



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM

ROLL CALL

ADOPTION OF MINUTES OF DECEMBER 1, 2010

ADOPTION OF MINUTES OF DECEMBER 8, 2010

ADOPTION OF MINUTES OF DECEMBER 15, 2010

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

CONTINUATION(S) – Public hearing and continue as outlined below

Land Management Code – Consideration of an additional chapter titled PL-10-01104

Chapter 2.24 Transfer of Development Rights Overlay Zone and related amendments to Chapter 15 – Definitions

Public hearing and continuation to February 9, 2011

CONSENT AGENDA – Public hearing and possible action

508 Main Street – Plat Amendment PL-10-01123 97

Public hearing and possible recommendation to City Council

7905 Woodland View Drive – Plat Amendment PL-10-01108 107

Public hearing and possible recommendation to City Council

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

Land Management Code – Amendments to; PL-10-01104 119

- Chapter 1 - General Provisions and Procedures related to physical mine hazards, termination of applications for inactivity, review procedures for extensions of CUP, MPD, plat approvals, and noticing requirements; Chapter 2.16- Recreation Commercial (RC) zone related to single family/duplex lots to be consistent with the HR-1 zone requirements, add amenities club and resort support commercial as uses; Chapter 2.13- Residential Development (RD) zone related to amenities club as uses; Chapter 5- Architectural Review to clarify and add design requirements and process for solar panels, skylights, trash and recycling enclosures, and synthetic stone products; Chapter 6- Master Planned Developments related to pre-MPD application process, extension review and noticing requirements, add recycling and mine hazard identification and mitigation of impacts to requirements; Chapter 7- Subdivision related to process, noticing, and review requirements for preliminary and final plats, lot line adjustments, and plat amendments, including extensions; Chapter 11- Historic Preservation including removing term limits for Historic Preservation Board members; Chapter 12-Planning Commission related to clarification of duties of the Planning Commission regarding termination of applications and extensions of approvals; Chapter 15- Definitions related to affected entities, amenities club, good cause, hotel, physical mine hazards, recycling facilities, subdivision, floor area, and story.

Public hearing and possible recommendation to City Council on 1/27/11

ADJOURN

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

WORK SESSION NOTES – DECEMBER 1, 2010

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
DECEMBER 1, 2010**

PRESENT: Charlie Wintzer, Brooke Hontz, Richard Luskin, Julia Pettit, Dick Peek, Mick Savage, Adam Strachan, Thomas Eddington, Katie Cattan, Kayla Sintz, Polly Samuels McLean

WORK SESSION ITEMS

Discussion of density transfer options - General Plan

Planner Katie Cattan clarified that the information provide this evening was not a Staff recommendation. The intent was to show the Planning Commission how the TDR process would work.

Planner Cattan presented examples and noted that the highest priority for consideration was the critical view shed. A high priority was steep slopes. She pointed out that there is no density per se under an MPD in Old Town because they are just lots. The Staff suggestion shown in the example was one development credit per existing minimum lot area within an underlying zone.

Planner Cattan walked through scenarios in the examples to show how development credits would work. In these scenarios, owner/developers were identified as "Sending Sam" and "Receiving Rita".

One scenario addressed a sending zone in the HR-L and within the TDR SOT overlay zone. In step one, "Sending Sam" goes to the Planning Director for determination of development credits. For this scenario, the Code allows one development credit per existing minimum lot area within the underlying zone. The owner has 10,000 square feet in the HR-L zone. Planner Cattan stated that the formula is to divide 10,000 square feet by the minimum lot area in the underlying zone. For the HR-L, the minimum lot area size is 3,750 square feet. Based on the calculation, the result is 2.66 development credits. "Sam" would receive a development credit certificate from the Planning Director for 2.66 development credits. The owner could either develop his existing land or he could sell the 2.66 units to a receiver in a receiving zone.

Planner Cattan referred to another scenario where the receiver, "Receiving Rita" was re-developing a site in the General Commercial zone. Her future development would be economically feasible if she could add two stories and have decreased setbacks. "Rita" plans to purchase 2.66 development rights from "Sam" and submits a plan. Planner Cattan noted that in this case the unit equivalent formula is used for both residential and commercial. A residential UE is worth 2,000 square feet. The commercial is worth 1,000. Therefore, the calculation for 2.66 development rights would be 2,660 square feet of commercial or 5,320 square feet of residential.

Chair Wintzer asked if residential and commercial could be interchanged in any scenario. Planner Cattan stated that the Planning Commission would need to make that decision.

Planner Cattan continued with the development scenario. "Receiving Rita" submits a plan that includes an additional 5,320 square feet of residential within two additional stories and decreased setbacks. When the plan is approved in the receiving zone, "Rita" purchases the development credits from "Sam" in the sending zone, and simultaneously, the Planning Director transfers the development credit certificate to the "Rita", by re-issuing the certificate. "Rita" then needs to record the certificate with Summit County.

Commissioner Savage asked about the decreased setbacks. Planner Cattan stated that the Planning Commission has the ability to place incentives for the receiving zone. In the receiving zone currently proposed, there is no density per unit equivalents. It is all a matter of the General Commercial or Light Industrial zone. When a project comes into those zones, the end result is a result of the setback requirement of an MPD, the zone height, and the open space requirement of an MPD. Therefore, within a transfer of development rights ordinance, the Planning Commission has the ability to change the allowance to allow for more density. In the stated example, under the proposed ordinance, they would be decreasing the setbacks and allowing for two additional stories as an incentive for receiving the density.

Commissioner Luskin understood that the Planning Commission would still need to approve the two additional stories before the owner could purchase the development rights. Planner Cattan replied that this was correct, under this scenario. Director Eddington explained that if TDRs are part of the project, the ordinance would automatically allow five or six stories in the GC zone. The Planning Commission would then be looking at a larger building.

Assistant City Attorney clarified that the Planning Commission would evaluate the project based on the zoning. Because the developer would be asking for increased density, it would entail using the TDRs. Ms. McLean pointed out that the TDR would be another tool they could use, but the Planning Commission was not obligated to approve the project just because they were using credits. She explained that the scenario was set up to allow people the opportunity to obtain an approval before spending money on transferring units.

Commissioner Luskin was concerned about the number of stories allowed. Director Eddington replied that a cap would be set in the LMC to limit the maximum number of stories in the receiving zone. The Planning Commission would need to set parameters for each individual zone when TDRs are used. Chair Wintzer clarified that the zone only changes with TDRs. If TDRs are not used, the project is reviewed under the base underlying zone. Commissioner Hontz pointed out that TDRs do not change the zoning. It changes the density within that particular parcel.

Commissioner Strachan felt there would need to be a way to determine receiving inventory versus sending inventory. If they set caps, at some point all the receiving zones would be maxed out and that would create a problem if density is still available in the sending areas. Commissioner Cattan stated that they could amend the Code to add additional receiving zones, which could occur with annexation or by other means.

Assistant City Attorney McLean remarked that there must be enough receiving zones for the sending zones. Director Eddington stated that the Staff would be doing a specific analysis to address that issue. Based on their cursory analysis, the receiving zone as identified is capable of accepting the capacity of the sending zones. However, that assumes agreement that higher density could go into that receiving zone.

Commissioner Peek asked if the sender records the document against the property or if the City records it against the sender. Planner Cattan replied that it is recorded against the sender and for the receiver. Commissioner Peek clarified that nothing is recorded until the deal is made. Planner Cattan replied that it is recorded once something has been approved in the receiving zone.

Planner Cattan reviewed a West Valley model and noted that West Valley has done extensive work on TDRs since 2000. She stated that the expectations are so clearly defined in their ordinance that West Valley has never had to use the certificates. Once a receiving zone has been approved and the plan has been approved, all the recording is completed at one time. Planner Cattan pointed out that the West Valley ordinance is so clear that if someone owns acreage on the west side of 3200 West and it is in close proximity to wetlands, they are given a certain amount of density per acre. Planner Cattan pointed out that when the limits are clear in the ordinance, the owner knows and understands what they have for underlying rights.

Commissioner Savage asked if the price that a receiver is willing to pay to a sender is negotiable. Planner Cattan replied that it is a free market price and it is negotiable. Commissioner Savage clarified that if multiple receivers are looking for density and only a few people are willing to sell sending density, they are all free to work out the best deal. Director Eddington stated that the buyers and sellers would have the ability to play the free market. Commissioner Savage believed that the validation of the existence of the certificate, whether a physical or virtual document, is important because people need to know they have a pre-authorized ability to negotiate a deal. He understood that a receiver could not come to the Planning or Building Departments until the agreement is consummated. Planner Cattan explained that if a developer wants to be 100% sure that the amount of density is not questioned, they should come to the Planning Department and obtain a certificate from the Planning Director. Commissioner Savage clarified that the back end of the deal could be strictly speculative at the time they receive their certificate. He was told that this was correct.

Commissioner Luskin understood that the certificate is currency. As an example, if he purchased five development credits and only used two, he could receive a new certificate to sell the other two. Planner Cattan answered yes.

To address Commissioner Luskin's question, Planner Cattan reviewed another scenario. In this scenario, they are talking unit equivalents within an MPD. In this example, "Sending Sam" in the sending zone owns 20 residential units of property in the Estate MPD in the transfer of development rights overlay zone sending TH, which is Treasure Hill. The developer goes to the Planning Director for a determination of development rights. The Code allows two development credits per existing MPD unit equivalent if the property remains private property within a conservation easement and the property is located within the TDR-STH zoning. Therefore, the developer has 20 unit equivalents and he will get 2 per unit equivalent. Director Eddington clarified that the developer gets 2 UEs because it is the highest priority. Planner Cattan stated that in this scenario, the Planning Director would create a certificate for 20 development credits. Once the certificate is obtained, the developer could either develop his 20 unit equivalents on site or he could sell all or part of the 40 unit equivalents to a receiver.

Continuing with this same scenario, Planner Cattan stated that "Receiving Rita" is re-developing her site in the GC TDRR zone. Her future re-development would be economically feasible if she could add two stories and have decreased setbacks.

Commissioner Luskin understood how this all worked with development and he believed it was a good tool. However, he asked if the City would be creating a market for trading certificates.

Planner Cattan noted that the certificate is not worth anything unless it runs with the land. A sender could not sell their certificate unless someone on the receiving end had a plan. She pointed out that the certificate is not worth money.

Commissioner Luskin argued that the certificate is worth money and the value changes with the market. Planner Cattan replied that this would only be the case if someone placed a full conservation easement on the property ahead of using the development rights.

Assistant City Attorney McLean agreed that the certificates have value, which is the cost of one unit, and the value could increase. She pointed out that the main objective is to have a tool to move density. Planner Cattan clarified that an owner could not sell the certificate on his land. Commissioner Savage was unsure how they could avoid creating the opportunity for people to make a market with these certificates. Planner Cattan pointed out that the intent of the certificates is to create a market.

Director Eddington suggested that the Planning Commission could place an expiration on the certificate. Assistant City Attorney McLean stated that from a legal perspective they could expire the certificate if there was no conservation easement attached. Once someone attaches a conservation easement, those rights are vested to be used in the receiving zone. Ms. McLean stated that adding a layer of expiring the certificates would only be an initial indication of the number of rights and a length of time for activity. If the certificate expires, the Planning Director would need to re-issue a new certificate before development could occur.

Commissioner Luskin asked about the models. Planner Cattan explained that the Staff had looked at many models before they found one that worked for Park City. The West Valley model was simple and does not depend on any type of money transaction. It is completely in the private market and not mandatory. The owner and developer can decide whether or not to pursue it. Planner Cattan had conversations with the person in West Valley who has worked on their model for ten years, and she was a great asset in clarifying some of the questions.

Commissioner Pettit understood that at the time they implement the ordinance and identify the sending zones and receiving zones, there must be enough capacity in the receiving zones to handle the density in the sending zones. Planner Cattan replied that this was correct. Commissioner Pettit presented the scenario where someone from the sending zone obtains a certificate and records their conservation easement, and then does nothing. If the Code were amended to identify additional receiving zones, she asked if that person would have the ability to sell their development rights to a new receiving zone, even though it was not the one initially contemplated. Director Eddington felt it was doubtful that anyone would place a conservation easement before they actually made a transaction. Planner Cattan noted that they could create more sending than receiving because the economy would balance it out. She did not believe it was necessary to have an exact match of sending and receiving density.

Commissioner Savage pointed out that in addition to number of units, it is also about motivating the owners of the underlying properties in the respective sending and receiving zones. Chair Wintzer thought it was also about timing and the economy when someone is ready to sell.

Joe Tesch commented on the scenario of someone who has a piece of property located in two zones and the City is interested in preserving only half of that for open space. He asked if there would be an accommodation for reducing density by putting a conservation easement on part of the property. Planner Cattan stated that she intended to raise that same issue to the Planning Commission later in the meeting.

Planner Cattan continued with the scenario. "Receiving Rita" plans to purchase the 40 development rights and she adds 8,000 square feet of residential. Once the plan is approved the transaction occurs between the receiver and the sender. Simultaneously, the development certificate is recorded, and with the sale a conservation easement is recorded.

Planner Cattan noted that the next example addressed portions of property. "Sending Sam" owns 20 residential units in the sending TH. He goes to the Planning Director for his 40 development credits. At that point, he can either develop 20 units on site or 40 units in the receiving zone. "Receiving Rita" would like to develop her site and is looking to add two stories and decrease the setbacks. She does not need 40 development rights, so in this scenario she develops 20 units. She decides to add 40,000 square feet of residential within her added two stories and have decreased setbacks. Once the plan is approved, the 20 development rights transfer to "Receiving Rita" and is recorded. With the sale, a conservation easement is recorded for the portion of the land that will not be developed, and a deed restriction is recorded, removing the 10 UEs of development rights from the existing MPD.

Commissioner Savage wanted to know who would make the decision as to which units are transferred and which ones are kept. Planner Cattan stated that the owner would make that decision. Commissioner Savage asked if splitting the units would result in replatting the property, since "Sam" could only build five house rather than ten houses. The assumption was that it would need to be replatted. Commissioner Savage stated that if the property needs to be replatted and "Sam" has a certificate to sell 20, but he can only sell 10, he wanted to know who would approve the replatting prior to consummating the transaction.

Commissioner Strachan was unsure why the conservation easement would need to be recorded. He suggested recording another type of document saying that "Sam" is only entitled to 10 UEs. Director Eddington replied that Commissioner Strachan's suggestion would be appropriate for an MPD site, but it may not work for Old Town lots. Chair Wintzer commented on the importance of making sure the units were not developed on the hillside. Commissioner Strachan remarked that the Planning Commission would have that ability through the CUP or MPD process when an application is submitted to develop those 10 UEs.

Planner Cattan noted that there is a difference between MPDs and Old Town. Based on the model, lots in Old Town were given the best scenario possible for determining unit equivalents. Every square foot of the lot is treated like a flat lot, regardless of slopes, and that determines the number of UEs. In looking at the model, the Staff realized that people could work the system by obtaining the best case number of UEs, only use half, and then apply for development for 5 UEs on the lot. Planner Cattan requested input from the Planning Commission on whether or not there should be an "all or nothing" policy on Old Town lots.

Commissioner Peek asked if all the sending areas needed to have the same ratio of sending credits. Planner Cattan replied that specific equations could be set up to address some of the concerns. For simplicity and to incentivize sending from these areas, the Staff had used the underlying density.

Commissioner Hontz suggested that another way to address the issue would be to tighten the zoning in places that have very steep lots and lack infrastructure access. Another option would be to apply the Sensitive Lands Ordinance in certain places in Old Town. This would make it clear that those areas are challenging for development, or should not be developed, and deserve special attention.

Planner Cattan asked about an "all or nothing" scenario. Commissioner Hontz stated that her first reaction was favorable for splitting it up. However, after giving it more thought, she realized it did not make sense for Old Town. The reason for identifying particular locations is that development does not work and it is not appropriate in those areas. Commissioner Hontz favored the "all or nothing" scenario. Director Eddington agreed that "all or nothing" would make it easier to preserve the intended properties.

Commissioner Savage was concerned about potential issues with the conservation easement. If he lived next to a vacant property in Old Town that was neglected, and the lots were sold off as a conservation easement but remained neglected, he thought a better option would be to allow someone to build a small historic looking house on that lot. He suggested that they should be contemplating the potential aftermath when discussing conservation easements. Director Eddington stated that the Staff could consider that issue if the Planning Commission wanted specific language recorded as part of the conservation easement.

Commissioner Strachan agreed with Commissioner Savage. He assumed that other jurisdictions had faced similar circumstances and he recommended that the Staff look into it. Assistant City Attorney McLean stated that the way conservation easements are typically done in Park City, is that a group monitors the conservation easement and makes sure it is kept as open space. Commissioner Pettit pointed out that certain values go along with the property placed in a conservation easement. Commissioner Savage wanted to know who would have the economic responsibility for maintaining the property. Director Eddington replied that the land owner would be held accountable for Code enforcement and related issues. Commissioner Savage asked if the sender would have an option with Park City to take over the responsibility of that land. Director Eddington stated that it was not anticipated in the ordinance. Commissioner Savage felt this conundrum needed to be resolved.

Planner Cattan stated that in West Valley, an owner receives more development rights if the land is deeded to the City as open space. The Planning Commission could consider that as an option to address the concern.

Planner Cattan asked if any of the Commissioners were opposed to the "all" policy and would like to see partial development. Commissioner Hontz asked if they were talking about Old Town lots versus lots in other areas. In her opinion, MPD properties and Treasure Hill were different situations. Planner Cattan clarified that her question pertained to Old Town sending lots.

Mike Sweeney stated that if he was an Old Town resident and owned three or four lots, he would like the choice of whether to keep development in Old Town or send it out. Planner Cattan clarified that the property owner would have that option because participation would not be mandatory. She explained that the "all or nothing" question was specific to the choice to send. If an owner chooses to send the development rights, all the parcels must be sent. A partial sending would not be allowed.

Director Eddington pointed out that the question was relative to Old Town lots, not MPDs or unit equivalents. Mr. Sweeney stated that he knows people in Old Town who have 30 lots together. He did not think they should be forced to send all 30 lots if they only wanted to send five or ten. Commissioner Hontz suggested that the Planning Commission could look at the identified sending areas to see if partial sending would make sense in particular areas. Commissioner Pettit thought it went to the point of giving full development credit that owners may otherwise not be entitled to if they tried to develop the lots and had to come in for a lot combination or plat amendment.

Chair Wintzer felt it was important to keep an owner from selling the lots on the road and keeping the lots on the hillside. He asked if language could be drafted that requires approval before they transfer the rights, to make sure the appropriate lots are sent. Commissioner Savage pointed out that lots are individually deeded and he did not believe they could place that restriction. Commissioner Peek suggested targeting the credit ratios.

Planner Sitz stated that in their initial discussion for drafting language, the Staff contemplated lots that were not adequate minimum size in certain zones, and would need to apply for a plat amendment prior to any type of development rights. In that scenario, they would not want to give away partial lots because lot combinations would be required to meet the minimums of the zone. In those cases they would want an "all or nothing" package because they would be looking at the entire area and what could be done from partial lots that do not meet the minimum. Planner Cattan stated that of all the areas they looked at, the one area that has lots of record was the SOT-1, which is the Bamberger lots. They have so many lots on the road frontage that they could come in under the RC zone and develop the lots individually.

Commissioner Hontz believed there were specific situations the Planning Commission could use to achieve the right answer. She was unsure if one answer fit all the properties. Commissioner Savage remarked that the objective would be to have an amendment to the rule that would allow the Planning Department to make a determination on the ratio of exchange.

Assistant City Attorney recommended that the Planning Commission set clear parameters as part of the ordinance. Changes could be made by going through the Code amendment process, but the numbers and formulas for transferring development should be clear. She advised the Planning Commission to avoid the appearance of spot zoning.

Commissioner Savage presented a scenario of two neighbors in Old Town who were placed in different subzones that were created in their area per the ordinance. One neighbor is in zone 2 and another neighbor is in zone 3, and there is no apparent distinction for why one owner would have a different sending ability than another. He wanted to know what the property owner could do to be notified before anything happened, and how he could vet his differences prior to the time the

ordinance is codified. Assistant City Attorney McLean replied that the matter would come before the Planning Commission as part of the public process and the typical noticing requirements would apply. Citizens have the obligation to keep themselves informed and to pay attention to notices on the website and published in the paper. When the draft ordinance is posted, people can see the value given to their property. If they believe that assessment is incorrect, they have the opportunity to speak as part of the public process.

Commissioner Savage asked if anyone whose property may be affected as a consequence of the overlay zone would receive communications directly from the City. Ms. McLean stated that the Staff already made an effort to notify people in areas being considered as sending zones. She commented on the requirements for noticing per State Code. Commissioner Savage stated that independent of what State Code requires, he felt an ethical obligation to the citizens of Park City to encourage the Planning Department to be more proactive in notifying people about the overlay zone and what it might mean to them individually as property owners in sending zones. He thought it was very important for people to understand the ordinance and the consequences.

Chair Wintzer understood that each individual sending area was owned by one person or one organization. Planner Cattan replied that ownership was mixed in some areas. Planner Sitz noted that the mix was a small number of property owners. Planner Cattan reported that the Staff had informed the owners in those areas if contact information was available. She was not opposed to a higher level of noticing if that was directed by the Planning Commission.

Commissioner Savage pointed out that the City would be creating a number of boundary conditions between sending zones and receiving zones. He felt the public would rightfully take issue if the City gives their neighbor the right to have significantly higher buildings or greater density without first giving them the pro-active opportunity to protest that decision.

Commissioner Pettit did not disagree with the importance of giving people notice and the opportunity to be heard on issues that impact property rights. However, they do follow the State noticing requirements, as well as the Land Management Code requirements, which goes beyond the State requirements. Commissioner Pettit stated that at some point, it is incumbent upon property owners to be pro-active and aware of what is going on in their City, and not just wait for a letter to come in the mail. She suggested that they should not be too specific since that could lead to creating additional issues in terms of being able to effectively move forward.

Assistant City Attorney McLean agreed with the concept that everyone should be notified. However, on the other hand, under State Code and the LMC, the City only has a certain obligation. Commissioner Savage stipulated to the obligation. However, he felt that the Planning Commission has a level of responsibility to make sure the Staff is diligent about notifying people on the periphery associated with the rezoning, to make sure they understand the nature of the changes contemplated to allow them the opportunity to become educated on the impacts and to have a voice. Ms. McLean understood his sentiment, but from a legal perspective, the Planning Commission has no further obligation. If the Commission directs Staff to go to a higher level, it can be done. However, it ends up being a resource issue in terms of Staff time and money to make sure they obtain all the names and correct information.

Planner Cattan stated that the Staff could post noticing around Bonanza Park. Chair Wintzer

thought the two resort parking lots were more of an issue than Bonanza Park. People who purchased condos with a view of the mountains would be more opposed to allowing additional stories that would obstruct that view. Chair Wintzer was unsure how that issue could be resolved. Since people living near sending zones would benefit from less density, he did not anticipate public opposition. Planner Cattan noted that a potential TDR ordinance would also be discussed several times on the radio and in the newspaper. Chair Wintzer was more concerned about second home owners who did not live in Park City.

Director Eddington stated that the Staff would come back with State and Local noticing requirements. He thought Commissioner Savage might be surprised with how thorough the requirements are. Commissioner Savage remarked that noticing is an important issue and he preferred to table the discussion this evening to allow time to re-visit the noticing requirements.

Planner Cattan asked the Planning Commission for input on how to rate the value of areas being transferred. She asked if more value should be on view sheds versus steep slope. The responsibility for assigning a number would be given to the Economic Development Director. Planner Cattan suggested that they could also prioritize the sending areas identified in the Staff report.

Chair Wintzer preferred that the Staff come back with an aerial photograph of each sending zone to help with their discussion and to identify the impacts. He also suggested the possibility of a site visit. Commissioner Peek requested that the aerial show the existing infrastructure in each area. He also suggested the same type of aerial photos for the receiving zones.

Commissioner Strachan remarked that the Planning Commission needed criteria they could apply to determine what zones should be sending and receiving and how big they should be. He pointed out that at some point they will have to make findings of fact on this ordinance and the criteria will presumably be in those findings. Commissioner Strachan thought the Planning Commission should have the draft findings in hand to reference as they go through the potential sending and receiving zones.

Commissioner Savage asked if there was a simpler way to get the resolution initiated that would provide what they want as it relates to potential legislation from the State, but allow the flexibility to continue to work through the process in a thoughtful fashion. Director Eddington stated that the intent is to hold a public hearing on December 15th, to present a draft ordinance, and have a pending ordinance underway. They could then continue to work on the ordinance until they get it right.

Commissioner Strachan assumed there would not be as many sending and receiving zones as they think because most of it has already been developed.

Commissioner Savage asked if the area around Empire Canyon had been considered as a receiving zone. Planner Cattan replied that it was not currently identified as a receiving zone. Commissioner Savage questioned whether Talisker may be interested in having that become a receiving zone. Chair Wintzer thought Empire Canyon would be difficult due to the traffic impacts. He noted that the density in that area was the result of a five year fight. Commissioner Savage

pointed out that they are now drafting a new set of rules and allowing some places to be receiving areas. Before they make the decision of who can and cannot be a receiving area, he thought the public should have the opportunity to participate in making that decision.

Planner Cattan presented an overall zoning map of possible sending and receiving zones compiled by Staff. She asked if the Commissioners felt strongly about areas that should not be included. She noted that Old Town 4 was all open space and that area would be removed from the map. Commissioner Hontz asked about the Silver Lake parking lot and Park City Heights. Planner Cattan explained why the Staff would not recommend Silver Lake as a receiving zone. Commissioner Strachan requested that Silver Lake be kept on the table as a possible sending area. Marsac Avenue and the Mine Road are problem roads and it could be beneficial to lessen the density. Planner Cattan stated that currently Park City Heights is restricted by the annexation agreement from adding additional density at that location.

Chair Wintzer stated that in reading through the General Plan it is difficult to make anything larger. He was unsure if transferring large amounts of density to one location would meet the General Plan. Chair Wintzer recommended that the Planning Commission go through the General Plan and consider potential impacts before they finalize the receiving areas and transfer density. His primary concern is transferring a problem from one location to another. For that reason it is important to know what they would accept in one area and possibly look at restricting some of the receiving areas to a percentage of the approved density.

Director Eddington agreed that in order for a TDR to work there must be a fundamental belief that transferring the density from one area to another is the right decision. If they do not believe that, it is fundamentally flawed. After hearing their comments this evening, the Staff can work on parameters within the sending and receiving zones to address their concerns. Chair Wintzer noted that transferring density also needs to fit with the existing codes and the General Plan.

Director Eddington thought the Staff could prepare massing models to show what could be in the receiving district. With regard to the pending ordinance, he believed they had 180 days after the first public hearing to adopt the ordinance.

Director Eddington reviewed preliminary models the Staff had prepared showing different scenarios for Bonanza Park as a receiving area.

Planner Katie Cattan summarized that the Planning Commission was scheduled to meet again on December 15th, at which time she would present a draft ordinance, as well as information on noticing, to help the Planning Commission clearly understand the noticing procedure for a change of ordinance and a zone change. On December 15th a sending and receiving map would be available so they can discuss each area and area boundaries. The Staff will prepare a recommendation to initiate discussion. The Staff would also prepare a model of the receiving area that would identify current conditions and future conditions.

Commissioner Savage asked Planner Cattan to put together a time line that extends to the end of the 180 day period. It should include a list of everything that needs to be finished in that 180 period and then work backwards to present day so they can understand the timing for each level of

decision.

Planner Cattan asked if the Planning Commission wanted the Staff to continue to look into TDRs as a viable option under the LMC. There was consensus among the Commissioners for the Staff to move forward. Chair Wintzer requested additional discussion at a future meeting on transferring residential units for commercial units or visa-versa. He believed that issue relates to General Plan questions about bed base and the image they were trying to create for the town.

Planner Cattan suggested that they begin that discussion this evening. If 100 residential units on the hill were transferred into a receiving area, she asked if the Planning Commission would be opposed to changing those units to commercial at 1,000 square feet per unit, or whether the units should remain residential.

Chair Wintzer felt the issue was more involved. He would not favor creating space that would bring traffic into town. However, if it creates commercial that supports a ski resort or the resort community, that could be a different consideration.

Commissioner Hontz stated that she did not have a strong opinion at this point relative to interchanging residential with commercial. She needed more time to consider the matter.

Commissioner Pettit thought the question was difficult to answer without knowing the receiving zone and the components of the MPD. Chair Wintzer agreed.

Planner Cattan pointed out that if an MPD is greater than 10 residential units or greater than 10,000 square feet of commercial, it is required to go through the MPD process and reviewed by the Planning Commission. Chair Wintzer was concerned about creating another conundrum if they go through the MPD process and find that the vested density generates too much traffic. Commissioner Peek noted that the density is not vested until it is recorded. Chair Wintzer understood that the Planning Commission would have to approve the MPD, but he wanted to know what would happen if the developer had already traded their certificate for density. Planner Cattan clarified that it would not apply to the receiving zone until the plan had been approved. If someone was to purchase a certificate prior to approval, they would be taking a large risk.

Assistant City Attorney Polly Samuels McLean explained that currently, if someone has an MPD, they are entitled to a certain amount of density based on the zone. Through the MPD process the Planning Commission can require additional changes as the plan goes through the process. The same procedure would apply with a TDR, because the Planning Commission could allow additional density on the MPD, but it would still need to comply with the MPD criteria. Chair Wintzer was concerned that on a one per one basis, 100 units could become 200 units of density and that may not fit within the MPD. Planner Cattan remarked that typically an owner would not pay for extra units without an approved plan that includes those units. However, she acknowledged that there could be a situation where that could occur.

Commissioner Strachan did not think the issue should be taken off the table until they thoroughly flush out the impacts and consequences. He definitely did not want it included as part of the ordinance.

Commissioner Savage asked if any of the City owned lots were in the proposed sending or receiving zones. Director Eddington replied that the City owns property in Bonanza Park. Commissioner Strachan pointed out that if Park City Heights becomes a receiving zone, the City co-owns that property. Planner Cattan put the matter on a list for further discussion.

Chair Wintzer handed out a list of items he had taken out of the General Plan that he believed should be considered in their discussions regarding transfer of density. He felt it was important to keep the General Plan in mind as they think about creating receiving areas.

Commissioner Pettit pointed out that they are in the process of re-writing the General Plan and need to consider other items that came out of Visioning. There is an opportunity to think about the re-write and what it looks like in terms of their vision for different parts of town. Commissioner Pettit agreed that they needed to work within the current General Plan because a new plan has not been re-written or approved. However, she felt it was important to consider what came out of Visioning because that is the direction they are headed with the re-write.

Commissioner Savage asked about the time frame for having the first draft of the new General Plan. Director Eddington replied that it would be December of 2011 or early in 2012. Commissioner Savage clarified that the 180 days previously discussed was the time frame for establishing the TDR ordinance, and that needed to be done prior to the first draft of the new General Plan.

Assistant City Attorney McLean explained that the 180 days is used for pending ordinances, but it actually ties more into a vesting for property owners. A pending ordinance prevents someone from applying under the old Code while the code is changing. She pointed out that TDRs is an ordinance change, however, the situation is different because it is a new law and no one is vested. Ms. McLean remarked that the intent is to have the tool in place in case the State legislature chooses to take it away. She noted that the State Legislative session begins the third Tuesday in January and they should know fairly soon whether or not the matter is on their agenda.

Commissioner Pettit asked about the concept of grandfathering ordinances and whether a change needs to be fully enacted and effective, versus one that is pending for additional discussion. Commissioner Savage felt it was important to know the answer to Commissioner Pettit's question. Ms. McLean offered to find the answer prior to the next meeting so they would better understand the time line.

The Work Session was adjourned.

WORK SESSION NOTES – DECEMBER 8, 2010

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
DECEMBER 8, 2010**

PRESENT: Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Mick Savage, Adam Strachan, Thomas Eddington, Kirsten Whetstone, Kayla Sintz, Polly Samuels McLean

Work Session Items

Park City Heights - Master Planned Development

Planner Kirsten Whetstone noted that the Staff report contained the concept plan for Park City Heights that was discussed at the last meeting. She stated that the plan proposes three types of homes: The Park Homes, which are multi-family; the Cottage Homes, which are a mix of market rate and deed restricted housing; and Homestead Homes, which are single family. She reviewed the architectural patterns for the three different housing types identified in the Staff report.

Spencer White, representing the applicant, stated that since the last meeting they continued meeting with Park City Public Works and other service providers with regard to typical street section standards, snow storage, sidewalks, and other issues. They also met with the Snyderville Basin Sewer District and discussed tying into their existing sewer main. They hired a wildlife study experts to update the wildlife study. Next Tuesday they have meetings scheduled with Rocky Mountain Power and Questar Gas, as well as another meeting with Public Works. Mr. White noted that the project is becoming more refined as they move forward to address any concerns and issues raised by the providers.

Mr. White explained how they tried to respond to questions and concerns raised at the last meeting. He noted that Commissioner Hontz had definite comments about what she did or did not like in other master planned communities in Summit County and the Salt Lake Valley. Based on her comments, they looked at Bear Hollow, Daybreak and the Harvard/Yale neighborhood in Salt Lake to see what elements they should or should not incorporate into their project. Mr. White commented on the large variety of style in the Harvard/Yale neighborhood. The similar elements are roof shapes, window patterns, porches, setbacks, garages, and other things that provide a positive neighborhood feel. Many of those elements were incorporated into the design guidelines for Park City Heights.

Eric Langvardt, representing the applicant, stated that one of the elements they tried to achieve was the intent to break the homes into three separate product types that they could generalize architecturally. They tried to create diversity within and between each of the product types through similarities that tie them together.

Mr. Langvardt reviewed the architectural patterns for the Park Homes, which are multi-family homes. He noted that each one was located on green space such as a City park, trail corridor, or a small pocket park. The characteristics of these buildings were driven by the size and the massing and possible repetition of the units. A key component is the "mining meets modern". Mr. Langvardt clarified that the product presented was not exactly what was being proposed. The sheet provided in the Staff report showed various elements of these products and what they may prefer as they move forward.

Mr. Langvardt recalled from the last meeting that the majority of the Commissioners talked about de-emphasizing the garage. In the Park product, each home is accessed from a covered garage, carport or rear parking. That de-emphasizes the garage and at the same time puts the emphasis on the front porches. Mr. Langvardt noted that every front door orients to a street or public open space. With the massing of these buildings, varied wall planes is important, particularly in this portion of the development. The design was a mountain contemporary look. Mr. Langvardt pointed out that not trying to be a resort mountain was an important direction. Part of that is to get away from basic earthtone colors and instead use colorful earthtones. He commented on the importance of balance to keep from being too colorful.

Mr. Langvardt pointed out that the roof lines on the buildings would be low sloping or possibly flat roofs with deeper overhangs to reduce the mass of the larger buildings. The materials being considered are wood, hardy board siding, possibly stone and stucco accents, and colorful earthtone colors.

Mr. White requested feedback from the Planning Commission on the design, materials, and colors proposed. He clarified that this was only part of the process for beginning the design guidelines. These were precedent images and the detail would be taken from the images. Mr. White noted that the design guideline pattern book would come back to the Planning Commission. He asked the Planning Commission to comment on anything they found distasteful or that would not fit within Park City or the CT zone.

Mr. Langvardt reviewed the Cottage homes and noted that this was the core of the development. He commented on the colors and explained that this was an opportunity to incorporate a little of historic Park City. The roof lines have a steeper pitch, creating interesting second floor or story-and-a-half elements. He stated that the front porch and the secondary garage elements in this scenario were very important. The majority of the cottage homes, with the exception of the 12 units within the Homestead area, are currently proposed to be served by an alley or the local road. The orientation of the front door to the street, both architecturally and from a site planning standpoint, is of utmost importance. Mr. Langvardt noted that the architecture has a Victorian feel with simple forms and porches to create a more complex shape. The homes are a story-and-a-half to two stories. The materials include classic elements of the hardy board siding and possibly board and batten shingle siding. There would be limited use of stone. Stucco is not being proposed for these structures.

Mr. White pointed out that there is no variation in the setbacks of those buildings as they go down the street. All the buildings are two-story. They are looking at varying from single story to story-and-a-half to two-story and how that would work on a block face. They are also looking at varying the front setbacks and adding the roof elements over the front porches.

Mr. Langvardt reviewed the Homestead structures. He noted that they were the most diverse primarily because they had more flexibility to work with and because of the varied terrain. Mr. Langvardt stated that many of the elements from the first two product types were integrated into these homes. Because of the flexibility, there was more opportunity for side loaded garages, garages that are built into the hillside with a porch over the top, and to take advantage of the terrain

in varied ways. He pointed out that the Homestead units have more emphasis on the mountain contemporary.

Mr. White stated that solar panels would be allowed in all three lot types and that would be evident in the design guidelines.

Chair Wintzer referred to all three areas and asked about development ownership. As an example, would one developer be doing all the Park Homes. Mr. White explained that the lot type does not separate the affordable from the market. The affordable units would be more interspersed with the market rate units. He was unsure about the builders, but assumed that multiple builders would be building one type. However, with the established the design guidelines, it would not have that look or feel of one builder if that were the case.

Commissioner Savage wanted to know the underlying concept that would integrate the zones together, and how much variety there would be in the design guidelines from one area of development to another area of development. He understood the objective for diversity, but he cautioned against having the diversity look too inconsistent. Mr. Langvardt replied that roof lines, materials, colors, massing, garages, front porches and front doors are consistent elements, with some variation between the product types.

Commissioner Savage asked if the idea was to establish a set of design guidelines and a plat map, and then sell individual properties to individual developers. Mr. White replied that this was correct. He asked if each individual square in the Park Home plats could be sold to a separate builder. Mr. White replied that the Park Homes consist of IHC affordable units and the Park City affordable attached units. He believed those would not be built by one builder. Mr. White explained that the design guidelines would be established so every builder would have specific parameters to follow.

Chair Wintzer expressed his preference for a mixture of homes. When several buildings are the same, the mass appears to be larger. He personally likes flat roofs because they work better in Park City's climate and they have less mass. He referred to a picture above the units with flat roofs and discouraged the applicants from going in that direction. Chair Wintzer did not believe they could successfully re-create Old Town in that area. The project needs its own identity and that identity could be a hundred different homes that blend together.

Commissioner Peek concurred. He remarked that mixing flat roofs is a great design option. He referred to the modern design shown in the Cottage homes and asked if windows that large could actually work in terms of energy conservation. Mr. White replied that this was one issue to consider with the design, as well as affordability. He stated that another part of the process is to set up a design review committee to enforce the design guidelines. Most of the issues would be worked out through that process.

Commissioner Peek indicated a repetition of driveways in a series of the Cottage homes. He noted that four examples of cottage homes were houses with garages, resulting in six homes at the end of the street with visible garages. He asked about the setbacks in the Cottage homes area and whether there would be snow shed issues. Commissioner Peek was concerned about repetitive design in the Cottage homes. He suggested that the applicants prepare a model showing the

roads, trails, the cuts and fills, and the massing of the elements, we well as the views from the identified vantage points. Chair Wintzer concurred that an actual model would be helpful. He clarified that it should be a physical model rather than a computerized visual.

Commissioner Peek noted that each example showed hardy board siding. He was resistant to that particular product because it is sold as maintenance free. He indicated a number of examples in town where people treat it as maintenance free, but the appearance over time shows that its not. Commissioner Peek suggested that they integrate other materials.

Mr. White asked if stucco was an issue. Chair Wintzer was not opposed to stucco as an accent material for this project. However, he did not want to see stucco mazes.

Commissioner Strachan thought the Park homes should be so unique that they stand out and make people want to live there. In his opinion, that is what an affordable housing project should be. Commissioner Strachan pointed out the picture he believed was the most unique. In contrast, he indicated the picture that would make people look for the nearest strip mall. Regarding the Cottage and Homestead homes, Commissioner Strachan felt it was important to accentuate the front porches. He did not favor drive-in garages and second story porches. People living in this project need to feel like they are invited into the Homestead area the same as they are to the Park homes and Cottage areas. He did not think garages and huge homes were inviting. Commissioner Strachan agreed with the importance of seeing a model.

Commissioner Hontz stated that her opinion was slightly different than her fellow Commissioners. She thought the tan and brown example in the Cottage homes looked like stucco and that the design went too far in using stucco. That example, as well as another sample in the Park homes, were considerably modern in design and she did not believe it integrated well with other the styles shown. Commissioner Hontz remarked that materials matter and a modern design can work with real wood, wood timber, natural rock, etc. Regarding the roof forms, Commissioner Hontz liked the flatter roofs and deeper porches, particular on the examples that appear to use natural materials. She believed the example showing two visible garages was going in the wrong direction, particularly based on their preference for subordinate garages.

Commissioner Hontz referred to the brown, white and tan brick example shown in the Park homes. She was not convinced that brick was an appropriate material for that area. However, she favored some of the elements shown on the multi-family units. She suggested that the design might work if they add a deeper entryway and porches. Commissioner Hontz did not like white and gray as the main color scheme for the homes in that area. She encouraged a more colorful pallet with white and gray as accent colors. Commissioner Hontz concurred with Commissioner Peek regarding hardy board. She reiterated her opposition to the example shown in the Park homes as "not resort mountain timber" because the roof lines, the massing and the materials were all wrong.

Mr. Langvardt pointed out that in many of the example they only tried to find elements that could be positive or negative.

Commissioner Luskin felt this was a real challenge. He remarked that Park City has a very unique character, but he is always disappointed coming in from Kimball Junction because it takes a long

time before you see the uniqueness. He still thinks it is difficult to get a real feel for Old Town. Commissioner Luskin believes the Park City Heights land is an important piece of property, and the first and most important step is to create a first impression. He noted that Commissioner Wintzer spoke about creating an identity, but he was unsure how that could be done. In his opinion, the identity needs to be something that is consistent or feeds into Old Town. Commissioner Luskin stressed the importance of creating the impression that people are going into a mining community. He thought the biggest challenge would be the Park homes because they are closest to the junction and typically have the least identity. Commissioner Luskin did not favor mountain contemporary design. In looking at the modern contemporary examples provided, he thought they looked like "Frank Lloyd Wright." Commissioner Luskin noted that the applicants had provided a number of examples, but now they need to take it to the next level and begin with the idea of what they are trying to create. If they are trying to create an identity, the components need to work individually and together. Commissioner Luskin pointed out that part of Park City's unique character is that it does not have a cookie cutter look. A key element for this project is substantial variation. Commissioner Luskin stated that the developer has a particular responsibility with this project because the property is highly visible.

Mr. Langvardt remarked that designing the project is half architectural style and the other half is about the site. He felt the challenge was building the units differently. Because the subdivision is being built in a shorter time period they need to control it in a way that makes it look like 25 different people built 25 different homes.

Commissioner Pettit remarked that her comments were more aligned with the specifics pointed out by Commissioner Hontz in terms of materials, colors, roof lines and elements that need to live beyond the current time. She felt they were on the right track with the garages, porches and window elements.

Chair Wintzer suggested that they look at variation in the buildings. He felt it was appropriate to look at flat roofs as they go higher up on the site to minimize the scale of the buildings. Chair Wintzer stated that the Planning Commission needs to begin talking about the size and footprints of these homes. He thought the model would be helpful in that discussion. Chair Wintzer suggested that the applicant review the Deer Valley Design Guidelines. He was not interested in copying those guidelines, but he thought the format was good. In order to look at this project in a larger scale, Chair Wintzer requested streetscapes where they could look at an entire block of buildings. He also wanted an idea of how often one design would be repeated. Chair Wintzer pointed out that landscaping needs to be included in the design guidelines. Mr. White remarked that landscaping and sustainability would have sections in the design guidelines.

Chair Wintzer referred to the example of six homes in a row and expressed his preference to see that repeated. It is important to integrate the community as much as possible and he liked that idea to create separate neighborhoods. Chair Wintzer applauded the applicants for their efforts in listening to the Planning Commission and responding with good ideas.

The Work Session was adjourned.

MINUTES – DECEMBER 8, 2010

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
DECEMBER 8, 2010

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Mick Savage, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Kayla Sintz, Planner; Katie Cattan, Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

I. ROLL CALL

Chair Wintzer called the meeting to order at 6:30 p.m. and noted that all Commissioners were present.

II. ADOPTION OF MINUTES OF NOVEMBER 10, 2010

Commissioner Strachan clarified for the record, a date discrepancy between the minutes and the agenda. The minutes were correctly dated November 10, 2010. The agenda incorrectly showed the date as November 11, 2010. Commissioner Pettit noted that the cover sheets for the work session notes and the minutes also said November 11th. She suggested that the date be corrected if the cover sheets become part of the public record.

MOTION: Commissioner Strachan moved to APPROVE the minutes of November 10, 2010. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

III. PUBLIC COMMUNICATIONS

Roger Durst, representing the Historic Preservation Board, reported that the HPB Board members have been very concerned about the vulnerability of the Historic Districts and preservation of those districts. The HPB has talked about having a representative from their board attend Planning Commission meetings, particularly for projects that closely correlate with with matters within the HPB. Mr. Durst emphasized that the HPB did not intend to render an opinion; however, they want to be informed and believe there is an important relationship between the functions that both the Planning Commission and the HPB are called on to perform. As a trial for the next three or four months, a representative from the HPB will attend Planning Commission meetings and report back to their Board.

Chair Wintzer suggested a joint work session with the Planning Commission and the HPB to begin a dialogue on some of their mutual concerns. Mr. Durst strongly favored a joint work session with the Planning Commission.

IV. STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES

Planning Director Thomas Eddington reminded the Planning Commission that a special meeting was scheduled for December 15th at 5:30 to review Land Management Code revisions.

Director Eddington thanked the Commissioners for attending the joint meeting with the Snyderville Basin Planning Commission the prior evening. The Staff would like to continue these joint meetings to discuss regional planning. The next joint meeting may be scheduled in February.

Commissioner Hontz thanked Director Eddington and the Staff for arranging the joint meeting. She found it very helpful and she appreciated the efforts that everyone contributed. Commissioner Pettit concurred.

Commissioner Pettit stated that she would not be able to attend the December 15th meeting.

Commissioner Pettit asked if it would be beneficial for a representative from the Planning Commission to attend Historic Preservation Board meetings. In the context of the General Plan rewrite and the section regarding historic preservation, she thought it would be helpful to better understand what the HPB is doing so they could recommend changes to the City Council in terms of what the HPB could do to help in recognizing the goals and objectives of the General Plan.

Chair Wintzer requested that the Staff schedule a joint work session with the HPB as soon as possible. He suggested that a liaison to the HPB could be discussed at that time to see how connected they need to be. Chair Wintzer felt a timely joint meeting was important because they have neglected the opportunity for both bodies to work closely together.

Planner Kirsten Whetstone referred to the memorandum contained in the Staff report, regarding the Silver Star Parking and Traffic Update Study. She noted that when the Spiro Tunnel Master Planned Development and CUP were approved for the mixed use Silver Star restore development, a condition of approval required an annual review of the overall traffic and parking related to the development for three consecutive years. Planner Whetstone noted that the 2009-2010 Study is the first of the three reports. The Staff reviewed the report and for the next update they would like to see monitored parking at specific times in both the winter and the summer.

Chair Wintzer asked Rory Murphy, the applicant, if the project is over parked or under parked, according to the Code. Mr. Murphy replied that the project is over parked. Chair Wintzer asked Mr. Murphy how the parking requirement fits the project needs.

Mr. Murphy stated that the project has more underground parking than they would ever use. He noted that with the exception of two or three families, Silver Star has no permanent residents. Everyone either takes a shuttle or they use one rental car. For that reason they always have an abundance of underground parking. Mr. Murphy remarked that the surface parking is tight due to

the variety of user groups. There are times during the year when it is necessary to have a monitor, particularly during Christmas and Sundance. During Christmas week they have an actual person monitoring the parking.

Chair Wintzer stated that he asked the question because the Planning Commission would be addressing parking requirements as they go through the General Plan. He noted that a general idea among the Planning Commission is to have less parking to reduce the number of cars. Based on Mr. Murphy's comments, he suggested that it may be possible to at least reduce the amount of underground parking. Mr. Murphy was unsure about other projects or future projects, but for Silver Star, the parking is not needed.

CONTINUATION(S) AND PUBLIC HEARING

3. Park City Heights - Master Planned Development
(Application PL-10-01028)

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

MOTION: Commissioner Pettit moved to CONTINUE the Park City Heights - Master Planned to January 12, 2010. Commissioner Peek seconded the motion.

CONSENT AGENDA

1. 9100 Marsac Avenue - Amendment to Record of Survey
(Application PL-10-01082)

Chair Wintzer pointed out that it would be helpful on condominium plats if the Staff report would indicate that the plans are the same as what was approved. This would alleviate the concern of whether or not the plan had changed.

Commissioner Peek suggested having an issue statement in the Staff report for all matters briefly summarizing the issue for discussion. Planner Whetstone noted that many times the Staff report begins with a history and background of the application. However, this particular condominium plat for the Montage was an amendment to the one originally submitted. The Staff report outlined the specific amendments.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the amendment to the record of survey at 9100 Marsac Avenue, based on the Findings

of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 9100 Marsac Avenue

1. The property is located at 9100 Marsac Avenue, Lot C of the Parcel B-2 Empire Village Subdivision.
2. The Hotel and Residences at Empire Canyon Resort record of survey plat is located in the Residential Development zoning district as part of the Flagstaff Mountain Master Planned Development (RD-MPD).
3. The City Council approved the Flagstaff Mountain Development Agreement/Annexation Resolution 99-30 on June 24, 2999. The Development Agreement is the equivalent of a Large-Scale Master Plan. The Development Agreement sets forth maximum densities, location of densities and developer-offered amenities.
4. The City Council approved an amendment to the Development Agreement on February 1, 2007, that increased the allowable density by 80 Unit Equivalents, including the 192-room Montage Hotel.
5. The Planning Commission approved the B-2 Master Planned Development on March 14, 2007. The Montage is Phase 1, while a second, residential project will be Phase II.
6. The City Council approved the Parcel B-2 Empire Village Subdivision on March 29, 2007.
7. The Hotel and Residences at Empire Canyon Resort record of survey plat is for a 174 room hotel with an additional 84 condominiums utilizing a total of 182 Unit Equivalents. In addition, there is 59,765 square feet of Commercial Space (59.8 Commercial UEs) and approximately 15,000 square feet of meeting/conference space and lounge areas (up to 39,000 square feet of 5% of building allowed.) Total square footage, excluding the garage, is approximately 780,173 square feet. For those elements that were approved by the MPD and are not currently within the project (total rooms, units, commercial space and Unit Equivalents), the applicant retains the vested rights and these may be added in the future following the appropriate review and approval processes.
8. The City Council approved the Hotel and Residences at Empire Canyon Resort record of survey plat on June 18, 2009 and the plat was recorded at Summit County on January 20, 2010.
9. On October 15, 2010 a complete application was submitted to the Planning Department for amendments to the Hotel and residences at Empire Canyon Resort record of survey plat. The proposed amendments to document recorded easements on Page 1, renumber Units 1040 to 1042, 1042 to 1040, 1041 to 1043, and 1043 to 1041 on Page 11 and to record a 9

square foot reduction in floor area for Unit 740 on Page 8, are consistent with the recorded Hotel and Residences at Empire Canyon Resort record of survey and are consistent with the approved Master Planned Development and Conditional Use permit for Pod B-2.

10. On September 10, 2010 an access easement for JSSD was recorded at Summit County and on July 1, 2010 a Rocky Mountain Power underground right-of-way easement was recorded at Summit County. These easements have been added to the cover sheet of the amended plat.
11. The plat amendments do not change the purchase agreements.
12. Ten Employee Housing Units (EHUs) totaling 6,235 square feet (7.8 AUEs) are provided within the hotel. The EHU units are platted as private space and are proposed to be owned by the Montage, although this is not a requirement. The plat amendments do not change the employee housing agreements.
13. Five ADA units are provided, three owned by the hotel and two within the for sale units. All five are platted as Private and count towards the unit counts and UEs. The plat amendment removes ADA designation from Unit 821 and designates Unit 1021 as an ADA unit. Unit 1021 is on Level 6 which is two stories directly above Unit 821 in the same configuration. There are no other changes to the number or sizes of the ADA units.
14. Parking is provided at less than 75% of the Code requirement consistent with the Development Agreement. No change to parking is proposed with the plat amendments.

Conclusions of Law - 9100 Marsac Avenue

1. There is good cause for this record of survey.
2. The record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats and with the approved Master Planned Development and Conditional Use Permit for the Montage Resort and Spa at Pod B-2.
3. Neither the public nor any person will be materially injured by the proposed record of survey.
4. Approval of the record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 9100 Marsac Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey plat for compliance with State law, the Land Management Code, the recorded plat, and the conditions of approval, prior to recordation of the plat.

2. The applicant will record the record of survey plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Montage Resort Master Planned Development and the Parcel B-2 Empire Village Subdivision plat shall continue to apply.
4. All conditions of approval of the Hotel and Residences at Empire Canyon Resort record of survey plat shall continue to apply.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

5. 8680 Empire Avenue - Plat Amendment
(Application PL-09-00861)

Planner Whetstone reviewed the application for a plat amendment for a plat called the Village at Empire Pass, Phase I Subdivision plat. She noted that minor changes to the subdivision plat were outlined on page 58 in the Staff report. The proposed amendments were: 1) Identify parking easements that parking exists for Shooting Star and for area residents; 2) Identify a recorded private trail easement; 3) Removes the lot line between Lot 9 and the Village Way private road; 4) Increases Lot 9 from 61,030 square feet to 65,956 square feet.

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

Commissioner Pettit noted in the Staff report that two additional applications have been filed but they were on hold until February. She asked if there was a relationship between those two applications and the one being reviewed this evening.

Dave Smith, representing the applicant, replied that there was no correlation. The application this evening cleans up the plat. Phase 2 of the Tower Club residences is a separate application processed under the MPD and the CUP.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Mr. Smith referred to condition of approval #5 and the statement that the water system for Lot 9 would be maintained by the Master HOA. He clarified that the Lot 9 water system would be maintained by the Lot 9 Sub Association. Planner Whetstone revised condition of approval #5 to reflect that change.

Commissioner Savage referred to letters from homeowners included in the Staff report. He asked Planner Whetstone to explain the issues raised and why the Planning Staff did not feel those issues needed to be explicitly addressed. Planner Whetstone stated that she had spoken with both homeowners and their concerns related more to future residential structures.

MOTION: Commissioner Peek moved to forward a POSITIVE recommendation to the City Council for the first amendment to the Village at Empire Pass Phase I Subdivision, Lot 9 based on the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Village at Empire Pass - Lot 9

1. The Village at Empire Pass Phase I Plat is located in the RD-MPD zoning district.
2. The City Council approved the Development Agreement for Flagstaff Mountain Development Agreement/Annexation Resolution No. 99-30 on June 24, 1999. The Development Agreement sets forth maximum project densities, location of densities, and developer-offered amenities.
3. The Flagstaff Mountain Annexation is approximately 1,655 acres. Mixed-use development is limited to approximately 147 acres in four (4) development areas identified as Pods A, B-1, B-2 and D. The remainder of the annexation area is to be retained as passive and/or recreational open space.
4. A maintenance agreement addressing snow removal and maintenance of the water system exists between Park City Municipal Corporation and the Village at Empire Pass Master Homeowners Association.
5. On July 28, 2004, the Planning Commission approved a Master Planned Development for the Village at Empire Pass, aka Pod A, including the Empire (now Tower) Club building and residential units.
6. On September 30, 2004 the City Council approved the Village at Empire Pass Phase I subdivision plat creating two (2) parcels with eleven (11) lots and the plat was recorded at Summit County on November 24, 2004.
7. On April 13, 2005 the Planning Commission approved a CUP for the Empire (now Tower) Club located on Lot 9.
8. On February 13, 2008, the Planning Commission approved a CUP for the residential component of the Empire Club (ie. Phase 2) and the name changed to the Tower Club. Phase 2 includes 25 units (38.9 UEs) and one 650 sf accessible ADA unit platted as common.

9. On October 21, 2010, the Planning Department received a complete application for a plat amendment to amend the Village at Empire Pass Phase I subdivision plat. The amendments include the following: a) move a lot line between Lot 9 and the Village Way private road to expand Lot 9 and decrease the area of private road for Village Way previously used for the temporary shuttle stop until the permanent shuttle stop was constructed near the entrance to the Empire Club on Lot 9, and 2) memorializing recorded easements. Parking pull out for Shooting Star will remain.
10. With the re-plat between Lot 9 (Tower Club) and the private right-of-way, the Tower Club residential building will comply with all setback requirements.
11. Re-platting of the boundary was a condition of approval of the February 11, 2009 CUP extension approval.
12. The plat amendment does not create any non-conforming situations.

Conclusions of Law - Village at Empire Pass - Lot 9

1. There is good cause for this amended subdivision plat.
2. The amended subdivision plat is consistent with the Flagstaff Annexation and Development Agreement, the Village at Empire Pass Master Plan Development, the Village at Empire Pass Phase I Subdivision plat, the Park City Land Management Code, the General Plan and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed amended subdivision plat.
4. Approval of the amended subdivision 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 - Village at Empire Pass - Lot 9

1. All conditions of approval of the Flagstaff Annexation and Development Agreement and the Village Empire Pass Master Planned Development, and the Village Empire Pass Phase I subdivision plat continue to apply. All subsequent applications and approvals are subject to the Technical Reports as approved or amended.
2. The City Attorney and City Engineer will review and approve the final form and content of the amended Subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval prior to recordation of the plat.

3. The applicant will record the subdivision plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval and the plat will be void.
 4. The final plat shall contain a note that Village Way is a private road.
 5. A note on the plat shall state that the maintenance of the water system is the private responsibility of the Lot 9 Sub Association.
 6. The plat amendment does not approve any changes to any Conditional Use or Master Planned Development approvals on the property.
2. 1555 Lower Iron Horse Loop Road - Master Planned Development
(Application #PL-10-00899)

Planner Katie Cattan reviewed the application for a master planned development located at 1555 Lower Iron Horse Loop Road, within the light industrial zone. Planner Cattan outlined the concerns expressed at the last meeting and explained how those concerns had been addressed. The interior of the building was changed, the residential units were decreased to four, one of which is an affordable unit, and there is significantly more office space. There is underground parking under the structure, as well as interior parking on the first story for a total of 91 parking spaces.

Planner Cattan recalled a discussion regarding facade variation and facade lengths. Craig Elliott, representing the applicant, had prepared a model showing how the facade was modified. At the last meeting, the Planning Commission was concerned with how the new tunnel across Bonanza would work with the design. The applicants had addressed that issue in the model.

Planner Cattan stated that the major concern during the last meeting was the perpendicular parking on the south side of the building that comes off of Lower Iron Horse Drive. Prior to that, the City Engineer had asked for a 5 foot buffer behind the parking and a proposed material change. She reported that Matt Cassel, the City Engineer, believes that five foot area is essential for making the parking spots work safely in terms of visibility around Iron Horse towards the condos. Planner Cattan noted that within the setback requirements the Planning Commission is allowed to decrease the setback requirement. She and Planner Mauer met with Craig Elliott and asked if the project could be shifted five feet to the north. This would allow for adequate sidewalks between the parking and the building, rather than having people walk behind them within that five foot buffer. Planner Cattan clarified that the building was shifted five feet, however, the shift was not reflected in the model.

Planner Cattan stated that another issue of pedestrian circulation was the discussion of the two bridges. She pointed out that one bridge connects from the Rail Trail directly to this project. With the Walkability Analysis, the City identified an area closer to the condominiums located behind or to the east of this project. There has been a board across the stream and the City intends to put in a pedestrian bridge. The Sustainability Department felt it was not appropriate to put a bridge between the two locations, but each should have their own due to the soils and existing erosion issues.

Planner Cattan remarked that the distance between the two proposed bridges is approximately 320 feet. The Staff believes both pedestrian bridges would be utilized for each project. She noted that page 139 of the Staff report showed the layout of the two bridges.

Craig Elliott reviewed the model and reiterated that it did not show the five foot building shift. He stated that the original intent was to use a separate material to break up the parking. In meetings with the City Engineer and the Planning Staff, a concern was that people would use that area for a sidewalk. The City Engineer preferred a 23 feet stall versus an 18 foot stall with space in back. Therefore, the space was removed and the building was pushed five feet to the north, which allows for a nice sidewalk and rooms across the inside face of the building, and connects to the closes point of the neighboring parcels.

Mr. Elliott commented on a number of revisions that occurred since the last meeting. He pointed out that the model showed the tunnel and the stair connection. He noted that originally parking was sited along the perimeter on the corner. That parking was removed and another parking level was created underground. That would reduce the amount of on-street parking and provide direct access into commercial spaces on the first floor. Mr. Elliott stated that conceptually, the revision created a unique solution and it took the parking off the area with the most concern for safety. Mr. Elliott noted that the building was also revised by removing a portion of the building that was raised at the rear. Further discussions occurred with potential tenants and the mix of use between residential and commercial had increased. Mr. Elliott noted that they previously talked about mixed use and how that might change in the future. Using the model, Mr. Elliott pointed out the primary conceptual changes to the project.

Chair Wintzer pointed out that the hill was twice or three times the height of the building next to it. He wanted the Commissioners to understand that the back part is set up against the hill. Mr. Elliott agreed and indicated the highest portion of the building and how it moves up the road.

Mr. Elliott presented the site plan showing the property boundaries and setbacks. He noted that the red dash line was the 25 foot setback of the master planned development. Master planned developments are allowed to set back to the adjoining properties, the setbacks that are in the existing zone, or abutting properties. He pointed out two different setbacks. One is a light industrial and the other is general commercial, which is an adjacent zone. He believed both setbacks on that side were ten feet, and they were still 20 feet from the property line. The closest property is Rail Central. Mr. Elliott believed the Rail Trail has a 100 foot right-of-way. Therefore, the building would be a 120 away from the closest private property with development. He felt that improving the site access and the sidewalk connections was a good choice in providing access, and it is allowed in the MPD under Planning Commission discretion.

Mr. Elliott presented the volume analysis. He noted that the setbacks in blue showed the setback variations required for an MPD. The yellow on the bottom left showed the building volume as proposed. The bottom one showed the two merged together. Mr. Elliott remarked that the goal was to demonstrate that they were under the requirements for building mass and volume.

Mr. Elliott walked through the floor plans to show how mixed use works and what they did with the residential versus the commercial units. He also showed how they planned to meet the affordable housing obligation for the project.

Chair Wintzer asked Mr. Elliott to review the materials in the colored elevations. Mr. Elliott explained that each color represents a different material form. The materials included a series of timbers and structural elements that are used to screen the vertical. The entry point had primary glazing and a metal canopy. Metal mesh with screen inside was used as a shading device on the south facing glazing. He indicated glass in the bridge, which is similar to Rail Central on the other side of the Rail Trail. Mr. Elliott pointed out areas where horizontal composite siding was proposed. He explained that the architectural approach is to have a series of layers to create variety and depth to the building and try to accentuate each form of the building.

Planner Jacquy Mauer added a condition of approval #14 to state, "Per Section 15-3-9 of the LMC, the project must provide 10% of the required off-street parking spaces for the temporary storage of bicycles that equals nine parking spaces". The applicant was comfortable with adding condition of approval #14 as stated.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Savage liked the project as proposed.

Chair Wintzer commented on the location of the bridge that would be constructed by the City. He felt it was important for the trail to link both Lower Iron Horse and Upper Iron Horse and for the City Council to invest in a set of stairs going up to Upper Iron Horse. If they move the bridge over and put it along the edge of the 1555 Iron Horse property and add a sidewalk, people could walk across and go up a set of stairs to the Upper Iron Horse area.

Commissioner Peek concurred that it would be beneficial to bring the pedestrian demand down the hill from the condos to the Rail Trail. Mr. Elliott clarified that the applicants have encouraged that connection, however, they have no control over that property. Director Eddington offered to take their suggestion to the City Council.

Commissioner Pettit asked if there would be an issue with the Army Corp of Engineers if the bridge was moved as suggested by Chair Wintzer. Planner Mauer replied that the Army Corp of Engineers were aware of both bridges and were comfortable with the proposed bridge locations. Any change would need to be approved by the Army Corp of Engineers. Director Eddington explained that the City may also need to deal with the Army Corp of Engineers with regard to the plaza at the intersection of the Rail Trail and Bonanza, since it may change with this project.

Planner Cattan noted that a question was raised regarding condition of approval #5 and whether each individual sign would need its own permit. Condition of approval #5 states, "All exterior signs

require a separate sign permit. Application for sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.” Planner Cattan clarified that sign applications would go through the normal process. Because there will be multiple tenants, the owner would apply for a master sign plan for the development and as individual tenants come in, they need to pull a sign permit for each tenant. Commissioner Pettit clarified that sign permits are Code required under an administrative process. Planner Cattan replied that this was correct. It was added as a condition to indicate that any signs proposed or shown on the plans are not approved and must go through the proper process.

Chair Wintzer referred to condition of approval #10, which states, “must have a construction mitigation plan.” He asked if the condition should state that “the road must be open”, to make sure that during construction the road going out is open. Mr. Elliott remarked that an easement requires them to leave the road open. He was not opposed to adding that language as a condition on the construction mitigation plan. Chair Wintzer requested that the language be added in the construction mitigation plan.

Commissioner Hontz liked the changes and believed they significantly enhance the project. However, she was having difficulty grasping a feel for the materials and felt that portions of the building appeared to be cold and prison-like versus a colorful industrial facility and mixed use building. She liked the concept and hoped the end product would be warmer and more friendly.

Planner Cattan referred to the condition of approval #13 and changed “staging plan” to phasing plan”.

Planner Cattan read the proposed changes to the conditions of approval:

- Condition of Approval #10 - Add, “During construction the road must be open to the development to the east with approval of the City Engineer and the Fire Marshal.”
- Condition of Approval #13 - Change “staging” to “phasing.”
- Add Condition of Approval #14, “Per Section 15-3-9 of the LMC, the project must provide 10% of the required off-street parking spaces for the temporary storage of bicycles. This equals 9 bicycle parking spaces.”

MOTION: Commissioner Pettit moved to APPROVE the Iron Horse Mixed Use Master Planned Development for 1555 Lower Iron Horse Loop Road, in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as amended. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 1555 Iron Horse Loop

1. The Iron Horse Mixed Use Building Master Planned Development is located at 1555 Iron Horse Loop Road. The lot consists of 1.474 acres.
2. The property is located in the Light Industrial (LI) zoning district. The maximum Building Height in the Light Industrial (LI) zoning district is 39 feet, is 30 feet. The application includes a height exception request for an additional 19.5 feet for the rear portion of the building. The front portion of the building is under zone height at 24 feet, the center portion of the building is an average four feet over zone height at 34 feet, and the rear portion of the building ranges from 9 to 19.5 feet over the zone height. The application complies with the height exception requirements of LMC Section 15-6-5(F)(1-5) as stated within the analysis section of the report.
3. The total proposed building footprint is 19,184 sf and gross square footage is 54,814 sf.
4. This property is Lot 1 of the Iron Horse Industrial Subdivision Plat.
5. The maximum Building Height in the Light Industrial (LI) zoning district is 39 feet, is 30 feet. The application includes a height exception request for an additional 19.5 feet for the rear portion of the building. The front portion of the building is under zone height at 24 feet, the center portion of the building is an average four feet over zone height at 34 feet, and the rear portion of the building ranges from 9 to 19.5 feet over the zone height. The application complies with the height exception requirements of LMC Section 15-6-5(F)(1-5) as stated within the analysis section of the report.
6. The master planned development process is required for any residential project larger than ten units or new commercial projects greater than 10,000 square feet gross floor area. The MPD is necessary for the Iron Horse Mixed Use Building since the new commercial area is greater than 10,000 square feet.
7. The building ranges from two to four stories above ground with a single story below ground.
8. The Planning Commission has reviewed this application during a pre-application work session on August 26, 2009 and during a work session and regular agenda on April 28, 2010. No public input was received during either meeting. The Planning Commission reviewed the application on December 8, 2010 on the regular agenda. The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record.
9. The proposed density does not exceed the maximum density of the Light Industrial (LI) zone. Within the LI zone, density is the resulting mass of the setbacks, height and open space.
10. The applicant is requesting a decrease in the north side yard setback from twenty-five feet to twenty-feet. This change complies with the requirements of the LMC for building Code, Fire Code, density, mass, scale, spacing and open space.

11. This is a redevelopment project, so a minimum of 30 percent open space could be allowed by the Planning Commission in exchange for project enhancements. The applicant is asking for a reduction in the open space requirement from 60 percent to 45 percent. The project enhancements include a public transit improvement and improved pedestrian circulation.
12. The applicant has provided a total of 91 parking spaces. The required parking for the site is 87.17 spaces per the LMC with the currently proposed uses.
13. The City Engineer and the Planning Director will allow the parking configuration as it is now being proposed with the recommendation that the space between the edge of the private road and the proposed parking stalls are maximized and speeds be reduced to ten (10) to fifteen (14) miles per hour.
14. The MPD was designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project was designed to fit the Site, not the Site modified to fit the project.
15. The MPS is not located within the Sensitive Lands Overlay zoning district.
16. The MPD is located within the Park City Soils Ordinance boundary.
17. The site is located or in proximity of a listed CERCLIS site known as the Old Park City Dump - UTD988078606. The CERCLIS listing identifies sites that are considered contaminated, therefore needing remediation and/or further testing under Superfund.
18. There is an underground fuel storage tank at the CFN facility that will be removed. The removal of an underground storage tank triggers a UDEQ-UST permit and work plan.
19. A portion of the property is within a FEMA regulated Zone of AE according to a 1996 FIRM map.
20. The proposed bridge may trigger the need for a DNR Stream Alteration Permit. If there is an encroachment into the riparian zone of Silver Creek, an Army Corp General Permit may be required.
21. The project is required to provide 6.14 unit equivalents of affordable housing. One unit equivalent of affordable housing is equal to 900 square feet. There is a single affordable housing apartment measuring 1,124 sf proposed within the MPD. The applicant's remaining affordable housing requirement (4,402 sf) will be met using all 24 units from the adjacent Rail Central Development (4,403 sf). At the present time, these units are not deed restricted. The applicant will deed restrict the units to comply with the 2007 Housing Resolution. The future rents will comply with the 2007 Housing Resolution. Twenty-five units of affordable housing will be created by this application.

22. The four residential units included in the MPD do not create the demand of a child care center.
23. The Analysis section of this staff report is incorporated herein.

Conclusions of Law - 1555 Iron Horse Loop Road

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is Compatible in use, scale and mass with adjacent properties, and promotes neighborhood compatibility.
8. I The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
10. The MPD is not subject to the Sensitive Lands Requirements of the Land Management Code. The project has been designed to place Development on the most developable land and lease visually obtrusive portions of the Site.
11. The MPD, as conditioned, promotes the use of non-vehicular forms of transportation through design and by providing trail connections and an easement for a bus pull-off area.
12. The MPD has been noticed and public hearing held in accordance with this Code.

Conditions of Approval - 1555 Iron Horse Loop Road

1. All standard conditions of approval apply to this MPD.

2. All applicable conditions of approval of the Ironhorse Industrial Subdivision shall continue to apply to this MPD.
3. A building permit issued by the Park City Building Department is required prior to any construction.
4. All exterior lights must conform to the City lighting ordinance. Parking lot and security lighting shall be minimal and approved by Planning Staff prior to issuance of a certificate of occupancy.
5. All exterior signs require a separate sign permit. Application for a sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.
6. Upon receipt of a building permit, Planning Staff will review the final landscape plan to ensure that Landscaping consists primarily of drought tolerant species, lawn or turf will be limited to a maximum of fifty percent of the area not covered by buildings and other hard surfaces and no more than seventy-five percent of the above area may be irrigated, landscape and streetscape will use native rock and boulders, and lighting must meet the requirements of the Land Management Code.
7. Exterior building materials and final design details must be in substantial compliance with the elevations and material details exhibits and photos reviewed by the Planning Commission on December 8, 2010 and shall be approved by Staff prior to building permit issuance.
8. The final building plans, parking lot details, and landscaping and construction details for the project shall meet substantial compliance with the drawings reviewed by the Planning Commission on December 8, 2010.
9. The City Engineer prior to Building Permit issuance must approve utility, storm water systems and grading plans, including all public improvements.
10. Staff must approve the Construction Mitigation Plan to issuance of any building permits and shall include appropriate contact information as required. Signs posted on site will indicate emergency contacts. During construction the road must be open to the development to the east with approval of the City Engineer and the Fire Marshal.
11. A limit of disturbance area will be identified during the building permit review. Limits of disturbance fencing shall be required, including silt fencing or other means of controlling erosion and protecting the adjacent stream.
12. All applicable Environmental regulations must be adhered to during the development of the site. The Park City Environmental Specialist must approve the mitigation plan and all environmental permits required for the site.

13. A development agreement must be approved by the Planning Commission within six months of the Planning Commission approval. Following the development agreement, a building permit must be approved within two years of the development agreement. The development agreement may include a phasing plan.
14. Per Section 15-3-9 of the LMC, the project must provide 10% of the required off-street parking spaces for the temporary storage of bicycles. This equals 9 bicycle parking spaces.
3. 1502 Seasons Drive - Extension of Conditional Use Permit
(Application #PL-10-01086)

Director Thomas Eddington reviewed the request for a one year extension of a CUP for 1502 Seasons Drive. He noted that the Planning Commission previously reviewed the CUP during several meetings with regards to architectural design. At that time the neighbor across the street expressed concerns with the height. The height of the building was reduced and the Planning Commission approved the CUP on November 11, 2009.

Director Eddington stated that the request was a formal one year extension. He handed out correspondence from the attorney representing the neighbor across the street, indicating support for a one year extension, but stating that they would challenge a subsequent one year extension.

Director Eddington referred to pages 335 and 336 of the Staff report, and noted that when a CUP extension is requested, the Staff makes sure that no interim changes to the LMC would impact the extension. He pointed out that Criteria #3 indicates that the Planning Commission changed the steep slope criteria in the LMC and one section encourages common driveways, parking areas, and side access to garages. Director Eddington stated that Planner Whetstone had reviewed the proposed house design and it does include two bays that are turned to the side, which provides side access. Therefore, the existing layout would meet the new LMC criteria.

Director Eddington noted that the property is not in the HR-1 zone; therefore, the height issue regarding the three story limitation would not apply. The design was reviewed for compliance with the requirements of the RD zone.

Commissioner Pettit struggled with the fact of the steep slope criteria being applied in the RD zone. Director Eddington clarified that this particular lot had a special criterion put on the plat that required it to meet the Steep Slope criteria.

Director Eddington referred to criteria on page 336 that talks about the garage being subordinate to the design. He noted that the garage was lowered per Planning Commission recommendation and it is subordinate to the design.

Commissioner Pettit understood that the Planning Commission was allowed to grant up to a one year extension per Code, but they could not grant anything longer than one year. Director Eddington explained that the Planning Commission can only grant an extension up to twelve months, but the applicant could come back in a year and request another one year extension.

Chair Wintzer clarified that nothing in the Code prevents the Planning Commission from granting multiple one-year extensions for the same CUP as long as they are one year apart. Director Eddington answered yes.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Peek moved to APPROVE a one-year extension of the Conditional Use Permit for 1502 Seasons Drive in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval contained in the Staff report. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 1502 Seasons Drive

1. The property consists of Lot 21 of the April Mountain Subdivision and is located at 1502 Seasons Drive.
2. The zoning is Residential Development (RD-MPD) subject to the April Mountain MPD (approved June 12, 2002). The April Mountain Development Agreement and April Mountain Subdivision plat (recorded on October 29, 2002) that requires approval of a conditional use permit for development on Lot 21, with HR-1 and HRL Steep Slope review criteria used as additional review criteria.
3. The approved subdivision plat created Lot 21 with lot restrictions for Height, Setbacks, Limits of Disturbance area, total building zone area, and platted ROS (reserved open space) consistent with the April Mountain MPD.
4. No construction is proposed within the platted ROS area.
5. Lot 21 is 35,711 square feet (0.82 acres) in lot area consistent with the MPD. A maximum building zone area of 14,965 sf is allowed within the 20,000 sf allowed limits of disturbance area. A 13,095 sf building zone area is proposed within a 19,988 sf limits of disturbance area. The proposed building pad fits entirely within the approximate building pad shown on the April Mountain subdivision plat.
6. Access to the lot is from Seasons Drive per the MPD and plat.
7. Under the current LMC, the minimum front yard setback is 15 feet, subject to the locations of platted reserved open space (ROS). Applicant proposes 15' to 50' front setbacks in compliance with the plat and MPD.

8. Under the current LMC, the minimum rear yard setback is 15 feet, subject to the location of platted reserved open space (ROS). Applicant proposes 27' to 50' rear setbacks in compliance with the plat and MPD.
9. Under the current LMC, the minimum side yard setback is 12 feet, subject to the location of platted reserved open space (ROS). Applicant proposes 27' to 46' west side setbacks and 90' to 125' for east side setbacks in compliance with the plat and MPD.
10. The April Mountain MPD and subdivision plat notes restrict Lot 21 to a maximum building total height of 19'. The applicant proposes a maximum building height of 19' with portions of the house less than 19' in compliance with the MPD and the RD zone height requirements.
11. Parking is required at a rate of two parking spaces per house. The applicant proposes 4 parking spaces within garages.
12. The applicant proposes a 10,000 sf house, including the basement and floor areas. The building footprint is approximately 7,000 sf. There are no plat restrictions on total building floor area. The plat restricts location of the footprint within a designated building zone. House sizes in the April Mountain subdivision range from 5,000 to 8,000 sf and are a function of building zone, setbacks and building height.
13. Massing requirements of the MPD are met in that the Floor Area directly above the lowest floor level does not exceed 85% of the Floor Area of the floor template directly beneath it, whether such lowest floor is finished, unfinished, or crawl space. Floor area of the top or intermediate floor templates does not exceed 65% of the area of the floor templates directly beneath them. Floor Area calculations will be provided with the building permit plans and verified prior to the building permit issuance.
14. The highest ridge of the central massing is at elevation 7463'0". The port-cochere roof peak is at 7462'0" and the northern garage roof peak is at 7461'0". The two-story elements on the south elevation are at elevation 7451'0". No portion of the house exceeds the 19' limit, a 14' height restriction from the zone height.
15. The central massing of the dwelling steps down in height and reduces in bulk as it reaches the edges of the Dwelling to blend the building mass into the natural setting.
16. The applicant provided dimensions of each exterior wall plane demonstrating that there are no wall planes at or greater than 30' without a minimum break of 3'.
17. The applicant provided a visual analysis from the Stew Pot and across the valley demonstrating that the proposed dwelling mitigates and reduces visibility of the dwelling from the Stew Pot. The house is situated below the grade of the road and lower on the ridge than the houses on the uphill side of the road, as viewed from both the Stew Pot and from across the valley.

18. The applicant proposes to use the USBC Green Building Standards for residential construction, utilizing passive solar heating, active solar water heating (including solar heating for the driveway snow melt and pool), photo voltaic solar cells for electricity generation, a 1,000 sf green planted roof, and a clay rammed earth north wall among other sustainable construction items.
19. The findings in the Analysis section of the November 11, 2009 staff report and the December 8, 2010 staff report and exhibits are incorporated herein.
20. On May 27, July 8, August 12 and November 11, 2009, the Planning Commission conducted public hearings on the Conditional Use permit application.
21. On November 11, 2009, the Planning Commission approved the CUP for a single family house at 1502 Seasons Drive with an expiration date of one year from the date of approval unless a building permit had been issued prior to this date.
22. On October 20, 2010, the Planning Department received a request for a one year extension of the approval for the 1502 Seasons Drive CUP for a single family house.
23. There has been no changes in circumstance that would result in unmitigated impacts.
24. The applicant stipulates to the conditions of approval.
25. On December 8, 2010, the Planning Commission conducted a public hearing on the extension request application.

Conclusions of Law - 1502 Seasons Drive

1. The CUP, as conditioned, is consistent with the Park City Land Management Code, specifically Section 15-1-10 and Sections 15-2.21-6(B) and Section 15-2.2-6(B).
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval - 1502 Seasons Drive

1. All Standard Project Conditions shall apply.
2. All applicable conditions of approval of the April Mountain MPD and April Mountain Subdivision plat continue to apply.

3. City approval of a construction mitigation plan is a condition precedent to the issuance of any buildings permits. Chain link construction mitigation fencing along the ROS areas may be necessary to prevent disturbance of these areas during construction of the house.
4. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
5. A final landscape plan consistent with the April Mountain Master Planned Development and the April Mountain Subdivision plat shall be submitted for review and approval by the City Planning Department and/or City landscape architect, prior to building permit issuance. Lawn shall be a minor component of the overall landscape plan. No more than 25% of the water demanding area shall be planted in high water demand lawn (such as Kentucky blue grass). An additional 5% of the water demanding area may be planted in drought tolerant lawn species (such as Blue Grama, Smooth Brome, Tall Fescue, Buffalo Grass, Creeping Red Fescue, Perennial Ryegrass, or Alpine Bluegrass).
6. No building permits shall be issued for the house unless and until the building plans are reviewed and approved by the Planning Department staff for compliance with the building plans reviewed by the Planning Commission on November 11, 2009 and specifically reviewed for compliance with the 19 foot height limit. All exterior finishes and landscaping shall be approved prior to installation and shall be consistent with the plans reviewed by the Planning Commission. The Planning Director may approve minor changes, excluding materials, height and massing. No single exterior wall plane shall measure more than thirty feet in length (30') before a change in depth of at least three feet. Building massing shall be verified prior to the issuance of a building permit for compliance with the April Mountain MPD and these conditions of approval.
7. As part of the building permit review process, the applicant shall submit a certified topographical survey (one foot contours) of the property with roof elevations over topographic and U.S.G.S. elevation information relating to existing grade as well as the height of the proposed building ridges. The platted height restriction is 19' from existing grade.
8. Prior to the issuance of a building permit, the applicant shall, if deemed necessary by the Chief Building Official based on the geo-technical report, submit a detailed shoring plan with calculations that have been prepared, stamped and signed by a licensed structural engineer as required by the Building Department.
9. All exterior lighting shall be shown on the final building plans and shall conform to requirements of the City's lighting ordinance and shall be minimal and subdued in nature. No signs may be installed without approval of a sign permit and in compliance with the City's Sign Code.

10. This approval will expire on November 11, 2011 unless a complete building permit application has been submitted to the City Building Department and a building permit has been issued by this date.

4. 1440 Empire Avenue - Conditional Use Permit
(PL-10-01086)

Planner Kayla Sintz reported that on December 9, 2009 the Planning Commission approved a CUP for a multi-use dwelling in the RC zone. The project approval was appealed to the City Council and the appeal was granted in part and denied in part. The CUP was remanded back to the Planning Commission with direction to relook at two specific items only. The first is the height, scale mass and bulk of the rear of the building shall be further modified and considered under the standard in LMC 15-1-10(E)(8). The second is further design changes with consideration for enduring that the proposed development transitions to and complements the existing historic structure to the east shall be reviewed and/or further conditioned.

Planner Sintz stated that on May 12, 2010 the applicant came back with a modified design per the remand. At that time the Planning Commission asked if the applicant would consider moving the entire building forward, closer to Empire Avenue. Based on that request, the applicants had returned with another modified design. The building is now three stories above ground with 6 two-bedroom units and 3 four-bedroom units for a total of 9 units. The proposal includes complete underground parking. The driveway is configured to the north of the property and meets the minimum driveway width. The driveway is accessed from the back. The design has a flat roof and meets the zone height of 35 feet. Planner Sintz pointed out that the applicant could have taken advantage of an allowed height exception, but instead proposes roof mounted solar collectors on the southwest side.

Planner Sintz stated that the applicants accommodated the required landscaping. They oriented the driveway and pedestrian access to the north, away from the property owners to the south. The landscape plan keeps the level of the parking lights above the roofline of the property below.

Planner Sintz reported that the City Engineer recommended that the applicant consider bumping out the drive to increase the turning radius to better accommodate two-way traffic. The applicant had provided an alternate driveway width expansion, which was shown as a red dash line on the plan. She noted that the expansion is allowed under the Code for rear yard exceptions dealing with parking area. Planner Sintz remarked that the Planning Staff had mixed feelings about expanding the driveway width because it modifies the grade and compromises the vegetation.

Planner Sintz compared previous designs with the currently proposed design and identified the difference between the plans. She noted that the parking lot layout meets all the minimum requirements for parking. There is additional distance from stall #1 to provide for additional back out space.

Craig Elliott, representing the applicant, reviewed the submittal provided to the Planning Commission. He noted that the first sheet documents the code analysis to clearly identify where the project meets the criteria and the dimensions, etc. He noted that the scheme presented this evening meets all the criteria previously discussed.

Mr. Elliott explained that the applicants looked at the plan in relationship to the single family home to the south. He pointed out that if they were to build a single family home next to that home, they would be allowed to be within three feet of the property line. The requirements for the building proposed is ten feet. Mr. Elliott noted that the face of the elevator shaft on the corner is approximately 20 feet from the property line, adjacent to the house to the south. He stated that they tried to improve the distance to maintain open space and view shed. Mr. Elliott stated that they also tried to put the quiet portions of the residential units on the side that faces the single family to the south.

Mr. Elliott reviewed the floor plans and unit design elevations. He noted that there is a garage door to hide the parking. There is no outdoor parking or noise. They felt it was important to put the driveway on the north side away from the single family to protect it from as much interaction as possible.

Mr. Elliott noted that the main floor enters off of Empire Avenue. He indicated the entry point and lobby space and explained the design layout. He believed the layout was relatively efficient. Each bedroom has a deck with enclosed storage. Mr. Elliott indicated the location of the mechanical and electric spaces. Each floor has the same floor plan with the exception of the entry level on the main floor.

Mr. Elliott stated that the building perimeter was broken up significantly, meeting the Code requirements. He was pleased with how the texture of buildings come together. Mr. Elliott reviewed renderings to show how they stepped the masses and used a mixture of materials to create some relief. He noted that the previous designs did not have exterior balconies for the units and they believe it is an added benefit to the project. The top elevation is along Empire Avenue and the lower elevation is the south, facing the residential single family. He explained how they tried to minimize exposure into the bedroom windows that face the building. The balcony area is behind the house itself.

Mr. Elliott indicated the red dashed line that showed the previously proposed building and how it was moved 26 inches away from its previous location. It is now over 30 feet from the rear property line and the height was lowered to address shadow concerns raised at the last meeting. Mr. Elliott noted that the section also showed the relationship of the change and the height exception for slope roofs that they chose not to use. They also addressed issues of snow shedding.

Mr. Elliott stated that the materials will be a combination of horizontal composite siding, traditional frame windows and a timber element for the balconies that create the relief forms. Steel siding is proposed on the vertical of the circulation patterns.

Mr. Elliott presented computerized, animated shadow studies for the summer solstice and the winter solstice.

Chair Wintzer opened the public hearing.

Bruce Baird, an attorney representing the neighbors, requested permission to speak longer than 3-5 minutes because he was representing multiple owners.

At the request of Chair Wintzer, Planner Sintz read the remand from the City Council as written on page 148 of the Staff report.

Mr. Baird stated that because the plans were changed at the request of the Planning Commission, the Planning Commission should look at the entire issue of compatibility with adjacent structures. He intended to offer testimony on all the issues. Mr. Baird distributed a packet of materials he had prepared, as well as a letter from Planning Consultant, Doug Wheelwright, and letters from other involved and experienced parties. Mr. Baird stated that he was prohibited from giving a full presentation because the applicant deliberately refused to give them copies of the revised plan until he pointed out to the City Attorney that his clients were entitled to a copy of the plan. He noted that he eventually obtained the plans slightly before Thanksgiving, which gave them limited time prior to this meeting.

Mr. Baird did not believe the plan addressed accurate storm water drainage, off-street loading and trash removal. He also believes the plans violate the City zone code with the retaining wall as proposed. The sidewalk area was also inappropriate. Mr. Baird remarked that most inappropriate was the purpose of the Recreational Commercial District. He quoted Section 15-2-16(1), sub (h) and (i) of the Land Management Code, "Promoting development of buildings with designs that reflect traditional Park City architectural patterns, character and site designs". He recalled from the work session discussion on Park City Heights, that Commissioner Strachan indicated a building that would make you look for the nearest strip mall. He recalled that Mr. Luskin called the building "Frank Lloyd wrong". Commissioner Hontz did not favor the building either. Mr. Baird suggested that the elevation presented for this project was significantly worse than the Park City heights elevation that the Commissioners had not liked.

Mr. Baird presented a slide showing what the neighborhood actually looks like and how they tried to make the houses look roughly the same mass as Mr. Elliott's design. He indicated the single family houses on the east side of Empire and explained how he tried to contrast them with the design of the project. Mr. Baird felt it was impossible to pretend that the proposed design and materials promotes and reflects the traditional architectural pattern and character of the site design and relates to the mining and historic architectural character of the City. Mr. Baird believed the project violates the General Plan in a number of ways. There is a requirement to transition to density from the west side of Empire to the east side of Empire. He remarked that the project does not provide a transition density and in reality the density is higher. Mr. Baird pointed out that the proposed density is the most that would fit on the parcel and literally utilizes every exception. It also violates the anti-clustering requirement for affordable housing in Article 9 of the General Plan, which says the burden of affordable housing should not be disproportionate to one area. Mr. Baird noted that there are at least three affordable housing units within a short radius of this area.

Mr. Baird remarked that page 6 of his letter addressed the specifics of the review characteristics required under the analysis and compatibility. He pointed out that compatibility is a defined term. Based on that definition, he did not believe the size and location of this site was appropriate for the amount of density and the size of the project proposed. Mr. Baird presented a slide comparing the south facade of the original design with the revised design. He remarked that screening was nearly impossible with only ten feet and that the project looks directly into the Olsen's backyard. He believed the revised design was more intrusive than the original design.

Mr. Baird stated that Section 9 of the Code talks about usable open space. He pointed out that there is landscaped open space but no usable open space in this project. He read the requirement for compatibility with surrounding structures in mass, scale, size and architectural detailing. Mr. Baird did not believe anyone could claim that the proposed design is compatible with the architectural design of the surrounding houses. Mr. Baird commented on other issues regarding noise and vibration, deliveries, and service vehicles. He felt it was inappropriate to approve this project because it violates the LMC and the General Plan, specifically in terms of compatibility and the due process rights of his clients.

Commissioner Luskin asked if the Planning Commission was in a position to render any type of decision related to due process. Assistant City Attorney McLean stated that the remand is specific to the items directed by the City Council. The Planning Commission needed to analyze whether the design is substantially the same. If they believe a design change affects one of the other criteria, that could be examined. Ms. McLean was not concerned that due process rights were denied. Mr. Baird and his clients were made aware of the revised plans over five weeks ago and they were provided to them prior to Thanksgiving.

Commissioner Pettit was disturbed about being given a letter and a large packet the night of the public hearing. She stated that the basis upon which this was remanded back to the Planning Commission led them to ask additional questions in terms of orientation of the building to alleviate some of the concerns with respect to the project. She was not in a position this evening to comment on the revised design without having gone through the process juxtaposing each of the criteria in the original approval and whether this design meets that criteria. Commissioner Pettit was in a quandary about how to move forward because the revised design was not included in the Staff report.

Chair Wintzer requested that they continue with the public hearing before making further comment.

Doug Wheelwright, a land planner by profession, stated that he had attended the City Council hearing in February. He had reviewed all the plans and was surprised that the Staff report only dealt with the remand issues. Mr. Wheelwright stated that because a new plan was presented, it should require a review under the new criteria. In his opinion, the only similarity between the two plans is the same property, the same owner, and the same number of units and parking spaces. Everything else has changed. Mr. Wheelwright commented on the building height issue. He noted that the plans were careful to note all the heights from the existing grade at the building setback. On the east and north side the finished grade is approximately 2 feet lower. He understood that under the existing ordinance the contour of the land establishes the upper envelope of the structure being built. However, he did not think it made sense to then dig down a full story. Mr. Wheelwright

explained why he believes the building exceeds the height on the north and the east side of the building. He noted that there is only one foot of floor space allocated to each of the levels. He was unsure how you could build a flat roof and only have one foot of roof structure thickness, including the membrane. Anything above that one foot, even without the interpretation for finished grade, increases the height above the maximum. Mr. Wheelwright suggested that the Chief Building Official should look at this closely because it is an integral part of the plan. Mr. Wheelwright remarked that storm drains is a real concern because everything is directed towards the northeast corner of the property. The Staff report says that storm water retention may be necessary. He was unsure about the City's practice regarding retaining, but typically it is a ten year storm. The 50 year, 100 year and 500 year are all overflow. Mr. Wheelwright echoed Mr. Baird's comments regarding use and compatibility.

Rick Margolis stated that he lives two doors away from the proposed project. Mr. Margolis stated that when the homes were built the property next to the Olsen's property was an unusable sliver of land with a larger unusable piece of land next to it. When this project was originally proposed, the neighbors tried to oppose it based on the lot line consolidation. He remarked that consolidating the lots has resulted in a building too large for the neighborhood that violates the General Plan. Without the lot line adjustment, the project would have been much smaller. Mr. Margolis pointed out that the project was remanded back to the Planning Commission based on the scale, massing and transition to the site. He noted that the concept of transitioning the size comes from the designation of resort based housing in the General Plan. The requirement in the LMC is that a development permit cannot be approved unless it is consistent with the General Plan. One requirement of the General Plan deals specifically with properties east of Empire. The General Plan specifically says it must be resort bed base and low density residential. Mr. Margolis recalled past discussions about the fact that other properties east of Empire are larger, and this is true. However, there is not one piece of property east of Empire that has been permitted or developed since 1997, when the General Plan was adopted, as anything but single family homes. The larger projects in the area were developed prior to 1997.

Mr. Margolis noted that there has been conversations in the past and testimony in the record regarding affordable housing, including Planning Commission notes, Staff reports and City Council Staff reports. He stated that for the first time the term "affordable housing" did not appear in the Staff report because they all know this project is an apartment building and not an affordable housing project. Mr. Margolis referred to comments at the last meeting from Commissioner Strachan and other commissioners that although this project does not comply with the General Plan with respect to low density residential, it does comply with specific sections because it is affordable housing. It balances out and the affordable housing works. Mr. Margolis reiterated that the affordable housing component is gone, which is a major change from what the Planning Commission approved and what the City Council reviewed on that approval. Without affordable housing there is no balance and the project does not comply with the General Plan as required by LMC Section 15-1-10D, which states that the City shall not issue a conditional use permit unless the Planning Commission concludes that the use is consistent with the Park City General Plan. The General Plan requires that all development on the east of Empire be low density residential.

David Olsen, a resident at 1430 Empire, was concerned about an issue raised by Commissioner Pettit regarding the timing of the materials given to the Planning Commission. He pointed out that the minutes from the May meeting reflect that he had asked for dialogue with the developer to avoid troubling the Commissioners on smaller matters. That did not occur and after several months they received notice of revised plans. On behalf of the neighbors, Mr. Baird requested copies of the revised plans but were denied. On the Tuesday before Thanksgiving they were provided with a copy, which gave them three days to review the plans and submit their comments. He felt it was unfair that the applicant had ten months to revise the plans and the neighbors were given 3-1/2 days to review them and make comment. Mr. Olsen did not want to inconvenience the Commissioners by presenting materials late, but under the circumstances, he did not believe it was a justified statement to say they had plenty of time to submit their response. Three and a half days is not enough time for a proper analysis.

Mr. Olsen stated that he and his wife had two major concerns. The original plan did not have windows on their side and was somewhat respectful of the neighbors next door. The original plan did not have balconies on the side that looks into their home. Mr. Olsen pointed out that the revised plan shows three levels of balconies that look directly into their rear windows. He commented on the criteria for mitigation and believes the only mitigation is to eliminate the windows and balconies on that side of the building. Mr. Olsen remarked that the original plan aligned the building so the project and their home were parallel. The revised plan skews the building at an angle and the view is more direct into their home and visa versa. Mr. Olsen remarked that the density is too much and helps the developer, not the neighbors. In the spirit of fairness he requested more cooperation and dialogue.

Diane Newland, a resident at 1455, the house directly below the project, thanked the Planning Commission for asking the developer to shift the building and to make major changes. She recognized that the applicant tried to meet their request, however, there are still a few problems. Ms. Newland stated that the driveway coming along the side and the back with a garage door is fairly close to her property. She would be impacted by the lights from the driveway and the noise from the garage door opening and closing. Ms. Newland noted that lights for the driveway were not shown in the plan. She wanted to know the type of lights proposed to understand how significant she would be impacted, particularly since her bedroom is at the back of the house. Ms. Newland commented on snow storage. The photos presented showed snow storage on the southeast corner. She pointed out that when the snow is plowed they will either need to pull the snow from the driveway out onto Empire, or it would be pushed down to the snow storage. She believes that would be a problem. If they do the five foot setback from her property line, as requested by the City Engineer, when they come around the corner she was unsure how they could keep large amounts of snow from spilling over into her property. In addition, when the snow storage area is filled and begins to melt, the runoff will come down on her property. She noted that when snow comes off the roof it goes down to the lowest point, which would also impact her property. Ms. Newland appreciated that the developer moved the building forward and away from her home. However, she understood that Park City was trying to get away from the '70 style boxy looking buildings that already exist in her neighborhood. She thought the buildings were supposed to look more historical and not like Laguna Beach or Malibu with new-age boxy buildings. She believed the developer could better design the building architecturally. Ms. Newland commented on the affordable housing component. She noted that the project is labeled affordable housing and in the beginning the

developer was going in that direction. She noted that Planner Sintz informed her that it is not an affordable housing project, but if it is, that would put three affordable housing units within 300 feet of her house. That is a lot to put in one small area and she believed the affordable housing should be dispersed. Ms. Newland mentioned potential future affordable housing in close proximity and she was feeling bombarded by affordable housing projects.

Rosemary Olsen, a resident at 1430 Empire, next to the proposed property, stated that when they purchased their home they looked at all the surrounding property. They understood that something would be built on that property, but they were told that under the General Plan it would be a duplex, a tri-plex or a single family home, but a large project could not possibly be built. Now someone is trying to build something other than what they were told was allowed. Ms. Olsen noted that based on the remand from the City Council, the Planning Commission asked the developer to push the building forward. By pushing the building forward the structure and the driveway now covers the entire property. Ms. Olsen remarked that in their drawings the developer made her house look the same level as the proposed building. She stated that the elevator is built on her side and she has the burden of the elevator right at her entrance and at her master bedroom. Ms. Olsen pointed out that the drawings do not show that exhaust vents for the parking were also placed on her side of the building. Snow does not melt on the northern side in Park City and they now have a 35 foot wall at her entrance. Her roof does not stand a chance of having any snow melt. Ms. Olsen summarized that by shifting the building, she and her husband have the burden of the elevator, the exhaust, and the windows and balconies looking directly into her home. Essentially 50% of her house is burdened by this building and she has no privacy. Ms. Olsen remarked that the project is too large and it covers every inch of that property. It is a burden on the people behind in the historic structures, it is a great burden on her side, and it does not transition. Ms. Olsen felt there must be some type of due process under the remand. The neighbors should have the right to discuss this building in full as a taxpayers and homeowners.

Chair Wintzer pointed out that Ms. Olsen was exercising her right to discuss the structure by making comment during this public hearing.

Ms. Olsen argued that they should be given more time because this project will affect them for a lifetime and she was only given ten minutes to speak.

Bruce Baird pointed out that the letter he submitted from Mr. Merrill points out the historical construction dates and the type of housing for the east side of Empire before and after the master plan. Mr. Baird stated that once the Planning Commission closes the public hearing, it is a matter of due process to close it to both sides.

Ruth Meintsma, a resident at 305 Woodside spoke to the sensitivity to the historic on Woodside on the east side of 1440 Empire and she believed the improvements were monumental. Ms. Meintsma stated that the setback of 20+ feet significantly separates 1440 Empire from the historic and it also eliminates the looming wall aspect of the previous plan and opens the sky to the next story. She remarked that the snow release proposed in the original plan would have compromised the landscape that is critical to the adjoining properties. In addition, the snow release would have moved down hill with weight, compromising the historic property. Ms. Meintsma remarked that the

new floor plan with windows that overlook the historic changed the exposure to only half of the east side of the building having exposed residential activity. That half exposure is three private decks that would add warmth to the building rather than a cold wall. Ms. Meintsma felt the reduction in mass from the historic point of view was notable.

Ms. Meintsma commented on the environmental improvements of the revised plan. The flat roof and underground parking reduces much of the need for snow removal. It also helps maintain the landscaping by minimizing snow release from the roof. The flat roof also facilitates the placement of solar panels that allows the panels to be positioned to the greatest solar collection advantage. Ms. Meintsma believed that taking the parking area off of Empire benefits the community. This is a transitional area and revising the plan at a huge effort and cost to the developer shows that the process works.

Chair Wintzer closed the public hearing.

Commissioner Savage stated that from what he read in reviewing the application and the response to the remand, the applicant came back with a revised plan that addresses many of the constraints and issues raised by the Planning Commission. While he was empathetic to the comments and concerns of the neighbors, this application falls within the parameters of what is allowed for this piece of property. It is unfortunate that the neighbors dislike the project proposed for the site, but the property owner has the right to develop his property within certain allowances. The burden was on the neighbor to understand what could be developed prior to purchasing their home. Based on his understanding of the information provided, Commissioner Savage was inclined to move forward with approving the project as presented this evening.

Commissioner Luskin stated that the Planning Commission was presented with a number of issues this evening. He understood the reason for the last minute timing, but in looking at all the issues, he believed most, if not all, were outside of the Planning Commission purview. He pointed out that the parameters of the remand were very narrow. Commissioner Luskin was sympathetic to the testimony given this evening and the concerns expressed by the neighbors. He also complimented the applicant for doing a good job of complying with the recommendations that the Planning Commission and the City Council provided in the remand. Commissioner Luskin noted that based on the remand he could look at height, scale, mass and bulk. He was comfortable with moving forward with approval on the basis of the revisions made by the applicant. He was also comfortable with the design changes related to transition to the historic site. However, he was not prepared to say that the design changes compliment the existing historic structure.

Commissioner Luskin noted that several issues were raised and he was bothered by the General Plan/density comments. Large projects already exist in that area and when he drives through he does not sense any incompatibility. Commissioner Luskin stated that regardless of whether or not the other issues raised are credible, the Planning Commission could not address them based on the remand. He thought the efforts of the applicant should be complimented and appreciated by everyone concerned. Commissioner Luskin believed the applicant had complied with what they were asked to do.

Commissioner Hontz stated that based on the remand and her previous comments on the project, she felt the revised plan was an excellent solution. She did not support the solution by the City engineer to widen the driveway to access the garage. She believed that would be a tight corner and uncomfortable to drive, which would encourage people to pull in slower. Commissioner Hontz believed the applicant had responded to previous concerns as evidenced by the underground parking and the shadows on the historic structure. However, in light of the dramatic changes that occurred to make this work, she felt the design specific to visual compatibility with the surrounding structure on the east side of Empire did not impress her as much as she would like. She was not happy with the materials and thought it gave the structure a cold feeling. Commissioner Hontz liked the design solution in terms of responding to the remand, but she was unsure if she could find it compatible with the surrounding structures.

Commissioner Pettit agreed with Commissioner Hontz in terms of identifying the core of the dilemma. The point of the remand was to resolve the issues that were raised relating to the impacts on the historic home from this project. Commissioner Pettit agreed that the revised design solution addressed those issues. However, due to the changes and the lack of opportunity to do the analysis with the original criteria, she was conflicted on whether they could move forward with a completely different project than what was originally approved and what the City Council saw on appeal without additional analysis.

Chair Wintzer understood what the City Council said in their remand, but when the applicant comes back with an entirely different project, the Planning Commission should have the opportunity to go back and relook at the project for compatibility with the neighborhood. They also have the ability to look at the project in terms of materials and other matters that were not covered in the remand. If the applicant had only changed the back of the building the Planning Commission would have been restrained by the remand. Since a new design was presented, he agreed that the Planning Commission should take the time to review the plan and do the analysis.

Chair Wintzer thought the public had asked good questions about snow plow equipment, snow storage, and storm drainage. Those were technical questions and he would like to hear the answers. Chair Wintzer stated that he would like to know the plan and location for garbage collection, the landscaping in back, and whether a snow plow could go around the building without pushing the snow into the wrong areas. He felt the Planning Commission needed additional time to review the issues before taking action.

Commissioner Peek concurred with Chair Wintzer. He believed the revised plan mitigates the remand concerns, but the changes created new issues. He was concerned about site drainage and the exhaust fans. Commissioner Peek pointed out that the uses on the south side of 1440 Empire Avenue and on the north side of the adjacent residential use are for sleeping. He felt this was a compatible use with the adjacent property. Regarding mass and scale, Commissioner Peek identified several structures that were much larger and more massive than the building proposed. In general he found the revised project to be acceptable, but he felt the newly created impacts should be reviewed and conditioned.

Commissioner Strachan reluctantly agreed that this was a new project that required a new CUP analysis. He believed the analysis would satisfy the Planning Commission and in the end the

applicant would be glad it was done. Commissioner Strachan remarked that no applicant should go through what this applicant has gone through many times over and at a costly price. It is unfair but he felt it was the best decision.

Chair Wintzer understood that the Commissioners were leaning towards a continuance and he requested that they provide direction to the Staff and the applicant. He noted that the project should go through the CUP criteria. Based on Commissioner Hontz's comment regarding the elevations, Chair Wintzer requested that the applicant re-look at the building elevations.

Commissioner Luskin pointed out that the applicant acted on direction from the Planning Commission and revised the plan to address their concerns. He was uncomfortable requiring the applicant to go through another CUP analysis when the plan was changed at their direction. He questioned whether following the recommended direction was tantamount to a new project. In his opinion, the project may look different but the applicant was only responding to their comments.

Chair Wintzer agreed with Commissioner Luskin, however, he could not say that the plan meets all the criteria without going through the analysis because the building had changed.

Planner Sintz stated that the Staff had done the analysis on the revised design and determined that it did meet the CUP criteria. She agreed with Commissioner Luskin that the design presented this evening was not a new project, even though the massing and the architectural materials have changed. The changes were made to address comments and concerns raised by the Planning Commission and the result was a better design that mitigates the impacts. Planner Sintz stated that the Planning Commission could further condition the approval to address their concerns.

Director Eddington stated that if the Planning Commission believes there are issues relative to the two criteria in the remand, they should be specific for the applicant. If the Planning Commission needs significant analysis, that can be provided by Staff. He concurred that the project was only changed as a result of direction and recommendations by the Planning Commission and the City Council. In his opinion the project is not completely new and that the intent of the project and the layout are relatively the same. The mass and scale have changed and the building was moved forward. He advised the Planning Commission to focus on those two criteria if they require further analysis.

Commissioner Hontz stated that even though the changes were made at their direction, the end result is different and needs its own analysis. Commissioner Hontz liked the changes and she believed this was the process working.

Commissioner Strachan referred to page 149 versus page 189 of the Staff report and compared the bullet points on each page. He noted that the project looks the same on the surface but there was a significant difference in the floor to area ratio. He also pointed out a difference in the number of units and the side and rear yard setbacks. Commissioner Strachan remarked that Criteria 15-1-2 asks the Planning Commission to assess every project, including this one, for emergency vehicle access, internal vehicular and pedestrian circulation, signs and lights, control of delivery and service vehicles, etc. He did not believe the Planning Commission could honestly say that they looked at this particular project with those criteria in mind.

Commissioner Savage pointed out that the Staff had analyzed the project against the criteria and found that it complies. He trusted the Staff and had no interest in micro-managing their work. If the Staff does the analysis and says it complies, he has no reason not to trust them unless someone points out specific issues. Commissioner Strachan stated that the Planning Commission has the obligation to apply the criteria of the LMC and the CUP. They should not leave it up to the Staff. Commissioner Savage asked if Commissioner Strachan was suggesting that the Commissioners could not rely on the Staff recommendation as to whether a project is or is not compliant. Commissioner Strachan replied that the Staff only makes a recommendation and the Planning Commission has the obligation to decide for themselves. The Staff recommendation is not binding. Commissioner Peek pointed out that there have been projects in the past where the Planning Commission disagreed with the Staff recommendation. Commissioner Strachan reiterated that the job of the Planning Commission is to go through and look at the Staff analysis.

Commissioner Savage remarked that the applicants have gone above and beyond to meet the requirements from the last meeting and the primary issues of the remand have been addressed in a positive fashion. If the Commissioners have other issues they should have that discussion, but he was not in favor of opening up the project to a full CUP approval.

Commissioner Strachan pointed out that the direction from the Planning Commission was to move the building to the east, which was a suggested micro-change. However, in addition to moving the building to the east, they added underground parking, changed the floor to area ratio, changed the number of units. They did more than just respond to a micro-concern.

Chair Wintzer felt it was in the best interest of the applicant to continue this item and allow the Planning Commission time to review the information provide this evening and to allow the Staff time to respond to that information. He noted that the Planning Commission has the obligation to try to move forward in the most expedient way possible.

Assistant City Attorney McLean recommended that the analysis be limited to the changes in the design. If a part of the design remained the same as the original approval, that should not be open to analysis. The analysis should be restricted to the remand issues, as well as any design changes and how the design changes impact the criteria. Chair Wintzer believed that was fair.

Craig Elliott stated that the minutes from the last meeting indicate that he told the Planning Commission that he would have to completely redesign the project to accommodate the request to move the project to the front of the lot. He was happy to come back in a month and review the project for compliance with the CUP criteria. He was very confident that it would meet the criteria, just like all the previous designs. Mr. Elliott remarked that subjective decision about design are different and the subjective decision on the CUP is its relationship to historic projects, which is what the City Council remanded back. Mr. Elliott was confident that the subjective decision has already been met. He was not opposed to confirming that the new design meets all the requirements of the conditional use permit, but he wanted it done quickly. They are approaching the construction season and he still needed to draw up the plans and apply for a building permit. The applicant originally thought the project would be built last spring and would already be occupied.

Mr. Elliott thanked the owner of the property for allowing them to redesign the building. This is an affordable housing project and there is no room for overhead and profit or for anything to go wrong in a project. It took significant effort and resources to redesign the project.

Mr. Elliott presented a materials board for their review. Commissioner Hontz remarked that the materials board helped a lot. She still thought the colors and materials were too bland and she wanted to see something more interesting.

Planner Sintz stated that the Staff could provide the requested analysis for the December 15th meeting. Assistant City Attorney McLean clarified that the Planning Commission was not requesting a change to the project. The reason for the continuance was to get a full analysis through the CUP criteria based on changed design elements.

Commissioner Strachan noted that criteria one of the remand was that the height, scale, mass and bulk of the rear of the building shall be further modified and considered under the standard in LMC 15-1-10(E)(8). He believed the Planning Commission could give the applicant a definitive answer on whether or not that criteria has been met.

Commissioner Strachan felt the modified rear of the building complies with Criteria one of the remand. Commissioner Peek thought the revised building complies with Criteria 1 and 2 of the remand. Commissioners Hontz, Luskin, Pettit, and Savage agreed that the building complies with Criteria 1 and 2 of the remand. Commissioner Strachan found compliance with Criteria 2 as well.

Chair Wintzer summarized that the issues for the next meeting would be compliance with the CUP criteria and tweaking the architectural detail as suggested by Commissioner Hontz.

MOTION: Commissioner Peek moved to CONTINUE 1440 Empire Avenue-CUP to December 15, 2010 with the direction provided to the Staff and the applicant. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 9:40 p.m.

Approved by Planning Commission: _____

MINUTES – DECEMBER 15, 2010

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
DECEMBER 15, 2010

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Mick Savage

EX OFFICIO:

Planning Director, Thomas Eddington; Kayla Sintz, Planner; Kirsten Whetstone Planner; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING

I. ROLL CALL

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

II. PUBLIC COMMUNICATIONS

There was no comment.

III. STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planner Kayla Sintz reported that the HDDR Review for 647 Park Avenue would be discussed at the City Council work session the following evening at 4:40 p.m. The Planning Commission was invited to attend.

Planner Sintz stated that the Planning Commission had received a handout pertaining to information compiled for the General Plan, which included documented and deed restricted affordable housing within the City boundaries. One side of the handout contained the number of deed restricted units at each location. Chair Wintzer asked if these were built units or approved units. Planner Sintz replied that the units were already built, however, the information was pertinent to some of the applications being discussed.

Chair Wintzer disclosed that he owns property within a potential receiving zone of the TDRs.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

3. 1440 Empire Avenue - Conditional Use Permit
(Application PL-09-00725)

Planner Kayla Sintz reviewed the application was for a conditional use permit for a multi-use dwelling at 1440 Empire Avenue in the RC zone. On December 8, 2010, the Planning Commission

reviewed a modified design for 1440 Empire Avenue, at which time the Planning Commission requested an analysis to determine whether the modifications met the CUP criteria.

Planner Sintz reviewed the discussion points from the December 8th meeting, as outlined in the Staff report. On the first point, the Planning Commission had agreed that the new design met the City Council remand items 1 and 2. On the second point, the Planning Commission had agreed that the new project location, located at the front of the lots towards Empire Avenue, was more appropriate than previous designs for the size and location in the RC zone. On the third point, the Planning Commission had agreed that the underground parking structure was an overall enhancement to the site over previous designs. On the fourth point, which related to a recommendation by the City Engineer to increase the width of the driveway at the rear of the lot, the majority of Commissioners did not favor the width increase. The fifth point was a request to accentuate some of the architectural materials proposed.

Planner Sintz stated that on December 8th, the Planning Commission also directed the Staff to come back with a criteria review of the CUP. That analysis was included in the Staff report. Planner Sintz referred to Criteria 7 - Fencing, screening and landscaping to separate the use from adjoining uses, and requested discussion regarding adding additional landscaping for mitigation along the south property line side yard setback, between the structure and the contemporary home to the south.

Planner Sintz also request additional discussion on Criteria 8 - Building Mass, bulk and orientation, and location of buildings on the site, including orientation of buildings on the adjoining lots. She noted that the Staff report outlined some of the mitigating factors in relation to Criteria 8. Those included 1) no height exception is utilized; 2) reduced building shadowing on adjacent properties with the new proposed flat roof; 3) Increased landscape buffering; 4) sensitive placement of material of interior building elements; 5) No exterior storage closets proposed on south facade decks; 6) Building placement increasing side yard setback. Planner Sintz indicated the point of the minimum side yard setback at 10 feet and noted that the setback increases along the south building elevation because the building is not placed square on the lot. The setback goes from 16.5 to 15 feet at different locations.

Planner Sintz referred to Criteria 11 - Physical design and compatibility with surrounding structures in mass, scale, style, design and architectural detailing. She stated that the Staff found compliance with LMC 15-5 - Architectural review, as well as with a multiple variety of architectural styles found in the RC zone.

Planner Sintz referred to Criteria 15 - Within and adjoining the site, impacts on Environmentally Sensitive Lands, slope retention and appropriateness of the proposed structure to the topography of the site. She noted that the property is not within the Sensitive Lands Overlay, however, there has been discussion and public input was given in regards to storm water management. The Staff spoke with the City Engineer regarding this issue and the City Engineer did not see significant challenges in terms of storm water management. He believed the project could adequately meet the concerns typical in that area. In response to public input, the Staff recommended adding Conditions of Approval #3 and #12. Condition #3 requires a site drainage plan, which is normally required by the City Engineer. Condition #12 requires that the architect submit a drawing showing

compliance with the retaining walls. The condition indicates that site retaining walls are measured from Final Grade.

Craig Elliott and Steve Bremmer, representing the applicant, reviewed the revised site plan and the modifications that were made in response to recommendations at the last meeting. Mr. Elliott indicated how the retaining area was revised to create a planting buffer in between the rock and the retaining wall. To address concerns regarding snow plows, he pointed out that a wooden guard was added to keep snow from being pushed over the edge. Mr. Elliott explained how the sidewalks were revised on the front in response to the discussion regarding access. A terrace area was created in the front of the building as a gathering space at the entrance.

Mr. Elliott noted that part of the discussion at the last meeting related to changing the architectural character to create a better structure. He noted that the canopy was extended out to accentuate the entry point. He reviewed the elevations to show how more detail was added to the windows and the timber elements were brought through the rest of the building. He indicated how the materials for the trim, the window patterns, and the cornice tie in together. The intent was to blend materials with the pallet that exists on the street. They used warmer tones to improve the appearance of the structure. Mr. Elliott clarified that the materials were the same, but the colors were different.

Chair Wintzer opened the public hearing.

Bruce Baird, representing the neighbors, stated that they had not had enough time to respond to the proposed changes and only received the plans that day. He disagreed with the Staff's comment that the original plans were compliant with the LMC and believed that was evident in the changes that were made. As an example, the retaining wall was changed, but only because he had previously pointed out that the plans did not comply with the Code identified on the front page of the plans. Mr. Baird believed that consideration of these plans today would be premature and arbitrary and capricious for several reasons. He referred to Criteria #15 and asked how the Planning Commission could be certain that if approved, there would be 100% retention for the hardscaped, non-roof surface. He stated that 100% for historical flows can be a massive volume when talking about the amount of snow that could fall in this area. Fixing those issues may require changes in design and materials and may require an increase in specs. Mr. Baird believed that minor fixes to the architecture were still not compliant with Criteria 8 and 11. He remarked that the landscaping would not sufficiently stop the visual impacts of the decks. Mr. Baird stated that compliance with the General Plan is the most important finding the Planning Commission must make before issuing a conditional use permit. He noted that the General Plan recognizes high density on the west. The General Plan recognizes that it is not sustainable to move that high of density all the way down the hillside. That is why the General Plan specifically makes the east side of Empire Avenue low density, residential and transitional. He stated that he and the neighbors continue to believe that a project that packs every unit possible on to the site is not low density. He explained why he did not believe it was possible for the Planning Commission to make that finding. For those reasons he request additional time to consider other issues that may have been missed and to respond to the changes presented at this meeting. Without the necessary time for further consideration, Mr. Baird requested that the Planning Commission reject this CUP application because it does not comply with Criteria 8, 11, 7 and 15, and it does not comply with the General Plan.

David Olsen, a resident at 1430 Empire Avenue, pointed out that no balconies were proposed on the original design. The balconies shown in the revised design do not have storage units and he assumed the two-bedroom units would have no storage at all. Therefore, the outside balconies would be used for storage, which presents another problem in addition to privacy issues. Mr. Olsen pointed out that the visual impacts could not be mitigated with the landscaping because the impacts go up three floors. Trees have no leaves in the winter and it would take at least ten years before the trees would grow tall enough. Mr. Olsen concurred with Mr. Baird's comments. He requested that the Planning Commission require the applicant to put the balcony space inside and use it as storage space for the units. The balconies were not necessary in the earlier design and they are not necessary now. Mr. Olsen stated that the balconies look directly into his windows and he would appreciate any relief to allow he and his wife some privacy.

Diane Newland, a resident at 1455 Woodside Avenue, directly below the project, stated that she is not a developer and she knows nothing about architecture or buildings. However, she knows that Park City is trying to instill a better look to the overall community and keep the Old Town concept. Ms. Newland remarked that the building proposed is an ugly, square building that has no character and looks like an old building from the 1970's and 1980's. She thought the General Plan specified that the City wanted to get away from those types of buildings. Ms. Newland noted that Mr. Elliott had not mentioned lighting and a drainage plan. She requested that the Planning Commission postpone taking action this evening since two of the Commissioners were absent, and Mr. Margolis was unable to attend to make comment. A postponement would also allow the neighbors to look at the plan in more depth and to obtain additional input from the community. Ms. Newland understood that the old fire station on Park Avenue was intended as affordable housing, but the plan was turned down due to an outcry from the neighbors. She asked if this was correct.

Planner Sintz replied that it was not an affordable proposal and the project has not been discussed. A formal application has not been submitted.

Ms. Newland stated that if affordable housing is proposed at the Fire Station, that would be in addition to affordable housing proposed on Park Avenue, across the street from her house. With the Deer Valley employee housing above her home, this project would make the fourth affordable housing project within a small area. She felt the Planning Commission needed to consider this component. This project is not being proposed as affordable housing, but she understood that the developer could come back at a later time and request affordable housing. She was confused as to whether or not this project is affordable housing and she gets conflicting answers whenever she asks the question. Ms. Newland requested that someone make that distinction to clarify what this project is and what it can be in the future.

Chair Wintzer closed the public hearing.

Chair Wintzer understood that they were affordable housing units, but not deed restricted. Planner Sintz replied that this was correct. The units are attainable rental housing. In the future the deed restriction could be changed, which would then make them affordable housing. Currently the units are rental affordable housing. Planner Sintz stated that this was addressed in Condition of Approval #10.

Chair Wintzer asked Mr. Elliott to address storm drainage retention. Mr. Elliott stated that the process is typical through the Building Department and requires a civil engineer to quantify storage run off. Mr. Elliott noted that the site has been used for snow storage and it handled a significant amount of snow in recent winters. With development, there will be less snow on that property that what has occurred in the past.

Mr. Elliott stated that the previous retaining did meet the criteria. They are continually trying to make it a better project and that was the objective when they stepped the retaining wall.

Ms. Newland requested an answer on the concentration of affordable housing within close proximity of her home.

Chair Wintzer re-opened the public hearing to allow Ms. Newland the opportunity to clarify her question.

Ms. Newland understood that there was not supposed to be a concentration of affordable housing in one area.

Director Eddington presented a map showing that there was very little affordable housing in that area. She indicated the clustering of orange dots and pointed out the areas that had the least amount of deed-restricted affordable housing. He clarified that there is a difference between deed restricted units and units that are priced at an affordable rate. Based on the map, Chair Wintzer could only see eight deed-restricted units in that area. Planner Sintz replied that this was correct. There is only one deed-restricted project within that area.

Ms. Newland pressed for an answer and clarified that she was extremely concerned because she lives directly below this project. She reiterated her concern that there could potentially be four affordable projects in her area.

Chair Wintzer asked Director Eddington if the General Plan addressed concentration of affordable housing. Director Eddington stated that the City tries to disperse affordable housing throughout the community. However, he did not believe the City's deed-restricted affordable housing has been concentrated in any one place. He thought Ms. Newland might be referring to private housing.

Ms. Newland agreed that the affordable housing projects she referenced were not City projects. She believed they were developers trying to place affordable housing in that location to offset their obligation in a large project. She asked if this developer could come back and offset this project. Planner Sintz answered yes and reiterated that the process was addressed as a Condition of Approval. Director Eddington explained that private developers could have provided housing that in area, but it is not deed-restricted housing and it is not required to meet the City ordinance for affordable housing. Director Eddington offered to provide Ms. Newland with a copy of the affordable housing ordinance.

Chair Wintzer closed the public hearing.

Planner Sintz reported on an email she received from Rick Margolis and noted that all the Commissioners had received a hard copy.

Planner Sintz referred to the comment that lighting had not been addressed and noted that Condition of Approval #11 was added to address lighting. In addition, moving the parking underneath the building significantly reduces the exterior light requirements.

Commissioner Hontz understood that a plan addressing pre-development flows is required by State law, and she questioned why it was included as a condition of approval. Planner Sintz replied that the condition was an effort to respond to public input by clarifying the process. Commissioner Hontz wanted to know the process if the project is designed and for whatever reason it cannot accommodate pre-development flows. Planner Sintz stated that it would need to be an extenuating circumstance to supercede any possible engineering scenario. She could not recall a time when that situation ever occurred.

Mr. Elliott stated that he has done a lot of detention work and there are many ways to deal with specific situations. If one solution does not work they can find another solution. Mr. Elliott stated that in this project they are splitting the flows. The building will be designed to be detained to the front face as requested by the City Engineer, and the surface lot that is not under the building will be detained in the rear.

Commissioner Hontz wanted to know what would happen if a solution could not be found and some part of the design needed to be changed. Just because it has not happened yet, does not mean it could not happen. Planner Sintz was unsure if there was an established process and offered to add a condition to address Commissioner Hontz concern if the design is changed.

Commissioner Savage asked if there were issues related to the application specifically pertaining to comments about the decks interfering with privacy. He asked if there was any question about the compliance of this application with respect to that issue. Planner Sintz stated that nothing in the Code would address that issue. She remarked that the building siting and its relationship to the different building elements occurring in other areas of the structure is the reason why the Staff recommended adding additional landscape buffering. She thought the project architect did a good job explaining the interior building elements, why the decks were placed where they were, a description of how the building works as a whole, and how they tried to mitigate the impacts with the adjacent property. She found that his explanation was accurate and acceptable.

Mr. Elliott referred to public comment regarding storage and pointed out that every unit has storage associated with it.

MOTION: Commissioner Savage moved to APPROVE the conditional use permit for 1440 Empire Avenue pursuant to the remand and in according with the Findings of Fact, Conclusions of Law and Conditions of Approval incorporated in the Staff report. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 1440 Empire Avenue

1. The subject property is at 1440 Empire Avenue, Park City, Utah.

2. The subject property was approved as 1440 Empire Avenue Replat by City Council on February 25, 2010, but has yet to be recorded.
3. The subject property is 12,882.62 square feet or 0.295 acres.
4. The property is located in the Recreation Commercial (RC) District.
5. A Multi-unit Dwelling is permitted under a Conditional Use Permit within the RC zone.
6. A parking area or structure with 5 or more spaces is permitted under a Conditional Use Permit within the RC zone.
7. The Planning Commission approved a Conditional Use Permit (CUP) for a Multi-Unit Dwelling and a Parking Area of Structure with 5 or more spaces at this location on December 9, 2009, which contained eight (8) two-bedroom units and two (2) four-bedroom units, with surface parking occurring towards the front of the parcel off of Empire Avenue.
8. The CUP was appealed by adjacent owners David and Rosemary Olsen, Rick Margolis, and Dianne and Bill Newland on December 21, 2009.
9. On February 25, 2010 the Cit Council heard the appeal. In part, remanding it back to the Planning Commission for further review of just these two items: (1) the height, scale, mass and bulk of the rear of the building shall be further modified and considered under the standard in LMC 15-1-10(E)(8); and (2) further design changes with consideration for ensuring that the proposed development transitions to and complements the existing historic structure to the east shall be reviewed and/or further conditioned.
10. On March 4, 2010 the City Council ratified the Remand.
11. On May 12, 2010 the applicant's attended a work session with the Planning Commission which proposed changes to the rear facade, modifying roof forms, height and materials.
12. On September 10, 2010 the applicant submitted modified CUP drawings for a Multi-Unit Dwelling. The drawings were supplemented on September 16, 2010 and December 1, 2020. (Hereinafter, December 1, 2010 design).
13. The December 1, 2010 design has moved the building away from the historic property on Woodside Avenue an additional 20'-6" from the rear setback, locating it closer to Empire Avenue and placing it at the front yard setback. Such modifications to building site placement and building height reduction addressed remand items 1 and 2.
14. The current design dated December 1, 2010 meets the February 25, 2010 City Council Remand items 1 and 2 as referenced in Finding of Fact #9 and #13.

15. The site allows a Floor Area Ratio (FAR) of 1.0 totaling 12, 882.62 square feet. The proposed project complies with the FAR and is 12,874 square feet. Underground parking garages are not calculated in the FAR.
16. The Multi-Unit Dwelling contains 4 total stories, 3 stories above ground and a parking garage below grade.
17. The proposed project contains (9) units; (6) two-bedroom units and (3) four-bedroom units.
18. The Multi-Unit Dwelling is required to have twelve (12) parking spaces. 12 spaces are provided in an underground parking garage. A parking area of five (5) or more parking spaces is a Conditional Use in the Recreation Commercial (RC) District. Parking is proposed in an underground parking garage.
19. The proposed design has been reviewed against and meets LMC 15-5 Architectural Review. The proposed design is compatible with the variety of architectural styles found in the RC zone.
20. Conditional Use Permit review criteria #1 Size and location of the site; criteria #2 Traffic considerations; criteria Utility capacity; criteria #6 Internal vehicular and pedestrian circulation system; criteria #9 Usable Open Space; criteria #12 Noise, vibration, odors, steam, or other mechanical factors that might affect people and property off-site; criteria #13 Control of delivery and service vehicles, loading and unloading zones, and screening of trash pickup areas; criteria #14 Expected ownership and management of the project; criteria #15 Environmentally sensitive lands, slope retention, and appropriateness of the structure to the topography of the site; are unchanged from original approval or cause no measurable change and have no unmitigated impacts.
21. Conditional Use Permit review criteria #4 Emergency vehicle access; is improved by the new design allowing direct access to three sides of the structure. Emergency vehicles will access the site directly from Empire Avenue or through driveway on north and east of proposed building.
22. Conditional Use Permit review criteria #5 Location and amount of off street parking; improved by the new design and mitigated through 12 parking spaces in underground parking garage and driveway to north of property.
23. Conditional Use Permit review criteria #7 Fencing, screening and landscaping to separate the use from adjoining uses has been mitigated by landscaping on all sides of the property, with intensive landscaping at the east parking drive setback adjacent to the historic property and south property side yard setback adjacent to contemporary single family home.
24. Conditional Use Permit review criteria #8 Building mass, bulk and orientation and the location of buildings on the site; including orientation to buildings on adjoining lots has been mitigated with a reduction in height from the previous design in not utilizing height

exceptions, reduced building shadowing on adjacent properties, increased landscape buffering, placement of interior and exterior building uses, reduction of decks on south building facade, elimination of exterior storage closets on south building facade decks, building placement tapering side yard setback along south building face.

25. Conditional Use Permit review criteria #10 has no unmitigated impacts. The new design of an underground parking garage has eliminated the surface parking area's lighting requirements previously required.
26. Conditional Use Permit review criteria #11 Physical design and compatibility with surrounding structures in mass, scale, style, design and architectural detailing; meets LMC 15-5 Architectural Review and is compatible with the variety of structure styles and sizes found in the RC zone.
27. The Findings in the Analysis section of this report are incorporated herein.

Conclusions of Law - 1440 Empire Avenue

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

Conditions of Approval - 1440 Empire Avenue

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Measures to protect existing vegetation shall be included in the Construction Mitigation Plan (CMP).
3. A Site Drainage Plan will be submitted prior to building permit issuance for City Engineer Approval. Such Site Drainage Plan will include (1) roof run-off to go to a detention pond that discharges out to Empire Avenue (2) the drive and garage drainage will go to a retention basin that does not discharge off site (3) Post discharge will be equal to or less than pre-development discharge.

4. City Engineer review and approval of all appropriate grading, utility installation and public improvements for compliance with City standard, to include driveway and parking garage layout is a condition precedent to building permit issuance. A shoring plan is required prior to excavation.
5. A landscape plan is required with the building permit. Changes to an approved plan must be reviewed and approved prior to landscape installation.
6. This approval will expire on December 15, 2011 if a building permit has not been issued.
7. Recordation of 1440 Empire Avenue Replat is required prior to building permit issuance.
8. Modified 13-D fire sprinkler system will be required.
9. Any significant modification of approved unit layout as shown on drawings date stamped September 10, 2010, September 19, 2010 and December 1, 2010, which changes bedroom configuration or unit size, requiring modification to required parking, will require amendment to Conditional Use Permit.
10. If the Multi-Unit Dwelling is used to fulfill a future affordable housing obligation, then the project must meet the deed restriction and requirements of the Affordable Housing resolution in effect at the time of the obligation.
11. All driveway lighting must be zero cut-off at property line and shall not exceed the minimum lighting level required by the Building Code. All lighting must meet the Lighting Ordinance and be downward directed and shielded. Light fixture cut sheets shall be reviewed by the Planning Department for approval prior to installation.
12. Retaining walls in the rear yard setback shall not exceed six feet (6') in height measured from Final Grade per LMC 15-4-2. Applicant shall submit a modified Site Plan sheet CUP-001 reflecting such change prior to building permit issuance.
2. Land Management Code - Consideration of an additional chapter titled Chapter 2.24 Transfer of Development Rights Overlay Zone
(Application #PL-10-01104)

Planner Katie Cattan requested discussion from the Planning Commission on a proposal to add a section to the LMC regarding Transfer of Development Rights (TDR). She referred to the zoning map and indicated the Treasure Hill lots, the Alice Claim area and the Ridge Avenue lots as sending areas. Bonanza Park as the only receiving overlay zone proposed. The Staff had drafted an ordinance for consideration, understanding that the ordinance could change in the future to amend the zoning map and include additional sending and receiving areas.

Planner Cattan requested input on two main questions. The first was to identify the boundaries of the receiving zone. The second was whether the Planning Commission was comfortable with

sending up to one million square feet to the receiving area. She presented a sketch up document of the Bonanza Park receiving zone showing 100 foot setbacks for the Frontage Protection Zone, 20 foot setbacks for front yards, and 10 foot setbacks for side and rear yards. She noted that it did not show the 30% open space. Planner Cattan stated that including the 30% open space the total square footage at complete buildout of the area would be approximately 4 million square feet. Planner Cattan remarked that she had not included the area near Public Works. If they were to include the portion across from Iron Horse Drive, the number would be 5.18 million square feet.

Commissioner Savage requested clarification of the numbers in terms of boundaries. Director Eddington stated that the model showed the first phases of potential re-development in Bonanza Park, which is Iron Horse and everything south. Planner Cattan clarified that the areas identified in red were areas that could be developed, which is 4.1 million square feet. She remarked that the Staff had not calculated the Snow Park area.

Commissioner Savage asked if 1.36 million represented 100% of transferable density from the three sending zones. Planner Cattan indicated the estimated sending, which was up to 512 units. For those units being 2,000 square feet each, the million square feet would be transferred to this area. Dividing 4.1 million by 3, to represent 3 stories, it would be 1.3 square feet per floor at maximum build out. She explained that it would be comparable to adding one story at maximum build out. Planner Cattan stated that it was unlikely that maximum buildout would look like the map presented.

Planner Cattan presented a map that included the area across the street from Bonanza and the area across the street from Iron Horse.

Planner Cattan requested discussion on the comfort level of sending a million square feet to the Bonanza Park area. She noted that the recommended transfer rate was 1 per 1 for the sending OT areas and 2 per 1 for Treasure Hill. Planner Cattan stated that the draft ordinance was included in the Staff report and emphasized that it was drafted for discussion purposes only. The ordinance was not a recommendation from Staff.

Chair Wintzer stated that if 5.8 million square feet could be developed in Bonanza Park now, he was uncomfortable adding an additional 25% to the overall potential plan for that area. He was also unsure whether the community was comfortable with adding extra density without fully understanding what could occur in the Bonanza Park area. Chair Wintzer was concerned that in five years they could experience the same problems in this neighborhood that they have now with Treasure Hill.

Commissioner Hontz asked if Planner Cattan had looked at the greater area near Dan's to see how the entire area from Zion's Bank to the Post Office was approved. Planner Cattan stated that she had not yet researched all the details, but that was her intention. She stated that if it was approved as an MPD, they could look into amending the MPD. Commissioner Hontz also commented on areas on the west side of Park Avenue that should be considered.

Commissioner Hontz thanked the Staff for their work and felt they were getting closer to a solution every meeting. She felt it was important to understand exactly what they are doing when identifying

sending and receiving areas, because the model does not work if units are located where everyone already has what they want. Commissioner Hontz suggested that a physical model would help with this exercise and for their General Plan discussions.

Planner Cattan asked Commissioner Hontz for more specifics. Commissioner Hontz suggested that they start with current conditions to provide a concept of what can be done right here and right now. At that point, they could probably envision two additional stories to represent three stories. Commissioner Hontz asked if the Staff had spoken with people in the sending and receiving zones to hear their thoughts. Planner Cattan stated that she had spoken with a people in the sending zones who looked forward to the process and hoped it would worked. With the exception of one email, she had not heard feedback from people in the receiving zones. Commissioner Hontz understood that feelings could change by the end of the process, but she hoped that people inside the receiving zone would at least consider the option at this point.

Commissioner Hontz was interested in seeing the boundaries enlarged, particularly if there is an opportunity for re-development in some of the areas along Highway 224, Park Avenue, and Empire that need to be enhanced. She suggested Park Avenue up to Miners Hospital and areas between Park Avenue and Empire. She was not opposed to looking at enlarging the boundaries to Prospector. Commissioner Hontz reiterated the importance of knowing what they have before identifying specific boundaries.

Commissioner Peek liked the idea of expanding the receiving zone based on the topography. He suggested that Prospector, with the stepping up of the Rail Trail and the hillside beyond, may be an appropriate area for more density. Based on what currently exists, he was interested in knowing what could be done. Commissioner Peek also wanted to see a transition of transferred density stepping down to the other zones beyond Prospector as a residential zone. He did not believe excessive height was appropriate. Commissioner Peek favored upper Old Town and similar areas as sending zones because it is beneficial to transfer density where infrastructure exists or is easily installed. He was unsure about Treasure Hill. He thought it would be helpful to see graphics that demonstrate the type of density and to know whether the buyers and sellers of those rights can make the deal.

Commissioner Luskin wanted to know what is currently in the receiving zones and he needed more than a two-dimensional picture to understand what exists. He felt it would be helpful to have a three-dimensional model of what exists now to see where they can go from there. Commissioner Luskin was comfortable with the sending zones because he already knows what they look like.

Commissioner Peek stated that it would be important to understand how diluted the 1 million square feet of transferred density would be if the boundaries were changed to include Prospector and Dan's.

Commissioner Savage stated that TDR is an important decision and worthy of deep consideration. He felt the Planning Commission was in the situation of having to push for a decision prior to a deadline, without the opportunity for an in-depth review of the implications. Commissioner Savage asked if it was possible to talk about the minimum requirements for this ordinance to meet the

deadline, and then work from that to categorize the decisions necessary to establish the ordinance. Personally he had concerns with putting in place the opportunity for a huge transfer of density to take place between Treasure Mountain and Bonanza Park. While there is a tremendous sense of desire to move the density off of Treasure Mountain, he did not see the appetite for pulling density into Bonanza Park above and beyond what is already there. Commissioner Savage did not believe the economics could work in their favor unless there was a holding place for those development rights on an interim basis. His willingness to support the TDRs was predicated on the idea of talking about the minimum acceptable obligations, as opposed to quickly instilling a mechanism to solve a current situation without taking into consideration the full context of the entire community and a review of the General Plan.

Chair Wintzer commented on various scenarios where the mountain views would be lost if density is transferred to certain areas. He was concerned about losing Park City's identity by spreading density. He believed this was an important General Plan question to protect the view corridors. Chair Wintzer pointed out that the community knows the impacts of tourist related uses in town, but they do not know the traffic impacts of new, big commercial. He was concerned about creating additional city-wide traffic impacts by moving density. Before the Planning Commission talks about putting density anywhere, they need to understand the impacts. Chair Wintzer referred to the General Plan items he handed out at the last meeting, and noted that the issues have been discussed over years of re-writing the General Plan. He worried about losing some of those General Plan items by moving too quickly on the TDRs. Chair Wintzer agreed that TDR is an important tool, but he also agreed with Commissioner Peek that if they bring too much density into one area it might lose its importance. Chair Wintzer felt that sending and receiving zones needed more study before they could decide whether the impacts would meet the General Plan and other requirements.

Planner Cattan stated that if the Planning Commission wanted the tool on the table but they were not comfortable with the numbers, they could start with a smaller number. She noted that PCMR and Deer Valley were taken off the table because they are MPDs. She agreed that the issue right now was more about getting the tool on the table.

Chair Wintzer suggested that the Staff could start with a smaller model. He noted that the 1996 General Plan talks about having a TDR in process. Chair Wintzer felt the City was to blame for not working on TDRs over the past ten years. He did not think they should quickly make a decision now without thinking it through. It runs the risk of creating the same problems they have now in a different location.

Planner Cattan stated that the Planning Commission could put caps on a master plan of how much density can be sent from a sending zone.

Chair Wintzer reiterated that a physical model is an important tool that the Commissioners need to see. With their low level of expertise, it needs to be a three-dimensional model. Planner Sintz understood from the comments that if the Staff did a computer model, they would need to include enough adjacent areas to understand the scale differences. Also, if they document the existing building heights in the zone, they should include layers showing the existing heights,

what the current zone would allow, and an additional layer to show what an increase would look like. Chair Wintzer noted that the Staff could accomplish the same thing with a physical model by adding cubes to one floor height. Planner Sintz pointed out that if they wanted to manipulate it, a computer model may be easier. She did not disagree that a physical model is a great tool.

Commissioner Luskin was comfortable with either model as long as it could be used and modified. Commissioner Luskin remarked that TDRs are not unfettered development rights and they would still have control over what it looks like. He believed they were heading in the right direction and assumed there were more areas to explore. Commissioner Luskin suggested that the City work with the County to possibly use County areas as receiving zones.

Commissioner Savage noted that there was a proponent in the City who was anxious to push the TDR. While he was comfortable with the idea of TDRs, Commissioner Savage stressed the importance for the Planning Commission to understand all the issues from the standpoint of both developers and those on the other side of the equation, particularly regarding the negative attributes of TDRs. He noted that page 15 of the Staff report states that, "TDRs can be utilized to protect these challenging areas and direct development to more appropriate sites". He wanted to understand the degree to which TDRs become a tool that the City can use to direct development.

Director Eddington clarified that it is not a tool that the City necessarily uses. It is a tool that could be used by a willing buyer and seller. The properties they are looking at are privately owned and have private development rights. This tool allows them to consider transferring some of their densities to an area that the Planning Commission and the City Council believe might be a better location for development. Director Eddington pointed out that the City does not own property rights. Commissioner Savage felt the matter was loaded with explosive potential and he wanted to make sure they were not setting up the City for future problems. Clarity is important and he did not believe there was clarity at this point.

Commissioner Peek commented on something he heard in the media regarding resistance to Summit County's TDR ordinance. Planner Cattan offered to provide the Commissioners with copies of a report that came out from the legislature the day before. The report talks about different TDRs that have been set up for Utah. The main element is that a TDR needs to be set up before it can work. Director Eddington clarified that the County did not have explicitly defined receiving and sending zones. He noted that currently the County does not have a TDR ordinance.

Planner Sintz reported that a legislative audit committee was assigned and she had attended to hear that discussion. It was a review recommending that the committee responsible for oversight look at more administrative review criteria. Summit County was used as a poor example because they lacked defined terms and values were not pre-established. They also looked at West Valley, Weber County and two other communities as good examples because they had clear criteria. Planner Sintz understood that the committee was recommending a possible modification to require that jurisdictions using this type of TDR have more refined measures.

Commissioner Peek asked if the opportunity for the City to get involved and possibly expedite or favor one transfer versus another would be discouraged. Planner Cattano understood that the intent is to have more transparency in the process so the expectations are clear.

Assistant City Attorney McLean had not read the full report, however, she believed that what the Staff was proposing in the draft ordinance would meet the recommendations of the audit in terms of predictability, placing a conservation easements, and clearly defining sending and receiving zones. She explained that Summit County did not call their process a TDR. They instead used the term SPA, which are special planning areas, and within that they allowed density bonuses. The County negotiated transfers on a case by case basis, which led to a number of complaints and feelings of unpredictability for both the community and the developers. That practice led to the audit. Ms. McLean was comfortable saying that the way the proposed City ordinance was drafted is consistent with the process suggested by the audit.

Chair Wintzer opened the public hearing.

Mike Sweeney, a partner on the Treasure Hill project, stated that when the Treasure project was approved, it was approved based on the fact that they had the Town Lift coming down. At that time an agreement between the Huntsman's, the Sweeney's and the Park City Mountain Resort created the Town Lift. In that agreement, whatever density was on the hillside was required to serve the Town Lift and the base of the Park City Mountain Resort. Mr. Sweeney pointed out that if the density is moved off the Treasure Hill site, it would negatively affect PCMR and it would impact the agreements they personally have with PCMR and with Huntsman, the previous landowner. Mr. Sweeney remarked that this agreement was how they were able to create Lower Main Street from Heber down. It started in 1981 and was amended many times until the City approved the Town Lift. Mr. Sweeney stated that PCMR does not want to see the density moved off of their property because it would take business and money away from the Resort.

Mr. Sweeney commented on Main Street as a potential receiving zone, since it has the ability to accept some of that density. The current density he would like to see on Main Street is hot pillows and hot beds. Providing ways for tourists to stay on Main Street augments a better economic engine for Park City. He was not interested in residential or secondary homes. It is all about people spending money on Main Street.

Jason Gyllenskog stated that he is involved in development projects on Ridge Avenue. He felt the Bonanza Park area was too limited for a receiving zone. He preferred to see the receiving zones expanded and increased in number.

Chair Wintzer asked if Mr. Gyllenskog had suggestions for receiving zones that have not been discussed.

Mr. Gyllenskog replied that he had not taken the time to identify specific receiving zones. However, at the last meeting two other receiving zones were mentioned. He believed the system would be more viable with more receiving zones. At this point they are limiting that viability with only one receiving zone.

Harry Reed thought the comments made by the Commissioners made sense, particularly Chair Wintzer's comment about fixing a problem in one area and creating a future problem in another area. Mr. Reed also agreed with Mike Sweeney, that if they lose density on the Treasure Mountain project, it would be nice to re-create it in other places on Main Street to help keep Main Street healthy. Mr. Reed suggested that Deer Valley be considered as a receiving zone because they have the area to spread the density.

Michael Barille, stated that he was the Summit County Planning Director during the time when some of the audit subjects were in place. He offered to share his experience to help the City learn from both the good and the bad experiences that occurred in the County. Mr. Barille thought the Staff had done a good job with the direction they were taking. He encouraged the City to start with bite-sizes chunks and then slowly expand to other areas. They have willing participants, which is a benefit, and he thought TDR is a good tool for both the City and the developers. Mr. Barille understood that the City was only trying to create a pending ordinance, without necessarily having an ordinance in effect. He felt it was important to keep that in perspective. Mr. Barille remarked that the issues are difficult, and they should try to avoid paralysis through analysis. They will not be able to make good or bad decisions without trying something that allows the private sector the opportunity to participate. Once they get started, he encouraged the Commissioners to go back and tweak parts of the ordinance as appropriate. Mr. Barille was happy that the Planning Commission was thinking critically about sending areas in terms of preservation value, view sheds, conservation value, etc. If they want the ordinance to be used, they also need to look at it from the viewpoint of the private sector developer. Mr. Barille referred to the analysis and the amount of density that could go into the Bonanza Park area. He was unclear whether that was based on a one to one transfer or whether it took into account the recommendation for a two to one transfer. If they are analyzing a potential receiving zone and it is not a one to one transfer, they would obviously end up with more density than they would otherwise. Mr. Barille volunteered his time to help with this process when appropriate.

Chair Wintzer asked if the model was based on a one to one or two to one transfer. Planner Cattan replied that it was one to one for Old Town and two to one other areas. The overall one million was based on two to one transfer.

Neal Krasnick, replied that when something happens in one part of town it affects what happens in other parts of town. He believed the Planning Commission had a conundrum in trying to satisfy the problem with transferring density rights. Mr. Krasnick stated that Park City is fine the way it is and he could not understand why they need to make changes. He asked if the density or the commercial is so bad that Park City is failing. He believed the Planning Commission was only talking about this because someone has requested this change. He could not understand why it was even being considered.

Mary Wintzer, a property owner in the Iron Horse District, commended the Planning Commission for taking on this large issue, which she believed was driven by the community's fear of the Sweeney project. Ms. Wintzer concurred with Commissioner Savage regarding the need for clarity. She believed that height and view corridors are extremely important and it would be sad if they created

another problem in the middle of town. Ms. Wintzer recalled that the City spent \$60,000 on Visioning where the people said overwhelming that they wanted a small town feel. Ms. Wintzer thanked the Planning Commission for taking their time and for not rushing into a decision. She urged them to add as many protections as possible and to align them with the General Plan. If they do not have those protections, people will push the envelope and things could slip through the cracks during the actual building process. Ms. Wintzer believed that taking adequate time now would create a much better picture down the road.

Chair Wintzer closed the public hearing.

Planner Cattan heard interest from Commissioner Hontz to look at the Park Avenue condominiums. Commissioner Hontz clarified that her reference to Park Avenue was based on her desire to re-visit other potential receiving zones. She understood the intent to simplify the process at this point for the sake of establishing a pending ordinance. Once the pending ordinance is established, the Planning Commission can work on the details to make sure they have appropriately studied sending and receiving zones. That would include considering Main Street as a receiving zone, as well as Park City Heights, Park City Mountain Resort, and Deer Valley Snow Park. If they re-draw the lines of Bonanza Park and include across the street on the other side of Park Avenue, that particular zone would need to be handled completely different. Commissioner Hontz stated that personally she did not believe the lines drawn worked right now, even as a starting point. She felt it was important to re-draw the lines now and add another receiving zone.

Planner Cattan re-drew the lines to extend across Iron Horse, across Bonanza and Park Avenue. She offered to include additional development areas for the next meeting. She agreed with Commissioner Hontz's comments about development being different for Park Avenue.

Commissioner Peek commented on potential condominium projects that would be lost with the proposed plan. The density is good and the projects are ripe for redevelopment within a couple of decades. However, the question is whether they want something new and more compact in those areas. He suggested that a development similar to Hotel Park City adjacent structures would be appropriate.

Director Eddington believed that the commercial development at Snow Creek was an MPD and they would need to re-open the MPD look at the parameters set by the Planning Commission at that time. He stated that one reason for initially looking at Bonanza Park was to create critical mass and potential pedestrian streets. In addition, the area has potential for re-development. Director Eddington noted that the Planning Commission has started to address transportation issues and other matters beyond a more comprehensive standpoint. The Staff was looking from the old General Plan that talked about TDRs, as well as opportunities for creating critical mass that could potentially support alternative transportation modes that may connect that area to PCMR, Deer Valley and possibly the Park and Ride. That was how the Staff initially started to look at the Bonanza Park area. He was cautious about losing sight of those reasons. However, he agreed that it was worth looking at Snow Creek and some of the surrounding areas. He clarified that the proposed areas were only suggestions by Staff as potential redevelopment areas. They were not

opposed to considering other areas if the Planning Commission was not comfortable with their suggestions.

Director Eddington stated that the Staff would look at other areas and bring back the modeling. The Planning Commission could move forward from that point.

Commissioner Savage asked if there was a way the Staff could identify potential receiving zone areas that have the desire to be a receiving zone. Director Eddington noted that the Staff presented some of those areas at the last meeting and the Planning Commission requested that they keep it more simplified. Commissioner Savage clarified that his question was asking whether Snow Park or PCMR wanted the density. From the comments he has heard, he believes that Bonanza Park does not want the density and they are not economically motivated to obtain more density than what they are entitled to. For that reason, Commissioner Savage did not think they would be solving any meaningful property issues by designating Bonanza Park as a receiving zone.

Director Eddington stated that people have expressed interest for putting the density in Bonanza Park. He reiterated that the Staff was not suggesting that it would change the market by offering TDRs. The best hope is to stimulate the market and encourage re-development in that area. Director Eddington noted that density is already vested in Snow Park and PCMR, but there has not been a demand or desire to build out that density. For that reason, he was unprepared to answer Commissioner Savage's question.

Commissioner Peek asked if there was a time limitation for a pending ordinance. Assistant City Attorney McLean remarked that the pending ordinance would not have effect because no one is vested in it. Typically, the pending ordinance doctrine is putting people on hold so they cannot develop while the ordinance is being considered, and that has a six month limit under State and City Code. Ms. McLean stated that this was not applicable in this case, because it is a zoning ordinance and no one is being stopped from doing anything they cannot do currently.

Commissioner Peek clarified that the purpose for the ordinance was to pre-empt legislature action. Ms. McLean stated that the legislative session begins the third week in January and goes through the beginning of March. In reading the audit, she felt comfortable that if the legislature further restricts TDRs based on the audit, the draft ordinance would fall under any additional legislature. However, if the legislature were to say that all new TDR programs may not exist, the City would not have the ability to use that tool if they have not passed a prior ordinance.

In terms of timeline, Ms. McLean believed the comments this evening were valid. However, the flip side to wanting more information is the legislature deadline, as well as Treasure Hill and the expiration of the MOU. The City's bonding season is June, which is another timing reality. If the Planning Commission needed significant information that would take several months to provide, she recommended that they forward a negative recommendation to the City Council and let them make the final determination.

Commissioner Savage disagreed with Ms. McLean's recommendation. He felt it was inappropriate for the Planning Commission to make a negative recommendation solely to meet a deadline. He

believed the appropriate behavior would be to make a reasoned decision and if the deadline passes during that process, they would have to live with it. He was not willing to abdicate their responsibility to the City Council as a consequence of a deadline.

Assistant City Attorney McLean clarified that if the Planning Commission needs something concrete, such as the model or a discussion on expanding receiving zones, that is positive feedback and the Staff should accommodate their request as soon as possible to help them make a decision. On the other hand, if the response is to think about the idea of TDRs for a long period of time to absorb it all, they would be denying the City Council the opportunity to move forward because they cannot take action without a recommendation from the Planning Commission.

Commissioner Savage asked if the Planning Commission needed to forward a recommendation on a particular time frame. Ms. McLean answered no. Commissioner Savage wanted it clear that if the City has an objective associated with making sure this ordinance is on the books, they need to define a minimum amount of acceptable criteria so the Planning Commission could evaluate TDRs within the context of that criteria, rather than allowing it to take on a life of its own.

Planner Cattan felt she was receiving mixed direction because she was given a list of additional areas to consider, which is contrary to direction given by Commissioner Savage. Commissioner Savage clarified that in his opinion, it is not about trying to define the best sending and receiving zones. It is trying to identify the minimum receiving and sending zones so the Planning Commission could approve a pending ordinance for the record, but that allows them the flexibility to come back after the ordinance has been established to work out details in a thoughtful fashion that is consistent with the General Plan. The intent is to establish the tool, but not to establish the privilege of any particular receiving or sending zone. He was not interested in turning over the responsibility for making that decision to the City Council. It is the job of the Planning Commission and he wants to do it effectively.

Commissioner Luskin disagreed with Commissioner Savage. He was open to having expanded receiving zones because once they have the tool, the receiving zones enter the free market theory and someone needs to be receptive to working the deal. Commissioner Luskin pointed out that the City designates the zone, but the market place creates the zone. He did not favor minimizing the receiving zones. He believed TDR is a good tool and they need several places to transfer density.

Commissioner Savage agreed with Commissioner Luskin and suggested that the Planning Commission either agree on something small as a starting point, or agree that everything is a receiving zone. He felt the question was how to reconcile those two positions.

Commissioner Luskin asked if they could create the tool without sending or receiving zones. He was told that it was not possible for the ordinance. Chair Wintzer felt that the tool without the receiving or sending zones would not resolve anything. They need to incentivize the zone to be a receiving or sending zone to encourage conversations between private individuals.

Commissioner Peek suggested that they broaden the receiving zones and increase the boundaries, and then narrow the sending zones to avoid creating huge impacts at the start. He believed there

was significant benefit for Old Town sending zones, based on the density that could occur in Old Town. That would put an active ordinance on the books and the Planning Commission could tweak it over time. Commissioner Peek was willing to proceed with a minimal ordinance specifying broad receiving zones and narrow sending zones. He pointed out that there are benefits to all sending zones. However, further study needs to be done on the impacts to the receiving zones.

Assistant City Attorney McLean asked if there was consensus by the majority of the Planning Commission for the Staff to come back with those few Old Town sending zones and to keep Bonanza Park as a receiving zone, or whether they wanted the Staff to come with a more expansive receiving zone.

Chair Wintzer noted that two Commissioners were absent this evening and he felt their comments were important. He asked if the Staff could look at expanding the receiving zones, as well as shrinking it down, and come back with an analysis on both options for the full Commission to discuss.

Planner Cattan stated that she could create more receiving areas, but if one developer takes in 50 of the units and adds an extra 100,000 square feet, the question is whether or not four stories would be acceptable and fit within the "small town feel". She pointed out that they need to begin thinking of the master plan. Currently, Bonanza Park is a wonderful area, but it is difficult in terms of moving through it. As a planner, she believed the Staff could do a good job of showing how it could work.

Chair Wintzer noted that the community has been consistent on pushing back against increasing size and mass. Before he could feel comfortable about putting significant density in any area, he would need to see what it looked like.

Planner Cattan summarized that the Staff would come back with a computer model, due to the short time frame, and she would look into extending the boundaries.

Commissioner Savage requested clarification on why an MPD is problematic as being a receiving zone. Planner Cattan explained that typically an MPD has associated development agreements and other legal documents that need to be looked at before it could be identified it as a receiving zone. She pointed out that Bonanza Park does not have an overall master plan, therefore, they are able to work with the zoning to increase the density.

MOTION: Commissioner Hontz moved to CONTINUE LMC consideration adding Chapter 2.24, Transfer of Development Rights Overlay Zone, to January 12, 2011. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

3. Land Management Code - Amendments to Chapter 1, General Provisions; Chapter 2, 16, RC Zone; Chapter 3, Off-Street Parking; Chapter 5, Architectural Review; Chapter 6, Master Planned Development; Chapter 7, Subdivision Procedure including requirements for identification of Physical Mine Hazards during Mater Planned

Development, Conditional Use Permit, and Subdivision application review; Chapter 11, Historic Preservation; Chapter 15, Definitions (Application #PL-10-01103)

Planner Whetstone reported that these amendments address the bi-annual review of the Park City Land Management Code. The objective this evening was to review the amendments, conduct a public hearing, and continue the public hearing and discussion to January 12, 2011. This would allow the Planning Commission time to read the proposed amendments before taking action. Planner Whetstone noted that the amendments address planning and zoning issues that have come up over the past six months. The amendments are primarily administrative, however, there are some significant changes proposed. As the Commissioners read through the redlined documents, she encouraged them to email any comments or questions prior to the January 12th meeting.

Planner Whetstone stated that a primary amendment was a requirement identify further design and recognize physical design hazards for MPD, CUP and subdivision applications.

Commissioner Savage requested that Planner Whetstone identify the reason why the Staff was suggesting each proposed change.

Planner Whetstone noted that the amendment came from the Legal Department because Physical Mine Hazards have never been addressed. The amendment defines a physical mine hazard and addresses mitigation during MPD, CUP and subdivision reviews.

Assistant City Attorney Polly Samuels McLean explained that the reason for the amendment is to require developers to inform the City if they know that mine hazards exist on the property. This allows the City to track the mine hazards and to make sure they are appropriately mitigated. The best way to accomplish this is through the subdivision process and the MPD process.

Commissioner Luskin asked if this could be accomplished through ordinance to address all the mine hazards collectively. He noted that Park City addresses traffic and other environmental issues in a piecemeal fashion, whereas other states have an environmental impact statement that covers all the environmental issues of concern. He asked if Park City could enact an ordinance that would apply to all projects and avoid the piecemeal approach.

Ms. McLean pointed out that the City already requires an environmental impact study for the Sensitive Lands Overlay Zone. She recalled that the MPD Section of the LMC has its own requirement for larger projects. Currently environmental impact studies are not required for small subdivisions or anything lesser than an MPD. If the Planning Commission would prefer an overall environmental impact statement, the Staff could look into it.

Planner Whetstone read the proposed change to conditional use permit review criteria 15, which states, "Within and adjoining the Site impacts on Environmentally Sensitive Lands, Physical Mines Hazards, Slope retention, and appropriateness of the proposed structures to the topography of the site." She noted that physical mines hazards was added to the language. All of the criteria are required for any CUP, including smaller projects, but they may not apply to a CUP for a bar,

restaurant or other uses within a structure. She stated that the physical mine hazard language is recommended for the Master Plan Development section and as a review criteria for larger subdivision plats.

Assistant City Attorney McLean requested that the Planning Commission provide direction on whether or not they generally favor the policy of addressing physical mine hazards. She also wanted to know if there was consensus from the Planning Commission for more specific environmental requirements for all development within the City, or whether they feel the current requirement is enough. That feedback would help the Staff provide the correct information for the next meeting.

Commissioner Luskin clarified that his idea of a hazard mitigation plan could include water or other elements. He asked if they should itemize the areas that need to be covered. Ms. McLean stated that a physical mine hazard is defined as a shaft, tunnel, portal, any opening or structure related to mining activity. She did not believe that would include water sources. Ms. McLean explained that the proposed amendment identifies a mine hazard for City knowledge and data, but it does not address mitigation. Once the hazard is identified, mitigation can be addressed at the City or State level. The intent at this point is to get an inventory of physical mine hazards. Planner Whetstone offered to provide additional review to address Commissioner Luskin's concern, however she recommended that it not become part of these amendments since this was an annual review of previously approved amendments.

Chair Wintzer clarified that the purpose of the amendment was to require property owners to identify a physical mine hazard and notify the City. Commissioner Savage thought the purpose was also to make sure there would be a mitigation plan associated with any application. Ms. McLean remarked that the proposed language relates to inventory. Planner Whetstone noted that mitigation is addressed in the MPD section in that a physical mine hazard mitigation plan is required.

Chair Wintzer felt it was important to have the inventory and he was comfortable starting with the proposed amendment. He was not opposed to discussing the ideas presented by Commissioner Luskin at some point in the future. The Commissioners concurred.

Planner Whetstone reviewed the proposed amendment to Chapter 1, Notice Requirements, and explained that the amendment clarifies the existing language. For the next meeting, she would present a review of the State Code regarding new language on alternatives to publishing notice. Planner Whetstone stated that the proposed amendment clarifies the City's current noticing process, as well as adds notification requirements for time extensions of approvals, MPDs, lot-line adjustments plats and plat amendments.

Assistant City Attorney McLean noted that currently the City requires every application to be published in the newspaper. State Code does not make that requirement and she asked if the Planning Commission would support the idea of publishing notice on the City website instead of in the newspaper.

Chair Wintzer remarked that most people read the newspaper and word spreads around. He was uncertain whether people would check the website. Planner Whetstone pointed out that many people read the newspaper online. They could put a notice in the legal section of the newspaper stating that legal notifications are now available on the Park City website. Planner Whetstone stated that the agendas would continue to be published in the newspaper.

Commissioner Peek stated that historically legal notices have been published in the newspaper and people have come expect it. He did not favor changing the policy and thought it should continue as a local courtesy.

Commissioner Hontz favored noticing electronically versus being published in the newspaper. Ms. McLean stated that E-Notify Me is a link on the website. If people sign up, they will receive an email every time there is a new posting on the website.

Commissioner Savage felt the City should continue the existing practice. He was willing to consider a transition plan, but he did not believe the current process should be discontinued without an effective transition plan. Chair Wintzer concurred and encouraged the Staff to come back next year with a proposed transition plan.

Planner Whetstone reviewed the proposed amendments for Inactive Applications in Chapter 1. She noted that parts of the Code did not correspond and the change allows the Planning Director to formally terminate an application that has been inactive for six months or longer. Planner Whetstone noted that currently one LMC section says "Planning Commission" and another section says "Planning Director". The change is recommended to correctly say, "Planning Director" in all sections. The Commissioners were comfortable with the proposed amendment.

Planner Whetstone stated that currently the Planning Commission has the ability to grant a one-year extension of a conditional use permit and MPD. The proposed amendment would allow the Planning Director the ability to grant a one year extension if the application had not changed in any way. The Planning Commission would still have the ability to grant an additional one-year extension if one is requested.

Commissioner Peek clarified that currently the window of opportunity is two years and the amendment would make it three. Ms. McLean replied that this was correct. She noted that there were two questions to the policy issue. One was whether the Planning Commission wanted to allow the Planning Director the ability to grant a one-year extension without the Planning Commission. The second part is whether the Planning Commission wanted to change the policy of extending a CUP from two years to three years.

Commissioner Luskin felt that allowing the Planning Director to grant a one-year extension would close the door on the public input process. Planner Whetstone remarked that the same noticing policy is recommended with the proposed amendment. Ms. McLean remarked that the current standard of review is quite low and the Planning Commission could say that a one-year extension is enough. However, under the current market conditions, she believed many applicants would argue

that one year was not enough. Ms. McLean pointed out that this was a policy decision for the Planning Commission to recommend.

Commissioner Savage supported the amendment because he has faith in the Planning Director to make that review. In addition, it would allow the Planning Commission time to address more important issues. Chair Wintzer commented on the Staff time involved to write up a Staff report for a one-year extension. He noted that 90% of the extensions are quick and simple and he favored a shortened process that would limit the extension requests to one.

Director Eddington clarified that Chair Wintzer was suggesting that the first extension request could be granted by the Planning Director and there would be no option for a second or third request. Planner Whetstone pointed out that the Code is currently silent on the number of allowed extension requests. That language would need to be added if the Planning Commission intended to restrict the number.

Commissioner Peek was comfortable with a one-year extension. He concurred with Commissioner Luskin about placing extension requests on the Consent Agenda to allow the opportunity for public input. Chair Wintzer reiterated that a Consent Agenda item requires a Staff report. Planner Whetstone stated that if there is public input and someone wants to appeal the Planning Director's decision, that appeal would come before the Planning Commission. Director Eddington remarked that if the Staff received public input on an extension request, the application could be sent directly to the Planning Commission. Commissioner Luskin preferred that approach. Commissioner Peek pointed out that if the Planning Director grants an extension and it is appealed, the appeal would come before the Planning Commission.

Assistant City Attorney McLean was uncomfortable leaving the language vague. She preferred to add language stating that if the decision by the Planning Director is appealed, it would be reviewed de novo and without any deference to the Planning Director. She stated that per an existing provision in the Code, if someone provides input to the Planning Director, they would have standing to appeal his decision. Staff agreed to draft additional language for the next meeting.

Planner Whetstone reviewed the proposed amendment to Chapter 2.16 relating to the RC zone. She explained that a section in the RC zone pertains to Old Town lots and the standards have always been the same as the HR-1 in terms of heights, setbacks, and lot line requirements for single family and duplex development. She pointed out that the HR-1, HR-L and HR-2 zones were previously amended, however, the RC zone still refers to height exceptions in the HR-1 zone and includes other inconsistencies. The proposed amendment would only change the RC zone section that applies to single family and duplex development to make it consistent with the recently approved HR-1 zone amendments. The Commissioners were comfortable with the amendment as proposed.

Planner Whetstone stated that the second part of the amendment in the RC zone is to allow and define an amenities club in the RC zone as an administrative conditional use permit for a membership up to one-and-a-half times of the unit equivalent. As an example, a nightly rental condominium development or a hotel with 50 unit equivalents could allow a membership amenities

club up to 75 members, as an administrative conditional use permit. Members would be allowed to use the amenities of the hotel or the nightly rental condominium. Planner Whetstone noted that this amendment was suggested because the St. Regis has a substantial spa in the hotel, as well as a restaurant and bar. When the hotel is not busy, especially during the off seasons, the amenities are still open. This amendment would allow the hotel to create an amenities club so the public could purchase a membership and use the amenities.

Chair Wintzer clarified that a new facility would not be built. The amendment would allow a change in use from private to public or public to private. Commissioner Savage understood that the amendment would allow the hotel to sell memberships to the public to use the hotel amenities. Assistant City Attorney McLean replied that the amendment would allow a new use within the Code to allow for such clubs in the RC zone. Chair Wintzer stated that it would not add additional density or size to the project. It would only change the use within the existing building. Ms. McLean replied that this was correct. Members would be using the facilities as well as the hotel guests.

Chair Wintzer noted that occasionally a project comes before the Planning Commission where they specifically prohibit attracting outside business. He asked how that would be reviewed in this process. Ms. McLean stated that this amendment would allow for the additional use of those support commercial uses. As proposed, the language includes about an administrative approval if the membership is less than 1.5 members per UE. Anything over 1.5 members per UE would go to the Planning Commission for a Conditional Use Permit. Planner Whetstone pointed out that in either case, the request would be reviewed against the same 15 criteria in Chapter 1 for Conditional Use Permits and would require public notice.

Commissioner Peek clarified that this amendment would take away the ability for the Planning Commission to place a condition of approval on a project to prohibit outside users. Chair Wintzer favored the amendment, except in instances where they place a condition of approval that prohibits attracting outside users. Ms. McLean stated that the way the Code defines support commercial allowance, it is to serve the needs of the residents or users of that Development and not person drawn from off-site. The intent of this amendment is to allow existing facilities to be used year-round, but particularly during the off-season, by a limited number of members. Ms. McLean stated that the St. Regis Hotel suggested the possibility of an Amenities Club the last time they came before the Planning Commission. The neighbors are interested in using the facilities, but because it is support commercial, it is unclear whether it can be open to the public. She believed this was an expansion of what was already granted.

Commissioner Hontz felt they needed to work on the definition and take adequate time to consider this particular amendment. She liked the concept when applied specifically to the St. Regis Hotel, but she was uncomfortable making it available to all projects. She could think of several places where a Membership Club could get out of hand and she needed additional time to think about the impacts.

Chair Wintzer suggested that it could be allowed as a conditional use permit, which would allow the Planning Commission the opportunity to review what was originally approved and to discuss traffic and other impacts. The Commissioners concurred.

Planner Whetstone clarified that this amendment would only apply in the RC zone, which is St. Regis (the upper building) and the Resort Center and Hotel Park City. Commissioner Savage understood that the St. Regis would have the benefit of a membership club but the Montage would not because of the different zoning. Ms. McLean replied that this was correct.

Assistant City Attorney McLean summarized that the Planning Commission would consider a membership amenities club as a conditional use permit. She asked if the Planning Commission wanted it limited to the RC zone. Commissioner Savage asked if there was a reason for limiting it to one zone. If the objective is to enhance the economic basis to justify full year employees, he was unsure why they should not make it available to any hotel with those facilities. Ms. McLean explained that the amendment was drafted in response to a request by the St. Regis Hotel to provide this amenity to people who want it. The Planning Commission could look at expanding beyond the RC zone. Commissioner Savage suggested that they consider it as a conditional use rather than change the Code. Ms. McLean pointed out that currently this concept of an amenities club is not a defined use within the City. She had recommended that the Staff change the Code to allow for this use because it was not contemplated in the Code. The Code currently reads that unless it is a listed use, the use is prohibited.

Commissioner Savage recommended that if they choose to allow it in the RC zone, they should allow it for any zone where similar types of facilities or businesses would be located. He did not want to preclude someone from having an advantage that someone else was given only because they are in a different zone.

Commissioner Hontz disagreed with Commissioner Savage and felt that would be opening Pandora's box. She was not comfortable with the definition as currently written and believed it left too much open to interpretation. She was not willing to expand it to other zones at this point without an in-depth analysis of why areas are specifically zoned as they are, the difference between commercial and support commercial, etc.

Ms. McLean recommended that the Planning Commission open the public hearing before further discussing the matter.

Chair Wintzer opened the public hearing.

Tom Bennett, attorney for the St. Regis developer, suggested that if the amendment for an amenities club was allowed for a hotel and not for nightly rentals, that would substantially limit the scope. That would take in the Montage, the St. Regis, Sky Lodge, Hotel Park City and other hotels where it is already being done.

Chair Wintzer agreed that it was an important distinction, but it would not quantify the situation of a project with a condition of approval that prohibits people other than guests from using the facilities. He stressed the importance of allowing the neighbors surrounding a project to have input.

Mr. Bennett remarked that the name "hotel" invites the public to the facility. For that reason he believes it is impossible to have that kind of restriction on a hotel.

Chair Wintzer pointed out that the Planning Commission has previously placed that restriction on a hotel. Commissioner Hontz noted that some of the uses are commercial uses and others are support commercial. She understood the reason for the concept, but she was concerned about potential ramifications if they include more than just the RC zone. Commissioner Hontz agreed that removing nightly rentals was a key factor and she appreciated that suggestion. Planner Whetstone concurred and offered to do additional analysis.

Mr. Bennett commented on extending the approval to a CUP. He anticipated a number of applications due to current economic conditions, and for that reason he suggested that they allow the Planning Director to review and approve amenities clubs as an administrative conditional use. He felt this would make the process easier for everyone.

Neal Krasnick, a resident of Old Town, was opposed to allowing nightly rental condominiums the ability to call a hot tub or sauna a spa and to sell memberships and create more funds for the HOA by calling it an amenities club. He did not favor the idea of every hotel in town becoming a spa so they could sell memberships. Hotels have amenities for their guests who pay to stay there and the amenities should not be for everyone in town. Mr. Krasnick believed the City could run into revenue trouble if they allow this amendment. He thought the language should be worded differently to prevent the St. Regis from drawing people from the newly re-designed Racquet Club.

Commissioner Peek commented on issues they would encounter if they expanded the amenities club memberships to other zones. He cited the Washington Inn School swimming pool as an example.

Commissioner Savage stated that if the St. Regis wants to provide membership opportunities for the community to use their facilities, that would be a benefit to the community and to the employee base. He believed the concept at that level makes a lot of sense. Commissioner Savage agreed that they need to find a way to address nightly rentals and places such as the Washington Inn School so they do not create situations where the concept is abused. He also thought they needed to find a solution that would not cause unfair treatment to operations outside of the RC zone.

Chair Wintzer felt there was consensus to re-look at this amendment to address the concerns raised by the Commissioners.

Planner Whetstone reviewed the amendment in Chapter 5 - Architectural. She noted that aluminum and vinyl siding are prohibited materials with an exemption. She noted that the Planning Department received a request from Prospector Village and Prospector Park for the ability to repair synthetic stone in areas where it already exists. Planner Whetstone clarified that the amendment would not allow synthetic stone as an allowed material, but it would have an exemption similar to aluminum and vinyl siding, where the Planning Director could allow it in certain cases.

Chair Wintzer clarified that the amendment would give permission for people to fix what is already there, but they could not expand the material to other portions of the structure. Planner Whetstone

explained that if adjacent or surrounding homes have used the synthetic stone product, a neighbor would be allowed to go to the Planning Director with a request to use the material. Chair Wintzer asked if the amendment would allow the use of synthetic stone. Planner Whetstone replied that it would only be allowed in areas where synthetic stone is the predominant material.

Director Eddington stated that currently the owner would have to come before the Planning Commission for permission to use the material. This amendment would allow the owner to go to the Planning Director first. Director Eddington remarked that there is an existing exception for Park Meadow, Prospector Village and Prospector Park. Beyond that, there are very few areas where synthetic stone would be allowed.

Chair Wintzer was not opposed to the amendment as long as they were not increasing the use of the material overall. Director Eddington explained that the same criteria would apply. If it is not a recognized material in a close proximity in the neighborhood, it would not be allowed. The Commissioners were comfortable with this amendment.

Planner Whetstone stated that the next amendment would clarify design requirements for solar panels and skylights.

Chair Wintzer reported that Craig Elliott pointed out that the language limited the area to 25% of the roof area. Mr. Elliott indicated that the 25% was sufficient for skylights but it was unrealistic for solar panels. Director Eddington had received the same note from Mr. Elliott. He clarified that the Staff had talked about a 25% limitation for both solar panels and skylights. Mr. Elliott recommended that they allow a larger percentage for solar panels to encourage the installation of solar panels. Director Eddington offered to look into the matter and determine a more appropriate percentage.

Commissioner Peek asked how that would affect the historic district design guidelines. Director Eddington replied that in the Historic Districts it would require a Historic District Design Review and they would probably put limitations, depending on the side of the street. Solar panels would not be allowed on a primary facade. He noted that the LMC addresses this issue in Chapter 11, the HPB section. Planner Whetstone pointed out that the LMC does not refer to the specific requirements outlined for solar panels in the Design Review. Director Eddington stated that the Historic Design Review guidelines are more restrictive than the Code and the LMC specifies that the more restrictive applies. Commissioner Peek suggested adding a footnote regarding the design guidelines and percentage of coverage. Planner Whetstone agreed.

Planner Whetstone noted that the amendment also addresses required architectural elements and better materials for trash and recycling enclosures. Truck doors and pedestrian doors would be required. Commissioner Peek recommended specifying "pedestrian door" in the language.

Planner Whetstone reviewed the amendment in Chapter 6, MPD Review Process and Requirements. The amendment would make an exception for master planned development if they are already subject to an annexation agreement that complies with the General Plan. It would not eliminate the review of the General Plan for the master planned development. Commissioner Savage clarified that this amendment would eliminate a redundant step. Director Eddington replied

that it would eliminate the step only if the MPD has gone through an annexation process. The Planning Commission supported this amendment.

Planner Whetstone reviewed the amendment to allow Master Planned Development extensions up to two years. The standard of review is similar to a conditional use permit if nothing has changed. The amendment would allow an extension up to two years. Director Eddington clarified that currently MPDs have a two year time line and that could be extended to two additional years.

Assistant City Attorney McLean asked if the Planning Commission wanted the standard to be similar to the CUP extension or if it should be a greater standard. Commissioner Hontz preferred a higher standard of review. Ms. McLean stated that another alternative would be to re-open the MPD. Director Eddington suggested that the review standard could be a set of site circumstances within the surrounding neighborhood if the neighborhood has changed since the original approval.

Commissioner Savage pointed out that if an MPD has been approved and a neighbor decides to develop his property or remodel his home, it becomes a buyer beware situation. That person should have done their due diligence and before doing something contrary to the MPD. Commissioner Hontz clarified that the extension would not depend on one individual neighbor. It would be looking at whether the neighborhood and/or the community has shifted in a different direction since the MPD was approved and the MPD no longer fits. Commissioner Savage stated that if the MPD is consistent with the General Plan and the LMC, a change in neighborhood should not be a factor. Director Eddington remarked that Commissioner Hontz and Commissioner Savage were both correct and the Planning Commission would be able to discuss that issue when the MPD comes back.

Chair Wintzer requested that Planner Whetstone draft appropriate language for the next meeting.

Planner Whetstone noted that an amendment was added clarifying requirements for recycling facilities and mandatory recycling programs for commercial, multi-family and single family MPDs. Commissioner Savage wanted to know how that relates to the infrastructure that exists within the community to support the recycling effort. Planner Whetstone stated that there is a bigger recycling facility definition in the Code. In this case it was left as a recycling facility, which is generally a couple of bins in the parking garage of a multi-family condominium project for recycling. Director Eddington stated that this would allow the Planning Commission the ability to review it as part of an MPD. They worked it in with the recycling center and tied it into similar language being utilized by the County.

Chair Wintzer favored the idea. Commissioner Peek noted that language includes a paragraph stating, "shall include curbside". Planner Whetstone replied that curbside only pertains to single family. Commissioner Peek noted that curbside is also mentioned in the multi-family section. If the project has a recycling facility, there would be no need for curbside recycling. Planner Whetstone offered to re-write the language for better clarification.

Planner Whetstone referred to Chapter 7 regarding time extensions for Subdivisions. Assistant City Attorney McLean noted that the Code is silent on extension of plats. She stated that generally

ordinances allow a one year period that expire and people can apply for an extension. The process has been unclear and the proposed amendment suggests that the request goes to the Planning Director and then to the City Council, bypassing the Planning Commission. Commissioner Peek clarified that the amendment was only for unrecorded plats. Ms. McLean answered yes.

Assistant City Attorney McLean referred to page 128 of the Staff report and requested input on the criteria for reviewing subdivisions. She noted that the Planning Commission had requested more concrete language for evaluating whether or not to grant a subdivision. She noted that letter (c) on page 128 says, "Particular attention will be given to the arrangement, location and width of streets...". Ms. McLean asked the Planning Commission to think about other pertinent criteria that should be added. She noted that the definition of good cause was part of the review, however, that definition is intentionally general.

Chair Wintzer commented on the amount of information presented and recommended that the Planning Commission continue with the remaining amendments at the next meeting. He requested that the Staff present fewer amendments at each meeting to allow the Planning Commission sufficient time for discussion.

Planner Whetstone remarked that Chapter 7 was a cut and paste of the preliminary plat procedure. She noted that the Chapter has never addressed the review process for a final subdivision plat. She requested that the Planning Commission read that information and provide comments at the next meeting. Chapter 11 talks about term limits. The remainder of the information provided were definitions, most of which had been discussed already.

Commissioner Savage asked about the motivation for removing term limits. Director Eddington stated that there are no term limits for the Board of Adjustment or the Planning Commission, but there are limits for the HPB. Commissioner Peek favored removing the term limits. Chair Wintzer concurred.

City Council Member Alex Butwinski was not opposed to removing the term limit, however he wanted it clear that some Boards and Commissions do have term limits so that should not be the basis for removing the term limits for the HPB. Director Eddington clarified that the HPB is the only Board addressed in the LMC that has a term limit. Commissioner Peek believed that knowledge gained through a long tenure benefits the City.

Assistant City Attorney McLean referred to the definitions and requested that the Planning Commission look at the Good Cause language. They already talked about the Amenities Clubs and Physical Mine Hazards. She noted that they also propose to add a definition of Subdivision to include the creation of one lot. Director Eddington suggested that the Planning Commission look at the definitions for floor area and story. He noted that the proposed definitions are more consistent with the Building Codes.

Director Eddington stated that if the Planning Commissioners email any comments or suggestions to him or Planner Whetstone, they will try to address it prior to the next meeting.

The Park City Planning Commission meeting adjourned at 9:05 p.m.

Approved by Planning Commission: _____

DRAFT

CONSENT AGENDA

Planning Commission Staff Report



Subject: 508 Main Street
Project: PL-10-01123
Author: Kayla Sintz
Date: January 12, 2011
Type of Item: Administrative – Plat Amendment

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing for the 508 Main Street Subdivision plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Topic

Owner: 508 Main LLC – Mary Lisenbee
Owner’s Representative: Marshall King – Alliance Engineering
Location: 508 Main Street
Zoning: Historic Commercial Business (HCB)
Adjacent Land Uses: Mixed commercial and residential
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Background

The subject property is located in the HCB zoning district and contains a Landmark historic commercial building, currently under interior renovation for a new restaurant and minor exterior renovation for enclosing a second level patio. This property has previously operated as the Phoenix Gallery. The building sits across a number of lot lines. A Historic District Design Review was previously completed by the Applicant for exterior work which entailed enclosing a second story deck. The Chief Building Official allowed an at-risk permit for exterior building construction to be executed upon submittal for a Plat Amendment Application to the Planning Department. The City received a completed plat amendment application on December 6, 2010.

The proposed plat combines all of Lot 2 in Block 24 and portions of Millsite Reservation, identified as a tract of land 20 feet by 25 feet at the rear end of the Lot 2, and a tract of land 24 feet by 25 feet adjacent to the eastern boundary, into one lot of record. The proposed lot will be 2,975 square feet. The existing structure on the property is identified as a Landmark historic structure on the Park City Historic Sites Inventory. Encroachment Agreements will have to be obtained for the encroachments identified on

the survey prior to plat recordation; building encroachment onto Lot 1 (to the south) and Lot 3 (to the north), and concrete stair encroachment to the east.

Analysis

This plat amendment does not create sub-standard lots with adjacent properties.

HCB Zone	Permitted	Existing
Front setback	No minimum	4.6 feet (no change, existing) complies
Rear setback	No minimum	2,1 feet to building; stair encroachment' (no change) complies
Side setbacks	No minimum	0 feet (no change; existing) complies
Minimum Lot Area	1,250 square feet	2,975 square feet; complies

The historic building encroaches onto Lot 1 in the southeast corner by 0.3 feet and in the southwest corner by 0.1 feet. The historic building encroaches onto Lot 3 in the northeast corner by 0.09 feet and the northwest corner by 0.2 feet. A condition of approval has been added requiring Encroachment Agreements be recorded with owners of Lot 1 and Lot 3 prior to plat recordation.

Staff finds good cause for this plat amendment as it cleans up the property lines and removes property lines existing under a Landmark historic building.

Process

Approval or denial of the ordinance by City Council may be appealed to District Court within 30 days as provided by state code.

Department Review

This project has gone through an interdepartmental review. Encroachment issues with neighboring properties were discussed. A condition of approval has been added to address encroachments which states agreements must be recorded prior to plat recordation. Further, the current building permit for exterior work will not be allowed to receive a Final Certificate of Occupancy prior to plat recordation.

Notice

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

Public Input

Staff has not received public input as of the date of this report.

Alternatives

- The Planning Commission may forward positive recommendation to the City Council for the 508 Main Street Subdivision plat amendment as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to the City Council for the 508 Main Street Subdivision plat amendment and direct staff to make Findings for this decision; or
- The Planning Commission may continue the discussion on 508 Main Street Subdivision plat amendment.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The lot lines would remain where they currently stand and the at-risk exterior permit work taking place at 508 Main Street would have to be removed and/or a final certificate of occupancy would not be issued.

Recommendation

Staff recommends the Planning Commission hold a public hearing for the 508 Main Street plat amendment and consider forwarding a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Exhibits

Exhibit A – Ordinance with Proposed Plat

Exhibit B – Survey of existing conditions

Exhibit C – Aerial Photograph

Exhibit A
Draft Ordinance No. 11-

**AN ORDINANCE APPROVING THE 508 MAIN STREET SUBDIVISION PLAT
AMENDMENT LOCATED AT 508 MAIN STREET, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 508 Main Street have petitioned the City Council for approval of the 508 Main Street Subdivision plat amendment; and

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

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

WHEREAS, the Planning Commission held a public hearing on January 12, 2011, to receive input on the 508 Main Street Subdivision plat amendment;

WHEREAS, the Planning Commission, on January 12, 2011, forwarded a positive recommendation to the City Council; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 508 Main Street Subdivision plat amendment.

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 508 Main Street Subdivision plat amendment as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 508 Main Street in the Historic Commercial Business (HCB) zoning district.
2. There is an existing historic structure on the property, identified as Landmark on the Historic Sites Inventory.
3. The subject property encompasses all of Lot 2 of Block 24, and a tract of land 20 feet by 25 feet of Millsite Reservation and a tract of land 24 feet by 25 feet adjacent to the eastern boundary in the Millsite Reservation.
4. Recorded Encroachment Agreements must be recorded with the owners of Lot 1 and Lot 3 of Block 24 and Millsite Reservation and the City for concrete stair encroachment at the rear of the property prior to plat recordation.
5. The proposed amended plat would result in one lot of record of 2,975 square feet.

6. The proposed plat amendment will not create substandard lots on the neighboring lots.
7. The applicant is proposing the combination of the lots to clean up property lines discovered to be at issue during Historic District Design Review and Building permit review.
8. The historic building encroaches onto Lot 1 in the southeast corner by 0.3 feet and in the southwest corner by 0.1 feet.
9. The historic building encroaches onto Lot 3 in the northeast corner by 0.09 feet and the northwest corner by 0.2 feet.
10. A Historic District Design Review was approved by staff as part of exterior building modifications enclosing a second story deck.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one 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.
3. Encroachment Agreements shall be recorded prior to plat recordation.
4. Recordation of this plat must occur prior to 508 Main Street receiving final certificate of occupancy.

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

PASSED AND ADOPTED this ___day of___, 2011.

PARK CITY MUNICIPAL CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 154491, as prescribed by the laws of the State of Utah, and that by this Survey, I have prepared this Record of Survey map of the 508 MAIN STREET SUBDIVISION and the information thereon as shown on this plat. I further certify that the information on this plat is accurate.

John Demkowicz _____ Date _____

BOUNDARY DESCRIPTION

ALL OF LOT 2 OF BLOCK 24, PARK CITY, UTAH, according to the amended plat thereof on file in the office of the County Recorder of Summit County, State of Utah.

ALSO a tract of land 20 feet by 25 feet situated at the rear of said Lot 2, and particularly described as follows, to wit:

Beginning at the northeasterly corner of said Lot 2 running northeasterly 20 feet in the direction of the extension of the northerly side line of said lot, thence southeasterly 25 feet at right angles to said line and parallel to the northeasterly end line of said Lot 2, thence southeasterly 20 feet to the southeasterly corner of said Lot 2, thence northwesterly 25 feet along the northeasterly end of said Lot 2 to the place of beginning.

ALSO a tract of land 24 feet by 25 feet adjacent to the eastern boundary of said 20 feet by 25 feet of tract land, and particularly described as follows, to wit:

Commencing at the southeast corner of the Utah Power & Light Company parcel, said point being North 66°22'00" East 20 feet from the Southeast corner of Lot 2, Block 24, Park City Survey, and running thence North 23°38'00" West 25 feet, thence parallel to the northerly wall of a underblock garage North 66°22'00" East 24 feet, thence South 23°38'00" East parallel to the easterly wall of said garage 25 feet, thence South 66°22'00" West 24 feet, to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that 508 MAIN, LLC, a Utah limited liability company, the undersigned owner of the herein described tract of land, to be known hereafter as 508 MAIN STREET SUBDIVISION, does hereby certify that it has caused this Plat Amendment to be prepared. 508 MAIN, LLC, a Utah limited liability company, hereby consents to the recordation of this Plat Amendment.

Also, the undersigned hereby irrevocably offers for dedication to the city of Park City all the streets, land for local government uses, easements, parks, and required utilities and easements shown on the plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this _____ day of _____, 2011.

508 MAIN, LLC, a Utah limited liability company

Bart Carlson, Manager

ACKNOWLEDGMENT

State of _____, SS: _____

County of _____

On this _____ day of _____, 2011, Bart Carlson personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Bart Carlson acknowledged to me that he is a managing member of 508 MAIN, LLC, a Utah limited liability company, organized and existing under the laws of the State of Utah for and in behalf of said company for the uses and purposes stated therein and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name _____

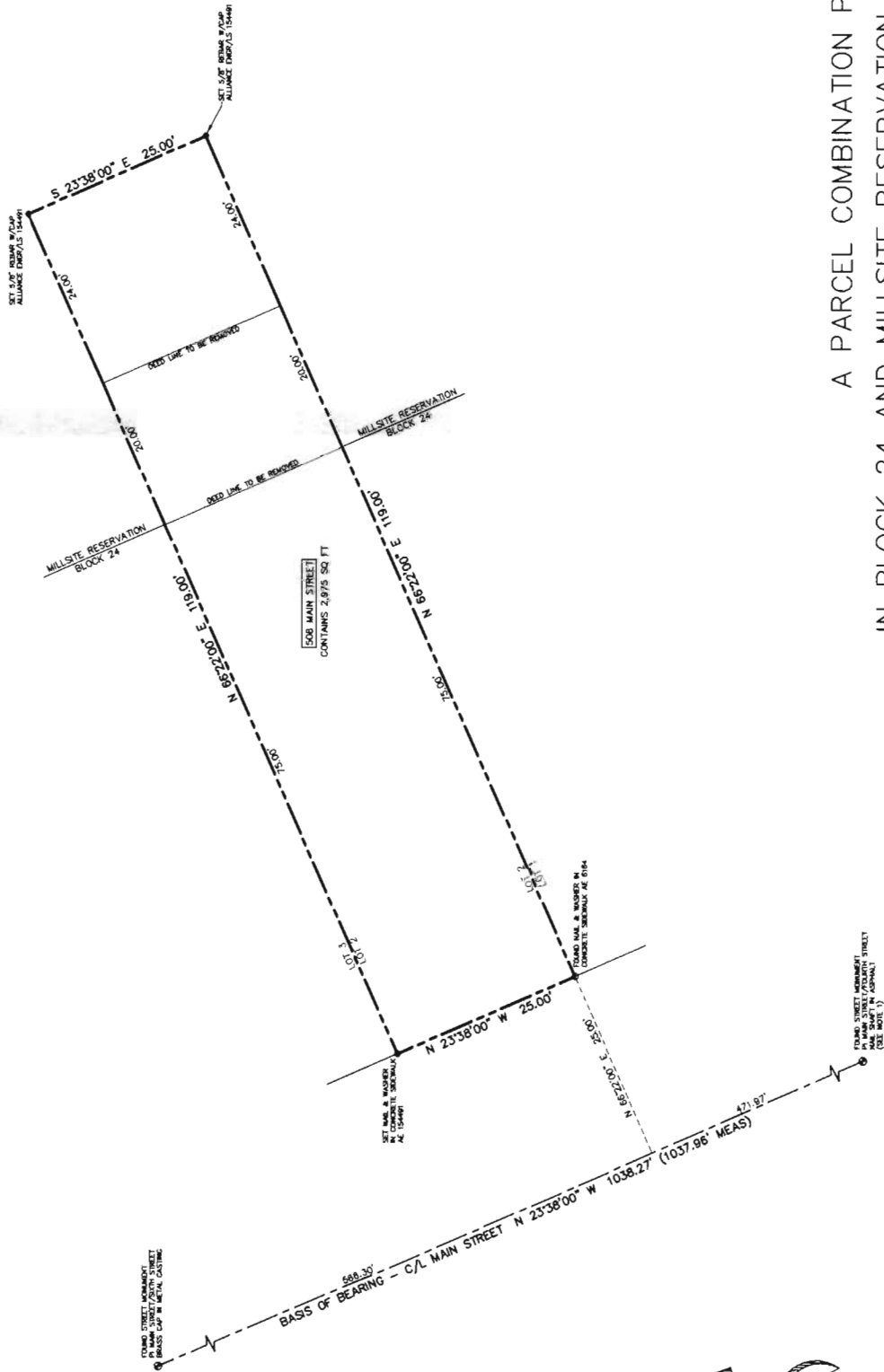
Residing in: _____

My commission expires: _____



NOTE

1. The not sheet is no longer valid. Control points used for a previous survey of adjacent property, which were set from centerline of Moh Street monuments, were used for this survey.



**A PARCEL COMBINATION PLAT
IN BLOCK 24 AND MILLSITE RESERVATION, PARK CITY SURVEY
508 MAIN STREET SUBDIVISION**

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

 (435) 648-9457 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2864, Park City, Utah 84060-2864	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2011 A.D. BY _____ S.B.M.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2011 A.D. BY _____ CHAIRMAN	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2011 A.D. BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2011 A.D. BY _____ PARK CITY ATTORNEY	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2011 A.D. BY _____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2011 A.D. BY _____ MAYOR	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ BOOK _____ PAGE _____ FEE _____ RECORDER _____
	SHEET 1 OF 1 10/2/2010 JOB NO.: 10-9-10 FILE: X:\ParkCitySurvey\dwg\plan\plat2010\100910.dwg						



SHEET
1
OF
1

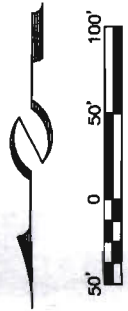
AERIAL PHOTOGRAPH
508 MAIN STREET

FOR: 508 MAIN, LLC
JOB NO.: 10-9-10
FILES X:\ParkCitySurvey\dwg\Exhibits\508 main-ortho.dwg

STAFF:
MARSHALL KING

DATE: 11/30/10

(435) 449-4467
Moore Engineering Inc.
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
222 Main Street P.O. Box 2044 Park City, Utah 84060-2044



RECEIVED
DEC 06 2010
PARK CITY
PLANNING DEPT.

SURVEYOR'S CERTIFICATE

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938739, as prescribed by the laws of the State of Utah, and that a survey of the following described property was performed under my direction.



Martin A. Morrison
 Martin A. Morrison
 Date 10-13-10

LEGAL DESCRIPTION

ALL OF LOT 2 OF BLOCK 24, PARK CITY, UTAH, according to the amended plat thereof on file in the office of the County Recorder of Summit County, State of Utah.

ALSO a tract of land 20 feet by 25 feet situated at the rear of said Lot 2, and particularly described as follows, to wit:

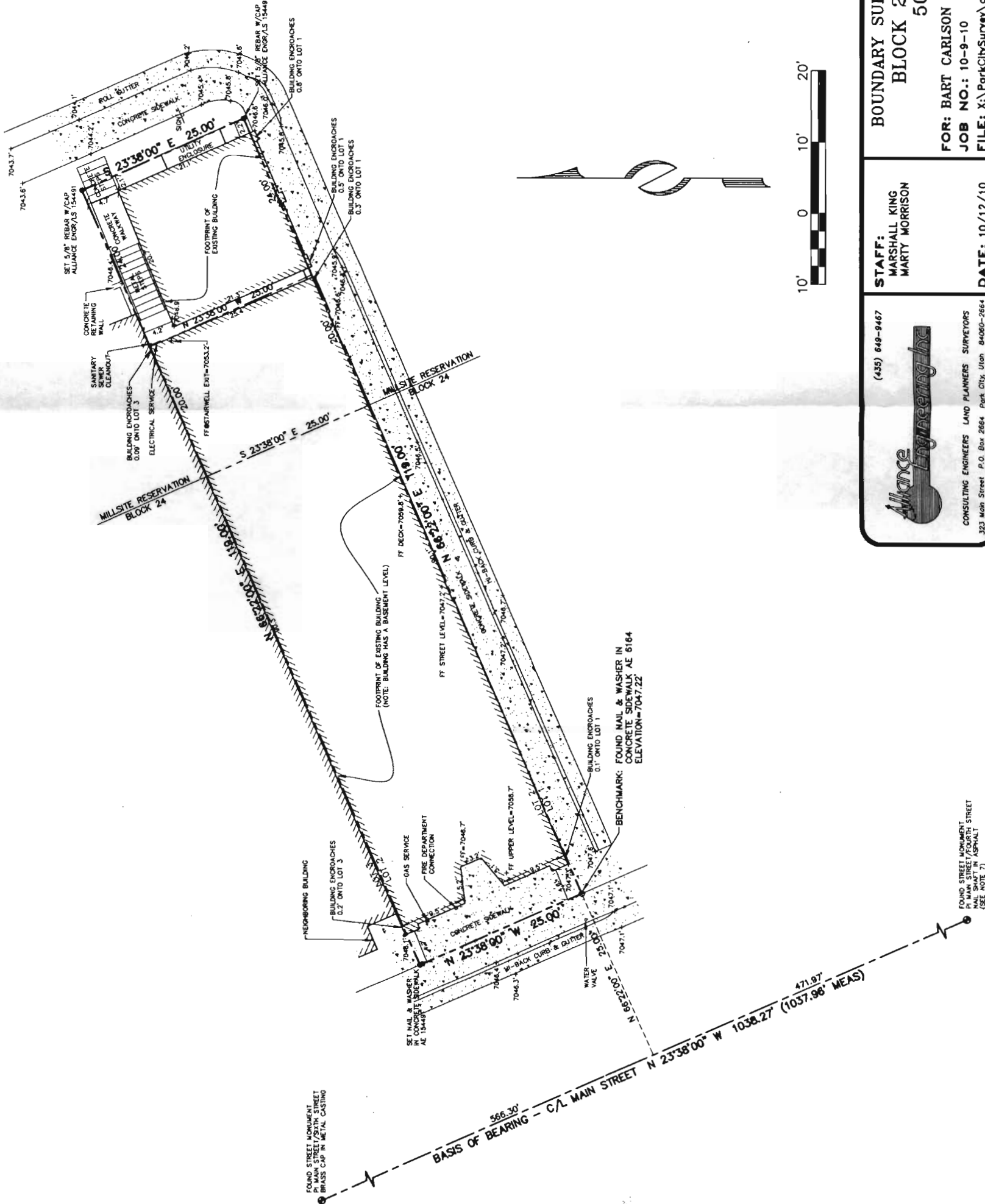
Beginning at the northeasterly corner of said Lot 2, running northeasterly 20 feet in the direction of the extension of the northerly side line of said lot; thence southeasterly 25 feet at right angles to said line and parallel to the northeasterly end line of said Lot 2; thence southwesterly 20 feet to the southeasterly corner of said Lot 2; thence northwesterly 25 feet along the northeasterly end of said Lot 2 to the place of beginning.

ALSO a tract of land 24 feet by 25 feet adjacent to the eastern boundary of said 20 feet by 25 feet of tract land, and particularly described as follows, to wit:

Commencing at the southeast corner of the Utah Power & Light Company parcel, said point being North 66°22'00" East 20 feet from the Southeast corner of Lot 2, Block 24, Park City Survey, and running thence North 23°38'00" West 25 feet, thence parallel to the northerly wall of a cinder block garage North 66°22'00" East 24 feet, thence South 23°38'00" East parallel to the easterly wall of said garage 25 feet, thence South 66°22'00" West 24 feet to the point of beginning.

NOTES

1. Basis of survey: Found survey monuments as shown.
2. Property corners were set or found as shown.
3. Date of survey: October 4, 2010
4. Property location: Section 16, T2S, R4E, SLB&M
5. Purpose of survey: Building remodel
6. Improvements on the property are as shown.
7. The nail shaft is no longer visible. Control points used for a previous survey of adjacent property, which were set from centerline of Main Street monuments, were used for this survey.



BOUNDARY SURVEY AND EXISTING CONDITIONS BLOCK 24, PARK CITY SURVEY 508 MAIN STREET		SHEET 1 OF 1
STAFF: MARSHALL KING MARTY MORRISON	FOR: BART CARLSON JOB NO.: 10-9-10 FILE: X:\ParkCitySurvey\dwg\arv\arv100910.dwg	
<p>(435) 649-9467</p> ALLIANCE ENGINEERING INC. CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664	DATE: 10/12/10	

Planning Commission Staff Report



PLANNING DEPARTMENT

Subject: 7905 Woodland View Drive
Author: Katie Cattan
Date: January 12, 2011
Type of Item: Administrative – Plat Amendment
Project Number: PL-10-01108

Summary Recommendation

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council to approve the 2ND Amended Lots 2-4 and 3rd Amended Lot 1 Alta Vista Subdivision as a consent agenda item based on the findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Topic

Applicant: Bill and Joanne Shiebler
Location: 7905 Woodland View Drive
Zoning: Residential Development (RD)
Adjacent Land Uses: Residential and Deer Valley Resort ski runs and trails
Reason for Review: Plat amendments require Planning Commission review and City Council approval

Background

On November 15, 2010, the applicant submitted a complete application for a plat amendment to combine Lots 1,2,3, and 4 of the Alta Vista Subdivision and subdivide the area into three lots of record, decreasing the density from four lots of record (Exhibit A). The properties are located in the Silver Lake neighborhood of Deer Valley. The Alta Vista subdivision is located in the Residential Development zoning district. The property is located within the Deer Valley Master Planned Development.

There are existing homes on Lot 1 and Lot 4 of the Alta Vista Subdivision. The owners of Lot 1, 2, and 4 purchased Lot 3 to reconfigure the area into 3 lots of record and decrease the density. No other applications are currently under review by the City at this time.

The Alta Vista Subdivision is made up of seven lots, four of which are within this amendment. The subdivision was amended in 1999 to create a shared private driveway, remove building pads, and create greater minimum rear yard setbacks. The rear yard setbacks and shared private driveway have been included within the current plat amendment.

Analysis

Staff finds good cause for this plat amendment as the amended plat would create three legal lots of record from four existing lots and create less density in the residential neighborhood. The existing homes comply with the setback requirements of the RD zone and subdivision plat notes. Any future construction on the site must comply with the following requirements:

	Permitted
Front setback	20'
Rear setback	Setback line on plat
Side setbacks	12'
Lot size	Per subdivision plat, no minimum, no maximum
Disturbance Area	10,000 sf maximum per lot.
Parking	two spaces

The amended plat transferred the plat notes from the previous Alta Vista Subdivision plat. The plat notes dictate the rear yard setback and maximum area of disturbance, as follows:

PERMITTED USES AND IMPROVEMENTS WITHIN THE LIMITS OF DISTURBANCE

All construction activity, excavation, and fill are to be confined to the approved maximum area of disturbance within the Lot. Prior to locating the maximum area of disturbance for each Lot, the owner is required to have his or her dwelling designed to conform to the natural topography of the site, and to preserve the natural texture, appearance, and vegetation of the undeveloped site to the extent possible. No improvements, additions, alteration, or other construction may be installed, constructed, maintained, or allowed to stand within the maximum area of disturbance except as follows:

The construction of, maintenance, and use of one single family dwelling and together with a garage with the capacity for at least two automobiles and storage of recreational and maintenance equipment and private driveway and private utility connections within the Lot boundaries outside of any grading impacts associated with the subdivision improvements.

The maximum area of disturbance allowed for Lots 1 through 7 is 10,000 square feet, exclusive of driveway and utility connections.

The rear setback shown is a maximum rear setback for all building improvements with the exception of cantilevered decks. Site disturbance can occur beyond this line and must be included in the maximum area of disturbance allowed. No driveway access is allowed from Royal Street.

The combined lots result in the following areas per lot: Lot A is 43,315 square feet. Lot B is 30,742 square feet. Lot C is 51,517 square feet.

Existing Lot	New Lot	Existing Area	Proposed Area
1	A	31,191 sf	43,315 sf
2	B	26,192 sf	30,742 sf

3		28,798 sf	
4	C	39,393 sf	51,517 sf

Process

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

Department Review

This project has gone through an interdepartmental review. Issues raised during this meeting included reconfiguring water lines and removing an extra sewer stub. The applicant will address these issues prior to the time of pulling a building permit.

Notice

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

Public Input

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

Alternatives

- The Planning Commission may forward a positive recommendation to City Council to approve the 2ND Amended Lots 2-4 and 3rd Amended Lot 1 Alta Vista Subdivision as conditioned or amended; or
- The Planning Commission may forward a negative recommendation to City Council to deny the 2ND Amended Lots 2-4 and 3rd Amended Lot 1 Alta Vista Subdivision and direct staff to make findings for this decision; or
- The Planning Commission may continue discussion on the 2ND Amended Lots 2-4 and 3rd Amended Lot 1 Alta Vista Subdivision to a date certain and request additional information.

Significant Impacts

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

Consequences of not taking the Suggested Recommendation

The lot lines would remain as they are today and a home could be built on both Lot 2 and Lot 3.

Recommendation

Staff recommends the Planning Commission hold a public hearing and consider forwarding a positive recommendation to the City Council to approve the 2ND Amended Lots 2-4 and 3rd Amended Lot 1 Alta Vista Subdivision, based on the

findings of fact, conclusions of law and conditions of approval as found in the attached ordinance.

Exhibits

Exhibit A- Ordinance with Proposed Plat
Exhibit B- Survey

Draft Ordinance No. 11-

AN ORDINANCE APPROVING THE 2ND AMENDED LOTS 2-4 AND 3RD AMENDED LOT 1 ALTA VISTA SUBDIVISION PLAT, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 7905, 7965, 8045 Woodland View Drive have petitioned the City Council for approval of the 2ND Amended Lots 2-4 and 3rd Amended Lot 1 Alta Vista Subdivision; and

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

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

WHEREAS, the Planning Commission held a public hearing on January 12, 2011, to receive input on the proposed plat amendment; and

WHEREAS, the Planning Commission, on January 12, 2011, forwarded a recommendation to the City Council; and

WHEREAS, it is in the best interest of Park City, Utah to approve the plat amendment to create three legal lots of record from four existing lots and reduce the density of the subdivision.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The 2ND Amended Lots 2-4 and 3rd Amended Lot 1 Alta Vista Subdivision, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located in the Residential Development (RD) zone and is subject to Section 15-2.13 of the Land Management Code and the Deer Valley Master Planned Development.
2. The RD zone is characterized by single family permanent and second homes and resort development condominiums and hotels.
3. The property is located at 7905 – 8045 Woodland View Drive in the Silver Lake neighborhood of Deer Valley.
4. The property consists of Lots 1, 2, 3, and 4 of the 1st Amended Lots 2 -7 and 2nd Amended Lot 1 Alta Vista subdivision. The plat amendment creates three lots of record from the existing four lots of record.

5. There is an existing single family home located on both Lot A and Lot C of the proposed 2ND AMENDED LOTS 2-4 AND 3RD AMENDED LOT 1 Alta Vista Subdivision. A new home may be built upon the vacant Lot B
6. There is no maximum house size in the Alta Vista subdivision.
7. There is a maximum area of disturbance of 10,000 square feet for each lot in the subdivision.
8. There is a minimum rear setback shown on the plat. The maximum rear setback is for all building improvements with the exception of cantilevered decks. Site disturbance can occur beyond this line and must be included in the maximum area of disturbance allowed. No driveway access is allowed from Royal Street.
9. There is no minimum or maximum lot size associated with the Alta Vista subdivision.
10. The combined lots result in the following areas per lot: Lot A is 43,315 square feet. Lot B is 30,742 square feet. Lot C is 51,517 square feet.
11. The plat amendment does not increase the density allowed by the Deer Valley Master Planned Development.
12. The applicant stipulates to the conditions of approval.
13. The discussion in the Analysis section is incorporated herein.

Conclusions of Law:

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

Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law; the Land Management Code; requirements for utility, snow storage, and encroachment agreements; and any conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the subdivision will be void, unless the City Council grants an extension of the approval.
3. The single unit of density that is forfeited in the subdivision is not transferable.
4. The Plat notes as shown in the analysis section of this report must be included on the new subdivision plat.

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

PASSED AND ADOPTED this _____ day of January, 2011.

PARK CITY MUNICIPAL
CORPORATION

Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Theresa F. Neuhoff, II and her husband, Greg A. Neuhoff, of the County of Summit, State of Utah, do hereby dedicate and consent to the recording of the plat hereon shown, and the City of Park City, Utah, is authorized to record the same on its behalf.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this _____ day of _____, 2011.

Theresa F. Neuhoff, II

 City of Park City, Utah

ACKNOWLEDGMENT

State of _____
 County of _____

On this _____ day of _____, 2011, Theresa F. Neuhoff, II and her husband, Greg A. Neuhoff, of the County of Summit, State of Utah, do hereby dedicate and consent to the recording of the plat hereon shown, and the City of Park City, Utah, is authorized to record the same on its behalf.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this _____ day of _____, 2011.

Theresa F. Neuhoff, II

 City of Park City, Utah

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, ALTA VISTA INVESTORS, LLC, a Utah limited liability company, do hereby dedicate and consent to the recording of the plat hereon shown, and the City of Park City, Utah, is authorized to record the same on its behalf.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this _____ day of _____, 2011.

ALTA VISTA INVESTORS, LLC

 City of Park City, Utah

ACKNOWLEDGMENT

State of _____
 County of _____

On this _____ day of _____, 2011, ALTA VISTA INVESTORS, LLC, a Utah limited liability company, do hereby dedicate and consent to the recording of the plat hereon shown, and the City of Park City, Utah, is authorized to record the same on its behalf.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this _____ day of _____, 2011.

ALTA VISTA INVESTORS, LLC

 City of Park City, Utah

2ND AMENDED LOTS 2-4 & 3RD AMENDED LOT 1
ALTA VISTA SUBDIVISION
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Shelly Proffers, LLC, a Utah limited liability company, do hereby dedicate and consent to the recording of the plat hereon shown, and the City of Park City, Utah, is authorized to record the same on its behalf.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this _____ day of _____, 2011.

Shelly Proffers, LLC

 City of Park City, Utah

ACKNOWLEDGMENT

State of _____
 County of _____

On this _____ day of _____, 2011, Shelly Proffers, LLC, a Utah limited liability company, do hereby dedicate and consent to the recording of the plat hereon shown, and the City of Park City, Utah, is authorized to record the same on its behalf.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this _____ day of _____, 2011.

Shelly Proffers, LLC

 City of Park City, Utah

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, A Nifty Public, a Utah limited liability company, do hereby dedicate and consent to the recording of the plat hereon shown, and the City of Park City, Utah, is authorized to record the same on its behalf.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this _____ day of _____, 2011.

A Nifty Public

 City of Park City, Utah

ACKNOWLEDGMENT

State of _____
 County of _____

On this _____ day of _____, 2011, A Nifty Public, a Utah limited liability company, do hereby dedicate and consent to the recording of the plat hereon shown, and the City of Park City, Utah, is authorized to record the same on its behalf.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this _____ day of _____, 2011.

A Nifty Public

 City of Park City, Utah

2ND AMENDED LOTS 2-4 & 3RD AMENDED LOT 1
ALTA VISTA SUBDIVISION
 LOCATED IN THE SOUTHWEST QUARTER OF SECTION 22
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Park City Engineer, do hereby dedicate and consent to the recording of the plat hereon shown, and the City of Park City, Utah, is authorized to record the same on its behalf.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this _____ day of _____, 2011.

Park City Engineer

 City of Park City, Utah

ACKNOWLEDGMENT

State of _____
 County of _____

On this _____ day of _____, 2011, Park City Engineer, do hereby dedicate and consent to the recording of the plat hereon shown, and the City of Park City, Utah, is authorized to record the same on its behalf.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this _____ day of _____, 2011.

Park City Engineer

 City of Park City, Utah

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Park City Attorney, do hereby dedicate and consent to the recording of the plat hereon shown, and the City of Park City, Utah, is authorized to record the same on its behalf.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this _____ day of _____, 2011.

Park City Attorney

 City of Park City, Utah

ACKNOWLEDGMENT

State of _____
 County of _____

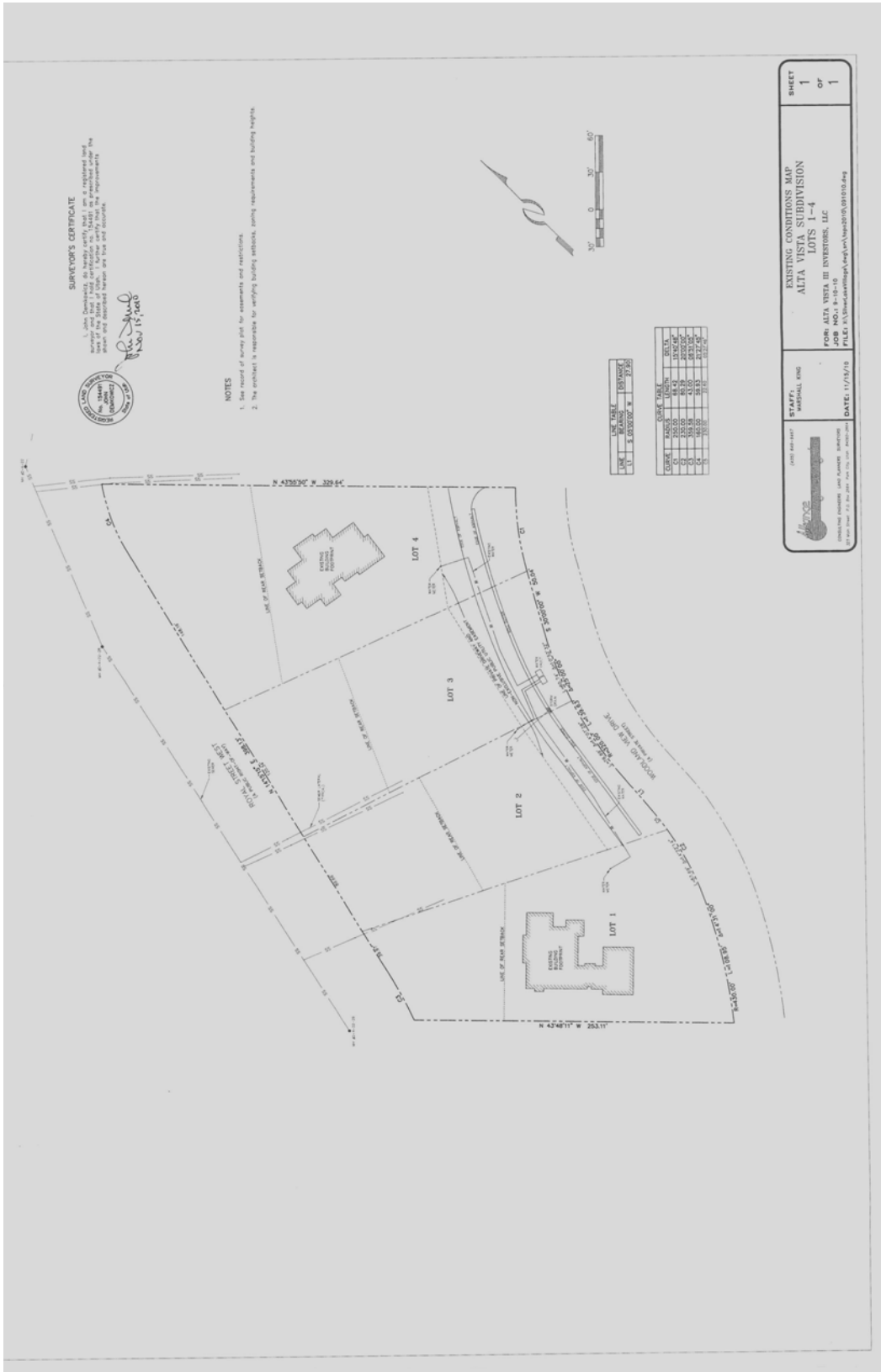
On this _____ day of _____, 2011, Park City Attorney, do hereby dedicate and consent to the recording of the plat hereon shown, and the City of Park City, Utah, is authorized to record the same on its behalf.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this _____ day of _____, 2011.

Park City Attorney

 City of Park City, Utah

Exhibit B



REGULAR AGENDA

Planning Commission Staff Report



Subject: Land Management Code (LMC)
Amendments
Author: Kirsten Whetstone, AICP
Date: January 12, 2011
Type of Item: Legislative
Project Number: PL-10-01103

Planning Department

Summary Recommendations

Staff recommends that the Planning Commission review and discuss proposed amendments to the Land Management Code for Chapters 1 (General Provisions and Procedures), 2.13 (Residential Development-RD zoning district), 2.16 (Recreation Commercial- RC zoning district), 5 (Architectural Review), 6 (Master Planned Developments), 7 (Subdivision), 11 (Historic Preservation), 12 (Planning Commission) and 15 (Definitions) as described in this report and redlined in Exhibits (A- I). Staff recommends the Commission conduct a public hearing and forward a positive recommendation to the City Council based on the findings of fact outlined in the draft Ordinance.

Topic

Project Name: LMC Amendments – bi-annual updates
Applicant: Planning Department
Proposal: Revisions to the Land Management Code (LMC)

Background

The Planning Staff drafted amendments to the Land Management Code (LMC) to address planning and zoning issues that have come up in the past six months based on a bi-annual review of the code. These changes are supplemental to the amendments approved by the City Council in June, 2010. Additional amendments are being drafted for Planning Commission review in early March.

These amendments provide clarification and streamlining of processes, procedures, and definitions; consistency of code application between Chapters; consistency with the General Plan and City Council goals; and consistency with the Utah Code. The proposed revisions are outlined below and redlined in Exhibits A- I.

On December 15, 2010, the Planning Commission reviewed the proposed amendments and conducted a public hearing. Revisions made since the December 15th meeting are highlighted and attached to this report. Please refer to the December 15, 2010 staff report and the exhibits to that report for a complete description of proposed amendments. The complete redlined chapters are also available on the city website and at the Planning Department. Minutes of the December 15, 2010 work session discussion are already included in the packet for the January 12th meeting for their approval.

Staff recommends the Planning Commission review and discuss the highlighted amendments drafted since the December 15th meeting including the following:

- Standard of review for extensions of CUPs to include review of changes of physical conditions.
- Planning Director allowed to grant one year extension for a CUP approval with public notice with additional extensions to be reviewed by the Planning Commission. Currently the code allows this flexibility and the proposed change would allow the Planning Director to grant the first one year extension.
- Revised definitions for Amenities Club and Hotel. Amenities Club added to the RD zone as a Conditional Use, in addition RC zone.
- Additional review criteria are recommended for preliminary and final subdivision plats.
- Added review criteria for time extensions for recording of approved plats and of Master Planned Development approvals to include review of changes of physical conditions.
- Definition of Good Cause added.
- Added reference to the Historic Design Guidelines in Chapter 5 for review of Skylights and Solar Panels.

Analysis

Proposed amendments include the following:

Physical Mine Hazards – Chapters 1, 6, 7, and 15

- Add requirements to specifically identify Physical Mine Hazards on property under planning review and to include review and submittal requirements for Master Planned Development, Conditional Use permit and subdivision applications regarding mitigation of Mine hazards for health, safety and welfare consideration. Include requirement for physical mine hazard mitigation during MPD review (**Sections 15-1, 15-6 and 15-7**).
- Add definition for Physical Mine Hazards as any shaft, adit, tunnel, portal, building, improvement or other opening or structure related to mining activity (**15-15**).

Notice Requirements- Chapter 1

- Specify notice requirements of Conditional Use permits, MPDs, lot-line adjustments, plats and plat amendments (**15-1-10 G and 15-7**). These amendments provide clarity and codify existing procedures and do not propose new substantive changes. A full of review of the State Code will be conducted and presented at a meeting in early Spring, allowing inclusion of amendments that result from the 2011 legislative session.
- Planning Commission discussed whether noticing should be removed from the newspaper where permitted by State Code. Although, it was not unanimous, there appeared to be a majority of Commissions who supported continuing to keep notices in the local paper.

Inactive Applications- Chapter 1 and Chapter 12

- Specify that the Planning Director may formally deny planning applications which remain inactive for a period of 180 days or longer, with the Planning Commission

as appeal body. This amendment would clarify and codify the existing practice **(15-1-14)** and resolve conflict with language in Chapter 12, Planning Commission **(15-12-15 (B))**.

Planning Director may grant one year extension for Conditional Use Permits-
Chapter 1

- Allow Planning Director to grant one year extension of conditional use permit (CUP) approvals with all noticing to be the same as the original CUP approval (includes posting the property and sending courtesy notice to property owners within 300 feet). Planning Commission continues to act as an appeal body of Planning Staff decisions and would review such appeal “de novo”. The standard of review for an extension of a CUP has been revised to include consideration of changes in the physical conditions of the subject property and of adjacent properties.
- Staff recommended a provision for the Planning Commission to grant an additional year per same standards of review if there are no change in circumstance that would create un-mitigated impacts. At the December 15th meeting the Commission discussed whether the additional year should be allowed or specifically disallowed. The current code is silent as to additional years. If allowed, a CUP could be valid for more than one year without a building permit being issued or without the use commencing on the property. Planning Commission discussed this issue at the December 15th meeting and requested staff to return with additional language.
- Staff requests discussion as to whether any additional years should be allowed to be requested, given the current economic situation and the inclusion of more specific standards of review. (15-1-10). Staff recommends amending the code to allow additional extensions recognizing that there may be unique circumstances where an additional extension is logical and prudent. For example a more complex CUP may take longer than 2 years to complete construction drawings and it would be prudent to extend the CUP. Currently the code allows this flexibility.

Update RC Zone to be consistent with HR-1 revisions for single family/duplexes-
Chapter 2.16

- Revise Site and Lot requirements, including Building Height and Building Height exceptions per recently approved HR-1 zone consistent with the Design Guidelines **(15-2.16-5 to 2.16-8)**. Purpose is to update the section of the RC zone that is specific to single family and duplexes on standard old town lots to be consistent with the HR-1 zone amendments recently approved. This removes references to height exceptions and other requirements and allowances referring to the HR-1 zone that no longer exists in the HR-1 zone.

Include Amenities Club as a Conditional Use in the RC and RD zones for Hotels-
Chapter 2.16 and Chapter 15

- Allow an Amenities Club, as defined in Section 15-15, to be reviewed as a conditional use in hotels in the RC and RD zone. This issue was discussed at the

December 15th meeting and Staff has revised the definition to restrict amenities clubs to hotels, excluding them from nightly rental condominium projects.

Staff recommends amendments to the hotel definition that includes restaurants, bars, and spas as typical amenities associated with hotels, differentiating hotels from condominium properties, bed and breakfast inns, and boarding houses with hot tubs and swimming pools. Staff reviewed the location of existing and proposed hotels with these public amenities and recommends adding this use to the RD zone so as to not exclude similar properties. Staff does not recommend this use in the Historic Residential districts.

These amendments are consistent with the purpose statements of the zones that state, "Allow for the Development of hotel and convention accommodations in close proximity to major recreation facilities" and "allow commercial and recreation activities that are in harmony with residential neighborhoods".

All review, noticing, and appeal requirements of Conditional Use permits would apply. Amenities clubs would allow members to enjoy existing physical amenities and services provided at a hotel subject to capacity controls currently in place such as parking restrictions, shuttle requirements, reservations, occupancy limits, and limitations as to size set by the underlying MPD, etc. The CUP review would include public review and noticing and could address and impose conditions of approval to mitigate identified impacts.

These amendments in part address the negative impacts of seasonal fluctuation of the use of these amenities already existing at the hotel, allow greater potential for year around employment, and provide potential economic benefits to the City **(15-2.16-2 (RC) and 15-2.13-2 (RD))**.

Solar panels, skylights, trash and recycling enclosures, and synthetic stone products- Chapter 5

- Allow, only as an exemption consistent with current exemptions allowed for aluminum and vinyl siding, synthetic stone products in areas predominantly developed with Structures utilizing the same type of material, such as in Prospector Village, Park Meadows, and Prospector Park and include requirements for material samples and an exhibit documenting use of the product in the surrounding neighborhood for Planning Director review **(15-5-5B)**.
- Clarify design requirements for solar panels, skylights, and trash and recycling facility enclosures (including requirements for pedestrian doors).

Staff has modified the amendments to restrict skylights to no more than 25% of the roof area and not place this same restriction on solar panels given that there are solar roofing tiles that could theoretically be used on the entire south facing roof aspect. Staff also included language referring to the Historic Design Guidelines for skylights and solar panels in the Historic Districts **(15-5-5 G and J)**.

Master Planned Development review process and requirements-Chapter 6

- Remove the requirement for Planning Commission review of a pre-Application MPD for compliance with the General Plan if the property is subject to a recorded Annexation Agreement. Continue to require the Planning Commission to find, as a condition precedent to final approval, that the MPD is consistent with the Annexation Agreement and the General Plan **(15-6-4 B)**.
- Allow the Planning Commission to review and take action on requests for time extensions of approved MPDs of up to two (2) years. Clarifies and codifies a process and standards of review, including noticing requirements to be consistent with noticing for the original MPD approval **(15-6-4 H)**.
- Clarify requirements in Chapter 6 for recycling facilities and add a requirement for mandatory recycling programs for new commercial, multi-family, and single family MPDs. Clarified language based on Commission input at the December 15th meeting **(15-6-5 G)**.

Subdivisions review and requirements- Chapter 7.1, Chapter 7.3 and Chapter 7.4

- Clarify process and standards of review for time extensions of preliminary and final plats, lot- line adjustments, and plat amendment approvals **(15-7.1-5, 15-7.1-6, and 15-7.4-3)**. Codify time extensions for approved plats to be recorded at Summit County within one year of City Council approval with an allowance for the Planning Director to grant a one year extension. Public notice will be provided by posting the property and sending courtesy notices to property owners within 300'. The plat ordinance will include this language.
- Clarify review process for final subdivision plat approvals **(15-7.1-5, 15-7.1-6, and 15-7.4-3)**. Since the December 15th meeting, staff has included additional standards for review of preliminary and final subdivision plats. Staff recommends that in addition to the arrangement, location and width of streets; their relation to drainage, erosion, topography, natural features, mine and geologic hazards, lot size, adjacent lands shall be considered as well as requirements of the Official Zoning Map, General Plan, and Streets Master Plan. Staff also included a requirement that the Planning Commission shall make a finding as to whether there is Good Cause in approving the preliminary and final plat **(15-7.1-5 and 15-7.1-6)**.

Term limit removal for HPB

- Remove 2 year term limit for Historic Preservation Board members consistent with other City boards subject to the LMC, such as the Planning Commission and Board of Adjustment that do not have term limits **(15-11-2)**. Some City boards do have term limits.
- Clarify that fences and driveways are also subject to pre-application Historic Design review.

Definitions

- Add definition for Amenities Club and revised since December 15th meeting **(15-15.48)**.
- Add definitions for Good Cause **(15-15.107)**, Physical Mine Hazard **(15-15.185)**, Recycling Facilities **(15-15.204)**, and Subdivision to include creation of one lot **(15-15.251)**.

- Clarify definition of Floor Area to remove reference to “designed for human occupation” because it conflicts with the definition for Habitable which excludes areas that are enclosed and that should be included in Floor Area calculations **(15-15.100)**.
- Revise the definition of Story to be consistent with the IBC and include only that it is the measure between floors. Current definition conflicts with existing definitions for First Story and Basement **(15-15.244)**. If additional regulation of crawl space and excavation is necessary in the Historic District, those LMC Amendments will be provided for discussion at a later date. These definitions apply to all lots in Park City and need to be consistent with the IBC.
- Revise Hotel definition to exclude Nightly Rental Condominium projects and clarify typical hotel uses and amenities, such as restaurants, bars, and spas **(15-15.127)**.

Other amendments include:

- Update correct reference to International Building Code (Section 116.1 not Section 115.1) for hazardous and dangerous buildings **(through out these amended chapters)**.
- Non-substantive changes include spelling typos and grammar, numbering and section alignment, scrivener’s errors, replacement of Public Works Director with Public Works Department, replacement of correct title of Historic Design Guidelines, and other minor edits throughout these Chapters **(through out)**.

Department Review

These amendments have been reviewed by the City’s Planning, Engineering, Building and Legal Departments.

Process

Amendments to the Land Management Code require Planning Commission recommendation and City Council adoption. City Council action may be appealed to a court of competent jurisdiction per LMC Section 15-1-18. These amendments will become pending upon publication of the attached ordinance.

Notice

Notice of the public hearing was published in the Park Record and posted according to requirements in the Land Management Code.

Public Input

Public input was received at the December 15, 2010 meeting regarding term limits for HPB members, amenities clubs, and roof coverage percentages for solar panels.

Significant Impacts

There are no significant negative fiscal impacts on the City as a result of these amendments. The amendments provide clarifications and streamlining of processes and procedures, clarification of definitions, consistency of code application between Chapters, and consistency with the General Plan and City Council goals in addressing a

wide array of issues from Physical Mine Hazards to Recycling and Support Commercial to Solar panel and skylight design.

Recommendation

Staff recommends that the Planning Commission review and discuss proposed amendments to the Land Management Code for Chapters 1 (General Provisions and Procedures), 2.13 (Residential Development (RD) zoning district), 2.16 (Recreation Commercial (RC) zoning district), 5 (Architectural Review), 6 (Master Planned Developments), 7 (Subdivision), 11 (Historic Preservation), 12 (Planning Commission) and 15 (Definitions) as described in this report and redlined in Exhibits (A- I). Staff recommends the Commission conduct a public hearing and forward a positive recommendation to the City Council based on findings of fact outlined in the Ordinance.

Exhibits (includes only highlighted changes since December 15th meeting)

Exhibit A- Chapter 1- General Provisions and Procedures

Exhibit B- Chapter 2.13- Residential Development (RD) zoning district

Exhibit C- Chapter 2.16- Recreation Commercial (RC) zoning district

Exhibit D- Chapter 5- Architectural Review

Exhibit E- Chapter 6- Master Planned Developments

Exhibit F- Chapters 7.1 – Subdivision Procedures

Exhibit G- Chapter 15- Definitions

Note- only revisions since the December 15th meeting are attached to this January 12, 2011 report. Please see city website or contact the Planning Department for the December 15th Planning Commission packet to review all proposed amendments. Note- Minutes of December 15th meeting are attached to this packet for approval.

**AN ORDINANCE AMENDING
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, TO PROVIDE CLARIFICATION AND CONSISTENCY
BETWEEN SECTIONS; STREAMLINING OF PROCESS AND PROCEDURES FOR
SUBDIVISION PLATS, CONDITIONAL USE PERMITS, MASTER PLANNED
DEVELOPMENTS, AND PLAT AMENDMENTS; CLARIFICATION OF DEFINITIONS;
AND CONSISTENCY WITH THE GENERAL PLAN AND CITY COUNCIL GOALS
AND SPECIFICALLY AMENDING SECTIONS 15-1, 15-2.13, 15-2.16, 15-5, 15-6, 15-
7.1, 15-7.3, 15-7.4, 5-11, 15-12 and 15-15**

WHEREAS, the Land Management Code was adopted by the City Council of Park City, Utah to promote and protect the health, safety and welfare of the present and future residents, businesses, visitors, and property owner's of Park City;

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan and promote Council goals to protect and enhance the vitality of the City's resort-based economy, overall quality of life, historic character, and unique mountain town community; and

WHEREAS, the City reviews the Land Management Code on a bi-annual basis and identifies amendments that address planning and zoning issues that have come up in the past year, applicable changes to the State Code, to align the Code with the Council's goals, and to correct inconsistencies between Sections of the Code;

WHEREAS, Chapter 1 provides general provisions and procedures pertaining to the development of land, implementation of the General Plan and promotion of Council goals and the City desires to clarify and revise these regulations as they pertain to identification of physical mine hazards, time extensions of planning applications, time extensions of approved conditional use permits, plats, and master planned developments; and clarification of notification requirements; and

WHEREAS, Chapter 2.13 provides regulations and procedural requirements regarding development and land uses in the Residential Development (RD) zoning district and the City desires to clarify and revise these regulations and procedures for consistency with the General Plan, Council goals and between related code sections as they pertain to inclusion of amenities clubs as a Conditional Use; and

WHEREAS, Chapter 2.16 provides regulations and procedural requirements regarding development and land uses in the Resort Commercial (RC) zoning district and the City desires to clarify and revise these regulations and procedures for consistency with the General Plan, Council goals, and between related code sections as they pertain to site and development regulations for single family and duplex lots for consistency with HR-1 regulations, and inclusion of amenities clubs as a Conditional Use; and

WHEREAS, Chapter 5 provides regulations and procedural requirements regarding architectural design and the City desires to clarify and revise these regulations and procedures as they pertain to skylights, solar panels, trash and recycling enclosures, and synthetic stone products; and

WHEREAS, Chapter 6 provides regulations and procedural requirements regarding Master Planned Developments and the City desires to clarify and revise these regulations and procedures as they pertain to pre-Application review, time extensions of MPD approval, identification and mitigation of physical mine hazards, and requirements for recycling programs and facilities; and

WHEREAS, Chapters 7.1, 7.3 and 7.4 provide procedures, requirements, and specifications regarding the subdivision of land and the City desires to clarify and revise these procedures, requirements, and specifications regarding standards of review for preliminary and final plats, procedures and requirements for time extensions of approvals of plats, and procedures, requirements, and specifications for the identification of physical mine hazards; and

WHEREAS, Chapter 11 provides regulations and procedural requirements for the Historic Preservation Board pertaining to historic preservation and the City desires to clarify and revise these regulations and procedures to remove the two (2) year term limit restriction and clarify that fences and driveways in the historic districts are subject to the pre-application design review requirements; and

WHEREAS, Chapter 12 provides regulations and procedural requirements for the Planning Commission and the City desires to clarify and revise these regulations pertaining to expiration of inactive planning applications and time extensions of approvals for conditional use permits and plats; and

WHEREAS, Chapter 15 - Planning Commission, provides definitions of terms used in the LMC and the City desires to clarify, revise, provide consistency with the building code, and add terms pertaining to amenities clubs, crawl space, floor area, good cause, hotel, physical mine hazards, property owner, recycling facilities, story, and subdivisions of one lot; and

WHEREAS, the Planning Department duly noticed and conducted a public hearing at the regularly scheduled meeting on December 15, 2010 and on January 12, 2011, and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on January 27, 2011; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health, safety, and welfare; to maintain and enhance quality of life for its residents and visitors; preserve and protect the environment, ensure

preservation of the community's unique character, and enhance the vitality of Park City's resort economy.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 1- General Provisions and Procedures. The recitals above are incorporated herein as findings of fact. Chapter 1 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2- Section 15-2.13- RD zoning district. The recitals above are incorporated herein as findings of fact. Chapter 15-2.13 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2- Section 15-2.16- RC zoning district. The recitals above are incorporated herein as findings of fact. Chapter 15-2.16 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit C).

SECTION 4. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 5- Architectural Review. The recitals above are incorporated herein as findings of fact. Chapter 5 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit D).

SECTION 5. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 6- Master Planned Development. The recitals above are incorporated herein as findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit E).

SECTION 6. AMENDMENTS TO TITLE 15 - Land Management Code Chapters 7.1 (Subdivision Procedures), 7.3 (Subdivision Requirements), and 7.4 (Subdivision Specifications)- The recitals above are incorporated herein as findings of fact. Chapters 7.1, 7.3, and 7.4 of the Land Management Code of Park City is hereby amended as redlined (see Exhibits F, G, and H).

SECTION 7. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 11- Historic Preservation. The recitals above are incorporated herein as findings of fact. Chapter 11 of the Land Management Code is hereby amended as redlined (see Exhibit I).

SECTION 8. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 12- Planning Commission. The recitals above are incorporated herein as findings of fact. Chapter 12 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit J).

SECTION 9. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 15- Definitions. The recitals above are incorporated herein as findings of fact. Chapter 15 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit K).

SECTION 10. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of January, 2011

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

Exhibits

- Exhibit A- Chapter 1- General Provisions and Procedures
- Exhibit B- Chapter 2.13- Residential Development (RD) zoning district
- Exhibit C- Chapter 2.16- Recreation Commercial (RC) zoning district
- Exhibit D- Chapter 5- Architectural Review
- Exhibit E- Chapter 6- Master Planned Developments
- Exhibit F- Chapters 7.1 – Subdivision Procedures
- Exhibit G- Chapters 7.3 – Subdivision Requirements
- Exhibit H- Chapters 7.4 – Subdivision Specifications
- Exhibit I- Chapter 11- Historic Preservation
- Exhibit J- Chapter 12- Planning Commission
- Exhibit K- Chapter 15- Definitions

Note- full set of Exhibits will be attached to Ordinance at time of City Council review

(page numbers in () are page numbers from 12/15/10 staff report)

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures
15-1-6

construct a Building or other Improvement to Property which is defined by this Code as an Allowed Use in the Zone in which the Building is proposed, the Planning Department must review the Application to determine whether the proposal:

- (1) is an Allowed Use within the zone for which it is proposed;
- (2) complies with all applicable Development requirements of that zone, including Building Height, Setback, Front, Side, and Rear Yards, and Lot coverage;
- (3) respects Lot Lines of a legally subdivided Lot;
- (4) meets the applicable parking requirements;
- (5) conforms to the Park City Architectural Design Guidelines and/or the Design Guidelines for Historic Districts and Historic Sites, and the architectural review process established for that zone;
- (6) can be adequately serviced by roads, and existing or proposed utility systems or lines; and
- (7) pertains to land in which all tax assessments have been paid.

(B) If approved by the Planning Department Planning Staff, the plans must be forwarded to the Engineering Department and Building Department. The plans shall be reviewed for Building Code compliance and permit issuance procedures. Approval

of Allowed Uses must be noted by the issuance of a Building Permit in compliance with the provisions of the Uniform Building Code, as adopted by Park City.

(C) If the Application does not comply with the requirements of the zone, the Planning Department shall notify the Owner of the project or his Agent, if any, stating specifically what requirements of the zone have not been satisfied, and also stating whether the project could be reviewed as submitted as a Conditional Use for that zone.

(D) **DISCLAIMER.** No permit issued shall be valid if any of the criteria listed in this section have not been met.

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(Amended by Ord. Nos. 06-22; 09-23)

15-1 -10. CONDITIONAL USE REVIEW PROCESS.

There are certain Uses that, because of unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent land Uses, may not be Compatible in some Areas or may be Compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

The Planning Department will evaluate all proposed Conditional Uses and may recommend conditions of approval to preserve the character of the zone, and to mitigate potential adverse effects of the Conditional Use.

A Conditional Use shall be approved if reasonable conditions are proposed, or can

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures **15-1-7**

be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Use in accordance with applicable standards.

If the reasonable anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the Conditional Use may be denied.

The City must review all proposed Conditional Uses according to the following procedure, unless a subsequent provision of this LMC specifically sets forth an administrative approval process for a specific Conditional Use, in which case that section shall control:

(A) **PRE-APPLICATION CONFERENCE.** An Applicant may request a pre-Application conference with the Planning Department to discuss the proposed Conditional Use and the conditions that the staff would recommend to mitigate proposed adverse impacts.

(B) **THE APPLICATION.** An Applicant must file a Complete Application on forms provided by the Planning Department for Conditional Uses.

(C) **NOTICE/POSTING.** Upon receipt of a Complete Application, the Planning Department shall provide notice and posting per Section 15-1 -12. **NOTICE.**

The Planning Commission shall conduct a public hearing on the proposed Conditional Use permit Application and shall either

approve, deny, or modify and approve the permit.

(D) **STANDARDS FOR REVIEW.** The City shall not issue a Conditional Use permit unless the Planning Commission concludes that:

- (1) the Application complies with all requirements of this LMC;
- (2) the Use will be Compatible with surrounding Structures in Use, scale, mass and circulation;
- (3) the Use is consistent with the Park City General Plan, as amended; and
- (4) the effects of any differences in Use or scale have been mitigated through careful planning.

(E) **REVIEW.** The Planning Department and/or Planning Commission must review each of the following items when considering whether or not the proposed Conditional Use mitigates impacts of and addresses the following items:

- (1) size and location of the Site;
- (2) traffic considerations including capacity of the existing Streets in the Area;
- (3) utility capacity;
- (4) emergency vehicle Access;
- (5) location and amount of off-Street parking;

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Deleted: provide published notice once fourteen (14) days prior to the hearing and courtesy mailed notice to Owners of Property within three hundred feet (300') of the proposal. (See

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PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures 15-1-8

- (6) internal vehicular and pedestrian circulation system;
- (7) Fencing, Screening, and landscaping to separate the Use from adjoining Uses;
- (8) Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots;
- (9) usable Open Space;
- (10) signs and lighting;
- (11) physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing;
- (12) noise, vibration, odors, steam, or other mechanical factors that might affect people and Property Off-Site;
- (13) control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas;
- (14) expected Ownership and management of the project as primary residences, Condominiums, time interval Ownership, Nightly Rental, or commercial tenancies, how the form of Ownership affects taxing entities; and

(15) within and adjoining the Site, impacts on Environmentally Sensitive Lands, Physical Mine Hazards, Slope retention, and appropriateness of the proposed Structure to the topography of the Site.

(F) **TRANSFERABILITY.** A Conditional Use permit is transferable with the title to the underlying Property so that an Applicant may convey or assign an approved project without losing the approval. The Applicant may not transfer the permit off the Site on which the approval was granted.

(G) **EXPIRATION.** Unless otherwise indicated, Conditional Use permits expire one (1) year from the date of Planning Commission approval, unless the Conditional Use has commenced on the project or a Building permit for the Use has been issued.

The Planning Director may grant an extension of a Conditional Use permit for one (1) additional year when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original Conditional Use permit approval per Section 15-1-12. Extension requests must be submitted prior to the expiration of the Conditional Use permit.

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Comment [kaw1]: Staff has removed the previous recommended language that the Planning Commission could grant an additional one year extension.

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15-1-9

The Planning Commission may grant additional extensions when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change of circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the original Conditional Use permit approval per Section 15-1-12. Extension requests must be submitted prior to the expiration of the Conditional Use permit.

permit or Master Planned Development, or other approval by the Planning Commission or Planning Department. All action on an Application shall be stayed upon the determination that a Board of Adjustment approval is required.

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(C) **PLAT AMENDMENTS/ SUBDIVISION.** Plat Amendments and Subdivisions must be reviewed pursuant to LMC Chapter 15-7. No Building Permit may be issued prior to such an approval.

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(D) **ADMINISTRATIVE CONDITIONAL USE PERMITS.** The Planning Director shall review and take Final Action on Administrative Conditional Use permits. Review process shall be consistent with Section 15-1-10(A-H), with the exception that no published notice, as described in 15-1-12(B), shall be required.

Comment [kaw2]: Staff has removed the previous recommended language that the Planning Commission could grant an additional one year extension.

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(H) **APPEALS.** Appeals must be pursuant to Section 15-1 -18 herein.

(Amended by Ord. No. 06-22)

15-1 -11. SPECIAL APPLICATIONS.

(A) **MASTER PLANNED DEVELOPMENT (MPD) REVIEW PROCESS.** Applications for MPDs shall be reviewed according to LMC Chapter 15-6.

(B) **VARIANCES, EXCEPTIONS, AND NON-CONFORMING USES.** The Board of Adjustment must review Applications for Variances, Special Exceptions and Non-Conforming Uses and Non-Complying Structures in accordance with the regulations set forth in LMC Chapter 15-9. Such approval must be obtained from the Board of Adjustment prior to the issuance of any Conditional Use

(E) **ADMINISTRATIVE PERMITS.** The Planning Department shall review and take Final Action on Administrative Permits. Review process shall be consistent with the requirements herein for those Uses requiring an Administrative Permit, such as temporary tents, Structures, and vendors; temporary Special Event and overcrowding permits; regulated Accessory Apartments; specified outdoor events and Uses; Family Child Care in specified Zoning Districts; and temporary telecommunication Antennas, where these Uses are designated as requiring Administrative Permits. These Uses may require Administrative Conditional Use permits or Conditional Use permits in some Zoning Districts pursuant to Section 15-2.

(Amended by Ord. Nos. 06-22; 09-10)

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures **15-1-10**

15-1 -12. NOTICE.

Notice of a public hearing before the City Council, Planning Commission, Board of Adjustment, and Historic District Commission must be provided in accordance with this section. All notices, unless otherwise specified in this Code or State law, must describe the proposed action affecting the subject Property, or the proposed modification to the Park City General Plan or to the Land Management Code, and shall state the time, place and date set for public hearing on the matter. Notice shall be given according to Section 15-1-21 Notice Matrix and as follows:

(A) **POSTED NOTICES.** The Planning Department must post notice on the Property affected by the Application and on the City's official website or in at least three (3) public locations within the municipality.

(B) **PUBLISHED NOTICE.** Published notice shall be given by publication in a newspaper having general circulation in Park City.

(C) **COURTESY NOTICE.** As a courtesy to adjacent Property Owners, the Applicant must provide the Planning Department with stamped and pre-addressed envelopes for each Owner of record of each Parcel located entirely or partly within three hundred feet (300') from all Property Lines of the subject Property, together with a mailing list for those Owners. The addresses for adjacent Owners must be as shown on the most recently available Summit County tax assessment rolls. If the subject Property is a Condominium, the Owners Association is sufficient in lieu of

the address for each unit Owner. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the City Council or any Board or Commission.

(D) **APPLICANT NOTICE.** For each land Use Application, the Planning Department must notify the Applicant of the date, time and place of each public hearing and public meeting to consider the Application and of any final action on the pending Application.

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(E) **EFFECT OF NOTICE.** Proof that notice was given pursuant to subsections (A) and (B), above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within thirty (30) days after the date of the hearing or action for which the challenged notice was given, the notice is considered adequate and proper. Notice pursuant to subsections (C) and (F) is courtesy only.

Comment [kaw3]: Staff will review State Code and return to Planning Commission with future revisions for consideration. At this time staff is not making substantive changes to the way Notice is done.

OWNERS ASSOCIATION REGISTRATION AND NOTIFICATION.

(1) **REGISTRATION.** Owners associations desiring notice of requests for Building Permits within their boundaries must file written registration annually with the Park City Building Department and pay an annual fee of fifty dollars (\$50.00). The registration must consist of a copy of the Owners association's Utah State Business or corporate registration and the name(s), addresses including post office box

numbers, and telephone numbers of at least three (3) authorized representatives of the Owners association and a notarized statement certifying that these individuals are the authorized representatives of said association.

Associations not registered with the City will not be included in the published list of Owners associations and do not receive notice of Building Permit requests prior to their issuance.

Any change(s) in the above information must be forwarded in writing to the Building Department within ten (10) days of the change.

(2) **NOTICE.** Prior to, or at the time of Application for a permit for any Development, the Applicant must file with the City evidence of notification to the appropriate registered Owners association(s). Acceptable evidence of notification shall be the following:

- (a) the properly executed notice form, as approved by the City; or
- (b) a signed return receipt from a certified letter posted to the registered association representative, with a copy of the notice form approved by the City.

(3) **CITY NOT PARTY TO DISPUTES.** The City is not the

arbiter of disputes between an Applicant and an Owners association. Nothing herein shall be interpreted to require Owners association consent prior to City Final Action.

(Amended by Ord. Nos. 02-57; 06-22; 09-10)

15-1-13. COMPLETION OF SITE IMPROVEMENT WORK PRIOR TO THE APPROVAL OF PLATS OR ISSUANCE OF CERTIFICATES OF OCCUPANCY.

(A) **POLICY.**

(1) **GUARANTEE REQUIRED.** In order to protect the City from the financial burdens resulting from damage to or increased maintenance costs for City facilities that may occur as a result of incomplete or inadequate Site or Public Improvements on construction projects, it is the policy of the City to require that Developers either complete all Site or Public Improvements prior to occupancy, or if that is not possible, that adequate financial Guarantees for completion, together with a right of entry to the Property to complete that work be granted to the City. No plat will be approved, where required, and no Certificate of Occupancy granted unless and until an adequate financial Guarantee is posted in accordance with this section. It is also the policy of the City to require Developers to post a financial Guarantee to ensure

out-of-state bank, provided that a bank authorized to do Business in Utah confirms in writing that it will honor the letter of credit, naming Park City Municipal Corporation as the payee of funds drawn against that letter of credit and Guaranteeing the availability of funds for one (1) year, or

(2) A deposit of cash with a third party Escrow, or

(3) A deposit of cash with the City, or

(4) Some combination of the above as approved by the City or an approved equal.

(G) **RETAINED AMOUNT.** The amount in excess of the actual construction costs, but in no event more than twenty five percent (25%) of the actual construction cost, shall be held for a period of one (1) year following final inspection and approval of the Site or Public Improvement work by the City. The retained amount may be provided in any of the ways described in Section 15-1-13(F). If the Developer fails to provide a new Guarantee sixty (60) days prior to the expiration of the Guarantee instruments provided for the initial construction under Section 15-1-13(F), the City shall make a demand or draw on that Guarantee to the extent of the required retained amount, and hold the proceeds in cash until and unless other adequate Guarantee, as provided in this Code, is posted by the Developer. The retained amount will be used to replace or repair any Site or Public Improvements, which fail or

appear to be defective during the one (1) year period. The corrective work may be done by the City or the Developer. At the completion of that work, the retained amount, or so much of it remains, shall be released. Retained amounts may be drawn and applied to any outstanding fees owed by the Developer to the City, provided that such fees are imposed by ordinance and the amount of the fees is not contested by the Developer.

(H) **MODIFICATION OF PLANS.** A Developer may, at its option, request modifications to plans covering Site or Public Improvement work by submitting revised plans to the City for review and action. Until the revised plans have received approval by the City, the Developer shall be required to offer a Guarantee for the performance of the Site or Public Improvement work as shown on the last set of plans to have received City approval. Upon acceptance of revised plans by the Department, the City shall release any cash, credit or other Guarantee held, which is in excess of 125% of the completion cost, estimated, of work shown on the most recently revised plan. If the modification of the plans increases the cost of required Site or Public Improvements, additional Guarantee must be provided by the Developer to cover the increased costs.

(I) **PAYMENT OF INTEREST.** The City shall not be required to pay interest to the Developer on any funds in escrow or on cash held by the City as a Guarantee.

(J) **DETAILED SITE PLANS.** A detailed Site plan shall be presented, showing the location and nature of drainage

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 1 - General Provisions and Procedures 15-1-15

works, Grade changes, retaining walls, and landscaping, together with any trails, paths, or walkways that may be included or required under other provisions of the Land Management Code.

(K) **SINGLE FAMILY HOMES.** This provision shall apply to all construction in Park City, including single family homes, provided, however, that the amount of Guarantee required for single family homes shall be the reasonably estimated cost to complete construction of any Site or Public Improvements on a labor and materials basis, and the estimated cost to complete landscaping, to the extent necessary to hold the soil in place, on the basis of materials only.

(L) **PHASED PROJECTS.** Site or Public Improvements applicable to each phase of a phased project or Development shall be completed or Guarantee for completion provided as each phase is constructed and either platted or occupied. Site or Public Improvements on other phases of the project shall be completed or Guarantee offered as those phases are completed.

(Amended by Ord. Nos. 02-07; 06-22; 09-09)

15-1 -14. TERMINATION OF APPLICATIONS FOR INACTION.

Recognizing the length of the planning review process will vary with the size and complexity of each proposal, Applicants must move their Applications either to approval or denial in a reasonably expeditious manner. The Planning Director,

may formally deny Applications, which remain inactive for a period of 180 days or longer, due to acts or omissions of the Applicant.

(A) **TERMINATION OF APPLICATIONS.** When the Planning Director finds an Application to be inactive, the Planning Director may deny the Application and close the files with respect to that project. No Application shall be denied on the basis of Inaction without giving fourteen (14) days written notice to the Applicant. Such notice must state the intent of the Planning Director to have the Application denied because of Inaction and the right to contest said denial to the Planning Commission.

Delays occasioned by the City shall not constitute cause for terminating an Application.

(B) **REINSTATEMENT.** An Applicant may appeal the Planning Director's denial of an Application for Inaction to the Planning Commission in the same manner as any other appeal. The Planning Commission may reinstate said Application subject to payment of full or partial submission fees, reinstate subject to specific ordinance changes, or deny reinstatement. If reinstatement is denied, the Application is considered formally denied. If the Applicant desires to proceed with the project, the Applicant must submit a new Application and pay new submission fees, and the new Application shall be subject to all ordinances then in effect.

(Amended by Ord. No. 06-22)

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- (31) Passenger Tramway Station and Ski Base Facility¹¹
- (32) Ski Tow, Ski Lift, Ski Run, and Ski Bridge¹¹
- (33) Recreation Facility, Public
- (34) Recreation Facility, Commercial⁶
- (35) Entertainment Facility, Indoor^{6,9}
- (36) Commercial Stables, Riding Academy¹²
- (37) Master Planned Development with moderate income housing density bonus¹²
- (38) Master Planned Development with residential and transient lodging Uses only¹²
- (39) Master Planned Development with Support Retail and Minor Service Commercial Uses¹²
- (40) Heliport¹²
- (41) Vehicle Control Gate¹³
- (42) Fences and walls greater than six feet (6') in height from Final Grade¹⁰
- (43) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays¹⁴

¹¹As part of an approved Ski Area Master Plan. See LMC Chapter 15-4-18.

¹²Subject to provisions of LMC Chapter 15-6, Master Planned Development

¹³See Section 15-4-19 for specific review criteria for gates

¹⁴Olympic Legacy Displays limited to those specific Structures approved under the SLOC/ Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed

(44) Amenities Club

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(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. No. 02-38; 04-08; 04-39; 06-76)

15-2.13-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has the Area, width, and depth required, and Frontage on a Street shown as a private or Public Street on the Streets Master Plan or on a private easement connecting the Lot to a Street shown on the Streets Master Plan.

All Development must comply with the following:

(A) **DENSITY.** The maximum Density is three (3) units per acre. Developments reviewed and approved as a Master Planned Development may approach a maximum density of five (5) units per acre with a Master Planned Development. Development must be clustered to preserve common Open Space, and shall protect Sensitive Lands, view corridors, and prominent Ridge Line Areas.

(B) **FRONT YARD.** The minimum Front Yard is twenty feet (20'). New Front

in an Area other than the original location set forth in the services agreement and/or Master Festival License

**PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.16 Recreation Commercial
(RC) District 15-2.16-2**

- (6) Accessory Apartment²
- (7) Nightly Rental³
- (8) Home Occupation
- (9) Child Care, In-Home Babysitting⁴
- (10) Child Care, Family⁴
- (11) Child Care, Family Group⁴
- (12) Child Care Center⁴
- (13) Accessory Building and Use
- (14) Conservation Activity
- (15) Agriculture
- (16) Bed & Breakfast Inn
- (17) Boarding House, Hostel
- (18) Hotel, Minor
- (19) Parking Area or Structure with four (4) or fewer spaces
- (20) Salt Lake City 2002 Winter Olympic Games Olympic Legacy Displays⁵

(B) **CONDITIONAL USES.**

- (1) Multi-Unit Dwelling
- (2) Group Care Facility

²See LMC Chapter 15-4, Supplemental Regulations for Accessory Apartments

³Nightly Rentals do not include the Use of dwellings for Commercial Uses

⁴See LMC Chapter 15-4-9, Child Care Regulations

⁵Olympic Legacy Displays limited to those specific Structures approved under the SLOC/Park City Municipal Corporation Olympic Services Agreement and/or Olympic Master Festival License and placed on the original Property set forth in the services agreement and/or Master Festival License. Requires an Administrative Permit.

- (3) Public and Quasi-Public Institution, Church, and School
- (4) Essential Municipal Public Utility Use, Facility, Service, and Structure
- (5) Telecommunications Antenna⁶
- (6) Satellite Dish Antenna, greater than thirty-nine inches (39") in diameter⁷
- (7) Raising, grazing of horses
- (8) Cemetery
- (9) Hotel, Major
- (10) Timeshare Project and Conversion
- (11) Timeshare Sales Office
- (12) Private Residence Club Project and Conversion⁹
- (13) Office, General⁸
- (14) Office, Moderate⁸
- (15) Office and Clinic, Medical⁸
- (16) Financial Institution without drive-up window⁸
- (17) Minor Retail and Service Commercial⁸
- (18) Retail and Service Commercial, personal improvement⁸

⁶See LMC Chapter 15-4-14, Supplemental Regulations for Telecommunication Facilities

⁷See LMC Chapter 15-4-13, Supplemental Regulations for Satellite Receiving Antennas

⁸As support Use to primary Development or Use, subject to provisions of LMC Chapter 15-6, Master Planned Development

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 2.16 Recreation Commercial (RC) District 15-2.16-3

- (19) Transportation Service⁸
- (20) Neighborhood Market, without gasoline sales⁸
- (21) Café or Deli⁸
- (22) Restaurant, General⁸
- (23) Restaurant, Outdoor Dining^{8, 9}
- (24) Bar⁸
- (25) Hospital, Limited Care Facility⁸
- (26) Parking Area or Structure with five (5) or more spaces
- (27) Temporary Improvement⁹
- (28) Passenger Tramway Station and Ski Base Facility¹⁰
- (29) Ski Tow Rope, Ski Lift, Ski Run, and Ski Bridge¹⁰
- (30) Outdoor Events and Uses⁹
- (31) Recreation Facility, Public and Private⁸
- (32) Recreation Facility, Commercial⁸
- (33) Entertainment Facility, Indoor⁸
- (34) Commercial Stables, Riding Academy⁸
- (35) Master Planned Developments
- (36) Heliport⁸
- (37) Special Events⁹
- (38) Amenities Club

(C) **PROHIBITED USES.** Any Use not listed above as an Allowed or Conditional Use is a prohibited Use.

(Amended by Ord. Nos. 02-38; 04-39; 06-76; 09-10)

15-2.16-3. LOT AND SITE REQUIREMENTS.

Except as may otherwise be provided in this Code, no Building Permit shall be issued for a Lot unless such Lot has Frontage on a Street shown as a private or Public Street on the Streets Master Plan, or on a private easement connecting the Lot to a Street shown on the Streets Master Plan. All Development must comply with the following:

(A) **SINGLE FAMILY AND DUPLEX DWELLINGS.** For Single Family and Duplex Dwellings see Section 15-2.16-5.

(B) **DEVELOPMENT FLOOR AREA RATIO.** For all Development, except Single Family and Duplex Dwellings, the maximum Floor Area Ratio is one (1.0), not including underground Parking Structures.

(C) **FRONT YARD.** The minimum Front Yard is twenty feet (20'). See Section 15-2.16-5 for Front Yard requirements for Single Family and Duplex Dwellings.

(D) **FRONT YARD EXCEPTIONS.** The Front Yard must be open and free of any Structure except:

- (1) Fences, walls, and retaining walls not more than four feet (4') in

Comment [kaw1]: Removed recommendation for use as an Admin CUP if membership is limited in number and removed recommendation to allow Resort Support Commercial in RC zone as it is allowed in the RD zone, a less intensive zone. However staff will study the Support Commercial issue and return to Planning Commission with findings at a future meeting. Also amended definition in Chapter 15

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⁹Requires an Administrative or Administrative Conditional Use permit, see Section 15-4

¹⁰ As part of an approved Ski Area Master Plan

Mechanical equipment on roofs must be hidden with a visual barrier so it is not readily visible from nearby Properties.

(G) **SOLAR PANELS AND SKYLIGHTS.** Any solar panel or skylight, or other translucent roof material, which allows the transmission of light from the interior of the Building to the exterior, shall be designed as follows:

(1) Skylights shall be limited to no more than twenty-five percent (25%) of the total roof Area;

(2) The skylight design shall facilitate the Use of natural light in to the Building and any light emitted or reflected from the skylight or solar panel shall be shielded from adjacent Properties;

(3) The feature shall not be the highest point of the Structure; and

(4) The feature shall be designed to fit as flush as possible with the roof. Skylights shall generally extend no more than two feet (2') above the roof plane.

(5) Solar panels shall be designed so as to be incorporated in the roof plan or architectural feature to the best extent possible.

(6) Skylights and solar panels in the Historic Districts are subject to the Design Guidelines for Historic Districts and Historic Sites.

(H) **WINDOW TREATMENTS.**

Windows other than rectangular windows may be used as accents and trim, but arched, rounded, or Bay Windows as the primary window treatment are prohibited. Untreated aluminum and untreated metal window frames are prohibited. Small pane colonial style windows are not allowed.

(I) **LIGHTING.**

(1) **PURPOSE.** The functional objectives in providing exterior Area lighting are to illuminate Areas necessary for safe, comfortable and energy efficient Use. The number of fixtures shall be limited to provide for safe entry and egress and for sign and Business identification. Illumination of new Building features for architectural enhancement is prohibited. Historic Structures may be illuminated under the terms prescribed in this Code.

With the exception of Americans with Disabilities Act lighting requirements, the minimum lighting standards generally applied and recommended by the Illuminating Engineering Society of North America (IES), are observed by this Code.

(2) **CONFORMANCE WITH APPLICABLE CODES.** All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this Code, the International Building Code, the

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shall have ten (10) Business days from the date of a complete submission of the temporary request to act, in writing, on the request. The Planning Department shall approve the request if it finds that the exemption is necessary for public safety, security or other public necessity and the exemption does not materially subvert the purpose of this Chapter.

If approved, the exemption shall be valid for not more than thirty (30) days from the date of approval. The approval shall be renewable by the Planning Director upon consideration of all the circumstances and provided a finding of public safety or necessity is made, and no intent to circumvent the intent of this Chapter is present. Each such renewed exemption shall be valid for not more than thirty (30) days.

(c) **Denial/Appeal.** If the request for a temporary exemption is denied, the Person making the request, in writing, may appeal the decision to the Planning Commission within ten (10) days of the denial as provided for in LMC Chapter 15-1.

(J) **TRASH AND RECYCLING ENCLOSURES.** In addition to County health standards, the following trash enclosure design standards shall apply:

(1) Trash and storage Areas shall be Screened by landscaping, Fencing, berms or other devices integral to overall Site and Building design;

(2) Trash and storage enclosures shall be designed and constructed of materials that are Compatible with the proposed or existing Building and with surrounding Structures. The enclosure's design, construction, and materials shall be substantial and consisting of masonry, steel, or other materials approved by the Planning and Building Department and capable of sustaining active use by residents and trash/recycling haulers. The design shall, if physically possible, include both a pedestrian door and a truck door or gate;

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(3) Trash and storage Areas shall be well maintained including prompt repair and replacement of damaged gates, Fences and plants;

(4) Openings of trash enclosures shall be oriented away from public view or Screened with sturdy gates wide enough to allow easy Access for trash collection, where practical;

(5) The consolidation of trash Areas between Businesses and the

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 6 - Master Planned Developments **15-6-5**

plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;

(5) A description of all Developer exactions or agreed upon public dedications;

(6) The Developers agreement to pay all specified impact fees; and

(7) The form of ownership anticipated for the project and a specific project phasing plan.

(8) A list and map of all known Physical Mine Hazards on the property, as determined through the exercise of reasonable due diligence by the Owner, as well as a description and GPS coordinates of those Physical Mine Hazards.

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

(H) **LENGTH OF APPROVAL.** Construction, as defined by the Uniform Building Code, will be required to

commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

The Planning Commission may grant an extension of a Master Planned Development for up to two (2) additional years, when the Applicant is able to demonstrate no change in circumstance that would result in unmitigated impacts or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Extension requests must be submitted prior to the expiration of the Master Planned Development and shall be noticed and processed with a public hearing according to Section 15-1-12.

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(I) **MPD MODIFICATIONS.** Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 6 - Master Planned Developments

15-6-12

(7) It is important to plan for trash storage and collection and recycling facilities. The Site plan shall include adequate Areas for trash dumpsters and recycling containers, including an adequate circulation area for pick-up vehicles. These facilities shall be enclosed and shall be included on the site and landscape plans for the Project. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

No final site plan for a commercial development or multi-family residential development shall be approved unless there is a mandatory recycling program put into effect which may include Recycling Facilities for the project.

Single family residential development shall include a mandatory recycling program put into effect including curb side recycling but may also provide Recycling Facilities.

The recycling facilities shall be identified on the final site plan to accommodate for materials generated by the tenants, residents, users, operators, or owners of such project. Such recycling facilities shall include, but are not necessarily limited to glass, paper, plastic, cans, cardboard or other household or commercially generated recyclable and scrap materials.

Locations for proposed centralized trash and recycling collection facilities shall be shown on the site plan drawings. Written approval of the proposed locations shall be obtained by the City Building and Planning Department.

Centralized garbage and recycling collection containers shall be located in a completely enclosed structure, designed with materials that are compatible with the principal building(s) in the development, including a pedestrian door on the structure and a truck door/gate. The structure's design, construction, and materials shall be substantial e.g. of masonry, steel, or other materials approved by the Planning Department capable of sustaining active use by residents and trash/recycle haulers.

The structures shall be large enough to accommodate a garbage container and at least two recycling containers to provide for the option of dual-stream recycling. A conceptual design of the structure shall be submitted with the site plan drawings.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

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Comment [kaw2]: Recycling facilities as defined in Chapter 15 are required for Commercial development and multi-family residential developments. Single family development should include mandatory recycling programs with curb side recycling.

Comment [kaw3]: Commercial and Multi family MPD must include a recycling program and they may include Recycling Facilities.

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**PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 7.1 - Subdivision
Procedures**

15-7.1-2

(1) **MINOR SUBDIVISION.** A Subdivision containing not more than three (3) Lots fronting on an existing Street, not involving any new Street or road, or the extension of municipal facilities, or the creation of public improvements.

(a) **Final Plat.** A Final Plat shall be approved in accordance with these regulations.

(2) **MAJOR SUBDIVISION.** A Subdivision of land into four (4) or more Lots, or any size Subdivision requiring any new Street.

(a) **Preliminary Plat.** A Preliminary Plat may be approved in accordance with these regulations.

(b) **Final Plat.** A Final Plat shall be approved in accordance with these regulations.

(B) **PLAT AMENDMENT.** The combining of existing subdivided Lots into one or more Lots or the amendment of plat notes or other platted elements including but not limited to easements, limits of disturbance boundaries or areas, building pads, and house size limitations. Plat Amendments shall be reviewed according to the requirements of Section 15-7.1-6 Final Subdivision Plat and approval shall require a finding of Good Cause.

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

(C) **RECORD OF SURVEY.**

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

(D) **LOT LINE ADJUSTMENT.** The relocation of the Property boundary line between two adjoining Lots.

(1) **FINAL PLAT.** A Final Plat shall be approved in accordance with these regulations.

15-7.1-4. GENERAL PROCEDURE.

(A) **OFFICIAL SUBMISSION DATES.** At its discretion, the Planning Commission may waive one or more of the steps in the approval process by allowing the Applicant and Developer to combine the requirements of both preliminary and final Subdivision Plats into a single submittal. For the purpose of these regulations, for both major and minor Subdivisions, the date of the regular meetings of the Planning Commission at which the public hearings on final approval of the Subdivision Plat, including any adjourned date thereof, is closed, shall constitute the official submittal date of the plat at which the statutory period required for formal approval or disapproval of the plat shall commence to run.

(B) **PHASING PLAN REQUIRED.** All residential Subdivisions with more than twenty (20) Lots or Condominiums shall include a phasing plan, which specifies the

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timing of public improvements and residential construction.

(1) **PHASING PLAN REQUIREMENTS.** A phasing plan shall include:

(a) The number of units or Parcels to be developed in each phase and the timing of each phase.

(b) The timing of construction of public improvements and Subdivision amenities to serve each phase.

(c) The relationship between the public improvements in the current Subdivision and contiguous land previously subdivided and yet to be subdivided.

(2) **MASTER PLANNED DEVELOPMENT.** If the Subdivision is in an Area covered by an approved Master Planned Development, which has a phasing plan, the phasing plan for the Subdivision shall be consistent with the phasing plan for the Master Planned Development.

(3) **REVISIONS.** An Applicant may request a revision of the phasing plan, which may be necessary due to such conditions as changing market conditions, inclement weather or other factors.

(C) **COORDINATION OF MULTIPLE APPLICATIONS.** It is the intent of these regulations that Subdivision review be carried out simultaneously with the review of Master Planned Developments. Required Applications shall be submitted in a form to satisfy both the requirements of the Subdivision regulations and Master Planned Development provisions of the Land Management Code. Any project falling within the Sensitive Lands Area Overlay Zone may be subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations.

15-7.1-5. PRELIMINARY SUBDIVISION PLAT.

(A) **PREAPPLICATION REQUIREMENTS.** Before preparing the Preliminary Plat for a Subdivision, the Applicant should arrange for a pre-Application conference with the Planning Department to discuss the procedure for approval of a Subdivision Plat and the requirements as to general layout of Streets and for reservations of land, Street improvements, drainage, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services. The Planning Department shall also advise the Applicant, where appropriate, to discuss the proposed Subdivision with those agencies who must eventually approve those aspects of the Subdivision coming within their jurisdiction; such as, the Snyderville Basin Sewer Improvement District, the Park City

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 7.1 - Subdivision Procedures

15-7.1-4

Fire Service District, the Park City School District, and the various utility service providers.

(B) APPLICATION PROCEDURE AND REQUIREMENTS. Prior to subdividing land in a manner, which requires a Preliminary Plat, an Owner of the land or his representative shall file an Application for approval of a Preliminary Plat. The Application shall:

(1) Be made on a form available at the office of the Planning Department and determined complete. A complete Application shall include all elements of the Subdivision and shall produce all information required by the Subdivision Application.

(2) Include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy

of the resolution legally empowering the Applicant to make the Application.

(C) REVIEW OF PRELIMINARY PLAT. The Planning Department staff shall schedule the Preliminary Plat for review by the Development Review Committee, including officials or agencies of the local government, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law. The Planning Department shall request that all officials and agencies, to whom a request for review has been made, submit their report to the Staff. The Staff will consider all reports submitted by the officials and agencies concerning the Preliminary Plat and shall prepare a staff report for proposed action to the Planning Commission.

Once an Application is received, the Staff will work diligently to review the Application as quickly as time and workload allows. The scale or complexity of a project or Staff workload may necessitate a longer processing period. In such cases, the Staff will notify the Applicant when an Application is filed as to the projected time frame.

(D) PLANNING COMMISSION REVIEW OF PRELIMINARY PLAT. The Planning Commission shall study the Preliminary Plat and the report of the Staff, taking into consideration requirements of the Land Management Code and any Master

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PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 7.1 - Subdivision Procedures

15-7.1-5

Plan, site plan, or Sensitive Land Analysis approved or pending approval on the subject Property. Particular attention will be given to the arrangement, location and width of Streets, their relation to sewerage disposal, drainage, erosion, topography and natural features of the Property, location of Physical Mine Hazards and geologic hazards, Lot sizes and arrangement, the further Development of adjoining lands as yet un-subdivided, and the requirements of the Official Zoning Map, General Plan, and Streets Master Plan, as adopted by the Planning Commission and City Council. The Planning Commission shall make a finding as to whether there is Good Cause in approving the preliminary plat.

to the Developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat.

The other copy shall be maintained in the Planning Files.

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(G) **PUBLIC IMPROVEMENTS.** The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final Subdivision Plat by the Chairman of the Planning Commission. If the Planning Commission elects not to require that all public improvements be installed and dedicated prior to signing of the final Subdivision Plat by the Chairman of the Planning Commission, the amount of the Guarantee, in compliance with the requirements of the Land Management Code, shall be established by the Planning Commission based upon the recommendation of the City Engineer, which shall be submitted by the Applicant at the time of Application for final Subdivision Plat approval. The Planning Commission shall require the Applicant to indicate on both the Preliminary and Final Plat all roads and public improvements to be dedicated, all special districts for water, fire, and utility improvements which shall be required to be established or extended, all City approved Street names and addresses, and any other special requirements deemed necessary by the Planning Commission in order to conform the Subdivision Plat to the Official Zoning Map and the Master Plans of Park City.

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(E) **PUBLIC HEARINGS.** The Planning Commission shall hold a public hearing on the Preliminary Plat Application. Such hearings shall be advertised in accordance with the requirements of Section 15-1-12 of the Land Management Code and in the same manner as the subsequent public hearings of the final Subdivision Plat; except, however, that the Planning Commission may, at its sole discretion, combine the required hearings for both preliminary and final Subdivision Plat approval.

(F) **PRELIMINARY APPROVAL.** After the Planning Commission has reviewed the Preliminary Plat and the report of the Staff including any municipal recommendations and testimony and exhibits submitted at the public hearing, the Applicant shall be advised of any required changes and/or additions. One copy of the proposed Preliminary Plat shall be returned

(H) **EFFECTIVE PERIOD OF PRELIMINARY APPROVAL.** The approval of a Preliminary Plat shall be

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 7.1 - Subdivision Procedures

15-7.1-6

effective for a period of one (1) year at the end of which time final approval on the Subdivision must have been obtained from the Planning Commission, and the **Final** plat shall be signed and filed with the County Recorder within one (1) year of approval. Any plat not recorded within the period of time set forth herein shall be null and void, and the Developer shall be required to resubmit a new Application and plat for preliminary approval subject to all new review requirements, zoning restrictions and Subdivision regulations.

regulations and Subdivision regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the Land Management Code rendering the plat nonconforming as to bulk or Use, provided the final approval is obtained within the one (1) year period.

15-7.1-6. FINAL SUBDIVISION PLAT.

Applicants may request time extensions of the approval of a Preliminary Plat by submitting a request in writing to the Planning Department prior to expiration of the approval. The Planning Director shall review all requests for time extensions of Preliminary Plat approvals and may consider the request when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the requirements for Preliminary Plat in Section 15-1-12.

(A) **APPLICATION PROCEDURE AND REQUIREMENTS.** Following approval of the Preliminary Plat, if necessary, the Applicant, if he wishes to proceed with the Subdivision, shall file with the Planning Department an Application for approval of a final Subdivision Plat. The Application shall:

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(1) Be made on forms available at the Planning Department and determined complete. A complete Application shall include all elements of the Subdivision and shall produce all information required by the Subdivision Application.

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(2) Include all contiguous holdings of the Owner, unless specifically waived by the Planning Department and Planning Commission, including land in the "same ownership," as defined herein, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land

The Commission may hold a public hearing on the time extension for a Preliminary Plat approval. Such hearings shall be noticed in accordance with the requirements of Section 15-1-12 of the Land Management Code

(I) **ZONING REGULATIONS.** Every plat shall conform to existing zoning

were acquired, together with the book and page of each conveyance to the present Owner as recorded in the County Recorder's office. The affidavit shall advise as to the legal Owner of the Property, the contract Owner of the Property, the date a contract of sale was executed, and, if any corporations are involved, a copy of the resolution legally empowering the Applicant to make the Application.

(3) Include the entire Subdivision, or section thereof, which derives access from an existing state, county or local government highway.

(B) REVIEW OF FINAL SUBDIVISION PLAT.

The Planning Department staff shall schedule the Final Plat Application for review by the Development Review Committee, including officials or agencies of the local government, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law.

The Planning Department shall request that all officials and agencies, to whom a request for review has been made, submit their report to the Staff. The Staff will consider all the reports submitted by the officials and agencies concerning the Final Subdivision Plat and shall submit a report for proposed action to the Planning Commission.

Once an Application is received, the Staff will work diligently to review the Application, as quickly as time and workload allows. The scale or complexity of a project or Staff workload may necessitate a longer processing period. In such cases, the Staff will notify the Applicant when an Application is filed as to the projected time frame.

(C) PLANNING COMMISSION AND CITY COUNCIL REVIEW OF FINAL SUBDIVISION PLAT.

The Planning Commission shall review the Final Subdivision Plat and the report of the Staff, taking into consideration requirements of the Land Management Code, the General Plan, and any Master Plan, site plan, or Sensitive Lands Analysis approved or pending on the Property. Particular attention will be given to the arrangement, location and width of Streets and their relation to sewerage disposal, drainage, erosion, topography and natural features of the Property, location of Physical Mine Hazards and geologic hazards, Lot sizes and arrangement, the further Development of adjoining lands as yet un-subdivided, requirements of the Preliminary Plat (if a Preliminary Plat was required), and requirements of the Official Zoning Map and Streets Master Plan, as adopted by the Planning Commission and City Council.

The Planning Commission shall make a finding as to Good Cause prior to approving the Final plat.

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(1) The Planning Commission shall give notice pursuant to Section 15-1-12 of this Code and hold a public hearing on the proposed final Subdivision Plat before making its final recommendation to the City Council.

(2) After considering the final Subdivision Plat and proposed ordinance, the Planning Commission shall recommend to the City Council approval or disapproval of the Subdivision Application and set forth in detail any conditions to which the approval is subject, or the reasons for disapproval.

(3) The City Council may adopt or reject the ordinance either as proposed by the Planning Commission or by making any revision it considers appropriate.

(4) In the final ordinance, the City Council shall stipulate the period of time when the Final plat shall be recorded and when the performance Guarantee shall be filed or the required improvements installed, whichever is applicable. Provided, however, that no plats will be approved or released for recording until necessary Guarantees have been established in accordance with the Land Management Code. In no event shall the period of time stipulated by the City Council for completion of required improvements exceed two (2) years from the date of the final ordinance.

(5) EXTENSION OF APPROVAL. Applicants may request time extensions of the City Council approval by submitting a request in writing to the Planning Department prior to expiration of the approval. The Planning Director shall review all requests for time extensions of final plat approvals and may grant an extension when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the Park City General Plan or the Land Management Code in effect at the time of the extension request. Change in circumstance includes physical changes to the Property or surroundings. Notice shall be provided consistent with the requirements for a Final plat in Section 15-1-12.

(D) SUBMISSION AND REVIEW. Subsequent to the resolution of the Planning Commission, one (1) paper copy of the construction plans, and one copy of the original Subdivision Plat on paper shall be submitted to the Planning Department for final review. No final approval shall be endorsed on the plat until the staff's review has indicated that all requirements of the ordinance have been met.

(E) VESTED RIGHTS. Vesting for purposes of zoning occurs upon the filing of a complete Application provided, however,

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that no vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the Chairman of the Planning Commission and the Mayor of Park City. All requirements, conditions, or regulations adopted by the Planning Commission and City Council applicable to the Subdivision or to all Subdivisions generally shall be deemed a condition for any Subdivision prior to the time of the signing of the Final Plat by the Chairman of the Planning Commission and Mayor. Where the Planning Commission or Council has required the installation of improvements prior to signing of the Final Plat, the Planning Commission or Council shall not unreasonably modify the conditions set forth in the final approval.

(F) LOT LINE ADJUSTMENTS. The Planning Director may approve a Lot Line Adjustment between two (2) Lots without a plat amendment, within the corporate limits of Park City, if:

(1) the Owners of both Lots demonstrate, to the satisfaction of the Planning Director that:

- (a) no new developable Lot or unit results from the Lot Line Adjustment;
- (b) all Owners of Property contiguous to the adjusted Lot(s) or to Lots owned by the Applicant(s) which are contiguous to the adjusted Lot(s), including those separated by a public

Right-of-Way, consent to the Lot Line Adjustment;

(c) the Lot Line Adjustment does not result in remnant land;

(d) the Lot Line Adjustment, and resulting Lots comply with LMC Section 15-7.3 and are compatible with existing lot sizes in the immediate neighborhood;

(e) the Lot Line Adjustment does not result in violation of applicable zoning requirements;

(f) neither of the original Lots were previously adjusted under this section;

(g) written notice was mailed to all Owners of Property within three hundred feet (300') and neither any Person nor the public will be materially harmed by the adjustment; and

(h) the City Engineer and Planning Director authorizes the execution and recording of an appropriate deed and Plat, to reflect that the City has approved the Lot Line Adjustment.

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also the primary residence of the care provider.

1.46. **CITY DEVELOPMENT.** Any Conditional Use permit or Master Planned Development in which Park City Municipal Corporation or corporations controlled by Park City Municipal Corporation is the Applicant.

1.47. **CLEARVIEW OF INTERSECTING STREETS.** On any Corner Lot, an Area is kept clear of Structures, Fences, or tall vegetation, to allow vehicle drivers an unobstructed view of traffic approaching on the intersecting Street. This Area is the Site Distance Triangle. See Site Distance Triangle.

1.48. **CLUB.**

(A) Club, Amenities. Any non-profit corporation or other organization formed and operated for the primary purpose of providing its members with social and recreational opportunities involving the access, use and enjoyment of physical amenities and services provided at or through an existing or approved Hotel, including restaurants, bars, spas, spa services, pools, lounges, exercise facilities, lockers, ski facilities and services, pools, and other facilities and services.

(B) Club, Private. Any non-profit corporation, or organization, operating as a social club, recreational, fraternal, athletic or kindred association organized primarily for the benefit of its stockholders or members and serving alcoholic beverages and/or food.

(C) Club, Private Residence.

Residential Use real estate within a single Condominium project, in which ownership or Use of a Condominium Dwelling Unit or group of Condominium Dwelling Units and associated common area is shared by not less than four (4) or more than twelve (12) Owners or members per Condominium Dwelling Unit and whose Use is established by a reservation system and is managed with 24 hour reservation and Property management, seven (7) days a week, providing reservation, registration, and management capabilities. Membership in a Private Residence Club may be evidenced by:

- (1) a deeded interest in real Property;
- (2) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation, or other Business entity;
- (3) a non-entity membership in a non-profit corporation, non-incorporated association, or other entity;
- (4) beneficial interest in a trust;
- (5) other arrangement providing for such Use and occupancy rights.

(C) Club, Private Residence Conversion. The conversion of Condominium Units and associated Common Areas within an existing Condominium project to the exclusive Use

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as Private Residence Club.

(D) **Club, Private Residence Off-Site.** Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate project. Hospitality includes, but is not limited to, any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office.

(E) **Club, Private Residence Project.** Any Condominium Property that is subject to a Private Residence Club deed, interest, trust, or other arrangement for providing for Use and Ownership as a Private Residence Club, and contains at least four (4) units.

1.49. **CLUSTER DEVELOPMENT.** A design that concentrates Buildings in specific Areas on a Site to allow the remaining land to be used for recreation, Open Space, and preservation of environmentally sensitive Areas.

1.50. **CODE.** The Land Management Code (LMC).

1.51. **COLLECTOR ROAD.** A road intended to move traffic from local roads to major thoroughways. A Collector Road generally serves a neighborhood or a large Subdivision.

1.52. **CO-LOCATION.** The location of Telecommunications Facility on an existing Structure, tower, or Building, in such a

manner that precludes the need for that Telecommunications Facility to be located on a free-standing Structure of its own.

1.53. **COMMERCIAL USE.** Retail Business, service establishments, professional offices, and other enterprises that include commerce and/or trade and the buying and selling of goods and services.

(A) **Commercial Use, Support.** A Commercial Use oriented toward the internal circulation of a Development, for the purpose of serving the needs of the residents or users of that Development, and not Persons drawn from Off-Site.

(B) **Commercial Use, Resort Support.** A Commercial Use that is clearly incidental to, and customarily found in connection with, the principal resort Use, and which is operated and maintained for the benefit or convenience of the Owner, occupants, employees, customers of, or visitors to, the principal Use.

1.54. **COMMON AREA.** Facilities and yards under Common Ownership, identified within projects, for the Use and enjoyment of the residents.

1.54. **COMMON OWNERSHIP.** Ownership of the same Property by different Persons.

1.56. **COMPATIBLE OR COMPATIBILITY.** Characteristics of different Uses or designs that integrate with and relate to one another to maintain and/or enhance the context of a surrounding Area or neighborhood. Elements affecting

(A) **Facade, Building.** The exterior of a Building located above ground and generally visible from public points of view.

(B) **Façade, Front.** That portion of a Building that generally faces the street and/or Front Lot Line.

1.92. **FACADE EASEMENT.** A recordable instrument, in a form approved by the City Attorney, which restricts the Owner's ability to alter the Building Facade.

1.93. **FACADE SHIFT.** A change or break in the horizontal or vertical plane of the exterior of a Building.

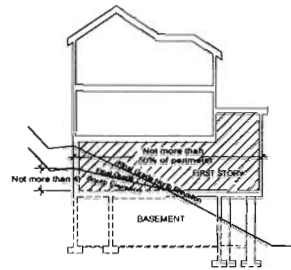
1.94. **FENCE.** A Structure to separate or divide outdoor Areas. The term Fence includes, but is not limited to, net Screening for golf balls, and masonry walls. A Fence need not be sight obscuring or light tight.

1.95. **FILTERED LIGHT FIXTURE.** Any outdoor light fixture that has a refractive light source. Quartz or clear glass do not refract light.

1.96. **FINAL ACTION.** The later of the final vote or written decision on a matter.

1.97. **FINAL PLAT.** A recordable Subdivision or Condominium map.

1.98. **FIRST STORY.** The lowest Story in a Building provided the floor level is not more than four feet (4') below Final Grade for more than fifty percent (50%) of the perimeter. **Can include habitable or uninhabitable Floor Area.** See the following illustration:



1.99. **FLOOD PLAIN AREA.** An Area adjoining a river, Stream, or water course, or body of standing water in which a potential flood hazard exists when the Area experiences a one hundred year storm, including, any Area designated as a Flood Plain by the Department of Housing and Urban Development or Federal Emergency Management Agency of the United States Government.

1.100. **FLOOR AREA.**

(A) **Floor Area, Gross Residential.** The Area of a Building, including all enclosed Areas. ~~Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Residential Floor Area.~~ Garages, up to a maximum Area of 600 square feet¹, are not considered Floor Area. Basement and Crawl Space Areas below Final Grade are not considered Floor Area. Floor Area is measured from the finished surface of the interior of the exterior boundary walls.

Comment [kaw2]: Habitable space is defined and it excludes areas that are enclosed, such as bathrooms and hallways. These areas are included in residential Floor Area. Delete this language regarding human occupation because it is not consistent with other definitions.

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¹400 sq. ft. in Historic Districts

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(B) **Floor Area, Gross Commercial.** The Area of a Building including all enclosed Areas, excluding parking areas. Unenclosed porches, Balconies, patios and decks, vent shafts and courts are not calculated in Gross Commercial Floor Area. Areas below Final Grade used for commercial purposes including, but not limited to, storage, bathrooms, and meeting space, are considered Floor Area.

(C) **Floor Area, Net Leasable.** Gross Floor Area excluding common hallways, mechanical and storage Areas, parking, and restrooms.

1.101. **FLOOR AREA RATIO (FAR).** The maximum allowed Gross Floor Area divided by the Area of the Lot or Parcel.

1.102. **FOOT CANDLE.** A unit for measuring the amount of illumination on a surface. The measurement is a candle power divided by distance.

(A) **Foot Candle, Average (afc).** The level of light measured at an average point of illumination between the brightest and darkest Areas, at the ground surface or four to five feet (4' to 5') above the ground surface.

(B) **Foot Candle, Horizontal (hfc).** A unit of illumination produced on a horizontal surface, all points of which are one foot (1') from a uniform point source of one (1) candle.

(C) **Foot Candle, Vertical (vfc).** A unit of illumination produced on a vertical surface, all points of which are one foot (1')

from a uniform point source of one (1) candle.

1.103. **FRONTAGE.** That portion of a Lot abutting a public or private Right-of-Way and ordinarily regarded as the front of the Lot.

1.104. **FULLY SHIELDED.** Luminaires that are constructed so that no light rays are emitted at angles above the horizontal plane, as certified by a photometric test report.

1.105. **GARAGE.**

(A) **Garage, Commercial.** A Building, or portion thereof, used for the storage or parking of motor vehicles for consideration.

(B) **Garage, Front Facing.** Garages that face or are generally parallel to the Street frontage.

(C) **Garage, Private.** An Accessory Building, or a portion of the Main Building, used for the storage of motor vehicles for the tenants or occupants of the Main Building and not by the general public.

(D) **Garage, Public.** A Building or a portion thereof, used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles, that is open to the general public.

1.106. **GEOLOGIC HAZARD.** A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, Property or improvements, due to the movement, subsidence, or shifting of the earth. The term includes but is not limited to unstable

Comment [kaw3]: See comment above.

Comment [kaw4]: Building code identifies closets and bathrooms as not habitable space- so we do want those included in the Floor Area.

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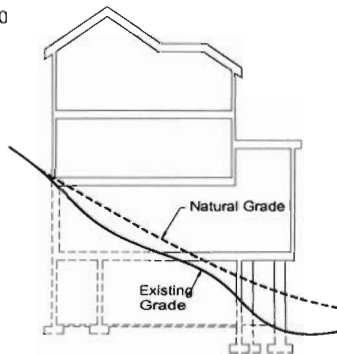
Slopes, faulting landslides, and rock fall.

1.107 GOOD CAUSE. Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as providing public amenities and benefits, resolving existing problems, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of Park City and furthering the health, safety, and welfare of the Park City community.

1.108. GOVERNING BODY. The City Council of Park City.

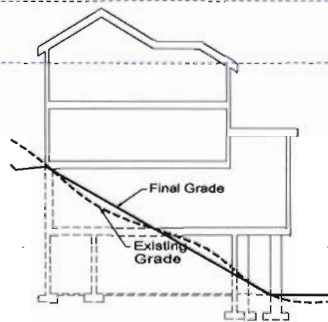
1.108. **GRADE.** The ground surface elevation of a Site or Parcel of land.

(A) **Grade, Existing.** The Grade of a Property prior to any proposed Development



(B) **Grade, Natural.** The Grade of the surface of the land prior to any Development

Activity or any other man-made disturbance or Grading. The Planning Department shall estimate the Natural Grade, if not readily apparent, by reference elevations at points where the disturbed Area appears to meet the undisturbed portions of the Property. The estimated Natural Grade shall tie into the elevation and Slopes of adjoining Properties without creating a need for a new retaining wall, abrupt differences in the visual Slope and elevation of the land, or redirecting the flow of run-off water.



(C) **Grade, Final.** The finished or resulting Grade where earth meets the Building after completion of the proposed Development Activity.

1.109. **GRADING.** Any earthwork or activity that alters the Natural or Existing Grade, including but not limited to excavating, filling or embanking.

1.110. **GREEN ROOF.** A roof of a Building that is covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

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Comment [kaw5]: Good cause is used as review, justification for plat amendments and other planning reviews.

Comment [kaw6]: And renumber accordingly

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(F) **Feeling.** A Site's expression of the aesthetic of Historic sense of a particular period of time. Feeling results from the presence of physical features that, taken together, convey the Property's Historic character.

(G) **Association.** The direct link between an important Historic era or Person and a Historic Site. A Site retains association if it is in the place where the activity occurred and is sufficiently intact to convey that relationship to an observer.

1.125. **HISTORIC SITES INVENTORY.** A list of Historic Sites, as determined by the Historic Preservation Board, that meets specified criteria set form in Land Management Code Chapter 15-11.

1.126. **HOME OCCUPATION.** A Business carried on entirely within a dwelling by Persons residing within the dwelling, which Business is clearly incidental and secondary to the Use of the dwelling for residential purposes.

1.127. **HOSPITAL.** An institution specializing in clinical, temporary or emergency medical services to humans and/or licensed by the state to provide facilities and services in surgery, obstetrics, and general medical practice. Does not include Uses defined as "Office, Medical".

(A) **Hospital, Limited Care.** An institution licensed by the state to provide out-patient medical or surgical care and related services without overnight stay.

1.128. **HOTEL.** A Building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis ~~that~~ ~~include~~ accessory facilities such as ~~restaurants, bars, spas, meeting rooms, on-site check in lobbies,~~ recreation facilities, ~~and/or other facilities and~~ activities customarily associated with Hotels, such as ~~concierge services, shuttle services, room service, and daily maid service.~~ ~~Hotel~~ ~~does not include~~ ~~nightly rental condominium projects without restaurants, bars, spas, and on-site check-in lobbies.~~ ~~Lockout Units.~~ ~~Bed and Breakfast Inns, and Boarding Houses are not Hotels.~~ Hotels are considered a lodging Use ~~and ownership of units may be by a condominium or timeshare instrument.~~ Hotel rooms may include a Lockout as part of the Unit.

(A) **Hotel, Major.** A Hotel with more than fifteen (15) Hotel Rooms.

(B) **Hotel, Minor.** A Hotel, with fewer than sixteen (16) Hotel Rooms.

1.129. **HOTEL ROOM.** A Unit consisting of one (1) room, without a Kitchen, intended for temporary living and sleeping purposes and including a separate, exclusive bathroom.

1.130. **HOTEL SUITE.** Two (2) or more interconnected Hotel Rooms with a single corridor or exterior Access. May include a Kitchenette. See Bed and Breakfast Inn, Lockout Unit, and Boarding House.

1.131. **IMPACT ANALYSIS.** A determination of the potential effects(s), environmental, fiscal, social, etc., upon the community of a proposed Development.

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improvements, and playground equipment, recreation amenities, public landscaped and hard-scaped plazas, and public pedestrian amenities, but excluding Buildings or Structures.

(B) **Open Space, Natural.** A natural, undisturbed Area with little or no improvements. Open space may include, but is not limited to, such Areas as Ridge Line Area, Slopes over thirty percent (30%), wetlands, Stream Corridors, trail linkages, Subdivision or Condominium Common Area, or view corridors.

(C) **Open Space, Transferred Development Right (TDR).** That portion of a Master Planned Development, PUD, Cluster Plan or other Development plan from which Density is permanently transferred. This Area may be either Natural or Landscaped Open Space.

1.171. **ORDINARY HIGH WATER MARK.** The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation, or other appropriate means which consider the characteristics of the surrounding Areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

1.172. **ORDINARY REPAIRS AND MAINTENANCE.** Work done on a Building in order to correct any deterioration, decay, or damage to a Building or any part thereof in order to

restore same as or nearly as practical to its condition prior to such deterioration, decay, or damage.

1.173. **OUTDOOR USE OR EVENT.** Any land Use, Business or activity that is not conducted entirely within an enclosed Building or Structure, not including outdoor recreation activities and those Uses customarily associated with indoor Uses, such as parking, drive-up windows, ATM's, gas pumps, playgrounds, and such. Outdoor Uses include outdoor dining; outdoor food and beverage service stations and carts; outdoor storage and display of bicycles, kayaks, and canoes; and outdoor events and music.

1.174. **OWNER.** Any Person, or group of Persons, having record title to a Property, and the Owner's Agent.

1.175. **PARCEL.** An unplatted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number.

1.176. **PARKING.**

(A) **Parking, Public.** A Parking Area or parking facility to be used by the public for fee or otherwise.

(B) **Parking, Residential.** A Parking Area or Structure used exclusively for residential, non-commercial Uses.

(C) **Parking, Shared.** The Development and Use of Parking Areas on two (2) or more separate Properties for joint Use by the businesses or residents on those Properties.

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stipulations, a conveyance of design approval for exterior changes, and a program whereby the Owner commits to restore and maintain a Structure following the Secretary of Interior's Standards for rehabilitation, in a form approved by the City. A time frame for completion of the restoration program may be specified in the easement agreement.

1.193. **PRIVATE RESIDENCE CLUB PROJECT.** Any Condominium Property that is subject to a Private Residence Club deed, interest, trust, or other arrangement for providing for Use and ownership as a Private Residence Club, and contains at least four (4) units. See Club, Private Residence.

1.194. **PROPERTY.** Any Parcel, Lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real Property of, the same Person or Persons.

(A) **Property, Storefront.** A separately enclosed space or unit that has a window or entrance that fronts on a Public Street. For purposes of this provision, the term "fronts on a Public Street" shall mean a separately enclosed space or unit with:

- (1) A window and/or entrance within fifty lateral/horizontal feet (50') of the back, inside building edge, of the public sidewalk; and
- (2) A window and/or entrance that is not more than eight feet (8') above or below the grade of the adjacent Public Street.

In the case of split-level, multi-level

Buildings with only one primary entrance, only those fully enclosed spaces or units that directly front the Street as set forth above, shall be designated to be a "Storefront Property." The Planning Director or their designee shall have the final determination of applicability.

1.195. **PROPERTY LINE.** The boundary line of a Parcel or Lot.

(A) **Property Line, Front.** That part of a Parcel or Lot which abuts a Street.

1.196. **PROPERTY OWNER.** Any Person, or group of Persons, having record title to a Property, and the Owner's Agent.

1.197. **PUBLIC IMPROVEMENT.** Any Building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, Off-Street Parking Lot, space or Structure, Lot improvement, or other facility for which the City may ultimately assume responsibility, or which may effect a City improvement.

1.198. **PUBLIC USE.** A Use operated exclusively by a public body, to serve the public health, safety, or general welfare.

1.199. **QUALIFIED PROFESSIONAL.** A professionally trained Person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the matter being studied or analyzed.

1.200. **QUASI-PUBLIC USE.** A Use operated by a private nonprofit educational, religious, recreational, charitable, or

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1.189. **PRIVATE CLUB.** Any non-profit corporation, or organization, operating as a social club, recreational, fraternal, athletic or kindred association organized primarily for the benefit of its stockholders or members and serving alcoholic beverages and/or food. ¶

1.190. **PRIVATE RESIDENCE CLUB.** ¶

Residential Use real estate within a single Condominium project, in which ownership or Use of a Condominium Dwelling Unit or group of Condominium Dwelling Units and associated common area is shared by not less than four (4) or more than twelve (12) Owners or members per Condominium Dwelling Unit, or as approved with the Conditional Use permit, and whose Use is established by a reservation system and is managed with twenty-four (24) hour reservation and Property management seven (7) days a week, providing reservation, registration, and management capabilities. Membership in a Private Residence Club may be evidenced by: ¶

(1) a deeded interest in real property; ¶

(2) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation, or other Business entity; ¶

(3) a non-entity membership in a non-profit corporation, non-incorporated associator, or other entity; ¶

(4) beneficial interest in a trust; ¶ ... [1]

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Deleted: 1.191. **PRIVATE RESIDENCE CLUB CONVERSION.** The conversion of Condominium Units and associated Common Areas within an existing Condominium project to the exclusive Use as Private Residence Club. ¶

¶ ... [2]

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Comment [kaw8]: These definitions have been moved to Club, private residences, etc with a reference the Club for those looking under the "p"s for these definitions.

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Floor Area, Net Leasable
Floor Area Ratio (FAR)
Foot Candle
Foot Candle, Average (afc)
Foot Candle, Horizontal (hfc)
Foot Candle, Vertical (vfc)
Frontage
Fully Shielded

-G-

Garage, Commercial
Garage, Front Facing
Garage, Private
Garage, Public
Geologic Hazard
Good Cause
Governing Body
Grade
Grade, Existing
Grade, Natural
Grade, Final
Grading
Green Roof
Group Care Facility
Grubbing
Guarantee
Guest House

-H-

Habitable Space (Room)
Hard-Surfaced
Height, Building
Helipad
Heliprot
Helistop
Historic
Historic Building, Structure, Site or Object
Historic District
Historic Integrity
Historic Significance, Period of
Historic Sites Inventory

Historical Form, Essential (see Essential
Historical Form)
Home Occupation
Hospital
Hospital, Limited Care
Hotel/Motel
Hotel/Motel, Major
Hotel/Motel, Minor
Hotel Room
Hotel Suite

-I-

Impact Analysis
Inaction
Incidental Retail Sales
Indoor Entertainment Facility

-K-

Kitchen
Kitchen, IBC Commercial
Kitchenette

-L-

Landmark
Landmark Site
Landscaping, Interior
Landscaping, Parking Area
Landscaping, Perimeter
Liftway
Liftway Setback
Light Source
Light Source, Refractive
Limits of Disturbance
Lockout Unit
Lot
Lot, Corner
Lot Depth
Lot Line
Lot Line Adjustment
Lot Width
Lumen

Luminaire
 Luminaire, Cutoff Type
 Luminaire, Fully Shielded
 Luminaire, Partially Shielded

-M-

Master Festival
 Master Planned Development (MPD)
 Maximum Extent Feasible
 Maximum House Size
 Model Home

-N-

Neighborhood Convenience, Commercial
 Nightly Rental
 Non-Complying Structure
 Non-Conforming Use
 Noteworthy
 Nursery, Greenhouse
 Nursing Home

-O-

Off-Site
 Off-Street
 Office, General
 Office, Intensive
 Office, Medical
 Office, Moderately Intensive
 Official Streets Master Plan
 Official Zoning Map
 One Bedroom Apartment
 Open Space, Landscaped
 Open Space, Natural
 Open Space, Transferred Development
 Right (TDR)
 Ordinary High Water Mark
 Ordinary Repairs and Maintenance
 Outdoor Use
 Outdoor Recreation Equipment (see
 Recreation Equipment, Outdoor)
 Owner

-P-

Parcel
 Parking, Public
 Parking, Residential
 Parking, Shared
 Parking Area
 Parking Lot, Commercial
 Parking Space
 Parking Structure
 Passenger Tramway
 Period of Historic Significance
 Person
[Physical Mine Hazard](#)
 Planned Unit Development (PUD)
 Porous Paving
 Preliminary Plat
 Preservation
 Preservation Easement
 Private Club (see Club, Private)
 Private Residence Club (see Club, Private
 Residence)
 Private Residence Club Conversion (see
 Club, Private Residence Conversion)
 Private Residence Club Project (see Club,
 Private Residence Project)
 Property
 Property, Storefront
 Property Line
 Property Line, Front
 Property Owner (see Owner)
 Public Improvement
 Public Use

-Q-

Qualified Professional
 Quasi-Public Use

-R-

Reconstruction
 Recreation Equipment, Outdoor