

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION**

CITY HALL, COUNCIL CHAMBERS
MAY 8, 2013



AGENDA

MEETING CALLED TO ORDER – 3:00 PM		<i>Pg</i>
WORK SESSION – Discussion items only, no action taken.		
1450/1460 Park Avenue – Conditional Use Permit	PL-13-01831	5
1450/1460 Park Avenue – Plat Amendment	PL-13-01830	
2024 Sidewinder Drive – Discussion of Conditions of Approval for Conditional Use Permit for a church	GI-12-00205	59
1024 Norfolk Avenue – Conditional Use Permit	PL-13-01853	65
ROLL CALL – 5:30 PM		
ADOPTION OF MINUTES OF APRIL 24, 2013		93
PUBLIC COMMUNICATIONS – Items not scheduled on the regular agenda		
STAFF AND BOARD COMMUNICATIONS/DISCLOSURES		
CONTINUATION(S) – Public hearing and continuation as outlined below		
1450/1460 Park Avenue – Conditional Use Permit	PL-13-01831	
1450/1460 Park Avenue – Plat Amendment	PL-13-01830	
<i>Public hearing and continue to a date uncertain</i>		
Land Management Code – Amendments to Chapter 15-5-4 (I) Lighting regarding changes to seasonal lighting	PL-13-01887	
<i>Public hearing and continue to a date uncertain</i>		
916 Empire Avenue – Steep Slope Conditional Use Permit	PL-12-01533	
<i>Public hearing and continue to May 22, 2013</i>		
REGULAR AGENDA – Discussion, public hearing, and possible action as outlined below		
2260 Jupiter View Drive, Parkview Condominiums – Amendment to Record of Survey	PL-12-01568	127
<i>Public hearing and possible recommendation to City Council</i>	<i>Planner Evans</i>	
Land Management Code – Amendments to Chapter 2.1, Chapter 2.2, Chapter 2.3, and Chapter 2.16 regarding Building Height	PL-13-01889	227
<i>Public hearing and possible recommendation to City Council</i>	<i>Planner Astorga</i>	
Land Management Code – Amendments to Chapter 2.1, Chapter 2.2, and Chapter 2.3, and Chapter 2.16 regarding underground Parking structures. Amendments to Chapter 2.18 regarding Prospector Overlay. Amendments to Chapter 6 regarding Master Planned Developments	PL-13-01888	279
<i>Public hearing and possible recommendation to City Council</i>	<i>Planner Whetstone</i>	
WORK SESSION – Discussion items only, no action taken.		
Discussion on Bonanza Park Area Plan and Form Based Code		385
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.

WORK SESSION

Planning Commission Staff Report



Subject: Green Park - Cohousing
Authors: Francisco Astorga & Anya Grahn
Project Number(s): PL-13-01831 & PL-13-01832
Date: May 8, 2013
Type of Item: Administrative - Plat Amendment & Conditional Use Permit Work Session Discussion

Summary Recommendations

Staff recommends that the Planning Commission review the proposed Plat Amendment and Conditional Use Permits (CUP) at 1450 / 1460 Park Avenue and provide feedback and direction to the applicant during the work session.

Description

Applicant: Green Park Cohousing represented by Jeff Werbelow and Craig Elliott, Elliott Workgroup Architecture
Location: 1450 and 1460 Park Avenue
Zoning: Historic Residential Medium Density (HRM) District
Adjacent Land Uses: Residential condominiums, as well as park and open space
Reason for Review: Plat Amendments require Planning Commission review and recommendation to City Council. CUPs require Planning Commission review and approval.

Proposal

The applicant requests to combine Lot 1 and Lot 2 of the "Retreat at the Park" Subdivision into one (1) lot of record in order to accommodate a proposed multi-unit co-housing project. Multi-unit dwellings require a CUP. Access to/from Sullivan Road AND a parking area with five (5) or more spaces also require CUP approvals.

The proposed project consists of ten (10) residential units including eight (8) units within a multi-unit dwelling and one (1) unit in each of the two (2) existing historic structures facing Park Avenue. The multi-unit dwelling is sited behind the two (2) existing structures. The proposed parking is accessed off Sullivan Road.

Summary Discussion

Staff requests that the Planning Commission provide feedback in input related to the following points:

- **Compliance with the Design Guidelines.** The applicant submitted a Historic District Design Review (HDDR) application concurrently with the CUP and Plat Amendment.

A CUP in the HRM requires compliance with the Design Guidelines. See Section I: LMC § 15-2.4-3 - CUP Review.

- **Compliance with parking requirements of Section 15-3. See Section I: LMC § 15-2.4-3 - CUP Review and Section II: LMC § 15-3 Off Street Parking.**

Staff finds various parking design items that are currently not in compliance with the regulations outlined within LMC § 15-3 related to off street parking.

- **Use:** According to LMC § 15-2.4-2(B) A Parking area or structure with five (5) or more spaces is a Conditional Use. A Parking area is defined as *an unenclosed Area or Lot other than a Street used or designed for parking*. **Does the Planning Commission agree with staff in that the proposal also falls under this category? If so, there are several parking lot design items that do not comply with specific criteria for parking area with five (5) or more spaces.**
- **Open Space requirement of 60%.** The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for Multi-Unit Dwellings. [...] Parking is prohibited within the Open Space. The LMC defines Landscaped Open Space as Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Building or Structures.

The applicant included the landscape area on green roofs in their open space calculation; otherwise the proposal will not be able to meet the required 60% open space. Does the Commission find that the green roof area is landscaped open space? See Section IV: LMC § 15-2.4-5 – Special Requirements for Multi-Unit Dwellings.

- **The Planning Commission may issue a Conditional Use permit (CUP) for Limited Access on Sullivan Road (“Driveway”).** “Limited Access” allowed includes, but shall not be limited to: An additional curb cut for an adjoining residential or commercial project; paving or otherwise improving existing Access; increased vehicular connections from Sullivan Road to Park Avenue; and any other City action that otherwise increases vehicular traffic on the designated Area.

The applicant requires more than limited access on Sullivan Road (Driveway). They are proposing four (4) driveways off Sullivan, two (2) of them are ten-and-one-half feet (10.5’) in width while the other two (2) are 29 feet in width. The driveways access six (6) garages doors as well as eight (8) parking spaces/driveways. See Section V: LMC § 15-2.49 - Sullivan Road Access.

Background

In 2009, the City purchased the properties at 1450 and 1460 Park Avenue with Lower Park Redevelopment Agency funds with the intent of an eventual affordable housing project. A Request for Proposal (RFP) was sent out in 2011 to solicit bids for the property and the bidding process was completed in early 2012. In March 2012, the City Council directed Staff to proceed with negotiations with Green Park Cohousing, LLC on the purchase of the property following their selection in the RFP process.

On February 7, 2013, the City received a Plat Amendment, a CUP, and Historic District Design Review (HDDR) applications. The HDDR application is concurrently being reviewed by staff. On March 15, 2013, these applications were deemed complete as all the submittal requirements were fulfilled.

Purpose

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

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

Analysis – Plat Amendment

Per LMC 15-2.4-4 Lot and Site Requirements, developments consisting of more than four (4) Dwelling Units require a Lot Area at least equal to 5,625 square feet plus an additional 1,000 square feet per each additional Dwelling Unit over four (4) units. The proposed Plat Amendment combines the two (2) platted lots of record into one (1) lot totaling 18,294.43 square feet (0.42 acres). The proposal consists of ten (10) units would require the minimum lot area to be 11,625 square feet.

The LMC requires minimum width of a Lot in the HRM to be 37.5 feet, measured fifteen feet (15') from the Front Lot Line. The proposed lot width along Park Avenue is approximately 109 feet and the proposed lot width along Sullivan Road is approximately 101 feet. The depth of the property varies from 172.1 feet along the north property line and 176.6 feet along the south property line (See Exhibit A – Plat Amendment Project Description, Exhibit B – Existing Subdivision, and Exhibit C – Proposed Plat Amendment).

Analysis – Conditional Use Review

The proposal requires three CUPs: (1) for a multi-unit dwelling; (2) for a parking area with 5 or more spaces; and, (3) access to/from Sullivan Road. See Exhibits D - CUP Project Description and Exhibit H - Proposed Plans.

Section I: LMC § 15-2.4-3 - Conditional Use Permit Review

LMC § 15-2.4-3 indicates that the Planning Director shall review any CUP Application in the HRM District and shall forward a recommendation to the Planning Commission regarding compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites. The Planning Commission shall review the Application according to CUP criteria set forth in LMC § 15-1-10, as well as the following:

[Note: Everything from here on reflects specific regulation outlined in the LMC. Anything in **bold** or *italicized* reflects staff review.]

- A. Consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites. **Does not comply**

This project does not comply with the Design Guidelines for a number of reasons:

- *Altering the topography of the site and raising the finished grade by three feet (3') with infill and raising the historic structure at 1460 Park Avenue more than two feet (2') contradicts the Design Guidelines.*
- *The new construction is not compatible with the surrounding neighborhood in terms of its roof form, as well as the size and proportions of windows and doors.*
- *The Design Guidelines also require the garage and parking areas to be subordinate to the character defining streetscape elements and to be buffered.*
- *Furthermore, the driveway widths may not exceed twelve feet (12').*
- *There are also inconsistencies between the Preservation Plan, Physical Conditions Report, and the submitted plans that staff is working with the applicant to resolve.*

- B. The Applicant may not alter the Historic Structure to minimize the residential character of the Building. **Complies.**

The applicant does not propose to alter the historic structures on site but to rehabilitate the two (2) so that non-contributing historic elements are removed. The residential character of the buildings will remain. Both structures will be used as individual co-housing units.

- C. Dedication of a Facade Preservation Easement to assure preservation of the Structure is required. **Complies as conditioned.**

Staff will recommend a condition of approval of the CUP that will indicate that the dedication of a Façade Preservation Easement for the two (2) existing historic structures shall be filed with the City to assure preservation of both of the aforementioned historic structures.

- D. New Buildings and additions must be in scale and Compatible with existing Historic Buildings in the neighborhood. Larger Building masses should be located to rear of the Structure to minimize the perceived mass from the Street. **Does not comply.**

The surrounding neighborhood contains historic and non-historic dwellings. Many of the historic residential structures have out-of-period additions constructed prior to the adoption of the 2009 Design Guidelines. To the north and south of the property, large multi-unit dwellings exist. The multi-unit co-housing dwelling does not complement the mass and scale of the two (2) historic cottages. The proposed design shows the new structure extending five feet (5') over the historic buildings. The Design Guidelines also specify that additions should be subordinate to the historic buildings, and this addition is larger in scale than the existing cottages. The mass and the scale of the new addition appears to overwhelm the two (2) historic structures due to its placement on the site.

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

The applicant intends to provide six (6) garage parking spaces at the rear of the property, facing Sullivan Road. An additional eight (8) parking/driveway spaces will be provided in tandem configuration to the garages.

The applicant also proposes to reshape the existing sidewalk and curb on Park Avenue as they are requesting to add five (5) on-street parking spaces. This proposal takes place over City right-of-way where it is reviewed and a recommendation is provided by the City Engineer. It has been determined by the City Engineer that he is not willing to approve this proposed on-street parking. A traffic study, prepared by a registered Engineer has not been submitted to the City.

Regarding LMC § 15-3, see each individual subsection for specific analysis under Section II: Off-Street Parking.

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

All of the vegetation will be either removed or affected by construction. The applicant shall submit a landscape plan in conjunction to his Historic District Design Review which is currently being reviewed by the Planning Department and shall mitigate the impacts of removed or removed vegetation.

- G. Required Fencing and Screening between commercial and Residential Uses is required along common Property Lines. **Not Applicable.**

The applicant does not change the use of the site from residential. The site is surrounded by residential uses except for off Sullivan Road where the City Park is located.

- H. All utility equipment and service Areas must be fully Screened to prevent visual and noise impacts on adjacent Properties and on pedestrians. **Complies as mitigated.**

The exact location of utility equipment has not been identified yet. This is normally done at building permit stage. The site shall be required to meet this criterion to prevent visual and noise impacts on adjacent Properties and on pedestrians.

Section II: LMC § 15-3 - Off-Street Parking

LMC § 15-3-3 General Parking Area and Driveway Standards

- A. Grading and Drainage. **Complies as conditioned.**

The City Engineer shall review and approve all appropriate grading and drainage plans for compliance with the City Standards precedent to building permit issuance. Grading and drainage shall comply with LMC § 15-3-3(A).

- B. Surfacing. Parking Areas and driveways must be Hard-Surfaced, maintained in good condition, and clear of obstructions at all times. **Complies.**

The current plans call for concrete parking areas/driveways.

- C. Parking Area Lighting. **Not Applicable.**

If the owner requests to add parking area lighting in the future it shall comply with any applicable criteria outlined within this specific provision.

- D. Parking Area Landscaping.

1. Size of parking area. A parking area is defined as five (5) spaces or more. Underground parking or parking structures are excluded from these provisions.

The proposed exterior parking area consists of eight (8) driveway/parking spaces approximately 1,800 square feet in size. From north to south, the proposed design intends to have an approximately 29' driveway, 5' landscaped area, 10' driveway, 7' concrete sidewalk, 10' driveway, 5' landscaped area, and 29' driveway. This parking area does not include the proposed six (6) garages.

2. Calculation of parking area. The parking area includes all spaces, aisles, and drives, as defined by the top-back of curb or edge or pavement.

For calculation of parking area, see section LMC 15-3-6 Parking Ratio Requirement for Specific Land Use Categories below.

3. Interior landscaping requirements in the GC, RCO, CT, and LI Zoning Districts. **Not applicable.**

The site is not located within these Zoning Districts.

4. Interior Landscaping in other Zones. Parking should generally be located to the rear of Buildings or screened so it does not dominate the Streetscape. Landscaped areas shall generally not be less than five feet (5') wide. **Does not comply.**

The applicant proposes to locate the parking completely behind the proposed multi-unit dwelling; however, the parking is not screened from Sullivan Road, which is also considered a Front Yard.

The applicant proposes four (4) landscaping areas adjacent to the driveway/parking spaces. From north to south, these areas are as follows: a 2.5' x 18' strip, two (2) 5'x21' strips of landscaping, and another 2.5' x 18' strip. These areas total approximately 309 square feet which equates to 17% interior landscaping.

5. Perimeter Landscaping. **Not applicable in the Historic District.**

E. Snow Storage.

Where parking availability will be affected by weather conditions, the Owner must provide adequate non-Hard Surfaced and landscaped snow storage Areas. Said snow storage Areas must be on-Site and equivalent to fifteen percent (15%) of the total Hard-Surfaced Area; including, Parking

Spaces, aisles, driveways, curbing, gutters, and sidewalks adjacent to each surface Lot in a usable, readily accessible location. Landscaping of these Areas shall accommodate snow removal and storage on-Site.

Complies.

The site contains 1,997.5 square feet of total hard-surfaced areas. The 309 square feet of interior landscaped areas equates to 15.5% of readily accessible snow storage.

F. Parking Space Dimensions.

1. [Exterior] Parking Spaces must be at least nine feet (9') wide by eighteen feet (18') long. **Complies.**

The six (6) exterior spaces in or adjacent to the driveways comply with this requirement, measuring ten feet (10') by twenty-five (25'). The two remaining exterior spaces measure nine feet (9') by eighteen feet (18').

2. ADA Parking Space width requirements vary and shall be consistent with current International Building Code standards. **Does not comply.**

No ADA parking spaces are currently proposed in the plans.

G. Street Access and Circulation.

Off-Street Parking Areas must have unobstructed Access to a Street or alley. The Parking Area design for five (5) or more vehicles must not necessitate backing cars onto adjoining public sidewalks, parking strips, or roadways. With the exception of permitted Tandem Parking, Parking Spaces shall be independently accessible and unobstructed. **Does not comply.**

The proposed parking layout requires that the vehicles back up onto the public roadway, Sullivan Road.

H. Driveway Widths and Spacing.

Residential Multi-unit dwellings and five (5) or more parking spaces require a minimum driveway width of eighteen feet (18'). The maximum driveway width is thirty feet (30'). **Does not comply.**

The parking area consisting of six (6) vehicles parked in their respective garages and eight (8) parking spaces/driveways consists of four (4) driveways measuring 10.5 feet and 28.5 feet in width. Furthermore, the Design Guides specify that driveways in the historic district shall be no more than twelve feet (12') in width. When two (2) conflicting regulations exist, Staff is required to abide by the more restrictive of the two (2).

In the Historic District, a minimum of ten feet (10') Spacing between driveways is recommended. Shared driveways are strongly recommended. **Does not comply.**

The northern-most driveway is four feet (4') from the existing driveway of the Struggler Building. The other three (3) driveways are separated by either a landscaped area of five feet (5') in width and an entry walkway of seven feet (7').

I. Tandem Spaces.

Parking designs, which necessitate parking one (1) vehicle directly behind another, not perpendicular to each other, are permitted only for Single Family Dwellings, Accessory Apartments, and Duplex Dwellings in all zoning districts. In any Zoning District where the Front Yard is twenty feet (20') or less, both Parking Spaces must be perpendicular to the Street, unless there is an adequate landscaped buffer between the Street and Parking pad, subject to review by the Planning Director.

LMC § 15-2.4-8(A) further clarifies that Tandem Parking is allowed in the Historic District. **Complies.**

J. Clear view of Intersecting Streets.

In all Zoning Districts, no obstruction is allowed in excess of two feet (2') in height above Street Grade on any corner Lot within the Site Distance Triangle.

A reasonable number of trees with lower branches pruned to six feet (6') to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by Administrative Permit. **Not applicable.**

K. Signs. **Not applicable.**

The applicant does not request any signage. Any future signs will be required to meet the sign code (Title 12 of the LMC).

L. Permit.

A Building Permit is required for construction of all non-bearing concrete flatwork, asphalt, and/or any Impervious Surface, regardless of area or amount of paving. This includes any repairs, alterations, modifications, and expansion of existing flatwork. **Complies as mitigated.**

Any work described herein shall be subject to its appropriate permit with the City.

LMC § 15-3-4 Specific Parking Area and Driveway Standards for [...] Parking Areas with 5 or more space, [...]. Discussion Requested.

LMC § 15-3-4(B):

1. All Parking Lots shall maintain the required Front and Side Yard as would be required for any Structure. **Does not comply.**

The site is a double frontage lot as the property line on both sides of the lot extends from Park Avenue to Sullivan Road. The proposed parking is located off of Sullivan Road. The proposal has eight (8) parking spaces on the front yard setback off Sullivan Road.

2. Wherever a Parking Lot or driveway to a Parking Lot is proposed to abut a Residential Use, the Applicant must Screen the Lot or drive. **Does not comply.**

The site is adjacent to two (2) residential sites to the north and the south. The proposal does not screen the parking spaces located off Sullivan Road.

3. Adjacent driveways must be separated by an island of the following widths: Multi-Unit Dwelling a minimum width of eighteen feet (18'); Commercial a minimum width of twenty-four feet (24'). **Does not comply.**

The site has four (4) driveways. None of the driveways meet this separation by an island of eighteen feet (18') including the northern-most driveway separation of the Struggler Building. The proposed separation are as follow from north to the south: four feet (4'), five feet (5'), six-and-one-half feet (6½'), and five feet (5').

4. Driveways must be at least ten feet (10') from any intersecting Right-of-Way (ROW). **Complies.**

The site is not near an intersecting ROW.

5. A geotechnical report must be submitted to the City Engineer providing recommendations on Parking Lot design and construction parameters. **Not applicable.**

At this time a geotechnical report has not been submitted to the City for review. No recommendations have been formally made by the applicant except for those proposed.

Note: The end of LMC § 15-3-4 indicates that the City Engineer may approve minor spacing and width deviations. At this time no deviations have been made by the City Engineer.

LMC § 15-3-5 [...] Private driveways within unbuilt [...] Streets. **Not Applicable.**

LMC § 15-3-6 Parking Ratio Requirement for specific Land Use Categories.

This section requires the following parking spaces per the size of each unit as found on the table below:

Use: Multi-Unit Dwelling	Parking Ratio (no. of spaces)
Apartment/ Condominium not greater than 1,000 sf. floor Area	1 per Dwelling Unit
Apartment/ Condominium greater than 1,000 sf. and less than 2,000 sf. floor Area	1.5 per Dwelling Unit
Apartment/ Condominium 2,000 sf. floor Area or greater	2 per Dwelling Unit

The site contains the corresponding unit size and parking ratio:

Unit	Size of unit	Parking Ratio
A	1,111 sf.	1.5
B	623 sf.	1.0
C	623 sf.	1.0
D	622 sf.	1.0
E	760 sf.	1.0
F	1,180 sf.	1.5
G	1,424 sf.	1.5
H	1,420 sf.	1.5
1450 Park Ave.	675 sf.*	-
1460 Park Ave.	611 sf.*	-
Total no. of parking spaces		10

*LMC § 15-2.4-6 indicates that Historic Structures that do not comply with Off-Street parking are valid Non-Complying Structures.

The LMC requires a minimum of ten (10) parking spaces. **Complies.**

The applicant proposes six (6) parking spaces located in each garage and also provides six (6) parking spaces on the driveway accessing each garage. The applicant also proposes two (2) other parking spaces located north and south of the shared driveway. All of these parking spaces are accessed off Sullivan Road. The applicant is proposing a total of fourteen (14) off-street parking spaces.

LMC § 15-3-7 Parking in Master Planned Developments and CUPs.

In MPDs and in review of CUPs, the initial parking requirement is determined by referring to the requirements for the Use and the underlying zone. The Planning Commission may reduce this initial parking requirement to prevent excessive

parking and paving. The Applicant must prove by a parking study that the proposed parking is adequate. **Not requested.**

The applicant does not request a parking reduction.

LMC § 15-3-8 Parking in the Historic District.

To encourage the location of parking in the Rear Yard and/or below Grade, the City allows common driveways along shared Side Yards to provide Access to parking if the Owner restricts the deeds to both Properties to preserve the shared drive in perpetuity. **Not requested.**

The applicant does not request the use of common driveway along shared side yards.

LMC § 15-3-9 Bicycle Parking Requirements.

New construction of Multi-Unit Dwellings must provide at least three (3) bicycle Parking Spaces or ten percent (10%) of the required off-Street Parking Spaces, whichever is greater, for the temporary storage of bicycles. **Complies as conditioned.**

Staff recommends that the applicant provides at least three (3) bicycle parking spaces.

LMC S 15-3-10 Off-street Loading spaces. **Not Applicable.**

Section III: LMC § 15-1-10(E) - Standard Conditional Use Review Criteria

Per LMC § 15-1-10(E) Review, the Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

1. Size and location of the Site. **No unmitigated impacts.**

The existing site is 18,294.438 square feet (0.42 acres). The proposal consists of ten (10) units, including the two (2) historic structures, which require a minimum lot area of 11,625 square feet. In terms of density, staff finds that the area is suitable for the number of units proposed.

The existing site is located on Park Avenue, which is a major residential collector street. The site is immediately surrounded by multi-family dwellings; however, there are a number of single-family historic structures within this neighborhood. The City Park is adjacent to the site to the east.

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

The applicant requests that all access to the site come from Sullivan Road. Please refer to Section V: LMC § 15-2.4-9 Sullivan Road Access.

3. Utility capacity, including Storm Water run-off. **No mitigated impacts.**

The applicant will have to accommodate the necessary utility capacity for a functioning project. The applicant is responsible for making these necessary arrangements. The applicant shall also be accountable for working with the many utility companies and City Engineer related to utility capacity. The utility capacity shall not adversely affect the project in a way that causes an unreasonable aesthetic look and feel.

4. Emergency vehicle Access. **No mitigated impacts.**

Emergency vehicles can easily access the project off Park Avenue and/or Sullivan Road and no additional access is required.

5. Location and amount of off-Street parking. **Discussion requested.**

Please refer to Section II: LMC § 15-3 - Off Street Parking above.

6. Internal vehicular and pedestrian circulation system. **Discussion requested.**

The applicant requests that all access to the site come from Sullivan Road. Please refer to Section V: LMC § 15-2.4-9 Sullivan Road Access

7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses. **Impacts not mitigated.**

Fencing, screening, and landscaping have not been proposed. LMC § 15-3-4(B)(3) indicates that whenever a parking Lot or driveway to a Parking Lot is proposed to abut a Residential Use, the Applicant must Screen the Lot or drive.

8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots. **Impacts not mitigated**

The surrounding neighborhood contains historic and non-historic dwellings. Many of the historic residential structures have out-of-period additions constructed prior to the adoption of the 2009 Design Guidelines. To the north and south of the property, large multi-unit dwellings exist. The multi-unit co-housing dwelling does not complement the mass and scale of the two (2) historic cottages. The proposed design shows the new structure extending five feet (5') over the historic buildings. The Design Guidelines also specify that additions should be subordinate to the historic buildings, and this addition is larger in scale than the existing cottages. The mass and the scale of

the new addition appears to overwhelm the two (2) historic structures due to its placement on the site.

9. Usable Open Space. **Discussion requested.**

Please refer to Section IV: LMC § 15-2.4-5 - Special Requirement for Multi-Unit Dwellings, open space.

10. Signs and lighting. **No unmitigated impacts.**

No signs and lighting are associated with this proposal. All future lighting will be subject to the LMC development standards related to lighting and will be reviewed for compliance with the LMC and Design Guidelines at the time of the building permit review. Any existing exterior lighting will be required, as part of this application, to be brought up to current standards.

11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing. **Impacts not mitigated**

Apart from its mass and size, the proposed design is not compatible with surrounding historic properties. The two (2) historic structures have roughly 4:12 pitched gable roofs; whereas, the new co-housing complex features a flat roof. The windows and doors do not conform to the recommended glazing patterns and proportions provided in the Design Guidelines. The proposed fiber board cladding does not necessarily relate to the wood cladding that will be restored on the historic cottages.

12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site. **No unmitigated impacts.**

The proposed use does not provide noise, vibration, odors, steam, or other mechanical factors that are not already associated within the HRM District.

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas. **Impacts not mitigated, not addressed on the site plan.**

The requested use is not associated with specific delivery and service vehicles similar to commercial uses. Trash and recycle pickup areas need to be identified.

14. Expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities. **No mitigated impacts.**

Expected ownership of the entire project is anticipated as a single entity (the Green Park Cohousing LLC) until the applicant files a Condominium Record of Survey to be able to sell each private unit individually.

Nightly rentals are an allowed use within the District.

15. Within and adjoining the Site, Environmentally Sensitive Lands, Physical Mine Hazards, Historic Mine Waste and Park City Soils Ordinance, Steep Slopes, and appropriateness of the proposed Structure to the existing topography of the Site. **Complies as mitigated.**

The site is not located within the Sensitive Lands Overlay District. There are no known physical mine hazards. The site is within the Soils Ordinance Boundary and the site will have to meet the Soils Ordinance. The site is not on any steep slopes and the proposal is appropriate for its topography.

Section IV: LMC § 15-2.4-5 – Special Requirements for Multi-Unit Dwellings

- A. The Front Yard for any Multi-Unit Dwelling is twenty (20') feet. All new Front-Facing Garages shall be a minimum of twenty-five feet (25') from the Front Property Line. All Yards fronting on any Street are considered Front Yards for the purposes of determining required Setbacks. **Complies.**

The proposed front yard setback off Park Avenue and Sullivan Road are 20 feet. The front-facing garages have been setback 25 feet from the Sullivan Road.

- B. The Rear yard for a Multi-Unit Dwelling is ten feet (10'). **Not applicable.**

This site is considered a double frontage lot per LMC 15-4-17 (D) which indicates the following: On those Lots, which border a Street on both the back and the front, both sides must have a front Setback, unless otherwise an exception by this Code.

- C. The Side Yard for any Multi-Unit Dwelling is ten feet (10'). **Complies.**

The proposed multi-unit dwelling meets the minimum side yard setbacks of ten feet (10').

- D. The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for Multi-Unit Dwellings. [...] Parking is prohibited within the Open Space. See Section 15-15 Open Space. **Discussion requested.**

The LMC defines Landscaped Open Space as Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Building or Structures.

Applicant provided specific open space calculations which include the following:

Area	Size	Percentage
<i>Landscaped</i>	<i>7,711</i>	<i>42.1%</i>
<i>Walkways</i>	<i>2,050</i>	<i>11.2%</i>
<i>Green roofs</i>	<i>2,088</i>	<i>11.4%</i>
	Total	64.7%

*The applicant included the landscape area on green roofs in their open space calculation; otherwise the proposal will not be able to meet the required 60% open space. **Does the Commission find that the green roof area is landscaped open space?***

Section V: LMC § 15-2.49 - Sullivan Road Access

The Planning Commission may issue a Conditional Use permit (CUP) for Limited Access on Sullivan Road (“Driveway”). “Limited Access” allowed includes, but shall not be limited to: An additional curb cut for an adjoining residential or commercial project; paving or otherwise improving existing Access; increased vehicular connections from Sullivan Road to Park Avenue; and any other City action that otherwise increases vehicular traffic on the designated Area.

The applicant requires more than limited access on Sullivan Road (Driveway). They are proposing four (4) driveways off Sullivan, two (2) of them are ten-and-one-half feet (10.5’) in width while the other two (2) are 29 feet in width. The driveways access six (6) garages doors as well as eight (8) parking spaces/driveways.

A. Criteria for Conditional Use Review for Limited access.

Limited Access is allowed only when an Applicant proves the project has positive elements furthering reasonable planning objectives, such as increased Transferred Development Right (TDR) Open Space or Historic preservation in excess of that required in the zone. **Does not comply.**

The applicant has not shown either of the two (2) listed examples: increased TDR open space or historic preservation in excess of that required in the zone.

B. Neighborhood Mandatory Elements Criteria.

The Planning Commission shall review and evaluate the following criteria for all projects along Sullivan Road and Eastern Avenue:

1. Utility Considerations.

Utility extensions from Park Avenue are preferred, which provide the least disturbance to the City Park and the public as a whole. **Comply as conditioned.**

At this time no utilities location have been identified by the applicant. The project will be conditioned to reflect that all utility extensions take place from Park Avenue to provide the lease disturbance to City Park.

2. Enhanced Site Plan Considerations.

These review criteria apply to both Sullivan Road and Park Avenue Street fronts:

- a. Variation in Front Yard and Building Setbacks to orient porches and windows onto Street fronts. **Discussion requested.**

Sullivan Road: The six (6) garages on the main level are on the same building plane currently meeting the minimum front yard setback of twenty-five feet (25'). The second and third stories have a pop-out feature overhang towards Sullivan Road which breaks up the mass.

Park Avenue: No change from the existing historic variation and orientation.

- b. Increased Front Yard Setbacks. **Does not comply.**

Sullivan Road: No increased front yard setbacks have been provided.

Park Avenue: No change from the existing historic setback.

- c. Increased snow storage. **Complies. Discussion Requested.**

*The applicant proposes 15.4% of snow storage. The Code requires 15%. **Does the Commission consider the 0.4% as significant enough for increased snow storage?** The 0.4% equates to 7.65 square feet.*

- d. Increased Transferred Development Right (TDR) Open Space, and/or preservation of significant landscape elements. **Does not comply.**

The applicant has not requested TDR open space or preservation of significant landscape elements.

- e. Elimination of Multi-Unit or Triplex Dwellings.

Discussion Requested. *The applicant requests to build a multi-unit dwelling containing eight (8) units.*

- f. Minimized Access to Sullivan Road. **Does not comply/Discussion Requested.**

The proposed project contemplates using all of its access from Sullivan Road and proposes four (4) driveways/parking areas that can

accommodate up to eight (8) vehicles which also access six (6) garages. There is no other access to the project anticipated, even though the property fronts onto Park Avenue. However, the preservation of the existing Historic Homes that both front onto Park Avenue, presents an argument for the primary access coming off of Sullivan Road.

g. Decreased Density. **Complies.**

The site is 18,294.43 square feet which can accommodate a total of sixteen (16) units in the form of a multi-unit dwelling. The applicant only requests a total of ten (10) units, eight (8) of which are in the form of the multi-unit dwelling.

3. Design Review under the Historic District Guidelines.

Use of the Historic District design review process will strengthen the character, continuity and integration of Single-Family, Duplex, and Multi-Unit Dwellings along Park Avenue, Sullivan Road, and Eastern Avenue. **Does not comply with the Guidelines.**

This project as currently proposed does not comply with the Design Guidelines. The size and mass of the new structure is significantly larger than the two (2) historic cottages. The flat roof, glazing patterns, and proportions of the windows and doors defy the Design Guidelines. Moreover, the garage and parking area is not subordinate to the design, nor is its visual impact been minimized. Driveways exceed twelve feet (12') as well.

4. Incorporation of Pedestrian and Landscape Improvements along Park Avenue, Sullivan Road, and Eastern Avenue.

Plans must save, preserve, or enhance pedestrian connections and landscape elements along the Streetscape, within the Development Site, and between Park Avenue and Sullivan Road. **Does not comply.**

There are no existing pedestrian connections or landscape elements along the streetscape, within the development site, or between Park Avenue and Sullivan Road. The proposal does not provide any pedestrian connections within the project between the two (2) roads.

5. Parking Mitigation.

Plans that keep the Front Yard Setbacks clear of parking and minimize parking impacts near intensive Uses on Sullivan Road are positive elements of any Site plan. **Does not comply.**

The proposal has eight (8) parking areas/driveways off Sullivan Road within the front yard setback area.

6. Preservation of Historic Structures and Landscape Features.
This Area consists of many Historic homes. The Owner's maintenance, preservation and rehabilitation of any Historic Structure and its corresponding landscaped Streetscape elements will be considered as positive elements of any Site plan. **Discussion Requested.**

The proposal includes the preservation of the two (2) historic structures.

Public Input

Staff has not received any public input regarding this CUP; however, Staff has received several comments from adjacent property owners regarding the HDDR application. See Exhibit F.

Summary Discussion

Staff requests that the Planning Commission provide feedback in input related to the following points:

- **Compliance with the Design Guidelines.** The applicant submitted a Historic District Design Review (HDDR) application concurrently with the CUP and Plat Amendment.

A CUP in the HRM requires compliance with the Design Guidelines. See Section I: LMC § 15-2.4-3 - CUP Review.

- **Compliance with parking requirements of Section 15-3. See Section I: LMC § 15-2.4-3 - CUP Review and Section II: LMC § 15-3 Off Street Parking.**

Staff finds various parking design items that are currently not in compliance with the regulations outlined within LMC § 15-3 related to off street parking.

- **Use:** According to LMC § 15-2.4-2(B) A Parking area or structure with five (5) or more spaces is a Conditional Use. A Parking area is defined as *an unenclosed Area or Lot other than a Street used or designed for parking*. **Does the Planning Commission agree with staff in that the proposal also falls under this category? If so, there are several parking lot design items that do not comply with specific criteria for parking area with five (5) or more spaces.**
- **Open Space requirement of 60%.** The Applicant must provide Open Space equal to at least sixty percent (60%) of the total Site for Multi-Unit Dwellings. [...] Parking is prohibited within the Open Space. The LMC defines Landscaped Open Space as Landscaped Areas, which may include local government facilities, necessary public improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Building or Structures.

The applicant included the landscape area on green roofs in their open space calculation; otherwise the proposal will not be able to meet the required 60% open space. Does the Commission find that the green roof area is landscaped open space? See Section IV: LMC § 15-2.4-5 – Special Requirements for Multi-Unit Dwellings.

- **The Planning Commission may issue a Conditional Use permit (CUP) for Limited Access on Sullivan Road (“Driveway”).** “Limited Access” allowed includes, but shall not be limited to: An additional curb cut for an adjoining residential or commercial project; paving or otherwise improving existing Access; increased vehicular connections from Sullivan Road to Park Avenue; and any other City action that otherwise increases vehicular traffic on the designated Area.

The applicant requires more than limited access on Sullivan Road (Driveway). They are proposing four (4) driveways off Sullivan, two (2) of them are ten-and-one-half feet (10.5’) in width while the other two (2) are 29 feet in width. The driveways access six (6) garages doors as well as eight (8) parking spaces/driveways. See Section V: LMC § 15-2.49 - Sullivan Road Access.

Recommendation

Staff recommends that the Planning Commission review the proposed Plat Amendment and Conditional Use Permits (CUP) at 1450 / 1460 Park Avenue and provide feedback and direction to the applicant.

Exhibits

- Exhibit A – Plat Amendment Project Description
- Exhibit B – Existing Subdivision
- Exhibit C – Proposed Plat Amendment
- Exhibit D – CUP Project Description
- Exhibit E – Proposed Plans
- Exhibit F – HDDR Public Comments

PROJECT DESCRIPTION

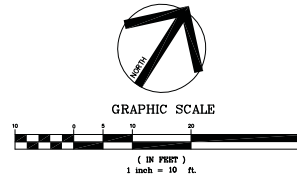
The intent of this project is to renovate a dilapidated but historically significant houses and to add a structure to house a co-housing group to the rear of the property. Currently, these houses sits on two single (Lot1 and Lot 2), long but narrow lots. The lots will be combined to create one lot for the entire project to reside in, effectively creating a multi-family housing project.

Original state restoration is the goal of the project. Several later, non-historic additions to the houses will be removed, as well as non-historic siding and decorative elements. Care will be taken to restore the existing houses to their original states, using as much material that can be reasonably salvaged from the restoration process. Many aspects of the original design of the houses will be determined upon restoration. Layers of additions and improvements have made it difficult to determine many aspects. Original location of the house will be preserved, however the elevation will be raised approximately two feet in conformance with a plan to mitigate flooding potential on the site.

Exhibit C – Proposed Plat Amendment

THE RETREAT AT THE PARK FIRST AMENDED

— A ONE LOT SUBDIVISION —
A PARCEL OF LAND LOCATED WITHIN THE SOUTHWEST QUARTER OF
SECTION 2, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH



STRUGGLER CONDOMINIUMS

CRAIG CONDOMINIUMS

LOT 1
18,294.43 S.F.
0.4200 AC.
455

SULLIVAN ROAD

PARK AVENUE
(66' PUBLIC RIGHT OF WAY)

LEGEND	
	FOUND ROAD MONUMENT
	SET REBAR WITH PLASTIC CAP "EVERGREEN ENG PLS 187788"
	FOUND REBAR WITH PLASTIC CAP "TRANCOM LS 4861"
	FOUND NAIL WITH WASHER "TRANCOM LS 4861"

XXX STREET ADDRESS

LEGAL DESCRIPTION

LOTS 1 AND 2, THE RETREAT AT THE PARK SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE, FILED AUGUST 16, 2007 AS #522375).

NOTES

1. THIS PLAT REPRESENTS AN AMENDMENT OF "THE RETREAT AT THE PARK SUBDIVISION", ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE, RECORDATION NUMBER 822375
2. RESIDENTIAL FIRE SPRINKLERS ARE REQUIRED FOR ANY EXPANSION.
3. NO REMNANT PARCEL CREATED HEREBY IS SEPARATELY BULDBABLE.

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT THAT I, THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, TO BE HEREINAFTER KNOWN AS "THE RETREAT AT THE PARK SUBDIVISION, FIRST AMENDED", CERTIFY THAT I HAVE CAUSED THIS SURVEY TO BE MADE AND THIS SUBDIVISION PLAT TO BE PREPARED. I DO HEREBY CONSENT TO THE RECORDATION OF THIS SUBDIVISION PLAT. ALSO, THE OWNER, OR HIS/HER REPRESENTATIVE(S), HEREBY IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF PARK CITY, ALL THE STREETS, LAND FOR LOCAL GOVERNMENT USES, EASEMENTS, PARKS AND RECREATION UTILITIES AND EASEMENTS SHOWN ON THE PLAT AND CONSTRUCTION DRAWINGS IN ACCORDANCE WITH AN IRREVOCABLE OFFER OF DEDICATION. THE OWNER ALSO DEDICATES TO PARK CITY MUNICIPAL CORPORATION, SNYDERVILLE BASIN WATER RECLAMATION DISTRICT, PARK CITY FIRE PROTECTION DISTRICT, A NON-EXCLUSIVE EASEMENT OVER THE DRIVEWAYS AND UTILITY EASEMENTS SHOWN ON THIS PLAT FOR THE PURPOSE OF PROVIDING ACCESS FOR UTILITY INSTALLATION, MAINTENANCE, USE AND EVENTUAL REPLACEMENT AND TO PROVIDE EMERGENCY SERVICES TO SAID "RETREAT AT THE PARK SUBDIVISION, FIRST AMENDED".

BY: DARRELL FINLAYSON
PRESIDENT

ACKNOWLEDGMENT

STATE OF UTAH, COUNTY OF SUMMIT, DARRELL FINLAYSON, PRESIDENT.

ON THE _____ DAY OF _____, 2013, PERSONALLY APPEARED

BEFORE ME, DARRELL FINLAYSON, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (or proven on the basis of satisfactory evidence) AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY

THAT HE/SHE IS THE REPRESENTATIVE OF GREENPARK CONDOMING LLC, AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER ON BEHALF OF SAID PARTNERSHIP, BY AUTHORITY OF ITS BOARD OF DIRECTORS (OR RESOLUTION OF ITS BOARD OF DIRECTORS), AND SAID DARRELL FINLAYSON ACKNOWLEDGED TO ME THAT SAID PARTNERSHIP EXECUTED THE SAME.

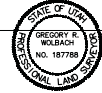
NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY, STATE _____

* Signifies In a Representative Capacity. An authorized officer, agent, partner, trustee, member or other representative may sign on behalf of their representative business, be it a corporation, partnership, trust, limited liability company or other entity providing they have been given authority to sign in their representative capacity. The notary must require the signer to present satisfactory documentary evidence and administer an oath or affirmation.

SURVEYORS CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187788, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREON DESCRIBED PROPERTY. I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, THIS RECORD OF SURVEY IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HEREBY PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

GREGORY R. WOLBACH



DATE: _____

SHEET 1 OF 1
PLOT DATE: FEBRUARY 4, 2013
DRAWING: RETREAT-PLAT-AMENDED.DWG

Evergreen Engineering, Inc.
Civil Engineering • Land Surveying • Land Planning
1870 Bonanza Drive • Suite 104
P.O. Box 2881 • Park City, Utah • 84060
Phone: 435.649.4667 • Fax: 435.649.9219
E-mail: office@evergreen-eng.com

CITY ENGINEER
THIS PLAT IS IN CONFORMANCE WITH INFORMATION ON FILE IN THE OFFICE OF THE PARK CITY ENGINEERING DEPARTMENT ON THIS DAY OF _____ A.D. 2013.
CITY ENGINEER _____

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____ A.D. 2013.
BY: _____
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION ON THIS DAY OF _____ A.D. 2013.
CHAIRMAN _____

APPROVAL AS TO FORM
APPROVED AS TO FORM ON THIS DAY OF _____ A.D. 2013.
CITY ATTORNEY _____

COUNCIL APPROVAL & ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS DAY OF _____ A.D. 2013.
MAYOR _____

CERTIFICATE OF ATTEST
I CERTIFY THIS WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 2013.
CITY RECORDER _____

RECORDED
N° _____
STATE OF _____
COUNTY OF _____
RECORDED AND FILED AT THE REQUEST OF: _____
COUNTY RECORDER _____

PROJECT DESCRIPTION

This project provides for the historic renovation of 2 existing (611 SF-one bedroom/ 675 SF-two bedroom) single story residential units fronting on Park Avenue; and for the new construction of 3 one bedroom, 1 two bedroom, 2 three bedroom, two story; and two second floor, two story, 3 bedroom residential units around a central “courtyard”. Five on Street parking spaces are available on the East side of Park Avenue and 5 garages and 8 uncovered parking spaces are accessible by Sullivan Road at the western perimeter of the Site.

The existing “historic” frontage on Park Avenue will be modified to its historic footprint, the exterior envelopes and landscape will be renewed. The scale, massing, proportion and form of the new construction units will be appropriate to the visual character of the historic district.

This project will provide affordable housing ownership for a diverse population and has convenient access to the existing community infrastructure.

There is no disparity or conflict between this projects and either the current or projected zoning or land use in this district.

The proposed residential use of this property is compatible with other use in the district.

Undue noise, glare, dust pollutants or odor are not anticipated by the proposed development and improvements.

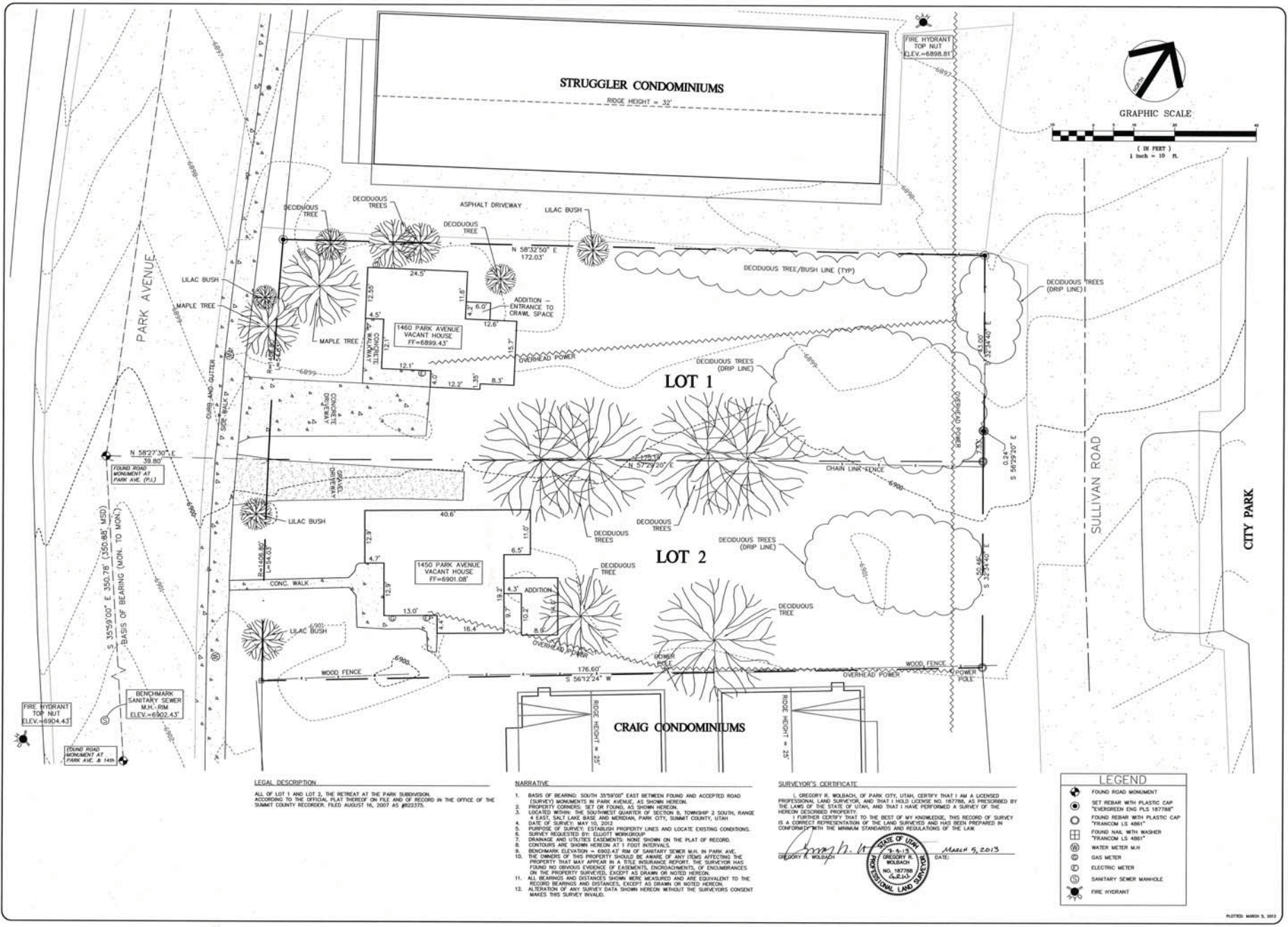
This project is intended only for normal, full-time, single family residential use and would require, no mitigation of other special issues.

green park cohousing park avenue

february 4, rev. april 2, 2013

HDDR-001	cover sheet	HDDR-012	roof plan
HDDR-002	survey	HDDR-013	elevations
HDDR-003	existing conditions	HDDR-014	elevations
HDDR-004	existing conditions	HDDR-015	sections
HDDR-005	existing views	HDDR-016	sections
HDDR-006	adjoining properties	HDDR-017	3d views
HDDR-007	area analysis	HDDR-018	3d views
HDDR-008	site plan	HDDR-019	3d views
HDDR-009	lower & main level floor plan	HDDR-020	historic building details
HDDR-010	second level floor plan	HDDR-021	streetscapes
HDDR-011	third level	HDDR-022	park avenue views





LEGAL DESCRIPTION
ALL OF LOT 1 AND LOT 2, THE RETREAT AT THE PARK SUBDIVISION, ACCORDING TO THE ORIGINAL PLAT THEREON ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, FILED AUGUST 16, 2007 AS #623275.

- NARRATIVE**
1. BASIS OF BEARING: SOUTH 35°59'00" EAST BETWEEN FOUND AND ACCEPTED ROAD SURVEY MONUMENTS IN PARK AVENUE, AS SHOWN HEREON.
 2. PROPERTY CORNERS: SET OR FOUND, AS SHOWN HEREON.
 3. LOCATED WITHIN: THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH.
 4. DATE OF SURVEY: MAY 10, 2013.
 5. PURPOSE OF SURVEY: ESTABLISH PROPERTY LINES AND LOCATE EXISTING CONDUITS.
 6. DRAINAGE AND UTILITIES EASEMENTS: NONE SHOWN ON THE PLAT OF RECORD.
 7. CONTOURS ARE SHOWN HEREON AT 1 FOOT INTERVALS.
 8. BENCHMARK ELEVATION = 6902.43' RM OF SANITARY SEWER M.H. IN PARK AVE.
 9. THE OWNERS OF THIS PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT. THE SURVEYOR HAS FOUND NO ENCUMBRANCES, EASEMENTS, ENCROACHMENTS, OR ENCUMBRANCES ON THE PROPERTY SURVEYED, EXCEPT AS DRAWN OR NOTED HEREON.
 10. ALL BEARINGS AND DISTANCES SHOWN WERE MEASURED AND ARE EQUIVALENT TO THE RECORD BEARINGS AND DISTANCES, EXCEPT AS DRAWN OR NOTED HEREON.
 11. ALTERATION OF ANY SURVEY DATA SHOWN HEREON WITHOUT THE SURVEYOR'S CONSENT MAKES THIS SURVEY INVALID.

SURVEYOR'S CERTIFICATE

I, GREGORY R. WOLBACH, OF PARK CITY, UTAH, CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 187786, AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH, AND THAT I HAVE PERFORMED A SURVEY OF THE HEREON DESCRIBED PROPERTY.

I FURTHER CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, THIS RECORD OF SURVEY IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMANCE WITH THE MINIMUM STANDARDS AND REGULATIONS OF THE LAW.

GREGORY R. WOLBACH
DATE: MARCH 9, 2013



Evergreen Engineering, Inc.
1400 S. Main Street, Suite 100, Park City, UT 84302
Phone: 435-644-9877 Fax: 435-644-9228
Email: info@evergreeneng.com

REVISIONS

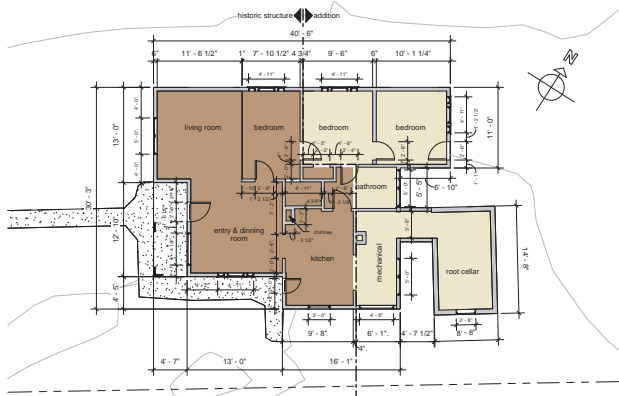
DATE	BY	COMMENTS

SURVEYED BY: GRW/ADM
DRAWN BY: GRW
CHECKED BY: GRW

RECORD OF SURVEY - LOT 1 & 2
THE RETREAT AT THE PARK

FOR: RETREATING WORKGROUP
JOB NO.: 1206

SHEET 1 OF 1



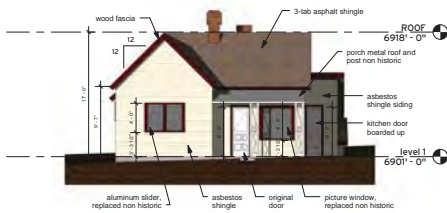
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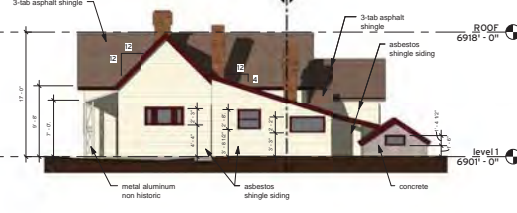
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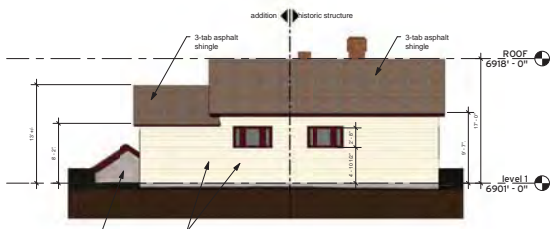
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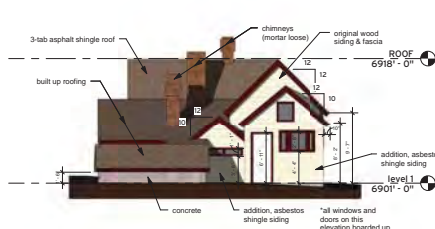
W west elevation
0 4' 8' 16' 32'



S south elevation
0 4' 8' 16' 32'

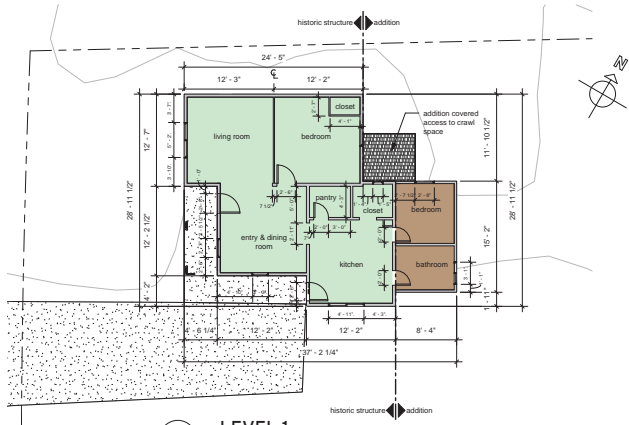


N north elevation
0 4' 8' 16' 32'



E east elevation
0 4' 8' 16' 32'





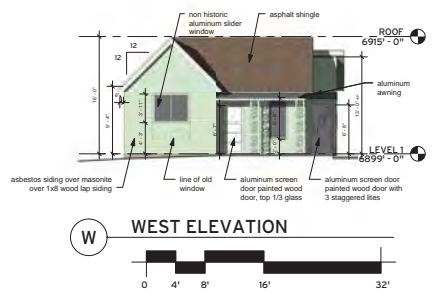
3. LEVEL 1
0 4' 8' 16' 32'



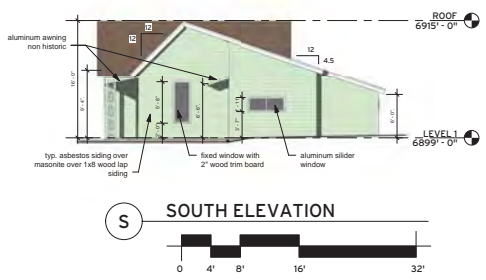
2. Sanborn 1929
0 4' 8' 16' 32'



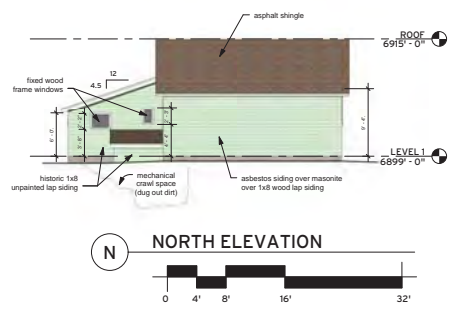
1. Sanborn 1907
0 4' 8' 16' 32'



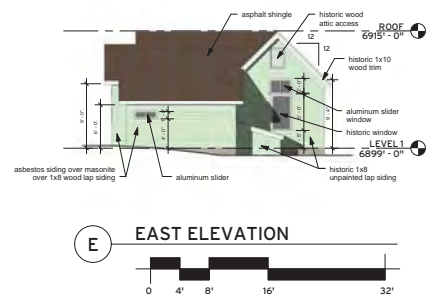
W WEST ELEVATION
0 4' 8' 16' 32'



S SOUTH ELEVATION
0 4' 8' 16' 32'



N NORTH ELEVATION
0 4' 8' 16' 32'



E EAST ELEVATION
0 4' 8' 16' 32'



**elliott
workgroup**
architecture

existing conditions
HDDR-004
february 4, rev. april 2, 2013

green park cohousing
1460 park ave.
park city, utah 84060



1 aerial view
SCALE: 1" = 50'-0"



4 view down park avenue
SCALE: N.T.S.



5 view up park avenue
SCALE: N.T.S.



6 view down sullivan road
SCALE: N.T.S.



7 view up sullivan road
SCALE: N.T.S.



2 park avenue streetscape
SCALE: N.T.S.



3 sullivan road streetscape
SCALE: N.T.S.



Craig A. Dickman **LLC**
 9911 South Brown Ct
 Potomac, MD 20854
 Dennis Robert Trustee Etal Schaner **LLC**
 11227 Rio Bravo Ct
 Jamul, CT 01935
 Ronald A Goebel **LLC**
 6105 Horton Ave
 Shreveport, LA 71105-4822

Paul Price-1455-PA-101
 PO Box 682174
 Park City, UT 84060
 Kelsi L Miller-1455-PA-102
 6150 N 722nd St
 Milwaukee, WI 53225
 Sydney D Reed-1455-PA-103
 PO Box 512
 Park City, UT 84060-0512
 Henry C Reed-1455-PA-104
 31 Bowdon St, Apt 2
 Boston, MA 02114-4257

Alpenhof Condominiums, LLC **LLC**
 3837 Adams Dr
 Salt Lake City, UT 84124

1465 Park Avenue - Bonanza Flats Condo
 Use: Residential

1465 Park Avenue - Condominiums
 Use: Residential

1451 Park Avenue - Alpenhof Condo
 Use: Residential

1435 Park Avenue - Ski Team Condo
 Use: Residential

1478 & 1480 Park Avenue - Silver Mine West Condo
 Use: Residential

1470 Park Avenue - Struggler Condo
 Use: Residential

1450 & 1560 Park Avenue - Retreat at the Park
 Use: Residential

1438 Park Avenue - Craig's (Powderkeg) Condo
 Use: Residential

1418 & 1418 Park Avenue - Parkside Condo
 Use: Residential

1432 1/2 416-PA-2 Hilltop Park City Condo #1 LLC
 3122 E Whiteoaker Dr
 Salt Lake City, UT 84121

1420 Park Avenue
 Use: Residential

1420-PA-1 Christopher J HW (JT) Hayes
 PO Box 91879
 Park City, UT 84068-1679

SCT11 Lisa D (JT) Beaman
 2010 N Harvest St
 Arlington, VA 22201
SCT12 Doreen Sanchez Vance
 PO Box 2192
 Park City, UT 84060-2192
SCT13 Dale P Deputy
 3295 S 400 E
 Bountiful, UT 84115
SCT14 James P & Susan L HW (JT) Petch
 2200 NW Bond St
 Kansas City, MO 64181
SCT15 Knudsen Family Partnership
 1558 S 1100 E
 Salt Lake City, UT 84105
SCT16 Properties LLC Utah
 3524 Spring Valley Ct
 Birmingham, AL 35223
SCT17 Michael Thurgood
 1342 Park Ave #7
 Park City, UT 84060
SCT18 Brenda A Williamson
 31 Southhawk Terrace
 Mashpee, MA 01949

SCT1 Craig A. Dickman
 9911 South Brown Ct
 Potomac, MD 20854
SCT2 Daniel Mink
 PO Box 1831
 Park City, UT 84060

STR1 #1 LLC Struggler
 1339 Meadow Moor Rd
 Salt Lake City, UT 84117
STR2 Barton Park City LLC
 1183 W 1280 N
 Provo, UT 84604
STR3 Avenue Enterprises LLC Park
 PO Box 5247
 Salt Lake City, UT 84109-9247
STR4 Jake P Herrick Trustee
 2526 Nottingham Way
 Salt Lake City, UT 84108-2454
STR5 Laurie A Dorothy Mausz Kenneth
 3874 E Larus Way
 Holladay, UT 84124

EKG-DC1 Benjamin Lieberman
 990 S 1700 E
 Salt Lake City, UT 84108
EKG-DC2 Property Management LLC Telemark
 1438 Park Ave
 Park City, UT 84060
EKG-DC3 Michael C Loo Trustee
 7201 Wheeler Dr
 Whitmore Lake, MI 48189
EKG-DC4 Stefan Paul Brusch
 PO Box 684071
 Park City, UT 84068-4071
EKG-DC5 Nancy K (T/C) Miller
 10138 Resado Blvd #122
 Northridge, CA 91324
EKG-DC6 John A (JT) Jennings
 1438 Park Ave #6
 Park City, UT 84060
EKG-DC7 Catherine E McInhyre
 PO Box 682126
 Park City, UT 84068
EKG-DC8 Barbra & Jonathon WH (JT) Banner
 8500 St. Ines Dr
 West Hollywood, CA 90069





main level



second level

floor area analysis

areas schedule (gross building)			
name	level	area	comments
Area	level 1B	658 SF	
Area	level 1B	734 SF	
Area	level 1B	2635 SF	
Area	level 1B	2569 SF	
Area	level 2B	5923 SF	
Area	level 3C	1069 SF	
Grand total		13588 SF	

site area analysis

area schedule (site area)		
name	area SF	percentage

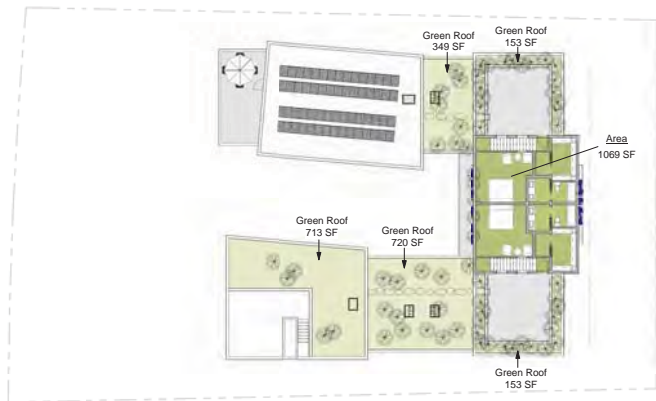
site area	18, 298 SF	100%
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area schedule (building)		
name	area	percentage

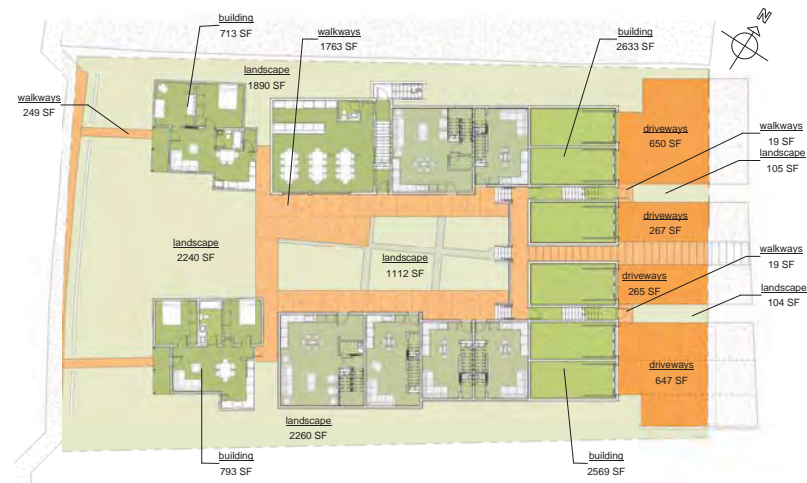
building	6708 SF	37%
----------	---------	-----

area schedule (open space)		
name	area	percentage

landscape	7711 SF	42.1%
green roofs	2088 SF	11.4%
walkways	2050 SF	11.2%
total	11849 SF	64.8%



third level



site analysis



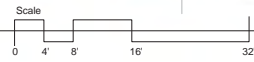
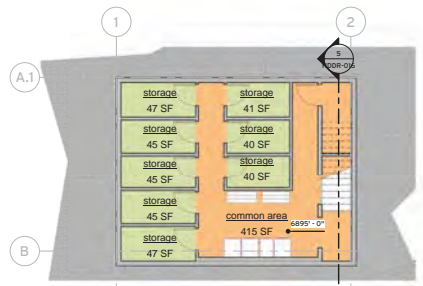
park ave



craig's condos

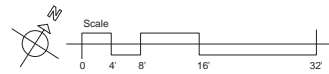


lower level



dwelling unit area analysis

area schedule (net building)				
color	name	level	area	parking ratio
	1450 park ave.	level 1B	675 SF	exempt
			675 SF	
	1460 park ave.	level 1B	611 SF	exempt
			611 SF	
	common area	level 1B	776 SF	
	common area	level 2B	518 SF	
	common area	basement	415 SF	
			1710 SF	
	garage	level 1B	234 SF	
	garage	level 1B	228 SF	
	garage	level 1B	257 SF	
	garage	level 1B	231 SF	
	garage	level 1B	231 SF	
			1438 SF	
	storage	basement	47 SF	
	storage	basement	45 SF	
	storage	basement	45 SF	
	storage	basement	45 SF	
	storage	basement	47 SF	
	storage	basement	41 SF	
	storage	basement	40 SF	
	storage	basement	40 SF	35
			348 SF	
	unit A	level 1B	509 SF	
	unit A	level 2B	602 SF	1.5 parking spaces
			1111 SF	
	unit B	level 1B	299 SF	
	unit B	level 2B	324 SF	1 parking space
			623 SF	
	unit C	level 1B	299 SF	
	unit C	level 2B	324 SF	1 parking space
			623 SF	
	unit D	level 1B	297 SF	
	unit D	level 2B	324 SF	1 parking space
			622 SF	
	unit E	level 1B	356 SF	
	unit E	level 2B	403 SF	1 parking space
			760 SF	
	unit F	level 1B	554 SF	
	unit F	level 2B	634 SF	1.5 parking spaces
			1188 SF	
	unit G	level 2B	983 SF	
	unit G	level 3C	442 SF	1.5 parking spaces
			1424 SF	
	unit H	level 2B	979 SF	
	unit H	level 3C	441 SF	1.5 parking spaces
			1420 SF	
			12552 SF	10 parking spaces



lower & main level floor plan
HDDR-009
february 4, rev. march 5, 2013



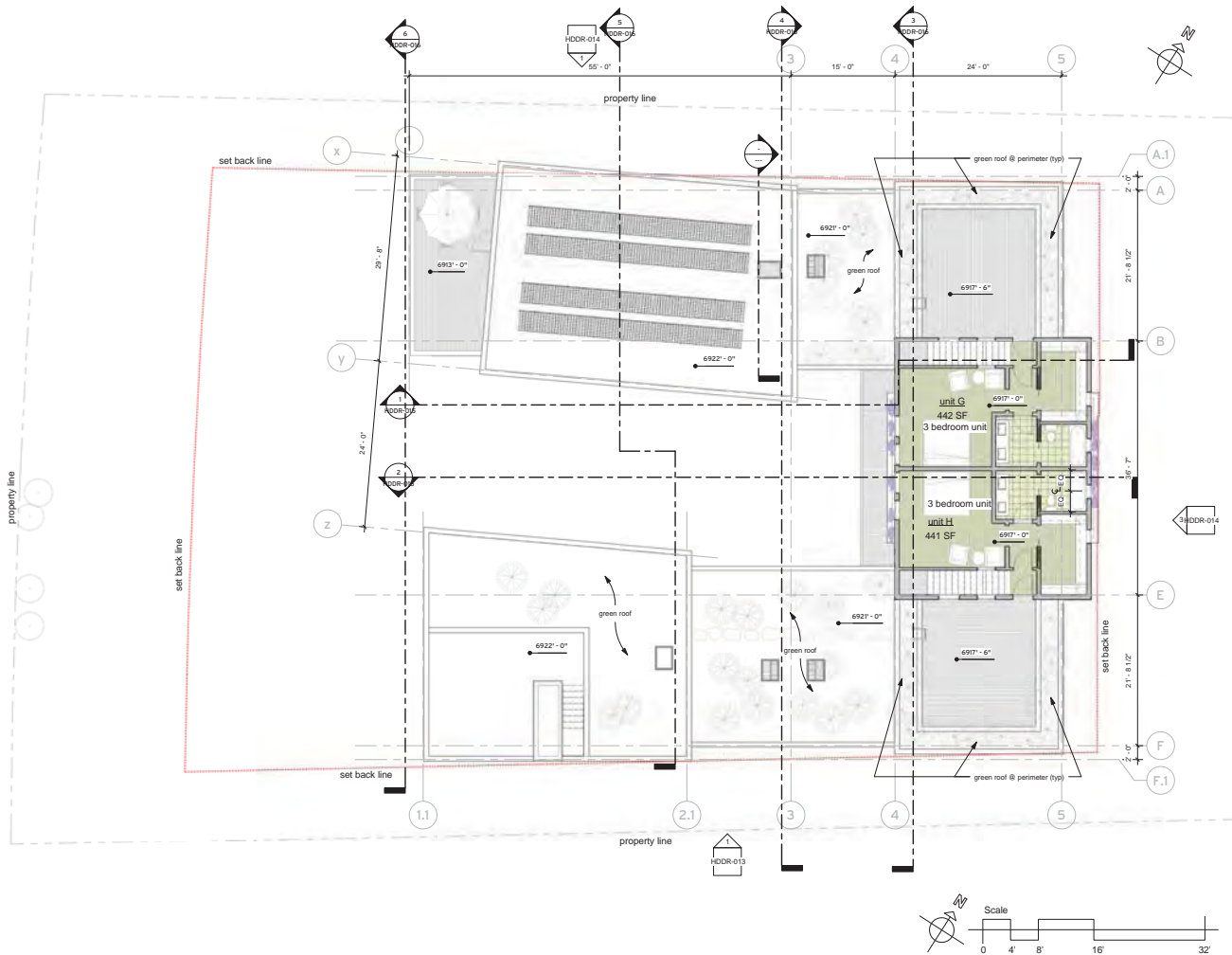


dwelling unit area analysis

area schedule (net building)				
color	name	level	area	parking ratio
	1450 park ave.	level 1B	675 SF	exempt
			675 SF	
	1460 park ave.	level 1B	611 SF	exempt
			611 SF	
	common area	level 1B	776 SF	
	common area	level 2B	518 SF	
	common area	basement	415 SF	
			1710 SF	
	garage	level 1B	234 SF	
	garage	level 1B	228 SF	
	garage	level 1B	257 SF	
	garage	level 1B	257 SF	
	garage	level 1B	231 SF	
	garage	level 1B	231 SF	
			1438 SF	
	storage	basement	47 SF	
	storage	basement	45 SF	
	storage	basement	45 SF	
	storage	basement	45 SF	
	storage	basement	47 SF	
	storage	basement	41 SF	
	storage	basement	40 SF	35
	storage	basement	348 SF	
	unit A	level 1B	509 SF	
	unit A	level 2B	602 SF	1.5 parking spaces
			1111 SF	
	unit B	level 1B	299 SF	
	unit B	level 2B	324 SF	1 parking space
			623 SF	
	unit C	level 1B	299 SF	
	unit C	level 2B	324 SF	1 parking space
			623 SF	
	unit D	level 1B	297 SF	
	unit D	level 2B	324 SF	1 parking space
			622 SF	
	unit E	level 1B	356 SF	
	unit E	level 2B	403 SF	1 parking space
			760 SF	
	unit F	level 1B	554 SF	
	unit F	level 2B	634 SF	1.5 parking spaces
			1188 SF	
	unit G	level 2B	983 SF	
	unit G	level 3C	442 SF	1.5 parking spaces
			1424 SF	
	unit H	level 2B	979 SF	
	unit H	level 3C	441 SF	1.5 parking spaces
			1420 SF	
			12552 SF	10 parking spaces

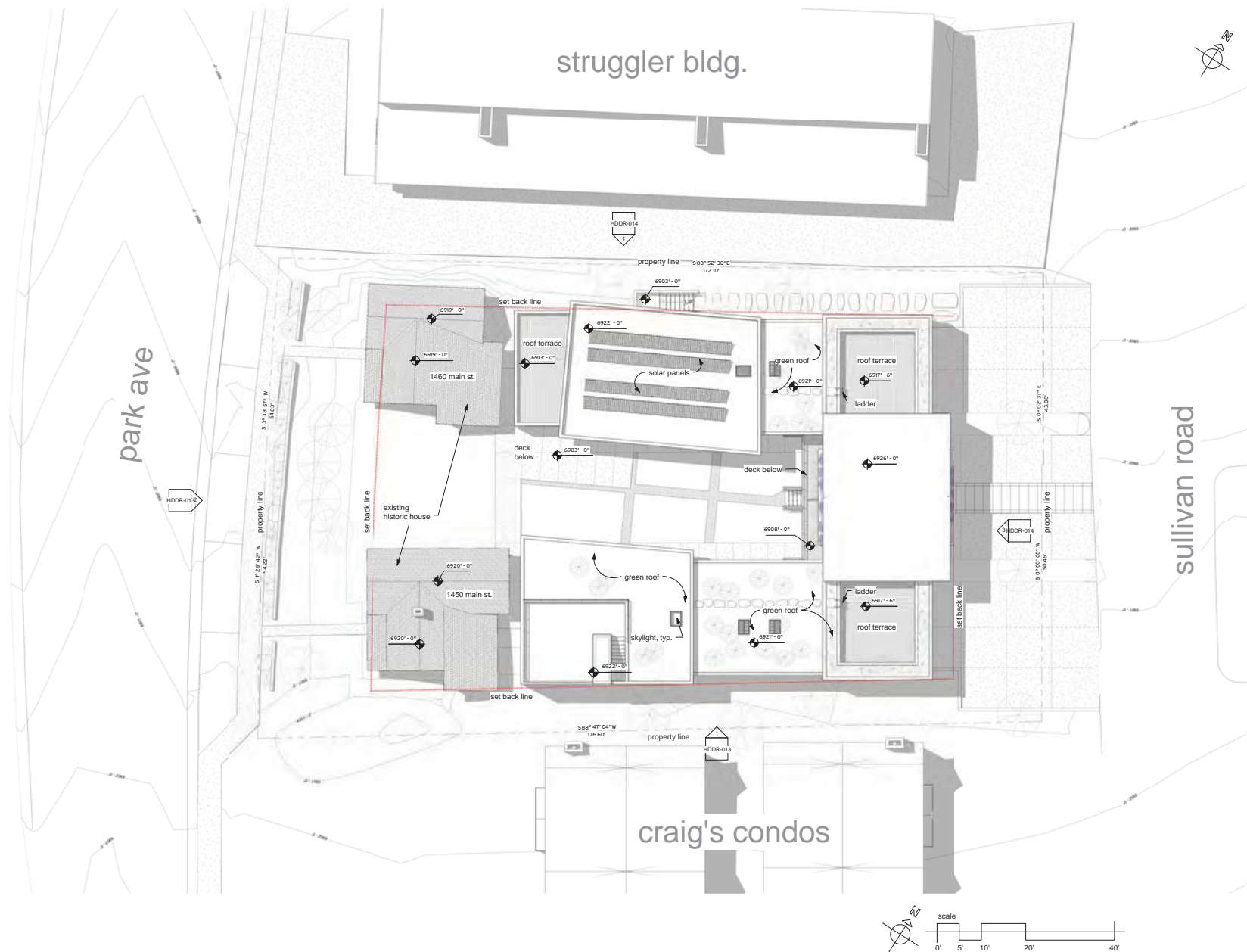
second level floor plan
HDDR-010
february 4, rev. march 5, 2013





dwelling unit area analysis

area schedule (net building)				
color	name	level	area	parking ratio
	1450 park ave.	level 1B	675 SF	exempt
			675 SF	
	1450 park ave.	level 1B	611 SF	exempt
			611 SF	
	common area	level 1B	776 SF	
	common area	level 2B	518 SF	
	common area	basement	415 SF	
			1710 SF	
	garage	level 1B	234 SF	
	garage	level 1B	228 SF	
	garage	level 1B	257 SF	
	garage	level 1B	257 SF	
	garage	level 1B	231 SF	
	garage	level 1B	231 SF	
			1438 SF	
	storage	basement	47 SF	
	storage	basement	45 SF	
	storage	basement	45 SF	
	storage	basement	45 SF	
	storage	basement	47 SF	
	storage	basement	41 SF	
	storage	basement	40 SF	
	storage	basement	40 SF	35
			348 SF	
	unit A	level 1B	509 SF	
	unit A	level 2B	602 SF	1.5 parking spaces
			1111 SF	
	unit B	level 1B	299 SF	
	unit B	level 2B	324 SF	1 parking space
			623 SF	
	unit C	level 1B	299 SF	
	unit C	level 2B	324 SF	1 parking space
			623 SF	
	unit D	level 1B	297 SF	
	unit D	level 2B	324 SF	1 parking space
			622 SF	
	unit E	level 1B	356 SF	
	unit E	level 2B	403 SF	1 parking space
			760 SF	
	unit F	level 1B	554 SF	
	unit F	level 2B	634 SF	1.5 parking spaces
			1188 SF	
	unit G	level 2B	963 SF	
	unit G	level 3C	442 SF	1.5 parking spaces
			1424 SF	
	unit H	level 2B	979 SF	
	unit H	level 3C	441 SF	1.5 parking spaces
			1420 SF	
			12552 SF	10 parking spaces



strugger bldg.

park ave

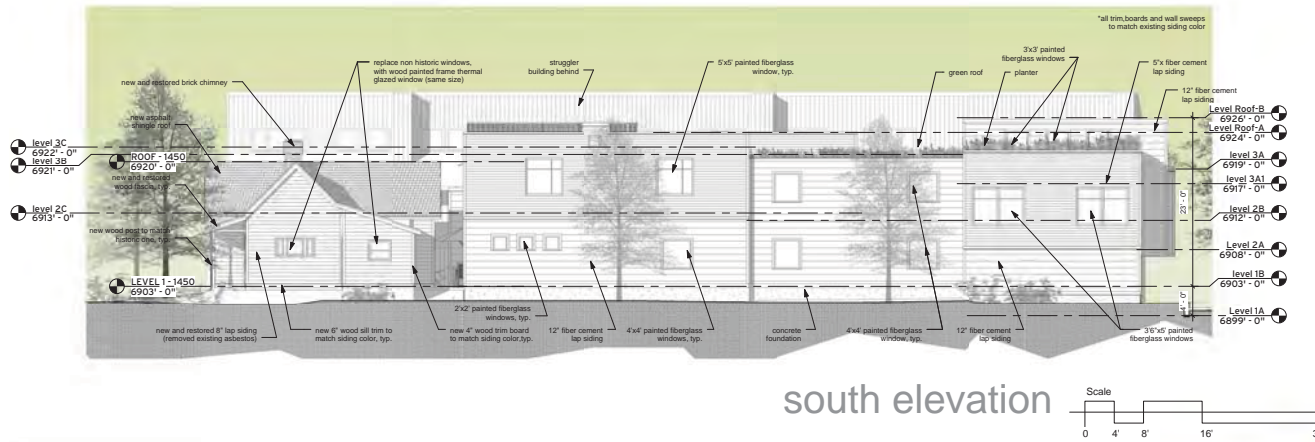
sullivan road

craig's condos

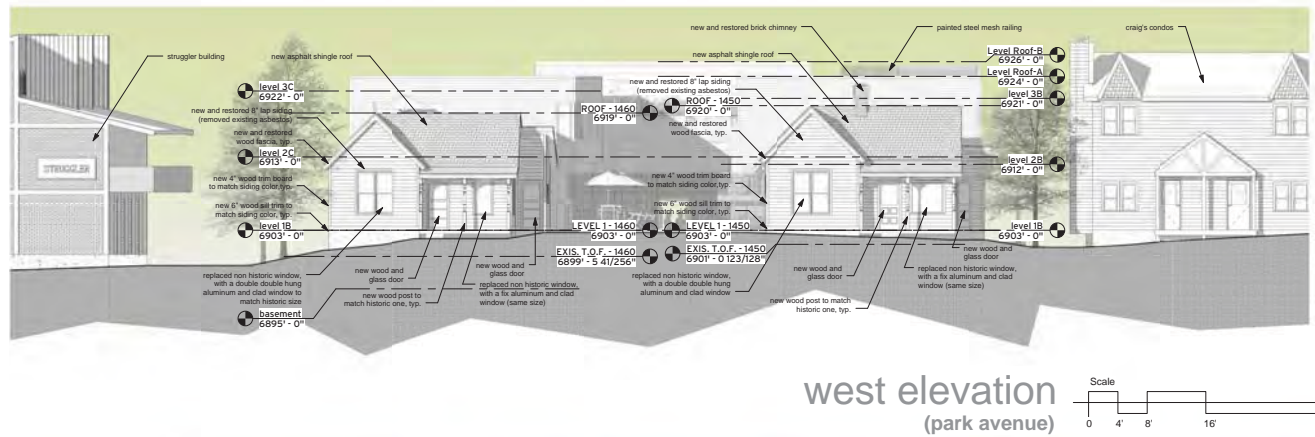
roof plan
HDDR-012

february 4, rev. march 5, 2013





south elevation

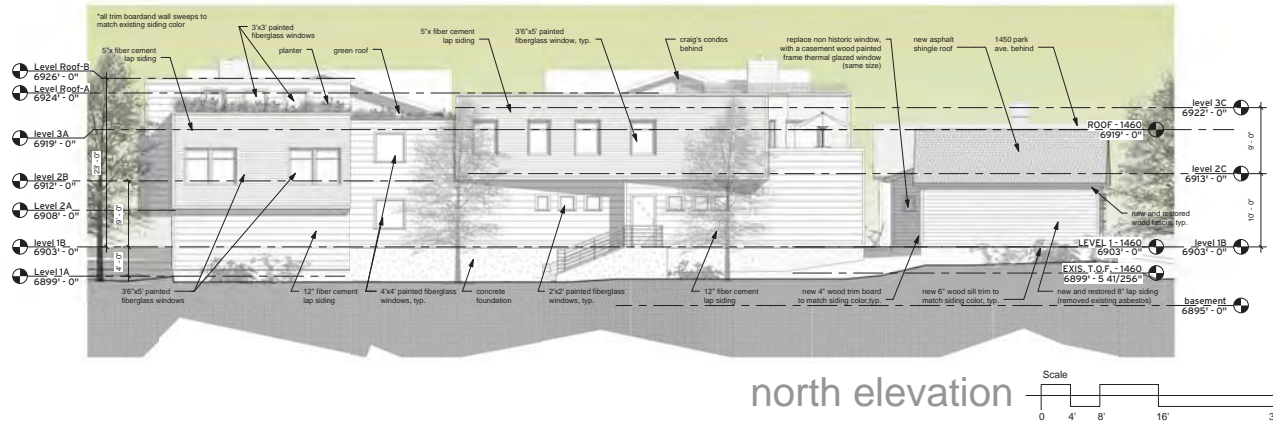


west elevation
(park avenue)

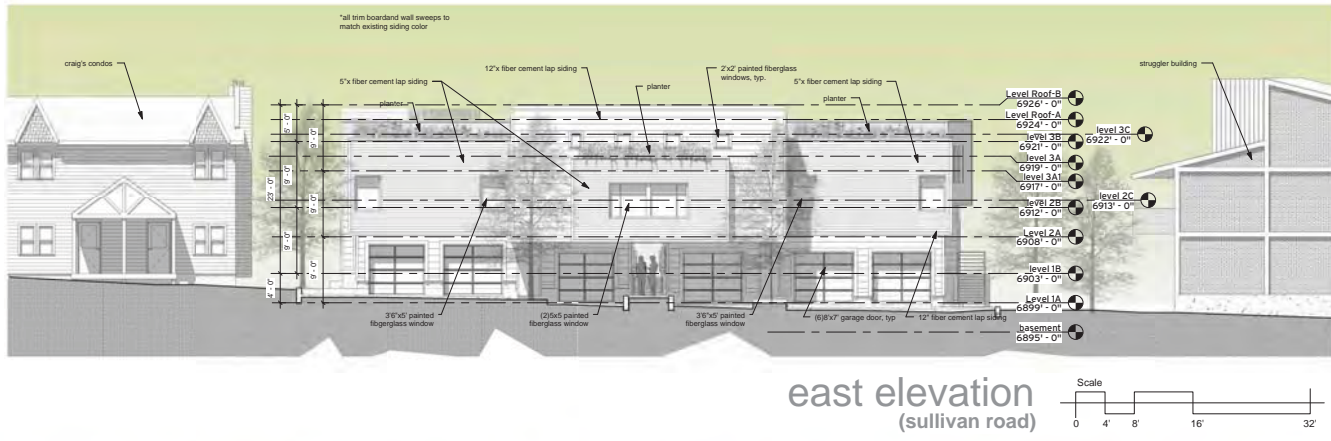
Existing and 27' grade lines are accurately depicted on sections drawings, see sheets HDDR-015 & HDDR-016



west streetscape (no scale)



north elevation

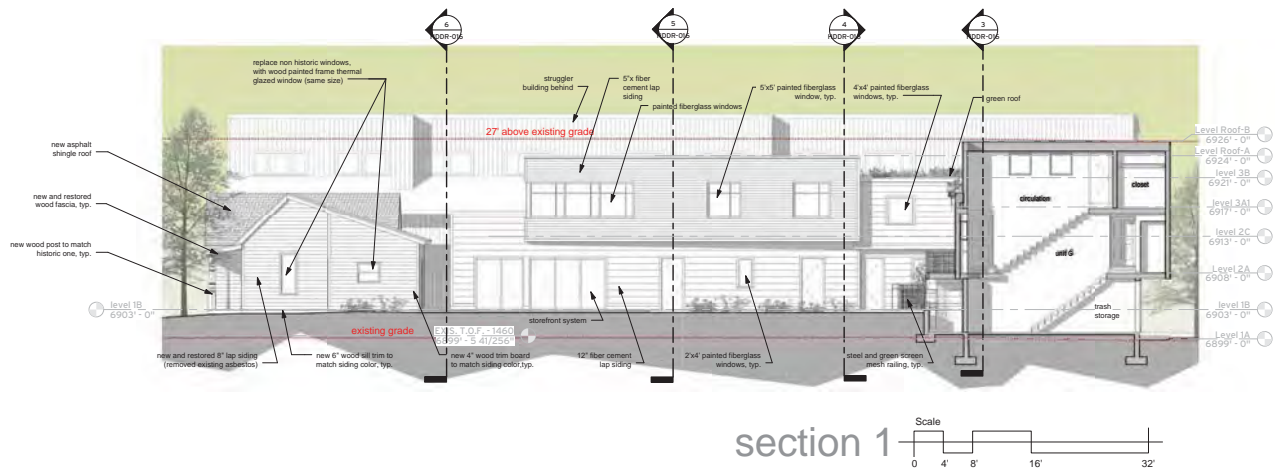


east elevation
(sullivan road)

Existing and 27' grade lines are accurately depicted on sections drawings, see sheets HDDR-015 & HDDR-016



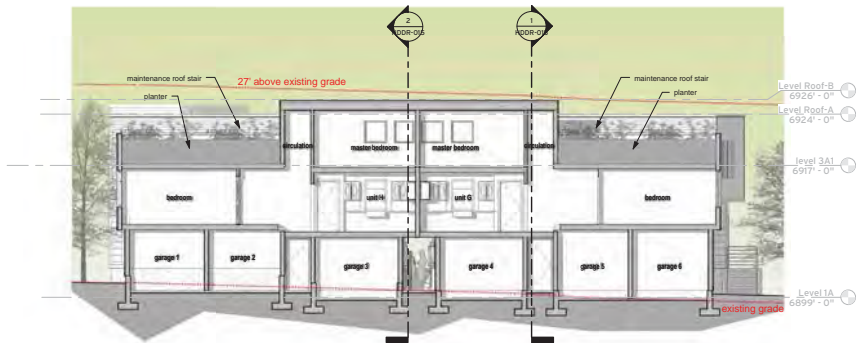
east streetscape (no scale)



section 1



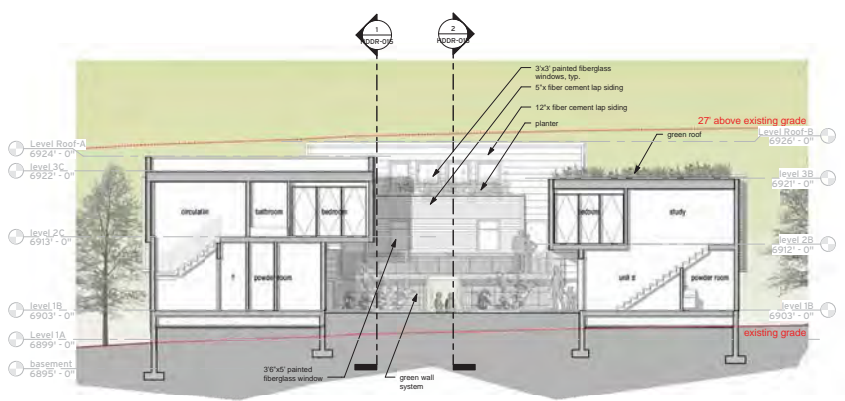
section 2



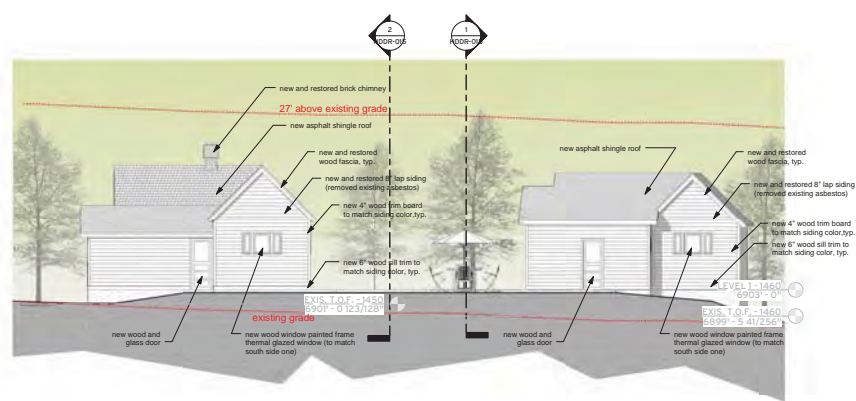
section 3
Scale 0 4' 8' 16' 32'



section 5
Scale 0 4' 8' 16' 32'



section 4
Scale 0 4' 8' 16' 32'



section 6
Scale 0 4' 8' 16' 32'



view from park ave. looking northwest

view from park ave. looking into courtyard





view from sullivan road

view from sky looking northwest



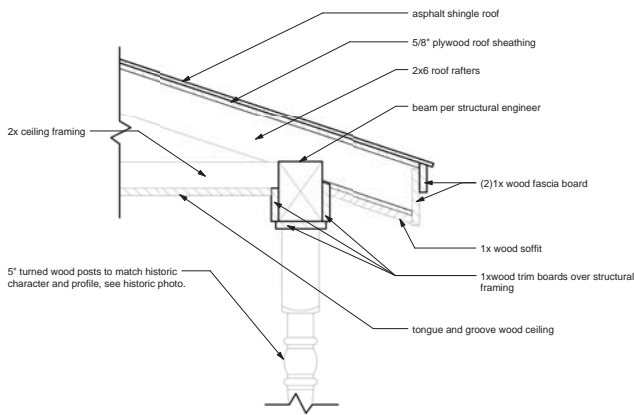
3d views
HDDR-018
february 4, rev. march 5, 2013



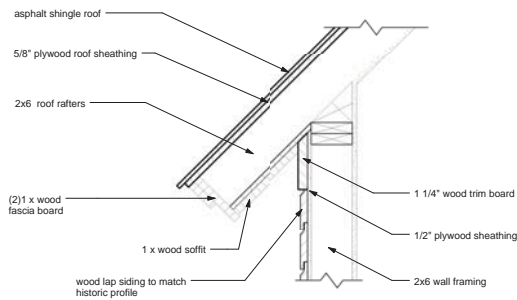
view courtyard looking towards park ave.

view courtyard

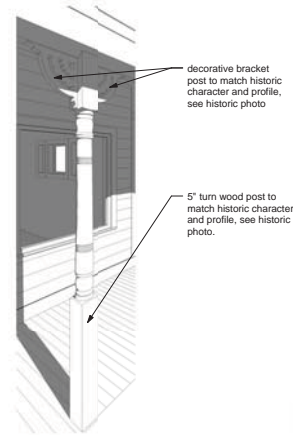




porch roof detail
1 1/2" = 1' - 0"



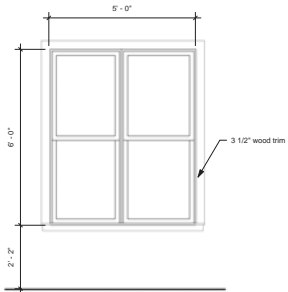
roof eave detail
1 1/2" = 1' - 0"



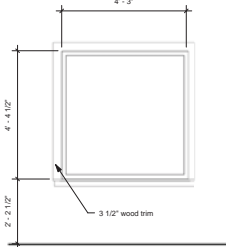
porch post detail



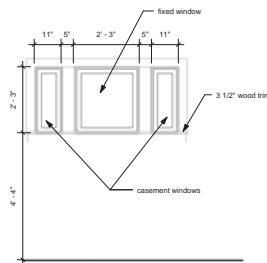
historic photo



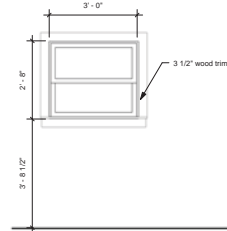
type A
double double hung window



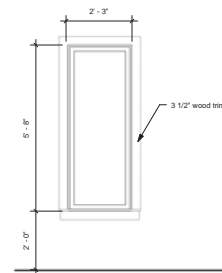
type B
fixed window



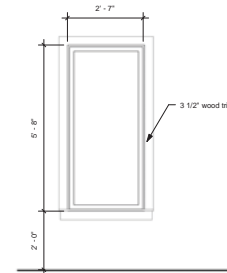
type C
fixed and casement window



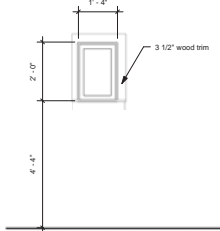
type D
double hung window



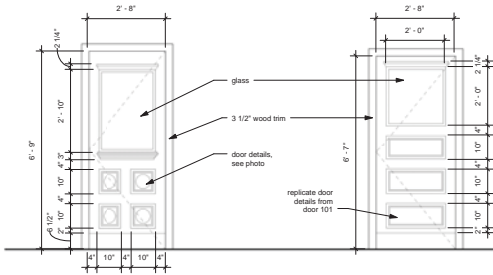
type E
fixed window



type F
fixed window

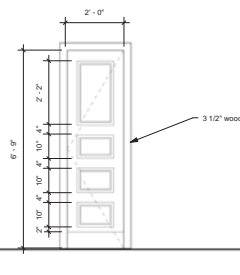


type G
fixed window

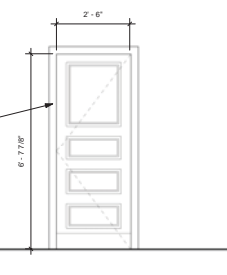


door 101
wood & glass entry door
(replicate existing)

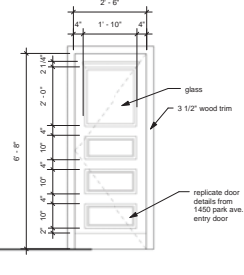
door 104
wood & glass entry door
(replicate existing)



door 102
wood door
(blocked behind)



door 105
wood door
(blocked behind)



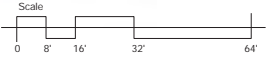
door 103/106
wood door back door



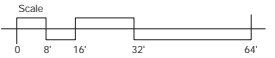
entry door photo



sullivan road streetscape



park ave. streetscape





vie from across park avenue



vie from park avenue side alk

Francisco Astorga

From: Joyce Baron <baronsbest@comcast.net>
Sent: Saturday, March 30, 2013 3:32 PM
To: Francisco Astorga
Cc: 'Joyce Baron'; 'Ann Henderson'
Subject: Concerns regarding Green Park Cohousing PL-13-01832

Francisco,

We received a Notice of Review of Administrative Action regarding the Green Park Cohousing project located at 1450/1460 Park Ave.

I own one condo in the Struggler condos at 1470 Park Ave.

First of all, I applaud your efforts to restore the original homes at 1450 and 1460 Park Ave.

I do have some concerns regarding the plans that were attached to the Notice. My concerns are:

1. Considering the size of the property, restoring the two homes and adding eight additional living units to the back of the property makes the back portion of the property much too high density for the neighborhood.
2. The six single car garages show on the back of the property are inadequate for eight units. Each unit should have at least two parking stalls dedicated to each condo/apartment. The struggler project has 3 parking spaces per unit. Even if you park one car in the garage with a second directly behind it (a very poor plan), you still have only 12 parking places for 8 units.
3. Placing the back of a two story complex with a 10 foot setback directly in the front of struggler units 4 and 5 will totally block their front window view and have a negative impact on their property value.

We are asking Park City to reconsider this project because of the high density of the back part of the property, extreme lack of adequate parking, and the negative impact it will have on adjacent properties. This property should be re designed for perhaps four new living units with adequate parking and open space.

Thank you for sharing our concerns with others in the planning department.

Clark and Joyce Baron
1470 Park Ave, #2
Park City.

Joyce Baron

~Artist~

www.JoyceBaron.com

1183 West 1380 North

Provo, Ut 84604

Home 801.375.4933

Mobile 801.367.1011

Francisco Astorga

From: Ann Henderson <hsales@xmission.com>
Sent: Monday, April 08, 2013 3:36 PM
To: Francisco Astorga
Cc: Lisa Draxler
Subject: APPLICATION # PL-13-01832 - 1450/1460 PARK AVENUE

Francisco,

I have received a Notice of Review of Administrative Action regarding the Green Park Cohousing projected as noted above. I, along with two others own one of the units in The Struggler Condominiums located at 1470 Park Avenue, which is directly north of the referenced project at 1450/1460 Park Avenue.

I have gone on to a website and read about co-housing and I am very concerned that a project of this type would not be suitable for the area where it is planned to be built.

1. I think the size of the property intended to house the Co-Housing project is not sufficient. The restoration of the two homes is very justified and welcomed, however the rest of the project is not appropriate.

The project is very high density for the lot and surrounding neighborhood.

2. The height of the buildings in the back part of the lot are high enough that the view of units 4 and 5 will be blocked totally from their deck window. This would have a negative impact on property value should

any of the units want to sell their property, especially units 4 and 5. The value of the entire condominium building would be devalued. I would say this would be a concern of the condos on the south as well.

3. The parking situation is undesirable in that there are only 12 parking places for 8 units. I can't imagine that a multi-unit structure with inadequate parking would be approved to be constructed. If there is ever

an empty parking space at the back of the building the people that visit the park use it and it is very hard to enforce, even with towing signs up. Therefore, the people that lived on this property would have to find parking

elsewhere, and that would create a problem with the city. None of this is appropriate.

Park City should reconsider this project for the above reasons and for the negative impact that it will have on the the properties to the north and south and consider building something with less living units with adequate parking and perhaps some open space.

Please feel free to share my concerns with members of the planning committee. I would be appreciated if we were to receive notification of planning department meetings concerning this project.

Thank you,

ANN HENDERSON - STRUGGLER #1 LLC
1470 PARK AVENUE # 1
PARK CITY, UT

MAILING ADDRESS:
1539 MEADOW MOOR ROAD
SALT LAKE CITY, UT 84117
PHONE: 801-550-2931

Jane G. Crane
4435 Loren Von Dr.
Salt Lake City, UT 84124

April 5, 2013

Francisco Astorga
Park City Planning Department
445 Marsac Avenue
PO Box 1480
Park City, UT 84060

Re: Notice of Review of Administrative Action; Application #PL-13-01832; Property location 1450/1460 Park Avenue.

I am an owner of a Struggler Condominium unit located at 1470 Park Avenue, and adjacent to the application (PL-13-01832) property. After reviewing available information regarding the application I have a few concerns

1. The historic renovation of the two homes on the front of the property seems to be an appropriate proposal. The addition of eight new units, however, on the remaining back portion of the property makes the proposal density much too high for the available space and surrounding area. This is not the right piece of property to develop a high density, communal living space.
2. The parking for all units is very inadequate. The front houses originally had a drive in space that would allow for 2 cars and they were always used. The plans don't even show parking for the front 2 houses. There appears on the plans only 6 garages for the back eight units. This is inadequate for six units, let alone 8 to 10. The Struggler has parking for 2 cars at each unit plus an additional 3 spaces in front and 6 spaces in back of the units. I have a huge concern that the density of this plan will make our parking areas seem too enticing for neighbors that don't have enough parking to use. Especially in the front and back where Struggler parking is already used by non-Struggler residence or guests because of the existing high neighborhood density and general lack of adequate residential parking. The heavy use due to the proximity and lack of adequate parking at the City Park exacerbates this situation. I don't think there is a plan in any town that permits new dwellings to be built without adequate parking for the residence. Plus this is a town that needs to plow streets and side walks continually in the winter months.
3. The size and placement of the back proposed units next to the Struggler Condominiums will make it so units 4 & 5 and possibly unit 3 have absolutely no view and result in a very negative impact on their property value. Again I think the density of this proposal is too high and that fewer units with green space around the development would be more enhancing to the neighborhood.
4. The plans shows no access to the back units from Park Avenue and only one outside entry to the eight units from Sullivan. How does one expect these

potential residents to even move their household in and out with such limited access? I suspect again that the Struggler private driveway will be their alternative because of lack of planning in this proposed plan.

In summary I would like to say we have a beautiful park across the street from the proposed development and what more is communal than that access and green space. Park City is a beautiful area and allowing a closed, high density development at this location seems very detrimental to the surrounding neighborhood. I am asking the Park City Planning Department to reconsider this project for all of the reasons stated above.

Sincerely,

Jane G. Crane
(janegcrane@aol.com)

Francisco Astorga

From: Dan Mauss <danmauss@yahoo.com>
Sent: Monday, April 08, 2013 5:00 PM
To: Francisco Astorga
Subject: 1450 / 1460 Park Avenue proposed project

April 08, 2013

Dear Mr. Astorga,

As an owner of one of the units in the Struggler Condominium complex located at 1470 Park Avenue, I am writing this e-mail to voice some concerns about the Green Park Cohousing development that is proposed on the adjoining lots next door to us.

We have enjoyed the beauty and tranquility of this prized location for nearly fifty years now. It has been a second home to us, one that we have come to love dearly over the years and decades. Though Park City has grown up over the years, our neighborhood has retained its quaint personality and not given way to over-development as can be found in other areas. We have come to love the ability to look out our windows and off our balcony at the beauty of the mountains that surround us. Imagine our horror to pick up the paper and see this proposed project which would relegate us to looking out our windows and off our balcony to the backside of a multi-story building that will house ten residential units on land that used to facilitate a mere two small homes. This kind of over-development and high density development is exactly what Park City needs less of, not more of.

With Park City guaranteeing the loan before the project receives approval and additionally selling to the developers the land at a price that represents a loss to the tax payers, this type of "behind the doors planning" smacks of collusion at the highest level. Those of us who have done our best to maintain the integrity of the neighborhood through the years, are disappointed at the apparent lack of foresight in moving this project through the approval process. Surely there must be a better location than the very gateway to the city itself for what appears to be experimental government subsidized housing.

Of extreme concern, is the lack of adequate parking. Our development requires 2-3 covered parking spaces per unit. It appears that these ten units are only providing six parking stalls for the entire complex...far fewer than housing projects built over the years of our ownership next door. Those parking areas that we have provided for our guests when they come, will surely be taken over by residents of this project who have no where else to park creating an ongoing hardship for us and for our guests.

The very concept of this complex espousing cohabitation with shared common areas, is new and unproven in this area and dictates that it should be located in an area that is more suited for an experimental project. At the very least, consideration needs to be given to the number of units proposed, the amount of parking available and the impact to the neighbors based on its current design. Moreover, there appears to be a conflict of interest at the city level since it is both the owner of the land, and in control of the planning approval process. We respectfully request that this project be put indefinitely on hold while the neighbors and owners of property are provided a due process of comment in a public hearing process.

Thank you for taking the time to hear our concerns.

Dan Mauss and Family
Unit #5 Struggler Condominiums
1470 Park Ave.
801-580-8050

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City Council Staff Report



Subject: 2024 Sidewinder Drive – CUP
Author: Mathew W. Evans, Senior Planner
Project No: GI-12-00205
Date: May 8, 2013
Type of Item: Work Session Item – CUP for a Church in the GC District

PLANNING DEPARTMENT

Summary Recommendations

No action by the Planning Commission is needed. Staff wishes to discuss this item with the Planning Commission for the purpose of direction.

Topic

Applicant: St. John's Anglican Church
Owner: Alan Agle, on behalf of Alan Agle LLC
Location: 2024 Sidewinder Drive
Zoning: General Commercial (GC) District
Adjacent Land Uses: Professional Offices, Retail Commercial, Multi-Family Residential.
Reason for Review: Administrative – Work Session Item

Background

On December 13, 1995, the Planning Commission held a public hearing to consider the approval for a Conditional Use Permit (CUP) for the Upper Room Christian Fellowship Church to be located on the second floor of a professional office building located at 2024 Sidewinder Drive, General Commercial (GC) District. The GC District does not list a church as a permitted use; rather it allows a church with the issuance of a CUP. The Planning Commission approved the CUP with the following conditions of approval:

1. The applicant shall install an elevator to enhance access to the second floor within two years from the date of approval of this application or limit the second level occupancy to no more than [fifty] 50 people.
2. The permit shall be reviewed at the end of the two-year period.

As of this date no elevator has been installed at this location, and Staff is unaware of any monitoring of the site after the two-year period. As of a date unknown, the Upper Room Christian Fellowship Church no longer operates a church at this location. It is not customary nor is it required by code to give an expiration of a CUP, and no expiration date was given for this CUP.

In November of 2012, building owner Alan Agle approached the Building Department on behalf of St. John's Anglican Church, who was interested in operating a church in the space previously leased by the Upper Room Christian Fellowship Church. On behalf of the Planning Department, Senior Planner, Mathew Evans, researched the property and found that a CUP had been previously issued with the elevator stipulation. Daren

Lovelace, on behalf of St. Johns, indicated that most Sunday services and meetings would likely have less than fifty (50) people, but could not guarantee that for Holiday services, attendance would likely be higher.

Prior to finding out about the original CUP requirements for the Upper Room Christian Fellowship Church, the owner of the 2024 Sidewinder Drive building, Alan Agle, approached the Building Department about ADA access concerns for second floor use of the building as a church. After inspecting the building, the Building Department determined that because of the building configuration, that an elevator could not be retroactively installed without substantial renovations, and recommended that a stairway chair lift system in lieu of an elevator be considered. On Friday, November 30, 2012 Building Official Chad Root, wrote an e-mail to Planner Evans indicating that the use of the second floor as a church was acceptable with an occupancy of up to 175 under occupancy requirements of the IBC based on a 2,500 square feet space with fixed seating for seventy (70), a conference room for eight (8), as well as an enclosed office space and a large reception area, so long as the stairway chair lift system was installed first, and that there was sufficient space on both ends of the chair lift for wheel chair storage. CBO Root also indicated that, in case of a fire, the elevator would become inoperable anyway, and those who are wheelchair bound would likely be carried down by Emergency personnel anyway.

Discussion

Staff would like the Planning Commission to consider whether or not they believe that the stairway chairlift would be in compliance with the original condition of approval for the elevator. The minutes from the December 13, 1995 meeting are clear that the condition was imposed as a suggestion by the Building Official, Ron Ivie, who indicated that the building code would cap the second story occupancy to no more than 50 persons without an elevator, and that if one was installed, a "waiver" could be granted allowing greater than 50 persons. It is unknown whether or not that has now changed with the current addition of the IBC.

Because an elevator would require substantial remodeling to the existing building (an exterior elevator shaft attached to the side of the existing building), and because the Building Official is satisfied with the stairway chairlift system Staff is inclined to find that, if installed, the chair lift system would be in substantial compliance with the original condition of approval. The original CUP issued runs with the land and is still in effect so long as the building remains as constructed.

If the Planning Commission were to agree that the stairway chair lift system sufficed for compliance with the original approval, the Planning Director could make a determination of substantial compliance and grant the church use of the second floor of the building with its full occupancy potential (number will be verified with the Building Department prior to any decision by the Planning Director).

Future Process

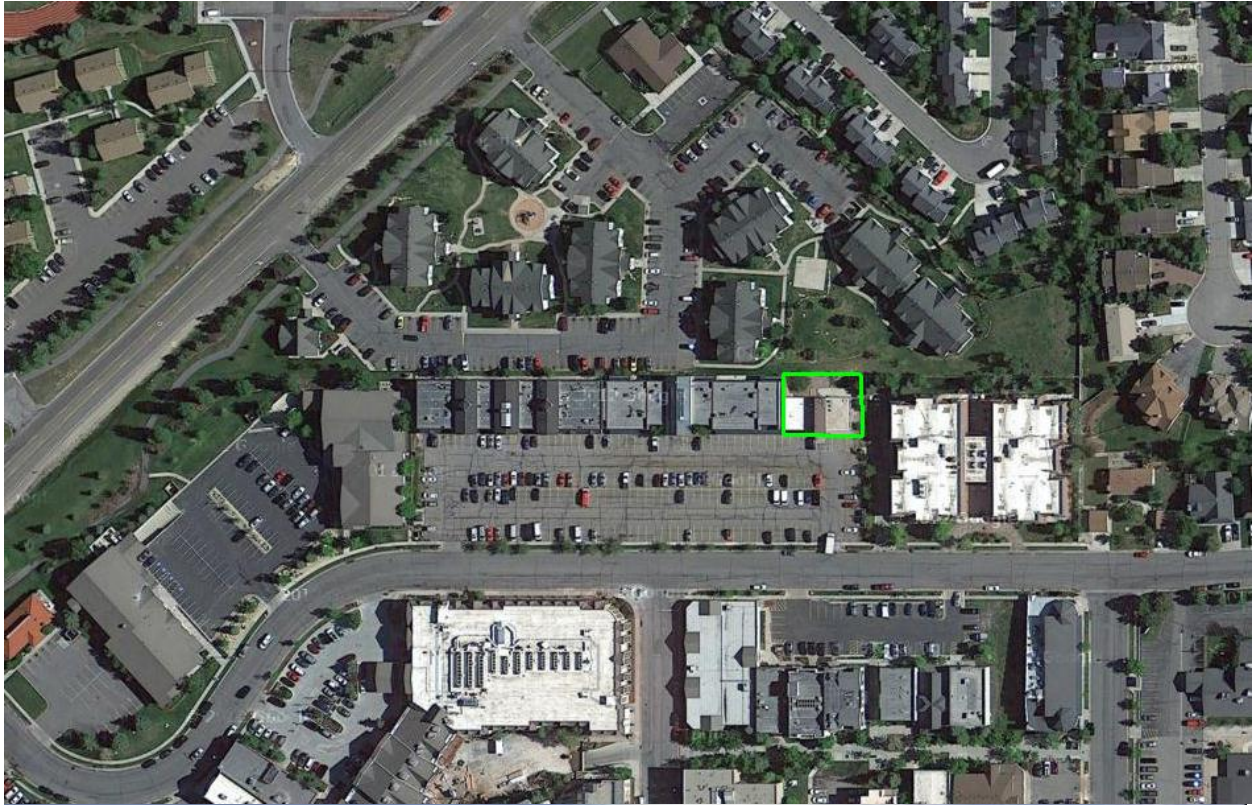
The St. John's Anglican Church has applied for, and received a business license under the original CUP and its conditions of approval (although COA #2 no longer applies). The building owner, Mr. Agle, has agreed to install the stairway chairlift regardless of the Planning Directors decision to allow for non-able bodied parishioners to gain access to the second floor. If the Planning Commission were to agree that the chairlift was in substantial compliance, the Planning Director could decide to write a letter to Mr. Agle indicating that the church would be allowed to use the space to the full occupancy allowed by building code, which will be determined by the Building Department based on the size of leasable space, and how many fixed seats could be placed within that area. This would allow the church to exceed the 50 person occupancy cap. No further processes are required.

If the Planning Commission does not agree that the chairlift would be in substantial compliance with the requirement for an elevator, the building owner or the church could apply to amend the original CUP, and the Planning Commission could then accept the recommendation from the Building Official that the chairlift will suffice to meet life-safety code compliance for the second story occupancy.

Exhibits

Location Map

Exhibit A – December 13, 1995 Planning Commission Meeting Minutes



the Planning Commissioner well. Commissioner Tesch requested that the Staff prepare an appropriate resolution setting forth the activities and work contributed by Commissioner Klingenstein to the Planning Commission and expressing their appreciation.

Chair Erickson reported that the City Council has approved the Planning Commission and Historic District recommended height and setback amendments which went into effect November 30.

IV. PUBLIC HEARINGS/ACTION ITEMS

1.2024 Sidewinder, Meta Tauta Society dba Upper Room Christian Fellowship - Conditional Use Permit

Planning and Zoning Administrator Patrick Putt reviewed the request to hold services on the upper floor of the Creative Beginnings building located at 2024 Sidewinder Drive. The only issue associated with the request related to the building code. There is no elevator in the building as required to handle occupancy of more than 50 people on the second floor. Currently, approximately 50 people attend services. Building Official Ron Ivie felt a waiver could be granted during a public review as part of the Conditional Use Permit. The waiver would be memorialized as a condition of approval stating that the applicant shall install an elevator to enhance access to the second floor within two years from the date of approval of the application or limit the second level occupancy to no more than 50 people. Mr. Ivie was comfortable with that language. The Staff suggested an additional condition stating that the permit be reviewed at the end of the two-year period. Notices were mailed, and no comment was received.

Chair Erickson opened the public hearing.

There was no input.

Chair Erickson closed the public hearing.

MOTION: Commissioner Alison Child moved to APPROVE the Meta Tauta Society Conditional Use Permit with the Findings of Fact, Conclusions of Law, and Condition of Approval outlined in the staff report with the addition of Condition 2 as suggested by the Staff. Commissioner Fred Jones seconded the motion.

VOTE: The motion passed unanimously.

Conditions of Approval - Meta Tauta Society

1.The applicant shall install an elevator to enhance access to the second floor within two years from the date of approval of

this application or limit the second level occupancy to no more than 50 people.

2.The permit shall be reviewed at the end of the two-year period.

2.2000 Meadows Drive, Park Meadows Golf Club - Conditional Use Permit

Planner Megan Ryan reported that this matter was reviewed by the Planning Commission at the November 29 work session. At the Planning Commission's direction, the Staff had outlined seven conditions of approval for the seasonal operation limiting hours of operation, amplified music, and signage. The permit would be reviewed after the first year of operation for compliance with the conditions of approval. The Staff recommended approval with conditions. The applicants had reviewed the conditions and found them acceptable. Notices were sent, and no comment was received.

Chair Erickson opened the public hearing.

There was no input.

Chair Erickson closed the public hearing.

Commissioner Diane Zimney felt that an 11:00 p.m. closing was unacceptable considering the close proximity of the neighbors to the golf course. Planner Ryan explained that operation hours were set by condition, and the Staff was unable to find any other application that had set a precedent. The 11:00 p.m. closing was based on the closing time of Majors Restaurant which closes at 10:00 p.m. The 11:00 p.m. closing assumes that a sleigh ride would be something to do after the restaurant closes.

Commissioner Calder did not recall work session discussion that suggested the activity would run late into the evening. He felt 10:00 p.m. was the latest it should run.

Commissioner Tesch felt the language in Condition 4 regarding clean up of the area was weak. He suggested modifying the language to clarify that, not only was the applicant responsible for cleaning up the area of operation and the stables, but that it shall be done.

Chair Erickson noted that the operations in Deer Valley and Park City have a daily waste removal and clean-up condition.

Ed Baltz, representing the applicant, commented that Chair Erickson was correct in his recollection of the condition for Deer Valley and Park City and noted that they are cleaned on a daily basis. He felt it was more difficult during the winter to require

Planning Commission Staff Report



Subject: 1024 Norfolk Avenue
Project #: PL-13-01853
Author: Francisco Astorga, Planner
Date: May 9, 2013
Type of Item: Administrative – Steep Slope Conditional Use Permit
Work Session Discussion

Summary Recommendations

Staff recommends that the Planning Commission review the proposed Steep Slope Conditional Use Permit at 1024 Norfolk Avenue and provide feedback and direction to the applicant during the work session discussion.

Description

Applicant/Owner: Kathleen & Jamie Thomas
Location: 1024 Norfolk Avenue
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Construction of structures greater than 1,000 square feet on a steep slope requires a Conditional Use Permit

Proposal

This application is a request for a Steep Slope Conditional Use Permit for new single family dwelling on a vacant lot of record.

Background

On April 2, 2013 the City received a completed application for a Conditional Use Permit (CUP) for "Construction on a Steep Slope" at 1024 Norfolk Avenue. The property is located in the Historic Residential (HR-1) District. The property, Lot 2 of the Thomas Subdivision, a Plat Amendment approved and recorded in 2004. The lot contains 2,813 square feet.

This application is a request for a Conditional Use Permit for construction of new single family dwelling. Because the total proposed structure square footage is greater than 1,000 square feet, and would be constructed on a slopes greater than thirty percent (30%), the applicant is required to file a Conditional Use Permit application for review by the Planning Commission, pursuant to Land Management Code (LMC) § 15-2.2-6.

A Historic District Design Review (HDDR) application is concurrently being reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009.

Purpose

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

- A. preserve present land Uses and character of the Historic residential Areas of Park City,

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

Analysis

A single family dwelling is an allowed use in the HR-1 District. The proposed structure is 3,397 square feet, which includes the 453 two (2) car tandem garage. The proposed upper floor is 996 square feet in size. Both the main and lower levels are 1,198 square feet in size. Staff made the following LMC related findings:

Requirement	LMC Requirement	Proposed
Building Footprint	1,201 square feet maximum, (based on lot area)	1,198 square feet, <u>complies.</u>
Front/Rear Yard Setbacks	10 feet minimum, 20 feet total	10'-4" (front), <u>complies.</u> 15'-8" (rear), <u>complies.</u>
Side Yard Setbacks	3 feet minimum, 6 feet total	3'-9" (on both sides), <u>complies.</u>
Building Height	27 feet above existing grade, maximum.	Various heights all under 27 feet, <u>complies.</u>
Number of stories	A structure may have a maximum of three (3) stories	3 stories, <u>complies.</u>
Final grade	Final grade must be within four (4) vertical feet of existing grade around the periphery of the structure	4 feet or less, <u>complies.</u>
Vertical articulation	A ten foot (10') minimum horizontal step in the downhill façade is required for a for third story	<u>Complies.</u>
Roof Pitch	Roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.	All roof forms contain a 7:12 roof pitch, <u>complies.</u>
Parking	2 parking spaces, minimum	2 interior spaces, <u>complies.</u>

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

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

The proposed structure is located towards the front of the lot while maintaining in excess of the minimum setback which reduces the amount of hard surface required for the driveway and allows floor levels to relate as closely as possible to existing topography. The structure is setback 10'-4" from the front lot line and approximately thirty feet (30') from the existing asphalt. The side yard widths vary along the depth of the building with significant two foot (2') and four foot (4') steps into the structure as the roof plane changes behind main ridge paralleling the street. The rear setback is 15'-8" to the building face taking advantage of side-yard solar access and locating a living room deck to the side of the proposed dwelling.

The proposed building coverage is 43%. The impermeable lot coverage of the proposal is 52%, which include the driveway, porch/entry, building footprint, and rear deck.

- 2. Visual Analysis.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points to determine potential impacts of the proposed Access, and Building mass and design; and to identified the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities. **No unmitigated impacts.**

The applicant submitted a visual analysis, including a model, and renderings showing a contextual analysis of visual impacts, see Exhibit E.

The proposed structure cannot be seen from the key vantage points as indicated in the LMC Section 15-15-1.283, with the exception of a cross canyon view. The cross canyon view contains a back drop of three (3) story buildings. The building is located in a neighborhood of similar structures and is completely surrounded by developed lots. Lots across the street all contain recently completed single family dwellings. Lots to the rear, facing Woodside Avenue, are occupied by historic structures with contemporary upper level and rear additions.

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

The project will be accessed by a concrete slab on grade, combined driveway and pedestrian access from Norfolk Avenue. The driveway falls from the street allowing the building levels to closely follow the existing topography. The driveway is single vehicle width leading to a tandem garage.

The remainder of the front yard provides a landscape buffer. The pedestrian access path and steps changes to a deck at the approach to the front door reduces the need for and impacts of impervious paving.

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

Minor retaining is necessary around the proposed structure to provide for egress on the lower level as well as the rear patio. Limited retaining is also being requested around the driveway located in the front yard area. Both of these areas will meet the LMC development standards of retaining walls which range from four feet (4') to the maximum height of six feet (6') above final grade.

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

The proposed structure is located towards the front of the lot while maintaining the minimum front yard setback. This reduces the amount of hard surface required for the driveway and allows floor levels to relate as closely as possible to existing topography. The plane of the façade lies between those of the immediate neighbors, more than two feet (2') behind the historic remodel at 1002 Norfolk and approximately one foot (1') in front of the new dwelling at 1034 Norfolk.

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

The main ridge orients with the contours. The tandem garage solution chosen to minimize the impact of the garage door also provides an opportunity to use a narrow driveway and to quickly return to natural grade within the remaining landscaped front yard. The resulting shift in visual mass is assisted by the overhanging gable roof to the front which not only provides weather protection to both the garage and the front door but helps to redirect visual emphasis.

Behind the street front, the side walls step in, narrowing the built form and increasing the side yards. The tandem garage element creates the uppermost gable visible on the rear elevation and the roof then continues to slope down to the two story rearmost section. The corner behind and below the garage utilizes a covered deck on the second level and a patio below, taking advantage of the opportunity for solar gain while de-emphasizing the overall height of the wall required to accommodate the garage.

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

The proposed structure is setback 10'-4" from the front property line and approximately thirty feet (30') from the edge of asphalt. The rear yard setback is 15'-8" rather than the often utilized minimum ten feet (10').

8. **Dwelling Volume.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in [LMC Chapter 2.2 – HR-1]. The Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures. **Discussion requested.**

*The proposed structure is both horizontally and vertically articulated and broken into compatible massing components. The design includes setback variations and lower building heights for portions of the structure. The proposed massing and architectural design components are compatible with both the volume and massing of single family dwellings in the area. **Does the Planning Commission concur with these findings?***

9. **Building Height (Steep Slope).** The maximum Building Height in the HR-1 District is twenty-seven feet (27'). The Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures. **Discussion requested.**

The proposed structure meets the twenty-seven feet (27') maximum building height requirement measured from existing grade. Portions of the house are less than 27' in height.

On the applicant's write up to the CUP criteria, See Exhibit B, the applicant indicated that they needed “down-hill lot tandem garage height” exception specified on LMC § 15-2.2-5 as they believed that a portion of this garage was over the maximum height.

After careful examination of the roof plan overlaid on the topography (survey), known as the “roof over topo” height analysis, staff has concluded that this structure does not necessitate the required height exception as this roof form over the tandem garage is not higher than the maximum height of twenty-seven feet (27') from existing grade.

Process

Approval of this application constitutes Final Action that may be appealed to the City Council following the procedures found in LMC § 15-1-18. Approval of the Historic

District Design Guideline compliance is noticed separately and is a condition of building permit issuance.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time other than standards items that would have to be addressed during building permit review.

Public Input

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

Alternatives

- The Planning Commission may approve the Conditional Use Permit for 1024 Norfolk Avenue as conditioned or amended, or
- The Planning Commission may deny the Conditional Use Permit and direct staff to make Findings for this decision, or
- The Planning Commission may request specific additional information and may continue the discussion to a date uncertain.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The construction as proposed could not occur. The applicant would have to revise their proposal.

Recommendation

Staff recommends that the Planning Commission review the proposed Steep Slope Conditional Use Permit at 1024 Norfolk Avenue and provide feedback and direction to the applicant during the work session discussion.

Exhibits

Exhibit A – Project Description

Exhibit B – Applicant's Steep Slope CUP Criteria Analysis

Exhibit C – Survey

Exhibit D – Proposed Plans

Exhibit E – Visual analysis, including a model and renderings

Exhibit A – Project Description

1024 Norfolk Avenue: Project Outline

The proposal is for a four bedroom single family home located on a vacant lot in the historic district (HR-1). The site is surrounded on all sides by existing single family homes.

The site lies on the east side of Norfolk Avenue. The Lot slopes down, away from the street. The Lot is 37.5 ft x 75 ft wide allowing a max building footprint of 1201 Sq Ft. The proposed footprint is 1198 Sq Ft.

The proposed structure has three stories overall with a single story representation to the street and two levels below and behind. The upper (street) level has a two car garage utilizing a tandem arrangement. This allows for a single width garage door. The upper level also houses the main entry/egress door, a small hall, a guest bedroom suite and stairs down to the main living level below. The second level contains the main living, kitchen and dining areas and the master suite. Two other bedrooms and a small family room are located on the lower level which gives access to the rear garden area. The mechanical room and laundry room are also located on this lower level.

Approximate Floor Areas:

Upper level: 996 SF gross including attic storage and two car garage. 328 SF net.

Second level 1198 SF gross, 1053 SF net

Lower level 1198 SF gross, 1056 SF net

Designed roof pitch 7:12,

(A shallower pitch at 'secondary' roof over the lower rear deck allows for passive solar heat and light gain)

Designed height 27 ft or less (ref elevations, sections and site plan with roof height analysis)

Except : The tandem garage arrangement causes the secondary ridge to penetrate the height limit (see elevations and sections) an exception is being requested per LMC 15-2.2-5.

Setbacks: the project meets or exceeds required setbacks.

Excavation and Grading: To the maximum extent possible, existing grades are maintained. Due to the steep fall between the road and the front façade, fill is required to access the driveway and main entry/egress door. (To further reduce the amount of hard surface in the front yard, a timber deck arrangement was chosen for the steps and path at the entry/egress. Below this pathway, natural grade is resumed as quickly as possible outside the stamped concrete driveway surface). For the remainder of the site outside the driveway, all final grade levels lie easily within four feet of existing grade.

A more detailed analysis follows with expanded descriptions, utilising specific references to the Steep Slope Design Criteria

Exhibit B – Applicant’s Steep Slope CUP Criteria Analysis

1024 Norfolk Steep Slope: Analysis

Average slope of lot is 24.3%. ($AS = \sum L \times I/A$). However, LMC requires Steep Slope CUP for lots where the steepest 15’ horizontal portion (including access to the lot) exceeds 30%. In this case the steepest portion of the lot approximates 35% slope

Conditional Use permit Applications shall be subject to the following criteria:

(1) **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.

The building is located at 1024 Norfolk Ave, a 37.5ft x 75ft Lot on the east side of the street, sloping downhill from the road. This property is the second of two lots created from three original 25’ old town lots. The adjacent Lot to the North, 1030 Norfolk was previously the site of a large dilapidated utility building. This has been replaced by a recently completed four story single family dwelling with a two story representation to the street. The South side neighbor, 1002 Norfolk is a remodeled and extended historic home. Somewhat uniquely this historic remodel occupies a parcel with a 100 ft wide street frontage to Norfolk Avenue. It is 37.5 ft deep and wraps the corner of Norfolk and 10th street. This neighboring home thus presents a reduced 8’ setback to the front lot line and a larger „rear setback“ to the subject property at 1024 Norfolk.

The proposed home, 1024 Norfolk, is located towards the front of the lot while maintaining in excess of the minimum setback. This reduces the amount of hard surface required for the driveway and allows floor levels to relate as closely as possible to existing topography. The home is setback ten feet four inches from the front Lot line, approximately thirty feet from the existing asphalt. The plane of the façade lies between those of the immediate neighbors, more than 2’ behind the historic remodel at 1002 and approximately 1’ in front of the new home at 1034 Norfolk.

Side-yard widths vary along the depth of the building with significant 2’ and 4’ steps as the roof plane changes behind main ridge paralleling the street. Side setbacks range from a minimum of three feet nine inches to seven feet nine inches. This mitigates the impact of snow shedding and allows the rare opportunity to maximize the benefits of solar gain.

The rear setback is fifteen feet eight inches to the building face. Taking advantage of side-yard solar access and locating a living room deck to the side of the proposed dwelling negates the need to extend further into the rear yard as is typical with a deck in old town. This mitigates visual impacts on the downhill rear neighbors and reduces potential shadowing effects on the neighbor to the north.

(2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

- (a) To determine potential impacts of the proposed Access, and Building mass and design; and
- (b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

All building elevations and a streetscape drawing have been provided. The building is not readily visible from the key Vantage Points defined in the code. The building is located in a neighborhood of similar structures and is completely surrounded by developed lots. The lot immediately adjacent (North) at 1030 Norfolk is occupied by a recently completed four story (two story elevation to the street) four thousand sq ft home. The adjacent Lot to the South is occupied by the remodeled and extended historic home at 1002 Norfolk. Lots across the street all contain recently completed single family homes. Lots to the rear, facing Woodside, are occupied by historic homes with contemporary upper level and rear additions.

(3) **ACCESS.** Access points and driveways must be designed to minimize Grading of the natural topography and to reduce overall Building scale. Common driveways and Parking Areas, and side Access to garages are strongly encouraged.

The project will be accessed by a stamped concrete slab on grade, combined driveway and pedestrian access from Norfolk Avenue. The driveway falls from the street allowing the building levels to closely follow the existing topography. The driveway is single vehicle width leading to a tandem garage. The driveway is off centre to the South side. The remainder of the front yard provides a landscape buffer to the much wider driveway and larger home to the North. The pedestrian access path and steps changes to a timber deck at the approach to the front door reducing the need for and impacts of impervious paving. This also enables the modified grades to quickly return to existing levels using a minimum of retaining structures.

(4) **TERRACING.** The project may include terraced retaining Structures if necessary to regain Natural Grade.

Floor levels have been designed as far as possible to relate to existing ground levels. Minor grading may be required in order to control water runoff but existing grade will essentially remain unchanged except for the access to the building (see above). Consequently “terracing” is not anticipated. Small rock retaining walls are shown on the site plan.

Note: especially to the North side lot line “Natural Grade” is unclear due to the remaining impacts on existing grade of prior disturbance: the now removed, district boiler house that once occupied the lot immediately to the North directly impacting this parcel.

(5) **BUILDING LOCATION.** Buildings, Access, and infrastructure must be located to minimize cut and fill that would alter the perceived natural topography of the Site. The Site design and Building Footprint must coordinate with adjacent properties to maximize opportunities for open Areas and preservation of natural vegetation, to minimize driveway and Parking Areas, and to provide variation of the Front Yard.

See above item (1) Location, and (4) impact of prior disturbance on Natural grade.

(6) **BUILDING FORM AND SCALE.** Where Building masses orient against the Lot’s existing contours, the Structures must be stepped with the Grade and broken into a series of individual smaller components that are Compatible with the District. Low profile Buildings that orient with existing contours are strongly encouraged. The garage must be subordinate in design to the main Building. In order to decrease the perceived bulk of the Main Building, the Planning Director and/or Planning Commission may require a garage separate from the main Structure or no garage.

The main ridge as viewed from the street side parallels (“orients with”) the contours. The tandem garage solution chosen to minimize the impact of the garage door also provides an opportunity to use a narrow driveway and to quickly return to natural grade within the remaining landscaped front yard. This return to grade allows for a window on the level below to be exposed on the façade. The resulting shift in visual mass is assisted by the overhanging gable roof to the front. This roof not only provides weather protection to both the garage and the front door but helps to redirect visual emphasis. The balanced asymmetry of the combined elements seeks to provide dynamic interest to the casual observer re-establishing emphasis on the perceived areas of habitable space behind and below. This is never easy where codes essentially mandate single story facades to street fronts on narrow lots.

Behind the street front, the side walls step in, narrowing the built form and increasing the side yards. The tandem garage element creates the uppermost gable visible on the rear elevation and the roof then continues to slope down to the two story rearmost section. Additional steps in

the building width mean that the furthest rear projection is only fourteen feet wide. The re-entrant corner behind and below the garage utilizes a covered deck on the second level and a patio below, taking advantage of the opportunity for solar gain while de-emphasizing the overall height of the wall required to accommodate the garage.

(7) **SETBACKS.** The Planning Department and/or Planning Commission may require an increase in one or more Setbacks to minimize the creation of a “wall effect” along the Street front and/or the Rear Lot Line. The Setback variation will be a function of the Site constraints, proposed Building scale, and Setbacks on adjacent Structures.

As stated previously the front setback is 10’4” to front lot line. This is however almost thirty feet from the edge of asphalt. The facade lies between the front setbacks of the buildings either side. Moving the deck from the typical rear yard location to the increased depth South side-yard creates a rear yard setback of fifteen feet eight inches rather than the often utilized minimum ten feet.

(8) **DWELLING VOLUME.** The maximum volume of any Structure is a function of the Lot size, Building Height, Setbacks, and provisions set forth in this Chapter. The Planning Department and/or Planning Commission may further limit the volume of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing Structures.

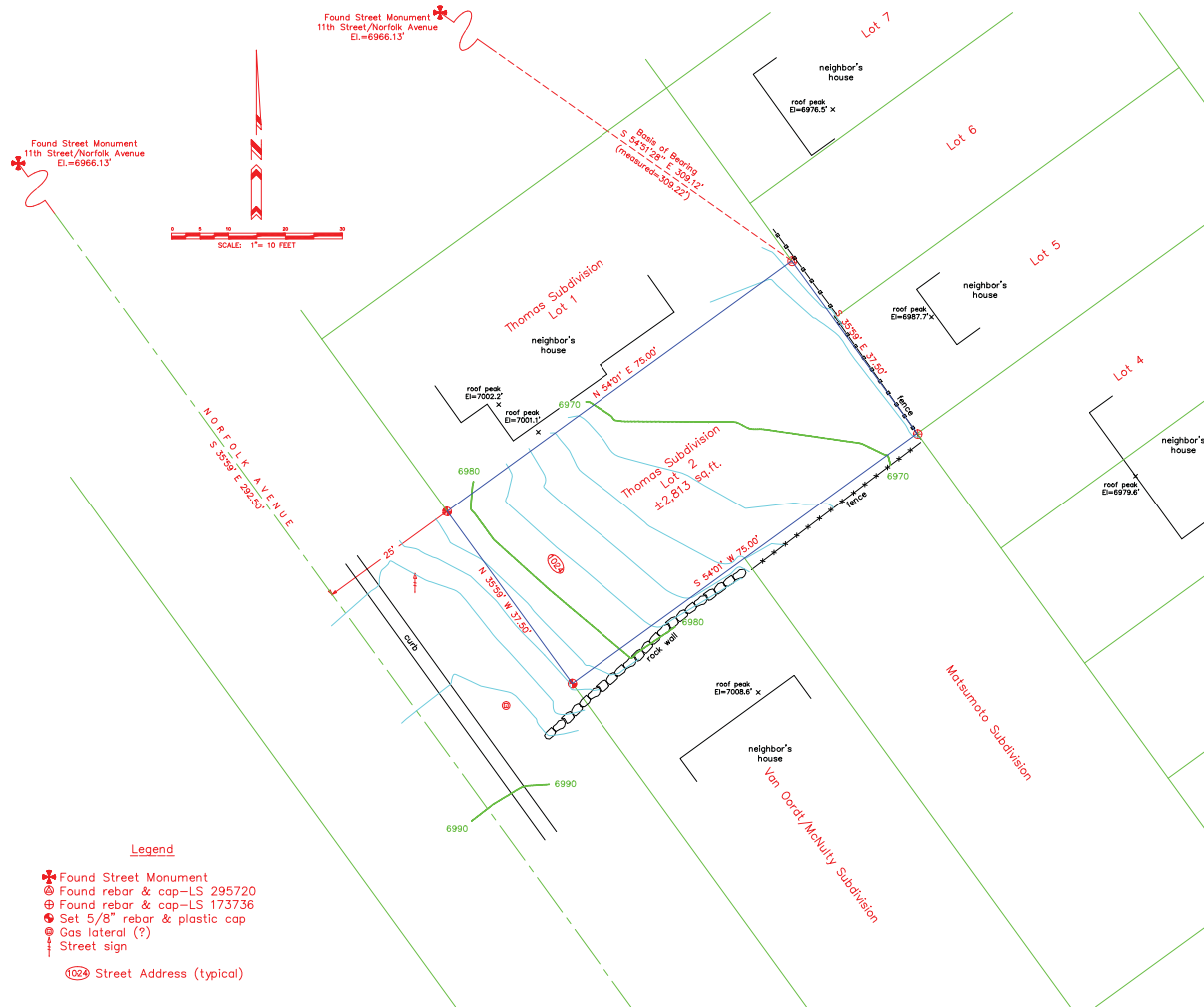
A significant portion of the built volume lies below grade and is thus not apparent from the front. The street façade mediates between the houses either side; that is the visible upper two stories of the new house at 1030 Norfolk and the visible single story façade of the remodeled historic home at 1002. From the rear the building drops from three stories to two and the below grade section essentially becomes a walk out basement at grade level. Again, this mediates well between the now visible two story historic remodel to the South and the taller (4 story, 3 visible) house to the North.

(9) **BUILDING HEIGHT (STEEP SLOPE).** The Zone Height in the HR-1 District is twenty-seven feet (27’) and is restricted as stated above in Section 15-2.2-5. The Planning Department and/or Planning Commission may require a reduction in Building Height for all, or portions, of a proposed Structure to minimize its visual mass and/or to mitigate differences in scale between a proposed Structure and existing residential Structures.

The site plan shows roof over topo and our belief that this proposal complies in all but one respect. The rear-most portion of the roof of the tandem garage breaks the twenty seven foot height limit by approximately 16”. Please refer to the building section drawings where this condition is illustrated on the upper right of the drawing sheet. This is also shown on the rear elevation drawing by a dashed line on the higher gable ridge above the small window at the back of the garage. In addition the Street Elevation drawing clearly illustrates the proposed structure as having a lower main ridge than the structures either side.

When changes were made to the Land Management Code in 2009 this event was foreseen as a likely consequence of encouraging tandem garages on down hill lots. LMC 15-2.2-5 was changed to allow height exceptions for tandem garages up to 35” above grade. No such extreme request is being made. We believe 28’6” will suffice and ask indulgence of the Planning Commission in this regard.

*Thomas Subdivision
Lot 2, Block 9
Snyders Addition to the Park City Survey*



NARRATIVE

1. Survey requested by: Jamie Thomas.
2. Purpose of survey: locate the deed description and the topographic relief.
3. Basis of survey: found Street and Property Monuments as shown.
4. Date of survey: September 25, 2012; houses added March 18, 2013.
5. Property monuments set or found as shown.
6. Located in the Northwest Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
7. The owners of the property should be aware of any items affecting the property that may appear in a title insurance report.
8. Elevations established from an elevation of 6966.13 feet at the Street Monument found at the intersection of 11th Street and Norfolk Avenue, as shown, from the Park City Monument Control Map.

LEGAL DESCRIPTION

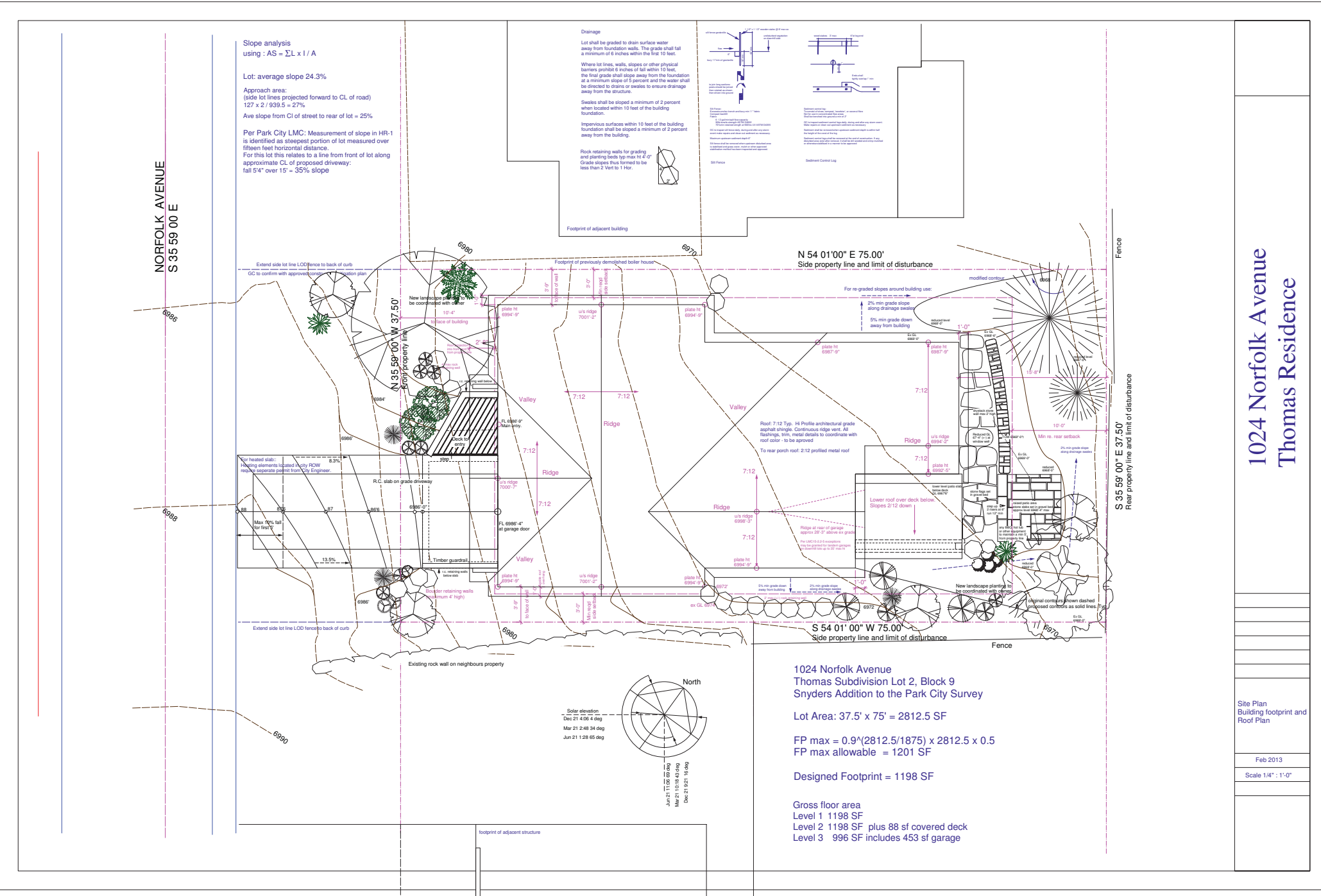
All of Lot 2, Thomas Subdivision, Block 9, Snyder's Addition to the Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder; containing 2,813 square feet, more or less.

SURVEYOR'S CERTIFICATE

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

Date J.D. Gailey RLS#359005

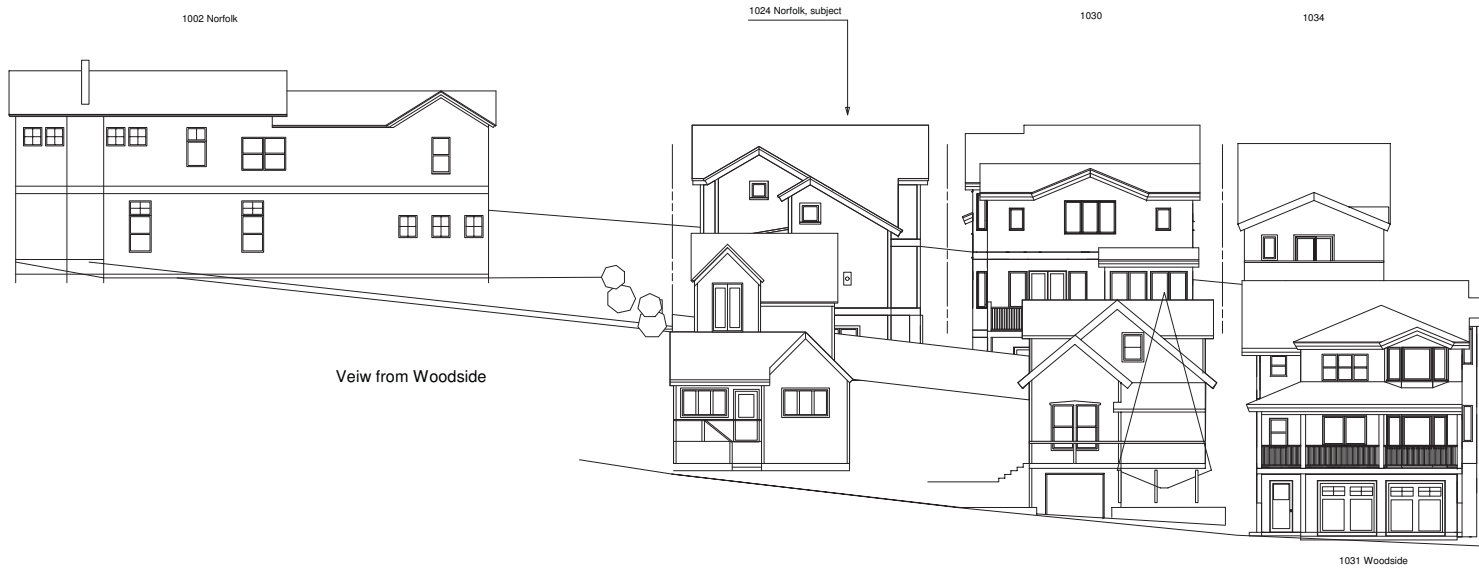
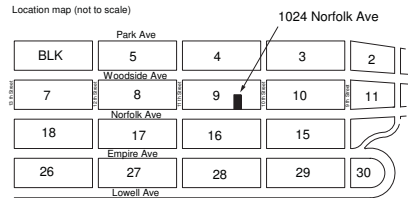
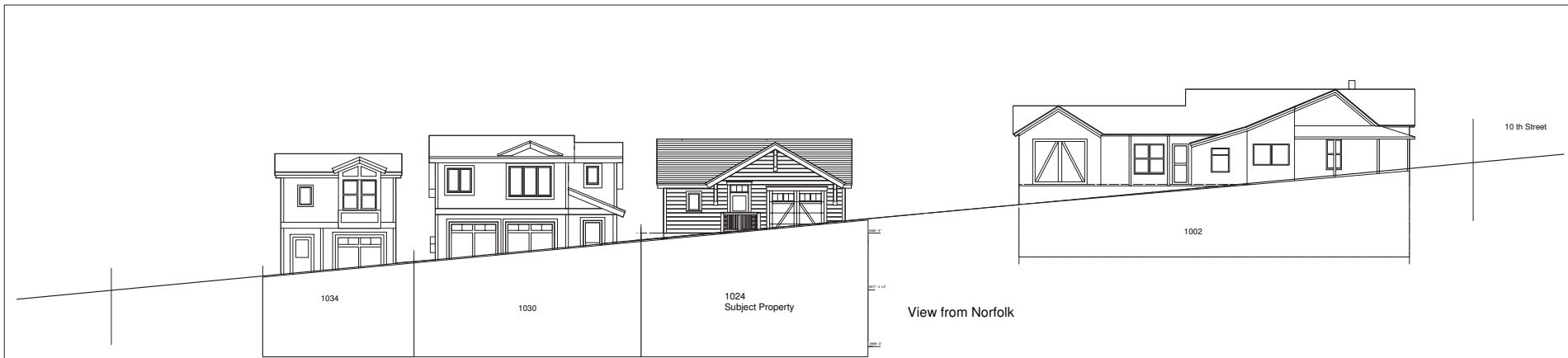




1024 Norfolk Avenue
Thomas Residence

Site Plan
Building footprint and
Roof Plan

Feb 2013
Scale 1/4" = 1'-0"

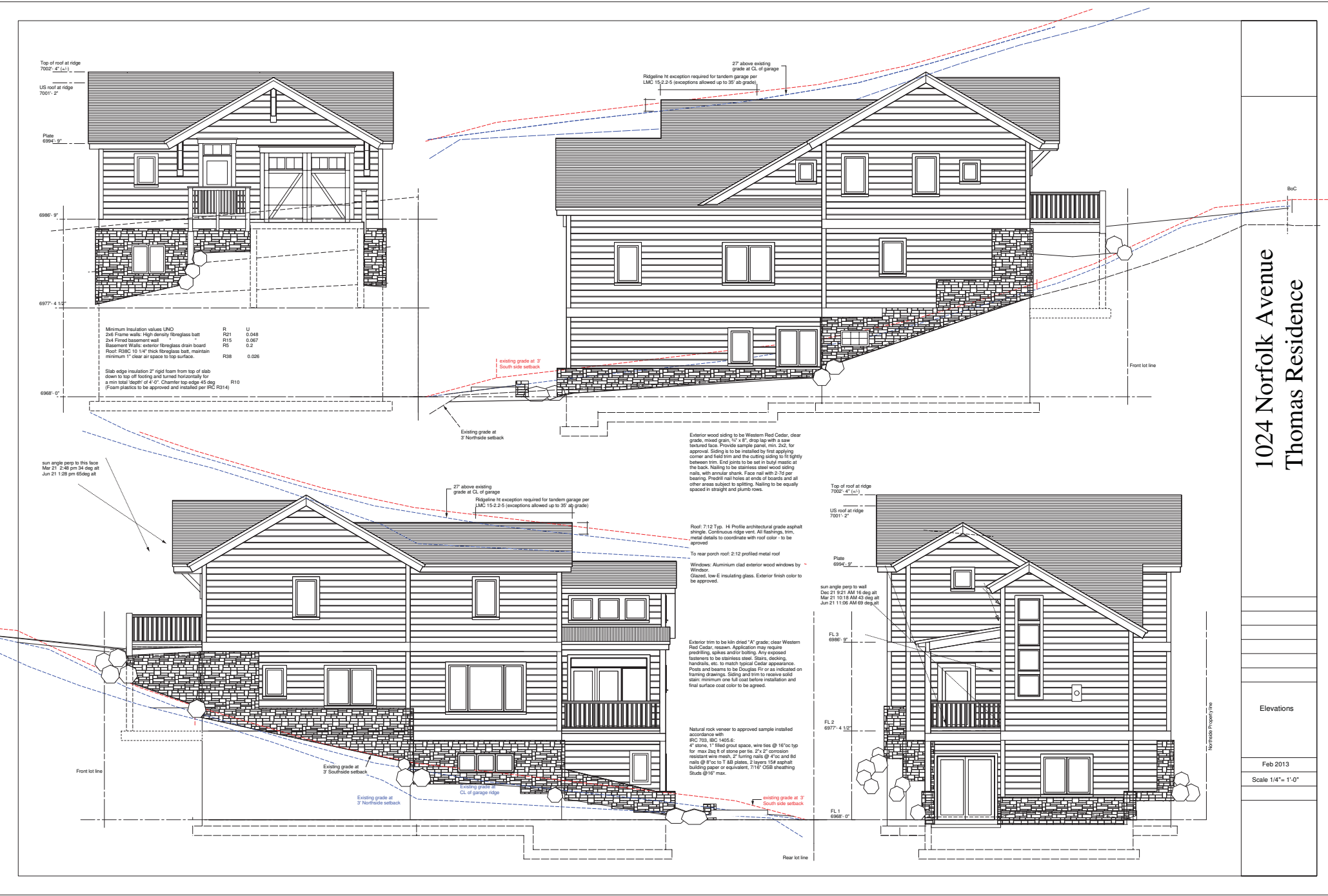


1024 Norfolk Avenue
Thomas Residence

Street Elevation
Location Map

Oct 2012
Scale 1/8" = 1' (elev only)

Exhibit D – Proposed Plans



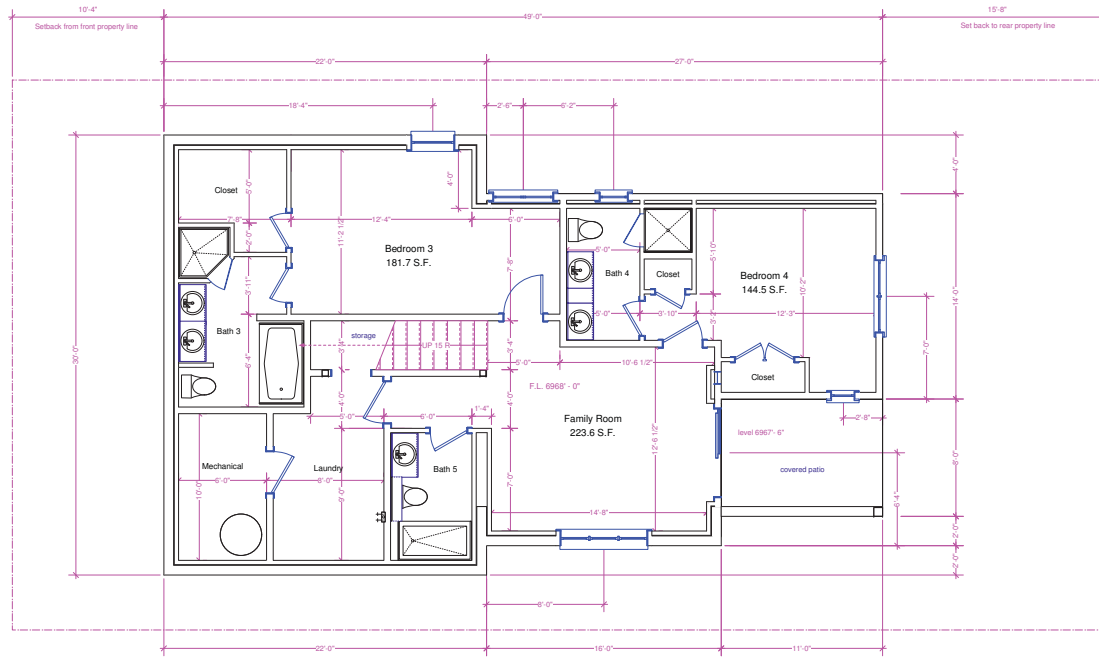
1024 Norfolk Avenue
Thomas Residence

Elevations
Feb 2013
Scale 1/4" = 1'-0"

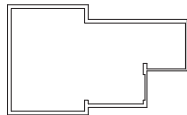


1024 Norfolk Avenue
Thomas Residence

Sections
Feb 2013
Scale 1/4" = 1'-0"



Lower level Plan
 Footprint and Gross Floor Area
 To outside face of exterior walls: 1198 SF
 (To inside face of outside walls: 1056 SF)

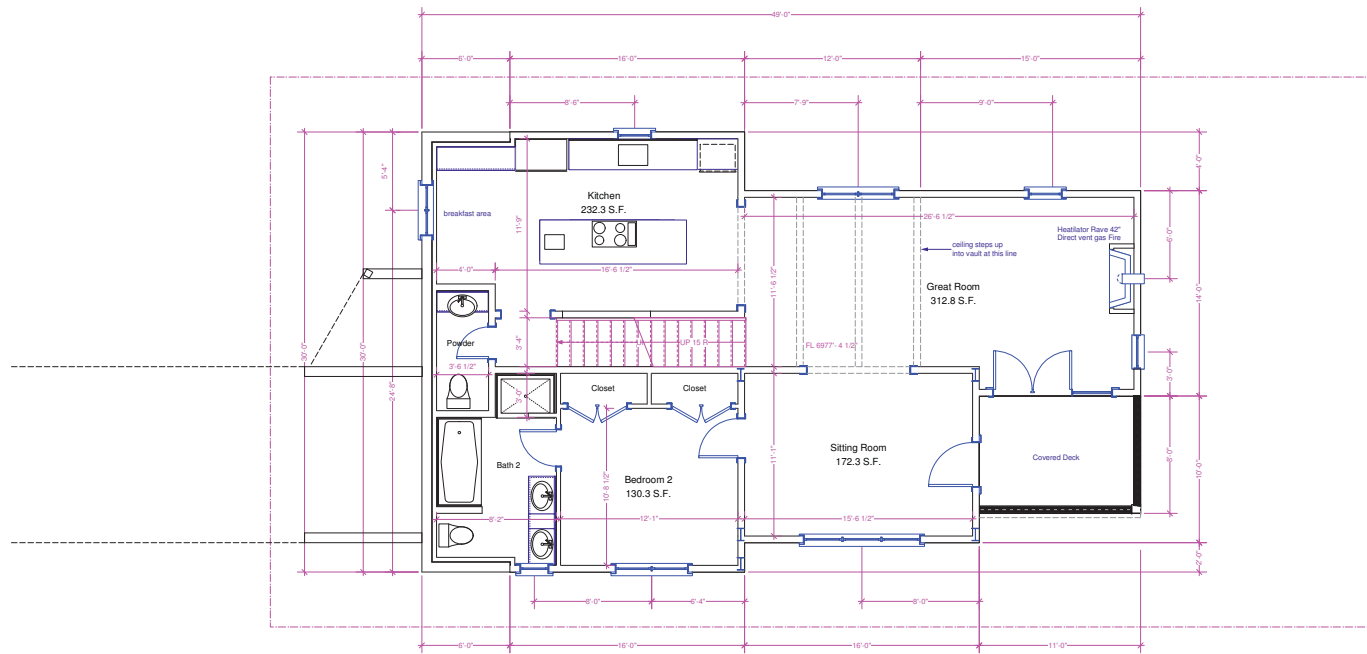


1024 Norfolk Avenue
 Thomas Residence

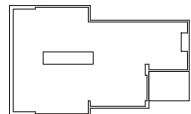
Level 1 Plan
 General Arrangement

Feb 2013

Scale 1/4" = 1'-0"



Main Living Level Plan
 Footprint and Gross Floor Area
 To outside face of exterior walls: 1198 SF
 (To inside face of outside walls: 1053 SF)
 Covered porch 88 SF

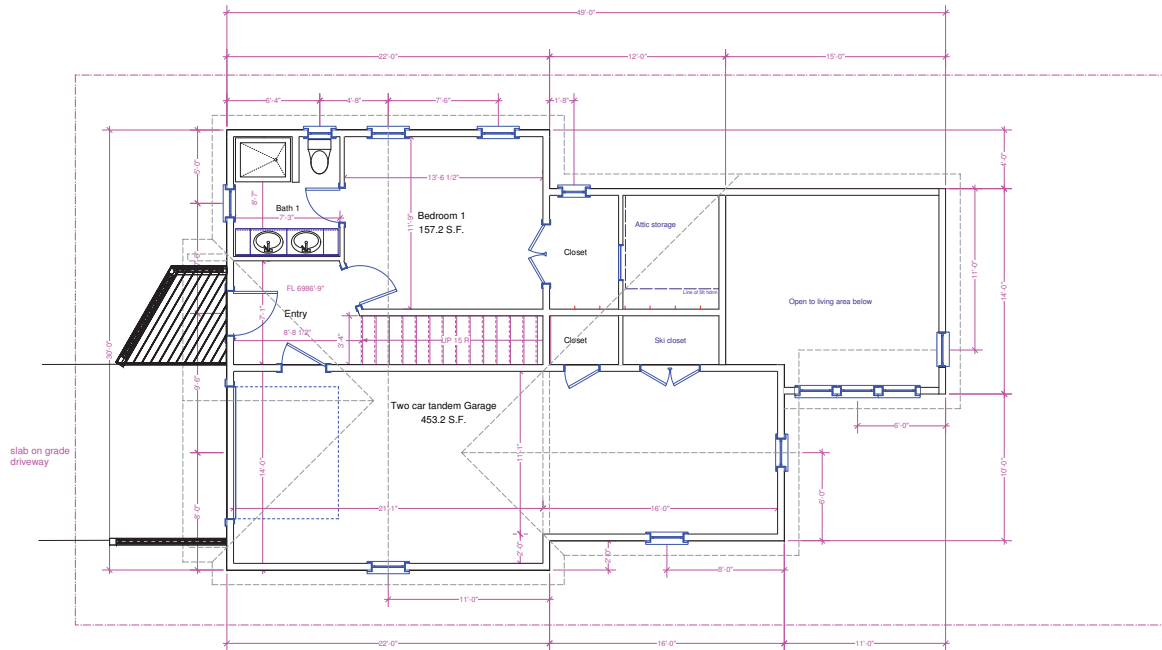


1024 Norfolk Avenue
 Thomas Residence

Level 2 Plan
 General Arrangement

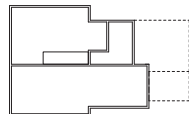
Feb 2013

Scale 1/4" = 1'-0"



Upper Level Plan
 Gross Floor Area
 To outside face of exterior walls: 996 SF

To inside face of outside walls:
 Habitable: 328 SF
 Storage: 90 SF
 Garage: 453 SF



1024 Norfolk Avenue
 Thomas Residence

Level 3 Plan
 General Arrangement

Feb 2013

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

LANDSCAPING

PART 1 GENERAL

- 1.1 WORK
 - A. Provide and install trees, plants, and ground cover as shown on the Drawings and specified herein.
 - B. Provide all related materials, equipment, and labor required to complete the Work as specified.
 - C. Other related work.

- 1.2 QUALITY STANDARDS
 - A. Provide experienced, well-trained workers competent to complete the Work as specified.
 - B. Unless approved by the Architect, provide all materials from one supplier.
 - C. Use products and accessories:
 - 1. From a supplier who specializes in the specified landscape materials.
 - 2. From a supplier specified or approved by the Architect.
 - D. All work shall comply with governing building, safety and zoning codes.

1.3 SUBMITTALS

- A. Submit the following within 30 days after receiving the Notice to Proceed:
 - 1. Submit list of materials to be provided for this work.
 - 2. Submit suppliers specifications to prove compliance with these specifications.

1.4 MATERIALS HANDLING

- A. Provide all materials required to complete the Work as shown on Drawings and specified herein.
- B. Deliver, store, and transport materials to avoid damage to the product or to any other work.
- C. Return any materials delivered in an unsatisfactory condition.
- D. Materials delivered will be certified by the supplier to be as specified.
- E. Store materials in a safe, secure location, protected from theft.

1.5 PRECONSTRUCTION AND PREPARATION

- A. Examine and verify that job conditions are satisfactory for specified and acceptable work.
- B. Maintain and use all up-to-date construction documents on site.
- C. Maintain and use up-to-date trade standards and materials specifications on site.
- D. Confirm there is no conflict between this work and existing building and safety codes.
- E. Confirm there are no conflicts between this work and work of other trades.
- F. Confirm that work of other trades that must precede this work has been completed.
- G. Planning and coordination:
 - 1. Notify the Architect when work is scheduled to be started and completed.
 - 2. If required by the Architect, a preconstruction meeting will be held with all concerned parties.
 - 3. Use agreed schedule for installation and for field observations by the Architect.

PART 2 MATERIALS

2.1 PLANTS, SOIL, AND RELATED MATERIALS

- A. Provide plants and related materials listed below.
- B. Plant materials must be from a fully qualified plant supply nursery as approved by the Architect.
- C. Plant materials shall be certified by independent inspection.

PLANT SCHEDULE

Species	Quantity	Size	Location
B. Soil			
Provide general ASPA approved grade cultivated grass seed			
Shovel fitness rock system			
Machine mix with 1/2 inch to 1 inch topsoil base			
Grass type must be suitable to local climate, maintenance and growing conditions			
Fertilizer			

PART 3 LANDSCAPE INSTALLATION

3.1 COORDINATION AND PREPARATION

- A. Coordination:
 - 1. Coordinate planting with site improvements not yet installed.
 - 2. Drains, Irrigation, Site furniture, Paving, Walls and fences.
 - 3. Prepare planting beds and pits as shown on plans.
 - 4. Drain planting pits well and keep free of standing water.
 - 5. Prepare planting pits of ample size to hold roots and root balls.
 - 6. Final finish grade to drain without interruption or diversion due to construction.
 - 7. Provide support as per instructions of the plant supplier.
- B. Workability:
 - 1. Consistency.
 - 2. Tapered shall be clean cut.
 - 3. Foreign matter: Clay, Gravel, Subsoil.
 - 4. See subsoil grading instructions for details of topsoil layer.
 - 5. Fill and loamess subsoil to bond with topsoil layer.
 - 6. Do all required subsoil and topsoil bed preparation.
 - 7. Keep subsoil free of foreign matter and construction debris.
- C. Compact topsoil evenly.

3.2 PLANTING PROCEDURES

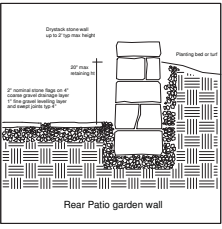
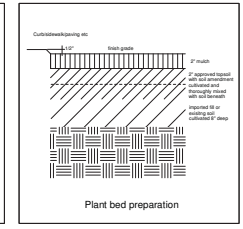
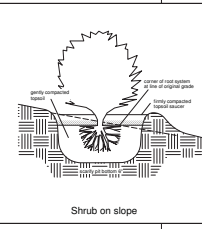
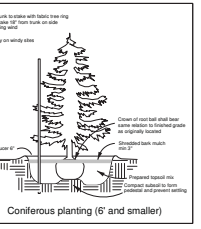
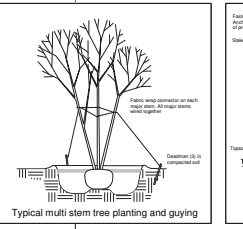
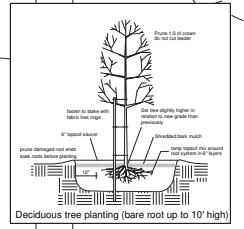
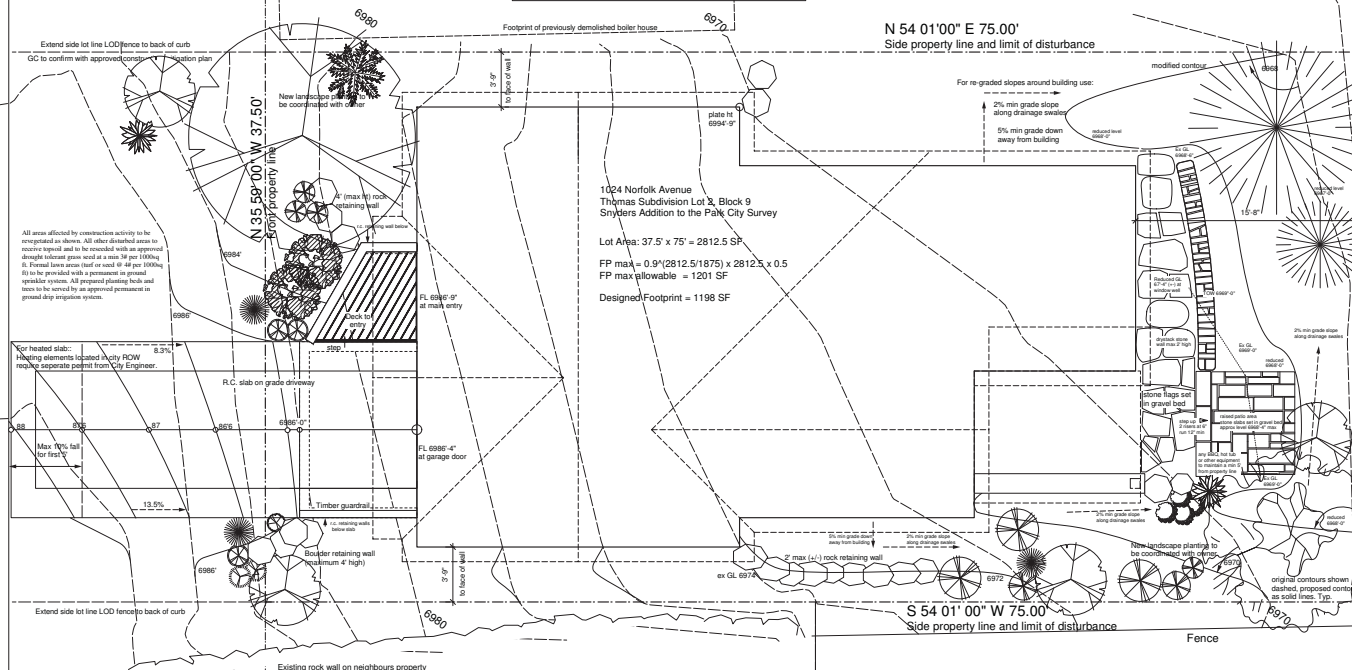
- A. Prepare soil, provide water and install plants according to the instructions of the plant supplier.
- B. Application:
 - 1. Water in plants during planting.
 - 2. Prune plants as required for received growth.
 - 3. Protection:
 - 1. Protect tree trunks after planting.
 - 2. Wrap, Wood and wire supports and braces, Vandal damage, Mulching.
 - 3. Protect planting areas from potentially damaging work such as:
 - 1. Foot or machine traffic.
 - 2. Concrete curbing, chemicals, Plaster.
 - 3. Chipping materials, solvents, seal coats.
 - 4. Sand blasting.
 - 5. Seal and replace all damaged plant materials.
 - 6. After shipping and handling.
 - 7. After exposure to wind or sun.
 - 8. After repairs.
 - 4. After planting:
 - 1. Regular watering and weeding to avoid plant damage.
 - 2. Handle plants with care and as instructed by the supplier.
 - 3. Don't fill container plants by trunks or stems.
 - 4. Watering and replacement:
 - 1. Provide one year warranty to replace plants that die regardless of proper maintenance by the owner.
 - 2. Replacement plants shall be of the same size and species as specified.
 - 3. Plant replacements in the next growing season.
 - 4. Provide warranty for new plants connecting from the date of replacement.

NORFOLK AVENUE
S 35 59 00 E

6986

6980

All areas affected by construction activity to be revegetated as shown. All other disturbed areas to receive topsoil and to be reseeded with an approved drought tolerant grass seed at a min 3# per 1000sq ft. Formal lawn areas (turf or seed @ 4# per 1000sq ft) to be provided with a permanent in ground sprinkler system. All prepared planting beds and trees to be served by an approved permanent in ground drip irrigation system.



Preliminary Plant List

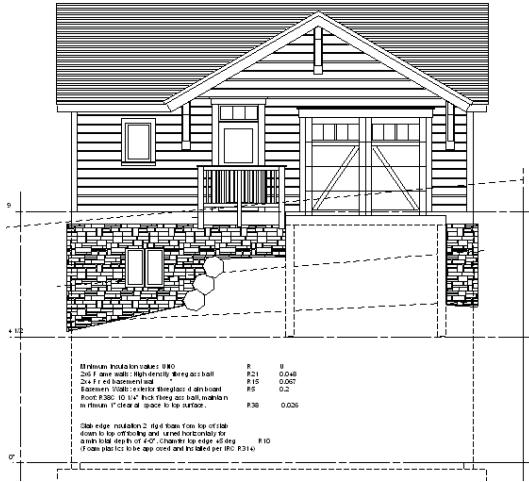
<i>Pinus strobus</i> (Colorado Spruce)	50 # in planting
<i>Prunella mexicana</i> (Douglas Fir)	4 # in planting
<i>Quercus macrocarpa</i> (Quaking Aspen)	1 1/2" caliper
<i>Thuja occidentalis</i> (Blue Tinged Maple)	10 # @ planting
Medium shrubs: <i>Ribes alpinum</i> (Alpine currant)	(5 Gal. 4+)
<i>Ribes aureum</i> (Golden currant)	
<i>Symphoricarpos albus</i> (snowberry)	
Groundcover: <i>Lysichiton ciliatus</i> (creeping Jenny)	(2 Gal. 3+)
<i>Melissa repens</i> (Oregon grape)	
<i>Rosa wendlandii</i> (Wild rose)	
Perennials (select from):	
<i>Species 1</i> <i>Cornus stolonifera</i> (Cobler Highbush)	
<i>Rudbeckia hirta</i> (black-eyed Susan)	yellow 3-3
<i>Galium aparine</i> (blanket flower)	red/white 2
<i>Asplenium platyneuron</i> (heartleaf spleenwort)	2
<i>Erigeron annuus</i> (confederate yellow)	purple 4-6
<i>Cornus canadensis</i> (cornus)	yellow 2
<i>Centaurea cyanea</i> (confederate blue)	2
<i>Limonium perenne</i> (flax)	blue 1-3
<i>Liatris scariosa</i> (gay feather)	bracket 1-2
<i>Rudbeckia laciniata</i> (golden glow)	yellow 5-6
<i>Aster novae-angliae</i> (hardy aster)	4-8
<i>Iris germanica</i> (bearded iris)	various 1 to 3
<i>Leucophaea maculata</i> (hardy lily)	bracket 1
<i>Zinnia grandiflora</i> (paperflower)	yellow 1-3
<i>Forsythia ovata</i> (peppercorn)	red/white/blue 2-3
<i>Papaver rhoeas</i> (celand poppy)	orange 1
<i>Pulsatilla nuttalliana</i> (cottage poppy)	various 1 to 2
<i>Salix caprea</i> (salix)	various 1 to 2
<i>Aster multiflorus</i> (hardy aster)	1
<i>Arctostaphylos uva-ursi</i> (uva-ursi)	1-3

Preliminary Landscape Layout

Feb 2013
Scale 1/4" = 1'-0"

Exhibit E – Visual analysis





1024 Norfolk Avenue
Front elevation and context photo



Exhibit E – Visual analysis

1024 Norfolk Avenue
Rear elevation and view from Park Ave.
(color suggestion only, to be confirmed)

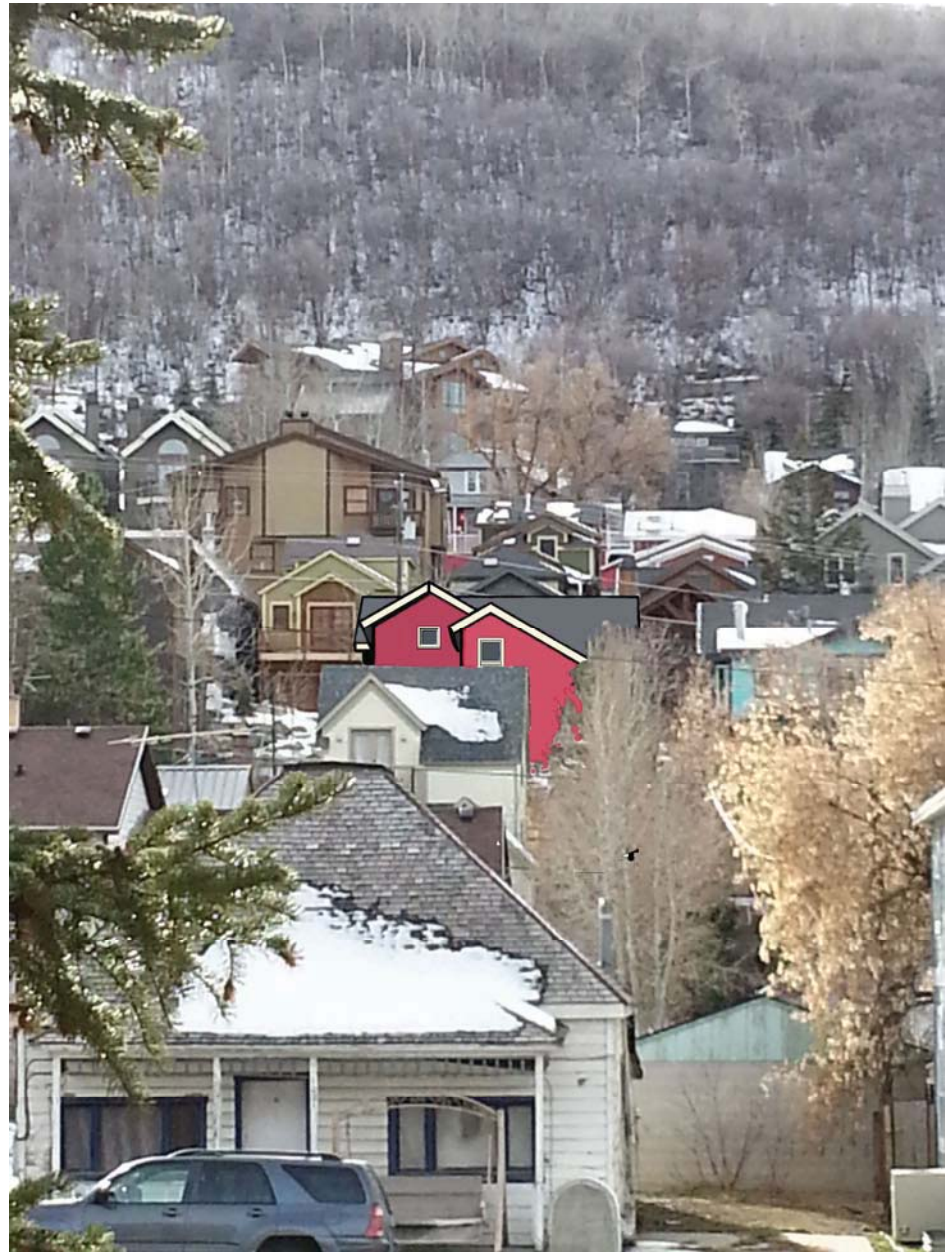
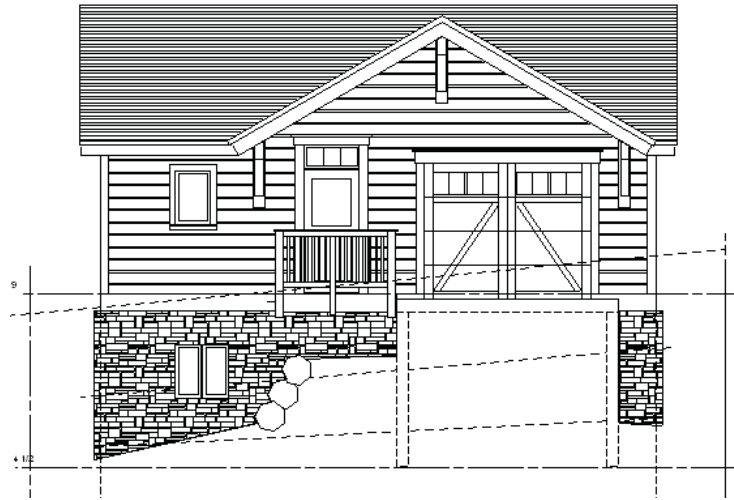


Exhibit E – Visual analysis



1024 Norfolk Avenue
Front elevation and massing models

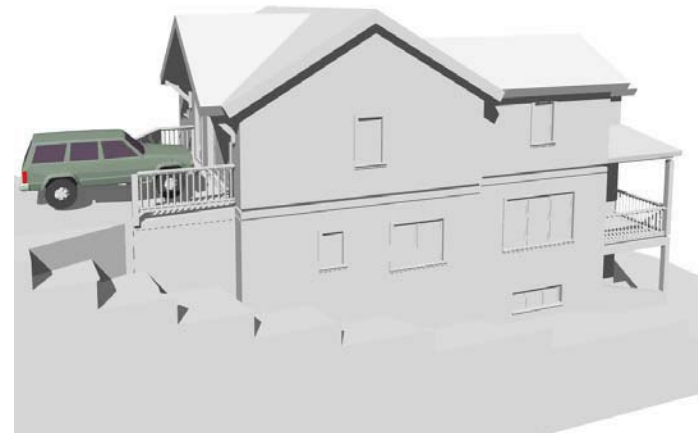


Exhibit E – Visual analysis



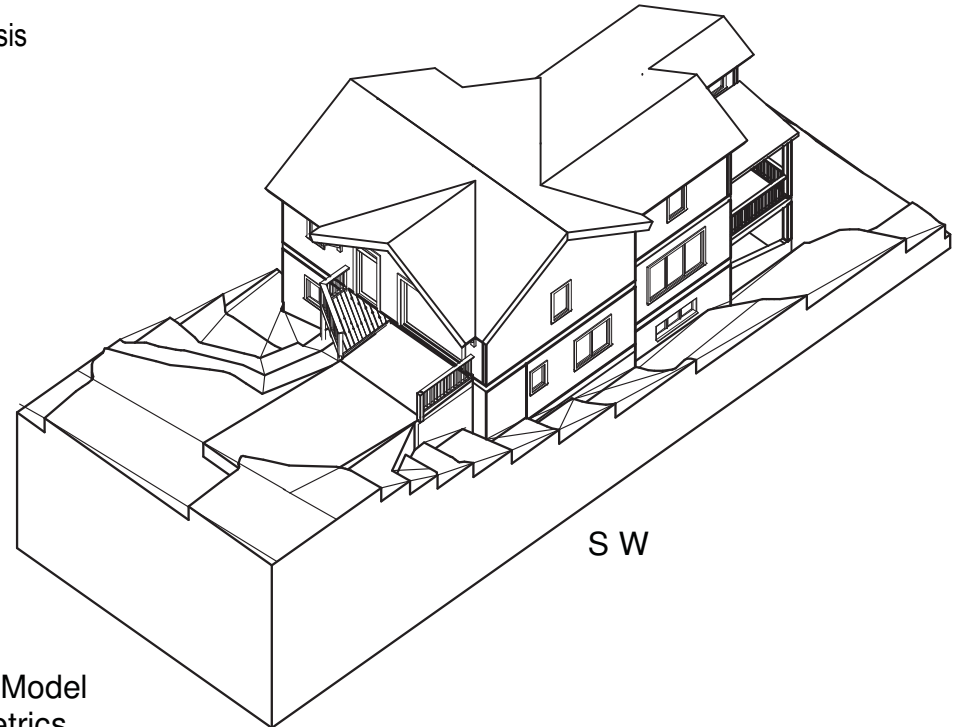
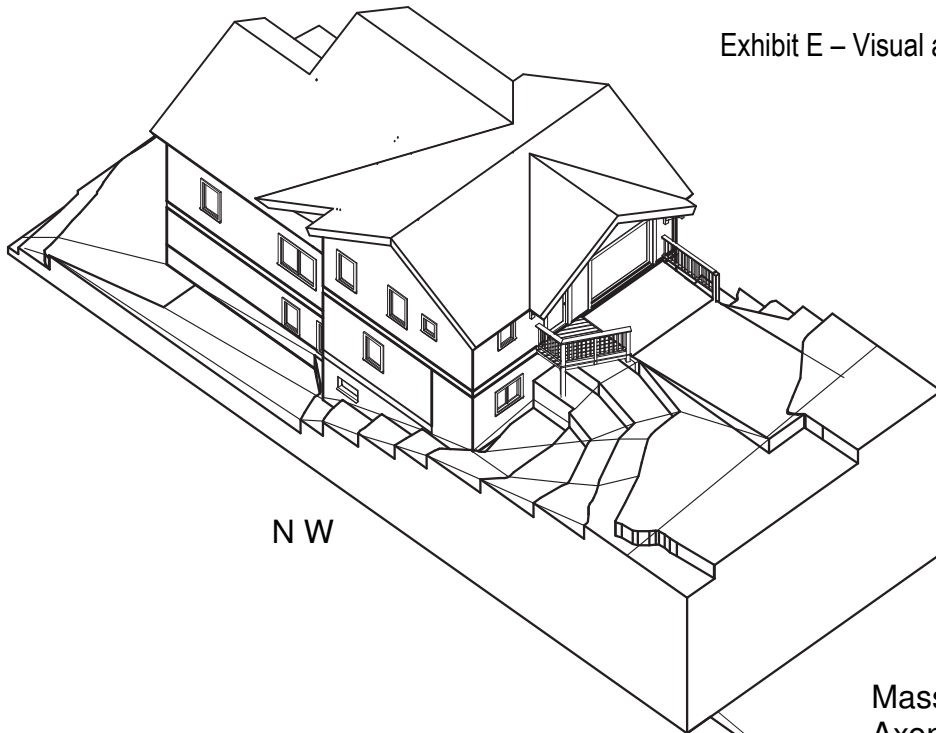
1024 Norfolk Avenue photo panorama
NB distortion increases away from center
(ends appear larger)

Exhibit E – Visual analysis

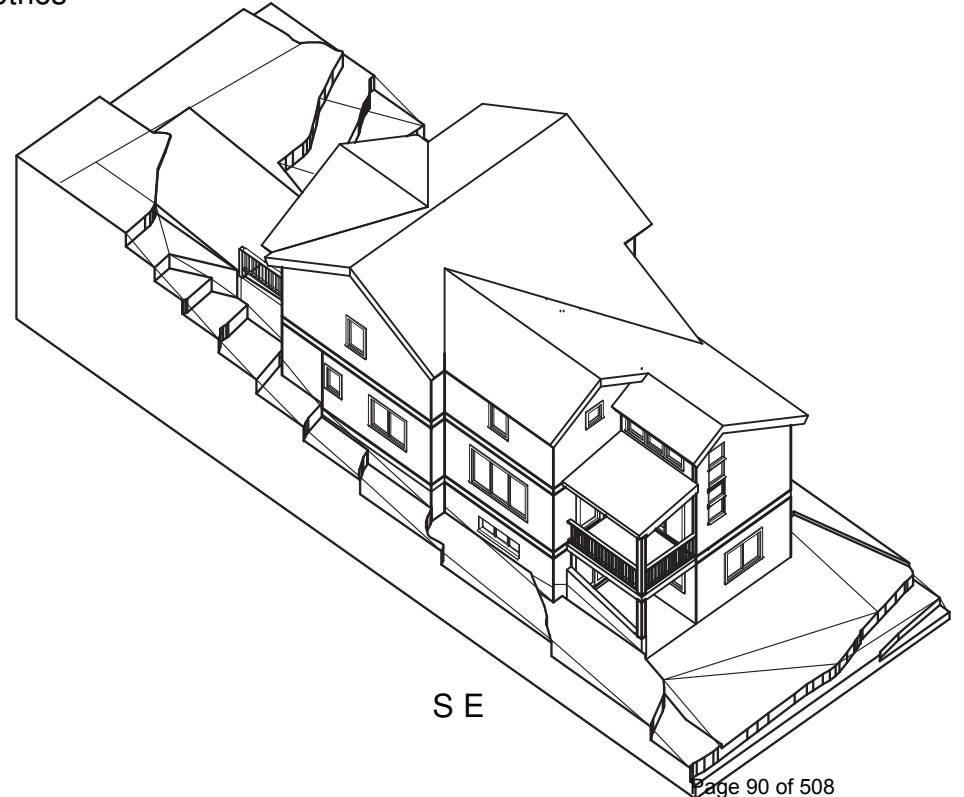
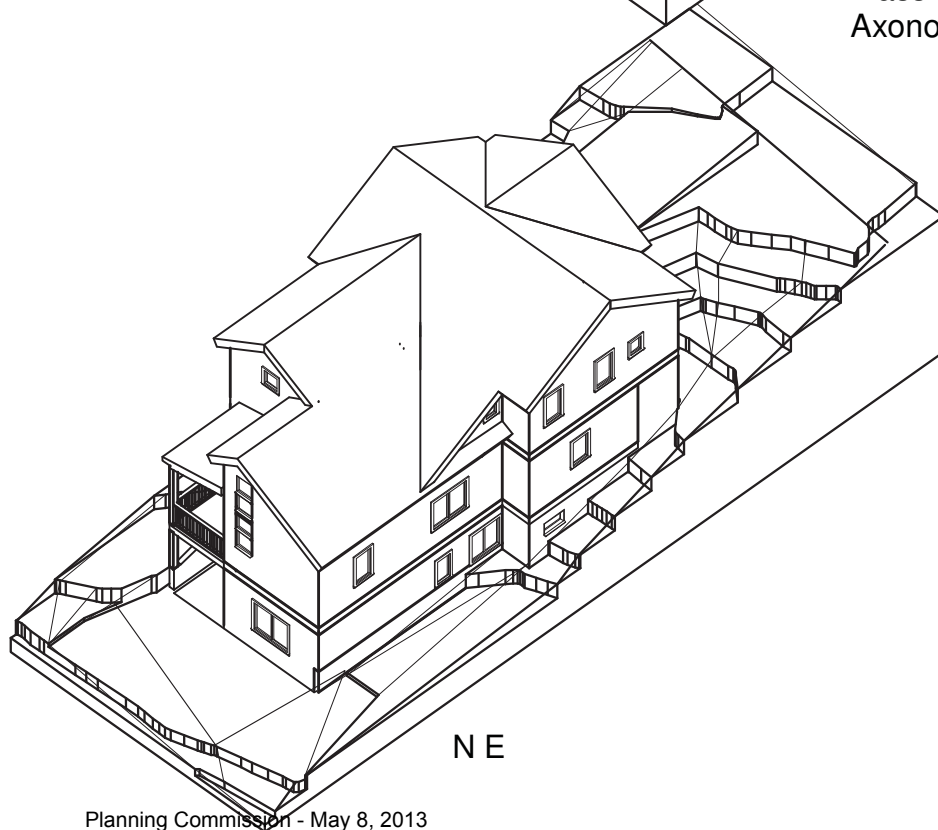


1024 Norfolk Avenue photo panorama
NB distortion increases towards center
(center appears larger)

Exhibit E – Visual analysis



Massing Model
Axonometrics



MINUTES – APRIL 24, 2013

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
APRIL 24, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Jack Thomas, Adam Strachan, Charlie Wintzer, Thomas Eddington, Kirsten Whetstone, Anya Grahn, Polly Samuels McLean

WORK SESSION ITEMS

Municipal Outdoor Lighting – Discussion on possible Land Management Code Amendments

Planner Anya Grahn reported that the Staff met with the City Council last October with the intent of discussing seasonal lighting, and the conversation turned to other types of outdoor lighting. A second discussion occurred with the City Council in November when they began talking about uplighting and lighting of public art. The Planning Commission had reviewed the same issues in December and new LMC language was adopted to remove lighting inconsistencies between the Land Management Code and the Municipal Code with regards to seasonal lighting and the dates allowed. At that point, uplighting was also addressed.

Planner Grahn stated that a lighting expert was consulted earlier this month to guide and educate the Staff on the different parts of outdoor lighting. The objective for this work session was to discuss seasonal versus non-seasonal light, façade and uplighting, lighting of outdoor dining, commercial entrance/parking lot lighting, and landscaping and tree lighting.

Planner Grahn remarked that currently the LMC only discusses seasonal lighting, which are Christmas lights. Seasonal lighting is restricted for use on commercial buildings within the HCB, GC, LI and HRC District. They can be hung from November 1st through April 15th and they are supposed to be turned off by midnight. Planner Grahn noted that seasonal lights are left up year-round, which is one reason that prompted this discussion.

Planner Grahn read proposed definitions for seasonal and non-seasonal lighting. “Seasonal lighting is a temporary lighting as defined currently in the LMC from the 1st of November to the 15th of April.” “Non-seasonal lighting would be all outdoor lighting in place longer than 170 days, which is calculated from November 1st through April 15th.”

Planner Grahn reported that the lighting industry suggests that Christmas lights be permitted only for 30 days. That is the typical life span of Christmas lights and if left up longer than 30 days it causes wear that can lead to electrical fires. These lights are traditionally purchased at stores such as Walmart or Target. More expensive commercial grade string lights can be found with specific UL listings and have a longer life span. According to the lighting expert, seasonal lighting requires more than a seasonal UL listing to ensure their longevity and to make sure they do not cause health and safety threat. Planner Grahn stated that if the City decides to address seasonal versus non-seasonal lighting separately, they also need to specify very clear technical language in the Land Management Code, especially for UL ratings.

The Staff requested input from the Planning Commission on a number of questions.

1) Should year-round non-seasonal lights be permitted to outline buildings and add to the ambiance

of the City's commercial districts as is currently being done illegally.

Chair Worel asked if the seasonal tree lights should only be left in the trees for 30 days. Planner Grahn replied that they would address that issue later in the discussion. Director Eddington stated that the issue is based on the typical quality of basic string lights that are purchased over the counter. The lighting expert would only recommend leaving those lights up for 30 days. If seasonal lighting in Park City is from November 1st to April 15th, the City would definitely recommend a commercial rating.

Commissioner Gross thought November 1st seemed early. He suggested starting seasonal lighting when the ski season officially starts or the day after Thanksgiving when the Christmas shopping season begins. Director Eddington believed November 1st was the start date in the LMC because it allows people time to put up the lights prior to Thanksgiving and before the first snow fall. Commissioner Wintzer stated that putting up the lights and turning them on were two separate issues. He noted that Bonanza put up lights in good weather and turned them on a month later.

Commissioner Thomas pointed out that Telluride and other resorts keep year-round seasonal lighting. He assumed Park City wanted to be competitive with other communities. He was inclined to say that seasonal lighting should be allowed. Director Eddington asked if Commissioner Thomas wanted it in all commercial districts and not just the Main Street District. Commissioner Thomas replied that he likes them in the commercial districts.

Commissioner Wintzer stated that seasonal lighting already exists in the commercial districts. Director Eddington explained that lighting is currently allowed in those districts as seasonal lights. However, they are typically left up beyond the April 15th deadline and it is not enforced.

Director Eddington asked if outdoor ambiance lighting was desirable in a resort town in all the commercial districts. Commissioner Wintzer thought it conflicted with the goal to be an environmental community. He was unsure where they would draw the line on what is or is not important.

Planner Grahn stated that the initial argument was that allowing seasonal lighting to light up buildings 24/7 on Main Street was okay because it is the heart of the community and it promotes the Historic District. However, it would become a challenge if they open it up to all the commercial districts. Commissioner Gross suggested that they allow it in the Historic District.

Director Eddington commented on restaurants in other areas throughout town that have great outdoor lighting. Commissioner Thomas thought there may be a way to limit the lumens produced to keep the lights from being overwhelming. Director Eddington stated that the City has been looking at lumens. The question now is whether to start pushing people into LED because they do use less energy. Based on conversations with the lighting expert, if they go with LED it would require a warmer lighting instead of the ice blue. Commissioner Wintzer remarked that LED lights cost more to put in and they cost a lot more to take down.

Commissioner Hontz referred to the minutes from the City Council meeting and asked why this was before the Planning Commission. Director Eddington stated that the City Council provided the recommendations and asked the Staff to discuss it with the Planning Commission. He noted that

the City Council was also concerned about the different kinds of lighting besides seasonal.

Commissioner Gross asked about the Dark Skies Ordinance. Director Eddington explained that the Staff would like to address the Dark Skies Ordinance as part of the lighting discussion. Tyler Poulsen, the Environmental Manager, took the ordinance to a City Council work session approximately eight months ago in conjunction with Planning and Sustainability. Director Eddington clarified that the conversation about lighting actually started with a discussion about cleaning up the Dark Skies Ordinance. As they were working through it they noticed a number of areas where Dark Skies is defied. However, most of the Council members and several people who spoke that day understand that Park City is a resort town and there is a qualitative component to having lighting. It is fun and festive and it provides vitality. Director Eddington stated that the decision was made to look at all the kinds of lighting before addressing the Dark Skies Ordinance.

Director Eddington noted that the Dark Skies Ordinance talks about downlighting all lights and shielding light bulbs downward. It is less than perfect but it goes to the qualitative component of lighting for a resort town versus trying to be sustainable.

Chair Wintzer believed this was an issue for the City Council rather than the Planning Commission. The Planning Commission could provide feedback but the Council needs to decide which direction to take with lighting. Dark skies and lighting will also conflict, but the issue is whether to lean towards darker skies or a brighter town.

Commissioner Gross thought it was a matter of where lighting is appropriate. Lighting on Main Street is different than having lights in other areas. Director Eddington clarified that the City Council was looking to the Planning Commission for ideas and/or recommendations. He asked if the Commissioners preferred to limit lighting to the commercial districts or a particular commercial district. Director Eddington pointed out that the Staff would use the ideas and direction to prepare a Staff report. The Planning Commission was not being asked to make a final decision this evening.

Commissioner Wintzer noted that as you drive into Deer Valley all the trees are lit and it is a residential area. He asked if that was currently permitted under the Code. Director Eddington replied that landscape lighting and residential lighting is allowed. However, he believed the lights Commissioner Wintzer referred to were considered seasonal lighting and those lights should be down by April 15th. It was an enforcement issue for both the commercial and residential. Commissioner Gross believed the lights definitely create the ambiance.

Director Eddington noted that an owner could make the argument that the seasonal lighting is actually landscape lighting, which is allowed year-round. Those types of issues are the reason for re-addressing the Code because it is unclear.

Commissioner Thomas was unsure how they could create a Code that universally handles every condition. He asked if there was a way to create a seasonal lighting plan that meets certain standards. Commissioner Thomas could see lighting as an accent in terms of finding your way into the community. Lighting becomes a problem when it is overdone. Commissioner Gross stated that when the time changes in the Fall and it gets dark earlier, the lights help the view.

Commissioner Hontz suggested that the Planning Commission start by talking about specific things

they like and do not like. For example, some landscape lighting is festive and adds vibrancy, but larger homes in some neighborhoods use lights to emphasize the size of their home and barn.

Director Eddington stated that it was challenging to address every situation. It is more practical for the Staff to write Code language that gives parameters. After checking the Code, Director Eddington noted that residential districts are not held to the same lighting restrictions as the commercial districts for seasonal lighting. Lighting in residential districts can be year-round. Commissioner Thomas believed it was a major environmental issue because lighting is a dramatic impact to the transformer sizes, etc. Director Eddington stated that lighting also has a tremendous impact on landscape material. Lighting left on a tree all year negatively impacts its ability to grow correctly.

Director Eddington asked if the Planning Commission wanted the Staff to generally look at crafting a report that talks about allowing seasonal lighting in the commercial districts as a place to start. Commissioner Hontz was not in favor of outlining buildings with lights other than the buildings on Main Street. She would not want to allow it in other districts. Commissioners Thomas and Wintzer concurred. Planner Grahn asked if they preferred to prohibit all lights, or to only allow things such as landscape tree lighting. Commissioner Thomas reiterated his suggestion for a lighting plan that talks about where lights can go and to what extent in an effort to create continuity within the community, particularly for Main Street and the commercial districts.

Director Eddington stated that the Staff would craft language with regard to a lighting plan that allows for lighting of commercial buildings in commercial districts. Commissioner Wintzer remarked that the Planning Commission was opposed to lighting the buildings. Director Eddington asked if the building could not be lighted at all or only for seasonal lighting. Commissioner Thomas clarified that the Commissioners were concerned about the extreme situations. Commissioner Hontz stated that she worried about it more in other districts than on Main Street. She did not believe they should allow lighting the edge of buildings in other districts at any time of the year.

Director Eddington stated that the Staff would craft language and provide photos for the next discussion.

Planner Grahn asked if the Planning Commission thought the City should set a curfew on lighting. Commissioner Wintzer preferred to make an environmental statement and turn off the lights when people are sleeping. Planner Grahn stated that the Staff had talked about a curfew from the time the bars close. Commissioner Gross suggested half an hour after the bars close.

Director Eddington asked what the Planning Commission thought about the current condition of Main Street at night. Commissioner Wintzer likes what the City does with the lights going across the street. It has been great for 40 years, but he felt it was starting to get a little convoluted. Commissioner Wintzer stated that the lights bring a different atmosphere to Main Street and they need something that says it is seasonal.

Commissioner Thomas remarked that Salt Lake City coordinated with the Power Company and created a lighting plan. He thought Park City could ask people to coordinate on a plan. Commissioner Wintzer concurred. He suggested that instead of lighting the buildings they should light the parks and plazas. In his opinion, there was no reason to light the buildings.

Commissioner Gross thought Main Street would be dismal without lighting because the number of standards up and down Main Street is not enough to light it. Director Eddington noted that the majority of buildings on Main Street are framed with lighting. Some turn them off after April 15th and others are year-round. Planner Grahn stated that the HPCA is very supportive of year-round seasonal lights because it adds to the ambiance of the Historic District and the business owners enjoy them.

Chair Worel asked if the Staff could show pictures comparing the warm and expensive LED lights as opposed to the current lighting.

Commissioner Hontz remarked that winter nights are dark and cold and she was uncertain whether it was necessary to turn off the festive lights on Main Street. Commissioner Gross thought a 2:00 a.m. curfew was reasonable.

The Planning Commissioner discussed non-seasonal lighting. Planner Grahn asked if seasonal and non-seasonal lighting be limited only to the use of LED due to energy savings.

Commissioner Wintzer preferred to see pictures as requested by Chair Worel to make sure the lighting was not limited to the blue ice. Commissioner Thomas pointed out that some LED lighting is not very good and they need to consider it carefully. Director Eddington believed there was something unique about having a variety of different colored lights. Commissioner Hontz thought the non-LED lights would eventually phase out on its own.

Planner Grahn asked if a specific UL listing should be required for seasonal lighting in order to ensure that the lights are temporary and not a permanent fixture.

Commissioner Wintzer felt it was important to specify a UL listing, particularly in Old Town where it could be a fire hazard. Director Eddington stated that it would also give the Building Department the opportunity to enforce it if someone does not meet the required UL listing.

The Commissioners discussed façade and uplighting. Planner Grahn reported that in December the City adopted amendments to the LMC regarding uplighting. Uplighting is permitted residentially or commercially for public statues, public monuments, ground-mounted public art and US flags. All uplighting must be shielded and limited to illuminating the object only. Uplighting is permitted for 30 minutes before sunset and until 11:00 p.m. or until one hour after the close of the business based on their normal hours of operation, whichever is later.

Planner Grahn stated that façade lighting could be used for a number of things. The City currently discourages uplighting because it threatens Dark Skies. A suggestion has been made to limit uplighting for use on public buildings to highlight local landmarks such as the library and City Hall. Planner Grahn stated that if the City pursues façade uplighting they would need to specify UL ratings partially to control the color of the light and also to control the amount of light being reflected. There would need to be specific guidelines as to where façade uplighting would be permitted. Criteria would be set to ensure that the lamps only illuminate the intended object or a specific number of feet around it. The lighting should also be included as part of a 25% allotment of building energy usage.

Planner Grahn presented another question for discussion. In addition to year-round seasonal lights, should uplighting be permitted to highlight architectural features on buildings. Commissioner Wintzer answered no. Commissioner Gross thought it should only be allowed for historical structures. Commissioner Hontz stated that she preferred uplighting rather than seasonal lighting in some cases. Commissioner Wintzer pointed out that it was not a choice because seasonal lighting is already allowed. Without a choice, Commissioner Hontz would not favor facade uplighting in any district except the Historic District. Commissioner Thomas noted that the CC&Rs in many of the residential areas restrict architectural lighting. He was more consistent with that idea. Commissioner Thomas pointed out that people also like to illuminate their trees and landscaping to make them more visible and enjoyable at night.

Planner Grahn asked if the Commissioners had a preference in uplighting architectural features or landscaping. Commissioner Thomas preferred not to light the buildings, but there is a necessity to light entry ways and doorways. The Commissioners concurred.

Commissioner Wintzer remarked that once the existing Code is changed or weakened, you can never go back. He cautioned them to move slowly because they are slowly nipping at what makes Park City Park City. Director Eddington clarified that the Staff was actually proposing stricter standards from what currently exist.

Planner Grahn clarified that there was consensus for not allowing façade and uplighting. Director Eddington asked if they were also against it for the Historic Districts. Commissioner Gross answered yes.

Planner Grahn reviewed the lighting requirements for outdoor dining. The lights must be down directed and shielded. There are no further regulations in the LMC to address lighting for outdoor dining. Lighted outdoor dining adds to the Main Street ambiance.

Planner Grahn asked if the Commissioners thought there needed to be more regulation in the LMC to address outdoor dining. Commissioner Wintzer thought regulation was necessary. He was not opposed to the lighting but it was important to make sure that the light does not creep out of the intended area. Commissioner Hontz thought outdoor dining was self-restricted by the cold weather. Commissioner Wintzer pointed out that the lights are still left on year-round. Commissioner Hontz stated that she personally loves outdoor dining and it adds to the look of Main Street during the summer.

Planner Grahn asked about color specifications. Commissioner Hontz commented on the green lights under the Pizza Noodle, which makes the whole street glow green. The Commissioners felt there should be some parameters with regard to color. Commissioner Thomas remarked that sound can be measured and he was certain there was also a way to measure light. He suggested that they think about restricting the lumens. Commissioner Thomas recommended that the Staff survey some of the structures in town and identify the different degrees of brightness.

The Commissioners discussed commercial entrance/parking lot lighting. Planner Grahn noted that the LMC requires that the lighting must be down directed and shielded. There are no specific regulations beyond that. However, entrance and parking lot lighting is necessary for safety. Planner Grahn stated that according to the lighting expert, lights are only needed 50 feet from the door for

safety in entrance and exiting. Over-lighting causes light pollution and can creep into the neighboring property.

Planner Grahn stated that a question for discussion was whether to leave the lights on or have them off at some point. She noted that the lighting expert had said that police departments have found it easier to notice a break-in when the lights are off. Commissioner Hontz recalled a project at Quinn's Junction where the Planning Commission tried to reduce the amount of lighting, but they were told that it already met the minimum of the LMC. At that time the Planning Commission had talked about further restrictions. Commissioner Hontz believed the lighting for those parking lots was excessive, particularly when no one is there at night, and it is a huge waste of energy. She recognized the balance with safety, but there could be a better way. Commissioner Thomas mentioned motion control. Director Eddington stated that a typical way is motion control or shutting of 80% of the lights one hour after closing. The remaining 20% of the lights are kept on nearest the building.

Commissioner Gross had concerns about the 50-feet of entrance lighting that was recommended by the lighting expert. He noted that 50 feet of lighting would be from the front of Fresh Market to the first parking space. From the standpoint of customers, Commissioner Gross felt it was important to have parking lot safety. He was also concerned about having the right lumens. He was not opposed to reducing the amount of lighting for businesses that close at a reasonable hour. Commissioner Thomas thought they could make the biggest difference by reducing parking lot lighting and street lighting, and possibly having wayfinding low-profile lighting.

Planner Grahn stated that the next issue was landscape and tree lighting, which the Commissioners had briefly talked about. It is currently not specifically addressed in the LMC. As previously mentioned, string lights can inhibit the natural growth of trees. In addition, if the lights are not removed and inspected, it causes deteriorated wiring which leads to fire hazards. Planner Grahn stated that in talking with Public Works and the lighting expert, they were against seasonal lighting or anything being on the trees. Wrapping the trees inhibited growth and weather damage to wiring was a safety issue. Turning off lights also saves energy.

Planner Grahn asked if the Planning Commission would support strict provisions in the Code that require annual maintenance and inspection of seasonal lights in the commercial district. She stated that Park City is a tree-friendly community and it is important to maintain the trees and keep them healthy. If string lights are causing hazards, that should be addressed. Director Eddington understood that lighting on deciduous trees during their dormant season is not as harmful as during the spring, summer and fall seasons. The Staff intended to follow up on that information. To answer the question regarding strict provisions requiring annual maintenance and inspection, Commissioner Thomas did not think it was the responsibility of the Planning Commission and it could create a liability issue.

Planner Grahn asked if there should be limitations as to when seasonal or non-seasonal lights on landscaping can be displayed in order to prevent damage to trees and not restrict growth. Chair Worel thought there should be limitations. Commissioner Thomas did not have a strong opinion.

Commissioner Wintzer referred back to the first question and thought there should be a strict provision for Old Town because of the fire hazard on Main Street. Director Eddington clarified that the recommendation would be for the property owner to do the inspection. Commissioner Thomas

was comfortable with that. The Commissioners concurred.

Chair Worel called for public input.

Lynn Ware Peek stated that starting in July, all outdoor lights in the entire country of France must be turned off after 2:00 a.m. She thought that was an interesting piece of information.

Mary Wintzer understood differentiating Historic Main Street, but she was certain that businesses in the other districts would feel discriminated against. She thought it was important to make one general rule. Ms. Wintzer thought it was important to understand that if they have it, it will multiple. She felt the Olympic lighting was ridiculous. Park City is a natural environment and to strengthen the Dark Sky Ordinance would be in keeping with what a mountain community would do.

Carol Fontana agreed with Ms. Wintzer. She asked how they would determine loss of the night sky. Most of the lights are left on to at least 1:00 a.m. and some are on all night. Treasure Mountain Inn has lights on anywhere from 2:00 to 6:00 a.m. She lives right in town and she can no longer see stars or any night sky. She wonders what the tourists think when they cannot see the sky. Ms. Fontana believed that a 3:15 a.m. curfew was too late.

Commissioner Gross stated that these are commercial districts and tourists come to Park City to ski, shop and go to restaurants. He understood Ms. Fontana's concern, but he did not think people would be deterred from coming back to Park City because they could not see the stars.

Ms. Fontana felt this was an aspect of Park City that should not be dismissed because it is a commercial area. It is a struggle for residents in Old Town. Whatever the City decides, she requested that they actually enforce it and that the enforcement officer is supported by the community.

Commissioner Thomas liked the idea of a time clock, and noted that some communities reduce the lighting capacity during certain hours by a time clock. Planner Whetstone noted that some big cities have ordinances that only allow certain floors of a building to be lit at night.

The Work Session was adjourned.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
APRIL 24, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Brooke Hontz, Stewart Gross, Adam Strachan, Jack Thomas, Charlie Wintzer

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone; Planner; Anya Grahn, Planner; Shauna Stokes, Planning Tech; Mathew Evans, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Worel called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except Commissioner Savage who was excused.

ADOPTION OF MINUTES

November 5, 2012

Director Eddington clarified that the minutes from the joint meeting with the Snyderville Basin Planning Commission on November 5, 2012 were delayed because City Council, Planning Commission and General Plan meeting minutes were a higher priority.

MOTION: Commissioner Wintzer moved to APPROVE the minutes of November 5, 2012 as written. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously. Commissioners Strachan and Thomas abstained since they were absent from that meeting.

April 10, 2012

Commissioner Hontz referred to page 17 of the Staff report, page 1 of the minutes, first line, and corrected Commissioner Hontz to read, "**Commissioner Wintzer** referred to page 23..."

Commissioner Hontz referred to page 20 of the Staff report, page 4 of the minutes, last paragraph, and noted that the name of the Commissioner making the statement had been omitted. The Commissioners recalled that Commissioner Savage had made the statement and the minutes were corrected to read, "Commissioner **Savage** assumed..."

Commissioner Hontz referred to page 22 of the Staff report, page 6 of the minutes, and questioned the second sentence of Finding of Fact #2. Director Eddington believed it was a footer that was

inadvertently copied into the Findings. The minutes were corrected to delete Planning Commission - April 10, 2013 Page 57 of 1283 from the finding.

Commissioner Hontz referred to page 23 of the Staff report, page 7 of the minutes, Finding of Fact #14, second line, and corrected the word aide to correctly read **side**.

Commissioner Hontz did not believe the Findings of Fact in the minutes regarding 343 Park Avenue matched the findings that were in the April 10, 2012 Staff report. As an example, in Finding #14, she did not think the maximum footprint allowed for Lot 1 of 1,200.68 was for the same property. Commissioner Hontz also questioned whether the lot numbers were accurate in Finding of Fact #16.

Commissioner Hontz suggested that the minutes be tabled until the next meeting pending verification and further corrections.

MOTION: Commissioner Wintzer moved to CONTINUE the minutes of April 10, 2012 to the next meeting pending verification of the corrected minutes. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Hontz was concerned that the positive recommendation of the plat amendment for 343 Park Avenue had been forwarded to the City Council with the incorrect Findings of Fact, Conclusions of Law and Conditions of Approval. Planner Whetstone replied that 343 Park Avenue had not yet gone to the City Council.

Director Eddington explained that in the past when a property is noticed for the Planning Commission, as a public courtesy it is also noticed for the City Council meeting. The noticing has been two weeks out. Therefore, if the Planning Commission meets on Wednesday, it goes before the City Council two weeks and one day later. On that time frame, if there is an issue with the minutes the Staff would not have that information until 24 hours prior to the City Council meeting. To address that issue, the Staff was proposing to extend the initial notice to three weeks out, which would allow time for the Planning Commission minutes to be approved or corrected before going to the City Council. If the minutes are not approved, the City Council hearing would be continued.

Commissioner Hontz asked when 343 Park Avenue was scheduled to go the City Council. Planner Whetstone replied that it was scheduled for May 2nd. Planner Whetstone noted that minor corrections had been made to the April 10th minutes and she was unsure what the issue was and why the minutes were incorrect.

Commissioner Strachan noted that the square footage reflected in Finding of Fact #14 was different from what was approved. Planner Whetstone explained that Finding #14 pertained to Lot 1, the new lot, and the 1200.68 square feet was based on the lot size. Commissioner Wintzer stated that he has never seen square footage ending with .68. Planner Whetstone clarified that it follows a formula and that it does end with .68. The number could be rounded if it would make the Commissioners more comfortable. Planner Whetstone pulled up the April 10th Staff report to show that 1200.68 square feet was the number reflected in Finding #14.

Director Eddington clarified that the first sentence in Finding #14 was based on a footprint formula. The square footage was not the realistic footprint but rather what could be; and the formula could result in a decimal place.

The Commissioners and Planner Whetstone reviewed and compared the Findings, Conclusions and Conditions in the minutes to the ones in the April 10th Staff report.

Commissioner Strachan was satisfied that the Findings of Fact, Conclusions of Law and Conditions of Approval were consistent with the changes made at the last meeting. He was prepared to approve the minutes this evening with the corrections to pages 17, 20, 22 and 23 of the Staff report as stated by Commissioner Hontz earlier in the discussion.

MOTION: Commissioner Strachan moved to APPROVE the minutes of April 10, 2013 as corrected. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Public Input

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Commissioner Thomas disclosed that a project on the agenda this evening is located across the street from another project in which he has a financial interest. He did not believe it would affect his ability to objectively participate in the discussion and decision this evening.

Director Eddington reported that in addition to extending the noticing date for projects, the Planning Department was working with Mary May to make sure the Staff receives the minutes by Wednesday afternoon to allow time to for the Staff to review them. Director Eddington stated that if the Findings, Conclusions and Conditions are modified from the original Staff report during a meeting, the Project Planner would send Mary a full set of the modified Findings, Conclusions and Conditions in word format so she could cut and paste them into the minutes instead of having to re-type them. If they are no changes, the Planner would let Mary know that as well.

REGULAR AGENDA – Discussion, Public Hearing and Possible Action

1. **59 Silver Strike Trail – Amendment to Record of Survey**
(Application #PL-13-01828)

Planner Whetstone provided the Planning Commission with copies of a revised sheet 2 of the amended plat, as well as a copy of accurate information for Unit 4 to replace what was in the Staff report. Planner Whetstone explained that she had the correct information when the Staff report was written, however, there was not an electronic version of the corrected sheet and the old one was inadvertently placed in the packet.

Planner Whetstone reported that 59 Silver Strike Trail is an amendment to the record of survey, and an amendment to the Amended, Consolidated and Restated plat of the Belles at Empire Pass showing all the Belles units. She noted that this project is within the layers of the Flagstaff Annexation area, the Empire Pass MPD, the Silver Strike Subdivision, and this condominium plat. The final requirement is that once a unit is built or substantially constructed to accurately measure exactly what is built, they would know what is private and what limited common or common space is for each unit. The final step is this amended record of survey plat that has to memorialize exactly what is there, and to specifically define the square footage on each plat. Planner Whetstone stated that the Silver Strike subdivision, like the previous ones, require no more than 5,000 square feet floor area, not including basements or 600 square feet for a garage. It also only allows 45 unit equivalents for this project or 90,000 square feet. Basements are included in that number. In order to track everything accurately, each plat is individually recorded.

Planner Whetstone summarized that this was a condominium plat that memorializes the as-built conditions of Unit 4. She clarified that a portion of Unit 4 encroaches on what was believed to be an easement; however, it is actually identified on the plat as a possible future trail easement. Prior to sending this to the City Council, Planner Whetstone recommended that the easement be redrawn so Unit 4 is not shown as not encroaching. Planner Whetstone stated that it is a private future easement within this development for ski-through, but it is not yet an easement. It is only a possible future easement.

Commissioner Strachan thought Unit 5 was showing as encroaching. Planner Whetstone replied that Unit 5 was shown as clipping the easement, but in reality Unit 5 does not encroach.

Commissioner Hontz asked for an explanation of the double-hatched area shown on the drawing. Planner Whetstone replied that it was limited common area specific to Unit 4. Commissioner Hontz stated that if the potential easement was ever a viable ski trail, Units 3, 2 and 1 would always have to cross the road. She was comfortable having it as a condition, but she did not think it was smart to approve something that goes across the ski trail.

Commissioner Strachan pointed out that it was a private easement for the development and he was not interested in involving the City. Commissioner Wintzer understood that the developer who submitted the application owns the easement, in which case he was building on his own easement. Planner Whetstone replied that this was correct.

Commissioner Hontz read the last sentence under the Analysis on page 45 of the Staff report, "The five units platted to date, 1,2,5,9 and 12 utilize 14.633 unit equivalents". She understood that this application was for Unit 4. She then referred to the table on page 46 of the Staff report, and noted that the total of all platted units to date references units 1, 2, 4, 9 and 12, which are different units, but with the same platted unit equivalents. Planner Whetstone clarified that the table was correct in specifying 1, 2, 4, 9 and 12 because unit 5 was the next item on the agenda.

Commissioner Hontz pointed out that the text assumes that Unit 4 would be platted. Therefore, the platted to date was inaccurate because Units 4 and 5 were not platted yet. The total of all platted

units to date should be the total of 1, 2, 9 and 12. Planner Whetstone would revise Finding of Fact #18 to accurately reflect the correct units and totals.

Commissioner Strachan asked for the difference between the as-built conditions and what was platted. Planner Whetstone explained that when it was Christopher Homes, the condominium units were all depicted like Unit 3. When that Unit 3 was sold the owner thought his entire lot was private, even though the subdivision specified that once built only the unit was the private area and the remainder of the area is either common or limited common area. It was a controversial issue and the developer decided to identify approximate building pads and make it clear that once the unit is built then that actual building area becomes the private area. Commissioner Strachan asked about the final square footage on Unit 4. Planner Whetstone replied that the total square footage was 5,623.3, including the basement. Commissioner Strachan wanted to know what it was supposed to be originally. Planner Cattan stated that there were no specified limits on each one, and they just have a building pad identified on the underlying plat. Director Eddington remarked that they draw down from the 90,000 square feet total as each unit is built.

The Staff recommended that the Planning Commission conduct a public hearing and forward a POSITIVE Recommendation to the City Council on the Third Supplemental Plat for Constructed Units at Belles, located at 59 Silver Strike Trail, with the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Planner Whetstone reported that she had not received any public input to date.

Denna Fleming, the listing agent representing the applicant, stated that the Dagwood Single Family six lot subdivision owned by the Rothman's is behind Unit 4. Many years ago she was approached by Talisker, because she was representing the Rothman's, to make sure everyone was fine with the easement because all the property lines come right to that easement. When Talisker sold the property to Christopher Homes there was an agreement and it was all cleaned up. If the Commissioners had questions, Ms. Fleming was certain they could research historical data to find the answers.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the Third Supplemental Plat for Constructed Units at Belles, at 59 Silver Strike Trail, with the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance and as amended. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 59 Silver Strike Trail

1. The property, Unit 4 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, is located at 59 Silver Strike Trail. The property is located on portions of Lot 2 of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.
2. The property is located within the RD –MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village at Empire Pass MPD.
3. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the proposed condominium plat as the location for 18 PUD –style detached single family homes and duplexes.
5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Unit 4 is located on Lot 2 of the Silver Strike Subdivision.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.

11. On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012.
12. On February 5, 2013, the Planning Department received a complete application for the Third Supplemental Plat for Constructed Unit 4.
13. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for constructed Unit 4 at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.
14. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. The plat is consistent with the development pattern envisioned by the Village at Empire Pass MPD and the 14 Technical Reports of the MPD and the Flagstaff Development Agreement.
15. Unit 4 is located on Lot 2 of the Silver Strike subdivision plat.
16. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 4 contains 4,811 sf Gross Floor Area.
17. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for all Belles units, in addition to the maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable on this plat." Within the Flagstaff Development Agreement one residential unit equivalent equals 2,000 sf.
18. Unit 4 contains a total of 5,629.3 square feet and utilizes 2.815 UE. The total UE for units 1, 2, 4, 9, and 12 is 14.633 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.
19. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.
20. The findings in the analysis section are incorporated herein.

Conclusions of Law – 59 Silver Strike Trail

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

Conditions of Approval – 59 Silver Strike Trail

1. The City Attorney and City Engineer will review and approve the final form of the supplemental plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year timeframe, this approval will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of the Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass shall continue to apply.
4. As a condition precedent to issuance of a final certificate of occupancy for Unit 4, the supplemental plat shall be recorded at Summit County.
5. A note shall be added to the plat prior to recordation stating the following, “At the time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards”.
6. The size and UE shall be reflected on the plat as they are to reflect the actual size and UE of the Unit.

2. **77 Silver Strike Trail – Amendment to Record of Survey**
(Application PL-13-01829)

Commissioner Hontz addressed the same issues as in the prior item, 59 Silver Strike Trail. Finding of Fact 18 should be revised. The same changes to the body of the Staff report should be made on

page 63 and page 64 of the 77 Silver Strike Trail Staff report, in terms of which units add up to which number. Commissioner Hontz stated that Finding 18 should be revised to reflect that the UEs for Units 1, 2, 4, 5, 6, 9 and 12 is 18.567. The words "to date" should be removed.

Planner Whetstone noted that this item was a similar plat amendment to memorialize the units that are under construction for the duplex, which is actually units 5 & 6, located at 77 and 83 Silver Strike Trail.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the Fourth Supplemental plat for Constructed Units at the Belles at Empire Pass, Units 5 and 6, based on the Findings of Fact, Conclusions of Law and Conditions of Approval found in the draft ordinance and as amended. Commissioner Winter seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 77 Silver Strike Trail

1. The property, Units 5 and 6 of the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass and associated common area, are located at 77 and 83 Silver Strike Trail. The property is located on portions of Lot 2 of the Silver Strike subdivision and is within Pod A of the Flagstaff Mountain Development, in an area known as the Village at Empire Pass.
2. The property is located within the RD –MPD zoning district and is subject to the Flagstaff Mountain Development Agreement and Village of Empire Pass MPD.
3. The City Council approved the Flagstaff Mountain Development Agreement and Annexation Resolution 99-30 on June 24, 1999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities, and developer-offered amenities.
4. On July 28, 2004, the Planning Commission approved a Master Planned Development (MPD) for the Village at Empire Pass, aka Pod A. The MPD identified the area of the

proposed condominium plat as the location for 18 PUD –style detached single family homes and duplexes.

5. On June 29, 2006, the City Council approved the Silver Strike Subdivision creating two lots of record. Units 5 and 6 are located on Lot 2 of the Silver Strike Subdivision.
6. On August 17, 2007, the City Council approved 4 units on Lot 2 as the Christopher Homes at Empire Pass Phase I condominium plat. The plat was recorded at Summit County on October 3, 2007.
7. On November 29, 2007, the City Council approved the first amended Christopher Homes at Empire Pass Phase II condominium plat creating an additional 4 units on Lot 2. The plat was recorded at Summit County on February 20, 2008.
8. On April 23, 2008, the City Council approved two more condominium units on Lot 1 of the Silver Strike subdivision as Christopher Homes at Empire Pass Phase III condominium plat. The plat was recorded at Summit County on December 1, 2008.
9. On August 28, 2008, the City Council approved the Christopher Homes at Empire Pass Phase IV plat for eight additional condominium units on Lots 1 and 2, specifically units 5/6, 7/8, 13/14, and 17/18 in duplex configurations. The plat was recorded at Summit County on November 19, 2008.
10. March 24, 2011, the City Council approved the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass amending, consolidating, and restating the previously recorded Christopher Homes at Empire Pass condominium plats Phases I, II, III, and IV. Also on March 24, 2011, the City Council approved the First Supplemental Plat for Constructed Units 1, 2, and 12 of the Belles at Empire Pass Condominiums. These plats were recorded November 28, 2011.
11. On June 28, 2012, the City Council approved the Second Supplemental Plat for Constructed Unit 9. This plat was recorded on November 20, 2012. The Third Supplemental Plat for Constructed Unit 4 was submitted concurrently with this Fourth Supplemental Plat and is being reviewed at this same meeting.
12. On February 5, 2013, the Planning Department received a complete application for the Fourth Supplemental Plat for Constructed Units 5 and 6.
13. The purpose of the supplemental plat is to describe and document the as-built conditions and the UE calculations for constructed Units 5 and 6 at the Belles Condominiums prior to issuance of a certificate of occupancy and to identify private, limited common and common area for this unit.
14. The supplemental plat complies with the conditions of approval of the underlying plats, namely the Silver Strike subdivision plat and the Amended, Consolidated, and Restated Condominium plat of The Belles at Empire Pass. The plat is consistent with the

development pattern envisioned by the Village at Empire Pass MPD and the 14 Technical Reports of the MPD and the Flagstaff Development Agreement.

15. Units 5 and 6 are located on Lot 2 of the Silver Strike subdivision plat.
16. The approved maximum house size is 5,000 square feet of Gross Floor Area, as defined by the LMC. Gross Floor Area exempts basement areas below final grade and 600 square feet of garage area. Unit 5 contains 4,194 sf Gross Floor Area and Unit 6 contains 3,673.5 sf Gross Floor Area.
17. The Flagstaff Development Agreement requires calculation of unit equivalents (UE) for all Belles units, in addition to the maximum house size. The UE formula includes all interior square footage "calculated from the inside surfaces of the interior boundary wall of each completed unit, excluding all structural walls and components, as well as all shafts, ducts, flues, pipes, conduits and the wall enclosing such facilities. Unit Equivalent floor area includes all basement areas. Also excluded from the UE square footage are garage space up to 600 square feet per unit and all space designated as non-habitable on this plat." Within the Flagstaff Development Agreement one residential unit equivalent equals 2,000 sf.
18. Unit 5 contains a total of 4,194 square feet and utilizes 2.097 UE. Unit 6 contains a total of 3,673.5 square feet and utilizes 1.837 UE. The total UE for units 1, 2, 4, 5, 6, 9, and 12 is 18.567 Unit Equivalents of the 45 total UE allocated for the Belles at Empire Pass.
19. As conditioned, this supplemental plat is consistent with the approved Flagstaff Development Agreement, the Village at Empire Pass MPD, and the conditions of approval of the Silver Strike Subdivision.
20. The findings in the analysis section are incorporated herein.

Conclusions of Law – 77 Silver Strike Trail

1. There is good cause for this supplemental plat as it memorializes the as-built conditions for Units 5 and 6.
2. The supplemental plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed supplemental plat.
4. Approval of the supplemental plat, subject to the conditions of approval stated below, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 77 Silver Strike Trail

1. The City Attorney and City Engineer will review and approve the final form of the supplemental plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
 2. The applicant will record the plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within the one year timeframe, this approval will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
 3. All conditions of approval of the Village at Empire Pass Master Planned Development, the Silver Strike Subdivision plat, and the Amended, Consolidated, and Restated Condominium Plat of The Belles at Empire Pass shall continue to apply.
 4. As a condition precedent to issuance of a final certificate of occupancy for Units 5 and 6, the supplemental plat shall be recorded at Summit County.
 5. A note shall be added to the plat prior to recordation stating the following, “At the time of resurfacing of Silver Strike Trail, the Master Association shall be responsible to adjust wastewater manholes to grade according to Snyderville Basin Water Reclamation District Standards”.
 6. The size and UE shall be reflected on the plat as they are to reflect the actual size and UE of the Unit.
3. **9100 Marsac Avenue, Montage – Conditional Use Permit for Outdoor Events (Application PL-13-01845)**

Planning Technician, Shauna Stokes, reviewed the request for a conditional use permit for proposed temporary structures to be located within the existing Montage Deer Valley property longer than 14 days and more than five times per year. The property is located in the residential development district (RD) and is within the Empire Pass Master Planned Development. The application requires a conditional use permit review by the Planning Commission. The applicant proposes to have temporary structures up to 15 times per year, of which four may be allowed for a maximum period of 60 days.

The Staff recommended that the Planning Commission consider approving the conditional use permit application in accordance with the Findings of Facts, Conclusions of Law and Conditions of Approval outlined in the Staff report.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Director Eddington noted that pages 80 through 83 of the Staff report contained the fifteen criteria for the CUP. The Staff had reviewed the criteria and found that there were no unmitigated impacts.

Commissioner Hontz stated that she has attended events at the Montage. Very few people live in the vicinity and she did not have an issue with any of the mitigation measures. However, if they approve this CUP and later on there are complaints about traffic and noise, she wanted to know how that would be addressed. Ms. Stokes replied that a condition of approval could be added to address her concern. She had checked with Max Papp, as well as Code Enforcement and Building, and no complaints were found for any of the events in that area. Commissioner Hontz believed it was broader than noise issues. It should be addressed as nuisance issues.

Director Eddington stated that in the past the Planning Commission has added a condition of approval to address noise, nuisance, parking and other issues. One that came to mind was the event CUP for the Yard. The condition of approval would say that if the City receives three complaints, the CUP would come back to the Planning Commission for re-review.

Commissioner Hontz recalled a previous event where cars were parked on both sides of the street on Marsac leading up to the Montage. However, based on the letter from the Montage that was included in the Staff report, there appears to be ample parking in addition to the buses. Commissioner Hontz could see where it could become a nuisance in the future as more residents move into that area. In her opinion, there was no reason for people to park on Marsac if there are 593 parking spaces at the Montage. People who attend a Montage event should either park in the parking garage or take the bus. She would also like to add a condition of approval to address parking.

Commissioner Wintzer was less concerned with the events at the Montage and more concerned that allowing the CUP would increase traffic on Marsac. He recalled that the primary issue when the Montage was approved was the issue of using Marsac to reach the Montage. If people within the Montage attend the events it would not be a problem. However, if the events attract people from other places it would create a traffic issue for Marsac and that needed to be addressed.

Andrew Godaire, representing the applicant, explained that the purpose for requesting the CUP was that the Montage hosts several events throughout the summer, including weddings and conferences that require additional space. A tent would be erected on one of the three lawns or on the terrace. He noted that in the past the Montage has requested a CUP for each individual event. At the recommendation of the Planning Department, they were requested to apply for a conditional use permit that would be a blanket permit to avoid having to permit each event. Mr. Godaire stated that there would be no parking on Marsac. The Montage hosted a very large outdoor concert over the summer and they were able to fit all the cars on their property. No one attending the concert had parked on Marsac. As an added measure they had barricaded off that road.

Commissioner Wintzer clarified that his comment was more about noting that these events would not increase the traffic on Marsac so the City would have something to fall back on if it becomes a problem in the future.

Commissioner Thomas questioned how they could put a guarantee on no increased traffic and monitor it. Mr. Godaire recommended that if any complaints arise during an event, the Montage would hold a meeting afterwards to review such complaints and make recommendations for future uses.

Commissioner Hontz suggested altering Condition of Approval #5 to state that, "The Conditional Use permit shall not violate the City noise **or nuisance** ordinance. Any violation of the City noise **or nuisance** ordinance may result in the CUP becoming void." She was unsure whether traffic would be considered a nuisance.

Commissioner Hontz stated that since it was not a problem to keep people from parking on Marsac, she requesting adding Condition #7, "No parking shall be allowed on Marsac Avenue." Commissioner Thomas thought that was a practical solution. If all the cars do not fit in the parking structure, the Montage would have to run shuttles. Director Eddington pointed out that the City encourages people to include in their event advertising the ability to utilize the bus service, because the bus goes up Marsac for summer events.

Ms. Stokes understood that this conditional use permit would not cover larger events. Large scale events would fall under the Events Department and require a different permit. Planner Whetstone noted that the City Council approves those requests.

Commissioner Strachan favored adding Condition #7 and revising Condition #5.

Assistant City Attorney McLean asked Mr. Godaire to clarify the request for 15 times per year, and only be allowed for a maximum of 60 days. She asked if the Montage intended to have four tents up for 60 days. Mr. Godaire replied that it was not the intent; however, last Fall a conference client requested to have four yurts temporarily erected for their duration and they were up for consecutive 45 days. It occurred during a slow time of year for the whole town and they would like to encourage that type of business in the future.

Commissioner Gross thought it was a terrific idea because it allows the Montage the ability to market without having to go through the CUP process for each event. He questioned the square footage of the tents. For example, having a 20,000 square foot tent up for four months could be overbearing.

Commissioner Gross asked which day was the single busiest day. He was told that it was February 9, 2013, as stated in the letter from the Montage. Commissioner Gross was not opposed to having an extremely large tent up for a few days to accommodate a wedding or a conference, but he would not like to see a large tent up for four months. Mr. Godaire pointed out that the Montage would not like it either because in the end they would have to replace the lawn. Commissioner Gross did not want to limit the Montage from doing business and he did not have a suggestion to address his concern. Mr. Godaire stated that if they ever encounter a situation where a larger temporary structure is necessary for a long duration, he would be willing to apply for a separate conditional use permit for that use.

Commissioner Gross was comfortable limiting this CUP to any temporary structure over 5,000 square feet for no longer than 20 days. Commissioner Hontz suggested adding Condition 8 to read, "Any temporary structure over 5,000 square feet for longer than 20 days shall be required to apply for a Special Events Permit." The Commissioners concurred.

Commissioner Wintzer asked if there were certain requirements that would trigger a Special Event Permit. Ms. Stokes stated that she had asked Max Papp but he did not give her specifics. She understood that it would be an event large enough to have to mitigate traffic and involve the police for safety.

MOTION: Commissioner Hontz moved to APPROVE the conditional use permit application for temporary structures within the Montage Deer Valley, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as amended; revising Condition #5 adding the language regarding nuisance; and adding Condition #7 prohibiting parking on Marsac Avenue; and Condition #8 limiting temporary structures over 5,000 square feet shall not exceed twenty (20) days. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Findings – 9100 Marsac Avenue - Montage

1. On February 21, the City received a complete application for a CUP for temporary structures to be located within the Montage Deer Valley up to fifteen (15) times per year of which four (4) may be allowed for a maximum of sixty (60) days.
2. Temporary structures require a CUP in the RD Zone.
3. No additional signs or lighting are proposed with this application.
4. In 2012, the hotel pulled five (5) separate Administrative CUPs for temporary structures.
5. Within the Land Management Code (LMC) section 15-4-16(A)(7) a temporary structure may only be installed for a duration longer than fourteen (14) days and for more than five (5) times a year with an Administrative CUP and the Planning Commission must approve a CUP for any longer duration or greater frequency consistent with CUP criteria in LMC section 15-1-10(E) and the criteria for temporary structures in LMC section 15-4-16(C).
6. The applicant is requesting that the Planning Commission consider approving a CUP to allow the applicant to install temporary structures up to fifteen (15) times per year of which four (4) may be allowed for a maximum of sixty (60) days, due to the higher frequency of weddings and outdoor parties. There may be occasions when more than one temporary structure is installed for an activity.
7. The Montage Deer Valley has six (6) locations for temporary structures: The Grand Lawn (19,953 sq. ft.), Compass Lawn (6,481 sq. ft.), Mountain Lawn (5,513 sq. ft.), Front Lawn (13,573 sq. ft.), Vista Terrace (2,133 sq. ft.), and the Grand Terrace (6,678 sq. ft. See Exhibit B
8. This application is reviewed under Land Management Code Section 15-1-10 (E) and Section 15-4-16(C).
9. The Montage Deer Valley may be accessed via Marsac Avenue. People using the temporary structures would have to abide by the same parking restrictions as other hotel guests.

10. According to a recent parking analysis, there are 593 parking spaces. The applicant conducted a parking study on the busiest day of the year where occupancy was 100% and found 48% usage of the parking lot. They estimate that the addition of temporary structures at maximum capacity and all guests arriving from off-site would diminish the parking by an additional 17%. Therefore, parking would be at 65% of total parking capacity. See Exhibit A.
11. The property was posted and notice letters were mailed to property owners within 300' of the property. Legal notice was published in the Park Record.
12. The project has access from Marsac Avenue.
13. The property is located within the Residential Development as part of the Empire Pass Master Planned Development (RD-MPD).
14. The Findings in the Analysis Section are incorporated herein.

Conclusions of Law – 9100 Marsac Avenue – Montage

1. The Use, as conditioned complies with all requirements of the Land Management Code, Section 15-1-10.
2. The Use, as conditioned complies with the Empire Pass Master Planned Development.
3. The Use, as conditioned is consistent with the Park City General Plan.
4. The Use, as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.
5. The effects of any differences in use or scale have been mitigated through careful planning.
6. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15-1-10 review criteria for Conditional Use Permits and 15-4-16(C) review criteria for temporary structures.

Conditions of Approval – 9100 Marsac Avenue – Montage

1. All temporary structures require a permit issued by the Building Department. All temporary structures must be inspected by the Building Department prior to occupancy. The Building Department will inspect circulation, emergency access, and all other applicable public safety measures.
2. Prior to installing a temporary structure, the Planning Department must sign off on a building permit and record the date within the CUP application folder.
3. A maximum of fifteen (15) events which include temporary structures per year are allowed.

4. The maximum duration of a temporary structure is fourteen (14) days, with the exception of four (4) temporary structures per year having a maximum duration of sixty (60) days.
5. The use shall not violate the City Health, Nuisance, Noise Ordinance. Any violation of this Ordinance may result in the CUP becoming void.
6. Exterior signage must be approved by the Planning Department consistent with the City Municipal Code. All exterior lighting must be approved by the Planning Department and comply with the Land Management Code.
7. No parking shall be allowed on Marsac Avenue.
8. Any temporary structure that exceeds 5,000 feet shall not exceed twenty (20) days.

4. **206 Grant Avenue Plat Amendment**
(Application PL-13-01819)

Planner Mathew Evans noted that the Planning Commission had reviewed the plat amendment for 206 Grant Avenue at their last meeting on April 10th. The Planning Commission continued the item and directed the Staff to make changes to the Findings of Fact and Conditions of Approval. The Staff had made the requested changes as noted in the Staff report as follows:

- Remove Finding of Fact #4, which did not pertain.
- Changes to the language in Finding of Fact #12, which was now number 11.
- Remove Finding of Fact #14, which was the good cause language, and move it to the Conclusions of Law as Conclusion #4.
- Replace Condition of Approval #3 with the following language. "Approval of an HDDR application is a condition precedent to the issuance of a building permit for construction on the lot."
- Replace Condition of Approval #4 with the following language: "Approval of Street Slope CUP application is a condition precedent to the issuance of a building permit for any structure in excess of 1,000 square feet."
- Replace Condition of Approval #5 with the following language. "Modified 13-D sprinklers may be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation."

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended in the Staff report.

Chair Worel referred to the April 10th minutes on Page 26 of the Staff report and noted that the wording in the discussion for the conditions of approval was different than the changes reflected in the Staff report. Planner Evans stated that he had listened to the recording and prepared the Staff report before the written minutes were received. Chair Worel asked if the minutes were incorrect. Planner Evans was unprepared to address that question because he had not read the minutes.

Commissioner Hontz stated that based on what she recalled saying, the revised Condition of Approval #4 was still missing language related to the slope, as reflected in the minutes on page 26 of the Staff report. Commissioner Hontz read the revised Condition #4, "Approval of Street Slope CUP application is a condition precedent to the issuance of a building permit for any structure in excess of 1,000 square feet". She believed it was inaccurate because the slope has to be over 30%.

Commissioner Hontz read from the LMC, "A steep slope conditional use permit is required for any new construction over 1,000 square feet of floor area and for any driveways/access improvement if the area of construction improvement is a 30% or greater slope for a minimum horizontal measured from 15 feet. She stated that at a minimum, Condition #4 must reference the slope.

Commissioner Strachan recalled that the Planning Commission had discussed removing the reference to the 30% slope requirement.

Chair Worel referred to the revised Condition #5 and asked if "may" or "shall" was the appropriate word related to the Modified 15-D sprinklers, based on their discussion at the last meeting. Commissioner Strachan noted that the minutes state that "13-D may be required". He believed the minutes reflected the new conditions in the Staff report.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Hontz corrected Street Slopes to read Steep Slopes in Condition of Approval #4.

MOTION: Commissioner Wintzer moved to forward a POSITIVE Recommendation to the City Council for 206 Grant Avenue according to the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 206 Grant Avenue

1. The property is located at 206 Grant Avenue within the Historic Residential (HR-2

Subzone "B") District.

2. The property is vacant and is not shown on the Historic Sites inventory as a significant site and there are no structures located on the property other than the 206 Swede Alley Stairs.
3. The applicants are requesting to combine two partial Old Town lots into one buildable Lot for the purpose of future development on the property. The applicant has previously contemplated either a garage to serve their existing home on Sandridge Avenue or a small home on the property, both of which are allowed uses within the HR-2 District
4. The amended plat will create one new 2,257 square foot lot.
5. Currently the property is comprised of a portion of Lots 21 and 22, Block 72 of the Millsite Addition to Park City Plat. Neither portion meets the minimum lot size requirements alone.
6. The property is triangular in shape, and due to required setbacks, has a limited building pad available.
7. Any development on the site will require a Historic District Design Review (HDDR) prior to the issuance of a building permit.
8. Any development on the property in excess of 1,000 square feet will require a separate Steep Slope Conditional Use Permit (CUP) if proposed on areas of 30% or greater slope.
9. The lots by themselves are substandard and not developable unless combined with other properties.
10. The proposed lot meets/exceeds the minimum lot size established in the HR-2 District.
11. Potential development on the property is limited by required setbacks and the shape of the lot, which will limit the achievable building pad to approximately 600 square feet, and a conceivable building area of approximately 500 square feet (+/- based on typical building form constraints).
12. The wide-width and unusual configuration of the lot requires by Code a greater side yard setback than what is typical with a lot of this size. The staircase easement is within the side yard easement (ten feet required, whereas easement is seven feet). The shape of the lot will likely dictate that the developed area be on the opposite side of the lot from the staircase.
13. There are no known issues related to the ability to provide required utilities to the property. Water and sewer are readily available to the property.

14. There is a recorded easement for parking and access to the benefit of 210 Grant Avenue on the north property line that is entirely within the north side-yard setback (encroachment is approximately four feet, setback is five feet) that is shown on the plat. There are no other known encroachments to be resolved.

15. The property is located within the Soils Disposal Ordinance Area.

Conclusions of Law – 206 Grant Avenue

1. There is good cause for this plat amendment.
2. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
3. Neither the public nor any person will be materially injured by the proposed plat amendment.
4. Approval of the plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
5. There is Good Cause to approve the proposed plat amendment as the plat does not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. The proposed plat, when recorded, will provide the City with snow storage easements, as well as memorialize the staircase easement for public Planning pedestrian connectivity between the Sandridge Avenue and Swede Alley residential areas and Main Street.

Conditions of Approval – 206 Grant Avenue

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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Approval of an HDDR application is a condition precedent to the issuance of a building permit for construction on the lot.
4. Approval of Steep Slope CUP application is a condition precedent to the issuance of

a building permit for any structure in excess of 1,000 square feet.

5. Modified 13-D sprinklers may be required for new construction as required by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.

6. A 10 foot wide public snow storage easement will be provided along the frontage of the property.

7. Any soil removed from the property during excavation is required to be properly disposed of at an approved site to accept contaminated soils.

**5. 30 Sampson Avenue – Ratification of Findings for a Steep Slope CUP
(Application PL-12-01487)**

Commissioner Wintzer disclosed that he has a business relationship with applicant's representative, Wade Budge, but that association would not influence his decision on this project.

Planner Evans remarked that this item was ratification of the Findings that the Planning Commission had made regarding 30 Sampson Avenue at their meeting on April 10, 2012. The Staff report contained a summary of the issues discussed at the April 10th meeting. The discussion items were incorporated into the Findings of Fact and Conclusions of Law for denial as directed in the action taken by the Planning Commission.

Planner Evans reported that since the last meeting, the Staff sought a second opinion from the Building Department for the purpose of clarification on the proposed deck from the elevator building to the main house. Based on conversations with the Chief Building Official, the Staff recommended a change to the Findings of Fact. A new Finding of Fact #39 would state, "The Chief Building Official has recently reviewed the proposed plans submitted by the applicant and has determined that the proposed attached deck from the elevator to the top floor of the home constitutes a connection of the two buildings, just as a roof structure or a breezeway between two buildings would also be considered a connection between the two buildings. Therefore, under the Building Code it would be considered one structure."

Planner Evans indicated minor changes to the next Findings of Fact that discusses the fact that this appears to be a five-story building based on the structures being connected.

Chair Worel noted that the Recommendation in the Staff report on page 105 incorrectly states denial for a conditional use permit for a nightly rental request at 30 Sampson Avenue. Planner Evans concurred that it was incorrect and that the application was for a Steep Slope CUP.

Wade Budge, representing the applicant, remarked that the opinion of the Chief Building Official reflected in Finding of Fact #39 was a major new development. When the application was submitted over a year ago, the applicant had certain understandings, which were reflected in the April 10, 2012 Staff report, that the building complied with the story requirement. When the application was

reviewed in DRT, they were informed that it was reviewed as two separate structures. Mr. Budge pointed out that the facts the entire application was based upon have been changed by this new determination by the Chief Building Official. Mr. Budge noted that he only learned of this development today, and the project architect was out of town. He requested that the Planning Commission postpone action this evening to allow the applicant the opportunity to address the issue. Mr. Budge clarified that when the application was submitted, they understood that it met the Building Code Standard. He requested time to review the application and possibly modify it.

Mr. Budge believed the Staff report reflected the conclusions that were made at the DRT level and the Staff level. He noted that the denial was based on the thought that this was two structures. However, if the building is now viewed as one structure, he was interested in hearing feedback from the Planning Commission regarding the structure and how they would like it to look. Mr. Budge did not want to go forward to the City Council with an application that did not meet a very clear three-story requirement.

Chair Worel asked if Mr. Budge was asking to withdraw this application. Mr. Budge stated that he was not asking to withdraw. He was asking that the Planning Commission postpone their action until the applicant can sort through the developments. He stated that if the applicant is unable to convince the Building Official that the prior determination was correct, they may modify their design.

Commissioner Hontz remarked that this was not a new development for the Planning Commission and she thought it was interesting that it took the Building Department several months to agree with the Planning Commission. Commissioner Hontz stated that she came prepared this evening to go through each finding and describe why the project does not meet the Code and the Historic District Guidelines. She was willing to continue that process, but she would not provide feedback on a design that does not exist. Mr. Budge understood her position. He was only requesting the ability to consult with the Building Department and the project architect. He was not demanding feedback.

Commissioner Wintzer was comfortable granting Mr. Budge his request. He agreed that there was no reason to further discuss a project that may not be built. Commissioner Wintzer noted that the minutes from previous meetings talks about the design and that the Planning Commission would like to see in terms of a smaller, more compatible structure. Mr. Budge stated that the applicant would review the December 2012 Work Session Minutes.

Commissioner Thomas asked about process. Assistant City Attorney McLean stated that based on her review of the earlier Staff report, the Staff had informed the applicant differently than the Chief Building Official's interpretation. Commissioner Thomas asked if Mr. Budge's request was reasonable in terms of pulling an agenda item. Commissioner Hontz understood that the applicant had pulled the rip-cord and asked the Planning Commission to make a decision. Mr. Budge replied that they had not pulled the rip-cord. Commissioner Strachan thought that had occurred at the last meeting. As reflected in the April 10th minutes, the applicant was asked whether they wanted to come back or if they wanted the Planning Commission to take action that evening. Mr. Budge clarified that he had asked the Commissioners to make a decision, but he did not pull the rip-cord because that needed to be requested in writing. Commissioner Strachan clarified that he was referring to the question of whether the applicant wanted the Planning Commission to continue the item or vote on a decision. The applicant chose to have a vote.

Mr. Budge clarified that his decision to request a vote at the last meeting was based on the understanding from Staff that there were two structures compliant with the three-story requirement. That interpretation has now changed. Commissioner Strachan pointed out that the Planning Commission also told him that it was one structure that exceeded the three-story requirement. Mr. Budge stated that until he received the revised Finding #39 this evening, no one had ever cited the standards from the IBC. He noted that Finding #39 relies on facts that the applicant had never seen.

Assistant City Attorney McLean stated that from the standpoint of due process, the Planning Commission could continue this item and allow the applicant to meet with the Chief Building Official to only consider Finding #39. A second alternative would be to remove Finding #39 from the Findings of Fact and vote on ratification this evening. She noted that the Chief Building Official was in the building and available to answer their questions directly.

Commissioner Wintzer felt it was fair to continue the application and allow the applicant the opportunity to work through it.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to CONTINUE the conditional use permit regarding 30 Samson Avenue to a date uncertain. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Winter believed the Planning Commission would encounter this issue of connected buildings again and he asked the Chief Building Official to provide a general definition with drawings. Chad Groot, the Chief Building Official, stated that he would come back with a full explanation of different examples.

The Planning Commission adjourned the regular meeting and moved into work session to discuss Municipal Outdoor Lighting. The work session discussion can be found in the Work Session Minutes of April 24, 2013.

The Park City Planning Commission meeting adjourned at 8:10 p.m.

Approved by Planning Commission: _____

REGULAR AGENDA

Planning Commission Staff Report



Subject: Parkview Condominiums – Record of Survey Plat Amendment
Author: Mathew Evans, Senior Planner
Date: May 7, 2013
Type of Item: Administrative – Plat Amendment
Project Number: PL-12-01568

Summary Recommendations

Staff recommends that the Planning Commission hold a public hearing for the Parkview Condominiums Amended, Consolidated and Restated Record of Survey Plat 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: Derek A. Howard on behalf of the Parkview Condominiums Home Owners Association
Location: 2260 Jupiter View Drive
Zoning: Residential Development – Medium (RDM) Master Planned Development Overlay (MPD) District
Adjacent Land Uses: Residential, Commercial and Open Space
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Proposal:

The applicant is requesting an amendment to the Parkview Condominium Record of Survey Plat for the purpose of:

- Correcting several existing plat errors;
- Re-delineating a wetland setback line that was recorded on the original plat;
- Allowing additions to the square footage of fourteen (14) of the thirty six (36) units; and
- Allowing the rear expansion of existing decks for units that parallel McLeod Creek.

The proposed amendment to the record of survey will also serve to relocate an existing sewer lateral easement, as well as to show a future rear-yard expansion of some of the existing units that can be enlarged and still meet the setback from the re-delineated wetland area.

Background

The Parkview Condominiums was approved in 1997 as the Parkview Master Planned

Development (MPD), which consisted of 36 townhomes on 5.24 acres. The original site was Lot 2 of the Parkview Subdivision. The old “Radisson” (now known as the Peaks Hotel), is situated on Lot 1 of the same Subdivision. The overall density of the project is 6.3 dwelling units per acre, and originally required a MPD because the project contained more than ten dwelling units, and the project exceeded five (5) units per acre which was the maximum without an MPD. The original approvals indicated that sixty percent (60%) open space was required, and seventy five percent (75%) open space was provided. A copy of the original Planning Commission meeting minutes approving the Parkview MPD is attached hereto as Exhibit “B”. Although the property is not located in the Sensitive Lands Overlay, the property was subject to sensitive lands criteria for the creek setback to buildings. Thus, the MPD and the recorded plat required a fifty-foot (50’) setback between the delineated wetland high water mark of the McLeod Creek wetland area and any structures. The conditions of approval also required that the developers of the Parkview Condominiums make necessary improvements, including dedication and construction of a trail along the creek.



McLeod Creek - Typical Spring Run-off

Since the original 1997 recordation of the original plat, the Homeowners Association (HOA) have discovered several errors associated with the constructed units in comparison to the original plat. Most notably basements and decks of existing units were not constructed as platted. Specifically, nine (9) of the thirty six (36) units are shown to have basements of either 558 or 603 square feet as shown on the recorded

plat. All of the same units are also shown to have existing rear decks ranging in size from 80 to 108 square feet. None of these nine (9) units were constructed with basements or decks as currently shown on the recorded plat. In addition to these discrepancies, there are also three (3) units additional that are shown as having decks that do not have existing decks (see Exhibit "F" for Discrepancy Spread Sheet detail). Once recorded, the proposed plat amendment will accurately reflect the current conditions of each dwelling. It was a common practice in the 1990's to record a plat prior to construction in order to sell units ahead of completion. Typically a final condominium plat is recorded to memorialize the as-built conditions.

In 2008 the Parkview (HOA) contemplated the idea of expansion of rear-yard decks for those units that backed onto McLeod Creek. The HOA was aware that previous work had been done to straighten the stream line for the required McLeod/Silver Creek trail, and wanting to extend the existing rear decks within the pre-altered wetland setback. The HOA started looking into what would be required to accomplish the proposed expansions. In 2009, the Parkview HOA hired IHI Engineering out of Salt Lake City, to have the wetland area re-delineated as approved by the Army Corps of Engineers, who oversees wetland designations and necessary permitting (404 permits) for encroachment into wetland areas. IHI was successful in having a portion of the Parkview property de-classified as wetland area, based on the previous work done to McLeod Creek when the trail was constructed. This moved the designated wetland line back towards the creek by upwards of ten feet (10') in some locations. The wetland mitigation report by IHI and the acceptance letter by the Army Corps of Engineers are attached hereto as Exhibit "C".

Based on the findings from the IHI study, the Army Corps of Engineers also issued a Letter of Map Amendment (LOMA) Determination Document for removal of areas within the Parkview site from the FEMA flood zone map (see Exhibit "C"). The LOMA issue adjusted the flood map to remove everything outside of the new delineation line to "Zone X" which is a non-flood hazard area. All portions of property contained within the creek and the meander corridor was left classified "Zone "C".

In 2011, the applicants hired Elliot Workgroup to put together some preliminary designs for the expansion of decks that could potentially be enlarged and extended to the newly re-designated wetland areas. At this time Staff informed the applicant that because the fifty-foot (50') high water mark was recorded on the plat, an amendment to the record of survey would be necessary, and without the plat amendment no expansion into the recorded setback line would be permitted.

In June, 2012, the Parkview HOA made an application for an amendment to the record of survey. The original submittal did not include the HOA 2/3rds vote necessary to amend the record of survey, nor did it include the new condo-plat elevations and therefore was not complete. On January 23, 2013, the application was deemed complete as all of the requirements for the submittal were received, including the HOA votes which certified that out of the thirty six (36) owners, twenty-four (24) submitted ballots in favor of the plat amendment (which meets the 2/3 requirement) and that the

remaining eleven votes were forthcoming, and no anticipated votes against.

Purpose

The purpose of the Residential Development Medium Density (RDM) District is to:

- (A) Allow continuation of medium Density residential and resort related housing in the newer residential Areas of Park City;
- (B) Encourage the clustering of residential units to preserve Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of construction and municipal services;
- (C) Allow limited generated businesses and recreational activities that are Compatible with residential neighborhoods;
- (D) Allow Development in accordance with the Sensitive Lands Ordinance;
- (E) Provide opportunities for variation in architectural design and housing types,
- (F) Promote pedestrian connections within Developments and between adjacent Areas; and
- (G) Minimize impacts of the automobile on architectural design.

Analysis

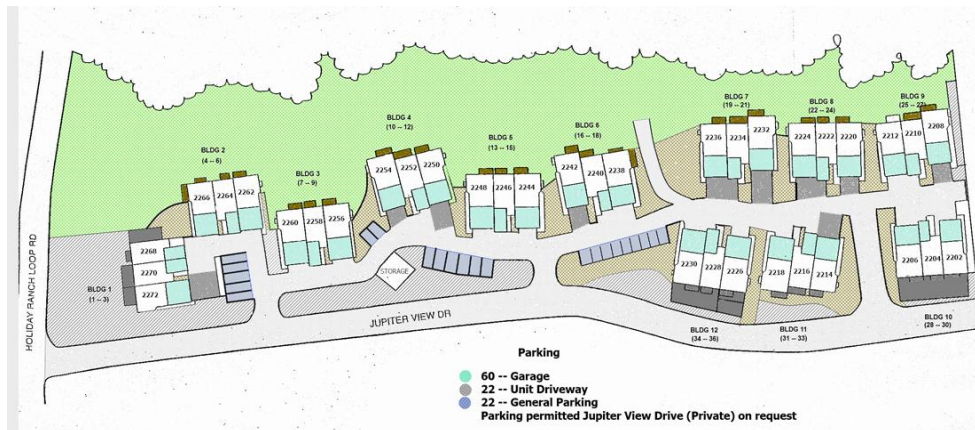
The original 1997 approval of the Parkview Condominiums anticipated limited access from those units that backed up to the wetland area. Units were built without rear access and decks were built without stairs leading to these areas. It was anticipated by Staff that the open space area would be left in its natural state without the need for irrigation or ongoing landscape maintenance of this area. Because most of the buildings and their decks were built to the wetland setback line, it wasn't anticipated that this area could be utilized as traditional (active) open space because much of it was within the high water meander corridor.

The subsequent improvements to the McLeod Creek and trail have straightened out the creek in this location, thus providing additional opportunities for the homeowners to utilize the open space areas between the units and the creek. With the creek improvements, the proposed wetland setback line has now changed adding an additional ten (10) to twenty-two (22) feet of usable open space, representing approximately 0.51 acres. The owners now seek to gain rear access from their units to the open space area via stairways from proposed deck extensions. The open space area is still left in a somewhat natural state with grass and trees present. As originally conditioned, this area will still remain common open space with limited use for passive recreation activities only. Hot tubs and other amenities are to remain on the decks, with the open space areas to remain free of structures other than the stairways from the decks to very simple landings (as required by building code) shall consist of gravel, and shall not exceed the minimum square footage required by said building code. None of the rear additions or rear deck extensions will encroach within the new delineated wetland areas (see Exhibit "B" proposed plat).

According to the applicant, only twenty-four (24) of the thirty-six (36) units will be affected by the proposed change to the plat, including these specific changes as proposed:

- Unit #2266 – proposed nine foot (9') projected deck extension.
- Unit #2208 – proposed twelve foot (12') projected deck extension.
- Unit #2236 – proposed fourteen foot (14') projected deck extension.
- Units #2210, 2212, 2220, 2222, 2232, 2234, and 2264 – proposed fifteen foot (15') projected deck extensions.
- Units #2224, 2238, 2240, 2242, 2244, 2246, 2248, 2250, 2252, 2254, 2256, 2258, 2260, and 2262 –proposed twenty one (21') feet projection of a combination deck extension and rear addition to existing units proposed (total).

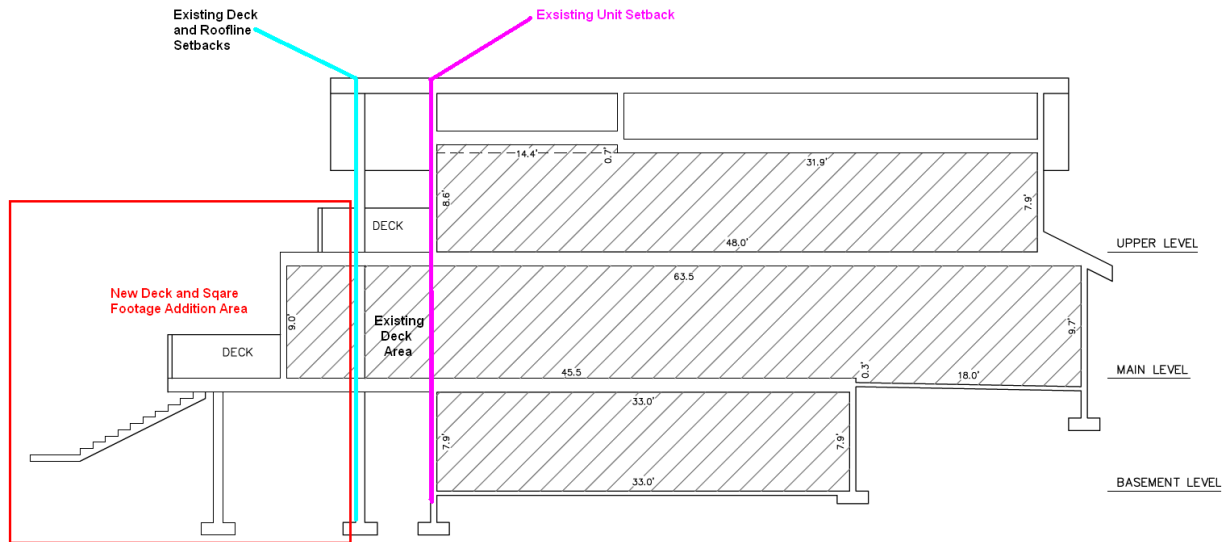
The proposed changes do not increase the parking requirement for the overall development. Section 15-3-6(A) requires two parking spaces per unit (from the 2013 LMC update). Originally there were seventy-two (22) parking spaces, including sixty (60) enclosed parking spaces, and twelve (12) exterior parking (guest) spaces. Since that time the Parkview homeowners saw the need to add thirty (30) additional parking spaces (see illustration below – grey areas are new parking) for a total of one-hundred and four (104) parking spaces (see below). The additional parking was to provide an area for guests and visitors. Thus, the proposed additional square footage for fourteen (14) of the units will require no additional parking.



The total square footage of the proposed private area additional square footage to the aforementioned fourteen (14) units is approximately 7,000 square feet. Incidentally, this is also the approximate square footage of the basement discrepancies that currently exist on the plat, thus the amount of new square footage added is negated from the basement areas recorded on the original plat that do not exist each of the fourteen (14) units that can expand under the new proposal will get approximately 500 additional square feet. The deck extensions range in size from 187 to 310 square feet in total.

The original amount of open space provided was 3.9 acres, or 171,191 square feet. The proposed deck extensions and the rear additions to the existing units, along with the previously installed parking (roughly 6,000 square feet), does represent a slight

reduction to the original seventy-five percent (75%) open space to approximately seventy-one percent (71%) based on the proposal. The open space requirement per the LMC for MPD's is sixty percent (60%). The original proposal provided the aforementioned seventy-five percent (75%) as noted in the original Parkview MDP. Therefore the sixty percent (60%) required MPD open space is maintained.



The original approvals of the Parkview Master Planned Development allowed for a total of thirty-six (36) units on 5.24 acres. The original approvals from 1997 (see 1997 Parkview Staff Report attached hereto as exhibit "D") had no maximum Floor Area Ratio (FAR) or other unit size maximums other than allowance of 6.3 dwelling units per acre afforded by the underlying (RDM) District. The proposal does not allow for an increase in height to established buildings. The proposal does decrease setbacks to property lines, but the required rear setback is twenty five feet (25'), and the proposed rear additions will still maintain setbacks in excess of approximately sixty feet (60').

Staff is concerned that the landscape area between the existing units and the creek has become more of an active open space area than a passive open space area as originally required in the Parkview MPD. Staff is concerned that this area has become largely sod grass with the introduction of new trees and other more traditional landscape materials than native landscaping. The concern is that if there is just grass up to the creek, that it is being maintained, mowed and possibly fertilized. The introduction of grass clippings and fertilizer into McLeod Creek is troubling to staff. For this reason, Staff is recommending a condition of approval that a landscape plan accompany the building permit for the deck extensions. Said landscape plan should include a re-introduction of native materials nearest to the creek, including shrubs, brush and grasses that do not require mowing, fertilizer/chemical use (bug spray, etc).

Good Cause

Planning Staff believes there is good cause for the application. The amendment to the record of survey will memorialize as-built conditions due to discrepancies of constructed

units as compared with the recorded plat. These discrepancies show basement square footages for nine units where there is no basement, and shows decks on twelve (12) units that do not have a deck. The plat amendment also acts to change the recorded wetland setback line on the plat, which has now changed and been certified by the US Army Corps of Engineers since work to improve the stream was completed. The proposed plat amendment application does not grant approval for changes to the existing stream (creek) as that work was previously completed (back in 1998) as a requirement for the trail dedication and construction which was also a requirement of the original developer. There are no known current or future changes to the creek. The change to the plat and the proposals to extend the decks does not substantially increase the intensity of the property considering that the original recorded plat anticipated additional square footage that was never built. There are no additional units proposed, most of the changes only affect outdoor space to the rear of the units along McLeod Creek, and only fourteen units will see an increase to the overall square footage of their units. There is a slight reduction in the overall open space provided from the original 75% to approximately 71% (including the additional parking added after the original construction of the units), but exceeds the overall open space requirement of 60%. No additional parking is required. The proposed condominium plat amendment will also record a new sewer access easement which has been requested by the Snyderville Basin Water Reclamation District.

Staff finds that the plat will not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements. The rear portion of the property is heavily wooded by existing trees and landscaping, none of which is within the area proposed for expansion. Staff recommends that the open space area continue to be maintained in a natural manner, with little formal landscaping. Furthermore, as a condition of approval, there will be no hot tubs, gazebos, barbecues, or any permanent structures or active recreation areas allowed within the area between the buildings and the creek, as originally contemplated by the approval of the Parkview MPD with exception to the proposed gravel landings required by building code (approximately 36"x36" or 6 feet by 6 feet for side-by-side landings).

Process & Future Process

Approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. Future deck extensions and additions will require a Staff level review. However, the Planning Commission should review the materials and designs provided by the applicant (see Exhibit "E") and provide comments and direction to Staff if desired.

Department Review

This project has gone through an interdepartmental review. There were no major issues or hurdles to the proposal brought up at the time of initial review. The Snyderville Basin Water Reclamation District is requiring a new sewer access easement

as a requirement of their approvals, and the new easement has been noted on the amended record of survey.

Notice

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

Public Input

No public input was received at the time of writing this report. Public input may be taken at the regularly scheduled Planning Commission public hearing and at the Council meetings.

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council for the Parkview Amended Record of Survey Plat as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the Parkview Amended Record of Survey Plat and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on Parkview Amended Record of Survey Plat to a date certain.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The proposed plat amendment would not be recorded and the recorded fifty foot (50') wetland high water setback line would remain, no development beyond the current setback would be allowed.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the Parkview Amended Record of Survey Plat and forward 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

Ordinance

Exhibit A – Vicinity Map

Exhibit B – Proposed Plat Amendment Record of Survey

Exhibit B.2 Original Plat

Exhibit C – IHI Wetland Report and Army Corps of Engineers Acceptance

Exhibit D – Original 1996 MPD Staff Report – Parkview Condominiums

Exhibit D.2 October 9, 1996 Meeting Minutes – Parkview Condominiums

Exhibit E – Proposed materials, rear floor plans and rear elevations (photos)

Exhibit F – Discrepancy Spread Sheet

Draft Ordinance

Ordinance No. 13-

AN ORDINANCE APPROVING THE PARKVIEW AMENDED, CONSOLIDATED AND RESTATED RECORD OF SURVEY PLAT LOCATED AT 2260 JUPITER VIEW DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 2260 Jupiter View Drive have petitioned the City Council for approval of the Parkview Amended Record of Survey Plat; 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 May 8, 2013 to receive input on the Parkview Amended Record of Survey Plat;

WHEREAS, the Planning Commission, on May 8, 2013, forwarded a recommendation to the City Council;

WHEREAS; the City Council, held a public hearing on May 23, 2013; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Parkview Amended, Consolidated and Restated Record of Survey 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 2260 Jupiter View Drive Plat Amendment as shown in Exhibit B 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 2260 Jupiter View Drive within the Residential Development (RD) Master Planned Development Overlay (MPD) District.
2. The proposed plat records and memorializes the change to the wetland high water setback line from McLeod Creek by approximately 10-22 feet (eastward toward the creek) representing approximately 0.51 acres.
3. The Army Corps of Engineers has issued a LOMA Determination to the Parkview HOA which re-designated the property to show that all portions of the Parkview open space outside of the new McLeod Creek meander corridor to be "Zone X" which is a non-flood hazard designation.

4. None of the proposed rear expansions or deck extensions to the affected units are within the new flood designation or the McLeod Creek meander corridor. designation
5. The plat amendment fixes twelve (12) discrepancies of deck and basement areas noted on those units that were not constructed but were shown on the original plat, including showing basement square footages and decks for units that have neither a basement nor a deck.
6. The proposed changes to the plat will allow twenty-four (24) of the thirty-six (36) units within the Parkview Condominiums to extend their decks outward into the eastern portion of the site, and will allow fourteen (14) of those units to expand the square footage of their existing units by adding rear additions of approximately 500 square feet each, and decks from 187 to 310 square feet.
7. The proposed plat will not increase in the density above the original 36 recorded units.
8. The original Master Planned Development for Parkview did not contemplate a maximum FAR and does not prohibit an increase in unit or deck sizes. The only limiting factors to further development were the number of units, the established setback from the wetland high water mark, established height requirements and other setback requirements.
9. There are 102 parking spaces provided where seventy-two (72) spaces are required.
10. The original amount of open space provided was 75% of the total site, the overall amount of open space provided after the deck and square footage additions to the habitual living space (and the 30 additional parking spaces) is approximately 71%. The open space requirement was 60% when the original approval for the Condominiums was granted, thus the required open space is still exceeded.
11. The proposed plat amendment will not cause any nonconformities or noncompliance with the Residential Development-Medium (RDM) District designation or the Parkview MPD as there is no increase in the total number of units, front and rear setbacks, or building height. All units exceed the minimum rear yard setback requirements (25 feet), with the closest unit to the rear property line being approximately sixty feet (60') feet away.
12. Although the proposed amendment will increase the habitable living spaces for 14 of the 36 units, the amended plat will not require additional parking as the Parkview HOA previously installed additional parking, and only two (2) spaces are required per unit.
13. The proposed amended plat will record a new sewer easement through the property as required by the Snyderville Basin Water Reclamation District.
14. The proposed additional square footage and deck extensions will occur within the Army Corps of Engineers FEMA flood zone "X" as delineated on the approved revised LOMA map.
15. The proposed condominium plat amendment does not require a revised MPD due to the fact that the proposed changes to the original approval of the Parkview MPD are in substantial compliance with the original approvals, and no new units are proposed, the amount of contemplated private space stays roughly the same, and the original open space proposed still exceeds the required amount of 60%.

Conclusions of Law:

1. The proposed plat amendment to the record of survey is necessary to memorialize as-built conditions and correct existing discrepancies with the constructed units as compared to the original recorded plat.
2. The proposed plat amendment to the record of survey will reflect the Army Corps of Engineers acceptance of the changes to the high water mark.
3. The plat amendment is consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
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.
6. There is Good Cause to approve the proposed plat amendment not cause undo harm on any adjacent property owners because the proposal meets the requirements of the Land Management Code and all future development will be reviewed for compliance with requisite Building and Land Management Code requirements.

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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All applicable original Conditions of Approval for the Parkview Condominiums shall apply.
4. All original notes on the Parkview Condominium Plat shall be noted on the amended plat.
5. Open space areas are to remain free of structures with exception to required stairway landings which will be gravel and shall not exceed the square footage minimum for each as required by building code (approximately 36"x36" or 6 feet by 6 feet for side-by-side stairways).
6. There will be no hot tubs, gazebos, barbeques, or any permanent structures or active recreation areas allowed within the open space area between the buildings and the creek, as originally contemplated by the approval of the Parkview MPD.
7. Deck areas shown as on the plats are not to be converted to private living space, nor are additional structures, etc. allowed within these or other opens space areas.
8. A revised landscape plan for the open space area between the existing units and the creek is required at the time of building permit submittal for the deck extensions. Said landscape plan shall incorporate the reintroduction of native landscape materials within this area, and reduce the amount of sod-grass, especially near the creek.

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

publication.

PASSED AND ADOPTED this ___ day of May, 2013.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

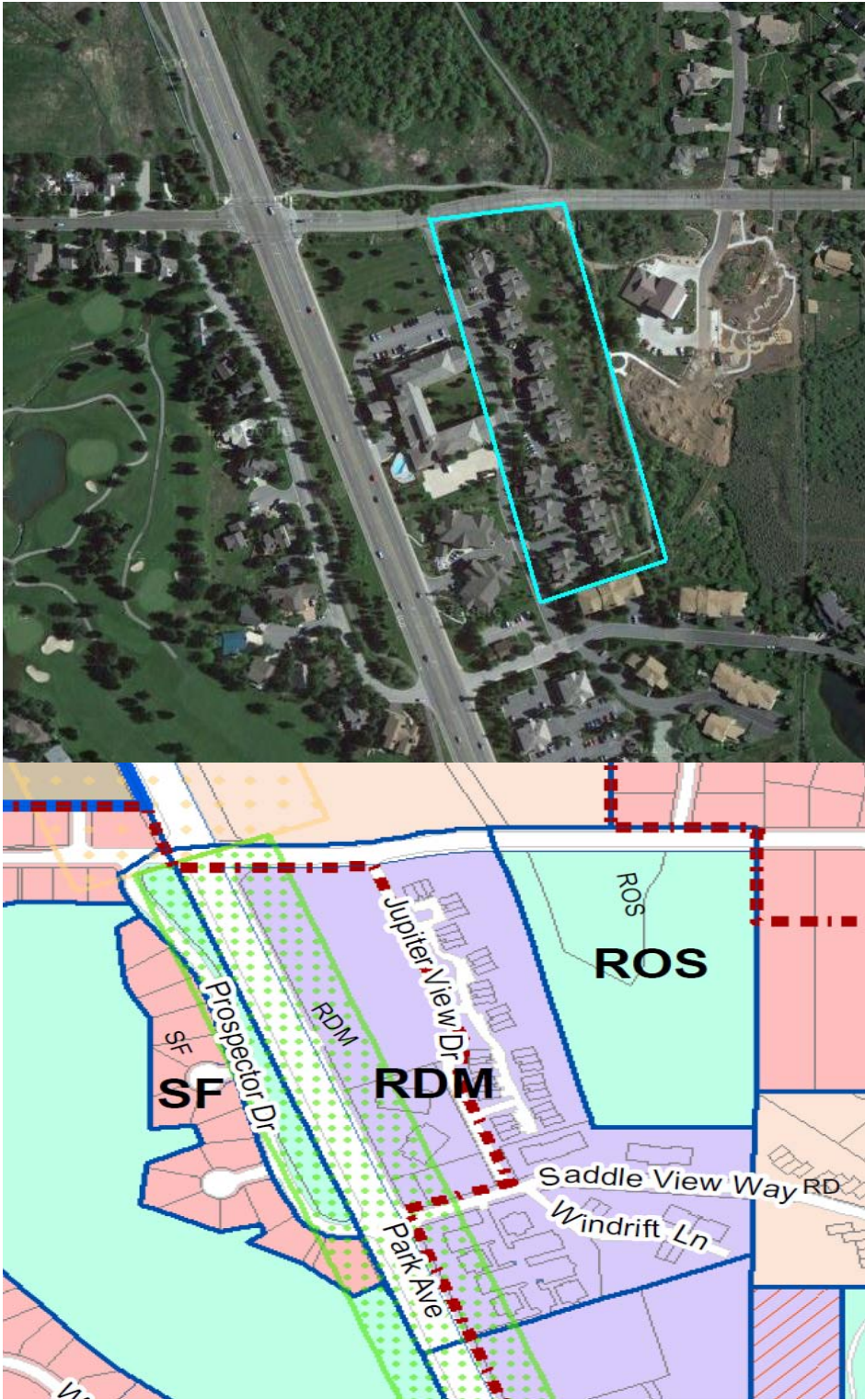
ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

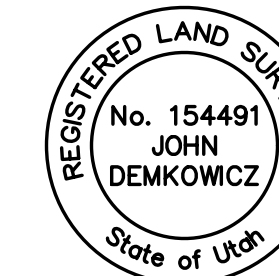
Mark Harrington, City Attorney

Exhibit A



**Exhibit A – Proposed
Parkview Condominiums
Amendment to the Record
of Survey Plat**

NORTHEAST CORNER
SECTION 8, T2S, R4E, S1B&M
STREET MONUMENT
BENCHMARK: 6747.12'



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 owners, I have prepared this Record of Survey map of PARKVIEW CONDOMINIUMS 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.

LEGAL DESCRIPTION

The Common Areas, contained within the PARKVIEW CONDOMINIUMS, a Utah condominium project, together with its undivided ownership interest in and to the common areas and facilities of the project, as the same are identified and established in the record of survey map recorded February 11, 1997, as Entry No. 473038, and in the Declaration of Condominium of PARKVIEW CONDOMINIUMS recorded February 11, 1997, as Entry No. 473039 in Book 1026 at Page 639, records of Summit County, Utah.

OWNER'S DEDICATION AND CONSENT TO RECORD

On this _____ day of _____, 2013, Parkview Condominium Owner Association, a Utah non-profit corporation, does hereby certify that on the _____ day of _____, 2013, the Board of Trustees certified that the members of the Association voted to convert specified common areas to private ownership for the benefit of certain owners. In accordance with the Utah Condominium Ownership Act, the Association has caused this survey to be made and this Amended, Consolidated and Restated Record Survey Map to be prepared and hereby consents to the recordation of this Record Survey Map. The Association further consents to the recordation hereof with the intention that upon such recordation, the provisions of the Declaration and Utah Condominium Ownership Act shall apply to the property described herein. The Association also hereby dedicates the non-exclusive utility easements shown hereon to the use of the public in accordance with an irrevocable offer of dedication.

PARKVIEW CONDOMINIUM OWNERS ASSOCIATION

By _____
Derek A. Howard, Secretary/Treasurer
Parkview Condominium Owners Association

ACKNOWLEDGMENT

STATE OF UTAH)
COUNTY OF SUMMIT) ss.

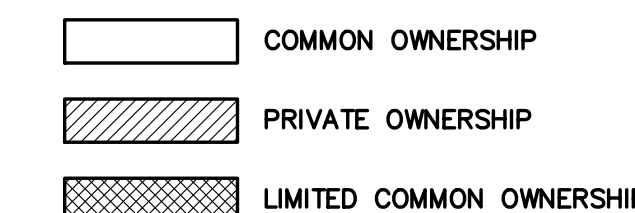
On this _____ day of _____, 2013, personally appeared before me, Derek A. Howard, who being by me duly sworn did say, that he is the Secretary/Treasurer of Parkview Condominium Owners Association, a Utah nonprofit corporation, and that he signed the above Owner's Dedication and Consent to Record for, on and in behalf of the unit owners of said Association, and said Secretary/Treasurer duly acknowledged that said Association executed the same.

A Notary Public commissioned in Utah

Printed Name _____

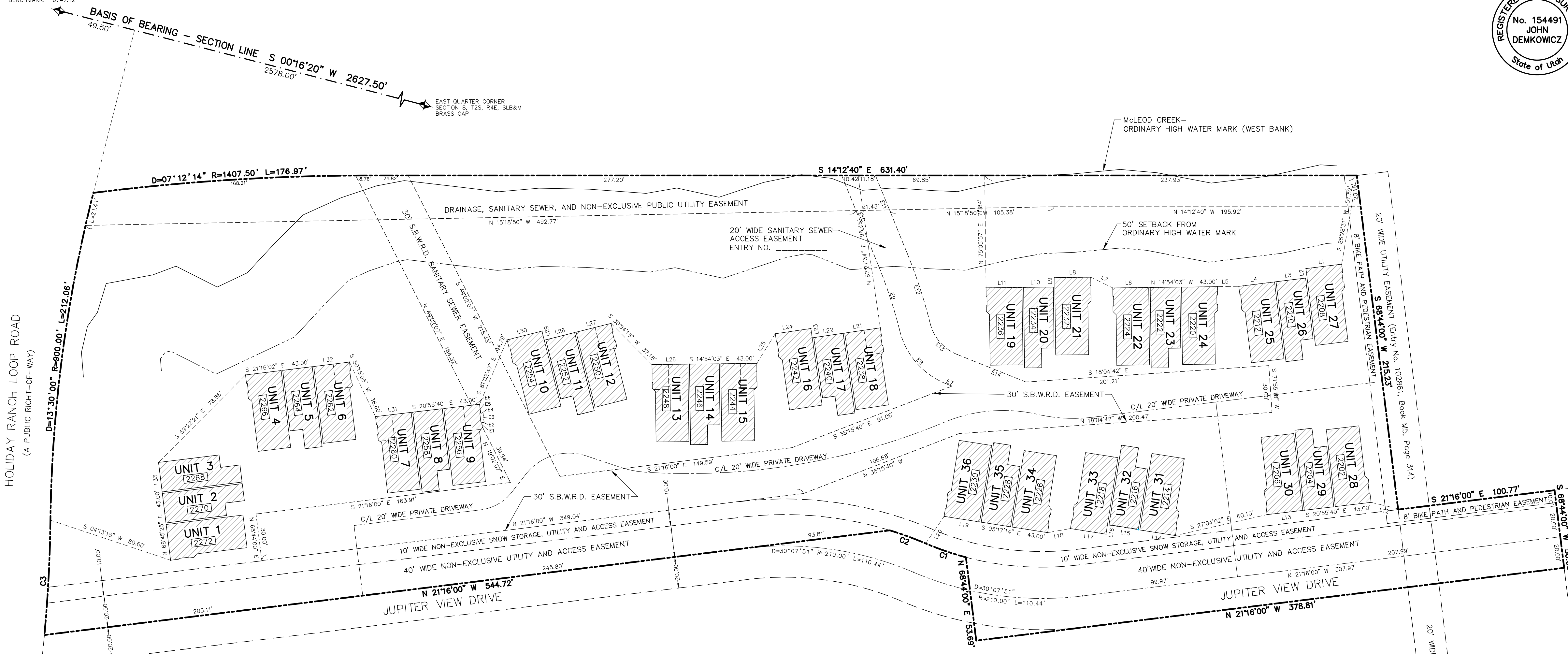
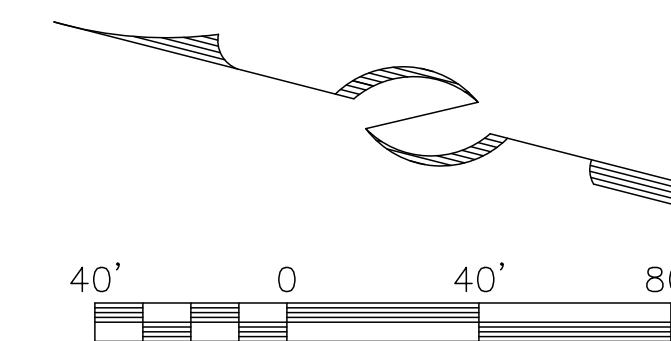
Residing in: _____

My commission expires: _____



LEGEND
S.F. REPRESENTS SQUARE FEET.
FP. REPRESENTS FIREPLACE.

LEGEND
XXXX Street address on Jupiter View Drive



HOLIDAY RANCH LOOP ROAD
(A PUBLIC RIGHT-OF-WAY)

LINE TABLE

LINE	DIRECTION	DISTANCE
L1	N 21°16'00" W	23.00'
L2	S 88°45'29" E	6.00'
L3	N 21°16'00" W	20.00'
L4	N 21°16'00" W	24.00'
L5	N 15°03'54" W	13.64'
L6	N 14°54'03" W	24.00'
L7	N 13°45'29" E	15.66'
L8	N 14°54'03" W	23.00'
L9	S 25°55'50" E	6.00'
L10	N 14°54'03" W	20.00'
L11	N 14°54'03" W	24.00'
L12	S 00°04'10" E	18.18'
L13	S 20°55'40" E	24.00'
L14	S 05°17'14" E	24.00'
L15	S 05°17'14" E	20.00'
L16	N 84°42'46" E	6.00'
L17	S 05°17'14" E	20.00'
L18	S 24°19'33" E	14.81'
L19	S 05°17'14" E	24.00'
L20	S 89°55'50" E	20.43'
L21	S 23°32'28" E	24.00'
L22	S 23°32'28" E	20.00'
L23	S 67°27'54" W	6.00'
L24	S 22°42'24" E	23.00'
L25	S 72°13'25" E	22.30'
L26	S 14°54'03" E	24.00'
L27	S 28°21'29" E	24.00'
L28	S 28°21'29" E	20.00'
L29	S 61°58'31" W	6.00'
L30	S 28°21'29" E	23.00'
L31	S 20°55'40" E	24.00'
L32	S 21°16'00" E	24.00'
L33	N 88°45'29" E	20.00'

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA
C1	190.00'	27.33'	08°14'27"
C2	230.00'	24.33'	10°03'55"
C3	30.00'	23.57'	45°00'33"
C4	65.00'	16.81'	14°48'54"

EASEMENT LINE TABLE

LINE	DIRECTION	DISTANCE
E1	N 69°04'20" E	2.67'
E2	S 20°55'40" E	1.50'
E3	N 69°04'20" E	6.00'
E4	N 20°55'40" W	1.50'
E5	N 69°04'20" E	6.00'
E6	N 20°55'40" W	6.50'
E7	S 07°32'20" W	4.50'
E10	S 53°36'50" W	62.04'
E11	S 53°36'50" W	13.89'
E14	S 07°32'20" W	47.23'

EASEMENT CURVE TABLE

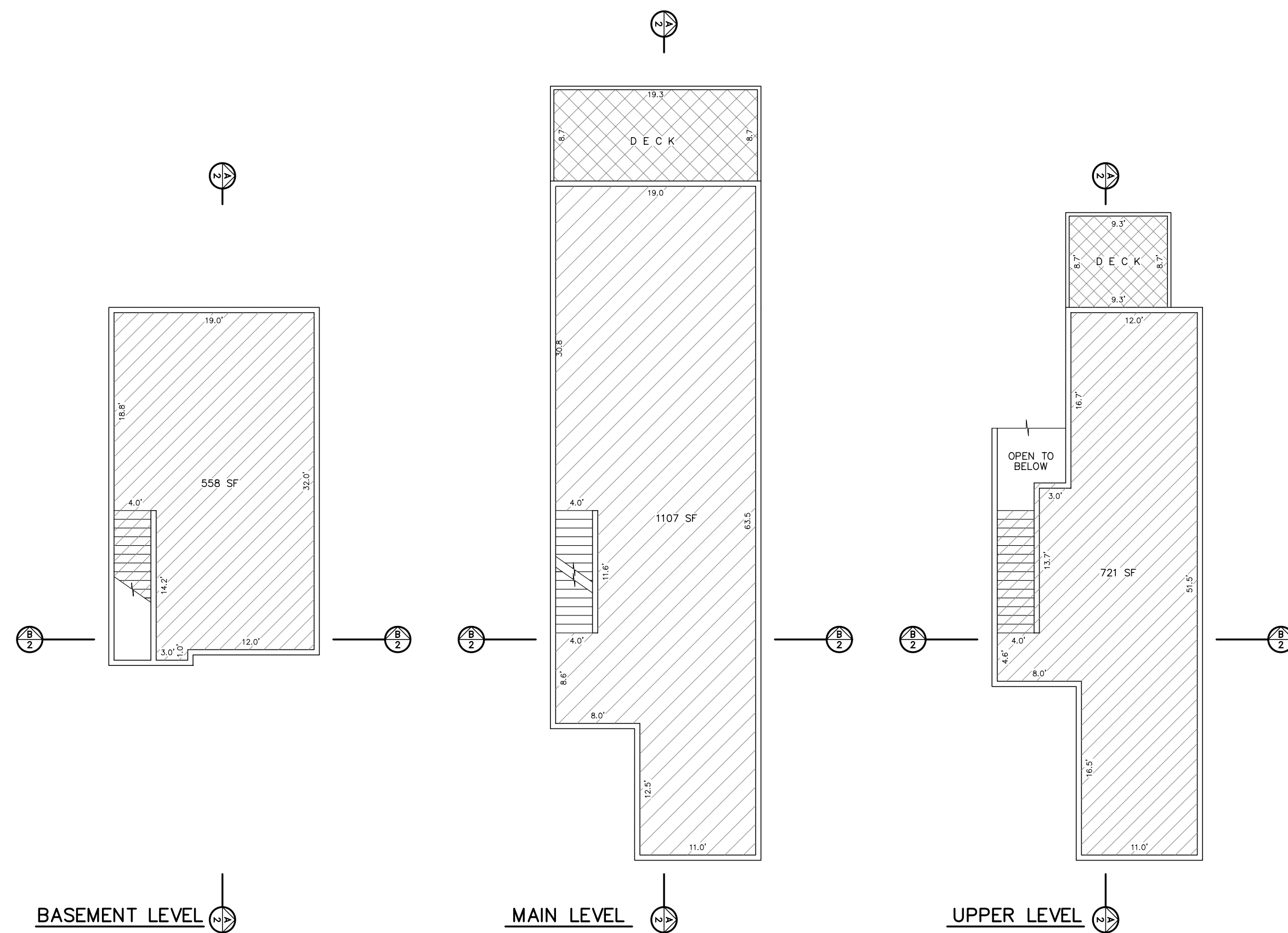
CURVE	RADIUS	LENGTH	DELTA
E8	49.07'	46.28'	54°02'30"
E9	315.00'	44.38'	08°03'00"
E12	355.00'	47.07'	08°03'00"
E13	29.07'	27.42'	54°02'30"

- NOTES:**
- Plans and dimensions shown on this plat were compiled from architectural drawings prepared by John C. Shirley Architect & Associates and Elliot Workgroup. No field measurements were made. Actual measurements may vary from those shown.
 - Interior dimensions shown are to finished surfaces.
 - All structural elements are designated as Common Areas.
 - Refer to declaration of condominium for complete description of ownership.
 - Benchmark: See Sheet 1 of 7 for location and elevation.
 - This project is served by common sewer laterals and the ownership and maintenance responsibility of the common laterals is the responsibility of Parkview Condominiums Homeowner's Association.
 - All areas indicated as Common ownership are non-exclusive utility and access easements.
 - All units will include modified N.F.P.A. (13-R) fire sprinklers.
 - All conditions of approval for the PARKVIEW CONDOMINIUMS M.P.D. and the PARKVIEW SUBDIVISION plat shall apply.
 - The wetlands and open space area shown, are permanent no build areas, with the exception of specified and approved utility and trail installations.
 - All work in the wetland areas requires a permit issued by the U.S. Army Corps of Engineers. All such work shall be approved by the Park City Community Development Department.
 - Installation of the on-site and off-site trails shall be completed according to a signed agreement between PARK VIEW, L.C. and the City of Park City. This agreement shall be signed and recorded prior to building permit issuance.

AMENDED, CONSOLIDATED AND RESTATED
RECORD OF SURVEY MAP
PARKVIEW CONDOMINIUMS

LOCATED IN THE NORTHEAST QUARTER OF SECTION 8
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664 (435) 649-9467	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2013 A.D. BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ OF _____, 2013 A.D. BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2013 A.D. BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2013 A.D. BY _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2013 A.D. BY _____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2013 A.D. BY _____ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ ENTRY NO. _____ FEE _____ RECORDER _____
	Planning Commission - May 8, 2013 Page 142 of 508						

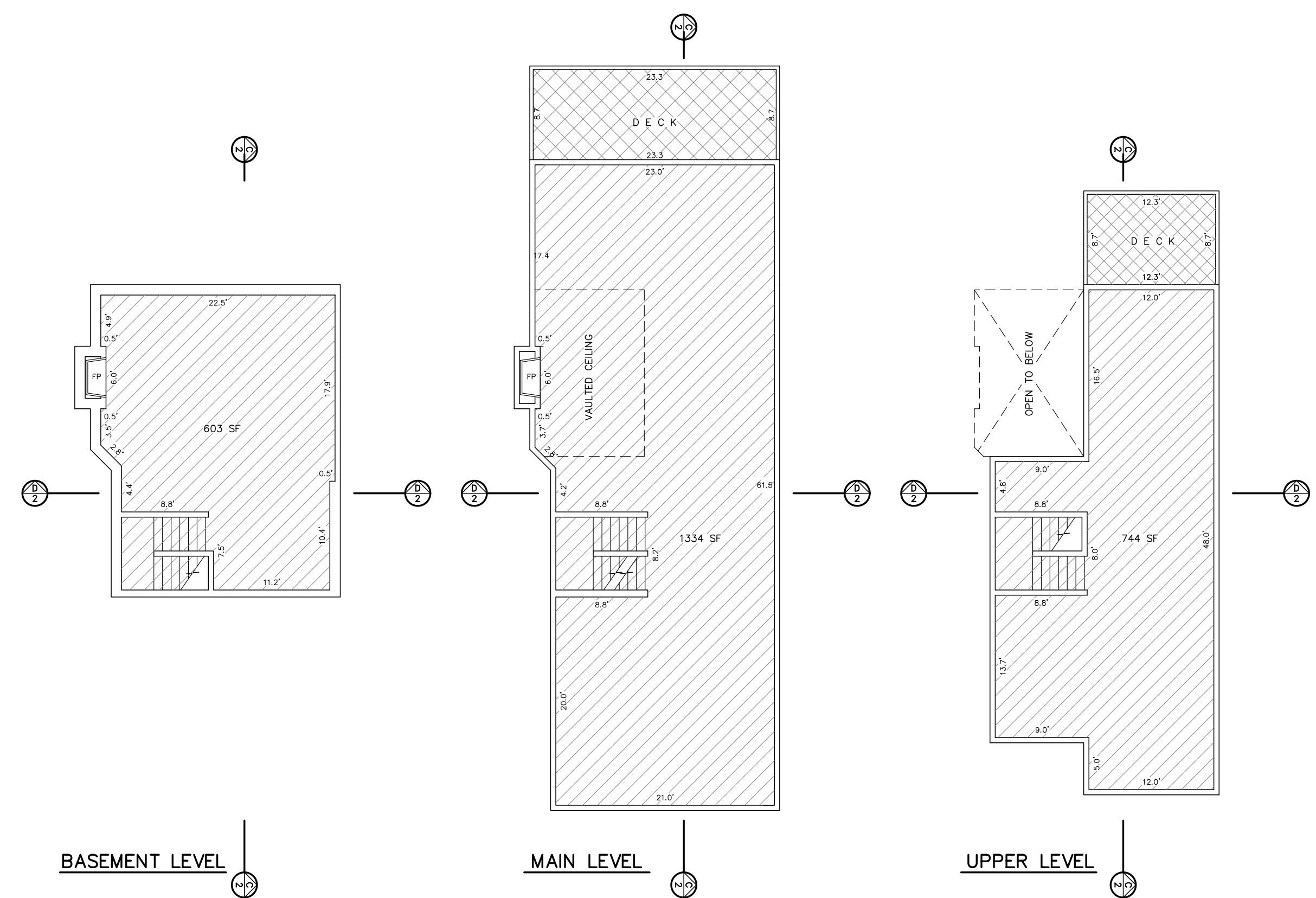


UNITS 11, 17
 MIRROR IMAGE FOR UNITS 8, 14
 2,386 TOTAL SQUARE FEET

FLOOR ELEVATION TABLE

UNIT NUMBER	8	11	14	17
UPPER LEVEL	6783.0	6783.5	6784.7	6784.5
MAIN LEVEL	6773.0	6773.5	6774.7	6774.5
BASEMENT LEVEL	6764.0	6764.5	6765.7	6765.5

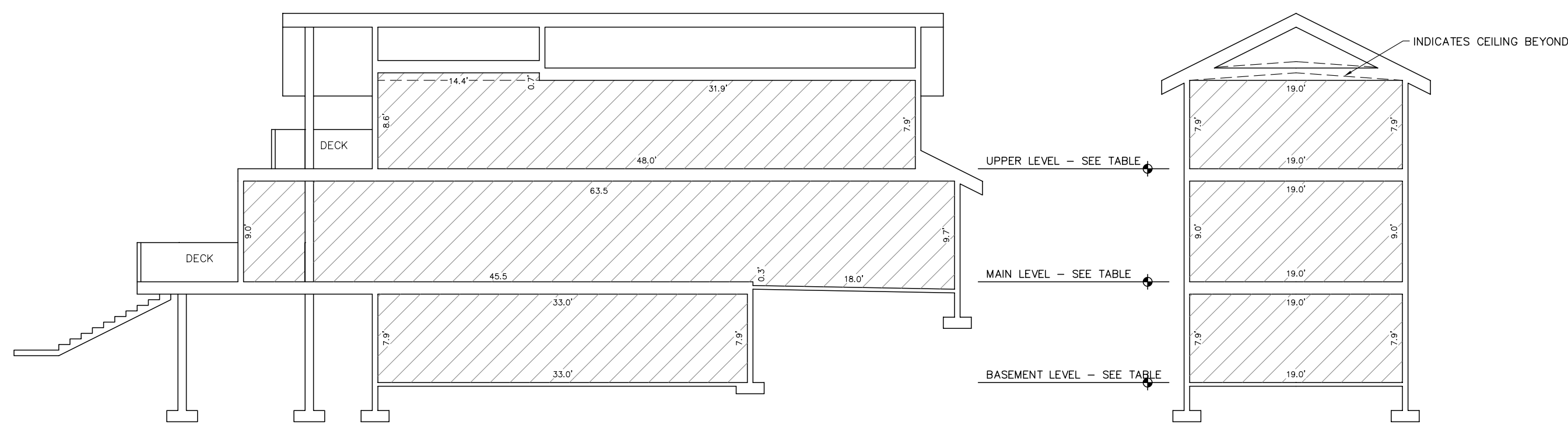
LEGEND
 S.F. REPRESENTS SQUARE FEET.
 FP REPRESENTS FIREPLACE



UNITS 7, 10, 13, 16, 22
 MIRROR IMAGE FOR UNITS 6, 9, 12, 15
 2,681 TOTAL SQUARE FEET

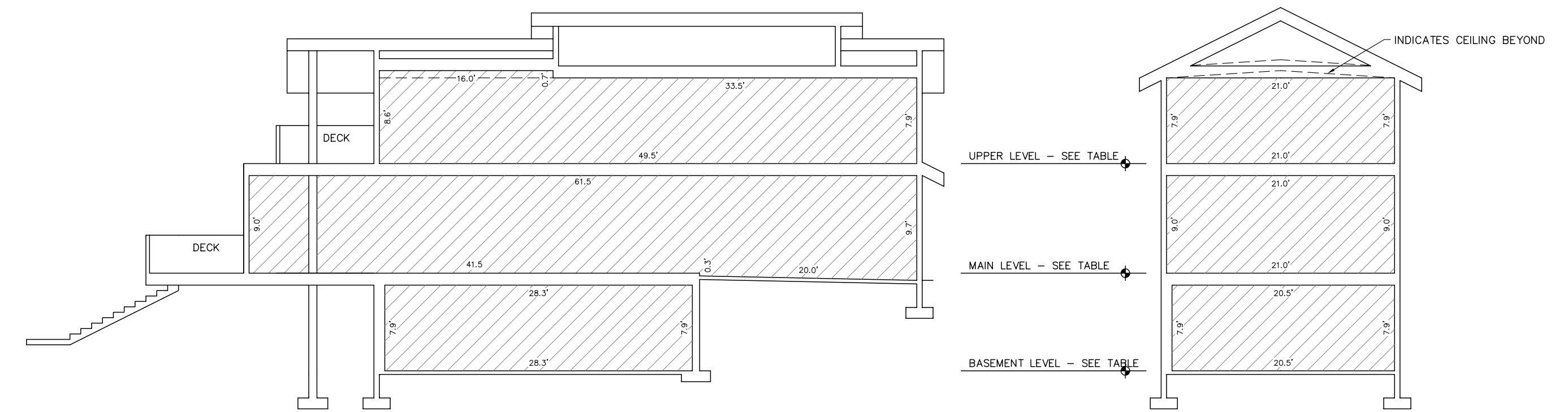
FLOOR ELEVATION TABLE

UNIT NUMBER	6	7	9	10	12	13	15	16	22
UPPER LEVEL	6782.0	6783.0	6783.0	6783.5	6783.5	6784.7	6784.7	6784.5	6784.9
MAIN LEVEL	6772.0	6773.0	6773.0	6773.5	6773.5	6774.7	6774.7	6774.5	6774.9
BASEMENT LEVEL	6763.0	6764.0	6764.0	6764.5	6764.5	6765.7	6765.7	6765.5	6765.9



SECTION A-2

SECTION B-2

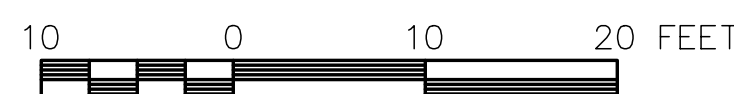


SECTION C-2

SECTION D-2

NOTES:

- PLANS AND DIMENSIONS SHOWN ON THIS PLAT WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY JOHN C. SHIRLEY ARCHITECT AND ELLIOTT WORKGROUP ARCHITECTURE.
- INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
- ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
- REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
- BENCHMARK: SEE SHEET 1 FOR LOCATION AND ELEVATION.



- COMMON AREA
- UNIT (PRIVATE OWNERSHIP)
- LIMITED COMMON AREA

AMENDED, CONSOLIDATED AND RESTATED
 RECORD OF SURVEY MAP

PARKVIEW CONDOMINIUMS

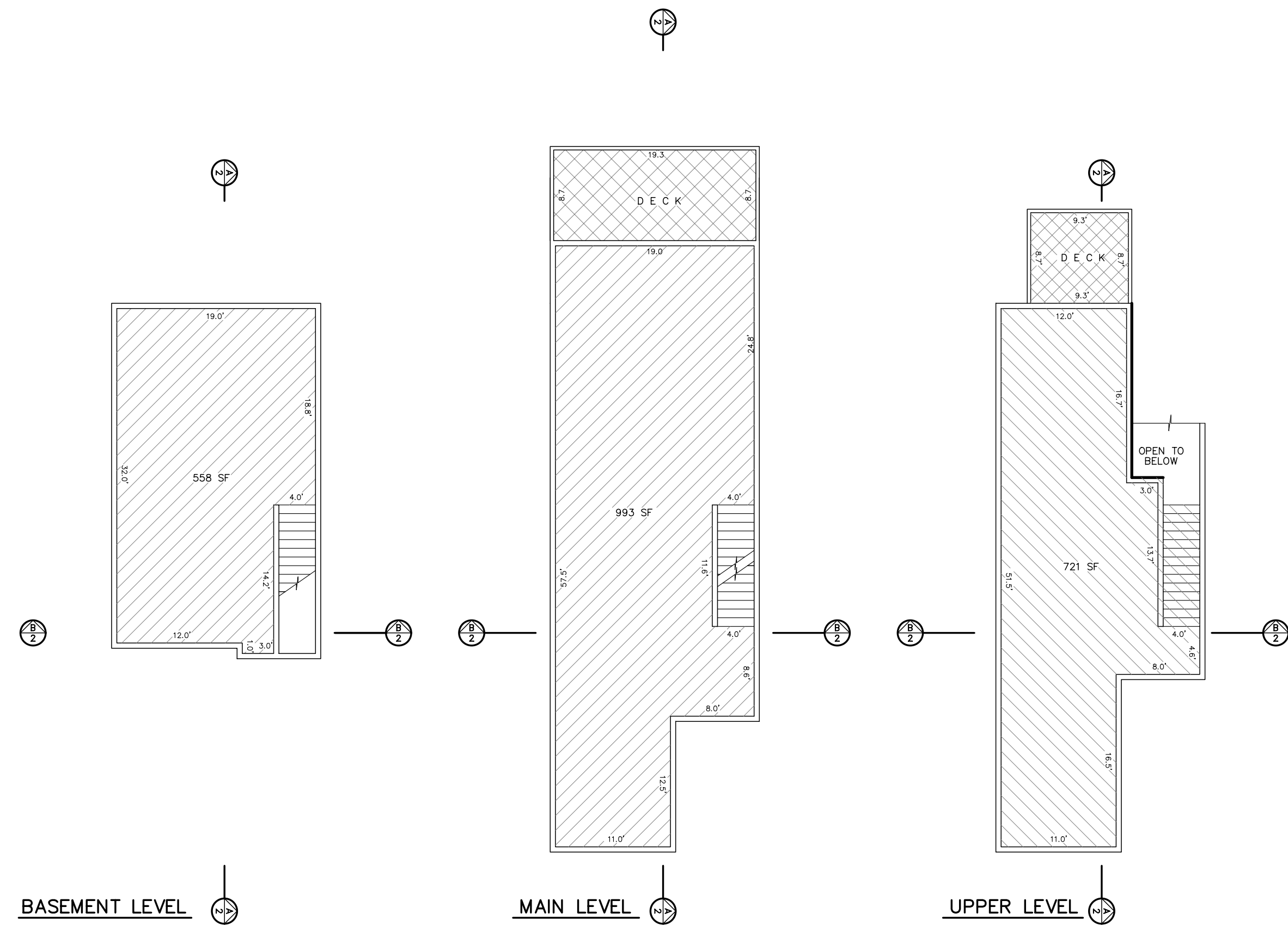
A CONDOMINIUM PROJECT

LOCATED IN THE NORTHEAST QUARTER OF SECTION 8,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
 AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

11/29/10 JOB NO.: 1-9-12 FILE: X:\ParkMeadows\dwg\sr\plat2012\010912_shts2-7.dwg

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF _____
 DATE _____ TIME _____ BOOK _____ PAGE _____
 FEE _____ RECORDER _____



UNITS 20, 23, 26

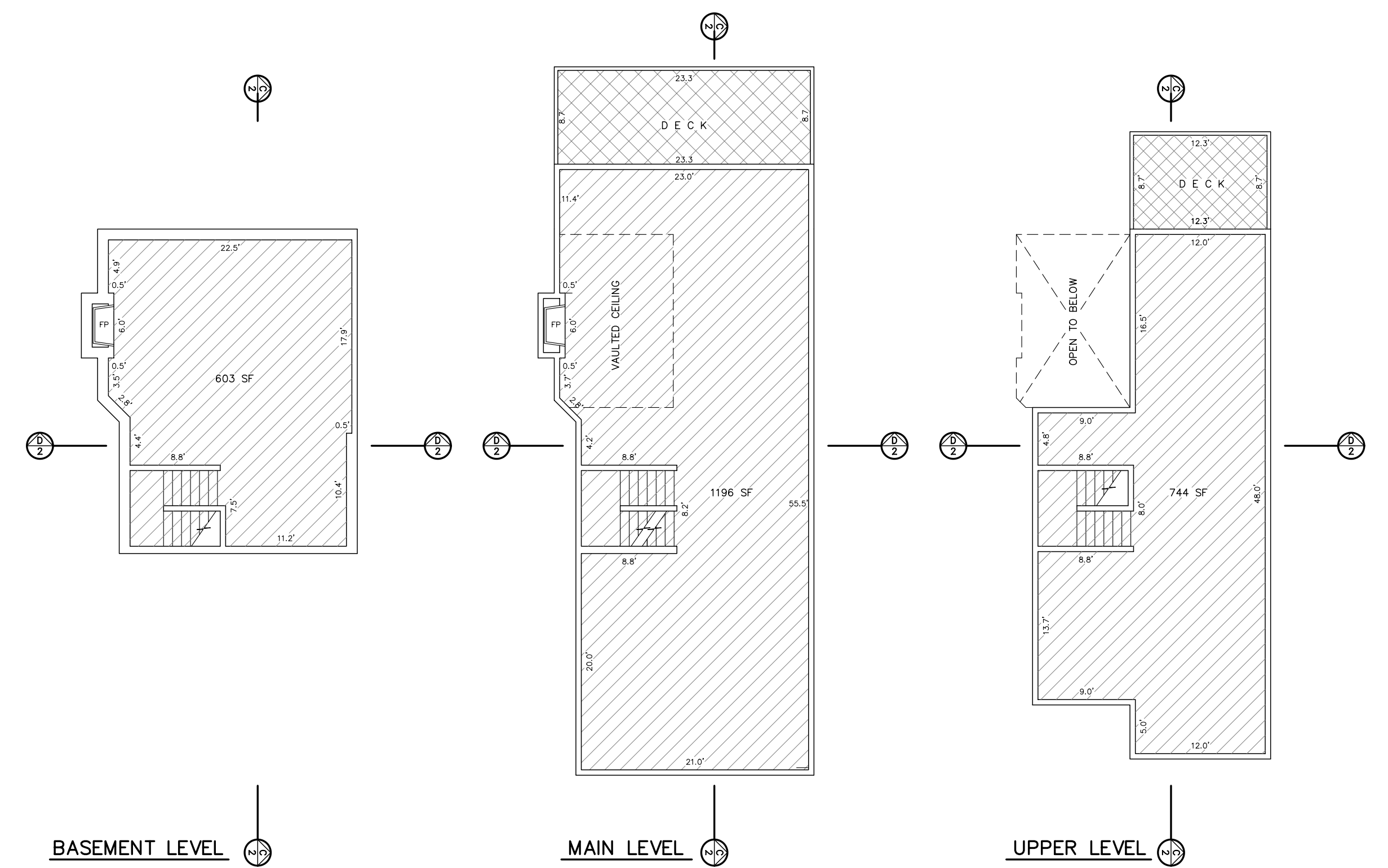
2,272 TOTAL SQUARE FEET

FLOOR ELEVATION TABLE

UNIT NUMBER	20	23	26
UPPER LEVEL	6784.2	6784.9	6785.7
MAIN LEVEL	6774.2	6774.9	6775.7
BASEMENT LEVEL	6765.2	6765.9	6766.7

LEGEND

S.F. REPRESENTS SQUARE FEET.
FP REPRESENTS FIREPLACE



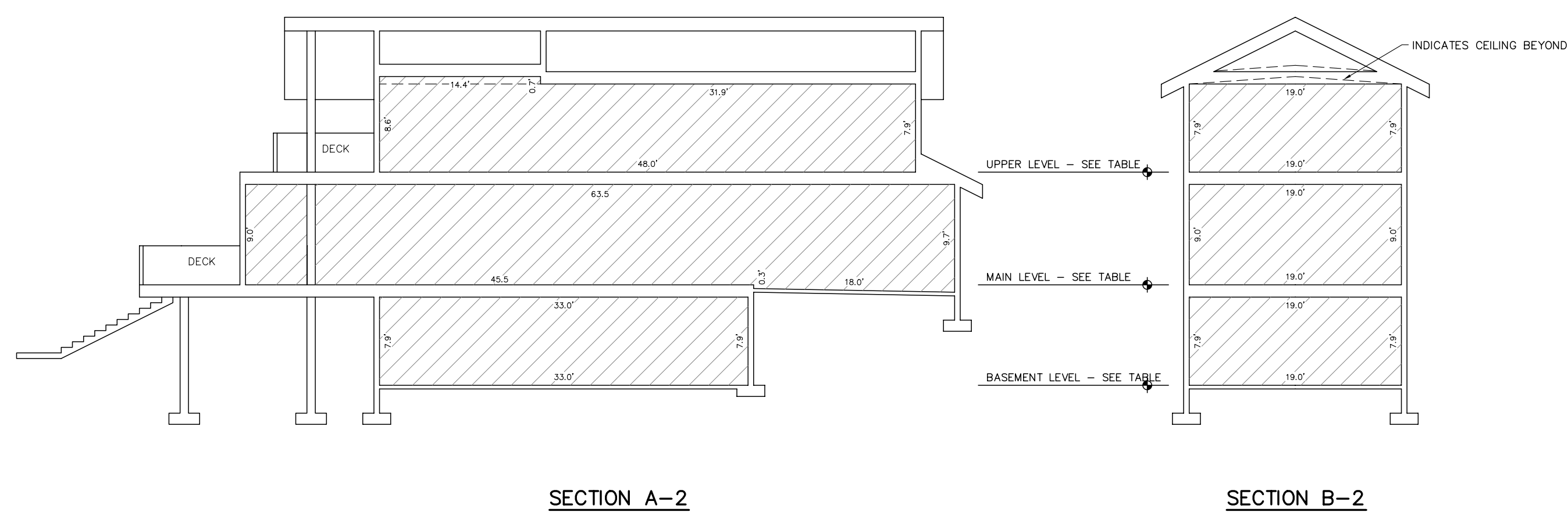
UNITS 19, 25

MIRROR IMAGE FOR UNITS 24, 27

2,543 TOTAL SQUARE FEET

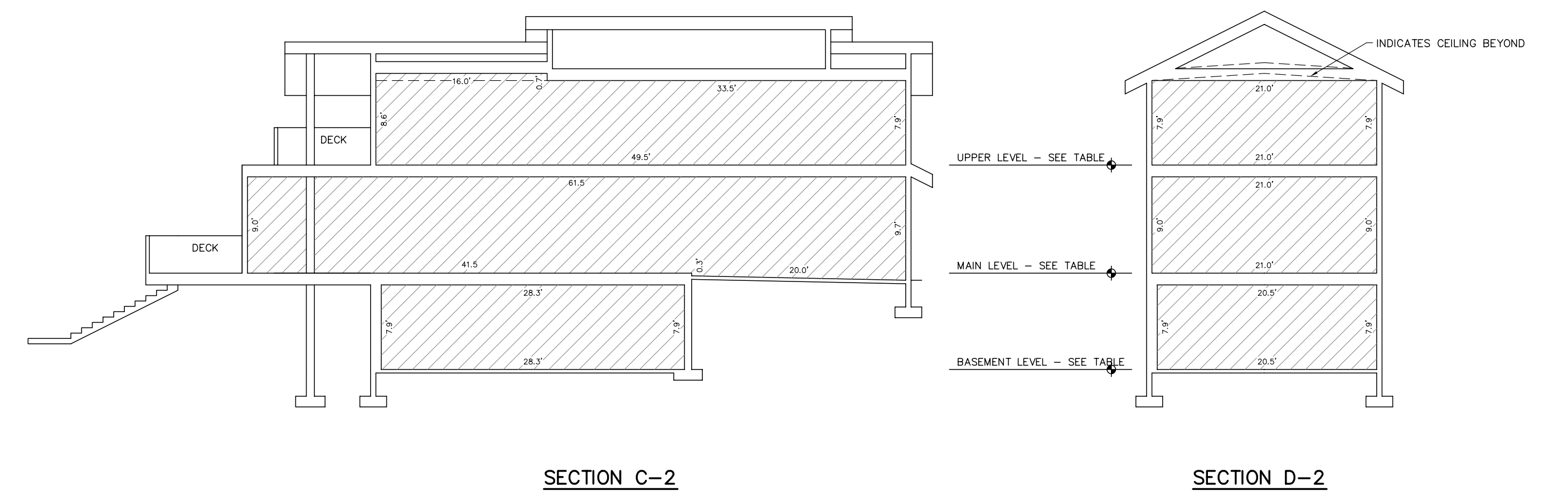
FLOOR ELEVATION TABLE

UNIT NUMBER	19	21	24	25	27
UPPER LEVEL	6784.2	6784.2	6784.9	6785.7	6785.7
MAIN LEVEL	6774.2	6774.2	6774.9	6775.7	6775.7
BASEMENT LEVEL	6765.2	6765.2	6765.9	6766.7	6766.7



SECTION A-2

SECTION B-2

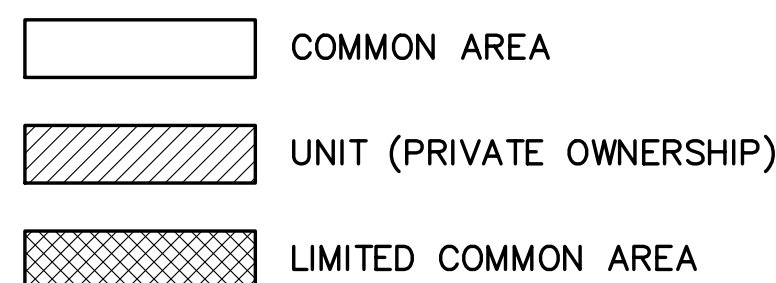


SECTION C-2

SECTION D-2

NOTES:

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- BENCHMARK: SEE SHEET 1 FOR LOCATION AND ELEVATION.



AMENDED, CONSOLIDATED AND RESTATED
RECORD OF SURVEY MAP

PARKVIEW CONDOMINIUMS

A CONDOMINIUM PROJECT

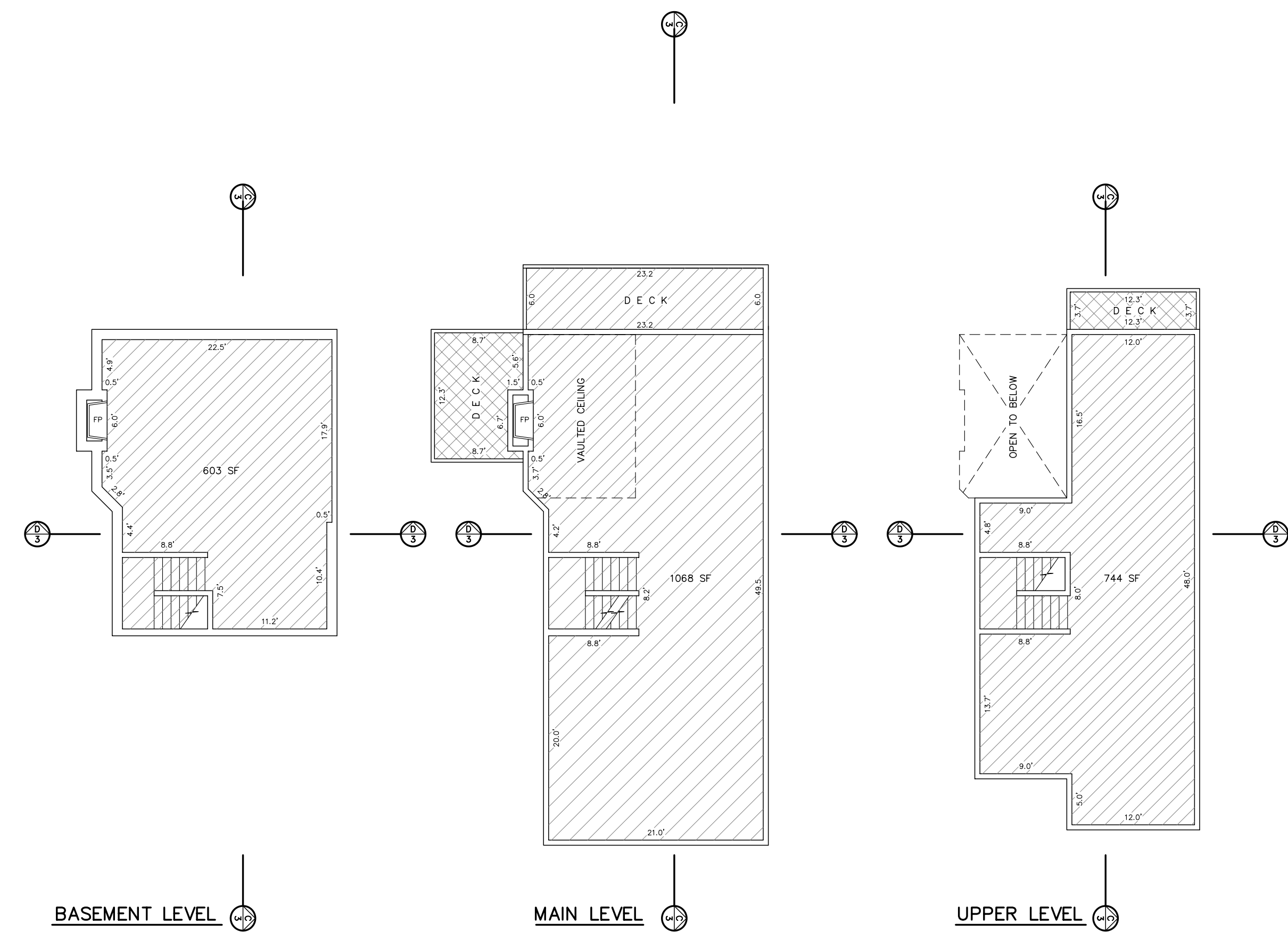
LOCATED IN THE NORTHEAST QUARTER OF SECTION 8,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SHEET 3 OF 7

11/29/11 JOB NO.: 1-9-12 FILE: X:\ParkMeadows\dwg\sr\plat2012\010912_shts2-7.dwg

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____
FEE _____ RECORDER _____

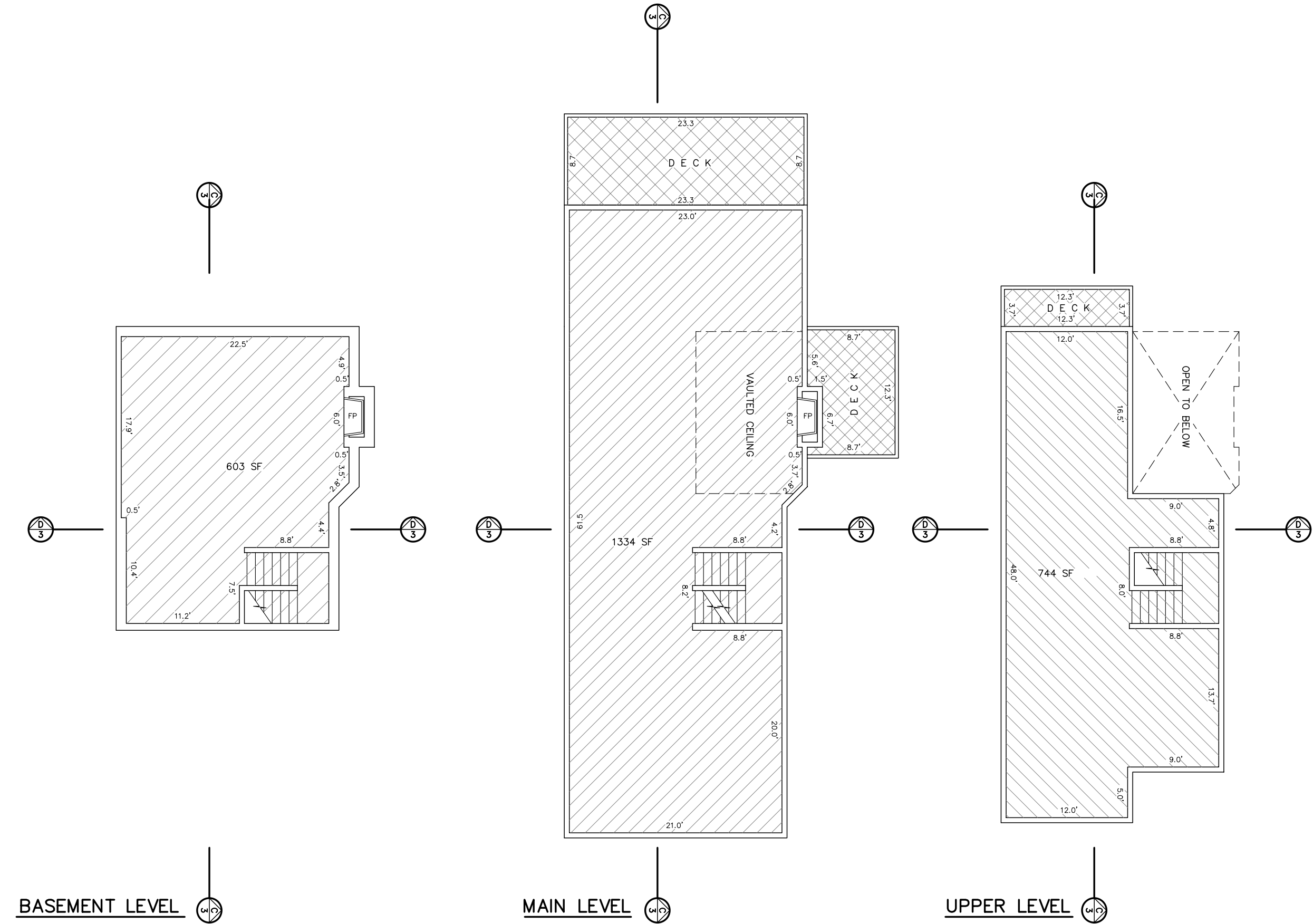


UNIT 4
2,415 TOTAL SQUARE FEET

FLOOR ELEVATION TABLE

UNIT NUMBER	4
UPPER LEVEL	6782.0
MAIN LEVEL	6772.0
BASEMENT LEVEL	6763.0

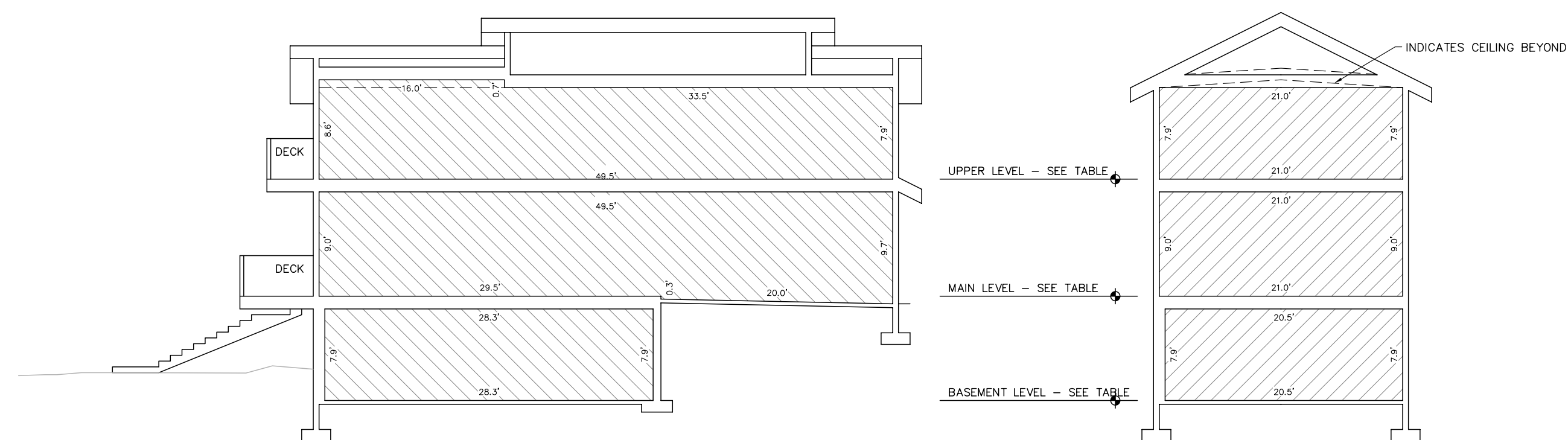
LEGEND
S.F. REPRESENTS SQUARE FEET.
FP REPRESENTS FIREPLACE.



UNIT 18
2,681 TOTAL SQUARE FEET

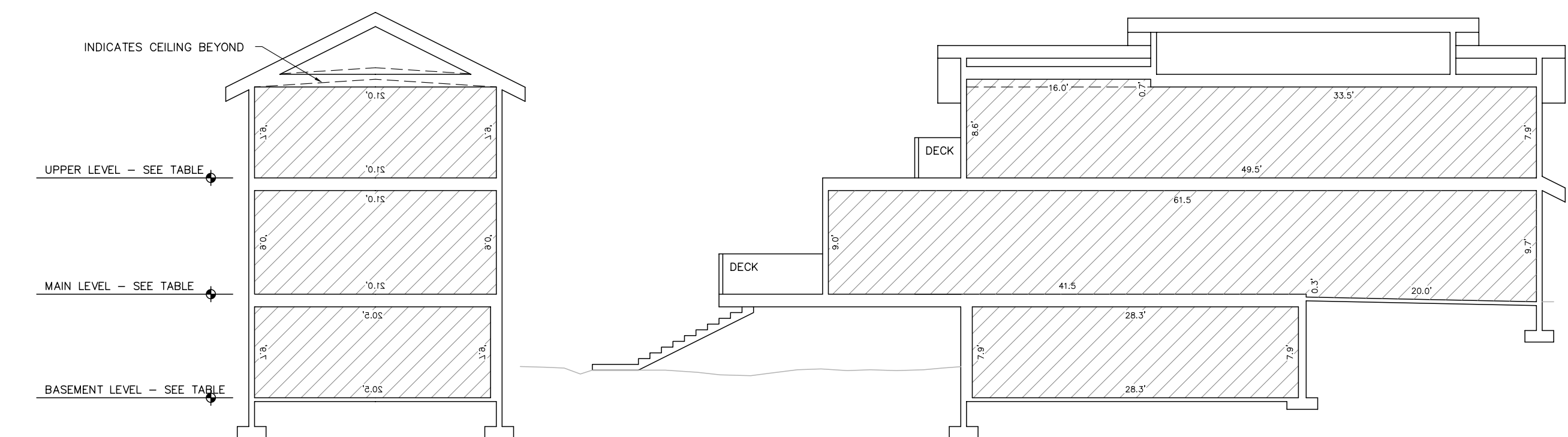
FLOOR ELEVATION TABLE

UNIT NUMBER	18
UPPER LEVEL	6784.5
MAIN LEVEL	6774.5
BASEMENT LEVEL	6765.5



SECTION C-3

SECTION D-3



SECTION D-3

SECTION C-3

NOTES:

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- BENCHMARK: SEE SHEET 1 FOR LOCATION AND ELEVATION.



- COMMON AREA
- UNIT (PRIVATE OWNERSHIP)
- LIMITED COMMON AREA

AMENDED, CONSOLIDATED AND RESTATED
RECORD OF SURVEY MAP

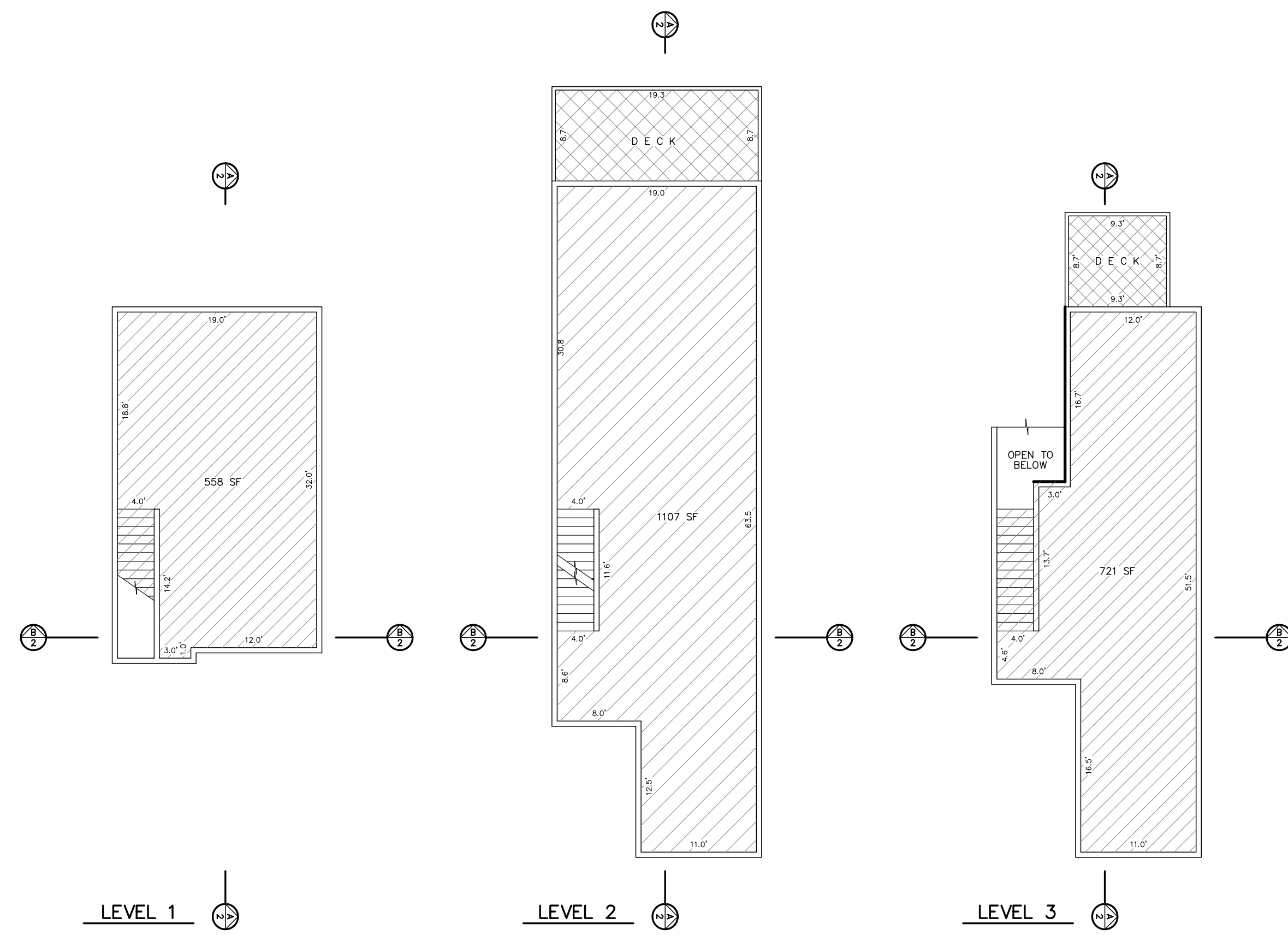
PARKVIEW CONDOMINIUMS

A CONDOMINIUM PROJECT

LOCATED IN THE NORTHEAST QUARTER OF SECTION 8,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____
FEE _____ RECORDER _____

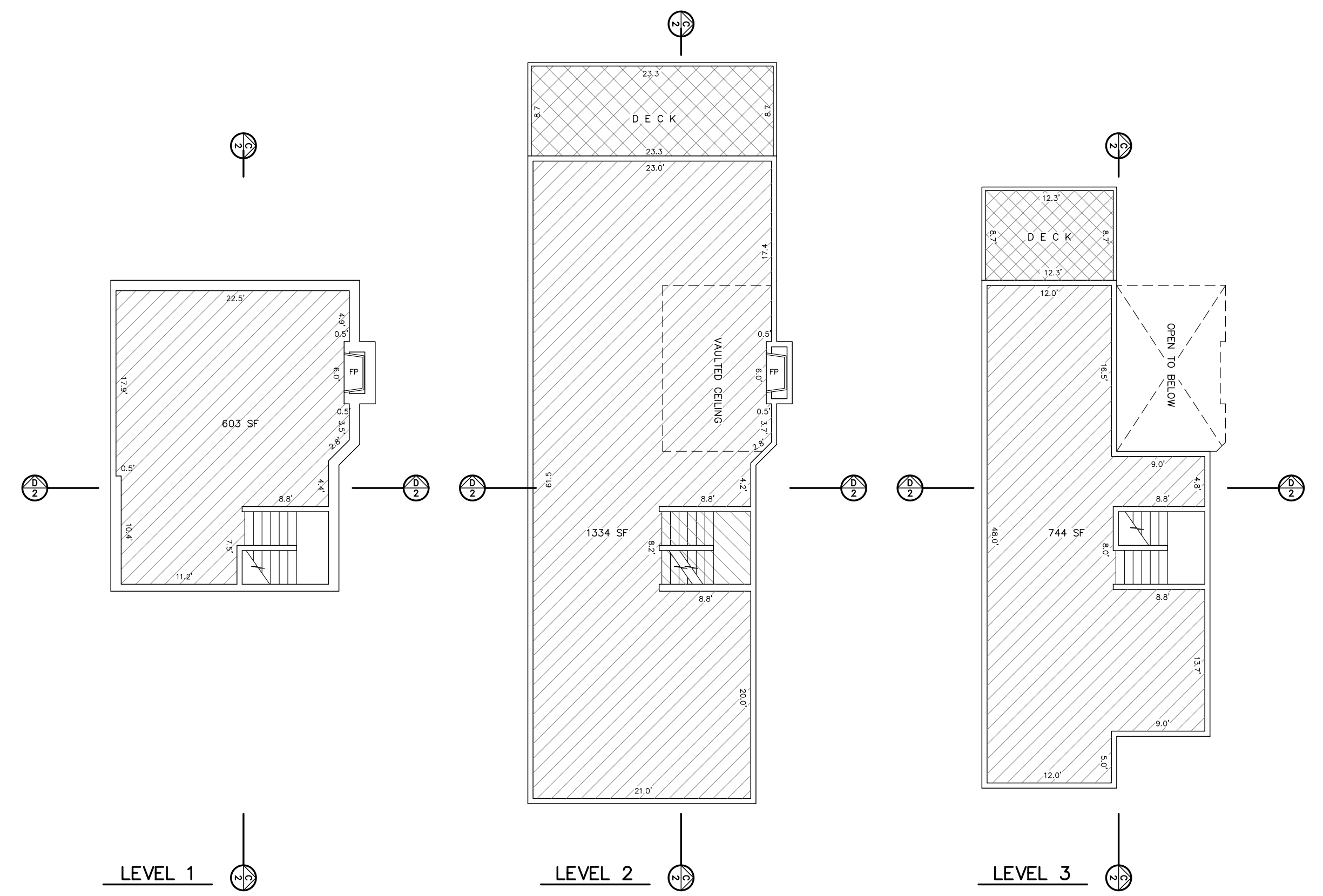


UNIT 5

2,386 TOTAL SQUARE FEET

FLOOR ELEVATION TABLE

UNIT NUMBER	5
UPPER LEVEL	6782.0
MAIN LEVEL	6772.0
BASEMENT LEVEL	6763.0



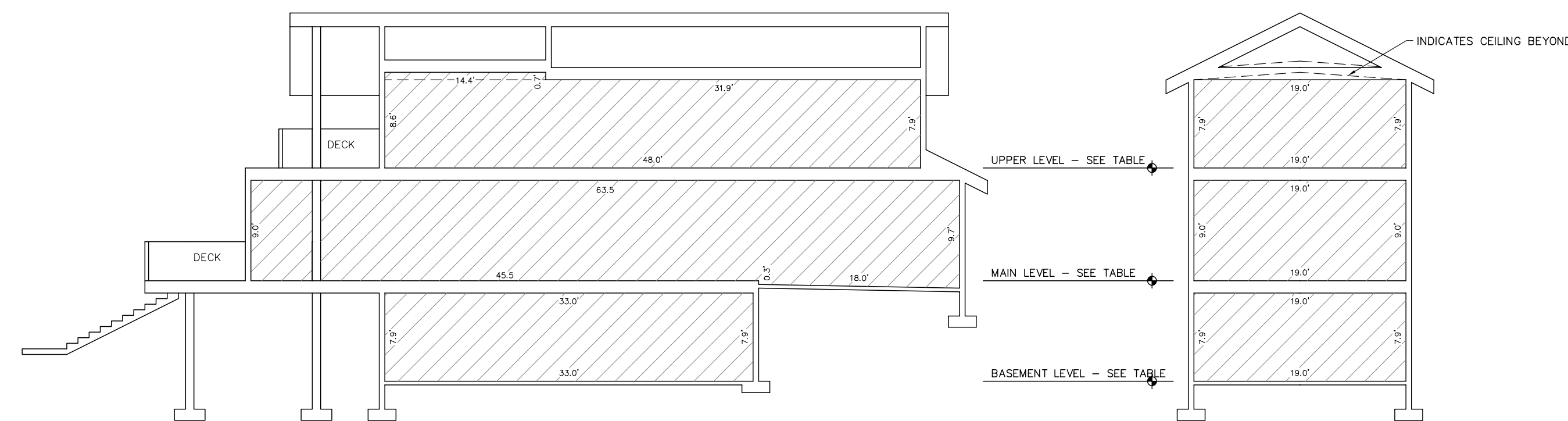
UNIT 21

2,681 TOTAL SQUARE FEET

FLOOR ELEVATION TABLE

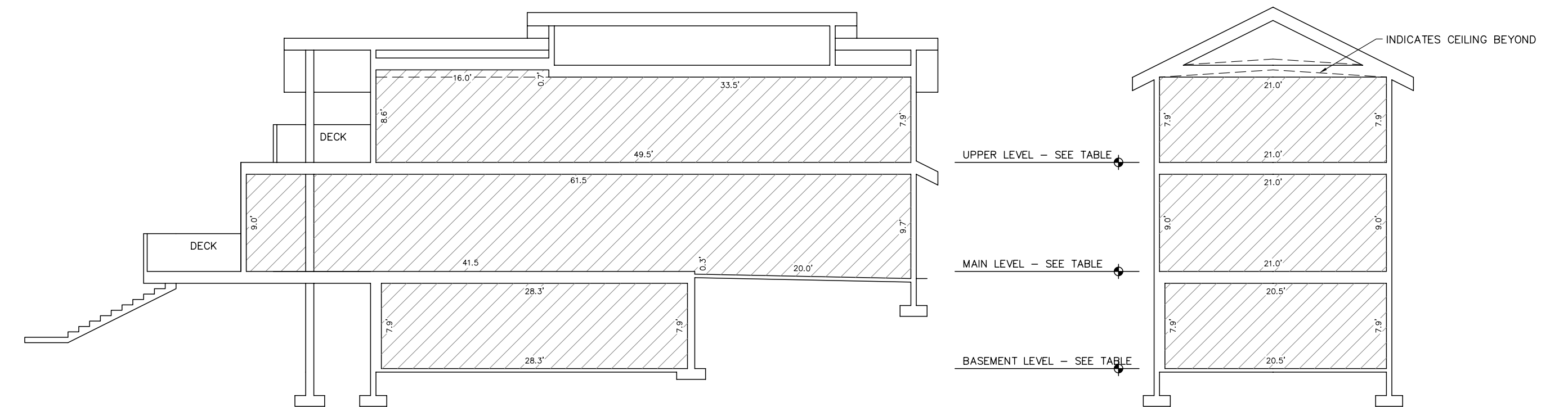
UNIT NUMBER	21
UPPER LEVEL	6784.2
MAIN LEVEL	6774.2
BASEMENT LEVEL	6765.2

LEGEND
 S.F. REPRESENTS SQUARE FEET.
 FP REPRESENTS FIREPLACE.



SECTION A-2

SECTION B-2

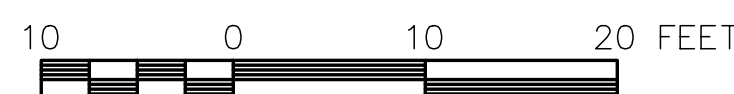


SECTION C-2

SECTION D-2

NOTES:

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- BENCHMARK: SEE SHEET 1 FOR LOCATION AND ELEVATION.



- COMMON AREA
- UNIT (PRIVATE OWNERSHIP)
- LIMITED COMMON AREA

AMENDED, CONSOLIDATED AND RESTATED
 RECORD OF SURVEY MAP

PARKVIEW CONDOMINIUMS

A CONDOMINIUM PROJECT

LOCATED IN THE NORTHEAST QUARTER OF SECTION 8,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
 AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SHEET 5 OF 7

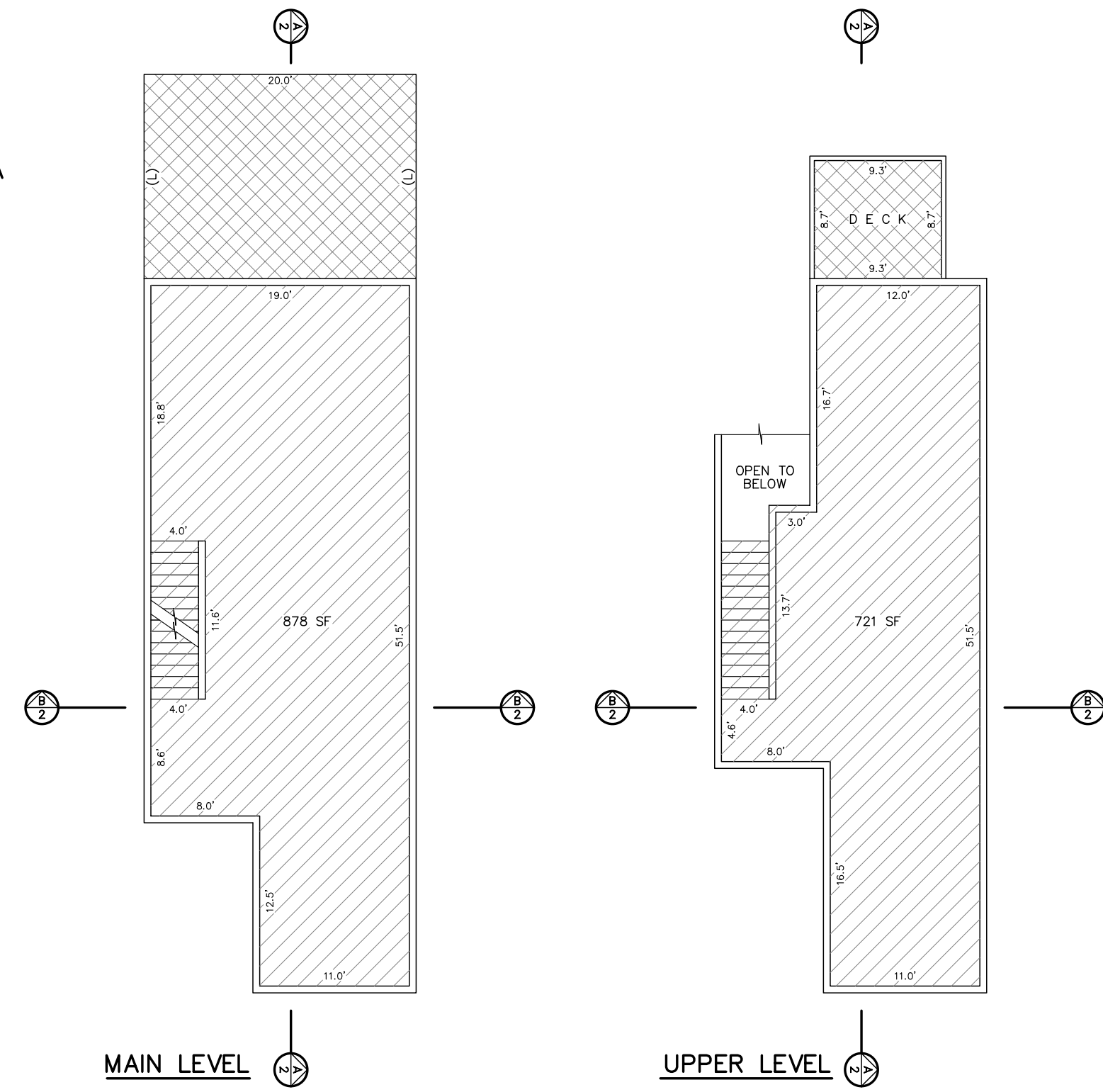
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STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF _____
 DATE _____ TIME _____ BOOK _____ PAGE _____
 FEE _____ RECORDER _____

LIMITED COMMON AREA
DIMENSION TABLE

UNIT	LENGTH (L)
2	15'
29	13'
32	18'
35	18'



UNITS 2, 29, 32, 35

1,599 TOTAL SQUARE FEET

FLOOR ELEVATION TABLE

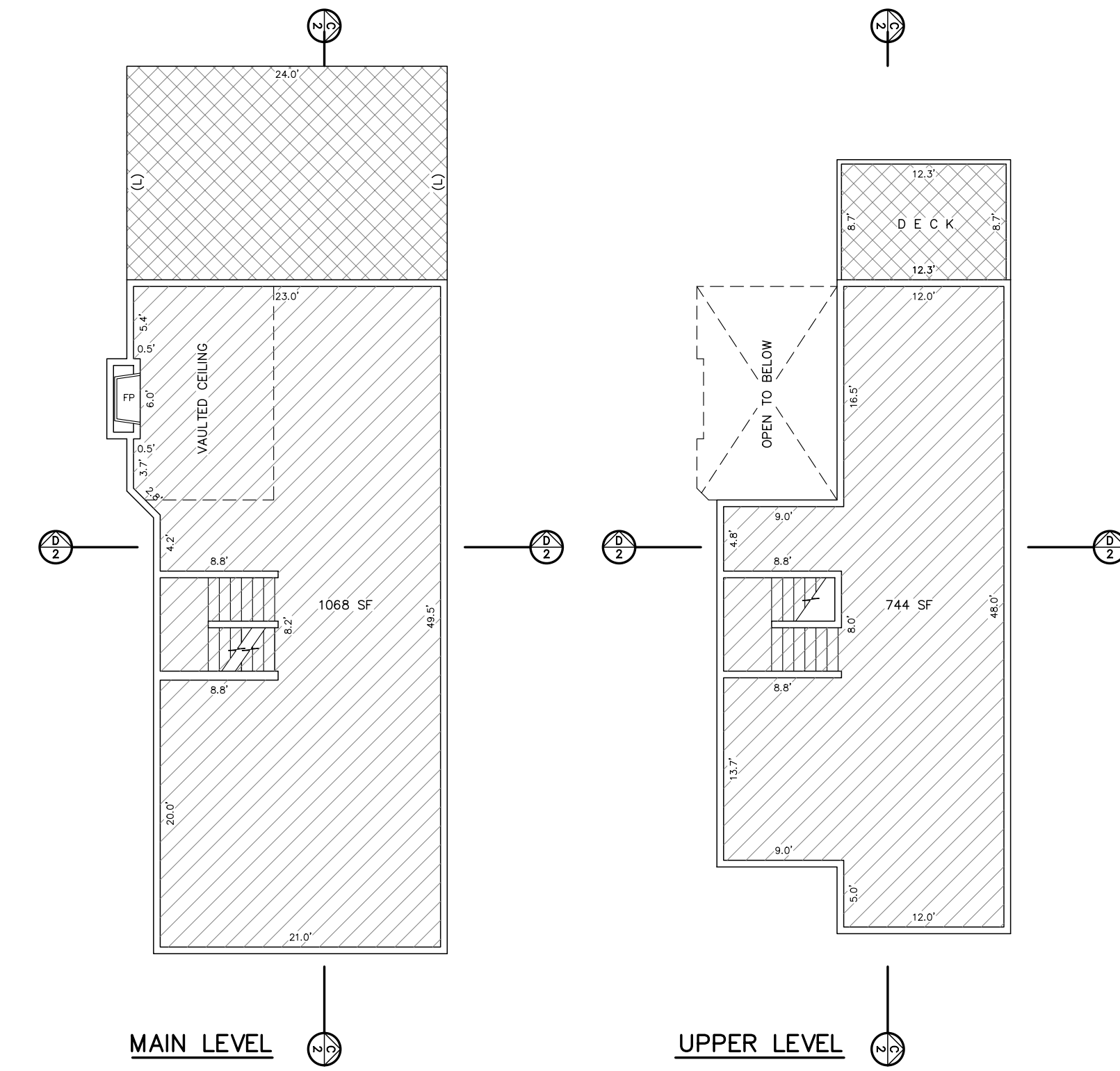
UNIT NUMBER	2	29	32	35
UPPER LEVEL	6782.0	6786.1	6785.0	6783.9
MAIN LEVEL	6772.0	6776.1	6775.0	6773.9

LEGEND

S.F. REPRESENTS SQUARE FEET.
FP REPRESENTS FIREPLACE

LIMITED COMMON AREA
DIMENSION TABLE

UNIT	LENGTH (L)
1	15'
28	16'
30	13'
33	16'
34	21'
36	14'



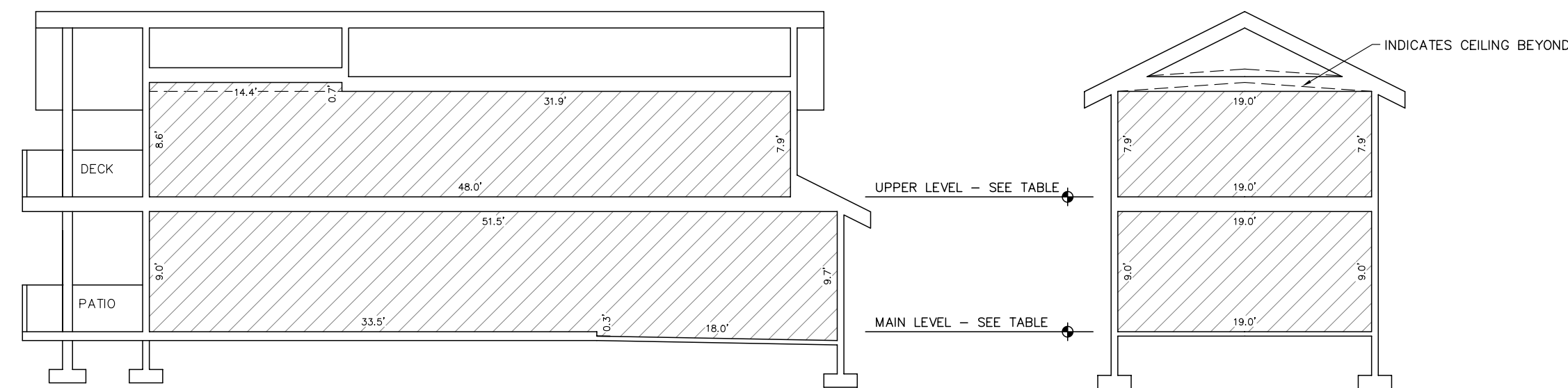
UNITS 1, 28, 34

MIRROR IMAGE FOR UNITS 30, 33, 36

1,812 TOTAL SQUARE FEET

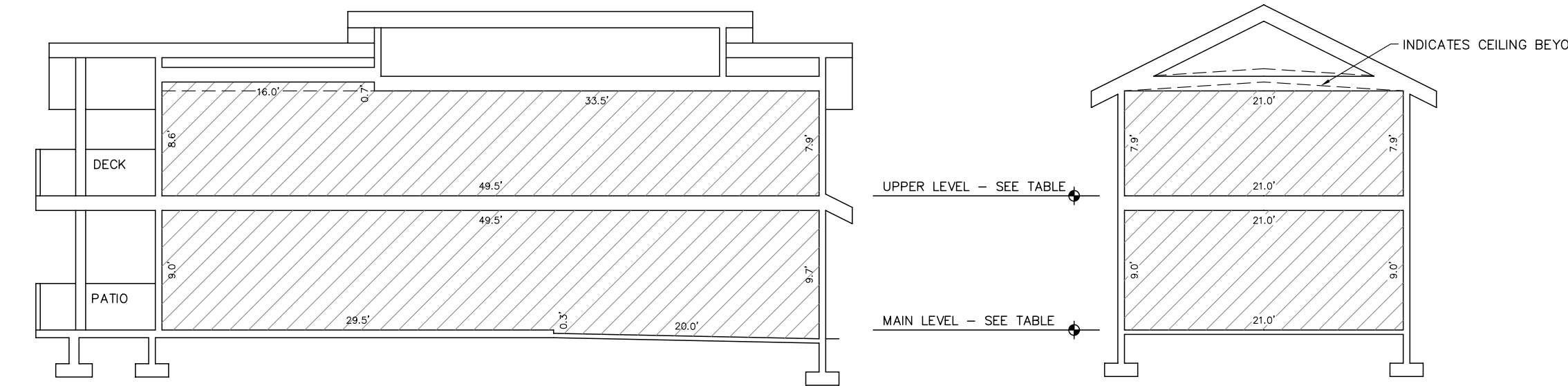
FLOOR ELEVATION TABLE

UNIT NUMBER	1	28	30	33	34	36
UPPER LEVEL	6782.0	6786.1	6786.1	6785.0	6783.9	6783.9
MAIN LEVEL	6772.0	6776.1	6776.1	6775.0	6773.9	6773.9



SECTION A-2

SECTION B-2

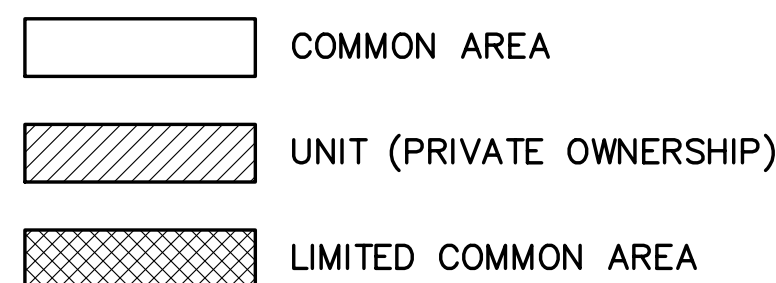
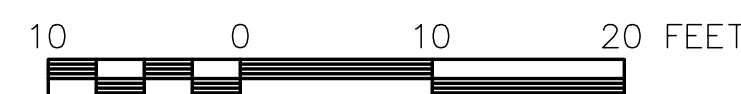


SECTION C-2

SECTION D-2

NOTES:

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- BENCHMARK: SEE SHEET 1 FOR LOCATION AND ELEVATION.



AMENDED, CONSOLIDATED AND RESTATED
RECORD OF SURVEY MAP

PARKVIEW CONDOMINIUMS

A CONDOMINIUM PROJECT

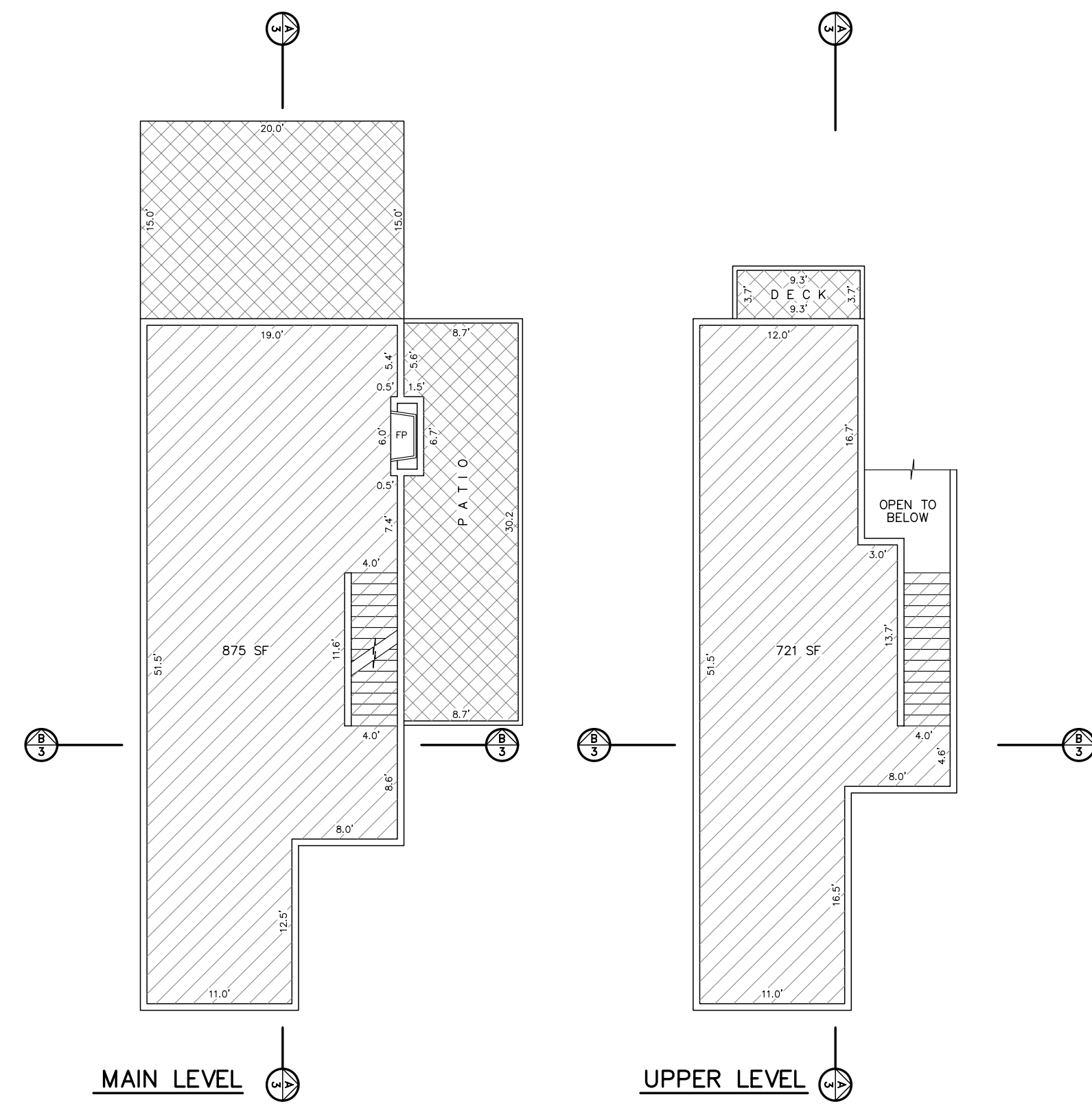
LOCATED IN THE NORTHEAST QUARTER OF SECTION 8,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

SHEET 6 OF 7

11/29/13 JOB NO.: 1-9-12 FILE: X:\ParkMeadows\dwg\sr\plat2012\010912_shts2-7.dwg

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UNIT 3

1,596 TOTAL SQUARE FEET

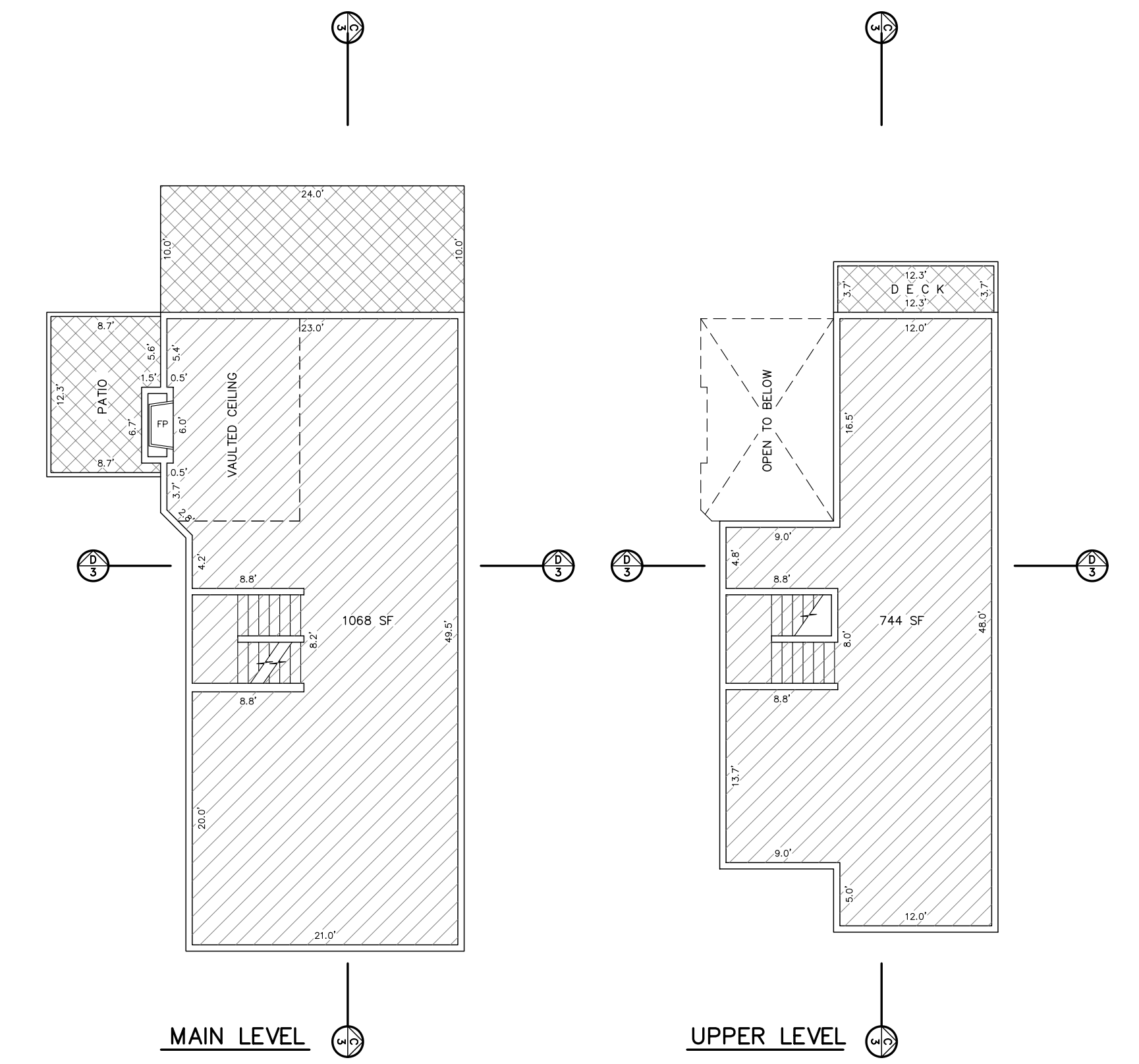
FLOOR ELEVATION TABLE

UNIT NUMBER	3
UPPER LEVEL	6782.0
MAIN LEVEL	6772.0

LEGEND

S.F. REPRESENTS SQUARE FEET.

FP REPRESENTS FIREPLACE.

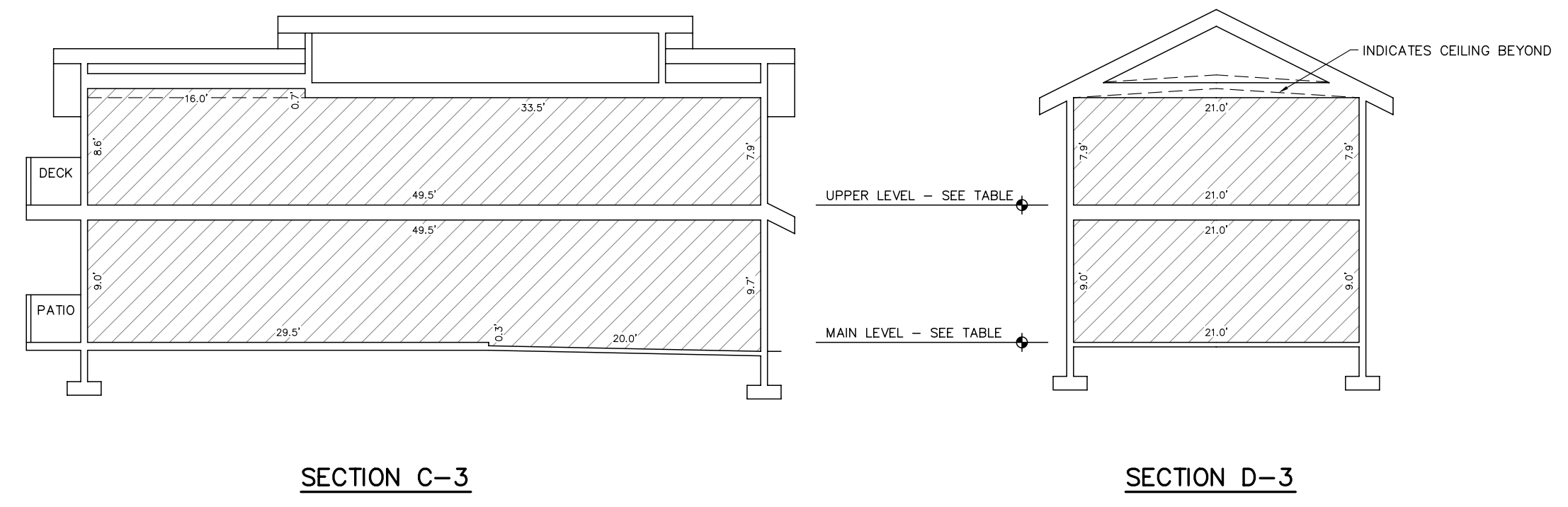
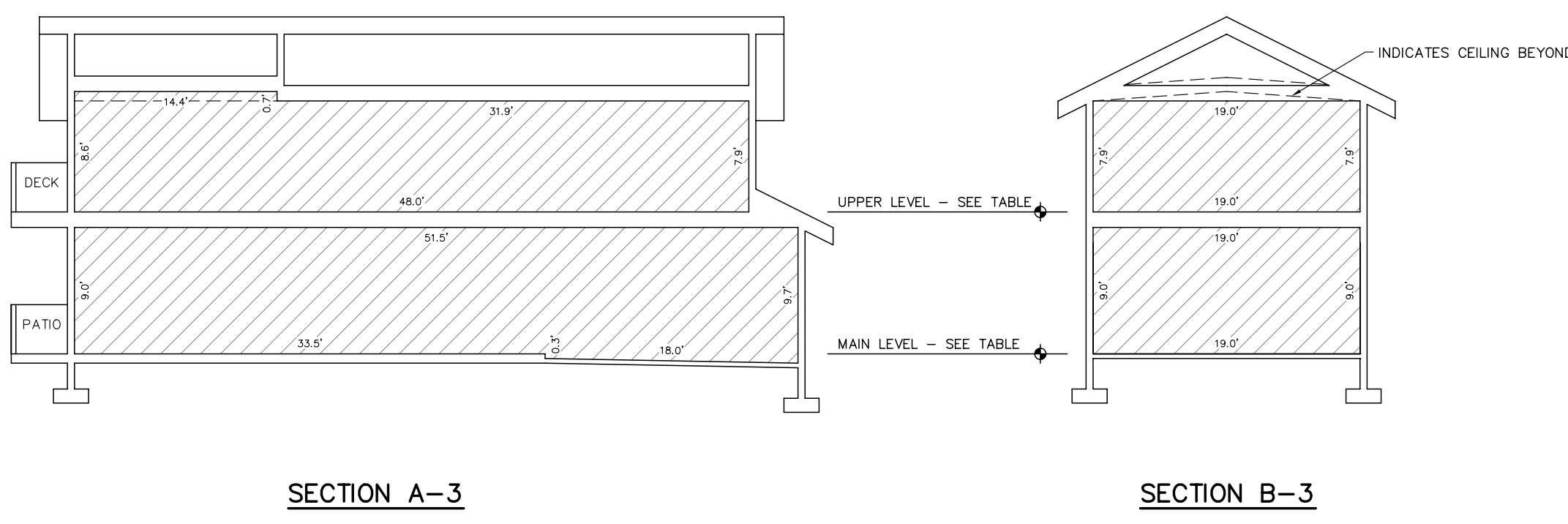


UNIT 31

1,812 TOTAL SQUARE FEET

FLOOR ELEVATION TABLE

UNIT NUMBER	31
UPPER LEVEL	6785.0
MAIN LEVEL	6775.0



- NOTES:**
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- COMMON AREA
- UNIT (PRIVATE OWNERSHIP)
- LIMITED COMMON AREA

AMENDED, CONSOLIDATED AND RESTATED
RECORD OF SURVEY MAP

PARKVIEW CONDOMINIUMS

A CONDOMINIUM PROJECT

LOCATED IN THE NORTHEAST QUARTER OF SECTION 8,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE
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11/29/13 JOB NO.: 1-9-12 FILE: X:\ParkMeadows\dwg\sr\plat2012\010912_shts2-7.dwg

SHEET 7 OF 7

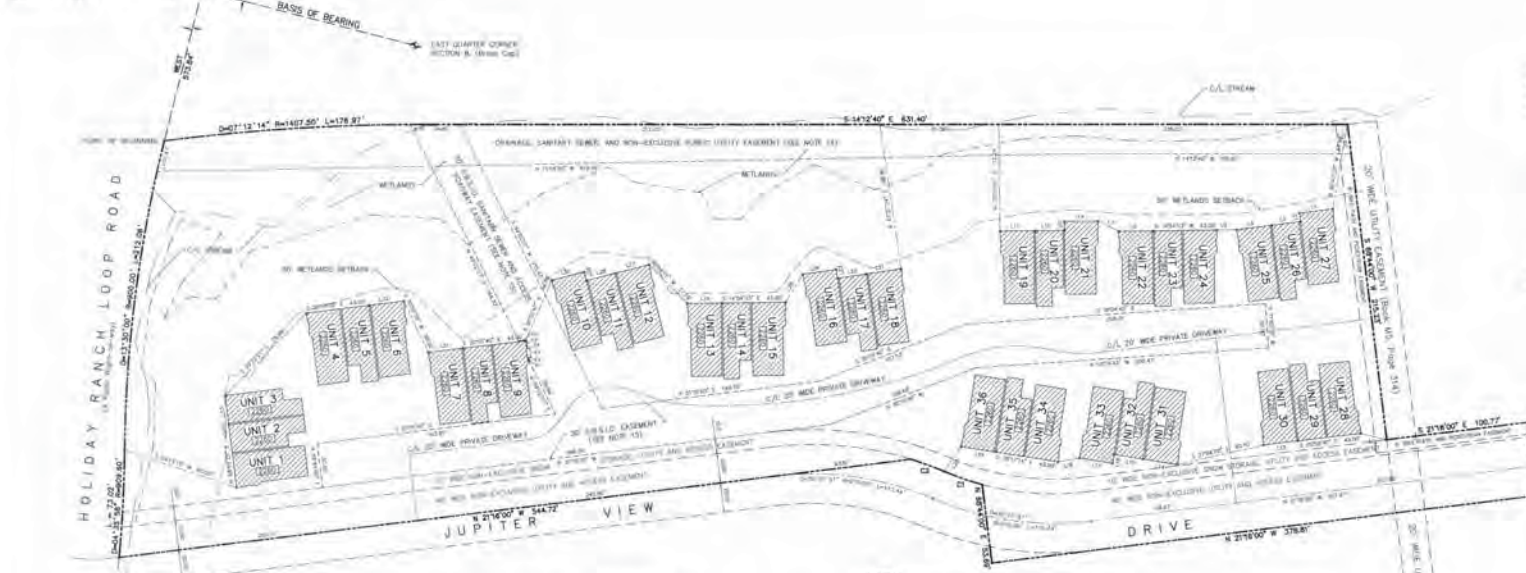
RECORDED

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
AT THE REQUEST OF _____
DATE _____ TIME _____ BOOK _____ PAGE _____

_____ FEE _____ RECORDER _____

Exhibit A(2) – Original Plat

UNRESERVED COMMONS SECTION 8, T2S, R4E, S4B & 6 (Street Measurement) Book No. 48535



SURVEYOR'S CERTIFICATE

I, John Demkowicz, do hereby certify that I am a registered Land Surveyor and that I hold Certificate No. 163921 as prescribed under the laws of the State of Utah. I further certify that by authority of the owner I have made a survey of the tract of land shown on this plat and described herein and subdivided said tract of land into Private, Limited Common and Common Elements, including private streets (hereafter to be known as Parkview Condominiums, a Condominium Project, as described in Utah Code Section 57-5-13)

John Demkowicz
JOHN DEMKOWICZ

1-21-97
DATE



LEGAL DESCRIPTION

30 of Lot 2, PARKVIEW SUBDIVISION, according the official plat thereof in Book No. 228344 in the Summit County Recorder's Office. Cont. 9.497 ACRES.

NOTES:

- 16. Property corners to be set upon completion of project.

CURVE TABLE

CHORD	RADIUS	LENGTH	ANGLE
10	100	1.57	17.19
20	200	3.14	34.38
30	300	4.71	51.57
40	400	6.28	68.76
50	500	7.85	85.95
60	600	9.42	103.14
70	700	10.99	120.33
80	800	12.56	137.52
90	900	14.14	154.71
100	1000	15.71	171.90

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT PARK VIEW, L.C. a Utah limited liability company, as the undersigned owner of the herein described tract of land, to be known hereafter as THE PARKVIEW CONDOMINIUMS, a Utah Condominium Project, hereby certifies that it has caused this survey to be made and this Record of Survey map to be prepared. PARK VIEW, L.C. hereby consents to the recording of this Record of Survey map. Also, the undersigned owner, or its representatives, hereby irrevocably offers for dedication to Park City Municipal Corporation, Snyderville Basin Sewer Improvement District, State of Utah, all streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat and certification drawings in accordance with this irrevocable offer of dedication. The owners further certify that all buildings will be built as shown.

WITNESS WHEREOF, the undersigned and his hand this 21st day of January, 1997.

PARK VIEW, L.C., a Utah limited liability company.
By *John Demkowicz*
SECY/TRES



ACKNOWLEDGMENT

I, John Demkowicz, Notary Public in and for the State of Utah, do hereby certify that on this 21st day of January, 1997, personally appeared before me the undersigned Notary Public in and for said state John Demkowicz, who being duly sworn, acknowledged to me that he is the Secretary/Treasurer of the above PARK VIEW, L.C. and that John Demkowicz signed the same Owners' Dedication and Consent to Record on behalf of said Utah limited liability company, PARK VIEW, L.C.

John Demkowicz
Notary Public
Commission expires May 20, 1999

NOTES:

1. Plans and dimensions shown on this plat were compiled from architectural drawings prepared by John C. Shiley Architect and Associates.
2. Interior dimensions shown are to finished surfaces.
3. All structural elements are designated as Common Areas.
4. Refer to description of condominium for complete description of ownership.
5. Dimensions: See Sheet 1 of 2 for location and situation.
6. This project is served by common sewer laterals and the ownership and maintenance responsibility of the common laterals is the responsibility of Parkview Condominiums Homeowner's Association.
7. All areas indicated as Common ownership are non-exclusive utility and income easements.
8. The address of a PARKVIEW CONDOMINIUMS unit is 2283 Saddleview Drive, unit number.
9. All units will include modified R.F.P.A. (13-R) fire protection.
10. All conditions of approval to the PARKVIEW CONDOMINIUMS M.F.D. and the PARKVIEW SUBDIVISION plat shall apply.
11. The wetlands and open space areas shown are permanent no build areas, with the exception of specified and approved utility and trail installations.
12. All work in the wetland areas requires a permit issued by the U.S. Army Corps of Engineers. All such work shall be approved by the Park City Community Development Department.
13. Installation of the in-site and off-site trails shall be completed according to a signed agreement between PARK VIEW, L.C. and the City of Park City. This agreement shall be signed and recorded prior to building permit issuance.
14. The easement platted along the East boundary line on lot 2 of the PARKVIEW SUBDIVISION (Entry No. 228344) is being expeditiously shown on this plat.
15. The easement granted to Snyderville Basin Sewer Improvement District by Grant of Easement, recorded Entry #48535, Book 1011, Page 717 is being expeditiously shown on this plat.

LINE TABLE

LINE	DESCRIPTION	DISTANCE
1	S 89°12'00" W 100.00	100.00
2	S 89°12'00" W 100.00	100.00
3	S 89°12'00" W 100.00	100.00
4	S 89°12'00" W 100.00	100.00
5	S 89°12'00" W 100.00	100.00
6	S 89°12'00" W 100.00	100.00
7	S 89°12'00" W 100.00	100.00
8	S 89°12'00" W 100.00	100.00
9	S 89°12'00" W 100.00	100.00
10	S 89°12'00" W 100.00	100.00
11	S 89°12'00" W 100.00	100.00
12	S 89°12'00" W 100.00	100.00
13	S 89°12'00" W 100.00	100.00
14	S 89°12'00" W 100.00	100.00
15	S 89°12'00" W 100.00	100.00
16	S 89°12'00" W 100.00	100.00
17	S 89°12'00" W 100.00	100.00
18	S 89°12'00" W 100.00	100.00
19	S 89°12'00" W 100.00	100.00
20	S 89°12'00" W 100.00	100.00
21	S 89°12'00" W 100.00	100.00
22	S 89°12'00" W 100.00	100.00
23	S 89°12'00" W 100.00	100.00
24	S 89°12'00" W 100.00	100.00
25	S 89°12'00" W 100.00	100.00
26	S 89°12'00" W 100.00	100.00
27	S 89°12'00" W 100.00	100.00
28	S 89°12'00" W 100.00	100.00
29	S 89°12'00" W 100.00	100.00
30	S 89°12'00" W 100.00	100.00

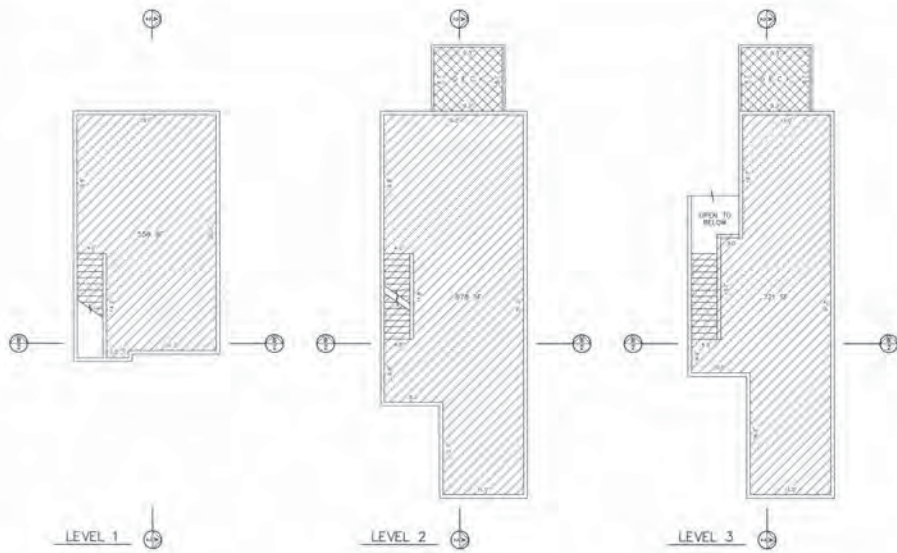
EASEMENT LINE TABLE

LINE	DESCRIPTION	DISTANCE
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3	S 89°12'00" W 100.00	100.00
4	S 89°12'00" W 100.00	100.00
5	S 89°12'00" W 100.00	100.00
6	S 89°12'00" W 100.00	100.00
7	S 89°12'00" W 100.00	100.00
8	S 89°12'00" W 100.00	100.00
9	S 89°12'00" W 100.00	100.00
10	S 89°12'00" W 100.00	100.00
11	S 89°12'00" W 100.00	100.00
12	S 89°12'00" W 100.00	100.00
13	S 89°12'00" W 100.00	100.00
14	S 89°12'00" W 100.00	100.00
15	S 89°12'00" W 100.00	100.00
16	S 89°12'00" W 100.00	100.00
17	S 89°12'00" W 100.00	100.00
18	S 89°12'00" W 100.00	100.00
19	S 89°12'00" W 100.00	100.00
20	S 89°12'00" W 100.00	100.00
21	S 89°12'00" W 100.00	100.00
22	S 89°12'00" W 100.00	100.00
23	S 89°12'00" W 100.00	100.00
24	S 89°12'00" W 100.00	100.00
25	S 89°12'00" W 100.00	100.00
26	S 89°12'00" W 100.00	100.00
27	S 89°12'00" W 100.00	100.00
28	S 89°12'00" W 100.00	100.00
29	S 89°12'00" W 100.00	100.00
30	S 89°12'00" W 100.00	100.00

RECORD OF SURVEY MAP
PARKVIEW CONDOMINIUMS
A CONDOMINIUM PROJECT

LOCATED IN THE NORTHEAST QUARTER OF SECTION 8,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN,
PARK CITY, SUMMIT COUNTY, UTAH

<p>JOB NO. 8-1-96 FILE: PVS/P/00-PLTP</p> <p>ALLIANCE ENGINEERING INC. P.O. BOX 2664 323 MAIN STREET PARK CITY, UTAH 84060 (801) 649-9467</p>	<p>SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT STANDARDS ON THIS 21st DAY OF <u>January</u>, 1997 A.D.</p> <p>BY <i>Paul James</i> S.O.S.T.D.</p>	<p>PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 20th DAY OF <u>January</u>, 1997 A.D.</p> <p>BY <i>Paul Hill</i> CHAIRMAN</p>	<p>ENGINEERS CERTIFICATE</p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 20th DAY OF <u>JANUARY</u>, 1997 A.D.</p> <p>BY <i>Eric W. DeHaan</i> PE PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM THIS 21st DAY OF <u>February</u>, 1997 A.D.</p> <p>BY <i>McDuffy</i> PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST</p> <p>I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 9th DAY OF <u>JANUARY</u>, 1997 A.D.</p> <p>BY <i>Scott H. Scott</i> PARK CITY RECORDER</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 7th DAY OF <u>February</u>, 1997 A.D.</p> <p>BY <i>Paul Hill</i> MAYOR</p>	<p>IF 493038 RECORDED</p> <p>STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF <u>Park City Title</u> DATE <u>02-11-97</u> TIME <u>8:58 AM</u> BOOK _____ PAGE _____</p> <p>126⁰⁰ FEE <i>Lauren M. Dimes</i> Deputy RECORDER</p>
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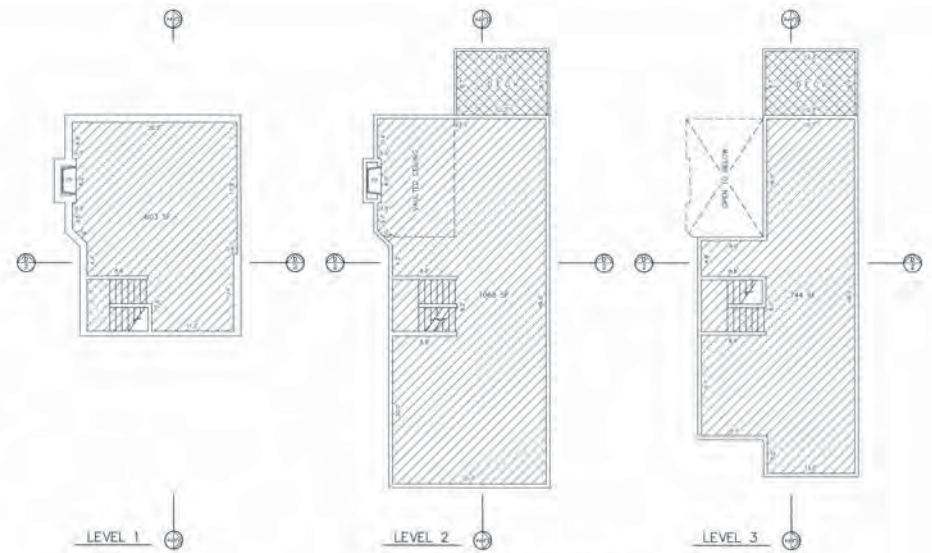


UNITS 2, 5, 11, 17, 29, 35

MIRROR IMAGE FOR UNITS 8, 14, 20, 23, 26, 32

FLOOR ELEVATION TABLE 2,157 TOTAL SQUARE FEET

UNIT NUMBER	2	5	11	14	17	20	23	26	29	32	35
UPPER LEVEL	6782.0	6790.0	6783.0	6783.0	6784.7	6784.5	6784.2	6784.9	6785.7	6786.1	6785.0
MAIN LEVEL	6772.0	6772.0	6773.0	6773.0	6774.1	6774.5	6774.0	6774.9	6775.1	6776.0	6773.9
BASEMENT LEVEL	6763.0	6763.0	6764.0	6764.0	6765.7	6765.5	6765.2	6765.9	6766.7	6766.0	6764.9

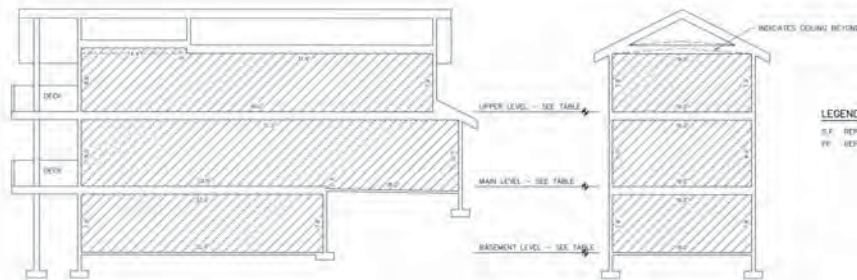


UNITS 1, 7, 10, 13, 16, 19, 22, 25, 28, 34

MIRROR IMAGE FOR UNITS 6, 9, 12, 15, 21, 24, 27, 30, 33, 36

FLOOR ELEVATION TABLE 2,415 TOTAL SQUARE FEET

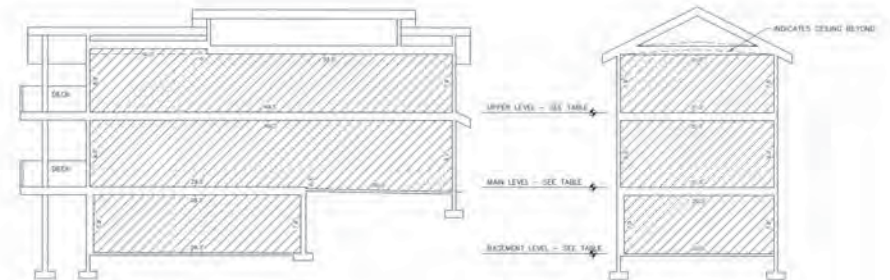
UNIT NUMBER	1	7	10	13	16	19	22	25	28	34
UPPER LEVEL	6782.0	6782.0	6783.0	6783.0	6783.5	6784.7	6784.7	6784.5	6785.1	6785.1
MAIN LEVEL	6772.0	6772.0	6773.0	6773.0	6773.5	6774.3	6774.3	6774.2	6774.9	6775.7
BASEMENT LEVEL	6763.0	6763.0	6764.0	6764.0	6764.5	6765.7	6765.7	6765.5	6766.2	6766.7



SECTION A-2

SECTION B-2

LEGEND
 S.F. REPRESENTS SQUARE FEET
 FF. REPRESENTS FIREPLACE



SECTION C-2

SECTION D-2

- NOTES:
1. PLANS AND DIMENSIONS SHOWN ON THIS PLAN WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY JOHN G. SHIRLEY ARCHITECT AND ASSOCIATES.
 2. EXTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
 3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
 4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
 5. BENCHMARK - SEE SHEET 1 OF 3 FOR LOCATION AND ELEVATION.



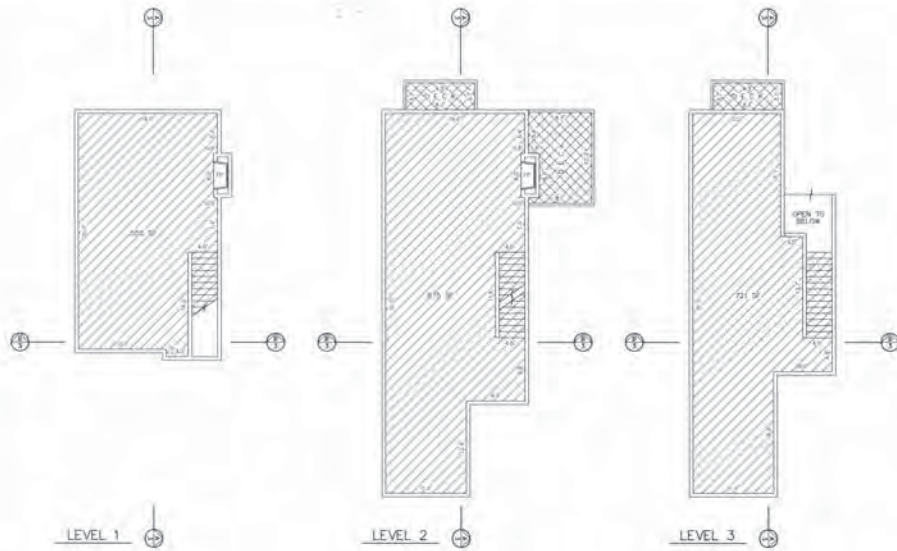
- COMMON AREA
- UNIT (PRIVATE OWNERSHIP)
- LIMITED COMMON AREA

RECORD OF SURVEY MAP
PARKVIEW CONDOMINIUMS

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

473038 RECORDED
 STATE OF UTAH COUNTY OF SUMMIT AND FILED
 AT THE REQUEST OF Park City Title
 DATE 04-11-11 TIME 10:30 AM BOOK PAGE
126 FEET Deanna M. Dwyer - Deputy RECORDER

JOB NO. 9-4-96 FILE: PVS\FD-DG-PL1P2

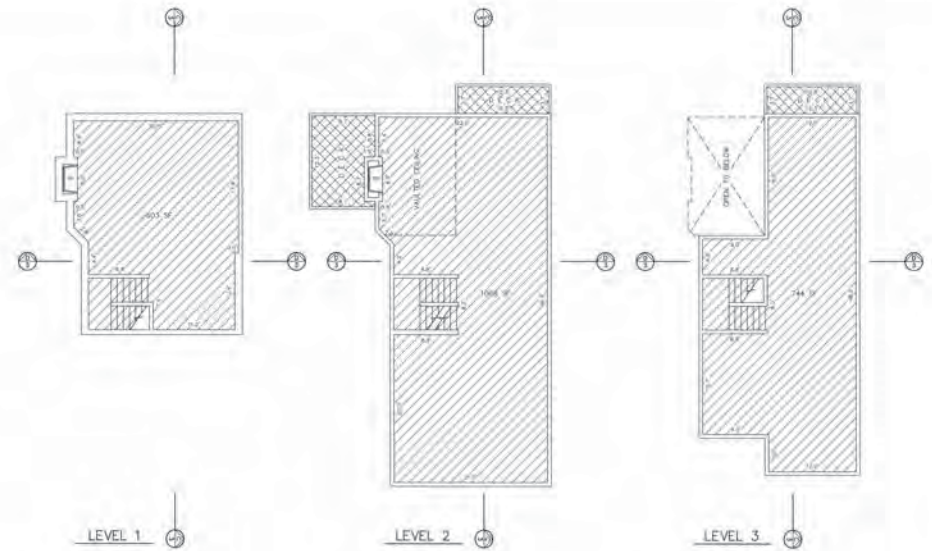


UNITS 3

FLOOR ELEVATION TABLE

UNIT NUMBER	3
UPPER LEVEL	6782.0
MAIN LEVEL	6772.0
BASEMENT LEVEL	6763.0

2,151 TOTAL SQUARE FEET



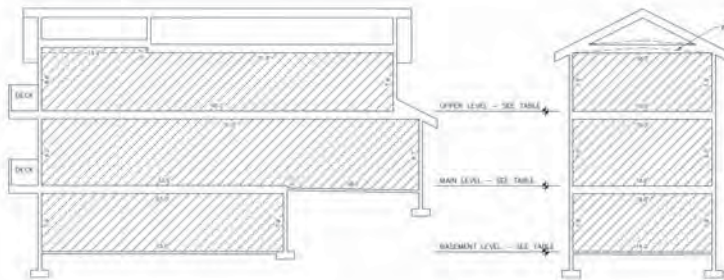
UNITS 4, 31

MIRROR IMAGE FOR UNITS 18

FLOOR ELEVATION TABLE

UNIT NUMBER	4	18	31
UPPER LEVEL	6782.0	6784.2	6782.0
MAIN LEVEL	6772.0	6774.2	6772.0
BASEMENT LEVEL	6763.0	6765.2	6763.0

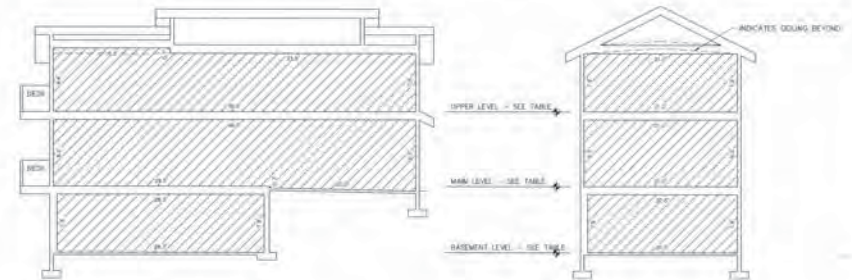
2,415 TOTAL SQUARE FEET



SECTION A-3

SECTION B-3

LEGEND
 S.F. REPRESENTS SQUARE FEET
 FF. REPRESENTS FIREPLACE



SECTION C-3

SECTION D-3

- NOTES:
1. PLANS AND DIMENSIONS SHOWN ON THIS PLAN WERE COMPILED FROM ARCHITECTURAL DRAWINGS PREPARED BY JOHN C. SHIRLEY ARCHITECT AND ASSOCIATES.
 2. INTERIOR DIMENSIONS SHOWN ARE TO FINISHED SURFACES.
 3. ALL STRUCTURAL ELEMENTS ARE DESIGNATED AS COMMON AREAS.
 4. REFER TO DECLARATION OF CONDOMINIUM FOR COMPLETE DESCRIPTION OF OWNERSHIP.
 5. BENCHMARK - SEE SHEET 1 OF 3 FOR LOCATION AND ELEVATION.



- COMMON AREA
- UNIT (PRIVATE OWNERSHIP)
- LIMITED COMMON AREA

RECORD OF SURVEY MAP
PARKVIEW CONDOMINIUMS

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

473038 RECORDED
 STATE OF UTAH COUNTY OF SUMMIT AND FILED
 AT THE REQUEST OF PARK CITY TITLE
 DATE 02-08-12 TIME 11:00 AM BOOK _____ PAGE _____
Tab Lawrence M. Dwyer
 FEE _____ RECORDER

Exhibit B - IHI Wetland Report and Army Corps of Engineers Acceptance



WETLAND DELINEATION

**Parkview Condominiums
2294 Jupiter View Drive
Park City, Utah**

November 18, 2009

Prepared for:

**Parkview Homeowners Association
P.O. Box 680876
Park City, Utah 84068**

Prepared by:

A handwritten signature in cursive script that reads 'Tom Hopkins'.

Tom Hopkins, CEM
Manager, Natural Resource Services

Reviewed by:

A handwritten signature in cursive script that reads 'Amy B. Findley'.

Amy Findley
Project Manager

Project #09N-8024

640 EAST WILMINGTON AVENUE SALT LAKE CITY, UT 84106 TELEPHONE: 801-466-2223 FAX: 801-466-9616 E-MAIL: IHI@IHI-ENV.COM
SALT LAKE CITY EMERYVILLE PHOENIX DENVER SEATTLE

EXECUTIVE SUMMARY

A wetland delineation was conducted on an area of concern on a parcel of property about 6 acres in size located at approximately 2294 Jupiter View Drive, Park City, Summit County, Utah (Section 8, T. 2S., R. 4E SLB&M). The purpose of this assessment was to identify and delineate wetland boundaries on the subject parcel.

The delineation was conducted according to the guidelines and procedures outlined in the US Army Corps of Engineers' Wetlands Delineation Manual (Technical Report Y-87-1) and the Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, September, 2008.

The results of the delineation indicate that approximately 0.5 acres of property along McLeod Creek and the unnamed tributary is considered riparian wetland and is subject to regulation by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. In addition, there are approximately 0.01 acres of emergent wetlands adjacent to the riparian wetland area that would be subject to regulatory jurisdiction.

TABLE OF CONTENTS

EXECUTIVE SUMMARY i

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3.0 METHODS.....3

4.0 FIELD SURVEY RESULTS3

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 4.2 Soils.....4

 4.3 Hydrology5

5.0 CONCLUSIONS.....5

REFERENCES.....6

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- Table 1: Dominant Wetland Species
- Table 2: Non-wetland or Upland Vegetation

FIGURES

- Figure 1: Site Direction
- Figure 2: Site Map with Aerial Image and Surveyed Topography
- Figure 3: National Wetlands Inventory Map

APPENDICES

- APPENDIX 1: Figures
- APPENDIX 2: Field Data Forms
- APPENDIX 3: Soil Survey
- APPENDIX 4: Site Photographs

1.0 INTRODUCTION

A wetland delineation was conducted on an area of concern on a parcel of property about 6 acres in size located at approximately 2294 Jupiter View Drive, Park City, Summit County, Utah (Section 8, T. 2S., R. 4E, SLB&M). This parcel of property is currently developed as the Parkview Condominiums. The subject parcel is bounded on the north by Holiday Ranch Loop Road, on the South by Saddlevue Way, and on the west by Jupiter View Drive. The east boundary is McLeod Creek. Along the north boundary is a reach of an unnamed creek that, based on aerial photo review, is water from the nearby golf course that has been directed along Holiday Ranch Loop Road. This unnamed creek intersects with McLeod Creek. The suspect wetlands associated with the subject parcel are divided into two types. Type one is riparian and borders the banks of both creeks and consists of mature trees and woody shrubs. The understory is mainly grasses. Type two is an emergent wetland and consists mainly of grass type plants with little shrubs and woody plants.

The purpose of this investigation was to determine the boundary, as defined by Section 404 of the Clean Water Act, between the wetland/riparian area and the upland on the subject property. In addition, the investigation was to identify and delineate additional wetland features present on the subject property. The justification for the wetland /upland boundary is based on field sampling data that include an evaluation of the plants, soils, and hydrology for the subject parcel.

The U.S. Army Corps of Engineers (ACOE) and EPA define wetlands as areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Generally, saturated soil conditions are further described as saturated to the surface for at least two weeks during the normal growing season.

The property owner is the Parkview Condominium Homeowner's Association. Mr. Derek Howard, President, Parkview Homeowner's Association, is the contact person for this location. Mr. Howard's mailing address is: PO Box 680876, Park City, UT 84068. Mr. Howard's telephone number is 435-658-5117.

2.0 SITE DESCRIPTION

The subject property is a platted residential condominium project located immediately east of Jupiter View Drive, between Holiday Ranch Loop Road and Saddlevue Way. Jupiter View Drive forms the west property boundary. McLeod Creek forms the east property boundary. The property was platted as a recorded subdivision in January 1997. The subject property encompasses approximately 6 acres and includes 36 multi-story residential units. To access the site from the Corps of Engineers office, take I-15 South to the I-80 interchange; travel east on I-80 to the Kimball Junction exit (Exit 145); go South on State Highway 224 to Holiday Ranch Loop Road (approximately 4.6 miles) and turn left on Holiday Ranch Loop Road to the first intersection, Jupiter View Drive. The subject property is immediately east of Jupiter View Drive. Site Direction is presented as **Figure 1**. An aerial photograph, including a topographical map, is presented as **Figure 2**.

Land in the surrounding area is generally residential. McLeod Creek transcends the length of the subject property in a south to north direction and basically forms the east boundary to the property. In addition, there is an unnamed stream along the north property boundary that confluences with the first stream just before exiting the subject property and going under Holiday Ranch Loop Road.

General visual observations of the area of concern concluded that the site is a mixture of riparian and emergent wetland systems. The riparian area consists mainly of sandbar willow and Fremont cottonwoods. Many of the tree and shrub/sapling vegetation have been routinely pruned along the streams to enhance open space. The emergent wetland vegetation is mainly Nebraska sedge and annual bluegrass, with small communities of reed canary grass present. This vegetation is routinely mowed by the residents, making identification difficult. Areas of both streams suggest that some dredging has occurred in the past. This is evidenced by several soil mounds placed in proximity to the stream banks.

The bank on the reach of the stream that forms the north property boundary is fairly incised. There are approximately 48 inches between the top of the bank and the Ordinary High Water Mark (OHWM). Along this reach of the stream, there is evidence of historical dredging, as there are soil mounds present in several areas.

Site photographs are presented in **Appendix 4**.

3.0 METHODS

This delineation was conducted according to the guidelines and procedures outlined in the US Army Corps of Engineers' Wetlands Delineation Manual (Technical Report Y-87-1) and in compliance with the Interim Regional Supplement to the Corps of Engineers' Wetland Delineation Manual: Arid West Region, September, 2008.

Using this method, the upland areas are differentiated from wetland areas based on three parameters: vegetation, soils, and hydrologic features. At each data point, all of these parameters must exhibit wetland characteristics for that point to be within the wetland boundary. Dominant vegetation species at each data point were identified by visual estimation of coverage. Generally, any species with 20% cover or greater was considered a dominant species. However, the Wetland Delineation Manual specifies that for areas where only one layer of vegetation is present, five dominant species should be identified for each data point. Therefore, if five dominant species were not present at 20% cover, species with less cover were also noted, but not generally counted as dominants.

Soils were removed at each data point to representative depths. None of the data points exceeded 20-inches in depth. Soil moisture, texture, and color were observed, and any observations of organic content, mottles or gleyed soils were noted. Soils were moistened and compared to the Munsell Color Charts (Macbeth, 1990) for determination of value, chroma, and hue.

Hydrologic features were noted for each data point based primarily on depth to groundwater, surface water, soil moisture, and field observations for indications of hydrologic characteristics, such as water marks and drift lines. Irrigation, seasonal influences, recent precipitation events, annual and long-term precipitation data, and historical information were also considered where available. As specified in the Wetlands Delineation Manual, information collected from each data point was recorded on data forms presented in **Appendix 2.**

4.0 FIELD SURVEY RESULTS

Complete documentation of vegetation, soils and hydrology is provided for three data points.

4.1 Vegetation

The dominant plant species in the project area was *Poa annua* (annual bluegrass). *Salix exigua* (sandbar willow) and *Populus fremontii* (Fremont poplar) are the dominant wetland vegetation in the tree and shrub/sapling communities. Ground cover vegetation that was present in both the wetland and upland areas could not be identified due to the time of year. Based on location, it was assumed that at a minimum this plant would be a facultative plant and, as such, would be considered in the dominance test for hydrophytic vegetation at the data points.

Upland vegetation consisted mainly of *Onopordum acanthium* (Scotch thistle) intermixed with *Cynoglossum officinale* (hounds tongue). Neither of these two plant species is listed as a Region 8 wetland plant on the National List of Plant Species That Occur in Wetlands Region (National Technical Information Service, 1988).

Tables 1 and 2 summarize the dominant vegetation.

**Table 1
Dominant Wetland Species**

Scientific Name	Common Name	Indicator Status
<i>Salix exigua</i>	Sandbar willow	OBL
<i>Populus fremontii</i>	Fremont cottonwood	FACW
<i>Poa annua</i>	Annual bluegrass	FAC

**Table 2
Non-wetland or Upland Vegetation**

Scientific Name	Common Name	Indicator Status
<i>Onopordum acanthium</i>	Scotch thistle	NI
<i>Cynoglossum officinale</i>	Hounds tongue	NI

4.2 Soils

The soil series identified is the Wanship loam Series (**Appendix 3**). The Wanship series consists of very deep, somewhat poorly drained soils that formed in alluvium derived from sandstone and conglomerate. Wanship soils are on flood plains and stream terraces. Slopes range from 0 to 3 percent. Mean annual precipitation is about 18 inches and the mean annual temperature is about 43 degrees F. (National Cooperative Soil Survey, downloaded from

<http://ortho.ftw.nrcs.usda.gov/osd/dat/w/wanship.html>, Nov. 2, 2009). The soil survey map is presented as **Figure 3**.

4.3 Hydrology

Hydrologic conditions were assessed based on observations of depth to groundwater at the time of the delineation. Saturated soils were encountered in one data point (PVC-5) at 8 inches below ground surface (bgs) with the static water table determined to be 14-inches bgs. Observations at data point PVC-3 suggest that hydrologic conditions exist even though at the time of the investigation there was no visual evidence of high water table or saturated soils. This location is in a small isolated concave area that may have been connected to the main channel prior to channel dredging. This area is somewhat isolated, but likely has a subsurface hydrologic connection to the adjacent stream.

The project area is not identified on the National Wetlands Inventory Map (**Figure 4**).

5.0 CONCLUSIONS

The results of this investigation suggest that two wetland areas exist on the 6-acre parcel. One wetland area is associated with the riparian corridor adjacent to the stream where there is a dominance of wetland plants along with hydric soils. The boundary between the wetland area and upland area was based on hydrology. Hydrologic characteristics were present near the stream bank but disappeared at a distance of approximately 15 feet from the edge of the stream.

Dredge spoils along the stream reach have influenced the wetland/upland boundary.

There is a small “isolated” wetland area on the subject property that appeared historically to have been connected to the main channel. This area has become isolated due to dredging activity, but the investigation suggests there is a hydrologic connection between this area and the stream.

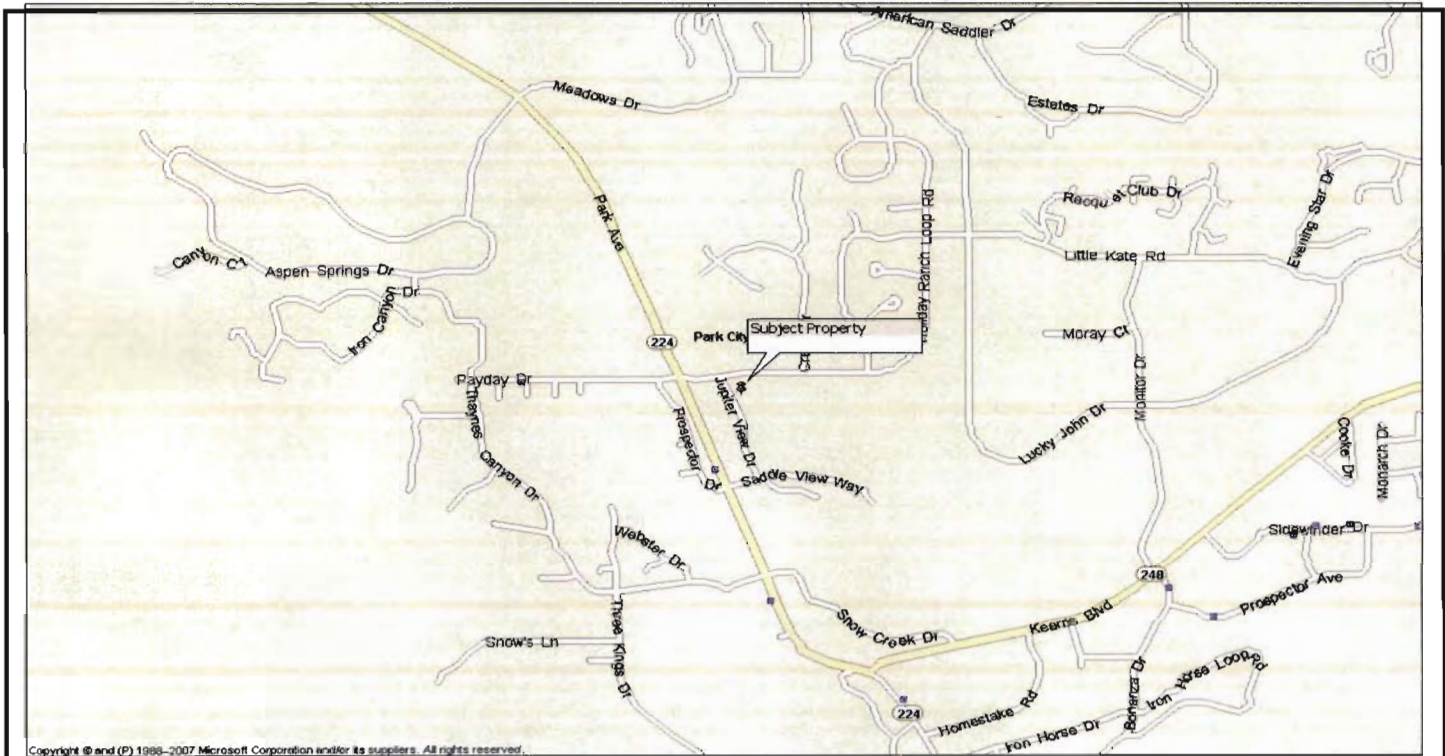
The delineated boundary between the upland and wetland area along the reach of stream along the north property boundary is basically determined by the Ordinary High Water Mark (OHWM) of the stream. Along this reach, the stream is quite incised, with the top of the bank being approximately 48 inches above the OHWM on the bank. For this reason, the delineated boundary is considered the top of the bank.

REFERENCES

- Environmental Laboratory, 1987. *Corps of Engineers' Wetlands Delineation Manual, Technical Report Y-87-1*. US Army Engineer Waterways Experiment Station, Vicksburg, MS.
- Macbeth, 1990. *Munsell Soil Color Charts*. Division of Kollmorgen Instruments Corp., PO Box 230, Newburg, NY 12551-0230.
- National Technical Information Service, 1988. *National List of Plant Species That Occur in Wetlands: Intermountain (Region 8) Biological Report 88 (26.8)*.
- United States Department of Agriculture, Soil Conservation Service, et.al., 2009. *Custom Soil Resource Report for Summit Area, Utah, Parts of Summit, Salt Lake and Wasatch Counties*.

APPENDIX 1

Figures



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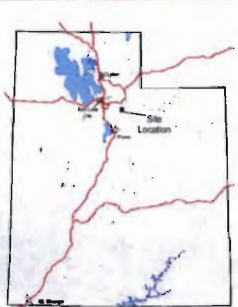
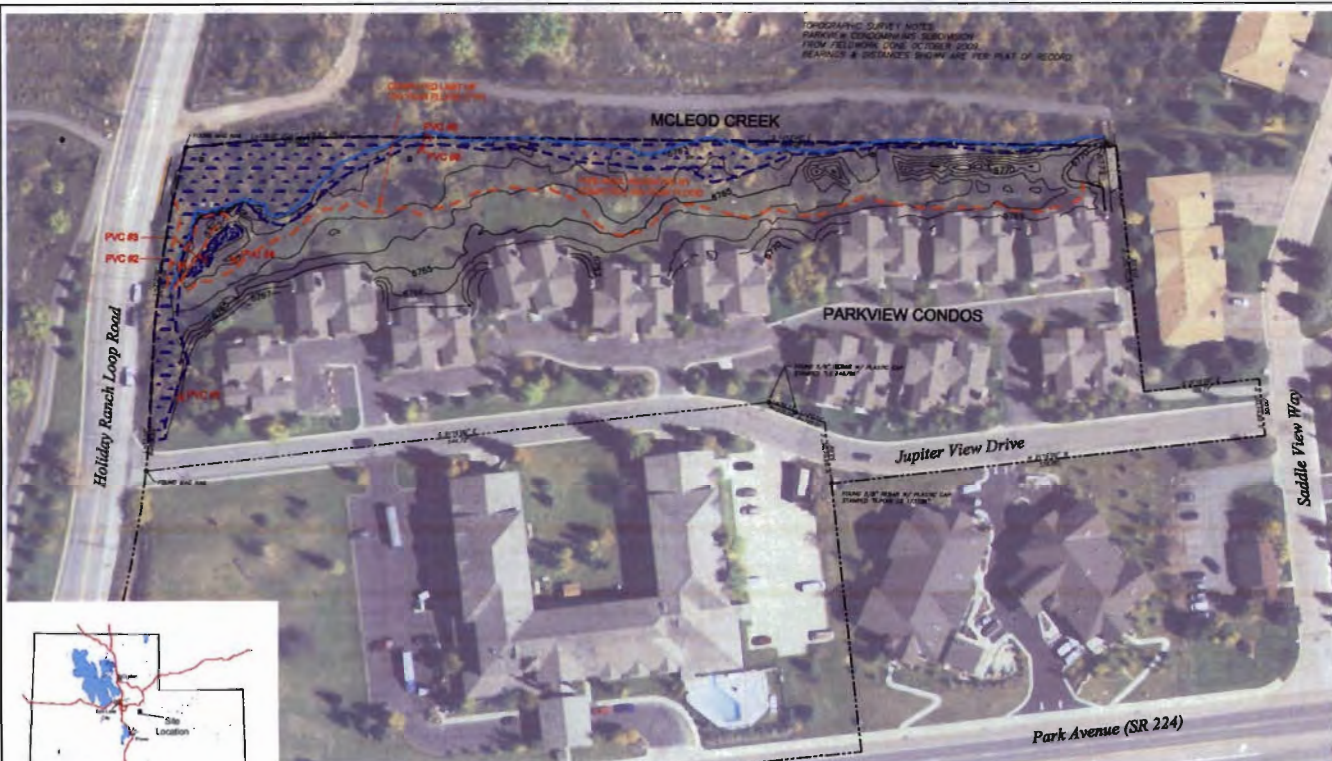
H
ENVIRONMENTAL
 840 EAST WILMINGTON AVENUE
 SALT LAKE CITY, UT 84106
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 ih@h1i.env.com

Parkview Condominiums
Jupiter View Drive
Park City, Utah

Figure 1 – Site Direction Map

PROJECT No:	09N-8024
DRAWN BY:	Alisha
DATE:	11/13/09
FILE NAME:	Pro #-1.docx

TOPOGRAPHIC SURVEY NOTES
 PARKVIEW CONDOMINIUMS SUBDIVISION
 FROM FIELDWORK DONE OCTOBER 2009
 REVISIONS & DISTANCES SHOWN ARE PER PLAT OF RECORD



Vicinity Map - Not to Scale
 NE 1/4, NE 1/4, Section 8, T2S, R4E
 Salt Lake Base & Meridian

Explanation	
X PVC#	Delineation Data Point Location and ID
[Dashed line symbol]	Boundary of Riparian Wetland
[Blue hatched symbol]	Boundary of Emergent Wetland
[Red dashed line symbol]	Boundary of 100-yr Flood Plain

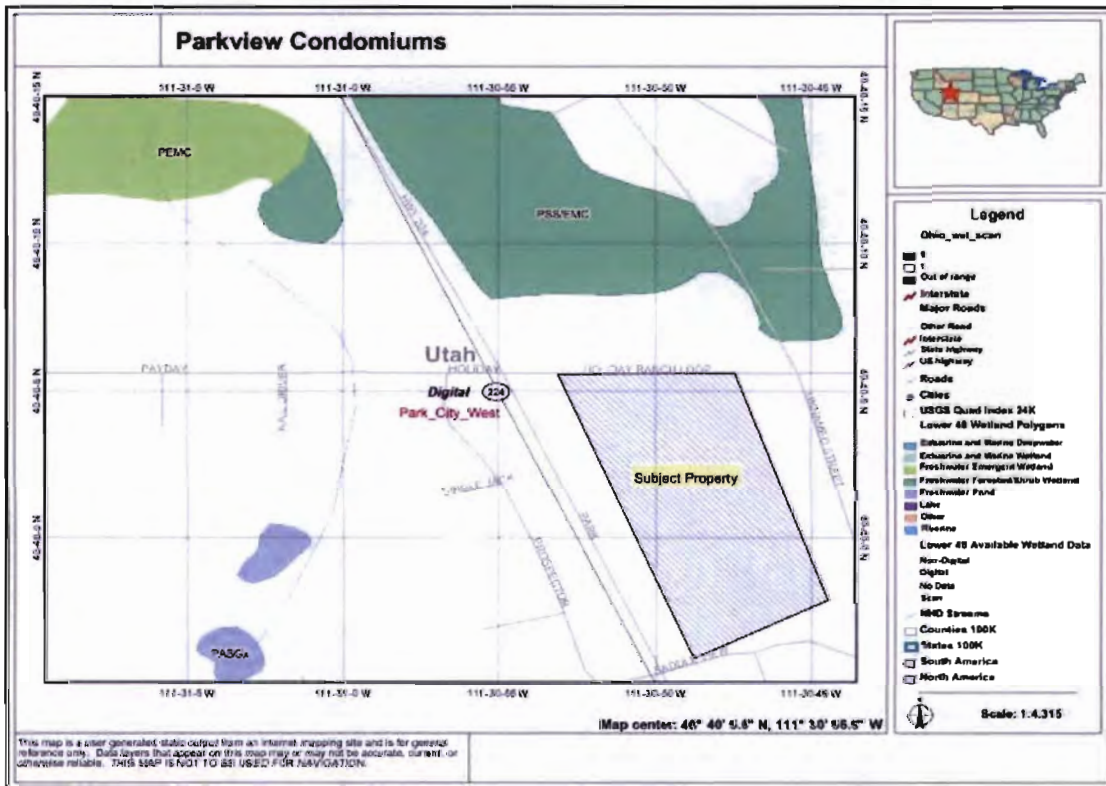
ID	Type	Acres
Wetland 'A'	Riparian	0.50
Wetland 'B'	Emergent	0.01

Contour Interval = 1'

Parkview Condominiums
 NE 1/4, NE 1/4, Section 8, T2S, R4E
 Park City, Utah

Site Map With Aerial Image and Surveyed Topography

PROJECT No: 09W-0008
 SHEET: Figure 2
 DRAWN BY: MPS
 DATE: 11-09-09
 REVISED BY:
 DATE:
 REVISED BY:
 DATE:



This map is a user-generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

ENVIRONMENTAL
 640 EAST WILMINGTON AVENUE
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 Jupiter View Drive
 Park City, Utah

Figure 3 – NWI Map

PROJECT No:	09N-8024
DRAWN BY:	Alisha
DATE:	11/13/09
FILE NAME:	Pro #3.docx

APPENDIX 2
Field Data Forms

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Parkview Condominiums City/County: Park City/Summit Sampling Date: 10/21/09
 Applicant/Owner: Parkview Condominium Homeowners Association State: UT Sampling Point: PVC-1
 Investigator(s): T. Hopkins Section, Township, Range: S8, T2S, R4 E, SLB&M
 Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): none Slope (%): _____
 Subregion (LRR): LRR D Lat: 40 40' 05.2" N Long: 111 30' 46.9" W Datum: NAD 27
 Soil Map Unit Name: Wanship Loam NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No _____ (If no, explain in Remarks.)
 Are Vegetation , Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/>	No _____	Is the Sampled Area within a Wetland?	Yes _____	No <input checked="" type="checkbox"/>
Hydric Soil Present?	Yes <input checked="" type="checkbox"/>	No _____			
Wetland Hydrology Present?	Yes _____	No <input checked="" type="checkbox"/>			

Remarks:

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
1. _____				Number of Dominant Species That Are OBL, FACW, or FAC:	<u>3</u> (A)
2. _____				Total Number of Dominant Species Across All Strata:	<u>3</u> (B)
3. _____				Percent of Dominant Species That Are OBL, FACW, or FAC:	<u>100</u> (A/B)
4. _____					
Total Cover: _____					
Sapling/Shrub Stratum	Absolute % Cover	Dominant Species?	Indicator Status	Prevalence Index worksheet:	
1. <u>Salix exigua</u>	<u>20</u>	<u>Y</u>	<u>OBL</u>	Total % Cover of:	Multiply by:
2. _____				OBL species _____ x 1 = _____	
3. _____				FACW species _____ x 2 = _____	
4. _____				FAC species _____ x 3 = _____	
5. _____				FACU species _____ x 4 = _____	
6. _____				UPL species _____ x 5 = _____	
Total Cover: <u>20</u>				Column Totals: _____ (A)	_____ (B)
				Prevalence Index = B/A = _____	
Herb Stratum	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Indicators:	
1. <u>Phalaris arudinacea</u>	<u>60</u>	<u>Y</u>	<u>OBL</u>	<input checked="" type="checkbox"/> Dominance Test is >50%	
2. <u>Unidentifiable groundcover-No flower</u>	<u>15</u>	<u>Y</u>	<u>FAC</u>	<input type="checkbox"/> Prevalence Index is ≤3.0 ¹	
3. _____				<input type="checkbox"/> Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)	
4. _____				<input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)	
5. _____					
6. _____					
7. _____					
8. _____					
Total Cover: <u>75</u>					
Woody Vine Stratum	Absolute % Cover	Dominant Species?	Indicator Status	¹ Indicators of hydric soil and wetland hydrology must be present.	
1. _____					
2. _____					
Total Cover: _____					
% Bare Ground in Herb Stratum <u>5</u>		% Cover of Biotic Crust _____		Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/> No _____

Remarks:
 Vegetation is routinely mowed as part of the landscaping activities at the condominiums. Ground cover was not in a flowering state at this time of the year. Due to not being able to identify the plant it is assumed the plant would be facultative at a minimum.

SOIL

Sampling Point: PVC-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-20"	10YR 2/1	100				M	loam	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix. ²Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils³:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Histosol (A1) | <input type="checkbox"/> Sandy Redox (S5) | <input type="checkbox"/> 1 cm Muck (A9) (LRR C) |
| <input type="checkbox"/> Histic Epipedon (A2) | <input type="checkbox"/> Stripped Matrix (S6) | <input type="checkbox"/> 2 cm Muck (A10) (LRR B) |
| <input type="checkbox"/> Black Histic (A3) | <input type="checkbox"/> Loamy Mucky Mineral (F1) | <input type="checkbox"/> Reduced Vertic (F18) |
| <input type="checkbox"/> Hydrogen Sulfide (A4) | <input type="checkbox"/> Loamy Gleyed Matrix (F2) | <input type="checkbox"/> Red Parent Material (TF2) |
| <input type="checkbox"/> Stratified Layers (A5) (LRR C) | <input type="checkbox"/> Depleted Matrix (F3) | <input type="checkbox"/> Other (Explain in Remarks) |
| <input type="checkbox"/> 1 cm Muck (A9) (LRR D) | <input type="checkbox"/> Redox Dark Surface (F6) | |
| <input type="checkbox"/> Depleted Below Dark Surface (A11) | <input type="checkbox"/> Depleted Dark Surface (F7) | |
| <input type="checkbox"/> Thick Dark Surface (A12) | <input type="checkbox"/> Redox Depressions (F8) | |
| <input type="checkbox"/> Sandy Mucky Mineral (S1) | <input type="checkbox"/> Vernal Pools (F9) | |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4) | | |

³Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Secondary Indicators (2 or more required)

Primary Indicators (any one indicator is sufficient)

- | | | |
|--|--|--|
| <input type="checkbox"/> Surface Water (A1) | <input type="checkbox"/> Salt Crust (B11) | <input type="checkbox"/> Water Marks (B1) (Riverine) |
| <input type="checkbox"/> High Water Table (A2) | <input type="checkbox"/> Biotic Crust (B12) | <input type="checkbox"/> Sediment Deposits (B2) (Riverine) |
| <input type="checkbox"/> Saturation (A3) | <input type="checkbox"/> Aquatic Invertebrates (B13) | <input type="checkbox"/> Drift Deposits (B3) (Riverine) |
| <input type="checkbox"/> Water Marks (B1) (Nonriverine) | <input type="checkbox"/> Hydrogen Sulfide Odor (C1) | <input type="checkbox"/> Drainage Patterns (B10) |
| <input type="checkbox"/> Sediment Deposits (B2) (Nonriverine) | <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) | <input type="checkbox"/> Dry-Season Water Table (C2) |
| <input type="checkbox"/> Drift Deposits (B3) (Nonriverine) | <input type="checkbox"/> Presence of Reduced Iron (C4) | <input type="checkbox"/> Thin Muck Surface (C7) |
| <input type="checkbox"/> Surface Soil Cracks (B6) | <input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6) | <input type="checkbox"/> Crayfish Burrows (C8) |
| <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) | <input type="checkbox"/> Other (Explain in Remarks) | <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) |
| <input type="checkbox"/> Water-Stained Leaves (B9) | | <input type="checkbox"/> Shallow Aquitard (D3) |
| | | <input type="checkbox"/> FAC-Neutral Test (D5) |

Field Observations:

Surface Water Present? Yes No Depth (inches): _____
 Water Table Present? Yes No Depth (inches): _____
 Saturation Present? Yes No Depth (inches): _____
 (includes capillary fringe)

Wetland Hydrology Present? Yes No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Data point is on top of bank approximately 48" above stream. The bank is vertical.

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Parkview Condominiums City/County: Park City/Summit Sampling Date: 10/21/09
 Applicant/Owner: Parkview Condominium Homeowners Association State: UT Sampling Point: PVC-2
 Investigator(s): T. Hopkins Section, Township, Range: S8, T2S, R4 E, SLB&M
 Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): none Slope (%): _____
 Subregion (LRR): LRR D Lat: 40 40' 05.0" N Long: 111 30' 45.4" W Datum: NAD 27
 Soil Map Unit Name: Wanship Loam NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <input checked="" type="checkbox"/> Hydric Soil Present? Yes <input checked="" type="checkbox"/> No _____ Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Remarks:	

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status	
1. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>33</u> (A/B)
2. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
3. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
4. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
Total Cover: _____				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum				
1. <u>Salix exigua</u>	<u>5</u>	<u>Y</u>	<u>OBL</u>	
2. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
3. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
4. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
5. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	Hydrophytic Vegetation Indicators: <input checked="" type="checkbox"/> Dominance Test is >50% <input type="checkbox"/> Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)
Total Cover: <u>20</u>				
Herb Stratum				
1. <u>Poa pratensis</u>	<u>50</u>	<u>Y</u>	<u>NI</u>	
2. <u>Onopordum acanthium</u>	<u>40</u>	<u>Y</u>	<u>NI</u>	
3. <u>Cynoglossum officinale</u>	<u>5</u>	<u>N</u>	<u>NI</u>	
4. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
5. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
6. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
7. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
8. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
Total Cover: <u>95</u>				
Woody Vine Stratum				
1. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
2. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
Total Cover: _____				
% Bare Ground in Herb Stratum <u>5</u> % Cover of Biotic Crust _____				
Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____				

Remarks:
 Vegetation is routinely mowed as part of the landscaping activities at the condominiums. Ground cover was not in a flowering state at this time of the year. Due to not being able to identify the plant it is assumed the plant would be facultative at a minimum.

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Parkview Condominiums City/County: Park City/Summit Sampling Date: 10/21/09
 Applicant/Owner: Parkview Condominium Homeowners Association State: UT Sampling Point: PVC-3
 Investigator(s): T. Hopkins Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): Stream terrace Local relief (concave, convex, none): none Slope (%): _____
 Subregion (LRR): LRR D Lat: 40 40' 05.2" N Long: 111 30' 45.4" W Datum: NAD 27
 Soil Map Unit Name: Wanship Loam NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____ Hydric Soil Present? Yes <input checked="" type="checkbox"/> No _____ Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No _____	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No _____
Remarks:	

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A)
2. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	Total Number of Dominant Species Across All Strata: <u>1</u> (B)
3. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
4. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
Total Cover: _____				
Sapling/Shrub Stratum	Absolute % Cover	Dominant Species?	Indicator Status	Prevalence Index worksheet:
1. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	Total % Cover of: _____ Multiply by: _____
2. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	OBL species _____ x 1 = _____
3. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	FACW species _____ x 2 = _____
4. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	FAC species _____ x 3 = _____
5. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	FACU species _____ x 4 = _____
Total Cover: _____				UPL species _____ x 5 = _____
				Column Totals: _____ (A) _____ (B)
				Prevalence Index = B/A = _____
Herb Stratum	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Indicators:
1. <u>Carex nebrascensis</u>	<u>100</u>	<u>Y</u>	<u>ORI</u>	<input checked="" type="checkbox"/> Dominance Test is >50%
2. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Prevalence Index is ≤3.0 ¹
3. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)
4. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)
5. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
6. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
7. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
8. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
Total Cover: <u>100</u>				
Woody Vine Stratum	Absolute % Cover	Dominant Species?	Indicator Status	Footnote:
1. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	¹ Indicators of hydric soil and wetland hydrology must be present.
2. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
Total Cover: _____				
% Bare Ground in Herb Stratum _____		% Cover of Biotic Crust _____		Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____

Remarks:

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Parkview Condominiums City/County: Park City/Summit Sampling Date: 10/21/09
 Applicant/Owner: Parkview Condominium Homeowners Association State: UT Sampling Point: PVC-4
 Investigator(s): T. Hopkins Section, Township, Range: S8, T2S, R4 E, SLB&M
 Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): none Slope (%): _____
 Subregion (LRR): LRR D Lat: 40 40' 05.0" N Long: 111 30' 45.3" W Datum: NAD 27
 Soil Map Unit Name: Wanship Loam NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____ Hydric Soil Present? Yes <input checked="" type="checkbox"/> No _____ Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Remarks: Edge of isolated wetland area.	

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status	
1. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>3</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
2. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
3. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
4. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
Total Cover: _____				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum				
1. <u>Rosa woodsii</u>	<u>70</u>	<u>Y</u>	<u>FAC</u>	
2. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
3. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
4. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
5. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	Hydrophytic Vegetation Indicators: <input checked="" type="checkbox"/> Dominance Test is >50% <input type="checkbox"/> Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)
Total Cover: <u>70</u>				
Herb Stratum				
1. <u>Onopordum acanthium</u>	<u>19</u>	<u>Y</u>	<u>NL</u>	
2. <u>Unidentifiable Ground Cover-PVC-1</u>	<u>10</u>	<u>Y</u>	<u>FAC</u>	
3. <u>Carex nebrascensis</u>	<u>1</u>	<u>N</u>	<u>OBL</u>	
4. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
5. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
6. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
7. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
8. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
Total Cover: <u>30</u>				
Woody Vine Stratum				
1. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
2. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	
Total Cover: _____				
% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____		Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____		

Remarks:

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Parkview Condominiums City/County: Park City/Summit Sampling Date: 10/21/09
 Applicant/Owner: Parkview Condominium Homeowners Association State: UT Sampling Point: PVC-5
 Investigator(s): T. Hopkins Section, Township, Range: S8, T2S, R4E SLB&M
 Landform (hillslope, terrace, etc.): Stream terrace Local relief (concave, convex, none): none Slope (%): _____
 Subregion (LRR): LRR-D Lat: 40 40' 03.7" N Long: 111 30' 43.5" W Datum: NAD 27
 Soil Map Unit Name: Wanship Loam NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No _____ (If no, explain in Remarks.)
 Are Vegetation , Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____ Hydric Soil Present? Yes <input checked="" type="checkbox"/> No _____ Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No _____	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No _____
Remarks:	

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>Populus fremontii</u>	1	Y	FACW	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>3</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
2. _____				
3. _____				
4. _____				
Total Cover: <u>1</u>				
Sapling/Shrub Stratum				
1. <u>Salix exigua</u>	4	Y	OBL	Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
2. _____				
3. _____				
4. _____				
5. _____				
Total Cover: <u>4</u>				
Herb Stratum				
1. <u>Poa annua</u>	95	Y	FAC	Hydrophytic Vegetation Indicators: <input checked="" type="checkbox"/> Dominance Test is >50% ___ Prevalence Index is ≤3.0 ¹ ___ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present.
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
Total Cover: <u>95</u>				
Woody Vine Stratum				
1. _____				Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____
2. _____				
Total Cover: _____				
% Bare Ground in Herb Stratum _____ % Cover of Biotic Crust _____				

Remarks: Vegetation is routinely mowed.

SOIL

Sampling Point: PVC-5

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)							
Depth (inches)	Matrix		Redox Features			Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹		
0-6"	10YR 2/2	100				M	Loam
6-14"	2.5/N	100				M	Sandy/Loam Dark Black-Gley

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix. ²Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)		Indicators for Problematic Hydric Soils ³ :	
<input checked="" type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 1 cm Muck (A9) (LRR C)	
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> 2 cm Muck (A10) (LRR B)	
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1)	<input type="checkbox"/> Reduced Vertic (F18)	
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Red Parent Material (TF2)	
<input type="checkbox"/> Stratified Layers (A5) (LRR C)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> Other (Explain in Remarks)	
<input type="checkbox"/> 1 cm Muck (A9) (LRR D)	<input type="checkbox"/> Redox Dark Surface (F6)		
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Dark Surface (F7)		
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Depressions (F8)		
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Vernal Pools (F9)		
<input checked="" type="checkbox"/> Sandy Gleyed Matrix (S4)			

³Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present): Type: _____ Depth (inches): _____	Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
--	---

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (2 or more required)	
Primary Indicators (any one indicator is sufficient)			
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Water Marks (B1) (Riverine)	
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Biotic Crust (B12)	<input type="checkbox"/> Sediment Deposits (B2) (Riverine)	
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Drift Deposits (B3) (Riverine)	
<input type="checkbox"/> Water Marks (B1) (Nonriverine)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Drainage Patterns (B10)	
<input type="checkbox"/> Sediment Deposits (B2) (Nonriverine)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Dry-Season Water Table (C2)	
<input type="checkbox"/> Drift Deposits (B3) (Nonriverine)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Thin Muck Surface (C7)	
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Crayfish Burrows (C8)	
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	
<input type="checkbox"/> Water-Stained Leaves (B9)		<input type="checkbox"/> Shallow Aquitard (D3)	
		<input type="checkbox"/> FAC-Neutral Test (D5)	

Field Observations:		Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____		
Water Table Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>14"</u>		
Saturation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>8"</u>		

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Parkview Condominiums City/County: Park City/Summit Sampling Date: 10/21/09
 Applicant/Owner: Parkview Condominium Homeowners Association State: UT Sampling Point: PVC-6
 Investigator(s): T. Hopkins Section, Township, Range: S8, T2S, R4E SLB&M
 Landform (hillslope, terrace, etc.): Stream terrace Local relief (concave, convex, none): none Slope (%): _____
 Subregion (LRR): LRR-D Lat: 40 40' 03.7" N Long: 111 30' 43.5" W Datum: NAD 27
 Soil Map Unit Name: Wanship Loam NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No _____ (If no, explain in Remarks.)
 Are Vegetation , Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____ Hydric Soil Present? Yes <input checked="" type="checkbox"/> No _____ Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Remarks:	

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. <u>Populus fremontii</u>	1	Y	FACW	Number of Dominant Species That Are OBL, FACW, or FAC: <u>3</u> (A)
2. _____				Total Number of Dominant Species Across All Strata: <u>3</u> (B)
3. _____				
4. _____				Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
Total Cover: <u>1</u>				
Sapling/Shrub Stratum				
1. <u>Salix exigua</u>	5	Y	OBL	Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
2. _____				
3. _____				
4. _____				
5. _____				
Total Cover: <u>5</u>				
Herb Stratum				
1. <u>Poa annua</u>	90	Y	FAC	Hydrophytic Vegetation Indicators: <input checked="" type="checkbox"/> Dominance Test is >50% ___ Prevalence Index is ≤3.0 ¹ ___ Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present.
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
Total Cover: <u>95</u>				
Woody Vine Stratum				
1. _____				Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____
2. _____				
Total Cover: _____				
% Bare Ground in Herb Stratum ⁴ _____ % Cover of Biotic Crust _____				

Remarks: Vegetation is routinely mowed. Difficult to identify species.

SOIL

Sampling Point: PVC-6

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-16"	10YR 3/2	100				M	Loam	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix. ²Location: PL=Pore Lining, RC=Root Channel, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)		Indicators for Problematic Hydric Soils ³ :	
<input checked="" type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 1 cm Muck (A9) (LRR C)	
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> 2 cm Muck (A10) (LRR B)	
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1)	<input type="checkbox"/> Reduced Vertic (F18)	
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Red Parent Material (TF2)	
<input type="checkbox"/> Stratified Layers (A5) (LRR C)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> Other (Explain in Remarks)	
<input type="checkbox"/> 1 cm Muck (A9) (LRR D)	<input type="checkbox"/> Redox Dark Surface (F6)		
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Dark Surface (F7)		
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Depressions (F8)		
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Vernal Pools (F9)		
<input type="checkbox"/> Sandy Gleyed Matrix (S4)			

³Indicators of hydrophytic vegetation and wetland hydrology must be present.

Restrictive Layer (if present): Type: _____ Depth (inches): _____	Hydric Soil Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
--	---

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (2 or more required)	
<u>Primary Indicators (any one indicator is sufficient)</u>			
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Water Marks (B1) (Riverine)	
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Biotic Crust (B12)	<input type="checkbox"/> Sediment Deposits (B2) (Riverine)	
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Drift Deposits (B3) (Riverine)	
<input type="checkbox"/> Water Marks (B1) (Nonriverine)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Drainage Patterns (B10)	
<input type="checkbox"/> Sediment Deposits (B2) (Nonriverine)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Dry-Season Water Table (C2)	
<input type="checkbox"/> Drift Deposits (B3) (Nonriverine)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Thin Muck Surface (C7)	
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Crayfish Burrows (C8)	
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	
<input type="checkbox"/> Water-Stained Leaves (B9)		<input type="checkbox"/> Shallow Aquitard (D3)	
		<input type="checkbox"/> FAC-Neutral Test (D5)	

Field Observations:		Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>
Surface Water Present? Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____	
Water Table Present? Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____	
Saturation Present? Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____	

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

APPENDIX 3

Soil Survey



A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Summit Area, Utah, Parts of Summit, Salt Lake and Wasatch Counties

Parkview Condominiums



October 29, 2009

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://soils.usda.gov/sqi/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<http://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://soils.usda.gov/contact/state_offices/).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Soil Data Mart Web site or the NRCS Web Soil Survey. The Soil Data Mart is the data storage site for the official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil scientists classified and named the soils in the survey area, they compared the

Custom Soil Resource Report

individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map






































The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report
Soil Map



Custom Soil Resource Report

MAP LEGEND

Area of Interest (AOI)			Very Stony Spot
	Area of Interest (AOI)		Wet Spot
Soils			Other
	Soil Map Units	Special Line Features	
Special Point Features			Gully
	Blowout		Short Steep Slope
	Borrow Pit		Other
	Clay Spot	Political Features	
	Closed Depression		Cities
	Gravel Pit	Water Features	
	Gravelly Spot		Oceans
	Landfill		Streams and Canals
	Lava Flow	Transportation	
	Marsh or swamp		Rails
	Mine or Quarry		Interstate Highways
	Miscellaneous Water		US Routes
	Perennial Water		Major Roads
	Rock Outcrop		Local Roads
	Saline Spot		
	Sandy Spot		
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		
	Spoil Area		
	Stony Spot		

MAP INFORMATION

Map Scale: 1:1,680 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: UTM Zone 12N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Summit Area, Utah, Parts of Summit, Salt Lake and Wasatch Counties
 Survey Area Data: Version 5, Sep 4, 2009

Date(s) aerial images were photographed: 9/12/1997

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Summit Area, Utah, Parts of Summit, Salt Lake and Wasatch Counties (UT613)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
178	Wanship loam, 0 to 3 percent slopes	6.4	100.0%
Totals for Area of Interest		6.4	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Custom Soil Resource Report

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Summit Area, Utah, Parts of Summit, Salt Lake and Wasatch Counties

178—Wanship loam, 0 to 3 percent slopes

Map Unit Setting

Elevation: 6,300 to 7,200 feet
Mean annual precipitation: 16 to 22 inches
Mean annual air temperature: 40 to 45 degrees F
Frost-free period: 60 to 90 days

Map Unit Composition

Wanship and similar soils: 90 percent
Minor components: 10 percent

Description of Wanship

Setting

Landform: Stream terraces
Landform position (three-dimensional): Tread
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Alluvium derived from sandstone and conglomerate

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): High (2.00 to 6.00 in/hr)
Depth to water table: About 20 to 30 inches
Frequency of flooding: Rare
Frequency of ponding: None
Available water capacity: Low (about 4.9 inches)

Interpretive groups

Land capability classification (irrigated): 4w
Land capability (nonirrigated): 4w
Ecological site: Interzonal Semiwet Fresh Meadow (Meadow sedge/Tufted hairgrass) (R047XA004UT)

Typical profile

0 to 8 inches: Loam
8 to 14 inches: Loam
14 to 24 inches: Loam
24 to 26 inches: Extremely cobbly loamy sand
26 to 60 inches: Extremely cobbly loamy sand

Minor Components

Kovich

Percent of map unit: 5 percent
Landform: Flood plains
Down-slope shape: Linear
Across-slope shape: Concave
Ecological site: Intezonal Wet Fresh Meadow (Sedge) (R047XA008UT)

Custom Soil Resource Report

Snyderville

Percent of map unit: 5 percent

Landform: Outwash terraces, stream terraces

Down-slope shape: Linear

Across-slope shape: Convex

Ecological site: Mountain Gravelly Loam (Mountain Big Sagebrush)
(R047XA406UT)

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Custom Soil Resource Report

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APPENDIX 4
Site Photographs



Photograph 1
Data Point PVC-1



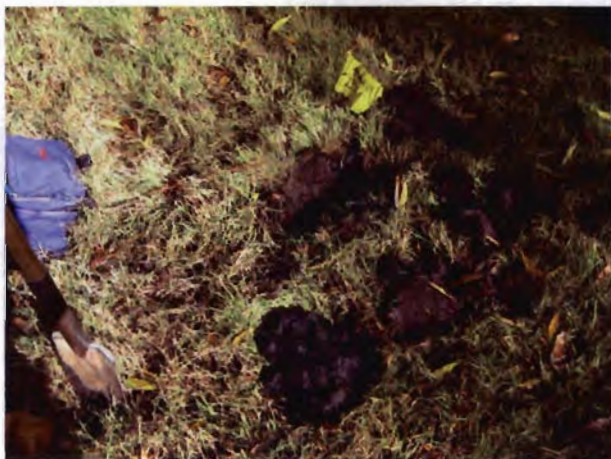
Photograph 2
Data Point PVC-2



Photograph 3
Data Point PVC-3.



Photograph 4
Data Point PVC-4



Photograph 5
Data Point PVC-5



Photograph 6
Data Point PVC-6



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

April 25, 2011

Regulatory Division SPK-2010-01232-UO

Derek Howard
 Parkview Homeowners Association
 Post Office Box 680876
 Park City, Utah 84068

Dear Mr. Howard:

We are responding to your request for an approved jurisdictional determination for the Parkview Condominiums project. The approximately 6-acre site is located in Park City at approximately 2294 Jupiter View Drive, Section 5, Township 2 South, Range 4 East, Salt Lake Meridian, Latitude 40.66°, Longitude -111.51°, Summit County, Utah.

Based on available information, we concur with the estimate of potential waters of the United States as depicted on the enclosed Figure 2, Parkview Condominium wetland delineation site map, dated November 9, 2009, prepared by IHI Environmental. Approximately 0.51 acres of wetlands and 900 linear feet of waters of the U.S. are present within the survey area. These waters are regulated under Section 404 of the Clean Water Act, since they are directly abutting and are a relative permanent waterway, McLeod Creek.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331.

A Notification of Appeal Process (NAP) and Request for Appeal (RFA) form is enclosed. If you request to appeal this determination you must submit a completed RFA form to the South Pacific Division Office at the following address: Administrative Appeal Review Officer, Army Corps of Engineers, South Pacific Division, CESPDPDS-O, 1455 Market Street, San Francisco, California 94103-1399, Telephone: 415-503-6574, FAX: 415-503-6646.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the NAP. Should you decide to submit an RFA form, it must be received at the above address by 60 days from the date of this letter. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

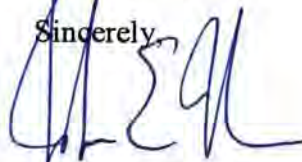
You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

This determination has been conducted to identify the limits of Corps of Engineers' Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

We appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing the customer survey on our website under *Customer Service Survey*.

Please refer to identification number SPK-2010-01232-UO in any correspondence concerning this project. If you have any questions, please contact Hollis Jencks at the Utah Regulatory Office, 533 West 2600 South, Suite 150 Bountiful, Utah 84010, email Hollis.G.Jencks@usace.army.mil, or telephone 801-295-8380, extension 18.

Sincerely,

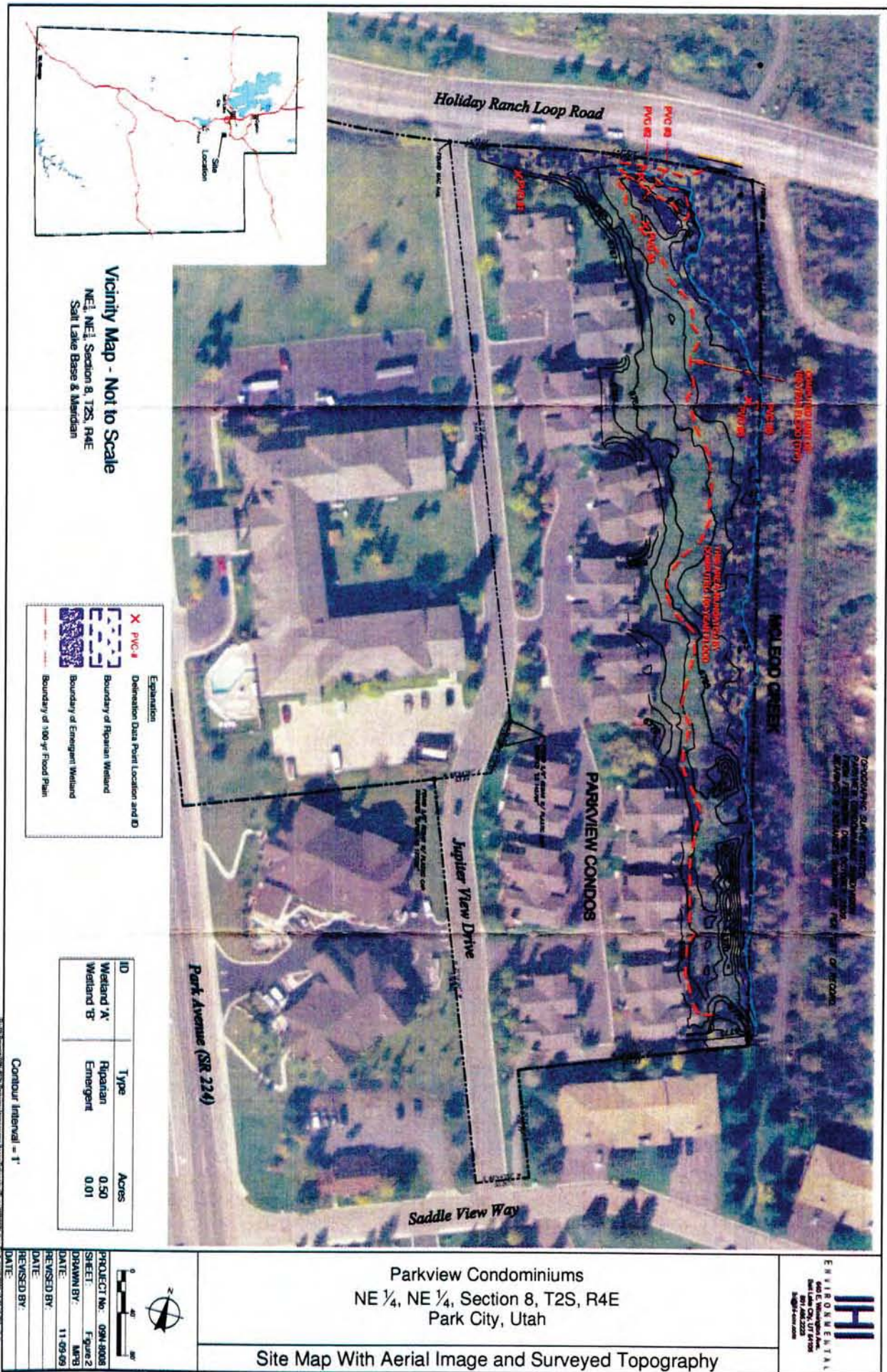
A handwritten signature in blue ink, appearing to read 'J. Urbanic', written over the word 'Sincerely'.

John Urbanic
Senior Project Manager
Utah Regulatory Office

Enclosures

Copy furnished:

IHI Environmental, Tom Hopkins, 640 East Wilmington Avenue, Salt Lake City, Utah 84106



Vicinity Map - Not to Scale

NE ¼, NE ¼, Section 8, T2S, R4E
Salt Lake Base & Meridian

Explanation	
X PWC #	Definition Data Point Location and ID
	Boundary of Riparian Wetland
	Boundary of Emergent Wetland
	Boundary of 100-yr Flood Plain

ID	Type	Acres
Wetland 'A'	Riparian	0.50
Wetland 'B'	Emergent	0.01

Contour Interval = 1'

0 10 20 30 40 Feet

North Arrow

PROJECT No: 09N-0008
SHEET: Figure 2
DRAWN BY: MFB
DATE: 11-09-09
REVISION BY:
DATE:

Parkview Condominiums
NE ¼, NE ¼, Section 8, T2S, R4E
Park City, Utah

Site Map With Aerial Image and Surveyed Topography

IHI
ENGINEERS
460 E. Washington Ave.
Salt Lake City, UT 84102
801-462-2222
www.ihiconsultants.com



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF PARK CITY, SUMMIT COUNTY, UTAH	Units 1 through 36, Parkview Condominiums, as shown on the Record of Survey recorded as Document No. 473038, in the Office of the Recorder, Summit County, Utah
	COMMUNITY NO.: 490139	
AFFECTED MAP PANEL	NUMBER: 49043C0917C	
	DATE: 3/16/2006	
FLOODING SOURCE: MCLEOD CREEK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 40.667, -111.513 SOURCE OF LAT & LONG: PRECISION MAPPING STREETS 7.0 DATUM: NAD 83

DETERMINATION

LOT	BLOCK/SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (ASSUMED)	LOWEST ADJACENT GRADE ELEVATION (ASSUMED)	LOWEST LOT ELEVATION (ASSUMED)
-	-	Parkview Condominiums	-	Structure (Units 1-3)	X (unshaded)	100.9 feet	110.0 feet	-

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

DETERMINATION TABLE (CONTINUED)

PORTIONS REMAIN IN THE SFHA

ZONE A

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the structure(s) on the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

William R. Blanton Jr.

William R. Blanton Jr., CFM, Chief
Engineering Management Section
Mitigation Division



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

DETERMINATION TABLE (CONTINUED)

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (ASSUMED)	LOWEST ADJACENT GRADE ELEVATION (ASSUMED)	LOWEST LOT ELEVATION (ASSUMED)
-	-	Parkview Condominiums	-	Structure (Units 4-6)	X (unshaded)	101.3 feet	103.4 feet	-
-	-	Parkview Condominiums	-	Structure (Units 7-9)	X (unshaded)	102.0 feet	104.9 feet	-
-	-	Parkview Condominiums	-	Structure (Units 10-12)	X (unshaded)	102.8 feet	105.3 feet	-
-	-	Parkview Condominiums	-	Structure (Units 13-15)	X (unshaded)	103.6 feet	105.7 feet	-
-	-	Parkview Condominiums	-	Structure (Units 16-18)	X (unshaded)	104.5 feet	105.8 feet	-
-	-	Parkview Condominiums	-	Structure (Units 19-21)	X (unshaded)	105.8 feet	106.5 feet	-
-	-	Parkview Condominiums	-	Structure (Units 22-24)	X (unshaded)	106.6 feet	107.6 feet	-
-	-	Parkview Condominiums	-	Structure (Units 25-27)	X (unshaded)	107.4 feet	107.9 feet	-
-	-	Parkview Condominiums	-	Structure (Units 28-30)	X (unshaded)	107.4 feet	114.5 feet	-
-	-	Parkview Condominiums	-	Structure (Units 31-33)	X (unshaded)	106.6 feet	113.1 feet	-

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

William R. Blanton Jr.

William R. Blanton Jr., CFM, Chief
Engineering Management Section
Mitigation Division



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (ASSUMED)	LOWEST ADJACENT GRADE ELEVATION (ASSUMED)	LOWEST LOT ELEVATION (ASSUMED)
-	-	Parkview Condominiums	-	Structure (Units 34-36)	X (unshaded)	105.8 feet	111.6 feet	-

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 12 Properties.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

ZONE A (This Additional Consideration applies to the preceding 12 Properties.)

The National Flood Insurance Program map affecting this property depicts a Special Flood Hazard Area that was determined using the best flood hazard data available to FEMA, but without performing a detailed engineering analysis. The flood elevation used to make this determination is based on approximate methods and has not been formalized through the standard process for establishing base flood elevations published in the Flood Insurance Study. This flood elevation is subject to change.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

William R. Blanton Jr.

William R. Blanton Jr., CFM, Chief
Engineering Management Section
Mitigation Division

Exhibit C – Original 1997 MPD Staff Report – Parkview Condominiums



PLANNING COMMISSION REPORT

TO: PLANNING COMMISSION
FROM: PLANNING STAFF
DATE: OCTOBER 3, 1996 (FOR OCTOBER 9, 1996)
RE: 2260 JUPITER VIEW DRIVE- PARKVIEW MPD

I. PROJECT STATISTICS

Project Name: Jupiter View Drive- Parkview MPD
Applicant: Henry Sigg for Parkview L.L.C.
Location: Southeast corner of Jupiter View Drive and Holiday Ranch Loop
Proposal: Master Planned Development for 36 townhouses on 5.24 acres
Zoning: RDM- Medium Density Residential
Adjacent Land Uses: Radisson Hotel, Saddlevue Office Park, City Open Space, Condominiums, Reservations office, and vacant
Date of Application: June 6, 1996
Project Planner: Kirsten Whetstone

Staff Recommendation: Approval with conditions

II. BACKGROUND INFORMATION

The 5.24 acre site is located at the southeast corner of Jupiter View Drive and Holiday Ranch Loop Road (Exhibit A). The property is legally described as Lot 2 of the Parkview Subdivision plat which was recorded in December of 1984. The Radisson Hotel is situated on Lot 1, at the southeast corner of Highway 224 and Holiday Ranch Loop Road. Jupiter View Drive is a private drive shared by Lots 1 and 2 to provide access to these properties from Saddlevue Drive and Holiday Ranch Loop. The vacant property directly south of the Radisson, known as the Cathcart parcel, also has access to Jupiter View Drive. The old treatment plant property, owned by Park City, lies directly to the

east of this property.

McLeod Creek and associated wetlands run along the eastern property boundary. A wetlands determination and survey was prepared for this site by Basin Hydrology in April of 1996. This survey has been reviewed by the Army Corp of Engineers, Salt Lake City office. The wetland areas along McLeod Creek have been flagged and identified. Staff determined that the property meets the criteria of a "Sensitive Area" and therefore the property is subject to the Sensitive Land Overlay Ordinance.

The site is currently vacant and undeveloped. There is some evidence of prior disturbance on the site, with mounds of dirt and other debris now covered with vegetation. There are large willow clumps along McLeod Creek which will be protected. There is also a significant clumping of willows in the middle of the site which will be retained between two of the buildings.

On August 14, 1996 the Planning Commission heard the applicant's presentation of this proposal and held a discussion of staff's concerns. The main concerns were guest parking, circulation, location of a pedestrian trail, snow shedding and snow storage, and construction management. The Planning Commission expressed additional concerns of location of flood plain, protection of existing vegetation (including the natural grasses, sage, rabbit brush, and willows), traffic circulation patterns in the area, and building articulation.

On September 25, 1996 the Planning Commission held a public hearing to receive input from affected property owners. Several residents of the McLeod Creek Subdivision expressed concerns about this proposal. Their primary concerns included the following: 1) additional plantings, particularly large evergreen trees, to buffer the units along Holiday Ranch Loop Road, 2) traffic and safety issues, 3) traffic control for intersections and trail crossings, 4) ownership and security provisions of the CC& R's, and 5) lighting impacts on the residential subdivisions to the east.

In response to the neighborhood's concerns the applicant has agreed to plant five white fir between Holiday Ranch Loop and the buildings. Staff recommends that these trees be 10-15' in height with planting to follow the City's guidelines. In addition the applicant will install a stop sign at the intersection of Jupiter View and Holiday Ranch Loop.

II. PROJECT DESCRIPTION

Location

The proposed project is located at 2260 Jupiter View Drive. The project is located in a mixed use area between the Park Meadows residential area and Highway 224. This is an area of condominiums, offices, and a large hotel. The City owns property to the east, the old treatment center site. There are public trails to the north and south of the site, as well as a trail on the north side of Holiday Ranch Loop Road. Some of these trails are

currently under construction. These trails provide linkages to Saddlevue Office Park, Snow Creek Crossing shopping center, Park Meadows residential area, and other destinations.

Land use

The applicant proposes 36 townhouse units in a configuration of twelve tri-plex buildings on the 5.24 acre (228,101 sf) site (Exhibit B). The proposed density is approximately 6.87 units per acre, or 6.3 unit equivalents per acre. The site is located in the RDM, Medium Density Residential, Zoning District. Structures with greater than 2 dwelling units require a Conditional Use Permit in this zoning district. Additionally, the RDM district allows developments with a density of greater than 5 dwelling units per acre only in conjunction with a Master Planned Development subject to provisions of Chapter 10 of the Land Management Code. The absolute maximum allowable density in the RDM district is 8 unit equivalents per acre, according to Section 10.3 of the LMC.

The proposal provides approximately 75% open space (roughly 53,435 sf of built area). A minimum of 60% open space is required for all MPD proposals.

Setbacks for multi-family projects in the RDM zone are a minimum of 10' on the sides, 20' in the front, and 10' in the rear. Setbacks may be varied by the Planning Commission, except that setbacks for the perimeter boundaries may not be varied, as per LMC Section 10.9(e). Maximum building height is 28' (with an additional 5' for a pitched roof) measured from natural grade at the building site.

The Sensitive Lands Ordinance requires a minimum setback of 50' from all wetlands and streams identified by a qualified professional and based upon the federal 1989 Wetlands Manual. No disturbance is allowed in the wetland or stream corridor. The applicant has expressed an interest in doing some minor grading and landscaping within the 50' buffer area to enhance the appearance. The details of this work would need to be clearly identified on a landscape and grading plan and presented to and approved by the Community Development Department staff prior to issuance of a grading or building permit. This work would be limited to removing debris and dead wood, grading out to a more natural contour some to the large pits and mounds, and planting additional native vegetation. Significant vegetation to be preserved will be protected with steel fencing and a permit from the City shall be required prior to any grubbing, grading, or planting in this area.

As designed, all structures respect the 50' buffer area, both from the mapped wetland areas and from the minor stream course along the south side of Holiday Ranch Loop Road. To minimize long term disturbance of the buffer and sensitive areas, the applicant has designed the rear decks to be inaccessible to and from the outside. The lower levels are sunk into the ground with windows at grade, rather than providing access with walkout basement doors.

Off-street parking in each Master Planned Development shall meet the requirements stated in Chapter 13 of the LMC, unless the Planning Commission chooses to vary these requirements in consideration of factors identified in Section 10.9(d). The applicant proposes 2 car garages for 24 of the units and one car garages with additional on-site parking for the remaining 12 units for a total of 72 parking spaces. Rather than impose additional parking on the landscaped buffer areas, staff has agreed that guest parking can be accommodated on-street along Jupiter Drive, which is a private drive (see Exhibit F).

Staff has reviewed the proposal and believes the plans conform to the density, setbacks, heights, and open space criteria as stated in the LMC. Staff also believes that the requirements of the Sensitive Lands Ordinance have been satisfied. The applicant provided the necessary setbacks from the wetlands area, intends to preserve significant vegetation, and has designed the rear of the structure to respect the sensitive nature of the open space by removing walkout patios and balconies. Staff has reviewed a preliminary landscape and grading plan.

Architectural character

Architectural details are in the final stages of design (Exhibit C). The current elevations show low profile, well articulated buildings. Board and batt siding, cedar trim, asphalt architectural grade shingles, log railing on balconies, and raised panel garage doors are proposed. The applicant proposes natural and earth tone colors with garage doors minimized by being partially recessed under a lower roof element. Painting garage doors the same as the siding or providing wooden doors will help minimize the "garage garage" that typically occurs in projects with individual garages spaced close together. Staff provided comments on several iterations to date and believes the proposed architecture is compatible with the surrounding area and generally meets the criteria for acceptable design as stated in Chapter 9 of the LMC.

The applicant has reduced the driveway width to 20' to accommodate additional shifting of buildings and units within buildings to provide additional articulation, shifting, and interest.

Vehicular Circulation

Staff reviewed the proposal for vehicular circulation and parking. The applicant has reduced the number of units by two from the original submittal to address some of the concerns. The original submittal had parallel parking at the south access drive of the project to provide additional parking, but staff had concerns about parking in this area. There is such a limited buffer between the parking and the adjacent condominiums in this area, that the applicant choose to remove this parking. The most recent plan shifts the southern most entrance to the north of building 10. The City Engineer and Chief Building Official are satisfied with this redesign (see Exhibits E and F). This new design keeps the vehicular traffic further from the existing Windrift condominiums and enhances the circulation and snow removal situation.

Pedestrian Circulation and Trails

Planning staff has worked with the City trails staff and the applicant to come up with an agreeable pedestrian trail through this property (see Exhibit G). The Trails Master Plan shows a Greenway Trail, with 8' of asphalt and 4' of crusher fines in this general location. The trail will be located on City property, east of McLeod Creek, where there is an old rail road grade. This trail provides a major connection to the McLeod Creek trail to the north and the Snowcreek/Saddleview trail to the south and east. The applicant has agreed to contribute \$16,000 to the construction of this trail. This figure is the City's current estimate for 6" of road base, filter fabric, 3" of asphalt (8' wide), and 2.5" of crusher fines (4' wide), based on bids received for the trails work currently being done. The City will construct the trail on City property. The City agrees to provide the land, rough grading, revegetation and landscaping, all signs and crossing bollards, and administration of the contract.

The applicant has also agreed to build an 8' asphalt connection to the Greenway Trail along his south property line and along Jupiter View Drive to Saddleview Drive. The applicant also agrees to construct the culvert crossing of McLeod Creek, which is on City property. The City will construct the trail over this crossing to connect up to the 8' asphalt connection.

All specifics of design, construction, timing, and financing of the proposed trail and the culvert or bridge crossing, will be described in an agreement between the applicant and the City, to be approved by the City Community Development and City Attorney prior to issuance of a building permit.

Public Input

Property owners within 300' of the project were notified on September 10, 1996. The property has been properly posted and legally noticed. As of the date of this report staff has received two phone calls from residents in McLeod Creek subdivision. One resident wanted additional information on the location of the project, believing it was on the north side of Holiday Ranch Loop road. The other resident was concerned about the heights and mass of the buildings as visible from her house looking towards the ski mountain. This resident also had concerns about the possibility of nightly rentals and the increase in transient housing in the area.

The Planning Commission held a public hearing on September 25, 1996. Several residents of the McLeod Creek Subdivision expressed concerns about this proposal. Their primary concerns included the following: 1) additional plantings, particularly large evergreen trees, to buffer the units along Holiday Ranch Loop Road, 2) traffic and safety issues, 3) traffic control for intersections and trail crossings, 4) ownership and security provisions of the CC& R's, and 5) lighting impacts on the residential subdivisions to the east. The applicant has agreed to additional landscaping and will install a stop sign at the intersection on Jupiter View and Holiday Ranch Loop.

IV. STAFF RECOMMENDATION

Staff has reviewed this application and believes that it complies with the requirements of the Land Management Code and Comprehensive Plan. Staff has considered the public input and Planning Commission discussion in recommending approval of the Parkview MPD, based upon the following findings of fact, conclusions of law, and conditions of approval.

Findings of Fact

1. This proposal requires a master planned development and a sensitive lands review due to the existence of wetlands on the property.
2. The proposed density of 36 units on the 5.24 acre site is appropriate given the surrounding land uses and development patterns.
3. The surrounding streets, Jupiter View Drive, Saddlevue Drive, Holiday Ranch Loop Road, are of a size and capacity to accommodate the traffic considerations of this development.
4. Utilities are available to sustain the anticipated property uses. The detailed construction plans for the project shall be submitted to the Community Development for review and approval.
5. The project is designed to allow adequate emergency vehicle access, by virtue of having several access points and smaller structures.
6. The off street parking and internal circulation system are adequate for the project and meet the parking required by the Land Management Code, Section 13.
7. The size and orientation of the structures proposed are compatible with the surrounding buildings and uses.
8. Open space, totaling 75% of the site meet the requirements of the LMC, Section 10.
9. A financial guarantee for all public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner.
10. A construction management and phasing plan is required to protect the existing units from construction disturbance and to minimize the impact of construction activity in the surrounding area.

11. A final agreement between the City and the applicant is necessary to formalize the applicant's agreement to contribute \$16,000 for construction of the Greenway trail on the City property directly to the east of this property. The applicant also agrees to construct the culvert crossing of McLeod Creek and the 8' asphalt paved connector trail from Saddleview to the Greenway Trail.
12. The applicant has agreed to provide evergreen trees between the units and Holiday Ranch Loop Road, as shown on the preliminary landscape plan.
13. The applicant has agreed to install a stop sign at the intersection of Jupiter View Drive and Holiday Ranch Drive.

Conclusions of Law

1. The proposed project complies with all requirements outlined in the Land Management Code, specifically Sections 7.6 and 10.
2. The proposed project complies with all requirements of the Sensitive Lands Ordinance.
3. The use as conditioned is compatible with surrounding structures in use, scale, mass, and circulation.
4. The use as conditioned is consistent with the Park City Comprehensive Plan.
5. Any effects in difference in use or scale have been mitigated through careful planning and/or conditions.

Conditions of Approval:

1. All standard project conditions shall apply.
2. A financial guarantee, for the value of all public improvements, landscaping, and trails to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City standards and accepted by the City Engineer prior to release of this guarantee.
3. A final plat or record of survey shall be submitted to the City for review and approval and shall be recorded at the County prior to issuance of certificate of occupancy for any unit. Conditions, Covenants, and Restrictions for this project shall be submitted to the City Attorney for review and shall be recorded at the time of plat recordation.
4. The Planning Department's review and approval of an overall landscape plan, showing existing and proposed vegetation, and including a detailed limits of

disturbance plan, is a condition precedent to issuance of a building permit for any of the units. The landscape plan shall also contain all information regarding project lighting.

5. All significant vegetation and wetlands, as indicated on the landscape plan, shall be protected from construction disturbance with temporary 6' high steel fencing, or other fencing acceptable to the City. Prior to "clean-up" and minor re-grading of the 50' buffer area, the applicant and City shall meet on the site to flag the areas to be regraded and those areas to be left undisturbed. The purpose being to retain the maximum number of significant vegetation, mostly willows and other native plants and shrubs. Revegetation of this area shall be done with native species acceptable to the Community Development Department staff.
6. The Developer shall provide a detailed Construction Management Plan (CMP), prior to issuance of any building permits, that addresses at a minimum the following:
 - a.) A construction staging, storage, circulation and parking plan.
 - b.) The developer shall instruct respective contractors that there is to be no wash out of concrete trucks ^{on} on-site landscape areas. Further, the developer shall identify any off-site dirt storage sites, obtain written permission by the owner and post a financial surety, to the satisfaction of the City, that will provide for the rehabilitation of the said storage site.
 - c.) A landscape plan shall be submitted and approved prior to any construction activity on site.
 - d.) Any temporary parking signs, subject to Public Works Director and City Engineer approval, shall be addressed in the CMP.
 - e.) The applicant shall comply with Utah Air Quality standards, regarding dust mitigation, and with any applicable Utah Water Quality standards and shall provide any necessary permits or evidence of compliance prior to issuance of building construction. Park City does not guarantee or monitor compliance with these standards.
 - f.) An existing conditions survey that identifies and determines existing grade shall be conducted by the applicant and submitted prior to issuance of a footing and foundation permit. This survey shall assist the Community Development Department in determining the grade for measurement of height of this project as defined in the Land Management Code.
7. An agreement, reviewed and approved by the Community Development Department and the City Attorney, regarding the construction of a Greenway Trail and an 8' paved asphalt connector trail shall be signed by the City and applicant as a condition

precedent to issuance of a full building permit for any of the units. The applicant agrees to contribute \$16,000 towards the Greenway Trail to be constructed by the City on the old railroad grade directly east of this property. The applicant agrees to construct the culvert crossing and the 8' asphalt trail connection from Saddlevue Drive to the Greenway Trail.

8. The applicant shall obtain all necessary permits required by the Army Corps of Engineers for all work in the wetland area for the sewer connection and trail crossing.
9. Final architectural design and colors will be reviewed and approved by the Community Development staff.
10. All proposed signs require a sign permit, reviewed and approved by the Community Development Department.
11. The City Engineer shall review and approve appropriate grading, utility, public improvements and drainage plans for compliance with City standards as a condition precedent to permit issuance.
12. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans.

V. **EXHIBITS**

- A. LOCATION MAP
- B. SITE PLAN
- C. ELEVATIONS
- D. PRELIMINARY LANDSCAPE PLAN *(See Large 24x36 Plans)*

Planning Commission Meeting
Minutes of October 9, 1996
Page 2

appreciation for the time Commissioner Larson has spent with the HDC.

Commissioner Hays reported on a phone call from Francine Beline expressing concern and opposition to the density proposed for Flagstaff.

Commissioner O'Hara reported he had received a visit from Steve Christensen who opposed the Flagstaff development primarily due to density and traffic issues. He reported that he had also received a letter from Tom and Mary MacIntosh strongly opposing the Flagstaff annexation and development.

IV. CONSENT AGENDA

1.561 Park Avenue - CUP for accessory apartment

2.Jupiter View Drive, Parkview Subdivision - MPD

MOTION: Commissioner Larson moved to APPROVE the Consent Agenda. Commissioner Zimney seconded the motion.

VOTE: The motion passed unanimously.

Conditions of Approval - 561 Park Avenue

- 1.The applicant shall submit building plans to the Community Development Department for Historic District design review and approval. All construction shall meet requirements set forth in the Land Management Code and the Uniform Building Code.
- 2.The Conditional Use Permit for the accessory apartment shall not be issued until remodel of the main structure has been completed and the size requirements have been satisfied.
- 3.The Conditional Use permit will be reviewed one year after the Certificate of Occupancy is issued.
- 4.The applicant shall execute and record a restrictive covenant, in a form acceptable to the City Attorney, prohibiting the use of the accessory apartment as a nightly rental. The restrictive covenant shall also state that the permit for the accessory apartment does not run with the land and is automatically invalidated by the sale or transfer of this property.
- 5.One unit shall be occupied by the owner of the structure and the accessory apartment shall not be sold separately.

6. All setbacks and encroachment issues shall be resolved prior to issuance of a building permit for construction of the accessory apartment.

Conditions of Approval - 2260 Jupiter View Drive

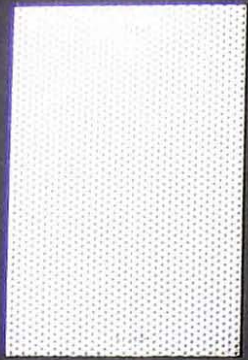
1. All standard project conditions shall apply.
2. A financial guarantee, for the value of all public improvements, landscaping, and trails to be completed, shall be provided to the City prior to plat recordation. All public improvements shall be completed according to City Standards and accepted by the City Engineer prior to release of this guarantee.
3. A final plat or record of survey shall be submitted to the City for review and approval and shall be recorded at the County prior to issuance of certificate of occupancy for any unit. Conditions, Covenants, and Restrictions for this project shall be submitted to the City Attorney for review and shall be recorded at the time of plat recordation.
4. The Planning Department's review and approval of an overall landscape plan showing existing and proposed vegetation and including a detailed limits of disturbance plan, is a condition precedent to issuance of a building permit for any of the units. The landscape plan shall also contain all information regarding project lighting.
5. All significant vegetation and wetlands, as indicated on the landscape plan, shall be protected from construction disturbance with temporary 6' high steel fencing or other fencing acceptable to the City. Prior to "clean up" and minor re-grading of the 50' buffer area, the applicant and the City shall meet on the site to flag the areas to be regraded and those areas to be left undisturbed, the purpose being to retain the maximum number of significant vegetation, mostly willows and other native plants and shrubs. Revegetation of this area shall be done with native species acceptable to the Community Development Department staff.
6. The Developer shall provide a detailed Construction Management Plan (CMP) prior to issuance of any building permits, that addresses, at a minimum, the following:
 - a) A construction staging, storage, circulation and parking plan.
 - b) The developer shall instruct respective contractors that there is to be no wash out of concrete trucks on on-site landscape areas. Further, the developer shall identify any off-site dirt storage sites, obtain written permission by the owner, and post a financial surety to

the satisfaction of the City that will provide for the rehabilitation of said storage site.

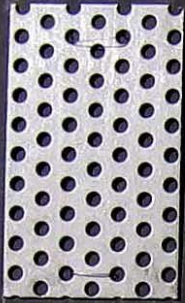
- c) A landscape plan shall be submitted and approved prior to any construction activity on site.
- d) Any temporary parking signs, subject to Public Works Director and City Engineer approval, shall be addressed in the CMP.
- e) The applicant shall comply with Utah Air Quality standards regarding dust mitigation and with any applicable Utah Water Quality standards and shall provide any necessary permits or evidence of compliance prior to issuance of a footing and foundation permit. This survey shall assist the Community Development Department in determining the grade for measurement of height of this project as defined in the Land Management Code.

- 7. An agreement, reviewed and approved by the Community Development Department and the City Attorney, regarding the construction of a Greenway Trail and an 8' paved asphalt connector trail shall be signed by the City and applicant as a condition precedent to issuance of a full building permit for any of the units. The applicant agrees to contribute \$16,000 towards the Greenway Trail to be constructed by the City on the old railroad grade directly east of this property. The applicant agrees to construct the culvert crossing and the 8' asphalt trail connection from Saddlevue Drive to the Greenway Trail.
- 8. The applicant shall obtain all necessary permits required by the Army Corps of Engineers for all work in the wetland areas for the sewer connection and trail crossing.
- 9. Final architectural design and colors will be reviewed and approved by the Community Development Staff.
- 10. All proposed signs require a sign permit, reviewed and approved by the Community Development Department.
- 11. The City Engineer shall review and approve appropriate grading, utility, public improvements and drainage plans for compliance with City standards as a condition precedent to permit issuance.
- 12. The Snyderville Basin Sewer Improvement District shall review and approve the sewer plans.

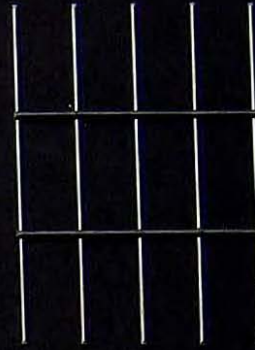
Exhibit D – Proposed materials board (photo)



PRIVACY SCREEN MATERIAL



RAILING AND SCREEN
COLOR OPTIONS



RAILING SCREEN MATERIAL



PATIO DOOR OPTION
(EXISTING OPENING)



LIGHT TREE
FIXTURE

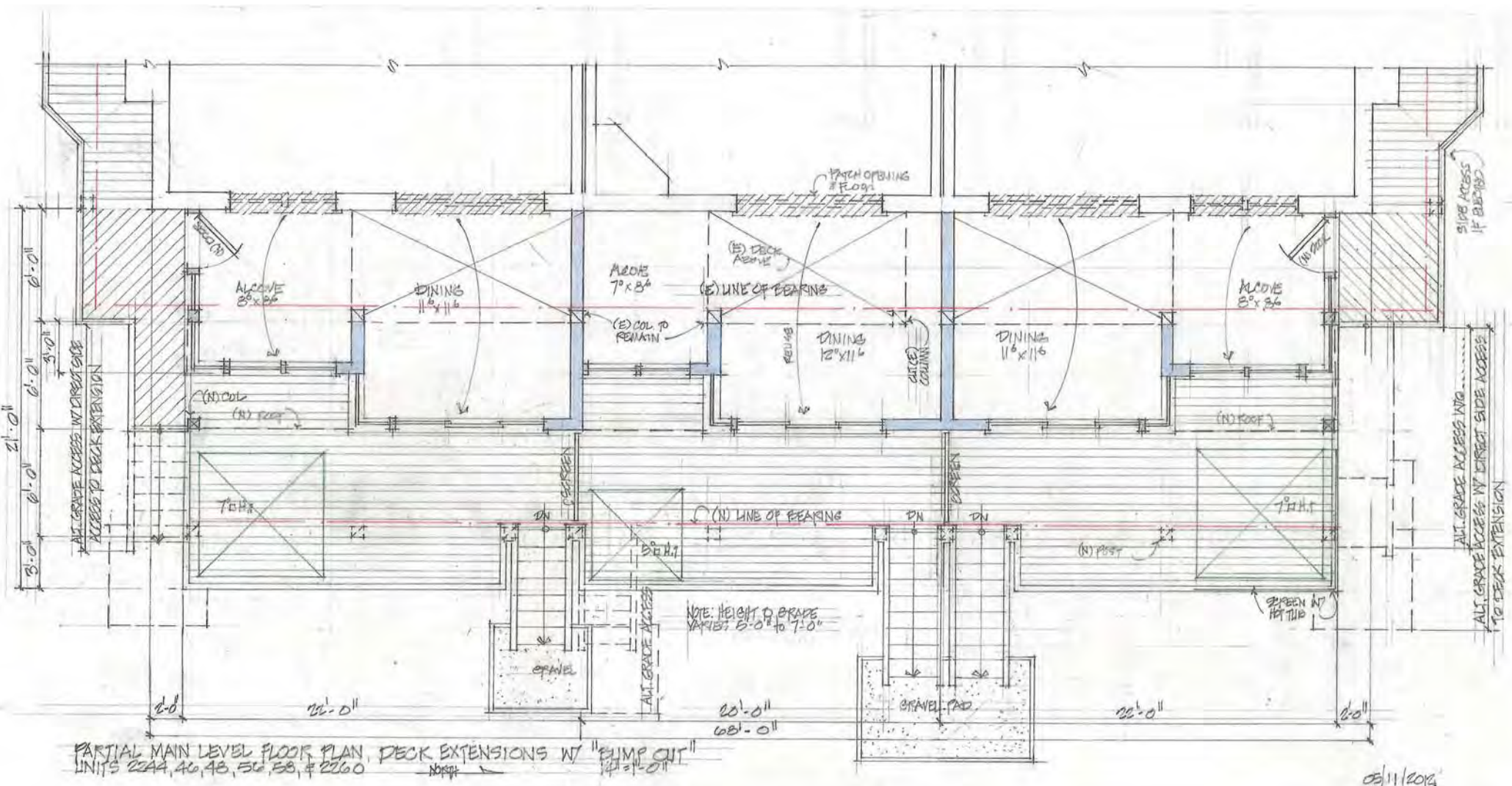


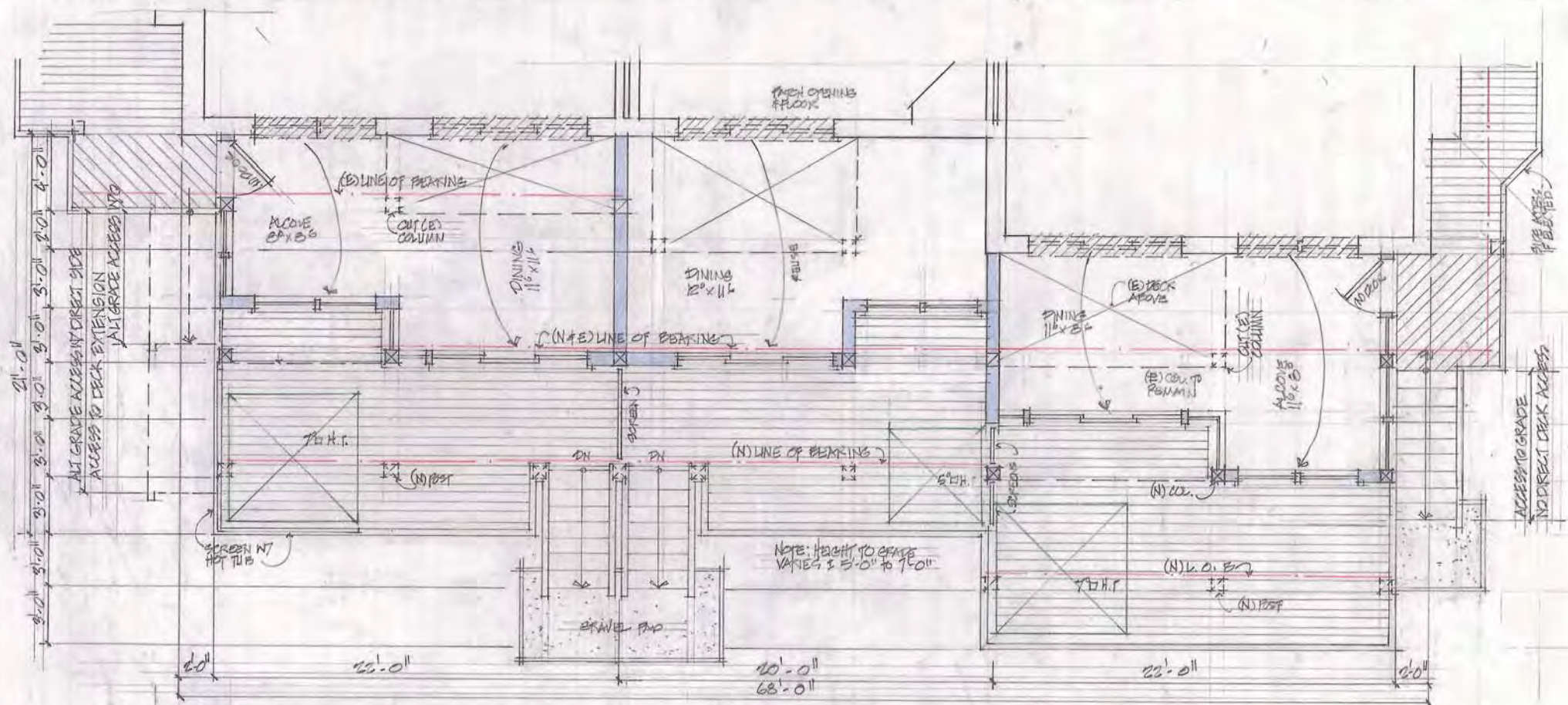
DECKING & RAIL TRIM MATERIAL
"CUMARU" BRAZILIAN MAHOAGANY

PARK VIEW CONDOMINIUMS - PROPOSED EAST-FACING DECK IMPROVEMENTS - MATERIAL BOARD AND DETAIL

elliott workgroup | project: 2011-13 | park city, utah







PARTIAL MAIN LEVEL FLOOR PLAN, DECK EXTENSIONS W/ "BUMP OUT"
 UNITS 2280, 40, 42, 50, 52, & 2254
 North → 1/4" = 1'-0"

05/08/2012





Exhibit E – Discrepancy Spread Sheet

Unit No	Unit	Basement shown in error on existing Plat	Basement Exist	Main Level Exist	Main Level Deck shown in error on existing plat	Main Deck Exist	Main Level New	Main Deck New	Second Level Exist	Upper Deck Exist
1	2272	603	No Basement	1068	108	No Deck	1068	No Deck	744	108
2	2270	558	No Basement	878	80	No Deck	878	No Deck	721	81
3	2268	555	No Basement	878	36	No Deck	878	No Deck	744	46
4	2266		603	1068		46	1068	139	744	46
5	2264		558	878		81	1107	168	721	81
6	2262		603	1068		107	1334	203	744	107
7	2260		603	1068		107	1334	203	744	107
8	2258		558	878		81	1107	168	721	81
9	2256		603	1068		107	1334	203	744	107
10	2254		603	1068		107	1334	203	744	107
11	2252		558	878		81	1107	168	721	81
12	2250		603	1068		107	1334	203	744	107
13	2248		603	1068		107	1334	203	744	107
14	2246		558	878		81	1107	168	721	81
15	2244		603	1068		107	1334	203	744	107
16	2242		603	1068		107	1334	203	744	107
17	2240		558	878		81	1107	168	721	81
18	2238		603	1068		46	1334	203	744	46
19	2236		603	1068		107	1198	203	744	107
20	2234		558	878		81	993	168	721	81
21	2232		603	1068		107	1334	203	721	107
22	2224		603	1068		107	1334	203	744	107
23	2222		558	878		81	993	168	721	81
24	2220		603	1068		107	1198	203	744	107
25	2212		603	1068		107	1198	203	744	107
26	2210		558	878		81	993	268	721	81
27	2208		603	1068		107	1198	203	744	107
28	2202	603	No Basement	1068	108	No Deck	1068	No Deck	744	107
29	2204	558	No Basement	878	80	No Deck	878	No Deck	721	81
30	2206	603	No Basement	1068	108	No Deck	1068	No Deck	744	107
31	2214	603	No Basement	1068	108	No Deck	1068	No Deck	744	46
32	2216	558	No Basement	878	80	No Deck	878	No Deck	721	81
33	2218	603	No Basement	1068	108	No Deck	1068	No Deck	744	107
34	2226	603	No Basement	1068	108	No Deck	1068	No Deck	744	107
35	2228	558	No Basement	878	80	No Deck	878	No Deck	721	81
36	2230	603	No Basement	1068	108	No Deck	1068	No Deck	744	107
	Totals	7008	14112	35978	1112	2238	40914	4628	26485	3297

Unit No	Unit	Basement shown in error on existing Plat	Basement Exist	Main Level Exist	Main Level Deck shown in error on existing plat	Main Deck Exist	Main Level New	Main Deck New	Second Level Exist	Upper Deck Exist	
Comments:											
	Sq Ft on Recorded Plat with Basement and Deck Error							90,230			
	Sq Ft on Recorded Plat with Basement and Deck Error removed							82,110			
	Proposed new Sq Ft with all errors corrected							89,436			

Planning Commission Staff Report



Subject: LMC Amendments
Author: Francisco Astorga, Planner
Date: May 8, 2013
Type of Item: Legislative – LMC Amendments
Height in the Historic Residential and the RC Districts.

Summary Recommendations

Staff recommends that the Planning Commission review the proposed amendments to the Land Management Code (LMC) for Chapter 2 as described in this report, open the public hearing, and consider forwarding a positive recommendation to the City Council to adopt the ordinance as presented in Exhibit A.

Description

Project Name: LMC Amendments – Regarding development in the HRL, HR-1, HR-2, and RC Districts
Applicant: Planning Department
Proposal: Revisions to the Land Management Code

Background

The Planning Commission originally discussed the definition of story during a work session discussion on August 22, 2012. Then during a Planning Commission work session discussion held on September 12, 2012 staff recommended reviewing the interpretation of a “story” as currently defined in the LMC. During this meeting, the Commission showed concerns regarding the current Building Height parameters and how they applied to split-level concepts. It was interpreted that a three (3) story split-level per the current LMC definition of a story would qualify as multiple stories adding up to six (6). Staff introduced an additional regulation which was based on the internal height of a structure measured from the lowest floor level to the highest roof form. Planning Director Eddington indicated that the Planning Staff would work with different scenarios and come back with alternatives.

During a regular meeting dated September 26, 2012, Staff introduced amendments to the LMC to address planning and zoning issues that came up in the past year. The proposed amendments provided clarification and streamlining of processes, procedures, and definitions, etc. During this meeting the same maximum internal height measurement was drafted.

During the September 26, 2012 meeting, many items were forwarded to the City Council for review and possible adoption. Regarding Building Height measurement and story definition, the Commission continued the proposed amendments to a later date. The Planning Commission found the exhibits in the Staff report to be helpful, but expected additional information based on the discussion at the last meeting. The

Commission requested to see an exercise on a variety of un-built lots in Old Town, both downhill and uphill, that maxes out the heights using stories as an example to see what the mass and scale and height would do. The Commission requested to see an idea of “worst case” scenario. The Planning Department committed to provide a variety of examples on un-built lots, however, it was recognized that many lots do not have historic structures on them which can be demolished through an administrative building permit. The Planning Department proposed to come back with the information requested as well as other scenarios they had created for massing and volume on various slopes. The Planning Commission would be able to see how different aspects of the LMC work in each scenario depending on the slope.

During the November 28, 2012 Planning Commission meeting many other items were forwarded to the City Council for review and possible adoption including the new Building Height parameter to limit the maximum internal height of a building. Because of the amount of LMC amendments Staff was unable to deliver the prepared presentation on stories as the Planning Commission requested to continue the presentation to December 12, 2012.

On December 12, 2012 the Planning Department prepared the different scenarios and wanted to hear as much input as possible from the Planning Commission. Due to the late hour that evening, there was not enough time to sufficiently review the scenarios and give the Planning Commission the opportunity to brainstorm and provide comments. Staff briefly reviewed some of the visuals to give the Planning Commission and the public a preview of the massing scenarios.

On January 9, 2013 the Planning Department discussed with the Planning Commission specific scenarios regarding Building Height in the Historic Residential Districts (HRL, HR-1, & HR-2) through a hands-on exercise relating to **downhill** lots.

On February 13, 2013 the Planning Department discussed with the Planning Commission specific scenarios regarding Building Height in the Historic Residential Districts (HRL, HR-1, & HR-2) through a hands-on exercise relating to **uphill** lots. These last two Planning Commission work session discussions were based on the current Building Height parameters which include the following:

- No structure shall be erected to a height greater than twenty-seven feet (27') from existing grade.
- Final grade must be within four (4) vertical feet of existing grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and garage entrance.
- A structure may have a maximum of three (3) stories. A basement counts as a first story.
- A ten (10) foot minimum horizontal step in the downhill façade is required for a third (3rd) story of a structure unless the first story is located completely under the finish grade on all sides of the structure.

- Roof pitch must be between 7:12 and 12:12. A green roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch.
- Garage on Downhill Lot building height exception: The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

The direction received from the Planning Commission, which resulted from the many different meetings shown herein, was to replace the current requirement of a maximum of three (3) stories with an internal maximum height provision. The Planning Commission did not feel inclined to amend the other Building Height parameters such as the maximum building height of twenty-seven feet (27') measured from existing grade, the required roof pitch, etc.

The Recreation Commercial District (RC) District has specific requirements for single family dwellings and duplexes under LMC § 15-2.16-5. Subsection L & M refers to Building Height which mirrors the same language for the HRL, HR-1, and HR-2. If the Building Height is amendment for these three (3) Historic Residential Districts, this same language should also be amended in the RC District to reflect the same standard for consistency.

Building Height Analysis

Currently, the specific height of a story is not codified. The LMC defines a story as the following below:

The vertical measurement between floors taken from finish floor to finish floor. For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall plate for the roof Structure.

There is no maximum or minimum number of feet. The height of a structure is simply measured from existing grade, not to exceed twenty-seven feet (27'). After analyzing the impacts of the "split-levels" and more specifically "multiple split-levels" concept on a standard lot of record and possibly over longer lots, staff recommends adding another provision to the LMC related to Building Height. By regulating the maximum internal height measured from the lowest finished floor to the highest roof form, the mass, volume, and scale of the "split-level" can be limited so that they do not step up and down the topography. Staff recommends that the Commission recommend to the City Council adding the following regulation to the Building Height parameters to replace the current three (3) story maximum requirement:

The internal height of a structure measured from the lowest point of the finished floor level to the highest exterior ridge point shall not exceed the number based on the following table:

<i>Roof pitch:</i>	<i>Maximum internal height</i>
<i>7:12</i>	<i>38 feet</i>
<i>8:12</i>	<i>39 feet</i>
<i>9:12</i>	<i>40 feet</i>
<i>10:12</i>	<i>41 feet</i>
<i>11:12</i>	<i>42 feet</i>
<i>12:12</i>	<i>43 feet</i>

A Structure which has a Green Roof shall be limited to a maximum internal height of thirty-three feet (33').

This regulation allows the “split-level” concept (internally) but regulates the vertical area that can be used to accommodate such concept. These figures were derived from having three (3) stories (or levels) measuring a maximum eleven feet (11’) including floor joists, and the vertical distance given each roof pitch mandated within the Historic Residential Districts. Currently the LMC mandates that a roof pitch shall be between 7:12 to 12:12.

Instead of recommending one *solve all number* for the various roof forms, staff finds that it would be beneficial to have a different internal height per roof pitch. This way, there is more liberty to each specific design while at the same time controlling where more volume can be accommodated, e.g. we would want to avoid all of the designs coming back with the minimum 7:12 roof pitch and having maximized plate heights. The maximum eleven (11’) story will eliminate this. The table above **does** allow for taller internal height only with steeper roof pitches.

During the work session discussions and regular Planning Commission meetings regarding the LMC annual review, the Planning Department also discussed adding an exception to the required roof pitch for additions to Historic Structures if they can be found in compliance with the Design Guidelines for Historic Districts and Historic Sites. Staff recommends adding the following language to the exception section of each one of the Historic Residential Districts (HRL, HR-1 & HR-2), as well as the Recreation Commercial District (RC) specifically for single family dwellings and duplexes:

ROOF PITCH. *Exceptions to the minimum roof pitch requirements may be granted by the Planning Director during the Historic District Design Review approval process based on compliance with review criteria as stated in the Park City Design Guidelines for Historic Districts and Historic Sites. Such exceptions to roof pitch may be granted to allow historic roof forms for additions to Historic Structures when the proposed roof pitch is compatible with the style of architecture. The internal height of a proposed addition to a Historic Structure measured from the lowest point of the finished floor level to the highest exterior ridge point shall be limited to the following table:*

<i>Roof pitch:</i>	<i>Maximum internal height</i>
<i>1:12</i>	<i>34 feet</i>
<i>2:12 – 3:12</i>	<i>35 feet</i>
<i>4:12</i>	<i>36 feet</i>
<i>5:15 – 6:12</i>	<i>37 feet</i>

Existing Historic Structures Analysis

Staff recognizes that the three (3) Historic Residential Districts and the RC District contain the following language related to existing historic structures:

Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

[...]

Staff recommends adding language that indicates that includes Building Footprint and Building Height to the provision that would indicate that Historic Structures that do not comply with these additional parameters are also considered valid Non-Complying Structures. The proposed language would read as follows:

*Structures that do not comply with Building Setbacks, **Building Footprint, Building Height**, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.*

[...]

Process

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

Notice

Legal notice of a public hearing was posted in the required public spaces and published in the Park Record.

Public Input

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

for these amendments was properly and legally noticed as required by the Land Management Code.

Significant Impacts

The proposed amendments provide clarification of the Existing Historic Structures and Building Height as currently outlined in the LMC. The amendments address the mass and scale of new construction as it relates to residential development in the Historic District. Existing structures which do not conform to these regulations will be treated as non-conforming Structures and regulated under LMC § 15-9-6.

Recommendation

Staff recommends that the Planning Commission review the proposed amendments to the Land Management Code (LMC) for Chapter 2 as described in this report, open the public hearing, and consider forwarding a positive recommendation to the City Council to adopt the ordinance as presented in Exhibit A.

Exhibits

- Exhibit A – Proposed Ordinance
- Exhibit B – Planning Commission work session discussion minutes 8.22.2012
- Exhibit C – Planning Commission work session discussion minutes 9.12.2012
- Exhibit D – Planning Commission regular meeting minutes 9.26.2012
- Exhibit E – Planning Commission regular meeting minutes 11.28.2012
- Exhibit F – Planning Commission work session discussion minutes 1.09.2013
- Exhibit G – Planning Commission work session discussion minutes 2.13.2013

AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE OF PARK CITY, UTAH, REVISING SECTIONS 15-2.1-4, 15-2.1-5, 15-2.2-4, 15-2.2-5, 15-2.3-5, 15-2.3-6, 15-2.16-5(L), 15-2.16-5(M), & 15-2.16-6 REGARDING EXISTING HISTORIC STRUCTURES AND BUILDING HEIGHT IN THE HRL, HR-1, HR-2, & RC DISTRICTS.

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

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

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

WHEREAS, the City's goals include preservation of Park City's character regarding Old Town improvements, historic preservation, sustainability, affordable housing, and protecting Park City's residential neighborhoods and commercial districts; and

WHEREAS, the City's goals include maintaining effective transportation and parking, maintaining the resort community regarding architectural consistency and excellent design and enhancing the economic viability of Park City's Main Street Business Districts; and

WHEREAS, Chapters 2.1, 2.2, and 2.3 Historic Residential Districts (HRL, HR-1, and HR-2) and Chapter 2.16 Recreation Commercial (RC) District, provide a description of requirements, provisions and procedures specific to these zoning districts that the City desires to clarify and revise. These revisions concern existing historic structures and building height; and

WHEREAS, the Planning Commission held work session discussions on August 22, 2012, September 12, 2012, January 9, 2013, and February 13, 2013 and provided input and direction during their regular meetings on September 26, 2012 and November 28, 2012 and discussed the proposed LMC amendments as outlined in this report; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on May 8, 2013, and forwarded a positive recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on _____, 2013; and

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

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2- Sections 15-2.1, 15-2.2, 15-2.3, and 15-2.16. The recitals above are incorporated herein as findings of fact. Chapter 15-2.1, 15-2.2, 15-2.3, and 15-2.16 of the Land Management Code of Park City are hereby amended as redlined (see Attachment 1).

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2013

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

Attachment 1

Chapter 2.1 - Historic Residential-Low Density (HRL) District

15-2.1-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

- (1) Upon approval of a Conditional Use permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International Building and Fire Codes.

15-2.1-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirement must be met:

~~(A) — A Structure may have a maximum of three (3) stories. A basement counts as a Story within this zone. Attics that are not Habitable Space do not count as a Story.~~

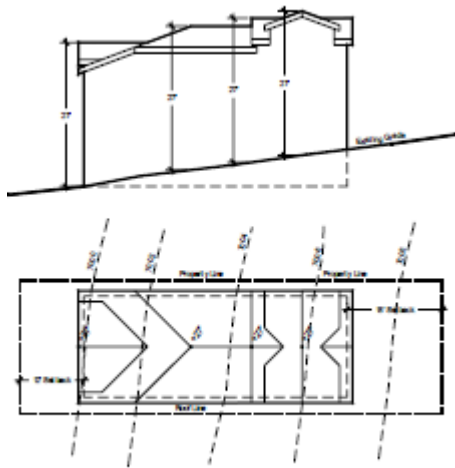
~~(BA)~~ A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the First Story is located completely under the finish grade on all sides of the Structure. On a Structure in which the First Story is located completely under finish grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed.

~~(CB)~~ **ROOF PITCH.** Roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch.

(C) INTERNAL HEIGHT. The internal height of a structure measured from the lowest point of the finished floor level to the highest exterior ridge point shall not exceed the number based on the following table:

<u>Roof pitch:</u>	<u>Maximum internal height</u>
<u>7:12</u>	<u>41 feet</u>
<u>8:12</u>	<u>42 feet</u>
<u>9:12</u>	<u>43 feet</u>
<u>10:12</u>	<u>44 feet</u>
<u>11:12</u>	<u>45 feet</u>
<u>12:12</u>	<u>46 feet</u>

A Structure which has a Green Roof shall be limited to a maximum internal height of thirty-three feet (33').



(D) BUILDING HEIGHT EXCEPTIONS. The following height exceptions apply:

(1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(2) Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.

(3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:

(a) The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.

(b) The proposed option is the only feasible option for the elevator on the Site.

(c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) **GARAGE ON DOWNHILL LOT.** The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

(5) **ROOF PITCH.** Exceptions to the minimum roof pitch requirements may be granted by the Planning Director during the Historic District Design Review approval process based on compliance with review criteria as stated in the Park City Design Guidelines for Historic Districts and Historic Sites. Such exceptions to roof pitch may be granted to allow historic roof forms for additions to Historic Structures when the proposed roof pitch is compatible with the style of architecture. The internal height of the proposed addition to the Historic Structure measured from the lowest point of the finished floor level to the highest exterior ridge point shall be limited to the following table:

<u>Roof pitch:</u>	<u>Maximum internal height</u>
<u>1:12</u>	<u>34 feet</u>
<u>2:12 – 3:12</u>	<u>35 feet</u>
<u>4:12</u>	<u>36 feet</u>
<u>5:15 – 6:12</u>	<u>37 feet</u>

Chapter 2.2 - Historic Residential (HR-1) District

15-2.2-4. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. All Conditional Uses shall comply with parking requirements of Chapter 15-3.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Historic District Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings:

- (1) Upon approval of a Conditional Use permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International Building and Fire Codes.

15-2.2-5. BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

~~(A) — A structure may have a maximum of three (3) stories. A basement counts as a First Story within this zone. Attics that are not Habitable Space do not count as a Story.~~

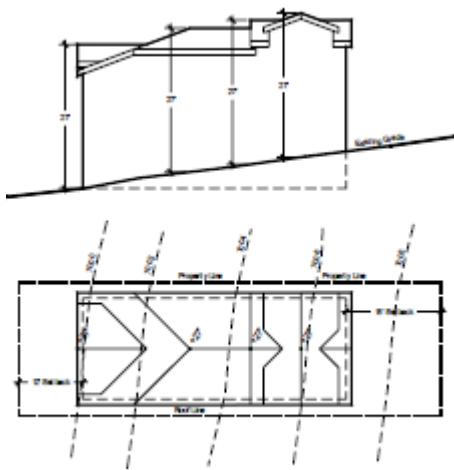
~~(BA)~~ A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the First Story is located completely under the finish Grade on all sides of the Structure. On a Structure in which the First Story is located completely under finish Grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed.

~~(CB)~~ **ROOF PITCH.** Roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch.

~~(C)~~ **INTERNAL HEIGHT.** The internal height of a structure measured from the lowest point of the finished floor level to the highest exterior ridge point shall not exceed the number based on the following table:

<u>Roof pitch:</u>	<u>Maximum internal height</u>
<u>7:12</u>	<u>38 feet</u>
<u>8:12</u>	<u>39 feet</u>
<u>9:12</u>	<u>40 feet</u>
<u>10:12</u>	<u>41 feet</u>
<u>11:12</u>	<u>42 feet</u>
<u>12:12</u>	<u>43 feet</u>

A Structure which has a Green Roof shall be limited to a maximum internal height of thirty-three feet (33').



(AD) BUILDING HEIGHT EXCEPTIONS. The following height exceptions apply:

- (1) Antennas, chimneys, flues, vents, or similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.
- (3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:
 - (a) The proposed height exception is only for the Area of the elevator. No increase in square footage is being achieved.
 - (b) The proposed option is the only feasible option for the elevator on the Site.
 - (c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) **GARAGE ON DOWNHILL LOT.** The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

(5) **ROOF PITCH.** Exceptions to the minimum roof pitch requirements may be granted by the Planning Director during the Historic District Design Review approval process based on compliance with review criteria as stated in the Park City Design Guidelines for Historic Districts and Historic Sites. Such exceptions to roof pitch may be granted to allow historic roof forms for additions to Historic Structures when the proposed roof pitch is compatible with the style of architecture. The internal height of the proposed addition to the Historic Structure measured from the lowest point of the finished floor level to the highest exterior ridge point shall be limited to the following table:

<u>Roof pitch:</u>	<u>Maximum internal height</u>
<u>1:12</u>	<u>34 feet</u>
<u>2:12 – 3:12</u>	<u>35 feet</u>
<u>4:12</u>	<u>36 feet</u>
<u>5:15 – 6:12</u>	<u>37 feet</u>

Chapter 2.3 - Historic Residential (HR-2) District

15-2.3-5. EXISTING HISTORIC STRUCTURES.

Historic Structures that do not comply with Building Footprint, Building Height, Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Design Guidelines for Park City's Historic Districts and Historic Sites, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings, including detached single car Garages:

- (1) Upon approval of a Conditional Use permit,
- (2) When the scale of the addition, Garage, and/or driveway location is Compatible with the historic character of the surrounding residential neighborhood and the existing Historic Structure,
- (3) When the new Construction complies with all other provisions of this Chapter, and
- (4) When the new Construction complies with the Uniform Building and Fire Codes and snow shedding and snow storage issues are mitigated.

15-2.3-6 BUILDING HEIGHT.

No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade. This is the Zone Height.

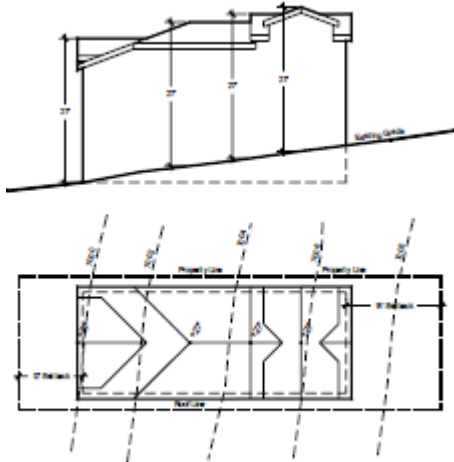
Final Grade must be within four vertical feet (4') from Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The Planning Commission may grant an exception to the Final Grade requirement as part of a Master Planned Development within Subzone A where Final Grade must accommodate zero lot line Setbacks. The following height requirements must be met:

~~(A) A Structure may have a maximum of three (3) stories. A basement counts as a First Story within this zone. Attics that are not Habitable Space do not count as a Story. The Planning Commission may grant an exception to this requirement as part of a Master Planned Development within Subzone A for the extension of below Grade subterranean HCB Commercial Uses.~~

(BA) A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the First Story is located completely under the finish Grade on all sides of the Structure. The Planning Commission may grant an exception to this requirement

as part of a Master Planned Development within Subzone A consistent with MPD requirements of Section 15-6-5(F). On a Structure in which the First Story is located completely under finish Grade, a side or rear entrance into a garage which is not visible from the front façade or Street Right-of-Way is allowed.

(EB) ROOF PITCH. Roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch.



(C) INTERNAL HEIGHT. The internal height of a structure measured from the lowest point of the finished floor level to the highest exterior ridge point shall not exceed the number based on the following table:

<u>Roof pitch:</u>	<u>Maximum internal height</u>
<u>7:12</u>	<u>38 feet</u>
<u>8:12</u>	<u>39 feet</u>
<u>9:12</u>	<u>40 feet</u>
<u>10:12</u>	<u>41 feet</u>
<u>11:12</u>	<u>42 feet</u>
<u>12:12</u>	<u>43 feet</u>

A Structure which has a Green Roof shall be limited to a maximum internal height of thirty-three feet (33').

(D) BUILDING HEIGHT EXCEPTIONS. The following height exceptions apply:

- (1) An antenna, chimney, flue, vent, or similar Structure, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.

(2) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(3) **ELEVATOR ACCESS.** The Planning Director may allow additional height to allow for an elevator compliant with American Disability Act (ADA) standards. The Applicant must verify the following:

(a) The proposed height exception is only for the Area of the elevator. No increase in square footage of the Building is being achieved.

(b) The proposed option is the only feasible option for the elevator on the Site.

(c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.

(4) **GARAGE ON DOWNHILL LOT.** The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from existing Grade.

(5) **ROOF PITCH.** Exceptions to the minimum roof pitch requirements may be granted by the Planning Director during the Historic District Design Review approval process based on compliance with review criteria as stated in the Park City Design Guidelines for Historic Districts and Historic Sites. Such exceptions to roof pitch may be granted to allow historic roof forms for additions to Historic Structures when the proposed roof pitch is compatible with the style of architecture. The internal height of the proposed addition to the Historic Structure measured from the lowest point of the finished floor level to the highest exterior ridge point shall be limited to the following table:

<u>Roof pitch:</u>	<u>Maximum internal height</u>
<u>1:12</u>	<u>34 feet</u>
<u>2:12 – 3:12</u>	<u>35 feet</u>
<u>4:12</u>	<u>36 feet</u>
<u>5:15 – 6:12</u>	<u>37 feet</u>

Chapter 2.16 – Recreation Commercial (RC) District.

15-2.16-5. SPECIAL REQUIREMENTS FOR SINGLE FAMILY AND DUPLEX DWELLINGS.

[...]

(L) **BUILDING HEIGHT.** No Single Family or Duplex Dwelling Structure shall be erected to a height greater than twenty-seven feet (27'). This is the Zone Height for Single Family and Duplex Dwellings. Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the Structure, except for the placement of approved window wells, emergency egress, and a garage entrance. The following height requirements must be met:

~~(1) — A structure may have a maximum of three (3) stories. A basement counts as a First Story within this zone.~~

~~(21)~~ A ten foot (10') minimum horizontal step in the downhill façade is required for a third (3rd) Story of a Structure unless the First Story is located completely under the finished Grade on all sides of the Structure. On a structure in which the first Story is located completely under finished Grade, a side or rear entrance into a garage which is not visible from the front façade of Street Right-of-Way is allowed.

~~(32)~~ Roof Pitch. Roof pitch must be between seven:twelve (7:12) and twelve:twelve (12:12). A Green Roof or a roof which is not part of the primary roof design may be below the required 7:12 pitch.

~~(3) **INTERNAL HEIGHT.** The internal height of a structure measured from the lowest point of the finished floor level to the highest exterior ridge point shall not exceed the number based on the following table:~~

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<u>12:12</u>	<u>43 feet</u>

~~A Structure which has a Green Roof shall be limited to a maximum internal height of thirty-three feet (33').~~

(M) **BUILDING HEIGHT EXCEPTIONS.** The following height exceptions apply:

- (1) Antennas, chimneys, flues, vents, and similar Structures, may extend up to five feet (5') above the highest point of the Building to comply with International Building Code (IBC) requirements.
- (2) Water towers, mechanical equipment, and associated Screening, when Screened or enclosed, may extend up to five feet (5') above the height of the Building.
- (3) Elevator access. The Planning Director may allow additional height to allow for an elevator compliant with the American Disability Acts standards. The Applicant must verify the following:
 - (a) The proposed height exception is only for the Area of the elevator. No increase in square footage is being achieved.
 - (b) The proposed option is the only feasible option for the elevator on the site.
 - (c) The proposed elevator and floor plans comply with the American Disability Act (ADA) standards.
- (4) Garage on Downhill Lot. The Planning Director may allow additional height on a downhill Lot to accommodate a single car garage in a tandem configuration. The depth of the garage may not exceed the minimum depth for an internal Parking Space as dimensioned within this Code, Section 15-3. Additional width may be utilized only to accommodate circulation and an ADA elevator. The additional height may not exceed thirty-five feet (35') from Existing Grade.

(5) **ROOF PITCH.** Exceptions to the minimum roof pitch requirements may be granted by the Planning Director during the Historic District Design Review approval process based on compliance with review criteria as stated in the Park City Design Guidelines for Historic Districts and Historic Sites. Such exceptions to roof pitch may be granted to allow historic roof forms for additions to Historic Structures when the proposed roof pitch is compatible with the style of architecture. The internal height of the proposed addition to the Historic Structure measured from the lowest point of the finished floor level to the highest exterior ridge point shall be limited to the following table:

<u>Roof pitch:</u>	<u>Maximum internal height</u>
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<u>2:12 – 3:12</u>	<u>35 feet</u>
<u>4:12</u>	<u>36 feet</u>
<u>5:15 – 6:12</u>	<u>37 feet</u>

15-2.16-6. EXISTING HISTORIC STRUCTURES.

| Historic Structures that do not comply with [Building Footprint](#), [Building Height](#), Building Setbacks, Off-Street parking, and driveway location standards are valid Non-Complying Structures. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. Additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. All Conditional Uses shall comply with parking requirements of Section 15-3 of this Code.

(A) **EXCEPTION.** In order to achieve new construction consistent with the Design Guidelines for Historic Districts and Sites, the Planning Commission may grant an exception to the Building Setback and driveway location standards for additions to Historic Buildings upon:

- (1) Upon approval of a Conditional Use Permit,
- (2) When the scale of the addition or driveway is Compatible with the Historic Structure,
- (3) When the addition complies with all other provisions of this Chapter, and
- (4) When the addition complies with the International Building and Fire Codes

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
AUGUST 22, 2012**

PRESENT: Charlie Wintzer, Brooke Hontz, Mick Savage, Adam Strachan, Jack Thomas, Thomas Eddington, Katie Cattan, Mathew Evans, Polly Samuels McLean

WORK SESSION ITEMS

Land Management Code Amendments – General Discussion

Planner Kirsten Whetstone reported that the Staff was doing an annual update of the Land Management Code. She handed out a Staff report that outlined a few of the major changes for consideration. Additional minor changes were not included in the Staff report. Planner Whetstone pointed out that four pages of the Staff report was a pending ordinance for these various amendments.

Planner Whetstone reviewed the redlined packet of amendments. The first was Review Procedure under the Code and addressed different sections of the Code related to review procedures, primarily the appeal process. Planner Whetstone explained that the primary reason for the change was that an applicant could not go through two appeals with the City. It has to move on to a court jurisdiction. She noted that it applied to design reviews, administrative reviews and final actions that get appealed to the Planning Commission and then to the Board of Adjustment.

Planner Whetstone acknowledged that the Planning Commission had only been given the material this evening. She recommended that the Planning Commission read the material and the pending ordinance and come prepared to discuss it at the next meeting on September 12, 2012.

Chair Wintzer asked if the next meeting would be a work session discussion or whether the Planning Commission would be asked to take action. Planner Whetstone stated that the LMC amendments would be noticed for public hearing and discussion, but no action would be requested.

Planner Whetstone referred to the redlined amendment addressing changes to roof pitch, patios and the proposal to require a building permit for certain impervious surfaces in the Historic District.

Planner Whetstone noted that the section titled Master Planned Developments was a relook at various items and issues raised over the past year regarding master planned developments in Old Town and criteria that should be looked at in Master Planned Developments.

Planner Whetstone referred to Chapter 10 – Board of Adjustment and noted that that redlined version removes the Special Exception. The Board of Adjustment is allowed to grant variances and various things, and they can also act on a Special Exception, which is no longer in the State Code. The Staff proposed to delete the Special Exception, but they had not decided what to replace it with. Some of their ideas would be presented to the Planning Commission at the next meeting for discussion.

Planner Whetstone commented on the Definitions Section and the proposal to add definitions for green roofs, impervious surface, split level, story, half-story, and a zero net energy building.

In response to a question of whether or not the Planning Commission would take public input on the proposed amendments, Chair Wintzer believed it was best to hold public comment until the next meeting to give the Planning Commission the opportunity to review the material handed out this evening. Chair Wintzer encouraged the Commissioners to carefully read the proposed amendments and contact the Planning Department with any questions prior to the next meeting. Director Eddington stated that Planner Whetstone was the lead planner on the amendments; however, other Staff members would also be involved. He encouraged the Commissioners to contact Planner Whetstone to schedule a time to meet with her or another Staff person.

Assistant City Attorney McLean commented on the review process for Historic District Design Review, as well as Administrative Conditional Use Permits. She explained that the proposed change came out of litigation involving 811 Norfolk, in which the court ruled that the City process applied in that case had excessive appeals, which is not allowed by State Code. However, Section 302 of the State Code allows for an application process that allows designation of routine land use matters. An application of proper notice will receive informal streamlined review and action if the application is uncontested, and shall protect the right of each applicant and third party to require formal consideration of any application by a land use authority; and that that decision can be appealed. Ms. McLean stated that that portion of State Code reflects the process the City has where the Staff review is a streamlined review that can be taken to the HPB and further appealed to the Board of Adjustment. Ms. McLean remarked that the amendment tailors the language to more closely reflect the State Code language to make clear that their intent is to follow the State Code.

Commissioner Strachan asked for the impetus behind the changes to the MPD portion of the Code, Chapter 6. Director Eddington explained that the Master Planned Development process began in 1994 and at that time it was allowed in most of the zones. It has morphed over the years and MPDs are allowed in some zones and disallowed in others. The language has been altered and it is now at a point where MPDs are allowed in the Main Street zone if it crosses over into another zone. The intent is to clean up the language and make it more applicable.

Director Eddington noted that a related discussion on the Kimball Arts Center was scheduled before the City Council to consider the opportunity to have that project go through an MPD. Projects on infill lots are challenging and currently there is no opportunity to look at an MPD. Director Eddington clarified that the City Council would not take action on the Kimball Arts Center. It would simply be a policy discussion on whether to allow an MPD to be applied in that situation. Director Eddington invited the Commissioners to attend the City Council meeting to hear that discussion. He clarified that it would be a general policy discussion and not specific to the Kimball Arts Center.

Commissioner Strachan pointed out that the information handed out this evening had a definition of story and split level. Therefore, when the Planning Commission provides the Staff direction for the next work session on the story issue, they should not ask for those definitions because they have already been provided.

Commissioner Savage noted that the applicants who had their projects continued this evening had stayed for the work session because the Planning Commission committed to have a discussion regarding the interpretation of story, independent of the proposed amendments. He pointed out

that whatever changes are made to the LMC would not apply to these applications. Commissioner Savage believed the Planning Commission needed to discuss the interpretation question in an effort to provide those applicants some guidelines related to their projects as a consequence of the continuation.

Planner Whetstone agreed that it was a two-prong discussion. One was an interpretation of the current Code and the other would be the LMC amendment that addresses potential reasons for different interpretations.

Commissioner Thomas was unsure if they could resolve both issues this evening without first seeing the minutes from the Planning Commission and City Council meetings when the Steep Slope criteria was established. He vaguely recalled talking about stories and heights and he would like to have those documents to clarify some of the issues.

Assistant City Attorney McLean recalled, and as reflected in the Code, that the three stories was under the Historic District height limitations for each zone; and not part of the Steep Slope CUP. Commissioner Thomas concurred, but he still felt that the previous minutes were important because it pertained to the discussion.

Planner Katie Cattan provided a brief history of the process. She explained that when the Planning Commission went through the Steep Slope process there was a 10 foot limit per story. It was quantifiable for Staff to enforce the 10-foot story limit. However, when the process reached the City Council level, the 10-foot limit per story was removed. That changed the clarity because people could expand the stories and work up the hill.

Planner Cattan recalled that the reason for removing the 10-foot limit was based on construction issues on some of the challenging slopes, particularly for the garage. The City Council decided to take out the 10-foot limit for the garage level to create a garage entrance on grade.

Planner Whetstone remarked that the current definition of story in the LMC does not make sense because the City Council took out the vertical measurement. Commissioner Thomas thought it still made sense, but it changed the definition. Planner Whetstone pointed out that the LMC does not address how the stories should be added up.

Commissioner Savage asked Commissioner Thomas to explain his perspective on the story issue and his concerns.

Commissioner Thomas stated that the issue evolves from the beginning of the Steep Slope criteria. The intent was to reduce the mass and scale of projects that were coming before the Planning Commission. They were seeing projects that cascaded up as high as eight stories. Therefore, size, visual impact, and commonality with other projects in the neighborhood became a primary concern. Steep Slope criteria was established to reduce the mass and scale. Commissioner Thomas believed the Planning Commission clearly intended to have a Code that created buildings that had more commonality with the historic character of the community. He noted that the Steep Slope process included discussions about number of stories, modifying grade, maximum heights, and shifts in building. It was not isolated to the number of stories inside the volume. It was also the impact from across the canyon.

Commissioner Thomas recalled the 10-foot per story limit and he thanked Planner Cattan for reminding him that the City Council had made that modification. Commissioner Thomas stated that the floor to ceiling issue was still defined in the definition. He believed the issues have been clarified and defined, but they need to see the minutes and come together on the interpretation.

Commissioner Savage believed there was a clear misunderstanding on the definitions since three applications came from the Planning Commission with a recommendation to approve, and the Planning Commission would not move forward on those applications based on interpretation. If the Planning Commission thinks the Staff misinterpreted the definition, he wanted like to hear the Staff's reasoning.

Director Eddington stated that part of the challenge was the vertical measurement between finished floor to finished floor. What is not addressed in the definition is the issue of a half floor and/or a split level. Depending on where they take a section drawing, a project could end up with three or six levels if they are split levels. Director Eddington remarked that finished floor to finished floor was ill-defined in the definition section of the Code.

Commissioner Strachan believe there were two separate issues. The first is from which point inside the structure to take the vertical measurement. The second is the issue of getting around the story requirement by creating separate accessory structures. There may not be three stories in one structure, but cumulatively there could be several. Commissioner Savage agreed, and felt they could have divided the applications this evening into those two different parts. Commissioner Savage concurred; however, those projects were still tied to the definition of a story and different interpretations.

Planner Whetstone read the definition of a half-story taken from the Webster definitions. "A half story is an uppermost story, which is usually lighted by dormer windows in which a sloping roof replaces the upper part of the front wall". She clarified that the definition only talks about half stories on the upper portion.

Commissioner Strachan stated that he attended the City Council meeting when they approved the LMC amendments proposed by the Planning Commission. He recalled from the discussion that the Council took the position that what happens inside the structure does not matter if the applicant is bound by the 27 foot requirement. The City Council was not concerned with how large the story could get, which is the problem they have today.

Commissioner Thomas pointed out that the Code does not say you can have 3.5 or 3.25 stories. It specifically says three stories, whether the stories are 10 feet floor to floor, 9 feet floor to floor, or 12 feet. Using an example similar to a plan they saw this evening, Commissioner Savage thought they could keep the outside looking exactly the same and reconfigure the inside to where it would adhere to the three story rule. If applicants have that ability they would be compliant. Beyond that he did not understand why they should care how the inside is configured.

Planner Whetstone explained that the Staff interpreted some projects as three stories because it had a mezzanine or landing. She asked if they should count a landing that gives character inside a

house as a story. Planner Whetstone felt that was the issue that needed clarification.

Chair Wintzer stated that the mistake they continually make is that they write the Code with words and not with pictures. He suggested that the Staff prepare drawings that clarify and interpret the definition of a story. Commissioner Strachan noted that the definition of a basement in the LMC does show a drawing.

Commissioner Hontz stated that she attended the same City Council meeting that Commissioner Strachan had referenced, and the entire reason for removing the 10-foot limitation was to create flexibility between the three stories and the height. The City Council felt that defining 10-feet per story would limit flexibility. Commissioner Hontz thought they were where they were supposed to be based on the idea of flexibility. She understood that the Planning Commission needed to come to some consensus, and believed the City Council had set them up for this.

Commissioner Thomas stated that not allowing the additional half level above three stories reduces the mass of the building. In effect, that is working according to the initial intent of the Code. Commissioner Savage argued from the perspective that if someone presents a plan that is compliant with Code, it is no one's business what it looks like inside. Chair Wintzer and Commissioner Thomas explained why they disagreed with Commissioner Savage. Commissioner Savage thought the criteria should be based upon whether it is consistent with the objectives about how it looks from across the valley. The valley does not know how many stories are in the building. Commissioner Thomas pointed out that if a limit is not set on the number of stories it can cascade up the hill. That was the reason for having the criteria. Commissioner Savage believed that could be constrained by footprint, setbacks and other constraints from the outside.

Chair Wintzer clarified that the Planning Commission could not move forward on any applications as long as they are in conflict with Staff on the definition of story.

Planner Cattan suggested that they talk about whether a story that goes up 5 feet in elevation is considered a half story or one story. She stated that if the Planning Commission agrees that the three applications seen this evening were 3-1/2 stories, then the Staff interpreted the Code wrong by saying that the level of a story could be split.

Planner Whetstone referred to a house on Park Avenue that has a door, two windows, a roof and dormers. The structure is a simple box without a basement. It has a 9 foot ceiling because of the roof pitch. Based on her research, that structure is a 1-1/2 story house.

Chair Wintzer called for public input on the issue of a story. Speakers were advised to keep their comments general and not related to a specific project.

Craig Elliott with the Elliott Work Group asked the Commissioners to clear their minds of their own opinions and listen to his comments. Mr. Elliott regretted that he had not come before the Planning Commission to argue the three-story issue during the amendment process. At the time he thought it dealt primarily with Ridge Avenue and 75' lots that had 50 feet of grade change. Mr. Elliott stated that the interpretation had become such that it was changing the way he thinks about what they were doing in town. Mr. Elliott remarked that the Code definition is nearly identical to the definition

in the International Residential Code and the International Building Code. It talks about a story being vetted from a floor level to the floor level next above. That means perpendicular to the floor or the roof; and not to the side. Mr. Elliott noted that the Building Code never addresses a shift in floor plane. He pointed out that the discussion is about a shift in floor plane and not different floors or different stories. It is all one floor that shifts. He stated that being able to shift the floor plane is a fantastic tool for an architect because it provides variety, the opportunity for interest, and delight. It is something that is valuable and can add interest to the town and the community, and not just the interior of a space.

Mr. Elliott stated that he lives in a split level house in Thaynes. He designed it, built it and has lived there for 18 years. He has been in Park City for 19 years and he never thought they would be having this discussion.

Mr. Elliot stated that an interpretation like this is not going to protect neighboring property owners or Park City. It is not going to provide additional value to the community. It will not reduce the densities in these houses because they will design them differently. Instead of having a garage with a level above it and three stories, the garage will be the top floor with two floors below it, just like all the houses on the east side of Lowell. Mr. Elliott remarked that the solutions they have seen through the shift in the floor plane gives variety and building mass above a garage. It is an opportunity to do something good. Mr. Elliott stated that if everything is pushed down to the same floor, they would be digging a deeper hole. They would be trucking more dirt out of town and driving more dump trucks. It would require more shoring and more concrete to support and retain the earth around it. The result will be more dangerous to the adjacent house than what already exists. Mr. Elliott reiterated that changing the interpretation will not change the amount of square footage that people build, and it will not improve the character of the architecture on the street. It will not change how things look from across the valley.

Mr. Elliott commented on issues that deal with the depth of a lot. Discussions over the past year with Staff have been about building multiple buildings on a lot and the story definition made by individual buildings. Mr. Elliott stated that a story is defined across the entire lot. A 140 feet deep lot is typical of what is going on. Different colors, forms and shapes are unique to Park City and the goal is not to put everything into the same box.

Mr. Elliott stated that he was not interested in doing any more houses on a steep slope in town. He has three under contract that he intends to finish. If the interpretation goes in the direction of their discussion it will not benefit the town and it will not benefit the people who own the property.

Commissioner Thomas stated that Mr. Elliott's interpretation of story and that a story is relative to the immediate space below, goes back to the notion of stepping a house completely up the hillside. He noted that the Code was created to put a limitation on that.

Mr. Elliott drew a sketch of a storied house to make his point.

Commissioner Strachan asked Mr. Elliott for his opinion on how the definition of a story applies to a structure that has a number of detached accessory structures, but has the appearance cross-canyon of seven or eight stories. Mr. Elliott replied that on a lot deeper than 75', separate buildings

in a surrounding context was not a bad thing. Commissioner Strachan asked Mr. Elliott's opinion if the compatibility requirement was the only regulation and there was no objective limitation. Mr. Elliott stated that as some who does design work, he believed the context of the site and where you build is the most important element in any design.

Commissioner Thomas thought Mr. Elliott would agree as a professional that they also have the responsibility to look at how a structure fits into the compatibility of a community and its impact on the historic character of the community in terms of mass, scale and size. He remarked that the Code originated with trying to create a Code that resulted in more commonality with the historic character of the community. Commissioner Thomas stated that the building could still be stepped in the process Mr. Elliott identified in his diagram, but only three stories were allowed.

Chair Wintzer suggested that the Staff schedule this as a work session item and come back with a series of drawings that show different scenarios to help define the definition of a story.

Commissioner Hontz stated that the Code change was precipitated by multiple structures that came in. She was not on the Planning Commission at the time and she opposed one of the structures. She came in a demonstrated that it did not meet the Code. Commissioner Hontz stated that when she came to the Planning Commission with her concerns they agreed with her but could not make that finding, and it went to the City Council. She believed it would have been a better design had it done what they were trying accomplish this evening. That era is the reason why they got to three stories. She did not want to turn back the clock. Commissioner Hontz stated that she lives in a two-story house; however by Staff interpretation, it is actually one story. There are many consequences to contemplate and she thought the Planning Commission should refine what they wanted to see come back. She needed time to read and digest the definitions and personally did not want more input before they had the conversation.

Director Eddington suggested that the Staff come back with a set of clear drawings to help the Planning Commission understand and aid in their discussion. Chair Wintzer noted that the Planning Commission had three applications that were waiting on an answer to the question. He thought the Staff should come back with a professional opinion on the definition of story.

Commissioner Savage acknowledged that he was not on the Planning Commission when the definition was written. However, speaking from logic, he believed the constraint that was applied related to the mass, scale and appearance from the exterior. In his opinion, a story is what is directly above and not what is on the other end of the building.

Director Eddington pointed out that the definition as written talks about the interior and floor plane to floor plane; and that is the challenge. He agreed that the intent may have been misguided in the definition, but they have to work within the definition. Commissioner Savage stated that if floor plane to floor plane is a vertical measurement, he would argue that at least one structure they saw this evening was never more than three stories at any point.

Planner Evans noted that not all development in Old Town require a Steep Slope CUP. Therefore, some structures with the same scenario may have been approved by various Staff members under

the HDDR process and never came before the Planning Commission. Commissioner Savage stated that if that did occur, it would be valid precedence independent of the CUP requirements. Planner Evans noted that he currently has two applications that do not require a Steep Slope CUP that do exactly what they were talking about. Commissioner Thomas felt that was another reason to come to some agreement on interpretation.

Assistant City Attorney McLean explained that the definitions were in the Code. In thinking about this issue, she directed them to the definitions in the last chapter and the key words, 1st story, story and structure. They should also look in the H Districts for guidance on what constitutes a story. Commissioner Savage requested that the Staff email a document to the Planning Commission that includes all the components of the Code that would help prepare them for the next meeting. Director Eddington offered to provide that documentation and include images.

Jonathan DeGray was not opposed to the Planning Commission discussing heights and levels and amending the Code for future projects. However, he agreed with Ms. McLean about looking at the Code as written because the projects currently before them were based on that Code. It was important for the Planning Commission to come back with a solid interpretation on what is written.

Chuck Heath asked about process and the time frame for taking action on the projects that were continued this evening. His project was continued once for additional information and when the information was provided, it was continued again because there was a question about interpretation. He felt it was important for the Planning Commission to define the interpretation of a story so these projects could move forward or go away. Chair Wintzer stated that the issue should be resolved at the next meeting. Once they have that resolution, they could begin discussing projects that were continued for that reason.

Assistant City Attorney McLean pointed out that the applications this evening were continued to a date uncertain. To be fair to the applicants, the Planning Commission should resolve the issue at the September 12th meeting and the items could be re-noticed for the meeting on September 26th.

Commissioner Thomas clarified that he raised the issue because he had heard three different interpretations of a story and he felt it was important to have a consistent interpretation that benefits the community.

The Work Session was adjourned.

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
SEPTEMBER 12, 2012**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Adam Strachan, Jack Thomas, Thomas Eddington, Francisco Astorga, Polly Samuels McLean

WORK SESSION ITEMS

Land Management Code – Discussion of Story & Height

The Staff recommended that the Planning Commission discuss the interpretation of story as currently defined in the LMC.

Planner Astorga stated that in 2009 the Planning Commission and City Council held several meetings to discuss amending the Land Management Code. At that time the Steep Slope Conditional Use permit criteria was updated, as well as the overall height and how height is measured. It also addressed specific regulations related to the HR-1, HR-2 and the HRL District. Planner Astorga reviewed the existing regulations using a hand-drawn illustration.

Planner Astorga remarked that the major change in 2009 was the requirement to add a 10 foot setback for the third story. Another regulation indicated that final grade had to be within 4 feet of existing grade. The maximum number of stories was limited to three, and the basement counts as a first story. Planner Astorga pointed out that on a 30% lot and with the 27' height regulation, the numbers for a 10' setback do not work. If the entire lot is 30%, the minimum setback has to be 18 feet. Planner Astorga noted that another item added to the LMC in 2009 was that the roof pitch had to be between 7:12 and 12:12.

On a downhill lot, if the applicant wanted to accommodate a tandem two-car garage, an exception could be authorized for up to 35' instead of 27' to accommodate tandem garages. The Code indicates that a single family dwelling must have at least two parking spaces.

Planner Astorga noted that items were also removed from the LMC in 2009. The Planning Commission had the ability to allow a maximum height of up to 45 feet on lots with slopes 30% or greater, and that was removed.

Planner Astorga read the definition of a story per the current Land Management Code. "The vertical measurement between floors taken from finish floor to finish floor. For the top most Story, the vertical measurement is taken from the top finish floor to the top of the wall pate for the roof structure." Planner Astorga stated that the Staff has recently received several applications on downhill lots, where different architects have introduced a split level concept. He requested that the Planning Commission discuss split level this evening.

Planner Astorga reviewed a diagram to show the shift in levels and the staircases dividing the structure. He noted that the application would meet all the requirements of the LMC, with the exception of the number of stories based on interpretation of the definition.

Commissioner Thomas believed the present interpretation is the same interpretation the Planning Commission has given in the last two meetings. According to the strict definition of the Code as written, the diagram shown exceeds the three-story limit. Commissioner Thomas agreed that the

definition needed to be modified and corrected, and he thought the Planning Commission should consider the modification as suggested by Staff. He favored the idea of varying the floor plates as long as they stay within the maximum height. The Staff had suggested 37-1/2 feet as a discussion point, and Commissioner Thomas thought it was an appropriate height and closer to the intent.

Commissioner Thomas pointed out that when the Code first came before the Planning Commission there was a 10-foot story criteria that would have allowed more flexibility. When it went to the City Council, that criteria was modified and changed and the result affected the process. The Commissioners concurred.

Planner Astorga stated that the Staff understood the concerns and was prepared to introduce a solution, which would add a regulation to the Land Management Code. The measurement would be the vertical distance between the lowest finished floor towards the highest point on the highest ridge. The Staff believes that if they could implement that specific regulation, it would stop the terracing affect that could take place on a longer than usual lot.

Planner Astorga presented a diagram to show how the Staff reached the 37-1/2 feet height recommendation.

Commission Thomas felt that the overall maximum height made the story discussion less significant. Director Eddington felt it was best to define a story as one above the other and add a vertical maximum measurement. Planner Astorga pointed out that the intent for the 7:12 to 12:12 range was to encourage variety and avoid every building having the same pitch. Director Eddington remarked that the steeper the slope, the more impacted the project would be by the vertical measurement.

Planner Astorga stated that the Planning Commission researched the definition of story in other ski resort town. Based on that research, The Staff recommended changing the definition of story to, "That portion of a building included between the upper surface of a floor and the upper surface of the floor next above, except that the top most story shall be that portion of a building included between the upper surface of the top most floor and the ceiling or roof above." He asked for feedback from the Planning Commission on the proposed definition. Planner Astorga noted that the difference between the existing language and the proposed language is the reference to the floor next above it. He remarked that the language mirrors the definition of a story per the International Residential Code.

Commissioner Thomas stated that if they remove the three story restriction and add a new height restriction, the definition of a story has less meaning. However, he liked having some commonality with other communities on what is logical in the building world. Commissioner Thomas thought that cleaning up the story definition was a good idea.

Director Eddington clarified that the Staff had not considered completely removing the three-story issue. They had talked about giving better definition and parameters to a mezzanine or a split level. Commissioner Thomas thought they needed to think of the effects of half-story. Under the current definition, some of the cross sections are six stories. He felt the definition was too restrictive.

Commissioner Gross thought the 25% limitation on the intermediate floor seemed reasonable. Commissioner Thomas wanted to see diagrams of how that would work before making a decision. He suggested taking input from the design community to see if there were other conditions they had not thought about. The idea sounded good and he would like to support it, but he wanted to understand the fallout and what situations could occur under different scenarios. He felt the discussion was going in the right direction, but it needed to come back for further consideration.

Director Eddington stated that the Staff would work with different scenarios and come back with alternatives.

Commissioner Hontz was leaning towards the revised definition of a story because the new language clarifies that it has to be above. She favored keeping the 3-story limitation and the additional height limitation. She agreed with Commission Thomas about looking for unintended consequence.

Commissioner Thomas believed the intent of the Code is to reduce the mass and scale of houses in the Historic District, but there should be some flexibility in doing that.

Commissioner Strachan asked if the definition of mezzanine floor or loft had been pulled from somewhere. Planner Astorga recalled that it was a combination from Crested Butte and other towns. The language was not pulled word for word and the Staff tweaked it specific to Park City. Commissioner Strachan thought it set up inconsistent and vague language in the Code. He felt the revised definition of a story and the 37-1/2 overall height limitation was sufficient. The architects would have the ability to do what they wanted inside those parameters. He believed the mezzanine, loft, or intermediate floor definition was unnecessary and would only create problems. Director Eddington clarified that Commissioner Strachan was not concerned about split levels or mezzanines. Commissioner Strachan replied that this was correct. He thought it everything could be accomplished by the stepping requirement, setbacks, and a change to the height requirement. He was concerned that the 25% floor area calculation would be hard to do because the total floor area of the story in which it is placed would not be calculable. There would be so many half stories and steps that they would never reach the 25% point. Commissioner Thomas agreed.

Commissioner Thomas believed a critical step was the addition of the 37-1/2 foot height limitation, because it restricts the height of the building without being concerned about the stories inside. However, he still wanted time to think it through to make sure they were not opening Pandora's box.

Director Eddington stated that the Staff would come back with code definitions that address that issue, as well as definitions that would address keeping in the story and mezzanine.

Commissioner Hontz suggested keeping the story definition as revised and the 37-1/2-foot height limitation, and not the mezzanine definition. From her reading, when it is stepped, there would never be a loft or a split level. Commissioner Strachan asked if Commissioner Hontz was suggesting that a story is the portion of the building included between the upper surface of any floor and the upper surface of the next floor above, and that measurement could be taken from anywhere in the home. Commissioner Strachan provided a scenario based on Commissioner Hontz's interpretation. He noted that not all the floors in the diagram may expand the width of the home.

Director Eddington stated that it would be the entire width of the home depending on where the sections are drawn.

Commissioner Strachan was concerned about a building cascading up the hillside on a long lot. Director Eddington explained how the 37-1/2 overall height limitation would address that issue. Commissioner Strachan felt the explanation made it more certain that the mezzanine definition and the three story definition were not needed, as long as the height controls the cascade effect up the hillside and the concern for the cross canyon view.

Commissioner Thomas pointed out that the cross sections, like the example they were looking at, was consistent with the Code, as long as it remains under the 37-1/2 foot limit. However, under the current definition, the cross section would show six stories. Commissioner Strachan stated that without a cross canyon view, it would be difficult to know if that home would present the cascade problem. Commissioner Thomas replied that it has a footprint restriction and a maximum height from one point to another point.

Chair Worel thanked Planner Astorga for the background information he provided. It was helpful to see how other communities address these issues. Chair Worel opened the public hearing.

Craig Elliott, an architect with Elliott Work Group, felt the Planning Commission was headed in the right direction as far as capping maximum height and removing the requirements for floors. He noted that most sites have cross slope in addition to the slopes front and back. Removing the discussion about stories and maximizing the height and using the 27 foot grade makes a lot of sense with respect to a 75-foot deep lot. Mr. Elliott presented an image of homes in Park City that was taken from the Marsac parking lot. He noted that the majority of buildings in the photograph do not meet the existing current Code for various reasons, but it is a great depiction of what Park City is and can be. He chose that photograph because it is one of the steepest sections in Old Town. Mr. Elliott would like to have the discussion on lots greater than 75 feet deep and breaking the building into separate buildings or structures that are not connected. He believed there was an opportunity to maintain the existing character and scale, and still give people with larger lots the ability to create diverse and interesting projects. Mr. Elliott agreed with the discussion about removing the floor definition. He liked the cap of the building and the maximum height and following the 27 foot grade, as long as it pertains to a typical lot depth. Variations in lot depth and shape becomes a separate issue.

Joe Tesch disagreed with Commissioner Thomas' comment that the idea of the Code was to reduce massing and height. That was the case in 2009, but additional suggestions were made in 2011. There were joint meetings with the Planning Commission, Planning Staff and City Council and the idea of reducing height and size further was rejected. Mr. Tesch remarked that they were dealing with what occurred in 2009, but the idea is to not go smaller. Operating today under the impression of a mandate to reduce what has been occurring is a mistake. Mr. Tesch stated that another thing that came out of those joint discussions was that Park City is different neighborhoods and one size does not fit all. His recollection for those discussions was that there was no mandate for any neighborhood to attempt to reduce height or massing.

Chuck Heath, the applicant for 916 Empire, understood that there were recommendations to change the Code and possibly the rules. He wanted to know how this would affect his application, since his application was submitted under the current Code.

Assistant City Attorney McLean explained that Mr. Heath was vested under the Code in place at the time his application was submitted, and the interpretation of that Code. If the changes are less restrictive Mr. Heath could avail himself of that, but if they are more restrictive, he was still vested under the current application.

Mr. Heath asked how the new interpretation would differ from the current Code and how it would affect his application.

Commissioner Thomas clarified that the Planning Commission was talking about general amendments to the LMC with regard to stories, and not specific to any project. He recommended that Mr. Heath talk with the Staff regarding the interpretation to evaluate whether it would be more beneficial to move forward with his current application or wait until the changes are made and adopted and then resubmit his application.

Mary Wintzer commented on Mr. Tesch's remarks about there not being a mandate. She thought the visioning result had brought this to the forefront. Over 400 people responded and the City spent \$60,000 to do a survey. People overwhelmingly talked about scale and wanting to keep the small town feel and the historic nature. Ms. Wintzer believed the home on Ontario was the poster child for loopholes and being able to build a house far out of scale of the adjacent historic home. Ms. Wintzer believed there was wide sentiment among many people in Old Town to look at mass and scale to keep with natural setting, historic character and the small town feel.

The Work Session was adjourned.

Exhibit D

Planning Commission Meeting
September 26, 2012
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changes would not permit that. The reason for a master planned development does not match the construction of one building in one zone on one lot. He was unsure what changes were being proposed, but he hoped they could prevent that from occurring.

Coleen Webb an owner in the Town Lift condos stated that her building is next to the Kimball Arts Center. She is a part-time resident in Park City and it is difficult to always attend meetings when a subject of interest is being discussed. She tries to attend as often as she can. Ms. Webb stated that she would not be in town on October 24th. She is on the Board of the Town Lift Condominiums HOA. Last week the Board members and residents met with Robin and others from the Kimball Arts Center to express their concerns and the impacts that would be created for the residents living next to the Kimball Arts Center, and what an expansion under an MPD would do to their property. Ms. Webb also had concerns with how a project that size would affect the look and feel of Old Town if the MPD goes through. Ms. Webb was comforted when she saw the concern the Planning Commission had for the neighbors when discussing the Stein Eriksen project and the Richards annexation. As a neighbor to the Kimball and a resident of Old Town, she hoped the Planning Commission continues to be that detailed and that interested in what the change of allowing an MPD could do on Main Street. It is more than a white fence or one house in your face impact. It impacts the Historic District and those who live there and abide by the 84 page guidelines of the Historic Preservation Board. Ms. Webb was not opposed to amending the LMC to make them better over time, but it is important to understand the circumstances as to why they were put in place to protect the Historic District. Ms. Webb stated that everyone respects the Kimball and the HOA and owners want the Kimball Arts Center to expand. They would like the property improved and the programs expanded. They have been great neighbors and have worked together many times with the Kimball Arts Center; but the issues that an MPD would allow has caused them great concern. She asked the Planning Commission to consider the impacts that would be created by allowing MPDs in a community that is so dedicated to keeping the District historic. Changing the LMC for a one-time project would hurt what the rest have tried to maintain and the rules they have lived by in Old Town.

Chair Worel closed the public hearing.

Commissioner Hontz thought the Planning Commission should discuss some of the issues in the Chapters that would be continued to give the Staff direction for the next meeting.

Building Height Measurement and Story Definition

Commissioner Hontz found the exhibits in the Staff report to be helpful, but she had expected additional information based on the discussion at the last meeting. She wanted to see an exercise on a variety of unbuilt lots in Old Town, both downhill and uphill, that maxes out the heights using stories as an example to see what the mass and scale and height would do. She wanted an idea of worst case scenario. Commissioner Hontz remarked that they look at the existing built environment in analyzing the definition and the application. They overlook what type of development could occur on the existing vacant lots. She recalled a recent application where the applicant was asked to do that exercise and he was unable to show that he could build a house on the lot. Commissioner Hontz pointed out that based on the proposed language a house could not be built on a 40% slope.

She believed the analysis was important to make sure they would not make all the vacant lots in Old Town undevelopable.

Planner Francisco Astorga stated that the Staff could provide the variety of examples on unbuilt lots. However, there are a number of lots that are not listed as Landmark or Significant status, and could potentially be demolished and rebuilt. Planner Astorga proposed to come back with the information requested as well as other scenarios he had created for massing and volume on various slopes. He believed they could create specific worst case scenarios. Director Eddington thought that the Planning Commission would be able to see how different aspects of the Code work in each scenario depending on the location of the slope.

MOTION: Commissioner Hontz moved to CONTINUE the LMC amendments for Chapter 2-Zoning Districts; Chapter 6-MPDs; Chapter 7-Subdivisions; and Chapter 15-Definitions as identified in the Staff report to October 24, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

The Planning Commission discussed the remaining LMC amendments outlined in the Staff report.

Amendment to require a building permit for driveways, parking areas, patios and other non-bearing construction that create impervious areas.

Planner Whetstone noted that the Planning Commission discussed this change at the last meeting. The Staff had recommended a building permit for all flat work in all zones. Requiring a building permit would ensure that all LMC requirements are met. Currently a building permit is not required and it is difficult to know when flat work is being done and whether it meets the requirements.

City Engineer, Matt Cassel, stated that the amendment allows the City to be proactive on an issue they have struggled with for years. When someone calls to ask if his neighbor has a permit for a patio or driveway, they have to inform that person that a permit was not required. The City then has to follow up to make sure the work was done within the requirements and many times they find Code violations. The intent is to communicate with people before work is started. He used 170 Daly Avenue as an example. They were fortunate enough to catch it before the driveway was poured; otherwise, the owner would have a new driveway that accessed at the intersection. Mr. Cassel explained that it would be a simple permitting process. The owner would be required to pay a minimal fee and have their plans reviewed for Code compliance before starting any work.

Chief Building Official, Chad Root, stated that another factor is to provide guidance for the homeowners who do the work themselves in an effort to reduce the number of neighbor issues. If a permit is required City-wide, the City has control over types of materials, size, and encroachment issues. Mr. Root pointed out that most jurisdictions outside of Utah regulate all flatwork and driveway work. Utah has a State Adopted Code that adopts the minimum standards, and the minimum standards cannot be exceeded. The proposed LMC amendment would provide a mechanism around the provision in the State Building Code and allow the ability to regulate driveways and flatwork in Park City.

Exhibit E

Planning Commission Meeting
November 28, 2012
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by a private, non-private, educational, religious, recreational, charitable, or philanthropic institution serving the general public”.

Commissioner Strachan thought Public and Quasi-Public should be capitalized in the definitions, and should say “Public Uses” with “Use” capitalized and “Quasi-Public Use” capitalized.

Commissioner Strachan asked if there was a definition for Industrial, and if so, that should also be capitalized. Director Eddington stated that there was not a definition for Industrial, and the Staff would write one. Commissioner Strachan thought “Commercial and Industrial” was redundant language. Planner Whetstone pointed out that it was actually Light Industrial (LI). Park City does not have a zone that allows straight Industrial business. Planner Whetstone thought that they should also define a “lodging project”.

The Planning Commission moved on to the remaining LMC Amendments.

Chair Worel stated that due to the late hour and the number of amendments that still needed to be discussed, Planner Francisco Astorga would give a presentation on Stories and the Planning Commission would discuss the proposed changes at a work session on December 12th.

Planner Astorga referred to page 164 of the Staff report, and an added regulation related to the split level concept. He had failed to put the language in the ordinance and he wanted that mistake clarified. He noted that the regulation language should be added between bullets C and D on pages 198, 200 and 201. The regulation read, “The overall height of a structure measured from the lowest point of the finished floor to the highest exterior ridge point shall not exceed thirty-seven and a half feet (37.5’). Planner Astorga noted that the language was introduced to the Planning Commission on September 12th, at which time the Commissioners had issues with the language and wanted to explore specific scenarios.

Planner Astorga stated that the Staff had prepared the different scenarios and wanted to hear as much input as possible from the Planning Commission. However, due to the late hour this evening, there was not enough time to sufficiently review the scenarios and give the Planning Commission the opportunity to brainstorm and provide comments. He noted that the regulation was applied to scenarios on a flat lot in the worst case scenario. The same was done on uphill lots at 15% grade, 30% grade, 45% grade and 60% grade. Consideration was given to the fact that many buildings are not historic and could be demolished for brand new construction.

Planner Astorga noted that Commissioner Thomas was absent this evening and his input on the regulation would be valuable based on his professional expertise. Planner Astorga apologized if any members of the public had waited for this discussion, but he felt it was better to wait and give the issue the time it needs to make sure everyone is on the same page and that they fully understand what was adopted in 2009.

Planner Astorga briefly reviewed some of the visuals to give the Planning Commission and the public a preview of the massing scenarios.

Commissioner Hontz was unsure if she could support the regulation because the historic portion of the structure could be on the bottom. She would like to see the step on new construction. Director Eddington stated that the Staff would have drawings to present at the next meeting to help address her concern. Commissioner Hontz felt that by now the Planning Commission should have a good understanding of the changes made in 2009, but it would be important to understand the effects of applying the new definitions. At this point, she was not comfortable with half stories and split levels shown in the scenarios provided. Commissioner Strachan agreed. He suggested that Planner Astorga redraft a couple of options because the ones shown were difficult to understand.

Planner Astorga clarified that he was not speaking about stories at this point. His comments related to the regulation regarding overall height on page 164 of the Staff report. Commissioner Strachan requested that Planner Astorga re-draft the definition of split level and story. Commissioner Wintzer suggested that the Staff draft two or three definitions to give the Planning Commission a choice.

Chair Worel opened the public hearing.

Ruth Meintsma, a resident at 305 Woodside, addressed the overall height of 37.5 feet. She assumed the language, "...from the lowest point of the finished floor..." probably means from the lowest point of the lowest finished floor. Ms. Meintsma thought better language would be, "from the lowest point where grade meets footprint", because often the lowest floor is quite a bit above grade and sometimes on piers. She requested that the Planning Commission consider her suggested revision because where the grade meets footprint is where the massing begins visually.

Commissioner Hontz thought Ms. Meintsma made a good point, however, under the current Code you could not build on piers because of the four-foot return to grade regulation. Planner Astorga noted that it would also not be approved through the design guidelines.

Director Eddington agreed that Ms. Meintsma made a good point and the Staff would discuss her revision.

Craig Elliott commented on the Story issue. He was generally comfortable with the resolution, but he wanted to confirm his understanding of how the zone works. On a very large parcel with multiple structures the height resets with each structure. He wanted to make sure that was still the case.

Commissioner Strachan replied that it was subject to discussion at the work session on December 12th.

Mr. Elliott felt it was important to keep because otherwise the Code, particularly in the HR1 addresses designers to create smaller buildings in scale and mass. If they do not allow that to happen in this form, they would encourage larger buildings in scale and mass on those types of properties. The unintended consequence of trying to limit something would only create what they do not want. Mr. Elliott wanted to make sure this issue was addressed in the process so they get the right things in the historic district.

Commissioner Wintzer asked Mr. Elliott to give an example. Mr. Elliott stated that he has worked on several properties, but he was hesitant to give an example because those projects may come back to the Planning Commission. Mr. Elliott provided a hypothetical example to explain the importance of keeping with what the Code currently allows to keep structures smaller in the historic district. Chair Wintzer was concerned about the cross canyon views. Mr. Elliott stated that the nature of Park City is that looking across the canyon you see a series of buildings that march up and have different colors, shapes and forms. That was the intent of his comments at a previous meeting when he talked about the quality of design and the ability to solve those issues as designers.

Chair Worel closed the public hearing.

Planner Astorga remarked that interpretation of story was the reason why they were having this story discussion. Based on discussions in July and August the height did not reset. Commissioner Strachan believed there was a difference of opinion as to how to read the Code based on Mr. Elliott's comments. The purpose of the work session is to determine what they uniformly believe the Code says.

Planner Whetstone reviewed the list of topics for discussion on page 154 of the Staff report and identified the ones that were time sensitive for recommendations to the City Council.

1. Pre-application process, review process for Historic District Design Review and revisions to the notice Matrix (Chapters 1 and 11).

Planner Whetstone referred to page 157 and noted that language was added to Strongly recommend that the Owners and/or Owner's representative attend a pre-application conference with the Planning and Building Departments. She clarified that the existing language requires a pre-application conference. She explained that if a pre-application conference is required it becomes an application and can be vested. The Staff felt that changing the language to "strongly recommended" resolved many of the issues. A pre-application conference benefits the applicant and the Staff believed the applicants would still request one.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Wintzer moved to forward a POSITIVE recommendation to the City Council for the amendment to Item 1 as written. Commissioner Hontz seconded the motion.

VOTE: The motion passed by all Commissioners present.

Planner Whetstone stated that (B) on page 157 address proposed language to the Appeals process for administrative applications (HDDR and Administrative CUPS) including revisions to the Notice

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
JANUARY 9, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Jack Thomas, Mick Savage, Adam Strachan, Charlie Wintzer, Thomas Eddington, Kirsten Whetstone, Francisco Astorga, Matt Cassel, Polly Samuels McLean

WORK SESSION ITEMS

Land Management Code – Discussion of height/story in Chapter 2 and 15

Commissioner Wintzer provided a topo map of Old Town showing every ridge. He requested that the Staff use the map to prepare for a future discussion regarding ridges.

Planner Astorga remarked that the objective this evening was to make sure the Staff and the Planning Commission were correctly interpreting building height in the Historic Residential Districts; the HR-1, HR-2 and the HRL. He noted that some of the Commissioners have been on the Planning Commission long enough to understand heights in Old Town; while others have only been on the Planning Commission a short time. The Staff believed this work session would be a good exercise for everyone.

Planner Astorga explained that the Staff chose scenarios of different slopes starting at 15%, 30%, 45% and 60% for uphill and downhill lots. The structures were designed to the highest maximums allowed by Code in terms of height and footprint and the setbacks were minimized to create the worst case scenario. Planner Astorga wanted this exercise to be a true discussion and he wanted the Commissioners to ask questions and critique the individual scenarios.

Planner Astorga reviewed the LMC Height Restrictions as outlined in the Staff report. The allowed height is 27-foot maximum from existing grade. Final grade shall be within four-feet of the existing grade around the periphery. A structure may have a maximum of three stories. A ten-foot minimum horizontal stepback is required. The roof pitch must be between 7:12 and 12:12. The downhill lot has an exception for the tandem garage. Planner Astorga recalled previous discussions regarding exceptions to roof pitch; however, until that was adopted he preferred to focus on the existing Code.

Commissioner Savage asked for clarification on how existing grade is defined. Planner Astorga replied that existing grade is the existing topography. Commissioner Savage wanted to know how they could be certain that the grade was not changed. Commissioner Thomas explained that the topo is examined at the beginning of the project and the grade is examined at the end of the project. The Building Department should be able to confirm whether the grade has been manipulated. Commissioner Hontz thought Commissioner Savage made a good point because there are situations where the previous owner changed the grade of the site. She recalled a project where Planner Astorga realized that the grade had been change and suggested that the Planning Commission add a condition that the structure should be built from the previous existing grade and not the current existing grade. Commissioner Hontz stated that if someone moves the dirt now and calls it existing grade ten years later, they would probably get away with it. Commissioner Thomas pointed out that it is supposed to be natural existing grade.

Commissioner Savage asked if there was a way to make a definite determination on grade. Commissioner Thomas replied that if there is an interpolation to be made between the existing grade and the natural grade, the Planning Director has the purview to make that decision. Planner Astorga recalled that when the Code was amended in 2009, a specific definition of existing grade was added. Planning Director stated that existing grade is defined as the grade of a property prior to any proposed development or construction and activity. Therefore, it is the grade prior to any altering of the site. Commissioner Savage pointed out that the language states, "prior to any proposed" altering of the site. Commissioner Hontz agreed. She may not be proposing to do anything, but that would not keep her from moving dirt on the site. Commissioner Savage thought it was important to find a way to tighten the definition with respect to interpolation of some extension of natural topological grade.

Director Eddington explained that the Staff visits the site and assesses the grade. If the existing grade appears to be different than what is shown on the topo, the Staff assesses the natural grade which, by definition, is "The grade of the surface of the land prior to any development activity or any other manmade disturbance or grading. The Planning Department shall estimate the natural grade not readily apparent by reference".

Commissioner Savage was satisfied that the existing definition addressed his concern. Commissioner Thomas remarked that grade is a game that had been played and he expected it to continue.

Planner Astorga reviewed the first scenario, Scenario A, on a downhill lot. A blue line represented the property lines. The lot is 75' in length. The first scenario had the requirement of one exterior and one interior parking space. He noted that the property could be designed with two interior parking spaces. The structure was three stories. In this particular scenario the lot was accessed from the left-hand side. Planner Astorga reminded the Commissioners that these examples were worst case scenarios. Based on the access in this scenario, the front yard setback increased from 10-feet to 18-feet because of the minimum standard of the parking pad. He indicated the 10' setback on the downhill façade. This scenario was drafted at a 15% grade and it would not require a review by the Planning Commission because it does not reach the 30% or greater requirement. The project could be three stories, meet the 10-foot setback and still meet the height requirement. Planner Astorga pointed to the line indicating existing grade. Two other redlines showed 4' up or down from grade. This scenario had a one-car garage. The second required parking space was outside.

Commissioner Strachan noted that the basement was almost totally submerged, and he asked how low it could go. Planner Astorga replied that the basement could be completely submerged. Director Eddington referred to the heavy red line indicating existing natural grade, and noted that it could go 4' down from there and expose more light in the basement. Commissioner Strachan pointed out that someone could also make the floor 25' feet high and dig down further. It would provide very little light but they might not care. If someone wanted to excavate more dirt to increase the square footage of the overall home, they could do that. Commissioner Thomas commented on the ramifications that would occur with over-excavation. He questioned whether it was unrealistic to define a basement depth. Commissioner Wintzer thought the control would be shoring engineering to address the issue of digging a large hole three feet away from the neighbor.

Commissioner Strachan remarked that larger basements have been the trend in more recent applications and the amount of excavation continues to grow. Because the lots are so steep, the portion that daylights gets bigger with the slope and results in significantly more excavation in the back. He understood that the LMC states that the effects of excavation must be mitigated, but he believed it was a very loose standard.

Commissioner Thomas was unsure about placing a restriction on the depth of the lowest level. Commissioner Hontz suggested that they continue with the presentation before discussing specific restrictions, since the other scenarios may help provide the answers.

Planner Astorga presented the second scenario, Scenario B, which was also a 15% slope. The difference between this scenario and the previous scenario is that scenario two has two interior parking spaces. The setback was only 10' feet from the front. Planner Astorga noted that in the second scenario, the third floor was completely buried. The Code indicates that window wells could be approved, however, the setbacks must be at least 5' and the window wells could encroach 4' onto the side yard setback. Planner Astorga stated that some of the basement space could be used for mechanical equipment, but he did not believe anyone would use an entire floor for that purpose.

Commissioner Strachan asked why there was not a 10-foot setback. Planner Astorga replied that the basement was buried completely. The setback is only required for the third floor above grade.

Planner Astorga presented the third scenario, Scenario C. It was still a 15% slope, however, the difference between the first two scenarios and the next two was that the building would go down the slope. In scenarios one and two the driveway went up 14% positive grade. In the next two scenarios, the driveway goes down 14% negative grade. Planner Astorga noted that the roof pitches in all the scenarios were designed at 7:12 pitch, to again create the worst case scenario.

Commissioner Savage commented on the tendency towards thinking that taking a structure to the maximum allowed by Code is negative. He did not believe the end result was always negative, and sometimes it could be positive. Commissioner Savage stated that maximum utilization of a lot is within the rights of the applicant, and the Planning Commission should not consider that to be a negative independent of subsequent analysis.

Planner Astorga reviewed the scenario, which showed one interior and exterior parking space. Because the grade goes down 14%, the vehicle is stored on the main floor. Due to setbacks and the roof pitch, the third story is smaller than in the first two scenarios, which affects overall square footage. Planner Astorga stated that the floor area in this structure was 2100 square feet. The floor area in the first scenario was 2400 square feet, and 2500 square feet in the second scenario. He noted that the third scenario would have a walkout level on the lower basement.

Commissioner Thomas noted that most cars are fairly long and the larger vehicles can exceed 18' long. He pointed out that the bumper on larger vehicles touch the front of the house on one end and the property line at the other end. He was not in favor of adding to the front yard setback, but there is a challenge with larger vehicles. Director Eddington stated that if someone has that large of

a vehicle, they would probably reduce the square footage of the house to make the garage larger. Commissioner Hontz remarked that instead of reducing the house size, people build the minimum size garage and park on the street. Either that or they park one car in the garage but leave the door open because the vehicle extends out, and then park their other cars in the street. Commissioner Hontz believed that the standards were not working and there were many questions on how to resolve the garage issue.

Commissioner Savage asked who was responsible for making decisions regarding parking and parking density on the streets. Director Eddington replied that Public Works handles parking issues. Since this was an issue with respect to car length, Commissioner Savage thought it would be appropriate to have Public Works look at a regulation that would prohibit cars greater than a certain length from parking in the driveway unless the driveway is a certain length. Commissioner Thomas pointed out that such a regulation would create an enforcement issue. Commissioner Hontz noted that enforcement is contracted out; therefore, Public Works would not be the enforcers. She believed it was a larger problem than just trying to solve it on paper. Commissioner Hontz thought they needed to look at places with 14% uphill and 14% downhill. She could not think of too many with 14% uphill; and the downhill ones were disasters.

Commissioner Wintzer indicated the potential for a green roof in one area, and noted that it could create living space per the Code. In that situation, the green roof was an issue of increasing square footage, not being compatible with the house. Commissioner Thomas stated that in Park Meadows, for a flat roof less than 4:12, the maximum height is reduced from 33' to 28'. Director Eddington replied that the rule did not apply in Old Town. Commissioner Thomas thought it might be worth considering that for Old Town. If they could encourage green roofs and reduce the heights, the visual impact of the volumetric would be overwhelming. If they allow flat roofs they should have a reduced height below 27'. Commissioner Wintzer thought the green roof issue in Old Town should be revisited because allowing green roofs was passed without any input from the Planning Commission. The language basically allows green roofs in Park City without consideration for compatibility with historic structures or other related issues. Commissioner Wintzer agreed that flat roofs were better in Park City's climate than pitched roofs, but he thought the green roof scenario should be revisited for Old Town.

Planner Astorga reviewed scenario four, Scenario D, which was still at 15% grade. This scenario had two interior parking spaces. The basement was exposed with a rear walkout. The garage was tandem. The house size was 2050 square feet, which was slightly decreased from the previous scenario at 2100 square feet.

Planner Astorga presented scenario five, Scenario E, which was on 30% grade and would require Planning Commission review. It was a downhill scenario because at 30% there was no way to go up. The driveway was 14% grade with one exterior and one interior parking space. The lower level had a rear walkout. Planner Astorga noted that the lot would meet the height requirement and the 10' foot stepback would become 20 feet. The house size at 2200 square feet was slightly larger than some of the 15% grade lots.

Planner Astorga noted that the black lines in all the scenarios indicated the story. The stories in all the scenarios were designed at 10' each.

The sixth scenario, Scenario F, was also 30% grade. There were two interior cars. This scenario breaks the maximum height of 27'; however, the Code states that for a two-car garage in tandem configuration, a height of 35' would be allowed. This scenario would meet the Code.

Commissioner Thomas asked for the allowed length of a tandem garage. Planner Astorga replied that the Staff capped the length at 37 feet. The Code does not indicate the length of a two-car garage in tandem configuration. It only specifies that the garage must be 11' x 20' for a single car and 20' x 20' for a double car garage not in tandem. Commissioner Strachan asked if the garage could be larger than 400 square feet but not smaller. Planner Astorga replied that it could be larger. The 400 square feet is the standard used for allowances. Commissioner Thomas pointed out that the impact of having a tandem garage on a downhill lot over 30% was dramatic. He has a tandem garage on his home and it is less than 32 feet long. He parks two smaller cars in tandem and the larger car on the other side. Commissioner Thomas believed it was realistic to have an 18' car on one side and a 13' car on the other side, parked 16" apart. He expressed concerns about designing to the maximum and suggested that they design for the minimum.

Planner Astorga stated that for consistency with the LMC, the Staff decided to cap the garage length at 37' to achieve a 400 square foot garage. Commissioner Thomas stated that a 400 square foot garage could still be accomplished with a 34' length. Director Eddington stated that the downside of a shorter garage is the inability to park two larger cars, which puts one on the street. Another downside is lack of space to store skis.

Commissioner Hontz remarked that a current problem in Old Town is that people were not using their tandem garages. Rather than focusing on the dimensions of the garage, a better idea might be to have the square footage of the garage count against the overall square footage of the house. If someone wants a larger garage it would reduce the size of their house. Commissioner Thomas stated that his concern was the visual impact of the overall mass. Commissioner Hontz was not opposed to having tandem garages as an option, but they continue to see repercussions resulting from tandem garages. To address Commissioner Thomas' concern, Commissioner Hontz suggested resolving the problem from a height standpoint rather than square footage. Commissioner Thomas asked if the Code currently has a depth limit for tandem garages. Director Eddington replied that the Code did not specify a depth limit; however, the depth would be defined and limited by the 35' foot height limitation. Commissioner Thomas agreed with Commissioner Hontz's suggestion to stay within the height limitation and not allow height exceptions for tandem garages.

The Commissioners discussed flat roofs on tandem garages. Commissioner Savage asked what advantage that would be for Park City. Commissioner Thomas replied that aesthetically it demasses the volumetrics and it allows the second space in the garage to get a car off the street.

Planner Astorga offered to consider their suggestions to see what would work. He asked if the Commissioners would be more comfortable if the height exception was closer to 32' rather than 35'. Commissioner Savage preferred to leave it alone. Commissioner Thomas outlined the worst that could be done on the premise of a worst case scenario. Director Eddington pointed out that the depth of the garage could not exceed the minimum depth for an internal parking space within the Code, which is 40 feet.

Commissioner Hontz pointed out that Scenario F was on a 30% grade and would require a Steep Slope CUP. She clarified that the Planning Commission currently has the ability under the Steep Slope CUP to deny a height exception. The purpose of this discussion was to codify certain requirements so applicants would know upfront that a height exception would not be granted.

Commissioner Savage understood that the height exception was in place to encourage tandem parking, but now they were concerned that people would use the tandem garage for storage and not cars. Commissioner Strachan stated that whether the garage is used for storage or cars, it would still have the visual impact Commissioner Thomas had mentioned.

Planner Astorga presented the seventh scenario, Scenario G, which was on a 45% grade. He noted that development on steeper slopes was unusual, but it does occur and it was worth the discussion. This scenario was allowed one exterior and one interior parking space. The garage was 11'x 20' and it would meet the exception. The only issue was the 10' setback at the end of the structure. A portion of the house would have to be shaved, otherwise it would be on stilts. Planner Astorga noted that the structure could not accommodate any type of walkout because it would not meet the 4-foot grade provision. Commissioner Gross pointed out that they could build a deck to level it out.

Commissioner Strachan wanted to know why living space could not be stilted. Commissioner Hontz stated that it would violate the 4-foot return to grade requirement. Commissioner Thomas did not believe the Code addressed stilt houses. Planner Astorga believed it was a question for the Historic District Design Review analysis.

Director Eddington noted that a deck could not exceed the setback because it would exceed 30" above final grade. Planner Astorga pointed out that a workable deck in this scenario would require a very creative solution. Commissioner Thomas thought this scenario demonstrated that the steeper the slope, the more difficult it was to build a house. Commissioner Strachan agreed, however, he used the drawing to show how the livable space could be increased. In his opinion, a deck is usable space, even if it is not technically considered livable space. The Commissioners discussed additional issues related to building on the steepest slopes. Commissioner Hontz believed the Code was written on the idea of 15-30% slopes. Planner Astorga noted that steeper slopes push the designers to move forward on a split level. Commissioner Thomas stated that the discussion had focused on stepping the exterior of the facade and the massing of the building. However, in terms of impact to the community and over-excavating the site, he wondered whether they should begin thinking about stepping the foundation to create a reasonable depth and maximum excavation requirement.

Commissioner Hontz referred to scenarios on extremely steep slopes and asked what happens when the driveway exceeds 14%. The average slope may be 45% or 60%, but the initial portion of the slope is 80% or 100% and a 14% driveway could not be reached within the setbacks. Commissioner Gross assumed that the percentage was calculated from the edge of the right-of-way to the building envelope. Planner Astorga stated that in his analysis he found that one thing affected another thing in the Code. In his experience, nothing could be built on a slope greater than 30% without a variance. However, Park City is different because of its historic character and

topography and someone could apply for a variance. The 14% grade is a standard in the LMC, which the Board of Adjustment has the ability to override with appropriate findings. Commissioner Hontz pointed out that someone could ask for that variance or a six or four foot front yard setback variance. Commissioner Wintzer stated that a variance request typically goes to hardship. In most cases, the hardship is that the person could not build as large they would like. In his opinion, that hardship could be mitigated by building a smaller house and shifting it on the lot; however, the Board of Adjustment does not take that fact into consideration when reviewing the variance request. Commissioner Wintzer did not believe hardship was valid in those cases.

Commissioner Savage asked how often hardship cases go before the Board of Adjustment and how often they get approved. He questioned whether the Board of Adjustment would actually grant a variance if the only hardship was the inability to build a larger home. Commissioner Strachan pointed out that most people do not give home size as the hardship. Instead, they make the case that their lot is difficult to build on.

Commissioner Thomas asked if a tandem garage could be done on a very steep uphill lot. Director Eddington stated that it would exceed the 35 feet before the second car, and there is no exception on an uphill lot. Commissioner Thomas clarified that he was talking about the impact to grade below ground. He asked them to imagine an uphill lot with a tandem garage on a 100% slope. If the garage depth is 35 feet, there would be a 35' retaining wall on the backsides of that garage, which creates a significant impact. He thought consideration should be given to discouraging tandem garages on super steep slopes. Director Eddington asked if someone should be allowed to put a theater room underground if they chose not do a tandem garage. Commissioner Strachan felt the problem was the requirement for two parking spaces. If the lot is steep enough, it would be impossible to have two cars on site. He stated that one option would be to combine two or three 25' x 75' lots so they could access the driveway on an angle. He believed the issue was how deep to excavate and whether they could step back the problem, similar to stepping back the height problem.

Planner Astorga presented Scenario H, which was at 45% grade and two interior parking spaces. The driveway was 14%. This scenario would require an exception. Mandatory increased setbacks were placed on the rear because of the grade provision. Planner Astorga believed they would most likely see a split level with this scenario.

Commissioner Strachan asked why they were looking at the exceptions assumed. Planner Astorga replied that it was due to the requirement for two interior spaces. Commissioner Thomas clarified that there was an exception in the Code that allows the Staff to make the ratio determination. Commissioner Gross pointed out that they could also apply the green roof scenario that was discussed earlier. Planner Astorga recalled from the Code that a garage in tandem configuration could be as much as 35-feet. Commissioner Strachan stated that going to 35-feet would require an exception. It is not entitled. Planner Astorga read from the Code, "The Planning Director may allow additional height on a downhill lot to accommodate a single-car garage in tandem configuration." Commissioner Thomas pointed out that the tandem configuration could still be achieved by going to a green roof for the other segment and stay within 27-feet. Commissioner Wintzer stated that if half of the roof was a green roof, he was unsure how that could be considered historically compatible. Commissioner Thomas believed that should be a separate discussion. Planner Astorga stated that the Staff was in the process of drafting specific language for the LMC as an

exception to the 7:12, 12:12 provision, if it complies with the guidelines and is granted by the Planning Director. The Commissioners discussed possible alternatives for meeting the requirements in Scenario H without an exception.

Commissioner Thomas recalled that the 7:12, 12:12 provision was established in an effort to find compatibility with the historic character of Old Town. Before the Code change people were flattening out the roof and making the volumetric as large as possible. If they decide to allow green roofs, they need to think it through and define the specifics.

Planner Astorga reviewed Scenarios I and J together. Both were on 60% grade. Scenario I has one exterior parking space, and Scenario J has two interior parking spaces. Planner Astorga noted that there were major issues with variances in both scenarios. If such a lot existed with 60% grade, it would again make sense to try and do a split level concept.

Commissioner Hontz pointed out that in addition to not meeting the height due to the garage, it also would not meet Code because the driveway could not be returned to within 4-feet of natural grade. The bottom two floors would also have to be on stilts. Scenarios I and J could not be built based on all three reasons.

Planner Astorga had prepared another packet of scenarios on uphill lots that he would present at a work session on February 13th.

**496 McHenry Avenue, McHenry Subdivision Replat – Plat Amendment.
(Application #PL-12-01717)**

Due to a conflict, Commissioner Thomas recused himself from this discussion and left the room.

Planner Astorga reviewed the application for the proposed McHenry subdivision replat. Sean Kelleher was the property owner. Planner Astorga reported that Mr. Kelleher owns approximately 12 lots of record. Three do not meet the minimum lot size; therefore, the lot lines would need to be shifted for development.

Planner Astorga reported that the current plan is to construct seven single-family houses that would be accessed from an underground, shared parking garage. The Staff report outlined specific points for discussion, and Planner Astorga requested that the Planning Commission provide direction to the Staff and the applicant on how to proceed. As part of the discussion, the Staff report also included the minutes from the December 12th meeting, at which time the Planning Commission held a site visit and a work session discussion on the three lots down the street from Mr. Kelleher's property.

Mr. Kelleher provided a power point presentation reviewing the history and background of the property. He has been in the periphery of Rossi Hill for a long time, but he has never come before the Planning Commission. Mr. Kelleher stated that when he first became involved with the property in 2006, he was a tenant in common with Mr. Bilbrey, a former owner. Mr. Bilbrey retained all the development rights for the property and Mr. Kelleher was the traditional silent partner. Mr. Kelleher remarked that his only involvement regarding plat applications that came forth since 2007 was to sign the plat as a co-owner of the property. All discussions and decisions made on the property

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
February 13, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage, Adam Strachan, Jack Thomas, Thomas Eddington, Katie Cattan, Kirsten Whetstone, Francisco Astorga, Polly Samuels McLean

WORK SESSION ITEMS

Land Management Code – Discussion of height/story in Chapters 2 and Chapter 15.

On January 9, 2013 the Planning Commission discussed a number of scenarios prepared by the Staff that could occur on downhill lots. The Commissioners would review scenarios for uphill lots for discussion this evening. Planner Astorga had prepared specific scenarios for 50%, 30%, 45% and 60% slopes. He wanted to make sure the Staff and Commissioners had the same understanding regarding the current Land Management Code height provisions in the HR-1, HR-2 and HR-L zones.

Planner Astorga noted that the blue lines on the drawings in the packet represented the property lines on 75' lots. The red line on the bottom represented the grade. The bold red line was the existing regulation that indicates that the final grade shall be within four feet of existing grade on the periphery of each structure. The red line on top was the maximum height, which was capped at 27'. Planner Astorga noted that the Staff had designed what they considered to be worst case scenarios.

Planner Astorga presented Scenario A at 15% grade. The scenario has one exterior and one interior parking space, which pushed the front yard setback to 18 feet; the minimum area required for the exterior parking. This scenario has a mid-level access and a top level rear walk-out. It would be impossible to have a walk-out on the mid-level because it would not be within four feet of existing grade. Director Eddington pointed out that there could be windows on the mid-level. Planner Astorga agreed, noting that there could also be window wells on the basement level. Commissioner Gross asked about cathedral windows. Planner Astorga replied that cathedral windows would be allowed as long as they comply with the Historic District Design Guidelines. It would be challenging but good designers could make it work. The driveway in this first scenario was the 14% maximum.

Commissioner Thomas pointed out that if the driveway is 14% off the edge of the road and there is no transition, you would hit your bumper before you started driving up the hill. He suggested that practical and logical may be less than 14%.

Planner Astorga noted that Scenario A did not include the 10-foot stepback on the front because the basement is completely buried and stepback is not required. Commissioner Strachan asked if the stepback would be required if the basement was not completely

buried and was within four feet of existing grade. Planner Astorga answered yes because a portion of the basement would be exposed.

Planner Astorga presented Scenario B at 15% grade with two interior parking spaces. The driveway is 14%. The house is slightly larger than Scenario A. Commissioner Savage asked why the front distance in Scenario B was shorter than in Scenario A. Commissioner Gross assumed it was because Scenario B had two interior parking spaces and Scenario A parks one car outside. Planner Astorga replied that this was correct.

The Commissioners discussed house size and footprint. Craig Kitterman, a member of the public, remarked that there is a maximum footprint which determines the size of the house. Planner Astorga agreed. He noted that all the scenarios were governed by the maximum building footprint.

Commissioner Strachan had questions regarding the setback. Chair Worel asked if a setback would be required if any part of the bottom level was exposed. Planner Astorga answered yes, except for a window well. He read from Page 3 of the Staff report, second bullet point, "Final grade must be within four vertical feet of existing grade around the periphery of the structure except for the placement of approved window well, emergency egress, and garage entrances". He noted that the basement could still be buried and have a window well, but it would not require the setback.

Commissioner Thomas noted that emergency egress can be any window or door out of a bedroom, and he found that to be problematic.

NOTE: Due to equipment problems, a portion of the meeting was not recorded. The problem was discovered and resolved.

During the non-recorded portion, Planner Astorga had continued his presentation and the Commissioners discussed the remaining scenarios.

Craig Elliott, as a member of the public, questioned why they were having this discussion. He passed around photos that were taken in 2003 and in 2013. From the standpoint of a big picture for the City, he was trying to figure out whether anything was really causing a problem. Mr. Elliott presented boards illustrating various built structures and noted that the majority of the buildings were over 27 feet tall. He stated that in the last ten years there has not been a significant change in Old Town that has created a negative impact to the visual. Mr. Elliott pointed out that with every application the Commissioners want to see a cross-canyon view, but in looking at the illustrations, there has been no changes over the years, other than the trees grew larger.

Commissioner Thomas remarked that the boards Mr. Elliott presented showed the

perspective from a distance, and it did not take into consideration the streetscape and the visual impact walking down the street. He believed the purpose of the Steep Slope CUP is to bring down the scale.

Mr. Elliott understood that the neighbors complain whenever the Planning Commission reviews a Steep Slope project, but that just happens. Neighbors always fight new development because they want to keep the land next door vacant. However, people have the right to build. Mr. Elliott stated that the difference is minimal between what was there and what changed in ten years through the largest building boom. He realized that the LMC changes in 2009 were in response to specific projects, and in hindsight he should have attended the public hearings to argue about the 3-story limitation. It was a mistake on his part and he was attending now to have this discussion. Mr. Elliott noted that there were nine statements of purpose in the LMC. They might be accurately discussing one, but the rest were going the wrong way. Applicants are always asked whether they read the purpose statement. He was now asking the Planning Commission if the discussion they were having meets the purpose statement. He could not understand the purpose of their discussion and he did not believe anything in their discussions would improve things through the Land Management Code. Mr. Elliott stated that restricting height on a 75' lot to 35' to 37-1/2' might make sense; but he could not understand it for a lot over 75'. The nature of Park City is that it keeps stepping up the mountain.

Commissioner Strachan asked if there would be a difference if Mr. Elliott had taken the picture 25 years ago. Mr. Elliott believed that most of the structures shown were built before the 1980's. Commissioner Strachan believed that most of the larger houses Mr. Elliot was showing were not built 25 years ago. Mr. Elliot pointed out that the larger houses would never go away. If they were to burn down they would be replaced with the same size structure in the same place. He felt that the Planning Commission has spent the last few months talking about heights and squares and angles, when they should be talking about the big picture and why they were having these discussions. If the discussion is that they want to limit the ability to develop, they were moving in the wrong direction.

Commissioner Savage stated that Mr. Elliott is a professional who presented visuals to support his position. He believed Mr. Elliott had a valid point. They can look at the various scenarios presented, but the reality of importance is the sense from the perspective of where these developments will take place and whether something is or is not consistent with that particular location and a particular set of visuals. Commissioner Savage thought that should be their guiding parameters more than trying to create a formula for calculating volume as a function of lot size.

Mr. Elliott stated that he works in Old Town every day. He experiences the streets every day and he walks to most of his projects. He was confident that the things that have happened over the past ten years have not negatively impacted the quality of the town.

Changes are made and it does not make any difference in the overall impact. These discussions have kept people from building houses for the last six months and will cause them to miss two seasons of construction. Mr. Elliott believed the major question was why they were having these discussions and what it would accomplish.

Commissioner Thomas stated that prior to creating the 2009 LMC, they were seeing buildings stepping up the mountainside to maximize the volumetric. That had a dramatic visual impact on the neighbors, the street and the scale of the community. The reason for these discussions is to have a sense of scale to the historic fabric of the community at the street level. He did not think some of the images Mr. Elliott presented was a fair comparison of what this town is about or the character of the town. Mr. Elliott disagreed. Commissioner Thomas stated that the image does not represent what the neighbors experience when someone builds an enormous house next to an historic house. The purpose of the 2009 changes was to respect the neighbors and what was left of the historic fabric that was being whittled away by these monstrous structures.

Mr. Elliott reiterated that the Planning Commission should address the real question of "why" and if whether the "why" fits within the Land Management Code purpose statement. In his opinion it did not.

Commissioner Strachan asked if Mr. Elliott had any recommendations on how they could bring more families and primary homeowners back into Old Town. Mr. Elliott felt that would be driven by a number of different things. He suggested that current projects would bring people into town. He thought they would be fighting the issue of value for a long time because of its proximity to Main Street.

Ruth Meintsma stated that she lives on a street that is primarily second homes and nightly rentals. She does not mind nightly rentals in her neighborhood because it works. However, the houses in-between where people live are very important and adds cohesion to the neighborhood. Ms. Meintsma understood the reasons for limitations. A house across the street from hers is nightly rental. People come in and out and you never talk to them. The number of cars is astounding and the amount of trash in one weekend is more than she creates in two months. Ms. Meintsma believes there needs to be a balance. In talking about limitations, she understood the three stories limit and size reduction for second homes and nightly rentals because extra space is not needed for that type of living. However, when someone has a family they need to think about a new way of living. They need to think about space for storage, tools, food storage, etc. She believes that if there could be a second criteria of house building where a home or a residence is signed in perpetuity to no nightly rental, it would add to affordable housing because people could come in a rent for a minimum of one year. With larger structures people would create a home and it would allow for families. Sometimes the fourth story is necessary for a family. If someone wants to build a home for their family and wants extra space, the City should

hold them to the family home use by having them sign in perpetuity to no nightly rental.

Planner Cattan stated that limiting nightly rental was not necessarily limiting second homes. Ms. Meintsma agreed, but it would still be someone's home. Commissioner Savage commented on the economic impact. If someone did not have the ability for nightly rental they possibly could not afford the home. In other cases, some people buy second homes on the fact that they can enjoy it themselves and offset some of their expenses by renting when they are not there. Ms. Meintsma understood the concern, but if someone was willing to sign their home into perpetuity from nightly rentals, they should be given some incentive such as extra space in their home.

Mary Wintzer stated that when side yard setbacks were reduced years ago, they saw huge impacts with snow shedding and people began to maximize their houses. The lifestyle of those living in Old Town has been drastically affected. Her neighbors raised four kids in a three-story house. When she was growing up people shared bedrooms. Ms. Wintzer was not totally opposed to the incentive of a fourth story, but if they return to what used to be they would not need monstrous homes.

Ms. Meintsma pointed out that lifestyles are completely different than how they used to live. She clarified that she was not talking about greater height or greater mass. She was only talking about an additional story. She understood that excavation was a major concern, but she believed that could be mitigated.

Ms. Wintzer remarked that several years ago four owners on Rossi Hill imposed a house size restriction on themselves. They realized that it would limit their profit when they decide to sell because the lots could not be maximized, but they did it because they value their neighborhood. Ms. Wintzer stated that they love Old Town, they love the mountain and they love what the community has given them. It is the neighborhood, the people and the land, and they are building up every square inch of the earth in Town. She believed they would pay a price some day. The old timers talk about the years when they had bad spring runoff and mud slides on this side of the Canyon. They have not seen that yet, but it is possible. If it occurs, there is no earth left to absorb it because it is all developed.

Commissioner Hontz felt good about this exercise because it was based on the purpose statements and it came out of the realization and the factual evidence of how many undeveloped lots are left and how tightly constrained they are. In her mind this was an exercise of education, but it also explored whether what they have meets what they want to do, how they need to tweak it, if at all, and if the scenarios were representative of what they thought they were trying to achieve. The discrepancy on the definition of story was another reason that prompted the exercise. Without those reasons they would have never done this and nothing would change. Instead, they went through this very thorough discussion to possibly visit some potential changes. Commissioner Hontz thought this was a useful

experience. She was unsure what the result would be based on all their opinions, but this was instrumental in educating the Planning Commission to be able to move forward.

Planner Astorga noted that page 2 of the Staff report contained language from the current Code. He asked if the Planning Commission had issues with any of the regulations and whether it needed to be strengthened or rewritten. He believed there was some consensus for spending more time and resources on adding internal maximum height. He asked if any of the other height parameters needed to be fine tuned. Commissioner Strachan felt it was sufficient to have the internal height limitation.

Commissioner Savage had issues with the third bullet point and the definition of three stories, and whether three stories was measured from a vertical point or by some other metric. Commissioner Strachan thought the three story restriction could be eliminated if they use the internal height restriction. Commissioner Thomas agreed. The internal height gives the designers more flexibility with the floor plan.

Director Eddington understood that the Planning Commission would not have as much consternation with regard to split levels and partial stories inside the building. He was told that this was correct. Commissioner Strachan clarified that applicant could do whatever he wanted within his own box as long as it meets the internal height limit.

Commissioner Thomas suggested a site visit to several sites that reflect the conditions discussed on uphill and downhill lots so they could see them in the field.

General Plan – Discussion and Overview of neighborhoods – the neighborhoods to be discussed include: Thaynes Canyon, Park Meadows, and Bonanza Park/Prospector

Nightly Rentals

Planner Cattan reported that the Staff had prepared a discussion on nightly rental because it was one of the more controversial topics to be discussed neighborhood by neighborhood as they decide to rezone and talk about residential neighborhood versus resort neighborhood. She preferred to start with nightly rentals before moving into the neighborhoods discussion.

Planner Astorga read that the current Land Management Code definition of a nightly rental. “The rental of a dwelling unit for less than 30 days.” Another clause states, “Nightly rentals do not include the use of dwelling units for commercial uses.” Commissioner Savage asked for clarification on the language regarding the use of dwelling units for commercial uses. Assistant City Attorney McLean explained that as an example, gifting parties cannot be held in a home that is a nightly rental.



Planning Commission Staff Report

Subject: Land Management Code
Amendments
Author: Kirsten Whetstone, MS, AICP
Date: May 7, 2013
Project Number: PL-12-01631
Type of Item: Legislative Code Amendments

Planning Department

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing, consider any input, and consider forwarding to City Council a positive recommendation regarding the Land Management Code amendments for Chapter 2.18 (General Commercial zoning district) and Chapter 6 (Master Planned Developments) as outlined in this Staff report and the attached Ordinance.

Proposal

Staff has prepared these final amendments as part of the 2012 annual review of the Park City Land Management Code. On November 28th and December 12th, the Commission forwarded various amendments to the City Council and continued the following items for further discussion. These items have been re-noticed for public hearing on May 7th:

- Chapter 6- Master Planned Developments (MPDs) (Exhibit A)
 - Revise purpose statements for MPDs
 - Clarify applicability of MPDs in all zoning districts
 - Add additional review requirements applicable to all MPDs related to open space, building height, landscaping, and historic mine waste mitigation and resort accessory uses

Additional amendments recommended by City Staff and noticed for public hearing on May 7th:

- Chapter 2.18- General Commercial Zone (GC), specifically LMC Section 15-2.18-3 (I) regarding the Prospector Overlay site development requirements (Exhibit B)
 - Correct the code to reflect the correct Lot numbers that are subject to the Prospector Overlay (Section 15-2.18-3 (I) (1)-(3)) and to clarify that any Commercial Lot within the Prospector Overlay that is also within the Frontage Protection Zone (FPZ), shall comply with FPZ setbacks.

Background

The Planning Department, on an annual or bi-annual basis, reviews the LMC to address planning and zoning issues that have come up in the past year. These amendments

provide clarification and streamlining of processes, procedures, and definitions and provide consistency of code application between Chapters as well as consistency with the General Plan, Council Goals, Utah Code, and the Historic District Design Guidelines.

The proposed revisions for discussion listed above are further described in the Analysis section below. A redlined version of the revised sections of each Chapter is included as Exhibits A and B.

At the November 28th meeting the Commission took the following action on the items related to this report.

1. Clarify purpose and applicability of the Master Planned Development review process in various zones (Chapter 6). **Discussed, requested no height exception allowed for MPDs in HRC and HCB zones, continued to December 12th for discussion with the full Board.**
2. Additional review criteria for all Master Planned Developments, including open space, building height, landscaping, mine hazards and historic mine waste mitigation (Chapter 6). **Discussed, requested additional language regarding open space criteria and landscaping and continued to December 12th for discussion with the full Board.**

Both items were continued to a date uncertain at the December 12th meeting to allow Staff to provide additional information regarding development scenarios related to height exceptions within the HRC and HCB zones. Due to Staff's current recommendation (no change in height), and based on the Planning Commission discussions and public input, to exclude these zones from possible height exceptions through the MPD process, visuals representing various height scenarios were not contracted to be provided, however extensive GIS and LIDaR (Laser Imaging Detection and Ranging) mapping was analyzed by Staff. The height of the Silver Queen building on the southeast corner of Heber and Main is representative of the 45' HCB height limit and height of the three recently constructed condominiums on the west side of Park Avenue, south of the old Bad Ass coffee cottage at the intersection of Heber Avenue and Park Avenue are representative of the 37' HRC height limit for pitched roof structure.

Analysis

Analysis for each topic is included following the proposed amendment language.

1. Clarify which lots in the Prospector Square Subdivision are subject to the reduced site requirements as stated in Chapter 2.18-3 (I) (GC Zone) and include a reference to this Prospector Overlay exception in the Front, Rear, and Side Yard requirements section of the GC zone.

Proposed language (see redlines):

15-2.18-3. LOT AND SITE REQUIREMENTS.

(A) **FRONT YARDS.** The minimum Front Yard is twenty feet (20') for all Main and Accessory Buildings and Uses. The twenty foot (20') Front Yard may be reduced to ten feet (10'), provided all on-Site parking is at the rear of the Property or under-ground/underground. The Frontage Protection Overlay Zone (FPZ) requires a minimum landscaped buffer of thirty-feet (30') in width abutting the Street. See Section 15-2.20. The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3 (I).

(C) **REAR YARD.** The minimum Rear Yard is ten feet (10'). The Prospector Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3 (I).

(E) **SIDE YARD.**

(1) The minimum Side Yard is ten feet (10').

(2) Side Yards between connected Structures are not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.

(3) The minimum Side Yard for a Detached Accessory Building not greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main Building must be one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side Yard must be three feet (3').

(4) On Corner Lots, the Side Yard that faces a Street is considered a Front Yard and the Setback must not be less than twenty feet (20').

(5) The Prospector Square Overlay allows reduced site requirements for designated Affected Lots. See Section 15-2.18-3 (I).

(I) **PROSPECTOR OVERLAY ESTABLISHING A MAXIMUM FLOOR AREA FOR DEVELOPMENT.** The following requirements apply to specific Lots in the Prospector Square Subdivision:

(1) **AFFECTED LOTS.** Lots 2A through Lot 49D, except Lots 40, 41, 42, 43, 44, 45, and 46, and parking Lots A through K as shown on the Amended Prospector Square Subdivision Plat.

(2) **MAXIMUM FLOOR AREA RATIO (FAR).** The FAR must not exceed two (2.0) for all Affected Lots as specified above. All Uses within a Building, except enclosed Parking Areas, are subject to the Floor Area Ratio (FAR). Parking Lots A - K must have no Use other than parking and related Uses such as snow plowing, striping, repaving and landscaping.

(3) **REDUCED SITE REQUIREMENTS.** In the Prospector Square Subdivision, ~~Lots 2 to 38,~~ Front, Side and Rear Yards may be reduced to zero feet (0') for all Affected Lots as specified above. ~~except for e~~Commercial Lots within the Frontage Protection Zone shall comply with FPZ setbacks per LMC Section 15-2.20. This section is not intended to conflict with the exceptions listed above nor shall it be interpreted as taking precedence over the requirement of Section 15-2.18-3(H) Clear View of Intersection. ~~Streets.~~

Analysis

The Prospector Square Subdivision and Prospector Overlay allowed zero lot line development for the small lots clustered along pedestrian walkways with shared parking lots and required larger setbacks for General Commercial (GC) site development for the larger lots on the perimeter (the “affected lots”). During one of LMC re-writes in the late 1990s or early 2000, an error was made in listing which lots required the larger setbacks (i.e. were exceptions to the zero lot line “Affected Lots”) and Lot 44 was left out. (Exhibit C) . The Prospector condominium project was constructed on Lot 44. This is not a zero lot line development and should be excluded from the list of “Affected Lots” .

Additionally, in the listing of Affected Lots (lots allowed to have zero setbacks) lots 47A through 49D were inadvertently deleted. Furthermore, Lot 39 no longer exists as it was deleted during the Prospector Square subdivision supplemental plat amendment to allow for FPZ open space buffer at the intersection of Bonanza Drive and Kearns Blvd.

Additionally, the Floor Area Ratio of two (2) was intended to apply to the Affected Lots and the code should be amended to clarify this requirement within the Prospector Overlay language. There is no FAR in the General Commercial zone for property not subject to the Prospector Overlay zone and those lots excluded from the specific requirement of a Floor Area Ratio of two (2) are subject to the GC zone for site development requirements, including setbacks and building height.

Staff recommends these GC amendments in order to correctly reflect the allowed development requirements for the Lots within the amended Prospector Square Subdivision, subject to the Prospector Overlay.

2. Clarify purpose and applicability of the Master Planned Development review process in various zones (Chapter 6).

Proposed language (see redlines):

Master Planned Developments

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are Compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

- (A) complement the natural features of the Site;
- (B) ensure neighborhood Compatibility;
- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;
- (F) provide the highest value of open space for any given Site;
- (G) efficiently and cost effectively extend and provide infrastructure;
- (H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;
- (I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and
- (J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community.

(K) encourage opportunities for economic diversification and economic development within the community.

15-6 -2. APPLICABILITY.

- (A) **Required.** The Master Planned Development process shall be required in all zones **except in** the Historic Residential- Low Density (HRL), Historic

Residential (HR-1), Historic Residential 2 (HR-2), ~~Historic Residential – Low Density (HRL)~~, and ~~Historic Residential – Medium Density (HRM)~~ Historic Recreation Commercial (HRC), and Historic Commercial Business (HCB) for the following:

- (1) Any Residential project ~~with larger than~~ ten (10) or more Lots or with ten (10) or more Residential Unit Equivalents.
- (2) All Hotel and lodging projects with more than fifteen (15) Residential Unit Equivalents.
- (3) All new Commercial, Retail, Office, Ppublic or Qquasi-Ppublic, or ~~i~~Industrial projects with more greater than 10,000 square feet Gross Floor Area.
- (4) All projects utilizing Transfer of Development Rights Development Credits.

~~(B) — The Master Planned Development process is allowed but is not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC), Historic Residential (HR-1) and Historic Residential (HR-2) zones, provided the subject property and proposed MPD include two (2) or more zoning designations.~~

(B) Allowed but not required.

(1) The Master Planned Development process is allowed but is not required in the Historic Residential (HR-1) and Historic Residential 2(HR-2) zones only when the HR-1 or HR-2 zoned Properties ~~parcels~~ are combined with adjacent HRC or HCB zoned Properties. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC, and HCB Zoning Districts. See Section 15-6-5 (F) Building Height. ~~or~~

(2) The Master Planned Development process is allowed but is not required when t~~he~~ Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and ~~which may be considered for the proposed MPD is for~~ an Affordable Housing MPDs consistent with Section 15-6-7 herein.

(C) Not allowed.

The Master Planned Development process is not allowed or permitted except as provided in Sections A and B above and as described in LMC Section 15-6-7 Master Planned Affordable Housing Developments or as specifically required by the City Council as part of an Annexation or Development Agreement.

Analysis

On August 23, 2012, the City Council held a Work Session regarding a future addition to the historic Kimball Art Center (KAC) building. Council indicated it was supportive of exploring options that would allow for public dialogue regarding this project to occur. As the Code is currently written and interpreted, a Master Planned Development application for any addition to the KAC could not be submitted to the Planning Department for review, as MPDs are not specifically permitted in the HRC zone, unless the proposed MPD crosses into another zoning district. The KAC property is located entirely within the HRC zone.

At the September 12th meeting, the Commission requested historical information regarding the inclusion and exclusion of MPDs in the Historic District (see Exhibit D). This historic timeline regarding MPDs in the Historic District was presented to the Planning Commission on November 28th. At the meeting on November 28th the Planning Commission discussed the issue of MPDs in the Historic District, specifically the HRC and HCB and recommended staff provide additional information, including a matrix of what can be done under existing zone versus what could be done with an MPD. Staff will provide this information during the presentation. The Commission gave direction to not allow height exceptions for MPDs in the HRC and HCB, as currently exist for HR-1 and HR-2. MPDs are allowed in the HR-1 and HR-2 zones for properties that include HRC and HCB zoned property; however height exceptions are not permitted.

As not all of the Commission was present at the November 28th meeting, the Commission requested staff continue this discussion to the December 12th meeting. The Commission requested additional information on the type of open space, percentage of open space and in-lieu fees option. The Commission has discussed open space definitions during the General Plan meetings and staff is recommending language that refers to the General Plan. One of the action items to come out of the General Plan will be to amend the open space definitions. At the December 12th and 28th meetings staff focused on getting the bulk of the annual LMC updates finalized and requested a continuation on the MPD section to January 9th. Staff continued the item to a date uncertain in order to complete work on other items. (Exhibit E)

Staff requests the Commission revisit this issue of MPD applicability and discuss whether to:

- Forward the current proposed language that does not require MPDs within the HRC and HCB districts, regardless of size of project. MPDs would still be allowed for those properties that contain more than one zone, e.g. the HR-1/HRC and HR-2/HCB zoned properties, as is currently allowed. MPDs would not be allowed for properties that contain only HRC or HCB zoning or for properties containing both HRC and HCB zoning; OR

- Consider amending the proposed language to require MPDs within the HRC and HCB districts for all larger projects and keep the proposed MPD language that does not allow height exceptions to be granted in the HRC and HCB zones (limits height to 32' in HRC and 45' in HCB). This would provide MPD level of review and a public hearing for larger projects. MPDs also have requirements for greater levels of public benefits, such as development agreements, site plan elements, and affordable housing requirements.

Other options include the following: (however Staff does not support or recommend these options due to compatibility issues with existing historic structures)

- allow up to a 50% of zone height exception in the HRC Heber Avenue Subzone only- limits height to 48' from currently allowed 32' (37' for pitched roof).
- allow a height exception in the HRC zone only up to the HCB height- limits height to 45' (per HCB volumetric regulations)

Staff has received many emails regarding the proposed MPD language as it relates to the KAC project. All emails received since the December 12th meeting are attached as Exhibit F. Staff attached all previous emails to the previous staff reports and these are available for review at the Planning Department.

3. Additional review criteria for all Master Planned Developments (MPD), including open space, building height, landscaping, mine hazards and historic mine waste mitigation, and resort accessory uses (Chapter 6).

Proposed language (see redlines):

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

...

15-6-5. (D) **OPEN SPACE.**

(1) **MINIMUM REQUIRED.** All Master Planned Developments shall contain a minimum of sixty percent (60%) Open Space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Light Industrial (LI), Historic Recreationsidential Commercial (HRC), Historic Commercial Business (HCB), Historic Residential Medium

Density (HRM), Historic Residential (HR-1 and HR-2) zones. In these Zoning districts the minimum Open Space requirement is thirty percent (30%).

In all zoning districts, if the MPD is for redevelopment of an existing Development or Developments, or if the MPD is for an infill site that is not subject to an existing MPD (approved prior to January 1, 2013), the Planning Commission may reduce the required Open Space to thirty percent (30%) in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, 1) A ten (10%) or more increase in Affordable Housing; 2) Sustainable Design and Building Construction (meeting or exceeding LEED Silver or equivalent); 3) Fifty percent (50%) greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit with increased landscape material sizes; 4) public transit improvements or significant contributions in terms of fee in lieu for public transit improvements; 5) Publicly Accessible ~~public pedestrian~~ plazas and pedestrian way/trail linkages; 6) public art equivalent to at least 3% of the total project cost; or and 7) rehabilitation or restoration of Historic Structures that are located either on or off the Property.

(2) **TYPE OF OPEN SPACE.** The Planning Commission shall designate the preferable type and mix of Open Space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. Landscaped Open Space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open Space may not include land that is be utilized for Streets, roads, driveways, Parking Areas, Commercial Uses, or Buildings requiring a Building Permit For redevelopment or infill projects in the General Commercial (GC) District, Light Industrial (LI), Historic Recreation Commercial (HRC), Historic Commercial Business (HCB), Historic Residential (HR-1, HR-2, and HRM) zones, Publicly Accessible plazas and gardens may count toward this Open Space requirement.

15-6-5. (F) **BUILDING HEIGHT.**

The Building Height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in Building Height based upon a Site specific analysis and determination. Height exceptions will not be granted for

Master Planned Developments within the HR-1, ~~and~~ HR-2, HRC, and HCB Zoning Districts.

The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building Hheight in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated ~~to the extent possible~~ as determined by the Site Specific analysis and approved by the Planning Commission;

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

(4) The additional Building Height ~~has result~~ed in more than the minimum Open Sspace required and ~~has result~~ed in the Open Sspace being more usable and includes Publicly Accessible Open Space;

(5) The additional Building Hheight shall be designed in a manner ~~so as to that~~ provides a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;

If and when the Planning Commission grants additional Building Hheight due to a Site specific-Specific analysis and determination, that additional Building Hheight shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

15-6-5. (H) **LANDSCAPE AND STREET SCAPE.**

A complete landscape plan must be submitted with the MPD application. The landscape plan shall comply with all criteria and requirements of LMC Section 15-5-5 (M) LANDSCAPING.

~~To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty (50%) of the Area not covered by Buildings and other hard surfaces, and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders.~~

All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy.

Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

15-6-5. (M) **HISTORIC MINE WASTE MITIGATION.**

For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.

15- 6- 6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

- (A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;
- (B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;
- (C) The MPD, as conditioned, is consistent with the Park City General Plan;
- (D) The MPD, as conditioned, provides the highest value of Open Sspace, as determined by the Planning Commission;

(E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;

(F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

(G) The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and protects residential neighborhoods and Uses;

(H) The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;

(I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

(J) The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and public hearing held in accordance with this Code.

(M) The MPD, as conditioned, incorporates best planning practices for sustainable development, water conservation measures and including energy efficient design and construction per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.

(N) The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.

(O) The MPD, as conditioned, addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

...

15-6-8. (G) **RESORT ACCESSORY USES.**

The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are considered typical

[back of house uses and](#) are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

Information
Lost and found
First Aid
Mountain patrol
Administration
Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
Employee restrooms, [locker rooms, break rooms, and dining areas and Areas](#)
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways [for these Resort Accessory Uses](#)

Analysis

These proposed amendments to Chapter 6 are intended to clarify existing MPD review criteria and to provide additional review criteria and requirements for all MPDs within Park City, specifically regarding building height, open space, landscaping, removal of noxious weeds, mine waste, and resort accessory uses in anticipation of MPDs being utilized as a development review control tool in infill areas, such as Bonanza Park and Lower Park Avenue. See Exhibit G for the revised and approved Section 15-5-5 (M) Landscaping that is being referred to within the MPD Chapter. This [language](#) provides consistency between Chapters regarding landscape requirements.

Discussion Requested

Staff requests the Planning Commission discuss and provide input on the following specific topics:

- 1) Staff requests discussion on the proposed amendments to not allow MPDs within the Historic Districts, with the exception of the HRM district for larger projects and those specifically allowed within the**

HR-1 and HR-2 zoning districts as currently permitted where development crosses the zone line to the adjacent HRC and/or HCB district. In these cases, the MPD would also be located within the HRC and HCB districts as currently allowed. No height exceptions are allowed for the portions of any MPD located in the HR-1, HR-2, HRC, and HCB zones.

- 2) Staff requests discussion regarding the pros and cons of allowing MPDs for property that only contains HCB and HRC zoning, specifically for larger projects to allow greater review by the Planning Commission. As defined by the code these larger projects are as follows: 10 residential lots or UEs; for all hotels and lodging projects containing more than fifteen (15) Residential Unit Equivalents; for all commercial, retail, office, public and quasi-public, and industrial projects containing more than 10,000 square feet; and for any project utilizing Transfer of Development Rights Development Credits. Additionally, affordable housing is required for all Master Planned Development per the City's Affordable Housing Resolution.**

Staff includes a caveat that no height exceptions be allowed for development within the HRC and HCB zoned property if the Commission decides that MPD review would be beneficial for these larger types of projects within the HCB and HRC districts.

Department Review

These amendments have been reviewed by the Planning, Engineering and Legal Departments. Concerns and comments are reflected in the proposed language.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption and become pending upon publication of legal notice. City Council action may be appealed to a court of competent jurisdiction per LMC Section 15-1-18.

Notice

The public hearing was legally noticed in the Park Record. The legal notice was also posted according to requirements of the Land Management Code.

Public Input

Public hearings were noticed for the September 12th and 26th, October 24th, November 28th and December 12th meetings. Public input on these amendments was provided at the September 12th and 26th meetings as well as at the October 24th, November 28th,

and December 12th meetings. Staff received additional input since the December 28th meeting that has been included as Exhibit F of this report. This input was not submitted previously because this item has not been on the Planning Commission's agendas until now.

Recommendation

Staff recommends the Planning Commission conduct a public hearing, consider any input, and consider forwarding to City Council a positive recommendation regarding the Land Management Code amendments for Chapter 2.18 (General Commercial zoning district) and Chapter 6 (Master Planned Developments) as outlined in this Staff report and in the attached Ordinance.

Exhibits

Ordinance

Exhibit A- Chapter 2.18 – General Commercial (GC) Zoning District

Exhibit B- Chapter 6- Master Planned Developments

Exhibit C- Prospector Square Subdivision plats

Exhibit D- MPD History and Timeline

Exhibit E- Planning Commission meeting minutes regarding MPD amendments

Exhibit F- Public input regarding MPD amendments

Exhibit G- Revised and approved Landscaping requirements in Chapter 5

DRAFT

Ordinance 13- __

**AN ORDINANCE AMENDING THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH,
REVISING SECTIONS 15-2.18 and 15-6
REGARDING REDUCED SITE REQUIREMENTS IN THE PROSPECTOR OVERLAY
AREA, APPLICABILITY OF MASTER PLANNED DEVELOPMENTS IN VARIOUS
ZONES, AND MASTER PLANNED DEVELOPMENT REQUIREMENTS FOR OPEN
SPACE, LANDSCAPING, BUILDING HEIGHT, MINE HAZARDS AND MINE WASTE,
NOXIOUS WEEDS, AND BACK OF HOUSE USES.**

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

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

WHEREAS, the City reviews the Land Management Code on an annual basis and identifies necessary amendments to address planning and zoning issues that have come up in the past year, and to address specific LMC issues raised by Staff and the Commission, to address applicable changes to the State Code, to correct any errors or inconsistencies, and to align the Code with the Council's goals; and

WHEREAS, the City's goals include preservation of Park City's character regarding Old Town improvements, historic preservation, sustainability, affordable housing, and protecting Park City's residential neighborhoods and commercial districts from incompatible development; and

WHEREAS, the City's goals include maintaining the resort community character regarding architectural consistency and excellent design and enhancing the economic viability of Park City's Main Street Business District; and

WHEREAS, Chapter 2.18, the General Commercial zoning district (GC), provides a description of purposes, site requirements, provisions and procedures specific to this zoning district that the City desires to clarify and revise. These revisions clarify the affected lots within the Prospector Overlay area, as identified on the amended Prospector Square Subdivision plat, that are allowed reduced site requirements and required to meet a Maximum Floor Area Ratio of two (2); and

WHEREAS, Chapter 6 - Master Planned Developments, provides regulations, requirements, and procedural requirements regarding Master Planned Developments, including purpose statements regarding Master Planned Developments, and the City desires to clarify and revise these regulations and procedures; and

WHEREAS, these amendments are changes identified during the 2011/2012 annual review of the Land Management Code that provide clarification of processes, procedures, and interpretations of the Code for streamlined review, and consistency of application between Sections; and

WHEREAS, the Planning Commission held work session meetings on August 22nd, September 12th, September 26th, and December 12, 2012 to discuss proposed LMC amendments to Chapter 6 and the Historic Preservation Board held a work session meeting on November 7th to discuss the LMC amendments related to the Historic District; and

WHEREAS, the Planning Commission duly noticed and conducted public hearings at the regularly scheduled meeting on August 22nd, September 12th, September 26th, November 28th and December 12, 2012, and May 7, 2013 and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on _____, 2013; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the residential neighborhoods, preserve historic structures, promote economic development within the Park City Historic Main Street business area and the General Commercial zoning district, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2- Section 15-2.18- General Commercial zoning district. The recitals above are incorporated herein as findings of fact. Chapter 2 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 6- Master Planned Development. The recitals above are incorporated herein

as findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of _____, 2013

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 2.18 - GENERAL COMMERCIAL (GC) DISTRICT

Chapter adopted by Ordinance No. 00-51

15-2.18-1. PURPOSE.

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

- (A) allow a wide range of commercial and retail trades and Uses, as well as offices, Business and personal services, and limited Residential Uses in an Area that is convenient to transit, employment centers, resort centers, and permanent residential Areas,
- (B) allow Commercial Uses that orient away from major traffic thoroughfares to avoid strip commercial Development and traffic congestion,
- (C) protect views along the City’s entry corridors,
- (D) encourage commercial Development that contributes to the positive character of the City, buffers adjacent residential neighborhoods, and maintains pedestrian Access with links to neighborhoods, and other commercial Developments,

(E) allow new commercial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural details, color range, massing, lighting, landscaping and the relationship to Streets and pedestrian ways,

(F) encourage architectural design that is distinct, diverse, reflects the mountain resort character of Park City, and is not repetitive of what may be found in other communities, and

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

15-2.18-2. USES.

Uses in the GC District are limited to the following:

(A) **ALLOWED USES.**

- (1) Secondary Living Quarters

- (2) Lockout Unit¹
- (3) Accessory Apartment²
- (4) Nightly Rental
- (5) Home Occupation
- (6) Child Care, In-Home Babysitting³
- (7) Child Care, Family³
- (8) Child Care, Family Group³
- (9) Child Care Center³
- (10) Accessory Building and Use
- (11) Conservation Activity
- (12) Agriculture
- (13) Plant and Nursery Stock production and sales
- (14) Bed & Breakfast Inn
- (15) Boarding House, Hostel
- (16) Hotel, Minor
- (17) Hotel, Major
- (18) Office, General
- (19) Office, Moderate Intensive
- (20) Office, Intensive
- (21) Office and Clinic, Medical
- (22) Financial Institution without a drive-up window
- (23) Commercial, Resort Support
- (24) Retail and Service Commercial, Minor
- (25) Retail and Service Commercial, Personal Improvement
- (26) Retail and Service Commercial, Major
- (27) Cafe or Deli

- (28) Restaurant, General
- (29) Hospital, Limited Care Facility
- (30) Parking Area or Structure with four (4) or fewer spaces
- (31) Parking Area or Structure with five (5) or more spaces
- (32) Recreation Facility, Private

(B) **CONDITIONAL USES.**

- (1) Single Family Dwelling
- (2) Duplex Dwelling
- (3) Triplex Dwelling
- (4) Multi-Unit Dwelling
- (5) Group Care Facility
- (6) Public and Quasi-Public Institution, Church, and School
- (7) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (8) Telecommunication Antenna⁴
- (9) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁵
- (10) Timeshare Project and Conversion
- (11) Timeshare Sales Office, off-site within an enclosed Building
- (12) Private Residence Club Project and Conversion⁸

¹Nightly rental of Lockout Units requires Conditional Use permit

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

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

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

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

- (13) Financial Institution with a Drive-up Window⁶
- (14) Retail and Service Commercial with Outdoor Storage
- (15) Retail and Service Commercial, Auto Related
- (16) Transportation Service
- (17) Retail Drive-Up Window⁶
- (18) Gasoline Service Station
- (19) Restaurant and Cafe, Outdoor Dining⁷
- (20) Restaurant, Drive-up Window⁶
- (21) Outdoor Event⁷
- (22) Bar
- (23) Sexually Oriented Businesses⁸
- (24) Hospital, General
- (25) Light Industrial Manufacturing and Assembly
- (26) Temporary Improvement⁷
- (27) Passenger Tramway and Ski Base Facility
- (28) Ski tow rope, ski lift, ski run, and ski bridge
- (29) Commercial Parking Lot or Structure
- (30) Recreation Facility, Public
- (31) Recreation Facility, Commercial
- (32) Indoor Entertainment Facility

- (33) Master Planned Development with moderate housing density bonus⁹
- (34) Master Planned Developments⁹
- (35) Heliport
- (36) Temporary Sales Trailer in conjunction with an active Building permit for the Site.⁸
- (37) Fences greater than six feet (6') in height from Final Grade⁷

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

(Amended by Ord. Nos. 04-39; 06-76)

15-2.18-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth as required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development activity must comply with the following minimum yards:

(A) **FRONT YARDS.** The minimum Front Yard is twenty feet (20') for all Main and Accessory Buildings and Uses. The twenty foot (20') Front Yard may be reduced to ten feet (10'), provided all on-Site parking

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

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

⁷Requires an administrative Conditional Use permit

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

is at the rear of the Property or under ground. The Frontage Protection Overlay Zone (FPZ) requires a minimum landscaped buffer of thirty-feet (30') in width abutting the Street. See Section 15-2.20. [The Prospector Overlay allows reduced site requirements for designated Lots. See Section 15-2.18-3 \(I\).](#)

(B) FRONT YARD EXCEPTIONS.

The Front Yard must be open and free of any Structure except:

- (1) Fence, walls, and retaining walls not more than four feet (4') in height, or as permitted in Section 15-4-2. On Corner Lots, Fences more than three feet (3') in height are prohibited within twenty-five feet (25') of the intersection at back of curb.
- (2) Uncovered steps leading to the Main Building; provided, the steps are not more than four feet (4') in height from Final Grade, not including any required handrails, and do not cause any danger or hazard to traffic by obstructing the view of the Street or intersection.
- (3) Roof overhangs, eaves, and cornices projecting not more than three feet (3') into the Front Yard.
- (4) Sidewalks, patios, and pathways.
- (5) Decks, porches, and Bay Windows not more than ten feet (10')

wide, projecting not more than three feet (3') into the Front Yard.

(6) Driveways leading to a garage or Parking Area. No portion of a Front Yard, except for driveways, allowed Parking Areas and sidewalks may be Hard-Surfaced or graveled. See Section 15-3-3 General Parking Area and Driveway Standards.

(7) Circular driveways meeting all requirements stated in Section 15-3-4.

(C) REAR YARD. The minimum Rear Yard is ten feet (10'). [The Prospector Overlay allows reduced site requirements for designated Lots. See Section 15-2.18-3 \(I\).](#)

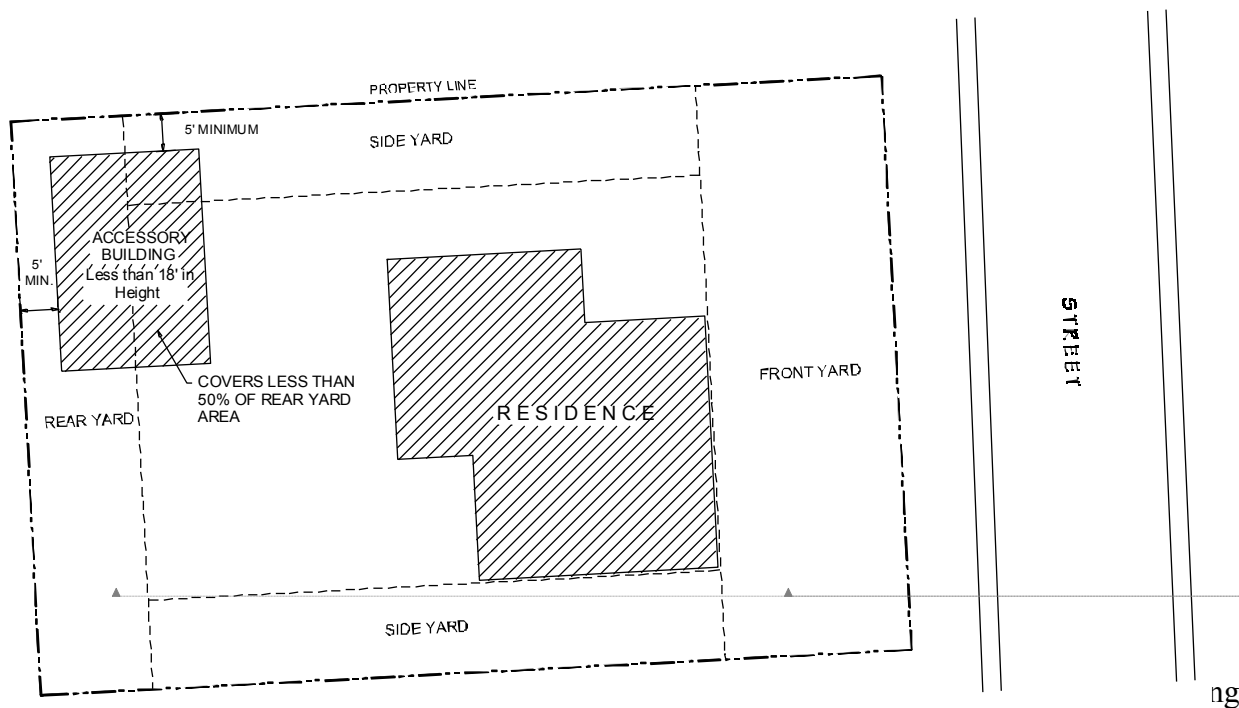
(D) REAR YARD EXCEPTIONS.

The Rear Yard must be open and free of any Structure except:

- (1) Bay Window or chimneys not more than ten feet (10') wide, projecting not more than two feet (2') into the Rear Yard.
- (2) Window wells and light wells projecting not more than four feet (4') into the Rear Yard.
- (3) Roof overhangs and eaves projecting not more than three feet (3') into the Rear Yard.
- (4) Window sills, belt courses, cornices, trim and other ornamental

features projecting not more than six inches (6") beyond the window or main Structure to which it is attached.

(5) Detached Accessory Buildings not more than eighteen feet (18') in height and maintaining a minimum Rear Yard Setback of five feet (5'). Such Structures must not cover more than fifty percent (50%) of the Rear Yard. See the following illustration:



requirements as a detached Accessory Buildings and meeting all landscaping requirements stated in Section 15-3-3.

(7) Screened mechanical equipment, hot tubs, and similar Structures located at least five feet (5') from the Rear Lot Line.

walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least

<p>three feet (3') and planted with approved vegetation.</p>	
<p><u>The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.</u></p>	<p>greater than eighteen feet (18') in height, located at least five feet (5') behind the front facade of the Main Building must be one foot (1'), except when an opening is proposed on an exterior wall adjacent to the Property Line, at which time the minimum Side Yard must be three feet (3').</p>
<p><u>(9) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Final Grade, provided it is located at least five feet (5') from the Rear Lot Line.</u></p>	<p><u>(4) On Corner Lots, the Side Yard that faces a Street is considered a Front Yard and the Setback must not be less than twenty feet (20').</u></p>
<p><u>(10) Enclosed porches, including a roof and open on three (3) sides, and similar Structures not more than nine feet (9') into the Rear Yard provided the adjoining Property is dedicated as Natural or Landscaped Open Space and meets minimum International Building Code (IBC) and Fire Code requirements.</u></p>	<p><u>(5) The Prospector Square Overlay allows reduced site requirements for designated Lots. See Section 15-2.18-3 (I).</u></p> <p><u>(F) SIDE YARD EXCEPTIONS. The Side Yard must be open and free of any Structure except:</u></p>
<p><u>(E) SIDE YARD.</u></p>	<p><u>(1) Bay Windows and chimneys</u></p>
<p><u>(1) The minimum Side Yard is ten feet (10').</u></p>	<p><u>not more than ten feet (10') wide projecting not more than two feet (2') into the Side Yard.</u></p>
<p><u>(2) Side Yards between connected Structures are not required where the Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.</u></p>	<p><u>(2) Window wells and light wells projecting not more than four feet (4') into the Side Yard.</u></p> <p><u>(3) Roof overhangs and eaves projecting not more than three feet (3') into the Side Yard.</u></p>
<p><u>(3) The minimum Side Yard for a Detached Accessory Building not</u></p>	<p><u>(4) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six</u></p>

inches (6") beyond the window or main Structure to which it is attached.

(5) Patios, decks, pathways, steps, and similar Structures not more than thirty inches (30") above Grade, provided there is at least one foot (1') Setback from the Side Lot Line.

(6) Awnings over a doorway or window extending not more than three feet (3') into the Side Yard.

(7) Fences, walls, and retaining walls not more than six feet (6') in height, or as permitted in Section 15-4-2. Retaining walls may have multiple steps, however, each exposed face cannot exceed six feet (6') in height and the horizontal distance between the walls, front face to rear face, must be at least three feet (3') and planted with approved vegetation. The Planning Director may approve minor deviations to the height and stepping requirements based on Site specific review.

(8) Driveways leading to a garage or Parking Area maintaining a three foot (3') landscaped Setback to the Side Lot Line.

(9) Paths and steps connecting to a City stairway, trail, or path.

(10) Screened mechanical equipment, hot tubs, and similar

Structures located a minimum of five feet (5') from the Side Lot Line.

(11) Unenclosed porches, including a roof and open on three (3) sides, and similar Structures not more than nine feet (9') into the Side Yard provided the adjoining Property is dedicated as Natural or Landscaped Open Space and meets minimum International Building Code (IBC) and Fire Code requirements.

(G) **SNOW RELEASE.** Site plans and Building design must resolve snow release issues to the satisfaction of the Chief Building Official.

(H) **CLEAR VIEW OF INTERSECTION.** No visual obstruction in excess of two feet (2') in height above Road Grade shall be placed on any Corner Lot within the Site Distance Triangle. A reasonable number of trees may be allowed, if pruned high enough to permit automobile drivers an unobstructed view. This provision must not require changes in the Natural Grade on the Site.

(I) **PROSPECTOR OVERLAY ESTABLISHING A MAXIMUM FLOOR AREA FOR DEVELOPMENT.** The following requirements apply to specific Lots in the Prospector Square Subdivision:

(1) **AFFECTED LOTS.** Lots 2A through Lot 49D, except Lots 40, 41, 42, 43, 44, 45, and 46, and parking Lots A through K as shown on the [Amended](#) Prospector Square

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Subdivision Plat.

(2) **MAXIMUM FLOOR AREA RATIO (FAR).** The FAR must not exceed [two \(2.0\) for all Affected Lots as specified above](#). All Uses within a Building, except enclosed Parking Areas, are subject to the Floor Area Ratio. Parking Lots A - K must have no Use other than parking and related Uses such as snow plowing, striping, repaving and landscaping.

(3) **REDUCED SITE REQUIREMENTS.** In the Prospector Square Subdivision, ~~Lots 2 to 38~~, Front, Side and Rear Yards may be reduced to zero feet (0') [for all Affected Lots as specified above, except for eCommercial Lots within the Frontage Protection Zone shall comply with FPZ setbacks per LMC Section 15-2.20](#). This section is not intended to conflict with the exceptions listed above nor shall it be interpreted as taking precedence over the requirement of Section 15-2.18-3(H) Clear View of Intersection Streets.

(Amended by Ord. Nos. 04-11; 06-76)

15-2.18-4. BUILDING HEIGHT.

No Structure shall be erected to a height greater than thirty-five feet (35') from Existing Grade. This is the Zone Height.

(A) BUILDING HEIGHT

EXCEPTIONS. The following height exceptions apply:

(1) Gable, hip, and similar pitched roofs may extend up to five feet (5') above the Zone Height, if the roof pitch is 4:12 of greater.

(2) Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC).

(3) Water towers, mechanical equipment, and associated Screening, when enclosed or Screened, may extend up to five feet (5') above the height of the Building.

(4) Church spires, bell towers, and like architectural features, subject to LMC Chapter 15-5 Architectural Guidelines, may extend up to fifty percent (50%) above the Zone Height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.

(5) An Elevator Penthouse may extend up to eight feet (8') above the Zone Height.

(6) Ski lift and tramway towers may extend above the Zone Height subject to a visual analysis and approval by the Planning Commission.

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(Amended by Ord. Nos. 06-76; 07-25)

15-2.18-5. ARCHITECTURAL REVIEW.

Prior to the issuance of a Building permit for any Conditional or Allowed Use, the Planning Department must review the proposed plans for compliance with the Architectural Design Guidelines, LMC Chapter 15-5.

Appeals of departmental actions on architectural compliance are heard by the Planning Commission.

(Amended by Ord. No. 06-76)

15-2.18-6. CRITERIA FOR DRIVE-UP WINDOWS.

Drive-up windows require special Conditional Use permit (CUP) to consider traffic impacts on surrounding Streets. The Applicant must demonstrate that at periods of peak operation of the drive-up window, the Business patrons will not obstruct driveways or Streets and will not interfere with the intended traffic circulation on the Site or in the Area.

15-2.18-7. SEXUALLY ORIENTED BUSINESSES.

The purpose and objective of this Section is to establish reasonable and uniform regulations to prevent the concentration of Sexually Oriented Businesses or their location in Areas deleterious to the City, and to prevent inappropriate exposure of such

Businesses to the community. This Section is to be construed as a regulation of time, place, and manner of the operation of these Businesses, consistent with the United States and Utah State Constitutions.

(A) LOCATION OF BUSINESSES, RESTRICTIONS. Sexually Oriented Businesses, are Conditional Uses.

No Sexually Oriented Business may be located:

(1) within three hundred feet (300') of any school, day care facility, cemetery, public park, library, or religious institution;

(2) within three hundred feet (300') of any residential zoning boundary; or

(3) within three hundred feet (300') of any liquor store or other Sexually Oriented Business.

(B) MEASUREMENT OF DISTANCES. For the purposes of this Section, distances are measured as follows:

(1) The distance between any two (2) Sexually Oriented Businesses is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which each Business is located.

(2) The distance between Sexually Oriented Businesses and any school, day care facility, public

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park, library, cemetery or religious institution is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which the Sexually Oriented Business is located, to the nearest Property Line of the premises of the school, day care facility, public park, library, cemetery, or religious institution.

(3) The distance between Sexually Oriented Businesses and any residential zoning boundary is measured in a straight line, without regard to intervening Structures or objects, from the closest exterior wall of the Structure in which the Sexually Oriented Business is located, to the nearest Property Line of the residential zone.

(C) **DEFINITIONS.** Terms involving Sexually Oriented Businesses which are not defined in this Chapter have the meanings set forth in the Municipal Code of Park City, Section 4-9-4.

15-2.18-8. CRITERIA FOR BED AND BREAKFAST INNS.

A Bed and Breakfast Inn is an Allowed Use subject to an Administrative Permit. No permit may be issued unless the following criteria are met:

(A) If the Use is in an Historic Structure, the Applicant will make every attempt to rehabilitate the Historic portion of the Structure.

(B) The Structure has at least two (2) rentable rooms. The maximum number of rooms will be determined by the Applicant's ability to mitigate neighborhood impacts.

(C) In Historic Structures, the size and configuration of the rooms are Compatible with the Historic character of the Building and neighborhood.

(D) The rooms are available for Nightly Rental only.

(E) An Owner/manager is living on-Site, or in Historic Structures there must be twenty-four (24) hour on-Site management and check-in.

(F) Food service is for the benefit of overnight guests only.

(G) No Kitchen is permitted within rental rooms.

(H) Parking is on-Site at a rate of one (1) space per rentable room. The Planning Commission may waive the parking requirement for Historic Structures if the Applicant proves that:

(1) no on-Site parking is possible without compromising the Historic Structure or Site, including removal of existing Significant Vegetation, and all alternatives for proximate parking have been explored and exhausted; and

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(2) the Structure is not economically feasible to restore or maintain without the adaptive Use.

(I) The Use complies with Section 15-1-10, Conditional Use review.

15-2.18-9. GOODS AND USES TO BE WITHIN ENCLOSED BUILDING.

(A) OUTDOOR DISPLAY OF GOODS PROHIBITED. Unless expressly allowed as an Allowed or Conditional Use, all goods including food, beverage and cigarette vending machines must be within a completely enclosed Structure. New construction of enclosures for the storage of goods shall not have windows and/or other fenestration that exceeds a wall-to-window ratio of thirty percent (30%). This section does not preclude temporary sales in conjunction with a Master Festival License, sidewalk sale, or seasonal plant sale. See Section 15-2.18-9(B)(3) for outdoor display of bicycles, kayaks, and canoes.

(B) OUTDOOR USES PROHIBITED/EXCEPTIONS. The following outdoor Uses may be allowed by the Planning Department upon the issuance of an Administrative Permit. The Applicant must submit the required application, pay all applicable fees, and provide all required materials and plans. Appeals of departmental actions are heard by the Planning Commission.

(1) OUTDOOR DINING. Outdoor dining is subject to the following criteria:

(a) The proposed seating Area is located on private Property or leased public Property and does not diminish parking or landscaping.

(b) The proposed seating Area does not impede pedestrian circulation.

(c) The proposed seating Area does not impede emergency Access or circulation.

(d) The proposed furniture is Compatible with the Streetscape.

(e) No music or noise is in excess of the City Noise Ordinance, Title 6.

(f) No Use after 10:00 p.m.

(g) No net increases in the Restaurant's seating capacity without adequate mitigation of the increased parking demand.

(2) OUTDOOR GRILLS/BEVERAGE SERVICE STATIONS. Outdoor grills and/or beverage service stations are subject to the following criteria:

(a) The Use is on private Property or leased public

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<p>Property, and does not diminish parking or landscaping.</p>	<p>and canoes is subject to the following criteria:</p>
<p>(b) The Use is only for the sale of food or beverages in a form suited for immediate consumption.</p>	<p>(a) The Area of the proposed bicycle, kayak, motorized scooter, and canoe storage or display is on private Property and not in Areas of required parking or landscaped planting beds.</p>
<p>(c) The Use is Compatible with the neighborhood.</p>	<p>(b) Bicycles, kayaks, and canoes may be hung on Buildings if sufficient Site Area is not available, provided the display does not impact or alter the architectural integrity or character of the Structure.</p>
<p>(d) The proposed service station does not impede pedestrian circulation.</p>	<p>(c) No more than a total of fifteen (15) pieces of equipment may be displayed.</p>
<p>(e) The proposed service station does not impede emergency Access or circulation.</p>	<p>(d) Outdoor display is only allowed during Business hours.</p>
<p>(f) Design of the service station is Compatible with the adjacent Buildings and Streetscape.</p>	<p>(e) Additional outdoor bicycle storage Areas may be considered for rental bicycles, provided there are no or only minimal impacts on landscaped Areas, parking spaces, and pedestrian and emergency circulation.</p>
<p>(g) No violation of the City Noise Ordinance, Title 6.</p>	<p>(4) OUTDOOR EVENTS AND MUSIC. Outdoor events and music requires an Administrative Conditional Use permit. The Use</p>
<p>(3) OUTDOOR STORAGE AND DISPLAY OF BICYCLES, KAYAKS, MOTORIZED SCOOTERS, AND CANOES. Outdoor storage and display of bicycles, kayaks, motorized scooters,</p>	

must also comply with Section 15-1-10, Conditional Use review. The Applicant must submit a Site plan and written description of the event, addressing the following:

- (a) Notification of adjacent Property Owners.
- (b) No violation of the City Noise Ordinance, Title 6.
- (c) Impacts on adjacent Residential Uses.
- (d) Proposed plans for music, lighting, Structures, electrical signs, etc.
- (e) Parking demand and impacts on neighboring Properties.
- (f) Duration and hours of operation.
- (g) Impacts on emergency Access and circulation.

(5) **DISPLAY OF MERCHANDISE.** Display of outdoor merchandise is subject to the following criteria:

- (a) The display is immediately available for purchase at the Business displaying the item.
- (b) The merchandise is

displayed on private Property directly in front of or appurtenant to the Business which displays it, so long as the private Area is in an alcove, recess, patio, or similar location that provides a physical separation from the public sidewalk. No item of merchandise may be displayed on publicly owned Property including any sidewalk or prescriptive Right-of-Way regardless if the Property Line extends into the public sidewalk. An item of merchandise may be displayed on commonly owned Property; however, written permission for the display of the merchandise must be obtained from the Owner's association.

(c) The display is prohibited from being permanently affixed to any Building. Temporary fixtures may not be affixed to any Historic Building in a manner that compromises the Historic integrity or Façade Easement of the Building as determined by the Planning Director.

- (d) The display does not diminish parking or landscaping.
- (e) The Use does not

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violate the Summit County Health Code, the Fire Code, or International Building Code. The display does not impede pedestrian circulation, sidewalks, emergency Access, or circulation. At minimum, forty-four inches (44") of clear and unobstructed Access to all fire hydrants, egress and Access points must be maintained. Merchandise may not be placed so as to block visibility of or Access to any adjacent Property.

(f) The merchandise must be removed if it becomes a hazard due to wind or weather conditions, or if it is in a state of disrepair, as determined by either the Planning Director or Building Official.

(Amended by Ord. Nos. 05-49; 06-76)

15-2.18-10. VEGETATION PROTECTION.

The Property Owner must protect Significant Vegetation during any Development activity. Significant Vegetation includes large trees six inches (6") in diameter or greater measured four and one-half feet (4.5') above the ground, groves of smaller trees, or clumps of oak and maple covering an Area fifty square feet (50 sq. ft.) or more measured at the drip line.

Development plans must show all Significant Vegetation within twenty feet (20') of a proposed Development. The Property Owner must demonstrate the health and viability of all large trees through a certified arborist. The Planning Director shall determine the Limits of Disturbance and may require mitigation for loss of Significant Vegetation consistent with Landscape Criteria in LMC Chapter 15-3-3(C) and Title 14.

15-2.18-11. SIGNS.

Signs are allowed in the GC District as provided in the Park City Sign Code, Title 12.

15-2.18-12. RELATED PROVISIONS.

- Fences and Walls. LMC Chapter 15-4-2.
- Accessory Apartment. LMC Chapter 15-4.
- Satellite Receiving Antenna. LMC Chapter 15-4-13.
- Telecommunication Facility. LMC Chapter 15-4-14.
- Parking. Section 15-3.
- Landscaping. Title 14; LMC Chapter 15-3-3(D)
- Lighting. LMC Chapters 15-3-3(C), 15-5-5(I).
- Historic Preservation Board. LMC Chapter 15-11.
- Park City Sign Code. Title 12.
- Architectural Review. LMC Chapter 15-5.
- Snow Storage. Section 15-3-3.(E)

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- Parking Ratio Requirements.
Section 15-3-6.

EXHIBIT B

CHAPTER SIX- MASTER PLANNED DEVELOPMENTS

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments that are Compatible with the surrounding neighborhood. The goal of this section is to result in projects which:

- (A) complement the natural features of the Site;
- (B) ensure neighborhood Compatibility;
- (C) strengthen the resort character of Park City;
- (D) result in a net positive contribution of amenities to the community;
- (E) provide a variety of housing types and configurations;
- (F) provide the highest value of open space for any given Site;
- (G) efficiently and cost effectively extend and provide infrastructure;
- (H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites and maintain Compatibility with the surrounding neighborhood;
- (I) protect residential uses and residential neighborhoods from the impacts of non-residential Uses using best practice methods and diligent code enforcement; and
- (J) encourage mixed Use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to reduce impacts of the automobile on the community.
- (K) encourage opportunities for economic diversification and economic development within the community.

15-6 -2. APPLICABILITY.

- (A) **Required.** The Master Planned Development process shall be required in all zones **except in** the Historic Residential- Low Density (HRL), Historic Residential (HR-1), Historic

Residential 2 (HR-2), Historic Recreation Commercial (HRC), and Historic Commercial Business (HCB) and Historic Residential—Medium Density (HRM) for the following:

- (1) Any Residential project with larger than ten (10) or more Lots or with ten (10) or more Residential Unit Equivalents. units.
- (2) All Hotel and lodging projects with more than fifteen (15) Residential Unit Equivalents.
- (3) All new Commercial, Retail, Office, Public, Quasi-public, or Industrial projects with more greater than 10,000 square feet Gross Floor Area.
- (4) All projects utilizing Transfer of Development Rights Development Credits.

~~(B) The Master Planned Development process is allowed but is not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC), Historic Residential (HR-1) and Historic Residential (HR-2) zones, provided the subject property and proposed MPD include two (2) or more zoning designations.~~

(B) Allowed but not required.

- (1) The Master Planned Development process is allowed but is not required in the Historic Residential (HR-1) and Historic Residential 2 (HR-2) zones only when the HR-1 or HR-2 zoned Properties parcels are combined with adjacent HRC or HCB zoned Properties. Height exceptions will not be granted for Master Planned Developments within the HR-1, HR-2, HRC, and HCB Zoning Districts. See Section 15-6-5 (F) Building Height.;
- (2) The Master Planned Development process is allowed in the HR-1, but is not required, when the The Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for the proposed MPD is for an Affordable Housing MPDs consistent with Section 15-6-7 herein.

(C) Not allowed.

The Master Planned Development process is not allowed except as provided in Sections A and B above and as described in LMC Section 15-5-7 Master Planned Affordable Housing Developments or as specifically required by the City Council as part of an Annexation or Development Agreement.

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

...

15-6-5. (D) OPEN SPACE.

(1) **MINIMUM REQUIRED.** All Master Planned Developments shall contain a minimum of sixty percent (60%) ~~O~~open ~~S~~space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Light Industrial (LI), Historic Residential Recreation Commercial (HRC), Historic Commercial Business (HCB), Historic Residential Medium Density (HRM), Historic Residential (HR-1 and HR-2) zones, ~~and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%).~~ In these Zoning districts the minimum Open Space requirement is thirty percent (30%).

In all zoning districts, if the MPD is for redevelopment of an existing Development or Developments, or if the MPD is for an infill site that is not subject to an existing MPD (approved prior to January 1, 2013), ~~For Applications proposing the redevelopment of existing Developments,~~ the Planning Commission may reduce the required ~~O~~open ~~S~~space to thirty percent (30%) in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, 1) A ten percent (10%) or more increase in Affordable Housing; 2) Sustainable Design and Building Construction (meeting or exceeding LEED Silver or equivalent); 3) Fifty percent (50%) greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit with ; increased landscape material sizes; 4) public transit improvements or significant contributions in terms of fee in lieu for public transit improvements; 5) Publicly Accessible, ~~public pedestrian~~ plazas and; pedestrian way/trail linkages; 6); public art equivalent to at least three percent (3%) of the total project cost; ~~and~~ 7) rehabilitation or restoration of Historic Structures that are located either on or off the Property.

(2) **TYPE OF OPEN SPACE.** The Planning Commission shall designate the preferable type and mix of ~~O~~open ~~S~~space for each Master Planned Development. This determination will be based on the guidance given in the Park City General Plan. Landscaped ~~O~~open ~~S~~space may be utilized for project amenities such as gardens, greenways, pathways, plazas, and other similar Uses. Open ~~S~~space may not include land that is be utilized for Streets, roads, driveways, Parking Areas, ~~C~~commercial Uses, or Buildings requiring a Building Permit. For redevelopment or infill projects in the General Commercial (GC) District, Light Industrial (LI), Historic Recreation Commercial (HRC), Historic Commercial Business (HCB), and Historic Residential

(HR-1, HR-2, and HRM) zones, Publicly Accessible plazas and gardens -may count toward this Oopen Sspace requirement.

...

15-6-5. (F) **BUILDING HEIGHT**.

The Building Hheight requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in Building Hheight based upon a Site specific analysis and determination. Height exceptions will not be granted for Master Planned Developments within the HR-1, ~~and~~ HR-2, HRC, and HCB Zoning Districts.

The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can be made. In order to grant Building Hheight in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

- (1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation, unless the increased square footage or Building volume is from the Transfer of Development Credits;
- (2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated ~~to the extent possible~~ as determined by the Site Specific analysis and approved by the Planning Commission;
- (3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;
- (4) The additional Building Height ~~has result~~ed~~~~ in more than the minimum Oopen Sspace required and has result~~ed~~ in the Oopen Sspace being more usable and includes Publicly Accessible Open Space;
- (5) The additional Building Hheight shall be designed in a manner ~~that so as to~~ provides a transition in roof elements in compliance with Chapter 5, Architectural Guidelines or the Design Guidelines for Park City's Historic Districts and Historic Sites if within the Historic District;

If and when the Planning Commission grants additional Building Hheight due to a Site Sspecific analysis and determination, that additional Building Hheight shall only apply to the specific plans being reviewed and approved at the time.

Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

...

15-6-5. (H) **LANDSCAPE AND STREET SCAPE.**

A complete landscape plan must be submitted with the MPD application. The landscape plan shall comply with all criteria and requirements of LMC Section 15-5-5 (M) Landscaping.

~~To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought-tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders.~~

All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy.

Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

...

15-6-5. (M) **HISTORIC MINE WASTE MITIGATION.**

For known historic mine waste located on the property, a soils remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.

15-6-6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

- (A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;
- (B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;
- (C) The MPD, as conditioned, is consistent with the Park City General Plan;

(D) The MPD, as conditioned, provides the highest value of Open Space, as determined by the Planning Commission;

(E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;

(F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

(G) The MPD, as conditioned, is Compatible in Use, scale, and mass with adjacent Properties, and promotes neighborhood Compatibility, and protects residential neighborhoods and Uses;

(H) The MPD, as conditioned, provides amenities to the community so that there is no net loss of community amenities;

(I) The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.

(J) The MPD, as conditioned, meets the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the Site;

(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and public hearing held in accordance with this Code.

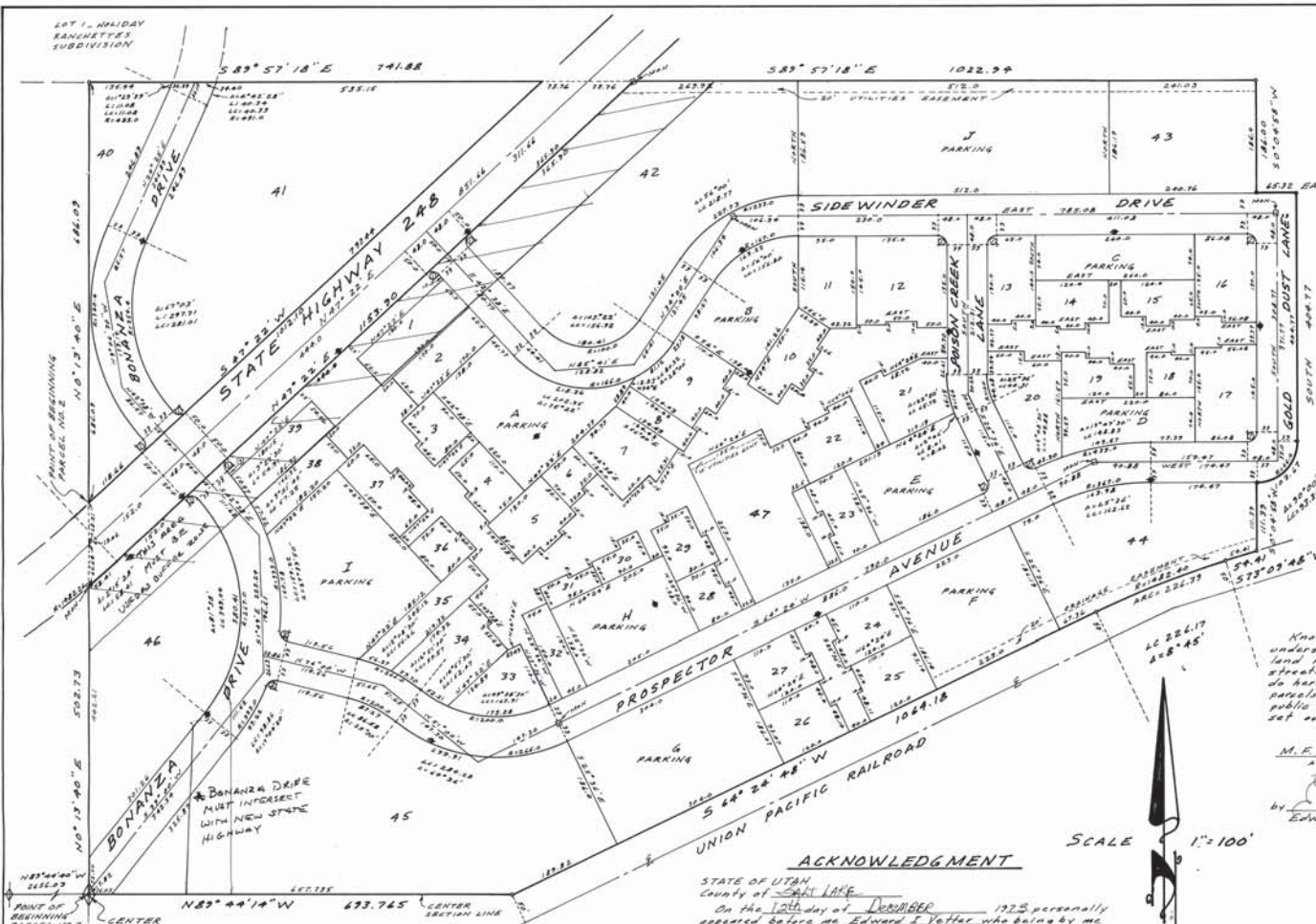
(M) The MPD, as conditioned, incorporates best planning practices for sustainable development, including water conservation measures and energy efficient design and construction per the Residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of the Application.

(N) The MPD, as conditioned, addresses and mitigates Physical Mine Hazards according to accepted City regulations and policies.

(O) The MPD, as conditioned addresses and mitigates Historic Mine Waste and complies with the requirements of the Park City Soils Boundary Ordinance.

15-6-8. (G) **RESORT ACCESSORY USES.** The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are considered typical back of house uses and are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include, but are not limited to, such Uses as:

Information
Lost and found
First Aid
Mountain patrol
Administration
Maintenance and storage facilities
Emergency medical facilities
Public lockers
Public restrooms
| Employee restrooms, [locker rooms, break rooms, and dining areas](#) ~~and Areas~~
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
| Circulation and hallways [for these Resort Accessory Uses](#)



SURVEYOR'S CERTIFICATE

I, M. Carl Larson do hereby certify that I am a Registered Land Surveyor, and that I hold certificate No. 2370 as prescribed under the laws of the State of Utah. I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described below and have subdivided said tract of land into lots and streets, hereafter to be known as PROSPECTOR SQUARE and that same has been correctly surveyed and staked on the ground as shown on this plat.

PARCEL No. 1
Beginning at the Center of Section 3, Township 2 South, Range 4 East, Salt Lake Base & Meridian, and running thence N 0° 13' 40" E along the west line of the Northeast 1/4 of said Section 3, 502.73 feet to a point on a curve to the left, which is the South line of State Highway 248, the radius point of which is N 40° 23' 32" W 102.24 feet; thence Northerly along the arc of said curve and said south line 58.41 feet; thence N 47° 22' E along said south line 113.30 feet; thence S 83° 57' 18" E 102.24 feet; thence S 0° 09' 58" W 184.00 feet; thence East 15.32 feet; thence South 400.91 feet to a point of a 25.00 foot radius curve to the right; thence Southwesterly along the arc of said curve 103.67 feet; thence S 0° 09' 58" W 111.39 feet to the northerly line of a Surveyors Railroad right of way; thence along said right of way line as follows: S 73° 09' 48" W 58.41 feet to a point of a 148.20 foot radius curve to the left; thence Southwesterly along the arc of said curve 220.39 feet to a point of tangency; thence S 47° 48' W 102.18 feet to the South line of the said Northeast 1/4 of Section 3; thence leaving said right of way line N 33° 44' 14" W along said south line of the Northeast 1/4 of Section 3, 433.265 feet to the point of beginning. Contains 92.383 Acres.

PARCEL No. 2
Beginning at a point N 0° 13' 40" E along the West line of the Northeast 1/4 of Section 3, 633.58 feet from the Center of Section 3, T.2S, R.4E, S.48.41M and running thence N 0° 13' 40" E along said west line 426.09 feet; thence S 80° 27' 18" E 241.88 feet to the north line of State Highway 248; thence S 89° 22' W along said North line 1012.10 feet to the point of beginning. Contains 5.842 Acres.

Date Dec. 13, 1973
M. Carl Larson
M. Carl Larson

OWNERS DEDICATION

Know all men by these presents that we the undersigned a corner of the above described tract of land having caused same to be subdivided into lots and streets to be hereafter known as PROSPECTOR SQUARE do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use. In witness whereof we have hereunto set our hands this 13th day of DECEMBER 1973.

M.E.T. MORTGAGE CORP.
A NEVADA CORPORATION
by Edward J. Vetter
Edward J. Vetter - President

ACKNOWLEDGMENT

STATE OF UTAH
County of SALT LAKE
On the 13th day of DECEMBER 1973 personally appeared before me Edward J. Vetter who being by me duly sworn did say that he is the President of M.E.T. MORTGAGE CORP., a Utah Corporation and that the within endorsed declaration was signed in behalf of said corporation, by authority of its Board of Directors and the said Edward J. Vetter acknowledged to me that said corporation executed the same.

My Commission expires 3-13-76
Residing in Utah County

Jana Mathews
Notary Public

PROSPECTOR SQUARE

A SUBDIVISION LOCATED IN THE NE 1/4 OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN

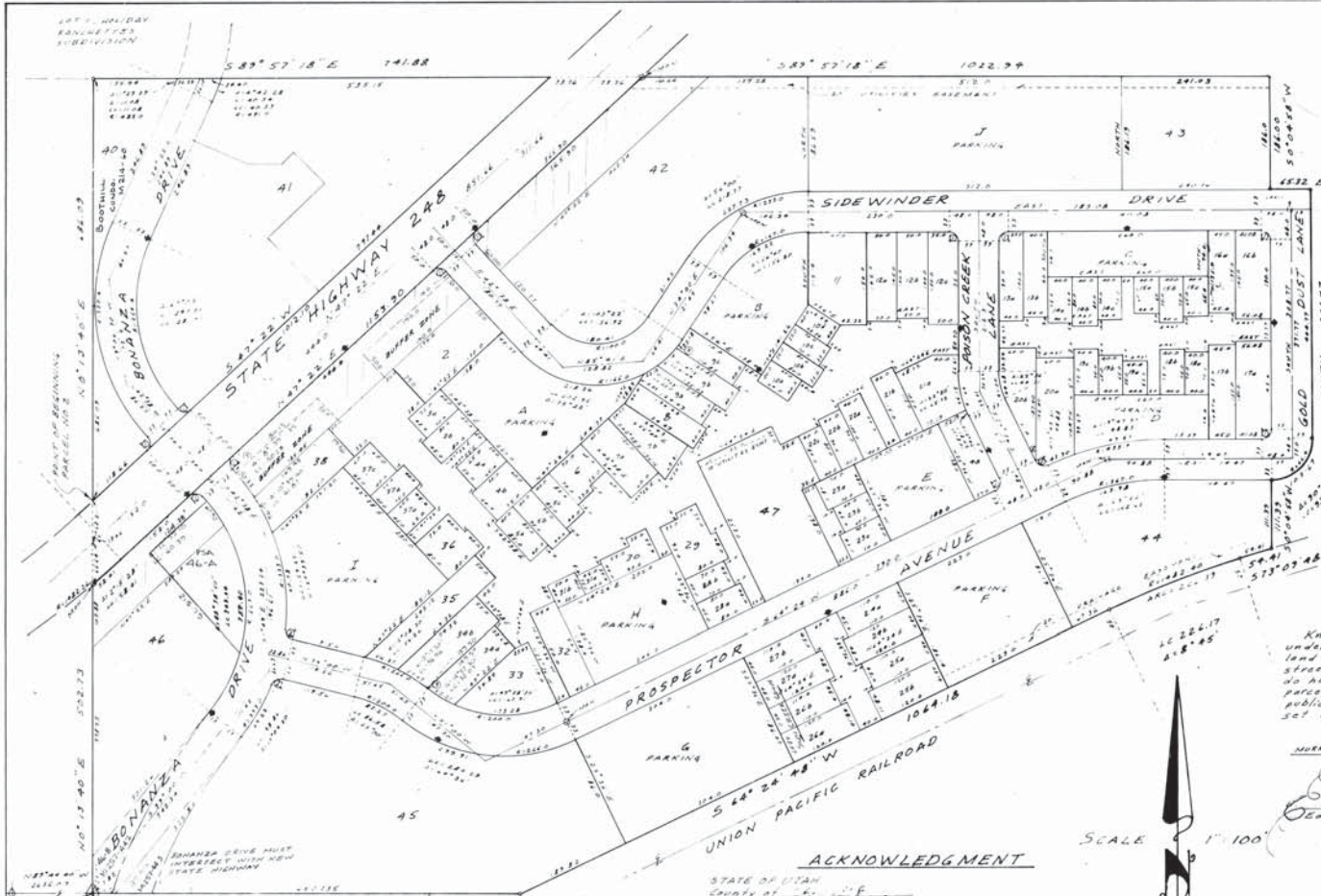
CURVE DATA

① Δ = 30° 00"	② Δ = 1° 43' 15"
R = 15.00	R = 333.00
L = 23.56	L = 10.00
LC = 20.81	LC = 10.00
③ Δ = 82° 04' 20"	
R = 15.00	
L = 21.49	
LC = 13.70	

48.225 ACRES IN SUBDIVISION
47 LOTS IN SUBDIVISION
3 MONUMENTS TO BE SET
2 FIRE HYDRANTS TO BE INSTALLED

#	DATE	REVISIONS
1	1/14/74	CREATED & CHECKED
2		
3		

PREPARED BY BUSH & SUGGELL INC. ENGINEERS-SURVEYORS SEE SOUTH 3RD EAST ST. SALT LAKE CITY, UTAH 80111 314-7775 874 24451 BRJ	CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION THIS <u>13th</u> DAY OF <u>DECEMBER</u> 1973. <u>Walter A. Bush</u> CHAIRMAN	ENGINEERS CERTIFICATE APPROVED AND ACCEPTED BY THE PARK CITY ENGINEERING DEPARTMENT THIS <u>13th</u> DAY OF <u>DECEMBER</u> 1973. <u>John Mathews</u> PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS <u>13th</u> DAY OF <u>DEC</u> 1973. <u>John Mathews</u> PARK CITY ATTORNEY	CERTIFICATE OF ATTEST ATTEST THIS <u>13th</u> DAY OF <u>DEC</u> 1973. <u>Bruce E. Vetter</u> PARK CITY RECORDER	CITY COUNCIL APPROVAL APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS <u>13th</u> DAY OF <u>DEC</u> 1973. <u>John E. Vetter</u> PARK CITY MAYOR	RECORDED # 123582 STATE OF UTAH, COUNTY OF SUMMIT RECORDED AND FILED AT THE REQUEST OF <u>MURRAY FIRST TRUST & LOAN</u> DATE <u>DEC 25 1973</u> TIME <u>12:58</u> BOOK <u>FILED PAGE -</u> <u>19.00</u> <u>3A</u> <u>Wanda Y. Young</u> SUMMIT COUNTY RECORDER
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SURVEYOR'S CERTIFICATE

I, M. Carl Larsen do hereby certify that I am a Registered Land Surveyor and that I hold certificate No. 2970 as prescribed under the laws of the State of Utah, I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described below and have subdivided said tract of land into lots and streets, hereafter to be known as PROSPECTOR SQUARE and that same has been correctly surveyed and staked on the ground as shown on this plat.

PARCEL No. 1
 Beginning at the center of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian and running thence N 0° 13' 40" E along the west line of the North-east 1/4 of Section 9, 502.73 feet to a point on a curve to the left, which is the south line of State Highway No. 248, the radius point of which is N 40° 22' 32" W 1482.26 feet, thence Northeastly along the arc of said curve and south line 88.41 feet, thence N 40° 22' 32" E along said south line 153.90 feet, thence S 89° 53' 18" E 1022.94 feet, thence S 0° 04' 58" W 182.00 feet, thence East 25.32 feet, thence South 404.77 feet to a point of a 66.0 foot radius curve to the right, thence Southwestly along the arc of said curve 103.47 feet, thence S 0° 04' 58" W 111.39 feet to the northerly line of a Union Pacific Railroad right of way, thence along said right of way as follows: S 73° 03' 48" W 244.1 feet to a point of a 1482.40 foot radius curve to the left, thence Southwestly along the arc of said curve 224.33 feet to a point of tangency, thence S 64° 26' 38" W 1044.18 feet to the south line of the said Northeast 1/4 of Section 9, thence leaving said right of way line, N 83° 46' 17" W along said south line 632.72 feet to the point of beginning. Contains 42.383 Acres.

PARCEL No. 2
 Beginning at a point N 0° 13' 40" E along the west line of the Northeast 1/4 of said Section 9, 620.28 feet from the center of said Section 9, and running thence N 0° 13' 40" E along said west line 486.09 feet, thence S 89° 53' 18" E 741.88 feet to the north line of State Highway No. 248, thence S 47° 52' 21" W along said north line 1015.10 feet to the point of beginning. Contains 5.873 Acres.

M. Carl Larsen
 M. Carl Larsen
 Land Surveyor

Date Dec. 13, 1973

OWNERS DEDICATION

Know all men by these presents that we the undersigned owners of the above described tract of land having caused same to be subdivided into lots and streets to be hereafter known as PROSPECTOR SQUARE do hereby dedicate for perpetual use of the public all parcels of land shown on this plat as intended for public use. In witness whereof we have hereunto set our hands this 5th day of December, 1973.

MURRAY FIRST THRIFT & LOAN CO.
 UTAH, INC.

Edward J. Vetter - President

ACKNOWLEDGMENT

STATE OF UTAH
 County of Salt Lake
 On the 5th day of December 1973 personally appeared before me Edward J. Vetter who being by me duly sworn did say that he is the President of MURRAY FIRST THRIFT & LOAN CO. a Utah Corporation and that the within owners dedication was made in behalf of said corporation, by authority of its Board of Directors and the said Edward J. Vetter did then sign to me that said corporation executed the same.

My Comm. No. 2570 expires 7-11-77
 Registered in Salt Lake County
 Quince Moriarty
 Notary Public

**AMENDED PLAT
 PROSPECTOR SQUARE**

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

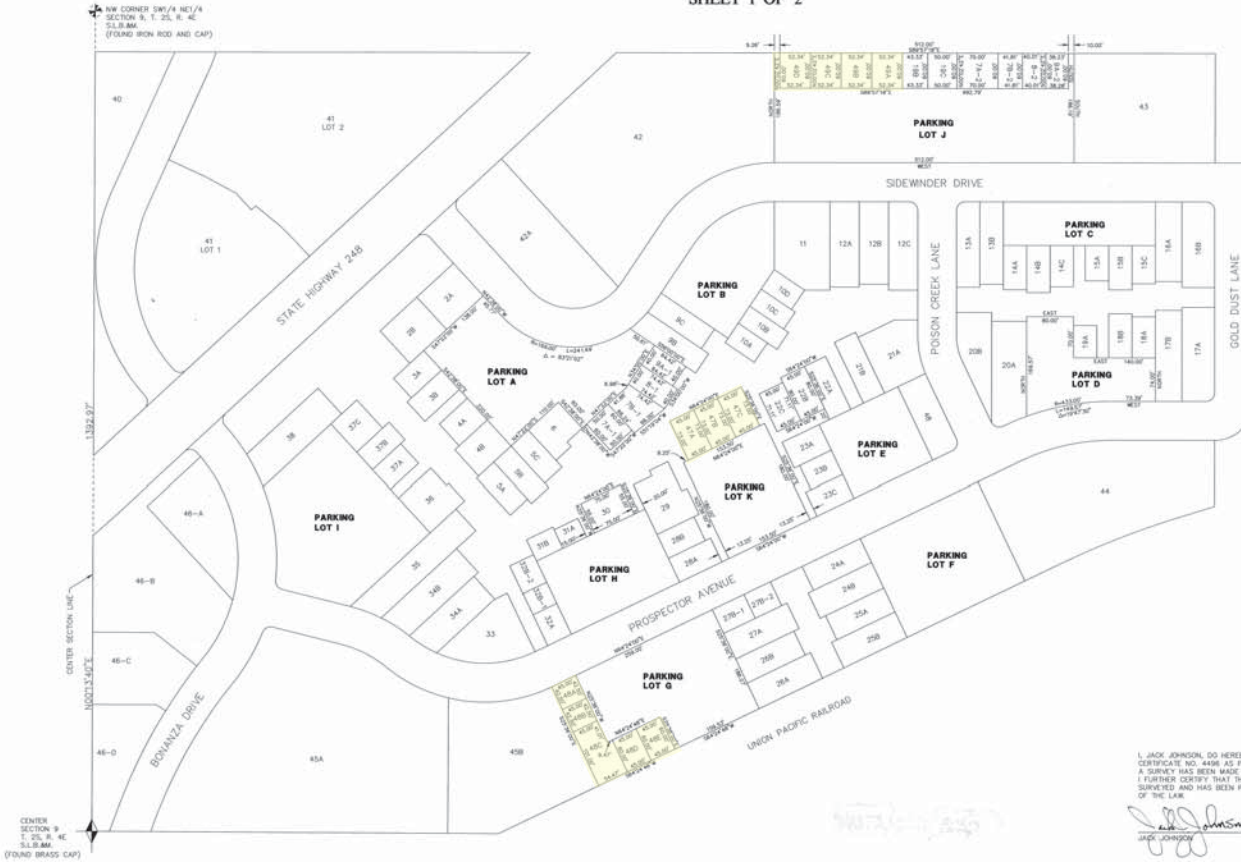
CURVE DATA	
1. 11-32°-04' 24"	2. 21-85°-26"
3. 11-32°-04' 24"	4. 21-85°-26"
5. 11-32°-04' 24"	6. 21-85°-26"
7. 11-32°-04' 24"	8. 21-85°-26"
9. 11-32°-04' 24"	10. 21-85°-26"
11. 11-32°-04' 24"	12. 21-85°-26"
13. 11-32°-04' 24"	14. 21-85°-26"
15. 11-32°-04' 24"	16. 21-85°-26"
17. 11-32°-04' 24"	18. 21-85°-26"
19. 11-32°-04' 24"	20. 21-85°-26"
21. 11-32°-04' 24"	22. 21-85°-26"
23. 11-32°-04' 24"	24. 21-85°-26"
25. 11-32°-04' 24"	26. 21-85°-26"
27. 11-32°-04' 24"	28. 21-85°-26"
29. 11-32°-04' 24"	30. 21-85°-26"
31. 11-32°-04' 24"	32. 21-85°-26"
33. 11-32°-04' 24"	34. 21-85°-26"
35. 11-32°-04' 24"	36. 21-85°-26"
37. 11-32°-04' 24"	38. 21-85°-26"
39. 11-32°-04' 24"	40. 21-85°-26"
41. 11-32°-04' 24"	42. 21-85°-26"
43. 11-32°-04' 24"	44. 21-85°-26"
45. 11-32°-04' 24"	46. 21-85°-26"
47. 11-32°-04' 24"	48. 21-85°-26"
49. 11-32°-04' 24"	50. 21-85°-26"
51. 11-32°-04' 24"	52. 21-85°-26"
53. 11-32°-04' 24"	54. 21-85°-26"
55. 11-32°-04' 24"	56. 21-85°-26"
57. 11-32°-04' 24"	58. 21-85°-26"
59. 11-32°-04' 24"	60. 21-85°-26"
61. 11-32°-04' 24"	62. 21-85°-26"
63. 11-32°-04' 24"	64. 21-85°-26"
65. 11-32°-04' 24"	66. 21-85°-26"
67. 11-32°-04' 24"	68. 21-85°-26"
69. 11-32°-04' 24"	70. 21-85°-26"
71. 11-32°-04' 24"	72. 21-85°-26"
73. 11-32°-04' 24"	74. 21-85°-26"
75. 11-32°-04' 24"	76. 21-85°-26"
77. 11-32°-04' 24"	78. 21-85°-26"
79. 11-32°-04' 24"	80. 21-85°-26"
81. 11-32°-04' 24"	82. 21-85°-26"
83. 11-32°-04' 24"	84. 21-85°-26"
85. 11-32°-04' 24"	86. 21-85°-26"
87. 11-32°-04' 24"	88. 21-85°-26"
89. 11-32°-04' 24"	90. 21-85°-26"
91. 11-32°-04' 24"	92. 21-85°-26"
93. 11-32°-04' 24"	94. 21-85°-26"
95. 11-32°-04' 24"	96. 21-85°-26"
97. 11-32°-04' 24"	98. 21-85°-26"
99. 11-32°-04' 24"	100. 21-85°-26"

PREPARED BY BUSH & GUDGELL INC. ENGINEERS SURVEYORS 815 SOUTH 800 EAST ST. SALT LAKE CITY, UTAH 84111 314-7775 ERJ	CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION THIS 20 DAY OF November 1974 	ENGINEERS CERTIFICATE APPROVED AND CERTIFIED BY THE PARK CITY ENGINEERING DEPARTMENT THIS 6th DAY OF Dec. 1973. 	APPROVAL AS TO FORM APPROVED AS TO FORM THIS 6th DAY OF Dec. 1973. 	CERTIFICATE OF ATTEST ATTEST THIS 5th DAY OF December 1973. 	CITY COUNCIL APPROVAL APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS 5th DAY OF December 1974. 	RECORDED # 125443 STATE OF UTAH, COUNTY OF SUMMIT RECORDED AND FILED AT THE REQUEST OF MURRAY FIRST THRIFT & LOAN CO. DATE 12-17-74 TIME 11:58 AM REC. # 37 S.W.M. COUNTY RECORDER
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PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT

A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF
SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE & MERIDIAN
PARK CITY, UTAH

SHEET 1 OF 2



NOTE:
ALL PRIVATE COMMON SEWER LATERALS LOCATED IN THE PARKING LOTS ARE TO BE PRIVATELY OWNED AND MAINTAINED BY THE BUILDING LOT OWNERS SERVED BY THE COMMON SEWER LATERALS. THE BUILDING LOT OWNERS SHALL BE RESPONSIBLE FOR THE OWNERSHIP, OPERATION, MAINTENANCE, REPLACEMENT, AND REGULATION/INFLOW CONTROL OF THE PRIVATE COMMON SEWER LATERALS.

SURVEYOR'S CERTIFICATE
I, JACK JOHNSON, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 4488 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT A SURVEY HAS BEEN MADE OF THE LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON. I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SURVEYED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.
Jack Johnson
JACK JOHNSON
Dec 10 1993

CITY COUNCIL APPROVAL
PRESENTED TO THE BOARD OF PARK CITY COUNCIL THIS 20TH DAY OF JANUARY A.D. 1994 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.
Conita Sheldon
MAYOR
CITY RECORDER

CITY ENGINEER
APPROVED AND ACCEPTED BY THE CITY ENGINEERING DEPARTMENT ON THIS 23RD DAY OF DECEMBER A.D. 1993.
Eric W. DeHann
CITY ENGINEER

CITY PLANNING COMMISSION
APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS 23RD DAY OF DECEMBER A.D. 1993.
B.H.
CHAIRMAN

APPROVAL AS TO FORM
APPROVED AS TO FORM ON THIS 24th DAY OF JANUARY A.D. 1994.
Eric DeHann
CITY ATTORNEY

RECORDED
No. 397064
STATE OF UTAH
COUNTY OF SUMMIT
RECORDED AND FILED AT THE REQUEST OF:
Park City Title Company
DATE: 02-02-94
TIME: 10:23 AM
Fee: \$90
Alan Spring
COUNTY RECORDER



PROSPECTOR SQUARE SUPPLEMENTAL AMENDED PLAT SHEET 5 OF 2

Lot 7A-1 WESTING CAMEN HERMANUS MELI... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 7B-1 WESTING CAMEN HERMANUS MELI... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 48A WESTING LOST PROSPECTOR ASSOCIATES, a general partnership... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 7A-2 WESTING CAMEN HERMANUS MELI... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 7B-2 WESTING CAMEN HERMANUS MELI... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 48B WESTING LOST PROSPECTOR ASSOCIATES, a general partnership... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 7B-1 WESTING DENNIS G. CECALINI... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 7B-2 WESTING DENNIS G. CECALINI... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 48C WESTING LOST PROSPECTOR ASSOCIATES, a general partnership... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 7B-3 WESTING DENNIS G. CECALINI... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 7B-4 WESTING DENNIS G. CECALINI... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 48D WESTING LOST PROSPECTOR ASSOCIATES, a general partnership... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 7B-5 WESTING DENNIS G. CECALINI... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 7B-6 WESTING DENNIS G. CECALINI... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 48E WESTING LOST PROSPECTOR ASSOCIATES, a general partnership... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 7B-7 WESTING DENNIS G. CECALINI... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 7B-8 WESTING DENNIS G. CECALINI... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 48F WESTING LOST PROSPECTOR ASSOCIATES, a general partnership... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 8A-1 WESTING REAL ESTATE INVESTMENT COMPANY, a Utah Corporation... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 48G WESTING LOST PROSPECTOR ASSOCIATES, a general partnership... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 48H WESTING LOST PROSPECTOR ASSOCIATES, a general partnership... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 8A-2 WESTING REAL ESTATE INVESTMENT COMPANY, a Utah Corporation... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 48I WESTING LOST PROSPECTOR ASSOCIATES, a general partnership... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

Lot 48J WESTING LOST PROSPECTOR ASSOCIATES, a general partnership... Beginning of the center of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence North 02°14' East...

OWNER'S DEDICATION AND CONSENT TO RECORD. Includes multiple acknowledgment forms for various owners and their attorneys, with signatures and notary stamps. Owners include Camen Hermanus Meli, Dennis G. Cecalini, James Larson and Neal A. Nelson, Charles A. Bethea and Polly Bethea, and Real Estate Investment Company.

CITY COUNCIL APPROVAL PRESENTED TO THE BOARD OF CITY COUNCIL THIS DAY OF A.D. 19 AT WHICH TIME THIS RECORD OF SURVEY WAS APPROVED.

CITY ENGINEER APPROVED AND ACCEPTED BY THE STATE OF UTAH DEPARTMENT OF LAND AND MINES ON THIS DAY OF A.D. 19

CITY PLANNING COMMISSION APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS DAY OF A.D. 19

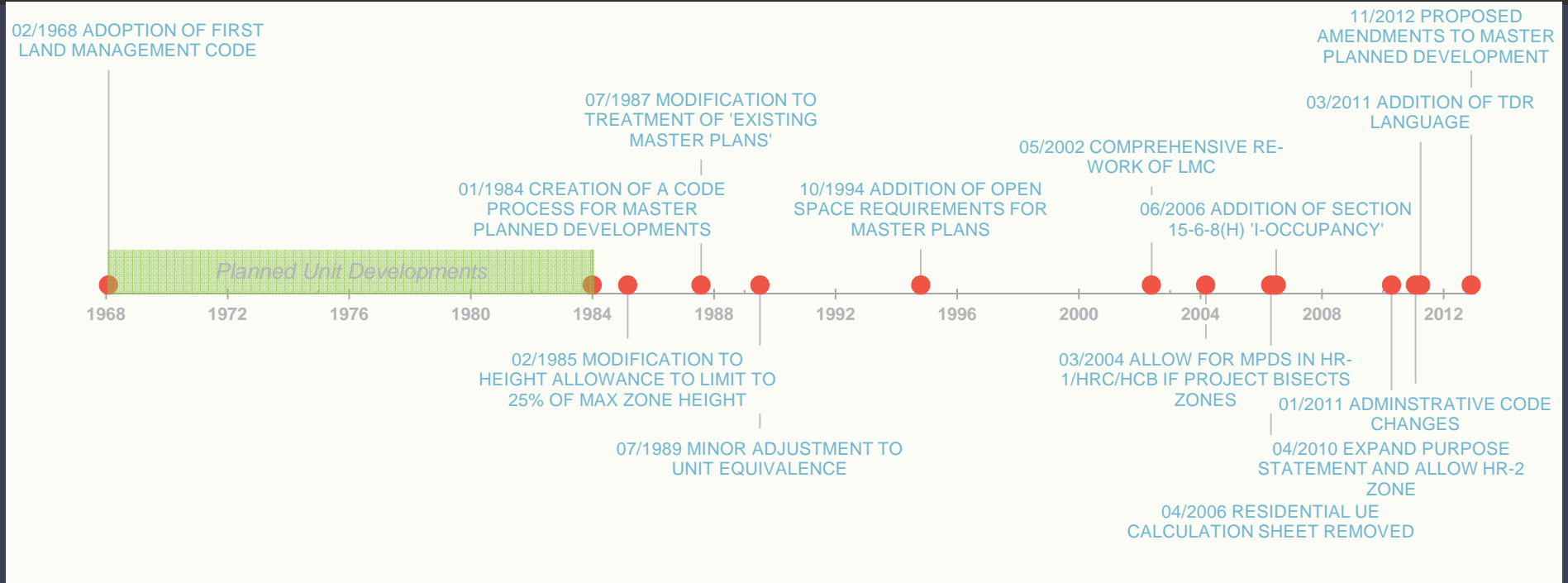
APPROVAL AS TO FORM APPROVED AS TO FORM THIS DAY OF A.D. 19

RECORDED COUNTY RECORDER'S OFFICE. Includes recording information and date.

THE JACK JOHNSON COMPANY. Includes company logo and address: 1910 Prospector Avenue • Park City, Utah 84060.

MASTER PLANNED DEVELOPMENT

TIMELINE AND EVOLUTION HISTORY IN PARK CITY



DESCRIPTION OF CHANGES MADE TO MASTER PLANNED DEVELOPMENT CODE

DATE	ADOPTION OF ORDINANCE CHANGES
02/01/1968	02/1968 Adoption of first Land Management Code
01/01/1984	01/1984 Creation of a Code process for Master Planned Developments
02/28/1985	02/1985 Modification to height allowance to limit to 25% of max zone height
07/30/1987	07/1987 Modification to treatment of 'existing Master Plans'
07/06/1989	07/1989 Minor adjustment to unit equivalence
10/20/1994	10/1994 Addition of Open Space requirements for Master Plans
05/23/2002	05/2002 Comprehensive re-work of LMC
03/04/2004	03/2004 Allow for MPDs in HR-1/HRC/HCB if project bisects zones
04/26/2006	04/2006 Residential UE calculation sheet removed
06/29/2006	06/2006 Addition of Section 15-6-8(H) 'I-Occupancy'
04/15/2010	04/2010 Expand purpose statement and allow HR-2 zone
27/01/2011	01/2011 Administrative code changes
31/03/2011	03/2011 Addition of TDR language
28/11/2012	11/2012 Proposed amendments to Master Planned Development

ZONING HISTORY IN PARK CITY

Four defined MPD designations used from 1984 to 2003

	HR-1	HR-2	HCB	HRC	HRL	E	SF	SF-N	RD	RDM	RCO	ROS	R-1	RM	GC	RC	LI
Master planned development including service and limited retail commercial support services	P	P	C	C-2	P	C	P	P	C	C-1	C-3	P	P	P	C	C	P
Master planned development with full commercial uses, heavy retail, and services designed for general public use rather than support services	P	P	C	P	P	P	P	P	P	P	C-3	P	P	P	C	C	P
Master planned development with residential and transient lodging uses only	C	P	C	C-2	P	C	P	P	C	C	C-3	P	C	C	C	C	P
Master planned development with moderate income housing density bonus	P	P	P	C-2	P	C	P	P	C	C	C-3	P	P	C	C	C	C-4

P = Prohibited Use
C = Conditional Use

- January 1, 1984 not required but allowed. Original zones that allowed MPDS were E, RD, RDM, R-1, HR-1, RM, GC, HCB, and RC under certain definitions.
- February 28, 1985 Allowance of MPDs in RDM for developments including service and limited retail commercial support services (C-1)
- July 30, 1987 Introduction of new zoning designations for SF, SF-N, and HRC. HRC allow for MPDs (C-2).
- July 6, 1989 Introduction of new zoning designations for RCO and HR-2. RCO allow for MPDs (C-3).
- October 20, 1994 Change of MPD allowance in LI from prohibited to allowing MPDs with moderate income housing density (C-4).

MPD Zoning Code from 2003 to Present

	HR-1	HR-2	HCB	HRC	HRL	HRM	SF	RD	RDM	RCO	ROS	R-1	RM	GC	RC	LI	E-40	E
Master Planned Developments	A-1	A-3	A-2	A-2	P	P	R	R	R	R	R	R	R	R	R	R	R	R

R = Required
 P = Prohibited
 A = Allowed but not required

- May 23, 2002 Complete re-write of the Code which resulted in requirement of Master Planned Developments for all zones with the exception of HR-1, HR-2, HCB, HRC, HRL, and HRM.
- March 4, 2004 Change in HR-1 to allow but not require MPDs if combined with adjacent HCB/HRC zones (A-1).
Additional change to allow MPDS in HCB/HRC if the project bisects two zones (A-2).
- April 15, 2010 Change to allow MPDs in HR-2 as allowed but not required if combined with adjacent HCB/HRC zones (A-3).

addition, it does not show up on the County records. Planner Evans clarified that there could be additional square footage to many of the homes that he would be unaware of.

Commissioner Gross thought the before and after elevations looked similar. The question was where to draw a line in the sand for something that has been deficient in the system for 20 years, and whether it starts with this property. Adjoining properties are large structures, but 543 Woodside is unique because is it a Significant historic structure and there is a desperate need to keep the historic nature. Commissioner Gross asked if the applicant needed the accessory structure. Mr. DeGray replied that the accessory building was also a historic structure.

Mr. DeGray spoke to the issue of creep and the philosophical standpoint the Commissioners addressed this evening. For any project that deals with the LMC and the Historic District Guidelines, the notion of creep is never discussed unless they come before the Planning Commission. Projects that do not require Planning Commission review are designed and reviewed by Code. He stated that as designed, the building at 543 Woodside meets every aspect of the Code. It may not meet the philosophical issues raised by the Planning Commission, but those issues are not presented in the Code from the standpoint of the average person looking for guidance and process. This applicant has been through the process with Staff for over a year and the idea of creep has never been raised.

Commissioner Wintzer replied that creep is addressed in the first sentence in the purpose statements of the Code. Regardless of what has happened in the past, he personally felt that was the most important sentence.

MOTION: Commissioner Hontz moved to Deny the Steep Slope Conditional Use Permit for 543 Woodside Avenue based on the analysis provided by the Planning Commission specific to the HR-1 District purpose statements and the Steep Slope CUP criteria, which was also addressed by the Planning Commission, specifically the various criteria mentioned in the discussion.

Commissioner Strachan seconded the motion with the amendment to include that the basis for the motion to deny were the comments made by the Commissioners this evening.

Commissioner Hontz accepted the motion as amended.

VOTE: The motion passed unanimously by all Commissioners present.

Assistant City Attorney McLean stated that the Staff would draft findings for denial for the Planning Commission to ratify at their next meeting to support the vote this evening.

5. **Land Management Code Amendments – Chapter 1–General Provision and Procedures; Chapter 2-Zoning; Chapter 3-Offi Street Parking; Chapter 4-Supplemental Regulations; Chapter 5-Architecture Review; Chapter 6-Master Planned Development; Chapter 9-Non-Conforming Uses and Structures; Chapter 11-Historic Preservation; Chapter 15-Definitions.**
(Application #PL-12-1637)

Chair Worel referred to page 153 of the Staff Report and the Staff recommendation to continue the following items to January 9, 2013.

- The Transfer of Development Rights (Chapter 2)
 - Agricultural uses and restrictions within residential zones (Chapter 2.)
 - Review of Allowed and Conditional Uses in all zoning districts (Chapter 2) -
- Lighting regulations (Chapters 3 and 5)
- Financial guarantee process for public improvements (Chapters 1 and 7)
 - Annexation process regarding timing of ratification of annexation agreements (Chapter 8)
 - Associated definitions to the above items (Chapter 15)

Chair Worel opened the public hearing on the items to be continued.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Strachan moved to CONTINUE the proposed changes to Chapters 2, 3, 5, 1, 7, 8 and 15 as outlined on Page 153 of the Staff report to January 9, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously by all Commissioners present.

Based on the amount of public interest regarding the proposed amendment to Chapter 6, Master Planned Development, Chair Worel recommended that they rearrange the agenda to move that discussion to the next item. The Commissioners concurred.

Planner Whetstone stated that annually the Staff reviews the Land Management Code for Park City to address planning and zoning issues that have come up over the past year or to look at necessary changes for consistency with State Code, the General Plan, Council Goals or the Design Guidelines. The Staff proposes the recommended changes to the Planning Commission for discussion and recommendation to the City Council. A list of 12 issues and topics were outlined on page 154 of the Staff report.

As requested by Chair Worel, Planner Whetstone moved to Item 8, which addressed changes to Chapter 6 regarding MPDs.

8. Clarify purpose and applicability of the Master Planned Development review process in various zones (Chapter 6).

Planner Whetstone reported that the purpose of the proposed amendment is to clarify the review process in various zoning districts, and to establish additional review criteria to address issues that were raised in reviewing other MPDS and in updating the General Plan, such as open space,

building height, landscape requirements, mine hazards and historic mine waste. The intent is to make sure those issues are addressed in any MPD submitted.

Planner Whetstone noted that the first recommended change was the addition of (K) in the purpose statement, "to encourage opportunities for economic diversification within the community." Items A-J currently exist in the purpose statement.

Planner Whetstone referred to Section 15-6-2 of the MPD Chapter – Applicability, and noted that the Section has not been clear. The primary purpose of the amendment is to clarify when an MPD is required, allowed but not required, or not allowed. Planner Whetstone explained that under the current Code, to review a significant project in Park City, particularly in the Historic District, there is not a requirement for a conditional use permit or a master planned development. The process is currently a Staff review of a design application. There is no review by the Planning Commission or additional review criteria other than the design guidelines and the requirements of the HCB zone.

Planner Whetstone noted that under the current Code, MPDS are required for 1) Any residential project larger than ten lots or units; 2) hotel and lodging projects with more than fifteen residential units; 3) any commercial or industrial projects greater than 10,000 square feet of gross floor area; 4) All projects utilizing transfer of Development Rights Development Credits

As a proposed amendment, the Staff had revised #3 to read, "All new Commercial, public, quasi-public or industrial projects greater than 10,000 square feet Gross Floor Area". Planner Whetstone noted that public or quasi-public projects would be museums, recreation facilities, ice-rinks, etc.

The Planning Staff thought the Planning Commission should use the tool they have to review these projects, including requiring open space, sustainable practices, affordable housing. Currently they only have the ability to require affordable housing in an annexation or a master planned development. The Staff felt that any big project, especially in the Historic District, should require the Planning Commission to look all the criteria specific to a Master Planned Development. That was the reason for suggesting that all projects meeting the four mentioned requirements should require an MPD in all zones except the HR1, the HR-2 and HR-L zones. The Staff did not anticipate larger projects in the exempted zones and they would not want to encourage it.

There is the possibility of projects on 10 lots or larger in the other zones and the Planning Commission would want the tools available to review the criteria.

Planner Whetstone noted that existing language was stricken which allowed, but did not require, the MPD process in the HCB, HRC, HR-1, and HR-2 zones, provided the subject property and proposed MPD includes two or more zoning districts. That language was replaced with "Allowed but not required" if a property crosses zones between HR-2, which is Park Avenue, and the HCB. The Staff also felt that it was appropriate to allow an MPD for property that was not part of the original Park City Survey and it is in either the HR-1 or HR-2 zone.

Planner Whetstone noted that the Staff report contained 50+ emails that were received regarding the Kimball Arts Center expansion project. She clarified that an application has not been submitted to the Planning Department and the majority of the Staff has only seen the concept plan that was

made public. Planner Whetstone emphasized that the proposed changes were not being made to accommodate the Kimball Arts Center specifically. However, recognizing that it would be a significant project, the Staff believes that type of project should be reviewed by the Planning Commission. She clarified that allowing an MPD in the HRC zone does not mean that the MPD would be approved.

Commissioner Hontz referred to the Applicability Section on page 171 and asked if the changes identified in red were changes from the last version of the amendments or from the existing Code. Director Eddington replied that it was a change to the existing Code.

Commissioner Hontz understood that the revised language in Section A was only for clarification, and that the only difference in Section A besides cleaned-up language was the addition of Public and Quasi-Public. Planner Whetstone replied that this was correct. Commissioner Hontz clarified that the mechanism under the existing Code would still remain. She referred to Section B, which also clarified the language, and noted that the revised language in B(1) says the same thing as the previous B. However, instead of mixing two zones, her interpretation of the language is that the HR1 or HR2 has to be combined with HRC or HCB in order to do a master planned development. Planner Whetstone replied that this was correct. Commissioner Hontz felt there was a difference between B and 1, but not significant.

Commissioner Hontz referred to B(2) and the added language, "The property is not part of the original Park City Survey or Snyder's Addition" and second part "and the proposed MPD must be for an affordable housing MPD". She understood that to mean that an applicant could not apply for an MPD outside of the Park City Survey or Snyder's Addition unless they apply for affordable housing.

Planner Whetstone thought the first sentence regarding the Park City Survey or Snyder's Addition was redlined incorrectly and should actually be in black. She believed it was existing language in the current Code and she would check to make sure.

Planner Whetstone referred to the Exhibit on page 215 of the Staff report, which correctly revised (2) as, "The Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and the proposed MPD is for an affordable housing MPD consistent with Section 15-6-7 herein.

Commissioner Hontz clarified that the differences she saw versus what Planner Whetstone read were different and she wanted to make sure she understood them. She believed she had the correct understanding. Director Eddington emphasized that the language was changed for clarification and nothing was added.

Commissioner Hontz believed the significant changes regarding the actual requirements of the MPD started on page 173 of the Staff report. Planner Whetstone noted that the language crossed out in B had said the process was allowed but not required, and it listed the HCB, the HRC the HRC, HR2 and said, "provided the subject property and proposed MPD includes two or more zoning districts." She explained how that language could be interpreted in different ways. Commissioner Hontz did not favor that language for the same reason.

Commissioner Wintzer referred to the added purpose statement on page 171, "Encourage opportunities for economic development", and questioned whether that would start trumping many

of the other purpose statements. He did not want to disregard it as an opportunity, but it was a concern.

Commissioner Gross asked if the language for economic diversification moved away from being a tourist based ski economy. Commissioner Wintzer was concerned that it would be easy for someone to use that particular purpose statement to get their project approved or considered. Commissioner Strachan agreed. With that language, someone could say that their project would create jobs and according to the LMC the project should be approved. Commissioner Strachan thought the language should be deleted.

Director Eddington stated that reading from the purpose statement in 15-6-1, the goal of the section is to result in projects which are inclusive of A-K. There is an "and" after J and before K to make it clear that the purposes statements are fully inclusive and comprehensive.

The Commissioners discussed alternative language. Chair Wintzer pointed out that there are some neighborhoods where they might not want economic opportunities. He thought the language in K conflicted with B, "to ensure neighborhood compatibility". He suggested that they either strike the language or have the Staff come back with different language. Chair Worel remarked that if the purpose in K could be argued under C, "strengthen the resort character of Park City", there was no reason to have K. Commissioner Strachan noted that it could be argued under several of the existing purpose statements. The Commissioners concurred that the language in K should be stricken.

Additional review criteria for all Master Planned Developments, including open space, building height, landscaping, mine hazards and historic mine waste mitigation (Chapter 6).

Planner Whetstone stated that this was the next topic for discussion related to changes to the MPD Section. She referred to page 172, Section 15-5-6(D), Open Space. Under Item 1, Minimum Required, she noted that under the existing language, Master Planned Developments require a minimum of 60% open space with the exception of the GC, the HRC, the HCB and the HR-1 and HR-2 zones. She noted that Light Industrial (LI) and Historic Medium Density (HRM) were added to the language as well as the following language; In these zoning districts the open space requirement is thirty percent (30%). In all zoning districts, if the MPD is a redevelopment of an existing Development or Developments, or if the MPD is an infill site, the minimum Open Space requirement shall be thirty percent (30%).

Planner Whetstone read revised language to the second paragraph, "The Planning Commission during review of the MPD may reduce the Open Space requirement to 20% in exchange for project enhancement in excess of those otherwise required by the LMC...such as Affording Housing, sustainable design and building construction meeting LEED Gold or equivalent".

Language was also added to include restoration of historic structures that are located either on or off the property.

Commissioner Gross asked how many potential areas within the community are subject to a Master Planned Development. Commissioner Wintzer stated that it was all zones except the ones mentioned as exceptions. Planner Whetstone stated that it would also include any new large projects in the Prospector area or the RD zone.

Commissioner Hontz liked the proposal conceptually, but she preferred to that it be less wordy and the language tightened up to avoid potential problems.

Planner Whetstone identified the proposed changes to Item 2, Type of Open Space. The following language was added to the end of the existing paragraph. For redevelopment or infill projects in the GC, HRC, HCB HR-1, HR-2 and LI Districts, publicly accessible plazas and gardens may count toward this Open Space requirement. Fee in lieu for purchase of off-site Open Space may be considered, with the amount to be determined by the Planning Commission, subject to an appraisal, market analysis of the property, and recommendation from the City's Open Space Advisory Committee. Planner Whetstone noted that the current language already identifies specific types of open space. The new language would allow for publicly accessible plazas and gardens to count as open space.

Commissioner Gross asked if publicly accessible would mean the open space is accessible 24/7 or only during specific times. Commissioner Hontz noted that the City ran into that problem in the lower Main Street area in terms of places that are designated as public but are not. This was another area that made sense conceptually, but also had issues. One example would be a gated garden that is designated as open space, but it is only open during the time of events. The question is whether they trust future Planning Commissions to deal with the issue, or if they should deal with it now and define publicly accessible.

Commissioner Wintzer had concerns with the in-lieu fee where someone could pay a fee and not provide open space on site. He believes open space is part of a viable project and he likes the idea of having surprise open spaces through town. Allowing an in-lieu fee to put open space in Round Valley or similar places takes open space away from the community. Commissioner Wintzer felt it was important to keep open space in the neighborhoods.

Planner Whetstone stated that the Commissioners could quantify how much of the required open space must occur on site. Chair Wintzer pointed out that the open space requirement was already reduced to 20%. He thought all 20% should remain on site and the in-lieu fee should be deleted. Commissioner Hontz remarked that an in-lieu fee might be considered for an amazing project, but without knowing that, the unintended consequences are too great. She supported Commissioner Wintzer and thought the in-lieu fee should be eliminated. Commissioner Hontz was not opposed to asking the Staff to rework the percentages and the language. She would like to support publicly accessible plazas and gardens. Commissioner Strachan suggested that they make publicly accessible plazas and gardens a defined term in Chapter 15–Definitions. The Commissioners agreed that was the best solution.

Planner Whetstone noted that the only change to Section 15-6-5(F), Building Height, was under (4); The additional Building Height results in more than the minimum Open Space required and has resulted in the Open Space being more usable and includes publicly accessible Open Space. She noted that Items 1-5 were the requirements for the Planning Commission to consider for increasing height in an MPD.

Planner Whetstone referred to Section 15-6-5(H) - Landscape and Street Scape, and noted that the changes related to Chapter 5, where landscape requirements were added to the overall architectural guidelines. The new language reads, A complete landscape plan to be submitted with an MPD. The landscape plan shall include all softscape and landscape areas on the site. This includes all landscape materials, including foundation plantings, ground cover, lawn areas, driveway and/or parking lots materials. A list of plant materials proposed indicating the botanical name, the common name, the number of proposed plans and their size shall be provided. A license landscape architect will prepare all materials for submittal.

Additional language added native tolerant species. The maximum limit for lawn or turf was changed from 50% to 25% of the area not covered by buildings and other hard surfaces. No more than 75% of the area not covered by Buildings may be irrigated. Language was also added to state, All noxious weeds, as identified by Summit County shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy. See Section 15-5-5-10, Landscaping, for additional requirements.

Director Eddington suggested adding revised the language to say, Areas not covered by Buildings and Structures.

Planner Whetstone noted that a new section was added, 15-6-5(M) – Historic Mine Waste Mitigation. Since review criteria for mine waste mitigation was not currently included in the LMC, new language would read, For known historic mine waste located on the property, a soil remediation mitigation plan must be prepared indicating areas of hazardous soils and proposed methods of remediation and/or removal subject to the Park City Soils Boundary Ordinance requirements and regulations. See Title Eleven Chapter Fifteen of the Park City Municipal Code for additional requirements.

Planner Whetstone referred to page 175 of the Staff report and Section 15-6-6 – Required Findings and Conclusions of Law for a master planned development. She noted the (N) and (O) were added to address physical mine hazards and historic mine waste. The Staff had revised the language in (M) to read, The MPD as conditioned, incorporates best planning practices for sustainable development, including energy efficient design and construction per the residential and Commercial Energy and Green Building program and codes adopted by the Park City Building Department in effect at the time of Application, and water conserving landscaping.

Planner Whetstone stated that language was added in Section 15-6.8(G) – Resort Accessory Uses to clarify that the uses are considered typical back of house uses.

Chair Worel opened the public hearing and thanked everyone who took the time to send an email or write a letter. All correspondence was forward to the Planning Commission and it was good to know that there was so much public interest.

Chair Worel reiterated that the Planning Commission was considering proposed changes to the Master Planned Development Sections and no specific project was being reviewed or considered. The Kimball Arts Center has not submitted a formal application.

Jim Tedford handed out a copy of his comments and supporting material.

Jim Tedford stated that he was representing a group of concerned citizens, under the name of Preserve Historic Main Street, and he was speaking against the proposed revisions of Chapter 6 of the Land Management Code regarding Master Planned Developments. Mr. Tedford had attended the City Council Work Session on August 23, 2012 where the Planning Director presented a document to the City Council titled, Old Town Height Discussion-Kimball Arts Center. The work session was scheduled to discuss a proposed addition to the Kimball Arts Center. Mr. Tedford believed that the presentation and the documents were really about convincing the City Council that revising Chapter 6 of the LMC was the best way to accommodate a project application for the proposed Kimball Arts Center Addition. Although the Staff has maintained that the proposed MPD revisions are part of the annual review, most of the MPD revisions were written specifically with the KAC addition in mind.

Mr. Tedford stated that for the last three months Preserve Historic Main Street has been monitoring the process from work session to the meeting this evening. The City Council made it clear in their work session that they have heard considerable concerns from the public regarding the proposed Kimball Arts Center expansion and they wanted an opportunity for more public dialogue. The Council inquired about methods to obtain the dialogue and were told by Staff that the MPD was the best method. With emphasis on an MPD and height, and little mention of other options and restriction, it was easy to see why the City Council felt this might be the best way to get more public dialogue.

Mr. Tedford remarked that one viable option would be to recommend that the Kimball Arts Center modify their proposal to conform to the existing Land Management Code and the Historic District Design Guidelines. The current proposal does not include an additional 1500 square foot section of their lot that would accommodate 6,000 square feet on four floors. Another available option for the Kimball Arts Center is to apply for a conditional use permit and/or an amendment to the zone.

Mr. Tedford stated that since the City Council work session the Staff has been in the process of suggesting revisions to the MPD section of the existing LMC that would accommodate a possible application by the Kimball Arts Center to build an addition to their present facility on Heber Avenue.

On November 7, 2012 the Staff made a presentation to the HPB regarding the proposed revisions to the MPD section of the Land Management Code. The HPB recommended 6-1 not to revise the MPD language. Mr. Tedford remarked that the process that has taken place regarding a possible application by the Kimball Arts Center has been flawed from the start. Given the restrictive language in the LMC, the HDD, the General Plan and the Park City 2030 document, it seems strange that the Staff would ask the City Manager to schedule a Council work session, let alone that they would try to convince the City Council to revise the LMC to accommodate an unrealistic proposal. Mr. Tedford stated that the document and presentation to the City Council was incomplete, inaccurate and supported the Kimball Arts Center proposal. There has been extensive discussion of the MPD process and height restrictions; however, there has been very little discussion about other options that would allow the Kimball Arts Center to submit an application without revising the existing Land Management Code. Mr. Tedford pointed out that there was also no mention of Section 15-5-1 of the LMC and several sections of the General Plan that would prohibit the current KAC proposal. He read from Appendix A of his handout, which was the language contained in LMC Section 15-5-1,

Architectural Review, and items from the General Plan also contained in the handout, to support his comments. Mr. Tedford stated that based on those portions of the LMC and the General Plan, even if the LMC was revised to allow an MPD, the current proposal could not be approved.

Mr. Tedford thought the City Council made it clear that they wanted an opportunity for more public dialogue concerning the Kimball Arts Center; however, they never indicated an interest in revising the existing LMC to allow MPDs in the Heber Avenue sub-zone if there was another way to obtain public dialogue. He pointed out that the City has already obtained dialogue through emails, letters to the editor and comments at public hearings without changing the LMC.

Mr. Tedford stated that the Preserve Historic Main Street group supports the Kimball Arts Center the need for an addition to their current facility. However, they believe the expansion can and should be accomplished within the existing Park City LMC and the Park City Design Guidelines for Historic Districts and Historic Sites. For the sake of present and future Historic Main Street, Mr. Tedford urged the Planning Commission to not recommend the proposed changes to Chapter 6 of the LMC to accommodate a development that has not submitted an application and may never be built.

Commissioner Hontz asked about the zoning north of Heber Avenue and east of Park Avenue. Planner Whetstone stated that the darker blue area shown on the Zoning Map was the HCB zone and the lighter blue area was HRC. Commissioner Hontz noted that an MPD is not required for properties in the HRC zone, which was not changed from the current LMC language. She understood that in order to do an MPD in an HRC zone, the HRC property would have to couple with an HR-1 or HR-2 parcel. Planner Whetstone replied that this was correct. Commissioner Hontz wanted it clear that the new proposed language was only for clarification and it would not change what currently exists under the LMC. Planner Whetstone remarked that the addition of public or quasi-public was a change to the current language. Another change is that MPDs would be required in the HRM zone.

Sanford Melville, stated that he is part of Preserve Historic Main Street group. Mr. Sanford had concerns with the reduction in the Open Space requirements as a proposed revision to the MPD Section. In his opinion, under the proposed revisions, the applicability of the MPDs has been broadened and the potential impacts of changes to the Open Space requirements is also much larger. He realized they were talking about urban open space, but under the existing Code there appears to be a reasonable trade-off regarding open space. If someone wants to build a small building that complies with the Code in the zone, then open space is not an issue because you could still see the mountainsides and look around the buildings. You would not feel dominated by the structure at street level. However, if someone wants to build a larger building with large mass and scale, then open space on the site is important to compensate. Mr. Sanford believed that was a reasonable trade-off that protects the small town feel of the community, and it has worked quite well.

Mr. Sanford stated that under the proposed revised Code, the open space trade-off for an MPD is considerably reduced from 30% to 20% in exchange for project enhancements. Affordable Housing, LEEDS certification and restoration of historic buildings are worthwhile goals, but they do not relate to open space. Even more concerning, the revised Code also allows an applicant to

purchase off-site open space on a fee in-lieu basis. There appears to be no limits; therefore, a developer could purchase open space in a suburban area and remove all open space from the downtown project site. He lives in Old Town and believes that the majority of Old Town residents who live on 25' x 75' lots value their limited open space more than other citizens of Park City. Mr. Sanford requested that the Planning Commission not allow the open space to be taken out of Old Town.

Mr. Sanford noted that the General Plan is being updated based on four core values of Small Town, Natural Setting, Sense of Community and Historic Character. He believed the proposed revisions were the exact opposite of the stated cored values by allowing larger, more massive building to be considered in the historic core. As they consider the open space requirements, he urged the Planning Commission to think about why they would do it and whether their decision would be in the public's best interest.

Lila Tedford spoke on behalf of Meg Ryan would was unable to attend the meeting this evening. Ms. Ryan was a member of Preserve Historic Main Street, she is a Park City resident and a former employee of Park City in the Planning Department. Ms. Tedford read a statement Ms. Ryan had prepared with her comments regarding the proposed amendment to Chapter 6 of the Land Management Code. Ms. Ryan stated that there was no time clock running on these items and she advised the Planning Commission to take adequate time to review and discuss the changes before taking any action.

Mr. Ryan congratulated the Planning Commission for their hard work on Form Based Codes in the Iron Horse area. It is great planning tool that will provide well thought out development in this area. She suggested adopting Form Based Codes for all of the General Commercial and Light Industrial Zones. Ms. Ryan believe it was a far better took than the MPD in this area. From her experience, if it is not mandated, it will not be utilized by the Development community. Ms. Ryan also suggested that they consider increasing heights from three stories in non-view shed areas in the GC and LI Zones. She stated that MPDs served their purpose at one time, but she questioned whether they were the best tool now.

Regarding the MPD changes in the HRC and HCB zones, Ms. Ryan noted that the current draft of Chapter 6 would mandate MPDs in the HCB and HRC zones, which is a significant change. Several questions included 1) what problem they were trying to fix or address in these zones; 2) what is so broken in these underlying zones that requires the MPD process as a cure all; 3) if it is infill development, in what ways do the underlying zones not adequately address infill development and where is the analysis; 4) How many parcels would this change potentially affect in the HC and HRC. Base zoning adequately addresses the few parcels that are left. There may be 3 parcels in the HRC zones and she questioned whether there were any in the HCB zone. Another question is what this change would do for the future of the community in 10-20 years. Ms. Ryan asked that they look at this inventory of parcels this change could affect.

Ms. Ryan proposed eliminating the MPD in the HRC and HCB zones altogether, and look at the HR1 and HR-2 zones as well. If the Planning Commission is inclined to favor an MPD in these areas, Ms. Ryan offered her thoughts on what she believes to be current shortfalls. First, the MPD review criteria as currently drafted is not design to address the dense commercial historic core.

Open space, setbacks, parking, and height allowance review criteria are outdated and inadequate. There was no reason to debate open space in the core because the underlying zones do not require it. Secondly, with regard to Historic Design, the Historic District Design Guidelines are mandated in the underlying zone; but they are not in the MPD Chapter. If they mandate that the Historic Core has to have MPDs, then the guidelines should be added as well. The third issue is height. Height criteria are subjective at best. The analysis and process for the Sky Lodge was excellent but it went beyond the requirements in the Code. They should look to that process and mandate it in the Code if they must proceed with the MPD process. The Sky Lodge was approved with 12 roof plane changes and only 2 elements, the elevator and penthouse, that went up a maximum of 64'.

Ms. Ryan had included a chart with her prepared statement that lays out the base zoning for the HRC zone and compared it to the MPD process. She hoped her effort would give the Planning Commission the start for a detailed discussion before they take any action on the changes to Chapter 6 of the LMC.

Ms. Tedford submitted Ms. Ryan's prepared statement and the chart for the record.

Hope Melville, an Old Town resident, was distressed to see in the Staff report that the most recent proposed changes to the LMC would allow MPDs for all projects in the HRC and HCB zones, which is essentially all of Historic Main Street. The only requirement is that the project have 10+ residential units or 15+ hotel units and 10,000+ square feet. In addition, there would no longer be the requirement for two zones for an MPD. Ms. Melville stated that these large MPD projects on Main Street would be more attractive to develop due to the proposed LMC changes to the Open Space. She understood from the discussion that the Planning Commission was considering eliminating the in-lieu fee and she favored that elimination. Otherwise, the change would remove actual open space requirements for MPD projects on Main Street and instead allow open space to be purchases elsewhere.

Ms. Melville believed the MPD changes would allow taller and denser projects on Historic Main Street and would result in Super-Sizing the buildings. She could think of many current buildings on Main Street which could be rebuilt or redeveloped much taller and denser under the proposed changes, particularly if open space is not required on site. Ms. Melville stated that the proposed MPD changes seem entirely at odds with the core values being discussed as the basis for the New General Plan. Like others, she had to ask why they were doing this and for what purpose. She could see no justification for the proposed MPD changes and they were certainly not in the public interest.

Ms. Melville understood the desire to hear public input on projects such as the Kimball 80-foot Tower project that does not meet current Codes. However, she believed there were better ways to do obtain public input that would not necessitate changing the LMC so that the Kimball Arts Center and other properties on Main Street could submit applications for large dense MPD projects. For example, they could make a very small change to the LMC to provide that applications for projects that do not meet the LMC can nevertheless be provisionally accepted by the Planning Department for purposes of obtaining public input and discussion on the project. Part of that public input and discussion would be whether it is in the public interest to make changes to the LMC for such a

project. Ms. Melville urged the Planning Commission to not approve the currently proposed changes to the MPD Code, particularly regarding Applicability and Open Space.

Ms. Melville submitted a written copy of her comments for the record.

Craig Elliott a Park City Resident and the owner of Elliot Work Group Architecture at 364 Main Street. He spent ten years trying to get clarification on the MPD process in the Land Management Code and he commended the Staff for an excellent job of doing very thorough research on what the issues were, where the problems are and how they approached it. Mr. Elliott believed the Staff presented the Planning Commission with a well-thought out revision to the LMC. Mr. Elliott stated that he has processed more MPDs than anyone in town and if anyone is willing to go through that excruciating process they should be welcomed to do so. An MPD allows for intense scrutiny of the project and all the concerns and worries expressed this evening could be address in the process. With all other processes, if it is an allowed use and meets the criteria the project gets built without any public input. Mr. Elliott stated that an MPD is the most interesting public process in Park City.

Regarding the specific revisions, Mr. Elliott that the 25% lawn area could be an issue in something like an affordable housing project where the desire is to have a play area for children or other gathering spaces. He suggested maximizing the percentage to 50% to allow for flexibility on how those spaces could be adapted. Mr. Elliott believed the overall 30% open space was an appropriate number for the zones being addressed. He noted that the open space on 25' x 75' lots in Old Town are well below 60%. It only starts approaching 30% when terrace spaces, driveways, porches, overhangs and other pieces that are not counted as open space are included. Mr. Elliott thought the 30% number was reasonable for the Light Industrial zone because that area is primarily covered in asphalt.

Mr. Elliott asked everyone to look at the big picture in the process. It is a good move to put MPDs in the HRC and it is also good to locate it and identify where and when it should be required. Mr. Elliott supported the amendment as proposed with the exception of reducing the lawn area.

Mike Sweeney, a property owner in Park City, stated that he has been around since 1957 and he has personally gone through probably the longest process in dealing with MPDs. Mr. Sweeney supported the current effort of looking at ways to improve the Land Management Code and provide additional tools to make better decisions. In watching how each individual Commissioner pays attention to the details tells the community at large that the Planning Commission does not make decisions willy-nilly. They are looking at ways of providing better tools to make better decisions. Mr. Sweeney believed that was the goal of the Staff, as well. He has been working to improve Park City for 30 years and he has participated in many Planning Commission and City Council meetings. Mr. Sweeney stated that Park City was very fortunate to have the people they do serving the community because they have the dedication and the diversity of opinion to look at something and get the job done better. Mr. Sweeney supports the idea of continually looking at ways to improve the way decisions are made to make the community better. He lived in Park City when it was a ghost town and he has seen how the city has progressed as one of the best destination resorts in North America. He would like to continue to participate in the evolution of Park City to make it the best it can be.

Chair Worel closed the public hearing.

Commissioner Wintzer remarked that this was the best public input the Planning Commission has received on both sides of the issue. Everyone came prepared and they were all very civil. He commended the public for their comments this evening.

Commissioner Wintzer felt the current tools available to the Planning Commission were adequate to accomplish what they wanted. He was not ready to go as far as an MPD in this particular zone because it would open too many doors that they do not fully understand at this point. It is important to find a way to dialogue with the public on projects, but he was not ready to consider an MPD. He noted that size and scale is the biggest problem in Park City, which was evident in the last project; and size and scale is eroding the town. Commissioner Wintzer believed allowing MPDs would open the discussion for more mass and size. He was not opposed to all the changes discussed, but he was very nervous about allowing MPDs.

Commissioner Hontz shared Commissioner Wintzer's concerns about size, scale and mass, particularly in Old Town. She believed some of the changes discussed this evening would actually make it better and protect the town because the MPD process is horrific for anyone who has done it. Commissioner Hontz would want anyone who plans a project that meets the four criteria to go through an MPD. However, the issue comes down to compatibility with height, mass and scale. She pointed out that the proposed language was not a change, particularly for the HRC zone. It only strengthens the existing language and helps address the concerns regarding the HRC zone. Her concern is that the open space discussion begins to erode what might otherwise occur in those districts. Based on their comments regarding types of open space, Commissioner Hontz suggested that if the Staff could come back to the Planning Commission with minimum standards or additional language, they may be able to achieve something that makes everyone comfortable. In terms of reducing the turf area to 25%, Commissioner Hontz agreed with the comment that it would greatly reduce the ability to add play areas or gathering spaces. She thought that needed more discussion.

Commissioner Hontz felt it would be important to limit the number of MPDs coming in for these projects. She referred to Section 15-6-5 – Building Height. The current Code reads, "Height exceptions will not be granted for Master Planned developments within the HR-1 and HR-2 zoning districts". She pointed out that the limitation already exists and there would not be additional heights in those two districts. Commissioner Hontz proposed adding HRC and HCB to the existing language. The heights in those zones are 32 feet and 45 feet. She could possibly be persuaded to go up an additional 10 feet in those zones; however, in looking at the purpose of those two zones, they are meant to be pedestrian friendly, less height, lower elevations and specific setbacks. Commissioner Hontz stated that they would be missing something in the analysis if they do not acknowledge that those zones do not want to encourage height. She believed that issue needed to be addressed by either saying that height exceptions will not be granted in those zones, or by limiting the height upfront.

Commissioner Hontz believed most of the proposed changes were necessary because the Code does not read clearly, particularly in Sections A and B, and the language needs to be cleaned up as soon as possible.

Commissioner Gross felt it was difficult to have the public discussion without an actual application. They were trying to develop the Code in a way that someone could come in and do their business and be part of the community; and unfortunately the community has become separated as a result. Commissioner Gross thought it was important to do something that that gives everyone the ability to control their fate. If they do not have the right Code to accomplish that, the Code needs to be changed. Regardless of whether it is the Kimball Arts Center or another unknown project, if they keep the status quo they would never stand a chance to keep things the way everyone wants it to be moving forward. Commissioner Gross had concerns with the open space, parking and several other issues that needed more discussion. He preferred not to speak to the Kimball Arts Center because it is not a real application. Commissioner Gross thought they should do whatever is possible to ensure that the Planning Commission and the public have as much input as possible in the process.

Commissioner Strachan stated that MPD applications are basically exceptions to the existing zoning, and that is fine as long as it meets certain criteria. He believed the idea works well in theory; however, the most controversial projects over the past ten years have all been MPDs. The reason for the controversy is that MPDs projects are exceptions to the zoning they all agreed on. Commissioner Strachan believed that an MPD sets up the Planning Commission, the City, and the public for controversy every time. They are controversial and they please no one. He thought there was a nice balance now where MPDs are allowed in certain zones. There have been few exceptions that did not come without a fight, and he anticipated that there would be more. Commissioner Strachan could see no need to expand the use of the MPD tool. Rather than make exceptions to the zone, the logical approach is for an applicant to request a zone change if they cannot meet what is allowed in the zone.

Commissioner Strachan thought they could rework the language and change the open space requirements and the percentage of lawn area. The large over-arching changes such as allowing MPDs where they are not currently allowed would not be in anyone's best interest.

Chair Worel asked if it was possible to add language that would allow for public discourse before an application is made. Director Eddington stated that the City used to allow work session opportunities for applicants to hear feedback from the Planning Commission before they spent considerable time and money on a design. He noted that the work session process was not limited to MPDs. Commissioner Strachan noted that the procedure for a work session was eliminated in the last round of LMC amendments. Director Eddington believed there was an opportunity to re-implement that process. Otherwise, there is no other mechanism unless the Planning Commission puts the burden on the applicant to come in for a zoning change or other types of large scale changes that could result in spot zoning.

Chair Wintzer understood that pre-MPD opportunity is still addressed in the Code, but MPDs are not currently allowed in the HCB and HRC zones. Commissioner Hontz thought it was important to clarify that under the current Code. The Kimball Arts Center or any applicant in that location could not come in under an MPD because the conceptual plan does not meet the criteria to require an MPD. However, adding the words public and quasi public as proposed, would trigger an MPD for that property. Commissioner Hontz stated that if that same building was used for lodging, it could

come in with an MPD. She reiterated that the zone was not changing. The change was precipitated by two words, “public and “quasi-public” that would allow that particular application to come in.

Director Eddington pointed out that the Code as currently written was ambiguous, but he believed that Commissioner Hontz was correct. Planner Whetstone remarked that B as written is very confusing, which is why that language was stricken and replaced with better language. Commissioner Hontz stated that if the concern relates to one particular location and the end result, that concern could be resolved by striking “public and quasi-public”. However, in her opinion, an applicant could still argue that they meet the four criteria for an MPD. Commissioner Hontz suggested that the best solution would be to address the specific issues of concern to avoid ambiguity.

Based on the comments and concerns, Planner Whetstone recommended that the Planning Commission not take action on this Chapter this evening and allow the Staff time to re-work the type of open space, open space percentage and the in-lieu fee, as well as other issues discussed this evening.

Chair Wintzer stated that he walks Main Street daily and he spends most of the time trying to find the sunny side of the street to walk. If they allow height it may not affect open space but it would affect open sunlight, which is critical to Main Street and an important part of making a community viable. Mountains and sunlight sell in Park City and it would be a huge mistake to spend a lot of time trying to approve something that would take away those elements.

Commissioner Strachan asked for the current HR-1 and HR-2 height limitations. Commissioner Hontz replied that it was 27-feet and 32-feet. She noted that height in the HRC is 32-feet and HCB is 45-feet. Commissioner Wintzer suggested that the Staff come back with an analysis of what would occur with different heights and sun screening.

Commissioner Strachan supported adding the HRC and HCB zones to the proposed Section 15-6-5. The Commissioners concurred. Director Eddington asked if Commissioner Strachan was recommending that it be added with no height exceptions or whether they would consider looking at 50% of the zone height as an addition based on studies. The Commissioners did not want height exceptions allowed in the HRC and HCB zones.

Chair Wintzer requested that the Staff come back with a matrix comparing what could be done under the existing zone versus what could be done with an MPD.

Director Eddington clarified that there was consensus among the Planning Commission regarding the proposed language in 15-6-2(A) – Applicability, to leave in all zones and only address the HRC and HCB in terms of height limits. As currently written, the Code is not clear whether an MPD is allowed in all zones but it was perceived to be. The new language clarifies that it is all zones.

Referring to Commissioner Hontz’s comments, Commissioner Strachan thought it was important to have a proposed definition of public or quasi-public. Director Eddington remarked that it was included in the definitions. He read, “Public is defined as a use operated exclusively by a public body to serve the public health, safety and general welfare”. A quasi-public use is a use operated

by a private, non-private, educational, religious, recreational, charitable, or philanthropic institution serving the general public”.

Commissioner Strachan thought Public and Quasi-Public should be capitalized in the definitions, and should say “Public Uses” with “Use” capitalized and “Quasi-Public Use” capitalized.

Commissioner Strachan asked if there was a definition for Industrial, and if so, that should also be capitalized. Director Eddington stated that there was not a definition for Industrial, and the Staff would write one. Commissioner Strachan thought “Commercial and Industrial” was redundant language. Planner Whetstone pointed out that it was actually Light Industrial (LI). Park City does not have a zone that allows straight Industrial business. Planner Whetstone thought that they should also define a “lodging project”.

The Planning Commission moved on to the remaining LMC Amendments.

Chair Worel stated that due to the late hour and the number of amendments that still needed to be discussed, Planner Francisco Astorga would give a presentation on Stories and the Planning Commission would discuss the proposed changes at a work session on December 12th.

Planner Astorga referred to page 164 of the Staff report, and an added regulation related to the split level concept. He had failed to put the language in the ordinance and he wanted that mistake clarified. He noted that the regulation language should be added between bullets C and D on pages 198, 200 and 201. The regulation read, “The overall height of a structure measured from the lowest point of the finished floor to the highest exterior ridge point shall not exceed thirty-seven and a half feet (37.5’). Planner Astorga noted that the language was introduced to the Planning Commission on September 12th, at which time the Commissioners had issues with the language and wanted to explore specific scenarios.

Planner Astorga stated that the Staff had prepared the different scenarios and wanted to hear as much input as possible from the Planning Commission. However, due to the late hour this evening, there was not enough time to sufficiently review the scenarios and give the Planning Commission the opportunity to brainstorm and provide comments. He noted that the regulation was applied to scenarios on a flat lot in the worst case scenario. The same was done on uphill lots at 15% grade, 30% grade, 45% grade and 60% grade. Consideration was given to the fact that many buildings are not historic and could be demolished for brand new construction.

Planner Astorga noted that Commissioner Thomas was absent this evening and his input on the regulation would be valuable based on his professional expertise. Planner Astorga apologized if any members of the public had waited for this discussion, but he felt it was better to wait and give the issue the time it needs to make sure everyone is on the same page and that they fully understand what was adopted in 2009.

Planner Astorga briefly reviewed some of the visuals to give the Planning Commission and the public a preview of the massing scenarios.

There were no comments.

Vice-Chair Thomas closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation for the amendments to Chapter 5 of the Land Management Code subject to the revisions made during this meeting. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Chapter 6 – Master Planned Developments (MPD)

Planner Whetstone reported that on November 28th the Planning Commission removed a purpose statement the Staff had added regarding economic development.

Planner Whetstone referred to page Section 15-6-2 – Applicability, on page 229 of the Staff report. For the meeting on November 28th the Staff had added proposed language for clarification of where a Master Planned Development process would be required and where it would be allowed but not required. She noted that the language had not changed since November, other than to capitalize “Public” and “Quasi-Public” and “Light Industrial” and to add definitions.

Planner Whetstone stated that based on the language, master planned developments are required in all zones except the HR-1, HR-2, HRL zones. The language also removes the two zone allowance that has been allowed but not required. An MPD is allowed in HR-1 and HR-2 only when property in those two zones is combined with either the HRC or HRC zones. The draft also cleaned up the language and clarified that an MPD would be allowed but not required if it is not part of the original Park City Survey and the proposed MPD is for affordable housing. Planner Whetstone clarified that the most recent changes were based on direction by the Planning Commission on November 28th.

Planner Whetstone recalled from the last meeting that there was general concurrence among the Commission that a master planned development was an appropriate process for these types of projects; and that height exceptions should be allowed in the HCB or HRC zones. To make sure the Staff had the correct understanding, Planner Whetstone requested that the Planning Commission revisit the issue to discuss the four options outlined on page 230 of the Staff report:

- 1) Forward the current language allowing no height exceptions for those MPDs which would limit the HRC to 32 feet and the HCB to 45 feet;
- 2) Allow a 50% zone exception in the HRC Heber subzone, which would allow a height of 48 feet;
- 3) Allow 50% of the zone height in the entire HRC, but only if a historic structure is located on the site. The allowed height would be 48 feet;

4) Allow a height exception in the HRC zone only up to the HCB limit of 45 feet. Commissioner Hontz requested that Height and Open Space on page 231 of the Staff report be included in this discussion so it could be addressed at one time.

Open Space – 15-6-5(D)

Planner Whetstone noted that new language states that open space may be reduced for infill or redevelopment to 20%. Additional amenities were added such as sustainable design, meeting LEED Gold, publicly accessible, plazas and historic restoration either on or off the site. Planner Whetstone stated that based on comments at the last meeting, the fee-in-lieu was revised to a consideration of up to 5% of the required open space, with the fee to be determined by the City Council, with a recommendation by the Planning Commission based on market appraisal and a recommendation from COSAC or a similar open space committee.

Commissioner Hontz thought the language in (1) Minimum Required Open Spaces was confusing to read. She requested that the Staff come back with either bullet points or a chart to help with clarification. The language was too wordy and she felt it could be more concise. In reading the language, Commissioner Hontz was unable to determine what percentage of open space would be required. She suggested that the language be revised to better convey the information, along with charts and/or bullet points.

Director Eddington stated that the proposed language was clarification of existing language. As worded, all master planned developments require 60% open space, except the City's most dense zones, which are the GC, LI, HRC and HRM, as well as HR-1 and HR-2 if they are a bifurcated MPD issue. In the denser zones, the Staff recommended an open space requirement of 30%. If a project is part of redevelopment, the open space may be reduced to 20% subject to the criteria. Director Eddington offered to look at revising the language. Planner Whetstone would prepare the requested visuals for clarification.

Commissioner Gross pointed out that "Publicly" was spelled two different ways and one was incorrect.

Commissioner Wintzer was comfortable with 30% open space in the denser zones. However, he was concerned that they were dwindling the open space and then making an allowance for better landscaping. He was unsure how that would work since they were taking away the land that could be landscaped. Commissioner Wintzer believed open space was a great requirement for affordable housing, and he questioned whether they were dwindling open space too much to have meaningful open space. He was also concerned about process, because the City could reduce the open space and the developer could get credits for adding the open space back in. Commissioner Wintzer questioned the 20% reduction and he could not see the purpose for considering a 5% reduction for fee-in-lieu.

Commissioners Strachan and Hontz concurred with Commission Wintzer regarding the 5% reduction. Commissioner Savage thought it would depend on the situation. The language "may be considered" is only an option and does not mean it would be granted. Vice-Chair Thomas was concerned that it would become a standard procedure for every application. Commissioner Savage suggested that they revise the language to state, "Fee-in-lieu would apply to situations where the open space is at least 20-30%". Commissioner Gross thought they should also add,

"In no event less than" a specified percentage. Commissioner Wintzer was uncomfortable with allowing 20% because that results in very little open space. No landscaping could be done in 20% open space. Commissioner Hontz remarked that that the concept of publicly acceptable plazas, pedestrian ways and trail linkages have taken away the public accessibility or flow of pedestrian ways. She recalled a conversation at the last meeting that a pool would not be considered open space because it is not accessible 365 days per year/24 hours per day. Commissioner Hontz could not support publicly accessible plazas, gardens, etc. as an acceptable piece of open space. Vice-Chair Thomas asked if Commissioner Hontz was suggesting that the proposed language be stricken. Commissioner Hontz replied that she wanted the Planning Commission to discuss whether the "publicly accessible" language should be eliminated or further defined.

Planner Whetstone read the LMC definition of publicly accessible. "Open or available for public use to share and enjoy that may be subject to posted hours of operation such as weather, time, and seasonal closures".

Commissioner Strachan was bothered by the language, "...that are located either on or off the property." He felt that was the same as in-lieu. Planner Whetstone clarified that the language only pertained to historic structures. She read, "Rehabilitation or restoration of historic structures that are located either on or off the property". She explained that the owner could get credit for open space in another location in exchange for historic preservation. Director Eddington stated that the idea stemmed from the issue of setbacks serving as open space. No one wanted setbacks to serve as open space because it is non-functional and non-usable space. The intent was to get away from setbacks and require a reduced amount of open space that was more usable. Commissioner Wintzer preferred to reduce the setbacks in certain areas and keep the percentage of open space the same. Director Eddington remarked that the Staff was also looking at that as well, particularly as they work with form based code. However, the issue was that maintaining 60% open space in the more dense areas created areas that were separated from each other and diminished the walkability experience. Director Eddington believed the Staff could reword the language to address their concerns.

Commissioner Strachan asked if the Planning Commission was in agreement on the fee-in-lieu. Commissioners Wintzer, Hontz and Strachan thought they should strike the language. Commissioner Savage pointed out that they continually talk about affordable housing and ways to finance the ability for affordable housing. He believed the fee-in-lieu could be a revenue source, particularly since the City would have the ability to decide on a case by case basis whether it was good revenue source. He did not understand why they would cut that option. Commissioner Strachan did not want the selling of open space to become a precedent to raise revenue. In his opinion, the City should be buying open space, not selling it. Commissioner Savage clarified that his point was to have the option. Commissioner Strachan was not interested in having that option.

Director Eddington stated that the fee-in-lieu was a TDR of open space. Commissioner Wintzer asked the Staff to provide visual examples of how it would work before they strike the language.

Commissioner Hontz referred to (2) Type of Open Space, and the language, "Open space may not include land that is to be utilized for streets, roads, driveways, parking areas, uses, or building requiring a building permit." She recommended adding internal pathways that exist only to service a particular use. Commissioner Savage thought the wording, Open space **may not** include land..." should be replaced with **does not** include land..." Planner whetstone made the suggested change. The Planning Commission discussed what they would consider to be acceptable publicly accessible open space.

Director Eddington stated that the Staff had enough information to prepare the requested visuals.

Height – 15-6-5(F)

Commissioner Hontz was comfortable with the proposed language on page 232 of the Staff report. Commissioner Strachan understood that the revisions were part of the discussion on the bullet points outlined by Planner Whetstone and listed on page 230 of the Staff report. Commissioner Savage clarified that the revisions on page 232 were part of the first bullet point. Commissioner Strachan replied that this was correct.

Planner Whetstone noted that Landscaping, Historic Mine Waste Mitigation and Resort Accessory Uses were the remaining topics in Chapter 15-6-5. She stated that rather than describing landscaping again, the language talks about compliance with the landscaping requirements in Chapter 5. Mine Waste Mitigation was unchanged from the last meeting including findings for addressing physical mine hazards and mine waste. Back of house was the only change to Resort uses.

Commissioner Strachan was comfortable with the remaining sections as proposed. The Commissioners concurred.

Vice-Chair Thomas opened the public hearing on Chapter 6 – MPDs.

Sanford Melville, an Old Town resident, stated that he was also a member of Preserve Historic Main Street. Mr. Melville felt it was clear from previous statements that Preserve Historic Main Street was very opposed to modifying the current MPD language. The existing rules were well thought out and have served the community very well. Mr. Melville understood that the Staff believed the MPD language needed to be revised and he and others had concerns with the proposed revisions. One is the height exceptions. Mr. Melville questioned why they would consider an exception for MPDs in the Historic District. It would increase the mass and scale of future buildings and it would substantially contribute to building creep. Mr. Melville asked where the 50% zone height exception came from and what analysis was done to show that it was even needed. He felt it appeared to be arbitrary and definitely counter to the small town feel, nature setting, and historic character goals in the General Plan. He believe is also conflicted with some of the purpose goals in LMC.

Mr. Melville expressed concern with the open space. He asked why they would consider reducing open space requirements for MPDs in the historic district or anywhere else in Park City. Mr. Melville stated that reduced open space would lead to increase project density and was

counter to the goals of the new General Plan. He noted that the purpose statement in the MPD chapter states that one of the goals of the MPD is to provide the highest value to open space for any given site. The modifications being proposed for open space do not reflect that goal and the project enhancements do not contribute to the feeling of open space at the project site. Mr. Melville commented on the revisions to the type of open space that include publicly accessible plazas and gardens. He noted that publicly accessible is defined as open or available for public use to share and enjoy that may be subject to posted hours of operation. In his opinion that was not truly open space. Mr. Melville stated that the historic core is fundamental to the whole identity of Park City. It is the heart and soul of the town and he urged the Planning Commission to preserve this valuable historic core by narrowly modifying the MPD Chapter of the Land Management Code.

Hope Melville an Old Town resident could not find in the LMC a requirement that the historic design guidelines apply to MPD projects in historic zones. There was a provision in the Architectural Code that all uses in historic districts are subject to design review by the Planning Department. Referring to the Findings for MPDs in 15-6-6, Ms. Melville believed there should also be a finding that requires MPDs in the historic district to comply with the historic district design guidelines.

Robyn Rouche, the Executive Director of the Kimball Arts Center, stated that like everyone else, they are committed members of Park City who are passionate about what is best for Park City. She believed they could all agree that the community deserves the merits of a larger, better, and cooler art center. Ms. Rouche wanted to clear up misconceptions about why the Kimball has not been more forthcoming. The intent was to be respectful of the process and they were advised not to come before the Planning Commission until an official applicant was submitted. She explained that all they have at this point is a conceptual plan from their architectural contest and they have been gathering public opinion on that plan while waiting to hear whether they could even apply for a formal application. Ms. Rouche understood that the Kimball may not have that opportunity. She noted that the Kimball Arts Center was mentioned 36 times in the minutes from the last two Planning Commission meetings without their voice being heard. She came this evening to discuss the situation firsthand. Mr. Rouche reiterated that the plan in question was only a concept from a design contest. The Kimball Arts Center wants to work with the Planning Commission and they are willing to compromise if the Planning Commission is willing to have the dialogue. She remarked that the goal from start, and after years of study, has been how to expand the Kimball and contribute to the enrichment of the community both culturally and financially in the best way possible through greater education, events and exhibits, not to mention being a draw to Main Street. Ms. Rouche stated that the economic reality is that the Kimball is housed in a building that has become too expensive to maintain and it does not meet their current needs and future programming goals. The 32' height limit would not come close to meeting their programming goals, nor would it warrant the high cost of the massive preservation effort they are willing to undertake. Ms. Rouche pointed out that in addition to square feet it is also about cubic footage. Without the ability to do the necessary expansion, the Kimball Arts Center would be forced to look at other options and locations. It would only be a matter of time before they would have to move. Mr. Rouche understood that 80 feet was a non-starter. She clarified that they were not looking for approval. They only wanted a formal chance to have a dialogue on what would work best on that site for the Kimball and the community. Ms. Rouche

stated that the Planning Commission would be welcome and encouraged to have a say in the design. The goals of the project are entirely altruistic in nature and are meant for the overall prosperity and educational advantage of the community. She hoped there was an opportunity to collaborate with the Planning Commission to achieve an extraordinary and successful result.

Matt Mullin, Chairman of the Board of the Kimball Arts Center and an Old Town resident, stated that the Kimball has not submitted an application of any kind. They have not finalized their design and have not drafted an application. They have done nothing more than talk about the concept, yet the concept has been discussed at length in Planning Commission meetings. Only one side has been vocal. The other side has been kept silent and out of the discussion. Mr. Mullin asked the Planning Commission to allow the Kimball to voice their opinion and share their needs and the reasons for expansion. They have a strong desire to stay in the Historic District of Park City, but without help and cooperation they may need to set their sights on a new location. Mr. Mullin stated that after contemplating expansion for more than ten years through various boards and three directors, they know what it takes to meet their needs and how it could be accomplished. What they do not know is whether Park City wants to have a dialogue that will allow all the components necessary for a great Arts Center to work within the Historic District. He requested that the Planning Commission give them this avenue through which they can share ideas and allow the Kimball and their supporters the equal right to become part of the discussion and process. Mr. Mullin stated that the Kimball has a run a public and collaborative process from the beginning and they hope to continue to do so. They want to work with the Planning Commission and City Council to build an addition that allows them to do all the things they need to do and at the same time preserve historic Main Street.

Jim Tedford provided a handout of his comments and proposals. Mr. Tedford stated that he was speaking on behalf of Historic Main Street. Following the process for three months he believed the concept of public dialogue started with the initial work session with the City Council in August. During that meeting it appeared that the main impetus was to find a method of allowing public dialogue. Mr. Tedford believed there were options for dialogue without changing the MPD process. One option would be to schedule a work session. As outlined in his handout, the opportunity for dialogue was already written in the Code. There was an existing opportunity for a pre-application conference and a pre-application public meeting and determination of compliance in front of the Planning Commission. Mr. Tedford understood that wording was the reason why the pre-application process would not be available to the Kimball Arts Center. He recommended modifying the language in 15-6-2 – Applicability (A), to say that the master planned development pre-application process shall be required in all zones. In (B) the language could be modified to require the master planned development application process in all zones.

Chris Shaeffer, an owner in the Town Lift condos next door to the Kimball Arts Center. He has met with Robyn Rouche several times over the past few years regarding this project. Ms. Rouche has also met with others from the Town Lift condos. In the past they discussed the previous proposal the Kimball was making for a more modest development on that same site in 2006 and 2007. Mr. Shaeffer suggested that the Kimball entertain a more modest expansion similar to what was proposed in 2006-2007. That proposal alone would not meet the space requirements; however, there is available space across the street in the Summit Watch development that could be leased to meet some of their requirements. He believed that option

would be less expensive than the building they were currently proposing. Mr. Shaeffer offered that suggestion as a viable way to keep the Kimball Arts Center in the downtown area and still meet their expansion requirements.

Vice-Chair Thomas closed the public hearing.

Commissioner Savage stated that trying to recommend modified language to the City Council regarding the MPD would have a significant impact on the future course of events as it relates to the Kimball Arts Center. From his personal perspective, as well as the perspective of a Planning Commissioner, he thought they should try to create an opportunity by which they could look at the objectives, vision and the benefits to Park City from this project within the constraints of the existing Code and within the context of the concerns expressed by all the citizens.

Commissioner Savage suggested that they consider whether there could be a reasonable solution to move forward in a positive fashion.

Commissioner Wintzer stated that it is always difficult to weigh the value of Old Town and/or the community against the value of a project. He personally struggles with the idea of rewriting the Code for a project. Commissioner Wintzer recalled earlier discussions where they agreed to keep the focus on whether or not to allow an MPD, but the conversation always goes back to the Kimball project. He would like to find a way to open the door for MPDs, but he was concerned that if they allow for more height they would end up with four or five buildings on the corner that would take away from what they were trying to preserve. Commissioner Wintzer pointed out that they cannot write a Code that allows something for one building but not another. He noted that part of the Code is to protect the neighbors who built underneath the Code. The people who live behind or adjacent to the Kimball thought they would be subject to the same restrictions as everyone else in the neighborhood. Commissioner Wintzer felt it was an awkward situation; however, he would like to have a conversation to see what might be accomplished. He was not comfortable recommending an arbitrary number for height without understanding the implications. This is an important corner and with the information he has he would have to vote against additional height.

Commissioner Hontz echoed her fellow Commissioners. The Kimball is an important piece and central to tourism in Park City. Although it is not within their purview to make sure Park City is successful and economically healthy and vibrant, the Code has ramifications to what people can and cannot do that may or may not impact what would happen in the vicinity of the Kimball Arts Center and other affected Districts. However, from the standpoint of a Planning Commissioner, she knows how the proposed height changes to the MPD would look and feel. Because this is not a discussion about a site specific application, they need to understand the ramifications of allowing this for all MPDs in all the areas discussed. Commissioner Hontz stated that the impacts are significant and she was not comfortable with the height exception. In many of the jurisdictions she works with, when someone has a good idea they bring it forward and it is presented and vetted through a process. Commissioner Hontz believed that if an applicant worked with the Legal Department there would be a way to have a discussion about an actual application regardless of where it is located. She did not favor spot zoning, but in some circumstances it is necessary to look at a site and determine that the zoning does not fit.

Commissioner Hontz was not comfortable opening the window for height and she could not support changing the Code to allow additional height for any applicant at any time.

Commissioner Gross thought it was unfortunate that the Planning Commission went through the process without a submitted application and it is difficult to make a decision based on that fact. He noted that the Kimball needs to make tough decisions and decide whether they can physically operate their vision within that building regardless of what it looks like. The Planning Commission was doing their best to develop those areas where there is more density to create walkability so they are not developing on the fringes. Commissioner Gross believed the stated mission was clear. Whether the Kimball comes under the MPD or something else that allows the expansion is critical, but they do not have the answers.

Assistant City Attorney McLean clarified that from a legal perspective the Kimball could not submit an application because the winning design of the competition would not meet the Land Management Code requirements.

Commissioner Hontz remarked that there could be a non-application made through a different process where it is not an application for land use. A second option would be for the Kimball to amend their application to come in under the Code and possibly ask for variances. There are options but the Planning Commission should not be the ones to find them.

Commissioner Strachan did not think the City should amend an entire zone based on one subpart that may or may not want to do something. If they intend to make zone-wide decisions, they should be made based on the needs of the zone and how the needs of that zone interrelate to the needs of the other zones. At the last meeting he stated that under that analysis height exceptions should not be allowed. He had changed his opinion since the last meeting and now believes that MPDs are not good for any of the HR zones. Commissioner Strachan stated that MPDs are an exception to the zone and it is a way to get around the planning and zoning that the City has tried to make as consistent and beneficial as possible. If they allow a tool like an MPD, whereby any property owner who fits a certain amount of criteria can submit an application and ask the Planning Commission to ignore the zone, it is a dangerous tool. It is a helpful tool in other zones but not in historic zones. Commissioner Strachan stated that he would not vote in favor of the proposed MPD language at all.

The Planning Commission discussed process and options for the Kimball Arts Center or any other project to have the ability to submit an application when it does not meet Code. Assistant City Attorney McLean explained the process for variances and zone change requests.

Commissioner Strachan reiterated that aside from the height issue, he would recommend that the City Council not make any changes to the MPD section of the LMC. Ms. McLean stated that it was appropriate to recommend that no changes be made.

Commissioner Hontz asked if the Planning Commission would consider recommending changes to the MPD section that makes the Code easier to read without changing the intent. Commissioner Strachan was willing to discuss clarification changes at the next meeting.

Commissioner Savage asked if it was appropriate to ask the Staff to conduct a process in conjunction with the various stakeholders to see if there is a process to find a solution to this particular situation. The Planning Commission could then discuss how that impacts what they want to do in terms of making a recommendation to the City Council on the MPD section of the Code.

Director Eddington stated that the Staff would come back with a revised proposal for 16-6-2 and 15-6-5 based on the comments made by the Planning Commission this evening. They would also look at other options as requested by Commissioner Savage.

Commissioner Strachan thought the Planning Commission needed to give the Staff clear direction on whether or not they want MPDs in the HR Districts. Planner Whetstone understood that the Planning Commission did not want MPDs in any of the historic districts. In the spirit of optionality, Commissioner Savage could not understand why the Planning Commission would take that step right now. Commissioner Strachan did not believe that optionality would ever be necessary or appropriate in the historic districts. Commissioner Savage took the opposite perspective. He would not want to pre-judge what is or is not appropriate in the historic district until he had the opportunity to see the proposal and understand how it looks and feels within the context of the historic district. If a proposal comes forward from the Kimball that does a good job of maintaining the historic significance of the existing location and adds value to the community and neighborhood, as a servant to the City he would like to see a process that would allow for that possibility. He thought they were cutting off options rather than letting the possibilities manifest themselves. Commissioner Gross concurred with Commissioner Savage.

Vice-Chair stated that if the Code is not changed for that District, it would be more restrictive by prohibiting MPDs. He was unsure where he stood on the issue.

Commissioner Savage suggested that the Planning Commission continue further discussion on this section of the Code to the next meeting and let the Staff do what was requested. Commissioner Wintzer felt they needed to give the Staff direction before they continue the matter.

Vice-Chair Thomas noted that Commissioner Strachan had asked for clarity on whether or not the rest of the Commissioners agreed with not allowing MPDs in the historic districts.

Commissioner Hontz stated that as much as she agreed with Commissioner Strachan regarding the history of MPDs and the ones seen in the past, she was not uncomfortable with allowing MPDs in the historic district as long as they eliminated the height exception. If they move forward and keep (B) allowed but not required, she would want the height restriction for the historic district. Commissioner Hontz could see opportunities with MPDs, but height in the historic district would be the biggest challenge and people would build to the maximum. In the interest of cooperation and unanimity, Commissioner Strachan would be willing to allow MPDs in the HR Districts if there would be no height exception under any circumstance.

Vice-Chair Thomas stated that the problem is that MPDs cascade through their way through the community in unexpected places. He has seen exception to heights used in other small towns on significant building that enhance the community and make it a better place. It provides a focal point for where you are. Absolutes make him nervous and he was not comfortable with absolutely restricting that site forever.

Director Eddington asked if it would be helpful for the Staff to come back with a better analysis of what exists along Main Street where MPDs were utilized and the various heights in the different zones. Commissioner Savage personally thought the analysis would be helpful.

Commissioner Wintzer stated that he would have a hard time allowing a height exception in this area. He would like the opportunity to look at a project under an MPD, but he was certain that if they changed the Code to allow height exception that is all they would see. He believed developers and the design community fail on that issue because they see a height exception as a permitted use.

The Commissioners commented on buildings in the Historic District that could increase their height if the height exception was allowed.

MOTION: Commissioner Savage move to CONTINUE this discussion to the next meeting and ask the Staff to carry out the exercises discussed, and to come back with additional information to help the Planning Commission make the decision regarding the MPD language in the context of that analysis. Vice-Chair Thomas seconded the motion.

VOTE: The vote was tied 3-3. Commissioners Savage, Gross and Thomas voted in favor of the motion. Commissioners Wintzer, Hontz, and Strachan voted against the motion.

Commissioner Strachan suggested that the Planning Commission make a motion to direct Staff to come back with language disallowing any height exceptions. They would have this same discussion at the next meeting but they would have language to vote on.

Commissioner Savage withdrew his motion.

Commissioner Hontz read language from page 232, "Height exceptions will not be granted for master planned developments within the HR-1, HR-2, HRC and HCB".

MOTION: Commissioner Strachan moved to CONTINUE the discussion to January 9, 2013 with direction to Staff to include the proposed language on page 231 and the top of 232 with regard to 15-6-5 – Building Height, and bring back added language that makes it clear that no exceptions to the height restrictions will be allowed in the HRC and HCB zones. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Chapter 15 - Definitions

Kimball Art Center proposed new building

Chris / Dancing Hands [chris_dhgallery@qwestoffice.net]

Sent: Friday, November 23, 2012 5:06 PM

To: planning

Cc: Council_Mail; James Tedford [preservehistoricmainstreet@gmail.com]

To the Planning Commission and City Council:

While I am in favor of a new Kimball Art Center I remain opposed to the current building design. As a Main Street Merchant I watched Matt Mullin's presentation recently and it did nothing to change my mind. In fact, there was so much left unspoken or not provided for that it made me even more adamantly opposed to the building. There are several good points to the building's interior spacial concept but I believe these points can be incorporated into a better building design than the one currently being considered. And one that will not require new building codes or a change to the MPD.

Once again, I am in favor of updating the KAC but want a design more in sync with the rest of Main Street. Thank you.

Chris Meyer/Proprietress
The Dancing Hands Gallery
591Main Street
Park City, UT
435/649-1414

Re. Kimball Aartr Center Expansion

MAYES BEA [b.mayes@opposablethumb.com]

Sent: Monday, November 26, 2012 7:45 AM

To: planning

Dear Planners:

As I understand it, it was the Kimball Art Center that brought up the MPD. They are not planners.

I'm wondering, did the Planning Commission invite the Kimball Art Center to apply for variance under the current codes? That would require the Kimball Art Center to submit their expansion plans. It would also allow public discussion. With the specific Kimball Art Center plans in hand, the Planning Commission could then determine what variances the Kimball Art Center expansion needs.

Respectfully submitted,

Bea Mayes

Long-time volunteer at the Park City Historical Society and Museum and former Park City resident

*** **

Bea Mayes
1031 Grindelwald #6
Midway, UT 84049
435-654-4038

Kimball Art Center Addition

Mary Demkowicz [msfdem@xmission.com]

Sent: Monday, November 26, 2012 9:27 PM

To: planning

Please do not change the MPD to allow a 80 ft high building in old town. It will change the whole character of our town. My husband and I came in 1976 and we really liked the mining history and Main Street. Once a building that large is allowed, other property owners will want the same concessions. Then the downtown area will look like any other big city downtown with oversized buildings, cold and lacking sun. The Kimball Art Center addition should be in keeping with the rest of Main Street. If this change is to be made, it should go out to a public vote. Thank you. Sincerely, Mary Demkowicz

November 28, 2012

To: Park City Planning Commission

PROPOSED REVISIONS TO THE PARK CITY LAND MANAGEMENT CODE - CHAPTER 6

I am here before you representing a group of concerned citizens, "Preserve Historic Main Street", speaking against the proposed revisions of Chapter 6 of the Land Management Code regarding Master Planned Developments. On August 23, 2012 I attended a City Council work session where the Planning Director presented a document to the City Council titled – "Old Town Height Discussion-Kimball Arts Center". The work session was scheduled to discuss a proposed addition to the Kimball Art Center. It appears to us that what the presentation and the Planning Department document were really about was convincing the Council that revising Chapter 6 of the LMC was the best way to accommodate a project application for the proposed Kimball Art Center addition. Although Staff has maintained that the proposed MPD revisions before you tonight are part of their annual review, most of the MPD revisions are clearly written specifically with the KAC addition in mind.

For the past three months our group has been monitoring this process from work session to the present. See packet and minutes. Council made it clear at the August work session that they had heard a lot of concerns from the public about the proposed KAC addition, and they wanted an opportunity for more public dialogue. They inquired about methods to obtain this dialogue and were told by Staff that the MPD was the best method. With all the emphasis on a MPD and height, and little mention of other options and restrictions, it is easy to see why Council felt this might be the best way to get more public dialogue. One viable option is to recommend that the KAC modify their proposal to conform to the existing LMC and HDDG (Their current proposal does not include an additional 1,500 square foot section of their lot that would accommodate 6,000 square feet on four floors). Another available option for the KAC is to apply for a conditional use permit and if needed apply for an amendment to the zone.

Since the work session, Staff has been in the process of suggesting revisions to the MPD section of the existing Land Management Code that would accommodate a possible application by the KAC to build an addition to their present facility on Heber Ave. See packets from 9/12, 9/26, 11/7 (prepared for the HPB presentation), and 11/28.

On November 7, 2012, Staff made a presentation about the proposed revisions to the MPD section of the LMC to the Historic Preservation Board. See minutes. The HPB recommended 6-1 not to revise the MPD language. Quoting a member of the HPB, "Why fix something that isn't broken".

SUMMARY

The whole process that has taken place regarding a possible application by the KAC has been flawed from the start. Given the restrictive language in the LMC, the HDDG, the General Plan, and the Park City 2030 document, it seems strange that Staff would ask the city manager to schedule a Council work session, let alone that they would try to convince Council to revise the LMC to accommodate a proposal that is so unrealistic. The document and presentation to Council was incomplete, inaccurate, and very supportive of the KAC proposal. There is extensive discussion of the MPD process and height restrictions. Unfortunately, there is little discussion of any of the other options, all of which would allow the KAC to submit an application without revising the existing LMC. There also is no mention about section 15-5-1 of the LMC, and several sections of the General Plan that would prohibit the current KAC proposal (Appendix A). Even if the LMC was revised to allow a MPD the current KAC proposal could not be approved.



Council made it quite clear that what they wanted was an opportunity for more public dialogue concerning the KAC proposed addition. They did not indicate they wanted to revise the existing LMC to allow a MPD in the Heber Avenue Sub-zone if there is another way to obtain public dialogue. You have already obtained a considerable amount of public dialogue from this document, dozens of emails, letters to the editor, and testimony at your meetings. There are other ways to obtain more public dialogue without changing the LMC.

We support the Kimball Art Center and their need for an addition to their current facility. We believe this expansion can and should be accomplished within the existing (August/2012) Park City Land Management Code and the Park City Design Guidelines for Historic Districts and Historic Sites. Please, for the sake of our present and future Historic Main Street, do not recommend any revisions to Chapter 6 of the LMC to accommodate a development that has not submitted an application and may never be built.

Appendix A

LMC 15-5-1 ARCHITECTURAL REVIEW

As a community dependent upon the tourism industry, the atmosphere and aesthetic features of the community take on an economic value for the residents and Property Owners of Park City.

It is in the best interests of the general welfare of the community to protect the aesthetic values of the community through the elimination of those architectural styles, and those building materials, which, by their nature, are foreign to this area, and this climate, and therefore tend to distract from the appearance of the community.

Most of Park City's Main Street and many homes in Park City's older neighborhoods are listed on the National Register of Historic Places as well as being locally designated as Historic Sites, which is a point of considerable importance to the tourism industry. New development, while distinct from surrounding Historic Sites, should not detract from them. Park City is densely developed due to the shortage of level, buildable land.

The effect of one Development is felt on the community as a whole. It is the policy of the City to foster good design within the constraints imposed by climate, land ownership patterns, and a compatible architectural theme.

GENERAL PLAN

Page 3 – The historic downtown area, an attraction for visitors and residents, has been well maintained, but the scale of new development threatens to detract from the charm of Main Street.

Page 5 – Goal 1: Preserve the mountain resort and historic character of Park City

- Future development should complement the existing historic and resort qualities of our mountain community.
- New development, both commercial and residential, should be modest in scale and utilize historic and natural building materials. New structures should blend in with the landscape.

Page 7 – Goal 5: Maintain the unique identity and character of an historic community.

- The community should focus on maintaining the integrity and health of the historic district. The downtown should maintain its historic character marked by pedestrian-friendly buildings of simple design, modest scale, modest height, and similar features.

Jim Tedford, Preserve Historic Main Street

November 28, 2012

To: PARK CITY PLANNING COMMISSION

From: PRESERVE HISTORIC MAIN STREET

We support the Kimball Art Center and their need for an addition to their current facility. We believe this expansion can and should be accomplished within the existing (August, 2012) Park City Land Management Code and the Park City Design Guidelines for Historic Districts and Historic Sites.

James Tedford	Harry Fuller	Kerry Armstrong	Tom Clyde
Mel Armstrong	Jim Miller	Michael Holland	John Vrabel
David Chaplin	David Gorrell	Carol Larson	Whitney Wilde
Chris Roon	Penny Cunningham	Laila Tedford	Robert Sloan
Janet G. Fuller	Margaret Sloan	Shirley Smith	Don Elliott
Randy Spagnoletti	Margie Hadden	Keith Droste	Madeline Smith
Winona Barcon	Marilla Magill	Lou Hudson	Dixie Spagnoletti
Karen Coleman	Mary Demkowitz	Gerd Holmsen	James Kennicott
Gary Kimball	J.S. Reid	Patti Sanborn	Dan Steffen
Dianne Vance	Connie Steffen	Jane Washington	Patrick Lennon
Peg Fletcher	Betty Watts	Cyndi Schwandt	Peter Larsen
Mary Larsen	Carolyn Meyer	Mea Marden	Allen Titensor
Kay Simon	Julie Bertagnole	Barbara Keathley	William Bertagnole
Howard Schatz	Ken Martz	Judy Hale	Barbara Martz
Sharree Olsen	Bruce Cooper	Deworth Williams	Rita Lindell
Alice Williams	Jana Tullis	Cathy Hinshaw	Andy Tullis
Don Simon	Sandy Melville	Judy Billings	Hope Melville
Caryl Brubaker	Betsy Devaney	Lani Furr	Carol Goldman
Hank Kaufmann	Joanna Hammel	Judy Hanley	Cathy Hinshaw
Louise Holland	Nancy Hull	Mike Holland	Mary Ellen Hunter
Barbara Keathley	Lisa Leonhart	Susan Miles	Marion Lintner
Madonna Marron	Sue Morgan	Evelyn Richards	Barbara Roberts
Marsha Roon	Marty Statin	Michelle Sweet	Donovan Symonds
Kathy Symonds	Jinny Vallor	Karen Voth	Jane Washington
Sandy Watson	Sue Weiner	Sharon Winders	Julie Cooper
Sandra Nugent	Ray Mackown	Colleen Beil	Jan Mackown
Jim Bell	Alice Myli	Michael Geer	Howard Myli
Patricia Pond	Gayle Roetman	Annette Sneed	Rob Roetman
Dean Peters	Shary Gadd	Myra Strauchen	Rich Banks
Laurie Banks	Mike Baker	Nancy Kelly	Kathleen Papi-Baker
Dennis Kelly	Lee Caruso	Pat Cohn	George Hull
Malia Brown	Mike Washington	Colin Deford	Laurie Garland
Jim Hadden	Lynne Anderson	Jose Palacios	Julia Lagerhaus

Diane Broome	Michael Broome	Midge Farkas	Kurt Frankenburg
Tom Farkas	Dave Hanscom	Sandra Hall	Mary Hanscom
Carrie Brummette	Bruce Dennis	Dan Hickey	Regen Dennis
Jim Durham	Marisa Durham	Mary Jo Eichner	Richard Weber
JoeAnn Weber	Chris Meyer	Bill Shoaf	Bea Mayes
Richard Eichner	Susan Brewer	Julie Hastings	Coleen Webb
Randall Luebke	Chris Schaefer	Aileen Griffin	Allison Sterbens
Marcia Needham	Susan Paterson	Bette Benton	Daniele Davis
Mary Coyer	Mercedes Hess	Norm Olson	C. Frankenburg
D. Hedderley-Smith	Carrie Shoaf	C. Hedderley-Smith	Fred Marshall
Emmy Marshall	Tom Gunn	Joan Gunn	Bob Lewis
Dede Lewis	Patricia Oriente	Mike Stevens	Bill Benson
Loris Benson	Susan Row	Meg Ryan	Phil Hughes
Brad Boozer	Iris Thompson	Robert Thompson	Carrie Lyon
Christopher DiMeo	Nancy Kelly	Dennis Kelly	Pam Gillette
Andy Dannerbeck	Patti Owen	Alison Wilhelmi	Elizabeth Swank
Randi Tonnesson	Nikki Schwerin	Jennifer DiMeo	Michael Lever
Yin Yuen Lever	Don Cofer	Margie Christiansen	Eric Christiansen
Charles Reynolds	Polly Reynolds	Janet Margolies	Michael Ballases
Laree White	Chuck Zuercher		

proposed land management code changes

Shirley Smith [shirley@meanderadventures.com]

Sent: Thursday, January 03, 2013 9:54 AM

To: planning

Dear Planning Commission staff and members,

As a long time Park City resident, I would like to encourage you NOT to allow MDS in the historic zones. I feel that a lot of thought and work was put into developing the existing guidelines and that by allowing such MPDs, it will be like opening a can of worms as more and more businesses on Main Street begin requesting increased height. If you do feel that allowing MPDS is important for whatever reasons, I hope that you will continue to include the 32 foot height limit in the HRC zone.

Thank you for taking my opinion.

Sincerely,
Shirley Smith

KAC expansion

Chris / Dancing Hands [chris_dhgallery@qwestoffice.net]

Sent: Saturday, December 29, 2012 1:51 PM

To: planning

To the Planning Commission: Although I am in favor of KAC building a better facility, I am opposed to the current building design. The design is out of code and out of date for Main Street. It will be worse than 333 Main Street, another disaster you allowed so many years ago. There are far better designs for that space that will not destroy the texture of Park City. One thing you need to realize here is that you do not have to live with the result, we the merchants and condo, etc. owners will have to live with it. Think about it. Do something for those of us who have to live on the street.

Chris Meyer/Proprietress
The Dancing Hands Gallery
591Main Street
Park City, UT
435/649-1414

KAC project email for meeting on January 9th, 2013

Carrie Shoaf [carrie@luxuryresidencegroup.com]

Sent: Saturday, December 29, 2012 2:57 PM

To: planning

Park City Planning Department,

This is email is to express my concern for the proposed development of the KAC and their request for an MPD in historic old town. Although I don't proclaim to be an expert on the codes, I feel the current proposal does not in any way adhere to the current codes and the scope of the project does not fit into the theme of Historic Main Street. There is a reason for historical guidelines and height requirements and although meetings have been well represented by advocates of Historic Old Town, it seems that for some reason, they have not been heard very well. It was my understanding also that you could not build on top of an historic structure. Seems with the proposed building, it would all but be taken down to the minimal studs and rebuilt. What is happening to the integrity of our Historic Old town?

MPD's should not be allowed in the historic zones. Nor should height requirements be considered beyond the 32' maximum height currently allowed in the HRC zone. If the MPD were passed or the height requirements currently in place were not adhered to, I would think it would give precedent to other property owners around the Main Street area that could do the same. That is a big can of worms to open for our charming town.

Again not being fully informed, it is also my understanding that the KAC should not have been allowed to do a presentation in front of City Council on August 23. It seems the Council asked the Planning commission to change the LMC to provide an opportunity for public dialogue based on incomplete information. Why is the planning commission pushing this issue so hard and fast? It makes no sense that they would want to turn our Historic district into a New York City.

Thank you for listening.
Carrie Shoaf

Carrie Shoaf
Associate Broker
Luxury Residence Group



Carrie@LuxuryResidenceGroup.com
LuxuryResidenceGroup.com

1750 Park Avenue | P.O. Box 2370 | Park City, UT 84060
o 435.658.3336 | c 435.513.1928 | f 435.604.6190

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Planning Commission Meeting January 9th.

Bill Shoaf [bshoaf@me.com]

Sent: Saturday, December 29, 2012 3:24 PM

To: Dana Williams; Andy Beerman; Alex Butwinski; Cindy Matsumoto; Liza Simpson; Richard Peek; planning

Attachments: Amsterdam's New Stedelijk ~1.pdf (1 MB)

Dear Mayor, City Council Members, Planning Commissioners & Planning Staff

My name is Bill Shoaf and I was the Developer of Sky Lodge as well as headed up the developemt at Sundance during the 1990's when the entire resort was re-engineered. I regret that I am out of town the week of January 7th so I am writing to you to express my concerns and view points regarding the review of the LMC to accommodate the proposed KAC addition.

I have attached part of an article the appeared in the Design & Art section of The New York Times on December 23, 2012 regarding the new "addition" to the Stedelijk Museum in Amsterdam which carries the title "Why is the Museum Shaped Like a Tub?" This article refers to the below structure, which was an addition to a very prestigious and well establish art museum, and was added to the existing facility with the stated goals of updating the old building and adding exhibition space along with a restaurant and store and was going to have the entrance changed to activate the overall area. Sound familiar? And what was the result? Well to quote the article's author this was "another case of civic icon-envy" where the City of Amsterdam allowed - after a decade of public turmoil - the project to go forward and - in the words of the author - the "Bentham Crowel's gonzo design suggests a kind of desperation in Amsterdam's reaction to Bilbao".



I have included the renderings of the proposed KAC addition from their web site and I would put forward to all of you that the below proposed addition to the Kimball Art Center of Old Town is on par with the result achieved in Amsterdam with only two differences. One, this mistake has not yet been made and the multi millions spent by the Dutch has not been shelled out by the citizens of Park City. Two, if this project is allowed to go forward the article in The New York Times will have a slightly different headline - "Why is the Museum a Lincoln Log Project?"



I can assure you as a person who has spent over 35 years in the destination travel business this type of article in The New York Times is the last thing Park City wants or can afford. The people that travel to our city are interested in the Arts and read articles like this with great interest and this type of press does no one any good. So from that standpoint I see no reason for the City to alter in any way the Land Management Code to accommodate this project. It is out of scope, devoid of sensibility to the surrounding historic character of Old Town and is, in my humble opinion, another case of "civic icon envy".

Secondly I would offer my words of caution that any modification to the LMC on density and / or heights is playing a very dangerous game and one I am well schooled in. Specifically commercial developers wait in the wings and pray that a City with a restrictive area such as Old Town makes "exceptions" to accommodate either city or non profit projects for "the good of the citizenry". These folks wait quietly and then walk in with their take no prisoners attorneys and demand the same treatment as the "special people". They seldom lose this argument. I would respectfully remind the Council, Commission and Planners that the other three corners of Heber and Main as well as the site directly north of Zoom are owned by one developer as well as the undeveloped site at the top of Main Street. There are also other significant sites on the street that are for all purposes black store fronts whose owners would gladly welcome a more generous interpretation of the LMC. There are sizable profits to be made by increasing the density and heights of those sites if an MPD can be put into play beyond the current restrictions of the LMC. In my opinion the accommodation of KAC with a modification to the LMC is an open invitation to a slew of projects under a new set of rules for the MPD process that will not turn out well for Old Town

Thank you for your attention

William Shoaf
 Managing Director
 Aureus Hospitality Group

4780 Winchester Ct
Park City, Utah 84098
Tel: 435.214.7352
Efax: 866.712.0135
Bshoaf@aureushg.com
www.aureushg.com

Kimball

pat0212@aol.com

Sent: Saturday, December 29, 2012 7:57 PM

To: planning

I am a long time "part timer" and love the charm of our wonderful city. Please do not consider making any zoning changes to accommodate the possible Kimball redo as it stands today. I feel it would be a disservice to have one building dominate the landscape and obstruct views. It would be detrimental to the "feeling" of Park City. Also I am very upset at the remote possibility of your change laws to accommodate one group. Where as they are an important organization, I do not feel they have any right to have should rules changed for them. Thank you for your consideration and time spent on this matter. Pat Cohn

Kimball Art Center Expansion

Marc Wangsgard [mwangsgard@gmail.com]

Sent: Saturday, December 29, 2012 8:17 PM

To: planning

I read the KAC article in today's Park Record. I have been a full-time resident of Park City since 2000, and I enjoy the KAC presence in Park City. I am strongly opposed to the proposed expansion. I read the KAC explanation of the need for the expansion. I have been in the development business full time while living in Park City. From my experience a "need" by the applicant is not a reason to violate the local jurisdictions code or planning principals. Nor should it matter whether the applicant is an awesome non-profit. The size, scope and particularly the height of this project, in my opinion, would be a huge negative for Park City in general and particularly Old Town.

KAC

Kurt M. Frankenburg [kfrankenburg@williamsandhunt.com]

Sent: Sunday, December 30, 2012 7:56 AM

To: planning

I understand that there will be a meeting regarding the proposed KAC expansion on January 9th. I urge you to preserve the character of the historic district and to reject any MPDs or significant height variances for that district. I can see no compelling reason to allow the type of substantial variance the KAC is proposing. I am a member of the KAC, but but am very much opposed to the proposed design. It is totally out out of scale and character for the surrounding area and flies in the face of the very purpose behind the historic district's purpose.

Thank you, Kurt Frankenburg

Sent from my iPad

Expansion Plans for Kimball Art Center

Donovan Symonds [dfsymonds7@gmail.com]

Sent: Sunday, December 30, 2012 9:39 AM

To: planning

I wish to express my strong objection to the height of the proposed expansion of the Kimball Art Center. The building as proposed would dominate downtown Park City and distract from our historic core. The building should conform to the existing codes particularly relating to height.

Donovan Symonds.

4278 moose Hollow Rd. Park City.

building

Marilla Magill [marillamagill@gmail.com]

Sent: Sunday, December 30, 2012 11:16 AM

To: director@kimballartcenter.org

Cc: planning

I do believe we need more space. I do like the idea of a unique building....just NOT on the Main Street site. IF there is to be a building such as the railroad ties design, I feel strongly that it should NOT be breaking the historic Main Street code. I greatly fear that allowing one such ruling will lead to a severely impacted Main Street and the Historic designation of our charming city. Having been here since 1970, I have seen many changes....and it Always occurs that if one developer or building is allowed to break the current code....all the others follow.

I do believe the Kimball could have dual locations without being hurt by it....maybe even enhanced!

Thanks for listening, Marilla Magill

Planning Park City

Barbara Keathley [keathleyb@aol.com]

Sent: Saturday, December 29, 2012 10:51 PM

To: planning

I would like to add my voice to the Tedford Committee to respect the historic appearance--heights and scale of Main Street. Any town can build large intrusive buildings, but Park City's Main Street is unique because so much of it is original!! Let's keep it special so it won't be like all the new resorts!

Thank you.

Barbara Keathley, RLA, ASLA
531 Deer Valley Drive

Sent from my iPhone

Re: Kimball Art Center

Tanya Swenson [swenson2680@gmail.com]

Sent: Tuesday, January 01, 2013 10:09 AM

To: director@kimballartcenter.org

Cc: planning

On Tuesday, January 1, 2013, Tanya Swenson wrote:

I have been a Park City Resident for 30 years and have seen a lot of growth good and bad. Main Street Mall bad, High West good please look around our little city, repeat little. The Art Center is to go into not look up at. Scale back the building find a design that fits.

Tanya and Jordon Swenson

--

Tanya Swenson

--

Tanya Swenson

Re: Planning Commission Meeting on Jan. 9, 2013 re changes to LMC

Hope Melville [hope@hmelville.com]

Sent: Tuesday, January 01, 2013 1:07 PM

To: planning

Planning Commission Members,

I am forwarding to you the below letter I sent to the Kimball Art Center Directors as my feedback, as requested in their recent "Open Letter to the Community" published in last Saturday's Park Record. This is relevant to the Planning Commission's consideration of changes to the Land Management Code.

Sincerely,

Hope Melville

----- Forwarded message -----

From: **Hope Melville** <hope@hmelville.com>

Date: Mon, Dec 31, 2012 at 4:33 PM

Subject: Re: Feedback to Saturday's KAC "Open Letter to the Community"

To: director@kimballartcenter.org

To: KAC Directors,

It is difficult to decipher what KAC's full page piece in Saturday's Park Record is seeking to accomplish. Although the newspaper piece states KAC wants to hear the community's "feedback on our expansion concept", the piece provides no specifics as to what that expansion concept is. So what actual "feedback" is KAC seeking, if any?

Under the heading "Why This Proposed Building", you provide a photo of the old Coalition unloading structure, which is apparently not KAC's "expansion concept". The only other graphic you provide in the newspaper piece is a rough floor plan of studio space, which appears to be at most a small part of your expansion concept. Accordingly, you do not seem to be seriously soliciting community feedback on your proposed expansion project, which apparently is the BIG design that has been prominent in KAC's lobby. This seeming lack of any real interest in community feedback appears bolstered by your characterization in the newspaper piece of non-supporters of your proposed design as "detractors".

As to the BIG proposed design of an 80 foot Tower at the corner of Main and Heber, my feedback to KAC is that it is far too tall and dense a building for Historic Main Street. If KAC needs expansion volume and height that requires the proposed 80 foot Tower, then KAC simply has outgrown its current location on lower Main Street and should relocate to a more appropriate area.

Further, I strongly oppose KAC's efforts to seek changes to the current Land Management Code to allow KAC to proceed with its 80 foot Tower project in Historic Main Street. This is particularly due to the detrimental impact changes to the Land Management Code to increase allowable building height and density will inevitably have on the existing character of Historic Old Town -- a character that many of us treasure and seek to protect. Such changes to the Land Management Code for KAC would inevitably permit other developers of projects to similarly increase the height and density of their buildings, destroying the pedestrian-friendly and small-scale historic environment of Old Town which is so appreciated by locals and visitors alike. Just as KAC points to other buildings in Old Town for its argument that KAC's project is "not that much taller", others will do the same if there is an 80 foot KAC structure to compare to.

KAC appears to be piqued that anyone would question the "benefits" KAC wishes to "bestow" upon the community by way of its so-called "iconic" 80 foot art Tower project. KAC seems defiantly determined to seek exceptions to the community's zoning codes so that KAC's vision of a new Park City can proceed. KAC fails to acknowledge the downsides of its 80 foot Tower project, specifically the detrimental precedent that its Tower project would set for Old Town. KAC's failure to acknowledge this reality is unbecoming of a non-profit which claims to have the best interests of the Park City community and Historic Old Town at heart.

It would be plain to everyone that KAC's proposed 80 foot Tower project would be grossly out of place and detrimental to the historic nature of the McPolin Farm buildings, if proposed for that location (and I trust such a location would never be proposed). Similarly, KAC's BIG 80 foot Tower expansion project is grossly out of place in Old Town and would be detrimental to the character and well-being of Historic Main Street. That is my feedback regarding KAC's proposed expansion concept.

Sincerely,

Hope Melville
Park City

January 3, 2013

To: Park City Planning Commission,

What lies ahead for our Historic Main Street? As we welcome in another new year, and the 50th anniversary of destination skiing in Park City, we must decide if we want to maintain Main Street's integrity as an authentic mining era business district, or if we want to let it deteriorate into just another main street U.S.A. Obviously, it's historic nature is treasured since every advertisement, magazine article, flyer, and TV commercial includes the word "Historic". Even the main street business association is named the Historic Park City Alliance. Everyone from Silver Creek to Silver Lake and Summit Park to Promontory has a vested interest in the future of our downtown. We all cherish it as a part of our hometown culture.

As the mines gradually closed in the 1950's, many people were leaving town, and Main Street was looking a little rough around the edges. Then, with the arrival of Treasure Mountain Resort in 1963 the economy started to turn around. New buildings popped up, old wrecks were torn down, and many existing buildings were renovated and remain significant symbols of our past. Most of the new construction was true to the historic nature of Main Street. Over the years, however, there have been a few unfortunate mistakes: the Treasure Mountain Inn, built in 1965 when any new construction was welcome, the Main Street Mall, and the Galleria. There is soon to be another such building on upper Main Street. The townhouse project between The Imperial and Grappa, already approved by the Planning Department and coming in the spring, is too massive and modern for Main Street and has no commercial space on the ground floor. It is hard to understand how projects of this magnitude meet the compatibility criteria of the Land Management Code, the Historic District Design Guidelines, and the General Plan,

We cannot do much about past mistakes, but we can certainly make sure all future Main Street projects complement the existing historic qualities of our mountain community. The Park City Land Management Code and the Historic District Design Guidelines determine what can be built and what cannot be built. It is time to strengthen these laws, not weaken them by creating exceptions and including ambiguous language that would allow projects that do not belong on Main Street. These laws apply equally to all developers – public, private, and non-profit. It is bad policy to create, delete, or modify land management laws to accommodate any one project. Do we want to take the "Historic" out of Historic Main Street, one of the biggest attractions in Summit County?

According to the Land Management Code Amendment section of the Planning Applications page, "Citizens can always request that the City (Planning Department, Planning Commission, City Council, or Historic Preservation Board) initiate proposed changes to the Land Management Code". I request that the Planning Commission initiate the following (page 2) three proposed changes to the Land Management Code.

Jim Tedford,
Preserve Historic Main Street

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 6 – Master Planned Developments

15-6-2. **APPLICABILITY**

- (A) The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential – Low Density (HRL), Historic Residential – Medium Density (HRM), Historic Commercial Business (HCB), and Historic Recreation Commercial (HRC) for the following:
 - (1) No Change
 - (2) No Change
 - (3) No Change
 - (4) No Change

- (B) The Master Planned Development Process is not allowed in the Historic Residential (HR-1, HR-2), Historic Residential – Low Density (HRL), Historic Residential – Medium Density – (HRM), Historic Commercial Business (HCB), and Historic Recreation Commercial (HRC) zones.

- (C) Eliminate

PARK CITY MUNICIPAL CODE – TITLE 15 LMC, Chapter 11 – Historic Preservation

15-11-12 **PRE-APPLICATION CONFERENCE**

- (1) No Change

- (2) Each application shall comply with all the Design Guidelines for Historic Districts and Historic Sites. It is the responsibility of the Applicant to understand the requirements of the Application.

- (3) Paragraph 1 – No Change
Paragraph 2 – No Change
Paragraph 3 – Applications that may be exempt from the Historic Design Review process are limited to the following:
 - (a) – No Change
 - (b) – No Change
 - (c) - No Change

PARK CITY MUNICIPAL CODE –TITLE 15 LMC, Chapter 11 – Historic Preservation

15-11-6. **ADDITIONAL DUTIES.**

In addition to the powers set forth in Section 15-11-5, the HPB may, at the discretion of the City Council:

- (A) Participate in the design review of any project located within the Historic Zones.

KAC

Randy Spagnoletti [randyspag@gmail.com]

Sent: Sunday, January 06, 2013 5:18 PM**To:** planning

Thursday, January 03, 2013

Dear Commissioner:

Thank you for your efforts regarding the discussion of changing the LMC to accommodate the addition to the Kimbal Art Center. You have probably had a gut full of this subject but I would like to get in one last appeal before you pass the subject along to the Council.

Please do not modify the Land Management Code for the Kimbal Art Center or any other project brought before you. If somehow any group is able to sidestep the Planning Commission with a device such as an MPD, please take a stand and encourage the other commissioners to also take a stand, to support the LMC and the Historic District Design Guidelines. The City has far too much to lose if developers decide there is an opportunity to get a project that does not meet the LMC, approved by using a planning device to get around the standing codes for that zone.

In the Kimbal's situation, their desire is for an iconic edifice that will, to use their term, "transform" Park City into what, Art City? Park City already is an icon and has done quite well in its current form. What will probably, really happen if the KAC Board gets to build the KAC addition in its present design, is that they will get a shot at some sort of Art Gallery Standing or peer recognition.

Only time will tell how good or bad the KAC addition design really is. In my opinion it is a huge structure that does not meet the Historic Guidelines that are there to prevent non-historic or worse yet extremely non-conforming, contemporary projects.

I don't need to go back into all the issues that have been discussed over the last few months, the least of which is sufficient parking, which we do not have, for a building that size and the visual impacts this massive structure will have on other property owners who thought they were buying into a cute historic/ski town.

Thank you again for your time.

Randy Spagnoletti

Kimball Art Center

robert j thompson jr [catibob@burgoyne.com]

Sent: Thursday, January 03, 2013 5:34 PM

To: director@kimballartcenter.org

Cc: planning; preservehistoricmainstreet@gmail.com

TO THE DIRECTOR OF THE KIMBALL ART CENTER

CC TO THE PLANNING COMMISSION

FROM ROBERT J AND IRIS THOMPSON
52 THAYNES CYN DR –PARK CITY

Our family came to Park City originally in 1970. We bought a condo in Three Kings in 1972 due to the uniqueness of the historic mining town. We retired here definitively in 1988. We have felt fortunate to live here.

However, we are very disappointed in your selection of a type of architecture that is totally unsuitable to our historic district. We stand firmly behind Jim Tedford and all those who have joined him in respecting the historic district of Park City and its existing laws regarding not allowing any MPDs. We are 100% behind keeping the maximum heights of any new buildings at 32 feet.

To continue to push your plans for a new building that is abhorrent to the long-time locals who have supported Park City for years and wish it to remain the special place known internationally boggles the mind.

Kimball Art Center

richard eichner [ricreichner@hotmail.com]

Sent: Thursday, January 10, 2013 3:38 PM

To: planning; mjeich15@hotmail.com

We are strongly opposed to granting an exception for the proposed KAC addition. Park City needs to retain it's historic character and KAC needs to play by the same set of rules as everyone else. Thanks

(M) **LANDSCAPING.** A complete landscape plan must be prepared for the limits of disturbance area for all Building Permit applications and Historic District Design Review projects for all exterior work that impacts existing vegetation within the limits of disturbance. The landscape plan shall utilize the concept of Xeriscaping for plant selection and location, irrigation, and mulching of all landscaped areas. The plan shall include foundation plantings and ground cover, in addition to landscaping for the remainder of the lot. The plan shall indicate the percentage of the lot that is landscaped and the percentage of the landscaping that is irrigated. The plan shall identify all existing Significant Vegetation.

Materials proposed for driveways, parking areas, patios, decks, and other hardscaped areas shall be identified on the plan. A list of plant materials indicating the botanical name, the common name, quantity, and container or caliper size and/or height shall be provided on the plan. Areas of mulch shall be identified on the plan. Approved mulches include natural organic plant based or recycled materials. Stone-based mulch is not permitted.

To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. When approved to be removed, based on a Site Specific plan, Conditional Use, Master Planned Development, or Historic District Design Review approval, the Significant Vegetation shall be replaced with equivalent landscaping in type and size. Multiple trees

equivalent in caliper to the size of the removed Significant Vegetation may be considered instead of replacement in kind and size. Where landscaping does occur, it should consist primarily of native and drought tolerant species, drip irrigation, and all plantings shall be adequately mulched.

Irrigated lawn and turf areas are limited to a maximum percentage of the allowed Limits of Disturbance Area of a Lot or Property that is not covered by Buildings, Structures, or other Impervious paving, based on the size of the Lot or Property according to the following table:

Lot Size	Maximum Turf or Lawn Area as a percentage of the allowed Limits of Disturbance Area of the Lot that is not covered by Buildings, Structures, or other Impervious paving
Greater than one (1) acre	25%
0.50 acres to one (1) acre	35%
0.10 acres to 0.49 acres	45%
Less than 0.10 acres	No limitation

Where rock and boulders are allowed and identified on the Landscape Plan, these shall be from local sources. All noxious weeds, as identified by Summit County, shall be removed from the Property in a manner acceptable to the City and Summit County, prior to issuance of Certificates of Occupancy.

(Amended by Ord. No. 06-56; 11-05; 12-37)

WORK SESSION



Planning Commission Staff Report

Subject: Bonanza Park Area Plan and Draft Form Based Code
Author: Katie Cattan, AICP Senior Planner
Department: Planning
Date: May 8th, 2013
Type of Item: Legislative – Work Session

Summary Recommendations:

The purpose of this meeting is to discuss the draft Bonanza Park Area Plan and draft Form Based Code with the Planning Commission. This work session will give the Planning Commission the opportunity to discuss guiding policy within the Bonanza Park Area Plan and ask questions regarding the pending Form Based Code.

Topic/Description:

The Bonanza Park (BoPa) Area Plan was published in January 2012, with review by the Planning Commission on January 12, 2012 (joint meeting) and February 8, 2012. During the February 8, 2012 meeting, the Planning Commission provided direction to staff to begin drafting a form based code for the Bonanza Park District. Due to development of the Form Based Code and prioritization of the completion of the draft General Plan, review of the Bonanza Park Area Plan has been on hold since the February 8, 2012 Planning Commission meeting. A draft General Plan was completed March 29, 2013. Staff is now moving forward toward adoption of the draft General Plan, the Bonanza Park Area Plan, and a new Form Based Code (FBC). Prior to the consultant, Gateway Planning, returning to Park City on May 22, 2012 to review the draft FBC, planning staff would like to update the Planning Commission on the process moving forward, provide the Planning Commission with answers to previously raised questions, and receive direction on policy questions that will influence the area plan and FBC.

Background:

The Bonanza Park District

The Bonanza Park district is the oldest commercial district outside of the City's historic Main Street area. As a planning area, the boundaries are Bonanza Drive to the East (and those properties just east of this right-of-way, e.g. Park Plaza, etc.), Park Avenue to the west, Kearns Boulevard to the north, and Deer Valley Drive to the south. This district encompasses 99 acres; five times the area of the City's renowned Main Street Historic District (±18 acres).

The area is currently a broad mix of land uses ranging from resort commissary and parking, to shops and restaurants, banking, public works buildings, residential and a special events venue. Other uses include a storage area, small art and consignment shops, banks and real estate offices. The only movie theater in the City is within the area as well as one of the City's two main grocery stores. The area is currently zoned

General Commercial (GC), Light Industrial (LI), and Estate (E). The area includes housing along Kearns Boulevard (e.g. Claimjumper and Homestake Condos), within the Rail Central Development and along Ironhorse Loop.

Today, Bonanza Park plays an important role within the local economy. This commercial and industrial area is the place where residents shop for groceries; get repairs done to their automobiles, bikes, and skis; recycle; eat; buy paint; workout, etc. It is where locals go for everyday needs, goods, and services.

The Bonanza Park area is a prime redevelopment area due to the age of existing buildings, central location, history of mixed use, and interest of the existing property owners in improving the area. It is an opportunity to apply new urbanism principles for redevelopment that support the current population while creating new opportunities for improved quality of life, including: jobs, housing, and diversity.

Previous Direction from Planning Commission and City Council

Through the course of five (5) joint redevelopment meetings held by the City Council and Planning Commission in the summer and fall of 2011 a series of “policy agreements” were made on the City’s posture on redevelopment:

- Competition and market reality mean redevelopment is essential for a resort economy to remain viable and for its benefits (residential amenities) to continue without having to raise taxes; and
- Partnership is necessary between Park City and the development community to stay sufficiently ahead of the market to obtain desired outcomes grounded in the community’s stated core values; and
- Policy and other tools can be used to obtain the values-linked outcomes that the community wants; and
- Getting the development outcome the community wants requires that a series of choices be made, working cooperatively to allow one or more “gives” in order to obtain one or more “gets.”

Specifically to the Bonanza Park District the Planning Commission and City Council policy agreements included:

- City Council and Planning Commission agree that Park City needs a Bonanza Park plan that:
 - Incorporates power station needs;
 - Converts BoPa to a vibrant, affordable, mixed-used, locally serving area;
 - Balances “gives” with maximum height, density, and economic development tool usage.
- Both City Council and Planning Commission directed staff that a greater maximum height could be considered in exchange for the following:
 - Open space, a smaller footprint, view corridor protection, affordable housing, and a resulting area built within a set of design guidelines;

- Both City Council and Planning Commission directed staff to allow for additional density through receiving TDR credits in BoPa to obtain;
 - Protection of historic structures, increase connectivity, achieve housing affordability, achieve green building practices and recognizes the importance of environmental and economic sustainability.

Understanding the relationship between the FBC and the Area Plan

The draft Bonanza Park Area Plan suggested that a Form Based Code (FBC) for the Bonanza Park District be adopted as an implementation tool. The BoPa-FBC will guide redevelopment projects to incorporate mixed use, authentic building form and materials, and a desirable public realm.

Prior to adopting the FBC, the Bonanza Park Area Plan must be adopted as a supplement section of the General Plan, replacing the existing 2006 Bonanza Park supplemental section. The FBC will supersede the present General Commercial, Industrial, and Estate Zoning Districts within the Bonanza Park District. The Bonanza Park Regulating Plan (Exhibit B – Regulating Plan (Appendix A to the FBC)), if adopted, will be part of the official zoning map of Park City.

The City Council awarded the contract to develop the Form Based Code to Gateway Planning on March 22, 2012. On April 5 and 6, 2012, Gateway Planning hosted a series of stakeholder meetings for property owners, residents, and businesses within the Bonanza Park District to discuss future redevelopment in the area and introduce the concept of form based code. Gateway Planning returned to Park City to work with staff on refinement of the illustrative (site) plan based on the community input. An Open House was held on May 1, 2012. During the Open House, Gateway Planning and staff presented different options of the illustrative plan and introduced the concept of character zones within the District. The current regulating plan is based on the feedback of the public, stakeholders, Planning Commission, and City Council during these two (2) visits.

On October 24, 2012, Gateway Planning presented the first draft of the BoPa-FBC during a joint Planning Commission and City Council work session. Gateway Planning presented an overview of how Form Base Code is administered and provided examples of how the code is applied. The draft BoPa-FBC presented on October 24, 2012 was approximately 70% complete. The full document (Exhibit A) will be presented to Planning Commission during the May 22, 2013 meeting and a public hearing will be held.

During the October 24th, 2012 meeting, the Planning Commission and City Council voiced support of the future FBC. (Exhibit C: October 24, 2012 minutes) The primary topics of discussion include:

- Long term transportation policies of parking, transit, and future connectivity. (Peek, Beerman)

- Support economic development tools to incentivize desired uses in the area, rather than height and density. (Strachan, Butwinski)
- Removal of designated pedestrian pathways that separated pedestrians from automobile. Concern for pedestrian safety and view corridors. Direction to make sure that complete streets design addresses pedestrian/bicycle safety. (Thomas, Beerman, Peek)
- Possible model run of testing code on a fictitious development. (Thomas, Wintzer)
- Pedestrian space and internal open space is critical to entire project. Fear of creating open space that is not utilized. (Williams)
- Define large-scale retail. (Simpson)
- Request for infrastructure budget. (Savage)
- Support for administrative review mixed with concern of burden on Planning Director and replacing public process and noticing. (Worel, Butwinski, Peek)
- Discussion on Iron Horse Character Zone and the inclusion of the condos on south side of Bonanza Drive within the Character Zone. Concern for redevelopment of condos and maintaining affordable housing options in the area. (Beerman, Savage, Butwinski)
- Support for additional height for affordable housing. (Savage)
- Question on Aerial Transit and air rights. (Butwinski)
- Discussion on the inclusion of Snow Creek in the FBC. (Gross)
- Questions regarding the boundary of Lower Park RDA relative to BoPa. (Simpson)
- Request for phasing plan. (Peek)
- Need connectivity into Prospector Park. (Peek)
- Photo illustration should relate better to Park City. (Strachan, Hontz)
- Include snow storage. (Hontz)
- Bonanza Park job creation/campus compliments quality of life offered in Park City. (Williams)

The purpose of the May 8th work session is to discuss the draft Bonanza Park Area Plan with the Planning Commission and provide clarity on the aforementioned items. The Planning Department will also present an overview of how the FBC is utilized and the difference between each character zone.

Analysis:

The BoPa-FBC is the first Form Based Code to be considered for adoption in Park City. The following outlines the structure of a Form Based Code and how the BoPa-FBC will be administered within the district.

The following explanation is from the Form Based Codes Institute:

What Are Form-Based Codes?

Form-based codes use physical form, rather than separation of land uses, as their organizing principle. They foster predictable results in the built environment and a high quality public realm.

Definition of a Form-Based Code Form-based codes foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. They are regulations, not mere guidelines, adopted into city or county law. Form-based codes offer a powerful alternative to conventional zoning.

Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals. They are keyed to a *regulating plan* that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types.

This approach contrasts with conventional zoning's focus on the micromanagement and segregation of land uses, and the control of development intensity through abstract and uncoordinated parameters (e.g., FAR, dwellings per acre, setbacks, parking ratios, traffic LOS), to the neglect of an integrated built form. Not to be confused with design guidelines or general statements of policy, form-based codes are regulatory, not advisory. They are drafted to implement a community plan. They try to achieve a community vision based on time-tested forms of urbanism. Ultimately, a form-based code is a tool; the quality of development outcomes depends on the quality and objectives of the community plan that a code implements.

The Park City Planning Department recommends adoption of a Form Based Code in the Bonanza Park District to create continuity of building form and the public realm throughout the district. Currently, the district lacks street and pedestrian connectivity and a defined sense of place. There is a hodgepodge of standalone commercial and residential development that does not flow like a traditional neighborhood. By adopting a Form Based Code district wide, the district will evolve as a mixed use neighborhood with public amenities such as trails, parks, and sidewalks. The aesthetic of the district and user experience will improve due to regulations for form and the public realm within the form base code.

Below is the existing, unconnected street network within the Bonanza Park District:



Form based code is a great tool to implement the ten Guiding Principles of the Bonanza Park Area Plan, as follows:

1. Reconnect to the history of this locale while continuing to build upon “local” history.
2. Take a collaborative partnership approach to redevelopment among the City, property owners, local residents, and business owners within the district.
3. Actively promote inward migration into the redevelopment area rather than passively allowing outward migration and sprawl.
4. Protect view corridors and the connection to the mountains.
5. Improve internal circulation as well as enhance connectivity to the surrounding mobility systems.
6. Redevelop utilizing future-oriented, environmentally-conscious development practices.
7. Maintain the area as a commercial district with special emphasis on fostering economic growth within the local resident population and existing businesses.

Character Zones

There are four (4) proposed character zones within the BoPa-FBC. They are as follows:

Mixed Use Center – This Character Zone is intended to accommodate a variety of higher intensity uses related to entertainment, resort services, employment offices, education, and urban residential. The goal of the zone is to create an area that sustains itself both on and off peak tourist times and establishes itself as a true center of Bonanza Park.

Resort Gateway – This Character Zone is intended to be the location for resort services and resort hotels along the major entrance corridors into Bonanza Park. As the gateway of the Park City when coming into town, or going to mountain facilities, the resort gateway zone identifies the preferred location within the Bonanza Park District to stay, dine and shop. The goal for this zone is to be an appropriate entryway to the City and the Bonanza Park area by expressing a resort character.

Neighborhood Shopping – This Character Zone is intended to serve the neighborhood shopping for Bonanza Park and surrounding areas with the necessary services and staples that any neighborhood requires. The goal is to provide services within walking distance from urban residential, entertainment, resort tourism employment and other professional services in Bonanza Park.

Iron Horse Industrial Arts – This Character Zone is intended to foster a range of light industrial arts, services, and design elements, while continually transitioning into a local arts neighborhood with urban living in an eclectic lifestyle that is reflective of the industrial roots of this section of Bonanza Park. The goal is to provide urban residential neighborhood and maintain a place within the city limits for light industrial professional services.

Each Character Zone has regulations which are tailored to them to create a unique aesthetic for each character zone in the district. The Form Based Code regulates the following within each character zone:

- Uses (see table 4.1 in FBC Code)
- Building Placement
 - Build to Lines
 - Setbacks
 - Required minimum building frontage based on Street Type
- Building Height
 - Maximum Heights
 - Minimum Floor Heights
- Commercial Frontage Requirements
- Parking and Service Access
 - Structured parking requirements
 - Off street parking
 - Driveways and Service Access
- Encroachments

Street Designations

The Bonanza Park Regulating Plan designates streets in three major ways: Street cross sections, street types, and street priority.

1. Street Cross Sections address vehicular lane widths, number of lanes, pedestrian/bicycle accommodation, street landscaping, on-street parking, and parkway and median standards.
2. Street Types designate the streets by their appropriate development context by denoting them on the Regulating Plan as Type “A” or Type “B” Streets.
 - a. Type “A” Streets are intended to provide the most pedestrian friendly and contiguous development context. Buildings along Type “A” Streets shall be held to the highest standard of pedestrian-oriented design and few, if any, gaps shall be permitted in the „Street Wall“. These streets are the main retail, restaurant, entertainment supportive streets in Bonanza Park.
 - b. Type “B” Streets are also intended to be pedestrian friendly with a mostly contiguous development context; however, in some locations, Type “B” Streets may need to accommodate driveways, parking, service/utility functions, and loading and unloading. In such cases, Type “B” Streets may balance pedestrian orientation with automobile accommodation. Typically, they shall establish a hybrid development context that has a more pedestrian friendly development context at street intersections and accommodate auto-related functions and surface parking in the middle of the block. Surface parking shall be screened from the roadway with a street or living fence. Type “B” Streets are designated in the Regulating Plan.
3. Street Priority establishes the phasing significance of different street segments within the Bonanza Park district. Primary streets are given more priority during the redevelopment of the district over secondary streets.
 - a. Primary Streets Established – Primary Streets are the street segments that are essential to implement the street network for the redeveloped Bonanza Park.
 - b. Secondary Streets Established – Secondary Streets are the street segments that are important, but not essential to implement the street network for the redeveloped Bonanza Park. Secondary Streets indicate the likely locations for new streets and blocks. Secondary Streets may be substituted by pedestrian passages, alleys, or cross-access easements based on the specific redevelopment context.

Open Space/Civic Space Designation

The detailed Open Space and Civic Space Standards for each type of development are included in Section 7 of this Code. These standards include general character, typical size, frontage requirements, and typical uses. There are specific requirements for

different types of open space (public or private) depending on the use. The Regulating Plan identifies two categories of Open Space and Civic Space as follows:

1. Required Open Space and Civic Spaces are the areas shown on the Regulating Plan with specific locations of future Open and Civic Spaces (including environmentally sensitive areas, parks, plazas, greens, squares, and paseos). These spaces have been identified on the Regulating Plan due to the certainty of their location within the context of the overall redevelopment of BoPa. Such required spaces may be either public or private open spaces.
2. Recommended Open Space and Civic Spaces are those areas shown on the Regulating Plan as desirable locations for future Open and Civic Spaces (including environmentally sensitive areas, parks, plazas, greens, squares, and paseos). These spaces have been identified on the Regulating Plan in order to implement a vision for redevelopment within the Bonanza Park.

Buildings could not be built on areas designated as required Open Space within the Regulating Plan.

Special Frontage Standards

The regulating plan also identifies Special Frontage Standards to establish exceptions and special conditions for all buildings along designated frontage. Within the BoPa FBC, the Regulating Plan established special frontage standards for “Required Commercial Frontage”. These special standards apply to the area around the proposed Spur Park leading North on Homestake Road to the intersection of Kearns Blvd. The purpose of Special Frontage Standards is to create a strong sense of place in a designated area.

Enhanced Options

The Bonanza Park Area Plan created enhanced options to allow developers/property owners to develop beyond the base zoning in exchange for community benefits. Section 6 of the draft Bonanza Park FBC outlines the Incentive Standards for development entitlement greater than that established within the new base zoning in within Section 5. The Incentive Standards allow developers to build a 4th and 5th story in exchange for a minimum right of way dedication, open space, attainable housing, net zero buildings, or transfer of development right credits.

Staff has removed desired uses from the “incentivized standards” due to the difficulty in restricting uses for long periods of time in exchange for permanent building area. The Planning Commission and City Council voiced support for removing uses from the list of incentives during the October 24, 2012 joint work session. Further discussion regarding incentive standards will be discussed during the May 8, 2013 Planning Commission Work Session.

Traffic Study

A traffic study was completed on October 16, 2012 by InterPlan and Parsons Brinkerhoff to provide a transportation framework for the successful implementation of

redevelopment in Bonanza Park. Specifically, the study evaluated trip generation based on future mixed use and the proposed grid network. The Environmental Protection Agency's Mixed-Use Trip Generation Model was utilized to calculate vehicle trip reductions based on land uses and number of road intersections, among other factors. The study identified that form based codes typically allow for more density and more intersections, which in turn results in vehicle trip reductions through increased transportation options (bus, bike, walk) reducing the total load.

The traffic study also addressed key elements to redevelopment including phasing of right-of-way improvement, a future transit center, and aerial transit service. Access management (entries in and out of district) along SR-224 and SR-248 was analyzed for compliance under UDOT's regulations. The priority and secondary roads within the regulating plan were established utilizing the findings of this study. Another purpose of the traffic study was to look at the recent SR-224 corridor study in relationship to the proposed grid network of the Bonanza Park Area Plan. The study made recommendations that the Bonanza Park Area Plan be updated to eliminate curb cuts as suggested within the findings of a separate SR-224 corridor study. Otherwise, the SR-224 corridor study mirrors the proposed grid system in the Bonanza Park Area Plan.

The traffic study recommended minor street layout modifications to the internal grid and the intersection around the spur park. These proposed modifications will also be intergraded into the Area Plan during the future redlines. Section 7 of the traffic study estimated proposed right-of-way costs based on cross sections within the draft form based code.

Administrative Review

During the October 24, 2012 joint meeting, the Planning Commission and City Council expressed concern of the administrative review process within the FBC. To clarify, a form based code is meant to create predictability in the outcome of future development by regulating the form, materials, and open space within each character zone. Due to the upfront planning that occurs when codifying these elements, the majority of the review for future applications is done by staff at the administrative review level, for all projects that comply with the standards of the FBC. Section 3.3(a) of the FBC identifies administrative review by the Planning Director or designee, as follows:

3.3 Development Review Process

- (a)** Administrative Review: Projects that clearly comply with all standards of this Code and projects that require Minor Modifications shall be processed administratively by the Planning Director or designee without Planning Commission review. The Planning Director shall be responsible for the following:
 - i. Reviewing site plan applications for compliance with the requirements of BOPA-FBC Code.
 - ii. Approving site plan applications that are in compliance with the requirements of the BOPA-FBC Code.

- iii. Approving revisions to previously approved site plans that comply with this Code and all applicable city ordinances.
- iv. Approving any minor modifications to the approved Regulating Plan and Code per Section 3.3 (b) and Table 3.2.
- v. Forwarding any appeals to the decision of the Planning Director and/or major modifications to the Planning Commission.

The FBC also identifies minor modifications of the FBC in which the Planning Director is responsible for reviewing. Thresholds for minor modifications are established in Table 3.2 of the FBC. Section 3.3 (b) identifies minor modifications reviewed by the Planning Director, as follows:

- (b) Minor Modifications to the BOPA-FBC: The Planning Director shall have the authority to approve a request for minor modifications to BOPA-FBC that:
 - i. Does not materially change the circulation and building location on the site;
 - ii. Does not increase the building area permitted under this Code;
 - iii. Does not change the relationship between the buildings and the street;
 - iv. Does not allow greater height of any building as established in this Code; or
 - v. Change any required element of the Regulating Plan and the Code beyond the thresholds established in Table 3.2 below
 - vi. Any appeals to the decisions of the Planning Director on minor modifications shall be heard by the Planning Commission.

The FBC requires any major modifications of the FBC be reviewed by the Planning Commission. Section 3.3 (c) identifies major modifications reviewed by the Planning Commission, as follows:

Major Modifications Review: The Planning Commission shall review projects that request any Major Modifications to the standards of the FBC as an amendments to the FBC. Amendments to the FBC require Planning Commission recommendation and City Council Approval.

Snow Storage

Planning Commissioner Hontz raised concern for snow storage within the draft FBC. The first draft of the FBC identified a minimum build-to zone of zero (0) within some character zones. In response to snow storage, Staff requested that all street frontage have a required snow storage area of five (5) feet, increasing the build-to zone to a minimum of five (5) feet in all zones.

Policy Discussion

Staff would like to discuss the following five (5) policy items that will influence further edits within the Bonanza Park Area Plan and the Bonanza Park Form Based Code.

1. Local Business

The Bonanza Park Area Plan envisions a local district that is home to local business, local people, and local activity. There are regulatory and economic development tools that may be implemented to promote local businesses.

Regulatory tools:

Limiting tenant store size. Leasable area store size per tenant may be limited to avoid larger retail.

Examples of Existing Conditions in Bonanza Park:

Frontier Bank:	13,414 sf
Jans:	14,202 sf
Sports Authority:	25,000 sf
Rite Aid:	30,901 sf
Holiday Village Theatre:	51,108 sf
Fresh Market:	52,678 sf
Yarrow:	144,246 sf (two stories)

Requiring multiple tenants along a street frontage. To maintain activity and interest in a commercial area, it is beneficial to have multiple tenants along a street frontage. Requirements for smaller shops to line a large retail shop have been incorporated in the draft FBC maintain activity at the street level. The draft requirements are as follows:

The draft FBC limits tenant size per character zone as follows:

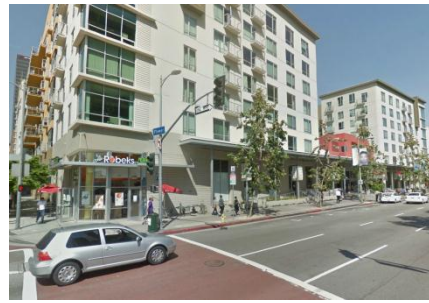
Use	District Permitted	Location & Design Criteria
Any ground floor, single-tenant space greater than 15,000 sq.ft. and less than 20,000 sq.ft.	Mixed Use Center, Resort Gateway, Neighborhood Shopping, and Iron Horse	<ul style="list-style-type: none"> Shall meet the design standards for liner buildings in Section 6.0 of this Code
Any ground floor, single-tenant space greater than 20,000 sq.ft. and less than 40,000 sq.ft.	Mixed Use Center, Neighborhood Shopping, and Iron Horse	<ul style="list-style-type: none"> Shall meet the design standards for liner buildings in Section 6.0 of this Code

6.7 Building Massing and Scale:

- i. To maintain pedestrian interest and scale, single tenant buildings between 15,000 and 40,000 sq.ft. in ground floor area shall be built in such a manner as to include liner shops with commercial frontage along all the building's Type "A" frontages.
- ii. Liner shops shall be a minimum of 30 feet deep and shall surround the single tenant/use building on all Type A streets and along the first 100 feet of a type B streets from the corner.
- iii. Single tenant buildings over 20,000 sq.ft. in ground floor area may only be permitted with a CUP approved by the Planning Commission.



Illustrative sample of a large retailer with liner retail.



Example of mixed-use grocery store with liner retailers at the corner of intersections

Staff believes that the development of local businesses is important to create the character of the district; chain retail/restaurants would be kept to a minimum in this area. Staff believes that no more than 20% of the commercial establishments should be chain shops; however there are no regulatory tools to prohibit their location in this district. Accordingly, staff recommends that the Planning Commission and City Council consider adopting economic incentives such as: tax abatement/refunds, loan guarantees, etc. to encourage local business development.

Economic Incentives:

Community Development Area (CDA)

Currently, the City Council has directed staff to create a CDA for the Bonanza Park Area as an economic development tool to assist in redevelopment of the area. "CDA's" are intended to undertake any economic or community development purpose of the city, including job growth or retail sales. A CDA is a form of tax increment finance which would allow the City to define a community project area which is expected to see sales and property tax growth as a direct result of project improvements.

Much like a traditional Redevelopment Area (RDA), a CDA sets a current sales and property tax baseline and increment is calculated from that baseline. A CDA differs from a traditional RDA in several ways. A CDA is project driven and created to finance or incentivize a specific project. In a CDA, the City and all other public entities must "option" on sales and property tax incentives if they see fit. Incentives are awarded as a percentage of the tax increment created by the development. A CDA has no eminent domain authority.

In a CDA initial project costs would be funded by the developer and tax increment resulting from the project would be rebated in the form of incentives to cover an agreed upon portion of the original project costs. Once the initial project costs are recovered, the increment is no longer isolated and the full sales and property tax revenue is collected by the public taxing entities.

The creation of a CDA potentially places the appropriate risk and incentives on the project area developers rather than on the City. The developer assumes the initial

project cost and receives increment incentives or rebates based on the completion and success of the development project. All development within a CDA must be consistent with the General Plan. The CDA plan must clearly identify the development plan, boundaries, incentive uses, and an analysis of the physical, economic and social conditions of the area. The plan must also specify all incentives which would be provided to potential developers. The creation of a CDA includes a formal public noticing and public hearing process. Staff has initiated the feasibility CDA study. The Bonanza Park Area Plan must be adopted prior to creating a CDA to guide future development within the designated area.

Examples of uses from the Bonanza Park Area Plan that could possibly be supported within the CDA are as follows:

- Innovation District
- Business Incubator Space
- Higher education institute
- Campus for the Arts
- Conference Facility
- Community Park
- Local food production
- Childcare Facility
- Community Cultural Center
- Think Tank
- Local Non-Profit Space
- Live/work Development
- High elevation Manufacturing

DISCUSSION REQUESTED: Staff requests discussion and direction on the aforementioned regulatory and incentive strategies.

2. Height

The FBC currently allows a maximum height of 35' in all character zones. Within the enhanced options matrix, a property owner may exceed the height limit and build upon 75% of the building pad within the fourth story (max height 45') and 25% of the building pad within the fifth story (max height 55'). The enhanced options matrix allows additional height for right-of-way dedications (roads and pathways) consistent with the regulatory plan, on-site affordable & attainable housing, transfer of development right credits, and net-zero carbon buildings.

The proposed height regulations and incentives have not been discussed in depth by the Planning Commission. Concerns that relate to height were mentioned during the October 24, 2012 meeting including:

- Maintaining view corridors to the mountains;
- Solar access and shading
- Avoiding a neighborhood "haircut" in which the end result is all buildings being the exact same height; and

- Maintaining the mass and scale of the entry corridor along Park Avenue

The draft Bonanza Park FBC includes the following Enhanced Options Matrix:

7.3 Enhanced Options Matrix

Tier 1	General Standards:	
	<ul style="list-style-type: none"> • Applicants may provide more than one of the listed development outcomes under Tier 1 and obtain the cumulative building square footage up to the maximum established for Tier 1. • Tier 1 maximum development (cumulative for all development outcomes): Building height shall not exceed 5 floors or 60 feet. On the 4th floor, the building area shall be limited to 75% of the ground floor building area and on the 5th floor; the building area shall be limited to 25% of the ground floor building area unless otherwise specified below. When the building fronts a Type “A” Street or Civic/Open Space the 4th and 5th floor must be setback no less than 15 feet from the front building line on the 4th floor and 25 feet from the front building line on the 5th floor. • Applicants providing more than one listed development outcomes under Tier 1 are also eligible to reduce their total required off-street parking by a maximum of 25%. 	
	Development Outcomes	Standards or Criteria
	1. Dedication/Reservation of R-O-W for a Primary Street	<ul style="list-style-type: none"> • Additional building square footage shall equal the total square feet provided in R-O-W dedication or reservation but no greater than the maximum permitted for Tier 1. • R-O-W dedication/reservation shall meet the standards of this Code.
2. Dedication of Required or Recommended Open/Civic Space (includes community gardens and rooftop greenhouses)	<ul style="list-style-type: none"> • Additional building square footage shall equal the total square feet provided in Open/Civic Space (public or private) but no greater than the maximum permitted for Tier 1 with the exception of Rooftop Greenhouses which may be allowed on the 4th and 5th floor and do not count toward the maximum building area limits. 	
3. Dedication/Reservation of R-O-W for a Secondary Street	<ul style="list-style-type: none"> • Additional building square footage shall equal to ½ of the total square feet provided in R-O-W dedication or reservation but no greater than the maximum permitted for Tier 1. • R-O-W dedication/reservation shall meet the standards of this Code 	
Tier 2	General Standards:	
	<ul style="list-style-type: none"> • To be eligible for Tier 2 enhanced options; applicants have to meet Tier 1 Development Outcomes 1 and 2 if applicable within the applicants property • Tier 2 maximum development (cumulative for all development outcomes): Building height shall not exceed 5 floors. On the 4th floor, the building area shall be limited to 75% of the ground floor building area and on the 5th floor, the building area shall be limited to 25% of the ground floor building area unless otherwise specified below. When the building fronts a Type “A” Street or Civic/Open Space the 4th and 5th floor must be setback no less than 15 feet from the front building line on the 4th floor and 25 feet from the front building line on the 5th floor. • Applicants are also eligible to reduce their total required off-street parking by a maximum of 50% 	
	Development Outcomes	Standards or Criteria
1. Affordable housing units and attainable housing per standards in Table 7.2 below	<ul style="list-style-type: none"> • Within this option, the applicant may utilize either the City’s adopted Housing Resolution OR the Bonanza Park Affordable/Attainable Housing Option. • The Standards of the Bonanza Park Affordable/Attainable Housing Option outlined in Table 7.4 below shall apply • Additional building square footage shall be equal to the total square feet provided in affordable/attainable housing units; but no greater than the maximum permitted for Tier 2. 	

	2. Assisted Living and/or Rental Apartments	<ul style="list-style-type: none"> Additional building square footage shall equal the total square feet provided in Assisted Living and Rental Apartment but no greater than the maximum permitted for Tier 2. The Assisted Living and/or Rental Apartment use shall be deed restricted.
Tier 3	General Standards:	
	<ul style="list-style-type: none"> To be eligible for Tier 3 enhanced options; applicants have to meet Tier 1 Development Outcomes 1 and 2 if applicable within the applicants property. Applicants may provide more than one of the listed development outcomes under Tier 3 in addition to Tier 1 and Tier 2 and obtain the cumulative building square footage up to the maximums established for all three tiers. Tier 3 maximum development (cumulative for all development outcomes): Building height shall not exceed 5 floors (100% of the ground floor building footprint on the 4th and 5th floors). When the building fronts a Type "A" Street or Civic/Open Space the 4th and 5th floor must be setback no less than 15 feet from the front building line on the 4th floor and 25 feet from the front building line on the 5th floor. Applicants providing any Tier 3 development outcome is also eligible to reduce their total required off-street parking by a maximum of 50% 	
	Development Outcomes	Standards or Criteria
	1. Receiving any transfer of development right credits	<ul style="list-style-type: none"> Additional building square footage shall be equal to the total square feet provided by TDR; but no greater than the maximum permitted for Tier 3.
2. Zero Carbon Building	<ul style="list-style-type: none"> Total building square footage shall be no greater than the maximum permitted for Tier 3. 	

7.4 Affordable and Attainable Housing Options

This section provides for an alternative option within the City's Adopted Affordable Housing Resolution by addressing local housing needs and increasing the range of affordable housing. The Bonanza Park Attainable Housing Option gives developers the option to create a mix of affordable and attainable housing as outlined below. This option requires that the developer build the affordable/attainable mix at 25% of the net leasable floor area of the building.

Table 7.4 Bonanza Park Affordable/Attainable Housing Options				
Requirement: Minimum 25% of Net Leasable Floor Area				
Tier	Target Workforce Wage	Maximum Workforce Wage	Distribution of Units within Project (min.)	Targeted Income Range in 2012
1	100%	125%	10%	\$55,714 - \$69,643
2	125%	150%	20%	\$69,643 - \$83,571
3	150%	175%	40%	\$83,571 - \$97,500
4	175%	225%	15%	\$97,500 - \$125,357
5	225%	328%	15%	\$125,357 - \$182,742

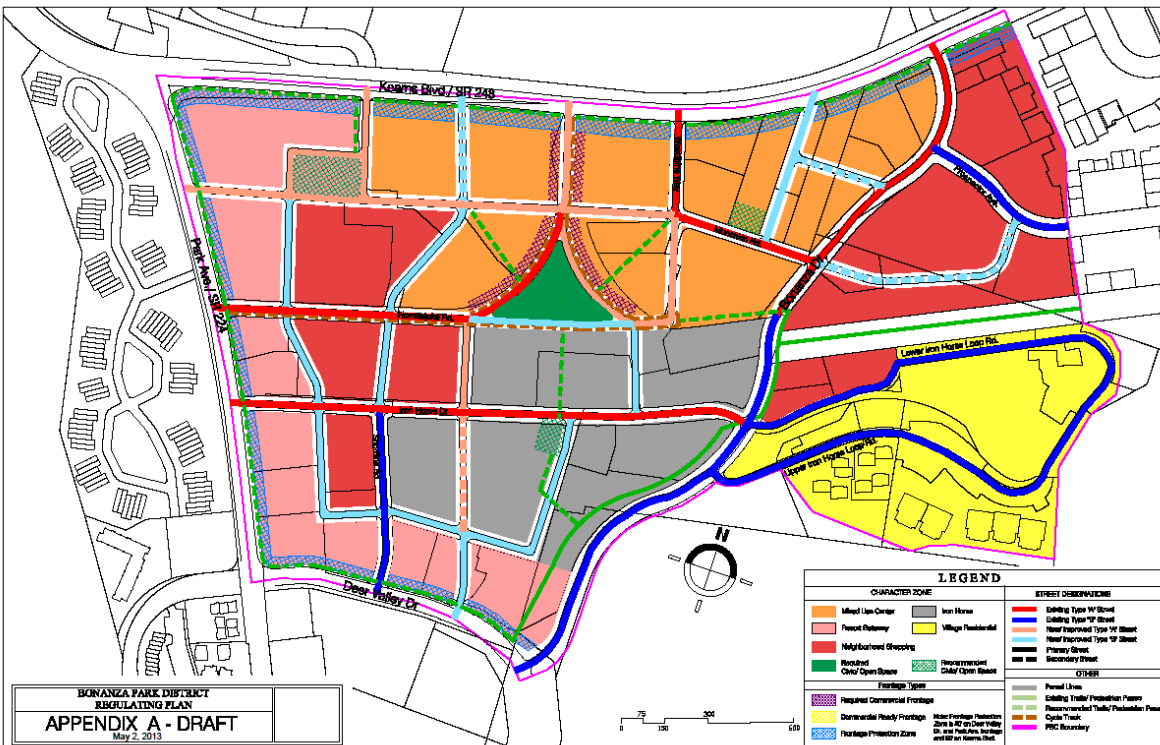
For an explanation on the reason behind the affordable housing options, please see Principle 8 of the Bonanza Park Area Plan (pg 72).

Height could be further regulated with the following options:

Affordable Housing: Currently, affordable housing in all other zones and master planned developments must be built *within* the building pad of the site with no exception to heights or required open space. The housing resolution excludes affordable units from overall unit equivalents, but additional height within a structure is not an allowed exception for on-site affordable housing units. Planning Commission could direct staff to remove the affordable/attainable housing incentive from the incentives matrix and require that the required units be built within the allowed building envelope.

DISCUSSION REQUESTED: Would the Planning Commission like the incentive for affordable housing to remain in the incentive matrix?

Right-of-Way Dedications: Right-of-way dedications have the greatest impact on the property owners that are in the least connected portions of the Bonanza Park District. Increased connectivity throughout the district is a priority to create a neighborhood that functions properly once it is built out. The incentivized matrix allows for 1 square foot of development per 1 square foot of right-of-way dedication of Primary Streets (solid light pink and light blue roads) and ½ square foot of development per 1 square foot of right-of-way dedication of Secondary Streets (dash light pink and light blue roads). The properties that have the option to dedicate right-of-way are located along the north and north-east edge of the district. This area is favorable to accommodate additional height as it does not block views of the mountains or inhibit solar access to neighbors to the north due to the Frontage Protection Zone required 50" setback on SR 248.



DISCUSSION REQUESTED: Would the Planning Commission like the incentive for ROW dedications to remain in the incentive matrix?

View Corridors and Solar Access: The draft FBC regulating plan removed many of the diagonal view corridors originally established in the area plan. The reason for removing the original paths was the practicality of these diagonal sections through properties. Solar access concerns have also surfaced due to possible maximum heights of 55' (5 stories). There are three options to maintaining view corridors and solar access.

1. Require stepping above the zone height of 35' within specific conditions. The current draft FBC added required stepping, as follows:
 - When the building fronts a Type "A" Street or Civic/Open Space the 4th and 5th floor must be setback no less than 15 feet from the front building line on the 4th floor and 25 feet from the front building line on the 5th floor.
2. Limit height to three stories for character zones along the South and West boundaries of the district to maintain views of the mountains. This would also address concerns of solar access, create variety in the built environment between character zones, and maintain 35' max heights within the resort entryway; and/or
3. Reintroduce the diagonal pathways to require pedestrian paths that maintain view corridors.

DISCUSSION REQUESTED: Staff requests discussion/direction on the appropriate tools for maintaining view corridors and solar access.

Five Stories and the "Haircut"

The current FBC allows property owners to build up to 75% of the building pad on the 4th story and up to 25% of the building pad on the 5th story. This regulation was put into place to create variety in height for all new infill. The Planning Commission may want to consider removing the allowance for the 5th story and limit all incentives to 100% (or less) of the building pad within the 4th story. Staff has concerns with the 5th story height allowance and the fact that all development will maximize their building envelope – whether at 3 stories or 4 stories + (as allowed within the enhanced options). Staff has always envisioned a variety of building heights adjacent to each other; not a uniform height of buildings along a streetscape with no visual breaks or punctuation to allow pockets of light and air to reach the street/sidewalk. The images below are of State Street in Madison, WI and our own Main Street: they typify the kind of "organic" development that results in height variation.



DISCUSSION REQUESTED: Does the Planning Commission have concern with the incentive to utilize heights up to 5 stories (55 feet)? Would Planning Commission prefer that height be limited to 4 stories with requirements added for height variation?

3. Amendment to Regulating Plan

Public comment has been received over the past few months regarding the layout of the regulating plan. The Bonanza Park FBC is unique in that it proposed new right-of-ways to create connectivity throughout the district and proposes open space dedications. Planning Commission requested that staff provide an opportunity for property owners to present modifications/concerns regarding the layout of the regulating plan during the review of the Bonanza Park Area Plan and FBC. Staff recommends providing each property interested in discussing the layout (roads, open space, pathways) of the regulating plan 10-15 minutes to present any suggestions they may have for their individual property. The regulating plan was created with the goals of place making, connectivity, and pedestrian/bike circulation (central gathering areas, pedestrian pathways, complete streets). The neighborhood level planning should remain a central focus within any future modification to the regulating plan. Two suggested revisions to the regulating plan have been submitted to staff from property owners. These suggested revisions are included as exhibit C.

DISCUSSION REQUESTED: Does the Planning Commission support further refinement of the regulating plan? If so, which components of the regulating would you like staff to address?

4. Differentiation in Character Zones

During the October 24, 2012 joint work session, concern regarding differentiation between the Character zones was raised. Staff has begun working with Gateway Planning to make modifications to the character zones in order to create more diversity within the district. Staff will focus more on the discussion of creating different identity within different character zones during the May 22nd Planning Commission meeting. Staff is highlighting the concern now, because part of the answer to addressing other concerns such as tenant mix, view corridors, and height, may be addressed through setting different limits within the different character zones. For instance, additional height allowances could be limited to specific areas of the district that are not within the entry corridor or are not within mountain view corridors.

5. Future Subdivisions and Lot Size

When one compares different mixed use areas and ponders what makes one authentic and the other a lack thereof, it is apparent that not only diversity in building form but also frontage, lot sizes, and evolution in build-out influence authenticity. Form based code attempts to reintroduce traditional building form, yet without minimum frontage requirements and minimum/maximum lot sizes, staff has concern for creating a truly authentic district over time. To assist in this effort staff has requested that Gateway Planning begin to articulate how the area could be further subdivided to create lot patterns within the districts. Minimum frontage requirements and minimum/maximum lot sizes have been included in the current draft.

DISCUSSION REQUESTED: Staff requests discussion regarding the direction of creating minimum frontage requirements and/or min/max lot sizes within each character zone.

Next Steps:

On May 22, 2013, the Planning Commission will review a revised draft of the Bonanza Park FBC and conduct a public hearing during the regularly scheduled meeting. Comments and direction given during the October 24, 2012 work session have been included in the current code revisions. Staff anticipates future review of the FBC by Planning Commission on May 22, 2012, July 10, 2013, and August 14, 2013. On August 14, 2013 staff anticipates the final review and recommendation to City Council by the Planning Commission. The BoPa-FBC will require a recommendation by the Planning Commission and adoption by the City Council in order to replace the current zoning (General Commercial – GC) in the Bonanza Park District. The Bonanza Park Regulating Plan must be adopted as an amendment to the official Park City Zoning Map.

Planning Commission review of the Bonanza Park Area Plan is a staff priority. The Area Plan must be adopted prior to the adoption of the Form Based Code and prior to the creation of the Community Development Area (CDA). The anticipated completion date for adoption of the Area Plan is July 1st due to the need to create a CDA. The following table outlines future Planning Commission meetings for the Bonanza Park Area Plan and the Form Based Code.

Review Calendar for PC and CC for BoPa Area Plan and FBC	
May 8 th	Bonanza Park Area Plan review #1 & Form Based Code work session
May 22 nd	Form Based Code with Gateway
June 12 th	BoPa Area Plan review #2
June 26 th	BoPa Area Plan review #3 w/recommendation to City Council
June 27 th	BoPa Area Plan review by City Council
July 10 th	Form Based Code with Gateway Planning
July 11 th	BoPa Area Plan adoption by City Council
July 24 th	Holiday
August 14 th	Form Based Code recommendation to City Council
August 29 th	Form Based Code review by City Council and Possible Adoption

Street layout and Streets Master Plan

Prior to the adoption of the Form Based Code, the Streets Inventory that is part of the Traffic and Transportation Master Plan must be updated to reflect the future right-of-way recommendations in the Regulating Plan.

Affordable Housing Resolution

Prior to the adoption of the Form Based Code, City Council would need to amend the housing resolution to include an option within the Bonanza Park district to allow the

attainable housing option presented within the Bonanza Park Area Plan and the draft BoPa-FBC.

Rocky Mountain Power Station

Rocky Mountain Power (RMP) owns the Park City Substation located centrally in the Bonanza Park which is critical to the City's power grid. It takes transmission line energy and converts it to distribution level charges that flow to homes and businesses in a significant portion of Park City. The substation is currently running at capacity. RMP is under obligation to provide service and has determined that the Park City grid must be upgraded. The upgrades are according to a regional power grid improvement and service area upgrade master plan that area officials helped shape about three (3) years ago.

RMP approached the City approximately two years ago indicating that the Park City Substation is extremely close to capacity and is in need of expansion. The goal of RMP is to have the substation expansion occur within the next two (2) years – to be up and running in 2015. The City has been investigating the possibility of moving the substation. After looking at seven alternative sites and weighing each against a list of criteria, the top two sites for the expansion include the existing substation site and 1555 Lower Iron Horse Drive.

Local property owner, Mark Fischer, is willing to trade his site at 1555 Lower Iron Horse Drive in return for the current site within Bonanza Park, to facilitate redevelopment complimentary to the Bonanza Park Area Plan. The Bonanza Park Area Plan supports the move of the RMP substation to the Lower Iron Horse Drive property to allow for more diversity of uses within the central location, including a central park, pedestrian trails, mixed used district, and commercial ready frontage areas. The Form Based Code allows for the substation in each of the proposed locations.

Summary Recommendations:

Staff recommends that the Planning Commission review the draft Bonanza Park Form Based Code (BoPa-FBC) and the Bonanza Park area plan, and provide staff with direction on the requested discussion points.

Exhibits

Exhibit A – Draft Bonanza Park Form Based Code

Exhibit B – Draft Regulating Plan

Exhibit C – October 24, 2012 Joint PC and CC Minutes

Exhibit D – Public Input

DRAFT

May 3, 2013

Title 15, Chapter 2.25 Bonanza Park Form-Based Code (BoPa-FBC)

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1.0 Introduction

This document provides the implementation tools that address the rules for new development and redevelopment consistent with the Bonanza Park Area Plan supplement to the General Plan. Excerpts from the Area Plan are used throughout the document to provide guidance to property owners, applicants, and developers on the vision for the area.

1.1 Purpose and Intent

The purpose of the Bonanza Park Form-Based Code (BP-FBC) is to implement the vision of improved connectivity through a pedestrian oriented, mixed-use neighborhood in which local residents live, work, and play, by:

- (a) Providing increased attainable housing opportunities;
- (b) Incentivizing community benefits;
- (c) Creating authenticity through placemaking, human scale, and individualized contemporary design; and
- (d) Promoting economic development.
- (e) Promoting environmental stewardship
- (~~d~~)f) Maintaining the connections to the Natural Setting

Comment [KC2]: Thomas Comment: Is this strongly defined later? Needs to be. Differentiation of buildings in terms of bldg. materials, heights, uses, etc.

Therefore, the goals of the Bonanza Park FBC are to provide a more functional and dense community through the use of recognized principles of urban design and allow property owners flexibility in land use, while prescribing a higher level of detail in building design, form, and the public realm.

1.2 Relationship to Adopted Plans

The Bonanza Park FBC implements the following planning principles for the Bonanza Park District, as follows:

- (a) Reconnect to the history of this locale.
- (b) Take a collaborative partnership approach to redevelopment between the City, property owners, local residents, and business owners within the district.
- (c) Actively promote inward migration into the redevelopment area rather than passively allowing outward migration and sprawl.
- (d) Protect view corridors and the connection to the mountains.
- (e) Improve internal circulation and enhance connectivity to the surrounding mobility systems.
- (f) Redevelop utilizing future-oriented, environmentally-conscious development practices.
- (g) Maintain the area as a commercial district with special emphasis on fostering economic development within the local resident population and existing businesses.
- (h) Establish the Bonanza Park District as a neighborhood where locals to live, work, and play.
- (i) Address the housing and social needs of the neighborhood's diverse population.
- (j) Create an authentic and lively district through design and attention to the public realm.

Comment [JN3]: Need PC agreement on the substantive distinctions between the goals and intent of the different character zones (Katie to clean up the spreadsheet and add images for clarity). In addition, get guidance on the appropriate names for the different character zones.

2.0 Components of the Code

2.1 **Regulating Plan:** The Bonanza Park District Regulating Plan (Appendix A) is hereby adopted as the official zoning map for the District. Within any area subject to the approved Regulating Plan, this BOPA-FBC becomes the exclusive and mandatory regulation.

- (a) **Establishment of Character Zones**

The Regulating Plan (Appendix A) establishes the following Character Zones.

Comment [KC4]: Not sure of the correct place for this, but I did not see the recommendations on character zones design explanation, recommended materials, and roof design. This may be the appropriate place to add the explanation of the character zones design.



- i. Mixed Use Center —The Mixed Use Center zone is intended to accommodate a variety of higher intensity uses related to entertainment, resort services, employment offices, education, and urban residential. The goal of the zone is to create an area that sustains itself both on and off peak tourist times and establishes itself as a true center of Bonanza Park. Development may include both larger scale projects that redevelop complete blocks and small scale, lot-by-lot, incremental redevelopment. Buildings in this Zone shall be characterized by development that Rrepresents the next generation Park City, r which Takes cues from Park City's past with appropriate scale, but begins a new paradigm of designing with contemporary, eco-conscious materials, solar orientation, and environmental best practices.
 - ii. Resort Gateway – The Resort Gateway zone is intended to be the location for resort services and boutique resort hotels along the major entrance corridors into Bonanza Park. As the gateway ~~of the to~~ Park City when ~~coming-entering into~~ town, or going to mountain facilities, the resort gateway zone identifies the preferred location within the Bonanza Park District to stay, dine and shop. The goal for this zone is to be an appropriate entryway to the City and the Bonanza Park area by expressing a primarily resort character. Future architectural style and design in this area should relate to the mountain resort character.
 - iii. Neighborhood Shopping – The Neighborhood Shopping zone is intended to serve the neighborhood-local shopping for Bonanza Park and surrounding areas with the necessary services and staples that any neighborhood requires. The goal is to provide services within walking distance from ~~the district's urban~~ residential, entertainment, resort tourism employment and other professional services in Bonanza Park. The goal is to encourage smaller scale, locally owned businesses and entrepreneurs. The Buildings in this Zone should be designed similar to a traditional downtown area, with interactive storefronts on the first story and office/residential on the upper stories. Consistent with traditional urban form, symmetry and repetition is encouraged on the upper stories.
 - iv. Iron Horse ~~Industrial Arts~~ – The Iron Horse ~~Industrial Arts~~ zone is intended to foster a range of light industrial arts, services, and associated design elements, while continually transitioning into a local arts neighborhood with urban living in an eclectic lifestyle that is reflective of the industrial roots of this ~~section-area~~ of Bonanza Park. The goal is to ~~provide-create an~~ urban residential neighborhood and maintain a place within the city limits for light industrial professional services. The dominant architectural style is guided by the existing buildings along Iron Horse Drive that have a simple form. Materials are dominated by concrete block, metal siding, and metal roofs. The future design should be evolutionary, taking hints from the simple form with the introduction of new materials in adaptive reuse, additions, and new structures. Overall design should tie to the industrial past of the area and the railroad.
 - iv-v. Neighborhood – The Neighborhood zone is intended to provide for a range of urbanhigher density residential (live-work, townhomes, ~~duplexes, patio homesgarden apartments, etc.) that also takes advantage of the natural features of Bonanza Park. Development standards in this character zone emphasize medium-higher density scale-urban residential uses and various residential building types.~~
- (b) **Street Designations** – The Streets within Bonanza Park shall be classified in three major ways. First, the *Street Cross Sections* shall address vehicular lane widths, number of lanes, pedestrian accommodation, street tree requirements, on-street parking, and

parkway and median standards (streetscape standards). These standards are laid out within the character zone itself. Second, *Street Type* designations shall classify the streets by their appropriate development context by denoting them on the Regulating Plan as Type "A" or Type "B" Streets. Lastly, *Street Priority* shall establish the phasing significance (primary and secondary) of different street segments within Bonanza Park. Refer to Section 78.0 Street Design Standards for the detailed regulations.

- (c) **Open Space/Civic Space Redesignations** – Open Space and Civic Space within Bonanza Park shall be categorized as Required Open/Civic Space and Recommended Open/Civic Space. The detailed Open Space and Civic Space Standards for different open space types are included in Section 82.0 of this Code. These standards include general character, typical size, frontage requirements, and typical uses.
- (d) **Special Frontage Standards** – The Special Frontage Standards establish exceptions and special conditions for all buildings along designated frontages. Special Frontage Standards shall ~~apply to~~ apply to in addition to the underlying Character Zone standards.

2.2 **Development Standards:** The BOPA-FBC text portion of this Appendix enumerates the development standards with text and graphics for Character Zones, Frontage Types, building form, landscape, signage, and lighting.

2.3 Using This Document

The following basic steps should be followed to determine the uses and development standards applicable on property within the Bonanza Park District:

- i. Review the Table 3.1 to evaluate the applicability of the BOPA-FBC based on the scope of the proposed development.
- ii. Locate the subject property on the Bonanza Park Regulating Plan (Appendix E-1).
- iii. Identify:
 - i. ~~the~~ the Character Zone in which the property is located;
 - ii. All Street Designation along all its street frontages;
 - iii. Any open space/civic space designations applicable to the property (required and recommended); and
 - iv. Any Special Frontage Requirements or special requirements that may be applicable to the subject property.
- iv. Review the Schedule of Uses by Character Zone as listed in Table 4.1 to determine allowed uses.
- v. Examine the corresponding zone standards in the Building Form and Development Standards in Section 5 to determine the applicable ~~Base~~ Base ~~Development~~ Development standards and any Special Frontage standards.
- vi. Refer to Section 6 for Building Design Standards based on the building type and Character Zone of the proposed development.
- ~~vii.~~ vii. Refer to Section ~~6-7~~ 6-7 for Incentive Standards for development entitlement greater than established by Section 5
- ~~viii.~~ viii. Refer to Section ~~7-8~~ 7-8 for Street Design Standards
- ~~ix.~~ ix. Refer to Section ~~8-9~~ 8-9 for Open Space/Civic Space Standards.

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| ~~ix-x.~~ Refer to Section [9-10](#) for Landscape Standards and Section [10-11](#) for Sustainability Standards.

| The information listed ~~from in~~ the above ~~listed~~ ~~forementioned~~ steps explains where the building will sit on the lot, the limits on its three dimensional form, the range of uses, and the palette of materials that will cover it. For more specific dimensions and standards applicable to a particular property, consult with ~~C~~city ~~s~~Staff.



3.0 Administration

3.1 Applicability

- (a) The uses and buildings on all properties within the Bonanza Park Form-Based zoning classification shall conform exclusively to this Code unless specifically referenced otherwise in this Code. Table 3.1 shall determine the extent to which sections of the ~~F~~orm-~~b~~ased ~~e~~Code apply to any proposed development based on the type and scope of the proposed development.
- (b) Provisions of this BOPA-FBC are activated by “shall” when required; “should” and/or “may” when optional.
- (c) Terms used throughout this Code are defined in *Section 12. Definitions*. For those terms not defined in *Section 12. Definitions*, Definitions in various sections of the Title 15 of the Park City Municipal Corporation Land Management Code shall apply. For terms not defined in either section, they shall be accorded commonly accepted meanings. In the event of conflict, the definitions of this Code shall take precedence.
- (d) Where in conflict, numerical metrics shall take precedence over graphic metrics.

3.2 Relationship to other city ordinances

- (a) For all property zoned as BOPA-FBC, the standards in this document shall supersede standards under:
 - i. Off-Street Parking under Title 15 Chapter 3 of the Land Management Code, as amended, except as specifically referenced herein.
 - ii. Supplemental Regulations under Title 15 Chapter 4 of the Land Management Code, as amended, except as specifically referenced herein.
 - iii. Subdivision Provisions and Procedures under Title 15 Chapter 7 of the Land Management Code, as amended, except as specifically referenced herein.
 - iv. Non-Conforming Uses and Non-Conforming Structures under Title 15 Chapter 9 of the Land Management Code, as amended, except as specifically referenced herein.
- (b) Development standards not addressed in this ordinance shall be governed by the Park City Municipal Corporation Land Management Code to the extent they are not in conflict with the intent or text of the BOPA-FBC Code.

3.3 Development Review Process

- (a) Administrative Review ~~versus Park City Planning Commission (PC) Review~~: Projects that clearly comply with all standards of this Code and projects that require Minor Modifications shall be processed administratively by the Planning Director or designee without Planning Commission review. The Planning Director shall be responsible for the following:
 - i. Reviewing site plan applications for compliance with the requirements of BOPA-FBC Code.
 - ii. Approving site plan applications that are in compliance with the requirements of the BOPA-FBC Code.
 - iii. Approving revisions to previously approved site plans that comply with this Code and all applicable city ordinances.
 - iv. Approving any minor modifications to the approved Regulating Plan and Code per Section 3.3 (b) and Table 3.2.

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- v. Forwarding any appeals to the decision of the Planning Director and/or major modifications to the Planning Commission.



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Table 3.1 Applicability Matrix

Code Section	Section 4: Schedule of Uses	Section 5: Build-to zones and setbacks	Section 5: Height	Section 5: Parking and Street Screen Standards	Section 6: Building Design Standards	Section 7: Street Design Standards	Section 8: Civic/Open Space Standards	Section 9: Landscape and Streetscape Standards	Section 10: Sustainability Standards
Type of Development									
Commercial (retail, office, restaurant), lodging, mixed use building, apartment/multi-family building (3 or more units per lot), and live-work buildings									
New Construction	X	X	X	X	X	X	X	X	X
Change of Use/Expansion of Use (without expansion of building and regardless of change in value)	X			X				X	
Any increase in value of improvements with NO increase in building area	X			X		X		X	
Repair, Maintenance, Alteration, and Enlargement/Expansion of Building Area of Non-Complying Structures:									
<ul style="list-style-type: none"> Any Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure. Standards in the BoPa FBC shall apply to the expansions only. 		X	X	X		X	X	X	X
0% - 49% increase in building area regardless of increase in value	X	X	X	X		X	X	X	X
<ul style="list-style-type: none"> Standards in applicable sections shall apply only to the expansions 									
50% or greater increase in building area AND less than both (i) 50% increase in value of improvements (ii) Any proposed improvements valued at \$150,000 or more (collective improvements within any continuous three (3) year period)	X	X	X	X		X	X	X	X
<ul style="list-style-type: none"> Standards in applicable sections shall apply only to the expansions 									
50% or greater increase of building area AND more than either (i) 50% increase in value of improvements or (ii) Any proposed improvements valued at \$150,000 or more (collective improvements within any continuous three (3) year period)	X	X	X	X		X	X	X	X
<ul style="list-style-type: none"> Standards in applicable sections shall apply to the site including retrofitting of the existing building and site if non-complying subject to Minor Modifications in Section 3.3 (b) and Table 3.2. 									
Expansion of parking area only (not in conjunction with a building or use expansion)									
Up to 10 spaces				X					
11 or more additional spaces				X		X		X	X
Facade changes to existing buildings (regardless of value of improvements proposed)									
Addition of non-air conditioned space such as patios, porches, arcades, canopies, and outdoor seating areas (subject to Minor Modifications in Section 3.3 (b) and Table 3.2)		X	X						
Residential Buildings (single family attached and detached buildings)									
New construction	X	X	X	X	X	X	X	X	X
Change of Use (without expansion of building)	X			X					
Addition of non-air conditioned space such as patios, porches, arcades, canopies, private open space, recreational amenities and courtyards/forecourts (subject to Minor Modifications in Section 3.3 (b) and Table 3.2)		X	X		X				



	Code Section	Section 4: Schedule of Uses	Section 5: Build-to zones and setbacks	Section 5: Height	Section 5: Parking and Street Screen Standards	Section 6: Building Design Standards	Section 7: Street Design Standards	Section 8: Civic/Open Space Standards	Section 9: Landscape and Streetscape Standards	Section 10: Sustainability Standards
Type of Development										
Expansion of use/structure (new accessory building/structure on the lot)		X	X	X	X	X			X	

X- denotes required compliance with that section of the code



- (b) Minor Modifications to the BOPA-FBC: The Planning Director shall have the authority to approve a request for minor modifications to BOPA-FBC that:
 - i. Does not materially change the circulation and building location on the site;
 - ii. Does not increase the building area permitted under this Code;
 - iii. Does not change the relationship between the buildings and the street;
 - iv. Does not allow greater height of any building as established in this Code; or
 - v. Change any required element of the Regulating Plan and the Code beyond the thresholds established in Table 3.2 below
 - vi. Any appeals to the decisions of the Planning Director on minor modifications shall be heard by the Planning Commission.
- (c) Site Plan Required: A Site Plan shall be required per of the Land Management Code. The full list of required materials is included in the Bonanza Park FBC development application available from the City's Planning Department. In general, the following information is required, as applicable:
 - i. Certified Survey
 - ii. Site Plan
 - iii. Building Plans and Elevations
 - iv. Landscape Plan
 - v. Description of Proposed Scope of Work
 - vi. Photographs of Site and Existing Conditions

~~(d) Major Modifications Review and PC Review: The Planning Commission shall review projects that request any Major Modifications to the standards in this Code or interpretation or discretionary judgment with respect to the project's compliance with standards.~~

Comment [KC5]: Major Modification to the zone must have criteria or be categorized as an amendment to the Code. Code amendment require PC recommendation and CC adoption.

~~(e) Exceptional Civic Design. The PC-Planning Commission may allow additional flexibility for projects of exceptional civic or environmental design. Additional flexibility to the standards (beyond the Minor Modifications permitted in Section 3.3(b) and Table 3.2) in Section 5, including Building Form and Development Standards, Section 6. Building Design Standards, Section 8.0 Street Design Standards, Section 9.0. Open Space/Civic Space Standards, Section 10.0 Landscape and Streetscape Standards, and Section 11.0 Sustainability Standards. In evaluating Major Modification Exception Civic Design requests and Conditional Use Permits, The PC Planning Commission shall use the following criteria: is authorized to consider these major modifications to the Code, provided a project complies with the redevelopment vision for Bonanza Park:~~

- ~~i. The extent to which the application meets the vision for a vibrant mixed use neighborhood geared toward primary residents consistent with the Bonanza Park Plan;~~
- ~~ii. The extent to the application considers not only traffic circulation, but also considers multiple modes of transportation and implements the overall street network to support walkable mixed use;~~
- ~~iii. The extent to which the application creates or maintains the continuity of walkable streets with active uses, attractive streetscape, range of residential uses, and eclectic timeless architecture;~~
- ~~iv. The extent to which the application proposes a unique design solution with building design and architectural materials that can create a special destination within Bonanza Park;~~



- v. Whether the application implements Bonanza Park's vision for incremental evolution of lots and blocks into higher density while taking advantage of existing improvements; and
 - vi. The extent to which the application integrates usable and high quality civic and open space that adds value and becomes a focal point for the development.
 - vii. The extent to which the application integrates high efficiency of natural resources and contributes to Park City's goals of decreasing greenhouse gas (GHG) emissions.
- ~~(d)(f)~~ Conditional Use Permit Review: The Conditional Use Permit review process outlined in LMC section 15-1-10 will be applied for all projects requiring Conditional Use Permit approval, unless a subsequent provision of the LMC specifically sets forth an administrative approval process for a specific Condition Use, in which case that section shall control. Noticing requirements outlined within LMC 15-1-10 apply.
- ~~(e)~~ Variances to Zoning Requirements: Any waiver of basic dimensional property development standards related to building heights or setbacks shall require a variance considered by the Board of Adjustment per Title 15 Chapter 10 of the Land Management Code.
- ~~(g)~~ _____
- ~~(f)~~ Appeals: Any decision by either the Planning Director or Planning Staff regarding the Application of the FBC to a Property may be appealed to the Planning Commission. Any decision by the Planning Commission regarding the application of the FBC to a Property may be appealed to the Board of Adjustment. Final Action by the Planning Commission on Conditional Use Permits involving City Development may be appealed to the Board of Adjustment at the City Council's request. All other Final Action by the Planning Commission concerning Conditional Use permits may be appealed to the City Council. Process and Scope of Appeals is outlined within LMC 15-1-18.

Table 3.2 Minor Modification Criteria

Standard	Minor Modification Allowed	Criteria
Regulating Plan Components		
Area/Boundary of Individual Character Zones	No more than a 15% change (increase or decrease) in the <u>total</u> area of any individual Character Zone (aggregate or per block)	<ul style="list-style-type: none"> Shall not eliminate any Character Zone Shall not change the overall boundary of the BOPA-FBC Zoning Boundary in the Regulating Plan 15% measurement shall be based on the total area of that specific Character Zone within the entire BOPA-FBC Zoning District
Location of any Primary Street	Location may be shifted no more than 100' in any direction	<ul style="list-style-type: none"> Shall maintain the connectivity intended by the Regulating Plan
<u>Location of any trails/pedestrian paseo</u>	<u>Location may be shifted within the block.</u>	<ul style="list-style-type: none"> <u>Shall maintain the mid-block pedestrian connectivity and view corridors intended by the Regulating Plan</u>
Area of any Required Civic/Open Space	May be reduced by no more than 10%	<ul style="list-style-type: none"> Shall maintain the frontages required by the Regulating Plan Area may be adjusted to accommodate any shifting of any Primary Streets only
Building Form and Development Standards		
<ul style="list-style-type: none"> Build to zones/setbacks 	No more than a 20% change in the maximum or minimum setback.	<ul style="list-style-type: none"> Changes to the build to zones and setbacks may only be due to: <ol style="list-style-type: none"> any changes to the street cross sections or changes in the width of a sidewalk or <u>the need to accommodate existing buildings and structures on the lot that meet the overall intent and vision for redevelopment in Bonanza Park; or</u> <u>the need to accommodate snow storage beyond the area within the minimum setback; or</u> <u>the Need to accommodate other required modes of transportation (transit, bike, pedestrian), storm water drainage, water quality, or low impact development (LID) elements on the site; or</u> <u>the need to accommodate overhead or underground utilities and/or easements.</u> In no case shall the sidewalk be less than 6 feet in width along Bonanza Drive and 5 feet in width along all other streets.
<ul style="list-style-type: none"> Building Frontage 	No more than a 15% reduction in the required building frontage along each block of a Type "A" Street and no more than a 25% reduction in the required building frontage along each block of a Type "B" Street.	<ul style="list-style-type: none"> Any reduction in the required building frontage shall be to address one of the following: <ol style="list-style-type: none"> To accommodate porte-cocheres for drop-off and pick-up or To accommodate existing buildings and site elements to be retained or To accommodate other required transit, bike-pedestrian related, storm water drainage, water quality, or light impact design elements on the site
	Deferment of Building Frontage requirements along certain streets (both Type "A" and Type "B" Streets)	<ul style="list-style-type: none"> Building frontage standards may be deferred along certain streets in order to accommodate phased development/redevelopment on the site in conjunction with a developers agreement or other official performance agreement or contract adopted between the developer/property owner and the city or public entity



Standard	Minor Modification Allowed	Criteria
<ul style="list-style-type: none"> Building Frontage 	Reduction of building frontage requirements for lots with frontage along two or more Type "A" Streets	<ul style="list-style-type: none"> Frontage requirement along <u>one</u> Type "A" Street frontage may be replaced with the corresponding standard for a Type "B" Street instead. In determining which Type "A" Street frontage may be changed to a Type "B" Street frontage, maintaining continuity of building frontages of adjoining blocks on both sides of the Type "A" designated streets shall be considered.
<ul style="list-style-type: none"> Street screen 	Waiver of street screen requirement along a Type "B" Street or Boulevard	<ul style="list-style-type: none"> Requirement for a street screen may only be waived along the Type "B" Street or along the frontage of any interim surface parking lot (off-street) that is intended to be in-filled with a parking structure. In no case shall any portion of the surface parking have frontage along a Type "A" Street without a required street screen In no case shall the (off-street) surface parking lot be located at a street intersection for a minimum depth of 20' along each street (regardless of the Street Type).
Streetscape standards	Street tree planting, street lighting, and other streetscape standards may be adjusted based on the development context and street cross section.	<ul style="list-style-type: none"> Any changes to the streetscape standards shall be based on specific development context such as vegetation, natural features, drainage, and fire access and is subject to approval by the City.
Build-to zones, setbacks, building frontage, parking location, street screen, driveways and access standards	Deferment of one or more of these standards	<ul style="list-style-type: none"> Any of these standards may be deferred in order to accommodate phased development/redevelopment on the site in conjunction with a phasing plan or other agreement with the city
Nonconforming Structures and/or Sites		
Nonconforming Structures or Sites	Allow changes to nonconforming structures or sites	<ul style="list-style-type: none"> Subject to this section, any changes to Nonconforming Structures and/or sites that are required to comply with all the provisions of the BOPA-FBC may be waived by the Planning Director if he/she finds that compliance cannot be achieved due to: <ol style="list-style-type: none"> The location of existing buildings or other improvements to be retained on the site; The size or nature of the proposed building limits placement on the site; Topography, protected trees, or critical environmental features; or The location of pre-existing water quality or detention facilities. A waiver from the requirements of this Code shall be to the minimum extent required based on the criteria of this subsection.
Nonconforming Structures or Sites	Allowing new development on sites with nonconforming structures and/or nonconforming sites	<ul style="list-style-type: none"> The standards in this Code may apply only to the portion of the site or lot being redeveloped with other standards deferred due to phased development.
	Allow utilization of existing nonconforming structures or sites	<ul style="list-style-type: none"> Existing nonconforming structures or sites may be occupied or utilized as part of a phased redevelopment plan or other agreement with the city
Any other numerical standard in the code	A modification up to 10% (increase or decrease)	<ul style="list-style-type: none"> A small modification of a numerical standard is needed to accommodate existing conditions and context The proposed development still meets the intent of the Code.



3.4 **Plat Approval:** The applicant shall follow Title 15 Chapter 7 of the Land Management Code, for the plat approval subject to the requirements per this Code.

3.5 **Non-conforming Uses and Non-complying Structures:**

(a) Non-conforming Uses: Any non-conforming use that does not conform to the provisions of this code must comply with the regulations per Title 15 Chapter 9 of the Land Management Code. A Non-Conforming Use may not be moved, enlarged, altered, or occupy additional land, except as provided in this Title 15 Chapter 9 of the Land Management Code.

~~(b) Non-complying Structure: No non-complying structure may be moved, enlarged, or altered, except in the manner provided in this Section or unless required by law. Any non-complying structure that does not conform to the provisions of this code must comply with the regulations per Title 15 Chapter 9 of the Land Management Code. A Non-Complying Structure may not be moved, enlarged, or altered, except in the manner provided in Title 15 Chapter 9 of the Land Management Code.~~

~~i. Repair, Maintenance, Alteration, and Enlargement: Any Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.~~

~~ii. Moving: A Non-Complying Structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire Structure shall thereafter conform to the regulations of the zone in which it will be located.~~

~~iii. Damage or Destruction of Non-Complying Structure: If a Non-Complying Structure is allowed to deteriorate to a condition that the Structure is rendered uninhabitable and is not repaired or restored within six (6) months after written notice to the Property Owner that the Structure is uninhabitable and that the Non-Complying Structure or the Building that houses a Non-Complying Structure, is voluntarily razed or is required by law to be razed, the Structure shall not be restored unless it is restored to comply with the regulations of the zone in which it is located. If a Non-Complying Structure is involuntarily destroyed in whole or in part due to fire or other calamity and the Structure or Use has not been abandoned, the Structure may be restored to its original condition, provided such work is started within six months of such calamity, completed within eighteen (18) months of work commencement, and the intensity of Use is not increased.~~

~~(b)(c) Ordinary Repair and maintenance and structural safety. The owner may complete normal maintenance and incidental repair on a complying Structure that contains a Non-Conforming Use or on a Non-Complying Structure. This Section shall not be construed to authorize any violations of law nor to prevent the strengthening or restoration to a safe condition of a Structure in~~



accordance with an order of the Building Official who declares a Structure to be unsafe and orders its restoration to a safe condition.

- 3.6 **Amendments to the Code:** Amendments and changes to the Regulating Plan, text and property boundaries beyond those expressed permitted under this Code shall follow the requirements of Title 15 Chapter 1, subsection 7 of the Land Management Code.



4.0 Schedule of Permitted Uses

4.1 Applicability: Due to the emphasis on urban form over land uses in the BOPA-FBC District, general use categories have been identified by Character Zone. Uses that are not listed in the following schedule (Table 4.1), but that are substantially similar, may be permitted upon approval of the Planning Director or his/her designee, subject to appeal to the City Council Planning Commission pursuant to LMC 15-1-18.

P= Permitted by right
 NP= Not Permitted
 P/C = Permitted with Specific Criteria as established in Table 4.2
 P/A = Permitted Accessory Use
 P/A/C = Permitted Accessory Use with Specific Criteria as established in Table 4.2
 P/C/CUP = Permitted with Specific Criteria in Table 4.2 and with a Conditional Use Permit
 P/CUP = Permitted with a Conditional Use Permit

Comment [KC6]: What is the difference between NA and NP. Unless there is a reason to have both, please remove NA.

Table 4.1 – Schedule of Uses					
Character Zone	Mixed use Center	Resort Gateway	Neighborhood Shopping	Iron Horse Industrial Arts	Neighborhood
Land Use					
Commercial Uses (Office, Retail, Sales and Service Uses)					
Retail Sales or Service (personal service uses) with <u>no drive-through window or drive-in service</u> (includes alcohol sales) including retail and service commercial, minor, retail and service commercial, personal improvement, retail and service commercial, major, plant and nursery stock production and sales, and commercial, resort support. Excluded from this category are retail sales and service establishments <u>geared towards that cater to</u> the automobile	P	P	P	P	NP
<u>Auto-related Sales or Service establishments</u> <u>Retail and Service Commercial, Auto-related</u>	NP	NP	P/C	P/C	NP
Finance, Insurance, and Real Estate establishments including banks, credit unions, real estate, and property management services, <u>with no drive-through window or drive-in service</u>	P	P	P	P	NP
Offices for business, professional, administrative, and technical services such as accountants, architects, lawyers, doctors, etc. <u>including office general, office moderate intensive, and office intensive</u>	P	P	P	P	NP
Research laboratory headquarters, laboratories and associated facilities	P	P	P	P	NP
Food Service Uses such as full-service restaurants, cafeterias, bakeries and snack bars with <u>no drive through window or drive in service including café or deli, restaurant general</u> Included in this category is café seating within a public or private sidewalk area with no obstruction of pedestrian circulation. Also included in this category is the sale of alcoholic beverages (with food service).	P	P	P	P	P* (less than 1,500 sq.ft.)
Bars and/or drinking establishment	P	P	P	P	NP
<u>Neighborhood Bakery, Café, or Coffee shop that is less than 1,500sq</u>	P	P	P	P	P
<u>Pet and animal sales or service (incl. vet clinic)</u>	P	P	P	P	NP
Any permitted use with a <u>drive-up through window or drive-in service including Financial Institution, gasoline service station, restaurant, or retail</u> <u>Drive-up Window</u> .	NP	P/C/CUP	NP	P/C/CUP	NP
Arts, Entertainment, and Recreation Uses					
Amusement or theme park establishment (indoor) including bowling alleys, bingo parlor, games arcades, skating, etc.	P	P	P	P	NP
Amusement or theme park establishment (outdoor) including miniature golf, go-cart tracks, <u>or Outdoor Entertainment Facility</u> , etc.	P/CUP	P/CUP	P/CUP	P/CUP	NP
Art galleries	P	P	P	P	NP



Table 4.1 – Schedule of Uses

Character Zone	Mixed use Center	Resort Gateway	Neighborhood Shopping	Iron Horse Industrial-Arts	Neighborhood
Art, antique, furniture or electronics studio (retail, repair or fabrication; excludes auto electronics sales or service)	P	P	P	P	NP
Games arcade establishments	P	P	P	P	NP
Theater, cinema, dance, or music establishment	P	P	P	P	NP
Museums and other special purpose recreational institutions	P	P	P	P	NP
Fitness, recreational sports, gym, or athletic club <u>Recreation facility, Commercial</u>	P	P	P	P	NP
<u>Recreation facility, Public</u>	P	P	P	P	P
<u>Recreation Facility, Private</u>	P/A	P/A	P/A	P/A	P/A
Parks, greens, plazas, squares, and playgrounds (public and private)	P	P	P	P	NP
<u>Passenger Tramway and Ski Base Facility</u>	P	P	P	P	NP
<u>Ski Tow Rope, ski lift, ski run, and ski bridge</u>	P	P	P	P	NP
Educational, Public Administration, Health Care and Other Institutional Uses					
Business associations and professional membership organizations	P	P	P	P	NP
Child day care and preschools <u>Care, In Home</u>	NP-PP	NP-PP	NPPP	P	NP
<u>Child Care, Family</u>	NPP	NPP	NPP	P	P
<u>Child Care, Family Group</u>	NP-P	NPP	NPP	P	P
<u>Child Care Center</u>	P	P	P	P	P
Schools, libraries, and community halls	P	P	P	P	NP
Universities and Colleges	P	P	P	P	NP
Technical, trade, and specialty schools	P	P	P	P	NP
Hospitals and nursing establishments <u>limited care facility, general</u>	P	P	P	P	NP
<u>Office and Clinic, Medical (includes veterinary care)</u>	P	P	P	P	NP
Civic uses	P	P	P	P	NP
Social and fraternal organizations	P	P	P	P	NP
Social services and philanthropic organizations	P	P	P	P	NP
Public administration uses (including local, state, and federal government uses, public safety, health and human services)	P	P	P	P	NP
Religious Institutions	P	P	P	P	NP
Funeral homes	P	P	P	P	NP
Residential Uses					
Home Occupations	P/A	P/A	P/A	P/A	P/A
Multi-family residential (3 or more units in one structure)					
Ground floor	P/C	P	P	P/C	P
Upper floors	P	P	P	P	P
Residential Lofts	P/C	P	P	P/C	P
Single-family residential attached dwelling unit (Townhomes)	P/C	P	NP	P/C	P
Duplex or Triplex	P/C	P	P	P/C	P
Accessory residential unit	NA-NP	NA-NP	NA-NP	P	P
Live-work unit	P	P	P	P	P
<u>College Dormitory</u>	P	P	P	P	P
Light Industrial Manufacturing and Assembly, transportation, communication, and utility Uses					
Cottage Manufacturing uses	NP	NP	NP	P	NP

Comment [KC7]: Thomas: PC

Comment [KC8]: Thomas: PC

Comment [KC9]: Thomas: PC

Comment [KC10]: Thomas: PC



Table 4.1 – Schedule of Uses

Character Zone	Mixed use Center	Resort Gateway	Neighborhood Shopping	Iron Horse Industrial-Arts	Neighborhood
Miscellaneous <u>light industrial</u> manufacturing and assembly (included in this category are jewelry, silverware, equipment, electronics, personal metal goods, flatware, dolls, toys, games, musical instruments, office supplies, and signs.)	NP	NP	NP	P	NP
Wholesale trade establishment	NP	NP	NP	P	NP
<u>Transportation Service</u>	P	P	P	P	NP
Warehouse and storage services	NP	NP	NP	P	NP
Publishing (newspaper, books, periodicals, software)	P	P	P	P	NP
Motion picture and sound recording	P	P	P	P	NP
Telecommunications and broadcasting (radio, TV, cable, wireless communications, telephone, etc)	P	P	P	P	NP
Information services and data processing	P	P	P	P	NP
Utilities and utility services (electric, natural gas, alternative) (includes power station)	NP	NP	NP	P	NP
Other Uses					
Nightly rentals (not to exceed 20% of the total units (including lockouts and accessory dwelling units) within each residential property)	P	P	P	P	P
Hotels	NP	P	NP	NP	NP
<u>Timeshare Project and Conversion</u>	P	P	P	NP	NP
<u>Timeshare Sales Office, off-site within and enclosed Building</u>	P	P	P	NP	NP
<u>Private Residence Club Project and Conversion</u>	P	P	P	P	P
Parking, surface (<u>primary use of property</u>)with five (5) or more spaces	P/C	P/C	P/C	P/C	P/C
Parking, surface <u>with four (4) or less spaces</u> (<u>accessory use of property</u>)	P	P	P	P	P
Parking, structured	P	P	P	P	P
Private attached garage	NP	NP	NP	P	P
Private detached garage	NP	NP	NP	P	P
Sales from kiosks (for food vendors only - other city ordinances may apply)	P	P	P	P	NP
<u>Temporary Improvement</u>	P/A	P/A	P/A	P/A	P/A
<u>Accessory Building and Use</u>	NP	NP	NP	P	P
<u>Heliport</u>	P/A	P/A	P/A	P/A	NP
<u>Veterinary clinic</u>	P	P	P	P	NP
Community garden	P/C	P/C	P/C	P/C	P/C
<u>Urban Agriculture</u>	P	P	P	P	P
<u>Outdoor Storage relating to retail service commercial</u>	P/C	P/C	P/C	P/C	NP
Incidental Outdoor Display (subject to)	P/A	P/A	P/A	P/A	NP
Antennas including cell, accessory, and mounted on top of buildings.	P/A	P/A	P/A	P/A	P/A
Wind energy equipment	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C
Solar energy equipment	P/A/C	P/A/C	P/A/C	P/A/C	P/A/C
Special Event <u>or Outdoor Event</u>	P/CUP	P/CUP	P/CUP	P/CUP	P/CUP
Sexually-Oriented Business (shall meet standards in 15-2.18-7 of the LMC)	NP	NP	NP	P/CUP	NP
<u>Any ground floor, single-tenant space greater than 15,000 sq.ft. and less than 20,000 sq.ft. Any ground floor, single-</u>	P/CP/CUP	P/C/CUPP/CUP	P/CP/CUP	P/CNP	NP

Comment [KC11]: Thomas: ?

Comment [PSM12]: This will have to be further defined.

Comment [KC13]: Thomas: here. In bopa?



Table 4.1 – Schedule of Uses

Character Zone	Mixed use Center	Resort Gateway	Neighborhood Shopping	Iron Horse Industrial-Arts	Neighborhood
tenant space greater than _____ feet					
Any ground floor, single-tenant space greater than 20,000 sq.ft. and less than 40,000 sq.ft.	P/C/CUP	NP	P/C/CUP	P/C/CUP	NP
Any ground floor, single-tenant space greater than 40,000 sq.ft.	NP	NP	NP	NP	NP

P= Permitted by right NP=Not Permitted P/C= Permitted with Specific Criteria as established in Table 4.2 P/A= Permitted Accessory Use NA=Not applicable
 P/A/C= Permitted Accessory Use with Specific Criteria as established in Table 4.2 P/C/CUP= Permitted with Specific Criteria in Table 4.2 and with a Conditional Use Permit P/CUP= Permitted with a Conditional Use Permit



4.2 **Additional Design Criteria for Certain Uses-Criteria:** All uses listed as P/C in Table 4.1 shall also meet the following standards in Table 4.2

Table 4.2 – Use Criteria

Use	District Permitted	Location & Design Criteria
Non-Residential Uses		
Auto-related Sales and Service	Neighborhood Shopping, Iron Horse Industrial-Arts	<ul style="list-style-type: none"> • Gas pumps, canopies, and/or service bays shall not be located along any Type "A" Street frontage. • Gas pumps, canopies, and/or service bays shall meet the following standards along Type "B" Streets: <ul style="list-style-type: none"> ○ Drive-through lanes, auto service bays, and gas station canopies shall be hidden behind a 3' high Street Screen along Type "B" Street frontages. The Street Screen shall be made up of: <ul style="list-style-type: none"> i. the same material as the principal building or ii. a living screen <u>minimum 4' in width</u> or iii. a combination of the two. ○ No more than 50% of a lot's frontage along a Type "B" Street may be dedicated to frontage of drive through lanes, canopies, service bays, and other auto-related site elements. ○ Any automobile related retail sales or service use of a site or property with frontage on a Type "A" or "B" Street shall also have a building with a pedestrian entrance at a Type "A" Street and/or Type "B" Street. ○ Drive through access (driveways) may be from a Type "A" Street only if the lot has no access to any Type "B" Street • No outdoor storage of vehicles or other products sold shall be permitted along Type "A" Streets. Outdoor storage of vehicles and/or other products sold shall be screened with a required street screen along Type "B" Streets (see Section 9 for standards).
Any use with a drive-through-up window or drive-drive-up service (including banks and financial institutions; cleaning and pressing shop; funeral homes and mortuaries; retail store; restaurant)	Resort Gateway, Iron Horse Industrial Arts	<ul style="list-style-type: none"> • Drive through facilities shall meet the following standards in addition to a CUP requirement: <ul style="list-style-type: none"> ○ Drive-through lanes, auto service bays, and gas station canopies shall be hidden behind a 3' high Street Screen along Type "B" Street frontages. The Street Screen shall be made up of: <ul style="list-style-type: none"> i. the same material as the principal building or ii. a living screen <u>minimum 4' in width</u> or iii. a combination of the two. ○ No more than 50% of a lot's frontage along a Type "B" Street may be dedicated to frontage of drive through lanes, canopies, service bays, and other auto-related site elements. ○ Any automobile related retail sales or service use of a site or property with frontage on a Type "A" or "B" Street shall also have a building with a pedestrian entrance at a Type "A" Street and/or Type "B" Street. ○ Drive through access (driveways) may be from a Type "A" Street only if the lot has no access to any Type "B" Street ○ The applicant must demonstrate that at periods of peak operation of the drive-up window, the Business patrons will not obstruct driveways or Streets and will not interfere with the intended traffic circulation on the Site or in the Area.
Residential Uses		
Multi-family residential (Ground Floor), Residential Lofts, Duplex or Triplex, and Single-family residential attached dwelling unit (Townhomes)	Mixed Use Center, Iron Horse Industrial-Arts	<ul style="list-style-type: none"> • Ground Floors of frontages designated as Required Commercial Frontage shall not be occupied by residential, office or institutional uses to a minimum depth of 50' from the front building façade line.

Comment [KC14]: Thomas: I think not strict enough in defining what is expected.

Comment [KC15]: Thomas: DRIVE UP/ Drive in or DRIVE THROUGH? Need to be consistent. Do a search to locate all and keep consistent.

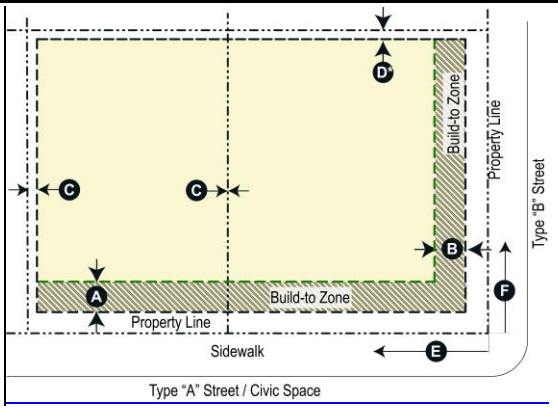


Table 4.2 – Use Criteria		
Use	District Permitted	Location & Design Criteria
Other Uses		
Parking, surface (primary use of property)	All Zones	<ul style="list-style-type: none"> • <u>New</u> surface parking lots as the only use of property shall only be permitted as an interim use of property (<u>Five (5)</u> years increments) • Applications for new surface lots shall include in-fill building concepts on the lot • New surface parking shall be set back a minimum of 30' from the edge of the right-of-way of Type "A" Streets. • New surface parking shall not be located at any street intersection for <u>a</u> minimum of 30' along each street.
<u>Outdoor Storage relating to retail service commercial</u>	<u>Mixed Use Center, Resort Gateway, Neighborhood Shopping, Iron Horse</u>	<ul style="list-style-type: none"> • <u>Outdoor Storage shall not be along a Type "A" Street.</u> • <u>Outdoor Storage must be located entirely on private property and shall not be placed within the public right-of-way.</u> • <u>Structural or vegetative screening shall be used for any outdoor storage. Structural materials shall be of the same materials used in the construction of the primary building.</u>
Community Garden	All Zones	<ul style="list-style-type: none"> • Shall be no larger than 1.0 acre. • Gardens shall be enclosed by a fence on all open sides. • Fences should be installed straight and plumb, with <u>appropriate</u> vertical supports <u>at a minimum of 8' on center</u>. Chicken wire, if used, should be continuously supported along all edges. • Fencing Materials: <ul style="list-style-type: none"> ○ <u>Permitted</u>: pressure treated wood (must be painted or stained medium to dark color), chicken wire, wrought iron, painted galvanized steel ○ <u>Not permitted</u>: chain link, <u>barbed</u> wire, vinyl, un-painted/stained pressure treated wood, plywood
Antennas including cell, accessory and mounted (Excluded from this category are freestanding and commercial antennas and equipment buildings)	All Zones	<ul style="list-style-type: none"> • Antennas shall be permitted on rooftops. • Antennas shall be screened entirely with a screen of same color as the principal building. • Antennas shall not be visible from any adjacent Type "A" Street.
Rain water harvesting equipment	All Zones	<ul style="list-style-type: none"> • Rain water harvesting equipment may not be installed along Type "A" Streets. • On all other frontages, they shall be screened with a Street Screen at least as high as the equipment being screened <u>and meet the applicable setback requirements of the Character Zone.</u>
Utility equipment (includes electrical transformers, gas meters, etc)	All Zones	<ul style="list-style-type: none"> • Utility equipment shall not be installed with frontage on Type "A" Streets. • On all other frontages, they shall be screened with a Street Screen at least as high as the equipment being screened.
<u>Any ground floor, single-tenant space greater than 15,000 sq.ft. and less than 20,000 sq.ft.</u>	<u>Mixed Use Center, Resort Gateway, Neighborhood Shopping, and Iron Horse</u>	<ul style="list-style-type: none"> • <u>Shall meet the design standards for liner buildings in Section 6.0 of this Code</u>
<u>Any ground floor, single-tenant space greater than 20,000 sq.ft. and less than 40,000 sq.ft.</u>	<u>Mixed Use Center, Neighborhood Shopping, and Iron Horse</u>	<ul style="list-style-type: none"> • <u>Shall meet the design standards for liner buildings in Section 6.0 of this Code</u>

Mixed Use Center Character Zone

5. Building Form and Development Standards
5.1 Mixed Use Center

(a) Building Placement



Legend

- - - - - Property Line
- Edge of Pavement
- - - - - Min. Setback
- - - - - Max. Setback
- Build-to-Zone (BTZ)
- Buildable Area

(i) Build-to Zone (BTZ)
(Distance from property line to edge of the zone)

Park Ave./SR 224 (See Special Frontage Requirements)	30' (min.) – 40' (max.)	
Kearns Blvd./SR 248 (See Special Frontage Requirements)	50' (min.) – 75' (max.)	
Type "A" Street / Civic Space	0'-5' (min.) - 5'-10' (max.) (see Note 6)	A
Type "B" Street	0'-5' (min.) – 10'-15' (max.) (see Note 6)	B
Alley	NA (see below for min. setback)	

(ii) Setbacks

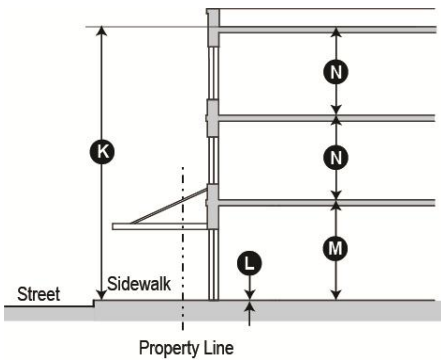
Alley	5' min.	C
Side	0' min.; (see Note 1)	D
Rear	5' min. (see Note 1)	D*

(iii) Building Frontage

Building Frontage required along Type "A" Street/Civic Space BTZ	90% (min.) (see Note 2)	E
Building Frontage required along Type "B", Park Ave, and Kearns Blvd. BTZs	70% (min.) (see Note 2)	F
Building Frontage required along Alley	None Required	

Building frontage requirements for lots with frontage along two or more Type "A" Streets may be modified based on a minor modification to reduce the frontage requirement along one Type "A" Street frontage. In such cases, the standard for one of the Type "A" Streets may be replaced by the required Type "B" Street standard.

(b) Building Height



(i) Principal Building Standards

Building maximum	3 stories and 35' (see Notes 4, 5, end 8, and 9) (Additional building height may be permitted per Section 6-7 of this Code)	K
First floor to floor height	15'2" (min.) for all commercial/mixed use buildings or any building with any Required Commercial or Commercial Ready Frontage designation 10' (min.) for all other buildings and frontages (see Note 3)	M
Ground floor finish level	12 inches max. above sidewalk (for ground floors of commercial/mixed use buildings or any building with Required Commercial or Commercial Ready Frontage designation) 18" (min.) above sidewalk for residential buildings (see Note 7)	L
Upper floor(s) height (floor to floor)	10' min.	N

Comment [KC16]: Thomas: Min or Max?

(ii) Accessory Building Standards

Accessory buildings shall meet the standards for Principal Building standards in the Mixed Use Center Zone.

(c) Commercial Frontage Special Frontage Requirements

- (i) Required Commercial Frontage:
- Ground floors of all buildings with Required Commercial Frontage designation on the Regulating Plan shall not be occupied by parking, residential, office, or institutional uses up to a minimum depth of 50' from the front building façade line.
 - Required Commercial Ready Frontage: Ground floors of all buildings with Required Commercial Ready Frontage designation on the Regulating Plan shall be built to Commercial Ready Standards.
- (ii) Frontage Protection Zone (FPZ): A Frontage Protection Zone of 30' depth along Park Avenue and Deer Valley Drive and 50' along Kearns Blvd shall be established per the Regulating Plan. All Development Activities and Uses within the Frontage Protection Zone must be consistent with the underlying character zone of the FBC and the requirements of the FBZ zoning district within the LMC Chapter 2.20. No parking, buildings, signage, or other structures shall be located within any FPZ. However, landscaping, trails, and other streetscape elements such as lighting, street furniture, transit stop improvements and similar improvements may be located within this FPZ.

Comment [KC17]: If we haven't specified anywhere else, I would also add Parking to the list.

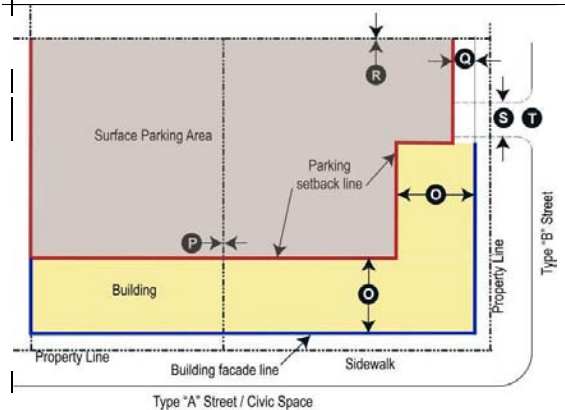
(d) Lot and Block Standards

- (i) Lot Standards: No minimum or maximum lot size
- (ii) Block Standards: Shall meet the block standards as established in the Regulating Plan.

Mixed Use Center Character Zone

(iii)
(e) Parking & Service Access

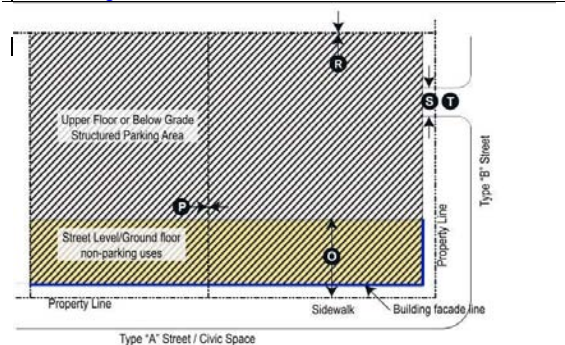
(i) Surface Parking Setbacks



Park Ave./Kearns Blvd.	Shall be located 5' (min.) behind the property line (Street screen req'd; see Section 9.10.0)	
Type "A" Street Setback	Shall be located behind the principal building	O
Type "B" Street Setback	Shall be located either behind the principal building or a min. of 3' behind the building façade line along that street only (Street screen req'd; see Section 10.0)	O Q
Alley Setback	Shall be located 5' (min.) behind the property line	

Side and Rear setbacks	0' (see #2)	P R
------------------------	-------------	------------

(ii) Structured Parking (Above Grade Parking) or Below-Grade Parking Setbacks



Park Ave./Kearns Blvd.	Shall be located 5' (min.) behind the property line	
Type "A" Street Setback	Min. of 30' from the property line	O
Type "B" Street/Alley setback	May be built up to the building façade line along each street	

Side and rear setback 0' min. (see Note 1)

P R

Partially Below Grade Parking

May be built up to the building façade line along Park Ave., Kearns Blvd., Type "B" Streets and Alleys only.

Below Grade Parking Setbacks

May be built up to the property line along all frontages.

(iii) Required Off-Street Parking Spaces

- Parking Ratios for Non-residential uses and ground floor Commercial Ready area shall be a minimum of 4 spaces per 1,000 sq.ft.
- Parking Ratios for Residential uses shall be a minimum of 2 spaces per dwelling unit.
- Bicycle Parking: Bicycle parking shall be provided at a minimum of 10% of all required automobile spaces.
- Location of Bicycle Parking: For retail and commercial ready buildings, min. 75% of all required bicycle parking shall be located along Type "A" Streets and within 50 feet of a primary building entrance.
- Required off-street parking spaces may be reduced per Section 6.7.
- All standards for off-street parking with the exception of Parking Ratios for all uses shall meet the standards in Chapter 3 of the LMC.

(iv) Driveways and Service Access

Parking driveway width 24' max. (at the throat)

S

Driveways and off-street loading and unloading may be located with access from or frontage along a Type "A" Street only if the property has no access to either a Type "B" or Alley or shared/joint access easement to an adjoining property with access to a Type "B" Street or Alley.

T

Shared driveways, mutual access easements or cross access easements shall be required to adjoining properties when driveway and service access is off a Type "A" Street.

Service and loading/unloading areas shall be screened per Section 9.10.0.

(f) Encroachments

Type "A" Street / Civic Space	50% of the depth of the sidewalk or 10' (whichever is less)
Type "B" Street	50% of the depth of the sidewalk or 10' (whichever is less)
Alley	Encroachments allowed over any required setbacks No encroachments permitted over the property line or Alley R-O-W
Rear and side	Encroachments allowed over any required setbacks No encroachments permitted over the property line

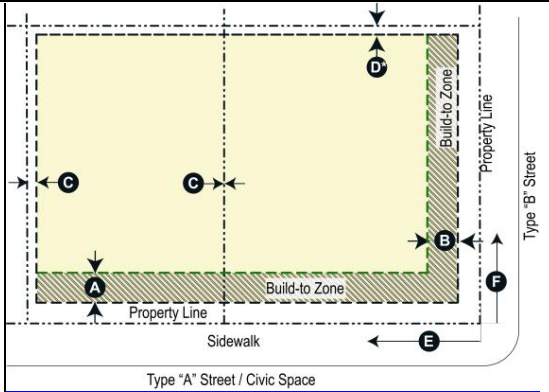
Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per standards established in this character district as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking or travel lane.

Comment [KC18]: Can we create allowance for fully below grade parking to have no setbacks.

Resort Gateway Character Zone

5.2 Resort Gateway

(a) Building Placement



Legend

--- Property Line	Build-to-Zone (BTZ)
— Edge of Pavement	Buildable Area
--- Min. Setback	
--- Max. Setback	

(i) Build-to Zone (BTZ)
(Distance from property line to edge of the zone)

Park Ave. and Deer Valley Dr./SR 224 (See Special Frontage Requirements)	30' (min.) – 40' (max.)	
Kearns Blvd./SR 248 (See Special Frontage Requirements)	50' (min.) – 75' (max.)	
Type "A" Street / Civic Space	0'-5' (min.) - 40'-15' (max.) (see Note 6)	A
Type "B" Street	0'-5' (min.) – 40'-20' (max.) (see Note 6)	B
Alley	NA (see below for min. setback)	

(iv) Setbacks

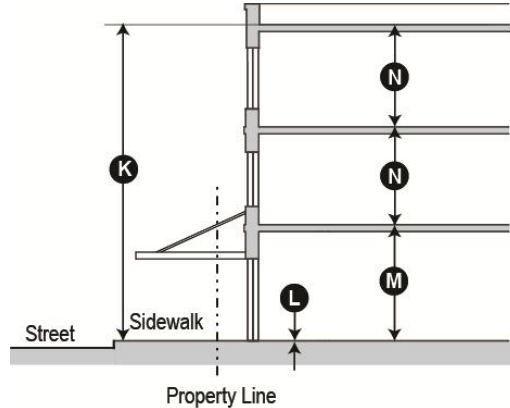
Alley	5' min.	C
Side	0' min.; (see Note 1)	D
Rear	5' min. (see Note 1)	D*

(v) Building Frontage

Building Frontage required along Type "A" Street/Civic Space BTZ	80% (min.) (see Note 2)	E
Building Frontage required along Type "B", Park Ave, Deer Valley Dr. and Kearns Blvd. BTZs	50% (min.) (See Note 2)	F
Building Frontage required along Alley	None Required	

Building frontage requirements for lots with frontage along two or more Type "A" Streets may be modified based on a minor modification to reduce the frontage requirement along one Type "A" Street frontage. In such cases, the standard for one of the Type "A" Streets may be replaced by the required Type "B" Street standard.

(b) Building Height



(iii) Principal Building Standards

Building maximum	3 stories and 35' (see Notes 4, 5, and 8 and 9) (Additional building height may be permitted per Section 6-7 of this Code)	K
First floor to floor height	15'2" (min.) for all commercial/mixed use buildings or any building with Commercial Ready Frontage designation 10' (min.) for all other buildings and frontages (see Note 3)	M
Ground floor finish level	12 inches max. above sidewalk (for ground floors of commercial/mixed use buildings or any building with Commercial Ready Frontage designation) 18" (min.) above sidewalk for residential buildings (see Note 7)	L
Upper floor(s) height	10' min.	N

Comment [KC19]: Thomas: Min or max

(iv) Accessory Building Standards

Accessory buildings shall meet the standards for Principal Building standards in the Resort Gateway Zone.

(c) Special Frontage Requirements

i. Frontage Protection Zone (FPZ): A Frontage Protection Zone of 30' depth along Park Avenue and Deer Valley Drive and 50' along Kearns Blvd shall be established per the Regulating Plan. All Development Activities and Uses within the Frontage Protection Zone must be consistent with the underlying character zone of the FBC and the requirements of the FBZ zoning district within the LMC Chapter 2.20. No parking, buildings, signage, or other structures shall be located within any FPZ. However, landscaping, trails, and other streetscape elements such as lighting, street furniture, transit stop improvements and similar improvements may be located within this FPZ.

(d) Lot and Block Standards

i. Lot Standards: No minimum or maximum lot size

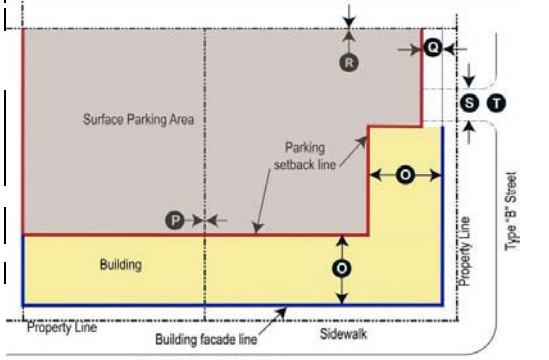
ii. Block Standards: Shall meet the block standards as established in the Regulating Plan.



Resort Gateway Character Zone

(e) Parking & Service Access

(i) Surface Parking Setbacks



May be built up to the building façade line along Park Ave., Kearns Blvd., Deer Valley Dr., Type "B" Streets and Alleys only.

Below Grade Parking Setbacks

May be built up to the property line along all frontages.

(iii) Required Off-Street Parking Spaces

- Parking Ratios for Non-residential uses and ground floor Commercial Ready area shall be a minimum of **four (4)** spaces per 1,000 sq.ft.
- Parking Ratios for Residential uses shall be a minimum of **two (2)** spaces per dwelling unit.
- Bicycle Parking: Bicycle parking shall be provided at a minimum of **ten (10) percent +0%** of all required automobile spaces.
- Location of Bicycle Parking: For retail and commercial ready buildings, min. **seventy-five (75) percent ±5%** of all required bicycle parking shall be located along Type "A" Streets and within **fifty (50)** feet of a primary building entrance.
- Required off-street parking spaces may be reduced per Section **6Z**.
- All standards for off-street parking with the exception of Parking Ratios for all uses shall meet the standards in Chapter 3 of the LMC.

Comment [KC21]: Thomas: We had discussed parking maximums as well. Please cap parking in all applicable sections. Plan to discuss on the May 22nd meeting. Minimums vs. Maximums. We will raise a discussion in the staff report.

(iv) Driveways and Service Access

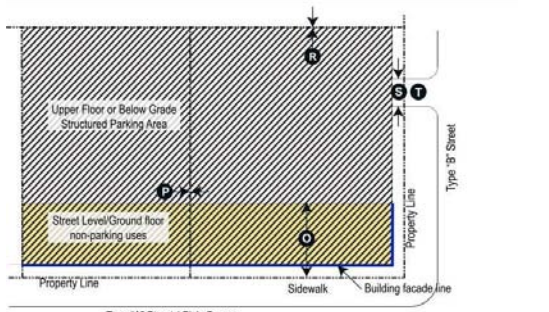
Parking driveway width	24' max. (at the throat)	S
Driveways and off-street loading and unloading may be located with access from or frontage along a Type "A" Street only if the property has no access to either a Type "B" or Alley or shared/joint access easement to an adjoining property with access to a Type "B" Street or Alley.		T
Shared driveways, mutual access easements or cross access easements shall be required to adjoining properties when driveway and service access is off a Type "A" Street.		
Service and loading/unloading areas shall be screened per Section 9I.0 .		

Park Ave., Kearns Blvd, and Deer Valley Dr	Shall be located 5-five (5) feet (min.) behind the property line (Street Screen req'd; see Section 9I.0.0)	
Type "A" Street Setback	Shall be located behind the principal building	O
Type "B" Street Setback	Shall be located either behind the principal building <u>or</u> a min. of three (3) feet behind the building façade line along that street only (Street screen req'd; see Section 10.0)	O Q
Alley Setback	Shall be located five (5) feet (min.) behind the property line	
Side and Rear setbacks	0' (see Note 1)	P R

(f) Encroachments

Type "A" Street / Civic Space	50% of the depth of the sidewalk or 10' (whichever is less)
Type "B" Street	50% of the depth of the sidewalk or 10' (whichever is less)
Alley	Encroachments allowed over any required setbacks No encroachments permitted over the property line or Alley R-O-W
Rear and side	Encroachments allowed over any required setbacks No encroachments permitted over the property line
Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per standards established in this character district as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking or travel lane.	

(ii) Structured Parking (Above Grade) or Below-Grade Parking Setbacks



Park Ave., Kearns Blvd, and Deer Valley Dr	Shall be <u>at or behind the building façade line along that street</u> located five (5) feet (min.) behind the property line	
Type "A" Street Setback	Min. of thirty (30) feet from the property line	O
Type "B" Street /Alley setback	May be built up to the building façade line along each street	
Side and rear setback	0' min. (see Note 1)	P R

Comment [KC20]: No parking in the Frontage protection zone. Please read Section 2.20 of our code. This component of our code is very important to reinforce the Natural Setting of PC. The FPZ will be maintained.

Partially Below Grade Parking

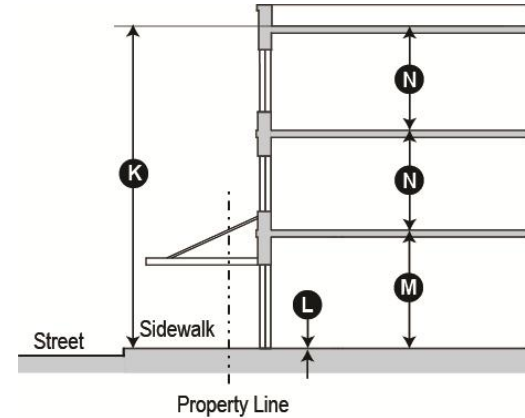


GATEWAY PLANNING
Design • Implementation • Value Capture

Neighborhood Shopping Character Zone

5.3 Neighborhood Shopping

(b) Building Height



(i) Principal Building Standards

Building maximum	3 stories and 35' (see Notes 4, 5, end-8 and 9) (Additional building height may be permitted per Section 6-7 of this Code)	K
First floor to floor height	15' (min.) for all commercial/mixed use buildings at any building with Commercial Ready Frontage designation 10' (min.) for all other buildings end-frontages (see Note 3)	M
Ground floor finish level	12 inches max. above sidewalk (for ground floors of commercial/mixed use buildings or any building with Commercial Ready Frontage designation) 18" (min.) above sidewalk for residential buildings (see Note 7)	L
Upper floor(s) height	10' min.	N

(ii) Accessory Building Standards

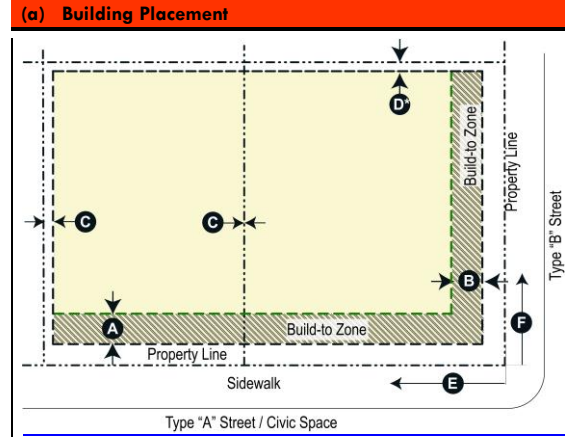
Accessory buildings shall meet the standards for Principal Building standards in the Neighborhood Shopping Character Zone.

(c) Special Frontage Requirements

i. Frontage Protection Zone (FPZ): A Frontage Protection Zone of 30' depth along Park Avenue and Deer Valley Drive and 50' along Kearns Blvd shall be established per the Regulating Plan. All Development Activities and Uses within the Frontage Protection Zone must be consistent with the underlying character zone of the FBC and the requirements of the FBZ zoning district within the IMC Chapter 2.20.

(d) Lot and Block Standards

- i. Lot Standards: Min: 3,000 sq.ft.; no maximum lot size
- ii. Block Standards: Shall meet the block standards as established in the Regulating Plan.



Legend

Property Line	Build-to-Zone (BTZ)
Edge of Pavement	Buildable Area
Min. Setback	
Max. Setback	

(i) Build-to Zone (BTZ)
(Distance from property line to edge of the zone)

Type "A" Street / Civic Space	0'-5' (min.) - 10'-15' (max.) (see Note 6)	A
Type "B" Street	0'-5' (min.) - 10'-20' (max.) (see Note 6)	B
Kearns Blvd./SR 248 (See Special Frontage Requirements) Alley	50' (min.) - 75' (max.) NA (see below for min. setback)	

(i) Setbacks

Alley	5' min.	C
Side	0' min.; (see Note 1)	D
Rear	5' min. (see Note 1)	D*

(ii) Building Frontage

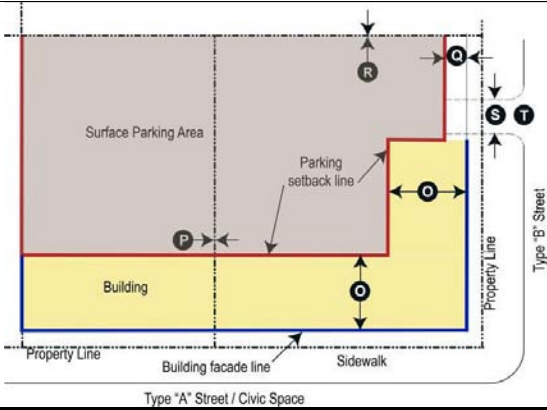
Building Frontage required along Type "A" Street/Civic Space BTZ	80% (min.) (see Note 2)	E
Building Frontage required along Type "B", Park Ave, Deer Valley Dr. and Kearns Blvd. BTZs	50% (min.) (see Note 2)	F
Building Frontage required along Alley	None Required	

Building frontage requirements for lots with frontage along two or more Type "A" Streets may be modified based on a minor modification to reduce the frontage requirement along one Type "A" Street frontage. In such cases, the standard for one of the Type "A" Streets may be replaced by the required Type "B" Street standard.

Neighborhood Shopping Character Zone

(e) Parking & Service Access

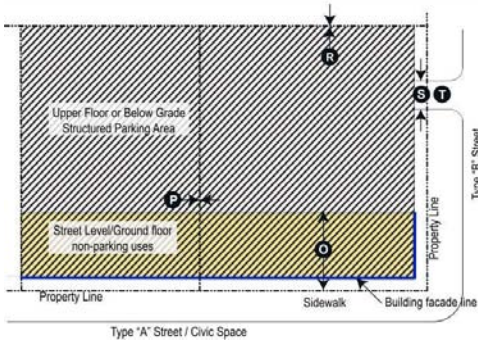
(i) Surface Parking Setbacks



Type "A" Street Setback	Shall be located behind the principal building	O
Type "B" Street Setback	Shall be located either behind the principal building or a min. of 3' behind the building façade line along that street only <i>(Street screen req'd; see Section 10.0)</i>	O Q
Alley Setback	Shall be located 5' (min.) behind the property line	

Side and Rear setbacks	0' (see Note 1)	P R
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(ii) Structured Parking (Above Grade) or Below-Grade Parking Setbacks



Type "A" Street Setback	Min. of 30' from the property line	O
Type "B" Street /Alley setback	May be built up to the building façade line along each street	
Side and rear setback	0' min. (see Note 1)	P R

Partially Below Grade Parking

May be built up to the building façade line along Type "B" and Alleys only.

Below Grade Parking Setbacks

May be built up to the property line along all frontages.

(iii) Required Off-Street Parking Spaces

- [Parking Ratios for Non-residential uses and ground floor Commercial Ready area shall be a minimum of 4 spaces per 1,000 sq.ft.](#)
- [Parking Ratios for Residential uses shall be a minimum of 2 spaces per dwelling unit.](#)
- [Bicycle Parking: Bicycle parking shall be provided at a minimum of 10% of all required automobile spaces.](#)
- [Location of Bicycle Parking: For retail and commercial ready buildings, min. 75% of all required bicycle parking shall be located along Type "A" Streets and within 50 feet of a primary building entrance.](#)
- [Required off-street parking spaces may be reduced per Section 7.](#)
- [All standards for off-street parking with the exception of Parking Ratios for all uses shall meet the standards in Chapter 3 of the LMC.](#)

(iv) Driveways and Service Access

Parking driveway width	24' max. (at the throat)	S
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Driveways and off-street loading and unloading may be located with access from or frontage along a Type "A" Street only if the property has no access to either a Type "B" or Alley or shared/joint access easement to an adjoining property with access to a Type "B" Street or Alley.

Shared driveways, mutual access easements or cross access easements shall be required to adjoining properties when driveway and service access is off a Type "A" Street.

Service and loading/unloading areas shall be screened per Section 9.10.

(f) Encroachments

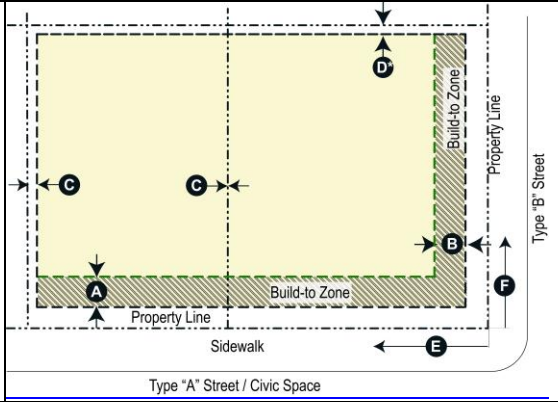
Type "A" Street / Civic Space	50% of the depth of the sidewalk or 10' (whichever is less)
Type "B" Street	50% of the depth of the sidewalk or 10' (whichever is less)
Alley	Encroachments allowed over any required setbacks No encroachments permitted over the property line or Alley R-O-W
Rear and side	Encroachments allowed over any required setbacks No encroachments permitted over the property line

Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per standards established in this character district as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking or travel lane.

Iron Horse ~~Industrial Arts~~ Character Zone

5.4 Iron Horse ~~Industrial Arts~~

(a) Building Placement



Legend

- - - Property Line	Build-to-Zone (BTZ)
- - - Edge of Pavement	Buildable Area
- - - Min. Setback	
- - - Max. Setback	

(i) Build-to Zone (BTZ)
(Distance from property line to edge of the zone)

Type "A" Street / Civic Space	5'-10' (min.) - 30' (max.) (see Note 6)	A
Type "B" Street	5'-10' (min.) - 30' (max.) (see Note 6)	B
Alley	NA (see below for min. setback)	

(i) Setbacks

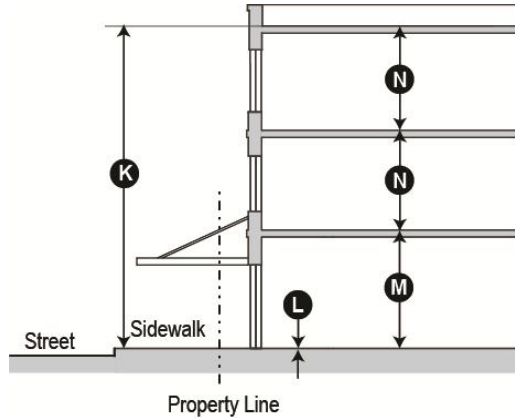
Alley	5' min.	C
Side	0' min.; (see Note 1)	D
Rear	5' min. (see Note 1)	D*

(ii) Building Frontage

Building Frontage required along Type "A" Street/Civic Space BTZ	60% (min.) (see Note 2)	E
Building Frontage required along Type "B" Street	25.40% (min.) (see Note 2)	F
Building Frontage required along Alley	None Required	

Building frontage requirements for lots with frontage along two or more Type "A" Streets may be modified based on a minor modification to reduce the frontage requirement along one Type "A" Street frontage. In such cases, the standard for one of the Type "A" Streets may be replaced by the required Type "B" Street standard.

(b) Building Height



i. Principal Building Standards

Building maximum	3 stories and 35' (see Notes 4, 5, and 8 and 9) (Additional building height may be permitted per Section 6-7 of this Code)	K
First floor to floor height	15.2' (min.) for all commercial/mixed use buildings or any building with Commercial Ready Frontage designation 10' (min.) for all other buildings and frontages (see Note 3)	M
Ground floor finish level	12 inches max. above sidewalk (for ground floors of commercial/mixed use buildings or any building with Commercial Ready Frontage designation) 18" (min.) above sidewalk for residential buildings (see Note 7)	L
Upper floor(s) height	10' min.	N

ii. Accessory Building Standards

Accessory buildings shall meet the standards for Principal Building standards in the Iron Horse ~~Industrial Arts~~ Character Zone.

Commercial Frontage Requirements

(i) ~~Ground floors of all buildings with Required Commercial Frontage designation on the Regulating Plan shall not be occupied by residential, office, or institutional uses up to a minimum depth of 50' from the front building facade line. Frontage Protection Zone (FPZ): A Frontage Protection Zone of 20' depth along Park Avenue and Deer Valley Drive and 50' along Keams Blvd shall be established per the Regulating Plan. No parking, buildings, signage, or other structures shall be located within any FPZ. However, landscaping, trails, and other streetscape elements such as lighting, street furniture, transit stop improvements and similar improvements may be located within this FPZ.~~

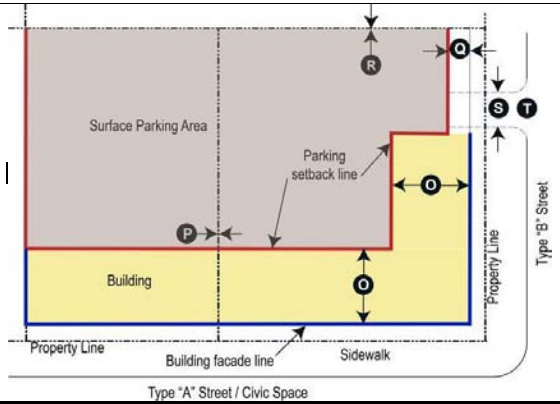
(c) Lot and Block Standards

- i. Lot Standards: Min. 2,000 sq.ft.; no maximum lot size
- ii. Block Standards: Shall meet the block standards as established in the Regulating Plan.

Iron Horse Industrial Arts Character Zone

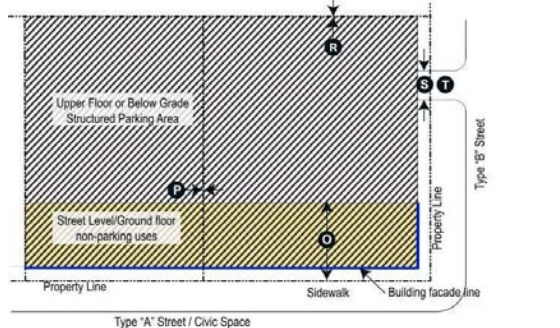
(d) Parking & Service Access

(i) Surface Parking Setbacks



Type "A" Street Setback	Shall be located behind the principal building	O
Type "B" Street Setback	Shall be located either behind the principal building or a min. of 3' behind the building façade line along that street only or 5' behind the property line along that street (Street screen req'd; see Section 9.10.0)	O Q
Alley Setback	Shall be located 5' (min.) behind the property line	
Side and Rear setbacks	0' (see Note 1)	P R

(ii) Structured Parking (Above Grade) or Below Grade Parking Setbacks



Type "A" Street Setback	Min. of 30' from the property line	O
Type "B" Street/Alley setback	May be built up to the building façade line along each street	
Side and rear setback	0' min. (see Note 1)	P R

Partially Below Grade Parking

May be built up to the building façade line along Type "B" Street and Alleys only.

Below Grade Parking Setbacks
May be built up to the property line along all frontages.

(iii) Required Off-Street Parking Spaces

- Parking Ratios for Non-residential uses and ground floor Commercial Ready area shall be a minimum of 4 spaces per 1,000 sq.ft.
- Parking Ratios for Residential uses shall be a minimum of 2 spaces per dwelling unit.
- Bicycle Parking: Bicycle parking shall be provided at a minimum of 10% of all required automobile spaces.
- Location of Bicycle Parking: For retail and commercial ready buildings, min. 75% of all required bicycle parking shall be located along Type "A" Streets and within 50 feet of a primary building entrance.
- Required off-street parking spaces may be reduced per Section 6Z.
- All standards for off-street parking with the exception of Parking Ratios for all uses shall meet the standards in Chapter 3 of the LMC.

(iv) Driveways and Service Access

Parking driveway width	24' max. (at the throat)	S
Driveways and off-street loading and unloading may be located with access from or frontage along a Type "A" Street only if the property has no access to either a Type "B" or Alley or shared/joint access easement to an adjoining property with access to a Type "B" Street or Alley.		T
Shared driveways, mutual access easements or cross access easements shall be required to adjoining properties when driveway and service access is off a Type "A" Street.		
Service and loading/unloading areas shall be screened per Section 9.10.0.		

(e) Encroachments

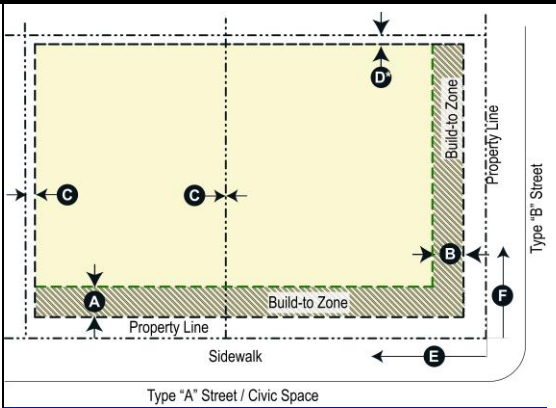
Type "A" Street / Civic Space	50% of the depth of the sidewalk or 10' (whichever is less)
Type "B" Street	50% of the depth of the sidewalk or 10' (whichever is less)
Alley	Encroachments allowed over any required setbacks No encroachments permitted over the property line or Alley R-O-W
Rear and side	Encroachments allowed over any required setbacks No encroachments permitted over the property line
Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per standards established in this character district as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking or travel lane.	

Neighborhood Character Zone

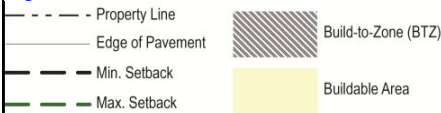
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5.5 Neighborhood

(a) Building Placement



Legend



(i) Build-to Zone (BTZ)

(Distance from property line to edge of the zone)

Type "A" Street / Civic Space	10' (min.) - 30' (max.) (see Note 6)	A
Type "B" Street	10' (min.) - 30' (max.) (see Note 6)	B
Alley	NA (see below for min. setback)	

(i) Setbacks

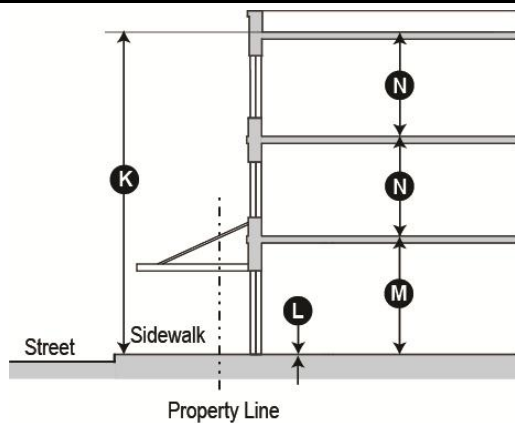
Alley	5' min.	C
Side	0' min.; (see Note 1)	D
Rear	5' min.; (see Note 1)	D*

(ii) Building Frontage

Building Frontage required along Type "A" Street/Civic Space BTZ	50% (min.) (see Note 2)	E
Building Frontage required along Type "B" Street	10% (min.) (see Note 2)	F
Building Frontage required along Alley	None Required	

(iii) Building frontage requirements for lots with frontage along two or more Type "A" Streets may be modified based on a minor modification to reduce the frontage requirement along one Type "A" Street frontage. In such cases, the standard for one of the Type "A" Streets may be replaced by the required Type "B" Street standard.

(b) Building Height



(i) Principal Building Standards

Building maximum	3 stories and 45' (see Notes 4, 5, 8 and 9) (Additional building height may be permitted per Section 7 of this Code)	K
First floor to floor height	152' (min.) for all commercial/mixed use buildings 10' (min.) for all other buildings (see Note 3)	M
Ground floor finish level	12 inches max. above sidewalk (for ground floors of commercial/mixed use buildings) 18" (min.) above sidewalk for residential buildings (see Note 7)	L
Upper floor(s) height	10' min.	N

(ii) Accessory Building Standards

Building Height	2 stories (max.)
BTZ/Setbacks	Shall be placed behind the front façade of the principal building along Type "A" Streets. If the principal building has no Type "A" Street frontage, then the accessory building shall be placed behind the front façade of the building along either a Type "B" or Alley.
Building Footprint	Shall be limited to no more than 75% of the principal building footprint

(c) Lot and Block Standards

- i. Lot Standards: Min: 2,000 sq.ft.; no maximum lot size
- ii. Block Standards: Shall meet the block standards as established in the Regulating Plan.

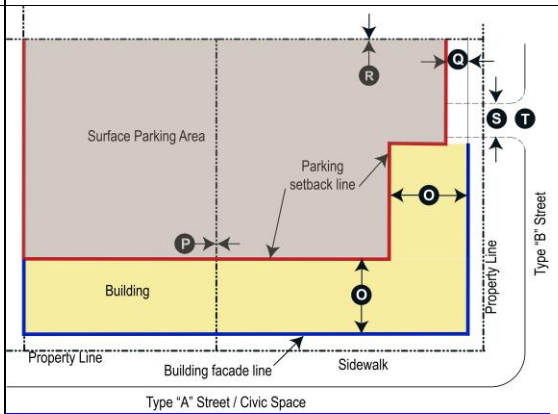


Neighborhood Character Zone

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(d) Parking & Service Access

(i) Surface Parking Setbacks



Type "A" Street Setback	Shall be located behind the principal building	O
Type "B" Street Setback	Shall be located either behind the principal building or a min. of 3' behind the building facade line along that street only or 5' behind the property line along that street	O Q
Alley Setback	Shall be located 5' (min.) behind the property line	Q*
Side and Rear setbacks	0' (see Note 1)	P R

(i) Required Off-Street Parking Spaces

- Parking Ratios for Non-residential uses and ground floor Commercial Ready area shall be 4 spaces per 1,000 sq.ft.
- Parking Ratios for Residential uses shall be 2 spaces per dwelling unit.
- Bicycle Parking: Bicycle parking shall be provided at 10% of all required automobile spaces.
- Location of Bicycle Parking: For retail and commercial ready buildings, 75% of all required bicycle parking shall be located along Type "A" Streets and within 50 feet of a primary building entrance.
- Required off-street parking spaces may be reduced per standards in Section Z.
- All standards for off-street parking with the exception of Parking Ratios for all uses shall meet the standards in Chapter 3 of the LMC.

(ii) Driveways and Service Access

Parking driveway width	24' max. (at the throat)	S
<p><u>Driveways and off-street loading and unloading may be located with access from or frontage along a Type "A" Street only if the property has no access to either a Type "B" or Alley or shared/joint access easement to an adjoining property with access to a Type "B" Street or Alley.</u></p> <p><u>Shared driveways, mutual access easements or cross access easements shall be required to adjoining properties when driveway and service access is off a Type "A" Street.</u></p> <p><u>Service and loading/unloading areas shall be screened per Section 10.</u></p>		T

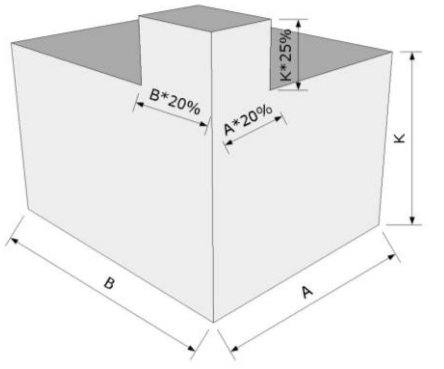
(e) Encroachments

Type "A" Street / Civic Space	50% of the depth of the sidewalk or 10' (whichever is less)
Type "B" Street	50% of the depth of the sidewalk or 10' (whichever is less)
Alley	Encroachments allowed over any required setbacks
Rear and side	No encroachments permitted over the property line or Alley R-O-W
	Encroachments allowed over any required setbacks
	No encroachments permitted over the property line
<p><u>Canopies, awnings, galleries, and balconies may encroach over the BTZ and setback areas per standards established in this character district as long as the vertical clearance is a minimum of 8' from the finished sidewalk elevation. In no case shall an encroachment be located over an on-street parking or travel lane.</u></p>	

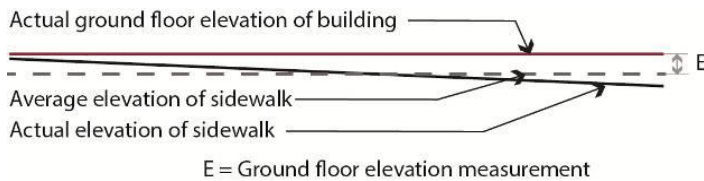
Comment [KC22]: Missing requirements for Structured Parking – Below Grade Parking – and Partially Below Grad Parking

5.5 Notes on all Character Zones

1. Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.
2. Corner building street facades along Type "A" and "B" Streets shall be built to the BTZ for a minimum of 20' from the corner along each street or the width of the corner lot, whichever is less. ~~Nothing in this requirement shall prevent from incorporation of~~ The use of curved, chamfered corners of buildings or recessed entries shall be permitted.
3. First floor heights shall not apply to parking structures.
4. Attics and mezzanines that are less than 7' ~~(avg-)in~~ height and are not Habitable Space shall not be counted as a story but shall count towards building height limit.
5. Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.



6. Setbacks and build-to lines on recessed entries and arcade buildings shall be measured from the front of façade with the recessed entry or arcade.
7. Note on measuring finished elevation of ground floors: On blocks where grade of the sidewalk changes along the street frontage, the finished ground floor building elevation shall be measured against the average elevation of the sidewalk along that block.



8. Building Height Measurement and Exceptions: Exterior Bbuilding height for sloping roofs shall be measured from the bottom of the eaves to the finished grade of the sidewalk in front of the building. Interior building height shall be measured from finished floor to finished floor. The following height exceptions apply for all roof types:

- i Antennas, chimneys, flues, vents, and similar Structures may extend up to five feet (5') above the highest point of the Building to comply with the International Building Code (IBC).
- ii Church spires, bell towers, and like architectural features, subject to LMC Chapter 15-5 Architectural guidelines and the Building Design Standards in this Code, may extend (50%) above the zone height, but may not contain Habitable Space above the Zone Height. Such exception requires approval by the Planning Director.
- iii An Elevator Penthouse may extend up to eight feet (8') above the Zone Height
- iv Ski lift and tramway towers may extend above the zone height subject to a visual analysis and approval by the Planning Commission.

9. Building Height Limitation Adjacent to Civic/Open Space: All buildings with frontage along any required civic/open space shall be limited to 3 stories for a depth of 15' from the building façade line along such civic/open space in order to maintain adequate solar exposure. The fifth story must be setback a minimum of 25' from the building façade line along such civic/open space.



6.05-6 Building Design Standards

The Building Design Standards for Bonanza Park Form-Based Code zoning district shall establish a coherent urban-village character and encourage authentic, enduring, and attractive development. Development plans or site plans shall be reviewed by the Planning Director or designee for compliance with the standards below.

The following key design principles establish essential goals for the redevelopment within Bonanza Park to be consistent with the vision for a vibrant urban-neighborhoodvillage with that provides a range of commercial, civic, educational, and residential uses serving the residents and visitors alike.

- i. New and redeveloped buildings and sites shall utilize building and site elements and details to achieve a pedestrian-oriented public realm with sidewalks, street trees, building elements, and glazing;
- ii. Design compatibility is not meant to be achieved through uniformity, but rather differentiation through the use of variations in building elements to achieve individual building identity and authenticity;
- iii. Strengthen Park City's unique-local architecture and traditions, and specifically Bonanza Park's eclectic character;
- iv. Building facades shall include appropriate architectural details and ornament to create variety and interest;
- v. Open space(s) shall be incorporated to provide usable public areas integral to the urban environment and connection to the natural setting; and
- vi. Increase the quality, adaptability, and sustainability in Park City's building stock.

a. General to all Character Zones

(1) Building Orientation

- i. Buildings shall be oriented towards Type "A" Streets, where the lot has frontage along Type "A" Streets or along Civic/Open Spaces. All other buildings may be oriented towards Type "B" Streets.
- ii. Primary entrance to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection intersection though not all corners shall incorporate this design feature.
- iii. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from internal parking areas or alleys.
- iv. Building heights over the third story may only be oriented to take advantage of optimum solar gain by aligning the broad faces of the building along an east to west axis and minimum shading on adjacent Open Space.

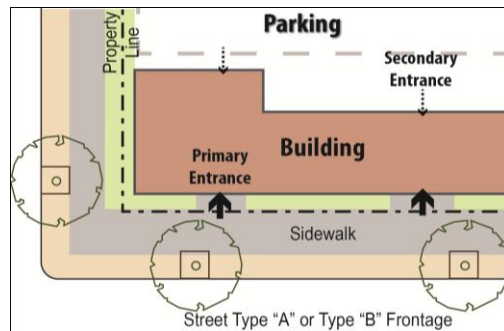


Figure showing required building orientation and location of primary entrances

(2) Design of Parking Structures

- i. All frontages of parking structures located on Type "A" Streets shall not have parking uses on the first story to a minimum depth of 50 feet along any Type "A" Street frontage. If the frontage is along a designated Required Commercial or Commercial Ready Frontage, then the Required Commercial or Commercial Ready Frontage requirement shall supersede.
- ii. Parking structure facades on all Type "A" Streets shall be designed with both vertical (façade shifts at 20 foot to 30 foot intervals) and horizontal (aligning with horizontal elements along the block) articulation.
- iii. Where above ground structured parking is located at the perimeter of a building with frontage along a Type "A" Street, it shall be screened in such a way that cars on all parking levels are completely hidden from view from all adjacent public streets. Parking garage ramps shall not be visible from any Type "A" Streets. Ramps shall not be located along the perimeter of the parking structure, if that perimeter is along a public façade. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting. In addition, the ground floor façade treatment (building materials, windows, and architectural detailing) shall be continued to at least the second floor of a parking structure along all Type "A" Streets.
- iv. When parking structures are located at street intersections, corner architectural elements shall be incorporated such as corner entrance, signage and glazing.
- v. Parking structures and adjacent sidewalks shall be designed so pedestrians and bicyclists are clearly visible to entering and exiting automobiles.

(2)(3) Loading and Unloading

- i. All off-street loading, unloading, and trash pick-up areas shall be located along alleys or Type "B" Streets only unless permitted in the specific building form and development standards in Section 6-5 of this code. If a site has no access to an Alley, or Type "B" Street, off-street loading, unloading, and trash pick-up areas may be permitted along a Type "A" Street.
- ii. All off-street loading, unloading, or trash pick-up areas shall be screened using a Street Screen that is at least as tall as the trash containers and/or service equipment it is screening at the BTZ. The Street Screen shall be made up of (i) the same material as the principal building or (ii) a living screen or (iii) a combination of the two.

~~(3)~~(4) Façade Composition

- i. ~~Facades along all Type "A" Streets and Civic/Open Spaces shall maintain a façade articulation and rhythm of 20' – 30' or multiples thereof. This articulation may be expressed by changing materials, ~~or color,~~ or by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the building façade. Buildings shall provide façade articulation per standards in Title 15, Chapter 5, Section 8 of the LMC.~~
- ii. ~~This façade articulation may be expressed by changing materials, or color, or by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the façade.~~
- iii. Primary Entrance Design: Primary building entrances along Type "A" and/or Type "B" Streets shall consist of at least two of following design elements so that the main entrance is architecturally prominent and clearly visible from that street:
 - i. Architectural details such as arches, posts, beams, and timbers, friezes, awnings, canopies, gabled parapets, arcades, tile work, murals, or moldings
 - ii. Integral planters or wing walls that incorporate landscape or seating elements
 - iii. Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.
 - iv. Prominent three-dimensional, vertical features such as false front, belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.
 - v. A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.
- iv.iii. Spacing of Entrances: There shall be a minimum of one building entrance for every 50 feet of building frontage along all Required Commercial and Commercial Ready Frontages. If a single use occupies more than 50 feet in width along required commercial and commercial ready frontages, liner shops shall be located around such use to maintain building activity and interest.
- iv. Storefront Design:
 - (a) Storefronts on facades that span multiple tenants within the same building shall use architecturally compatible materials, colors, details, awnings, signage, and lighting fixtures. However, architectural diversity is encouraged for different buildings on the same block.
 - (b) Buildings shall generally maintain the alignment of horizontal elements along the block with variation in overall height of buildings.
 - (c) Corner emphasizing architectural features, gabled parapets with pediments, cornices, awnings, blade signs, arcades, postcolonades and balconies may be used along commercial storefronts to add to the pedestrian interest.

Comment [KC23]: We do not allow up-lighting or lighting up buildings (exception: Christmas lights)

~~(4)~~(5) Windows and Doors

- i. Windows and doors on street (except alleys) fronting facades shall be designed to be proportional and appropriate to the specific architectural style of the building. First floor windows shall have a Visible Transmittance (VT) of 0.6 or higher.
- ii. All ground floor front facades of buildings along Type "A" Streets or Civic/Open Space shall have windows with a Visible Transmittance (VT) of 0.6 or higher covering no less than 40% of the ground floor façade area. Each upper floor of the same building facades facing a Type "A" Street or

Civic/Open Space shall contain windows with a Visible Transmittance (VT) of 0.6 or higher covering no less than 25% of the façade area. All other street facing facades (except alleys) shall have windows with a Visible Transmittance (VT) of 0.6 or higher covering at least 15% of the façade area for all floors.

(6) Building Materials

- i. Generally, at least 70% of a building's façade along all Type "A" Streets and Civic/Open Space shall be finished in one of the following primary materials:
 - Masonry (stone, cast stone, brick, glass, metal, or glass block)
 - Wood, wood paneling, fabricated wood product or recycled composite material (recycled plastic lumber, etc).
 - Architectural Metal Panels
 - For Industrial Arts Iron Horse Character Zone, architectural metal panel, split-face concrete block, tile, or pre-cast concrete panels may be used as a primary material. Slump block and split-face concrete block are prohibited in all character zones.
- ii. Generally, no more than 30% of a building's façade along all Type "A" Streets and Civic/Open Space shall use other secondary accent materials: architectural metal panel, ~~split-face concrete block, tile, or pre-cast concrete panels, stucco utilizing a three-step process.~~
- iii. Generally, all facades along Type "B" Streets or alleys shall be of a similar finished quality and color that blend with the front of the building. Building materials for these facades may be any of the primary materials and secondary accent materials listed above.
- iv. ~~Visible split face concrete block or p~~Pre-cast; or poured in place concrete shall be used on no more than 20% of any Type "A" or "B" Street façade. There is no limitation on its usage on all other facades. ~~EIFS shall be limited to moldings and architectural detailing on building frontages along any Type "A" and "B" Streets. On alley facades, it shall only be used on upper floors (above 10' in height).~~
- v. Generally, cementitious-fiber clapboard (not sheet) with at least a 50-year warranty may only be used on the upper floors only. In the Neighborhood Character Zone, this material may be used on any floor.

Comment [KC24]: Is this where we can specify encouraged materials within each character zone?



Mixed Use Center



Neighborhood Shopping



Industrial Arts

Samples of appropriate vertical and horizontal articulation and materials.

(5) Building Materials

- a. ~~Commercial or Mixed Use Building Materials~~
- i. ~~Building materials shall meet the standards in _____ of the LMC.~~

~~ii. EIFS shall be limited to moldings and architectural detailing on building frontages along any Type "A" and "B" Streets. On alley facades, it shall only be used on upper floors (above 10' in height).~~

~~(6)(7)~~ Building Massing and Scale:

- ~~i. To maintain pedestrian interest and scale, single tenant buildings between 15,000 and 2540,000 sq.ft. in ground floor area shall be built in such a manner as to include a liner shops building with commercial frontage along all the building's Type "A" frontages.~~
- ~~ii. Retail liner shops shall be a minimum of 30 feet deep and shall surround the single tenant/use building on all Type "A" streets and along the first 100 feet of a Type "B" streets from the corner.~~



~~Illustrative sample of a large retailer with liner retail.~~



~~Example of Mixed-use grocery store with liner retailers at the corner of intersections~~

Comment [KC25]: Show liner surrounding the front of the building and extending down the first 100' of a type be street.

~~iii. Single tenant buildings over 25,000 sq.ft. in ground floor area may only be permitted with a CUP approved by the Planning Commission.~~

Comment [KC26]: Specific Criteria or normal CUP criteria?

~~(8) Roof Form~~

- ~~ii. Gabled, hipped, shed or pyramid roofs are encouraged in the Resort Gateway character zone and Residential character zone. Main roof structures shall use a slope of no less than 6 feet vertical to 12 feet horizontal (6:12). Accent roof forms, such as a shed roof, have no minimal roof slope requirements.~~
- ~~iii. When using a flat roof, buildings shall have minimal articulation utilizing parapets with flat or low pitched roofs. Corner elements should use hip or gabled roof elements and gable accents at the parapet may be permitted. The following standards shall apply for all buildings with mansard roofs in BoPa-FBC:

 - ~~— Mansard roofs shall only be used on buildings that are three stories or higher.~~
 - ~~— The mansard roof shall project no more than 18" forward of the building façade line.~~
 - ~~• The lower slope of the roof should be inclined at no greater than 75 degrees to the horizontal.~~~~



*Samples of appropriate roof forms
(image from the Park City Design Guidelines for Historic Districts and Historic Sites).*

67.0 Incentive-Enhanced Options Standards

- 67.1 Purpose and Intent: The purpose of this section is to implement the ~~Incentivized Plan~~ Enhanced Option recommendations of the Bonanza Park Area Plan street grid in a streamlined and predictable manner in conjunction with the City's Affordable Housing, and Transfer of Development Rights (TDR), and sustainable building practice policies.
- 67.2 Applicability: Any development that exceeds the maximum 3 story and 35' building height standard in Bonanza Park shall meet the standards in this Section.

67.3 ~~Incentives-Enhanced Options~~ Matrix

Tier 1	General Standards:	
	<ul style="list-style-type: none"> • Applicants may provide more than one of the listed development outcomes under Tier 1 and obtain the cumulative building square footage up to the maximum established for Tier 1. • Tier 1 maximum development (cumulative for all development outcomes): Building height shall not exceed 5 floors or 60 feet. On the 4th floor, the building area shall be limited to 75% of the ground floor building area and on the 5th floor; the building area shall be limited to 25% of the ground floor building area unless otherwise specified below. <u>When the building fronts a Type "A" Street or Civic/Open Space the 4th and 5th floor must be setback no less than 105 feet from the front building line on the 4th floor and 25 feet from the front building line on the 5th floor.</u> • Applicants providing more than one listed development outcomes under Tier 1 are also eligible to reduce their total required off-street parking by a maximum of 25%. 	
	Development Outcomes	Standards or Criteria
	<ol style="list-style-type: none"> 1. Dedication/Reservation of R-O-W for a Primary Street 2. Dedication of Required or Recommended Open/Civic Space (includes community gardens and rooftop greenhouses) 3. Dedication/Reservation of R-O-W for a Secondary Street 	<ul style="list-style-type: none"> • Additional building square footage shall equal the total square feet provided in R-O-W dedication or reservation but no greater than the maximum permitted for Tier 1. • R-O-W dedication/reservation shall meet the standards of this Code. • Additional building square footage shall equal the total square feet provided in Open/Civic Space (public or private) but no greater than the maximum permitted for Tier 1 with the exception of Rooftop Greenhouses which may be allowed on the 4th and 5th floor and do not count toward the building area limits. • Additional building square footage shall equal to 1/2 of the total square feet provided in R-O-W dedication or reservation but no greater than the maximum permitted for Tier 1. • R-O-W dedication/reservation shall meet the standards of this Code
Tier 2	General Standards:	
	<ul style="list-style-type: none"> • To be eligible for Tier 2 IncentivesEnhanced Options; applicants have to meet Tier 1 Development Outcomes 1 and 2 if applicable within the applicants property • Tier 2 maximum development (cumulative for all development outcomes): Building height shall not exceed 5 floors. On the 4th floor, the building area shall be limited to 75% of the ground floor building area and on the 5th floor, the building area shall be limited to 25% of the ground floor building area unless otherwise specified below. <u>When the building fronts a Type "A" Street or Civic/Open Space the 4th and 5th floor must be setback no less than 15 feet from the front building line on the 4th floor and 25 feet from the front building line on the 5th floor.</u> • Applicants are also eligible to reduce their total required off-street parking by a maximum of 50% 	
	Development Outcomes	Standards or Criteria



	<ol style="list-style-type: none"> Affordable housing units and attainable housing per standards in Table 67.2 below Assisted Living and/or Rental Apartments 	<ul style="list-style-type: none"> Within this option, the applicant may utilize either the City's adopted Housing Resolution OR the Bonanza Park Affordable/Attainable Housing Option. The Standards of the Bonanza Park Affordable/Attainable Housing Option outlined in Table 67.4 below shall apply Additional building square footage shall be equal to the total square feet provided in affordable/attainable housing units; but no greater than the maximum permitted for Tier 2. Additional building square footage shall equal the total square feet provided in Assisted Living and Rental Apartment but no greater than the maximum permitted for Tier 2. The Assisted Living and/or Rental Apartment use shall be deed restricted. 						
Tier 3	<p>General Standards:</p> <ul style="list-style-type: none"> To be eligible for Tier 2-3 Enhanced Options/Incentives, applicants have to meet Tier 1 Development Outcomes 1 and 2 if applicable within the applicants property. Applicants may provide more than one of the listed development outcomes under Tier 3 in addition to Tier 1 and Tier 2 and obtain the cumulative building square footage up to the maximums established for all three tiers. Tier 3 maximum development (cumulative for all development outcomes): Building height shall not exceed 5 floors (100% of the ground floor building footprint on the 4th and 5th floors). <u>When the building fronts a Type "A" Street or Civic/Open Space the 4th and 5th floor must be setback no less than 15 feet from the front building line on the 4th floor and 25 feet from the front building line on the 5th floor.</u> Applicants providing any Tier 3 development outcome is also eligible to reduce their total required off-street parking by a maximum of 50% <table border="1"> <thead> <tr> <th>Development Outcomes</th> <th>Standards or Criteria</th> </tr> </thead> <tbody> <tr> <td>1. Receiving any transfer of development right credits</td> <td> <ul style="list-style-type: none"> Additional building square footage shall be equal to the total square feet provided by TDR; but no greater than the maximum permitted for Tier 3. </td> </tr> <tr> <td>2. Zero Carbon Building</td> <td> <ul style="list-style-type: none"> Total building square footage shall be no greater than the maximum permitted for Tier 3. </td> </tr> </tbody> </table>		Development Outcomes	Standards or Criteria	1. Receiving any transfer of development right credits	<ul style="list-style-type: none"> Additional building square footage shall be equal to the total square feet provided by TDR; but no greater than the maximum permitted for Tier 3. 	2. Zero Carbon Building	<ul style="list-style-type: none"> Total building square footage shall be no greater than the maximum permitted for Tier 3.
Development Outcomes	Standards or Criteria							
1. Receiving any transfer of development right credits	<ul style="list-style-type: none"> Additional building square footage shall be equal to the total square feet provided by TDR; but no greater than the maximum permitted for Tier 3. 							
2. Zero Carbon Building	<ul style="list-style-type: none"> Total building square footage shall be no greater than the maximum permitted for Tier 3. 							

67.4 Affordable and Attainable Housing Options

This section provides for an alternative option to the ~~2007-City's Adopted~~ Affordable Housing Resolution by addressing local housing needs and increasing the range of required housing. The Bonanza Park Attainable Housing Option gives developers the option to create a mix of affordable and attainable housing as outlined below. This option requires that the developer build the affordable/attainable mix at 25% of the ~~overall-net leasable~~ floor area of the building.

Requirement: Minimum 25% of Net Leasable Floor Area				
Tier	Target Workforce Wage	Maximum Workforce Wage	Distribution of Units within Project (min.)	Targeted Income Range in 2012+
1	100%	125%	10%	\$55,714 - \$69,643 - \$53,378 \$66,722



2	125%	150%	20%	\$69,643 - \$83,571 \$66,722 \$80,067
3	150%	175%	40%	\$83,571 - \$97,500 \$80,067 \$93,411
4	175%	225%	15%	\$97,500 - \$125,357 \$93,341 \$120,100
5	225%	328%	15%	\$125,357 - \$182,742 \$120,100 \$175,080

6.5 List of Deed Restricted Uses Permitted. The following is a list of uses that are intended to be incentivized within Bonanza Park. These uses shall be deed restricted to run with the land for a minimum of 25 years. However, uses may be changed between different deed restricted uses permitted in this list, as amended.

Table 6.5 List of Deed Restricted Uses Permitted

Deed Restricted Uses	Definition
Accredited Educational Facility	Shall be any building, structure, improvement, or site, to be used for or in connection with the conduct or operation of an educational institution, including but not limited to, classrooms and other instructional facilities, laboratories, research facilities, libraries, study facilities, administrative and office facilities, museums, gymnasiums, campus walks, drives and site improvements, dormitories and other suitable living quarters or accommodations, dining halls and other food service and preparation facilities, student services or activity facilities, physical education, athletic and recreational facilities, theatres, auditoriums, assembly and exhibition halls, greenhouses, agricultural buildings and facilities, parking, storage and maintenance facilities, infirmary, hospital, medical, and health facilities, continuing education facilities, communications, fire prevention, and fire fighting facilities, and any one, or any combination of the foregoing, whether or not comprising part of one building, structure, or facility. Such an educational institution should be accredited by the respective state or federal agency that is responsible for rating such institutions.
Business Incubator Space	Shall be any space that is dedicated to programs designed to support the successful development of entrepreneurial companies or start up businesses through an array of business support resources and services, developed and orchestrated by incubator management and offered both in the incubator and through its network of contacts. It shall also include shared common space including technology such as copiers, computers, meeting rooms, etc.
Child Care Facility	(City definition)
Community Cultural Center	Shall be a meeting place used by members of the community for civic, social, cultural, and/or recreational purposes. Such a center may be programmed to accommodate the needs of specific groups such as senior citizens, moms and tots, and ethnic groups, etc.
Innovation Center	Shall be designated area or building that introduces new businesses or areas of technology to their respective local markets. These areas often become centers oriented around design, media, and creative firms.
Live/Work Space	Shall be a space within a building that includes residential area and work area. The two may be accessible through the same unit or separated but within the same building with separate entrances. The living space must also be connected to the work space through a



	deed restriction.
Local Non-Profit Space	Shall be a space that houses the operations or office of any local non-profit entity. It may include a religiously-affiliated non-profit entity.
Think Tank	Shall be an institute, corporation, or entity organized for interdisciplinary research (as in technology, social, economic, or other areas)
Visiting Artist/Creative Studio	Shall be a space with in a building that includes an artist studio or gallery in connection to a residential area. The two may be accessible through the same unit or separate but within the same building with separate entrances. The living space must also be connected to the work space through a deed restriction.

~~67.65~~ In addition to the three (3) Tier options for development incentives, applicants may propose other development outcomes in return for alternative benefits which complement the Community Vision and General Plan. However, such requests may only be approved by the City Council after a recommendation by the Planning Commission. [The criteria for such review and approval shall be the same as the ones listed under Exceptional Civic Design in Section 3.3.](#)

8.0 Street Design Standards

8.1 Street Classification and Connectivity Standards: In order to service both multiple modes of transportation and appropriate development context, streets within the District are classified under three major categories in the BoPa-FBC.

- (a) Street Cross Section: The Street Cross Sections establish standards for ~~the right-of-way~~ [characteristics](#) of the street itself. This includes information on automobile, bicycle, pedestrian, and parking accommodation. It typically addresses the space allocation within the public right-of-way and its emphasis towards one or more modes of transportation.
- (b) Street Type: The Street Type designation establishes the appropriate development context along each street. For the purposes of this FBC, Street Type is classified into the following two categories:
 - i Type "A" Streets – Type "A" Streets are intended to provide the most pedestrian-friendly and contiguous development context. Buildings along Type "A" Streets shall be held to the highest standard of pedestrian-oriented design and few, if any, gaps shall be permitted in the 'Street Wall'. These streets are the main retail, restaurant, entertainment streets or are important neighborhood connectors as identified in the Regulating Plan.
 - ii Type "B" Streets – Type "B" Streets are also intended to be pedestrian friendly with a mostly contiguous development context; ~~h.~~ However, in some locations, where access to an Alley is not available, Type "B" Streets may need to accommodate driveways, parking, service/utility functions, and loading and unloading. In such cases, Type "B" Streets may balance pedestrian orientation with automobile accommodation. Typically, they shall establish a hybrid development context that has a more pedestrian friendly development context at street intersections and accommodates auto-related functions and surface parking in the middle of the block. Surface parking shall be screened from the roadway with a street wall or living fence. Type "B" Streets are designated in the Regulating Plan.
 - iii Street Connectivity Requirements: In addition to Street Cross Section and Street Type, Streets are also classified by whether they are Primary or Secondary streets to implement the redevelopment vision and are designated as such on the Regulating Plan.



- a. Primary Streets – these are mainly existing, improved, or new streets that are essential to implement the network envisioned in the ~~vision for~~ BoPa street grid. If an incentive is used or the owner chooses to dedicate Right of Way; ~~right of way~~ for Primary Streets, it shall be reserved or dedicated per ~~Chapter 7~~ of the LMC at the time of development or redevelopment
- b. Secondary Streets – these are additional new streets that are important, but have the flexibility to implement the network envisioned in ~~the vision for~~ BoPa street grid. Secondary Streets ~~only~~ indicate the likely locations for new streets and blocks. Secondary Streets may be substituted by pedestrian passages, alleys, or cross-access easements based on the specific redevelopment context.

8.2 Street Cross Section Standards: This section shall establish standards for all elements of the public right-of-~~way~~ including travel lanes, on-street parking, bicycle accommodation, streetscape/parkway standards, and sidewalk standards. Landscaping and streetscaping within and adjacent to the public R-O-W shall be per standards in Section ~~9.10~~. Table ~~78.1~~ shall establish the cross sections for each street type. The cross sections in Section ~~78.3~~ may be adjusted to fit existing contexts with the approval of the City Engineer. In addition, the proposed cross sections may be adjusted to meet the needs of the Fire Code as adopted by the City.

(a) Applicability:

- i. The following cross sections shall apply to new and substantially reconstructed streets within the BoPa-FBC Zoning District only.
- ii. The following cross sections shall also apply when properties are developed or redeveloped under the BoPa-FBC or when existing streets are reconstructed.

Table 78.1

Treatment of ROW	
TRAILS	20' Wide ROW includes
	8' paved Trail
	1.5' stone-dust
INTERIOR BLOCKS	10.5' Landscaping w/Trees, Public Artwork, Interactive displays & Resting Spots
	52' Wide ROW includes
	2-10' Travel lanes
	2 - 8' Parallel on-street parking
INTERIOR BLOCK WITH CYCLE TRACK	2 - 8' Sidewalks
	51' Wide ROW includes:
	2-10' Travel lanes
	1 - 8' Parallel on-street parking
	2 - 6' Sidewalks
	1 - 3' Buffer
INTERSECTION	1 - 8' two lane bike track
	Curb extensions
THE SPUR	Textured Crosswalks
	Street Dining & Vendor Sales encouraged
	1-12' Sidewalk along building façade
	2 - 10' Travel Lanes
	1 - 8' Parallel on-street parking

Comment [JN1]: This table and associated cross sections will all have to be updated for format and consistency with the final recommendations for the street network. This was something staff was going to undertake. We will confirm the final cross sections with Diego and Matt prior to the May 22 meeting.

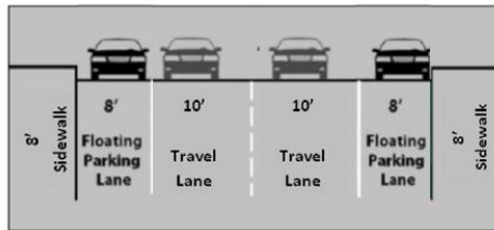
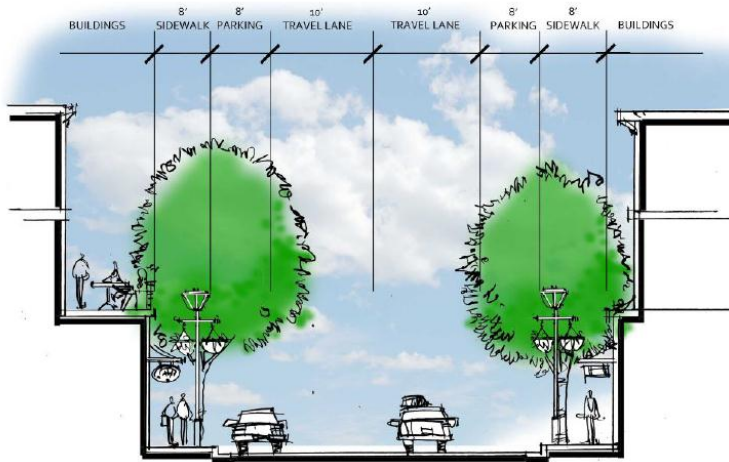
Comment [KC2]: Interior Block with Cycle track has 6' sidewalks. When we get to street furniture in Landscape and Streetscape standards there is a minimum passageway of 6 feet. Should we make an exception for the area within the interior block with cycle track? Also, snow storage.

78.3 Street Cross Sections



INTERIOR BLOCK NO CYCLE TRACK

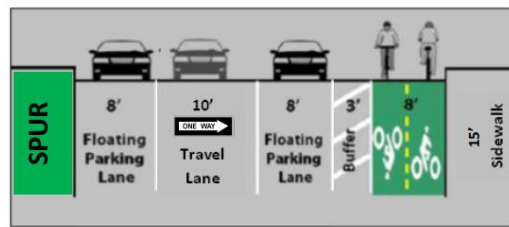
52' ROW



INTERIOR BLOCK WITH CYCLE TRACK

Along rounded edge of spur – One Way Travel Lane

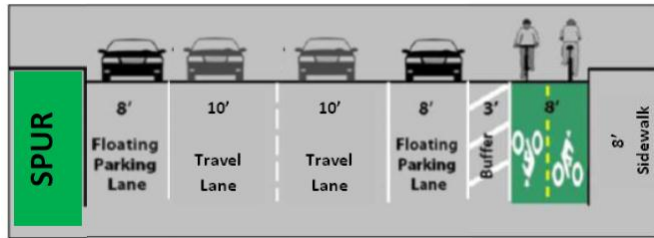
52' ROW



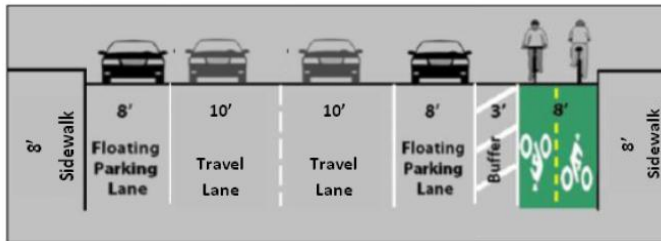
Comment [KC3]: We need to update based on findings of consultant. They recommended changes around the spur. Is this still a one-way road?



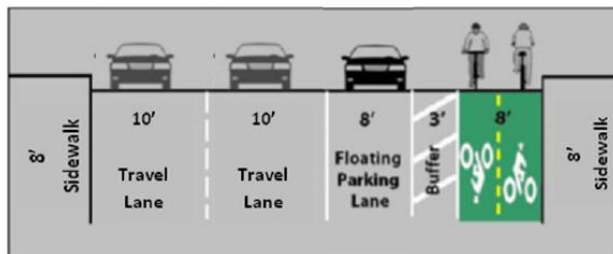
Along straight edge of spur 55' ROW



Roads with Cycle Track and Two sides of floating parking lane. 63' ROW



Cycle track with Single side of floating parking lane 55' ROW



89.0 Open Space and Civic Space Standards

9.1 **Open Space and Civic Space Approach:** The redevelopment vision for Bonanza Park recognizes the importance of providing a network of open spaces that provide a multitude of passive and active recreational opportunities. These opportunities are to be accommodated in a variety of spaces ranging from large-scale facilities to small pocket parks located at key nodes within BoPa. The open space network will be serviced by an interconnected network of trails and paths for pedestrians and bicyclists alike, providing open space amenities for future residents of both Bonanza Park and adjoining neighborhoods. This approach to Open and Civic Space recognizes that in an urban, infill context, unique standards need to be established to provide for quality open and civic spaces that serve both recreational and placemaking goals of the redevelopment vision.

9.2 **Required and Recommended Open/Civic Space Designations:** This section establishes standards for Open Space and Civic Space within the BoPa-FBC Zoning District. Open Space and Civic Space includes Private Common Open Space, Pedestrian Amenities, Public Open Space, and Trail Standards. The Regulating Plan designates several areas for required and recommended Open and Civic Spaces within BoPa. The detailed Open Space and Civic Space Standards for each type are included in this Section. These standards include general character, typical size, frontage requirements, and typical uses.

- (a) Required Civic/Open Spaces are any or all areas shown on the Regulating Plan with specific locations of future Open and Civic Spaces. The only Required Civic/Open Space shown on the Regulating Plan is the Spur Park. This space has been identified on the Regulating Plan due to its significant location within the context of the overall redevelopment of Bonanza Park.
- (b) Recommended Civic/Open Spaces are those areas shown on the Regulating Plan as desirable locations for future Open and Civic Spaces (including environmentally sensitive areas, parks, plazas, greens, and squares). These spaces have been identified on the Regulating Plan in order to communicate the vision for redevelopment within BoPa.

9.3 **Open Space and Civic Space Classification:** For the purposes of this Code, all urban open space shall fall into one of the following ~~three (3)~~ general classes:

- (a) Public Open Space: Open air or unenclosed to semi-unenclosed areas intended for public access and use and are located within the defined urban core of the city. These areas range in size and development and serve to compliment and connect surrounding land uses and code requirements.
- (b) Private Common Open Space: A privately owned outdoor or unenclosed area, located on the ground or on a terrace, deck, porch, or roof, designed and accessible for outdoor gathering, recreation, and landscaping and intended for use by the residents, employees, and/or visitors to the development.
- (c) Private Personal Open Space: A privately owned outdoor or unenclosed area, located on the ground or on a balcony, deck, porch, or terrace and intended solely for use by the individual residents of a condominium or multi-family dwelling unit.

9.4 ~~Minimum Private Common Open Space and Civic Space~~ Requirements:

- (a) ~~All non-residential development shall provide 2.5 sq.ft. of Public Open Space or Private Common Open Space for every 100 sq.ft. of non-residential space or fraction thereof. This standard shall only apply to all site plans 2 acres in size or larger.~~
- ~~(a)(b)~~ Given the infill nature of development within the context of Bonanza Park, all All residential development within the BoPa-FBC Zoning District shall meet the private common open space standards established in this Section. Table 89.1 establishes the private common open space requirement based on the proposed intensity of

residential development. Residential projects with less than 20 dwelling units are not required to provide private common space. When designating Private Common Open Space per the requirements in this Section, priority shall be given to any Required or Recommended Open/Civic Space locations that impact the subject property.

Table 89.1 Private Common Open Space Requirements

Housing Density (dwelling units per acre)	Private Common Open Space Standard Proposed (area of private common space per dwelling unit)
8 – 19 DU / acre	Provide minimum of 160 sf per dwelling unit
20 – 29 DU / acre	Provide minimum of 120 sf per dwelling unit
30 – 39 DU / acre	Provide minimum of 80 sf per dwelling unit
40 and above DU / acre	Provide minimum of 60 sf per dwelling unit

(b)(c) Minimum Private Personal Open Space Requirements: ~~Given the infill nature of development within the context of Bonanza Park, a~~ All residential development within the BoPa-FBC Zoning District shall also meet the private personal open space standards established in this Section. Table 89.2 establishes the private personal open space requirement based on the proposed intensity and type of residential development.

Table 89.2 Private Personal Open Space Requirements

Housing Density (dwellings per acre)	Private Personal Open Space Standard Proposed
Less than 8 DU / acre	No Requirement
8 - 19 DU / acre	Ground floor units: If applicable, all dwelling units shall have a minimum of 100 sf of private personal open space including one of the following: Porch, Stoop, Patio, or Deck Upper floor units: all dwelling units shall have a minimum of 50 sf of private personal open space including one of the following: balcony or roof terrace
20 – 29 DU/acre	Ground floor units: If applicable, all dwelling units shall have one of the following: Porch, Stoop, Patio, or Deck Upper floor units: All dwelling units shall have a Balcony
30-39 DU / acre	Ground floor and podium level dwelling units: If applicable, all units shall include one of the following: Porch, Stoop, Patio, or Deck Upper floor dwelling units: 75% of all upper dwelling units shall have a Balcony.
40 and above DU / acre	Ground floor and podium level dwelling units: If applicable, all exterior facing units shall include one of the following: Porch, Stoop Garden, Patio, or Deck Upper floor dwelling units: 50% of upper units with Balcony.

9.49.5 Open/Civic Space Types: In order to meet the requirements for Private Common and Private Personal and other public space within this Code, the following section shall be used to provide the palette of open space types permitted within Bonanza Park.



(a) Spur Park Standards



The Spur Park is a critical component of the vision for a redeveloped Bonanza Park. It is based on the Park City's history as a mining community ~~with where~~ Bonanza Park ~~being was~~ the primary rail transfer station sending goods into and out of the bustling mining town. The Y-shaped Spur Park based on the remnants of the switching yard located in Bonanza Park provides a unique way to reconnect to the history of the locale.

The Spur Park as envisioned in the Bonanza Park Plan becomes the central anchor for a walkable, urban neighborhood. The park is similar to a Square or a Green in that it is a public urban open space available for civic purposes, commercial activity, unstructured recreation and other passive uses. All buildings adjacent to the Spur Park shall front onto it and activate this space. The Spur Park shall ~~primarily~~ be naturally landscaped with many shaded places to sit. Open lawn areas shall encourage civic gathering. Appropriate paths, civic elements, fountains or open shelters may be included and shall be formally placed within the green. A civic element or small structure such as an open shelter, pergola, stage, or fountain may be provided within the Spur Park.

The area under the Spur Park may be developed as a public parking garage. Future multi-modal connectivity with the rest of town and the ski resorts will be critical to making Bonanza Park an important transit node within the community.

Typical Characteristics

General Character

- Open space
- Spatially defined by street and building frontages and landscaping
- Lawns, trees and shrubs naturally disposed
- Open shelters and paths formally disposed

Location and Size

- 0.25 – 3 acres
- Minimum width – 25'
- Minimum pervious cover – 80%
- Minimum perimeter frontage on public right of way – 60%

Typical Uses

- Unstructured and passive recreation
- Casual seating
- Commercial and civic uses
- No organized sports



(b) Pocket Park Standards



Pocket Parks are small-scale public urban open spaces intended to provide recreational opportunities where (publicly accessible/park) space is limited. Typically, pocket parks should be placed within new areas of high (population) density such as envisioned within the Mixed Use Center.

Pocket parks are to be incorporated into areas ~~of~~ with high population density. They offer recreational opportunities in locations where publicly accessible green space is limited or in areas not served by any other park. Pocket parks may be developed as dog parks, if permitted through a Conditional Use Permit (CUP) by the Planning Commission, et al.

Typical Characteristics

General Character

Small urban open space responding to specific user groups and space available.

Range of character can be for intense use or aesthetic enjoyment. Low maintenance is essential.

Location and Size

Up to 1.99 acres
Within walking distance of either a few blocks or up to a 1/4 mile

Typical Uses

Development varies per user group



(c) **Green Standards**



Comment [PSM4]: In future version, I'd think about calling it something else. Natural landscape may not be green here!

A Green is a public urban open space available for civic purposes, commercial activity, unstructured recreation and other passive uses. Greens shall primarily be naturally landscaped with many shaded places to sit. Open lawn areas shall encourage civic gathering. Appropriate paths, civic elements, fountains or open shelters may be included and shall be formally placed within the green.

A Green shall be adjacent to a public right-of-way and be spatially defined by buildings which shall front onto and activate this space. Best practices toward low water usage shall be utilized.

Typical Characteristics

General Character

Open space
Spatially defined by street and building frontages and landscaping

Lawns, trees and shrubs naturally disposed

Open shelters and paths formally disposed

Location and Size

0.25 – 3 acres
Minimum width – 25'
Minimum pervious cover – 80%
Minimum perimeter frontage on public right of way – 60%

Typical Uses

Unstructured and passive recreation
Casual seating
Commercial and civic uses
No organized sports

(d) Square Standards



A square is a public urban open space available for civic purposes, commercial activity, unstructured recreation and other passive uses. The square should have a more urban, formal character and be defined by the surrounding building frontages and adjacent tree-lined streets. All buildings adjacent to the square shall front onto the square. Adjacent streets shall be lined with appropriately scaled trees that help to define the square.

The landscape shall consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches. Shaded areas for seating should be provided. A civic element or small structure such as an open shelter, pergola, or fountain may be provided within the square.

Typical Characteristics

General Character

- Formal open space
- Spatially defined by buildings and tree-lined streets.
- Open shelters, paths, lawns, and trees formally arranged
- Walkways and plantings at all edges
- Abundant seating opportunities

Location and Size

- 0.25 – 3 acres
- Minimum width – 25'
- Minimum pervious cover – 60%
- Minimum perimeter frontage on public right of way – 60%
- Located at important intersections

Typical Uses

- Unstructured and passive recreation – no organized sports.
- Formal gathering
- Commercial and civic uses

(e) Multi-Use Trail Standards



A multi-use trail is a linear public urban open space that accommodates two or more users on the same, undivided trail. Trail users could include pedestrians, bicyclists, skaters, etc. A trail frequently provides an important place for active recreation and creates a connection to regional paths and biking trails.

Trails within greenways or neighborhood parks shall be naturally disposed with low impact paving materials so there is minimal impact to the existing creek bed and landscape.

The multi-use trail along the center of BoPa extending from the existing rail-trail along the Union Pacific Rail R-O-W will help activate connections between the open spaces within the district and to adjoining neighborhoods.

Typical Characteristics

General Character

Multi-use trail in Neighborhood Park:

Naturally disposed landscape

Low impact paving

Trees lining trail for shade

Appropriately lit for safety

Formally disposed pedestrian furniture, landscaping and lighting

Paved trail with frequent gathering spaces and regular landscaping.

Standards

Min. Width	8 feet (pavement)
------------	----------------------

Typical Uses

Active and passive recreation

Casual seating

(f) Plaza Standards



A plaza is a public urban open space that offers abundant opportunities for civic gathering. Plazas add to the vibrancy of streets within the more urban zones and create formal open spaces available for civic purposes and commercial activity. Building frontages shall define these spaces.

The landscape should have a balance of hardscape and planting. Various types of seating should be provided from planter seat walls, to steps, to benches, to tables, and chairs. Trees should be provided for shade. They should be formally arranged and of appropriate scale. [Introducing water features also adds to plaza.](#) [Daylighting streams or introducing water features would reconnect the urban activity to the natural setting.](#) Plazas typically should be located at the intersection of important streets. A minimum of one public street frontage shall be required for plazas.

Typical Characteristics

General Character

- Formal open space
- A balance of hardscape and planting
- Trees important for shade
- Spatially defined by building frontages

Location and Size

- 0.25 – 3 acres
- Minimum width – 25'
- Minimum pervious cover – 40%
- Minimum perimeter frontage on public right of way – 25%
- Located at important intersections

Typical Uses

- Commercial and civic uses
- Formal and casual seating
- Tables and chairs for outdoor dining
- Retail and food kiosks

(g) **Pocket Plaza Standards**



A pocket plaza is a small scale public urban open space that serves as an impromptu gathering place for civic, social, and commercial purposes. The pocket plaza is designed as a well-defined area of refuge separate from the public sidewalk.

These areas contain a lesser amount of pervious surface than other open space types. Seating areas are required and special features such as public art installations are encouraged.

They should be formally arranged and of appropriate scale. Pocket Plazas typically should be located at angled street intersections or in an area next to the streetscape.

Typical Characteristics

General Character

Formal open space for gathering

Defined seating areas

Refuge from the public sidewalk

Spatially defined by the street and building configuration

Location and Size

Min. 300 s.f. / Max. 900 s.f.

Minimum width – 10'

Minimum pervious cover – 20%

Minimum perimeter frontage on public right of way – 30%

Located at angled street intersections and within building supplemental zones

Typical Uses

Civic and commercial uses

Formal and casual seating



(h) Pedestrian Passage (Paseo) Standards



Pedestrian passages or paseos are linear public urban open spaces that connect one street to another at through-block locations. Pedestrian passages create intimate linkages through buildings at designated locations. These wide pathways provide direct pedestrian access to residential or other commercial addresses and create unique spaces ~~that offer opportunities for store/shop frontages and entrances. for frontages to engage and enter off of.~~ Pedestrian passages allow for social and commercial activity to spill into the public realm (e.g. outdoor dining).

Pedestrian passages should consist of a hardscape pathway with pervious pavers activated by frequent entries and exterior stairways. The edges may simply be landscaped with minimal planting and potted plants. Sunlight is important to the interiors of blocks.

Typical Characteristics

General Character

- Hardscape pathway with pervious pavers
- Defined by building frontages
- Frequent side entries and frontages
- Shade important
- Minimal planting and potted plants
- Maintain the character of surrounding buildings

Standards

Min. Width	12 feet
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Typical Uses

- Pedestrian connection and access
- Casual seating

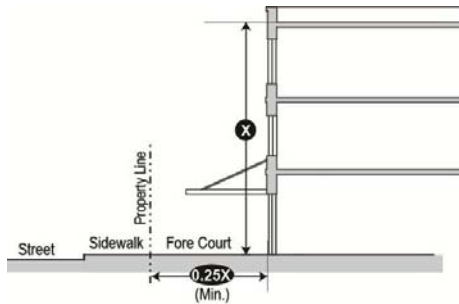
(i) Forecourt Standards



A forecourt is a small scale private common open space surrounded on at least two sides by buildings. A forecourt is typically a building entry providing a transition space from the sidewalk to the building. The character serves as a visual announcement of the building to visitors with additional amenities such as signage, water features, seating, planting, etc.

Forecourts should be laid out proportionate to building height with a 1:4 (min.) ratio. In order to offset the impact of taller buildings, the detail of the forecourt level should seek to bring down the relative scale of the space with shade elements, trees, etc.

The hardscape may primarily accommodate circulation such as a porte-cochere. Seating and shade may be important for visitors. Trees and plantings are critical to create a minimum of 30% pervious cover and offset the effect of the urban heat island.



Typical Characteristics

General Character

- Small scale private common open space
- Defined by buildings on at least 2 sides with connection to public sidewalk
- Size of court should be proportionate to building height
- Hardscape should accommodate entry circulation
- Trees and plants are critical
- Enhance the character of surrounding buildings

Standards

- Min. Width: 25' or 50% of building width, whichever is smaller.
- Minimum Size: Depth: Based on building height ratio; Width: min. of 50% of the building's frontage along that street
- Minimum pervious cover – 30%

Typical Uses

- Building Entry Circulation
- Visual building announcement

(i) **Courtyard Standards**



Courtyards are small scale private common open spaces surrounded on at least three sides by buildings with a pedestrian connection to a public sidewalk. Courtyards maintain the character and style of the surrounding buildings.

Courtyards should be laid out proportionately to building height between 1:1 and 2:1 ratio. In order to offset the impact of taller buildings, the detail of the courtyard level should seek to bring down the relative scale of the space with shade elements, trees, etc. Transition areas should be set up between the building face and the center of the court.

The hardscape should accommodate circulation, gathering, seating, and shade. Trees and plantings are critical to create a minimum of 30% pervious cover and offset the effect of the urban heat island.

Typical Characteristics

General Character

Small scale private common open space
Defined by buildings on at least 3 sides with connection to public sidewalk

Size of court should be proportionate to building height

Hardscape should accommodate circulation, gathering, and seating.

Trees and plants are critical

Maintain the character of surrounding buildings

Standards

Min. Width	25'
Minimum Size	650 s.f.
Minimum pervious cover	30%

Typical Uses

Gathering
Casual seating

(k) **Roof Terrace Standards**



A Roof Terrace is a private common open space serving as a gathering space for tenants and residents that might not be ~~at-grade~~ located on the same level.

Up to 50% of the required private common open space may be located on a roof if at least 50 % of the roof terrace is designed as a Vegetated or Green Roof. A Vegetated or Green ~~R~~roof is defined as an assembly or system over occupied space that supports an area of planted beds, built up on a waterproofed surface.

Private common open space on a roof ~~must~~ may be screened from the view of the adjacent property, if desired/required. The hardscape should accommodate circulation, gathering, seating, and shade.

Typical Characteristics

General Character

Small scale private common open space on roof top

Screened from view of adjacent property

Vegetated portion critical

Hardscape should accommodate gathering, seating, shade

Provides common open space that might not be available at grade

Standards

Min. Area 25% of the any roof top

Planted area – 50%

Typical Uses

Gathering for tenants and residents

Green Roof

(l) **Balcony Standards**



A Balcony is a private personal open space ~~servicing-as-providing~~ access to light and air above the ground level. Metal or slab balconies may project out from the building face, be semi-recessed, or completely recessed. Balconies must be surrounded by guard rails or a building face. A balcony typically has French or sliding glass doors leading out onto it and can be entered from a living room or bedroom.

Balconies may be wide enough to accommodate a small table and chairs or simply provide an area for standing and/or placing potted plants. Balconies provide an outdoor area for individual personalization.

Typical Characteristics

General Character

Small scale private personal open space on roof top

Protected by guardrails or building face

Provides opportunity for personalization of outdoor space

Standards

Min. Width 5' x 8'

Minimum Size 40 s.f.

Typical Uses

Private access to light and air



(m) **Patio/Deck Standards**



A Patio or Deck is a private personal open space on the ground level serving as a place for individual, family, and guest gathering. The patio or deck has a clear sense of separation from adjacent dwelling units and from the private common open space or from the streetscape.

A patio or deck ~~has~~ may have an area for outdoor dining and recreation and either plantings at grade (patio) or potted plants (deck). Patios or decks provide private outdoor areas for individual personalization.

Typical Characteristics

General Character

Small scale private personal open space at ground level

Separated from adjacent units and from the private common open space or from the streetscape

Provides opportunity for personalization of outdoor space

Standards

Min. Width	12'
Minimum Size	150 s.f.

Typical Uses

Private outdoor dining and living

Comment [KC5]: Is this a requirement or guidance?

(n) Stoop Garden Standard



A Stoop Garden is a private personal open space which provides a direct pedestrian connection from the entry door to the dwelling to the public streetscape. The elements of a Stoop Garden include the building stoop, the built area directly outside of the dwelling unit. A Stoop Garden serves as an important transition from a multifamily structure which is set close to the street and sidewalk. The Stoop Garden uses a gradual elevation in planting, railings, planters, and other landscape elements to provide a sense of human scale for pedestrians. These elements also provide residents a sense of defensible space and privacy for dwelling units with very little distance from passing pedestrians.

A stoop typically has a grade separation from the adjacent sidewalk or roadway pavement. Low walls, railings, and shrubs help to create an open, yet defined sense of semi-private space. Walls, fences and other elements should be limited in height to no more than (4) four feet above the building elevation.

Typical Characteristics

Small scale entry transition from public streetscape to private residences within short setback area.

Semi-private landscape between entry stoop and sidewalk are designed as gradually elevated planting

Grade separation of not less than 12"; typically elevated, but can be recessed

Railings, planters, and low walls help to define semi-private zone between private stoop area and the public streetscape

Standards

Min. Width: the length of the unit frontage

Min. Depth: 5 ft planting / 5 ft stoop

Typical Uses

Street level entry and outdoor living



910.0 Landscape and Streetscape Standards

109.1 Street Trees and Streetscape:

- i. Street trees shall be required on all Bonanza Park streets (except in alleys).
- ii. Street trees shall be planted approximately three (3) feet behind the curb line.
- iii. Spacing shall be an average of forty (40) feet on center (measured per block face) along all streets.
- iv. The minimum caliper size for each tree shall be 3 in. and shall be a minimum of 12 feet in height at planting. Each tree shall be planted in a planting area no less than 24 sq. feet.
- v. Species shall be selected from the Planting List in ___ of the LMC available in the Planning Department.
- vi. Maintenance of all landscape materials shall meet the requirements of Title 14 of the Municipal Code. ___ of the LMC.
- vii. The Area between the building facade and property line or edge of existing sidewalk along Type "A" Streets shall be such that the sidewalk width shall be a minimum of 6' with the remainder of the setback area paved flush with the public sidewalk. Sidewalk cafes, landscaping within tree-wells or planters may be incorporated within this area.

Comment [KC6]: Please create an image for this requirement. Also, planting area should require a depth. Think in terms of cubic feet. (Thomas) Also, require soil and prohibit road base.

109.2 Street Screen Required: Any frontage along all Type "A" and Type "B" Streets not defined by a building or civic space at the front of the BTZ shall be defined by a 4-foot high Street Screen. Furthermore, along all streets (except alleys) service areas shall be defined by a Street Screen that is at least as high as the service equipment being screened. Required Street Screens shall be comprised of one of the following:

- i. The same building material as the principal structure on the lot or
- ii. A living screen composed of shrubs planted to be opaque at maturity, or
- iii. A combination of the two.

Species shall be selected from the Planting List in ___ available in the Planning Department of the LMC. The required Street Screen shall be located at the minimum setback line along the corresponding frontage.

910.3 Street Lighting: Pedestrian scale lighting shall be required along all Type "A" and "B" streets in Bonanza Park. The following standards shall apply for pedestrian scale lighting

- i. They Street lighting structures shall be no taller than 20 feet.
- ii. Street lights shall be placed at an average of 75 (50?) 50 feet on center, approximately within three (3) feet behind the curb line.
- iii. The light standard selected shall be compatible with the design of the street and buildings. Street lights shall direct light downward or be properly shielded with 3/4 or fully shielded fixtures to prevent glare and light pollution.
- iv. Lighting on private development (including parking lots) shall meet the standards of ___ Chapter 5 of the LMC as amended.

910.4 Street Furniture:

- i. Trash receptacles shall be required along all Type "A" Streets. A minimum of one each per each block face shall be required.
- ii. Street furniture and pedestrian amenities such as benches are recommended along all Type "A" Streets.
- iii. All street furniture shall be located in such a manner so as to allow a clear sidewalk passageway of a minimum width of 6 feet. Placement of street furniture and fixtures

Comment [KC7]: Interior Block with Cycle track has 6' sidewalks. Should we make an exception for the area within the interior block with cycle track?



- shall be coordinated with ~~organization~~ ~~the design intent for~~ sidewalks, landscaping, street trees, building entries, curb cuts, signage, and other street fixtures.
- iv. Materials selected for paving and street furniture shall be of durable quality and require minimal maintenance.

910.5 Parking Lot Landscaping: All surface parking shall meet the standards for parking lot landscaping in ~~Section~~ ~~Chapter~~ 3 of the LMC.

1011.0 Sustainability Standards (SECTION UNDER DEVELOPMENT)

Comment [KC8]: Please create a check list for LEED ND standards and where each standard is applied in the code.

101.1 Applicability. This section establishes sustainable development techniques to be utilized in Bonanza Park. The following matrix sets minimum requirements for new construction and their relation to the natural environment. The standards set in this section helps the developer or owner to use these techniques to manage stormwater effectively, reduce light pollution, improve the indoor environment, save energy and water, and decrease the life-cycle costs of the development.

Character Zone	Resort Gateway	Neighborhood Shopping	Mixed Use Core	Iron Horse Industrial Arts	Standard
Sustainability Techniques					
Building Orientation and Design					
Ventilation					<ul style="list-style-type: none"> • A minimum of ___% of the windows above street level on a building shall be operable. The operable windows should be distributed to maximize the direction of prevailing winds.
Daylighting					<ul style="list-style-type: none"> • A minimum daylighting factor of ___% shall be provided in ___% of regularly occupied interior areas. • There shall be a direct line of sight to glazing from 90% of all regularly occupied spaces.
Surface Solar Reflectivity					<ul style="list-style-type: none"> • The Solar Reflectivity Index for flat roofs shall be a minimum of ___. • The Solar Reflexivity Index for sloped roofs shall be a minimum of ___. • The Solar Reflexivity Index for pavement shall be a minimum of ___.
Shading					<ul style="list-style-type: none"> • A minimum of ___% South facing windows shall be shaded from the summer sun angle. • Shading devices include, but are not limited to: awnings, porches, roof overhangs, exterior shades, light shelves, or deep windows. • Deep skin screening is permitted upon review of the City Manager or designee.
Energy Systems					<ul style="list-style-type: none"> • The use of wind turbines and solar photovoltaic/solar thermal energy systems is permitted.
Building Orientation					<ul style="list-style-type: none"> •
Public Darkness					
Exterior Building Lighting					<ul style="list-style-type: none"> • Maximum Lighting Standards: <ul style="list-style-type: none"> ○ Full cutoff lighting, ○ Some low wattage, ○ Non-Full Cutoff Lighting, controlled by dimmers, time switch or motion • Required Shielding: Shielded luminaire or better
Stormwater Management					

Table 4011.1

Character Zone	Resort Gateway	Neighborhood Shopping	Mixed Use Core	Iron Horse Industrial Arts	Standard
Sustainability Techniques					
Runoff Retention Volume					<ul style="list-style-type: none"> Runoff volume retention shall be a minimum of 5%. This percentage is the change in runoff volume between post-development impervious surface and pre-development land surface.
General Infiltration Methods					
Hard Surface: Permeable Pavement					<ul style="list-style-type: none"> Where paving is provided, a minimum of 5% shall be permeable paving that allows for water to infiltrate, even in frequently trafficked areas.
Hard Surface: Green Roof	○	○	○	○	<ul style="list-style-type: none"> If a green roof is provided, at least 5% of a building's flat roof shall be designed as a green roof.
Reuse of Rain Water: Reuse Irrigation	○	○	○	○	<ul style="list-style-type: none"> Permitted only for retail, service, or restaurant uses
Reuse of Rain Water: Reuse, Greywater	○	○	○	○	Shall meet other applicable city ordinances with the approval of the Public Works Director
Linear Infiltration: Vegetated Swale	N	N	N	N	
Linear Infiltration: Vegetated Stormwater Planters	○	○	○	○	
Area Infiltration: Rain Garden	○	○	○	○	
Area Infiltration: Retention Basin	N	N	N	N	
District Methods: Retention Areas	○	○	○	○	
District Methods: Underground Gravel Storage	○	○	○	○	

412.0 Definitions

In addition to Definitions in Chapter 15 of the LMC, the following terms shall have the corresponding interpretations.

Arcade: is a portion of the main façade of the building that is at or near the Street-Setback Line and a colonnade supports the upper floors of the building. Arcades are intended for buildings with ground floor commercial or retail uses and the arcade may be one or two stories.

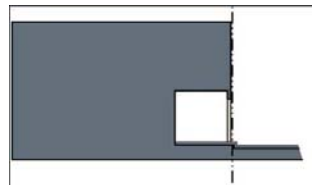


Image of an arcade

Attics/Mezzanines: the interior part of a building contained within a pitched roof structure or a partial story between two main stories of a building.

Auto-Related Sales and Service Uses: are establishments that provide retail sales and services related to automobiles including, but not limited to, cars, tires, batteries, gasoline, etc.

Block Face Dimensions means the linear dimension of a block along one of its street frontages.

Block Perimeter means the aggregate dimension of a block along all of its street frontages.

Block means the aggregate of lots, pedestrian passages and rear alleys, circumscribed on all sides by streets.

Build-to Zone means the area between the minimum and maximum setbacks within which the principal building's front façade (building façade line) is to be located.

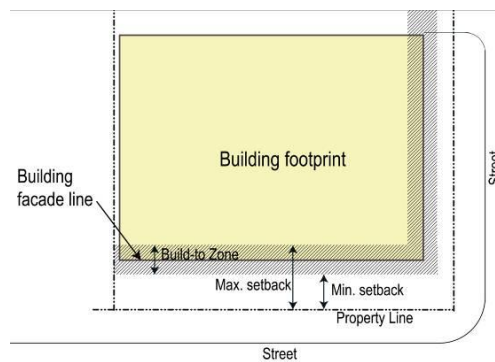
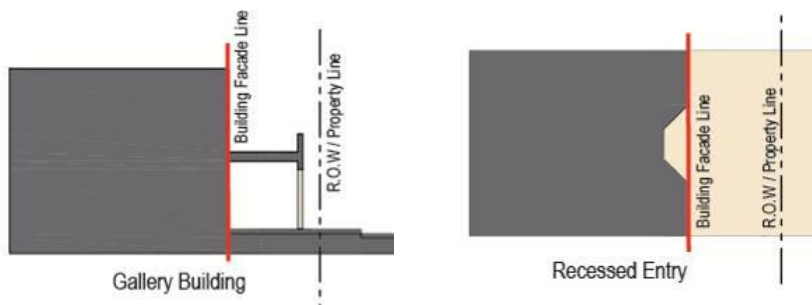
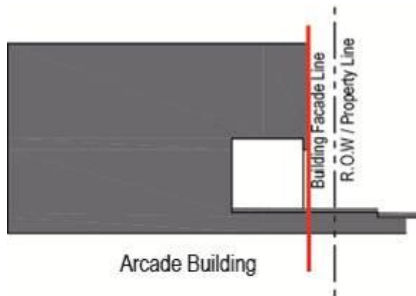


Illustration indicating the location of the build-to zone relative to the minimum and maximum setbacks and the building façade line

Building Façade Line means the vertical plane along a lot where the building's front façade is actually located.





Building Façade Line Illustrations

Building Form Standards: the standards established for each Character Zone that specifies the height, bulk, orientation, and elements for all new construction and redevelopment.

Building Frontage: the percentage of the building's front façade that is required to be located at the front Build-to Line or Zone as a proportion of the lot's width along that public street. Parks, plazas, squares, improved forecourts, and pedestrian breezeway frontages shall be considered as buildings for the calculation of building frontage.

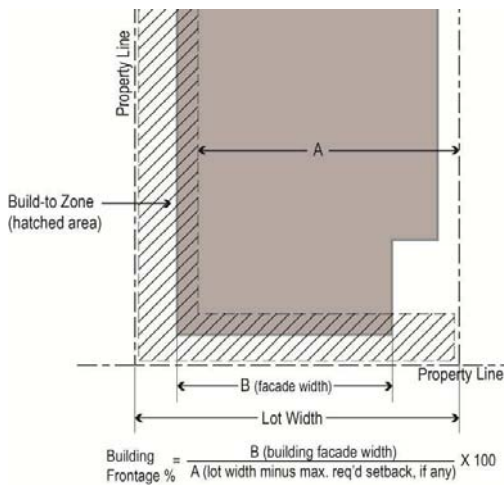


Image showing Building Frontage calculation

Character Zone means an area within the Bonanza Park Form-Based Code District that creates a distinct urban form different from other areas within the BoPa FBC District. Character Zones are identified in the Regulating Plan.

Civic/Open Space: a publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, pocket parks, playgrounds, etc. They may be privately or publicly owned.

Commercial or Mixed Use Building means a building in which the ground floor of the building is built to commercial ready standards and any of the floors are occupied by non-residential or residential uses.

Daylighting: Daylighting in a building is the utilization of available sunlight by manipulating window placement, window fixtures, and room dimensions to maximize natural light in a space.

Using daylighting minimizes the need for lamps and overhead lights and the energy required to power artificial lighting.

Encroachment: any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony, that breaks the plane of a vertical or horizontal regulatory limit, extending into a Setback, into the Public R-O-W, or above a height limit.

Gallery: is an extension of the main façade of the building that is at or near the front property line and the gallery may overlap the public sidewalk.

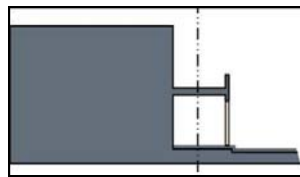


Image of a Gallery

Improvements: Improvements include anything that increases the dollar value or the usefulness of the property as defined by the Appraisal District. Such improvements include extension of utility service lines, filling or draining low areas, building raised areas, creating roads, parking lots and other access as well as erecting buildings, outbuildings and other fixed, permanent structures.

Institutional Uses: are uses that are related to non-profit organizations dedicated to religious or social functions.

Liner Building: A building that conceals a parking structure, surface parking lot, a big box retail or other large floor plate building, and is of a minimum of 30' in depth designed for occupancy by retail, service, and/or office uses on the ground floor, and flexible uses on the upper floors.

Live-Work Unit: means a mixed use building type with a dwelling unit that is also used for work purposes, provided that the 'work' component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level and constructed as separate units under a condominium regime or as a single unit. The 'work' component is usually located on the ground floor which is built to Commercial Ready standards. The 'live' component may be located on the street level (behind the work component) or any other level of the building. Live-work unit is distinguished from a home occupation otherwise defined by this ordinance in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises and customers may be served on site.

Living Fence: shall be a Street Screen composed of landscaping in the form of vegetation.

Minor Modification means a requested deviation from BoPa FBC standards specified in the Minor Modifications provision of Section 4 Administration.

New Development: shall be all development that substantially modified or built after the adoption of this Code.

Regulating Plan: is a Zoning Map that shows the Character Zones, Street Types, Frontage Types, Civic Spaces, and other requirements applicable to the Bonanza Park Form-Based Code District subject to the standards in this Code.

Retail Sales: Retail establishments are the final step in the distribution of merchandise. They are organized to sell in small quantities to many customers. Establishments in stores operate as fixed point-of-sale locations, which are designed to attract walk-in customers. Retail establishments often have displays of merchandise and sell to the general public for personal or household consumption, though they may also serve businesses and institutions. Some establishments may further provide after-sales services, such as repair and installation. Included in, but not limited to this category, are durable consumer goods sales and service, consumer goods, other grocery, food, specialty food, beverage, dairy, etc, and health and personal services.

Residential Building means a building type that is built to accommodate only residential uses on all floors of the building such as townhomes, apartment buildings, duplexes, etc.

Service Uses: This is a category for limited personal service establishments which offer a range of personal services that include (but not limited to) clothing alterations, shoe repair, dry cleaners, laundry, health and beauty spas, tanning and nail salons, hair care, etc.

Street Screen: a freestanding wall or living fence built along the frontage line or in line with the building façade along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.



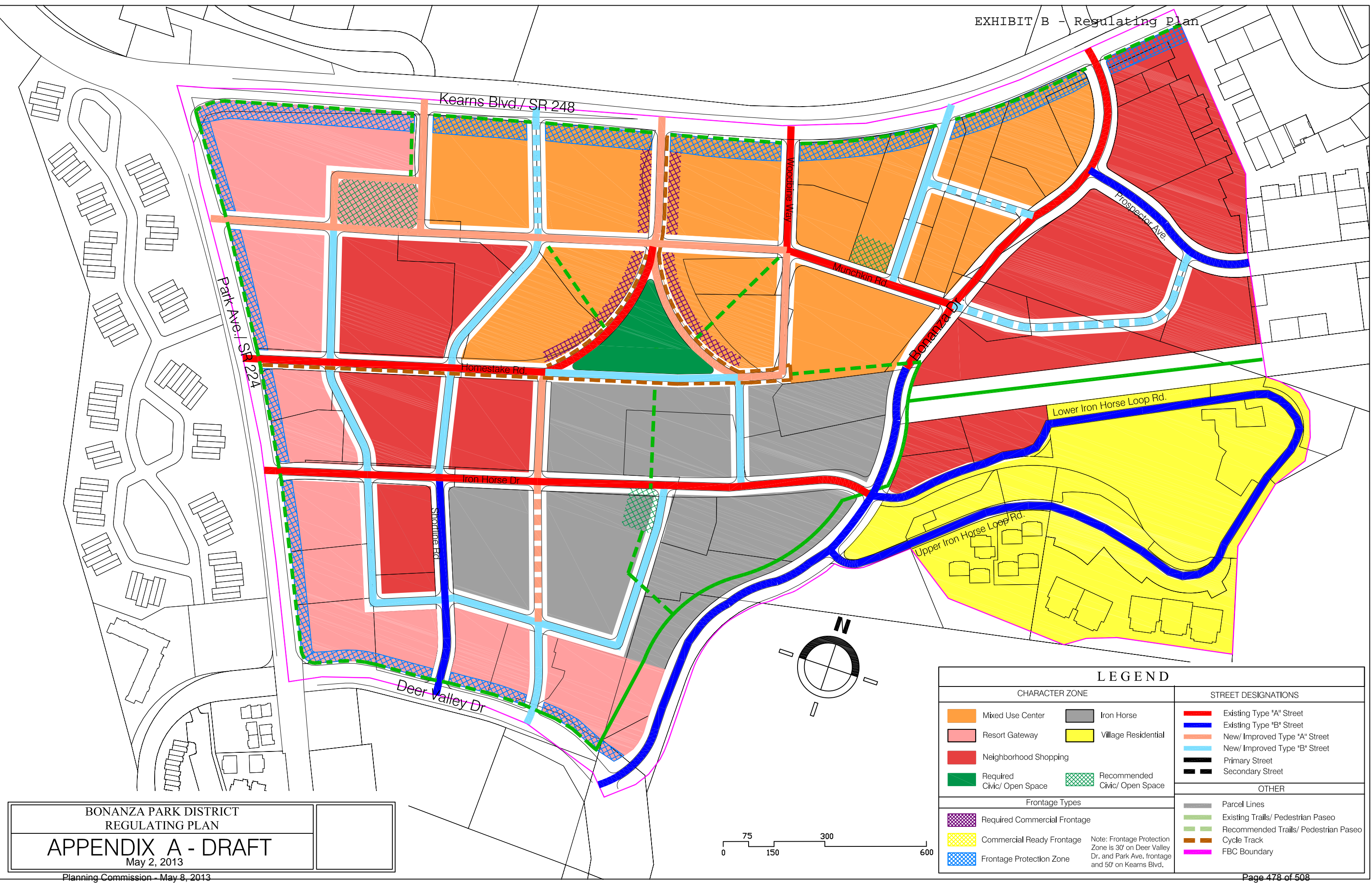
Image of a combination masonry and living street screen

Commercial Frontage Designation means space constructed at a minimum ground floor height as established in each character zone which shall NOT be residential, office, or institutional uses.

Cottage Manufacturing uses means small scale assembly and light manufacturing of commodities (incl. electronics) fully enclosed within the building without producing any noise, noxious odors, gas, or other pollutants. This category shall include workshops and studios for cottage industries such as pottery, glass-blowing, metal working, screen printing, weaving, etc.

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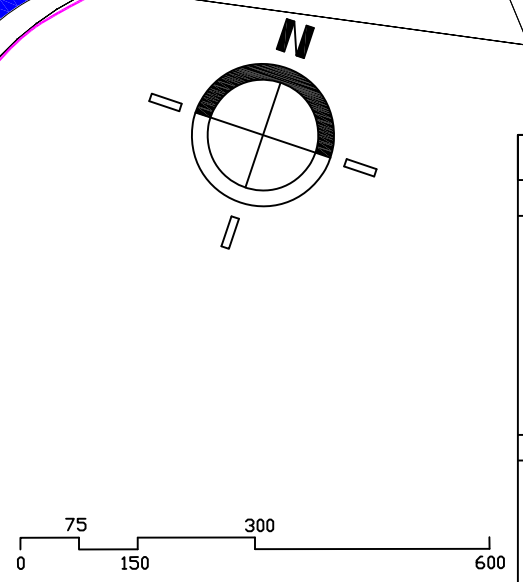
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BONANZA PARK DISTRICT
 REGULATING PLAN
APPENDIX A - DRAFT
 May 2, 2013

CHARACTER ZONE		STREET DESIGNATIONS	
Mixed Use Center	Iron Horse	Existing Type "A" Street	Existing Type "B" Street
Resort Gateway	Village Residential	New/ Improved Type "A" Street	New/ Improved Type "B" Street
Neighborhood Shopping	Required Civic/ Open Space	Primary Street	Secondary Street
Required Civic/ Open Space	Recommended Civic/ Open Space	OTHER	
Frontage Types		Parcel Lines	Existing Trails/ Pedestrian Paseo
Required Commercial Frontage	Commercial Ready Frontage	Recommended Trails/ Pedestrian Paseo	Cycle Track
Frontage Protection Zone	Frontage Protection Zone	FBC Boundary	

Note: Frontage Protection Zone is 30' on Deer Valley Dr. and Park Ave. frontage and 50' on Kearns Blvd.



**PLANNING COMMISSION/CITY COUNCIL
JOINT MEETING
October 24, 2012**

Planning Commission: Jack Thomas, Brooke Hontz, Stewart Gross, Mick Savage, Adam Strachan, Charlie Wintzer. Nann Worel arrived later in the meeting.

City Council Members: Dana Williams, Alex Butwinski, Dick Peek, Liza Simpson, Andy Beerman. Cindy Matsumoto was excused.

Ex Officio: Thomas Eddington, Planning Director; Katie Cattan, Planner

Vice-Chair Jack Thomas called the meeting to order at 5:15 p.m.

Planning Commission business was conducted prior to the presentation and discussion regarding Form Based Code for the Bonanza Park District.

ADOPTION OF PLANNING COMMISSION MINUTES – October 10, 2012

MOTION: Commissioner Savage moved to ADOPT the minutes of October 10, 2012. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously by all Planning Commissioners present.

STAFF AND COMMISSIONER COMMUNICATIONS/DISCLOSURES

Commissioner Wintzer disclosed that he owns property in the Park Bonanza area. If any part of the discussion relates to the Power Station issue he would recuse himself from that discussion.

PUBLIC INPUT

Jim Tedford, representing a group known as "Preserve Historic Main Street" commented on the proposed Kimball Arts Center Addition. Mr. Tedford read a letter he had prepared outlining other options for the Kimball Arts Center to consider since the current proposal would not meet the height requirements of the HRC zone and the Land Manage Code, as well as the Design Guidelines for Historic Site. Other options could include; 1) use of the vacant land and the additional 1500 sf parking area that could yield 600 sf of additional space. He noted that the adjoining property, the Town Lift Condos, has offered to let them use their loading dock. 2) The Kimball Arts Center could build over the present structure; 3) They could develop a new proposal that would comply with the current Code and Design Guidelines; 4) They could sell their property on Heber Avenue and build a totally new structure elsewhere that would not affect Historic Main Street; 5) They could keep part of their program in the present building, sell the vacant land, and build a new facility elsewhere; 6) They could apply for a CUP and Zoning Amendment under the existing LMC; 7) They could apply for a variance to the Board of Adjustment.

Mr. Tedford noted that none of the suggested options would require changing the LMC to allow a Master Planned Development. He believed the whole conversation has zeroed in on a MPD as the only solution to a problem that does not yet exist. Mr. Tedford stated that changing the Land Management Code to possibly accommodate one development seems like bad policy.

CONTINUATIONS – Public Hearing and Continue to date specified.

Land Management Code Amendments – Chapter 1, Chapter 2, Chapter 3, Chapter 4, Chapter 5, Chapter 6, Chapter 7, Chapter 8, Chapter 10, Chapter 11, Chapter 12, and Chapter 15.

Vice-Chair Thomas opened the public hearing. There was no comment. Vice-Chair Thomas closed the public hearing.

VOTE: Commissioner Strachan moved to CONTINUE the Amendments to the Land Management Code, Chapters 1-8, 10-12 and 15 to November 28th, 2012. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously by all Planning Commissioners present.

JOINT WORK SESSION WITH CITY COUNCIL

Form Based Code and Traffic Study for the Bonanza Park District.

Planning Director Eddington reported that the Planning Commission and City Council held a joint meeting in January to review a plan for Bonanza Park. During that meeting it was decided that the best way to pursue implementation of the Bonanza Park Area Plan was to move forward with Form Based Code. The City hired a consultant, Gateway Planning from Dallas, who has been working with the Staff since April. Representatives from Gateway Planning were in attendance this evening to present the draft Form Based Code.

Director Eddington stated that the Staff has worked with Gateway Planning on a number of iterations and tweaking the draft plan. The objective this evening is to give the Planning Commission and the City Council an overview of Form Based Code, and to allow the opportunity for input and questions.

Director Eddington introduced Scott Polikov and Jay Narayana from Gateway Planning, and Diego Carroll with Parsons Brinckerhoff, the sub-consultant for the transportation component of the proposal. Mr. Diego was working with Gateway Planning to make sure the street network functions properly with regard to grid patterns and connections to SR248 and SR224, as well as to tweak internal streets and intersections.

Director Eddington noted that Bonanza Park is a 100 acre area that the City is looking to overlay a form based code. The City was looking at re-development, mixed-use opportunities and new street patterns to create mixed-use neighborhoods for the area. The discussion this evening was primarily focused on Form Based Code. Rocky Mountain Power issues would not be addressed this evening.

Mr. Polikov explained the format of the presentation. The first part would introduce Form Based Code and what it is. The second part would talk about the iteration of the original plan and the proposed revision to that plan, and why the revisions were recommended. Transportation issues would also be discussed as an important component of the 5 million square feet of development in

Park City. It is significantly more development than what is on the ground today and in an area that is constrained by limited access. Mr. Polikov would also show graphic examples to explain how Form Based Code actually works.

Mr. Polikov stated that Form Based Code is not necessarily abandoning the use base structure, but instead of use being the primary focus, the form of the neighborhood becomes the primary focus. That involves looking at how the streets are designed in terms of function, sidewalks relative to the frontages of buildings, how the buildings sit on the lot, and how they form public spaces. Mr. Polikov remarked that Form Based Code is a modern application of the way Main Street was originally conceived and implemented.

Mr. Polikov remarked that Gateway Planning was proposing a new zoning ordinance that focuses on the characteristics of the vision plan that the City has been working on for a couple of years, and translates it into development standards. Regardless of who owns the property or the inside of the building, there is predictability as to what it would look like, how it would function and how it would feel. In the Form Based approach, development is the most important but they still regulate use. The difference is that use is not the primary regulation as it is in conventional zoning.

Mr. Polikov presented a slide of a Form Based Code that was developed for the resort community of Padre Island. Instead of mountains it had the bay and the Gulf of Mexico. However, like Park City the property values were high, it has a seasonal population, and a need for affordable housing. The question was how to translate all of that into a design context that could help form the basis for a way to rationalize and include the policy goals in the basic zoning decision. Mr. Polikov explained how they went through a process of developing a master plan and developing the code itself. He pointed out that currently Bonanzas Park is a mismatch on two levels. One is that the property is worth a lot. The question was whether they were creating an environment in which they could get a rent structure for development that would justify the expenditure of investing in a development context that matches the cost of doing that development. On the other hand, in looking at what Charlie and Mary Wintzer have done in the Iron Horse Corridor, it is important to preserve small business and not price people out. Part of the goal is to make sure they do not create a series of unintended consequences like they do in typical conventional zoning.

Mr. Polikov believed Park City has done a good job keeping the national franchise building out, but they still have entitled buildings based on what they are. When that building is no longer viable, it is stuck because it was designed to be a specific use. Form Based Code creates an environment where the building form over time can evolve in its use and it can easily re-invent itself. It shifts to the market when the market does well, and it gives the City the opportunity to determine what they want over the next ten to twenty years as Bonanza Park builds out in terms of the essential design characteristics, public spaces and how the different parts relate to each other. Mr. Polikov pointed out that currently there is no relationship in Bonanza Park. The City had already tackled the issues, but conventional zoning was a mismatch for the Bonanza Park area.

On the question of why the community would want a Form Based Code for this particular project, Mr. Polikov stated that it promotes community ownership of the public realm. It goes back to what used to be a successful coordinated effort by the public and private sectors to activate great public spaces. Conventional zoning is a really bad match for figuring out great public spaces. Secondly,

Form Based Code gives more predictability to the development community because they have a better idea of what is expected. Therefore, they have a better idea of what their proforma structure should look like, and what kind of conversation they need to have with the equity partners and the banks. Form Based Code also catalyzes changes that the City wants. Mr. Polikov stated that Form Based Code is less subjective in terms of design considerations. The Planning Commission and City Council will always have to make some interpretation in discussions with the applicant and the neighborhood, but there is a visual or graphic vocabulary that makes that conversation more meaningful.

Mr. Polikov stated that a mix of uses by right goes back to the point that no one knows what the demands will be in the 100 acres of Bonanza Park. It is a very limited opportunity for redevelopment. They do know there will be a demand for all types of housing and more neighborhoods serving retail; but it is impossible to know what type of retail to expect in the next three or four years. This is the opportunity for the owners in Bonanza Park to function separately; and at the same time the code binds them together. The power of Form Based Code is the benefit of a master development without having to have single ownership.

Mr. Polikov provided an example of Roanoke, Texas which is a small community north of Fort Worth, Texas where Form Based Code was applied. It is not a resort community but he believed it was very similar to Park City and the Bonanza Park area. He presented a slide of what Oak Street looked like when they first started the project in 2006, and another slide after it was re-developed showing how it had transformed in six short years. Mr. Polikov pointed out that Form Based Code does not force anyone out of business or require anyone to abandon their current use in their current building. The Code was drafted to allow the existing basic use with potential improvements within a range under Park City's non-conforming building provision.

Mr. Polikov explained the planning process and the drivers they looked for when they drafted a Form Based Code for Bonanza Park.

Referring back to Roanoke, Texas, Mr. Polikov pointed out that the transformation was more than just the private sector taking advantage of the Form Based Code. It was also the City deciding to invest some of its funding into the reconstruction of Oak Street. Mr. Polikov remarked that the outcome of Form Based rezoning and creating a de facto master developer environment, as well as the public investment in the infrastructure, is that Oak Street became a community destination. More importantly was the increase in the assessed value of the land in six years. He believed the investment in Oak Street would be paid back in less than ten years.

Unlike most projects in Park City where there is a single owner and single developer, Mr. Polikov encouraged a conversation regarding the public role in investing in the infrastructure to activate re-development. He pointed out that in addition to being an aesthetic strategy, Form Based is also an economic strategy for how the public and private sectors can partner on mutual investments that generate positive returns for both sectors, and at the same time generates an outcome that benefits the community.

Mayor Williams referred to the before and after slides of Oak Street and the municipal funding. He

asked what was done with the power company. Mr. Polikov replied that consideration was given to burying the lines; however, they were able to work with the utility company to move the power lines to an alley behind the commercial corridor. He noted that burying the lines would have tripled the cost. If they had not figured out a way to move the power poles it would have presented a challenge in terms of pedestrian experience, ADA compliance, street frontage, etc. Commissioner Thomas asked about the before and after width of the street. Mr. Polikov replied that the street was narrowed curb to curb to slow down traffic. He noted that slower cars move more effectively in a confined area.

Council Member Peek asked why the grade had changed on the left side of the street. Mr. Polikov replied that it was due to drainage issues. Council Member Peek clarified that the grade of the road was dropped as opposed to raising the left side. Mr. Polikov replied that this was correct. He explained that there was also an issue with the natural grade that had to be resolved. Mr. Polikov believed they would experience the same issues in Bonanza Park.

Director Eddington presented slides that addressed the input received from the stakeholders. Gateway Planning came to Park City in April and May and had a number of meetings with stakeholders, neighbors, and others in the community to hear their input on the draft plan that the City Council and Planning Commission saw in January. The stakeholders provided significant input and talked about coordination, affordable housing, tweaking some of the areas where there were potential future road networks, and the size of the Spur Park.

Director Eddington presented a slide of the original Bonanza Park plan from January and explained how they tweaked the plan to come up with different alternatives. He reviewed the elements of three alternatives that were selected based on their important components. Director Eddington noted that the idea of boulevards had initial support, but after a few days of stakeholder discussion the idea was abandoned because it was questionable whether it could be safely utilized as open space. The discussion focused back to the Spur and pocket parts.

Director Eddington presented a slide showing the current concept. He reviewed the network utilized for the character zones, as well as the network that Parsons Brinckerhoff analyzed regarding transportation.

Planner Katie Cattan stated that when the Staff presented different ideas to the Stakeholders, there was definite support for keeping the Spur Park in a central location. Director Eddington clarified that right-of-way issues were tweaked and they also made sure that some of the roads line up better on bifurcating property lines so everyone would have an equal "give-get".

Diego Carroll addressed the transportation strategy for the most current plan. He indicated a five-leg intersection on each side of the Spur that was eliminated when the plan was revised. He pointed out that there was significant input from both Parsons Brinckerhoff and from Matt Rifkin and his group at InterPlan.

Mr. Carroll reviewed a slide showing the existing street network, and noted that it works well for cars but not for pedestrians. There were also issues related to access management for UDOT standards

on SR224 and SR248. Mr. Carroll presented a slide showing the currently proposed network. He emphasized the amount of additional connectivity provided in the new plan as opposed to the connectivity provided in the existing street network. It allows traffic to be dispersed into multiple streets and then access SR224 and SR248 at multiple points. Mr. Carroll pointed out that the connectivity also provides advantage for walking trips and it is also attractive for transit and cycling.

Going back to access management, Mr. Carroll stated that the proposed network provides a more favorable approach to managing access. Curb cuts and driveways were eliminated along SR224 and 248 and replaced with streets.

Mr. Carroll presented a slide showing the recommendations from the SR224 study that was done by Fehr and Peers for Park City. He noted that the study is consistent and fits well with the Parsons Brinckerhoff plan for Bonanza Park. Only a few minor differences need to be calibrated between the two studies.

Mr. Carroll highlighted a few of the recommendations that resulted from coordinated discussions between the Planning Staff, Parsons Brinckerhoff and InterPlan. The primary recommendations were 1) connect Homestake to Bonanza; 2) tighten the intersections at the Spur; 3) recommendations related to parking. Mr. Carroll stated that having a strong parking management plan in place was critical to making the network work efficiently. His recommendation would be to implement parking policies that allow visitors or residents to park once, to encourage park share, and to take advantage of on-street parking.

Mr. Carroll stated the recommendations for transit improvements came specifically from InterPlan. It is important to have a transit plan be in place right away because it is critical to making the network function.

Mayor Williams asked if the consideration of the aerial transit park was the idea of Parsons Brinckerhoff or whether it was based on other input. Mr. Carroll replied that Parsons Brinckerhoff benefitted from InterPlan and Matt Rifkin's involvement and previous work on the transportation master plan as one option.

Director Eddington explained that InterPlan looked at potential opportunities if the area developed as residential, as a way to provide easy access for employees. The other opportunity considered was that the Resort Gateway Character zone that wraps around SR224 would continue to be resort base with easy access to PCMR. Another opportunity was to create a central parking location for visitors in the area. Director Eddington noted that the biggest challenge currently was with PCMR, Empire Avenue and SR224. The thinking was that if they plan for a future transit center that would benefit the area, why not tie an aerial to bus or any other kind of transit in the area.

Mr. Polikov noted that they were talking about 500 million square feet of development at build out and the need to seek access permits or work with UDOT for future long-term coordination in terms of perimeter roadways. The only way to get the UDOT engineers to sign off on such an intensification of this area is to do a combination of reducing the exterior curb cuts, increasing the cross access to move within Bonanza Park, and have a long-term transit environment. Mr. Polikov

stated that if rail eventually comes to Park City, it is better to discuss the implications now. It was not too early to begin talking about shared parking, parking management, transit and how it all works together. Mr. Polikov stated that in addition to rezoning through the proposed Form Based Code, two questions needed to be addressed. The first is determining the public investment to match the private investment; and the second are the policy issues that must be dealt with in parallel that will make this feasible in terms of long term transportation policies.

Mr. Polikov requested feedback on the proposed regulating plan. He recognized that the Council Members and Commissioners had not had sufficient time to review the information and he did not expect them to be familiar with the details of the proposed code. The objective this evening was to present an overview and give them a few weeks to absorb it, so when they meet with the Planning Commission they would have a better working knowledge of the details.

Mr. Polikov stated that they started with seven or eight character zones and decided on four; 1) the mixed use center; 2) the resort gateway; 3) neighborhood shopping and 4) the Iron Horse Industrial Arts Corridor. He noted that an adopted regulating plan is the pathway to which development standards apply to which area. Each of the four character zones will have their own set of design standards. The intent is for different parts of Bonanza Park to have a different feel and function.

Mr. Polikov presented images that they agreed would be the manifestation for kinds of development that could occur under the proposed development standards four character zones. Mr. Polikov stated that another purpose of the regulating plan is to key the different street types necessary to compliment the different characteristics. Red identified the existing Type A streets, which are the more pedestrian oriented streets. Blue identified the existing Type B streets, which are service area streets. It is unrealistic for every street to be Type A, and other types of area activity need to be accommodated. Priority streets, primary streets, and secondary streets were also part of the system, which was more for the purpose of prioritization of the investment moving forward.

Jay Narayana commented on how to use Form Based Code in a hypothetical situation. For example, identifying a specific piece of property on the regulating plan. In the hypothetical example they were looking at property on the Spur. After the property has been identified, the second step is to identify the character zone. The next thing is to consider whether a public space element is required and to look at ski designations on all frontages. If the property is adjacent to any streets, each character zone has a requirement under the code regarding a specific standard.

Ms. Narayana stated that the meat of the standards would be in the building form and development standards for each of the zones. Height, building frontage and parking requirements would be regulated in the development standards. Ms. Narayana stated that the building form standards establish the envelope and the skeleton. The next section, which is building design, would be how to wrap that skeleton. They have been working with Staff to strengthen that section with more images to show some of the elements that would be addressed. Ms. Narayana remarked that the street design section ties the design of the streets to the design of the buildings. The next thing is to look at open space standards and open space types. She noted that the proposed code has standards for private/common open space because Bonanza Park is an urban redevelopment where public and private open spaces work with each. Mr. Polikov clarified that this pertained to balconies, courtyards and similar elements.

Ms. Narayana stated that they were still working on the details for sustainability standards. In terms of code administration, Ms. Narayana explained that they would be looking at more of an administrative approval process, because Form Based Code has a more detailed coding process than standard suburban zoning. She noted that there would be a separate process for review of design exceptions because things that are more subjective would still go to the Planning Commission. They were still working with the Staff on a more definitive process. Any changes to the overall zoning district of the Form Base Code would go back to the City Council.

Ms. Narayana pointed out that they had only presented the main highlights of the code. Other sections were still being worked on with Staff.

Planner Cattan stated that in the original area plan for Bonanza Park they talked about deed restricted uses within that plan, such as accredited educational facilities or business incubator space. Through more brainstorming, the Staff has concerns with deed restricting uses within a building and giving incentives within a fourth or fifth story. She provided a hypothetical example to demonstrate why the Staff decided that it was not the right planning tool for what was proposed. The issue was addressed in the Staff report and she requested input from the group on whether or not they agreed with the Staff's concern for deed restricting uses. Planner Cattan thought it was more appropriate to come up with economic development tools rather than zoning tools in terms of height and density.

Mr. Polikov recognized that this was a lot of information that was presented quickly. He wanted to make sure it all made sense and whether it was an approach that could intuitively and specifically help realize the detail that the plan lays out. As they move into the refinement process, it was important to know whether they were on the track or if the track needed to be modified.

Commissioner Wintzer remarked that this was an exciting code to read. It is reader friendly and easier to understand. He intuitively liked the fact that you could see where you were going. Commissioner Wintzer felt it was definitely a tool worth looking at and pursuing down the road.

Commissioner Thomas thought they should definitely go in the direction of Form Based Code. However, he had concerns that he wanted to open for discussion. Commissioner Thomas referred to the plan on page 104 of the Staff report and noted that an important component was the pedestrian circulation and the separation of pedestrian from automobile. Originally there were pedestrian corridors weaving into the plan and he felt that was important to provide a different experience coming into that part of the community. Commissioner Thomas stated that it also provided a visual, organic connection into the center of the community. He understood the perception that this becomes more urban, but he had problems with the notion of pulling out that pedestrian connectivity.

Director Eddington assumed Commissioner Thomas was talking about the green pedestrian bicycle corridors. He noted that there were also view corridors in the nodes at each corner. Commissioner Thomas understood the problems and issues; however, he was not completely sold on the idea and he wanted to hear other comments. Director Eddington stated that the discussion with the

Stakeholders was that it could be very challenging. In some cases it could break up blocks of buildings that were otherwise solid, and the give/take started to get challenging for the private property owners in some areas. Director Eddington noted that they were able to make it work in terms of giving square feet for square feet, but it was difficult and close and it bifurcated some properties. As a result, they started to propose access to the central part. It was not continuous access but it used the roads in a complete street concept. Because it bifurcated the buildings, the Staff recommended a tunnel and opening near the Spur to get people in there. Director Eddington stated that they were able to keep a part of it, but at the same time they recognized the challenges of creating that kind of open space for a 20 foot wide path that was dedicated to bikes and pedestrians.

Mr. Polikov remarked that complete streets or pedestrian oriented streets would have to be implemented in order for this approach to be effective, because the streets need to function as safely and inviting for pedestrians as for cars.

Commissioner Thomas asked for an explanation of the Type A and Type B streets. The group reviewed the cross sections in the Code on page 71 and 72 of the Staff report.

Council Member Simpson stated that she walks that area frequently. She would be less concerned about pedestrian and bike only trails if they had more walkable streets and sidewalks.

Council Member Peek asked about mass transit and how it would interact with the entire Bonanza Park area. It appears that Snow Creek Crossing feeds into a rather small road and he thought the road was too narrow to accommodate a bus. Director Eddington identified the road and noted that it was being proposed as a Type A, which would be pedestrian friendly. He stated that that the road was wider than it looked and buses could get down it. It would definitely be wider than the existing driveway into the Holiday Village area.

Council Member Peek asked if there was a transit plan for the different character zones. Director Eddington replied that a specific location had not yet been identified. Given that this is a 10, 20 or 30 year plan, there could be possibilities in the existing Public Works transit barn site for potential future transportation. When they did a quick walkability analysis for the plan, nearly everything in Bonanza Park was within a five minute/quarter-mile walk. The idea is to park once and walk everywhere; therefore, the transit facility could go anywhere, but the specific location has not been identified. Council Member Peek pointed out that the dense housing and the Industrial Arts area would need transit for itself. He noted that walkability to and from that hillside area did not appear to be identified either.

Council Member Simpson asked for the meaning of "transit facility". Director Eddington replied that it could be a transit center similar to what they have at the bottom of Main Street. Council Member Simpson clarified that the buses could drive on any street. Director Eddington replied that this was correct. Ms. Narayana commented on the limited amount of detail in the code and noted that the details would be worked out as they move forward. Council Member Simpson stated that as Bonanza Park builds out it will be a moving target and they may not see the need for a transit facility for 15-20 years. To a certain degree, the development that happens is going to determine the best

location for the transit center, and the City will be operating transit throughout that period of time. The routes will change based on need and what gets developed first or last.

Council Member Beerman understood that in the prior version the trails followed the view corridors. Since they decided to put buildings there and not do trails, he asked if adjustments were being made for the view corridors. Director Eddington replied that some of the view corridors would be lost and they would find view corridors down the road through some of the rights-of-way.

Commissioner Strachan stated that Form Based Code was the right direction, but the devil would be in the details. Whenever something is done to a form there is a picture and people are supposed to build to a picture. It is difficult to tell people that their application does not look like the picture because it is a subjective determination. Commissioner Strachan was unsure how that could be worked out. Mr. Polikov remarked that it would be built to the standards rather than the picture. Commissioner Strachan asked if it could look like anything it wants to as long as it meets the standards. Mr. Polikov replied that there would be functional architectural standards. Commissioner Strachan stated that in order for the standards to work, there would have to be pictures. When those pictures come, someone will think their application looks like the picture and someone else will disagree because it is subjective. Ms. Narayana remarked that there would also be actual numbers and micro-values for things such as the minimum amount of windows and doors and articulation. Mr. Polikov stated that they would also propose a set of minimum quality requirements for materials. He understood that Commissioner Strachan was saying that the issue always goes back to appearance. Commissioner Strachan replied that this was correct and he wanted it clear that the code was not an anecdote for that issue.

Commissioner Thomas stated that to a great extent they were relying on experts to set up criteria and a matrix of ideas to result in a more aesthetically pleasing, broken down scale that is achievable. He thought it would be interesting to see a test of someone trying to do the worst with it and someone trying to do the best.

To answer the Staff's question regarding deed restrictions, Commissioner Strachan did not think they should deed restrict specific uses, but he thought they should set percentages on uses.

Council Member Butwinski asked if the design guidelines would be prescriptive enough to control the type of development. Mr. Polikov stated that most of the Form Base Codes they have developed do not have detailed architectural style guidelines. They allow for eclecticism because there tends to be more of an investment in the space around the buildings in the public realm. However, they have developed codes that do have a set of design standards that relate to architectural style and architectural families. The problem is that in developing 100 acres, is if something becomes passé, a whole section of Bonanza Park ten years from now could look like ten-year-old architecture. The City needs to decide how they want to encourage a certain level of quality. There was no right or wrong way, but there are consequences with both approaches.

Mayor Williams thought this was a creative idea. However, he thought the idea of planning the community by figuring out the transportation first and then designing based on the transportation needed more discussion. Mayor Williams liked the separation of space and the different zones, realizing that Park Avenue or SR224 coming in will have relatively large setbacks. He needed to

learn more about the street types and how those interact. Mayor Williams liked the fact that this could become a system that is much easier and less onerous for everyone than what they have dealt with for the last 40 years. He also favored the incentive program. Mayor Williams loved the idea of finally trying to define urban open space. He noted that Park City typically thinks of open space as Round Valley or conservation easements. However, in his opinion the pedestrian space or internal open space was the most critical piece of the entire project. He recalled attending a design convention specifically focused on creating friendly pedestrian space, where he saw million dollar developments that were empty. That would be his fear for this project. In terms of a general concept he liked the Spur Park idea in the middle as a gathering area for the neighborhood. In general, he believed the proposal works.

Commissioner Worel liked how Form Based Code streamlines the process to make it easier for the applicant and the Staff. Regarding the different character zones, Commissioner Worel asked if work force housing could be placed on second floors in the Industrial Arts or neighborhood shopping zones. She understood that if there could be residential in all of the character zones, the difference between that and the mixed use was that it was the only place where there could be residential to be on the street.

Ms. Narayana replied that there were different nuances. For example the Industrial Arts zone is more metal and glass and a funky eclectic environment. It is a mix of materials, building frontage, mix of uses and scale of buildings.

Planner Cattan explained that each individual zone has certain criteria for commercial ready frontage. In those areas they were looking at something similar to Main Street with the vertical zoning and not having residential on the first story to make it more interactive. Mr. Polikov stated that another difference is that retail would be allowed in the Resort Gateway. They probably would not want large retail dominating the Gateway, but they should not precluding retail. The challenge is finding a way to define a collection of uses so the uses are not the same in all the character zones. In response to Commissioner Worel, Mr. Polikov replied that there can be residential and retail in all the character zones, but there will be limitations in the different zones. He believed the market would differentiate the type of use in one character zone versus another. Mr. Polikov would encourage a mix of housing throughout the entire 100 acres.

Council Member Simpson thought the proposal was fabulous and she was excited about the potential. She appreciated that the property owners were willing to wait while the City took the time to get this organized and done right. When Gateway Planning comes back with the discussion on retail, she assumed they would define large-scale retail. Council Member Simpson wanted to clearly understand the differentiations. In terms of housing variety, she understood that Mr. Polikov was talking about targeted incomes and style as opposed to single-family housing. Mr. Polikov clarified that he was referring to a different variety of non-single family housing in terms of type, size, multi-unit houses, apartments, etc.

Commissioner Wintzer felt it was important to have a model because once this is passed, most of it could be built without public input. This was the opportunity for the public and the City to see what could be done and lock into the idea that this was the best approach. This proposal takes away

most of the Planning Commission function and public notice functions. He understood the reason and he agreed with it, but this is a learning curve for the community and they need to understand it. Commissioner Wintzer suggested that the City hire someone to put together a massing model of a hypothetical project in this area so they could see the end result. Mayor Williams thought a model was a great idea. Everyone concurred.

Council Member Beerman liked where this proposal was headed. It is functional and universal and it will lend itself to the type of mixed-use they were looking towards. He felt they needed to be careful to get the complete streets right, particularly if they are removing the pathways. If they truly want residential it needs to be pedestrian friendly. He was concerned that if they do not continually emphasize the street and the walkways they would end up with through streets and a lot of traffic. Council Member Beerman thought it was important to talk about where the transit and potential aerial connections might be and build around those. Those will be huge attractors because people who live there need to know how they could get around town. Council Member Beerman liked the concept of the character zones. However, he would like to see them on a contrasting chart. As it appears now, if every envelope was maxed out, everything would end up looking similar. He understood they were aiming for diversity, but they were not there yet. Council Member Beerman requested more examples or contrast to better understand the concept.

Mr. Polikov noted that the City had made the decision for less height. However, he encouraged them to be open-minded and allow more height in some of the character zones. On a strategic basis they should decide why one part of a sub-portion of a character zone would be allowed to have more height. He believed the views would be generated more from the variety of heights in Bonanza Park than from view corridors. Secondly, the land value is high dollar per square foot. Lastly, there would be less land to develop on. Mr. Polikov thought Bonanza Park was the best place to have a variety of heights where it would not block anyone's view corridor. This was their opportunity to push the envelope.

Council Member Simpson asked how they would strategically look at height diversity. Mr. Polikov stated that Park City was not the only community afraid of height. It is a common problem. However, if they take the time to solve the problem and answer the question based on analysis versus emotion, they might come up with a solution that pleases both sides. Council Member Simpson noted that the City Council has had that discussion, but more in terms of "gives and gets". Mayor Williams pointed out that through experience they have come to realize that a one-story building can block views. Historically, most of the larger buildings are set up against the mountain because the mountain dwarfs the building and minimizes the scale. Mr. Polikov pointed out that in a build out condition, many people in Bonanza Park would not have views to the mountains. He clarified that he was not promoting that they encourage more height, but it would create more flexibility to get more "gets". He pointed out that there will be winners and losers from a development yield standpoint when they start deciding how to parcel out. There needs to be a reasonable basis to avoid an arbitrary decision. Mr. Polikov encouraged them to think it through a little more while they have this moment in time, and to ask the questions and consider the implications of the next generations of neighborhood development.

Commissioner Savage agreed that this was a great opportunity to build a super cool community and

he liked the direction it was taking. He was interested in seeing a budget estimation to see how they could finance this initiative. He wanted to know what would be necessary from a public funding perspective to get enough infrastructure in place to get people excited about developing Bonanza Park on a significant scale.

Council Member Butwinski concurred with Commissioner Wintzer. A key take-away is the fact that this would put a lot of development in the hands of the Planning Department because much of the process is administrative. Council Member Butwinski thought it was very important for the public to understand that. He read through the proposal several times and while it can be a good thing, it needs to be prescriptive enough because the Planning Commission is no longer in a regulatory role. They would not want that burden on Director Eddington or his successor. Council Member Butwinski asked if they should be prepared for the situation where someone with an existing use, such as a car wash, sells it to someone else who keeps the car wash, and 40 years from now they would still have a car wash in the middle of this development.

Mr. Polikov stated that from personal experience, they should just allow the market and the owner to decide when the use should be terminated; otherwise, who would decide the matrix and would they want the advertising. He remarked that when the price per foot becomes more valuable to build that four-story mixed use condo building as opposed to collecting quarters for the car wash, the owner would decide to terminate the use. Mr. Polikov believed the City could figure out an amortization strategy, and he asked if they would be prepared to write checks as the implication for their decision to sunset particular types of uses. He would encourage the City to write checks more for infrastructure than for use. However, he personally believes some of the best places are the ones that have a car wash in the middle of a cool neighborhood or a cinder block bar that has been there for 50 years.

Council Member Butwinski commented on the deed restricted incentive and requested to see examples of economic development incentives for the meeting. Council Member Butwinski noted that the proposal showed a firmly defined residential in the Industrial Iron Horse Arts zone. He suggested changing that because of Fireside, which was lower down. Mr. Polikov explained that it was a last minute change because 20 years from now there may be a strategy where someone wants to redevelop. Instead of going through the process again, the policy decision would already be made. If they preferred to defer that policy decision, it could be changed back. Mr. Polikov believed it was consistent with its surroundings. Commissioner Thomas agreed. Planner Cattan stated that another reason was to make sure they did not zone out industrial.

Commissioner Savage remarked that this was an area that has a lot of property and could accommodate much more density. Affordable housing exists in that area and there could be a lot more.

Council Beerman agreed with Mr. Butwinski in terms of not being able to replace that niche of housing if they redevelop it, and that is critical for a segment of the workforce in town. It would definitely become higher-end housing if redeveloped and that needs to be considered. Mr. Polikov stated that it was a policy question and he encouraged that discussion. He pointed out that the regulating plan was only a draft and it could be changed. Commissioner Savage believed housing

was the primary reason to consider height.

Council Member Butwinski referred to the aerial transit and asked about air rights. He assumed it was a question for the Legal Department that he would like to have answered before they get too excited about aerial transit.

Commissioner Gross noted that at one point everything was to the west and now it is to the east and incorporates some of Prospector Square. He asked why it did not go the other way as well, in the direction of Snow Creek, because that is the basic main on main intersection. Director Eddington replied that Snow Creek was talked about earlier in the process when it was switched from the area to the west of Bonanza to pop over to the eastern side. However, at that time they decided to keep it primarily focused on the south side of Kearns. Director Eddington pointed out that Snow Creek already has a built out capacity. They are now looking at TDRs and that may be one reason to explore Snow Creek again. He explained that the reason for crossing over Bonanza was due to the redevelopment and pedestrianization of Bonanza Drive and the bicycle paths, and wanting to make sure both sides of the road connected. Commissioner Gross felt it was unfortunate that Park City did not control their own destiny on the State Highways because it would help them with planning.

Commissioner Gross understood that there were 2,000 residential unit equivalents left and 736 commercial, and he asked about the percentage of future growth. Director Eddington clarified that the numbers in the Bonanza Park Plan were based on existing subdivisions and existing vacant lots. It did not include potential redevelopment. A quick analysis showed cursory numbers up to 1700 units in the area if totally built out. Commissioner Gross remarked that if they were counting on the densities it needed to be done right.

Mr. Polikov stated that one of the factors they would come back with regarding the height issue is the impacts on the economics of being able to achieve structured parking. He noted that it is difficult to achieve structured parking capacity with three-story buildings.

Commissioner Gross thought it would be difficult in the future to get uses back, such as the old Albertson's and the Rite-Aid, in a revised neighborhood plan. He asked about alternatives, particularly if they are not able to divide up parking lots. Commissioner Gross pointed out that it could stay that way forever while they recreate the entire Bonanza Park because they do not have control over those properties. Director Eddington stated that if those in the Fresh Market area did not want to work with underground parking and/or shared parking, the City could possibly work with them to create liner shops that would keep the parking from being the first thing visible from the right-of-way. That has been done in other communities as an alternative solution. Director Eddington stated that the hope is to work with them and possibly offer incentives to make the offer attractive.

Council Member Simpson asked Director Eddington to identify the RDA border. She clarified that the area indicated as the possible transit hub is in the lower Park Avenue RDA. Director Eddington replied that this was correct.

Council Member Peek asked if there was a phasing plan that would get the critical mass going,

similar to what was done in Roanoke, Texas. Mr. Polikov stated that he could come up with recommendations for discussion at the next meeting.

Planner Cattan noted that the transportation study has some discussion about phasing and which roads should be prioritized. Council Member Peek remarked that an important piece is connectivity to the rest of the community, including Prospector and Snow Creek. When he was on the Planning Commission they talked about taking this out to the toe of the slopes, which would be Snow Creek. Council Member Peek liked the plan overall; however, he shared the same concerns about turning the public process into an administrative process for decades to come. He noted that Prospector has some old style trails across the parking lot but there is no connectivity. He felt that connectivity into Prospector was critical. Council Member Peek stated that view corridors are important. The residents will get used to looking at great architecture but visitors coming into town are interested in the views. He was unsure how that could be balanced and whether there were ways to work the view corridors into the tiers of five-story structures. They should identify the view corridors and give incentives to keep the view corridor open. In terms of connectivity, Council Member Peek stated that a viable project was great, but he would not want to cause a recession to occur in other business areas in town. He was unsure how to address the deed restriction issue. He recalled a previous discussion that if a restriction was placed on the use of water on a property, the subsequent owner could buy that out. He suggested a similar approach where the subsequent owner could buy back the deed restriction.

Commissioner Hontz was concerned that everyone would be reading Form Based Code for the first time this evening and be upset. She has always been a proponent of Form Based Code and she was glad to see that others were open to it. Commissioner Hontz agreed with Commissioner Strachan that illustrations are incredibly important. She referred to the numerous photos of other cities on pages 75-88 of the Staff report and felt those photos were not relevant to Park City. She travels to resort communities and find pockets of things that she likes, but it is hard to find things that Park City wants to aspire to. She requested that the plan includes photos of snow and other elements that were reflective of the community. Commissioner Hontz liked the idea of more roads, but she did not think the Spur and the park should be the dumping grounds for snow. She felt it was important to know how they would manage snow removal and roads with snow that are actively used by pedestrians, bikes and vehicles.

Mr. Polikov pointed out that Durango had done a fantastic job figuring out how to coordinate snow management with walkability. Commissioner Hontz stated that Park City wants the snow and they would not want to melt it or pretend it did not exist. Regarding deed restrictions, Commissioner Hontz believed it was an economic development issue and they should find other ways to handle without deed restrictions.

Mayor Williams stated that for nearly 35 years Park City has been strongly committed to being a resort town. Many residents who came to Park City in the 1960's and 1970's raised their families here. Those children went away to college are now returning with degrees. Mayor Williams remarked that this younger generation of residents wants to live in the town they grew up in, but their job expertise is beyond what Park City has to offer. He believed some were looking at this plan for that potential. Mayor Williams pointed out that for the first time ever, tech companies are coming to

Park City because the quality of life is better for their employees. Mayor Williams believed they were starting to realize that trends would not destroy tourism. He commented on how Mark Fischer, an owner in Bonanza Park, has been very open-minded in looking at different possibilities. Mayor Williams also did not think they should negate the potential university connection as a satellite campus.

Mr. Polikov suggested that this was also a good time to rethink retail. He understood the concern about this development being a threat to Main Street. However, an interest was expressed for bringing back some of the more neighborhood oriented and convenience retail, but they were afraid of what threat could mean. Mr. Polikov stated that the retailers want the opportunity to figure out how to make their business a smaller format and neighborhood friendly. The timing was good to think outside the box. He pointed out that the code would always be tweaked. He wanted to clear up any misconception that once the code is adopted it would be the same forever.

Commissioner Thomas echoed all the comments this evening. He agreed with Commissioner Strachan in terms of the deed restriction. He believed they could successfully have verticality and noted that it has been done in other towns relative to scale. Commissioner Thomas commented on the seasonal factor and the idea of how to live and cope in the winter. A major question is how Bonanza Park could anchor itself as a hub for the community. He also believed a key element would be the visual experience moving through the corridors.




Mr. Polikov stated that they would continue working with the Staff to address some of the questions and concerns for the next presentation.

The meeting was adjourned at 7:30 p.m.









EXHIBIT D
Public Comment

LEGEND:

CHARACTER ZONE:

- Mixed Use Center: 
- Resort Gateway: 
- Commercial Ready Frontage: 

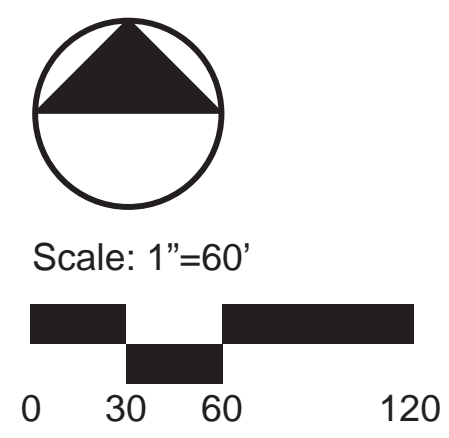
STREET DESCRIPTION:

- Type (A) Street: 
- Type (B) Street: 
- New Improved Type (A) Street: 
- New Improved Type (B) Street: 
- Primary Street: 
- Secondary Street: 
- Ped Path: 
- Cycle Track: 



Submitted from Mark Fischer and Powdr Corp.

Bonanza Park Conceptual Site Plan



PETERS + NEWELL, PC ARCHITECTS

1064 E 2100 S Ste. 10
Salt Lake City, UT 84106
801.359.4048 or 801.842.7375

To: Park City Planning Commission
Date: May 1, 2013
Re: Iron Horse District / Wintzer-Wolfe Properties

To Whom It May Concern:

My name is John Newell, Principal of Peters + Newell, P.C. Architects, and my firm has been hired by Wintzer-Wolfe Properties to help them create a schematic vision for the future of their properties along Iron Horse Drive in Park City, Utah.

As we began this process, what struck us immediately is that this property has “good bones” with a strong foundation towards the vision Park City is trying to create with the BOPA plan. Most of the buildings are oriented towards the street with parking located in the rear creating the start of walkable pedestrian friendly atmosphere. In addition, the orientation of the property in an east-west direction along the old railway line seemed to suggest the creation of some kind of linear feature that could connect to other parts of the neighborhood. Furthermore, the existing buildings lend themselves to be part of an adaptive reuse strategy creating new in-fill development with more residential/retail/office uses and creating something that has evolved over-time - much how any good town changes. So from these “good bones”, we have created a schematic vision of what we think the Iron Horse District could become.

The first step was to create what we are calling the Rail-Way Park, which is a linear parkway with a historical reference to the past use of the property as a rail-yard. This parkway would connect on the east to the existing Rail Trail and extend all the way to the west. The Rail-Way Park would create a lively gathering spot for residents and give a sense of history of the area. It would be a catalyst for activity and give a strong sense of identity for the Iron Horse District.

Secondly, we wanted to work off the strong east-west connection and establish a perpendicular connection, and thus have created another parkway running north-south. This would connect to the existing trail network at the south end of the property and therefore tie into the areas of town to the south. On the north edge of our property, this parkway would combine with the Rail-Way Park and have a strong connection to the future triangular park on the adjacent property to the north if this triangular park was created. This north-south parkway could potentially have out-door dining spaces lining both sides creating an active space with strong community connection.

From these two strategies, the entire Iron Horse District would be primed to create a strong surrounding neighborhood by in-filling with new density integrated with the old buildings. We would follow the BOPA code: building to the edges to create walkable streets, make the car secondary, and have uses that activate the neighborhood.

Some of the preliminary plans for the BOPA area, have shown a road dissecting this property from north to south. Although we understand the reasoning behind this - to create more of an interconnected neighborhood - we believe the concept to have the Rail-way Park and the associated north-south parkway takes the Iron Horse District to another level and at the same time creates the interconnectedness that is associated with a good walkable neighborhood. This system of parkways we are envisioning has the potential to create a great neighborhood that a road alone would not facilitate, and in fact, would be a detriment to our vision.

We feel with our “good bones” and our vision for future transformation, the Iron Horse District has a lot of potential to be the kind of neighborhood you are looking for: a walkable neighborhood with character, activity, connectedness, history, and a strong sense of place.

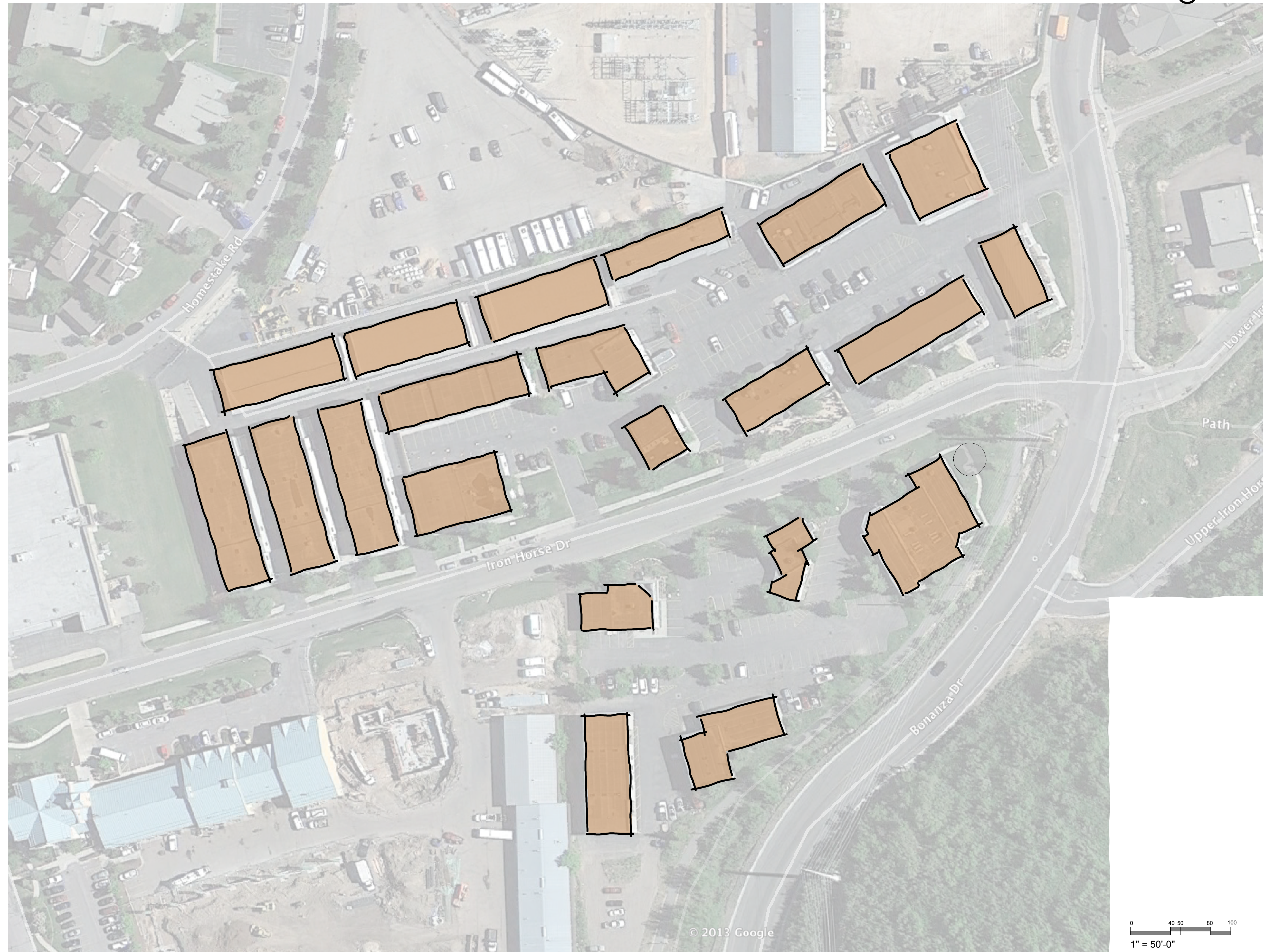
Sincerely,

John H. Newell

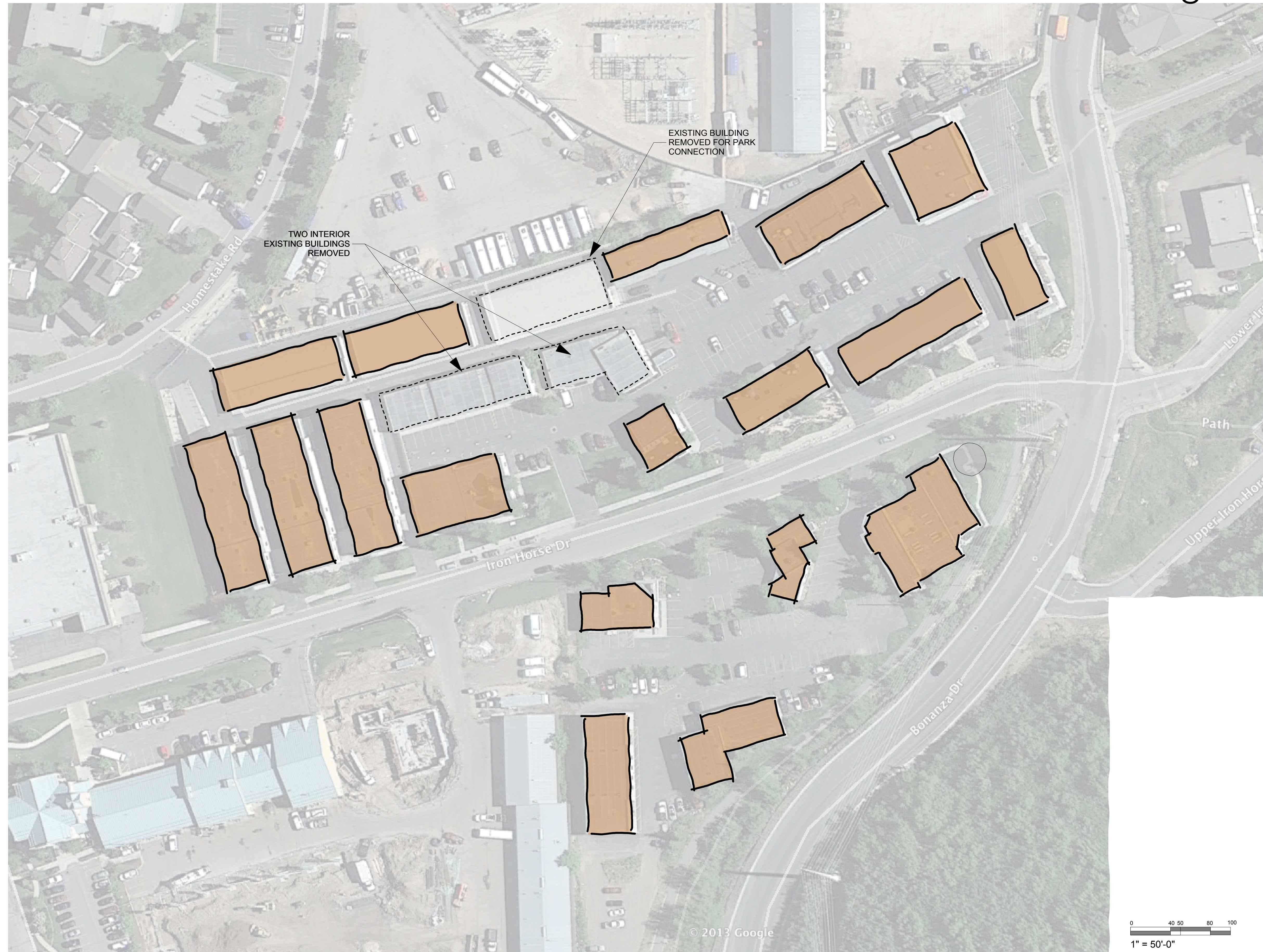
existing aerial photo



existing bldg footprints



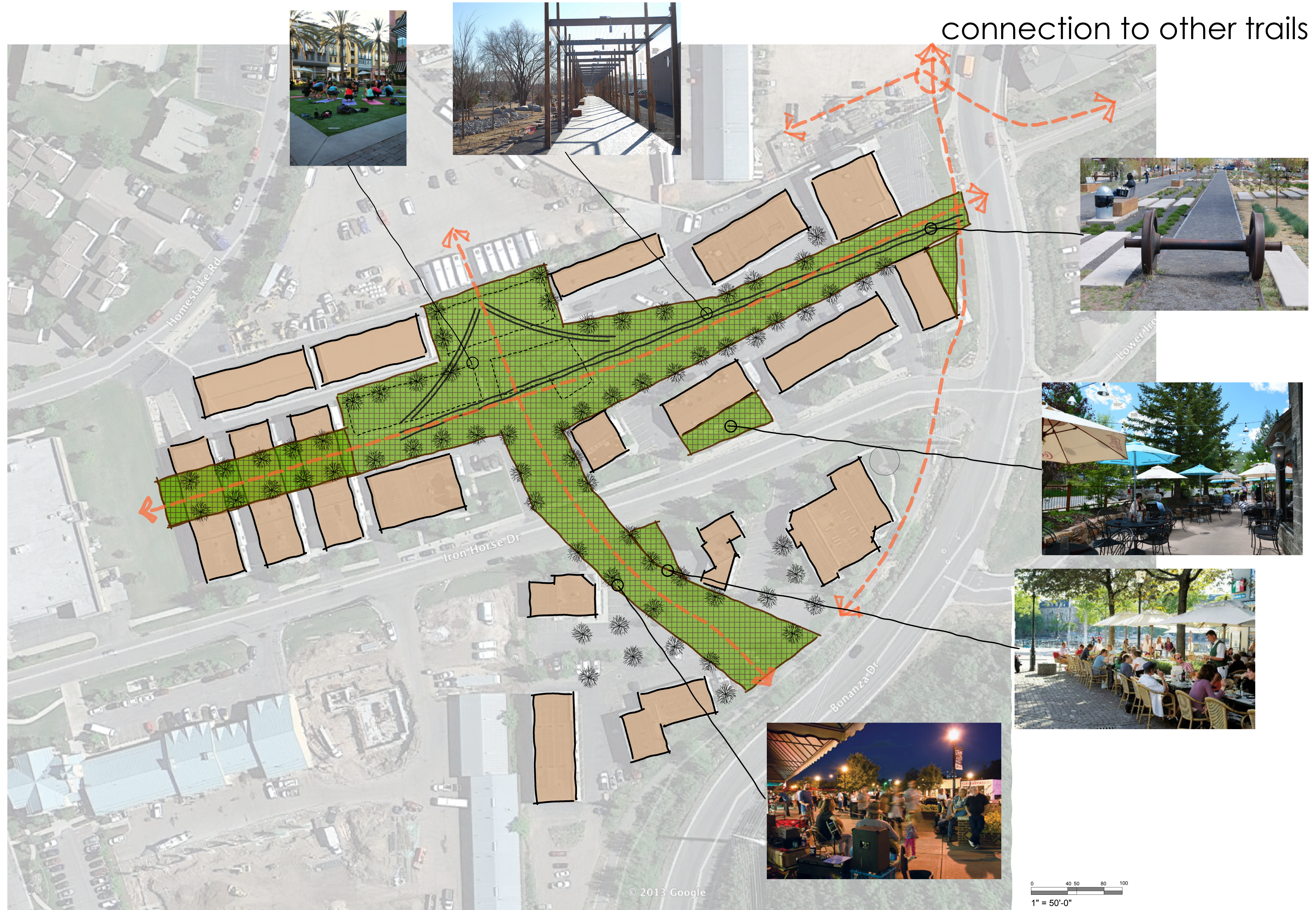
existing bldgs removed



linear parks



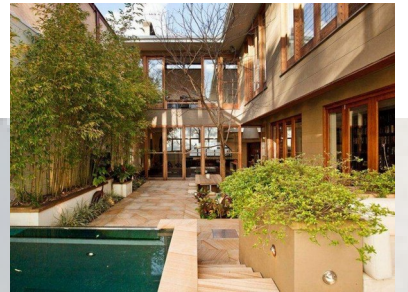
connection to other trails



additional first floor space



additional second floor space





full plan

© 2013 Google

0 40 80 100
1" = 50'-0"

eclectic
 historical fabric
 reuse
 texture
 connectivity
 pedestrian
 history
 created over time
 real
 urban

peters + newell architects iron·horse·district



DOUGLAS CLYDE
Mountain Resort Consulting Services, LLC

P.O. Box 561
5258 N. New Lane
Oakley, UT 84055

To: The Park City Planning Commission

Re: Prospector Square Planning Area

Date: May 2, 2013

Dear Commissioners,

Prospector Square is a mixed use area that consists of residential and commercial buildings within one of the earliest master planned areas in the City's history. The Prospector Square Property Owners Association (the Square) is the common area association that manages the common areas within that development which includes all of the public spaces and the shared parking facilities appurtenant to the individual units. The Squares association enforces the CC&Rs for the development and is also responsible for other common facilities including some water and sewer.

Over the past few months, as the General Plan revisions and BoPa District Plan (the Plan) have been evolving, the Square has become focused on both the opportunities and constraints that this planning process represents and has, among other things, engaged me to assist in representing their interest to the City as this planning process continues.

Power Station Relocation

The initial items of concern within the Plan were the relocation of the substation and the potential re-routing of the access for the North Iron Horse condos through Prospector Ave.

Regarding the Substation, the Square is, of course, concerned about the image of the area because of the potential impacts to both the arrival to the City's Resorts and the future character of the neighborhood. However, the Square is pleased with the level of concern expressed by the City Staff with respect to these impacts and therefore simply want to express our interest, and resolve, to see that these impacts are mitigated to the greatest extent practicable.

The relocation of the access to the North Iron Horse condos off of Bonanza on to Prospector Ave is of very significant concern to the Square given the potential impacts to the failing intersections of Bonanza, Prospector Ave and 248. We understand at this point that this is an unlikely alternative access point and therefore see no need to

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Douglas Clyde its Managing Member
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elaborate on this item, but simply want to make you aware that the relocation would have major impacts to the businesses in the Square.

The BoPa Plan

The planning area for BoPa laps over Bonanza Drive to include the western portions of the Square. This is logical given the need to address the intersections, power station and overall treatment of the entry corridor to the City in a unified manner. The difficulty that this represents to the Square is that this overlap is within the unique zone that deals with the entitlements of the Square. The entire Square must be dealt with as a whole and likely cannot be successfully disaggregated without significant impacts to the overall Square's interests.

Having reviewed these concerns with Staff, the Square would propose that the solution to this is to create a district within the BoPa planning area that treats the Square in a unified manner while at the same time integrates its existing built environment and entitlements into the FBC planning effort. This is not likely to be a complex process as much of the built environment within the Square is consistent with the FBC planning principals.

In summary we would like to state that we see the full insertion of the Square into this process as an opportunity for the City, BoPa and the Square and would like your cooperation and direction in this effort.

Sincerely,

A handwritten signature in blue ink, consisting of several overlapping loops and curves, positioned below the word "Sincerely,".

CC: PSPOA