

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION
CITY HALL, COUNCIL CHAMBERS
JULY 25, 2012**



AGENDA

MEETING CALLED TO ORDER - 5:30 PM			<i>pg</i>
WORK SESSION – <i>Discussion items only. No action will be taken.</i>			
General Plan – Informational Update			5
ROLL CALL			
ADOPTION OF MINUTES OF JULY 11, 2012			9
PUBLIC COMMUNICATIONS – <i>Items not scheduled on the regular agenda</i>			
STAFF AND BOARD COMMUNICATIONS/DISCLOSURES			
CONTINUATION(S) – <i>Public hearing and continuation as outlined below</i>			
30 Sampson Avenue – Steep Slope Conditional Use Permit	PL-12-01487		
<i>Public hearing and continuation to a date uncertain</i>			
543 Woodside Avenue – Steep Slope Conditional Use Permit	PL-12-01507		
<i>Public hearing and continuation to a date uncertain</i>			
916 Empire Avenue – Steep Slope Conditional Use Permit	PL-12-01533		
<i>Public hearing and continuation to August 8, 2012</i>			
REGULAR AGENDA – <i>Discussion, public hearing, and possible action as outlined below</i>			
1103/1105 Lowell Avenue – Plat Amendment	PL-11-01339		33
<i>Public hearing and possible recommendation to City Council</i>			
80 Daly Avenue – Plat Amendment	PL-12-01488		49
<i>Public hearing and possible recommendation to City Council</i>			
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.
Planning Commission - July 25, 2012

WORK SESSION

Planning Commission Staff Report



Subject: General Plan
Author: Katie Cattan, AICP
Date: July 25, 2012
Type of Item: Informational

The purpose of this update is to brief the Planning Commission on the final steps of the General Plan prior to the draft document being presented. The typical outline for a general plan process is as follows:

Typical General Plan Process

1. Visioning ✓
2. Collect and interpret data – including public input ✓
3. Identify issues and options ✓
4. State goals and objectives. Identify priorities. ✓
5. Prepare draft plan **Working**
6. Draft strategies for implementation **Working**
7. Evaluate potential impacts of plan and implementation programs **Next step**
8. Review and adopt plan **Final Step**

Staff is currently working through steps five and six (prepare draft plan and draft strategies for implementation) and beginning step seven (evaluate potential impacts of plan and implementation programs). Evaluating the potential impacts of a plan and implementation programs requires additional public involvement. During the months of August and September, the staff will be working with three different groups to gauge the support of implementation strategies for future planning in Park City. The three groups include: a community stakeholder group, City Staff, and one more round of neighborhood input meetings.

Stakeholders

During the months of August and September, a community task force will meet on four occasions to provide feedback on the four sections of the new General plan. The new General Plan inputs typical elements under the four core elements identified in visioning (small town, historic character, natural setting, and sense of community). Within each meeting, the task force will review the goals, objectives, and strategies for each core value.

The following eleven (11) people/organizations have been asked to join the task force:

- Jenni Smith, Park City Mountain Resort
- Bob Wheaton, Deer Valley
- Alison Butz, Historic Park City Alliance (HPCA)
- Kathy Hunter, Arts Community
- Corey Crawford, Local Business Owner and Realtor

- Judie McKie, Historic Preservation Board
- Katie Wright, Park City Foundation
- Tom Wells, Local Resident
- Summit County Planner
- Mark Maziarz, Local Artist
- Dick Roth, Local Resident

Staff

Internal staff members will be reviewing applicable sections of the new General Plan.

Neighborhood Inputs Meetings

During the summer of 2011, the Planning Department conducted public outreach sessions to gather input from the nine neighborhoods within Park City. The new General Plan takes a neighborhood approach to planning. Within this approach, specific strategies are recommended for neighborhoods based on existing trends within the neighborhood. The Planning Department will host another round of neighborhood meetings in September to receive feedback on the proposed strategies.

Format of the New General Plan

1. Park City Visioning Outcome
2. Park City Demographics
3. Small Town
 - a. Land Use
 - b. Transportation
 - c. Regional planning
4. Natural Setting
 - a. Open Space
 - b. Resource Conservation
 - c. Climate adaptation
5. Sense of Community
 - a. Housing
 - b. Parks and Recreation
 - c. Special Events
 - d. Economy
 - e. Community Facility
6. Historic Character
 - a. Historic Preservation
7. The PC Neighborhoods
 - a. 1 – 9
8. Implementation Strategies
9. Indicators

MINUTES – JULY 11, 2012

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JULY 11, 2012

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

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

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REGULAR MEETING

ROLL CALL

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

ADOPTION OF MINUTES – June 27, 2012

MOTION: Commissioner Worel approved the minutes of June 27, 2012. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously by those present on June 27, 2012. Commissioner Savage abstained since he was absent from that meeting.

PUBLIC INPUT

Jim Tedford stated that he was unfamiliar with the process of applying for building permits. He was trying to keep updated on the Kimball Arts Center addition and asked about the process and whether the public is notified.

Director Eddington explained that the applicant would submit a plan to the Planning Commission for approval prior to applying for a building permit through the Building Department. It would be noticed to the public. Director Eddington also anticipated a meeting with the City Council to discuss issues related to the Kimball Arts Center. The City Council agenda would be published in the newspaper. He expected that would occur in late August.

Director Eddington noted that anyone could register for e-notification on the webpage and provide their email address to automatically receive all the agendas for all meetings.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reminded the Commissioners of the joint meeting with the City Council the following evening at 5:30 p.m.

Director Eddington reported that a General Plan update and discussion was scheduled for the July 25th Planning Commission meeting.

Planner Astorga noted that Friday was Kayla Sintz last day with the Planning Department. She has been with the Planning Department since 2008.

Chair Wintzer disclosed that his company has done work with Joe Wrona, the attorney representing the applicant on the Claimjumper application. He did not believe that association would influence his decision on the project.

Election of Chair and Vice-Chair

Chair Wintzer felt it was important to have other Commissioners besides the Chair speak on the radio. He encouraged the other Commissioners to step up and take a turn. Diversity is healthy for the community and the radio is a great resource for putting out information.

Commissioner Hontz pointed out that Commissioner Strachan was absent this evening. She was certain that he would be comfortable with whomever they elected, but she asked if the Commissioners preferred to wait until Commissioner Strachan could participate in the decision.

Assistant City Attorney thought it was premature to elect a Chair and Vice-Chair this evening. She recommended that they wait until the new Commissioner was appointed and could participate.

The election of Chair and Vice-Chair was postponed until August.

CONTINUATION(S) – Discussion, Public Hearing and Possible Action

30 Sampson Avenue – Steep Slope Conditional Use Permit **(Application #PL-11-01487)**

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

MOTION: Commissioner Savage moved to CONTINUE the 30 Sampson Avenue Steep Slope CUP to July 25, 2012. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

2175 Sidewinder Drive – Prospector Square – Amended Record of Survey **(Application #PL-12-01522)**

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

MOTION: Commissioner Hontz moved to CONTINUE the 2175 Sidewinder Drive Amended Record of Survey to a date uncertain. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 916 Empire Avenue – Steep Slope Conditional Use Permit (Application #PL-12-01533)

Planner Astorga reported that Planner Whetstone was the project planner, however she was out of town and he was filling in this evening.

Planner Francisco Astorga reviewed the application for a conditional use permit for construction on a steep slope at 916 Empire Avenue. He noted that 916 Empire Avenue is a single Old Town lot of record 25' x 75' feet. The applicant was requesting to build a new single family dwelling, approximately 2300 square feet. Planner Astorga stated that construction over slopes 30% or greater require a conditional use permit to be reviewed and approved by the Planning Commission.

The Staff analysis was provided in the Staff report. Planner Astorga reviewed the drawings attached to the Staff report.

The Staff recommended that the Planning Commission conduct a public hearing and approve the Steep Slope CUP based on the findings of fact, conclusions of law and conditions of approval for consideration.

Craig Kitterman, the project architect, stated that they had worked with the Staff on the massing of the house and to step it down the hill. The Staff had clarified the current requirements regarding the use of historical siding and trim compatible with the existing historic homes in the area. Mr. Kitterman acknowledged that the proposed home is larger than the historic homes, but they tried to use vertical and horizontal trim on massing areas of the house in an effort to be compatible with the size of the existing homes. Mr. Kitterman commented on the size of the adjacent structures, which included a duplex on one side and a larger home at 920 Empire to the north. Mr. Kitterman noted that the proposed house was stepped down the hill to fit in with the heights on either side.

Planner Astorga noted that the applicant and Mr. Kitterman had met with Planner Whetstone and the Design Review Team as required for the Historic District Design Review pre-application. Information was given to the applicant in terms of potential items that must be mitigated; however, the pre-application had not been finalized. Planner Astorga stated that the applicant recently submitted the paperwork for the noticing requirements for the application. Planner Whetstone would be working with the architect to finalize the pre-application as part of the administrative approval.

Chair Wintzer referred to page A4 and questioned how floors are counted. He noted that per the LMC there is a height restriction and a limit of no more than three floors.

Planner Astorga explained that for the HR-1 and other HR Districts, the section related to Building Height simply indicates that structures shall be limited to three stories and that the lowest story counts as the first story.

Chair Wintzer referred to the right elevation and counted three floors. However, moving to the far left there was a half floor shown above the existing third floor. Chair Wintzer recalled that when the LMC was amended, they were very definite about limiting the number of stories to a maximum of three floors in a structure.

Planner Astorga reviewed the cross-sections on page A5. The Staff had noticed that the half story was identified on a cross-section through the length of the structure. However, cutting through the width, the stories are three and three. Planner Astorga believed this was the first structure to be built under the revisions of 2009 with the Old Town split level design.

Chair Wintzer remarked that the half story might not be critical on this particular lot, but if the lot was steeper it could end up being a full fourth story based on the definition. Planner Astorga agreed. Chair Wintzer explained that the idea for the 3-story limitation was that the more the house steps up the hill the more massing there is to the house. Chair Wintzer clarified that his concern was less with this house and more with the precedent they would set if they allow it with this project.

Commissioner Thomas stated that he sat on the Planning Commission throughout the evolution of the steep slope process and he believed the proposed project was inconsistent with the intent. It is a 3-1/2 story house and he could not support it based on the Code.

Planner Astorga read from Section 15-2-5, paragraph A of the LMC, "A structure may have a maximum of 3 stories. A basement counts as a first story within this zone. Attics that are not habitable space do not count as a story."

Commissioner Savage thought the language was ambiguous. He pointed out that in no particular location was it a 3-1/2 story house. Commissioner Thomas stated that stories are counted starting with the lowest level and that was how the Code was established. The intent was to get away from houses stepping up the mountain. Commissioner Thomas explained why he believed this was clearly a 3-1/2 story house.

Commissioner Thomas felt it was unfortunate that the issue had not been addressed at the Staff level. In his opinion, it did not meet the test of the Code.

Director Eddington remarked that the definition of a story in the HR-1 definitions was ambiguous; however, it specifically says a maximum of three stories. Director Eddington noted that the drawings showed a shift in floor plates and he agreed that the top could be construed as a half-story.

Commissioner Worel stated that the Code does not count the attic because it is not habitable space. She pointed out that the half story in this project was clearly habitable space.

In response to a question about the definition of a story, Director Eddington replied that a story is plate to plate.

Commissioner Savage stated that when he looked at the plan and read the Code, he understood that the spirit of the intent was to control the height of the building as it relates to the steepness of the slope. He believed this proposal was consistent with that objective. When he saw that the structure was no higher than three stories in any particular location, in his opinion it appeared to meet Code. Commissioner Savage acknowledged that he did not have the background or history of how the limitation was established.

Chair Wintzer suggested that the Planning Commission continue this item and ask the Staff to come back with a ruling on what constitutes three stories. Director Eddington replied that the Staff could do research and formulate that ruling in conjunction with the final design review. He noted that the Code allows a height exception for a downhill lot for a garage on a steep slope, but there is no exception for stories.

Commissioner Hontz remarked that the proposed house fits the site and the architect had done a good job designing the house on an Old Town downhill lot. Commissioner Hontz wanted to see a cross section of how the slopes drawn to scale would work coming into the garage. She indicated the grade changes of the driveway coming into the garage and noted that the same layout was used in other places in Old Town and it does not appear to work well.

Commissioner Hontz asked about the required front yard setback. Director Eddington stated that it was a minimum 10' front yard setback. Commissioner Hontz pointed out that the house sits nicely back, but it creates a longer and steeper entry into the garage. Since the setback exceeded the 10' minimum, she suggested that they move the house forward to reduce the grade into the garage.

Mr. Kitterman explained that they need room to provide the parking space between the house and the property.

Commissioner Thomas agreed that the grade was steep, but he has personally designed similar garage entrances and it can work as long as there are transition slopes. He believed the Code allowed up to 14% grade. Commissioner Thomas noted that Mr. Kitterman had created a transition slope of 10% over 13 feet and he was comfortable with that design. Mr. Kitterman stated that he has designed other homes with that same type of driveway and it works well. He noted that in those circumstances the driveway needs to be heated.

Mr. Kitterman stated that in the past, the important issues for the Planning Commission was that the house fits the site, and even though it can be 27' above grade, that it does not look too massive. He chose traditional styles that help bring the mass of the house down in scale. Mr. Kitterman stated that in any one place the house looks only two stories. Mr. Kitterman stated that because he is the first to design a house on the downhill, he tried to work through the goals of the Code. Stepping the house down the lot was an important goal to make it fit the property and still reflect a 2

or 2-1/2 story from grade. Mr. Kitterman remarked that in the past they were allowed to excavate all the way back under and they ended up with four stories and a 22' deep excavation at the garage. He was able to avoid that with this particular house by the vertical placed in the mass. He believed the three story set meets the Code and the goals behind the Code.

Chair Wintzer apologized to Mr. Kitterman and the owner that the issue was not raised until this evening. He personally wanted a ruling from Staff on the definition of three stories and whether approving this design would set a precedent. Chair Wintzer agreed that the house fits the lots and the scale of the area. The issue is the elevation of 3-1/2 stories on the downhill side. Mr. Kitterman remarked that the advantage of the extra step in the conditional use permit is that the Planning Commission can look at each site individually and review each set of circumstances individually. Chair Wintzer stated that sometimes applicants accept rulings on a case by case basis, but most times they question why someone else was allowed to do it but they cannot.

Commissioner Thomas thought Mr. Kitterman had done a nice job of breaking up the building, stepping it down and responding to other considerations.

Commissioner Savage proposed that the Planning Commission continue this item and direct Staff to provide an interpretation of the Code on the basis of this specific application, and to also think about how the definitions could be strengthened to eliminate the ambiguity for future applications.

The applicant, Chuck Heath, was confused about the comment that the objective was not to step up the structure. It was indicated by Staff that the goal was to step it up the hill as opposed to having a large block building. He wanted clarification because the comments differed from what they were told. Chair Wintzer replied that the objective is to have the house fit the topography of the ground. The concern relates to the definition of three stories because that objective was to stop massive stepping up the hill.

Chair Wintzer opened the public hearing.

There were no comments.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE the Steep Slope CUP for 916 Empire Avenue to July 25, 2012, and direct Staff to provide an interpretation of the Code with reference to this specific application having to do with the definition of story. In addition, also provide a recommendation for a future amended version of the LMC that would eliminate the ambiguity associated with the interpretation discussed this evening.

Commissioner Thomas requested an amendment to the motion for the architect to provide cross sections through the garage and show a car entering the garage for analysis.

Commissioner Savage accepted the amendment to the motion. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

**2. 429 Woodside Avenue – Plat Amendment
(Application #PL-12-01550)**

Planner Astorga reviewed the application for a plat amendment to combine Lot B of the Elder Park Subdivision with an adjacent metes and bounds parcel, described in the survey as the rear parcel. The entire area is identified as one tax ID number. The combined area would yield a maximum footprint of 3,006 square feet. The applicant proposed to reduce the maximum footprint by 0% to approximately 2700 square feet.

Planner Astorga noted that page 64 of the Staff report listed the parameters and what is permitted by Code. The existing house is 1768 square feet. The applicant was requesting additions to the existing main structure totaling 270 square feet, which would allow the remaining footprint to be 660 square feet. Planner Astorga remarked that the plat amendment has a platted building envelope to build an accessory structure in the future. The building envelope for the accessory structure is approximately 804 square feet, and it would be further limited to 660 square feet per the remaining footprint on the added restriction. However, the applicant may choose to exercise the right to use that footprint for other additions in the main structure. Planner Astorga clarified that it was not specifically specified that the 660 square feet would be for the accessory structure. It could be one or the other, but not both.

David White, the project architect, clarified that the applicant was not proposing to add more than 270 square feet to the existing structure. Planner Astorga agreed that it was not being proposed. He was only pointing out that the applicant had the right to exercise that option in the future.

Mr. White reminded the Planning Commission that the proposal for a future accessory structure was only behind the existing house. The rest of the lot is a no-build zone. This was done at the request of the Quittin Time Condos, directly to the north. That stipulation would prevent anything from being built behind Quittin Time and nothing could be disturbed. Mr. White stated that an easement was added in the proposal because two rear decks from Quittin Time empty onto this lot. The applicant provided an easement for those two decks to come out and move to the north to property that is designated open space.

Chair Wintzer stated that he was on the Planning Commission when the original project was approved, and he would like to see the minutes and the Staff Reports from that approval. He recalled that the process was long and extensive and he wanted to refresh his memory on the events that led to that approval before making a decision on the plat amendment. He was particularly hesitant about adding 270 square feet to the existing structure and the potential for an accessory building in the rear without a better understanding of the original project.

Mr. White referred to the existing conditions survey and pointed out that the plat of the existing house showed a center portion that was referred to as a concrete deck. He explained that this was the area of the proposed addition. It would only be for the main level and it would not change any of the elevations. Mr. White stated that they were only proposing to work in that center area. If they are allowed to do that, that area would have a flat roof only at the main level area that would not be visible from any other elevation.

Commissioner Savage clarified that the applicant was basically covering an enclosed area. Mr. White replied that they would be covering the center enclosed deck. It currently does nothing for the home and it collects moisture and snow. The owner would like to develop that on portion into living space.

Commissioner Hontz concurred with Chair Wintzer. When she first read the Staff report she assumed there was history and discussion regarding the relationship of the two lots. After hearing from Mr. White, if enclosing the center portion was all that was being proposed, they would not be looking at Exhibit A, which showed a building envelope preserved for the future. That concerned her because in looking at page 77 of the Staff report, it was evident that the entire area, based mostly upon the Treasure Hill subdivision, is probably dedicated open space.

Assistant City Attorney McLean believed that the Treasure Hill area was dedicated open space. Mr. White clarified that this particular lot was not dedicated open space, but anything beyond it was.

Commissioner Hontz stated that she was referring to Exhibit F, page 77 of the Staff report, which clearly delineates the location of the Treasure Hill subdivision versus the subject lot. Looking at that in conjunction with page 75, it is clear that one portion of a structure off of Woodside is in that strip of open space. Commissioner Hontz also requested to see the minutes and some of the history. She was concerned that a building envelope for future development could be in that strip of open space. Commissioner Hontz understood that the applicant believes he has development rights associated with that lot; and if that is true, she wanted to see how they got there.

Planner Astorga remarked that Planner Whetstone was the project planner, and she mentioned in the Staff report that a Steep Slope CUP was approved in September 2008. He assumed that it was for the addition to the historic structure, and those were the minutes that Chair Wintzer was requesting. Chair Wintzer answered yes.

Chair Wintzer clarified that he was not suggesting any wrongdoing. He just wanted to make sure that allowing this plat amendment would not undo something that was done in the past. He recalled a contentious discussion with the applicant and that the Planning Commission thought it was too big for the site. The proposal eventually passed and he did not want to overlook anything. Chair Wintzer referred to the purpose statement of trying to preserve the character of 25' x 75' lots. He was concerned about creating a large L-shaped lot in the back and how that fits with intent of the original approval.

Commissioner Savage stated that the prior approval was for the existing lot configuration. The current requested plat amendment would combine the lots. Chair Wintzer replied that lots were also combined in the original approval. Commissioner Savage understood that the lots combined in the original approval were different lots and it did not involve the subject lot. The applicant now wants to combine the subject lot with the other, and as a consequence of that combination the applicant would then be entitled to some additional square footage. Commissioner Savage understood that the applicant was proposing to restrict the building pad to a modest area relative to what could be done in an effort to preserve the neighborhood.

Commissioner Thomas stated that if the Planning Commission chooses to continue this item, he would like Mr. White to cut a cross section through the site starting from the street all the way through the lots, to give a sense of the grade and where the building pad may occur visually. Mr. White remarked that the back lot is quite steep. He pointed out that the proposed accessory structure would not be attached to the existing house. There would be a patio between the existing house and the new accessory structure. Commissioner Thomas assumed that the accessory structure could be a guest house. Mr. White preferred to call it guest quarters because it would not have a kitchen and it would not be rentable, leasable or sellable. The applicant has a large family and his intent is to have an accessory structure to the main house. He would like ski storage, a possible exercise area and one or two bedrooms. Commissioner Thomas stated that if the accessory structure is connected to the house it would be completely inconsistent with the Code. However, if it is not attached, it would be Code compliant.

Mr. White stated that the applicant also agreed to a reduction in the maximum height from 27' to 24', which would limit it to a maximum of two stories.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Worel stated that she was not on the Planning Commission at the time of the original approval and she would like more background from the minutes. In her opinion, it appeared that they already had a four story structure, and they were proposing to add another story plus an accessory building. Chair Wintzer pointed out that it was all totally separate. Theoretically they could have two three-story buildings and still meet the Code. That was the difficult part of the process.

MOTION: Commissioner Hontz moved to CONTINUE the 429 Woodside Avenue plat amendment.

Director Eddington did not believe the Staff would have time to pull the requested documents for the July 25th meeting. He recommended Continuing to the August 8th meeting.

Mr. White stated that he only learned the day before that the approval of the lower house had gone through a lot of consternation. He questioned whether that approval was applicable to the request to erase the property line. Chair Wintzer stated that the only way to verify whether or not it was applicable was to research the minutes.

Commissioner Hontz continued her motion to CONTINUE the 429 Woodside Avenue Plat Amendment to August 8, 2012, with direction to Staff to provide any minutes related to the previous approval of the property and direction to Mr. White to provide a cross section through the entire site, including the existing house in its current state. Commissioner Thomas seconded the motion.

Commissioner Savage clarified that this was an application for a lot line amendment. He asked if the application requested any other structure changes or whether it was simply a recommendation to the City Council for a lot line amendment. Director Eddington stated that it was simply a recommendation for the plat amendment that would, based on the applicant's recommendation, set the footprint at a reduced level. A steep slope conditional use permit was not attached to this request. Commissioner Savage understood that anything done on this lot subsequent to the plat amendment would require separate approval. Director Eddington replied that this was correct. Mr. White pointed out that the accessory structure would also come back to the Planning Commission. Commissioner Savage pointed out that the accessory structure was not the subject of this plat amendment. The application was for the lot line amendment only, with the agreement of a reduction in footprint allowance.

Commissioner Savage stated that he was asking the questions because he thought it was important to do whatever they could to help applicants get their applications through. He wanted to make sure the decision to continue this item to a later meeting was based on relevance of this particular application. Chair Wintzer believed it was relevant because once the Planning Commission allows a lot line adjustment they open the door to certain things and it was important to understand what that could be.

VOTE: The motion passed unanimously.

**3. 573 Main Street, Claimjumper – Plat Amendment
(Application #PL-10-01105)**

Planner Astorga reviewed the application for a plat amendment at 573 Main Street for a three lot subdivision consisting of a commercial lot on the Main Street site, known as the Claimjumper building, and the reconfiguration of two lots on Park Avenue for two residential units in the future.

The Planning Commission reviewed the application on June 27, 2012 and directed the Staff to analyze and study the conditions of approval drafted in the Staff report, as well as additional conditions of approval presented by Joe Tesch to address the concerns raised by the neighbors. Mr. Tesch had been retained by a number of residents on Park Avenue to represent them in this matter. Mr. Tesch was not present this evening and his partner, Joseph Barrett was in attendance.

Planner Astorga reported that the Staff received another letter from Tesch Law Offices with an attached exhibit. The Planning Commissioners were handed a copy this evening. The exhibit highlighted suggested minor changes to the conditions of approval contained in the Staff report dated July 11, 2012. Planner Astorga was comfortable with the recommended changes submitted.

Billy Reed, Joe Wrona, Jonathan DeGray, and Evergreen Engineering were present to represent the applicant and answer questions.

The Staff recommended that the Planning Commission review the draft ordinance and the additional exhibit provided by Tesch Law Offices, and forward a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval in the draft ordinance.

Joe Wrona, representing the applicant, thought the last meeting was a productive session. He stated that the added conditions were not everything that Joe Tesch was seeking, but through the discussion, the Planning Commission was able to draft language acceptable to the applicant. Mr. Wrona did not find the new changes suggested by Tesch Law Offices to be controversial and he believed they were consistent with the spirit of the discussion at the last meeting.

Mr. Wrona referred to the exhibit, Condition of Approval #2, and corrected the word recorded to record. Mr. Wrona referred to Condition of Approval #7 in the exhibit, and suggested adding the word, unauthorized after the word prohibiting in the first line, to indicate that the condition was prohibiting unauthorized parking. In that same condition, he recommended changing "beyond those spaces" to read, "within those spaces" to reflect the intent that there are two parking spaces for the residential units and access to those spaces is controlled. Mr. Wrona pointed out that at the last meeting everyone was very adamant that those spaces could only be used by the residential occupants of the upper floors. He believed his suggested change to Condition #7 better reflected what was discussed.

Commissioner Thomas referred to Mr. Tech's exhibit and felt that Conditions #8 and #11 were redundant in their meaning. Mr. Wrona believed that also applied to Condition #5. He was not opposed to the redundancy.

Assistant City Attorney McLean pointed out that Mr. Tesch had added the line (Conditions 3-1 to be noted on the Amended Plat) in the heading Conditions of Approval. She stated that the City does not normally note what conditions should be noted on the amended plat. If there is something in particular it will be stated on the plat, but typically the Legal Staff makes the determination. Ms. McLean recommended that the line not be included in the heading and that the reference also be removed from Condition #8.

Commissioner Hontz stated that personally she wanted to have some of the conditions listed on the plat. Commissioner Thomas concurred. In this particular case he favored the plat note. Ms. McLean clarified that the conditions of approval are included on the plat. However, as an example, the condition requiring a 10' snow storage easement is not included because it is actually shown on the plat itself. Those types of decisions are made by the Legal Staff after review, to make sure that the conditions of approval are adequately represented on the plat.

Chair Wintzer asked about the process for passing on information from this approval when the two lots are developed. Assistant City Attorney McLean replied that the plat notes are reflected on the plat. In addition, a note states that the plat is subject to the conditions of approval of Ordinance # _____. Chair Wintzer was comfortable with that process as long as it guarantees that the requirements are not lost over time. He assumed the Staff and the applicant would have the responsibility to read the ordinance before moving forward. Director Eddington replied that this was correct. Ms. McLean clarified that the Legal Department always makes sure that the important conditions are on the plat.

Commissioner Thomas thought there were too many layers to the process. The typical process is to research the plat and stop there. It is unusual to expect an architect or applicant to dig through

recorded notes. Commissioner Thomas thought the plat should be as upfront and as clear as possible.

Chair Wintzer asked if Ms. McLean would be comfortable putting specific conditions on the plat and having the rest in the notes. Ms. McLean reiterated that the conditions of approval are delineated as notes on the plat. She used the requirement for a landscape plan as another example of when a condition would be left off and why. The landscape plan has a time limit and the plat is in perpetuity.

Commissioner Hontz thought the landscape plan was a good example for why it should be included on the plat. She stated that something was currently amiss with a landscaping plan in Old Town and no one could find whether the landscaping plan was ever submitted or whether it was required. If it was required and that was on the plat, someone would know to look for it. If it could not be found, a new one must be submitted.

Chair Wintzer remarked that one drawback is that many times there are plat notes on the plat that no one knows what they mean, but they cannot get them removed. Putting a note on the plat that a landscape plan is required would be too ambiguous ten years from now. It is something that needs to be controlled during the building process and should not be on the plat.

Chair Wintzer opened the public hearing.

Joseph Barrett with Tesch Law Offices stated that he and Mr. Tesch represented some of the homeowners on Park Avenue in the HR-2 Zone. Mr. Barrett stated that Exhibit 1a presented was their effort to describe draft Ordinance #12 that evolved from the June 27, 2012 Planning Commission meeting, with the red and yellow highlighting what they proposed to be changed. Nothing new was created and they tried to be consistent. Mr. Barrett apologized for the typo in Condition #2 as corrected by Mr. Wrona.

Mr. Barrett urged the Planning Commission to reflect what Mr. Wrona had suggested as a modification to Condition #7. He noted that he and Mr. Wrona had come to a consensus on the suggestion of adding the word "unauthorized" and substituting the word "in" for the word "beyond".

Commissioner Savage asked if it was safe to say that the law offices of Tesch and Wrona were both figuratively and literally on the same page. Mr. Barrett answered yes.

Chair Wintzer closed the public hearing.

Commissioner Hontz had minor changes to the conditions of approval and she preferred to work from the Staff report rather than the Exhibit from Tesch Law Offices.

Chair Wintzer referred to Condition of Approval #2 and requested changing one year to six months as the required time for recording the plat. His intent was to have the plat recorded prior to Sundance. He had seen the photos of what occurred on Park Avenue during the last Sundance Film Festival and he wanted to make sure that would not happen again.

Chair Wintzer noted that a change in the recording date would also apply to items in Condition of Approval #6. Also in Condition #6, Chair Wintzer added the language stating that, "By December 1 of 2012 the existing parking area must be blocked". He understood that the applicant might not have time to do the landscaping this year but he wanted the parking structure blocked and not open during Sundance.

Assistant City Attorney McLean expressed concerns from a legal perspective. In the event the applicant could not meet the December 1, 2012 deadline, the plat would not be recordable and they would have to come back to the Planning Commission for another process. She was not opposed to the 6 month recordation requirement because 6 months or one year is permitted by State Code. Chair Wintzer understood the concern; however, the barrier could be something simple such as Jersey barricades or a fence to block traffic through Sundance.

Chair Wintzer was absent from the June 27th discussion and he asked for clarification on the set of double doors in the back of the building as mentioned in Condition #9. Mr. DeGray replied that there is a single door on the north and south end of the building and the double doors on the back. Mr. Wrona pointed out that the double door mentioned in Condition #9 would be restricted to the residential use because it leads to the two parking spaces for those units. All other doors would become alarmed emergency access doors.

Chair Wintzer questioned why the back door could not be a single door. Mr. Wrona remarked that the residential units would be sold but they may be used for nightly rentals. A single door makes it difficult for people to move luggage in and out, which is the reason for the double doors. Chair Wintzer stated that these were two apartments that enter off of a residential area. He personally preferred a single door, but he deferred to the Commissioners who participated in the discussion at the last meeting.

Commissioner Thomas agreed that a double door was easier for luggage. Chair Wintzer understood the purpose; however, he was trying to keep it from becoming an entry statement into an unanticipated future use. Commissioner Thomas understood that it was physically impossible to walk from the lobby into the commercial part of the building in the HCB zone without triggering an alarm. He was not bothered by the double door.

Chair Wintzer suggested an additional condition of approval stating that there could be a special event permit issued for the two residential lots in the back that allows access into Park Avenue. He again referred to the pictures of what occurred during Sundance. Chair Wintzer felt the condition was important because sometimes special event permits supersede the intent of the Planning Commission. Director Eddington remarked that the condition should also include a Master Festival license.

Mr. Wrona was not opposed to the condition to prohibit special events. However, he was opposed to changing the recordation of the plat to six months. He explained that having one year to record the plat was critical because that area is planned as the construction staging area. The applicant would not be able to do the tenant improvement and complete construction for the upper floors until the next building season, and he agreed to the conditions because it allowed him to use the lot for construction purposes through the next building season. Mr. Wrona emphasized that it would be

extremely difficult for the applicant to comply with a six month deadline to record the plat because it triggers so many other things.

Chair Wintzer asked if the Planning Commission would be comfortable locking down the lot from December 1st through the end of February to ensure that there would not be access for Sundance vehicles. Commissioner Thomas suggested that it be locked down to construction staging only. If construction is still continuing during that time frame the access could be opened to construction related activity.

Planner Astorga suggested adding a construction fence until the project is completed. The space would be dedicated to construction staging as part of the construction mitigation plan. Mr. Wrona was amenable to an LOD or construction fence. He clarified that the big lot would remain until construction is completed, which would probably occur during the summer of 2013. At that point, it is reduced to two parking spaces, the landscaping is installed and the lockable device is added.

Chair Wintzer stated that the neighbors behind the Claimjumper have some of the nicest restored houses in Town and the Planning Commission has an obligation to help protect the residents and the neighborhood. He wanted to resolve the concerns in a way that would not require the neighbors to call enforcement every day.

Commissioner Worel asked if the construction fence would be up the entire time or just from December through February. Chair Wintzer replied that in the interest of moving the project along quickly, the fence should not go up until December and remain until after Sundance. The fence could have a gate to allow access for construction purposes only.

Chair Wintzer understood the applicant's concern with a 6 month deadline and agreed to keep the plat recordation at one year.

Commissioner Hontz was satisfied with Conditions 1-5 as written. Commissioner Hontz revised the first sentence of Condition #6 to read, "The existing parking lot shall be removed by replacing the current surface with landscaping until the residential structures are built on the HR-2 lots." Commissioner Hontz revised Condition #7 to read, "The two space parking easement in the HR-2 District shall have a lockable controlled access prohibiting parking and vehicle traffic beyond those two spaces."

To address the redundancy in Conditions 8 and 11, Commissioner Hontz combined Conditions 8 and 11 to read, "The easement from the two parking spaces on Park Avenue in the HR-2 zone to Lot 1 and in the HCB zone shall be for the use of the occupants of the residential units only, and noted on the amended plat." Commissioner Hontz revised language in Condition #9 to read, "Only one private access door for residential use may exist from the HB District to the HR-2 District lots. All other exits must be for emergency access only." Commissioner Hontz was satisfied with Condition #10 as written.

Commissioner Hontz added a new Condition #11 to read, "An LOD Construction fence is required on the HR-2 area to prohibit other uses besides construction to occur at a minimum from the dates of December 1st through March 1st." Chair Wintzer recommended changing the language from LOD

to chain link. Commissioner Hontz revised the condition to read, "A chain link construction fence with a lockable gate is required on the HR-2 area to prohibit other uses besides construction to occur at a minimum the dates of December 1st to March 1st."

Condition #12 was added to read, "There shall be no special event permit or master festival license issued that allows access through the rear of the property off of Park Avenue."

Mr. Wrona and Mr. Barrett accepted the modified conditions.

MOTION: Commissioner Hontz moved to forward a POSITIVE recommendation to the City Council for the 537 Main Street, Claimjumper plat amendment with the Findings of Fact, Conclusions of Law, and Conclusions of Law as amended in the meeting this evening. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 573 Main Street

1. The property is located at 573 Main Street and 564 & 572 Park Avenue.
2. This is a request to reconfigure six (6) Old Town lots and portions of two lots into three (3) lots of record through a plat amendment request.
3. The entire area is identified with Summit County as parcel No. PC-133.
4. Proposed Lot 1 located off Main Street consists of the site of the Claimjumper building.
5. Proposed Lots 2 and 3 located off Park Avenue consists of two residential lots.
6. The owner desires to remodel the interior walls to create a nightclub/bar/restaurant on the basement level, a restaurant with a lobby for access to the living units above on the main level, and the two (2) upper levels for residential use with one (1) living unit on each floor.
7. The Main Street lots are currently within the HCB District.
8. The Park Avenue lots are currently within the HR-2 District.
9. The Claimjumper Hotel building is located on the property and was constructed across existing property lines.
10. The Historic Site Inventory (HSI) identifies the site as a landmark site.
11. The site is listed in the National Register of Historic Places.
12. The property fronts on, and receives legal access from Main Street.

13. The Park Avenue lots currently contain an asphalt parking lot with a concrete gutter.
14. The asphalt parking area is not striped with room for ten (10) parking spaces.
15. The Park Avenue lots also contains portion of the current Claimjumper Building consisting of a newer wooden structure with a walkway, covered entry, and stairs.
16. In March 2007 the Historic Preservation Board (HPB) determined that the structure contained additions that were added in 1987 that were not historically significant.
17. In April 2007 the City Council approved a single lot subdivision over the historic structure, Main Street lots only. This approval was voided because the conditions of approval were not met and the plat was not recorded within a year.
18. In June 2007, the Planning Department reviewed and approved a HDDR application to remove the non-historic additions and replace them with new additions including a roof addition of two (2) penthouse units.
19. The applicant did not meet the condition of approval of obtaining a building permit within a year's time from the approval date and the HDDR approval was voided because the approval expired.
20. In 2009 the City Council approved an ordinance approving amendments to the Land Management Code which changed the criteria for designation of historic sites.
21. The subject site was listed as a contributing building on the National Register of Historic Places in 1979 as part of the park City Main Street Historic District.
22. The historic building was built within the historic period (1868-1929), is associated with the mining era, and retains its historic integrity.
23. The site meets the criteria set forth in LMC Chapter 15-11 in 2009 for designation as a Landmark Site.
24. The minimum lot area within the HCB is 1,250 square feet.
25. The proposed lot area for Lot 1 is 8,999.8 square feet.
26. The minimum lot width within the HCB is twenty-five feet (25').
27. The proposed lot width for Lot 1 is 94.97 feet.
28. The minimum lot depth within the HCB is fifty feet (50').
29. The proposed lot depth for Lot 1 is 75 feet.

30. The proposed building pad equates to 1, 101.5 square feet without the parking access easement. Due to the proposed parking easement on these two (2) lots the building pad would be further reduced by forty eight (48) square feet, totaling 1,053.5 square feet.
31. The maximum height envelope for the HCB District is thirty feet (30') at property line traversing at a forty-five degree angle back to a maximum of forty-five feet (45') above existing grade.
32. The existing historic building does not comply with the height envelope and therefore the building is a legal non-complying structure.
33. The existing rear additions to the historic building currently encroach onto the adjacent lots which front onto Park Avenue and are located within the HR-2 zoning district. They consist of a newer wooden structure with a walkway, covered entry, and stairs.
34. The proposed lots are reconfigured so that there are no improvements encroaching over the rear lot line.
35. All commercial access to the Claimjumper Building, 573 Main Street, will be off Main Street.
36. The minimum lot area within the HR-2 is 1,875 square feet.
37. The proposed lot area for Lot 2 and 3 is 2,060.97 square feet.
38. The minimum lot width within the HR-2 is twenty-five feet (25').
39. The proposed lot width for Lot 2 and 3 is 37.47 feet.
40. It has been estimated that the parking area was built between the late 1980's and early 1990's.
41. The parking area located in the rear of the building was built to accommodate the various uses in the Claimjumper Hotel Building.
42. Currently the HR-2 District allows a Residential Parking Area or Structure with greater than four (4) spaces with a conditional use permit.
43. The existing ten (10) car parking area is non-conforming because it does not comply with the current regulation.
44. The property owner proposes to reconfigure the existing ten (10) car parking lot to an area to only consist of two (2) parking spaces total for the exclusive use of the residential units to be located within the Claimjumper interior remodel through a parking easement over the two (2) proposed Park Avenue lots.

45. The proposed parking easement is allowed in the HR-2 District.
46. The building footprint of the two Park Avenue lots will be limited to 917.8 square feet.
47. Each lot will require two (2) off-street parking spaces for their residential use.
48. In 1992 the Claimjumper Hotel building was being threatened with condemnation unless it could be brought up to acceptable safety level.
49. In 1992 the current property owner applied for design review of two (2) additions to the building for stairs, including the addition off the back, to be reviewed by the Historic District Commission (HDC).
50. In 1992 the Chief Building Official advised the HDC that if the additions could not be made to work, the building would have to be demolished.
51. In 1992 the HDC approved the proposed building improvements.
52. In 1992 four existing parking spaces will be lost with the proposed plan but the site plan called for additional parking on the Park Avenue side.
53. In 1992 a design review condition of approval indicated that the additions were to meet all other requirements of the Land management Code and Building Code.
54. The HR-2 District was created from the HR-1 District in 2000.
55. In 1988 the City created the Historic Residential – Low Intensity Commercial Overlay (HR-2) District.
56. In this neighborhood when the HR-2 District was created in 2000 it changed the base zone from HR-1 to HR-2 and it removed both the HR-2 (Historic Residential Low Intensity Commercial Overlay and HTO (Historic Transition Overlay) which were both overlay zones at the time.
57. The Claimjumper Building site is current in Main Street Parking Special Improvement District and therefore is exempt from the parking requirement.
58. The parking easement proposed to be dedicated with this plat amendment is for the benefit of the two proposed residential units in the 573 Main Street building.
59. The parking easement consists of two (2) parking spaces and a six foot (6') access straddling the shared common property line of the two (2) Park Avenue lots towards the Main Street lot.
60. The proposed parking area platted as an easement over Lot 2 and 3 consist of legal parking space standards measuring nine feet (9') in width and eighteen feet (18') in length.

61. The existing parking lot shall be removed by replacing the current parking surface with landscaping until the structures are built on the HR-2 Lots. A landscaping plan shall be approved by the City, but it shall be sufficient to clearly prohibit parking of any vehicles. The existing parking lot shall be removed prior to plat recordation.
62. The two (2) parking spaces in the HR-2 District shall have a lockable controlled access prohibiting parking of vehicle traffic beyond those spaces.
63. The easement from the two (2) parking spaces on the HR-2 to the HCB shall be for the use by occupants of the residential unit only.
64. Only one private access door may exist from the HCB District to the HR-2 District lots. All other exits must be for emergency access only.
65. This plat amendment request complies with the special HR-2A requirements.
66. The development is not part of a Master Planned Development (MPD).
67. There is no request to extend any of the existing buildings toward Park Avenue from its current location.
68. The current additions of the Claimjumper building located on the HR-2 portion of the development were built before this specific regulation and therefore is considered legal non-compliant.
69. The plat amendment complies with this requirement as no access is proposed from Park Avenue including service and delivery.
70. The proposed plat reduces the number of parking spaces from ten (10) to two (2) for the exclusive use of the residential units and not for the commercial use of the site. Staff recommends adding a condition of approval that the existing parking lot be removed as proposed before the plat is recorded.
71. The plat amendment complies with this requirement as no loading docks, service yards, exterior mechanical equipment, exterior trash compounds, outdoor storage, ADA access or similar use associated with the HCB use is being proposed.
72. Staff recommends that a condition be added so that the property owner donates a preservation easement to the City for the Historic Structure before the plat is recorded.
73. The applicant submitted a Historic District Design Review application which has been approved per LMC Chapter 11.
74. There is no adjoining historic structure under common ownership or control that would trigger a CUP or MPD review.

75. The current additions of the building located on the HR-2 portion of the development were built before this specific regulation and therefore is considered legal non-compliant.
76. There is no request to transfer any residential density.
77. In June 2007 the property owner of that time executed a Covenant Not to Build over a specific area where the building encroaches over the HR-2 District.
78. There are many filed code enforcement issues at the subject site.
79. These complaints have been and are currently handled by the Building Department.

Conclusions of Law – 573 Main Street

1. There is good cause for this plat amendment as the historic structure will no longer encroach on the rear lots and the Park Avenue lots will be combined to meet the minimum lot area. The proposed plat amendment will also eliminate a remnant parcel portion of Lot 19 and Lot 29.
2. The proposed use and renovation of the building will provide an adaptive reuse to one of Park City's most historically significant buildings ensuring its use into the future.
3. As conditioned, the plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
4. The plat amendment is consistent with the Park City Land Management Code HR-2A special requirements.
5. Neither the public nor any person will be materially injured by the proposed plat amendment.
6. Approval of the plat amendment, subject to the conditions state below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 573 Main Street

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) 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. Modified 13-D sprinklers will be required for new residential construction along Park Avenue.
4. A 10-foot wide public snow storage easement shall be provided along Park Avenue.
5. The parking easement on Lots 2 and 3 for the benefit of Lot 1 is only permitted to be used for the residential units. The parking easement shall not be used for commercial purposes.
6. The existing parking lot shall be removed by replacing the current parking surface with landscaping until the residential structures are built on the HR-2 lots. A landscaping plan shall be approved by the City, but it shall be sufficient to clearly prohibit parking of any vehicles. The existing parking lot shall be removed prior to plat recordation. The landscaping requirement would not be imposed until after renovation is complete.
7. The two (2) parking space easement in the HR-2 District shall have a lockable controlled access prohibiting parking and vehicle traffic beyond those spaces.
8. The easement from the two (2) parking spaces on Park Avenue in the HR-2 District to Lot 1 in the HCB District shall be for the use by occupants of the residential units only.
9. Only one private access door for residential use may exist from the HCB District to the HR-2 District lots. All other exits must be for emergency access only.
10. The property owner shall donate a preservation easement to the City for the Historic Structure before the plat is recorded.
11. A chain link lockable construction fence is required on the HR-2 District to prohibit other uses besides construction staging to occur. This fence shall be installed no later than December 2, 2012 and shall remain in place at least until March 1, 2013.
12. There shall be no Special Event permit or Master Festival License activity that allows access through the rear of the property off Park Avenue.

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

Approved by Planning Commission: _____

REGULAR AGENDA

Planning Commission Staff Report



Application #: PL-11-01339
Subject: 1103 Lowell Avenue Plat
Author: Francisco Astorga, Planner
Date: July 25, 2012
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 1103 Lowell Avenue 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.

Description

Applicant: Mark & Steven Parker, represented by Craig Elliott
Location: 1103/1105 Lowell Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council action

Proposal

The property owner requests to combine all of Lot 1 & Lot 2, portion of Lot 3, 30, 31 & 32, Block 34, Snyder's Addition into one (1) lot of record.

Purpose

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

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

Background

On September 2, 2012 the City received a completed application for the 1103 & 1105 Lowell Avenue Subdivision plat, a three (3) lot subdivision. The property is located at

1103/1105 Lowell Avenue in the Historic Residential (HR-1) District. During the internal development review it was identified that their proposal was going to have difficulties complying with the policies of the Snyderville Basin Water Reclamation District (SBWRD) regarding sewer lines over easements. After several meeting with City Staff including the City Engineer and the SBWRD the applicant amended their application to create one (1) lot of record of their property currently identified by the Summit County as parcel no. SA-321-A, to be known as 1103 Lowell Avenue Plat Amendment.

Currently the site contains a three (3) story duplex setback twenty-seven feet (27') from the front property line. According to Summit County records the structure was built in 1978 and contains a total of 3,155 square feet. The duplex is forty-six feet (46') in width and twenty-five feet (25') in length, excluding the decks on the north and south façade. The footprint of the duplex is approximately 1,150 square feet. The subject area contains portion of lot 30, 31, and 32, which do not have access to a right-of-way (Pacific Avenue was vacated by the City numerous years ago). Two (2) of the existing lots currently meet the minimum lot area in the HR-1 District.

Analysis

The proposed plat amendment creates one (1) lot of record consisting of 8,680 square feet. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. The site currently contains a duplex that was built in 1978. When the structure was built a two-family building (duplex) was an allowed use in the district. Currently a duplex is a conditional use.

The minimum lot width allowed in the district is twenty-five feet (25'). The proposed width is sixty-two feet (62'). The proposed lot combination meets the lot and site requirements of the HR-1 District described below.

Requirement Permitted	
Building Footprint	2,664.8 square feet (based on the lot area of 8,680 square feet)
Front/rear yard setbacks	15 feet minimum, 30 feet total (based on the lot depth of 140 feet)
Side yard setbacks	5 feet minimum, 14 feet total (based on the lot width of 62 feet)
Height	27 feet above existing grade, maximum.
Number of stories	A structure may have a maximum of three (3) stories.
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required for a for third story
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.
Parking	Two (2) parking spaces per unit.

Staff has identified that the duplex does not meet current LMC standards outlined above such as the side setbacks and height including vertical articulation. The current building on the site is considered legal non-complying. The LMC indicates that a non-conforming use and non-complying structure may continue to be used and maintained subject to the standards and limitation of LMC Chapter §15-9.

As show on the Vicinity Map below the character of Lowell Avenue West is completely different than the character of the east side of the street.



The area of the lot combination is consistent with the lots on Lowell Avenue west. The lot on Lowell Avenue east contains the traditional Old Town configuration. The use is also consistent as this portion of Lowell Avenue has various duplex and condominiums on the north and the south of the subject site.

In July/August of 2011 Planning Staff, the Planning Commission, and the City Council discussed lot combinations, plat amendments, and further limitation to achieve greater compatibility with the historic character in terms of mass and volume. During the many meetings and discussions it was recognized that the area around the Northstar Subdivision did not reflect the purpose statements of the HR-1 District as there are no historic structures on Lowell Avenue and the lot areas are much larger than the historic

configuration. It was also discussed that after the General Plan update/amendment/re-write, that this area would most likely be of a different zone designation to match the future plans of this neighborhood.

Staff finds good cause for this plat amendment as the lot lines going through the building will be removed. The remnant parcels will become part of the legal lot of record. The proposed lot will be consistent with the Lowell Avenue west portion of the street. This plat amendment is consistent with the Park City LMC and applicable State law regarding subdivision plats.

Process

Any improvements on the lots will require a Historic District Design Review, which are reviewed administratively by the Planning Department. Staff review of a Building Permit is not publicly noticed nor subject to review by the Planning Commission unless appealed. 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 further issues were brought up at that time.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

Staff received several questions regarding the proposed plat amendment request. Brian Van Hecke submitted an email on July 18, 2012, see exhibit G.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the 1103 Lowell Avenue Plat Amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for 1103 Lowell Avenue Plat Amendment and direct staff to make findings for this decision; or
- The Planning Commission may continue the discussion on 1103 Lowell Avenue Plat Amendment.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The site would remain as is and no construction could take place over property lines.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 1103 Lowell Avenue 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 – Survey

Exhibit C – Aerial & Site Photographs

Exhibit D – County Plat Map

Exhibit E – Northstar Subdivision

Exhibit F – Vicinity Map with building footprints

Exhibit G – Public Input

Exhibit A: Draft Ordinance with Proposed Plat

Ordinance No. 12-

**AN ORDINANCE APPROVING THE 1103 LOWELL AVENUE PLAT AMENDMENT
AT 1103/1105 LOWELL AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 1103/1105 Lowell 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 July 25, 2012, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on July 25, 2012, forwarded a recommendation to the City Council; and,

WHEREAS, on August 9, 2012, the City Council held a public hearing to receive input on the plat amendment; and

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

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

SECTION 1. APPROVAL. The 1103 Lowell Avenue as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The site is located at 1103/1105 Lowell Avenue.
2. The site is within the HR-1 District
3. The property owner requests to combine all of Lot 1 & Lot 2, portion of Lot 3, 30, 31 & 32, Block 34, Snyder's Addition into one (1) lot of record.
4. The area currently identified by the Summit County as parcel no. SA-321-A.
5. Currently the site contains a three (3) story duplex.
6. The structure was built in 1978.
7. The subject area contains portion of lot 30, 31, and 32 do not have access to a right-of-way.
8. The proposed subdivision plat creates one (1) lot of record consisting of 8,680

square feet.

9. The minimum lot area for a single family dwelling is 1,875 square feet.
10. The minimum lot area for a duplex is 3,750 square feet.
11. When the structure was built a two-family building (duplex) was an allowed use.
12. Currently a duplex is a conditional use.
13. The current use of the property is considered legal non-conforming.
14. The minimum lot width allowed in the district is twenty-five feet (25').
15. The proposed width is sixty-two feet (62').
16. The proposed lot combination meets the lot and site requirements of the HR-1.
17. The duplex does not meet current LMC standards for side setbacks and building height, i.e. vertical articulation.
18. The current building on the site is considered legal non-complying.
19. The area of the lot combination is consistent with the lots on Lowell Avenue west.
20. The use is also consistent as this portion of Lowell Avenue has various duplex and condominiums on the north and the south of the subject site.

Conclusions of Law:

1. There is good cause for this Subdivision Plat as the lot lines going through the building will be removed, remnant parcels will become part of the legal lot of record. And the proposed lot will be consistent with the Lowell Avenue west portion of the street.
2. The Subdivision Plat is consistent with the Park City Land Management Code, The General Plan, and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.
4. Approval of the Subdivision 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) 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. All new construction will require modified 13-D sprinklers,
4. A 10 wide public snow storage easement will be required along the front of the property.

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

PASSED AND ADOPTED this _____ day of _____, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

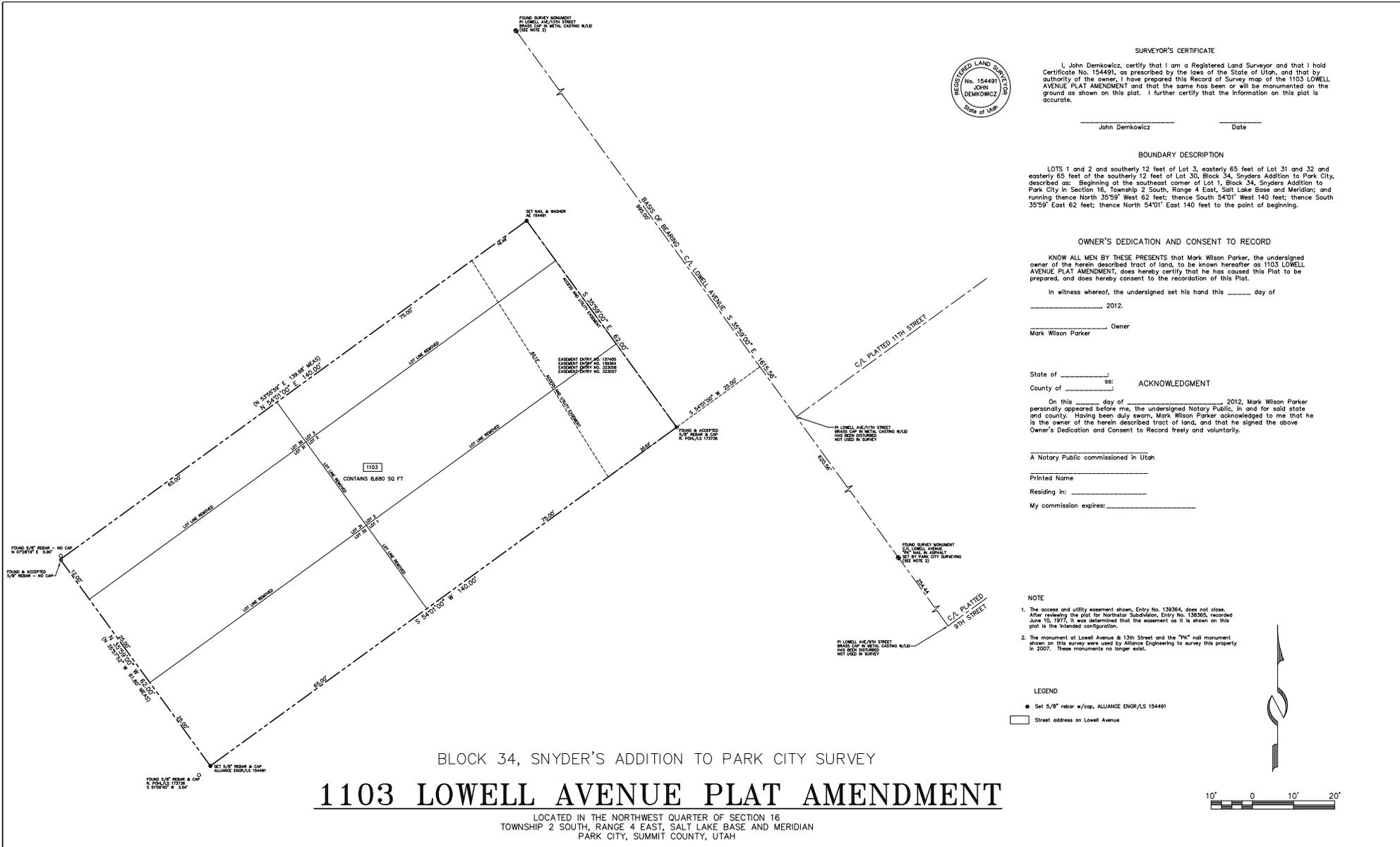
ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment A – Proposed Plat



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 owner, I have prepared this Record of Survey map of the 1103 LOWELL AVENUE PLAT AMENDMENT and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

John Demkowicz _____ Date _____

BOUNDARY DESCRIPTION

LOTS 1 and 2 and southerly 12 feet of Lot 3, easterly 65 feet of Lot 31 and 32 and easterly 65 feet of the southerly 12 feet of Lot 30, Block 34, Snyder's Addition to Park City, described as: Beginning at the southeast corner of Lot 1, Block 34, Snyder's Addition to Park City in Section 16, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence North 35°59' West 62 feet; thence South 54°01' West 140 feet; thence South 35°59' East 62 feet; thence North 54°01' East 140 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Mark Wilson Parker, the undersigned owner of the herein described tract of land, to be known hereafter as 1103 LOWELL AVENUE PLAT AMENDMENT, does hereby certify that he has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2012.

Mark Wilson Parker _____ Owner

State of _____ ss: **ACKNOWLEDGMENT**
County of _____

On this _____ day of _____, 2012, Mark Wilson Parker personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Mark Wilson Parker acknowledged to me that he is the owner of the herein described tract of land, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

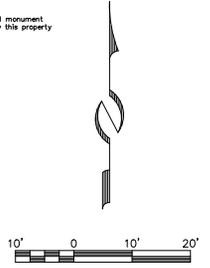
A Notary Public commissioned in Utah

Printed Name _____
Residing in: _____
My commission expires: _____

NOTE

- The access and utility easement shown, Entry No. 139364, does not close. After reviewing the plat for Northstar Subdivision, Entry No. 138365, recorded June 10, 1977, it was determined that the easement as it is shown on this plat is the intended configuration.
- The monument at Lowell Avenue & 13th Street and the "PK" nail monument shown on this survey were used by Alliance Engineering to survey this property in 2007. These monuments no longer exist.

- LEGEND**
- Set 5/8" rebar w/cap, ALLIANCE ENGR/LS 154491
 - Street address on Lowell Avenue



BLOCK 34, SNYDER'S ADDITION TO PARK CITY SURVEY
1103 LOWELL AVENUE PLAT AMENDMENT
LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

<p>(435) 648-9487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ CHAIRMAN</p>	<p>ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ MAYOR</p>	<p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____</p>
	<p>5/28/12 JOB NO.: 1-9-11 FILE: X:\SnydersAddition\dwg\lrv\plat2011\010811.dwg</p>						

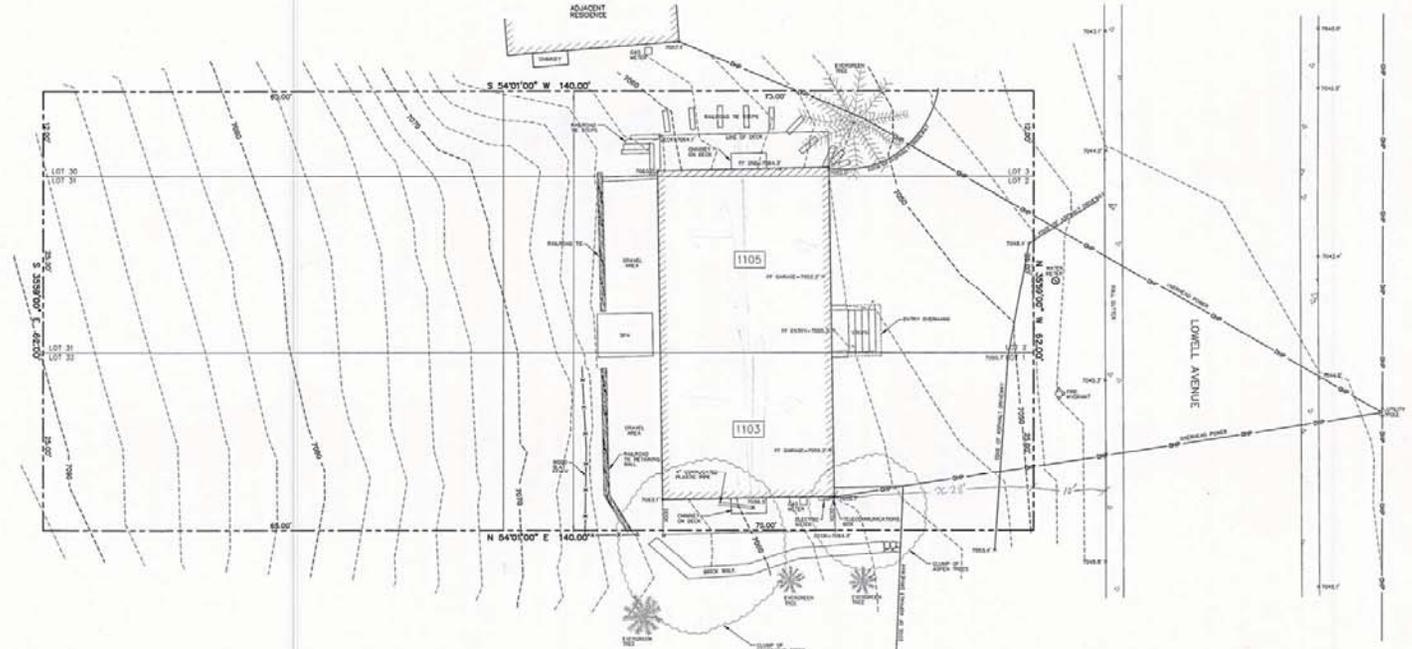
Exhibit B – Survey



SURVEYOR'S CERTIFICATE

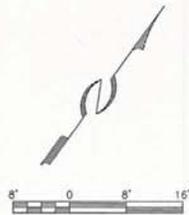
I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold Certification No. 4638739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described herein. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

SITE BENCHMARK CENTER OF SANITARY SEWER MANHOLE COVER
ELEVATION=7042.5'



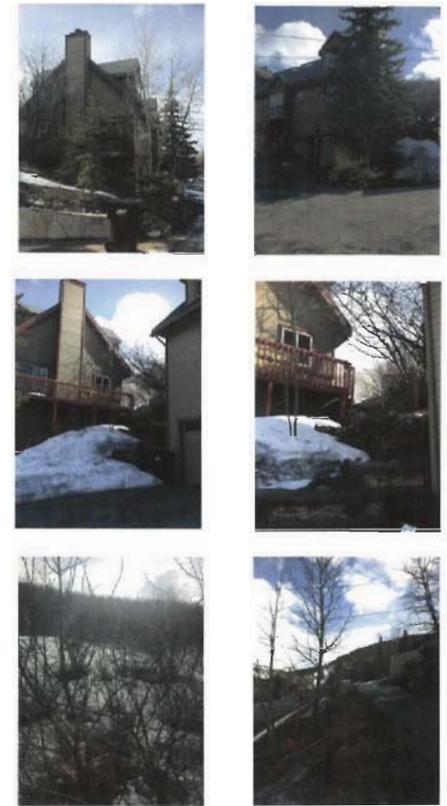
NOTES

1. Site Benchmark: Center of sanitary sewer manhole cover. Elevation=7042.5'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on a field survey performed on March 9, 2007.
4. Property corners were set or found.
5. Snow coverage at the time of the survey was approximately 1' to 3'. As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.



<p>(435) 642-2467 CONSULTING ENGINEERS, LAND PLANNERS, SURVEYORS 323 South Street, P.O. Box 2064, Park City, Utah 84302-2064</p>	<p>STAFF: MARY MORRISON MARSHALL KING</p>	<p>TOPOGRAPHIC MAP SNYDER'S ADDITION, BLOCK 34 1103 & 1105 LOWELL AVENUE</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 4/10/07</p>	<p>FOR: RICK NAVARRETTE JOB NO.: 1-3-07 FILE: X:\SnydersAddition\dwg\topo07\010307.dwg</p>	

Exhibit C – Aerial & Site Photographs



elliott
workgroup
architecture

Photographs

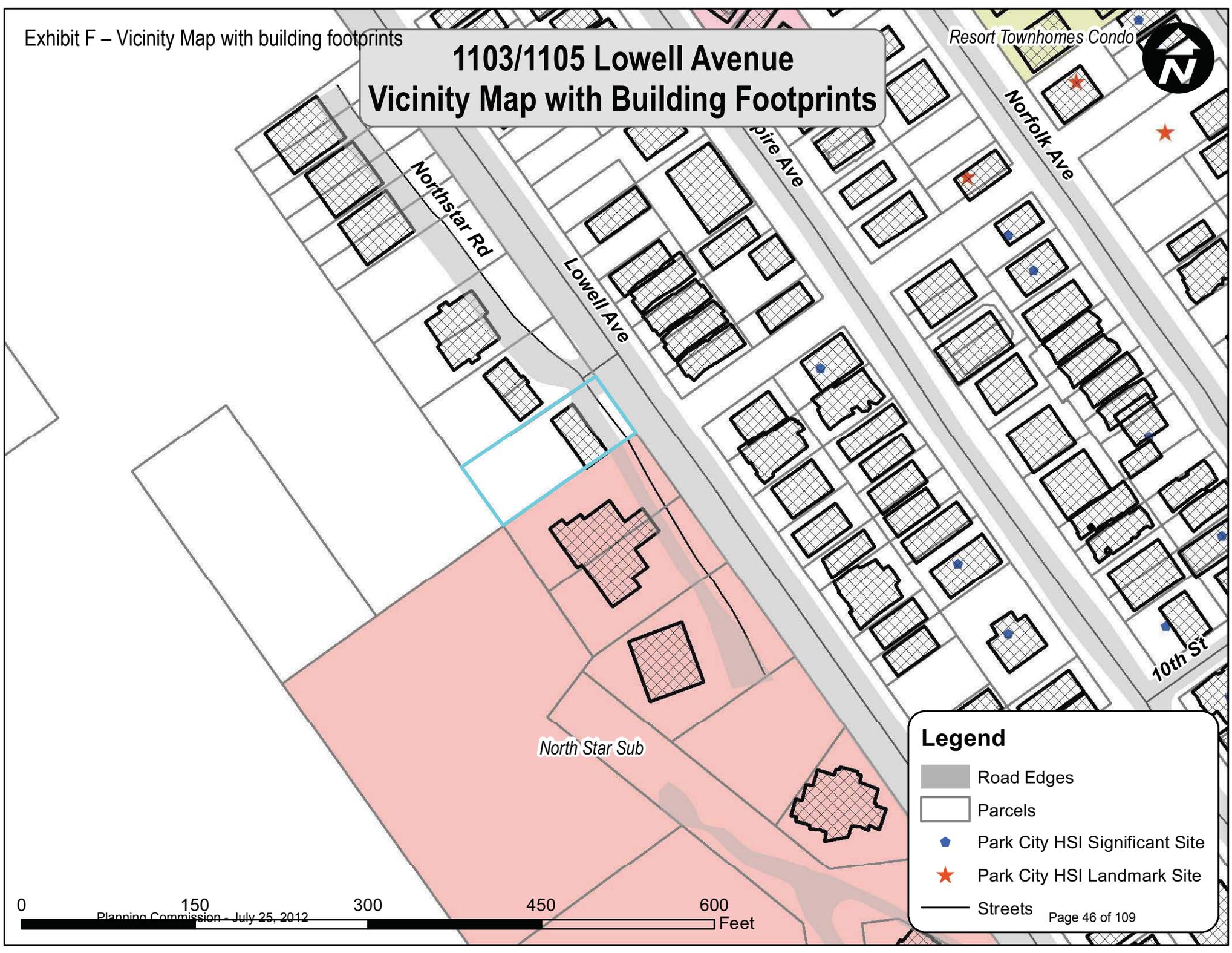
August 8, 2011

RECEIVED
SEP 02 2011
PARK CITY
PLANNING DEPT.

1103 -1105
Lowell Avenue
Park City, Utah 84060



1103/1105 Lowell Avenue Vicinity Map with Building Footprints



Legend

- Road Edges
- Parcels
- Park City HSI Significant Site
- Park City HSI Landmark Site
- Streets



Exhibit G – Public Input

Francisco Astorga

From: Brian Van Hecke <bvhutah@gmail.com>
Sent: Wednesday, July 18, 2012 6:19 PM
To: Francisco Astorga
Subject: RE: 1103/1105 Lowell Avenue

Francisco,

Thanks for the email and background on this application.

I'm very concerned about the true agenda of this application and possible additional reasons for this lot combination. Are these clearly understood? I think it's important to understand now what their future plans are for this property (prior to approval of the lot combination).

It's very important that we protect the historical integrity Old Town. Please make sure that we do not open up the possibility for additional density added to this property at a later time. There is already too much density on many Old Town lots as a result of loopholes, past construction codes, etc.

I ask that the Park City planning department staff and planning commissioners ensure that future plans for this property and others strictly adhere to current Old Town development and construction codes, setbacks, height limits, etc.

Please contact me with any additional information or questions.

Regards,

Brian Van Hecke
1101 Empire Avenue
435-901-1500

From: Francisco Astorga [mailto:fastorga@parkcity.org]
Sent: Tuesday, July 17, 2012 12:47 PM
To: 'bvhutah@gmail.com'
Subject: 1103/1105 Lowell Avenue

Brian,

The property owner requests to combine all of Lot 1 & Lot 2, portion of Lot 3, 30, 31 & 32, Block 34, Snyder's Addition into one (1) lot of record. Currently the site contains a three (3) story duplex setback twenty-seven feet (27') from the front property line. According to Summit County records the structure was built in 1978 and contains a total of 3,155 square feet. The duplex is forty-six feet (46') in width and twenty-five feet (25') in length, excluding the decks on the north and south façade. The footprint of the duplex is approximately 1,150 square feet. The subject area contains portion of lot 30, 31, and 32 do not have access to a right-of-way. The only two (2) lots that currently meet the minimum lot area in the HR-1 District are platted lot 1 & 2. See attached exhibits.

Let me know if you have any questions.

Sincerely,

Francisco Astorga | Planner

Planning Commission Staff Report



Application #: PL-12-01488
Subject: 80 Daly Avenue Subdivision
Author: Francisco Astorga, Planner
Date: July 25, 2012
Type of Item: Administrative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 80 Daly 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.

Description

Applicant: Alex Adamson, represented by Jonathan DeGray
Location: 80 Daly Avenue
Zoning: Historic Residential (HR-1) District
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Proposal

This is a plat amendment request to combine part of Lot 9, all of Lot 10, part of Lot 11, and a portion of vacated Anchor Avenue, Block 74, Millsite Reservation of the Park City Survey into two (2) lots of record. The entire site is currently vacant.

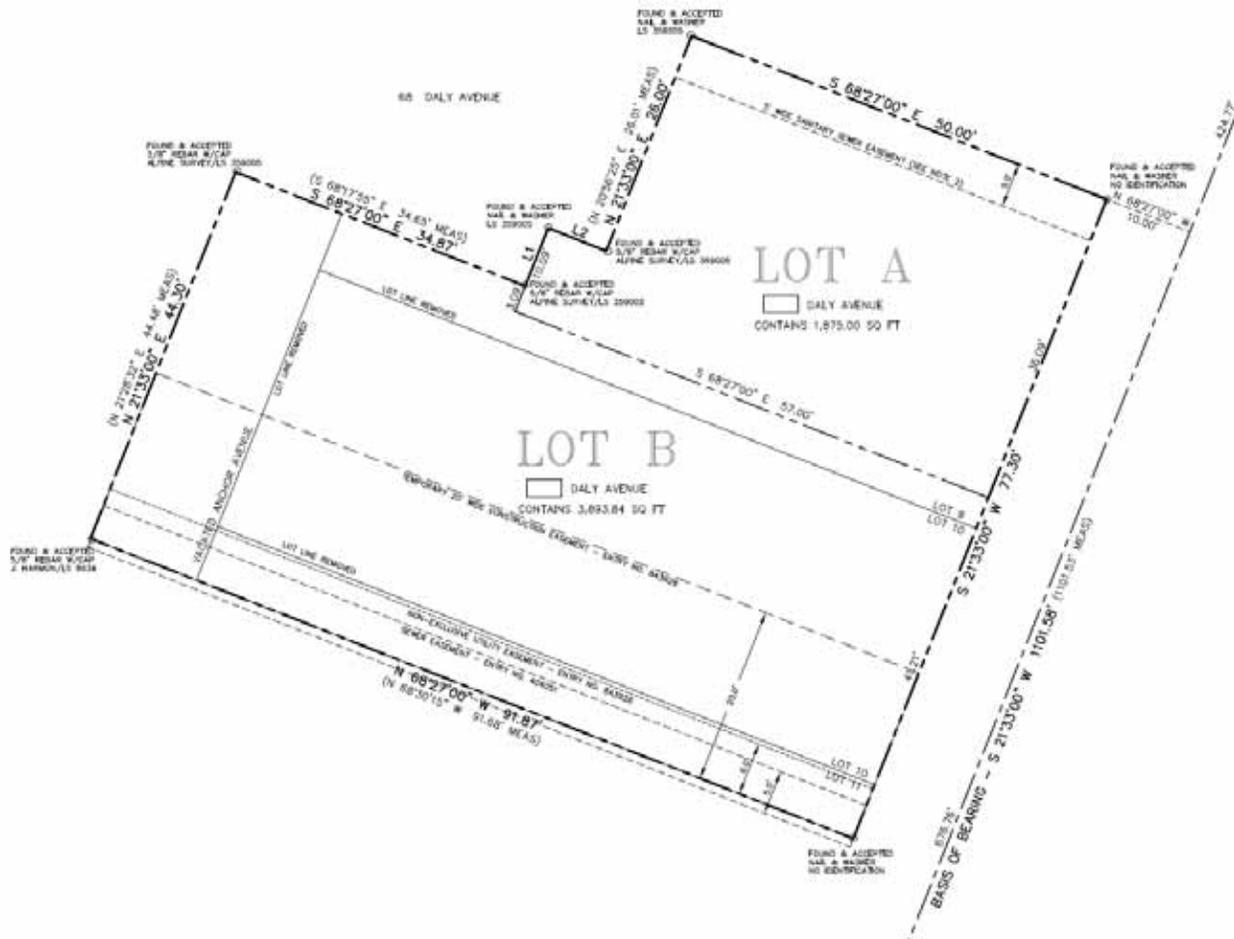
Purpose

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

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

Background

On February 28, 2012 the City received a completed application for the 80 Daly Avenue Subdivision plat amendment. The property is located within the Historic Residential (HR-1) District. The proposed plat amendment combines part of Lot 9, all of Lot 10, part of Lot 11, and a portion of vacated Anchor Avenue, Block 74, Millsite Reservation of the Park City Survey into two (2) lots of record. Currently the site is vacant. The northern lot is identified as Lot A and the southern lot is identified as Lot B. See proposed plat amendment below:



On April 11, 2012 the Planning Commission reviewed the requested plat amendment and continued the discussion to May 9, 2012. During this meeting the Planning Commission expressed concerns where they were not inclined to approve an oversized lot and structure within this neighborhood as the Commission was concerned with compatibility in term of house size. The Commission requested an analysis of the floor areas of structures in the Daly Avenue neighborhood.

On May 9, 2012 the Planning Commission reviewed the requested floor area analysis and discussed the additional mitigation for the impacts of the built structure on 68 Daly Avenue. The study facilitated a house size comparison of all the structures on Daly

Avenue. In order to ensure compatibility in terms of house size Staff recommended limiting the gross floor area of proposed Lot B to the average of the entire neighborhood and allowing the existing building parameters to govern Lot A, which essentially would have been about the same square footage. The Commission discussed the footprint calculation, the floor area cap, and the portion of a lot being platted. The Planning Commission clarified their concern of how a new structure on Lot A would impact 68 Daly Avenue from the standpoint of view shed and solar access. The Commission indicated that they needed to understand those impacts before making a recommendation to the City Council. It was requested that the applicant bring back a model to review the development potential. Staff was also directed to add lot areas and footprints to the Daly Avenue study. The item was continued to May 23, 2012. Staff was also directed not to include the portion of vacated Anchor Avenue into the footprint calculation. The applicant also mentioned that 1,300 square foot footprint would achieve a building size that works at approximately 3,300 gross floor area.

On May 23, 2012 the item was continued to June 13, 2012 because no additional information was provided. On June 13, 2012 the item was continued to June 27, 2012 because no additional information was provided. On June 27, 2012 the item was continued to a date uncertain rather than to July 11, 2012 as stated in the agenda due to the needed information related to the continuation on May 9, 2012.

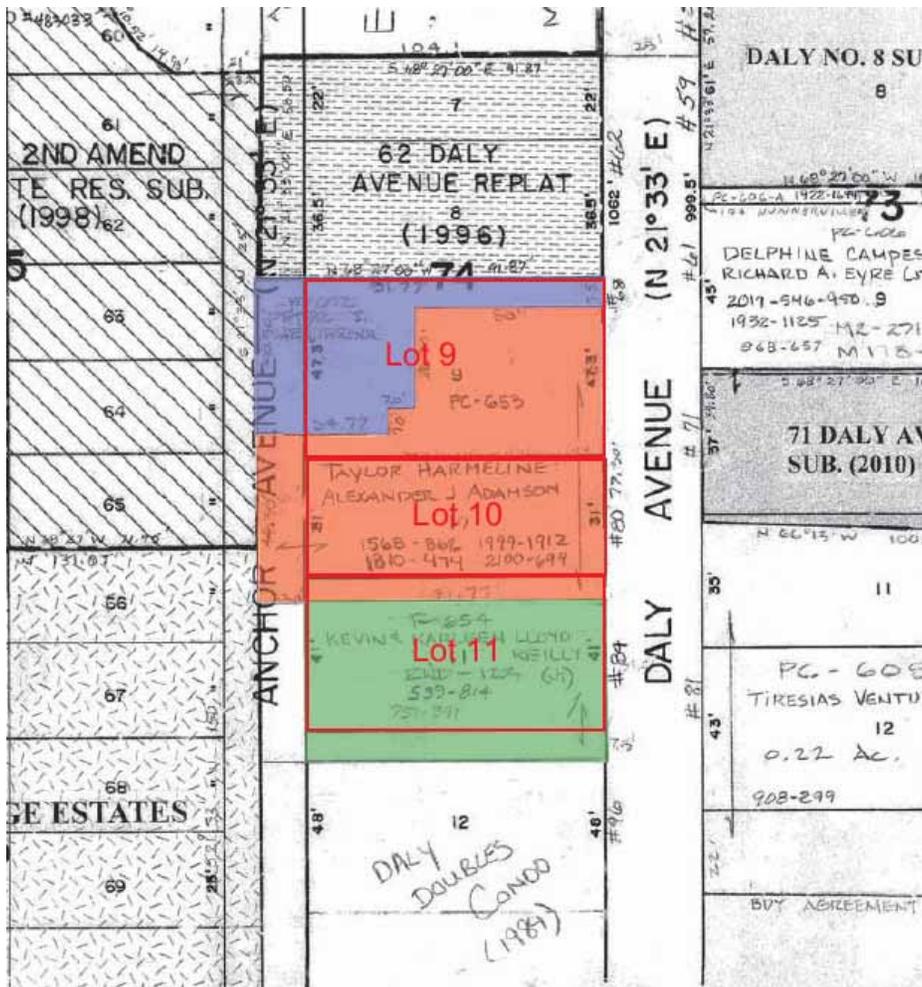
Analysis

The proposed plat amendment creates two (2) legal lots of record from a portion of Lot 9, all of Lot 10, a portion of Lot 11, and vacated Anchor Avenue within the HR-1 District. The minimum lot area for a single family dwelling is 1,875 square feet. The minimum lot area for a duplex is 3,750 square feet. A duplex is a conditional use that requires a Conditional Use Permit to be reviewed and approved by the Planning Commission. The proposed area of Lot A is 1,875 square feet. The proposed area of Lot B is 3,893.84 square feet. The minimum lot width is twenty-five feet (25'). The proposed width of Lot A is 36.09 feet. The proposed width of Lot B is 41.52 feet. The applicant proposes to be able to build on each lot. Staff has identified the following development standards of the HR-1 District as summarized below:

Requirement	Permitted – Lot A	Permitted – Lot B
Front/rear yard setbacks	10 feet minimum, 20 feet total (based on the lot depth of 57 feet)	12 feet minimum, 25 feet total (based on the lot depth of 91.87 feet)
Side yard setbacks	3 feet minimum, 6 feet total (based on the lot width of 36.09 feet & 41.21 feet, respectively)	
Building Footprint	844 square feet (based on the lot area of 1,875 square feet)	1,384 square feet (based on the lot area minus the vacated ROW totaling 3,340.09 square feet) 1,564 square feet (based on the entire lot area totaling 3,83.84 square feet)

Height	27 feet above existing grade, maximum.
Number of stories	A structure may have a maximum of three (3) stories.
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure.
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required for a for third story

Lot 9, 10, and 11 are lots of record found within Block 74, Millsite Reservation of the Park City Survey. Approximately half of lot 9 is recognized as parcel no. PC-652 current owned by Peter Henderson (shown with a blue highlight below). The other approximate half of Lot 9 is recognized as parcel no. PC-653 owned by the applicant of this plat amendment request, Alex Adamson. PC-653 also includes the other areas of this requested application (shown with a red highlight below). Also a portion of Lot 11 is owned by the applicant, identified as PC-654 while most of Lot 11 is currently owned by Kevin Reilly & Karleen Lloyd (shown with a green highlight below). This plat amendment is only for the portion owned by Alex Adamson.



Staff finds good cause for this plat amendment as the combined proposed lots will remove the lot lines found throughout the site and the ownership lines will match the newly platted lines over the subject property. The proposed lots will meet the lot and site requirements of the HR-1 District. As identified above the applicant is not able to control the other portions of Lot 9 and 11 which he does not own. However, it should be recognized that in the future if the other property owner request to remodel or build an addition to their structures they would have to go through this same plat amendment process to remove lots lines that may not match their ownership. It is also anticipated that the two (2) neighboring ownership boundaries meet the minimum lot area, however, this should be analyzed in greater detail once the plat amendment is received to be confirmed with the required existing conditions & topographic survey. Also in the early 1980's the City issued a building permit to 68 Daly Avenue, allowing the property owner to re-build a structure that was destroyed after a water tower incident. The City also issued a variance where the site is not required to provide any off-street parking. When the City issued the building permit and granted the variance it recognized this portion of 68 Daly Avenue as a buildable area. There are no other known violations or non-compliances found on the site. However the 68 Daly Avenue, PC-652, has several improvements that encroach onto this property.

Building Encroachments

The submitted certified survey indicates that the site northwest of the subject property, 68 Daly Avenue, has several improvements encroaching onto this property. The encroachments consist of the wooden staircase along the north property line which is fifty feet (50') in length and portions of a deck towards the northwest corner of the subject property consisting of approximately 68 square feet. The encroachments are not historic. See below:



The applicant has indicated they will work with the neighboring property owner to grant them encroachment easements. Staff recommends that a condition be added to indicate that an encroachment agreement must be entered into prior to plat recordation which addresses the encroachments from 68 Daly Avenue or the encroachments shall have be removed.

Temporary Easement

Lot 10 contains a twenty foot (20') temporary, non-exclusive utilities easement and right-of-away for the benefit of King Ridge Estates. King Ridge Estates is a three (3) lot subdivision located south west of the subject site, accessed of Ridge Avenue at 158, 162, and 166 Ridge Avenue.

The easement extends from front to back of the entire length of the lot. The applicant identified such easement on the proposed plat. This agreement is between the owner of the subject site and the owner(s) of King Ridge Estates. The possible approval of this plat amendment does not change or effect the temporary easement. Lot B will not be able to construct on the temporary easement until requirements identified on the agreement are met.

Discussion regarding maximum footprint size

There is a mix of small Historic homes along Daly Avenue that may be affected by maximum building footprint allowed by proposed Lot B. The building footprint is calculated by the building footprint formula within the LMC. The Planning Commission can recommend to the City Council to add a condition of approval limiting the building footprint or house size area to mitigate the possible impacts of the neighborhood.

On a previous proposal in the neighboring Historic Residential-Low (HR-L) Density District, a study was prepared showing lot size, maximum footprint allowed, and square footage of each house. This survey showed that the average gross floor area was approximately 141% of the maximum allowed footprint. A similar study was also prepared within the Daly Avenue neighborhood for a plat amendment request at 313 Daly Avenue for both Planning Commission and City Council review. The study concluded that the average square footage of all Daly Avenue structures was approximately 137% of the average maximum footprint allowed and the average square footage of Upper Daly Avenue structures was approximately 91% of the average maximum footprint allowed. The Planning Commission and City Council approved this two (2) lot plat amendment request capping the gross floor area to 115% (average of the two averages) of the footprint for each lot.

In response to the Planning Commission direction on April 11, 2012 and May 9, 2012 for further analysis, Staff updated the survey of all properties on Daly Avenue. This survey has been attached to this staff report as Exhibit G. The survey shows the requested information according to Summit County public records accessed online through their EagleWeb Property search database. The study contains the following items:

- Living area
- Basement area
- Attached/built-in garage area
- Unattached improvement
- Overall house size
- Lot area (acres & square feet)
- Maximum footprint allowed per the LMC according lot area
- Use
- Historic status

The survey reveals that there are 57 single family dwellings (SFDs), 12 duplexes, 4 multi-unit buildings (16 units), and 13 vacant lots, totaling 97 units. Lower Daly Avenue extending from the Main Street to 234 Daly Avenue has 37 SFDs, all of the duplexes and multi units dwellings mentioned above, and 5 empty lots. Upper Daly Avenue contains 20 units and 8 vacant lots. These lots are in the “lower Daly” area.

In terms of historic sites the study also shows that there are 30 sites listed on Park City's Historic Sites Inventory (HSI), 20 of which are located on Lower Daly and the remaining 10 on Upper Daly. The inventory is divided as 11 landmark sites and 19 significant sites. Lower Daly contains 7 landmark sites and 13 significant sites while upper Daly contains 4 landmark sites and 6 significant sites.

The study shows the following averages in terms of house size (gross floor area) to footprint ratios:

	Overall Daly	Lower Daly	Upper Daly
House size to max. footprint allowed ratio	1.41 1.60		.36
House side to max. footprint allowed ration (historic sites)	1.02 1.14		.81

The gross floor area of all structures on Daly Avenue is approximately 141% of the average maximum footprint allowed. The gross floor area of lower Daly Avenue is approximately 160% of the average maximum footprint allowed. Based upon a review of the Historic Site Inventory, one can see that the gross floor area of the structures listed on the HSI are much smaller than non-historic structures on Daly Avenue. It is also worth noting that the average lot size of sites with historic structures is slightly larger than non-historic sites. See Exhibit G.

Based on this analysis and previous Planning Commission recommendations and City Council approvals to limit house size to be compatible with the surrounding neighborhood, the Planning Commission may recommends putting a note on the plat to limit gross floor area, as defined by the LMC, to a specific percentage of the average maximum footprint allowed, to be compatible with the neighborhood.

The City has also received a three dimension model showing the possible future development as shown as Exhibit K. According to these exhibits as well as the footprints & massing elevations sketches, the applicant proposes the following footprints and possible gross floor area based on the identified height. Note that the maximum

height in the HR-1 district is twenty-seven feet (27'), and that final grade must be within four (4) vertical feet of existing grade around the periphery of the structure, therefore, the applicant could possibly build the maximum of (3) stories.

Footprint	Possible gross floor area (approx.), based on a 3 story building.	Proposed heights	
Lot A	844 square feet	2,532 square feet	26'-4"
Lot B	1,384 square feet	4,152 square feet	26'-6"

The possible gross floor area above does not accommodate the third story step back required with new construction. It also does not include any articulation that should be included in the design.

Given the area being considered to be re-platted as Lot B, which also includes the vacated Anchor Avenue, the analysis provide on Exhibit G, the maximum scenario potential identified on the table above, as well as the visual analysis presented by the applicant, Staff recommends that a maximum gross floor area be added as a plat note. During the May 9, 2012 Planning Commission meeting the Commission indicated that the vacated ROW should not be include in the building footprint calculation. Staff recommends that the gross floor area be limited to 200% of the footprint, therefore the gross floor area of proposed Lot B would be limited to 2,768 square feet. Staff finds that this gross floor area reduction would facilitate a smaller structure on Lot B to be able to mitigate the impacts shown on the model related to the structure directly to the south, 84 Daly Avenue. Even though this structure is not historic is reflects the appropriate scale and volume of our historic structures found throughout Daly Avenue and Old Town. This reduction to the equivalent of a two (2) story building also allows the architect enough flexibility to come up with a compatible design to be cautious of the compatibly factor related to our Historic District.

The minimum side yard setbacks for both sites are three feet (3') minimum. The preliminary site plan for Lot B was drafted with five foot (5') setbacks. Staff recommends that the footprint of this structure be shifted more to the north to further increase the setback on the south side to a minimum of seven feet (7') due to the neighboring property which is seems to be inches away.

Development on the steep slope portion of the lots would require a Steep Slope Conditional Use Permit. A CUP is required for any structure in excess of 1,000 square feet if said structure and/or access is located upon any existing slope of 30% or greater. A Steep Slope CUP review is subject to the following criteria: location of development, visual analysis, access, terracing, building location, building form and scale, setbacks, dwelling volume, building height, and height exception.

Duplexes in the HR-1 zone require a minimum lot size and approval by the Planning Commission of a Conditional Use Permit. The required minimum lot size for a duplex is

3,750 square feet. Duplex could potentially be built on Lot B with a Conditional Use Permit.

Development in Old Town requires a Historic District Design Review (HDDR) application to be reviewed and approved by the Planning Department to find compliance with the 2009 Design Guidelines for Historic District and Historic Sites.

Process

Prior to issuance of any building permits for these lots, the applicant will have to submit a Historic District Design Review application, which is reviewed administratively by the Planning Department. A Steep Slope Conditional Use Permit application is also required, which is reviewed by the Planning Commission. They will also have to submit a Building Permit application. 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. The Snyderville Water Reclamation District (SBWRD) has reviewed the proposed plat and identified an issue related to the location of the lateral sewer line servicing the structure located at 68 Daly Avenue. The applicant addressed the issue by providing an easement for the sewer lateral and placing a note on the proposed plat advising of the existing lateral and possible need to relocate the lateral into the easement for construction on the new lot. From the information in their files SBWRD cannot determine if the lateral is located under or adjacent to the stairs, so they decided to have an easement provided in case it is necessary and advise potential owners of 80 Daly that relocation of the lateral may be necessary. See Exhibit F.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record according to requirements of the Land Management Code.

Public Input

During the April 11, 2012 public hearing Karleen Reilly residing at 84 Daly Avenue provided comments. See Exhibit H. During the May 9, 2012 public hearing Brent Gold on behalf Pere Henderson provided comments. See Exhibit I.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the 80 Daly Avenue Subdivision plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for 80 Daly Avenue Subdivision plat amendment and direct staff to make Findings for this decision; or

- The Planning Commission may continue the discussion on 80 Daly Avenue Subdivision plat amendment and provide specific direction regarding additional information needed to make a recommendation.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The lots would remain as is and no construction could take place across the existing lot lines.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 80 Daly Avenue Subdivision and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law, and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat

Exhibit B – Topographic Survey

Exhibit C – Temporary Easement Agreement with King Ridge Estates

Exhibit D – Aerial Photograph

Exhibit E – County Plat Map with outlines of proposed lots

Exhibit F – SBWRD Letter

Exhibit G – Daly Avenue Study (May 2012)

Exhibit H – April 11, 2012 Planning Commission meeting minutes

Exhibit I – May 9, 2012 Planning Commission meeting minutes

Exhibit J – CC Staff Report dated May 5, 2008 313 Daly Avenue Plat Amendment

Exhibit K - 3D Model

Exhibit L - Conceptual site plan & massing elevations.

Exhibit A – Draft Ordinance with Proposed Plat

Ordinance No. 12-__

AN ORDINANCE APPROVING THE 80 DALY AVENUE SUBDIVISION PLAT AMENDMENT LOCATED AT 80 DALY AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 80 Daly 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 April 11, 2012, May 9, 2012, and July 25, 2012 to receive input on plat amendment; and

WHEREAS, the Planning Commission, on July 25, 2012, forwarded a recommendation to the City Council; and,

WHEREAS, on August 9, 2012, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 80 Daly Avenue Subdivision.

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

SECTION 1. APPROVAL. The 80 Daly Avenue Subdivision Plat Amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 80 Daly Avenue.
2. The property is located within the Historic Residential (HR-1) District.
3. The proposed plat amendment combines part of Lot 9, all of Lot 10, part of Lot 11, and a portion of vacated Anchor Avenue, Block 74, Millsite Reservation of the Park City Survey into two (2) lots of record.
4. The site is currently is vacant.
5. The northern lot is identified as Lot A and the southern lot is identified as Lot B.
6. The minimum lot area for a single family dwelling is 1,875 square feet.
7. The minimum lot area for a duplex is 3,750 square feet.

8. A duplex is a conditional use that requires a Conditional Use Permit to be reviewed and approved by the Planning Commission.
9. The proposed area of Lot A is 1,875 square feet.
10. The proposed area of Lot B is 3,893.84 square feet.
11. The minimum lot width is twenty-five feet (25').
12. The proposed width of Lot A is 36.09 feet.
13. The proposed width of Lot B is 41.52 feet.
14. The combined proposed lots will remove the lot lines found throughout the site and the ownership lines will match the newly platted lines over the subject property.
15. The applicant is not able to control the other portions of Lot 9 and 11 which he does not own.
16. In the future if the other property owner request to remodel or build an addition to their structures they would have to go through this same plat amendment process to remove lots lines that may not match their ownership.
17. The submitted certified survey indicates that the site northwest of the subject property, 68 Daly Avenue, has several improvements encroaching onto this property which consist of the wooden staircase along the north property line which is fifty feet (50') in length and portions of a deck towards the northwest corner of the subject property consisting of approximately 68 square feet. The encroachments are not historic.
18. The applicant has indicated they will work with the neighboring property owner to grant them encroachment easements. .
19. There is a mix of small Historic homes along Daly Avenue that may be affected by maximum building footprint allowed by proposed Lot B.
20. Proposed Lot B contains a portion of vacated Anchor Avenue.
21. The building footprint is calculated by the building footprint formula within the LMC.
22. The Planning Commission can recommend to the City Council to add a condition of approval limiting the building footprint and/or house size area to mitigate the possible impacts of the neighborhood.
23. In response to the Planning Commission direction on April 11, 2012 and May 9, 2012 for further analysis, Staff updated the survey of all properties on Daly Avenue.
24. The gross floor area of all structures on Daly Avenue is approximately 141% of the average maximum footprint allowed.
25. The gross floor area of lower Daly Avenue is approximately 160% of the average maximum footprint allowed.
26. The gross floor area of upper Daly Avenue is approximately 36% of the average maximum footprint allowed.
27. The gross floor area of structures listed on the Historic Sites Inventory on Daly Avenue is much smaller than non-historic structures on Daly Avenue.
28. Based on this analysis and previous Planning Commission recommendations and City Council approvals to limit house size to be compatible with the surrounding neighborhood.
29. The Planning Commission may recommends putting a note on the plat to limit gross floor area, as defined by the LMC, to a specific percentage of the average maximum footprint allowed, to be compatible with the neighborhood.

30. The City has also received a three dimension model showing the possible future development.
31. Staff recommends that the gross floor area be limited to 200% of the footprint, therefore, the gross floor area of proposed Lot B would be limited to 2,768 square feet.
32. The gross floor area reduction would facilitate a smaller structure on Lot B to be able to mitigate the impacts shown on the model related to the structure directly to the south, 84 Daly Avenue.
33. The structure found at 84 is not historic but reflects the appropriate scale and volume of historic structures found throughout Daly Avenue and Old Town.
34. The minimum side yard setbacks for both sites are three feet (3') minimum.
35. The preliminary site plan for Lot B was drafted with five foot (5') setbacks.
36. Staff recommends that the south side yard setback be increased to seven feet (7') due to the neighboring property which is inches away.
37. Lot 10 contains a twenty foot (20') temporary, non-exclusive utilities easement and right-of-away for the benefit of King Ridge Estates.
38. This plat amendment does not change or affect such easement and the City acknowledges the language and requirements found on such agreement.
39. The Snyderville Water Reclamation District (SBWRD) has reviewed the proposed plat and identified an issue related to the location of the lateral sewer line servicing the structure located at 68 Daly Avenue.
40. The applicant addressed the issue by providing an easement for the sewer lateral and placing a note on the proposed plat advising of the existing lateral and possible need to relocate the lateral into the easement for construction on the new lot.
41. The property owner shall comply with the requirements of the Snyderville Basin Water Reclamation District (SBWRD).
42. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this plat amendment in that the combined proposed lots will remove the lot lines found throughout the site and the ownership lines will match the newly platted lines over the subject property.
2. The proposed lots will meet the lot and site requirements of the HR-1 District.
3. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
4. Neither the public nor any person will be materially injured by the proposed plat amendment.
5. 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 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. A 10' (ten foot) snow storage easement shall be dedicated to Park City across the both lots' frontage on Daly Avenue.
4. Prior to plat recordation, an encroachment agreement must be entered into which addresses the encroachments from 68 Daly Avenue or the encroachments shall be removed.
5. Modified 13-D sprinklers shall be required for all new construction.
6. The property owner shall comply with the requirements of the Snyderville Basin Water Reclamation District (SBWRD).
7. The plat shall reflect the existence of the temporary easement for the benefit for King Ridge Estates.
8. A plat note shall be added to reflect that the maximum gross floor area for Lot B shall not exceed 2,768 square feet.
9. The footprint of Lot shall be limited to the lot area minus vacated Anchor Avenue. The maximum footprint of Lot B shall be limited to a maximum of 1,384 square feet.
10. The setback of the south side of Lot B shall be seven feet (7') minimum.

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

PASSED AND ADOPTED this ____ day of _____, 2012.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

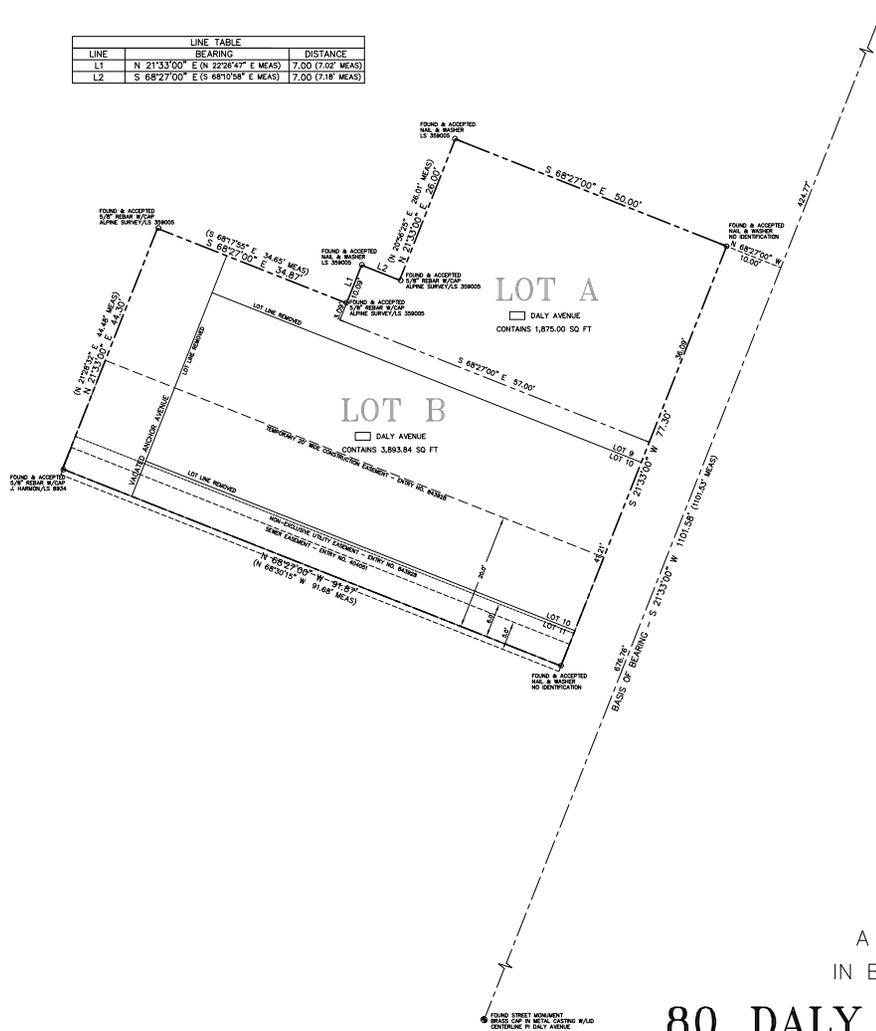
Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment A – Proposed Plat

LINE	BEARING	DISTANCE
L1	N 21°33'00" E (N 22°28'42" E MEAS)	7.00 (7.02' MEAS)
L2	S 68°27'00" E (S 68°10'58" E MEAS)	7.00 (7.18' MEAS)



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that by authority of the owners this Record of Survey map of the 80 DALY AVENUE SUBDIVISION has been prepared under my direction, and that the same has been monumented on the ground as shown on this plat.

BOUNDARY DESCRIPTION

Part of Lot 9, all of Lot 10 and part of Lot 11, Block 74, Millisite Reservation of the Park City Survey, together with part of vacated Anchor Avenue more particularly described as: Beginning at a point that bears South 21°33' West 7.50 feet from the northeast corner of Lot 8, Block 74, Millisite Reservation of the Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County recorder, and running thence South 21°33' West along the easterly line of said Block 74, Millisite Reservation of the Park City Survey 77.30 feet; thence North 68°27' West 91.87 feet to the centerline of the vacated Anchor Avenue; thence North 21°33' East along the centerline of the vacated Anchor Avenue 44.50 feet (44.30 feet actual); thence South 68°27' East 34.87 feet; thence North 21°33' East 7.00 feet; thence South 68°27' East 7.00 feet; thence North 21°33' East 26.00 feet; thence South 68°27' East 50.00 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owners of the herein described tract of land, to be known hereafter as 80 DALY AVENUE SUBDIVISION, do hereby certify that we have caused this Subdivision Plat to be prepared, and we, Taylor Harmeling and Alexander J. Adamson, do hereby consent to the recordation of this Subdivision Plat.

In witness whereof, the undersigned set their hands this ____ day of _____, 2012.

Taylor Harmeling, Owner

Alexander J. Adamson, Owner

ACKNOWLEDGMENT

State of _____ ss: County of _____ On this ____ day of _____, 2012, Taylor J. Harmeling and Alexander J. Adamson personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Taylor J. Harmeling and Alexander J. Adamson acknowledged to me that they are the owners of the herein described tract of land, and that they signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

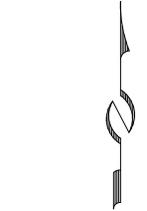
Printed Name _____

Residing in: _____

My commission expires: _____

LEGEND

Address on DALY AVENUE



A PARCEL COMBINATION PLAT
IN BLOCK 74, PARK CITY SURVEY

80 DALY AVENUE SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



<p>(435) 648-9487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2664, Park City, Utah 84302-2664</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS DAY OF _____, 2012 A.D.</p> <p>BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS DAY OF _____, 2012 A.D.</p> <p>BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2012 A.D.</p> <p>BY _____ MAYOR</p>	<p>RECORDED</p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ ENTRY NO. _____ DATE _____ TIME _____</p> <p>FEE _____ RECORDER _____</p>
	<p>UTAH JOB NO.: 2-12-11 FILE: X:\ParkCitySurvey.dwg\ar\plat2011\021211.dwg</p>						

Exhibit B – Topographic Survey



SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, do hereby certify that I am a registered land surveyor and that I hold certification no. 4038739 as prescribed under the laws of the State of Utah. I further certify that a topographic survey has been made under my direction of the lands shown and described herein. I further certify that this topographic survey is a correct representation of the land surveyed at the time the field work was completed and is in compliance with generally accepted industry standards for accuracy.

NOTES

1. Site Benchmark: Center of water manhole lid.
Elevation=7176.17'
2. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
3. This topographic map is based on field surveys performed on October 2, 2006 and December 6, 2011.
4. All property corners were found.
5. Snow coverage at the time of the survey was approximately 6" to 10".
As a result, actual elevations may vary from elevations shown on this survey. In addition, monuments, improvements and/or conditions may exist which are not shown on this survey.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 21°33'00" E	7.00
L2	S 66°22'00" E	7.00



<p>(435) 643-6447 CONSULTING ENGINEERS, LAND PLANNERS, SURVEYORS 322 Main Street, P.O. Box 2084, Park City, Utah 84060-2084</p>	<p>STAFF: MARSHALL KING MARTY MORRISON</p>	<p>EXISTING CONDITIONS & TOPOGRAPHIC SURVEY 80 DALY AVENUE PARK CITY SURVEY</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 12/15/11</p>	<p>FOR: ALEX ADAMSON JOB NO.: 2-12-11 FILE: X:\ParkCitySurvey\dwg\topo2011\021211.dwg</p>	

Exhibit C – Temporary Easement Agreement with King Ridge Estates

00843928 B: 1928 P: 1614

Page 1 of 8

Alan Spriggs, Summit County Utah Recorder

05/08/2008 02:52:53 PM Fee \$40.00

By US TITLE UTAH

Electronically Recorded by Simplifile

AFTER RECORDING, RETURN TO:
King Ridge Resources, LLC
1550 E McKellips #121
Mesa, AZ 85203

EASEMENT AGREEMENT

This Easement Agreement (this "Agreement") is entered into as of the 25th day of April, 2008, by and among KING RIDGE RESOURCES, L.L.C., a Utah limited liability company, whose address for purposes hereof is 1550 E McKellips #121, Mesa, AZ 85203, and its successors and assigns (collectively, "Parcel 1 Owner"), and Colette Singleton, whose address for purposes hereof is 1167 E South Temple, Salt Lake City, UT 84102, and its successor and assigns (collectively, "Parcel 2 Owner").

RECITALS

A. Parcel 1 Owner is the owner of that certain property situated in Summit County, State of Utah and more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Parcel 1").

B. Parcel 2 Owner is the owner of that certain property situated in Summit County, State of Utah and more particularly described on Exhibit B attached hereto and incorporated herein by this reference (the "Parcel 2").

C. To facilitate the development of Parcel 1, Parcel 1 Owner is required to manage the drainage of storm water from Parcel 1, and to provide electrical utilities to Parcel 1, and, accordingly, Parcel 1 Owner desires to (i) install a storm drain, which storm drain shall be installed and maintained at Parcel 1 Owner's expense and (ii) install electrical conduit and/or natural gas piping to serve the future homes on Parcel 1.

D. Parcel 2 Owner is willing to enter into an easement agreement to grant to Parcel 1 Owner (i) a temporary, non-exclusive, 20-foot utilities easement and right-of-way on, over, under and across a portion of Parcel 2, which is more particularly described on Exhibit D-1, attached hereto and incorporated herein by this reference for the purpose of taking actions necessary to excavate, construct and install an underground storm drain and electrical utilities conduit and/or natural gas piping to serve and benefit Parcel 1 (the "Parcel 2 Construction Easement Area"), and (ii) continuing after the completion of the work of construction and installation, a perpetual, non-exclusive, 6-foot storm drain and electrical utilities and/or natural gas piping easement and right-of-way on, over, under and across that portion of Parcel 2, which is more particularly described on Exhibit D-2, attached hereto and incorporated herein by this reference (the "Parcel 2 Permanent Easement Area"), and together with the Parcel 2 Construction Easement Area, the "Parcel 2 Easement Area").

AGREEMENT

NOW, THEREFORE, for ten dollars (\$10.00), in hand received and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged and based upon the mutual covenants, promises and agreements hereinafter set forth, the parties agree as follows:

1. Grant of Easement. Parcel 2 Owner hereby grants, conveys, transfers and assigns to Parcel 1 Owner (a) a temporary non-exclusive easement and right-of-way on, over, across and under the Parcel 2

ACCOMMODATION
RECORDING ONLY
U.S. TITLE

Construction Easement Area for the purpose of allowing Parcel 1 Owner to take all actions and to have such access necessary for the construction and installation of a storm drainage pipe and electrical utility conduit and/or natural gas piping under and across and within the boundaries of the Parcel 2 Permanent Easement Area, which temporary easement shall expire upon the full and final completion of all of the work necessary to complete such construction, installation, inspection and appropriate testing of the operations of such storm drainage pipe and electrical conduit and/or natural gas piping and any attendant corrective, reparative or finishing work reasonably necessary to assure the final sound and adequate functioning of the completed improvements and for the purpose of repairing and restoring the surface area of the Parcel 2 Construction Easement Area as required under this Agreement, and (b) a perpetual, non-exclusive easement and right-of-way for the subject underground storm drainage pipe and electrical conduit and/or natural gas piping under and across and within the boundaries of the Parcel 2 Permanent Easement Area, such perpetual easement shall and does include rights of ingress, egress and access for the purpose of servicing, maintaining, repairing, replacing and (within the said borders of the Parcel 2 Permanent Easement Area) expanding, modifying, altering, relocating or otherwise changing the subject improvements ("Permanent Permitted Uses"). In connection with the foresaid easement grants, Parcel 2 Owner also covenants and agrees that any incidental and less than material crossing over onto portions of the surface area of Parcel 2 outside the boundaries of the subject easements shall not give rise to claims of trespass or other violation or wrongdoing of the law or this Agreement, provided that any damage to such non-easement surface area (improvements, landscaping or otherwise) shall be repaired by the Parcel 1 Owner with reasonable promptness, restoring the same to the condition prior to any such incidental crossing over. The foregoing grants of rights and easements and the creation of the Permanent Permitted Uses are intended by the parties to touch and concern both Parcel 1 and Parcel 2, with Parcel 1 being the benefitted real property and Parcel 2 being the burdened real property and both parties covenant, promise and agree that the same are intended to and shall "run with the land" which are attendant, appurtenant and incident to the title and ownership of the subject real property parcels.

2. Construction and Maintenance of Storm Drain, Electrical Utility Conduit and/or Natural Gas Piping. Parcel 1 Owner covenants and agrees to be responsible for and to bear all costs and expenses associated with the construction, installation, use, repair and maintenance of the underground storm drainage pipe, electrical conduit and/or natural gas piping, the restoration of the entire Parcel 2 Easement Area post-construction and installation to the pre-construction and installation state and, thereafter, for the ongoing maintenance of the surface of the Parcel 2 Permanent Easement Area. The parties agree that the restoration of the Parcel 2 Easement Area immediately following the work of installation and construction shall be to restore the surface to a condition reasonably similar to the status pre-installation and construction. Nothing herein shall require the Parcel 1 Owner to engage in any upgrade to surface landscaping to match any such improvements being made by Parcel 2 Owner to other or surrounding portions of Parcel 2, provided that Parcel 1 Owner hereby consents to allow the Parcel 2 Owner to make surface landscaping upgrades to the Parcel 2 Permanent Easement Area, post-construction and installation, so long as Parcel 2 Owner agrees that any increase in the cost of replacement or restoration of such improved or upgraded landscaping that arise in connection with the exercise of the easement and the Permanent Permitted Uses shall be the responsibility of the Parcel 2 owner. In all events, Parcel 2 Owner shall not act in any manner to impair Parcel 1 Owner's ability to discharge water through the storm drainage pipes or to have the continued unimpaired use of the electrical utilities conduit and/or natural gas piping or to exercise the Permanent Permitted uses. Parcel 2 Owner covenants and agrees not to construct any permanent improvements within the boundaries of the Parcel 2 Permanent Easement Area or to plant trees or shrubs or other foliage within a proximity to the subject underground improvements where the root systems of the same could be reasonably expected to impact or affect the said underground improvements or otherwise materially impair the exercise of the Permanent Permitted Uses. Parcel 1 Owner shall perform any construction related activities within the Parcel 2 Easement Area in a manner so as to minimize any negative impact on Parcel 2.

3. Indemnification. Parcel 1 Owner shall hold harmless and indemnify Parcel 2 Owner from and against any claims against Parcel 2 Owner by third parties which arise from Parcel 1 Owner's

negligence or willful misconduct, except to the extent such claims arise from any negligent or intentional act or omission of Parcel 2 Owner. Likewise, Parcel 2 Owner hereby agrees to hold harmless and indemnify the Parcel 1 Owner from and against any claims, loss, damage, expense, suit or action by or consequent to the negligent or intentionally wrongful conduct of third parties with respect to the subject easement, the improvements therein and thereunder or the exercise of the Permanent Permitted Uses. Such indemnity shall not apply if the claims, loss, damage, expense, suit or action is the result of the negligence or intentional wrongdoing of the Parcel 1 Owner.

4. Nature of Provisions. The Permanent Permitted Uses, the easements and rights-of-way granted by Parcel 2 Owner to Parcel 1 Owner and the indemnification, maintenance, repair and other covenants of the respective parties hereunder are covenants, rights, benefits, burdens and interests that touch and concern both Parcel 1 and Parcel 2 and are intended to and shall run with the land (meaning both Parcel 1 and Parcel 2). Neither this Agreement nor the rights granted hereunder shall be transferable to any other property. This Agreement and the covenants, rights, impositions, burdens, benefits, rights and promises shall run with both Parcel 1 and Parcel 2 and shall, as the case may be, bind and benefit every person having any fee, leasehold, mortgage lien or other interest in any portion of Parcel 1 or Parcel 2. Parcel 2 Owner agrees that Parcel 1 Owner may transfer and assign its rights and obligations under this agreement to an owners association comprised of all of the owners of Parcel 1 without the consent or further action of the Parcel 2 Owner or any other person. This Agreement shall be binding upon and inure to the benefit of Parcel 1 Owner and Parcel 2 Owner and their respective successors and permitted assigns.

5. Default. If any party fails to perform its obligations hereunder after the expiration of thirty (30) days after receipt of written notice detailing the nature of such failure; provided, however, if it is not commercially reasonable to cure such breach in a 30-day period, then such 30-day period shall be extended for a period as may be reasonably required to effect a cure (after the expiration of such notice and cure period, an "Event of Default"), the other party shall be entitled to pursue its rights and remedies at law or in equity.

6. General Provisions. This Agreement shall be governed by, and construed and interpreted in accordance with, the laws (excluding the choice of laws rules) of the state of Utah. This Agreement may be executed in any number of duplicate originals or counterparts, each of which when so executed shall constitute in the aggregate but one and the same document. No party shall be deemed to be in breach of this Agreement or have any liability to the other party if it is unable to perform its obligations hereunder to the extent such failure is due to circumstances beyond the control of such party, including, but not limited to, an act of God, fire, flood, earthquake, explosion, wind, storm, tornado, strike (or other labor dispute), riot, act of terrorism, acts or failure to act by any governmental entity, vandalism, or any other cause beyond such party's control. Notwithstanding anything in this Agreement to the contrary, neither party shall be liable to the other party for any consequential damages.

The parties have executed this Agreement on the respective dates set forth below, to be effective as of the date first set forth above.

"PARCEL 1 OWNER"

KING RIDGE RESOURCES, L.L.C.

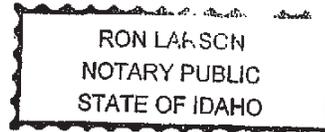
By: Wesley St.
Name: WESLEY SEITER
Title: MANAGING MEMBER

STATE OF Idaho)
COUNTY OF Madison) :ss.

The forging instrument was acknowledged before me this 1st day of May, 2008, by Wesley Seiter, the Managing Member of KING RIDGE RESOURCES, L.L.C.

[SEAL]

Ron Larson
Notary Public



"PARCEL 2 OWNER"

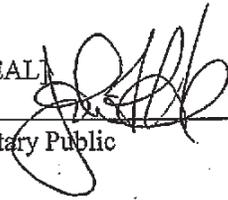

Colette Singleton

By:
Name:
Title:

STATE OF Utah)
:SS.
COUNTY OF Summit)

The forging instrument was acknowledged before me this 25th day of April, 2008, by Colette Singleton, ~~the~~ personally known ~~to~~ to me.

[SEAL]



Notary Public

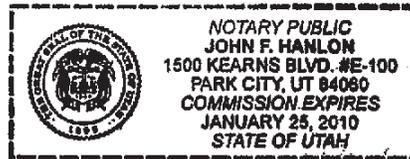


EXHIBIT A

TO

EASEMENT AGREEMENT

Legal Description of Property

"Parcel 1" referred to in the foregoing Easement Agreement is located in Park City, Summit County, Utah, and is more particularly described as follows:

All of Lots 35 through 40, inclusive; Lots 66 through 71, inclusive; and the Westerly one-half of Lots 33 and 34, all in Block 75, Millsite Reservation to Park City; according to the official plat thereof, on file and of record in the Summit County Recorder's Office.

Together with one-half of the vacated Anchor Avenue abutting said Lots 66 through 71, inclusive on the East.

LESS AND EXCEPTING THEREFROM the Westerly one-half of Lot 34 any portion lying Easterly of Ridge Avenue within the bounds of the following described parcel:

Beginning at a point on the platted center line of Anchor Avenue, said point being South 68°27'00" East 12.77 feet from the Northeast corner of Lot 72, Block 75 of the Millsite Reservation to Park City; according to the official plat thereof, on file and of record in the Summit County Recorder's Office; thence along said platted centerline South 21°33'00" West 37.50 feet; thence leaving said centerline North 68°27'00" West 95.31 feet to the Easterly edge of asphalt of the existing paved Ridge Avenue; thence along said Easterly asphalt edge the following five calls: 1) North 11°25'02" East 0.44 feet; 2) North 08°09'06" East 5.47 feet; 3) North 05°21'47" East 19.77 feet; 4) North 09°58'22" East 7.94 feet; 5) North 02°55'45" West 5.46 feet to a point on the Northeasterly line of Lot 34 of said Millsite Reservation; thence leaving said Easterly edge of asphalt and along the Northerly line of Lot 34 and Lot 72 of said Millsite Reservation South 68°27'00" East 106.02 feet to the point of beginning.

tax FD
PC-687

EXHIBIT B

TO

EASEMENT AGREEMENT

Legal Description of Property

"Parcel 2" referred to in the foregoing Easement Agreement is located in Park City, Summit County, Utah, and is more particularly described as follows:

Beginning at a point that bears South 21°33' West, 7.50 feet from the Northeast corner of Lot 9, Block 74, Millsite Reservation of the Park City Survey, according to the Official Plat thereof, on file and of record in the office of the Summit County Recorder, and running thence South 21°33' West, along the Easterly line of said Block 74, Millsite Reservation of the Park City Survey, 77.30 feet; thence North 68°27' West, 91.87 feet to the centerline of the vacated Anchor Avenue; thence North 21°33' East, along said centerline of the vacated Anchor Avenue, 44.50 feet; thence South 68°27' East, 34.87 feet; thence North 21°33' East, 7.00 feet; thence South 68°27' East, 7.00 feet; thence North 21°33' East, 26.00 feet; thence South 68°27' East, 50.00 feet to the point of beginning.

PC-653

TAX ID

PC-653

EXHIBIT C-1

TO

EASEMENT AGREEMENT

Legal Description of Property

"Parcel 2 Construction Easement Area" referred to in the foregoing Easement Agreement is located in Park City, Summit County, Utah, and is more particularly described as follows:

Together with a temporary 20.0 foot wide construction easement over a portion of Lot 10 and Lot 11, Block 74, Millsite Reservation to Park City in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Summit County, Utah more particularly described as follows;

Commencing at the northeasterly corner of Lot 11, Block 74, Millsite Reservation to Park City and running thence along the westerly right-of-way of Daly Avenue South 21°33'00" West a distance of 6.50 feet to the point of true beginning; thence leaving said point of beginning and said right-of-way North 68°27'00" West a distance of 91.87 feet; thence North 21°33'00" East a distance of 20.00 feet; thence South 68°27'00" East a distance of 91.87 feet to a point on said right-of-way; thence continuing along said right-of-way South 21°33'00" West a distance of 20.00 feet to said point of beginning.

EXHIBIT C-2

TO

EASEMENT AGREEMENT

Legal Description of Property

"Parcel 2 Permanent Easement Area" referred to in the foregoing Easement Agreement is located in Park City, Summit County, Utah, and is more particularly described as follows:

A parcel of land for a 6.0 foot wide non-exclusive utility easement lying within Lot 11, Block 74, Millsite Reservation to Park City in the Northeast Quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Summit County, Utah more particularly described as follows;

Commencing at the northeasterly corner of Lot 11, Block 74, Millsite Reservation to Park City and running thence along the westerly right-of-way of Daly Avenue South 21°33'00" West a distance of 0.50 feet to the point of true beginning; thence leaving said point of beginning and continuing along said right-of-way South 21°33'00" West a distance of 6.00 feet; thence leaving said right-of-way North 68°27'00" West a distance of 91.87 feet; thence North 21°33'00" East a distance of 6.00 feet; thence South 68°27'00" East a distance of 91.87 feet to said point of beginning.

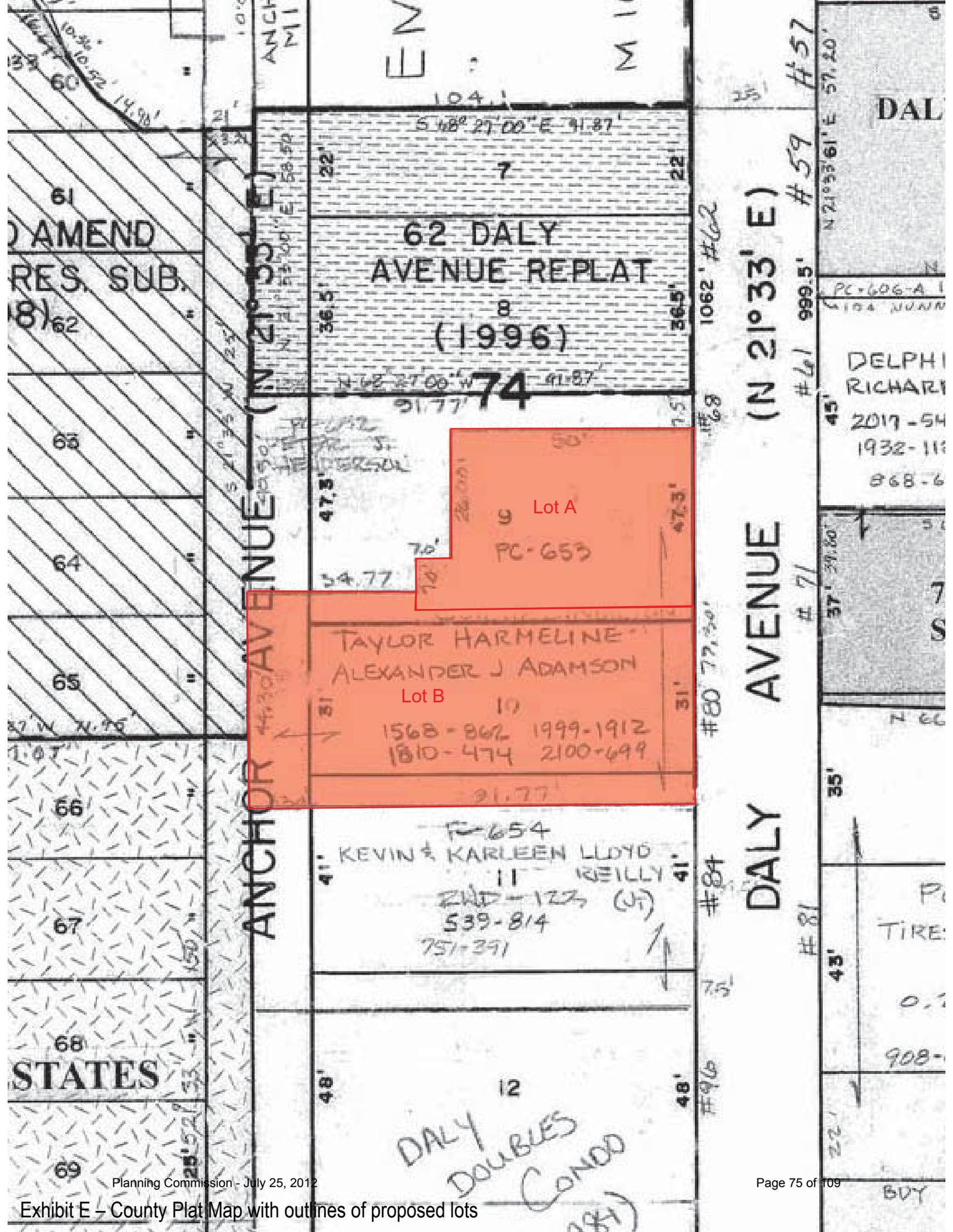
80 Daly Avenue Vicinity Map

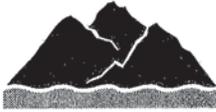


Planning Commission - July 25, 2012

Legend

-  Parcels
-  Streets





February 29, 2012

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

Subject: 80 Daly Avenue Subdivision
Plat Review

Dear Mr. Astorga,

The Snyderville Basin Water Reclamation District (SBWRD) has reviewed the referenced plat. We offer the following comments:

1. Based on information in our files, the private sewer lateral for the house located at 68 Daly Avenue runs from the structure to a public sewer line in Daly Ave. generally along the south side of the stairway located on the narrow portion of 68 Daly (see attached copy). Our information is not detailed enough to establish which property the lateral is actually located on. However, since the narrow portion of 68 daily is only 7.5 feet wide, there is a good possibility that a portion of the lateral crosses into the northerly portion of the new proposed lot.

This is an issue between the owners of the two properties since the sewer lateral is private property. SBWRD has no standing on the issue other than to assure that 68 Daly Ave. is not cut off from wastewater service. To address the sewer lateral issue on the plat we will require that one of the following actions be taken:

- (1) Physically locate the lateral (we recommend this option)
 - (a) If the lateral is totally located on 68 Daly, no further action would be needed.
 - (b) If any portion of the lateral is located on the proposed 80 Daly Ave. lot, provide an easement on the new lot for the lateral. The easement would be granted for the benefit of 68 Daly and would describe the rights and responsibilities associated with the easement.
 - (c) If the location of the lateral would require the lateral to be re-routed when a house is built on the new lot, have the owners of the two properties determine and agree now how that re-route would occur and at whose cost. Included in that agreement would be an easement on the new lot for the re-routed lateral.
- (2) Place the following note on the plat:

"A private sewer lateral serving the home at 68 Daly Avenue may cross the northerly portion of Lot _____. Rerouting this lateral around new construction on the lot may be required".

The intent of this note is to advise future owners of the lot that the situation with the sewer lateral exists.

The owner of 68 Daly should be advised of whatever action is taken.

2. The plat indicates a Sewer Easement across the proposed southerly subdivision boundary, referenced as Entry 404051. This is an easement for a private sewer lateral granted in 1984 to a property that has since been re-platted and connected to the public sewer system by a different route. The easement is, therefore, no longer needed. However, since the easement was granted to a private property owner, the easement would need to be abandoned by the private property owner.

Please have the applicant contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "B. D. Atwood", with a long horizontal flourish extending to the right.

Bryan D. Atwood, P.E.
District Engineer

Cc: Jonathan DeGray, Architect
Alliance Engineering
Polly Samuels McLean, Assistant City Attorney
Plat Review File

Exhibit G – Daly Avenue Study (May 2012)

Daly Avenue Study (May 2012)

House No.	Living Area	Basement Area	Attached/Built-in Garage Area	Unattached Improvements	Overall House Size (sq. ft.)	Lot Area (acres)	Lot Area (sq. ft.)	Maximum Footprint allowed per the LMC according to lot area	Use	Historic
10	2,218	597	406		3,221	0.13	5,663	2,060	SFD	Significant
17-19	4,590				4,590		5,140	1,925	Duplex	
24	1,022				1,022	0.07	3,049	1,285	SFD	Significant
25	2,110	824	461		3,395	0.07	3,049	1,285	SFD	
32	4,357				4,357		3,770	1,525	Multi - 4 units	
37	2,907		369		3,276	0.10	4,356	1,705	SFD	
40	4,365				4,365		4,693	1,803	Multi - 4 units	
45						0.08	3,485	1,433	Vacant	
48	4,365				4,365		4,094	1,626	Multi - 4 units	
51	2,195		456		2,651	0.11	4,792	1,830	SFD	
55						0.06	2,614	1,128	Vacant	
56	4,468				4,468		3,337	1,383	Multi - 4 units	
57	2,111	310	290		2,711	0.06	2,614	1,128	SFD	
59	2,159	1,023	286		3,468	0.07	3,049	1,285	SFD	
61	861			72	933	0.10	4,356	1,705	SFD	Landmark
62-64	2,678	812			3,490		5,374	1,987	Duplex	
68	1,521				1,521	0.05	2,178	964	SFD	
71	816				816	0.10	4,356	1,705	SFD	Significant
80						0.13	5,663	2,060	Vacant	
81						0.22	9,583	2,796	Vacant	Significant
84	635			158	793	0.08	3,485	1,433	SFD	
96 #1&2	4,018				4,018		4,218	1,664	Duplex	
96 #3&4	4,018				4,018		4,218	1,664	Duplex	
97	1,214				1,214	0.19	8,276	2,599	SFD	Significant
100						0.07	3,049	1,285	Vacant	
102	2,652	1,111			3,763	0.10	4,356	1,705	SFD	
103-105	3,027				3,027		4,500	1,747	Duplex	
109						0.05	2,178	964	Vacant	
110	2,101	567	420		3,088	0.08	3,485	1,433	SFD	
111/115	3,708		736		4,444		5,600	2,044	Duplex	
118	2,875	1,070	492		4,437	0.11	4,792	1,830	SFD	Landmark
121/125	3,748		800		4,548		5,600	2,044	Duplex	
124						0.06	2,614	1,128	Vacant	Significant
130	1,926	465	399		2,790	0.09	3,920	1,573	SFD	
131	746				746	0.08	3,485	1,433	SFD	Landmark
135	1,702				1,702	0.07	3,049	1,285	SFD	
136	1,734	156	409		2,299	0.08	3,485	1,433	SFD	
139	4,130				4,130		3,820	1,541	Duplex	
141	3,821				3,821		4,780	1,827	Duplex	Landmark
142	1,262		486		1,748	0.11	4,792	1,830	SFD	
145	2,388				2,388	0.09	3,920	1,573	SFD	Landmark
146	2,146		713		2,859	0.11	4,792	1,830	SFD	
156	1,204		416		1,620	0.08	3,485	1,433	SFD	
157	1,882		252		2,134	0.06	2,614	1,128	SFD	
161	1,287				1,287	0.08	3,485	1,433	SFD	Significant
162	794				794	0.11	4,792	1,830	SFD	Landmark
166	1,112				1,112	0.10	4,356	1,705	SFD	Landmark

167	3,826	1,749		5,575	0.16	6,970	2,356	SFD	Significant
172	542			542	0.06	2,614	1,128	SFD	Significant
173	1,217		380	1,597	0.11	4,792	1,830	SFD	Significant
180	739			739	0.12	5,227	1,948	SFD	Significant
187	2,522			2,522	0.08	3,485	1,433	SFD	Significant
191	2,611		338	2,949	0.09	3,920	1,573	SFD	Significant
199	1,521			1,521	0.13	5,663	2,060	SFD	
200	1,895	210	483	2,588	0.10	4,356	1,705	SFD	
203	1,092			1,092	0.13	5,663	2,060	SFD	
207/209	2,315			2,315	0.10	4,356	1,705	Duplex	
210/212	3,256			3,256	0.17	7,231	2,408	Duplex	
214	1,750	598		2,348	0.06	2,614	1,128	SFD	
220-222	3,082			3,082		6,204	2,189	Duplex	
234	2,030	430	473	2,933	0.18	7,841	2,523	SFD	
239	890		451	1,341	0.14	6,098	2,165	SFD	Significant
240	1,800			1,800	0.20	8,712	2,670	SFD	
243	609	759		1,368	0.06	2,614	1,128	SFD	Landmark
249	1,808		273	2,081	0.07	3,049	1,285	SFD	
250	1,922			1,922	0.10	4,356	1,705	SFD	
255	1,334			1,334	0.11	4,792	1,830	SFD	Significant
257					0.11	4,792	1,830	Vacant	Significant
260	1,800			1,800	0.21	9,148	2,736	SFD	
269	805		194	999	0.17	7,405	2,442	SFD	Landmark
270	1,800			1,800	0.13	5,663	2,060	SFD	
279	842			842	0.19	8,276	2,599	SFD	Landmark
280					0.24	10,454	2,905	Vacant	
291	2,307		234	2,541	0.15	6,534	2,263	SFD	Significant
295					0.09	3,920	1,573	Vacant	
297	3,436		331	3,767	0.19	8,276	2,599	SFD	Significant
313	2,603		480	3,083	0.19	8,276	2,599	SFD	Significant
314	884			884	0.17	7,405	2,442	SFD	Landmark
319			335	335	0.20	8,712	2,670	Accessory unit	
325	2,792	1,838	378	5,008	0.17	7,405	2,442	SFD	
329	2,684	1,673	433	4,790	0.17	7,405	2,442	SFD	
330					0.09	3,920	1,573	Vacant	
331					0.09	3,920	1,573	Vacant	
336					0.08	3,485	1,433	Vacant	
337					0.09	3,920	1,573	Vacant	
345	2,289		418	2,707	0.09	3,920	1,573	SFD	
353	2,362		400	2,762	0.09	3,920	1,573	SFD	
361	1,486		252	1,738	0.11	4,792	1,830	SFD	
369					0.11	4,792	1,830	Vacant	

	<u>House Size</u>	<u>Lot Size</u>	<u>Footprint</u>
Lower Daly	2,676	4,382	1,673
Lower Daly- Historic	1,984	4,573	1,736
Upper Daly	2,145	5,927	2,048
Upper Daly- Historic	1,795	6,631	2,230
Historic only	1,966	5,362	1,919
Average:	2,532	4,868	1,791

	<u>Lower Daly</u>	<u>Upper Daly</u>	<u>Overall</u>
House size to Lot size Ratio	0.61	0.36	0.52
House size to Max. footprint allowed Ratio	1.60	1.05	1.41
House size to Lot size Ratio (historic sites only)	0.43	0.27	0.37
House size to Max. footprint allowed Ratio (historic sites only)	1.14	0.81	1.02

Source: Summit County, Public Records, EagleWeb (Property), Retrieved by Francisco Astorga, Park City Planning Dept. May 2012

Exhibit H – April 11, 2012 Planning Commission meeting minutes

Planning Commission Meeting
April 11, 2012
Page 3

Commissioner Strachan asked if the City Council found that parking at the Sandridge lot was a viable mitigation factor. Ms. McLean answered no. She explained that the applicant had proposed two on-site parking spaces for renters, which would be part of the rental agreement. The City Council restricted the parking to those two spaces. Director Eddington clarified that two cars could park on the site given the scale of the driveway, and the applicant agreed to limit the rental units to two spaces.

Commissioner Strachan asked if there was any discussion among the City Council regarding enforcement. Director Eddington replied that enforcement was not a primary discussion; however, the City Council recognizes that any enforcement is a challenge with regard to parking. Assistant City Attorney McLean stated that the vote was split 3-2. Council members Simpson and Peek supported the Planning Commission.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

1. 80 Daly Avenue – Plat Amendment (Application #PL-12-01488)

Planner Francisco Astorga reviewed the application for a plat amendment at 80 Daly Avenue. The request was to combine part of Lot 9, all of Lot 10, and part of Lot 11 and the vacated right-of-way to the rear, into two lots of record in the HR-1 zone.

Planner Astorga identified several improvements on the existing structure at 68 Daly Avenue that encroaches on to the property at 80 Daly Avenue. He noted that the owner of 68 Daly Avenue could either work with the adjacent property owner to obtain an encroachment agreement, or remove the improvements from the lot.

Planner Astorga stated that a temporary construction easement exists over what was identified as Lot B for the benefit of the King Ridge Estates at 158, 162 and 166 Ridge Avenue. If approved, the drafted findings of fact acknowledge that a temporary easement exists, but that it would not be affected or changed by this plat amendment.

The Staff recommended that the Planning Commission forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval.

Chair Wintzer noted that the size of the lot would be considerably larger than other lots in the area. He asked if there were any restrictions on the house size that would be allowed on this property. Planner Astorga replied that there were no restrictions in the HR-1 District, other than the maximum footprint allowed by Code, which is based on the footprint formula. Chair Wintzer understood that the Planning Commission could restrict the size as a condition of the plat amendment. Assistant City Attorney McLean stated that they would have that ability based what they have done with previous applications and the analysis of house sizes on Daly.

Commissioner Hontz stated that one of her multiple concerns was that the square footage for the lot includes vacated Anchor Avenue. She asked what her fellow Commissioners thought about being

able to include that vacated portion to allow for a bigger footprint. She personally did not support it. Commissioner Hontz noted that in this particular situation that portion of the lot was very steep.

Commissioner Worel asked about the historic structure referenced in Conclusion of Law #1. Planner Astorga replied that it was not a historic structure and he had used the word 'historic' in error.

Commissioner Thomas thought it would be helpful to see the plat before and after side by side. He noted that the plat as revised was shown but there was no clear picture of what it looks like now. It was difficult for the Planning Commission to understand what they would be changing. Planner Astorga noted that the plat amendment shown on the screen and in the Staff report identified all the lot lines that would be removed, as well as the proposed lot lines. Commissioner Strachan suggested that the plat map on page 46 of the Staff report might help address Commissioner Thomas' concern. Planner Astorga stated that in the future the Staff could include the County plat map, like the one shown on page 46, and compare it next to the proposed plat.

Assistant City Attorney explained that the County plats are for taxation purposes and they are not always accurate. She agreed that it could be a helpful document, but they need to be aware that if there is a conflict between the plat map and the survey, the survey would control.

Commissioner Thomas clarified that he was only asking for a before and after comparison to see the difference. Chair Wintzer requested a better map that clearly defines property lines, encroachments, and other elements they need to understand.

Chair Wintzer opened the public hearing.

Carleen Riley, a resident at 84 Daly stated that she lives next door to the property line at 80 Daly Avenue. Ms. Riley wanted to know more about the plat amendment and what would be built.

Planner Astorga remarked that at this point the Planning Department had not received any plans. The area is zoned HR-1, which allows single family dwellings. The applicant was requesting a plat amendment to combine the lot into two lots of record.

Ms. Riley asked if that would allow two dwellings.

Planner Astorga replied that it could be duplexes under a conditional use permit reviewed by the Planning Commission. When the applicant is ready to move forward with a design, it would be subject to a Historic Design Review, which would trigger a notice to property owners within 100 feet.

Ms. Riley stated that her lot also encroaches on that property by approximately 60 inches. She did not build her house, but she was informed of that when it was surveyed years ago. When the owners decide to build, she would like some space between their structure and hers. She has 100 year old, 20-foot lilac bush that would be split in two. Ms. Riley was interested in knowing the details of whatever structure is built. She was opposed to steep slope construction and wanted guarantees that it would not occur.

Commissioner Thomas informed Ms. Riley that the design would not come before the Planning Commission unless a steep slope CUP is required. Otherwise, the use is reviewed administratively by Staff. Planner Astorga reiterated that a request for a duplex would require CUP approval. Director Eddington noted that an administrative review is still noticed to the public.

Director Eddington asked if there were any easements along the property adjacent to Ms. Riley. Jonathan DeGray, representing the applicant, believed it was a 6-foot utility easement. Ms. Riley stated that at one time the plan was to put all the power lines and sewer lines next to her house. However, she understood from looking at the drawings that the water and sewer lines would be on the other side. Mr. DeGray stated that there were no sewer lines. The sewer is serviced from above. A storm sewer would go through the Daly lot, but not sanitary sewer lines. He noted that Planner Astorga had that documentation from the Sewer District.

Commissioner Strachan asked if any portion of the lot could be built on that would not trigger a CUP. Mr. DeGray answered no. Commissioner Strachan clarified that regardless of what they build, the owners would have to submit their plans to the Planning Commission. At that point, Ms. Riley would be able to see the specifics details related to her questions this evening.

Chair Wintzer closed the public hearing.

Jonathan DeGray noted that the Staff report shows one large single parcel compromised of Lots 9 and 10, portions of 11 and the fragment right-of-way to the rear. He stated that currently Lots 9 and 10 are buildable without a plat amendment. The intent of the plat amendment is to clean up property lines and take care of the encroachments through easement agreements.

Commissioner Thomas remarked that there was an unusual situation of creating a flag lot out of the house behind Lot A, and nothing in the Code restricts that from occurring. Commissioner Thomas thought that should be considered in the future because it is an unusual condition. There is no way to for a vehicle to access the property, which creates a problematic situation for fire access and fire fighting. In addition, there is no parking and it lends itself to an eyesore condition. In this particular instance, if you drive in front of this property there would be three houses in a row off the street. Commissioner Thomas found it peculiar but totally within the law. Unfortunately it was a consequence of the Code. He would support the approval but he did not like it.

Chair Wintzer could not understand how that was parceled off that way in the first place. However, it was done a long time ago and it was out of the hands of this Planning Commission. Planner Astorga explained that he found a building permit issued in 1982 for the house showing that it had to be exact in configuration. He could not find the permit for the stairs. He also found record of a variance that was approved by the Board of Adjustment in 1982 to allow the owner to rebuild the house due to an incident with a water tank falling from King Road. The variance that did not necessitate parking areas on site. Carleen Riley provided the history of what happened that caused the water tank to fall.

Planner Astorga stated that planning and planning practices have changed since 1982, but he found the configuring of such lot, which was approved by the City, and then moved forward with a variance and the building permit.

Chair Wintzer was not concerned with the small lot. In terms of the big lot, he suggested doing a comparison of other structures on the street to make sure they would not be creating an oversized lot and structure for that area. Commissioner Strachan concurred. He noted that the large house above was an exception and it is not on Daly Avenue. Commissioner Strachan remarked that Daly Avenue has more historic heart than anywhere else in town and they need to make sure the compatibility requirement of the Code is met. The Commissioners concurred. Commissioner Hontz felt they had to do that to remain consistent with what they have asked of other applicants on Daly Avenue.

Commissioner Hontz remarked that in many cases when a plat amendment is requested to clean up one issue, the applicant identifies many others. It is not uncommon to have portions of roofs or landscaping or small portions of stairwells across property lines. In this case she found the significant amount of structures from 68 Daly that extends into these other properties to be concerning and problematic. If this plat amendment is approved it would further impact parking issues that are created off-site. She felt it was unfortunate that there was not better foresight in 1982 to see what problems they were creating for the neighborhood when they allowed 68 Daly to be built without parking. Chair Wintzer was unsure how that issue could be rectified, but they definitely need to look at the size of houses on the lots.

Commissioner Thomas suggested using the same study criteria that was used for 191 Woodside and 313 Daly Avenue.

MOTION: Commissioner Thomas moved to CONTINUE 80 Daly Avenue to May 9, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

**2. 12 Oak Court – Plat Amendment
(Application #PL-11-01-1491)**

Planner Matt Evans reviewed the application for a plat amendment to remove the lot line between Lots 35 and 36 of the Amended Plat of the Evergreen Subdivision to create one lot of record. The request is to combine two lots to create one new parcel. Planner Evans indicated a 30-foot wide ski easement for the benefit of Lot 36 to the Last Chance ski trail, which would be vacated as part of this subdivision.

Planner Evans reported that the applicant owns both parcels and the purpose for combining the two lots is to expand the existing home over the lot line. The existing lot line with a public utility easement would also be vacated.

Planner Evans stated that the actual square footage of the proposed addition was unknown; however the combined lots would allow the applicant to build an 11,250 square foot home. Under the existing conditions the existing house is 7,343 square feet, with a maximum of 7500 square feet. Planner Evans noted that combining the lots would reduce the density in the subdivision.

Exhibit I – May 9, 2012 Planning Commission meeting minutes

Planning Commission Meeting
May 9, 2012
Page 5

VOTE: The motion passed unanimously.

3. 543 Woodside Avenue – Steep Slope Conditional Use Permit
(Application #PL-12-01487)

Chair Wintzer opened the public hearing. There was not comment. Chair Wintzer closed the public hearing.

MOTION: Commissioner Pettit moved to CONTINUE the 543 Woodside Avenue Steep Slope conditional use permit to May 23, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

4. 7700 Marsac Avenue – Subdivision (Application #PL-10-01070)
5. 7700 Marsac Avenue – Condominium Conversion (Application #PL-10-01071)

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

MOTION: Commissioner Pettit moved to CONTINUE the 7700 Marsac Avenue subdivision and condominium conversion to a date uncertain. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. 80 Daly Avenue – Plat Amendment
(Application #PL-12-01488)

Chair Wintzer thanked Planner Astorga for including the purpose statement in his Staff report. It helps the Planning Commission focus on the zone.

Commissioner Pettit disclosed that she lives on and owns two properties on Daly Avenue at 239 and 243 Daly. Her ownership and residency would not influence her ability to be objective in this application.

Commissioner Hontz disclosed that she lives at 209 Daly Avenue, which is not in the vicinity or within the 300 feet noticing boundary of this property.

Planner Francisco Astorga reviewed the application for the 80 Daly Avenue subdivision. The Planning Commission reviewed this application on April 11, 2012 and continued the matter with direction to Staff to provide an analysis of the house sizes on Daly Avenue. The completed analysis was included in the Staff report.

The Staff had determined an overall average floor area of 2,532 square feet for the entire Daly Avenue neighborhood; and recommended putting a cap on the gross floor area of Lot B to match that average. Planner Astorga stated that Lot A, which is equivalent to an Old Town lot of 1875 square feet, yields a maximum footprint of 844 square feet. Calculating 844 square feet by three stories allowed by Code results in 2,532 square feet. Planner Astorga clarified that it was completely coincidental that the average number identified in the overall analysis was the same as one Old Town lot of record.

Planner Astorga stated that he had not received public hearing at the time the Staff report was prepared, but he was later approached by Brent Gold who represented Mr. Henderson, the owner of 68 Daly Avenue. Mr. Gold would be making comments during the public hearing on Mr. Henderson's behalf.

Jonathan DeGray, representing the applicant, reported that his clients did not agree with the Staff analysis. It is not a fair evaluation because the Staff only took the assessor records for each individual property and recorded the lot or building size and determined the average based on every single house and building on Daly Avenue. The analysis did not take into account what size home sits on what size lot, and whether it is a 3,000 square foot home on a 1875 lots or a 500 square foot home on three lots.

Mr. DeGray remarked that a more appropriate method would be to compare this property to like properties in size, and to the homes that are built on those properties in relationship to Lot B of the proposed subdivision. Lot B is slightly over 3800 square feet and is equivalent to the size of two lots. Based on the average, the Staff would propose that a single home on that lot would be the size of a home on a single lot. Mr. DeGray believed it was a product of a skewed analysis. Mr. DeGray requested a more fair evaluation of the property size in comparison to buildings on similar size properties.

Mr. DeGray stated that the analysis did not address the property size of 80 Daly Avenue. On 3800 square feet they are eligible for a duplex. The average size of the 14 duplex lots or multi-family units along the entire length of Daly Avenue is 3,980 square feet of living space. Mr. DeGray noted that his client has not presented a specific plan, but the lot is large enough to sustain a duplex under the Code. However, under the Staff evaluation it would be placed as a single-family without further discussion. His clients would like the ability to build a duplex if they decide to and their property should be compared to other properties on Daly Avenue that are similar in use and size, which would be all the other multi-family units.

Mr. DeGray noted that the analysis says that the buildings should be 2532 square feet in gross area, including a garage. He stated that the current configuration of the parcel, without the plat, contains Lot 9 and 10. Lot 10 is the larger building lot currently being discussed. His clients would like to build on that lot and would like some incentive to move forward with the plat. The idea of being limited to 2500 square feet of gross area is not an incentive, because the lot in its current configuration would yield a larger home without a plat amendment. Lot 9 contains 2,252 square feet. On the proposed plat it would contain 1875 square feet. Lot 10 contains 2,449 square feet. On the proposed plat it would contain 3,893 square feet. Without the plat amendment, Lot 10 would yield a home approximately 2700-2800 square feet. As proposed by Staff, that would be reduced to

2,555. Mr. DeGray stated that under the current guidelines the larger lot with a plat amendment at 3,893 square feet would yield a footprint of 1,564 square feet.

On behalf of his clients, Mr. DeGray proposed to look at Lot B and offered to remove the Anchor Avenue vacation area, which is 554 square feet, from the area calculation. That would reduce the footprint from 1564 down to 1384. It would reduce the potential building size to 3200-3300 square feet gross area, including the garage. The living space of the home would be approximately a 2800 square foot house and a two-car garage at 400 square feet, which meets the City Code minimum size. In an effort to move forward, Mr. DeGray offered that proposal to the Planning Commission. He would like to move forward with design solutions using the reduced footprint, with the knowledge that it would come back to the Planning Commission as part of a Steep Slope CUP. Mr. DeGray pointed out that any building on Lot B would require a Steep Slope CUP. At that point he would be able to show compatibility or with appropriate mass and scale for the surrounding structures.

Commissioner Strachan referred to the numbers proposed by Mr. DeGray and understood that the 3900 was the total square footage of the structure that could be built under his analysis. Mr. DeGray was proposing a reduction capped at 3200-3300 square feet.

Mr. DeGray explained that his proposal is to not deal with a cap at this time, but to propose a reduced footprint on the property. Commissioner Strachan asked if Mr. DeGray would consider a square footage cap at a later time if the Planning Commission decides to approve the plat amendment. Mr. DeGray replied that because this would come back to the Planning Commission for a Steep Slope CUP, his clients were concerned that if they negotiate a reduced size with the plat amendment, it would be done again with the Steep Slope CUP. Mr. DeGray noted that he would have to meet the requirements of the Steep Slope CUP. Taking out the Anchor Avenue vacation reduces the footprint by a few hundred square feet. He believed that 1300 square feet of footprint would achieve a building size that works for his clients at approximately 3300 gross floor area and 2800 square feet net livable area. Based on the Staff analysis, Mr. DeGray believed those numbers fall within the realm of reasonable.

Commissioner Strachan asked Mr. DeGray if his clients would prefer not to do the plat amendment if they could not get the footprint they want on Lot B; and instead build two separate structures on two separate lots. Mr. DeGray clarified that without doing the plat amendment Lots 9 and 10 were still buildable lots. One lot is 2252 square feet and the other is 2400 square feet. Both lots are bigger than standard lot sizes and would yield larger homes. Since that would be an option without a plat amendment, Mr. DeGray requested a continuance so he could ask his clients what they would prefer in response to Commissioner Strachan's question. Mr. DeGray could not answer that question this evening; however, he did know that his clients were willing to take a reduction in footprint if the Planning Commission was willing to let them come forward with a Steep Slope CUP.

Chair Wintzer opened the public hearing.

Brent Gold introduced Pete Henderson, the owner of 68 Daly Avenue. Mr. Henderson has owned the property at 68 Daly Avenue for more than 40 years. The house that was originally on that property was the infamous water tank rollover house that was squashed when a water tank fell off a

truck and rolled down the hill and onto the house in 1980. Mr. Henderson constructed the existing house from the remnant of the original house. Mr. Gold stated that the house at 68 Daly Avenue is approximately 1950 square feet. It is a flag lot with a 7-1/2 foot flag pole coming up from Daly Avenue serving the house. The alleged encroachments that are spoken of in the Staff report have been there for over 30 years. Mr. Gold emphasized "alleged". The encroachment spoken about in the Staff report is identified as approximately 64 square feet. Mr. Gold thought the extent of the encroachment may be three or possibly four feet extending into the lot.

Mr. Gold stated that Mr. Henderson at 68 Daly Avenue is singularly is most affected by this proposed plat amendment. The structure allowed on Lot B would loom over Mr. Henderson's house to the south. The size and height of the Lot A structure would be a tower blocking his singular view corridor, which is to the Daly side of the street. Mr. Henderson is already blocked to a great extent upstream of Daly in the southerly direction.

Mr. Gold stated that Mr. DeGray believes that his proposal not to use the portion of Anchor Avenue would give Mr. Henderson a view corridor to the south. He pointed out that there is no view corridor because there is literally a vertical hill on that side due to the steepness of the slope. Mr. Gold noted that Mr. Henderson had several conversations with the applicants and suggested a number of proposals for how they could minimize the impacts. The 2500 square feet that Planner Astorga recommended is a step in the right direction; however, there is no consideration for this tower and the impact of literally blocking Mr. Henderson's house from the view corridor.

Mr. Gold noted that one of the conditions of approval is that the encroachment matter be resolved. Mr. Henderson had received no proposal from the applicant at this point regarding a resolution of the alleged encroachments. Mr. Gold stated that they were doing the best they could to keep open the channels of communication. A number of different options were on the table.

Mr. Gold encouraged a continuance if for no other reason than to try and further engage the petitioners in an attempt to come to some resolution. Mr. Gold encouraged the Planning Commission to become familiar with Lot A and the potential impacts before making any decisions regarding the plat amendment.

Mr. Gold noted that Mr. Henderson was out of town for the April meeting and did not receive his notice. He was notified by his neighbors. He was happy that the decision was continued in April to this meeting to allow him the opportunity to present his case. Mr. Gold stated that Daly Avenue is worth protecting what little of it is left and he asked the Planning Commission for their assistance.

Chair Wintzer understood that the encroachment issue was between the applicant and Mr. Henderson, and the Planning Commission could not get involved. Assistant City Attorney McLean stated that on a regular basis, part of what the City is trying to do with plat amendments and subdivisions is clean up encroachments and lot lines. As a regular course the City requires encroachments to be dealt with in some way. The condition of approval is typical in a plat amendment. Chair Wintzer clarified that the City requires it to be cleaned up by a condition of approval, but the Planning Commission does not get involved in how it is done. Ms. McLean replied that this was correct.

Chair Wintzer closed the public hearing.

Commissioner Pettit agreed that from a historic character and scale, Daly Avenue is one unique long street and a variety of structures have been built over time. The most important piece and element of Daly are the historic structures that continue to exist and hopefully will continue to exist into the future. The size and scale of those single level structures are very modest. In looking at the Staff analysis, she can see the range that exists; however with each study the average size continues to creep up and that causes her concern. They tend to get more structures on the higher end versus the existing historical structures that continue to be dwarfed through development.

Commissioner Pettit stated that in looking at the streetscape with respect to these lots and where they sit next to Carlene's property and historic properties across the way and beyond, she was concerned about the size of the structure that could be built on Lot B regardless of whether it is single family or a duplex.

Commissioner Pettit commented on some of the strange things that have happened along Marsac with some of the structures on the hill and the mining structures off of Ontario that were dwarfed. Even from a solar perspective, views were blocked by large structures that were compliant under the Code. When there is a property that sits in a unique manner, she has concerns about impacting that particular property. Commissioner Pettit was very concerned about how that would come into play in the context of either what is currently allowed or what would be allowed through a lot combination and subdivision. She appreciated that Mr. DeGray came back this evening with a proposal to further reduce the footprint for Lot B, but she was not convinced it was enough. Commissioner Pettit was also concerned about pushing that process into the Steep Slope CUP because the Planning Commission has less control in the CUP process than with the plat amendment in terms of trying to anticipate impacts and the desire to maintain the historic fabric of Daly and compatibility.

Commissioner Pettit stated that coming into this meeting she was inclined to consider adopting the conditions of approval recommended by Staff, but that was without understanding the impacts to 68 Daly Avenue, particularly of building to the maximum height on Lots A and B. Commissioner Pettit needed to better understand the impacts to see if other conditions would be appropriate in this context. She recognized that it was a difficult situation because without the plat amendment the owner still had two buildable lots that could potentially yield worse results.

Commissioner Hontz concurred with all of Commissioner Pettit's comments. She referred to page 103 of the Staff report and asked for clarification on the dimensions. Commissioner Hontz understood that the rectangle box shown was Lot 10, and that it did not include the additional square feet that extend from the bottom rectangle line to the bottom red rectangle line. Without a plat amendment, the lot that could be developed was everything within that black rectangle and not all the way down to Lot 64. Mr. DeGray replied that this was correct. He stated that the fragment of Lot 11 that Commissioner Hontz was indicating was approximately 6 feet. Planner Astorga explained that if the applicant proposed to build within the existing parameters, including the setbacks, a plat amendment would not be necessary because development would not cross any lot lines.

Commissioner Hontz pointed out that it would still exclude the Anchor Avenue portion. Planner Astorga remarked that Daly Avenue was platted differently than the typical 25' x 75' configuration.

Commissioner Hontz asked if a variance would be required for Lot 9. Mr. DeGray answered no. Planner Astorga remarked that everything owned by Mr. DeGray's client was identified in red and included Lots A and B. He stated that the County allows property owners to consolidate lots for tax purposes. Therefore, PC-653 was everything the applicant owns. Planner Astorga pointed out that Lot 10 was buildable as it currently exists. However, Lot 9 is not a lot of record. It is a portion of a lot that is shared with 68 Daly Avenue. He noted that in 1992 when Mr. Henderson built the structure at 68 Daly Avenue, a different policy was in place that did not require a plat amendment.

Assistant City Attorney McLean verified that Lot 9 would need to be remedied and made into two lots of record. At one point there was discussion about including 68 Daly Avenue as part of the plat amendment to clean up all the property lines. However, because it involves two different owners it was not something the City could mandate.

Planner Astorga stated that a letter was sent to Mr. Henderson prior to the two week noticing to begin that dialogue in early March. Planner Astorga clarified that his records show that the letter was sent to Mr. Henderson's listed address with the County and provided by the applicant.

Commissioner Hontz stated that when the Planning Commission approves a plat or a plat amendment, it should not create new problems. As currently configured, she believed the requested plat amendment would make things worse for 68 Daly Avenue and that entire portion of the street. Commissioner Hontz pointed out that only one buildable lot exists and everything else would need to be remedied through the plat amendment process. She preferred to see more solutions amenable to making both lots better fit the neighborhood character. She never considered Anchor Avenue as a viable square footage in the calculation due to its steepness and proximity to surrounding structures. The problems would be exacerbated if these properties were developed. Commissioner Hontz stated that there is a huge parking problem on Daly Avenue that these properties do not need to rectify, but they cannot make it worse.

Commissioner Strachan asked how the applicant came to own the part that goes on to Lot 11. Planner Astorga replied that it was unique to Daly Avenue. At one point there was a 5-7 foot shift in ownership on Daly Avenue where everyone owns a portion of another lot. Chair Wintzer explained that the shift occurred when the entire town was re-monumented in the early 1980's. Commissioner Strachan asked if anyone had spoken with the owner of Lot 11. Planner Astorga stated that Carlene owns Lot 11 and she provided input at the last public hearing.

Mr. DeGray was disappointed that his clients were not informed of the Staff's opinion that Lot 9 is not a lot of record. That issue should have been dealt with before they came back to the Planning Commission. Mr. DeGray stated that he assumed all along that Lot 9 was buildable. Planner Astorga clarified that he only came to that conclusion during the discussion this evening.

Chair Wintzer hesitated to continue an item without some type of direction from the Planning Commission. Assistant City Attorney McLean advised that if the Planning Commission did not need additional information, they should move forward.

Commissioner Pettit remarked that the applicant took issue with the Staff recommendations on the proposed conditions of approval. In addition, given the determination that Lot 9 is not a buildable lot, even if the Planning Commission moved forward with the proposal as presented with the Staff recommendations, she did not fully understand the impacts to Mr. Henderson's property.

Assistant City Attorney McLean explained that if the plat amendment were to move forward, it would create Lot A, which would be a lot of record. If Mr. Henderson ever requests a building permit, the City would require him to turn his metes and bounds parcel into a lot of record. Commissioner Pettit clarified that her concern was how a structure on Lot A would impact Mr. Henderson's property from the standpoint of view shed, solar access, etc. She would like to understand those impacts before making a decision to create a buildable lot.

Commissioner Hontz felt that was the point. If there is only one buildable lot, it would not be good cause to create more problems with a plat amendment. She shared Commissioner Pettit's concern that what happens on Lot A could impact the entire neighborhood. Commissioner Hontz was not willing to consider the conditions as conditions of approval because it was not consistent with her analysis that there is only one buildable lot. She was not comfortable creating two lots that impact everything around it without further discussion.

Director Eddington suggested that a topographic survey or a plat with contours in a 3D image might help. He asked Mr. DeGray if that was something he was willing to prepare. Mr. DeGray stated that he would ask his clients if they were interested in doing that. He pointed out that it would be totally fictitious at this point because there was no plan to build on Lot 9 and there was no building design.

Chair Wintzer stated that it would only need to be a block to get an idea of what it would look like. He concurred with his fellow Commissioners that they would not want to make the problem more arduous than what already exists. They would need to know what could go on those two lots before approving the plat amendment.

Planner Astorga clarified that that the Staff review found that there would be two lots of record with the plat amendment. Commissioner Pettit stated that the issue was what could be done today versus what the applicant was requesting to do. They were asking to have two buildable lots, and her concern was the impacts of Lot A on Mr. Henderson's property.

Mr. DeGray asked what type of abilities the Planning Commission would anticipate if they found the massing to be impactful on the property behind. Commissioner Pettit replied that one way would be a height restriction to mitigate the impact and still allow a structure to be built on the property. Planner Astorga suggested platting a buildable pad in an area that may mitigate the impacts. Commissioner Worel thought that would be helpful.

Mr. DeGray understood that the Planning Commission wanted to see a model or some type of 3D presentation to understand the massing and scale of the structure in relationship to the building behind. He asked if the Planning Commission as a group would feel comfortable approving the plat amendment once the model is presented.

Commissioner Pettit stated that personally she was not willing to move forward with the footprint restriction approach that was proposed on Lot B. She was more comfortable with the Staff's recommendation based on the streetscape and the surrounding structures, particularly Carlene's house which would be adjacent to the structure on Lot B, and the historic structures across the way. Commissioner Pettit wanted to see something more consistent with the pattern and the fabric of that part of the street.

Commissioner Strachan referred to the slide and the blue line that goes right through Carlene's house. He asked if that was an encroachment issue that the parties need to work out. Planner Astorga replied that it was not an encroachment. The Staff used the GIS and understood that the lines could be incorrect. They rely on the survey, which shows that it barely touches the structure but does not encroach.

Commissioner Pettit commented on the number of smaller homes on Daly Avenue that sit on fairly large lots. She suggested that the table of homes on Daly Avenue include the lot size associated with the house sizes. Commissioner Pettit stated that in the past there has been a pattern of limitation of gross floor area or house size on that street historically. Precedent has already occurred and she thought it might be helpful to flush that out.

Commissioner Pettit stated that the more information the Planning Commission has in terms of understanding the existing fabric and the size and scale helps them achieve something that is more equitable and compatible. In her mind it was still not perfect because it continues to push the average higher, but it is a method that has been used in similar applications with plat amendments.

MOTION: Commissioner Pettit moved to CONTINUE the 80 Daly Avenue plat amendment to the May 23, 2012 meeting. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

**2. 255 Deer Valley Drive – Conditional Use Permit for a Bed and Breakfast
(Application #PL-12-01504)**

Planner Astorga reviewed the application for a conditional use permit for a Bed and Breakfast at 255 Deer Valley Drive. The site is currently owned by Miriam Broumas; however, Christine Munro was in the process of purchasing the site for the purpose of operating a bed and breakfast. Mike Johnston was representing the applicant this evening

Planner Astorga reported that the applicant was proposing to have six bedrooms as nightly rentals for the bed and breakfast. The Staff analyzed specific criteria outlined in the Land Management Code and found that the proposal complies with the criteria for a bed and breakfast, as well as the conditional use permit. Planner Astorga pointed out that the applicant was also requesting a 448



City Council Staff Report

Subject: 313 Daly Avenue Subdivision Plat
Author: Francisco Astorga
Date: May 15, 2008
Type of Item: Administrative – Plat Amendment

PLANNING DEPARTMENT

Summary Recommendations

Staff recommends the City Council review the application, hold a public hearing and consider approving the 313 Daly Avenue Subdivision Plat based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance (Exhibit A).

Topic

Applicant: Russ & Kate Henry
Location: 313 Daly Avenue
Zoning: HR-1
Adjacent Land Uses: Residential
Reason for Review: Plat amendments require Planning Commission review and City Council action

Background

On February 4th, 2007 the City received a completed application for the 313 Daly Avenue Subdivision Plat. The property is located at 313 Daly Avenue in the Historic Residential (HR-1) zoning district of Park City. The proposed plat amendment combines two metes and bounds parcels (parcel 1 and parcel 2) in Block 74 of the Park City Survey into two (2) platted lots (Lot A and Lot B). The proposal is to combine the two parcels and create two new lots of record. The two parcels are located in a tandem configuration off Daly Avenue. There is an existing historic single family home on the front parcel. There are no existing structures on the rear parcel. Parcel 1 is approximately .20 acres and parcel 2 is approximately .19 acres.

The plat amendment will create two legal lots of record in a North/South configuration. The applicant has also submitted a Historic District Design Review application with the Planning Department for an addition to the existing Historic home. Included in the HDDR application is a preservation plan with details of moving the Historic home permanently onto Lot A of the 313 Daly Avenue Subdivision Plat. The addition as well as the Historic house will meet all current Land Management Code requirements. The Historic house currently sits on the proposed lot line. As currently configured parcel 2 may not be developed because there is no access to the parcel from a public right-of-way. It would also require a steep slope Conditional Use Permit due to existing topography of the lot.

This application was reviewed at the March 26, 2008 Planning Commission Meeting. During this meeting a motion was passed to continue this item to the April 23, 2008 Planning Commission meeting to allow Staff to come back to the Planning Commission with additional information on upper Daly Avenue. The requested information included a survey of Daly Avenue in terms of lot size, maximum footprint allowed, and square footage of each house.

Analysis

The proposed plat amendment would create two lots of record within the HR-1 zoning district. Staff has reviewed the proposed plat amendment and found compliance with the following LMC requirements for lot size:

	LMC Requirement	Proposed
Lot A Area	1,875 square feet minimum	8,241.1 square feet
Lot B Area	1,875 square feet minimum	8,636.6 square feet
Lot A Width	25 feet minimum	49.95 feet
Lot B Width	25 feet minimum	49.82 feet

Staff finds good cause for this plat amendment as it will create two legal lots of record. The proposed plat amendment would allow the owner to build an addition onto the home in the future. All future construction must comply with the LMC requirements for the HR-1 zone. The property is currently within the Flood Zone X. Under the current LMC the following site requirements would be allowed on the proposed new lots:

	Permitted
Height	27' maximum from existing grade
Front Setback	15' minimum
Rear Setback	15' minimum
Side Setback	5' minimum
Footprint	
Lot 1	2,593.2 square feet maximum
Lot 2	2,657.9 square feet maximum
Parking	None required for Historic House

Discussion

There is a mix of small Historic homes along Daly Avenue that may be affected by maximum building footprint allowed by the proposed two lots. The building footprint is calculated by the building footprint formula within the Land Management Code. The Planning Commission can recommend to the City Council to add a condition of approval limiting the building footprint, house size area, or developable area within the plat to mitigate the possible impacts of the neighborhood. On a previous proposal in the neighboring Historic Residential-Low Density district, a study was prepared showing lot size, maximum footprint

allowed, and square footage of each house. This survey showed that the floor area was approximately 141% of the maximum allowed footprint.

In response to the Planning Commission request on March 26th for further analysis, Staff prepared a survey of all properties on Daly Avenue. This survey has been attached to this staff report as Exhibit C. The survey shows the requested information according to Summit County public records accessed online through their EagleWeb Property search database. The study shows that the average square footage of all of Daly Avenue is approximately 137% of the average maximum footprint allowed and that the average square footage is 50% of the average lot size. In consideration of Upper Daly Avenue alone the average square footage is approximately 91% of the average maximum footprint allowed and the average square footage is 30% of the average lot size. Based on this analysis and previous Planning Commission recommendations to limit house size to be compatible with the surrounding neighborhood, the Planning Commission recommends putting a note on the plat to limit gross floor area, as defined by the LMC, to 115% of the average maximum footprint allowed. This limitation was based on the entire street analysis and on the upper Daly Avenue analysis, see table below.

	Max. Footprint Allowed	Gross Floor Area restriction per Daly Ave. ratio (137%)	Gross Floor Area restriction per upper Daly Ave. ratio (91%)	Gross Floor Area restriction recommended by Planning Commission (115%)
Lot 1	2,593.2 square feet	3,553 square feet	2,360 square feet	2,982 square feet
Lot 2	2,657.9 square feet	3,641 square feet	2,419 square feet	3,056 square feet

Development on the steep slope portion of the lots would require a Steep Slope Conditional Use Permit. A CUP is required for any structure in excess of 1,000 sq. ft. if said structure and/or access is located upon any existing slope of 30% or greater. A Steep Slope CUP review is subject to the following criteria: location of development, visual analysis, access, terracing, building location, building form and scale, setbacks, dwelling volume, building height, and height exception.

Duplexes in the HR-1 zone require a minimum lot size and approval by the Planning Commission of a Conditional Use Permit. The required minimum lot size for a duplex is 3,750 square feet. Duplex could potentially be built on these lots with a Conditional Use Permit.

During the April 23, 2008 Planning Commission meeting the application was reviewed with the requested additional study. The study was utilized to analyze the lot sizes, maximum footprint allowed, and square footage of each home along

Daly Avenue. The Planning Commission passed a motion to forward a positive recommendation to the City Council with an additional condition of approval to be added. The condition was a note to be added to the proposed plat indicating that the building footprint be restricted to areas of 30% slopes or less and that the gross floor area be calculated at 115% of the Daly Avenue Study average ratio. This means that Lot 1 will be restricted to a maximum gross floor area of 2,982 sq. ft. and Lot 2 will be restricted to a maximum gross floor area 3,056 sq. ft. (condition of approval no. 5 in draft ordinance).

Department Review

On February 26th, 2008 this project was discussed at an interdepartmental review meeting. Two issues regarding the existing Historic home were identified and resolved through placing conditions of approval on the plat application; A preservation plan for the historic home must be approved prior to plat recordation, and also, the existing historic home must be moved onto one of the proposed lots prior to plat recordation.

Notice

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

Public Input

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

Alternatives

- ... The City Council may approve the 313 Daly Avenue plat amendment as conditioned or amended; or
- ... The City Council may deny the 313 Daly Avenue plat amendment and direct staff to make Findings for this decision; or
- ... The City Council may continue the discussion on 313 Daly Avenue plat amendment.
- ... The City Council may remand the item back to the Planning Commission for specific discussion on topics and/or findings.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The parcel configuration would remain as two metes and bounds parcels at 313 Daly Avenue. As currently configured parcel 2 may not be developed because there is no access to the parcel from a public right-of-way.

Recommendation

Staffs recommends the City Council hold a public hearing and consider approving the 313 Daly Avenue plat based on the findings of fact, conclusions of law and conditions of approval as found in the following draft ordinance.

Exhibits

Exhibit A – Draft Ordinance

Exhibit B – Historic Building Inventory Sheet

Exhibit C – Daly Avenue Study

Ordinance No. 08-

**AN ORDINANCE APPROVING THE 313 DALY AVENUE SUBDIVISION PLAT,
AN AMENDMENT TO PARCELS 1 AND 2 LOCATED AT 313 DALY AVENUE,
PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 313 Daly Avenue have 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 March 26, 2008, to receive input on the plat amendment; and

WHEREAS, the Planning Commission, on April 23, 2008, forwarded a positive recommendation to the City Council; and

WHEREAS, on April 17, 2008, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 313 Daly Avenue Subdivision Plat.

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 313 Daly Avenue Subdivision Plat, as shown in the attachment 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 313 Daly Avenue.
2. The zoning is Historic Residential (HR-1).
3. The current configuration at 313 Daly Avenue is two tandem metes and bounds parcels of land (Parcel 1 and Parcel 2).
4. The proposed lot amendment combines the two existing metes and bounds parcels and creates two lots of record.

5. The Land Management Code requires a minimum lot width in the HR-1 District of 25'. The lot widths of the 313 Daly Avenue Subdivision Plat are 49.95 feet for lot A and 49.82 feet for lot B.
6. The Land Management Code requires a minimum lot area in the HR-1 District of 1,875 square feet. The lot areas of the 313 Daly Avenue Subdivision Plat are 8636.6 square feet for lot A and 8241.1 square feet for lot B.
7. The proposed maximum gross floor area calculations are compatible with the Daly Avenue Study.
8. The average square footage of all of Daly Avenue is approximately 137% of the average maximum footprint allowed and the average square footage of Upper Daly Avenue is approximately 91% of the average maximum footprint allowed.
9. Parcel 1 located in the front with access to Daly Avenue is flat and parcel 2 located in the back without any access to Daly Avenue and has steep slopes.
10. An existing historic home is located on the front parcel (parcel 1) of land.
11. The proposed lots create a snow storage easement 10 feet wide along the front property lines off Daly Avenue
12. A remnant parcel of land will not be created by this plat amendment.
13. Access to the lots is from Daly Avenue.
14. All findings within the Analysis section are incorporated within.
15. Access to parcel 2 is not currently available and is therefore unbuildable.

Conclusions of Law:

1. There is good cause for this Plat Amendment because it will create two lots of record from two metes and bounds parcels of land.
2. The Plat Amendment is consistent with the Park City Land Management Code complying with the minimum requirements for lot width and area.
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 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. The applicant may apply for an extension to this time limit if needed.
3. The Planning Department must approve a Preservation Plan for the movement of the existing Historic home prior to plat recordation.
4. The existing Historic home must be moved onto one of the proposed lots prior to plat recordation.
5. The plat must include a note indicating that the building footprint is restricted to

the portion of the lot that is less than 30% slopes and the gross floor area is calculated at 115% of the Daly Avenue Study average ratio, Lot 1 is restricted to a maximum gross floor area of 2,982 sq. ft. and Lot 2 is restricted to a maximum gross floor area of 3,056 sq. ft.

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

PASSED AND ADOPTED this 15th day of May, 2008.

PARK CITY MUNICIPAL
CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

Attachment 1 – Existing Conditions & Topographic Survey
Attachment 2 - Proposed Plat Amendment

Exhibit B – Historic Building Inventory Sheet

Park City Historic Property Inventory - 2007

ADDRESS: 309 Daly Avenue
PARCEL #: PC-636



15-11-12. DETERMINATION OF HISTORICAL SIGNIFICANCE
 ...It is hereby declared that all Buildings, Structures and Sites within Park City which substantially comply with the standards of review found in Section 15-11-[12](A), are determined to be Significant for the purposes of this Chapter.

(A) **STANDARDS OF REVIEW.** In determining the Historic Significance of the Property at the hearing, the HPB shall evaluate whether the Building, Structure or Site demonstrates a quality of Significance in local, regional, state or national history architecture, archaeology, engineering or culture, and integrity of location, design, setting, materials, and workmanship according to the following criteria:



Criteria	Evaluation
(1) The Building, Structure or Site is associated with events or lives of Persons Significant to our past; and/or	Yes, mining industry era.
(2) The Building, Structure or Site embodies the distinctive characteristics of a type, period or method of construction or that represent the work of a master; and/or	Yes, the structure embodies the distinctive characteristics: 1 1/2 -story, frame, modified hall-parlor (now a side passage), drop siding, full-width porch, porch elements.
(3) The architectural or historical value or Significance of the Building, Structure or Site contributes to the Historic value of the Property and surrounding Area; and/or	Yes, the historical and architectural value of the structure contributes to the significance of the property and area.
(4) The Building, Structure, or Site is at least fifty (50) years old, or has achieved Significance within the past fifty (50) years if the Property is exceptional importance to the community; and/or	Yes, c. 1905
(5) The relation of Historic or architectural features found on the Building, Structure or Site to other such features within the surrounding Area; and/or	Yes, the historic and architectural features are comparable to those on other significant sites in the surrounding area.
(6) Any other factors, including aesthetic, which may be relevant to the historical or architectural aspects of the Building, Structure or Site.	Typical mining era home in scale and massing.

In addition to on-site visual analysis, the following were consulted in determining substantial compliance with the standards of review found in Title 15, Chapter 11, Section 12 Determination of Historical Significance.

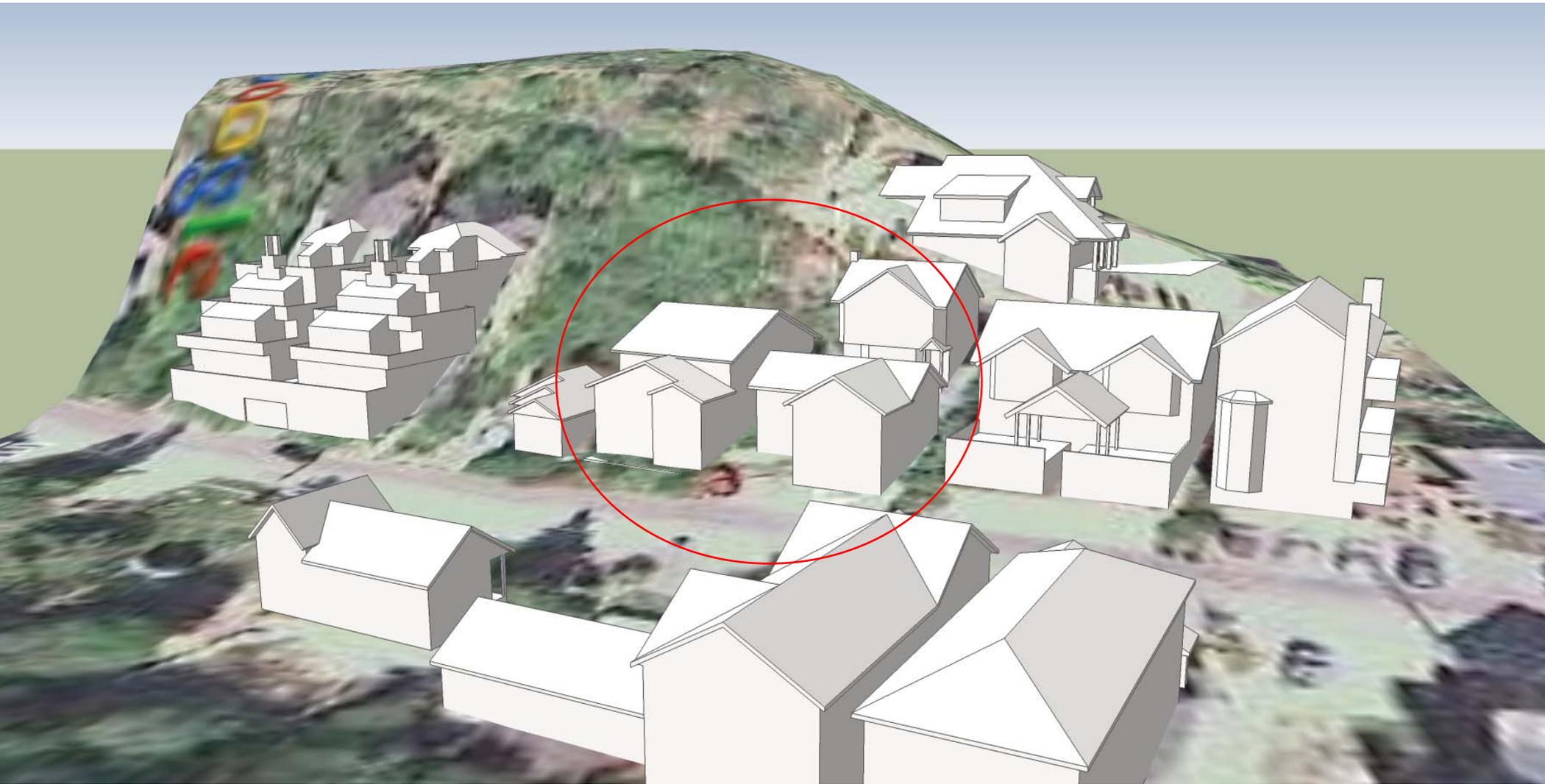
Tax Photo	Planning Office, in binder and @ SHPO
1982 Survey Evaluation	Qualified Contributory. No mention of accessory structures. Smaller one appears to have been moved from another location.
Permit Files	
SHPO ¹	Utah Historic Sites Database Record #57534. Listed at "313 Daly Avenue". No individual property file.
Tax Assessor	
PCHS&M ²	
Other	Virtually unchanged from date of the tax photo. Seems a hall-parlor may have been modified to a side passage and a rear addition made a simple side-gable form into a saltbox form. Unclear if changes were very early or originally built this way.

¹ State Historic Preservation Office

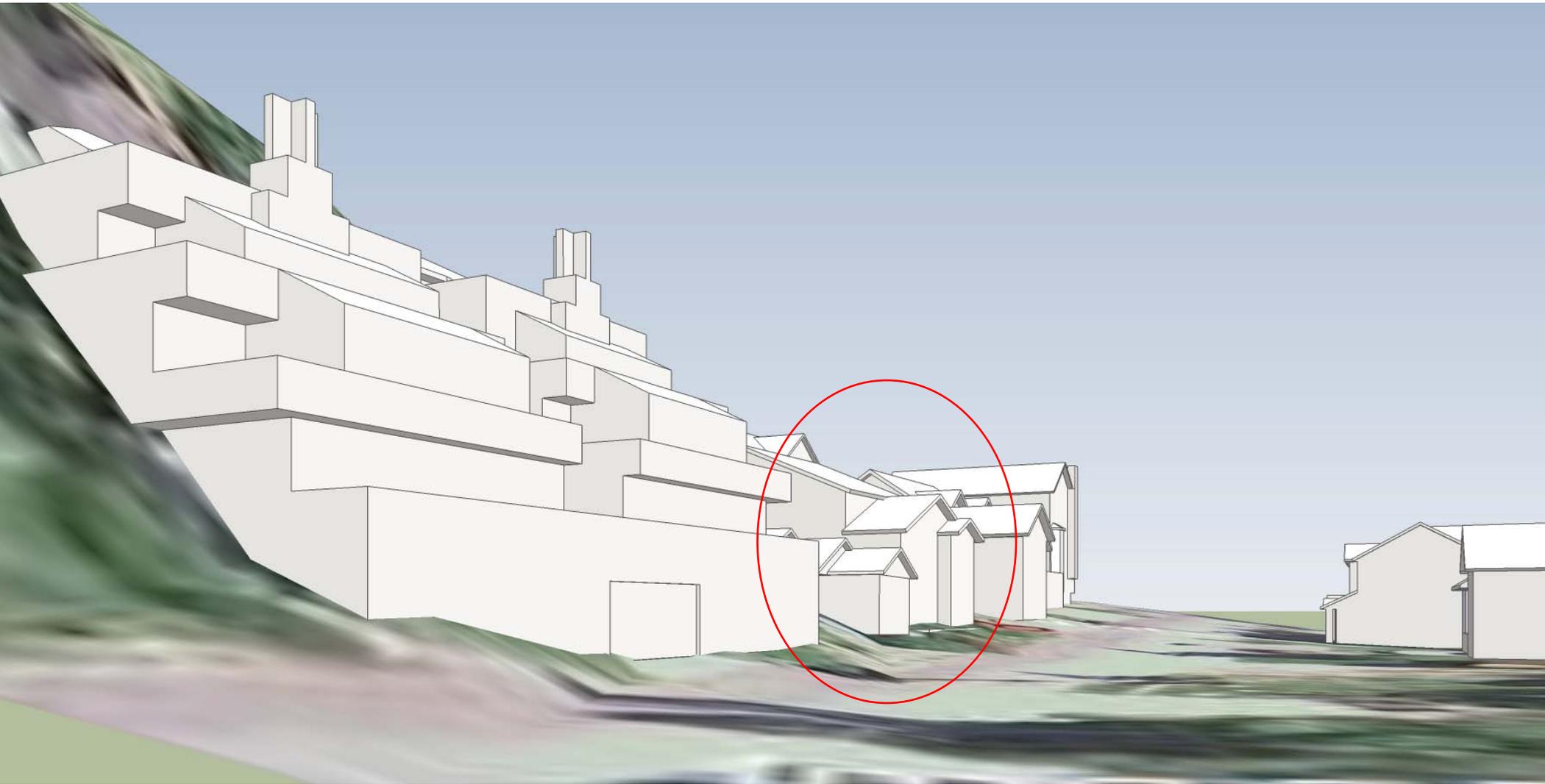
² Park City Historical Society and Museum

Prepared by Dina Williams-Blass

Exhibit K - 3D Model







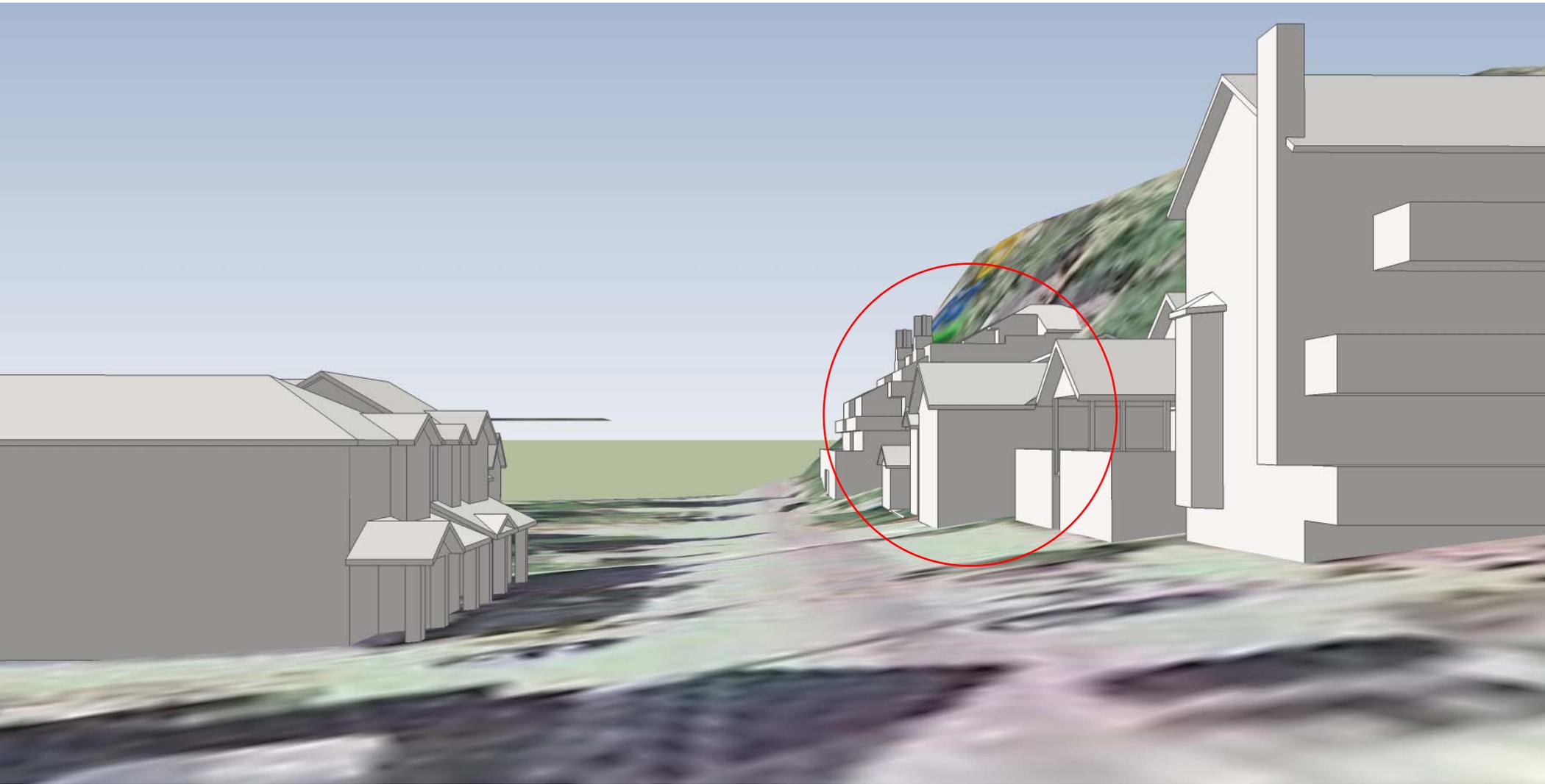
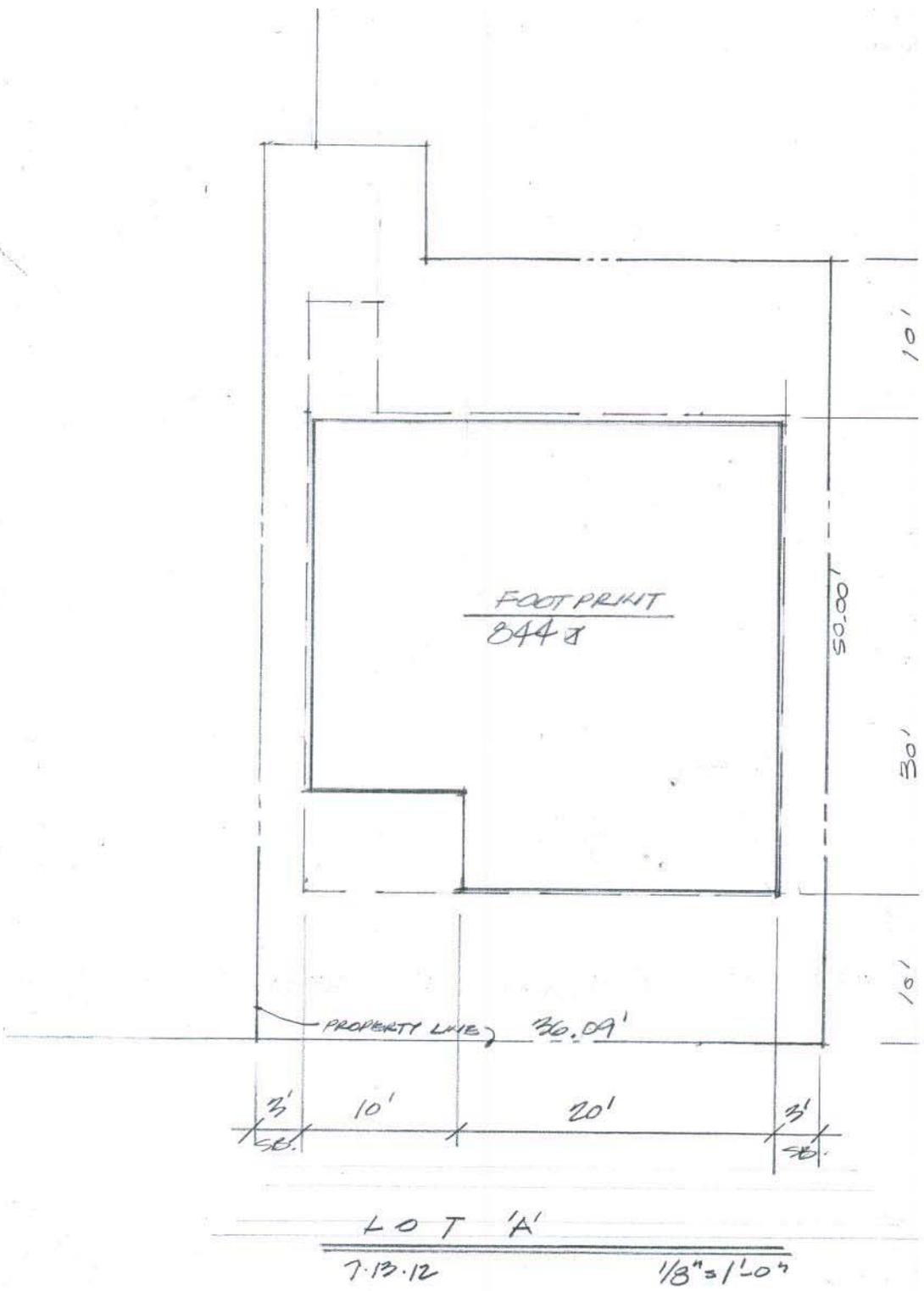
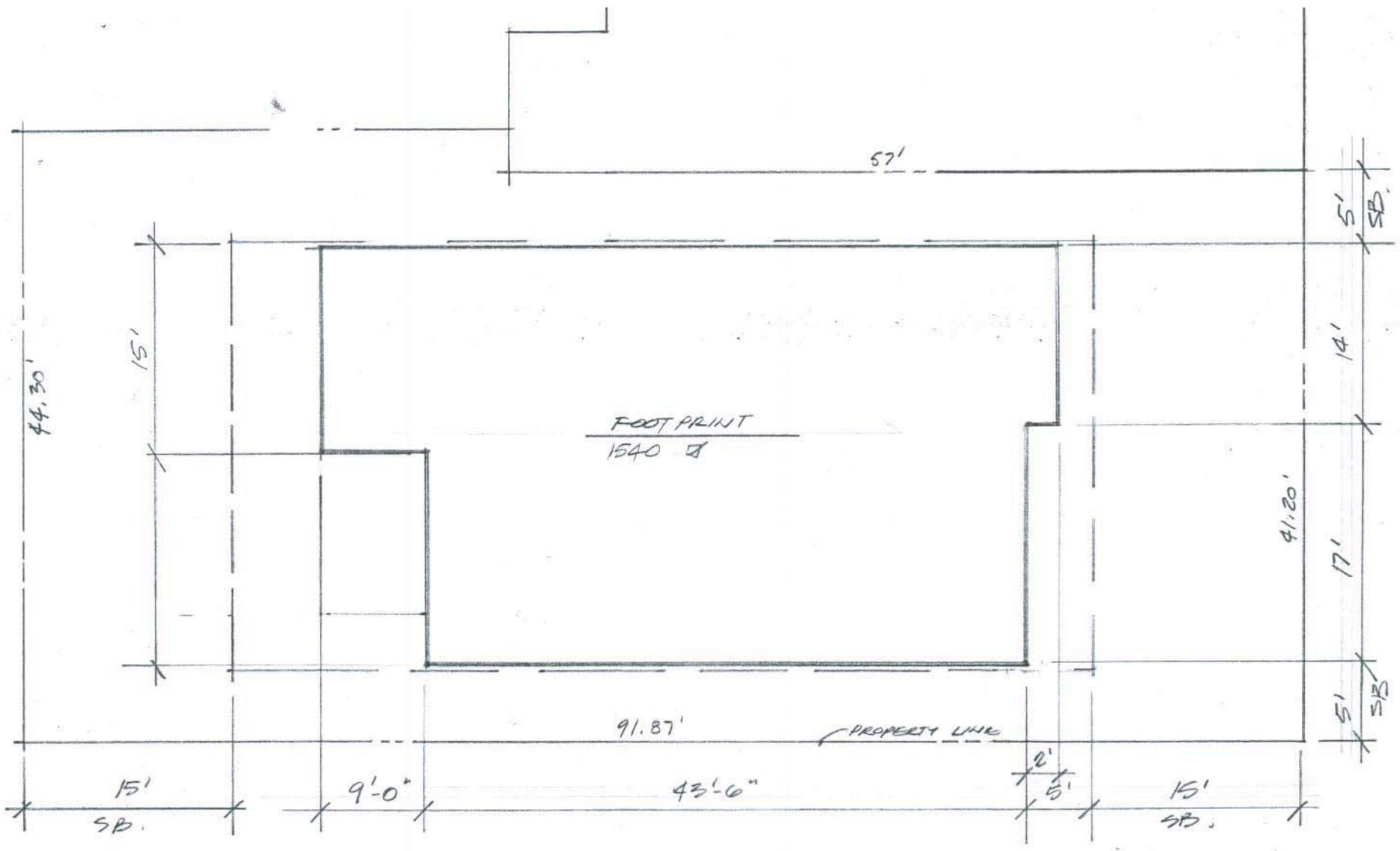




Exhibit L - Conceptual site plan & massing elevations.



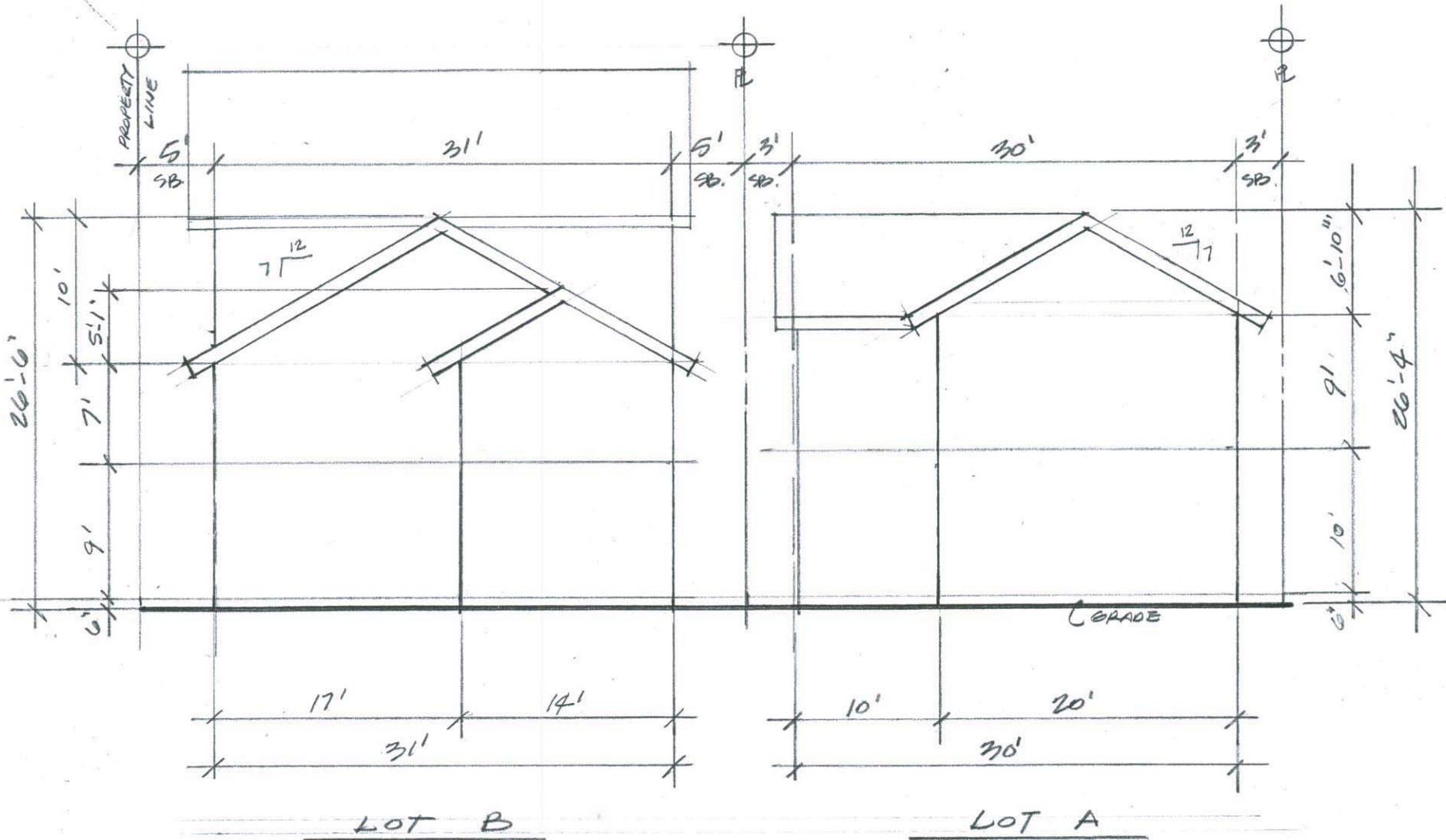


FOOT PRINT
1540 sq

LOT 'B'

713.12

1/8" = 1'-0"



MASSING ELEVATIONS

80 DALY AVE.