

**PARK CITY MUNICIPAL CORPORATION  
 PLANNING COMMISSION  
 CITY HALL, COUNCIL CHAMBERS  
 NOVEMBER 6, 2013**



**AGENDA**

**MEETING CALLED TO ORDER – 5:30 PM** pg  
**WORK SESSION – Discussion items only, no action taken.**

Sign Code – Discussion regarding proposed amendments	<i>Planner Alexander</i>	5
7101 Silver Lake Drive, Lot 2B Subdivision of Lot 2 North Silver Lake – Conditional Use Permit for lockout units <i>Discussion</i>	PL-13-02034  <i>Planner Astorga</i>	25

**ROLL CALL**

ADOPTION OF MINUTES OF SEPTEMBER 25, 2013	97
ADOPTION OF MINUTES OF OCTOBER 9, 2013	145
ADOPTION OF MINUTES OF OCTOBER 23, 2013	177

**PUBLIC COMMUNICATIONS – Items not scheduled on the regular agenda**  
**STAFF AND BOARD COMMUNICATIONS/DISCLOSURES**  
**CONTINUATION(S) - Public hearing and continuation as outlined below**

115 Sampson Avenue – Plat Amendment <i>Public hearing and continuation to December 11, 2013</i>	PL-13-01893	
--	-------------	--

**REGULAR AGENDA - Public hearing and possible action**

1105 Iron Horse Drive – Conditional Use Permit for a Brewery in the LI Zoning District <i>Public hearing and possible action</i>	PL-13-02065	218
Park City Heights Subdivision – Amendment to Master Planned Development and a one year extension of the Master Planned Development approval <i>Public hearing and possible action</i>	PL-13-02010	245
General Plan – Overview of draft changes <i>Public hearing and discussion only</i>	<i>Planning Director</i> <i>Eddington</i>	301

**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.



## **WORK SESSION**



# Planning Commission Staff Report



**Subject:** Sign Code Amendment Discussion  
**Author:** Christy Alexander, Planner II  
**Date:** November 6, 2013  
**Type of Item:** Work Session - Legislative, Sign Code Amendments

PLANNING DEPARTMENT

## Summary Recommendation

Staff recommends that the Planning Commission provide additional feedback and input to the proposed amendments to the Sign Code for Municipal Code Section 12-4-4(A) as described in this report. This is not a Land Management Code (LMC) issue, but rather a Municipal Code issue that is addressed by the City Council. Planning Staff is simply requesting input prior to taking the issue to the City Council.

## Description

**Project Name:** Sign Code Amendments  
**Project Number:** PL 13-02031  
**Applicant:** Planning Department  
**Reasons for Review:** Revisions to the Sign Code require City Council approval

## Background

The current sign code requires that signs shall be located below the second level of a building or (at a maximum of) twenty feet (20') above final grade, whichever is lower. For buildings with existing conflicts with this requirement, the Planning Director may grant an exception to the sign height restriction. For those wishing to place a sign above the finished floor elevation of the second floor, the sign code currently allows only window signs

The height limitations in Section 12-4-4(A) may result in the effective visibility of a sign being materially impaired by existing topography, other buildings or signs, natural vegetation, or other visual impairment. The In order to accommodate better signage that would be more visible, staff recommends that the City Council consider the following proposed Sign Code amendments.

Staff took this proposed change to the Planning Commission on October 9, 2013 for input (Municipal Code changes do not require a formal positive or negative recommendation from the Planning Commission) during a work session. The Planning Commission had concerns with allowing this exception to increase the height of signs throughout Park City. They felt that signs should be directed toward pedestrians and cars. They were also concerned that staff was amending the Sign Code for one business only. Their overall viewpoint was that the Sign Code should not be amended for this purpose.

## **Analysis**

The proposed changes to Section 12-4-4(A) would allow for the Planning Director to grant an exception to the height limitations described above. As proposed, the signage must still adhere to the location, orientation, and compatibility requirements set forth in Subsections 12-4-4 (B)-(D). The proposed language notes that the location of a building, its existing topography, natural vegetation, other buildings or signs, or other visual impairment should be taken into account when determining a sign's location on a building.

For larger buildings such as hotels (e.g. the St. Regis, Montage, etc.), Section 12-4-4(A), which states, "Signs shall be located below the finished floor of the second level of a building or twenty feet (20') above final grade, whichever is lower," often prevents signage on these buildings from being optimally visible. The proposed changes would grant an exception, reviewed by Planning Director with the criteria proposed, so that such buildings would not need to adhere to the restriction disallowing signs above the second floor finished elevation to window signs only. These changes would allow the Planning Director to allow an exception to improve the location and visibility of a proposed sign, allowing it to exceed the current height restrictions only while still abiding by all other sign code regulations.

The need for height for signage comes up a few times a year, primarily for resort related structures. Staff agrees with the Planning Commission's comments and does not want to allow increased heights for signs on Main Street, Prospector, Bonanza Park, etc.; however for those instances related to the resort uses, there are times when a sign would look more architecturally appropriate up at the top of the building even if that point is higher than 20'. Currently, the Code would require the sign to be located no higher than 20' up the side of the building. Often this simply looks silly, just plastered at this random point on the building's façade, or is not visible and/or ineffective.

Given the input of the Planning Commission and staff's ongoing analysis, staff revised the proposed amendments to the ordinance to include limiting the proposed height exceptions to the RD (Residential Development) and RC (Recreation Commercial) zones where it may be more appropriate given the building size and set backs of large resort-related structures. Staff suggests limiting the exceptions to the RD and RC zones so as to allow flexibility at the Planning Director's determination when considering sign height on various buildings such as resort-related structures where signage may be materially impaired at the pedestrian level due to topography, other buildings or signs, unique ingress/egress, natural vegetation or other visual impairment. Staff does not believe this amendment would affect one business only nor does Staff think exceptions are appropriate city-wide. By limiting the exceptions to solely the RD and RC zones where there is more spacing between buildings, and having the applicants meet the criteria in the code, the City can prevent a proliferation of exceptions being requested.

## **Community Ideals**

Staff finds that the proposed changes do not detract from the four (4) community ideals: Sense of Community, Natural Setting, Small Town, and Historic Character.

### **St. Regis Hotel**

Staff does disclose that these changes will indeed affect the signage at the St. Regis Hotel. These proposed LMC changes came from the Planning Commission work session deliberations as well as internal discussions within the Park City Planning Department. The St. Regis asked the City to consider amending the ordinance because of issues at its location and there is no provision for a variance or exception to the sign code. Exhibit C illustrates an example of signage that would be above 20' high at the St. Regis. .

### **Public Input**

Staff has not received public input on this application at the time of this report.

### **Significant Impacts**

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

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

The Sign Code would remain as it currently exists and no special exceptions would be permitted at the Planning Director's determination of criteria met.

### **Recommendation**

Staff recommends that the Planning Commission provide additional feedback and input to the proposed amendments to the Sign Code for Municipal Code Section 12-4-4(A) as described in this report. This is not a Land Management Code (LMC) issue, but rather a Municipal Code issue that is addressed by the City Council. Planning Staff is simply requesting input prior to taking the issue to the City Council.

### **Exhibits**

Ordinance

Exhibit A –The entirety of section 12-4-4 of the Municipal Code as proposed

Exhibit B – Renderings of proposed St. Regis signage placed higher than currently allowed within the Sign Code

Exhibit C – Photos of existing St. Regis signage

Exhibit D – Planning Commission Work Session discussion minutes 10.9.13

**Ordinance No. 13-**

**ORDINANCE AMENDING SECTION 12-4-4 OF THE MUNICIPAL CODE  
OF PARK CITY, UTAH, TO ALLOW FOR  
EXCEPTIONS TO LOCATION OF SIGNS ON BUILDINGS**

WHEREAS, the Park City Municipal Code is designed and enacted to implement the objectives of the Park City General Plan; to protect the general health, safety, and welfare of Park City's citizen's and property owners; to maintain the quality of life and experience for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, Title 12- Sign Code regulates the maximum height at which a sign may be located on a building for the purpose of ensuring that signs enhance the architecture of the building; and

WHEREAS, the Planning director has determined that in some unique situations, signs in the RD (Residential Development) and RC (Recreation Commercial) zones may have better visibility if given an exception to the allowed sign height while still meeting all other regulations of the Sign Code; and

WHEREAS, the Planning Commission held a work session on October 9, 2013 to discuss the proposed sign code amendment and the Planning Commission did not support the amendment because the signs would not be at pedestrian level; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on November 7, 2013; and

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

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

**SECTION 1. AMENDMENT TO TITLE 12, CHAPTER 4, SECTION 4 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY.** Section 12-4-4 is hereby amended to read as follows:

**12- 4- 4. LOCATION ON BUILDING.**

The location of a sign on a structure or building has a major impact on the overall architecture of the building. To ensure that signs enhance this architecture, the following criteria must be met:



(A) **HEIGHT.** Signs shall be located below the finished floor of the second level of a building or twenty feet (20') above final grade, whichever is lower. For buildings with approved or existing conflicts with this requirement, the Planning Director may grant an exception to the second floor level sign restriction.

Signs located above the finished floor elevation of the second floor shall be restricted to window signs.

Within the RC (Recreation Commercial) and RD (Residential Development) zoning districts only, the Planning Director may grant an exception to the height limits set forth herein, as long as it is found that:

(A) The height limitations of this Subsection (A) would result in the effective visibility of a sign being materially impaired by existing topography, other buildings or signs, landscaping, or other visual impairment

(B) The proposed location and design of the sign satisfies the requirements of Subsections 12-4-4 (B)-(D).

(C) The proposed sign shall be for a building/site that is a hotel or resort commercial structure.

In the event that the Planning Director grants such an exception, the above provision restricting signs above the second floor finished elevation to window signs only would not be applicable. The decision of the Planning Director to deny a requested exception to the height limitations, as provided herein, may be appealed to the Planning Commission within ten (10) business days following the issuance of a written decision by the Planning Director, in accordance with the provisions of Section 12-15-1.

(B) **LOCATION.** Architectural details of a building often provide an obvious location, size, or shape for a sign. Wherever possible, applicants should utilize these features in the placement of signs. Signs should complement the visual continuity of adjacent building facades and relate directly to the entrance. Signs shall not obstruct views of nearby intersections and driveways.

(C) **ORIENTATION.** Signs must be oriented toward pedestrians or vehicles in the adjacent street right-of-way.

(D) **COMPATIBILITY.** A sign, including its supporting structure and components, shall be designed as an integral design element of a building and shall be architecturally compatible, including color, with the building to which it is attached. Signs must not obscure architectural details of the building; nor cover doors, windows, or other integral elements of the facade.

**SECTION 2. EFFECTIVE DATE.** This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this \_\_\_\_day of November, 2013.

PARK CITY MUNICIPAL CORPORATION

\_\_\_\_\_  
Dana Williams, MAYOR

ATTEST:

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

APPROVED AS TO FORM:

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

## CHAPTER 4 - SIGN STANDARDS

### 12- 4- 1. TOTAL SIGN AREA REQUIREMENTS.

The sign area, per building facade, may not exceed thirty-six square feet (36 sq. ft.). Historic signs are exempted from these requirements.

Subject to the criteria below, the Planning Director may grant additional sign area, provided the total area requested does not exceed five percent (5%) of the building face to which the signs are attached. The Planning Director must make findings based on the following criteria:

(A) **LOCATION.** Signs must be designed to fit within and not detract from or obscure architectural elements of the building's façade;

(B) **COMPATIBILITY.** Signs must establish a visual continuity with adjacent building facades and be oriented to emphasize pedestrian or vehicle visibility;

(C) **MULTIPLE TENANT BUILDINGS.** The building must have more than one (1) tenant in more than one (1) space; and

(D) **STREET FRONTAGE.** The building must have more than fifty feet (50') of street frontage.

*(Amended by Ord. No. 05-79)*

### 12- 4- 2. AREA OF INDIVIDUAL SIGNS.

The area of a sign shall include the entire area within any type of perimeter or border that may enclose the outer limits of any writing, representation, emblem, figure, or character, exclusive of the supporting framework.

When the sign face of a backed sign is parallel or within thirty degrees (30°) of parallel, one (1) sign face is counted into the total sign area. If the sign faces are not parallel or within thirty degrees (30°) of parallel, each sign face is counted into the total sign area.

*(Amended by Ord. No. 05-79)*

### 12- 4- 3. INDIVIDUAL LETTER HEIGHT.

Signs shall be limited to a maximum letter height of one foot (1'). The applicant may request that the Planning Director grant an exception provided the request is for an increase of no more than six inches (6") for a maximum height of eighteen inches (18"). The applicant must demonstrate that the requested exception would be compatible with the building's font, the building's architecture, and the placement of the sign upon the building.

For buildings located along the Frontage Protection Zone, the Planning Director may grant a letter height exception for buildings farther than one-hundred and fifty feet (150') from the right-of-way of which the building has vehicular access. The maximum letter

height in these cases shall be no greater than thirty inches (30").

*(Amended by Ord. No. 05-79)*

#### **12- 4- 4. LOCATION ON BUILDING.**

The location of a sign on a structure or building has a major impact on the overall architecture of the building. To ensure that signs enhance this architecture, the following criteria must be met:

(A) **HEIGHT**. Signs shall be located below the finished floor of the second level of a building or twenty feet (20') above final grade, whichever is lower. For buildings with approved or existing conflicts with this requirement, the Planning Director may grant an exception to the second floor level sign restriction.

Signs located above the finished floor elevation of the second floor shall be restricted to window signs.

**Within the RC (Recreation Commercial) and RD (Residential Development) zoning districts only, the Planning Director may grant an exception to the height limits set forth herein, as long as it is found that:**

**(A) The height limitations of this Subsection (A) would result in the effective visibility of a sign being materially impaired by existing topography, other buildings or signs, landscaping, or other visual impairment**

**(B) The proposed location and design of the sign satisfies the requirements of Subsections 12-4-4 (B)-(D).**

**(C) The proposed sign shall be for a building/site that is a hotel or resort commercial structure.**

**In the event that the Planning Director grants such an exception, the above provision restricting signs above the second floor finished elevation to window signs only would not be applicable. The decision of the Planning Director to deny a requested exception to the height limitations, as provided herein, may be appealed to the Planning Commission within ten (10) business days following the issuance of a written decision by the Planning Director, in accordance with the provisions of Section 12-15-1.**

(B) **LOCATION**. Architectural details of a building often provide an obvious location, size, or shape for a sign. Wherever possible, applicants should utilize these features in the placement of signs. Signs should compliment the visual continuity of adjacent building facades and relate directly to the entrance. Signs shall not obstruct views of nearby intersections and driveways.

(C) **ORIENTATION**. Signs must be oriented toward pedestrians or vehicles in the adjacent street right-of-way.

(D) **COMPATIBILITY**. A sign, including its supporting structure and components, shall be designed as an integral design element of a building and shall be architecturally compatible, including color, with the building to which it is attached.

Signs must not obscure architectural details of the building; nor cover doors, windows, or other integral elements of the facade.

*(Amended by Ord. No. 05-79)*

#### **12- 4- 5. SETBACK REQUIREMENTS.**

Permanent signs shall not be placed in the setback area as defined for the zone in which the sign is located, except in the General Commercial (GC) District. Signs in the GC zone may be set back ten feet (10') from the property line with the exception of those in the Frontage Protection Zone. The Planning Director may decrease the setback if it is determined that the public will benefit from a sign located otherwise, due to site specific conditions such as steep terrain, integration of signs on retaining walls, heavy vegetation, or existing structures on the site or adjoining properties.

*(Amended by Ord. No. 05-79)*

#### **12- 4- 6. PROJECTION AND CLEARANCE.**

No portion of a sign may project more than 36 inches (36") from the face of a building or pole.

Awnings, projecting and hanging signs must maintain at least eight feet (8') of clearance from ground level.

Signs may not extend over the applicant's property line except over the Main Street sidewalk. Signs may extend over City property only after review and written approval by the City Engineer and an encroachment agreement acceptable to the City Attorney is recorded.

*(Amended by Ord. No. 05-79)*

#### **12- 4- 7. SIGN MATERIALS.**

Exposed surfaces of signs may be constructed of metal, glass, stone, concrete, high density foam board, brick, solid wood, or cloth. Other materials may be used in the following applications:

(A) **FACE.** The face or background of a Sign may be constructed of exterior grade manufactured composite board or plywood if the face of the sign is painted and the edges of the sign are framed and sealed with silicone.

(B) **LETTERS.** Synthetic or manufactured materials may be used for individual cut-out or cast letters in particular applications where the synthetic or manufactured nature of the material would not be obvious due to its location on the building and/or its finish. Letters shall be raised, routed into the sign face or designed to give the sign variety and depth.

Ivory colored plastic shall be used for internally illuminated letters.

Other materials may be approved by the Planning Commission at its discretion, but are otherwise prohibited. The sign materials should be compatible with the face of the building and should be colorfast and resistant to corrosion.

*(Amended by Ord. No. 05-79)*

#### **12- 4- 8. COLOR.**

Fluorescent colors are prohibited. Reflective surfaces and reflective colored materials that give the appearance of changing color are prohibited.

*(Amended by Ord. No. 05-79)*

#### **12- 4- 9. ILLUMINATION.**

The purpose of regulating sign illumination is to prevent light trespass and provide clear illumination of signs without causing potential hazards to pedestrians and vehicles.

**(A) EXTERNALLY ILLUMINATED SIGNS.** Externally lit signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare. Light bulbs or lighting tubes used for illuminating a sign shall be simple in form and should not clutter the building or structure. Light bulbs or lighting tubes should be shielded so as to not be physically visible from adjacent public right-of-ways or residential properties.

The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest right-of-way; and the illumination of a sign shall not be obtrusive to the surrounding area as directed in Chapter 15-5 of the Land Management Code.

**(1) FIXTURES.** Lighting fixtures shall be simple in form and should not clutter the building. The fixtures must be directed only at the sign and comply with Chapter 15-5.

**(2) COMPONENT PAINTING.** All light fixtures, conduit, and shielding shall be painted to match either the building or the supporting structure that serves as the background of the sign.

**(B) INTERNALLY ILLUMINATED SIGNS.** Internally illuminated signs include any sign face that is lit or outlined by a light source located within the sign.

**(1) LETTERS.** Individual pan-channel letters with a plastic face or individual cutout letter, letters routed out of the face of an opaque cabinet sign, are permitted. Cutout letters shall consist of a single line with a maximum stroke width of one and one-half inch (1 ½"). Variations in stroke width may be reviewed and approved by the Planning Director. The plastic face of backing of the letters must be ivory colored.

Reversed pan-channel letters with an internal light source reflecting off of the building face may also be used for "halo" or "silhouette" lighting. Internally illuminated pan-channel letters are prohibited on free-standing signs.

**(2) LIGHT SOURCE.** The light source for internally illuminated signs must be white.

**(3) WATTAGE.** Wattage for internally illuminated signs shall be specified on the sign application.

(4) **ZONING RESTRICTIONS.** Individual pan-channel letters and individual reversed pan-channel letters are prohibited within the Historic District.

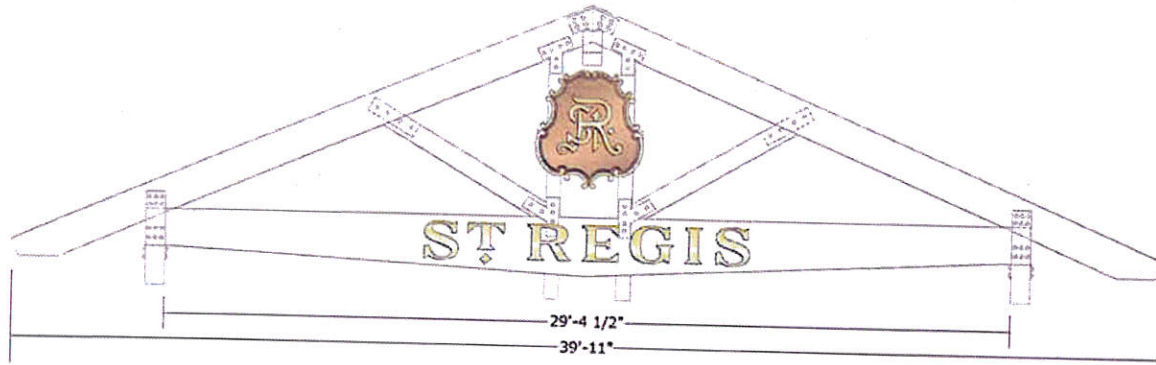
(C) **SEASONAL.** Strings of lights that outline buildings, building architectural features, and surrounding trees, shall be allowed from the 1<sup>st</sup> of November through the 15<sup>th</sup> of April only. These lights shall not flash, blink, or simulate motion. These restrictions apply to all zones except residential uses within the HR-1, HR-2, HRL, SF, RM, R-1, RDM, and RD Districts.

(D) **PROHIBITED LIGHTING.** Lights that flash or move in any manner are prohibited.

*(Amended by Ord. No. 02-50; 05-79)*

**EXHIBIT B**

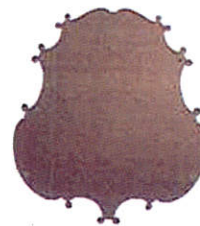
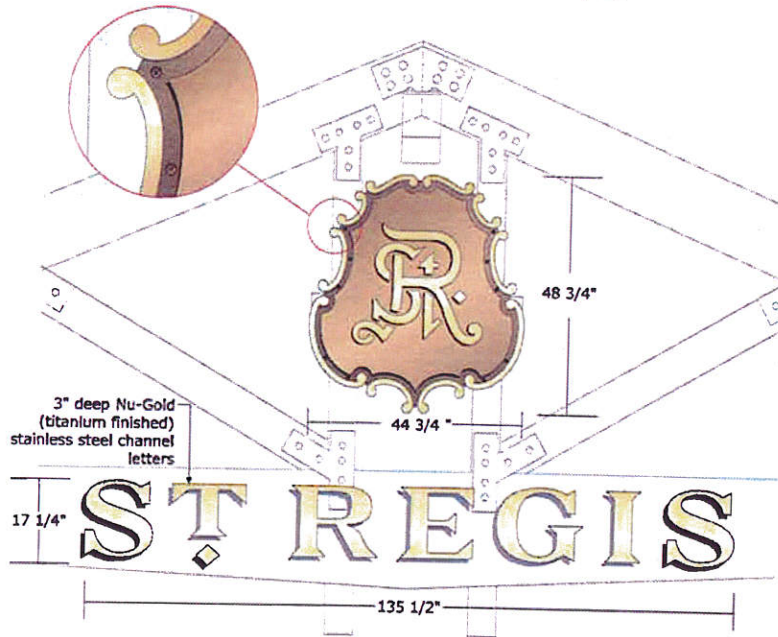




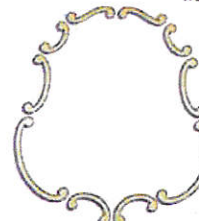
1/4" = 1'-0" scale

logo is mounted to wooden beam through reveal (between filigree and inner plate)  
w/ #14 RH wood screws (3" deep embedment) - painted to match backplate

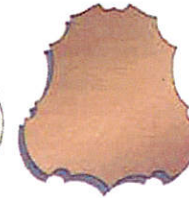
logo components are all mechanically attached together  
from behind



3/16" aluminum  
backplate  
w/ 90° edges  
- dark bronze  
paint finish



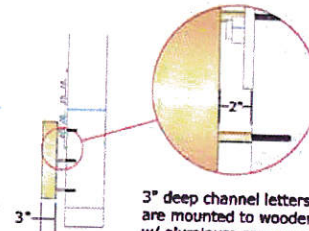
2" deep Nu-Gold  
(titanium finished)  
stainless steel  
channel forms



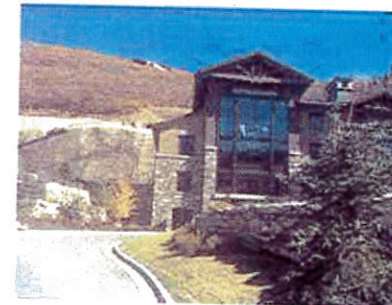
2" deep Nu-Bronze  
(titanium finished)  
stainless steel  
pan



1 1/2" deep Nu-Gold  
(titanium finished)  
stainless steel  
channel letters



3" deep channel letters  
are mounted to wooden beam  
w/ aluminum spacers, stainless steel  
pins and liquid adhesive



1/2" = 1'-0" scale

**Exterior Logo Signage**  
Details as noted.  
1 set each required

**EEC**  
INDUSTRIES LTD.

ARCHITECTURAL SIGNAGE

1237 Welch Street  
North Vancouver B.C.  
Canada V7P-1B3

Telephone: (604) 966-5633

Fax: (604) 966-2999

E-mail: eec@eecind.com

www.eecind.com

All concepts, designs, arrangements and plans indicated or represented by this drawing are owned by and are the exclusive property of EEC Industries Ltd., and were created, evolved and developed for use on and in connection with the specified project. None of such concepts, designs, arrangements or plans shall be used or disclosed to any person, manufacturer or corporation for any reason whatsoever without the written permission of EEC Industries Ltd. Furthermore the client is responsible for final approval of all dimensions, specifications, codes, materials and colors.

Client / Project

St. Regis  
Deer Valley

Sign Type

Exterior Signage

Dates

Nov.15.12

Jan 29 2013 -Rev.1

Feb.05.13 -Rev.2

-Rev.3

-Rev.4

Scale

1" = 12" page size

as noted

Drawn By

PK/CC

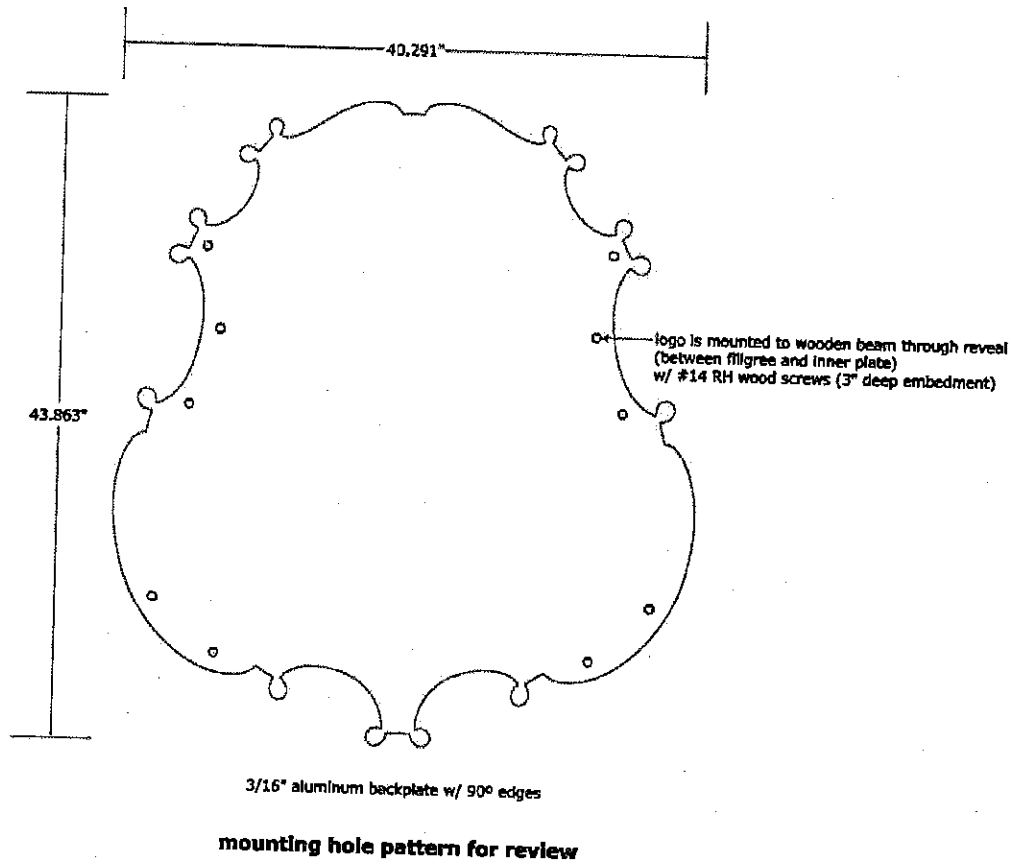
Font(s)

-

Page

1 of 2

Approved by: \_\_\_\_\_ Date: " | " | "



Approved by: \_\_\_\_\_ Date:   "   "   "   "

# EEC INDUSTRIES LTD.

ARCHITECTURAL SIGNAGE

1237 Welch Street  
North Vancouver B.C.  
Canada V7P-1B3

Telephone: (604) 986-5633  
Fax: (604) 986-2999  
E-mail: eec@eecdnd.com  
www.eecdnd.com

All concepts, designs, arrangements and items indicated or represented by this drawing are owned by and are the explicit property of EEC Industries Ltd. and will be created, evolved and developed for use and in connection with the specified project. None of such concepts, designs, arrangements or items shall be used or disclosed to any person, manufacturer or contractor for any reason whatsoever without the written permission of EEC Industries Ltd. Furthermore the client is responsible for final approval of all dimensions, specifications, codes, materials and colors.

Client/Project:  
St. Regis  
Deer Valley

Sign Type:  
Exterior Signage

Notes:  
Nov. 15.12  
Jan 29 2013 -Rev.1  
Feb.05.13 -Rev.2  
-Rev.3  
-Rev.4

Scale: 1/8" = 1" scale

Drawn By:  
PK/CC

Project:

Sheet:

2 of 2

\* PROPOSED

TE guess 39'4"



**EXHIBIT C**

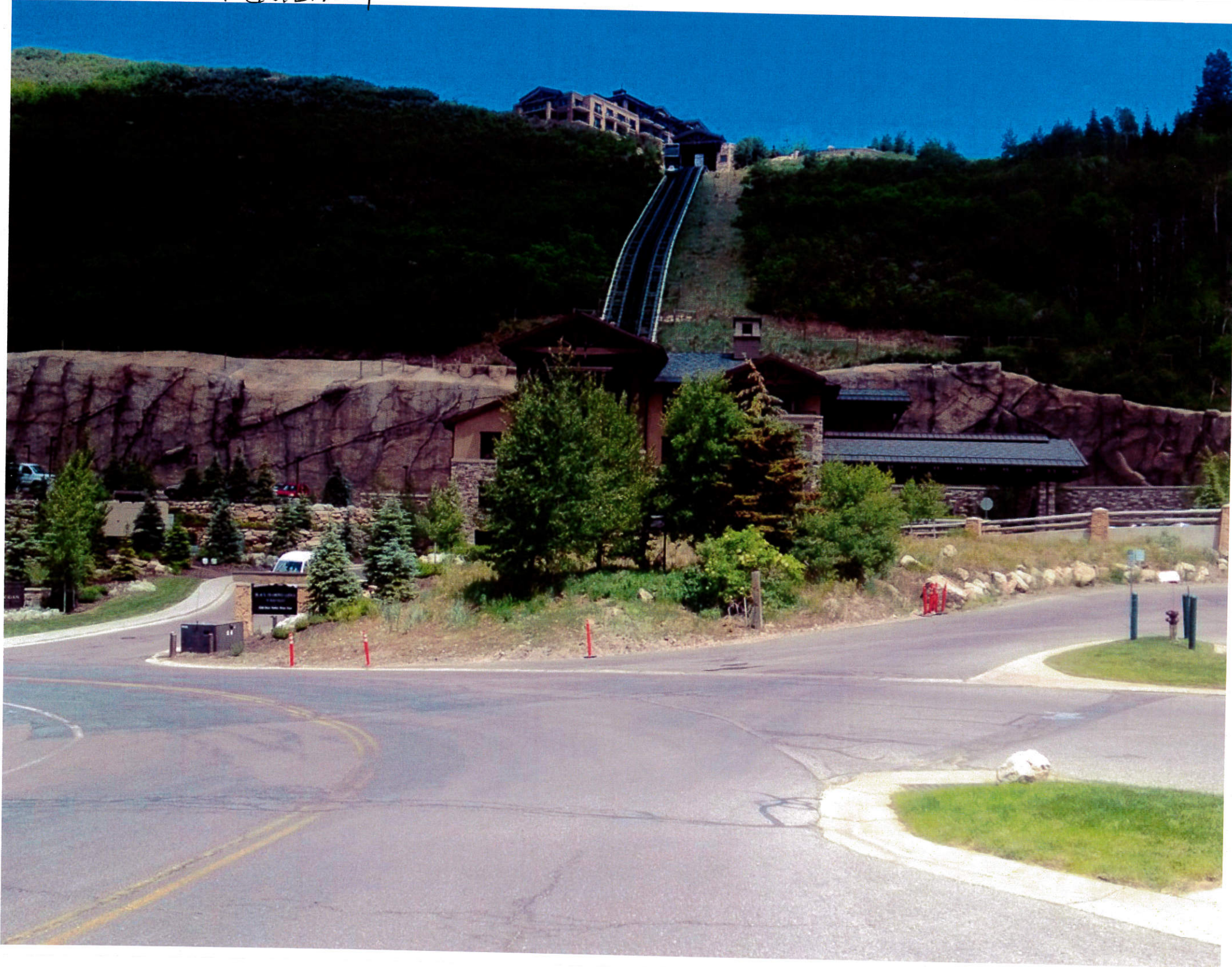
\* EXISTING

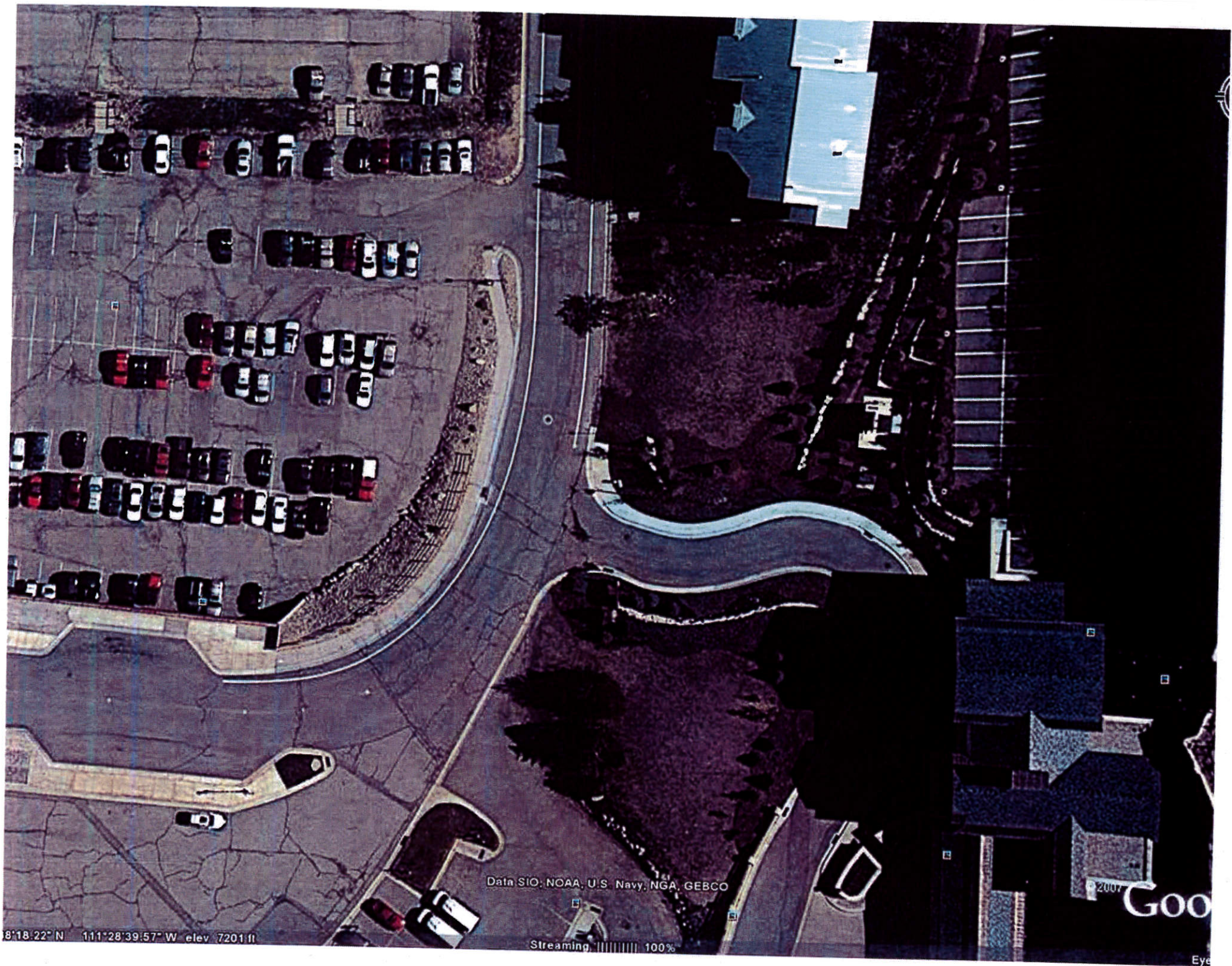


\* EXISTING



\*EXISTING







# Planning Commission Staff Report



**Project Number:** PL-13-02034  
**Subject:** Stein Eriksen Lodge Residences  
(formerly known as North Silver  
Lake Lodge)  
**Author:** Francisco J. Astorga, Planner  
**Date:** November 5, 2013  
**Type of Item:** Administrative – Conditional Use Permit

## **Summary Recommendations**

Staff recommends the Planning Commission review the proposed Conditional Use Permit Modification request to allow for Lockout Units at Stein Eriksen Lodge Residences, formerly known as North Silver Lake Lodge, and provide direction and input to Staff and the Applicant.

## **Description**

**Applicant:** SR Silver Lake LLC represented by Rich Lichtenstein  
**Location:** Lot 2B Subdivision of Lot 2, North Silver Lake  
**Zoning:** Residential Development (RD) District  
**Adjacent Land Uses:** Ski resort and residential  
**Reason for Review:** Conditional Use Permit Modifications are required to be reviewed and approved by the Planning Commission

## **Proposal**

In 2010 the Planning Commission approved a Conditional Use Permit (CUP) consisting of fifty four (54) total units; sixteen (16) detached single family dwellings and four (4) condominium buildings containing thirty eight (38) units. The conditions of approval for the CUP reflect that lockout units were not requested at that time, and would require Planning Commission approval, if requested in the future. At this time the applicant requests the use of 85 lockout units to be located in the four (4) stacked flats, condominium buildings.

## **Purpose of the HRM District**

The purpose of the Residential Development RD District is to:

- A. allow a variety of Residential Uses that are Compatible with the City's Development objectives, design standards, and growth capabilities,
- B. encourage the clustering of residential units to preserve natural Open Space, minimize Site disturbance and impacts of Development, and minimize the cost of municipal services,
- C. allow commercial and recreational activities that are in harmony with residential neighborhoods,

- D. minimize impacts of the automobile on architectural design,
- E. promote pedestrian connections within Developments and between adjacent Areas; and
- F. provide opportunities for variation in architectural design and housing types

### **Background**

Under the Deer Valley Resort Master Plan Development (MPD) the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial and support space. The approved MPD did not specify a Unit Equivalent limitation other than the 54 residential units. The Deer Valley MPD requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC Section 15-1-10.

### **Conditional Use Permit**

The original CUP application was before Planning Commission on five different occasions (August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009). During the July 8, 2009 review, the Planning Commission approved the application with a three to one vote. One Commissioner abstained.

On July 17, 2009, the neighboring property owners submitted an appeal of the CUP approval for development of the North Silver Lake Subdivision Lot 2B. The City Council reviewed the appeal on October 15, 2009 and again on November 12, 2009. During the November 12, 2009 meeting, the City Council remanded the CUP application to the Planning Commission with specific items to be addressed.

The Planning Commission reviewed the remand during two work sessions on November 11, 2009 and January 13, 2010 and two Planning Commission regular agenda meetings on March 10, 2010 and April 28, 2010 to address specific findings of the City Council. The Planning Commission approved the revised CUP with a four to one vote on April 28, 2010.

The approval was appealed by two separate parties. On May 7, 2010, Eric Lee submitted an appeal on behalf of property owners in the neighborhood and on May 10, 2010, the City received an additional appeal from Ms. Lisa Wilson. The City Council reviewed both appeals on June 24, 2010. All parties stipulated to additional condition of approval #19 that "no lockouts are permitted within this approval". The Council did not find merit in the notice issues, the compatibility of revised design or other issues raised in Ms. Wilson's appeal. The Council added an additional requirement of an opportunity for neighborhood input prior to approval of the phasing plan(s), but found that the Planning Commission adequately addressed the issues of the remand. Accordingly, the City Council affirmed and denied in part the Planning Commission's decision to approve the North Silver Lake Lot 2B CUP. The City Council findings were ratified on July 1, 2010. The CUP approval included a condition that the approval would expire on July 1, 2011 if no building permits are issued within the development.

### First Extension

The Land Management Code § 15-1-10(G) allows for two (2) extensions of an approved CUP. On March 17, 2011, the Planning Department received a Request for Extension of the Conditional Use Permit approval. The Planning Director reviewed the extension request, staff analyzed the application as provided within the administrative staff report, and public input was considered. On April 28, 2011, the Planning Director approved the Extension of the Conditional Use Permit for an additional year as conditioned.

The Planning Director's approval of the extension was appealed by Ms. Lisa Wilson and on June 8, 2011 the Planning Commission held a public hearing to consider the appeal. After hearing testimony from the appellant, the property owner, and staff, the Planning Commission, reviewed the matter de novo and rendered a decision to uphold the Planning Director's decision and grant the extension of the Conditional Use Permit to July 1, 2012.

On June 20, 2011, the City Council received a written appeal of the Planning Commission's final action of June 8, 2011, upholding the Planning Director's decision to approve an extension of the Conditional Use Permit for the North Silver Lake Lot 2B development. On July 21, 2011, the appeal was heard by the City Council, who held a quasi-judicial hearing before voting unanimously to uphold the Planning Commission's decision to uphold the Planning Director's issuance of an extension of time for the July 1, 2010 Conditional Use Permit. Because the appeal to uphold the Planning Director's Decision was decided on July 21, 2011, the extension of the Conditional Use Permit was extended to July 21, 2012.

The Building Department had previously collected a bond to ensure that the existing impacts of the site will be repaired at the time of first CUP extension. The landscape plan includes re-vegetating the disturbed area including top soil and native grasses, planting eighteen (18) new trees that vary in height from 10 to 12 feet, and installing an irrigation system for the establishment of the grass and ongoing watering of the new trees. This work was completed by July 1, 2011 and complies with the July 1, 2010 City Council conditions of approval. The applicant has continued watering the trees and vegetation as required.

### Second Extension

On October 27, 2011, Staff received a complete application to extend the CUP for an additional year, and on January 11, 2012, the Planning Commission heard the applicants request for an additional and final one-year extension from July 21, 2012 to July 21, 2013. After a public hearing, the Planning Commission voted 4-0 to approve the request for the one-year and final extension to the original CUP for North Silver Lake, Lot 2B.

On February 9, 2012, the City Council received a written appeal of the Planning Commission's final action of January 11, 2012, approving the request for the one-year extension to July 21, 2013 of the CUP for the North Silver lake Lot 2B development.

The second appeal of the second extension was originally scheduled for the March 22, 2012 City Council meeting. The appellant was unable to make it to the meeting due to a skiing accident. The City Council voted to continue the item to the April 5, 2012 City Council meeting and directed staff not to accept any additional materials from the appellant or the applicant. On April 5, 2012 the City Council conducted a public hearing and voted unanimously to deny the appeal and approve the extension of the CUP and upheld with the following conditions of approval:

1. *All conditions of approval of the City Council's July 21, 2011 order continue to apply.*
2. *This approval will expire July 21, 2013, 12 months from the first extension of the CUP.*
3. *Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.*

In March 2013, the applicant received a building permit for the first single family dwelling. This structure will be used as their model home.

### **Analysis**

Staff finds that the proposal is in substantial compliance with the reviewed and approved CUP plans as the Lockout Units are designed within the existing floor area of each unit formerly reviewed and approved located in the stacked flats. No Lockout Units are being requested within the sixteen (16) single family dwellings. The numbers of Lockout Units within each unit range from 1-3. The floor plans have had minor alterations, however, the number of units has not changed and the plans are in substantial compliance with the approved CUP plans. The applicant proposes to accommodate the following:

- Three (3) units with one (1) lockout each
- Twenty-three (23) units with two (2) lockouts each
- Twelve (12) units with three (3) lockouts each

### **Traffic Discussion**

Staff received an Addendum to Traffic Impact Analysis prepared by Riley Traffic Consultants, LLC, dated May 2013. This Analysis indicates that under the maximum trip scenario, all traffic is still projected to function at LOS (level of service) A, which is acceptable for a roadway of this classification. The conclusion/recommendations section of the analysis is as follows:

*This updated traffic analysis assumes conservatively that 100% of the condominiums will be occupied and further assumes that 100% of the owners will exercise their options to lock out part of their units. In contrast, according to Stein Eriksen Lodge, occupancy during the peak week in 2012 (December 26-31) only reached 89%.*

*Assuming a maximum 100% occupancy and lockout utilization, along with the maximum number of resort shuttles, airport vans, and limousines, the peak number of additional trips will not exceed 200 per day. Even under this worst case scenario, all traffic is projected to function at LOS (Level of Service) A, which is fully acceptable for a roadway of this classification.*

*All conclusions from the original study are valid for this revised development proposal.*

Staff finds that based on the submitted Traffic Impact Analysis that additional traffic mitigation is not necessary based on the forecasted LOS A. See table 1 below:

Level of Service Descriptions – Unsignalized Intersections		
Level of Service	Description of Traffic Conditions	Average Delay (seconds/vehicle)
A	Free flow traffic conditions	0 < 10
B	Stable Operations/ Minimum	> 10 and < 15
C	Stable Operations/Acceptable Delay	> 15 and < 25
D	Approaching Unstable Flow. Incidents can generate lengthy queues	>25 and < 35
E	Operating conditions at or near the roadway's capacity.	> 35 and <50
F	Breakdown in vehicular flow. Queues form quickly. Unpredictable and unacceptable.	> 50

Table 1

**Discussion requested: Does the Planning Commission concur with Staff's findings, which is that additional traffic mitigation is not necessary based on the forecasted LOS A?**

Parking Discussion

Parking for all 54 units must be provided within the North Silver Lake development. According to the Deer Valley MPD off-street parking requirements shall be determined in accordance with the LMC at the time of application for Conditional Use approval. The North Silver Lake development has a mix of single family dwellings and multi-unit dwellings. When the development was approved each single family dwelling required two (2) off-street parking spaces, multi-unit dwellings greater than 1,000 square feet and less than 2,500 square feet required two (2) parking spaces, and multi-family units greater than 2,500 square feet required three (3) parking spaces.

The Planning Commission requested that a reduction in parking be evaluated for the site. With the proposed unit configurations the applicant was required by the LMC to provide 106 spaces for the 38 units within the stacked flats. The applicant proposed a 25% reduction in the parking for the stacked flats. This results in a total of 80 spaces and approximately two (2) spaces per unit.

LMC § 15-3-7 allowed the Planning Commission the ability to reduce initial parking requirements to prevent excessive parking and paving if the following were found:

1. parking uses will overlap,
2. commercial spaces within the project will serve those residing within the project rather than the general public,
3. or other factors that support the conclusion that the project will generate less parking than this Code would otherwise require.

There is also support commercial space within the project. No parking is required for the support commercial area. The applicant proposed to limit each unit to (2) two parking spaces, rather than utilize a third (3<sup>rd</sup>) space for any unit over 2,500 square feet. Due to the single family ownership of each unit, staff and the Planning Commission found that the two (2) spaces per unit was adequate for the development. The Planning Commission made the final decision to allow the 25% percent deduction in the required parking. Staff has included finding of fact #14 from the April 28, 2010 approval, each subsequent appeal denial stated that the Planning Commission supported the 25% reduction in the parking for the stacked flats within the development. This finding was based on the direction provided during the February 25, 2009 meeting.

*Finding of Fact #14: The onsite parking requirements for the four stacked flat condominiums have decreased 25% in compliance with section 15-3-7 of the Land Management Code. The Planning Commission supports a 25% reduction in the parking for the stacked flats within the development.*

In 2012 the City approved ordinance 12-37, which reduced the number of parking spaces for multi-unit dwellings. See table 2 below:

Former parking standard for Multi-unit dwellings:		Current parking standard for Multi-unit dwellings:	
Apartment/condo greater than 1,000 sf and less than 2,500 sf floor area	2 per dwelling unit	Apartment/condo greater than 1,000 sf and less than 2,000 sf floor area	1.5 per dwelling unit
Apartment/condo 2,500 sf floor area of greater	3 per dwelling unit	Apartment/condo 2,000 sf floor area of greater	2 per dwelling unit

Table 2

With the current standard for multi-unit dwellings, the required parking for the 38 units in the stacked flats is 76 parking spaces, when adding the Planning Commission approved parking reduction of 25%; the number of parking spaces in the stacked flats units is reduced to a minimum of 57 parking spaces. The applicant at this time does not request to provide less parking that was originally approved consisting of a minimum 80. They have indicated that they can accommodate a total of 96 parking spaces.

The LMC §15-3-6 indicates that the table identified as the Residential Parking Ratio Requirements does provide a parking ratio for Lockout Units in Single Family and Duplex Dwellings consisting of one (1) parking space per bedroom; however, the LMC does not provide a specific parking ratio or requirement for Lockout Units within a Multi-unit Dwellings, a stacked flat. The utilized standard for parking is simply the parking ratio for a multi-unit dwelling.

Because there would be no change in circumstance that would result in an unmitigated impact Staff interprets that no additional parking is required as the same areas that are being requested as a Lockout Units have been accounted in the in the parking calculation.

**Discussion requested: The LMC does not provide a parking ratio for Lockout Units within Multi-Unit Dwellings. Staff supports the interpretation that the parking calculation has already been incorporated in the area measured for the parking ratio for Multi-Unit Dwellings. Also the impacts of traffic per the submitted Traffic Analysis will not cause the development to drop in level of service rating. Does the Planning Commission agree with this interpretation?**

**Discussion requested: Does the Planning Commission find other items outlined below that would necessitate additional discussion and/or mitigation:**

1. Size and location of the Site.
2. Traffic considerations including capacity of the existing Streets in the Area.
3. Utility capacity, including Storm Water run-off.
4. Emergency vehicle Access.
5. Location and amount of off-Street parking.
6. Internal vehicular and pedestrian circulation system.
7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses.
8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots.
9. Usable Open Space.
10. Signs and lighting.
11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing.
12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site.
13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas.
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.
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.

## **Recommendation**

Staff recommends the Planning Commission review the proposed Conditional Use Permit Modification request to allow for Lockout Units at Stein Eriksen Lodge Residences, formerly known as North Silver Lake Lodge, and provide direction and input to Staff and the Applicant.

## **Exhibits**

Exhibit A – Applicant’s Project Description

Exhibit B – Proposed Plans

Exhibit C – Approved CUP Plans

Exhibit D – Action Letter

Exhibit E – Traffic Study 2009

Exhibit F – Updated Traffic Study 2013

Exhibit G – Unit Analysis

Exhibit H – Modification Analysis



August 15, 2013

Park City Municipal Corporation  
Planning Department  
445 Marsac Ave. PO Box 1480  
Park City, Utah 84060

To Whom It May Concern:

Pursuant to the attached application, we hereby submit a request for modification of our Conditional Use Permit # PL-08-00392 (the CUP).

On April 28, 2010, the Planning Commission approved the CUP for Lot 2B of the North Silver Lake Subdivision. That approval allowed for the development of 54 units consisting of 16 detached houses and four condominium buildings containing 38 condominium units.

The Conclusions of Law at the hearing indicated that the application was:

1. Consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. The Use is compatible with surrounding structures in use, scale, mass and circulation.
3. The Use is consistent with the Park City General Plan.
4. The effects of any differences in Use or scale have been mitigated through careful planning.

The Conditions of Approval for the CUP reflect that lockout rooms were not requested at that time, and would require Planning Commission approval, if requested in the future. Therefore, at this time we hereby request that the Planning Commission modify the exiting CUP approval to include lockouts.

Specifically, our request to modify the CUP is to allow for the inclusion of 124 lockout rooms within the existing footprint of the project. Additional square footage will not be required, and the parking provided by the project will continue to exceed code requirements. As the attached drawings reflect, rooms within the existing 38 condominium units will be modified to allow for identified entrance and keyed independence from the balance of the units.



August 15, 2013

Park City Municipal Corporation  
Planning Department

Page 2 of 2

At the time of our original CUP application, a management plan addressing the matter of lockouts was premature. Subsequently, Regent Properties has developed a management and branding arrangement with Stein Eriksen Lodge (SEL), which provides a unique and unusually qualified team to execute on-site management of the overall condominiums and homes including the lockouts, to be known as the Stein Eriksen Residences.

As you know, SEL has a proven track record and world-class reputation for resort and property management. They have agreed to work with Regent Properties to develop the project, and act as the on-site management team. Similar to the transportation management plan at the Stein Eriksen Lodge (the TDM), which significantly reduces the use of private vehicles with shuttle service, SEL is prepared to implement a TDM for the project for both owners and staff that will result in significant reductions to traffic and parking impacts.

Additionally, we have updated the project's traffic analysis. The result of this update indicate that even at full capacity, the level of service for all affected intersections and roadways remain at an A rating. That is the case even before factoring in the proven results of the TDM. Therefore, with the TDM in place the traffic impacts of the project will be significantly reduced further.

With SEL managing the project, we believe that this modification will allow for a more vibrant and stable development enhancing the public's access and enjoyment of the greater Park City, Deer Valley area.

Respectfully submitted,



Richard Lichtenstein  
Owner Representative



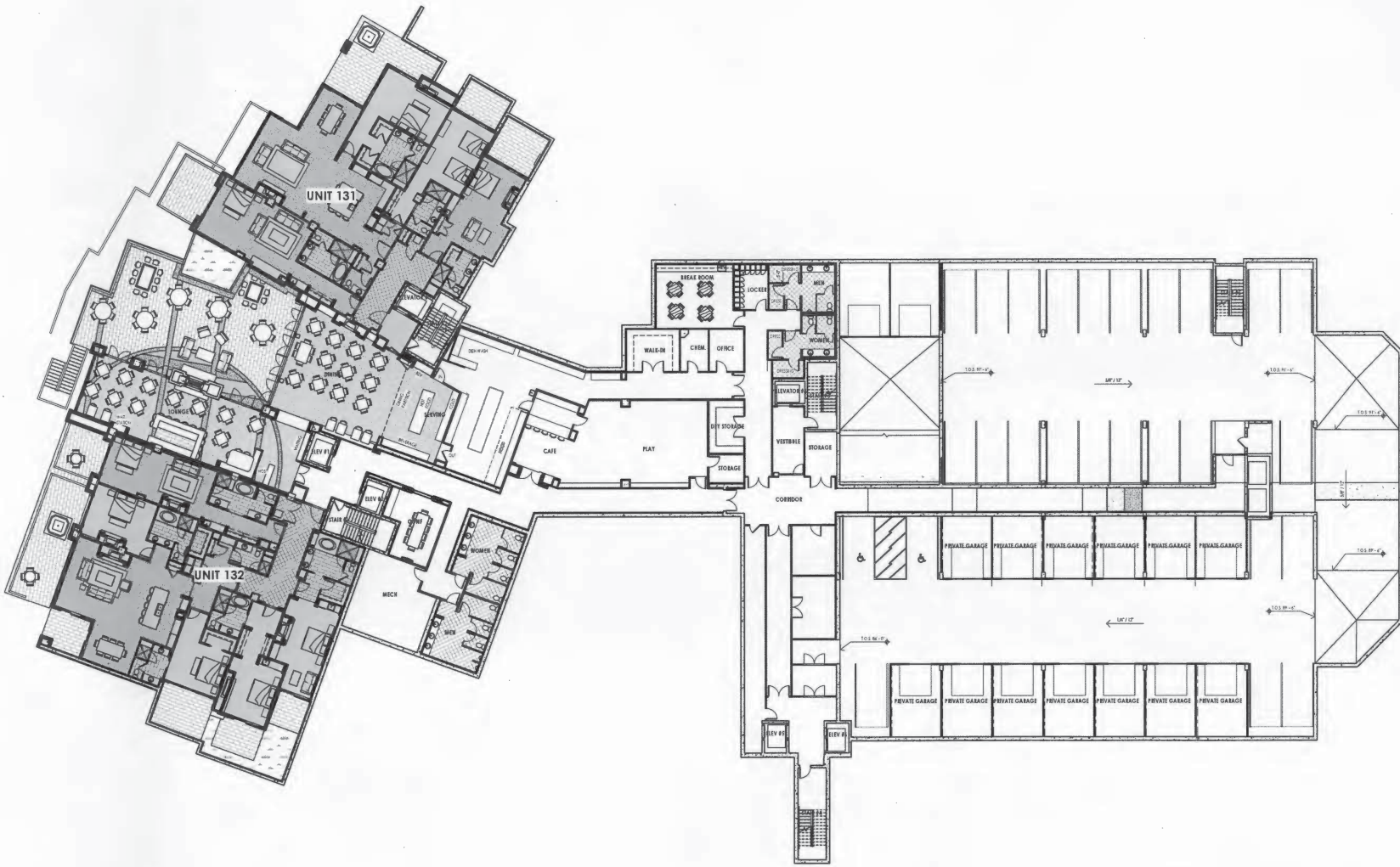
SILVER LAKE LODGE - CONDO BUILDINGS

7101 S. SILVER LAKE DRIVE, PARK CITY, UTAH 84060

LEVEL 0 OVERALL PLAN  
1/8" = 1'-0"

D100

14 JUNE 2013



LEVEL 1 OVERALL PLAN  
3/22 - 17'-0"

SILVER LAKE LODGE - CONDO BUILDINGS

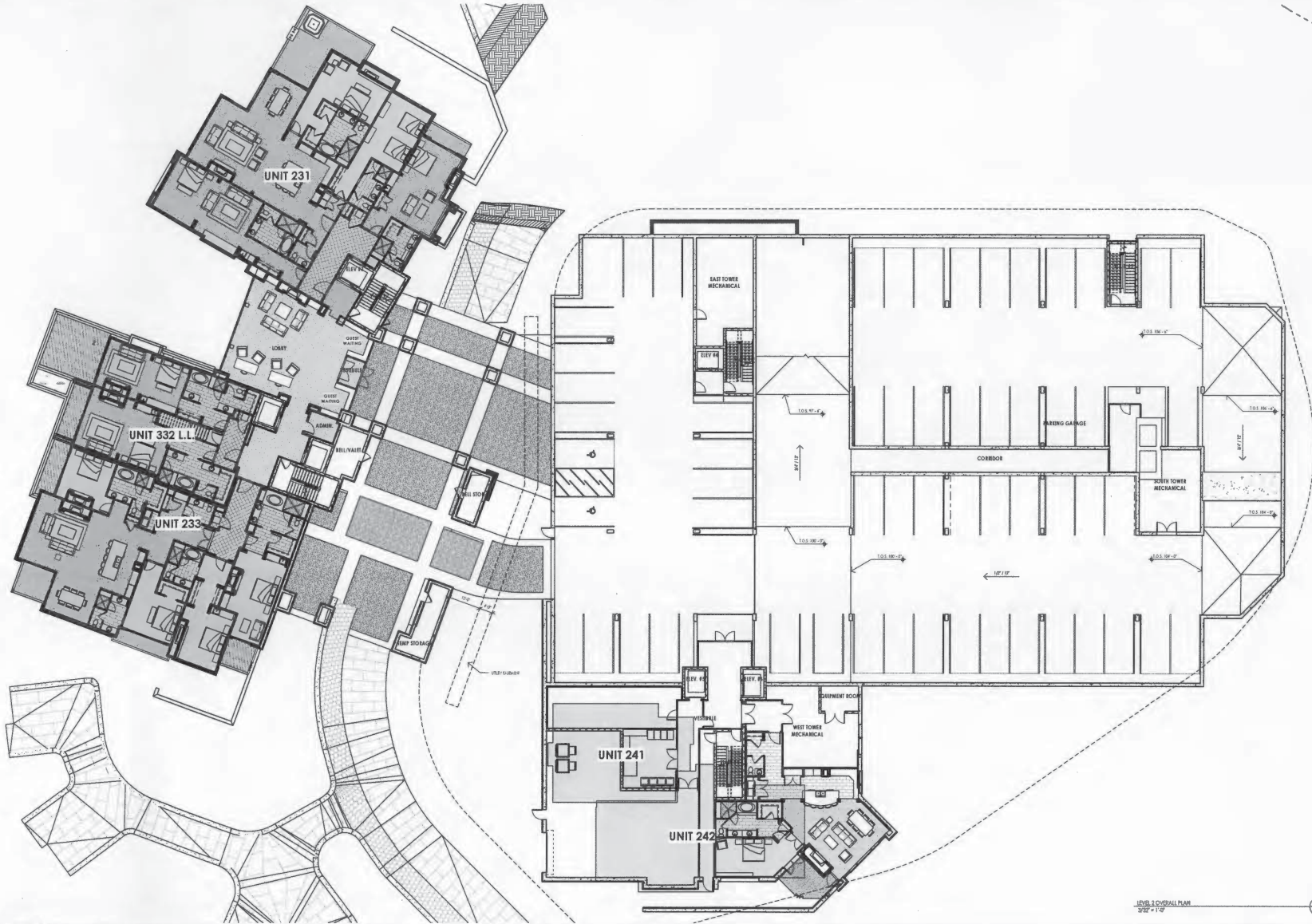
7101 S. SILVER LAKE DRIVE, PARK CITY, UTAH 84060

LEVEL 1 OVERALL PLAN

D101

14 JUNE 2013





LEVEL 2 OVERALL PLAN  
3/32" = 1' 0"



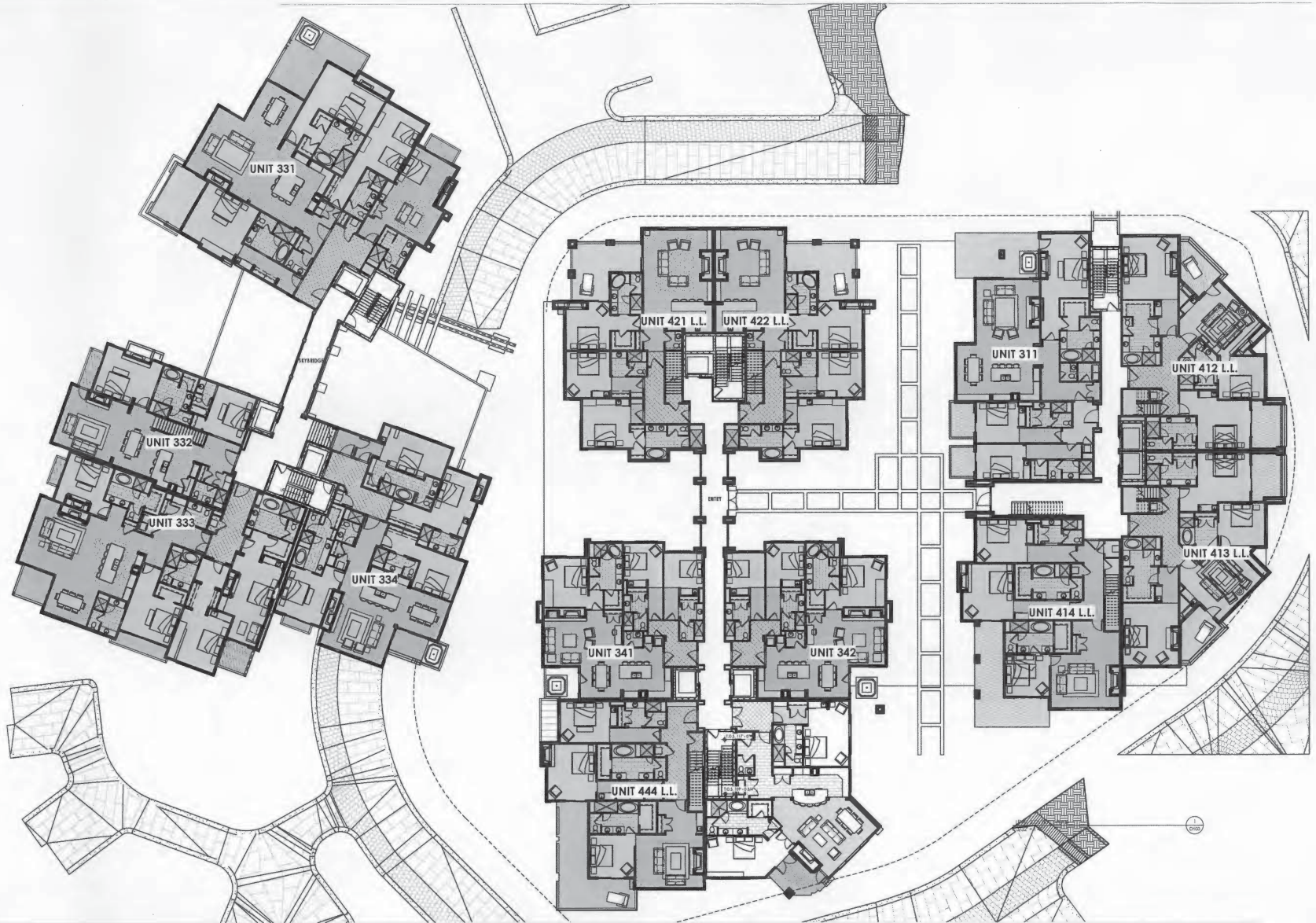
SILVER LAKE LODGE - CONDO BUILDINGS

7101 S. SILVER LAKE DRIVE, PARK CITY, UTAH 84060

LEVEL 2 OVERALL  
PLAN

D102

14 JUNE 2013



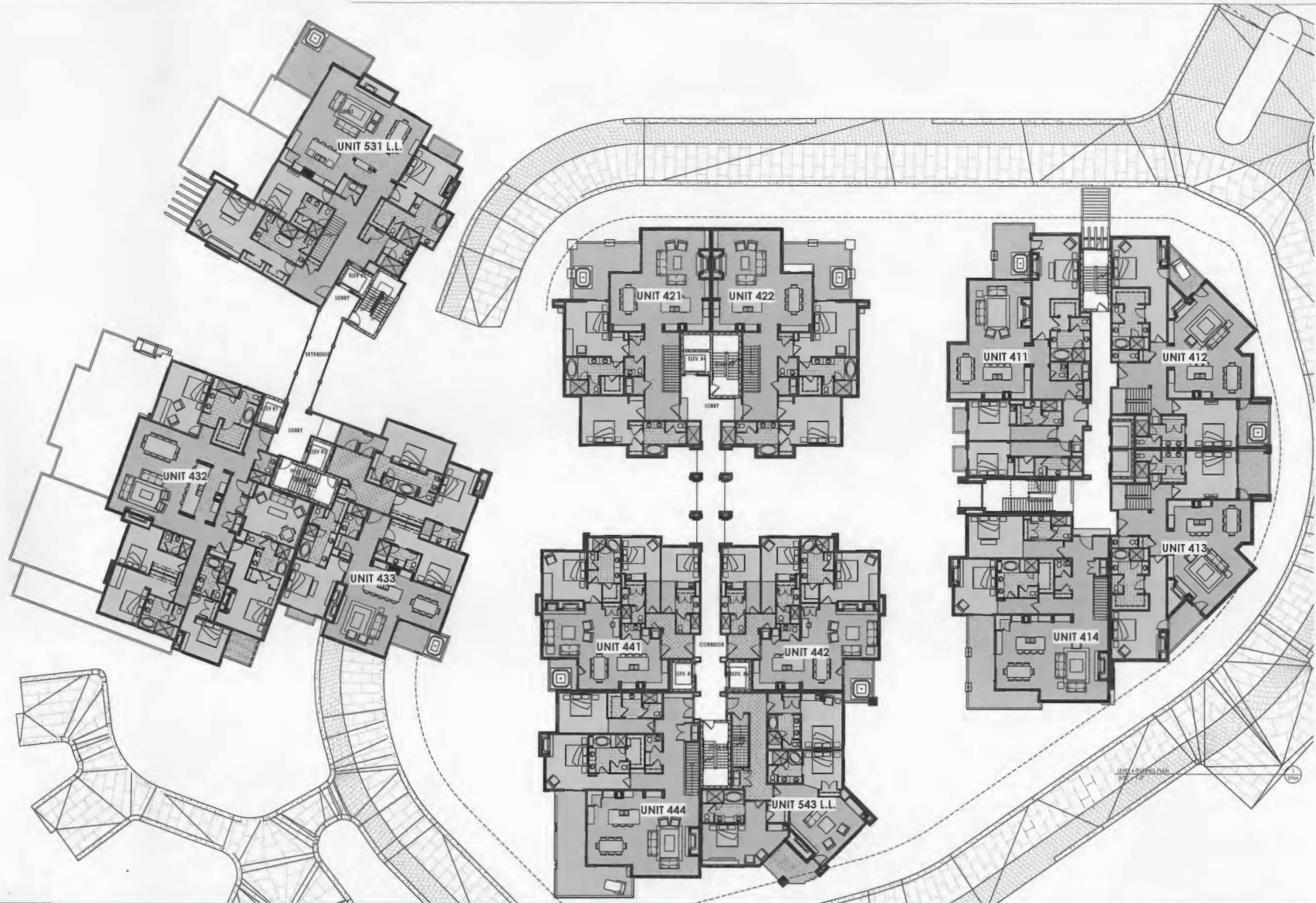
SILVER LAKE LODGE - CONDO BUILDINGS

7101 S. SILVER LAKE DRIVE, PARK CITY, UTAH 84060

LEVEL 3 OVERALL  
PLAN

D103

14 JUNE 2013



SILVER LAKE LODGE - CONDO BUILDINGS

7101 S. SILVER LAKE DRIVE, PARK CITY, UTAH 84060

LEVEL 4 OVERALL  
PLAN

D104

14 JUNE 2013



SILVER LAKE LODGE - CONDO BUILDINGS

7101 S. SILVER LAKE DRIVE, PARK CITY, UTAH 84060

LEVEL 5 OVERALL  
PLAN

D105

14 JUNE 2013





LEVEL 6 OVERALL PLAN  
3/22 - 1/2"

LEVEL 6 OVERALL PLAN

SILVER LAKE LODGE - CONDO BUILDINGS

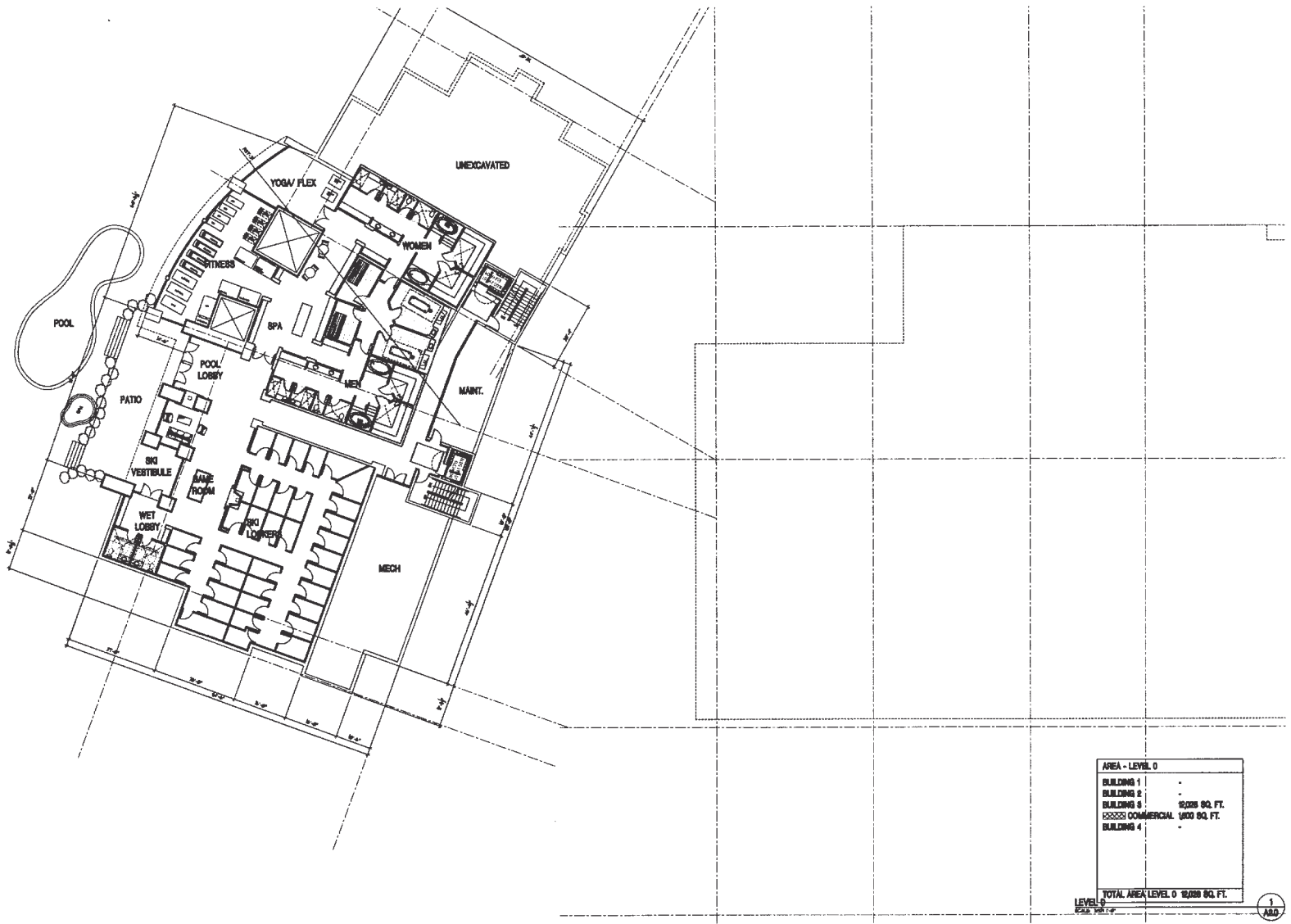
7101 S. SILVER LAKE DRIVE, PARK CITY, UTAH 84060

D106

14 JUNE 2013



Exhibit C – Approved CUP Plans



AREA - LEVEL 0	
BUILDING 1	-
BUILDING 2	-
BUILDING 3	1433 SQ. FT.
BUILDING 4	-
<b>TOTAL AREA LEVEL 0 1433 SQ. FT.</b>	

LEVEL 0  
SCALE: 1/8" = 1'-0"  
1 ADD



CONCLUSIONS

This plan was prepared by the architect for the purpose of illustrating the proposed project. It is not to be used for any other purpose without the written consent of the architect. The design is subject to change without notice. The architect does not warrant the accuracy or completeness of the information contained herein. The architect's liability is limited to the professional fee paid to the architect.

28 901 714-2508 1467 South Park Place  
Los Angeles, CA 90049  
www.jja.com 1-800-333-2508

## NORTH SILVER LAKE LODGE

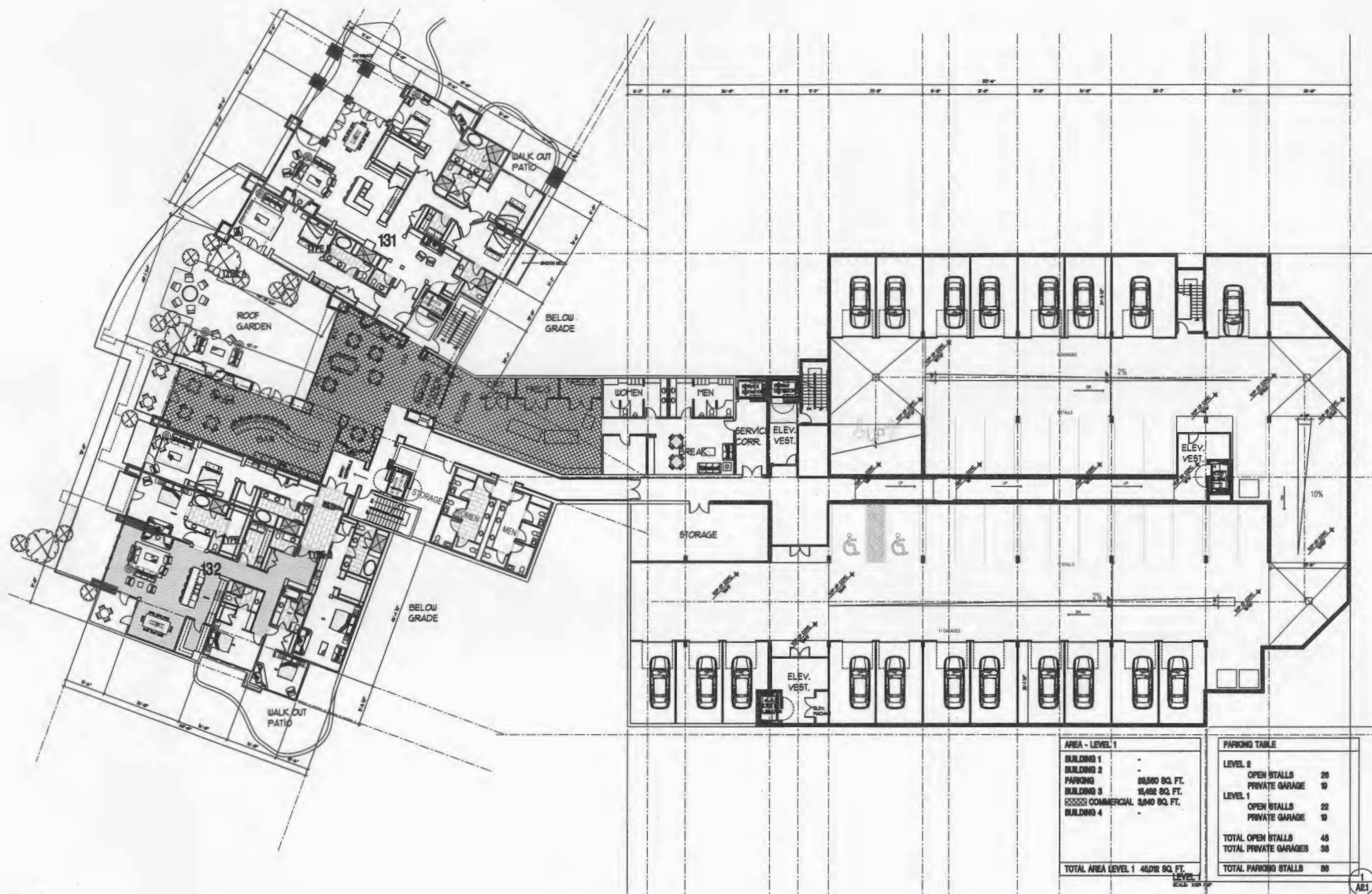
NORTH SILVER LAKE, DIVISION LOT 28, DEER VALLEY, UTAH

CLIENT  
REGENT PROPERTIES  
11990 SAN VICENTE, SUITE 200  
LOS ANGELES, CA 90049  
310.806.9827

DESIGNER  
COPPER MOUNTAIN  
PARK CITY PLANNING  
DATE  
2010.10.10 CUP SUBMITTAL  
PROJECT NO.  
SDP

SCHEMATIC PLAN  
LEVEL 00

SD2.0



AREA - LEVEL 1	
BUILDING 1	-
BUILDING 2	-
PARKING	20,000 SQ. FT.
BUILDING 3	15,400 SQ. FT.
COMMERCIAL	3,840 SQ. FT.
BUILDING 4	-
<b>TOTAL AREA LEVEL 1</b>	<b>40,240 SQ. FT.</b>

PARKING TABLE	
<b>LEVEL 2</b>	
OPEN STALLS	20
PRIVATE GARAGE	10
<b>LEVEL 1</b>	
OPEN STALLS	22
PRIVATE GARAGE	10
<b>TOTAL OPEN STALLS</b>	<b>42</b>
<b>TOTAL PRIVATE GARAGES</b>	<b>20</b>
<b>TOTAL PARKING STALLS</b>	<b>62</b>

1  
A-E1



CONSULTANT

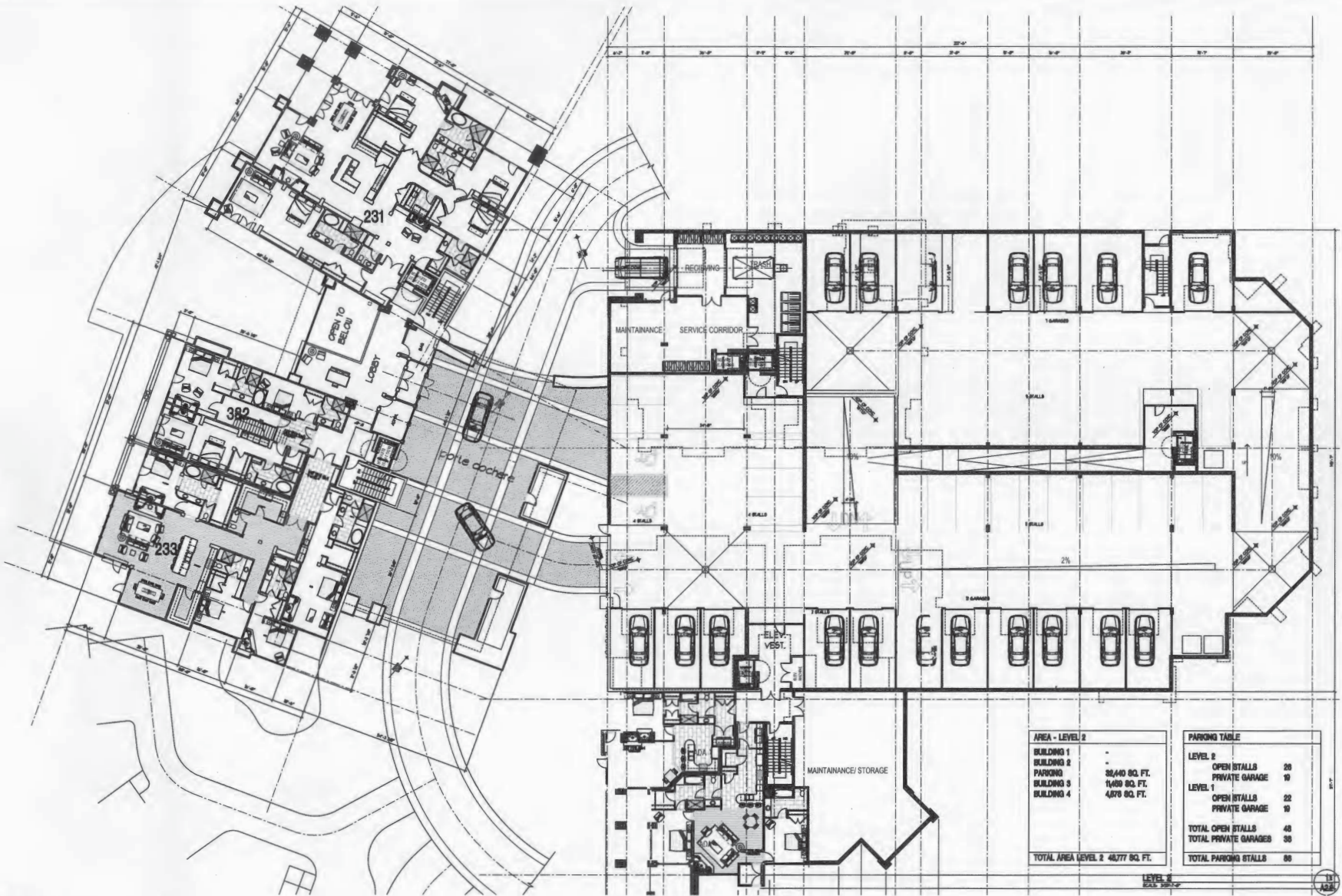
# NORTH SILVER LAKE LODGE

NORTH SILVER LAKE SUBDIVISION, LOT 28, DEER VALLEY, UTAH

CLIENT:  
REGENT PROPERTIES  
11990 SAN VICENTE, SUITE 200  
LOS ANGELES, CA 90049  
310.806.9827

DESIGNER:  
CUP SUBMITTAL SET  
PUBLIC CITY PLANNING  
DATE:  
2010.05.10 CUP SUBMITTAL  
PROJECT NO:  
02007

SCHEMATIC PLAN  
LEVEL 01  
SD2.1



AREA - LEVEL 2	
BUILDING 1	-
BUILDING 2	-
PARKING	38,440 SQ. FT.
BUILDING 3	1,488 SQ. FT.
BUILDING 4	4,876 SQ. FT.
<b>TOTAL AREA LEVEL 2</b>	<b>48,777 SQ. FT.</b>

PARKING TABLE	
<b>LEVEL 2</b>	
OPEN STALLS	28
PRIVATE GARAGE	10
<b>LEVEL 1</b>	
OPEN STALLS	22
PRIVATE GARAGE	10
<b>TOTAL OPEN STALLS</b>	<b>48</b>
<b>TOTAL PRIVATE GARAGES</b>	<b>40</b>
<b>TOTAL PARKING STALLS</b>	<b>88</b>



CONSULTANT:

This drawing is made to best use and reflects the latest information available at the time of preparation. It is not to be used for any other purpose without the written consent of JSA architects.

7th Fl. 310.2700 4455 South 3000 East  
 Fax: 310.731.2500 Suite 201  
 www.jsa.com Silver Lake City, UT 84121

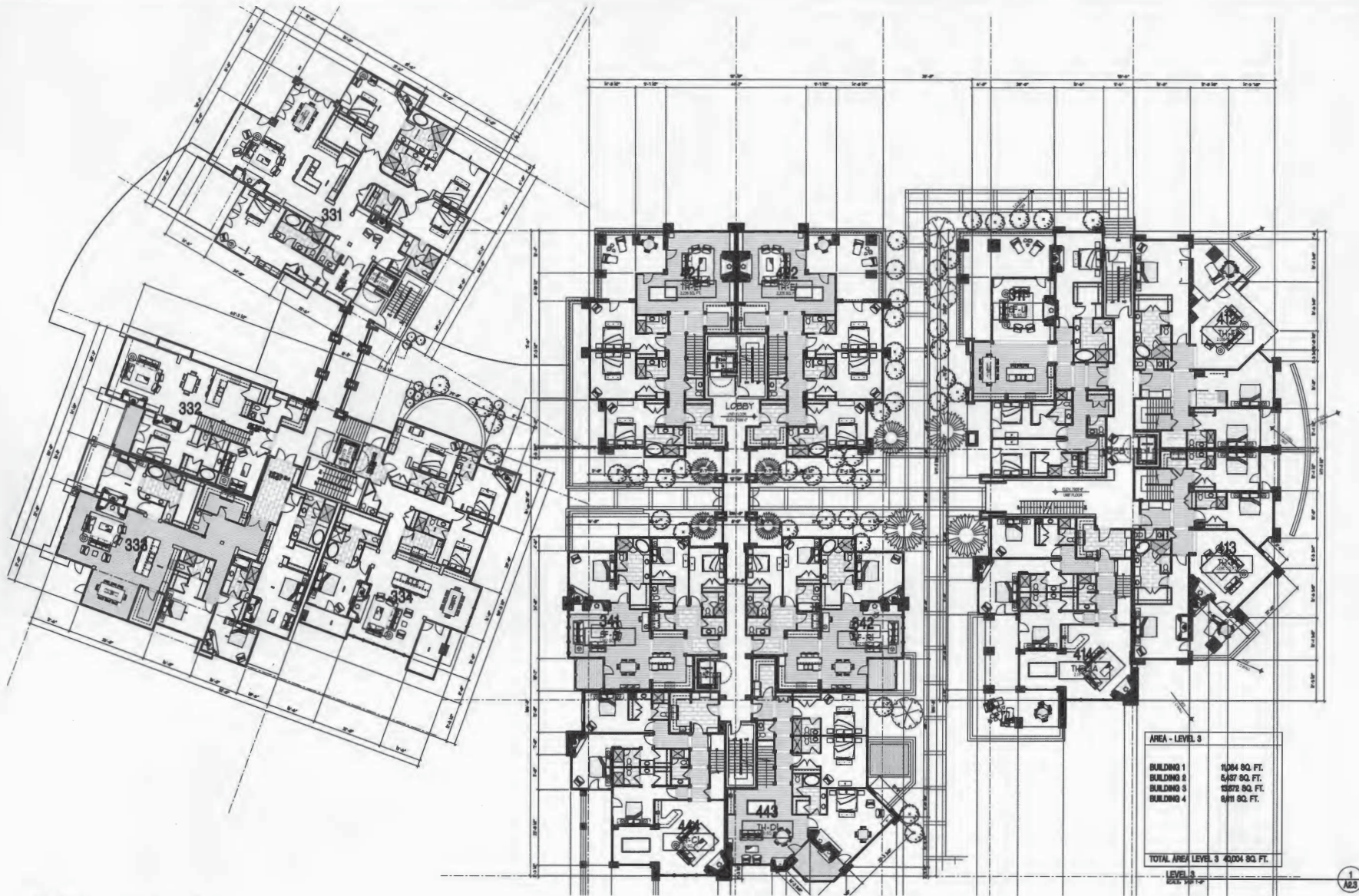
# NORTH SILVER LAKE LODGE

NORTH SILVER LAKE SUBDIVISION, LOT 28, DEER VALLEY, UTAH

CLIENT:  
 REGENT PROPERTIES  
 11990 SAN VICENTE, SUITE 200  
 LOS ANGELES, CA 90049  
 310.806.9827

PROJECT:  
 CIP SUBMITTAL SET  
 PARK CITY PLANNING  
 DATE:  
 09/10/13 10 CIP SUBMITTAL  
 PROJECT NO:  
 0707

SCHEMATIC PLAN  
 LEVEL 02  
 SD2.2



1  
A&B



CONGRATULATIONS

# NORTH SILVER LAKE LODGE

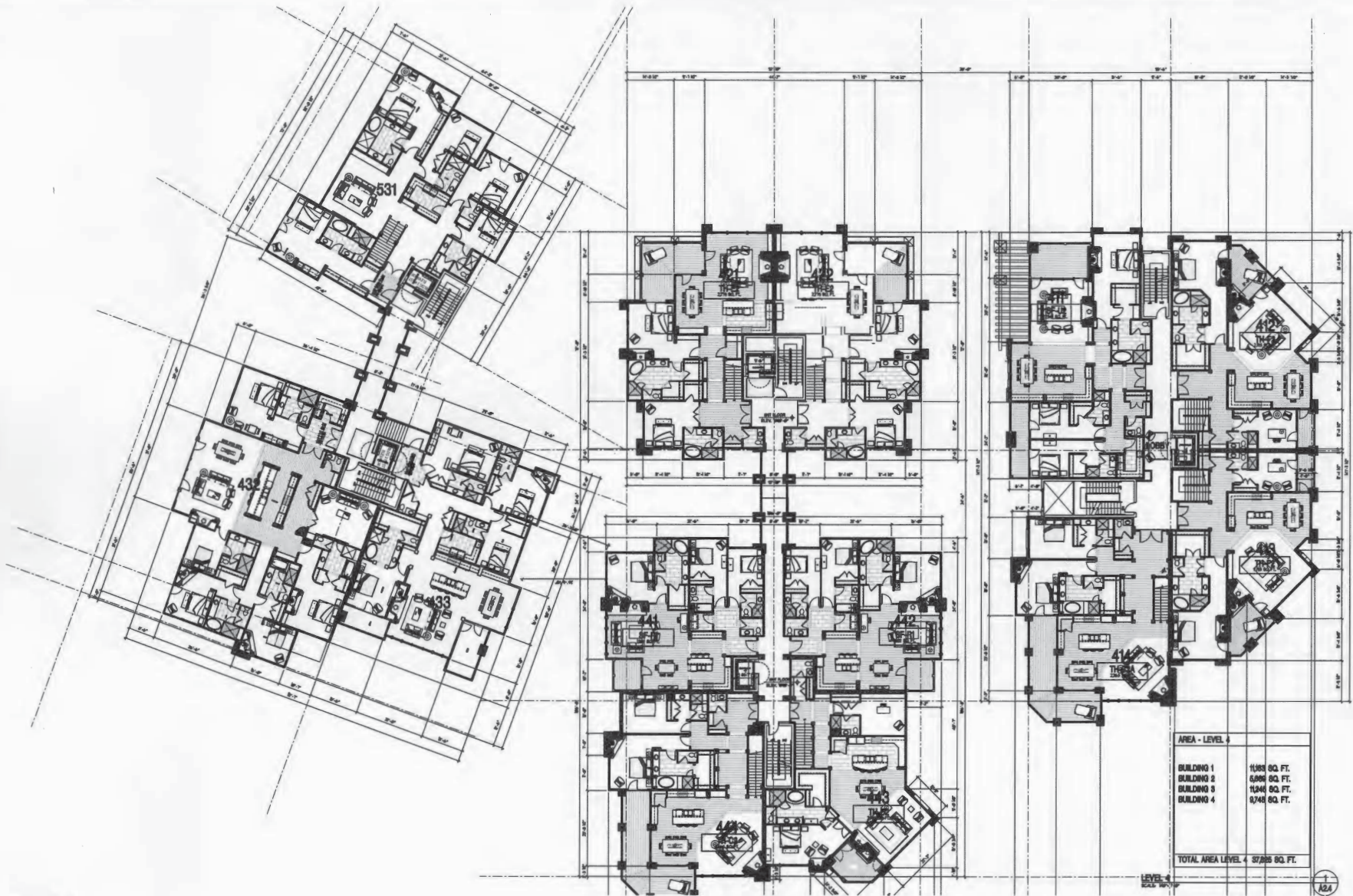
NORTH SILVER LAKE SUBDIVISION, LOT 28, DEER VALLEY, UTAH

CLIENT:  
REGENT PROPERTIES  
11990 SAN VICENTE, SUITE 200  
LOS ANGELES, CA 90049  
310.806.9827

PURPOSE:  
CIP SUBMITTAL SET  
FINAL CIP PLANNING  
DATE:  
2010.03.10 CIP SUBMITTAL  
PROJECT NO:  
0700

SCHEMATIC PLAN  
LEVEL 03

SD2.3



CONSISTENT

# NORTH SILVER LAKE LODGE

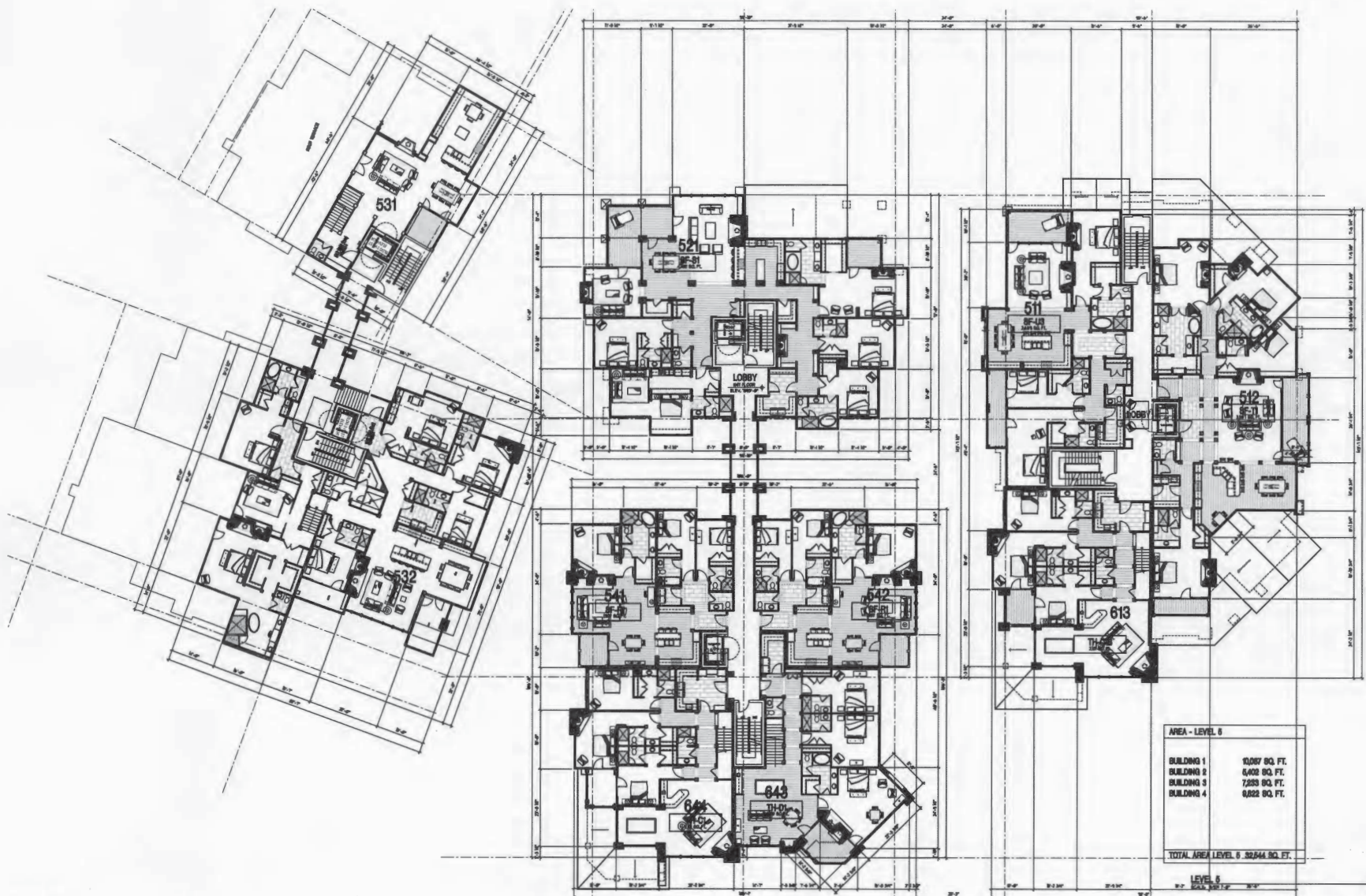
NORTH SILVER LAKE SUBDIVISION, LOT 28, DEER VALLEY, UTAH

CLIENT:  
 REGENT PROPERTIES  
 11990 SAN VICENTE, SUITE 200  
 LOS ANGELES, CA 90049  
 310.806.9827

ISSUES:  
 CIP SUBMITTAL SET  
 FINAL CIP PLANNING  
 DATE:  
 2013.03.10 CIP SUBMITTAL  
 PROJECT NO:  
 1202

SCHEMATIC PLAN  
 LEVEL 04

SD2.4



CONSULTANTS

The drawings and related items including all related documents are the property of JPA architects and shall remain the property of JPA architects. No part of these drawings or related documents may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of JPA architects.

The drawings are made to be used only for the project and are not to be used for any other project without the prior written permission of JPA architects.

JPA architects  
 6405 South 3000 East  
 Suite 205  
 Salt Lake City, UT 84121  
 Tel: 801.733.9291 Fax: 801.733.9292  
 www.jpa-arch.com

# NORTH SILVER LAKE LODGE

NORTH SILVER LAKE SUBDIVISION, LOT 28, DEER VALLEY, UTAH

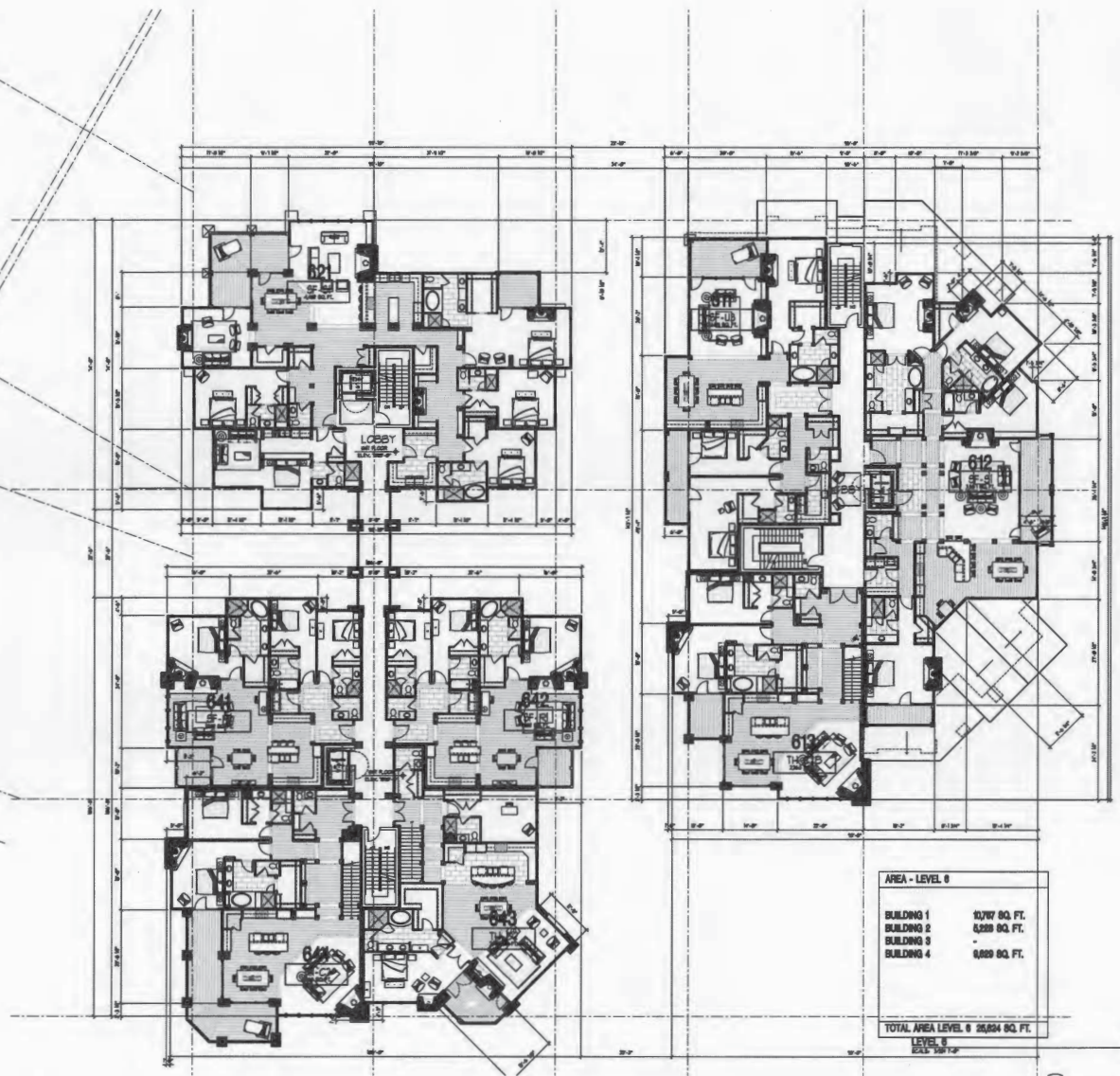
CLIENT:  
 REGENT PROPERTIES  
 11990 SAN VICENTE, SUITE 200  
 LOS ANGELES, CA 90049  
 310.806.9827

PURPOSE:  
 CIP SUBMETAL SET  
 PARK DEVELOPMENT  
 DATE:  
 2010.03.10 CIP SUBMETAL  
 PROJECT NO:  
 0287

SCHEMATIC PLAN  
 LEVEL 05  
 SD2.5



NORTH BUILDINGS  
8A AND 8B BELOW



1  
A2.5

**UPA**  
 The design shown and described herein is preliminary and subject to change without notice. It is not to be used for construction or for any other purpose without the written consent of the architect.  
 This drawing is made for the use of the client and is not to be used for any other purpose without the written consent of the architect.  
 No. 011 711-2500 4445 South 3000 East  
 Pro. No. 711-2501 July 2011 Salt Lake City, UT 84121  
 www.upa-llc.com

CONSULTANTS:

# NORTH SILVER LAKE LODGE

NORTH SILVER LAKE SUBDIVISION, LOT 28, DEER VALLEY, UTAH

CLIENT:  
 REGENT PROPERTIES  
 11990 SAN VICENTE, SUITE 200  
 LOS ANGELES, CA 90049  
 310.806.9827

DESIGNER:  
 CUP SUBMITTAL LTD  
 PARK CITY PLANNING  
 DATE:  
 2010.05.10 CUP SUBMITTAL  
 PROJECT NO:  
 0207

SCHEMATIC PLAN  
 LEVEL 06

SD2.6





April 6, 2012

Lisa Wilson  
P.O. Box 1718  
Park City, Utah 84060

NOTICE OF CITY COUNCIL ACTION

Project Description: Appeal of Planning Commission decision to approve one-year extension  
Project Numbers: PL-12-01474  
Project Address: North Silver Lake Lot 2B  
Date of Final Action: April 5, 2012

Action Taken: The City Council conducted a public hearing and voted unanimously to deny the appeal of Planning Commission action to approve an extension of the Conditional Use Permit for the North Silver Lake Lot 2B development and upheld the approval based on the findings of fact, conclusions of law and conditions of approval:

Findings of Fact:

1. The subject property is at 7101 North Silver Lake Drive. This property is also known as Lot 2B of the North Silver Lake Subdivision.
2. The proposed development is located within the Deer Valley Master Plan Development.
3. Within the Deer Valley Master Plan, the North Silver Lake Subdivision Lot 2B is permitted a density of 54 residential units and 14,525 square feet of commercial and support space.
4. The North Silver Lake Subdivision Lot 2B is 5.96 acres in area.
5. The Deer Valley Master Planned Development (MPD) requires that all developments are subject to the conditions and requirements of the Park City Design Guidelines, the Deer Valley Design Guidelines, and the conditional use review of LMC chapter 15-1-10.
6. The property is located in the Residential Development zoning district (RD) and complies with the Residential Development ordinance.
7. The property is within the Sensitive Lands Overlay Zone and complies with the Sensitive Lands Ordinance.
8. The Planning Commission held public hearings on the original CUP on August 13, 2008, October 22, 2008, February 25, 2009, May 27, 2009, and July 8, 2009 and approved the CUP on July 8, 2009.
9. The Planning Commission approval of the CUP was appealed to the City Council and on November 12, 2009, the City Council remanded the Conditional Use Permit back to the Planning Commission with three specific items to be addressed within the order.
10. The Planning Commission approved the revised Conditional Use Permit on April 28, 2010.

11. The revised CUP was appealed to the City Council and on July 1, 2010, the City Council approved the North Silver Lake Lot 2B Conditional Use Permit
12. On March 17, 2011, the Planning Department received a complete application for an extension of the Conditional Use Permit. The extension request was submitted prior to the expiration of Conditional Use Permit. On April 28, 2011 the Planning Director approved the one year extension to July 1, 2012.
13. An appeal of the Planning Director's approval was heard on June 8, 2011 by the Planning Commission. The Planning Commission voted to uphold the Planning Directors decision to grant the extension of time as requested by the applicant.
14. The Planning Commission's decision was appealed to the City Council and on July 21, 2011 the City Council voted to uphold the Planning Commission's decision and approve the extension until July 21, 2012.
15. Within the July 21, 2011 approval, Condition of Approval #18 states "A bond shall be collected at the time of Conditional Use Permit Approval to ensure that the existing impacts of the site will be repaired at the time of CUP expiration or extension. At such time, the existing rock area of the site shall be capped with soil and re-vegetated and new landscaping along the perimeter entrance shall screen the view into the project. If a building permit is issued within one year, this bond shall be released." This condition was met as of July 1, 2011, which was prior to the first extension request, and the applicant has since capped the rock area with soil and has re-vegetated the area with new landscaping along the perimeter entrance as required.
16. The building department collected a bond to ensure that the existing impacts of the site will be repaired at the time of CUP extension. The landscape plan includes re-vegetating the disturbed area including top soil and native grasses, planting eighteen (18') new trees that vary in height from 10 to 12 feet, and installing an irrigation system for the establishment of the grass and ongoing watering of the new trees. This work has been completed, and the Building Department has released the bond.
17. On October 27, 2011 the applicant submitted a request for an additional one year extension until July 21, 2013 of the Conditional Use Permit which is currently set to expire on July 21, 2012.
18. On January 11, 2012, the Planning Commission granted the request for the one-year and final extension to the original CUP for North Silver Lake, Lot 2B, allowing the Conditional Use Permit to extend to July 21, 2013.
19. The Planning Commission may grant an additional one (1) year extension (of the Conditional Use Permit) when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. The Conditional Use Permit Criteria within LMC section 15-1-10 has not changed since the July 21, 2010 City Council approval.
20. The Conditional Use Permit application or plans for North Silver Lake Lot 2B has not changed since the July 21, 2010 City Council Approval.
21. There are no changes in circumstance including no physical changes to the Property or surroundings that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code.
22. There have been no changes to the application or the approved plans since the first

extension of time was granted on June 8, 2011 by the Planning Commission (and upheld by the City Council on July 21, 2011).

#### Conclusions of Law

1. The application is consistent with the Deer Valley Master Planned Development and the Park City Land Management Code, particularly section 15-1-10, Conditional Use Permits.
2. There are no changes in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or Land Management Code.
3. The Planning Commission did not err in granting a 12 month extension of the CUP approval.

#### Conditions of Approval

1. All conditions of approval of the City Council's July 21, 2011 order continue to apply.
2. This approval will expire July 21, 2013, 12 months from the first extension of the CUP.
3. Approval is based on plans reviewed by the City Council on June 24, 2010. Building Permit plans must substantially comply with the reviewed and approved plans. Any substantial deviation from this plan must be reviewed by the Planning Commission.

If you have any questions or concerns regarding this letter, please do not hesitate to contact me. I can be reached at 435-615-5063 or via e-mail me at [mathew.evans@parkcity.org](mailto:mathew.evans@parkcity.org).

Sincerely,

Mathew W. Evans  
Senior Planner

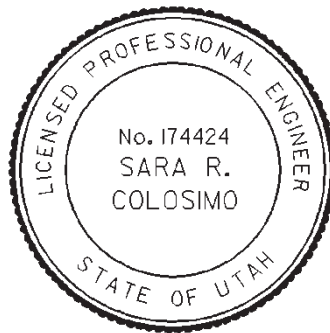
# Existing Traffic Counts and Traffic Projections

Exhibit E – Traffic Study

Silver Lake Condominium Project  
Deer Valley, Utah

*Submitted to:*  
*JSA Architects*  
*Park City*

*February 2009*



*Sara R. Colosimo*



### Table of Contents

.....	1
1. INTRODUCTION.....	3
1.1. Purpose of Report and Study Objectives .....	3
1.2. Existing Traffic Counts .....	3
2. Projected site GENERATED TRAFFIC .....	7
2.1. Projected Peak Hour Counts .....	7
3. TOTAL PROJECTED SITE TRAFFIC .....	9
3.1. Trip Generation Analysis .....	9
3.2. Capacity Analysis .....	10
4. ZONING AND SAFETY ANALYSIS.....	11
4.1. Existing Site Conditions.....	11
4.2. Adjacent Roadway Conditions.....	13
4.3. Zoning.....	13
5. CONCLUSIONS AND RECOMMENDATIONS .....	14

### List of Tables

Table One – Projected Trip Generation and Directional Distribution .....	7
Table Two –Level of Service (LOS) Descriptions .....	10

### List of Figures

Figure One – Site Plan.....	4
Figure Two – Existing (Winter) Peak Hour Traffic Volume.....	5
Figure Three – Existing Average Daily Saturday Traffic (ADT).....	6
Figure Four – Site Generated Peak Hour Traffic.....	8
Figure Five – Total Projected Peak Traffic Volume .....	9
Figure Six – Projected Sight Distance Access Outbound Left Turn.....	11
Figure Seven – Projected Sight Distance Access Outbound Right Turn.....	12

## 1. INTRODUCTION

---

### 1.1. Purpose of Report and Study Objectives

The purpose of this report is to document the results of a study undertaken to identify the existing traffic and traffic projections that would result from the development of the proposed Silver Lake Condominium Project at approximately 7570 Silver Lake Drive in the Deer Valley area of Park City Utah.

The proposed site plan is shown in *Figure One*.

### 1.2. Existing Traffic Counts

Traffic is evaluated by looking at daily traffic, occurring in a 24-hour period and during a peak period. In this location, the peak traffic period occurs on a weekday afternoon from approximately 3:00pm to 5:00pm.

Riley Transportation Consultants performed traffic counts for the proposed development in the area of Deer Valley in Park City on October 16, 2008 – October 20, 2008 and January 31, 2009 – February 3, 2009. The area of Deer Valley in Park City is a tourist destination that experiences its peak season during the winter months. It was necessary to perform different traffic counts during the different seasons in order to compare and contrast results.

After evaluation of the traffic counts that were done in both the off and peak seasons, the following was established:

- Compared to the existing off-season traffic volume, the winter peak season traffic volume increased nearly 150%, in a 24-hour period.
- Saturdays during the peak winter season produced the highest traffic volume.
- The peak hours for traffic volumes on Saturdays were from 9 AM – 10 AM and from 5 PM – 6PM.

The existing peak hour and 24-hour traffic volumes for the studied site are shown in *Figures Two and Three*.

Figure One – Site Plan

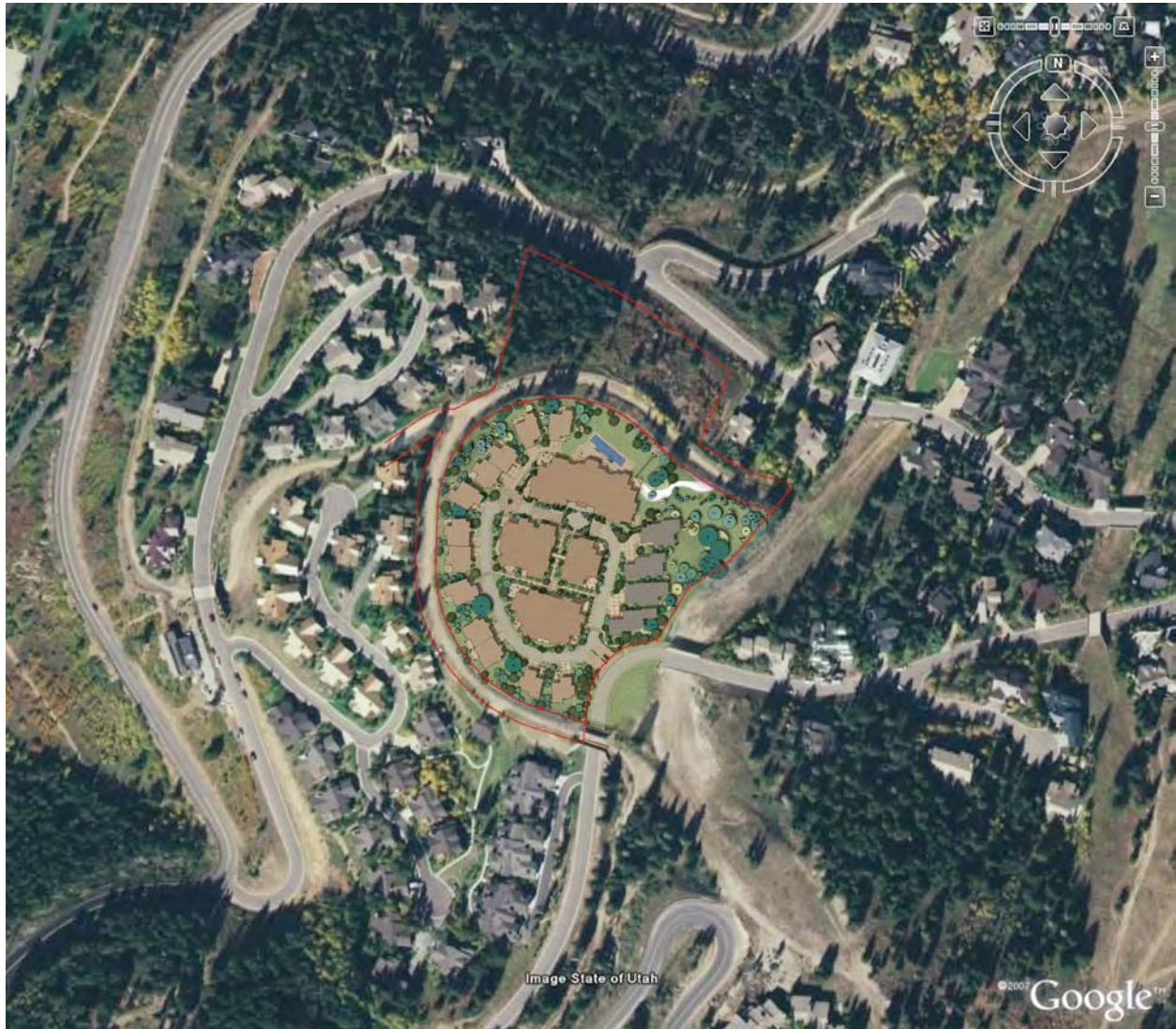


Figure Two – Existing (Winter) Peak Hour Traffic Volume





Figure Three – Existing Average Daily Saturday Traffic (ADT)



## 2. PROJECTED SITE GENERATED TRAFFIC

### 2.1. Projected Peak Hour Counts

The *ITE Trip Generation Manual* was used to project traffic volumes that the proposed development, which contains 40 condominium units and 20 recreational homes, would produce. The "Residential Condominium/Townhouse" description was used along with its ITE code (230) to project the peak hour traffic volume of the proposed 40 condominium units. Consistent with the *ITE Trip Generation Manual*, the directional distribution of the projected traffic volumes was 56% entering and 44% exiting (See **Table One**). In addition, the "Recreational Homes" description was used along with its ITE code (260) to project the peak hour traffic volume of the proposed 20 recreational homes. Consistent with the *ITE Trip Generation Manual*, the directional distribution of the projected traffic volumes was 48% entering and 52% exiting (See **Table One**).

*Table One – Projected Trip Generation and Directional Distribution*

<b>Recreational</b>			
Entering =	48%	Exiting =	52%
Number of Units =		20* (16 homes)	
Generated Traffic =		46	
Entering =	22	Exiting =	24
<b>Condominiums</b>			
Entering =	56%	Exiting =	44%
Number of Units =		40* (38 condo units)	
Generated Traffic =		40	
Entering =	22	Exiting =	17
<b>Total</b>			
Entering =		44	
Exiting =		41	

\*Rounded up to nearest 5 for conservative traffic estimate

The summation of the two results for the condominium and recreational home traffic volumes were used to project the total site generated traffic volume of the proposed development during the peak hour (See **Figure Four**).

According to the *ITE Trip Generation Manual*, two methods could be used to project the peak hour traffic volumes. These two methods consisted of a rate and a fitted equation. The later was used because it yielded a greater value.

Figure Four – Site Generated Peak Hour Traffic



### 3. TOTAL PROJECTED SITE TRAFFIC

#### 3.1. Trip Generation Analysis

Existing traffic volumes were used as the background traffic. Total traffic volumes were obtained by adding the site generated traffic volumes to the existing background traffic. The total estimated traffic volumes for the proposed development are shown in **Figure Five**.

*Figure Five – Total Projected Peak Traffic Volume*



Note: Traffic schematic only. See site plan for location of access.

### 3.2. Capacity Analysis

The analysis has been conducted in accordance with the Highway Capacity Manual 2000 guidelines using *Synchro Version 7* software. It was determined that the Level of Service (LOS) for the intersections within the influence area of the proposed development is a LOS A. Although Traffic will be noticeably higher, it is projected to be well within normal traffic on a rural or suburban local or collector street.

*Table Two –Level of Service (LOS) Descriptions*

Level of Service Descriptions – Unsignalized Intersections		
Level of Service	Description of Traffic Conditions	Average Delay (seconds/vehicle)
A	Free flow traffic conditions	$0 \leq 10$
B	Stable Operations/ Minimum	$> 10$ and $\leq 15$
C	Stable Operations/Acceptable Delay	$> 15$ and $\leq 25$
D	Approaching Unstable Flow. Incidents can generate lengthy queues	$>25$ and $\leq 35$
E	Operating conditions at or near the roadway's capacity.	$> 35$ and $\leq 50$
F	Breakdown in vehicular flow. Queues form quickly. Unpredictable and unacceptable.	$> 50$

## 4. ZONING AND SAFETY ANALYSIS

### 4.1. Existing Site Conditions

The existing sight distance from the proposed development access was measured and is shown in **Figures Six and Seven**.

*Figure Six – Projected Sight Distance Access Outbound Left Turn*

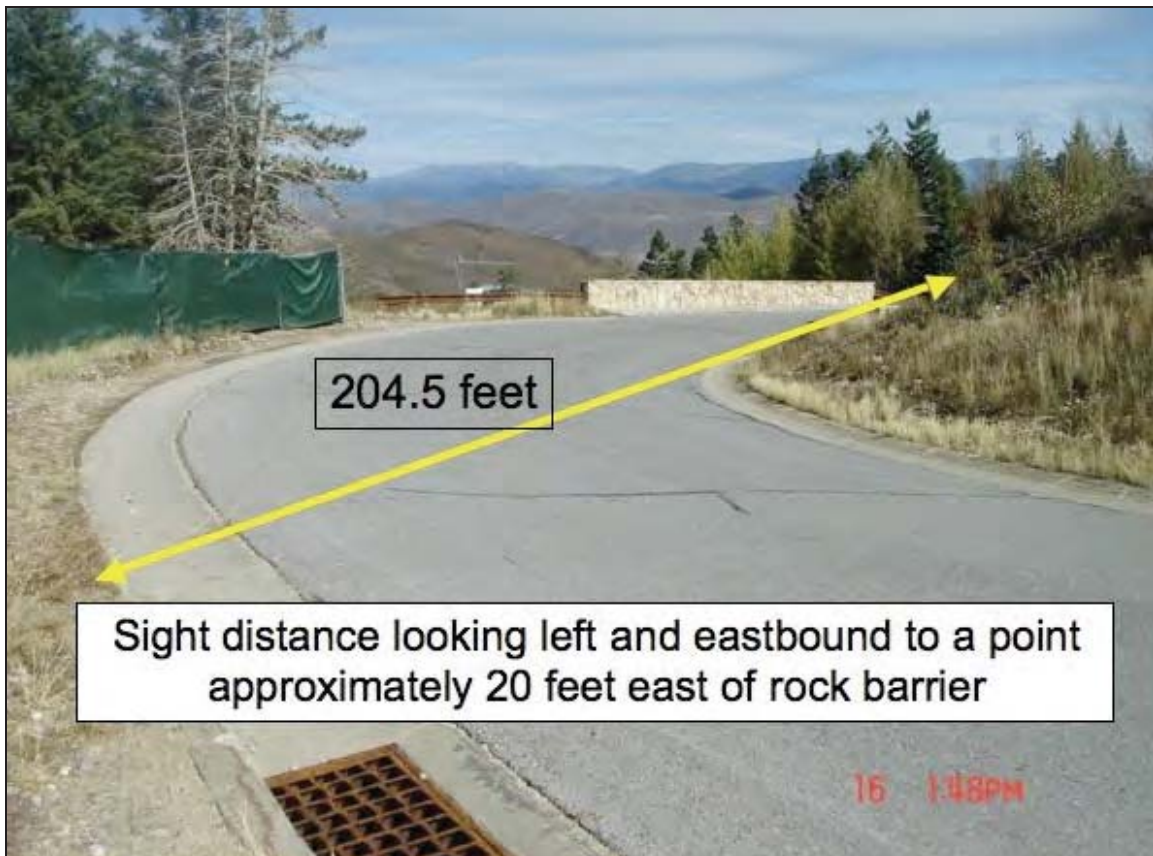


Figure Seven – Projected Sight Distance Access Outbound Right Turn



#### **4.2. Adjacent Roadway Conditions**

Silver Lake Drive in this vicinity is a two-directional road providing access to residential home and condominiums. The roadway is 25 feet wide and not striped. The speed limit along this segment is not posted but assumed to be 25 mph, based on Utah law. The grade of the roadway is approximately flat (0%) to the southwest and about a 3% downgrade to the east.

#### **4.3. Zoning**

The area is zoned for residential.



## 5. CONCLUSIONS AND RECOMMENDATIONS

---

### Sight Distance

Sight distance for the southwest bound, or right turning traffic out of the proposed development is over 500 feet, which meets AASHTO sight requirements.

Sight distance for the eastbound, or left turning traffic out of the proposed development was measured at 204 feet. This meets the AASHTO sight requirements for passenger cars (187 feet), but not for single unit trucks (228 feet) or combo trucks (288 feet). Clearing and/or grading the property across from the access could improve sight distance. This could also be accomplished by slightly raising the existing profile of the access. The grade of the roadway is less than 4% and does not affect the sight distance requirements at 25mph.

Based on surrounding area the access is typical. Engineering judgment should be used at the time of project opening to further evaluate the exact and perceived sight distance. Actual distance can be affected by grade of access and light conditions.

Special warning signage is recommended during the construction period. Truck traffic should enter the project from the north along Silver Lake Drive, and exit south to Royal Street. This will minimize construction and delivery traffic through the neighborhood and avoiding crossing traffic entering and exiting the site.

Mitigation for the limited sight distance could include a warning sign, or clearing of the slope area across the street.

### Traffic and Capacity

Existing traffic is relatively low, even during the winter months. During the existing peak traffic period, there is approximately 1 vehicle every 2 minutes. Traffic is projected to increase to slightly more than 1 car per minute.

Both the roadway and all affected intersections are projected to remain at an LOS (Level of Service) A.

# Addendum to Traffic Impact Analysis

**North Silver Lake Lodge  
Deer Valley  
Park City, Utah**

*Submitted to:  
Think Architecture  
Park City Corporation*

*May 2013*



MAY 21, 2013



**Riley Traffic Consultants, LLC**

*Table of Contents*

1. INTRODUCTION AND SUMMARY.....	3
2. PROPOSED PROJECT.....	4
3. STUDY AREA CONDITIONS .....	6
4. ANALYSIS OF EXISTING CONDITIONS.....	8
5. PROJECTED TRAFFIC.....	9
6. TRAFFIC ANALYSIS.....	13
7. CONCLUSIONS AND RECOMMENDATIONS.....	14
8. APPENDIX.....	15

## 1. INTRODUCTION AND SUMMARY

---

### 1.1. Purpose of Report and Study Objectives

The purpose of this addendum is to document and update the conclusions of a study undertaken to identify the traffic impacts of the proposed North Silver Lake Lodge project at approximately 7101 Silver Lake Drive in the Deer Valley area of Park City, Utah. The original study was approved in 2009. The original study was undertaken and submitted in 2009 for a development of 54 residential units. The project now proposes to include 38 condominium units with "lockout" potential allowing for up to 148 keys on site within the same 241,814 square foot approved plans.

### 1.2. Executive Summary

Traffic levels in the project vicinity are assumed to be the same or less than levels recorded in 2009. The Utah Department of Transportation (UDOT) traffic statistics indicate that traffic in Park City, and specifically the Deer Valley area, have remained the same or decreased.

This analysis assumes a peak 100% occupancy of all condominiums and all condominium owners exercising their option to lock out part of their unit. According to Stein Eriksen Lodge, the peak week of occupancy in 2012 was 89% from December 26 to December 31.

The overall average daily traffic (ADT) with this revised concept is expected to be less than that of an independent condominium and home development, due in large part to the amenities and shuttle services to be provided by the property manager, Stein Eriksen Lodge, via their successful Transportation Demand Management (TDM) Program. TDM programs focus on changing or reducing travel demand, particularly at peak commute hours, instead of increasing roadway supply. Thus, TDM makes more efficient use of the current roadway system by reducing auto trip through providing a shift from single-occupant vehicles (SOV) to non-SOV transportation options. Assuming maximum occupancy and lockout utilization, and the maximum number of resort shuttles, airport vans, and limousines, a total of 415 trips per day could be expected, or 200 trips with Travel Demand Management (TDM). Even under maximum trip scenario, all traffic was still projected to function at LOS (Level of Service) A, which is acceptable for a roadway of this classification.

All conclusions from the original study are valid for this revised site plan. This section of the 2009 report is reprinted in the conclusions section of this report.

## ***2. PROPOSED PROJECT***

---

### ***2.1. Proposed Project***

The North Silver Lake project was approved for 54 residential units. The property owner now seeks to include 38 condominium units with "lockout" potential that would allow individual owners to split their condominiums and rent out one or two bedrooms using a separate door and key. A total of 148 keys could exist if the full lockout capability was used. This change was evaluated including traffic for an assumed 110 additional keys. Sixteen custom homes are planned with the project. The parking garage previously held 86 stalls and will remain at 86 stalls, with 78 being dedicated to the condominium residents of the project and the 8 remaining spaces for guest and employees. The managing group, Stein Eriksen Lodge, plans to utilize a shuttle service for guest services to and from the airport, to the Deer Valley Center, and to Park City Center.

This project will have ski-in-ski out capability. This development is expected to be a resort experience for which driving a vehicle is optional. Deer Valley and Park City attractions will be accessible by skis or resort shuttle. Stein Eriksen Lodge has provided a transportation analysis during the peak period that documented the rate of vehicle usage for both condominiums and lockout units. This analysis is attached to this memorandum.

For the purpose of this study, the highest expected vehicle traffic was estimated to evaluate the overall traffic impact on the project.

*Figure 1 – Site Location & Surrounding Area*



### ***3. STUDY AREA CONDITIONS***

---

#### **3.1. Site Area Buildout 2009-2012**

The study area has been impacted, since 2009, by economic conditions. Scheduled construction projects did not go as planned. Conditions are similar to 2009, as shown in Figures 2 and 3, which show the area buildout from 2007 to 2011.

*Figure 2 – Site Area 2007 (With 2009 Project Shown)*



*Figure 3– Site Area 2011*





## 4. ANALYSIS OF EXISTING CONDITIONS

### 4.1. Analysis of Existing Conditions

Given the economic slowdown, traffic volumes in the Park City/Deer Valley area have remained constant or have declined. No new developments have opened in the area since the study was completed. An excerpt from the publication *Traffic on Utah Highways*, prepared by the Utah Department of Transportation, is included and shows traffic from 2009 to 2011.

### 2011 Traffic on Utah Highways

ROUTE NAME	BEG. ACCUM. MILEAGE	END ACCUM. MILEAGE	LOCATION DESCRIPTION	2011 AADT	2010 AADT	2009 AADT
0224	4.664	5.554	Deer Valley Drive	13,910	13,955	20,750
0224	5.554	5.737	Bonanza Drive	18,575	18,630	18,705
0224	5.737	6.040	Park Avenue	19,720	19,780	19,860

## 5. PROJECTED TRAFFIC

---

### 5.1. Travel Demand Management (TDM)

The following planned amenities will significantly reduce trips from the proposed development.

#### Stein Eriksen Shuttle Service

The managing partner will provide shuttle service to Park City Center and other Deer Valley Resorts on the half hour or on an as-needed basis for guests.

#### Occupancy and Parking Counts

An analysis of occupancy and parking volume was conducted by Stein Eriksen Lodge. This study was conducted during the historically busiest occupancy days of the year – December 26 through December 31, 2012. This analysis is included in the Appendix.

The management group promotes not renting or driving cars from the airport to the Lodge. A shuttle service is provided throughout Park City/Deer Valley, thus greatly reducing the number of vehicles on the roads due to guest traffic.

The analysis shows an average 13.8 guest cars that were driven to the Lodge during this six-day period. This projected rate translates to 0.21 cars per original base condominium unit and 0.077 cars per lockout condominium unit.

#### Ski-In/Ski-Out Access

This figure shows the ski-in ski-out access from the project. Ski access is provided to Silver Dollar, Last Chance, and Success Ski Runs. From here, access is available to the Carpenter Express or Silver Link ski lifts.

Figure 4– Ski-In/Ski-Out Access



## 5.2. Trip Generation

Using current trends and future traffic projections, projected trip generation was determined. These values are summarized in the following table and were compared with the Institute of Transportation Engineers, (ITE) 9<sup>th</sup> Edition *Trip Generation Manual*. The manual includes the following land use categories (ITE Codes) for trip generation.

Recreational Homes - (ITE Code 260)- ITE *Trip Generation Manual* defines this category as the following: "Recreational homes are usually located in a resort containing local services and complete recreational facilities. These dwellings are often second homes used by the owner periodically or rented on a seasonal basis." Trips for the single-family luxury homes in the project are generated using this data.

Residential Condominiums -(ITE Code 230)- ITE *Trip Generation Manual* defines this category as the following. "Residential condominiums/townhouses are defined as ownership units that have at least one other owned unit within the same building structure. Both condominiums and townhouses are included in this land use." Trips from this land use are generated using the following variables: dwelling units (DU's), persons, and vehicles.

Lockout Units - ITE does not include a category for lockout unit condominiums. The "Residential Condominium" is still the land use, which best describes the project function. In the case of lockout utilization, the overall square footage, number of beds, and number of parking spaces remain the same. One method of analysis would be to simply assume each key would be a separate dwelling unit; however, in this case, that method would produce an artificially high trip projection.

The other two variables used to evaluate trips are the number of persons and the number of vehicles. In the case of lockout utilization, the overall same square footage, number of beds and number of parking spaces remains constant. Precise occupancy is impossible to predict under any scenario but the maximum number of garage parking spaces is limited to 86 stalls – 76 of which are dedicated to unit owners. To evaluate maximum capacity, this analysis assumes 86 of the parking spaces in the garage could be used for residential, guest and employee parking. This data for each condominium unit are shown in the Appendix, North Silver Lake Lodge, Unit Analysis.

When evaluating the project with lockouts or without lockouts, using the parking space or vehicle variable, produces the most intuitive results. While full lockout utilization may produce more trips, it will not produce three times the trips, as a single-party occupied condominium.

Tables 1 and 2 show the projected peak trips generated by the project as a standalone project, and with TDM managed by Stein Eriksen Lodge.

**Table 1 – Projected Peak Trip Generation - Without TDM  
9th Edition ITE Trip Generation Manual**

Development	ITE Code	Development Units (DU)	Variable (Dwelling Units or Vehicles)	ADT	PM Peak Hour		
					Total	In	Out
Recreational Homes	260	16	NA	51	4	2	2
			Dwelling Units				
Residential Condominiums*	230	38	38	221	20	13	7
			Vehicles				
Residential Condominiums (All Units)	230	148	86	287	28	18	9
Total *			155	338	32	20	11

\* The lesser trip generation rate, Residential Condominiums by dwelling units, was not used; lockout condominium rate by vehicles was used.

**Table 2 - 2013 Projected Peak Trip Generation- With TDM  
9th Edition ITE Trip Generation Manual**

Development	ITE Code	Development Units (DU)	% Using Vehicle	Adjusted Variable Vehicles	ADT	PM Peak Hour		
						Total	In	Out
Recreational Homes	260	16	NA		51	4	2	2
Condominiums 2, 3, 4 & 5 Bedroom Units	230	38	33.33%*	13	43	4	3	2
Lockout Condominium Units	310	110	10%*	11	37	4	2	2
Resort Shuttles*					30	4	2	2
Airport Van/Limo*					20	2	1	1
Maintenance/ Staffing					19	4	3	1
Total					200	22	13	10

\*Data from Stein Eriksen Lodge Management Group

## 6. TRAFFIC ANALYSIS

---

### 6.1. Capacity Analysis

The Intersection analyses have been conducted in accordance with the *Highway Capacity Manual 2000* guidelines, using *Synchro Version 7* software. The following table shows the existing Level of Service (LOS) and delay for the intersections within the influence area of the proposed development. Delay is listed for worst approach leg and the intersection. Where there is a free movement at an unsignalized intersection (no stop is required), intersection LOS is not calculated by the software. Approach LOS for the stopping traffic is shown in parentheses. This analysis uses the peak trip generation without TDM.

**Table 3 – Projected Capacity Analysis Results**

Intersection	PM Peak Hour	
	Average Delay (secs)	Intersection Approach LOS
Silver Lake Drive and Project Access	5.7	A(A)
Silver Lake Drive and Royal St.	6.8	A(A)

## ***7. CONCLUSIONS AND RECOMMENDATIONS***

---

This updated traffic analysis assumes conservatively that 100% of the condominiums will be occupied and further assumes that 100% of the owners will exercise their options to lock out part of their units. In contrast, according to Stein Eriksen Lodge, occupancy during the peak week in 2012 (December 26-31) only reached 89%.

Assuming a maximum 100% occupancy and lockout utilization, along with the maximum number of resort shuttles, airport vans, and limousines, the peak number of additional trips will not exceed 200 per day. Even under this worst case scenario, all traffic is projected to function at LOS (Level of Service) A, which is fully acceptable for a roadway of this classification.

All conclusions from the original study are valid for this revised development proposal.

## ***8. APPENDIX***

---



# Exhibit G – Unit Analysis

Project Area+A1

<b>TOTALS</b>		<b>40</b>	<b>140,661</b>	<b>132,841</b>	<b>79.5</b>	<b>124</b>	<b>154</b>				<b>129,823</b>	
UNIT TYPE	STYLE	UNIT TYPE	AREA (GROSS)	AREA PAINT TO PAINT	PARKING STALLS	KEYS	NO. OF BEDS	NO. OF BATHS	SITTING ROOM	FIRE PLACE	LEASABLE AREA	QUALITY
<b>BUILDING #1/ SOUTH</b>												
<b>UNIT S-311</b>	<b>FLAT</b>	<b>U</b>	<b>2,663</b>	<b>2,506</b>	<b>2.0</b>	<b>3</b>	<b>3</b>	<b>3.5</b>				<b>1C,2B,4B</b>
Vestibule											91	
Lockout 1							1	1.5	YES	YES	1,673	
Lockout 2							1	1.0	NO	NO	359	
Lockout 3							1	1.0	NO	NO	383	

<b>UNIT S-411</b>	<b>FLAT</b>	<b>U</b>	<b>2,659</b>	<b>2,508</b>	<b>2.0</b>	<b>3</b>	<b>3</b>	<b>3.5</b>				<b>1C+,2B,4B</b>
Vestibule											91	
Lockout 1							1	1.5	YES	YES	1,675	
Lockout 2							1	1.0	NO	NO	359	
Lockout 3							1	1.0	NO	NO	383	

<b>UNIT S-414</b>	<b>2 LEVEL FLAT</b>	<b>C1</b>	<b>4,654</b>	<b>4,362</b>	<b>2.0</b>	<b>4</b>	<b>5</b>	<b>5.5</b>				<b>1B,2A,4B</b>
	414 UPPER		2,370									
Vestibule	414 LOWER		2,284								202	
Lockout 1							2	2.5	YES	YES	2,253	
Lockout 2							1	1.0	NO	NO	867	
Lockout 3							1	1.0	YES	YES	614	
Lockout 4							1	1.0	NO	YES	426	

<b>UNIT S-412</b>	<b>2 LEVEL FLAT</b>	<b>F</b>	<b>4,467</b>	<b>4,207</b>	<b>2.0</b>	<b>4</b>	<b>5</b>	<b>5.5</b>				<b>1B,2A,4B</b>
Lockout 1	412 UPPER		2,280				2	2.5	YES	YES	2,173	
Vestibule	412 LOWER		2,187								205	
Lockout 2							1	1.0	NO	NO	453	
Lockout 3							1	1.0	NO	YES	753	
Lockout 4							1	1.0	YES	YES	623	

<b>UNIT S-413</b>	<b>2 LEVEL FLAT</b>	<b>F</b>	<b>4,467</b>	<b>4,207</b>	<b>2.0</b>	<b>4</b>	<b>5</b>	<b>5.5</b>				<b>1A,2A,4B</b>
Lockout 1	413 UPPER		2,280				2	2.5	YES	YES	2,173	
Vestibule	413 LOWER		2,187								205	
Lockout 2							1	1.0	NO	NO	453	
Lockout 3							1	1.0	YES	YES	753	
Lockout 4							1	1.0	NO	YES	623	

<b>UNIT S-511</b>	<b>FLAT</b>	<b>U3</b>	<b>2,836</b>	<b>2,666</b>	<b>2.0</b>	<b>3</b>	<b>3</b>	<b>3.5</b>				<b>1A,2A-,4B</b>
Vestibule											107	
Lockout 1							1	1.5	YES	YES	1,673	
Lockout 2							1	1.0	NO	NO	359	
Lockout 3							1	1.0	NO	NO	527	

<b>UNIT S-512</b>	<b>FLAT</b>	<b>T</b>	<b>3,931</b>	<b>3,718</b>	<b>2.0</b>	<b>3</b>	<b>4</b>	<b>4.5</b>				<b>1A-,2A-,3,4B</b>
Vestibule											147	
Lockout 1							2	2.5	YES	YES	2,609	
Lockout 2							1	1.0	NO	YES	377	
Lockout 3							1	1.0	NO	YES	585	

<b>UNIT S-611</b>	FLAT	U3	2,836	2,666	2.0	3	3	3.5				1A,2A,4A
Vestibule												107
Lockout 1							1	1.5	YES	YES		1,673
Lockout 2							1	1.0	NO	NO		359
Lockout 3							1	1.0	NO	NO		527

<b>UNIT S-613</b>	2 LEVEL FLAT	C	4,671	4,411	2.0	4	5	5.5				1A,2A,4A,5
Vestibule			2,384									214
Lockout 1			2,287				2	2.5	YES	YES		2,284
Lockout 2							1	1.0	NO	NO		428
Lockout 3							1	1.0	NO	YES		614
Lockout 4							1	1.0	YES	YES		871

<b>UNIT S-612</b>	FLAT	T	3,921	3,717	2.0	3	4	4.5				1A-,2A,3,4A
Vestibule												155
Lockout 1							2	2.5	YES	YES		2,601
Lockout 2							1	1.0	NO	YES		584
Lockout 3							1	1.0	NO	YES		377
<b>SOUTH BUILDING SUBTOTAL</b>		10	37,105	34,968	20.0	34	40	45.0				34,968
<b>UNIT TYPE</b>	<b>STYLE</b>	<b>UNIT DESIGNATION</b>	<b>NEW AREA (GROSS)</b>	<b>NEW AREA PAINT TO PAINT</b>	<b>PARKING STALLS</b>	<b>KEYS</b>	<b>NO. OF BEDS</b>	<b>NO. OF BEDS</b>	<b>SITTING ROOM</b>	<b>FIRE PLACE</b>	<b>LEASABLE AREA</b>	<b>QUALITY</b>

**BUILDING #2/ EAST**

<b>UNIT E-421</b>	2 LEVEL FLAT	E	4,685	4,390	2.0	4	5	5.5				1B,2B,4B
	421 UPPER		2,375									
Vestibule	421 LOWER		2,310									176
Lockout 1							2	2.5	YES	YES		2,248
Lockout 2							1	1.0	NO	NO		450
Lockout 3							1	1.0	NO	NO		345
Lockout 4							1	1.0	YES	YES		1,171

<b>UNIT E-422</b>	2 LEVEL FLAT	E	4,685	4,390	2.0	4	4	4.5				1B,2B,4B
	422 UPPER		2,375									
Vestibule	422 LOWER		2,310									176
Lockout 1							1	1.5	YES	YES		2,248
Lockout 2							1	1.0	NO	NO		450
Lockout 3							1	1.0	NO	NO		345
Lockout 4							1	1.0	YES	YES		1,171

<b>UNIT E-521</b>	FLAT	S	4,662	4,383	2.0	4	5	5.5				1A,2B,3,4B,5
Vestibule												78
Vestibule												56
Lockout 1							2	2.5	YES	YES		2,527
Lockout 2							1	1.0	YES	YES		693
Lockout 3							1	1.0	NO	NO		546
Lockout 4							1	1.0	NO	NO		483

<b>UNIT E-621</b>	FLAT	S	4,662	4,389	2.0	4	5	5.5				1A,2A,3,4A,5
Vestibule												78

Vestibule											56	
Lockout 1							2	2.5	YES	YES	2,527	
Lockout 2							1	1.0	YES	YES	699	
Lockout 3							1	1.0	NO	NO	546	
Lockout 4							1	1.0	NO	NO	483	
<b>EAST BUILDING SUBTOTAL</b>		4	18,694	17,552	8.0	16	19	21.0			16,932	
<b>UNIT TYPE</b>	<b>STYLE</b>	<b>UNIT TYPE</b>	<b>NEW AREA (GROSS)</b>	<b>NEW AREA PAINT TO PAINT</b>	<b>PARKING STALLS</b>	<b>KEYS</b>	<b>NO. OF BEDS</b>	<b>NO. OF BEDS</b>	<b>SITTING ROOM</b>	<b>FIRE PLACE</b>	<b>LEASABLE AREA</b>	<b>QUALITY</b>
<b>BUILDING #3/ NORTH</b>												
<b>UNIT NE-131</b>	FLAT	L1	4,222	4,005	2.0	3	4	4.5				1C,2A,3,4A,5
Vestibule											255	
Lockout 1							2	2.5	YES	YES	2,520	
Lockout 2							1	1.0	YES	NO	654	
Lockout 3							1	1.0	YES	YES	576	

<b>UNIT NW-132</b>	FLAT	H1	4,694	4,451	2.0	4	5	6.0				1C,2A,4A,5(2)
Vestibule											293	
Lockout 1							2	3.0	YES	YES	2,235	
Lockout 2							1	1.0	NO	YES	525	
Lockout 3							1	1.0	NO	YES	614	
Lockout 4							1	1.0	YES	YES	784	

<b>UNIT NE-231</b>	FLAT	L1	4,297	4,077	2.0	3	4	4.5				1B-,2B,3,4B,5
Vestibule											273	
Lockout 1							2	2.5	YES	YES	2,361	
Lockout 2							1	1.0	YES	YES	815	
Lockout 3							1	1.0	YES	YES	628	

<b>UNIT NW-233</b>	FLAT	J1	3,772	3,582	2.0	3	4	4.5				1B-,2C,4B,5
Vestibule											217	
Lockout 1							2	2.5	YES	YES	2,211	
Lockout 2							1	1.0	NO	YES	525	
Lockout 3							1	1.0	YES	YES	629	

<b>UNIT NE-331</b>	FLAT	L2	4,096	3,880	2.0	3	4	4.5				1A,2C,3,4B,5
Vestibule											272	
Lockout 1							2	2.5	YES	YES	2,363	
Lockout 2							1	1.0	YES	YES	617	
Lockout 3							1	1.0	NO	YES	628	

<b>UNIT NW-332</b>	2 LEVEL FLAT	G1	3,660	3,441	2.0	3	4	5.0				1A,2A-,4B
Lockout #1	332 Upper		1,954				2	3.0	YES	YES	1,858	
Vestibule	332 Lower		1,706								112	
Lockout 2							1	1.0	YES	YES	674	
Lockout 3							1	1.0	YES	YES	797	

<b>UNIT NW-333</b>	FLAT	J1	3,780	3,581	2.0	3	4	4.5				1A-,2B-,4B,5
Vestibule											218	
Lockout 1							2	2.5	YES	YES	2,203	

Lockout 2							1	1.0	NO	YES	525	
Lockout 3							1	1.0	YES	YES	635	

<b>UNIT NW-334</b>	FLAT	K1	2,520	2,390	2.0	3	3	4.0				1A,2A,3,4B,5
Vestibule											63	
Lockout 1							2	3.0	YES	YES	1,783	
Lockout 2							1	1.0	NO	YES	544	

<b>UNIT NW-432</b>	FLAT	F1	4,093	3,955	2.0	1	5	6.0				1A,2A,4A,5
Lockout 1							5	6.0	YES	YES	3,955	

<b>UNIT NW-433</b>	FLAT	K1	3,204	3,018	2.0	3	4	5.0				1A,2A,3,4A,5
Vestibule											323	
Lockout 1							2	3.0	YES	YES	1,781	
Lockout 2							1	1.0	NO	YES	449	
Lockout 3							1	1.0	NO	NO	465	

<b>UNIT NE-531</b>	2 LEVEL FLAT	H1	5,039	4,815	2.0	2	5	6.0				1A,2A,3,4A,5
Lockout 1	531 LOWER		1,653				3	4.0	YES	YES	3,287	
Vestibule											339	
Lockout 2	531 UPPER		3,386				1	1.0	NO	NO	541	
Lockout 3							1	1.0	YES	YES	648	

<b>UNIT NW-532</b>	FLAT	E1	5,023	4,932	2.0	3	5	5.5				1A,2A,3,4A,5(2)
Vestibule	UPPER		1,653								215	
	LOWER		3,370								67	
Lockout 1							3	3.5	YES	YES	3,687	
Lockout 2							1	1.0	NO	NO	465	
Lockout 3							1	1.0	NO	NO	498	

<b>NORTH BUILDING SUBTOTAL</b>		12	48,400	46,127	24.0	34	51	60.0			46,127	
<b>UNIT TYPE</b>	<b>STYLE</b>	<b>UNIT TYPE</b>	<b>NEW AREA (GROSS)</b>	<b>NEW AREA PAINT TO PAINT</b>	<b>PARKING STALLS</b>	<b>KEYS</b>	<b>NO. OF BEDS</b>	<b>NO. OF BEDS</b>	<b>SITTING ROOM</b>	<b>FIRE PLACE</b>	<b>LEASABLE AREA</b>	<b>QUALITY</b>

<b>BUILDING #4/ WEST</b>												
<b>UNIT W-241 ADA</b>	FLAT	?	1,532	1,442	1.5	1	1	1.0	YES	YES		

<b>UNIT W-341</b>	FLAT	R	2,116	1,978	2.0	3	3	3.5				1B,2C
Vestibule											135	
Lockout 1							1	1.5	YES	YES	1,242	
Lockout 2							1	1.0	NO	NO	307	
Lockout 3							1	1.0	NO	NO	294	

<b>UNIT W-342</b>	FLAT	R	2,116	1,978	2.0	3	3	3.0				1C,2C
Vestibule											135	
Lockout 1							1	1.5	YES	YES	1,242	
Lockout 2							1	1.0	NO	NO	307	
Lockout 3							1	1.0	NO	NO	294	

<b>UNIT W-343 ADA</b>	FLAT	R	2,186	2,048	2.0	1	2	2.0	YES	YES		
Vestibule				107			0	0.0	NO	NO		

Lockout 1				1,475			1	1.0	YES	YES		
Lockout 2				466			1	1.0	NO	NO		

<b>UNIT W-441</b>	<b>FLAT</b>	<b>R</b>	<b>2,116</b>	<b>1,978</b>	<b>2.0</b>	<b>3</b>	<b>3</b>	<b>3.0</b>				1B,2C,4B
Vestibule											135	
Lockout 1							1	1.5	YES	YES	1,242	
Lockout 2							1	1.0	NO	NO	307	
Lockout 3							1	1.0	NO	NO	294	

<b>UNIT W-444</b>	<b>2 LEVEL FLAT</b>	<b>C</b>	<b>4,667</b>	<b>4,410</b>	<b>2.0</b>	<b>4</b>	<b>5</b>	<b>5.5</b>				1B+,2A,4B,5
Vestibule	444 LOWER		2,380								239	
Lockout 1	444 UPPER		2,287				2	2.5	YES	YES	2,284	
Lockout 2							1	1.0	YES	YES	865	
Lockout 3							1	1.0	NO	YES	621	
Lockout 4							1	1.0	NO	NO	401	

<b>UNIT W-442</b>	<b>FLAT</b>	<b>R</b>	<b>2,116</b>	<b>1,978</b>	<b>2.0</b>	<b>3</b>	<b>3</b>	<b>3.0</b>				1C,2C,4B
Vestibule											135	
Lockout 1							1	1.5	YES	YES	1,242	
Lockout 2							1	1.0	NO	NO	307	
Lockout 3							1	1.0	NO	NO	294	

<b>UNIT W-541</b>	<b>FLAT</b>	<b>R</b>	<b>2,116</b>	<b>1,978</b>	<b>2.0</b>	<b>3</b>	<b>3</b>	<b>3.0</b>				1B,2C,4B
Vestibule											135	
Lockout 1							1	1.5	YES	YES	1,242	
Lockout 2							1	1.0	NO	NO	307	
Lockout 3							1	1.0	NO	NO	294	

<b>UNIT W-542</b>	<b>FLAT</b>	<b>R</b>	<b>2,116</b>	<b>1,978</b>	<b>2.0</b>	<b>3</b>	<b>3</b>	<b>3.0</b>				1B,2C,4B
Vestibule											135	
Lockout 1							1	1.5	YES	YES	1,242	
Lockout 2							1	1.0	NO	NO	307	
Lockout 3							1	1.0	NO	NO	294	

<b>UNIT W-543</b>	<b>2 LEVEL FLAT</b>	<b>?</b>	<b>4,294</b>	<b>4,026</b>	<b>2.0</b>	<b>4</b>	<b>5</b>	<b>6.0</b>				
Lockout #1	543 UPPER		2,191				2	3.0	YES	YES	2,083	
Vestibule	543 LOWER		2,103								265	
Lockout #2							1	1.0	NO	NO	409	
Lockout #3							1	1.0	YES	YES	728	
Lockout #4							1	1.0	NO	YES	541	

<b>UNIT W-641</b>	<b>FLAT</b>	<b>R</b>	<b>2,116</b>	<b>1,978</b>	<b>2.0</b>	<b>3</b>	<b>3</b>	<b>3.0</b>				1B,2B,4B
Vestibule											135	
Lockout 1							1	1.5	YES	YES	1,242	
Lockout 2							1	1.0	NO	NO	307	
Lockout 3							1	1.0	NO	NO	294	

<b>UNIT W-644</b>	<b>2 LEVEL FLAT</b>	<b>C</b>	<b>4,662</b>	<b>4,398</b>	<b>2.0</b>	<b>4</b>	<b>5</b>	<b>5.5</b>				1A,2A,4A,5
Vestibule	644 UPPER		2,381								239	

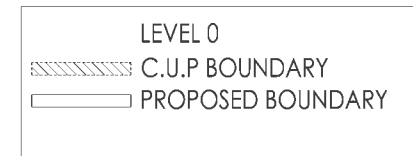
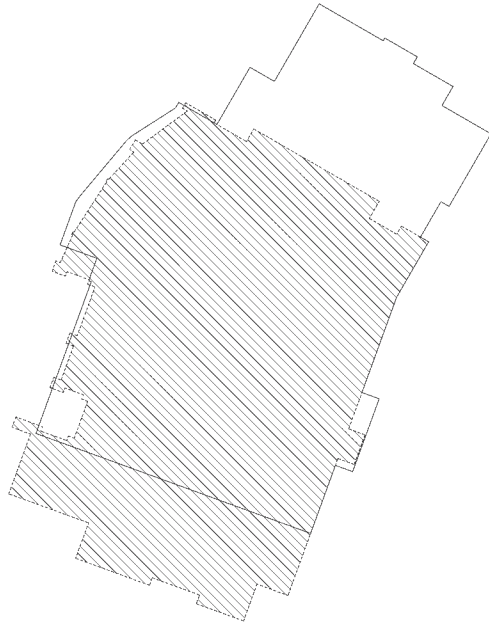
	644 LOWER		2,281									
Lockout 1						2	2.5	YES	YES	2,284		
Lockout 2						1	1.0	NO	NO	865		
Lockout 3						1	1.0	YES	YES	610		
Lockout 4						1	1.0	NO	YES	400		

<b>UNIT W-643</b>	<b>FLAT</b>	<b>D2</b>	<b>2,193</b>	<b>2,046</b>	<b>2.0</b>	<b>2</b>	<b>2</b>	<b>2.5</b>				1A,2A,4A,5
Vestibule											107	
Lockout 1						1	1.5	YES	YES	1,473		
Lockout 2						1	1.0	NO	NO	466		

<b>UNIT W-642</b>	<b>FLAT</b>	<b>R</b>	<b>2,116</b>	<b>1,978</b>	<b>2.0</b>	<b>3</b>	<b>3</b>	<b>3.0</b>				1B,2B,4B
Vestibule											135	
Lockout 1						1	1.5	YES	YES	1,242		
Lockout 2						1	1.0	NO	NO	307		
Lockout 3						1	1.0	NO	NO	294		
<b>WEST BUILDING SUBTOTAL</b>		<b>14</b>	<b>36,462</b>	<b>34,194</b>	<b>27.5</b>	<b>40</b>	<b>44</b>	<b>47.0</b>			<b>30,704</b>	

Note: There are small variations among unit types causing differences in square footages. This account for stepping in the building structure and roof changes.

# Exhibit H – Modification Analysis



The design team and its client have agreed that the design team will not be responsible for any errors or omissions in the design team's work that are caused by the client's failure to provide accurate information or data to the design team or by the client's failure to follow the design team's recommendations.

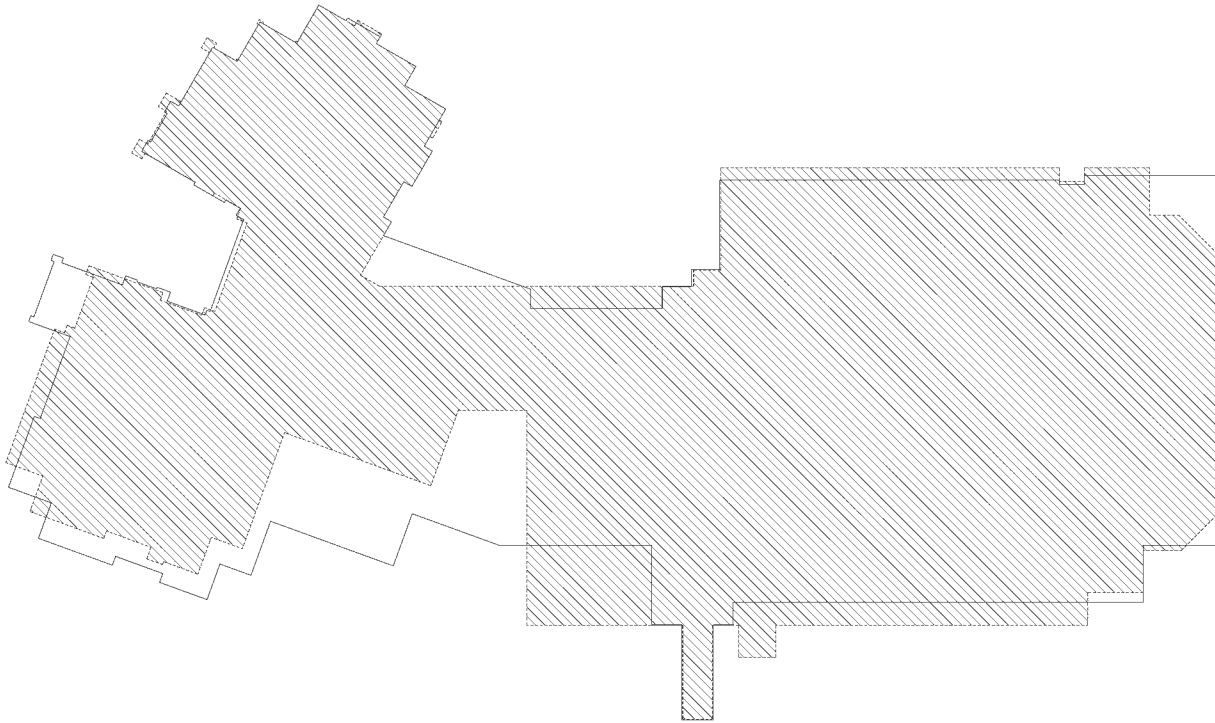
SITIEN ERICKSON LODGE  
 NORTH SILVER LAKE  
 PARK CITY, UTAH



PROJECT NO. 13021  
 DATE: JAN 1, 2013  
 REVISIONS: JES

LEVEL 0  
 BOUNDARIES  
 SHEET TITLE:

SHEET NUMBER:  
 - -  
 BUILDING

REVIEW



LEVEL 1
 C.U.P BOUNDARY
 PROPOSED BOUNDARY





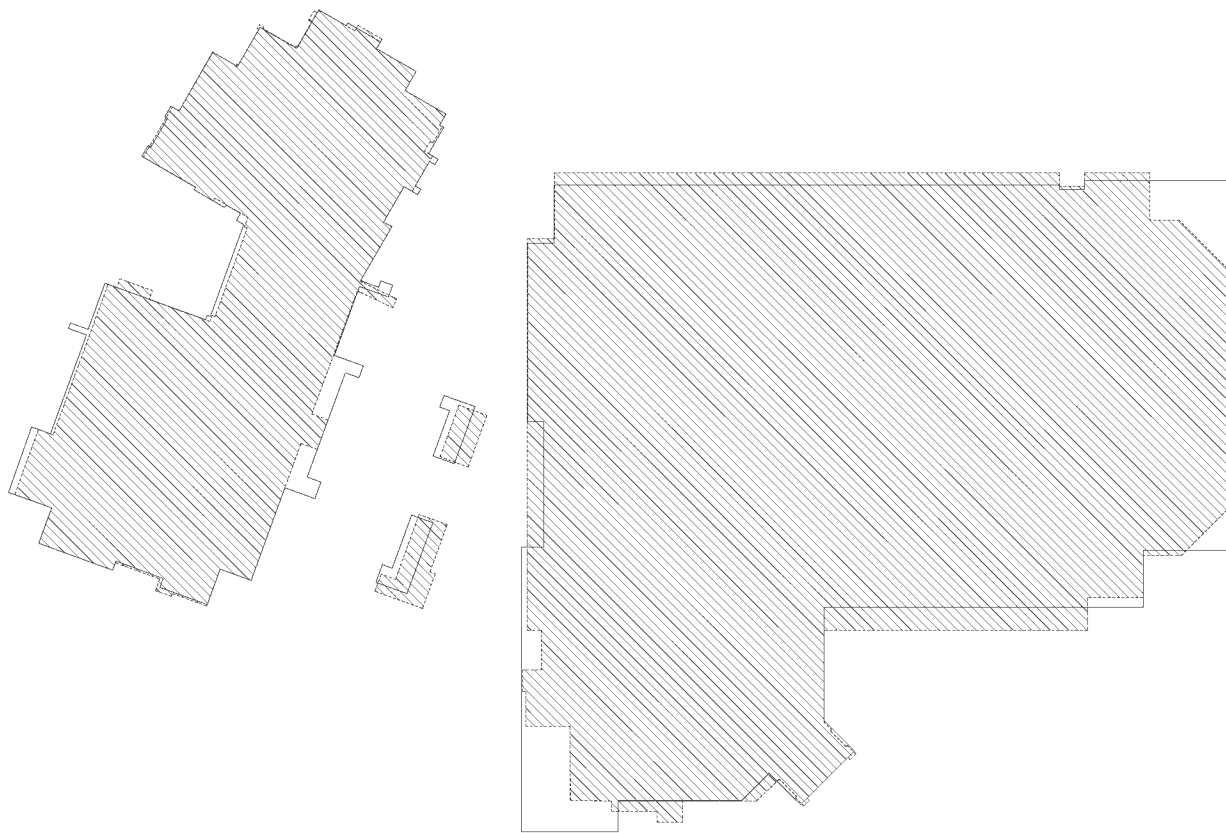
Think  
Architecture



Architecture  
Interior Design  
Landscape Architecture  
Land Planning  
Construction Management

1711 South 100 East, Suite 100  
Ogden, UT 84411  
PH: 435 243 3033  
Fax: 435 243 1452  
www.thinkarc.com

The design team and its client have agreed that all technical drawings, plans, specifications, and reports, including all drawings, shall be the property of Think Architecture & Company, Inc. and shall not be used, copied, or reproduced in any way without the prior written consent of Think Architecture & Company, Inc.

Any changes or modifications to these drawings shall be made only by the design team and shall be indicated by a revision number and date.



LEVEL 2	
	C.U.P. BOUNDARY
	PROPOSED BOUNDARY

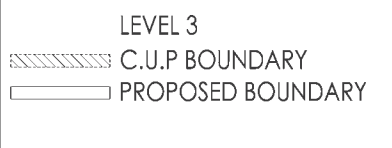
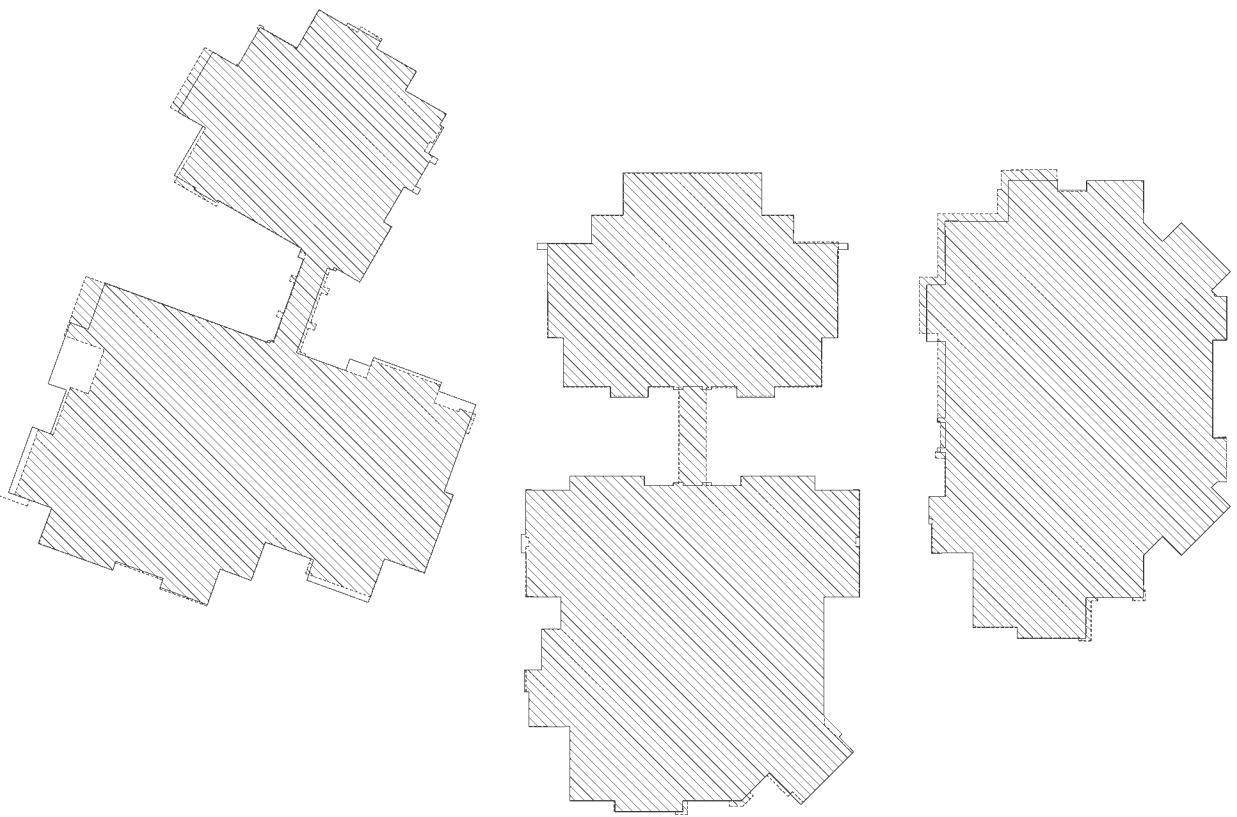
SITEN ERICKSON LODGE  
NORTH SILVER LAKE  
PARK CITY, UTAH

PROJECT NO. 13021  
DATE: JAN 1, 2013  
REVISIONS: JES

LEVEL 2  
BOUNDARIES  
SHEET TITLE:

SHEET NUMBER:  
-- --  
BUILDING

REVIEW



SITEN ERICKSON LODGE  
NORTH SILVER LAKE  
PARK CITY, UTAH

PROJECT NO. 13021  
DATE: JAN 1, 2013  
REVISIONS: JES

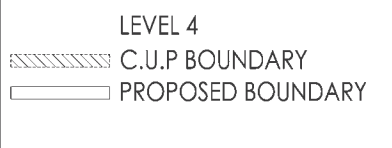
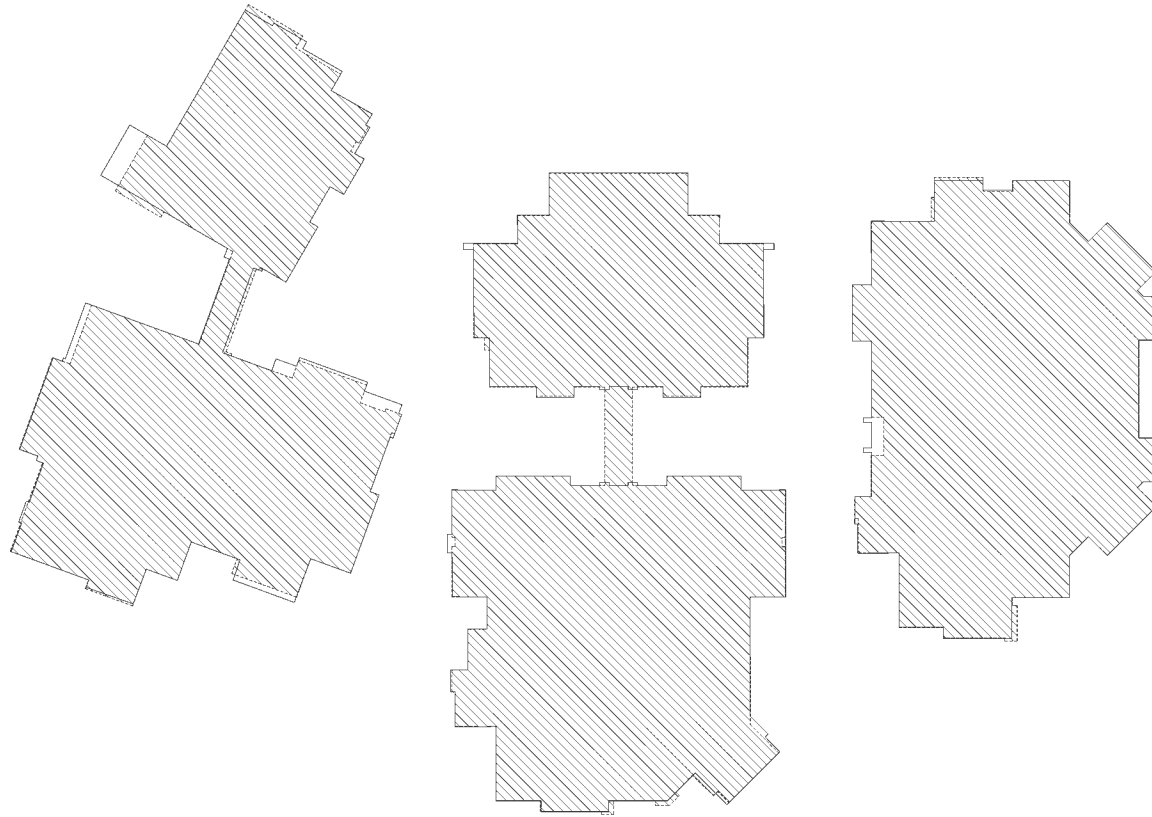
LEVEL 3  
BOUNDARIES

SHEET TITLE:

SHEET NUMBER:

--

REVIEW BUILDING



STEN ERICKSON LODGE  
NORTH SILVER LAKE  
PARK CITY, UTAH

PROJECT NO. 13021  
DATE: JAN 1, 2013  
REVISIONS: JES

LEVEL 4  
BOUNDARIES  
SHEET TITLE:

SHEET NUMBER:  
-- --  
BUILDING

REVIEW



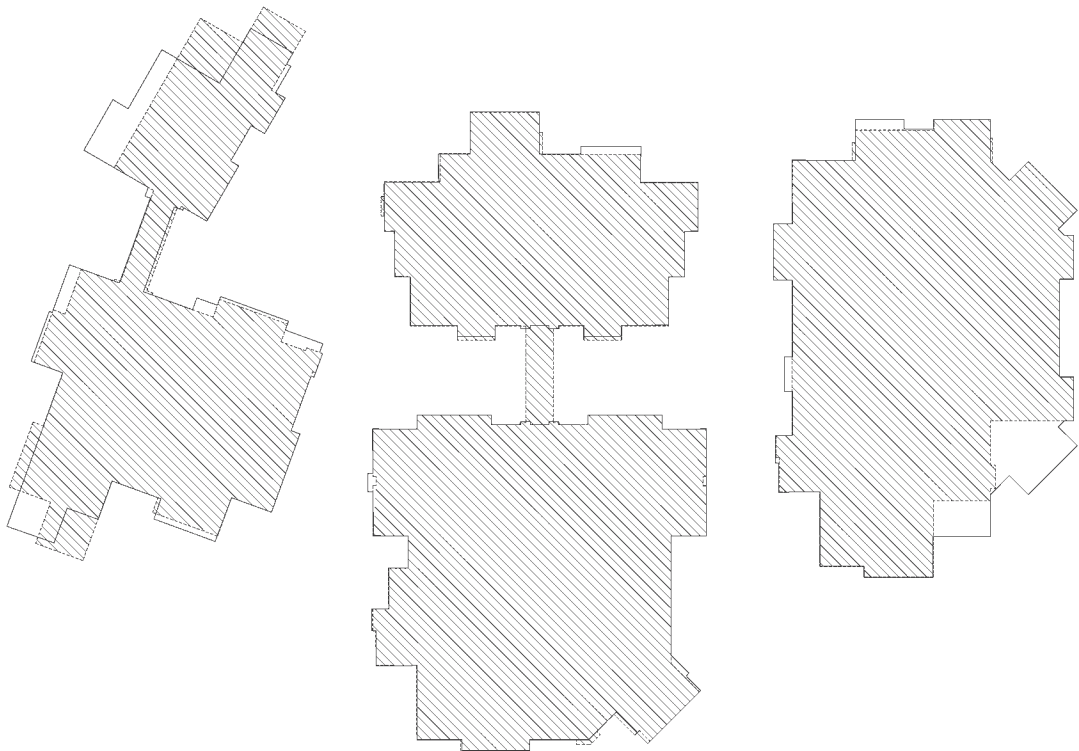
Think  
Architecture



Architecture  
Interior Design  
Landscape Architecture  
Land Planning  
Construction Management

1711 South 100 East, Suite 100  
Ogden, UT 84411  
PH: 435 248 3033  
Fax: 435 248 1452  
www.thinkarc.com

The design team and its client have agreed that all technical drawings, plans, specifications, and reports prepared by Think Architecture, Inc. are the property of Think Architecture, Inc. and shall remain confidential and shall not be used, copied, or otherwise disclosed to any other party without the written consent of Think Architecture, Inc.

Designs are made for kind work and are not to be used for any other purpose without the written consent of Think Architecture, Inc.



LEVEL 5	
	C.U.P. BOUNDARY
	PROPOSED BOUNDARY

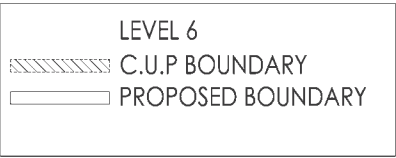
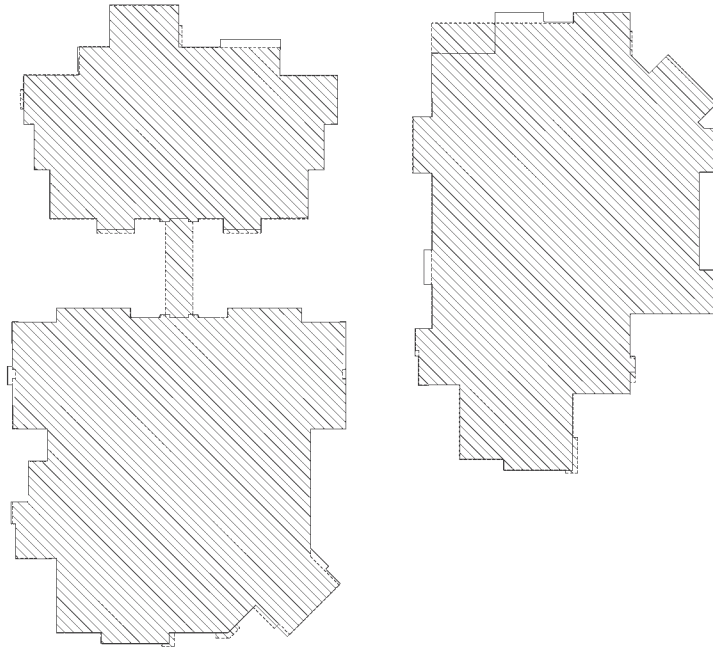
STEN ERICKSON LODGE  
NORTH SILVER LAKE  
PARK CITY, UTAH

PROJECT NO. 13021  
DATE: JAN 1, 2013  
REVISIONS: JES

LEVEL 5  
BOUNDARIES  
SHEET TITLE:

SHEET NUMBER:  
-- --

REVIEW  
BUILDING



STEN ERICKSON LODGE  
 NORTH SILVER LAKE  
 PARK CITY, UTAH

PROJECT NO. 13021  
DATE: JAN 1, 2013  
REVISIONS: JES

LEVEL 6  
BOUNDARIES  
SHEET TITLE:

SHEET NUMBER:  
-- --  
BUILDING

REVIEW



**MINUTES – SEPTEMBER 25, 2013**





**PARK CITY PLANNING COMMISSION  
WORK SESSION MINUTES  
SEPTEMBER 25, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Jack Thomas, Thomas Eddington, Kayla Sintz, Anya Grahn, Francisco Astorga, Polly Samuels McLean.

**WORK SESSION ITEMS**

**1255 Park Avenue – Park City Library Discussion of Possible Amendment to MPD.  
(Application PL-13-01992)**

Commissioner Wintzer disclosed that in 2004 he worked on the building at 1255 Park Avenue as the contractor. He did not believe that would affect his decision on this MPD.

Planner Anya Grahn reported that Park City Municipal is the applicant, represented by Matt Twombly. The Architect, Kevin Blaylock and Steve Brown, a consultant to the City on the Lower Park Avenue Master Plan, was also in attendance.

Planner Grahn provided a brief background on the Library. She noted that this application was the second MPD on the site. The first MPD was in 1989, at which time the goal was to create a cultural center with lodging and a convention center at the Carl Winters School. By 1992 the City's relationship with the developer had dissolved and the City abandoned the idea of a cultural center and decided to move the Library into the Carl Winters building. The building was rehabilitated to create space for the Library, as well as leasable space, and to be used as a theatre.

Planner Grahn stated that in 1992 the conditions of approval for the Library also addressed creating 92 permanent parking spaces on site, improving the Mawhinney parking lot at the south side of City Park to accommodate overflow parking, and setback exceptions along 12<sup>th</sup> Street where the historic building has a zero foot setback, as well as on Norfolk to accommodate the new 1992 addition.

Planner Grahn remarked that in the RC or ROS District all new public or quasi-public projects greater than 10,000 square feet in gross floor area are subject to an MPD process. She clarified that in this case the request is for an amendment to the MPD. During the regular meeting this evening, the Planning Commission would be reviewing the Pre-MPD application for compliance with the General Plan. The purpose of this work session was to hear feedback from the Commissioners on the proposal in general.

Planner Grahn noted that the applicants had prepared a power point presentation and they were requesting input on items that were outlined in the Staff report. They were asking for a setback reduction along Norfolk Avenue from 25' to 10'. Planner Grahn pointed out that the Staff report indicates 15' back from Norfolk; however the second story would be 10' and there would be an overhang. Planner Grahn stated that Norfolk Avenue is the rear of the building. The front façade is more on Park Avenue. An entrance is not proposed along Norfolk Avenue and it was treated as a rear elevation. She stated that the Planning Commission had the opportunity allow a reduced setback if they find it acceptable.

Planner Grahn reported that the applicant was also requesting an open space reduction. The new addition would reduce the current 114,100 square feet of open space to approximately 111,700

square feet, which equates to a 1% reduction. They were also looking for feedback regarding an improved entry sequence that would lead from the Park Avenue bus stop to the Library entrance.

Planner Grahn stated that as reflected in the Staff report, the Staff believed that 11 parking spaces would be eliminated; however, that number was closer to 18 parking spaces or 18% of the parking on the library parking lot. The applicant was also looking for feedback on installing a gravity fed book drop system in the loading zone along Norfolk Avenue. Currently there is a book drop that the staff manually empties. The new book drop would be gravity fed into the building and it could be a future sorting system.

Matt Twombly, the project manager for the Sustainability Department, stated that since the 1992 remodel, there have been several tenants in the building besides the Library. The Library was the main tenant to move in after they ran out of room at the Miners Hospital. Mr. Twombly named all the tenants who had leased space in the building since 1992 and again when the building was remodeled to expand the Library in 2004. He noted that most of the tenants had left and currently the second and third floors were vacant except for the Co-op on the second floor and the Film Series on the third floor. Mr. Twombly remarked that in 2004 the City was looking at a seven to ten year Library remodel. Since the tenants were moving out, this was a good time to expand the Library.

Kevin Blaylock with Blaylock and Partners, the project architect, had prepared a number of slides and an electronic model. He explained that his firm met on a regular basis with the steering committee group, individuals from the Planning Department, and with the Sustainability Group for Park City. Throughout the process they included the Friends of the Library and the Library Board. This same presentation he would give this evening was already given to the Library Board and the City Council.

Mr. Blaylock noted that the primary objectives were identified in three different categories; 1) the Library, 2) the third floor, and 3) City-wide goals. Mr. Blaylock remarked that there were several layers to the Library objectives and what defined a 21<sup>st</sup> Century Library. It speaks to everything from greater community involvement, more flexibility and adaptable space, improvements in technology, and acknowledging that while books are not going away, there is more of a demand for social gathering space. Along with that is developing a strong entry sequence and a stronger identity. Libraries are civic buildings in the community; however, the current Library does not present itself to the community.

Mr. Blaylock stated that the third floor would accommodate the temporary location for the seniors and create a multi-purpose space, as well as improvements for the Film Series and Sundance, relocation of the Co-op and coordinate improvements.

Mr. Blaylock remarked that to address the City-wide goals they would promote the City's commitment to historic preservation and recognize the importance of sustainable design goals, provide flexible space and work within the allocated budget.

Mr. Blaylock stated that the plans for the Library consists of expanding the Children's area, creating dedicated pre-teen and teen areas, media, restrooms, flexible space, and other things that could be accomplished. Building-wide the goal is to promote opportunities for greater community meeting

space, outdoor gathering space and the possibility of a small coffee shop. Along with the utility and infrastructure improvements they would also be creating a new elevator and new restrooms. Mr. Blaylock noted that the building would also be brought up to Code in terms of life safety and seismic.

Mr. Blaylock remarked that developing both the site and the building architecture and interior was a four step process; which included 1) analyzing or assessing the existing conditions; 2) exploring the studies; 3) developing a conceptual approach, and 4) providing options for evaluation.

Mr. Blaylock presented a slide showing the site opportunities. Purple identified the original historic footprint. The blue-ish tone represented the addition to the building in 1992. The piece that bracketed the back side on Norfolk Avenue was the three-story portion. He indicated a piece that was put in as a single story addition. Mr. Blaylock stated that in terms of site development they were looking at ways to improve or enhance the entry sequence. The view on the left was immediately outside what is now the front door looking towards Park Avenue. The view on the right was the view from the bus shuttle stop on Park Avenue looking back at the same entry sequence. The conceptual approach was to create a pedestrian access through the parking lot that collected pedestrians and brought them to the front door. They need to acknowledge with the site the facility use year-round, as well as the fact that the facility is used 10-12 hours per day at various times of the year.

Mr. Blaylock reviewed a number of proposed options that would promote connectivity, develop a stronger civic presence, maintain service and delivery access points, safe staff entry sequence, allowing for a book drop either now or in the future, and recognizing the importance of the after hour experience relative to the Library use. His firm generated a few sketches and provided a document to Planner Grahn that was included in the Staff report. They were looking at losing 11 to 12 parking stalls in the existing parking lot.

Mr. Blaylock had met with the Park City Sustainable Design Group and obtained information about the importance of what sustainable design means to Park City.

Mr. Blaylock noted that one idea was to put on a larger footprint that what the building currently occupies to promote the idea of an outdoor terrace at grade. They were maintaining the service entry drive but sliding it 10' to the north. He pointed out that all those things begin to encroach on the existing green space. In an effort to be sustainable, they looked for an opportunity to offset the lost green space with hardscape and supplant it in the front entry sequence. This would allow the creation of a more passive green space as a civic element and introduction to the library as opposed to a parking lot.

Mr. Blaylock stated that the current architectural solution proposes to remove the 1992 addition and to look for an opportunity to reuse the material on the site. Mr. Blaylock remarked that as they develop a more walkable community and connect the civic components, there was a concern about the amount of traffic activity occurring across Park Avenue and through a parking lot. Previous studies had two access points where patrons were crossing or conflicting with vehicular traffic. Mr. Blaylock presented a conceptual diagram that creates the connection with the access across Park Avenue and re-directs people to a front door experience.

Mr. Blaylock stated that the first two studies, S.1 and S.2 looked at potentially losing 11 or 12 parking stalls. His recommendation with S.4 results in a loss of 18 parking stalls and a net increase

of 4,000 square feet of green space.

Chair Worel referred to page 10 of the Staff report and the reference to the number of people getting on and off the buses. She liked the high numbers but she was unclear as to how that would translate into parking spaces. She asked if the increased bus traffic would decrease the demand for parking spaces and if it was based on a formula.

Mr. Blaylock replied that there was no way to know exactly, but they could try to interpolate some of the numbers. He believed it speaks to the larger issue of promoting public transportation and a walkable community. If that is the goal, the question is how important are the actual parking stalls.

Planner Grahn noted that a map on page 39 of the Staff report showed where the adjacent parking lots were located and their relationship to the Library. As part of the discussion and reflected on page 11, the Staff recommended that the Planning Commission require a parking analysis to understand the demands and usage of this site.

Commissioner Wintzer believed Mr. Blaylock was right in trying to promote public transportation. However, he thought it was important to know where the people who come to the Library live and if they have access to a transportation link. Commissioner Wintzer referred to one picture presented and noted that there were two or three houses to the left of the green area. He recalled that when the previous project was done, those houses had parking spaces assigned to them in the rear. If those spaces are still assigned it would reduce the parking for the project. He suggested that the Staff or the applicant research those spaces. Mr. Blaylock understood that there was a parking agreement in place. He noted that they were providing two additional parking stalls at this location, essentially creating two parking stalls closer to the front door and taking away the 12 spaces that were more remote from the front door of the Library.

Commissioner Gross was concerned about losing any parking spaces. When he attends the movies at the Library on the weekends there is never enough parking. If people have to park across the street there is no connection to get to the Library. He was unsure how the 13 stalls behind the bus stop would be accessed. Commissioner Gross had concerns regarding the Mawhinney lot. At the last meeting they looked at proposed rezoning of the HRM zone and the Mawhinney lot was shown as future housing. Therefore, those 48 spaces would eventually go away and he was concerned about creating an under parked situation.

Director Eddington clarified that there was not a housing proposal on that particular lot. Commissioner Gross replied that it was part of the overlay which means it would occur at some point in time. Director Eddington agreed that it could be in play, but the intent of the overlay was to show development for zoning purposes. Commissioner Gross emphasized that if it could potentially occur they would have to consider how they would replace the 48 spaces that would be gone. Director Eddington reiterated that the City was not proposing affordable housing on the Mawhinney lot.

Commissioner Gross referred to the 26 public spaces along 13<sup>th</sup> Street and asked if that parking was for the Library facility or general public parking. Mr. Twombly replied that those spaces were not specified for the Library, which is why it was included as overflow parking. Commissioner Gross thought of that parking as unaccessible, particularly during the snow season. He was not comfortable with the overflow parking as proposed. Mr. Twombly noted that part of the original MPD

required the 13<sup>th</sup> Street parking and parking across the street in City Park as additional parking. It was included as overflow parking for this proposal to be consistent with the original MPD. Commissioner Gross felt they were burdening this property by not providing enough parking to take care of the citizens for the next ten years. If they want people to use the Library building on a regular basis they need to resolve the parking issue.

Commissioner Thomas liked the scheme, the angle and the connection of pedestrians to the Park. He thought that having some accent to delineate the crossing across Park Avenue was important for increasing life-safety and drawing more attention to the crossing. Commissioner Thomas did not object to the parking spaces across the street. He believed there were 72 total parking spaces for overflow and he wanted clarity on whether the Mawhinney lot was designated as permanent overflow parking for the Library facility in the future. Mr. Twombly stated that there were 48 parking spaces on Mawhinney and 25 spaces on 13<sup>th</sup> Street. Planner Grahn apologized for including the wrong number of parking spaces on page 9 in the Staff report. She believed the correct number was closer to 72 when the 13<sup>th</sup> Street spaces are included. Commissioner Thomas agreed with Commissioner Gross on the importance of making sure the overflow parking is permanent.

Mr. Blaylock believed there was some confusion on the diagram. He noted that there was currently a striped crosswalk Park Avenue. That was an existing physical attribute that they were trying to connect with on the Library side. Commissioner Gross was aware of the crosswalk. His concern was with the 12 month accessibility around it and the potential for losing the spaces to development.

Mr. Blaylock presented the architectural elements of the proposal and reviewed the proposed design and materials.

Mr. Blaylock presented an electronic model of the proposal and an aerial view of the model looking at the proposed entry sequence.

Commissioner Thomas asked how they contemplated dealing with the walls that step up to Norfolk. Mr. Blaylock proposed to leave the existing concrete retaining wall in place and work around it and build on top of it.

Planner Grahn asked for input from the Planning Commission on the requested setback reduction. Commissioner Wintzer stated that his only concern was that having the upper outside door so close to the residential area could lead into noise and after-hour problems. He understood the need and how it works, but they need to be careful about encroaching a high-intensity use next to the existing houses. He suggested some type of restrictions to address the issues. Commissioner Wintzer noted that the existing wall is a vertical straight structure and he believed the proposal was a better approach to what exists. He felt it was important to keep some landscaping to protect the residential neighbors and to keep that area from becoming auxiliary parking and create traffic impacts for Norfolk.

Commissioner Thomas remarked that the wall is large and he was interested in seeing the material treatment of the wall and how they break it up aesthetically. He was comfortable with the reduced setback. Commissioner Thomas thought it was important to distinguish the difference between the old and the new. The more they mimic the historic building the more it undermines the historic

character. Mr. Blaylock agreed.

Commissioner Wintzer did not want to lose the historic entrance to the building, even though it was not the primary access.

Commissioner Thomas understood that the terraces to the north would not be usable but he felt it was important to have the stepback to aesthetically address the building façade and preserve it.

Chair Worel liked the proposal and found it exciting. It brings the community together and adds gathering spaces. She asked if a lot of work needed to be done to bring the building up to Code. Mr. Blaylock replied that they were currently going through a tremendous amount of design and financial effort to improve the seismic components of the building. They were also addressing relatively minor life-safety issues, egress issues and non-compliant issues such as restrooms and stairs. Mr. Blaylock stated that because of the historic nature of the building it would fall under the grandfather clause. However, the total re-gutting of the building automatically triggers the upgrades.

Mr. Blaylock stated that after their discussion with the Sustainable Design Team from Park City, it was important to understand that they were creating a more sustainable design solution with the building, but they would still have much higher energy consumption primarily due to the air conditioning they were asked to put in. On the other hand, the current boiler system is 65% efficient and that would be increased to 90-95% efficient. The objective is to achieve some balance.

Mr. Blaylock stated that in keeping with a 21<sup>st</sup> Century Library model they were trying to promote a higher engagement level between the Staff and the patrons. A drive-up or walk-up book drop goes a long way in making the Staff more available and reducing the wear and tear on the books and materials. Mr. Blaylock reviewed the proposed location for the gravity book drop and explained how the circulation would work. He noted that the location was prompted by the desire to get automated materials and handling equipment in the library. Mr. Blaylock stated that a number of studies were reviewed with Transportation and Engineering and they concluded that the location shown would be the better supported approach.

The Commissioners discussed vehicle access to and from the book drop and expressed their concerns. Mr. Blaylock commented on the cueing and he believed they would have to rely on signage and striping. Commissioner Gross expected it to be an issue within the first month. Mr. Blaylock pointed out that there were trade-offs with every scenario, including keeping the book drop in its current location. Commissioner Wintzer thought the book drop was an issue for the Library and not the Planning Commission. His concern was the amount of traffic it would generate on Norfolk.

Commissioner Thomas believed the proposal was going in the right direction. Commissioner Wintzer requested a blow up of the area and the adjacent parking for the next meeting. He would like to see how it all goes together with the street crossing and pedestrian linkage.

Chair Worel called for public input. There were no comments.

The Work Session was adjourned.

DRAFT





PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
SEPTEMBER 25, 2013

COMMISSIONERS IN ATTENDANCE:

Chair Nann Worel, Stewart Gross, Jack Thomas, Charlie Wintzer

EX OFFICIO:

Planning Director, Thomas Eddington; Kayla Sintz, Planning Manager; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Anya Grahn, Planner; Christy Alexander, Planner; Polly Samuels McLean, Assistant City Attorney; Mark Harrington, City Attorney

=====

The Planning Commission met in Work Session prior to the regular meeting. That discussion can be found in the Work Session Minutes dated September 25, 2013.

REGULAR MEETING

**ROLL CALL**

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

**ADOPTION OF MINUTES**

September 11, 2013

Commissioner Wintzer referred to page 72 of the Staff report, page 6 of the minutes, 5<sup>th</sup> paragraph, 5<sup>th</sup> line, and the sentence "... the number of people who drive to the junction to buy sheets and towels to take to Deer Valley". He clarified that he was talking about a commercial laundromat and corrected the sentence to read, "...the number of people who drive to the junction **to launder sheets and towels** to take to Deer Valley", to accurately reflect the intent of his comment regarding light industrial uses.

Commissioner Thomas referred to page 73, page 7 of the minutes, 6<sup>th</sup> paragraph, and corrected "...south into Wasatch County looking down hear the Brighton Estates..." to read, "...**near** the Brighton Estates..."

Commissioner Gross referred to page 76 of the Staff report, page 10 of the minutes and noted that his name was written as Steward Gross and should be corrected to read **Stewart Gross**.

MOTION: Commissioner Wintzer moved to APPROVE the minutes of September 11, 2013 as amended. Commissioner Thomas seconded the motion.

VOTE: The motion passed. Chair Worel abstained since she was absent from the September 11<sup>th</sup> meeting.

## **PUBLIC INPUT**

There were no comments.

## **STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Commissioner Gross referred to the 2519 Lucky John Drive replat item on the agenda and disclosed that he is a neighbor and a stakeholder in the area. He had not received public notice on this plat amendment and it would not affect his ability to hear the item this evening.

Commissioner Wintzer remarked that in talking about the Carl Winters School and the High School during work session, he felt it was important to note that the community had lost David Chaplin, who spent much of his career teaching there.

Director Thomas Eddington reported that the Planning Commission typically holds one meeting in November due to the Thanksgiving holiday. However, due to the lengthy agendas and the General Plan schedule, he asked if the Planning Commission would be available to meet on the First and Third Wednesdays in November, which would be November 6<sup>th</sup> and 20<sup>th</sup>. The Commissioners in attendance were comfortable changing the schedule. The Staff would follow up with the three absent Commissioners.

## **CONTINUATIONS(S) – Public hearing and continue to date specified.**

1. Park City Heights – Pre-Master Planned Development and Amendment to Master Planned Development. (Application PL-13-01992 and PL-13-03010)

Chair Worel opened the public hearing. There were no comments. Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to CONTINUE the Park City Heights Pre-MPD and Amendment to Master Planned Development to October 9, 2013. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

## **REGULAR AGENDA – Discussion, public hearing, action.**

1. 1255 Park Avenue, Park City Library – Pre-Master Planned Development  
(Application PL-13-01992)

Planner Anya Grahn requested that the Planning Commission review the Park City Library Pre-Master Plan Development located at 1255 Park Avenue and determine whether the concept plan and proposed use comply with the General Plan and the goals.

During Work Session the applicant provided an overview of how a 21<sup>st</sup> Century library creates community spaces, conference rooms. It is about expanding the library and improving accommodations and improving the entry sequence and encouraging greater use of public transportation.

Planner Grahn noted that pages 84 through 85 of the Staff report outlined the goals of the current General Plan and how this application had met those goals. The Staff also analyzed the application based on the goals set forth in the new General Plan.

Commissioner Thomas remarked that since the new General Plan was still in the process of evolving and being modified, and it was not yet adopted, it was not pertinent to review the application under the new General Plan. He recommended that they remove that section. Commissioner Gross concurred.

Assistant City Attorney McLean stated that from a legal perspective, even though the Commissioners were relying on the existing General Plan, it would be changing. Therefore, if the Planning Commission has an issue regarding compliance with the new General Plan, it would be appropriate to raise the issue, particularly at this point in the process. Commissioner Thomas understood the legal perspective; however, the General Plan process was not completed and he was uncomfortable making that comparative analysis because it would add confusion.

Planner Grahn stated that if there was consensus to remove reference to the new General Plan, they suggested that they remove Finding of Fact 13, which talks about compliance with the drafted General Plan.

Commissioner Wintzer commented on uses and requested a note on the plat about exterior uses not sprawling into neighborhoods. They need to somehow acknowledge the need for a connection between the neighborhoods. Assistant City Attorney McLean stated that unless it was linked to the General Plan goals, it would be addressed with the MPD. Ms. McLean clarified that the main concept of the pre-MPD is compliance with the General Plan. However, it is appropriate to give initial feedback to make sure the concept is one the applicant should pursue.

Steve Brown representing the applicant, stated that time barriers would be placed as opposed to architectural barriers. Commissioner Wintzer clarified that he was talking about issues such as live music after 10:00 p.m. Mr. Brown stated that the applicant would respond in that vein.

Commissioner Gross referred to page 84 of the Staff report and the sentence stating that the applicant intends to continue to utilize the additional 72 parking spaces at the Mawhinney parking directly east of the Library as overflow parking. He wanted to make sure that would be a reality and that there would not be conflicts. Planner Grahn stated that the Staff report incorrectly stated 72 parking spaces. She believed the actual number was closer to 48 spaces, and she would confirm that number. She apologized for the mistake in her calculation. Commissioner Gross stated that regardless of the actual number, his concern was making sure that the parking spaces would remain as parking over the duration of the Library and its associated uses in the future.

Matt Twombly, representing the applicant, explained that building those spaces was a condition of the original MPD. He assumed it could be conditioned again to retain the spaces for the Library overflow. Director Eddington stated that it would be part of the MPD amendment. Commissioner Gross reiterated that his concern was to make sure it remained as parking as opposed to being developed.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Thomas moved to ratify the Findings for the pre-MPD application at 1255 Park Avenue, the Park City Library that it initially complies with the General Plan for a Master Planned Development, consistent with the Findings of Fact and Conclusions of Law as modified to remove Finding of Fact #13. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 1255 Park Avenue

1. The property is located at 1255 Park Avenue in the Recreation Commercial (RC) District.
2. The Planning Department received a plat amendment application on June 14, 2013, in order to combine the north half of Lot 5, all of Lots 6 through 12, the south half of Lot 13 and all of Lots 23 through 44 of Block 6 of the Snyders Addition as well as Lots 1 through 44 of Block 7 and the vacated Woodside Avenue. Upon recordation of the plat, this property will be known as the Carl Winters School Subdivision, and is 3.56 acres in size.
3. There is a Master Planned Development from 1992 for the property; however, the changes purposed to the concept and density justify review of the entire master plan and development agreement by the Planning Commission. The library will be expanded by approximately 2,400 square feet in order to meet the demands of a twenty-first century library. These demands include a café as well as other meeting and conference rooms. A new terrace will also be created on the north elevation of the structure, adjacent to the park. In addition to these community gathering spaces, the library will temporarily house the Park City Senior Center.
4. The applicant submitted a pre-MPD application on July 19, 2013; the application was deemed complete on August 16, 2013.
5. The Park City Library contains approximately 48,721 square feet and was originally approved through two (2) MPDs in 1990 and 1992, as well as a Conditional Use Permit in 1992 to permit a Public and Quasi-Public Institution, the library. An

amendment to the Conditional Use Permit will be processed concurrently with the Master Planned Development.

6. Access is from Park Avenue, with a secondary entrance along 12th Street.

7. A finding of compliance with the General Plan is required prior to submittal of applications for the Master Planned Development and Conditional Use Permit. Compliance with applicable criteria outlined in the Land Management Code, including the RC District and the Master Planned Development requirement (LMC-Chapter 6) is necessary prior to approval of the Master Planned Development.

8. Planning Commission action for General Plan compliance does not constitute approval of a Conditional Use Permit or Master Planned Development. Final site plan and building design are part of the Conditional Use Permit and Master Planned Development review. General Plan compliance allows an applicant to submit a formal MPD application for Planning Commission review.

9. Staff finds that the proposal complies with Goal 1 of the General Plan in that it preserves the mountain resort and historic character of Park City. The proposal to expand the Library will be modest in scale and ensure the continued use of the historic Landmark Carl Winters School. The new structure will complement the existing historic building, complying with the Design Guidelines for Historic Sites.

10. Staff finds that the proposal complies with Goal 3 of the General Plan in that it maintains the high quality of public services and facilities. The City will continue to provide excellence in public services and community facilities by providing additional space for the transformation of the Park City Library into a twenty-first century library and community center.

11. Staff finds that the proposal complies with Goal 5 of the General Plan in that it maintains the unique identity and character of an historic community. The rehabilitation of the structure and the new addition will maintain the health and use of the site as a community center and library. Moreover, the new addition must comply with the Design Guidelines and be simple in design, modest in scale and height, and have simple features reflective of our Mining Era architecture and complementary to the formality of the existing historic structure.

12. Staff finds that the proposal complies with Goal 10 of the General Plan in that it supports the existing integrated transportation system to meet the needs of our visitors and residents. The improved entry sequence will encourage greater use of Planning Commission - September 25, 2013 Page 88 of 302public transit, walkability, and biking to the library. The project is on the bus line and within walking distance of Main Street.

13. The discussion in the Analysis section is incorporated herein.

Conclusions of Law – 1255 Park Avenue

1. The pre-application submittal complies with the Land Management Code, Section 15-6-4(B) Pre-Application Public Meeting and Determination of Compliance.
2. The proposed Master Planned Development concept initially complies with the Park City General Plan.

**2. Second Amended Stag Lodge Phase IV, 8200 Royal Street Unit 52 – Amendment to Record of Survey (Application PL-13-02025)**

Planner Christy Alexander reviewed the application amended plat the existing Stag Lodge record of survey plat for Unit 52, which is a detached single-family unit. The request is to identify additional basement and sub-basement area beneath the home. The area is currently listed as common area because it is not listed as private or limited common on the plat. The owner would like to make the area private and create a basement, which would increase the square footage of the unit by 1,718 sf. Planner Alexander noted that the plat was previously amended for Units 44, 45, 45, 50, 51 and 52 in 2002 and recorded in 2003. At that time 3,180 square feet was added to each of those units in the vacant area.

Planner Alexander noted that the plat amendment would not increase the footprint of the unit and additional parking would not be required. The height and setbacks would remain the same.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the amendment to the record of survey.

Bruce Baird, representing the applicant and the HOA, noted that this same request was approved last year for two other units. It is a strange function of having space below the unit that is somehow considered common area in the deep dirt. The area does not count as an extra unit and it does not require additional parking. Mr. Baird thanked the Staff for processing this application quickly, which could allow his client the opportunity to get some work done before Deer Valley shuts down construction for the year. Mr. Baird reiterated that this was a routine application and he was prepared to answer questions.

Commissioner Gross asked if the amended would affect the height from the ground floor to the top. Director Eddington replied that height is based on the structure and not the use. Therefore, it would not affect the height. Commissioner Gross asked if the additional square footage would have the ability to be leased out separately. Mr. Baird replied that it was not intended to be a lock-out. Given the layout of the building it would be nearly impossible to set it up as a lockout.

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 on the Second Amended Stag Lodge Phase IV plat for Unit 52 based on the Findings of Fact, Conclusions of Law and Conditions of approval as found in the draft ordinance. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – Stag Lodge, Phase IV

1. The property is located at 8200 Royal Street East, Unit 52.
2. *The property is located within the Estate (E) zone and is subject to the Eleventh Amended Deer Valley MPD (DVMPD).*
3. Within the DVMPD, a project can utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per UE or develop the allowed number of units without a stipulated unit size.
4. The Deer Valley MPD allowed 50 units to be built at the Stag Lodge parcel in addition to the 2 units that existed prior to the Deer Valley MPD. A total of 52 units are allowed per the Eleventh Amended Deer Valley MPD and 52 units exist within the Stag Lodge parcel. The Stag Lodge parcels are all included in the 11th Amended Deer Valley Master plan and are not developed using the LMC unit equivalent formula.
5. Stag Lodge Phase IV plat was approved by City Council on March 5, 1992 and recorded at Summit County on July 30, 1992. Stag Lodge Phase IV plat, consisting of Units 44, 45, 46, 50, 51, & 52, was first amended on June 6, 2002 and recorded at the County on January 22, 2003. The first amendment added private area to Units 45, 46, 50, 51, & 52 and increased them to 3,180 sf.
6. On August 16, 2013, a complete application was submitted to the Planning Department for an amendment to the Stag Lodge Phase IV record of survey plat for Unit 52.
7. The plat amendment identifies additional basement area for Unit 52 as private area for this unit. The area is currently considered common area because it is not designated as either private or limited common on the plats.
8. The additional basement area is located within the existing building footprint and crawl space area and there is no increase in the footprint for this building.
9. Unit 52 contains 3,180 sf of private area. If approved, the private area of Unit 52 increases by 1,718 sf. Approval of the basement area as private area would increase Unit 52 to 4,898 sf.

10. As a detached unit, the parking requirement is 2 spaces per unit. The unit has an attached two car garage. The plat amendment does not increase the parking requirements for this unit.

11. Unit 52 was constructed in 1985. Building permits were issued by the Building Department for the work. At the time of initial construction, the subject basement areas were partially excavated, unfinished crawl space, with unpaved floors.

12. The HOA voted unanimously for approval to convert common to private space

13. The findings in the analysis section are incorporated herein.

#### Conclusions of Law – Stag Lodge, Phase IV

1. There is good cause for this amendment to the record of survey.
2. The amended record of survey plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended record of survey plat is consistent with the 11th Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed record of survey amendment.
5. Approval of the record of survey amendment, subject to the conditions of approval, will not adversely affect the health, safety and welfare of the citizens of Park City.

#### Conditions of Approval – Stag Lodge, Phase IV

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey plat for compliance with State law, the Land Management Code, the recorded plats, and the conditions of approval, prior to recordation of the amended 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 amendment 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 Stag Lodge Condominium record of survey plats as amended shall continue to apply.
4. The plat shall be recorded at Summit County as a condition precedent to issuance of



certificates of occupancy for the interior basement finish work.

**3. Ontario Park Subdivision, 463 & 475 Ontario Avenue – Plat Amendment  
(Application PL-13-02019)**

Planner Alexander reviewed the application for a plat amendment at 463 and 475 Ontario Avenue. Jeremy Pack, the owner, was requesting to combine the two lots.

Planner Alexander reported that in 1993, the previous owner, Joe Rush, owned Lot 19 as well as Lots 13 and 14 behind it on Marsac. Mr. Rush had wanted to build single family homes on Lots 13 and 14; however, with the diagonal of Marsac Avenue going across his property, Mr. Rush did not have enough area with the setbacks to build the home he wanted. Since Mr. Rush owned both of the properties he was granted a lot line adjustment, which made Lot 19 a substandard lot. At the time, Mr. Rush agreed to a deed restriction on Lot 19 which states, "The Grantor restricts construction on this lot alone. Construction can only occur with another lot adjacent to the property used for construction."

Planner Alexander noted that Joe Rush eventually sold the property and Jeremy Pack was the current owner. Due to the deed restriction, a single family home could not be built on the lot unless Lot 19 is combined with an adjacent lot. Mr. Pack was requesting to combine the lots together to build one single-family home. Because the lot would be larger, he could build a larger single-family home than what he could on the smaller lot. However, the setbacks would be increased on the larger lot. The applicant would be limited to a single family home because there is not enough square footage to build a duplex.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council for the 463 & 475 Ontario Avenue Plat Amendment based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Chair Worel opened the public hearing.

Bonnie Peretti stated that she knows Old Town quite well and she wanted to know the maximum square footage if the lots were combined.

Director Eddington noted that page 112 of the Staff report identifies the maximum footprint as 1,486 square feet. He pointed out that three stories is allowed in the zone.

Chair Worel closed the public hearing.

**MOTION:** Commissioner Thomas moved to forward a POSITIVE recommendation to the City Council for the 463 & 475 Ontario Plat Amendment, based on the Findings of Fact, Conclusions of Law and Conditions of approval as found in the draft ordinance. Commissioner Wintzer seconded the motion.

**VOTE:** The motion passed unanimously.

Findings of Fact – 463 & 475 Ontario Avenue

1. The property is located at 463 & 475 Ontario Avenue and consists of two “Old Town” lots, namely Lots 19 and 20, Block 55, of the amended Park City Survey.
2. The property is located within the Historic Residential (HR-1) zoning district.
3. The property has frontage on Ontario Avenue and the combined lot contains 3,650 square feet of lot area. The minimum lot area for a single family lot in the HR-1 zone is 1,875 square feet. The minimum lot area for a duplex in the HR-1 zone is 3,750 sf.
4. Single family homes are an allowed use in the HR-1 zone.
5. On August 6, 2013, the owner submitted an application for a plat amendment to combine the two lots into one lot of record for a new single family house.
6. The application was deemed complete on August 30, 2013.
7. The property has frontage on and access from Ontario Avenue.
8. The lot is subject to the Park City Design Guidelines for Historic Districts and Historic Sites for any new construction on the structure.
9. A Steep Slope Conditional Use Permit is required for any new construction over 1,000 sf of floor area and for any driveway/access improvement if the area of construction/improvement is a 30% or greater slope for a minimum horizontal distance of 15 feet.
10. The proposed plat amendment does not create any new non-complying or nonconforming situations.
11. The maximum building footprint allowed for Lot One is 1,486 square feet per the HR-1 LMC requirements and based on the lot size.
12. The plat amendment secures public snow storage easements across the frontage of the lot.
13. In 1994, a lot line adjustment was done combining 100 square feet of Lot 19 with Lot 20.
14. Therefore, by itself, the remainder of Lot 19 is substandard.

Conclusions of Law – 463 & 475 Ontario

1. There is good cause for this plat amendment.

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

Conditions of Approval – 463 & 475 Ontario

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 issuance of a building permit for construction on the lot.
4. Approval of a Steep Slope Conditional Use Permit application is a condition precedent to issuance of a building permit if the proposed development is located on areas of 30% or greater slope and over 1000 square feet per the LMC.
5. Modified 13-D sprinklers will 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 is required along the frontage of the lot with Ontario Avenue and shall be shown on the plat.

**4. Second Amended 2519 Lucky John Drive Replat – Plat Amendment (Application PL-13-01980)**

Planner Whetstone reviewed the application for a plat amendment to re-establish a line that recreates Lots 30 and 31 of the Holiday Ranchette Subdivision. In 1999 an Administrative lot line adjustment removed the lot line between the two lots and created a single lot of record. The new owners would like to re-establish these two lots within the Holiday Ranchette Subdivision. Each lot is approximately 42,560 square feet, which is similar to the lots in the Holiday Ranchette Subdivision.

The Staff believes there is good cause for the application. The proposed subdivision re-establishes the two lot configuration as platted. It would not increase the original overall density of the

subdivision. All of the original drainage and utility easements were preserved in the previous amendments.

Planner Whetstone stated that the proposal meets the requirements of the Land Management Code and all future development would be reviewed for compliance with the Building and Land Management Code requirements. The Staff had recommended Condition of Approval #7 which requires the primary access to come off of Lucky John Drive to protect the new sidewalk that was constructed as a safe route along Holiday Ranch Loop. It would be a note recorded on the plat.

Planner Whetstone had received public input from several neighbors primarily related to various noticing requirements. She stated that the Staff had met the noticing requirements for a plat amendment by posting a sign on the property and sending letters to individual properties within 300 feet 14 days prior to this meeting. It was also legally published in the paper. Planner Whetstone noted that this item was continued at the last meeting because the required noticing had not been done.

Planner Whetstone added Condition of Approval #8 that would be a note on the plat. The Condition would read, "Existing grade for future development on Lot 31 shall be the grade that existed prior to construction of the garage." She understood that previous grading had raised the grade. The grade should be returned to the grade that existed prior to constructing the garage and the regarding that occurred at that time." Planner Whetstone noted that the survey with the original grade was on file in the Planning Department.

Planner Whetstone reported that the Planning Staff had done an analysis of this proposal and recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council on the Lucky John plat amendment in accordance with the findings of fact, conclusions of law and conditions of approval found in the draft ordinance with the addition of Condition #8.

Steve Schueler with Alliance Engineering, representing the applicant, stated that he was unaware of the owner's intention with respect to the lot, but he presumed that they planned to sell it.

Commissioner Gross commented on the primary access being limited to off of Lucky John Drive. He recalled past discussion about TDRs and increasing densities in areas such as Park Meadows, and he wanted to make sure they were not creating an opportunity for this applicant or a future applicant to re-subdivide the lot again. He noted that the HOA has it designated as preserved open space. Commissioner Gross referred to page 128 of the Staff report and stated out of 100 lots, two lots are slightly under an acre and the rest of the lots are over an acre. Fifty lots are two acres or more. He believed that established the type of neighborhood that Holiday Ranchette is, and he felt it was important to maintain that consistency.

Commissioner Gross stated that as a single-family development it should rest on its own merits, have its own driveways, the respective easements that have been established with the homeowners and the covenants that are within the property.

Chair Worel opened the public hearing.

Steve Swanson submitted a handout of diagrams showing the prior condition, the as-built condition, and the split lot option to help support his comments. Mr. Swanson remarked that many of the neighbors do not understand the process and he has done his best to help them understand the role of the Planning Commission and the Staff. Mr. Swanson addressed the idea of re-discovering a line that represents the demarcation between the original lots 30 and 31. He stated that it may be true to some extent, but to cover it up and then to have it magically sold back is worrisome. Mr. Swanson remarked that the lots have not existed since the plat amendment was recorded in 1999. He believed they were talking about a re-subdivision of an existing lot, and regardless of the size it was in their neighborhood. He thought the bar should be set higher than the original because there is now existing hard construction and other improvements on this lot, the 2519 Lucky John replat.

Mr. Swanson remarked that the subject property and how it has development over time is important in terms of its relation to the neighborhood, Lucky John Drive itself, and in the context of the review and approval process operative at the time in the Holiday Ranch HOA CC&Rs. He recognized that the City has no obligation to enforce the CC&Rs.

Mr. Swanson reviewed the diagram of the prior condition site plan, which showed the two lots, 30 and 31, as they existed in 1999 with a HR plat overlay. He indicated a two-story residence that was built within the building pad, a driveway to the north, and an accessory building pad that could accommodate a garage, barn, etc, directly to the west. Mr. Swanson stated that at that point the approved and constructed projects meet the HOA requirements and the requirements of the CC&Rs. There were also no inconsistencies with respect to the LMC regarding single-family dwellings for orderly development, protected neighborhood character, and property values conserved. Mr. Swanson stated that he likes to reference the Municipal Code because it is important to understand that the City has broad authority in subdivisions in terms of review approval and purview. The LMC and the General Plan is all the City has. Mr. Swanson cited specific sections in the LMC to show the consistency between the LMC and the CC&Rs.

Mr. Swanson reviewed the as-built site plan diagram. He stated that the 1999 replat removed the center line and the subdivision is established. The Cummings were the owners at the time and they purchased both lots with a structure on one lot. Mr. Swanson noted that the owner received a variance to build a larger accessory structure than what the building pad would accommodate. The pad did not meet their needs so they purchased the adjacent lot and did the replat to combine the lots. Mr. Swanson explained that his graphic was intended to show the relationship and how it has changed in terms of how open space is viewed and the types of uses on parcels. He stated that the variance process that was affected at the time with the HOA architectural committee and the full knowledge of the HOA Board would have resulted in a larger garage being built to the north and it was placed within the building pad that was allotted to the second lot for a main building. Mr. Swanson remarked that in reality the owner was forever vacating the pad to the west. That change was shown on his diagram. He noted that the strip in between was open space. He remarked that the owner was also granted a variance to realign the entry drive and take a portion of the open space side yard. That was shown as a hatched area on the diagram. Mr. Swanson stated that based on the CC&Rs, a portion would have to remain open with no structures and no hard surfaces.

Mr. Swanson clarified that it was the HOA architectural committee and not the City who granted the variance. He explained that the hatched area was given back to the owner to utilize as a driveway surface for the single-family use with the approved accessory building at the new location. Mr. Swanson stated that it is routine and common for the HOA to work with the owners within the confines of the charter and the CC&Rs. He pointed out that the garage was raised up three to four feet from grade. Mr. Swanson remarked that there were still no conflicts or inconsistencies between the CC&Rs and the Land Management Code.

Mr. Swanson reviewed the slit option diagram. He stated that if the replat is successful and the two lots are re-created, it would create immediate non-conformances with respect to the Holiday Ranch CC&Rs and the LMC. Mr. Swanson outlined the non-conforming aspects. He stated that if the building is allowed to remain it would be under the minimum that is acceptable under the CC&Rs. The side yard open space is in conflict because hard drive surfaces would be needed to access the two parcels. A common driveway would create a conflict and a potential hardship for one or both owners. Mr. Swanson believed that it violated the LMC because the required three-foot landscape setback would no longer exist on either property, contrary to the Side Yard Exception 15-2-11H-8 of the LMC.

Mr. Swanson stated that orderly development was in question since the applicant is apparently not required to do anything to mitigate, and could initiate legal cross easements for the drive access. The owner could market, sell or hold these properties as he is equally entitled to now, but with the new underlying land being recorded as two lots. Mr. Swanson stated that the neighbors have seen firsthand what has happened to this property in a year's time. He presented a photo of what the property looked like a few years ago. It was meticulously maintained. The owner after the Cummings' recognized the value of the property and the neighborhood and was eager to contribute.

Mr. Swanson presented a photo showing the condition of the property in July 2013. He noted that the current owner took a disinterested stance on this property. Based on public record, he understood that the owner had leveraged the property and had no interest in contributing to the neighborhood or interacting with the neighbors and the HOA. Mr. Swanson believed it was only a question of solving the building addition to the existing garage, which creates an architectural problem for the HOA. He thought it was obvious that the house and garage go together. Mr. Swanson stated that there were too many negatives and unknowns to take a chance on this application. Because of the non-enforcement of CC&Rs clause and the City's broad powers, the HOA is left with created hardship and non-conformances on other issues that should have been dealt with first. He asked that the Planning Commission not take the Holiday Ranch neighbors down that path. Just because something can be done does not mean it should be done. He stated that the neighborhood is 80% full-time residents and many families. The property is inherently valuable because it has open view sheds and wildlife habitat corridors, as well as a strong and beautiful street presence.

Mr. Swanson believed the application should be rejected on its face and a recommendation to the City Council to deny this action. Short of this, he would ask the Planning Commission to continue in order to consider additional conditions of approval, one of which would be the signature and approval of the surrounding neighbors and owners.

Chair Worel asked Mr. Swanson if his comments were made on behalf of himself as an individual or on behalf of the HOA. Mr. Swanson replied that he spoke on behalf of himself as a resident.

Eric Lee, Legal Counsel for the Holiday Ranch HOA. Mr. Lee believed the City had the opportunity to keep the two parties out of litigation. He understood that the City had a policy of not enforcing CC&Rs; however, the CCRs in this case prohibited re-subdividing lots. As demonstrated by Mr. Swanson a quid pro quo negotiation was engaged fourteen years ago that resulted in the lot line adjustment. He stated that there may be room for negotiation now, but the Nevada Limited Liability Company that owns this property has not approached the Homeowners Association despite communication from him requesting communication on this issue. They have not approached the HOA for approval to re-subdivide the lot, despite the fact that the CC&Rs require that approval, or on anything other matter. It is an absentee owner. If they are willing to communicate with the HOA there may be the potential to work something out. If not, it would end up in litigation.

Mr. Lee requested that the Planning Commission do what was administratively done in 1999 when the City considered the neighborhood's position and obtained neighborhood consent for the lot line adjustment in 1999. His position was that the owner should not be bothering the City with this issue until they receive permission from the HOA. Mr. Lee believed a negative recommendation to the City Council would allow the owner and the HOA to try and work together.

Mr. Lee stated that forwarding a negative recommendation or deferring consideration of this application would serve another purpose. The declaration for the subdivision also precludes altering any improvements or landscaping without prior written approval from the architectural committee. He pointed out that a re-subdivision would require the lot owner to alter improvements in landscaping. If the Planning Commission forwards a positive recommendation and the City ultimately allows this re-subdivision, the City would be creating a hardship argument for this owner to take to the HOA, and it changes the balance in an unfair way.

After reading the Staff report, Mr. Lee had concerns with Findings of Fact #6 which states that, "There is an existing home on Lot 30 that was built within the required setback areas and is considered a non-conforming structure." He was unclear on the meaning and asked for clarification. However, if it means that subdividing the lot would create a setback problem, the Planning Commission needs to consider that issue.

Planner Whetstone noted that word "non-conforming" was an error in the Finding because the structure is conforming and the house on Lot 30 meets the setbacks. Mr. Lee clarified that if the subdivision occurred the home on Lot 30 would be at least 12 feet from the side yard. Planner Whetstone replied that this was correct.

Mr. Lee understood that if the subdivision was allowed, an accessory structure would exist on Lot 31. As pointed out in the Staff report, accessory structures are allowed in this District as long as the setback requirements. However, in his reading of the Code, an accessory structure is not allowed without a primary structure. Mr. Lee stated that creating the subdivision would create a lot with an accessory structure without a primary structure. The City would create that situation if the subdivision was approved.

Mary Olszewski, a resident of Holiday Ranch, thanked the Planning Commission for the job they do for the City. She stated the CC&Rs is their bible that has been enforced for 37 years. It is something they do not ignore. She stated that in standing by the CC&Rs they improve their neighborhood and contribute to the City. Ms. Olszewski remarked that historically they have a relationship with the City in that plans and designs are reviewed by the architectural committee and suggestions are made, and the plans ultimately come to the City for approval. She stated that in 1999 the Cummings came to the HOA and submitted a formal application and received letters for a variance from all the neighbors. In this instance they have been circumvented as a Board in the Holiday Ranch. A formal application was not made and no letters for a variance have been submitted from the applicant. Ms. Olszewski stated that the 1999 decision was predicated on this being one lot and a desire to help the homeowner. It seems whimsical that a homeowner can combine lots and then divide lots and leave the neighbors with a set of problems after they did their best to make everything work in the neighborhood. Mr. Olszewski stated that if the applicant is allowed to circumvent the Board, the HOA and the letters of acceptance, it weakens the CC&Rs and makes the Board moot in the neighborhood. She asked the Planning Commission to consider that in making their decision. The stronger the CC&Rs, the more valuable the property is and the greater contribution it makes to the City.

Mary Wintzer, a resident at 320 McHenry, disclosed that she is married to Planning Commissioner Charlie Wintzer. Ms. Wintzer realized that the Planning Commission was in a predicament with the policy of not being able to enforce the CC&Rs. As an Old Town resident she has spoken for years about the neighborhoods in Old Town that are being injured and how they are unable to get help from the City Council and enforcement from the Planning Commission. Ms. Wintzer noted that later this evening the Planning Commission would be discussing the General Plan and Sense of Community. She stated that what has been occurring in Old Town is now hitting Holiday Ranch. This community of full time-residents was asking the City to help uphold their sense of community. Ms. Wintzer remarked that if helping these citizens was not within their purview this evening, the Planning Commission needed to find a way to bring this into the discussion. She compared it to the domino effect. What has been happening in Old Town was now rippling to Holiday Ranch to Prospector and Thaynes, as a result of not paying attention to Sense of Community and what Park City means. Ms. Wintzer suggested that the Planning Commission and the City Council figure out a way of maintaining the sense of community the citizens were asking for.

Tracy Sheinberg, a neighbor, stated that when the current owner went to purchase the property, the real estate agent specifically told him that he could not split the lot. She was bothered by the fact that the owner had that information before he purchased the lot. She was also concerned because the owner has never lived in Park City and she assumed they did not plan to live there. They have never been a part of the community, yet they want to do something that is not allowed and would affect the neighborhood. As a neighbor, Ms. Sheinberg was concerned because the owner has let the property go into disarray. The driveway and the fence were falling apart and no one is taking care of the property. The owner now wants to split the lot and sell it as two lots. No one knows who the owner is because they never talked to the neighbors or met with the HOA. Ms. Sheinberg understood that there was no legal standing, but she thought the Planning Commission should take those factors into consideration because as a neighborhood they do care what happens to the houses and properties in their neighborhood.



Bonnie Peretti stated that she lives in the neighborhood in a home across the street and she was involved when the lots were combined under the assumption that they would not be separate. She was concerned with the term accessory apartment. Ms. Peretti noted that the owners have to refer to all accessory structures as a barn, even though some of the barns look like garages. Accessory structures were meant to accommodate horses at one point, and even now it still has to have the feeling of a barn. Accessory structures are not allowed to be rented or lived in. Ms. Peretti remarked that if the lots are split one lot would have a structure that is not a home. She wanted to know how the City could guarantee that the structure would stay under the terms of the CC&Rs. If they allow the lots to be divided they need to protect the neighbors. Ms. Peretti felt it was best to keep the property as one lot in the way everyone understood it would be.

Peter Marsh echoed the comments of the previous speakers who have been his neighbors for 25 years. Mr. Marsh stated that he was involved in the 1999 discussions and he was available to answer any questions the Commissioners might have regarding the combinations of the lots, or any questions for the HOA as the HOA spokesperson.

Chair Worel closed the public hearing.

Mr. Schueler pointed out that the definitions of the CC&Rs of the HOA states that there should be no subdivision of lots. However, the lots referred to are the lots that were in the original platted subdivision. He clarified that the applicant was only asking to re-create the lots that existed when the subdivision was recorded as a plat in 1974. Mr. Schueler remarked that the applicant was not seeking an active proposal for development of the property at this time. He was certain that when there is a proposal, the applicant would come before the HOA and comply with the CC&Rs.

Planner Whetstone referred to comments regarding the 3' side setback of landscaping between the driveways. She noted that it could be considered a shared driveway, which is allowed; but without knowing that for certain she recommended adding Condition of Approval #9 stating that, "The driveway and landscaping must be modified to meet the 3' side yard setback prior to recordation of the plat."

Assistant City Attorney McLean emphasized that the City does not enforce CC&Rs. The Planning Commission purview is to apply the Land Management Code to the application before them. Even if the LMC is in direct conflict with the CC&Rs, the Planning Commission is tasked with applying the Land Management Code and not additional private covenants. Litigation can be a way to enforce the CC&Rs but that would be between the HOA and the applicant. The City must abide by the Land Management Code.

Commissioner Thomas understood that the Homeowners Association was registered with the City and signatures from the HOA are required when building plans are submitted. Assistant City Attorney McLean explained that the City is required to notify the HOA when building plans are submitted.

Assistant City Attorney McLean clarified that in 1999 and currently, an administrative lot line adjustment requires the consent of the neighbors, but the only purpose is to alleviate the need for

having a public hearing before the Planning Commission. If the neighbors had not consented in 1999 the request for a lot line adjustment would have come to the Planning Commission.

Commissioner Wintzer stated that it is one thing to enforce the Code and another thing to ensure neighborhoods, and he was unsure how they could do both in this situation. Subdividing this property would create a non-conforming use, not of the LMC but of the CC&Rs. The structure that would be left is not an accessory building and is not large enough to meet requirements of the CC&Rs for a house. Commissioner Wintzer did not believe the Planning Commission had the legal means to stop the lot subdivision.

Commissioner Thomas concurred with Commissioner Wintzer. Often times they run into the decision-making process of having to abide by the Code even when they do not like the solution. Unfortunately, the CC&Rs and the HOA guidelines and rules are not the responsibility of the Planning Commission. Their responsibility is the LMC and the General Plan and from time to time they have to make decisions that impact people and neighborhoods. The Commissioners do not like that solution but it is the law and they are held accountable to the law.

Commissioner Gross was concerned that allowing the subdivision would be setting up the neighbors and the homeowners for future litigation and other issues because of the accessory structure and the driveway. He referred to LMC Section 15-7-3(b)-2 – Private Provisions, which talks about the provisions of the easement, covenants or private agreements or restrictions impose obligations more restrictive or a higher standard than the requirements of these regulations or the conditions of the Planning Commission, City Council or municipality approving a subdivision or enforcing these regulations and such provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations and conditions imposed. Based on that language, Commissioner Gross believed that if the Homeowners Association had a stronger will to have the neighborhood a certain way than the City or the City Council, then the operative word is private rights and that should be respected per Section 15-7-(b)-2.

Assistant City Attorney McLean stated that if the LMC was more restrictive than the CC&Rs, the more restrictive would apply. However, if it is a private agreement and it is not reflected on the plat, the City would not enforce it. It is up to the HOA to enforce their provisions if they are more restrictive than the LMC.

Commissioner Wintzer asked for clarification on the side yard setback in the zone and what was permitted in the setback. Planner Whetstone replied that per the LMC the side yard setback is 12' and it allows patios, decks, chimneys, window wells, roof overhangs and driveways. Commissioner Wintzer asked if the driveways could go to the property line. Director Eddington stated that driveways could be 3' from the property line or 1' from the property line if it is deemed as assistance to help a car back in or out. Commissioner Wintzer was concerned that allowing the subdivision would create something that would not meet Code.

**MOTION:** Commissioner Wintzer moved to CONTINUE this item to a date uncertain until the applicant submits a site plan showing how the setbacks and driveways would comply with Code, and they would also have to submit their plans to the Homeowners Association. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

**5. 70 Chambers Avenue – Steep Slope Conditional Use Permit  
(Application PL-13-01939)**

Planner Whetstone reviewed the request for a steep slope conditional use permit located at 70 Chambers Avenue. The property is Lot 1 of the Qualls two-lot subdivision that was approved in 2004. Each lot was 4,125 square feet in area. There is an existing historic home on one of the lots and the lot at 70 Chambers Avenue has remained vacant since that time. Planner Whetstone stated that because the proposed structure is greater than 1,000 square feet and construction is proposed on an area of the lot that has a 30% or greater slope, the applicant was required to submit an application for a steep slope conditional permit.

The Staff had conducted an analysis of the proposal and the result of their analysis was contained on page 155 of the Staff report. Planner Whetstone noted that additional criteria specific to a steep slope conditional use permit was outlined on page 156 and 157 of the Staff report. Based on their analysis, the Staff determined that there were no unmitigated impacts with the proposal. Planner Whetstone remarked that the proposal has evolved over the past six month and the Staff was still working with the applicant regarding the design.

Planner Whetstone presented slides from various views to orient the Planning Commission to the property. The Staff had prepared conditions of approval to address mitigation issues.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Steep Slope CUP for 70 Chambers Avenue based on the findings of fact, conclusions of law and conditions of approval found in the Staff report.

Darren Rothstein, the applicant, stated that he chose an architect who has designed projects in Park City in an effort to keep the process flowing. Mr. Rothstein noted that the square footage, setbacks and other design elements were below the maximum allowed. He pointed out that he could have built a duplex or a larger home than what was proposed, but he stayed within the footprint. The First floor footprint is 1600 square feet. As it moves up the hill the structure steps down to 1400 square feet on the second floor and 1100 square feet on the top floor. There is less excavation and very little retaining is required. Most of the retaining walls are four feet or smaller. Mr. Rothstein stated that the driveway is a 5% slope and matches grade, which reduces the overall scale of the building. The garage is set back 20' from the lot line and a single car garage is proposed.

Mr. Rothstein stated that a portion of the roof hits the maximum, but the majority of the roof is under height. The mid-span is 20' which is seven feet below the maximum.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Gross understood that the Planning Commission was not approving architectural elements this evening, but he commented on the 10' step with the deck above and the chimney. Commissioner Wintzer noted that page 176 of the Staff report showed the 10' setback and the relation to the deck and chimney. Planning Manager asked if the chimney encroached into the 10' setback. Commissioner Gross thought it appeared to encroach three feet into the setback.

Planner Whetstone stated that the façade of the building is at the 10' setback and the chimney steps forward. Mr. Rothstein did not believe the chimney encroached on the setback. Commissioner Gross thought the center line of the chimney was to the edge of the building. Commissioner Wintzer pointed out that the building steps back as required by the LMC.

The Commissioners and the Staff reviewed various drawings to determine whether or not the chimney encroached into the setback.

Commissioner Wintzer asked if the Code allowed the chimney to encroach into the 10' setback. Director Eddington stated that there was not an exception in the Code, but nothing in the Code disallowed the exception. Commissioner Wintzer thought it stepped back 10', came out 2' and then went back to 10' and he was comfortable with it. Commissioner Gross thought the stepping broke up the mass.

Assistant City Attorney McLean read from the Code, Chapter 2.2-5(a), in the HR1 Zone, "A structure may have a maximum of three stories." Chapter 2.205(b), "A ten foot minimum horizontal step on the downhill façade is required for the third story of a structure, unless the first story is located completely under finished grade of 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 that is not visible from the front of the façade, or is too far away, is allowed." Commissioner Gross clarified that the chimney is two feet to the front of the wall. Ms. McLean read the definition of a façade, "The exterior of the building located above ground and generally visible from other points of view."

Commissioner Thomas clarified that on the third story the façade of the building shifts two feet into the 10' setback. Based on the LMC, the third story is not ten feet and; therefore, the fireplace elevation did not meet Code. Commissioner Thomas asked if the Code has a height exception for fireplaces. Director Eddington stated that there is a side yard setback exception for those, but not in the front yard.

Commissioner Thomas believed the façade did not continually step back on the story and that was a violation of the Code. In looking at the drawing, Commissioner Wintzer noted that the fireplace inside the house meets Code and the fireplace outside comes out 2' into the setback.

Assistant City Attorney McLean re-read the language from Chapter 2.2-5(a) and (b). She stated that in this case, because the garage is on the front façade the last portion of the language would not apply. Therefore, the horizontal step is required for the third story of the structure. Ms. McLean suggested that the Planning Commission also look at the side area on the north side of the structure that has a 6' setback, which may also not comply with Code. Director Eddington noted that there

are also exceptions in the HR-1 for side yards that allow for bay windows and chimneys two feet into the side yard. He pointed out that the language for the front yard is not that clear.

Commissioner Thomas thought the Code was clear about the minimum 10' setback. The only portion that does not step back is the outdoor fireplace. The stairway is below the third story and that portion is at a different elevation.

Commissioner Wintzer thought there could be a workable solution. He suggested that the Planning Commission could add a condition of approval requiring the fireplace to be within the 10' setback, and allow the applicant to work with his architect to meet the condition. Mr. Rothstein preferred to have the opportunity to work it out with his architect rather than delay a decision and have to come back to the Planning Commission.

Commissioner Wintzer added Condition of Approval #15, "The fireplace will meet the 10' setback."

MOTION: Commissioner Wintzer moved to APPROVE the Steep Slope CUP for 70 Chambers Avenue in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report and as amended. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 70 Chambers Avenue

1. The property is located at 70 Chambers Avenue.
2. The property is within the Historic Residential (HR-1) District and is subject to all requirements of the Land Management Code and the 2009 Design Guidelines for Historic Districts and Sites.
3. The property is described as Lot 1 of the Qualls 2 Lot Subdivision, recorded at Summit County on December 15, 2004. The lot is undeveloped and contains 4,125 square feet of lot area.
4. The site is not listed as a historically significant site as defined in the Park City Historic Sites Inventory.
5. A Historic District Design Review (HDDR) application was reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. On August 16, 2013, the design was found to comply with the Design Guidelines and the second notice was sent to adjacent property owners.
6. The lot is an undeveloped lot containing grasses and shrubs, including chokecherry, sage, and clusters of oak the property. There are no encroachments onto the Lot and there are no structures or wall on the Lot that encroach onto neighboring Lots. There is evidence of a small wooden coop structure from old wooden boards. There

are no foundations.

7. There is an existing significant historic structure on the adjacent Lot 2. Lot 2 is also 4,125 square feet in size.

8. Minimum lot size for a single family lot in the HR-1 zone is 1,875 square feet. Minimum lot size for a duplex in the HR-1 zone is 3,750 square feet.

9. The proposed design is for a three story, single family dwelling consisting of 2,989 square feet of living area (excludes 336 sf single car garage). A second code required parking space is proposed on the driveway in front of the garage on the property. The driveway is proposed to be a maximum of 12' in width and a minimum length of 20' to accommodate one code required space. The garage door complies with the maximum width of nine (9') feet.

10. The maximum allowed footprint for a 4,125 sf lot is 1,636 square feet and the proposed design includes a footprint of 1,608 square feet. By comparison, an overall building footprint of 844 square feet is allowed for a standard 1,875 square foot lot.

11. The proposed home includes three (3) stories. The third story steps back from the lower stories by a minimum of ten feet (10'). The first floor is not excavated fully beneath the upper floor.

12. The applicant submitted a visual analysis/ perspective, cross canyon view from the east, and a streetscape showing a contextual analysis of visual impacts on adjacent streetscape. There are no houses or platted lots located to the south of this lot.

13. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at 4' (four) feet or less. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.

14. The site design, stepping of the building mass, increased horizontal articulation, and decrease in the allowed difference between the existing and final grade for much of the structure mitigates impacts of construction on the 30% slope areas.

15. The design includes setback variations, increased setbacks, decreased maximum building footprint, and lower building heights for portions of the structure.

16. The stepped foundation decreases the total volume of the structure because the entire footprint is not excavated on each floor. The foundation steps, not to increase the volume but to decrease the amount of excavation and to minimize the exterior wall heights as measured from final grade. The proposed massing and architectural design components are compatible with the massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to the stepping,

articulation, and placement of the house.

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

18. This property owner will need to extend power to the site subject to a final utility plan to be approved by the City Engineer and applicable utility providers prior to issuance of a building permit for the house.

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

20. The applicant stipulates to the conditions of approval.

#### Conclusions of Law – 70 Chambers Avenue

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).

2. The CUP, as conditioned, is consistent with the Park City General Plan.

3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.

4. The effects of any differences in use or scale have been mitigated through careful planning.

#### Conditions of Approval – 70 Chambers Avenue

1. All Standard Project Conditions shall apply.

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

3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit. No building permits shall be issued until all utilities are proven that they can be extended to the site.

4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.

5. Because of the proximity to the intersection of Marsac and Chambers the driveway must be located in a manner to not encroach on the intersection site triangles.
6. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area.
7. No building permits shall be issued for this project unless and until the design is reviewed and approved by the Planning Department staff for compliance with this Conditional Use Permit and the 2009 Design Guidelines for Historic Districts and Historic Sites.
8. If required by the Chief Building official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the north.
9. Soil shall be tested and if required, a soil remediation shall be complete prior to issuance of a building permit for the house.
10. This approval will expire on September 25, 2014, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
11. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design.
12. All retaining walls within any of the setback areas shall not exceed more than six feet in height measured from final grade, except that retaining walls in the front yard shall not exceed four (4') feet in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
13. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
14. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited.
15. The fireplace will meet the 10-foot setback.

**6. Land Management Code – Amendments to Chapter 2.4 (HRM)**



**(Application PL-12-02070)**

Planner Francisco Astorga reported that this was a legislative item regarding LMC amendments to the HRM District, specifically for the open space requirement for multi-unit dwellings, as well as the current exception for historic sites through a conditional use permit, and the Sullivan Access Road criteria. The Planning Commission held a public hearing and discussed these amendments on September 11<sup>th</sup>, at which time the Planning Commission directed the Staff to prepare a two-dimensional diagram showing the specifics of the HRM District. The Commissioners were provided with 11" x 17" copies of the diagram.

Planner Astorga handed out an email he received from Clark Baron for the record. Mr. Baron was out of the Country and could not attend this evening.

Planner Astorga stated that the HRM District consists of 73 sites. He noted that Condos were identified as one site. Planner Astorga reported that of the 73 sites 27 are historic, four sites are vacant, and 19 of the sites have current access to Sullivan Road. Two historic sites have possible access to Sullivan Road. Planner Astorga noted that the minimum lot area for a multi-unit building is 5,625 square feet. There are 35 eligible multi-unit sites, with or without a structure. Seven sites that are eligible for a multi-unit building are historic. Three historic sites eligible for a multi-unit building have possible access to Sullivan road. Only one vacant site that would be eligible for a multi-unit building would meet the criteria.

Planner Astorga stated that the first criteria for open space is to be consistent with the MPD requirement of 30%. He explained that the only reason for proposing this concept in the HRM District was due to the proximity to City Park and the park at the Library. The Staff had conducted an analysis and every lot is less than a quarter of a mile from either of the two parks. The Staff identified that the neighborhood is served by these two open spaces, which justifies the 30% requirement.

Planner Astorga was prepared to answer questions related to significant open space found within setbacks. He had prepared a few scenarios if the Planning Commission was interested in seeing them.

Planner Astorga reiterated that the first component of the LMC Amendment was to reduce the open space requirement from 60% to 30%. He pointed out that the regulation started with the amendments to the LMC in 2009. Due to the economy and other issues, the recent application for the Greenpark Co-housing located at 1450 and 1460 Park Avenue was the only request for a multi-unit building from 2009 to 2013.

Chair Worel asked Planner Astorga to review the scenarios he had prepared. Planner Astorga noted that the first scenario focused on a lot that met the minimum 5,625 square foot lot size for a multi-unit building. The lot would be exactly 75' x 75'. If only the area within the setback is counted the open space would be 56%. Planner Astorga presented a scenario of 1353 Park Avenue, which is the largest lot within the District at approximately 141' in width and 150' deep, or half an acre. He noted that the larger the lot, the larger percentage of open space. There is no correlation between the setback and the open space requirement since open space is simply a function of a percentage,

while the setbacks will always remain 10' at the front, 10' on the sides and 10' on the rear. Therefore, on the larger lot, the setback area that would count as open space would be 69%. The third scenario was a vacant lot within the District, which is approximately 6700 square feet. The open space requirement on the setback area was 49%. The last scenario was based on the average lot size eligible for the multi-unit building which equates to .24 of an acre or approximately 10,500 square feet. The open space requirement in the setback area would be approximately 43%.

Planner Astorga noted that the second proposed amendment would add language as outlined on page 207 of the Staff report. This amendment relates to the medium density district where multiple buildings are allowed within the same lot. A current provision states that the Planning Commission may reduce setbacks to additions to historic structures identified on the Historic Sites Inventory. The intent is to alleviate some of the pressures of having to meet the standard setbacks, and still achieve some type of separation of the historic structure.

Planner Astorga stated that this LMC Amendment in the HRM would affect the 27 historic sites found within the District. However, of those 27 sites only seven qualify for a multi-unit building because of the minimum lot size. Planner Astorga emphasized that the intent is to achieve greater separation between the new building and the historic structure. The Planning Commission would have to review the criteria for compatibility in terms of mass, scale, form, volume, etc. He did not believe it would be appropriate to dictate a prescriptive number on a specific separation, but instead be part of the dialogue and the discussion between the proposal and the regulation.

The third proposed amendment pertained to the Sullivan Road access, specifically for affordable housing. The intent is to come up with an incentive for creating affordable housing units within the community. The Staff recommended adding a provision indicating that whenever an application comes in that proposes 50% or more deed restricted affordable housing units per the current Code, the access of Sullivan Road may be exempt. Planner Astorga noted that 19 sites have current access to Sullivan Road. Some of those sites are currently owned by the City and would have to follow that same regulation.

The Staff recommended that the Planning Commission conduct a public hearing and consider forwarding a positive recommendation to the City Council to adopt the ordinance as presented in Exhibit A.

In response to the email from Clark Baron, Commissioner Thomas disclosed that he has no financial interest in any property in this neighborhood.

Chair Worel opened the public hearing.

Jane Crane, a resident in the Struggler condominiums, found it unbelievable that changes were being proposed to change the LMC for the whole lower section of Old Town Park City for the two properties next door to the Struggler. Ms. Crane believed it would change the look of the lower part of Old Town if they allow all the properties identified for multi-unit housing. Increasing the number of people in additional units would increase the busyness of Old Town. It would decrease the parking and snow storage areas. It would not preserve or enhance Old Town Park City as it exists. Ms.

Crane referred to Planner Astorga's comments about the lack of applications due to the economy; however, when the boom comes in the future all of this property would be open to have multi-units that would decrease the flow of the town. The entire community would be adversely affected by the changes proposed to accommodate one project.

Ms. Crane asked if all the properties on Sullivan have backyards. She did not understand the backyard section of the Code if the backyard is a parking structure. The Code requires 5 feet in the backyard, but the backyard access would be the parking structure along Sullivan Avenue.

Planner Astorga stated that the minimum rear yard setback for a multi-unit building is actually 10-feet. However, the Code allows for access off Sullivan Road if specific criteria is met. Ms. Crane pointed out that if the units that were pointed out have access to Sullivan, those units have no back yard.

Dan Moss remarked that they were talking about changes and amendments, but they were really talking about compromises and exceptions to the historic Code that was put into place. Talking about things such as open space and setbacks leads to an increase in density and parking problems. Mr. Moss believed this would be a disservice to those who complied with the Code by now exempting others from the same requirements. He stated that all housing, affordable housing or otherwise, should meet the Code for the protection and greater good of all. They should not sacrifice the historic Code for the benefit of specific developments, and it would establish a dangerous precedent for years to come. He commented on the number of properties that would have the ability to latch on to these same compromises and exceptions to the rule. It would build on itself and have a gradual deteriorating effect on the fabric of Old Town.

Mr. Moss was disappointed that Commissioner Hontz was not in attendance because she had good vision on the suggestion to decrease the open space. He read from previous minutes, "Commissioner Hontz believed the points she outlined shows that the proposed change do not support any of the community ideals, and it would erode what they have worked hard to put into place. She could see this policy change causing problems for the City in terms of how the process was initiated and moved forward." He asked the Planning Commission to consider her thoughts and insights as they consider their decision this evening. Mr. Moss believed they had gone from an attitude of glaring non-compliance to an attitude of what they can do to push this along, all at a time when they have seen no changes brought to bear from any developer.

Brooks Robinson, Senior Transportation Planner for the City and formerly in the Planning Department, had read the Staff reports and the minutes from previous meetings. However, he did not recall reading any discussion about the Sullivan Road access regulations and how they came about. Mr. Robinson clarified that he was not for or against the amendment, and his intent was only to provide background information on Sullivan Road.

Mr. Robinson stated that leading up to the Olympics and in the midst of a hot real estate market the City was concerned with the increase in the development and re-development of properties that bordered both Park Avenue and Sullivan Road, particularly at a secondary or primary and sole access coming off of Sullivan Road. Mr. Robinson remarked that the current regulations in the Code were put in place not to prevent any development, but to direct access from Park Avenue

since all the properties bordered Park Avenue. The big question of why is that Sullivan services the City Park. With kids, park events and other activities, it was important to have slower speeds and less traffic. They did not want additional traffic that was serving other properties that could have access off of Park Avenue. For that reason, the criteria listed in the Code was put into place.

Mr. Robinson stated that an important consideration is that from 13<sup>th</sup> Street North Sullivan Road is a park road and not a dedicated public right-of-way. As a park road it could be closed for any number of reasons. Therefore, primary or sole access coming off of Sullivan Road was discouraged at that time. He recalled that the access needed to be pre-existing and additional public benefits needed to be met. Mr. Robinson remarked that with the current application that the LMC amendments allude to, those two properties currently have vehicular access on Park Avenue.

Assistant City Attorney McLean asked if Mr. Robinson was speaking on behalf of Public Works or as an individual. Mr. Robinson stated that he was speaking as an individual providing background information.

Craig Elliott, with the Elliott Work Group, complimented the Staff on a great report and the data that was requested was clear and easy to understand. Mr. Elliott added additional information into the data stream. He felt it was important to understand and compare two different places in town. Mr. Elliott noted that a traditional Old Town lot was 25' x 75' and 1875 square feet. A footprint is 844 square feet and a driveway is 180 square feet. The lot average is 1,024 square feet. The open space on a traditional Old Town lot is 45.4% open space, all basically being within the setbacks of the lot, and a little of that might be within the building boundary. Mr. Elliott thought it was important to understand what everyone thinks Old Town is and how it is set up. Mr. Elliott stated that he was not familiar enough with the statics of the entire HRM zone, but in the zone between 7-11 and the Miners Hospital there are five historic houses and multi-family projects with 11 buildings with over 50 units. Of those existing multi-unit structures, all of them are non-compliant structures and do not meet the criteria in the current Code. Mr. Elliott understood there was concerns about the potential of blowing out the existing multi-units projects, but it was highly unlikely because they could never be replaced with the open space that is required. The existing sites are all within the flood zone so the height of the building moves up several feet from the ground, which limits the height of the total structure to two habitable stories. Mr. Elliott believed it was very unlikely that someone would have an incentive to tear down the existing multi-unit, multi-ownership projects and rebuild them. However, if they did, they might build single family units, and the open space would still be 45% in that zone. Mr. Elliott thought it was important to understand the comparisons to the current discussion and how it would affect it.

Chair Worel closed the public hearing.

Commissioner Thomas thought it would be more palatable to reduce open space requirements and setbacks if they could ensure getting more deed restricted units in the zone. He suggested that they also tie 50% deed restricted housing to the 30% reduction in open space amendment.

Assistant City Attorney McLean suggested that the language could be revised to read, "In cases of development of existing sites where more than 50% is deed restricted affordable housing, the minimum open space shall be thirty percent (30%)."

Commissioner Thomas suggested that they also include 50% deed restricted housing to the second amendment regarding the Exception. Planner Astorga pointed out that the Planning Commission already had the ability to grant the exception for an addition to a historic structure. Planning Manager Sintz explained that the concept of the amendment is to achieve greater separation from a historic structure versus actually adding on to a historic structure. Commissioner Thomas stated that he was more comfortable with the first amendment because he was unsure how the second amendment would play out as proposed. Planner Astorga noted that the second proposed amendment would affect seven historic sites.

Director Eddington referred to page 206 and the amendment regarding open space. He asked if the opportunity to include 50% deed restricted affordable housing was the primary concern, or whether the amendment should read, "In cases of redevelopment of existing historic sites inventory properties the minimum open space could be 30%." Commissioner Thomas thought both were important.

Planning Manager Sintz clarified that two of the purpose statements for the HRM is to encourage rehabilitation of existing historic structures and encourage affordable housing. She stated that tying the exceptions back to the purpose statements strengthens the intent of the HRM zone.

In an effort to wrap historic and affordable housing into the first amendment regarding open space, Director Eddington recommended the following language, "In cases of redevelopment of existing historic sites on the historic sites inventory and contain 50% deed restricted affordable housing, the minimum open space requirement shall be 30%".

The Commissioners were comfortable with the revised language.

Commissioner Gross referred to the second amendment regarding exceptions and thought it would read better if they rearranged the word to read, "For additions to historic buildings and new construction on sites listed on the Historic Sites Inventory and in order to achieve new construction consistent with the Historic Design Guidelines, the Planning Commission may grant an exception to the Building Setback and driveway location standards:" The Commissioners were comfortable with the revision.

Planner Whetstone referred to page 209 of the Staff report, the Neighborhood Mandatory Elements Criteria. She noted that the proposed amendment states that the criteria does not apply if the development consists of at least 50% affordable housing. Planner Whetstone clarified that there was a requirement for a design review under the Historic District Design Guidelines in the RM zone.

Now that the entire area is zoned HRM, she thought that saying the criteria does not apply could also be saying that the developer would not have to comply with the design guidelines.

Planner Astorga recommended that they remove Item 3 because it was no longer necessary, since the design review is required under the zoning. Planner Whetstone pointed out that Item 6 should also be removed for the same reason. The Commissioners were comfortable striking Item 3 on page 209 and Item 6 on page 210. The remaining items would be renumbered.

MOTION: Commissioner Thomas moved to forward a POSITIVE recommendation for the LMC Amendments to the HRM District as modified and edited during the discussion this evening. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Wintzer reiterated his previous request for the Staff to type the changes into a Word document as they are being discussed so the Commissioners could read it on their monitors to see exactly what they said before making a motion.

## **7. General Plan – Sense of Community**

Commissioner Wintzer asked if there was a way for the Planning Commission to review the changes that were made during each General Plan meeting prior to the next General Plan meeting so the Planning Commission could keep current on each topic. If the Commissioners could not see the changes until the end of the document, they would have to back and read each set of minutes to piece the changes together. Director Eddington stated that the Staff would have to make the revisions within four days in order to have it in the Staff report for the next Planning Commission meeting. He suggested that the changes be included in the Staff report for the second meeting following the discussion on a specific topic.

Commissioner Gross suggested a one-page summary of the changes and discussion of the meeting.

Commissioner Thomas stated that if the Planning Commission has issues with a policy in one section that affects cascading items in the General Plan, it is important to have the ability to track those issues when they discuss the other sections. Making decisions without understanding the consequences could be difficult as it trickles through the entire document. He thought Commissioner Wintzer's request would help with that aspect.

Director Eddington believed the Staff could commit to a two week turnaround for providing the changes to the General Plan from each meeting. City Attorney Harrington thought the request was a good idea. However, the downside was unilateral document control since only a few people are skilled in the program to do the edits. It would create a prioritization crunch for the Staff and they would have to rely on their input in terms of practical turnaround. Mr. Harrington favored Commissioner Gross' suggestion to capture a quick punch list of items and have the Task Force meet within 72 hours to see where they were or were not in consensus to proceed with specific redlines, as opposed to having the changes sit on someone's desk while others are trying to recollect the sentiment of the discussion.

Commissioner Wintzer recognized that the comments were open to interpretation and whether it was a suggestion by one Commissioner or a consensus of the majority. Mr. Harrington pointed out they have solid recaps at the end of each item to make that determination. He noted that the Staff always intended an incremental review of the changes prior to bringing back the entire document. He thought it could be done through review and confirmation. If something was interpreted wrong it would come back to the Planning Commission for further discussion and clarification. Mr.

Harrington suggested that they look at the first redline at the next meeting and try to prepare an action punch list from this meeting for the subcommittee.

Chair Worel asked at what point they address typos and grammatical errors. Director Eddington noted that most of those changes were identified in the Task Force meetings. He pointed out that the Commissioners did not have a corrected document.

#### Goal 7 – Creative Diversity of Housing Opportunities

Commissioner Thomas questioned Item 23 on page 240 of the Staff report which talks about adjusting nightly rental restrictions - eliminate or expand. Planning Manager Sintz remarked that it could also remain the same. Commissioner Gross thought the certain districts should be called out to know where nightly rentals are allowed.

Commissioner Thomas thought a diversity of housing types related more to permanent housing or work force housing. He asked how nightly rentals would equate. Planning Manager Sintz noted that Goal 7 states, "A diversity of housing opportunities to accommodate changing use of residents." She asked if there was a strong desire to maintain primary resident ownership and occupancy in the existing neighborhoods, or whether there was a desire to expand nightly rentals into other areas. She pointed out that it came up as a policy question because there was no consensus during the joint meeting with the City Council.

Commissioner Gross was concerned that nightly rentals would impact the livability of the permanent residents. Commissioner Wintzer stated that nightly rentals ruined Old Town. Commissioner Thomas believed that nightly rentals conflicted with the idea diverse housing.

City Attorney Harrington read Goal 7.4 on page 247 of the Staff report, "Focus nightly rental within Resort Neighborhoods." He interpreted that as a contraction of the current Code by saying that nightly rentals should only be allowed in Resort Neighborhoods. They would then need to define the Resort Neighborhoods. Commissioner Wintzer noted that Old Town would be defined as a Resort Neighborhood because it is currently 60% nightly rental. Mr. Harrington stated that the Planning Commission could clarify whether to stay with the status quo or make a different determination. Commissioner Wintzer was opposed to putting nightly rentals in neighborhoods, regardless of the neighborhood.

Director clarified that for Goal 7.4 the Planning Commission wanted a better understanding and definition of Resort Neighborhoods, which would include places such as Deer Valley and PCMR. The Planning Commission did not want to direct nightly rentals into Park Meadow and Old Town type neighborhoods. The Commissioners concurred. Commissioner Wintzer pointed out that this issue was a conflict between the Planning Commission and the City Council because the Council approved several nightly rental requests that were denied by the Planning Commission. He felt strongly that the two groups needed to find some agreement and be consistent.

Director Eddington understood that the Planning Commission was recommended that they contract the areas where nightly rental is allowed. He was told that this was correct. Commissioner Gross stated that the neighborhoods needed to be specified.

Commissioner Wintzer asked for clarification on Item 24 on page 240 of the Staff report. Mr. Harrington explained that often times RDA and re-development authorities are known for doing new projects on blighted vacant lots. The question for the Task Force was whether there should be some guiding language relative to the Lower Park RDA regarding incentivizing turnover and re-development in the residential area in terms of grants to redo aging existing stock without it being a complete new project. He noted that one task force member said no and others favored general flexibility.

Director Eddington referred to Item 7.7 on page 248 of the Staff report and stated that when they went to the Task Force, the idea was that if they were going to use any City or RDA funds for retrofit, it would be for new housing opportunities, which would be geared more towards affordable/medium. Commissioner Wintzer wanted to make sure that "new housing" would not preclude an existing historic structure from becoming affordable housing.

Commissioner Thomas read Item 26 on page 240 of the Staff report, "Can some opportunities in counties be win/win regarding their economic development and not just PC pushing the problem on them". Commissioner Thomas asked if they were talking about transferred density into the community from the County.

City Attorney Harrington thought the question was whether there was a way to identify guidance towards situations where they would otherwise get pushback from either Wasatch or Summit County and make them a win/win for the County. Commissioner Thomas thought the intent of the goal was clear in the win/win aspect. Chair Worel noted that opportunities were identified in Item 8.9 on page 252 of the Staff report. Commissioner Thomas asked if the policy recommended establishing more workforce housing in Wasatch and Summit County. Director Eddington did not believe it was specifically focused on work force housing, but it identifies the opportunity to collaborate with the Counties and establish the right location for both parties.

Commissioner Thomas noted that Charles Buki had said that putting workforce affordable housing within the community rather than outside of the community would reduce congestion, traffic and other issues that came out of Visioning. He questioned whether Goal 8.9 was consistent with the visioning goals. He wanted to make sure they understood the consequence of moving workforce housing out of town. Commissioner Wintzer concurred. He suggested that the Staff strengthen the language to reflect what they really want.

City Attorney Harrington preferred that they affirmatively state the priority. He recommended leaving the first sentence of Item 26, and added, "However, the primary goal shall remain to have inclusive affordable housing within the Community". Commissioner Wintzer believed the goal was to have affordable housing next to the services it needs to eliminate the use of a car. For example, Redstone might be a good fit for affordable housing, but it would not work at Jordanelle. Commissioner Thomas pointed out that the success of affordable housing would also depend on where the residents work. He thought the issue was more complex. Mr. Harrington suggested that they articulate the goal in terms of minimizing trips. He drafted language to state, "Primary within community and in a location that minimizes trip generation." Commissioner Wintzer thought it should be clear that affordable housing would be for the local work force. Park City would not be



creating affordable housing for someone who works in Salt Lake. Commissioner Thomas believed that would be difficult to control, particularly if someone working in Park City loses their job and finds work in Salt Lake.

Director Eddington stated that the Staff would expand on the language. He clarified that the primary goal was inclusive affordable housing in the community for the Park City work force. Whether in the County or the City, affordable housing should be located near commercial centers or mixed use nodes. Director Eddington stated that they would also tie this goal to the related transportation goals.

#### Goal 8 – Workforce Housing.

Commissioner Thomas referred to Item 8.5 on page 251 of the Staff report, “Adopt a streamlined review processes for project that contain a high percentage of affordable housing. He asked for clarification of streamlined process. Commissioner Wintzer did not understand why they would streamline the process because the same questions need to be answered on all applications. He was concerned about giving applicants the perception that if their project would be approved immediately if they provide additional affordable housing. Mr. Harrington agreed that all projects should be reviewed in the same manner, including City projects. However, the goal as written implies that high density affordable housing outweighs the full planning process. If that is not their value, it should be removed. The Commissioners did not think any project should be streamlined and that the language should be stricken.

Commissioner Wintzer referred to Item 27 on page 240 of the Staff report, “Different standards/fees for affordable housing project? If on-site?” He stated that fees could be reduced for projects that exceed the affordable housing requirement. However, fees should not be reduced for projects that meet the affordable housing requirement in the Code.

Commissioner Gross referred to the language for Goal 8 on page 249 of the Staff report and felt it was unnecessary to include that Park City ranked much worse than 237 other jurisdictions on the availability of quality affordable housing and housing options. Director Eddington stated that the National Citizens Survey was a random sampling of communities.

Commissioner Gross suggested that they leave the first sentence, “The lack of housing opportunities has a negative impact upon our sense of community”, and remove the reference to the National Citizens Survey. The language would then pick up at, “When a community no longer has housing options for its core workforce such as....” He also suggested changing “and beyond” to “and others”.

Director Eddington noted that National Citizens Survey is referenced in other parts of the document. He noted that typically Park City fares well with NCS and it is used as a baseline to identify areas where issues need to be addressed. He stated that affordable housing and water quality were their worst rankings. Director Eddington clarified that the language regarding the NCS would be left in this goal since favorable NCS rankings were included throughout the document. Commissioner Gross was comfortable with the language after hearing the explanation. The Staff would replace “and beyond” with “and others” as suggested.

### Goal 9 – Parks and Recreation

Chair Worel remarked that Goals 9 and 10 were very similar and she asked if they could be combined. Commissioner Wintzer thought Goals 9 and 10 were different because one looks at local park and recreation uses and the other addresses tourist attractions. Director Eddington stated that Goal 9 was originally written as amenities for residents and Goal 10 was written as an economic recreational offering for visitors. He noted that “and visitors” was added to the end of the caption of Goal 9 at the request of the Task Force. The Staff had tried to keep the two separate. The Planning Commission could correct it. Commissioner Wintzer saw it as two revenue sources. One was a local source and the other a tourist source. He thought they should be kept separate.

Chair Worel liked the redlined language at the beginning of Goal 9 to add inclusionary text that welcomes all residents and visitors to use the facilities, regardless of population. However, she suggested that they say, “regardless of ethnicity” rather than population.

### Goal 10 – Park City shall provide world-class recreation and public infrastructure to host local, regional, national and international events.

Commissioner Wintzer read the language on page 259 of the Staff report, “Park city needs to be a year-round attraction with more events and activities.” He noted that the comment was made by one resident during the 2009 Community Visioning. Since it was the sentiment of only one person he did not think it should be stated as a community goal.

Director Eddington asked if they wanted language to add more events in the shoulder seasons. Commissioner Wintzer was uncomfortable putting that type of a blanket statement in the General Plan. Commissioner Gross recalled from the conversation that the intent was to make sure Park City had the right facilities to accommodate the events and entice people to Park City.

City Attorney Harrington stated that the core issue was that the prior General Plan directed an expansion of the year-round tourist economy and the goal to have increased world-class resort activity. He believed the policy question was whether or not they had approached the threshold of carrying capacity, or if they still wanted an active goal to attract more. The choice was to contract, keep the status quo and adapt, or continue to expand. It was noted that Item 10.6 states, “To collaborate with local hosts to attract additional national and international sporting events year-round.”

Commissioner Thomas thought both the quote by the resident and 10.6 should be left in the document because both were consistent with the broader cross-section of the City Council and the Planning Commission.

### Goal 11 – Tourism

Commissioner Wintzer could not see a purpose for Item 11.1 regarding MPDs within the two primary resorts. Director stated that it might be the understanding that there are two resorts with two outdated MPDs. This would allow the opportunity for the resorts to come back to readdress market

issues and look at amendments to the MPD. He thought it was something the City should encourage given the change in economic cycles. Commissioner Wintzer was not opposed to the intent but he felt the language as written implies that “flexibility” means the resorts can do whatever they want.

Commissioner Gross recalled having this discussion when PCMR planned to come in at the end of the summer to possibly open up the MPD. Director Eddington stated that the Planning Commission had the discussion in November 2011 with Charles Buki and again more recently. That was the reason for including 11.1 in the General Plan.

#### Goal 12 – Foster diversity of jobs

Chair Worel noted that the first paragraph of the language on page 265 of the Staff report was verbatim from page 244.

Commissioner Wintzer stated that when he first read draft General Plan he had made a note that Goal 12 was about how not to keep Park City Park City. Director Eddington pointed out that this goal talks about the diversification of the economy, recognizing that the resorts “butter their bread”. This was something discussed with the task force and with individuals. What is available for the children of Park City after they return from college was the issue that led to Goal 12. That type of diversity and new employment opportunities would not occur at the expense of the resorts, but should it be proactively encouraged. Commissioner Thomas felt it was already beginning to happen.

Commissioner Gross commented on Item 36 on page 240 of the Staff report, to discourage national commercial retail chains. He did not believe that national chains are bad for communities because they offer stability. He felt the bigger issue was the need for a national chain to comply with the regulations of the City. Director Eddington stated that national chains were discussed on two occasions and there was concern that allowing national chains would not be keeping Park City Park City. Commissioner Gross asked if it could legally be blanketed with that statement because national could mean many things.

City Attorney Harrington stated that they could write language in the affirmative of what they want and why to discourage it, and then articulate the activity and the presence they do not want. Most communities have done that through the size of retail space and predatory business operations. Commissioner Wintzer noted that Roots is a national chain in Park City, as well as a few others. Commissioner Gross felt the issue was that national chains have their own building design and logos for recognition and identification. Director Eddington stated that the Planning Commission already has the ability to control design. If a national chain wants to locate in Park City, they should be willing to comply with the guidelines.

Chair Worel read 12D, “Discourage national commercial retail chains on Main Street and the negative impacts of big box and national chains on the unique Park City experience.” Commissioner Wintzer named some of the national chains stores currently on Main Street that fit with the tourist industry. Director Eddington noted that Walgreens and McDonald’s have expressed an interest in coming to Park City and he expected the Planning Commission would see more retail chains.

Commissioner Thomas was not opposed to certain retail chains as long as the scale and the exterior elements were consistent with the historic character of Park City.

Chair Worel thought they needed to be careful to keep the national chains from pushing out the local businesses.

Commissioner Gross thought the photo of the Silver King Coffee building should be removed from page 267 because it did not represent what they expect for Park City.

Commissioner Thomas thought Item 12.3 on page 267 was too specific by naming Bonanza Park. He felt that was inappropriate in a General Plan. Director Eddington explained that the strategy was talking about taking advantage of tax increment financing and reutilizing funds back into the District. Commissioner Gross suggested replacing the word “recycle” with “utilize” increased tax revenues. Director Eddington agreed with the change. He noted that it was appropriate to identify Bonanza Park by name because Lower Park and the resorts are called out in other portions of the document.

#### Goal 13 – Park City continues to grow as an arts and culture hub

Commissioner Gross had concerns with Item 39 on page 240 of the Staff report, “consider food trucks and carts.” Director Eddington stated that several people have asked why food carts could not be brought in late at night because all the restaurants on Main Street are closed before the bars close. Commissioner Wintzer thought they could be allowed for special events.. City Attorney Harrington stated that restricting food cars and beverage trucks to special events would be the status quo.

#### Goal 14 – Living within limits

Chair Worel asked for clarification on Item 14.3 on page 273 of the Staff report. Commissioner Gross agreed that it was difficult to understand the wording. Mr. Harrington recalled that 14.3 was a comment by Councilwoman Liza Simpson. Director Eddington revised the language, “Assess the impacts of additional development during the review of annexations. Public services should be....” He noted that the Staff would wordsmith the full language.

Commissioner Gross has concerns with the wording on 14.7. Commissioner Wintzer noted that the language refers to carrying capacities and every traffic study says that it works. He believed the City needed to establish the standards for carrying capacity and what level of streets. Commissioner Gross agreed.

Commissioner Thomas asked where they would address the creative aspects of sense of community as opposed to just the technical aspects. Sense of community merges the technical aspects and the creative aspects of the community. Without the creative aspects they end up with a soulless and boring community. Mr. Harrington stated that it was difficult to do in Utah because the conditional use permit State Statute is technically driven in terms of the mitigation aspects. The burden shifts to the City to demonstrate on the record the technical components. Mr. Harrington thought the best approach was to incentive it as opposed to prohibiting fundamental rights. The

fundamental fairness issue is that someone should be able to pick up the regulation and understand what they can or cannot do. The subjective component is a judgment that cannot be predicted. The skill is how to translate some of those into objective deliverables.

Commissioner Wintzer returned to 13.5 which promotes local music by encouraging the creation of music festivals. He felt they needed to specify that outside music cannot compete with quiet dining in a restaurant.

Commissioner Gross referred to page 278 and suggested that instead of spelling out Seven Eleven, that they use the chain logo 7-Eleven.

Chair Worel asked if the new General Plan would mention the award from Outside Magazine. Director Eddington thought Chair Worel made a good point and the Staff would include it.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

The Park City Planning Commission meeting adjourned at 10:35 p.m.

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



**MINUTES – OCTOBER 9, 2013**





**PARK CITY PLANNING COMMISSION  
WORK SESSION MINUTES  
OCTOBER 9, 2013**

PRESENT: Jack Thomas, Brooke Hontz, Stewart Gross, Adam Strachan, Charlie Wintzer, Thomas Eddington, Kayla Sintz, Christy Alexander Polly Samuels-McLean

**WORK SESSION ITEMS**

**Sign Code Amendment – Discussion**

Planner Christy Alexander reviewed the proposed change to the Municipal Sign Code to allow for the Planning Director to grant a special exception to the height limitation described in the Sign Code. She read from the Municipal Sign Code, “Signs shall be located above the finished floor of the second level of a building or 20 feet above final grade, whichever is lower.” Planner Alexander stated that in certain cases the topography, landscaping or buildings can visually impair smaller signs, which makes it difficult for people to locate hotels and other buildings. Planner Alexander referred to the St. Regis as an example of where special exception to allow for signs above the second floor could be useful.

Director Eddington stated that the St. Regis was a good example where a higher placed sign would be a benefit for wayfinding purposes. People have trouble seeing their monument sign and a sign placed higher on the building would help with direction. Director Eddington clarified that this was a Municipal Code issue and not a Land Management Code issue. The Staff wanted feedback from the Planning Commission before taking the proposal to the City Council.

Vice-Chair Thomas stated that he designed signs for properties in Honolulu and the signs were very small and low key. It was a community commitment to keep the sign low profile. He stated that the bigger the signs the bigger the eyesore and he was not in favor of changing the Sign Code to raise the signs higher.

Planner Alexander clarified that the signs would not be larger. They would only be allowed to be placed higher on the building. Vice-Chair Thomas thought placement was also a visual impact.

Commissioner Strachan asked why the Staff was proposing this change to the sign code. Planner Alexander explained that it was a request from the St. Regis because people tend to miss the monument sign and drive past it. Commissioner Strachan clarified that it was not a result of problems and requests from many businesses to change the Sign Code. Planner Alexander replied that it was only the St. Regis and the change would be a special exception that the Planning Director could grant at his discretion.

Commissioner Strachan could not see a need to change the Code because one particular business has a perceived difficulty. In today’s world most people locate places on the internet and get directions. He concurred with Vice-Chair Thomas. The town has been pleasantly bereft of signs. They have done a good job and eliminated the problems that the County has had with its sign code. Commissioner Strachan was reluctant to change it.

Commissioner Wintzer echoed his fellow Commissioners. He is always hesitant to make code or ordinance changes based on one request. If this proposal goes to the City Council, he

recommended that they place the sign in a number of locations either through modeling or photos to consider all the ramifications. He cautioned the Staff to move slowly because it would never go back to what it is today if the change is approved. Commissioner Wintzer thought the sign placement should be restricted to building size.

Commissioner Gross assumed the Sign Code addresses size, type, color, etc. He was more concerned about the sign being placed on the building in a proper location so it has a meaning rather than just being a sign. Commissioner Gross recommended a limitation on height.

Commissioner Hontz stated that she came to this meeting in support of the proposed change, but after listening to the other Commissioners, she understood and supported their opinions. Commissioner Hontz was unsure how the St. Regis would qualify under Subsection A as written on page 8 of the Staff report. She believed it was more of an ingress and egress issue. The St. Regis had not done a good job of wayfinding in terms of having a statement entry, but that is not a sign issue. Commissioner Hontz stated that if the City Council were to consider allowing the special exception, she would ask that they consider adding the word "natural vegetation" under Subsection A because that is different than landscaping. In her opinion, it was better to place a sign higher than to cut down a tree to make a lower sign visible.

Vice-Chair Thomas noted that higher placed signs can be seen from a distance, but lower profile signs can be seen from a car or by a pedestrian. Signs from a distance change the character.

Vice-Chair Thomas opened the public hearing.

Tom Bennett, representing the owner of the St. Regis, stated that he did not want their comments to be specific about the St. Regis. However, since it turned in that direction he explained that the discussion came about from a specific set of complaints that had been received by the hotel guests.

People cannot find the hotel, especially at night. Mr. Bennett explained why this is a unique problem. In looking for a solution they thought it might be preferable to find a solution that is discretionary and puts the decision in the hands of the Planning Director. If an incident arises where there is a genuine issue regarding visibility, they would have some flexibility to allow something that works. Mr. Bennett commented on a number of signs in town where the signs are placed higher on the building. He believed there was historical precedent for building names placed high up. He agreed with their concerns, but this a problem where the signage does not work under the existing code and they were trying to find a solution.

Vice-Chair Thomas closed the public hearing.

The Work Session was adjourned.

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
OCTOBER 9, 2013

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Jack Thomas, Brooke Hontz, Stewart Gross, Adam Strachan, Charlie Wintzer

EX OFFICIO:

Planning Director, Thomas Eddington; Planning Manager, Kayla Sintz; Anya Grahn, Planner, Kirsten Whetstone, Planner; Francisco Astorga, Planner; Polly Samuels-McLean, Assistant City Attorney; Mark Harrington, City Attorney

=====

The Planning Commission met in work session prior to the regular meeting to discuss an amendment to the Sign Code. The discussion can be found in the Work Session Minutes dated October 9, 2013.

REGULAR MEETING

**ROLL CALL**

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

**ADOPTION OF MINUTES**

September 25, 2013

Commissioner Hontz corrected the Work Session Minutes to remove her name from the list of attendees because she was absent from that meeting.

MOTION: Commissioner Gross moved to APPROVE the minutes of September 25, 2013 as amended. Commissioner Wintzer seconded the motion.

VOTE: The motion passed. Commissioners Strachan and Hontz abstained from the vote.

Realizing that the Planning Commission lacked a quorum with the two abstentions, the minutes were continued to the next meeting.

MOTION: Commissioner Gross moved to TABLE approval of the minutes to the next meeting. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

**PUBLIC COMMUNICATIONS**

There were no comments.

## **STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Director Eddington confirmed that due to the Thanksgiving Holiday and the General Plan schedule, the November Planning Commission meetings would be held on the first and third Wednesdays, November 6 and 20<sup>th</sup>. He verified that the Commissioners would have a quorum on those dates.

### **CONTINUATION(S) – Public Hearing and continuation to date specified.**

1. 331 McHenry Avenue – Appeal of Staff’s Determination

Vice-Chair Thomas opened the public hearing. There were no comments. Vice-Chair Thomas closed the public hearing.

MOTION: Commissioner Wintzer moved to moved to CONTINUE 331 McHenry Avenue to October 23, 2013. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

Assistant City Attorney McLean pointed out that Commissioner Wintzer would be recusing himself from the 331 McHenry Avenue Appeal and; therefore, should not have made the motion or voted. She recommended a new motion.

MOTION: Commissioner Gross moved to CONTINUE 331 McHenry Avenue to October 23, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed. Commissioner Wintzer was recused.

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

1. General Plan – Natural Setting

Commissioner Wintzer commented on a conversation at the last meeting about getting updates from the previous meeting within two weeks, so the Commissioners could recall what changes were made before moving on to the next section. Commissioner Wintzer thought their request was clear and it was reflected in the Minutes. The update was not provided for this meeting and he was uncomfortable moving forward without knowing whether their previous comments and changes were incorporated in the information provided for the current discussion.

Director Eddington stated that the Staff had a recap of the first discussion related to Sense of Community; however, it was not ready for this meeting. The Commissioners could expect to receive the update in an email. The goals would be laid out as recommended by the Planning Commission for review at the next meeting. Commissioner Wintzer wanted to know how they could make the process more orderly to make it easier to track their changes and make sure it is accurate.

Director Eddington agreed that it was difficult with the tight schedule. At the next meeting the Planning Commission would review all the edits up to this point before they move on to the next core value, which is historic character.

Commissioner Wintzer noted that the Strategy section of the General Plan in the Staff report was missing every other page. Commissioner Hontz stated that the page numbers were in sequence but one page did not correlate with the next.

Vice-Chair Thomas recommended that the Planning Commission go through the first part up to page 80 where the pages were accurate, take public input; and continue the discussion from that point since neither the Planning Commission nor the public had the correct information. The Commissioners concurred.

Commissioner Hontz read from page 63 of the Staff report, "Individual comments provided independently without consensus from the task force have not been incorporated." She asked if that was only in reference to the work that was done during the summer. She understood that the purpose of the task force was to get consensus from each group and it would be incorporated. She used a map as one example where the task force had identified that the labeling was not accurate with what it was representing. There was consensus in the task force on what would be appropriate labeling. Commissioner Hontz wanted to know what the sentence on page 63 actually meant. Vice-Chair Thomas stated that if they were meeting in small groups of two or three people like they have been, there may not be consensus of the entire Planning Commission.

Director Eddington explained that the comments made in the small groups were incorporated as redlines. Individual comments or comments where there was no consensus were not included; however, some of those were being addressed in the policy statements on pages 63, 64 and 65. Vice-Chair Thomas clarified that the individual groups were two to three people.

City Attorney Harrington pointed out that the graphics edits had not yet been done. The mapping would come later.

City Attorney Harrington stated that the objective was to focus the discussion on some of the policy issues for a particular goal set, and then move page by page as time permitted.

Director Eddington referred to page 64 of the Staff report and the four policy questions with regard to Natural Setting.

#### Goal 4 Item 1

Director Eddington noted that Item 1 under Goal 4 talks about Principle 4D, "Minimize further land disturbance and conversation of the remaining undisturbed land areas to development." He explained that the Principle recommends that the very passive open spaces remain as passive open spaces without structures. The challenges are based on the need for parking, restrooms, shade structures and/or other recreation amenities. The Staff believes that not impacting the heart of those open space areas is a good idea. A trailhead, parking and a sign at the trail entrance might be appropriate, but beyond that the recommendation was for no structures in the open space.

Commissioner Hontz supported the recommendation. She assumed it included the removal of the second sentence, "Development means construction of a building, structures or roads", and asked if that would be defined somewhere else in the document. Director Eddington stated that it was shown on page 64 for reference purposes only.

Commissioner Wintzer asked why the sentence was being removed from 4D on page 69 of the Staff report. Director Eddington replied that it was recommended by the Task Force. He could not recall whether it was because it was stated earlier in the Chapter and it was redundant or because the LMC defines development. Commissioner Strachan recalled that it was because the LMC defines it.

Commissioner Hontz reiterated her previous comment about having major concerns with open space for Federal Lands and the open space in critical areas. She thought they supported this goal and she wanted to have future conversations specific to what those represent. Commissioner Hontz supported Goal 4.

Commissioner Gross also supported Goal 4.

Vice-Chair Thomas stated that his only concern was where and how many when they talk about implementing parking areas and trailheads and restrooms. Director Eddington replied that it would depend on where the trailhead starts and whether there is municipal parking nearby. Vice-Chair Thomas was concerned that the parking generated for the trailheads could be substantial and create impacts.

City Attorney Harrington stated that most of this was implemented through one of two ways. One is contractually through the open space acquisition program where there are open space easements or deed restrictions that govern the permitted uses. He remarked that the new COSAC is much more in tune with the prioritization of recreation and conservation values. Moving forward they should have a good balance. As implemented through the LMC, the development that triggers certain reviews as defined by the LMC for these open area. Mr. Harrington stated that there are different types of open space and some of the areas are internal open spaces and others are zoned open space or PUD or MPD open space. What is allowed would still be implemented through the LMC as a conditional use in those use areas and they would have the ability to make sure they were correctly mitigating the impacts.

Vice-Chair Thomas supported Goal 4, but where it says, "shall not be permitted to interrupt, intrude or detract from the open space", he suggested that they also consider the impacts to neighbors. He thought restrooms, parking, and shade structures should be site specific and not impact a neighborhood.

Commissioner Wintzer supported Goal 4. He stated that the biggest financial winners of open space are those who are adjacent to them; but they are also the people who are most affected. Commissioner Wintzer remarked that before the City purchases open space they should designate the trailheads locations and make sure they understand what they are doing and the potential. Commissioner Wintzer recommended that if they intend to go through an open space acquisition it should be planned out before they pass the bond.

Commissioner Strachan agreed with Goal 4; however, he would modify it slightly because they should not encourage parking near trailheads. It goes against the general philosophy to minimize the appearance and use of cars. Commissioner Wintzer agreed. He thought they needed to post no parking signs on the roads. Commissioner Wintzer stated that another problem is that more trailhead users come from Salt Lake City and other areas around the County, and those people arrive in cars. He was unsure how they could address the parking problem. Commissioner Strachan thought they should take a hard approach and eliminate parking at trailheads. If people come from Salt Lake to use the trails, they should be corralled to park in places that can handle it. Parking should not occur in the neighborhoods and they should not be encouraging the extra traffic that the trailheads generate through the neighborhoods.

Commissioner Hontz stated that as an alternate member of COSAC, they cover many of these issues in the committee meetings. If the Commissioners have strong feelings about parking at trailheads, they should expand the existing language because none of those issues are addressed in the current General Plan. Commissioner Hontz remarked that most of the COSAC members are passionate about trailhead parking. She suggested that the Planning Commission make a recommendation to Staff and make sure the language is added. COSAC changes all the time and it was currently advocating a much different direction.

Vice-Chair Thomas did not agree with the notion of the impact to neighborhoods and natural setting created from parking. Commissioner Strachan remarked that the discussion this evening should focus on the language in 4D and whether it should remain or be eliminated. He thought the language should remain. Commissioner Strachan pointed out that like everything else in the General Plan, it is open to interpretation. The language does not specify no parking and the General Plan should not be that specific.

Commissioner Hontz agreed that the General Plan should not be specific, but in her opinion, Goal 4 did not put forth their ideas. Commissioner Strachan was fine with that because the General Plan should not be specific. It should be left to COSAC and the City Trails Staff to work it out. Commissioner Gross stated that as a member of COSAC he had not heard the same sentiment that Commissioner Hontz heard from the committee.

Director Eddington offered to draft language about minimizing trailheads, specifically related to their effect on neighborhoods. Commissioner Wintzer thought it was important to have restrooms.

Vice-Chair Thomas thought Principle 4D was accurate. The issue was the challenges they face in implementing their concerns. Commissioner Strachan thought they should first look at the final language for the General Plan. He could see no reason to change Principle 4D from the way it was written. City Attorney Harrington referred to a previous comment by Commissioner Savage about not kicking the can. The language was drafted and being implemented with the intent to allow ancillary parking facilities at trailheads; and it was meant to prohibit development, as defined by the LMC, which is something different. If the Planning Commission wanted to further restrict development on open space areas, they should include that language so the City Council could either agree or disagree with it. Commissioner Wintzer suggested adding 4(E) that would minimize the impacts of cars at trailheads and discourages people to drive through a neighborhood. Commissioner Strachan suggested that they add "including trailhead parking" at the end of the sentence. Commissioner Gross stated that in COSAC meetings regarding

qualities of the easements, etc., he never heard that the goal was to have parking and bathrooms everywhere. There are certain areas where COSAC would like the ability to have those amenities, and he believed there were areas where it would be appropriate. Commissioner Gross was not opposed to adding language that limited the capabilities. Commissioner Strachan pointed out that the General Plan is not a mandatory document and no one is bound to the language. Commissioner Wintzer remarked that the language suggests minimizing the parking but it does not prohibit parking. He favored adding, "including trailhead parking", as suggested by Commissioner Strachan. Commissioner Gross thought they should also add language to address neighborhood traffic.

Commissioner Strachan revised Principle 4D to read, "Minimize further land disturbance and conversion of remaining undisturbed land areas to development, **including trailhead parking to minimize the effects on neighborhoods.**"

#### Goal 4, Item 2

Director Eddington noted that Item 2 talks about the difference in open space, primarily natural open space which is more passive, versus more recreation based open space. Passive open space would be conservation and sensitive lands. Recreation open space would be ski runs, golf course, etc. The Staff believed that different goals should be applied to the different kinds of open spaces. The challenges moving forward were to define the different kinds of open space and creating specific definitions. The Staff has been working with Summit Lands Conservancy and others on how to define the passive open spaces versus recreation open spaces.

Commissioner Hontz stated that COSAC was currently going through that exercise and she suggested that they utilize their work. She recommended that they add a chapter or subsection that only talks about open space because it requires so much information both visually and with attached support material. Commissioner Hontz supported Item 2, but her question was how it could be done quickly. Vice-Chair Thomas had the same concerns.

Director Eddington asked if Commissioner Hontz was concerned that protecting open space via conservation easements and deed restrictions was not enough protection on the open space. Commissioner Hontz clarified that she was specifically referring to the map on page 69 of the Staff report where the green area was identified as protected areas. She knows what can and cannot be done on some of those parcels and she would not deem them to be passive. Commissioner Hontz recalled that she previously said that the map should be one that the City has already developed showing which parcels were deed restricted and/or had a conservation easement. Director Eddington clarified that the green areas were the deed restricted and conservation easement properties. He asked if Commissioner Hontz was suggesting that they break it out into deed restrictions and conservation easement. Commissioner Hontz thought it could just be defined.

Commissioner Wintzer commented on the problems he has with most of the maps being on an 8-1/2 x 11 sheet. He suggested that the map identify one or two open space areas to help orient people. Commissioner Hontz stated that the GIS Department had done this ten years ago when she was on COSAC and there was a map that had the different layers of open space. She was certain that someone in the City had the ability to provide an updated map.



Commissioner Hontz thought “critical area” should be defined because it means different things to different people. Director Eddington explained that critical area was defined by the Bowen Collins Natural Resource Inventory with regard to wildlife, and the Staff would include that explanation in a definition. Director Eddington stated that the Staff would define protected areas via conservation easements and deed restrictions in a clear definition.

Commissioner Wintzer suggested that once the General Plan is in electronic form, it would be helpful to have a link to each map.

### Goal 5, Item 3

Director Eddington read Goal 5, “Should the City incorporate maximum house sizes for each zoning district.” He stated that currently they have parameters of setbacks, height limitations and footprints in the Historic District that limits house size. Goal 5 talks about whether or not it is a viable endeavor to put a maximum square footage on houses in each district. If someone wanted to exceed the new maximum that is put on for the entire house and build up to the parameters that are currently in place, they would have to observe different home efficiency standards, energy standards, etc. Director Eddington noted that this discussion was raised at a number of neighborhood meetings during the General Plan Outreach. It was also raised in discussions relative to the historic district in terms of energy efficiency.

Vice-Chair Thomas was unsure how they could address this issue because each subdivision has a different set of plat notes and a different way of measuring square footage. Director Eddington stated that it would end up being a type of FAR that would be incorporated into different zoning districts to set the overall gross square footage of a house. They would not be able to look at CC&Rs and it would be based strictly on the zoning district. Commissioner Gross asked if there was a sweet spot number they were trying to achieve. Director Eddington reiterated that it would depend on the zoning district so there was no sweet spot. He agreed that this was a difficult and complex issue to integrate into zoning and implement.

Commissioner Wintzer asked if this would be for mass and scale or energy efficiency. Director Eddington replied that it was both. It incentivizes smaller mass and scale by utilizing better energy practices. Commissioner Wintzer stated that if the issue was mass and scale, they would only be asking someone to build a more efficient larger home. If they set a maximum size of 5,000 square feet and made the house a zero footprint, it would result in a 10,000 square foot home. That scenario would defeat the purpose of addressing mass and scale. A larger more efficient home would still use the same amount of energy.

Director Eddington stated that the goal would not allow for larger homes that what could currently be built. It would go through every zoning district and establish a new FAR that is well within the current zoning parameters. If someone wants to build beyond what is currently allowed, they would have to utilize better energy methodology.

City Attorney Harrington suggested that they could change the goal to a more evaluated action item because the City has a long history of utilization, primarily related to mass and scale, through the subdivision CUP or an MPD. He offered to change the language to, “Analyze past

effectiveness of utilization of maximum house sizes for mass and scale, with the additional goal of utilizing a tool for energy efficiency and sustainability.” That language would leave the implementation to future conditions of approval on a case by case determination.

Director Eddington thought it could be worded as suggested by Mr. Harrington, or it could be worded to say, “Explore opportunities to incentivize new energy efficiencies for housing.” Vice-Chair Thomas remarked that incentivizing implies giving more square footage. Commissioner Strachan agreed and recommended that the wording be more explicit. He remarked that the concern, and what the Visioning exercises showed, was that the residents believe the homes are getting larger and larger and they do not like it. That was the uniform opinion of everyone. Commissioner Strachan thought the General Plan should say that there is concern in the community that the house sizes are growing larger, and that the community, the City Council and the Planning Commission should look at ways to decrease home sizes. Commissioner Wintzer noted that the current General Plan addresses that issue, but it is specific to Old Town.

Vice-Chair Thomas stated that from his professional experience, people will pay to get the size of home they want. Commissioner Strachan agreed; however, the General Plan was not the place to restrict house size. That should be done through the LMC. The General Plan should instruct the Planning Commission to change the LMC to implement smaller house sizes.

Director Eddington offered language, “Explore opportunities to reduce house sizes via environmental regulations.” The Commissioners thought environmental should be taken out of the language if the intent is to reduce the house size. Commissioner Strachan did not believe a large environmentally sensitive home was any better for the environment than a smaller inefficient home.

Commissioner Hontz noted that later this evening they would be discussing LMC changes. She believes driveways and window wells are major items that effect home size and the Staff was not recommending that those be changed. Commissioner Strachan felt it was a matter of whether or not the Planning Commission was willing to change the LMC. Commissioner Hontz remarked that when they have the LMC discussion this evening, those two changes would implement the reduction in house size that they were looking for.

Vice-Chair Thomas pointed out that the LMC agenda item was scheduled for a public hearing and they should wait until then to have that discussion.

Director Eddington reiterated that the Staff would rewrite the language to explore opportunities to reduce mass and scale, house sizes, and structural sizes. Commissioner Strachan clarified that the language should not include contingencies. The language should be generic in the direction for smaller houses, and leave it to the LMC or the Staff to derive ways to make the houses smaller. The Commissioners concurred. Commissioner Wintzer suggested that the Staff consider the language in the current General Plan for the Historic Districts.

#### Goal 5, Item 4

Director Eddington noted that Item 4 addresses carbon footprint and the citywide goal to try to reduce the increase of the carbon footprint and/or reduce the carbon footprint. This item takes into account the balance of tourist economy versus the goal of sustainability. Recognizing that tourism is the primary economy, there is a significant carbon footprint resulting from people

driving from the airport in Salt Lake, larger homes, and a significant amount of lodging. By definition the carbon footprint tends to be high. He requested discussion on mitigating measures and transportation opportunities to get people out of their cars. The Staff recommended supporting the tourist economy and at the same time look at funding additional mitigating opportunities.

Commissioner Gross was concerned that the City would not be in a position of funding. He thought the funding would come from the Federal government and the State in terms of incentivizing transportation alternatives. Commissioner Hontz understood that the City Council recently agreed to an interlocal with Summit County and Wasatch County to fund this type of study. Director Eddington explained that the City agreed to a regional commitment. Commissioner Hontz understood it was a financial commitment, as well as meeting specific goals. Director believed this issue goes beyond that agreement. The question was whether Park City would propose opportunities for alternative modes of transportation locally.

Commissioner Wintzer stated that his concern with funding is the need to increase the use to support the funding, and that means bringing more people into town. If the goal is to have less traffic but the only way to pay for the alternative is to bring in more people to pay for it, they end up going in a circle. He was unsure whether a blanket statement would reduce traffic and the carbon footprint. He was skeptical about this being the right approach. Director Eddington replied that his concern was the balance between sustainability and the tourist economy, which is an ongoing challenge.

Commissioner Strachan agreed with the statement as written. Vice-Chair Thomas thought it begged for more study. They were assuming that light rail would reduce the impact on the community. However, in some cases light rail increases traffic and density and it does not resolve congestion or reduce the traffic impacts. Widening roads encourages more traffic and people still bring their cars or arrive by shuttle. Vice-Chair Thomas supported the idea of transit within the community, but he was unsure if mass transit was the right approach and it required more study before the City should consider funding it. Director Eddington clarified that the reference to locally actually means the region of Snyderville, Summit and Park City. Vice-Chair Thomas pointed out that being a regional hub Park City would grow and that would impact the core values, particularly of small town.

Director Eddington remarked that it was not recommending that Park City would grow. It is 66% built out and the challenging traffic they experience now would only get worse. The question was whether Park City could accommodate future traffic on the existing road system. There is a general commitment for not supporting widening the roads. However, if the roads are not widened, the traffic would eventually get worse. Director Eddington asked if they should consider an alternative mode or simply not address it.

Vice-Chair referred to the core value of small town and asked if wider roads or mass transit were their only options. He thought they could incentivize other aspects. He believed the notion of mass transit in the region would make Park City a larger town and incentivizes growth.

City Attorney Harrington suggested that the Planning Commission should either agree to redefine the goal or reject it outright. The language was aimed at sustainability and integrity. The policy question was whether or not air travel and visitation should be measured as part of the carbon footprint; or whether they were only mitigating the internal environmental impacts.

They need to decide the true vision of the City. Mr. Harrington thought the issue exemplifies the bigger question of whether they were aligning General Plan development and neighborhood goals with a budget philosophy, and with a sustainability philosophy. He suggested that they re-characterize it in that mode in order to ask the right questions in terms of the broader impact of the transportation policy on the small town vision. Mr. Harrington revised the language to read, "To better align transportation and sustainability goals with the four core values." The Commissioners were comfortable with the language change.

The Planning Commission reviewed the natural setting goals beginning on page 66 of the Staff report. Commissioner Hontz clarified that anything identified in red were either proposed changes or additions. Director Eddington replied that this was correct. The language in blue identified the areas for policy discussion.

Commissioner Gross indicated a typo on page 67, and noted that integrated was incorrectly spelled and it should be "integrated". Commissioner Gross referred to page 70, and thought the third line in 4.2 did not read right. He suggested revising the language to say "...identify appropriate areas for increased density."

Commissioner Wintzer asked what ADA stood for in 4.5. Director Eddington replied that it was the Annexation Declaration Area. Commissioner Strachan recalled that Commissioner Worel had requested a glossary of terms and abbreviations. Director Eddington stated that the Staff had started a list but it was not yet complete. They were trying to spell out the abbreviations and he asked the Planning Commission to point them out.

Commissioner Wintzer understood that the mention of TDRs in 4.2 were TDRs within the City. However, he thought one of the goals should be for the County to start developing receiving zones. Commissioner Hontz recalled a suggestion to add a strategy related to educating the Staff and the public on the TDR policy. Commissioner Strachan stated that he was on the same task force with Commissioner Hontz when that was suggested.

Planning Manager Sintz asked if the language in 4.19 addressed the request. Commissioner Hontz preferred language that specifically calls out TDRs. City Attorney Harrington thought the education language could be included in 4.3. Commissioner Strachan suggested putting something on the application form that directs the applicant to inquire about TDRs.

Commissioner Wintzer asked Director Eddington to explain 4.3 on page 71. Director Eddington stated that it was already addressed in the definitions of open space and he suggested removing the language. Commissioner Wintzer asked why the Staff was removing the language to encourage public involvement in 4.20. Director Eddington stated that it was recommended by the task force. Mr. Harrington believed it was removed because it was repetitive with the language in Strategy 4.18. The Commissioners thought it was sufficiently covered in 4.18.

Page 72 – Goal 5. Commissioner Strachan recalled that the task force had issues with the graph on page 72 and thought it should be deleted. Director Eddington noted that the graph was prepared by the Sustainability Department based on a group in Denver. If they follow the red line on the graph they could meet the target defined by the initiative. Utilizing reduction in energy use, energy supply and carbon offsets are methodologies to achieve the red line. He would work with the Sustainability Department to better explain the graph.

Commissioner Wintzer referred to 5.8 on page 74 and noted that they continue to talk about energy efficient construction, but they do not count heated driveways in the calculation. He felt it was time to address outdoor fireplaces and the fact that all the driveways are being heated. Commissioner Strachan suggested that they make it a separate City implementation strategy with language stating that the City should explore ways to discourage heated driveways and other wasteful uses of energy.

Vice-Chair Thomas was not comfortable being too specific with the language because someone could find a way around it. To address the issue, Director Eddington stated that the Staff would add a new strategy that looked at ways to disallow heated driveways and other exterior energy uses.

Commissioner Hontz questioned the reference to night sky ordinance in 5.14. Since Park City did not have a night sky ordinance it would be difficult to enforce. City Attorney Harrington noted that the Lighting Code has night sky provisions. Commissioner Hontz concurred; however, it is not a night sky ordinance. Her issue with 5.14 was the inability to enforce an ordinance that does not exist. She thought the language should be revised to read, "Improve visibility of night sky through review and implementation of the night sky provisions." Assistant City Attorney McLean pointed out that the City has restrictions on night sky as part of the lighting Code. That is why the field lights shut off at 10:00. Commissioner Hontz reiterated that 5.14 calls out enforcement of the night sky ordinance. She preferred to call it enforcement of the current night lighting standards. Mr. Harrington point out that night sky was not capitalized and it was meant to be a general reference, but he was not opposed to rewording the language. Commissioner Strachan recommended revising the language to read, "Improve visibility of night sky through enforcement of the **existing light ordinance and potential enactment of a night sky ordinance.**" Commissioner Hontz was comfortable with that language.

Commissioner Hontz referred to 5.15 and stated that with new development she would like to make sure the project provides enough parking and enough places for recycling and garbage. She did not favor the language in 5.15 as written. Commissioner Wintzer thought the language should simply say to encourage providing recycling areas. It would not specify in parking areas but the developer would have the option to reduce the parking to accommodate recycling. Commissioner Strachan recalled that the parking code requirement constrained everyone and developers were using every inch of space to meet the parking requirement at the expense of recycling, open space, and setbacks. He thought the language in 5.15 made sense for that reason. City Attorney Harrington offered the language, "To adopt flexible site design standards that encourage recycling, including in parking areas."

Vice-Chair Thomas opened the public hearing.

There were no comments.

Vice-Chair Thomas closed the public hearing.

**NOTE: Due to recording equipment failure the remainder of the minutes were prepared from written notes and the Staff report.**

**2. 115 Sampson Avenue Subdivision – Plat Amendment  
(Application PL-13-02035)**

Planner Anya Grahn reviewed the application for a plat amendment for 115 Sampson Avenue to combine all of Lot 6, and portions of Lots 5, 7, 8, 51, 52, 53, 54, and 55 of Block 78 of the Park City Survey. An existing historic home on the property is identified as Significant on the City's Historic Sites Inventory and straddles the lot lines between Lots 6,7,53, and 54. There are two accessory sheds that were not identified as historic located on Lot 6, and a third non-historic shed is located on Lot 53.

Planner Grahn reported that an active Notice and Order to Repair and Vacate the building was issued by the Building Department on October 13, 2010, at which time the Planning Department approved a plan to mothball the building; however, the Building Department was forced to issue a second Notice and Order on the structure on April 10, 2013 due to its deteriorating and hazardous condition. On May 1, 2013, the applicant submitted a Pre-Historic Design Review application. The Design Review Team met with the applicant's representative to discuss the potential re-development of the property. At that time the applicant expressed an interest in reconstructing the building and adding a small addition. Planner Grahn noted that since that time there has been no communication from the applicant or the applicant's representative to review construction plans. Planner Grahn stated that the historic structure is in significant disrepair and would likely qualify for panelization or reconstruction. The site may be cleared following the recording of a preservation plan and securing a financial guarantee for the reconstruction of the historic structure to satisfy the Notice and Order; however; no reconstruction may occur prior to the recording of the plat amendment to eliminate the interior lot lines.

Planner Grahn stated that the plat amendment application was submitted on August 15, 2013. The application was deemed complete on August 28, 2013. Per the LMC, the Planning Director made a determination on the allowed setbacks due to the unusual lot configuration. A table contained on page 104 of the Staff report outlined the determined setbacks. Based on the setbacks determined by the Planning Director, the overall building pad of the site would be approximately 3,330 square feet. Based on the building footprint formula, the allowable footprint will be 2,496.28. Given the 831.7 square feet footprint of the house, the lot could accommodate a 1,664.58 square feet addition if the sheds were removed. If the sheds are not removed an 1,440.58 addition could be constructed. Any addition to the historic structure would require approval through the HDDR to ensure that it complies with the 2009 Design Guidelines. In addition, if the applicant wishes to add an addition to the house they would likely be required to submit a steep slope CUP application due to the steepness of the existing grade.

Planner Grahn stated that the placement of the house on the lot and its orientation would limit the size of the addition since the new structure would have to be located to the west of the historic structure. She noted that the façade of the structure faces east towards town rather than west towards Sampson Avenue. Planner Grahn noted that the southeast corner of Lot 52 contains a portion of Sampson Avenue. The portion that includes the street would be dedicated to the City during this plat amendment.

The Staff believed there was good cause for the application. Combining the lots would allow the property owner to move forward with site improvements, which include stabilizing and repairing or reconstructing the historic house. The plat amendment is necessary in order for the applicant

to utilize future plans. If left unplatted, the property would remain in its current condition. Planner Grahn reiterated that the plat amendment would also resolve the issue of the historic structure straddling interior lot lines. The plat would not cause undo harm on any adjacent property owner because the proposal meets the requirements of the LMC and all future development would be reviewed for compliance with Building and LMC requirements. Planner Grahn stated that by approving the plat the City would gain one 10' snow storage easement along Sampson Avenue, as well as a street dedication for the portion of Lot 51 that contains Sampson Avenue.

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

Steve Schueler, representing the applicant, clarified that he was under the impression that the owner intended to sell the lot; however, he learned this evening that Jonathan DeGray was working on construction plans for the applicant.

Commissioner Hontz asked if there was a right-of-way on the road that the house faced. Planner Grahn was unsure.

Vice-Chair Thomas opened the public hearing.

Debbie Schneckloth, a neighbor, noted that the Staff report indicated that the property was located in the HR-1 zone and that was an error. It is actually located in the HRL zone. Ms. Schneckloth questioned why, if the house faces Norfolk Avenue, it did not have a Norfolk address. She noted that the current owner also owns property on Norfolk Avenue. Ms. Schneckloth suggested that the Norfolk lot be used to access 115 Sampson Avenue to take some of the pressure off of Sampson Avenue, since the road was already deteriorating from the amount of traffic. She also thought the Planning Commission should request that the house be re-oriented to have a Norfolk address. Ms. Schneckloth thought page 106 of the Staff report should be corrected to accurately state that the portions of Sampson Avenue that would be dedicated to the City would be the southeast corner of Lot 51 and the northeast corner of Lot 52. She felt that clarification was important.

Ms. Schneckloth asked how wide of a portion would be dedicated to the City. Mr. Schueler replied that it would be 8-9 feet. Ms. Schneckloth noted that Sampson Avenue is 13 feet wide. Ms. Schneckloth commented on snow storage and asked about the snow storage along Sampson. Planner Grahn stated that it would be a 10' snow storage easement. Ms. Schneckloth noted that the City owns Utah Avenue and she asked if that could be used for snow storage instead of Sampson. She stated that the existing frontage along Sampson Avenue is sorely needed and she asked that it be retained.

Vice-Chair Thomas closed the public hearing.

Commissioner Hontz noted that the change to HRL zoning needed to be corrected throughout the Staff report and the Staff needed to come back with a clean Staff report. Commissioner Hontz pointed out that access has always been on Sampson Avenue and people use the stairway to the south. She understood that originally there was only one stairway with a plank

into the back of the house; however, a rift between property owners resulted in two sets of stairs.

Commissioner Hontz agreed with Ms. Schneckloth on the condition of Sampson Avenue and she believed it was currently a public health, safety, welfare issue. The road can no longer carry the burden related to nightly rental, snow removal, etc. She requested a condition of approval to put parking for 115 Sampson somewhere else. Commissioner Hontz also recalled that the Planning Commission had requested that the Staff analysis be done on compatible structures in terms of size and plats, rather than an average size analysis. She wanted the analysis redone.

Commissioner Hontz requested that Condition of Approval #4 regarding 13-D sprinklers be revised. She corrected Condition #5 to indicate a 10' snow storage "easement" rather than easements plural. Commissioner Hontz noted that Condition #5 needed to be revised to indicate that portions of Lots 51 and 52 would be dedicated to the City.

Commissioner Wintzer believed the same issues they addressed with 30 Sampson Avenue applied to 115 Sampson. The only difference is that 115 is a downhill lot. He was concerned about approving something that would create a hardship situation for the applicant. He preferred to send this back to the Staff to draft appropriate conditions of approval to avoid a hardship situation that would require going before the Board of Adjustment. Commissioner Wintzer was not prepared to move forward this evening until the issues could be addressed. He also agreed with the idea of adding a condition of approval to address the parking needs.

Commissioner Strachan concurred with his fellow Commissioners. He thought they should continue this item until the Staff report could be revised. Commissioner Strachan suggested a site visit to make sure they were not on the verge of creating a plat amendment that would be the final straw for the neighborhood and what the road could bear. Vice-Chair Thomas concurred.

MOTION: Commissioner Wintzer moved to CONTINUE 115 Sampson Avenue plat amendment to November 6, 2013. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

**3. 1134 Lowell Avenue – Steep Slope Conditional Use Permit  
(Application PL-13-02012)**

Planner Whetstone handed out public input she had received from Jim and Elaine Howells, 1130 Lowell Avenue.

Planner Whetstone reviewed the application for a Steep Slope Conditional Use permit for a new single-family home containing 2,163 square feet, excluding the 367 square foot single car garage, on a vacant 1,875 square foot lot located at 1134 Lowell Avenue. The total floor area exceeds 1,000 square feet and the construction is proposed on a slope of 30% or greater. The property is located in the HR-1 District. The CUP request is for construction of a new single-family dwelling on a platted lot of record. The lot is a standard 25' x 75' Old Town lot and contains 1,875 square feet of lot area. The site is a downhill lot on the east side of Lowell Avenue.



Planner Whetstone noted that because the total proposed structure is greater than 1,000 square feet and construction is proposed on an area of the lot that has a 30% or greater slope, the applicant is required to file a steep slope conditional use permit application, which requires a review by the Planning Commission.

Planner Whetstone noted that the lot is a vacant platted lot with grasses and very little vegetation, and located between two existing non-historic single family homes. The lot is accessed from Lowell Avenue.

Planner Whetstone presented slides of existing structures along the street. She noted that there are no historic structures on Lowell Avenue.

A Historic District Design Review application was reviewed concurrently with this application and the Staff found it to be in compliance with the Design Guidelines for Historic Districts and Historic Sites that was adopted in 2009. The final home design was included as Exhibit A in the Staff report.

Planner Whetstone reviewed the Staff analysis contained in the Staff report. The proposed house complies with the setbacks, building footprint and building height requirements of the HR-1 zone. The third story includes horizontal stepping of ten feet from the lower façade as required by the LMC.

Planner Whetstone reviewed the criteria for construction on a steep slope as outlined in the Staff report and explained why the Staff found that the application met all the criteria.

The Staff recommended that the Planning Commission conduct a public hearing and consider approving the Steep Slope CUP for 1134 Lowell Avenue based on the findings of fact, conclusions of law and conditions of approval contained in the Staff report.

John Sparano, the project architect, reviewed the plans for the proposed house. It is a contemporary design on a small lot. Mr. Sparano stated that the design was based on the desire to balance the need for light and privacy. He commented on how the house was designed to fit within the context of the slope, neighboring structures and the existing vegetation. He believed the house was smaller in scale and mass than the surrounding structures and the visual impacts were mitigated. Design impacts were mitigated with stepping, minimized excavation and a low profile green roof. The garage door is located 28 feet from the edge of street. The proposed driveway has a slope of less than 5.5%. The driveway was designed to minimize grading and to reduce the overall building scale.

Commissioner Gross had concerns with the vegetated roof system and asked if there was a mechanism to keep it maintained. The architect stated that the owner was under contract with a company to maintain the vegetation. Director Eddington remarked that the Planning Commission could add a condition of approval to require maintenance of the vegetated roof.

Vice-Chair Thomas opened the public hearing.

Steve Parker thought it was a nice project and he hoped the Planning Commission would approve it.

Vice-Chair Thomas closed the public hearing.

Commissioner Wintzer stated that Planner Whetstone had prepared a great Staff report and had given a great presentation; however, both failed to mention compatibility. The proposed design and building form has never been done in Old Town and there are no design guidelines for flat roofs. Based on the visual analysis, the home did not relate to the streetscape. He liked the design but he had a hard time finding compatibility because it was not the standard for Old Town.

Commissioner Wintzer was frustrated that the Planning Commission was not given the opportunity to discuss flat roofs in Old Town and to set parameters before they had to review a project. This project did not meet Code and until the Code changes he could not justify approving this type of design in Old Town.

Commissioner Strachan agreed. He referred to the purpose statements of the HR-1 District and explained why the proposed project did not fit in terms of compatibility in style and design. He personally liked the design but the Code did not embrace it. Like Commissioner Wintzer, until the Code changes he could not support this type of design in Old Town.

Commissioner Hontz struggled with Purpose Statement C on page 118 of the Staff report. She believed the Code was clear about maintaining compatibility. That principle should not be abandoned before they move forward with the green roof discussion.

Vice-Chair Thomas stated that he struggles with the idea that new in Old Town diminishes the character of the historic. In his opinion, trying to make something new look old diminishes the historic. Vice-Chair Thomas liked the contemporary design. The downhill façade had a minimal, low profile shift, and the stepping eliminated the wall effect that is present on many of the existing structures on the street.

Planning Manager Sintz wanted to know which elements of the design the Commissioners opposed. She noted that the Staff felt strongly that this was a great example of a structure that could be pulled into the historic district as new era. Planning Manager Sintz reviewed various reasons why the Staff found the design to be compatible and why they believe it met the Code.

Director Eddington understood that it was a compatibility issue and that there were challenges with contemporary design. However, the 2009 LMC amendments made changes to the Code that looked for opportunities for contemporary structures and moving into a new era.

Vice-Chair Thomas thought there was a commonality between the forms and he believed there was a need to respect this moment in time. He pointed out that the roof was lower and the applicant was not requesting a height exception. He liked the concept and movement of the structure and how they handled mitigation. Vice-Chair Thomas agreed that the current Code allows the opportunity for new evolution on a project by project basis. He also felt that flat roofs have a logical place in Park City.

Commissioner Wintzer agreed with the Staff and Vice-Chair Thomas. However, the problem was making it fit the Code. The flat roof discussion has been ignored and that was unfortunate, because otherwise this project could be approved. He reiterated his unwillingness to approve

flat roofs until they are governed by guidelines. He was adamant about changing the Code before any approvals.

Planner Whetstone referred to Criteria 6 – Building Form and Scale, and pointed out how the building was designed to meet the criteria and why the Staff believed it met the requirements of the LMC. Director Eddington pointed out that flat roofs are allowed both by the Land Management Code and the Design Guidelines.

Commissioner Hontz referred to the cross canyon rendering on page 139 of the Staff report as a way to look at compatibility with the neighborhood. She agreed with Vice-Chair Thomas that the form and scale of the structure was suitable and looked better than most of the other structures on the street.

Commissioner Gross was not opposed to the structure but he still had concerns with maintaining the green roof. Director Eddington suggested that the green roof could be subject to the landscaping requirements. Commissioner Hontz stated that if the Planning Commission voted this evening, she suggested that they direct the Staff to add a condition of approval #15 to address irrigation and maintenance of the green roof. She also recommended that the condition include some type of review or update to the Planning Commission in one or two years to ensure that the green roof was being maintained in accordance with the landscaping requirements.

Vice-Chair Thomas supported the project and he believed it was allowed by Code.

MOTION: Commissioner Thomas moved to APPROVE the Steep Slope Conditional Use Permit for 1134 Lowell Avenue in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval with the direction to Staff to draft language regarding the green roof. Commissioner Gross seconded the motion.

VOTE: The motion passed 3-2. Commissioners Strachan and Wintzer voted against the motion.

#### Findings of Fact – 1134 Lowell Avenue

1. The property is located at 1134 Lowell Avenue.
2. The property is described as Lot 27, Block 27 of the Snyder's Addition to the Park City Survey. The lot is a standard 25' by 75' "Old Town" lot and contains 1,875 sf of lot area. The allowable building footprint is 844 sf for a lot of this size.
3. The site is not listed as historically significant on the Park City Historic Sites Inventory and there are no structures on the lot.
4. The property is located in the HR-1 zoning district, and is subject to all requirements of the Park City Land Management Code (LMC) and the 2009 Design Guidelines for Historic Districts and Historic Sites.
5. Access to the property is from Lowell Avenue, a public street. The lot is a downhill lot.
6. Two parking spaces are proposed on site. One space is proposed within an attached garage and the second is on the driveway in a tandem configuration to the garage.

7. The neighborhood is characterized by primarily non-historic single family and duplex houses. There are historic structures on Empire Avenue, the street to the east of Lowell Avenue.
8. A Historic District Design Review (HDDR) application was reviewed by staff for compliance with the Design Guidelines for Historic Districts and Historic Sites adopted in 2009. The design was found to comply with the Guidelines.
9. The lot is an undeveloped lot containing primarily grasses, weeds, and shrubs that are not classified as significant vegetation.
10. There are no encroachments onto the Lot and there are no structures or wall on the Lot that encroach onto neighboring Lots.
11. The proposed design is for a three (3) story, single family dwelling consisting of 2,171 square feet of living area (excludes the approximately 247 sf single car garage) with a proposed building footprint of 840 sf.
12. The driveway is proposed to be a maximum of 12 feet in width and 28 feet in length from the edge of the street to the garage in order to place the entire length of the second parking space entirely within the lot. The garage door complies with the maximum width of nine feet (9') and height of nine feet (9').
13. The proposed structure complies with all setbacks.
14. The proposed structure complies with allowable height limits and height envelopes for the HR-1 zoning as the three (3) story house measuring less than 25 feet in height from existing grade and the design includes a 10 foot step back on the third (3<sup>rd</sup>) story.
15. The proposal, as conditioned, complies with the Historic District Design Guidelines as well as the requirements of 15-5-5 of the LMC.
16. The proposed materials reflect the historic character of Park City's Historic Sites, incorporating simple forms, unadorned materials, and restrained ornamentation. Though modern, the architectural style is a contemporary interpretation and complements the scale of historic buildings in Park City. The exterior elements are of human scale and the scale and height follows the predominant pattern of the neighborhood, in particular the pattern of houses on the downhill side of Lowell Avenue.
17. The structure follows the predominant pattern of buildings along the street, maintaining traditional setbacks, orientation, and alignment. Lot coverage, site grading, and steep slope issues are also compatible with neighboring sites. The size and mass of the structure is compatible with surrounding sites, as are details such as the foundation, roofing, materials, as well as window and door openings. The single car attached garage and off-street parking area also complies with the Design Guidelines and is consistent with the pattern established on the downhill side of Lowell Avenue.
18. No lighting has been proposed at this time. Lighting will be reviewed at the time of the building permit for compliance with the Land Management Code lighting standards.
19. The applicant submitted a visual analysis/ perspective, cross canyon view from the east, and a streetscape showing a contextual analysis of visual impacts on adjacent streetscape.
20. There will be no free-standing retaining walls that exceed six feet in height with the majority of retaining walls proposed at four feet (4') or less. The building pad location, access, and infrastructure are located in such a manner as to minimize cut and fill that would alter the perceived natural topography.
21. The site design, stepping of the building mass, articulation, and decrease in the allowed difference between the existing and final grade for much of the structure mitigates impacts of construction on the 30% slope areas.

22. The plans include setback variations, increased setbacks, decreased building heights and an overall decrease in building volume and massing.
23. The proposed massing, articulation, and architectural design components are compatible with the massing of other single family dwellings in the area. No wall effect is created with adjacent structures due to the stepping, articulation, and placement of the house.
24. The proposed structure complies with the twenty-seven feet (27') maximum building height requirement measured from existing grade and the highest portion is less than 27' from existing grade. Portions of the house are less than 25' in height.
25. The findings in the Analysis section of this report are incorporated herein.
26. The applicant stipulates to the conditions of approval.

#### Conclusions of Law – 1134 Lowell Avenue

1. The Steep Slope CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.2-6(B).
2. The Steep Slope CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

#### Conditions of Approval – 1134 Lowell Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits.
3. A final utility plan, including a drainage plan, for utility installation, public improvements, and storm drainage, shall be submitted with the building permit submittal and shall be reviewed and approved by the City Engineer and utility providers, including Snyderville Basin Water Reclamation District, prior to issuance of a building permit.
4. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final Landscape Plan shall be submitted to the City for review prior to building permit issuance. Such plan will include water efficient landscaping and drip irrigation. Lawn area shall be limited in area.
6. If required by the Chief Building Official based on a review of the soils and geotechnical report submitted with the building permit, the applicant shall submit a detailed shoring plan prior to the issue of a building permit. If required by the Chief Building Official, the shoring plan shall include calculations that have been prepared, stamped, and signed by a licensed structural engineer. The shoring plan shall take into consideration protection of the historic structure to the north.
7. This approval will expire on October 9, 2014, if a building permit has not been issued by the building department before the expiration date, unless an extension of this approval has been requested in writing prior to the expiration date and is granted by the Planning Director.
8. Plans submitted for a Building Permit must substantially comply with the plans reviewed and approved by the Planning Commission and the Final HDDR Design. The upper level rear façade shall be articulated and setback from the lower level façade by a minimum of ten feet, with a minimum setback to the rear property line of twenty feet, according to

requirements of the Land Management Code in effect at the time of building permit issuance.

9. All retaining walls within any of the setback areas shall not exceed more than six feet (6') in height measured from final grade, except that retaining walls in the front yard shall not exceed four feet (4') in height, unless an exception is granted by the City Engineer per the LMC, Chapter 4.
  10. Modified 13-D residential fire sprinklers are required for all new construction on this lot.
  11. All exterior lighting, on porches, decks, garage doors, entryways, etc. shall be shielded to prevent glare onto adjacent property and public rights-of-way and shall be subdued in nature. Light trespass into the night sky is prohibited.
  12. The Building permit application plans shall provide complete details regarding the Green Roof, including construction, plantings, irrigation, water-proofing, and maintenance. Maintenance of the green roof shall be in compliance with the City's municipal weed ordinance. Construction of the green roof shall be consistent with best management practices and current research regarding green roofs and green infrastructure.
  13. Construction waste should be diverted from the landfill and recycled when possible.
  14. All electrical service equipment and sub-panels and all mechanical equipment, except those owned and maintained by public utility companies and solar panels, shall be painted to match the surrounding wall color or painted and screened to blend with the surrounding natural terrain.
  15. Two years post installation/planting, a review of the green roof shall be conducted by the Planning Staff and presented to the Planning Commission. The review shall confirm compliance with Condition #12 and if non-compliance is found the roof shall be replanted and a further review shall be conducted within one year and presented to the Commission. The landscape guarantee that is posted with the Building permit shall not be released until the two year review is conducted and the roof is found to comply with the Condition #12 and the City's Landscape Ordinance in terms of germination, plant coverage and weed control.
4. **Park City Heights – Pre-Master Planned Development and Amendment to Master Planned Development (Application PL-13-02009 & PL-13-02010)**

Planner Whetstone handed out proposed changes to the Findings of Fact, Conclusions of Law and Conditions of Approval annotated to indicate the primary changes and whether Staff agreed with the change or was requesting discussion.

Planner Whetstone reviewed the request for amendments to the approved Park City Heights Master Planned Development, as well as corresponding amendments to the Preliminary plat and Ordinance that was approved at the time of the Park City Heights MPD. Corresponding Exhibits, A, B and D were contained in the Staff report.

Planner Whetstone reported that due to the discovery of mine waste on the property, the applicant was proposing to the State as part of the voluntary cleanup program, to remediate the soil on site by creating a lined and capped repository on the eastern side of the property along the US 40 Frontage road. This repository necessitates various amendments to the approved Master Planned Development and Phase 1 subdivision plat. The amendments also create changes to the overall preliminary plat and minor changes to the Park City Heights Design Guidelines, included in the Staff report as Exhibit 1, regarding setbacks and lot sizes for the small lot detached Park Homes.

Planner Whetstone summarized the major amendments as outlined on page 156 of the Staff report. The changes would be to: 1) relocate lots on the eastern portion of the subdivision to accommodate a soil repository on the property; 2) relocate twelve lots on the western portion to be lower and further away from the western ridge area; 3) relocate 20 townhouses, the Park Homes, to the west of the main entrance and closer to the proximity of the park; 4) move the community gardens away from the proposed repository; 5) reduce the neighborhood park area from 3.55 acres to 2.70 acres and propose additional park area on the east side of the main road. The open space would be redesigned to be more useable and more integrated into the small lot residential area; 6) delete future neighborhood commercial parcels I and J, as well as the future stacked flat pad site at the northeast entrance, and replace with 35 attainable units as small lot Park Homes". There would be no increase in the approved density or number of units; 7) change entrance road slightly to accommodate changed lot locations with no access proposed to the US 40 Frontage road; 8) request for a one-year extension of the MPD approval, and to amend the Development agreement accordingly; 9) request to change language of Finding #1e, 1o, and Condition #56 regarding Green Building to be consistent with the Annexation Agreement; and 10) provide for possible future access to the adjacent parcel to the south.

Planner Whetstone noted that the Staff did not recommend changing the approved condition requiring LEED Silver and requested input from the Planning Commission. The Staff also requested that the Planning Commission discuss the proposal to delete Condition #45 regarding parcels I and J. Parcels I and J are identified on the preliminary subdivision plat as potential future support commercial and/or child care center or similar uses. However, this area can accommodate lots displaced by the soil repository and provide certainty on what would be built along Richardson Flat Road.

Planner Whetstone reported that on January 24, 2013 the City Council approved a one-year extension of the approved Park City Heights Phase I subdivision plat. Following a work session on June 26, 2013 with the Planning Commission, the applicant submitted an application requesting amendments to the MPD, including an extension to the MPD, as well as an application for a second extension of the plat approval pending the outcome of the MPD amendments.

The Staff recommended that the Planning Commission discuss the proposed amendments and extension to the approved Park City Heights MPD and subdivision plat, conduct a public hearing and consider approving the proposed MPD amendments and extension based on the revised Park City Heights MPD Findings of Fact, Conclusions of Law and Conditions of Approval found in the Staff report. The proposed changes were identified in red or blue

Chris Gamvroulas, representing the applicant, introduced Spencer White, the applicant's representative, Ben Hathaway, Legal Counsel for the applicant, Amy Finlay, with IHI environmental, and Brad Mackey.

Spencer White provided a color-coded handout showing the surface soil and excavation removal areas based on soils testing by the soils consultant.

Amy Finlay provided a brief background of her experience dealing with environmental issues, as well as that of IHI Environmental. She noted that Ivory Development approached her firm in the

Spring of 2012 and asked them to help with State process for voluntary cleanup. Ms. Finlay explained the condition of the site and what exactly needed to be done to remediate the soil and add a repository on site. After going through the process they were approved by the State Voluntary Cleanup Program. She commended Ivory Development for taking the proper steps to clean up the Park City Heights development area.

Spencer White stated that the proposed location shown was the only potential location for the repository. He clarified that the proposal would not increase the density at all, and that future density Parcels I and J would be removed. The overall concept of a mix of housing types would remain, with the affordable units still integrated into the overall development. The key elements of the MPD would remain, although they would be modified. The Design Guidelines would continue to apply for all housing types, with additional language added for the new concept housing type called "small lot Park Homes"

Mr. White reviewed the major changes that would occur that resulted in a request to amend the MPD. He remarked that Ivory Development continues to keep up with changing standards, as demonstrated by the voluntary cleanup.

Commissioner Hontz believed this was a better site plan; however, she felt it was important to note that the northwest cul-de-sac would be moved further down and that the majority of the roads would be higher up. Mr. White replied that this was correct.

Mr. White reviewed the major changes that would occur that resulted in the request to amend the MPD. He remarked that Ivory Development continues to keep up with changing standards, as demonstrated by the voluntary cleanup. Mr. White noted that the open space with the park would be reduced in size but the amenities would remain the same. The amount of open space for the project would remain the same. The community gardens would remain but they would be relocated farther from the repository and adjacent to the new larger park area east of the main entry road. A large open playing field would be created on the north end of the capped and landscaped repository. A wider open space corridor between the neighborhood park and the playing field connects the parks and the open space areas. Mr. White explained the revised Park Homes concept that was proposed for the northern area of the subdivision in a layout that better accommodates the concept of front porches and side or rear garages. He noted that the entrance roads were slightly changed to accommodate the changed lot locations; however, the grid street system and walkability is maintained. New lot configuration and street layout provides snow storage areas and space for utility corridors. The revised plan provides platted lots for all 79 affordable units, eight of which were previously undefined as a possible stacked flat or multi-unit building. Those units were now included in the MPD site plan and preliminary plat as part of Phase I.

Mr. White stated that eliminating Parcels I and J provides area for the affordable units that were conceptually proposed as possible stacked flats in the northeast corner and allows the area to accommodate the lots displaced by the soil repository. It also provides certainty on what will be built along Richardson Flat Road. Mr. White pointed out that an amended MPD would require some changes to the Design Guidelines.

Mr. White indicated an area to the south where the Fire District requested that an access easement be granted to the adjacent property to provide two points of access in the event that the adjacent property was developed.



Mr. White stated that the applicant had met with the City Engineer, Public Works and the Sewer District and everyone supported the proposed request.

Brad Mackey presented a new small lot concept that was developed and designed for Park City Heights. It was modeled after a development in Colorado and the units were a hybrid between an alley load and a townhome product. He explained three different floor plans. The first was an 800 square foot unit; the second a 1700 square foot unit; and the third had a master bedroom on the main level and 2 bedrooms on the upper floor, for a total of 1800 square feet. The streetscape was all front doors and no garages. The garages were in the back and accessed from alleys. Mr. Mackey remarked that the concept was based on the need for yard space and each unit was designed to have a private fenced back yard.

Vice-Chair Thomas opened the public hearing.

Kraig Moyes, spoke as an individual member of the Recreation Advisory Board and a real estate broker. He was pleased with the opportunity to have another park in the area. As a real estate broker, he has a number of people looking for attainable housing and they have waited a long time for projects like Park City Heights.

Vice-Chair Thomas closed the public hearing.

Commissioner Wintzer agreed that this was a better site plan. However, based on the number of issues he recommended that the Planning Commission and the applicant prioritize two or three main issues to focus on this evening that would allow the applicant to move forwards with the remediation process. He was prepared to give a head nod on the site plan and to provide comments and concerns that could be addressed at the next meeting. Commissioner Wintzer needed more time to study the specific house plans and to carefully review the changes to the Design Guidelines. Since it has been a while since the MPD was approved, he requested a refresher course on the different house types for the next meeting. Commissioner Wintzer thought they should focus on the site plan, the park area, and the open space this evening.

Commissioner Wintzer had a problem with the lack of daycare on site if Parcels I and J were eliminated. He asked if it was possible to expand the clubhouse to accommodate a community daycare to reduce the traffic. Mr. White stated that they could expand the clubhouse but it would reduce more of the park area. Commissioner Wintzer thought a daycare was more important than a community garden. Commissioner Thomas and Hontz concurred.

Commissioner Strachan incorporated his comments from the previous meetings of the original approval that the Park City Heights project did not meet the General Plan. His opinion had not changed and he still believed the project did not comply. Commissioner Strachan was still unsure whether or not he would vote to approve the Amended MPD. However, he agreed that the proposed changes resulted in a better site plan. Commissioner Strachan thought the repository should be usable space. As a kid growing up he played on top of covered contaminated soils with less oversight than the current remediated process. He was not opposed to using that area as a playground.

Commissioner Gross stated that he was not on the Planning Commission during the first approval process. However, he thought the current proposal looked reasonable it fits well on

the site.

Commissioner Hontz referred to added language to Finding #9 on page 166 of the Staff report and asked why an access easement was necessary to allow the parcel to the south to have two ingress/egress points from Richardson Flat Road. Mr. White replied that the Fire District did not want to land lock the property. Commissioner Hontz stated that she would not be comfortable with the access easement unless that property was annexed into the City. She recommended adding a condition of approval to require annexation prior to granting an easement.

Commissioner Hontz referred to Condition of Approval #25 on page 173 of the Staff report, which referenced a Geotechnical Study for the Park City Heights Development. She recommended adding language to Condition #25 that requires evidence of the latest soils study and the actual name of the report.

Commissioner Hontz referred to Condition #43 on page 175 and suggested that they enhance the condition to reference where the wildlife report can be found. Commissioner Hontz referred to Conditions #49 and #55 on page 176 of the Staff report.

Commissioner Hontz was opposed to any amenity that allows kids to play on top of the repository. She referred to Condition #59 on page 177 of the Staff Report and asked if the repository could be used for snow storage. Ms. Finley replied that snow storage could be accommodated to the north of the repository area. Mr. White stated that the detention basin could possibly be used for snow storage. Regarding Condition #63 on page 178, Commissioner Hontz reiterated her earlier comment that she would only be comfortable with the easement if the south parcel was annexed into the City. She wanted to make sure a separate condition was added to address the annexation requirement.

Commissioner Hontz thought it was important to inform the public and the residents about the soils remediation by posting a small sign, similar to a trailhead sign. Mr. Gamvroulas stated that the HOA and CC&R documents would have that disclosure. Ms. Finley noted that Ivory Homes voluntarily assumed the cleanup process and they would be given a Certificate of Completion to provide to the HOA. Commissioner Hontz did not believe a brochure or a disclosure in the CC&Rs was enough. She felt that posting a small sign was a better way to disclose the information.

Mr. Hathaway, legal counsel for the applicant, stated that the purpose of the voluntary clean up was to remediate the soils issue. Ivory Homes would comply with all the disclosure requirements and he did not believe it was necessary to post a sign. Commissioner Wintzer did not agree with posting signs and felt the disclosure procedure was sufficient. Mr. Hathaway pointed out that the sole purpose of the process was to clean up the site and make it safer.

Vice-Chair Thomas had no objections to the lot configuration as shown. In looking at the topo, he thought the drainage swell needed further explanation.

Vice-Chair Thomas referred to the language in blue on pages 160 and 161 of the Staff report regarding Green Building or LEED Silver, and the applicants request to use the language in the Annexation Agreement instead of the language that was approved by the Planning Commission in Finding #1(e) and Condition #56. The applicants were asking to replace the original language

with the language in blue. The Commission concurred that the language in the Annexation Agreement allowed the condition to provide a certain level of Green Building to evolve as the standards evolve. The Commission concurred that Finding of Fact 1e. could be amended to include the language from the Annexation Agreement. The Commission agreed that restricting the language to "LEED Silver" did not allow the project to keep up with the Green Building standards as they evolve.

The Commissioners were opposed to heated driveways. Mr. White indicated that they discussed requiring off-sets to heated driveways, such as additional solar panels, consistent with Condition #49 of the MPD.

The Commissioners and Staff point out findings of fact and conditions of approval that may need to be modified due to the amended plat layout and requested changes. Such as Condition #43 regarding wildlife report update, Condition #55 regarding limits of disturbance and retaining walls for streets, Condition #24 regarding the new soils report, and Condition #59 regarding snow storage restrictions on the actual repository. The applicant stated that some conditions have been address by the revised plat, such as Condition #24 regarding the trail access between Lots 89 and 90. Planner Whetstone commented that Condition #56, which refers to lot numbers of the preliminary plat by Ensign Engineering could be updated to match the new preliminary plat.

The Staff and applicants discussed a schedule for future meetings to keep the process moving forward.

MOTION: Commissioner Strachan moved to CONTINUE the proposed Park City Heights MPD amendments and extension to November 6, 2013. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

5. **Land Management Code – Amendments to Sections 15-2.104, 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 and RC Districts (Application PL-12-02070)**

Planner Astorga reported that the Planning Commission originally discussed the definition of a story during a work session in August 2012. During a Planning Commission meeting in September 2012, the Staff recommended reviewed the interpretation of a story as currently defined in the Land Management Code. At that time the Planning Commission had concerns related to the current building height parameters and how they applied to split-level concepts. It was interpreted that a three story split-level, per the current LMC definition of a story, would qualify as multiple stories adding up to six. The Staff had 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. The Staff offered to work with different scenarios and come back to the Planning Commission with alternatives.

Planner Astorga stated that during the September 2012 meeting the Planning Commission forwarded several items to the City Council for review and possible adoption. However, the Commissioner continued the proposed amendments regarding building height measurement

and story definition to a later date, and requested additional information. 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) relating to downhill lots. Another group of scenarios regarding uphill lots was presented on February 13, 2013. Planner Astorga noted that the January and February work session discussions were based on the current building height parameters outlined on page 260 of the Staff report.

Planner Astorga noted that currently the LMC defines a story as:

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.

Planner Astorga stated that there is no maximum or minimum number of feet for a story or a wall plate. The height of a structure is simply measured from existing grade, not to exceed twenty-seven feet. After analyzing the impacts of split-levels and multiple split-levels concepts on a standard lot of record, the Staff proposed adding provisions to the LMC related to Building Height which would limit the split-level concept so a project would not contain multiple numbers of splits stepping up or down the hillside.

Planner Astorga referred to the proposed amendment language in red on page 263 of the Staff report. He noted that the amendment deals with the alternate language to replace the maximum three-stories and does not replace the maximum height of 27' measured from existing grade. The proposed language reads:

A structure shall have a maximum height of thirty five feet (35') measured from the lowest floor plan to the point of the highest wall top plat that supports the ceiling joists or roof rafters.

The Staff also recommended adding clarifying language to the ten foot 10' minimum horizontal step. Planner Astorga noted that the current code does not indicate where the step back takes place on a vertical plane. The Staff found that the added language in red at the bottom of page 263 clarifies where the horizontal step should occur. The proposed language reads:

The horizontal step shall take place at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing grade. Architectural features that provide articulation to the upper story façade setback, may encroach into the minimum ten foot (10') setback but shall be limited to no more than twenty-five percent (25%) of the width of the building encroaching no more than four feet (4') into the setback, subject to compliance with the Design Guidelines for Historic sites and Historic Districts.

Planner Astorga presented a number of exhibits to show what could occur under the exiting Code and with the proposed changes.

The Staff proposed language under Roof Pitch to clarify green roofs. "A green roof may be below the required 7:12 roof pitch as part of the primary roof design. In addition, a roof that is not part of the primary roof design may be below the required 7:12 foot pitch." The Staff proposed adding a provision reflected in red on page 265 of the Staff report. Proposed provision clarifies the required roof pitch for green roofs, as well as adding a specific parameter of measurement. The proposed language reads:

(1) A Green Roof is allowed on a Structure where it will not increase the visual mass, nor create additional shade on an adjacent property when compared to the allowed 7:12 to 12:12 roof pitch on the same structure. A structure containing a flat roof shall have a maximum height of thirty feet (30') measured from the lowest floor plane to the highest point of the roof including parapets, railings, or similar features.

The Planning Commission discussed split levels and whether or not to place a cap on the number of levels. Planner Astorga noted that when the discussions started in August of 2012 the Planning Commission said they would allow a cap. They needed to let the Staff know if they had changed their minds. He noted that there would be less excavation under the new scenario.

The Commissioners discussed footprint. Commissioner Strachan remarked that the footprint discussion trickles down to plat amendments. Planner Astorga noted that last year three applications proposed the split level concept and none required a plat amendment. Commissioner Strachan remarked that the standard 75' x 25' lot was no longer an issue because of plat amendments.

The Planning Commission discussed window wells that become bedroom space. The Commissioners generally did not like the idea of window wells and thought they should be minimized or restricted. Window wells encourage more livable space which generates more people and more traffic. Planner Whetstone pointed out that the Planning Commission wanted like to encourage more families in Old Town, and families require additional living space.

Vice-Chair Thomas opened the public hearing.

Steve Parker stated that he has a child and he would love to live in Old Town. Mr. Parker suggested that instead of limiting everything the Planning Commission should find better ways to design and create better spaces.

Vice-Chair Thomas closed the public hearing.

The Commissioners were not prepared to forward the proposed amendments to the City Council this evening. They requested that the Staff come back with more information on driveways, restrictions on window wells, particularly in setbacks, and footprint analysis. Vice-Chair Thomas referred to the language on page 263 proposing a 35' maximum height. He thought that should be reduced to 33' in the back and 27' in the front.

Commissioner Wintzer stated that this was a good opportunity to address flat roofs and requested that the Staff come back with language to start the discussion. He suggested the possibility of allowing a percentage of a structure to be a flat roof. Director Eddington noted that flat roofs are already addressed in the Design Guidelines. Commissioner Wintzer pointed out that the Planning Commission needed to have a conversation regarding flat green roofs in Old Town because the Design Guidelines are not in their purview. Vice-Chair Thomas agreed.

Commissioner Strachan thought the Planning Commission should forward the amendments they could agree on and discuss the rest at a later meeting. He was comfortable with the proposed horizontal stepping language on page 263.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council to amend the LMC for the HRL, HR-1, HR-2 & RC Districts with the proposed language at the bottom of page 263 of the Staff report for a horizontal step at a maximum height of twenty three feet (23') from where the Building Footprint meets the lowest point of existing grade. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council to amend the LMC for the HRL, HR-1, HR-2 & RC District with the proposed language at the top of page 263 of the Staff report, with a revision to change the maximum height from 35 feet to 33 feet at the rear. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Strachan referred to the proposed language on page 265. He was comfortable with the second sentence but he thought the first sentence should be part of the green roof discussion.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council to amend the LMC for the HRL, HR-1, HR-2 & RC District with the second sentence of the proposed language on page 265 of the Staff report regarding the 30' maximum height for a flat roof. Commissioner Gross seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 11:45 p.m.

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

## **MINUTES – OCTOBER 23, 2013**





PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
OCTOBER 23, 2013

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

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

=====

REGULAR MEETING

**ROLL CALL**

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

**ADOPTION OF MINUTES**

September 25, 2013

Commissioner Wintzer referred to his comment on page 41 of the Staff report about using a Word program when conditions and findings are modified during a meeting so the Commissioners could read the modified language before voting. Director Eddington replied that the Staff had remembered his request and they were prepared to do that this evening.

Commissioner Hontz noted that the Work Session Minutes on page 5 of the Staff report reflected that she was in attendance when she was actually absent. She corrected the minutes to remove her name and insert Commissioner Wintzer since he had attended and his name was not listed.

MOTION: Commissioner Wintzer moved to APPROVE the minutes of September 25, 2013 as amended. Commissioner Thomas seconded the motion.

It was noted that Commissioners Hontz and Savage would be abstaining from the vote. With Commissioner Gross absent this evening, the Planning Commissioner lacked a quorum to approve the minutes. Commissioner Wintzer withdrew his motion.

MOTION: Commissioner Thomas moved to CONTINUE the minutes of September 25, 2013 to the next meeting. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

October 9, 2013

Due to the fact that the recording system had failed during the October 9<sup>th</sup> meeting, Commissioner Hontz suggested that the Planning Commission continue approval of the minutes to give the Commissioners the opportunity to review their notes to see if anything of substance was missing from the prepared set of minutes. Commissioner Hontz noted that it was a long meeting and there was a significant amount of discussion.

Commissioner Strachan thought the portion of the minutes related to the LMC Amendments were accurate in terms of the discussion and the motions. He asked if the Planning Commission could approve that section and continue the rest. Assistant City Attorney McLean stated that they could approve specific sections as long as they had a quorum.

MOTION: Commissioner Strachan moved to APPROVE Item 5, pages 77, 78, 79, and 80 of the October 9, 2013 minutes. Commissioner Wintzer seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Strachan moved to CONTINUE the remaining portion of the October 9, 2013 minutes to the next meeting, including the work session. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

**PUBLIC INPUT**

There were no comments.

**STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES**

Director Thomas Eddington welcomed John Boehm to the Planning Department. Mr. Boehm started a full-time contract on Monday. He came to the Planning Commission from Public Works and he has a background in planning.

Chair Worel clarified that the Planning Commission would hold their November meetings on November 6<sup>th</sup> and 20<sup>th</sup>. Director Eddington replied that this was correct.

Commissioner Wintzer reported on a phone call he received from a citizen who heard Chad Root on the radio talking about the Sky Lodge and another building that was adding height. Commissioner Wintzer stated that he had not heard the radio interview and requested clarification from Staff. Director Eddington explained that the Sky Lodge was proposing to redo a stairwell that accesses the plaza and expand the plaza open space for better accessibility from Heber and Main. There is no additional height.

Director Eddington noted that Chad Root had talked about a number of restoration projects on Main Street, which included the Claim Jumper, 333 Main Street, and the Silver Queen. Mr. Root had

compiled a report for the City Council and he suggested that the Commissioners review it in online. Commissioner Wintzer asked if height was being added to any of the buildings. He was told that 692 Main was getting a fourth story and the Planning Commission had recently approved that project. Director Eddington thought the Silver Queen was getting a small height extension to utilize a portion of the roof. Planner Whetstone clarified that it was an existing rooftop penthouse that was being redone but there was no additional height.

Commissioner Strachan announced that he would be absent from the November 6<sup>th</sup> meeting.

**CONTINUATION(S)** – Public Hearing and Continuation to date specified.

916 Empire Avenue – Steep Slope CUP (Application PL-12-01533)

Chair Worel opened the public hearing. There were no comments. Chair Worel closed the public hearing.

MOTION: Commissioner Savage moved to CONTINUE 916 Empire Avenue – Steep Slope CUP to November 20, 2013. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

## **REGULAR AGENDA – Discussion, Public Hearing and Possible Action**

### **1. General Plan – Historic Character & Neighborhoods**

The Planning Commission reviewed the five policy statements of Goal 15 on page 84 of the Staff report. Director Eddington asked the Commissioners to agree, reject or modify each policy statements.

Goal 15 – Preserve the integrity, style, scale and historic fabric of the locally designated historic resources sites and districts for future generations.

Policy Issue 1 – Expand Park City Historic Sites Inventory to include other architectural resources within the inventory

Director Eddington stated that this goal primarily addressed the idea of extending historic preservation tactics to the ski era architecture of the early to mid-1960's to early to mid-1970's. The Staff had discussed the idea with the Historic Preservation Board and they were generally in favor. It was discussed by the City Council and while the Council did not put a moratorium on the protection of these resources, they directed Staff to bring it to the Planning Commission and to look at ways for a more voluntary approach to preserve ski area architecture.

The Staff found in their research that this type of preservation would have to be strongly incentivized. Some of the A-frames and other buildings built during that era are hard to work with as pieces of architecture. Incentive opportunities could include allowing for the building to be moved

because the structures are not as sensitive as the mining sites, and/or possibly allowing for decreased setbacks to accommodate an addition to an A-frame that would complement the architecture from that era but still provide more square footage. The Staff thought it was worth exploring. Director Eddington named other ski communities that have begun to move into a mid-century modern style of architecture.

Commissioner Savage asked if A-frames or other ski era sites would become qualified historic structures in the future. Director Eddington clarified that they might become qualified. The Staff would recommend an analysis to see which pieces of architecture might be significant to that period. He recalled that approximately 159 structures were built during a ten to fifteen year period. The Staff was trying to determine how many of those would be deemed historic or an architectural resource. Commissioner Savage asked if the criteria would be subjective. Director Eddington stated that the City would hire a consultant to do an analysis of those resources.

Commissioner Savage thought it would behoove the City to make sure there is a reasonable level of community awareness regarding the possibilities associated with this change, particularly if the opportunity exists for a moratorium on some of the structures. Commissioner Savage also thought it would be interesting to see what other communities were putting in place as far as guidelines for this era of architecture. He noted that the Historic District Guidelines do not speak to the ski era in Park City. Director Eddington believed that it would require its own set of guidelines. He noted that three eras of architecture were preserved under the current guidelines; 1) the early settlement and mining era; 2) the full mining era; 3) the mining era decline. The mining era started to decline in the early 1930's. If they choose to preserve the ski era architecture it would begin in the 1960's and 1970's.

Chair Worel asked if the wording of the policy statement was for voluntary or mandatory. Director Eddington answered that it could be both. When they started the historic sites inventory in the early 1980's, it was a controversial issue related to architectural preservation. He believed that preserving the ski era would also be controversial. He suggested that it might be best to start with a voluntary approach and see where it goes.

Commissioner Hontz did not support preserving the ski era. She thought the mining period was the era the community should celebrate. They should respect the eras that followed, but replace those structures when necessary. Commissioner Hontz stated that in terms of priority, many other things needed to be accomplished before the Planning Department spends time on this issue.

Commissioner Wintzer thought the 1960's and 1970's were an interesting time, particularly if you skied in those days. He grew up on the east coast and there were A-frame structures similar to Park City. It was interesting architecture and an inexpensive way to build at the time. Commissioner Wintzer concurred with Commissioner Hontz that the Staff resources should be focused on more important issues. He was unsure if it was worth the fight and effort.

Commissioner Thomas stated that if they were trying to reflect Park City history, they should be inclusive and not exclusive. The ski era is part of the story and the evolution of the community. Commissioner Thomas supported the notion of preserving ski era architecture. He has seen some A-frames that are intriguing and interesting and some mining era buildings that were poorly built and mediocre. If they want to tell the story they should tell the whole story of this community.

Commissioner Savage did not believe that any owner of an A-frame structure should be put in the position of being punished as a consequence of owning that type of structure. However, he thought a program to provide incentives to re-generate the charm of those types of structures made sense as it relates to the historic character and fabric of Park City. It should be done in a way that attracts people to the idea of having that character come back to the City in an attractive way rather than looking like a rundown shanty. Commissioner Savage stated that he would support that type of program because it is the nature of the early part of the history. He pointed out that Park City today is a ski town, not a mining town, and it should have some association with its ski town roots.

Director Eddington stated that when the design guidelines were updated in 2009, one of the commitments was to continue the evolution of architectural exploration and to continue to look at different eras of architecture. They would be carrying out that commitment; however, based on City Council input he believed it would be more voluntary than mandatory. The Staff still needed to explore the details but they would recommend an incentivized voluntary program.

Commissioner Strachan agreed that the early ski era is part of their evolution, regardless of whether or not you like the structures, and it should be included as part of the history. He thought the question was which box to check; agree, reject or modify. Commissioner Strachan thought the Planning Commission should send it back to the City Council because the Commissioners were split on their views. He assumed there was more agreement among the Council since they had discussed it in September and directed the Staff to move forward at a reconnaissance level.

Commissioner Hontz clarified that she was still willing to look at the ski era. She just wanted to avoid a situation that forces people to make changes. Chair Worel thought it was important to explore the issue and have the conversation.

The Commissioners agreed to agree with the policy statement.

Policy Issue 2 – Require Park City Municipal to adopt a standard to consider adaptive reuse of historic resources prior to acquisition of new construction within the City

Director Eddington stated that this policy statement suggests that when it comes time to explore new office space that they look at utilizing existing architectural resources and historic existing structures, as opposed to always building a new structure. He pointed out that Park City has done a good job in the past of utilizing existing historic resources and this policy encourages continuing that endeavor.

All of the Commissioners agreed with the policy statement.

Commissioner Hontz questioned whether “acquisition” was the proper word to use in the policy statement. Assistant City Attorney McLean recommended that they not strap the City Council if there is a financial reason not to acquire a structure. She suggested that they make the policy more “strongly encourage”. Commissioner Savage understood that the intent is to say that on an economically equivalent basis there would be a preference to restore existing buildings rather than creating new construction. He pointed out that there would have to have an economic benefit to offset the costs incurred.

The Planning Commission discussed the language in Policy 2 and agreed to remove the word “acquisition” from the policy statement.

Policy Issue 3 – Licensed Architects should be required on all Historic District Applications

Director Eddington noted that the text of the policy also suggests licensing landscape architects for some of the larger MPDs and other projects within the Historic District. He remarked that the State of Utah does not require a licensed architect for residential projects. Commissioner Hontz stated that many cities require a licensed architect; therefore, the standard is not unusual.

Commissioner Hontz supported the policy, but she felt that minor applications should not require a licensed architect. An architect is not required to replace a window or for minor remodels. Commissioner Hontz was unsure how to differentiate, but she thought some things should be exempt.

Commissioner Savage asked for the motivation behind this policy. Director Eddington replied that it was an attempt to encourage better designed applications. Commissioner Savage asked if the concerns came from the Building Department. He knows several people who do architectural work but they are not licensed. He was concerned about punishing those people without an appropriate level of justification. Commissioner Savage thought the consumer should be able to choose their architect based on the work product and not just credentials.

Commissioner Thomas noted that the City requires licensed surveyors for surveys and structural engineers for structural design work. The advantage of having a licensed architect involved with historic renovation or restoration is that they have studied and fulfilled the requirement of learning the history of the community. Commissioner Thomas believed the requirement would add a higher level of qualification and skill. The intent was not to put anyone out of business. Commissioner Savage believed that would be the result. Commissioner Hontz pointed out that the requirement for a licensed architect would only be for the Historic Districts.

Chair Worel thought it would put an undue burden on the homeowner for smaller projects. Director Eddington offered language, “Licensed architects or landscape architects should be required on all Historic District, steep slope CUP and MPD applications.” That would eliminate the smaller projects or home remodels.

Assistant City McLean asked for the qualifications for waiving the HDDR. Director Eddington replied that minor routine maintenance and/or repairs do not require an HDDR. Ms. McLean asked if that policy would capture all the projects that may not need a licensed architect. Planner Astorga clarified that there were three categories related to waiving the HDDR. One was for non-historic structures, the second was for significant structures, and the third was for landmark structures.

Commissioner Wintzer believed the Planning Commission was clear on their point of view and he suggested that the Staff draft language to clarify what would or would not require a licensed architect. Director Eddington stated that he would work with Planner Grahn on drafting language.

Commissioner Savage asked if there was precedent that indicated problems due to not requiring licensed architects. Commissioner Wintzer remarked that there have been problems in the past when reviewing certain applications. Commissioner Strachan reminded Commissioner Savage of several applications that frustrated the Planning Commission because there was insufficient information. Commissioner Hontz pointed out that the requested information was required by Code and the designer or architect failed to provide the information. Commissioner Wintzer stated that many of the designers do not have the knowledge or ability to do detailed construction plans. Director Eddington noted that the Staff experiences the same frustration in obtaining information on HDDR applications when they are not dealing with a licensed architect.

The Commissioners agreed that the policy should be modified.

#### Policy Issue 4 – Lot Combination policy and footprint maximums

Director Eddington noted that this statement talks about re-evaluating the opportunity to limit the number of lots for Old Town in terms of combinations and/or re-examining the footprint formula. He asked if the Commissioners wanted the Staff to look at potential restrictions and/or footprint.

Commissioner Wintzer thought it was imperative because it is the only way to address mass and scale. For example, instead of building four smaller homes on four lots, a person can combine the lots and build one monster house that does not fit the neighborhood. However, they need to accommodate lots that are landlocked if there was no other alternative.

Commissioner Strachan remarked that mass and scale is a constant discussion and this policy statement only suggests that they re-evaluate one of the tools they have to address the mass and scale problem. He is always open to re-evaluating tools to address the mass and scale problem.

Commissioner Hontz pointed out that when they do the LMC Code changes, a difficult issue is the connectivity of the elements. For example, at the last meeting they talked about height, which led into mass and scale and how that relates to the driveway, window wells, and scope and other functions. If they tweak a parking requirement it can dramatically impact the scale, size and mass of what people decide to put on their lot. Commissioner Hontz emphasized that there are many elements of the Code and they should try to look at the changes holistically.

The Commissioners agreed with this policy statement.

#### Goal 16 - Maintain the Main Street District as the heart of the City for cultural tourism for visitors and residents alike

#### Policy Issue 1 – Swede Alley should be similarly zoned to allow the development of storefronts similar to Main Street in order for the commercial historic district to infill internally.

Director Eddington stated that the policy question is whether to consider zoning Swede Alley to allow for storefront development that would compliment Main Street. It would likely be subordinate to Main Street but it is near the garage and parking is ideal. Some of the shops have already created a

through-way in terms of storefront design on both ends. Director Eddington believed they were starting to see an evolution.

Director Eddington believed that if they move forward on this, the concern would always be that Swede Alley is primarily used for truck delivery and product delivery for the Main Street businesses. He clarified that they would keep that option open and Swede Alley would always be the access to the parking structure.

Commissioner Thomas provided a history of this discussion prior to being on the Planning Commission and from having designed a number of buildings on Swede Alley. At that point in time the input from the Planning Staff was not to replicate Main Street because Swede Alley has always been a service corridor and the architecture should reflect an industrial feel. Commissioner Thomas thought it was important to add language to make that distinction.

Commissioner Wintzer concurred with Commissioner Thomas. Commissioner Wintzer remarked that Swede Alley is an incubator space to grow up to Main Street. Many of the shops are businesses that could not afford the rent on Main Street. He could see a problem where in ten to twenty years Swede Alley would be asking for the same improvements as Main Street. That is not what Swede Alley is and it will never be that, but they need to strike that balance.

Director Eddington agreed that Swede Alley should always be utilitarian subordinate to Main Street and it is essential to make that differentiation.

Commissioner Savage believed that Swede Alley is a diamond in the rough. He referred to the property that starts outside of the Marsac Building all the way down to the transit center and to the far end of China Bridge. He believed there was a good opportunity for the City to think about redeveloping that property in a way that solves some of the key objectives related to affordable housing and other goals. Commissioner Savage thought they should be think about this on a larger scale and a long-term basis with the understanding that some of the issues on the further side of Swede Alley would self-correct. Commissioner Savage thought this was an area where the City could proactively deal with a lot of the pressures of growth in a way that is consistent with maintaining the Old Town character. He noted that there was a significant waste of valuable space outside of City Hall. Currently there is a one level parking lot and he believed things could be done to put vibrancy into downtown that would never occur without proactive planning.

Commissioner Hontz thought the language should be strengthened to identify Swede Alley as a main support conduit and that use needs to be protected and retained. She believed that some of the areas Commissioner Savage identified would be planned and developed and those could be beneficial; but if they do not continue to support Main Street, the needs of Swede Alley would supersede those of Main Street.

Commissioner Strachan was comfortable with the concept.

All The Commissioners agreed with the policy statement.



Policy Issue 2 – Annually evaluate commercial use parking demands and impacts on the adjacent residential districts

Director Eddington remarked that his policy statement suggests that the City should do a thorough evaluation of the parking challenges as part of Main Street and how that impacts the residential district. It also looks at how the residential and nightly rental district may be impacting Main Street and/or the neighborhoods.

Director Eddington stated that if the decision is made in favor of re-evaluation and stricter enforcement of parking standards within Old Town in both residential and commercial districts, both the City Council and the Planning Commission would have to support it from a policy standpoint, otherwise it would be impossible to enforce.

Commissioner Wintzer stated that after he found out that an owner could obtain an unlimited number of parking passes for a house, it was apparent that the parking situation needed to be addressed right now. He would support anything that improves the system and benefits all the neighbors.

Director Eddington remarked that the City had re-vamped the procedure for handling the parking program moving forward.

Kent Cashel, Transit Manager, stated that the City has strict limits on number of permits. He recognized that they could argue whether the number was too high or too low. Mr. Cashel pointed out that some people are misleading and find ways to work the system. He explained that the residential parking permit program was not set up or designed to punish or social-engineer the number of cars. An owner can apply for up to five permits. Two permits and a guest pass are given without question. The ability to apply for five permits is reduced if the property has off-street parking available on-site. Mr. Cashel pointed out that the process is labor intensive because they try to access parking resources on each property. The average household with children of driving age has as many as four cars. Mr. Cashel stated that if the goal is to reduce the number of permits, it would require significant support from the City Council and the Planning Commission to stand firm when people push back.

Mr. Cashel explained that the residential permit program was set up to keep the external impacts out of the neighborhood. It was not set up to hard limit the internal demand. Limiting the internal demand would be a big shift. He was prepared to do whatever the City decides and implement a program as long as he has the needed support.

Mr. Cashel reiterated that a request for anything beyond two permits must be justified and he reviews those requests.

Chair Worel assumed from Mr. Cashel's comments that the parking was evaluated on-going rather than a formal annual review. Mr. Cashel stated that currently they do not do a formal analysis of the parking demand. It would be useful information but complicated to understand, because nightly rentals and other activity within a neighborhood would not be consistent.

Mr. Cashel understood from the policy statement that the intent was to evaluate the cross-demand in terms of commercial bleeding into the neighborhoods and the residential bleeding into the commercial district in terms of public lots. He thought they could accomplish that evaluation fairly easy.

Commissioner Strachan favored an annual evaluation and a report from Kent Cashel to the City Council and the Planning Commission with raw numbers regarding number of applications, how many parking permits were granted, the number of cars estimated to be in Old Town, number of enforcement violations, etc. He believed that information would help the public form their opinion on whether to restrict or enlarge the parking.

The Commissioners agreed with the policy statement.

Director Eddington noted that the goals and strategies on page 87 of the Staff report contained all of the task force recommendations. He stated that not every change was made but the majority of changes were reflected.

Commissioner Hontz asked if the Staff had included the requested photos. Director Eddington replied that new photos were being taken and the Staff report did not include the replacement photos.

Commissioner Wintzer stated that when he read the language he only saw one comment about ridgelines. He noted that the old General Plan was very strong about protecting ridgelines and he did not believe the new General Plan had enough ridgeline protection. Commissioner Wintzer recalled that the Planning Commission had agreed on protecting the ridgeline and wanted stronger language in the General Plan. In his opinion, the biggest issues they deal with are mass and scale and ridgelines and he would like to see the language strengthened. It should be at least as strong, if not stronger, as the last General Plan.

Commissioner Wintzer wanted the General Plan to address nightly rentals more than what was written so they have the ability to protect the neighborhoods and encourage full-time residents.

Commissioner Thomas concurred with Commissioner Wintzer, particularly regarding nightly rentals.

Commissioner Strachan stated that protecting ridgelines was a broader discussion and not just historic character. Director Eddington noted that ridgelines were also addressed in Natural Setting, and he believed there was a way to weave it to cross over into different sections throughout the General Plan.

Commissioner Wintzer suggested that they include the ridgeline map to make sure they agree on all the ridgelines. The Commissioners concurred.

Commissioner Wintzer stated that he would have a hard time approving a General Plan without seeing the maps in a larger scale. He understood that the end product would have a larger map, but he thought the Planning Commission needed to review each map to make it sure it reflected their

discussion. Commissioner Thomas requested that the Staff provide a full set of 24 x 36 scale maps and to compile one set for the Planning Commission and one set for the public.

Director Eddington stated that copies could be made available in the Planning Department.

Chair Worel understood from the proposed General Plan schedule that the Planning Commission would not see the General Plan after their meeting on November 6<sup>th</sup>. She pointed out that based on that schedule the Planning Commission would never see the whole document before it is approved by the City Council.

Director Eddington explained that the Staff was making corrections, even though it has been difficult to keep up with the changes from one Planning Commission meeting to another. The goal was to have a final edited copy of each section by November 6<sup>th</sup>.

Commissioner Wintzer thought the Staff should also provide the minutes from each meeting so the Commissioners could verify that all the suggested changes were reflected in the section they were approving.

Chair Worel asked if the Planning Commission would be asked for a vote on November 6<sup>th</sup>. Director Eddington replied that the Planning Commission would be asked to forward a recommendation to the City Council.

Commissioner Savage asked if it was realistic to assume that the Planning Commission would be ready to take action on November 6<sup>th</sup>.

Commissioner Hontz had been tracking the changes. She believed they were all included but photos needed to be added and the notes indicating the changes needed to be written out in the final language. She was not prepared to approve a General Plan until everything was included and the document was complete. Commissioner Hontz was comfortable that the Staff had accurately picked up the changes, but the Planning Commission needed the opportunity to see it implemented into one document.

Commissioner Hontz stated that she has asked several times for the analysis that Katie Cattan had prepared comparing the old General Plan to the current General Plan. She would not approve a General Plan until she sees the analysis to understand what was done for every section and could cross-reference it to the old Plan. Commissioner Hontz thought the discussions that resulted from the analysis helped change the wording in the new General Plan to match and be as substantial as the previous Plan.

Commissioner Thomas remarked that the Planning Commission needed to have that level of completeness, followed by a meeting where the public would have an opportunity to provide input on the full context of a complete document.

Chair Worel asked if it was possible for the Planning Commission to work on the General Plan simultaneously with the City Council so it would not hold up the Council's schedule. Assistant City Attorney McLean replied that State Code requires the Planning Commission to forward a

recommendation to the City Council prior to Council review. Ms. McLean remarked that the Planning Commission could forward individual sections to the City Council when each one is complete. She pointed out that the schedule was agreed to at the joint City Council/Planning Commission meeting in September. At that time the expectation was that the Planning Commission would forward the entire document to the City Council.

Commissioner Hontz did not believe the Planning Commission was causing a delay. She thought the Code was clear on the expectation of the Planning Commission to have a review, approve it and send it forward. They had already done the work and it just needed to be incorporated and compiled.

Commissioner Wintzer noted that most of his notations were not actual changes. He was asking for explanations to help him understand a map or something else. Commissioner Wintzer believed that as they get the corrections it would lead to more questions. He was unsure how they would find the time to get it done. Director Eddington acknowledged that it was challenging. Every time the Planning Commission meets, the Staff makes the changes and waits for the minutes to make sure the changes are accurate. By that time, the next Planning Commission meeting has occurred and they are week or two behind. They were trying to meet a very aggressive schedule.

Director Eddington stated that the goal for November 6<sup>th</sup> is to discuss the most final form of Small Town core value. It should include all the elements but it was important to have the discussion. He questioned whether they would be able to get through it all on November 6<sup>th</sup>.

Chair Worel pointed out that even if they do get through it on November 6<sup>th</sup>, the Staff would still have to incorporate the changes and the Planning Commission would not have the final product. Director Eddington stated that it would be the final draft and the Planning Commission would be discussing the final based on all of the input to date. However, he agreed that additional changes could come up during that meeting.

Commissioner Savage asked for clarification on the final draft the Planning Commission would see on November 6<sup>th</sup> and the final draft that would be distributed on December 5<sup>th</sup> to the City Council. Director Eddington stated that the City Council is schedule to review the document on November 14<sup>th</sup> and November 21<sup>st</sup>. There is a possibility that the City Council may make changes at their meetings.

Commissioner Savage suggested that they shorten the City Council review to give the Planning Commission a longer opportunity to review the complete final draft before they forward it to the City Council. Director Eddington stated that he would discuss a revised schedule with the City Council to make sure they could still meet the end of the year goal if they have fewer meetings.

Assistant City Attorney McLean understood that the City Council and Planning Commission would have another joint meeting. Director Eddington replied that a joint meeting was discussed but a decision was never made. He thought there may be an opportunity for a joint meeting and/or to narrow the City Council schedule.

Commissioner Thomas stated that the General Plan is a very important document and it needed to be as complete and as accurate as possible. If Director Eddington thought the schedule was questionable, Commissioner Thomas thought that should be communicated to the City Council with the understanding that it was beginning to look like a task that may not be completed by the end of the year.

Commissioner Wintzer noted that the first 90 pages of the General Plan were never discussed. He had read it and made notes, but that portion was never put on the agenda. He had issues with the introduction and some of the analysis that he felt was important to discuss. If those 90 pages are going to be part of the General Plan, they need to take the time to review it.

Director Eddington stated that he would re-work the schedule and convey it to the Planning Commission prior to the next meeting. Commissioner Thomas clarified that the criticisms were not directed at the Staff. He understood that this was a daunting task, but they needed to be realistic about the schedule.

Commissioner Hontz thought it would behoove everyone involved if time and money could be spent on public outreach on the final document that the Planning Commission sees. If there are substantive changes those could be incorporated in a final draft to the City Council and the Council would be able to finalize and approve the General Plan in a shorter time frame. She believed public outreach was important on the final document.

Commissioner Thomas recalled talking about another joint session and asked if that could be scheduled. Commissioner Strachan preferred to have the Planning Commission work through the content and not spend time in another joint meeting. Commissioners Hontz and Wintzer concurred.

Director Eddington stated that Commissioner Wintzer was the task force representative for Historic Character. In the interest of time, the Planning Commission could contact Commissioner Wintzer with any changes or comments for discussion at the next meeting.

Commissioner Wintzer was prepared to convey his changes this evening. On page 90, he preferred to keep the language that was removed from 15B. Director Eddington clarified that the language would remain. The intent is to add a better definition and/or analysis.

Commissioner Wintzer asked about the language on page 91, 15.7. Director Eddington replied that it was the same situation. The language would remain and new language would be added. On page 91, 15.10, Commissioner Wintzer suggested adding another strategy that talks about sensitive lands, ridgelines, hillsides, etc. The Commissioner agreed.

Commissioner Wintzer referred to page 94, 16B and suggested listing examples of uses they do not want on the ground level on Main Street. On page 97 and 98, Commissioner Wintzer noted that most of those pages talk about the Federal government and Federal guidelines but it does not talk much about Park City. He requested that they bring Park City into the conversation. Commissioner Wintzer referred to pictures of historic buildings on page 104. He stated that if they were going to start allowing flat roofs they should include pictures of flat roofs and what they like or do not like.

Commissioner Wintzer stated that he would take the rest of his questions and comments to the Planning Department.

Commissioner Hontz asked about the list of issues on page 120, 121 and 122. Director Eddington replied that it was a master list of issues that the Planning Commission had reviewed during the core elements discussion.

Director Eddington suggested that the Planning Commission take public input. If there was time at the end of the meeting they could continue reviewing the General Plan strategies; otherwise, they should send their comments to Commissioner Wintzer as the task force representative.

Chair Worel opened the public hearing.

Hope Melville, an Old Town resident, referred to page 91, Strategy 15.5 – expand the historic sites inventory to include historic resources built during the onset of the ski industry. She felt it was too early to have that statement in the General Plan. She understood that the reconnaissance level survey was still going on and they could decide after that. Ms. Melville noted that Director Eddington mentioned that the HPB was in favor of including the ski era, but that was not what she heard. She heard the HPB say that they supported the reconnaissance level survey and possibly voluntary preservation program incentives if it came to that. Ms. Melville did not believe the HPB would endorse the statement at this point.

Director Eddington clarified that when the Staff updated the HPB on the General Plan four months, the HPB voted unanimously for to include the ski era. That was the reason for including the statement in the General Plan. However, the Staff had a more recent discussion with the HPB after the City Council decided to look into it. The Planning Commission discussed the policy statement this evening to look at doing the reconnaissance level survey and consider the expansion. He pointed out that the policy statement changed after tonight's discussion.

Ms. Melville referred to page 92, strategy 15.13 – restrict residential parking passes within the historic district to limit the amount of on street parking. Consider public parking garages for full time residents occupying historic structures with no on-site parking and implement additional tools to restrict parking in historic districts to limit residential parking. Mr. Melville believed this strategy would discourage people from moving to Old Town. She thought it was going in the wrong direction. Ms. Melville stated that the existing rules needed to be enforced and she thought the City was doing a better job of enforcing the parking restrictions. They should not allow people to game the system and have more than they should. However, to try and encourage full time residents to park in parking structures rather than on the street would be the wrong approach.

Ms. Melville referred to page 101, Incentivizing Development on single lots. She thought reducing the off-street parking spaces from two to one was again the wrong direction in Old Town. Having two parking spots in Old Town is important for people who live there. Ms. Melville could find no reason to have to incentivize construction in Old Town. She felt it was going in the wrong direction for mass and density as well by allowing people to have more square footage. Given a choice, people in Old Town would choose to have more parking. On page 104, Ms. Melville referred to the picture at the top right and asked why there was an X by the building.

Director Eddington noted that it was an error and the Staff was fixing it.

Ms. Melville referred to a photo in the middle row of page 106. She believed it was the Centennial building but there was an X next to it. The entire building is historic and she questioned the reason for the X. Ms. Melville referred to the bottom row of pictures on page 107 and noted that the picture on the left-hand side had two garages and it was marked with a check-mark. She did not believe that should be an example for Old Town. She pointed out that two pages earlier the same building was marked with an X for another reason. On page 115, Ms. Melville noted that the title under the Distillery Building incorrectly read Fuller Paint Building.

Steve Swanson stated that he started to look at the General Plan in part for the Holiday Ranch neighborhood as a Board member. He soon realized that it was a massive document. As pointed out this evening by the Staff and the Planning Commission it is a daunting task to do this document and there is not enough time to meet the schedule. Mr. Swanson stated that he would agree that the schedule was too fast. Given its importance, he believed the citizens and citizen groups should be allowed to have a thorough review of the document. The fact that it draws on the balance growth strategy, the document is very sobering about Park City's future. Mr. Swanson commented on the importance to understand and address issues such as population projections for Park City. He thought there should be a connection between the goals, objectives and policies of the 1993 and the new plan. In looking at the population projects, the old plan always talked about Park City becoming a resident population of 10,000-12,000. He proposed that they would never reach that number. At this point the current population is 7500, which is down from the peak of five years ago. Mr. Swanson stated that the basis for making broad sweeping changes and policy decision need to be understood. Park City currently has 6600 housing units, not including the bed base of the resort economy. He thought the numbers together should be included in the discussion. Mr. Swanson thought they were moving in the wrong direction in terms of how they look at Park City regarding residents and neighborhoods and the non-resident/investor population. They have more buildings but fewer people.

Mr. Swanson stated that affordable housing is a good thing, but he wanted to know what they were really trying accomplish. He believed the triple bottom line seems more like a business strategy. He was not opposed to profit but he thought it was wrong to have the word "profit" in the General Plan. Mr. Swanson stated that TDRs was elephant in the room. There is too much of a road map for development and not enough protection for residents. Mr. Swanson commented on Form Based Code. He did not believe it was a panacea for their problems. In many case studies Form Based Coding has not produced the desired results. Mr. Swanson hoped the City would not rush to approve a document that would guide and form the LMC and be codified in a rushed manner.

Brian Van Hecke appreciated their efforts on a very important document. He concurred with previous comments that this document should not be rushed and they should take the time to do it right. Mr. Van Hecke stated that he went for a hike this morning up above Old Town and he was struck not by the sounds of nature, but by the sound of construction. He believed the sound of construction has become the backdrop of their town. He commented on the size of Treasure Hill and asked how the developer determined that it might even be approved. He wanted to know what the documents were saying to give an applicant the idea that it could potentially be approved. Mr. Van Hecke commented on proposals for Bonanza and Prospector, which could be five times the size of Treasure Hill. Outside of the city boundaries is the Canyons, which has 8 million square feet

of approved density and only 22% of it has been built. Even though it is outside the boundaries it still impacts the City. Mr. Van Hecke added to that the base of PCMR and the empty parking lots. Lower Deer Valley is still left to be built. He wanted to know how the General Plan intends to deal with the growth. In his opinion, the goal should not be to promote growth but rather how they intend to manage it. Mr. Van Hecke remarked that all the development he mentioned would change the fabric and what they love about Park City. The need to decide if that is really what they want, how they would deal with it and manage it. The General Plan needs to absolutely address those issues, which is why they need to slow down the process and get it right.

Ruth Meintsma, a resident at 305 Woodside, stated that she was still considering the General Plan as a rough plan. She thought it was better to let the Planning Commission go through and redline it and then she would read it in detail and make her comments when it goes before the City Council. Ms. Meintsma understood that footprint, parking and ridgeline protection were important issues to include in the general plan, but the specifics would actually show up in the Code. The one thing that was missing in the plan was permeable versus impermeable surfaces. She thought it should be included in historic character because paving takes away from historic character. She also noted that outdoor heating spaces needed to be addressed.

Sanford Melville, an Old Town resident, commented on expanding the Historic Sites Inventory to include A-frames. He believed that historic sites and structures were intertwined with people and events. With the historic structures on the current inventory they know the stories of the people who lived in most of those homes. They lived and worked in Park City, and some died here and are buried in the cemetery. Mr. Melville stated that a level of history was ingrained in those buildings. In his opinion, the A-frames are an architectural style but most were a second home for recreational use. He did not believe they met the same level of historic significance as the mining era homes.

Joe Tesch stated that he represents some owners in Old Town. On page 85 of the Staff report, paragraph #4 regarding lot combinations and re-evaluation the limits. He suggested that the Planning Commission move slow on that aspect. The last time they talked about re-evaluating what could be done in Old Town it caused a lot of problems. When people hear fussing about what can be done in Old Town they do one of two things. They either start putting in plans to vest on the current regulations. More importantly, it hurts the values of people who want to sell or develop their property because of the unknown. Mr. Tesch suggested that the City not publish yet that they are re-evaluating. As a first step they should request a report from the Staff to see if there are problems. If there are problems worth enforcing, they could recommend changes and then look at re-evaluating.

Chair Worel closed the public hearing.

**2. Second Amended Silver Baron Lodge Phase II, 2880 Deer Valley Drive – Amendment to Record of Survey (Application PL-13-02054)**

Planner Christy Alexander reviewed the request to amend the existing record of survey for the Silver Baron Lodge, Phase II, for commercial units 2, 13 and 18. The units are currently designated as commercial units and the applicant was requesting to convert them from commercial to common area. Planner Alexander stated that the developer was the original owner and they were foreclosed



upon due to delinquent taxes and conveyed over to the HOA. The HOA paid the back taxes and the HOA is now the owner. The intent was to convert the units to common area to be used as community rooms to serve a continental breakfast. The units were originally intended to be a spa, a gym and a real estate desk, but those were never built and the units were never used commercially.

Planner Alexander noted that the footprint of the units would not change and additional parking would not be required. The HOA would continue to utilize the existing 75 parking spaces.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

MOTION: Commissioner Savage moved to forward a POSITIVE recommendation to the City Council on the Second Amendment to Silver Baron Lodge, Phase II, 2880 Deer Valley Drive, amendment to record of survey, according to the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the draft ordinance. Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 2880 Deer Valley Drive

1. The property is located at 2880 Deer Valley Drive.
2. The property is located within the Estate (E) zone and is subject to the Eleventh Amended Deer Valley MPD (DVMPD).
3. Within the DVMPD, a project can utilize either the City's Unit Equivalent (UE) formula of 2,000 square feet per UE or develop the allowed number of units without a stipulated unit size.
4. A total of 50 units were constructed with a Unit Equivalent density of 42.75 UE allowed per the Eleventh Amended Deer Valley MPD.. The Silver Baron Lodge parcels are all included in the 11th Amended Deer Valley Master plan and are developed using the LMC Unit Equivalent Formula contained in Section 10.12 of the Code, resulting in a different developed density (50) than base permitted density (42.75).
5. Silver Baron Lodge Phase II record of survey plat was approved by City Council on September 14, 2006 and recorded at Summit County on June 1, 2007. Silver Baron

Lodge Phase II plat was first amended on April 7, 2011 and recorded at the County on April 15, 2011.

6. On September 3, 2013, a complete application was submitted to the Planning Department for the second amendment to the Silver Baron Lodge Phase II record of survey plat to convert Units CU-2, CU-13, and CU-18 from commercial units to common area..
7. The total square footage of the three units being converted to common area is 4,286 square feet.
8. The existing commercial units are located within the existing building footprint and there is no increase in the footprint for this building.
9. The plat amendment does not increase the parking requirements for these units.
10. The HOA received 76.432% approval to convert these three commercial units to common space.
11. The findings in the analysis section are incorporated herein.

Conclusions of Law – 2880 Deer Valley Drive

1. There is good cause for this amendment to the record of survey.
2. The amended record of survey plat is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. The amended record of survey plat is consistent with the 11th Amended and Restated Deer Valley Master Planned Development.
4. Neither the public nor any person will be materially injured by the proposed record of survey amendment.
5. Approval of the record of survey amendment, subject to the conditions of approval, will not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval – 2880 Deer Valley Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the record of survey.
2. The applicant will record the amended record of survey 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 record of survey 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 Silver Baron Lodge Condominium record of survey plats as amended shall continue to apply.

**3. 508 Main Street Subdivision – Plat Amendment Modification  
(Application PL-13-02017)**

Planner Alexander reported that earlier this year the applicant received an extension to the plat amendment due to issues related to obtaining an encroachment agreement. Condition of Approval #3 of the plat amendment states that, "Encroachment issues must be resolved prior to the recording of the plat." Planner Alexander noted that the developer has tried diligently to get an encroachment agreement with Lot 3, the neighboring lot, which is Dolly's Books. She reported that the encroachments are de minimus at 2.4 inches at the front of the building and 1.08 at the rear of the building. The owner of Lot 3 is unwilling to work with the applicant and will not grant an encroachment agreement. The applicant would like to modify their plat amendment extension to remove Condition of Approval #3 so they would no longer be required to have an encroachment agreement before recording the plat.

Planner Alexander stated that the Legal Department and the City Engineer reviewed the application. Since the encroachment is de minimus and the applicant made a diligent effort to meet the requirement, it was determined that removing the condition of approval would be acceptable as long as a note was placed on the plat identifying the encroachment and that unsuccessful efforts were made to obtain an encroachment agreement.

The Staff recommended that the Planning Commission conduct a public hearing and forward a positive recommendation to the City Council.

Commissioner Wintzer asked Planner Alexander to repeat the size of the encroachment. Planner Alexander replied that it was 2.4 inches in the front and 1.08 inches in the rear.

Commissioner Strachan asked why the neighbor would not grant the encroachment agreement.

Bart Carlson, representing the applicant, stated that he made several attempts with Dolly's Books and they did not believe there was a need to sign an agreement because they were not legally required to do so. They were also given counsel that if they signed an encroachment agreement they would be giving up property. For those reasons the owner refused to sign.

Tom Bennett, legal counsel for the applicant, had no objection to a new condition of approval that talks about the plat note. He also had no objection to adding a plat note that discloses the encroachment. Mr. Bennett requested that the Planning Commission and the Legal Department consider revising the last sentence of Condition #4 to clarify that the encroachment agreement was not required. He replaced the last sentence with new language to read:

Park City has determined that such encroachment is de minimus and an encroachment agreement is not required.

Mr. Bennett believed the language was accurate with what the Planning Commission was being asked to approve and it would state the facts without raising questions in the future.

Assistant City Attorney McLean was comfortable with the revised language.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Wintzer remarked that this was a typical problem that occurs on Main Street. When the City re-monumented the town it was off by 2-inches. He asked if it was worth talking about that history in the findings of fact and stating that it was not an uncommon encroachment on Main Street.

Assistant City Attorney preferred to focus on this specific application and not be that general in the Findings.

Commissioner Savage noted that the original application had an encroachment issue that was serious enough to be addressed in a condition of approval and that situation has not factually changed since the time of the original approval. He wanted to know why the encroachment was important then, but the City was now willing to say it was no longer important because of its de minimus nature. Commissioner Savage asked if the City would be putting itself in jeopardy by removing the condition of approval that requires an encroachment agreement.

Assistant City Attorney McLean explained that the City typically makes encroachment agreements a condition of approval in order to clean up these encroachments. In the eight years she has been with the City this is the first time an applicant has been unable to resolve the encroachment. Ms. McLean stated that there would be no exposure to the City based on the fact that the encroachment is a small amount, and secondly, because this is an historic building and the encroachment has existed from the time the structure was built.

Commissioner Savage clarified that the owner of the neighboring structure would not have a claim against this applicant or the City, saying that the encroachment needs to be cured. Ms. McLean stated that she was not in a position to comment on any claims the owner may have against this applicant, but she was not concerned about a claim against the City.

**MOTION:** Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the 508 Main Street plat amendment subject to the Findings of Fact, Conclusions of Law and Conditions of Approval stated in the draft ordinance, with the revision of the second sentence of Condition of Approval #4 to now read, "Park City has determined that such encroachment is de minimus and an encroachment agreement is not required." Commissioner Thomas seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 508 Main Street Subdivision

1. On January 12, 2011, the proposed plat amendment was brought before the Planning Commission for a public hearing. The Planning Commission unanimously recommended approval of the plat amendment to the City Council.
2. On February 10, 2011, the City Council held a public hearing and also voted unanimously to approve the proposed 508 Main Street subdivision plat amendment.
3. On January 30, 2012, the applicant submitted a formal request to extend the previously approved subdivision plat amendment due to issues getting an encroachment agreement from their neighbors to the south (510 Main Street).
4. On March 7, 2013, the City Council held a public hearing and voted unanimously to approve the proposed 508 Main Street subdivision plat amendment extension to February 12, 2014.
5. On August 1, 2013, the applicant submitted a formal request to modify the previously approved subdivision plat amendment due to not being able to obtain an encroachment agreement from their neighbors to the south (510 Main Street).
6. The property is located at 508 Main Street in the Historic Commercial Business (HCB) zoning district.
7. There is an existing historic structure on the property, identified as Landmark on the Historic Sites Inventory.
8. The subject property encompasses all of Lot 2 of Block 24 of the Park City Survey, and a tract of land 20 feet by 25 feet of Millsite Reservation and a tract of land 24 feet by 25 feet adjacent to the eastern boundary in the Millsite Reservation.
9. The historic building encroaches onto Lot 1 in the southeast corner by 0.3 feet (3.6 inches) and in the southwest corner by 0.1 feet (1.2 inches). The City is the property owner of Lot 1 and the City Engineer has agreed to sign an encroachment agreement with the owner of Lot 2.
10. The historic building encroaches onto Lot 3 in the northeast corner by 0.09 feet (1.08 inches) and the northwest corner by 0.2 feet (2.4 inches). The encroachments onto Lot 3 are de minimus and an encroachment agreement between the property owners of Lot 2 and Lot 3 was sought by the property owner of Lot 2 but could not be obtained.
11. The proposed amended plat would result in one lot of record of 2,975 square feet.

12. The proposed plat amendment will not create substandard lots on the neighboring property.

13. The applicant is proposing the combination of the lots to clean up property lines discovered to be at issue during Historic District Design Review and Building permit review.

14. A Historic District Design Review was approved by staff as part of exterior building modifications enclosing a second story deck

#### Conclusions of Law – 508 Main Street Subdivision

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

#### Conditions of Approval – 508 Main Street Subdivision

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 the City Council approved the extension of the plat amendment. If recordation has not occurred by February 12, 2014, this approval for the plat will be void.
3. Recordation of this plat must occur prior to 508 Main Street receiving final certificate of occupancy.
4. A note shall be placed on the plat that states that the historic building encroaches onto Lot 3 in the northeast corner by 0.09 feet (1.08 inches) and the northwest corner by 0.2 feet (2.4 inches). Park City has determined that such encroachment is de minimus and an encroachment agreement is not required.

#### **4. 1101 Park Avenue – Conditional Use Permit for an office space in a historic structure in HRM (Application PL-14-01979)**

Planner John Boehm reviewed the application for a conditional use permit for a general office use in a historic structure located at 1101 Park Avenue. On September 6, 2013 the City received a completed conditional use application for a real estate office in an historic building located in the

HRM District. The applicant anticipates that a maximum of four employees would be working in this office at any one time. Planner Boehm noted that the use would satisfy the definition of a general office, which is an allowed use in the HRM district.

The Staff had reviewed the application and found that it met the requirements of the LMC for the HRM District, with the exception of the location and the amount of off-street parking. The applicant was requesting that the Planning Commission discuss waiving the parking requirement for the historic building as allowed per LMC Section 15-2.4-3.

Planner Francisco Astorga stated that the HRM allows a general office in the zone if the site is historic and meets specific criteria. He noted that the building has always been used for commercial types of business, primarily retail. The proposed use is general office, which is why the Planning Commission was being asked to review a conditional use permit application. Planner Astorga remarked that the Planning Commission has the purview to waive or reduce the parking requirement. He stated that this was different from the HR-1, H-2 and HRL zones which do not have the same requirement.

Planner Astorga noted that based on information obtained from the property owner that there would not be more than four employees, the Staff recommended that the Planning Commission waive the parking requirements on the fact that the use is on Park Avenue, which is more of a free-for-all type of parking. There is no designated parking on Park Avenue. Planner Astorga remarked that residential neighborhoods such as 11<sup>th</sup> Street have a parking system that requires a parking permit. He believed this applicant has the right to apply for up to three parking permits that would allow him to park on 11<sup>th</sup> Street. In addition, the Mawhinney parking lot is a block north of this site. Planner Astorga understood that two of the four employees live in Old Town and most likely would not drive to work.

The Staff requested that the Planning Commission conduct a public hearing and consider approving the conditional use permit based on the findings of fact, conclusions of law and conditions of approval in the Staff report.

Shane Herbert, the applicant, stated that he anticipated utilizing the parking lot down the street before he purchased the building. In addition, they could park two to three vehicles next to the building. Mr. Herbert noted that he and the other three employees were engaged in the real estate business, and he is typically in his office less than two hours a day. He believed that was normal behavior for the other three employees and all four would rarely be in the office at the same time. Mr. Herbert believed the traffic impact would be minimal. He had taken the extra step to speak with his neighbors and no one had any concerns. However, the neighbor directly to the north asked that they not park in front of his home. Mr. Herbert was willing to comply with that request.

Commissioner Savage asked about the parking requirements or rights of the previous owner. Planner Astorga was unsure about specific parking requirements. The Staff was able to determine from tax records and photographs that the building has been used commercially at least since the 1930's. He noted that parking regulations did not come about until the 1950's.

Commissioner Savage asked if there were any explicit parking allowances for the building prior to the new owner purchasing the building. Planner Astorga answered no. Commissioner Savage asked if parking permits had been issued to the prior owner. Planner Astorga did not have that information.

Commissioner Savage asked if the building would be used to attract people to come to look at real estate offerings. Mr. Herbert replied that it would not be a real estate gallery. It would be used strictly as a working office. He clarified that he purchased this building because his current office space was too small for four people.

Commissioner Savage asked if Mr. Herbert would be comfortable with a condition of approval stating that the building would be used as a working office and not as a sales office. Mr. Herbert was willing to accept that condition.

Chair Worel opened the public hearing.

There were no comments.

Chair Worel closed the public hearing.

Commissioner Wintzer supported the application. However, he would like the Staff to review parking complaints for a year or two or else define the use as a low visitor real estate office. Commissioner Wintzer pointed out that Mr. Herbert or his employees living in Old Town may ride their bike to work, but whatever the Planning Commission approves today stays with the building and any future tenant or owner. Mr. Herbert may not need the parking but the next person might. Commissioner Wintzer requested that a condition of approval indicate that the use is a real estate office but not a real estate gallery or something similar.

Mr. Herbert pointed out that there has only been one other business permit issued for this building, and that was in 1992 to the previous owner. However, the owner subleased the front half of the building several times and none of those businesses ever filed a business application with the City. Therefore, they did not go through this same parking requirement process. Mr. Herbert believed that when the building operated as a frame shop it would have had a higher traffic/parking impact. He was willing to comply with the suggestion to monitor the parking for a year; however, he could not control what others do in the neighborhood and he was concerned about a complaint against him that was actually committed by someone else.

Commissioner Wintzer understood Mr. Herbert's concern. He suggested that a better way to address the issue was to define the use as a low impact office building. Commissioner Savage thought the condition of approval should read that the approval was for an office of not more than five employees and it should not be used as sales office or real estate gallery.

Mr. Herbert disclosed that he was planning to do a small fund raiser for the Museum next year. It would involve an open house and it would be a joint venture. It would not be a real estate sales gallery. He hoped the proposed condition of approval would not prohibit him from having an event or



allowing the space to be used for something of that nature. Commissioner Wintzer clarified that it would not prohibit a special event because that would not be the primary use.

Commissioner Hontz had concerns with parking but she felt they were going in the right direction. She felt the impact of employees was more concerning than operating a business, because the nature of a business and people coming and going and temporarily parking on Park Avenue is less impactful than having cars parked on 11<sup>th</sup>. It pushes the impact to the neighborhood that was not previously there. She was familiar with how much parking was associated with the uses on the site for years and those businesses were not an intense use.

Commissioner Hontz referred to page 242, and stated that Finding of Fact #4 and #26 were nearly identical and one should be removed. Commissioner Hontz remarked that Findings 16, 17 and 18 were nearly identical and related to Findings 33 and 34. She thought the findings should be consolidated and rectified.

Commissioner Strachan was comfortable with the findings as written. They were similar in language but they all said something different. Commissioner Hontz suggested striking the last sentence of Finding #18, "The applicant seeks this parking waiver" and retain Finding #34, which said the same thing. Commissioner Strachan agreed with removing the last sentence of #18. However, he felt they should keep Finding #16 because it was totally different.

Commissioner Hontz was unclear why Finding #37 was necessary or applicable to this application. Mr. Herbert believed that finding was a result of him going door to door to introduce himself to the neighbors and to see if they had an issue with his business or the parking. He found that most people he talked to were either renting the house temporarily or they were just tenants. Commissioner Hontz thought Finding #37 was irrelevant and should be stricken. The Commissioners concurred.

Commissioner Hontz asked if the Commissioners were comfortable with Finding #41. She understood that the public parking lot was a fact, but it infers that employees and others have the ability to use it. She thought it was a better solution than parking on Park Avenue, but it would use a public parking space that was intended for other uses to support a business.

Commissioner Hontz requested a one-year review to see if there were any parking complaints.

Mr. Herbert referred to Finding of Fact #4, that the applicant was not requesting to expand or remodel the historic structure, and asked if the finding would prohibit him from ever applying for a grant to restore some of the façade back to its original condition. Assistant City Attorney McLean clarified that the Finding was only saying that the change of use was not an expansion of the footprint.

To address Commissioner Savage's concern, Planner Astorga added language to Condition #2 to say, "The office shall not be used as a sales gallery." Commissioner Savage preferred to expand the language to say, "nor for meetings with customers of the company." Mr. Herbert asked if he would never be able to have a client visit his office to sign papers or for any other reason. Commissioner Savage explained that the intent was to keep the office from being used to promote

walk-in traffic that would generate parking impacts on Park Avenue. Assistant City Attorney McLean stated that the purpose of a condition use permit is to mitigate impacts. This is a special situation because the use has always been retail and that is an allowed use in the zone. It was not a situation of converting residential to commercial. Commissioner Savage clarified that he was trying to avoid a real estate office that planned events that entice a lot of people to come into the office. He was not opposed to a client coming into the office to sign paperwork. Commissioner Wintzer was comfortable with the language proposed by Planner Astorga. Commissioner Savage concurred.

Commissioner Hontz added Condition of Approval #4 requiring a one-year review of the parking impacts. Commissioner Thomas suggested that the Planning Department review the parking in one year rather than have it come back to the Planning Commission. If the Staff finds significant issues, they could bring it to the Planning Commission. Commissioner Wintzer thought a review in two years rather than one year would give them a better idea of the parking impacts, because it may take the applicant six months to open the office and have it operational. The Commissioners were comfortable with a two year review.

MOTION: Commissioner Strachan moved to APPROVE the conditional use permit for 1101 Park Avenue according to the Findings of Fact, Conclusions of Law, and Conditions of Approval contained in the Staff report and as modified. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 1101 Park Avenue

1. The site is located at 1101 Park Avenue.
2. The applicant requests an 818 square foot real estate office within this site.
3. The property is located in the Historic Residential-Medium Density (HRM) District which allows General Office use as a conditional use in historic structures.
4. The applicant does not request to expand the existing historic structure nor a remodel of the exterior.
5. The applicant requests to separate two uses, an existing jewelry shop and the requested real estate office.
6. The site is classified in the Historic Site Inventory (HSI) as a Significant Site.
7. The oldest record in the City's Business License file dates back to 1992, authorizing a *jewelry store*, minor retail & service commercial use.
8. As indicated on the Historic Site Form, the site was traditionally used for commercial uses.
9. The site, Lot 1 of Block 5 of Snyder's Addition, has a standard Old Town configuration consisting of 25' x 75', containing 1,875 square feet.
10. The existing building is approximately 1,626.26 square feet.
11. The site is located on the corner of 11th Street and Park Avenue, a major residential thoroughfare.
12. Staff does not foresee any issue related to additional traffic outside of what is currently expected within the District.
13. Park Avenue is a major thoroughfare for local traffic and secondary access for the Main Street tourist visitors.

14. No additional utility capacity is required for this project.
15. Emergency vehicles can easily access the site and no additional access is required.
16. The requested use of the site is 818 square feet for a real estate office. The LMC office definition classifies a real estate office as an intensive office if the intensity of employees is five (5) or more employees per 1000 sf. of net leasable office space.
17. The applicant has indicated that they will have four (4) employees, therefore, the use is classified as a general office.
18. LMC § 15-2.4-3(E) indicates that the Planning Commission may waive parking requirements for historic structures.
19. The site does not require the need to mitigate for internal circulation due to its existing size and location.
20. The site is accessed from two (2) exterior doors, the main door from Park Avenue and a side door off 11<sup>th</sup> Street.
21. Fencing, screening, and landscaping are not proposed at this time.
22. The building is an existing historic structure and no expansion or exterior remodel is requested at this time.
23. The site does not contain usable open space. The building is an existing historic structure and no expansion or exterior remodel is requested at this time.
24. The applicant has submitted a Master Sign Plan to be approved by the Planning Department. This sign application is currently on hold until the use is approved by the Planning Commission.
25. The applicant shall receive approval of a sign permit in compliance with applicable codes, including the Design Guidelines for Historic Sites and Historic Districts.
26. Staff does not recognize any addition noise, vibration, odors, steam or mechanical factors are anticipated that are not normally associated within this District.
27. There are no anticipated deliveries, services vehicles, loading zones, and screening associated with the proposed use.
28. The expected ownership and management of the property is not projected to add impacts that would need additional mitigation.
29. The proposal is not located within the Sensitive Lands Overlay.
30. Staff recommends a Façade Preservation Easement as a condition of approval.
31. LMC § 15-3-6(b) indicates that a general office requires 3 parking spaces per 1,000 sf. of leasable floor area.
32. Their requested use requires that they provide three (3) parking spaces,
33. The applicant requests that the Planning Commission waive parking requirements for this historic structure.
34. As indicated on the historic tax photograph, found in the Historic Site Form for this site, this building was historically used for commercial uses.
35. Staff recommends that no more than the requested four (4) employees working at this site for the requested real estate office be a condition of approval.
36. The site at 1109 Park Avenue is their direct neighbor to the north. The site is also historic Significant Site. This site however, contains a long driveway between their structure and the subject site that according to aerial photography can accommodate approximately three (3) parked vehicles.
37. The site is adjacent to Park Avenue which allows for public parking on both sides of the street during the proposed business hours.

38. The site has direct access to the Park Avenue bus corridor.
39. The site is one block away from the Mawhinney parking lot (Park Avenue and 12<sup>th</sup> Street).
40. The site has the ability to park three (3) vehicles parallel to the street on 11<sup>th</sup> Street.
41. The Planning Department and the City Engineer do not find necessary to have the applicant provide a traffic study prepared by a registered Engineer.

#### Conclusions of Law – 1101 Park Avenue

1. The proposed application as conditioned complies with all requirements of the Land Management Code.
2. The use as conditioned will be compatible with surrounding structures in use, scale, mass, and circulation.
3. The use as conditioned is consistent with the Park City General, as amended.
4. The effects of any differences in use or scale have been mitigated through careful planning.

#### Conditions of Approval – 1101 Park Avenue

1. All standard conditions of approval shall continue to apply.
2. The use shall not support more than four (4) employees at this site for the requested real estate office. The Office shall not be used as a sales gallery.
3. The applicant shall grant a Facade Preservation Easement to the City prior to obtaining a City business license.
4. The applicant shall come back to the Planning Department in two (2) years for review of parking impacts.
5. **331 McHenry Avenue – Appeal of Compliance with the Land Management Code (Application PL-13-01959)**

Commissioner Wintzer was one of the appellants. He recused himself from hearing this appeal and left the room.

Planner Astorga reported that this item was an appeal of a Historic District Design Review at 331 McHenry. He explained that when the Staff conducts an HDDR it is primarily for compliance with the Historic District Design Guidelines; however, they also look at the current standards outlined in the Land Management Code regarding setback, height, allowed uses, etc.

Planner Astorga clarified that appeals related to the LMC are heard by the Planning Commission and appeals related to the design guidelines are heard by the HPB. The appeal submitted to the Planning Department did not focus on any of the design guidelines, but it did focus on LMC issues ranging from purpose statements in the HRL District to house size. The basis for the appeal was outlined on pages 269-275 of the Staff report.

Planner Astorga reported that the HDDR application was submitted and the Staff approved it with

redlines and changes. The applicant worked with the Staff to meet the specific items until the Staff was satisfied with the current proposal based on their interpretation of both the Land Management Code and the Design Guidelines. Planner Astorga noted that a neighborhood group commented during the public noticing period of the design review and ultimately filed an appeal of the design review application.

Planner Astorga stated that the appellant was a group of residents on McHenry Avenue. The current owner was 331 McHenry LLC, represented by Jerry Fiat and his architect, John DeGray. Joe Tesch was legal counsel representing the owner.

Planner Astorga noted that the appellants would argue that the application did not meet Statements A, B, C, E and F of the Purpose Statements. He was prepared to respond to the points outlined in the appeal if the Commissioners had questions. The Staff report listed each section of the appeal in the Staff report and addressed each concern as outlined on pages 269-275.

Planner Astorga stated that the Staff interpretation of the analysis and the appeal was that the Staff did not err in their interpretation and approval of the Design Review. The Staff recommended that the Planning Commission deny the appeal.

Merritt Hooper, one of the listed appellants, stated that she had met with Mr. Fiat that afternoon and based on their conversation Mr. Fiat agreed to certain conditions to address her concerns with regards to privacy. Her home is directly adjacent to the project at 331 McHenry. As a result of his agreeing to the conditions in a written letter, Ms. Hooper withdrew her appeal to Mr. Fiat's project.

Mary Wintzer, representing the appellants, stated that the neighbors were happy that Mr. Fiat was able to lessen the burden of his project on Merritt Hooper's side of the house.

Ms. Wintzer noted that the garage is a non-conforming use. The fact that the applicant was starting underneath the required 15' feet back from the road is a technicality for saying that the project was not increasing the non-conforming use.

Planner Astorga referred to a drawing on page 300 of the Staff report and noted that the garage does not meet the front yard setback. The applicant designed the addition to take place exactly below the existing garage, and that portion met the minimum front yard setback. Ms. Wintzer reiterated that the appellants contend that the applicant was finding a loop hole out of the non-conforming use issue because it would be expanding the non-conforming use.

Ms. Wintzer did not believe the Staff report contained the minutes from the 2009 meeting when this plat was approved. However, the minutes reflect that several times during the meeting Katie Cattan said that lower density is part of the HRL, which is purpose statement B, "provide an area of lower density residential use within the old portion of Park City." The minutes also reflect the suggestion for a site visit. If the Commissioners had gone up to Rossi Hill they would have immediately seen the integrity and the character of the neighborhood. All the houses have yards and the open space is the first thing people notice is the open space on Rossi Hill. Ms. Wintzer noted that the Planning Commission completely missed seeing the neighborhood character because the site visit was never done.

Ms. Wintzer stated that when Mr. Fiat first bought Dr. Woolsey's house the neighbors were unnerved that Mr. Fiat wanted to purchase it because he is a known developer in Old Town and his projects usually maximize the site. However, Mr. Fiat informed the neighbors that he intended to live in the house, and as a neighborhood they would have welcomed him as a neighbor. Based on the understanding that Mr. Fiat would be living in the home, the neighbors did not attend the public hearing in 2009. Ms. Wintzer noted that plans changed, which resulted in this appeal by the neighbors.

Ms. Wintzer stated that Mr. Fiat intends to put two additional houses on the lot. She believed it was the first time ever in Old Town where someone has removed a quarter of an existing house to add two other houses on the lot. Mr. Fiat intended to double the size of the existing house and push it closer towards Merritt Hooper's house to accommodate three houses on the lot. Ms. Wintzer remarked that public safety was an important issue because Rossi Hill Drive is a substandard street. In 30 years she has seen five cars go off the road and plunge down toward the railroad grade. In addition, there have been two fires and other emergency situations where it is has been difficult for emergency vehicles to access in the winter. Ms. Wintzer felt that Mr. Fiat was endangering their safety by increasing the density on 8-1/2 acres with two additional homes and doubling the size of the existing home.

Ms. Wintzer stated that Joe Tesch was a Planning Commissioner in the early 1990's, at which time he proposed placing a maximum square footage on houses in Park City. He was a great visionary ahead of his time and would have done a great service to the community if the other Commissioners had been willing to listen. Ms. Wintzer realized that Mr. Tesch was legal counsel representing the applicant this evening, but she believed he shared their concerns, even though he was in the position to argue against them.

Ms. Wintzer stated that when the Rossi Hill subdivision was done, the Planning Director required the four homeowners to limit the square footage of the houses on the four lots. The owners, including Dr. Woolsey, did not resist that requirement because their commitment was to Rossi Hill and the neighborhood. They wanted people to always have the ability to appreciate the character of Rossi Hill and to reap the benefits they have experienced through the years. Ms. Wintzer emphasized that the neighbors were very sincere about preserving the sense of community and they strongly believed this project would destroy it.

Ms. Wintzer stated that if the Planning Commission was not able to support this appeal and it was denied, she wanted it to be a clarion call to the City Council that something needs to be done to protect others in the future. She has heard repeatedly during this election that so much has been done in the last few years; however, if that were true, this appeal would not be occurring tonight.

Joe Tesch, representing the applicant, introduced Stephanie Matsumura, an attorney in his office who would be presenting their side of the argument this evening.

Ms. Matsumura thought Planner Astorga did a great job highlighting the issues in the Staff report. She intended to go through the presentation quickly since the Planning Commission had most of the background in the report. Ms. Matsumura remarked that the neighbors have the burden of proving

that the Planning Department had erred in their interpretation. The standard of review for the Planning Commission is to review the factual issues de novo and decide whether or not the Planning Department correctly applied the LMC.

Ms. Matsumura provided a brief overview of the project. The project is in the HRL, Historic Residential Low Density District. The existing structure is non-historic and its current use is a single-family dwelling. She presented photos of the home and the garage. Ms. Matsumura indicated an area on the approved plans that proposes to have an infill. From the street the existing garage would be below grade.

Ms. Matsumura remarked that several issues were raised in the appeal and she had clustered those issues in her presentation for brevity. With regard to density and use, the first question was, "do the approved plans increase the density or change the use." She believed the answer was no. Ms. Matsumura understood that the primary objection was that the project did not comply with the stated purposes of the HRL District. She pointed out that the purpose statements are not legally enforceable rules. They are intended to be goals for the HRL District and what the City is trying to achieve. Ms. Matsumura stated that under the LMC, density is a function of both number and type of dwelling units and/or non-residential units in the area. She noted that the approved plan does not change the number nor the type of dwelling unit. Ms. Matsumura stated that the LMC controls density in this District by establishing minimum lot sizes and site requirements within that district. She noted that the minimum lot size in the HRL District is 3,750 square feet, which is the size of two Old Town lots. The lots size that the approved plan sits on is 8,345 square feet and well within the requirement.

Ms. Matsumura commented on the use and whether or not this project violates a non-conforming use. She pointed out that the garage is a legal non-conforming structure and the applicant was not proposing to change the use. In addition, there is a legal non-conforming height on the structure. The addition would be ten feet behind the façade of the garage and, therefore, it meets the 15' front yard setback requirement. Ms. Matsumura reported that the Planning Director also determined that the proposal did not increase the level of non-compliance.

Regarding public safety, Ms. Matsumura stated that the issue was whether or not the proposed project threatens public safety in terms of traffic on McHenry Avenue. She reiterated that there would not be an increase in density or in use. One house exists and there would be one house with the approved plans.

Ms. Matsumura remarked that this was a single application before the Planning Commission. The replat was done in 2009 and when the Commissioners evaluate this appeal they need to look at it in the proper scope. The limited scope was this application and the approved plans on this particular property. Ms. Matsumura noted that the City Council Staff report for the plat amendment dated July 16, 2009, notes in its analysis that the Staff found good cause for the plat amendment and that the application supports the first two purpose statements within the HRL District, which is A) reduce density that is accessible only by substandard streets so these streets are not impacted beyond the reasonable carrying capacity; B) provide an area of lower density residential use within the old portion of Park City. Therefore, based on the Staff analysis, the plat amendment met those two stated purposes that were raised by the Appellants.

Ms. Matsumura remarked that the project meets purpose statement C regarding historic character because the approved plan does not alter the historic character. She stated that the approved plans as conditioned comply with the Historic District Design Guidelines. It also meets the footprint, height and setback requirements. Ms. Matsumura remarked that the approved plans modify the existing structure, which adds to the historic character because certain design elements were implemented.

With regard to scale, mass and surrounding neighbors related to purpose statement E, Ms. Matsumura stated that the proposal does not alter the structure's relationship to the neighborhood. She noted that the LMC does not limit size in overall square footage, but it does set a building footprint and height restrictions. The allowed building footprint is 2,610.7 square feet and the approved plan is 2,606 square feet. The structure is also within the height restriction. Ms. Matsumura stated that the infill plan preserves the existing home.

Ms. Matsumura presented an aerial view of the neighborhood to give the Planning Commission an idea of the surrounding homes in the neighborhood, as well as the existing structure at 331 McHenry. The intent was to show the scale of the neighboring area. Ms. Matsumura noted that the LMC does not talk about primary or secondary residence and an application had not been submitted for nightly rentals. Ms. Matsumura presented a view of the home at 331 McHenry as it currently exists, and the same home with the proposed addition.

Mr. Tesch felt it was important to note that the infill between the garage and the home as it currently exists is lower than the roof of the garage. No additional height was being proposed.

Ms. Matsumura remarked that with regard to the development criteria and whether or not it was subject to Steep Slope review, the Staff report notes that a Steep Slope review is not required because it does not extend a horizontal distance of a minimum of 15' as required by the LMC to trigger a Steep Slope CUP.

Ms. Matsumura addressed the question of a vegetation impact on the environment and whether this project threatens the existing vegetation. She remarked that the project would not threaten the vegetation. Ms. Matsumura stated that the LMC requires that a development plan show all significant vegetation within 20 feet. Those plans were submitted and the approved plan has limited impact on the vegetation. She identified one tree that would be affected. Ms. Matsumura noted that the landscape plan was included in the Staff report. She stated that two significant trees on both the north and south ends of the property would not be affected.

With regard to future development, Ms. Matsumura stated that nothing in the Land Management Code allows the Planning Commission to conduct this appeal review on the subdivision as a whole. The hearing process was already held in 2009 on the replat. The scope of review for this appeal is limited to this application and the structure sitting on Lot A. Ms. Matsumura pointed out that there are 8-1/2 Old Town lots, and theoretically there could have been four lots. The existing home sits on Lot A which is approximately 4-1/2 Old Town lots. She indicated a portion was deeded to the City because it was part of McHenry Avenue.

Ms. Matsumura commented on discussions in letters about the core values. She noted that the new



General Plan was still in process and it had not been approved. With regard to the clarion call for more stringent regulations, Ms. Matsumura stated that there was a proper process and procedure to amend the LMC.

Planner Astorga stated that the design review has a one-year approval date. If the Planning Commission denies the appeal the date should be extended to one year from whenever the appeal is resolved, because the appeal process has prevented the applicant from applying for a building permit.

Chair Worel opened the public hearing.

Morgan Hole, one of the appellant's, stated that he did not have an issue with Mr. Fiat. The issue was what Mr. Fiat represented that he would do. In looking at the arrangement of the existing house and project that forward, many trees were not represented in the aerial photograph. He and his neighbors were concerned with the fact that there is currently one home, with the possibility of three homes in the future. That would be a loss of open space and old growth trees. Another home would be right next to the garage for future development. Mr. Hole understood that future development was not part of this argument, but it was still a concern for the neighborhood. Mr. Fiat represented that he would live in the home and the neighbors were excited about having one family in one home. However, regardless of whether or not it was pertinent to this hearing, the plans moving forward would have an impact on what happens in the future. Mr. Hole was concerned about keeping the integrity of the neighborhood and not making it a wall of houses. The neighbors have made the effort to maintain a neighborhood feel with open space.

Chair Worel closed the public hearing.

Ms. Wintzer provided a rebuttal. She stated that the virtual tour did not show the open space and the green trees. Her home is 2800 square feet on nine lots. The house next door is 1200 square feet on six lots. Because of how dedicated McHenry runs, the virtual tour did not represent the actual. Ms. Wintzer thought the Commissioners needed to physically visit the area to see and understand the open space. Ms. Wintzer noted that the City Council approved green roofs, but the ability to put a green roof on the existing house has allowed Mr. Fiat to expand the footprint of the side of the house towards the north where Merritt Hooper lives. He can then put stairways to the green roof. Without the green roof, Mr. Fiat would not be able to expand the footprint because he would lack sufficient room for a sloped roof. In terms of vegetation, Ms. Wintzer was unsure why they were not allowed to discuss all three structures, but she pointed out that the other trees would have to be removed to make room for the two additional houses. Those trees are more than a foot in diameter and the neighbors have kept them alive because water has been cut off to them for the last three years. Ms. Wintzer thought Ms. Matsumura had prepared a good presentation, but it did not represent the situation on Rossi Hill in terms of open space and the character of the neighborhood.

Commissioner Strachan asked Planner Astorga about the process and what would have happened if this appeal had not been filed. Planner Astorga stated that the applicant would have received a building permit and started construction.

Commissioner Strachan asked for clarification as to why the Staff decided that the Planning Commission had jurisdiction over this appeal. Planner Astorga replied that the Appellants specifically appealed the purpose statements of the LMC and other LMC relates issues. They did not appeal any of the design guidelines, which would have been the jurisdiction of the HPB.

Commissioner Hontz remarked that in both presentations the Appellant and the applicant's representative used the word non-conforming; however, non-conforming is a use. She believed the correct verbiage was non-complying because the garage is a non-complying structure. Director Eddington replied that this was correct. Commissioner Hontz noted that a description of non-complying was established on page 273 of the Staff report.

Commissioner Hontz asked if the density issue was related to the plat approval from 2009. Planner Astorga answered yes. However, the Staff did not believe there was a density issue. Commissioner Hontz understood the Staff's determination. She asked the question because she was trying to understand what the applicant and the appellants were talking about when they mentioned one to three houses. Commissioner Hontz understood that a plat was approved in 2009 and on pages 333 and 334 of the Staff report were the findings, conclusions and conditions from the 2009 City Council approval regarding the plat. Assistant City Attorney McLean stated that she had verified that it matched the actual ordinance that was passed.

Commissioner Hontz assumed that the 10-foot dedication that was referred to was an easement; and not that 10-feet of the lot was given away. She was told that this was correct. Commissioner Hontz referred to Condition #5 and asked what was supposed to be showing compliance. Assistant City Attorney McLean stated that what was discussed in the Staff report was that as part of the plat amendment, the old plat configuration was not complying with the side yard setbacks. Therefore, the plat amendment cured the side yard setback non-compliance. Ms. McLean had asked Planner Astorga to verify that currently the existing house meets the side yard setbacks. It was confirmed that it did. The structure was only non-complying as to the front yard setback, which could not be remedied without moving the structure.

Commissioner Thomas commented on the Steep Slope criteria and asked if the Staff had received a licensed certified topograph and if it was evaluated to determine that the slope did not exceed 30%. Planner Astorga clarified that the slope exceeded 30% but not in the minimum 15' as required by the LMC, and therefore a Steep Slope CUP review was not necessary.

Commissioner Savage stated that one of the reasons he loves this community is the passion and care people have for their neighborhoods. After reading the Staff report and listening to the presentations he believed the situation was clear. Commissioner Savage would support a decision to deny the appeal, with the understanding of the importance of the character of the neighborhood. He strongly encouraged Mr. Fiat to keep that in mind as he develops the rest of his property.

Commissioner Thomas stated that the Planning Commission has discussed purpose statements a lot in the past with regard to projects. He was stuck on the credibility issue because in his opinion this did not meet the purpose statements.

Commissioner Strachan asked about nightly rentals. Planner Astorga stated that nightly rental is a

conditional use in the District. The Staff had not received a nightly rental request; therefore, the applicant could not utilize the property for nightly rental until a request was submitted and approved by the Planning Commission. Commissioner Strachan asked about UEs and whether it could result in more density. Planner Astorga replied that the density is based on number of units per lot. He pointed out that there was not a maximum cap on the size of the structure, existing or proposed.

Commissioner Strachan did not believe the project complied with the purpose statements and violates them in every way. However, it was unfortunate, but the purpose statements are not binding. They are not LMC provisions that applicants must comply with. They should but they are not bound to do so. Commissioner Strachan remarked that when applicants comply with the purpose statements, the town benefits, the neighborhood benefits and it makes the review and decision easier for the Planning Commission. However, the Planning Commission cannot enforce purpose statements.

Commissioner Strachan thought the garage plan exacerbates the non-conforming structure. If they intend to dig down 15' back from the setback, it still enlarges the garage. It just enlarges it 15' back. Commissioner Strachan thought the Staff was wrong on that point. On all the other issues, they were right.

Commissioner Hontz concurred with Commissioner Savage regarding the passion of the neighborhood. She also concurred with Commissioner Thomas regarding the difficulty in matching the purpose statement for this plan. She concurred with Commissioner Strachan's statement regarding the non-compliance. Commissioner Hontz struggled because she did not agree that the purpose statements were met; however, the Planning Commission enforces those through the standards of the Code. In looking at the density issue, she believed it was a clarion call to look at whether or not an increase in size equates to an increase in density because it is a more intense use. In her opinion, more intense equals more density. Unfortunately, she was unable to make that argument based on how the current Code was written. She could make that argument and eventually change the Code to reflect what she believes, that it would be more dense, more intense and generate more impacts. Commissioner Hontz pointed out that under the current Code, the Planning Commission was not allowed to make that determination.

Commissioner Hontz believed that non-compliance was an issue. While she valued the creativity of having the addition in the setbacks, she thought it was a clear way of enhancing the non-compliance. Commissioner Hontz agreed that this was the one issue where the Staff got it wrong. Commissioner Hontz stated that other than removing the portions of the findings of fact that reflect compliance for the garage, she would support denying the appeal.

Commissioner Thomas asked if there was an increase in the number of bedrooms. Mr. Tesch replied that the number of bedrooms would remain the same.

Commissioner Strachan asked Assistant Attorney McLean for her opinion on whether or not the Planning Commission could consider the other two lots. Ms. McLean replied that the other two lots were not appealed and therefore could not be considered in this review.

**MOTION:** Commissioner Savage moved to DENY the appeal on 331 McHenry Avenue in

accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the Staff report.

The motion died for lack of a second.

Planner Astorga was unsure whether Commissioner Thomas was given the correct answer on the number of bedrooms. He asked Jonathan DeGray, the project architect, to explain the expansion.

Mr. DeGray believed the comparison was made from the original building before the demolition. As part of the plat conditions, a portion of the building had to be removed to resolve an interior lot line issue. Mr. DeGray clarified that there were more bedrooms in this plan than there were in the original plan, less the demolition area.

Mr. DeGray stated that Mr. Fiat asked him to offer to the Planning Commission that if the expansion of the area under the garage is a problem, he would be willing to remove that expansion and make the garage fully compliant so that it sits within the front yard setback. The garage would be pushed back 10 feet.

Commissioner Strachan was concerned about granting the appeal without knowing the plans for pushing back the garage. Commissioner Savage did not believe that should be an issue because it was not the basis of the appeal. Commissioner Strachan replied that the Planning Commission could affirm the appeal except as to the garage. Commissioner Savage thought the Planning Commission should affirm the appeal and let Mr. Fiat work out the garage details with the Planning Department. Commissioner Strachan was not willing to do that without seeing the plan. Commissioner Savage pointed out that the plan was not theirs to approve. Commissioner Strachan suggested that they could remand that portion to the Staff.

Assistant City Attorney McLean stated that the Planning Commission could either remand it to the Staff or they could take a vote this evening, and based on the vote the applicant could come back with revised plans. Commissioner Savage understood that the Planning Commission could deny the appeal subject to the applicant providing an updated plan to the Planning Department that makes the garage compliant in terms of setbacks.

Commissioner Hontz thought they were getting closer to a solution. She clarified that the findings of fact supported denying the appeal. Planner Astorga answered yes. Commissioner Hontz noted that Finding of Fact #49 would need to be deleted. Commissioner Strachan stated that Findings 47, 48 and 49 should all be deleted.

Assistant City Attorney McLean referred to Finding #50 and noted that "twenty" should be changed to "twenty-seven". She also corrected "due" to read "do" in the second sentence. "include" was corrected to "included".

Commissioner Strachan revised Finding #24 to read, "The proposed addition, **except for the garage**, complies with the Land Management Code."

Commissioner Strachan added Condition of Approval #4, "The applicant shall submit revised plans

to the Planning Department regarding the garage in accordance with the October 23, 2013 Planning Commission's direction regarding meeting the front yard setback requirement for the entire structure including all additions below the now existing grade."

Commissioner Savage asked if the applicant was comfortable knowing that the non-compliance of the garage would be remedied with the new design. Mr. Fiat answered yes. Commissioner Savage clarified that the garage would be moved 10 feet back. Mr. Fiat replied that this was correct. Commissioner Savage clarified that the applicant would be required to submit new plans to the Planning Department that eliminates the non-compliance of the current garage. Commissioner Hontz remarked that the applicant could also leave the garage in its existing location and not build into the area that would trigger the non-compliance.

Assistant City Attorney McLean noted that the date in Condition of Approval #3 should be changed to October 23, 2014.

MOTION: Commissioner Strachan moved to AFFIRM the Planning Departments determination of compliance for 331 McHenry Avenue according to the amended Findings of Fact, Conclusions of Law and Conditions of Approval as found in the Staff report. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

#### Findings of Fact – 331 McHenry

1. The site is located at 331 McHenry Avenue.
2. The site is located within the HRL District.
3. The site is not historic.
4. On September 21, 2012 a complete Historic District Design Review (HDDR) application was submitted.
5. The application was deemed complete on October 3, 2012.
6. After, minor alterations were made to the original application; the Planning Department found that the submitted HDDR application was in compliance with applicable LMC requirements and Design Guidelines for New Construction on June 11, 2013.
7. On June 11, 2013 the property was posted and letters were sent out to adjacent property owners within one hundred feet (100') to notify them of the Staff determination as required by LMC § 15-1-21 and S 15-11-11.
8. The HDDR includes remodeling the entire structure.
9. The proposal includes an addition consisting of 2,344 square feet.
10. The applicant requests to add 750 square feet to the basement level, 1,111 square feet to the main level, and 483 square feet to the upper level. The existing structure is approximately 2,822 square feet; the overall square footage will be 5,399 square feet.
11. On June 21, 2013, the Planning Department received a letter from the Tom and Nancy Amandes, Ed and Debbie Axtell, Morgan Hole and Matey Erdos Hole, Merritt Hooper, & Charlie and Mary Wintzer, adjacent property owners, appealing Planning Staff's determination approving the HDDR.
12. Pursuant to LMC § 15-1-18, Appeals and Reconsideration Process, Planning Director or

Planning Staff decisions regarding compliance with the LMC are appealed to the Planning Commission.

13. The appeal authority (Planning Commission) shall act in a quasi-judicial manner.
14. The appellant has the burden of proving that the land Use authority (Planning Staff) erred.
15. The appeal authority (Planning Commission) shall review factual matters de novo and it shall determine the correctness of a decision of the land Use authority in its interpretation and application of the land Use ordinance (LMC).
16. The appellant raised the following four (4) issues to the appeal of the Planning Staff' determination of HDDR approval related to LMC compliance: Purpose of the HRL District, visioning results, non-conforming use, and full-time neighborhood.
17. Above discussion found in the staff report is incorporated herein.
18. Staff has addressed all of the comments addressed on the submitted appeal.
19. The use will remain the same as a single family dwelling.
20. The use is not changing or becoming a more intensive.
21. The size of the structure is increasing, however, in terms of density the use will be the same.
22. The Land Management Code restricts the minimum lot size within the HRL District to be 3,750 square feet, which is equivalent to two (2) standard Old Town lots (25'x75' in size).
23. The density of the HRL District is already reduced due to the minimum lot area required within the HRL.
24. The proposed addition, except for the garage, complies with the Land Management Code requirements pursuant to the HRL District and the Park City Historic District Design Guidelines as conditioned.
25. The proposed addition/remodel employs methods such as changes in wall plane and roof heights.
26. The proposed addition/remodel does not take place within slopes over thirty percent (30%) where the minimum horizontal distance is at least fifteen feet (15').
27. The neighborhood access remains the same as a dead-end, steep street.
28. Staff has not received other requests at this time regarding any future improvements, changes, to other existing adjacent property that may be owned by the property owner.
29. The LMC does not limit the overall square footage of a structure.
30. The LMC does limit the building footprint and maximum height, which can be looked at as indirect way to limit the maximum house size.
31. The proposed addition/remodel meets the maximum footprint restriction of 2,610.7 square feet.
32. The building footprint of the existing house and garage is 1,812.6 square feet, 69.4% of the maximum.
33. The proposed building footprint of the project is 2,606 square feet, 99.8% of the maximum.
34. The proposed addition/remodel meets the maximum building height including the three (3) maximum story provision.
35. The existing site is Lot A of the 331 McHenry Avenue Subdivision, which was a three (3) lot plat amendment approved by the City in July 2009.
36. When the plat amendment was approved there was no limitation to the buildable square

footage due to the indirect standards in the LMC which limit the maximum building footprint and height provision.

37. The proposed addition takes places on the area between the existing garage and the existing single family dwelling.
38. There is a small area found on the site where the addition will be located over thirty percent (30%) slopes, however, this area is not more than fifteen feet (15').
39. The LMC specifically states that in order of the site to be considered a steep slope, the measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey.
40. The proposed addition/remodel does not trigger the steep slope CUP review and approval by the Planning Commission.
41. The applicant submitted the existing conditions survey prepared by surveyor which does include the significant vegetation within 20 feet of the proposed development.
42. The existing garage is approximately five to six feet (5' - 6') from the front property line.
43. The front yard setback is fifteen feet (15') minimum.
44. According to Summit County records, the single family dwelling was built in 1972.
45. A Non-Complying Structure that was lawfully constructed with a permit prior to a contrary change in the LMC, may be used and maintained, subject to the standards and limitations of the LMC.
46. 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.
47. The existing structure does not meet the maximum building height of twenty-seven feet (27'). However, all of the features included in the remodel meet the maximum building height.
48. The non-compliances related to height, can remain on the structure as long as they do not increase the level of non-compliance, i.e. further expand the non-conformance.
49. Currently the applicant has not made an application to turn the single family dwelling into a nightly rental.
50. The LMC indicates that a nightly rental is a conditional use within this district.
51. Should the applicant decided to turn the structure into a nightly rental; the applicant would have to receive Planning Commission review and approval on the specific CUP criteria.
52. The LMC does not regulate the use in terms of a second home.

#### Conclusions of Law – 331 McHenry

1. The approved Historic District Design Review application is consistent with the Park City Land Management Code (LMC).
2. Approval of the Historic District Design Review application does not adversely affect the health, safety, and welfare of the citizens of Park City.

#### Conditions of Approval – 331 McHenry

1. Approval is based on plans stamped approved on June 11, 2013. Building permit plans

- must substantially comply with the approved set of plans.
2. All of the conditions of approval of the June 11, 2013 HDDR approval shall continue to apply.
  3. The expiration date of the Historic District Design Review shall be extended to one (1) year from the date of this order. A building permit shall be secured by the applicant by October 23, 2014.
  4. The applicant shall submit revised plans to the Planning Department regarding the garage in accordance to the October 23, 2013 Planning Commission's direction regarding meeting the front yard setback requirement for the entire structure including all additions below now existing grade.

**Order:**

1. The appeal is denied and Planning Staff's determination is upheld.

The Park City Planning Commission meeting adjourned at 6:15 p.m.

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



## **REGULAR AGENDA**





## Planning Commission Staff Report

**Subject:** Shades of Pale Brewing Company  
**Author:** Ryan Wassum  
**Project Number:** PL-13-02065  
**Date:** November 6, 2013  
**Type of Item:** Administrative Conditional Use Permit

### Summary Recommendations

Staff recommends the Planning Commission hold a public hearing and consider approving a Conditional Use Permit for a brewery according to the findings of fact, conclusions of law, and conditions of approval, incorporated herein.

### Description

**Applicant:** Shades of Pale Brewing Company, Trent Fargher  
**Location:** 1105 Iron Horse Drive  
**Zoning:** Light Industry (LI)  
**Adjacent Land Uses:** Commercial to the north, Estate Zoning to the south  
**Reason for Review:** Light Industrial Manufacturing requires a Conditional Use Permit (CUP) with review and final action by the Planning Commission

### Background

The vacant subject property is located at 1105 Iron Horse Drive. The applicant would like to operate a beer brewery in the existing building. A brewery is a light manufacturing use within the Land Management Code (LMC) and requires a Conditional Use Permit (CUP) with final action by the Planning Commission. The brewery currently exists and operates at 1950 Woodbine Way in a smaller space with a Conditional Use Permit (CUP) that was approved by Planning Commission on October 28, 2009.

The applicant is proposing an open (not entirely closed off) second floor addition to the 1105 Iron Horse Drive building in order to accommodate fermentation tank height requirements and additional office and lab space of approximately 600 square feet. The proposed second floor addition will reside within the existing building footprint with an estimated height of 25 feet (building plans have not been submitted yet). In conjunction with brewery production, the applicant is also proposing approximately 200 square feet of retail space on the first floor. In due time, the applicant would like to offer product tastings as permitted by the Utah Department of Alcoholic Beverage Control which should not affect the CUP as Retail use is an allowed use in this zone. The City received a complete application for a CUP on October 2, 2013.

## **Purpose**

### **Light Industrial Zone**

The purpose of the Light Industrial (LI) District is to:

(A) allow light industrial and manufacturing Uses that will not create traffic hazard, noise, dust, fumes, odors, smoke, vapor, vibration, glare, or industrial waste disposal problems,

(B) allow Conditional Uses to mitigate potential impacts,

(C) accommodate complementary and supporting Uses such as parking, child care, retail, offices, group care, and recreation facilities, and

(D) allow new light industrial Development that is Compatible with and contributes to the distinctive character of Park City, through Building materials, architectural design and details, color range, massing, lighting, landscaping, and the relationship to Streets and pedestrian ways.

## **Analysis**

Light Industrial Manufacturing use is subject to the following criteria set forth in the LMC 15-1-10(E):

1. **Size and location of Site:**

**no unmitigated impacts**

The building is an existing building located at 1105 Iron Horse Drive. There are multiple parcels including commercial buildings within the Iron Horse Commercial Subdivision. 1105 Iron Horse Drive will utilize 2,000 square feet, of which 1,246 square feet will be utilized for production and over 200 square feet for possible retail space. The proposed second floor addition will consist of offices and labs and will not be entirely closed off in order to accommodate fermentation tank height requirements from the ground floor. The existing building is sufficient in size for the proposed use.

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

**no unmitigated impacts**

The proposed use is not expected to increase the existing traffic in the area. There will be an estimated 4 employees for the brewery. Delivery of raw materials for brewing (approximately once (1) a month) and pickup of outgoing beer (approximately once (1) a week), will insignificantly add to the existing traffic, and due to the small scale of production of 300 gallon batches, no substantial traffic is anticipated. Delivery and pickup trucks will pull in from the north driveway entrance and back into the load out section on the south side of the building, alleviating any blockage or circulation problems within the parking lot. The minor retail portion of approximately 200 square feet will require additional parking of 1 space, as required by LMC section 15-3-6(B), and the amount of additional traffic will not be substantial.



3. Utility capacity:  
**no unmitigated impacts**  
 Utilities necessary for this use are available on site. No additional utilities are necessary for the proposed use as the existing building formerly accommodated a Laundromat. The existing 4 inch sewer line and 1.5 inch water line is suitable for the change in use.
  
4. Emergency vehicle access:  
**no unmitigated impacts**  
 The proposed development will not interfere with existing access routes for emergency vehicles.
  
5. Location and amount of off-street parking:  
**no unmitigated impacts**  
 There are currently 14 parking spaces associated with 1105 Iron Horse Drive, Parcel E. 14 spaces will be adequate for up to 4 employees, delivery/pickup of goods, as well as retail customers. LMC section 15-3-6(B) requires light industrial uses to have 1 space for every 2 employees in the largest shift plus 1 space for each vehicle used in conducting the business and wholesale. It is estimated that Shades of Pale will have up to 4 employees, therefore at least 3 spaces are required by code. For the 200 square feet of minor retail space, LMC section 15-3-6(B) requires minor retail uses to have 3 spaces for each 1,000 sf of net leasable floor area, therefore one additional space is required by code.
  
6. Internal vehicular and pedestrian circulation system:  
**no unmitigated impacts**  
 Internal vehicular and pedestrian circulation system will not be altered.
  
7. Fencing, Screening, and Landscaping to separate the use from adjoining uses:  
**no unmitigated impacts**  
 No outdoor storage of goods or mechanical equipment is proposed or allowed onsite.

8. Building mass, bulk, and orientation, and the location of Buildings on the site; including orientation to Buildings on adjoining lots;

**no unmitigated impacts**

An additional second story is proposed to accommodate production equipment, labs, and offices. The proposed addition will not increase the existing building footprint and will accommodate fermentation tank height requirements. The second floor will not be entirely closed off and will be open above the tanks and closed off to the sides where 600 square feet of offices and labs will be placed. LMC section 15-2.19-6. stipulates a maximum building height of 30 feet within the LI zone, therefore the second floor addition reaching approximately 25 feet in height complies with code.

9. Usable open space;

**no unmitigated impacts**

Not applicable there are no changes to the existing open space associated with the building.

10. Signs and Lighting;

**No unmitigated impacts**

There are no signs or lighting proposed for the brewery at this time. Any new exterior signs or lighting must be approved by the Planning Department prior to installation.

11. Physical Design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;

**no unmitigated impacts**

An additional second story is proposed to accommodate production equipment and offices and complies with Title 15-5-5. Architectural Design Guidelines of the Land Management Code. Textures, materials, and colors will accentuate and revitalize the building and meet architectural design guidelines (building plans have not been submitted).



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

**Impacts mitigated per Condition of Approval**

The milling process involved with brewing beer creates a dust which is combustible. The Park City Building Department, the Fire Marshall, and the Snyderville Basin Water Reclamation District are concerned with the combustible dust and are requiring a hazardous materials management plan to be approved by all three parties prior to issuance of a business license for this location.

Condition of Approval #1 states "A hazardous material management plan must be approved by the building department, the Fire Marshall, and the Snyderville Basin Water Reclamation District prior to the issuance of a business license. If a hazardous materials management plan is not approved within 3 months of the Planning Commission approval of a conditional use permit, the conditional use permit will become void."

Staff has also included condition of approval #6 stating "A one year review of the CUP will be scheduled. All possible impacts of the CUP must be mitigated. The City may void this CUP if impacts are found in the operation which may cause harm to the public."

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

**no unmitigated impacts**

The applicant is proposing approximately 300 gallon batches, which is a minor production level for a microbrewery; larger microbreweries produce over 1000 gallon batches. The production levels and associated delivery and service vehicles should not contribute significantly to the existing level of traffic, and the adjacent streets and intersections can handle supplementary traffic.

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 unmitigated impacts**

The applicant will be renting the space from the owner of the property. A business license must be obtained from the City.

15. Within and adjoining the site, impacts on Environmentally Sensitive Lands, slope retention, and appropriateness of the proposed structure to the topography of the site.

**no unmitigated impacts**

The site exists within the Park City Soil Ordinance Boundary, therefore any soil disturbance or proposed landscaping must adhere to Park City Municipal Code 11-15-1. Failure to comply with the Soil Ordinance is a Class B misdemeanor.

### **General Plan**

The brewery will be located in the Light Industrial zone within the Iron Horse Commercial Subdivision in Park City. Within the discussion on the district objectives, local businesses are strongly encouraged in one of the few remaining Light Industrial (LI) zones. It is a local business and this CUP application is consistent with the purposes of the General Plan.

### **Department Review**

This project has gone through an interdepartmental review at a Development Review Committee meeting on September 24, 2013. No further issues were brought up at that time.

### **Notice**

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

### **Public Input**

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

### **Alternatives**

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

### **Significant Impacts**

A hazardous materials management plan must be approved prior to mitigate the possible combustible hazard within production. This plan must be approved by the Fire Marshall, the Building Department, and SBWRD prior to issuance of a business license.

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

A brewery currently in operation with a CUP would not be allowed to operate at 1105 Iron Horse, preventing a local entrepreneur from business expansion and economic growth.

### **Recommendation**

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

### **Findings of Fact**

1. The subject property is located at 1105 Iron Horse Drive, Park City, Utah.
2. The property is located in the Light Industrial (LI) zone.
3. A brewery is a light industrial manufacturing use within the Land Management Code (LMC) and requires a CUP approval by the Planning Commission.
4. Retail use is an allowed use in the LI zone.



5. There are exterior changes to the existing building proposed within the application, including a second story addition to accommodate production equipment and offices. The proposed exterior changes do not alter the building footprint and comply with the LI zoning requirements.
6. Four parking spaces are required for this use, minor retail space, and number of employees (4). There are 14 available onsite parking spaces.
7. The internal vehicular and pedestrian circulation system will not be altered.
8. No outdoor storage of goods or mechanical equipment is proposed.
9. There are no significant traffic impacts associated with the proposed use or production output.
10. No significant additional utility capacity is required for this project.
11. The proposed development will not interfere with existing access routes for emergency vehicles.
12. No signs are proposed at this time.
13. The applicant will be renting the space from the owner of the property.
14. The proposal exists within the Park City Soil Ordinance Boundary.
15. The findings in the Analysis section of this report are incorporated herein.

### **Conclusions of Law**

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

### **Conditions of Approval**

1. A hazardous materials management plan must be approved by the Building Department, the Fire Marshall, and the Snyderville Basin Water Reclamation District prior to the issuance of a business license. If a hazardous materials management plan is not approved within 3 months of the Planning Commission approval of a conditional use permit, the conditional use permit will become void.
2. All standard conditions of project approval shall apply to this project.
3. All signs associated with the brewery must comply with the City's Sign Code and be issued a sign permit by the Planning Department.
4. No outdoor storage of goods or mechanical equipment is allowed onsite.
5. All County, State, and Federal Permits required for the use must be obtained by the owner prior to start of operations (brewing).
6. A one year review of the CUP will be scheduled for review by the Planning Staff within one year of issuance of a certificate of occupancy for the brewery. All possible impacts of the CUP must be mitigated. The City may void this CUP if impacts are found in the operation which may cause harm to the public.

**Exhibits**

Exhibit A – Site plan for brewery

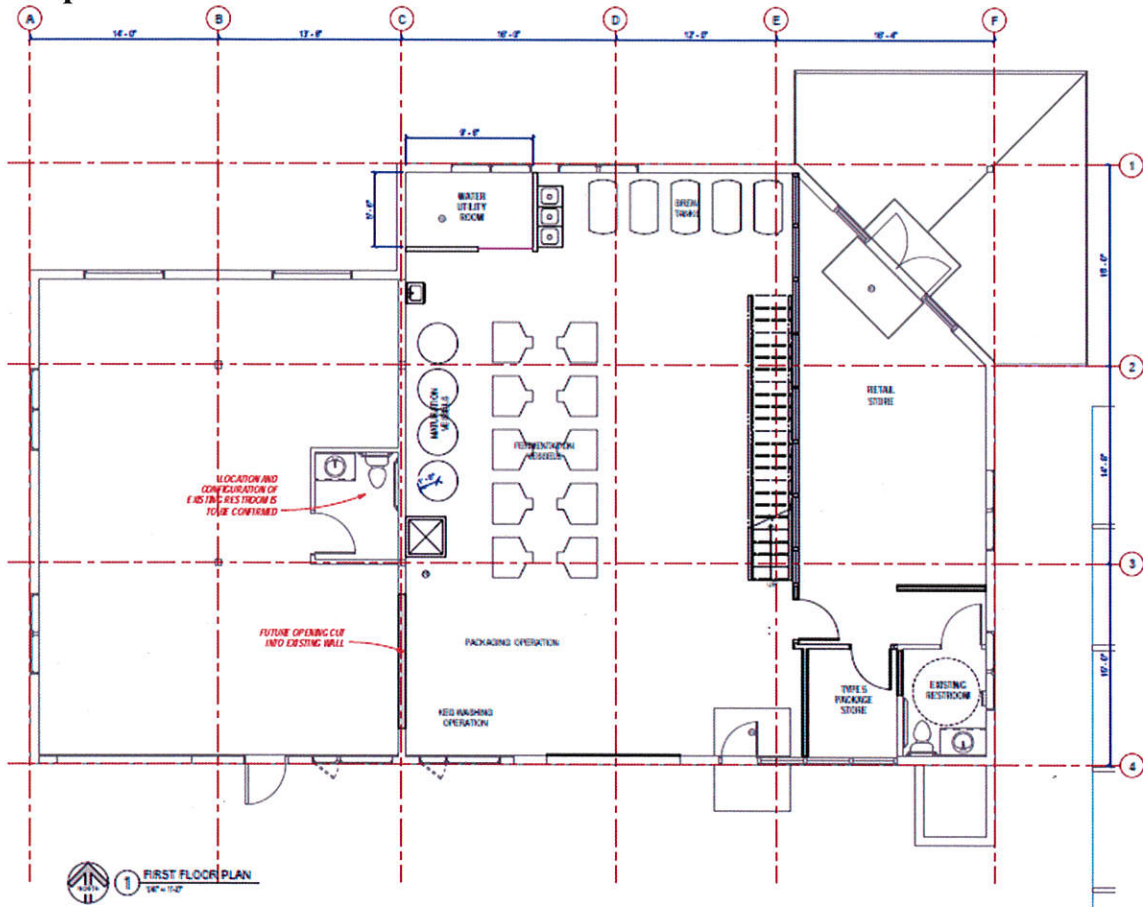
Exhibit B – Operations plan

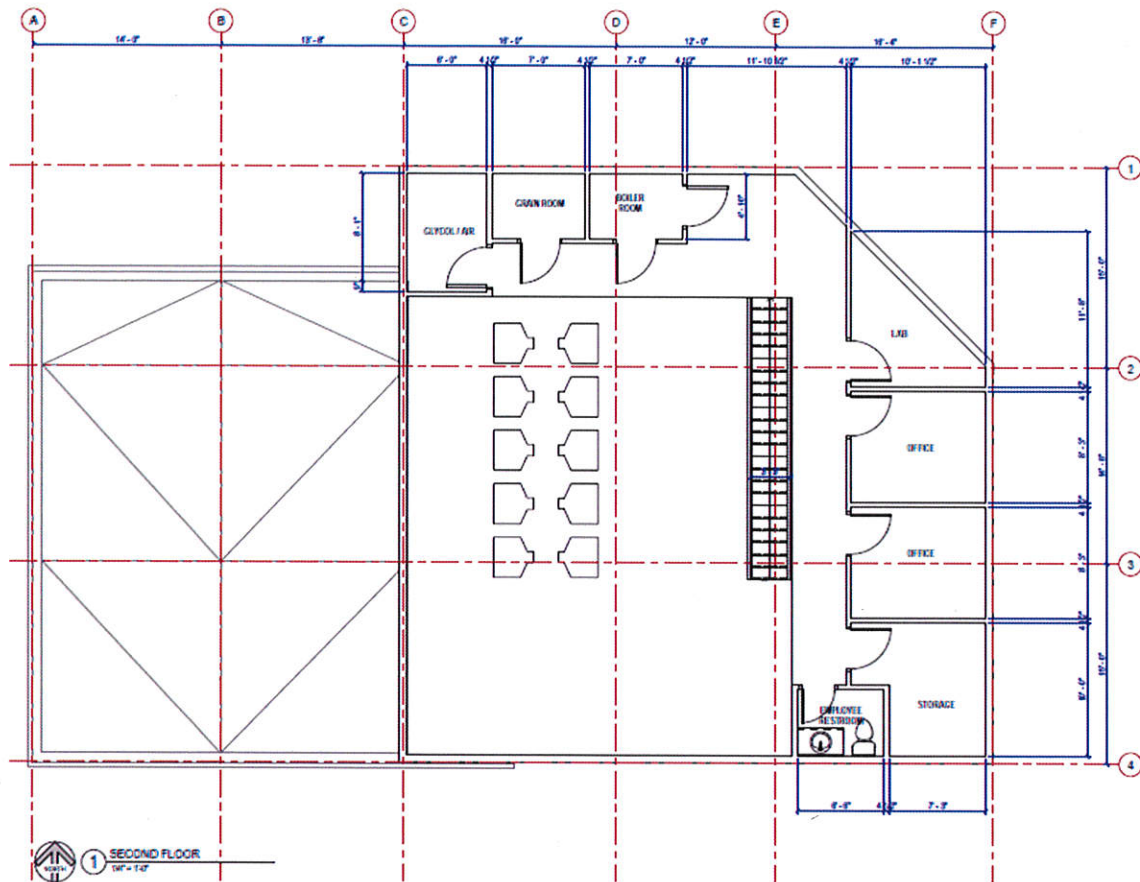
Exhibit C – Schematic design

Exhibit D – Standard Conditions of Approval

**Shades of Pale Inc.  
Brewery Design, Description  
Park City Conditional Use Permit Application  
1105 Iron Horse  
Park City UT 84060  
09/27/2013**

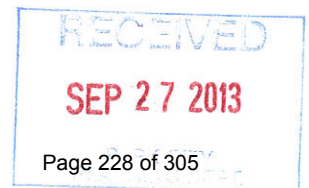
**Proposed Floor Plan**





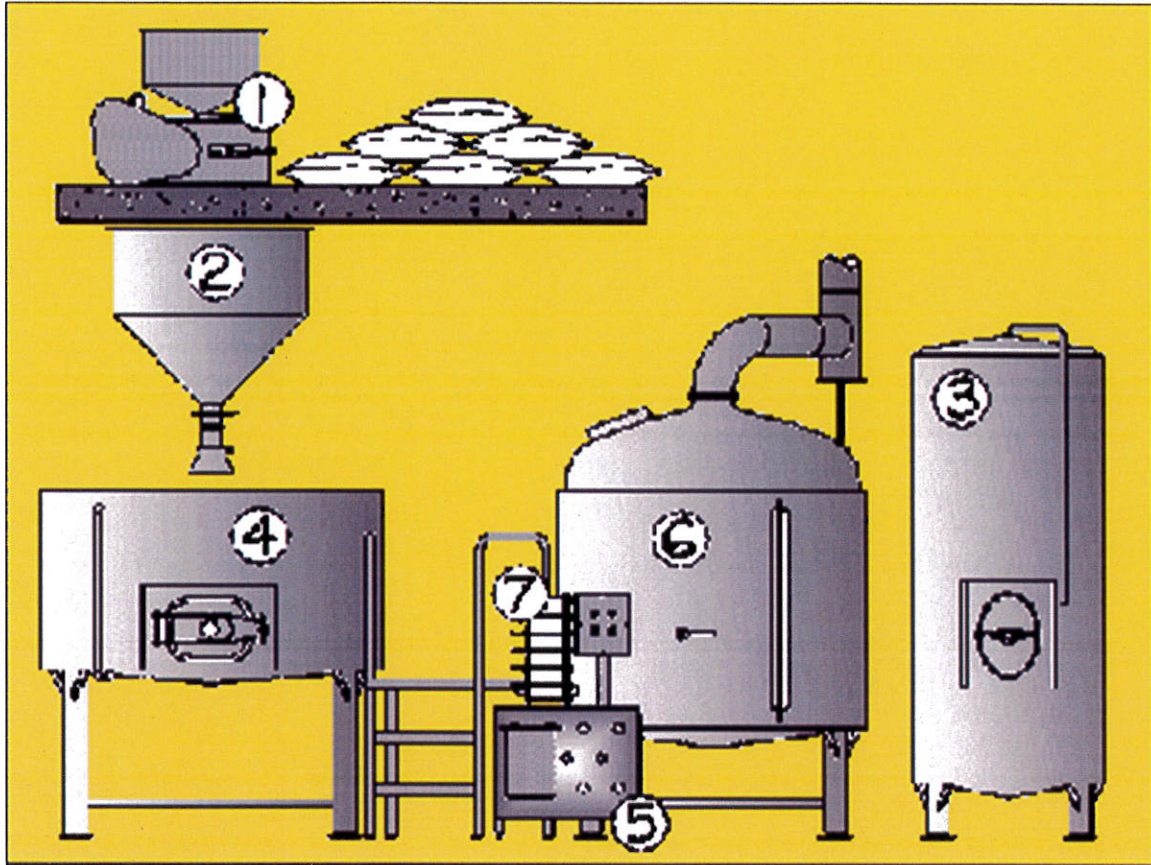
Brewery description

1. 2000 sqft total
2. Garage roll top door
3. exterior exit door
4. Office on second level
5. Concrete floors
6. Half bath
7. Water sewer hookups
8. Access to State Route 224 or HWY 40
9. Google map printed photos for more visual description of property





## Brewery equipment definition



**1. Malt Cracker**

- The two rollers crushes the malted barley to the desired coarseness.

**2. Hopper**

- The hopper is used to hold the entire brew strength of grist (malt after milling)

**3. Hot Liquor Tank**

- Used to recover energy and heat the water (liquor) needed for recirculation and sparging water onto the grain bed to convert starches to sugar.

**4. Mash / Lauter Tun**

- Used to combine the grist and hot water. A false screen is then used to extract the clear wort from the malted barley. The spent grains left over can be used for animal feed.

**5. Diverter Panel and Transfer Pumps**

- Is used to transfer liquid flow from the mash / lauter tun to the kettle and then onto the fermenters. Designed with one person ease of use and cleaning in mind. *Not deployed in current design below. Manual transfer for initial operation.*

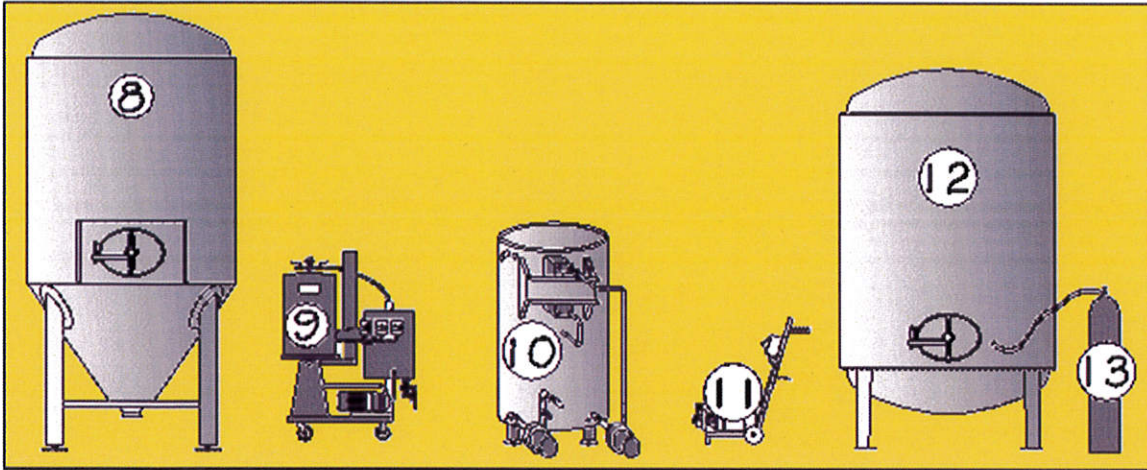
**6. Brewkettle / Whirlpool**

- The wort is boiled to a desired specific gravity and hops are added for flavor and bitterness. After boiling the wort is whirlpooled to collect soluble proteins (trub) in the center of the kettle. The clear wort is then pumped through the heat exchanger and

into the fermenter.

## 2. 7. Heat Exchanger

- using city water and/or cold propylene glycol as cooling mediums the wort is cooled to an acceptable fermentation temperature, from 10 deg C(50 deg F) to 17 deg C(62.5 deg F), before it goes to the fermenter.



## 8. Fermentation / Aging Vessel (open, closed or Unitank style)

- The wort is pumped into this vessel and added to the previously pitched yeast and allowed to ferment (typically 3 to 7 days). The fermentation tank can be used as an aging tank or the beer can be transferred to a separate vessel for the aging period (typically 10 to 20 days).

## 9. Filter (DE or Plate & Frame)

- Used to filter all of the left over yeast and sediment from the beer on its way to the serving / bright beer vessel. This extends shelf life and provides a clearer product. Beer does not always have to be filtered. *Not deployed as part of initial operations as seen below.*

## 10. Glycol Reservoir / Cooler

- Cold glycol is pumped from here to each cooled vessel to maintain and control beer temperatures. The glycol can also be used to cool the wort in the heat exchanger. *Under current deployment a water cooling pump will be used vs glycol.*

## 11. Transfer Pump

- Is used to pump the beer from the fermenter to the serving / bright beer vessels. And also for pumping of cleaning solution (caustic soda). *Under current deployment as seen below gravity feed system will be used vs pump.*

## 12. Serving / Bright Beer Vessel

- CO<sub>2</sub> is added to the beer through a carbonating stone to adjust the CO<sub>2</sub> levels to the style of beer in the vessel. From this vessel the beer can be kegged, bottled or served via draft lines.

## 13. CO<sub>2</sub> Tank

- This adds head to the beer and also maintains head pressure on the tank while kegging, bottling or serving to a draft line.

**Details of Proposed Operations for Conditional Use Permit**

The current brewing operation has grown in size over the past 4 years. We have outgrown our current facility and are tired of working in the cold. We are proposing to move the existing brewery to be able to work in a completely enclosed space. In addition we are proposing to capture additional revenue as requested by consumers and open tour and tasting facilities so people can learn about the brewing process followed by trying the products they just learned about.

Trent M. Fargher  
Shades of Pale Brewing Co.  
720-255-5122  
trent@shadesofpale.com







SHEET NUMBER  
A0.00

SHADES OF PALE TENANT IMPROVEMENT  
Trent Faragher  
1105 IRON HORSE DRIVE  
PARK CITY, UT 84060  
PERSPECTIVE v3.0

Submitted by:	Submitted
Designed by:	27 SEPT 2013
Drawn by:	REV:
Author:	
Reviewed by:	
Checked:	
Project Number:	1335

Rev	Description	Date	Appr.

architecte inc.  
P.O. Box 100000  
Salt Lake City, UT 84110  
Phone: 801.466.1000  
www.architecteinc.com

**REA**



SHEET NUMBER  
A0.0

SHADES OF PALE TENANT IMPROVEMENT  
Trent Farher  
1105 IRON HORSE DRIVE  
PARK CITY, UT 84060  
PERSPECTIVE v3.0

Submitted by:	1335
Project Number:	
Checked by:	
Reviewed by:	
Author:	
Drawn by:	
File:	
Designer:	27 SEPT 2013
Submitted:	
REV:	

Rev	Description	Date	Appr.

architect inc.  
1105 Iron Horse Drive  
Park City, UT 84060  
801.734.1105  
www.architectinc.com

**REA**



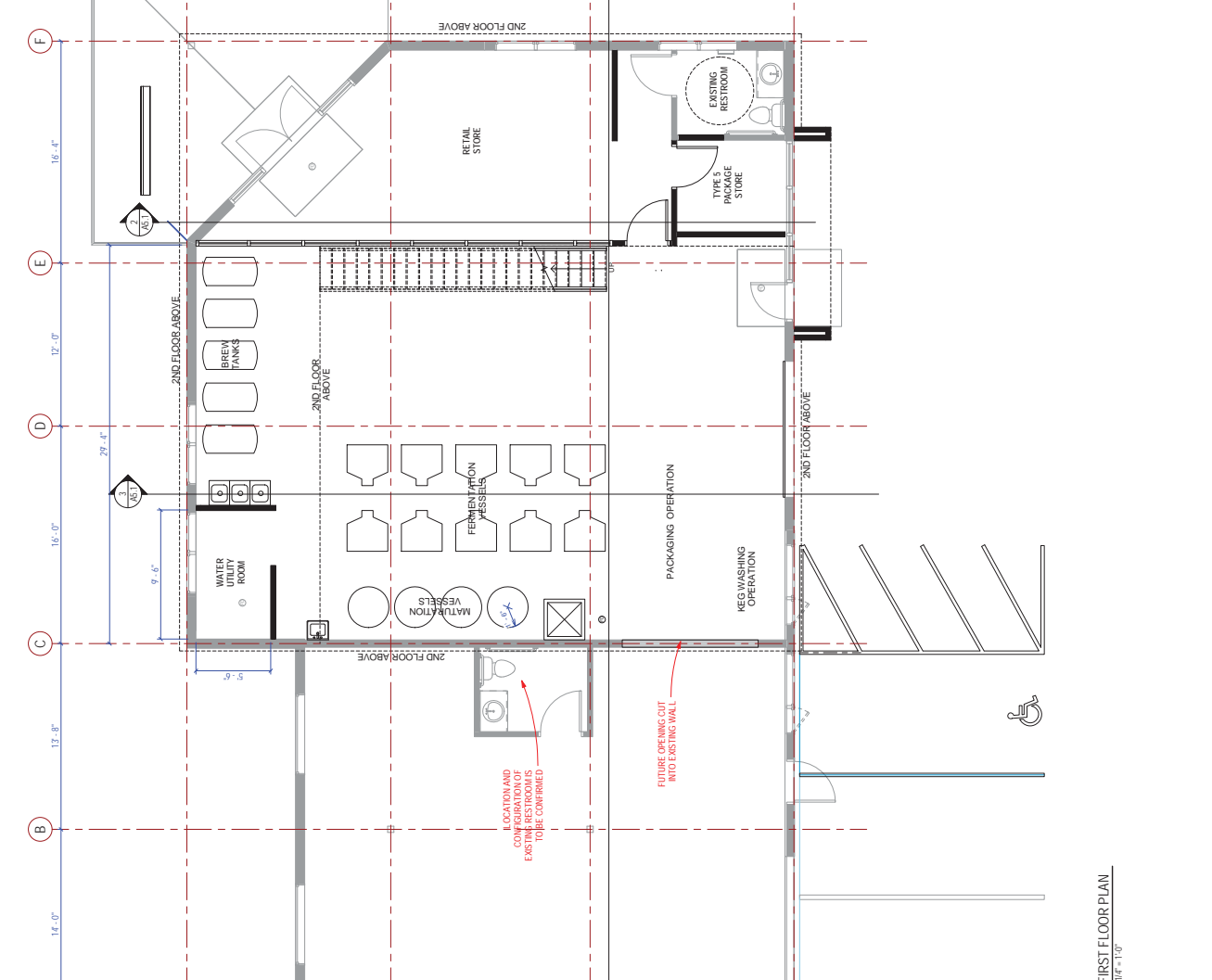
1 2 3 4 5

1 2 3 4 5

**FLOOR PLAN GENERAL NOTES**

1. ALL DIMENSIONS ARE TO FACE OF STUD IN NEW CONSTRUCTION. FACE OF FINISH IN EXISTING.
2. ALL FLOOR FINISH CHANGES OCCUR AT CENTERLINE OF DOOR IN CLOSED POSITION, UNLESS NOTED OTHERWISE.
3. COORDINATE THE LOCATIONS OF ALL FLOOR AND ROOF FINISHES WITH PLUMBING PLANS.
4. FOR FINISHES, SEE ROOM FINISH PLAN AND SCHEDULE.
5. SEE SHEET A91 FOR BLOCKING DETAILS.

**KEYED NOTES**



Planning Commission - November 6, 2013

1 FIRST FLOOR PLAN  
1/4" = 1'-0"

Page 236 of 305

PL07 DATE: 2/15/2013 3:39:59 PM

**SHADES OF PALE TENANT IMPROVEMENT**  
Trent Farher  
1105 IRON HORSE DRIVE  
PARK CITY, UT 84060  
FIRST FLOOR PLAN

Submitted by:	1335
Project Number:	147 - 1'-0"
Scale:	
Reviewed by:	
Author:	
Drawn by:	
File:	
Designer:	27 SEPT 2013
Submitted:	
REV:	
Rev:	Description
Date	Appl.

REFA architecture inc.

SHEET NUMBER  
A1.1

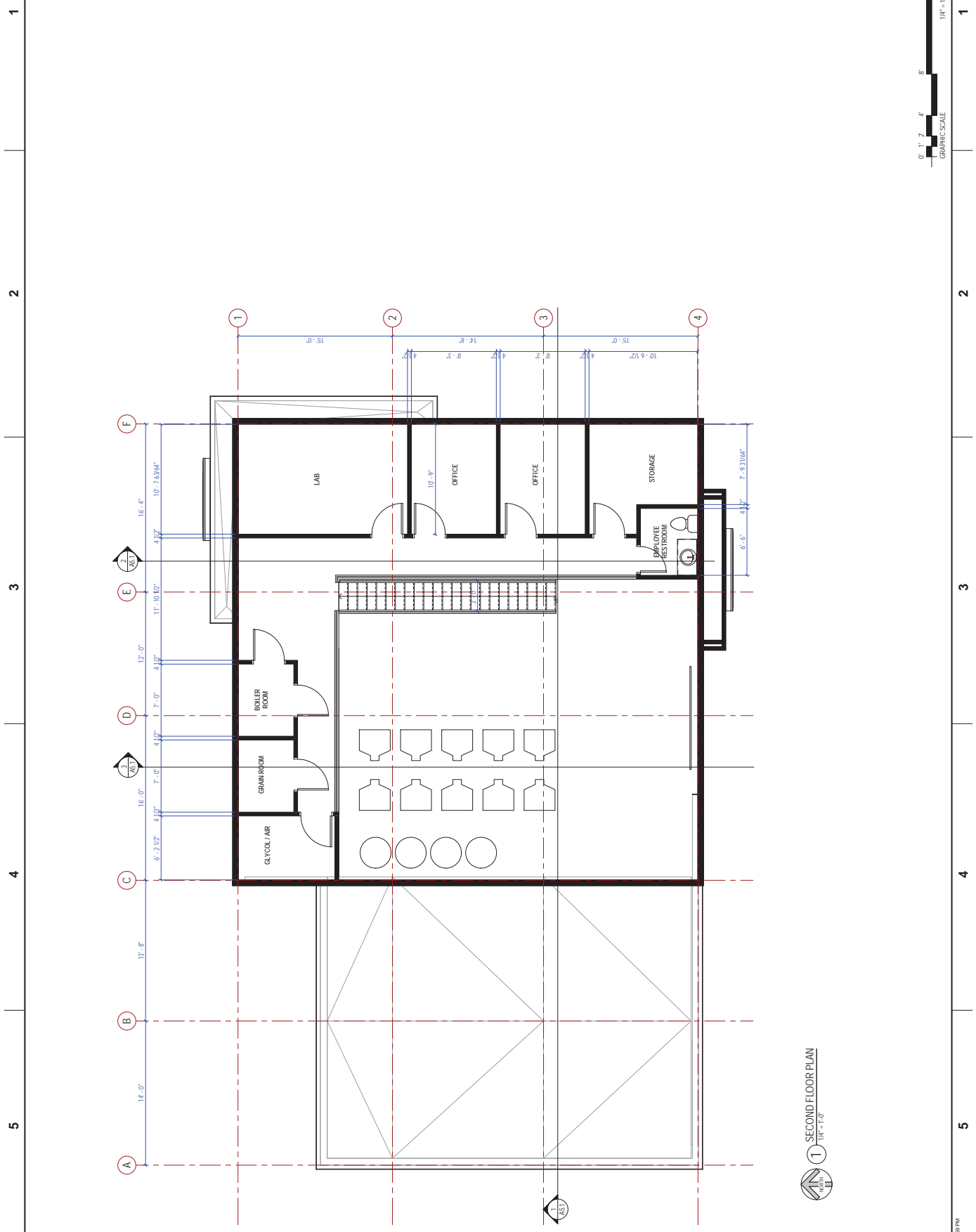
0 1 2 4 8 16'  
1/4" = 1'-0"  
GRAPHIC SCALE

SHEET NUMBER  
**A1.2**

**SHADES OF PALE TENANT IMPROVEMENT**  
**Trent Faragher**  
**1105 IRON HORSE DRIVE**  
**PARK CITY, UT 84060**  
SECOND FLOOR PLAN

Designed by:	Submitted:
Drawn by:	27 SEPT 2013
Author:	REV:
Reviewed by:	
Scale:	
Checker:	1/4" = 1'-0"
Project Number:	1335
Approver:	

Rev	Description	Date	Appr.



**1 SECOND FLOOR PLAN**  
1/4" = 1'-0"

SHEET NUMBER  
A4.1

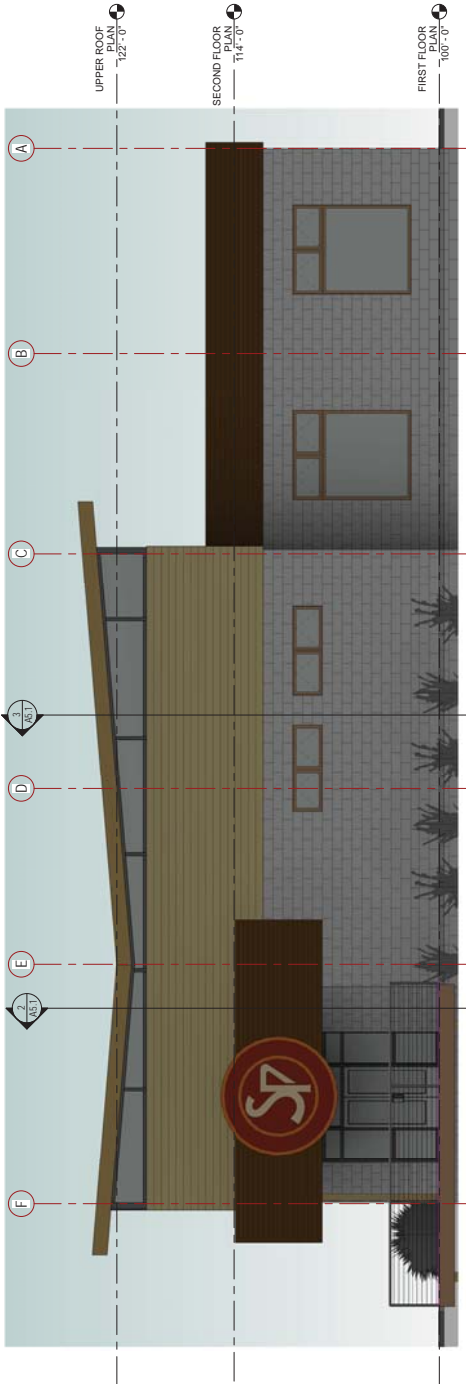
SHADES OF PALE TENANT IMPROVEMENT  
Trent Fagher  
1105 IRON HORSE DRIVE  
PARK CITY, UT 84060  
EXTERIOR ELEVATIONS

Submitted by:	27 SEPT 2013
Designed by:	REV:
Drawn by:	
Author:	
Reviewed by:	
Scale:	1/4" = 1'-0"
Project Number:	1335

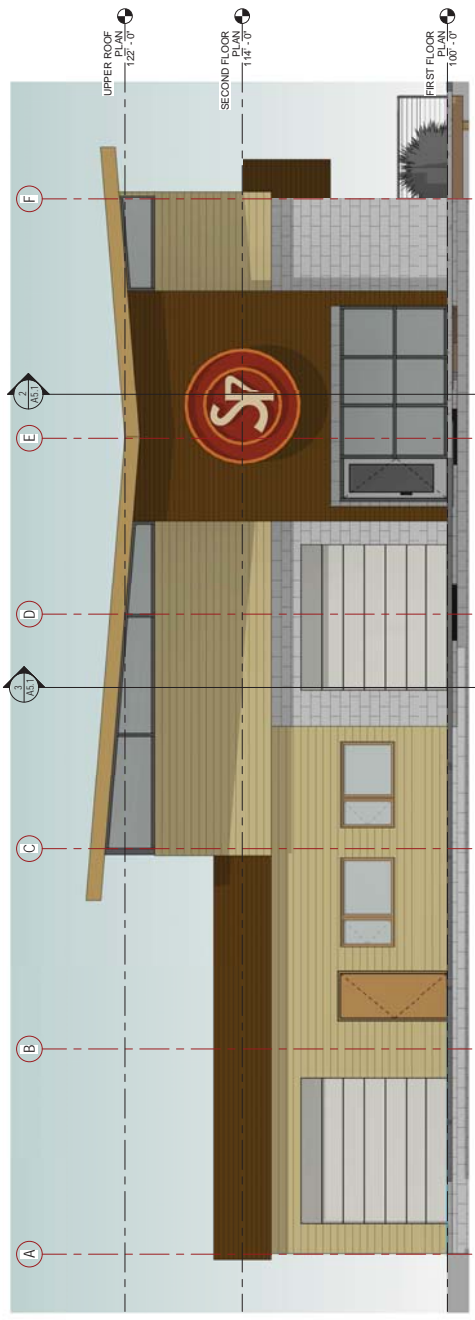
Rev	Description	Date	Appr.



KEYED NOTES



1 NORTH ELEVATION  
1/4" = 1'-0"



2 SOUTH ELEVATION  
1/4" = 1'-0"

SHEET NUMBER  
A4.2

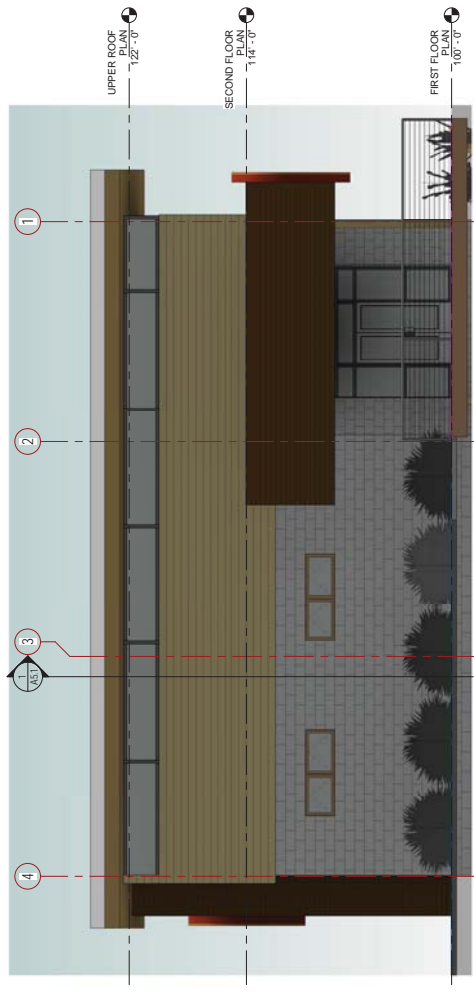
SHADES OF PALE TENANT IMPROVEMENT  
Trent Farhater  
1105 IRON HORSE DRIVE  
PARK CITY, UT 84060  
EXTERIOR ELEVATIONS

Submitted by:	1335
Project Number:	
Scale:	1/4" = 1'-0"
Checked by:	
Reviewed by:	
Author:	
Drawn by:	
File:	
Designed by:	27 SEPT 2013
Submitted:	
REV:	

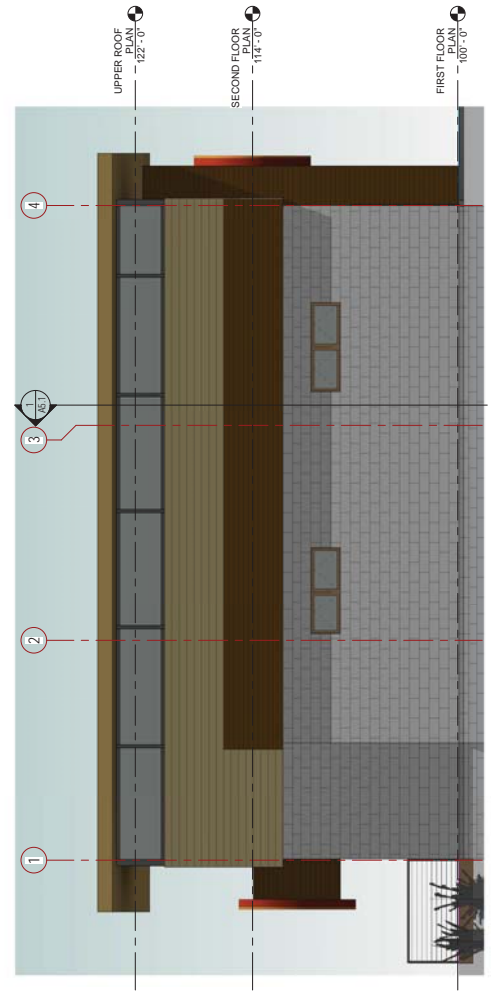
Rev	Description	Date	Appr.



KEYED NOTES



1 EAST ELEVATION  
1/4" = 1'-0"

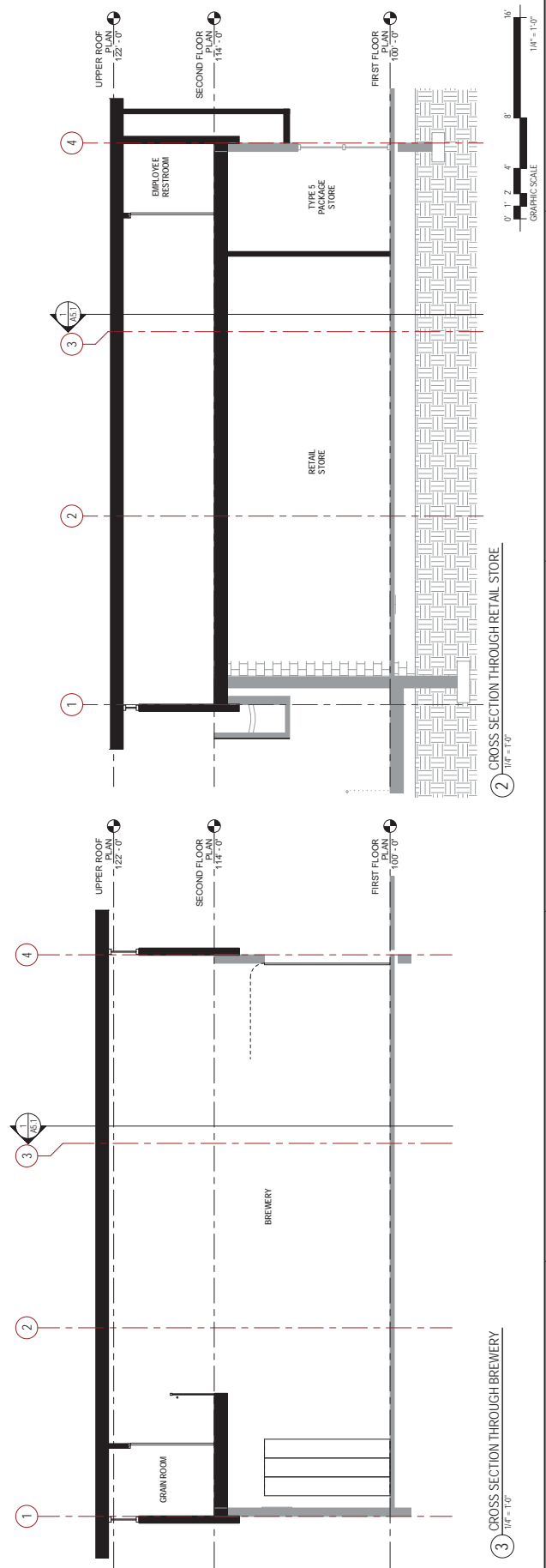


2 WEST ELEVATION  
1/4" = 1'-0"

SHADES OF PALE TENANT IMPROVEMENT  
Trent Farther  
1105 IRON HORSE DRIVE  
PARK CITY, UT 84060  
BUILDING SECTIONS

Approved by:	Drawn by:	Designed by:
Checked by:	Author:	27 SEPT 2013
Reviewed by:	Scale:	Project Number:
1/4" = 1'-0"		

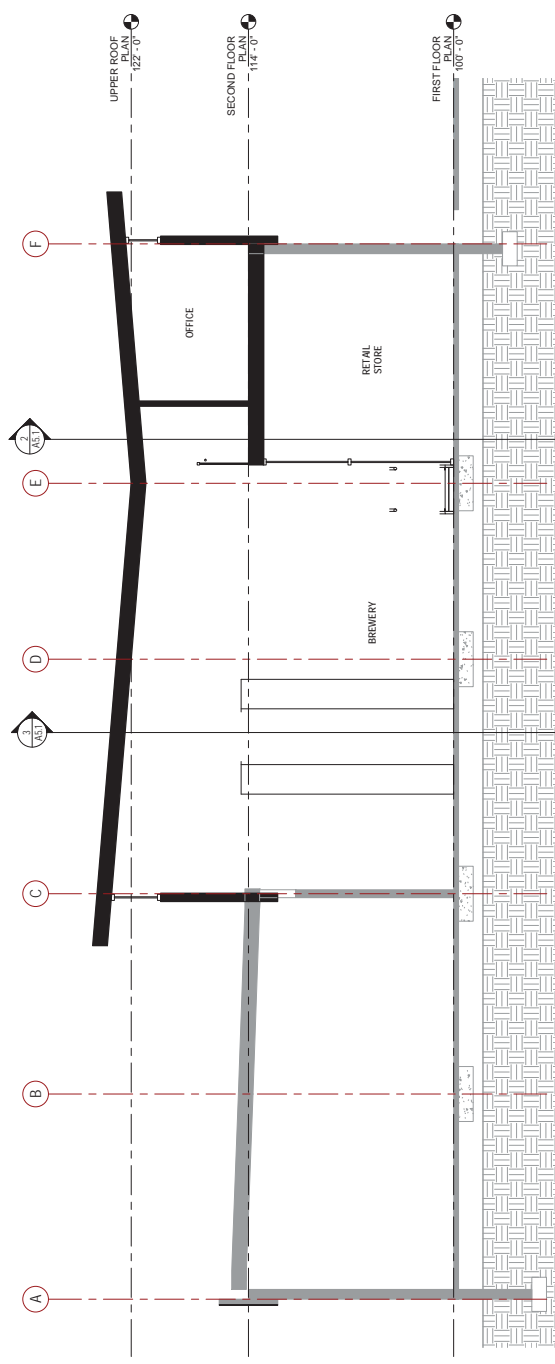
REV.	DESCRIPTION	DATE	APPR.



3 GROSS SECTION THROUGH BREWERY  
1/4" = 1'-0"

2 GROSS SECTION THROUGH RETAIL STORE  
1/4" = 1'-0"

1 LONGITUDINAL SECTION  
1/4" = 1'-0"



KEYED NOTES



PARK CITY MUNICIPAL CORPORATION  
STANDARD PROJECT CONDITIONS

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

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

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

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

September 2012



# Planning Commission Staff Report



**Subject:** Park City Heights MPD  
**Author:** Kirsten Whetstone, MS, AICP  
**Date:** November 6, 2013  
**Project #:** PL-13- 02009  
**Type of Item:** Amendments to approved MPD and extension

## Summary Recommendations

Staff recommends the Planning Commission discuss the applicant's proposed amendments to the approved Park City Heights MPD and preliminary subdivision plat, conduct a public hearing and consider approving the proposed MPD amendments and the extension of approval, based on the revised (marked in blue or red below) Park City Heights MPD findings of fact, conclusions of law, and conditions of approval as stated below, or as amended at the meeting.

## Topic

**Applicant:** Ivory Development LLC, owner  
**Applicant's representative:** Spencer White  
**Location:** Richardson Flat Road, east of SR 248 and west of US 40  
**Zoning:** Community Transition (CT)  
**Adjacent Land Uses:** Open Space, Rail Trail, US 40, Quinn's Water Treatment Plant, and vacant land

*Disclosure:* The City retains a security interest as the holder of a Trust Deed in conjunction with a prior transaction regarding the property. However, the City is not an "applicant" and does not have any current ownership in the property.

## Proposal

This is a request for amendments to the approved Park City Heights Master Planned Development as well as for corresponding amendments to the overall preliminary plat approved at the time of the Park City Heights Master Planned Development (MPD), in order to address soil mitigation issues. Please see the October 9, 2013 Staff Report for more detailed description of the changes (Exhibit A) as well as Exhibits.

On October 9, 2013, the Planning Commission discussed proposed amendments to the Park City Heights MPD and preliminary overall subdivision plat (see Minutes in this packet). Staff has amended the findings of fact, conclusions of law, and conditions of approval based on Planning Commission discussion at the meeting.

## Discussion

Staff requests discussion of the following items:

1. Design **Guideline** changes to accommodate the new dwelling type- the Small Lot Park Homes concept (see Exhibits B and C of this report) for an updated detailed lot

layout).

2. Specifics of the **street and lot layout** regarding location of lots and streets, retaining walls, grading, and drainage issues. If these amendments are approved, the applicant will return to the Commission with a more detailed subdivision plat for phase one.

3. Whether the proposed MPD amendments are consistent with the Park City Heights **Development Agreement findings of fact, conclusions of law, and conditions of approval** (see redlines at the end of this report).

**Items discussed at the October 9<sup>th</sup> meeting include:**

1. Amended **site plan** and relocation of lots and streets.

2. Use of **Parcels I and J** for deed restricted “Small Lot Park Homes” and introduction of this fourth type of housing unit instead as future neighborhood support/daycare uses.

3. Relocation of **Community Gardens** or replacement of Community Gardens with a future site for neighborhood support commercial. Relocation of the Gardens to the Park area would decrease the size of the Park.

4. **Increase size of club house** to accommodate a neighborhood support day care center or support commercial (address maximum size of club house and support commercial/day care uses in conditions). Increasing the size of the club house would decrease the size of the Park.

5. Decrease size **of Neighborhood Park** on the west side of entry road. Increase overall size of dedicated Park area by including an area of open space on the east side of the entry road as dedicated Park land. Total park area increases, however it is not one contiguous area.

6. Plat notes regarding **Green Construction** requirements to allow requirements to evolve with the Green Building industry and regulations, use language from the Annexation Agreement, as was proposed by the development.

7. Easement for **secondary access to adjacent property** to the south, as requested by the Fire District, should be allowed only if that property is annexed into Park City. This access would provide two points of access to Richardson Flats Road for the adjacent property.

8. **Design of soil repository** and **disclosure of soil history** to prospective buyers.

**Analysis**

The applicants provided a summary of the proposed changes both in graphic form and by reviewing and annotating the approved Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the Park City Heights Development Agreement (Exhibits E and F of October 9<sup>th</sup> packet).

Staff has reviewed the proposed and existing subdivision plats and MPD concept plans, as well as the approved MPD findings of fact, conclusions of law, and conditions of approval, and finds that the overall concept and density approved with the Park City Heights MPD is not significantly changed when viewed in the broader scope of the overall MPD.

Key elements of the MPD, such as location of development and open space, general street pattern, location of the Public Park, trail system and connection to the Rail Trail, clubhouse and community gardens, remain essentially as approved in concept, though revised slightly in location. The affordable housing elements of the MPD continue as proposed, and enhanced by the designation of all 79 affordable units on a specific platted lot. There is no change to density proposed. An added community benefit is the clean- up of historic mine soils left behind others.

### **Approved MPD, Development Agreement, and extension of approval**

The MPD expires on October 26, 2013 (2 years from the date of ratification) and therefore Staff recommends amending the conditions to allow a one year extension to October 26, 2014. Additionally, if the Planning Commission approves the MPD amendments the applicant will need to revised the Development Agreement (by inserting revised conditions and amended dates) and have the Planning Commission ratify those changes so it can be recorded as an amended Development Agreement. Approval of the MPD amendments and revised site plan allows the applicant to prepare the Final Subdivision plat and adjust the utilities for Phase One.

In summary, these amendments do not change the overall density of 239 units on the 239 acre property. The overall concept of a mix of housing type's remains, with affordable/attainable units integrated into the overall development, although primarily within the lower area of mixed housing types and neighborhood amenities. The key elements of the MPD remain, though modified in location. The Design Guidelines continue to apply for all housing types, with additional language added for the new concept housing type, known as the "small lot Park Homes".

### **Notice**

The property was posted and notice of the public hearing was mailed to property owners within 300 feet of the property, according to requirements of the Land Management Code (LMC). Legal notice of the hearing was published in the Park Record according to requirements of the LMC.

### **Public Input**

Staff received verbal public input regarding the two upper lots adjacent to the Royal Oaks subdivision requesting that there be language specifically prohibiting further subdivision of those lots and allowing only one single family house per lot. Staff has received numerous calls regarding the timeframe for completion of the affordable units and when they would be available for purchase and occupancy. Staff also received a call with questions regarding the soil remediation work and whether the actual work to remediate the soil would create hazardous dust in the area. Staff recommends conditions of approval that both the remediation plan and the plan to do the work be

reviewed and approved by appropriate State agencies to ensure that public health and safety is not compromised.

### **Future Process**

Approval of the MPD amendments by the Planning Commission is considered final action. Appeals of final action by the Planning Commission are heard by the City Council according to LMC Section 15-1-18.

### **Summary Recommendations**

Staff recommends the Planning Commission discuss the applicant's proposed amendments to the approved Park City Heights MPD and preliminary subdivision plat, conduct a public hearing and consider approving the proposed MPD amendments and the extension of approval, based on the revised (marked in blue or red below) Park City Heights MPD findings of fact, conclusions of law, and conditions of approval as stated below. (Generally, the light blue is the proposed changes from the October 9<sup>th</sup> staff report, and the dark blue and red are new proposed changes based on comments from the October 9<sup>th</sup> meeting.)

### **Findings of Fact**

1. The Park City Heights MPD includes the following:

- a. 160 market rate units distributed in a mix of: cottage units on smaller lots (lots are approximately 6,000 to 8,600 sf in size); single-family detached units on approximately 8,000 sf to 27,000 sf lots; and single family detached on two upper lots which are approximately 44,000 and 48,000 sf each. The approximate distribution of types of product is identified in the Design Guidelines.
- b. 28 deed restricted townhouse units (44.78 affordable unit equivalents or AUE). These 28 units meet the required IHC affordable units under their affordable housing obligation and are configured as seven four-plexes.
- c. 16 deed restricted units (32 AUE). These 16 units meet the affordable housing required by the CT zone (LMC 15-2.23-4(A) (8)) and the Affordable Housing Resolution 17-99. These units are configured as a mix of single-family detached, cottage homes, and townhouse units. **These units will be configured as Single Family Detached Cottage Homes and dispersed throughout the cottage homes area.**
- d. 35 additional non-required deed restricted affordable units in a mix of unit types. **These units will be configured as small lot Single Family Detached Park Homes.**
- e. All units (including all deed restricted units) will be constructed to ~~LEED for Homes Silver rating~~, National Association of Home Builders National Green Building Standards Silver Certification (or other equivalent Green Building certification approved by the Planning Director) OR reach LEED for Homes Silver



Rating (minimum 60 points). Green Building Certification or LEED rating criteria to be used shall be those applicable at the time of the building permit submittal, as stated in the Annexation Agreement. In addition to meeting Green Building or LEED for Homes checklists and in order to achieve water conservation goals, each house must either: 1) achieve at a minimum, the Silver performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR 2) achieve a minimum combined 10 points within the 1) Sustainable Sites (SS2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist. Points achieved in these resource conservation categories will count towards the overall score, with each unit also achieving a minimum combined 10 points for water efficiency/conservation. Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.

f. A total of 171.5 acres of open space (not including open space within individual lots) is provided. This is approximately 72% of the entire 239 acres. This total includes the 24 acre parcel located adjacent to Highway 248 that is deeded to the City for open space.

g. An additional 5 acres of deeded open space is provided on Round Valley Drive adjacent to US 40 south of the Park City Medical Center. This open space is not included in the 72% figure. This is in exchange for transferring the 28 IHC deed restricted townhouse units to the PC Heights neighborhood. This parcel is deed restricted per requirements of the Burbidge/IHC Annexation and Development Agreements.

h. A dedicated 5.703-55 acres (155,000-) of public neighborhood parklands City Park, with fields, tot lot and playground equipment, shade structure, paths, natural areas, and other amenities to be designed and constructed by the developer and maintained by the City. This parkland is included in the open space calculations. Bathrooms are proposed in the club house with exterior access for the public park users. Community gardens may be developed by the HOA in close proximity to the parkland within open space areas adjacent to the small lot Park Homes or the Park Homes.

i. intentionally left blank

A 15,000-sf (approx.) community gardens area within the PC Heights neighborhood. This area is included in the open space calculations.

j. 3 to 4 miles of soft surface trails within and around the property and an additional mile or so of hard surfaced sidewalks and paths along the Project's streets.

k. Trail connections to the Rail Trail and Quinn's trail, including trail on the north side of Richardson Flat Road from the 248 underpass to the Rail Trail and trail on the south side of the Road from the project to the Rail Trail. Trail connections to

the south property line for future connections to the Jordanelle area. Trail easements on north side of Richardson Flat Road from Rail Trail to the east property line. Trail connections to the Park City and Snyderville Basin back country trails system. Trails are further described in Finding #11.

l. A Transit bus shelters along Richardson Flat road including “dial-a-ride signs” (City bus service is expected to be extended to Park City Heights and the Park and Ride).

m. Bike racks at the club house and Public Park.

n. Cross walk across Richardson Flat road at the rail trail.

o. A 3,000 sf community center/club house area to be constructed by the developer, with future expansion to 5,000 sf, to accommodate future neighborhood support uses, such as a daycare center, café, or other support commercial/offices. ~~with dedicated future ancillary support uses or possible daycare center parcels (Parcels I and J as shown on the preliminary plat).~~ Exterior access bathrooms will be available for park users. Construction of a daycare facility would be by the owner of the daycare facility and not by the Park City Heights development.

p. Water infrastructure improvements that enhance the City’s overall water system and provide redundancy as required by the Water Agreement executed as part of the Annexation Agreement. Water shares were dedicated to the City as part of a pre-annexation agreement.

q. Transportation improvements to the Richardson Flat/248 intersection including lane improvements and installation of a traffic signal to provide intersection safety (controlled left turn) and putting the Park and Ride facility and Park City Heights on the City bus route. These transportation improvements meet the requirements in the Annexation Agreement.

r. Following Wildlife recommendations as identified in the Biological Resources Overview prepared by Logan, Simpson Design, Inc. amended March 17, 2011.

s. Design Guidelines approved as part of this MPD apply to all lots, with the exception of the 2 upper lots proposed to be subject to the CCRs for the Oaks at Deer Valley, or equivalent.

t. No sound barrier walls or structures along US 40 within or related to the MPD.

2. The Park City Heights MPD is subject to the Park City Heights Annexation Agreement approved by the City Council on May 27, 2010. The Annexation Agreement sets forth terms and conditions of annexation, zoning, affordable housing, land use, density, transportation and traffic, phasing, trails, fire prevention, road and road design, utilities and water, fiscal impact analysis, snow removal, fees, and sustainable

development requirements for the 239 acre Park City Heights MPD. The MPD as conditioned is in compliance with the requirements of the Annexation Agreement.

3. The Park City Heights Annexation Agreement includes a Water Agreement as an integral component. The Water Agreement sets forth terms and conditions related to water facilities, restrictions regarding water, and phasing of development as it relates to completion of water infrastructure. The MPD as conditioned is in compliance with the Water Agreement.

4. On June 17, 2010, the applicants submitted a pre-MPD application based on the annexation approval and agreement. The Planning Commission reviewed the pre-MPD application at two (2) meetings (July 14 and August 11, 2010) and found the application to be in initial compliance with applicable elements of the Park City General Plan.

5. On June 30, 2010, the applicants submitted a complete MPD application.

6. The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record as required by the Land Management Code.

7. Public hearings on the MPD were held on October 13th, November 10th, and December 8th, 2010 and on February 9th, February 23rd, March 9th and March 23rd, 2011 and on April 27, 2011.

8. The property is located within the Community Transition (CT) zone. The MPD is in compliance with all applicable requirements of the CT zone, including density, uses, building setbacks, building height, parking, open space, affordable housing, and sustainable development requirements.

9. Access to the site is from Richardson Flat Road, a public road previously known as Old Dump Road. No access is proposed to the currently unimproved US 40 frontage road (UDOT) along the east property line. No roads are provided through the Park City Heights MPD to the Oaks, Royal Oaks, or any other neighborhood within the Deer Valley MPD, consistent with the Annexation Agreement. [A new access easement has been requested by the Fire District to provide a possible future link for the Parcel to the south to be determined at the time of the Final plat for Phase 2. Only if the parcel is annexed will the easement be granted.](#) This will enable the Parcel to the south to have two (2) ingress/egress points from Richardson Flat Road, in the event the parcel is [aAnnexed to Park City in the future.](#)

10. Utilities are available in the area, however extension of utilities or utility upgrades to the development site are required. A final utility plan will be submitted with the final subdivision plats to be reviewed by the Interdepartmental and Utility Service providers Development Review Team. City Staff will provide utility coordination meetings to ensure that utilities are provided in the most efficient, logical manner and that comply with best practices, including consideration of aesthetics in the location of above ground utility boxes. Location of utility boxes shall be shown on the final utility plans. The MPD

phasing plan shall be consistent with conditions of the Annexation Agreement related to provision of public services and facilities.

11. The MPD includes 1) a paved connector trail on the south side of and separated from Richardson Flat Road, from the project to the Rail Trail, 2) a paved connector trail on the north side of and separated from Richardson Flat Road, from the SR 248 underpass to the Rail Trail, 3) a trail connection from trails within the project to the south property boundary line, 4) a trail easement along the north side of and separated from Richardson Flat Road from the Rail Trail to the east property boundary line, and 5) several miles of paved and soft surfaced trails throughout the development. All trails will be constructed by the developer consistent with the Park City Trails Master Plan.

12. The MPD includes a dedicated neighborhood public park to be constructed by the developer according to the City's parks plan, and as further directed by the City Council. Bathrooms are provided at the clubhouse with exterior access for the park users.

13. Parking within the MPD is proposed at two spaces per unit within private garages. Additional surface parking is provided for guests, the community gardens/park area, and the neighborhood clubhouse/meeting area. The streets have been designed to allow for parking on one-side per the City Engineer. Final street design will be determined at the time of the final plat and additional off-street guest parking areas will be incorporated into the design.

14. The proposed MPD density of 1 unit per acre complies with the density allowed by the CT zone. (239 units on 239 acres) The net density is 0.82 units per acre (195 units on 239 acres), excluding the 44 required deed restricted housing units. The density is consistent with the Annexation Agreement. If the additional 35 deed restricted affordable units are included in this analysis the net density is 0.67 units per acre (160 units on 239 acres).

15. The LMC requires a Sensitive Lands Analysis for all Master Planned Development applications. The MPD application included a Sensitive Lands Analysis.

16. A portion of property is located within the designated SR 248 Entry Corridor. This area is identified in the MPD as open space and all required entry corridor setbacks of 200' are complied with.

17. The property contains SLO designated steep slopes, ridgelines and wetland areas. These areas are identified in the MPD as open space areas and all required wetland and stream setbacks are complied with.

18. A wildlife study was conducted and a report (December 2010) was prepared by Logan Simpson Design, Inc. A revised report was prepared on March 17, 2011. The wildlife study addresses requirements of the Land Management Code and provides recommendation for mitigation of impacts on wildlife. An updated report was submitted by Logan Simpson Design, Inc on July 7, 2011. The purpose of the updated report was to provide additional recommendations on mitigating impacts of the development on the

wildlife in the area; to validate the observations of the earlier biological reports; to further study and identify wildlife movement corridors, evidence of species of high public interest such as Elk, Moose, Deer, and other small mammals; locations of dens or nesting sites; and to identify any areas of high native species diversity.

19. The site plan complies with the minimum MPD required 25' setback around the perimeter of the property. Setbacks range from 25' to 690' (greater to the south property line).

20. The locations of the proposed units are consistent with the MPD site planning and Sensitive Lands Overlay criteria.

21. The property is visible from the designated LMC Vantage point along State Road 248 and a visual analysis was conducted by the applicant from this Vantage point. Additional visual analysis was provided from the intersection of Richardson Flat Road and SR 248. Units along the western perimeter are most visible along the minor ridge from SR 248. Any units that are over the 28' height limit as measured in the zone will be required to obtain an Administrative Conditional Use Permit.

~~22. Structures containing more than four units and future non-residential structures on Parcels I and J will be more visible due to the location along Richardson Flat Road and the potential massing. Additional review through the conditional use process is warranted for these parcels and uses.~~

23. Design Guidelines for the Park City Heights MPD address site planning, setbacks, house sizes, architecture and design, sustainability and best practices, landscaping and water conservation, and other requirements of the Annexation Agreement.

24. A comprehensive traffic study and analysis of the Property and surrounding properties, including existing and future traffic and circulation conditions was performed by the Applicant's traffic consultant, Hales Engineering, dated June 7, 2007, on file at the Park City Planning Department. An updated traffic volume and trip generation report was provided by Hales Engineering on September 27, 2010. An additional traffic update was provided in 2008 by InterPlan Co at the request of the City Transportation Department. The Hales Engineering study was utilized during the annexation process in the determination of density and requirements for traffic and transportation related impact mitigations. The City's Transportation Department ~~is preparing~~prepared a Short Range Transit Development Plan to studying demand for transit, routes, efficiency of the transit system, etc. ~~to be completed in ?July of 2011.~~ This Transit Plan will addresses the timeline for bus service in the Quinn's Junction area. The City's Transportation Master Plan update will include the projected traffic from Park City Heights MPD in the recommendations for transportation improvements within the City.

25. Construction traffic is required to be addressed in the Construction Mitigation Plan.

26. A Geotechnical Study for the Park City Heights Development was provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. (June 9, 2006). Expansive clay

soils were encountered across the site in the upper two and one-half to nine and one-half feet. Shallow bedrock was found within portions of the site. Special construction methods, removal of these unsuitable soils, and other mitigations are spelled out in the Study. Further soils investigation work was conducted and a Site Characterization Report was prepared by IHI Environmental (May 6, 2013) to identify and locate historic mine soils and to draft a remediation plan to submit to the State Department of Environmental Quality as part of the Voluntary Cleanup Program.

27. A Fire Protection Report (March 2011) identifies potential Wildland urban interface areas within the MPD. Prior to issuance of building permits the Building Department will review individual building fire protection plans for compliance with recommendations of the Fire Protection Report and applicable building and fire codes. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by development of the site.

28. Affordable housing obligations of the MPD are consistent with the affordable housing described by the Park City Heights Annexation Agreement, Housing Resolution 17-99 and as required by the CT zone. The MPD provides up to an additional 35 deed restricted housing units over the 28 deed restricted townhouse units (44.78 affordable unit equivalents (AUE) required by the IHC MPD and the 16 deed restricted units (32 AUE) required by the CT zone for the 160 market rate units). These affordable units are configured as a mix of single-family detached, **duplexes**, cottage units, and attached townhouse units. The additional 35 non-required deed restricted affordable units are proposed to be a mix of unit types configured as the small lot Park homes as part of this MPD consistent with the needs described in Housing Market Assessment for Park City, dated September 2010. All units are proposed as for sale units. As part of the mix of unit types, rental housing will be considered consistent with the needs described in the September 2010 Housing Market Assessment. Defining the configuration of units to be as follows:

- a. 35 Deed restricted units will be configured as Ssmall Lot Single Family Detached Park Homes.
- b. 28 Deed restricted townhouse units will be configured as attached Four-plex Park Homes.
- c. 16 Deed restricted units will be configured as Single Family Detached Cottage Homes dispersed throughout the development.

29. No building height exceptions have been requested and all buildings will comply with the height limitations of the CT zone.

30. Lots have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as further described in the Park City Heights Design Guidelines.

31. Utilities must be extended to the site to sustain the anticipated uses. Thirty (30') foot wide non-exclusive utility easements are generally necessary for long term maintenance

and shall be dedicated on the final subdivision plats. Off-site improvements are necessary to serve the site with utilities.

32. Off-site trail and intersection improvements may create traffic delays and potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general. Construction Mitigation Plans are required and shall be required to include mitigation for these issues.

33. A Construction Mitigation Plan (CMP) is necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control and storm water management.

34. Final road designs will be provided to the Planning Commission for review with the final subdivision plats. To minimize visual impacts and to minimize disturbance of existing vegetation due to large areas of cut and fill slopes, low retaining structures (in steps of 4' to 6') are recommended. These low retaining structures may be stepped to minimize their height. Design of these retaining structures is included in the PC Heights Design Guidelines to ensure consistency of design, materials, and colors throughout the development.

35. A storm water run-off and drainage plan is necessary to ensure compliance with Park City's Storm Water Management [policies and plans](#) and storm water Best Management Practices for storm water during construction and post construction with special considerations to protect the wetlands delineated on and adjacent to the site.

36. A financial guarantee for all landscaping and 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 in a timely manner. This financial guarantee is required prior to building permit issuance.

37. Parcels I and J ~~were~~ **are** identified on the [original](#) preliminary subdivision plat as potential future [support](#) commercial and/or child care center or similar uses pad sites. These parcels are currently used as a temporary, dirt parking lot. Construction of a daycare center is not the responsibility of the applicant/developer of Park City Heights. [The required repository does not leave sufficient room for these parcels as support commercial and/or child care center as well as the proposed 35 attainable small lot Park Homes and they have been deleted as future support commercial and/or daycare center development sites. These parcels are the location of the Small Lot Park Homes.](#)

38. A master sign plan is required for Planning Department review and approval and all individual signs, including subdivision identification signs, require a sign permit prior to installation.

39. Sound mitigation may be desired by owners of units along US 40. Conditions of approval prohibit sound barrier walls within the MPD. However, other sound mitigation measures may be accomplished with landscaping, berming, smart housing design and insulation, and sound barriers constructed as part of the dwelling units.

40. Section 15-6-4 (G) of the LMC states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement.

41. The applicant stipulates to the conditions of approval.

42. The discussion in the Analysis sections of this report and the Analysis sections of the March 23, 2011 Planning Commission Staff Report (Exhibit A) are incorporated herein.

43. The applicants have met with Rocky Mountain Power and have increased the Rocky Mountain Power line setbacks as required by this Utility.

44. The site plan for the proposed MPD has been designed to minimize the visual impacts of the development from the SR 248 Entry Corridor and has preserved, through open space, the natural views of the mountains, hillsides and natural vegetation consistent with Park City's "resort character".

45. The 171.5 acres of open space adjacent the development, the trail connections and improvements, and proposed neighborhood public park, as conditioned, will provide additional recreational opportunities to the Park City community and its visitors, which strengthens and enhances the resort character of Park City.

46. The opportunities for mixed affordable housing types, including rental units, within the development will strengthen the resort economy by providing attainable housing options in a sustainable and energy efficient community for workers in Park City's tourism/resort based industries.

47. Surrounding uses include open space, Highway 248, US 40, the Rail Trail, the Municipal Water Treatment Plant, Quinn's recreation complex (fields and ice rink), and the IHC medical center and offices.

48. The MPD provides direct connection to and critical improvements of the Rail Trail and provides alternative transportation opportunities for recreation and commuting, such as biking, walking, in-line skating, and cross country skiing to Park City's business district at Prospector Square (within 2 miles) and to the IHC medical complex.

49. The MPD provides for remediation of historic mine soils for the good of the greater Park City community.



### Conclusions of Law

1. The amended MPD, as conditioned, complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Chapter 6- Master Planned Developments Section 15-6-5 as stated in Exhibit A, March 23, 2011 Planning Commission Staff Report.
2. The amended MPD, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.
3. The amended MPD, as conditioned, is consistent with the Park City General Plan.
4. The amended MPD, as conditioned, is consistent with the Park City Heights Annexation Agreement in terms of uses, density, housing types, site plan, affordable housing, open space, trail connections, road and intersection improvements, interconnectivity within the neighborhood, and provided neighborhood amenities.
5. The amended MPD, as conditioned, strengthens and enhances the resort character of Park City by providing a residential neighborhood of mixed housing types and prices connected by trails to parks, schools, recreation facilities, employment centers, medical facilities, and commercial areas and that is buffered by larger interconnected areas of open space that preserve entry corridor views of the resort areas and provide wildlife movement corridors.
6. The amended MPD, as conditioned, is Compatible in use, scale and mass with adjacent properties, and promotes neighborhood Compatibility.
7. The amended MPD provides amenities to the community so that there is no net loss of community amenities in that trail improvements, parkland, affordable housing, potential for neighborhood support daycare/commercial are provided, and remediation of historic mine soils on the site will be undertaken at a benefit to the community at large.
8. The amended MPD is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed. Additional affordable house, above that required is provided within the neighborhood.
9. The amended MPD has been designed to place Development on the most Developable Land and preserves significant features and vegetation to the extent possible. Seventy percent of the property remains in open space, with much of the undeveloped land containing significant vegetation and characterized by steeper slopes, visible hillsides, and sensitive ridgeline areas.
10. The amended MPD promotes the Use of non-vehicular forms of transportation through the pedestrian friendly site design and by providing trail connections, sidewalks, access to the Rail Trail, and easy access to parks and open space areas.

11. The MPD and MPD amendments have ~~has~~ been noticed and public hearings held in accordance with the LMC.

#### Conditions of Approval

1. All standard project conditions shall apply (Attached).
2. A final subdivision plat for each phase, or sub phase, of development shall be submitted for review by the Planning Commission and City Council and shall be recorded prior to issuance of building permits for individual units within that plat. The plats shall be consistent with the LMC, preliminary plat and the PC Heights site plan and documents reviewed and approved by the Planning Commission during the MPD approval. Final street design, including final cut and fill calculations and limit of disturbance areas, shall be submitted with all final subdivision plats to be reviewed and approved by the Planning Commission during final subdivision review. Off-street guest parking areas shall be identified on the final plats.
3. A limit of disturbance area (LOD), maximum building footprint and/or house size limitation and a setback requirement table for the lots shall be included on the final plats consistent with the Park City Heights Design Guidelines.
4. A note shall be added to the final plats stating that a landscape plan shall be submitted for City review and approval for each lot, prior to building permit issuance for that lot.
5. A note shall be added to the final plats stating that all units (including all deed restricted units) shall be constructed to, National Association of Home Builders National Green Building Standards Silver Certification (or other equivalent Green Building certification approved by the Planning Director) OR reach LEED for Homes Silver Rating (minimum 60 points). Green Building Certification or LEED rating criteria to be used shall be those applicable at the time of the building permit submittal.

In addition to meeting Green Building or LEED for Homes checklists and in order to achieve water conservation goals, each house must either: 1) achieve at a minimum, the Silver performance Level points within Chapter 8, Water Efficiency, of the National Association of Home Builders National Green Building Standards; OR 2) achieve a minimum combined 10 points within the 1) Sustainable Sites (SS2) Landscaping and 2) Water Efficiency (WE) categories of the LEED for Homes Checklist. Points achieved in these resource conservation categories will count towards the overall score.

Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.

~~shall be constructed to LEED for Homes Silver rating, as stated in the Annexation Agreement, with each unit also achieving a minimum combined 10 points for water efficiency/conservation. Third party inspection will be provided to confirm compliance with the standards. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.~~

6. A final landscaping and irrigation plan for common areas shall be submitted with the final plats for each phase. Entry and perimeter landscaping shall be completed within six (6) months of issuance of the first building permit, weather and ground conditions permitting. Other Project landscaping, shall be completed within nine (9) months of issuance of 50% of building permits or within six (6) months of any individual Certificate of Occupancy. Landscaping materials and irrigation shall comply with the requirements of the Annexation Agreement, including the Water Agreement, and the Park City Heights Design Guidelines.

7. All exterior building materials, colors and final design details must comply with the approved Park City Heights Design Guidelines and shall be approved by staff prior to building permit issuance.

8. All exterior lighting, including any street and/or path lighting shall be designed to limit the trespass of light into the night sky as much as possible and shall conform to the LMC Sections 15-5-5-(l) and 15-3-3(c) and the Park City Heights Design Guidelines.

9. All exterior lighting, with the exception of bollard lighting at the park shall be privately maintained.

10. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall address construction phasing, staging, storage of materials, circulation and traffic, parking, service and delivery, re-vegetation of disturbed areas, temporary signs and construction lighting, hours of operation, dust and mud control, storm water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service. The CMP shall include a site and landscape plan for the sales office building (either within the clubhouse or within a finished unit) to address landscaping, lighting, and parking for the sales office. Construction Mitigation Plans shall provide mitigation measures for traffic delays and potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general.

11. The CMP shall address disposal and treatment of all excavated materials. The capping of exposed soils within the City's Soils Ordinance Boundary is subject to all applicable regulations and requirements of the Park City Soils Ordinance Title 11, Chapter 15- Park City Landscaping and Maintenance of Soil Cover. A detailed Limit of

Disturbance (LOD) plan shall be submitted as part of the CMP. The Limits of Disturbance for the entire site shall be minimized to the greatest extent possible, using best construction practices, and shall include the use of additional low retaining walls and steeper slopes to prevent unnecessary disturbance of native vegetation.

12. A construction recycling area and an excavation materials storage area shall be provided within the development to reduce the number of construction trips to and from the development. This condition applies at a minimum to the first two phases of development and may be waived for subsequent phases of development upon request by the applicant and upon review by the Planning, Building, and Engineering Departments.

13. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed pre-development drainage conditions and special consideration shall be made to protect the wetlands delineated on and adjacent to the site.

14. Maintenance of sidewalks (including, without limitation, snow removal), trails, lighting, and landscaping within the rights-of-way and common areas, with the exception of the Public Park and public trails, shall be provided by the HOA, unless otherwise agreed upon by the City Council. Language regarding ownership and maintenance of the open space and common areas shall be included on the final subdivision plats.

15. A financial guarantee, in a form and amount acceptable to the City and in conformance with the LMC Subdivision Regulations, for the value of all public improvements, pedestrian amenities and trails, sidewalks, bus stop amenities, landscaping (including landscaping to re-vegetate and re-landscape areas disturbed by construction related to the MPD) to be completed according to the final approved plans shall be provided to the City prior to building permit issuance for new construction within each phase of construction. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.

16. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD review, shall be submitted with the final subdivision plats. Utility plans shall be reviewed by the Interdepartmental staff members and the utility service providers as the Development Review Team. Utilities for the MPD shall be placed underground.

17. The City Engineer shall review and approve all associated utility and public improvements plans (including streets and sidewalks, grading, drainage, trails, public necessity signs, street signs and lighting, and other required items) for compliance with the LMC and City standards as a condition precedent to final subdivision plat recordation. This shall include phasing plans for street construction to ensure adequate fire turn-around that minimize disturbance of native vegetation. Due to expansive soils

in the area, grading and drainage plans shall include a comprehensive lot drainage plan for the entire phase of each final subdivision plat.

18. Above ground utility boxes must be shown on the final utility plans. The location of these boxes shall comply with best practices for the location of above ground utility boxes. These boxes shall be located in the most efficient, logical, and aesthetic locations, preferably underground. If located above ground the boxes shall be screened to minimize visual impacts and locations shall be approved by the City Engineer.

19. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plats, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.

20. All construction, including grading and trails, within the Park City Soils Ordinance area shall comply with restrictions and requirements of the Park City Soils Ordinance (Municipal Code Title 11, Chapter 15).

21. Trail improvements necessary to connect the Rail Trail to the Hwy 248 tunnel trail on the north side of Richardson Flat Road, as well as the trail connection from the Rail Trail to the public park on the south side of Richardson Flat Road, will likely impact the wetlands in this area. Precedent to issuance of a building permit for these trails a wetlands impacts and enhancements plan shall be reviewed by the Planning Staff. All required wetlands permits shall be obtained from the required agencies.

22. Mitigation for the disturbance of any wetland areas shall be identified on the trail construction plan and shall include enhancements of wetlands as an amenity feature for users of the trail system.

23. Enhancements to wetland areas and other disturbed areas within the MPD could include but are not limited to educational signs, such as identification of plants and animals, ecological processes, wetlands ecology, and insights into seasonal changes to the landscape; plantings that encourage and/or provide food sources for wildlife; additional on-site water sources; clean up of degraded areas; and new nesting habitat/bird and small mammal boxes.

24. Lots 89 and 90 of the amended preliminary subdivision plat ~~have been~~ shall be shifted to match the trail phasing plan to locate the trail connection on the open space.

25. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006, Geotechnical Study for the Park City Heights Development provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Special construction methods, removal of unsuitable soils, and other mitigation measures are recommended in the Study. Additional soils studies and geotechnical reports may be required by the Building Department prior to issuance of building permits for streets, utility installation, and structures.

26. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit.

27. Fire protection and emergency access plans shall be submitted prior to the issuance of any building permits and shall be consistent with applicable building and fire codes and shall take into consideration the recommendations of the Fire Protection Report (March 2011). The fire protection plans shall include any required fire sprinkler systems and landscaping restrictions within the Wildland interface zones. The plans shall ensure that Park City's ISO rating is not negatively affected by the development.

28. A limit of disturbance area shall be identified during the building permit review and construction fencing will be required to mitigate construction impacts. Silt fencing is required during construction in areas where run-off and construction may impact adjacent wetlands, water ways, and undisturbed areas as determined by the Building Department.

29. Trail easements for all proposed trails in the MPD shall be platted on the final recorded subdivision plats. All trails shall be constructed consistent with the Park City Trails Master Plan and the Snyderville Basin Trails Master Plan. Connections to undeveloped property to the south providing future connections to the Wasatch County shall be consistent with the Wasatch County Trails Plan.

30. Construction of the public park, trails within the first phase, trail connections to the Rail Trail on both the north and south sides of Richardson Flat road, as described in the findings, and other neighborhood amenities associated with the first phase, shall commence upon issuance of the 40th building permit for Phase I (as described in the Annexation Agreement) and shall be complete within 9 months from commencement of construction, unless otherwise directed by City Council. In subsequent phases, trails, amenities, and other improvements shall be completed prior to issuance of 50% of the certificates of occupancy for the units within that phase, or as otherwise stated in the Development Agreement.

31. The neighborhood public park shall be developed in accordance with standards set forth and required by the City Council, Recreation Advisory Board and city standards. A minimum area of 100 by 80 yards shall be initially free from fixed improvements until final field design is approved or further conditioned at subdivision approval. The park will include bathrooms in the club house with exterior access for park users.

32. An Affordable Housing Plan, consistent with the Park City Heights Annexation Agreement and as required by LMC Section 15-6-5 (J), shall be reviewed by the Planning Commission and a recommendation shall be forwarded to the Park City Housing Authority. The Park City Housing Authority shall approve the final Park City Heights Affordable Housing Plan prior to issuance of any building permits for units within the MPD.

33. As a condition precedent to receiving a certificate of occupancy for any market rate unit the City shall be provided with proof of compliance with the approved Affordable Housing Plan.

34. A master sign plan for the neighborhood shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any individual sign permits.

35. No sound barrier walls or structures along Hwy 40 are permitted within the MPD. To the extent sound mitigation measures are utilized within the MPD, such measures shall be limited to landscaping and berms, energy efficient housing design and insulation, and sound mitigation constructed as part of the design of the dwelling units and shall be reviewed by the Planning Department for compliance with the Design Guidelines.

36. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire ~~two years from the date of execution of the Development Agreement on October 26, 2014,~~ unless Construction, as defined by the Uniform Building Code, has commenced on the project.

37. Pursuant to Section 15-6-4 (G) of the LMC, once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be ratified by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.

38. The Park City Soils Boundary shall be identified on the final plats (if applicable).

39. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement.

40. No through roads may be provided through the Park City Heights MPD to the Deer Valley MPD subdivisions.

41. A re-vegetation plan for ~~all disturbed areas (existing and newly disturbed) that are not landscaped with finished landscaping~~ ~~Parcels I and J and the open space parcel at the northeast corner of the development area of Phase I~~ shall be submitted with the final road and utility plans ~~for each phase~~. Re-vegetation ~~of all disturbed areas within Phase One, that are not planned to be landscaped with finished landscaping, such as road and utility installation, soil remediation, other existing disturbed areas, of these parcels~~ shall be completed prior to issuance of the 28th certificate of occupancy for the Park City Heights MPD. If this area is used as a construction staging, construction recycling area, and excavated materials storage area, a new construction staging area will need to be approved by the Planning Department for the remainder of Phase I and for subsequent phases and shall be re-vegetated in a like manner with the issuance of certificates of occupancy for the final units in the respective phase.

42. Noxious weeds shall be managed per the Summit County noxious weeds ordinances during construction and in perpetuity by including regulations in the CMP, Design Guidelines, and CCRs.

43. One additional site visit ~~is was~~ required by certified biologists during May or June 2011 to: a) validate the observations of the preliminary biological report and, b) to further study and identify wildlife movement corridors, evidence of species of high public interest (Elk, Moose, Deer, and other small mammals), locations of den or nesting sites, and any areas of high native species diversity. The report, provided to the Planning Department by Logan Simpson Design Inc. on July 7, 2011, included additional recommendations on mitigating impacts of the development on wildlife and wildlife corridors. The report ~~shall was be~~ provided to the Planning Department on July 7, 2011. prior to issuance of any grading or building permits.

44. Clearing and grubbing of vegetation and soils shall be minimized from April through July to avoid disturbance of nesting birds, unless a detailed search for active nests is conducted and submitted to the Planning Director for review by a certified wildlife biologist and any active nests are protected during construction.

45. ~~As a condition precedent to building permit issuance for any structure containing more than 4 units, and for any non-residential structure proposed to be constructed on Parcels I and J of the preliminary subdivision plat, a conditional use permit shall be approved by the Planning Commission. Condition of approval stricken with the amendment as Parcels I and J are eliminated. Left blank intentionally.~~

46. Due to the visual exposure of these lots on the minor ridge, as a condition precedent to building permit issuance for construction of a house on the western perimeter lots, namely Lots 23, 24, 30, 31, 66, 67, 76 and 77 of the preliminary subdivision plat prepared by Ensign and dated 1/17/11, a conditional use permit shall be obtained if proposed building heights are greater than 28 feet. Lots 23, 24, 30, 31, 66 and 67 have been moved down the hill farther away from the minor ridge as much as possible and the concern for visual exposure is lessened with the revised plan. Lots 76 and 77 remain the same.

47. The applicants shall approach the adjacent property owner to the west to explore a mutually agreeable plan for incorporating the parcel into the Park City MPD and transferring density to the Park City Heights neighborhood in exchange for open space designation of this highly sensitive and visible parcel of land and the potential to relocate the upper western cul-de-sac to a less visible location.

48. All work within the Rail Trail ROW requires review by and permits issued by the Utah State Parks/Mountain Trails Foundation, in addition to the City. The Rail Trail shall remain open to pedestrians during construction to the extent possible.

49. High energy use amenities, such as snow melt systems, heated driveways, exterior heated pools and fireplaces, shall require energy off-sets and/or require the power to be



from alternative energy sources, as described in the Park City Heights Design Guidelines.

50. All conditions, requirements, and stipulations of the Park City Heights Annexation Agreement and Water Agreement continue to apply to this MPD.

51. The final MPD phasing plan shall be consistent with conditions of the Water Agreement as to provision of public services and facilities.

52. All transportation mitigation requirements, as stated in the Annexation Agreement, continue to apply to this MPD.

53. The Applicant must meet all applicable bonding requirements.

54. Bus shelters on both the north and south sides of Richardson Flat Road shall be constructed within 60 days of issuance of the 40th certificate of occupancy. The shelter design and location shall be approved by the City Planning, Engineering, Building, and Transportation Departments and shall include a sign with the phone number of the Park City Bus service dial-a-ride. Information regarding the dial-a-ride service shall be posted within the shelters.

55. Sheet c4.0 (LOD Erosion Control Plan) shall be amended as follows: Note 1 shall read that the LOD for roadways is not to extend beyond 3' from the cut/fill limits as shown on the plan. Note 2: A 4 to 6 foot engineered wall shall be used in areas outside the limits of future home and driveway construction and where proposed cut/fill is in excess of 10' vertical as measured from the top back of curb to cut/fill catch point. Note 3: Proposed retaining walls shall not exceed 6 feet where they are necessary. A system of 4' to 6' walls with no individual wall exceeding 6', (i.e. tiered walls) may be used. The walls shall be separated by a 3' landscaped area from top back of lower wall to toe of upper wall. Note 4: Exceptions to these standards may be granted by the Planning Commission at the time of final subdivision plat review as necessary to minimize overall total disturbance.

56. House size limitations for all lots within the MPD shall be identified in the Design Guidelines subject to further appropriate reduction if found necessary during the final subdivision plat process, taking into consideration the size of the lots, visibility of the lots from the LMC Vantage Points, solar access of adjacent lots, onsite snow storage, and ability to achieve LEED for Homes Silver rating to meet the applicable standards of LMC 15-7.3-3.

Nothing herein shall preclude the applicant from proposing alternative methods of mitigation. Specifically, and without limitation, the Design Guidelines shall provide that house sizes of the Homestead lots shall be no greater than the following: (as delineated below by lot numbers per the preliminary plat prepared by Ensign and dated 1/17/11)

Lots 58 thru 66- 4000 square feet

Lots 130 thru 154- 4000 square feet

Lots 163 thru 164- 4000 square feet  
Lots 70 thru 72- 5000 square feet  
Lots 105 thru 129- 5000 square feet  
Lots 155 thru 156- 5000 square feet  
Lots 77 thru 98- 6000 square feet

The Design Guidelines shall reflect a preference for smaller homes consistent with (a) “best practices” in sustainable design and development to address the materials and energy impacts of larger homes and (b) the historic pattern of residential development in Old Town.

57. The Park City Heights Design Guidelines ~~were shall be~~ approved by the Planning Commission prior to ~~the submittal~~ ratification of the Development Agreement ~~to by~~ the Planning Commission and shall be used to review all before any activity ~~and~~ permits ~~can be pulled for compliance with the MPD. for the MPD. No pre-development work, including grading, clearing, etc. can occur prior to approval of the Design Guidelines by the Planning Commission.~~

58. The Park City Heights Design Guidelines are an integral component of the Park City Heights MPD and substantive amendments to the Design Guidelines require Planning Commission approval. Minor amendments shall be reviewed by the Planning Director for consideration and approval.

59. Adequate snow storage easements, as determined in consultation with the Park City Public Works, will be granted to accommodate for the on-site storage of snow. Snow storage shall not block internal pedestrian sidewalks and circulation trails. Removal of snow from the Park City Heights MPD is discouraged with the final decision to haul snow from this area to be made by the City’s Public Works Director. The soil repository shall not be utilized for snow storage. Stormwater detention areas to the west of the designed repository shall be allowed to be utilized for snow storage as well as stormwater.

60. To further encourage non-vehicular transportation, trail maps will be posted in the clubhouse for the benefit of future residents. There will also be a ride-share board located within the clubhouse that residents may utilize in order to plan carpooling which will further limit trips from the development. The dial-a-ride phone number shall be posted at the ride-share board. The HOA shall post information and consider a bike-share program.

61. The Park City Heights Design Guidelines and CCRs shall include information related to the history of the site and Quinn’s Junction region.

62. All transportation mitigation elements, as required by the Park City Heights Annexation Agreement (July 2, 2010) continue to apply to this MPD. The Applicants, as required by the Annexation Agreement, shall complete, with the first Phase (first 90 UEs) of the MPD (as described in the Annexation Agreement), the SR248/Richardson Flat intersection improvements with all required deceleration and acceleration lanes;

and shall include the required infrastructure (fiber optic, control boxes, computer links, etc.) to synchronize this traffic signal with the UDOT coordinated signal system on SR 248, within the Park City limits at the time of this MPD. At the time the traffic signal is installed, the Applicants shall request in writing that UDOT fully synchronize signals along SR 248, with supporting data as applicable. Required improvements to Richardson Flat Road, including 5' wide bike lanes, as stated in the Annexation Agreement, shall be complete with the first Phase (first 90 UEs) of the MPD. The cost sharing methodology between the Applicants and any assigns, for these mitigation elements, shall be detailed in the Park City Heights Development Agreement. The Applicant shall provide an annual assessment of traffic counts and bus needs generated by the MPD for five (5) consecutive years following issuance of the first certificate of occupancy. The applicants shall participate with the City to conduct an annual assessment, which shall include peak period counts of both summer and winter traffic in the vicinity of the SR 248/Richardson Flat Road intersection, and submit such to UDOT. This information shall be coordinated with best available UDOT data and analysis. This assessment shall be incorporated into ongoing Park City Transportation Master Plan and the Park City Transit planning efforts with UDOT. This information shall be presented annually to the Planning Commission in conjunction with an update of the City Transportation Master Plan.

63. A new access easement shall be provided on the Phase 2 Final plat to provide possible future access for the Parcel to the south with the exact location to be determined at the time of the Final Phase 2 plat with use to be restricted to properties that are within the Park City Municipal Boundary.

64. Prior to commencing any work to remediate metals impacted soils, a copy of the Utah Department of Environmental Quality approved remediation plan, prepared as part of the Utah Voluntary Clean-Up Program (VCP), shall be provided to the City.

65. The results and report of the soils investigation work prepared by IHI Environmental (May 6, 2013) that identifies and locates historic mine soils, and the remediation plan submitted to and approved by the State Department of Environmental Quality as part of the Voluntary Cleanup Program, shall be provided to the Building Department prior to issuance of any building permits for development of streets, utilities, lots, trails, parks, and all construction that requires disturbance of soil.

66. All required disclosure requirements shall be provided to prospective buyers and information regarding the soil repository shall be provided to home buyers and shall be posted on a community notice board in the clubhouse.

### **Exhibits**

Exhibit A- October 9, 2013 Staff report and Exhibits (**not attached- please see the packet from the October 9<sup>th</sup> meeting**)

Exhibit B- Revised preliminary plat (10/15/13)

Exhibit C- Revised MPD Concept site plan (July 2013)

Exhibit D- Spring Animal and Plant Survey for Park City Heights July 7, 2011

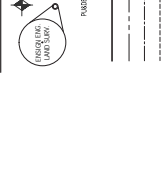
Exhibit E- Design Guideline amendments



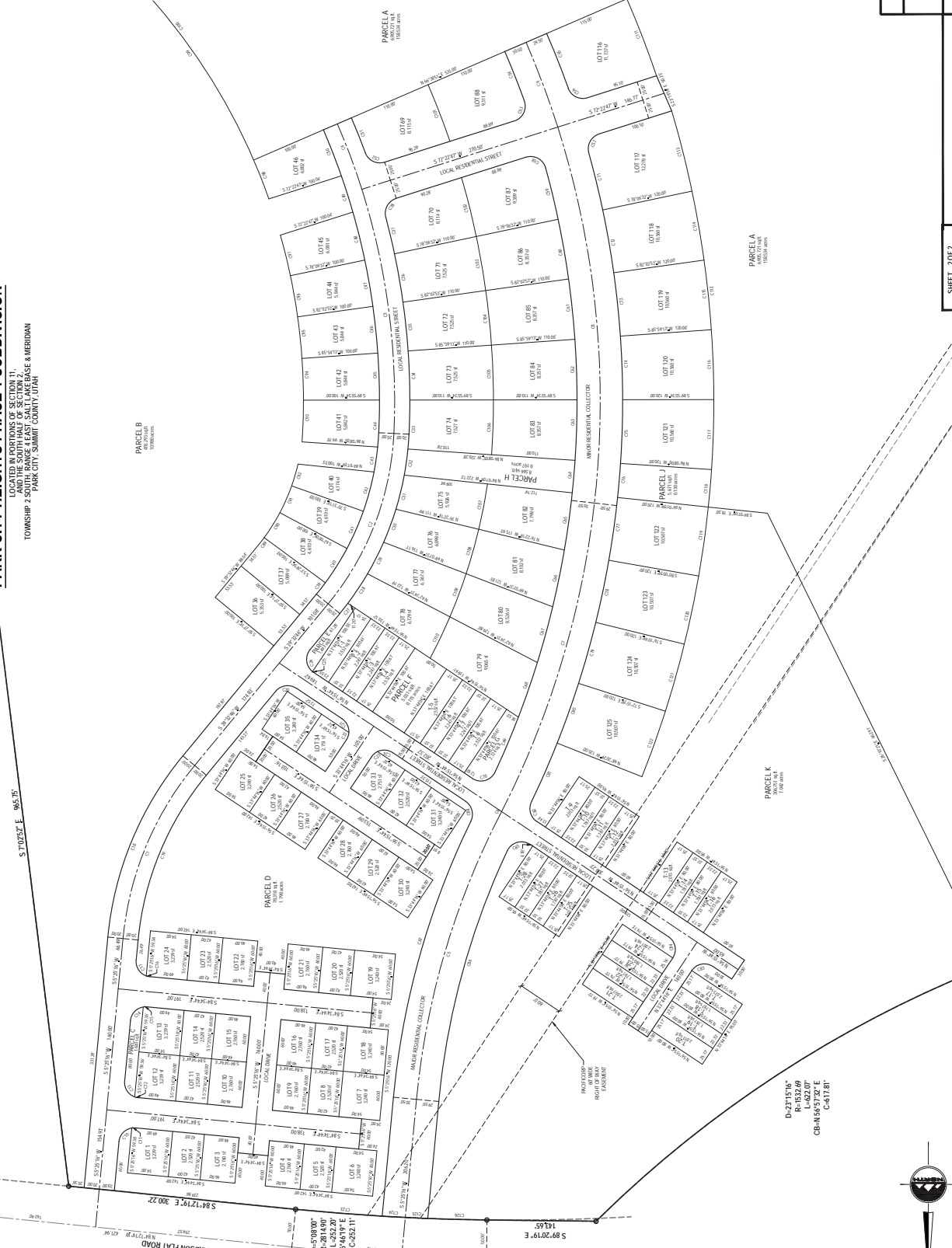
# PARK CITY HEIGHTS PHASE 1 SUBDIVISION

LOCATED IN PORTIONS OF SECTION 11,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

### LEGEND



CONVEYANCE	SECTION	TRACT	AREA	ACRES	CONVEYANCE	SECTION	TRACT	AREA	ACRES
1	11	1	1.0000	22.9569	1	11	1	1.0000	22.9569
2	11	2	1.0000	22.9569	2	11	2	1.0000	22.9569
3	11	3	1.0000	22.9569	3	11	3	1.0000	22.9569
4	11	4	1.0000	22.9569	4	11	4	1.0000	22.9569
5	11	5	1.0000	22.9569	5	11	5	1.0000	22.9569
6	11	6	1.0000	22.9569	6	11	6	1.0000	22.9569
7	11	7	1.0000	22.9569	7	11	7	1.0000	22.9569
8	11	8	1.0000	22.9569	8	11	8	1.0000	22.9569
9	11	9	1.0000	22.9569	9	11	9	1.0000	22.9569
10	11	10	1.0000	22.9569	10	11	10	1.0000	22.9569
11	11	11	1.0000	22.9569	11	11	11	1.0000	22.9569
12	11	12	1.0000	22.9569	12	11	12	1.0000	22.9569
13	11	13	1.0000	22.9569	13	11	13	1.0000	22.9569
14	11	14	1.0000	22.9569	14	11	14	1.0000	22.9569
15	11	15	1.0000	22.9569	15	11	15	1.0000	22.9569
16	11	16	1.0000	22.9569	16	11	16	1.0000	22.9569
17	11	17	1.0000	22.9569	17	11	17	1.0000	22.9569
18	11	18	1.0000	22.9569	18	11	18	1.0000	22.9569
19	11	19	1.0000	22.9569	19	11	19	1.0000	22.9569
20	11	20	1.0000	22.9569	20	11	20	1.0000	22.9569
21	11	21	1.0000	22.9569	21	11	21	1.0000	22.9569
22	11	22	1.0000	22.9569	22	11	22	1.0000	22.9569
23	11	23	1.0000	22.9569	23	11	23	1.0000	22.9569
24	11	24	1.0000	22.9569	24	11	24	1.0000	22.9569
25	11	25	1.0000	22.9569	25	11	25	1.0000	22.9569
26	11	26	1.0000	22.9569	26	11	26	1.0000	22.9569
27	11	27	1.0000	22.9569	27	11	27	1.0000	22.9569
28	11	28	1.0000	22.9569	28	11	28	1.0000	22.9569
29	11	29	1.0000	22.9569	29	11	29	1.0000	22.9569
30	11	30	1.0000	22.9569	30	11	30	1.0000	22.9569
31	11	31	1.0000	22.9569	31	11	31	1.0000	22.9569
32	11	32	1.0000	22.9569	32	11	32	1.0000	22.9569
33	11	33	1.0000	22.9569	33	11	33	1.0000	22.9569
34	11	34	1.0000	22.9569	34	11	34	1.0000	22.9569
35	11	35	1.0000	22.9569	35	11	35	1.0000	22.9569
36	11	36	1.0000	22.9569	36	11	36	1.0000	22.9569
37	11	37	1.0000	22.9569	37	11	37	1.0000	22.9569
38	11	38	1.0000	22.9569	38	11	38	1.0000	22.9569
39	11	39	1.0000	22.9569	39	11	39	1.0000	22.9569
40	11	40	1.0000	22.9569	40	11	40	1.0000	22.9569
41	11	41	1.0000	22.9569	41	11	41	1.0000	22.9569
42	11	42	1.0000	22.9569	42	11	42	1.0000	22.9569
43	11	43	1.0000	22.9569	43	11	43	1.0000	22.9569
44	11	44	1.0000	22.9569	44	11	44	1.0000	22.9569
45	11	45	1.0000	22.9569	45	11	45	1.0000	22.9569
46	11	46	1.0000	22.9569	46	11	46	1.0000	22.9569
47	11	47	1.0000	22.9569	47	11	47	1.0000	22.9569
48	11	48	1.0000	22.9569	48	11	48	1.0000	22.9569
49	11	49	1.0000	22.9569	49	11	49	1.0000	22.9569
50	11	50	1.0000	22.9569	50	11	50	1.0000	22.9569
51	11	51	1.0000	22.9569	51	11	51	1.0000	22.9569
52	11	52	1.0000	22.9569	52	11	52	1.0000	22.9569
53	11	53	1.0000	22.9569	53	11	53	1.0000	22.9569
54	11	54	1.0000	22.9569	54	11	54	1.0000	22.9569
55	11	55	1.0000	22.9569	55	11	55	1.0000	22.9569
56	11	56	1.0000	22.9569	56	11	56	1.0000	22.9569
57	11	57	1.0000	22.9569	57	11	57	1.0000	22.9569
58	11	58	1.0000	22.9569	58	11	58	1.0000	22.9569
59	11	59	1.0000	22.9569	59	11	59	1.0000	22.9569
60	11	60	1.0000	22.9569	60	11	60	1.0000	22.9569
61	11	61	1.0000	22.9569	61	11	61	1.0000	22.9569
62	11	62	1.0000	22.9569	62	11	62	1.0000	22.9569
63	11	63	1.0000	22.9569	63	11	63	1.0000	22.9569
64	11	64	1.0000	22.9569	64	11	64	1.0000	22.9569
65	11	65	1.0000	22.9569	65	11	65	1.0000	22.9569
66	11	66	1.0000	22.9569	66	11	66	1.0000	22.9569
67	11	67	1.0000	22.9569	67	11	67	1.0000	22.9569
68	11	68	1.0000	22.9569	68	11	68	1.0000	22.9569
69	11	69	1.0000	22.9569	69	11	69	1.0000	22.9569
70	11	70	1.0000	22.9569	70	11	70	1.0000	22.9569
71	11	71	1.0000	22.9569	71	11	71	1.0000	22.9569
72	11	72	1.0000	22.9569	72	11	72	1.0000	22.9569
73	11	73	1.0000	22.9569	73	11	73	1.0000	22.9569
74	11	74	1.0000	22.9569	74	11	74	1.0000	22.9569
75	11	75	1.0000	22.9569	75	11	75	1.0000	22.9569
76	11	76	1.0000	22.9569	76	11	76	1.0000	22.9569
77	11	77	1.0000	22.9569	77	11	77	1.0000	22.9569
78	11	78	1.0000	22.9569	78	11	78	1.0000	22.9569
79	11	79	1.0000	22.9569	79	11	79	1.0000	22.9569
80	11	80	1.0000	22.9569	80	11	80	1.0000	22.9569
81	11	81	1.0000	22.9569	81	11	81	1.0000	22.9569
82	11	82	1.0000	22.9569	82	11	82	1.0000	22.9569
83	11	83	1.0000	22.9569	83	11	83	1.0000	22.9569
84	11	84	1.0000	22.9569	84	11	84	1.0000	22.9569
85	11	85	1.0000	22.9569	85	11	85	1.0000	22.9569
86	11	86	1.0000	22.9569	86	11	86	1.0000	22.9569
87	11	87	1.0000	22.9569	87	11	87	1.0000	22.9569
88	11	88	1.0000	22.9569	88	11	88	1.0000	22.9569
89	11	89	1.0000	22.9569	89	11	89	1.0000	22.9569
90	11	90	1.0000	22.9569	90	11	90	1.0000	22.9569
91	11	91	1.0000	22.9569	91	11	91	1.0000	22.9569
92	11	92	1.0000	22.9569	92	11	92	1.0000	22.9569
93	11	93	1.0000	22.9569	93	11	93	1.0000	22.9569
94	11	94	1.0000	22.9569	94	11	94	1.0000	22.9569
95	11	95	1.0000	22.9569	95	11	95	1.0000	22.9569
96	11	96	1.0000	22.9569	96	11	96	1.0000	22.9569
97	11	97	1.0000	22.9569	97	11	97	1.0000	22.9569
98	11	98	1.0000	22.9569	98	11	98	1.0000	22.9569
99	11	99	1.0000	22.9569	99	11	99	1.0000	22.9569
100	11	100	1.0000	22.9569	100	11	100	1.0000	22.9569



**RECORDS**  
STATE OF UTAH COUNTY OF SUMMIT RECORDS INDEXED AT THE REQUEST OF \_\_\_\_\_ FILE \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ DATE \_\_\_\_\_  
SHEET 201-2  
PROJECT NUMBER: 400  
MANAGER: ROE  
FORWARDER: RFR  
CHECKER: PHH  
DATE: 10/31

SALT LAKE CITY  
100 WEST 100 SOUTH  
PLACEMANT CENTER  
PH: 801.734.8200  
FAX: 801.734.8200  
WWW.CITYOFSLC.UTAH.GOV

DEVELOPER  
BOYER PARK CITY JUNCTION, LLC  
90 SOUTH 400 WEST SUITE 200  
SALT LAKE CITY, UTAH 84101  
(801) 521-0410

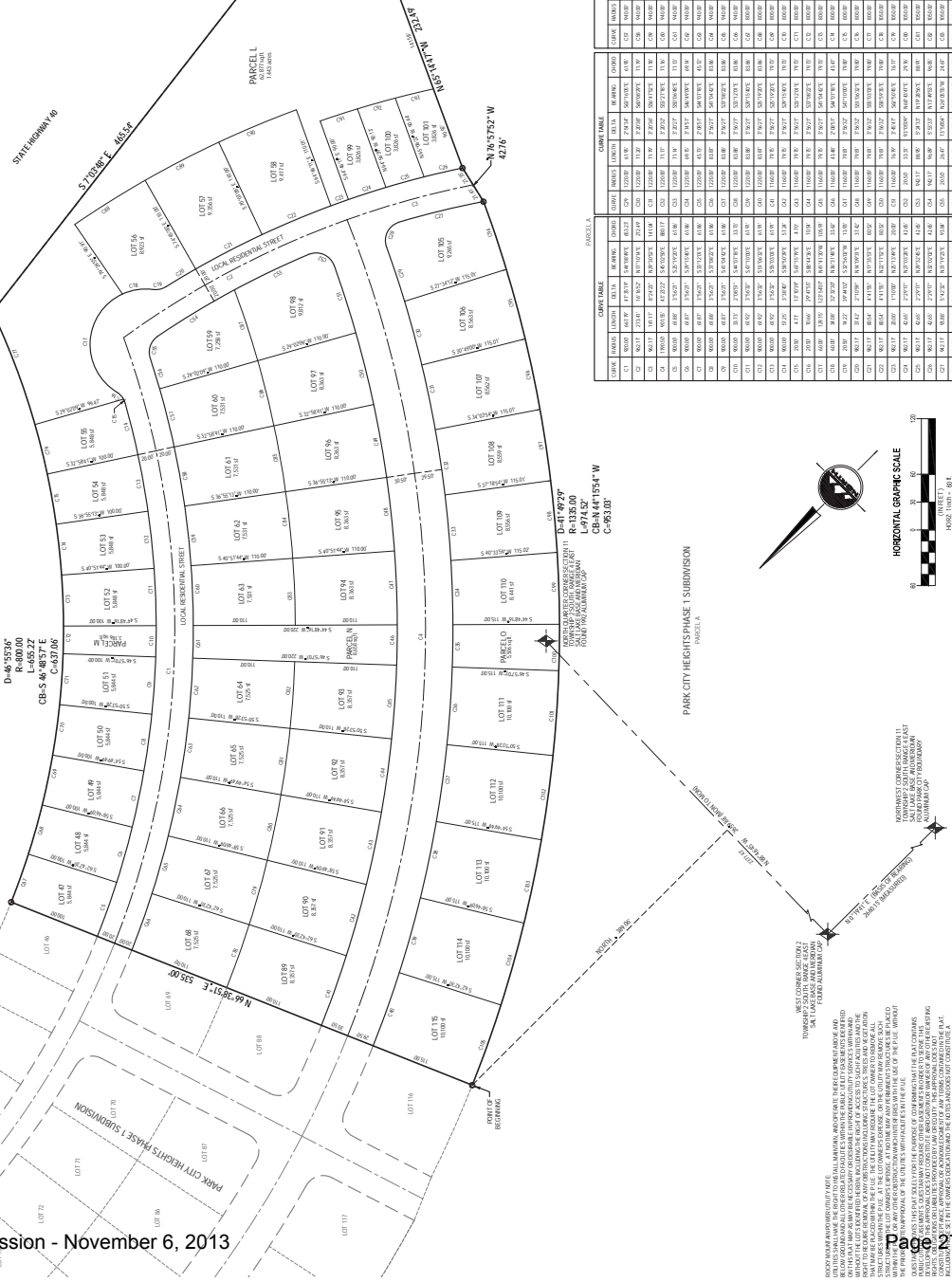
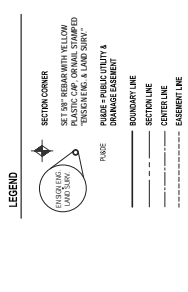
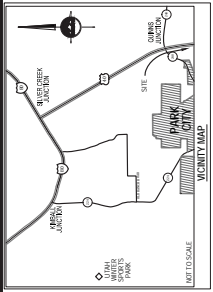
**PARK CITY HEIGHTS PHASE 1 SUBDIVISION**  
LOCATED IN PORTIONS OF SECTION 11,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

**PLANNING COMMISSION - NOVEMBER 6, 2013**

D-271516\*  
R-1532.69  
CB-14545732 E  
C-417.81

HORIZONTAL GRAPHIC SCALE  
0 30 60 90  
FEET

**PARK CITY HEIGHTS PHASE 2 SUBDIVISION**  
 LOCATED IN PORTIONS OF SECTION 11,  
 AMENDING A PORTION OF PARCEL A OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH



**OWNER'S DECLARATION**

I, the undersigned, owner of the above described land, hereby certify that the information herein is true and correct to the best of my knowledge and belief.

**PARK CITY HEIGHTS PHASE 2 SUBDIVISION**  
 AMENDING A PORTION OF PARCEL A OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF UTAH, on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

BY: \_\_\_\_\_ COUNTY CLERK

**APPROVAL AS FORM**

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF UTAH, on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

BY: \_\_\_\_\_ COUNTY CLERK

**ENGINEER'S CERTIFICATE**

I, the undersigned, a duly licensed Professional Engineer in the State of Utah, hereby certify that the information herein is true and correct to the best of my knowledge and belief.

BY: \_\_\_\_\_ ENGINEER

**PLANNING COMMISSION**

APPROVED BY THE PLANNING COMMISSION OF THE COUNTY OF UTAH, on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

BY: \_\_\_\_\_ CHAIRMAN

**SNOWDRIFT BASIN WATER RECLAMATION DISTRICT**

APPROVED BY THE BOARD OF DIRECTORS OF THE SNOWDRIFT BASIN WATER RECLAMATION DISTRICT, on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

BY: \_\_\_\_\_

**DEVELOPER**

BOYER PARK CITY JUNCTION, LC  
 98 SOUTH MAIN STREET, SUITE 200  
 SALT LAKE CITY, UTAH 84111  
 (801) 524-4781

**SHEET 1 OF 1**

PROJECT NUMBER: 4800  
 DRAWN BY: KFR  
 CHECKED BY: PHH  
 DATE: 10/31/13

**SALE OF LAND**

LAYTON  
 TOWNE  
 CEMETARY CITY  
 NEW ZEALAND  
 Phone: 655-8889

**PLANNING COMMISSION - November 6, 2013**

Page 270 of \_\_\_\_\_

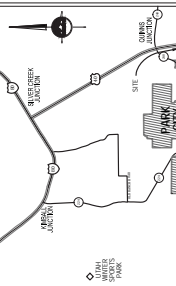


**SURVEYOR'S CERTIFICATE**

I, **AMBERLY WHITE**, a duly licensed and sworn Surveyor in the State of Utah, do hereby certify that I have personally supervised the making of the above described survey and that the same has been correctly made in accordance with the provisions of the Utah Surveying Act, Chapter 207, Utah Code, and that the same has been correctly made in accordance with the provisions of the Utah Surveying Act, Chapter 207, Utah Code, and that the same has been correctly made in accordance with the provisions of the Utah Surveying Act, Chapter 207, Utah Code.

Witness my hand and the seal of my office this 6th day of November, 2013, at the County of Salt Lake, State of Utah.

AMBERLY WHITE  
Surveyor  
No. 12345



**PARK CITY HEIGHTS PHASE 4 SUBDIVISION**  
AMENDING A PORTION OF PARCEL A OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION

LOCATED IN PORTIONS OF SECTION 11,  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH

THIS SUBDIVISION IS BEING MADE IN ACCORDANCE WITH THE PROVISIONS OF THE UTAH SURVEYING ACT, CHAPTER 207, UTAH CODE, AND THE UTAH SUBDIVISION ACT, CHAPTER 67, UTAH CODE.

THE TOTAL AREA OF THIS SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL A OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL B OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL C OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL D OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL E OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL F OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL G OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL H OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL I OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL J OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL K OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL L OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL M OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL N OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL O OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL P OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL Q OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL R OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL S OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL T OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL U OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

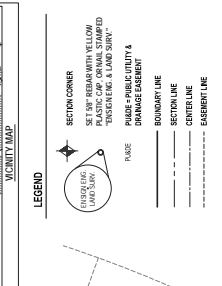
THE TOTAL AREA OF PARCEL V OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL W OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL X OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL Y OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.

THE TOTAL AREA OF PARCEL Z OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION IS 1.00 ACRES, MORE OR LESS.



**SECTION CORNER**  
SET BY REBAR WITH YELLOW PLASTIC CAP OR ORIGINAL STAMPED "INSURING A LAND SURV"

**PLASTIC-PUBLIC UTILITY & CHANGE EASEMENT**

**BOUNDARY LINE**

**SECTION LINE**

**CENTERLINE**

**CHANGING LINE**

**CURVE TABLE**

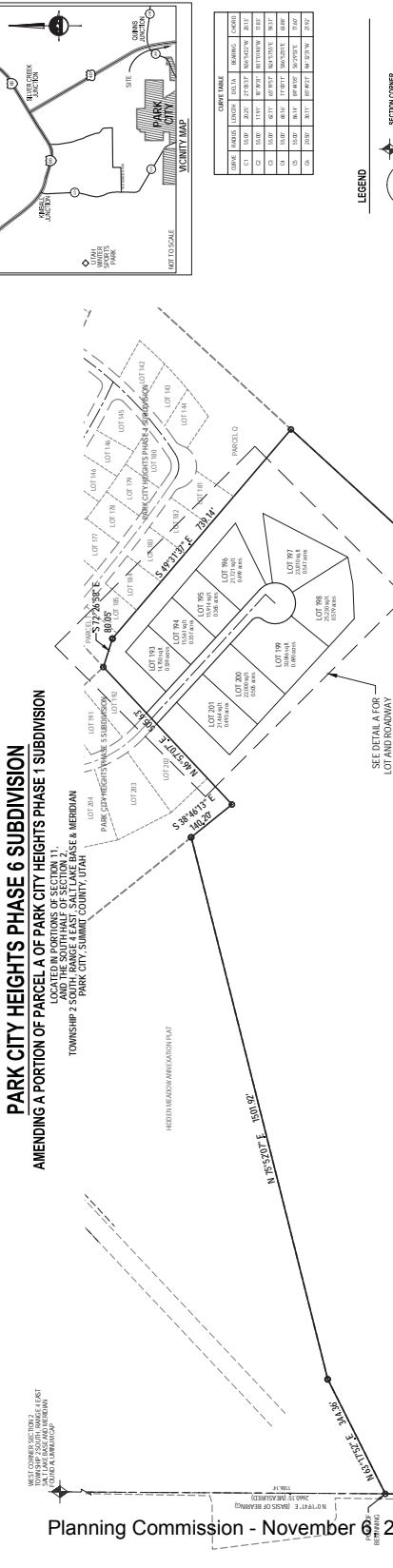
STATION	CHORD BEARING	CHORD LENGTH	DELTA	ARC LENGTH	MARKING
1+00.00	S 89° 58' 00" W	100.00	90.00	100.00	1+00.00
1+100.00	S 89° 58' 00" W	100.00	90.00	100.00	1+100.00
1+200.00	S 89° 58' 00" W	100.00	90.00	100.00	1+200.00
1+300.00	S 89° 58' 00" W	100.00	90.00	100.00	1+300.00
1+400.00	S 89° 58' 00" W	100.00	90.00	100.00	1+400.00
1+500.00	S 89° 58' 00" W	100.00	90.00	100.00	1+500.00
1+600.00	S 89° 58' 00" W	100.00	90.00	100.00	1+600.00
1+700.00	S 89° 58' 00" W	100.00	90.00	100.00	1+700.00
1+800.00	S 89° 58' 00" W	100.00	90.00	100.00	1+800.00
1+900.00	S 89° 58' 00" W	100.00	90.00	100.00	1+900.00
2+000.00	S 89° 58' 00" W	100.00	90.00	100.00	2+000.00
2+100.00	S 89° 58' 00" W	100.00	90.00	100.00	2+100.00
2+200.00	S 89° 58' 00" W	100.00	90.00	100.00	2+200.00
2+300.00	S 89° 58' 00" W	100.00	90.00	100.00	2+300.00
2+400.00	S 89° 58' 00" W	100.00	90.00	100.00	2+400.00
2+500.00	S 89° 58' 00" W	100.00	90.00	100.00	2+500.00
2+600.00	S 89° 58' 00" W	100.00	90.00	100.00	2+600.00
2+700.00	S 89° 58' 00" W	100.00	90.00	100.00	2+700.00
2+800.00	S 89° 58' 00" W	100.00	90.00	100.00	2+800.00
2+900.00	S 89° 58' 00" W	100.00	90.00	100.00	2+900.00
3+000.00	S 89° 58' 00" W	100.00	90.00	100.00	3+000.00
3+100.00	S 89° 58' 00" W	100.00	90.00	100.00	3+100.00
3+200.00	S 89° 58' 00" W	100.00	90.00	100.00	3+200.00
3+300.00	S 89° 58' 00" W	100.00	90.00	100.00	3+300.00
3+400.00	S 89° 58' 00" W	100.00	90.00	100.00	3+400.00
3+500.00	S 89° 58' 00" W	100.00	90.00	100.00	3+500.00
3+600.00	S 89° 58' 00" W	100.00	90.00	100.00	3+600.00
3+700.00	S 89° 58' 00" W	100.00	90.00	100.00	3+700.00
3+800.00	S 89° 58' 00" W	100.00	90.00	100.00	3+800.00
3+900.00	S 89° 58' 00" W	100.00	90.00	100.00	3+900.00
4+000.00	S 89° 58' 00" W	100.00	90.00	100.00	4+000.00
4+100.00	S 89° 58' 00" W	100.00	90.00	100.00	4+100.00
4+200.00	S 89° 58' 00" W	100.00	90.00	100.00	4+200.00
4+300.00	S 89° 58' 00" W	100.00	90.00	100.00	4+300.00
4+400.00	S 89° 58' 00" W	100.00	90.00	100.00	4+400.00
4+500.00	S 89° 58' 00" W	100.00	90.00	100.00	4+500.00
4+600.00	S 89° 58' 00" W	100.00	90.00	100.00	4+600.00
4+700.00	S 89° 58' 00" W	100.00	90.00	100.00	4+700.00
4+800.00	S 89° 58' 00" W	100.00	90.00	100.00	4+800.00
4+900.00	S 89° 58' 00" W	100.00	90.00	100.00	4+900.00
5+000.00	S 89° 58' 00" W	100.00	90.00	100.00	5+000.00
5+100.00	S 89° 58' 00" W	100.00	90.00	100.00	5+100.00
5+200.00	S 89° 58' 00" W	100.00	90.00	100.00	5+200.00
5+300.00	S 89° 58' 00" W	100.00	90.00	100.00	5+300.00
5+400.00	S 89° 58' 00" W	100.00	90.00	100.00	5+400.00
5+500.00	S 89° 58' 00" W	100.00	90.00	100.00	5+500.00
5+600.00	S 89° 58' 00" W	100.00	90.00	100.00	5+600.00
5+700.00	S 89° 58' 00" W	100.00	90.00	100.00	5+700.00
5+800.00	S 89° 58' 00" W	100.00	90.00	100.00	5+800.00
5+900.00	S 89° 58' 00" W	100.00	90.00	100.00	5+900.00
6+000.00	S 89° 58' 00" W	100.00	90.00	100.00	6+000.00
6+100.00	S 89° 58' 00" W	100.00	90.00	100.00	6+100.00
6+200.00	S 89° 58' 00" W	100.00	90.00	100.00	6+200.00
6+300.00	S 89° 58' 00" W	100.00	90.00	100.00	6+300.00
6+400.00	S 89° 58' 00" W	100.00	90.00	100.00	6+400.00
6+500.00	S 89° 58' 00" W	100.00	90.00	100.00	6+500.00
6+600.00	S 89° 58' 00" W	100.00	90.00	100.00	6+600.00
6+700.00	S 89° 58' 00" W	100.00	90.00	100.00	6+700.00
6+800.00	S 89° 58' 00" W	100.00	90.00	100.00	6+800.00
6+900.00	S 89° 58' 00" W	100.00	90.00	100.00	6+900.00
7+000.00	S 89° 58' 00" W	100.00	90.00	100.00	7+000.00
7+100.00	S 89° 58' 00" W	100.00	90.00	100.00	7+100.00
7+200.00	S 89° 58' 00" W	100.00	90.00	100.00	7+200.00
7+300.00	S 89° 58' 00" W	100.00	90.00	100.00	7+300.00
7+400.00	S 89° 58' 00" W	100.00	90.00	100.00	7+400.00
7+500.00	S 89° 58' 00" W	100.00	90.00	100.00	7+500.00
7+600.00	S 89° 58' 00" W	100.00	90.00	100.00	7+600.00
7+700.00	S 89° 58' 00" W	100.00	90.00	100.00	7+700.00
7+800.00	S 89° 58' 00" W	100.00	90.00	100.00	7+800.00
7+900.00	S 89° 58' 00" W	100.00	90.00	100.00	7+900.00
8+000.00	S 89° 58' 00" W	100.00	90.00	100.00	8+000.00
8+100.00	S 89° 58' 00" W	100.00	90.00	100.00	8+100.00
8+200.00	S 89° 58' 00" W	100.00	90.00	100.00	8+200.00
8+300.00	S 89° 58' 00" W	100.00	90.00	100.00	8+300.00
8+400.00	S 89° 58' 00" W	100.00	90.00	100.00	8+400.00
8+500.00	S 89° 58' 00" W	100.00	90.00	100.00	8+500.00
8+600.00	S 89° 58' 00" W	100.00	90.00	100.00	8+600.00
8+700.00	S 89° 58' 00" W	100.00	90.00	100.00	8+700.00
8+800.00	S 89° 58' 00" W	100.00	90.00	100.00	8+800.00
8+900.00	S 89° 58' 00" W	100.00	90.00	100.00	8+900.00
9+000.00	S 89° 58' 00" W	100.00	90.00	100.00	9+000.00
9+100.00	S 89° 58' 00" W	100.00	90.00	100.00	9+100.00
9+200.00	S 89° 58' 00" W	100.00	90.00	100.00	9+200.00
9+300.00	S 89° 58' 00" W	100.00	90.00	100.00	9+300.00
9+400.00	S 89° 58' 00" W	100.00	90.00	100.00	9+400.00
9+500.00	S 89° 58' 00" W	100.00	90.00	100.00	9+500.00
9+600.00	S 89° 58' 00" W	100.00	90.00	100.00	9+600.00
9+700.00	S 89° 58' 00" W	100.00	90.00	100.00	9+700.00
9+800.00	S 89° 58' 00" W	100.00	90.00	100.00	9+800.00
9+900.00	S 89° 58' 00" W	100.00	90.00	100.00	9+900.00
10+000.00	S 89° 58' 00" W	100.00	90.00	100.00	10+000.00
10+100.00	S 89° 58' 00" W	100.00	90.00	100.00	10+100.00
10+200.00	S 89° 58' 00" W	100.00	90.00	100.00	10+200.00
10+300.00	S 89° 58' 00" W	100.00	90.00	100.00	10+300.00
10+400.00	S 89° 58' 00" W	100.00	90.00	100.00	10+400.00
10+500.00	S 89° 58' 00" W	100.00	90.00	100.00	10+500.00
10+600.00	S 89° 58' 00" W	100.00	90.00	100.00	10+600.00
10+700.00	S 89° 58' 00" W	100.00	90.00	100.00	10+700.00
10+800.00	S 89° 58' 00" W	100.00	90.00	100.00	10+800.00
10+900.00	S 89° 58' 00" W	100.00	90.00	100.00	10+900.00
11+000.00	S 89° 58' 00" W	100.00	90.00	100.00	11+000.00
11+100.00	S 89° 58' 00" W	100.00	90.00	100.00	11+100.00
11+200.00	S 89° 58' 00" W	100.00	90.00	100.00	11+200.00
11+300.00	S 89° 58' 00" W	100.00	90.00	100.00	11+300.00
11+400.00	S 89° 58' 00" W	100.00	90.00	100.00	11+400.00
11+500.00	S 89° 58' 00" W	100.00	90.00	100.00	11+500.00
11+600.00	S 89° 58' 00" W	100.00	90.00	100.00	11+600.00
11+700.00	S 89° 58' 00" W	100.00	90.00	100.00	11+700.00
11+800.00	S 89° 58' 00" W	100.00	90.00	100.00	11+800.00
11+900.00	S 89° 58' 00" W	100.00	90.00	100.00	11+900.00
12+000.00	S 89° 58' 00" W	100.00	90.00	100.00	12+000.00
12+100.00	S 89° 58' 00" W	100.00	90.00	100.00	12+100.00
12+200.00	S 89° 58' 00" W	100.00	90.00	100.00	12+200.00
12+300.00	S 89° 58' 00" W	100.00	90.00	100.00	12+300.00
12+400.00	S 89° 58' 00" W	100.00	90.00	100.00	12+400.00
12+500.00	S 89° 58' 00" W	100.00	90.00	100.00	12+500.00
12+600.00	S 89° 58' 00" W	100.00	90.00	100.00	12+600.00
12+700.00	S 89° 58' 00" W	100.00	90.00	10	



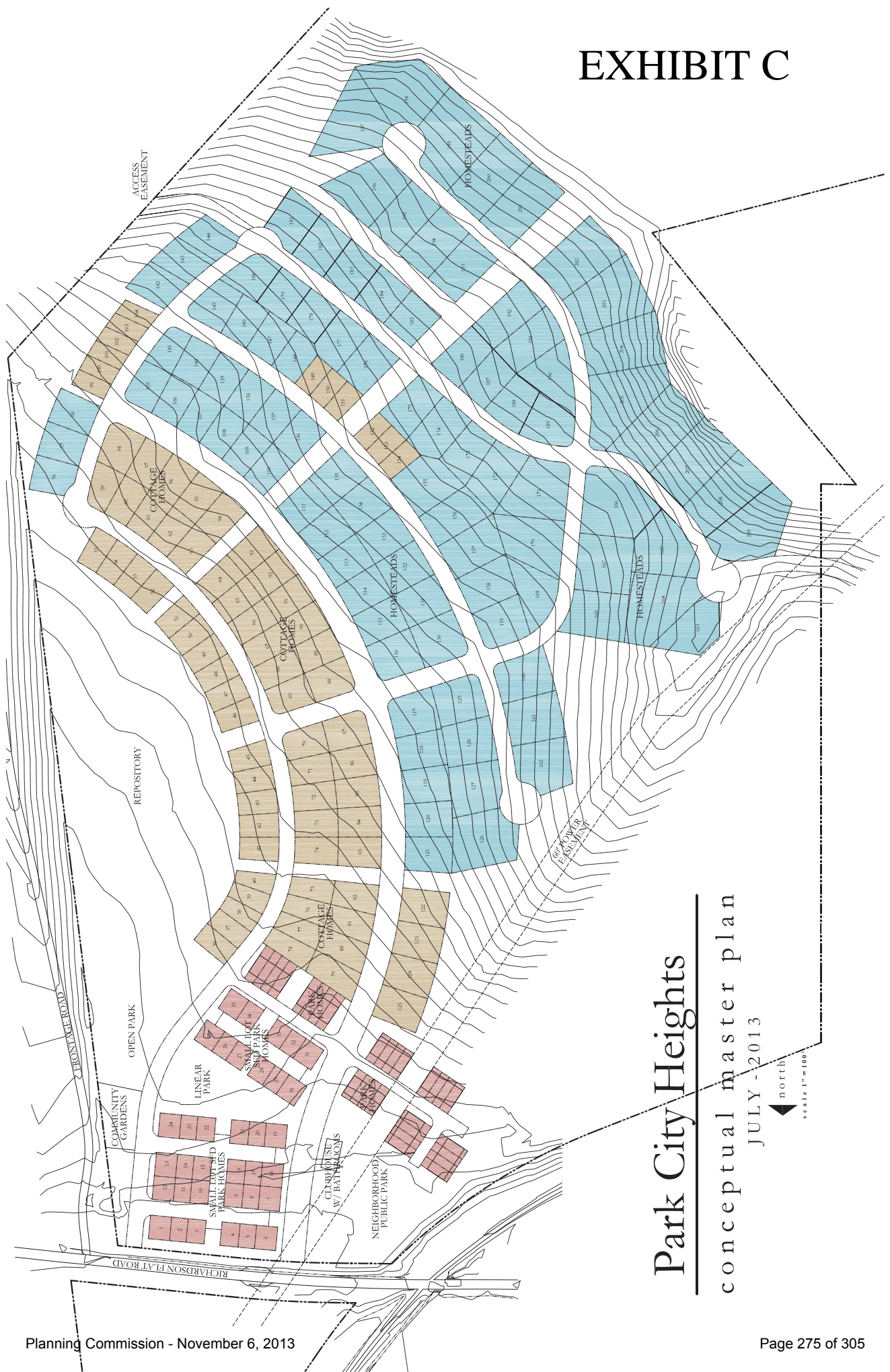


# PARK CITY HEIGHTS PHASE 6 SUBDIVISION

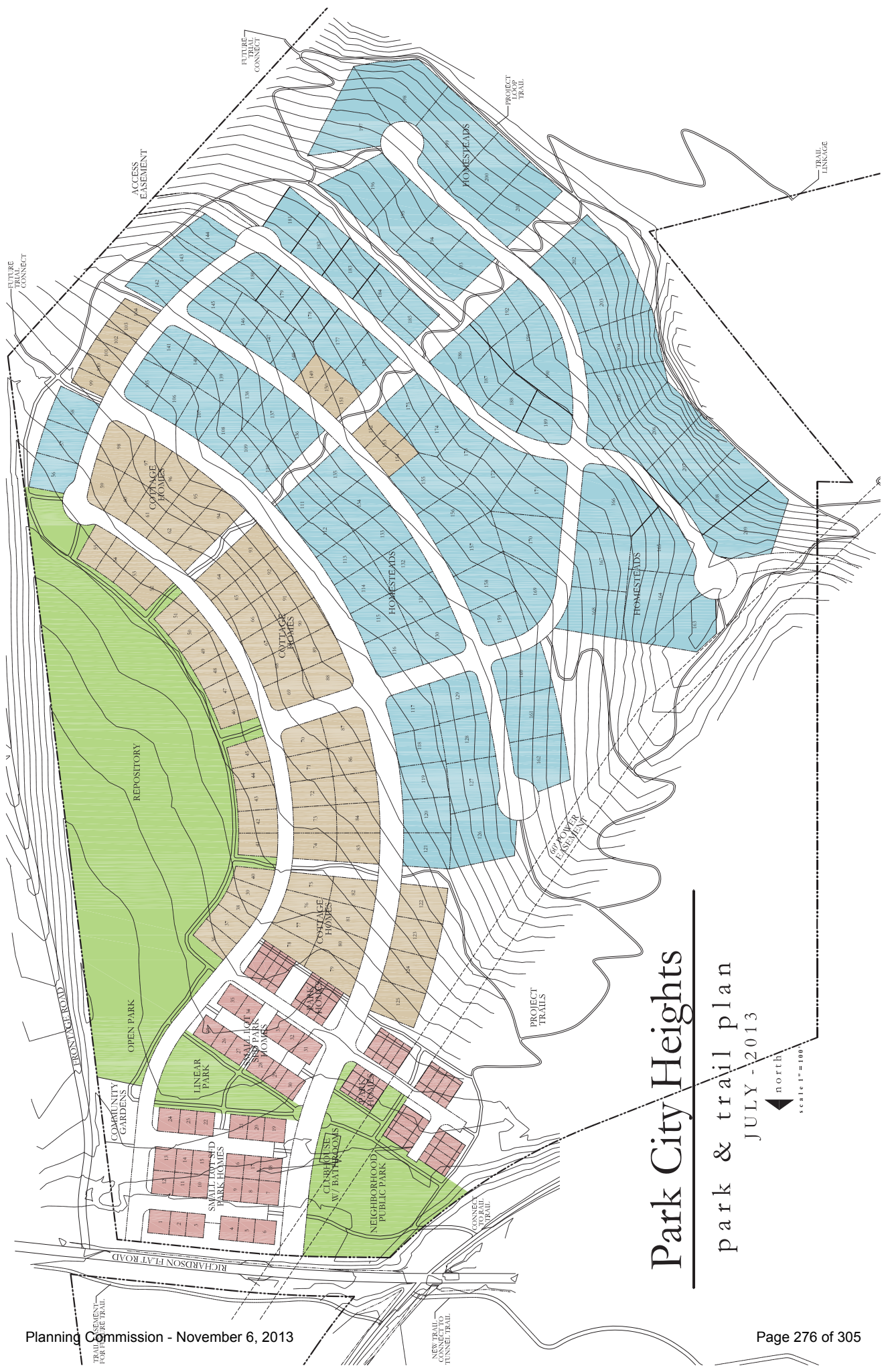
LOCATED IN PORTIONS OF SECTION 11,  
AMENDING A PORTION OF PARCEL A OF PARK CITY HEIGHTS PHASE 1 SUBDIVISION  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH



# EXHIBIT C



**Park City Heights**  
conceptual master plan  
JULY -2013  
north  
scale 1"=100'



# Park City Heights

park & trail plan

JULY -2013



scale 1"=100'

# EXHIBIT D

## Spring Animal and Plant Survey for Park City Heights

### Appendix D of the Biological Resources Overview For Park City Heights

Prepared by



**Logan Simpson Design Inc.**  
8 East Broadway, Suite 300  
Salt Lake City, UT 84111

July 7, 2011

## Appendix D

### Park City Heights Spring Animal and Plant Survey

This appendix to the Biological Resources Overview for Park City Heights provides a report on a spring 2011 animal and plant survey of the Park City Heights property. The purpose of the survey was to obtain information to meet a condition for permitting set forth by the Park City Planning Commission. That condition (43) reads:

One additional site visit is required by certified biologists during May or June 2011 to: a) validate the observations of the preliminary biological report and, b) to further study and identify wildlife movement corridors, evidence of species of high public interest (Elk, Moose, Deer, and other small mammals), location of den or nesting sites, and any area of high natural species diversity. The report shall include additional recommendations on mitigating impacts of the development on wildlife and wildlife corridors. The report shall be provided to the Planning Department and reviewed by the Planning Commission prior to issuance of any grading or building permits.

#### Survey date and conditions

A biological reconnaissance survey of the Park City Heights property was conducted on May 31 and June 1-2, 2011, herein referred to as the spring survey. The spring survey was done by Logan Simpson Design (LSD) biologists Bruce Palmer and Gary Reese. Weather conditions during the survey were good to ideal for surveying, depending on the day and time. The only time it was less than ideal was when winds on the afternoon of June 1<sup>st</sup> limited the sightings of birds. However, repeat surveys were made of areas with excellent visibility and high bird diversity, thus the winds at that time did not compromise the overall survey. Temperatures during the day reached the low 60s degrees Fahrenheit, with mornings and evenings in the 40s and 50s. There was no precipitation during the period of the survey and no snow present within the property area.

#### Validation of preliminary biological report observations

The biological survey reviewed by the Planning Commission at their March 9, 2011 meeting was conducted between December 2010 and March 2010, herein referred to as winter survey. That survey characterized winter conditions and species observed on the Park City Heights property. The Planning Commission desired an additional survey timed in May to June to validate the winter survey observations and add any additional plant and animal species which were observed in the spring.

The spring survey supports the observations previously made, with only a few minor modifications, as discussed below. The plant and animal species observed during the spring survey are given in the final section titled: Plant and animal species observed.

Modification 1: The Mountain Big Sagebrush Shrubland habitat has an exotic grass dominating the understory. This degraded, semi-natural condition is consistent with winter characterization of the sagebrush habitat as co-dominated by an exotic grass, except that the grass first observed growing under eight inches of snow wasn't the annual cheatgrass (*Bromus tectorum*), but rather the perennial Kentucky bluegrass (*Poa pratensis*).

Modification 2: A conspicuous mammal of the Silver Creek Riparian Habitat was muskrat, rather than beaver as was previously stated to be resident (and frequently cited as present by locals). For clarity, the Silver Creek Riparian Habitat discussed in this appendix includes the Quaking Aspen Shrubland and Sparsely Vegetated Wet Meadow habitats, which were separately discussed in the winter survey.

No other modifications to the preliminary (winter) survey are needed.

### **Study and identify wildlife movement corridors**

The convergence of numerous roads in the Park City Heights project area limits the movements of large mammals regardless of the proposed development. US 40 embankment south of the junction with State Route (SR) 248 is a major barrier to wildlife movements. The US 40 underpasses at Silver Creek and Richardson Flat Road can facilitate some movement of deer to the east side of US 40. The roadway design was not optimized to facilitate movements, but it does allow potential escape routes for animals trapped in the area. In general, existing infrastructure around the Richardson Flat Road and SR 248 entry to Park City are significant barriers to large mammal movement throughout the area.

Gambel Oak Shrubland is the preferred habitat used by mule deer and elk. The local mule deer population appears to utilize this habitat where it is primarily located on the upper mountain slopes. Generally, only incidental deer use occurs where the oak vegetation transitions to sagebrush dominated bottoms. The proposed development will remove a small percentage of the Gambel Oak Shrubland habitat at the transition to the sagebrush flats. Oak shrubland on the slopes remains as open space. Deer typically water at Silver Creek, traveling up and down the northwest slopes of the mountain where there is shrub cover. The proposed development will not affect deer access to Silver Creek.

Portions of SR 248 has an eight-foot tall fence keeping large animals from entering the highway. Based on UDOT roadkill wildlife data, low deer mortality has been reported for SR 248 east of the narrows, further indicating that the area around where Richardson Flats Road intersects SR 248 is not used by mule deer as a movement corridor.

The presence of elk only on the Park City Heights property would only be considered incidental. The only observed sign of prior use was on upper slopes of the adjacent mountain. Elk in urban areas present hazards to people, pets, and vehicles, and should not be encouraged in the immediate Park City area. Presently there is little elk movement through the Park City Heights property and little would be expected due to existing barriers to their movement. These barriers include the same hindrances to movement previously discussed for mule deer.

### **Search for evidence of species of high public interest**

Planning Commission guidance specifically cited elk, moose, deer, and other small mammals as species of high public interest. No elk or moose were observed on the Park City Heights property during the spring survey, although elk scat was observed in the Gambel Oak Shrubland on steep slopes outside of the development area. Deer were seen daily in Gambel Oak Shrubland on the highest elevations of the mountain surround the Park City Heights property, but no deer were observed within the development zone.

Small mammals which were observed or their signs detected are included in the section titled: Plant and animal species observed. The species discussed include: red fox, pocket gopher, and yellow-bellied marmot. Uinta ground squirrels occurred outside the project area in the Silver Creek Riparian Habitat.

### **Locate dens, nesting sites, and any area of high natural species diversity**

An active den, presumably used by red fox, was observed in Mountain Sagebrush habitat within the proposed development area. Fox den sites are opportunistically selected, and potential den site locations are not considered to be habitat limited. The den was on level ground close to the base of the US 40 embankment; foxes with young were also observed moving among the residences bordering open space. A Brewer's sparrow nest without eggs was also observed in sagebrush near the US 40 embankment. Brewer's sparrow nesting can be expected later in June within the Mountain Sagebrush habitat type, which is the preferred nesting habitat for this species. Most of the habitat that would be removed as a result of the planned development is low habitat value sagebrush that has been degraded by off-road vehicle use, the persistent presence of traffic in the vicinity (US 40 and Richardson Flat Road), and the presence of invasive weeds. A large raptor nest was observed in a tall Douglas fir located on steep slopes outside of the development area. A red-tailed hawk circled overhead and might have been nesting there, although the inside of the nest could not be observed to determine if eggs or young were present.

### **Additional recommendations on mitigating impacts of the development on wildlife and wildlife corridors**

The spring survey provides no additional evidence that additional mitigations are needed beyond those suggested in the previous report, which included:

- Do not hinder access of wildlife to Silver Creek;
- Do not encourage the presence of large wildlife within developed areas;
- Allow for open space on the mountain slopes to provide for passage of wildlife around the development;
- Avoid/mitigate impacts to wetlands;
- Control the spread of noxious and invasive weeds from spreading into natural areas;
- Minimize clearing and grubbing from April through July to avoid disturbance to nesting birds;
- Bluebird boxes could be erected along the oak shrubland interface with development to augment nesting habitat;
- Signs encouraging the appreciation of nature may be placed in association with the rail trail;
- Unauthorized motorized travel into open space habitats would be restricted; and
- No impacts to Silver Creek habitats would occur.

### **Plant and animal species observed**

This section expands upon on intent of condition 43(a), which was to validate the observations of the preliminary biological report.

The **Mountain Big Sagebrush Shrubland** habitat at the base of the mountain classifies as an *Artemisia tridentata* ssp. *vaseyana*/*Poa pratensis* Semi-natural Shrubland Association where it occurs on silty clay soils. On rocky soils it classifies as an *Artemisia tridentata* ssp. *vaseyana* - *Symphoricarpos oreophilus* /*Poa pratensis* Semi-natural Shrubland Association. Lambstongue ragwort (*Senecio integerrimus*) was abundant where there were openings in the sagebrush



canopy, especially near the US 40 embankment where natural drainage is impaired and the soils are wet in the spring. Close to Gambel oak shrublands, the ragwort was replaced by elkweed (*Swertia radiata*).

Other native plants observed in sagebrush were: bastard toadflax (*Comandra umbellata*), bitterbrush (*Purshia tridentata*), romegrass (*Bromus* sp.), geranium (*Geranium viscosissimum*), glandular cinquefoil (*Potentilla glandulosa*), goldenbush (*Ericameria* sp.), gray thistle (*Cirsium undulatum*), lupine (*Lupinus* sp.), mountain snowberry (*Symphoricarpos oreophilus*), onion (*Allium* sp.), Oregon grape (*Mahonia repens*), phlox (*Phlox* sp.), spring-beauty (*Claytonia lanceolata*), sulphur buckwheat (*Eriogonum umbellatum* var. *umbellatum*), timothy (*Phleum pratense*), Utah Juniper (*Juniperus osteosperma*), western yarrow (*Achillea millifolium*), and locally in disturbed areas woolly mullein (*Verbascum thapsus*). Non-native plants observed in sagebrush included: common chickweed (*Stellaria media*), dandelion (*Taraxacum officinale*), and meadow salsify (*Tragopogon pratensis*).

The following birds were observed in the sagebrush habitat: American Robin, black-billed magpie, Brewer's sparrow, green-tailed towhee, violet-green swallow, and western meadowlark. Red fox was the only mammal observed, although there were signs of use by mule deer and pocket gopher tunnels were abundant.

The **Gambel Oak Shrubland** occupied the northeast slopes of the mountain and is classified as a *Quercus gambelii* Shrubland Alliance. Associated native plants include elkweed (*Swertia radiata*), lambstongue ragwort (*Senecio integerrimus*), and soapberry (*Shepherdia canadensis*). The exotic western yarrow (*Achillea millifolium*) is common.

The following birds were observed in the Gambel Oak Shrubland: black-billed magpie, Brewer's sparrow, green-tailed towhee, northern harrier, red-tailed hawk, American robin, rock wren, scrub jay, turkey vulture, woodpecker (downy or hairy), yellow-rumped (Audubon's) warbler. A pair of Swainson's hawks was observed on two consecutive days in both the Gambel Oak Shrubland and along the US 40 fence line.

Mammals utilizing Gambel Oak Shrubland include: mule deer, red fox, and yellow-bellied marmot. Elk utilize the habitat based on finding scat piles, although none were observed during the survey. Pocket gopher presence was confirmed by their tunneling.

**Mountain Big Sagebrush – Saskatoon Serviceberry Shrubland** classifies as an *Artemisia tridentata* ssp. *vaseyana* -Amelanchier *alnifolia* Shrubland. Native plants include: elkweed (*Swertia radiata*), Indian paintbrush (*Castilleja* sp.), lambstongue ragwort (*Senecio integerrimus*), locoweed (*Astragalus* sp.), mountain-mahogany (*Cercocarpus ledifolius*), Oregon grape (*Mahonia repens*), pricklypear (*Opuntia polyacantha*), spring-beauty (*Claytonia lanceolata*), spring-parsley (*Cymopterus* sp. or *Lomatium* sp.), and yellow-bell (*Fritillaria pudica*). The exotic bur buttercup (*Ceratocephalus testiculatus*) is locally abundant where the soil has been disturbed.

The following birds were observed in Mountain Big Sagebrush – Saskatoon Serviceberry Shrubland: green-tailed towhee, northern harrier, American robin, rock wren, and turkey vulture. Mammals utilizing this habitat include pocket gopher and mule deer.

The **Douglas-fir Woodland** classifies as a *Pseudotsuga menziesii/Quercus gambelii/Arnica cordifolia* Woodland Association where dense and a *Pseudotsuga menziesii/Quercus gambelii/Arnica cordifolia* Sparse Woodland Association where more open. Heartleaf arnica (*Arnica cordifolia*) was the dominant herb, along with commonly seen false Solomon's-seal (*Smilacina racemosa*) and lion's beard (*Clematis hirsutissima*). Kentucky bluegrass was a common exotic plant.

Birds observed in the Douglas-fir Woodland included: yellow-rumped (Audubon's) warbler, chipping sparrow, falcon species, hooded oriole, mountain chickadee, olive-sided flycatcher, orange-crowned warbler, red-breasted nuthatch, violet-green swallow, and western tanager.

While outside the project area, the **Silver Creek Riparian Habitat** was also surveyed. For purposes of this survey, it includes the Quaking Aspen Shrubland and Sparsely Vegetated Wet Meadow habitats discussed in the original report. In the wetland and wetland edge habitats was a diverse mix of birds, including: American goldfinch, American robin, bank swallow, barn swallow, belted kingfisher, cinnamon teal, cliff swallow, killdeer, mallard, redwing blackbird, song sparrow, spotted sandpiper, violet-green swallow, yellow warbler, yellow-headed blackbird, and yellow-rumped (Audubon's) warbler. Black-billed magpies and cliff swallows were observed in the agricultural field northeast of Silver Creek. A colony of Uinta ground squirrels occupies a horse pasture along Richardson Flat Road, on the northeastern side of Silver Creek. The Silver Creek riparian area provides the greatest species diversity in the overall project vicinity. However, no aspect of the proposed development will impact this habitat.

### Conclusions

The observations and conclusions expressed in the winter survey LSD completed of the Park City Heights property remain valid following LSD's spring survey of the same area. There would be no significant impacts to wildlife species from the proposed development, nor are any mitigation actions necessary beyond those already recommended in the winter survey.

There is an existing problem in the greater Park City area with respect to the movement of large mammals. The infrastructure associated with development of the area restricts the movements of resident mule deer, as well as any incidental elk or moose which enter the area. The Park City Heights project would not exacerbate the barriers to safe movement of wildlife which already exist throughout the area. Nor would it significantly reduce quality and quantity of mule deer habitat. By adding acreage of protected open space it would actually increase acreage dedicated to the perpetuation of wildlife habitat.

### Signatures

Prepared By:  Date: June 21, 2011  
Gary A. Reese, Senior Biologist  
Logan Simpson Design Inc.


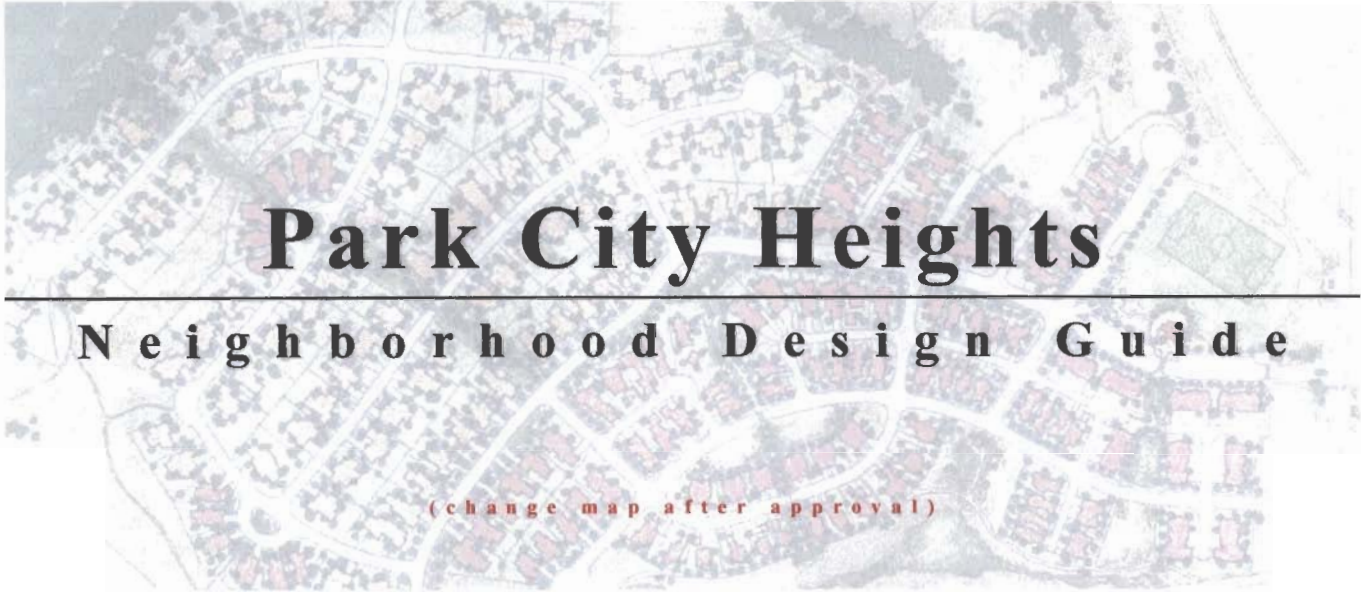
Approved By:  Date: July 7, 2011  
Bruce Palmer, Senior Biologist  
Logan Simpson Design Inc.

EXHIBIT E



~~July, 2011~~

August, 2013

RECEIVED  
 JUL 30 2013  
 PARK CITY  
 PLANNING DEPT.

# Lot Types

Park City Heights is comprised of a variety of architectural styles found within three (3) unique and diverse Lot types: Park Homes, Cottage Homes and Homesteads.



**Park Homes**

Park Homes consist of ~~various attached housing types with varying lot sizes to accommodate these home types~~ **small lot single family homes and 4-unit multi family buildings**. All Park Homes front ~~or are adjacent to~~ a park or open space and are accessed by rear lanes and rear garages providing a focus on the front doors and front porches.



**Cottage Homes**

Cottage Homes consist of smaller single family homes on lots that range in size from ~~40' to 70' in width and 90' to 120' in depth~~ **4,200 square feet to 10,500 square feet**. The majority of Cottage Homes are accessed from local drives at the rear of the homes with ~~an emphasis on orienting front doors and porches to the residential street or open space.~~ **Prominent street oriented entry's and front porches along with semi-recessed or detached garages are used to provide an emphasis on placing people near the street.**



**Homesteads**

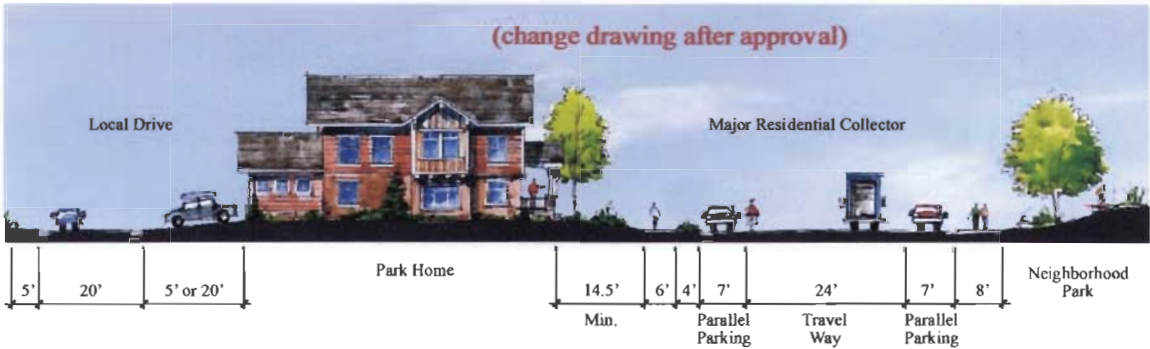
Homesteads consist of larger single family homes generally on lots ranging in size from ~~6,500~~ **8,000** square feet to 25,000 square feet. Homesteads are located across the upper slopes of the development and these lots will form the visual transition to the surrounding open space and will require the most sensitive placement to respect and respond to the existing terrain.



# Street Patterns

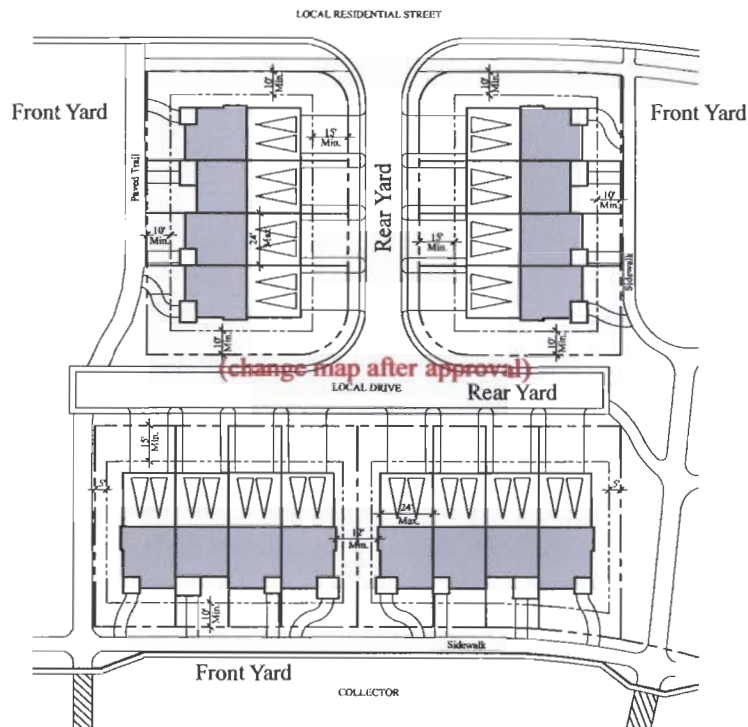


All Park Homes front **or are adjacent to** a park or open space and have **garages or structured parking** behind the homes. The front facades of these homes are oriented to walkways and trails providing great access to the neighborhood amenities surrounding them. Front porches are critical elements of these **typically larger buildings—homes**, helping to reduce the impacts of the mass on the streetscape and surrounding views into the project. Park Homes also utilize on-street parking to provide varied and shared parking alternatives minimizing the impact of the automobile within this neighborhood.



# Park Homes

## Building Placement



Park Homes **consist of small lot single family homes and vary from 2-unit to 15-unit 4-unit Multi-Family buildings.**

**Front Yard Setback:** Minimum 10' 5' to Main Structure or Front Porches.

**Side Setback:** Minimum side separation to any adjacent Structure shall be 12' 10'.

**Side Street Setback (Corner Lot):** 10' to all structures.

**Side Open Space Setback (Lot adjacent to Open Space):** 5' to all structures.

**Rear Yard Setback:** Minimum setback to Main structure shall be 15' 6'.

**Front Facade:** At least 40% of the Primary Facade must be placed within 10' of the required minimum Front Yard Setback.

**Local Drive Accessed Garages:** Shall be a maximum of 24' wide. Garage doors must be placed at either 5' 7' from the edge of the Local Drive Right-of-way or a minimum of 20' 18' from the edge of the Local Drive Right-of-way.

~~**Local Residential Street Accessed Garages:** Shall be a maximum of 24' wide.~~

~~**Garage Doors:** Must be oriented to the Local Drive. Two (2) car garage doors may be a maximum 18' wide. Single doors may be a maximum of 10' wide.~~

~~**Parking:** Owner and guest parking located to the rear of homes is to be screened from off-site views, to the extent possible, through the use of proper placement, architectural screens and/or landscape planting. No enclosed structures for the storage of boats and/or motor homes are permitted.~~

## Park Homes

## Massing & Composition

### Scale of Buildings

It is important that the massing of the buildings be scaled in such a way that it relates to the people living there and harmonizes with the area and its natural features. This is especially true in the Park Home area where some of the buildings may be larger than in other areas of the development. Park Homes range in size from ~~two (2) small lot single family units~~ to ~~fifteen (15) four (4) unit multi family buildings~~.

To avoid building forms that are boxy in massing the following criteria should be met.

~~a. Buildings with between two and four units must comply with the following requirement:~~

- ~~• No unbroken expanse of building mass may exceed 25'. If the 25' is reached the wall line must step a minimum of 3'.~~

~~b. Buildings housing more than four (4) units must meet the following requirements:~~

- ~~• No unbroken expanse of building mass may exceed 35'. If the 35' is reached the wall line must step a minimum of 3' and one of the following must occur:
 
  - ~~• The building mass should bend~~
  - ~~• The roof line should shift up or down at least 3' or take on a different ridge alignment.~~
  - ~~• Roof areas must provide variation in roof shape. No single roof shape may cover more than 2/3 the total roof area.~~~~



*Horizontal & vertical variation must occur*

### Repetition

Buildings of similar plans must offer up differentiation in elevation. Repetition of like elevations will not be permitted. The Design Review Board shall approve exterior elevations of multi family buildings and require variation between building facades to ensure diversity within the development. These requirements are applied so that the building mass does not become overpowering. Changing the planes of walls, changing direction, and providing some variety in the roof form yields diversity and visual interest.



*Repetition of like elevations is prohibited*

### Unit Size

Units in the Park Homes area will have a minimum square footage of 800 sq ft. The first floor area shall not be less than ~~800~~ **470** sq. ft. for two story units. The maximum square footage for any unit is ~~2,500~~ **2,700** sq. ft.

Note: All areas noted are gross living areas and exclude porches, decks, garages and uninhabitable basements as defined by Park City Municipal Code.

### Building Height

The intent of the height guideline is to present an appropriately scaled roofscape that is compatible with its use and placement.

Allowable building heights are limited by Park City Municipal Code. Generally building heights cannot exceed 28' as measured from existing natural grade at any point, excluding chimneys.

## Park Homes

# Porches

## Porches

A core ideal of the development is the use of covered front porches to promote a human scale, sense of entry and emphasize relationship to the street. Massing of porch elements also can help to further ground the building by forming a base from which the building mass can grow. To this end, porches should be made to convey a sense of human scale and are limited to one-story in height.

*Integration of the front porch is required in the Park Homes area.*

- Porches are usually located at the front setback line, **but may also be located at the side setback line.**
- Porches often will have deep eaves repeating the same rafter treatment as the main roof.
- Porch roof forms shall be consistent with the architectural style of the home.
- Porches must be a minimum of **18" 8"** above finished grade unless ADA access is required to the home. The front porch steps must be designed as an integral element to the design and style of the home and not just "stuck on" the front of the home.
- Porches can be used to wrap the corner of a house or fill the void created by an "L" shaped plan. Wrapped porches are strongly recommended for Corner Lots.
- Creativity consistent with the architectural style of the house shall be used in designing columns, posts, brackets, railing, trim and molding.
- Columns, where provided, must terminate at the porch deck or extend to within 4" of finished grade.
- Minimum porch depth is **6'-5"** with a minimum of **48 40** square feet.

- All porches shall be properly detailed with authentic porch edge conditions, including a cantilevered "lip" or edge. If the porch surface is left as natural or colored concrete the face of the cantilevered lip must also remain as natural or colored concrete. If the porch surface is finished with another material, then that material should wrap the face of the porch lip.

Appropriate Porch flooring surfaces include:

- Wood or Composite Decking
- Natural or Approved Colored Concrete
- Tile or Concrete Pavers



*Porches located at front setback*



*Properly detailed porch elements*



*Porch reduces impact of building mass to street*



*Porches 18" 8" above grade*

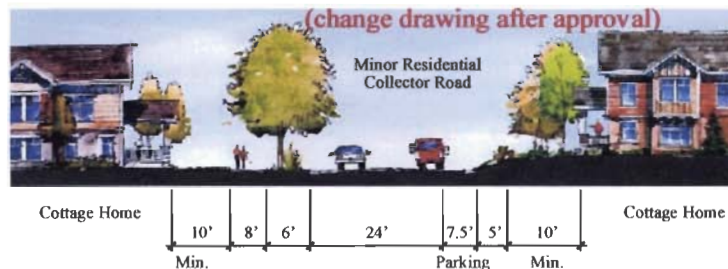
## Park Homes



# Street Patterns



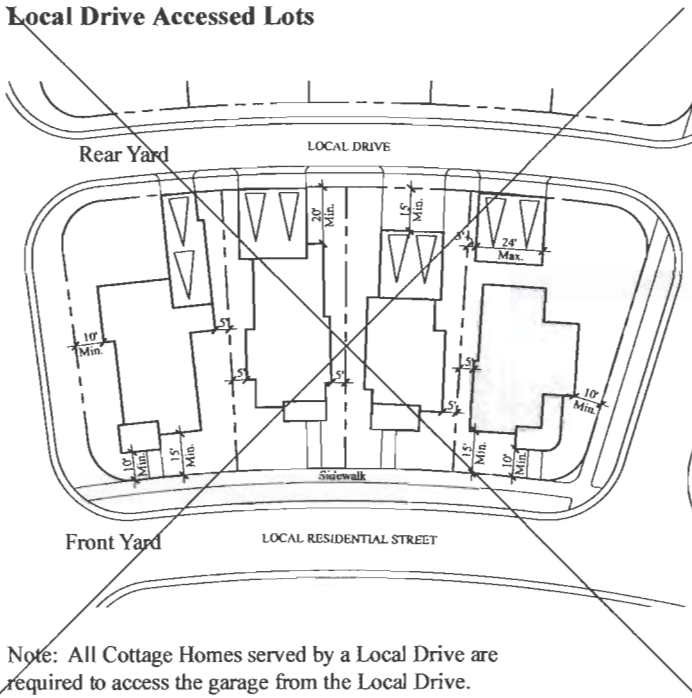
Typical Cottage Homes are single story, story and a half and two story homes placed on small traditional lots located in the heart of the neighborhood. The Cottage Homes are primarily accessed from Local Streets placing an emphasis on the homes front facade with prominent street oriented entry's and front porches and de-emphasizing garages by incorporating semi-recessed or detached garages. The Cottage Homes are placed close to the Street and Sidewalks creating an intimate setting that should include appropriate front yard landscaping and garden fencing common to traditional neighborhoods while still providing on street parking and sufficient snow storage areas.



## Cottage Homes

# Building Placement

## Local Drive Accessed Lots



Note: All Cottage Homes served by a Local Drive are required to access the garage from the Local Drive.

Cottage Homes Lots are typically 35 feet to 60 feet wide by 85 feet to 130 feet deep consist of smaller single family homes on lots that range in size from 4,200 square feet to 10,500 square feet.

**Front Yard Setback:** 15' to Main House. Front Porches or Single Story Bays may extend to within 10' of the Sidewalk or Street ROW.

**Side Yard Setback:** Minimum setback for all homes is 5'.

**Side Street Setback (Corner Lot):** 10' for all structures.

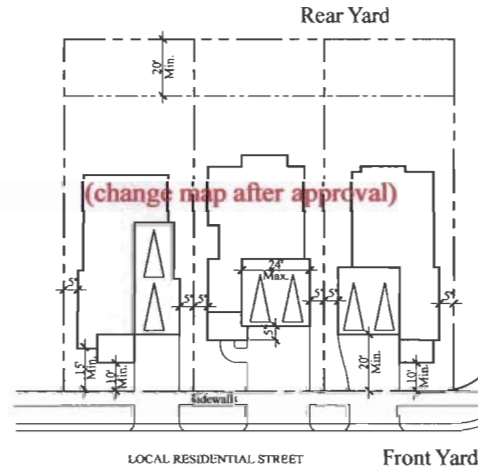
**Rear Yard Setback:** 20' to Main House.

**Front Facade:** At least 40% of the Primary Facade must be within 5' of the required minimum Front Yard Setback.

**Local Drive Accessed Detached Garages:** Shall be a maximum of 24' wide. Garages must be placed at either 5' from the edge of the Local Drive or a minimum of 20' from the edge of the Local Drive but must be placed within the Lot.

## Cottage Homes

## Local Minor & Major Residential Street Accessed Lots



**Single Story Detached Garages with Local Drive access**— May be placed at 3' from the side property line. **Two Story or attached Local Drive accessed Garages** must be placed at 5 feet from the side property line. **Shall be a maximum of 17' in height.**

**Local Residential Street Accessed Attached Garages:** **Garage width must not exceed 55% of the width of the front facade of the house.** Shall be a maximum of 24' wide. Garages at front or side yard shall be setback 20' or 5' behind front or side Facade (Whichever is greater). Garages must be placed a minimum of 5' from the Side Property Line.

**Garage Doors:** May be oriented perpendicular to the Local Drive. On Corner Lots with Local Drive access provided, garage doors shall not face Local Streets. Two (2) car wide garage doors may be a maximum 18' wide. Single doors may be a maximum of 10' wide.

**Parking:** Owner and guest parking located to the rear of homesites are to be screened from off-site views, to the extent possible, through proper placement, the use of architectural screens and/or landscape planting. No enclosed structures for the storage of boats and/or motor homes are permitted.

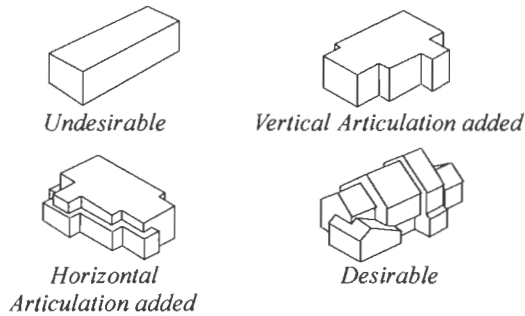
# Massing & Composition

## Built Forms Follow Contours

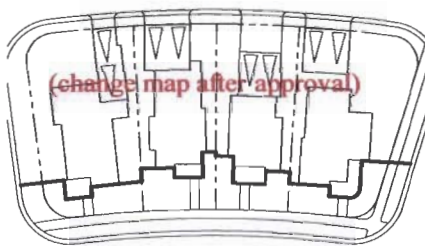
Building placement should respect existing land forms. Structures should follow contours and fit into existing land massing, rather than ignore or dominate these forms.

## Scale of Buildings

It is important that the massing of the buildings be scaled in such a way that it relates to the people living there and harmonizes with the area and its natural features. No unbroken expanse of building mass may exceed 35' in length on all side elevations and 25' on all front and rear elevations. If the maximum length is reached the wall line must step a minimum of 4'.



This requirement is applied to ensure that building mass does not become overpowering. Changing the planes of walls, changing direction, and providing some variety in the roof form yields diversity and visual interest. Additive building volumes give the home an appearance that it was built over time.



*Variation in individual structures contribute to a varied streetscape.*

## Repetition

Repetitive massing is prohibited. There should be substantial variation in individual building forms. Homes with similar heights may only occur consecutively along a street three times before a change in massing is required. For example, three adjacent two-story homes must be followed by a one and a half story or one-story home. Also, no more than 2 similar floor plans may occur consecutively along a street. The Design Review Board shall review these requirements on a case-by-case basis per specific site conditions.



*Avoid Consecutive Massing*

## Residence Size

Residences in the Cottage Homes area will have a minimum square footage of 900 sq ft for single story structures. The first floor area (defined as that floor that is accessed by the front door) shall not be less than ~~800~~ 600 sq. ft. for two-story structures. The maximum square footage for any residence is 3,500 sq. ft.

Note: All areas noted are gross living areas and exclude porches, decks, garages and uninhabitable basements as defined by Park City Municipal Code.

## Building Height

The intent of the height guideline is to present a human-scale roofscape, one that steps with the contours of the terrain and recalls the natural setting.

Allowable building heights are limited by Park City Municipal Code. Generally building heights can not exceed 28' as measured from existing natural grade at any point, excluding chimneys.

## Side Elevations

All Cottage units with side elevations exposed or clearly visible from a public road shall pay special attention to the massing and composition to ensure appropriate scale and form to fit visually into the landscape and windows should occur in these visible end walls. Additional landscape measures may be required to achieve this requirement.

# Cottage Homes

## Porches

### Porches

A core ideal of the development is the use of covered front porches to promote a human scale, sense of entry and emphasize relationship to the street.

Massing of porch elements also can help to further ground the building by forming a base from which the building mass can grow. To this end porches should be made to convey a sense of human scale and are limited to one story in height. *Integration of the front porch is required in the Cottage Homes area.*

- Porches are usually located at the front setback line.
- Porches will often have deep eaves repeating the same rafter treatment as the main roof.
- Porch roof forms shall be consistent with the architectural style of the home.
- Porches must be a minimum of 18" 8" above finished grade unless ADA access is required to the home. The front porch steps must be designed as an integral element to the design and style of the home and not just "stuck on" the front of the home.
- Porches can be used to wrap the corner of a house or fill the void created by an "L" shaped plan. Wrapped porches are strongly recommended for Corner Lots.
- Creativity consistent with the architectural style of the house shall be used in designing columns, posts, brackets, railing, trim and molding.
- Columns, where provided, must terminate at the porch deck or extend to within 4" of finished grade.
- Minimum porch depth is 6' with a minimum of 60 square feet.

- All porches shall be properly detailed with authentic porch edge conditions, including a cantilevered "lip" or edge. If the porch surface is left as natural or colored concrete the face of the cantilevered lip must also remain as natural or colored concrete. If the porch surface is finished with another material, then that material should wrap the face of the porch lip.

Appropriate Porch flooring surfaces include:

- Wood or Composite Decking
- Natural or Approved Colored Concrete
- Tile or Concrete Pavers



*Appropriate porch detailing*



*Authentic flooring materials*



*Porch roof forms are consistent with home*



*Porches are elevated 18" 8" above finished grade*

## Cottage Homes

## Garages & Garage Doors

### Garages

Garages are required in the Cottage Homes area of the development. They can be attached or detached and must accommodate at least one car. Garages must not dominate the residence when viewed from the street, especially in areas visible from right-of-ways, common areas and adjacent home sites. All garages accessed from the street must either be side entry designs or if parallel to the street, setback a minimum of 5' from the front entry elevation of the main structure. ~~Alley loaded garages may face the alleyway and must meet all site design standards.~~

The use of overhangs and significant architectural details are encouraged to visually lessen the impact of the garage entrance.

### Garage Doors

Garage doors must be provided with detailing that is tied to the homes overall design themes. Garage doors must appear as traditional swinging, folding or sliding doors. Segmented doors are only permitted if they are constructed to appear to be one of these traditional door types and are subject to Design Review Board approval.

- Doors should be vertical paneled or planked and may incorporate glass.
- Doors may not include Diagonal, X-Bracing or Z-Braced Planks or Panels.
- Doors should be painted or stained colors similar to the body of the home to lessen their visual impact.
- Single car garage doors are preferred. The use of single doors allows for more variety in the garage elevation.
- Three car garages are permitted in the Cottage Homes area but must incorporate a tandem garage **or a front and side entry garage combination** to do so. ~~Garages may only have a maximum of 2 garage doors.~~
- No garage door over 9' high will be approved.



*Single garage doors are preferred*



*Front loaded garage is secondary to the home*



*Not this - door dominates visually*



*Paneled door incorporates glass*

### Driveways

Shared Driveways are allowed and encouraged but their width at the curb must be minimized. Driveways are encouraged to be concrete, colored concrete, stamped colored concrete, unit pavers turf block or other permeable pavers or other pattern and texture methods approved by the Design Review Board. Asphalt drives will be permitted but must be maintained properly.

## Cottage Homes

# Street Patterns

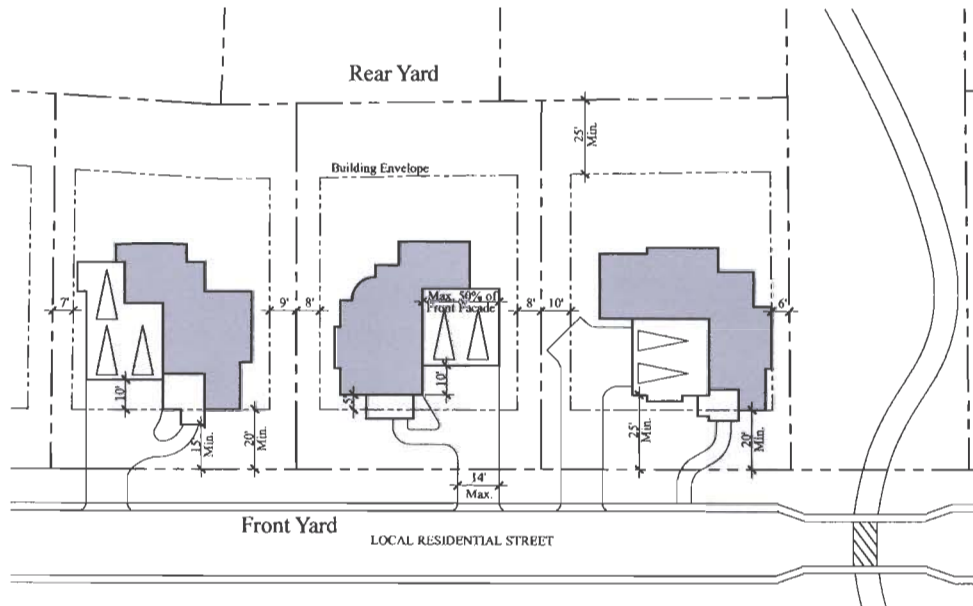


Homesteads are typically one and one-half to two story homes on the largest lots within the neighborhood providing for a varied streetscape. All Homestead lots are accessed from the Street creating a need to vary driveway alignments and garage orientations. Homestead streetscapes must provide for a variety of landscapes while also providing adequate snow storage opportunities. Emphasis should remain on the front facades and the front doors and porches for all Homesteads maintaining a consistency within the project across all product types.



## Homesteads

## Building Placement



**Homesteads Lots** consist of larger single family homes on lots that range in size from 60' to 195' wide by 110' to 200' deep-8,000 square feet to 25,000 square feet.

**Front Yard Setback:** 20' to Main House. Front Porches or Single Story Bays may extend to within 15' of the Sidewalk or Street ROW.

**Side Yard Setback:** Total side setbacks shall equal 16' with a minimum setback for all homes is 6'.

**Side Street Setback (Corner Lot):** 15' for all structures.

**Rear Yard Setback:** 25' to Main House.

**Front Facade:** Where possible it is encouraged to place the Primary Facade within 5' of the required minimum Front Yard Setback.

**Street Accessed Garages:** Garage width must not exceed 50% of the width of the front facade of the house. Front-loaded garages at front yard shall be setback 25' from the property line or 10' behind the Home Facade at the front setback, whichever is greater. Side loaded garages may be placed at the 25' setback.

**Garage Doors:** Two-Car Garage doors may be 18' wide. Individual Garage Doors are encouraged and may be a maximum of 10' wide.

## Homesteads

## Porches

### Porches

A core ideal of the development is the use of covered front porches to promote a human scale, sense of entry and emphasize relationship to the street. Massing of porch elements can also help to further ground the building by forming a base from which the building mass can grow. To this end porches should be made to convey a sense of human scale and are limited to one story in height. The use of porch elements in the Homestead area is highly encouraged.

- Porches shall usually be located at the front setback line.
- Porches will often have deep eaves repeating the same rafter treatment as the main roof.
- Porch roof forms shall be consistent with the architectural style of the home.
- Porches must be a minimum of **18" 8"** above finished grade unless ADA access is required to the home. The front porch steps must be designed as an integral element to the design and style of the home and not just "stuck on" the front of the home.
- Porches can be used to wrap the corner of a house or fill the void created by an "L" shaped plan. Wrapped porches are strongly recommended for Corner Lots.
- Creativity consistent with the architectural style of the house shall be used in designing columns, posts, brackets, railing, trim and molding.
- Columns, where provided, must terminate at the porch deck or extend to within 4" of finished grade.
- Minimum porch depth is 8' with a minimum of 80 square feet.

- All porches shall be properly detailed with authentic porch edge conditions, including a cantilevered "lip" or edge. If the porch surface is left as natural or colored concrete the face of the cantilevered lip must also remain as natural or colored concrete. If the porch surface is finished with another material, then that material should wrap the face of the porch lip.

Appropriate Porch flooring surfaces include:

- Wood or Composite Decking
- Natural or Approved Colored Concrete
- Tile or Concrete Pavers
- Natural Stone



*Columns and posts are an integral part of architectural style*



*Front steps are integral part of home*



*Porch roof breaks up two story element*



*Porch raised a minimum of 18" 8" above finished grade*

## Homesteads



## Building Sustainability

### Home Size

All homes within Park City Heights should strive to be “modest” in scale and reflect historical development patterns of Old Town. LEED for Homes requirements provide incentives for smaller, more efficiently designed homes and may be the single most important component of attaining a home’s LEED rating. The size of a home is directly related to the short and long term material and energy consumption and should be carefully analyzed early in this process.

### Building Materials

Encourage the use of sustainable construction materials and products, including recycled content, salvaged, and FSC-certified materials. Promote sustainability through building practices that reduce energy consumption, as well as through the continued review of viable alternative energy sources.

### Alternative (Renewable) Energy Sources

Alternative energy should be used where physically viable and economically feasible. As financing options for alternative energy systems continue to evolve it may be necessary to amend the Park City Heights Design Guides to accommodate alternative methods for employing these systems into the Park City Heights development, e.g. creation of a solar garden. While energy conservation is an integral component of sustainability, alternative energy sources may provide a more effective solution to reducing the impact and consumption of fossil fuel energy.

### Solar

The use of solar equipment (e.g. panels, shingles & cells) is strongly encouraged and can be used as a Solar Electric or Solar Water Heat System. Solar Electric Systems, also known as photovoltaic (PV) systems, use solar panels to convert sunlight into electricity. Federal and State incentive programs are often available, depending on the system type and size. Systems can be roof-mounted, wall-mounted or site-mounted subject to compliance with required health and safety standards and provided that the Solar Electric System is not installed in a manner that will interfere with the solar access of an adjacent property owner. “Building integrated” photovoltaic (PV) systems are also increasingly available. PV and solar thermal systems require direct solar access for extended periods thus, careful planning is required to ensure installations are properly oriented and are not compromised by shading from adjacent buildings or vegetation.

### Geothermal

Ground Source Heat Pumps or Geoexchange systems may be allowed where feasible but in no way may it interfere with adjacent properties. Solar Heating and a Ground Source Heat Pump may be combined to form a geosolar system for even greater efficiency. Any above grade equipment must be incorporated into the landscaping and be of similar color.

### Wind

Wind energy systems may be allowed but must conform to the Park City Municipal Corporation Land Management Code.

### Construction Waste Mitigation & Recycling

Builders are required to reduce, reuse and recycle construction waste to include wood, drywall, metals, concrete, dirt and cardboard. A project construction recycling center will be established on ~~Parcels I or J~~ **site**. Separate recycling bins will be provided for different materials and it will be the responsibility of each contractor to ensure that jobsite material is recycled to the greatest extent possible. Builders are to incorporate strategies such as “efficient framing” techniques and “optimum value engineering” that reduces the amount of wood used in the framing process without compromising structural integrity. Framing with engineered lumber rather than dimensional lumber is encouraged. Engineered lumber makes good use of small trees and wood chips, where dimensional lumber comes from big trees and represent more raw material than alternatives such as roof trusses, I-joists (floor trusses), laminated veneer lumber (LVL), and structural insulated panels (SIPs).



*Solar placement may vary to maximize effectiveness*



**STREET SCENE "A"**  
conceptual FRONT elevations

**HIGH DENSITY DETACHED**  
IVORY HOMES



3C

1C

2C

**STREET SCENE "B"**  
**conceptual FRONT elevations**

**HIGH DENSITY DETACHED**  
Ivory homes

06 19 2013  
© Copyright Woodley Architectural Group, Inc. These drawings may not be used or published without the expressed written permission of Woodley Architectural Group, Inc.

**woodleyarchitecturalgroup, inc**  
© Copyright Woodley Architectural Group, Inc. These drawings may not be used or published without the expressed written permission of Woodley Architectural Group, Inc.



**STREET SCENE "C"**  
conceptual FRONT elevations

**HIGH DENSITY DETACHED**  
FACTORY HOUSES

06 19 2013

# Planning Commission Staff Report



**Subject:** General Plan  
**Author:** Thomas Eddington, Planning Director  
Kayla Sintz, Current Planning Manager  
**Date:** November 6, 2013  
**Type of Item:** Legislative Discussion

---

## Background

The core value and neighborhood review schedule, with follow-up task force meeting as necessary:

<u>Item</u>	<u>PC Meeting</u>	<u>Commissioner</u>	<u>Follow-up Meeting</u>
Small Town	9/11/2013	Stewart Gross	No
Sense of Community	9/25/2013	Stewart Gross	Yes (10/2) - combined
Natural Setting	10/9/2013	Adam Strachan	No
Historic Character	10/23/2013	Charlie Wintzer	No
Neighborhoods	11/6/2013	Jack Thomas & Brooke Hontz	

## Analysis

The draft version of the General Plan was completed on March 27, 2013, and distributed to the Planning Commission and City Council for review and comments. Prior to completion, five Planning Commission meetings were dedicated to Neighborhood discussion:

February 20, 2013	Thaynes, Park Meadows, Prospector/Bonanza Park
February 27, 2013	Old Town
March 13, 2013	Old Town cont'd, Resort Center
March 27, 2013	Masonic Hill, Lower Deer Valley, Upper Deer Valley, Quinn's Junction

The draft document presented for discussion incorporates the input received from each of the Task Force meetings held from June - August. Individual comments provided independently and without consensus from the task force group have not been incorporated. The proposed revised schedule for review of the General Plan is noted in Exhibit A.

## Discussion

### **Neighborhoods**

The Planning Commission should review the following pages of the **Neighborhoods section within the original DRAFT General Plan in your possession (pages 311-430)**. The (9) nine identified neighborhoods are as follows:

<u>Neighborhood</u>	<u>Page reference in <b>original</b> draft document</u>
1 – Thaynes	pages 311-320
2 – Park Meadows	pages 321-330
3 – Bonanza Park / Prospector	pages 331-342
4 – Resort Center	pages 343-362
5 – Old Town	pages 363-380
6 – Masonic Hill	pages 381-390
7 – Lower Deer Valley	pages 391-402
8 – Upper Deer Valley	pages 403-414
9 – Quinn’s Junction	pages 415-430

**Task Force – Policy Issues List**

Most of the *Neighborhoods* were discussed as part of the last Task Force meeting. Remaining edits were submitted in writing. Additionally, many previously discussed Policy items affect the Neighborhood sections due to the interconnected Core Values: Small Town, Natural Setting, Sense of Community and Historic Character.

Planning staff has identified the following Neighborhood items for discussion. Following the discussion, the Commission should proceed to any other policy issues and review the redlines as time permits. If necessary, further discussion may be requested of the follow-up small task force. Requested direction: discuss as appropriate and agree/reject/modify:

**1. Thaynes**

- Page 314: Request to define types of Open Space (reference to Farms listed). *Open Space* has been further defined in new *Natural Setting Strategies* section and a new Open Space map was created.
- Page 318: Remove ‘co-housing’ as housing type
- Page 319: Modification of *Anticipated Future Conditions* Map

PC direction:  Agree  Reject  Modify

**2. Park Meadows**

- Page 328: Removal of “*Complimentary accessory dwelling units and further subdivision of existing lots should be allowed in the neighborhood.*”
- Request for new Open Space map (now shown in new *Natural Setting Strategies* section).

PC direction:  Agree  Reject  Modify

**3. Bonanza Park & Prospector**

- Discussion regarding separating these neighborhoods: no consensus among Commissioners. Separate Area Plans will be completed as part of the Planning Department’s work in early 2014.

PC direction:  Agree  Reject  Modify

- Page 338: “The City has a responsibility to ~~ignite~~ incentivize local businesses via existing and new economic development tools ~~to attract new businesses in cooperation with investors.~~”

Why Planning supports this principle: As the Planning Commissioners noted at a prior meeting, the City must incentivize what it wants to see. If that is the protection of local businesses or, say an automotive shop in BoPa, incentives will be necessary or such businesses will not be able compete with either “chain” style businesses or strictly resort related businesses.

Challenges moving forward: A dedicated funding source should be identified. Without the funds, there is no execution.

PC direction:  Agree  Reject  Modify

- Page 340: 3.5 Bonanza Park and Prospector: **A central hub for public transportation.** When Commissioners voted on this item with their keypads, there was a 50/50 split on this item and no consensus.

Why Planning supports this principle: A centrally located neighborhood within the City is an ideal location for a public transportation hub. Further, connectivity from this central district to the resorts, Kimball Junction, Main Street, etc. would alleviate traffic issues throughout the City.

Challenges moving forward: Modifying existing land holdings and uses will need to be carefully coordinated and planned for via the BOPA Area Plan.

PC direction:  Agree  Reject  Modify

- Page 341: Map modifications: blue area designated, remove trailhead icons, update BOPA area plan, rename to ‘Planned Future Conditions’.

#### 4. Resort Center

- Page 347: Map modifications: move Key to make more legible, Secondary Wildlife X-ing difficult color to read, remove word ‘Existing’ to Ridgelines.
- Page 355: Remove “...*the community co-op, community gardens...*”

#### 5. Old Town

- Page 365 Map: Add additional ridgelines per discussion. Should new Strategy be to update the Ridgeline map and modify Vantage Points and/or completely modify Ridgeline policy?

Why Planning supports this principle: Ridgelines should accurately be delineated and reviewed from previous policy and reflect expectation of building or not building on a ridgeline.

Challenges moving forward: Existing building on ridgeline policy is based on Vantage Points which were extrapolated from prior Ridgeline maps coinciding with the Sensitive Lands Overlay. Changes to the Land Management Code will be required in order to create a Ridgeline Ordinance.

PC direction:  Agree  Reject  Modify

- Modify photographs to be more descriptive and better examples.
- Page 372: Remove section discussing secondary units in Crested Butte (last three paragraphs).

#### **6. Masonic Hill**

- Page 388, 5.3 Masonic Hill: Improve pedestrian connectivity to Old Town. During Commissioner voting there was a 50/50 split on this topic and no consensus.

Why Planning supports this principle: All adjacent neighborhoods should have access to Old Town to limit the use of the automobile.

Challenges moving forward: The steepness of the terrain creates challenges but also the potential for creative solutions.

PC direction:  Agree  Reject  Modify

- 7. Lower Deer Valley – minor graphic modifications**
- 8. Upper Deer Valley – minor graphic modifications**
- 9. Quinn’s Junction – minor graphic modifications**

### **Exhibits**

Exhibit A – Revised Schedule for General Plan Completion

**NOTE: the Neighborhoods section will under separate cover and as part of the larger revised draft of the General Plan.**



### Updated General Plan Schedule

			Reference pages
Joint PC/CC Meeting	Policy Issues	9/4/2013	
PC Public Hearing	Kick Off - Exec Summary & Small Town	9/11/2013	93-114; 175-200
PC Public Hearing	Sense of Community	9/25/2013	131-164; 237-288
PC Public Hearing	Natural Setting	10/9/2013	115-130; 201-236
PC Public Hearing	Historic Character	10/23/2013	185-174; 289-310
PC Public Hearing	Neighborhoods & Overview of Draft Document	11/6/2013	312-430
PC Public Hearing	Review and Recommendation to CC	11/20/2013	NA
CC Work session	Introduction - Executive Summary	11/21/2013	
CC Public Hearing	Values, Goals, Strategies	12/5/2013	
CC Public Hearing	Final Draft Distribution	12/12/2013	
CC Public Hearing	Action - Vote on GP	12/19/2013	

Revised 11/6/13