

**PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION**

CITY COUNCIL CHAMBERS

April 13, 2016



AGENDA

MEETING CALLED TO ORDER AT 5:30PM

ROLL CALL

ADOPTION OF MINUTES OF March 23, 2016

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

STAFF BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATIONS

844 Empire Avenue – Plat Amendment creating one (1) lot of record from the lot and portions of lots at 844 Empire Avenue. <i>Public hearing and continuation to May 11, 2016</i>	PL-15-03034	33
	<i>Planner Astorga</i>	

803 Norfolk Avenue, Plat Amendment — Combining Lot 1 and the south half of Lot 2, Block 14 of Snyder’s Addition to the Park City Survey. <i>Public hearing and continuation to May 11, 2016</i>	PL-15-03049	34
	<i>Planner Grahn</i>	

7800 Royal Street East #16 – Plat Amendment for Building E Unit 16 of Sterlingwood Condos. The amendment will change a current Common Area staircase to Private Area in order to enclose it. <i>Public hearing and continuation to April 27, 2016</i>	PL-15-03110	35
	<i>Planner Hawley</i>	

1000 Ability Way – Master Planned Development (MPD) - request for approval of an MPD for future expansion of the National Ability Center including additional lodging, expansion of the Equestrian Arena and Administrative Building, and other activity additions and/or improvements. <i>Public hearing and continuation to May 11, 2016</i>	PL-16-03096	36
	<i>Planner Whetstone</i>	

WORK SESSION – *Discussion items only, no action taken*

Review of the Blue Ribbon Housing Commission Report dated March 30, 2016 and preparation of comments to City Council per City Council request	<i>Housing Specialist Stauffer</i>	37
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<i>Land Management Code Amendments 2016 Annual Review – Work Session Discussion will occur following the Regular Agenda</i>	<i>Planner Whetstone</i>	57
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REGULAR AGENDA – *Discussion, public hearing, and possible action as outlined below*

1280 Park Avenue - 1280 Park Avenue Condominium Record of Survey – proposal to create a two-unit condominium from the existing two (2) residential units. <i>Public Hearing and Possible Recommendation to City Council on April 28, 2016</i>	PL-15-03043	69
	<i>Planner Turpen</i>	

2300 Deer Valley Drive East – Deer Crest Hotel Conditional Use Permit Amendment – request to amend conditions of approval regarding construction phasing for Phases 2 and 3 of the St. Regis Hotel at the Snow Park site. <i>Public hearing and possible action</i>	PL-16-03101	89
	<i>Planner Whetstone</i>	

ADJOURN

A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair person. City business will not be conducted. Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
MARCH 23, 2016

COMMISSIONERS IN ATTENDANCE:

Chair Adam Strachan, Melissa Band, Preston Campbell, Steve Joyce, John Phillips, Laura Suesser, Doug Thimm

EX OFFICIO:

Planning Director, Bruce Erickson; Kirsten Whetstone, Planner; Francisco Astorga, Planner; Anya Grahn, Planner; Hannah Turpen, Planner; Makena Hawley, Planning Tech, Luis Rodriguez, Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

ROLL CALL

Chair Strachan called the meeting to order at 5:35 p.m. and noted that all Commissioners were present.

Chair Strachan welcomed Laura Suesser, the new Planning Commissioner, and thanked her for service.

ADOPTION OF MINUTES

February 24, 2016

MOTION: Commissioner Band moved to APPROVE the minutes of February 24, 2016 as written. Commissioner Campbell seconded the motion.

VOTE: The motion passed. Board Members Thimm and Suesser abstained.

PUBLIC INPUT

Clay Stuard referred to the memorandum that was handed out regarding the Annual Work Plan. He noted that one of the items for discussion were the LMC changes, and the bullet item - Code clarification and definitions. Mr. Stuard asked the Commissioners to discuss clarification on how density is calculated under the MPD ordinance. Mr. Stuard noted that a lot of Park City, particularly the Bonanza Park area, is under the GC zone and those properties will most likely be developed using the MPD ordinance. He challenged the Planning Commission to look at the LMC from the standpoint of a developer and try to figure out how to calculate the density under the Code. As currently written he did not

believe the Code offered a definitive answer. Mr. Stuard thought the lack of clarity has led to bogus calculations on applications that have come before the Planning Commission. It creates the illusion that the applicant is asking for less density than what is allowed by Code and it sets up the argument for additional height or other variances that have occurred in the past. Mr. Stuard urged the Planning Commission to add a review of the MPD ordinance and any associated sections in calculating density.

Chair Strachan announced that the item would be moved to the end of the agenda and he encouraged Mr. Stuard to stay for the discussion.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Erickson noted that at the last Planning Commission meeting the Commissioners asked for an explanation of how height and bulk regulations were applied in the HR1 zone. His team did some research and some of the buildings in question were existing non-conforming uses and were allowed to continue as long as those non-conforming uses did not expand the non-conformity of the use. Director Erickson referred to one specific building and stated that the original application came in with a five-story building which was higher than the non-conforming use. The Staff required the applicant to remove the upper floor; however, allowing a flat roof allowed the bulk to be retained inside the height limit. Director Erickson explained that the original project was four condominium units that were reduced to three units. In addition, there were long negotiations between the applicant and the Planning Staff regarding the window size and placement and the architectural materials. Those were generally in compliance and the Staff found that they met Code.

Director Erickson noted that there is one additional building directly south in the HR1 zone and that building would go through the same process unless the City elects to change the Code. Director Erickson believes the flat roof influences a number of the heights in the HR1, the HRL and the HR2 zones. The Staff intends to look closely at those issues moving forward.

Chair Strachan agreed that it raises the issues of flat roofs, which has been an issue for most of the ten years he has been on the Planning Commission. Some Commissioners have liked flat roofs and others have not. Chair Strachan noted that the current Code allows for flat roofs but past Codes have prohibited them.

Director Erickson remarked that the flat roof came in as part of the 2007-2009 overhaul of the Code, and they were expected to be green roofs. The exception for elevators and mechanical space above the height limit also causes the dilemma, especially in the Historic District. He noted that the Planning Commission would have the opportunity to discuss

these items and come to some consensus before the Staff starts crafting the LMC amendments.

Director Erickson stated that the entire Planning Staff would be present to hear the discussion regarding the Annual Work Plan. He recognized all eight of his Staff and noted that most have advanced professional degrees.

Commissioner Band disclosed that Sandra Morrison from the Park City Historic Society approached her yesterday to talk about the upcoming agenda. She stopped Ms. Morrison from further conversation and asked her repeat her comments in an email to all of the Commissioners. Commissioner Band did not believe Ms. Morrison had sent the email and she was not in the audience this evening.

Commissioner Phillips recalled the issue he had raised last year about property signs. As he went past three sites in Old Town today, each sign was lying on the ground half covered with snow and they were not visible at all. Commissioner Phillips believed it was a failure to notify the neighbors. Fortunately, all three properties were plat amendments which rarely draws public comments. Commissioner Phillips understood that the Planning Department purchased new sign posts; however, two of the houses still had the wood posts with paper stapled on it. He intended to pursue this because it is paramount that the neighbors properly have that notification.

Director Erickson thanked Commissioner Phillips for drawing it to their attention. They will make an effort to make sure the fallen signs are uprighted and that future signs stay up.

Chair Strachan disclosed that he would recuse himself from the work session discussion regarding the Park City Mountain Resort Development Agreement because his law firm represents Vail and personal injury matters.

WORK SESSION

Vice-Chair Joyce assumed the Chair. Commissioner Strachan left the room.

Planner Astorga reported that this was a work session discussion regarding the amendments to the Park City Mountain Resort MPD Development Agreement Upgrade Plan which the City approved on March 25, 2015. The amendments allowed the owner to move forward with the interconnect, as well as major renovations and remodeling of the Snow Hut, currently known as the Miners Camp. Representatives from Vail and PCMR were in attendance.

Planner Astorga stated that the only condition of approval that required an annual review was tied to the MPD and it was a condition that specifically relates to historic preservation.

Planner Astorga had provided links to past Staff reports and Minutes instead of printing those documents. In response to an earlier comment by Commissioner Band, Planner Astorga reported that the Planning Department had not received an email from Sandra Morrison or the Park City Historic Society. The Historic Society was given a copy of the Staff report when it was published last Friday, but they had not responded.

Planner Astorga noted that the condition of approval was written on page 18 of the Staff report. The Staff found that Vail was progressing on all counts and money has been spent regarding historic preservation. The Staff was working with Vail on the funding plan. The Planning Department had received technical information from the Alta survey, which takes more time than a traditional survey. Planner Astorga noted that this is the largest parcel in Park City and it will take a long time to complete the survey. This item was scheduled as a work session to conduct the annual review.

Planner Astorga stated that the applicant would have to come back to the Planning Commission for final action. The specific condition of approval indicated that the applicant had one year to comply; however, the Staff felt it is reasonable for the City to add another 120 days to allow time to complete the work.

Bill Rock, representing the applicant, summarized the progress that has taken place. Vail had paid \$50,000 in escrow to do the work. Some work was done before the end of summer and they have a Scope of Work that will start immediately in the Spring. Mr. Rock stated that since the last meeting with the Planning Commission they drafted a tentative MOU between Vail, the City and the Historical Preservation Society to find a way to deploy funds to preserve the mining structures within the Resort boundaries in the future. Mr. Rock noted that another condition was to put together a five year funding plan with the Historical Society to help raise money to preserve these structures. That five year plan had been submitted.

Commissioner Band asked if Vail gave \$50,000 to the City and the City has the responsibility to disburse it. Director Erickson explained that the MOU between Vail, the City and the Historical Society set the priority sites. The City is required to approve the work before any of the \$50,000 can be disbursed. Director Erickson stated that \$2700 was spent last year doing internal stabilization on California Comstock, which helped it survive the winter. The work was being done by a mining contractor who is familiar with working with wood structures and mining preservation. The Planning Department will be rigorous in making sure the other sites move forward. The prioritized list was included in the Staff report.

Commissioner Band asked Planner Grahn for her opinion. Planner Grahn replied that she was felt comfortable that through the MOU they could move forward with the structural stabilization work. They were doing their best last year until it snowed earlier than expected and affected the amount of work that was done on California Comstock. Planner Grahn remarked that it was a good working relationship and she hoped it would continue.

Commissioner Band understood that there was a one-year deadline but as long as progress was being made and the mine structures were stabilized she was comfortable extending the time frame.

Commissioner Thimm stated that he thought from the beginning that the schedule was aggressive. Since Park City has seasons, he was not opposed to granting the request for an additional 120 days.

Director Erickson stated that the Staff would come back with a recommendation for the 120 extension at the next meeting. He emphasized that Vail had reached out to the Historical Society and made them a party to the operating agreement for Historic Preservation. It was not a requirement of the conditions of approval and they chose to take that extra step.

Commissioner Joyce stated that when they met last year in March there was a set of items that needed to be shielded somewhat before they experienced another winter and risked structures falling down. However, he was disappointed when he realized that almost nothing was done with the exception of \$2700 worth of work, which is minimal. Commissioner Joyce stated that an inventory and a survey are good to have, but the important aspect is the actual work to shore up the structures.

Director Erickson stated that when this comes back they would be asking for additional timing commitments from VR CPC on renovations this coming summer.

Commissioner Thimm asked if when Vail comes back to the Planning Commission for approval of the 120 extension, whether it would be appropriate to ask them to provide a list of sites at that time. Director Erickson stated that if they come back at the next meeting they would be close to those requirements. He thought it would be unfair to request a list before the extension; however, the Commissioners could add a condition of approval stating that within 45 days after this action the application will provide a draft list. Director Erickson believed they needed to give the opportunity to react, and because the Museum is a participating party, they need to make sure the Museum, as well as Planners Grahn and Turpen, are in agreement as well.

Commissioner Band noted that the Planning Commission considering extending the time specified in the condition of approval, but the interconnect is there and the restaurant is open for business. Director Erickson stated that the City would not accept an application for anything else on the Mountain or for the parking lot until these requirements are fulfilled. They have had this discussion and Vail is fully aware of it. Director Erickson was comfortable making the recommendation knowing the urgency of the situation and what the Museum has suggested in this situation.

Commissioner Phillips assumed that Vail was confident that they could complete the work within the additional 120 days. Mr. Rock replied that the extension was actually for the survey to be finalized, and he was confident that it would be completed within 120 days. Mr. Rock also noted that in addition to the \$50,000 that has already been committed, the next step is to create a five year plan and to raise money for the rest of the work based on prioritization and inventory.

The Planning Commissioner was comfortable having this come back as a formal request for a 120 day extension. Planner Astorga remarked that how long it takes to send out notices would determine whether this comes back at the next meeting or a later meeting. Director Erickson stated that the Staff would do their best to expedite the process.

Mr. Rock thanked Director Erickson and the Staff for helping them work through these complicated issues.

Vice-Chair Joyce closed the work session and returned to the Regular Meeting.

Chair Strachan resumed the Chair.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

- 1. 803 Norfolk Avenue, Plat Amendment – Combining Lot 1 and the south half of Lot 2, Block 14 of Snyder’s Addition to the Park City Survey**
(Application PL-15-03049)

Planner Grahn reported that this item would be continued at the request of the applicant. The applicant had concerns regarding the dedication of Crescent Tramway and access to the property off of it. They will continue working with the Staff and the City Engineer to work out the issues. Planner Grahn requested that the Planning Commission continue this item to April 13th.

MOTION: Commissioner Band moved to CONTINUE the 803 Norfolk Avenue plat amendment to combine Lot 1 and the south half of Lot 2, Block 14 of the Snyder's Addition to the Park City Survey to April 13, 2016. Commissioner Thimm seconded the motion.

VOTE: The motion passed unanimously.

2. 844 Empire Avenue – Plat Amendment creating one (1) lot of record from the lot and portions of lots at 844 Empire Avenue (Application PL-15-03034)

Planner Francisco Astorga reviewed the application for a plat amendment at 844 Empire Avenue. He noted that the site is complicated due to the existing historic structure currently listed as a Significant Site on the Historic Site Inventory. The main entry of the dwelling faces north over platted 9th Avenue and there are some non-compliances in that the historic structure did have setbacks when it was built, as well as other items that do not comply with current Code.

Planner Astorga asked if the Commissioners had received the letter he had sent from the property owner. The letter indicates that the applicant disagrees with the Staff recommendation of the maximum building footprint due to the road dedication, as requested by the City Engineer. Planner Astorga explained that the portion of land owned by the property owner consisting of 932 square feet was shown on page 60 of the Staff report, and that piece would be dedicated to the City. He stated that in several conversation with City Engineer Matt Cassel, he is trying to acquire all of the right-of-way of Crescent Tram. Planner Astorga noted that in some parts of town the City Engineer may feel comfortable with an easement over private property, but when it comes to Crescent the City Engineer is very clear that through a plat amendment process he is tries to acquire property for public use.

Planner Astorga clarified that the maximum building footprint was the source of disagreement that the applicant was having with the Staff recommendation. He stated that the maximum building footprint comes from the lot area. Therefore, if the lot becomes smaller due to the road dedication it results in a smaller building footprint.

Planner Astorga stated that the difference in the building footprint before the road dedication is approximately 300 feet. The applicant was not informed of the reduced building footprint until Friday, which is why they submitted the letter indicating that they do not want to use the full 300 square feet, but they would like to use 125 of what would be allowed over the maximum building footprint. However, the LMC does not provide language that would allow it. Therefore, it would be limited to 1351 square feet instead of 1476 square feet as indicated on the submitted letter.

Planner Astorga suggested that the applicant may request a continuance and he did not believe it was an unreasonable request. It would allow the applicant time to work with their architect to see if future plans to remodel the historic site would be affected.

Chair Strachan asked if the applicant intended to request a continuance. Tom Goff, representing the applicant, replied that they would like to request a continuance.

Commissioner Thimm asked if the City would pay for the dedication of land or if it would occur as a land swap. He was unclear of the process in this particular circumstance. Assistant City Attorney McLean stated that generally dedication language on the plat indicates that when the plat is recorded the land gets dedicated. She clarified that in this case, the land at issue is a prescriptive right-of-way that the public has been using for a long time, dating back to the 1800s. Ms. McLean stated that the dedication is an easier way for the City to have control over that land as opposed to a titled action or some other means. The City would purchase it because it is already an existing roadway.

Commissioner Campbell asked how the square footage calculation affects this type of situation, because normally the square footage calculation for the footprint would include the size of the lot. Planner Astorga replied that they run the building footprint formula outlined in the LMC. The issue is that the LMC only says take X, which is the lot size, and plug it into the formula to get Y. It makes no mention of road dedications or anything else. Planner Astorga referred to the comparison between pages 60 and 62 of the Staff report. He noted that page 62 was the actual application that was originally submitted, and there is no road dedication. He explained that the road dedication only came about after review by the internal review committee, which included the City Engineer. It was later in the process where they further studied the footprint formula and the maximum building footprint that they found it was based on that area. Planner Astorga clarified that if the road is dedicated the applicant would not be able to include that road area. He was unsure what the City Engineer would do if the applicant returned to the original application that was submitted without the road dedication. The prescriptive access is already there, but Mr. Cassel indicated in a discussion earlier today that for Crescent Tram he would want to acquire every piece of property and not have it through an easement.

Commissioner Campbell understood that if it was an easement the applicant would be able to count the easement into the square footage. He felt this was a good example of bureaucratic taking. Planner Astorga noted that Mr. Cassel was the signing entity on the plat amendment and he thought it was better to continue this item until Mr. Cassel could be present to explain his reasoning.

Assistant City Attorney McLean pointed out that nothing could be calculated without a plat amendment because currently the lot line runs through the lot. She apologized to the

applicant that this came up so late in the process and that they were forced to address it just before the meeting. It was an issue that came up internally and they realized the need for a clear policy to correctly address it because it is a prescriptive easement. Ms. McLean remarked that another way to look at it, is that there is a roadway through the lot that is not buildable property, and that also affects the building footprint.

Commissioner Campbell emphasized the need to get this right because consistency is important and this same issue may come up again. He thought it was a Catch-22 and the applicant was caught in the middle.

Commissioner Joyce agreed that the City Attorney needed to provide an explanation because it was not only a later issue for the applicant, but the Planning Commission did not have enough information to understand the situation.

Assistant City Attorney McLean suggested that the Planning Commission continue this item to allow time for the Staff to meet with the applicant and to hear input from Mr. Cassel.

Sara Goff, representing the applicant, stated that as part of their commitment to the process, they spent \$5,000 doing research on 100 years of history and dedication, and nowhere in history has this property ever dedicated this piece of land to the City. Chair Strachan believed that was obvious because if it had been dedicated the City would already have it and would not need the dedication moving forward.

Commissioner Campbell asked if it was reasonable for the Planning Commission to say that philosophically they would be in favor of the applicant having a larger footprint because of the other negatives that are about to happen.

Commissioner Phillips believed another piece of this issue is for the Planning Commission to understand completely the purpose of the maximum building footprint. He assumed it was to prevent building completely to the setbacks. Commissioner Phillips stated that in doing this, if the applicant is allowed to build to their setback lines on all four sides, he would absolutely not be in favor. He requested that the Staff provide information and background on the exact reasoning for the building footprint.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

MOTION: Commissioner Joyce moved to CONTINUE the 844 Empire Avenue plat amendment to April 13, 2016. Commissioner Band seconded the motion.

VOTE: The motion passed unanimously.

3. 921 Norfolk Avenue – Plat Amendment combining two lots in order to remove the lot line that runs through an existing home (Application PL-16-03091)

Planning Tech, Makena Hawley, reviewed the plat amendment application to combine two lots into one by removing a lot line that runs through the existing home.

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 as found in the draft ordinance.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Commissioner Joyce read Condition of Approval #3, “The property owner shall address/remove the encroachment of the concrete retaining walls, concrete steps and garage, over the front (east) property line into the City Right-of-Way (ROW)”. When he looked at the picture on page 84 of the Staff report he realized that the garage, the steps and the retaining wall were quite large and integrated. Commissioner Joyce asked whether the City would allow an easement or whether those had to be removed.

Ms. Hawley stated that she, Matt Cassel, and the applicant had met to address it earlier today. She noted that it is up to the owner to decide which route to take. Some type of encroachment agreement would be required. Ms. Hawley noted that because there is only one parking space on-site, the owner would be required to park one car in the garage and only one off-site parking would be allowed. She stated that the encroachment agreement has not been finalized, but there is a condition stating that an encroachment agreement must be recorded prior to recording the plat.

MOTION: Commissioner Band moved to forward a POSITIVE recommendation to the City Council the plat amendment to combine two lots at 921 Norfolk Avenue. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 921 Norfolk Avenue

1. The property is located at 921 Norfolk Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lot 6 and the north half of Lot 5, Block 15 of Snyders Addition to Park City Survey. The proposed plat amendment creates one (1) lot of record.
4. This site was previously listed on Park City's Historic Sites Inventory (HSI) and was designated as Significant until 2009 when it was removed from the Historic Sites Inventory.
5. The Plat Amendment removes one (1) lot line going through the existing structure.
6. The proposed Plat Amendment combines the property into one (1) lot measuring 2,812.5 square feet.
7. A single-family dwelling is an allowed use in the District.
8. The minimum lot area for a single-family dwelling is 1,875 square feet. The proposed lots meet the minimum lot area for single-family dwellings.
9. The minimum lot width required is twenty-five feet (25'). The proposed lot meets the minimum lot width requirement at 37.5 feet along Norfolk Avenue.
10. The maximum building footprint allowed based on proposed lot size is 1,200.49 square feet. The existing Building Footprint equates to approximately 1,200 square feet.
11. The existing house is valid non-complying structure.
12. LMC § 15-9-3 (B) indicates that non-complying structures that were lawfully constructed with a permit prior to a contrary change in this Code, may be used and maintained, subject to the standards and limitations of LMC 15-9.
13. The front/rear yard setbacks are ten feet (10') minimum. The combined front/rear yard setbacks are twenty feet (20') minimum.
14. The side yard setbacks are three feet (3') minimum. The total side yard setbacks

are six feet (6') minimum.

15. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law – 921 Norfolk Avenue

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
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 – 9221 Norfolk Avenue

1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The property owner shall address/remove the encroachment of the concrete retaining walls, concrete steps and garage, over the front (east) property line into the City Right-of-Way (ROW).
4. The existing stone pavers and concrete steps encroaching over the north property line into the neighboring property at 927 Norfolk shall either be removed or the applicant shall enter into an encroachment agreement with their neighbor for these improvements.
5. The existing railroad tie retaining wall encroaching over the south side property line into the neighboring property at 915 Norfolk shall either be removed or the applicant

shall enter into an encroachment agreement with their neighbor for these improvements.

4. 2392 Holiday Ranch Loop Road – Conditional Use Permit for a new well filtration building. (Application PL-15-03079)

Planning Tech Hawley handed out public comment she had received and she apologized for not sending it to the Commissioners prior to the meeting.

Planning Tech Hawley reviewed the application for a conditional use permit for a new well filtration building that would replace the old well filtration buildings at the Creekside park and the recreation open space. This will be considered an Essential Municipal Public Utility use, facility, service and structure greater than 600 square feet, which is a conditional use in the zone.

The Staff recommended that the Planning Commission review the conditional use permit application for 2392 Holiday Ranch Loop Road, conduct a public hearing and approve the CUP for an Essential Municipal Public Utility use Facility, service and structure greater than 600 square feet. The Staff had prepared Findings of Fact, Conclusion of Law and Condition of Approval for consideration.

Roger McClain, the Public Utilities Engineer, stated that Alison Butz was the liaison from the Public Utilities Department working with the Planning Department. He noted that the architect and engineer team were present to answer questions and address any comments. Mr. McClain stated that the project started on August 6, 2014 when the Division of Drinking Water issued a letter notifying the Water Department that the well designation was changed to ground water under the direct influence. The Park City Water Department entered into a bi-lateral compliance agreement with the State which required adding a filtration treatment to the current well. Mr. McClain explained that they looked at the options and realized that it would take longer than an 18 month period to implement the requirement. Therefore, Park City requested and was granted a four year compliance period for implementation of the filtration system.

Mr. McClain outlined the milestones that were established in that agreement. Final construction plans are to be submitted to the State by September 26, 2106. The well filtration will be active by August 30th, 2018.

Alison Butz, representing Park City Municipal, reviewed an overhead view of the site. Two yellow rectangles represented the two exiting well house buildings. They originally considered expanding those buildings to accommodate the filtration equipment, but the

buildings are non-conforming because they sit within the setback of the ROS zone. Per Code a non-conforming use cannot be expanded. Ms. Butz oriented the Commissioners to the site and indicated the well heads, the wetlands, an existing water line, a power line, and the required setback for the power line. The area where they could place a new structure was limited, but the proposed location is away from Holiday Ranch Loop Road and is accessed off of Creek Drive. Ms. Butz noted that the new location is place further south on the site and away from the residents. The building is being located in the area identified as wetlands; however, it would impact less than 1/10th of an acre of wetlands. They still needed to obtain a permit from the Army Corp of Engineers.

Ms. Butz stated that they were directed to keep the building as small as possible within a minimum footprint as well as the lowest height. The building is proposed to be 2700 square feet and the proposed height is 19-1/2 feet off of grade. The exterior elevations being proposed are a stacked dry stone with hardy board and corrugated metal. They were proposing a 30 kilowatt solar system for generating power. There will be a power generator within the building as a back-up generator for this operation. It will be fueled with natural gas which will eliminate the need for fuel deliveries to the site. They will also be generating on-site chlorine and that will also eliminate deliveries. Ms. Butz noted that no one would be officed or housed in this building but it will be monitored and visited by the Water Department Staff. No additional security is needed and motion sensor lights will be installed on the exterior. There should not be additional noise, fences, or any other impacts to the neighborhood with this new location.

Ms. Butz noted that the two existing structures along Holiday Ranch Loop Road would be demolished once the new structure is constructed. Building on a new site allows the two wells to remain in operation during construction.

Commissioner Thimm commented on the height and asked if the low point was the minimum height for the equipment it was housing. Mr. McClain noted that the building is two-stepped. The equipment housed in the higher roof are the canisters. He explained the process for the filter system within the structure and the need for a slightly higher height requirement in that area. The height was minimized in other areas even though the generator and other equipment is housed in those areas as well. Commissioner Thimm clarified that the extra height at the high slope of the roof is actually needed for access to the equipment. Mr. McClain answered yes.

Commissioner Joyce noted that page 95 of the Staff report mentions that this is in the Sensitive Lands Overlay. The language states that no development is to take place within 50 feet of identifying wetlands. He asked how they could build on top of the SLO.

Planning Tech Hawley stated that in the SLO, Chapter 15-2.21-6, there is an Intent and Jurisdiction. The Jurisdiction portion talks about “all significant wetlands and stream corridors are regulated as provided below”. Per the definition, significant wetlands are defined as, “All wetlands that occupy a surface area greater than 1/10th of an acre or are associated with permanent surface water that are adjacent to or contiguous with a stream corridor.” Ms. Hawley stated that because the wetlands being affected would be under 1/10th of an acre at 2,875 square feet, it falls under that Jurisdiction.

Commissioner Joyce thought they were stretching the definition. In his opinion, the 1/10th of an acre that would be affected is different than the total significant wetlands. He thought it was a measure of the wetlands and not what they were about to replace. He asked if the 1/10th of an acre included the total wetland and stream and everything on the property. He noted that there was a significant amount of wetlands along there independent of where they would place the concrete platform. Ms. Hawley clarified that she was talking about the actual wetlands and not just the building area. Commissioner Joyce asked if the entire wetlands was less than 1/10th of an acre. Ms. Hawley answered yes.

Director Erickson pointed to page 96 of the Staff report which identified the total acreage of the wetlands. He noted that a condition of approval requires an Army Corp of Engineers permit before this project could move forward. Director Erickson explained that the Staff was asking the Planning Commission to make a land use choice on the location of the filtration plan, and let the Army Corp of Engineers address the wetlands. Commissioner Joyce did not expect the Corp would enforce Park City’s SLO zoning. Director Erickson remarked that the Planning Commission was being asked to consider the effect of the 50’ setback from a “significant” versus the Corp of Engineers required mitigation of impacts to any wetland. Commissioner Joyce understood the Corp piece for mitigation, but he did not understand how it applied to the LMC for Sensitive Land.

Commissioner Suesser asked someone to address some of the concerns raised in the letter that was handed out this evening. Ms. Butz stated that when they gave their initial presentation were showing a larger building and they were asked to reduce the footprint of the building, which they did. Ms. Butz explained how the building was designed as a two-story structure as a way to add visual interest; however, they were asked to keep it as low as possible. Therefore, the design was modified to reduce the height. Ms. Butz felt that the changes made to the building met the concerns addressed in the letter. She noted that there are two driveways off Holiday Ranch Loop Road as stated in the letter, and they were willing to remove both driveways. They were also willing to add a back sidewalk into the park, recognizing that the location might change because of the wetlands. To address the last issue in the letter, Ms. Butz explained that the height is measured off of the street level because the site is at a different height. Ms. McClain explained that the entire berm adjacent to the wetlands is an isolated area that goes out from the wetlands. The building

is set off of the existing Creek Road; therefore, the berm would be removed and the elevation would be at grade off of Creek Road.

Commissioner Suesser asked if there would only be one driveway. Mr. McClain replied that it would be the one driveway adjacent to the building. The only remaining access would be off of Creek Road.

Chair Strachan asked if they had ever considered using the property across the street to the north and adjacent to the fire station. Mr. McClain replied that it was part of the Fire Station property. That location would require a more complicated piping system and it would interfere with Fire Station activities.

Chair Strachan opened the public hearing.

There were no comments.

Chair Strachan closed the public hearing.

Chair Strachan stated that these types of buildings are typically aesthetically unpleasant. He suggested that adding windows would be a good idea, and that kids using the park would enjoy looking into the building to see how the filtration system works. He thought windows would make the building look more inviting.

Commissioner Phillips concurred with Chair Strachan that adding windows would make the building look nicer architecturally. Mr. McClain thought that windows could present security concerns, but he would speak with the architect to investigate their options.

Commissioner Joyce referred to page 107 of the Staff report and noted that it was the view everyone would see. Ms. Butz stated that there is landscape plan and the building would not look as bare as what was showing. Mr. McClain outlined the plans for landscaping, which included berming. Chair Strachan cautioned against using berming as a "cure-all". For example, the movie studio was promised to be concealed with berming, but that was not the case. He remarked that berming is a tool but not something they should solely rely on.

Assistant City Attorney McLean asked Director Erickson to explain the Army Corp of Engineers' definition and criteria for wetlands. Director Erickson stated the Army Corp of Engineers 1987 Wetlands Delineation Manual lists three criteria for wetlands; 1) if the ground is wet more than seven days; 2) it has to have growing hybrid vegetation; 3) it has to have the correct soils. Director Erickson remarked that the way the Corp of Engineers gives jurisdiction over a piece of land that is wet and has soils and vegetation is that it

needs to be connected hydraulically to a water of the United States. The connection to water of the United States is what is being debated in the application, which states that the well is not connected hydraulically to the stream; and therefore is not jurisdictional under the Corp of Engineers 1988 Manual.

Commissioner Joyce noted that the land is in the Sensitive Lands Overlay and it is marked on the map as a wetland. Based on all the facts provided to the Planning Commission he thought it was fair to say that it is a wetland. Director Erickson explained that the difference is that through the LMC the Planning Commission can define wetland. The LMC also has a definition for wetland significant as well, including the LMC requirement for the Army Corp of Engineers 1987 Delineation. Director Erickson stated that Commissioner Joyce was correct. This application was being presented in order to enable the Water Department to determine whether or not they can move forward with this site, knowing the criteria and the issues moving forward.

Commissioner Band wanted to know what would happen if the Planning Commission approved this application and the Army Corp of Engineers denies the permit. Director Erickson replied that it could not move forward without approval by the Corp of Engineers. The applicant would have to find a different location that is still fairly close to the well heads.

Assistant City Attorney McLean asked if the Corp defines the size of the wetlands. Ms. Butz replied that the Corp of Engineers require certain mitigation efforts for above 1/10th of an acres versus below 1/10th of an acre. Commissioner Joyce clarified that it was not the definition of a wetland. It is the definition of the mitigation required for more than 1/10th. Commissioner Joyce pointed out that it does not affect whether or not it is a wetland.

Planning Tech Hawley reviewed the research which led her to the understanding that it was out of the restrictions and regulations of wetlands. She noted that the definition was from the LMC and what directed her to the LMC definition was reading the Significant Wetlands words within the SLO.

Commissioner Thimm was accustomed to seeing pump houses with four walls and a roof and made out of cinder block. The proposed building is articulated with multiple materials and from a massing standpoint is broken down into multiple pieces. Commissioner Thimm thought the building was architecturally designed to fit in with other structure in the children's park. He thought the location was superior in terms of access because it takes the driveway off of Holiday Ranch Road and puts it on a much less used street. Commissioner Thimm believed the building works well and adds some level of character. He asked if he was correct in understanding that a new delineation would be done on the wetlands as part of this application. Mr. McClain stated that delineation of wetlands was

done as part of the submittal to the Army Corp. of Engineer. They defined the wetlands boundaries. Commissioner Thimm asked if the new delineation gets the same square footage of .09. Mr. McClain answered yes and explained that the number were taken from that delineation.

Commissioner Phillips agreed with Commissioner Thimm.

Commissioner Joyce thought it was a little sketchy but technically borderline. He had concerns with the City working a technicality for why it is acceptable to build in the Sensitive Land Overlay, which is the strongest level of protection, on top of an area that is currently marked as a wetland. However, from a technicality aspect it appeared to be allowed by the LMC. He personally was interested in hearing the response from the Army Corp. of Engineers. Commissioner Joyce reiterated his previous concern that the Army Corp of Engineers does not enforce the Park City SLO because the City is responsible for that enforcement. He questioned whether they would be as lenient if the applicant was someone other than the City.

Assistant City Attorney McLean advise the Planning Commission that the City should not be treated differently than any other applicant; not harsher or lesser.

Commissioner Band noted that the rules in the LMC are different for a public facility such as this one versus building a private home in the SLO.

Commissioner Thimm referred to an earlier suggestion for adding windows. He would supports adding windows to break up the facade if the building could be kept secure. Noise was another consideration and questioned whether glass windows would generate more noise. Commissioner Thimm thought acoustics and type of glass windows should be part of the final design.

Commissioner Campbell concurred with Commissioner Joyce that this was stretching the SLO. He stated that if the City is to be treated the same as every applicant, the next time a private applicant comes in with a similar request they should remember how they treated this application for consistency moving forward.

Chair Strachan recalled that they faced this same issue when they approved the Water Treatment Facility on the Rail Trail because that was also in the wetlands. He remembered having the same uneasiness about this technicality; however, the Planning Commission at that time resolved the issue by determining that there was nowhere else to put these types of facilities because they have to be located next to the waterways due to the inherent nature of what they are.

Commissioner Campbell clarified that he was trying to protect the Legal Department from the position of having to defend this against an individual in the future who might read the minutes of this meeting and submit an application with the same request for a private residence. He suggested that they consider amending the LMC to add language stating that the SLO is trumped by civic duties. Director Erickson recommended that a better approach would be to clarify the definition of wetlands to add some precision.

Commissioner Joyce stated that the only reason he would consider voting in favor of this was based on explicit language in the Jurisdiction. They are looking at a Significant Wetland, which is defined as that which is a tenth of an acre or more. This is less than a tenth of an acre. Commission Joyce clarified that if it was one square foot over a tenth of an acre he would vote against it.

Commissioner Campbell asked who had done the square foot calculation. Mr. McClain replied that it was defined by a certified wetlands specialist who does wetlands delineation as a profession. It is then submitted to the Army Corp of Engineers.

Commissioner Phillips believed this application fits within the Code. Chair Strachan noted that sometimes the law draws lines. If this has been reliably calculated to be under a tenth of an acre, it meets the law. He agreed that it was close, but there are a lot of close calls under the Land Management Code. He thought a close reading of the LMC is what should be followed. Chair Strachan was not overly concerned about the Code reading issues. He was more concerned about the aesthetic issues, but wondered if it was too late into the process to add a condition related to beautification.

Mr. McClain stated that the architect assured him that there are secure windows that could not be broken or forcibly entered. They would entertain the idea of incorporating windows into the design and were not opposed to adding that as a condition of approval.

Director Erickson stated that the Staff would take responsibility for reviewing the windows including the glazing and security. The Staff shares the concerns regarding noise, as well as other issues such as trespassing and lights shining in the neighbors' windows. Chair Strachan suggested that they only install windows facing the BMX Park so it would not interfere with the homeowners on the other side.

Chair Strachan preferred to trust the Staff and ultimately the City Council to make sure the windows are added rather than adding it as a condition of approval. However, he was not opposed to adding it as a condition of approval if that was the preference of the other Commissioners.

Commissioner Suesser asked for the total square footage of the two existing buildings. Planning Tech Hawley believed it was 573 square feet. The Divide Well house is 340 square feet and the Park Meadows well house is 233 square feet. Commissioner Suesser noted that the new building would be 2700 square feet. Ms. McClain explained the need for the larger space, including to house the generator inside the building. Commissioner Suesser asked if there was a possibility that the building size could be reduced. Mr. McClain replied that they already made that effort at the request of a property owner and all of the non-essential space was eliminated. The building as currently proposed is as small as it can be and still be operational.

Commissioner Joyce referred to Finding of Fact #5 and corrected the word acres in the second line to correctly read **across**.

MOTION: Commissioner Thimm moved to APPROVE the CUP Application for 2392 Holiday Ranch Loop Road for the Essential Municipal Public Utility Use Building based on the Findings of Fact, as amended, the Conclusions of Law, and Conditions of Approval found in the Staff report. Commissioner Phillips seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact – 2392 Holiday Ranch Loop Road

1. Applicant requests the use of an Essential Municipal Public Utility Use greater than 600 square feet to be used for the operations and storage of the Park Meadows and the Divide wells.
2. The property is located at 2392 Holiday Ranch Loop Drive but relocated would become 2392 Creek Drive.
3. The property is located within the Recreation and Open Space (ROS) District and the proposed use requires a Conditional Use Permit.
4. The lot is described as Parcel #CRKSD-2-X, of the Creekside Subdivision approved in March 2007 in the Park Meadows neighborhood.
5. The 6.71 acre parcel holds the Park Meadows well and the Divide well, along with recreational areas and is across the private street from the Park City Fire Department.
6. The size of the proposed structure is 2,700 square feet.

7. The existing landscape is comprised of low shrub vegetation growth and a flat topography. The building site will impact 0.1 acres of wetlands. This will require permitting through the Army Corps of Engineers; however, the site area is less than the threshold limit requiring extensive mitigation efforts.

8. Access to the new well house will be from the private drive, Creek Drive accessed off Holiday Ranch Loop Road, which is the current access road for the well houses.

9. The neighborhood is characterized by a mix of public parks, the Park City Fire Department, and single-family dwellings.

10. The project will be reviewed by the Park City Fire District and require approval during the building permit process.

11. The proposed structure complies with all setbacks. The minimum setbacks from all boundary lines of the lot are twenty five feet (25'). The proposed well house is 25 feet away from the closest lot line. According to the Building Department there are no requirements for setbacks between structures.

12. The proposed structure complies with the twenty-eight feet (28') maximum building height requirement measured from existing grade. The proposed structure will be a maximum of nineteen point five feet (19.5') in height.

13. Staff finds that the proposed well filtration building is compatible with the surrounding structures. The well house uses the same materials as the surrounding structures and is generally similar in size to most of the adjacent buildings.

14. 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. There is no existing significant vegetation on the lot.

15. Lighting is proposed in one exterior area. The lighting on the entry door with a motion sensor which will be down lit and shielded.

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

17. The entire wetland being affected in the area is not associated with a stream corridor in any way. Additionally the wetland is approximately 4000 square feet (.09 acres) which is less than the amount specified in the definition of Significant Wetland. Due to the size of the wetland, it is not considered to be Significant; therefore, the regulations under the 15-2.21-6 portion of the LMC do not apply.

18. The applicant will be required to submit a Permit Application and Mitigation Plan for Wetland Impacts prior to a building permit issuance, to comply with US Army Corps of Engineers Nationwide Permit requirements. The applicant has proposed a new area for preserved and enhanced wetland that will cover 2,866 square feet (please see Exhibit G) to be reviewed by the Corps.

19. The applicant stipulates to the conditions of approval.

Conclusions of Law – 2392 Holiday Ranch Loop Road

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically section 15-2.7-2(C)(14).
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 Approvals – 2392 Holiday Ranch Loop Road

1. All Standard Project Conditions shall apply.
2. Construction waste should be diverted from the landfill and recycled when possible.
3. Prior to building permit issuance, wetland delineation is required by a certified delineator and approved by the Army Corps of Engineers. If approval determines the wetlands to be non-jurisdictional, the building permit can be issued. If approval determines the wetlands to be jurisdictional, setbacks protection and remediation of impacts, as approved by the Corps shall be required.
4. Less than a tenth of an acre of wetlands may be impacted with this Conditional Use Permit. The wetland area to be impacted shall be identified on the building plans and verified by the Planning and Engineering Departments prior to issuance of a building permit.

The Planning Commissioner reconvened the Work Session to discuss the potential Annual Work Plan, Commission Roles and Responsibilities and Priorities.

WORK SESSION

Discussion on the potential Annual Work Plan, Commission Roles and Responsibilities and Priorities.

Director Erickson stated that one goal he would like to accomplish this evening if to have consensus on how long the Planning Commission meetings should be. He noted that the Planning Department was realigning the Staff to better manage the Planning Commission agenda looking ahead three or four months in advance. They would also like to schedule time for more work sessions items. Director Erickson remarked that some of the changes were based on his 16 years on the Planning Commission in Park City, plus nearly 35 years of experience doing Planning Commission presentations in almost all of the western states.

Director Erickson noted that the Planning Department team consists of eight people, and most have advanced professional degrees. The office manager will have his MBA in October. They are reorganizing the team and focusing more on applying the LMC, the General Plan, how to do good preservation, and protection of the Historic District and the neighborhoods. There are different pieces regarding planning and there is a difference between the design role and the planning role. The Planning Department believes their obligation is to deliver on the trust that the public has placed in them for making good planning decisions. They also need to be better at determining what it is that the Planning Commission and the City Council are telling them.

Director Erickson stated that the Planning Commission is the first point of contact for the public as directed by the City Council. It is where the public actually sees what is being proposed for the first time. Director Erickson remarked that the Planning Commission has a role to perform. They change from being a regular citizen to becoming a Commissioner, which means they listen to the Staff and the public. Each Commissioner contributes the individual experience for which they were selected to be on the Planning Commission. The Planning Commission has two roles. One is the advisory role on global issues and the second is interpretation to help the Staff interpret the regulations. Director Erickson explained the difference between the two roles and provided examples. He stated that a third role is the traditional role of the Planning Commission, which includes making determinations on land use decisions. Sometimes that role is shared with the Board of Adjustment and the Historic Preservation Board.

Director Erickson outlined specific roles for the Staff in the Planning Department. Hannah Turpen is responsible for managing the Planning Commission agendas. She will meet with Director Erickson once a week to make sure the agendas are balanced. Anya Grahn will manage the HPB agendas. Senior Planners Francisco Astorga and Kirsten Whetstone have the responsibility of reviewing all Staff reports. Francisco will also be responsible for

issues related to affordable housing. Kirsten will focus on transportation and interface with Alfred Knotts, the Transportation Manager. Director Erickson noted that Kirsten Whetstone also has a civil engineering degree in addition to a master's degree in Planning.

Director Erickson emphasized that the Planning Department was changing direction in terms of their role and how they approach things.

Director Erickson reported that the City Council recently completed a Visioning Session. They generated a Park City 2030 Plan, which are the main strategic goals established by the City Council. They actually do their budgeting for outcomes underneath the 2030 Plan. The outcomes relate to the General Plan. The Planning Department's responsibility to the City Council is to manage the General Plan inside the guidance of the Park City 2030 Plan. Director Erickson explained the budgeting process.

Director Erickson noted that the City Council developed Critical Priorities of Transportation, Housing and Energy. These Priorities have an influence on the General Plan and Land Management Code. The Planning Department has been tasked with getting those into the LMC this year, and to revise the General Plan as needed. He noted that Kirsten Whetstone will be managing the LMC to move those items forward. Francisco Astorga is tasked with making sure the General Plan remains current.

Director Erickson stated that within the 2030 Plan and in the General Plan and the Critical Priorities, the City Council outlined the abstract concepts, such as historic preservation, open space, transportation management, affordable housing. He pointed out that they were actually abstract terms and the Planning Commission is tasked with defining their meaning. Director Erickson noted that other Boards were helping to clarify the meanings. For example, the HPB is trying to define historic preservation and how it applies inside the LMC. COSAC does the same with open space. The intent is allow these Boards to manage their abstraction with precision and care, without stepping outside of the Planning Commission's role of balancing the abstractions and addressing the land use equation. Director Erickson stated that one example is that the HPB looks at material deconstruction on historic homes, but they cannot look at what the future land use would be because that is the role of the Planning Commission.

Director Erickson stated that as they move forward the goal is to define those abstractions and look to the Planning Commission to help balance those in their advisory role on legislative matters.

Director Erickson stated that an Annual Work Plan would allow the Planning Commission to establish priorities and goals for carrying out Planning Commission

responsibilities beyond administrative and quasi-judicial acts such as subdivisions and Conditional Use Permits. He asked for their comments on their roles and how much additional work they were willing to take on. Director Erickson noted that the City Council has liaisons to different boards and commissions. He thought it would be appropriate for the Planning Commission to have liaisons to various board and commissioners as well.

Director Erickson turned the time back to the Planning Commission for input on how to conduct meetings, the format for presentations and work session.

Commissioner Joyce thought another piece was how the Planning Commission could work at a higher level. His frustration has been with doing nothing more than applying the LMC to CUP and plat amendments. When the General Plan was finished many things in the General Plan said that they should consider applying the Code specifically to individual neighborhoods, revising the LMC to address some of the issues, etc. He pointed out that a lot of effort went into the General Plan to identify what needed to be done, but nothing has been done. Commissioner Joyce thought the LMC amendments that have been done so far were not driven in that direction. He thought it was important to go back and review the General Plan.

Commissioner Joyce also felt there were things that were not part of the General Plan, but could be considered in shaping the way things go forward. For example, he liked what the County was doing with wood burning fireplaces and he had suggested that they at least look at whether or not something similar would be applicable in Park City. Commissioner Joyce clarified that he was looking for ways to change the way that the Planning Commission functions so it is less about administrative applications and more about taking an active role in driving what the community becomes. He suggested that it could be either ideas that the Commissioners bring to the table or the things that support what the City Council has already established as priorities. Commissioner Joyce pointed out that for the past year the City Council gave their top priorities; however, the Planning Commission has done nothing to codify anything that would support those.

Commissioner Joyce stated that before they get into too many details of the LMC, he thought it was important to first have a discussion about how the Planning Commission can be more effective to accomplish what they are supposed to be doing.

Chair Strachan did not believe it was controversial to say that the Planning Commission would like to have more discussions about broader planning issues. It has been the desire of every Planning Commission. Chair Strachan thought the question was which issues to tackle and the mechanics of how to go about doing it.

Commissioner Band understood that plat amendments and CUPs are part of their job and need to be done. However, she believed they were all interested in being on the Planning Commission based on the legislative side because they want to effect the way the City moves forward and how it is shaped. Commissioner Band pointed out that the Planning Commission frequently raises an issue in a meeting that the Staff offers to further research, but it never comes back.

Director Erickson stated that he spent the weekend reading all of the Planning Commission Minutes from 2013 going forward to make sure they had picked up all the issues. However, he did not look at it from the standpoint of the General Plan. Director Erickson asked the Commissioners to take off their individual hats and try to build consensus with the rest of the Planning Commission in terms of what they want to do moving forward. He noted that the City Council does this on a regular basis. When one Commissioner has an idea, the other Commissioners have the obligation to discuss whether or not it will work and provide direction to the Staff accordingly. Director Erickson believed the breakdown in the process is that one Commissioner gives a suggestion, but the Staff is unclear whether there was consensus from the other Commissioners to follow up on that suggestion. Sometimes the Staff would like to hear the discussion to determine whether or not what was suggested could be regulated, whether it is within their purview, or whether it involves or creates other issues.

Commissioner Band thought there was a problem with clarity between the Staff and the Planning Commission because they have discussed things they can all agree on. She noted that the Planning Department has a list that could very well be the same as what the Commissioners would like to discuss, but there is no coordination to know that. She suggested that they sit down and prioritize what they all think are the issues. Director Erickson noted that the Staff has received a list from some of the Commissioners, and Planner Whetstone is careful to pick out as much as she could to add to the list. They tried to avoid starting the discussion this evening with a presentation of the Planning Department's list.

Commissioner Joyce thought it would be good to have a healthy work session because there are dozens of items. Some are small issues, but others such as energy and traffic and review of the General Plan are major issues.

Commissioner Campbell thought the problem is that the mechanism was broken. They take care of the administrative items and once the meeting is over everyone leaves. He suggested that they set aside 15 minutes at the end of each meeting to talk about these issues.

Commissioner Thimm noted that the City Council has a retreat each year where they interactive with each other and work collaboratively. He asked if it was possible for the Planning Commission to have the same type of retreat to accomplish things that cannot be accomplished sitting on the dais working through an agenda. Commissioner Thimm thought it would be helpful to have a mechanism where they could address the bigger issues and share collaborative views.

Director Erickson stated that the intent is to formalize the collective theme of the Planning Commission in bringing ideas forward. Commissioner Campbell asked if the City Council wanted the Planning Commission to do that. Director Erickson replied that the Council does because they have given the Planning Department tasks to fix. The City Council also wants to re-establish the trust that is necessary to make sure the Planning Commission is trusted as the representatives of the public.

Director Erickson stated that they could schedule 30 minutes at every meeting to gather at the back of the room to discuss a work session topic. He noted that Commissioner Joyce has suggested establishing subcommittees for housing, transportation, and other major issues. He clarified that the Staff was not opposed to any of those suggestions, but they needed to know what the Planning Commission wanted to do as a group.

Chair Strachan thought it was beneficial to set aside time after each meeting to discuss which big issues they wanted to tackle. They have had shorter meetings recently, but they need to decide if they want to commit to having a work session after the meeting if the regular meeting goes longer. Commissioner Campbell thought they needed a Plan B such as only scheduling the work session on weeks that the agenda is shorter, or possibly every other meeting.

Commissioner Joyce outlined the topics he thought were important. He recognized that his ideas were broader issues and was interested in hearing whether the other Commissioners concurred.

Commissioner Phillips thought they needed to keep a running list and they should continually refer to that list. The Planning Commission and the Staff should work together on a list so everybody is looking at the same things. Commissioner Phillips stated that even the list of items that the Planning Commission has asked for have disappeared. Some of the items probably no longer matter, but others still need to be addressed.

Director Erickson stated that the application of good ideas needs to focus on the problems they are trying to solve. They should not be random good ideas. Commissioner Phillips explained that it was his reason for suggesting a list of priorities

starting with affordable housing, which they are supposed to be assisting the City Council. He noted that a separate committee was formed to address Affordable Housing and he was unsure whether the Planning Commission would see that report before it goes to the City Council. Commissioner Phillips suggested meeting with the City Council to hear from them directly on what they expect from the Planning Commission. He thought direction from the City Council would be helpful in making these decisions on how to proceed.

The Commissioners discussed the possibility of having members attend task force meetings where some of the bigger issues are addressed and report back to the Planning Commission.

Commissioner Joyce commented on coordinating the lists and all the factors that come into play. He thought it made more sense to create a priority list.

Commissioner Erickson stated that the Staff would start a list and work with the Planning Commissioners to make sure everyone's priorities were included. He would like to structure future meetings such that from 5:30-7:30 they would deal with administrative applications, and from 7:30-8:30 or possibly 9:00 they could address the listed priorities in a systematic manner. The majority of Commissioners agreed with that approach.

Chair Strachan thought the Staff should come forward with a list for the next meeting so they can prioritize the topics together. He believed there would be a lot of overlap between the Staff's list and the Commissioners' list. Chair Strachan stated that from his experience with the General Plan, progress was made when they discussed specific LMC language and text that could be implemented or changed. When the comments related to ideas and philosophy the discussions were bogged down and inconclusive.

Commissioner Joyce thought there was a need for both. If two Commissioners come in with different LMC changes, it could result in a two hour discussion to make sure they address all the issues. Commissioner Joyce believed some component of ideas and philosophy are necessary to make sure the changes are inclusive and not micro. Chair Strachan stated that they would never agree on the big issues. More headway is made by coming to the meeting with a concrete suggestion that can be discussed. You might win or you might lose, but the discussion occurs within the context of the proposed LMC language. Chair Strachan agreed that the first step is to collaboratively create a priority list of topics to begin the discussions.

Commissioner Erickson suggested that they consider the possibility of having a two-hour discussion and from that establish a couple of working groups to bring forward some recommendations for Land Management Code changes for the next meeting. They would

have a global discussion for an hour and stop that discussion and put forward the LMC changes. After the master list is made they could map out a schedule for discussion.

Commissioner Joyce used TDRs as an example of a topic that would need significant discussion. It would take more thought than just writing a simple phrase because it involves TDR banks and many other components. It would be foolish to try to write Code without that extensive discussion. Chair Strachan agreed that the discussion needed to take place; however, his suggestion was for each of the Commissioners to come to the meeting with Codes changes that they think would be influential for that particular LMC section. The discussion is then aired out when those LMC changes are suggested and they have something specific to talk about.

Director Erickson reiterated that it was important to get a list compiled so they could see the global picture.

Chair Strachan believed there was consensus to meet after the regular administrative meeting. He also believed they had parallel tracks on their lists and how they accomplish those items could be debated another time.

Commissioner Joyce understood that they were restricted by the Utah Open Meetings Act but he felt that hindered the Planning Commission in terms of making progress on anything between meetings. He suggested that if someone finds an article or information on a particular subject, he thought it would be helpful if that person could send it to everyone so they could all come to the meeting with the benefit of having read the same information.

Assistant City Attorney McLean stated that sending out an article to everyone is not a problem. However, they need to make sure that the Planning Department receives a copy so it can be memorialized as material that was provided. Ms. McLean explained that the danger is in having conversations about the material that was sent via email or personally. She had no objection to the Commissioners sending out material prior to a meeting, trusting that they would not communicate beyond that. Ms. McLean clarified that the Commissioners would be able to talk one on one as long as they did not have a quorum. The same would apply to sharing their lists. The lists could be sent out to everyone to prioritize, but they should refrain from having a discussion outside of a meeting.

Assistant City Attorney McLean stated that having a work session after the regular meeting was also permitted. She noted that they have more latitude with noticing for a work session and that it only needs to be noticed 24 hours in advance. However, they need to be careful not to make laws or policy decisions at the work session and then rubber stamp it during a regular meeting because the public would not have had the opportunity to participate.

Commissioner Joyce stated that he is a proponent of allowing the public to speak and they may choose to ask for that during a work session; but he believed there could be times when the Planning Commission would want to have a working meeting without inviting the public to speak.

Chair Strachan stated that if everyone wanted to send him their lists he would bring them to the next meeting. The suggestion was made to have everyone send their list to Planner Whetstone so she could compile them into one list instead of having everyone read through seven different lists. Chair Strachan stated that the Commissioners should send their lists to him and to Planner Whetstone. In the event that Planner Whetstone does not have time to compile them into one list before the next meeting, then he would be able to do it. The Commissioner agreed.

The Park City Planning Commission Meeting adjourned at 8:45 p.m.

Approved by Planning Commission: _____

Planning Commission Staff Report

Subject: 844 Empire Avenue Plat Amendment
Author: Francisco Astorga, AICP, Senior Planner
Project Number: PL-15-03034
Date: 13 April 2016
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for the 844 Empire Avenue Plat Amendment located at 844 Empire Avenue and continue the item to the May 11, 2016 Planning Commission meeting to allow the applicant additional time to resolve issues related to street dedication.

Description

Applicant: Todd Gilbert represented by Sara Goff
Marshall King, Alliance Engineering, Inc.
Location: 844 Empire Avenue
Zoning: Historic Residential-1
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal

The property owner requests to unite three (3) parcels consisting of one (1) full lot (all of Lot 12) and two (2) partial lots (most of Lot 13, and a portion of Lot 14), into one (1) lot of record by removing the internal lot lines which separates the lots. The proposed plat amendment also includes the dedication of Crescent Tram roadway to the City. The subject lots are located in Block 14 of the Snyder's Addition to the Park City Survey.



PLANNING DEPARTMENT

Planning Commission Staff Report

Subject: 803 Norfolk Avenue Plat Amendment
Author: Anya Grahn, Historic Preservation Planner
Project Number: PL-15-03049
Date: April 13, 2016
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to April 27, 2016. Legal notice was also published in the Park Record on February 20, 2016, according to requirements of the Land Management Code; however, staff did not post the property and mail a courtesy notice to property owners within 300 feet. The item was listed on the [Regular Agenda](#) on March 23rd; however, the applicant asked that it be continued until they could meet with the City Engineer.

The City Engineer has expressed concern regarding driveway access off of Crescent Tram. This driveway has been in existence historically; however, it poses health and safety concerns. The applicant is working with the Planning and Engineering Departments to mitigate the hazardous impacts of the driveway.

Staff has determined that continuing the item to April 27th will provide the applicant, Planning, and Engineering staff sufficient time to address the driveway mitigation plans.

Description

Applicant: Jim Hewitson, represented by Gary Bush
Location: 803 Norfolk Avenue
Zoning: Historic Residential-1 (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action.



Planning Commission Staff Report

Subject: 7800 Royal Street East #16
Author: Makena Hawley, City Planner
Project Number: PL-16-03110
Date: April 13, 2016
Type of Item: Legislative – Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and continue the item to April 27, 2016, to allow additional time for internal review. .

Description

Applicant: Juan I. Casanueva and Carmen Gill represented by Marshall King
Location: 7800 Royal Street East #16
Zoning: Residential Development (RD) District
Adjacent Land Uses: Single-family residences and duplex dwellings
Reason for Review: Plat amendments require Planning Commission review and City Council action

Planning Commission Staff Report



Subject: National Ability Center (NAC)
Project #: PL-16-03096
Author: Kirsten Whetstone, MS, AICP- Senior Planner
Date: April 13, 2016
Type of Item: Continuation

Summary Recommendation

The Planning Commission should conduct a public hearing and continue this item to May 11, 2016, to allow staff to resolve an issue regarding the MPD application that recently came up.

Description

Applicant: John Serio, National Ability Center
Representative: Michael Barille
Location: 1000 Ability Way
Zoning: Recreation Open Space (ROS)
Adjacent Land Uses: Round Valley Open Space, Quinn's Recreation Complex, and Park City Ice Rink
Reason for Review: Master Planned Development applications require Planning Commission review, a public hearing, and final action by the Planning Commission.

Proposal

On January 26, 2016, the City received a complete application for a Master Planned Development (MPD) located at 1000 Ability Way. Access to the property is from Round Valley Drive, a public street, and Ability Way, which is a private access drive. The application proposes the following main items:

- Additional lodging (22,266 sf) (requesting a height exception from 33' to 45')
- Expansion of the indoor equestrian arena (12,188 sf)
- An addition to the existing administration building for office uses (3,400 sf)
- Center campus activity/multi-purpose area (7,000 sf)
- Archery Pavilion, classrooms, restrooms (2,200 sf)
- Additional parking

Recommendation

The Planning Commission should conduct a public hearing and continue this item to May 11, 2016.

Blue Ribbon Housing Commission

To: The Hon. Mayor and Park City Council:

Thank you for the opportunity to serve. Thank you also to Rhoda, Phyllis, Anne and Elizabeth for putting up with us.

From: The Blue Ribbon Housing Commission:

Nicole Butolph, Thomas Horton, Ron Hunt, Megan Ryan, Mark Sletten, Mike Stewart and Glenn Wright

What we were asked to do?

1. Comment on the EPS contracted study with the City to examine existing the regulatory tools used by the City for housing.
2. Offer suggestions for consideration to meet Council's housing goals.

What we did:

1. We met for 6 months and reviewed the complexity of the subject in depth and met with many parties invested in the area of housing.
2. We reviewed and worked with EPS on their regulatory findings study and have separate recommendations that are being brought forth to you in detail on April 28th by City staff.
3. A majority of the committee, not all, felt there was more input we could offer at a broader scale that, in conjunction with the EPS findings, may help in achieving the Council's housing goals. That is the focus of this report.

Council's Stated Housing Goal:

Unit production:

1. To allocate \$40 million over 5 years to provide housing for attainable housing (moderate and middle income for Park City).
2. The Council has set a goal to increase the share of permanent affordable housing in Park City to 7% by 2020. This will add 184 units to our current housing inventory. To date the City is at 5.3%.

Source of Funds:

- Resort City Sales Tax: \$ 5 million. (A more flexible use of funds.)
- Lower Park Ave. RDA: \$35 million. (must be used within city limits with limitations per state law). State law requires the use of 20% of the tax increment generated by a project area to encourage the development of affordable housing throughout the community. "Affordable housing" is typically defined by the US Department of Housing and Urban Development (HUD) as housing that is affordable to households earning 80% of AMI (Area Median Income) and below. HUD has calculated the 2016 AMI for a family of three in Park City to be \$88,560 (80% is \$70,848).

Blue Ribbon Housing Commission

Our Findings:

1. Over the last 2 decades the City has generated a diverse stock of low and moderate income rentals (398) and some limited homeownership (99). The opportunity lies in how to achieve additional units.
2. We feel that that this goal becomes more attainable when a clear definition of the target (e.g. residents or income groups) is identified. That clarity currently does not exist.
3. We have finite land resources for new construction within the City. We have a variety of existing housing stock.
4. Affordable housing goals meet a myriad of objectives for the City such as: transportation efficiencies, energy reduction and net zero goals, potential historic preservation and a sense of community.
5. We recognize political limitations from residents and the need to work within existing zoning regulations for expediency of production but we also believe that with education, a will to implement by the Council, a clear message as to who this housing serves and the multitude of goals housing can help achieve, that those mindsets have the potential of changing. We are pragmatic optimists.
6. Currently there are four parties or providers that we identified who have a role in meeting housing needs; The City, the Development community, Non-profits, and Joint Ventures with surrounding jurisdictions.
7. The market alone will not solve this issue of providing the affordable housing Council desires and subsidies (perhaps aggressive ones) will be required to increase the supply within City limits.
8. We believe that housing, like Recreation and Transportation, needs to be addressed not only within the City limits but with a strong regional partnership with our large employers, the school district and existing housing providers.

Our Recommendations:

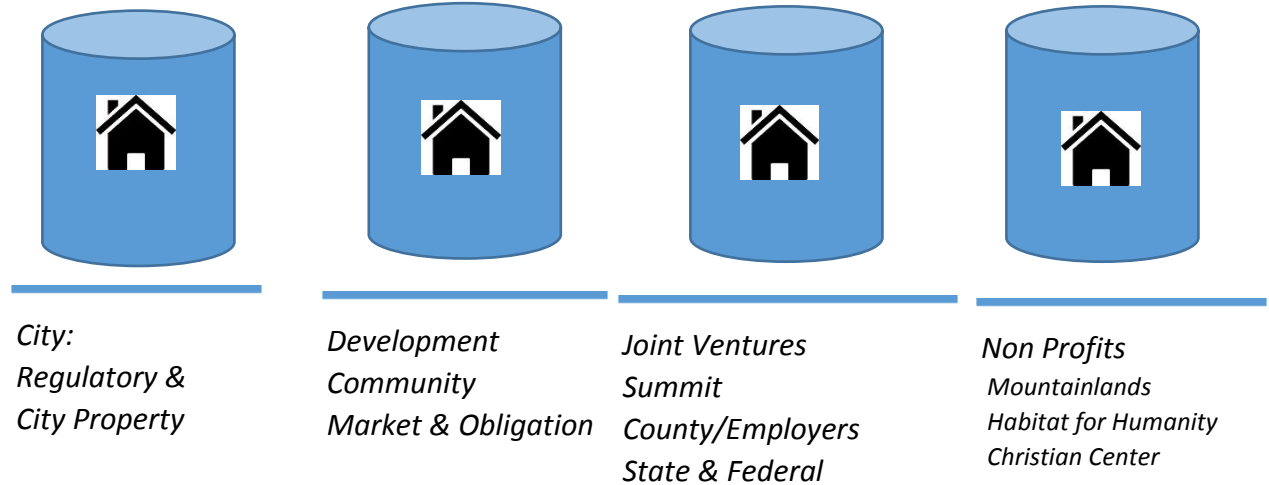
We believe that the following tenets or criteria should be applied in the evaluation of affordable housing policies and programs.

1. All development should pay something towards our affordable housing goals.
 - a. Commercial and Residential
 - b. New Construction and Remodel Construction
 - c. Multiple Unit Developments and Single Home Developments
2. We should provide both purchase and rental alternatives for affordable housing.
3. A portion, if not all, of the future affordable housing generated should be permanent deed restricted affordable housing.
4. New as well as rehabilitation affordable housing alternatives should be considered.
5. A balance of affordable housing types should be achieved that meet the needs of low, moderate, and higher income populations.
 - a. Targets need to be established for each.
 - b. Prioritization should be based on achieving the targets.

Blue Ribbon Housing Commission

In an effort to achieve measurable affordable housing results, it is recommended the City recognize the various “buckets” under which affordable housing objectives could be housed and evaluated. We have identified these buckets as:

PROVIDERS:



Objectives would not only include the number of actual units produced but which income populations they serve. By breaking the objectives into these buckets, a broader and more robust approach can be taken because some sectors are better at achieving certain unit types and income needs than others. We are of the opinion that this approach would also result in more opportunities for the creation of affordable housing.

We also believe that that these filters should have a role in the analysis of these sectors.

- Definition of the Tool /Target Served/ Identify Resources, Costs, and Staffing resources.

The ideas we discussed that could be housed under each bucket would be as follows:

1. Public Sector
 - a. Use RDA Funds, sales tax revenue, In-Lieu Fees, and other city general funds for the development of rental and for sale housing.
 - b. Purchase of existing housing stock for conversion to affordable housing.
 - c. Focus on long term affordable housing.
 - d. Develop Shared equity programs.
 - e. Use the Redevelopment project area and capitalize on its ability to be used city wide.
2. Private Sector
 - a. Review opportunities for zoning requirements and streamlined development review process for affordable housing projects. EPS study will expand on this.

Blue Ribbon Housing Commission

- b. Density bonus programs need to be reviewed and updated. EPS study will expand on this.
 - c. Review Fee credits or other credit mechanisms for additional affordable housing.
 - d. Broaden private sector bidding opportunities for the construction of affordable housing, Including in Redevelopment projects with the use of NOFA's and RFP'S.
3. Joint Ventures
- a. Seek out Public / Private joint ventures utilizing the skills of the private sector along with contributions from the city to create affordable housing that would otherwise not be created.
 - i. City contributed or leased land.
 - ii. City contributed fees or other credits.
 - iii. City contributed In-Lieu fees to offset construction costs.
 - iv. Private sector constructed projects.
 - v. Create a joint master plan with Summit County.
 - vi. Joint acquisition of land for affordable housing projects with Summit or Wasatch County.
4. Non- Profits
- a. Partner with Habitat and Mountain Lands on joint ventures.
 - b. Contract for program management.
 - c. Support the Christian Center in its outreach and education for housing.

The Tools:

Regulatory: These will be separately addressed in the EPS findings.

Financing:

1. Alternatives that could be provided by the city to assist in the development and long term maintenance of affordable housing:
 - a. City bond issues
 - b. RDA or RCST (sales tax funds)
 - c. Shared equity programs
 - d. Property tax credits
 - e. Government backed financing programs (HUD, FHA, etc.) requiring city participation
 - f. Longer term financing (i.e. sales tax revenue, etc.)
 - g. General Funds
2. Financing considerations that we think are important for staff to consider for construction on city owned property:
 - a. Model various ownership/rental percentages to determine how this effects total cash available for building and how many units can be built with RDA funds.
 - b. Ownership affordable housing done with RDA funds and sold might be the first priority to recycle money to be used for rentals later in the process.

Blue Ribbon Housing Commission

- c. Construction costs will affect the number of units built and the subsidy required for those units. Continue to use and expand the NOFA process for joint ventures and RFP'S to ensure that we broaden the pool of providers to the greatest extent possible. Support staff with the resources to evaluate existing units built vs. current construction costs and possible design consideration that could result in lower construction costs.
- d. Use Shared equity program to reduce mortgage amounts paid by qualified buyers.
- e. Identify the number of existing units that could be acquired outright, renovated as necessary, and then deed restricted within the City.

OTHER: Land/Construction:

1. Inventory all city owned land to determine total available for viable construction.
2. Master plan with the County to determine possible joint venture opportunities.
3. Priority should be to acquire/build on land near existing or future transit nodes.
4. All city contemplated land transactions should consider their impact on the ability to build affordable housing (and other City priorities) i.e. land on Route 248 between studio and water treatment plant.
5. RFP's issued for construction should place upper limits (TBD) on either construction costs or sales costs per square foot.

Management/Leadership:

1. Create a permanent community-based affordable housing advisory group by spearheading the formation of a group or continuing the advisory committee in some form. The group's purpose could be to engage and educate the community and periodically report to the council on housing issues.
2. Explore the possibility of a Housing Authority, regionally and/or on a standalone basis within City limits.
3. Similar to the current joint partnerships on transportation and recreation, create a partnership and working team with Park City employers (Vail, Deer Valley, IHC etc.), the Park City School District, Summit County and the current non- profit providers to develop a comprehensive affordable housing plan that addresses the region along with transportation needs.

Staffing and Resources:

1. We believe the City will need to provide staff with the appropriate additional resources that they may need in order to meet these goals and adequately update the 2017 Housing plan.

Draft Report

Park City UT Housing Review

The Economics of Land Use



Prepared for:

City of Park City, Utah

Prepared by:

Economic & Planning Systems, Inc.

March 29, 2016

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1.0 EXECUTIVE SUMMARY

1.1 Summary of Findings

The following are the major findings from EPS's work. Each frames the context in which the recommendations are structured.

1. *The gap between market rate housing and prices affordable to the City's workforce continues to widen.*

- Single-family housing prices have escalated an average of 6.7 percent per year since 2000, even factoring in the recessions. From 2010 to 2015, prices have escalated at 10.7 percent annually from approximately \$990,000 to nearly \$1.5 million for a single-family home. Furthermore, since 2000 condo prices have increased at 5.5 percent per year from approximately \$365,000 to more than \$684,000, although most of this increase is attributable to the escalation of prices before the housing market bubble.
- Median incomes have increased just 1.7 percent annually since 2000, and qualifying income limits have increased 1.9 percent annually since 2000.
- The "affordability gap" has widened more than two-fold from approximately \$375,000 to \$949,000. That is, in 2000 a household earning Park City's median household income (\$65,800) could afford a house at \$180,400 and the average-priced single-family house sold for approximately \$555,000. By 2014, a household earning Park City's median household income (according to the U.S. Census' 5-year estimate of \$89,886) could afford a house at \$365,900 and the average-priced single-family house sold for approximately \$1.3 million.

2. *There is dwindling inventory of housing affordable to the community workforce.*

- Other studies and needs assessments have also sounded the alarm. There is a dwindling stock of housing affordable to those who work and would live in Park City if they could afford it.
- In 2000, 26 percent of the City's for-sale inventory was valued at less than \$300,000. By 2014, that portion had dropped to 12 percent. Over a shorter period of time, between 2011 and 2014, the portion of for-sale inventory affordable to a household earning median income dropped from 21 percent to 17 percent.

3. *The existing housing resolution (13-15) applies to less than 50 percent of all residential development activity.*

- Approximately 78 affordable units were built between 2005 and 2011 under the current housing resolution. As these were the units to meet the 15 percent inclusionary zoning requirement, it is estimated that they were based on projects totaling 520 total units. During those 6 years, however, there were 1,100 residential units permitted, indicating that the inclusionary zoning requirement applied to approximately 50 percent of all residential construction.

- 4. Had the intent of a previous version of the housing resolution (version 6-94) been followed, nearly double the number affordable units might have been built.**
 - Among other things it established, resolution 6-94 expressed the City Council's intent to consider whether the future version of the resolution's housing requirements should apply to residential development of more than two units.
- 5. Moving forward, the development pipeline would suggest that there are fewer applications that will apply to the existing housing resolution.**
 - According to staff, there are few if any opportunities for future annexation, and only three master-planned developments (MPD) are known. Development is increasingly infill and single-site demolition/rebuild.
- 6. Revisions to the housing resolution have focused increasingly on the community's workforce.**
 - In a revision to the housing resolution in 1999, the City Council listed that the beneficiaries of such policy should include police, teachers, firemen, service workers, and longtime community residents. By 2006, that had been expanded to include: those who live and work in Park City, "essential" public and private sector service workers (schools, fire, municipal corporation, sewer district), full-time employees of businesses located within city limits, residents of Park City for the past 24 months, owner or owner's representative of a business within city limits, senior citizens, and the physically or mentally challenged. In a subsequent revision, the word "essential" was removed from the public and private sector service workers category.
- 7. Moreover, while improvements have been made to the housing resolution, these changes have had decreasing returns given the changing market.**
 - Over time, improvements, clarifications, and modifications have been made to the housing resolution, although some of its elements have not; e.g., the per-unit incentive of \$5,000 has not been updated since 1991. MPDs and annexations were more common in the early 1990s than they are now, and they do not provide the same vehicle for affordable housing production they once did.
- 8. There are conflicting policy objectives regarding height, view-shed, historic preservation, and open space.**
 - As has been pointed out in previous studies, these desirable planning objectives conflict with the objective of achieving greater housing affordability. They all serve to exacerbate affordability conditions and increase prices by generally decreasing the supply of housing.
- 9. EPS employee generation survey data for Park City are generally in line with the current factors in the existing housing resolution.**
 - The commercial mitigation portion of the current housing resolution bases its mitigation requirement on 20 percent of the 4.4 full-time equivalents (FTEs) generated per 1,000 square feet of commercial space. Based on analysis and vetting of 132 survey responses from Park City employers, the overall rate is currently estimated at 3.9 FTEs per 1,000 square feet for the City.
 - The information collected provides sufficient detail to replace the existing types of rates with City-relevant numbers as well as differentiate between, for example, a full-service

restaurant (8.1 FTEs per 1,000 square feet) and a quick-casual or fast food restaurant (6.9 FTEs per 1,000 square feet).

- Many categories were within approximately 20 percent of the current generation rate, such as lodging (0.5 FTEs per room versus the existing 0.6 FTEs); medical profession/health care (2.7 FTEs per 1,000 square feet versus the existing 2.9); finance/banking (2.8 FTEs per 1,000 square feet versus the existing 3.3); education (2.2 versus the existing 2.3 FTEs); and real estate and property management resulted in the same generation rate (5.9 FTEs).
- One category was different by more than 20 percent of the existing generation rates, such as "other professional services" (2.7 FTEs versus the existing 3.7 FTEs).

1.2 Recommendations

1. *From a development-based approach, Park City should consider providing additional financial or economic incentives.*

- A first consideration concerns the development of rental units. To address this need, the City could consider deferring, abating, or granting back some portion of local property taxes to property owners/managers for keeping units in long-term affordability. From one perspective, and because 9 percent low-income housing tax credit (LIHTC) allocations are so limited, it might be worthwhile to explore this tool as a way to "fund" additional housing without necessarily having to generate funds. In such a case, there are a number of communities that have established such a mechanism to very effectively incent the development of affordable rental units. The City could decide what level of affordability (e.g., a percent of the affordable workforce wage) and what term (e.g., units remain affordable at specified income level for 15 to 30 years) to require. This technique could be applied to new and rehabilitated rental properties. (This recommendation needs to be considered within the City's legal authority.)
- As it concerns for-sale housing, the City should consider whether the per-unit fee waiver, currently a part of the existing housing resolution, is worth maintaining. Because the gap between market rate and affordable units is so great (currently estimated at nearly \$950,000), the \$5,000 per unit waiver of fees is not enough to motivate a developer; it is therefore, largely symbolic. At a minimum, the City should consider having a discussion about waiving either 100 percent or some substantial portion of permit and impact fees. (In context, the fee waiver was set at \$5,000 in 1991. In today's dollars, it would need to be approximately \$8,600 to have at least the same value.)

2. *The City should expand the applicability of the density bonus for affordable housing and consider raising the density bonus.*

- Applicability: The density bonus is granted only to MPDs in the City's Land Management Code. Using additional entitlements to motivate a developer to provide affordable housing can be a strong incentive in markets where additional density is particularly valuable. As a matter of policy coverage, EPS believes that the density bonus should be made available to any development that would look for ways to include affordable housing, including commercial and infill developments.
- 10 percent density bonus: The density bonus is frequently the strongest incentive an inclusionary zoning ordinance can offer in any setting where development pressures exceed entitlement. In EPS's experience, an increase in density, while greater efficiencies of land are usually realized (lowering the per-unit costs of land), is still

associated with more construction costs. There are two challenges for most communities utilizing this incentive.

On one hand is calibrating the amount of density, recognizing the marginal costs of construction, so that it has sufficient residual value to motivate a developer to pursue it. On the other hand is calibrating the amount of the "requirement" so that it doesn't eliminate the positive residual value of the density bonus itself. That is, there is value in the density bonus that can be leveraged for additional community benefit (i.e., affordable housing), but it needs to be of sufficient scale so as not to make the density bonus worth pursuing at all.

Currently, Section 15-6-5(A)(1)(b) allows the Planning Commission to grant a maximum of 10 percent density bonus if a developer proposes an MPD where more than 30 percent of the equivalent units are affordable (or employee) housing. Therefore a developer of a residential MPD in Park City would have two basic choices: comply with the standard 15 percent set-aside requirement, or provide an additional 15 percent affordable housing for 10 percent additional density. It is very unlikely that these two elements have been calibrated such that a developer would be economically indifferent to the two choices – i.e., they would both yield the same financial return, or even ideally that the financial return of the project with the density bonus is actually higher. \

EPS recommends that the City re-evaluate its motivation for the two factors and discuss to what extent they can be brought into closer economic alignment. For example, a density bonus of 20 to 40 percent may be necessary (depending on the scale of the development and its construction type – wood frame, steel, or concrete) to offset the increased requirement for affordable housing.

3. The City should modify the commercial component of the housing resolution.

- Policy Context: From the perspective of a policy modification, it is always possible to convert this commercial mitigation strategy into an actual commercial linkage program— i.e., using a nexus study to establish fees that are assessed to new non-residential developments on a per-square foot basis by land use categories. EPS believes that the current version of a "commercial mitigation strategy" generally achieves the same outcomes as a commercial linkage program might, and that the magnitude of units built or in-lieu fees collected would be roughly equivalent. Like the survey data collected in this study, a nexus study also collects data to identify the number of FTEs generated by different non-residential land uses. It quantifies the distribution of jobs by occupational category and assigns them to wage levels. The workers (and their households) are distributed by median income categories, from which it can be estimated what portion of all jobs created by the new non-residential development require housing assistance. The fee is calculated as the affordability gap, or the difference between the market rate and price of an affordable housing unit to particular households by median income level. The total affordability gap for the lower-income households is estimated and divided by the total square feet of a development to determine a per-square foot fee.

Generation Rates: The City should discuss the merits of incorporating the new survey-based employment generation rates. It should be acknowledged that this type of basis for calculating employment generation rates is always subject to a margin of error. On one hand, asking employers the number of their full-time and part-time staff relies on the accuracy of the information the person surveyed has available. On the other hand, it relies on the respondent's knowledge of the total floor area of their space, and in the absence of that (which is very common), the accuracy of this part of the information is reliant on either the respondent's or the data-gatherer's ability to accurately gauge the

size of the space. EPS made every attempt to fully vet the numbers given to all data-gatherers in the survey work. We cross-checked the square-footage numbers against Summit County Assessor data.

- **Mitigation Rate:** Aside from the 15 percent residential set-aside requirement, there are a couple other factors that seem to be associated with mitigation of affordable housing need. On one hand is the 20 percent mitigation factor applied to the commercial component; on the other hand is the 34 percent "location substitution" factor identified and both require the mitigation of some portion of the housing demand generated by those uses. In the case of the City's current resolution, 20 percent appears to have been chosen as a number reflective of the portion of FTE-based households in need of housing assistance, though no documentation is available to confirm this.

In the case of the 34 percent location substitution factor, it appears through research that this number originated from an analysis of 2005 commuting data that identified 34 percent of the City's jobs were held by City residents. It was held that this was an optimal number to maintain and has been applied to estimates of affordable housing demand since then. In the context of other resort communities, this number is often a policy-driven factor. Telluride (CO), for example, chooses to require a 40 percent commercial mitigation rate; San Miguel County (CO) requires 15 percent; Vail (CO) requires 20 percent; Jackson Hole (WY) requires 35 percent; and Aspen (CO) requires 60 percent. These rates are not necessarily based on any specific analysis of in- and out-commuting patterns; they are based on community priorities. As such, Park City should engage in a discussion with elected officials about an appropriate "goal" for housing local workers. By way of comparison, if Park City did embark on a nexus study to quantify the jobs-housing linkage for commercial development, this mitigation rate would be a factor developed in the analysis, which then becomes, for communities with such policy, the subject of policy debate and community goals.

- In the end, no matter which direction the City takes on this issues, it needs to have a discussion about what percent of its workforce it believes should live locally and start to frame the analysis of other production goals around it.

4. The City should establish a housing goal.

- At this time, establishing an actual housing goal – i.e. a concrete numeric target, should be the city's highest priority. The evolution of the city's current housing resolution, as outlined in Chapter 2, illustrates clearly the city's intent to prioritize affordable housing, but also illustrates how the City's statements did not identify actual goals. Also outlined in the report, the closest the city has come to identifying a numeric housing target has been the informally-adopted "location substitution" rate of 34 percent. Research into the root of this factor shows that it may have been based unintentionally on the incorrect ratio of "job-holding residents" to total Park City jobs. Historic in- and out-commuting trends indicate that in 2005, when the location substitution factor was developed, that the ratio of Park City residents working in Park City was actually 15 percent (not 34 percent).

- As a point of comparison, both Jackson Hole and Aspen have adopted housing goals. Aspen has a stated target of housing 60 percent of its workforce locally, and as such, holds its commercial mitigation rate at 60 percent. Jackson Hole also has a stated policy target of housing 65 percent of its workforce locally, although it requires just 35 percent commercial mitigation. EPS recommends that Park City not only engage in a discussion of what it would like the target to be, but whether or not it believes that a modified commercial mitigation rate should or needs to be the only manifestation of that policy goal. That is, even if the City chooses to adopt a high locally-housed workforce target, the City will likely never achieve its goals with future commercial development alone. And if Park City did embark on a nexus study to quantify the jobs-housing linkage for commercial development, this mitigation rate would be a factor developed in the analysis, which then becomes, for communities with such policy, the subject of policy debate and community goals.
- But, as a point of departure, EPS recommends that the City entertain two basic possible housing targets: housing 20 or 25 percent of the city's workforce locally. While this proportion seems lower than the unofficial 34 percent location substitution factor, this is a reasonable, if not optimistic goal for the city to set. Based on projections detailed later in the report, EPS estimates that to achieve 20 percent of the city's workforce living locally would require the production of approximately 860 more housing units specifically for the local workforce. Achieving 25 percent of the city's workforce living locally would require the production of approximately 1210 more housing units specifically for the local workforce. These would be double and triple increases, respectively, in the rate of housing production for local residents (i.e. occupied housing units) and would, therefore, be challenging from a variety of perspectives, including among other things, the capacity of the development community.

5. The City should modify its in-lieu fee structure.

- The current housing resolution establishes a structure based on three pieces of information: 1) the median market value per square-foot of 600 to 1,600 square foot units sold in the prior year; 2) multiplied by 900 square feet; and 3) the affordable home sale price for a household earning Park City's workforce wage subtracted from the result.
- Questions: Is the City receiving adequate revenues from these fees such that the same number of units as the 15 percent residential or 20 percent commercial mitigation rate requirements could build? Has the City been able to use those funds to build the same number of units? Or is the in-lieu fee inadequate to build units in appropriate locations? Should it be based on assumptions that more accurately reflect the market? Looking ahead, are there even development opportunities for which the fees based on the same calculation will be useful? As a point of consideration, if land is becoming scarcer and its value continues to escalate, there may be a good justification for changing the fee methodology such that it results in a higher fee per unit.
- Approaches: There are a variety of approaches to structuring an in-lieu fee: 1) the difference between a market rate unit and a deed-restricted affordable unit; 2) a percent of the construction cost; 3) a percent of the maximum affordable sales price; 4) a percent of the land value to construct units elsewhere; and 5) nexus-based fee, which is described in recommendation above. There are a variety of considerations, however, that need to be made in selecting the appropriate fee: 1) is it sufficient to build a number of affordable units elsewhere equal to what would have been built; 2) is it sufficient to "buy-down" a similar number of units; and 3) how much does the City want to rely on outside information for the calculation?

For example, the current methodology (basically #1 above) relies on one piece of outside information: the market rate price per square-foot from the Summit County Assessor. In #2 above, no outside information is needed for calculating a percent of the affordable sales price. In #3, outside information is required for two components: one for establishing a base construction cost per square foot that developers can agree is accurate, and another for escalating the value annually with the Bureau of Labor Statistics Producer Price Index (PPI), for example. In #4, outside data would need to be collected as well to document the value of land with comparable sales. In #5, the methodology would use outside data for the fee calculation, but because of its complexity of inputs, an annual escalation with the PPI, for example, might be too simplistic, while a full recalculation of the fee might be unnecessarily time-consuming.

6. The City should consider modifying the residential portion of the housing resolution to apply to all residential development.

- The City should consider applying this portion of the resolution to all residential development. This is based on the review of the intent of the original housing resolution and the focus of subsequent iterations on annexations and MPDs, as well as analysis of historic building permit data, and an understanding of development in the pipeline. That is, it is unlikely that annexations or MPDs will be a majority or even a substantial component of development moving forward, such that the housing resolution as written will continue to be effective.
- For either of the previous options, EPS would recommend that an exemption be structured for projects that are contributing to the City's affordable housing inventory. As such, the exemption could be drawn at units that are priced below a certain affordability mark. For example, in 2014 the maximum affordable purchase price for a household earning 100 percent of median income (\$89,886) was \$359,600. Alternatively, the maximum affordable purchase price for a household earning 150 percent of the Park City workforce wage (\$73,253 for a household of two persons) was \$282,700. Whatever the threshold, EPS recommends that it serve equally as a proxy for the size of units being constructed.
- The implication of this is that all new residential development, large and small-scale projects of all structure sizes would apply. Given that the City has been concerned about recent increases in the number of larger single-family homes (i.e., second homes) that have not been subject to the resolution, it would be in the interest of the City to adopt a mechanism by which these are either subject to a higher mitigation, or that units priced more affordably (or of a smaller size) would be exempt.
- One option available is that the City could consider establishing a residential linkage program, which would establish the nexus between the level of affordable housing demand generated by units at various price points (i.e., proxy for size). There are two methodologies that such an analysis could employ: 1) other resort economies who have traditional residential linkage programs have conducted door-to-door surveys of the actual employment generated by their household (i.e., gardeners, housekeepers, other staff, etc.); and 2) there are a few larger, urban markets that have adopted residential linkage programs that rely on a nexus established on the basis of overall employment (i.e., jobs vis-à-vis household spending patterns). The first method requires primary data collection, and the second relies on input-output modeling factors.

- The other option is that the City keep its existing mitigation structure, but apply it to all new construction or demo-rebuild projects (i.e., no threshold). The fee in-lieu structure would be kept the same, but its outcome would require that smaller projects would be a fraction of a per-unit fee.

7. The City should pursue a blended approach to structuring deed-restricted ownership units.

- There are two common approaches to deed restrictions – shared equity and limited appreciation model. In general, the shared equity model lowers the initial cost of home-ownership for households and offers them the opportunity to own the property in the long run while not necessarily attempting to manipulate the “value” of the property for the sake of keeping it in the affordable inventory. The limited appreciation model, on the other hand, seeks to manipulate the value by arbitrarily setting a price appreciation limit that is sometimes set to 2 or 3 percent.
- Shared equity works well in an environment where considerable magnitudes of new housing are being built. It would be worthwhile engaging city officials in a discussion of how to establish the program so that it could be utilized where effective. Specifically, the shared equity approach means that a borrower purchases a home by providing a downpayment, typically 5 percent, borrows approximately 75 percent of the value of the property and receives a low-interest equity loan of up to 20 percent (or some limit). At the end of the mortgage term or earlier, the equity loan is paid off in full plus 20 percent of the property’s value escalation.
- A lower equity loan means less for a household to pay back over time, the larger the equity loan, the lower the “point of entry” for households in need. As such, the City may want to consider this element as a point of leverage to manipulate given market conditions. That is, the City could establish a policy where equity loans are available up to a maximum amount, and the borrower could choose whether or not to take advantage of the full value.
- The challenge with this technique, however, will be that the City effectively cannot lend its credit or make loans. To take advantage of this option, the City will have to explore what third-party entities would be appropriate for administering such a program, such as Mountainlands Community Housing Trust or the Housing Authority. Perhaps the City could work to organize local and regional banks to establish a shared equity loan pool whereby the banks receive Community Reinvestment Act credits or other tax abatement incentives.
- This model may also be worth exploring in a rental (or leasehold) context. Instead of an equity loan to the homebuyer, the City might explore whether it has the resources (i.e., pass through of capital funds) to grant lower interest equity loans to a new rental development in exchange for a portion of the units to be provided as affordable.
- In general, the advantages of the shared appreciation model are that it lowers the barrier to entry for households and gives them an opportunity to buy into the market and build equity at the same pace as the rest of the market. On the other hand, the shared equity model works well in a market that is constantly producing new units. In theory, after the first round of households has purchased such a deed-restricted home and sold it, there is risk that the housing inventory could enter the market-rate inventory unless a fail-safe mechanism is included, such as a first right of refusal for the city.

8. Define the timing of commercial and residential developments in the scheme of a revised and modified housing resolution.

- It is important with the modification of existing policy or adoption of new policy that affects land development that a date be selected sometime in the future, at which point all applications received would apply to the revised policies. Depending on the length of time between, for example, permit application and time of construction or site plan and building permit, EPS recommends that, at the time City Council may approve the recommendations governing the housing resolution, a date be chosen that reflects this amount of time.

9. The City should establish priorities for allocating the recent \$40 million RDA Fund allocation.

- Previous Councils have drawn made important, symbolic, but necessary declarations of need, intent, and priorities in the housing resolution. The recent allocation of \$40 million for capital is an important backdrop to such conversations. The City should engage its elected officials, however, in a policy discussion oriented around determining and voicing their concerns, vision, and direction regarding housing priorities.
- That discussion should utilize major analytical findings from this study as guideposts for policy debate, not necessarily as prioritizations or exact magnitudes of need. The analytical findings of this study, and other studies that have preceded it, can be interpreted as a selection of ways to look at this need. As there are multiple methodologies here and developed throughout the years by PCMC staff, there is a need to view these findings through the lens of political priority, perceived urgency, as well as within the context of other City priorities.
- EPS recommends that the City consider the various programmatic ways it might utilize the allocated funds. Programmatic considerations include making some portion of the funds available through a Notice of Funding Availability (NOFA), through which the City could create a competitive environment among both housing developers and service providers for use of the funds. Such a process can leverage the private sector for creative and financially efficient uses of funds.
- Another potential programmatic use of funds could be the acquisition of a strategic parcel of land that the City believes might be valuable in the future as a mixed-use redevelopment, in which the land could be leveraged for a public-private partnership development.
- In addition, some portion of the funds could be allocated to the purchase of existing units that might be appropriate for a shared equity or shared ownership program.

- While the City is not authorized under its accounting rules to make loans (i.e., for the purpose of establishing a mortgage pool or shared equity program), the City should still engage in discussion around who would be an appropriate entity to carry out such a function, how it would be done, and what variety of programs it would offer. It is valuable to consider that the original resolution (37-91) set forth an objective to establish a mortgage pool, working with lenders. While it is not clear from subsequent versions of the resolution whether this concept was ever piloted, it is clear that there are obvious obstacles to doing it today. Furthermore, it does not appear that the Mountainlands Community Housing Trust offers this type of assistance through its various ownership programs.
- In terms of beneficiaries, the City could utilize analysis of affordability conditions from this and other studies to identify magnitudes of need, looking at income level, community workforce contingent, and the type of development typically associated with that type of need. For example, EPS prepared revisions of previous gap analyses as well as a new methodology to estimate magnitude of housing type need by respective income levels of in-commuters.
- Based on the analysis of trends, the City would see more effective results and higher production if it focused more on community-based solutions, such as use of funding mechanism, than relied solely on its housing resolution, which is a development-based approach.

Planning Commission Staff Report



Application: PL-16-03115
Subject: LMC Amendments- annual review
Author: Kirsten Whetstone, MS, AICP
Date: April 13, 2016
Type of Item: Work Session- Legislative

Summary Recommendation

Staff recommends the Planning Commission review and discuss proposed amendments to the Land Management Code (LMC), as part of the annual LMC review. Staff requests discussion and possible direction, as outlined in the Analysis section herein. This is a work session only.

Description

Project Name: LMC Amendments – annual review (2016)
Approximate Location: Citywide
Proposal: Amendments to the Land Management Code (LMC) require Planning Commission review and recommendation with final action by the City Council. This is a work session item only.

Executive Summary

Planning Staff conducted an annual review of the Land Management Code (LMC) and proposes this first batch of amendments for consideration by the Planning Commission and City Council. The annual review includes various administrative and substantive items to align the LMC with the adopted General Plan and to address issues and inconsistencies that have come up over the past year.

Staff is also preparing amendments to align the LMC with changes made to the State Code over the past several years and will present those changes to the Commission at a public hearing in April.

A third batch of amendments will be presented to the Planning Commission in May. This third batch will include revisions to the Transfer of Development (TDR) regulations and process, an overall Land Use table or matrix showing all Districts and Uses, proposed house size or footprint restrictions in all Districts, Green Roof Standards, , and Transportation related amendments.

Additional amendments specific to the Historic District are included in a separate report and will be presented to the Commission following review by the Historic Preservation Board.

The following is a summary of the discussion items:

- Appeals process for extensions of HDDR and CUP approvals for consistency with Chapter 1 and throughout the Code.
- Standards for expiration of inactive or stayed applications (Chapter 1).
- Standards for application revisions and requirements for submittal of new application when changes are substantial (Chapter 1).
- Clarify General Plan analysis standard of review for Conditional Use Permits and other types of applications (Chapter 1).
- Review Allowed and Conditional Uses in all Districts for consistency and for consideration of other uses (Agricultural Uses, Accessory Apartments, Portable Storage Units, Resort Accessory Uses, Resort Summer Uses, Essential Municipal Uses, Temporary Improvements, Tents, Special Events) (Chapter 2).
- Clarify Steep Slope CUP and setback applicability (regarding vertical plane) (Chapter 2).
- Allow common wall development with Party Wall Agreement for all Districts, as in R-1 (Chapter 2).
- Exception for ten foot horizontal step back for historic structures in HRL, HR-1, HR-2 and RC District as legal non-complying structures (Chapter 2).
- Consistent requirements for screening of mechanical equipment in GC and LI District (Chapter 2).
- Parking and driveway regulations regarding maximum driveway grades; parking areas for vehicles, boats and trailers; maximum parking standards; parking in Historic District standards consistent with Parking Chapter (Chapter 3).
- Align Special Events regulations with recent Municipal Code changes (Special Events, Temporary Structures and Tents, Outdoor Events, etc. in all Districts (Chapter 2) and in Chapter 4.
- Portable Storage Unit and Group Mail Box regulations (Chapters 2 and 4).
- Landscape review standards for water conservation and energy efficiency, prohibit synthetic mulches (Chapter 5).
- Lighting standards for energy efficiency (Chapters 3 and 5).
- Codify requirements for Net Zero Buildings and other energy efficiencies (Chapters 5 and 6).
- Barrel roofs as a permitted roof form (Chapter 5) and codify how height is measured (Chapter 2).
- Unit Equivalent requirements in Master Planned Developments (Chapter 6) and for various Public Uses (in ROS and CT Districts).
- Master Planned Development requirements (Ski Lockers, Soils Ordinance, Mine Sites, Support Commercial and Meeting Space, and Back of House Uses) (Chapter 6).
- Expand Annexation Expansion Boundary to include City Owned property to the North and East of current City Limits (Chapter 8).

- Definitions in Chapter 15 (agriculture, back of house uses, barrel roof, billboard, portable storage units (PODs), intensive office, setback and steep slope area vertical planes, publicly accessible, and others).
- Clarification of Planning Director approval of “diminimus adjustments.”
- Various administrative corrections (cross references to incorrect sections, typos, terminology and changes, current Housing Resolution references, etc.). (Various Chapters.
- TDR program regulations and process, land use table/matrix, house size and footprint reductions, flat roof and green roof standards, and transportation related amendments will be presented for discussion in May, along with amendments mandated by changes to the State Code.
- Affordable Housing requirements are addressed in the Affordable Housing resolution that is referred to in the LMC. The housing resolution will be presented to the Commission for discussion in future meetings.

The Commission may discuss these items, provide input regarding prioritization, and provide direction to staff regarding these lists of LMC amendments. Staff will return with specific language at future meetings.

Purpose

The LMC is designed, enacted, restated and reorganized to implement the goals and policies of the (adopted) Park City General Plan, and for the following purposes:

- (A) To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of the City,
- (B) To protect and enhance the vitality of the City’s resort-based economy, the overall quality of life, the Historic character, and unique mountain town community,
- (C) To protect and preserve peace and good order, comfort, convenience, and aesthetics of the City,
- (D) To protect the tax base and to secure economy in governmental expenditures,
- (E) To allow Development in a manner that encourages the preservation of scenic vistas, environmentally sensitive lands, Historic Structures, the integrity of Historic Districts, and the unique urban scale of original Park City,
- (F) To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services,
- (G) To prevent Development that adds to existing Geologic Hazards, erosion, flooding, degradation of air quality, wildfire danger or other conditions that create

potential dangers to life and safety in the community or that detracts from the quality of life in the community,

- (H) To protect and ensure access to sunlight for solar energy devices, and
- (I) To protect or promote moderate income housing.

It is the intention of the City in adopting this LMC, and to make amendments on a regular basis, to fully exercise all of the powers granted to the City by the provisions of the Title 10, Chapter 9a of the Utah Municipal Land Use Development and Management Act. Utah Code Annotated, 1991, as amended and all other powers granted by statute or by common law for the necessary regulation of the Use and Development of land within the City.

General Plan

These proposed Land Management Code (LMC) amendments shall be reviewed for consistency with the current adopted Park City General Plan. The LMC implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors and to preserve the community's neighborhoods and unique character and values. Additionally, the LMC is intended to be updated on a regular basis to stay current with State Law. Additional General Plan analysis will be provided as these amendments are developed and presented for public hearing and recommendation to City Council.

Analysis

A. Staff requests **discussion and direction** on the following amendment topics. (This list is in order of Chapters and was generated by the Planning Staff).

1. Appeals process for extensions of HDDR and CUP approvals for consistency with Chapter 1 and throughout the Code. *Identify appeals process (15-1-19), including noticing, and appeal authority for appeals of extensions granted on HDDR and CUP approval applications.*
2. Standards for expiration of inactive or stayed applications (Chapter 1). *Determine timeframe for when inactive or stayed applications should expire after 90 days without action? (Section 15-1-14 currently states "180 days or longer, due to acts or omissions of the Applicant") Provide more specific requirements for keeping an application current. Add to definition of Inaction in Chapter 15.*
3. Standards for application revisions and requirements for submittal of new application when changes are substantial (Chapter 1). *Provide standards for when substantial revisions to an application require a new application. New fees? New application? What is substantial? New subsection of 15-1-14?*

4. Clarify General Plan analysis standard of review for Conditional Use Permits and other types of applications (Chapter 1). *General Plan review is more specific to legislative actions such as zoning, rezoning, MPDs, annexations, LMC Amendments. CUP applications are more administrative and the standard of review in 15-1-10 (D) needs to be reworded to reflect that.*
5. Review Allowed and Conditional Uses in all Districts for consistency and for consideration of other uses. *Recent discussion includes requests to provide or revise land use tables and definitions for the following: Agricultural Uses, Accessory Apartments, Portable Storage Units, Resort Accessory Uses, Resort Summer Uses, Essential Municipal Uses, Ski-related Accessory Buildings (only for skiing?), Temporary Improvements, Tents, Recreation Facilities, Support Commercial, Outdoor Events and Special Events) (Chapters 2 and 15), and others.*
6. Clarify Steep Slope CUP and setback applicability clarification (regarding vertical plane). *Based on applicant interpretation Staff sees a need to clarify that Steep Slope CUP applications apply when development occurs on Steep slope as well as onto the entire horizontal and vertical planes that make up the property and similar case with setback regulations. Add language to Chapter 2 (HRL, HR-1, HR-2, and RC) as well as Chapter 15 definitions.*
7. Allow common wall development with Party Wall Agreement for all Districts (HR-1, HR-2, HCB, PUT, and CT) as is currently allowed in the R-1, HRM, HRC, SF, RD, RDM, RM, RC, GC, and LI Districts (Chapter 2) as a way to allow units to be individually sold without a condominium plat (especially for duplexes where 2 unit condominiums are an impediment to affordable housing). *Research history of this issue and consider adding the existing language to the remaining Districts- "A Side Yard between connected Structures is not required where Structures are designed with a common wall on a Property Line and the Lots are burdened with a party wall agreement in a form approved by the City Attorney and Chief Building Official.*
8. Exception for ten foot horizontal step back for historic structures in HRL, HR-1, HR-2 and RC District as legal non-complying structures (Chapter 2). *Adding to existing language in 15-2.2-4 Existing Historic Structure to include the Building Height as a standard that makes a valid Complying Structure if it doesn't comply with the current regulations for Building Height. "Historic Structures that do not comply with Building Setbacks, Off-Street parking, and driveway location standard are valid Complying Structures..."*
9. Consistent requirements for screening of mechanical equipment in GC and LI District (Chapter 2). *Section 15-2.19-9 Mechanical Services, Delivery, and Loading Areas, which has specific requirements for exterior mechanical equipment screening, etc. should be included in the GC District too. .*

10. Parking and driveway regulations regarding maximum driveway grades; parking areas for vehicles, boats and trailers; maximum parking standards; parking in Historic District standards consistent with Parking Chapter (Chapter 3). *The current regulations for maximum driveway grades (up to 14%) encourage more grading of the site, use of heated driveway systems, and construction higher on the lot. Recommend maximum driveway grade of less than 10%. Applicant with unique lot characteristics still would be able to apply for a variance.*
11. Align Special Events regulations with recent Municipal Code changes (Special Events, Temporary Structures and Tents, Outdoor Events, etc. in all Districts (Chapter 2) and in Chapter 4. *The Municipal Code was recently amended and the Land Management Code is not consistent and should be amended.*
12. Portable Storage Unit and Group Mail Box regulations (Chapter 2 and Chapter 4). *Discuss these uses, definitions, and locations where allowed, conditional or prohibited in all Districts, specifically an issue in the Historic Districts.*
13. Landscape review standards for water conservation and energy efficiency; prohibit petroleum based and synthetic mulches (Chapter 5). *Review best practices and include more specific metrics for water conservation measures and energy efficiency for both water and energy.*
14. Upgrade entire Lighting standards for energy efficiency, color, glare, etc. in both Chapter 3 for Parking Lots (Section 15-3-3 (C)) and Chapter 5 (15-5-5 (I)) for General Architectural Standards. *Review best practices and include more specific metrics for lighting for energy efficiency and good urban design.*
15. Codify requirements for Net Zero Buildings and other energy efficiencies (Chapters 5 and 6). *Requires a white paper and discussion of the topic of net zero building and what specific items need to be added into the LMC to provide regulatory teeth to achieve these goals.*
16. Allow barrel roofs as a permitted roof form (Chapter 5) and codify how height is measured (Chapter 2). *Discuss and define barrel roofs and consider including in Chapter 2 as an allowed roof form and determine whether a barrel roof meeting the definition is allowed the full 5' height allowance, as is allowed for a pitch roof with a pitch of at least 4:12 to be inserted wherever the following height exception is provided: "A gable, hip, or similar pitched roof may extend up to five (5') feet above the Zone Height, if the roof pitch is 4:12 or greater." Should barrel roof have to fit within the geometrics of a 4:12 roof in order to get the additional 5' of height?*
17. Review Unit Equivalent requirements in Master Planned Developments (Chapter 6) and for various Public Uses (in ROS and CT Districts and other Zones?)

(Chapters 2 and 6). *LMC calculates for Residential and Commercial/office uses. How do you calculate UE for public and private recreation facilities, essential municipal public utilities and uses, accessory buildings, skating rinks, indoor sports fields, public and quasi-public schools and churches, child care centers, public assembly structures, etc.? Review Section 15-6-8- Unit Equivalents specifically in Sections A-E.*

18. Review Master Planned Development requirements (Ski Lockers, Soils Ordinance, Mine Sites, Support Commercial and Meeting Space, Back of House Uses) (Chapter 6). *Review Section 15-6-8 specifically for accessory uses in Sections F and G.*
19. Expand Annexation Expansion Boundary to include City Owned property to the North and East of current City Limits (Chapter 8). *Review General Plan language, State Code requirements, and current LMC language to understand existing annexation expansion boundary (15-8-7) and consider amending to include other City owned properties within the Expansion boundary area. Will need to review the process for changing annexation expansion boundaries and include in the LMC as well to comply with State Code.*
20. Definitions (agriculture, back of house uses, barrel roof, billboard, portable storage units (PODs), intensive office, setback and steep slope area vertical planes, publicly accessible, recreation facility, others) (Chapter 15).
21. Various administrative corrections (cross references to incorrect sections, typos, terminology and changes, current Housing Resolution references, etc.) (Various Chapters).
22. Clarification of Planning Director approval of “diminimus adjustments.” *Review Section 15-14-1 Administration and Enforcement, and include a paragraph and explanation for Planning Director determination of substantial compliance with this Code, including allowance for approval of diminimus adjustments. Include in definitions Chapter 15.*

B. Staff requests **discussion and direction** on the lists provided by members of the Planning Commission, some of the same concerns are reflected in the list generated by Staff (See Exhibit A).

Process

Land Management Code amendments are processed according to Section 15-1-7. Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC § 15-1-18. Redlines will be provided for further review and discussion. Public hearings will be scheduled and properly noticed.

Notice

Notice of the work session was published with the agenda for this meeting.

Public Input

Public hearings are required to be conducted by the Planning Commission and City Council prior to adoption of Land Management Code amendments. The Commission may allow public input at the work session. A public hearing will be legally noticed for a future meeting and redlines will be available at the Planning Department and on the City's website prior to the hearing.

Significant Impacts

Staff will further identify significant impacts when these amendments are redlined, following the work session discussions.

Summary Recommendation

Staff recommends the Planning Commission review and discuss proposed amendments to the Land Management Code (LMC), as part of the annual LMC review. Staff requests direction, as outlined in the Analysis section herein. This is a work session only.

Exhibits

Exhibit A – Lists of recommended LMC Amendments from members of the Planning Commission

From: Steve Joyce [mailto:sjoyce@gmail.com]
Sent: Monday, March 28, 2016 9:49 AM
To: Adam Strachan <astrachan@strachanlaw.com>
Subject: LMC to do's

EXHIBIT A

Not sure whether we were supposed to send these to you or if you were waiting on Kirsten. Never the less, here is my list so far.

Steve Joyce
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<http://sjoyce.blogspot.com/>
Mobile: 919-539-4401
Home: 435-608-1376

- Some form of "energy tax" like Aspen has done with their REMP program. This would discourage high energy uses, encourage renewables, and provide a fund source for furthering good practices. This fits in perfectly with Council's energy reduction priority. General Plan, page 56, Goal 5. Also page 65, 6.14.
- A plan for BoPa. Examples at General Plan page 92, 12.1 (commercial) and 12.3 (RDA). There is a significant risk of letting the neighborhood change acre by acre. Already, we see plans coming that get rid of one of the city's gas stations and Anaya's.
- Restrictions on wood burning fireplaces, like the county has started.
- Review all current parking requirements. Consider lowering minimums and perhaps imposing maximums. This is consistent with the city's push for mass transit.
- Revise Site Suitability Density for MPDs. The current process is vague and leads to ridiculous calculations. See the Jan 13 package, page 68.
- UE counts for CT zone and also max density for CT zone. Intermountain Healthcare's request plus the additional city requests.
- Demolition bond size so people can't walk away from the bond after doing something wrong. Can we force reconstruction and put a lien on the house?
- Making administrative plat amendments simpler? Nov 11, 2015 package. 217/221 Plat Amendment to move lot line .17 foot (2 inches) between two lots owned by one person. Had to go through planning, planning commission and city council. Planning's comment was that that was often easier than the administrative alternative.
- Stronger protections for mining era structures, like what is starting with Vail on PCMR. General Plan, page 107, 15A
- General Plan page 31 – 1.11 and 1.13 Add the Clark Ranch purchase to our annexation declaration area. Consider additional areas.
- General Plan page 27 – 1C "Primary residential neighborhoods should encourage opportunities to enhance livability with access to daily needs, including a mini market, a neighborhood park, trails, community gardens," Right now this opportunity only exists in BoPa and we haven't discussed any new zoning changes to allow this.
- General Plan page 30 – 1.1 TDRs, both inside Park City and regional. Also page 41, 2.10. Also page 54, 4.3.
- General Plan page 30 – 1.5 Revise minimum lot size within primary residential neighborhoods to create opportunities for smaller, more compact development. Also page 72, 7.1
- General Plan page 108 – 15.12 Examine lot sizes in Old Town to determine if a maximum lot size would provide for more compatible mass and scale

- General Plan page 43 – 3A, Streets, pedestrian paths and bike paths should contribute to a system of fully connected and interesting routes to all destinations. BoPa. Additional sidewalks and walkways. Also page 44, 3.3 and 3.4
- General Plan page 44 – 3.1 Require developers to document how a development proposal is encouraging walking, biking, and public transportation over the single-occupancy vehicle. Stronger MPD requirements for access to mass transit.
- General Plan page 44 – 3.2 Require secure bicycle parking options. Bike racks everywhere. Certainly added to MPDs. Perhaps add for other commercial as well.
- General Plan page 45 – 3.18 Conduct research on approved projects within Park City that received a reduction in parking. Reassess parking policy on decreased parking based on the findings of the research.
- General Plan page 58 – 5.7 Require proper infrastructure, such as dedicated parking and charging stations, to support electric and alternative fuel automobiles.
- General Plan page 58 – 5.9 Consider the adoption of maximum home sizes for all neighborhoods.
- General Plan page 58 – 5.11 Require recycling and waste reduction in construction mitigation plans. Some cities require construction material to be sorted and recycled. We just have massive dumpsters.
- General Plan page 59 – 5.14 Improve night sky ordinances. How does this work with a giant wall of windows and a house with bright lights?
- General Plan page 71 – 7C Focus future nightly rental units to resort neighborhoods. (BoPa). Also, page 72, 7.4. Also page 88, 11.4.
- General Plan page 76 – 8.4 – 8.7 Look at MPDs and affordable housing. Density bonuses? Fee In Lieu? Requirements? Timing of completion?
- General Plan page 113 – 16.11 Zone Swede Alley as retail?

From: Melissa Band [mailto:mband75@gmail.com]
Sent: Friday, March 11, 2016 11:25 AM
To: Kirsten Whetstone
Subject: Re: LMC AMendments

Hi Kirsten,

Off of the top of my head (I may think of more):

- *** lockers for ski resorts - a certain number/ratio for local pass holders.

- *** Making a PUD designation - two unit "condos" don't make sense and projects like Snow Creek being condos hurts the financing/affordability and thus defeats the purpose of "affordable" housing.

- I think we also need to take a look at the affordable housing required by resorts/large employers. If the resorts get their own special designation to have larger signs than everyone else, they can have different affordable housing requirements as well, especially since they bring in the lion's share of low wage workers who need housing.

- UE needs to have a standard designation in regards to density for "bonus" area like rec facilities, fire stations, employee housing etc. Do they count towards density or no? It should be across the board throughout the city, not just on a case by case basis.

- I would like to see some stronger wording in the LMC about sub standard roads when it comes to approving new projects. Tight areas like Old Town are very much affected by developments like Treasure Hill and Alice Claim and we should have a clause to be able to deny based on that alone when the public health and safety is concerned.

- Time to revise the mother-in-law apartment limitation in residential neighborhoods. Allow anyone who wants one to have one, but limit it to long term rentals only.

- Spot zoning - if possible - for neighborhoods like Prospector Village (on the bus route, already allows nightly rentals) that might allow certain homes at certain times of the year to operate as higher density ski season housing. Restrict cars. *** This is a suggestion from an owner on the corner of Ina and Comstock who owns a tri-plex. He said if the zoning changed, during the ski season he could make his place into dorms and fit 20-25 employees comfortably in his place. This could help ease some of the seasonal housing crunch.

- Teeth for people in residential neighborhoods who rent nightly. Park Meadows is a great example of a residential neighborhood that doesn't allow nightly rentals that has *many homes* renting nightly. Now that the neighborhood is 1/2 2nd homes, there are less neighbors to notice.

- Look at creating zoning in neighborhoods like Park Meadows that if the city were able to buy one or two of the larger "horse properties" that some active senior higher density housing could be built. We are in desperate need in this town for smaller, single level housing for older people

whose children have left, who don't need a large house anymore and still want to live in town.
Townhome style condos or small cottages (stacked flat not appropriate for that area).

- We need to start down zoning some of these larger parcels with huge entitlements that are just hanging around out there. That is obviously not an LMC change, just a suggestion. :)

I'm sure I'll think of more and I'll let you know as I do.

Thanks,

Melissa

Planning Commission Staff Report



Subject: 1280 Park Avenue Condominiums
Author: Hannah M. Turpen
Project Number: PL-15-03043
Date: April 13, 2016
Type of Item: Administrative – Condominium Plat

Summary Recommendations

Staff recommends the Planning Commission hold a public hearing for 1280 Park Avenue Condominiums Plat located at 1280 Park Avenue and consider forwarding a positive recommendation to City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: Michele King, owner (Represented by Joshua Arrington, Architect)
Location: 1280 Park Avenue
Zoning: Historic Residential-Medium Density (HR-M)
Adjacent Land Uses: Single-Family and Multi-Family Residential, Recreational
Reason for Review: Condominium Record of Survey Plats require Planning Commission review and City Council approval

Proposal

The subject property consists of Lot 1 of the 1280 Park Avenue Subdivision. There is an existing duplex dwelling on the property. The owner desires to create a two-unit condominium consisting of two (2) residential units. The property owner requests to record the proposed Condominium Plat and sell each unit individually.

Background

On December 17, 2015, the City received an application for a Condominium Plat for a duplex dwelling located at 1280 Park Avenue located in the Historic Residential-Medium Density (HR-M) (Exhibit A- Condominium Record of Survey Plat). The application was deemed complete on February 10, 2016. Approval of the Condominium Record of Survey allows for each unit to be sold separately.

The duplex dwelling consists of a Historic Structure and rear addition that is currently under construction. A Historic District Design Review (HDDR) application for the rear addition to the Historic Structure (creating the duplex dwelling) was approved on July 20, 2015. The site is listed as “Landmark” on Park City’s Historic Site’s Survey.

There are no existing physical encroachments on the site.

Table 1: *Past applications for 1280 Park Avenue (there are no other applications currently active for this property):*

Permit Year	Permit Type	Description of Work
2002	Variance	<i>The Board of Adjustment denied a request for reduced setbacks between the existing platted lots and a reduction in the minimum lot size for the HR-M zone.</i>
2003	Lot Line Adjustment	<i>A lot line adjustment was approved by City Council on March 27, 2003 creating the 1280 Park Avenue Subdivision. The 1280 Park Avenue Subdivision combined the existing platted lots and remnant parcels into one (1) lot of record and brought the lots into compliance with the minimum lot size for the HR-M zone.</i>
2008	Conditional Use Permit (CUP)	<i>A CUP application was approved by the Planning Commission for vehicular access off of Sullivan Road.</i>
2008	Historic District Design Review (HDDR)	<i>An HDDR application was submitted for an addition to the existing Historic Structure (creating a duplex). The HDDR was approved, but the approval expired due to inactivity.</i>
2015	Historic District Design Review (HDDR)	<i>A Historic District Design Review (HDDR) application for the rear addition to the Historic Structure (creating the duplex dwelling) was approved. The rear addition is currently under construction.</i>

Purpose

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

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

Analysis

The duplex dwelling is located at 1280 Park Avenue in the HR-M zone. A duplex dwelling is an allowed use in the HR-M zone. The applicant proposes to create a two-unit condominium consisting of two (2) residential units. A condominium is not a type of use but a form of ownership.

The duplex dwelling consists of a Historic Structure with a non-historic rear addition. The Historic Structure was constructed in 1904 and the new addition is currently under construction. A Historic District Design Review (HDDR) application for the new rear addition to the Historic Structure (creating the duplex dwelling) was approved on July 20, 2015.

The Historic Structure is designated as Unit A and the new rear addition is designated as Unit B on the proposed condominium record of survey plat (Exhibit A).

Table 2: *Applicable development parameters in the Historic Residential-Medium Density (HR-M):*

LMC Parameters	Required or Allowed
Minimum Lot Size	3,750 square feet for a duplex dwelling
Front Yard Setbacks	15 feet minimum
Rear Yard Setbacks	10 feet minimum
Side Yard Setbacks	5 feet minimum
Building (Zone) Height	No Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.

As shown in Table 2, the minimum lot size for the HR-M is 3,750 square feet for a duplex dwelling. The property is 5,154 square feet. In the HR-M zone no maximum footprint calculation is established, as the size of a structure is determined by the setback and height requirements. The maximum height for a structure is 27 feet above existing grade. The maximum height of the new rear addition is 27 feet and the maximum height of the Historic Structure is 18 feet.

In accordance with the LMC § 15-2.4-6, Historic Structures that do not comply with Building Setbacks are valid Complying Structures. Table 3 shows the current setbacks for the existing historic structure (Unit A) located on the site.

Table 3: *The current setbacks for the existing historic structure (Unit A) located on the site.*

Setbacks	Minimum Requirements	Existing Historic Structure (Unit A) Conditions
Front (west)	15 ft.	Minimum of 17 feet <i>complies</i>
Side (north)	5 ft.	2.9 feet to 3.1 feet (west to east) <i>Valid Non-complying</i>
Side (south)	5 ft.	3.7 feet to 3.6 feet (west to east) <i>Valid Non-complying</i>

LMC § 15-2.4-6 also states that additions must comply with Building Setbacks, Building Footprint, driveway location standards and Building Height. Under § 15-14-1, the Planning Director may deem existing violations in substantial compliance with the Land Management Code. On April 6, 2016, the Planning Director deemed the south Side Yard Setback violation of the rear addition as 1280 Park Avenue *de minimis*, and in substantial compliance with the LMC (Exhibit D).

LMC § 15-2.4-4(H)(5) states the Side Yard must be open and free of any Structure except window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6”) beyond the window or main Structure to which they are attached. The south wall of the new rear addition is clad in horizontal cedar siding with a two inch (2”) profile. The horizontal cedar siding falls under Side Yard Exceptions in LMC § 15-2.4-4 outlined above. Therefore, the level of non-compliance of the south Side Yard Setback is reduced from 0.25 feet (3 inches) and 0.4 feet (4.8 inches) (west to east) to .083 feet (1 inch) and .24 feet (2.8 inches) (west to east).

The error extends a maximum of 2.8 inches (2.8”) beyond the vertical plane of the south Side Yard Setback. As no additional square footage was achieved in the rear addition due to this violation, the Planning Director has determined that the violation is *de minimis* and not advantageous to the scope of the development. Any new additions to the structure will have to meet the five foot (5’) Side Yard Setback as outlined in § 15-2.4-4 (G) SIDE YARD.

Table 4 shows the current setbacks for the new rear addition (Unit B) located on the site.

Table 4: *The current setbacks for the new rear addition (Unit B) located on the site.*

Setbacks	Minimum Requirements	New Rear Addition (Unit B) Conditions
-----------------	-----------------------------	----------------------------------------------

Rear	10 ft.	Minimum of 11 feet <i>complies</i>
Side (north)	5 ft.	5.25 feet to 5.42 feet (west to east) <i>complies</i>
Side (south)	5 ft.	4.917 feet to 4.76 feet (west to east) <i>Valid Non-complying</i>

In addition, LMC § 15-2.4-6 states additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. The new addition (Unit B) creates a whole separate standalone unit, which is akin to a Lockout Unit. The new addition is subject to the parking requirements defined in LMC § 15-3-6 Parking Ratio Requirements for Specific Land Use Categories which requires two (2) parking spaces per unit. The new rear addition (Unit B) has a two-car garage arranged in a tandem configuration accessed from Sullivan Road. In addition, the driveway for Unit B has a one-car parking space. In total, Unit B provides three (3) parking spaces.

The Historic Structure (Unit A) is exempt from Parking Requirements as defined in LMC § 15-2.4-6; however, the Historic Structure has a driveway (accessed from Park Avenue) which provides a parking space for one (1) vehicle.

Vehicular and pedestrian access for Unit A is proposed to come from Park Avenue. Vehicular and pedestrian access for Unit B is proposed to come from Sullivan Road. Per § 15-2.4-9 Sullivan Road Access, a Conditional Use Permit is required for vehicular access from Sullivan Road. In 2008, a Conditional Use Permit was approved for a concrete driveway and curb cut located in the rear of the Historic Structure. Staff determined that a new Conditional Use Permit would not be required because the new driveway accommodating vehicular access for the new rear addition (Unit B) would utilize the existing curb cut and would not intensify the use of the vehicular access.

Unit A contains 2,265 square feet (including the lower level) and Unit B contains 3,410 square feet (including the garage). Unit B contains 968 square feet of private interior garage space. The driveway of Unit B can accommodate one (1) car and is designated as Limited Common for the Benefit of Unit B. The driveway of Unit A can accommodate one (1) car and is designated as Limited Common for the Benefit of Unit A.

A Common Area and Non-Exclusive Utility and Drainage Easement extends along the entire length of the north lot line. The Common Area and Non-Exclusive Utility and Drainage Easement extends to the northern exterior facades of Unit A and Unit B. A Non-Exclusive Utility and Drainage Easement extends along the entire length of the south lot line and west lot line. The Non-Exclusive Utility and Drainage Easement extends to the southern exterior facades of Unit A and Unit B.

The remaining lot area immediately east of Unit B is designated as Limited Common

Area for the Benefit of Unit B. The remaining lot area immediately west, north, and south of Unit A is designated as Limited Common Area for the Benefit of Unit A.

The property is located in a FEMA Flood Zone A which requires the lowest occupied floor to be equal to or above the base flood elevation. Utilities, including sewer, water, gas, and electricity for both units will originate from Park Avenue, as service is not available from Sullivan Road.

The owner submitted a draft Condominium Declaration and CC&Rs with the application. The Condominium Documents will be recorded with the plat. The Condominium Documents will outline the tie breaker process.

Condominium Conversions

LMC § 15-4-12 indicates that existing structures shall not be converted to condominium ownership without first receiving the review and recommendation of the Planning, Engineering and Building Departments, City Attorney, and Record of Survey plat approval from the City.

Good Cause

Staff finds Good Cause for the Condominium Record of Survey Plat as the requested form of ownership is not detrimental to the overall character of the neighborhood. This application, as shown on the proposed plat, allows the each unit to be platted as private ownership.

Process

Planning Commission makes a recommendation to City Council and the subsequent decision by the City Council constitutes final action that may be appealed pursuant to procedures found in LMC § 15-1-18.

Department Review

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

Notice

On March 30, 2016, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record and posted on the public notice website on March 26, 2016.

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to the City Council to approve the 1280 Park Avenue Condominiums Plat as conditioned or amended; or

- The Planning Commission may forward a negative recommendation to the City Council to deny the 1280 Park Avenue Condominiums Plat and direct staff to make findings of fact and conclusion of law for this decision; or
- The Planning Commission may continue discussion on this item to a date certain or a date uncertain and provide Staff direction on any additional information that is required in order to make a decision.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The units of the duplex could not be separately owned or sold.

Recommendation

Staff recommends the Planning Commission hold a public hearing for 1280 Park Avenue Condominiums Plat located at 1280 Park Avenue and consider forwarding a positive recommendation to City Council based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Exhibits

Exhibit A – Draft Ordinance with Proposed Condominium Plat

Exhibit B – Existing Conditions Survey

Exhibit C – Site Photographs

Exhibit D – Planning Director Determination for Side Yard Setbacks

Draft Ordinance No. 15 -

**AN ORDINANCE APPROVING THE 1280 PARK AVENUE CONDOMINIUMS PLAT
LOCATED AT 1280 PARK AVENUE, LOT 1 OF THE 1280 PARK AVENUE
SUBDIVISION, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 1280 Park Avenue petitioned the City Council for approval of the 1280 Park Avenue Condominiums Plat; and

WHEREAS, the property was properly noticed on March 26, 2016 and posted on March 30, 2016, according to the requirements of the Land Management Code; and

WHEREAS, proper legal notice was sent to all affected property owners on March 30, 2016; and

WHEREAS, the Planning Commission held a public hearing on April 13, 2016, to receive input on 1280 Park Avenue Condominiums Plat; and

WHEREAS, the Planning Commission, on April 13, 2016, forwarded a recommendation to the City Council; and

WHEREAS, the City Council held a public hearing on April 28, 2016, to receive input on the 1280 Park Avenue Condominiums Plat; and

WHEREAS, it is in the best interest of Park City, Utah, to approve 1280 Park Avenue Condominiums Plat to memorialize common, limited common, and private ownership areas and allow the units to be sold separately.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 1280 Park Avenue Condominiums Record of Survey Plat shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The duplex dwelling is located at 1280 Park Avenue in the HR-M zone. A duplex dwelling is an allowed use in the HR-M zone.
2. The duplex dwelling consists of a Historic Structure with a non-historic rear addition. The Historic Structure was constructed in 1904 and the new addition is currently under construction.
3. A Historic District Design Review (HDDR) application for the new rear addition to the Historic Structure (creating the duplex dwelling) was approved on July 20, 2015.
4. The Historic Structure is designated as Unit A and the new rear addition is designated as Unit B on the proposed condominium record of survey plat

5. The site is listed as "Landmark" on Park City's Historic Site's Survey.
6. There are no existing physical encroachments on the site.
7. The minimum lot size for the HR-M is 3,750 square feet for a duplex dwelling. The property is 5,154 square feet. In the HR-M zone no maximum footprint calculation is established, as the size of a structure is determined by the setback and height requirements.
8. The maximum height for a structure is 27 feet above existing grade. The maximum height of the new rear addition is 27 feet and the maximum height of the Historic Structure is 18 feet.
9. A lot line adjustment was approved by City Council on March 27, 2003 creating the 1280 Park Avenue Subdivision. The 1280 Park Avenue Subdivision combined the existing platted lots and remnant parcels into one (1) lot of record and brought the lots into compliance with the minimum lot size for the HR-M zone.
10. Historic Structures that do not comply with Building Setbacks are valid Complying Structures. The north Side Yard Setback of the Historic Structure is 2.9 feet to 3.1 feet (west to east). The south Side Yard Setback of the Historic Structure is 3.7 feet to 3.6 feet (west to east).
11. Under § 15-14-1, the Planning Director may deem existing violations in substantial compliance with the Land Management Code. On April 6, 2016 the Planning Director deemed the south Side Yard Setback violation of the rear addition as 1280 Park Avenue *de minimis*, and in substantial compliance with the LMC.
12. The south wall of the new rear addition is clad in horizontal cedar siding with a two inch (2") profile. The horizontal cedar siding falls under Side Yard Exceptions in LMC § 15-2.4-4. Therefore, the level of non-compliance of the south Side Yard Setback is reduced from 0.25 feet (3 inches) and 0.4 feet (4.8 inches) (west to east) to .083 feet (1 inch) and .24 feet (2.8 inches) (west to east).
13. The error extends a maximum of 2.8 inches (2.8") beyond the vertical plane of the south Side Yard Setback. As no additional square footage was achieved in the rear addition due to this violation, the Planning Director has determined that the violation is *de minimis* and not advantageous to the scope of the development.
14. Any new additions to the structure will have to meet the five foot (5') Side Yard Setback as outlined in § 15-2.4-4 (G) SIDE YARD.
15. Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment. The new addition (Unit B) creates a Lockout Unit. The new rear addition (Unit B) has a two-car garage arranged in a tandem configuration accessed from Sullivan Road. In addition, the driveway for Unit B has a one-car parking space. In total, Unit B provides three (3) parking spaces
16. The Historic Structure (Unit A) is exempt from Parking Requirements as defined in LMC § 15-2.4-6; however, the Historic Structure has a driveway (accessed from Park Avenue) which provides a parking space for one (1) vehicle.
17. Vehicular and pedestrian access for Unit A is proposed to come from Park Avenue.
18. Vehicular and pedestrian access for Unit B is proposed to come from Sullivan Road.
19. In 2008, a Conditional Use Permit was approved for a concrete driveway and curb cut located in the rear of the Historic Structure. Staff determined that a new Conditional Use Permit would not be required because the new driveway

accommodating vehicular access for the new rear addition (Unit B) would utilize the existing curb cut and would not intensify the use of the vehicular access.

20. Unit A contains 2,265 square feet (including the lower level).
21. Unit B contains 3,410 square feet (including the garage). Unit B contains 968 square feet of private interior garage space. The driveway of Unit B can accommodate one (1) car and is designated as Limited Common for the Benefit of Unit B.
22. The driveway of Unit A can accommodate one (1) car and is designated as Limited Common for the Benefit of Unit A.
23. A Common Area and Non-Exclusive Utility and Drainage Easement extend along the entire length of the north lot line. The easement extends to the northern exterior facades of Unit A and Unit B.
24. A Non-Exclusive Utility and Drainage Easement extends along the entire length of the south lot line and west lot line. The easement extends to the southern exterior facades of Unit A and Unit B.
25. The property is located in a FEMA Flood Zone A which requires the lowest occupied floor to be equal to or above the base flood elevation.
26. Utilities, including sewer, water, gas, and electricity for both units will originate from Park Avenue, as service is not available from Sullivan Road.
27. The findings within the Analysis section of this report are incorporated within.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the Record of Survey and Condominium Documents and CC&Rs for compliance with State law, the Land Management Code, and conditions of approval, prior to recordation of the plat.
2. The applicant will record the Record of Survey at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. The CC&Rs shall include a tie breaker mechanism.

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

PASSED AND ADOPTED this ____ day of April 2016.

PARK CITY MUNICIPAL CORPORATION

Jack Thomas, MAYOR

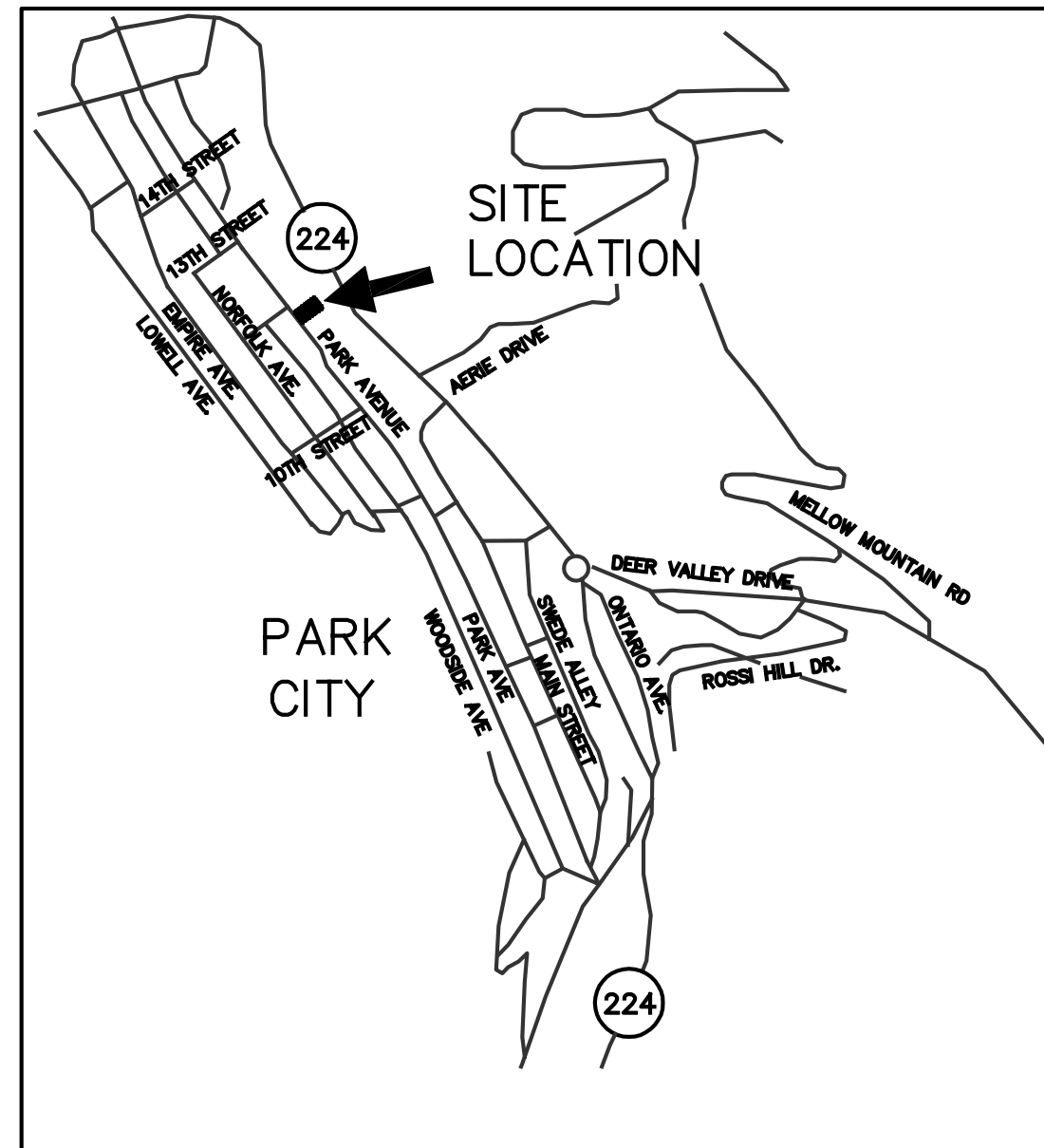
ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

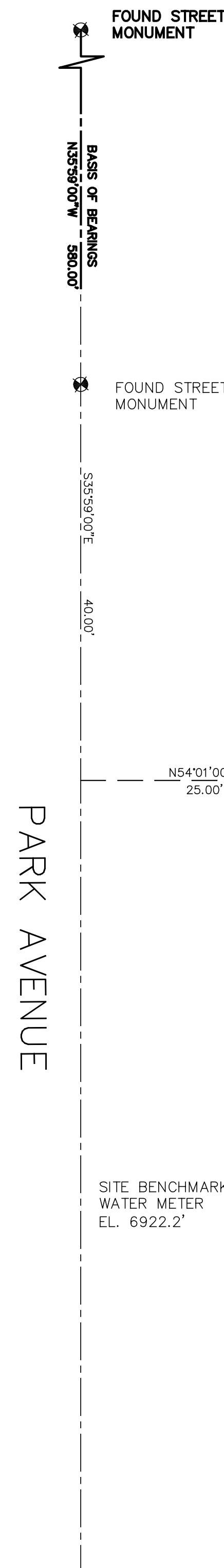
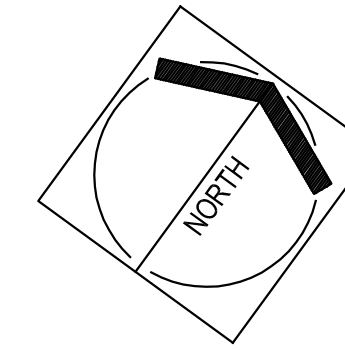
Mark Harrington, City Attorney

Attachment 1 –Condominium Plat



VICINITY MAP

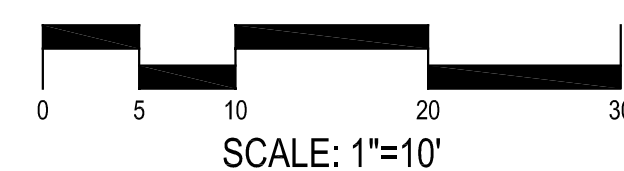
CONDOMINIUM PLAT
1280 PARK AVENUE CONDOMINIUMS
 A UTAH CONDOMINIUM
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 16,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST
 SALT LAKE BASE & MERIDIAN
 SUMMIT COUNTY, UTAH



- PLAT NOTES:**
- Plans and dimensions shown hereon were compiled from architectural drawings prepared by Upwall Design, entitled _____ and dated _____. Interior dimensions are shown to finished surfaces.
 - Vehicular and pedestrian access to Unit A is exclusively from Park Avenue; there is no pedestrian or vehicular access to Unit A from Sullivan Road. Vehicular and pedestrian access to Unit B is exclusively from Sullivan Road; there is no vehicular or pedestrian access to Unit B from Park Avenue.
 - Subject to two Non-Exclusive Utility and Drainage Easements for the benefit of both Unit A and Unit B, as shown hereon. Unit A and Unit B are to be serviced by common utilities located within such Easements. The 1280 Park Avenue Owners Association shall be solely responsible for the maintenance of such easements and common utilities.
 - Prior to the sale of either Unit, all utility requirements of all utility providers shall be satisfied by the 1280 Park Avenue Owners Association.
 - Refer to Declaration of Condominium for complete description of ownership and other particulars.

LEGEND

- | | |
|-----------------------------------|-------------------------------------------------------------|
| ⊕ FOUND STREET MONUMENT | ▨ PRIVATE OWNERSHIP |
| ⊙ FOUND REBAR & CAP (AS NOTED) | ▧ LIMITED COMMON AREA FOR THE BENEFIT OF UNIT "A" |
| ⊗ EXISTING SANITARY SEWER MANHOLE | ▩ LIMITED COMMON AREA FOR THE BENEFIT OF UNIT "B" |
| ⊕ WATER METER | ▨ COMMON AREA AND NON-EXCLUSIVE UTILITY & DRAINAGE EASEMENT |
| ☐ TELEPHONE BOX | ▨ NON-EXCLUSIVE UTILITY & DRAINAGE EASEMENT |
| ⊗ ELECTRICAL BOX | |



BOUNDARY DESCRIPTION

Lot 1, 1280 Park Avenue Subdivision, according to the official plat thereof recorded May 23, 2003 as Entry No. 659341 of the official records, in the office of the Summit County Recorder.
 Summit County Tax Serial Number: 1280-PA-1

SURVEYOR'S CERTIFICATE:

I, Russell E. Campbell, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 316833 as prescribed under the laws of the State of Utah, and that I have caused to be made under my direct supervision and by the authority of the owner, this Record of Survey Map of 1280 PARK AVENUE, a Utah Condominium Project, in accordance with the provisions of Section 57-8-13 of the Utah Condominium Ownership Act. I further certify that the building and property are shown correctly.

Russell E. Campbell, L.S. 316833 _____ Date _____

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents: That the undersigned Legacy Development Group, LLC, the owner of the tract of land described herein as The Residences at Kings Crown, a Utah Condominium Project located on said tract of land, has caused a survey to be made and this Record of Survey Map to be prepared does hereby give its consent to the recording of the Record of Survey Map and submit this property to the Utah Condominium Ownership Act. Further, the owner does hereby irrevocably offer for dedication to Park City Municipal Corporation, the Snyderville Basin Water Reclamation District, the Park City Fire Protection District, a non-exclusive easement over the utility easements, and snow storage easements shown on this plat for the purpose of providing access for utility installation, maintenance, use and eventual replacement, in accordance with an irrevocable offer of dedication. The owner further certifies all buildings will be built as shown.

In witness whereof, the undersigned has set its hand on this ____ day of _____, 2015.

KW Park Avenue, LLC,

By: _____
 MICHELLE KING

ACKNOWLEDGMENT

State of Utah
 County of Summit
 On the ____ day of _____, 2015, personally appeared before me the undersigned Notary Public in and for the said State and County, _____, who after being duly sworn, acknowledged to me that he is the _____ of the Legacy Development Group, LLC, the owner of the herein described tract of land, and that the foregoing instrument was signed on the behalf of said corporation by authority of its Articles of Organization or its Operating Agreement.

Notary Public
 Residing at: _____
 My commission expires: _____

CONDOMINIUM PLAT
1280 PARK AVENUE CONDOMINIUMS
 A UTAH CONDOMINIUM PROJECT

LOCATED IN SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 of 2

BASELINE SURVEYING, Inc

1058 East 2100 SOUTH
 Salt Lake City, UT 84106 (801) 209-2152

CERTIFICATE OF ATTEST

I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2015.

 PARK CITY RECORDER

PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2015.

 PLANNING COMMISSION CHAIRMAN

COUNCIL APPROVAL AND ACCEPTANCE

APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2015.

 MAYOR

CITY ENGINEER

I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT REVIEWED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH AVAILABLE INFORMATION ON FILE IN THIS OFFICE.

 DATE _____ PARK CITY ENGINEER

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS THIS ____ DAY OF _____, 2015.

 S.B.W.R.D.

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS ____ DAY OF _____, 2015.

 PARK CITY ATTORNEY

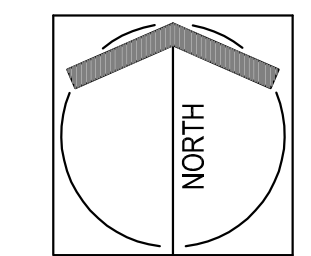
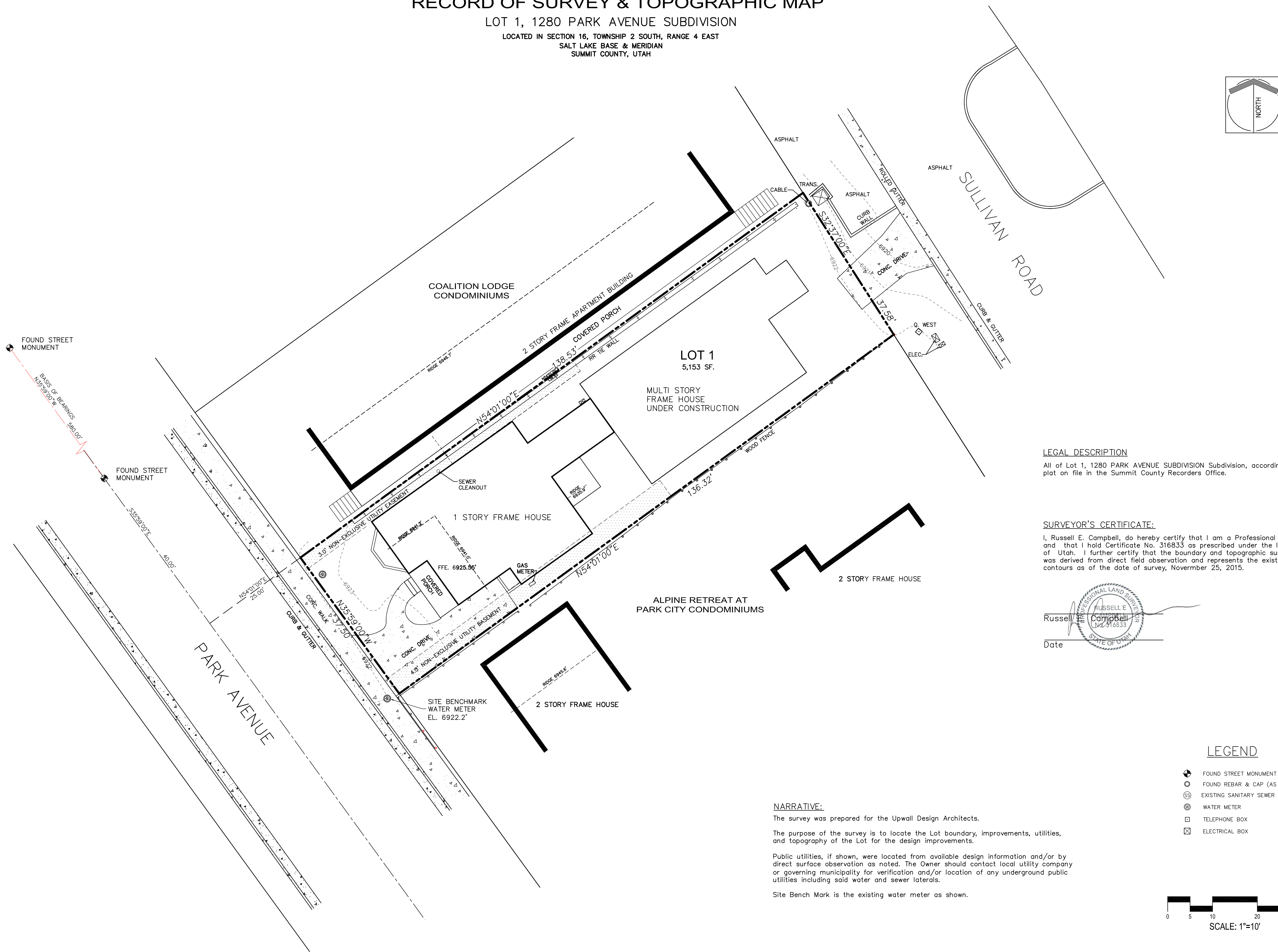
RECORDED

ENTRY NO. _____ BOOK _____ PAGE _____
 STATE OF UTAH _____ COUNTY OF SUMMIT _____
 DATE _____ TIME _____
 RECORDED AND FILED AT THE REQUEST OF: _____

 COUNTY RECORDER

RECORD OF SURVEY & TOPOGRAPHIC MAP

LOT 1, 1280 PARK AVENUE SUBDIVISION
 LOCATED IN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST
 SALT LAKE BASE & MERIDIAN
 SUMMIT COUNTY, UTAH



LEGAL DESCRIPTION

All of Lot 1, 1280 PARK AVENUE SUBDIVISION Subdivision, according to the official plat on file in the Summit County Recorders Office.

SURVEYOR'S CERTIFICATE:

I, Russell E. Campbell, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 316833 as prescribed under the laws of the State of Utah. I further certify that the boundary and topographic survey shown hereon was derived from direct field observation and represents the existing conditions and contours as of the date of survey, November 25, 2015.

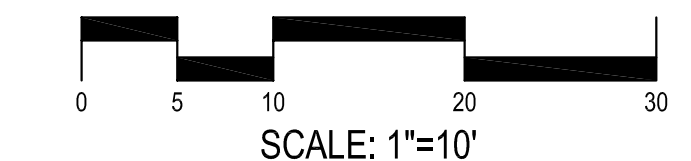
Russell E. Campbell
 Date

LEGEND

- FOUND STREET MONUMENT
- FOUND REBAR & CAP (AS NOTED)
- EXISTING SANITARY SEWER MANHOLE
- WATER METER
- TELEPHONE BOX
- ELECTRICAL BOX

NARRATIVE:

The survey was prepared for the Upwall Design Architects.
 The purpose of the survey is to locate the Lot boundary, improvements, utilities, and topography of the Lot for the design improvements.
 Public utilities, if shown, were located from available design information and/or by direct surface observation as noted. The Owner should contact local utility company or governing municipality for verification and/or location of any underground public utilities including said water and sewer laterals.
 Site Bench Mark is the existing water meter as shown.



BASELINE SURVEYING, Inc
 1058 East 2100 South
 Salt Lake City, UT 84106
 (801) 209-2152

DATE	BY	REVISIONS	COMMENTS

JOB No.	1284
SURVEY BY:	RC
DRAWN BY:	RC

BOUNDARY & TOPOGRAPHIC SURVEY
LOT 1, 1280 PARK AVENUE SUBDIVISION
1280 PARK AVENUE, PARK CITY
SUMMIT COUNTY, UTAH

SHEET
1 of 1



West Side Looking East



West Side Looking West



North Side Looking South



North Side Looking North



East Side Looking West



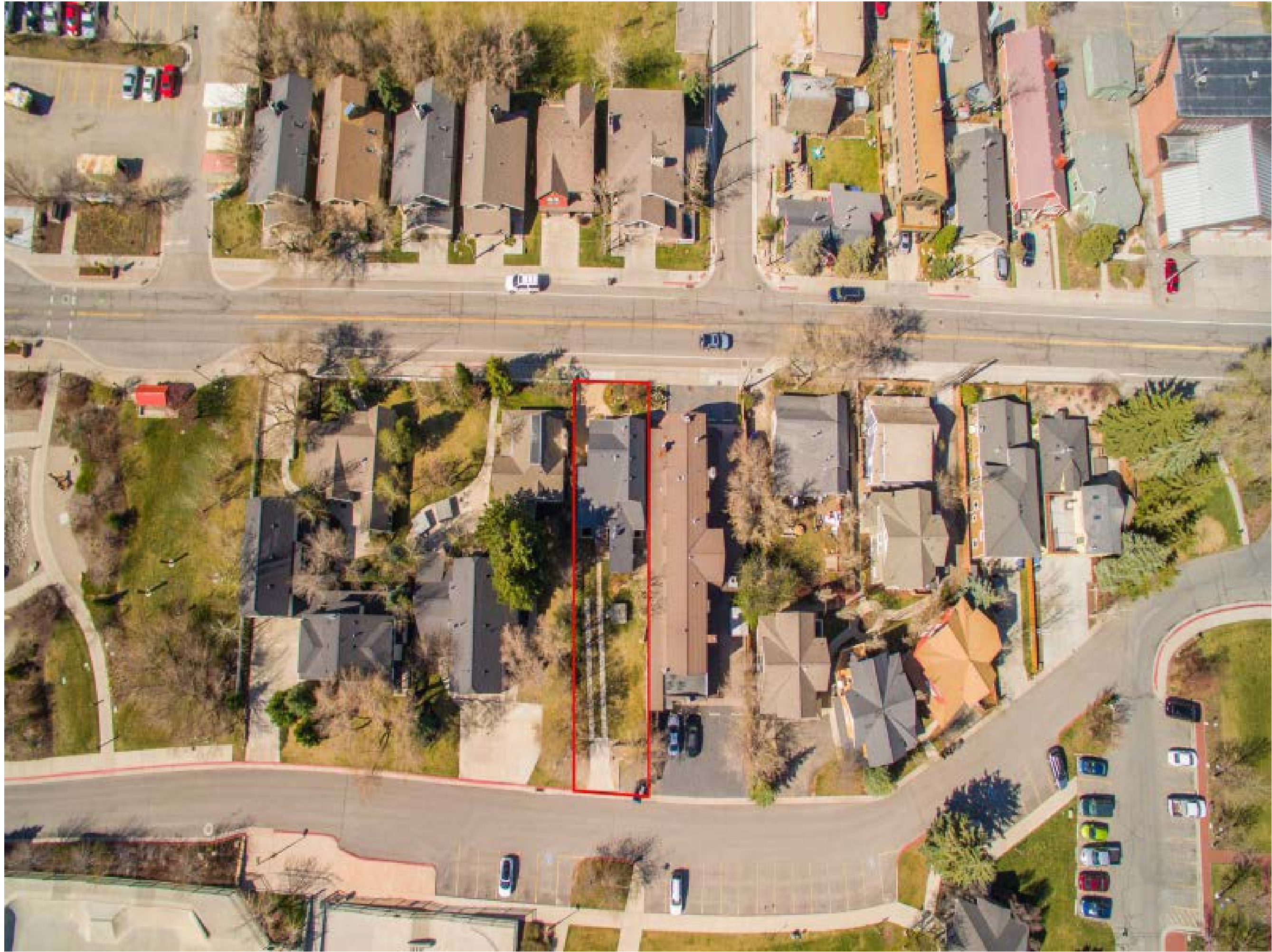
East Side Looking East



South Side Looking North



South Side Looking South



Aerial View



6 April 2016

Michele King
1280 Park Avenue
Park City, UT 84060

CC: Joshua Arrington, Architect

NOTICE OF PLANNING DIRECTOR DETERMINATION:

Project Address: 1280 Park Avenue
Zoning: Historic Residential-Medium Density (HR-M) zone
Project Description: Planning Director Determination of Substantial Compliance with the Land Management Code for the Rear Addition South Side Yard Setbacks
Project Number(s): PL-15-03043
Date of Action: 21 March 2016

ACTION TAKEN BY PLANNING DIRECTOR:

The Planning Director has determined that the south Side Yard setbacks of the rear addition (currently under construction) to the existing Historic Structure at 1280 Park Avenue are in substantial compliance with the Land Management Code (LMC). This determination is based on the following:

1. § 15-2.4-4 (G) SIDE YARD

(1) The minimum Side Yard for any Single Family, Duplex Dwelling or Accessory Building is five feet (5').

A Historic District Design Review (HDDR) application for the rear addition to the existing Historic Structure at 1280 Park Avenue (creating a duplex dwelling) was approved on July 20, 2015. The approved plans for the new rear addition had Side Yard Setbacks of five feet (5') as outlined above.

On December 17, 2015, the City received an application for a Condominium Record of Survey for the duplex dwelling at 1280 Park Avenue. Approval of the Condominium Record of Survey allows for each unit to be sold separately. After review of the survey of existing site conditions required as part of the Condominium Record of Survey application, staff determined that the rear addition had non-complying south Side Yard Setbacks equaling 4.75 feet to 4.6 feet (west to east).

2. § 15-2.4-4 (H) SIDE YARD EXCEPTIONS

The Side Yard must be open and free of any Structure except:

(...)

(5) Window sills, belt courses, cornices, trim, and other ornamental features projecting not more than six inches (6") beyond the window or main Structure to which they are attached.

The south wall of the addition is clad in horizontal cedar siding with a two inches (2") profile. The horizontal cedar siding falls under Side Yard Exceptions in LMC § 15-2.4-4, outlined above. Therefore, the level of non-compliance of the south Side Yard Setback is reduced from 0.25 feet (3 inches) and 0.4 feet (4.8 inches) (west to east) to .083 feet (1 inch) and .24 feet (2.8 inches) (west to east).

3. § 15-14-1 ZONING ADMINISTRATION AND ENFORCEMENT

The provisions of this Ordinance shall be administered by the Planning, Engineering, and Building Departments under the supervision of the City Manager, or the Mayor, in the absence of the City Manager. The Planning Director, City Engineer, or Chief Building Official shall, when deemed appropriate, recommend legal action to the City Council in order to enforce this Code or other land Use related ordinances or regulations. The Planning Director, City Engineer, or Chief Building Official, under the supervision of the City Manager or the Mayor, in the absence of the City Manager, shall determine when violations exist, when a Development is in substantial compliance with this Code, or other enforcement actions taken. The failure of any Person to properly interpret or apply this Code or any provision of it shall not operate to waive or estop the City from subsequent enforcement action. Permits issued in violation of this ordinance shall have no force or effect and Persons knowingly or negligently Building under improperly issued permits do so at their own risk.

Under § 15-14-1, the Planning Director may deem existing violations in substantial compliance with the Land Management Code. The Planning Director has deemed the south Side Yard Setback violation of the rear addition as 1280 Park Avenue *de minimis*, and in substantial compliance with the LMC. The error extends a maximum of 2.8 inches (2.8") beyond the vertical plane of the south Side Yard Setback. As no additional square footage was achieved in the rear addition due to this violation, the Planning Director has determined that the violation is *de minimis* and not advantageous to the scope of the development. Any new additions to the structure will have to meet the five foot (5') Side Yard Setback as outlined in § 15-2.4-4 (G) SIDE YARD.

If you have any questions regarding this determination, please don't hesitate to contact the Planning Department at 435-615-5060.

Sincerely,



Bruce Erickson, AICP
Planning Director

CC: Hannah M. Turpen, Planner
Ashley Scarff, Planner Technician



Planning Commission Staff Report

Subject: Deer Crest Hotel CUP– St. Regis Resort at Deer Crest
Project Number: PL-16-03101
Author: Kirsten Whetstone MS, AICP- Senior Planner
Date: April 13, 2016
Type of Item: Amendment to Conditional Use Permit- Administrative

Summary Recommendations

Staff recommends the Planning Commission conduct a public hearing and consider approving amendments to the Deer Crest Hotel Conditional Use Permit (CUP) regarding timing of construction for Phases 2 and 3 at Snow Park. Staff prepared findings of fact, conclusions of law, and conditions of approval for Planning Commission consideration.

Description

Project Name: Deer Crest Hotel CUP (Roosevelt Gap and Snow Park parcels of the Deer Crest Master Plan and Settlement Agreement) – aka St. Regis Resort at Deer Crest
Applicant: Deer Crest Janna, LLC, owner
Location: 2300 Deer Valley Drive
Zoning: RD-MPD (subject to the 1995 Deer Crest Settlement Agreement/MPD and the Deer Crest Hotel CUP, as previously amended)
Adjacent Uses: Deer Valley Ski resort and related uses, condominiums, open space, single-family residences and vacant lots

Proposal

This application is a request for an amendment to conditions of approval # 3 and #4 of the April 23, 2014, amended Deer Crest Hotel CUP, regarding timing of construction for Phases 2 and 3 at the Snow Park site (Exhibits A and A2).

Background

The property is located at 2300 Deer Valley Drive and is subject to the 1995 Deer Crest Settlement Agreement, as amended in 2001. The Snow Park parcel is located northeast of the Snow Park Lodge at Deer Valley, and is located within Park City in Summit County. The Roosevelt Gap parcel is located on the Wasatch County side of the ridge east of the parking lots at lower Deer Valley. In 1999, Park City annexed the Roosevelt Gap property as part of the Deer Crest Annexation. On April 15, 2004, a plat amendment combined these parcels into one lot of record with the remaining parcels platted as open space.

On February 28, 2001, a Conditional Use Permit for a hotel development was approved for this property (known as the Rosewood CUP). On July 25, 2001, the Rosewood CUP was amended by the Planning Commission to reduce the footprint, increase the height,

and reconfigure the buildings at Roosevelt Gap. In January of 2002; a grading and excavation /shoring permit was issued for the Roosevelt Gap parcel.

On March 24, 2004, further amendments were approved to reconfigure the location of the Snow Park and Roosevelt Gap buildings, locate the upper funicular terminal to be attached to the Roosevelt Gap building, reduce the overall building mass by transferring 5.5 UE to Snow Park, decrease the parking at Roosevelt Gap from the 155 approved with the CUP (105 overnight plus 50 day-use spaces) to 146 (maximum of 105 for overnight parking with 41 for day-use) with 98 spaces at Snow Park, and modify the proposed residential ownership program to allow interval/club ownership in the Recreation Commercial (RC) District zoned portions.

On May 11, 2005, the Planning Commission approved further amendments to the CUP to relocate the Snow Park condominium buildings lower on the slope and revised the access drive and funicular approach.

On April 22, 2009, the Planning Commission approved amendments to 1) modify the phasing of development at Snow Park and 2) modify condition of approval #3 of the May 11, 2005, amended CUP to restrict issuance of certificates of occupancy for the Roosevelt Gap units until completion of the parking lot at Snow Park north (as opposed to the parking structure). The April 22, 2009, approval was appealed by a resident of Deer Crest Estates. The Planning Commission approval was upheld by the City Council on June 18, 2009 (Exhibit B action letter of this approval).

In 2009, final certificates of occupancy were issued for all of Phase One, including the 99.5 residential unit equivalents located at Roosevelt Gap and the funicular building at Snow Park that includes 1 residential unit and 2 deed restricted affordable units.

On April 23, 2014, the Planning Commission approved an amendment to the CUP revising Condition #14 of the June 18, 2009, approval; regarding timing of construction at the Snow Park North Site submit a complete application and building plans for construction of the parking structure and condominium units on or prior to June 18, 2016. This 2014 approval was memorialized as Condition #3 in the April 23, 2014 action letter (Exhibit C).

On February 17, 2016, a complete application was submitted to the Planning Department requesting amendments to the conditions of approval regarding timing of construction of both the Snow Park South and Snow Park North sites (Exhibit A). On March 10, 2016, the applicant requested two modifications to the requests made in the initial application (Exhibit A2).

Deer Crest Settlement Agreement

The Settlement Agreement does not address phasing of the Roosevelt Gap or Snow Park parcels. The existing CUP allows a total density of 130 residential unit equivalents with 99.5 UE at Roosevelt Gap and 30.5 UE at Snow Park with up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area for meeting space, on the 12.07 acre development site, consistent with the Settlement Agreement, as amended in 2001.

Project Phasing

The approved CUP allows the project to be constructed in phases. Phase I, which is constructed and was issued a certificate of occupancy in 2009, consists of the 99.5 UE Roosevelt Gap hotel/condominiums, restaurant, bar, and spa; the funicular; and the funicular building. The funicular building (a portion of the North Snow Park site) includes one market rate condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two deed restricted affordable housing units located at the North Snow Park site. A total of 189 parking spaces are required to meet the code requirements for the first phase and 213 parking spaces are currently provided.

Phase 2 consists of the 57 space south parking structure at Snow Park and condominium units (approximately 10 UE) constructed above. Phase 3 consists of the 49 space north parking structure at Snow Park and condominium units (approximately 20.5 UE) constructed above. The total density approved for Snow Park is 30.5 UE, consistent with the Deer Crest Settlement Agreement.

Requested Amendments

On March 10, 2016, a completed application for modification of an approval was submitted to the Planning Department. The applicant is requesting amendments to conditions of approval of the Deer Crest Hotel CUP to 1) clarify the timing of construction of Phase 2 (Snow Park South), 2) extend the timeframe for construction of Snow Park North (Phase 3) to follow completion of Phase 2, and 3) clarify that an updated parking study and interim parking layout will be provided with the building permit for Phase 2.

Under current conditions of approval, if plans for Snow Park North are not submitted by June 18, 2016, then current approvals for the entire Snow Park site will expire and a new conditional use permit application would need to be submitted and approved prior to approval of any building permits.

The applicant has always intended to construct Snow Park South before Snow Park North, due to the existing parking at the north site. As the applicant is working on building plans for the South site, they will not be able meet the June 18, 2016 deadline for submitting plans for the North site and are therefore requesting an extension to submit building plans for the North site upon completion of the South site. They are also requesting an extension from June 18, 2016 to December 13, 2017 to allow sufficient time to put together building plans for the South site (see Exhibit A2 amending initial submittal request in Exhibit A).

The applicant requests the following changes to conditions #3 and #4 of the April 23, 2014 CUP Amendment action letter:

3. The applicant shall submit a complete application and building plans for construction of the Phase 2, parking structure and condominium units at Snow Park South, North on or prior to ~~June 18, 2016~~ December 31, 2017. If plans are not submitted within this timeframedate, the ~~June 18, 2009~~ prior CUP approval for ~~the~~ Snow Park South North Site shall expire and a new Conditional Use Permit

application will be required to be reviewed by the Planning Commission prior to submittal of such building plans for the Snow Park is Site. A complete building permit application for Phase 3 shall be submitted within 18 months following the issuance of the final certificate of occupancy for Phase 2, unless an extension is requested in writing and granted by the Planning Commission.

4. Prior to issuance of a building permit for Phases 2 ~~and 3~~ the applicant shall submit for review by the Planning Department Staff an updated parking study for the St. Regis Deer Valley Hotel and approval by the Planning Staff an interim-parking layout, to be approved by the Planning Department Staff, addressing any temporary parking ~~space~~ shortages that may occur due to loss of surface parking during construction at Snow Park.

Staff finds that these amendments provide clarity in terms of construction phasing and provision of an updated parking study. Staff reviewed the language in the Land Management Code related to CUP review criteria and the Residential Development (RD) District and finds that the regulations and language in the Land Management Code have not changed and there has been no change in circumstance of the property that necessitates submittal of a new Conditional Use Permit application. The building locations have been determined by the location of buildings and infrastructure for Phase one. The architecture of the future phases has also been set by the architecture of Phase one.

Analysis

Staff reviewed the proposed amendment to the Deer Crest Hotel CUP against the Conditional Use Permit criteria in Section 15-1-10 of the Land Management Code as outlined below:

1. Size and location of the site. There are no changes proposed to the size and location of the site. **No unmitigated impacts.**
2. Traffic considerations. There are no changes in traffic as a result of this amendment to the timing of phases 2 and 3. **No unmitigated impacts as conditioned.**
3. Utility capacity. There are no changes in utilities as a result of this amendment. Snow Park site will be served by JSSD. **No unmitigated impacts.**
4. Emergency vehicle access. Access for emergency vehicles is unchanged with this amendment. **No unmitigated impacts.**
5. Location and amount of off-street parking. No changes are proposed to the overall parking requirements or actual parking provided. A total of 244 parking spaces are required and approved for final build out with 105 overnight spaces and up to 41 day spaces located at Roosevelt Gap with 98 spaces at Snow Park. The maximum of 105 overnight parking spaces at Roosevelt Gap are per the amended Settlement Agreement. Staff recommends a condition of approval that prior to issuance of a building permit for Phases 2 and 3, the applicant shall submit an interim-parking layout addressing any temporary parking space shortages that may occur due to loss of surface parking during construction at Snow Park. **No unmitigated impacts, as conditioned.**
6. Internal circulation system. No changes to the internal project circulation system are proposed with this amendment. **No unmitigated impacts.**

7. Fencing, screening and landscaping to separate uses. No changes to the approved and installed fencing, screening, and landscaping are proposed with this amendment. **No unmitigated impacts.**
8. Building mass, bulk, orientation and the location on site, including orientation to adjacent buildings or lots. No changes to the building mass, bulk, orientation and location on site are proposed with this amendment. **No unmitigated impacts.**
9. Usable open space. No changes to the open space area are proposed. **No unmitigated impacts.**
10. Signs and lighting. No changes are proposed to the signs and lighting with this amendment. **No unmitigated impacts.**
11. Physical design and compatibility with surrounding structures in mass, scale and style. No changes are proposed to the physical design. **No unmitigated impacts.**
12. Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site. There are no changes to any mechanical factors that require mitigation due to this amendment. **No unmitigated impacts.**
13. Control of delivery and service vehicles, loading and unloading zones, and screening. There are no changes to loading and unloading zones from what was approved. All loading and unloading areas are within the parking structure at Roosevelt Gap and the funicular building at Snow Park. These areas are screened from view of adjacent properties and public right-of way. **No unmitigated impacts.**
14. Expected ownership and management of the property. There are no proposed changes to ownership with this amendment. Condominiums, private residence club units, and hotel rooms are consistent with the RC zoning of Roosevelt Gap. Whole ownership condominiums and condo hotel suites are consistent with the RD zoning of Snow Park. **No unmitigated impacts.**
15. Sensitive Lands Review. There are no changes to the approved CUP that are contrary to the sensitive lands review as it relates to the Deer Crest Settlement Agreement CUP. **No unmitigated impacts.**

Department Review

The proposed changes were discussed with Planning, Building, Engineering, Legal, Public Works and other City Departments at Development Review.

Public Notice

On March 30, 2016, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was published in the Park Record on March 26, 2016.

Process

Planning Commission action on the CUP is considered the final action which may be appealed per LMC Section 15-1-18.

Alternatives

- The Planning Commission may approve the request to amend the conditions of approval regarding timing of construction for Phases 2 and 3 as proposed and conditioned; or

- The Planning Commission may deny the request and direct staff to prepare findings supporting this recommendation; or
- The Planning Commission may continue the discussion to a date certain to allow the applicant time to respond to any additional concerns or issues raised at the Planning Commission hearing.

Significant Impacts

There are no significant impacts that result from these amendments.

Consequences of not taking the Suggested Recommendation

If plans for Snow Park North are not submitted by June 18, 2016, as conditioned, then current approvals for the Snow Park site will expire and a new conditional use permit application would have to be submitted and approved prior to approval of any building permits for the Snow Park Site.

Recommendation

Staff recommends the Planning Commission conduct a public hearing and consider approving an amendment to the Deer Crest Hotel Conditional Use Permit amending condition of approval #3, regarding timing of construction for Phases 2 and 3 at Snow Park. Staff prepared findings of fact, conclusions of law, and conditions of approval for Planning Commission consideration.

Findings of Fact (These are findings of the April 23, 2014 approval that amended the June 18, 2009 approval, except as redlined to reflect these April 13, 2016 amendments)

1. This application is a part of a larger Master Planned Development known as the Deer Crest Annexation MPD and is subject to the 1995 Deer Crest Settlement Agreement, as amended in December of 1998 and also in April 6, 2001, by the City Council. On February 28, 2001 Planning Commission approved the Deer Crest Hotel CUP (formally known as the Rosewood CUP). Amendments to the CUP were approved by the Planning Commission on July 25, 2001, March 24, 2004, May 11, 2005, April 22, 2009, [and April 23, 2014](#). The City Council denied an appeal of the April 22nd approval on June 18, 2009.

2. The proposed density of 99.5 residential unit equivalents at Roosevelt Gap, 30.5 residential unit equivalents for Snow Park (total of 130 unit equivalents) and up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area for meeting space on the 12.07 acre development site is consistent with the Deer Crest Settlement, as amended.

3. The proposal is located in the RD (Residential Development) and RC (Resort Commercial) zoning districts subject to the Deer Crest Settlement Agreement and MPD.

4. A total of 244 parking spaces are required for the entire CUP, with a maximum of 146 spaces allowed at Roosevelt Gap and the remaining spaces required at Snow Park (north and south sites). The December 12, 2000, traffic and parking study by Sear-Brown relies on a guest and employee shuttle system, with a majority of the employee parking provided at Jordanelle Village off of Highway 40. With the shuttle system and

parking provided at Jordanelle Village the existing parking, with the surface parking lots at Snow Park, is adequate to meet the demands of the existing uses.

5. A total of 105 overnight parking spaces, and up to 41 day use spaces, are allowed at the Roosevelt Gap site. Eight of these spaces are provided as tandem spaces for valet parking. The amended Settlement Agreement, allowed the Planning Commission to approve overnight parking in conjunction with a luxury hotel and upon demonstration that the remainder of the (Deer Crest) project has been modified to result in no net increase of traffic on Keetley Road.

6. A one- year review of the parking and traffic situation, after certificates of occupancy were issued, was conducted by the applicant and presented to the Planning Commission on January 11, 2012 to evaluate actual traffic and parking impacts of this project. No additional issues were raised and the traffic and parking impacts were found to be mitigated as approved.

7. It is the desire of the developer to build this project in three phases. The first phase is complete and consists of the 105 Roosevelt Gap hotel/condominiums (99.5 UE), including a restaurant, bar, and spa; the funicular and funicular building at Snow Park (the funicular building contains one condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units); and a temporary sales office with surface parking.

The second phase consists of the south parking structure at Snow Park with condominium units above (approximately 10 UE). The third phase consists of the north parking structure and condominium units above (approximately 20.5 UE). The total density approved for Snow Park is 30.5 UE.

8. During construction of the North Snow Park site when the 56 surfaces spaces are not available and until the north parking structure is complete, there will be a possible shortage of parking spaces at Snow Park. The applicants indicate that they can accommodate any shortfall during construction by tandem parking with valet service in the South Snow Park parking structure and within the porte-cochere/drop off area at Snow Park.

9. Staff has reviewed this application for an amendment to condition of approval #14 ([of the 2009 CUP approval](#)) as described [in this staff report](#), [and as amended with the April 2014 CUP approval above](#) and finds the application in compliance with the Conditional Use Permit criteria and consistent with the Deer Crest Settlement Agreement, as amended. [Staff has also reviewed the request for an amendment to condition of approval #4 of the 2014 amended CUP approval and finds the application in compliance with the Conditional Use Permit criteria and consistent with the Deer Crest Settlement Agreement, as amended.](#)

10. The surface parking was constructed to the requirements of a permanent surface parking lot, including paved surface, physical dimensions, landscaping, lighting, storm water, and a final finish treatment was applied to the retaining wall as previously conditioned.

11. Staff finds that these amendments provide clarity in terms of construction phasing and provision of an updated parking study.

12. The regulations and language in the Land Management Code regarding Conditional Use Permit review as well as Lot and Site regulations in the Residential Development (RD) District code have not substantially changed since the CUP approval and there has been no change in circumstance of the property that would necessitate submittal of a new Conditional Use Permit application.

Conclusions of Law

1. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15.1.10 review criteria for Conditional Use Permits.
2. There is no change in Use. The approved Use was determined to be compatible with surrounding structures in use, scale, mass, and circulation.
3. The approved Use was found to be consistent with the Park City General Plan per the June 18, 2009 approval. The requested amendment is not contrary to the General Plan.
4. The proposal is consistent with the Deer Crest Annexation and the 1995 Deer Crest Settlement as amended.
5. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval

1. All standard project conditions shall apply.
2. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.
3. All conditions of approval of the Deer Crest Hotel CUP approved on February 28, 2001 (then known as the Rosewood CUP) and amended by the Planning Commission on July 25, 2001; March 24, 2004; May 11, 2005; and April 22, 2009 (with final approval by the City Council on appeal on June 18, 2009), and April 23, 2014, shall continue to apply, with the exception of Condition #14, amended again, with this April 13, 2016 CUP Amendment as follows:

#14 The applicant shall submit a complete application and building plans for construction of the Phase 2 parking structure and condominium units at Snow Park South, on or prior to December 31, 2017. If plans are not submitted within this date, the prior CUP approval for Snow Park South shall expire and a new Conditional Use Permit application will be required to be reviewed by the Planning Commission prior to submittal of such building plans for the Snow Park Site. A complete building permit application for Phase 3 shall be submitted within 18 months following the issuance of the final certificate of occupancy for Phase

2, unless an extension is requested in writing and granted by the Planning Commission.

4. Prior to issuance of a building permit for Phase 2 the applicant shall submit for review by the Planning Department Staff an updated parking study for the St. Regis Deer Valley Hotel and an interim-parking layout, to be approved by the Planning Department Staff, addressing any temporary parking shortages that may occur due to loss of surface parking during construction at Snow Park.

Exhibits

Exhibit A – Applicant’s request for an amendment to the approved CUP

Exhibit A2- Applicant’s email requesting amendments to submittal

Exhibit B – Action letter of the June 18, 2009 CUP approval

Exhibit C – Action letter of the April 23, 2014 CUP amendment

DESCRIPTION OF REQUESTED AMENDMENT TO CUP**ST. REGIS DEER VALLEY**

This Application seeks an amendment to the Deer Crest Hotel Conditional Use Permit ("CUP"). The purpose for the amendment is to modify certain conditions of approval relating to the development of Phases 2 and 3 of the St. Regis Deer Valley Hotel (the "Project"), which will be built on the parcels immediately north and south of the existing funicular building and related improvements at Snow Park.

CUP Approval and Amendments

The CUP was originally approved February 28, 2001 and subsequently amended July 25, 2001, March 24, 2004, May 11, 2005, April 22, 2009 and April 23, 2014. The April 22, 2009 amendment ("2009 Amendment") addressed, among other things, the development of Phases 2 and 3 of the Project at Snow Park, and required that a surface parking lot to the north of the funicular building be constructed prior to the issuance of certificates of occupancy for the main Roosevelt Gap building at the top of the funicular.

The 2009 Amendment went into some detail about the phasing plan of the final two phases of the Project, which are to be built in separate structures located to the south and north of the funicular building. It was clear that Phase 2 of the Project was to be the construction of a parking structure and condominiums on the parcel to the south of the funicular building ("South Parcel"), and that Phase 3 was to be the construction of parking and condominiums on the parcel north of the funicular building ("North Parcel"). This was the appropriate phasing plan, since it kept intact the 56 surface parking spaces on the North Parcel until after the construction of the parking structure on the South Parcel. While this would still result in a minor shortage of parking spaces during the construction of the improvements to the North Parcel, this phasing plan provides for the most parking over the longest period during the development of Phases 2 and 3.

2014 CUP Amendment

On April 22, 2009 the Planning Commission (see April 24, 2009 Notice of Action attached as Exhibit A) required (in Condition of Approval #14) that, within five years, the applicant either submit building plans for construction of the parking structure on the North Parcel, submit a request to extend the time for submission of these plans, or request that the parking lot on the North Parcel become the permanent parking for the North Parcel. Of these options the applicant elected to submit a request to extend the time to develop the North Parcel. This request was approved by the Planning Commission on April 23, 2014 (see April 30, 2014 Notice of Action attached as Exhibit B) by amending Condition #14 to read as follows:



The applicant shall submit a complete application and building plans for construction of the parking structure and condominium units at Snow Park North on or prior to June 18, 2016. If plans are not submitted within this timeframe, the June 18, 2009 CUP approval for the Snow Park North parcel shall expire and a new Conditional Use Permit application will be required to be reviewed by the Planning Commission prior to submittal of such building plans. (Emphasis added.)

Further Amendment Required

At the time the above condition was approved, the Planning Commission and applicant were focused on the future of the North Parcel, and neglected to address the fact that development of the South Parcel was always intended to be completed prior to development of the North Parcel. Unfortunately, the amended condition contemplated that the North Parcel would be developed first. Developing the North Parcel before the South Parcel would result in a substantial parking shortage at Snow Park during the construction of the North Parcel that could not be easily remedied. As a result, the applicant is now requesting that Condition #14 be further amended to provide that the first deadline for submitting plans for the development of the Snow Park phases of the Project apply to the plans for development of the South Parcel, with the development of the North Parcel following sometime thereafter.

The applicant began architectural work on the development of the South Parcel in 2015. While the design work is proceeding well, the applicant recognizes that once design development plans have been prepared, the process of obtaining the input and eventual approval of Starwood Hotels (necessary due to their ownership of the St. Regis brand) is extremely time consuming, typically taking in excess of one year. The applicant requests that this additional time be taken into consideration in determining an appropriate deadline for the submission of the development plans for the South Parcel ("Phase 2") to the city for building permits. It should be noted that no further Planning Commission design review for Phases 2 and 3 is required, so long as the plans do not materially deviate from the development plan previously reviewed by the staff and Planning Commission.

Recent meetings with the Planning Department Staff have concluded that it might be helpful for the City to receive an update of the parking study presented to the Planning Commission on January 11, 2012. An updated study might be used by the Planning Commission in its review of any proposal to provide additional temporary parking arrangements during the period that the parking structure on the North Parcel is being constructed.

Requested Modifications

In order to establish the requirement for an updated 12-month parking study and to provide adequate time to obtain the Starwood design approvals for Phase 2, the applicant requests that the 2014 CUP amendment and the 2009 CUP Amendment be modified as follows:

Amend Condition #4 of the 2014 CUP Amendment to read as follows:

Prior to the issuance of a building permit for Phase 2 the applicant shall submit for review by the Planning Department Staff an updated parking study for the St. Regis Deer Valley Hotel and an interim parking layout, to be approved by Planning Department Staff, addressing any temporary parking shortages that may occur due to the loss of surface parking during the construction at Snow Park. [Requested changes underlined.]

Amend Condition #14 of the 2009 CUP Amendment to read as follows:

The applicant shall submit a complete application and building plans for construction of the parking structure and condominium units at Snow Park South on or prior to November 30, 2017. If plans are not submitted within this timeframe, the prior CUP approval for the Snow Park South parcel shall expire and a new Conditional Use Permit application will be required to be reviewed by the Planning Commission prior to submittal of such building plans. [Requested changes underlined.]

Thank you for your consideration. Should you have any questions or require any additional information regarding this request to amend the CUP, please contact Tom Bennett at (801) 531-3060.

Kirsten Whetstone

From: Bennett, Thomas <Bennett@ballardspahr.com>
Sent: Thursday, March 10, 2016 1:41 PM
To: Kirsten Whetstone
Cc: Michael Zaccaro (MZaccaro@FalconInvestors.com)
Subject: St. Regis Phases 2 and 3

Kirsten,

Thank you for meeting with me yesterday. I think the discussion was very helpful, and appreciate your willingness to now push forward with the requested modifications to the St. Regis CUP to (i) extend the deadline for submitting the building permit application for the next phase of development at Snow Park, and (ii) designating the south building to be built at Snow Park as Phase 2 and the north building as Phase 3, as was originally approved in the CUP.

As we discussed, please make the following two modifications to the requests made in the Application for Amendment that has been submitted:

1. Change the deadline for submitting the building permit application for Phase 2 to December 31, 2017;
and
2. Add a condition that the building permit application for Phase 3 must be submitted within 18 months following the issuance of the final certificate of occupancy for Phase 2.

Thank you for your continuing assistance on this. We appreciate you making every effort to have this matter before the Planning Commission at its April 13, 2016 meeting.

Regards,

Tom

Thomas G. Bennett
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One Utah Center, Suite 800
201 South Main Street
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Building • Engineering • Planning

June 26, 2009

Deer Crest Janna, LLC
 PO Box 4151
 Suite 325
 Park City, UT 84060

NOTICE OF CITY COUNCIL ACTION

Project Name: Deer Crest Hotel CUP- amendment
Project Description: Request to 1) amend condition of approval #3 regarding parking at Snow Park and 2) revise phasing at Snow Park
Date of Action: June 18, 2009

Action Taken by City Council: The City Council upheld the Planning Commission approval and **APPROVED** the amendment to a conditional use permit for 2300 Deer Valley Drive, the Deer Crest Hotel CUP, according to the following findings of fact, and conclusions of law.

Appeal A (submitted by Jeri Rice, Deer Crest home owner)

Findings of Fact:

1. The subject property is located at 2300 Deer Valley Drive.
2. On February 28, 2001, the Planning Commission approved the Deer Crest Hotel Conditional Use Permit (formally known as the Rosewood CUP). The CUP was subsequently amended on July 25, 2001; March 24, 2004; and May 11, 2005.
3. On December 2002 a grading and soil nail wall permit was issued for Roosevelt Gap. This work was completed in the fall of 2003. On September 22, 2005, building permits were issued for grading and shoring/retaining wall construction at Snow Park. Footings and foundation permits were issued on June 7, 2006. The shell permit was issued on January 26, 2007 and the full building permit was issued for construction of the hotel in October of 2007. The hotel has been under construction for approximately 6 ½ years.
4. On October 15, 2008, the applicants submitted a request to amend and clarify conditions of the May 11, 2005, CUP approval regarding structured parking at Snow Park (Exhibit A) related to timing of issuance of certificates of occupancy and phasing of construction at Snow Park. The applicants specifically requested an amendment to condition of approval #3 to allow issuance of certificates of occupancy for the Roosevelt Gap units based on completion of a surface parking lot at Snow Park, rather than completion of

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FAX (435) 615-4906

the parking structure. The applicant proposed the following amendments to Condition #3 of the May 11, 2005 amended CUP:

3. No certificates of occupancy for the Deer Crest Hotel (Roosevelt Gap units) shall be issued until the funicular is fully operational and the parking structure lot at the North Snow Park site is complete and approved for occupancy.
5. On April 22, 2009, the Planning Commission conducted a public hearing and approved the specific amendment as described in Finding #4 for the Deer Crest Hotel CUP.
6. On April 30, 2009, two appeals, one by Jeri Rice, homeowner in Deer Crest Estates Subdivision, and a second by Powder Run at Deer Valley Owner Association were received by the Park City Recorder. Both appellants are represented by attorney, Eric P. Lee, who submitted the appeals.
7. Pursuant to Land Management Code (LMC) Section 15-1-18, Appeals and Reconsideration Process- final actions by the Planning Commission on CUPs may be appealed to the City Council. Appeals must be made within ten calendar days of the Final Action (LMC 15-1-18(E)). Both appeals were filed within the ten day required time limit.
8. Staff duly and properly noticed this appeal hearing by placing a legal advertisement in the Park Record, posting required notice, and sending written notice as a courtesy to adjacent and affected property owners.
9. The italicized staff responses above to the Substance of Appeals are hereby incorporated as findings as fact.
10. On June 18, 2009, the City Council conducted a quasi judicial hearing to review the appeal.

Conclusions of Law

1. The Planning Commission was correct in approving an application to amend the Deer Crest Hotel CUP.


Order

1. The appeal from Jeri Rice, filed with the Park City Recorder on April 30, 2009, is denied.

Appeal B (submitted by the Powder Run HOA) – this appeal was withdrawn prior to the meeting.

If you have any questions or if I can be of additional assistance, please do not hesitate to call me at 435-615-5066, or send an e-mail to Kirsten@parkcity.org.

Sincerely,



Kirsten A. Whetstone, MS, AICP
Senior Planner



Building • Engineering • Planning

April 24, 2009

Deer Crest Janna, LLC
 PO Box 4151
 Suite 325
 Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Name: Deer Crest Hotel CUP- amendment
Project Description: Request to 1) amend condition of approval #3 regarding parking at Snow Park and 2) revise phasing at Snow Park
Date of Action: April 22, 2009

Action Taken by Planning Commission: The Planning Commission **APPROVED** the amendment to the conditional use permit for 2300 Deer Valley Drive, the Deer Crest Hotel CUP, according to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. This application is a part of a larger Master Planned Development known as the Deer Crest Annexation MPD and is subject to the 1995 Deer Crest Settlement Agreement, and as amended in December of 1998 and also in April 6, 2001, by the City Council. On February 28, 2001 Planning Commission approved the Deer Crest Hotel (formally the Rosewood CUP) CUP and amended this approval on July 25, 2001, March 24, 2004, and May 11, 2005. Findings of fact, conclusions of law and conditions of the May 11, 2005 approval, except where amended, continue to apply. A separate CUP was approved on June 6, 2007 for construction of the south parking lot at Snow Park in connection with construction of a temporary sales center for the project.
2. The proposed density of 99.5 residential unit equivalents at Roosevelt Gap, 30.5 residential unit equivalents for Snow Park (total of 130 unit equivalents) and up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area for meeting space on the 12.07 acre development site is consistent with the Deer Crest Settlement, as amended.
3. The proposal is located in the RD (Residential Development) and RC (Resort Commercial) zoning districts subject to the Deer Crest Settlement Agreement and MPD.

FEB 17 2016

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4. On October 15, 2008, the applicant submitted a request to amend and clarify conditions of the May 11, 2005, CUP approval regarding structured parking at Snow Park (Exhibit A) and phasing of construction. The applicants are requesting a change to allow the phasing plan of the Snow Park development and an amendment to condition of approval #3 to allow issuance of certificates of occupancy for the Roosevelt Gap condominiums based on the construction of the north surface parking lot rather than the completion of the parking structure at Snow Park. The applicant proposes the following amendments to Condition #3 of the May 11, 2005 amended CUP:

3. No certificates of occupancy for the Deer Crest Hotel (Roosevelt Gap units) shall be issued until the funicular is fully operational and the parking ~~structure~~ lot at the North Snow Park site is complete and approved for occupancy.

5. A total of 244 parking spaces are required, with a maximum of 146 spaces allowed at Roosevelt Gap and the remaining spaces required at Snow Park (north and south sites). The December 12, 2000, traffic and parking study by Sear-Brown relies on a guest and employee shuttle system, with a majority of the employee parking provided at Jordanelle Village off of Highway 40. With the shuttle system and parking provided at Jordanelle Village the proposed parking is adequate to meet the demands of the proposed use.

6. A total of 105 overnight parking spaces, and up to 41 day use spaces, are proposed for the Roosevelt Gap site. Eight of these spaces will be provided as tandem spaces for valet parking. The amended Settlement Agreement, allowed the Planning Commission to approve this overnight parking in conjunction with a luxury hotel and upon demonstration that the remainder of the (Deer Crest) project has been modified to result in no net increase of traffic on Keetley Road.

7. An overall parking plan and parking matrix, identifying guest, employee, club owner, and executive staff, and including a peak employee or special event parking plan will be helpful to further identify and evaluate how traffic on Keetley Road is mitigated. Therefore, a one- year review of the parking and traffic situation, after certificates of occupancy have been issued, will be helpful to evaluate actual traffic and parking impacts of this project. Modifications to the parking plan may result after the one-year study.

8. The Snow Park site does not have frontage on a public street. Access to Deer Valley Drive East for the Snow Park site development exists over an easement from the Powder Run Condominiums, granted to the City. The access drive is shared with the Black Diamond Lodge condominiums. Any change to the location of the approved access may require additional easements. It will be the responsibility of the Deer Crest Hotel owners to acquire such easements, including any landscape and maintenance agreements necessary to comply with the language of current or future easement. A private driveway, known as Deer Crest Estates Drive, traverses and accesses the Roosevelt Gap development parcel.

9. As conditioned, the project complies with fire and emergency access requirements, by virtue of a fire protection plan that addresses type II non-combustible building materials and structural requirements, 13-D fire sprinkler systems, approved fire and emergency access, and fire separation of structures. The Chief Building Official, prior to issuance of building permits, must grant final assessment and approval of amendments to the fire protection plan, as a result of this amendment.

10. 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 the developer or owner does not complete these improvements. This financial guarantee was provided prior to issuance of the building permit for the parking lot. A financial guarantee is necessary to ensure completion of the finish wall treatment in order to mitigate visual impacts of the soil wall, if that work is not complete at the time a certificate of occupancy is issued for the Roosevelt Gap structure.

11. It is the desire of the developer to build this project in three phases. The first phase consists of the 105 Roosevelt Gap hotel/condominiums (99.5 UE), including a restaurant, bar, and spa; the funicular and funicular building at Snow Park (the funicular building contains one condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units); and a temporary sales office with surface parking. This phase is currently under construction. The second phase consists of the south parking structure at Snow Park with condominium units above (approximately 10 UE). The third phase consists of the north parking structure and condominium units above (approximately 20.5 UE). The proposed surface parking at the north Snow Park area is proposed as part of the first phase with completion anticipated by Spring/Summer 2009 prior to issuance of certificates of occupancy for any units.

12. During construction of the North Snow Park site when the 56 surfaces spaces are not available and until the north parking structure is complete, there will be a shortage of 1 parking space at Snow Park. The applicants indicate that they can accommodate any shortfall during construction by tandem parking with valet service in the South Snow Park parking structure and within the porte-cochere drop off area at Snow Park.

13. Staff has reviewed the application and finds it is in compliance with the Conditional Use Permit criteria and is consistent with the Deer Crest Settlement Agreement, as amended.

14. The lot does not reduce the amount of approved parking. The original CUP was approved with 98 spaces at Snow Park and 146 spaces at Roosevelt Gap. The amendment will provide for a total of 106 spaces at Snow Park and 146 at Roosevelt Gap.

Conclusions of Law

1. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15.1.10 review criteria for Conditional Use Permits.
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, as amended.
4. The proposal is consistent with the Deer Crest Annexation and the 1995 Deer Crest Settlement as amended.
5. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval

1. All standard project conditions shall apply.
2. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.
3. All conditions of approval of the Deer Crest Hotel CUP approved on February 28, 2001 (known as the Rosewood CUP) and amended by the Planning Commission on July 25, 2001; March 24, 2004; and May 11, 2005, shall continue to apply as memorialized in the May 23, 2005 Action Letter, with the exception of Condition #3 amended with this CUP Amendment.

Condition number 3 shall be amended to read as follows: No certificates of occupancy for the Deer Crest Hotel (Roosevelt Gap units) shall be issued until the funicular is fully operational and the parking lot at the North Snow Park site is complete and approved for occupancy.

4. The developer will build this project in three phases having a total of 130 UE. The first phase consists of the Roosevelt Gap hotel/condominiums (approximately 99.5 UE), including a restaurant, bar, and spa; the funicular and funicular building at Snow Park (which contains one condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units), and a temporary sales office with surface parking. This phase is currently under construction. There will be 202 parking spaces created during this phase. The second phase consists of the south parking structure at Snow Park with condominium units above (approximately 10 UE). There will be 259 parking spaces at the end of this phase. The third phase consists of the north parking structure and condominium units above (approximately 20.5 UE). There will be 252 parking spaces at the end of this phase. The applicants shall have the option of constructing additional spaces at Snow Park.

5. The proposed surface parking at the north Snow Park area is proposed as part of

the first phase with completion anticipated by Spring/Summer 2009 prior to issuance of certificates of occupancy for any units. This parking lot will be constructed as a permanent lot, with permanent landscaping, lighting, and final improvements to the associated retaining wall.

6. A final exterior lighting and landscaping plan shall be submitted to and approved by the Planning Department prior to issuance of a building permit for the parking lot. All lighting and landscaping shall be consistent with the plans reviewed and approved by the Planning Commission on January 28, 2009. All exterior lighting shall conform to requirements of the City's lighting ordinance and shall be minimal and subdued in nature. A timer system shall be installed on the parking lot lighting to reduce the amount of lighting after 11PM.

7. All signs shall be consistent with the Park City Sign Code and no signs may be installed without approval of a sign permit.

8. The parking lot shall be constructed in accordance with the approved plans and requirements of the International Building and Fire Codes.

9. A financial guarantee, in a form and amount acceptable to the City, for the value of all public improvements, pedestrian amenities and trails, and landscaping (including all landscaping required to re-vegetate and re-landscape all roads, utility installations including storm system and trails) to be completed according to the final approved plans has been provided to the City in connection with the issuance of building permits for the first phase. All such public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee and prior to issuance of a final certificate of occupancy.

10. If the finished treatment of the soil wall behind the north parking lot, as reviewed by the Planning Commission on March 11, 2009, is not completed prior to issuance of the first certificate of occupancy, then a financial guarantee in a form and amount acceptable to the City to assure completion of such work within one year of certificate of occupancy issuance, shall be provided to the City prior to the issuance of any certificates of occupancy for the first phase residential units. Completion of the parking structure for the North Snow Park condominiums will be a condition to the issuance of certificates of occupancy for the North Snow Park condominium units.

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

12. An oil and water separator is required to control water quality for run-off from the surface parking lot. The City Engineer shall approve the design and installation of the oil and water separator prior to issuance of certificates of occupancy for the Roosevelt Gap units. The snow and storm run-off discharge points need to be identified on the parking lot plans at the time of submittal for a building permit.

13. Prior to issuance of a building permit for Phase 3 construction of the North Snow

Park parking structure and condominium units, the applicant shall submit for approval by the Planning Department staff an interim-parking layout addressing any temporary parking space shortage.

14. Within 5 years of approval, the applicant will either submit building plans for construction of the parking structure at the Snow Park North site or apply for an amendment to the Deer Crest Hotel CUP, to be reviewed by the Planning Commission, that either extends the time frame for an additional year, or allows the parking lot as a permanent parking solution at Snow Park North.

If you have any questions or if I can be of additional assistance, please do not hesitate to call me at 435-615-5066, or send an e-mail to Kirsten@parkcity.org.

Sincerely,



Kirsten A. Whetstone, MS, AICP
Senior Planner



April 30, 2014

Deer Crest Janna, LLC
500 Mamaroneck Ave, Suite 406
Harrison, NY 10528

NOTICE OF PLANNING COMMISSION ACTION

<u>Application #</u>	PL-14-02267
<u>Subject</u>	St Regis Deer Valley
<u>Project Address</u>	2300 Deer Valley Drive
<u>Description</u>	Amended Conditional Use Permit
<u>Action Taken</u>	Approved amended at the Planning Commission meeting.
<u>Date of Action</u>	April 23, 2014

On April 23, 2014, the Park City Planning Commission conducted a public hearing and approved an application for an amendment to condition #14 of the June 18, 2009, amended Deer Crest Hotel Conditional Use Permit (CUP). Final action is subject to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. This application is a part of a larger Master Planned Development known as the Deer Crest Annexation MPD and is subject to the 1995 Deer Crest Settlement Agreement, as amended in December of 1998 and also in April 6, 2001, by the City Council. On February 28, 2001 Planning Commission approved the Deer Crest Hotel CUP (formally known as the Rosewood CUP). Amendments to the CUP were approved by the Planning Commission on July 25, 2001, March 24, 2004, May 11, 2005, and April 22, 2009. The City Council denied an appeal of the April 22nd approval on June 18, 2009.

2. The proposed density of 99.5 residential unit equivalents at Roosevelt Gap, 30.5 residential unit equivalents for Snow Park (total of 130 unit equivalents) and up to 5% of the gross floor area for support commercial uses with an additional 5% gross floor area for meeting space on the 12.07 acre development site is consistent with the Deer Crest Settlement, as amended.

3. The proposal is located in the RD (Residential Development) and RC (Resort Commercial) zoning districts subject to the Deer Crest Settlement Agreement and MPD.



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4. A total of 244 parking spaces are required for the entire CUP, with a maximum of 146 spaces allowed at Roosevelt Gap and the remaining spaces required at Snow Park (north and south sites). The December 12, 2000, traffic and parking study by Sear-Brown relies on a guest and employee shuttle system, with a majority of the employee parking provided at Jordanelle Village off of Highway 40. With the shuttle system and parking provided at Jordanelle Village the existing parking, with the surface parking lots at Snow Park, is adequate to meet the demands of the existing uses.

5. A total of 105 overnight parking spaces, and up to 41 day use spaces, are allowed at the Roosevelt Gap site. Eight of these spaces are provided as tandem spaces for valet parking. The amended Settlement Agreement, allowed the Planning Commission to approve overnight parking in conjunction with a luxury hotel and upon demonstration that the remainder of the (Deer Crest) project has been modified to result in no net increase of traffic on Keetley Road.

6. A one- year review of the parking and traffic situation, after certificates of occupancy were issued, was conducted by the applicant and presented to the Planning Commission on January 11, 2012 to evaluate actual traffic and parking impacts of this project. No additional issues were raised and the traffic and parking impacts were found to be mitigated as approved.

7. It is the desire of the developer to build this project in three phases. The first phase is complete and consists of the 105 Roosevelt Gap hotel/condominiums (99.5 UE), including a restaurant, bar, and spa; the funicular and funicular building at Snow Park (the funicular building contains one condominium unit, common area for the hotel lobby and check in, back of house hotel uses, and two affordable housing units); and a temporary sales office with surface parking.

The second phase consists of the south parking structure at Snow Park with condominium units above (approximately 10 UE). The third phase consists of the north parking structure and condominium units above (approximately 20.5 UE). The total density approved for Snow Park is 30.5 UE.

8. During construction of the North Snow Park site when the 56 surface spaces are not available and until the north parking structure is complete, there will be a possible shortage of parking spaces at Snow Park. The applicants indicate that they can accommodate any shortfall during construction by tandem parking with valet service in the South Snow Park parking structure and within the porte-cochere/drop off area at Snow Park.

9. Staff has reviewed this application for an amendment to condition of approval 14 as described above and finds the application in compliance with the Conditional Use Permit criteria and consistent with the Deer Crest Settlement Agreement, as amended.

10. The surface parking was constructed to the requirements of a permanent surface parking lot, including paved surface, physical dimensions, landscaping, lighting, storm water, and a final finish treatment was applied to the retaining wall as previously conditioned.

Conclusions of Law

1. The Application complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Sections 15.1.10 review criteria for Conditional Use Permits.
2. There is no change in Use. The approved Use was determined to be compatible with surrounding structures in use, scale, mass, and circulation.
3. The approved Use was found to be consistent with the Park City General Plan per the June 18, 2009 approval. The requested amendment is not contrary to the General Plan.
4. The proposal is consistent with the Deer Crest Annexation and the 1995 Deer Crest Settlement as amended.
5. The effects of any differences in use or scale have been mitigated through careful planning and conditions of approval.

Conditions of Approval

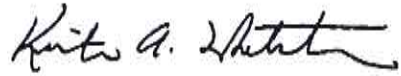
1. All standard project conditions shall apply.
2. All conditions of approval of the 1995 Deer Crest Settlement Agreement, as amended, continue to apply.
3. All findings of fact, conclusions of law, and conditions of approval of the Deer Crest Hotel CUP approved on February 28, 2001 (then known as the Rosewood CUP) and amended by the Planning Commission on July 25, 2001; March 24, 2004; May 11, 2005; and April 22, 2009 (with final approval by the City Council on appeal on June 18, 2009), shall continue to apply, with the exception of Condition #14 amended with this April 23, 2014 CUP Amendment. Condition #14 is amended as follows:

The applicant shall submit a complete application and building plans for construction of the parking structure and condominium units at Snow Park North on or prior to June 18, 2016. If plans are not submitted within this timeframe, the June 18, 2009 CUP approval for the Snow Park North parcel shall expire and a new Conditional Use Permit application will be required to be reviewed by the Planning Commission prior to submittal of such building plans.

4. Prior to issuance of a building permit for Phases 2 and 3 the applicant shall submit for approval by the Planning Department staff an interim-parking layout addressing any temporary parking space shortages that may occur due to loss of surface parking during construction at Snow Park.

If you have questions regarding your project or the action taken please don't hesitate to contact me at (435) 615-5066 or kirsten@parkcity.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirsten A. Whetstone". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kirsten A. Whetstone, MS, AICP
Senior Planner

Cc File