

**PARK CITY MUNICIPAL CORPORATION
 PLANNING COMMISSION
 CITY HALL, COUNCIL CHAMBERS
 JUNE 28, 2013**



AGENDA

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

1450/1460 Park Avenue – Conditional Use Permit	PL-13-01831	3
1450/1460 Park Avenue – Plat Amendment	PL-13-01830	

Park City Heights – Possible amendments to Subdivision Plat	PL-11-01355	73
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ROLL CALL
ADOPTION OF MINUTES OF JUNE 12, 2013 131
PUBLIC COMMUNICATIONS – Items not scheduled on the regular agenda
STAFF AND BOARD COMMUNICATIONS/DISCLOSURES
REGULAR AGENDA – Discussion items only, no action taken.

30 Sampson Avenue – Ratification of Findings <i>Possible action</i>	PL-12-01487 <i>Planner Evans</i>	155
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415 Deer Valley Drive – Plat Amendment <i>Public hearing and possible recommendation to City Council</i>	PL-13-01910 <i>Planner Evans</i>	187
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124 Norfolk Avenue – Plat Amendment <i>Public hearing and possible recommendation to City Council</i>	PL-13-01880 <i>Planner Astorga</i>	201
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489 McHenry Avenue, Echo Spur – Plat Amendment <i>Public hearing and possible recommendation to City Council</i>	PL-12-01629 <i>Planner Astorga</i>	213
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Land Management Code – Amendments to Chapter 2.1, Chapter 2.2, Chapter 2.3, and Chapter 2.16 regarding Building Height <i>Public hearing and possible recommendation to City Council</i>	PL-13-01889 <i>Planner Astorga</i>	299
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Lots 21-32, Echo Spur – 9 Lot Subdivision <i>Public hearing and possible recommendation to City Council</i>	PL-12-01717 <i>Planner Astorga</i>	357
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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.

Planning Commission Staff Report



Subject: Green Park - Cohousing
Authors: Francisco Astorga & Anya Grahn, Planners
Project Number(s): PL-13-01831 & PL-13-01832
Date: June 26, 2013
Type of Item: Work Session on Plat Amendment & Conditional Use Permit Applications

Summary Recommendations

Staff recommends that the Planning Commission review the proposed Plat Amendment and Conditional Use Permits (CUP) at 1450 / 1460 Park Avenue. Staff requests that the Planning Commission provide feedback and input related to the outlined items in Section I – V that **do not comply with the LMC, impacts have not been mitigated, and/or need further clarification is needed.**

It is the role of staff to review the submitted plans for compliance with applicable codes. Staff then provides a recommendation to the Planning Commission based on Staff's professional interpretation. Staff requests that the Planning Commission provide feedback related to Staff's findings.

Description

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

Proposal

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

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

The applicant will have a minimum of six (6) units being sold at or below affordable levels (80% of AMI). At least one (1) unit will be sold at an attainable level (120% of AMI). Remaining units will be sold at market rates. Prospective buyers of affordable or attainable units must show through an income/asset test that they are eligible at stated income levels. Units will also be deed restricted at 3% annual appreciation.

Background

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

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

A Planning Commission work session was held on May 8, 2013, to discuss the Cohousing project. Many adjacent property owners at the Struggler Building shared their concerns that the increased density of this site would further aggravate parking issues that exist along Sullivan Road and Park Avenue. Moreover, many were concerned how the design met the Historic District Design Guidelines, particularly raising the historic structures. Architect Craig Elliot, however, explained that raising the structures was necessary because of their location in the floor plain; furthermore, the developers have elected to keep contaminated soil on site due to the expense of moving contaminated soils to Tooele.

At that time, the Planning Commission expressed that they were not in favor of garages fronted by cars lining Sullivan Road and stressed that this neighborhood was already over parked, particularly due to the popularity of City Park during the summer months. Furthermore, the west elevation should be treated as a second façade due to its Sullivan Road frontage. Existing buildings along Sullivan Road are automobile-dominated with parking; however, these structures were built prior to the current Land Management Code parking restrictions from Sullivan Road. The Planning Commission emphasized that new buildings should be designed to be more compatible and presentable along Sullivan Road. Moreover, they stated that they would be interested in the applicant addressing snow storage and trash. They also conceded that the flat roof was an appropriate use for open space, though not necessarily historically compatible. The Planning Commission also indicated that the parking layout classified as a parking area with five (5) or more parking spaces.

On May 29, 2013, the applicants submitted updated plans. These plans have been utilized in Staff's analysis for LMC compliance. The applicants have reduced the square

footage of the second level in order to introduce balconies above the garages fronting Sullivan Road; these balconies will create more human activity along Sullivan Road at this site. The third level has also been reduced. The new design for the west elevation shows that the garage doors will be further recessed and sheltered by larger openings to help conceal their presence. No change in the parking area has been submitted. Trash areas have been identified.

Purpose

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

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

Analysis – Plat Amendment

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

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

Analysis – Conditional Use Review

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

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

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

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

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

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

- *Altering the topography of the site and raising the finished grade by three feet (3') with infill and raising the historic structure at 1460 Park Avenue more than two feet (2') contradicts the Design Guidelines. As currently proposed, the applicant intends to extend the foundation of 1460 Park Avenue to create a retaining wall along the north elevation between the Cohousing development and the Struggler building. This concrete retaining wall will be approximately four feet (4') in height.*
- *The new construction is not compatible with the surrounding neighborhood in terms of its roof form, as well as the size and proportions of windows and doors.*
- *The Design Guidelines also require the garage and parking areas to be subordinate to the character defining streetscape elements and to be buffered.*
- *Furthermore, the driveway widths may not exceed twelve feet (12'). As proposed, the driveway widths vary from ten and one-half feet (10.5') to twenty-nine feet (29'). A landscaped grass strip has been provided to divide the four driveways.*
- *There are also inconsistencies between the Preservation Plan, Physical Conditions Report, and the submitted plans that staff are working with the applicant to resolve. These include the identification of what will be salvaged, restored, and reconstructed; roofing material; and siding dimensions.*

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

The applicant does not propose to alter the historic structures on site but to rehabilitate the two (2) so that non-contributing historic elements are removed.

The residential character of the buildings will remain. Both structures will be used as individual co-housing units.

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

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

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

The surrounding neighborhood contains historic and non-historic dwellings. Many of the historic residential structures have out-of-period additions constructed prior to the adoption of the 2009 Design Guidelines. To the north and south of the property, large multi-unit dwellings exist.

The multi-unit co-housing dwelling does not complement the mass and scale of the two (2) historic cottages. The proposed design shows the new structure separated to the 1460 historic structure by approximately a minimum distance of three and a half feet (3.5') from wall to wall and separated from the roof eave of the historic structure to the wall of the multi-unit building by approximately two and a half feet (2.5'). The new structure will be separated to the 1450 historic structure by approximately a minimum distance of three and one-half feet (3.5') from wall to wall and separated from the roof eave of the historic structure to the wall of the multi-unit building by approximately two and one-half feet (2.5').

The Design Guidelines also specify that the scale and height of new structures should follow the predominant pattern of the neighborhood with special consideration given to Historic Sites; moreover, the size and mass of the structure should be compatible with the size of the property so that lot coverage, building bulk, and mass are compatible with Historic Sites in the neighborhood. The size, mass, and height of the new construction, as well as its proximity to the historic cottages, appear to overwhelm the historically significant structures.

Greater separation between the historic structures and the new construction would further mitigate this issue. Staff finds that an increased separation will provide greater differentiation between the two (2) structures as well as be more sympathetic to the historic integrity of the structures.

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

The applicant intends to provide six (6) garage parking spaces at the rear of the property, facing Sullivan Road. An additional eight (8) parking/driveway spaces will be provided in tandem configuration to the garages. Two (2) landscape grass strips will be provided to break up the four driveways/parking areas.

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

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

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

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

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

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

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

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

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

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

A. Grading and Drainage. Complies as conditioned.

The City Engineer shall review and approve all appropriate grading and drainage plans for compliance with the City Standards precedent to building permit issuance. Grading and drainage shall comply with LMC § 15-3-3(A). According to the City Engineer, it does not appear that the submitted concepts address drainage and that the site may be able to take water out to Park Avenue storm drain or it may be accommodated on site.

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

The current plans call for concrete parking areas/driveways.

C. Parking Area Lighting. Not Applicable.

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

D. Parking Area Landscaping.

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

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

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

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

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

The site is not located within these Zoning Districts.

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

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

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

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

E. Snow Storage.

Where parking availability will be affected by weather conditions, the Owner must provide adequate non-Hard Surfaced and landscaped snow storage Areas. Said snow storage Areas must be on-Site and equivalent to fifteen percent (15%) of the total Hard-Surfaced Area; including, Parking Spaces, aisles, driveways, curbing, gutters, and sidewalks adjacent to each surface Lot in a usable, readily accessible location. Landscaping of these Areas shall accommodate snow removal and storage on-Site.

Complies.

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

F. Parking Space Dimensions.

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

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

2. ADA Parking Space width requirements vary and shall be consistent with current International Building Code standards. **Complies.**

Two ADA parking spots are designated tandem to garages 3 and 4.

G. Street Access and Circulation.

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

The proposed parking layout requires that the vehicles back up onto the public roadway, Sullivan Road. Sullivan Road is not considered by the City Engineer a public street. It's considered an internal road for City Park and that is why there are additional restrictions on using it for access outlined in Section V of this staff report. The applicant may submit a traffic and or engineer report/study that may show mitigate this provision in the LMC.

H. Driveway Widths and Spacing.

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

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

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

The northern-most driveway is four feet (4') from the existing driveway of the Struggler Building. The other three (3) driveways are separated by either a landscaped area of five feet (5') in width and an entry walkway of seven feet (7'). These driveway widths are all less than the recommended minimum ten feet (10') of separation

I. Tandem Spaces.

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

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

Tandem parking is usually for properties with single owner(s).

J. Clear view of Intersecting Streets.

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

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

K. Signs. **Not applicable.**

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

L. Permit.

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

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

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

B. Parking Areas with Five (5) or More Spaces:

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

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

The parking area has been separated by landscaped divisions to lessen the impact of parking; however, the parking continues to consume the majority of the front yard area along Sullivan Road.

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

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

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

The site has four (4) driveways. None of the driveways meet this separation by an island of eighteen feet (18') including the northern-most driveway separation of the Struggler Building. The proposed separation are as follow from north to the south: three feet (3'), five feet (5'), six-and-one-half feet (6½'), and five feet (5').

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

The site is not near an intersecting ROW.

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

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

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

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

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

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

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

The site contains the corresponding unit size and parking ratio:

Unit	Size of unit	Parking Ratio
A	1,111 sf.	1.5
B	623 sf.	1.0
C	623 sf.	1.0
D	622 sf.	1.0
E	760 sf.	1.0
F	1,188 sf.	1.5
G	1,443 sf.	1.5
H	1,439 sf.	1.5
1450 Park Ave.	675 sf.*	-
1460 Park Ave.	611 sf.*	-
Total no. of parking spaces		10

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

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

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

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

In MPDs and in review of CUPs, the initial parking requirement is determined by referring to the requirements for the Use and the underlying zone. The Planning Commission may reduce this initial parking requirement to prevent excessive parking and paving. The Applicant must prove by a parking study that the proposed parking is adequate. **Not requested.**

The applicant does not request a parking reduction.

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

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

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

LMC § 15-3-9 Bicycle Parking Requirements.

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

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

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

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

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

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

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

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

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

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

To lessen traffic congestion along Park Avenue, the applicants have chosen to locate parking at the rear of the lot along Sullivan Road. The Planning Commission indicated that this was a preferred solution, given the location of the historic structures on Park Avenue; however, this has resulted in a parking area consuming the majority of the rear portion of the lot along Sullivan Road.

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

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

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

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

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

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

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

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

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

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

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

The surrounding neighborhood contains historic and non-historic dwellings. Many of the historic residential structures have out-of-period additions constructed prior to the adoption of the 2009 Design Guidelines. To the north and south of the property, large multi-unit dwellings exist.

The multi-unit co-housing dwelling does not complement the mass and scale of the two (2) historic cottages. The proposed design shows the new structure separated to the 1460 historic structure by approximately a minimum distance of three and a half feet (3.5') from wall to wall and separated from the roof eave of the historic structure to the wall of the multi-unit building by approximately two and a half feet (2.5'). The new structure will be separated to the 1450 historic structure by approximately a minimum distance of three and one-half feet (3.5') from wall to wall and separated from the roof eave of the historic structure to the wall of the multi-unit building by approximately two and one-half feet (2.5').

The Design Guidelines also specify that the scale and height of new structures should follow the predominant pattern of the neighborhood with special consideration given to Historic Sites; moreover, the size and mass of the structure should be compatible with the size of the property so that lot coverage, building bulk, and mass are compatible with Historic Sites in the neighborhood. The size, mass, and height of the new construction, as well as its proximity to the historic cottages, appears to overwhelm the historically significant structures.

Greater separation between the historic structures and the new construction would further mitigate this issue. Staff finds that an increased separation will provide greater differentiation between the two (2) structures as well as be more sympathetic to the historic integrity of the structures.

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

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

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

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

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

The surrounding neighborhood contains historic and non-historic dwellings. Many of the historic residential structures have out-of-period additions constructed prior to the adoption of the 2009 Design Guidelines. To the north and south of the property, large multi-unit dwellings exist.

The multi-unit co-housing dwelling does not complement the mass and scale of the two (2) historic cottages. The proposed design shows the new structure separated to the 1460 historic structure by approximately a minimum distance of three and a half feet (3.5') from wall to wall and separated from the roof eave of the historic structure to the wall of the multi-unit building by approximately two and a half feet (2.5'). The new structure will be separated to the 1450 historic structure by approximately a minimum distance of three and one-half feet (3.5') from wall to wall and separated from the roof eave of the historic structure to the wall of the multi-unit building by approximately two and one-half feet (2.5').

The Design Guidelines also specify that the scale and height of new structures should follow the predominant pattern of the neighborhood with special consideration given to Historic Sites; moreover, the size and mass of the structure should be compatible with the size of the property so that lot coverage, building bulk, and mass are compatible with Historic Sites in the neighborhood. The size, mass, and height of the new construction, as well as its proximity to the historic cottages, appear to overwhelm the historically significant structures.

Greater separation between the historic structures and the new construction would further mitigate this issue. Staff finds that an increased separation will provide greater differentiation between the two (2) structures as well as be more sympathetic to the historic integrity of the structures.

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

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

13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas. **No unmitigated impacts.**

Trash storage and recycling pick areas have been identified within the two hallways extending from the courtyards toward the parking area off Sullivan Road.

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

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

Nightly rentals are an allowed use within the District.

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

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

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

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

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

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

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

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

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

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

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

Applicant provided specific open space calculations which include the following:

Area	Size	Percentage
<i>Landscaped</i>	<i>7,710</i>	<i>42.1%</i>
<i>Walkways</i>	<i>2,004</i>	<i>11.0%</i>
<i>Green roofs</i>	<i>2,088</i>	<i>11.4%</i>
Total	11,849	64.5%

The applicant included the landscape area on green roofs in their open space calculation; otherwise the proposal will not be able to meet the required 60% open space. Access to the common area green roofs is provided through private dwelling units. Furthermore, CUP standard criterion no. 9 requires the term usable open space to be mitigated by the applicant. In conjunction with this provision staff is willing to interpret the area located on the green roofs as long as this area is usable to anyone part of the project, i.e., if they have unrestricted access to the green roof staff is willing to count this area as open space.

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

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

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

- A. Criteria for Conditional Use Review for Limited access.

Limited Access is allowed only when an Applicant proves the project has positive elements furthering reasonable planning objectives, such as increased Transferred Development Right (TDR) Open Space or Historic preservation in excess of that required in the zone. **Complies.**

The applicant has shown positive elements furthering reasonable planning objectives in terms of the required affordable housing. Green Park Cohousing development satisfies a crucial need in the community—affordable housing. The applicant will have a minimum of six (6) units being sold at or below affordable levels (80% of AMI). At least one 910 unit will be sold at an attainable level (120% of AMI). Remaining units will be sold at market rates. Prospective buyers of affordable or attainable units must show through an income/asset test that they are eligible at stated income levels. Units will also be deed restricted at 3% annual appreciation.

B. Neighborhood Mandatory Elements Criteria.

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

1. Utility Considerations.

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

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

2. Enhanced Site Plan Considerations.

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

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

Sullivan Road: The six (6) garages on the main level are recessed from the primary plane and currently meeting the minimum front yard setback of twenty-five feet (25'). The second and third stories have a pop-out feature behind balconies that overlooks Sullivan Road and breaks up the mass.

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

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

*Sullivan Road: No increased front yard setbacks have been provided.
Park Avenue: No change from the existing historic setback.*

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

The applicant proposes approximately 15.4% of snow storage. The Code requires 15%.

The 0.4% equates to 7.65 square feet.

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

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

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

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

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

The proposed project contemplates using all of its access from Sullivan Road and proposes four (4) driveways/parking areas that can accommodate up to eight (8) vehicles which also access six (6) garages. There is no other access to the project anticipated, even though the property fronts onto Park Avenue. However, the preservation of the existing Historic Homes that both front onto Park Avenue, presents an argument for the primary access coming off of Sullivan Road.

- g. Decreased Density. **Complies.**

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

3. Design Review under the Historic District Guidelines.

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

The surrounding neighborhood contains historic and non-historic dwellings. Many of the historic residential structures have out-of-period additions constructed prior to the adoption of the 2009 Design Guidelines. To the north and south of the property, large multi-unit dwellings exist.

The multi-unit co-housing dwelling does not complement the mass and scale of the two (2) historic cottages. The proposed design shows the new structure separated to the 1460 historic structure by approximately a minimum distance of three and a half feet (3.5') from wall to wall and separated from the roof eave of the historic structure to the wall of the multi-unit building by approximately two and a half feet (2.5'). The new structure will be separated to the 1450 historic structure by approximately a minimum distance of three and one-half feet (3.5') from wall to wall and separated from the roof eave of the historic structure to the wall of the multi-unit building by approximately two and one-half feet (2.5').

The Design Guidelines also specify that the scale and height of new structures should follow the predominant pattern of the neighborhood with special consideration given to Historic Sites; moreover, the size and mass of the structure should be compatible with the size of the property so that lot coverage, building bulk, and mass are compatible with Historic Sites in the neighborhood. The size, mass, and height of the new construction, as well as its proximity to the historic cottages, appears to overwhelm the historically significant structures.

Greater separation between the historic structures and the new construction would further mitigate this issue. Staff finds that an increased separation will provide greater differentiation between the two (2) structures as well as be more sympathetic to the historic integrity of the structures.

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

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

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

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

6. Preservation of Historic Structures and Landscape Features.

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

The proposal includes the preservation of the two (2) historic structures. However, staff has not found compliance with the Design Guidelines and CUP criteria in terms of mass, scale, compatibility, etc.

Public Input

Many adjacent property owners at the Struggler Building shared their concerns during the May 8, 2013 Planning Commission work session. They indicated that the increased density of this site would further aggravate parking issues that exist along Sullivan Road and Park Avenue. Many were concerned how the design met the Historic District Design Guidelines, particularly raising the historic structures. Staff has received several comments from adjacent property owners regarding the HDDR application. See Exhibit F.

Summary Recommendation

Staff requests that the Planning Commission provide feedback and input related to the outlined items in Section I – V that **do not comply with the LMC, impacts have not been mitigated, and/or need further clarification is needed.**

It is the role of staff to review the submitted plans for compliance with applicable codes. Staff then provides a recommendation to the Planning Commission based on Staff's professional interpretation. Staff requests that the Planning Commission provide feedback related to Staff's findings.

Outlined Summary

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

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

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

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

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

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

D. Parking Area Landscaping.

4. Interior Landscaping in other Zones. **Does not comply.**

G. Street Access and Circulation. **Does not comply.**

H. Driveway Widths and Spacing. **Does not comply.**

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

B. Parking Areas with Five (5) or More Spaces.

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

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

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

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

2. Traffic considerations including capacity of the existing Streets in the Area. **Discussion requested.** *The applicant requests that all access to the site come from Sullivan Road. Please refer to Section V: LMC § 15-2.4-9 Sullivan Road Access.*

5. Location and amount of off-Street parking. **Discussion requested.** *Please refer to Section II: LMC § 15-3 - Off Street Parking above.*
6. Internal vehicular and pedestrian circulation system. **Discussion requested.** *The applicant requests that all access to the site come from Sullivan Road. Please refer to Section V: LMC § 15-2.4-9 Sullivan Road Access*
7. Fencing, Screening, and landscaping to separate the Use from adjoining Uses. **Impacts not mitigated.**
8. Building mass, bulk, and orientation, and the location of Buildings on the Site; including orientation to Buildings on adjoining Lots. **Impacts not mitigated**
9. Usable Open Space. **Discussion requested.** *Please refer to Section IV: LMC § 15-2.4-5 - Special Requirement for Multi-Unit Dwellings, open space.*
11. Physical design and Compatibility with surrounding Structures in mass, scale, style, design, and architectural detailing. **Impacts not mitigated**
13. Control of delivery and service vehicles, loading and unloading zones, and Screening of trash and recycling pickup Areas. **Needs further clarification.**

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

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

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

A. Criteria for Conditional Use Review for Limited access. **Needs further clarification.**

B. Neighborhood Mandatory Elements Criteria.

2. Enhanced Site Plan Considerations.

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

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

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

e. Elimination of Multi-Unit or Triplex Dwellings. **Discussion Requested.**

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

3. Design Review under the Historic District Guidelines. **Does not comply with the Guidelines.**

4. Incorporation of Pedestrian and Landscape Improvements along Park Avenue, Sullivan Road, and Eastern Avenue. **Does not comply.**

5. Parking Mitigation. **Does not comply.**

6. Preservation of Historic Structures and Landscape Features. **Discussion Requested.**

Exhibits

Exhibit A – Plat Amendment Project Description

Exhibit B – Existing Subdivision

Exhibit C – Proposed Plat Amendment

Exhibit D – CUP Project Description

Exhibit E – Proposed Plans

Exhibit F – HDDR Public Comments

Exhibit G – 05.09.2013 Planning Commission Minutes

PROJECT DESCRIPTION

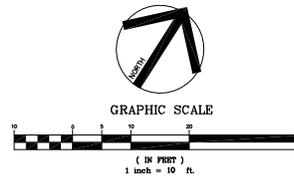
The intent of this project is to renovate a dilapidated but historically significant houses and to add a structure to house a co-housing group to the rear of the property. Currently, these houses sits on two single (Lot1 and Lot 2), long but narrow lots. The lots will be combined to create one lot for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

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

Exhibit C – Proposed Plat Amendment

THE RETREAT AT THE PARK FIRST AMENDED

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



STRUGGLER CONDOMINIUMS

CRAIG CONDOMINIUMS

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

SULLIVAN ROAD

PARK AVENUE
(66' PUBLIC RIGHT OF WAY)

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

XXX STREET ADDRESS

LEGAL DESCRIPTION

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

NOTES

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

OWNERS DEDICATION AND CONSENT TO RECORD

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

BY: DARRELL FINLAYSON
PRESIDENT

ACKNOWLEDGMENT

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

ON THE _____ DAY OF _____, 2013, PERSONALLY APPEARED BEFORE ME DARRELL FINLAYSON, WHOSE IDENTITY IS PERSONALLY KNOWN TO ME (or proven on the basis of satisfactory evidence) AND WHO BY ME DULY SWORN/AFFIRMED, DID SAY THAT HE/SHE IS THE REPRESENTATIVE OF THE RETREAT AT THE PARK SUBDIVISION, FIRST AMENDED, AND THAT SAID DOCUMENT WAS SIGNED BY HIM/HER ON BEHALF OF SAID PARTNERSHIP, BY AUTHORITY OF ITS BYLAWS OR RESOLUTION OF ITS BOARD OF DIRECTORS, AND SAID DARRELL FINLAYSON ACKNOWLEDGED TO ME THAT SAID PARTNERSHIP EXECUTED THE SAME.

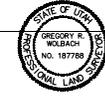
NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
RESIDING IN _____ COUNTY, STATE _____

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

SURVEYORS CERTIFICATE

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

GREGORY R. WOLBACH



DATE: _____

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

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

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

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ AD 2013.
BY: _____
SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

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

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

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

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

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

PROJECT DESCRIPTION

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

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

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

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

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

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

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

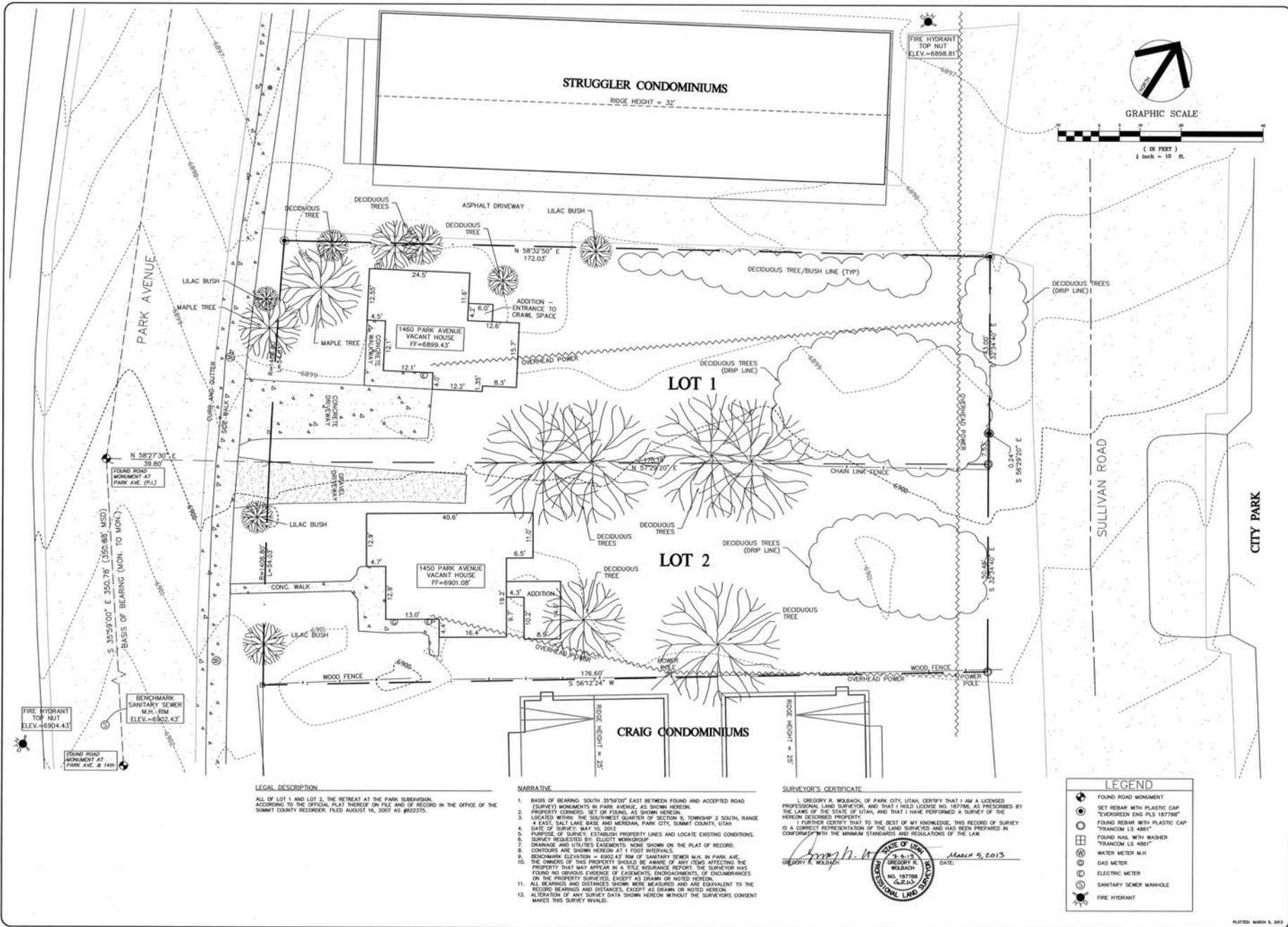
Exhibit E - Proposed Plans

green park cohousing park avenue

february 4, rev. june 11, 2013

HDDR-001	cover sheet	HDDR-012	roof plan
HDDR-002	survey	HDDR-013	elevations
HDDR-003	existing conditions	HDDR-014	elevations
HDDR-004	existing conditions	HDDR-015	sections
HDDR-005	existing views	HDDR-016	sections
HDDR-006	adjoining properties	HDDR-017	3d views
HDDR-007	area analysis	HDDR-018	3d views
HDDR-008	site plan	HDDR-019	3d views
HDDR-009	lower & main level floor plan	HDDR-020	historic building details
HDDR-010	second level floor plan	HDDR-021	streetscapes
HDDR-011	third level	HDDR-022	park avenue views
		HDDR-023	parking study





LEGAL DESCRIPTION
ALL OF LOT 1 AND LOT 2, THE RETREAT AT THE PARK SUBDIVISION, ACCORDING TO THE ORIGINAL PLAT THEREON ON FILE AND OF RECORD IN THE OFFICE OF THE SUMMIT COUNTY RECORDER, FILED AUGUST 16, 2007 AS #223275.

- NARRATIVE**
1. BASIS OF BEARING: SOUTH 35°59'00" EAST BETWEEN FOUND AND ACCEPTED ROAD SURVEY MONUMENTS IN PARK AVENUE, AS SHOWN HEREON.
 2. PROPERTY CORNERS: SET OR FOUND, AS SHOWN HEREON.
 3. LOCATED WITHIN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH
 4. DATE OF SURVEY: MAY 10, 2013
 5. PURPOSE OF SURVEY: ESTABLISH PROPERTY LINES AND LOCATE EXISTING CONDITIONS.
 6. CONTIGUOUS AREAS: NONE SHOWN ON THE PLAT OF RECORD.
 7. DRAINAGE AND UTILITIES EXISTENCES: NONE SHOWN ON THE PLAT OF RECORD.
 8. CONTOURS ARE SHOWN HEREON AT 1 FOOT INTERVALS.
 9. BENCHMARK ELEVATION = 6902.43' RM OF SANITARY SEWER M.H. IN PARK AVE.
 10. THE OWNERS OF THIS PROPERTY SHOULD BE AWARE OF ANY ITEMS AFFECTING THE PROPERTY THAT MAY APPEAR IN A TITLE INSURANCE REPORT. THE SURVEYOR HAS FOUND NO OBSTRUCTIONS OF EASEMENTS, ENCUMBRANCES, OR ENCUMBRANCES ON THE PROPERTY SURVEYED, EXCEPT AS DRAWN OR NOTED HEREON.
 11. ALL BEARINGS AND DISTANCES SHOWN WERE MEASURED AND ARE EQUIVALENT TO THE RECORD BEARINGS AND DISTANCES, EXCEPT AS DRAWN OR NOTED HEREON.
 12. ALTERATION OF ANY SURVEY DATA SHOWN HEREON WITHOUT THE SURVEYOR'S CONSENT MAKES THIS SURVEY INVALID.

SURVEYOR'S CERTIFICATE

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

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

Gregory R. Wolbach
GREGORY R. WOLBACH
STATE OF UTAH
LICENSED PROFESSIONAL LAND SURVEYOR
NO. 187786
DATE: March 5, 2013

Evergreen Engineering, Inc.
Civil Engineers • Land Surveyors • Licensed Professional
1870 Shoshone Drive • Suite 101 • Park City, UT 84302
Phone: 435-648-4887 • Fax: 435-648-2525
E-mail: info@evergreeneng.com

REVISIONS

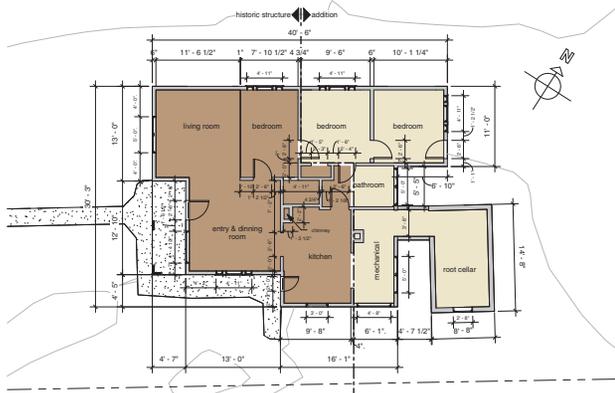
DATE	BY	COMMENTS

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

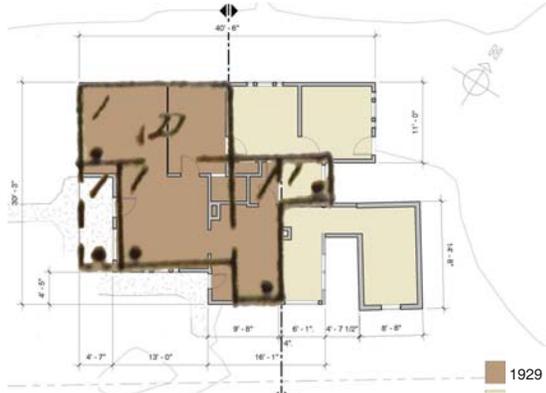
RECORD OF SURVEY - LOT 1 & 2
THE RETREAT AT THE PARK

DATE: 03/05/13
JOB NO.: 1206
FILE: RETREAT.DWG
PLOT: ELLIOTT WORKGROUP

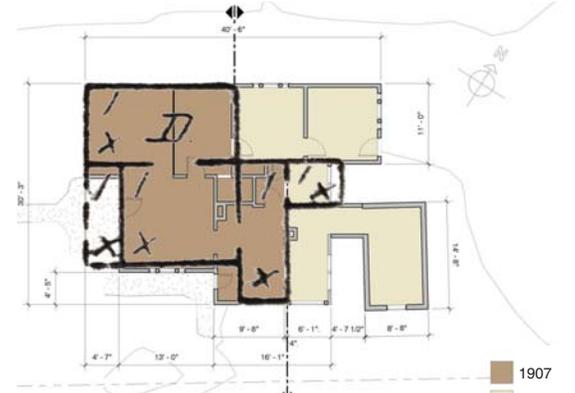
SHEET 1 OF 1



3. existing floor plan
0 4' 8' 16' 32'



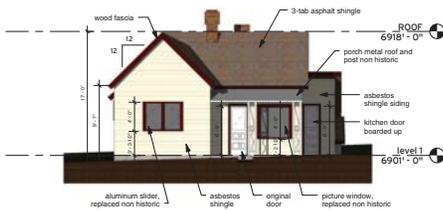
2. 1929 Sanborn
0 4' 8' 16' 32'



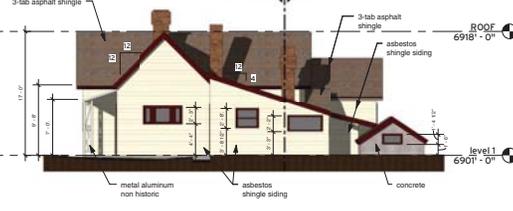
1. 1907 Sanborn
0 4' 8' 16' 32'

1929
Addition

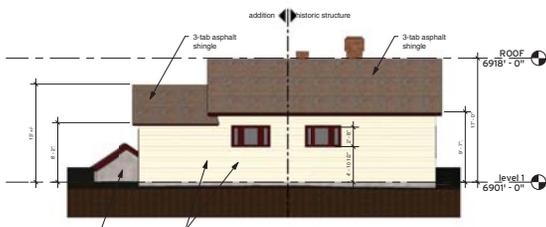
1907
Addition



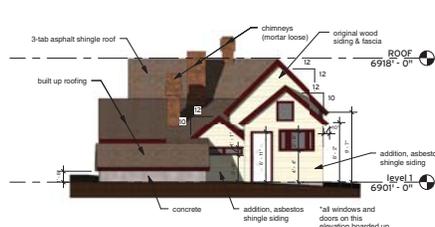
W west elevation
0 4' 8' 16' 32'



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

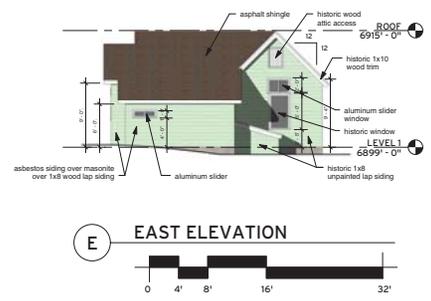
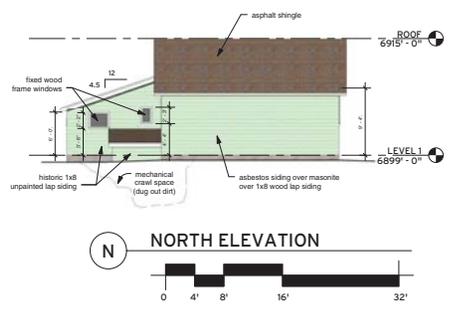
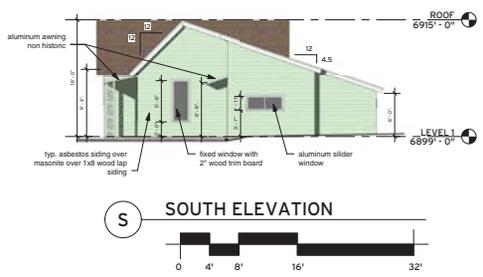
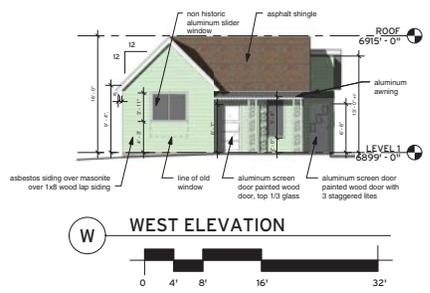
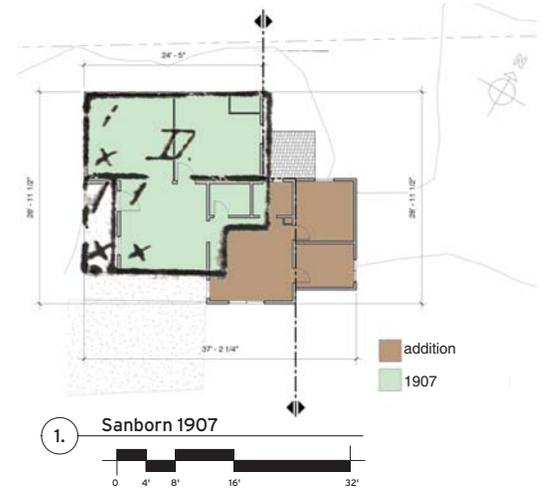
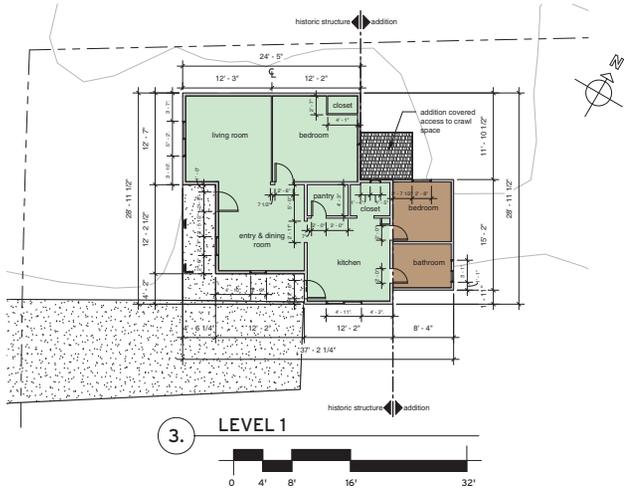


N north elevation
0 4' 8' 16' 32'



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





**elliott
workgroup**
architecture

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

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



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



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



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



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



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



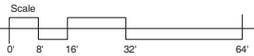
2 park avenue streetscape
SCALE: N.T.S.



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



main level



second level



floor area analysis

areas schedule (gross building)			
name	level	area	comments
Area	level 1B	658 SF	
Area	level 1B	734 SF	
Area	level 1B	2635 SF	
Area	level 1B	2569 SF	
Area	level 2B	5961 SF	
Area	level 3C	1107 SF	
Grand total		13664 SF	

site area analysis

area schedule (site area)		
name	area SF	percentage

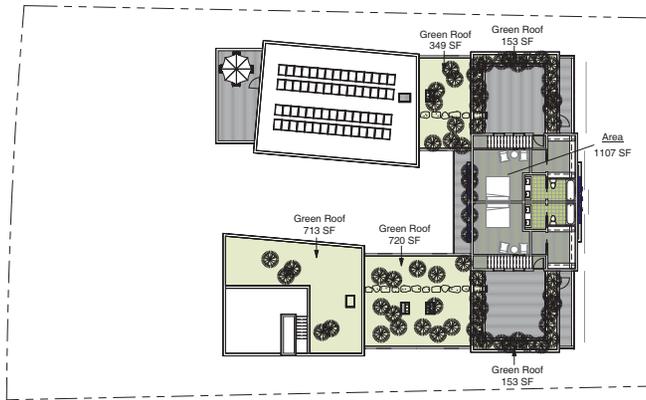
site area	18, 298 SF	100%
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area schedule (building)		
name	area	percentage

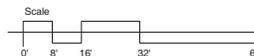
building	6708 SF	37%
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area schedule (open space)		
name	area	percentage

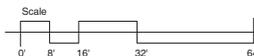
landscape	7710 SF	42.1%
green roofs	2088 SF	11.4%
walkways	2004 SF	11.0%
total	11849 SF	64.5%

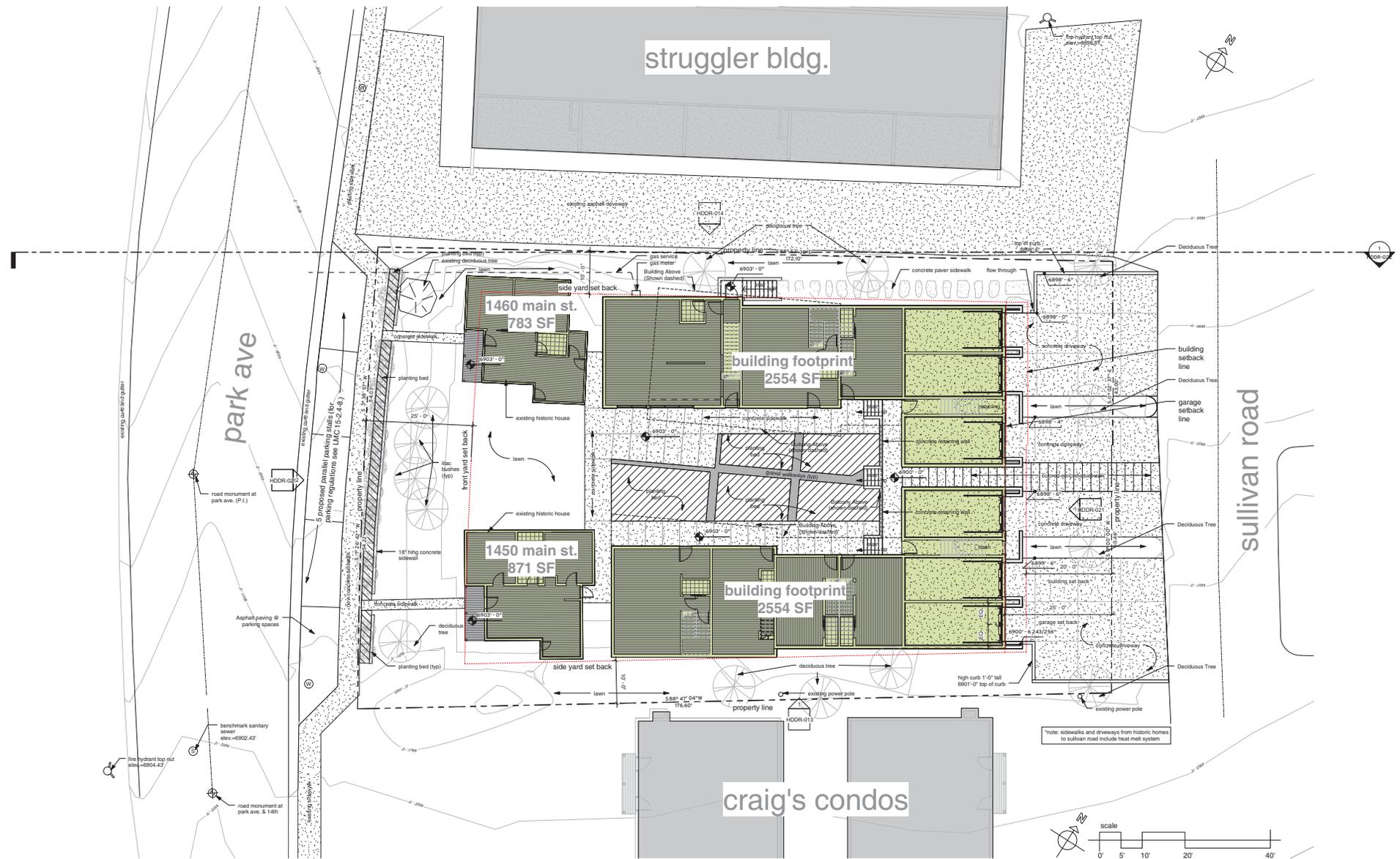


third level



site analysis



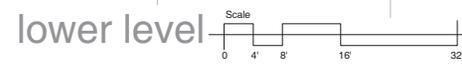
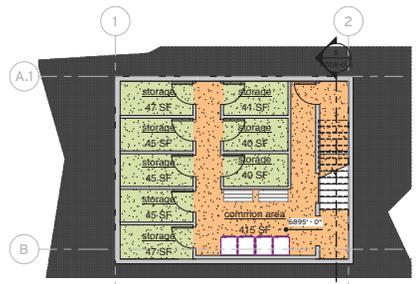
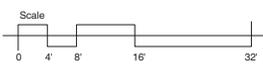


park ave

HDDR-002



craig's condos



lower level

dwelling unit area analysis

area schedule (net area)				
color	name	level	area	parking ratio
light green	1450 park ave.	level 1B	675 SF	exempt
light green			675 SF	
light green	1460 park ave.	level 1B	611 SF	exempt
light green			611 SF	
orange	common area	level 1B	776 SF	
orange	common area	level 2B	518 SF	
orange	common area	basement	415 SF	
orange			1710 SF	
light green	garage	level 1B	234 SF	
light green	garage	level 1B	228 SF	
light green	garage	level 1B	257 SF	
light green	garage	level 1B	257 SF	
light green	garage	level 1B	231 SF	
light green	garage	level 1B	231 SF	
light green			1438 SF	
light green	storage	basement	47 SF	
light green	storage	basement	45 SF	
light green	storage	basement	45 SF	
light green	storage	basement	45 SF	
light green	storage	basement	47 SF	
light green	storage	basement	41 SF	
light green	storage	basement	40 SF	
light green	storage	basement	40 SF	35
light green			348 SF	
light green	unit A	level 1B	509 SF	
light green	unit A	level 2B	602 SF	1.5 parking spaces
light green			1111 SF	
light green	unit B	level 1B	299 SF	
light green	unit B	level 2B	324 SF	1 parking space
light green			623 SF	
light green	unit C	level 1B	299 SF	
light green	unit C	level 2B	324 SF	1 parking space
light green			623 SF	
light green	unit D	level 1B	297 SF	
light green	unit D	level 2B	324 SF	1 parking space
light green			622 SF	
light green	unit E	level 1B	356 SF	
light green	unit E	level 2B	403 SF	1 parking space
light green			760 SF	
light green	unit F	level 1B	554 SF	
light green	unit F	level 2B	634 SF	1.5 parking spaces
light green			1188 SF	
light green	unit G	level 2B	1001 SF	
light green	unit G	level 3C	442 SF	1.5 parking spaces
light green			1443 SF	
light green	unit H	level 2B	997 SF	
light green	unit H	level 3C	441 SF	1.5 parking spaces
light green			1439 SF	
light green			12589 SF	10 parking spaces

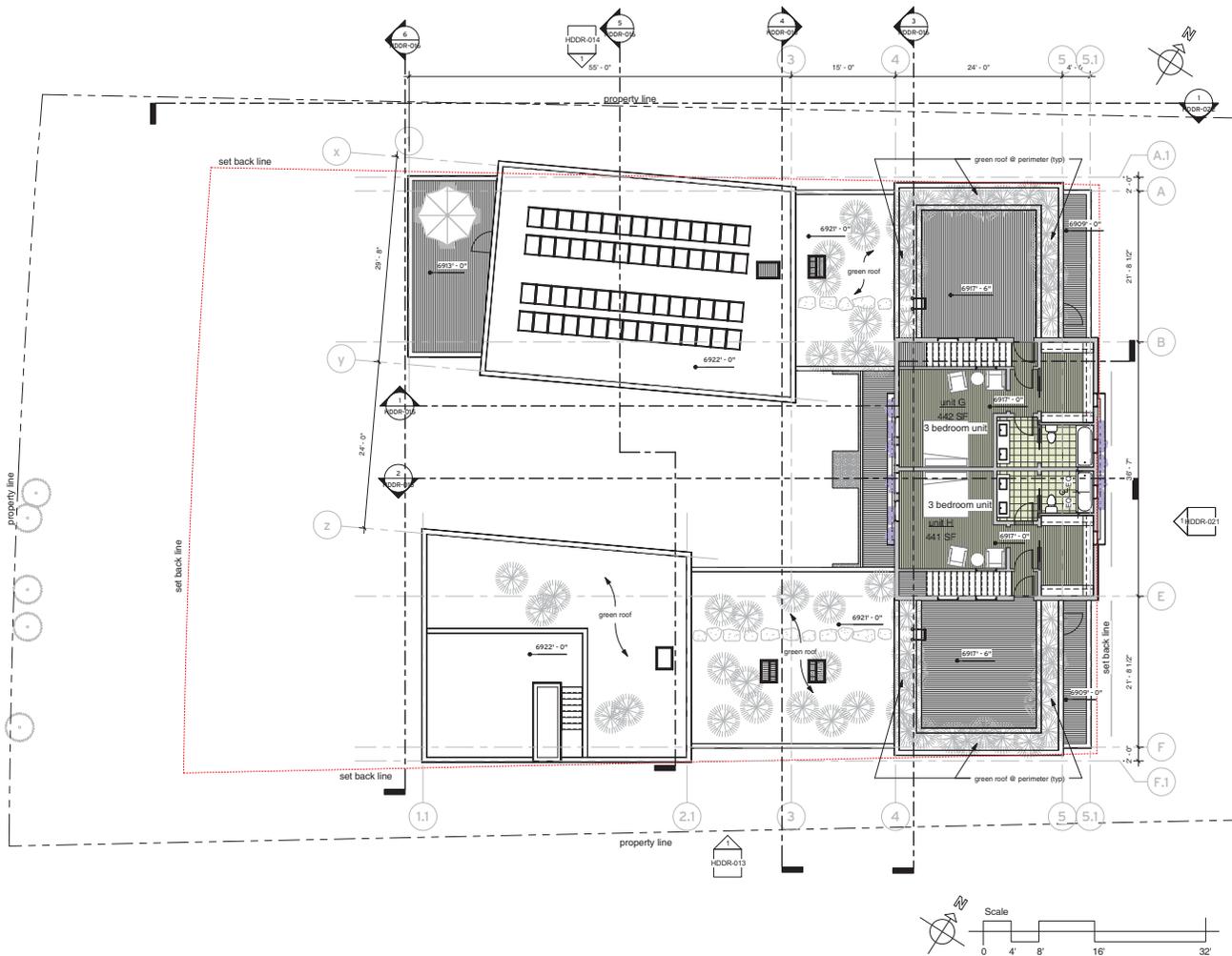
lower & main level floor plan
HDDR-009
february 4, rev. may 29, 2013





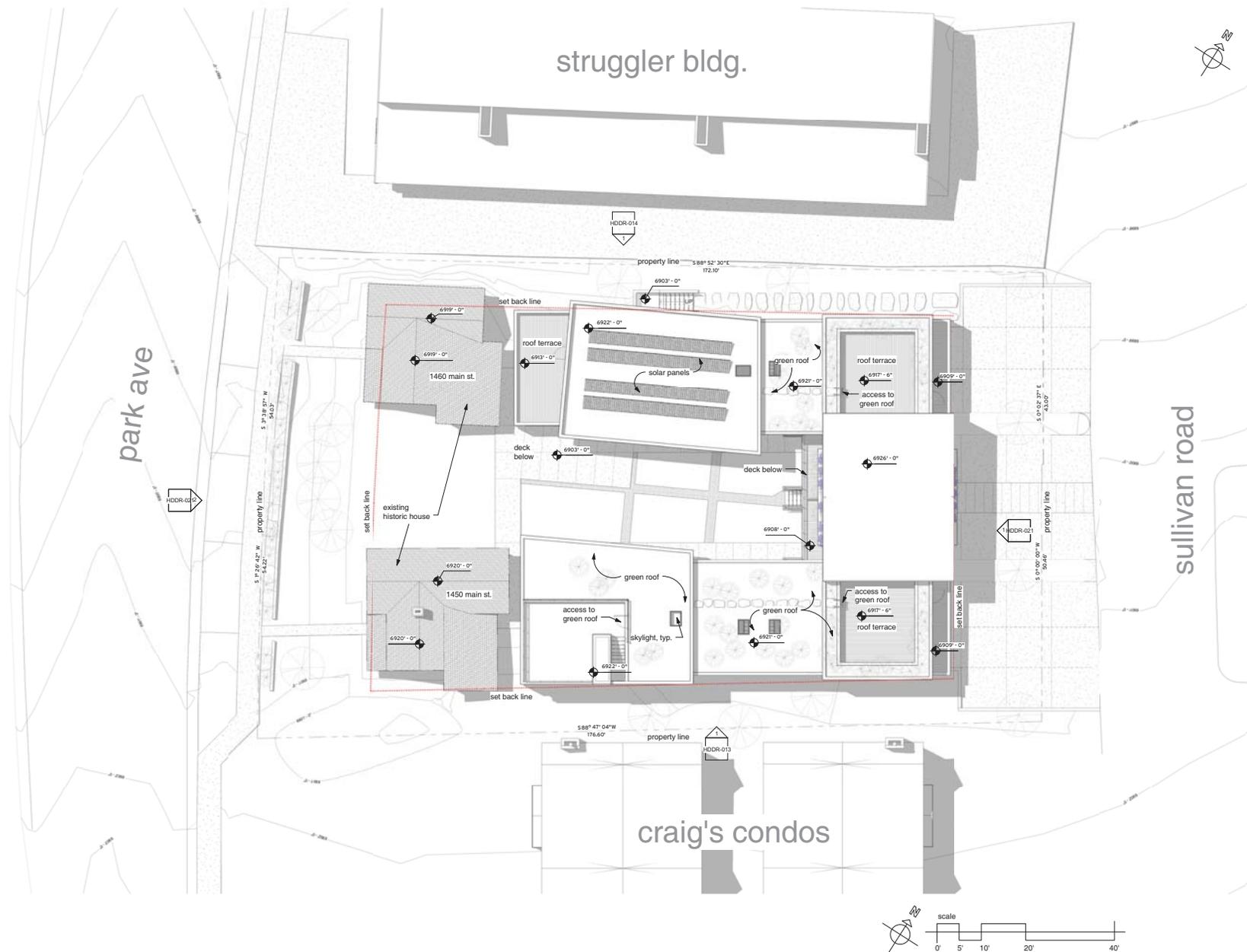
dwelling unit area analysis

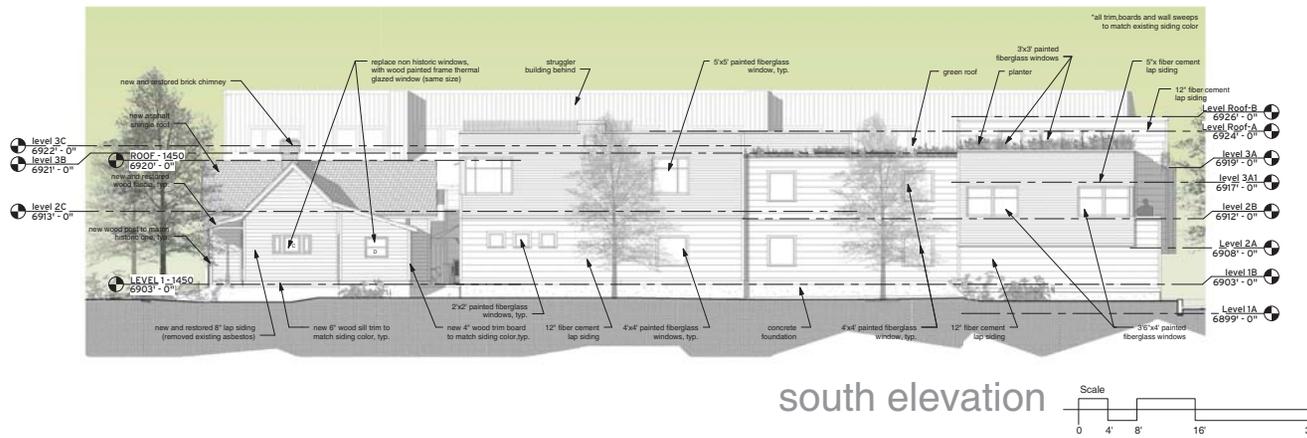
area schedule (net building)				
color	name	level	area	parking ratio
	1450 park ave.	level 1B	675 SF	exempt
			675 SF	
	1460 park ave.	level 1B	611 SF	exempt
			611 SF	
	common area	level 1B	776 SF	
	common area	level 2B	518 SF	
	common area	basement	415 SF	
			1710 SF	
	garage	level 1B	234 SF	
	garage	level 1B	228 SF	
	garage	level 1B	257 SF	
	garage	level 1B	257 SF	
	garage	level 1B	231 SF	
	garage	level 1B	231 SF	
			1438 SF	
	storage	basement	47 SF	
	storage	basement	45 SF	
	storage	basement	45 SF	
	storage	basement	45 SF	
	storage	basement	47 SF	
	storage	basement	41 SF	
	storage	basement	40 SF	
	storage	basement	40 SF	35
			348 SF	
	unit A	level 1B	509 SF	
	unit A	level 2B	602 SF	1.5 parking spaces
			1111 SF	
	unit B	level 1B	299 SF	
	unit B	level 2B	324 SF	1 parking space
			623 SF	
	unit C	level 1B	299 SF	
	unit C	level 2B	324 SF	1 parking space
			623 SF	
	unit D	level 1B	297 SF	
	unit D	level 2B	324 SF	1 parking space
			622 SF	
	unit E	level 1B	356 SF	
	unit E	level 2B	403 SF	1 parking space
			760 SF	
	unit F	level 1B	554 SF	
	unit F	level 2B	634 SF	1.5 parking spaces
			1188 SF	
	unit G	level 2B	1001 SF	
	unit G	level 3C	442 SF	1.5 parking spaces
			1443 SF	
	unit H	level 2B	997 SF	
	unit H	level 3C	441 SF	1.5 parking spaces
			1439 SF	
			12589 SF	10 parking spaces



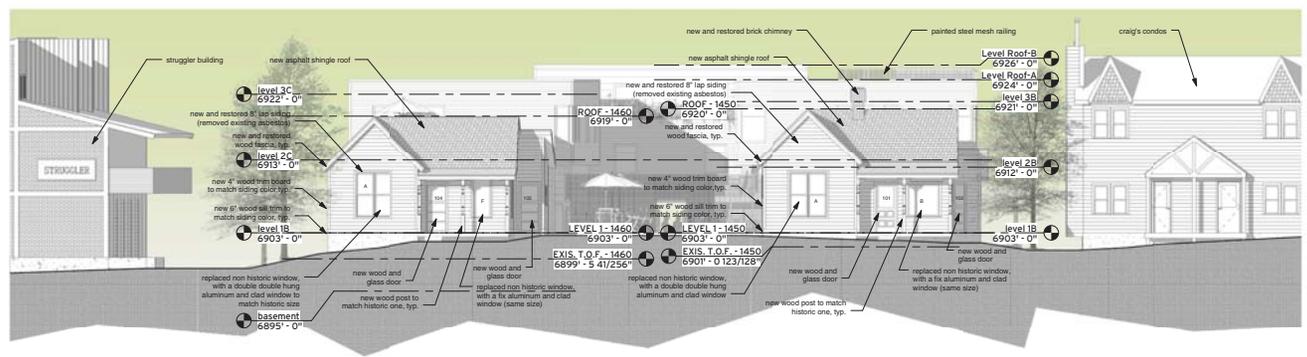
dwelling unit area analysis

area schedule (net building)				
color	name	level	area	parking ratio
	1450 park ave.	level 1B	675 SF	exempt
			675 SF	
	1450 park ave.	level 1B	611 SF	exempt
			611 SF	
	common area	level 1B	776 SF	
	common area	level 2B	518 SF	
	common area	basement	415 SF	
			1710 SF	
	garage	level 1B	234 SF	
	garage	level 1B	228 SF	
	garage	level 1B	257 SF	
	garage	level 1B	257 SF	
	garage	level 1B	231 SF	
	garage	level 1B	231 SF	
			1438 SF	
	storage	basement	47 SF	
	storage	basement	45 SF	
	storage	basement	45 SF	
	storage	basement	45 SF	
	storage	basement	47 SF	
	storage	basement	41 SF	
	storage	basement	40 SF	
	storage	basement	40 SF	35
			348 SF	
	unit A	level 1B	509 SF	
	unit A	level 2B	602 SF	1.5 parking spaces
			1111 SF	
	unit B	level 1B	299 SF	
	unit B	level 2B	324 SF	1 parking space
			623 SF	
	unit C	level 1B	299 SF	
	unit C	level 2B	324 SF	1 parking space
			623 SF	
	unit D	level 1B	297 SF	
	unit D	level 2B	324 SF	1 parking space
			622 SF	
	unit E	level 1B	356 SF	
	unit E	level 2B	403 SF	1 parking space
			760 SF	
	unit F	level 1B	554 SF	
	unit F	level 2B	634 SF	1.5 parking spaces
			1188 SF	
	unit G	level 2B	1001 SF	
	unit G	level 3C	442 SF	1.5 parking spaces
			1443 SF	
	unit H	level 2B	997 SF	
	unit H	level 3C	441 SF	1.5 parking spaces
			1439 SF	
			12589 SF	10 parking spaces

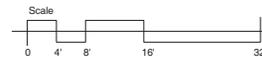


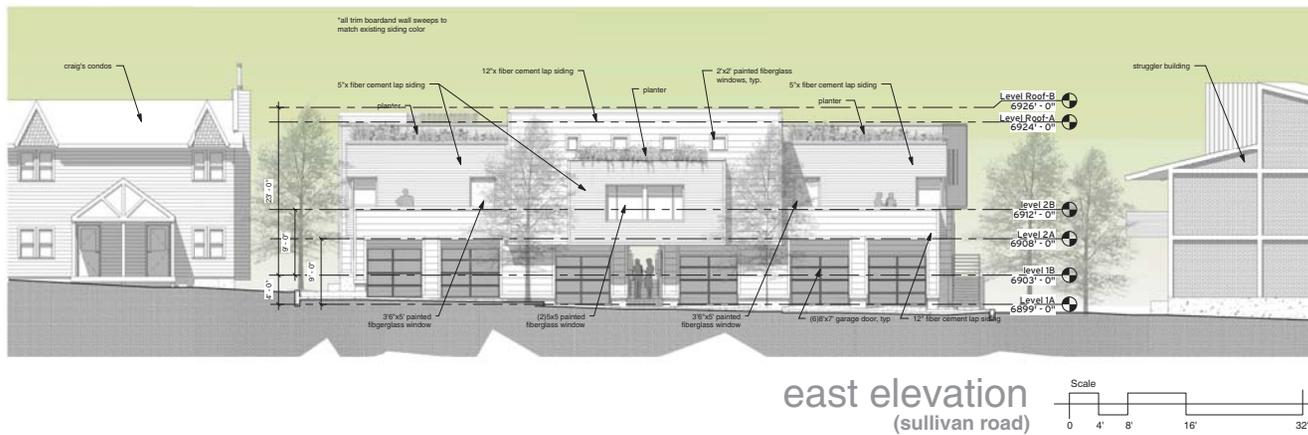
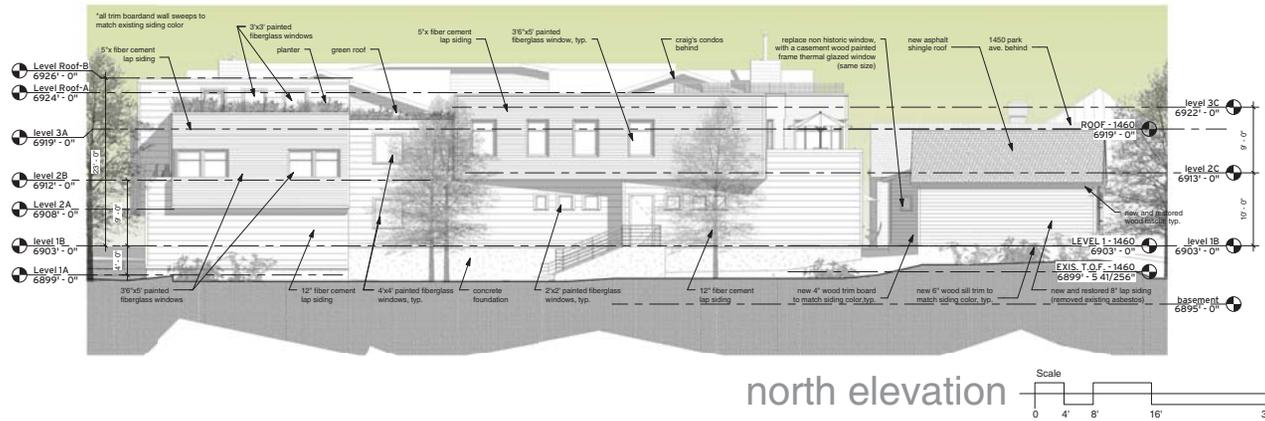


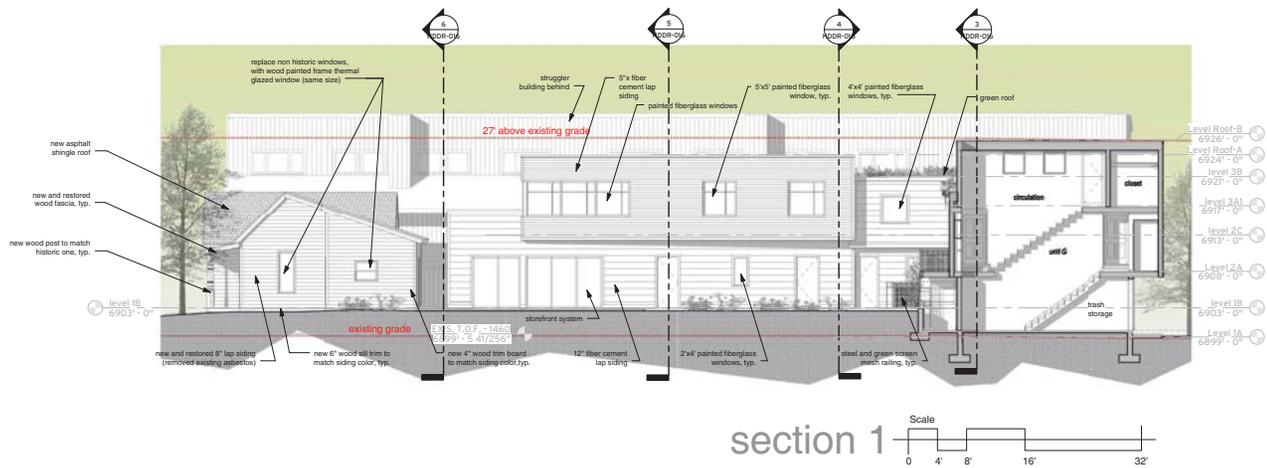
south elevation



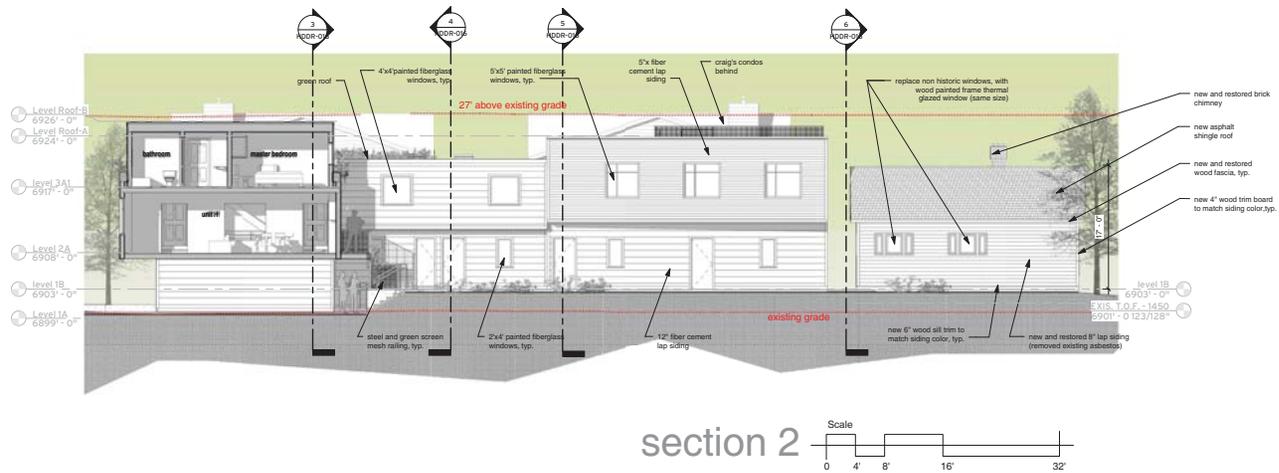
west elevation
(park avenue)



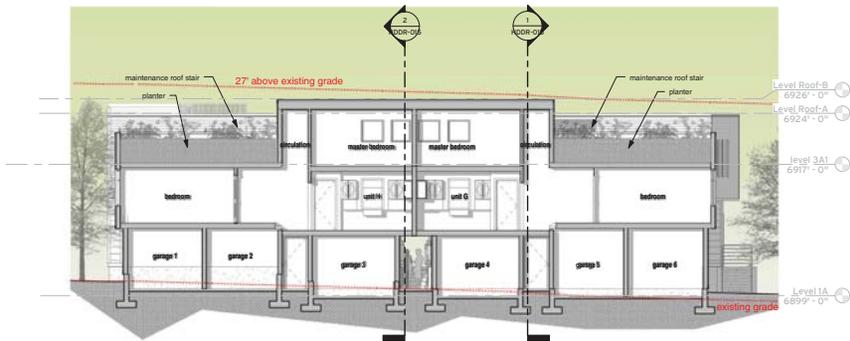




section 1



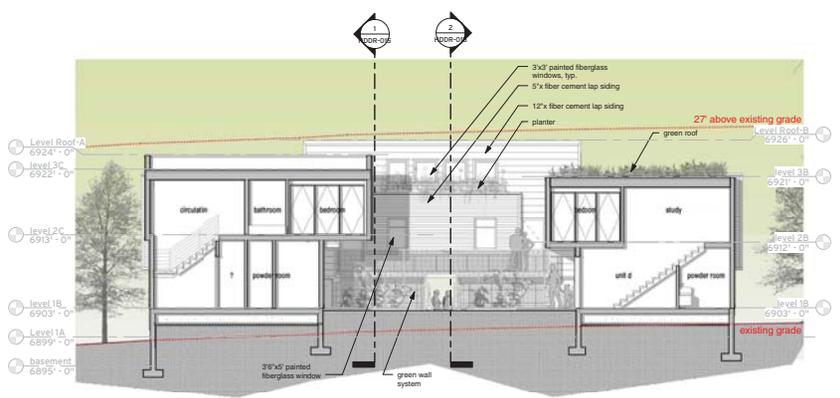
section 2



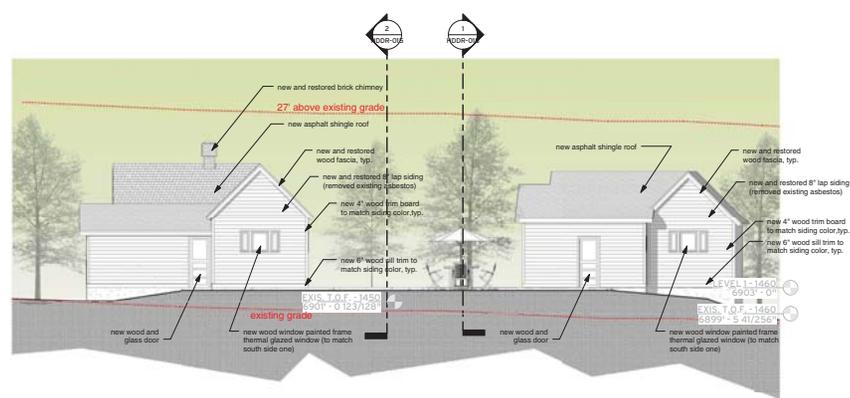
section 3
Scale 0 4' 8' 16' 32'



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



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



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



view from park ave. looking northwest

view from park ave. looking into courtyard





view from sullivan road

view from sky looking northwest



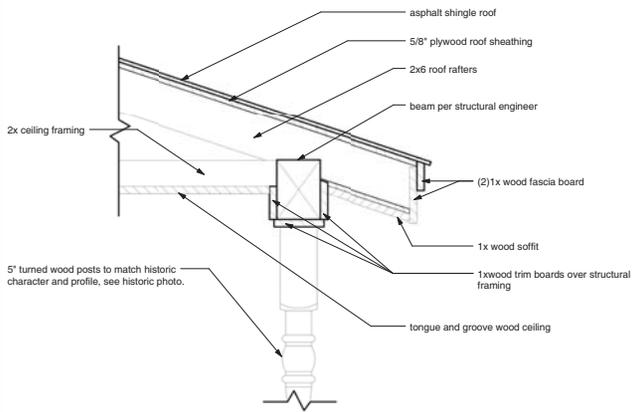
3d views
HDDR-018
february 4, rev. may 29, 2013



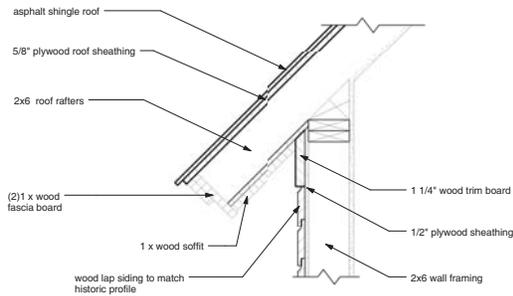
view courtyard looking towards park ave.

view courtyard

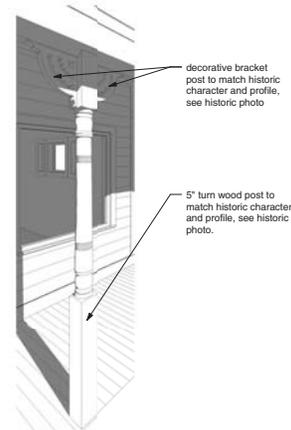




porch roof detail
1 1/2" = 1' - 0"



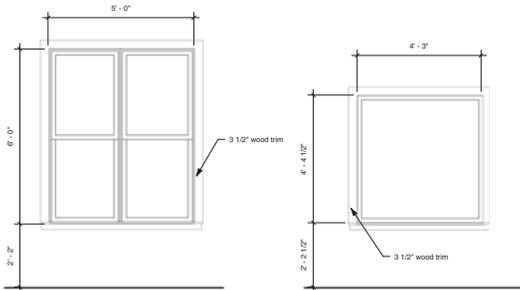
roof eave detail
1 1/2" = 1' - 0"



porch post detail

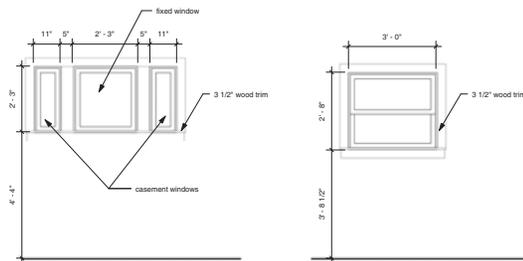


historic photo



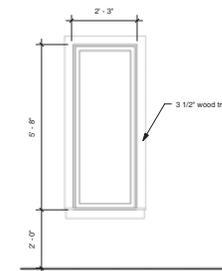
type A
double double hung window

type B
fixed window

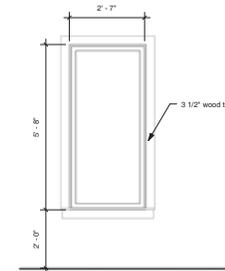


type C
fixed and casement window

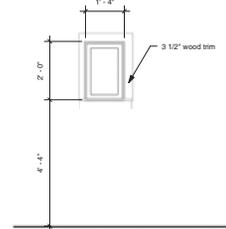
type D
double hung window



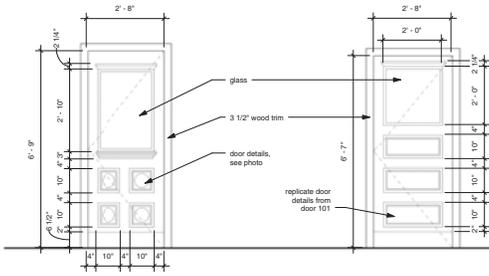
type E
fixed window



type F
fixed window

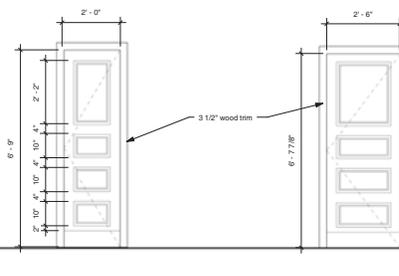


type G
fixed window



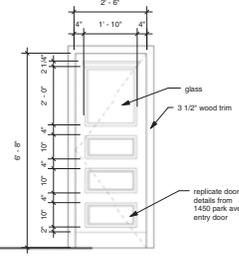
door 101
wood & glass entry door
(replicate existing)

door 104
wood & glass entry door
(replicate existing)



door 102
wood door
(blocked behind)

door 105
wood door
(blocked behind)



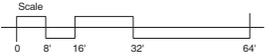
door 103/106
wood door back door



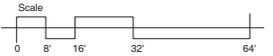
entry door photo



sullivan road streetscape



park ave. streetscape





view from across park avenue



view from park avenue sidewalk



dwelling unit area analysis

area schedule (net building)				
color	name	level	area	parking ratio
	1450 park ave.	level 1B	675 SF	exempt
			675 SF	
	1460 park ave.	level 1B	611 SF	exempt
			611 SF	
	common area	level 1B	776 SF	
	common area	level 2B	518 SF	
	common area	basement	415 SF	
			1710 SF	
	garage	level 1B	234 SF	
	garage	level 1B	328 SF	
	garage	level 1B	257 SF	
	garage	level 1B	257 SF	
	garage	level 1B	231 SF	
	garage	level 1B	231 SF	
			1438 SF	
	storage	basement	47 SF	
	storage	basement	45 SF	
	storage	basement	45 SF	
	storage	basement	45 SF	
	storage	basement	47 SF	
	storage	basement	41 SF	
	storage	basement	40 SF	
	storage	basement	40 SF	35
			348 SF	
	unit A	level 1B	509 SF	
	unit A	level 2B	602 SF	1.5 parking spaces
			1111 SF	
	unit B	level 1B	299 SF	
	unit B	level 2B	324 SF	1 parking space
			623 SF	
	unit C	level 1B	299 SF	
	unit C	level 2B	324 SF	1 parking space
			623 SF	
	unit D	level 1B	297 SF	
	unit D	level 2B	324 SF	1 parking space
			622 SF	
	unit E	level 1B	356 SF	
	unit E	level 2B	403 SF	1 parking space
			760 SF	
	unit F	level 1B	554 SF	
	unit F	level 2B	634 SF	1.5 parking spaces
			1188 SF	
	unit G	level 2B	1001 SF	
	unit G	level 3C	442 SF	1.5 parking spaces
			1443 SF	
	unit H	level 2B	997 SF	
	unit H	level 3C	441 SF	1.5 parking spaces
			1439 SF	
			12589 SF	10 parking spaces

Francisco Astorga

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

Francisco,

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

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

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

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

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

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

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

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

Joyce Baron

~Artist~

www.JoyceBaron.com

1183 West 1380 North

Provo, Ut 84604

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Francisco Astorga

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

Francisco,

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

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

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

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

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

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

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

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

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

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

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

Thank you,

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

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

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

April 5, 2013

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

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

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

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

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

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

Sincerely,

Jane G. Crane
(janegcrane@aol.com)

Francisco Astorga

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

April 08, 2013

Dear Mr. Astorga,

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

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

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

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

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

Thank you for taking the time to hear our concerns.

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

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**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
May 8, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Mick Savage, Charlie Wintzer, Thomas Eddington, Francisco Astorga, Anya Grahn, Polly Samuels McLean

WORK SESSION ITEMS

1450/1460 Park Avenue - Conditional Use Permit (Application PL-13-01831)

1450/1460 Park Avenue - Plat Amendment (Application PL-13-01830)

Commissioner Thomas recused himself on the Park Avenue project due to a prior involvement with the project. Commissioner Thomas left the room.

Commissioner Hontz recused herself from the 1450/1460 Park Avenue discussion because she had submitted an RFP for this project. Commissioner Hontz left the room.

Craig Elliott with the Elliott Work Group represented Green Park Cohousing. Mr. Elliott presented a slide looking at properties on Park Avenue between Park Avenue and Sullivan adjacent to the ball fields at City Park. He stated that when Elliott Work Group works on a project and design concepts they initially do a context analysis. He walked the Planning Commission through the context of the site and the design concepts and finish with the submittal they have so far. Mr. Elliott felt it was important for the Commissioners to understand the thought process they went through to locate the building and the design of it.

Mr. Elliott stated that the property extends between Sullivan and Park Avenue. There are two historic homes on the lower part of the site. He noted that until he started working on this project he always thought Sullivan Road was a parking lot. Once they learned that it was a road it was important to understand how it works and functions and how this site fits into that context. Mr. Elliott stated that the two historic homes were shown in orange. There was another historic home to the north and two historic homes to the south. The farthest structure to the left was the 7-Eleven and City Park was on the right. The green area shown was the new construction project.

Mr. Elliott remarked that this project was in the HRM zone, even though there were historic homes on the entire area between the 7-Eleven and the Miners Hospital. Understanding the requirements within the HRM zone is important when doing a submittal for this type of project.

Mr. Elliott stated that the next part of their analysis was to look at the site and the existing development. He noted that the orange boxes represented condominiums with the exception of the re-construction and the 7-Eleven. He noted that there are five historic homes and 100-plus condominium units in the immediate adjacent area, most of which front onto Sullivan Road. The mass and scale of those buildings are significantly greater than the historic homes in the neighborhood. Mr. Elliott stated that this information helped them understand the massing, the actual construction and how it works.

Mr. Elliott stated that even though Park Avenue is a historic street in many ways, it is almost an arterial road because of the traffic load that comes through that area. Sullivan Road is much more of a neighborhood street and its primary intent is to service both the Park and the residential units

adjacent to it.

Mr. Elliott noted that the purple color represented the parking area. He stated that all of Sullivan Road, with the exception of this site on this block, is parking. Mr. Elliott pointed out that what remains on the block would be considered open space in this district. Properties are between a little under 5% open space to a little over 26% open space in those existing properties. He stated that this project is required to provide 60% open space per Code. Mr. Elliott noted that two driveways come in off of Park Avenue to the two historic homes.

Mr. Elliott explained that once they have all the information they apply the Code. However, more importantly, they needed to apply the principles of cohousing for this site. Mr. Elliott stated that ten units are proposed in this project. All ten units were spoken for and there is a waiting list. He noted that cohousing design is different. Ten owners come together to build and design their own place to live. Their goal is to live as a community. They generally require green and sustainable principles in their architecture and construction. They create gathering spaces to interact. They integrate into the community. A simple principle of cohousing is to park your car and walk from your car into the common areas of the project and interact with your neighbors before going into your unit. In addition, cohousing is an intergenerational type of living, and it includes everyone from small children to retirees.

Mr. Elliott provided an overlay of the 1929 Sanborn Map to how what was on the site historically. It showed peripheral structures in the center of the site towards the back. He had photographs showing sheds that went from the back of the house to Sullivan Road. Mr. Elliott indicated a darker L-shaped orange area on the map. He noted that the 1929 Sanborn map had an overlay. Underneath the overlay was one of the previous Sanborn maps. Mr. Elliott had seen the 1907 map. He noted that somewhere in between 1907 and 1929 something was on the property because you can see the image. Mr. Elliott provided a brief history of Sullivan Road and the subject property. He felt the thought that this property has always been a green, lush lawn area is out of context with the history of the site.

Mr. Elliott stated in designing cohousing they tried to create a massing of a new building that respects the two historic homes by allowing the visual to go in between those homes as they have for many years. The horseshoe shaped was responding to the massing of the larger buildings along Sullivan Road. They tried to keep those within the context of the larger structures that exist today along the entire block. Mr. Elliott remarked that the shape of the building as shown was designed in a way that represents what cohousing does. The center space of the horseshoe is the common area. Everyone comes from the parking on the perimeter on Sullivan Road, through the building through a walkway into the common space and then enter their units.

Mr. Elliott noted that the gray areas on the top represented three driveways and how they would work with the site. The two driveways were moved from the historic homes primarily for safety reasons. Mr. Elliott had requested the opportunity for parallel parking along Park Avenue but they had not heard positive comments from the City Engineer. He believed it was an interesting concept for providing additional parking spaces along Park Avenue and safer access than 90 degree parking in a driveway. Mr. Elliott stated that it was not a deal-killer on the project, but he felt it was appropriate. Mr. Elliott pointed out that the parking is very consistent with the remaining properties surrounding the site.

Mr. Elliott presented a 3-D representation of the project looking at it from the sky. He noted that the roofs are green roofs and they step back from the historic homes. In the context of the streetscape, the building in the center was the project they were proposing. Mr. Elliott explained how they tried to be consistent with the massing along the streetscape.

Mr. Elliott presented a slide of a required image in the historic district going through the HDDR process. It shows the sight line over the historic structures. Mr. Elliott reviewed the section drawings. They tried to step back from the historic homes with the massing and provide a gradual approach to the existing conditions and site parameters. Mr. Elliott identified the grade and height. He noted that the 3-D image was a massing model to help them understand the context of the site. They had shown trees between each of the breaks between the garages based on the thought that maybe long term on Sullivan, a tree could be placed wherever there is an opportunity for a green bulb-out, to create a sense of scale along the entire street. Mr. Elliott believed it was a way to improve Sullivan Road without having to do curb and gutter.

Mr. Elliott reviewed a slide from the perspective of looking at the project on the opposite side of Park Avenue, looking back at the two historic homes. Mr. Elliott noted that trees were shown as a goal to create a buffer for the horseshoe shaped common area. Mr. Elliott presented a slide from the interior perspective.

Mr. Elliott presented a slide of the overall context that dealt with some of the zoning issues. He noted that the zoning was created to encourage taking the accesses off of Park Avenue and moving them to Sullivan Road. Mr. Elliott stated that for this project the access was taken off of Park Avenue and moved to Sullivan Road. They tried to be consistent, but improve upon the concepts that already exist.

Chair Worel called for public comment.

Clark Baron stated that he owns one of the Struggler condominiums on the left of this project located at 1470 Park Avenue. Mr. Baron appreciated the work that the Park City Planning Commission has done to help maintain the historic look and feel of Park City. He understands that there is a lot of parking there now and that these condos were built prior to 2009. These projects all met the Code when they were constructed. Mr. Baron met with the Planning Department and reviewed the documents. They found them to be very professional and accurate. Mr. Baron agreed with the findings outlined in the Staff report. The Staff has done a good job identifying major issues with the project.

Mr. Baron commented on four concerns he had regarding the proposed project at 1450/1460 Park Avenue. The density of the project is concentrated on Sullivan Road. He felt this was excessive for the size of the lot. The Code requires 60% open space. This is not met by the project. He admitted that open space requirement was not met by previous project, but the Code has changed since then and it was changed to try to maintain as much open space as possible. Mr. Baron stated that Sullivan Road is the front yard for eight of the condos, yet it has minimal open space on that end of the project. With only four or five feet between the historic homes and the large multi-unit dwelling, he believed the density was too high.

Mr. Baron agreed with the Staff report that the addition should be subordinate to the historic structure. He did not believe the proposed plan complies with that requirement.

Mr. Baron stated that the design proposed is not consistent with the look and the feel of the historic lots in the neighborhood. A square box with a flat roof is very different in style from the surrounding buildings. Based on the Staff report, this project is not compatible with the surrounding structures in mass, scale, style and design.

Mr. Baron noted that the proposed plan shows that the historic structures are being raised approximately 2-feet higher than their present grade, and the bulk of the dwelling is also raised 3-feet above present grade. He believed this distracts from the look of the project and is not consistent with the Park City Design Guidelines for Historic Sites. Mr. Baron stated that the project has serious parking issues due to its design and scale. The only parking is off of Sullivan Road which is designed for limited access only. Having a main entrance, eight condo units and all six garages with separate driveways with cars backing on to Sullivan Road is limited access. Mr. Baron also questioned space for snow removal because it appears to be marginal. Access to the front doors of the condos will be through the building at that point. As noted, the driveways do not meet the Code.

Mr. Baron stated that if this project is approved, the visitors and residents to the Park will no longer have a tree-lined area back in there with smaller condos or little homes. They will see another large structure. Mr. Baron preferred to maintain a cottage type look since it is one of the few remaining historic areas. Mr. Baron urged the Planning Commission to follow the recommendations that were outlined in the Staff report and send this project back to the drawing board for major revisions and a significant reduction in scale and change in style to match the buildings in this historic neighborhood.

Mary Wintzer stated that she attended early meetings about cohousing and she was very excited about it. Since the City was partnering with this effort, she was surprised that it had gone off track a little with the areas where it does not comply. Ms. Wintzer understood that the goal of cohousing was to integrate into the community to create community. It is not to be separate or put off on the existing community. She noted that affordable housing has to comply with the LMC as much as possible. The City has spent months looking at the LMC and trying to correct some of the problems that exist in the slides Mr. Elliott presented this evening. Ms. Wintzer referred to Mr. Baron's comment that the existing buildings were built under the old Code. She noted that they were trying to improve on that a not repeat the same mistakes. Ms. Wintzer believed that if the City is partnering, they have an obligation to the citizenry to send the right message and help Mr. Elliott's team create a project that is more in line with the LMC. If the City believes in this project they should help reduce the number of units that have to be built by subsidizing this project. They should not send the wrong message to the design community, and the majority of citizens who follow the Code would not understand that a project that the City is partnering with does not have to follow the same rules. Ms. Wintzer supported the cohousing project but it needs some tweaking.

Jane Crane, a part-owner of one of the Struggler Condominiums, understood that a number of people supported the cohousing program. She believed parking was a huge issue with this design.

Ms. Crane asked the people who were in partner ownership of this project to stand. She asked how many of them only had one car.

Chair Worel asked Ms. Crane to direct her comments to the Planning Commission.

Ms. Crane reiterated that parking is a huge issue and there is a green space that juts out from the Park that happens to be right in front of this cohousing unit. People have to get off the sidewalk in the Park and come out on to the street. She agreed with the comments made by Mr. Baron and Ms. Wintzer. With the City being in partnership with this project she believed they needed to look at the size and make their best effort into making it more compatible with the rest of the area.

Audrey Hardy stated that she is part of the LLC of Green Park Cohousing and she plans on living there. She had read a book about green roofs and urban roof top gardening. She thought the green roofing on top of the building should be counted as green space in many urban setting it is the only room people have for gardening and green space. Ms. Hardy stated that the point of the green roofing on top is for environmental purposes as well as building community. It will insulate the building and it will help refresh the air.

Sara Werbelow, a member of the proposed cohousing community, stated that a lot of issues were raised that she would like to talk about, but this is a work session and she thought they would be able to dialogue about the plan before them this evening and come up with solutions. Ms. Werbelow stated that in terms of the height and density allowed on that particular site, they are not asking for a variance because they are within the allowed height per Code on that site. She noted that the project was under the allowed density for that particular site. Ms. Werbelow believed those were critical issues. She remarked that the intent is to work within the Code and to have a discussion to address any issues.

Ethel Preston stated that she was also in the LLC. Ms. Preston had noticed a very large condo on the other side of Park Avenue that has a flat roof. Therefore, the flat roof is not out of context in that area.

Darrel Finlayson, President of the Green Park Cohousing, asked Mr. Elliott for the slides of Sullivan Road. Mr. Finlayson stated that he currently lives in Wasatch Condominiums, which consists of four buildings. He has lived there for ten years. His personal experience with living on Sullivan Road in terms of traffic flow and parking is that there are 120 uncovered open parking spaces along Sullivan Road for City Park, as well as parking spaces available for all the other existing condominiums. In terms of safety, Mr. Finlayson noted that the posted speed limit on Sullivan Road is 10 miles per hour, which reflects the density of use in that area. Additionally, in the summer time speed bumps are put in, which reflects the City's goal of reducing the speed of traffic through that zone. Mr. Finlayson personally believed that having more parking consistent with the rest of the parking along that side of Sullivan will help influence the speed of the traffic. Mr. Finlayson pointed out that they were not building an addition. The new construction is a separate structure from the historic homes. He felt it was important to note that it was incorrectly referenced as an addition in the Staff report.

Dan Moss, an owner of a Struggler Condominium unit, shared the concerns expressed by Mr. Baron and Ms. Wintzer. He was relieved of some of those concerns when he saw the Staff report and how it identified some of the areas where the projects does not comply and some of the problems it represents. He encouraged the Commissioners to study the report carefully and address each concern raised in the Staff report to make sure compliance is met. His unit fronts Sullivan Road and he has watched the evolution of that road. Mr. Moss stated that it is already congested and there is

a shortage of parking. This particular construction would diminish what little parking is available and it would add to the current congestion. Mr. Moss was concerned that the general character of the area would be compromised by this high density housing project.

Chair Worel closed the public hearing.

Craig Elliott stated that he has worked on this property for two years and this was the first time he had the opportunity to give a presentation. He has had the opportunity to meet with the Staff and to respond to their review. Mr. Elliott remarked that the plan submitted was capable of being compliant within the ordinance. In response to the comments about the grade, Mr. Elliott explained that they are required to raise the historic buildings on this site because it is in a flood plain. He noted that the building to the south is within the height compliance generally accepted in the Historic District Guidelines. The building to the north is slightly above what is generally accepted, but it could be lowered within the 2-foot range. It would meet the criteria but it may not be the best solution for the project. Mr. Elliott stated that the site is also within the boundaries of the soils ordinance. Since there is no nearby repository, they would have to truck any soils from excavation to Tooele. That cost would be impossible for an affordable housing project to absorb. Mr. Elliott pointed out that the excavation from the foundations would be placed in the center of the site where nobody could see it. All the grading change was done within the requirements of the Code. Mr. Elliott noted that the project provides over 60% open space; 53% is on the ground and 10% is shown as green roofs. Mr. Elliott stated that he was prepared to discuss architecture and style or address other issues if the Planning Commission had questions.

Planner Astorga noted that because the Staff report was lengthy, it was separated into sections. Section 1 was specific Conditional Use Permit Review criteria specifically for the HRM District, as outlined on pages 8-10 of the Staff report. Section 2 addressed parking. The project must meet the parking requirement and a small portion of that section indicates the number of parking spaces they must provide. The Staff report contained the Staff findings. Section 3 was the Standard Conditional Use Review Criteria 1-15 as outlined on page 16 of the Staff report. Planner Astorga noted that this criteria is the standard that is used throughout and it is tied to the State Code. Section 4 addressed Special Requirements for Multi-Unit Dwelling as reflected on page 19 of the staff report. The Staff interpretation is that the project as submitted falls under a multi-unit dwelling. Cohousing is not listed as a use in the Code. Cohousing is considered a social component of how someone lives. Section 5 is the criteria in the Code for access off of Sullivan Road as outlined on page 20 of the Staff report.

Planner Astorga requested input from the Planning Commission on five discussion points. The first was compliance with the design guidelines. He noted that the applicant had submitted an application for HDDR, a CUP and a plat amendment. He explained that the Staff has the review and decision on the HDDR, Planning Commission has the final say on the CUP, and the City Council makes the final decision the plat amendment. Planner Astorga explained why the Planning Commission should not focus too heavily on the design guidelines. In the event an appeal is submitted, the appeal would be heard by the Historic Preservation Board as the body who reviews appeals of HDDR applications.

Planner Astorga noted that the second discussion point was compliance with the parking requirements. The third point related to the second point in terms of whether the Planning

Commission considers the parking area to be five or more spaces. Planner Astorga stated that the applicant disagreed with the Staff analysis that there are five or more spaces at the rear, based on specific criteria that was applied.

Planner Astorga pointed out that there could possibly be three conditional permits for review. The first is the use of a multi-unit building, the second would be limited access off of Sullivan Road, and the third would be a parking area containing five or more parking spaces.

Planner Astorga stated that the fourth discussion was the open space requirement. Per Code, multi-unit buildings require 60% open space; however, the Code is not specific as to whether or not a green roof could be counted as part of the open space requirement. Planner Astorga thought it was a gray area and he requested Planning Commission input.

Planner Astorga noted that the last discussion point was limited access on Sullivan Road. The Code indicates that specific criteria must be met before the Planning Commission could grant limited access off Sullivan Road. The Staff did not believe the applicant had met all of the criteria.

Commissioner Wintzer complimented Planner Astorga on a great Staff report and a good presentation. Regarding the design guidelines, Commissioner Wintzer was comfortable with the bulk of the building and the number of units. However, he had major concerns with the east elevation. He noted that the design guidelines talk about diminishing the visual effect of the garage and the automobile. Commissioner Wintzer pointed out that the back elevation is actually a front elevation because this property has two front yards. He was not in favor of the garages with cars parked in front. Commissioner Wintzer emphasized the importance of reworking the Sullivan Road access. He understood that other buildings in the area were not sensitive to design or use of land. There was nothing they could do about the existing buildings, but new buildings should be designed to be more compatible and more presentable. Commissioner Wintzer felt that a minimum, the City should be held to the same standards as all other developers.

Commissioner Wintzer needed to see a parking plan to adequately address the parking issue. He understood that there would be six cars parked in a garage and six cars parked behind those cars and a couple more on the side. He was unsure if stacking the cars meets the Code. At the bare minimum, each unit has to move one car to back out another car. Commissioner Wintzer stated that he is a neighbor to the Affordable Housing project on Deer Valley Drive. That project has limited parking and there is at least eight cars parked on the street every night from that project. Commissioner Wintzer believed the cohousing homeowners were the most sensitive to cars in town, but they would still have a minimum of one car per person. They will be parking in City Park and taking up the limited parking.

Commissioner Wintzer agreed with the comment that if this project is too big to accommodate the parking, and the City believes that cohousing or affordable housing is an important element, they need to make the land more affordable so the number of units can be reduced to make it fit. Commissioner Wintzer did not think they should downgrade the Code or the standards to achieve affordable housing units for one project because it would carry through to every other project on the street and held up as an example.

Commissioner Wintzer was unsure how to address the open space issue. He noted that one day the City Council gave direction for flat roofs in Old Town, but they did not follow through with guidelines regarding open space and what could be done with a flat roof. He personally believed a flat roof was an appropriate use, even though it is not historically compatible. The building is a separate structure from the historic homes and he thought Mr. Elliott did a great job separating the buildings. Commissioner Wintzer understood the argument Mr. Elliott made for raising the buildings.

Commissioner Wintzer agreed with the Staff report on the Sullivan Road access, but he was not convinced that putting the access on Park Avenue was a better solution. City Park is a jewel of the City and one of the most popular open spaces in town. It needs to be protected, but he still thought it was better to have the access off of Sullivan Road, especially with the historic houses in the front. He is a strong believer in the Code and when they do not honor the Code it weakens the Code. The biggest problem in old town is that everyone wants to do it because their neighbor did it.

Commissioner Wintzer thought there was a problem with snow storage on the site, primarily due to the size of the site. He also thought trash was a problem. Making the site as tight as it was proposed leaves no room for auxiliary uses. Commissioner Wintzer stated that he is a follower of the Code, but he also believes it is important to have these types of housing opportunities in the community to be a complete community. He was not willing to ignore the Code, but there are gives and gets that could make this project possible. However, the applicant needs to make that argument because he did not want it to appear that the Planning Commission ignored the Code to make this project work.

Planner Astorga stated that when he started working on this project he found out from the City Engineer that Sullivan Road is not a platted road. It was simply built as a way for people to get to the Park. If the Commissioners had questions, they could look to the City Engineer for answers. Planner Astorga clarified that the Staff did not disagree with Mr. Elliott's comment about a sea of parking. He would like to see an aerial photograph of all the parking spaces to find out which ones have been approved by the City. Planner Astorga stated that he would like to know how many are legal parking spaces and how many were asphalted over a weekend without permits or approvals. The Staff did not have time for that research and he encouraged Mr. Elliott to work with the Building Department to locate the site plans so they could do the exercise. Commissioner Wintzer pointed out that this was an existing condition and he thought the City needed to map Sullivan Road for future reference. He did not believe finding the information suggested by Planner Astorga would change the appearance of Sullivan Road. Planner Astorga clarified that he was only looking for site plans to see how many of the parking spaces for the existing condos were actually legal and approved.

Commissioner Savage stated that this was an interesting discussion where they were trying to solve a heavily constrained problem. He noted that it could be approached from the point of view of content of the LMC, or from the point of view of context and how to implement this community benefit. He believed this cohousing facility was a community benefit because it can nucleate other good things to happen around the community. As a Commissioner and as a citizen, he supports that kind of activity. Commissioner Savage thought the context should drive their discussion.

Commissioner Savage did not have a solution for the parking and he thought it required more

detailed analysis and creative thinking, and he support Commissioner Wintzer's comments. Commissioner Savage stated that the idea of gives and gets as it relates to the open space requirement and green roofs was acceptable in his opinion. He drives Park Avenue every day and that neighborhood is a hodgepodge. Commissioner Savage remarked that a constructive attitude would be to find the right solution to allow this to be implemented in a way that helps people in the heart of Park City achieve their objective, rather than nit-picking the content.

Commissioner Gross thought it was a terrific project and Mr. Elliott did a great job of putting it together. If the project could comply with Code, it was something the Planning Commission should support. Commissioner Gross was unsure how the parking issue could be resolved. He commented on parking issues throughout Old Town and other affordable housing projects. He thought it was commendable that the Struggler Condos have 3 spaces per unit, but that was not possible on this site. Commissioner Gross stated that at a minimum they should try to achieve a one to one ratio for this cohousing project. He noted that Park Avenue is not a friendly street and being able to park on Sullivan Road would help make Park Avenue more walkable.

Commissioner Wintzer did not agree that parking on the street was the answer. Trying to reserve the parking for the units would be difficult, and the street is already over parked because there are cars everywhere. Parking is especially tight in the summer from Park users and they could not take away that parking.

Chair Worel stated that she loves the cohousing concept and she wanted to see it work in Park City. She shared the concerns of her fellow Commissioners regarding the LMC and finding a way to make the LMC work with this concept. Chair Worel asked if she was correct in understanding that seven units were required and ten were proposed.

Mr. Elliott replied that seven affordable units are required. Ten units are proposed on site to provide housing for the cohousing group, which is six less than what is allowed.

Chair Worel asked if all ten units were spoken for and purchased. Mr. Elliott answered yes. Chair Worel clarified that it would present a significant problem if the number of units was decreased. Chair Worel was comfortable using the green roofs as part of the open space; however, in looking at the plans it appears that a ladder would be the roof access. Mr. Elliott replied that it can be accessed from several different places. The areas that are all green have a step up over a terrace. The other terraces were not counted as green, even though green spaces are associated with them.

Commissioner Wintzer suggested that for the next presentation, the applicants submit a parking plan and color code what they intend to count for open space.

Chair Worel asked how people would access the green roof open space. Mr. Elliott indicated doors that would be used for access. It was called out as a ladder on the drawings but it could be stairs or something else. He noted that solar panels were not included in the open space calculation.

Commissioner Savage stated that his direction would be that the idea of counting the roof towards the green space calculation would be acceptable, particularly if the applicant can demonstrate that it

is a community benefit for the people who live in that project.

Planner Astorga asked for input from the Commissioners on the issue of five or more parking spaces. He presented a slide of the site and explained how the Staff determined the number of spaces. Based on the calculation, the Staff determined 8 spaces aside from the six garages, which triggers a CUP. The applicant disagreed with that determination.

Commissioner Wintzer agreed that it was eight parking spaces. Commissioner Gross clarified that it was all part of the same project, which made it difficult to split the parking. Commissioner Savage explained how it could be considered two separate parking areas. He believed the parking issue was again the question of interpretation. He reiterated that the discussion should be driven by the context of the design that adds value to the nature of the property and is compatible with an interpretation, rather than trying to figure out the interpretation.

Commissioner Wintzer stated that there was no room to improve the parking and he was seeing six garage doors and eight cars parked in front of them as the streetscape of this project. Mr. Elliott and Commissioner Wintzer discussed the parking. Mr. Elliott explained different parking options and how it could be accomplished.

Planner Astorga clarified that the requirement is ten parking space but it is not triggered because of the ten units. It is triggered because the two historic structures do not have a parking requirement, and four of the units trigger just one parking space because of their size, and the other four trigger 1.5 spaces for a total of 10 spaces.

Planner Astorga thought the Staff could work with the legal department on the gives and get, specifically address the limited access off Sullivan Road. He believed the Staff could also work with the applicant on fine-tuning this project. Planner Astorga noted that the Planning Department supports this type of use, but they have the responsibility to make findings for every criteria in the LMC for a CUP. Commissioner Wintzer appreciated the Staff's position. He noted that the role of the Planning Commission is to enforce the Code and to make sure the Staff has made the appropriate findings.

Commissioner Savage applauded Mr. Elliott and his team for the approach they have taken with this project.

2024 Sidewinder Drive – Discussion of Conditions of Approval for Conditional Use Permit for a church. (Application GI-12-00205)

Commissioner Gross was excused from the meeting for a short time due to another commitment.

Commissioners Hontz and Thomas returned.

Planner Evans stated that the Staff was seeking guidance from the Planning Commission regarding the condition use issues at 2024 Sidewinder Drive. He reported that the conditional use was issued in 1995 for a church. The zoning is General Commercial and a church is a conditional use within that District. It is unknown how the long church existed in that building. The upper portion has stayed intact as originally constructed. No building permits have been issued since 1995 at this

Planning Commission Staff Report



Subject: Park City Heights, Phase 1
Subdivision plat
Author: Kirsten Whetstone, MS, AICP
Date: June 26, 2013
Project #: PL-11-01355 and PL-12-01721
Type of Item: Work Session- Amendments to approved subdivision plat

Summary Recommendations

Staff recommends the Planning Commission discuss at work session the applicant's proposed amendments to the approved Park City Heights subdivision plat and provide staff and the applicant with direction regarding these amendments and the review process. Staff has outlined key questions for the Commission at the end of this report.

Topic

Applicant: Ivory Development LLC, owner
Applicant's representative: Spencer White
Location: Richardson Flat Road, east of SR 248 and west of US 40
Zoning: Community Transition (CT)
Adjacent Land Uses: Open Space, Rail Trail, US 40, Quinn's Water Treatment Plant, and vacant land

Disclosure: The City retains a security interest as the holder of a Trust Deed in conjunction with a prior transaction regarding the property. However, the City is not an "applicant" and does not have any current ownership in the property.

Proposal

This is a request for a work session discussion to review proposed changes to the approved (but not yet recorded) Park City Heights Phase 1 subdivision plat (Exhibit A), as well as proposed changes to the overall preliminary plat (Exhibit B) approved at the time of the Park City Heights Master Planned Development (MPD).

The MPD was approved by the Planning Commission on May 11, 2011, for a mixed residential development consisting of 160 market rate units and 79 affordable units on 239 acres and is further described and conditioned as found in the Development Agreement (Exhibit C) that was ratified by the Planning Commission on October 26, 2011. The approved Ordinance for the plat approval is provided as Exhibit D.

The overall density and mixed housing type concept approved with the Park City Heights MPD does not change. Key elements of the MPD remain as approved. All affordable housing requirements continue to be met.

Due to discovery of mine waste/contaminated soils on the property and requirements to

remediate these soils the applicant has been working with the State Voluntary Cleanup Program to develop a mine soil remediation plan. According to Ivory Homes, the soil can either be removed to a regulated repository or the soil can be remediated on site by creating an on-site repository.

The applicants are proposing to the State to remediate the soil on site which they claim necessitates various amendments to the approved Phase 1 subdivision plat. These proposed changes also create changes to the overall preliminary plat and minor changes to the Park City Heights Design Guidelines regarding setbacks and lot sizes for the Park Homes.

Staff recommended that the applicant present to the Commission at a work session their proposed changes to the plat and provide an analysis of how these changes impact the approved overall preliminary plat and MPD concept plan.

Due to the extensive review of the Park City Heights project by the Commission, staff encouraged the applicant to present these changes at a work session to allow the Commission and applicant to work collaboratively to these changes and to determine whether the changes can be addressed in detail with an amended subdivision plat application, or whether an amendment to the MPD is necessary.

The changes are more fully described in the applicant's analysis of the changes, however to summarize the changes staff lists the following items (Exhibit E and F):

1. Relocate lots to accommodate a soil repository on the eastern portion of the property along US 40.
2. Thirty-nine lots are moved to the west and further away from US 40. Twelve lots are moved lower and further away from the western ridge area. The townhouse Park units are moved to front on the neighborhood park and off of the main entry drives.
3. Relocate the community gardens to be away from the repository and adjacent to the open park area.
4. Locate a large open playing field on the north end of the capped and landscaped repository and provide a wider open space corridor between the neighborhood park and the playing field, interior to the small lot Park Homes. Utilize future neighborhood commercial parcels I and J for small lot Park Homes off of the repository site.
5. Delete future stacked flat pad site at entrance area and provide small lot Park Homes between the two entrance drives. The homes have rear/side garages with entries and porches facing main streets.
6. Change entrance roads to accommodate changed lot locations. The change locates small lot Park Homes on the entry drives and the townhouse Park Homes on the neighborhood park.
7. Provide platted lots for all affordable units, including the attainable units as detached, single family houses on small lots (eight were previously undefined as possible stacked flats on a future development parcel).

These changes do not change the overall density of 239 units. The overall concept of a mix of housing types remains, with affordable/attainable units still integrated into the overall development. The key elements of the MPD remain. The neighborhood park remains with public restrooms, club house, playground, open play field, and space for a future daycare center. The park is still located in close proximity to the Rail Trail and the Park Homes. A new linear park is created as an open space/visual corridor connecting the neighborhood park to the community gardens and open playing field increasing the total park areas from 3.55 acres to 5.7 acres. Twelve townhomes are located west of the power line easement replacing the 2 cottage homes in that location. The townhomes are located lower on the slope and no further west.

Background

The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and was zoned Community Transition (CT). Park City Municipal Corporation and Boyer Park City Junction were previously joint owners of the property. The property is currently owned by Ivory Development LLC.

On May 11, 2011, the Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units for a total of 239 units on 239 acres. On June 22, 2011, the Planning Commission reviewed and approved a preliminary subdivision plat for the Park City Heights MPD consistent with the MPD. On September 13, 2011, the City Planning Department received a complete application for the first phase subdivision plat for the Park City Heights MPD.

The first phase consists of 28 townhouse units to be constructed for IHC as fulfillment of the required affordable housing for the Park City Medical Center. This first phase also includes four (4) [market unit] cottage home lots, a City Park parcel, HOA clubhouse parcel, open space parcels, parcel for future support commercial as described in the MPD, dedication of first phase streets, utility easements, trail easements, and a parcel for a future multi-unit affordable housing building.

On October 26, 2011, the Planning Commission voted to forward a positive recommendation to Council on the first phase subdivision plat. At the same meeting, the Commission voted to ratify the Park City Heights Development Agreement that spells out terms, requirements, and restrictions of the Development and memorializes the conditions of approval of the Master Planned Development (Exhibit C).

On November 3, 2011, the City Council voted to approve the sale of the City's interest in the property to Ivory Development LLC.

On November 17, 2011, the City Council approved the Park City Heights Phase I subdivision plat subject to conditions of approval outlined in Ordinance 11-25.

On January 24, 2013 the City Council approved a one year extension of the approval to allow the applicant until November 17, 2013 to record the Phase 1 subdivision plat. The Phase 1 plat has not yet been recorded. The stated reason for the request is to have

additional time to address historical mining tailings that were encountered on the property and prepare necessary environmental documents required by the State and Federal governments to resolve this issue.

Analysis

Staff recommended the applicant present to the Planning Commission the proposed changes to the plat, necessitated by the proposed on-site soil repository, for Commission discussion and input prior to submittal of the revised plat application. The applicant expressed a desire to work collaboratively with the Staff and Commission to make changes to the plat that address the soils issues and that are consistent with the approved concept plan (see Discussion questions at the end of this report). See Exhibits G and H for approved plat and proposed amended plat.

Land Management Code Section 15-6-4 (I) regarding MPD Modifications states the following:

Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of an MPD will justify review of the entire Master Plan and Development Agreement by the Planning Commission, unless otherwise specified in the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4 (B).

Staff is requesting Planning Commission discussion and feedback regarding the questions listed at the end of the report, in order to make a decision as to whether the Park City Heights MPD should be amended or whether the proposed changes are consistent with the concept plan and can be reviewed with a revised subdivision plat application. Changes to the approved plat do require a new plat amendment application with review by the Commission and City Council prior to recordation.

Staff analyzed the changes and finds that the proposed changes could be reviewed in conjunction with a revised subdivision plat application, provided the application includes information that allows the Commission to review elements of the development that were deemed critical during the MPD application review, such as the visual analysis, architectural renderings, streetscape perspectives, and the design guidelines. Therefore, Staff recommends allowing the applicant to proceed with an amended subdivision plat without amending the MPD. Staff seeks Planning Commission input on this review process.

Notice

This is a work session discussion only and no public notice, other than the agenda, has been posted or published at this time for this request. If the applicant makes a formal application to amend the approved plat then the property will be posted and notice of

the amendment will be mailed to property owners within 300 feet of the property, according to requirements of the Land Management Code. Legal notice if a formal application to amend the approved plat will be required to be published in the Park Record according to requirements of the Code.

Public Input

Staff has not received any public input at this time. The Commission may accept public comment at the work session if they desire.

Future Process

If, based on the work session discussion, the applicant decides to submit an application to amend the approved plat; the application will be reviewed by staff and the Development Review Committee and will be presented to the Planning Commission for review and the City Council for Final Action. Appeals of Final Action by the Council are made according to LMC Section 15-1-18.

Discussion and Recommendation

Staff recommends the Planning Commission discuss at a work session the proposed amendments to the approved Park City Heights subdivision plat as outlined above and provide staff and the applicant with direction regarding these amendments. Staff has outlined key questions for the Commission as follows:

1. Does the Commission find the proposed changes constitute a change in concept, Density, unit type or configuration of the MPD or does the Commission find that the changes are generally consistent with the approved concept plan, overall density, unit type and configuration of the MPD?
2. If the Commission finds that the changes are generally consistent with the approved MPD and that these changes could be reviewed with a revised subdivision plat application, does the Commission agree the revised subdivision application submittal should include information such as the visual analysis, architectural renderings, streetscape perspectives, design guidelines, etc.?
3. Are there specific Code issues that the Commission would like to see addressed?

Exhibits

Ordinance

Exhibit A- Approved Park City Heights Phase 1 subdivision plat

Exhibit B- Approved Park City Heights Preliminary plat

Exhibit C- Park City Heights MPD Development Agreement (including the concept plan)

Exhibit D- Approved Ordinance for the Phase 1 subdivision plat

Exhibit E- Applicants letter requesting work session review

Exhibit F- Applicants analysis of changes

Exhibit G- Proposed Preliminary plat

Exhibit H- Proposed and Existing Preliminary plats overlay

EXHIBIT B

LEGEND

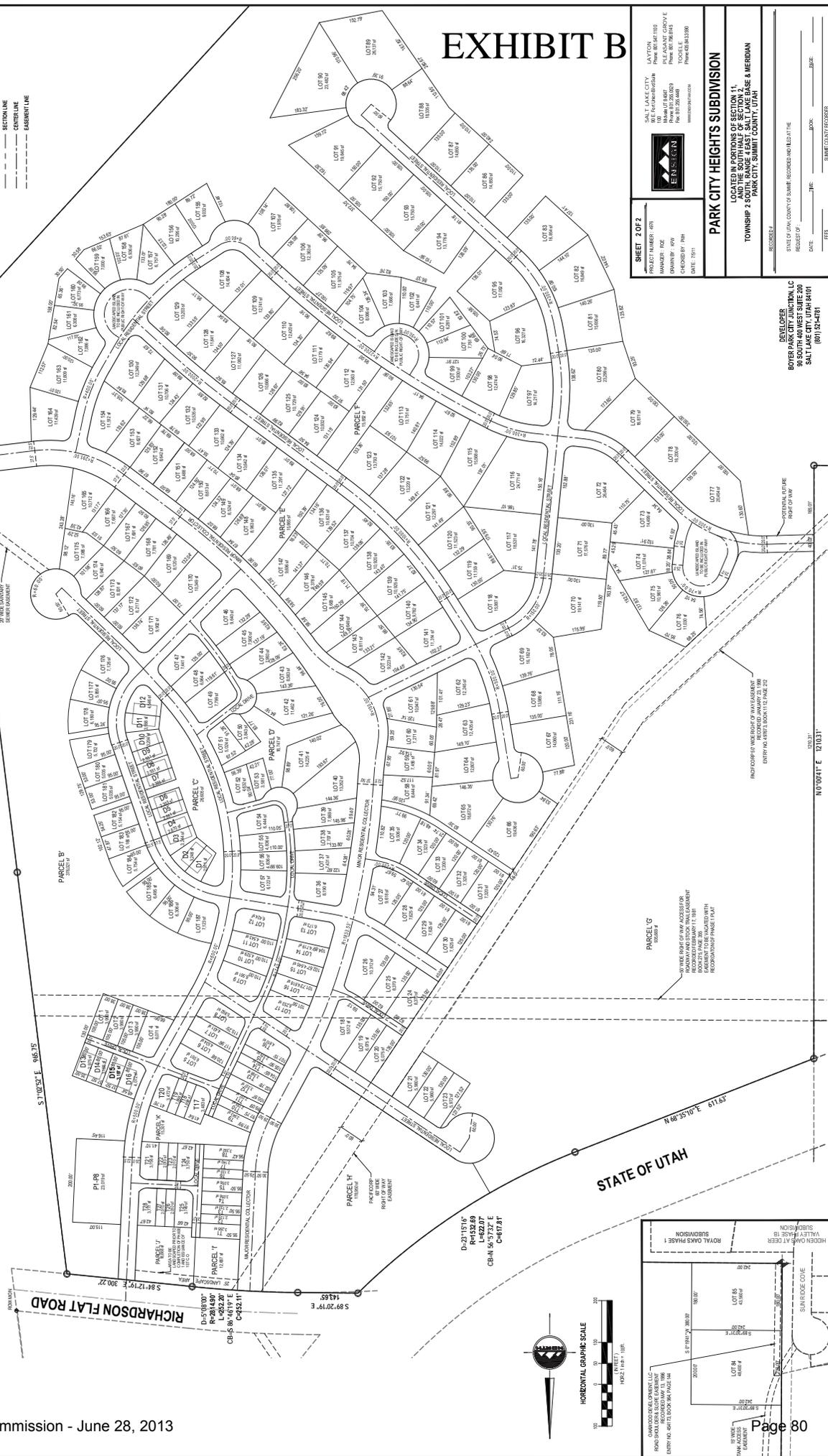
- SECTION CORNER SET BY REBAR WITH YELLOW PLASTIC CAPS AND 1/2" DIA. GALV. LANCE BROWN
- PAVEMENT
- BOUNDARY LINE
- SECTION LINE
- CENTERLINE
- EASEMENT LINE

PARK CITY HEIGHTS SUBDIVISION

LOCATED IN PORTIONS OF SECTIONS 11, 12 AND THE SOUTH HALF OF SECTION 2, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH

STATE HIGHWAY 40

UNIT LOT COUNT
 28 ONE-ACRE PLOTS
 16 DUPLEXES
 28 TOWNHOMES
 187 SINGLE FAMILY



SHEET 2 OF 2

PROJECT NUMBER: 873
 DRAWN BY: JPH
 CHECKED BY: JPH
 DATE: 12/11

SALT LAKE CITY
 85 SOUTH 100 WEST
 PLANNING DEPARTMENT
 PHONE: 801.474.1800
 FAX: 801.474.1800
 WWW.SLC.GOV

PARK CITY HEIGHTS SUBDIVISION
 LOCATED IN PORTIONS OF SECTION 11,
 SECTION 12 AND THE SOUTH HALF OF SECTION 2,
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

RECORDED:
 STATE OF UTAH, COUNTY OF SUMMIT, RECORDED IN DEEDS AT THE
 REGISTRY OF:
 DATE: _____ FILE: _____ BOOK: _____ PAGE: _____
 FEE: _____

DEVELOPER:
 BOYER PARK CITY JUNCTION, LLC
 99 SOUTH 400 WEST SUITE 200
 SALT LAKE CITY, UT 84119
 (801) 524-4281

EXHIBIT C

00934679 B: 2105 P: 0517

Page 1 of 62

Alan Spriggs, Summit County Utah Recorder
11/23/2011 03:06:27 PM Fee \$132.00

By LANDMARK TITLE COMPANY
Electronically Recorded

When recorded, please return to:
Park City Recorder
PO Box 1480
Park City, UT 84060

DEVELOPMENT AGREEMENT FOR THE PARK CITY HEIGHTS MASTER PLANNED DEVELOPMENT PARK CITY, SUMMIT COUNTY, UTAH

This Development Agreement is entered into as of this 15th day of NOVEMBER, 2011, by and between The Boyer Company, L.L.C., a Utah limited liability company and Park City Municipal Corporation ("Developers") as the owners and developers of certain real property located in Park City, Summit County, Utah, on which Developers proposes the development of a project known as the Park City Heights Master Planned Development, and Park City Municipal Corporation, a municipality and political subdivision of the State of Utah ("Park City"), by and through its City Council.

RECITALS

- A. Developers are the owners of approximately 239 acres of real property located in Park City, Summit County, Utah, which is more particularly described in Exhibit A, (Legal Description) which is attached hereto and incorporated herein by this reference (the "Property").
- B. Developers have obtained approval for the development of a mixed residential project consisting of 239 residential units, a public park, trails systems, open space, future support commercial uses and additional community and neighborhood amenities known as the Park City Heights Master Planned Development, as more fully described in Exhibit B (MPD Site Plan) and in the Approval Documents (hereinafter defined) as set forth below (the "Project") as described in Exhibit C (May 11, 2011 MPD Action Letter of Approval).
- C. On May 27, 2010, the City Council of Park City enacted Ordinance No. 10-24 annexing approximately 286.64 acres of the Property into Park City's municipal boundaries and authorized the Mayor to execute an Annexation Agreement between Park City and Developers (Exhibit D) (Ordinance 10-24 and Annexation Agreement).
- D. Park City requires development agreements under the requirements of the Park City Land Management Code ("LMC") for all Master Planned Developments.
- E. Developers are willing to design and develop the Project in a manner that is in harmony with and intended to promote the long-range policies, goals and objectives of the Park City General Plan, and address other issues as more fully set forth below.
- F. Park City reviewed the Project in light of the LMC and determined that, subject to the terms and conditions of this Development Agreement; Developers have complied with the provisions thereof, and have found that the Project is consistent with the purpose and intent of the relevant provisions of the LMC.
- G. Park City, acting pursuant to its authority under Utah Code Ann., Section 10-9-101, *et seq.*, and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations has made
- Planning Commission - June 28, 2013 Page 81

certain determinations with respect to the proposed Project, and, in the exercise of its legislative discretion, has elected to approve this Development Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions and considerations as more fully set forth below, Developers and Park City hereby agree as follows:

1. Project Conditions.

1.1. The Annexation Agreement for the Park City Heights Property, executed by the parties on July 2, 2010 and recorded at the Summit County Recorder's office on July 20, 2010/ book # 2040 page # 1107, is attached hereto and incorporated herein by this reference as Exhibit D.

1.2 The Final Site Plan reviewed and approved by the Planning Commission on May 11, 2011, attached as Exhibit B, and the Findings of Fact, Conclusions of Law and Conditions of Approval of the approval of Park City Heights Master Planned Development dated May 11, 2011, attached as Exhibit C together with related documents attached thereto, are both hereby incorporated herein by reference (the "Approval Documents") and shall govern the development of Project, subject to any modifications specifically set forth in this Development Agreement. The project is located in the Community Transition (CT) zoning district. A final subdivision plat, or phased final subdivision plats, substantially reflecting the final Master Planned Development site plan approved by the Planning Commission on May 11, 2011, will be recorded prior to issuance of any building permits.

1.3. Developers agree to pay the then current impact fees imposed and as uniformly established by the Park City Municipal Code at the time of permit application, whether or not state statutes regarding such fees are amended in the future.

1.4. Developers and their successors agree that the following are required to be entered into and approved by Park City prior to issuance of a Building Permit: (a) a construction mitigation plan, (b) a utility plan, (c) a storm water plan, (d) a grading plan, and (e) a landscape plan in compliance with the conditions of the May 11, 2011 master planned development approval.

1.5. Developers are responsible for compliance with all local, state, and federal regulations regarding contaminated soils as well as streams and wetlands. Developers are responsible for receiving any Army Corp of Engineer Permits required related to disturbance of streams and wetlands.

2. Vested Rights and Reserved Legislative Powers.

2.1 Subject to the provisions of this Agreement, Developers are hereby granted the vested right to develop and construct the Project in accordance with the uses, densities, intensities, and general configuration of development approved by this Agreement, in accordance with and subject to the terms and conditions of the Approval Documents, and subject to compliance with the other applicable ordinances and regulations of Park City.

2.2 Reserved Legislative Powers. Developers acknowledge that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation shall only be applied to modify the existing land use and zoning regulations which are applicable to the Project under the terms of this Agreement based upon policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such

proposed legislative changes affecting the Project and terms and conditions of this Agreement applicable to the Project shall be of general application to all development activity in the City; and, unless the City declares an emergency, Developers shall be entitled to the required notice and an opportunity to be heard with respect to the proposed change and its applicability to the Project under the compelling, countervailing public interest exception to the vested rights doctrine.

3. Subdivision Plat Approval and Compliance with Park City Design and Construction Standards.

3.1 Developers expressly acknowledge and agree that nothing in this Development Agreement shall be deemed to relieve Developers from the obligation to comply with all applicable requirements of Park City necessary for approval and recordation of subdivision plats for the Project, including the payment of fees and compliance with all other applicable ordinances, resolutions, regulations, policies and procedures of Park City, including but not limited to, the Park City Subdivision Ordinance as set forth in the LMC and Design and Construction Standards.

4. Successors and Assigns.

4.1 Binding Effect. This Agreement shall be binding on the successors and assigns of Developers in the ownership or development of any portion of the Project.

4.2 Assignment. Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without the prior written consent of the City, which consent shall not be unreasonably withheld. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to Developers or their successors or assigns. This restriction on assignment is not intended to prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developers prior to construction of buildings or improvements on the parcels, with Developers retaining all rights and responsibilities under this Agreement.

5. General Terms and Conditions.

5.1 Term of Agreement. Construction, as defined by the Uniform Building Code, is required to commence within two (2) years of the date of execution of this Agreement. After Construction commences, the Park City Heights Master Planned Development and this Agreement shall continue in force and effect until all obligations hereto have been satisfied. The Master Plan approval for the Project shall remain valid so long as construction is proceeding in accordance with the approved phasing plan set forth herein.

5.2 Agreement to Run With the Land. This Development Agreement shall be recorded against the Property as described in Exhibit A hereto and shall be deemed to run with the land and shall be binding on all successors and assigns of Developers in the ownership or development of any portion of the Property.

5.3 Assignment. Neither this Agreement nor any of the provisions, terms or conditions hereof can be assigned to any other party, individual or entity without assigning the rights as well as the responsibilities under this Agreement and without prior written consent of the City directed to the City Recorder, which consent shall not unreasonably be withheld. Any such request for assignment may be made by letter addressed to the City and the prior written consent of the City may also be evidenced by letter from the City to the Developers or its successors or assigns. If no response is given by the City

within 14 calendar days following Developer's delivery of a request for consent, the City consent will be deemed to have been granted. This restriction on assignment is not intended to prohibit or impede the sale of parcels of fully or partially improved or unimproved land by Developers prior to construction of buildings or improvements on the parcels, with Developers retaining all rights and responsibilities under this Agreement.

5.4 No Joint Venture, Partnership or Third Party Rights. This Development Agreement in and of itself does not create any joint venture, partnership, undertaking or business arrangement between the parties hereto, nor any rights or benefits to third parties.

5.5 Integration. This Development Agreement and the Approval Documents collectively contain the entire agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

5.6 Severability. If any part or provision of this Agreement shall be determined to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Agreement except that specific provision determined to be unconstitutional, invalid or unenforceable. If any condition, covenant or other provision of this Agreement shall be deemed invalid due its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

5.7 Attorney's Fees. If this Development Agreement or any of the Exhibits hereto are breached, the party at fault agrees to pay the attorney's fees and all costs of enforcement of the non-breaching party.

5.8 Minor Administrative Modification. Minor, immaterial administrative modification may occur to the approvals contemplated and referenced herein without revision of this Agreement.

5.9 No Waiver. Failure to enforce any rights under this Agreement or applicable laws shall not be deemed to constitute a waiver of such right.

6. Phasing.

6.1 Project Phasing. The Project may be platted and constructed in phases in accordance with the phasing plan approved together with this Agreement (Exhibit E), and in accordance with the LMC. The final plat including utility plans for the last phase of the Project shall be recorded no later than ten years from the date of this Agreement. The Developers may proceed by platting and constructing the Project all at one time or by phase for portions of the Project as market conditions dictate, as long as each phase provides a logical extension of the road system, infrastructure and facilities through the Project in conformance with the requirements of this Agreement and the LMC (Exhibit E). Project platting and construction may occur in phases based upon market conditions. The final plat for the last phase of the Project shall be recorded no later than 10 years from the date of this Agreement. In the event of such phasing, the issuance of a building permit on the first such phase shall be deemed to satisfy the requirement of issuance of a building permit in Section 5.1 above. Any modifications or elaborations to the approved Phasing Plan must be approved by the Chief Building Official prior to the commencement of construction of the applicable phase. If such proposed modifications or elaborations are substantial as determined by the Chief Building Official and the Planning Director, such modifications or elaborations will come before the Planning Commission for approval. Project amenities including, but not limited to the Club House, Public Park, trails and community garden shall be provided in accordance with the schedule outlined in the Conditions of Approval for the Master Planned Development (Exhibit C).

6.2 Construction of Access. Developers may commence grading access to the Project as approved by the City Engineer according to the generally accepted engineering practices and standards, and pursuant to permit requirements of the LMC, The International Building and Fire Codes, and the Army Corps of Engineers. Developers shall be responsible for maintenance of any such accesses until they are completed according to City standards and accepted by the City.

7. Water.

7.1 Water Agreement. Pursuant to the July 2, 2010 Water Agreement, that is Exhibit C to the July 2, 2010, Annexation Agreement (Exhibit C of this Agreement), developers are not required to dedicate water rights to City in support of this Agreement or the Project. However, Developers acknowledge that water development fees will be collected by Park City in the same manner and in the same amount as with other development within municipal boundaries and that impact fees so collected will not be refunded to Developers or to individual building permit applicants developing within the Project.

8. Affordable Housing.

8.1 Affordable Housing Commitments. There are three distinct affordable housing commitments within this project:

Transferred IHC Units. 44.78 Affordable Unit Equivalents (AUEs) will be constructed in fulfillment of the affordable housing obligation associated with IHC/Burbs Annexation. One AUE is 800 square feet. These AUEs will be configured as 28 townhomes on Lots T1-T28. These units will be provided in accordance with Housing Resolution 17-99.

MPD-Required Affordable Units. The CT Zone requires a residential MPD to provide an affordable housing contribution equivalent to 20 percent of the market rate residential units. The Developers will provide 32 Affordable Unit Equivalents (AUEs) configured as 16 cottage units on the following lots: C6, C15, C37, C52 – C53, C101, C104, C157, C161, H60, H152, and H168. These units will be provided in accordance with Housing Resolution 17-99.

City Attainable Units. One of the expressed public purposes for the City's participation in this development was to provide additional affordable housing in the community. In addition to the AUEs described above, an additional 35 units will be included in the subdivision. These units will be developed in accordance with Housing Resolution 2007 with the goal of creating a greater diversity of housing type and community access. These units are located on the following lots: D1-12, P 1 – P8, C27-35.

The Developers must submit a Housing Mitigation Plan to the Park City Housing Authority for approval prior to the issuance of building permits. The Housing Mitigation Plan shall address the schedule setting forth the phasing of the required AUEs, which will be in conjunction with the overall phasing and development plan of the community. A description of the marketing plan including how the Developers are addressing the City's local preference options, anticipated sale prices by unit type recognizing that the community will be developed over several years and a variety of market conditions, the method by which the units will remain affordable and the term of affordability. A deed restriction shall be recorded against the plat prior to the issuance of building permits. The Developers shall comply with the Affordable Housing requirements prior to receiving any certificates of occupancy, as detailed in the Master Planned Development conditions of approval as attached hereto as Exhibit C.

9. Traffic Mitigation.

9.1 Signalized Intersection Improvements. Developers shall provide all required improvements in the Annexation Agreement and as further specified in Exhibit C- the Park City Heights MPD approval. However, a grade- separated bike lane that connects to the rail trail shall be provided on the north side of Richardson Flat Road in lieu of striped bike lanes on Richardson Flat Road as was initially proposed in the Annexation Agreement. This change is based upon Planning Commission's recommendation to provide the bike lane as grade-separated from the travel lanes to increase safety especially for younger children who may travel to school by bicycle.

The City shall address assignment of costs of the improvements required herein or any latecomer contribution at the time of any subsequent purchase agreement or assignment of this Agreement. At a minimum, should the City retain development responsibility of the Intersection Improvements, any subsequent Developers agree to contribute 18 percent or \$350,000, whichever is less, toward the cost of the intersection improvements.

10. Form of Ownership Anticipated for Project.

The Project will consist of 1) 160 individually owned market rate units distributed as a mix of cottage units on 6,000 to 8,600 square foot lots and detached single family homes on 8,000 to 48,000 square foot lots; 2) Twenty-eight (28) individually owned deed restricted townhouse units; and 3) Fifty-one (51) individually owned deed restricted housing units as a mix of single family detached, cottage homes, and townhomes. All roads are to be dedicated as public roads. All common areas, with the exception of the City Park, are to be owned in common and maintained by the HOA. Any condominiumization of the Project for private ownership and common ownership of land and common ownership of land and common facilities shall be in compliance with applicable law.

11. Physical Mine Hazards.

There are no known Physical Mine Hazards on the property as determined through the exercise of reasonable due diligence by the Owner (see attached Exhibit F).

12. Notices.

All notices, requests, demands, and other communications hereunder shall be in writing and shall be given (i) by Federal Express, UPS, or other established express delivery service which maintains delivery records, (ii) by hand delivery, or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the parties at the following addresses, or at such other address as the parties may designate by written notice in the above manner:

To Developers:

The Boyer Company
90 South 400 West, Suite 200
Salt Lake City, UT 84101-1365
Attn: Patrick Moffat

Park City
445 Marsac Avenue
PO Box 1480
Park City, UT 84060
Attn: Phyllis Robinson

To Park City:

445 Marsac Avenue
PO Box 1480
Park City, UT 84060
Attn: City Attorney

Such communication may also be given by facsimile and/or email transmission, provided any such communication is concurrently given by one of the above methods. Notices shall be deemed effective upon receipt, or upon attempted delivery thereof if delivery is refused by the intended recipient or if delivery is impossible because the intended recipient has failed to provide a reasonable means for accomplishing delivery.

12. List of Exhibits.

- Exhibit A- Legal Description
- Exhibit B- MPD Site Plan
- Exhibit C- MPD Action letter
- Exhibit D- Annexation Agreement and Exhibits
- Exhibit E- Phasing Plan
- Exhibit F- Physical Mine Hazards Letter

IN WITNESS WHEREOF, this Development Agreement has been executed by The Boyer Company, L.L.C., a Utah limited liability company and Park City Municipal Corporation as Developers and Park City Municipal Corporation by persons duly authorized to execute the same and by the City of Park City, acting by and through its City Council as of the 21 day of ~~NOVEMBER~~, 2011.

PARK CITY MUNICIPAL CORPORATION

By: Dana Williams
Dana Williams, Mayor

ATTEST:

By: Janet M. Scott
Janet M. Scott, City Recorder

APPROVED AS TO FORM:

Mark D. Harrington
Mark D. Harrington, City Attorney

Thomas A. Dacey, Sr
DEPUTY



7

DEVELOPERS:

The Boyer Company, L.C.,
A Utah limited Liability Company

[Handwritten signature]

By: ~~Patrick Moffat~~ *DAVID GLENN*

STATE OF UTAH)
 : ss
COUNTY OF SUMMIT)

On this 18th day of ~~October~~ *November*, 2011, personally appeared before me *David Glenn* whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that he is a member of Boyer Company, a Utah limited Liability Company by Authority of its Bylaws/Resolution of the Board of Directors, and acknowledged to me that said LLC executed the same.

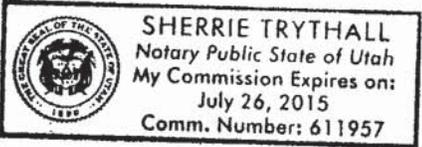
Notary Public *[Handwritten signature]*

And;

Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

[Handwritten signature]

By: Thomas B. Bakaly, City Manager



STATE OF UTAH)
 : ss
COUNTY OF SUMMIT) *November*

On this 21st day of ~~October~~ *November*, 2011, personally appeared before me *Thomas B. Bakaly* whose identity is personally known to me/or proved to me on the basis of satisfactory evidence and who by me duly sworn/affirmed), did say that ~~she~~ *he* is a member of Park City Municipal Corporation.

Notary Public *Jessica Winderl*

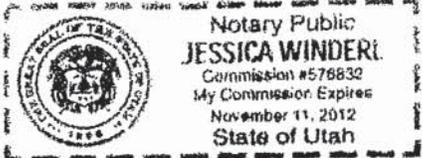


EXHIBIT A - LEGAL DESCRIPTION

BOUNDARY DESCRIPTION

A parcel of land located in the South Half of Section 2 and portions of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said parcel being more particularly described as follows:

Beginning at a Park City Boundary Aluminum Cap marking the West Quarter Corner of Section 11, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running

thence North 00°19'41" East 1,474.01 feet along the West Section Line of said Section 11, also being along the Easterly Boundary Line of the Hidden Meadows Subdivision Annexation Plat recorded as Entry No. 425892 in the Office of the Summit County Recorder; thence North 63°17'52" East 344.36 feet along the Easterly Boundary Line of said Hidden Meadows Subdivision Annexation Plat; thence North 75°52'07" East 1,501.92 feet along the Easterly Boundary Line of said Hidden Meadows Subdivision Annexation Plat; thence North 38°46'13" West 606.70 feet along the Easterly Boundary Line of said Hidden Meadows Subdivision Annexation Plat; thence North 39°40'23" West 214.68 feet along the Easterly Boundary Line of said Hidden Meadows Subdivision Annexation Plat to the North Section Line of said Section 11; thence South 88°46'45" East 89.54 feet along the North Section Line of said Section 11 to the 1/16 Corner of said Section 2; thence North 00°00'41" East 1,415.34 feet along the 1/16th Section Line of said Section 2 to the Southerly Right-of-Way Line of the abandoned Union Pacific Railroad Property; thence North 68°35'10" East 611.63 feet along the Southerly Right-of-Way Line of said abandoned Union Pacific Railroad Property; thence Northeasterly 622.07 feet along the arc of a 1,532.69 foot radius curve to the left (center bears North 21°24'50" West and the chord bears North 56°57'32" East 617.81 feet with a central angle of 23°15'16") along the Southerly Right-of-Way Line of said abandoned Union Pacific Railroad Property to the Southerly Right-of-Way Line of Richardson Flat Road (UDOT FAP 93-B); thence South 89°20'19" East 143.65 feet along the Southerly Right-of-Way Line of Richardson Flat Road (UDOT FAP 93-B); thence Southeasterly 252.20 feet along the arc of a 2,814.90 foot radius curve to the right (center bears South 00°39'41" West and the chord bears South 86°46'19" East 252.11 feet with a central angle of 05°08'00") along the Southerly Right-of-Way Line of Richardson Flat Road (UDOT FAP 93-B); thence South 84°12'19" East 300.22 feet along the Southerly Right-of-Way Line of Richardson Flat Road (UDOT FAP 93-B) to the Westerly Right-of-Way Line of State Highway 40; thence South 07°02'52" East 965.75 feet along the Westerly Right-of-Way Line of said State Highway 40; thence South 07°03'48" East 1,299.91 feet along the Westerly Right-of-Way Line of said State Highway 40; thence South 42°31'04" West 3,012.86 feet; thence South 103.66 feet to the projection of the Northerly Boundary Line of the Morning Star Estates Subdivision recorded as Entry No. 376621 in the Office of the Summit County Recorder; thence North 89°30'31" West 1,368.96 feet along the Northerly Boundary Line of said Morning Star Estates Subdivision and its projections thereof to the point of beginning.

Contains 8,518,648 Square Feet or 195.561 Acres

Tax Parcel No.s PCA-88-X, PCA-92, PCA-92-D-X, PCA-SS-122, PCA-122-B-X

PARCEL 2

Beginning South along the Quarter Section line 1834.13 feet from the North Quarter corner of Section 2, Township 2 South, Range 4 East, Salt Lake Base and Meridian, thence South along the Section line 805.87 feet, more or less, to the Eastwest Quarter Section line of the said Section 2, thence West along the said Quarter Section line 1450.00 feet, more or less, to the Easterly line of Highway Alt 40, thence Northeasterly along the highway 880.00 feet, more or less, thence East 1100.00 feet, more or less, to the point of beginning.

LESS THAT property taken by the United States of America by Declaration of Taking, recorded March 1, 1990, as Entry No. 327133, in Book 571, Page 595, official records of Summit County, Utah.

LESS THAT portion conveyed to the Utah Department of Transportation by Warranty Deed, recorded March 4, 1999, Entry No. 532113, in book 1235, Page 761, and more particularly described as follows:

Beginning at the Southwest corner of said entire tract, which is approximately 804.672 meters (2640.00 feet) South 0°27'25" West along the Quarter Section line to the center Quarter corner of said Section 2 and approximately 440.029 meters (1443.65 feet) North 89°49'09" West along the Quarter Section line from the North Quarter corner of said Section 2, which point is on the Easterly right of way line of said existing highway State Route 24B, and running thence North 22°01'00" East 66.512 meters (214.93 feet) along said Easterly right of way line and the Westerly boundary line of said entire tract to a point 19.405 meters (63.66 feet) perpendicularly distant Easterly from control line of said project, thence North 26°18'21" East 122.266 meters (401.14 feet) along said Easterly right of way line and said West boundary line to a point 27.659 meters (90.74 feet) perpendicularly distant Easterly from said control line, thence South 22°01'00" West 183.771 meters (602.92 feet) to the Southerly boundary line of said entire tract at a point 29.001 meters (95.15 feet) perpendicularly distant Easterly from said control line, thence North 89°49'09" West 9.851 meters (32.32 feet) along said South boundary line to the point of beginning as shown on the official map of said project on file in the office of the Utah Department of Transportation.

Parcel 2 contains 1,048,893 sq. ft., and 24.08 acres



TRAIL LINKAGE
ROAD CONNECTION TO
BYER PROPERTY

HOMESTEADS

NEIGHBORHOOD
GREEN

CENTRAL TRAIL
CORRIDOR

NEIGHBORHOOD
TRAIL ACCESS

COTTAGE HOMES

PROJECT LOOP TRAIL

MEANDERING DETENTION
BASIN SYSTEM WITH
LANDSCAPE BERMING

TRAIL CONNECTION TO
EXISTING PEDESTRIAN/TRAIL
UNDERPASS

60' UTILITY EASEMENT

EXISTING RAIL TRAIL

TRAIL CORRIDOR CONNECTION
TO EXTERIOR TRAIL

COMMUNITY PARK

PROPOSED BUS STOPS

COMMUNITY CLUBHOUSE

PARK HOMES

NEIGHBORHOOD GREEN

COMMUNITY GARDENS

RICHARDSON FLATS ROAD

MEANDERING EDGE OF
DEVELOPMENT WITHIN
HIGHWAY CORRIDOR FRONTAGE

PARK CITY HEIGHTS

NEIGHBORHOOD MASTER PLAN



May 12, 2011

Patrick Moffat
The Boyer Company
90 South 400 West, Suite 200
Salt Lake City, UT 84101

Phyllis Robinson
Park City Municipal Corporation
PO Box 1480
Park City, UT 84060

NOTICE OF PLANNING COMMISSION ACTION

Project Description: Park City Heights Master Planned Development

Project Numbers: PL-10-01028

Project Location: Richardson Flats Road, west of US 40 and southeast of SR 248

Date of Final Action: May 11, 2011

Action Taken: Planning Commission conducted a public hearing and APPROVED the Park City Heights Master Planned Development in accordance with and subject to the following findings of fact, conclusions of law, and conditions of approval:

Findings of Fact

1. The Park City Heights MPD includes the following:
 - a. 160 market rate units distributed in a mix of: cottage units on smaller lots (lots are approximately 6,000 to 8,600 sf in size); single-family detached units on approximately 8,000 sf to 27,000 sf lots; and single-family detached on two upper lots which are approximately 44,000 and 48,000 sf each. The approximate distribution of types of product is identified in the Design Guidelines.
 - b. 28 deed restricted townhouse units (44.78 affordable unit equivalents or AUE). These 28 units meet the required IHC affordable units under their affordable housing obligation and are configured as seven four-plexes.

- c. 16 deed restricted units (32 AUE). These 16 units meet the affordable housing required by the CT zone (LMC 15-2.23-4(A) (8)) and the Affordable Housing Resolution 17-99. These units are configured as a mix of single-family detached, cottage homes, and townhouse units.
- d. 35 additional non-required deed restricted affordable units in a mix of unit types.
- e. All units (including all deed restricted units) will be constructed to LEED for Homes Silver rating, as stated in the Annexation Agreement, with each unit also achieving a minimum combined 10 points for water efficiency/conservation. Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.
- f. A total of 171.5 acres of open space (not including open space within individual lots) is provided. This is approximately 72% of the entire 239 acres. This total includes the 24 acre parcel located adjacent to Highway 248 that is deeded to the City for open space.
- g. An additional 5 acres of deeded open space is provided on Round Valley Drive adjacent to US 40 south of the Park City Medical Center. This open space is not included in the 72% figure. This is in exchange for transferring the 28 IHC deed restricted townhouse units to the PC Heights neighborhood. This parcel is deed restricted per requirements of the Burbidge/IHC Annexation and Development Agreements.
- h. A dedicated 3.55 acre (155,000 sf) public neighborhood City Park with field, tot lot and playground equipment, shade structure, paths, natural area, and other amenities to be designed and constructed by the developer and maintained by the City. This park is included in the open space calculations. Bathrooms are proposed in the club house with exterior access for the park users.
- i. A 15,000 sf (approx.) community gardens area within the PC Heights neighborhood. This area is included in the open space calculations.
- j. 3 to 4 miles of soft surface trails within and around the property and additional mile or so of hard surfaced sidewalks and paths along the Project's streets.
- k. Trail connections to the Rail Trail and Quinn's trail, including trail on the north side of Richardson Flat Road from the 248 underpass to the Rail Trail and trail on the south side of the Road from the project to the Rail Trail. Trail connection to the south property line for future connections to the Jordanelle area. Trail easement on north side of Richardson Flat Road from Rail Trail to east property line. Trail connections to the Park City and Snyderville Basin back country trails system. Trails are further described in Finding #11.
- l. Transit bus shelters along Richardson Flat road including "dial-a-ride signs" (City bus service expected to be extended to Park City Heights and the Park and Ride).
- m. Bike racks at the club house and public park.
- n. Cross walk across Richardson Flat road at the rail trail.
- o. A 3,000 sf community center/club house area to be constructed by the developer with dedicated future ancillary support uses or possible daycare

center parcels (Parcels I and J as shown on the preliminary plat). Exterior access bathrooms will be available for park users. Construction of a daycare facility would be by the owner of the daycare facility and not by the Park City Heights development.

- p. Water infrastructure improvements that enhance the City's overall water system and provide redundancy as required by the Water Agreement executed as part of the Annexation Agreement. Water shares were dedicated to the City as part of a pre-annexation agreement.
 - q. Transportation improvements to the Richardson Flat/248 intersection including lane improvements and installation of a traffic signal to provide intersection safety (controlled left turn) and putting the Park and Ride facility and Park City Heights on the City bus route. These transportation improvements meet the requirements in the Annexation Agreement.
 - r. Following Wildlife recommendations as identified in the Biological Resources Overview prepared by Logan, Simpson Design, Inc. amended March 17, 2011.
 - s. Design Guidelines approved as part of this MPD apply to all lots, with the exception of the 2 upper lots proposed to be subject to the CCRs for the Oaks at Deer Valley, or equivalent.
 - t. No sound barrier walls or structures along US 40 within or related to the MPD.
2. The Park City Heights MPD is subject to the Park City Heights Annexation Agreement approved by the City Council on May 27, 2010. The Annexation Agreement sets forth terms and conditions of annexation, zoning, affordable housing, land use, density, transportation and traffic, phasing, trails, fire prevention, road and road design, utilities and water, fiscal impact analysis, snow removal, fees, and sustainable development requirements for the 239 acre Park City Heights MPD. The MPD as conditioned is in compliance with the requirements of the Annexation Agreement.
 3. The Park City Heights Annexation Agreement includes a Water Agreement as an integral component. The Water Agreement sets forth terms and conditions related to water facilities, restrictions regarding water, and phasing of development as it relates to completion of water infrastructure. The MPD as conditioned is in compliance with the Water Agreement.
 4. On June 17, 2010, the applicants submitted a pre-MPD application based on the annexation approval and agreement. The Planning Commission reviewed the pre-MPD application at two (2) meetings (July 14 and August 11, 2010) and found the application to be in initial compliance with applicable elements of the Park City General Plan.
 5. On June 30, 2010, the applicants submitted a complete MPD application.
 6. The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record as required by the Land Management Code.
 7. Public hearings on the MPD were held on October 13th, November 10th, and December 8th, 2010 and on February 9th, February 23rd, March 9th and March 23rd, 2011 and on April 27, 2011.

8. The property is located within the Community Transition (CT) zone. The MPD is in compliance with all applicable requirements of the CT zone, including density, uses, building setbacks, building height, parking, open space, affordable housing, and sustainable development requirements.
9. Access to the site is from Richardson Flat Road, a public road previously known as Old Dump Road. Access is also proposed to the currently unimproved US 40 frontage road (UDOT) along the east property line. No roads are provided through the Park City Heights MPD to the Oaks, Royal Oaks, or any other neighborhood within the Deer Valley MPD, consistent with the Annexation Agreement.
10. Utilities are available in the area, however extension of utilities or utility upgrades to the development site are required. A final utility plan will be submitted with the final subdivision plats to be reviewed by the Interdepartmental and Utility Service providers Development Review Team. City Staff will provide utility coordination meetings to ensure that utilities are provided in the most efficient, logical manner and that comply with best practices, including consideration of aesthetics in the location of above ground utility boxes. Location of utility boxes shall be shown on the final utility plans. The MPD phasing plan shall be consistent with conditions of the Annexation Agreement related to provision of public services and facilities.
11. The MPD includes 1) a paved connector trail on the south side of and separated from Richardson Flat Road, from the project to the Rail Trail, 2) a paved connector trail on the north side of and separated from Richardson Flat Road, from the SR 248 underpass to the Rail Trail, 3) a trail connection from trails within the project to the south property boundary line, 4) a trail easement along the north side of and separated from Richardson Flat Road from the Rail Trail to the east property boundary line, and 5) several miles of paved and soft surfaced trails throughout the development. All trails will be constructed by the developer consistent with the Park City Trails Master Plan.
12. The MPD includes a dedicated neighborhood public park to be constructed by the developer according to the City's parks plan, and as further directed by the City Council. Bathrooms are provided at the clubhouse with exterior access for the park users.
13. Parking within the MPD is proposed at two spaces per unit within private garages. Additional surface parking is provided for guests, the community gardens/park area, and the neighborhood clubhouse/meeting area. The streets have been designed to allow for parking on one-side per the City Engineer. Final street design will be determined at the time of the final plat and additional off-street guest parking areas will be incorporated into the design.
14. The proposed MPD density of 1 unit per acre complies with the density allowed by the CT zone. (239 units on 239 acres) The net density is 0.82 units per acre (195 units on 239 acres), excluding the 44 required deed restricted housing units. The density is consistent with the Annexation Agreement. If the additional 35 deed restricted affordable units are included in this analysis the net density is 0.67 units per acre (160 units on 239 acres).
15. The LMC requires a Sensitive Lands Analysis for all Master Planned Development applications. The MPD application included a Sensitive Lands Analysis.

16. A portion of property is located within the designated SR 248 Entry Corridor. This area is identified in the MPD as open space and all required entry corridor setbacks of 200' are complied with.
17. The property contains SLO designated steep slopes, ridgelines and wetland areas. These areas are identified in the MPD as open space areas and all required wetland and stream setbacks are complied with.
18. A wildlife study was conducted and a report (December 2010) was prepared by Logan Simpson Design, Inc. A revised report was prepared on March 17, 2011. The wildlife study addresses requirements of the Land Management Code and provides recommendation for mitigation of impacts on wildlife.
19. The site plan complies with the minimum MPD required 25' setback around the perimeter of the property. Setbacks range from 25' to 690' (and greater to the south property line).
20. The locations of the proposed units are consistent with the MPD site planning and Sensitive Lands Overlay criteria.
21. The property is visible from the designated LMC Vantage point along State Road 248 and a visual analysis was conducted by the applicant from this Vantage point. Additional visual analysis was provided from the intersection of Richardson Flat Road and SR 248. Units along the western perimeter are most visible along the minor ridge from SR 248. Any units that are over the 28' height limit as measured in the zone will be required to obtain an Administrative Conditional Use Permit.
22. Structures containing more than four units and future non-residential structures on Parcels I and J will be more visible due to the location along Richardson Flat Road and the potential massing. Additional review through the conditional use process is warranted for these parcels and uses.
23. Design Guidelines for the Park City Heights MPD address site planning, architecture and design, sustainability and best practices, landscaping and water conservation, and other requirements of the Annexation Agreement.
24. A comprehensive traffic study and analysis of the Property and surrounding properties, including existing and future traffic and circulation conditions was performed by the Applicant's traffic consultant, Hales Engineering, dated June 7, 2007, on file at the Park City Planning Department. An updated traffic volume and trip generation report was provided by Hales Engineering on September 27, 2010. An additional traffic update was provided in 2008 by InterPlan Co at the request of the City Transportation Department. The Hales Engineering study was utilized during the annexation process in the determination of density and requirements for traffic and transportation related impact mitigations. The City's Transportation Department is preparing a Short range Transit Development Plan studying demand for transit, routes, efficiency of the transit system, etc to be completed in July of 2011. This Transit Plan will address the timeline for bus service in the Quinn's Junction area. The City's Transportation Master Plan update will include the projected traffic from Park City Heights MPD in the recommendations for transportation improvements within the City.
25. Construction traffic is required to be addressed in the Construction Mitigation Plan.
26. A Geotechnical Study for the Park City Heights Development was provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. (June 9, 2006). Expansive clay soils were encountered across the site in the upper two and one-half to nine

and one-half feet. Shallow bedrock was found within portions of the site. Special construction methods, removal of these unsuitable soils, and other mitigations are spelled out in the Study.

27. A Fire Protection Report (March 2011) identifies potential Wildland urban interface areas within the MPD. Prior to issuance of building permits the Building Department will review individual building fire protection plans for compliance with recommendations of the Fire Protection Report and applicable building and fire codes. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by development of the site.
28. Affordable housing obligations of the MPD are consistent with the affordable housing described by the Park City Heights Annexation Agreement, Housing Resolution 17-99 and as required by the CT zone. The MPD provides up to an additional 35 deed restricted housing units over the 28 deed restricted townhouse units (44.78 affordable unit equivalents (AUE) required by the IHC MPD and the 16 deed restricted units (32 AUE) required by the CT zone for the 160 market rate units). These affordable units are configured as a mix of single-family detached, duplexes, cottage units, and attached townhouse units. The additional 35 non-required deed restricted affordable units are proposed to be a mix of unit types as part of this MPD consistent with the needs described in Housing Market Assessment for Park City, dated September 2010. As part of the mix of unit types, rental housing will be considered consistent with the needs described in the September 2010 Housing Market Assessment.
29. No building height exceptions have been requested and all buildings will comply with the height limitations of the CT zone.
30. Lots have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as further described in the Park City Heights Design Guidelines.
31. Utilities must be extended to the site to sustain the anticipated uses. Thirty (30') foot wide non-exclusive utility easements are generally necessary for long term maintenance and shall be dedicated on the final subdivision plats. Off-site improvements are necessary to serve the site with utilities.
32. Off-site trail and intersection improvements may create traffic delays and potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general. Construction Mitigation Plans are required and shall be required to include mitigation for these issues.
33. A Construction Mitigation Plan (CMP) is necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control and storm water management.
34. Final road designs will be provided to the Planning Commission for review with the final subdivision plats. To minimize visual impacts and to minimize disturbance of

existing vegetation due to large areas of cut and fill slopes, low retaining structures (in steps of 4' to 6') are recommended. These low retaining structures may be stepped to minimize their height. Design of these retaining structures is included in the PC Heights Design Guidelines to ensure consistency of design, materials, and colors throughout the development.

35. A storm water run-off and drainage plan is necessary to ensure compliance with Park City's Storm Water Management Plan and storm water Best Management Practices for storm water during construction and post construction with special considerations to protect the wetlands delineated on and adjacent to the site.
36. A financial guarantee for all landscaping and public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner in a timely manner. This financial guarantee is required prior to building permit issuance.
37. Parcels I and J are identified on the preliminary subdivision plat as potential future support commercial and/or child care center or similar uses pad sites. These parcels are currently used as a temporary, dirt parking lot. Construction of a daycare center is not the responsibility of the applicant/developer of Park City Heights.
38. A master sign plan is required for Planning Department review and approval and all individual signs require a sign permit prior to installation.
39. Sound mitigation may be desired by owners of units along US 40. Conditions of approval prohibit sound barrier walls within the MPD. However, other sound mitigation measures may be accomplished with landscaping, berming, smart housing design and insulation, and sound barriers constructed as part of the dwelling units.
40. Section 15-6-4 (G) of the LMC states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement.
41. The applicant stipulates to the conditions of approval.
42. The discussion in the Analysis sections of this report and the Analysis sections of the March 23, 2011 Planning Commission Staff Report (Exhibit A) are incorporated herein.
43. The applicants have met with Rocky Mountain Power and have increased the Rocky Mountain Powerline setbacks as required by this Utility.
44. The site plan for the proposed MPD has been designed to minimize the visual impacts of the development from the SR 248 Entry Corridor and has preserved, through open space, the natural views of the mountains, hillsides and natural vegetation consistent with Park City's "resort character".
45. The 171.5 acres of open space adjacent the development, the trail connections and improvements, and proposed neighborhood public park, as conditioned, will provide additional recreational opportunities to the Park City community and its visitors, which strengthens and enhances the resort character of Park City.
46. The opportunities for mixed affordable housing types, including rental units, within the development will strengthen the resort economy by providing attainable housing options in a sustainable and energy efficient community for workers in Park City's tourism/resort based industries.

47. Surrounding uses include open space, Highway 248, US 40, the Rail Trail, the Municipal Water Treatment Plant, Quinn's recreation complex (fields and ice rink), and the IHC medical center and offices
48. The MPD provides direct connection to and critical improvements of the Rail Trail and provides alternative transportation opportunities for recreation and commuting, such as biking, walking, in-line skating, and cross country skiing to Park City's business district at Prospector Square (within 2 miles) and to the IHC medical complex.

Conclusions of Law

1. The MPD, as conditioned, complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Chapter 6- Master Planned Developments Section 15-6-5 as stated in Exhibit A, March 23, 2011 Planning Commission Staff Report.
2. The MPD, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, is consistent with the Park City Heights Annexation Agreement.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City
6. The MPD, as conditioned, is Compatible in use, scale and mass with adjacent properties, and promotes neighborhood Compatibility.
7. The MPD provides amenities to the community so that there is no net loss of community amenities.
8. The MPD is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
9. The MPD has been designed to place Development on the most Developable Land and preserves significant features and vegetation to the extent possible.
10. The MPD promotes the Use of non-vehicular forms of transportation through the site design and by providing trail connections.
11. The MPD has been noticed and public hearings held in accordance with the LMC.

Conditions of Approval

1. All standard project conditions shall apply (Attached).
2. A final subdivision plat for each phase, or sub phase, of development shall be submitted for review by the Planning Commission and City Council and shall be recorded prior to issuance of building permits for individual units within that plat. The plats shall be consistent with the LMC, preliminary plat and the PC Heights site plan and documents reviewed and approved by the Planning Commission during the MPD approval. Final street design, including final cut and fill calculations and limit of disturbance areas, shall be submitted with all final subdivision plats to be reviewed and approved by the Planning Commission during final subdivision review. Off-street guest parking areas shall be identified on the final plats.

3. A limit of disturbance area (LOD), maximum building footprint and/or house size limitation and a setback requirement table for the lots shall be included on the final plats consistent with the Park City Heights Design Guidelines.
4. A note shall be added to the final plats stating that a landscape plan shall be submitted for City review and approval for each lot, prior to building permit issuance for that lot.
5. A note shall be added to the final plats stating that all units (including all deed restricted units) shall be constructed to LEED for Homes Silver rating, as stated in the Annexation Agreement, with each unit also achieving a minimum combined 10 points for water efficiency/conservation. Third party inspection will be provided to confirm compliance with the standards. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.
6. A final landscaping and irrigation plan for common areas shall be submitted with the final plats for each phase. Entry and perimeter landscaping shall be completed within six (6) months of issuance of the first building permit, weather and ground conditions permitting. Other Project landscaping, shall be completed within nine (9) months of issuance of 50% of building permits or within six (6) months of any individual Certificate of Occupancy. Landscaping materials and irrigation shall comply with the requirements of the Annexation Agreement, including the Water Agreement, and the Park City Heights Design Guidelines.
7. All exterior building materials, colors and final design details must comply with the approved Park City Heights Design Guidelines and shall be approved by staff prior to building permit issuance.
8. All exterior lighting, including any street and/or path lighting shall be designed to limit the trespass of light into the night sky as much as possible and shall conform to the LMC Sections 15-5-5-(l) and 15-3-3(c) and the Park City Heights Design Guidelines.
9. All exterior lighting, with the exception of bollard lighting at the park shall be privately maintained.
10. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall address construction phasing, staging, storage of materials, circulation and traffic, parking, service and delivery, re-vegetation of disturbed areas, temporary signs and construction lighting, hours of operation, dust and mud control, storm water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service. The CMP shall include a site and landscape plan for the sales office building (either within the clubhouse or within a finished unit) to address landscaping, lighting, and parking for the sales office. Construction Mitigation Plans shall provide mitigation measures for traffic delays and potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general.

11. The CMP shall address disposal and treatment of all excavated materials. The capping of exposed soils within the City's Soils Ordinance Boundary is subject to all applicable regulations and requirements of the Park City Soils Ordinance Title 11, Chapter 15- Park City Landscaping and Maintenance of Soil Cover. A detailed Limit of Disturbance (LOD) plan shall be submitted as part of the CMP. The Limits of Disturbance for the entire site shall be minimized to the greatest extent possible, using best construction practices, and shall include the use of additional low retaining walls and steeper slopes to prevent un-necessary disturbance of native vegetation.
12. A construction recycling area and an excavation materials storage area shall be provided within the development to reduce the number of construction trips to and from the development. This condition applies at a minimum to the first two phases of development and may be waived for subsequent phases of development upon request by the applicant and upon review by the Planning, Building, and Engineering Departments.
13. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed pre-development drainage conditions and special consideration shall be made to protect the wetlands delineated on and adjacent to the site.
14. Maintenance of sidewalks (including, without limitation, snow removal), trails, lighting, and landscaping within the rights-of-way and common areas, with the exception of the public park and public trails, shall be provided by the HOA, unless otherwise agreed upon by the City Council. Language regarding ownership and maintenance of the open space and common areas shall be included on the final subdivision plats.
15. A financial guarantee, in a form and amount acceptable to the City and in conformance with the LMC Subdivision Regulations, for the value of all public improvements, pedestrian amenities and trails, sidewalks, bus stop amenities, landscaping (including landscaping to re-vegetate and re-landscape areas disturbed by construction related to the MPD) to be completed according to the final approved plans shall be provided to the City prior to building permit issuance for new construction within each phase of construction. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee.
16. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD review, shall be submitted with the final subdivision plats. Utility plans shall be reviewed by the Interdepartmental staff members and the utility service providers as the Development Review Team. Utilities for the MPD shall be placed underground.
17. The City Engineer shall review and approve all associated utility and public improvements plans (including streets and sidewalks, grading, drainage, trails, public necessity signs, street signs and lighting, and other required items) for compliance with the LMC and City standards as a condition precedent to final subdivision plat recordation. This shall include phasing plans for street construction to ensure adequate fire turn-around that minimize disturbance of native vegetation.

- Due to expansive soils in the area, grading and drainage plans shall include a comprehensive lot drainage plan for the entire phase of each final subdivision plat.
18. Above ground utility boxes must be shown on the final utility plans. The location of these boxes shall comply with best practices for the location of above ground utility boxes. These boxes shall be located in the most efficient, logical, and aesthetic locations, preferably underground. If located above ground the boxes shall be screened to minimize visual impacts and locations shall be approved by the City Engineer.
 19. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plats, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance.
 20. All construction, including grading and trails, within the Park City Soils Ordinance area shall comply with restrictions and requirements of the Park City Soils Ordinance (Municipal Code Title 11, Chapter 15).
 21. Trail improvements necessary to connect the Rail Trail to the Hwy 248 tunnel trail on the north side of Richardson Flat Road, as well as the trail connection from the Rail Trail to the public park on the south side of Richardson Flat Road, will likely impact the wetlands in this area. Precedent to issuance of a building permit for these trails a wetlands impacts and enhancements plan shall be reviewed by the Planning Staff. All required wetlands permits shall be obtained from the required agencies.
 22. Mitigation for the disturbance of any wetland areas shall be identified on the trail construction plan and shall include enhancements of wetlands as an amenity feature for users of the trail system.
 23. Enhancements to wetland areas and other disturbed areas within the MPD could include but are not limited to: educational signs, such as identification of plants and animals, ecological processes, wetlands ecology, and insights into seasonal changes to the landscape; plantings that encourage and/or provide food sources for wildlife; additional on-site water sources; clean up of degraded areas; and new nesting habitat/bird and small mammal boxes.
 24. Lots 89 and 90 of the preliminary subdivision plat shall be shifted to match the trail phasing plan to locate the trail connection on the open space.
 25. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006, Geotechnical Study for the Park City Heights Development provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Special construction methods, removal of unsuitable soils, and other mitigation measures are recommended in the Study. Additional soils studies and geotechnical reports may be required by the Building Department prior to issuance of building permits for streets, utility installation, and structures.
 26. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit.
 27. Fire protection and emergency access plans shall be submitted prior to the issuance of any building permits and shall be consistent with applicable building and fire codes and shall take into consideration the recommendations of the Fire Protection Report (March 2011). The fire protection plans shall include any required fire sprinkler systems and landscaping restrictions within the Wildland interface zones. The plans shall ensure that Park City's ISO rating is not negatively affected

- by the development.
28. A limit of disturbance area shall be identified during the building permit review and construction fencing will be required to mitigate construction impacts. Silt fencing is required during construction in areas where run-off and construction may impact adjacent wetlands, water ways, and undisturbed areas as determined by the Building Department.
 29. Trail easements for all proposed trails in the MPD shall be platted on the final recorded subdivision plats. All trails shall be constructed consistent with the Park City Trails Master Plan and the Snyderville Basin Trails Master Plan. Connections to undeveloped property to the south providing future connections to the Wasatch County shall be consistent with the Wasatch County Trails Plan.
 30. Construction of the public park, trails within the first phase, trail connections to the Rail Trail on both the north and south sides of Richardson Flat road, as described in the findings, and other neighborhood amenities associated with the first phase, shall commence upon issuance of the 40th building permit for Phase I (as described in the Annexation Agreement) and shall be complete within 9 months from commencement of construction, unless otherwise directed by City Council. In subsequent phases, trails, amenities, and other improvements shall be completed prior to issuance of 50% of the certificates of occupancy for the units within that phase, or as otherwise stated in the Development Agreement.
 31. The neighborhood public park shall be developed in accordance with standards set forth and required by the City Council, Recreation Advisory Board and city standards. A minimum area of 100 by 80 yards shall be initially free from fixed improvements until final field design is approved or further conditioned at subdivision approval. The park will include bathrooms in the club house with exterior access for park users.
 32. An Affordable Housing Plan, consistent with the Park City Heights Annexation Agreement and as required by LMC Section 15-6-5 (J), shall be reviewed by the Planning Commission and a recommendation shall be forwarded to the Park City Housing Authority. The Park City Housing Authority shall approve the final Park City Heights Affordable Housing Plan prior to issuance of any building permits for units within the MPD.
 33. As a condition precedent to receiving a certificate of occupancy for any market rate unit the City shall be provided with proof of compliance with the approved Affordable Housing Plan.
 34. A master sign plan for the neighborhood shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any individual sign permits.
 35. No sound barrier walls or structures along Hwy 40 are permitted within the MPD. To the extent sound mitigation measures are utilized within the MPD, such measures shall be limited to landscaping and berms, energy efficient housing design and insulation, and sound mitigation constructed as part of the design of the dwelling units and shall be reviewed by the Planning Department for compliance with the Design Guidelines.
 36. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire two years from the date of execution of the

Development Agreement unless Construction, as defined by the Uniform Building Code, has commenced on the project.

37. Pursuant to Section 15-6-4 (G) of the LMC, once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be ratified by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder.
38. The Park City Soils Boundary shall be identified on the final plats (if applicable).
39. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement.
40. No through roads may be provided through the Park City Heights MPD to the Deer Valley MPD subdivisions.
41. A re-vegetation plan for Parcels I and J and the open space parcel at the northeast corner of the development area of Phase I shall be submitted with the final road and utility plans. Re-vegetation of these parcels shall be completed prior to issuance of the 28th certificate of occupancy for the Park City Heights MPD. If this area is used as a construction staging, construction recycling area, and excavated materials storage area, a new construction staging area will need to be approved by the Planning Department for the remainder of Phase I and for subsequent phases and shall be re-vegetated in a like manner with the issuance of certificates of occupancy for the final units in the respective phase.
42. Noxious weeds shall be managed per the Summit County noxious weeds ordinances during construction and in perpetuity by including regulations in the CMP, Design Guidelines, and CCRs.
43. One additional site visit is required by certified biologists during May or June 2011 to: a) validate the observations of the preliminary biological report and, b) to further study and identify wildlife movement corridors, evidence of species of high public interest (Elk, Moose, Deer, and other small mammals), locations of den or nesting sites, and any areas of high native species diversity. The report shall include additional recommendations on mitigating impacts of the development on wildlife and wildlife corridors. The report shall be provided to the Planning Department and reviewed by the Planning Commission prior to issuance of any grading or building permits.
44. Clearing and grubbing of vegetation and soils shall be minimized from April through July to avoid disturbance of nesting birds, unless a detailed search for active nests is conducted and submitted to the Planning Director for review by a certified wildlife biologist.
45. As a condition precedent to building permit issuance for any structure containing more than 4 units, and for any non-residential structure proposed to be constructed on Parcels I and J of the preliminary subdivision plat, a conditional use permit shall be approved by the Planning Commission.
46. Due to the visual exposure of these lots on the minor ridge, as a condition precedent to building permit issuance for construction of a house on the western perimeter lots, namely Lots 23, 24, 30, 31, 66, 67, 76 and 77 of the preliminary subdivision plat prepared by Ensign and dated 1/17/11, a conditional use permit shall be obtained if the proposed building height is greater than 28 feet.

47. The applicants shall approach the adjacent property owner to the west to explore a mutually agreeable plan for incorporating the parcel into the Park City MPD and transferring density to the Park City Heights neighborhood in exchange for open space designation of this highly sensitive and visible parcel of land and the potential to relocate the upper western cul-de-sac to a less visible location.
48. All work within the Rail Trail ROW requires review by and permits issued by the Utah State Parks/Mountain Trails Foundation, in addition to the City. The Rail Trail shall remain open to pedestrians during construction to the extent possible.
49. High energy use amenities, such as snow melt systems, heated driveways, exterior heated pools and fireplaces, shall require energy off-sets and/or require the power to be from alternative energy sources.
50. All conditions, requirements, and stipulations of the Park City Heights Annexation Agreement and Water Agreement continue to apply to this MPD.
51. The final MPD phasing plan shall be consistent with conditions of the Water Agreement as to provision of public services and facilities.
52. All transportation mitigation requirements, as stated in the Annexation Agreement, continue to apply to this MPD.
53. The Applicant must meet all applicable bonding requirements.
54. Bus shelters on both the north and south sides of Richardson Flat Road shall be constructed within 60 days of issuance of the 40th certificate of occupancy. The shelter design and location shall be approved by the City Planning, Engineering, Building, and Transportation Departments and shall include a sign with the phone number of the Park City Bus service dial-a-ride. Information regarding the dial-a-ride service shall be posted within the shelters.
55. Sheet c4.0 (LOD Erosion Control Plan) shall be amended as follows: Note 1 shall read that the LOD for roadways is not to extend beyond 3' from the cut/fill limits as shown on the plan. Note 2: A 4 to 6 foot engineered wall shall be used in areas outside the limits of future home and driveway construction and where proposed cut/fill is in excess of 10' vertical as measured from the top back of curb to cut/fill catch point. Note 3: Proposed retaining walls shall not exceed 6 feet where they are necessary. A system of 4' to 6' walls with no individual wall exceeding 6', (i.e. tiered walls) may be used. The walls shall be separated by a 3' landscaped area from top back of lower wall to toe of upper wall. Note 4: Exceptions to these standards may be granted by the Planning Commission at the time of final subdivision plat review as necessary to minimize overall total disturbance.
56. House size limitations for all lots within the MPD shall be identified in the Design Guidelines subject to further appropriate reduction if found necessary during the final subdivision plat process, taking into consideration the size of the lots, visibility of the lots from the LMC Vantage Points, solar access of adjacent lots, onsite snow storage, and ability to achieve LEED for Homes Silver rating to meet the applicable standards of LMC 15-7.3-3. Nothing herein shall preclude the applicant from proposing alternative methods of mitigation. Specifically, and without limitation, the Design Guidelines shall provide that house sizes of the Homestead lots shall be no greater than the following (as delineated below by lot numbers per the preliminary plat prepared by Ensign and dated 1/17/11)

Lots 58 thru 66- 4000 square feet

Lots 130 thru 154- 4000 square feet
Lots 163 thru 164- 4000 square feet
Lots 70 thru 72- 5000 square feet
Lots 105 thru 129- 5000 square feet
Lots 155 thru 156- 5000 square feet
Lots 77 thru 98- 6000 square feet

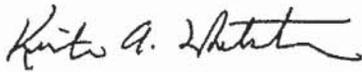
The Design Guidelines shall reflect a preference for smaller homes consistent with (a) "best practices" in sustainable design and development to address the materials and energy impacts of larger homes and (b) the historic pattern of residential development in Old Town

57. The Park City Heights Design Guidelines shall be approved by the Planning Commission prior to the submittal of the Development Agreement to the Planning Commission and before any activity or permits can be pulled for the MPD. No pre-development work, including grading, clearing, etc. can occur prior to approval of the Design Guidelines by the Planning Commission.
58. The Park City Heights Design Guidelines are an integral component of the Park City Heights MPD and substantive amendments to the Design Guidelines require Planning Commission approval. Minor amendments shall be reviewed by the Planning Director for consideration and approval.
59. Adequate snow storage easements, as determined in consultation with the Park City Public Works, will be granted to accommodate for the on-site storage of snow. Snow storage shall not block internal pedestrian sidewalks and circulation trails. Removal of snow from the Park City Heights MPD is discouraged with the final decision to haul snow from this area to be made by the City's Public Works Director.
60. To further encourage non-vehicular transportation, trail maps will be posted in the clubhouse for the benefit of future residents. There will also be a ride-share board located within the clubhouse that residents may utilize in order to plan carpooling which will further limit trips from the development. The dial-a-ride phone number shall be posted at the ride-share board. The HOA shall post information and consider a bike-share program.
61. The Park City Heights Design Guidelines and CCRs shall include information related to the history of the site and Quinn's Junction region.
62. All transportation mitigation elements, as required by the Park City Heights Annexation Agreement (July 2, 2010) continue to apply to this MPD. The Applicants, as required by the Annexation Agreement, shall complete, with the first Phase (first 90 UEs) of the MPD (as described in the Annexation Agreement), the SR 248/Richardson Flat intersection improvements with all required deceleration and acceleration lanes; and shall include the required infrastructure (fiber optic, control boxes, computer links, etc.) to synchronize this traffic signal with the UDOT coordinated signal system on SR 248, within the Park City limits at the time of this MPD. At the time the traffic signal is installed, the Applicants shall request in writing that UDOT fully synchronize signals along SR 248, with supporting data as applicable. Required improvements to Richardson Flat Road, including 5' wide bike lanes, as stated in the Annexation Agreement, shall be complete with the first Phase (first 90 UEs) of the MPD. The cost sharing methodology between the

Applicants and any assigns, for these mitigation elements, shall be detailed in the Park City Heights Development Agreement. The Applicant shall provide an annual assessment of traffic counts and bus needs generated by the MPD for five (5) consecutive years following issuance of the first certificate of occupancy. The applicants shall participate with the City to conduct an annual assessment, which shall include peak period counts of both summer and winter traffic in the vicinity of the SR 248/Richardson Flat Road intersection, and submit such to UDOT. This information shall be coordinated with best available UDOT data and analysis. This assessment shall be incorporated into ongoing Park City Transportation Master Plan and the Park City Transit planning efforts with UDOT. This information shall be presented annually to the Planning Commission in conjunction with an update of the City Transportation Master Plan.

If you have any questions regarding this letter, please do not hesitate to call me at 435-615-5066.

Sincerely,



Kirsten A. Whetstone, MS, AICP
Senior Planner

File

EXHIBIT D

Ordinance No. 11-25

AN ORDINANCE APPROVING THE PARK CITY HEIGHTS PHASE 1 SUBDIVISION LOCATED AT RICHARDSON FLAT ROAD, PARK CITY, UTAH

WHEREAS, the owners of the property known as the Park City Heights Master Planned Development (MPD) located north of Richardson Flat Road, east of State Road 248 and west of US 40, have petitioned the City Council for approval of the Park City Heights Phase 1 subdivision; and

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

WHEREAS, proper legal notice was sent to all affected property owners according to the Land Management Code of Park City; and

WHEREAS, the Planning Commission held a public hearing on October 26, 2011, to receive input on the subdivision; and

WHEREAS, the Planning Commission, on October 26, 2011, forwarded a positive recommendation to the City Council; and

WHEREAS, on November 17, 2011, the City Council held a public hearing on the Park City Heights Phase 1 subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Park City Heights Phase 1 subdivision.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Park City Heights Phase 1 subdivision, 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 on Richardson Flat Road east of SR 248 and west of US Highway 40.
2. The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and is zoned Community Transition (CT).
3. On May 11, 2011, the Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units on 239 acres.
4. On June 22, 2011, the Planning Commission reviewed and approved a preliminary subdivision plat as being consistent with the Park City Heights MPD. The proposed plat is consistent with the preliminary subdivision plat.
5. Park City Municipal Corporation and Boyer Park City Junction are joint owners of the property. The property was not purchased with open space revenues,
6. The property is restricted by the Land Management Code, the Park City Heights Annexation Agreement, and the Park City Heights Master Planned Development conditions of approval and Development Agreement, and other applicable codes and regulations.

7. The lots are not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of this plat is within the Park City Soils Ordinance boundary. .
8. The proposed subdivision plat creates lots of record for 28 townhouse units to be constructed for IHC as fulfillment of the required affordable housing for the Park City Medical Center. The subdivision plat also includes four (4) cottage home lots of record, a City Park parcel, HOA clubhouse parcel, open space parcels, support commercial parcels, dedication of first phase streets, utility easements, trail easements, and a parcel for a future multi-unit affordable housing building.
9. The townhome lots range in area from 1,898 sf to 4,779 sf for Lot T16, a corner lot with 3 front yard setbacks. The cottage lots range in area from 4,431 sf to 6,051 sf. These lots are consistent with the Lot and Site Requirements of the Community Transition (CT) zone as conditioned by the Park City Heights MPD.
10. No non-conforming conditions are created by the subdivision.
11. An existing 50' wide power line easement for PacifiCorp traverses parcels G and D. An additional 10' is being dedicated with this plat for a total width of 60' as requested by PacifiCorp to meet future anticipated utility easement needs.
12. The property is accessed from Richardson Flat Road, a public county road.
13. Access to all lots and parcels within the proposed subdivision is from local public drives and streets. No lots or parcels access directly to Richardson Flat Road. All streets and drives are public.
14. The subdivision complies with the Land Management Code regarding final subdivision plats, including CT zoning requirements, general subdivision requirements, and lot and street design standards and requirements.
15. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process as required by the Land Management Code.
16. Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
17. There is good cause for this subdivision plat in that it creates legal lots and parcels of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of utilities; provides a parcel to be dedicated as a public park; provides for open space areas within and around the subdivision; dedicates trail easements and public streets; provides for future support commercial parcels; and provides for future development parcels for affordable housing and market rate units consistent with the approved the Park City Heights Annexation Agreement and Master Planned Development.
18. The findings in the Analysis section are incorporated herein.

Conclusions of Law:

1. The subdivision complies with LMC 15-7.3 as conditioned.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision is consistent with the Park City Heights Annexation and the Park City Heights MPD, as conditioned.
4. The subdivision is consistent with the Park City Heights preliminary plat approved by the Planning Commission on June 22, 2011.
5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat, as conditioned herein.
6. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not

adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat 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. Conditions of approval of the Park City Heights Annexation, as stated in the Annexation Agreement, continue to apply.
4. Conditions of approval of the Park City Heights MPD, as memorialized in the Development Agreement, continue to apply.
5. Final approval of the sewer facilities/utility plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
6. All streets and drives, but not driveways on individual lots and parcels, within the subdivision plat shall be dedicated as public streets. Final acceptance of these streets by the City shall occur upon completion and acceptance of the public improvements. The City will commence maintenance and snow removal from public streets once 50% of the units within this phase are complete and certificates of occupancy have been issued.
7. The City Park parcel shall be dedicated to the City upon recordation of the plat.
8. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006 Geotechnical Study provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Additional soils studies and geotechnical reports may be required by the City Engineer and Chief Building Official prior to issuance of any building permits for structures, utilities, and roads. The report shall be reviewed by the City Engineer and Chief Building Official and any recommendations for utilization of special construction techniques to mitigate soils issues, such as expansive clays, shall be incorporated into conditions of the building permit and ROW Permit approval.
9. A landscape and irrigation plan shall be submitted for City review and approval for each lot, prior to building permit issuance. Landscaping and irrigation shall be consistent with the Park City Heights Design Guidelines and the MPD conditions of approval.
10. All applicable requirements of the LMC regarding top soil preservation, final grading, and landscaping shall be completed prior to issuance of a certificate of occupancy.
11. A storm water run-off and drainage plan shall be submitted with each phase of the project and with the building plans consistent with the MPD conditions of approval and shall be approved prior to building permit issuance.
12. Prior to issuance of a building permit for any units within this plat, all building plans shall be reviewed for compliance with the Park City Heights Design Guidelines.
13. Confirmation of street names shall be provided by the City Engineer prior to plat recordation.
14. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to issuance of a building permit to provide third party inspection for compliance with LEED for Homes Silver rating, as stated in the Annexation Agreement, MPD conditions of approval and as noted on the plat.
15. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and the MPD conditions of approval prior to building permit issuance.
16. A construction recycling area and excavation materials storage area within the development shall be utilized for this phase as required by the MPD conditions of approval.

17. A financial guarantee, in a form and amount acceptable to the City and in conformance with the conditions of approvals, amounting to 125% of the value of all required public improvements, including those public improvements identified in Condition #30 of the Master Planned Development (i.e. construction of the public park, trails within the first phase, trail connections to the Rail Trail on both the north and south sides of Richardson Flat road, as described in the MPD findings of fact, and other neighborhood amenities associated with the first phase), shall be provided to the City prior to building permit issuance for new construction within each phase. All public improvements shall be completed according to City standards prior to release of this guarantee. The twenty-five percent shall be held by the City through the warranty period and until such improvements are accepted by the City.
18. All standard project conditions shall apply.
19. Required street trees will be placed 30' on center along the main access road.

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

PASSED AND ADOPTED this 17th day of November, 2011.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:

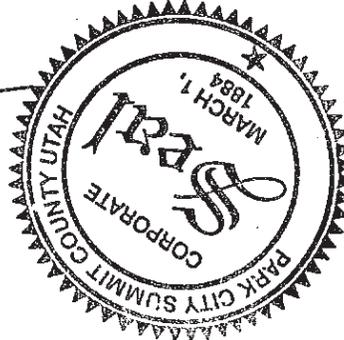


Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



Ordinance No. 13-04

**AN ORDINANCE APPROVING AN EXTENSION OF THE PARK CITY HEIGHTS
PHASE 1 SUBDIVISION PLAT APPROVAL; LOCATED AT RICHARDSON FLAT
ROAD and US HWY 40, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the Park City Heights Master Planned Development (MPD) located north of Richardson Flat Road, east of State Road 248 and west of US 40, have petitioned the City Council for approval of the Park City Heights Phase 1 subdivision; and

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

WHEREAS, proper legal notice was sent to all affected property owners according to the Land Management Code of Park City; and

WHEREAS, the Planning Commission held a public hearing on October 26, 2011, to receive input on the subdivision; and

WHEREAS, the Planning Commission, on October 26, 2011, forwarded a positive recommendation to the City Council; and

WHEREAS, on November 17, 2011, the City Council held a public hearing on the Park City Heights Phase 1 subdivision; and

WHEREAS, on November 15, 2012, the Applicant submitted a written request and application for an extension of the recording date to November 17, 2013; and

WHEREAS, on January 24, 2013, the City Council held a public hearing on the Park City Heights Phase 1 subdivision extension of approval application; and

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of approval of the Park City Heights Phase 1 subdivision.

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

SECTION 1. APPROVAL. The above recitals are hereby incorporated as findings of fact. The Park City Heights Phase 1 subdivision, 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 on Richardson Flat Road east of SR 248 and west of US Highway 40.

2. The property was annexed into Park City with the Park City Heights Annexation on May 27, 2010, and is zoned Community Transition (CT).
3. On May 11, 2011, the Park City Planning Commission approved the Park City Heights MPD for a mixed residential development consisting of 160 market rate units and 79 affordable units on 239 acres.
4. On June 22, 2011, the Planning Commission reviewed and approved a preliminary subdivision plat as being consistent with the Park City Heights MPD. The proposed plat is consistent with the preliminary subdivision plat.
5. Park City Municipal Corporation and Boyer Park City Junction are joint owners of the property. The property was not purchased with open space revenues,
6. The property is restricted by the Land Management Code, the Park City Heights Annexation Agreement, and the Park City Heights Master Planned Development conditions of approval and Development Agreement, and other applicable codes and regulations.
7. The lots are not within the Entry Corridor Protection Overlay zone (ECPO) and no portion of this plat is within the Park City Soils Ordinance boundary. .
8. The proposed subdivision plat creates lots of record for 28 townhouse units to be constructed for IHC as fulfillment of the required affordable housing for the Park City Medical Center. The subdivision plat also includes four (4) cottage home lots of record, a City Park parcel, HOA clubhouse parcel, open space parcels, support commercial parcels, dedication of first phase streets, utility easements, trail easements, and a parcel for a future multi-unit affordable housing building.
9. The townhome lots range in area from 1,898 sf to 4,779 sf for Lot T16, a corner lot with 3 front yard setbacks. The cottage lots range in area from 4,431 sf to 6,051 sf. These lots are consistent with the Lot and Site Requirements of the Community Transition (CT) zone as conditioned by the Park City Heights MPD.
10. No non-conforming conditions are created by the subdivision.
11. An existing 50' wide power line easement for PacifiCorp traverses parcels G and D. An additional 10' is being dedicated with this plat for a total width of 60' as requested by PacifiCorp to meet future anticipated utility easement needs.
12. The property is accessed from Richardson Flat Road, a public county road.
13. Access to all lots and parcels within the proposed subdivision is from local public drives and streets. No lots or parcels access directly to Richardson Flat Road. All streets and drives are public.
14. The subdivision complies with the Land Management Code regarding final subdivision plats, including CT zoning requirements, general subdivision requirements, and lot and street design standards and requirements.
15. General subdivision requirements related to 1) drainage and storm water; 2) water facilities; 3) sidewalks and trails; 4) utilities such as gas, electric, power, telephone, cable, etc.; 5) public uses, such as parks and playgrounds; and 6) preservation of natural amenities and features have been addressed through the Master Planned Development process as required by the Land Management Code.
16. Sanitary sewer facilities are required to be installed in a manner prescribed by the Snyderville Basin Water Reclamation District (SBWRD).
17. There is good cause for this subdivision plat in that it creates legal lots and parcels of record from metes and bounds described parcels; memorializes and expands utility easements and provides for new utility easements for orderly provision of

utilities; provides a parcel to be dedicated as a public park; provides for open space areas within and around the subdivision; dedicates trail easements and public streets; provides for future support commercial parcels; and provides for future development parcels for affordable housing and market rate units consistent with the approved the Park City Heights Annexation Agreement and Master Planned Development.

18. The findings in the Analysis section are incorporated herein.
19. The City Council conducted a public hearing and approved the PC Heights Phase One Subdivision plat on November 17, 2011. The approval included a condition #2 requiring the subdivision plat be recorded at Summit County within one year of the approval date or submittal of a letter requesting an extension. The stated reason for the request is to have additional time to address historical mining tailings that were encountered on the property and prepare necessary environmental documents required by the State and Federal governments to resolve this issue.
20. On November 15, 2012, the Applicant submitted a written request and application for an extension of the recording date to November 17, 2013.
21. The applicant has requested no changes to the plat other than a modification to Condition of Approval #2 to extend the required recording of the plat for an additional year to November 17, 2013.
22. There have been no changes to the Land Management Code that impact or change the original Council approval or conditions of approval, except as stated above.

Conclusions of Law:

1. The subdivision complies with LMC 15-7.3 as conditioned.
2. The subdivision is consistent with the Park City Land Management Code and applicable State law regarding subdivision plats.
3. The subdivision is consistent with the Park City Heights Annexation and the Park City Heights MPD, as conditioned.
4. The subdivision is consistent with the Park City Heights preliminary plat approved by the Planning Commission on June 22, 2011.
5. Neither the public nor any person will be materially injured as a result of approval of the proposed subdivision plat, as conditioned herein.
6. Approval of the proposed subdivision plat, subject to the conditions stated herein, will not adversely affect the health, safety and welfare of the citizens of Park City.
7. The request for an extension of the plat recordation date was submitted in a timely fashion and is consistent with the Park City Land Management Code regarding extensions of subdivision plat approvals.

Conditions of Approval:

1. City Attorney and City Engineer review and approval of the final form and content of the subdivision plat for compliance with State law, the Land Management Code, and the conditions of approval, is a condition precedent to recordation of the plat.
2. The applicant will record the subdivision plat at Summit County on or prior to November 17, 2013. If recordation has not occurred within this extended timeframe, the plat amendment approval will be void, unless a complete application requesting a further extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. Conditions of approval of the Park City Heights Annexation, as stated in the Annexation Agreement, continue to apply.
4. Conditions of approval of the Park City Heights MPD, as memorialized in the Development Agreement, continue to apply.
5. Final approval of the sewer facilities/utility plan by the Snyderville Basin Water Reclamation District is required prior to final plat recordation.
6. All streets and drives, but not driveways on individual lots and parcels, within the subdivision plat shall be dedicated as public streets. Final acceptance of these streets by the City shall occur upon completion and acceptance of the public improvements. The City will commence maintenance and snow removal from public streets once 50% of the units within this phase are complete and certificates of occupancy have been issued.
7. The City Park parcel shall be dedicated to the City upon recordation of the plat.
8. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006 Geotechnical Study provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Additional soils studies and geotechnical reports may be required by the City Engineer and Chief Building Official prior to issuance of any building permits for structures, utilities, and roads. The report shall be reviewed by the City Engineer and Chief Building Official and any recommendations for utilization of special construction techniques to mitigate soils issues, such as expansive clays, shall be incorporated into conditions of the building permit and ROW Permit approval.
9. A landscape and irrigation plan shall be submitted for City review and approval for each lot, prior to building permit issuance. Landscaping and irrigation shall be consistent with the Park City Heights Design Guidelines and the MPD conditions of approval.
10. All applicable requirements of the LMC regarding top soil preservation, final grading, and landscaping shall be completed prior to issuance of a certificate of occupancy.
11. A storm water run-off and drainage plan shall be submitted with each phase of the project and with the building plans consistent with the MPD conditions of approval and shall be approved prior to building permit issuance.
12. Prior to issuance of a building permit for any units within this plat, all building plans shall be reviewed for compliance with the Park City Heights Design Guidelines.
13. Confirmation of street names shall be provided by the City Engineer prior to plat recordation.
14. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to issuance of a building permit to provide third party inspection for compliance with LEED for Homes Silver rating, as stated in the Annexation Agreement, MPD conditions of approval and as noted on the plat.
15. A construction mitigation plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, LMC, and the MPD conditions of approval prior to building permit issuance.
16. A construction recycling area and excavation materials storage area within the development shall be utilized for this phase as required by the MPD conditions of approval.
17. A financial guarantee, in a form and amount acceptable to the City and in

conformance with the conditions of approvals, amounting to 125% of the value of all required public improvements, including those public improvements identified in Condition #30 of the Master Planned Development (i.e. construction of the public park, trails within the first phase, trail connections to the Rail Trail on both the north and south sides of Richardson Flat road, as described in the MPD findings of fact, and other neighborhood amenities associated with the first phase), shall be provided to the City prior to building permit issuance for new construction within each phase. All public improvements shall be completed according to City standards prior to release of this guarantee. The twenty-five percent shall be held by the City through the warranty period and until such improvements are accepted by the City.

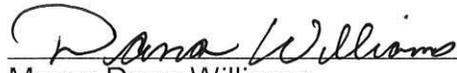
18. All standard project conditions shall apply.

19. Required street trees will be placed 30' on center along the main access road.

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

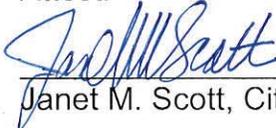
PASSED AND ADOPTED this 24th day of January, 2013.

PARK CITY MUNICIPAL CORPORATION



Mayor Dana Williams

Attest:



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney



EXHIBIT E

Park City Heights

Park City Planning Commission – Request for Work Session

Park City Heights Master Planned Development was approved on May 11, 2011 and the Development Agreement was ratified on October 26, 2011. In the spring of 2012, Ivory Development began the construction process of improving Phase 1. During the process it was discovered that portions of the site contain contaminated soils. Ivory Development brought this information to the attention of Park City and they have been working together to determine the best plan of action and a process for moving forward.

Ivory Development hired environmental consultants and began working with the State Department of Environmental Quality (DEQ) the Environmental Protection Agency (EPA) and Park City to mitigate the issues. The only viable option to clean the site and continue with development is to create an on-site repository for the contaminated soils. The on-site repository can only be used for soils generated from the site. No off-site soils can be placed in the repository.

The process of creating a repository and cleaning the site of contaminated soils is through the Voluntary Clean-up Process (VCP) with the DEQ. The amount of contaminated soils will require a repository and buffer area of approximately 7-8 acres. The repository area needs to be upland as far away from the Silver Creek stream corridor as possible. Ivory Development began to look at the approved master plan and start looking at conceptual plans that would accommodate the repository. The concept planning was in conjunction with Park City Planning Staff. However, before the process continues, Ivory Development requests to meet with the Park City Planning Commission in a work session to discuss the repository site and how this will affect the location, general layout of development, and consistency with the approved Development Agreement and receive direction on changes and give input to the City Planning Staff.

EXHIBIT F

Park City Heights Proposed Changes June 13, 2013

Findings of Fact

1. The Park City Heights MPD includes the following:

- a. 160 market rate units distributed in a mix of: cottage units on smaller lots (lots are approximately 6,000 to 8,600 sf in size); single-family detached units on approximately 8,000 sf to 27,000 sf lots; and single-family detached on two upper lots which are approximately 44,000 and 48,000 sf each. The approximate distribution of types of product is identified in the Design Guidelines.
- No change
- b. 28 deed restricted townhouse units (44.78 affordable unit equivalents or AUE). These 28 units meet the required IHC affordable units under their affordable housing obligation and are configured as seven four-plexes.
- No change
- c. 16 deed restricted units (32 AUE). These 16 units meet the affordable housing required by the CT zone (LMC 15-2.23-4(A) (8)) and the Affordable Housing Resolution 17-99. These units are configured as a mix of single-family detached, cottage homes, and townhouse units.
- Units will be configured as Single Family Detached Cottage Homes.
- d. 35 additional non-required deed restricted affordable units in a mix of unit types.
- Units will be configured as small lot Single Family Detached Park Homes.
- e. All units (including all deed restricted units) will be constructed to LEED for Homes Silver rating, as stated in the Annexation Agreement, with each unit also achieving a minimum combined 10 points for water efficiency/conservation. Third party inspection will be provided. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance.
- No change
- f. A total of 171.5 acres of open space (not including open space within individual lots) is provided. This is approximately 72% of the entire 239 acres. This total includes the 24 acre parcel located adjacent to Highway 248 that is deeded to the City for open space.
- A small amount of additional open space will be created. With the contaminated soils discovered on the property, the only viable option is to create an on-site repository of approximately 7-8 acres. This will provide a small increase in overall open space to accommodate the repository.
- g. An additional 5 acres of deeded open space is provided on Round Valley Drive adjacent to US 40 south of the Park City Medical Center. This open space is not included in the 72% figure. This is in exchange for transferring the 28 IHC deed restricted townhouse units to the PC Heights neighborhood. This parcel is deed restricted per requirements of the Burbidge/IHC Annexation and Development Agreements.
- No change
- h. A dedicated 3.55 acre (155,000 sf) public neighborhood City Park with field, tot lot and playground equipment, shade structure, paths, natural area, and other amenities to be designed and constructed by the developer and maintained by the City. This park is included in the open space calculations. Bathrooms are proposed in the club house with exterior access for the park users.
- No change to the type of amenity, however, because of the area required for the repository there is an adjustment in their locations. The tot lot and playground equipment, shade structure, natural area, and clubhouse will remain in the same location. The area has been reduced from 3.55 acres to approximately 2.7 acres. However, a 1.00 acre linear park and another 2 acre open park area are being proposed to offset this change. The total amount of public neighborhood City Park will increase to approximately 9-10 acres.
- i. A 15,000 sf (approx.) community gardens area within the PC Heights neighborhood. This area is included in the open space calculations.
- Propose to change the location slightly to the northeast, but still remain adjacent to open space.

- j. 3 to 4 miles of soft surface trails within and around the property and additional mile or so of hard surfaced sidewalks and paths along the Project's streets.
- No change
 - k. Trail connections to the Rail Trail and Quinn's trail, including trail on the north side of Richardson Flat Road from the 248 underpass to the Rail Trail and trail on the south side of the Road from the project to the Rail Trail. Trail connection to the south property line for future connections to the Jordanelle area. Trail easement on north side of Richardson Flat Road from Rail Trail to east property line. Trail connections to the Park City and Snyderville Basin back country trails system. Trails are further described in Finding #11.
- No change
 - l. Transit bus shelters along Richardson Flat road including "dial-a-ride signs" (City bus service expected to be extended to Park City Heights and the Park and Ride).
- No change
 - m. Bike racks at the club house and public park.
- No change
 - n. Cross walk across Richardson Flat road at the rail trail.
- No change
 - o. A 3,000 sf community center/club house area to be constructed by the developer with dedicated future ancillary support uses or possible daycare center parcels (Parcels I and J as shown on the preliminary plat). Exterior access bathrooms will be available for park users. Construction of a daycare facility would be by the owner of the daycare facility and not by the Park City Heights development.
- No change
 - p. Water infrastructure improvements that enhance the City's overall water system and provide redundancy as required by the Water Agreement executed as part of the Annexation Agreement. Water shares were dedicated to the City as part of a pre-annexation agreement.
- No change
 - q. Transportation improvements to the Richardson Flat/248 intersection including lane improvements and installation of a traffic signal to provide intersection safety (controlled left turn) and putting the Park and Ride facility and Park City Heights on the City bus route. These transportation improvements meet the requirements in the Annexation Agreement.
- No change
 - r. Following Wildlife recommendations as identified in the Biological Resources Overview prepared by Logan, Simpson Design, Inc. amended March 17, 2011.
- No change
 - s. Design Guidelines approved as part of this MPD apply to all lots, with the exception of the 2 upper lots proposed to be subject to the CCRs for the Oaks at Deer Valley, or equivalent.
- Will require some minor changes to the Design Guidelines to incorporate the new small lot Single Family Detached product. All other requirements will remain the same. The small lots require changes in setbacks, unit sizes, and building placement.
 - t. No sound barrier walls or structures along US 40 within or related to the MPD.
- No change
2. The Park City Heights MPD is subject to the Park City Heights Annexation Agreement approved by the City Council on May 27, 2010. The Annexation Agreement sets forth terms and conditions of annexation, zoning, affordable housing, land use, density, transportation and traffic, phasing, trails, fire prevention, road and road design, utilities and water, fiscal impact analysis, snow removal, fees, and sustainable development requirements for the 239 acre Park City Heights MPD. The MPD as conditioned is in compliance with the requirements of the Annexation Agreement. - No change
 3. The Park City Heights Annexation Agreement includes a Water Agreement as an integral component. The Water Agreement sets forth terms and conditions related to water facilities, restrictions regarding water, and phasing of development as it relates to completion of water infrastructure. The MPD as conditioned is in compliance with the Water Agreement. - No change

4. On June 17, 2010, the applicants submitted a pre-MPD application based on the annexation approval and agreement. The Planning Commission reviewed the pre-MPD application at two (2) meetings (July 14 and August 11, 2010) and found the application to be in initial compliance with applicable elements of the Park City General Plan. - No change
5. On June 30, 2010, the applicants submitted a complete MPD application. - No change
6. The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record as required by the Land Management Code. - No change
7. Public hearings on the MPD were held on October 13th, November 10th, and December 8th, 2010 and on February 9th, February 23rd, March 9th and March 23rd, 2011 and on April 27, 2011. - No change
8. The property is located within the Community Transition (CT) zone. The MPD is in compliance with all applicable requirements of the CT zone, including density, uses, building setbacks, building height, parking, open space, affordable housing, and sustainable development requirements. - No change
9. Access to the site is from Richardson Flat Road, a public road previously known as Old Dump Road. Access is also proposed to the currently unimproved US 40 frontage road (UDOT) along the east property line. No roads are provided through the Park City Heights MPD to the Oaks, Royal Oaks, or any other neighborhood within the Deer Valley MPD, consistent with the Annexation Agreement.
- Propose to eliminate access to the unimproved US 40 frontage road and provide an access easement for the Parcel to the south. This access was proposed to be eliminated in Phase 3 of the original plan and was discussed with Planning Staff and PC Fire Service District. A new access easement is proposed to provide a possible future link for the Parcel to the south. This will enable the Parcel to the south to have 2 ingress/egress points from Richardson Flat Road.
10. Utilities are available in the area, however extension of utilities or utility upgrades to the development site are required. A final utility plan will be submitted with the final subdivision plats to be reviewed by the Interdepartmental and Utility Service providers Development Review Team. City Staff will provide utility coordination meetings to ensure that utilities are provided in the most efficient, logical manner and that comply with best practices, including consideration of aesthetics in the location of above ground utility boxes. Location of utility boxes shall be shown on the final utility plans. The MPD phasing plan shall be consistent with conditions of the Annexation Agreement related to provision of public services and facilities. - No change
11. The MPD includes 1) a paved connector trail on the south side of and separated from Richardson Flat Road, from the project to the Rail Trail, 2) a paved connector trail on the north side of and separated from Richardson Flat Road, from the SR 248 underpass to the Rail Trail, 3) a trail connection from trails within the project to the south property boundary line, 4) a trail easement along the north side of and separated from Richardson Flat Road from the Rail Trail to the east property boundary line, and 5) several miles of paved and soft surfaced trails throughout the development. All trails will be constructed by the developer consistent with the Park City Trails Master Plan. - No change
12. The MPD includes a dedicated neighborhood public park to be constructed by the developer according to the City's parks plan, and as further directed by the City Council. Bathrooms are provided at the clubhouse with exterior access for the park users. - No change
13. Parking within the MPD is proposed at two spaces per unit within private garages. Additional surface parking is provided for guests, the community gardens/park area, and the neighborhood clubhouse/meeting area. The streets have been designed to allow for parking on one-side per the City Engineer. Final street design will be determined at the time of the final plat and additional off-street guest parking areas will be incorporated into the design. - No change
14. The proposed MPD density of 1 unit per acre complies with the density allowed by the CT zone. (239 units on 239 acres) The net density is 0.82 units per acre (195 units on 239 acres), excluding the 44 required deed restricted housing units. The density is consistent with the Annexation Agreement. If the additional 35 deed restricted affordable units are included in this analysis the net density is 0.67 units per acre (160 units on 239 acres). - No change
15. The LMC requires a Sensitive Lands Analysis for all Master Planned Development applications. The MPD application included a Sensitive Lands Analysis. - No change

16. A portion of property is located within the designated SR 248 Entry Corridor. This area is identified in the MPD as open space and all required entry corridor setbacks of 200' are complied with. - No change
17. The property contains SLO designated steep slopes, ridgelines and wetland areas. These areas are identified in the MPD as open space areas and all required wetland and stream setbacks are complied with. - No change
18. A wildlife study was conducted and a report (December 2010) was prepared by Logan Simpson Design, Inc. A revised report was prepared on March 17, 2011. The wildlife study addresses requirements of the Land Management Code and provides recommendation for mitigation of impacts on wildlife. - No change
19. The site plan complies with the minimum MPD required 25' setback around the perimeter of the property. Setbacks range from 25' to 690' (and greater to the south property line). - No change
20. The locations of the proposed units are consistent with the MPD site planning and Sensitive Lands Overlay criteria. - No change
21. The property is visible from the designated LMC Vantage point along State Road 248 and a visual analysis was conducted by the applicant from this Vantage point. Additional visual analysis was provided from the intersection of Richardson Flat Road and SR 248. Units along the western perimeter are most visible along the minor ridge from SR 248. Any units that are over the 28' height limit as measured in the zone will be required to obtain an Administrative Conditional Use Permit.
- Proposed lot layout brings the configuration of the lots further down the hill and less prominent from SR 248. A great deal of effort has been given to move the units as far away from the minor ridge as possible. No change is proposed to the requirement to obtain an Administrative Condition Use Permit.
22. Structures containing more than four units and future non-residential structures on Parcels I and J will be more visible due to the location along Richardson Flat Road and the potential massing. Additional review through the conditional use process is warranted for these parcels and uses.
- No change to the requirement for structures containing more than four units. Although it is not contemplated to have any buildings containing more than four units. It is proposed that Parcels I and J be eliminated because of the area required for the repository. The required repository does not leave sufficient room for the future commercial parcels. Massing along Richardson Flat Road will be small lot Single Family Detached Park Homes with a focus on front doors and front porches.
23. Design Guidelines for the Park City Heights MPD address site planning, architecture and design, sustainability and best practices, landscaping and water conservation, and other requirements of the Annexation Agreement.
- Will require some minor changes to the Design Guidelines to incorporate the new small lot Single Family Detached product. All other requirements will remain the same.
24. A comprehensive traffic study and analysis of the Property and surrounding properties, including existing and future traffic and circulation conditions was performed by the Applicant's traffic consultant, Hales Engineering, dated June 7, 2007, on file at the Park City Planning Department. An updated traffic volume and trip generation report was provided by Hales Engineering on September 27, 2010. An additional traffic update was provided in 2008 by InterPlan Co at the request of the City Transportation Department. The Hales Engineering study was utilized during the annexation process in the determination of density and requirements for traffic and transportation related impact mitigations. The City's Transportation Department is preparing a Short range Transit Development Plan studying demand for transit, routes, efficiency of the transit system, etc to be completed in July of 2011. This Transit Plan will address the timeline for bus service in the Quinn's Junction area. The City's Transportation Master Plan update will include the projected traffic from Park City Heights MPD in the recommendations for transportation improvements within the City. - No change
25. Construction traffic is required to be addressed in the Construction Mitigation Plan. - No change
26. A Geotechnical Study for the Park City Heights Development was provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. (June 9, 2006). Expansive clay soils were encountered across the site in the upper two and one-half to nine and one-half feet. Shallow bedrock was found within portions of the site. Special construction methods, removal of these unsuitable soils, and other mitigations are spelled out in the Study. - No change
27. A Fire Protection Report (March 2011) identifies potential Wildland urban interface areas within the MPD. Prior to issuance of building permits the Building Department will review individual building fire protection plans for compliance with recommendations of the Fire Protection Report and applicable building and fire codes. The fire

protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by development of the site. - No change

28. Affordable housing obligations of the MPD are consistent with the affordable housing described by the Park City Heights Annexation Agreement, Housing Resolution 17-99 and as required by the CT zone. The MPD provides up to an additional 35 deed restricted housing units over the 28 deed restricted townhouse units (44.78 affordable unit equivalents (AUE) required by the IHC MPD and the 16 deed restricted units (32 AUE) required by the CT zone for the 160 market rate units). These affordable units are configured as a mix of single-family detached, duplexes, cottage units, and attached townhouse units. The additional 35 non-required deed restricted affordable units are proposed to be a mix of unit types as part of this MPD consistent with the needs described in Housing Market Assessment for Park City, dated September 2010. As part of the mix of unit types, rental housing will be considered consistent with the needs described in the September 2010 Housing Market Assessment.
 - 35 Deed restricted units will be configured as small lot Single Family Detached Park Homes
 - 28 Deed restricted townhouse units will remain the same
 - 16 Deed restricted units will be configured as Single Family Detached Cottage Homes
29. No building height exceptions have been requested and all buildings will comply with the height limitations of the CT zone. - No change
30. Lots have been positioned to minimize visual impacts on adjacent structures. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as further described in the Park City Heights Design Guidelines. - No change
31. Utilities must be extended to the site to sustain the anticipated uses. Thirty (30') foot wide non-exclusive utility easements are generally necessary for long term maintenance and shall be dedicated on the final subdivision plats. Off-site improvements are necessary to serve the site with utilities. - No change
32. Off-site trail and intersection improvements may create traffic delays and potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general. Construction Mitigation Plans are required and shall be required to include mitigation for these issues. - No change
33. A Construction Mitigation Plan (CMP) is necessary to identify impacts and propose reasonable mitigation of these impacts on the site, neighborhood, and community due to construction of this project. The CMP shall include information about specific construction phasing, traffic, parking, service and delivery, stock-piling of materials and staging of work, work hours, noise control, temporary lighting, trash management and recycling, mud and dust control, construction signs, temporary road and/or trail closures, limits of disturbance fencing, protection of existing vegetation, erosion control and storm water management. - No change
34. Final road designs will be provided to the Planning Commission for review with the final subdivision plats. To minimize visual impacts and to minimize disturbance of existing vegetation due to large areas of cut and fill slopes, low retaining structures (in steps of 4' to 6') are recommended. These low retaining structures may be stepped to minimize their height. Design of these retaining structures is included in the PC Heights Design Guidelines to ensure consistency of design, materials, and colors throughout the development. - No change
35. A storm water run-off and drainage plan is necessary to ensure compliance with Park City's Storm Water Management Plan and storm water Best Management Practices for storm water during construction and post construction with special considerations to protect the wetlands delineated on and adjacent to the site. - No change
36. A financial guarantee for all landscaping and public improvements is necessary to ensure completion of these improvements and to protect the public from liability and physical harm if these improvements are not completed by the developer or owner in a timely manner. This financial guarantee is required prior to building permit issuance. - No change
37. Parcels I and J are identified on the preliminary subdivision plat as potential future support commercial and/or child care center or similar uses pad sites. These parcels are currently used as a temporary, dirt parking lot. Construction of a daycare center is not the responsibility of the applicant/developer of Park City Heights.
 - It is proposed that Parcels I and J be eliminated because of the area required for the repository. The required repository does not leave sufficient room for the parcels.

38. A master sign plan is required for Planning Department review and approval and all individual signs require a sign permit prior to installation. - No change
39. Sound mitigation may be desired by owners of units along US 40. Conditions of approval prohibit sound barrier walls within the MPD. However, other sound mitigation measures may be accomplished with landscaping, berming, smart housing design and insulation, and sound barriers constructed as part of the dwelling units. - No change
40. Section 15-6-4 (G) of the LMC states that once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. - No change
41. The applicant stipulates to the conditions of approval. - No change
42. The discussion in the Analysis sections of this report and the Analysis sections of the March 23, 2011 Planning Commission Staff Report (Exhibit A) are incorporated herein. - No change
43. The applicants have met with Rocky Mountain Power and have increased the Rocky Mountain Powerline setbacks as required by this Utility. - No change
44. The site plan for the proposed MPD has been designed to minimize the visual impacts of the development from the SR 248 Entry Corridor and has preserved, through open space, the natural views of the mountains, hillsides and natural vegetation consistent with Park City's "resort character". - No change
45. The 171.5 acres of open space adjacent the development, the trail connections and improvements, and proposed neighborhood public park, as conditioned, will provide additional recreational opportunities to the Park City community and its visitors, which strengthens and enhances the resort character of Park City. - No change (additional open space will be created because of the area required for the repository).
46. The opportunities for mixed affordable housing types, including rental units, within the development will strengthen the resort economy by providing attainable housing options in a sustainable and energy efficient community for workers in Park City's tourism/resort based industries. - No change – developer is proposing a new housing option for sustainable, energy efficient, small lot, high density single family detached attainable units (35 deed restricted units).
47. Surrounding uses include open space, Highway 248, US 40, the Rail Trail, the Municipal Water Treatment Plant, Quinn's recreation complex (fields and ice rink), and the IHC medical center and offices. - No change
48. The MPD provides direct connection to and critical improvements of the Rail Trail and provides alternative transportation opportunities for recreation and commuting, such as biking, walking, in-line skating, and cross country skiing to Park City's business district at Prospector Square (within 2 miles) and to the IHC medical complex. - No change

Conclusions of Law

1. The MPD, as conditioned, complies with all requirements outlined in the applicable sections of the Land Management Code, specifically Chapter 6- Master Planned Developments Section 15-6-5 as stated in Exhibit A, March 23, 2011 Planning Commission Staff Report.
2. The MPD, as conditioned, is compatible with surrounding structures in use, scale, mass, and circulation.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, is consistent with the Park City Heights Annexation Agreement.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City
6. The MPD, as conditioned, is Compatible in use, scale and mass with adjacent properties, and promotes neighborhood Compatibility.
7. The MPD provides amenities to the community so that there is no net loss of community amenities.
8. The MPD is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the Application was filed.
9. The MPD has been designed to place Development on the most Developable Land and preserves significant features and vegetation to the extent possible.
10. The MPD promotes the Use of non-vehicular forms of transportation through the site design and by providing trail connections.
11. The MPD has been noticed and public hearings held in accordance with the LMC.

Conditions of Approval

1. All standard project conditions shall apply (Attached). - No Change
2. A final subdivision plat for each phase, or sub phase, of development shall be submitted for review by the Planning Commission and City Council and shall be recorded prior to issuance of building permits for individual units within that plat. The plats shall be consistent with the LMC, preliminary plat and the PC Heights site plan and documents reviewed and approved by the Planning Commission during the MPD approval. Final street design, including final cut and fill calculations and limit of disturbance areas, shall be submitted with all final subdivision plats to be reviewed and approved by the Planning Commission during final subdivision review. Off-street guest parking areas shall be identified on the final plats. - No Change
3. A limit of disturbance area (LOD), maximum building footprint and/or house size limitation and a setback requirement table for the lots shall be included on the final plats consistent with the Park City Heights Design Guidelines. - No Change
4. A note shall be added to the final plats stating that a landscape plan shall be submitted for City review and approval for each lot, prior to building permit issuance for that lot. - No Change
5. A note shall be added to the final plats stating that all units (including all deed restricted units) shall be constructed to LEED for Homes Silver rating, as stated in the Annexation Agreement, with each unit also achieving a minimum combined 10 points for water efficiency/conservation. Third party inspection will be provided to confirm compliance with the standards. An industry standard Third Party inspector shall be mutually agreed upon by the Chief Building Official and the applicant prior to building permit issuance. - No Change
6. A final landscaping and irrigation plan for common areas shall be submitted with the final plats for each phase. Entry and perimeter landscaping shall be completed within six (6) months of issuance of the first building permit, weather and ground conditions permitting. Other Project landscaping, shall be completed within nine (9) months of issuance of 50% of building permits or within six (6) months of any individual Certificate of Occupancy. Landscaping materials and irrigation shall comply with the requirements of the Annexation Agreement, including the Water Agreement, and the Park City Heights Design Guidelines. - No Change
7. All exterior building materials, colors and final design details must comply with the approved Park City Heights Design Guidelines and shall be approved by staff prior to building permit issuance. - No Change
8. All exterior lighting, including any street and/or path lighting shall be designed to limit the trespass of light into the night sky as much as possible and shall conform to the LMC Sections 15-5-5-(I) and 15-3-3(c) and the Park City Heights Design Guidelines. - No Change
9. All exterior lighting, with the exception of bollard lighting at the park shall be privately maintained. - No Change
10. A Construction Mitigation Plan (CMP) shall be submitted and approved by the City for compliance with the Municipal Code, as a condition precedent to issuance of any grading or building permits. The CMP shall address construction phasing, staging, storage of materials, circulation and traffic, parking, service and delivery, re-vegetation of disturbed areas, temporary signs and construction lighting, hours of operation, dust and mud control, storm water management, and other items as may be required by the Building Department. The immediate neighborhood and community at large shall be provided notice at least 24 hours in advance of construction work impacting private driveways, street closures, and interruption of utility service. The CMP shall include a site and landscape plan for the sales office building (either within the clubhouse or within a finished unit) to address landscaping, lighting, and parking for the sales office. Construction Mitigation Plans shall provide mitigation measures for traffic delays and potential detours, short term access and private driveway blockage, increased transit time, parking inconveniences, and other impacts on the adjacent neighborhoods and to the community in general. - No Change
11. The CMP shall address disposal and treatment of all excavated materials. The capping of exposed soils within the City's Soils Ordinance Boundary is subject to all applicable regulations and requirements of the Park City Soils Ordinance Title 11, Chapter 15- Park City Landscaping and Maintenance of Soil Cover. A detailed Limit of Disturbance (LOD) plan shall be submitted as part of the CMP. The Limits of Disturbance for the entire site shall be minimized to the greatest extent possible, using best construction practices, and shall include the use of additional low retaining walls and steeper slopes to prevent un-necessary disturbance of native vegetation. - No Change
12. A construction recycling area and an excavation materials storage area shall be provided within the development to reduce the number of construction trips to and from the development. This condition applies at a minimum to the first two phases of development and may be waived for subsequent phases of development upon request by the applicant and upon review by the Planning, Building, and Engineering Departments. - No Change
13. A storm water run-off and drainage plan shall be submitted with the building plans and approved prior to issuance of any building permits. The plan shall follow Park City's Storm Water Management Plan and the project shall implement storm water Best Management Practices. Post development drainage shall not exceed pre-development drainage conditions and special consideration shall be made to protect the wetlands delineated on and adjacent to the site. - No Change
14. Maintenance of sidewalks (including, without limitation, snow removal), trails, lighting, and landscaping within the rights-of-way and common areas, with the exception of the public park and public trails, shall be provided by

- the HOA, unless otherwise agreed upon by the City Council. Language regarding ownership and maintenance of the open space and common areas shall be included on the final subdivision plats. - No Change
15. A financial guarantee, in a form and amount acceptable to the City and in conformance with the LMC Subdivision Regulations, for the value of all public improvements, pedestrian amenities and trails, sidewalks, bus stop amenities, landscaping (including landscaping to re-vegetate and re-landscape areas disturbed by construction related to the MPD) to be completed according to the final approved plans shall be provided to the City prior to building permit issuance for new construction within each phase of construction. All public improvements shall be completed according to City standards and accepted by the City Council prior to release of this guarantee. - No Change
 16. Final utility plans, consistent with preliminary utility plans reviewed by the Planning Commission during the MPD review, shall be submitted with the final subdivision plats. Utility plans shall be reviewed by the Interdepartmental staff members and the utility service providers as the Development Review Team. Utilities for the MPD shall be placed underground. - No Change
 17. The City Engineer shall review and approve all associated utility and public improvements plans (including streets and sidewalks, grading, drainage, trails, public necessity signs, street signs and lighting, and other required items) for compliance with the LMC and City standards as a condition precedent to final subdivision plat recordation. This shall include phasing plans for street construction to ensure adequate fire turn-around that minimize disturbance of native vegetation. Due to expansive soils in the area, grading and drainage plans shall include a comprehensive lot drainage plan for the entire phase of each final subdivision plat. - No Change
 18. Above ground utility boxes must be shown on the final utility plans. The location of these boxes shall comply with best practices for the location of above ground utility boxes. These boxes shall be located in the most efficient, logical, and aesthetic locations, preferably underground. If located above ground the boxes shall be screened to minimize visual impacts and locations shall be approved by the City Engineer. - No Change
 19. The Snyderville Basin Water Reclamation District's review and approval of the utility plans and final subdivision plats, for conformance with the District's standards for review, is a condition precedent to plat recordation and building permit issuance. - No Change
 20. All construction, including grading and trails, within the Park City Soils Ordinance area shall comply with restrictions and requirements of the Park City Soils Ordinance (Municipal Code Title 11, Chapter 15). - No Change
 21. Trail improvements necessary to connect the Rail Trail to the Hwy 248 tunnel trail on the north side of Richardson Flat Road, as well as the trail connection from the Rail Trail to the public park on the south side of Richardson Flat Road, will likely impact the wetlands in this area. Precedent to issuance of a building permit for these trails a wetlands impacts and enhancements plan shall be reviewed by the Planning Staff. All required wetlands permits shall be obtained from the required agencies. - No Change
 22. Mitigation for the disturbance of any wetland areas shall be identified on the trail construction plan and shall include enhancements of wetlands as an amenity feature for users of the trail system. - No Change
 23. Enhancements to wetland areas and other disturbed areas within the MPD could include but are not limited to: educational signs, such as identification of plants and animals, ecological processes, wetlands ecology, and insights into seasonal changes to the landscape; plantings that encourage and/or provide food sources for wildlife; additional on-site water sources; clean up of degraded areas; and new nesting habitat/bird and small mammal boxes. - No Change
 24. Lots 89 and 90 of the preliminary subdivision plat shall be shifted to match the trail phasing plan to locate the trail connection on the open space. - This condition has been shown on the new plan.
 25. All construction, including streets, utilities, and structures shall comply with recommendations of the June 9, 2006, Geotechnical Study for the Park City Heights Development provided by Gordon, Spilker Huber Geotechnical Consultants, Inc. Special construction methods, removal of unsuitable soils, and other mitigation measures are recommended in the Study. Additional soils studies and geotechnical reports may be required by the Building Department prior to issuance of building permits for streets, utility installation, and structures. - No Change
 26. A detailed review against the Uniform Building and Fire Codes in use at the time of building permit submittal is a condition precedent to issuance of full building permit. - No Change
 27. Fire protection and emergency access plans shall be submitted prior to the issuance of any building permits and shall be consistent with applicable building and fire codes and shall take into consideration the recommendations of the Fire Protection Report (March 2011). The fire protection plans shall include any required fire sprinkler systems and landscaping restrictions within the Wildland interface zones. The plans shall ensure that Park City's ISO rating is not negatively affected by the development. - No Change
 28. A limit of disturbance area shall be identified during the building permit review and construction fencing will be required to mitigate construction impacts. Silt fencing is required during construction in areas where run-off and construction may impact adjacent wetlands, water ways, and undisturbed areas as determined by the Building Department. - No Change
 29. Trail easements for all proposed trails in the MPD shall be platted on the final recorded subdivision plats. All trails shall be constructed consistent with the Park City Trails Master Plan and the Snyderville Basin Trails

- Master Plan. Connections to undeveloped property to the south providing future connections to the Wasatch County shall be consistent with the Wasatch County Trails Plan. - No Change
30. Construction of the public park, trails within the first phase, trail connections to the Rail Trail on both the north and south sides of Richardson Flat road, as described in the findings, and other neighborhood amenities associated with the first phase, shall commence upon issuance of the 40th building permit for Phase I (as described in the Annexation Agreement) and shall be complete within 9 months from commencement of construction, unless otherwise directed by City Council. In subsequent phases, trails, amenities, and other improvements shall be completed prior to issuance of 50% of the certificates of occupancy for the units within that phase, or as otherwise stated in the Development Agreement. - No Change
 31. The neighborhood public park shall be developed in accordance with standards set forth and required by the City Council, Recreation Advisory Board and city standards. A minimum area of 100 by 80 yards shall be initially free from fixed improvements until final field design is approved or further conditioned at subdivision approval. The park will include bathrooms in the club house with exterior access for park users.
 - No change to the type of amenity, however, because of the area required for the repository there is an adjustment in their locations. The tot lot and playground equipment, shade structure, natural area, and clubhouse will remain in the same location. The area has been reduced from 3.55 acres to approximately 2.7 acres. However, a 1.00 acre linear park and another 2 acre open park area are being proposed to offset this change. The total amount of public neighborhood City Park will increase to approximately 9-10 acres.
 32. An Affordable Housing Plan, consistent with the Park City Heights Annexation Agreement and as required by LMC Section 15-6-5 (J), shall be reviewed by the Planning Commission and a recommendation shall be forwarded to the Park City Housing Authority. The Park City Housing Authority shall approve the final Park City Heights Affordable Housing Plan prior to issuance of any building permits for units within the MPD. - No Change
 33. As a condition precedent to receiving a certificate of occupancy for any market rate unit the City shall be provided with proof of compliance with the approved Affordable Housing Plan. - No Change
 34. A master sign plan for the neighborhood shall be submitted, reviewed for compliance with the Park City Sign Code, and approved by the City, as a condition precedent to issuance of any individual sign permits. - No Change
 35. No sound barrier walls or structures along Hwy 40 are permitted within the MPD. To the extent sound mitigation measures are utilized within the MPD, such measures shall be limited to landscaping and berms, energy efficient housing design and insulation, and sound mitigation constructed as part of the design of the dwelling units and shall be reviewed by the Planning Department for compliance with the Design Guidelines. - No Change
 36. Approval of this Master Planned Development is subject to LMC Chapter 6- Master Planned Developments and shall expire two years from the date of execution of the Development Agreement unless Construction, as defined by the Uniform Building Code, has commenced on the project. - No Change
 37. Pursuant to Section 15-6-4 (G) of the LMC, once the Planning Commission has approved an MPD, the approval shall be put in the form of a Development Agreement. The Development Agreement must be ratified by the Planning Commission within 6 months of this approval. The Development Agreement shall be signed by the Mayor on behalf of the City Council and recorded with the Summit County Recorder. - No Change
 38. The Park City Soils Boundary shall be identified on the final plats (if applicable). - No Change
 39. Timing of completion of all required items and public benefits shall be further described and stated in the Development Agreement. - No Change
 40. No through roads may be provided through the Park City Heights MPD to the Deer Valley MPD subdivisions. - No Change
 41. A re-vegetation plan for Parcels I and J and the open space parcel at the northeast corner of the development area of Phase I shall be submitted with the final road and utility plans. Re-vegetation of these parcels shall be completed prior to issuance of the 28th certificate of occupancy for the Park City Heights MPD. If this area is used as a construction staging, construction recycling area, and excavated materials storage area, a new construction staging area will need to be approved by the Planning Department for the remainder of Phase I and for subsequent phases and shall be re-vegetated in a like manner with the issuance of certificates of occupancy for the final units in the respective phase.
 - It is proposed that Parcels I and J be eliminated because of the area required for the repository. The required repository does not leave sufficient room for the parcels. The re-vegetation requirement will remain in effect.
 42. Noxious weeds shall be managed per the Summit County noxious weeds ordinances during construction and in perpetuity by including regulations in the CMP, Design Guidelines, and CCRs. - No Change
 43. One additional site visit is required by certified biologists during May or June 2011 to: a) validate the observations of the preliminary biological report and, b) to further study and identify wildlife movement corridors, evidence of species of high public interest (Elk, Moose, Deer, and other small mammals), locations of den or nesting sites, and any areas of high native species diversity. The report shall include additional recommendations on mitigating impacts of the development on wildlife and wildlife corridors. The report shall be

- provided to the Planning Department and reviewed by the Planning Commission prior to issuance of any grading or building permits. - No Change
44. Clearing and grubbing of vegetation and soils shall be minimized from April through July to avoid disturbance of nesting birds, unless a detailed search for active nests is conducted and submitted to the Planning Director for review by a certified wildlife biologist. - No Change
 45. As a condition precedent to building permit issuance for any structure containing more than 4 units, and for any non-residential structure proposed to be constructed on Parcels I and J of the preliminary subdivision plat, a conditional use permit shall be approved by the Planning Commission.
 - No change to the requirement for structures containing more than four units. It is proposed that Parcels I and J be eliminated because of the area required for the repository. The required repository does not leave sufficient room for these parcels.
 46. Due to the visual exposure of these lots on the minor ridge, as a condition precedent to building permit issuance for construction of a house on the western perimeter lots, namely Lots 23, 24, 30, 31, 66, 67, 76 and 77 of the preliminary subdivision plat prepared by Ensign and dated 1/17/11, a conditional use permit shall be obtained if the proposed building height is greater than 28 feet.
 - These lots have been moved further down the hill and as far away from the minor ridge as possible. Lots 23, 24, 30, 31, 66 and 67 have been moved so that the concern for visual exposure is negligible (Lots 76 and 77 remain the same). This condition will remain for any proposed structure on the western perimeter lots that are deemed to be exposed visually.
 47. The applicants shall approach the adjacent property owner to the west to explore a mutually agreeable plan for incorporating the parcel into the Park City MPD and transferring density to the Park City Heights neighborhood in exchange for open space designation of this highly sensitive and visible parcel of land and the potential to relocate the upper western cul-de-sac to a less visible location. - No Change
 48. All work within the Rail Trail ROW requires review by and permits issued by the Utah State Parks/Mountain Trails Foundation, in addition to the City. The Rail Trail shall remain open to pedestrians during construction to the extent possible. - No Change
 49. High energy use amenities, such as snow melt systems, heated driveways, exterior heated pools and fireplaces, shall require energy off-sets and/or require the power to be from alternative energy sources. - No Change
 50. All conditions, requirements, and stipulations of the Park City Heights Annexation Agreement and Water Agreement continue to apply to this MPD. - No Change
 51. The final MPD phasing plan shall be consistent with conditions of the Water Agreement as to provision of public services and facilities. - No Change
 52. All transportation mitigation requirements, as stated in the Annexation Agreement, continue to apply to this MPD. - No Change
 53. The Applicant must meet all applicable bonding requirements. - No Change
 54. Bus shelters on both the north and south sides of Richardson Flat Road shall be constructed within 60 days of issuance of the 40th certificate of occupancy. The shelter design and location shall be approved by the City Planning, Engineering, Building, and Transportation Departments and shall include a sign with the phone number of the Park City Bus service dial-a-ride. Information regarding the dial-a-ride service shall be posted within the shelters. - No Change
 55. Sheet c4.0 (LOD Erosion Control Plan) shall be amended as follows: Note 1 shall read that the LOD for roadways is not to extend beyond 3' from the cut/fill limits as shown on the plan. Note 2: A 4 to 6 foot engineered wall shall be used in areas outside the limits of future home and driveway construction and where proposed cut/fill is in excess of 10' vertical as measured from the top back of curb to cut/fill catch point. Note 3: Proposed retaining walls shall not exceed 6 feet where they are necessary. A system of 4' to 6' walls with no individual wall exceeding 6', (i.e. tiered walls) may be used. The walls shall be separated by a 3' landscaped area from top back of lower wall to toe of upper wall. Note 4: Exceptions to these standards may be granted by the Planning Commission at the time of final subdivision plat review as necessary to minimize overall total disturbance. - No Change
 56. House size limitations for all lots within the MPD shall be identified in the Design Guidelines subject to further appropriate reduction if found necessary during the final subdivision plat process, taking into consideration the size of the lots, visibility of the lots from the LMC Vantage Points, solar access of adjacent lots, onsite snow storage, and ability to achieve LEED for Homes Silver rating to meet the applicable standards of LMC 15-7.3-3. Nothing herein shall preclude the applicant from proposing alternative methods of mitigation. Specifically, and without limitation, the Design Guidelines shall provide that house sizes of the Homestead lots shall be no greater than the following (as delineated below by lot numbers per the preliminary plat prepared by Ensign and dated 1/17/11)

Lots 58 thru 66- 4000 square feet
 Lots 130 thru 154- 4000 square feet
 Lots 163 thru 164- 4000 square feet

Lots 70 thru 72- 5000 square feet
Lots 105 thru 129- 5000 square feet
Lots 155 thru 156- 5000 square feet
Lots 77 thru 98- 6000 square feet

The Design Guidelines shall reflect a preference for smaller homes consistent with (a) "best practices" in sustainable design and development to address the materials and energy impacts of larger homes and (b) the historic pattern of residential development in Old Town

- Proposing a new housing option for sustainable, energy efficient, small lot, high density single family detached attainable units. This will require some minor changes to the Design Guidelines to incorporate the new small lot Single Family Detached product. All other requirements will remain the same.

57. The Park City Heights Design Guidelines shall be approved by the Planning Commission prior to the submittal of the Development Agreement to the Planning Commission and before any activity or permits can be pulled for the MPD. No pre-development work, including grading, clearing, etc. can occur prior to approval of the Design Guidelines by the Planning Commission. - No Change
58. The Park City Heights Design Guidelines are an integral component of the Park City Heights MPD and substantive amendments to the Design Guidelines require Planning Commission approval. Minor amendments shall be reviewed by the Planning Director for consideration and approval. - No Change
59. Adequate snow storage easements, as determined in consultation with the Park City Public Works, will be granted to accommodate for the on-site storage of snow. Snow storage shall not block internal pedestrian sidewalks and circulation trails. Removal of snow from the Park City Heights MPD is discouraged with the final decision to haul snow from this area to be made by the City's Public Works Director.
- New lot configuration and street layout provides snow storage areas and space for utility corridors. This was an area of concern on the approved plan with the City Engineer and Public Works. Proposed to increase the R.O.W. on some of the roads for snow and utilities to be placed.
60. To further encourage non-vehicular transportation, trail maps will be posted in the clubhouse for the benefit of future residents. There will also be a ride-share board located within the clubhouse that residents may utilize in order to plan carpooling which will further limit trips from the development. The dial-a-ride phone number shall be posted at the ride-share board. The HOA shall post information and consider a bike-share program. - No Change
61. The Park City Heights Design Guidelines and CCRs shall include information related to the history of the site and Quinn's Junction region. - No Change
62. All transportation mitigation elements, as required by the Park City Heights Annexation Agreement (July 2, 2010) continue to apply to this MPD. The Applicants, as required by the Annexation Agreement, shall complete, with the first Phase (first 90 UEs) of the MPD (as described in the Annexation Agreement), the SR 248/Richardson Flat intersection improvements with all required deceleration and acceleration lanes; and shall include the required infrastructure (fiber optic, control boxes, computer links, etc.) to synchronize this traffic signal with the UDOT coordinated signal system on SR 248, within the Park City limits at the time of this MPD. At the time the traffic signal is installed, the Applicants shall request in writing that UDOT fully synchronize signals along SR 248, with supporting data as applicable. Required improvements to Richardson Flat Road, including 5' wide bike lanes, as stated in the Annexation Agreement, shall be complete with the first Phase (first 90 UEs) of the MPD. The cost sharing methodology between the Applicants and any assigns, for these mitigation elements, shall be detailed in the Park City Heights Development Agreement. The Applicant shall provide an annual assessment of traffic counts and bus needs generated by the MPD for five (5) consecutive years following issuance of the first certificate of occupancy. The applicants shall participate with the City to conduct an annual assessment, which shall include peak period counts of both summer and winter traffic in the vicinity of the SR 248/Richardson Flat Road intersection, and submit such to UDOT. This information shall be coordinated with best available UDOT data and analysis. This assessment shall be incorporated into ongoing Park City Transportation Master Plan and the Park City Transit planning efforts with UDOT. This information shall be presented annually to the Planning Commission in conjunction with an update of the City Transportation Master Plan. - No Change

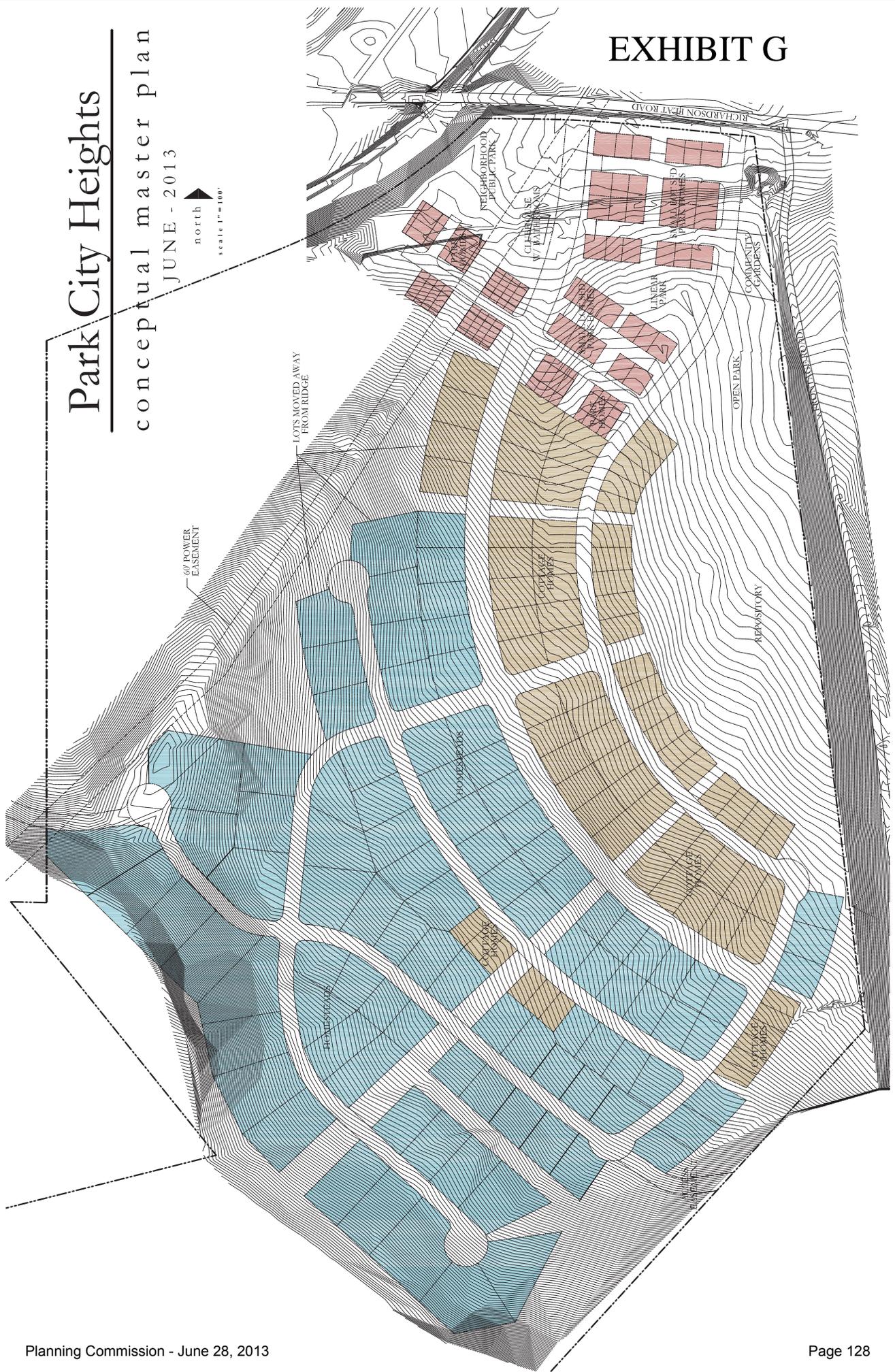
Park City Heights

conceptual master plan

JUNE - 2013



EXHIBIT G



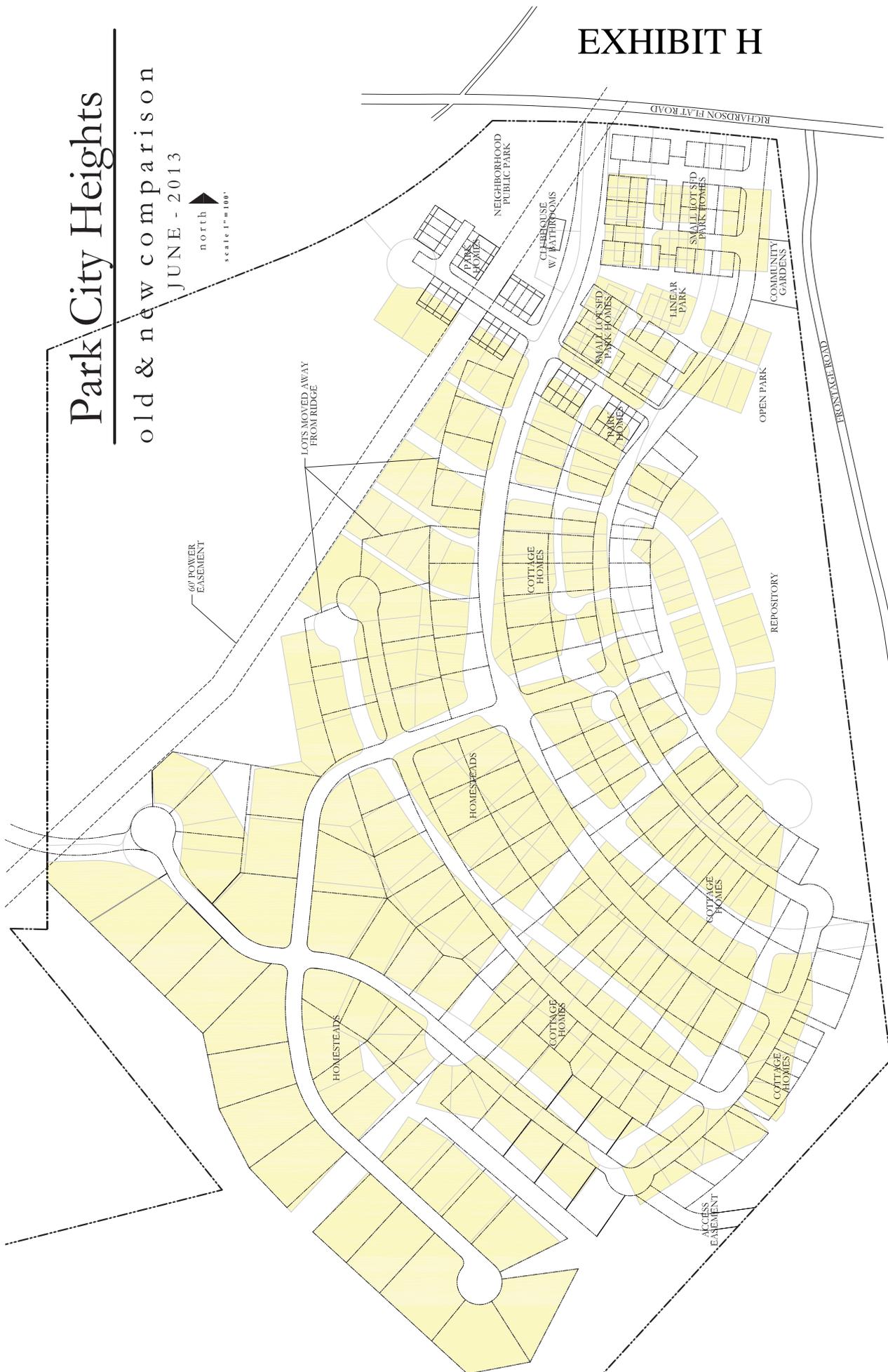
Park City Heights

old & new comparison

JUNE - 2013



EXHIBIT H

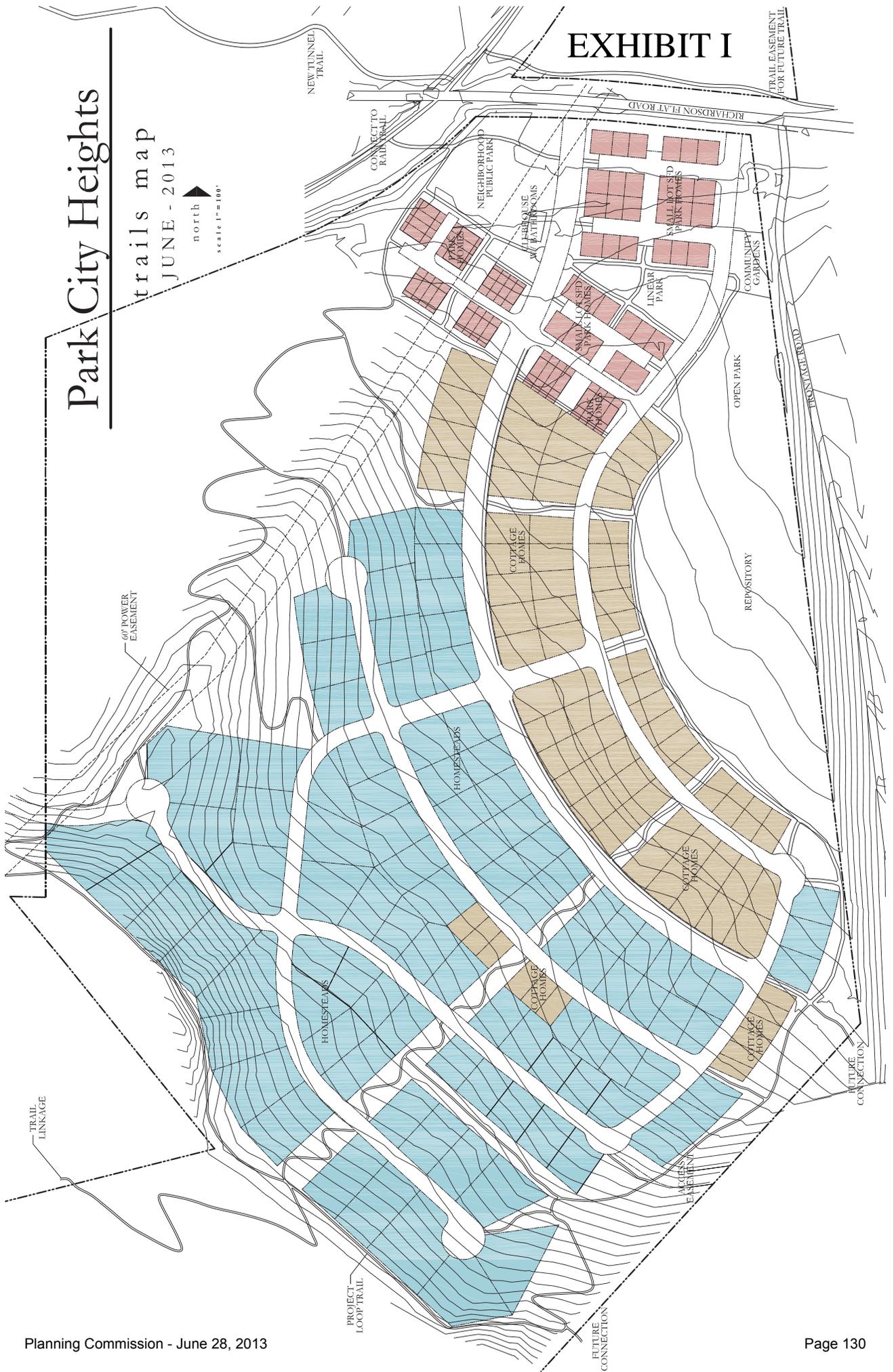


Park City Heights

trails map
JUNE - 2013



EXHIBIT I



**CITY COUNCIL/ PLANNING COMMISSION
JOINT WORK SESSION
BONANZA PARK AREA PLAN
JUNE 12, 2013**

City Council Members: Dana Williams, Cindy Matsumoto, Alex Butwinski, Dick Peek, Liza Simpson, Andy Beerman

Planning Commission: Nann Worel, Brooke Hontz, Jack Thomas, Stewart Gross, Adam Strachan

Ex Officio: Thomas Eddington, Mark Harrington, Polly Samuels McLean, Francisco Astorga, Katie Cattan, Craig Sanchez, Scott Polikov, Sid Ostergaard.

Craig Sanchez facilitated the meeting and opened the work session at 3:00 p.m.

Director Eddington remarked that the purpose of this meeting was to look back at the draft Bonanza Park Plan and to look at the incentives for height and the goal for the vision for Bonanza Park. The Staff first approached the City Council in June 2010 with the idea of considering a Bonanza Park Plan and looking at opportunities for Form Based Code. Director Eddington commented on how much has happened in the three years since the idea was presented. A vision was established for Bonanza Park and the Staff created a plan. They are now at the point of incorporating Form Based Code and looking at new options to create a neo-urbanist environment with walkable streets, connectivity and parks.

Director Eddington stated that as the Staff looks at the plan internally, regardless of Rocky Mountain Power, they still intend to do what is right for the area and to create place and opportunities for affordable housing, attainable housing, work/live, work/art spaces, and a neighborhood that Park City children can return to and afford to live in after college. Director Eddington believed Bonanza Park is the one area in town where they have the opportunity to pro-actively plan and effectuate the most change for the next 20-50 years. This opportunity to utilize redevelopment planning and Form Based Code was significant.

Director Eddington pointed to previous discussions over the years regarding the desired “gets” from this area. At that time some of the “gives” were height and funding. The City Council and the Planning Commission were very clear that doing nothing was not an option. They all wanted to be proactive and plan for this.

Planner Katie Cattan stated that the current zoning limits height to 35'. The Bonanza Park Area Plan talks about giving height for certain things. The matrix shown was taken from the survey that was done in June 2010. The survey showed that in order to consider additional stories, there needed to be adopted neighborhood design guidelines. Planner Cattan pointed out that Form Based Code guides future forms and how would relate to the street. Form Based Code also addresses materials and articulation.

Planner Cattan noted that another desired result was to decrease the carbon footprint for the project. Therefore, the Staff had included a net zero incentive, which aligned with where they are as a community in terms of the goals for decreasing the carbon footprint. Allowing additional building area within the buildings was the extra incentive that was added to help eliminate some of the additional cost for getting to net zero carbon.

Planner Cattan remarked that another incentive for height is if it results in a smaller building footprint with less site disturbance and more open space on site.

Planner Cattan presented a computerized model that the Planning Commission had requested to show the height variations.

Scott Polikov, with Gateway Planning, stated that it is always interesting to watch communities go through the discussion of shifting from a more regulatory driven process to one that is Form Based. He noted that Form Based is more of a partnership approach that marries the private side market dynamic and the public side prescription, much more than normal zoning. After the last meeting with the Planning Commission he gave more thought to why they would want to allow height in certain circumstances. The answer is because in conventional zoning they were primarily looking at regulatory use, how a use functions, and aesthetics for that site. Economics is almost never considered except for that particular project. No thought is given as to whether it works for the grocer or the multi-family developer. Mr. Polikov explained that Form Based Code aligns the economics of multiple owners and the public sector into one economic model for the neighborhood. He pointed out that the historic core of Park City and Main Street works because the single owner does not just worry about his economics. Multiple owners come together to leverage a better outcome and to sustain that outcome over time. Mr. Polikov requested that they have a height discussion in that context. He stated that the notion of just applying the single aesthetic or a single regulation diminishes the power of the individual sites and the character zones to actually function together through variety to create a better synergistic outcome. Allowing for variety is very important because variety drives more value. He remarked that Bonanza Park is not moving forward today in terms of significant investment because the current regulatory system does not encourage variety.

Sid Ostergaard, with Gateway Planning, reviewed the model and noted that specific colors represented the number of stories in the building height. Mr. Polikov noted that the building heights track the character zones. Planner Cattan clarified that a six story building was shown as a gauge within the model. A six story building was not part of the previous character zone discussion. Mr. Polikov explained that the model was a theoretical build out model. It was one version of what redevelopment could look like in terms of scale within the different character zones.

Mayor Williams asked if the purple color representing six stories in Iron Horse and Fireside is a potential area to gain more height in those projects; or if it was assigned a color that was not indicative of the rest of the project. Planner Cattan stated that the Staff talked about the fact that there is a hillside behind it and in the future if they were to redevelop, the City could incentivize more deed-restricted affordable housing by potentially creating a fifth story. Mayor Williams understood that the model pre-supposed relocating the power substation. Planner Cattan replied that it was based on that assumption. Mr. Polikov clarified that the specific plan assumed relocation of the substation, but the policy discussion would be applicable whether or not the substation moves.

Planner Cattan did a walk-through of the model from the standpoint of a 5'7" person walking down Munchkin Drive. Mr. Ostergaard did a fly-through of Munchkin as proposed in the Plan to give a sense of the streetscape. Mr. Polikov stated that the model shows the build-out of the scale but with a variety of different heights from character zone to character zone. He noted that it was less about

the buildings and more about the public spaces in the buildings. Another challenge of stopping at three stories is the lack of flexibility to frame the public spaces in a way that gives the feeling of arrival. In some cases, additional height can help frame the public spaces a little better, depending on the goal.

Commissioner Thomas suggested that they do sun/shade studies on the model to see the impacts. Mr. Ostergaard noted that the model could be set to turn sun on and off, but he was unsure how well it would help at this point. Commissioner Thomas thought it would be valuable to see some sun/shade impacts for the winter solstice, the equinox, and summer. He would like to see the plan with some hypothetical buildings and the impacts of the shadows on adjacent parks.

Mayor Williams understood that the model was intended to show what diversity of size can do in terms of what it accomplishes in the area; and not what is specifically planned for certain areas. He was told that this was correct. Mr. Polikov remarked that it is generally what could occur from character zone to character zone. Therefore, it is aligned to some extent with the current draft proposed character zone map which has different standards. Planner Cattan explained that the picture shown was based on the current regulating plan with the assumption of moving the power station. Mayor Williams was concerned about putting the cart before the horse when the decision on the substation has not yet been made. He thought the green space was very important because they would be trading setbacks for grass berms, etc., to get the bigger, collective green space. However, the spaces could change depending on whether or not the substation moves.

Mayor Williams liked the idea of filtering down the walkways and pedestrian areas, but he understood that the trade-off was giving up 60% open space and the setbacks. He noted that in a typical MPD credit is given for certain items above and beyond what is required, but credit is not given for walkways because it is required. Mayor Williams was confused about what would get traded for additional density or height. Mr. Sanchez believed the Mayor's question would be addressed later in the agenda. Planner Cattan stated that overall there would be a master plan for the neighborhood that would be linked. The regulating plan may change but the policy they set this evening would influence the "gives" and "gets". She remarked that during previous joint meetings, the true desire was to make this area a connected neighborhood, which is one reason why they went with the scenario presented instead of the typical MPD.

Council Member Beerman asked if the plan assumed all underground parking or structured parking. Director Eddington replied that some of the structures would have parking in the back of the building. There could also be below ground or above ground parking structures. Another opportunity would be to consider a shared public parking facility. Council Member Beerman wanted to know what Form Based Code requires. Mr. Polikov replied that the location for the parking is regulated so the essential pedestrian experience is maintained. However, in terms of public policy, if there is not an early public investment or shared investment for significant structured shared parking, they would probably not see the build-out at this level. There would most likely be a series of surface parking, but Form Based Code would put those parking lots to the side and setback and behind as opposed to what currently exists.

In response to Mayor Williams, Mr. Polikov stated that one of the trade-offs would be to purchase

rights-of-way to put in the new street network. One opportunity for the “gives/gets” is to ask for a donation, which is a real value in exchange for more height, which then creates better build-to lines and also acts to create a better street experience.

Council Member Simpson stated that what she read in the Staff report did not discuss purchasing rights-of-way as much as taking them as donations, with the City being responsible for the improvements. Mr. Polikov clarified that he was not encouraging the purchase of right-of-way, but the City would have to purchase it if the developer was not willing to donate it. He did not believe they could reinvent the street network of Bonanza Park in a meaningful way without a partnership through donations.

Commissioner Worel asked about view corridors and whether they would be regulated within the individual character zones. Mr. Polikov stated that they looked at view corridors from the neighborhood scale and character zone scale. If they did it from the block or building scale, everyone from each location would request a view corridor and there would never be a context in which to develop. He noted that the analysis was a little different from the normal view corridor analysis. Mr. Polikov remarked that they need to decide the primary goals for this location, and recognize that they cannot satisfy every goal.

Director Eddington stated that when the roads connected all the way through they created a number of view corridors down those roads where there is no connectivity currently. Mr. Polikov pointed out that they tried to align those view corridors and those streets and the street network along property lines instead of through parcels, and that is critical for many reasons. It creates development opportunities for existing ownership and it encourages more donation than acquisition.

Mr. Sanchez asked the group to comment on the first part of the presentation. C Peek commented on the tiers of gives and gets. In Tier 1 he believed everyone would get the zero setback as the first give to get the right-of-way. He understood that in order to get zero setbacks and additional density the developer would have to give up the right-of-way. Mr. Polikov stated that if the City wants great streets they would want a build-to line rather than a setback line. The “get” for the City is great walkable streets and a great neighborhood. They cannot technically relate every element of every give and get because some of it has to be general policy.

Council Member Peek thought the incentive in Tier 1 was forcing people to grant the right-of-way. Planner Cattan agreed, noting that it was put in Tier 1 to ensure that the connectivity occurs and the neighborhood builds out in the desired form. The developer cannot go to Tier 2 without dedicating the desired right-of-way to the City. Planner Cattan clarified that not everyone would utilize the incentive because they were not asking for right-of-way from every property owner.

Planner Cattan stated that within affordable housing the tool they have for Bonanza Park is height and how it fits within the building form. In the Staff report, Option 1 was listed as the current LMC, which requires affordable housing to be within the building envelope. Option 2 is the area plan enhances option, which is either the attainable housing option or affordable housing within 75% of the fourth story or 25% of the fifth story. They also put in a hybrid option of requiring the affordable

housing within the building envelope, but then allowing a developer to build attainable housing within the fourth and fifth story.

Council Member Matsumoto was concerned that if they continue to “give” additional stories for everything they would eventually lose the variety that is so important. She questioned how they would know when they were giving too many options. Planner Cattan stated that they could draw up the Code differently in terms of how they require a block to be broken out and require differentiation in height. Mr. Polikov stated that it was a constitutional challenge because they need to be careful about being arbitrary and capricious in how they go to the micro-level of what they grant. He believed there was a natural way for the variety to be imbedded if they agree on the overall policy. Parking is a limiting factor and there are many businesses in Bonanza Park that are cash flowing very well today. Mr. Polikov thought they would see new two and three story buildings and the existing two story buildings stay there for a long time. The forces of the different cost of building parking and buying land would naturally create the variety, and it will be dependent on each project and each user.

Mayor Williams clarified that for this question they were being asked whether they wanted to stay with the current LMC, or if they were willing to look at a hybrid option that mandates the current LMC but also has potential additional height or associated attainable housing. Planner Cattan answered yes.

Council Member Butwinski clarified that the attainable housing would not be confined to the fourth or fifth floor and that it could be anywhere in the building. Director Eddington replied that this was correct.

The Commissioners and Council Members voted with their key pads. The result was:

- 1) Current LMC – 18%
- 2) The Area Plan enhanced option – 9%
- 3) Area Plan Hybrid option – 73%

Planner Cattan noted that TDRs are desirable and Bonanza Park was currently a receiving area. The only place to put a TDR would be within additional height. She noted that the Form Based Code as written is that a TDR could be received within Tier 3, which is 100% of the fourth story and 100% of the fifth story. That option was created because they thought they would max out on the 75% of the fourth story and 25% of the fifth story as right-of-way dedications and park dedications, and they wanted to make sure there was an option to receive TDRs.

Commissioner Strachan recalled an earlier comment by Mr. Polikov that he doubted full build-out would ever be reached. Commissioner Strachan pointed out that Tier 3 assumes full build-out plus. Planner Cattan stated that Tier 3 assumes full build-out of Tier 1 and 2, which is open space and right-of-way and affordable housing. Commissioner Strachan did not think that would naturally happen. Director Eddington stated that it would probably not happen in most but this question assumed the worst case scenario for TDRs. Mr. Polikov felt they should assume build-out for the purposes of these questions to make sure there are no unintended consequences. Commissioner Strachan stated that he would assume full build-out for all purposes and the worst case scenario.

Planner Cattan noted that the TDR would come from the historic sending zones in Old Town or from Treasure Hill.

Mayor Williams asked if voting for option two to send more TDRs would determine the percentage of buildings that would be in the five story range. He asked if the result would shape the model or if it fills in parts of the model. Planner Cattan thought it would add to the variety. Mr. Polikov stated that it all comes down to parking. There would never be full build-out in the area unless there is public participation and structured parking. He suggested that the Council and the Planning Commission take each one as a separate policy item and decide whether or not it makes sense. They could come back with a calibrate analysis of how it works together economically.

Council Member Butwinski assumed there was a base density for the whole area in terms of square footage. He understood that if they vote for option two, they would be effectively agreeing to potentially add additional density, which could possibly result in an unintended consequence.

Council Member Peek stated that if there is a demand for Tier 3 and it is all 50% under parked based on the incentives, if the demand is there where is the supply of parking. Planner Cattan pointed out that the building would have to be smaller because it could not be 50% under parked. Mr. Polikov noted that the regulatory requirement may drop, but when the developer tries to finance the project the banker will not underwrite it if they are short parking spaces. For that reason, the developer will find the additional spaces. Mr. Polikov was certain that they would never be able to provide enough parking on 100 acres in this location based on the cost of dirt today, because the private sector cannot pay for all that parking and make a five story building work.

City Manager, Diane Foster, noted that when Mr. Polikov mentioned price of dirt he was not talking about hazardous soils, which is another issue.

Commissioner Strachan asked if every character zone would be a receiving zone. Planner Cattan replied that as of right now the Bonanza Park District is a receiving zone.

The Council Members and Commissioners voted with their key pads and the result was:

Option 1) 64% Option 2) 36%

The group discussed sending and receiving a TDR. Planner Cattan stated that currently there is a requirement in the TDR zoning that receiving a TDR requires an MPD process. She suggested that they change the requirement and allow it within the Form Based Code because they were moving away from the MPD in this area. Director Eddington noted that on the private side someone would never buy a TDR without having an approved MPD because they would not have the certainty of being able to use it. Council Member Butwinski noted that an MPD goes through the Planning Commission. He asked if that same control would exist with Form Based Code. Director Eddington stated that if the TDR would not meet Code it would be denied.

City Attorney Harrington clarified that as envisioned through the Code, once they approve the Form

Based pre-approved plan, there would not be an additional approval after that. Council Member Butwinski pointed out that someone could buy as many TDRs as they could afford.

Planner Cattan requested discussion on the two options since the vote was split at 64% to 36%. The group would re-vote after the discussion.

Mayor Williams understood that the Form based Code would set the decided form. As time moves on, someone could send TDRs to the Bonanza District if there was still room available in terms of the use of the forms in that area. It would not change the building because it only fills the space with a TDR, but the space would already be determined. Mr. Polikov stated that the City needs to create the envelope and it may be able to grow a little based on the question of TDRs, but if they try to micro-manage the application within the envelope and they do not know how to assign the difference between one application that makes sense and one that does not, that is too much prescription.

Ms. Foster understood that the envelope is for the character zone and not the streetscape. It would not determine the number of stories for specific buildings. Mr. Polikov replied that she was correct; however, different factors would cause the number of stories for each building within the maximum theoretical build-out. The factors include parking, the market, the streetscape and give/gets.

Mayor Williams pointed out that Park City has a history of a strong market-driven economy. He wanted to know what would preclude this from becoming a straight five story project if they move away from the LMC option. Mr. Polikov replied that the architectural treatments of the fourth and fifth story would all be different. The heights would still be varied because of the setback requirements at the fourth and fifth story. Mr. Polikov stated that building height would not insure variety whether its three stories or five stories. The other elements create the variety.

Mr. Polikov had the feeling that the Commissioners and Council Members were opposed to anything taller than three stories. Mayor Williams clarified that they were not opposed, but they were being asked to look outside of the box from a historic zoning that precludes more than three stories and they wanted to understand what would preclude a solid five story project.

Mayor Williams asked for an explanation of Option 1 and Option 2. Planner Cattan stated that Option 1 allows TDRs to come in within Tier 1 and Tier 2, which limits the envelope of the building to be 100% of the first three stories; 75% of the fourth story and 25% of the fifth story. The TDR area could essentially take up the fourth and fifth story. Option 2 creates a separate tier for TDRs and net zero buildings to allow 100% of the fourth story and 100% of the fifth story.

Council Member Beerman asked if there was a middle option of 50% rather than 100%. That would allow for variety but still add incentives or opportunities for TDRs. Mr. Sanchez pointed out that it was not an option set up for voting, but if the group was interested, they could vote by show of hands.

Commissioner Thomas stated that in looking at the two scenarios, the question is which option provides the largest mass. Both allow TDRs but Option 2 creates a larger holistic mass. Mr. Polikov

noted that the hybrid option suggested by Council Member Beerman would allow more sending capacity than Option 1 but there would still be fourth and fifth story requirements for setbacks. If the group preferred that option, he could come back with a recommendation.

The Council members and Commissioners were asked to vote on Options 1 or 2. Not voting at all would indicate a preference for the hybrid option.

The voting results were: Option 1 – 5 votes; Hybrid option – 7 votes.

Planner Cattan noted that net zero buildings have the same options, except no money is involved. The group was asked to vote on Option 1 -Tiers 1 and 2; or Option 2 - Tier 3.

Commissioner Peek clarified that net zero was not construction impacts. It was only the way the building is operated. Mr. Foster stated that the building would physically produce as much energy as it uses. Planner Cattan stated that if they were serious about decreasing the footprint, it may require enhancements to help the developer get there.

Mayor Williams remarked that Snow Creek is the best example of where they did everything possible to achieve net zero, but they still could not do it. He was concerned about putting something so onerous on the developer to try to achieve it. It again results in more height when it is unclear whether net zero is even possible. Council member Peek pointed out that they would be incentivizing the developer but the onus would be on the property manager and the users to make it work.

Ms. Foster thought that it was a policy question of whether or not the City wanted to incentivize the carbon goals with additional density that takes the form of height. Implementation is a separate issue and the Staff would write the Implementation Code with the requirements of what needs to be achieved. Ms. Foster remarked that net zero is doable in a building and she agreed that the cost burden would be on the developer. The question comes down to what is most important; trying to achieve a net zero building or keeping development costs low.

Mayor Williams asked for clarification on the options for the question they were being asked to vote on. Planner Cattan explained that Option 1 would favor incentives in Tier 1 or Tier 2 within the Form Based Code, which limits the percentage on the fourth and fifth story. Option 2 would allow Tier 3, which is 100% of the fourth and fifth story. Planner Cattan stated that those who prefer the hybrid should not vote. The hybrid would possibly allow 100% of the fourth story and 50% of the fifth story.

Ms. Foster suggested a third option which would not provide an incentive for net zero. Commissioner Strachan remarked that some may not want to provide an incentive for height, but they would consider other incentives that may be available to the developer such as straight cash grants, tax breaks, etc. Commissioner Strachan believed the particular question they were being asked was whether they should use the carrot of height as an incentive to achieve net zero.

Director Eddington stated that not voting would indicate the preference for no additional height for net zero. It would not indicate a preference for the hybrid as previously stated.

The Council members and Commissioners were asked to vote on the question and only two people voted. The majority preferred not to use height as an incentive for net zero.

Planner Cattan presented the regulating plan and noted that it may change. The idea was to accumulate open space throughout the neighborhood. The group was asked to choose the tool that was appropriate for acquiring open space in Bonanza Park. Per the current Code the developer would get one square foot of development for each square foot of dedicated open space. The other tool is to purchase public open space from land owners.

Planner Cattan asked the group to vote on whether they felt it was more appropriate to use height or to fund parks. She clarified that the question only addressed the dedication of public open space.

Council Member Butwinski asked if they were voting on the specifics of one for one, or if they were voting on using the tool of some square footage of open space being purchased for another potentially different square footage of building square footage. Director Eddington thought they should first vote on the concept of height versus funding.

The Council and Commissioners voted and the result was:

1) height – 5 votes; 2) funding – 6 votes

The Council and Commissioners were asked vote on a combination of height and funding. 9 people voted in favor of a combined incentive.

Planner Cattan presented a map of the roads in Bonanza Park. The existing roads were shown in darker colors; the rights-of-way were shown in beige or light blue; the trails were identified in green. Planner Cattan noted that the map represented a 50 year build-out.

Planner Cattan stated that the next question related to acquiring right-of-way. It was a policy question of whether for each square foot of dedicated ROW they allow it to move on to a building at some ratio; or whether they preferred to acquire ROW. She pointed out that the two voting choices were height or funding.

Mr. Polikov noted that some acquisition would still be required for some segments because they would never get 100% from dedication. Council Member Matsumoto clarified that voting for height would also mean funding. Mr. Polikov answered yes.

Council Member Peek asked if the height is already on the parcel if an acquired right-of-way goes through that particular parcel. Mr. Polikov replied that it was not a general increase for anyone in that area. Council Member Peek asked if it was owner specific rather than parcel specific. Mr. Polikov needed to work with the City Attorney to define it as closely as possible to being parcel specific. In his personal opinion, it should be parcel specific so the City would have the ability to sell it. Director Eddington agreed that it should be parcel specific.

Council Member Simpson asked why the questions had not been character zone specific. Based on

the Form Based Code, there may be areas where they think four and five stories would be appropriate. However, if the character zone was a maximum of three-stories, would look to the funding option. Council Member Simpson thought the answer would always be hybrid for several of the questions because the other options were not holding to the basis of Form Based Code.

Mr. Polikov assumed that they would go back to the question of treating each character zone differently. However, a general policy needs to be in place before they can answer the global question. Mayor Williams noted that when a new road comes in it would give street frontage to the developer. He questioned why the City would purchase the right-of-way instead of having it come in as part of the design. He could not understand why they would give height, extra density or money when the road increases the property value and benefits the developer.

Commissioner Hontz could not recall ever approving this scenario. She understood that there was a Plan that had been vetted and they had discussed placement of the roads, but she was not comfortable with the proposed scenario. Commissioner Hontz asked if they would ever have the conversation or whether they would continue to see the same road map and what would be put forth as the right-of-way.

Planner Cattan pointed out that what was being presented was only a draft. Commissioner Hontz understood it was a draft but she wanted to know when they would have the conversation. Mr. Polikov stated that the draft Code and the Regulating Plan would be finalized after they finish making the policy decisions on basic issues. He noted that if basic policy parameters are not set, the draft tends to be re-written several times. Mr. Polikov emphasized that they never intended this to be the final Regulating Plan. Planner Cattan pointed out that the Plan had changed since the last meeting based on their input. It is in draft form and it would come back to the Planning Commission once the Staff goes through the Regulating Plan. The Regulating Plan would be adopted with the Form Based Code that would reflect the desired outcome of the Planning Commission.

Mr. Polikov responded to the questions asked by the Mayor and Commissioner Hontz regarding the benefit to the property owner. He explained that in a re-development environment a certain amount of network has to be constructed and put in place for it to be functional. If it is left to the give/gets of each property owner, the network would never get done. The question is whether re-development of Bonanza Park is a common good. If it is, at some point the public sector has to step up and facilitate a certain early capacity of a minimum amount of the network for it to ever be feasible. Mr. Polikov pointed out that it was another policy question.

The Council and Commissioners were asked to vote on the policy question of whether to allow height in exchange for ROW or to acquire the ROW through funding. The group voted and the result was 9 votes for a hybrid option.

Mr. Polikov spoke about improving the ROW and noted that it goes back to the network. The Park City version of suburban development is to basically bring the roads in to serve the concept of a single development to where it needs to go, regardless of whether it is retail, condominium or resort development. Mr. Polikov stated that if they want property interest and businesses and tenants to leverage what is adjacent to them without controlling it, then the role of government in that

environment is to create a walkable common street network. He believed there was a way to encourage developer participation, but there would be no way to jumpstart it without a significant role of government at the beginning. Mr. Polikov outlined a number of ways that could be accomplished. He stated that if the City does not take that role, no amount of planning and rezoning would overcome the challenge of encouraging the kind of development that would be synergistic from ownership to ownership.

Council Member Beerman asked if split costs means 50/50 or some agreement where both sides pay. Mr. Polikov stated that there needs to be an overall economic analysis of what build-out would be relative to the infrastructure estimates, with some idea of how much would be donation of ROW and how much additional would have to be acquired. He thought a macro-analysis would show that proportion.

The Council and Commissioners were asked to vote their preference regarding ROW improvements. The result was: 1) City pays – 1 vote; 2) Developer pays – 0 votes; 3) Split cost between City and developer through agreement based on impact analysis – 7 votes.

Commissioner Hontz stated that she would have voted for Option 1 if the City would not have to assume the cost of acquiring the ROW. Council Member Simpson suggested that acquiring the ROW may be part of splitting the cost.

The group discussed Administrative Review. Mr. Polikov noted that some have voiced concern that some projects would never materialize. He stated that in reality, because there is so much prescribed graphical information, the level of discretion by the Staff in reviewing an application would be minimal. It should be clear early in the process whether a project fits. Mr. Polikov remarked that the question of taste was a separate issue. If something is a gray area, the Staff would encourage the applicant to go before the Planning Commission. Mr. Polikov believed there would be a natural tendency to go back to the Planning Commission on cases that are not clear.

Mr. Polikov stated that Administrative Review is important because complexity requires the ability for market forces to come together within a vision and the ability for creative partners, tenants, landowners, architects, and equity sources to come together when something is in demand. If it takes a year to go through the process when something makes sense at that moment, the opportunity may be lost. Mr. Polikov stated that the power of Form Based Code is lost if they do not allow the market forces to take hold on projects that are clearly within the purview of the standards that have been developed.

Council Member Simpson was concerned about the sentence in the Staff report stating that, "There is no public noticing requirement for administrative applications beyond posting the building permit at the time of approval". She understood the benefit of not going before the Planning Commission unless it is a punt/punt situation, but she was concerned that the public would not be noticed until the decision was made.

Mr. Polikov stated that as long as the public side, i.e. the Park City Government, can do something with the public comment. Otherwise, if they encourage public comment but it cannot be used in the

process, it becomes a disaster.

Council Member Simpson understood the process and the basis for Form Based Code, but she was uncomfortable because the City has always encouraged public comment and they have become more diligent with public notice. Mr. Polikov suggested that they could take public input as long as it is clear that the comments were purely advisory and there was no legal significance. The challenge is the burden that it puts on the Staff. Mr. Polikov stated that the policy question is the purpose of notice. The purpose of notice is impacting property rights and the public interest.

Director Eddington noted that the process could be similar to public noticing for an HDDR. They work with the individual to make sure they fully understand the decision, and inform them of their right for appeal of the HDDR with the Historic Preservation Board. Mr. Polikov remarked that the purpose of notice could be addressed in the Form Based Code process, and they could look at other options with regard to Bonanza Park to make sure the community feels like it has input into the character of the neighborhood.

Council Member Peek believed there was a difference between the public aspect of noticing and the adjacent property notice. He used a net zero building as an example to explain his point.

Commissioner Thomas remarked that Form Based Code provides predictability on the development possibilities. They do not have that predictability under the current process. Form Based Code provides structure and network that involves the community to create the criteria. It streamlines the process because the work was done early with Form Based Code to set the pattern of scale, variation and the desired amenities for the community. Commissioner Thomas stated that if they move towards Form Based Code, they need to have a mechanism to evaluate it. Mr. Polikov stated that they should assume that the ordinance would need to be tweaked over time as development plays out.

Commissioner Thomas suggested that as they move into a finite plan and have something that is more comprehensible, everyone would feel more comfortable seeing massing scenarios created with the final street plan. Mr. Polikov pointed out that they were set up to do that.

Commissioner Strachan felt this was one of the more dangerous decisions because it takes away a lot of the accountability for decisions in Bonanza Park. He pointed out that a Staffer under an employment contract, an unelected official who may or may not live in the community, would be making decisions about a multiple story building. There would be no accountability on behalf of an elected official who does understand the community. Commissioner Strachan explained that a decision could be appealed, but by that time it is too late. He recommended that the administrative review process should include an elected public official to be involved in the review and the decision of what buildings go where, how they are articulated, and when they should step back. Mr. Polikov noted that the details of the Form Based Code would not give the Staff person that discretion. Commissioner Strachan thought the City Council and the Planning Commission should be able to apply it just as easily. Mr. Polikov stated that those entities would not need to apply it because they would have already created de facto discretion by going back to the political body. He explained that the administrative review looks at compliance with the objective design details in the Form

Based Code. If not, it would go before the Planning Commission. Commissioner Strachan reiterated his opinion that the initial decision should be made by an elected official.

Mr. Polikov stated that it is not the role of government for an elected official to decide if a 20-foot setback in the plan is 20 feet back. That would be the obligation of professional Staff. Commissioner Strachan felt it was a fallacy to say that the Staff was only making objective determinations. Any time a person applies the Code, it is a subjective analysis, because the Staff has a different subjective view about when a building application comes in and whether or not it looks good. Mr. Polikov stated that once they adopt the Form Based Code and the quality of materials and scale has been decided, government is out of that decision regardless of whether it is a Staffer or an elected official. They need to make a policy decision to back away from taste and what looks good relative to the level of the bar raised on all the other elements. He clarified that Form Based Code takes government out of the business of deciding whether a metal building and a timber building should be adjacent to each other. That would be allowed in the Form Based Code and the City would find itself in an arbitrary and capricious situation if it goes back to the Planning Commission and it becomes a matter of taste. Once they get into matters of taste beyond the minimum requirements, it would be impossible to effectively enforce Form Based Code.

Commissioner Strachan concurred, but he did not believe it was the Staffer's position as an unaccountable, unelected official to make that call. Mr. Polikov reiterated that the Staff would not have the ability to make the call on the metal versus timber structures and neither would the Planning Commission as an elected body. Commissioner Strachan felt that was the problem. Mr. Polikov stated that they needed to first solve the problem at the policy level of whether or not to do Form Based Code. If they make the decision to accept Form Based Code, they cannot decide that everything needs to come back to the Planning Commission. Before deciding on whether to advocate the power of Form Based Code, they need to decide whether or not they want to follow what the Form Based Code suggests.

Planner Cattan noted that there are suggested materials within the Form Based Code. For example, metal is not suggested for the character zones except within the Iron Horse District. She pointed out that they could build up qualifiers to protect the Staff from specific scenarios. Commissioner Strachan remarked that Bonanza Park would be the time that the City has ever employed Form Based Code. Building will be constructed and some people will question why the City allowed that to happen in Bonanza Park because it was not what they envisioned. As City officials, when they are approached for answers, it would not be appropriate to tell someone that the Staff did it. Mr. Polikov agreed and suggested that it was a policy decision they would have to make. They also need to recognize that everything comes with a risk and sometimes they may get a bad building. Commissioner Strachan felt the risk was higher in Bonanza Park because they only have two major landowners. It is more than the mistake of one bad building. It is the potential problem of having an entire area developed incorrectly because an accountable elected official was not involved.

Council Member Butwinski thought Commissioner Strachan's point leads to another point. If there is no mechanism in the process for an interim check, if someone makes an honest mistake it would not be discovered until after the fact. He could see the merit in having an elected official or a

Planning Commissioner review the application for completeness and accuracy.

Mr. Polikov suggested that they could notify the Chair of the Planning Commission when the Staff receives an application and the Chair would have to verify and sign off that the application had been reviewed by Staff. The Chair could look over the application to see if the application was reviewed correctly or if issues still needed to be addressed. The added step in the process would provide an oversight review. However, they would need to be careful not to open it up to a complete re-review of what is already entitled. Mr. Polikov pointed out that the Chief Building Official would have to be trained in Form Based Code and understand how to implement it.

Council Member Simpson favored the suggestion to have the Planning Commission Chair sign off on the administrative review.

Ms. Foster asked if the Council and Commissioners were voting on whether the administrative review should include the step for a review by the Planning Commission Chair to ensure that the Administrative Review was done in compliance with the Form Based Code. Commissioner Strachan answered no. He thought the question should be whether or not it should be an Administrative Review. The Code could be tweaked to allow the step involving the Planning Commission Chair or a Council Member. Mr. Polikov agreed.

Mr. Polikov explained the process for appeal an Administrative Review decision and the difference between a friendly appeal and an adversarial appeal.

Mr. Sanchez called for vote on whether or not to accept the Administrative Review. He pointed out that there were no hybrids for this question. The vote was taken and the result was: Yes – 64% No – 36%.

Commissioner Hontz clarified that conditional uses in Form Based Code would go before the Planning Commission regardless. She was told that this was correct.

Ms. Foster requested that just the City Council vote on the same question. The Council voted and the result was: Yes – 67% No – 33%.

The Work Session adjourned at 5:15 p.m.

**PARK CITY PLANNING COMMISSION
WORK SESSION MINUTES
JUNE 12, 2013**

PRESENT: Nann Worel, Brooke Hontz, Stewart Gross, Adam Strachan, Jack Thomas, Charlie Wintzer, Thomas Eddington, Francisco Astorga, Polly Samuels McLean

Commissioners Savage was excused.

WORK SESSION ITEMS

Chair Worel disclosed that she works with the People Health Clinic, which is one of the buildings in the original agreement plan with Intermountain Healthcare; however it would not affect her ability to discuss the requested Amendment to the MPD for the Intermountain Healthcare Hospital scheduled for work session this evening.

Commissioner Wintzer disclosed that his daughter works at the Hospital but it would not affect his ability to discuss the work session item.

900 Round Valley Drive, Intermountain Healthcare Hospital – Amendment to Master Planned Development (Application PL-13-01392)

Morgan Bush, the Operations Officer for Intermountain Healthcare Rural Regional, stated that he was also the project manager for the initial development of the hospital. Since he had worked with the City Council and the Planning Commission throughout the annexation agreement, the CT zone and the initial MPD, he was asked to work with the hospital administration to try to figure out the options the Hospital has now and to make sure they are consistent with the Annexation Agreement and the original MPD.

Mr. Bush stated that as part of the MPD process in 2007 they made a commitment that before they expanded the hospital they would bring their ideas or concepts back to the Planning Commission for input before the Hospital would make its decision on what they would recommend to Intermountain Healthcare. Mr. Bush remarked that Intermountain Healthcare was starting its budgeting process; therefore, the Hospital would have to submit a recommendation within the next few weeks. They applied for the MPD amendment process in an effort to have the conversation with the Planning Commission.

Mr. Bush reported that the Hospital Administration was considering three potential options. He would try to explain the implications with the CT zone and work with Staff and the Planning Commission to have a good understanding of what they need to do if they elect to pursue any of the three options proposed. Mr. Bush clarified that the purpose of the work session was to present the options and hear feedback on the design concepts. They were not requesting any approvals.

Mr. Bush stated that the hospital has been more successful in the first five years than originally forecast. The areas of greater growth are in surgery, the emergency department, imaging, and physical therapy, and the in-patient nursing floor. It all includes all of the physician office space in the Annexation Agreement, which includes the Hospital's attached MOB as well as the Physician Holding Building. That space is all used with the exception of one 1100 square foot shelf space in the Physician Holding Building. The Administration currently has requests from eight different

physicians asking for space on the Campus. Mr. Bush noted that this was one of the drivers that caused the Hospital Administration to relook at the phasing and propose adding additional office space and other support space to the Hospital.

Mr. Bush commented on three options being considered. Kennard Kingston, the project Architect, reviewed a site plan included in the Staff report to orient the Commissioners to the area of the proposed addition. Commissioner Hontz asked if the identified area was currently parking. Mr. Bush replied that it was the parking lot for the Physician Offices. The new building would be built in that parking lot and new parking would be built to the east.

Mr. Bush stated that Option A has two components. One is a three-story, 82,000 square foot addition that would be built next to the existing MOB. All three options include building out over the top of the existing physical therapy and filling in a shell area on top of physical therapy for a procedure center. Mr. Bush explained that there are two procedure rooms in the current OR. If they can move the minor cases into this area, they would be able to create an additional OR without having to expand the hospital without having to do the main surgery addition that was contemplated in Phase 2 of the phasing plan.

Mr. Bush remarked that the ground floor has two components, which would be a 15,000 square foot education center, along with a Live-Well Health Promotion and Wellness clinic and center. He noted that the wellness and the education center were not part of the original phasing plan. However, with health care reform and the need to move more towards health promotion, wellness and prevention of illnesses, the hospital needs to provide facilities and resources that were not envisioned as part of the original phasing plan. Therefore, the Hospital proposes to take some of the medical support density that was conditioned for future medical offices, and use it for these functions at this time.

Commissioner Strachan wanted to know what type of facility was needed for wellness. Mr. Bush replied that it is a physician clinic to allow health promotion and wellness testing, stress testing, body fat assessments, respiratory assessments, etc. Part of it would be like a physician office but oriented towards testing as opposed to treating sick people. Another part is an education component for people to take classes, and a gym where people are taught to do exercises properly.

These were the types of services envisioned as part of Live-Well. They believed the Hospital needs to be more pro-active in providing these services, particularly in this community. Commissioner Thomas asked if this would be similar to the facility in the USAA building where they test athletes. Mr. Bush replied that it was a similar concept but more for the general public. He noted that there is a small Live-Well center in the current MOB, but it is not adequate for future needs.

Mr. Bush stated that the second story of the new addition allows for an expansion of the current orthopedic clinic located in the hospital. They are interested in bringing in additional partners as their practice continues to grow. The concept also provides clinic space for some of the new physicians who have an expressed interest in locating on campus but there is currently no space.

Mr. Bush remarked that the third floor of the proposed new addition allows for the expansion of the Intermountain Medical Group Clinic as they bring on additional physicians to expand their practice, as well as to provide some additional future medical office space. The Hospital Administration area

would also be relocated from the third floor of the existing hospital over to the new space. The current Administration area would be remodeled and converted into patient beds for the hospital.

Mr. Bush stated that Option A would add 82,000 square feet of medical support. Currently, the Physician Holding building is basically 25,000 square feet and is built out. The People's Health and Summit Public Health Building is built out at 25,000. In the existing hospital, 18,000 of the total square footage is medical support. Mr. Bush pointed out that they were approved to build out up to 50,000 square feet for medical support attached to the hospital. The current proposal would take the additional 50,000 square feet of density that was originally scheduled for Lot 6 and 8 on the campus, and shift it to the hospital as part of this project. Mr. Bush understood that the density shift was the component that required an amendment to Annexation Agreement and the MPD.

Planner Astorga replied that Mr. Bush was correct. The MPD would need to be amended because the original MPD only allowed up to 50,000 square feet at the hospital site, and this proposal would add additional density at the hospital. Currently, the Hospital Administration does not foresee using all the density. Mr. Bush clarified that the Hospital would come back at some point in the future with a proposal to use that density as the hospital continues to grow. He noted that originally the initial development was proposed in three phases to reach full build-out. They still envision reaching full build-out, but they were proposing to change the phasing plan to build more of the medical support now as part of the first addition, and postpone most of the hospital addition until they actually need that space.

Planner Astorga noted that the proposal would definitely require a change to the MPD with either option. However, the Staff needed to consult with the Legal Department on whether or not it would require amending the Annexation Agreement.

Commissioner Strachan understood that they would only be changing the designation of use. The 150,000 square feet allocated as hospital space would remain the same, but a portion would be transferred and used for medical offices. Planner Astorga reviewed the breakdown of the square footage between the hospital, medical support and off-site facilities.

Mr. Bush clarified that Option A proposes to change the location of the density in the subdivision. They were not proposing a change in the total square footage. Commissioner Wintzer understood that Mr. Bush was talking about transferring density from the campus to the Hospital. He also understood that there were two remaining building pads of 25,000 square feet each. Mr. Bush replied that this was correct. He explained that Option A proposes to take that density from those two lots, move it off of the campus for this project and leave the two lots as open space.

Commissioner Gross asked Mr. Bush if Option A was the priority option. Mr. Bush stated that Option A is the most expensive option and the Hospital Administration does not know if Intermountain Healthcare is willing to fund it. They will want to know the implications of all the options. Mr. Bush noted that once an option is chosen, they would come back with a full proposal and go through the formal approval process.

Commissioner Thomas stated that from a massing point of view, the visual impact of Option A would be greater as they remove the two small pads, create the open space and make a bigger footprint on the hospital building, which will continue to grow. Mr. Kingston stated that his firm was the

architect on the original project and even though it is a 150,000 square foot building on the campus, it does not read that way. He pointed out that a new lower level steps down from the building, and the same thing would occur as it expands to the south. Mr. Kingston stated that the intent over time is to maintain the feeling that this is a rural hospital and not a large urban medical center. The idea is to make the additions work step and work with the same rules regarding building height, setbacks and offsets. He believed it was achievable.

Commissioner Hontz encouraged the Commissioner to pull out pages 133, 137 and 141 and look at the site plan and the parking plan and the size and location of the proposed addition. She stated that Option A would move the two building pads to the east location and keeps them as open space. She asked if that would occur with Options B and C. Mr. Bush stated that Option B would move the density from one of those pads, but it would leave 25,000 square feet unbuilt, and in a future phase the Hospital could build one additional building. One of the lots would be designated as open space. Option C would be building the density on the hospital campus and building the education center on one of the lots. Option C would stay closer to the original MPD in terms of the allocation of square footages.

Commissioner Hontz asked about the parking shown in each option. Mr. Bush stated that the model was adding three parking spaces per 1,000 square feet. When they originally modeled the hospital, the parking was reduced from what was originally proposed based on the concern of too much surface parking. Commissioner Hontz believed there was always surplus parking. Mr. Bush agreed that there is always parking. Therefore, they were proposing the minimum amount. Commissioner Hontz understood that Option A also included adding on to the parking garage. Mr. Bush remarked that Option A adds additional surface parking pushing out to the north. It would also have the biggest impact in terms of building on to the future location of the structured parking that is part of the MPD in Phase 2 of the phasing plan.

Commissioner Wintzer recalled that Phase 2 required structured parking and Phase 1 was to berm around the parking.

Mr. Kingston pointed out that the footprint of the building would be bigger but the perceived density of the campus would be lower with the pads as open space. He remarked that there is an upside and a downside and he believed they could manage the footprint issue. The question was whether the benefit of having a lower perceived density on campus worth the change.

Commissioner Thomas suggested that the Planning Commission visit the site to understand the visual impact. Chair Worel stated that she had walked the site and with all the berming she did not believe the parking would be visual from Highway 40.

Commissioner Strachan asked if all the parking and the expansion would be east of the Silver Quinn's Trail and that the trail would not be disturbed. Mr. Bush replied that all the construction would be contained within the existing loop road at the Hospital. It would not go into any of the open space. Mr. Bush stated that the trails and the open space are part of what makes the hospital work.

Commissioner Hontz remarked that the original project turned out better than what she expected in terms of the massing of the building, how it sits on the site and the location of the parking. However,

she believed they overdid the night lighting and it is still too much. In addition, it is not pedestrian friendly to walk down to the end of the drive stall. Wherever the parking is located, she would encourage a better way to gather people and get them to a safer point instead of walking through the drive aisle.

Commissioner Thomas noted that the Planning Commission had requested the trails diagrams on the initial drawings and he would like to see those put back in the site plan. Commissioner Strachan indicated a trail that makes it easy to bike to a doctor or hospital appointments. It is in the area of the expansion and he suggested that tying a trail from Silver Quinn's down to the hospital would be a great amenity and a good selling point.

Commissioner Hontz understood Commissioner Thomas' concern about how the massing would read on the building. However, she supported the concept of moving the density from the two pads and finding a way to make the massing read better on the building. Commissioner Thomas thought Option A appeared to be the obvious solution and he questioned whether a site visit would be necessary. Commissioner Strachan suggested that the Commissioners do their own individual site visit if they felt it would be helpful.

Commissioner Wintzer assumed the expansion would have the same or similar materials. Mr. Bush answered yes. Commissioner Hontz asked if the expansion of the facility would push it into a different type of operation that no longer classifies it as rural, which could affect individual insurance policies. Mr. Bush clarified that the expansion would not change the number of beds or add new services with the exception of the Wellness and Live-Well, which does not affect the Hospital's licensure category. There would be no change in term of the community's ability to access services at the hospital. Commissioner Hontz felt that was an important issue. Mr. Bush remarked that it is up to the individual insurance companies to decide whether or not they want to contract with the Hospital.

Mr. Bush asked if the Planning Commission had a preferred option. Commissioner Strachan believed the policy direction was that the Planning Commission would support any option that moves the density from the two building pads. Commissioner Wintzer agreed.

Commissioner Wintzer stated that Intermountain Healthcare has been a great neighbor to the community. As both a Planning Commissioner and a Board member of the People's Health Clinic, he believed this was the biggest "get" for the City. They ended up with a free clinic for People's Health and a partnership with the whole community. Commissioner Wintzer remarked that it has been very successful and he wants to make sure that it stays successful. He noted that Intermountain Healthcare gave the City everything it asked for and when the project was finished, it looked better than the rendering.

Mr. Bush requested discussion on the affordable housing element since it was a major issue with the original approval. He noted that with any of the options proposed, the affordable housing with the new square footage is still under the 45 unit total. Intermountain Healthcare provided a five acre lot and the Burbidge's put up a bond to provide the 45 units that were part of the Park City Heights development. He noted that with any of the options proposed, the affordable housing obligation with the new square footage is still under the original 45 units. Additional affordable housing would be triggered by the next expansion. Mr. Bush asked for direction on the affordable housing component

to make sure he was reading the agreements correctly.

Commissioner Strachan thought affordable housing question would be a Planning Staff and Legal Department determination. Director Eddington stated that the Staff would be working with Intermountain Healthcare on the analysis and the numbers.

Commissioner Strachan thought the affordable housing question was a Planning Staff and Legal Department determination. Director Eddington stated that the Staff would be working with Intermountain Healthcare on the analysis and numbers.

Commissioner Wintzer asked for an update on the affordable housing and asked if the project was still on hold. Director Eddington stated that the project was on hold and the City was trying to work with the developer to see if they could help move it forward. Director Eddington was unsure whether that would be this year or next year.

Director Eddington clarified that the Planning Commission was most comfortable with Option A, incorporating density into the building and preserving the two pads as open space and screening the parking. Commissioner Hontz requested that they also reduce the parking and the lighting as much as possible. Commissioner Gross requested that they keep the connectivity with the trails. The Commissioners concurred.

The Work Session was adjourned.

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
JUNE 12, 2013

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

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

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REGULAR MEETING

The Planning Commission held a joint work session with the City Council prior to their regular meeting. That discussion can be found in the Joint Work Session Minutes dated June 12, 2013.

ROLL CALL

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

ADOPTION OF MINUTES

May 22, 2013

Commissioner Hontz page 3 of the minutes, page 39 of the Staff report, fourth paragraph, and corrected "Commissioner Hontz stated that she came way..." to read, "Commissioner Hontz stated that she came **away**..."

MOTION: Commissioner Wintzer moved to APPROVE the minutes of May 22, 2013 as corrected. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously. .

Public Input

There were no comments.

STAFF/COMMISSIONER COMMUNICATIONS AND DISCLOSURES

Director Eddington reported that the Staff had planned to give the Planning Commission an update on additional public input that was received regarding the MPD amendments to the LMC. He noted that the Planning Commission had already forwarded a recommendation to the City Council

regarding the MPD amendment; however, the Planning Commission has asked the Staff to research some of the issues raised in a previous letter from Jim Telford. Planner Whetstone had gathered the requested information but she was sick and unable to attend this meeting. She would give her report for informational purposes at the next meeting.

Commissioner Winter could not recall whether the Planning Commission had recommended that there be no MPDs in Old Town or just in a particular zone. Director Eddington stated that the Planning Commission did not allow MPDs as stand alone in Old Town, but they left the current LMC provision that an MPD is allowed if bifurcated by the HRC zone and HR-2 zone.

Planner Astorga reported that Don Ripkuma was coming to Park City in July. He is from Washington DC and someone who could best explain the economics of historic preservation. Planner Astorga noted that the City applied through the Utah Heritage Foundation to have him come to Park City for three nights to give his presentation. The Staff would update the Planning Commission on the specific dates and times.

Commissioner Hontz stated that after the Planning Commission forwarded their recommendation to the City Council regarding MPDs they heard in another discussion that mandatory setbacks are not counted towards open space. She requested that it be part of the discussion when Planner Whetstone provides the informational update at the next meeting. The Planning Commission has seen a number of applications which demonstrated what 60% or 30% open space looks like when it is basically just setbacks.

Commissioner Hontz reported that City Attorney Mark Harrington had sent her the General Plan Task Force update for the Planning Commission. It occurred to her after reading the update that the Task Force was reviewing the entire General Plan document, including the portions that may or may not be moved to the appendices or another format. She thought it was important to consider that when they review the trends and detail strategies. Those two sections are intended to be support documents and they need to figure out how that support would work.

Commissioner Hontz reported that at the first meeting the Task Force reviewed the goals, principle and strategies. There were general format concerns regarding the utilization of cartoons and certain redundant illustrations. The Task Force also identified several policy questions. The first one involved TDRs and the appropriateness of the TDR program transferring density from the annexation extension area within the County into existing neighborhoods of the City, and the appropriate degree of the receiving areas as defined. The second was whether to open up the existing primary residential neighborhoods to TDRs and neighborhood commercial. The third was a policy shift towards limiting nightly rental and primary residential neighborhoods. Lastly, to what degree, if any, physically unbuildable areas of proposed development should count towards open space requirements. Commissioner Hontz noted that there were definite differences between the existing General Plan and the proposed. It is important to make sure those are acknowledged and rectified if a change is made. The Staff was trying to compile a summary of each topic covered under the existing General Plan for the Task Force to use to compare the proposed to the current.

Commissioner Wintzer reported that his group shared many of the same concerns. However, in talking about public comment that new urban is a great idea, they did not feel that was appropriate to be included because it was difficult to tell if it was a comment from one person or several.

Commissioner Wintzer stated that it is important to find a way to give validity to the quotes or else leave it out. They also thought the cartoons were strange. Another issue was to find a way to put in maps that were readable regardless of the format.

Commissioner Wintzer thanked Commissioner Strachan and City Attorney Harrington for starting the review process for the General Plan because it was helping to get a better understanding of how the General Plan is working.

Director Eddington stated that Brooks Robinson was scheduled to update the Planning Commission on the 248 project and scheduling; however, that would probably occur at the next meeting.

Commissioner Thomas noted that Katie Cattan was leaving the Planning Department. He wanted acknowledged and appreciated the work she has done over the years, particularly the effort she put into the General Plan and the Form Based Code. There would be a party in her honor on Friday.

Director Eddington and Planner Astorga would most likely continue with the work on the General Plan and BoPa.

Chair Worel disclosed that she works with the People Health Clinic, which is one of the buildings in the original agreement plan with Intermountain Healthcare; however it would not affect her ability to discuss the requested Amendment to the MPD for the Intermountain Healthcare Hospital scheduled for work session this evening.

Commissioner Wintzer disclosed that his daughter works for the Hospital; however, it would not affect his ability to discuss the work session item.

The Planning Commission adjourned the regular meeting and moved into Work Session to discuss the Amendment to the Master Planned Development for the Intermountain Healthcare Hospital at 900 Round Valley Drive. The work session discussion can be found in the Work Session Minutes dated June 12, 2013.

The Park City Planning Commission meeting adjourned at 6:40 p.m.

Approved by Planning Commission: _____

