirement. Prior to recording the plat, the easement amendment agreement would have to be in place. The plat would be modified before it is recorded to show the location of the new easement and to remove the three easements that are being terminated. He understood that was purpose of Condition #6.

Planner Whetstone clarified that Condition #6 addressed the encroachment agreement between the City and the property owner. It did not pertain to the easement. She understood that the tunnels were not part of the plat, or if they were part of the plat, it was common area. Mr. Bennett replied that the tunnels were part of the plat and it is common area. He explained that the walls would be moved, so the common area would go straight out to Swede Alley rather than taking a jog. Chair Pro-Tem Gross understood that the existing spaces next to the stairwell would be eliminated to enable

people to drive straight out onto Swede Alley. Mr. Bennett replied that this was correct. He pointed out that it would involve some compensation to the property owner because they would be losing retail space. Planner Whetstone understood that it was shown as an easement, but it was not condominiumized as part of this plat. Mr. Bennett explained that the easement rights were part of the common areas for the residential units.

Assistant City Attorney McLean suggested adding a condition of approval to reflect what was just discussed. She asked if a drawing was submitted showing the anticipated easement, because the drawing provided to the Planning Commission did not show it. The Commissioners needed to see the drawing so they could add a condition of approval indicating that an approval would be conditioned on the easement agreement.

Mr. Bennett asked if the condition of approval could reflect that the easement be modified in a way that is acceptable to the City Engineer to allow for through traffic to the tunnel. That would avoid having to come back to the Planning Commission to decide whether the easement is adequate.

Mr. Bennett noted that a drawing was already prepared showing the plat with the proposed easement; however, he did not have it available this evening. Planner Whetstone stated that the drawing could be provided to the City Council before they make the final decision; or if the Planning Commission preferred, they could continue this item and ask to see the drawing at another meeting. Director Eddington remarked that the drawing would show the future situation. Mr. Bennett clarified that before the plat is recorded, the current drawing would be changed to show the corrected easement. Assistant City Attorney McLean reiterated that the Planning Commission should have the opportunity to review that drawing before making their decision.

Commissioner Phillips stated that he did not need to see the actual drawing as long as he understood what was being changed, and if they could draft a condition of approval describing what would occur.

Chair Pro-Tem Gross did not think the lower level on the back looked very accessible for cars. He wanted to know how that would work.

Steve Mermer, one of the project architects with Elliott Work Group, noted that this was a private parking garage. It is a one-way drive lane through the north tunnel and they were not trying to accommodate two-way traffic at all times. The tunnel will exit straight out to Swede Alley. The back portion would come in at the Main Street level, and because of how Main Street slopes, it drops a story into the basement. He indicated the ramp coming up from the tunnel below into the parking garage level, which is the

basement of 333 Main. At that point the columns in the building were staggered to accommodate a 30' driving turning radius to pivot from the ramp to the parking area. Once in the parking area, there is enough width to accommodate two-way traffic and double-loaded parking on both sides. Chair Pro-Tem Gross asked if the south tunnel becomes a pedestrian tunnel. He was told that this was correct.

Assistant City Attorney asked Mr. Bennett to address the interplay between the two condos. Mr. Bennett stated that the developer could have done this as one condo. However, part of the reason for separating it was to provide distance between the commercial owners and the residential owners. The idea was to create two separate Owners Associations, as well as a Master Owner's Association, with representatives from each of the two Associations to resolve issues related to the building as a whole. Mr. Bennett noted that the residential condominiums were structured so it could stand on its own. The land and the structure of the building itself is all common area to the residential condominiums. The Commercial condominiums are literally just the air space that is left over in between the residential condominiums. The Residential Condominium Declaration grants to the commercial owners certain easements over the common areas in the residential project, primarily for emergency access.

Mr. Bennett stated that there is every intention to condominiumize the commercial space, but if for some reason that did not happen, it could still stand on its own as simply non-condominiumized space within this building.

Commissioner Joyce was not opposed to approving the plat this evening as long as they could satisfactorily address the easements in a condition of approval. Planner Whetstone thought it was important for the developer to have the easements worked out before the City Council takes action. Chair Pro-Tem Gross concurred. Mr. Bennett did not think that would be a problem. He was comfortable adding a condition stating that the easement has to be amended prior to the time it goes to the City Council.

Chair Pro-Tem Gross opened the public hearing.

There were no comments.

Chair Pro-Tem Gross closed the public hearing.

Commissioner Joyce noted that the roof terraces and other elements were listed as limited common ownership. He would assume that the patio off of a private unit would be the owner's, but that was not the case. Mr. Bennett stated that the cross-hatched area shown as limited common ownership was limited common area appurtenant to the penthouse unit. It is a gigantic deck for the penthouse. The rest of

the roof was designated as common area that is available for the use of all the residential owners. Commissioner Joyce stated that on the previous page all the terraces on individual units were marked as limited common. He questioned why that was common use versus being part of the individual condominium. Mr. Bennett replied that the Utah Condominium Act requires that all balconies be designated as limited common area. He explained that it is common area but it is reserved for the exclusive use of the unit to which it is appurtenant. No one other than the owner of the unit attached to the balcony can use it, but it is considered common area so the HOA can maintain it and can impose rules.

Commissioner Stuard understood from the developer that the cross-hatched area on the roof terrace was intended to be an 1800 square foot live grass lawn for the owner of the south penthouse. The other areas would have fire pits and other amenities for the general use of all the owners.

Planner Whetstone asked if the easements, once they are amended and shown correctly on sheet 9, could be recorded with this plat or whether they needed to be recorded separately and noted on the plat. Assistant City Attorney McLean replied that it could be done either way. Mr. Bennett stated their plan was to record the easement first.

The Planning Commission took a short break to allow Planner Whetstone and Mr. Bennett time to draft appropriate findings of fact and conditions of approval to reflect the discussion this evening.

The meeting was resumed.

Planner Whetstone read the added Findings of Fact.

Finding 18 – The existing easements that provide access through the north tunnel shall be amended to accommodate vehicular access as per the requirements of the City Engineer. Existing easements do not accommodate vehicular access from Swede Alley to the north tunnel.

Finding 19 - The applicant has provided the Planning Commission with a sketch of the proposed access easement, which shall be reflected in the revised sheet #9 of the plat.

Condition 7 - Easements related to access through the north tunnel shall be modified and finalized consistent with the Planning Commission discussion and sheet #9 of the plat shall be revised to reflect the revised easements. These easements shall be

recorded at Summit County prior to recordation of the plat. Recording information shall be noted on the plat. The easements shall be sufficient in width and configuration to allow vehicular access from the north tunnel to Swede Alley to be approved by the City Engineer.

Commissioner Stuard asked about the cross-hatched area on the sketch. Mr. Bennett stated that it would be built out space. It would not be part of the vehicular access. The owner of the building is retaining the use of that space. Commissioner Stuard suggested adding a note for clarification.

Chair Pro-Tem Gross asked about access to the small storage area. Mr. Mermer replied that it could be accessed from the breezeway or from the Swede Alley side.

MOTION: Commissioner Phillips moved to forward a POSITIVE recommendation to the City Council for the Parkite Residential Condominium Plat based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended draft ordinance. Commissioner Joyce seconded the motion.

VOTE: The motion passed unanimously.

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#### Findings of Fact – 333 Main Street

1. The property is located at 333 Main Street between Main Street and Park Avenue and consists of Lot A of the 333 Main Street plat amendment that combined 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. On April 1, 2014 an application for a condominium record of survey plat was submitted to the City to plat fifteen residential units (total of 32,610 sf), residential common area, and fifteen parking spaces on the lowest level of the old Main Street Mall

building. Access to the parking is contemplated through the north tunnel.

5. Fifteen residential units are platted with this record of survey. Units range in size from 1,334 sf to 3,586 sf for the two level penthouse unit. Average unit size is 2,174 sf. Residential units are located on the first floor (one unit), second floor (five units), third floor (7 units), and fourth floor (one unit). The condominium plat is required in order for the units to be sold individually. Common area for a lobby, recreation uses, and outdoor patios and decks is also being platted with this record of survey.

6. The building currently has a single entity as owner and is currently being remodeled with an active building permit.

7. Residential uses currently under construction within the HCB zone are allowed uses. Residential uses currently under construction within the HR2 zone are permitted per the Board of Adjustment approval on June 18, 2013, of an application for a change of non-conforming use. The BOA approved the change of use for the area of the building within the HR2 zone (Park Avenue side) from legal non-conforming retail/office uses to multi-unit residential.

8. Commercial condominium spaces within the building are also being platted with the concurrently submitted Parkite Commercial Condominiums record of survey plat application.

9. 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 existing non-complying side yard setbacks within the HR2 zone.

10. Main Street is important to the economic wellbeing 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 currently renovating and improving the building with an active building permit. The building is currently owned by one entity.

11. On February 27, 2009, a Historic District Design Review was approved for a complete renovation of the building. On May 2, 2011, a revised Historic District Design Review application was approved for modifications to the interior space and exterior skin of the building in compliance with the current revised 2009 Design Guidelines for Historic Districts and Sites (Exhibit C) and to reflect the proposed residential uses

where the interior spaces changed the exterior elevations, windows, access, patios, etc. An additional revision to the May 2, 2011 action letter clarifying access to the building, to include language that the north and south tunnels provide access to the building in addition to Main Street and Park Avenue, was approved on July 30, 2012.

12. 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. The private 559 sf garage space is platted as unit 1G on this record of survey plat.

13. Five (5) easements for existing emergency and pedestrian access, utility, and parking easements as described in the title report and land title of survey for 333 Main Street were memorialized with the recorded subdivision plat. These easements are also included on the proposed condominium plat.

14. 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. The two unit plat was approved by Council however it was not recorded and it expired.

15. This property is subject to a February 28, 1986 Master Parking Agreement which was amended in 1987 to effectuate an agreement between the City and the owner with regards to providing parking for a third floor of the Main Street Mall (for office uses proposed with the original construction). The property was assessed and paid into the Main Street Parking Improvement District for the 1.5 FAR (for the lower floors). The residential units have a 26.5 space parking requirement that is met by the 56 spaces (in-lieu payment), 15 on-site, and 10 private spaces off of Swede Alley.

16. Commercial space is located at the street along the Main Street frontage, including commercial space within the historic structures, with residential space located above and/or behind commercial space. All of the storefront properties comply with the vertical zoning ordinance.

17. Access is also contemplated via the existing north tunnel to a proposed parking garage with fifteen parking spaces. The parking garage is located in the lowest level and is designated as common area for the residential uses. The City has utilities in the tunnel and the City Engineer recommends that the existing encroachment agreement between the City and Property Owner regarding the tunnels be revised to address the tunnel access, utilities, maintenance, etc. and that the agreement be recorded prior to

or concurrent with the plat.

18. The existing easements that provide access through the north tunnel shall be amended to accommodate vehicular access as per requirements of the City Engineer. Existing easements do not accommodate vehicular access from Swede Alley to the north tunnel. Applicant has provided Planning Commission with a sketch of the proposed access easements which will be reflected in a revised sheet #9 of the plat.

#### 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 plats.
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 is made in writing prior to the expiration date and the extension is granted by the City Council.
3. All conditions of approval of the 333 Main Street Subdivision plat and approved Historic District Design Review shall continue to apply.
4. All conditions of approval of the June 18, 2013 Board of Adjustment approval of an application for a change of non-conforming use for the HR2 portion of the property shall continue to apply.
5. 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.

6. Prior to or concurrent with recordation of the plat, the existing Encroachment Agreement between the City and Property Owner, regarding the tunnels, shall be revised, executed, and recorded.

7. Easements related to access through the north tunnel shall be modified and finalized consistent with the Planning Commission discussion and sheet #9 of the plat shall be revised to reflect the revised easements. These easements shall be recorded at Summit County prior to recordation of the plat. Recording information shall be noted on the plat. The easements shall be sufficient in width and configuration to allow vehicular access from the north tunnel to Swede Alley to be approved by the City Engineer.

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The Park City Planning Commission meeting adjourned at 7:25 p.m.

Approved by Planning Commission: \_\_\_\_\_

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## Planning Commission Staff Report

PLANNING DEPARTMENT

**Subject:** 257 McHenry Avenue Subdivision  
**Author:** Anya Grahn, Historic Preservation Planner  
**Project Number:** PL-14-02338  
**Date:** June 25, 2014  
**Type of Item:** Administrative – Plat Amendment

### Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 257 McHenry Avenue Subdivision plat amendment, located at the same address, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

*Staff reports reflect the professional recommendation of the Planning Department. The Planning Commission, as an independent body, may consider the recommendation but should make its decisions independently.*

### Description

**Applicant:** Herb Armstrong, represented by Architect David White  
**Location:** 257 McHenry Avenue  
**Zoning:** Historic Residential Low Density (HRL) District  
**Adjacent Land Uses:** Open space (City-owned Virginia Mining Claim), single family residential, unplatted 3<sup>rd</sup> Street right of way  
**Reason for Review:** Planning Commission review and recommendation to City Council

### Proposal

The applicant is requesting a Plat Amendment for the purpose of combining all of Lot 17, and portions of Lots 16 and 18 of Block 60 of the Amended Plat of the Park City Survey. The site was designated as "Significant" on the City's Historic Sites Inventory (HSI). Due to a Building Department Notice and Order in 2013, the historic structure was deconstructed due to its hazardous condition. The applicant wishes to combine the lots in order to move forward with a Historic District Design Review (HDDR) to reconstruct the building with a small addition.

### Purpose

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

- (A) reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- (B) provide an Area of lower density Residential Use within the old portion of Park City,
- (C) preserve the character of Historic residential Development in Park City,

- (D) encourage the preservation of Historic Structures,
- (E) encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.
- (F) establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- (G) define Development parameters that are consistent with the General Plan policies for the Historic core.

### **Background**

257 McHenry is designated as a “Significant” site on the City’s Historic Sites Inventory (HSI). The 2009 Historic Structure Form documents the historic house as an L-shape cottage with significant modifications. A small addition had been added to the stem wing of the house. Bricktex and aluminum siding covered the original wood siding which had rotted and largely been lost. There was a new concrete block chimney, and the original porch elements had been replaced by metal work columns. Finally the original window openings had been altered to accommodate aluminum windows. The Historic Structure Form notes that the structure was in poor condition already in 2009.

In May 2013, the Building Department issued a Notice and Order to Repair the structure due to its hazardous condition. After several site visits, the Planning Director and Chief Building Official determined that the structure was a candidate for reconstruction. A Historic District Design Review (HDDR) application was submitted on September 5, 2013, to deconstruct the house in order to meet the Notice and Order. Staff approved the HDDR application on November 7, 2013. The house was taken down over the winter. A financial guarantee has been provided to ensure that the structure will be reconstructed within two (2) years.

In April 2014, the applicant applied for a plat amendment in order to move forward with an HDDR to reconstruct the historic house with a small addition. The previously existing historic structure encroached over the interior lot lines and over the east property line (rear yard) into the City-owned Virginia Mining Claim. The applicant has proposed to relocate the structure on the lot to a more prominent, visible location rather than enter into an encroachment agreement for the reconstruction of the historic house over the property line; however, this has not been approved. In order to relocate the reconstructed historic house, the applicant will need to meet the criteria outlined in Land Management Code (LMC) 15-11-13 which includes a Planning Director and Chief Building Official determination that unique conditions warrant the proposed relocation on the existing site. Any new construction, such as an addition, would be required to meet the required setbacks.

The applicant had submitted two (2) previous plat amendment applications. In May 2002, a plat amendment application was submitted in order to combine Lots 16, 17, and 18 into one (1) lot in order to renovate and expand the historic house; this application was closed on May 14, 2003, due to inactivity.

A second plat amendment application was submitted in July 2005; City Council approved this plat amendment as Ordinance 05-50; however, the plat was never recorded. The 2005 plat differs from the current plat amendment in that the 2005 plat amendment included a condition of approval requiring the applicant to dedicate the lot area covered by the built McHenry Avenue and an additional ten feet (10') along the east side of McHenry Avenue to the City as a street right-of-way. The applicant disagreed with the City Engineer on this street dedication and chose not to record the plat amendment.

The 2005 ordinance also required that any interest the applicant may have in the small remnant portion of Lot 16 located west of the built McHenry Avenue be conveyed to the City as a public right-of-way. This remnant portion of Lot 16 was included in the 264 Ontario Avenue Subdivision in 2013 (Exhibit D). According to High Country Title, the deed and title do not show that the applicant ever owned property that included the built McHenry Avenue or lands to the west of the built McHenry Avenue.

Ordinance 05-50 also permitted the relocation of the historic structure so that it no longer encroached into the City-owned, deed-restricted Virginia Mining Claim. This finding of fact was included and permitted by the prior Design Guidelines; however, the LMC now states that any relocation must be approved by both the Planning Director and Chief Building Official, and the Planning Director and Chief Building Official must find that unique conditions exist that warrant relocating the historic structure.

**Analysis**

The following chart outlines the existing conditions with the house in its historic location. The plat is necessary in order for the applicant to move forward with a Historic District Design Review (HDDR) application to reconstruct the existing house.

|   | <b>HRL Zone Designation</b> | <b>Previously Existing Conditions</b>          |
|---|-----------------------------|--|
| <i>Lot Size (if combined as proposed)</i> | 3,750 SF                    | 4,891.75 SF                                    |
| <i>Setbacks</i>                           |                             |  |
| Front (West)                              | 10 ft.                      | 36.5 ft.                                       |
| Rear (East)                               | 10 ft.                      | 0 ft. (encroached over the east property line) |
| Side (North)                              | 5 ft.                       | 29 ft.   |
| Side (South)                              | 5 ft.                       | 6 ft.  |
| <i>Height above existing grade</i>        | 27 ft.                      | 15.5 ft.                                       |

As seen in the following chart, the allowed footprint of 257 McHenry Avenue is similar in size to other historic sites and new development in the vicinity. The chart below shows the approximate house size for other developments along McHenry Avenue.

| Address:    | Year Built: | Lot Size (+/-) | Existing SF | Max Footprint   | Historical Significance |
|-------------|-------------|----------------|-------------|---|-------------------------|
| 132 McHenry | N/A         | 6,078 SF       | N/A         | 2,159.8 SF  | Not historic            |
| 154 McHenry | N/A         | 6,534 SF       | N/A         | 2,263.0 SF  | Not Historic            |
| 235 McHenry | 1970        | 6,430 SF       | 1,283 SF    | 2,240.1 SF  | Not Historic            |
| 243 McHenry | 1910        | 9,583 SF       | 910 SF      | 2,796.5 SF  | Landmark                |
| 253 McHenry | N/A         | 3,484 SF       | N/A         | 1,432.5 SF  | Not Historic            |
| 257 McHenry | 1905        | 4,892 SF       | 911 SF      | 1,858.0 SF  | Significant             |
| 277 McHenry | 1970        | 4,356 SF       | 1,115 SF    | 1,705.1 SF  | Not Historic            |
| 300 McHenry | 1993        | 149,411 SF     | 6,622 SF    | Per LMC 15-2.1-3(D), a CUP is required for footprints greater than 3,500 sf | Not Historic            |
| 302 McHenry | 1979        | 3,920 SF       | 1,116 SF    | 1,572.6 SF  | Not Historic            |
| 310 McHenry | 1976        | 7,684 SF       | 2,751 SF    | 2,494.8 SF  | Not Historic            |
| 320 McHenry | 1978        | 9,606 SF       | 3,290 SF    | 2,799.5 SF  | Not Historic            |
| 321 McHenry | 1980        | 4,611 SF       | 1,700 SF    | 1,779.2 SF  | Not Historic            |
| 327 McHenry | N/A         | 3,751 SF       | N/A         | 1,518.9 SF  | Not Historic            |
| 330 McHenry | 1969        | 5,908 SF       | 1,446 SF    | 2,119.4 SF  | Not Historic            |
| 331 McHenry | 1972        | 8,345 SF       | 1,570 SF    | 2,610.7 SF  | Not Historic            |
| 335 McHenry | 1993        | 9,583 SF       | 2,218 SF    | 2,796.5 SF  | Not Historic            |
| 347 McHenry | 1994        | 9,148 SF       | 2,483 SF    | 2,735.5 SF  | Not Historic            |
| 350 McHenry | 1972        | 15,324 SF      | 3,181 SF    | 3,238.7 SF  | Not Historic            |
| 351 McHenry | 1981        | 3,485 SF       | 2,059 SF    | 1,432.5 SF  | Not Historic            |
| 353 McHenry | 1981        | 4,792 SF       | 2,059 SF    | 1,830.3 SF  | Not Historic            |
| 264 Ontario | 1890        | 5,663 SF       | 910 SF      | 2,059.7 SF  | Landmark                |
| 308 Ontario | 1920        | 5,387 SF       | 2,536 SF    | 1,990.0 SF  | Significant             |

Because the built McHenry Avenue is not constructed in the platted McHenry Avenue right-of-way, it is not uncommon for partial lots to be included in subdivision plat amendments in this neighborhood. The amendment of two (2) partial lots and one (1) full lot is not uncommon in Old Town, and the 257 McHenry Avenue Subdivision is in keeping with the lot sizes already in existence in the neighborhood. The smallest lot size in this neighborhood is 3,484 square feet at 253 McHenry Avenue, and the largest lot size is 149,411 square feet at 300 McHenry Avenue. The average lot size is 5,408 square feet, not including 300 McHenry. The average allowed footprint, not including 300 McHenry Avenue, is 2,163.5 square feet which is slightly larger than the allowed footprint of 257 McHenry Avenue. The minimum lot size in the HRL zone is 3,750 sf with a corresponding footprint of 1,519 sf.

As seen in the Existing Conditions Survey (Exhibit B), there is an access easement within the platted McHenry Avenue right-of-way that provides access to the site from the built McHenry Avenue. This easement is nine feet (9') in width and ends at the

intersection of the platted McHenry Avenue and platted 3<sup>rd</sup> Street right-of-ways (Exhibit F). There is an existing gravel driveway that extends south from this intersection over the 3<sup>rd</sup> Street right-of-way, and into the 257 McHenry Avenue site. The City Engineer will require an encroachment agreement over the 3<sup>rd</sup> Street right-of-way to access the site, and this is stipulated in Condition of Approval #6. There are no existing encroachments on this site.

Aside from the HDDR and Building Permit, the applicant will be required to submit a Steep Slope Conditional Use Permit (CUP) should any addition be located upon an existing slope of thirty percent (30%) or greater and exceed a total square footage of one thousand square feet (1,000 sf). Portions of this site exceed thirty percent (30%) slope.

### **Good Cause**

Planning Staff believes there is good cause for the application. Combining the lots will allow the property owner to move forward with site improvements, which include reconstructing the historic house and adding an addition. If left un-platted, the owner will only be able to reconstruct the historic house which will sit on top of lot lines. The plat amendment will permit the reconstructed historic building to no longer straddle interior lot lines. The plat amendment will also utilize best planning and design practices, while preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.

Staff finds that the plat will not cause undo harm on any adjacent property owner because the proposal meets the requirements of the Land Management Code (LMC) and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. In approving the plat, the City will gain one (1) ten foot (10') snow storage easement along McHenry Avenue as well as resolve the existing building encroachments over interior lot lines. The applicant cannot move forward with the HDDR addition until the plat amendment has been recorded.

### **Process**

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

### **Department Review**

This project has gone through an interdepartmental review. No additional issues were raised regarding the subdivision.

### **Notice**

The property was posted and notice was mailed to property owners within 300 feet on May 27, 2014. Legal notice was published in the Park Record on May 26, 2014.

### **Public Input**

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

### **Alternatives**

- The Planning Commission may forward a positive recommendation to the City Council for the 257 McHenry Avenue Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 257 McHenry Avenue Subdivision and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on the 257 McHenry Avenue Subdivision to a date certain.

### **Significant Impacts**

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

### **Consequences of not taking the Suggested Recommendation**

The proposed plat amendment would not be recorded and one (1) and two (2) partial existing lots would not be adjoined. Any additions to the historic house would not be permitted because the new construction would be required to meet the setbacks from the interior lot lines.

### **Recommendation**

Staff recommends the Planning Commission hold a public hearing for the 257 McHenry Avenue Subdivision plat amendment, and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

### **Exhibits**

Exhibit A – Draft Ordinance with proposed plat

Exhibit B – Existing Conditions Survey

Exhibit C – Vicinity Map/Aerial Photograph and streetscape photos

Exhibit D – Ordinance No. 12-32 for 264 Ontario Avenue, with City Council Staff Report and minutes

Exhibit E – Ordinance No. 05-50 for 257 McHenry Plat, with City Council Staff Report and minutes

Exhibit F – Warranty Deed dated April 1980

Exhibit G – 2001 Existing Conditions Survey

## Exhibit A – Draft Ordinance with Proposed Plat

Ordinance 14-

### **AN ORDINANCE APPROVING THE 257 MCHENRY AVENUE SUBDIVISION PLAT LOCATED AT 257 McHenry Avenue, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 257 McHenry Avenue, has petitioned the City Council for approval of the plat amendment; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on June 25, 2014 to receive input on the proposed subdivision;

WHEREAS, on June 25, 2014 the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on July 10, 2014 the City Council held a public hearing on the proposed plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 257 McHenry Avenue Subdivision.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The 257 McHenry Avenue Subdivision as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

#### **Findings of Fact:**

1. The property is located at 257 McHenry Avenue within the Historic Residential Low Density (HRL) Zoning District.
2. The applicants are requesting to combine all of Lot 17 and portions of Lots 16 and 18 of Block 60 of the Amended Plat of the Park City Survey.
3. The plat amendment is necessary in order for the applicant to move forward with a Historic District Design Review (HDDR) application for the purpose of reconstructing the historic house and adding an addition.
4. The amended plat will create one new 4,891.75 square foot lot. Minimum lot size in the HRL zone is 3,750 sf.
5. The site is identified as “Significant” on the City’s Historic Sites Inventory (HSI).

6. The Building Department issued a Notice and Order due to the dangerous condition of the building on May 14, 2013. The applicant submitted a Historic District Design Review (HDDR) to deconstruct the historic structure on September 5, 2013. The Planning Department approved this application on November 7, 2013, with a condition of approval that a new HDDR application would be submitted in order to reconstruct the historic house. A financial guarantee was recorded with Summit County on January 2, 2014, and provided the applicant two (2) years in which to reconstruct the historic building.
7. The historic structure encroached over the east property line and into the City-owned Virginia Mining Claim open space. The reconstructed structure would not be permitted to be relocated on the property unless the relocation meets the criteria outlined in LMC 15-11-13.
8. The reconstruction of the house will require a review under the adopted 2009 Design Guidelines for Historic Districts and Historic Sites through the HDDR process. At this time, no HDDR application has been submitted to the Planning Department in order to reconstruct the house and add a small addition. A steep slope CUP will be required should the applicant build over 1,000 square feet upon any existing slope of 30% or greater.
9. The maximum allowed building footprint allowed on the lot is 1,858.0 square feet. The applicant intends to construct a new rear addition and reconstruct the historic structure.
10. The amendment of one (1) full and two (2) partial Old Town lots would be smaller than the average size of lot combinations along McHenry Avenue and is in keeping with the traditional size of development on this street and in this neighborhood.
11. New additions to the rear of the historic home require adherence to current setbacks as required in the HRL District, as well as be subordinate to the main dwelling in terms of size, setback, etc., per the requirements of the adopted 2009 Design Guidelines for Historic Districts and Historic Sites.
12. On April 30, 2014, the applicant applied for a plat amendment. The application was deemed complete on May 15, 2014.
13. The existing built McHenry Avenue bisects Lot 16 and forms the western edge of the property.
14. Finding of Fact #6 of Ordinance 05-50 stated that the applicant proposes to dedicate the lot area covered by existing built McHenry Avenue and an additional 10 feet of width measured from the easterly edge of the McHenry Avenue pavement to the City as a public right-of-way. According to High Country Title, the deed and title do not show that the applicant ever owned property that included the built McHenry Avenue or lands to the west of the built McHenry Avenue.
15. Finding of Fact #7 of Ordinance 05-50 stated that any interest the applicant may have in the small remnant portion of Lot 16 located west of the existing built McHenry Avenue will be conveyed to the City for public right-of-way. This portion of McHenry Avenue transferred ownership and was included in the 264 Ontario Avenue Subdivision, recorded in 2013.
16. Ordinance 05-50 was approved by City Council on August 18, 2005; however, the plat amendment was never recorded.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work that expands the footprint of the home, or would first require the approval of an HDDR, shall be granted until the plat amendment is recorded with the Summit County Recorder's office.
4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
5. A 10 foot (10') wide public snow storage easement is required along the street frontage of the lot along the built McHenry Avenue and shall be shown on the plat.
6. The applicant must enter into an Encroachment Agreement with the City Engineer for the portion of the driveway that is located within the platted 3rd Street right-of-way.
7. Any interest the applicant may have in the built McHenry Avenue will be conveyed to the City for public right-of-way.

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

PASSED AND ADOPTED this \_\_\_\_ day of July, 2014.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

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City Recorder

APPROVED AS TO FORM:

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Mark Harrington, City Attorney



# Exhibit B

## SURVEYOR'S CERTIFICATE

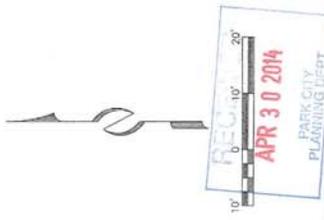
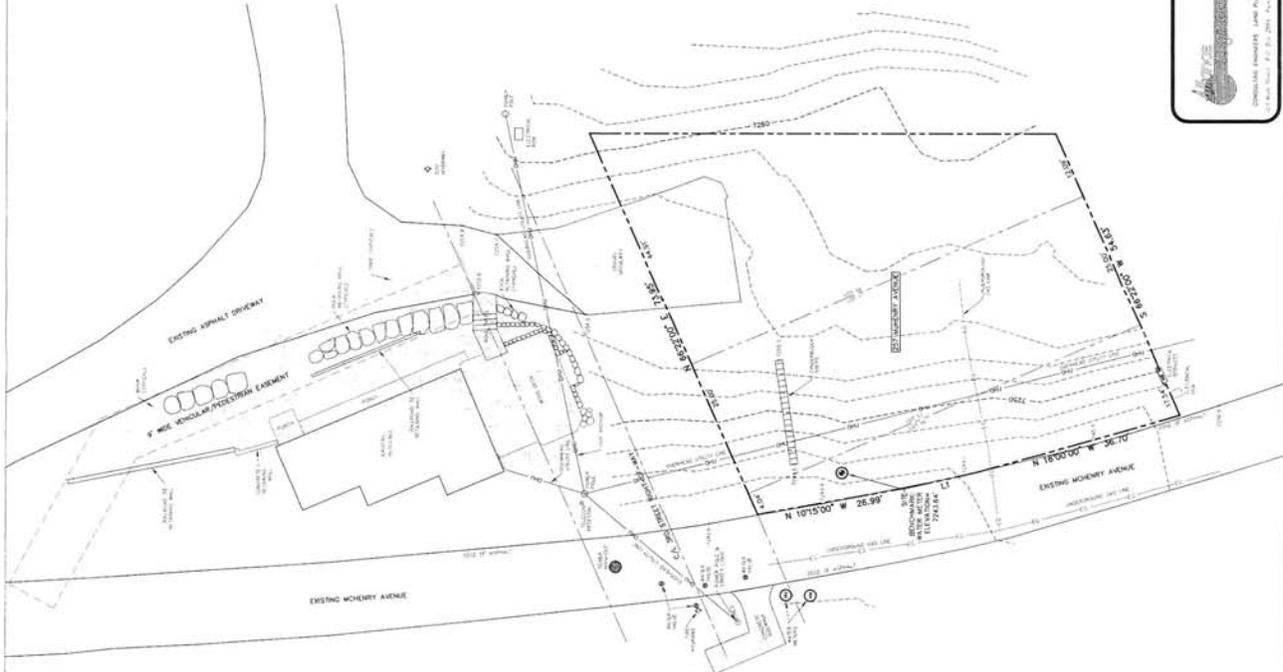
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certificate no. 4540739 as prescribed under the laws of the State of Missouri. I have personally supervised the survey that has been made under my direction of the lands shown and described hereon. I further certify that the geographic survey is a true and correct survey and that the same has been completed and is in compliance with generally accepted industry standards for accuracy.



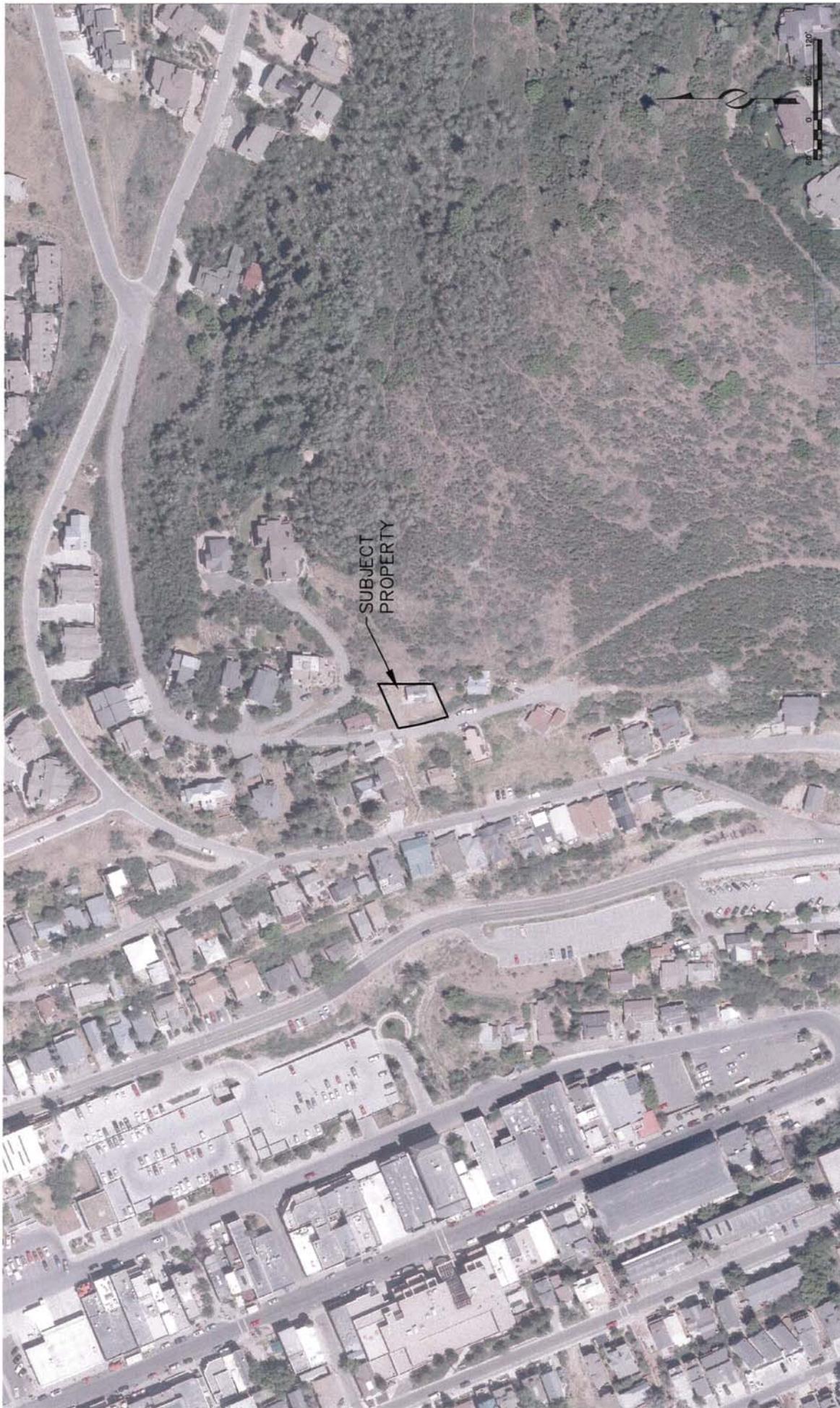
## NOTES

1. Site Benchmark: Water Meter  
Elevation = 7243.64'
2. The architect is responsible for verifying building setbacks, zoning requirements and building height.
3. Dashed lines show proposed easements based on a title survey performed on October 25, 2009 and a plat of survey on April 18, 2014.
4. Property corners were set or found.

| LINE | BEARING        | DISTANCE |
|------|----------------|----------|
| LT   | N. 17°27'00" W | 12.59'   |



(20) 454-4447  
  
 STATE OF MISSOURI  
 MARTIN MORRISON  
 LAND SURVEYOR  
 DATE: 4/18/14  
 A PORTION OF LOT 18, LOTS 17 & 18, BLOCK 60  
 257 WOODCHERRY AVENUE, PCS  
 EXISTING CONDITIONS MAPPING  
 FOR: HERBERT ARMSTRONG  
 JOB NO.: 10-3-14  
 FILE: K:\ParkCity\Survey\Eng\100314.dwg



SUBJECT  
PROPERTY

(435) 649-3447  
**WATKINS**  
 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
 222 Main Street P.O. Box 204 Park City, Utah 84060-0204

STAFF: LINDA HARRISON HOLLEY  
 DATE: 4/14/14

**APR 30 2014** AERIAL PHOTOGRAPH  
**257 MCHENRY AVENUE**  
 PARK CITY PLANNING DEPARTMENT  
 FOR: BEBB ARMSTRONG  
 JOB NO.: 10-3-14  
 FILE: X:\ParkCity\Survey\Aerial\257\_mcherry-photo.dwg

SHEET  
 1  
 OF  
 1

**Ordinance No. 12-32**

**AN ORDINANCE APPROVING THE 264 ONTARIO AVENUE SUBDIVISION COMBINING LOTS 13, 14, 15 AND A PORTION OF 16, BLOCK 60, OF THE PARK CITY SURVEY, INTO ONE LOT OF RECORD FOR 264 ONTARIO, LOCATED IN PARK CITY, SUMMIT COUNTY, UTAH**

**WHEREAS**, the owner of the properties known as 264 Ontario Avenue, has petitioned the City Council for approval of a plat amendment combining Lots 13, 14, 15, and a portion of 16, Block 60 of the Park City Survey; and

**WHEREAS**, the property was properly noticed and posted according to the requirements of the Land Management Code; and

**WHEREAS**, proper legal notice was sent to all affected property owners; and

**WHEREAS**, the Planning Commission held a public hearing on October 10, 2012, to receive input on the 264 Ontario Avenue Subdivision; and

**WHEREAS**, the Planning Commission, on October 10, 2012, forwarded a positive recommendation to the City Council; and

**WHEREAS**, on October 25, 2012, the City Council conducted a public hearing on the 264 Ontario Avenue Subdivision; and

**WHEREAS**, it is in the best interest of Park City, Utah to approve the 264 Ontario Avenue Subdivision.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The 264 Ontario Avenue Subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is located at 264 Ontario Avenue within the Historic Residential Low (HRL) zoning district.
2. On August 1, 2012, the property owner submitted an application to the Planning Department for the proposed plat amendment.
3. The application was deemed complete on August 10, 2012.
4. The plat amendment combines Lots 13, 14, and 15 with a portion of Lot 16, Block 60, of the Park City Survey, into one lot of record for an existing Landmark house.
5. The proposed plat amendment will create one (1) lot of record that is seventy five feet (75') wide by seventy feet (70') feet deep. The minimum lot

- width in the HRL zone is thirty five feet (35'). The lot depth is the minimum distance from the front property line to the rear property line.
6. The area of the proposed lot is 5,677.45 sf (5,773.45 square feet minus 96 square feet of area dedicated to the McHenry Avenue ROW). The minimum lot size in the HRL zoning district is 3,750 square feet.
  7. There is an existing historic Landmark structure on the property that is listed on the Park City Historic Sites Inventory.
  8. The Landmark structure was constructed in or around the year 1890 across lot lines between Lots 13 and 14. A non-historic lean-to shed crosses from Lot 14 to 15, Block 60 of the Park City survey. The house encroaches onto platted Ontario Avenue.
  9. The applicant cannot obtain a building permit to build an addition to the historic house if it crossing an internal lot line. A plat amendment must be recorded prior to issuance of a building permit for a future addition.
  10. The owner is not proposing to move the house from its existing location.
  11. The property has frontage on platted Ontario Avenue and existing McHenry Avenue.
  12. A 96 square foot portion of McHenry Avenue exists on the subject property.
  13. The porch and front of the Historic Structure encroaches up to eight and a half (8 ½) feet into the platted Ontario Avenue ROW.
  14. Maximum footprint allowed on the lot is 2,064 square feet. The footprint of the existing landmark structure is 793 square feet.
  15. The neighborhood is characterized by a mix of single family historic homes and single family non-historic homes on single and combinations of "Old Town" lots. The average footprint of re-platted lots greater than 3,750 sf, in the surrounding area is 2,283 square feet per the findings in Table 1.
  16. The lots are situated on narrow streets, namely, Ontario Avenue and McHenry Avenue which are not located within their respective platted rights-of way. There is little or no available on-street parking in this neighborhood. Snow removal from McHenry may put snow onto the first 10' of the proposed lot fronting McHenry. Snow removal from Ontario occurs onto platted Ontario Avenue and therefore no snow storage easements on the lot area fronting Ontario are necessary. Paved Ontario is twenty feet below and forty (40') to sixty (60') to the west of the proposed lot.
  17. All findings within the Analysis section are incorporated herein.

#### Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. The public will not be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

#### Conditions of Approval

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

from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The plat must be recorded prior to issuance of a building permit for any additions to the historic structure.
4. A 10 foot wide public snow storage easement will be located along the property's frontage with McHenry Avenue. The easement shall be indicated on the final plat.
5. Modified 13-D sprinklers will be required for all new construction and noted on the plat.
6. An encroachment easement into Ontario Avenue, for the existing historic house, porch, shed, and retaining walls, shall be recorded and the recording information shall be indicated on the final plat, prior to recordation of this plat amendment.
7. Approximately ninety-six (96) square feet of property shall be dedicated to Park City as McHenry Avenue ROW and shall be so indicated on the final plat.

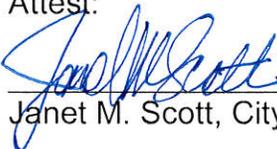
**SECTION 2. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

APPROVED AND ADOPTED this 25<sup>th</sup> day of October 2012.

PARK CITY MUNICIPAL CORPORATION

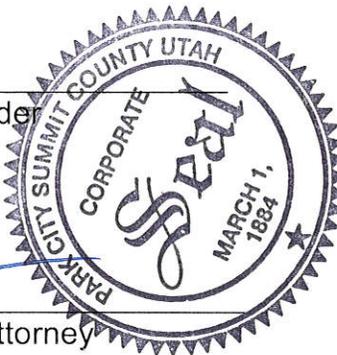
  
\_\_\_\_\_  
Dana Williams, Mayor

Attest:

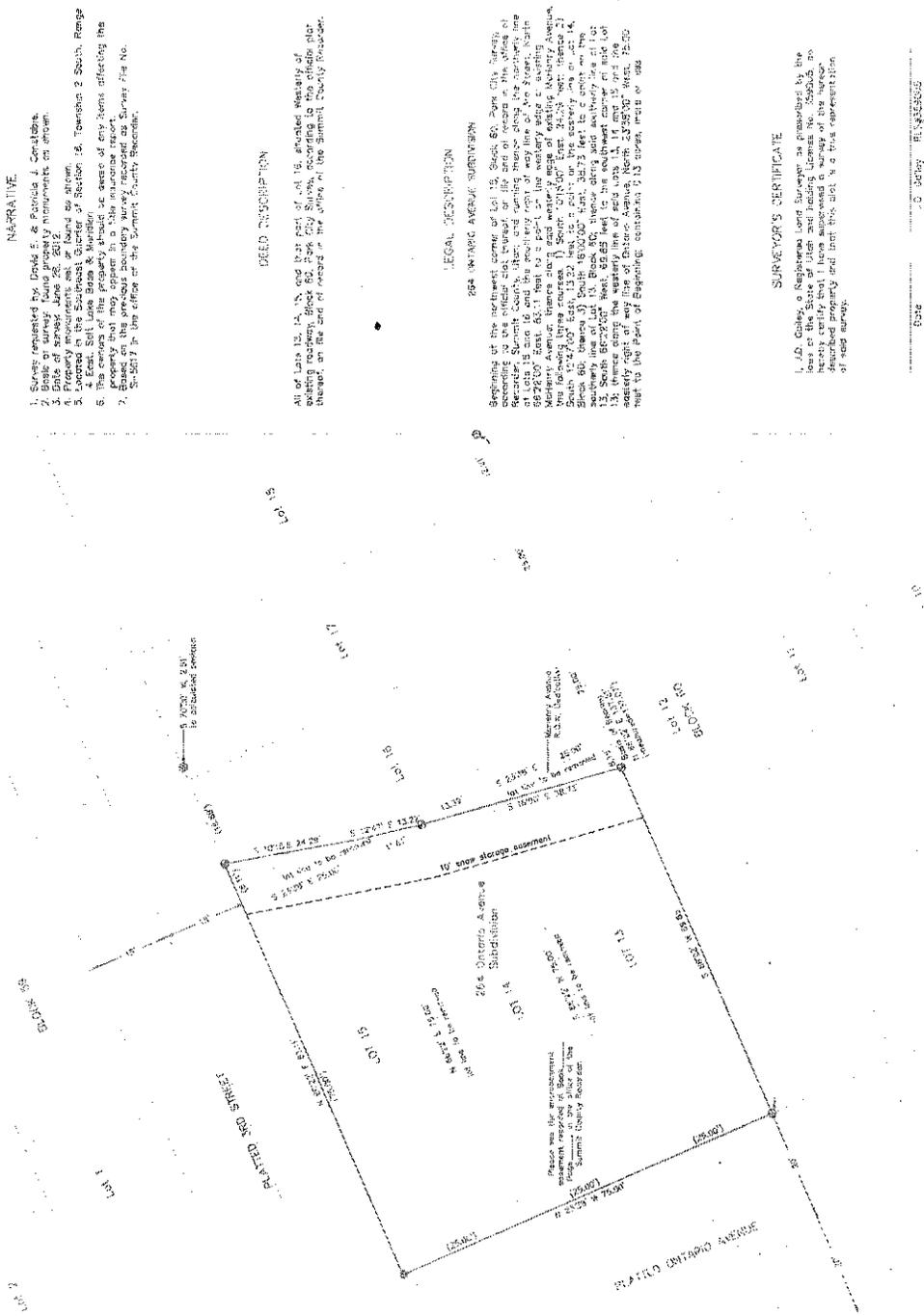
  
\_\_\_\_\_  
Janet M. Scott, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mark D. Harrington, City Attorney



264 Ontario Avenue Subdivision  
a replat of Block 60, Lots 13, 14, 15  
and a portion of Lot 16



NARRATIVE

1. Survey requested by David E. & Patricia J. Conzatti.
2. Basis of survey being property monuments as shown.
3. Property monuments are: (a) Iron pipe, (b) Iron pipe, (c) Iron pipe, (d) Iron pipe, (e) Iron pipe, (f) Iron pipe, (g) Iron pipe, (h) Iron pipe, (i) Iron pipe, (j) Iron pipe, (k) Iron pipe, (l) Iron pipe, (m) Iron pipe, (n) Iron pipe, (o) Iron pipe, (p) Iron pipe, (q) Iron pipe, (r) Iron pipe, (s) Iron pipe, (t) Iron pipe, (u) Iron pipe, (v) Iron pipe, (w) Iron pipe, (x) Iron pipe, (y) Iron pipe, (z) Iron pipe.
4. Located in the Southwest Quarter of Section 14, Township 2 South, Range 2 East, Salt Lake Basin & Reclamation District, Summit County, Utah.
5. East Salt Lake Basin & Reclamation District, Summit County, Utah.
6. Property monuments are: (a) Iron pipe, (b) Iron pipe, (c) Iron pipe, (d) Iron pipe, (e) Iron pipe, (f) Iron pipe, (g) Iron pipe, (h) Iron pipe, (i) Iron pipe, (j) Iron pipe, (k) Iron pipe, (l) Iron pipe, (m) Iron pipe, (n) Iron pipe, (o) Iron pipe, (p) Iron pipe, (q) Iron pipe, (r) Iron pipe, (s) Iron pipe, (t) Iron pipe, (u) Iron pipe, (v) Iron pipe, (w) Iron pipe, (x) Iron pipe, (y) Iron pipe, (z) Iron pipe.
7. Based on the previous boundary survey recorded as Survey File No. S-5017 in the office of the Summit County Recorder.

DEED DESCRIPTION

All of Lots 13, 14, 15, and that part of lot 16, situated westerly of existing roadway Block 60, Park City Survey, according to the official plat thereof, on the east of record in the office of the Summit County Recorder.

LEGAL DESCRIPTION

Beginning at the northwest corner of Lot 13, Block 60, Park City Survey, according to the official plat thereof, or the area of record in the office of the Summit County Recorder, and running thence North 89° 28' 00\"/>

SURVEYOR'S CERTIFICATE

I, J.D. Colley, a Registered Land Surveyor as provided by the laws of the State of Utah, do hereby certify that the above described property and that this plat is a true representation of said survey.

Date: 06 July 2014



- LEGEND
- ① Eased right of way - LS 558005
  - ② Eased right of way - LS 154481
  - ③ Eased right of way - LS 154481
  - ④ 15' 5.76\"/>

OWNER'S DECLARATION AND CONSENT TO RECORD

I, the undersigned, being the owner of the above described property, do hereby declare that I am the owner of the above described property and that I have read and understand the contents of this plat and that I consent to the recording of this plat and the subdivision of the above described property into the lots shown hereon. I have read and understand the contents of this plat and that I consent to the recording of this plat and the subdivision of the above described property into the lots shown hereon.

By: David E. Conzatti  
Patricia J. Conzatti

ACKNOWLEDGEMENT

STATE OF UTAH  
County of Summit  
On this 06th day of July, 2014, David E. and Patricia J. Conzatti, husband and wife, being the owners of the above described property, do hereby declare that they have signed this plat and that they consent to the recording of this plat and the subdivision of the above described property into the lots shown hereon.

My commission expires: \_\_\_\_\_  
NOTARY PUBLIC  
RESIDING IN: \_\_\_\_\_ COUNTY, \_\_\_\_\_

SNYDERVILLE BASIN  
WATER RECLAMATION DISTRICT  
PLANNING COMMISSION  
APPROVED AS TO FORM AND CONTENTS ON \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014  
BY: \_\_\_\_\_

ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY AND INFORMATION ON WHICH IT IS BASED. I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF UTAH. MY LICENSE NO. IS \_\_\_\_\_ AND I AM A MEMBER OF THE PROFESSIONAL ENGINEERS SOCIETY OF UTAH. MY EXPIRATION DATE IS \_\_\_\_\_.

CERTIFICATE OF ATTEST

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF UTAH. MY LICENSE NO. IS \_\_\_\_\_ AND I AM A MEMBER OF THE PROFESSIONAL ENGINEERS SOCIETY OF UTAH. MY EXPIRATION DATE IS \_\_\_\_\_.

COUNCIL APPROVAL AND ACCEPTANCE

APPROVED AND ACCEPTED BY THE BOARD OF SUMMIT COUNTY ENGINEERS ON \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014.  
BY: \_\_\_\_\_

RECORDED

STATE OF UTAH COUNTY OF SUMMIT AND FILED IN THE OFFICE OF THE COUNTY RECORDER ON \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014.  
BY: \_\_\_\_\_



## City Council Staff Report

**Subject:** 264 Ontario Avenue Subdivision  
**Author:** Kirsten Whetstone, MS, AICP  
**Application:** PL-12-01628  
**Date:** October 25, 2012  
**Type of Item:** Administrative – Plat Amendment

### Summary Recommendations

Staff recommends that the City Council review the plat amendment, conduct a public hearing, and consider approving the 264 Ontario Avenue Subdivision plat amendment according to the findings of fact, conclusions of law, and conditions of approval outlined in the attached ordinance.

### Topic

**Applicant:** David and Patricia Constable, Owners  
**Location:** 264 Ontario Avenue  
**Zoning:** Historic Residential Low Density (HRL)  
**Adjacent Land Uses:** Residential  
**Reason for Review:** Plat amendments require Planning Commission review and City Council approval

### Proposal

The applicant is requesting a plat amendment to combine Lots 13, 14, 15 and a portion of Lot 16, Block 60, of the Park City Survey, into one lot of record for an existing "Landmark" Structure located on this property. The house was constructed across property lines and encroaches into the platted Ontario Avenue right-of-way. The applicant desires to construct an addition to the existing historic house. Approximately 96 sf of lot area will be dedicated as McHenry Avenue right-of-way (ROW) and an encroachment easement on Ontario Avenue will be recorded for the existing house and retaining walls.

### Purposes of the HRL District

The purposes of the Historic Residential Low-Density (HRL) District are to:

- (A) Reduce density that is accessible only by substandard Streets so these Streets are not impacted beyond their reasonable carrying capacity,
- (B) Provide an Area of lower density Residential Use within the old portion of Park City,
- (C) Preserve the character of Historic residential Development in Park City,
- (D) Encourage the preservation of Historic Structures,
- (E) Encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District, and maintain existing residential neighborhoods.

- (F) Establish Development review criteria for new Development on Steep Slopes which mitigate impacts to mass and scale and the environment, and
- (G) Define Development parameters that are consistent with the General Plan policies for the Historic core.

### **Background**

On August 1, 2012, the City received an application for a plat amendment for the property at 264 Ontario Avenue. The application was deemed complete on August 10, 2012. The plat amendment combines Lots 13, 14, and 15 with a portion of Lot 16, Block 60, of the Park City Survey, into one lot of record for an existing Landmark house (Exhibit A- proposed plat). The resulting lot of record contains 5,677.45 sf. The total property size is 5,773.45 sf and 96 sf will be dedicated with the plat amendment for McHenry Avenue ROW. The proposed lot is 75' wide and 70' deep.

The proposed lot fronts on platted Ontario Avenue to the west. Paved Ontario Avenue is approximately sixteen feet (16') wide and is located entirely outside of the platted ROW in this area. The existing Landmark house, historic porch, and non-historic shed at 264 Ontario encroach up to eight and a half (8 ½) feet into the platted Ontario ROW (Exhibit B- existing conditions).

Platted Ontario Avenue is located on a 45% slope that makes up the front yard of 264 Ontario. The proposed lot also has frontage on existing, paved McHenry Avenue to the east. McHenry Avenue is approximately thirteen feet (13') wide in this location and is also not located within the platted McHenry ROW in this area.

The existing house is listed on the Park City Historic Sites Inventory as a "Landmark" structure. The house was constructed in or around the year of 1890. The existing house crosses over the northerly property line of lot 14 onto adjacent lot 15 and across the southerly property line of Lot 14 onto adjacent lot 13, and also encroaches onto the platted Ontario Avenue. All of the property is owned in common by the owner of the historic structure at 264 Ontario Avenue. The owner does not propose to move the house. The shed is not indicated on the Sanborn maps.

The applicant desires to build an addition to the rear of the Landmark house but cannot do so without a plat amendment to remove internal lot lines that go through the existing house. A plat amendment must be approved and recorded prior to issuance of a building permit. Additionally, a Steep Slope Conditional Use Permit application will be required for construction of more than 1,000 sf because the property exceeds thirty percent (30%) slope.

The property is located within the Historic Residential Low Density (HRL) zoning district. All future applications for construction of an addition must comply with the Land Management Code (LMC) and the Park City Historic District Design (HDDR) Guidelines.

On October 10, 2012, the Planning Commission conducted a public hearing, discussed the plat amendment application, and voted unanimously to forward a

positive recommendation to the City Council (see Exhibit H- draft PC meeting minutes). No public input was provided at the meeting.

**Analysis**

The application is a plat amendment to create one lot of record at 264 Ontario Avenue. The existing Landmark structure has existed across the lot lines since it was constructed in or around the year of 1890.

The proposed plat amendment will create one lot of record that is seventy five feet (75') wide by seventy (70') deep. Lot depth is the minimum distance between the front and rear property line and because of the proposed ROW dedication the south property line is seventy (70') deep. The area of the proposed lot is 5,677.45 square feet (this does not include the ninety six (96) square feet of area to be dedicated for McHenry Avenue). The minimum lot size in the HRL zoning district is 3,750 square feet. The minimum lot width in the HRL zone is thirty five feet (35'); measured fifteen feet back from the Front lot line.

The following table explains the site requirements for lots within the HR-1 zoning district and how the proposals comply with the zoning regulations:

| Required  | Proposed Lot  |
|---|---|
| Lot Size: Minimum 3,750 square feet   | 5,677.45 square feet- complies with minimum required. Does not include ROW.   |
| Density: Minimum lot size for single family dwelling is 3,750 square feet and duplexes are not allowed. | One single family dwelling- complies and is an allowed use.   |
| Front yard. The minimum front yard is ten feet (10').   | Existing historic home encroaches 8.5 feet over the front property line- this is an existing legal non-complying setback.                                       |
| Rear yard. The minimum rear yard is ten feet (10').   | Existing historic home is 55' from rear lot line and complies with the minimum of 10'.  |
| Side yard. The minimum side yard is 5 feet (5') with a combined minimum of 18 feet (18').               | Existing historic home is 10 feet from the north side lot line- complies. The existing historic home is 25' from the south side lot line- complies.             |
| Footprint: based on 5,677.45 sf lot is 2,064 sf.  | 2,064 sf maximum footprint. The existing historic home has a footprint of 793 sf. Maximum additional footprint is 1,271 sf subject to HDDR and Steep Slope CUP. |

**Footprint/House Size Analysis**

The maximum footprint for the lot combination (based on the proposed lot size as permitted by the LMC) is 2,064 sf. The existing historic house has a footprint of 793 square feet, not including the porch. The total permitted additional footprint is 1,271 sf. The plat amendment is consistent with the purposes of the zone to combine lots, decrease the overall density, and preserve the historic home in its existing location. Other plat amendments in the neighborhood have resulted in similar or larger maximum footprints and have not been further restricted by a

condition of the plat, but required to comply with the footprint that results from the footprint formula in the LMC (see Table 1). In this area, the average footprint of combined lots greater than the standard 3,750 sf, is 2,283 sf

The total actual amount of footprint and floor area of any future addition is subject to Historic District Design Review and Steep Slope CUP approval. The applicant has hired an architect to begin designing an addition and has been before the Design Review Team with a pre-HDDR application; however no Steep Slope CUP or HDDR applications have been submitted. The LMC in the HRL zone limits setbacks, building footprint, building height, and maximum number of stories. Additionally, the Steep Slope CUP criteria indicate that an adverse impact could be mitigated by a house size reduction. Given the existing location of the historic structure and the setbacks established with the plat amendment Staff finds that the lot combination would not result in a significantly larger footprint than exists in this neighborhood and is less than the average footprint of larger combined lots in the neighborhood (Exhibit C). Staff finds that the plat amendment complies with the Land Management Code.

**Table 1 – Footprint/House Size Analysis**

| Plat name                      | Map letter | Address             | Total Lot Area (sf)   | Allowed Footprint per LMC (sf) per Lot              | Restricted Footprint per Plat (sf) |
|--------------------------------|------------|---------------------|---|---|------------------------------------|
| Thomas & Dickens Sub           | A          | 265/275 Ontario     | Lot 1- 4,081<br>Lot 2- 3910<br>ROW-1,788                      | 1,623<br>1,570                                      | n/a                                |
| 308 Ontario Subdivision        | B          | 308 Ontario         | Lot 1- 5,387  | 1,991   | n/a*                               |
| 321 McHenry Subdivision        | C          | 321 McHenry         | Lot 1- 4,610  | 1,779   | n/a                                |
| 331 McHenry Subdivision        | D          | 331 McHenry         | Lot A- 8,345<br>Lot B- 3,750<br>Lot C- 3,750                  | 2,610<br>1,518<br>1,518                             | n/a<br>n/a<br>n/a                  |
| 335 McHenry Replat             | E          | 335 McHenry         | Lot 1- 9,603  | 2,795   | n/a                                |
| Baer Subdivision               | F          | 253 McHenry         | Lot 1- 3,657<br>ROW- 2,843<br>Total- 6,500                    | 2,256   | 2,256**                            |
| Ivers/Baer Replat              | G          | 235 McHenry, et all | Lot 1- 3,750<br>Lot 2- 6,430<br>Lot 3- 6,078                  | 1,518<br>2,241<br>2,161                             | n/a<br>n/a<br>n/a                  |
| Rossie Hill Subdivision        | H          | 310-350 McHenry     | Lot 1- 15,324<br>Lot 2- 5,908<br>Lot 3- 9,606<br>Lot 4- 7,684 | 3,238<br>2,119<br>2,799<br>2,494                    | 3,118***<br>n/a<br>2,627<br>2,383  |
| <b>264 Ontario Subdivision</b> |            | <b>264 Ontario</b>  | <b>Lot 1- 5,677<br/>ROW- 96 sf<br/>Total- 5,773</b>           | <b>2,064 (not including the dedicated ROW area)</b> | <b>n/a****</b>                     |

\* n/a indicates that the footprint was not restricted with the plat amendment.

\*\* Plat allows footprint to be based on lot size plus dedicated ROW, then utilize the LMC formula.

\*\*\* Restricted due to a platted non-disturbance area that didn't count into footprint calculations.

\*\*\*\* Average footprint of re-platted lots (of lots greater than 3,750 sf), in this area, is 2,283 sf. The average footprint for all re-platted lots within these replats is 2,140 sf.

### **Good Cause**

“Good cause”, is defined in the Land Management Code as “Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and Park City and furthering the health, safety, and welfare of the Park City community.” Conditions of approval, stipulated to by the applicant, further enhance the good cause and preserve the character of the neighborhood.

Staff finds good cause for this plat amendment as it will combine all of the property owned by the owner at this location; dedicate property and snow storage easements for McHenry Avenue, decrease density by combining lots and resolve encroachment issues created by the existing house.

### **Process**

This application combines the property associated with the existing historic house and removes interior property lines that the house was constructed over. This process does not approve any future construction. Prior to issuance of any building permits, the applicant would have to submit a Historic District Design Review application, requiring noticing of the adjacent property owners. A Steep Slope Conditional Use Permit (CUP) application is also required per the LMC for any construction of more than 1,000 square feet of floor area on a slope of 30% or greater. The applicant has hired an architect to design the addition and has been before the Design Review Team with a pre-HDDR; however no CUP or HDDR applications have been submitted yet. Approval of this plat amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18.

### **Department Review**

The Planning Department has reviewed this request. The request was discussed at Internal Development Review meetings where representatives from local utilities and City Staff were in attendance. There are no outstanding issues regarding this plat amendment that are not addressed by the conditions of approval.

### **Notice**

Notice of this hearing was sent to property owners within 300 feet and the property was posted fourteen days in advance of the public hearing. Legal notice was also published in the Park Record.

### **Public Input**

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

### **Alternatives**

- **Approve:** The City Council may approve the 264 Ontario Avenue Subdivision as conditioned; or
- **Deny:** The City Council may deny the 264 Ontario Avenue Subdivision and

- direct staff to make Findings for this decision and return at a date certain; or
- **Modify:** The City Council may amend the 264 Ontario Avenue Subdivision; or
  - **Continue:** The City Council may continue the discussion on the 264 Ontario Avenue Subdivision to a date certain and provide staff and the applicant with direction as to any additional information requested in order to make a decision on this matter.
  - **Do nothing:** This is not an option on an administrative application when the applicant has petitioned the City Council to take an action.

### **Significant Impacts**

There are not significant impacts from the proposed subdivision.

### **Consequences of not taking the Recommended action**

An addition could not be built across a property line and the encroachments would need to be addressed prior to issuance of building permits for any additional construction.

### **Recommendation**

Staff recommends that the City Council review the plat amendment, conduct a public hearing, and consider approving the 264 Ontario Avenue Subdivision plat amendment according to the findings of fact, conclusions of law, and conditions of approval as outlined in the attached ordinance.

### **Exhibits**

Ordinance

Exhibit A – Proposed plat

Exhibit B – Existing conditions survey

Exhibit C – Aerial

Exhibit D – Photos

Exhibit E – Draft minutes of the October 10<sup>th</sup> Planning Commission meeting

**Ordinance No. 12-**

**AN ORDINANCE APPROVING THE 264 ONTARIO AVENUE SUBDIVISION  
COMBINING LOTS 13, 14, 15 AND A PORTION OF 16, BLOCK 60, OF THE  
PARK CITY SURVEY, INTO ONE LOT OF RECORD FOR 264 ONTARIO,  
LOCATED IN PARK CITY, SUMMIT COUNTY, UTAH**

**WHEREAS**, the owner of the properties known as 264 Ontario Avenue, has petitioned the City Council for approval of a plat amendment combining Lots 13, 14, 15, and a portion of 16, Block 60 of the Park City Survey; and

**WHEREAS**, the property was properly noticed and posted according to the requirements of the Land Management Code; and

**WHEREAS**, proper legal notice was sent to all affected property owners; and

**WHEREAS**, the Planning Commission held a public hearing on October 10, 2012, to receive input on the 264 Ontario Avenue Subdivision; and

**WHEREAS**, the Planning Commission, on October 10, 2012, forwarded a positive recommendation to the City Council; and

**WHEREAS**, on October 25, 2012, the City Council conducted a public hearing on the 264 Ontario Avenue Subdivision; and

**WHEREAS**, it is in the best interest of Park City, Utah to approve the 264 Ontario Avenue Subdivision.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as findings of fact. The 264 Ontario Avenue Subdivision as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The property is located at 264 Ontario Avenue within the Historic Residential Low (HRL) zoning district.
2. On August 1, 2012, the property owner submitted an application to the Planning Department for the proposed plat amendment.
3. The application was deemed complete on August 10, 2012.
4. The plat amendment combines Lots 13, 14, and 15 with a portion of Lot 16, Block 60, of the Park City Survey, into one lot of record for an existing Landmark house.
5. The proposed plat amendment will create one (1) lot of record that is seventy five feet (75') wide by seventy feet (70') feet deep. The minimum lot

- width in the HRL zone is thirty five feet (35'). The lot depth is the minimum distance from the front property line to the rear property line.
6. The area of the proposed lot is 5,677.45 sf (5,773.45 square feet minus 96 square feet of area dedicated to the McHenry Avenue ROW). The minimum lot size in the HRL zoning district is 3,750 square feet.
  7. There is an existing historic Landmark structure on the property that is listed on the Park City Historic Sites Inventory.
  8. The Landmark structure was constructed in or around the year 1890 across lot lines between Lots 13 and 14. A non-historic lean-to shed crosses from Lot 14 to 15, Block 60 of the Park City survey. The house encroaches onto platted Ontario Avenue.
  9. The applicant cannot obtain a building permit to build an addition to the historic house if it crossing an internal lot line. A plat amendment must be recorded prior to issuance of a building permit for a future addition.
  10. The owner is not proposing to move the house from its existing location.
  11. The property has frontage on platted Ontario Avenue and existing McHenry Avenue.
  12. A 96 square foot portion of McHenry Avenue exists on the subject property.
  13. The porch and front of the Historic Structure encroaches up to eight and a half (8 ½) feet into the platted Ontario Avenue ROW.
  14. Maximum footprint allowed on the lot is 2,064 square feet. The footprint of the existing landmark structure is 793 square feet.
  15. The neighborhood is characterized by a mix of single family historic homes and single family non-historic homes on single and combinations of "Old Town" lots. The average footprint of re-platted lots greater than 3,750 sf, in the surrounding area is 2,283 square feet per the findings in Table 1.
  16. The lots are situated on narrow streets, namely, Ontario Avenue and McHenry Avenue which are not located within their respective platted rights-of way. There is little or no available on-street parking in this neighborhood. Snow removal from McHenry may put snow onto the first 10' of the proposed lot fronting McHenry. Snow removal from Ontario occurs onto platted Ontario Avenue and therefore no snow storage easements on the lot area fronting Ontario are necessary. Paved Ontario is twenty feet below and forty (40') to sixty (60') to the west of the proposed lot.
  17. All findings within the Analysis section are incorporated herein.

#### Conclusions of Law:

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. The public will not be materially injured by the proposed plat amendment.
4. As conditioned the plat amendment is consistent with the Park City General Plan.

#### Conditions of Approval

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

from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. The plat must be recorded prior to issuance of a building permit for any additions to the historic structure.
4. A 10 foot wide public snow storage easement will be located along the property's frontage with McHenry Avenue. The easement shall be indicated on the final plat.
5. Modified 13-D sprinklers will be required for all new construction and noted on the plat.
6. An encroachment easement into Ontario Avenue, for the existing historic house, porch, shed, and retaining walls, shall be recorded and the recording information shall be indicated on the final plat, prior to recordation of this plat amendment.
7. Approximately ninety-six (96) square feet of property shall be dedicated to Park City as McHenry Avenue ROW and shall be so indicated on the final plat.

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

APPROVED AND ADOPTED this \_\_\_\_\_ day of October 2012.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Dana Williams, Mayor

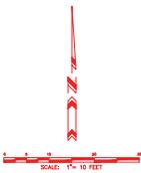
Attest:

\_\_\_\_\_  
Janet M. Scott, City Recorder

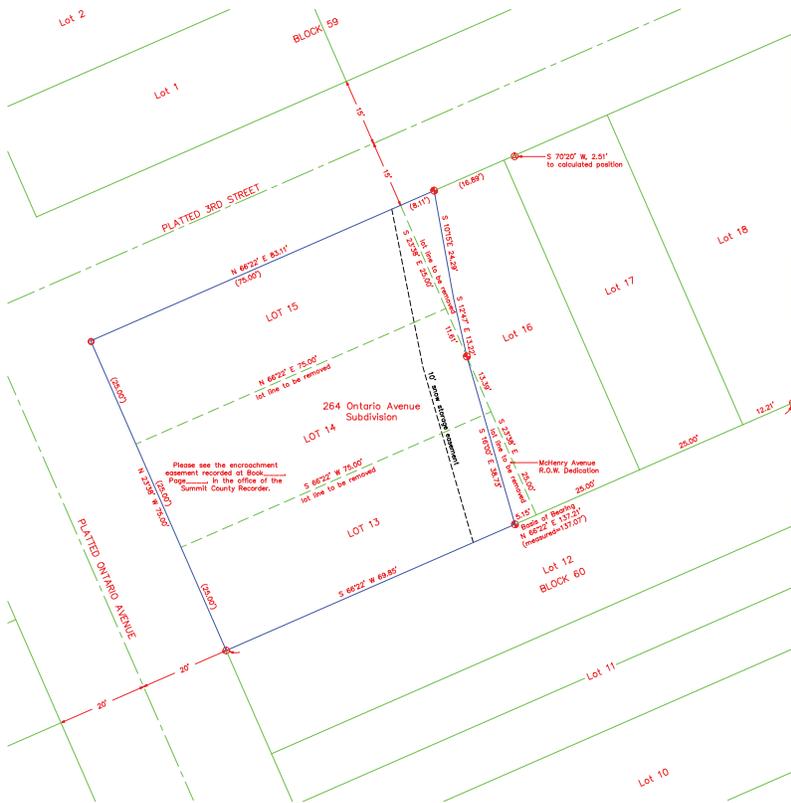
Approved as to form:

\_\_\_\_\_  
Mark D. Harrington, City Attorney

**264 Ontario Avenue Subdivision  
a replat of Block 60, Lots 13, 14, 15  
and a portion of Lot 16**



- Legend**
- ⊗ Found rebar & cap-LS 359005
  - ⊗ Found rebar & cap-LS 154491
  - ⊙ Found 5/8" rebar-no cap
  - ⊙ Set 5/8" rebar & plastic cap



- NARRATIVE**
- Survey requested by David E. & Patricia J. Constable.
  - Basis of survey: found property monuments as shown.
  - Date of survey: June 26, 2012.
  - Property monuments set or found as shown.
  - Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
  - The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.
  - Based on the previous boundary survey recorded as Survey File No. S-5617 in the office of the Summit County Recorder.

**DEED DESCRIPTION**

All of Lots 13, 14, 15, and that part of Lot 16, situated Westerly of existing roadway, Block 60, Park City Survey, according to the official plot thereof, on file and of record in the office of the Summit County Recorder.

**LEGAL DESCRIPTION**

**264 ONTARIO AVENUE SUBDIVISION**

Beginning at the northwest corner of Lot 15, Block 60, Park City Survey, according to the official plot thereof, on file and of record in the office of Recorder, Summit County, Utah; and running thence along the northerly line of Lots 15 and 16 and the southerly right of way line of 3rd Street, North 66°22'00" East, 83.11 feet to a point on the westerly edge of existing McHenry Avenue; thence along said westerly edge of existing McHenry Avenue, the following three courses: 1) South 10°15'00" East, 24.29 feet; thence 2) South 12°47'00" East, 13.22 feet to a point on the easterly line of Lot 14, Block 60; thence 3) South 63°00'00" East, 38.73 feet to a point on the southerly line of Lot 13, Block 60; thence along said southerly line of Lot 13, South 66°22'00" West, 69.85 feet to the southwest corner of said Lot 13; thence along the westerly line of said Lots 13, 14 and 15 and the easterly right of way line of Ontario Avenue, North 23°38'00" West, 75.00 feet to the Point of Beginning; containing 0.13 acres, more or less.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

Know all men by these presents that David E. and Patricia J. Constable, the undersigned owners of the heron described 264 Ontario Avenue Subdivision, Block 60, Park City Survey, having caused this Plat Amendment to be made as hereby consent to the recordation of this Record of Survey Plat in the office of the County Recorder of Summit County, Utah in accordance with Utah Law.

Also, the owners hereby irrevocably offer for dedication to the City of Park City all the streets, land for local government uses, utilities and easements shown on the plot in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned have set their hand this \_\_\_\_ day of \_\_\_\_\_, 2012.

By \_\_\_\_\_  
David E. Constable                      Patricia J. Constable

**ACKNOWLEDGEMENT**

STATE OF UTAH  
County of Summit:

On this \_\_\_\_ day of \_\_\_\_\_, 2012, David E. and Patricia J. Constable personally appeared before me, the undersigned Notary Public in and for said State and County, who after being duly sworn, acknowledged to me that they are the owners of 264 Ontario Avenue Subdivision, that they have signed the above Owner's Dedication and Consent to Record freely and voluntarily for the purpose set forth herein.

My commission expires: \_\_\_\_\_

NOTARY PUBLIC  
RESIDING IN \_\_\_\_\_ COUNTY, \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

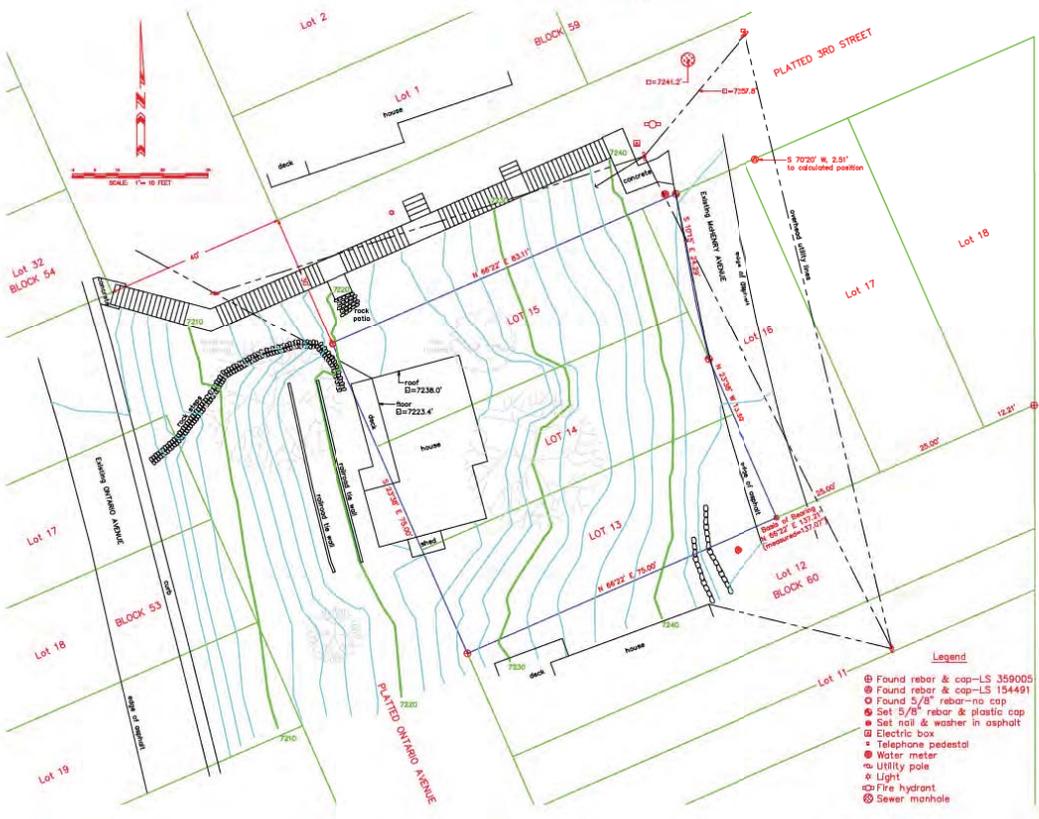
I, J.D. Galley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the heron described property and that this plat is a true representation of said survey.

Date \_\_\_\_\_ J.D. Galley RLS#359005

|  |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|
| <p>Alpine Survey, Inc.<br/>19 Proscpector Drive<br/>Park City, Utah 84302<br/>(435) 655-8016</p> | <p><b>SUNDBERVILLE BASIN<br/>WATER RECLAMATION DISTRICT</b></p> <p>RECEIVED AND APPROVED TO BE RECORDED IN THE RECORDS OF THE COUNTY RECORDER ON THIS _____ DAY OF _____, 2012.</p> <p>BY _____<br/>SUNDBERVILLE BASIN WATER RECLAMATION DISTRICT</p> | <p><b>PLANNING COMMISSION</b></p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2012</p> <p>BY _____<br/>CHAIRMAN</p> | <p><b>ENGINEER'S CERTIFICATE</b></p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2012</p> <p>BY _____<br/>PARK CITY ENGINEER</p> | <p><b>APPROVAL AS TO FORM</b></p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2012</p> <p>BY _____<br/>PARK CITY ATTORNEY</p> | <p><b>CERTIFICATE OF ATTEST</b></p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2012</p> <p>BY _____<br/>PARK CITY RECORDER</p> | <p><b>COUNCIL APPROVAL AND ACCEPTANCE</b></p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2012</p> <p>BY _____<br/>MAYOR</p> | <p><b>RECORDED</b></p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____</p> <p>DATE _____ TIME _____ BOOK _____ PAGE _____</p> <p>FEE _____ RECORDER _____</p> |
|--|---|---|---|---|---|---|---|

EXHIBIT A

Park City Survey  
Block 60, Lots 13, 14, 15  
and a portion of Lot 16



NARRATIVE

1. Survey requested by David Constable.
2. Purpose of survey: locate the deed description, the improvements and the topographic relief.
3. Basis of survey: found property monuments as shown.
4. Date of survey: June 28, 2012.
5. Property monuments set or found as shown.
6. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. See the official plats of The Park City Survey for other possible easements, restrictions or setbacks.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. The elevation of 7161.75 feet at the Street Monument at the intersection of 4th Street and Ontario Avenue, according to the Park City Monument Control Map, is the basis of the elevations for this survey.
10. See the previous survey of the property recorded as Survey File No. S-5617 in the office of the Summit County Recorder.

DEED DESCRIPTION

All of Lots 13, 14, 15 and that part of Lot 16 situated westerly of existing roadway, Block 60, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder.

SURVEYOR'S CERTIFICATE

I, J.D. Galley, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that I have supervised a survey of the hereon described property and that this plat is a true representation of said survey.

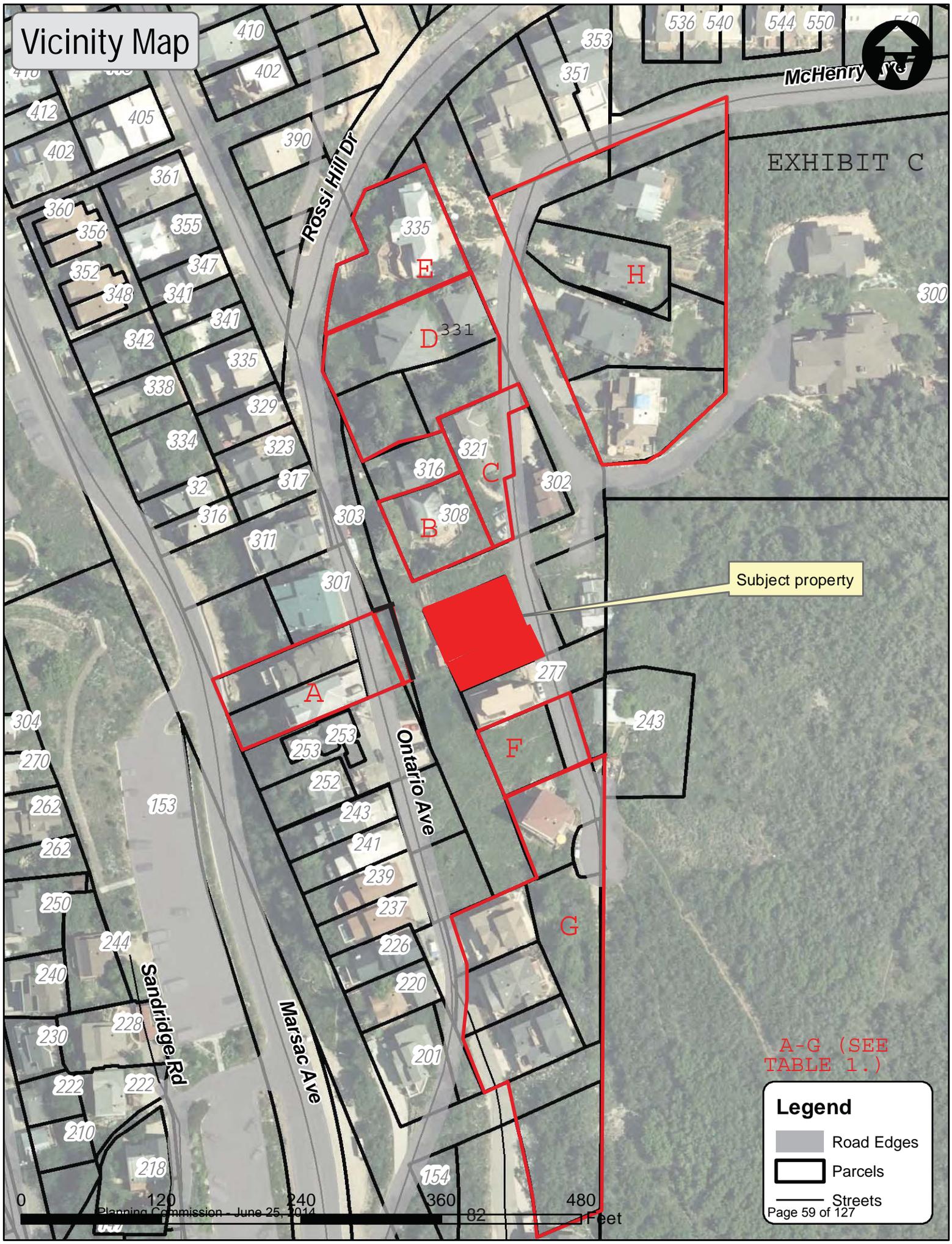
Date \_\_\_\_\_ J.D. Galley RLS#359005

- Legend
- ⊙ Found rebar & cap—LS 359005
  - ⊙ Found rebar & cap—LS 154491
  - ⊙ Found 5/8" rebar—no cap
  - ⊙ Set 5/8" rebar & plastic cap
  - ⊙ Set nail & washer in asphalt
  - ⊙ Electric box
  - ⊙ Telephone pedestal
  - ⊙ Water meter
  - ⊙ Utility pole
  - ⊙ Light
  - ⊙ Fire hydrant
  - ⊙ Sewer manhole

EXHIBIT B



# Vicinity Map



Subject property

A-G (SEE TABLE 1.)

### Legend

-  Road Edges
-  Parcels
-  Streets







86









COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Thomas Eddington, Planning Director; Kirsten Whetstone, Planner; Francisco Astorga, Planner;  
Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING

**ROLL CALL**

Chair Worel called the meeting to order at 5:35 p.m. and noted that all Commissioners were present except Commissioner Gross, who was excused.

**REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION**

**1. 264 Ontario Avenue – Plat Amendment  
(Application #PL-12-01628)**

Commissioner Wintzer disclosed that he lives in the neighborhood; however, he did not believe that would affect his decision on this plat amendment.

Planner Whetstone reviewed the application for a plat amendment to combine three lots and small portion of a fourth lot of Block 60 of the Park City Survey, located at 264 Ontario Avenue. The request was to combine the lots into one lot of record for an existing landmark structure. The existing house has been designated as a Landmark structure on the Historic Sites Inventory. The house was constructed across property lines and the applicant owns all three lots, as well as the small portion.

Planner Whetstone presented the existing conditions survey. She indicated a large slope on the edge of Ontario that goes all the up and noted that the porch and a portion of the house sits in the platted right-of-way. She pointed out the location of existing McHenry and noted that some of the existing paved McHenry sits on Lots 14 and 15.

The property is in the HRL zone, which requires a minimum combination of two lots. The zone also requires that any future applications go through a Historic District Design Review. If the slope is 30% or greater and the applicant proposes more than 1,000 square feet, a Steep Slope CUP would be required. Planner Whetstone stated that the maximum footprint for this particular lot combination is 2,064 square feet. The combined lots would be 5,677 square feet. The existing house has a footprint of 793 square feet, which does not include the porch. The total additional footprint is 1,271 square feet.

The Staff did an analysis of lot combinations in the area and found that most of the lot combinations that exceed 3750 square feet did not have a restricted footprint. The lot with a restricted footprint in the Bear Subdivision was 6500 square foot. Planner Whetstone clarified that the footprint was restricted because it took out the right-of-way. Therefore, the size was based on the lot and not the right-of-way. Planner Whetstone stated that the average of the lots greater than 3750 square feet and went through a plat amendment was 2,280 square feet. The applicants were proposing 2,064 square feet. The average footprint of all the replatted lots, including the ones that are 3750, is 2,140.

Planner Whetstone noted that based on a formula in the Code for the entire zone, as the lot size increases the footprint increases at a decreasing rate. The Staff recommended that the footprint be based on the lot formulate in the Code for the HRL zone.

Commissioner Hontz asked if the hatched area shown on the subject property should also include the one lot to the south. From looking at the existing conditions slide, it appeared that the three lots included that portion. Planner Whetstone agreed that it should be included.

Commissioner Hontz asked if the City still maintains the right-of-way on McHenry Avenue in that area. Director Eddington replied that the right-of-way has not been vacated. Planner Whetstone distributed copies of a revised plat showing the right-of-way that was proposed to be dedicated. She noted that the lot size did not include the dedicated area and the footprint would not be based on the dedicated right-of-way.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the 264 Ontario Avenue Subdivision plat, according to the findings of fact, conclusions of law and conditions of approval outlined in the draft ordinance.

David Constable, the applicant, stated that he has owned the property for 12 years and up to this point they have had good tenants. It has typically been a low-income situation. He and his wife currently live on Deer Valley Drive and they would like to move forward with this project. Mr. Constable believes it will be a benefit to the neighborhood and the size will be compatible. Since it is historic it will fit with the neighborhood. He stated that currently three tenants live on the property and all three park on Ontario. If his project is completed, it will remove some of the cars off of Ontario and put parking on McHenry. Mr. Constable believed the McHenry access would benefit Ontario.

Commissioner Strachan referred to page 42 of the Staff report showing the subject property crosshatched in red and Lot A west of the subject property. He wanted to know what had occurred with that lot in terms of the encroachment on to Ontario Avenue. Planner Whetstone indicated the area from that subdivision that was dedicated to Ontario. Commissioner Strachan asked how that affected the porch of this landmark structure because it was also encroaching. Planner Whetstone stated that an encroachment agreement would be required. Director Eddington clarified that the City would not give up public property. The intent would be to record the encroachment agreement.

Commissioner Strachan stated that he was looking towards the future because many other lots in the area have the same issue.

Commissioner Hontz asked if there would be no need for a further right-of-way beyond the edge of the asphalt on McHenry. City Engineer Cassel stated that additional right-of-way would not be necessary. The intent is to establish McHenry and keep it the way it is. There is no future plan to expand the width of McHenry. Commissioner Hontz pointed out that McHenry is a very narrow street.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Hontz remarked that this was a fantastic landmark structure and she believed the lot combination would help the applicant improve and preserve the structure. However, she was concerned about what they could see in the Steep Slope CUP and hoped that it would be reasonable. Commissioner Hontz noted that the Planning Commission has seen a number of applications where another structure, such as an accessory building, comes in with multiple stories; and/or the main house also goes up in size creating a cascading creep up the hill. She asked if that issue should be addressed at this point. Commissioner Hontz thought it made better sense to come in from McHenry and have one story above ground. It would fit well on the site versus something taller.

Commissioner Hontz noted that there was no recommendation or condition of approval that prohibits moving the house. She believed one of the attractions of the lot is that the house is in the right location. Planner Whetstone replied that it was included as a condition but it was apparently redlined out.

Director Eddington remarked that because the structure is listed on the Historic Sites Inventory as a Landmark structure it cannot be relocated unless it qualifies for movement based on an assessment by the Chief Building Officer and deemed unsafe or has threatening conditions. This particular structure does not qualify for movement.

Commissioner Hontz asked if they could add language indicating that the structure does not qualify for movement. Assistant City Attorney McLean stated that the process and decision regarding movement of the house is the purview of the Historic Preservation Board review. It was not part of this process.

Commissioner Thomas was comfortable with the conditional use permit process on steep slopes. Given the experience and expertise of the project architect, he was sure the applicant and his architect could come up with a design that is compatible with the historic nature of the building.

Commissioner Wintzer was concerned about potential stories given the number of recent applications with a three-story structure behind an existing three-story structure. He believed it was

an issue worth discussing. Commissioner Wintzer suggested that one story above street and one story below street would be a large enough garage and it would resolve the concerns of a third story creep.

Chair Worel thought that would be addressed in the CUP process. Commissioner Wintzer pointed out that if it is allowed the Planning Commission would not have the opportunity to control it. Commissioner Strachan stated that the only tool would be to restrict the footprint. Commissioner Wintzer replied that restricting the height of the accessory structure would address the concern. Commissioner Strachan remarked that the height could also be restricted in the CUP process. Commissioner Wintzer concurred. Commissioner Thomas stated that the CUP process was the appropriate time to address those issues.

Commissioner Hontz pointed out that David White, the project architect, was the architect for another project where the number of stories was an issue. She believed Mr. White was well aware of the Planning Commission's position based on those discussions.

Commissioner Strachan felt it was a common problem with this section of the Land Management Code because Good Cause is a worthless standard. He noted that the LMC defines Good Cause as, "Providing positive benefits and mitigating negative impacts determined on case by case basis." Commissioner Strachan thought the Planning Commission should have a broader discussion at another time about whether or not the LMC should be amended regarding this issue. However, for this application he believed there was good cause for the plat amendment.

Commissioner Wintzer stated that from living in the neighborhood he also sees the plat amendment as a positive. He clarified that the comments regarding stories was not directed to the neighborhood. It was a broader context based on past experience. If they open the door to allow an accessory building, the question is whether or not to restrict the size.

Commissioner Strachan stated that he views the neighborhood as two sections, where the west side of Ontario is a classic Old Town 25' x 75' lots and the east side is not. For whatever reason, the two sides were designed differently and they have not evolved the same. Commissioner Strachan thought the CUP process was the appropriate time to look at ways to make the project compatible with both sides of the street because they are different.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the plat amendment at 264 Ontario Avenue Subdivision in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the attached ordinance. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

#### Finding of Fact – 264 Ontario Avenue

1. The property is located at 264 Ontario Avenue within the Historic Residential Low (HRL) zoning district.

2. On August 1, 2012 the property owner submitted an application to the Planning Department for the proposed plat amendment.
3. The application was deemed complete on August 10, 2012.
4. The plat amendment combines Lots 13, 14, and 15 with a portion of Lot 16, Block 60, of the Park City Survey, into one lot of record for an existing Landmark house.
5. The proposed plat amendment will create one (1) lot of record that is seventy five feet (75') wide by seventy fee (70') feet deep. The minimum lot width in the HRL zone is thirty five feet (35'). The lot depth is the minimum distance from the front property line to the rear property line.
6. The area of the proposed lot is 5,677.45 sf (5,773.45 square feet minus 96 square feet of area dedicated to the McHenry Avenue ROW). The minimum lot size in the HRL zoning district is 3,750 square feet.
7. There is an existing historic Landmark structure on the property that is listed on the Park City Historic Sites Inventory.
8. The Landmark structure was constructed in or around the year 1890 across lot lines between Lots 13 and 14. A non-historic lean-to shed crosses from Lot 14 to 15, Block 60 of the Park City survey. The house encroaches onto platted Ontario Avenue.
9. The applicant cannot obtain a building permit to build an addition to the historic house if it crosses an internal lot line. A plat amendment must be recorded prior to issuance of a building permit for a future addition.
10. The owner is not proposing to move the house from its existing location.
11. The property has frontage on platted Ontario Avenue and existing McHenry Avenue.
12. A 96 square foot portion of McHenry Avenue exists on the subject property.
13. The porch and front of the Historic Structure encroaches up to eight and a half (8-1/2) feet into the platted Ontario Avenue ROW.
14. Maximum footprint allowed on the lot is 2,064 square feet. The footprint of the existing landmark structure is 793 square feet.
15. The neighborhood is characterized by a mix of single family historic homes and single family non-historic homes on single and combinations of "Old Tow" lots. The average footprint of re-platted lots greater than 3,750 sf, in the surrounding area is 2,283 square feet per the findings in Table 1.

16. The lots are situated on narrow streets, namely Ontario Avenue and McHenry Avenue, which are not located within their respective platted rights-of-way. There is little or no available on-street parking in this neighborhood. Snow removal from McHenry may put snow onto the first 10' of the proposed lot front McHenry. Snow removal from Ontario occurs onto platted Ontario Avenue and therefore no snow storage easements on the lot area fronting Ontario are necessary. Paved Ontario is twenty feet below and forty (40') to sixty (60') to the west of the proposed lot.
17. All findings within the Analysis section are incorporated herein.

#### Conclusions of Law – 264 Ontario Avenue

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law.
3. The public will not be materially injured by the proposed plat amendment.
4. As conditioned the pat amendment is consistent with the Park City General Plan.

#### Conditions of Approval – 264 Ontario Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with the Land Management Code and conditions of approval prior to recordation of the plat amendment.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat must be recorded prior to issuance of a building permit for any additions to the historic structure.
4. A 10-foot wide public snow storage easement will be located along the property's frontage with McHenry Avenue. The easement shall be indicated on the final plat.
5. Modified 13-D sprinklers will be required for all new construction and noted on the plat.
6. An encroachment easement into Ontario Avenue, for the existing historic house, porch, shed and retaining walls shall be recorded and the recording information shall be indicated on the final plat, prior to recordation of this plat amendment.

7. Approximately ninety-six (96) square feet of property shall be dedicated to Park City as McHenry Avenue ROW and shall be so indicated on the final plat.

**V CONSENT AGENDA** *(Items that have previously been discussed or are perceived as routine and may be approved by one motion. Listed items do not imply a predisposition for approval and may be removed by motion and discussed and acted upon under “Additional Discussion – Agenda Items”)*

1. Consideration of a Resolution proclaiming November 1, 2012 as Extra Mile Day in Park City, Utah - and
2. Consideration of a Resolution proclaiming the month of November as Pancreatic Cancer Awareness Month in Park City, Utah - and
3. Consideration of authorization to enter into a contract to purchase a license and five year software maintenance agreement, in a form approved by the City Attorney’s Office, with Azteca Cityworks AMS in the amount of \$64,900 – Liza Simpson, “I move we approve the Consent Agenda”. Alex Butwinski seconded. Motion carried.

|                 |        |
|-----------------|--------|
| Andy Beerman    | Aye    |
| Alex Butwinski  | Aye    |
| Cindy Matsumoto | Absent |
| Dick Peek       | Aye    |
| Liza Simpson    | Aye    |

**VI NEW BUSINESS**

1. Consideration of the Richards/PCMC Annexation Petition – The Mayor opened the public hearing; there was no input. The Mayor requested a motion to continue to a date uncertain. Dick Peek, “I so move”. Andy Beerman seconded. Motion carried.

|                 |        |
|-----------------|--------|
| Andy Beerman    | Aye    |
| Alex Butwinski  | Aye    |
| Cindy Matsumoto | Absent |
| Dick Peek       | Aye    |
| Liza Simpson    | Aye    |

2. Consideration of an Ordinance approving the 264 Ontario Avenue Subdivision, combining Lots 13, 14, 15 and a portion of 16, Block 60 of the Park City Survey, into one lot of record for 264 Ontario, located in Park City, Summit County, Utah – Kirsten Whetstone relayed that Patricia Constable is the owner and David White, the architect. The structure is a historic landmark structure and was constructed over Lots 13, 14, and 15 and a portion of 16 so the applicant is requesting a plat amendment to combine those lots into one lot of record which is needed to accommodate an addition. The house encroaches on the platted Ontario Avenue right-of-way and an encroachment agreement will need to be executed with the City. About 96 square feet of lot area exists on McHenry on the east side of the property which will be dedicated to the City. She stated that staff conducted an analysis of the area, looking at other combined lots,

where there were no restrictions on footprint; staff is not recommending any other restrictions and the formula will be used. The house will not be moved. Ms. Whetstone noted that a Historic District Design Review and steep slope CUP are required. Staff is recommending approval.

The Mayor opened the public hearing; there were no comments from the audience and the public hearing was closed. Alex Butwinski, "I move that we approve the Ordinance for the 264 Ontario Avenue Subdivision combining Lots 13, 14, 15 and a portion of 16, Block 60 of the Park City Survey, into one lot of record for 264 Ontario, located in Park City, Summit County, Utah according to the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the staff report. Motion carried.

|                 |        |
|-----------------|--------|
| Andy Beerman    | Aye    |
| Alex Butwinski  | Aye    |
| Cindy Matsumoto | Absent |
| Dick Peek       | Aye    |
| Liza Simpson    | Aye    |

3. Consideration of an Ordinance approving the Lot 1 Amended Hidden Hollow Subdivision at Deer Crest located at 11398 North Snowtop Road, Park City, Utah – Planner Kirsten Whetstone handed out an exhibit of the location of the property. The Snowtop Subdivision is located in Park City, Wasatch County. When this property was inspected, it was found that the driveway would not meet City standards because of its steep grade and a portion of the Snowtop Subdivision was needed to comply. Rather than entering into an easement agreement, the owner is requesting to create Parcel A in Lot 1 for the sole purpose of a driveway, retaining wall, and landscaping. The Planning Commission forwards a positive recommendation to the City Council to create a 3,452 square foot driveway access parcel out of the Hidden Hollow Subdivision with notes on the plat.

The Mayor opened the public hearing; there were no comments and the hearing was closed. In response to a question from Liza Simpson, it was pointed out that the original grade of the driveway was 22%. In response to a question from Dick Peek, Spencer Smith explained that action will affect a very small portion of the buildable area for Lot 1 so that setbacks can be met. There are two building envelopes on Lot 1 and there are no encroachment problems.

Alex Butwinski, "I move we approve Lot 1 Amended Hidden Hollow Subdivision at Deer Crest located at 11398 North Snowtop Road, Park City, Utah based on the Findings of Fact, Conclusions of Law, and Conditions of Approval found in the Ordinance". Liza Simpson seconded. Motion carried.

|                 |        |
|-----------------|--------|
| Andy Beerman    | Aye    |
| Alex Butwinski  | Aye    |
| Cindy Matsumoto | Absent |

**Ordinance No. 05-50**

**AN ORDINANCE APPROVING THE 257 McHENRY AVENUE PLAT AMENDMENT, A LOT COMBINATION OF LOTS 17 AND 18, AND A PORTION OF LOT 16, BLOCK 60 OF THE PARK CITY SURVEY**

**WHEREAS**, the owner of the property located at 257 McHenry Avenue, has petitioned the City Council for approval of a plat amendment; and

**WHEREAS**, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

**WHEREAS**, on July 28, 2005 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, the proposed plat amendment allows the property owner to combine Lots 17 and 18, and a portion of Lot 16, Block 60 of the Park City Survey into one lot or record; and

**WHEREAS**, it is in the best interest of Park City Utah to approve the plat amendment.

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

**SECTION 1. FINDINGS OF FACT.** The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) Zoning District.
2. The HR-1 District is characterized by a mix of small historic structures and larger contemporary residences.
3. There is an existing historic single family home on the property.
4. A portion of the existing historic single family home encroaches onto the City-owned, open-space deed restricted Virginia mining claim.
5. Existing built McHenry Avenue bisects Lot 16.
6. The applicant proposes to dedicate the lot area covered by existing built McHenry Avenue and an additional 10 feet of width measured from the easterly edge of the McHenry Avenue pavement to the City as a public right of way.
7. Any interest the applicant may have in the small remnant portion of Lot 16 located west of the existing built McHenry Avenue will be conveyed to the City for public right-of-way.
8. The applicant intends to construct a garage and additional living area to the existing historic house.
9. The applicant will remove the current house encroachment into the City-owned, deed-restricted Virginia mining claim as part of the renovation of the historic single-family structure.
10. The future renovation and addition to the historic single-family house will be subject to Land Management Code and Historic District Design Guidelines.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this amendment.
2. The amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed amendment.
4. As conditioned the amendment is consistent with the Park City General Plan.

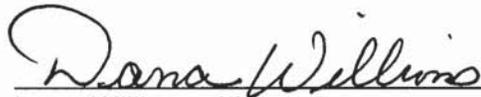
**SECTION 3. CONDITIONS OF APPROVAL.** The City Council hereby adopts the following Conditions of Approval:

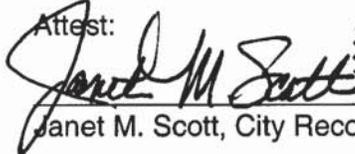
1. The City Attorney and City Engineer review and approval of the final form and content of the plat for compliance with the Land Management Code and conditions of approval are a condition precedent to recording the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. All building encroachments shall be removed from the City-owned, deed-restricted Virginia mining claim prior to plat recordation.
4. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
5. The applicant shall redraft the plat to show dedication of the 10 feet along McHenry Avenue to Park City as a street right-of-way.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

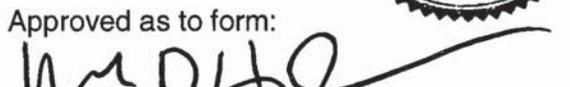
PASSED AND ADOPTED this 18th<sup>th</sup> day of August 2005.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Dana Williams, Mayor

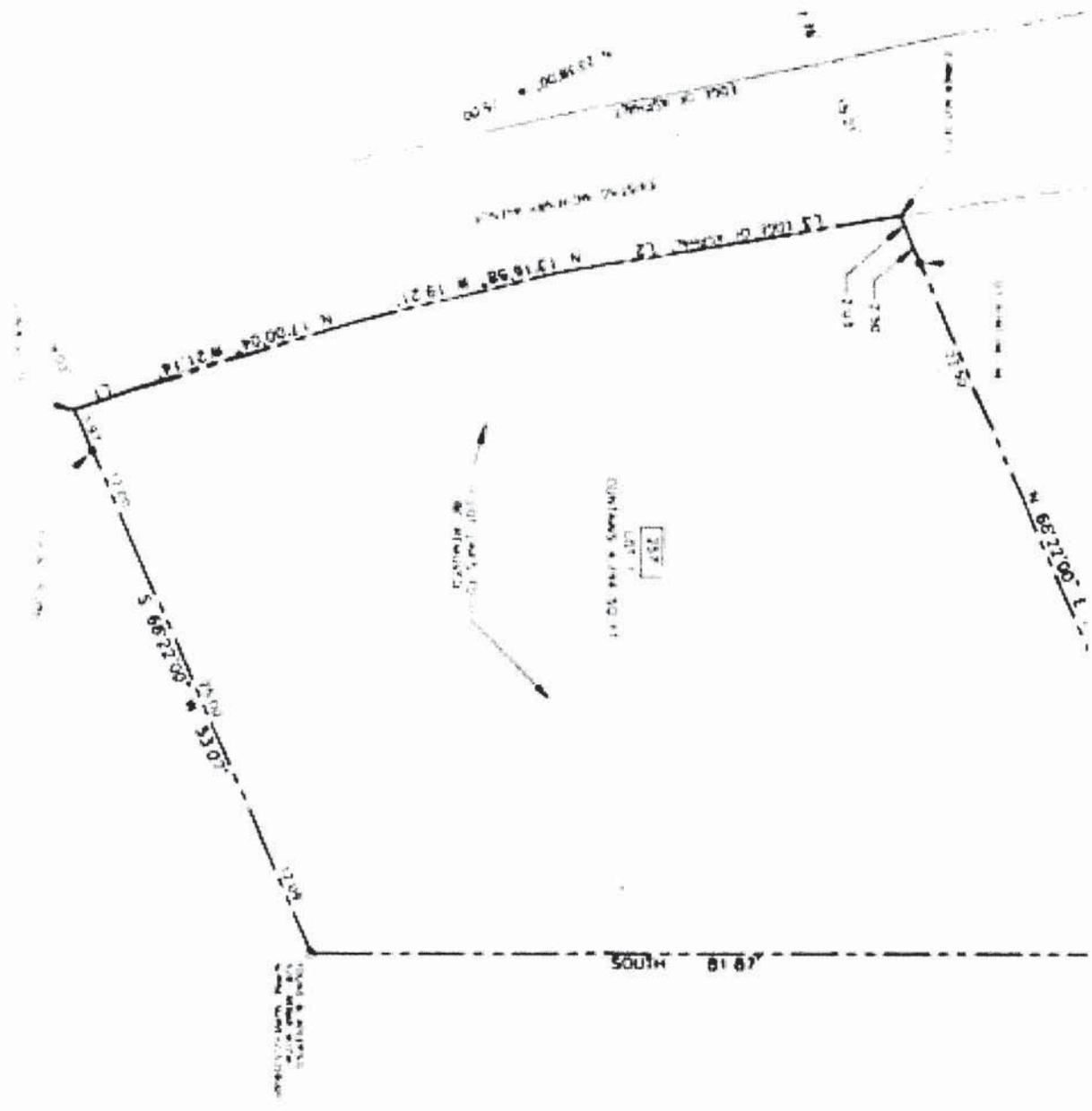
Attest:  
  
Janet M. Scott, City Recorder



Approved as to form:  
  
\_\_\_\_\_  
Mark D. Harrington, City Attorney

A RESUBDIVISION OF LOTS 18, 17, AND A PORTION OF LOT 16 IN BLOCK 60, PARKWAY APARTMENT PLAT

A LOT COMBINATION PLAT



9' WIDE VEHICULAR/PEDESTRIAN EASEMENT - SEE ENLARGED AREA THIS SHEET

ASPHALT AREA

ELECTRICAL BOX

C/A 3RD STREET RIGHT-OF-WAY

GRAVEL DRIVEWAY

EXISTING POWERLINE

N 66°22'00" E 71.94' 44.91'

SET POINT ON LINE

ROCK LANDSCAPE BORDER

LOG STEPS

WHEEL NOT SET

2.50'

2.03'

CONCRETE PATIO

CINDERBLOCK STEPS

EXISTING MOHENRY AVENUE

N 137°6'58" W 19.21'

N 17°00'04" W 21.14'

LOG STEPS

20.2'

22.8'

71.87'

22.5'

4.2'

14.6'

24.1'

12.09'

7.9'

SOULS

18.0'

8.5'

3.3'

S 66°22'00" W 53.07'

25.00'

**Ordinance No. 05-50**

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**WHEREAS**, the owner of the property located at 257 McHenry Avenue, has petitioned the City Council for approval of a plat amendment; and

**WHEREAS**, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

**WHEREAS**, on July 28, 2005 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, the proposed plat amendment allows the property owner to combine Lots 17 and 18, and a portion of Lot 16, Block 60 of the Park City Survey into one lot or record; and

**WHEREAS**, it is in the best interest of Park City Utah to approve the plat amendment.

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

**SECTION 1. FINDINGS OF FACT.** The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) Zoning District.
2. The HR-1 District is characterized by a mix of small historic structures and larger contemporary residences.
3. There is an existing historic single family home on the property.
4. A portion of the existing historic single family home encroaches onto the City-owned, open-space deed restricted Virginia mining claim.
5. Existing built McHenry Avenue bisects Lot 16.
6. The applicant proposes to dedicate the lot area covered by existing built McHenry Avenue and an additional 10 feet of width measured from the easterly edge of the McHenry Avenue pavement to the City as a public right of way.
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9. The applicant will remove the current house encroachment into the City-owned, deed-restricted Virginia mining claim as part of the renovation of the historic single-family structure.
10. The future renovation and addition to the historic single-family house will be subject to Land Management Code and Historic District Design Guidelines.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this amendment.
2. The amendment is consistent with the Park City Land Management Code and applicable State law.
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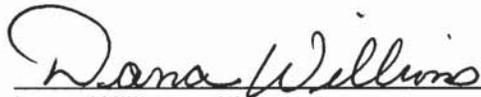
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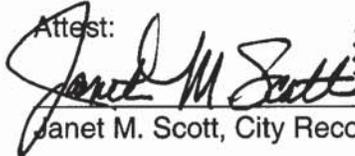
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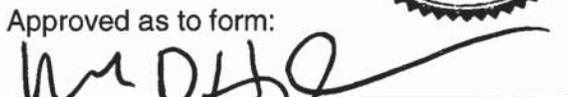
PASSED AND ADOPTED this 18th<sup>th</sup> day of August 2005.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Dana Williams, Mayor

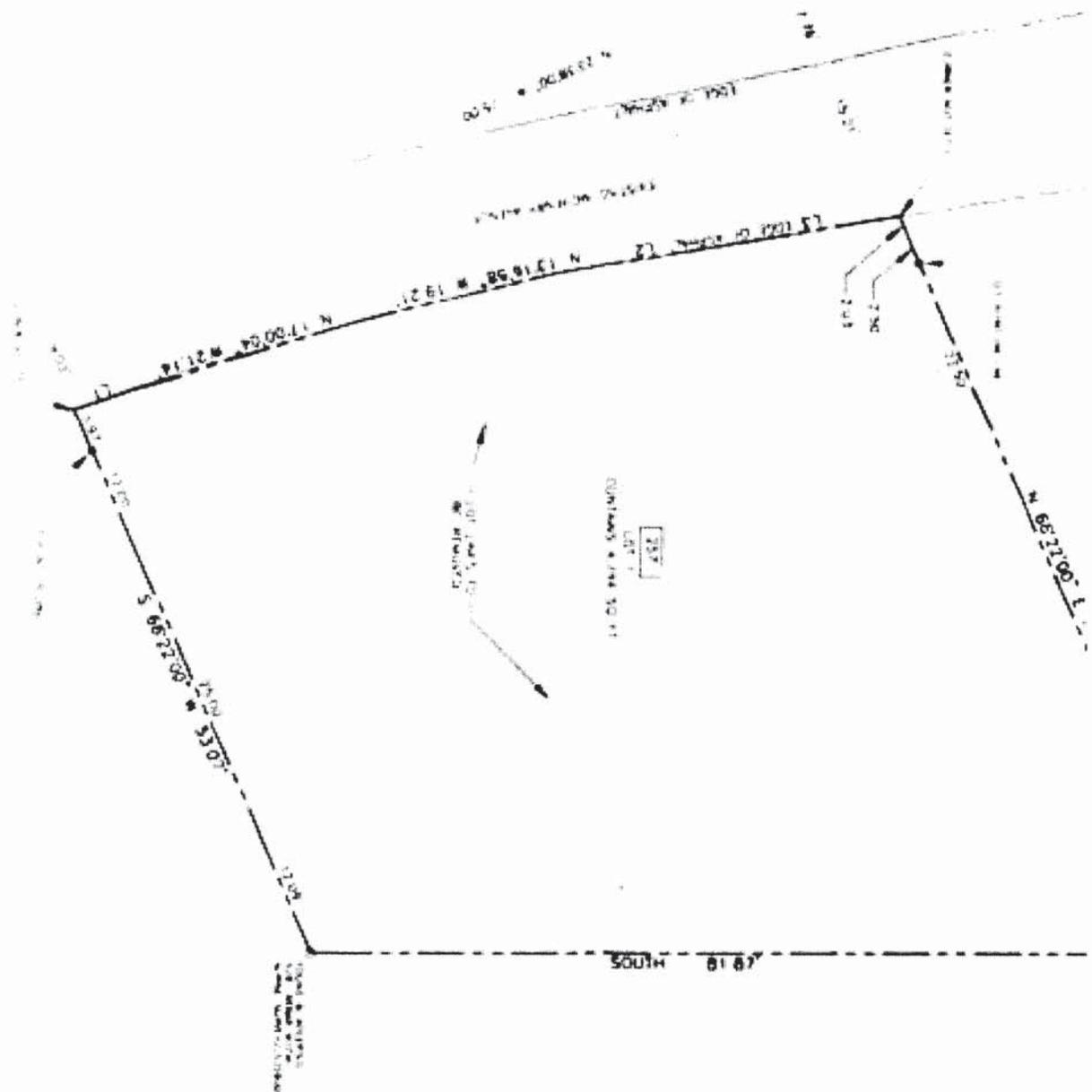
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SET POINT ON LINE

ROCK LANDSCAPE  
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LOG STEPS

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2.50'

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S 66°22'00" W 53.07'

# City Council Staff Report



PLANNING DEPARTMENT

**Planner:** Patrick Putt  
**Subject:** 257 MCHENRY AVENUE REPLAT  
**Date:** August 18, 2005  
**Type of Item:** Administrative  
**Applicant:** Herb Armstrong  
**Zone:** Historic Residential – (HR-1)

**RECOMMENDATION:** Staff recommends that Council review the proposed plat amendment, hold public hearing, and approve the application according to the findings of fact, conclusions of law and conditions of approval outlined in the attached ordinance.

## BACKGROUND

The applicant proposes to combine a portion of Lot 16 and Lots 17 and 18 of the Park City Survey into one (1) lot of record. The applicant's property is approximately 4784 square feet in size. The property is located in the Historic Residential (HR-1) District. Existing built McHenry Avenue bisects Lot 16. The applicant is proposing to dedicate the lot area covered by existing built McHenry Avenue and an additional 10 feet of width measured from the easterly edge of the McHenry Avenue pavement to the City as a public right-of-way. Any interest the applicant may have in the small remnant portion of Lot 16 located west of the existing built McHenry Avenue will be conveyed to the City for public right-of-way as well.

A historic single-family residence is located on the property. The City-owned, deed-restricted open space known as the Virginia mining claim is located to the east of the subject property. Platted, unbuilt Third Street is located to the north. Neighboring single-family residences are located to the north across platted Third Street and to the west across existing McHenry Avenue. A small addition to the historic structure encroaches onto the City-owned Virginia mining claim. The purpose of the proposed plat amendment is to create a lot record to accommodate a relocation of the historic house onto the property in a Land Management Code HR-1 setback-compliant manner. A garage addition and additional living area are also contemplated.

## ANALYSIS

The property is zoned HR-1, Historic Residential. The minimum lot size in the HR-1 District is 1875 square feet. The minimum lot width is 25 feet. The proposed plat creates a 4,784 square foot lot. The minimum width for the proposed lot is approximately 67 feet. Access to the lot is provided via existing built McHenry Avenue. All necessary utilities are available to the site. The proposed plat amendment as conditioned is consistent with the Land Management Code's HR-1 lot standards and subdivision requirements. Future work on the historic residence is subject to Land Management Code and Historic Design Guideline processes.

The Planning Commission held a public hearing on this application on July 28, 2005. No public comment was received. Following the public hearing, the Planning Commission forwarded a positive recommendation to City Council

**NOTICE**

Notice of this hearing was sent to property owners within 300'. Staff has received no comments from the public at the time of this writing.

**DEPARTMENT REVIEW**

The Planning Department has reviewed this request. The City Attorney and City Engineer will review the plat for form and compliance with the LMC and State Law prior to recording. The request was discussed at a Staff Review Meeting. No unresolved issues have been identified.

**RECOMMENDATION**

Staff recommends that the City Council review the proposed plat amendment, conduct a public hearing and approve the request according to the attached ordinance.

**EXHIBITS**

Exhibit A –Ordinance

Exhibit B – Plat

**AN ORDINANCE APPROVING THE 257 McHENRY AVENUE PLAT AMENDMENT, A LOT COMBINATION OF LOTS 17 AND 18, AND A PORTION OF LOT 16, BLOCK 60 OF THE PARK CITY SURVEY.**

**WHEREAS**, the owner of the property located at 257 McHenry Avenue, has petitioned the City Council for approval of a plat amendment; and

**WHEREAS**, proper notice was sent and the property posted according to requirements of the Land Management Code and State Law; and

**WHEREAS**, on July 28, 2005 the Planning Commission held a public hearing to receive public input on the proposed plat amendment and forwarded a positive recommendation of approval to the City Council; and

**WHEREAS**, the proposed plat amendment allows the property owner to combine Lots 17 and 18, and a portion of Lot 16, Block 60 of the Park City Survey into one lot or record; and

**WHEREAS**, it is in the best interest of Park City Utah to approve the plat amendment.

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

**SECTION 1. FINDINGS OF FACT.** The above recitals are hereby incorporated as findings of fact. The following are also adopted by City Council as findings of fact:

1. The property is located in the Historic Residential (HR-1) Zoning District.
2. The HR-1 District is characterized by a mix of small historic structures and larger contemporary residences.
3. There is an existing historic single family home on the property.
4. A portion of the existing historic single family home encroaches onto the City-owned, open-space deed restricted Virginia mining claim.
5. Existing built McHenry Avenue bisects Lot 16.
6. The applicant proposes to dedicate the lot area covered by existing built McHenry Avenue and an additional 10 feet of width measured from the easterly edge of the McHenry Avenue pavement to the City as a public right of way.
7. Any interest the applicant may have in the small remnant portion of Lot 16 located west of the existing built McHenry Avenue will be conveyed to the City for public right-of-way.
8. The applicant intends to construct a garage and additional living area to the existing historic house.
9. The applicant will remove the current house encroachment into the City-owned, deed-restricted Virginia mining claim as part of the renovation of the historic single-family structure.
10. The future renovation and addition to the historic single-family house will be

subject to Land Management Code and Historic District Design Guidelines.

**SECTION 2. CONCLUSIONS OF LAW.** The City Council hereby adopts the following Conclusions of Law:

1. There is good cause for this amendment.
2. The amendment is consistent with the Park City Land Management Code and applicable State law.
3. Neither the public nor any person will be materially injured by the proposed amendment.
4. As conditioned the amendment is consistent with the Park City General Plan.

**SECTION 3. CONDITIONS OF APPROVAL.** The City Council hereby adopts the following Conditions of Approval:

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 are a condition precedent to recording the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
3. All building encroachments shall be removed from the City-owned, deed-restricted Virginia mining claim prior to plat recordation.
4. No building permits shall be issued prior to the final recordation of the plat at the County Recorder's Office.
5. The applicant shall redraft the plat to show dedication of the 10 feet along McHenry Avenue to Park City as a street right-of-way.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 18<sup>th</sup> day of August 2005.





|                  |     |
|------------------|-----|
| Marianne Cone    | Aye |
| Candace Erickson | Aye |
| Jim Hier         | Aye |
| Joe Kernan       | Aye |

2. Ordinance approving the Fourth Amended Record of Survey Plat for The Knoll at Silver lake Phase I Condominiums, Park City, Utah – Kirsten Whetstone explained that this application requests an amendment to add some private area from the common area to Units 1 and 2; there have been prior amendments for Units 3 and 4. If approved, this action will add a total of 362 square feet of living space to Unit 1 and 155 square feet of living space to Unit 2. The Planning Commission forwarded a positive recommendation on July 27, 2005 and there was no public input at that meeting. The Mayor expressed concern that the project initially provided more open space than required which subsequently has been *whittled away* with amendments to the record of survey. Kirsten Whetstone believed that the loss of open space will not be visually perceived, but there are other projects where this is not the case. Jim Hier felt that if there were entitlements or special considerations for a project because of providing more open space, this information should be included in the findings of fact. Every similar application should be reviewed for trade-offs that may have occurred. Ms. Whetstone advised that there were no concessions associated with approvals for The Knoll but will keep Mr. Hier's comments in mind. The Mayor opened the public hearing and with no input, closed the hearing.

3. Ordinance approving a plat amendment for 330 and 336 Daly Avenue, Park City, Utah – Ray Milliner explained that the request is to reduce the size of a snow shed easement, located between 330 and 336 Daly Avenue. The Planning Commission concluded that since the applicant is proposing single family homes rather than duplexes on the two lots, it is appropriate to reduce the size of the easement. The original condition was placed to provide adequate distance between duplexes, but the applicant has agreed not to construct duplexes or accessory apartments, which is included in the findings. Candace Erickson pointed out that the height could be the same for a single family dwelling and a duplex. Mr. Milliner agreed, and explained that the conclusion that duplex structures would create more mass is documented in the original findings, which was the basis for this application. The Mayor invited the audience to comment and hearing no input, closed the public hearing.

4. Ordinance approving the 257 McHenry Avenue plat amendment, a lot combination of Lots 17 and 18, and a portion of Lot 16, Block 60 of the Park City Survey – Patrick Putt explained that the owner is requesting combining two lots into one lot of record consisting of 4,784 square feet and meeting requirements of the HR-1 District. There is an historic building on the property and a small addition encroaches onto the City-owned Virginia mining claim. The purpose of the proposed plat amendment is to

create a lot of record to accommodate a relocation of the historic house onto the property in a compliant manner. Garage and living area additions are contemplated. The Planning Commission forwarded a positive recommendation with the findings, conclusions and conditions outlined in the ordinance. In response to a question from Marianne Cone, Mr. Putt stated that the owner has not yet submitted an application to rehabilitate the house, but it is his intent. The Mayor invited the audience to comment and hearing no input, closed the public hearing.

5. Master Festival License for the Literary Festival to be held September 9 – 11, 2005 – Max Paap explained that the use of Miners Park and other venues on upper Main Street are contemplated and the applicant requests a fee waiver in the amount of \$570, which is supported by staff. The Mayor disclosed that the Motherlode Band will be performing at the event. Candace Erickson expressed that she is pleased to see the Literary Festival come to fruition after years of planning and the proposal seems like a good event. In response to a question from Council member Kernan about fee waivers, Mr. Paap explained that Section 4-8-9 of the Municipal Code provides for fee waivers and criteria to qualify, and Council makes the final determination. Fee waivers are not advertised and not everyone applies. Mark Harrington interjected that the criteria considers first time events, economic return by way of sales tax, and other offsets for providing municipal services. The Mayor opened the public hearing.

Peg Bodell, resident and one of the organizers, stated that the group has a phenomenal product for the first year. The opening celebration will be at the Egyptian Theater on September 10 and a briefing will be held after the event. The Mayor felt it appropriate for the City to acknowledge 9-11 some way. With no further comments, the Mayor closed the public hearing.

## VI CONSENT AGENDA

Candace Erickson, “I move to approve Consent Agenda items 1 through 5, including the fee waiver for the Master Festival License”. Jim Hier seconded. Motion carried.

|                  |        |
|------------------|--------|
| Kay Calvert      | Absent |
| Marianne Cone    | Aye    |
| Candace Erickson | Aye    |
| Jim Hier         | Aye    |
| Joe Kernan       | Aye    |

1. Ordinance approving the Fourth Amended Record of Survey Plat for The Knoll at Silver Lake Phase I Condominiums, Park City, Utah – See staff report and public hearing.

WHEN RECORDED, MAIL TO:

|  |                                       |
|--|---------------------------------------|
| Entry No. <u>10828</u>                 | Book <u>M 156</u>                     |
| RECORDED <u>11-17-80</u>               | at <u>10:01 A.M.</u> Page <u>281</u>  |
| REQUEST of <u>WESTERN STATES TITLE</u> |                                       |
| FEE <u>\$ 5.50</u>                     | WANDA Y. SPRIGGS, SUMMIT CO. RECORDER |
| INDEXED                                | By <u>Wanda Y. Spriggs</u>            |

Space Above for Recorder's Use

### WARRANTY DEED

PAUL HARROLD, grantor  
 of Park City, County of Summit, State of Utah,  
 hereby CONVEY and WARRANT to COALITION LAND COMPANY, a Utah  
 Partnership

of \_\_\_\_\_, grantee  
 of \_\_\_\_\_, County of \_\_\_\_\_, State of Utah  
 for the sum of TEN \_\_\_\_\_ DOLLARS,

the following described tract of land in Summit County, State of Utah, to-wit:

An easement for vehicular and pedestrian access 9 feet in width, the centerline of which is located:

Beginning at a point on existing McHenry Avenue which is N. 66° 22' W 24.0' from the Northeast corner of Lot 30, Block 59, P.C.T.S. and running thence S 61° 31' E 31.71', Thence S. 23° 38' E 50.00 feet to the South boundary of Lot 32. Such easement shall be appurtenant to Lots 16, 17 and 18 Block 60 Park City Survey which said lots shall be the dominant tenement.

This easement is granted pursuant to the Settlement and Order in Coalition Land Company, et al v. Paul Harrold, Civil No. 5880, pending in the Third District Court, Summit County.

INDEXED:  
 GRANTOR:  
 GRANTEE:  
 RELEASE:  
 ABSTRACTED:  
 STAMPED:

WITNESS the hand of said grantor, this 15th day of April, 1980

Signed in the presence of

*Paul C Harrold*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

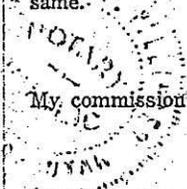
STATE OF UTAH, }  
 County of Summit } ss.

On the Fifteenth day of April, 1980 personally appeared before me PAUL HARROLD

the signer of the above instrument, who duly acknowledged to me that he executed the same.

*Candace G. Pellingus*  
 Notary Public

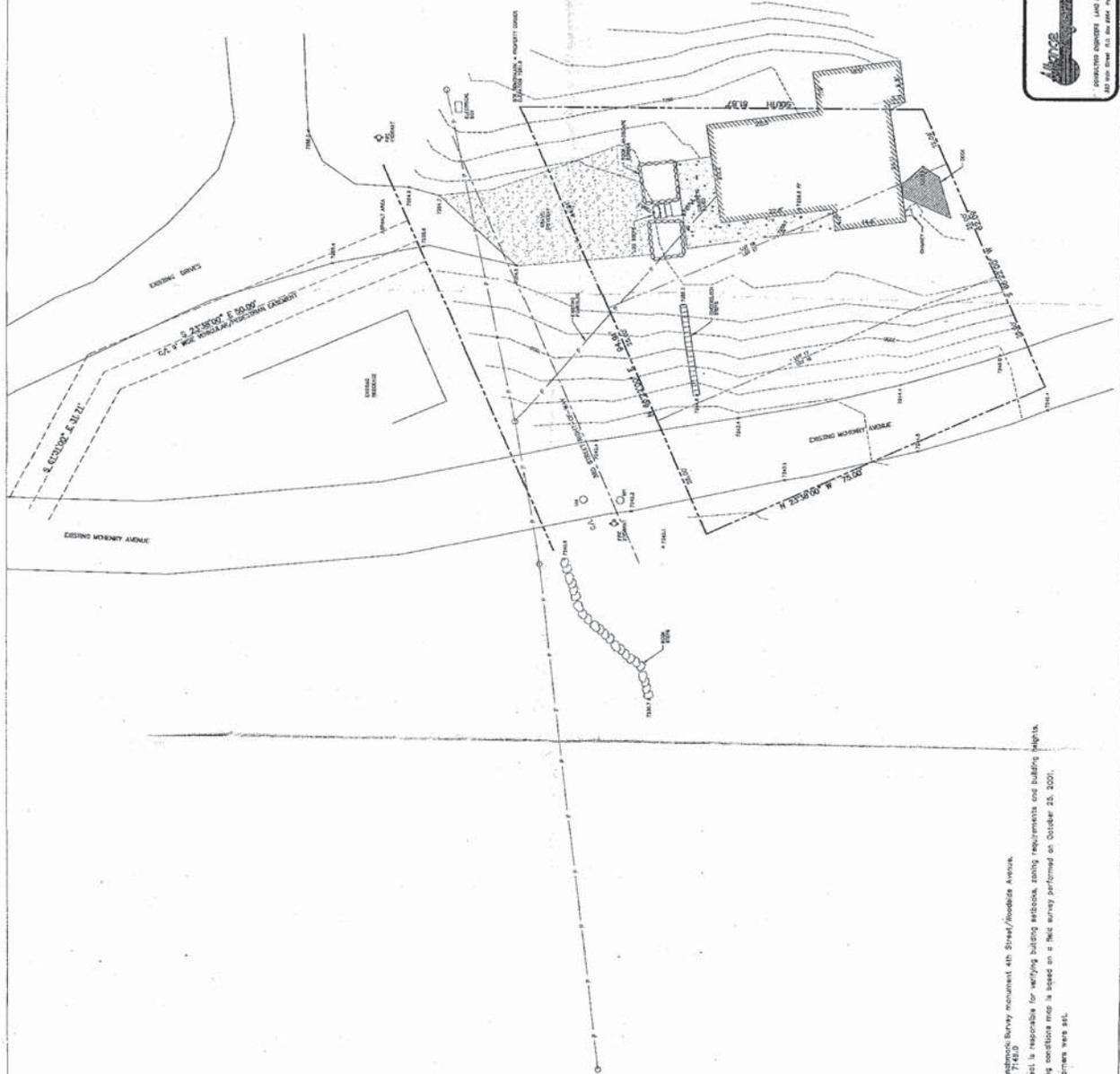
My commission expires 2-28-83 Residing in Park City



APPROVED FORM — UTAH SECURITIES COMMISSION

FORM 101 - WARRANTY DEED - KELLY CO., 55 W. NINTH SO., S.L.C. L-1108

BOOK # 155 PAGE 281



10' 0' 10' 20'  
 SEP 13 2011  
 11/14/01

**A PORTION OF LOT 16, LOTS 17 & 18, BLOCK 60  
 257 McHENRY AVENUE, PCS  
 EXISTING CONDITIONS MAPPING**

FOR: HERBERT HANSEN  
 JOB NO.: 8-7-01  
 FILE: HPC\Eng\8-7-01\8-7-01.dwg

|                                     |                |
|-------------------------------------|----------------|
| SHEET<br><b>1</b><br>OF<br><b>1</b> | DATE: 11/14/01 |
|-------------------------------------|----------------|

STAFF: JAMES COMBABLE, TRACY BOHNET  
 (603) 441-1147  
 OPERATIONS ENGINEER, LAND PLANNING, SURVEYING  
 100 WEST STREET, 3RD FLOOR, PORTLAND, ME 04101-2001

- NOTES**
1. Project boundaries survey monument 4th Street/Woodside Avenue, Gridline 71610
  2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
  3. This existing conditions map is based on a field survey performed on October 25, 2001.
  4. Property corners were set.



## Planning Commission Staff Report

**Subject:** Park City Lodging CUP  
**Author:** Kirsten Whetstone, MS, AICP  
**Project Number:** PL-14-02307  
**Date:** June 25, 2014  
**Type of Item:** Conditional Use Permit

### Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing and consider approving a Conditional Use Permit for residential uses within a new mixed use building to be constructed on amended Lot 25a of the Gigaplat Replat, located at 1897 Prospector Avenue, according to the findings of fact, conclusions of law, and conditions of approval, incorporated herein.

### Description

**Applicant:** IGM, LLC- Rhonda Sideris, owner  
**Location:** 1897 Prospector Avenue  
**Zoning:** General Commercial (GC)  
**Adjacent Land Uses:** Residential condominiums to the west and east, Rail Trail and open space to the south, and commercial/offices to the north and west.  
**Reason for Review:** Residential uses in the General Commercial (GC) zone require a Conditional Use Permit (CUP) with review and final action by the Planning Commission

### Proposal

The applicant requests approval of a Conditional Use Permit (CUP) for residential uses in the General Commercial (GC) zoning district. The applicant, owner of Park City Lodging, proposes to construct a mixed use building on Lot 25a of the amended Prospector Square Subdivision, recently approved by the City Council. A three story building is proposed on the lot in compliance with the GC zone lot and site requirements. The lower level will serve as retail, reception/check-in, storage, maintenance, and laundry services for the Park City Lodging Company, a local property management company. The second level provides office uses for the Lodging Company and the third level provides four employee housing units with a total of six bedrooms. A green planted roof garden and roof top deck provide outdoor space for the residents. See Exhibits A-D.

### Background

The subject property, located at 1897 Prospector Avenue, consists of a 4,950 square foot lot, amended Lot 25a of the Gigaplat replat, being a replat of Lots 25a, 25b, and

Parking Lot F (Prospector Square) of the Prospector Square Supplemental Amended Plat. The property is located within the General Commercial (GC) zoning district. Amended Lot 25a is a vacant, undeveloped privately owned lot. Parking Lot F is owned by and utilized as a shared parking lot for Prospector Square Property Owners Association (POA) (Exhibit F). Parking Lot F provides 117 shared parking spaces for the Prospector Square Area, there are currently 99 parking spaces.

On June 5, 2014, the City Council voted to approve the Gigaplat replat that reconfigures Lots 25a, 25b and Parking Lot F of the Prospector Square Supplemental Amended Plat (Exhibit G). The plat is being circulated for redlines and has not yet been recorded at Summit County.

On April 9, 2014, Staff received an application for a Conditional Use Permit for an 7,800 sf mixed use building for Park City Lodging, including property management uses and possible future retail on the first floor, offices for the property management company on the second floor, and four residential units (two- one bedroom and two- two bedroom units) on the third floor. The application was considered complete on May 23, 2014.

### **Purpose**

The purpose of the General Commercial (GC) District is to:

- (A) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- (B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- (C) protect views along the City's entry corridors,
- (D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,
- (E) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,
- (F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and

(G) encourage commercial Development that incorporates design elements related to public outdoor space including pedestrian circulation and trails, transit facilities, plazas, pocket parks, sitting Areas, play Areas, and Public Art.

**Analysis**

The proposal complies with lot and site requirements of the GC District as described below.

| <b>GC Zone</b>                             | <b>Permitted by LMC for Prospector Overlay of the GC zone 15-2.18-3 (I)</b>   |
|--|---|
| Lot Size                                   | No minimum lot size. Lot is 4,950 sf  |
| Building Footprint- Floor Area Ratio (FAR) | FAR must not exceed two (2). All Uses in the Bldg. except enclosed parking areas are subject to the FAR. 7,800 sf building proposed (FAR of 1.58). First floor business is 2,192 sf, first floor retail is 663 sf. Second floor office is 2,100 sf. Third Floor residential is 2,816 sf.  |
| Front/rear yard setbacks                   | Zero lot line development permitted.  |
| Side yard setbacks                         | Zero lot line development permitted.  |
| Building Height                            | Thirty-five feet (35') from Existing Grade, Building Height exceptions of LMC 15-2.18-4 apply, including additional five feet (5') for gable, hip or similar pitched roofs with a roof pitch of 4:12 or greater. Building height will be verified at the time of Building Permit review.  |
| Parking                                    | Per Prospector Square Subdivision Overlay all parking for these lots is shared and provided in Parking Lots A-K. Additional private parking for specific lots may be provided entirely within the individual lot boundary. 117 spaces available in Parking Lot F. The residential units require 6 spaces and the retail/office/management space requires 15 spaces. |
| Architectural Design                       | All construction is subject to LMC Chapter 15-5- Architectural Design Guidelines with final review conducted at the time of the Building Permit.  |
| Uses                                       | All uses listed in 15-2.18-2 (A) Allowed Uses are permitted unless otherwise noted. All uses listed in 15-2.18-2 (B) Conditional Uses require either an   |

|  |  |
|--|--|
|  | administrative CUP or a CUP approved by the Planning Commission, as noted. Residential Uses require a CUP. |
|--|--|

Residential Uses in the General Commercial (GC) zoning district are Conditional Uses subject to review according to the following criteria set forth in the LMC 15-1-10(E):

1. Size and location of Site:

The 7,800 sf three story building is proposed on a 4,950 sf lot within the Prospector Square area. This area is characterized by individual businesses on small lots, as well as larger residential condominium buildings. Within the GC zoning district a Floor Area Ratio of two (2) is allowed. The proposed building yields a Floor Area Ratio (FAR) of 1.58 based on the three story configuration and a total of 7,800 square feet of retail, management, storage, laundry, offices, and residential uses. The existing lot is sufficient in size for the proposed use and the residential uses are located on the third floor, allowing retail, reception, offices, and property management uses on the main floor and office uses on the second floor. According to the LMC, all uses in the building, except any enclosed parking areas (which there are none for this building), are subject to the FAR. The building consists of a total of 7,800 sf and the proposed FAR is 1.58. The first floor business is 2,192 sf and first floor retail is 663 sf. Second floor office is 2,100 sf and third floor residential is a total of 2,816 sf for the four units. **No unmitigated impacts.**

2. Traffic considerations including capacity of the existing Streets in the area:

At times the streets and intersections in Prospector Square area are congested and development of this vacant lot will add traffic. This platted lot is part of the planned mixed use Prospector Square neighborhood and development with an allowed FAR of 2.0 has been anticipated since approval of the subdivision. The proposed building has an FAR of 1.58, less than full development potential. Additionally, the four residential uses proposed for the third floor create a parking demand of (six (6)) spaces, per LMC 15-3-6 (B). If the third floor is office uses, the parking demand would be 9 spaces. Additionally, residential parking demand is opposite from the parking demand of surrounding retail and office uses. Therefore traffic and parking are mitigated with residential uses in that the parking demand is less than for office uses, the residential demand occurs opposite the retail/office demand (which are the primary uses in Prospector Square), and the residential uses are for the use of employees of the property management business. The residential uses mitigate traffic due to the time of demand and their association with the business on the first two floors. **No unmitigated impacts**

3. Utility capacity:

Utilities necessary for this use are available at or near the site. Prior to recordation of the plat amendment for this property a utility plan and utility easements are required to be approved by the City Engineer and utility providers. Existing water service will need to be evaluated and modeled and may need to be upgraded to meet fire flow requirements for the proposed uses and required fire sprinkler system. **No unmitigated impacts.**

4. Emergency vehicle access:

The proposed development will not interfere with existing access routes for emergency vehicles. **No unmitigated impacts.**

5. Location and amount of off-street parking:

There are currently 99 shared parking spaces in Parking Lot. The approved Gigaplat replat provides for a total of 110 due to reconfiguration of the lots and parking lot. The subject property is 25a-R of the Gigaplat replat. The parking spaces of Parking Lot F are intended for common use by the Prospector Square lots in the area. Residential units require six (6) spaces and demand is generally opposite demand for retail and office uses. The property management business, an allowed use in the zone and not subject of this CUP, has a parking demand of fifteen (15) spaces.

This platted lot is part of the planned mixed use Prospector Square neighborhood and development with an allowed FAR of 2.0 has been anticipated since approval of the subdivision. The proposed building has an FAR of 1.58, less than full development potential. Additionally, the four residential uses proposed for the third floor create a parking demand of (six (6)) spaces, per LMC 15-3-6 (B). If the third floor was an office, the parking demand would be 9 spaces. Residential parking demand is opposite from the parking demand of surrounding retail and office uses.

Therefore parking is mitigated with residential uses in that the parking demand is less than for office uses, the residential demand occurs opposite the retail/office demand (which are the primary uses in Prospector Square), and the residential uses are for the use of employees of the property management business.

The subject property (Gigaplat replat Lot 25a-R) is currently part of Parking Lot F. The approved Gigaplat replat relocates existing development Lots 25a and 25b to Parking Lot F and transfers the displaced parking to Lots 25a and 25b, which are currently not paved. Staff recommends a condition of approval that prior to issuance of a certificate of occupancy the displaced parking (on new Lot 25a-R per the approved Gigaplat replat) needs to be developed on vacant lots 25a and 25b. **No unmitigated impacts.**

6. Internal vehicular and pedestrian circulation system:

Internal vehicular and pedestrian circulation system includes existing sidewalks along Prospector Avenue, a Prospector Association walkway located to the west

of the parking lot, and the Rail Trail bike path located to the south, with informal access that will not be altered. Circulation within the Parking Lot will be improved with the reconfigured lot. **No unmitigated impacts.**

7. Fencing, Screening, and Landscaping to separate the use from adjoining uses;  
No outdoor storage of goods or mechanical equipment is proposed or allowed onsite. No fencing is proposed. Landscaping along the building frontage with Prospector Avenue, within the pedestrian entry plaza area, and on the green roof are proposed. The applicant will work with Prospector Square POA to provide additional landscaping along the east side of Parking Lot F. **No unmitigated impacts.**
  
8. Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;  
The three story building is proposed to be located on the north property line with the retail storefronts located on the north side off of the existing sidewalk. A landscaped pedestrian plaza is located along the sidewalk on the west portion of the building with the entry to the residential units and reception area for the property management business located off the plaza. The building orients to the street with parking in the rear. The building includes façade shifts on all elevations. Residential uses are located on the third floor with a green roof and outdoor terrace oriented to the south. Maximum building height in the GC zone is 35'. **No unmitigated impacts.**
  
9. Usable open space;  
Not applicable there are no changes to the existing open space within the Prospector Square area associated with the residential uses or new building proposed to be constructed on an existing re-platted lot. **No unmitigated impacts.**
  
10. Signs and Lighting;  
There are no signs or lighting proposed for the building at this time. Any new exterior signs or lighting must be approved by the Planning Department prior to installation. **No unmitigated impacts**
  
11. Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;  
The physical design of the building, in terms of mass, scale, style, designs and architectural detailing complies with Title 15-5-5- Architectural Design Guidelines of the Land Management Code. The building is contemporary in design and compliments the variety of building styles in the area. Materials consist of wood, metal, and glass, with retail store fronts along the street and utility uses to the rear. The residential access is provided off of a landscaped pedestrian plaza. A green planted roof and roof terrace provide outdoor space for the residents that are oriented to the south. Textures, materials, and colors meet architectural

design guidelines (building plans have not been submitted). The building is an allowed use in the zone and the CUP is for the residential units on the third floor. **No unmitigated impacts.**

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site;

The Park City Building Department, the Fire Marshall, and the Snyderville Basin Water Reclamation District may require a hazardous materials management plan to be approved by all three parties prior to issuance of a business license for this location, due to the laundry and maintenance shop uses. The residential, retail, and office uses do not require a hazardous management plan. **No unmitigated impacts.**

13. Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup area;

The applicants propose to design and construct an enclosure for the existing trash dumpster located at the southwest corner of the parking lot. The service area on the south side of the building includes garage doors to enclose the service and delivery areas. There are no loading docks associated with these uses. **No unmitigated impacts.**

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;

The entire building will be owned by the applicant, owner of the Park City Lodging Company, which is currently in another location in Park City. **No unmitigated impacts.**

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.

The site exists within the Park City Soil Ordinance Boundary, therefore any soil disturbance or proposed landscaping must adhere to Park City Municipal Code 11-15-1. Failure to comply with the Soil Ordinance is a Class B misdemeanor. **No unmitigated impacts.**

### **General Plan**

The residential uses on the third story are to be located in the General Commercial zone within the Prospector Square Subdivision in Park City. Within the discussion on the district objectives, local businesses and employee housing for local businesses, such as Park City Lodging, are strongly encouraged in the General Commercial zone. It is a local business and this CUP application is consistent with the purposes of the General Plan regarding a mixed use building with retail, office, and residential uses on this property.

### **Department Review**

This project has gone through an interdepartmental review at a Development Review Committee meeting and issues raised, namely regarding adequate water service to meet fire flow requirements and soils ordinance issues, have been addressed with the conditions of approval. No further issues were brought up at that time.

### **Notice**

On June 5<sup>th</sup> the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record on June 7<sup>th</sup> 2014.

### **Public Input**

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

### **Alternatives**

- The Planning Commission may approve the CUP as conditioned or amended; or
- The Planning Commission may deny the CUP and direct staff to make Findings for this decision; or
- The Planning Commission may continue the CUP to a date certain and provide staff with direction on additional information that they would like to see.

### **Significant Impacts**

There are no significant impacts to the City or neighborhood as a result of this Conditional Use Permit. .

### **Consequences of not taking the Suggested Recommendation**

Residential uses on the third floor would not be allowed. The retail, office and property management uses are allowed uses in the GC zone and could commence operation.

### **Recommendation**

Staff recommends the Planning Commission review the Conditional Use Permit application, hold a public hearing, and consider approving the CUP according to the findings of fact, conclusions of law and conditions of approval incorporated herein:

### **Findings of Fact**

1. The subject property is located at 1897 Prospector Avenue.
2. The property is located in the General Commercial (GC) zone and within the Prospector Square Subdivision overlay.
3. Residential uses, including multi-dwelling units, are required to be reviewed per the Conditional Use Permit criteria in the Land Management Code (LMC) and require approval by the Planning Commission.
4. Retail, property management businesses, and offices are allowed use in the GC zone. An FAR of 2 is allowed for buildings within the Prospector Square Subdivision overlay.
5. The building consists of a total of 7,800 sf and the proposed FAR is 1.58. The first floor business is 2,192 sf and first floor retail is 663 sf. Second floor office is 2,100 sf and third floor residential is a total of 2,816 sf for the four units.

6. Six (6) parking spaces are required for the residential uses on the third floor and 15 parking spaces area required for the property management/retail/office space (an allowed use) on the first and second floors. All parking within Prospector Square is shared and upon completion of reconfigured Parking Lot F, an additional 11 parking spaces will be available within Parking Lot F of the Prospector Square Property Owner Association. Office uses on the third floor would require 9 parking spaces, which is 3 (three) more than the residential uses require.
7. The internal vehicular and pedestrian circulation system will be enhanced with the proposal by providing access to the building directly from pedestrian sidewalks and by breaking up the vastness of the parking lot.
8. No outdoor storage of goods or mechanical equipment is proposed. The overhead doors for the property management business are located on the south side of the building away and are not visible for the public right-of-way.
9. There are no significant traffic impacts associated with the proposed uses as build out of these platted lots is anticipated. The residential uses on the third floor result in less traffic and parking demand, and at opposite times of the day, than office uses on the third floor would create. Office and retail uses do not require a CUP.
10. Any additional utility capacity, in terms of fire flows, will be reviewed by the Fire District, Water Department, and Building Department prior to issuance of a building permit and prior to recordation of the subdivision plat. .
11. The proposed development will not interfere with access routes for emergency vehicles.
12. No signs are proposed at this time.
13. Exterior lighting will be reviewed at the time of the building permit review.
14. The proposal exists within the Park City Soil Ordinance Boundary.
15. The findings in the Analysis section of this report are incorporated herein.
16. The development is located in a FEMA Flood Zone X.

### **Conclusions of Law**

1. The application satisfies all Conditional Use Permit review criteria for residential uses as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1-15)];
2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The Applicant complies with all requirements of the LMC;
4. The Use is consistent with the Park City General Plan, as conditioned; and
5. The effects of any differences in use or scale have been mitigated through careful planning.

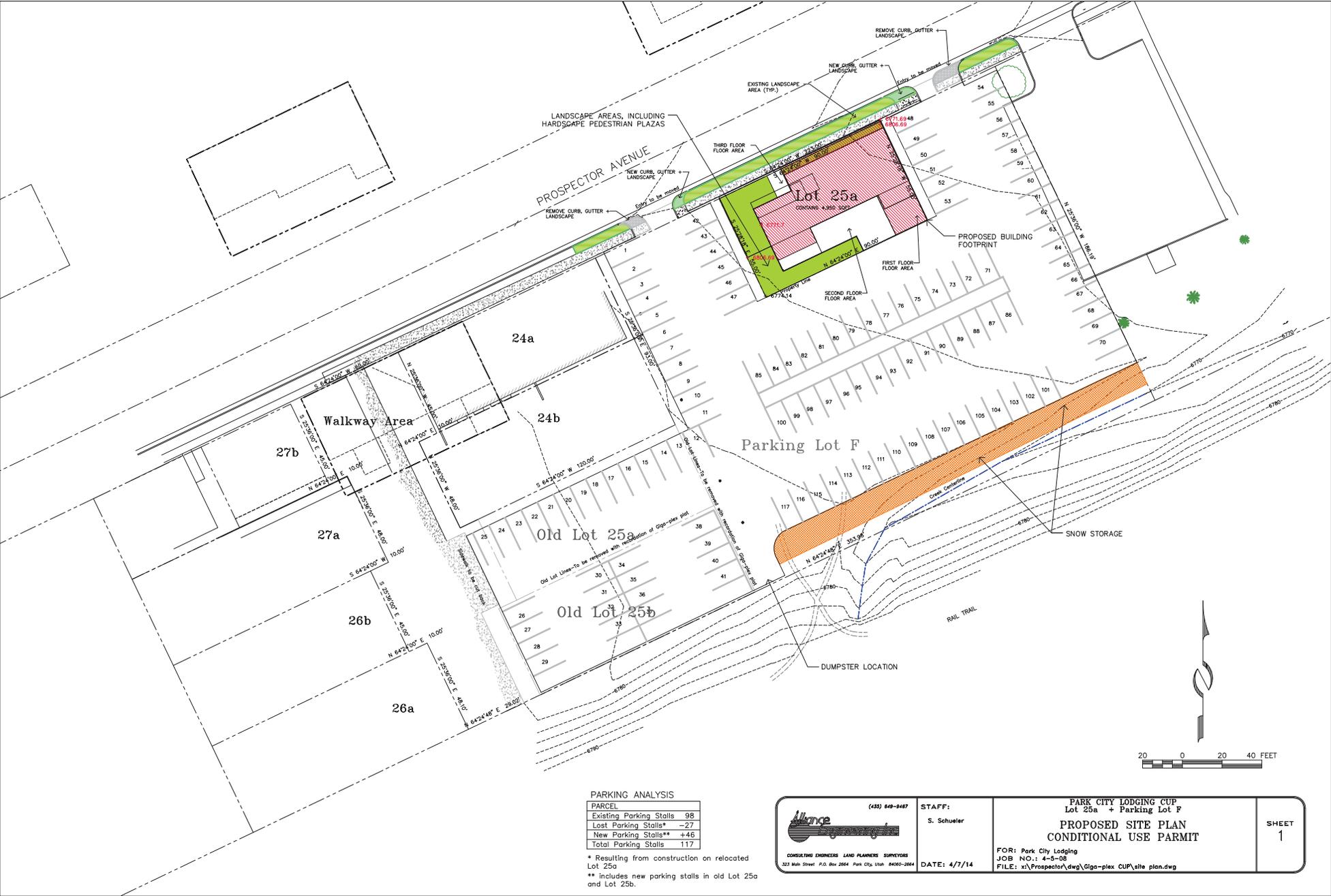
### **Conditions of Approval**

1. All standard conditions of project approval shall apply to this project.
2. All signs associated with the use of the property must comply with the City's Sign Code and require a sign permit by the Planning Department prior to installation.
3. No outdoor storage of goods or mechanical equipment is allowed on-site.

4. A drainage plan must be submitted and approved by the City Engineer.
5. Review and approval of the utility plans, to ensure adequate fire flows for the building, is required prior to issuance of a building permit.
6. Prior to issuance of a certificate of occupancy for the building, the reconfigured Parking Lot F shall be completed, including paving, striping, and landscaping.
7. Prior to building permit issuance the Building Height will be verified for compliance with the GC zone height of 35'.

**Exhibits**

- Exhibit A- Site plan
- Exhibit B- Floor Plans
- Exhibit C- Elevations
- Exhibit D- Landscape Plan
- Exhibit E- Existing conditions and photos
- Exhibit F- Prospector Subdivision plat
- Exhibit G- Gigaplat replat
- Exhibit H- Standard Conditions of Approval



**PARKING ANALYSIS**

|                         |     |
|-------------------------|-----|
| PARCEL                  |     |
| Existing Parking Stalls | 98  |
| Lost Parking Stalls*    | -27 |
| New Parking Stalls**    | +46 |
| Total Parking Stalls    | 117 |

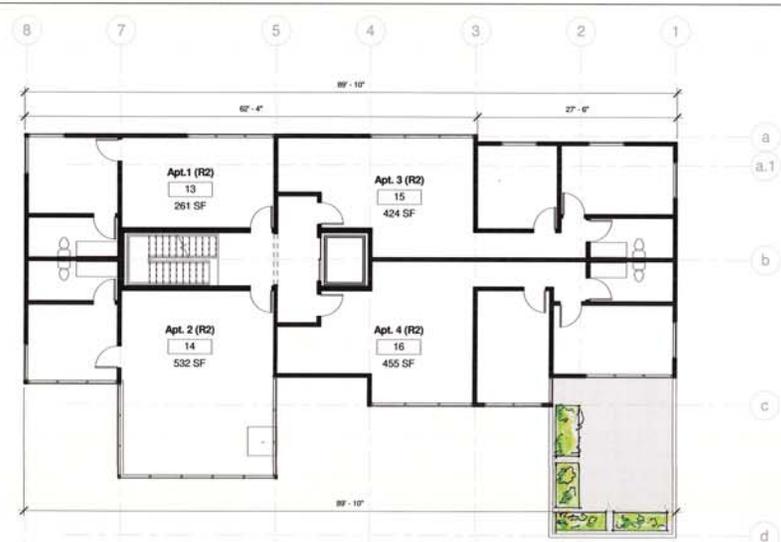
\* Resulting from construction on relocated Lot 25a  
 \*\* includes new parking stalls in old Lot 25a and Lot 25b.

|  |                       |  |                   |
|--|-----------------------|--|-------------------|
| <br>(435) 649-9467<br>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS<br>323 Main Street P.O. Box 2664 Park City, Utah 84002-2664 | STAFF:<br>S. Schueler | PARK CITY LODGING CUP<br>Lot 25a + Parking Lot F<br><b>PROPOSED SITE PLAN</b><br><b>CONDITIONAL USE PERMIT</b> | SHEET<br><b>1</b> |
|  | DATE: 4/7/14          | FOR: Park City Lodging<br>JOB NO.: 4-5-08<br>FILE: x:\Prospector\dwg\Giga-plex CUP\site plan.dwg               |                   |

EXHIBIT B



1 1st Floor Dimensions  
1/8" = 1'-0"



3 3rd Floor Dimensions  
1/8" = 1'-0"



2 2nd Floor Dimensions  
1/8" = 1'-0"



4 Roof Deck Dimensions  
1/8" = 1'-0"

**glgaplex**  
ARCHITECTS  
1255 Ironhorse Drive,  
2nd level  
PO BOX 3360  
Park City, UT 84060  
p: 435-649-7080  
f: 435-649-6545  
office@glgaplex.com

PC Lodging Concept Park City Lodging  
Enter address here

date:  
Issue Date

dwg title:  
Unnamed

dwg #:

A104

gtgaplex  
ARCHITECTS

1255 Ironhorse Drive,  
2nd level  
PO BOX 3360  
Park City, UT 84060  
p: 435-649-7080  
f: 435-649-6545

office@gaplexdesign.com

PC Lodging Concept Park City Lodging  
Enter address here

date:  
Issue Date

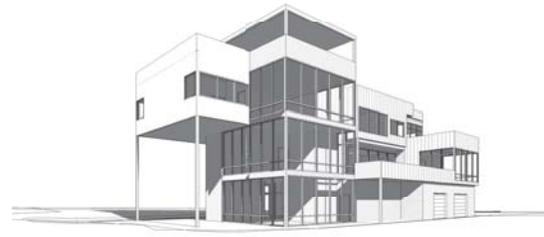
dwg title:  
3d Views

drawn by: Author  
dwg #:

A103



3 NE Street Corner



6 SW Corner



2 SE Corner





WEST ELEVATION

gtgaplex  
ARCHITECTS

1255 Ironhorse Drive,  
2nd level  
PO BOX 3360  
Park City, UT 84060  
p: 435-649-7000  
f: 435-649-6545  
office@gtgaplex.com

RHONDA SIDERIS  
Park City Lodging

LOT 25 A  
Prospector Avenue

date:  
1/8/2014

dwg title:

dwg #:

gtgaplex  
ARCHITECTS

1255 Ironhorse Drive,  
2nd level  
PO BOX 3360  
Park City, UT 84060  
p: 435-649-7000  
f: 435-649-6545  
office@gtgaplex.com

RHONDA SIDERIS  
Park City Lodging

LOT 25 A  
Prospector Avenue

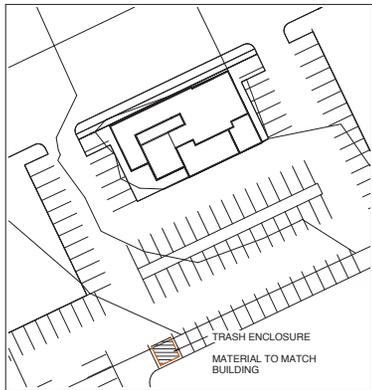
date:  
1/8/2014

dwg title:

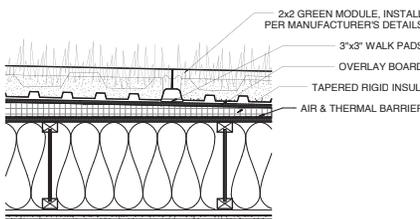
dwg #:



NORTH ELEVATION

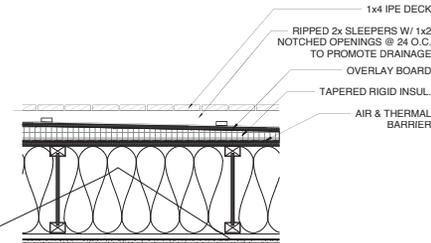


3 TRASH ENCLOSURE PLAN  
1" = 40'-0"



GREEN ROOF (TYP)

2 ROOF TYPES  
1 1/2" = 1'-0"



ROOF DECK (TYP)

1 Landscape Plan  
1/8" = 1'-0"



Looking North from Rail Trail



Looking South from Prospector Ave.



Looking West at existing Lots 25a+b



Looking East -Parking to Rail Trail

|   |  |   |                    |
|---|--|---|--------------------|
|  <p>(405) 949-9467<br/>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS<br/>332 Main Street P.O. Box 2004 Park City, Utah 84060-2004</p> | <p>STAFF:<br/>Steve Schuster</p>   | <p>Gigaplat Replat<br/>Lots 25a, 25b, Parking Lot F<br/>Plat Amendment<br/>Panoramic Images</p> | <p>SHEET<br/>4</p> |
|   | <p>FOR: Giga Max Inc.<br/>JOB NO.: 4-5-08<br/>FILE: x:\Prospector\dwg\sr\plot2008\gigaplat.dwg (layout4)</p> | <p>DATE: 12/1/12</p>  |                    |

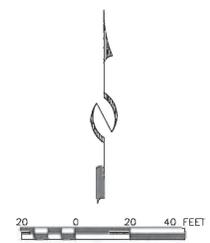
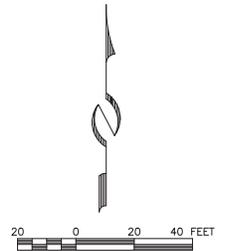
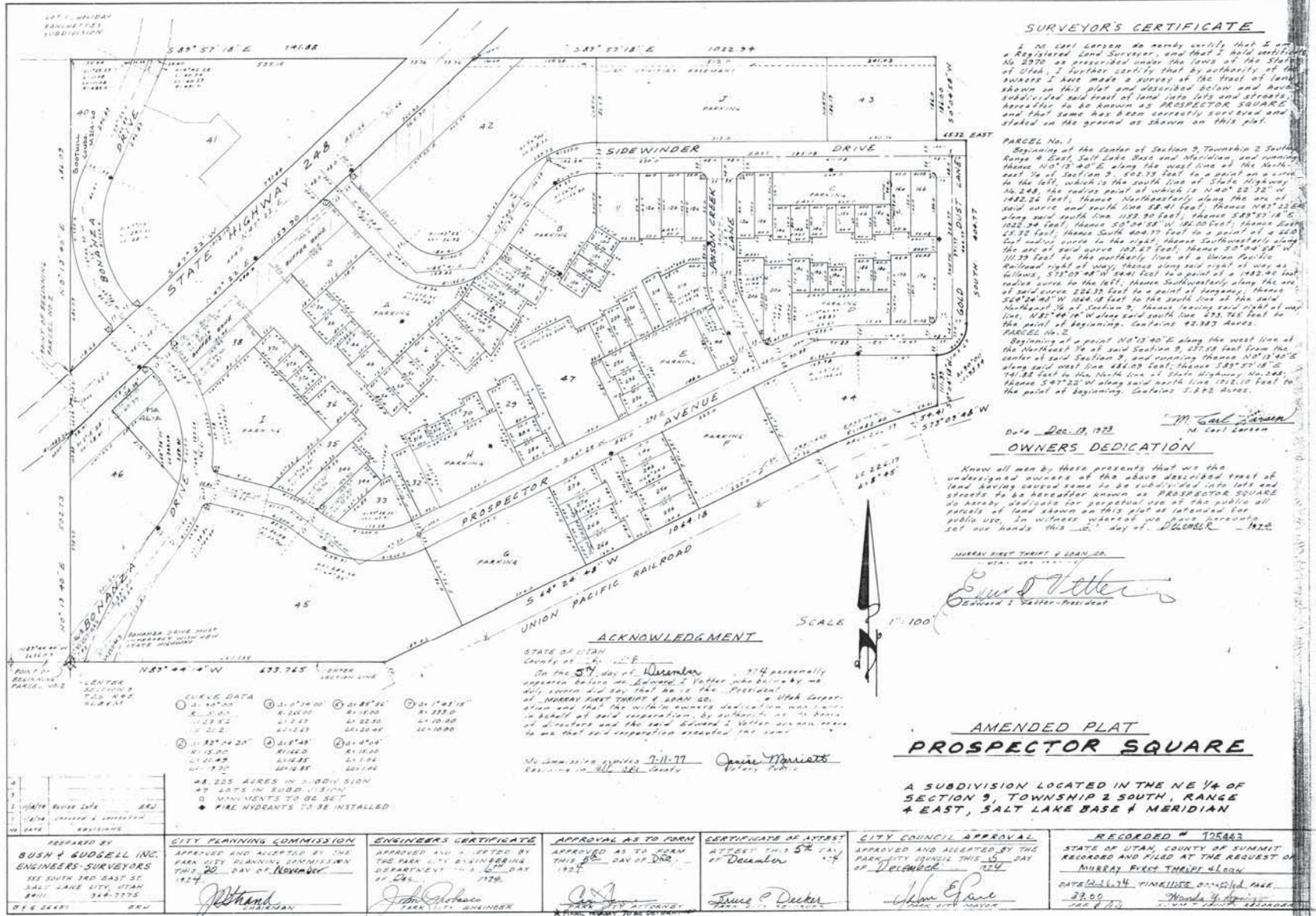


EXHIBIT D

|   |  |  |                   |
|---|--|--|-------------------|
| <br>(435) 648-3487<br>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS<br>223 Main Street P.O. Box 2054 Park City, Utah 84090-2054 | <b>STAFF:</b><br>J. Demkowicz<br>S. Schuster | Gigsplat Replat<br>Lots 25a, 25b, Parking Lot F<br>Existing Ortho Summary  | <b>SHEET</b><br>2 |
|   | <b>DATE:</b> 12/04/12                        | <b>FOR:</b> Gigo Plex Inc.<br><b>JOB#</b> NO.: 4-5-08<br><b>FILE:</b> x:\Prospector\dwg\ar\pl02008\gigsplat 10-10-12.dwg |                   |



|   |                        |  |                   |
|---|------------------------|--|-------------------|
| <br>(435) 649-9487<br>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS<br>323 Main Street P.O. Box 2664 Park City, Utah 84002-2664 | STAFF:<br>S. Schueller | PARK CITY LODGING CUP<br>Lot 25a + Parking Lot F<br><b>ORTHO-AERIAL-100' PROPERTY OWNERS<br/>         CONDITIONAL USE PERMIT</b> | SHEET<br><b>1</b> |
|   | DATE: 4/7/14           | FOR: Park City Lodging<br>JOB NO.: 4-5-08<br>FILE: s:\Prospector\dwg\Giga-plex CUP\site plan.dwg                                 |                   |



**SURVEYOR'S CERTIFICATE**

I, M. Carl Loren, do hereby certify that I am a Registered Land Surveyor, and that I have surveyed the above described section and have subdivided said tract of land into lots and streets, hereafter to be known as PROSPECTOR SQUARE, and that same has been correctly surveyed and stated on the ground as shown on this plat.

**PARCEL No. 1**  
Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and running North 13° 40' E along the west line of the Northeast 1/4 of said Section 9, 502.75 feet to a point on a curve to the left, which is the south line of State Highway No. 248, the radius point of which is N 40° 22' 32" W 1422.24 feet; thence Northwesterly along the arc of said curve and south line 58.41 feet; thence N 87° 22' 52" along said south line 152.30 feet; thence S 89° 07' 18" E 1022.24 feet; thence S 5° 04' 58" W 50.50 feet; thence East 42.82 feet; thence South 400.75 feet to a point of a 360.00 foot radius curve to the right; thence Southwesterly along the arc of said curve 192.25 feet; thence S 2° 04' 58" W 111.39 feet to the northerly line of a Union Pacific Railroad right of way; thence along said right of way as follows: S 75° 09' 48" W 24.41 feet to a point of a 1482.00 foot radius curve to the left; thence Southwesterly along the arc of said curve 226.33 feet to a point of tangency; thence S 24° 24' 42" W 104.18 feet to the south line of the said Northeast 1/4 of Section 9; thence bearing said right of way line, N 87° 46' 16" W along said south line 233.745 feet to the point of beginning. Contains 3.223 Acres.

**PARCEL No. 2**  
Beginning at a point N 87° 40' E along the west line of the Northeast 1/4 of said Section 9, 277.18 feet from the center of said Section 9, and running thence N 10° 16' E along said west line 484.09 feet; thence S 87° 57' 18" E 741.88 feet to the north line of State Highway No. 248; thence S 87° 57' 18" E along said north line 1181.18 feet to the point of beginning. Contains 3.223 Acres.

Date Dec. 13, 1923  
M. Carl Loren  
M. Carl Loren

**OWNERS DEDICATION**

Know all men by these presents that we the undersigned owners of the above described tract of land having caused same to be subdivided into lots and streets to be hereafter known as PROSPECTOR SQUARE do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use. In witness whereof we have hereunto set our hands this 13th day of December, 1923.

MURRAY FIRST TRUST & LOAN CO.  
Edward J. Vetter, President

**ACKNOWLEDGMENT**

STATE OF UTAH  
County of Summit  
On the 31st day of December, 1923, I, J. H. personally appeared before me, Edward J. Vetter, who being by me well known and being then the President of MURRAY FIRST TRUST & LOAN CO., a Utah Corporation and that the within owners' dedication was made in behalf of said corporation, by authority of a Board of Directors and that the said Edward J. Vetter is now known to me that said corporation executed the same.

My Commission expires 7-11-27  
Edward J. Vetter, Notary Public

**AMENDED PLAT PROSPECTOR SQUARE**

A SUBDIVISION LOCATED IN THE NE 1/4 OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN

**CURVE DATA**

|                    |                    |                    |                    |
|--------------------|--------------------|--------------------|--------------------|
| 1. 11° 22' 24" 24' | 2. 11° 22' 24" 24' | 3. 11° 22' 24" 24' | 4. 11° 22' 24" 24' |
| 11° 22' 24" 24'    | 11° 22' 24" 24'    | 11° 22' 24" 24'    | 11° 22' 24" 24'    |
| 11° 22' 24" 24'    | 11° 22' 24" 24'    | 11° 22' 24" 24'    | 11° 22' 24" 24'    |
| 11° 22' 24" 24'    | 11° 22' 24" 24'    | 11° 22' 24" 24'    | 11° 22' 24" 24'    |

48.225 ACRES IN SUBDIVISION  
27 LOTS IN SUBDIVISION  
MONUMENTS TO BE SET  
FIRE HYDRANTS TO BE INSTALLED

|  |   |   |   |   |  |   |
|--|---|---|---|---|--|---|
| <p>PREPARED BY<br/><b>BUSH &amp; BUDSELL INC.</b><br/>ENGINEERS-SURVEYORS<br/>157 SOUTH 3RD EAST ST.<br/>SALT LAKE CITY, UTAH<br/>84111 344-7775</p> | <p><b>CITY PLANNING COMMISSION</b><br/>APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION THIS 20th DAY OF November 1924.</p> | <p><b>ENGINEERS CERTIFICATE</b><br/>APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT THIS 20th DAY OF Dec. 1923.</p> | <p><b>APPROVAL AS TO FORM</b><br/>APPROVED AS TO FORM THIS 20th DAY OF Dec. 1923.</p> | <p><b>CERTIFICATE OF ATTEST</b><br/>ATTEST THIS 5th DAY OF December 1923.</p> | <p><b>CITY COUNCIL APPROVAL</b><br/>APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS 15th DAY OF December 1924.</p> | <p><b>RECORDED # 125463</b><br/>STATE OF UTAH, COUNTY OF SUMMIT<br/>RECORDED AND FILED AT THE REQUEST OF<br/>MURRAY FIRST TRUST &amp; LOAN CO.<br/>DATE 12/17/24 TIME 11:58 AM<br/>\$7.00<br/>DEC 17 1924</p> |
|--|---|---|---|---|--|---|

SURVEYOR'S CERTIFICATE



I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by authority of the certificate, I have prepared this Record of Survey map of the GIGAPLAT REPLAT and that the same has been or will be monumented on the ground as shown on this plot. I further certify that the information on this plot is accurate.

John Demkowicz Date

BOUNDARY DESCRIPTION

(Parcel 1): All of Lot 25A PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, according to the official plat thereof, recorded as Entry No. 397064 of the official records in the office of Summit County Recorders, records of Summit County, Utah.  
 (Parcel 2): All of Lot 25B PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, according to the official plat thereof, recorded as Entry No. 397064 of the official records in the office of Summit County Recorders, records of Summit County, Utah.  
 (Parcel 3): All of Lot F, PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT, according to the official plat thereof, recorded as Entry No. 397064 of the official records in the office of Summit County Recorders, records of Summit County, Utah.  
 (Parcel 4): (Association Walkway)

A parcel of land located in the northeast quarter of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:  
 Beginning at the easternmost corner of Lot 26a of the Amended Plat of Prospector Square, recorded as Entry #125443 according to the official plat thereof on file and of record in the Office of the Recorder, Summit County, Utah, said point being located South 89°44'14" East 693.785 feet and North 64°24'48" East 613.82 feet from the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence along the westerly and northerly boundaries of Lot 26a the following two (2) courses: 1) North 25°36'00" West 48.10 feet; thence 2) South 64°24'00" West 10.00 feet to the southeastern corner of Lot 26a; thence along the easterly boundary of Lot 26a North 25°36'00" West 45.00 feet to the southern boundary of Lot 27a; thence along the southerly, easterly and northerly boundaries of Lot 27a the following three (3) courses: 1) North 64°24'00" East 10.00 feet; thence 2) North 25°36'00" West 48.10 feet; thence 3) South 64°24'00" West 10.00 feet to the southeastern corner of Lot 27a; thence along the easterly boundary of Lot 27a North 25°36'00" West 45.00 feet to the southerly right-of-way of Prospector Avenue, Amended Plat of Prospector Square; thence along said southerly right-of-way North 64°24'00" East 60.00 feet to the northwesterly corner of Lot 24a; thence along the westerly boundary of Lot 24a South 25°36'00" East 45.00 feet to the northerly boundary of Lot 24b; thence along the northerly, westerly and southerly boundaries of Lot 24b the following three (3) courses: 1) South 64°24'00" West 10.00 feet; thence 2) South 25°36'00" East 45.00 feet; thence 3) North 64°24'00" East 10.00 feet to the westerly boundary of Lot 25a; thence along the westerly boundary of Lot 25a South 25°36'00" East 45.00 feet to the northerly boundary of Lot 25b; thence along the northerly and westerly boundaries of Lot 25b the following two (2) courses: 1) South 64°24'00" West 10.00 feet; thence 2) South 25°36'00" East 45.11 feet to the southerly boundary of said Amended Plat of Prospector Square; thence along the southerly boundary of the Amended Plat of Prospector Square South 64°24'48" West 40.00 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, IGM, LLC, A UTAH LIMITED LIABILITY CORPORATION, the undersigned owner of Parcel 1, does hereby certify that it has caused this survey to be made and Gigaplat Replat to be prepared, and does hereby consent to the recording of this plat amendment.  
 In witness whereof the undersigned has executed this certificate and dedication this \_\_\_\_ day of \_\_\_\_\_, 2014.

IGM, LLC  
 A Utah Limited Liability Corporation

By: \_\_\_\_\_  
 Rhonda Elders  
 President

ACKNOWLEDGMENT

State of \_\_\_\_\_  
 County of \_\_\_\_\_  
 On this \_\_\_\_ day of \_\_\_\_\_, 2014, personally appeared before me Teri Ekstrom, a notary public, personally appeared \_\_\_\_\_  
 \_\_\_\_\_ proved on the basis of satisfactory evidence to be the person whose name are subscribed to this instrument, and acknowledged they have executed the same. Witness my hand and official seal.

Notary Public

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, FOHORN LEGRON, LTD, A UTAH CORPORATION, the undersigned owner of Parcel 2, does hereby certify that it has caused this survey to be made and Gigaplat Replat to be prepared, and does hereby consent to the recording of this plat amendment.  
 In witness whereof the undersigned has executed this certificate and dedication this \_\_\_\_ day of \_\_\_\_\_, 2014.

FOHORN LEGRON, LTD  
 A Utah Corporation

By: \_\_\_\_\_  
 Henry Louis  
 President

ACKNOWLEDGMENT

State of \_\_\_\_\_  
 County of \_\_\_\_\_  
 On this \_\_\_\_ day of \_\_\_\_\_, 2014, personally appeared before me Teri Ekstrom, a notary public, personally appeared \_\_\_\_\_  
 \_\_\_\_\_ proved on the basis of satisfactory evidence to be the person whose name are subscribed to this instrument, and acknowledged they have executed the same. Witness my hand and official seal.

Notary Public

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION, A \_\_\_\_\_, the undersigned owner of Parcel 2, does hereby certify that it has caused this survey to be made and Gigaplat Replat to be prepared, and does hereby consent to the recording of this plat amendment.  
 In witness whereof the undersigned has executed this certificate and dedication this \_\_\_\_ day of \_\_\_\_\_, 2014.

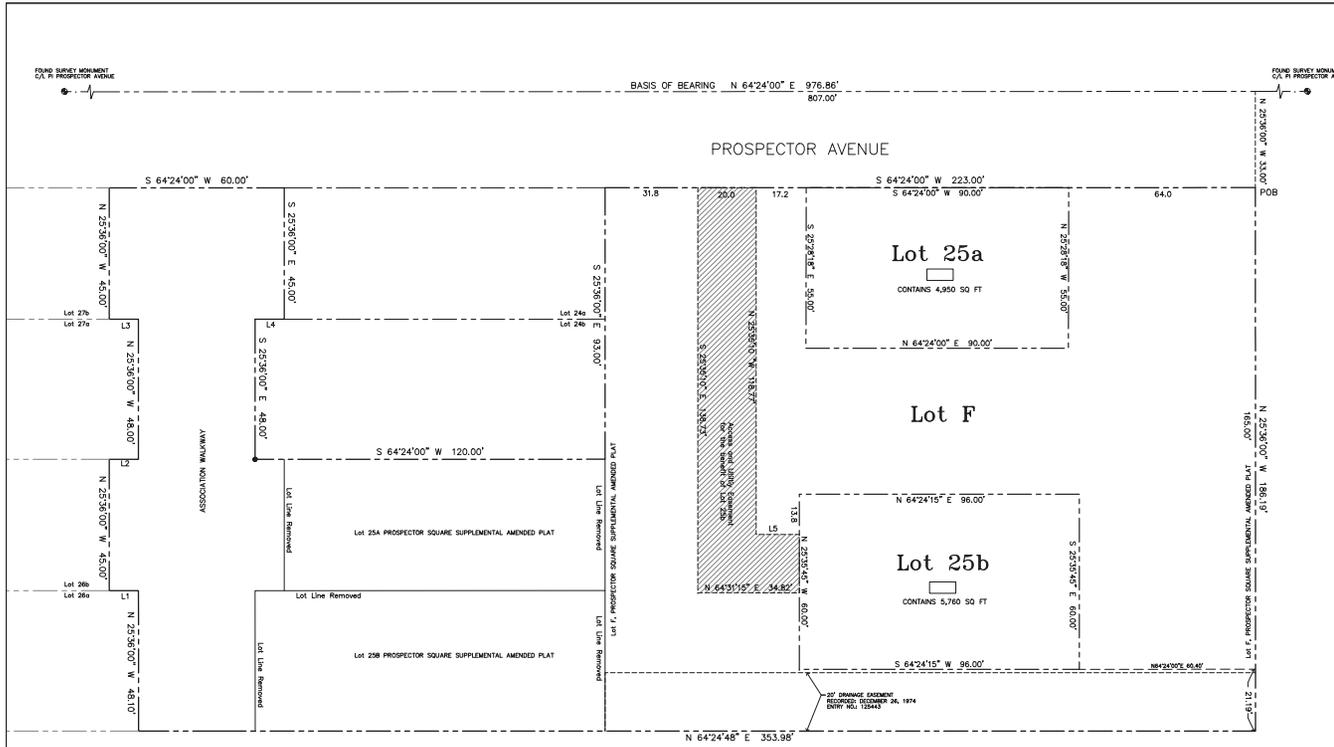
PROSPECTOR SQUARE PROPERTY OWNERS ASSOCIATION  
 A Utah \_\_\_\_\_

By: \_\_\_\_\_  
 \_\_\_\_\_  
 President

ACKNOWLEDGMENT

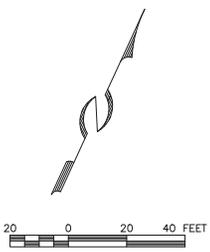
State of \_\_\_\_\_  
 County of \_\_\_\_\_  
 On this \_\_\_\_ day of \_\_\_\_\_, 2014, personally appeared before me Teri Ekstrom, a notary public, personally appeared \_\_\_\_\_  
 \_\_\_\_\_ proved on the basis of satisfactory evidence to be the person whose name are subscribed to this instrument, and acknowledged they have executed the same. Witness my hand and official seal.

Notary Public



| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 64°24'00" W | 10.00'   |
| L2   | N 64°24'00" E | 10.00'   |
| L3   | S 64°24'00" W | 10.00'   |
| L4   | S 64°24'00" W | 10.00'   |
| L5   | S 64°31'18" W | 14.82'   |

NOTE  
 [Symbol] Street address on Prospector Avenue  
 1. A 16' Right of Way and Easement Grant to Mountain Fuel Company exists on the property as identified on the document recorded June 8, 1977, Entry No. 136027. Location cannot be determined.  
 2. A 16' Right of Way and Easement Grant to Mountain Fuel Company exists on the property as identified on the document recorded December 8, 1975, Entry No. 129736. Location cannot be determined.



A PLAT AMENDMENT  
 A RESUBDIVISION OF LOTS 25a, 25b, Parking Lot F, & Association Walkway  
**GIGAPLAT REPLAT**  
 LOCATED IN NE 1/4 SECTION 9  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH

EXHIBIT A

|  |   |  |  |  |  |  |  |
|--|---|--|--|--|--|--|--|
| <br>(435) 640-9467<br>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS<br>223 Main Street P.O. Box 2654 Park City, Utah 84060-2654 | SNYDERVILLE BASIN WATER RECLAMATION DISTRICT<br>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2014 A.D.<br>BY _____ S.B.W.R.D. | PLANNING COMMISSION<br>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2014 A.D.<br>BY _____ CHAIRMAN | ENGINEER'S CERTIFICATE<br>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2014 A.D.<br>BY _____ PARK CITY ENGINEER | APPROVAL AS TO FORM<br>APPROVED AS TO FORM THIS _____ DAY OF _____, 2014 A.D.<br>BY _____ PARK CITY ATTORNEY | CERTIFICATE OF ATTEST<br>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.<br>BY _____ PARK CITY RECORDER | COUNCIL APPROVAL AND ACCEPTANCE<br>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2014 A.D.<br>BY _____ MAYOR | RECORDED<br>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____<br>FEE _____ RECORDER _____ |
|  | 12/25/13 JOB NO.: 4-5-08 FILE: 131941and131942and131943and131944  |  |  |  |  |  |  |

**PARK CITY MUNICIPAL CORPORATION  
STANDARD PROJECT CONDITIONS**

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.
7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist

the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.

8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.
13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.

14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.
19. All projects located within the Soils Ordinance Boundary require a Soil Mitigation Plan to be submitted and approved by the Building and Planning departments prior to the issuance of a Building permit.

September 2012

# Planning Commission Staff Report



PLANNING DEPARTMENT

**Application No:** PI-14-02348  
**Subject:** LMC Amendments  
**Author:** Kirsten Whetstone, MS, AICP  
**Date:** June 25, 2014  
**Type of Item:** Legislative – Land Management Code (LMC) Amendments

## **Summary Recommendations**

Staff recommends that the Planning Commission review the proposed amendments to the Land Management Code (LMC) regarding 1) appeals (Chapter 1), 2) exterior siding materials (Chapter 5), and 3) warranty guarantees (Chapter Seven), as described in this report and as presented in Exhibit A. Staff recommends the Commission conduct a public hearing, consider public input, and consider forwarding a recommendation to the City Council to adopt the Ordinance as presented in Exhibit A.

Staff recommends the Commission continue the discussion and public hearing on the LMC Amendments for Chapter 2.18 (GC zone), 2.19 (LI zone) regarding Animal Services, and Chapter 15 (Definitions) to July 9<sup>th</sup>.

## **Description**

**Project Name:** LMC Amendments  
**Applicant:** Planning Department  
**Approximate Location:** City-wide and General Commercial/Limited Industrial zones  
**Proposal:** Amendments to the Land Management Code require Planning Commission review and recommendation and final action by the City Council.

## **Background**

Further clarification of the City's appeal process involving Historic Preservation Board review of City Developments has been requested by the Legal Department. Language was added in 2010 to clarify that Final Action by the Planning Commission, on Conditional Use Permits and Master Planned Developments involving City Developments, may be appealed to the Board of Adjustment at the City Council's request (rather than to the City Council). Similar language is proposed for appeals of Historic Preservation Board decisions on City Developments, in the Appeals section (Chapter 1).

On June 11, 2014, the Planning Commission discussed amendments to the Architectural Design Guidelines related to vinyl siding. The Commission provided direction for staff to return with additional analysis and recommended that vinyl and other siding materials be included in the materials exception section for case by case review by the Planning Director, similar to the way aluminum siding is reviewed. Staff has conducted additional research and is recommending the Commission consider

possible amendments to allow vinyl siding, and other similar siding products, to be reviewed on a case by case basis by the Planning Director, in areas where there are already houses with similar siding materials (Chapter 5), primarily in the Prospector neighborhood.

The Utah State Legislature amended the State Code regarding warranty guarantees and municipalities should align their development codes to be consistent with the State law where required. On May 28, 2014, the Planning Commission discussed amendments to Chapter One regarding such warranty guarantees. Staff has discovered another section of the LMC that is in need of a similar update regarding guarantees in the Subdivision Ordinance (Chapter 7.2-1).

Planning Staff was approached by several existing and potential business owners with questions related to zoning regulations for various animal/pet service uses, including pet/animal grooming, pet/animal boarding, and pet/animal daycare. The current LMC definitions and regulations don't address all of these pet/animal services and several business owners have requested clarification as to where these businesses can be proposed as either allowed or conditional uses as well as clarification of definitions for these pet/animal services and uses. These uses and proposed LMC amendments were discussed by the Planning Commission on May 28, 2014, where the Commission provided Staff direction to research similar ordinances in other communities (Chapters 2.17 and 2.18 and Chapter 15) and return with better definitions. **Staff requests continuation of the GC and LI amendments to July 9<sup>th</sup>.**

### **General Plan**

The proposed LMC amendments have been reviewed for consistency with the newly adopted Park City General Plan. The General Plan does not specifically address each of these issues; however the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's unique character and values. The General Plan indicates that the LMC shall be updated with current land uses and shall take into consideration economic development with smaller local businesses in appropriate locations that are in keeping with Park City's unique character. Use tables should be reviewed periodically to address new situations, businesses, uses, etc. and to determine zones where these new uses should be allowed, conditional, or not allowed.

### **Analysis**

Planning Staff recommends the following LMC amendments to address issues that have come up regarding 1) appeals of Historic Preservation Board action on City Development projects, 2) consideration of vinyl and other alternative siding materials on a case by case basis, and 3) alignment of the LMC with amendments to the State Code regarding warranty deeds in the subdivision ordinance.

- 1) Appeals process for City Development reviewed by the HPB (Chapter 15-1-18 (B))

Staff is recommending that the process for appeals of HPB decisions on City Development projects regarding Design Reviews be revised to allow, at the City Council's request, an appeal to be heard by the Board of Adjustment, rather than require an appellant to petition the District Court. Initial action on these Design Reviews is made by the Planning Director (or designee) with appeal to the Historic Preservation Board. Subsequent appeal for all projects currently is required to go to District Court, to eliminate a process of double administrative appeal. When the project is a City Development the amendment allows these Design Review projects to have a subsequent review by the Board of Adjustment. All other types of applications, where HPB takes the initial action, will continue to have Board of Adjustment the appeal body, as they are hearing an initial appeal, not a subsequent appeal.

#### **15-1 -18. APPEALS AND RECONSIDERATION PROCESS.**

(B) **HISTORIC PRESERVATION BOARD (HPB)**. The City or any Person with standing adversely affected by any decision of the Historic Preservation Board regarding the Design Guidelines for Historic Districts and Historic Sites may petition the District Court in Summit County for a review of the decision. Appeal of all other Final Action by the Historic Preservation Board may be appealed to the Board of Adjustment. [Final Action by the Historic Preservation Board regarding Design Guidelines for Historic Districts and Historic Sites, involving City Development, may be appealed to the Board of Adjustment at the City Council's request. The Board of Adjustment will have the same scope of authority and standard of review as the Historic Preservation Board.](#)

(C) **PLANNING COMMISSION**. The City or any Person with standing adversely affected by a Final Action by the Planning Commission on appeals of Staff action may petition the District Court in Summit County for a review of the decision. Final Action by the Planning Commission on Conditional Use permits and Master Planned Developments (MPDs) involving City Development may be appealed to the Board of Adjustment at the City Council's request. All other Final Action by the Planning Commission concerning Conditional Use permits (excluding those Conditional Use permits decided by Staff and appealed to the Planning Commission; final action on such an appeal shall be appealed to the District Court) and MPDs may be appealed to the City Council. When the City Council determines it necessary to ensure fair due process for all affected parties or to otherwise preserve the appearance of fairness in any appeal, the City Council may appoint an appeal panel as appeal authority to hear any appeal or call up that the Council would otherwise have jurisdiction to hear. The appeal panel will have the same scope of authority and standard of review as the City Council. Only those decisions in which the Planning Commission has applied a land Use ordinance to a particular Application, Person, or Parcel may be appealed to an appeal authority.

....

(G) **BURDEN OF PROOF AND STANDARD OF REVIEW.** The appeal authority shall act in a quasi-judicial manner. The appellant has the burden of proving that the land Use authority erred. Except for appeals to the Board of Adjustment, [except in the case of appeals regarding Design Guidelines for Historic Districts and Historic Sites, involving City Development,](#) the appeal authority shall review factual matters de novo and it shall determine the correctness of a decision of the land Use authority in its interpretation and application of the land Use ordinance. Appeals to the Board of Adjustment will review factual matters for correctness and determine the correctness of a decision of the land Use authority in its interpretation and application of the land Use ordinance. The scope of review of the Board of Adjustment is limited to issues brought to the land Use authority below.

(L) **STAY OF APPROVAL PENDING REVIEW OF APPEAL.** Upon the filing of an appeal, any approval granted by [the Planning Commission](#) [administrative appeal body](#) will be suspended until the [City Council](#) [administrative appeal](#) body has acted on the appeal.

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

2) **Exterior Siding Materials (Chapter 15-5-5 (B))**

During the June 11<sup>th</sup>, 2014 meeting, the Planning Commission held a work session discussion regarding the inclusion of vinyl siding in the list of siding materials exempt from LMC chapter 15-5-5(B), **Prohibited Siding Materials**. The Planning Commission requested staff to return with draft language addressing the inclusion of vinyl in LMC chapter 15-5-5(B) (11), **Exemption**. Staff is recommending the following language to address this request:

**15-5-5(B) (11) Exemption.** Aluminum **or vinyl** siding, including soffits and fascia, and synthetic stone products may be permitted upon approval by the Planning Director, on Structures when such Structures are located in Areas predominately developed with Structures utilizing the same type of materials, such as in Prospector Village, Park Meadows and Prospector Park Subdivisions.

This exemption would still be subject to review and approval by the Planning Director. The applicant would need to provide a sample of the proposed material and exhibits documenting the siding materials found in the surrounding neighborhood.

Staff is also recommending that the following language be added at the end of LMC **Chapter 15-5-5(B) (11), Exemption**, to ensure the use of a higher quality material:

**Chapter 15-5-5(B) (11), Exemption**

Existing Buildings with synthetic stone products and aluminum or vinyl siding may be re-sided or repaired using synthetic stone products and aluminum or vinyl siding with specific approval by the Planning Director.

The Applicant is required to bring a sample of the material and description of the application method of the requested siding and/or synthetic stone to be approved by the Planning Director and an exhibit documenting siding material found in the surrounding neighborhood.

The following language is recommended as well:

Vinyl products shall have a minimum thickness of .042 inches for siding and .05 inches for soffits and fascia. A moisture barrier and insulation shall be included with any vinyl application. Custom trim with a wider reveal shall be incorporated. Vinyl products shall also be subject to aesthetic analysis to ensure compatibility with existing Structures in the surrounding neighborhood.

3) Warranty Guarantees (Chapter 15-7-2)

Staff recommends the following LMC amendment language to Chapter 15-7-2 to be consistent with Chapter 15-1-13 amended at the May 28, 2014 meeting. According to the City Engineer, the guarantee that is collected for assurance for completion and maintenance of improvements is the guarantee referred to in LMC Chapter 15-1-13 and the language referring to a separate maintenance guarantee is duplicative.

**CHAPTER 7.2 - ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS.**

**15-7.2-1. IMPROVEMENTS.**

**(F) MAINTENANCE OF IMPROVEMENTS.**

(1) The Applicant shall be required to maintain all improvements on the individual subdivided Lots and provide for snow removal on Streets and sidewalks until acceptance of said improvements by the City Council. If there are any certificates of occupancy on a Street not dedicated to the City, the City may on twelve (12) hours notice plow the Street or effect emergency repairs and charge same to Applicant. The City will not normally accept water improvements or Street improvements or assume responsibility for either general maintenance

or snow removal until over fifty percent (50%) of the Lots within the Subdivision are built upon.

~~(2) The Applicant shall be required to file a maintenance Guarantee with the City, prior to acceptance, in an amount considered adequate by the City Engineer and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements, including all Lot improvements on the individual subdivided Lots for a period of one (1) year after the date of their acceptance by the City and dedication of same to the local municipality.~~

### **Process**

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

### **Notice**

Legal notice of a public hearing was posted in the required public spaces on June 10, 2014 and published in the Park Record on June 11, 2014 as required by the Land Management Code.

### **Public Input**

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments.

### **Alternatives**

- The Planning Commission may forward positive recommendation to the City Council as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council; or
- The Planning Commission may continue the discussion to a date certain and provide direction to Staff regarding additional information or analysis needed in order to make a recommendation to Council.

### **Significant Impacts**

The proposed LMC amendments regarding warranty guarantees are required to align the Park City Land Management Code with the State Code. The proposed LMC amendments for appeals provides clarification of the appeal process for City Development projects, and the amendments regarding siding materials and animal/pet services update the LMC for current uses, materials, and regulations in response to requests by members of the community.

### **Summary Recommendation**

Staff recommends that the Planning Commission review the proposed amendments to the Land Management Code (LMC) regarding 1) appeals (Chapter 1), 2) exterior siding materials (Chapter 5), and 3) warranty guarantees (Chapter Seven), as described in this report. Staff recommends the Commission conduct a public hearing, consider public input, and consider forwarding a recommendation to the City Council to approve the LMC Amendments as described in this report.

Staff recommends the Commission continue the discussion and public hearing on the LMC Amendments for Chapter 2.18 (GC zone), 2.19 (LI zone) regarding Animal Services, Chapter 15 (Definitions), to July 9<sup>th</sup>.

### **Exhibits**

Exhibit A- Proposed Ordinance

Exhibit B- Minutes of the June 11<sup>th</sup> PC meeting regarding siding materials EQA & AD

Exhibit A – Proposed Ordinance

Draft Ordinance 14-

**AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING CHAPTER 1- GENERAL PROVISIONS AND PROCEDURES; CHAPTER 5.5 DESIGN GUIDELINES, AND CHAPTER 7-2 SUBDIVISIONS.**

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

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on a regular basis and identifies necessary amendments to address planning and zoning issues that have come up, and to address specific LMC issues raised by Staff, Planning Commission, and City Council, to address applicable changes to the State Code, and to align the Code with the Council's goals; and

WHEREAS, the Planning Commission duly noticed and conducted a public hearing at the regularly scheduled meetings on May 28, 2014, and on June 25, 2014, 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 July 17, 2014; 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 State of Utah Code, the Park City General Plan and to be consistent with the values and goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, promote economic development, and preserve the community's unique character.

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

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

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Five (Section 15-5-5 (B)). The recitals above are incorporated herein as findings of fact. Section 15-5-5 (B) of the Land Management Code of Park City is hereby amended as redlined (see Attachment 2).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter Seven (Section 15-7-2). The recitals above are incorporated herein as findings of fact. Section 15-7-2 of the Land Management Code of Park City is hereby amended as redlined (see Attachment 3).

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Jack Thomas, Mayor

Attest:

\_\_\_\_\_  
Marci Heil, City Recorder

Approved as to form:

\_\_\_\_\_  
Mark Harrington, City Attorney