



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM

ROLL CALL

ADOPTION OF MINUTES OF AUGUST 24, 2011

ADOPTION OF MINUTES OF SEPTEMBER 14, 2011

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

STAFF/BOARD COMMUNICATIONS AND DISCLOSURES

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

50 Shadow Ridge – Condominium Conversion

PL-10-00938

41

Public hearing and possible recommendation to City Council

WORK SESSION/SITE VISIT – *Discussion items only, no action will be taken.*

Meet at City Hall in Council Chambers

Site visit of Old Town

65

General Plan – Informational update and additional discussion

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.

MINUTES – AUGUST 24, 2011

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
August 24, 2011**

PRESENT: Brooke Hontz, Julia Pettit, Mick Savage, Adam Strachan, Jack Thomas, Nann Worel, Thomas Eddington, Mark Harrington, Polly Samuels McLean

WORK SESSION ITEMS

Training with Utah League of Cities and Towns

City Attorney, Mark Harrington, reported that the Planning Commission would hear a two-hour training this evening from the League of Cities and Town. The Planning Commission was involved in the General Plan rewrite and potential Code legislation, and the training would be beneficial to those endeavors. Mr. Harrington felt it was important for the Planning Commission to hear the League and the Private Property Ombudsman's perspectives, since they are the ones on the front line who deal with the issues of the State Legislature and also have the opportunity to see what goes on in other jurisdictions. Mr. Harrington pointed out that the training this evening would come from a real world perspective and not just legal advice. He remarked that the best defense is a good offense. The more training that can be provided reduces the amount of time spent collectively defending the land use code and the inaccurate perceptions from the legislature that not everyone follows the same rules.

City Attorney Harrington referred to four main basic principles that should be followed for a fair and procedural due process in planning communities proactively. Mr. Harrington noted that the General Plan is incorporated as a mandatory element for conditional use permits and master planned developments. However, the language is guidance rather than mandatory. The Planning Commission has struggled with balancing the degree of clarity to use the General Plan as a defense to say no, versus an enabling guide to describe to people what they want for best planning practices. He believed that after hearing the presentation this evening, the importance of understanding that framework and balance would be important as they re-write the General Plan and its ramifications for implementing the LMC.

City Attorney Harrington commented on the perennial problem of compatibility. In a community that tries to do good proactive planning, yet relies on the definition of compatibility in an environment that is anything but uniform, they have struggled with compatibility. As they hear some of the requirements from the State to be objective and to have standards in advance, Mr. Harrington asked the Planning Commission to think about how they could better define compatibility as they move forward with the Code revisions. He thought that would remain the most difficult challenge in terms of balancing flexible design standards that do not result in cookie-cutter structures, and at the same time provide predictability to the applicant through the Code.

Brent Bateman, the State Private Property Rights Ombudsman, stated that his job is to help people understand property rights and act within the framework of the existing law to honor and respect property rights. He has been directed by the legislature to help citizens, cities and counties understand what the law is and to help guide them in following the law in ways that resolve disputes. Mr. Bateman stated that he does a lot of mediating in his office and he is the type of attorney who prevents lawsuits as opposed to causing them.

Mr. Bateman stated that a large part of his job was to provide information and training. He believes it is difficult to follow the law and respect people's property rights without understanding what property rights are and the law itself. He remarked that the presentation given this evening was a shortened version of a longer presentation. It would be a big picture land use law presentation.

Mr. Bateman outlined the framework or big picture of land use law, which would help focus on the smaller details of the General Plan or revised ordinances. He noted that there is an inherent conflict in real estate law. On one hand are property rights. People have property and they want to do things with their property and put it to good use. However, on the other hand is the public good. No man is an island and no property sits by itself. Therefore, they need to work together as a community. Laws are created that restrict what can be done in the interest of the greater good, but that sometimes conflicts with what property owners want to do with their property. Mr. Bateman stated that the property land use law in the State of Utah could be carefully crafted to create a balance. As a community, they can pretty much do whatever they want in terms of zoning, density, uses, etc., and the City can put restrictions on property. He remarked that if the community does not have specific and explicit laws, people have the right to do what they want with their property. Mr. Bateman stated that the Planning Commission has the responsibility to be carefully specific and explicit when they craft ordinances.

Jodi Hoffman stated that she chairs a 67 member task force for the League of Cities and Towns; 30 are from cities and towns, 20 consider themselves the Property Rights Coalition who represent large lot developers and utility companies. The remaining members are various stakeholders.

Ms. Hoffman stated that the task force started out by completely revising the Land Use Development Act in 2004 and 2005. In 2006 the legislature proposed a piece of legislature that would have eliminated land and zoning all together. It would have criminalized certain aspects of land use enforcement, and would have literally held Planners criminally liable if they did not do certain things. The League of Cities and Towns, as well as the Utah Association of Counties took action and the bill was defeated. Ms. Hoffman stated that the lesson learned was that land use work was ongoing and it would never be completed. Pressure builds up and there needs to be a mechanism to understand what is bothering the development community and the local communities and find ways to reach common ground. Ms. Hoffman stated that since the 2006 legislative session until now, the task force has been meeting every two weeks to discuss land use. As a result of those meetings, 25 bills were originated by the task force and all 25 were passed unanimously at the legislature. The bills that the task force opposed all failed with the exception of one.

Ms. Hoffman pointed out that the task force has been a successful group, and they are always changing land use laws. She noted that municipalities, planners, and planning commissions want to know why the laws are always changing and how they are supposed to keep up with it. The response from the developers has been that if they have to follow the rules and regulations, the cities and towns should also have to follow the law. Mr. Hoffman stated that the League of Cities and Towns is a group of people trying to do their job. They are not trying to wreak havoc or destroy people who own property. To address the problem, they decided to provide training to help people understand the intent.

Ms. Hoffman stated that the Planning Commission and the Staff are the guardians of private property rights in the community, both in adding value to the community and in insuring fairness for the individual applicant. It is important that the developers, Staff, and the Planning Commission speak the same language, because often times the problems result from a lack of communication. Ms. Hoffman noted that the Staff and Planning Commission could acquire personal liability for failing to do their job correctly.

Ms. Hoffman stated that once you understand the big picture the little things make sense and fall into two or three categories. She presented photos of historic events in America to show that public interest originally began in Boston in 1773 with the resistance of taxation and regulation without representation. The idea was to protest against King George and the power of oppression over an individual that was supposed to be feared. In contrast was the revolution in France, where the fear was not concentration of power, but rather concentration of power in an uneducated, uninformed population. Ms. Hoffman pointed out that democracy was a huge experiment at that time. She quoted Madison, who tied property rights to freedom in 1792. Ms. Hoffman stated that all private property rights comes down to two clauses in the Constitution; the takings clause and the due process clause. She remarked that the founding fathers believed that separation of powers would protect the people from an omnipresent and all-powerful government. Ms. Hoffman stated that after the Civil War the power went to the States, which applies to the issues municipalities face today.

Ms. Hoffman remarked that in local government the legislative, executive and judicial powers are concentrated with the City Council. That concentration of power explains why the State Land Use law tries to pull those powers apart to protect individual rights.

Ms. Hoffman stated that in the legislative process public clamor is allowed and expected. The legislative process requires a land use authority, which is the Planning Commission, and an appeal authority that is separate and independent from the land use authority. Ms. Hoffman remarked that all land use authorities are administrative agents of local government. She noted that old vestiges of bad concepts die slowly in local government. Part of the Land Use Development and Management Visions in 2005 was about encouraging local governments to make salutatory changes in a process to get to a better outcome. Ms. Hoffman stated that subdivisions are administrative acts that belong with an administrative authority. When subdivisions are sent to the City Council for a decision, it sounds political and legislative. The City Council does not have the discretion to respond to an angry person in the audience; and therefore the system sets them up for verbal assault by the public, followed by public disappointment. Ms. Hoffman stated that she advises every city and county in the State to make sure that their law is clear enough to avoid any worry that a Staff person or the Planning Commission could be harmed.

Commissioner Thomas wanted to know who would correct that if it was evident in the current organization. Ms. Hoffman replied that the Planning Commission would recommend to the City Council that the Council excuse themselves from subdivisions.

Commissioner Strachan stated that if Ms. Hoffman advised making subdivision and conditional use permits administrative, how would anyone know if the Staff errs in favor of the applicant. Ms. Hoffman clarified that the Planning Commission could still be part of the subdivision and CUP approval process. She was only suggesting that the decision end with them and not move to the

City Council.

Mr. Bateman stated that the City Council in their legislative function has control to make the law as explicit as possible. Therefore, when it comes to the administrative body, the administrative body knows exactly what to do. They can take the law and apply it. He pointed out that the City Council is not giving up control, but they should not be doing administrative functions.

Commissioner Strachan wanted to know why the Staff would not make the decision if it was an administrative function. Ms. Hoffman stated that the question was how much they trust the Staff. Commissioner Strachan replied that he trusts the Staff, but they do make mistakes. Ms. Hoffman stated that she has lived in Park City for nearly 20 years and she understands the Park City culture. If the City Council has been the land use authority for specific things, they should make changes in small steps rather than a giant leap.

City Attorney Mark Harrington explained why the City Council elected to retain the final authority in the subdivision process. He noted that the subdivision process is intertwined with the master planned development process, which has some flexible performance zoning parameters, such as height exchanges, affordable housing, density bonuses, etc. The City Council felt they were appropriately the final say because those changes have a great impact on the community, and there were times when they disagreed with the Planning Commission. Mr. Harrington suggested that the current City Council may be more receptive to making changes, and it may be time to revisit the question.

Ms. Hoffman noted that prior to 2005, State law said that the Planning Commission could allow, deny, or allow with conditions, a conditional use. That gave everyone the impression that the Planning Commission could automatically say no. It became let's make a deal and the City bargained for community benefits. The Land Use Development and Management Act of 2005 made clear what common law had already made clear, that conditional uses were assumed allowed uses in the zone with mitigating conditions.

City Attorney Harrington pointed out that a unique situation that puts Park City at a disadvantage is that many of the older MPDs were written under the belief that the future conditional use permit gave the upper hand to the City and not the developer. The City always explains at the beginning of the process that the options in the CUP are different than what may have been originally envisioned when the format was established.

Ms. Hoffman pointed out that site plan, non-conforming uses, non-compliant structures, enforcement, sign code, subdivision improvements are all administrative decisions. There is no discretion, they either comply or not. She remarked that the question was whether the conditional use ordinances were strong enough with enough conditions and performance related criteria to be enforceable.

Commissioner Savage felt a significant part of the process to rewrite the General Plan in a way that it can meaningfully inform the LMC, has to do with trying to come up with a sense of the boundary conditions around the attributes associated with conditional use permits. When there are differences among the Planning Commission, it often comes from ambiguity. He believed the

Planning Commission has an obligation related to modifying the General Plan and the subsequent Land Management Code changes to reflect what they want to do, and to do it in a rigorous fashion.

Ms. Hoffman stated that substance was the problem and no one was suggesting what zoning should look like. Each community has the ability to decide how their own community should look.

Vice-Chair Pettit stated that if Park City has already identified things that cannot be done. Putting a checklist of conditional uses within a zone creates the opportunity for all of those uses to be implemented provided that the applicant can demonstrate that any impacts related to the uses can be mitigated. Mr. Hoffman clarified that they must be identified impacts in the Code. Vice-Chair Pettit stated that in terms of the LMC, and as they get into the neighborhood analysis and look at which uses they think are appropriate and which ones are not, they should think about being more restrictive if a use is not appropriate. Ms. Hoffman stated that if a use only works in one special case, it should be taken off the list of conditional uses in that zone. The Planning Commission has the discretion to remove the use and use a floating overlay zone to place it where it would be appropriate. She noted that the floating overlay zone is legislative rezoning, and no one has the right to a floating overlay zone.

Commissioner Strachan asked if it was the State Code's view that every possible impact can be mitigated. Mr. Bateman replied that the Statute states that if it can be mitigated, there must be conditions to mitigate it. Commissioner Strachan believed the language presumes that some impacts cannot be mitigated. Ms. Hoffman pointed out that traffic is usually the unmitigated impact. There are mitigating solutions but they are too expensive.

Using traffic as an example, Assistant City Attorney McLean asked if Ms. Hoffman was suggesting that the use be approved with that mitigation, but then the mitigation is too expensive. Ms. Hoffman answered yes. Ms. McLean pointed out that in that case it would not be a denial. She asked Mr. Hoffman to give another example of when it would be lawful to deny based on unmitigated impacts. Ms. Hoffman read from State law, "Conditional use shall be approved if reasonable conditions are imposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use, in accordance with applicable standards". She reiterated that the standards must be in the Code. She noted that absolute denials are difficult and very rare.

Commissioner Strachan commented on instances where the required mitigation has its own impacts. Ms. Hoffman replied that those impacts would also need to be mitigated as far as the Code allows.

Commissioner Thomas asked about life, safety and traffic. Ms. Hoffman stated that the problem with any life safety issue is that there is always an expert that says it is safe. The City should always have a better expert to dispute that opinion because it is considered an objective decision.

Commissioner Strachan remarked that the Planning Commission is always presented with traffic studies and the reports always say the impacts are mitigated. He wanted to know what they could do in circumstances when it is evident that the impacts are not mitigated. Ms. Hoffman replied that the City should do their own traffic study or hire an objective third party.

Commissioner Hontz remarked that the traffic studies show that traffic works because the assumptions are based on the wrong time of year. Most of the studies are conducted on summer traffic and the City is interested in winter traffic. She agreed that they either need someone with the expertise to challenge the study and request that the study be done again on specific assumptions, or they should to hire their own study and provide specific assumptions.

Ms. Hoffman stated that ordinances are mandatory and must be complied with. Ordinances can be revised and changes can be made, but it must be done legislatively. She noted that Utah has a Vested Rights Doctrine. Utah had the earliest vesting of property rights in the nation. The Vested Rights Doctrine means that once you have submitted an application, the rules cannot change for your application. Utah law also requires that applications must be acted on within a reasonable time frame and with reasonable diligence. Ms. Hoffman remarked that Utah Law has a rip cord provision which allows the applicant to require the City to make a decision if the process has dragged on. A forced decision could be a denial, however, if the application is denied, the reasons for denial must be in stated writing and those reasons hold if the matter comes up on appeal.

Vice-Chair Pettit commented on submittal requirements and the requirement for a complete application for vesting purposes. There is a checklist of items an applicant must submit, but for certain types of administrative actions the burden of proof falls on the applicant to show the impacts have been mitigated. She asked, if an applicant pulls the rip cord but the Planning Commission does not feel that all the identified impacts were mitigated based on the information provided, if that would be an objective and reasonable basis for denial. Ms. Hoffman answered yes.

City Attorney Harrington stated that the City has two things in their favor regarding the rip cord. One is the economy and the people who tolerated the process. He could only recall one time that the rip cord was used since the law was adopted. The second is that the Park City Code is very direct. Mr. Harrington stated that the City is seeing more inquires because of the economy, not only because of the vesting issue but also the expiration issue. He believed it was only a matter of time before they would see more questions regarding the rip cord because of the economic downturn.

Ms. Hoffman stated that the judicial authority was another level of governing. The Planning Commission wears an administrative hat and a quasi-judicial hat. Assistant City Attorney McLean clarified that the Planning Commission wears three hats because they also recommend legislation. Ms. Hoffman pointed out that they recommend legislation but they do not vote. Therefore, it is an advisory legislative role and not decision making. Ms. Hoffman stated that in the quasi-judicial context is it entirely inappropriate to take ex parte input when a Commissioner or Council member is approached outside of a regular meeting. It is difficult to explain and almost impossible to enforce, but the Commissioners need to be mindful of it when someone wants to talk to them. Ms. Hoffman stated that she is on a mission to convince Councils to get out of the judicial business because it is impossible to tell someone they are not allowed to talk to them when the usual process is to solicit input.

Ms. Hoffman noted that in 2005 the Board of Adjustment was taken out of the State Code because that Board does not work. She was disappointed to learn that Park City still had a Board of Adjustment, but recognized that it might work for Park City because they have unique situations.

City Attorney Harrington remarked that most other jurisdictions utilize Board of Adjustments for exceptions rather than variances. The Legislature reacted to the exceptions because it was used as a relief valve for the public exception process. Commissioner Savage clarified that it was an exception based on public outcry rather than a legitimate basis.

Ms. Hoffman noted that the judicial authority must respect the due process rights of participants. Both parties have to exchange information ahead of time so they are not ambushed at a hearing. There cannot be internal conflicts of interest. Adequate notice must be given and the applicant has the right to sit before an impartial decision maker. There can be no expression of pre-judgment, and findings of fact and conclusions of law must be written. Ms. Hoffman stated that there needs to be a process in the quasi-judicial process that is fair in both fact and appearance. The quasi-judicial body cannot be the same entity that made the original decision.

Ms. Hoffman outlined the standards of review for the legislative, administrative, and judicial levels. She noted that nearly all the land use law comes from the 5th Amendment provision of the Constitution, specifically the due process clause and the takings clause. Commissioner Thomas used the example of a power company that wants to expand a substation, and asked if the utility company could condemn the adjacent property. Ms. Hoffman answered yes, because State law says that private utility companies have the power of eminent domain. Mr. Bateman stated that in Utah it is not a question of who gets eminent domain but rather a question of why. They can do it, but they have to pay for it and provide due process.

Mr. Hoffman remarked that another provision related to land use law is the 14th amendment, which provides people with equal protection of the laws. Ms. Hoffman stated that from 1868 to four years ago, the first eight of the Bill of Rights were applied to the States through the 14th Amendment. Any time the Planning Commission acts, their actions need to be in concert with the Bill of Rights protections.

Ms. Hoffman stated that the Land Use Development Act, or LUDMA, enables legislation by giving the Planning Commission the authority to do things in a certain way. It authorizes limitless land use regulation if it is done right, with very few restrictions. Ms. Hoffman remarked that the State did not believe in any type of regional planning until recently. She noted that there were very few examples of State-wide planning. Ms. Hoffman reviewed the provisions of LUDMA.

Vice-Chair Pettit commented on other legislative actions that could be taken, recognizing that in some respect they may impose on someone's first amendment rights. However, there is a legitimate public purpose and the rule imposed has a rationale relationship to that purpose. Ms. Hoffman stated that the reasonable standard and the rationale relationship standard works on all things except constitution rights. First amendment rights, such as sign codes, are held to a much higher standard. Ms. Hoffman noted that the most difficult part of sign codes is that the first amendment says that government cannot regulate context. Distinguishing between realtor signs and billboard signs is context based regulation. A sign is considered regulating speech and all you can have is reasonable time, place and manner.

City Attorney Harrington stated that this was similar to the struggle they encountered with temporary sales. The City Council would like more and more vibrancy on the sidewalks, but doing that would

make it harder to say no to Westgate because you cannot pick and choose. The same principles apply to the signage issues. The City tried to articulate content neutral classifications of types of signs as objectively as possible, to push the absolute limit of their authority. Mr. Harrington was curious to watch the progress of new legislation regarding sign codes because it may inspire widespread changes.

Vice-Chair Pettit asked if there was a similar standard that would be applicable when trying to legislate land use. Ms. Hoffman replied that it is the reasonably debatable standard. It is much lower than the constitutional standard, until you run up against a protected right.

Ms. Hoffman cited examples where people used their concentrated power of government authority for personal privilege, which is prohibited by law. City Attorney Harrington noted that concentration of power can also occur with Staff individuals. He stated that the City has experimented with streamlining some of the processes and they have struggled to find the right balance. Ms. Hoffman stated that there is a higher standard of review for administrative decisions in the courts. There is a higher level of scrutiny with the Legislature.

Ms. Hoffman commented on the ability for exactions in a development proposal land use application, as long as there is an essential link between a legitimate government interest and each exaction. It must be something that offsets the impact of that particular development. The exaction must be roughly proportionate in both the nature and scale of the impact fee. Ms. Hoffman noted that problems can occur with the Exactions Doctrine in cases where cities are exacting for other entities such as school districts or UDOT. Mr. Harrington stated that one complaint regarding impact fees is when a subsequent developer objects to what the first developer agreed to on a project that was already approved, and they want to revisit the matter. Ms. Hoffman stated that the task force is looking at whether or not the law needs to be changed to more clearly define the exaction standards.

Commissioner Thomas asked Ms. Hoffman to list the building types that are exempt from the process. He understood that schools were exempt. Ms. Hoffman stated that the City is entitled to enforce the land use laws with public schools. She gave the former Chief Building Official, Ron Ivie, credit for the fact that the State law had changed dramatically in the last six or seven years. School Districts must pay impact fees and they must comply with the reasonable objective land use standards, except for things such as putting in sidewalks. The standards for setbacks, height, bulk and mass all apply. Ms. Hoffman noted that charter schools were more difficult because unlike traditional public schools, they are an allowed use in each zone. If there were more regulations for allowed uses, they would apply to charter schools.

Commissioner Savage stated that he has been asked several times about the Sweeney project and the idea of a bond issuance. Most of the inquiries have come from second homeowners regarding the idea of taxation without representation. He wanted to know how he should respond to people who could end up paying twice what a local resident would pay, but would not have a say in the bond issue. City Attorney Harrington stated that everyone is taxed at the full amount, but single families are given an exemption. Different people are not taxed differently, however, the State decided to promote and subsidize the single family home. Commissioner Savage clarified that his question was how they have the authority to impose a tax increase on people who do not have the

opportunity to be represented. Ms. Hoffman stated that the second home owner has the ability to make their Park City home the primary home, which would give them the right to vote on matters in Park City. Commissioner Savage understood that you could only have one primary residence anywhere in the United States. If you have a second home anywhere in the United States you do not have the right to vote in a local election. Mr. Harrington pointed out that some states allow second homeowners to vote.

Commissioner Strachan asked if Ms. Hoffman thought it was appropriate to take public comment when the Planning Commission is reviewing a CUP and acting in their administrative role. Ms. Hoffman answered no because public input cannot be considered.

Assistant City Attorney McLean stated that sometimes the public can put forth evidence that has not yet been considered. Mr. Bateman stated that considering substantial evidence on the record is the standard, but clamor is not evidence. Ms. Hoffman remarked that public comment is not evidence and she advised against it. She pointed out that State law does not require any type of public comment.

City Attorney Harrington stated that a pragmatic reason for holding a public hearing is that it limits the amount of ex parte contacts. The City Council recently changed the process to allow public comment during an appeal for that reason.

The Work Session was adjourned.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
August 24, 2011

COMMISSIONERS IN ATTENDANCE:

Vice-Chair Julia Pettit, Brooke Hontz, Jack Thomas, Mick Savage, Adam Strachan, Nann Worel

EX OFFICIO:

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

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REGULAR MEETING

ROLL CALL

Vice-Chair Pettit called the meeting to order at 7:45 p.m. and noted that all Commissioners were present except Commissioner Wintzer who was excused.

ADOPTION OF MINUTES – August 10, 2011

Planner Francisco Astorga referred to page 1 of the Minutes, page 9 of the Staff report, under Staff/Commissioner Communications, and noted that the minutes did not reflect the correct dates of the meetings Chair Wintzer had stated he was unable to attend. The dates of July 24th and 25th were corrected to **August 24th and 25th**.

MOTION: Commissioner Thomas moved to APPROVE the minutes of August 10, 2011 as corrected. Commissioner Worel seconded the motion.

VOTE: The motion passed unanimously by Commissioners Thomas, Worel and Savage. Commissioners Hontz, Pettit, and Strachan abstained since they were absent from that meeting.

PUBLIC INPUT

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Planning Director Thomas Eddington reminded the Planning Commission of the joint meeting with the City Council the following evening, Thursday, August 25th at 6:00 p.m.

Director Eddington reported that he was working with the County Planners to possibly schedule a joint meeting with the Snyderville Basin Planning Commissioner in November. He would contact the Commissioners when a date was finalized to make sure they could all attend.

REGULAR AGENDA - DISCUSSION/PUBLIC HEARINGS/ POSSIBLE ACTION

1. **Land Management Code – Amendments to Chapter 2.1 (HRL), Chapter 2.2 (HR-1), Chapter 2.3 (HR-2), Chapter 15 (Definitions), Chapter 7, (Subdivisions) including subsections 7.1, 7.2, 7.3 and 7.4 to limit footprint resulting from lot combinations in the HR-1, HR-2 and HRL Zoning Districts and to limit maximum building sizes in those zones**
(Application #PL-11-01281)

Planner Francisco Astorga reported that the footprint regulation came from Chapter 7 of the Subdivision Procedures for General Lot Design and Requirements, “maximum dwelling or unit square footage may be required”. Planner Astorga noted that the regulation is part of the subdivision process, and it could also be part of the plat amendment discussion.

The Staff recommended that the Planning Commission conduct a public hearing on the LMC Amendments, consider public input and forward a recommendation to the City Council to end the TZO without adopting further limitations on maximum footprint solely for plat amendments.

The Staff also requested that the Planning Commission provide direction to Staff to continue with analysis and recommendations regarding floor area limitations for all new construction.

Planner Astorga noted that the graphs and charts contained in the Staff report were prepared using the geographic information system through the use of specific software. Utilizing layers they share with the County, the Staff was able to provide the approximate number of vacant Old Town parcels. Planner Astorga explained that a parcel is more than one Old Town lot of record, which is currently owned by one entity. In those cases, the County uses one parcel ID number, even though it may be more than one Old Town lot. Under that definition, Planner Astorga stated that there were 73 vacant Old Town parcels. In addition, there were 82 lots of record, which is a standard 25' x 75' Old Town lot configuration. Planner Astorga remarked that there were 275 Old Town parcels with structures that would necessitate some type of plat amendment. There are approximately 1,121 Old Town parcels within the HR-1, HR-2 and HRL Districts. Planner Astorga noted that the numbers equate to approximately 7% of the total number of Old Town parcels, and 7% of the lots of record. He stated that 25% have a historic or non-historic home with a platted lot line going through the structure.

Commissioner Savage clarified that the 82 vacant lots were platted single lots with no associated lot line issues. Planner Astorga replied that this was correct. He clarified that they were single lots that had already gone through the plat amendment process. Commissioner Savage asked if the 73 vacant parcels had not gone through the plat amendment process. Planner Astorga answered yes, and pointed out that the 73 vacant parcels equate to approximately 127 25' x 75' Old Town lots. Planning Director Thomas Eddington explained that the 73 parcels were waiting to be platted.

Planner Astorga reviewed historical background. He noted that the 1990 Floor Area ratio had evolved into the footprint regulation. Planner Astorga pointed out that the floor area ratio regulation did not apply to a historically significant house. The regulation allowed owners of historic sites to do more with their site. The regulation was later changed in 1993 and amended in 1995, which did not affect the result. In 1995 the Chief Building Official and the City Attorney at that time identified that the plat amendments and issuance of building permits through lot lines was not legal, even if they were owned by the same entity. That was the start of requiring plat amendments for any type of addition or new construction.

Planner Astorga reported that a TZO was put in place in September of 1999. In January of 2000 the footprint regulation was adopted. Planner Astorga provided analysis comparing the numbers of floor area and the estimates that resulted from the footprint regulation. Language for the footprint regulation was amended in 2006. Recent LMC changes in 2009 apply to steep Slopes, conditional use permits, limiting the number of stories to three, as well as other regulations. In 2009 the Historic District Guidelines were updated and adopted.

Vice-Chair Pettit noted that the Staff was asking the Planning Commission to make a recommendation to the City Council to terminate the TZO. However, the staff also asked whether the Planning Commission wanted them to continue to study the issue, and suggested a way to move forward. Vice-Chair Pettit was unclear on the timeline and the type of analysis that would be required, as well as the support and resource the Staff would need to take that next step.

Planner Astorga replied that there was not a specific timeline, however, the Staff was willing to commit to certain time frames for bringing analysis and recommendations on other types of regulations that could be examined.

Relative to the Staff's recommendation to terminate the TZO, Planning Director Eddington felt it was advisable to take more time to look at the 2009 LMC and Historic District Design Guidelines. He believed it would take a number of months before they could see what those yield. However, simultaneously, the Staff could do additional analysis with regard to compatibility and footprint in Old Town and tie it into the General Plan. Director Eddington stated that the General Plan is the guiding document for the ordinance, therefore, that analysis would be done regardless. Some additional resources would need to be delegated to that analysis.

Vice-Chair Pettit stated that if the Planning Commission determines that it would be advisable to terminate the TZO, it could open the flood gates for applications. However, they would still have the tools currently available in terms of a subdivision and plat amendment process to address compatibility in terms of implementing the purpose statements for each of the respective districts or zones. The Planning Commission would have the ability to make the determination that an application could be granted with limitations that address some of the concerns or criteria.

Director Eddington concurred that the Planning Commission had not limited their abilities with the TZO over the past few weeks, and that would still be applicable if the TZO is removed. If a specific issue continually comes up over the next few months with regards to compatibility, they could look at codifying that through the LMC.

Vice-Chair Pettit thanked Planner Astorga for an excellent Staff report. It was very thorough and helpful in understanding the history and evolution of the footprint issue.

Commissioner Savage supported the recommendation to terminate the TZO. He also concurred with Vice-Chair Pettit regarding the quality of the Staff report. Commissioner Savage stated that if the Planning Commission chooses to proceed with additional analysis, it is important to talk specifically about the objectives for making a modification to the Land Management Code, to what degree those objectives could be quantified, and to what degree the objectives should be subject to analysis. Commissioner Savage thought the analysis should show that the recommended changes would solve a specific problem in a specific way, rather than trying to reduce square footage with a blanket modification to the LMC. If changes are made, he would want to know what the benefits would be to Old Town and Park City as it relates to the General Plan and the zones.

Vice-Chair Pettit remarked that the objectives outlined by Commissioner Savage should be the starting point. She believed the TZO was driven by the perceived problem or disconnect between what is being built out, the potential build out, and whether the City is missing the ability to meet the goals and objectives of each of the zoning districts. She acknowledged that the analysis might show that there is not the disconnect they perceive. Vice-Chair Pettit remarked that the Planning Commission owed it to themselves as stewards of a very special part of town, to make sure they have all the tools available to accomplish things in the general collective best interest. The Commissioners concurred.

Vice-Chair commented on the amount of public input received since the TZO was implemented and the number of people who came for the public hearing this evening. She asked the Planning Commission for a straw poll on the recommendation to terminate the TZO, to give the public an idea of which direction they were leaning.

Commissioner Savage reiterated his support for the Staff recommendation. He thought the TZO should be terminated and that further investigation of this particular issue should take a thoughtful and methodical course. Commissioner Savage did not think it was necessary to set timelines this evening, and suggested that they look to the Staff to come back with a recommendation based upon the comments this evening.

Commissioner Worel concurred with Commissioner Savage. She believed the 2009 amendments to the LMC had not been tested and she would like to see those benefits before they proceed with further changes.

Commissioner Thomas agreed with his fellow Commissioners. He would like to see the 2009 amendments play out. With the state of the economy, Commissioner Thomas was not concerned about opening the flood gates for applications.

Commissioner Hontz concurred with her fellow Commissioners. The process had yielded a good amount of discussion, but she thought the discussion needed to continue in conjunction with their General Plan discussions and the neighborhood plan. Commissioner Hontz wholeheartedly agreed with Commissioner Savage about getting to the "why" of the issues, and she hoped that would also

be part of the General Plan and neighborhood discussion. She encouraged moving the timeline forward so the people who are interested and concerned would understand that it is a continued conversation.

Commissioner Strachan concurred with all the comments. He was not concerned with the timeline because the issues would not be forgotten between the General Plan discussions and joint meetings with the City Council. Seeing the 2009 amendments come alive in actual structures would be another reminder.

Vice-Chair Pettit stated that she had given this a lot of thought from a timing issue. The tension she feels as a Planning Commissioner is the concern about being reactive instead of proactive. Given what has already occurred in terms of her perspective on compatibility and the feel of the historic character of Old Town, she is concerned about allowing the opportunity for that to further occur in ways that cannot be remedied. Vice-Chair Pettit did not think a timeline was necessary at this point, but she did want to keep the dialogue moving forward, provided that they identify the "why" and what it is they are trying to accomplish. Vice-Chair Pettit believed the Staff was in the best position to identify the problems early when applications come in. She reiterated her preference to keep the issue alive without putting undue pressure on the Staff.

Commissioner Savage felt the pressure on the Staff should be with the General Plan. The Planning Commission could prioritize which zones and districts the Staff should focus on initially. Commissioner Savage stated that he would put this issue at the top of the list with Bonanza Park.

Commissioner Strachan suggested that the Planning Commission ask the Staff to come back in six or nine months with an update of the applications that have come in under the 2009 Code amendments. That would provide the Planning Commission with examples to know whether or not changes need to be made. Director Eddington offered to provide that update and suggested six months as the time frame. The Commissioners favored the idea of a six month update.

Vice-Chair Pettit summarized that based on the straw poll and their comments, it appeared that the Planning Commission was leaning towards supporting the Staff recommendation.

Planner Astorga provided the Commissioners with copies of public comment he received after the Staff report was published.

Vice-Chair Pettit opened the public hearing.

Ruth Gezelius remarked that the TZO and the limiting and punitive regulatory proposals created anxiety and animosity towards the City Council, the Staff and the Planning Commission in the way it was handled. Ms. Gezelius stated that Old Town is still the heart of Park City and people do not need a punitive attitude to improve Old Town. They need an attitude where people work together to help solve the ongoing problems in the Historic District, some of which are created by the terrain, by growth, and by severe financial constraints in relation to improving properties. Ms. Gezelius encouraged the Planning Commission to not only review the applications that come in within the next six months to a year, but also to review the applications that did not make it through the process to see what the real problems are with the 2009 regulations. She felt it was unfair to make

a decision based on one or two approvals in a very short time frame. Ms. Gezelius also thought it was inappropriate to make a decision based on three or four significant properties that triggered reactions that affect the entire Historic District. She pointed out that in many cases new construction is criticized differently than the historic renovations and remodels. She urged the Planning Commission to take the time to do things correctly to encourage the preservation of Old Town and so people can live there without being afraid of the procedure when they make an application.

Connie Bilbrey, stated that he and his partner own 16 of the 72 vacant lots that were mentioned earlier in the discussion, and he wanted to explain how they were impacted by the 2009 amendments. Mr. Bilbrey stated that the requirement to step back the top floor ten feet costs his family between \$1.1 million and \$1.4 million in lost value of square footage. He thought the City should be aware of the economic impacts created by their decisions in the past and moving forward. He pointed out that 13-1/2% of his square footage was taken away on a 2300 square foot home. In addition to losing the square footage, it also diminished the value of the lots. Mr. Bilbrey stated that someone told him there was an attitude that a 1,000 square foot, 2-bedroom home was good enough for some people and it should be good enough for everyone. That was not a choice he wanted someone to make for him. Regarding compatibility, Mr. Bilbrey stated that he built 5 beautiful homes at 1021 Norfolk and created the best looking street in Park City. They were modest homes at 2300 to 2400 square feet and they fit on the lots nicely. In his opinion, that is the character of Old Town today and not the character of Old Town at the turn of the century. Mr. Bilbrey commented on the attitude of "no more homes for millionaires". He reminded everyone that a high percentage of homes in town are owned by people from out of town who pay double taxes and do not impact the school system or other services. The town was built and flourished as a resort community. Mr. Bilbrey reminded the Planning Commission that billions of dollars have been invested into the community. He has lived in Park City for 11 years and he agrees that it needs to be protected. However, the benefits of living in Park City came about because reasonable development was allowed. Mr. Bilbrey commented on specific developments that he believes are catastrophes that were approved during the years the City has been contemplating ways to change the way Old Town is developed. He stated that as long as the City pursues a radical change to the LMC, they hold everyone hostage. He urged the Planning Commission to be conservative but reasonable, and to understand the economic impact of a radical change to the LMC for the Historic District.

Matt Mullen, a resident at 1009 Norfolk, understood that the issue was given to the Planning Commission by the City Council, and he thanked them for taking the time to hear their comments. He suggested that people should be making these comments to the City Council to let them know how upset they are. Mr. Mullen stated that as a developer in town, any time he wants to improve or change a lot, he needs to notice his neighbors. However, the City Council was able to impact the entire town in one meeting based on a 1.8% change to the lots in Old Town. He believed that knee jerk reaction without notice to the homeowners was what caused people to be upset. A better process would be to allow public input before knee jerk reactions are enforced.

Jim Keesler, referred to an earlier comment by the Planning Commission that an application would not come before them unless a CUP was activated on the lot. He understood that a CUP is activated if the lot is 30% or greater. He pointed out that 30% is minimal; therefore, most

applications would trigger a CUP unless it is on Lower Park Avenue or Daly Avenue. Mr. Keesler also heard the comment about a stimulus package for Park City. He believed a stimulus package would be great for people besides the Sweeney's. Mr. Keesler stated that in looking at the LMC and the Historic Guidelines, there is no language that talks about the landowner's interest with their property. It is all based upon the objectives of protecting the City's interest. Nothing in either document protects the private individual homeowner. He currently lives in Prospector and he would eventually like to build a home on his lot on Woodside and move his family to Old Town. Mr. Keesler believed all the protections contemplated are directed towards protecting a fringe group, which would devastate the last of the owners who are waiting to do something with their property. He would like changes to the LMC that recognizes the interest of the property owners and ways to help them, as opposed to hindering and making the process more difficult. Under the current process, many people are willing to walk away from their property and take a loss rather than deal with the restrictions and regulations. Mr. Keesler suggested that the City Council make changes that would encourage people who want to build on their property or those who own property that needs renovation. If they want to inspire creativity, they need to allow flexibility for people to stimulate their imagination and promotes interest in building a project that benefits the owner and the City.

Eric Fredston-Hermann, a property owner in Old Town, spoke about uncertainty and diversity. He stated that uncertainty is the death of anything involving home ownership. It takes years to plan and build a house. Some people have owned property for years and they have plans to build, but the experiences they have encountered since the TZO and the proposed ordinances have been brutal. Mr. Hermann remarked that uncertainty discourages buyers and it makes others fearful of moving forward with plans to improve their houses. While he welcomed the fact that it appeared the TZO would be terminated, he was concerned about the requests for continued study. Mr. Hermann stated that the 2009 LMC was a product of considerable work and it has not had a chance to demonstrate its strengths. Until they find that the 2009 LMC has flaws, it is dangerous to begin studies that could further change it, because such studies create uncertainty. Mr. Hermann commented on diversity. He recently saw photos of turn-of-the-century Old Town and he was struck by the diversity of the buildings, many of which would be prohibited under the current Code. Mr. Hermann urged the Planning Commission to think of Old Town as a living, breathing community with different kinds of people. Recognizing that Old Town was a diverse community at the turn of the century, it should be a diverse community now. If they are trying to be stewards of Old Town, they need to remember that it was not a community where all the houses looked the same.

Cynthia Fowler, a resident on Empire Avenue, stated that she was caught on the 2009 down zoning of the LMC. They were forced to spend thousands of dollars to change plans because they were a month late submitting their application. Mr. Fowler stated that her home is 1700 square feet. They worked through the process and managed it. However in 2009 it was a drainage issue, and she has not heard anyone talk about whether the drainage issue was resolved. Ms. Fowler stated that she would like to see the fringe group who had requested another down zone. She has a three-bedroom home and the bedrooms are small. Her storage area was intended to be a tandem garage, but instead she needed to make it into a bedroom for her daughter. Ms. Fowler remarked that they are a family of four and needed three bedrooms. She was unsure what the City wants, but if they downgrade to two bedrooms they will eliminate the family option. She has a group of college students living across the street. That is what Old Town will become if they make it

impossible for families to live there. Ms. Fowler urged the Planning Commission to allow the time to see the ramifications of the 2009 amendments before they down zone it again.

Jim Steinmetz, a 40 year Old Town resident and property owner, stated that in the past 40 years he has watched Commissions work to keep Park City from looking exactly like it does today. The City keeps implementing regulations, but the developer are smarter and find ways around them. Mr. Steinmetz remarked that they built a town they didn't want and now they have reached a point where nothing is happening in Old Town and everything is depressed. He could not sell his place if he wanted to, and if he did, the buyer would fall victim to the Planning Commission and the Historic Society. Mr. Steinmetz stated that there is no one to help you in Old Town if you are not a developer. He pointed out that the "little people" didn't build this town, yet they are the ones who have to pay for those who did. Mr. Steinmetz proposed two sets of rules; one for the developer and another for the regular people. The person who wants to build a home for their family and live in it should not be held to the same set of draconian circumstances as the developers. He did not believe it was fair for the City to continually pick on the "little people". Mr. Steinmetz pointed out that Old Town is no longer historic. It is a façade used to bring in tourists who spend money on Main Street. What the City is doing is not fair.

Jeff Love, 16 Woodside, strongly opposed any changes to the 2009 LMC revisions. However, if they continue the process or discussion, they need to define the problem. In order to define the problem the Planning Commission needs to look at actual houses and find the homes they think are problematic. They can then ask the Planning Department if those houses could be duplicated. Mr. Love believed they would find that many of the homes they think are problematic could not be built under the current guidelines. He stressed the importance of allowing those guidelines the chance to work. Mr. Love remarked that reading and Staff report and discussing the issues is not defining the problem. He asked the Planning Commission to follow his suggestion is they plan to continue the conversation.

Joe Tesch stated that he has clients who live in Old Town and clients who develop in Old Town, and the important issue for both is that they do not get hurt. Mr. Tesch remarked that every community improves, grows or depreciates. Standing still is depreciating. In order for people in Old Town to invest in their homes, to expand or to sell them to investors, the laws need to be consistent and not frequently changing. Mr. Tesch stated that because of the TZO and the draconian suggestions that were initially made by the Planning Staff in response to direction they were given, investments stopped and people quit buying in Old Town because the future for Old Town is uncertain. Mr. Tesch was pleased that the Planning Commission was considering eliminating the TZO, but given the current background, the idea of continuing the dialogue is nearly as bad as the TZO. Mr. Tesch urged the Planning Commission to put an end to it because the properties are depressed and no one has seen the results of the 2009 changes. People are getting hurt and investors are being scared off. He was unsure why they would keep the discussion before they define the goals in the General Plan.

Tina Lewis stated that she has lived in Park City for 37 years and for 28 years she has lived in a meticulously restored 1184 miners shack on Woodside Avenue. Ms. Lewis stated that in the 1980's she served on the City Council and along with four colleagues she wrote the first Park City Land Management Code. They went on to establish the Historic District, to write the first Historic

District guidelines, and to create the Historic District Commission. In those days when City Council member were full-time City employees, she spearheaded Park City's first restorations. In the 1990's she served on the Board of Trustees at the National Trust for Historic Preservation in Washington, DC and was chair of their National Board of Advisors, lobbying Congress on preservation issues and consulting with communities across the country on preservation districts. Ms. Lewis stated with within the last decade she has been disheartened that the City is such a poor steward of the Historic District, with the exception of hiring Dina Blaes as a preservation consultant.

Ms. Lewis noted that after considerable time and expense the City revised the Land Management Code and the Historic Guidelines, and she found it curious that the City would introduce major legislation without letting the new Codes play out. She believed that in many cases, these ill-advised proposed changes would result in unintended consequences that would be harmful to the Historic District. Ms. Lewis urged the City Council and the Planning Commission to lift the TZO, to retract the proposed changes to the Code, and to allow the Planning Department to work with the 2009 Codes. She believed the 2009 Code gives the City the appropriate tools to deal with massing issues and to respond to the neighboring historic properties. However, if the City has the urge to focus on the Historic District, she would welcome that attention and suggested that there were many ways that the City could be an exemplary steward of the Historic District.

Gibbs Smith stated that he owns an old miner house on King Road, as well as a vacant lot. He concurred with the comments made by Ms. Lewis, and he appreciates people who have contributed over the years to preserve Old Town. Mr. Smith echoed the comments calling for an end to the discussion on the proposed changes to instill more certainty. They should encourage people to follow their goals and contribute to Old Town, rather than making it more difficult.

Tina Smith a resident on Woodside stated that she owns a duplex from 1968. It is the ugliest building on Woodside, but she will not do anything with the structure until she knows what the City intends to do. Ms. Smith wanted to know who started the idea of the proposed changes, because they just finished a significant change to the LMC in 2009. Mr. Smith stated that she had been out of town all summer and she specifically came back to attend the public hearing to find out what was going on. She concurred with the other speakers that lifting the TZO was not very assuring if the discussions would still continue. Ms. Smith noted that she had written one of the letters that was submitted late. She would let the Commissioners read her comments rather than repeat herself. Ms. Smith urged the Planning Commission to put these amendments aside and give the 2009 Code the opportunity to work.

Craig Elliott, an architect and business owner in Park City, stated that he hoped to become a future Old Town residence. Mr. Elliott thought it was important for the Planning Commission to recognize the number of people who want to live in Old Town and would be affected by the proposed changes. Mr. Elliott did not support the TZO and he appreciated the straw poll so people would know they were headed in the right direction. He also thanked the Commissioners for taking the time to hear all the issues and concerns. Mr. Elliott believed the City Council and Planning Commission had a tendency to rely on numbers. He pointed out that in every case, the questions they were dealing with were not numbers questions that address height and dimensions. All the questions relate to design issues that require dirty discussions and requirements that take time. He remarked that the best solution comes through design and there are many ways to deal with that. Mr. Elliott noted that the design guidelines and the LMC restrict the basic bulk. Number can only

identify a minimum quality of material, shape, form and size. They cannot create great architecture or great place. Mr. Elliott challenged the Commissioners to stand on the steps of Marsac and look across Main Street to the hillside and back towards Ontario, and really see it for what it is. He pointed out that it is beautiful, but it is different than it was 100 years ago, 50 years and when he arrived 18 years ago. Mr. Elliott remarked that the issues will be about design and solutions to create great places for people. Mr. Elliott also commented on the importance of finding ways to tie in the second home owner because they believe they are part of the community. The City was unsure how to engage the second homeowner and he hoped that solution would be part of the General Plan. Mr. Elliott reiterated that nothing would be resolved through numbers and statistics and the only solution is people working together to create good design.

Stephen Parker introduced his baby, Barbara. He noted that he and Barbara has been through two meetings and everyone was very helpful. He has a lot with an extra house on it and he wants to move into Old Town and live in a reasonably sized home. Mr. Parker stated that it was very unsettling to be told that he needed one more thing, and after being gone for two weeks he came back and found that everything had stopped. Mr. Parker asked the Planning Commission to do what was right so he and Barbara could live in Old Town.

Jerry Fiat did not agree that big homes cause the problems, and he was unsure what constituted a big home. In his opinion, the most objectionable homes in Old Town are the ones that were created in the 1960s, '70s, and '80s, which are large structures, mostly four-plexes and three-plexes, and they have no parking garages. He believes that most of the people who purchased those homes bought them with the idea of building a nice home on the lots. When the Code is changed to reduce the size so it prohibits people from building the home they want to build or it is not economically feasible, those offensive structures will mostly likely stay. Mr. Fiat stated that the experience of walking or being in Old Town is not seeing 1,000 homes at 1,000 square feet painted in different colors. It is the experience of seeing a variety of architecture and the connection between the street and the homes. If a structure cannot be seen because it is disconnected from the street by parked cars that takes away from the experience. Mr. Fiat stated that smaller homes in Old Town with a one garage typically have no cars parked in the garage. The cars are parked in the street and the garage has been converted to bedrooms or storage and become a part of the house. Mr. Fiat remarked that he was more concerned about the experience walking down the street than he was the size of the house. Making houses too small guarantees street parking and a disconnection. He encouraged the Planning Commission to think about what would happen if they pass an ordinance that reduces the size of the homes. Instead of counting the number of lots that are left, he suggested that they count the number of homes they would like to see replaced.

Kay Riggs thanked the Staff for conducting a thorough analysis of this issue and for acknowledging public input on this matter. Ms. Riggs thought it was clear from the Staff report that the tools were already in place to address mass, scale and compatibility via the current Code and the 2009 changes, as well as the historic district guidelines. What is not clear is the real issue. Ms. Riggs stated that constant change is not good preservation theory. She pointed out that the TZO was not the only issue causing the concern. It was the threat of more regulation and uncertainty. She remarked that everyone wants to uphold the character of Old Town. Ms. Riggs asked the Planning Commission to have confidence in the work that was done in 2009 because it was thorough and was done with a great deal of stakeholder input. Ms. Riggs felt it was important to understand that

the citizens recognized the harm and threat involved by changing the LMC so quickly after it was revised. She encouraged the Planning Commission to put the discussion behind them and move forward. The citizens want to work with the City and they do not intend to be adversarial, but they want the City to recognize that the process of obtaining a building permit and changing plans is already very arduous and can take two to three years. The idea of having a moving target that property owners constantly strive to attain is unfair and unreasonable. It is not good public policy. Mr. Riggs stated that the Planning Commission has a deadline of April 2012 to rewrite the General Plan, and she was comfortable that during that process they would have a more solidified idea that the Code already in place with the existing guidelines is sufficient. Ms. Riggs urged full support of recommendation one, and she asked the Planning Commission to reconsider postponing further discussion and analysis until after the General Plan rewrite, or at least establish a time frame longer than 6 months.

Ruth Meintsma, 305 Woodside, stated that her comments were more specific than previous comments. She noted that the Staff indicated that the City Council requested limiting the analysis and recommendations to footprint in regard to lot combinations, and that the analysis and draft ordinance would not propose additional changes to the lot development restrictions, height, setbacks and floors. Ms. Meintsma stated that because a lot combination creates greater flexibility and design of massing in terms of how the structure impacts an adjacent historic site, she suggested that setbacks and height that directly impact an adjacent historic site should be considered. She provided examples to show why a greater setback for a lot combination would reduce impact on an historic site. Secondly, a historic site that sits more to the rear of the lot may be less impacted if a lot combination structure has a greater front yard setback, reducing the disparity and distance from the street. Regarding height, Ms. Meintsma thought it may be appropriate to require a height reduction in a portion of the lot combination structure where the height creates a negative impact on an adjacent historic structure. Ms. Meintsma understood that the City Council wanted it limited to footprint, however, she believed there were some cases where setback and height may be important to consider. Ms. Meintsma commented on the submittal requirements and suggested that if the submittal requirements for a plat amendment more closely followed those of design review where streetscape and neighborhood visuals are required, it may be advantageous in deciding the appropriateness of lot combinations.

John Phillips was happy to see the Planning Commission take a step back on the TZO. However, the idea of revisiting the matter in six months did not make him feel more confident. Mr. Phillip suggested that instead of a six month timeline, a better approach would be to wait until 10 or 20 buildings are constructed to see the results and identify the problems. He understood the idea of being proactive, but he would like the community to have the same ability to be proactive in the process, rather than always feeling reactive. Mr. Phillips thanked the Planning Commission for their hard work and he realized that it puts a lot of weight on their shoulders.

Doug Stephens referred to page 50 of the Staff report, which referenced a future work session discussion and the recommendation to add a floor area regulation based on the current building footprint of the lot. Mr. Stephens asked if this was a serious consideration or whether it was just an idea to be discussed. He was concerned with the recommendation, particularly in terms of historic restoration. Mr. Stephens provided examples to support his concern. Mr. Stephens wanted to

know how serious the Planning Commission was about this issue, because there had been no discussion from the City Council regarding the regulation.

Jerry Briggs stated that she and her husband have owned property on Daly Avenue for 24 years. It was purchased as a vacation home because they spent a lot of time in Park City, and they eventually moved to Park City. They are empty nesters and no longer need a large home. She and her husband would like to make 162 Daly their home, but everyone has discouraged them from doing it because the process is confusing and expensive. Ms. Briggs remarked that they would love to fix up the property, but the unknown is what keeps them from moving forward. They are afraid to come before the Planning Commission and they worry about depleting their savings.

Bob Sfire, 220 King Road, stated that he built a home 13 years ago as a vacation home and it is now his residence. He pointed out that based on the comments heard this evening, everyone would like the City to wait on the 2009 Code and see how it works. Mr. Sfire stated that for over 30 years he has been a commercial real estate appraiser in Michigan. He believed the City needed to give the 2009 Code some consideration because there was a lot of room to challenge any changes they would make right now. Mr. Sfire remarked that Park City is a great town and the Planning Commission has done a great job over the years and most of the changes he has seen over the past 17 years have been positive. He echoed the comments to work with the 2009 Code to see how it works for the City.

Mary Bradsford Leader stated that she was not an Old Town property owner, but she was a fifth generation Summit County property owner. She is also a realtor. Currently she is reluctant to take a listing or show property in Old Town because she cannot give her clients answers to questions they ask, and it is frightening. She cannot give them direction on the future path if they want to develop on a lot, do restoration, or add to the properties they own. Ms. Leader stated that she promotes Old Town as one of the best things Park City has to offer, and for that reason she would like to see it developed in the correct manner. She supported Items 1 and 2 in the Staff report, but she strongly believed that six months was not long enough to see how the 2009 guidelines play out. Ms. Leader asked the Planning Commission to look at how the guidelines affect the entire community and not just Old Town.

Brad Cahoon, an attorney representing Old Town lot owners, stated that opening the discussion of possible changes to the LMC has caused damage. There has been no evidence that changes are needed. Mr. Cahoon believed the Staff report did a good job of confirming that there was no need for change. He thought the best approach would be to put future applications to the test to see if the Staff is right. Based on the Staff report, Mr. Cahoon believed they were right. He believed the Planning Commission needed to instill confidence by voting to make no changes. Mr. Cahoon thought the Staff should be charged with finding a way to streamline the application process to help facilitate projects.

Phil Hughes stated that he has owned property in Park City for 40 years and he has one undeveloped parcel. He pointed out that the tenor of the comments this evening was the fear and trepidation of approaching the City to obtain a permit to do anything. Mr. Hughes stated that when he moved to Park City 40 years ago he became the Park City Zoning and Building Administrator and he was the only Staff person. He was also the City supervisor, and at that time Park City did

not have a City Manager or a Planning Department. Park City had a basic zoning and building code that was easy for everyone to read and understand. Mr. Hughes doubted whether he would be able to understand the current regulations that are required to obtain a building permit or approval for anything in Old Town. Mr. Hughes wanted to know who in the City defines "compatibility", because in his opinion compatibility is a subjective term. He noted that earlier in the meeting the Planning Commission briefly addressed administrative problems with the existing 2009 Code, and they asked the Planning Department to define any problems with the current Code. Mr. Hughes did not understand the objective and goals of all the changes, and he requested that someone explain it in simple terms. Mr. Hughes echoed previous comments about how the changes would negatively affect property values. He explained how changing the ability for lot combinations could potentially leave him with a 25' lot where he could only build a 19 foot house. He did not believe that was compatible with the requirements people want for their place to live.

Paul Defoe, 213 Park Avenue, stated that she has two separate lots. One has a 650 square foot house. If lot combinations are prohibited or restricted, it would affect their plans to build something on their lots that would accommodate their family and grandchildren when they visit. She noted that nothing functional could be done with two 25' lots. She pointed out that the 2009 LMC amendments already restricted what they could do, but at least they knew what to expect. She urged the Planning Commission to keep with the 2009 guidelines and make life easier for people in Old Town.

John Pellouchouh stated that he has a wife, four kids, two cars and one lot that is vacant and developable in Old Town. He would like to build a family home on his lot that is large enough for his family, with a place to park two cars off the street. However, he cannot do that without being able to predict what can be built. He needs stability to determine what he can build and stability to determine what his neighbors will build. He applauded the inclination to remove the TZO, and he requested that the Planning Commission table further discussion and direction to Staff regarding further changes to the LMC until they understand the results of the 2009 LMC.

Vice-Chair Pettit closed the public hearing.

MOTION: Commissioner Thomas moved to forward a recommendation to the City Council to end the TZO without adopting further limitations on maximum footprint solely for plat amendments. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

Vice-Chair Pettit called for discussion on Item 2 in the Staff report, which was to provide direction to the Staff for continued analysis regarding a floor area limitation for all new construction.

Commissioner Strachan did not think the Planning Commission should give Staff any new direction until they wait six months to gather additional data. Commissioner Strachan clarified that he was not suggesting that the Planning Commission re-open the discussion in six months, but they needed data to see where they stand. He pointed out that in six months they may decide to loosen the regulations if that is what the data shows.

Commissioner Hontz asked Commissioner Strachan to clarify his 6 month request. She understood that he only wanted a list of the applications submitted in that time frame. Commissioner Strachan stated that he wanted an update from the Planning Director showing the applications and what the applicants intend to build. Commissioner Hontz asked if it would be a one-page list without analysis. Commissioner Strachan clarified that he wanted to look at the plans to see what the structures would look like. He thought that was the only way they could determine whether more or less restrictions were necessary, or whether nothing should change at all.

Vice-Chair Pettit understood that the general issue was what was being created through lot combinations and where compatibility is uncertain. In her opinion, the problems begin with lot combinations above three lots, and the resulting square footage and building footprint. Planner Astorga replied that they do not see many lot combinations over three Old Town lots. The usual standard is 1-1/2 to 2-1/2.

Planner Astorga stated that what they learned from the analysis portion of the Staff report was that the floor area ratio that existed in the 1990's more than doubled in 2000 with implementation of the footprint. That comparative analysis prompted the City to look into possible future regulations.

Commissioner Hontz preferred to continue with the discussions regarding neighborhood characteristics and the ongoing discussions with the City Council, to establish the "why" and to further understand the goals before they give direction. Words that were frequently used during the public hearing were certainty and flexibility. She would like to come back with something that gives people more certainty of what they can do, but is also flexible enough to allow for creative design. It is a challenge, but she believed they missed those elements in how they tackled the problem.

Commissioner Thomas asked when the 2009 Code was adopted. Director Eddington replied that it was April 2009. Commissioner Thomas pointed out that since the Code was adopted, very few applications were submitted. Six months was too short of a time to accomplish what they were looking for and he could not support that time frame. He noted that the Planning Commission is continuing the General Plan discussions and they are taking about neighborhoods. He remarked that the Planning Commission has the right to evaluate and bring up LMC issues at any time in the process, and they can always bring it up if they recognize an issue. Commissioner Thomas believed the Planning Commission had the responsibility to go out in the field and actually see the impacts for themselves.

Commissioner Worel concurred with Commissioner Thomas. She sympathized with the desire for predictability and wanting to know the rules. She would like to see the 2009 Code have the opportunity to play out before making radical changes.

Commissioner Savage felt the matter was handled in an inappropriate way and a number of people suffered as a consequence of the process. He personally apologized for the unfortunate and unintended mistreatment that took place. Commissioner Savage thought it was clear that the TZO would be eliminated. Although there is always the threat of change, a Code is in place and those who are motivated to do development work in Old Town can move forward with the understanding that the 2009 Code applies. Applications that are submitted under the existing Code are vested in that Code. Commissioner Savage thought it would be nice to talk about a hiatus and no changes for a certain period of time, but that is not how the system works. Changes are made as a

consequence of a predominant or clear requirement to make those changes. Unfortunately, that was not the case when the TZO was put in place. He believed that any changes that take place in Old Town should come about as a consequence of congruency derived from the General Plan process. If it is not clear in the General Plan that changes need to be made, they should leave things alone and move forward with what exists. Commissioner Savage stated that in his opinion, it would be beneficial to have active public engagement in the General Plan process, so ideas can be put together in a way that makes sense on a longer term basis.

Vice-Chair Pettit stated that two comments in the public hearing resonated with her. One was the proactive approach that was suggested by Jeff Love. She thought it made sense to identify some of the projects that have occurred at various iterations of the Code over time that are offensive from a compatibility standpoint, or ones that are inconsistent with the current guidelines or goals and objectives. Those could be tested with the 2009 LMC changes to see if the same structures could be built today. Vice-Chair Pettit referred to a comment by Tina Lewis and the concept of leading with the carrot in terms of Old Town preservation, and creating incentives for people to keep structures smaller or make them more compatible. Chair Pettit did not believe the City has aggressively pursued what some of those incentives or opportunities might be. It would be nice to reward people in Old Town to develop or maximize their property, and to give them the opportunity to contribute to the historic character without penalizing them. She would like the Planning Commission to recommend that the City Council begin to come forward with incentives. Vice-Chair Pettit felt there were tools available in the community to meet the goals and objectives without being punitive.

Vice-Chair Pettit concurred with Commissioner Savage that certainty is great. However, Park City needs to be able to respond to changes that they think are important if it comes out of the General Plan process. The LMC has a direct correlation to the General Plan and as that process evolves there may be a need for changes. She stated that the General Plan process is the opportunity for people to be involved and to provide input to make sure they get the best collective thinking on what the future of Old Town should look like.

MOTION: Commissioner Savage moved to forward a **NEGATIVE** recommendation to the City Council on issue #2 regarding continued analysis and recommendations regarding a floor area limitation for all new construction. Commissioner Thomas seconded the motion. Commissioner Thomas seconded the motion.

VOTE: The motion passed 4-1. Commissioners Strachan, Worel, Thomas and Savage voted in favor of the motion. Commissioner Hontz voted against the motion.

The Park City Planning Commission meeting adjourned at 9:35 p.m.

Approved by Planning Commission: _____

DRAFT

MINUTES – SEPTEMBER 14, 2011

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
SEPTEMBER 14, 2011**

PRESENT: Charlie Wintzer, Brooke Hontz, Julia Pettit, Mick Savage, Jack Thomas, Nann Worel, Thomas Eddington, Polly Samuels McLean, Jonathan Weidenhamer

Commissioner Strachan was excused.

WORK SESSION ITEMS

Park City Redevelopment Agency Update

Commissioner Brooke Hontz disclosed that she was married to Jonathan Weidenhamer, who was giving the presentation this evening.

Jonathan Weidenhamer with the City Sustainability Department introduced Tim Brieholt and Mike Barille and provided a brief background of their involvement with the City.

Mr. Weidenhamer stated that from listening to comments during the joint meetings with the regarding Lower Park Avenue RDA and the Base of Park City Mountain Resort, the functions appeared to be in line between what is currently being done and what should be done in the future. It is resort oriented and there are good recreation and residential mixes.

Mr. Weidenhamer presented the results from the survey that was taken by the City Council and Planning Commission. In looking at the current character versus the future character, you begin to see gaps in diversity and whether or not the area is inviting. It was apparent from the survey that it may be time for Park City Mountain Resort to look at how they want to develop the base of the resort. Mr. Weidenhamer stated that the objective this evening was to talk about the Redevelopment Authority and how the City uses Redevelopment Authorities historically. Another issue for discussion was where the relationship between the City and the Resort may go. He noted that on September 29th the City Council and Planning Commission would hold another joint meeting regarding their role in redevelopment. After completing the redevelopment discussion on Bonanza Park, they would move directly into PCMR and the base of the Mountain Resort.

Mr. Weidenhamer provided an overview of the purpose of the RDA. The Redevelopment Authority sets the creation of an RDA and determines the property tax. In 1985 the RDA was created for Main Street. Incremental property tax is put back into the District and is continued to be reinvested.

RDAs, by statute, were established by the Federal Government in the late 1950's as a way to redevelop downtown areas for the purpose of curing blight and to provide affordable housing projects. Mr. Weidenhamer stated that Park City created two RDAs. One is the Main Street RDA, which generates approximately \$1.3 annually. There is approximately \$920,000 in debt service which is used specifically for the China Bridge parking garage. He pointed out that Park City was the first city to use an RDA. The School District sued the City immediately because they thought the City was keeping property tax money. The City settled and made a \$400,000 mitigation payment to the School District. Understanding the purpose of the RDA, the School District continues to support the RDA because it provides cash settlements. Mr. Weidenhamer noted that the State continues to watch RDAs very carefully.

Commissioner Pettit clarified that the RDA was a federally created program. She was curious to

know whether or not RDA monies have been used in other resort communities similar to Park City. It would be helpful to see examples of how that money was utilized, and how Park City compares in terms of goals and objectives. She understood that there were serious strings attached to the ability to create an RDA District for certain purposes. When she thinks of RDAs on a national level, inner cities come to mind. Park City is different, but there are areas that warrant that type of investment and opportunity.

Mr. Weidenhamer replied that they already had a conversation on whether the RDA was curing blight in Park City or helping the resort economy. Michael Barille stated that he was aware of other resort communities that have used RDAs. Traditionally they are used for brown field sites, housing and neighborhood revitalization for low interest loan programs and public facilities. Mr. Barille believed he and Mr. Weidenhamer could do some research and provide the examples Commissioner Pettit requested. He recognized that Park City has a different economy than most places, and what they need to encourage in terms of redevelopment is also different. He agreed with some of the survey results, particularly that the key piece of the economy is starting to breakdown in terms of how it presents and competes against other similar position communities, particularly in the areas of bed base and retail. He believed those were the things they should be looking to support with RDA tools.

Mr. Weidenhamer noted that the Main Street RDA has committed \$1.7 million to a parking garage. Nearly \$1 million of that is dedicated to downtown stair improvements and other downtown projects. Approximately \$400,000 is earmarked in the fiscal year to work with Historical Park City Alliance on their prioritized list of projects.

Mr. Weidenhamer discussed the Lower Park Avenue RDA, which generates approximately \$1.2 million annually and is set to expire in 2015. He believed there were \$6-8 million in projects that could be done with that money. Part of the dialogue with the City Council and the Planning Commission would be whether or not to extend the RDA. It would require a vote of the Tax Entity committee. The problem is that different members have different concerns.

Chair Wintzer asked if the Tax Entity Committee were the stakeholders giving up the taxes. Mr. Weidenhamer replied that the committee is typically people who would be affected by it.

Commissioner Worel wanted to know when the extension would occur. Mr. Weidenhamer replied that they would ask the City Council for authority to begin the extension process. He hoped the conversation at the joint meeting would begin to show an outflow of support for partnering with the Mountain Resort. If they choose to partner on major projects beyond projects on City-owned property, it would be necessary to extend the RDA. Commissioner Worel asked if it was a one-time extension. Mr. Weidenhamer replied that there was the ability to ask for additional extensions. He noted that it was hard to forecast how much money could be generated through the extension process.

Mr. Weidenhamer remarked that it was clear from the joint meetings that redevelopment was going to occur regardless, and the City should take a pro-active role in redevelopment. If they could look at it on a neighborhood basis, they could balance the portfolio of the entire community and make favorable development decisions that would still support the resort economy.

Mr. Weidenhamer stated that in initial discussions with the City Council and looking at Visioning 2009 and 2010, the Council directed them see what a plan for redevelopment in the Lower Park RDA would look like. The City hired Michael Barille with Design Workshop and the Jack Johnson Company to define land use principles and goals for what could be accomplished. Mr. Weidenhamer reviewed a matrix prepared by Design Workshop. Mr. Barille stated that the consultant team tried to consider ways to maintain the livability standard enjoyed in Park City as growth occurs, and what type of projects dovetail those things together without creating significant impacts.

Mr. Weidenhamer stated that it was taken to the City Council on January 7, 2010 and received support as the basis for a conversation on whether or not to extend the RDA. Mr. Weidenhamer stated that as they were going through the process with the Design Workshop and Jack Johnson, Park City Mountain Resort was a key stakeholder, which resulted in a dialogue led by Mr. Breinholt and Jenny Smith regarding plans to develop the parking lot. Mr. Weidenhamer stated that discussions occurred with the Resort at a concept level in terms of what that would look like, how the City would participate, and the goals. They talked about transportation and transit hub goals, affordable and senior housing goals, neighborhood connectivity goals where people could connect all the way down from City Park and up through the Resort. They also talked about overall management of access, circulation and transportation. The City believes those are some of the benefits they could get from improving the base of the Mountain Resort. In return the City would work with the Resort to help develop the parking lot.

Mr. Weidenhamer stated that as Mr. Barille and Mr. Breinholt started working with the City to describe their concept for the parking lot redevelopment, he was presenting a broader plan to the City Council. The City Council thought it was great, but they wanted to know what could be done with the property that the City owns in the RDA, which includes the Senior Center, the old Fire Station, and a series of other small pieces of land in the area. Mr. Weidenhamer stated that the goal is to maintain all the existing open and green and unbuilt spaces. The historic neighborhood and its scale and fabric are very important and should not be overpowered. They should be sensitive in creating a transition between the base of the Mountain Resort into what is considered proper Old Town. Another goal was to create age-based housing different from the traditional single-family condo development. The Senior Center was another good choice for the RDA. They also needed to continue with the same sustainability goals.

Mr. Weidenhamer stated that Mr. Barille put together a four-phase plan, as described in the Staff report. They are currently in the process of developing phase I, which involves the re-creation of small historic homes and a senior community center.

Commissioner Savage asked someone to clarify the reference to dense and tall and the trade-off. Mr. Barille stated that if they want to leave space for pedestrian activity and public plaza spaces to occur, it makes sense to build higher rather than spread out. The second issue was the fact that the City has assembled a good piece of land in lower Park and they want a mix of private and public sector functions. They could sell off parcels and revenue from those sales could be put back into developing plazas or programming the area. Mr. Barille remarked that the City decided to revisit that idea at a later time and preferred to start with a smaller scale to see how much would fit.

Commissioner Savage understood that the consensus that emerged from City Council was to be cautious on dense and tall in that area because it was not their preference. Mr. Barille did not think it was that simple, and noted that the difference between the two plans was not that dramatic. The discussion recognized that the corridor from the old fire station working its way up to the Resort is a demarcation zone between very traditional homes, lots sizes and footprints to the south, and dramatically different structures to the north that were recently developed. Mr. Barille stated that the top of the corridor is like another Town Bridge, where it could be another connection into the City's transportation system and close to Lower Main. Without using a car, you could come down the grade and get on a trolley that would run up and down Park Avenue.

Commissioner Thomas noted that the areas in Phase 4 were over 30% and assumed it would be subject to the Steep Slope CUP process.

Mr. Weidenhamer stated that the intent this evening was to give the Planning Commission an idea of the planning that has been going on for two years. He looked forward to having a robust conversation at the joint meeting on September 29th in terms of the City Council's role in redevelopment, particularly as it affects the lower Park Avenue RDA. Regarding the role the Planning Commission has in the redevelopment process, Mr. Weidenhamer believed the tone would be set at the joint meeting on September 29th. Aside from that, the Planning Commission was already committed to being actively involved in neighborhood redevelopment planning and the General Plan.

Commissioner Pettit stated that in addition to looking at how ski resort communities utilize RDAs, she believed another important component would be how the RDA was utilized in other communities for historic preservation purposes. Mr. Weidenhamer referred to a matrix on page 9 of the Staff report, which was a staging project list. The City Council continues to say that the RDA should protect the fabric that exists and not just generate taxes. Commissioner Pettit suggested doing a combined historic preservation/affordable housing. Economic Impact is a theme they continue to hear for any changes to the LMC. She reiterated her support for finding ways to create financial incentives to maintain mass, size and scale and preserve historic structures, but using RDA monies versus relying on the market to dictate what might happen.

For the meeting on September 29th, Commissioner Savage asked if Mr. Weidenhamer or Mr. Barille would be able to provide them with indications as to how they could accommodate the growth projected to take place in lower Park Avenue. Mr. Weidenhamer pointed out that the PCMR parking lots are already approved and the density growth is already on the books. Commissioner Savage clarified that he was talking about the demand for growth. Chair Wintzer agreed that the question was whether there was a demand for what is entitled or a demand for more than what is entitled.

Chair Wintzer stated that one challenge is to find a way for the Planning Commission to be involved in a project and still be able to run the project through the regulatory process. Director Eddington remarked that the Planning Commission faces the same challenge with the General Plan. They are required to do the General Plan, but they are also required to be a regulatory body with regard to applications. He thought the joint meetings with the City Council was one way to keep the Planning Commission involved, as well as looking at sub area plans pursuant to the neighborhood

approach to the General Plan.

Mr. Barille thought it was important for the Planning Commission to discuss the issue with the Legal Staff. One process would be to use subcommittees to keep the Planning Commission involved, but without a quorum, to avoid the perception of having reached a pre-decision on a project.

Commissioner Thomas stated there is an advantage to seeing a project evolve from the conceptual stage to the schematic design stage. The Planning Commission typically sees the working drawings and does not have the advantage of seeing the process in its entirety.

Assistant City Attorney McLean recommended that the Planning Commission be very involved in the General Plan process because it is part of their jurisdiction and specifically authorized as one of their functions in the State Code. She thought their involvement with redevelopment should be more at the level of fitting into the General Plan and fitting into that neighborhood. Their involvement becomes problematic when it relates to an actual application.

Chair Wintzer suggested scheduling time during another work session to discuss appropriate ways for the Planning Commission to get involved. Commissioner Thomas asked if there was another way to format the approval process so plans could come forward in stages. Director Eddington thought they could better utilize the Planning Commission work sessions to provide updates and allow for interaction at different stages to give the Commissioners an idea of how the plan evolves. Assistant City Attorney McLean was certain they would be able to find a solution.

The Work Session adjourned.

Interactive charrette to define neighborhoods within Old Town

Planner Katie Cattan explained the format for the interactive charrette. She stated that the purpose of the charrette was to help with the General Plan process. For the purpose of the exercise this evening, Old Town was divided into small planning areas to better define what goes on in each area. Ten tables were set up. Each table had a map for that specific planning area, as well as a piece of paper people could use to answer specific questions about that particular neighborhood.

REGULAR AGENDA

Planning Commission Staff Report



Subject: 50 Shadow Ridge Drive
Shadow Ridge Condominiums-
Second Amended plat

Author: Kirsten A. Whetstone, AICP

Date: September 28, 2011

Project Number: PL-10-00938

Type of Item: Administrative – Condominium Plat Amendment

Summary Recommendations

Staff recommends the Planning Commission open a public hearing, consider any input and consider forwarding to City Council a positive recommendation on the Shadow Ridge Condominiums Second Amended plat based on the findings of fact, conclusions of law and conditions of approval stated in the draft ordinance.

Topic

Applicant: Shadow Ridge Condominiums Owners Association

Zoning: Recreation Commercial (RC)

Adjacent Land Uses: Condominiums, Park City Mountain Resort and parking lots, single family home.

Reason for Review: Amendments to condominium plats require Planning Commission review and recommendation to City Council with final action by the City Council.

Proposal

The Second Amended Shadow Ridge Condominium plat application requests five (5) changes to the current plat.

The first change is a request to divide existing Unit 4119 into 4 separate units, namely Unit 4119A, 4119B, 4119C and 4119D (see Exhibit A- sheet 1). The existing Unit 4119 is a 6,217.4 sf non-residential condominium Unit designated as private area and located on the first floor and Level A of the Shadow Ridge Condominiums building. Unit 4119 is currently physically divided into four spaces and utilized by four (4) separate tenants. The plat amendment would create four private units from one existing private, non-residential unit and would allow separate ownership of each unit. No new floor area is created and there are no exterior changes to the building proposed with this plat.

The second change is to combine existing Unit 4119A, a 110 sf non-residential condominium unit located on Level A (lower level) and directly below Unit 4119D, with proposed Unit 4119D (2,761 sf) (see Exhibit A- sheet 2). Unit 4119D would then consist of 2,871 sf (110sf plus 2,761 sf).

The third change is to convert from private area to common area four (4) smaller existing units, namely Units 4120, 4121, 4122, and 4123. These units are located on the first floor. These Unit areas are currently being used for common area for circulation, lobby, check-in desk, closets, and restrooms and would continue to be owned and

maintained by the HOA and utilized for common area uses (see Exhibit A- sheet 1 and Exhibit B).

The fourth change is to convert from private area to common area the condominium units 4004, 4005 and 4006. These units are located on the lower level A and are already currently utilized as common area for the Shadow Ridge condominium association (see Exhibit A- sheet 2 and Exhibit B).

The fifth change is to show the location of the 90 existing parking spaces within the limited common area on the two lower levels (see Exhibit A- sheets 2 and 3).

The plat amendment does not change the allowed uses within the building. Only support commercial use is permitted in the Condominium, as allowed by the RC Zone. No residential units are being amended and the floor area of the building does not change. There are no exterior changes as part of this plat amendment. No common area or limited common area is being converted to private area; however, 3,621 sf of private non-residential area on the Level A (Units 4004, 4005, 4006) is being converted to common area and 887.5 square feet of private area on the First Floor (Units 4120, 4121, 4122, and 4123) is being converted to common area. The total amount of square footage being converted from private area to common are is 4,508.square feet. No changes are proposed or required to the existing 90 underground parking spaces, however the location of the striping of the parking stalls is being indicated in that limited common area.

Background

Shadow Ridge Condominiums are located at 50 Shadow Ridge Drive adjacent to the Park City Mountain Resort. The property is located in the Recreation Commercial (RC) zoning district.

The Shadow Ridge Condominiums project was approved as a Conditional Use Permit on December 3, 1979. The CUP included 15,000 sf of non-residential uses, identified in the CUP only as “commercial uses”. The residential units were approved as part of the CUP as a “condominium/hotel”.

The original Shadow Ridge Condominiums plat created 56 residential units on 4 floors; convertible space on the first floor (10,980 sf) and convertible space on the lower level (9,770 sf); 30,000 sf of limited common parking area (the actual spaces were not designated on the plat); limited common area for decks, balconies, and other common area for circulation, access, entry, lobby, etc. The first plat was approved by City Council and recorded at Summit County on May 1, 1980.

In June of 1984 a first amended plat was approved and recorded at Summit County on June 21, 1984. The first amended plat created from the convertible space, eight non-residential condominium units (units 4116 to 4123) on the first floor and six non-residential condominium units (units 4001 to 4006) on the lower level. These units were all designated as private area for non-residential uses. There were no changes to the 56 residential units. Approximately 10,000 sf of support commercial area was condominiumized in the first floor in Units 4116, 4117, 4118, and 4119. Approximately 5,000 sf of support commercial area was condominiumized on Level A. The remaining

units were used for back of house uses. The first amended plat also amended notes regarding assignment of limited common areas to various units.

The Shadow Ridge Condominium building was constructed in 1981. The property is subject to the Shadow Ridge CUP and the First Amended Shadow Ridge Condominium plat and recorded Declaration of Condominium, the First Supplement to the Declaration of Condominium of the Shadow Ridge Condominiums, and the Bylaws and Articles of Incorporation of the Shadow Ridge Condominiums Owners Association. Shadow Ridge Condominiums are not part of the Park City Mountain Resort Master Planned Development.

Currently, there are 56 existing residential condominium units ranging in area from 1,072 sf to 1,824 sf. The support commercial area is divided into 11 units ranging in size from 41.6 sf to 6,217 sf. The building includes limited common area for exclusive use of the residential units, support commercial units, common area for use by the HOA and occupants, and 90 parking spaces in a two level underground parking structure. Access to the parking structure is off of Empire Avenue with the main condominium entrance and check in area accessed from Shadow Ridge Drive.

Current application

On March 25, 2010, the City received an application for the Second Amendment to the Shadow Ridge Condominiums plat. The plat amendment is a request to divide existing Unit 4119, a 6,217.4 sf non-residential condominium unit, into 4 separate non-residential units, namely Unit 4119A (985 sf), 4119B (732 sf), 4119C (1,636 sf) and 4119D (2,761 sf).

The application includes additional amendments, as described above, to convert private area to common area for use by the owners. No additional floor area or new residential units are created with the plat amendment. No additional parking is required. No exterior changes to the building are proposed.

The project was approved with 66 parking spaces per the Land Management Code at the time of approval. Ninety (90) spaces were constructed. The current Land Management Code requires 2 parking spaces for each unit greater than 1,000 sf and 3 spaces per 1,000 sf of commercial space (support commercial and common areas do not require parking). The current LMC would require 143 parking spaces for this project, unless a parking reduction is granted by the Planning Commission at the time of approval of a Master Planned Development. At the time of CUP approval it was determined that 66.6 parking spaces were required.

Analysis

Zoning for the subdivision is Resort Commercial (RC). The applicable purposes of the RC zone include the following:

- Allow for the development of hotels and convention accommodations in close proximity to major recreation facilities.
- Allow for resort-related transient housing with appropriate supporting commercial and service activities.
- Encourage the clustering of residential units to preserve natural open space and minimize site disturbance, and impacts of development and

- minimize cost of municipal services.
- Limit new Development on visible hillsides and sensitive view areas.
- Provide opportunities for variation in architectural design and housing types.
- Promote pedestrian connections within Developments and to adjacent areas.
- Minimize architectural impacts of the automobile.
- Promote the Development of Buildings with designs that reflect traditional Park City architectural patterns, character, and Site designs.
- Promote Park City's mountain and Historic character by designing projects that relate to the mining and Historic architectural heritage of the City, and
- Promote the preservation and rehabilitation of Historic Structures.

The proposed amendments are consistent with the purpose statements of the RC zone in that the use as residential condominiums is unchanged, there is no additional floor area created, and private area on Level A is being converted to common area for the use of the owners and guests. There are 90 parking spaces in an underground parking structure. There are no exterior changes to the building. The use is in close proximity to the Park City Mountain resort promoting pedestrian access and the resort amenities.

The plat amendment is not changing the building height, setbacks, floor area, parking, or making any exterior changes. The building complies with the rear 10' setbacks and the 20' front setbacks of the Recreation Commercial (RC) zone, with the exception that all decks and balconies extend into the 20' front yard area by 2' to 4'. These decks and balconies were permitted as an exception in the setback area with the Conditional Use permit. The building height is 40' feet from existing grade (prior to construction) and in compliance with the height permitted with the Conditional Use permit, however the building is non-complying with respect to the current 35' building height of the RC zone, as mansard roofs do not qualify for the 5' height exception in the current LMC.

The 1979 Conditional Use permit was approved with 15,000 square feet of non-residential area. The approval does not specify whether or not the non-residential area was support commercial or commercial space. In 1982, the Planning Director at the time, William C. Ligety, wrote a letter stating a proposed small-scale liquor outlet would be permissible within the Shadow Ridge Condominium project because it was a support commercial use. Ligety states, "Located within the Recreation Commercial (RC) Zone district, Section 4.10.2.2 of the Land Management Code allows retail commercial activities that are secondary to and compatible with residential uses." (Exhibit E)

The current Land Management Code allows Office and Commercial use as a Conditional Use within the RC zone as support use to primary Development or Use, subject to provisions of the LMC Chapter 15-6, Master Planned Development. The commercial areas within the Shadow Ridge condominium building are restricted to support commercial uses as allowed by the RC zone. The current proposal is a request to divide up one of the existing non-residential condominium units into four separate units and does not create new support commercial space. Current uses are support commercial such as a ski shop, a conference room, a catering kitchen, conference room, spa and exercise area, and vacant lease space that has been used for real estate

and property management offices. All uses are required to have a business license. At the time of business license review, actual uses are reviewed by Planning, Building, and Finance for compliance with the RC zone requirements.

Staff finds good cause for this plat amendment as the commercial areas can be individually sold and maintained. The plat amendment does not change the type of commercial uses that are allowed. The plat amendment also accurately reflects the uses and ownership on the first and lower levels by converting private areas to common area to allow HOA ownership and control of those areas utilized by the owners and guests. The amendment does not change the exterior of the building. The plat also formally designates parking spaces with the limited common parking garage area.

Department Review

The plat amendment application was taken before the Development Review team on April 13, 2010 and August 10, 2010. Issues were raised regarding the types of uses allowed, the parking, and the configuration of private and common area within the building. A revised plat was submitted on March 4, 2011 that addressed the issues.

Notice

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

Public Input

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

Future Process

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

Recommendation

Staff recommends the Planning Commission open a public hearing, consider input and consider forwarding to City Council a positive recommendation on the Shadow Ridge Condominiums Second Amended plat based on the findings of fact, conclusions of law and conditions of approval stated in the draft ordinance.

Exhibits

Ordinance

Exhibit A- Proposed plat

Exhibit B- Existing plats

Exhibit C- Existing conditions survey

Exhibit D- Applicant's letter

Exhibit E- 1982 Planning Director letter regarding commercial uses

Ordinance 11-

AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE SHADOW RIDGE CONDOMINIUMS RECORD OF SURVEY PLAT LOCATED AT 50 SHADOW RIDGE DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Shadow Ridge Condominiums, located at 50 Shadow Ridge Drive, have petitioned the City Council for approval of plat amendments to the Shadow Ridge Condominium plat amending non-residential Units 4119, 4004, 4005, 4006, 4120, 4121, 4122, and 4123 and amending associated common and limited common areas within the plat; and

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

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

WHEREAS, the Planning Commission held a public hearing on September 28 2011, to receive input on the proposed amendments to the Shadow Ridge Condominiums plat;

WHEREAS, on September 28, 2011, the Planning Commission forwarded a recommendation to the City Council; and,

WHEREAS, on October 13, 2011, the City Council held a public hearing on the proposed amendments to the Shadow Ridge Condominiums plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Second Amended Shadow Ridge Condominiums plat.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Second Amended Shadow Ridge Condominium plat as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 50 Shadow Ridge Drive.
2. The property is subject to the 1979 Shadow Ridge Conditional Use permit.
3. The proposed plat amendment amends Shadow Ridge Condominium Units 4119, 4004, 4005, 4006, 4120, 4121, 4122, and 4123 and amends associated common and limited common areas within the plat. These are non-residential private units.
4. Shadow Ridge Condominiums plat created 56 residential units on 4 floors; convertible space on the first floor (10,980 sf) and convertible space on the lower level (9,770 sf); 30,000 sf of limited common parking area (spaces were not designated on the plat); limited common area for decks, balconies, and other common area for circulation, access, entry, lobby, etc. The first plat was approved

- by City Council and recorded at Summit County on May 1, 1980
5. The plat amendment is not changing the building height, setbacks, floor area, parking configuration, or making any exterior changes. The building complies with the rear 10' setbacks and the 20' front setbacks of the Recreation Commercial (RC) zone, with the exception that all decks and balconies extend into the 20' front yard area by 2' to 4'. These decks and balconies were permitted as an exception in the setback area with the Conditional Use permit. The building height is 40' feet and in compliance with the height permitted with the Conditional Use permit, however the building is non-complying with respect to the current 35' building height of the RC zone, as mansard roofs do not qualify for the 5' height exception in the current LMC.
 6. In June of 1984 a first amended plat was approved. The plat was recorded at Summit County on June 21, 1984. The first amended plat created, from the convertible space, eight commercial condominium units (units 4116 to 4123) on the first floor and six commercial condominium units (units 4001 to 4006) on the lower level. These units were all designated as private area for non-residential uses.
 7. On February 24, 2010, the Shadow Ridge Condominium owner's association voted to approve the proposed plat amendments.
 8. On March 25, 2010, the City received a completed application for a condominium record of survey plat amendment requesting these amendments to the First Amended Shadow Ridge Condominium plat.
 9. On March 4, 2011, the City received a revised plat.
 10. There is no change to any residential unit and no change in the overall building floor area. No exterior changes are proposed with this plat amendment.
 11. Ninety (90) parking spaces exist within the parking structure and the plat amendment identifies these spaces within the limit common area on the lower levels. No additional parking is proposed.
 12. The project was approved with 67 parking spaces per the Land Management Code at the time of Conditional Use approval. The current Land Management Code requires 2 parking spaces for each unit greater than 1,000 sf and 3 spaces per 1,000 sf of commercial space (support commercial and common areas do not require parking).
 13. The current LMC would require 112 parking spaces for the 56 units, unless a parking reduction is granted by the Planning Commission at the time of approval of a Master Planned Development. At the time of CUP approval it was determined that 67 parking spaces were required for the units.
 14. No additional floor area or new residential units are created with the plat amendment and no additional parking is required.
 15. The commercial areas within the Shadow Ridge condominium building are restricted to support commercial uses. The current proposal is a request to divide up one of the existing commercial condominium units into four separate units and does not create new support commercial space.
 16. At the time of business license review, proposed uses within the Shadow Ridge condominium building will be reviewed by Planning, Building, and Finance for compliance with the Building and Fire Codes and the RC zone requirements.

Conclusions of Law:

1. There is good cause for this plat amendment.
2. The record of survey is consistent with the Park City Land Management Code and

applicable State law regarding condominium plats.

3. Neither the public nor any person will be materially injured by the proposed 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 for compliance with State law, the Land Management Code, and the conditions of approval.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat amendment will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All construction requires a Building Permit and approvals from the Building and Planning Departments.
4. The commercial areas within the Shadow Ridge condominium building are restricted to support commercial uses as provided in the Recreation Commercial (RC) zone.
5. Any change of use requires a business license with review by the Planning, Building, and Finance Departments.
6. All conditions of approval of the 1979 Shadow Ridge Conditional Use Permit and the 1984 First Amended Shadow Ridge Condominium plat continue to apply.

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

PASSED AND ADOPTED this ____ day of October 13, 2011.

PARK CITY MUNICIPAL CORPORATION

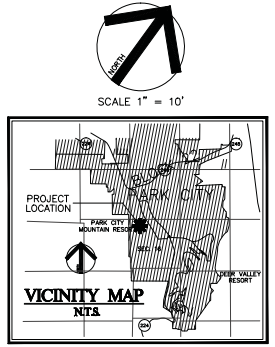
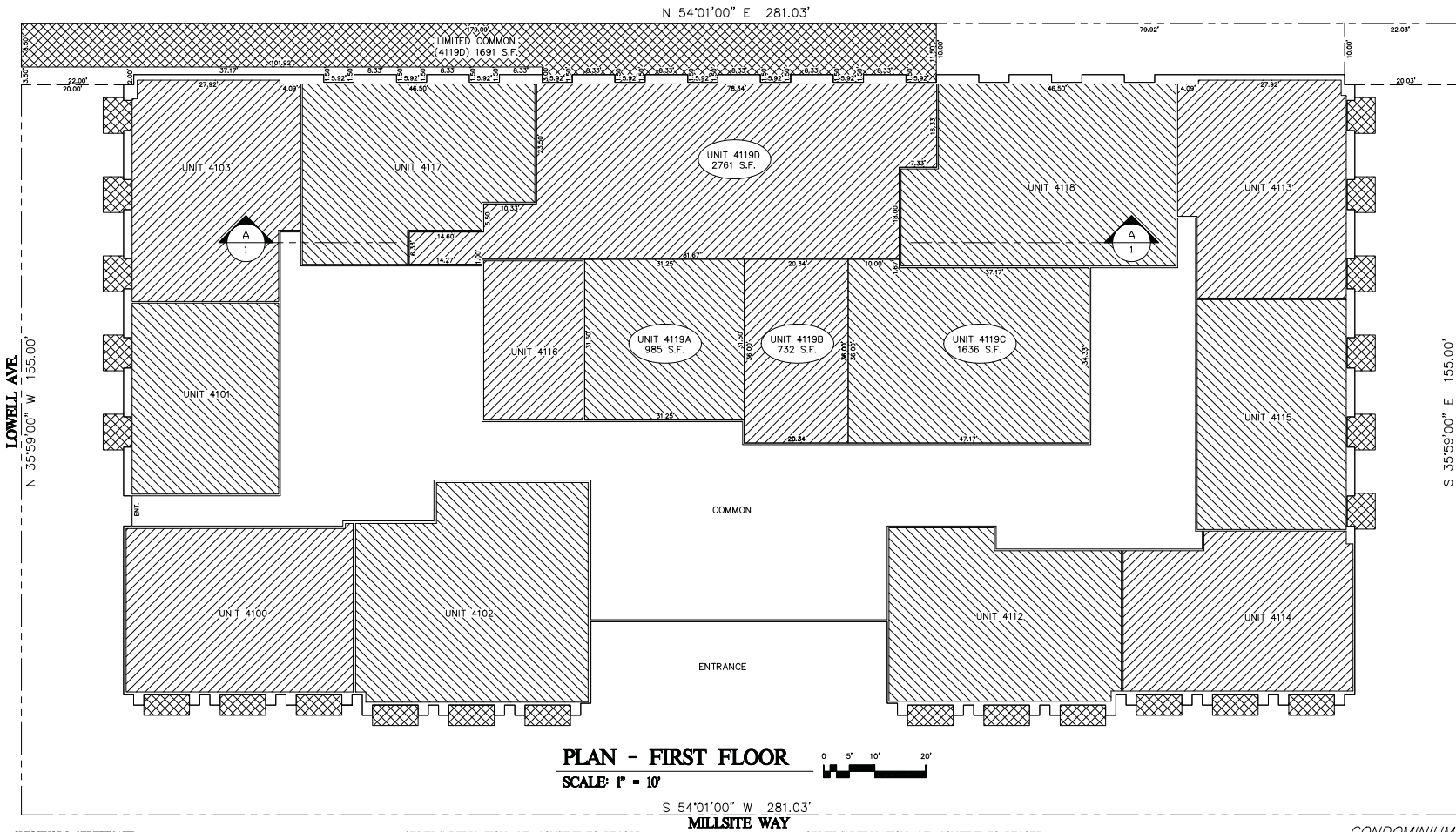
Dana Williams, MAYOR

ATTEST:

Jan Scott, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney



HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

AREA TABULATIONS

ADDED COMMON AREA:
(SEE NOTE #3) - 4,467 S.F.

ADDED LIMITED COMMON AREA:
UNIT 4119D - 1,691 S.F.

LIMITED COMMON AREA:
UNITS 4001, 4002, 4003 - % of "B"
UNITS 4116, 4117, 4118 - % of "B"
UNITS 4119A/B/C/D - % of "B"

PRIVATE AREA:
UNIT 4119A - 985 S.F.
UNIT 4119B - 732 S.F.
UNIT 4119C - 1,636 S.F.
UNIT 4119D - 2,871 S.F.
UNIT 4115 - 6,224 S.F.

- NOTES**
1. Located Within: The Northwest 1/4 of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian, Park City, Summit County, Utah.
 2. This Plat Amends Unit 4119 (one private unit) into Units 4119A, 4119B, 4119C & 4119D (four private units).
 3. This Plat removes from Private Area and converts to Common Area Units 4001, 4002, 4003, 4004, 4120, 4121, 4122.
 4. Units 4001, 4002, 4003, 4116, 4117, 4118, 4119A, 4119B, 4119C, 4119D are designated "Limited Common Area Usable by Units".
 5. Parking Garage and Facilities Located on Level A, hereon shown as "B", are designated "Limited Common Area Usable by Units".
 6. Other units are shown for reference only, see the Plat(s) of record for information regarding these units.
 7. Books of Bearings, Record of Survey Map for Shadow Ridge Condominiums, Record Number 166230.
 8. Existing Unit 4119 is located on both the First Floor and Level A.
 9. Limited Common Area, hereon Unit 4119D, has been added for the purpose of vehicle access to that unit.
 10. The First Floor, Level A and Level B were field measured (surveyed) to verify its interior placement within the existing condominium building.
 11. Project Benchmark Elevation = 6920.00'.
 12. Top of concrete slab, First Floor Main Entrance.
 13. Covenants, Conditions, Restrictions, Requirements, Easements, or any items previously associated with the property described hereon remain in effect. All requirements set forth in this Amendment are in addition to previously applicable items.
 14. The Units of this Condominium are served by a Common Private Lateral Watermain Line. The "SHADOW RIDGE CONDOMINIUM OWNERS ASSOCIATION" shall be responsible for Ownership, Operation and Maintenance of all Common Private Lateral Watermain Lines.
 15. The Units of this Condominium are served by a Common Master Water Meter. The "SHADOW RIDGE CONDOMINIUM OWNERS ASSOCIATION" shall be responsible for Ownership, Operation and Maintenance of the Common Master Water Meter.

SURVEYORS CERTIFICATE

I, Gregory R. Wobach, of Park City, Utah, Certify that I am a Licensed Professional Land Surveyor, and that I hold License No. 187768, as prescribed by the laws of the State of Utah, and that I have performed a Survey of the hereon described property.

I further certify that this Record of Survey is a correct representation of the land surveyed and has been prepared in conformity with the minimum standards and regulations of the law and as specified in Section 57-2-4-3 of Chapter 6, Condominium Ownership Act, Utah Code Title 57, Real Estate.



LEGAL DESCRIPTION

Shadow Ridge Condominiums, on the and of record in the Office of the Summit County Recorder, Recordation Number 166230 (Supplemental Record of Survey Map Recordation Number 231763).

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT that We, the undersigned owners of Unit 4119, Shadow Ridge Condominiums, described and shown hereon, to be known hereafter as "SHADOW RIDGE CONDOMINIUMS, SECOND AMENDED", do hereby certify that we have caused this plat to be prepared, and do hereby consent to the recordation of this plat.

In witness whereof, I have hereunto set my hand this _____ day of _____, 2011.

Utah Ski Rental, Inc., a Utah Corporation

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH
County of Summit

Personally appeared before me this _____ day of _____, 2011 the following:
Jeff Miller, who after being duly sworn, did say that he is authorized to sign the foregoing instrument and that he signed the same dedication freely and voluntarily.

BY _____ COOWNER/OWNER
WITNESS IN _____ NOTARY PUBLIC

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENT that Shadow Ridge Condominium Association (the "Association"), does hereby certify that this document is being executed by the Association on behalf of its members pursuant to written consent obtained from members owning at least two-thirds of the undivided interest in the common areas and facilities of the Shadow Ridge Condominiums on authorized and permitted under the recorded declaration. The Association, on behalf of its members pursuant to written consent, certifies that it has caused this survey to be made and this amended condominium plat to be prepared. The Association, on behalf of all of the unit owners, does hereby consent to the recordation of this plat.

In witness whereof, I have hereunto set my hand this _____ day of _____, 2011.

Shadow Ridge Condominiums Owners Association, a Utah Non-Profit Corporation

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH
County of Summit

Personally appeared before me this _____ day of _____, 2011 the following:
The Shadow Ridge Condominium Association, and duly authorized to me that she is authorized to sign the foregoing instrument and that she signed the same dedication freely and voluntarily.

BY _____ COOWNER/OWNER
WITNESS IN _____ NOTARY PUBLIC

CONDOMINIUM PLAT
SHADOW RIDGE CONDOMINIUMS
SECOND AMENDED
- A UTAH CONDOMINIUM PROJECT -
A CONDOMINIUM PROJECT LOCATED WITHIN SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

Evergreen Engineering, Inc.

CH2 Engineering • Land Surveying • Land Planning
1670 Bonanza Drive • Suite 104
P.O. Box 2861 • Park City • Utah • 84060
Phone: 435.649.4667 • Fax: 435.649.9219
E-mail: office@evergreen-eng.com

PARK CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE
PARK CITY PLANNING COMMISSION ON THIS
____ DAY OF _____, 2011 A.D.

CHAIRMAN

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

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.W.R.D.

ENGINEERS 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

COUNCIL APPROVAL AND ACCEPTANCE

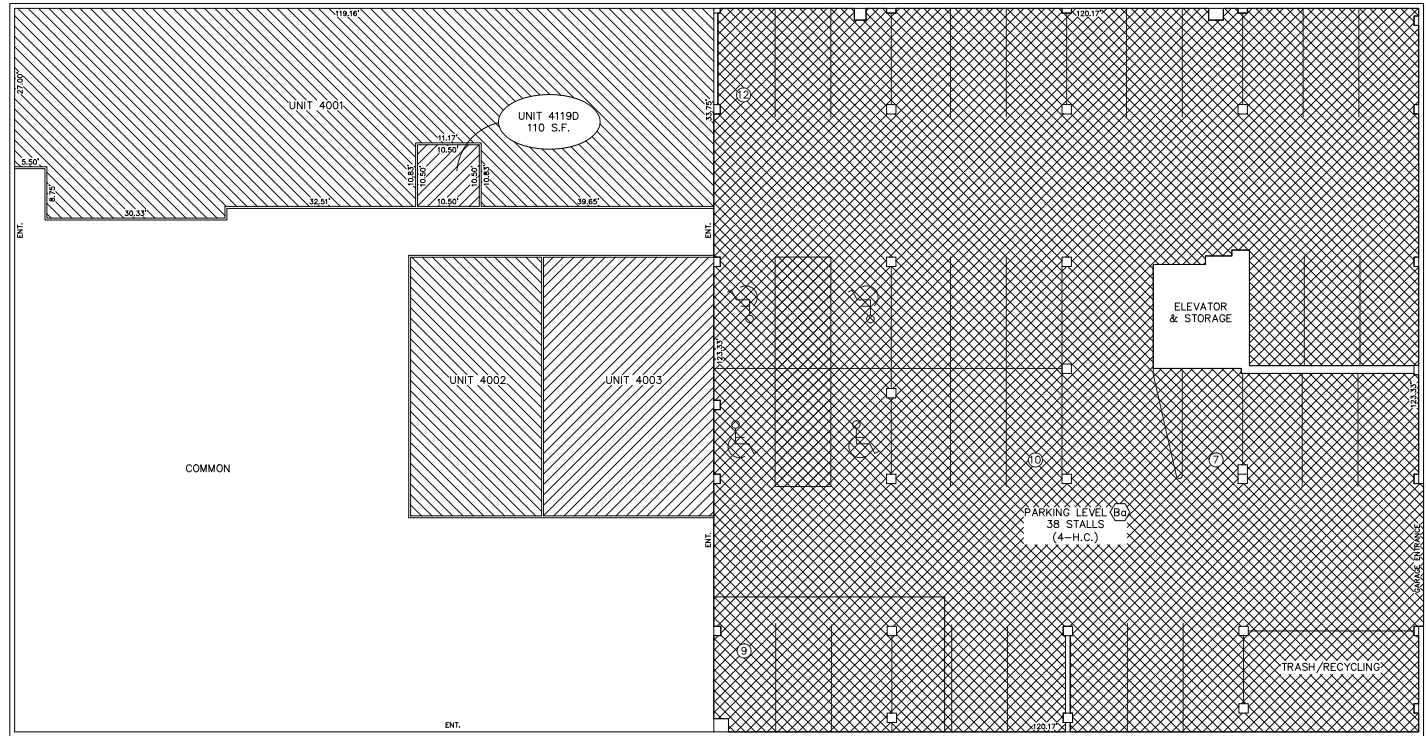
APPROVAL AND ACCEPTANCE BY THE PARK CITY
COUNCIL THIS _____ DAY OF _____, 2011 A.D.

BY _____
MAYOR

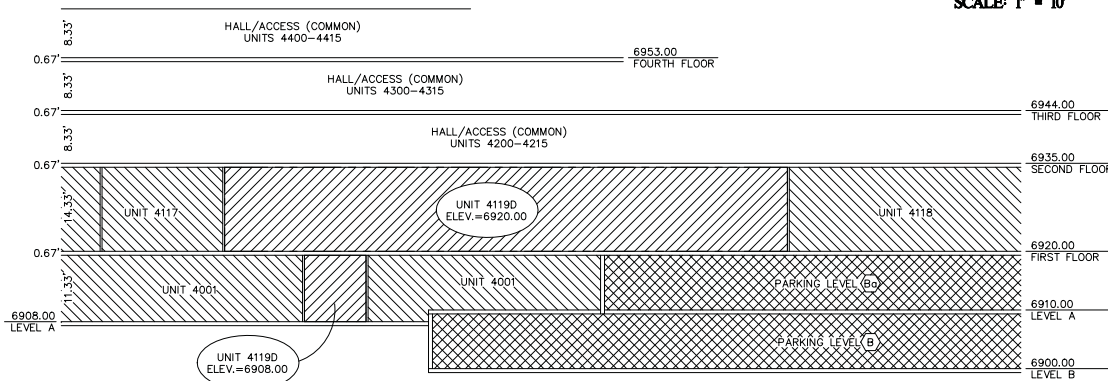
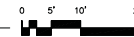
RECORDED

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

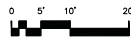
FEE _____ RECORDER _____



PLAN - LEVEL A
SCALE: 1" = 10'



SECTION - A
SCALE: 1" = 10'



SHEET 2 OF 3
Date: September 1, 2011
Drawing Name: 10-217-2011-001.dwg

Evergreen Engineering, Inc.

Civil Engineering • Land Surveying • Land Planning
1670 Benarosa Drive • Suite 104
P.O. Box 2861 • Park City • Utah • 84060
Phone: (435) 649-4667 • Fax: (435) 649-9219
E-mail: office@evergreen-inc.com



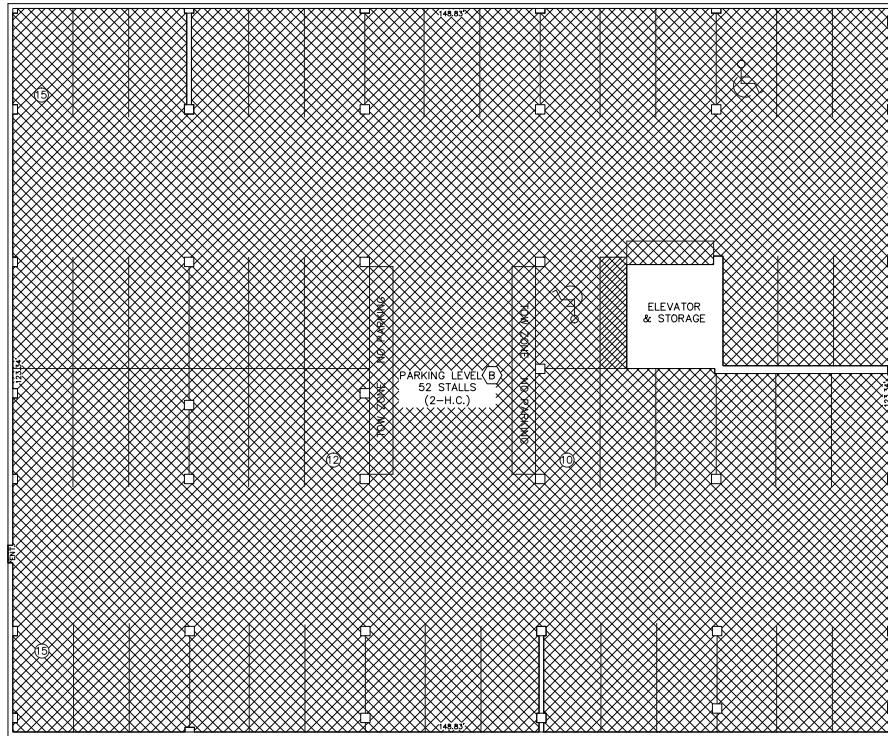
HATCHING LEGEND

- COMMON AREA
- LIMITED COMMON AREA
- PRIVATE AREA

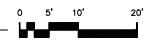
RECORDED

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

FEE _____ RECORDER _____



PLAN - LEVEL B
 SCALE: 1" = 10'



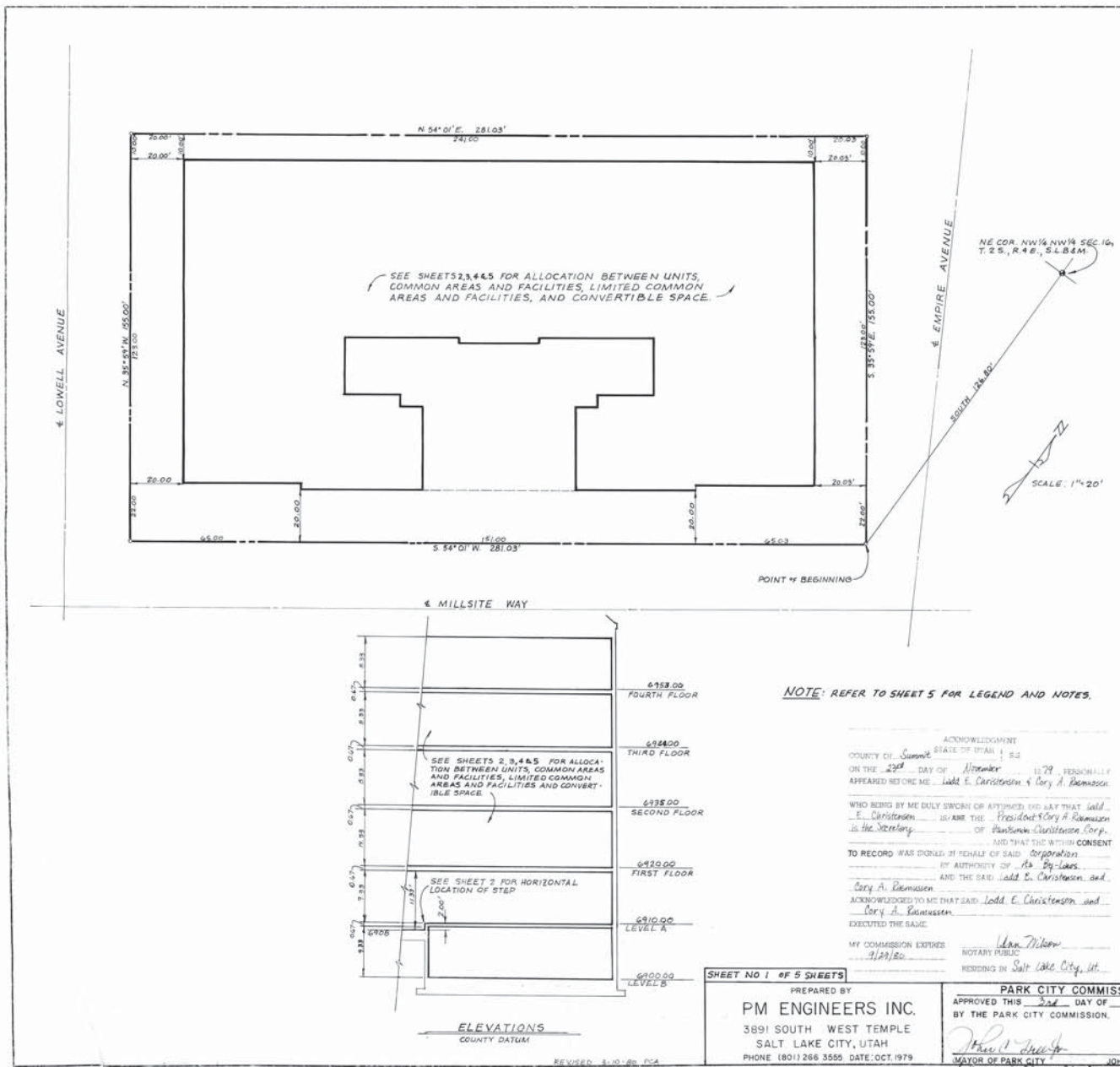
SHEET 3 OF 3
 Date: 09/28/2011
 Drawing Name: 08-207-Annexed.dwg

HATCHING LEGEND

	COMMON AREA
	LIMITED COMMON AREA
	PRIVATE AREA

Evergreen Engineering, Inc.
 Civil Engineering • Land Surveying • Land Planning
 1670 Benarosa Drive • Suite 104
 P.O. Box 2861 • Park City • Utah • 84060
 Phone: (435) 649-4667 • Fax: (435) 649-9219
 E-mail: office@evergreen-eng.com

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



SURVEYOR'S CERTIFICATE
 I, Patrick C. Aisup, do hereby certify that I am a Registered Civil Engineer, and of Land Surveyor, and that I hold certificate No. 4609 / 4722, as prescribed under the laws of the State of Utah. I further certify that by authority of the Owner, I have made a survey of the tract of land shown on this plat and described below in accordance with the Utah Condominium Ownership Act, and that the description correctly describes the land surface upon which there has been constructed

SHADOW RIDGE CONDOMINIUMS
 BOUNDARY DESCRIPTION

COURSE	DIST.	REMARKS
BEGINNING AT A POINT WHICH LIES		
SOUTH 126.80 FEET FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, T. 2 S., R. 4 E., S. 1 B. 6 M. AND RUNNING THENCE		
E 54°01'W	281.03	FEET, THENCE
N 55°55'W	155.00	FEET, THENCE
N 54°01'E	281.03	FEET, THENCE
S 35°55'E	155.00	FEET TO THE POINT OF BEGINNING CONTAINS 1.000 ACRES



DATE 10/16/79

CERTIFICATE OF CONSENT TO RECORD
 KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND HAVE CAUSED A SURVEY TO BE MADE AND THIS RECORD OF SURVEY MAP TO BE PREPARED, AND DO HEREBY CONSENT TO THE RECORDED OF THIS RECORD OF SURVEY MAP IN ACCORDANCE WITH THE UTAH CONDOMINIUM OWNERSHIP ACT.

In witness whereof, we have hereunto set our hands this 23rd day of Nov, A.D. 1979.
Ladd E. Christensen Pres. Hartman Christensen Corp.
Cory A. Ramussen Sec. Hartman Christensen Corp.

NOTE: REFER TO SHEET 5 FOR LEGEND AND NOTES.

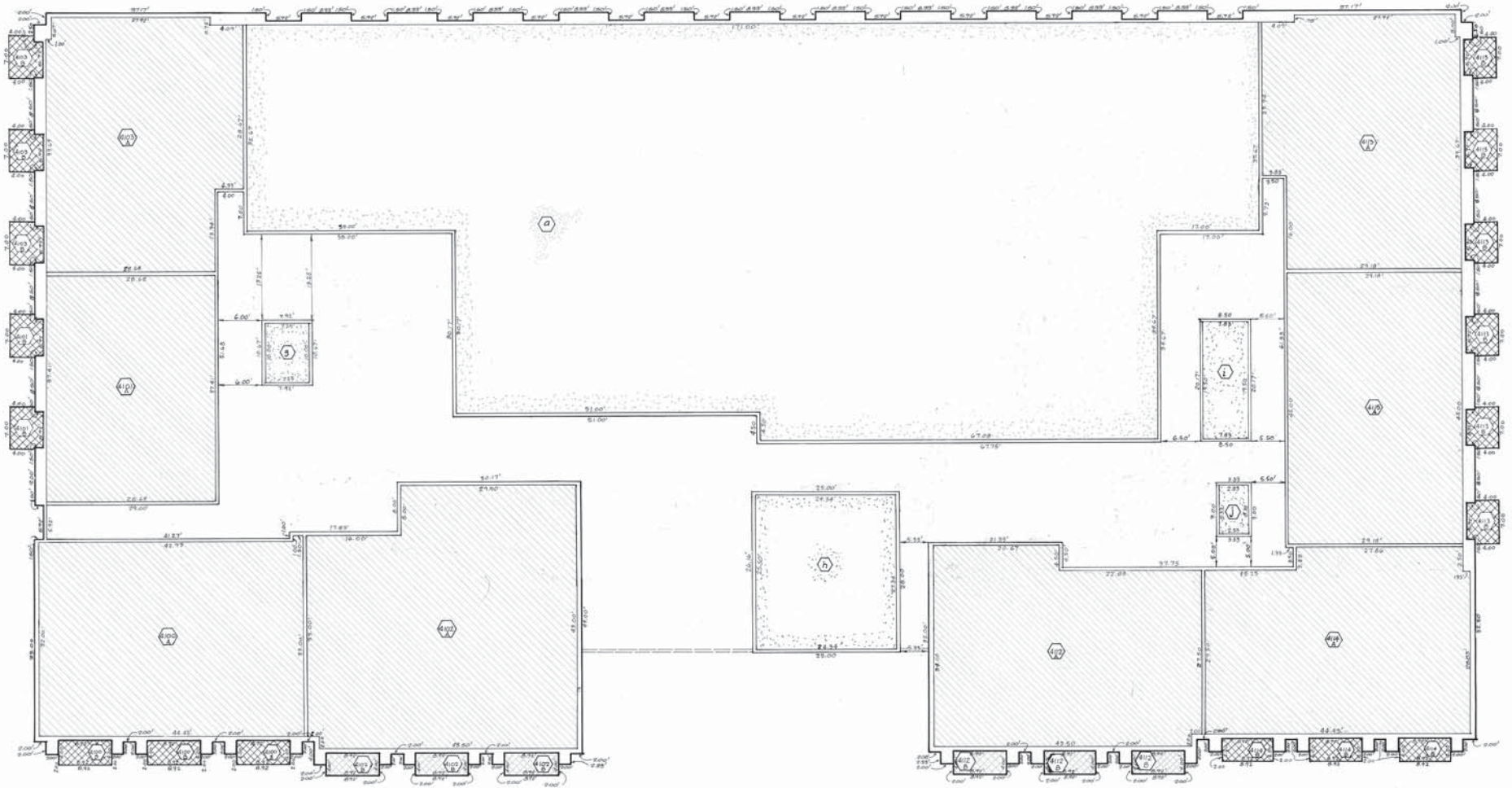
ACKNOWLEDGMENT
 COUNTY OF Summit STATE OF Utah
 ON THE 23rd DAY OF November 1979, PERSONALLY APPEARED BEFORE ME Ladd E. Christensen & Cory A. Ramussen WHO BEING BY ME DULY SWORN OR APPROVED, DO SAY THAT Ladd E. Christensen IS THE President OF Hartman Christensen Corp. AND THAT THE WITHIN CONSENT TO RECORD WAS SIGNED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF Its By-laws AND THAT THE WITHIN CONSENT ACKNOWLEDGED TO ME THAT SAID Ladd E. Christensen and Cory A. Ramussen EXECUTED THE SAME.
 MY COMMISSION EXPIRES 11/21/80 NOTARY PUBLIC Wynn Wilson RESIDING IN Salt Lake City, Ut.

ACKNOWLEDGMENT
 STATE OF UTAH } SS
 County of Summit }
 On the 23rd day of Nov, A.D. 1979, personally appeared before me, the undersigned Notary Public, in and to said County of Salt Lake in said State of Utah, the signers, 1 of the above Consent to Record in number, who duly acknowledged to me that he signed it freely and voluntarily and for the uses and purposes therein mentioned.
 MY COMMISSION EXPIRES 9/22/80 NOTARY PUBLIC Wynn Wilson RESIDING IN Salt Lake City, Ut.

SHEET NO 1 OF 5 SHEETS
 PREPARED BY **PM ENGINEERS INC.**
 3891 SOUTH WEST TEMPLE
 SALT LAKE CITY, UTAH
 PHONE (801) 266 3550 DATE: OCT. 1979

PARK CITY COMMISSION
 APPROVED THIS 2nd DAY OF Nov 1979
 BY THE PARK CITY COMMISSION.
John C. Green
 MAYOR OF PARK CITY JOHN C. GREEN

SHADOW RIDGE CONDOMINIUMS
 LOCATED IN SECTION 16, T. 2 S., R. 4 E.
 SALT LAKE BASE & MEANS
 RECORDED IN 11422
 STATE OF UTAH, COUNTY OF SUMMIT RECORDED AND FILED AT THE OFFICE OF
Hartman Christensen Corporation
 DATE: 5-1-80 THIS 2143 BOOK 124 PAGE
 SHEET 54.50 OF 3 A cond Summit



FIRST FLOOR PLAN

SHADOW RIDGE CONDOMINIUMS

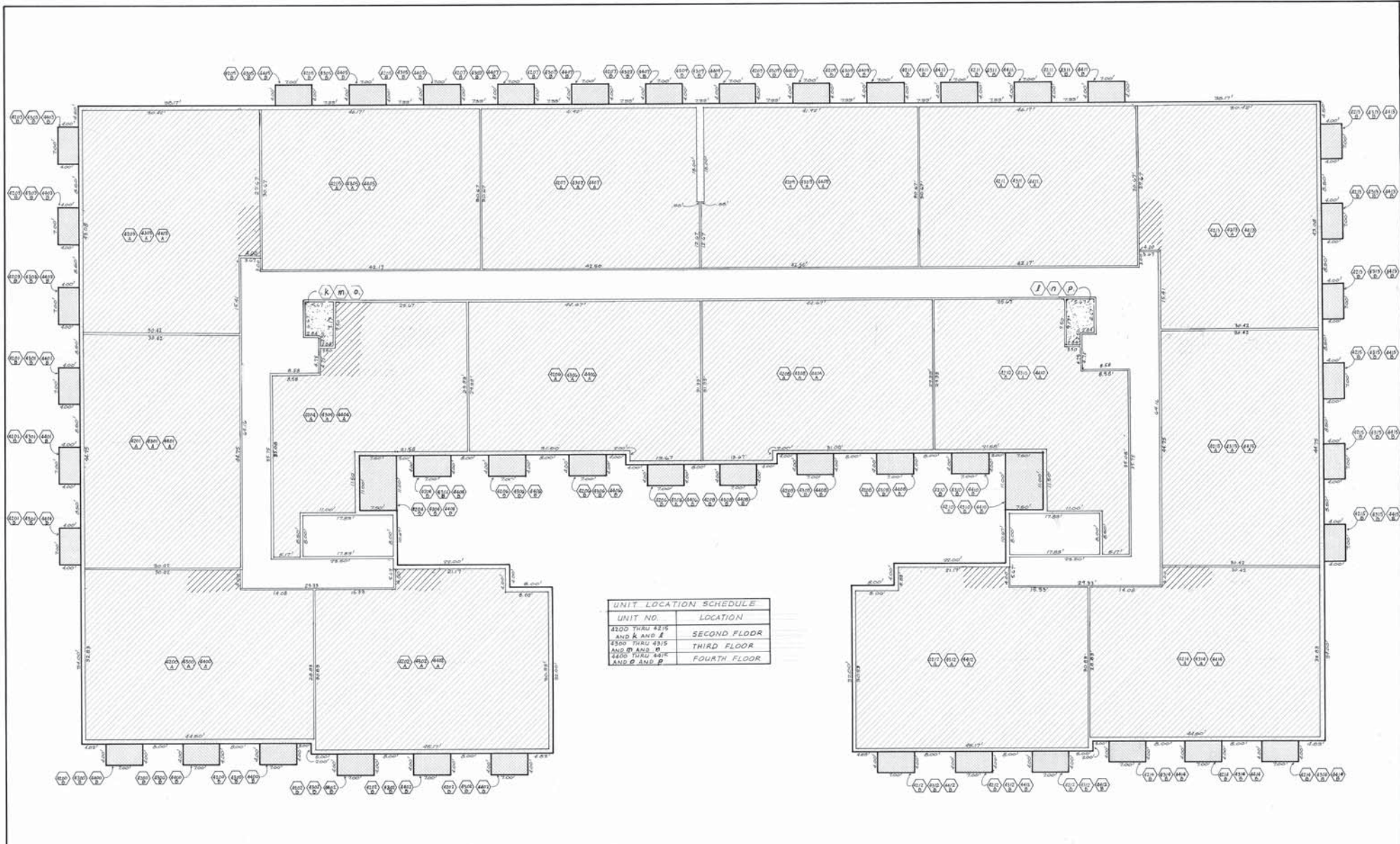
NOTE: REFER TO SHEET 5 FOR LEGEND AND NOTES.

REVISED 9-10-80 P.L.A.

PREPARED BY
PM ENGINEERS INC.
 3891 SOUTH WEST TEMPLE
 SALT LAKE CITY, UTAH
 PHONE (801) 266-3555 DATE: OCT. 1979

RECORDED # 126237
 STATE OF UTAH COUNTY OF SUMMIT, RECORDED AND FILED AT THE
 REQUEST OF Pentagon - Architects Corporation
 DATE 5-1-80 TIME 2:26 BOOK 1167 PAGE
87-50
 FEE \$
Walter J. Applegate
 SUMMIT COUNTY RECORDER

SHEET 3 OF 5 SHEETS



SECOND, THIRD + FOURTH FLOOR PLANS

SHADOW RIDGE CONDOMINIUMS





NOTE: REFER TO SHEET 5 FOR LEGEND AND NOTES.

REVISED 3/7/05 PCA PREPARED BY
PM ENGINEERS INC.
 3891 SOUTH WEST TEMPLE
 SALT LAKE CITY, UTAH
 PHONE (801) 266-3555 DATE: OCT. 1979

RECORDED 166230
 STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF
Henderson Christian Corporation
 DATE 05-1-80 TIME 2:45 BOOK FILED PAGE
 2450
 SUMMIT COUNTY RECORDER

SHT. 4 OF 5 SHEETS

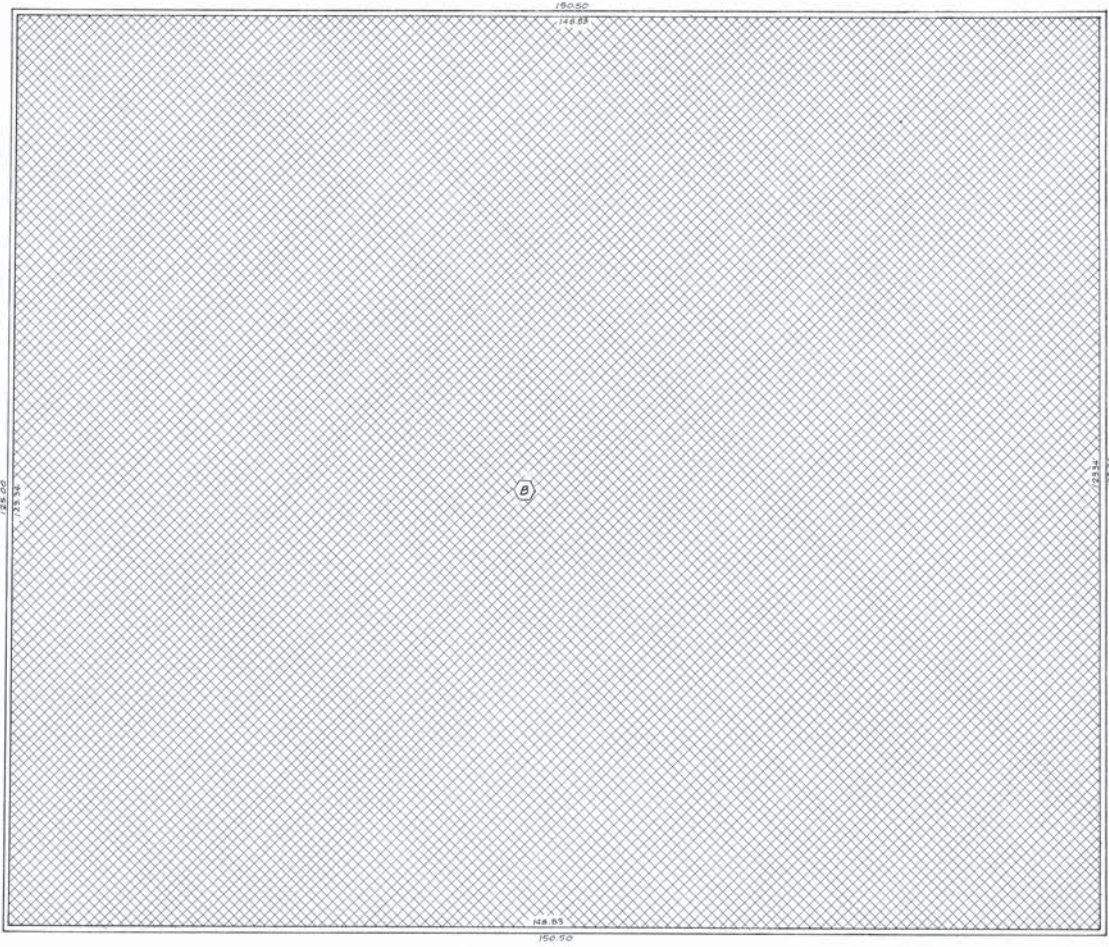
LEGEND:

- BUILDING LINE
- - - - PROPERTY LINE
- STREET CENTER LINE
- WALLS AND PARTITIONS
-  CONVERTIBLE SPACE (LETTERS a, b, c, etc REFER TO CONVERTIBLE SPACES)
-  COMMON AREAS AND FACILITIES
-  LIMITED COMMON AREAS AND FACILITIES (LETTER B REFERS TO LIMITED COMMON AREAS AND FACILITIES ALLOCATED TO THE RESPECTIVE UNITS) (SEE NOTES 1 AND 2 BELOW)
-  UNITS (LETTER A REFERS TO UNIT NUMBERS)

NOTES:

1. **(B)** LIMITED COMMON AREA DESIGNATED TO THE FOLLOWING UNITS:

4101	4203	4213	4307	4401	4411
4102	4204	4214	4308	4402	4412
4103	4205	4215	4309	4403	4413
4112	4206	4200	4310	4404	4414
4113	4207	4301	4311	4405	4415
4114	4208	4302	4312	4406	4400
4115	4209	4303	4313	4407	
4100	4210	4304	4314	4408	
4201	4211	4305	4315	4409	
4202	4212	4306	4300	4410	
2. **(Ba)** LIMITED COMMON AREA USABLE BY CONVERTIBLE SPACES a, b, c, etc.



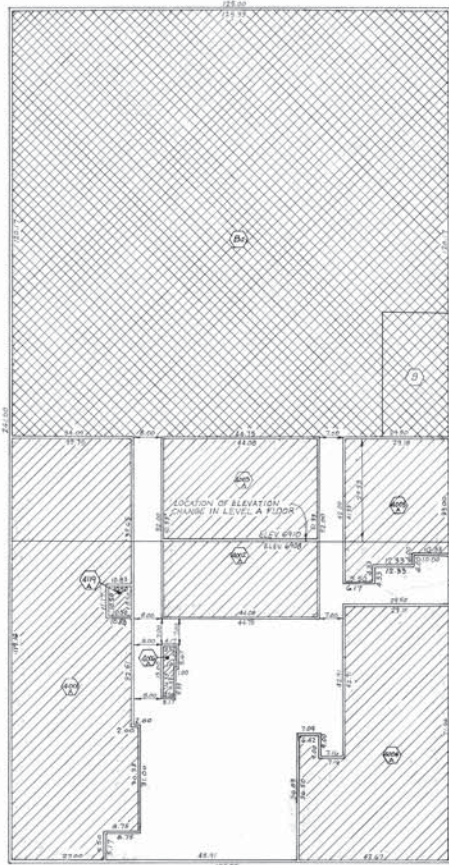
LEVEL B FLOOR PLAN

SHADOW RIDGE CONDOMINIUMS

NOTE: REFER TO THIS SHEET FOR LEGEND AND NOTES.

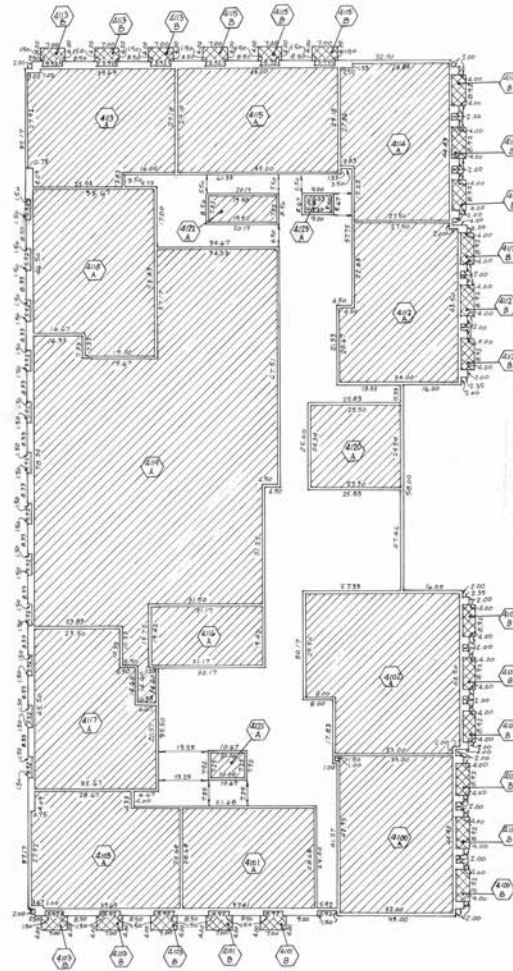
PREPARED BY PM ENGINEERS INC. 3891 SOUTH WEST TEMPLE SALT LAKE CITY, UTAH PHONE (801) 266-9555 DATE: MAR, 1980	RECORDED # 144230 STATE OF UTAH, COUNTY OF SUMMIT RECORDED AND FILED AT THE REQUEST OF <i>Huntman - Architects, P.C.</i> DATE 5-1-88 TIME 2:45 BOOK 128 PAGE - 84 - SQ FEE \$ SUMMIT COUNTY RECORDER
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SHEET 5 OF 5 SHEETS



LEVEL A FLOOR PLAN
(AMENDS SHEET TWO)

SUPPLEMENTAL RECORD OF SURVEY MAP FOR SHADOW RIDGE CONDOMINIUMS
AMENDING SHEETS 2, 3, 4, 65. RECORDED NO. 166230 ON 5-1-80 SUMMIT COUNTY RECORDER



FIRST FLOOR PLAN
(AMENDS SHEET THREE)

AREAS IN SQUARE FEET

UNIT NO.	AREA	LIMITED COMMON	UNIT NO.	AREA	LIMITED COMMON
All	-	33,417.6	4216	44.9	-
4001	3934.9	-	4217	44.9	-
4002	3609.8	-	4300	1404.6	84.0
4003	1265.3	-	4301	1361.3	84.0
4004	2522.3	-	4302	1456.6	84.0
4005	1058.1	-	4303	1421.2	84.0
4006	40.8	-	4304	1181.6	105.0
4100	1425.3	107.0	4305	1293.4	84.0
4101	1972.9	75.8	4306	1337.5	84.0
4102	1824.5	107.0	4307	1293.0	84.0
4103	1364.2	110.6	4308	1337.5	84.0
4112	1431.3	107.0	4309	1293.0	84.0
4113	1341.8	110.6	4310	1181.6	105.0
4114	1330.3	107.0	4311	1295.4	84.0
4115	1315.1	110.6	4312	1456.6	84.0
4116	605.3	-	4313	1421.2	84.0
4117	1309.9	-	4314	1404.6	84.0
4118	1797.9	-	4315	1361.3	84.0
4119	6217.4	-	4316	44.9	-
4120	620.7	-	4317	44.9	-
4121	72.5	-	4400	1404.6	84.0
4122	152.7	-	4401	1361.3	84.0
4123	41.0	-	4402	1456.6	84.0
4200	1404.6	84.0	4403	1421.2	84.0
4201	1361.3	84.0	4404	1181.6	105.0
4202	1456.6	84.0	4405	1293.4	84.0
4203	1421.2	84.0	4406	1337.5	84.0
4204	1181.6	105.0	4407	1293.0	84.0
4205	1293.4	84.0	4408	1337.5	84.0
4206	1337.5	84.0	4409	1293.0	84.0
4207	1293.0	84.0	4410	1181.6	105.0
4208	1337.5	84.0	4411	1293.4	84.0
4209	1225.0	84.0	4412	1456.6	84.0
4210	1181.6	105.0	4413	1421.2	84.0
4211	1293.4	84.0	4414	1404.6	84.0
4212	1456.6	84.0	4415	1361.3	84.0
4213	1421.2	84.0	4416	44.9	-
4214	1404.6	84.0	4417	44.9	-
4215	1361.3	84.0			

SHEET TWO OF TWO SHEETS

RECORDED NO. 223761
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED
AT THE REQUEST OF
DATE 9/28/11 TIME 11:11 AM PAGE
FEE \$ 37.00
SUMMIT COUNTY RECORDER

March 24, 2010

Park City Planning/Zoning
445 Marsac Ave.
Park City, Utah 84060

Re: Amendment to Record of Survey Plat – Unit 4119, Shadow Ridge Condominiums

To Whom It May Concern:

In February 2010 (last month), the Shadow Ridge Condominiums Owners Association (the “Association”) and Utah Ski Rentals, Inc. (“Utah Ski”) closed on their purchase of Unit 4119 at Shadow Ridge Condominiums (Park City, Utah), with each holding an undivided 50% interest as tenants in common. The Association and Utah Ski purchased Unit 4119 as tenants in common with the objective to subdivide Unit 4119 into four (4) units. This letter is submitted as part of the Application to Amend the Record of Survey Map of this condominium project.

Since this project was first created in 1980, Unit 4119 has been a single commercial-use condominium unit, containing approximately 6,100 square feet. At the present time, the unit is being used by different businesses. For instance, a portion of Unit 4119 is being used by Utah Ski to operate a ski rental business. The kitchen area of Unit 4119 is being used by a tenant, Chef Salad L.L.C. d/b/a “Savoury Kitchen” for catering services. Other areas of Unit 4119 are not being used.

We seek to turn Unit 4119 into four units (4119-A; 4119-B, 4119-C and 4119-D), as shown on the drawings prepared by Evergreen Engineering (copy attached). Once the record of survey map has been formally amended to create these new units, title to Unit 4119-D (the kitchen area unit) will be conveyed to the Association; and title to the other three (3) units will be conveyed to Utah Ski.

The Association has designated and authorized Paxton Guymon (the Association’s legal counsel) as the person authorized to sign and file all applications and documents necessary to process the Application to Amend the Record of Survey Map, and to represent the Association on all matters concerning this Application with Park City.

Sincerely,



Marie E. Koch
Association President



March 24, 2010

Park City Planning/Zoning
445 Marsac Ave.
Park City, Utah 84060

Re: Amendment to Record of Survey Plat – Unit 4119, Shadow Ridge Condominiums

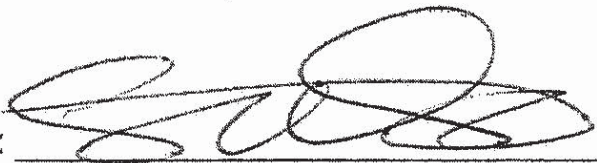
To Whom It May Concern:

Our company, Utah Ski Rentals, Inc. ("Utah Ski"), owns an undivided 50% interest in Unit 4119 at the Shadow Ridge Condominiums in Park City, Utah. The other owner (holding the other 50% interest) is the Shadow Ridge Condominiums Owners Association (the "Association"). Together, we desire to subdivide Unit 4119 into four (4) units, as shown on the drawings prepared by Evergreen Engineering.

This letter confirms that Paxton Guymon (attorney at law) is authorized to sign the Application to Amend Record of Survey Map for Unit 4119 on behalf of our company, Utah Ski. Mr. Guymon is authorized to sign and file all applications and documents necessary to process the Application to Amend the Record of Survey Map, and to represent Utah Ski and the Association on all matters concerning this Application with Park City.

Sincerely,

Utah Ski Rentals, Inc.

By: 
Its: General Manager



Community Development/Engineering
Building and Planning Departments

10 November 1982

Mr. Vic Thieling
c/o Wasatch Front
139 East South Temple
Salt Lake City, Utah 84111

✓ Re: Requested verification of zoning compliance for package
liquor agency to be located in Shadow Ridge Condominiums
1445 Empire Avenue

Dear Mr. Thieling:

This letter is intended to serve as verification that a package liquor outlet within the Shadow Ridge Condominium project would, in fact, be in compliance with local zoning codes. Located within the Recreation Commercial (RC) Zone District, Section 4.10.2.2. of the Land Management Code allows retail commercial activities that are secondary to and compatible with residential uses. A small-scale liquor outlet would be in compliance with the intent of the zoning ordinance.

If additional clarification is desired, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Ligety".

William C. Ligety
Planning Director

WCL/DB/eg

WORK SESSION

Planning Commission Staff Report



Subject: General Plan
Author: Katie Cattan
Date: September 28, 2011
Type of Item: Work Session – General Plan

Task Force Discussion

The work session will begin with a discussion on the General Plan community task force. Staff originally discussed the idea of a community task force with the Planning Commission at their meeting on June 16, 2011. Quarterly meetings are proposed to be held with the task force to provide update on the Plan and receive feedback from the organizations.

The following twenty (20) organizations are under consideration for inclusion on the task force:

- Park City Mountain Resort
- Deer Valley
- Historic Park City Alliance (HPCA)
- Chamber of Commerce
- Park City Historical Society
- Historic Preservation Member
- School District
- Board of Realtors
- Summit Land Conservancy
- Mountain Trails
- Recycle Utah
- Park City Foundation
- Sundance Institute
- Canyons
- Affordable Housing Representative
- Member of Latino Community
- Member of Arts Community
- County Planner
- Member of Park City Young Professionals
- Local Business Owner
- Local Architect

Staff requests feedback from the Planning Commission regarding membership of this Task Force.

Charrette Findings

On September 14th, 2011, the Planning Department hosted a charrette at the Planning Commission meeting to define the planning areas of Old Town. The areas were separated based on connectivity, aspect of slope, accessibility, and

use. There were a total of 10 planning areas that were evaluated at separate station during the charrette.

The charrette was organized so each participant would spend 7 minutes at each station (planning area). An aerial map of the planning area was displayed at each station, as well as, a large work sheet in which the public was asked to input keywords to describe the following:

- What makes this neighborhood UNIQUE from the rest?
- What are the neighborhood ICONS?
- What needs to be IMPROVED?

The charrette was well attended with an estimated 120 participants. Staff has taken all the comments from the charrette and is in the process of summarizing the findings. Staff will be publishing the findings of planning areas on the City website by Tuesday, September 27th, 2011. The Commission will be notified when the results are available to be viewed.

Site Visit

During the work session, the Planning Commission and staff will do a site visit to a few of the planning areas to further define the character of the planning areas. The site visit will begin immediately after the regular agenda and will need to be completed by dusk at 7:30. Staff will provide transportation to/from the planning areas. Please plan to dress appropriately with walking shoes and warm clothing. Following the site visit, staff will return to City Hall Council Chambers to discuss the findings of the 2010 Public Outreach for Old Town as well as the 2011 Charrette findings.

The Next Charrette

The next charrette to define the neighborhoods **outside** of Old Town will take place on October 12, 2011. The format for this charrette will be the same as the Old Town charrette, except that the neighborhoods will not be further divided into planning areas. All residents and members of the Park City community are encouraged to attend. The charrette will begin at 5:30 pm in Council Chambers of City Hall.