



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM	Pg
WORK SESSION – <i>Discussion only, no action will be taken</i>	
PL-08-00392 North Silver Lake – Conditional Use Permit	5
<i>Informational update and presentation by applicant</i>	
ROLL CALL	
ADOPTION OF MINUTES FROM DECEMBER 9, 2009	
PUBLIC COMMUNICATIONS – <i>Items not scheduled on regular agenda</i>	
STAFF/BOARD COMMUNICATIONS AND DISCLOSURES	
Elect a Vice-Chair	
CONTINUATION(S) – <i>Public hearing and continue as specified</i>	
PL-09-00784 Land Management Code – Amendments to Chapter 2.3 (HR-2 District), Chapter 5, Chapter 6, Chapter 10, and Chapter 11 regarding the Master Planned Development within HR-2 District and the application and appeal process of the Historic Design Review	
<i>Public hearing and continue to January 20, 2010</i>	
PL-08-00572 16 Sampson Avenue – Steep Slope Conditional Use Permit	
<i>Public hearing and continue to a date uncertain</i>	
REGULAR AGENDA – <i>Discussion, public hearing, and possible action</i>	
PL-09-00785 1200 Little Kate Road, Racquet Club – Master Planned Development	85
<i>Discussion and continue to January 20, 2010</i>	
PL-09-00778 505 Woodside Avenue – Appeal of Staff’s Determination	97
<i>Quasi-Judicial hearing</i>	
ADJOURN	

Items listed on the Regular Meeting may have been continued from a previous meeting and may not have been published on the Legal Notice for this meeting. For further information, please call the Planning Department at (435) 615-5060.

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

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department at (435) 615-5060 24 hours prior to the meeting.

WORK SESSION

Planning Commission Staff Report

Subject: North Silver Lake Lodges
Author: Katie Cattan
Jacquelyn Mauer
Date: January 13, 2010
Type of Item: Work Session



Summary Recommendations

Staff recommends that the Planning Commission allow the applicant to present the new design amendment and give the applicant direction regarding the changes to the CUP application for the North Silver Lake Lodges.

Topic

Applicant: North Silver Lake Lodge, LLC
Location: Lot 2B Subdivision of Lot 2, North Silver Lake
Zoning: Residential Development (RD)
Adjacent Land Use: Ski resort area and residential
Reason for Review: Conditional Use Permit is required per the Deer Valley MPD

Background

On May 15, 2008, the applicant submitted a complete application for a Conditional Use Permit (CUP) to develop the North Silver Lake Subdivision Lot 2B. Planning Commission approved the CUP on July 8, 2009. On July 17, 2009, the approved CUP was appealed by a group of local residents represented by Attorneys Eric Lee and Robert Dillon.

The City Council reviewed the appeal on October 15, 2009. The City Council requested staff to review the open space calculation for accuracy. The Council also requested that the applicant return with a clearer visual analysis. On November 12, 2009 the Council voted unanimously to remand the CUP to the Planning Commission for additional consideration of three areas and directed staff to prepare Findings, Conclusions and an Order consistent with Councilmember comments and the motion. The Council adopted the findings during the November 19, 2009 meeting.

The City Council remanded the North Silver Lake CUP to the Planning Commission to:

- Address incompatibility issues relative to building three.
- Reevaluate the construction phasing and bonding
- Review the Wild Land Interface regulations that will likely further limit proposed mitigation by requiring the elimination of vegetation proposed to screen various portions of the project.

The applicant has requested a work session to discuss these three items and introduce the future changes to the plans. The applicant will focus on the comparison of the proposed modification and the previously approved design of building three.



DOUGLAS CLYDE
Mountain Resort Consulting Services, LLC

P.O. Box 561
5258 N. New Lane
Oakley, UT 84055

January 7, 2010

To: The Park City Planning Commission

Re: North Silver Lake CUP

During the work session of the December meeting of the Planning Commission we brought you some information on our approach to the redesign of building three of the North Silver Lake CUP. At that meeting we were asked by the Commission to provide more information that would directly compare our proposed modification and the previously approved building. To that end we have provided the attached package of information. We believe that this information demonstrates a significant change in the overall mass of the building.

Thanks you for your review of this information and we will look forward to your direction at the meeting of the 13th.

Sincerely,



Mountain Resort Consulting Services, LLC
Douglas Clyde its Managing Member
Phone: 435-333-8001 - Fax: 435-783-5687 - email: dclide@allwest.net



PROJECT ANALYSIS

DETACHED HOMES

- 16 HOMES
- (2) UPHILL
- (14) DOWNHILL
- 26 GARAGES

CONDO HOMES

- 38 HOMES
- (11) TOWNHOMES
- (27) FLATS
- 86 PARKING STALLS

54 TOTAL HOMES

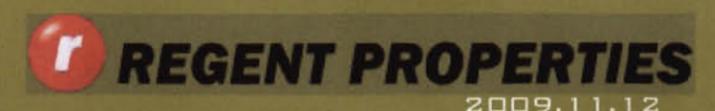
- 112 PARKING STALLS

Two accessible units to be owned and maintained by the home owners association.



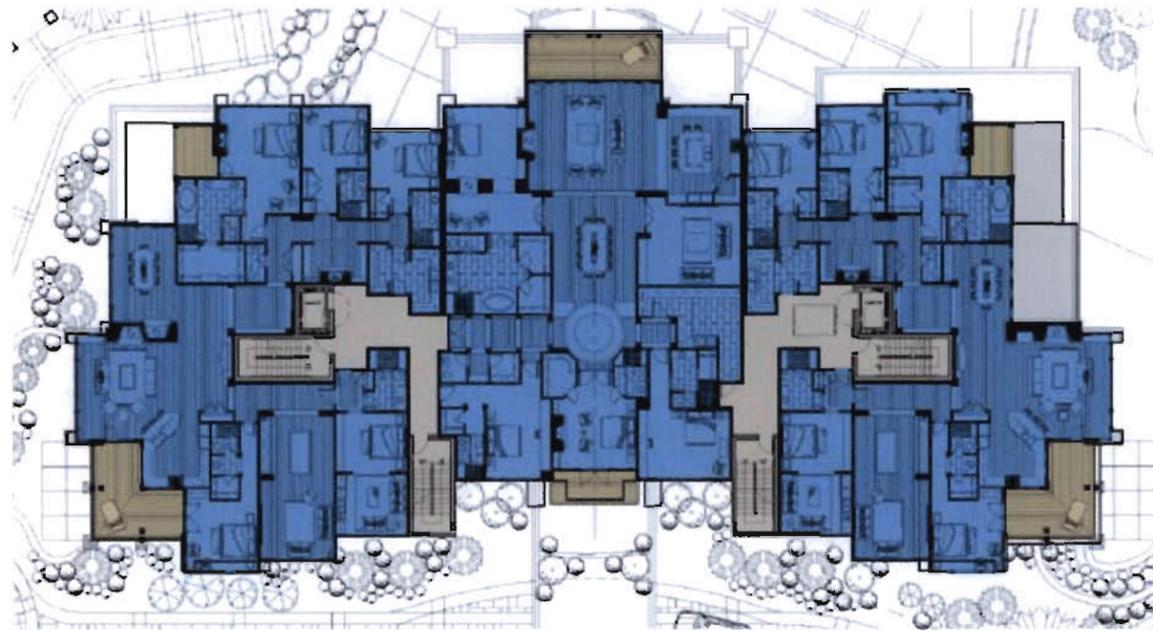
MASTER SITE PLAN

NORTH SILVER LAKE LODGE
DEER VALLEY, UTAH

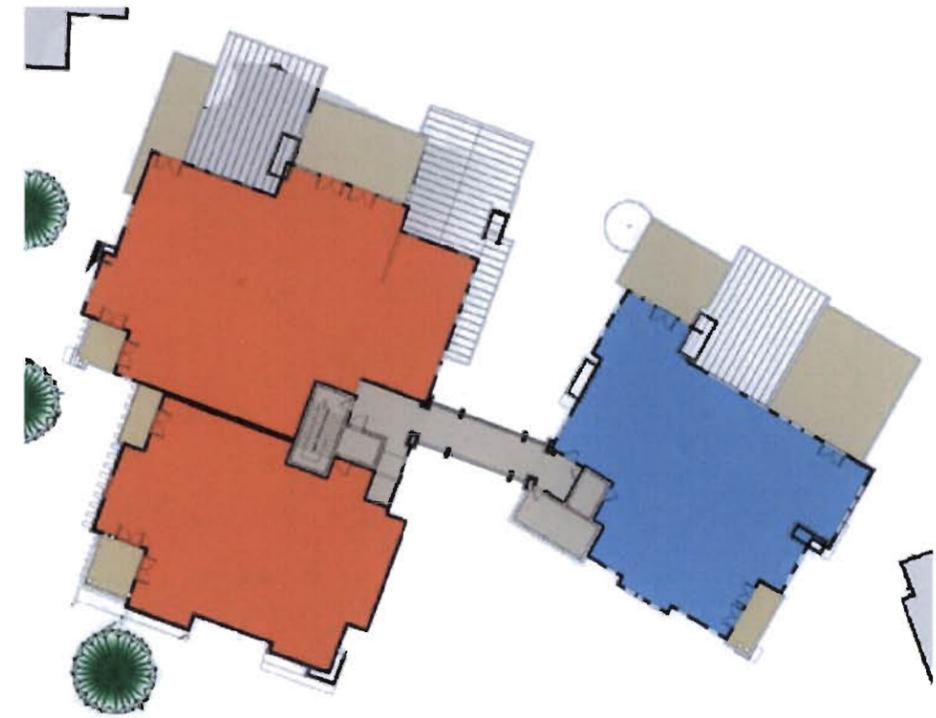


2009.11.12

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Previous Buildings Design



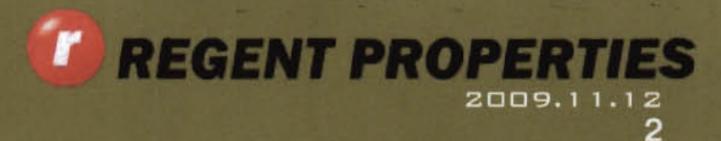
Current North Building Design

	Previous Design 7/17/2009 Square Footage	Current Design 12/21/2009 Square Footage	Percent of Change
Common Area	40,197	24,328	-39.48%
Above ground subtotal	18,859	4,106	-78.23%
Below ground subtotal	21,338	20,222	-5.23%
Sellable Area	55,355	48,599	-12.20%
Total Above grade	74,214	52,705	-28.98%
Total Building	95,552	72,927	-23.68%
Façade Height North	62.0'	43.5'	-29.84%
Façade height measured at tallest continuous façade with minimum 10' offset from next building plane			



NORTH SILVER LAKE LODGE
DEER VALLEY, UTAH

NORTH BUILDING AREA COMPARISON





LODGE ANALYSIS

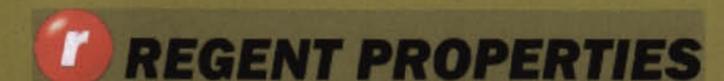
South Building	43,101 sq. ft.
East Building	21,736 sq. ft.
West Building	43,688 sq. ft.
North East Building	19,277 sq. ft.
North West Building	33,428 sq. ft.

SITE ANALYSIS

Additional Trees	
Specimen Trees	8
Landscape Trees	17-20

Additional shrubs and vegetation as per final landscape submittal.

NORTH BUILDING AREA COMPARISON



2009.11.12
3

LEGEND

-  Common Areas
-  Townhome Flats
-  Single Level

**NORTH EAST
BUILDING ROOF
BELOW**

**NORTH WEST
BUILDING ROOF
BELOW**

EAST BUILDING

SOUTH BUILDING

WEST BUILDING

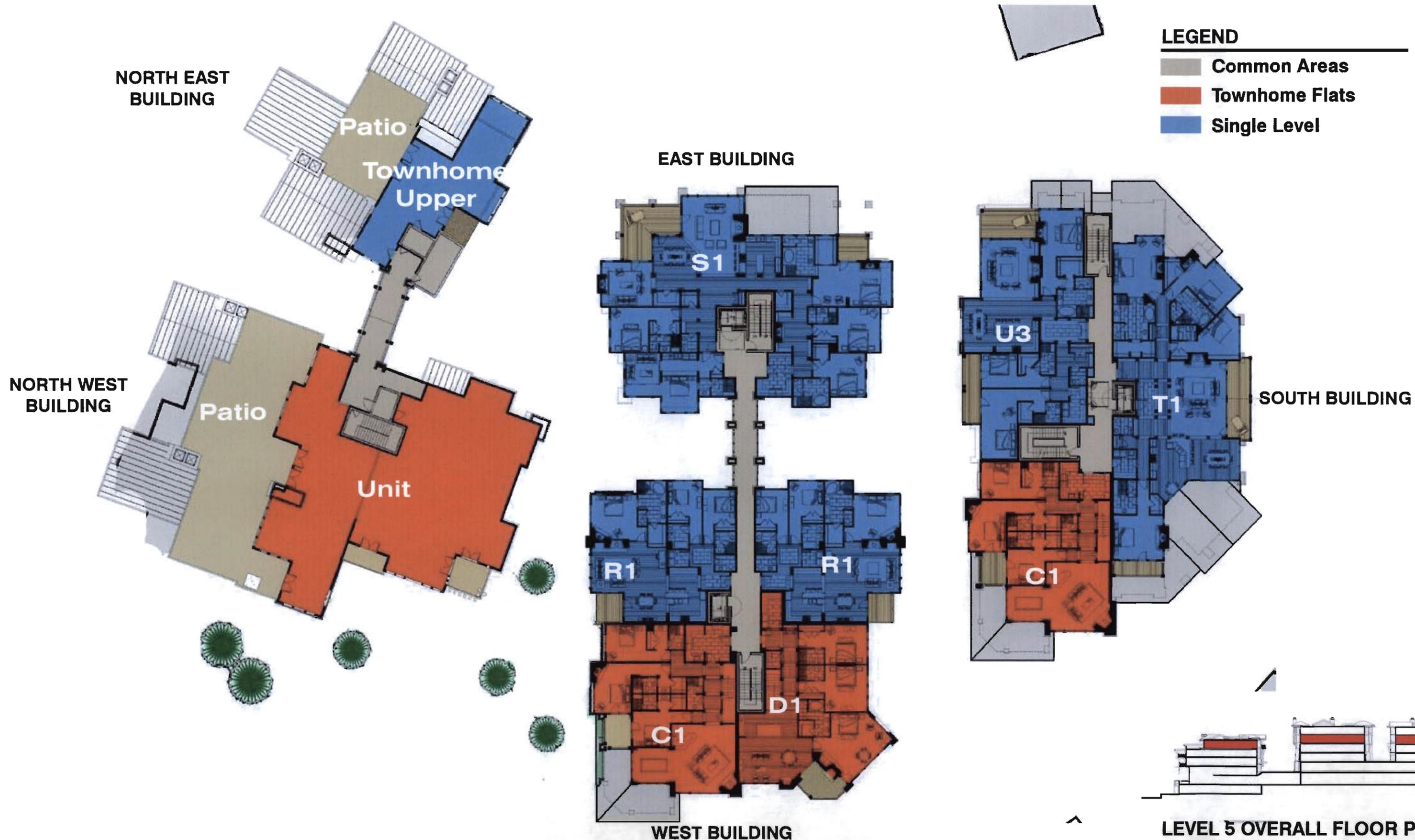
LEVEL 6 OVERALL FLOOR PLAN

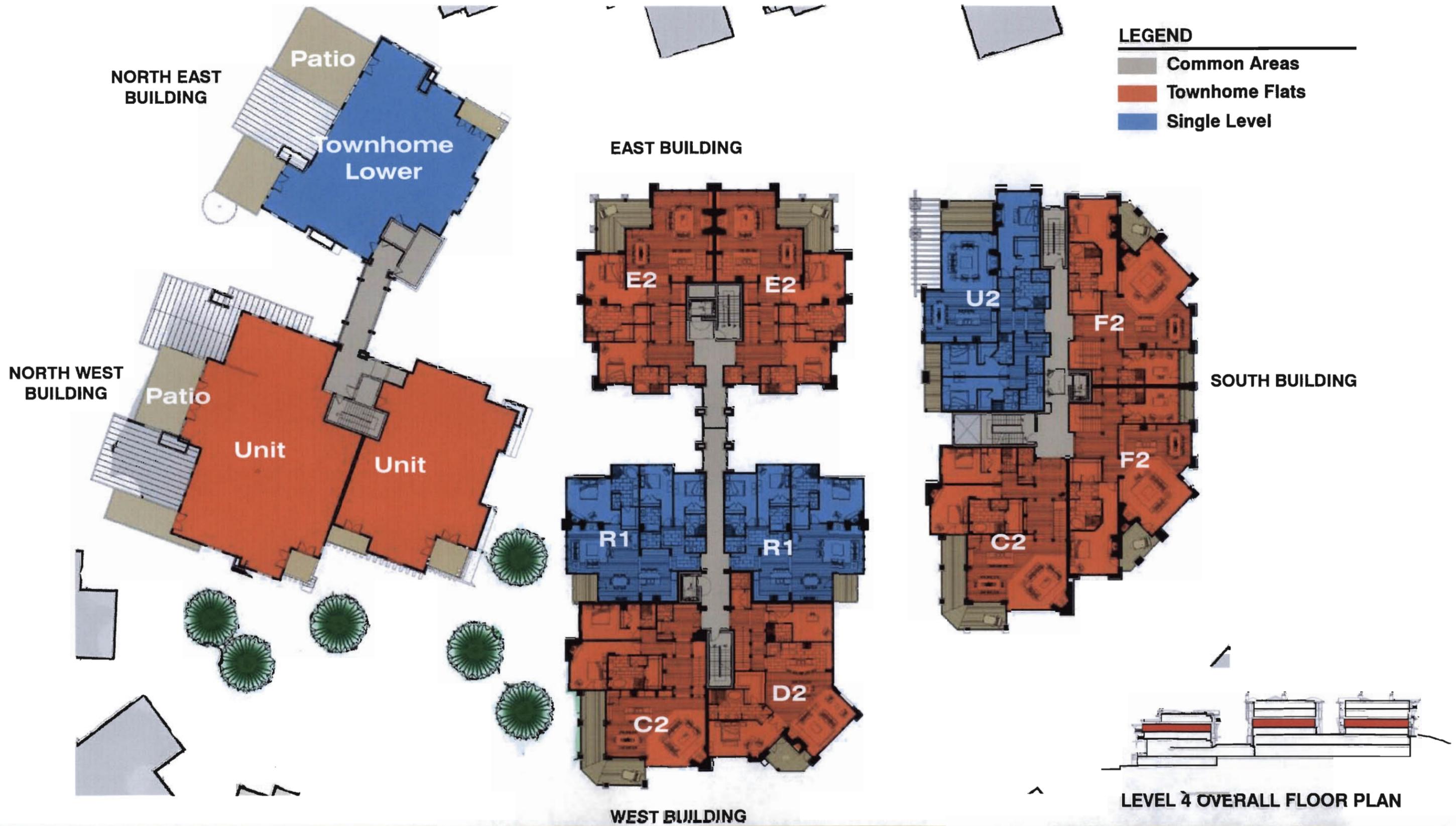
LODGE FLOOR PLANS

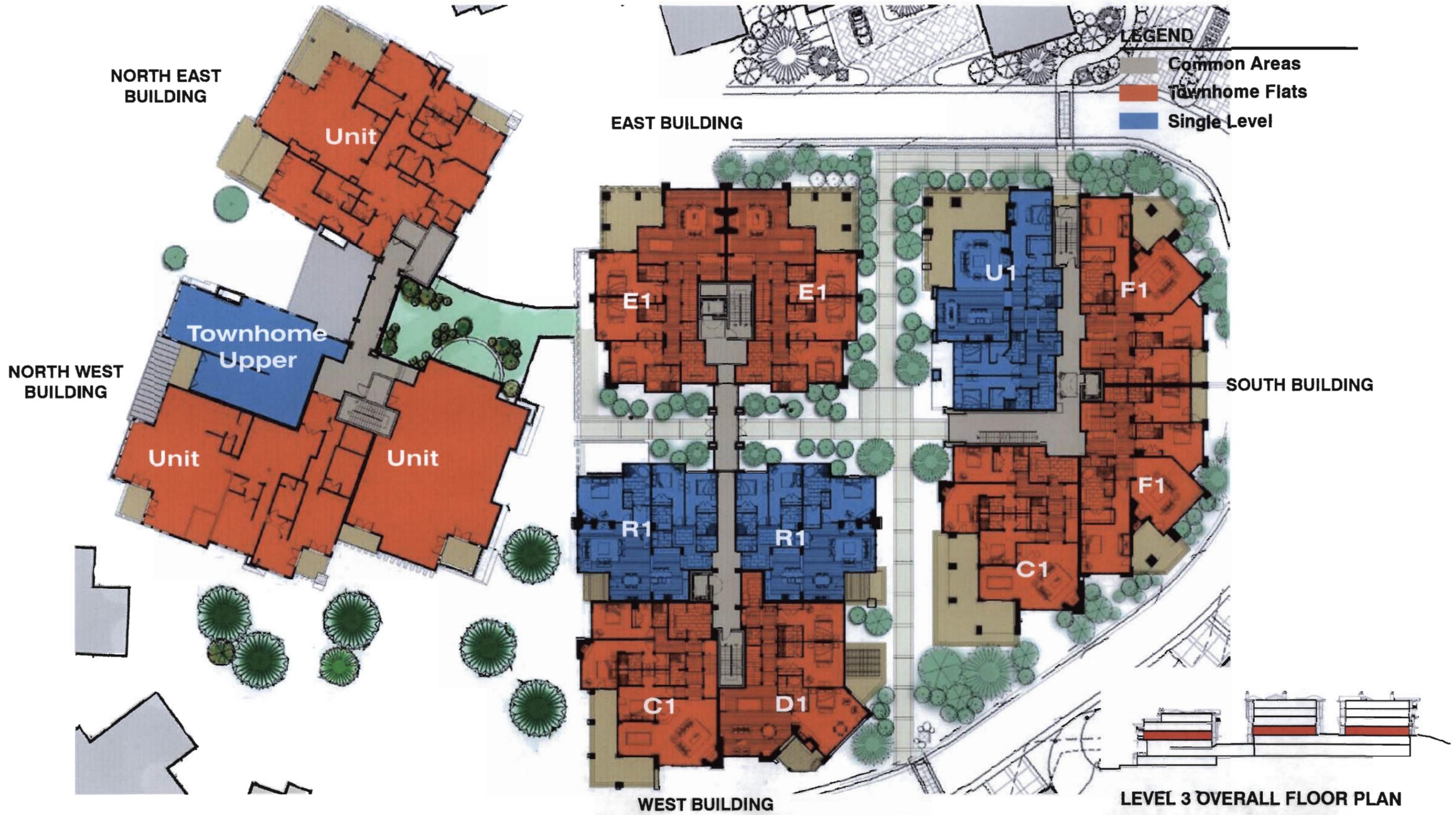
**NORTH SILVER LAKE LODGE
DEER VALLEY, UTAH**

 **REGENT PROPERTIES**

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LEGEND

- Common Areas
- Townhome Flats
- Single Level

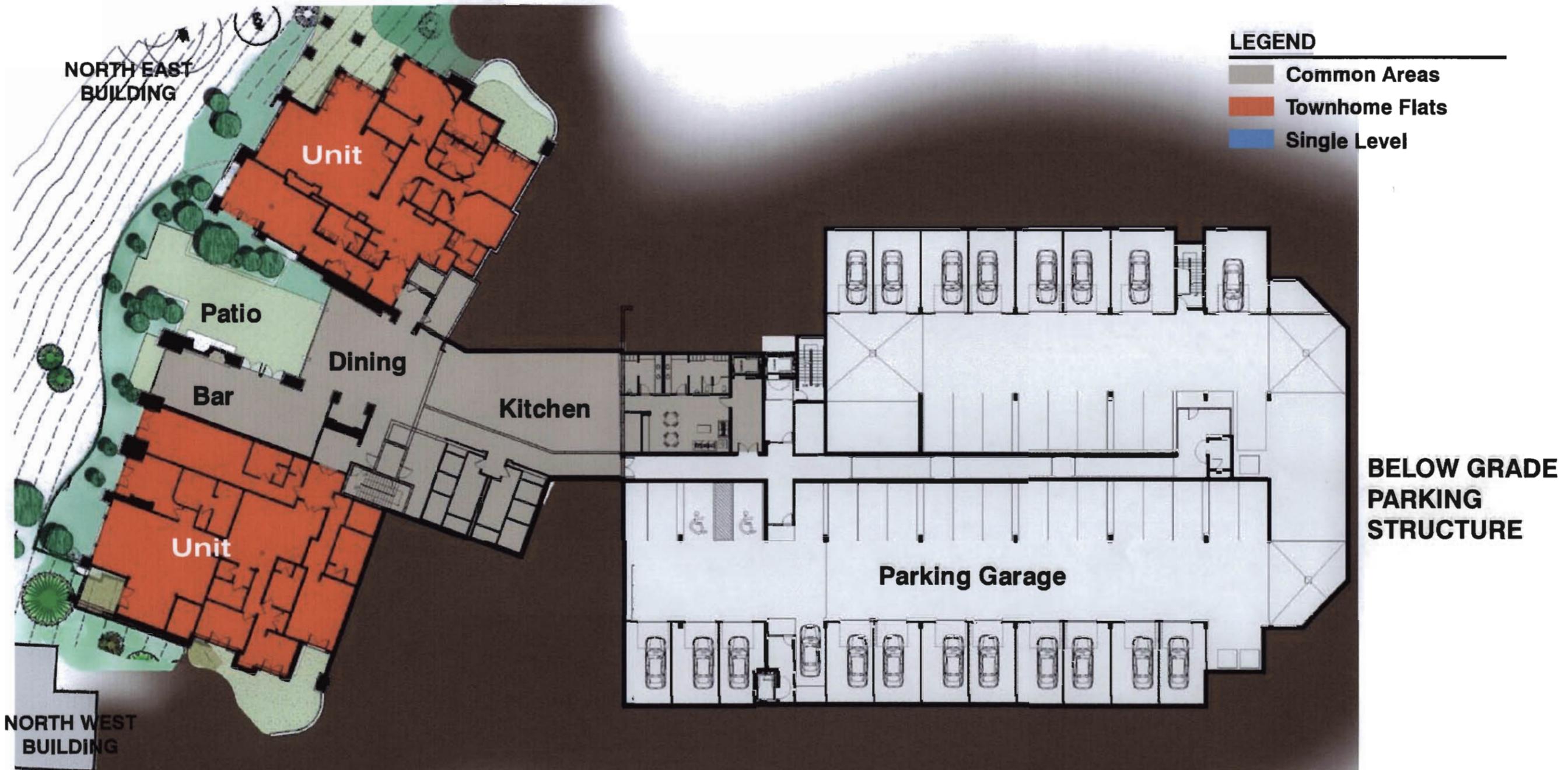
LEVEL 2 OVERALL FLOOR PLAN

LODGE FLOOR PLANS

NORTH SILVER LAKE LODGE
DEER VALLEY, UTAH



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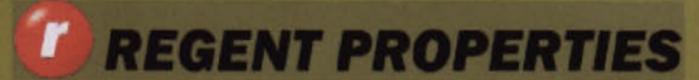
LEGEND

- Common Areas
- Townhome Flats
- Single Level

LEVEL 1 OVERALL FLOOR PLAN

LODGE FLOOR PLANS

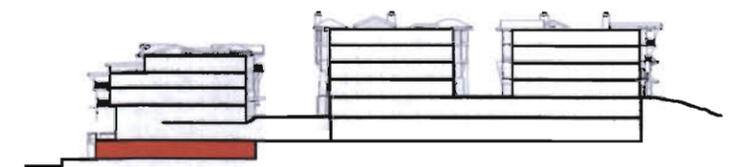
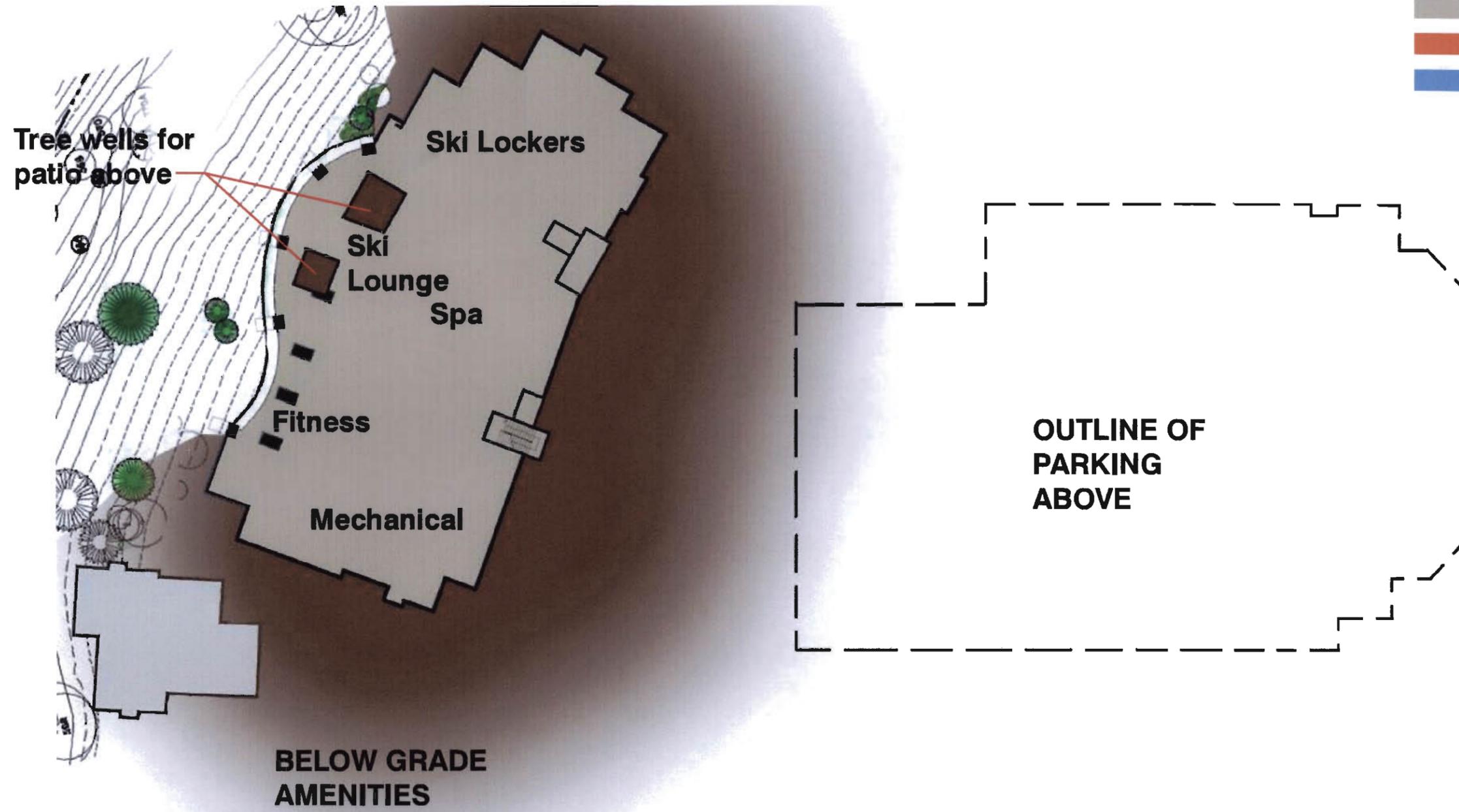
NORTH SILVER LAKE LODGE
DEER VALLEY, UTAH



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LEGEND

- Common Areas
- Townhome Flats
- Single Level



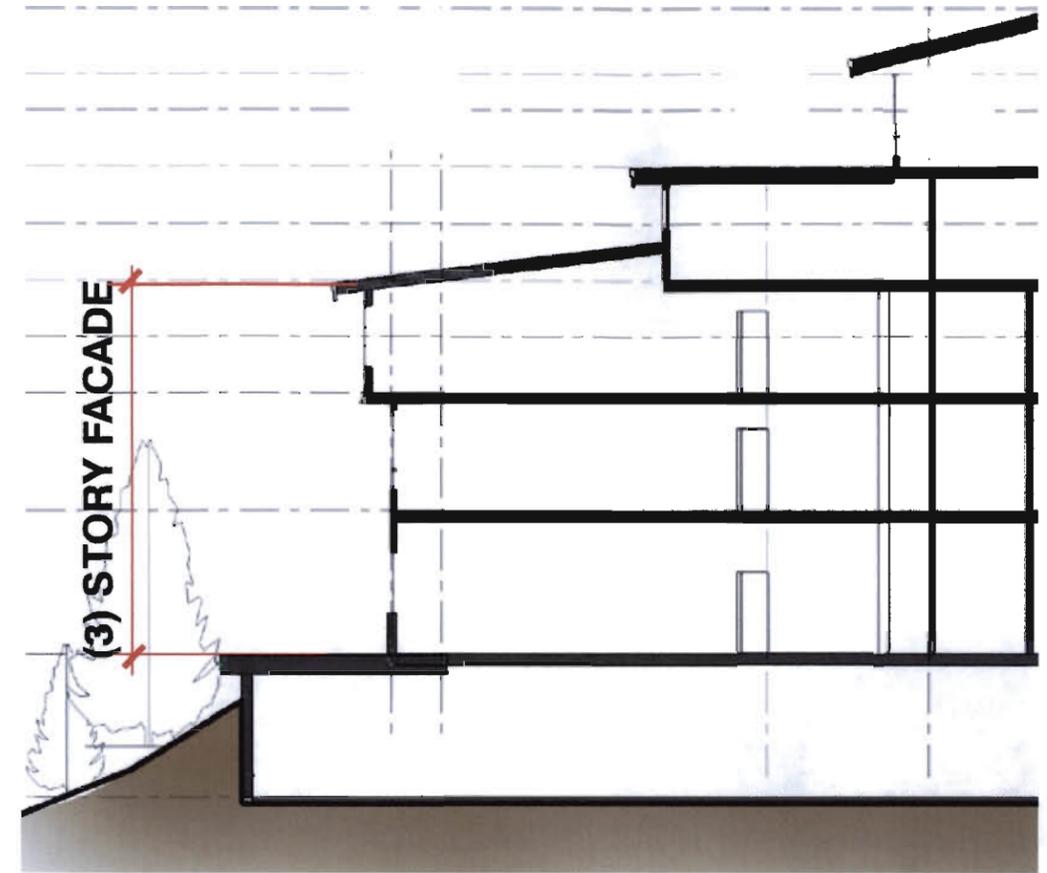
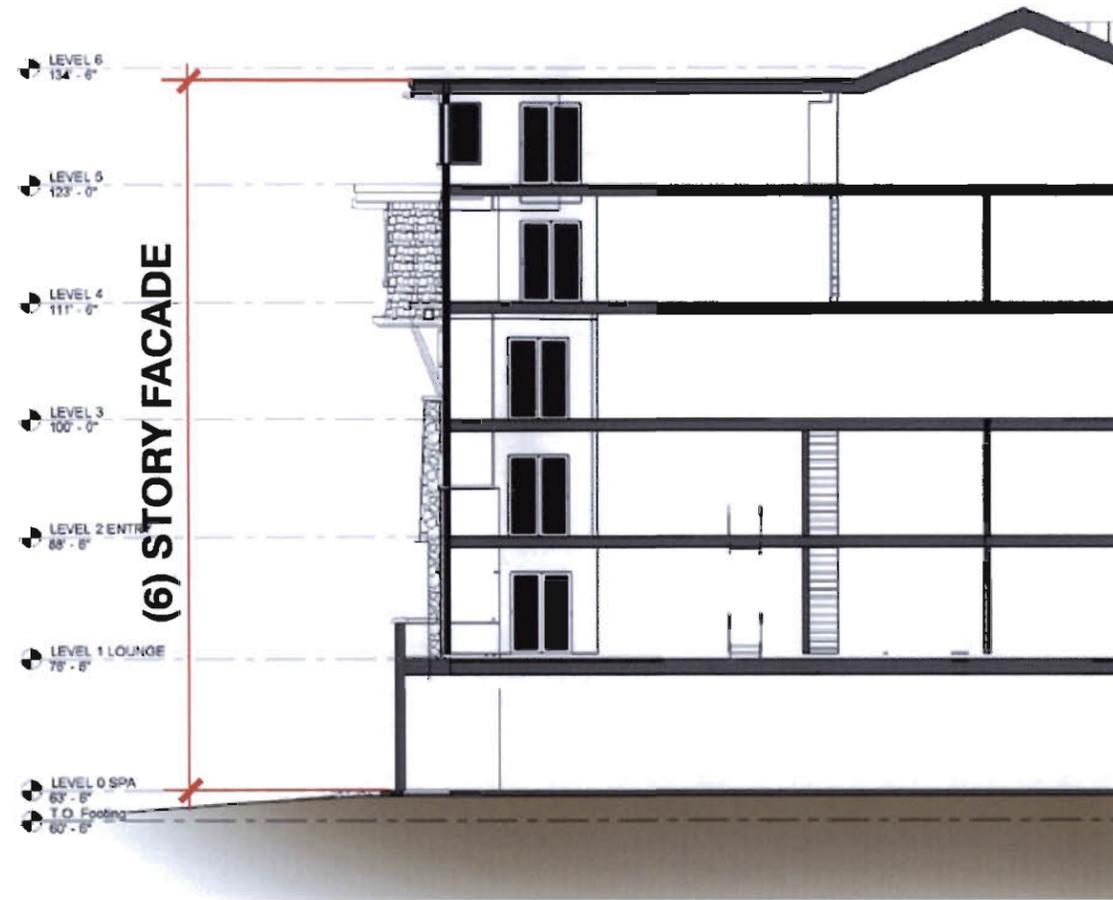
LEVEL 0 OVERALL FLOOR PLAN

LODGE FLOOR PLANS

NORTH SILVER LAKE LODGE
DEER VALLEY, UTAH

REGENT PROPERTIES

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PREVIOUS DESIGN

CURRENT DESIGN

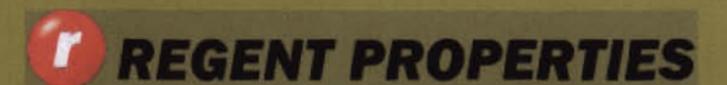


KEY PLAN

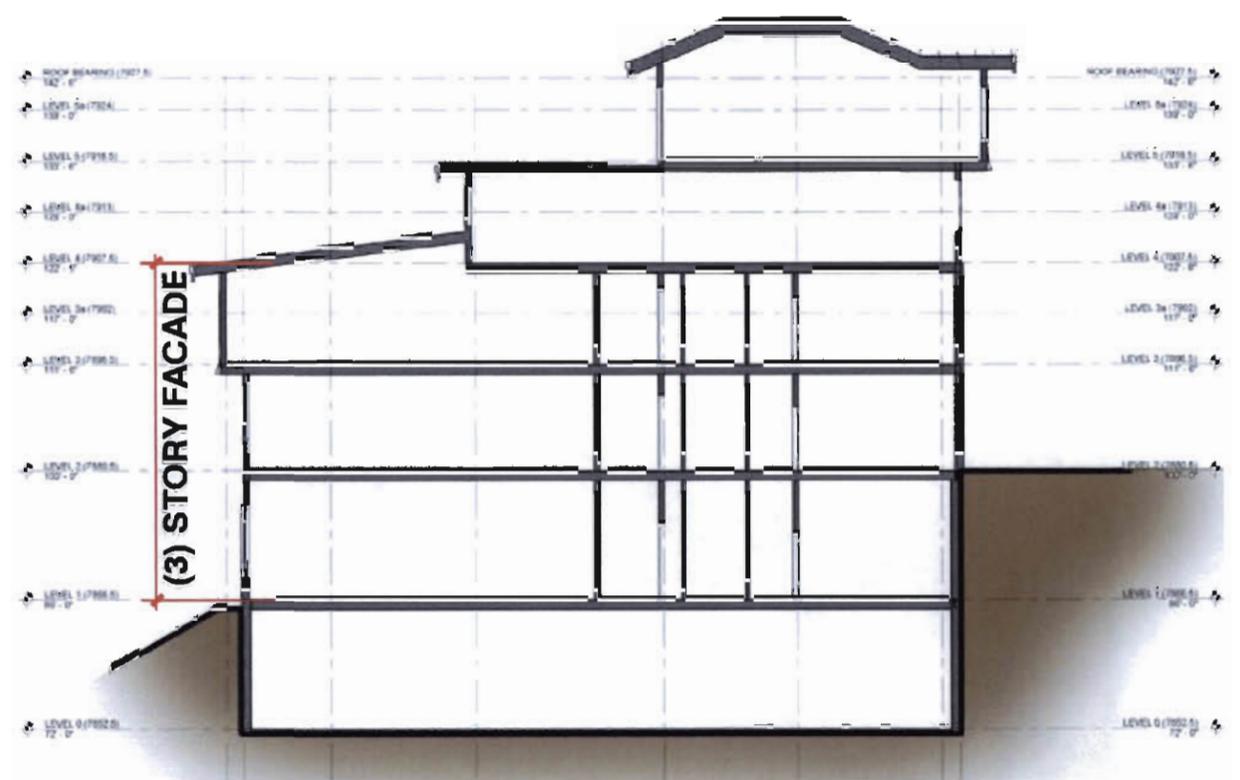
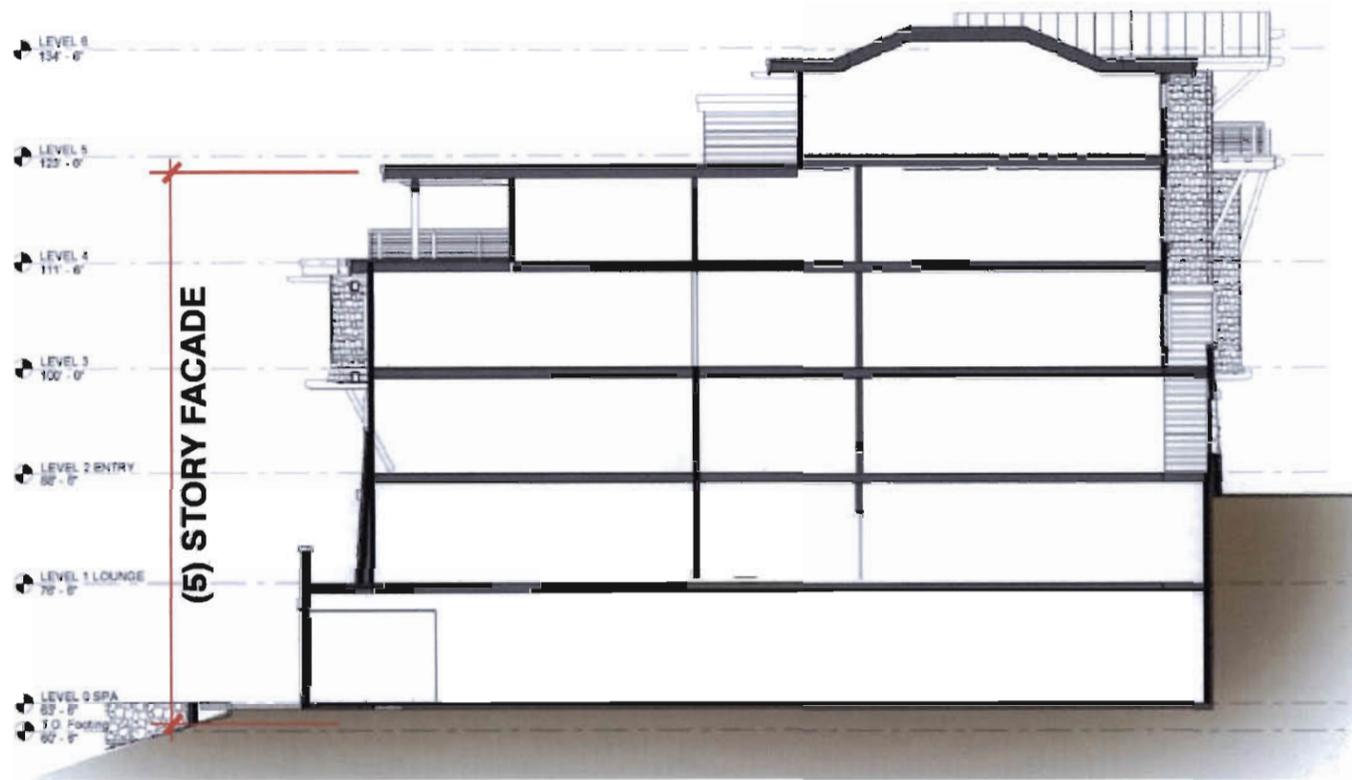
KEY PLAN

COMPARISON SECTIONS

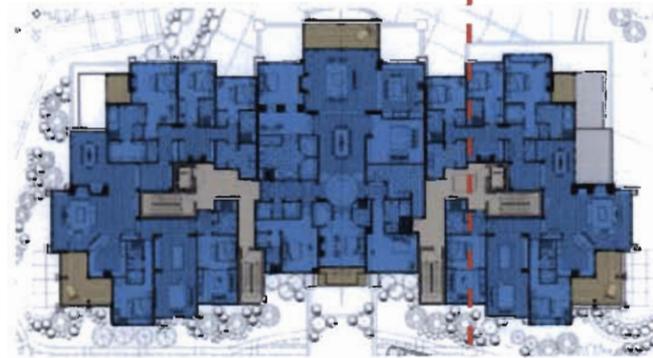
NORTH SILVER LAKE LODGE
DEER VALLEY, UTAH



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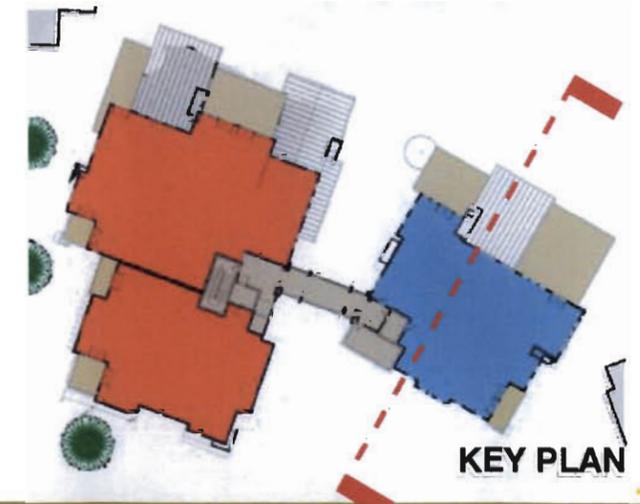


PREVIOUS DESIGN



KEY PLAN

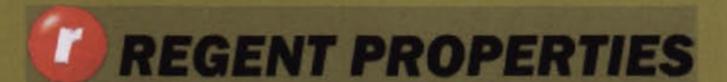
CURRENT DESIGN



KEY PLAN

COMPARISON SECTIONS

NORTH SILVER LAKE LODGE
DEER VALLEY, UTAH



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WORK SESSION NOTES – DECEMBER 9, 2009

**PARK CITY PLANNING COMMISSION
WORK SESSION NOTES
December 9, 2009**

PRESENT: Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Evan Russack, Adam Strachan, Thomas Eddington, Brooks Robinson, Polly Samuels McLean

Commissioner Pettit was excused from the work session and would attend the regular meeting.

WORK SESSION ITEMS

North Silver Lake - Conditional Use Permit
(Application #PL-08-00292)

Doug Clyde, representing the applicant, noted that the North Silver Lake project was remanded back to the Planning Commission by the City Council. Since that time the applicants have met with Staff to make sure that the Staff, the Legal Department and the applicant's design team have interpreted the remand in the same way. Mr. Clyde believed the interpretation was clear and that they were all in agreement.

Mr. Clyde stated that the appeal of the approved CUP was granted in part and denied in part for three items, which were outlined in the Staff report. He believed two of the items were perfunctory in nature and would be addressed with Staff. Mr. Clyde did not intend to address those items with the Planning Commission this evening.

Mr. Clyde stated that his presentation would focus on the first of the three items remanded back to the Planning Commission, which is the bulk and mass of Building 3 and how they are beginning to respond to the comments from the City Council. Mr. Clyde noted that they are still in the preliminary stages, but they wanted to present some of the preliminary information to hear feedback from the Planning Commission on whether they are moving in the right direction.

John Shirley, the architect for Building 3, provide an update on the direction they are taking with a completely new design. They spent the last few weeks looking at several different concepts and the one presented this evening is the concept they settled on.

Mr. Clyde clarified that the plan on the screen was the old plan and they would toggle back and forth between both plans to identify the changes.

Mr. Shirley showed the footprint of Building 3 and explained how they had completely remassed the building and split it in half. By pulling the building apart, they believe they can create two structures that are more in equality with the massing of the existing condominiums on the interior of the project. The orientation of the building was also changed. Mr. Shirley pointed out that the northwestern ring of the building has turned and gone down the hill, which has several advantages over the original plan. By pushing the building down the hill they were able to open up areas that can potentially create interior landscaping and screening between the homes and Building #3, as well as the twelve-plex to the south. Mr. Shirley stated that it also allows them to take what was the lower level of the building, which had the fitness center, spa and lockers, and make it a subterranean pedestal for the buildings.

Mr. Clyde noted that shifting the building allows for the planting of more trees to visibly shield the view of the building from Main Street.

Mr. Shirley reviewed massing studies of the various floors to show how the building was reconfigured. Twelve units are still located in the building, but approximately 10% of the square footage is lost within the units themselves. Underneath the lobby area would be the restaurant and food facilities. Mr. Shirley stated that the restaurant and bar would look out on to a garden area plaza. He noted that 20% of the perimeter of the lowest level is opened up for a swimming pool and the remainder of that level would be below grade. Levels three through five would have a glazed-in breezeway that connects the two buildings. This allows for the most efficient use of elevators and vertical circulation to minimize the circulation and footprints on the site. On level three, the face of the building is approximately 25 feet shorter in length than the original proposal.

Mr. Shirley presented rough sections through the building to show how the height of the building works on the site. One portion of the original building was six stories high and that was found to be very offensive. They are trying carefully to mitigate that situation with this new plan. Mr. Shirley pointed out that both the original building and the new building plan meets the 45 foot height. Because the new building was pushed further down the hill, they can create more of a terracing with the levels of the condominiums. Mr. Shirley stated that they also took the lower part of the building and brought the grade up in to the height. Therefore, instead of a five or six story exposure on the downhill side, they are maximizing a four foot exposure to the terrace space. The lower levels are basically hidden so the overall appearance of the building would be one to two stories lower from grade than what was seen in the previous building.

Mr. Clyde remarked that in the previous plan, the basement levels were full of daylight, which contributed significantly to the overhead facade line. Mr. Shirley noted that the glazed-in breezeway in section two between the two buildings would be defined by the porte cochere. In section one, the westernmost building, units were placed over the road to create an extension of that porte cochere to help reduce the mass of the building. Mr. Shirley stated that two-thirds of the building mass is hidden behind homes 9-12, which means less of the building would be exposed to the open space looking to the north.

Mr. Shirley provided a rough sketch of the massing superimposed over the model of the project. Mr. Shirley stated that landscaping would be a very important part of the solution because the intent is to have the lower level disappear and for the grades to warp up over and on to the plaza.

Mr. Clyde remarked that the current plan allows them to work with the trees and to plant additional trees higher to provide better visual screening.

Mr. Shirley stated that the exterior fenestration and materials would be consistent with the rest of the project.

Chair Wintzer clarified that Building 3 is the only building that is being changed and the rest of the project stays the same. Mr. Shirley replied that this was correct. Chair Wintzer was concerned about reflectivity from the breezeway. Mr. Shirley stated that reflectivity could be managed through

low-reflective glass or other methods. As they work through the details, the breezeway could be reconsidered. Mr. Shirley intended to come back with a three-dimensional model.

Commissioner Peek asked if the applicants had calculated open space numbers on the revised plan. Mr. Clyde stated that new numbers had not been calculated but he did not believe the open space would change significantly. Commissioner Peek requested a Staff analysis of the wildland urban interface study at each step. Mr. Clyde expected to have a certified report from the Building Department before the next Planning Commission meeting.

Commissioner Russack wanted to know how the City Council concluded that Building 3 was incompatible. Assistant City Attorney, Polly Samuels McLean, stated that findings of fact 24 and 25 addresses why the building is incompatible.

Commissioner Luskin asked if it was possible to get a different rendering that shows the scale from the view points the City Council was concerned about in finding #24. Mr. Clyde offered to also provide a viewpoint from the ski trail, which is where most people would see this building. Commissioner Luskin asked if the funicular is still part of the plan. Mr. Clyde replied that the funicular had been eliminated.

Commissioner Strachan asked for the size of the new Building 3 compared to the existing Buildings 1 and 2. Mr. Shirley stated that the square footage is still preliminary, but he believed it was approximately 15% smaller on the residential. The common area was harder to pinpoint because so much is subterranean. He was not prepared to give a firm number.

Commissioner Hontz asked if Mr. Shirley could give a size range for the residential units. Mr. Shirley replied that the size varies but he did not have a firm number. The addition of all the massing is approximately 15% less than what was originally proposed.

Commissioner Strachan noted that the City Council found that the other buildings were not incompatible. To the extent that the applicant could match Building 3 with the buildings that were not found incompatible, he believed they would be on the right track.

Commissioner Russack stated that in order to evaluate the changes based on the remand from the City Council, he requested that the applicants come back with the new design and the original design and illustrate how they addressed findings of fact 24 and 25 and how they are making this building more compatible by reducing the height, scale, bulk and massing. Commissioner Russack thought it appeared the applicant was heading in the right direction, but he could not say for certain without the benefit of seeing the old plan versus the new. Mr. Clyde agreed and offered to provide more comparisons. He believed where they were headed with the original plan was shown on the first slide this evening.

Commissioner Peek asked if Findings of Fact 24, 25 and 26 have as much bearing as the LMC when reviewing the remanded application. Ms. McLean stated that the Land Management Code still applies; but the City Council gave the Planning Commission specific direction as to what needs to be remedied. Based on the plans reviewed, the City Council found specific findings of fact that give the Planning Commission guidance and direction. Commissioner Peek clarified that the Planning Commission needed to take a fresh look at the design based on the new findings of facts. Ms. McLean replied that this was correct.

Work Session Notes
December 9, 2009
Page 4

Commissioner Strachan asked if the Planning Commission would address the bond issue. Ms. McLean replied that the bond issue would come before the Planning Commission at a later time.

MINUTES – DECEMBER 9, 2009

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
DECEMBER 9, 2009

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Evan Russack, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Principal Planner, Brooks Robinson; Kayla Sintz, Planner; Jacque Mauer, Planner; Mark Harrington, City Attorney, Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 6:30 p.m.

I. ROLL CALL

Chair Wintzer called the meeting to order at 6:00 p.m. and noted that all Commissioners were present except for Commissioner Pettit who was expected to arrive at 6:30 p.m.

II. ADOPTION OF MINUTES

MOTION: Commissioner Strachan moved to APPROVE the minutes of October 28, 2009. Commissioner Peek seconded the motion. Commissioner Pettit was not present for the vote.

VOTE: The motion passed unanimously.

MOTION: Commissioner Russack moved to APPROVE the minutes of November 11, 2009. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously. Commissioner Pettit was not present for the vote.

III. PUBLIC COMMUNICATIONS

There was no comment.

IV STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES

Council Member, Liza Simpson, was available to answer questions regarding the City Council's decision to remand 1440 Empire Avenue Plat Amendment back to the Planning Commission. Ms. Simpson clarified that confusion over public noticing for the Planning Commission meeting and lack of public input had prompted their action.

The Planning Commissioners commented on the size of the Staff report for this meeting. Commissioner Strachan noted that the Summit County Planning Commission has a provision in their Land Management Code that says the meetings cannot go beyond 10:30. He proposed that Park City look into a similar provision. He has spoken with other Commissioners and they all concur that they lose the ability to make good decisions at the end of long and late meetings. Commissioner Strachan recommended that the Planning Commission codify a time limit.

Planning Director Eddington stated that a year ago the Planning Commission decided that the Commissioners could reserve the right to consider continuing the remainder of the agenda after 10:00 p.m.

Commissioner Strachan pointed out that currently there is nothing in the LMC that can stop an applicant from exercising their right to have their item heard, even if it goes past 10:30 p.m. Commissioner Strachan recommended that the Planning Commission direct the Staff to draft language that could be considered for the Land Management to keep the meetings shorter.

Chair Wintzer agreed. He understood that this meeting was lengthy because of a short month due to the holidays. A second reason was that the Planning Commission was trying to condense application matters into one meeting per month to devote the second meeting to the General Plan and other administrative issues. Commissioner Wintzer suggested that the Planning Commission may need to re-look at that format.

Commissioner Strachan was not in favor of adding an extra meeting each month as an alternative. Chair Wintzer pointed out that because they are trying to only schedule one meeting for applications, any items continued after 10:30 would be pushed into the next month rather than to the next meeting, which creates delays for the applicant. He was also concerned about continuing projects for applicants who come in from out of town because their item was scheduled on the agenda. Chair Wintzer felt the Planning Commission had an obligation to work through all the agenda items, and suggested that one possibility was to direct the Staff to keep the agenda items within reason for a 10:30 ending time.

City Attorney, Mark Harrington, stated that the Planning Commission was considering the right questions in terms of overall fairness to all participants. He remarked that since the Planning Commission was trying to fit all application items into one meeting, it would be helpful to draft guidelines and reasonable language.

Mr. Harrington also suggested that the Planning Commission consider earlier starting times, being mindful of the public's right to due process. Chair Wintzer asked if it made sense to begin the work session at 5:30 and post the start of the regular meeting to begin at the end of the work session. Mr. Harrington replied that most people internalize the start of the regular meeting at a specific time.

He thought it would be difficult to expect people to either attend the work session or risk missing a particular agenda item. Mr. Harrington preferred that the agenda post the start of the regular meeting at 6:00 or 6:30. Chair Wintzer suggested posting the start time at 6:00. If the work session goes beyond 6:00 the public would still have the opportunity to be there for the start of the regular agenda. Mr. Harrington felt that was a safe alternative.

Commissioner Strachan asked if a provision in State law identifies a specific period of time for the Planning Commission to make a decision on an application once the Staff has made their determination. Mr. Harrington believed the first public hearing must be scheduled within 45 days of the Staff determination. Commissioner Strachan asked Director Eddington how long it typically takes for an application to be scheduled on the agenda once the Staff makes their determination. Director Eddington stated that the application is assigned to a Planner and it is usually scheduled on the agenda within a month. Mr. Harrington noted that additional language reads "within a reasonable time" and that applies to all applications.

Commissioner Strachan asked if Mr. Harrington would advise against a hard deadline of 10:30 p.m. Mr. Harrington replied that he would not recommend setting an ending time, particularly with the current change in their meeting schedule. If they return to the traditional two meetings a month to hear applications, the Planning Commission could re-consider the matter at that time.

Chair Wintzer recommended that the Planning Commission move through the items scheduled to be continued this evening, and wait until 6:30 to begin the regular meeting. Commissioner Hontz disclosed that she previously worked with the applicant for 1765 Sidewinder Drive on issues unrelated to this project. She did not believe that association presented a conflict or affected her ability to participate and vote on that item.

Commissioner Hontz disclosed that she previously worked with two of the attorneys involved with 1440 Empire Avenue. She did not believe that association presented a conflict on those items.

Commissioner Peek disclosed that he had a brief discussion with Councilman-elect Butwinski regarding the procedure for the Racquet Club.

Commissioner Pettit stated that two months ago she had a brief meeting with Dave Olsen regarding 1440 Empire Avenue where they discussed process and procedure, but nothing specific to the project. She did not believe that discussion would affect her ability to make a decision on that application.

OPEN PUBLIC HEARING AND CONTINUE TO DATE CERTAIN

1. 1150 Deer Valley Drive, Snow Country - Amendment to Record of Survey
(Application #PL-09-00768)

Chair Wintzer opened the public hearing.

Neal Krasnick stated that after researching various documents, he believes the application for 1150 Deer Valley Drive does not comply with the current Code and many things may be grandfathered in. Mr. Krasnick had filed a complaint and he assumed Planner Francisco Astorga would provide the Planning Commission with a detailed written report on why he thinks the project is not compliant. Mr. Krasnick believed that the Planning Commission was reluctant to approve converting the laundry room to a unit because they know doing so would make it further non-compliant. He encouraged the Planning Commission to deny the request for 1150 Deer Valley Drive.

There was no comment.

Chair Wintzer continued the public hearing.

MOTION: Commissioner Russack moved to CONTINUE 1150 Deer Valley Drive to a date uncertain. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

2. 518 Deer Valley Drive - Subdivision
(Application #PL-09-00733)

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer continued the public hearing.

MOTION: Commissioner Russack moved to CONTINUE 518 Deer Valley Drive to a date uncertain. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Pettit entered the meeting.

REGULAR AGENDA/PUBLIC HEARINGS

1. 500 Little Kate Road, Racquet Club - Master Planned Development
(Application #PL-09-00785)

Chair Wintzer recused himself from this item due to a business interest with the Racquet Club on this project. Vice-Chair Russack assumed the Chair.

Planner Kayla Sintz distributed copies of a drawing that was included in the packet and noted that the new drawing showed the trees in front of the building.

Planner Sintz reviewed the application for a Master Planned Development for the Park City Racquet Club located at 500 Little Kate Road. She reported that on October 28th, the Planning Commission found initial compliance with the General Plan during a pre-application public hearing. On November 11th, the applicant came before the Planning Commission during work session and introduced the building design and architecture.

Planner Sintz stated that on December 2nd the Recreation Advisory Board, the Staff and VCBO Architecture hosted a public open house at the Racquet Club. Approximately 40 people attended. On December 3rd the project went through an update process before the City Council.

Planner Sintz reported that in 1977 the facility received a Recreation Conditional Use Permit, and at that time a 40 foot height exception was granted. An MPD is required for any project over 10,000 square feet gross. Planner Sintz noted that a detailed analysis relative to Code requirements was included in the Staff report. The analysis outlined Code requirements for the existing versus the proposed facility.

Planner Sintz stated that as allowed under the MPD review, the applicant is requesting a height exception for the tennis building structural upgrade. The height exception is 3'3" from the main tennis ridge to 9'3" over a clear story entry element that runs perpendicular to the main tennis ridge.

Planner Sintz remarked that the applicant is also requesting a reduction in the parking from 155 existing spaces to 148 spaces. The applicant's parking analysis is still under review. Planner Sintz pointed out that the facility would have a restaurant use and would continue to operate under standard program uses and the demand would be different during winter and summer months. A condition of approval requires that an internal parking review would occur one year after the facility has operated at full capacity. Planner Sintz noted that a significant number of pedestrians and bicyclists use the facility.

Planner Sintz stated that the MPD includes a provision for future phases to be reviewed for parking, which include a natatorium for indoor swimming, a possible restaurant expansion, and gymnasium expansion.

The Staff had received a large amount of public input that was received after the Staff report was prepared. Most of the correspondence was provided to the Planning Commission via email. Ms. Sintz noted that the concerns related to increased height, construction mitigation work hours, and programming. The majority of the comments generally supported the project.

Planner Sintz introduced Ken Fisher with the Park City Recreation Department, Matt Twombly with the Park City Sustainability Department, Steve Brown, the consultant, and Brent Tippetts with VCBO Architects. They had prepared a presentation this evening and would be available to answer questions.

The Staff recommended that the Planning Commission hold a public hearing, discuss the proposal and approve the Racquet Club Master Plan Development based on the findings of fact, conclusions of law and conditions of approval.

Commissioner Strachan asked if the City's position is that the 1977 CUP is still in effect and that would be the height they are operating under.

Assistant City Attorney, Polly Samuel McLean, replied that the 1977 CUP is still in effect. She pointed out that there were not MPDs in the 1970's, therefore, the current MPD would take over for the CUP. Ms. McLean stated that at a minimum, the applicant would be able to continue with what was granted in 1977 under the CUP. Commissioner Strachan asked if a CUP approval is in perpetuity. Ms. McLean replied that a CUP continues forever, unless it is granted with an expiration date or a violation occurs. Typically a CUP lasts forever or until the use expires.

Matt Twombly recalled that at the last meeting they went through the history of the project. It began with a recreation needs assessment that was conducted in 2006, which led to hiring VCBO Architects to study the current facility and feasibility of renovating the facility. Mr. Twombly stated that the needs identified from the needs assessment and feasibility study have been incorporated in to the current design. This was provided as an introduction at the last meeting and they were prepared with an in-depth analysis this evening.

Mr. Twombly stated that since the last meeting, the Planning Staff, the architects and the applicant carefully reviewed the comments from that meeting. He believed those comments had been addressed in the design and within the conditions of approval. Mr. Twombly remarked that the comments heard during the open house were positive in nature and the public overwhelmingly supported the City in moving forward with the renovation. Mr. Twombly reported that the project went before the City Council last Thursday and the direction was to move forward with the renovation as generally designed. Mr. Twombly pointed out that no public comment was given during the City Council meeting.

Mr. Twombly commented on the use of this facility beyond regular recreation programming. Upgrading the tennis building would allow that portion of the building to be used as an evacuation center for the community in the event of an emergency. If renovation moves forward, this would be the only public facility in town for emergency use.

Brent Tippetts with VCBO Architecture, walked through the scope of the project and identified how they had addressed previous questions and concerns. The main building structure is centered on the property and secondary support structures are to the sides. Parking fronts along Little Kate Road and wraps around on one side. Due to the residential setting, they tried not to disrupt the existing footprint any more than necessary to accomplish the program goal. Mr. Tippetts stated that the proposed floor plan leaves in place the existing gymnasium and the restrooms and support features immediately to the left. He noted that the brown colored area represented the new structure. The existing outdoor pools and the outdoor tennis courts would remain in their current configuration. The parking generally maintains its current configuration with only slight modifications. Mr. Tippetts stated that they went to great lengths not to impose or grow more horizontally than necessary.

Mr. Tippetts presented a close up view of the site and reviewed the different elements. The floor plan is two levels and Mr. Tippetts identified the uses on each level. The indoor tennis courts would be a new structure, but it was designed in the same orientation to minimize any effects from what currently exists. He noted that space off to the right hand side of the gym is new space that accommodates mechanical equipment to serve the new facility, as well as storage space to accommodate things such as the tennis bubble that are currently stored off-site.

Mr. Tippetts remarked that the program space was developed based off of the public survey and a desire to provide additional amenities such as a walking/jogging track, more exercise studios, fitness area, etc.

Mr. Tippetts reviewed the exterior elevations of the building. He noted that a previous question was how the facade meets the variations required by Code. His presentation outlined how they

dimensionally accommodate the step backs, change, and undulation of the building. Mr. Tippetts reiterated that the reason for requesting a height exception was to accommodate the tennis courts. He presented a graphic showing the required dimensions that need to be maintained for regulation tennis play. The existing structure does not meet those requirements. He stated that they looked carefully at trying to reduce the height by every inch possible and they are within fractions of an inch to where they can accommodate the regulation playing height, the structural elements and the mechanical system that must be provided. Mr. Tippetts requested discussion on the requested height exception.

Mr. Tippetts corrected a graphic in the Staff report that indicated the height at 43'0". He clarified that the correct number should be 33'3".

Mr. Tippetts presented images of the proposed renovation imposed over the existing building. He stated that they carefully analyzed the impacts the facility would have on the surrounding residential units. They visited the site on several occasions to photograph it and make adjustments. Mr. Tippetts reviewed a 180 degree panoramic view from the recreation center looking north, which showed the view of the building looking back. There is minimal exposure and a significant number of mature trees soften the visual effect of the facility.

Mr. Tippetts reviewed the proposed materials. A multi-colored metal panel would be utilized on most of the tennis building and in other areas. A solid color metal interlocking panel would also be used. They tried to highlight the main entrance with wood. The rest of the facility would either be metal panels or block. A landscaping plan was included in the Staff report. They anticipate using indigenous plants, drought tolerant plants and plants that require little to no watering.

Mr. Tippetts presented a rendering of the facility showing the proposed materials.

Vice-Chair Russack noted that the future natatorium and gymnasium expansion were not considered in the parking needs. He wanted to know how the parking would be accommodated for additional future uses. Planner Sintz stated that as the City modifies the Code to meet current goals regarding cars and other changes that might occur, they could add completely different transportation modes. The General Plan will be different and there will be specific focus points. To restrict the proposal beyond the LMC requirement for the current uses did not make sense at this time.

Vice-Chair Russack commented on a previous discussion about connectivity to the Racquet Club condos, but he could not see that connectivity in the presentation. Planner Sintz replied that page 81 of the Staff report reflects discussions with the Condominium HOA regarding connectivity to the condos. Mr. Twombly explained that when the park was designed they approached the HOA about continuing the walkway through their property to the driveway. At that time the HOA was unwilling to install the sidewalk at their property. Mr. Twombly stated that the walkway was left open so people could use it.

Vice-Chair Russack opened the public hearing.

Dick White a resident near the Racquet Club stated that the renovated Racquet Club would be wider and higher than what is shown in the photographs and the views people enjoy from their condos will be obstructed. In addition, property value will be effected. Mr. White pointed out the difference between pages 18 and 19 of the packet and explained why he believes it supports his point. Mr. White agreed that the Racquet Club should be renovated; however, the current proposal takes money and value away from the owners of the surrounding properties and condominiums. Mr. White questioned the need to build the tennis building wider and higher to meet USTA Standards when there are outdoor courts that could be used for those matches. He pointed out that the US Open and other major tennis tournaments are all played outdoors. In terms of emergency use, the building height would not be a factor.

John Halsey, stated that he is a member of the Recreation Advisory Board, but his comments this evening would be from the standpoint of a neighbor on Little Kate Road. He lives across the street from the tennis bubble and the pool. Mr. Halsey favored this project as a neighbor and as a RAP member. He noted that this project has been discussed for a long time. He frequents the Racquet Club on a daily basis and he is continually approached by people who know he is involved with this project. The majority of people are in favor of the project and want to know if it is moving forward and when it will happen. Mr. Halsey stated that some issues still need to be worked out but he was sure they could be resolved. Mr. Halsey believed he would be the most impacted by this project. He referred to a comment by Joe Kernan at the last City Council meeting that no one is happy living across from a municipal facility because they will be impacted. However, the reality is that the facility will benefit the entire community and it will be a place they can all be proud of. He supported the renovation as proposed and he did not think it would lower their property values.

Michele Dietrich lives in the Racquet Club condos and she agrees that upgrading the Racquet Club would benefit everyone. However, she was concerned with the impacts and could not understand why they could not find a compromise to mitigate the impacts. Ms. Dietrich stated that the neighbors are concerned about construction hours and noise. She was told that construction would occur during regular business hours, which is fourteen hours of construction each day. Ms. Dietrich felt that would be particularly impactful to those living very close to the Racquet Club. She did not think it was unreasonable to ask that construction stop at 5:00 p.m. so people can have their dinner in peace. She also suggested a later starting time in the morning. Ms. Dietrich stated that if the center is for all the community, they could use the non-regulation courts for those who are not involved in a tournament and use the outdoor courts for regulation play. She could not understand why the building needed to be so large. She commented on the cutbacks that have recently occurred at the Racquet Club and wondered what they would do with a larger facility if they cannot run the current facility.

Glenda White was completely in favor of refurbishing and fixing up the Racquet Club because it needs to be done. As a tennis player she uses the outdoor courts all summer and in the winter. She agrees that the tennis area needs to be updated but she was unsure if it was necessary to build the courts according to USTA regulations. She questioned the need to spend the money to make the facility larger. Ms. White pointed out that this project is being done in a residential area and size and impacts should be considered. She was told that construction would occur from 7:00 a.m. to 9:00 p.m. Ms. White remarked that many retired people live in the area and do not need to

get up that early. They would also like to have their dinner without construction noise. She encouraged the Planning Commission to take the neighbors into consideration when talking about construction hours and activity. Ms. White stated that the City should be more practical in updating the Racquet Club. They do not need top of the line improvements and grandiose things to make the Racquet Club a better place for the community.

Andre Schumatoff stated that he was a representative of the Racquet Club HOA. In general the HOA acknowledges and supports the statements of all their residents. He reiterated the concerns for hours of construction, the building growing larger, and consideration for the facility being in a residential area. Mr. Schumatoff also expressed previous concerns about the building not being used for Sundance and other convention center type activities. He suggested that the Planning Commission address those issues and include them as part of the formal approval. Mr. Schumatoff encouraged the Planning Commission to take an official stance on these issues.

Jeff Lonn, stated that his residence is only 50 feet from the east parking lot. He reiterated the concerns regarding construction hours and impacts. He wanted to make sure a good construction mitigation plan is put in place and that the public has the opportunity to provide input on the mitigation plan. He recently lived through construction of the sidewalk and it was impossible to have any of quality of life during that entire time. Mr. Lonn stated that he has lived there since 1985 and has a long history with the Racquet Club. When he first moved in it was a quite place to live. A year or two later the City purchased the facility and the quality of life in his condo went down hill. First they paved the field which is now the east parking lot. As a result, there are large Walmart style lights that he would like to have shielded with this renovation. Mr. Lonn stated that for many years plowing occurred all night long 50 feet from his bedroom, but after a lot of work he managed to get that changed. He noted that for the past few years Sundance has used the facility as a theater and for parties, which has created an enormous impact. Mr. Lonn was concerned that if they improve the Racquet Club and make it larger, those kinds of uses will grow. He personally did not believe that was an appropriate use in a residential area. He echoed the previous speaker and asked the Planning Commission to take a stance on that issue.

Mr. Lonn was opposed to the height increase. It is a residential neighborhood and the current height restriction is 33 feet with an exemption to 40 feet. If it goes up to 49 feet, that would be 50% higher than what is allowed in a residential area. He was not opposed to the current height but he did not think it was appropriate to allow an additional exemption. Mr. Lonn was concerned that increasing the size of the facility would also increase the non-recreational uses. He was not opposed to upgrading the facility but he was opposed to increasing the size.

Vice-Chair Russack closed the public hearing.

Commissioner Luskin felt the public comments were good and the concerns expressed were legitimate. Having lived across the street from a master plan development construction project for four years, he was sensitive to those time frames. Even though he has to get up early, waking up to construction noise is not an ideal way to get up. He understood from Director Eddington that the Planning Commission has the purview to address construction hours in the construction mitigation plan. Commissioner Luskin felt construction hours was the easiest of all the issues to resolve. Regarding the height, Commissioner Luskin appreciates the Racquet Club and the project

proposed. He understood why people would question the views and agreed that they would be impacted. However, he personally walked around the community and he could not see a 70% reduction in views. Commissioner Luskin asked if it was really important for the tennis courts to meet USTA requirements.

Mr. Twombly stated that there are two components to the height issue. One issue is structural because the existing structure of the building does not meet current building codes. The building is in jeopardy of being condemned due to lack of structure. A second issue is the height related to the tennis regulations.

Commissioner Strachan asked if Mr. Twombly was implying that they could not build the building to Code and stay underneath the 40 foot height limit. Ken Fisher clarified that the structure could meet Code under the 40 foot height limit but not accommodate the tennis.

Commissioner Pettit requested comments from the applicant on the question of the importance of building to USTA regulations. Mr. Fisher stated that there are a couple of components related to regulation tennis and the USTA requirements. One is from a risk management standpoint. Currently they do not have the proper distance from the baseline and setback curbing, which means there is not the needed clear space for tennis. From a risk management standpoint, they were told to get clear distance. There is the same distance between court one and court two, but at the double court ends they lack the proper distance. The building is being pushed out to the east to accommodate that proper distance. As a recreational professional, Mr. Fisher did not think it made sense to build a facility that does not meet USTA requirements, because it would limit the usefulness of the space.

Vice-Chair Russack understood that there were two issues regarding the tennis courts. The first is the need for greater distance on the rear and the side for safety issues. He asked if that issue affects the height of the building. Mr. Twombly answered yes. Vice-Chair Russack asked if the building still needs to be as tall as proposed if they do not have regulation height. Mr. Twombly answered no. He explained that the difference is how far they want to lower it. Vice-Chair Russack wanted to know the maximum clearance required in order to play a game of tennis indoors. He understood the safety issue and the fact that resolving the safety issue would affect the height of the building. In addition, they want enough overhead clearance for match play. Vice-Chair Russack wanted to know the height difference between those two components.

Mr. Fisher outlined a number of height issues in the current tennis building.

Commissioner Peek stated that he had researched the USTA website and his interpretation is that the required height is 35 feet at the net and 21 feet at the baseline. He noted that the proposed plan was drawn at 21 feet at the back curb. He asked if he was interpreting the drawing incorrectly.

Mr. Tippetts had a different understanding of the USTA regulations and offered to check it against the drawing.

Commissioner Luskin noted that the construction hours in Old Town are shorter. He felt the Planning Commission should consider the lateness of a 9:00 p.m. stop time in a residential area.

Commissioner Hontz concurred with Commissioner Luskin regarding the construction mitigation plan and asked if that was something the Planning Commission could review and advise on. Planner Sintz answered yes. Planner Sintz read from Title 11-14-6 of the Park City Municipal Code, which indicates hours and days of work. The language read, "Unless otherwise specified in a CUP or a construction mitigation plan, in all 9 Districts throughout the State, construction work shall be allowed between the hours of 7:00 a.m. and 9:00 p.m. Monday through Saturday". Vice-Chair Russack clarified that the Planning Commission has the authority to define different times through a conditional use permit or a construction mitigation plan. Planner Sintz replied that this was correct. Commissioner Hontz preferred to review other start and end times in the construction mitigation plan.

Assistant City Attorney, Polly Samuels McLean, stated that the Planning Commission could restrict the hours of construction through the construction mitigation plan.

Commissioner Hontz felt differently about the height than other Commissioners. If the City plans to take this step in improvements, she would like to see them move in the direction proposed. However, she did not think the exterior colors met the community character element of the General Plan and the RD District zoning. It does not work with the Park City environment in terms of visual impact or neighborhood compatibility. She clarified that the materials proposed were acceptable but the color was the issue. Commissioner Hontz found the same materials to be an eyesore when used on other buildings in the community.

Commissioner Hontz felt the entryway feature looks like the High School, the Trailside School and the Field House at the junction. She did not believe that architectural feature meets the community character element of the General Plan or the zoning and it does not add great value to the overall look of the building.

Commissioner Strachan was not opposed to the height. He agreed that a construction mitigation plan needs to be in place and suggested limiting the hours of construction from 8:00 a.m. to 6:00 p.m. Commissioner Strachan thought construction should be prohibited on the weekends. Commissioner Strachan recommended striking Conclusion of Law #9 because it conflicts with Condition of Approval #11. He noted that Conclusion of Law #9 states that it is consistent with the affordable housing requirement. The Planning Commission cannot make that conclusion because it will not be determined until later.

Commissioner Pettit generally agreed with all the comments. However, she suggested amending Condition of Approval #9 to require that a construction mitigation plan come before the Planning Commission for review prior to approval. Commissioner Pettit stated that she still struggled with the height and the facility expansion.

Commissioner Peek clarified that 35 feet is the building height unless they accommodate regulation play. He was willing to consider a height increase if they determine that a regulation court is necessary. Commissioner Peek referred to the drawing showing the mechanical equipment above the fitness area and suggested that relocating the duct could reduce the height. Commissioner Peek questioned the benefit of the clerestory windows for lighting because of the solid beam.

Mr. Tippetts stated that the primary reason for the clerestory windows was to provide daylight. They have discussed the idea of using the windows to exhaust heat from that building. Mr. Tippetts remarked that the intent is for the east facing windows to bring in the majority of lighting into that space because it transitions through the entire space. Commissioner Peek referred to the elevation on page 7 and noted that the amount of glazing proposed would not bring in much light.

Commissioner Peek commented on the parking and identified inconsistencies between the drawings in terms of the number of stalls proposed. He requested a plan that accurately depicts the number of parking stalls being proposed. Commissioner Peek favored the idea of using the facility in an emergency situation because of its centralized location in a residential area of Park City. Commissioner Peek reiterated his previous comment regarding ADA access through the entire facility via ramps or other means that would not require power.

Vice-Chair Russack agreed that it would be helpful to see a parking plan that shows the actual number of parking stalls proposed. Vice-Chair Russack was not opposed to the height exception, but he questioned whether the applicants had done everything possible to reduce the height and still satisfy the need for creating USTA required courts. He personally struggled with the need to build courts to USTA regulations and asked if the outdoor courts meet USTA regulations. Mr. Fisher stated that the distance between the courts meet the regulations and since the courts are outdoors height is not an issue. Vice-Chair Russack pointed out that if the Racquet Club already has courts that meet regulations they could still host a tournament. He plays on the current indoor courts and agrees with the safety issue regarding back to front clearance. However, he still questioned the need for the height.

Vice-Chair Russack asked if the Racquet Club hosts many tournaments during the winter. Mr. Fisher commented on the number of winter tournaments they have hosted in the past. He noted that those tournaments are played inside the building but only on two of the four courts. The number one comment from the players is the dimension of the courts. Vice-Chair Russack asked if the tournaments create an economic benefit to the community. Mr. Fisher answered yes, noting that 64 players from around the country participate in those tournaments.

Vice-Chair Russack agreed with Commissioner Hontz that the entrance is grandiose and not compatible with the neighborhood. He asked if that was due to the height of the tennis court area or if it was a design element used to establish the front of the building. Mr. Tippetts replied that the entry is outside of the court area. Vice-Chair Russack was generally comfortable with the amount of parking proposed and with the Staff's explanation regarding the evolution of additional uses. He reiterated his request for an accurate parking plan.

Commissioner Peek referred to the 182 foot long facade on the south side of the building and read from 15-5-8B in the LMC, "Structures that exceed 120 feet in length on any facade shall provide shifts in the mass of the structure at each 120 foot interval. The shift can be either 15 feet in building facade alignment, or 15 feet change in building height for accommodation". Vice-Chair Russack noted that the applicant had indicated that the shift was the overhang. Mr. Tippetts explained that they met both requirements because the awning comes out away from the tennis building. Mr. Twombly pointed out that the offices also create a facade shift.

Commissioner Strachan noted that the Planning Commission has always required the building to be stepped out or back in order to comply with Code. Commissioner Peek felt the Code was clear in terms of the "alignment of facade".

The Commissioners concurred with Planner Sintz's explanation regarding parking for future expansion.

Mr. Tippetts responded to the comments about the entry element and clarified that the intent was to provide character and definition of entrance. He stated that the entrance to the facility was emphasized with both height and fenestration. Mr. Tippetts stated that they also tried to interpolate it into something they felt was compatible with the character of Park City. He realized that compatibility is subjective; however after serious review and consideration they felt this was a good solution to accomplish all the tasks involved for creating space and programs. Mr. Tippetts explained that the purpose of the vertical element was to draw interest and to bring daylight into that space. One of their mandates was to work with sustainability and to reduce energy consumption of the facility. His goal would be to provide as many windows as possible along the east side.

Mr. Tippetts addressed the exterior materials. He asked if Commissioner Hontz was concerned about the solid colored panels. Commissioner Hontz replied that she was not opposed to the style of the panels but she did not like the gray color of the interlocking panels. Mr. Tippetts offered to investigate other colors, but he preferred to keep with warmer earthtone colors.

Mr. Twombly noted that Condition of Approval #6 states that exterior building materials and color and final design details must be in substantial completion and approved by Staff prior to building permit issuance. He remarked that the applicant could work with the Staff to meet the direction given by the Planning Commission.

Mr. Twombly believed the tennis courts was the greatest area of concern. He explained that Park City is a world class resort community and an Olympic venue city. All the recreation facilities that are built need to be of a caliber the City can show off as a world class resort. This was the reason for building the tennis courts to USTA standards. Mr. Twombly stated that building substantially less than standard is not the goal of the City Council or the Staff that works in Park City.

Steve Brown stated that construction is a necessary evil and they were very open to discussing mitigation issues and time frames that are more amenable to the community. He noted that there IS a period of time during phased construction where certain elements such as excavation and demolition are noisy. He suggested working with the Staff to restrict those unusually noisy phases from beginning prior to 8:00 a.m. Mr. Brown stated that one of the challenges of taking a blanket restriction is that it impacts the bid process with the contractors. Contractors need to feel that they have sufficient time to meet the construction time lines outlined in the bid documents. Mr. Brown felt there was room to work with the Staff to develop a construction mitigation plan that addresses those issues.

Commissioner Pettit asked if it was possible to have someone outside of the City Staff who would be responsible for taking complaints regarding violations of the construction mitigation plan. This is a City project and she felt the City needs to hold itself out to the neighbors who have to live through the construction process. Commissioner Pettit encouraged a mitigation plan that is as friendly and realistic as possible. Mr. Brown noted that the applicant is required to submit a construction mitigation plan that the Building Department can review and approve. He stated that Michele is very diligent in her enforcement of mitigation plans. Mr. Brown stated that construction signage through the course of construction will identify individuals to contact. They are anxious to understand the complaints registered so they can respond accordingly. Mr. Brown recognized that this is a City project and the City needs to set the example.

Vice-Chair Russack summarized a list of issues raised by the Planning Commission. The first issue was the mass of the entrance. He understood the intent to establish the entrance, but he wondered if there was another one to accomplish that goal and still reduce or soften the massiveness of the design element.

Commissioner Pettit understood that part of the reason for the entrance design was to provide daylight in to that area. She believed that was a good feature of the design but she agreed that they should try to soften the look. Commissioner Peek felt there was too much replication of entry elements around the County. Commissioner Hontz likes the idea of being drawn into the facility and she understood the intent. However, she did not favor this particular feature because they would be branding the facility to a certain decade and because it replicates other entry elements in the County that she personally dislikes. Commissioner Hontz felt Park City should keep its own identity separate from the County. Vice-Chair Russack pointed out that the facility is in a residential neighborhood and the entrance design should embrace neighborhood compatibility.

A second issue was facade shifts and Vice-Chair Russack requested that the Staff go back and look at how the Planning Commission has defined and interpreted the Code in the past. Commissioner Hontz understood that the area defined for the future restaurant would create a break in the facade. Vice-Chair Russack felt that was a good point and asked if the Planning Commission was willing to make that a Finding of Fact for approval.

A third issue was height and size. Vice-Chair Russack agreed that if the City is spending the money to build a tennis facility it should reflect world class status. He requested that the applicants re-look at the height to see if there are ways to mitigate the impacts and still meet the USTA standards.

Mr. Twombly stated that as a representative of the applicant, he believed they had answered all the design questions and comments from the previous meeting. If they come back again with the same building height issue that has been discussed over the past three meetings, he was unsure how they could come to a resolution. Mr. Twombly asked if the requested height exception was something the Planning Commission could approve.

Vice-Chair Russack reiterated that he was generally comfortable with the idea of building a world class facility and having legal size tennis courts.

Commissioner Strachan noted that the applicant was coming back with a construction mitigation plan. If the applicant decides to submit the same drawings, the Planning Commission would vote on the height exception and it would either be approved or denied.

Assistant City Attorney, Polly Samuels McLean, stated that out of fairness to the applicant, the Planning Commission should provide direction on where they stand with the height exception.

Commissioner Peek stated that without input from a structural and mechanical engineer, he was not willing to vote in favor of the height exception. Commissioner Pettit concurred.

Commissioner Hontz preferred to hear a response to Commissioner Peek's input before she decides. She wants the facility to work and was comfortable with the height exception if the applicant cannot provide an alternative solution based on Commissioner Peek's suggestions.

Commissioner Luskin echoed Vice-Chair Russack. He was generally comfortable with the height exception if there was no other solution because it is tantamount to everything in Park City that is world class.

Commissioner Peek clarified that he agreed with the idea of a first class facility, but he had issues with the application and once those issues are addressed he would vote in favor.

The fourth issue was construction and mitigation. Vice-Chair Russack felt it was evident from the comments that construction hours need to be defined in the construction mitigation plan.

Commissioner Luskin favored the suggestion by Commissioner Pettit to streamline the enforcement procedure. He did not believe the current procedure was particularly efficient. As the applicant, Mr. Twombly was not able to speak to enforcement issues. Assistant City Attorney McLean stated that the Planning Commission could require that one person be assigned to receive complaints as a condition of approval.

Commissioner Strachan disagreed with Steve Brown's comment about restricting hours during the noisy parts of construction. That approach is too vague and there is no way to determine "too noisy". Commissioner Strachan reiterated his request for a restriction on the hours of operation for all construction.

Mr. Brown stated that the City Building Department has specific requirements that all contractors building in Park City must adhere to. Commissioner Strachan clarified that construction hours were his primary issue. He suggested that 8:00 a.m. to 6:00 p.m. was a reasonable time frame. Mr. Brown stated that the industry standard for labor is 7:00 a.m. to 3:00 p.m. I may be difficult if contractors cannot mobilize people on site prior to 8:00 p.m. Vice-Chair Russack conceded that they may have to allow a 7:00 a.m. start time with an earlier stop time.

Commissioner Pettit commented on her experience with construction and noted that diesels were starting up and staging of materials took place prior to the 7:00 a.m. start time. She wanted it very clear in the construction mitigation plan that no activity could take place prior to 7:00 a.m. Commissioner Pettit referred to concerns expressed by the neighbors regarding staging of materials and its proximity to residential units. She felt they should be sensitive to the intrusion it presents to the residents and their property.

Mr. Brown replied that the staging would occur in the parking area, and they would try to stay as far away from the condominium units as possible.

Commissioner Luskin remarked that busing construction workers to the Montage project worked well and he asked if that was a possibility for this project. He believed that would alleviate some of the impacts to the neighbors. Mr. Brown stated that they have anticipated providing transportation from remote areas to the site to eliminate the problem of workers parking along residential roads.

Vice-Chair Russack commented on the concerns regarding lighting and landscaping. He requested that the applicant come back with a lighting plan for the parking areas. In terms of landscaping, Vice-Chair Russack asked if additional fill could be done along the perimeter to create a greater buffer than what exists. Mr. Twombly remarked that an existing neighborhood park was constructed along the back three years ago. They do not intend to change the park with this project. Vice-Chair Russack clarified that he was asking about additional trees or plantings that would create a greater barrier between the facility and the surrounding units. Mr. Tippetts noted that there was a landscape plan in the Staff report. At this point additional trees are planned for the front of the building but not the back. Planner Sintz stated that the area at the back of the building would remain undisturbed. Mr. Twombly was willing to plant additional trees.

Vice-Chair Russack requested more creative bike racks and art work. Mr. Twombly stated that they tried to hire artists to do bike racks and benches as part of the Neighborhood Parks Program. The only artist they were able to get was for the bike rack at this neighborhood park. They were unable to get artists for bike racks at two other parks. Mr. Twombly stated that as part of the construction project, they have to give 1% of the construction budget to art, either on or off site. Vice-Chair Russack preferred to keep the art on-site as a way to add personality to the building.

Mr. Tippetts asked if there were other issues for the exterior besides the fenestration at the entrance area and the color of the metal panel. Vice-Chair Russack remarked that the applicant needed to work with the Staff on breaking the 182 foot facade length.

Mr. Brown stated that once a general contractor is selected, that contractor is required to submit a full detailed construction mitigation plan to the Building Department. He understood that the primary concerns were: 1) the start time and end time; 2) transportation for labor; 3) materials delivery and staging; 4) complaints.

MOTION: Commissioner Pettit moved to CONTINUE 1200 Little Kate Road MPD to January 13, 2009. Commissioner Luskin seconded the motion.

VOTE: The motion passed unanimously.

2. 1765 Sidewinder Drive, Club Lespri - Conditional Use Permit
(Application #PL-09-00811)

Commissioner Wintzer resumed the chair.

Planner Brooks Robinson reviewed the application for a conditional use permit for a distillery at the Club Lespri at 1865 Sidewinder Drive. The applicant is Dave Johnson.

Planner Robinson stated that the project is considered a light industrial and manufacturing use. Alcohol would be brought in to the distillery and the product would be bottled on site. He noted that the Building Department was concerned about the distillery having higher flammable materials. The Building Department and the Snyderville Basin Reclamation District have required approval of a hazardous materials management plan to address this concern.

Commissioner Strachan asked if the applicant needed DABC approval.

Dave Johnson, the applicant, replied that he would need DABC approval as a manufacturing operation, as well as a packaging agency in order to sell the product being produced. He is currently working with the DABC to obtain that approval. Mr. Johnson clarified that DABC approval is subsequent to obtaining local permission.

Mr. Luskin asked if the distillery would be open to the public. Mr. Johnson replied that the distilling room is approximately 500 square feet and would be primarily used for the distilling operation. There may be walk through tours but the primary use is distilling of alcohol.

Chair Wintzer clarified that there was no change to the exterior of the building. Mr. Johnson replied that this was correct.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Russack asked if the restaurant use would continue. Mr. Johnson answered yes. Commissioner Russack assumed Mr. Johnson was turning a small room in to the distillery. Mr. Johnson explained that part of the DABC process would be to separate the distillery room from the restaurant DABC license and govern the distillery under a distilling DABC license. The same restaurant would operate up front and be separated from the distillery.

MOTION: Commissioner Pettit made a motion to APPROVE the conditional use permit for 1765 Sidewinder Drive according to the Findings of Fact, Conclusions of Law and Conditions of Approval outlined in the Staff report. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 1765 Sidewinder Drive

1. The subject property is at 1765 Sidewinder Drive, Park City, Utah 84060.

2. The property is located in the General Commercial (GC) Zone.
3. A distillery is a light industrial manufacturing use within the Land Management Code (LMC) and requires a CUP approval by the Planning Commission.
4. There are no exterior changes to the existing building proposed within the application.
5. The parking requirements of the Prospector Square subdivision have been met.
6. The findings in the Analysis section of this report are incorporated herein.

Conclusions of Law - 1765 Sidewinder Drive

1. The application satisfies all Conditional Use Permit review criteria for a Light Industrial Manufacturer as established by the LMC's Conditional Use Review process [Section 15-1-10(E) (1'-15)].
2. The applicant complies with all requirements of this LMC.
3. The use is consistent with the Park City General Plan, as amended.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval - 1765 Sidewinder Drive'

1. A hazardous materials management plan must be approved by the Building Department, the Fire Marshall and the Snyderville Basin Water Reclamation District prior to the issuance of a business license. If a hazardous materials management plan is not approved within 3 months of the Planning Commission approval of a conditional use permit, the conditional use permit shall apply to this project.
2. All standard conditions of project approval shall apply to this project.
3. All signs associated with the distillery must comply with the City's Sign Code and be issued a sign permit by the Planning Department.
4. All County, State and Federal Permits required for the use must be obtained by the owner prior to start up of operations (distilling).
5. A one-year review of the CUP will be scheduled. All possible impacts of the CUP must be mitigated. The City may void this CUP if impacts are found in the operation which may cause harm to the public.

6. Sale of alcoholic beverages through the Utah DABC package agency license is limited to the beverages produced by Club Lespri. Sale of any additional products is not allowed within this Conditional Use Permit.
3. 3615 Sun Ridge Drive - Plat Amendment
(PL-09-00753)

Planner Jaquelyn Mauer handed out a copy of a letter from the applicant, Vincent Mascatello.

Planner Mauer reviewed the application for a plat amendment at 3615 Sun Ridge Drive, called the VMCS replat. The applicant was proposing to separate lot 1, which is the Mascatello replat, into two separate lots. The proposed plat amendment brings the current lot back to the size and configuration it was as Lots 5 and 6 of the Royal Oaks Subdivision.

Planner Mauer noted that the conditions of approval for the replat are the same as what previously existed for the Royal Oaks subdivision. Planner Mauer presented slides showing the lot as it exists today and the two lots proposed by the replat. She indicated the Royal Oaks at Deer Valley subdivision across the street and pointed out how the lots line up. The four lots identified in bold identified the people who had concerns with this proposal, believing that their views would be affected, as well as their property values. There was also concern that the replat violated the CC&Rs. Planner Mauer pointed out that the City does not enforce CC&R's and no conditions of approval on the Mascatello Replat state that no future plat amendment would be prohibited.

The Staff recommended that the Planning Commission conduct a public hearing for the VMCS replat and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval as found in the draft ordinance.

Vincent Mascatello, stated that he is the owner and trustee of VMCS, their family trust. Mr. Mascatello requested that the Planning Commission allow him to divide their lot, which is currently known as Lot 1, the Mascatello replat, back to its original state of two lots. He noted that the current single lot was originally platted as Lots 5 and 6 of the Royal Oaks Subdivision. He purchased lot 5 in 1992 and Lot 6 in 2001 and soon after combined the lots into a single lot on which to build a home. At that time he could not predict the profound changes in Park City real estate. Lot 5 changed very little in price in the preceding nine years they owned it. However, shortly after purchasing Lot 6, building and land prices escalated to levels that made a single house on two lots financially impossible. Mr. Mascatello noted that he has built four separate houses in the last 20 years and during that time the cost of construction has increased tenfold. The house they envisioned became financially impossible. In addition, selling a single lot would result in severe financial loss. Mr. Mascatello remarked that the Royal Oaks Subdivision cannot support a 9,000 plus square foot house, as called for on the replat. The size and price of such an endeavor would be out of character for the area.

Mr. Mascatello stated that seeking permission to return the lot to its original configuration would allow him to build two homes of approximately 5,000 and 7,000 square feet, which would be compatible with the area. The financial pressures of not dividing the lot have been made more

extreme by the recent and severe downturn. When the market rebounds, he believes prices will be significantly lower.

Mr. Mascatello noted that four nearby properties have expressed concern and claim that the loss of view corridors would negatively impact their properties. He referred to the plat drawing to explain why he believed the views for Lots 44 and 48 would be enhanced and why their concerns were false.

Chair Wintzer opened the public hearing.

Adam Warshauer was unsure of the process. He had nothing to say at the public hearing but he wanted the opportunity for dialogue with Mr. Mascatello.

Chair Wintzer informed Mr. Warshauer that he should arrange to speak with Mr. Mascatello outside of this meeting.

Chair Wintzer closed the public hearing.

Commissioner Strachan wanted to know which Chapter of the Code applied to this application. Planner Mauer replied that it under the subdivision portion of the Code.

Chair Wintzer asked about setbacks. Planner Mauer replied that the previous side yard setback was 12'. Under the current application the new setback is 30 feet.

Commissioner Strachan referred to Section 15-7-7 of the LMC and asked if financial reason was a good cause to approve a replat. Commissioner Pettit pointed out that this replat would put the lots back to their original configuration.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the VMCS Replat at 3615 Sun Fridge Drive, according to the Findings of Fact, Conclusions of Law and Conditions of Approval contained in the Staff report. Commissioner Peek seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 3615 Sun Ridge Drive

1. The property is located at 3615 Sun Ridge Drive.
2. The zoning is Residential Development (RD) within the Deer Valley Master Planned Development (MPD).
3. The Mascatello's combined Lot 5 and 6 of the Royal Oaks subdivision in 2001 creating Lot 1 Mascatello Replat as it is today. It is 0.728 acres.

4. The proposed plat amendment brings the current lot back to its previous size and configuration of Lot 5 (15,544 square feet) and Lot 6 (16,169 square feet) of the Royal Oaks Subdivision. City Council approved the Royal Oaks Subdivision in 1991. The previous Lot 5 will be renamed Lot A of the VCMS, LLC Replat. The previous Lot 6 will be renamed Lot B of the VMCS, LLC Replat.
5. The size of the two proposed lots is consistent with the pattern of development in the neighborhood.
6. The setbacks are fifteen feet (15') for the front and rear yards and twelve feet (12') for both of the side yards. This fits within the RD zone since an exception as stated in LMC 15-2.13-3 was granted to the Royal Oaks Subdivision at the time of original subdivision approval.
7. The maximum height for future structures will be that which is allowed within the RD zone.

Conclusions of Law - 3615 Sun Ridge Drive - Plat Amendment

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

Conditions of Approval - 3615 Sun Ridge Drive

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Royal Oaks Subdivision shall continue to apply.
4. Lot A is limited to a maximum house size of 5,000 square feet. Lot B is limited to a maximum house size of 7,500 square feet. These restrictions will be noted on the plat.

5. 801-817 Park Avenue, Parkwood Place - Record of Survey aka 804-816 Woodside Avenue, Parkwood Place (Application #PL-09-00789)

Planner Robinson reviewed the application for the amended Record of Survey for 801-817 Park Avenue. He reported that on May 11, 2005 the Planning Commission approved an MPD for an eight unit mixed-use development. On December 14, 2005 a development agreement was approved.

Planner Robinson stated that because the project is on one lot of record, which combines the equivalent of 14 Old Town lots, on May 3, 2005, the Board Of Adjustment approved a request for a special exception for a 5 foot side yard on the north side and a 10 foot front yard long Woodside Avenue. On July 26, 2005, the Parkwood Place condominium record of survey was recorded with Summit County.

Planner Robinson noted that the project, being built in one phase, was nearing completion. The four units facing Woodside are restricted to residential uses, while the four unit on Park Avenue may include commercial uses. The project is located at 801-817 Park Avenue and 804-816 Woodside Avenue, within the Park City limits. The property is zoned HR-1, Historic Residential and HRC, Historic Residential Commercial and it is subject to the 801-817 Park Avenue MPD. Planner Robinson stated that the condominium locations are consistent with the zoning districts and the approved MPD. The amended record of survey plat is for the entire project.

Planner Robinson stated that on September 25, 2009 the City received a complete application to amend the Parkwood Place condominium record of survey to reflect the as-built conditions. Subsequent to the application, the Staff requested a summary of the changes from the recorded plat to the proposed plat. That summary was attached to the Staff report.

The Staff finds that the plat is consistent with the approved MPD and Development Agreement, in terms of size and location of the buildings, proposed uses, and required parking. All conditions of approval of the 801-817 Park Avenue MPD approval continue to apply. The Staff finds good cause for this amended record of survey as it reflects the as-built conditions of the project.

The Staff recommended that the Planning Commission conduct a public hearing for the Parkwood Place Amended condominium record of survey and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Luskin commented on noticing concerns and suggested that notices be delivered to the doorstep of each affected property. Planner Robinson noted that the notices are sent to property owners within 300 feet of the application property.

Commissioner Strachan asked if the City contracts with one title company to obtain names and addresses. Planner Robinson answered no, noting that the applicant is responsible for obtaining names and address from the title company.

Commissioner Hontz felt the applicants should be more diligent in making sure the appropriate property owners within 300 feet are notified. If the City is made to be responsible, the fees could be increased.

Assistant City Attorney, Polly Samuels McLean pointed out that individual notices to property owners are sent as a courtesy and are not required by State law.

MOTION: Commissioner Peek moved to forward a POSITIVE recommendation to the City Council for the Parkwood Place Amended condominium record of survey in accordance with the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 801-817 Park Avenue

1. The property is located at 801-817 Park Avenue and 804-816 Woodside Avenue.
2. The zoning is Historic Residential (HR-1) and Historic Recreation Commercial (HRC) as part of a Master Planned Development.
3. On September 25, 2009, the City received a complete application to amend to the Parkwood Place condominium record of survey to reflect the as-built conditions.
4. There are eight units in the project, four facing Park Avenue and four facing Woodside Avenue.
5. The units facing Woodside are restricted to residential uses. The units facing Park may have commercial uses.
6. The condominium locations are consistent with the zoning districts and the approve MPD.
7. On September 25, 2009, the City received a complete application to amend the Parkwood Place condominium record of survey to reflect the as-build conditions.

Conclusions of Law - 801-817 Park Avenue

1. There is good cause for this amended record of survey as it reflects the as-built conditions.

2. The amended record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats, the Park City General Plan and Land Management Code, and the Parkwood Place MPD and Development Agreement.
3. Neither the public nor any person will be materially injured by the proposed amended record of survey.
4. Approval of the amended record of survey, subject to the conditions state below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 801-817 Park Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the amended records of survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amended record of survey within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Parkwood Place Master Planned Development and development agreement shall continue to apply.
4. 7447 Royal Street #351, Blackbear Condominiums - Amendment to Record of Survey (Application #PL-08-00372)

Planner Robinson reviewed the application for the first amended record of survey for the Black Bear Condominiums located at 7447 Royal Street, Unit #351. The applicant would like to divide Unit 351 into two separate saleable unit. Subsequent to receiving the application, the Staff reviewed the condominium documents and found that only the developer or its heir could request to divide particular units, including #351. That issue has been resolved and the owners have voted to approve the change.

Planner Robinson reported that on May 10, 1995, the Planning Commission approved a Conditional Use Permit for the Black Bear Lodge. The Deer Valley Master Plan (DVMPD) has an allowed density of 51 unit equivalents for the 1.29 acre site. Within the DVMPD, a developer can utilize either the City's Unit Equivalent formula of 2,000 square feet per UE or develop the proscribed number of units with an unlimited size. In the case of Black Bear, the developer utilized the UE formula, creating 53 actual units of limited sizes. He total square footage of the building utilized 42.75 UEs. There is a residual of 8.25 UE of the 51 allowed. Planner Robinson stated that the condominium documents contemplated the possible splitting of four units, including #351. He noted that Units 151/152 on the first level and 251/ 252 on the second level were divided with the initial platting, and #451 could undergo the same process.

Planner Robinson remarked that the proposed record of survey creates two units from the built Unit 351. The existing configuration and the operation of the current unit is as two units. The current

condominium plat indicates 53 units with levels one and two having separate "double units." They are numbers as 151 and 152 on the first level and 251 and 252 on the second level. This is the not case on the levels above units 351 and 451. Planner Robinson stated that the proposed new Unit 351 is 1,321 square feet and Unit 352 is 1,243 square feet. The hallway accessing both of these proposed units would be platted as Limited Common. The original unit required three parking spaces. He noted that the Planning Commission, in its prior approval, required 1.5 parking spaces for units of the proposed sizes. No net increase in parking is required.

Planner Robinson stated that Unit 351 functions as two units under one ownership. A hallway separates the two sides of the unit with separate entrances from the hallway. Each side has its own kitchen and living quarters. Planner Robinson pointed out that as the project is built and no new square footage is proposed, the unit equivalents for the building would be unchanged. Staff finds good cause for this record of survey as this condominium is consistent with the Deer Valley MPD and the Black Bear development utilizing the unit equivalent formula. He noted that the Black Bear HOA voted to approve the change.

The Staff recommended that the Planning Commission hold a public hearing for the first amended Black Bear Condominium Record of Survey Plat and forward a positive recommendation to the City Council based on the findings of fact, conclusions of law and conditions of approval found in the draft ordinance.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation to the City Council for the Black Bear Condominium record of survey plat according to the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Russack seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - Black Bear Condominium

1. The property is Unit 351 of the Black Bear condominiums, located at 7447 Royal Street.
2. The Black Bear condominiums are located in the RD-MPD zoning district and subject to the Deer Valley Master Planned Development. On May 10, 1995, the Planning Commission approved a Conditional Use Permit for the Black Bear Lodge.
3. The Deer Valley Master Planned Development allowed for either the utilization of the proscribed units with no limit on unit sizes.

4. The project site had an allowed density of 51 units for the 1.39 acre site (Lot 22 of the Deer Valley Club Estates).
5. The Black Bear development created 53 actual units of limited sizes utilizing the Unit Equivalent formula, equating to 42.75 UEs. There is a residual of 8.25 UEs of the 51 allowed UEs.
6. The proposed record of survey creates two units from the built Unit 351. The existing configuration and the operation of the current unit is as two units.
7. The proposed new Unit 351 is 1,312 square feet and Unit 352 is 1,243 square feet. The hallway accessing both of these proposed units will be platted as Limited Common.
8. The original unit required three parking spaces; the Planning Commission in its prior approval required 1.5 parking spaces for units of the proposed sizes. There is no net increase in parking demand and additional off-street parking is not required.
9. As the project is built and no new square footage is proposed, the unit equivalents for the building would be unchanged.
10. The Black Bear HOA voted to approve the change.

Conclusions of Law - Black Bear Condominiums

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

Conditions of Approval - Black Bear Condominiums

1. The City Attorney and City Engineer will review and approve the final form and content of the record of survey for compliance with State law, the Land Management Code and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.

3. All conditions of approval of the Deer Valley Master Planned Development and the May 10, 1995 Black Bear Condominium Conditional Use Permit and plat shall continue to apply.
4. 2001 Park Avenue, Park City Hotel - Amendment to Record of Survey
(Application # PL-09-00802)

Planner Brooks Robinson reviewed the application for an amended record of survey for the Park City Hotel at 2001 Park Avenue.

Planner Robinson provided a brief history of the property, which began in October 1996 when an MPD was approved by the Planning Commission for a project then known as Island Outpost. A development agreement was approved by the City on July 30, 1997, which memorialized the MPD and set forth the terms and conditions of the project. In 1999 the Staff found the Hotel component to be in substantial compliance with the approved MPD and construction began. After several proposals and amendments, the final design of the hotel created 54 residential units, utilizing 21.54 of the 29 unit equivalents of density. In October of 2000, the City Council approved a zone change from Residential Development (RD) to Recreation Commercial (RC), but required that the zoning requirements of the RD zoning district be maintained. In order to build the approved hotel, a single lot subdivision was required and was approved by the City Council in 2001. On June 6, 2002 the City Council approved a supplemental record of survey reflecting the construction of the cottage units and adjustments in the convertible space within the hotel, utilizing 16.5 unit equivalents. The total UEs are now 38.04 of the 39 approved in the MPD.

Planner Robinson reported that on October 9, 2009, the City received a complete application for an amendment to the Hotel Park City condominium record of survey. The application reflects a legal settlement between Park City, the HPC Development, LLC and the Hotel Park City Condominium Association, to reapportion the Pro Shop par value and change the parking from common to limited common. No changes in the building or uses are proposed. Planner Robinson clarified that the amendment is only for the change of par value for the Pro Shop and the designation of limited common and assignment of the parking spaces.

Planner Robinson explained that the current record of survey calls both the underground and above ground parking as common area. The amended plat changes the designation of all of the parking areas from Common to Limited Common Pro Shop (59 below ground and 38 above ground spaces). A separate cross-easement provides that the spaces will continue to be shared in user. The amendment does not change the conditions of approval of the MPD as long as the users of both the golf facility and hotel continue to have access to all the parking spaces. A recommended condition of approval is that the stalls will not be signed or enforced for separate uses unless an amendment to the MPD is approved. No other changes to the MPD or building is requested with this amendment.

The Staff finds good cause for this amended record of survey as it reflects the legal settlement over apportioned costs of maintenance of the parking areas and a reallocation of the par value of the Pro Shop.

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

Commissioner Strachan asked for an explanation of allocating a par value to the pro shop. Planner Robinson stated that the City is purchasing the pro shop and they are determining appropriate association fees for the Pro Shop, as well as operation and maintenance of the parking area.

Assistant City Attorney McLean explained that the purchase of the pro shop would change the CC&R's and the par value for the pro shop. She noted that this was all part of the settlement agreement.

Commissioner Luskin asked if this also applied to White Pine Touring during the winter. Ms. McLean replied that it was one in the same.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

MOTION: Commissioner Strachan moved to forward a POSITIVE recommendation for the amended record of survey for 2001 Park Avenue in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the Staff report. Commissioner Russack seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 2001 Park Avenue

1. The property is located at 2001 Park Avenue.
2. The zoning is Recreation Commercial (RC) as part of a Master Planned Development with Residential Development (RD) restrictions.
3. A Development Agreement was approved by the City on July 30, 1997 that memorialized the MPD and set forth the terms and conditions of the project. The MPD approval and Development Agreement allowed 39 residential unit equivalents and not more than nine commercial unit equivalents.
4. A total of 38.04 Residential Unit Equivalents have been utilized and all nine Commercial Unit Equivalents have been utilized.

5. The MPD required a shared parking plan based on a use analysis. The golf course was estimated to provide 48% of the overall users and the hotel 52% with peak use times for each at different times of the day.
6. On October 9, 2009, the City received a complete application for an amendment to the Hotel Park City condominium record of survey. The application reflects a legal settlement between Park City Municipal Corporation, HPC Development, LLC and the Hotel Park City Condominium Association to reapportion the Pro Shop par value and change the parking from common to limited common. No changes in the building or uses is proposed. The amendment is only for the change of par value for the Pro Shop and the designation of limited common and assignment of the parking spaces.
7. The amended plat changes the designation of all of the parking areas from Common to Limited Common Pro Shop (59 below ground and 38 above ground spaces) or Limited Common non-public 964 below ground and 42 above ground spaces.
8. A separate cross-easement provides that the spaces will continue to be shared in use.

Conclusions of Law - 2001 Park Avenue

1. There is good cause for this amended record of survey as it reflects the as-built conditions and the terms of the 2009 agreement between Park City Municipal Corporation and HPC development, LLC.
2. The amended record of survey is consistent with the Park City Land Management Code and applicable State law regarding condominium plats.
3. Neither the public nor any person will be materially injured by the proposed amended record of survey.
4. Approval of the amended record of survey, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

Conditions of Approval - 2001 Park Avenue

1. The City Attorney and City Engineer will review and approve the final form and content of the amended record of survey for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the amended record of survey at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. All conditions of approval of the Hotel Park City Master Planned Development shall continue to apply.

4. A plat note shall be added that states that parking stalls shall not be signed or enforced for separate uses unless an amendment to the MPD is approved.
5. A separate cross-easement will be recorded prior to or contemporaneously with the plat that provides that the spaces will continue to be shared in use.
7. 750 Round Valley Drive - Physician's Holdings - MPD
(Application #PL-09-00802)
8. 750 Round Valley Drive - Physician's Holdings - CUP
(Application #PL-09-00788)

Planner Brooks Robinson reported that the both the CUP and the MPD were linked to the Physicians Holding Medical Center at the IHC Medical Complex. The Planning Commission reviewed these items on November 11 and requested information. The Planning Commission asked for parking analysis to determine the feasibility of fewer spaces, and asked that the applicants consider reconfiguring the parking to lessen the visual impacts from the approach on round Valley Drive. Planner Robinson noted that a revised site plan and a parking analysis were attached to the Staff report. Planner Robinson stated that the revised plan removes parking from the SE corner of the parking area; however that parking could go back in, depending on future use and tenants in the lower portion of the building. The amount of parking was reduced from the initial proposal, which met the Code requirement.

Planner Robinson stated that the Planning Commission had also requested a "fog" study to illustrate the portion of the roof that is being requested for a height exception. Planner Robinson reviewed the fog study, which was attached to the Staff report.

Planner Robinson noted that the findings of fact, conclusions of law and conditions of approval were contained in a combined report. He requested two separate motions for the MPD and the CUP, following a public hearing and discussion.

Chair Wintzer asked for clarification of the height variance. Planner Robinson stated that the allowed height in the zone is 28 feet plus another five feet. The proposed height at the highest point is 39 feet at the very peak.

Chair Wintzer opened the public hearing.

There was no comment.

Chair Wintzer closed the public hearing.

Commissioner Peek stated that his only concern was seeing the parking lot on approach. He suggested adding a condition of approval stating that, "Parking lot paved surfaces shall not be visible from SR248 west of US40 nor from Round Valley Drive south of the project location".

Chair Wintzer agreed with Commissioner Peek, since that was his major concern. Commissioner Pettit was comfortable that the condition of approval as stated by Commissioner Peek would address that concern. Commissioner Russack concurred.

MOTION: Commissioner Pettit moved to APPROVE the MPD application for the 750 Round Valley Drive Physician's Holdings LLC in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the Staff report, with the addition of the conditional of approval as suggested by Commissioner Peek. Commissioner Russack seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Commissioner Pettit moved to APPROVE the Conditional Use Permit for the 750 Round Valley Drive Physician's Holding Building in accordance with the Findings of Fact, Conclusions of Law and Conditions of Approval as outlined in the Staff report. Commissioner Russack seconded the motion.

VOTE: The motion passed unanimously.

Findings of Fact - 750 Round Valley Drive - MPD

1. The property is located at 750 Round Valley Drive in the Community Transition (CT) Zoning District. This property is also known as Lot 7 of the Second Amended IHC Subdivision and is 3.4 acres in size.
2. A medical office building over 10,000 square feet requires Master Planned Development Approval and a conditional use permit.
3. A 25,000 square foot medical office building was contemplated with the Intermountain health Care annexation, Development Agreement and Master Planned Development as part of Phase One of the project.
4. On September 9, 2009, the Planning Commission found initial compliance with the General Plan during a pre-MPD public hearing on a medical office building of 25,000 square feet.
5. The proposed net leasable area is 20,931 square feet necessitating a Land Management Code requirement of 105 parking spaces. The Planning Commission may reduce the parking required based on a parking analysis from the applicant.
6. Setbacks in the CT zone are 25 feet on all sides. The proposed development exceeds the required setbacks.
7. There are existing utilities to the site.

8. Access is from Round Valley Drive, a public road.
9. A trails is proposed to connect to the existing public trail through the medical campus.
10. A height request for a clerestory element is proposed and may be considered during the MPD. Maximum height is proposed at 39 feet above existing grade.
11. As part of the pending MPD review process, the Planning Commission may require the submittal of a Construction Mitigation Plan prior to final action.
12. The discussion in the Analysis section is incorporated herein.

Conclusions of Law - 750 Round Valley Drive

1. The MPD, as conditioned, complies with all the requirements of the Land Management Code.
2. The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 of this Code.
3. The MPD, as conditioned, is consistent with the Park City General Plan.
4. The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission.
5. The MPD, as conditioned, strengthens and enhances the resort character of Park City.
6. The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible.
7. The MPD, as conditioned, is compatible in use, scale and mass with adjacent properties, and promotes neighborhood compatibility.
8. The MPD provides amenities to the community so that there is no net loss of community amenities.
9. The MPD, as conditioned, is consistent with the employee Affordable Housing requirements as adopted by the City Council at the time the application was filed.
10. The MPD, as conditioned, meets the provisions of the Sensitive Lands provisions of the Land Management Code. The project has been designed to place Development on the most developable land and least visually obtrusive portions of the site.
11. The MPD, as conditioned, promotes the sue of non-vehicular forms of transportation through design and by providing trail connections.
12. The MPD has been noticed and public hearing held in accordance with this Code.

Conditions of Approval - 750 Round Valley Drive

1. All applicable conditions of approval of the IHC/USSA Annexation shall apply to this MPD.
2. All applicable conditions of approval of the Intermountain Healthcare park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat shall apply.
3. A parking reduction is approved to 96 spaces if the building is fully leased as a medical clinic/office and 102 spaces if the Fellowship hall is programmed into the lower floor.
4. A final water efficient landscape and irrigation plan that indicates snow storage areas is required prior to building permit issuance.
5. All exterior lights must conform to the City lighting. Parking lot lighting shall be on a timing system to allow for minimal lighting when the facility is not open. The timing system and building security lighting shall be approved by Staff prior to issuance of a certificate of occupancy.
6. All exterior signs require a separate sign permit. Application for a sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.
7. Exterior building materials and colors and final design details must be in substantial compliance with the elevations, color and material details, exhibits, and photos reviewed by the Planning Commission on November 11, 2009, and shall be approved by Staff prior to building permit issuance.
8. The final building plans, parking lot details and landscaping, and construction details for the project shall meet substantial compliance with the revised drawings reviewed by the Planning Commission on December 9, 2009.
9. Utility and grading plans, including all public improvements and trails, must be approved by the City Engineer prior to Building Permit issuance. A guarantee for all public improvements, including trails and required landscaping, is required prior to issuance of a full building permit.
10. The Construction Mitigation Plan must be approved by Staff as a condition precedent to issuance of any building permits.
11. 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.

12. Approval of a fire protection plan for the building shall have been made by the Building Official prior to any full building permit being issued. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by construction of the building.
13. 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 a full building permit.
14. The affordable housing obligation must be fulfilled prior to Certificate of Occupancy.
15. Parking lot paved surfaces shall not be visible from SR248 West of US40 nor from Round Valley Drive south of the project location.

Findings of Fact - 750 Round Valley Drive - CUP

1. The property is located at 750 Round Valley Drive in the Community Transition (CT) zoning district. This property is also known as Lot 7 of the Second Amended IHC Subdivision and is 3.4 acres in size.
2. A medical office building over 10,000 square feet requires Master Planned Development approval and a Conditional Use Permit.
3. A 25,000 square foot medical office building was contemplated with the Intermountain Health Care Annexation, Development Agreement and Master Planned Development as part of Phase One of the project.
4. On September 9, 2009, the Planning Commission found initial compliance with the General Plan during a pre-MPD public hearing on a medical office building of 25,000 square feet.
5. The proposed net leasable area is 20,931 square feet necessitating a parking demand of 105 parking spaces. The Planning Commission may reduce the parking required based on a parking analysis from the applicant.
6. There are existing utilities to the site.
7. Access is from Round Valley Drive, a public road.
8. A height request for a clerestory element is proposed and may be considered during the MPD. Maximum height is proposed at 39 feet above existing grade.
9. The discussion in the Analysis section is incorporated herein.

Conclusions of Law - 750 Round Valley Drive - CUP

1. The CUP, as conditioned, is consistent with the IHC Master Planned Development and the Park City Land Management Code.
2. The CUP, as conditioned, is consistent with the Park City General Plan.
3. The proposed use will be compatible with the surrounding structures in use, scale, mass and circulation.
4. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval - 750 Round Valley Drive - CUP

1. All standard conditions of approval apply to this CUP.
2. All applicable conditions of approval of the IHC/USSA Annexation shall apply to this CUP.
3. All applicable conditions of approval of the Intermountain Healthcare Park City Medical Campus/USSA Headquarters and Training Facility amended subdivision plat shall apply.
4. A final water efficient landscape and irrigation plan that indicates snow storage areas is required prior to building permit issuance.
5. All exterior lights must conform to the City lighting. Parking lot lighting shall be on a timing system to allow for minimal light when the facility is not open. The timing system and building security lighting shall be approved by Staff prior to issuance of a certificate of occupancy.
6. All exterior signs require a separate sign permit. Application for a sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.
7. Exterior building materials and colors and final design details must be in substantial compliance with the elevations, color and material details exhibits and photos reviewed by the Planning Commission on November 11, 2009, and shall be approved by Staff prior to building permit issuance.
8. The final building plans, parking lot details and landscaping and construction details for the project shall meet substantial compliance with the drawings reviewed by the Planning Commission on November 11, 2009.
9. Any roof top mechanical equipment is required to be screened.
10. Any flat roof membranes may be tan but not white.
11. Utility and grading plans, including all public improvements and trails, must be approved by the City Engineer prior to Building Permit issuance. A guarantee for all public

improvements, including trails and required landscaping, is required prior to issuance of a full building permit.

12. A sidewalk from Round Valley Drive to the entrance of the building is required.
13. A bike rack is required.
14. The Construction Mitigation Plan must be approved by Staff as a condition precedent to issuance of any building permits.
15. 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.
16. Approval of fire protection plan for the building shall have been made by the Building Official prior to any full building permit being issued. The fire protection component of the plan shall ensure that Park City's ISO rating is not negatively affected by construction of the building.
17. 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.
9. 1440 Empire Avenue - Plat Amendment (Remand from City Council)
(Application #PL-09-00724)

Planner Kayla Sintz reported that the plat amendment for 1440 Empire Avenue was remanded back to the Planning Commission by the City Council on October 29, 2009. Minutes from the October 29th City Council meeting were contained in the Staff report. Planner Sintz specific that the City Council gave direction regarding confusion at the last Planning Commission hearing. Since the CUP was heard first and continued pending review of the plat amendment, many of the public left and were not able to provide input, thinking that the plat amendment had also been continued.

Planner Sintz stated that the City Council also directed the Staff to provide a density analysis if the parcels are evaluated separately. Planner Sintz noted that the Staff had reviewed the application under the subdivision regulations, as indicated in LMC 15-7-3.3. The City Council also provided direction for the plat application to run concurrently with the CUP. Planner Sintz pointed out that the CUP was the next item scheduled on the agenda this evening.

Planner Sintz noted that the applicant had provided envelopes for noticing the entire project as required by the Land Management Code.

The Staff recommended that the Planning Commission conduct a public hearing for 1440 Empire Avenue replat subdivision and consider forwarding a positive recommendation to the City Council

based on the findings of fact, conclusions of law, and conditions of approval found in the draft ordinance.

Craig Elliott, representing the applicant, stated that this property has been acting as one piece of property for a long time. This replat would consolidate that into a legal form to allow the applicant to move forward with the project.

Planner Sintz commented on the landlock issue raised by Council Member Jim Hier regarding parcel 3. The Staff had modified the original statement contained in the Staff report after finding that the applicant could provide an access easement across parcel 2 in order to access parcel 3.

Mr. Elliott understood the question was on Lot A, Parcel one and parcel two. He noted that Lot A has one individual tax ID and has been acting as one piece of property. He explained that the reason why the triangular piece was separate. He commented on long-time issues on Park Avenue and how connections are cleaned-up with each new project. The intent was to make that triangular piece part of the overall property as a way to add access to Empire Avenue and to function as one property.

Commissioner Pettit felt this issue was different from the platted lots combinations that are typically seen in scenarios for cleaning up boundary lines.

Chair Wintzer opened the public hearing.

Bruce Baird, counsel for David and Rosemary Olsen, 1430 Empire Avenue, and Rick Margolis at 1422 Empire, outlined their presentation for the Planning Commission. Mr. Baird stated that the first issue was the land lock issue. He expected Mr. Margolis to speak about the lot combination issues and how those apply to the statutory requirements of the LMC. Mr. Olsen would speak to the General Plan regarding lot combinations. Mr. Baird noted that there would be some overlap between the presentation on the plat amendment and the CUP. They would keep the overlap to a minimum, but because the two issues are separate and may have different standards of review on any appeal, they want to make sure the record is complete. Mr. Baird stated that Cris Schulz, a real estate property broker and developer in Park City would discuss the impacts of this project on surrounding lots, particularly the Olsen house.

Mr. Baird stated that in some instances, Planning Commissions close the public hearing and then have a second public hearing where only the applicant is allowed to make comment. He requested that once the public hearing is closed all parties are treated the same.

Rick Margolis stated that he lives two houses away from the proposed project. He wanted to know why the application was changed from a plat amendment to a minor subdivision.

Planner Sintz replied that the change was based on input from the Staff review and a legal review. She explained that different criteria was added per 15-7 of the LMC. Mr. Margolis offered to move

forward with his comments, but he was unsure if the Planning Commission could properly hear this application.

Mr. Margolis stated that his comments related to a lot line adjustment and not a re-subdivision. He did not believe there could be a subdivision because they were not dividing anything. Mr. Margolis remarked that growth is supposed to be governed by the General Plan and there are other requirements for lot line adjustments, including things that cannot be done by a lot line adjustment. He referred to 15-7-2(B) and noted that the purpose of the lot line adjustment is to guide the future growth in accordance with the General Plan. Mr. Margolis pointed out that the Staff report mentions cursory. According to the General Plan it is to keep your property zoned low density residential. Mr. Margolis noted that the Staff report also says that there is no clear definition of low density residential. Mr. Margolis stated that the Historic District was the only reference he could find in the Code regarding low density residential. However, low density residential in the Historic District is no longer mentioned. He remarked that the General Plan outlines what a specific area is intended to look like. Based on the General Plan, the plan for the future was for this area to be low density residential. Under low density residential in the Code, there are allowed uses and conditional uses in the Historic District, which is the same in every section in Park City. If it is not an allowed use or a conditional use, it is a defined prohibited use. Mr. Margolis stated that per the LMC, a multi-unit development in a low density residential area is prohibited. Assuming that the Planning Commission decides that the low density residential mentioned in the LMC does not apply, he believed other definitions applied. He commented on the various districts throughout Park City where medium density residential is defined, including the Historic District. He pointed out that medium density residential requires more open space and less density than what is being proposed.

Mr. Margolis stated that if the Planning Commission chooses to make the findings under 15-7-2(B), that this lot line adjustment is appropriate because it is consistent with the General Plan, they also need to find that it is consistent with low or medium density residential. Mr. Margolis noted that no more than five units are allowed under the medium density residential zone. He reviewed a list of requirements for the RDM Zone and noted the items where this project exceeded those requirements.

Mr. Margolis remarked that the ordinance for a lot amendment requires a finding that what is being proposed has the most beneficial relationship between the existing uses and traffic circulation. He explained why he did not believe the Planning Commission could make the finding that consolidating lots and allowing more development provides the most beneficial relationship. Mr. Margolis stated that his discussion is consistent with the purpose for a lot line consolidation subdivision. He noted that Section 15-7-5(B) clearly identifies what can and cannot be done with lot line consolidation. The language states that granting a lot line consolidation for the purpose of achieving additional square footage is not allowed. If there is a conflict in uses between the restrictions inside the lot line and outside of the lot line, the most restrictive use shall prevail.

Mr. Margolis stated that if the Planning Commission determines that a lot line adjustment may be appropriate, it needs to be conditioned by saying that no additional density would be allowed on the property as a result of the lot line adjustment, than would otherwise be allowed if a lot line

consolidation did not occur. Adding that condition would be consistent with the restrictions outlined in the LMC and the General Plan.

Mr. Margolis pointed out that the project proposes 12 parking spaces for 24 beds. That number does not accommodate parking for visitors, repairmen, or other traffic coming in to the project.

David Olsen stated that he lives next door to the property at 1440 Empire Avenue and he and his wife have concerns regarding the lot line consolidation. One concern is the proposed density versus the allowed density on three-tenths of an acre lot. The proposed density of 28 beds in ten units extrapolates to 33 to 35 units per acre. He noted that two parcels are unbuildable and all the density would be concentrated in the middle of three lots. Mr. Olsen did not believe ten units meets the intent of the General Plan.

Mr. Olsen stated that the General Plan shows low density residential, but there is existing higher density development on the street. He noted that 11 single family homes have been built on the east side of the street and he did not think 30 plus units on a small lot would be compatible with what exists. Mr. Olsen commented on research he had done to find the average density per acre in the area. He found that the average units per acre was 12 to 15 units. Mr. Olsen remarked that the Webster definition for "low" is less than normal or average. If the average is 12-15, the density proposed for this project far exceeds low density.

Mr. Olsen identified the impacts the neighbors would incur with this project. He requested that the project be restricted to what could be built before the consolidation.

Cris Schulz stated that he is an urban planner and builder/developer. He commented on his personal experience before the Planning Commission in the 1990's when he tried to consolidate several lots along Lower Empire. After a year and a half long planning process they were convinced that their efforts would fall on deaf ears because they had a very active neighborhood of single family homes. He and the Staff spent countless hours trying to define what was best for the neighborhood, and what is being proposed this evening was not defined in the master plan. Mr. Schulz recalled that the intent was to define the community by the people who live there and not by the structure. Mr. Schulz stated that through that process he got to know the neighbors very well and he learned that the planning process does work. He remarked that the master plan was defined by the neighborhood residents. They wanted to make a definition and retain the residential flavor for the full time residents and those who had ownership of the community. They wanted a community that still had life during the shoulder season. Mr. Schulz stated that the project proposed does not fit within that goal.

Mr. Schulz remarked that after going through the process, the Planning Department convinced him that he needed to modify his plans and do something with smaller lots and more in keeping with the residential single-family flavor of the neighborhood. In doing so, it maintained and enhanced the value of the community and preserved the character of the homes. Mr. Schulz echoed Mr. Margolis in terms of the need to look at what they do with plat amendments, because it is not necessary to maximize everything they do. Mr. Schulz recommended that the Planning Commission seriously evaluate whether or not this proposal is in keeping with what has been defined over the last fifteen

to twenty years. He urged the Planning Commission to require the applicant to build something more in scale with the neighborhood.

Bruce Baird stated that General Plan compliance is included as a mandatory element of the lot line adjustment. For the reasons stated by Mr. Margolis and Mr. Olsen, he did not believe the Planning Commission could make a finding for compliance. Mr. Baird suggested that there may not be a need to discuss the CUP this evening, depending on the action taken on the plat amendment.

Mr. Baird summarized their position that the lot line combination does not comply with the master plan or the Land Management Code.

Diane Newland, a resident at 1455 Woodside, stated that she and her husband have lived there for over 20 years. Their property is directly behind and below the proposed project. Ms. Newland strongly opposed this application because this project would be the third low income project within 25 yards of her home. The other two are the Deer Valley employee housing directly above her; and the condos at 1465 Woodside, which are directly across the street. Ms. Newland presented a copy of the RDA owned affordable housing community service properties that were listed on the Park City Municipal Corp. website. She noted that three additional low income housing projects are still in the planning process. All of those projects are within a two block radius located between 13th and 14th Street. Ms. Newland was concerned that property values would decrease, due to the number of low income housing units being located in their neighborhood. She asked if the City has deemed their neighborhood as the low income area for Park City. Ms. Newland wanted to know why the taxpayers and residents must always take a back seat to land developers. Once the developers build their projects, the neighbors are left to deal with the impacts and to live in the mess they created. Ms. Newland requested that the City take the "little guys" into consideration and work in favor of the residents.

Ms. Newland stated that the size, scale and scope of this project is not in keeping with the surrounding homes. Her home is 1100 square feet. The two homes next to her are approximately the same size. The larger homes above her house are a reasonable size. She noted that the proposed project is in her backyard and she would be looking at 70 foot tall structures because of the slope.

Ms. Newland stated that the Planning Commission could make a difference by not approving this project as proposed. The proposed project is so large that her 1100 square foot home would be engulfed in shadow for most of the day. During the summer they can enjoy sunlight in their backyard until 7:00 or 8:00 in the evening. This project would surround them in darkness by 1:00 in the afternoon. She believed the size of the building was the problem. She would also have less privacy because the proposed units would look right into their back windows from above. Ms. Newland stated that unit size was also a problem with the project. Two bedrooms in 625 square feet is too many bedrooms for the number of parking spaces proposed. Two bedrooms typically means two cars, but only one parking spot per unit is being provided. She commented on a similar parking problem with the existing low income housing units across the street. Those residents park all over the street and anywhere else they can find.

City Attorney, Mark Harrington, advised the Planning Commission to keep the public hearing open at this time, in response to Mr. Baird's request to speak after the applicant made comments. He noted that the Planning Commission had the discretion to decide whether or not to recognize additional comments.

Craig Elliott stated that he had tried to keep the plat amendment discussion separate from the CUP application. However, since the public comment mixed the two applications, he would address a number of the issues raised.

Mr. Elliott reviewed a General Plan map that showed the low density section. He indicated where the area goes through and how it encompasses Main Street. He noted that the low density section encompasses a large portion of area. Mr. Elliott explained that when the projects are processed, they look at the big picture and then go in to the Land Management Code for guidance. There are purpose statements in the LMC for each zone that have been approved underneath the General Plan.

Mr. Elliott read the first two purpose statements of the RC District. The first purpose is to allow for development of hotel and convention accommodations in close proximity to major recreation facilities. The second purpose is to allow for resort related transient housing with appropriate supporting commercial and service activities. He pointed out that those were the goals they were trying to accomplish with this project. Mr. Elliott noted that the allowed uses for the zone include single family, duplex, tri-plex, secondary living, block-out units, accessory apartments, nightly rental, home occupation, childcare, accessory buildings, bed and breakfast Inn, hotel minor and other uses. Mr. Elliott remarked that conditional uses are uses that are generally considered after being reviewed through the process.

Mr. Elliott provided a brief history of interesting proposals submitted for this property over the years. He noted that the current proposal is .83 FAR, which is less dense than the neighboring single family homes. Mr. Elliott asked Director Eddington to read the definition of a parcel as defined in the LMC. Director Eddington read, "An unplatted unit of land described by metes and bounds as designated by the County Recorder's office, with a unique tax identification number." Mr. Elliott pointed out the two pieces of property that have one unique tax ID number as a parcel. He noted that the third parcel was separate because it was a remainder piece from the section of the original plat in relationship to the single family houses next door.

Commissioner Pettit stated that she was trying to understand the square footage of the tax ID parcel. Mr. Elliott noted that the table in the Staff report breaks out each of the three pieces. Planner Sintz clarified that the square footage of Parcel 1 is 8,985 square feet. Parcel 2, the non-triangle parcel, would be 2,221 square feet. Mr. Elliott explained that the project was designed based on the belief that the LMC meets the general requirements of the General Plan. They followed the LMC for use and for size of lot and density. He reiterated that what is proposed in the overall project is less dense than the neighbors. Mr. Elliott stated that in evaluating whether or not the density and scale is appropriate and whether it meets the General Plan, he would suggest that the LMC meets the General Plan. They followed the LMC for height, setback, density, square footage and floor area ratio. In addition they have gone through a conditional use process. Mr.

Elliott stated that they could have proposed a 16 room hotel, which is an allowed use that would not require this process. They chose this project instead, believing that it was the right thing to do for the community.

Mr. Elliott stated that after researching other ski resort communities throughout the country, he found that the Park City parking standards are more stringent than any other resort town. He noted that the parking provided with this project meets the Code. The heights and setbacks also meet Code. Mr. Elliott believed they were providing a nice structure for people who live and work in Park City. Mr. Elliott reiterated that the request to combine these parcels meets the criteria of the LMC and the General Plan.

Mr. Elliott stated that the City needs quality units that are smaller in size. They need places where people can afford to live and that means building smaller, efficient, well-designed structures.

Ms. Newland referred to the comment by Mr. Elliott that this project has less density than surrounding properties. She noted that the single family homes above her home have back yards and landscaping in the front. Therefore, there is open space between a larger house and a smaller Old Town house. She stated that the building for this project would start ten feet from her property line. Ms. Newland argued that this project has more density than the surrounding properties and less open space.

Mr. Olsen stated that by ordinance the General Plan is part of the conditional use proposal. He remarked that the purpose of the LMC is to implement the General Plan. Mr. Olsen stated that one of the requirements in the standards for review, is that "The City shall not"..., and this is mandatory, affirmative language. The Planning Commission has the authority based on what is allowed by the ordinance, and the ordinance states that, "The City shall not issue a conditional use permit unless..." He stated that the conditional use permit is issued by ordinance and the Planning Commission cannot grant a CUP unless the use is consistent with the Park City General Plan.

Chair Wintzer directed that the comments stay focused on the lot line consolidation and not the CUP at this time. Mr. Olsen pointed out that the applicant moved away from the issue of lot line consolidation when he addressed the allowed uses. Chair Wintzer clarified that the Planning Commission would vote on the lot line first and then discuss the CUP. He reiterated his request for the current discussion to focus on the lot line adjustment.

Mr. Olsen felt the comments by Mr. Elliott went 180 degrees opposite from the Code and the Planning Commission's authority. Based on what is mandated by the plan and the implementation, statutory authority does not apply. He believed that the request proposed by the lot line adjustment is contrary to the General Plan. He deferred further comments to the CUP discussion.

Mr. Margolis believed that Mr. Elliott understood the Code because he has been working in Park City for a long time. However, even though his argument was eloquent, it was inaccurate and inappropriate. Mr. Margolis agreed with Mr. Elliott that the allowed use of a single family residence has different floor areas. He and pointed out that the FAR is different because a low density residential use is an allowed use that is encouraged by the General Plan. Mr. Margolis explained why he disputed Mr. Elliott's comments regarding the purpose statements of the zone. He referred

to Section 15-2.16-10, under allowed uses in the RC zone. He noted that the list of allowed uses states that the use must be compliant with Section 15-1-10, conditional uses reviewed. Mr. Margolis believed the Planning Commission could not make the findings for consistency with the General Plan or the purpose statements of the zone.

Mr. Margolis stated that the ordinance is clear that if a lot consolidation conflicts with the uses that could occur without a lot consolidation, the greater restrictions on the land must control. He remarked that the conflicting issue under the ordinance is the lot line adjustment versus the conditional use and the amount of density proposed.

Chair Wintzer closed the public hearing.

Commissioner Pettit wanted clarification on how they were defining density. Director Eddington stated that according to the LMC, density is the intensity or number of non-residential and residential uses expressed in terms of unit equivalents per acre or lots or units per acre. Density is both number and types of dwelling units and/or non-residential units and land area.

Chair Wintzer asked for clarification on the difference between a minor subdivision and a lot line adjustment, and why the application was changed to a minor subdivision. City Attorney, Mark Harrington, stated that this problem occurs frequently in Old Town where there is a metes and bounds parcel that also has a residual from the adjacent lot. Rather than calling it a lot combination or replat, it is easier to call it a subdivision and apply the plat amendment and subdivision criteria, since most of the concerns raised by the neighbors focus on the subdivision criteria. Mr. Harrington stated that technically the issue is both a subdivision and plat amendment.

Chair Wintzer asked if changing the name changed the criteria or the outcome. Mr. Harrington replied that changing to a minor subdivision added additional analysis to the existing criteria. Everything else remained the same.

Commissioner Luskin was confused about the zoning for these three lots. Planner Sintz stated that the lots are located in the RC zone. Commissioner Luskin clarified that it was appropriate to look to the purpose statements of the RC zone as an overlay on how to address the application. Planner Sintz replied that this was correct. Commissioner Luskin stated that in looking at the neighborhood, he understood that the property on the west side of this vacant lot is a multi-dwelling unit. In his opinion, the guiding principles are the uses allowed in the RC zone. He did not believe the direction or theme of the RC zoning was necessarily single family dwelling and they were not dealing with the same historic issues they encounter elsewhere in Old Town. He thought the area lent itself to multi-dwelling units. Commissioner Luskin realized that the project would infringe on other people's perception of entitlement, etc. He clarified that his comments related to the lot line adjustment and not the details of the project itself.

Commissioner Pettit commented on future development on the parking lot across the street, and understood that there would be more development and structures. Director Eddington stated that previously seen plans for development on the PCMR three lots are slated for higher intensity and higher density.

Commissioner Peek stated that the Planning Commission previously reviewed this application and unanimously forwarded it to the City Council. It was remanded back to the Planning Commission due to question of noticing. He felt it was clear that noticing was adequately provided this time and he was comfortable moving forward with the minor subdivision.

Commissioner Strachan asked if advertising the application as a plat amendment on the agenda, but calling it a minor subdivision in the Staff report, would present another issue with noticing.

Assistant City Attorney, Polly Samuel McLean, stated that the purpose of notice is to provide general notice on what the item is about. She felt the agenda was sufficient for what was discussed.

Commissioner Strachan wanted to know the different standards for a minor subdivision as opposed to a plat amendment. Ms. McLean replied that the standards are the same, with the exception of one additional criteria for the plat amendment. She remarked that a minor subdivision is more restrictive than a lot line adjustment. Commissioner Strachan disagreed, believing that the plat amendment would be more restrictive and have a higher standard because of the additional criteria.

Mr. Harrington stated that both were technically correct because one section is a remnant that was being confirmed as a subdivision, because it was never previously subdivided. The other was a replat amendment for a lot line adjustment.

Commissioner Russack concurred with Commissioner Peek that the Planning Commission previously made a decision on this replat. Throughout the discussed he reviewed the purpose statements for the RC zone, as well as the subdivision provisions, and he believes the application complies with both. He was comfortable moving forward.

MOTION: Commissioner Peek moved to forward a POSITIVE recommendation to the City Council for the 1440 Empire Avenue replat/minor subdivision based on the Findings of Fact, Conclusions of Law and Conditions of Approval as found in the draft ordinance. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

Finding of Fact - 1440 Empire Avenue Replat

1. The property is located at 1440 Empire Avenue in the Recreation Commercial (RC) zoning district.
2. The subject property encompasses parcels 1, 2 and 3 into Lot A 1440 Empire Avenue Replat.
3. The proposed amended plat would in one lot of record of 12,882.62 square feet.
4. The proposed plat dedicates a snow storage easement on the west side of the lot, identified a public utility easement also on the west side, and identifies an existing 3' snow shed easement to the south.

5. The proposed subdivision will not create substandard lots on the neighboring lots.
6. The applicant is proposing the combination of the parcels in order to facilitate a Conditional Use Permit for a Multi-Unit Dwelling.
7. All findings within the Analysis section and the recitals above are incorporated herein as finding of fact.
8. The proposed lot size is compatible with the zone and other developments in the area.

Conclusions of Law - 1440 Empire Avenue Replat

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

Conditions of Approval - 1440 Empire Avenue Replat

1. The City Attorney and City Engineer will review and approve the final form and content of the subdivision for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the subdivision at the County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void.
3. A 10 feet wide public snow storage easement shall be dedicated along the properties frontage to Empire Avenue.
4. The location of the drive entrance will be evaluated by the City Engineer to minimize conflicts with existing streets and drives.
10. 637 Woodside Avenue - Appeal of Staff's Determination
(Application #PL-08-00596)

Due to the late hour, Chair Wintzer suggested that the Planning Commission continue this item to the next Planning Commission meeting on December 16, 2009. The Commissioners concurred.

MOTION: Commissioner Russack moved to CONTINUE 637 Woodside Avenue to December 16, 2009. Commissioner Luskin seconded the motion.

11. 1440 Empire Avenue - Conditional Use Permit
(Application #PL-09-00725)

Planner Sintz reviewed the application for a conditional use permit for a multi-unit dwelling at 1440 Empire Avenue.

Craig Elliott, representing the applicant, stated that at the last meeting the applicant was directed to come back with two modifications in the design. One issue was to provide additional storage for the project. Mr. Elliott presented a floor plan showing 450 square feet of storage that was added below the parking area on the lower level. He noted that the volume of adding the storage. Mr. Elliott remarked that the second issue related to the facade on the north side. The Planning Commission had suggested breaking up the mass by adding additional windows in to the space. Mr. Elliott noted that this was already done on the south elevation and they repeated the same window patterns on the north elevation.

Mr. Elliott stated that after the last meeting they were also asked to show the visual of the back of the building from Woodside. Photos from the public were submitted to the Staff and given to Mr. Elliott. Mr. Elliott had prepared the visual studies as requested by imposing the images of the photos in to their presentation.

Chair Wintzer noted that the storage results in 18.8 square feet per bedroom. He asked if that calculation allowed room for circulation to insure that each bedroom gets 18.8 square feet. Mr. Elliott explained that they looked at the available space and believed that would be a reasonable amount based on the unit size. Chair Wintzer clarified that they calculated the space per unit by taking the total square footage and dividing it by the number of bedrooms. Mr. Elliott clarified that the Staff had calculated the breakdown.

Commissioner Pettit recalled a previous discussion about a parking management plan. Mr. Elliott stated that he had submitted three documents. One document was a study that was done in 2001 or 2002 for the Rail Central single room occupancy units. Those were 200 square foot units and the parking was 1-1/2 spaces per bedroom. Mr. Elliott stated that this applicant manages that project through a process of paid parking passes and one tenant is only allowed a certain number of passes. Mr. Elliott noted that this parking plan has been implemented since 2004 and it has been successful. He stated that the parking for this project would be managed under the same process by the same management group.

Commissioner Luskin remarked that the parking is based on square footage and there are 24 bedrooms and 12 parking spaces. For this type of dwelling, he envisioned that the tenants would use a minimum of 12 parking spaces. Commissioner Luskin understood that there was no room for additional parking beyond the 12 spaces. Mr. Elliott replied that this was correct. Commissioner Luskin wanted to what would happen if people had more than one car. Mr. Elliott stated that additional cars would not have the ability to park there because they would not be issued a parking pass. He pointed out the walking access from the project to a number of facilities in the area. The goal has been to reduce the impact of vehicles and to encourage the use of public transportation.

Mr. Elliott replied that the units are intended to be rental and managed units.

Planner Hontz recalled that the Commissioners had differences of opinion at the last meeting, and asked if Mr. Elliott had considered the comments regarding enclosing the entry to the parking garage. Mr. Elliott stated it was discussed; however from a parking management plan solution, not having garage doors provides more flexibility. It also creates problems in some cases.

Commissioner Hontz asked if the shadow studies presented this evening were the same studies previously shown. Mr. Elliott replied that the studies were the same because there was no change to the building that would cause a change to the shadow study.

Chair Wintzer opened the public hearing.

Bruce Baird requested that the Planning Commission make a motion to incorporate the testimony given during the lot line adjustment public hearing into this public hearing for the CUP to avoid having to repeat the same comments.

MOTION: Commissioner Pettit made a motion to incorporate the testimony that was heard in the replat/subdivision public hearing into the public hearing for the CUP application being discussed. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

Mr. Baird spoke about the standards of a conditional use. He stated that the Planning Commission could deny a conditional use plan or put conditions if those conditions are reasonably necessary to mitigate the harm caused by the development. He believed the problem with this project is that most of the harm can only be mitigated by changing the physical structure of the building. The harm is the site, the massing, the parking, the number of units, etc. Mr. Baird felt it was impossible to mitigate the harm and still keep the structure as proposed. He remarked that putting windows on the north end is roughly akin to rearranging deck chairs on the Titanic. It does not solve any of the problems.

Mr. Baird commented on the parking issue. Adopting the paid parking plan, turns a problem into a revenue source. To say that someone will not have a car or try to park their car without a parking pass is false. To believe that additional cars would not exist merely because they do not have a parking pass is living in a fantasy world. Mr. Baird felt the Planning Commission needed to impose as a condition a better solution than making a parking pass system a revenue source. There needs to be iron clad assurances that these people would not be parking in places that impact other people or violate the City's parking ordinance.

David Olsen did not believe this project could be built under the criteria of a conditional use permit. The ordinance insists that the Planning Commission should not approve a project unless it is consistent with the General Plan as amended. By ordinance, the City made the General Plan part of the conditional use process. Mr. Olsen reiterated previous comments about the density in

relation to the surrounding structures. He believes that 24 beds would generate 48 people because every room would have two occupants. Everyone will come to Park City for six months and they will bring a car. He commented on the existing parking problems and felt those problems would be exacerbated by the proposed density. Mr. Olsen stated that the concerns expressed are a reality because it happens to those who live there. Mr. Olsen noted that the General Plan identifies high density areas near the Resort Base, but it clearly states that the area east of the Resort is to serve as a transition zone. Therefore, the east side of Empire should transition to lower density. That has not been done with this application. There is no transition at all. Mr. Baird stated that under the affordable housing requirements, the minimum livable unit for two bedrooms is 900 square feet. The proposed units are 650 square feet by design. He was unsure how the applicant could keep the same density and the same number of people, but still reduce the parking requirement.

Mr. Olsen noted that historically multi-dwellings in the transition zone are limited to a story-and-a-half. He believed the proposed structure would dominate everything else on the street, because it would be the highest building on the street. He pointed out that density is based on number of units and not square footage. Mr. Olsen stated that transition should be less density rather than more density and the parking should be greater. He disputed the amount of storage provided as being adequate based on the number of people in the units. He calculated that each person would have 13 inches by 2 feet of storage. Mr. Olsen stated that the property is less than 3/10th of an acre and it does not command what is being proposed.

Rick Margolis referred to a comment by Commissioner Luskin regarding the applicability of the purpose statements of the RC zone. Mr. Margolis stated that there is a distinction between an allowed use and a conditional use. Conditional uses are reviewed under conditions of the General Plan. An allowed use does not require that process. Mr. Margolis remarked that the General Plan supplants the RC zone. He noted that the General Plan talks about Park City neighbors and specifically references the resort base. It recognizes that the RC zone has a variety of uses, however that does not mean all the uses are appropriate in all parts of the zone. Mr. Margolis read from the General Plan, which states that development associated with the ski area itself is dense and the RC area to the east has served as a transition zone to lower densities. He also read language from the General Plan that outlined recommended objectives for future development. Mr. Margolis explained why this conditional use does not meet those objectives and; therefore, should not be allowed. It maximizes height and density and exceeds what could have been built without a lot consolidation, which is not consistent with the General Plan. Mr. Margolis stated that a conditional use requires more findings than an allowed use and it should be treated as an allowed use.

Mr. Baird stated that one of the biggest parking issues is that not enough parking is being provided. In addition, when it snows the parking stalls will be used for snow removal and the number of spaces will be lessened. Mr. Baird pointed out that the applicants are counting parking lots as open space, which does not meet the 60% requirement for open space in a transitional area for medium density. Mr. Baird read from Section 15-1-3, regarding conflicts, "Whenever a conflict exists, the more restrictive provisions shall apply". He believed the most restrictive for parking and density apply in this case, as opposed to the complete maximization of the site.

Diane Newland summarized that the size and scale of the project is too large for the area. She asked the Planning Commission to take into consideration the three little homes below, one of which is her home. Ms. Newland presented a photograph of her home to demonstrate how the size of this project would impact her property. She emphasized the parking problems on the street that be worsened by the lack of sufficient parking for this project. Ms. Newland requested that the Planning Commission reconsider this project.

Mark Fischer, the applicant, wanted those opposed to the project to know that he has never intentionally attempted to upset people. Mr. Fischer believed that some of the comments were fear tactics and not real issues. He noted that there are 24 single apartments at Rail Central and twelve parking stalls available for the residents at \$25 per month. On average, eight to ten of those spaces are used. Mr. Fischer remarked that the people who move in to this type of building cannot afford a car or car insurance. If a tenant brings in a car that is not allowed, they lose their one month deposit and they are removed from their unit. The consequences are severe for violating the parking policy. Mr. Fischer was confident that the parking policy works because he has been doing it for five years. Mr. Fischer stated that he asked Mr. Elliott to abide by the Code and not to ask for a single variance. He had directed Mr. Elliott to design a project that was strictly allowed by the LMC and the General Plan, and he believed that goal was achieved.

Mr. Elliott disputed comments about this structure being the highest building on the street because it is directly across the street from Shadow Ridge and Silver King. Those buildings are very tall right on the street and the proposed project is set back from the street. He tried to be sensitive to the neighbors by pulling back and away from the properties to allow them space, openness and light.

Mr. Elliott stated that affordable housing has a 900 square foot affordable unit equivalent. It does not require units to be a certain size. Historically, they have calculated and converted those units based on a square footage number. Mr. Elliott stated that the unit equivalent assessed to a property for affordable housing would be 8.86. He commented on how the City has continued to value the affordable unit equivalents. He believed these are very livable units in a great location for the residents who live there.

Mr. Elliott left the General Plan issues to the Planning Staff and the Planning Commission. He had addressed those issues as best as possible and believed the project meets all the requirements.

Ms. Newland asked if the units would be for-sale or rental units. Mr. Fischer stated that they are long-term rental units. Ms. Newland understood that the project was originally going to be for-sale units that people such as City employees and low income teachers could afford to purchase. She was surprised to find that the units are now being proposed for long-term rentals. Mr. Fischer stated that the project was always intended to be long-term rentals. Planner Sintz pointed out that the Staff reports have never indicated that these would be for-sale units.

Ms. Newland stated that the idea of rental units only strengthened her opposition to the proposal. The small unit size would result in constant resident turnover and other impacts that would not be present with unit ownership.

Mr. Fischer remarked that there would be a homeowners association and everything would be managed and properly maintained. He did not believe the concerns expressed were realities.

Mr. Olsen stated that it may not be reality to Mr. Fischer but they are to the neighbors because they have already experienced similar impacts. Mr. Olsen held to his belief that this would be the tallest building by far on the east side of Empire, which is where the General Plan mandates transition.

Chair Wintzer closed the public hearing.

Commissioner Hontz struggled with the three historic homes on Woodside and noted that she had this same concern when they first saw this application. She appreciated the shadow studies. Commissioner Hontz was comfortable with the affordable housing use, the density and scale on the west side. However, when she looks to the east and to the shadow study and compares that against the language for general provisions and procedures of the LMC, "To allow development in a manner that encourages the preservation of scenic vistas and environmentally sensitive lands to historic structures and the integrity of the historic district", she begins to question whether this project is appropriate. Commissioner Hontz read from the standards of review in Section 15-1-7, number 2, under letter D, "The use will be compatible with the surrounding structures in use, scale, mass and circulation". Looking west she believes the project fits and she likes what is being proposed. Looking to the east, she was concerned about negatively impacting the historic houses.

Chair Wintzer stated that the neighbors next door chose to build a single family home in the RC zone; however, the historic houses were there before the zone was created. He felt the challenge was to protect the historic homes. Chair Wintzer believed the project fits within the purpose statement, but there are issues in terms of fitting with the neighborhood.

Commissioner Luskin agreed with Commissioner Hontz. In addition, he was not convinced that the proposed parking plan was sufficient. Commissioner Luskin was extremely sensitive to the historic home and how they would be impacted. He stated that the comments about seeing one thing looking west and another thing looking east demonstrates that this is a transition zone, which presents another issue.

Commissioner Russack felt the proposal complied with the RC zone. He was less concerned with the parking issue. Based on a discussion at the last meeting that adding garage doors would create a more massive appearance, he was not opposed to leaving the parking open. Commissioner Russack thought the applicant in prior projects has demonstrated a process that works to eradicate the parking impacts. He believed the purpose of the RC zone was clear and he believed this project meets that purpose. Commissioner Russack agreed that one issue they could not ignore was the relationship to the historic homes.

Commissioner Pettit stated that she had looked at of the criteria they were being asked to evaluate in terms of mitigating the impacts. She struggled with finding that there were no unmitigated impacts with respect to Criteria 1, size and location of the site; Criteria 5, location and amount of off-street parking; Criteria 8, building mass, bulk and orientation of the buildings on the site. She had particular concerns with Criteria 8 and echoed comments by her fellow Commissioners regarding the impacts on the historic homes. Commissioner Pettit recognized that this is a unique area; but she lives in a historic home and continues to watch the erosion in her own neighborhood. She is sensitive to the impacts this project would have on the historic homes. The shadow study was illustrative in helping her understand the impacts to those homes.

Commissioner Pettit struggled with the parking issue because it is primarily an issue of enforcement by the property owner. While she was confident that the parking impacts could be managed on site, her main concern was the overflow impact on to the street, which the property owner cannot enforce. At that point, parking becomes a problem for the City and for the neighbors. Until the City can find a way to manage parking in Old Town, she was concerned about potentially adding to the existing problem. Commissioner Pettit favored the location for affordable housing because it is on a transit route and within walking distance to many places. It meets all the elements they typically look for with an affordable housing project, but she was not convinced it was the right project for this particular site.

Commissioner Pettit stated that she lives across the street from an affordable housing project with renters and they all take pride in their property. The residents walk the streets and create a sense of community. Commissioner Pettit believed that affordable housing projects can bring elements to the core of the City that has seen a tremendous transition to second home ownership. She agreed that there are many good elements to this project, but she was not convinced that she could adequately make a finding on Criteria 1, 5 and 8.

Commissioner Peek agreed with Commissioner Russack. He has lived in three Old Town houses that did not have off-street parking and he understood the parking concerns. However, this project provides parking as required by Code, as well as a parking mitigation plan, and he believed the parking issues could be resolved.

Commissioner Strachan understood the concerns raised by Commissioners Pettit, Hontz and Luskin in terms of how this property meshes with the historic homes; but he did not think anything built on that site would mesh with those homes. He pointed out that the allowed uses would not mesh and the height, the setbacks and the mass that is available would never mesh with those historic homes. It is the nature of the zone that the City decided to enact in the LMC. Commissioner Strachan stated that if they thought properties needed to exactly match the historic structures, the Code should have been amended accordingly.

Commissioner Strachan pointed out that the applicant has met the requirements of the Code with respect to parking. If they think the community is impacted by not having more parking for this type of structure, they need to amend the Code to require additional parking. The current Code requires one space per 600 square foot unit and two spaces for units that are 1,000-2500 square feet. The applicant has provided the required amount of parking. In terms of the General Plan,

Commissioner Strachan stated that the drive of the plan toward affordable housing is unmistakable. They could cite many provisions of the General Plan to support many different propositions. In a quick review of the General Plan, he noted that goals 7, 3, and all of Section 9 address the need for affordable housing and a diversity of housing products in the community. Commissioner Strachan felt this proposal was a diverse offering of affordable housing, which is what the community lacks and needs more of, as envisioned by the General Plan.

Commissioner Strachan remarked that property values are not a consideration when making planning and land use decisions. He does not consider property values when making his decision on a conditional use permit.

Commissioner Luskin asked for clarification of the term "affordable housing". He always understood that it was housing that was affordable to purchase. He was told that it also applies to rental units. Commissioner Luskin asked if the units would be deed-restricted. Mr. Elliott stated that the units would be deed-restricted if they are available as an affordable unit equivalence for another project. If the units are deed restricted they would have to apply to all the affordable housing criteria if they become for-sale units. These units are being submitted as rental units.

Commissioner Strachan asked if the units at Rail Central are deed-restricted. Mr. Elliott replied that they are not deed-restricted but they operate as affordable units.

Commissioner Hontz stated that before she started talking about the shadow study and impacts on the Woodside units, she spent time looking at the shadows from the single family homes and the difference of having houses right on the street versus the setback that is necessary in order to design the project for this site. Her concerns were elevated because the difference in movement is very obvious between moving the density and mass forward to Empire, versus back towards Woodside. She believed a structure could be built on that site without impacting the historic nugget.

Commissioner Strachan stated that if a lot owner is entitled to build according to the requirements of the Code, they will build to the maximum economic value of the lot. Any construction that would maximize the economic value of the lot would overshadow the historic homes. Commissioner Hontz disagreed.

Regarding deed restricted units, Planner Sintz referred to Condition of Approval #10, which states that, "If the multi-unit dwelling is used to full a future affordable housing obligation, the project must meet the deed restriction and requirements of the Affordable House Resolution in effect at the time of the obligation."

Commissioner Luskin asked if there was any advantage to continuing this item. Chair Wintzer stated that they should only continue if the Planning Commission could provide direction to the applicant to do something different. Continuing for lack of making a decision is not acceptable or fair to the applicant.

City Attorney Mark Harrington believed that four of the Commissioners had concerns with the rear elevation as it transitions to the historic structure. If the majority feels that the rear facade needs to transition down in the zone, they can direct the applicant to address that issue before moving forward. Mr. Harrington believed that parking was another issue where the Commissioners were split. He suggested that they focus on those two points to determine whether or not to request additional information or move forward this evening. Mr. Harrington believed there was consensus on the General Plan compliance and other related issues.

Commissioner Strachan stated that his initial inclination was to approve the conditional use permit. However, if the applicant wanted time to address the rear facade issue, he would be willing to withhold his motion. Mr. Elliott requested that the Planning Commission move forward and take action this evening.

MOTION: Commissioner Strachan moved to APPROVE the conditional use permit for 1440 Empire Avenue according to the Finding of Fact, Conclusions of Law and Conditions of Approval as outlined in the Staff report. Commissioner Peek seconded the motion.

VOTE: The motion passed 4-3. Commissioners Peek, Russack, Strachan and Wintzer voted in favor of the motion. Commissioners Pettit, Hontz and Luskin voted against the motion.

Findings of Fact - 1440 Empire Avenue - CUP

1. The subject property is at 1440 Empire Avenue, Park City, Utah.
2. The subject property is Parcel 1, Parcel 2 and Parcel 3 proposed to be combined into Lot A - 1440 Empire Avenue replat as part of Plat Amendment application also under review.
3. The subject property is 12,882.62 square feet or 0.295 acres.
4. The property is located in the Recreation Commercial (RC) District.
5. A Multi-Unit dwelling is permitted under a Conditional Use Permit within the RC zone.
6. A Multi-Unit dwelling contains eight (8) two-bedroom units and two (2) four-bedroom units.
7. The Multi-Unit dwelling is required to have twelve (12) parking spaces. A parking area of five (5) or more parking spaces is a Conditional Use in the Recreation Commercial (RC) District.
8. The Findings in the Analysis Section of this report and the prior report dated October 14, 2009, are incorporated herein.

Conclusions of Law - 1440 Empire Avenue - CUP

1. The application satisfies all Conditional Use Permit review criteria for a Multi-Unit Dwelling and a Parking Area as established by the LMC's Conditional Use Review process [Section 15-1-10(E)(1-15)].
2. The use is consistent with the Park City General Plan, as amended; and
3. The effects of any differences in use or scale have been mitigated through careful planning.

Conditions of Approval - 1440 Empire Avenue - CUP

1. All Standard Project Conditions shall apply.
2. City approval of a construction mitigation plan is a condition precedent to the issuance of any building permits. Measures to protect existing vegetation shall be included in the Construction Mitigation Plan (CMP).
3. City Engineer review and approval of all appropriate grading, utility installation, public improvements and drainage plans for compliance with City Standards, to include driveway and parking area layout is a condition precedent to building permit issuance. A shoring plan is required prior to excavation.
4. A landscape plan is required with the building permit. Changes to an approved plan must be reviewed and approved prior to landscape installation.
5. This approval will expire on December 9, 2010 if a complete building permit submittal has not been received.
6. This Conditional Use Permit is only effective upon approval of the concurrent subdivision. Recordation of Plat is required prior to building permit issuance.
7. Modified 13-D fire sprinkler system will be required.
8. Any modification of approved unit layout as shown on drawings date stamped October 21, 2009 and November 3, 2009, which changes bedroom configuration or unit size will require amendment to Conditional Use Permit.
9. A tenant/owner parking management plan will be required prior to building permit issuance that limits the occupant's vehicles per unit to those required by the LMC. Said plan must include an annual report to the City, a responsible party for enforcement and must be approved by the Planning Director and City Engineer. The Plan may also include assigning spaces to specific units.

10. If the Multi-Unit Dwelling is used to fulfill a future affordable housing obligation, then the project must meet the deed restriction and requirements of the Affordable Housing Resolution in effect at the time of the obligation.
11. Snow shedding issues must be met to the satisfaction of the Chief Building Official, per section 100 of the International Building Code, prior to building permit issuance.
12. Outside storage will be prohibited. This includes storage within the covered parking spaces under the building.

The Park City Planning Commission meeting adjourned at 12:00 midnight.

Approved by Planning Commission: _____

F9; I @5F'5; 9B85

Planning Commission Staff Report



Subject: Park City Racquet Club
Application #: PL-09-00785
Author: Kayla Sintz
Date: January 13, 2010
Type of Item: Administrative – Master Planned Development

Summary Recommendations

Staff recommends the Planning Commission open a public hearing, discuss the proposal and modifications to the Park City Racquet Club, and provide direction to staff and applicant.

Topic

Applicant: Park City Municipal Corporation
Location: 1200 Little Kate Road
Zoning: Residential Development (RD)
Adjacent Land Uses: Recreation Open Space (ROS) and Single Family (SF)
Reason for Review: Master Planned Developments (MPD) require Planning Commission review and approval

Background

On December 9, 2009 The Planning Commission heard this application as part of the regular agenda. At that time a public hearing was also held. Draft meeting minutes are an attachment to this meeting packet.

A summary of the Commissioner's comments addressed as part of this report are as follows:

- concerns proposed architecture (specifically entry element) not being compatible with neighborhood and suitability of color selection (specifically gray metal panels)
- construction mitigation concerns: limiting work hours, worker parking, staging, emergency contacts and general neighborhood impacts
- concerns regarding functionality of clerestories and entry element for light towers
- questions regarding façade variation requirements being met
- show clear parking stall count as proposed at 148 stalls
- consider adding additional landscape buffering
- clarify proposed bike racks

Additional Commissioner's comments that will be addressed in a future meeting are:

- questions regarding required volume for tennis play and USTA (United States Tennis Association) standards
- questions regarding how the mechanical duct layout and lighting layout affects

- interior height and whether alternatives had been examined
- review conclusion of Law #9 relating to Affordable Housing Ordinance

Based on the above Commissioner comments and input, the applicant reworked many aspects of the previous design. The comments relating to various building heights, roof plan, sections, floor plans and MPD criteria will be reviewed at the next scheduled meeting. A height discussion is not being included as part of this update due to the fact an error in base grade reference was made which affects interpolated grade and requested height exception.

Architectural Changes

Significant changes include the front entry feature and overall architecture. The facility has been redesigned to include gabled roof forms and a lowered overall entry element. The entry element will be approximately one foot higher than the main tennis ridge. Previously this feature was significantly higher. A physical materials board has been presented on which metal panel colors are displayed (available for review at meeting). The previously proposed gray panel has been exchanged for a dark bronze panel color. The façade has been modified to reflect a floor plan change (mechanical room), which is now located on the south façade, breaking up the building length with form, additional gabled roof element, and material color change. The clerestories have also been redesigned. Three (3) clerestories on each side of the tennis roof structure are now proposed. Additionally, the clerestories have been slid down off the ridge to align with the future tennis ridge determined height.

The applicant has also added additional landscaping (three mature trees in the pocket park to the north), clarified the parking area layouts and landscape plans to show 148 parking stalls, snow storage areas, and lighting layout.

Construction Mitigation

In response to Commission and public concerns about construction mitigation, the applicant has proposed the following:

1. Limit work hours to between 7 a.m. to 6 p.m. Monday through Saturday. This also includes the time for the start up of heavy equipment. Delivery of equipment and materials shall also occur during this time frame. Any exception to the delivery time frame shall be identified and addressed with building officials and would be limited to extraordinary circumstances influenced by weather or shipping delays.
2. Due to limited hard surface area of the site, the lay-down and staging area shall be restricted to the existing parking lots and disturbed construction area. Attempts will be made to minimize placement adjacent to the housing units as much as possible.
3. Transportation of labor to the job site from an off site parking location shall be a condition of the construction contract. On site parking shall be restricted to those authorized and controlled by the project superintendent in coordination with Recreation Center officials.
4. The formal construction mitigation plan to be submitted to the City by the General

Contractor shall include appropriate contact information for the registration of concerns by the public. The General Contractor shall be required to establish a formal process for response to complaints with the City enforcement officials consistent with municipal rules and regulations. Consistent with these rules and regulations, a sign will be posted on the job site with the General Contractor name and contact information and a contact number in case of emergencies which shall be the Police Dispatch phone number. This process will be communicated to adjacent neighborhoods.

Staff would like general direction from the Commission regarding the proposed architectural changes regarding material color, architecture entry feature modification, and façade modification in regards to neighborhood compatibility brought up at previous Planning Commission meeting, as well as, comments regarding proposed construction mitigation restrictions. As stated above, staff will be bringing the application back for MPD approval specifically reviewing building height exceptions at a future meeting.

Exhibits

Exhibit A- Updated Architectural Drawings

Exhibit B- Public Input

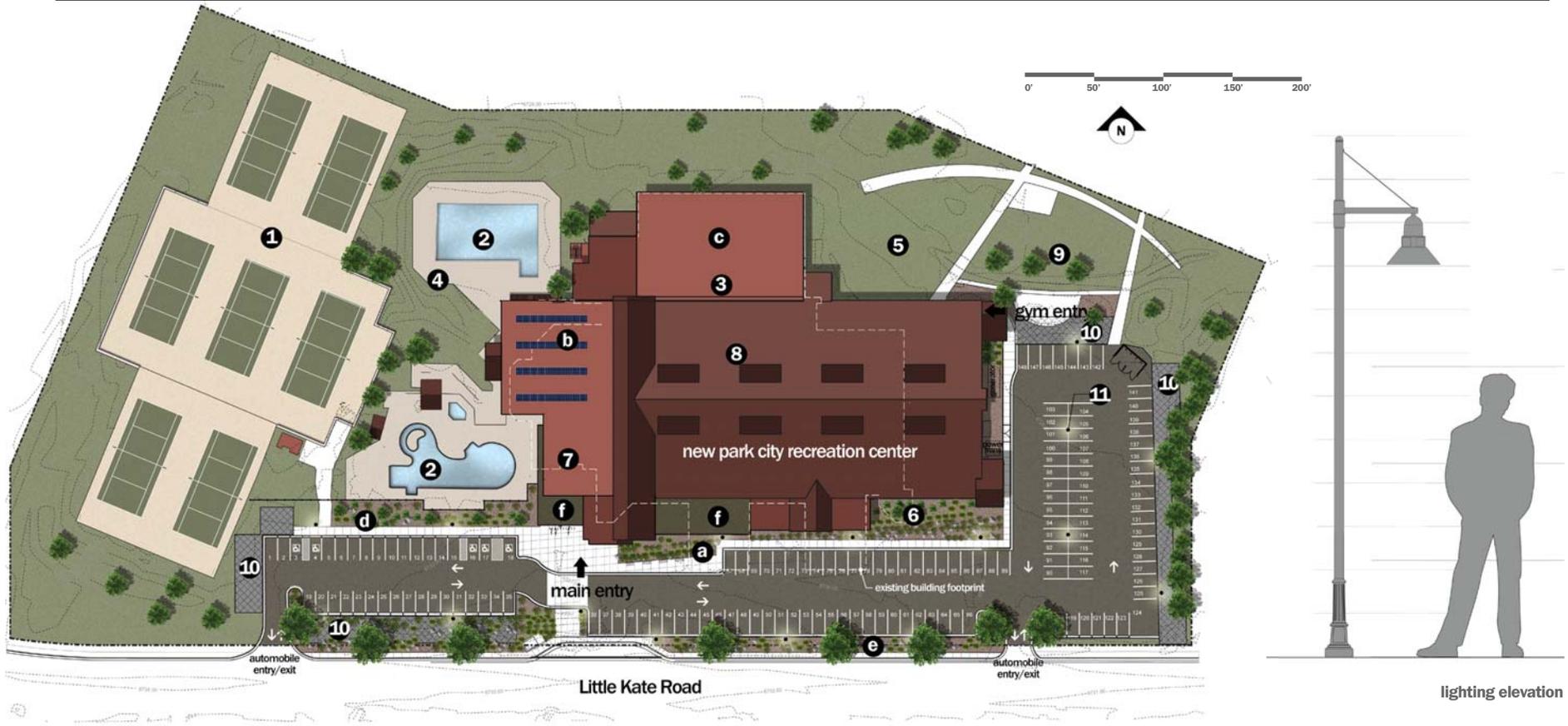
EXHIBIT A



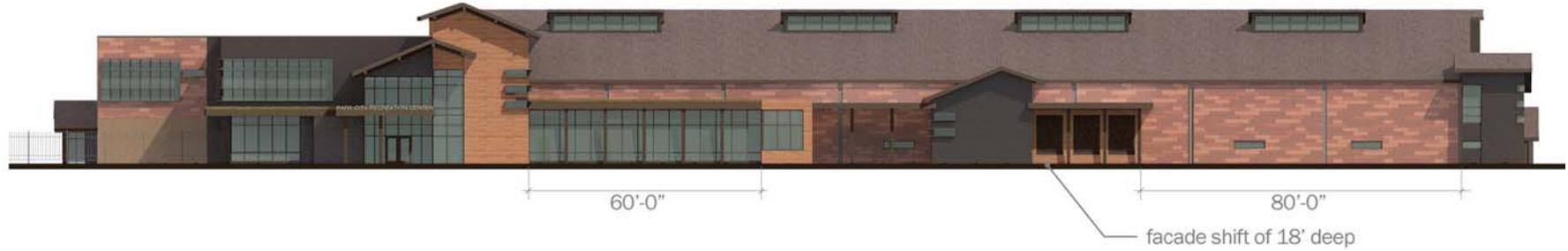
PARK CITY RECREATION CENTER
13 JANUARY 2010

VCBO
ARCHITECTURE

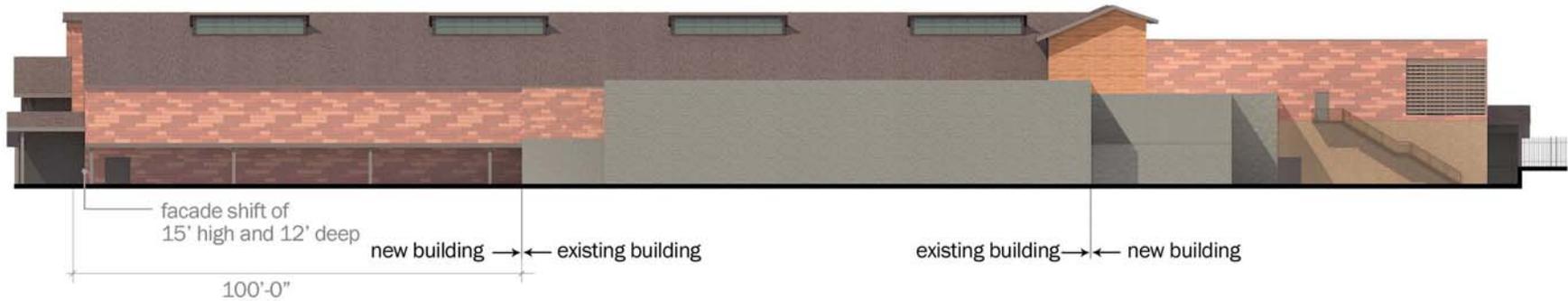
Site Plan - Existing West Lot



- | | | |
|----------------------------------|---|--|
| 1 existing tennis courts | 7 2-story fitness, recreation & lockers | a bike racks |
| 2 existing pool | 8 tennis building (4 courts w/ running track) | b solar hot water panels |
| 3 existing gymnasium | 9 existing park | c solar panels |
| 4 future natatorium | 10 snow storage | d water-wise landscaping |
| 5 future multi-purpose gymnasium | 11 site lighting (see elevation) | e native grass and boulder landscaping |
| 6 future restaurant | | f green roof |



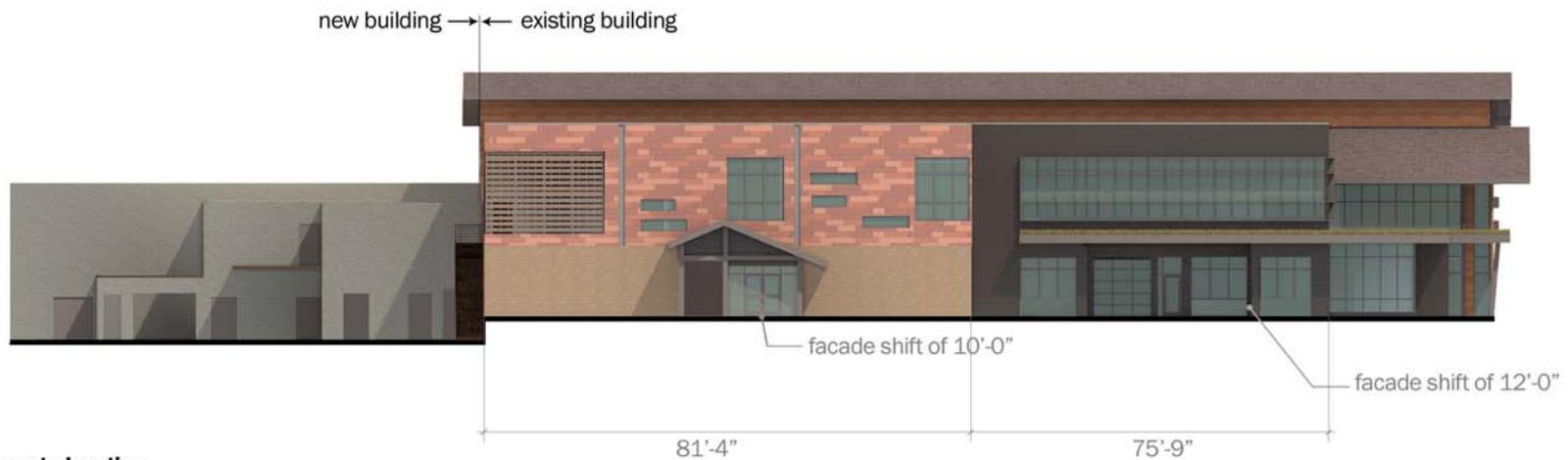
south elevation
meets facade variation A requirements



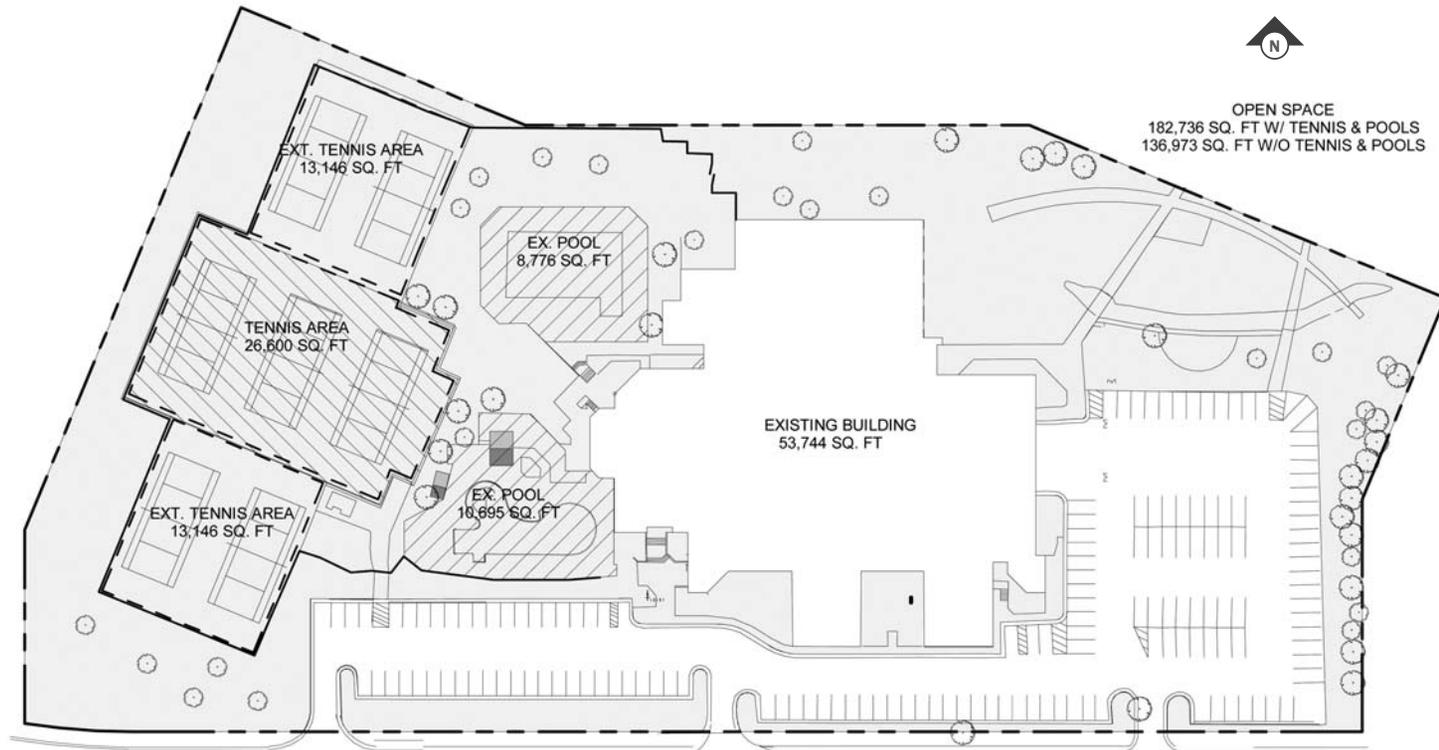
north elevation
meets facade variation A requirements

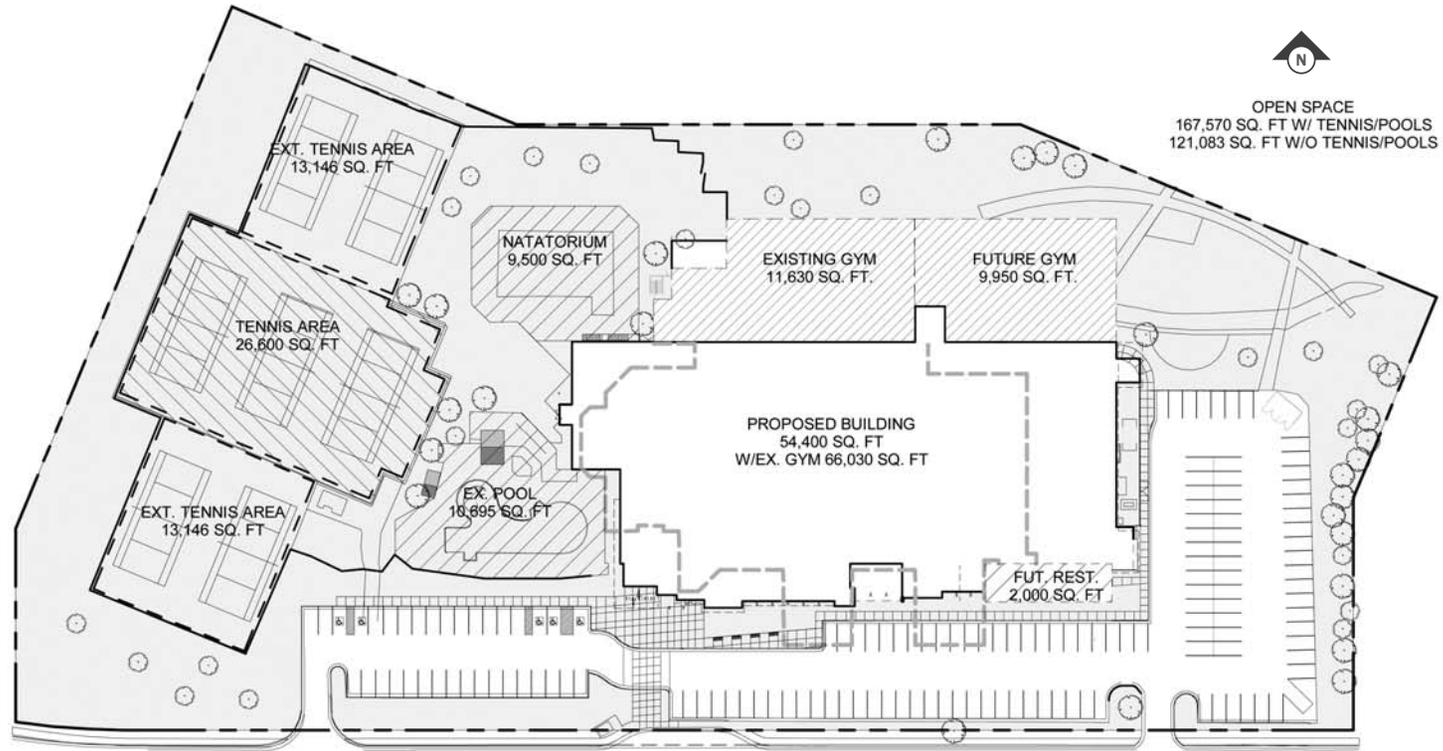


east elevation
meets facade variation A requirements

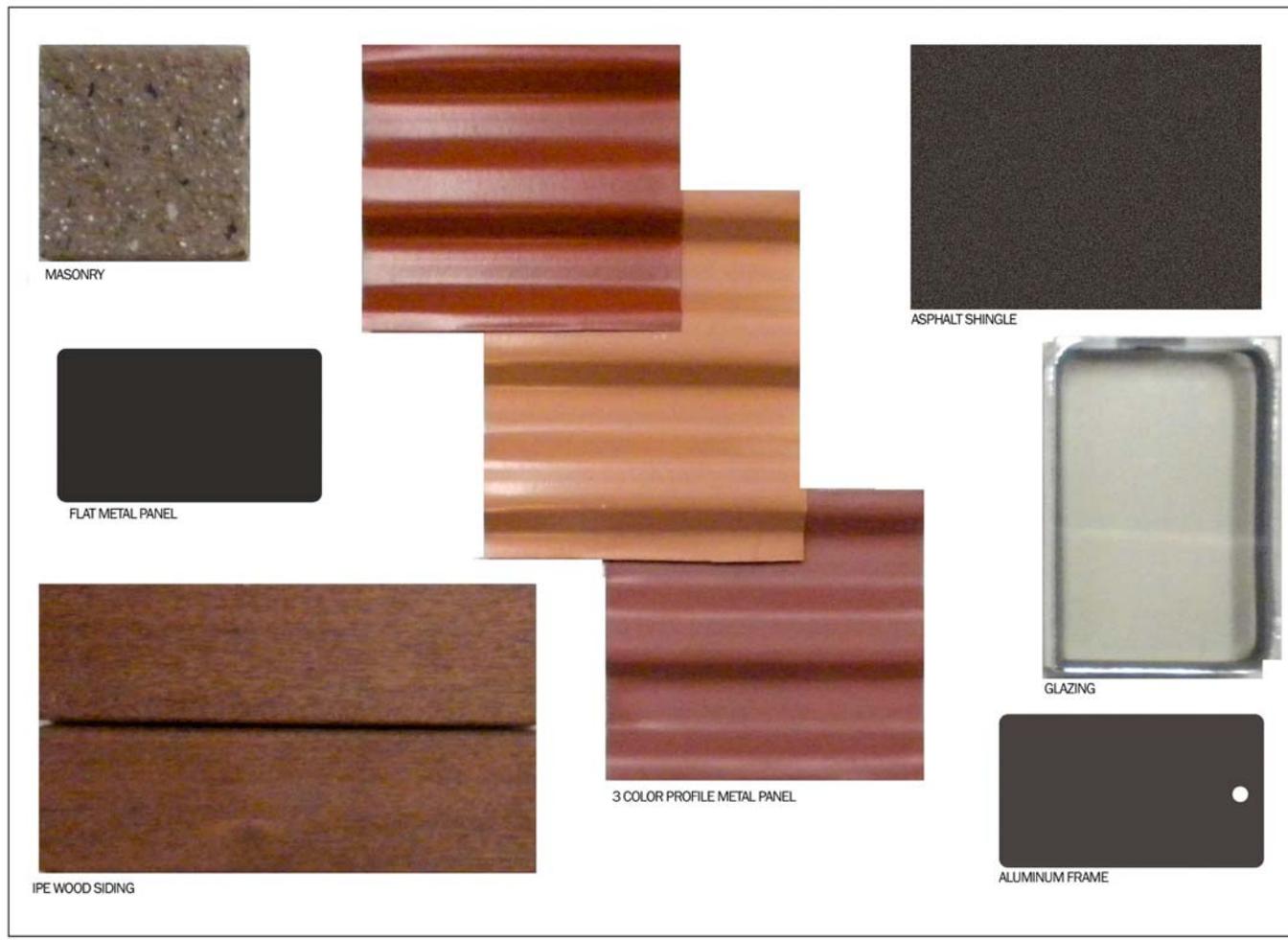


west elevation
meets facade variation A requirements





Exterior Finish Colors



exterior finishes



PARK CITY RECREATION CENTER
PARK CITY, UTAH

EXHIBIT B

Kayla Sintz

From: v1cwh1te@optonline.net
Sent: Thursday, December 10, 2009 2:49 PM
To: Kayla Sintz
Cc: andre@shoumatoffmedia.com
Subject: Racquet Club addition
Follow Up Flag: Follow up
Flag Status: Red

Kayla:

Last night was the first Planning Board meeting I had ever attended. It was interesting. I understand the need for keeping to a schedule which included: statement by the "proposer", comments by the public, then discussion by between the board and the "proposer". It is a necessary process. Certainly, if it weren't followed, meetings would run on forever and nothing would ever be accomplished. It would have been nice, though, for the public to be involved in the discussion, but, again, it would never end. That being the case, I ask you to forward this email on to the board. A certain absurd statement was made, that must be addressed.

To the Planning Board:

At last night's meeting, during the discussion between the board and those proposing the alterations to the Racquet Club, a statement was made that was absolutely ridiculous. You were told that the increase in the footprint, and the height, of the tennis section, were needed to be increased, so that the facility would conform to USTA specs, and would then qualify as a world-class facility. How ridiculous can we get? We're talking about a neighborhood tennis court, a family facility. We're talking about tennis courts that are for the use of the public -for my wife and her friends, who want a friendly game - for the working guy who wants a game, after he comes home from work, or on the weekend - for the children of the Park City, who want to learn and practice. This is NOT a facility for the elite. I have absolutely no objections to building a world-class facility. We certainly have others (bobsled, ski-jump...), why not tennis too? If presented properly, I might even contribute to the effort. BUT, it does not belong in a quiet, residential, neighborhood area. It belongs in a place that can accommodate it. It needs more space, for sanitary facilities, for adequate parking, for traffic control, for all the other amenities necessary - the area at Kimball Junction, near the ski-jump, comes to mind - lots of space, near a major highway. What more could you ask for?

The bottom line is: if Park City feels it has a need for it, let it be built. BUT, in an appropriate place, not in a quiet, residential community. The Racquet Club should/must be renovated. We all agree on this, BUT, it does not need an increase in footprint, or height. It's a neighborhood amenity, not a place for the elite. They are welcome, as they have always been in the past, for a tournament, just play it on our community courts - world-class courts when they are built.

Vic White

Planning Commission Staff Report



Subject: 505 Woodside Avenue
Author: Brooks T. Robinson, Principal
Planner
Date: January 13, 2009
Type of Item: Quasi-Judicial Appeal

Summary Recommendations

Staff recommends the Planning Commission hold a quasi-judicial hearing on an appeal of the Planning Staff's determination of compliance with the Land Management Code for the proposed addition at 505 Woodside Avenue and that Planning Commission uphold the Planning Staff's determination that the proposed addition complies with the Land Management Code as reviewed during the Historic District Design Review process.

Topic

Applicant: Jerry Fiat
Appellant: Lawrence Meadows
Location: 505 Woodside Avenue
Zoning: HR-1 (Historic Residential District)
Adjacent Land Uses: Residential
Reason for Review: Appeals of the LMC are reviewed by the Planning Commission.

Background

On March 5, 2009, the City received a completed application for a Historic District Design Review for the property located at 505 Woodside Avenue. The home at 505 Woodside is historic and listed as a significant historic site on the Park City Historic Sites Inventory (HSI) as adopted in January of 2009. The proposed addition to the historic home (Exhibit A) was reviewed by Staff during the Historic District Design Review meeting on two (2) occasions. During the second design review meeting, Staff found that the proposed design complied with the Historic District Design Guidelines (HDDG).

The new design incorporates an addition to the historically significant house. The design removes non-historic additions in the front and rear while adding living space off the rear of the home and a garage under the existing home. The existing home and new addition are within the 27' height limit for the HR-1 zone. The new garage is accessed off of Woodside and enters the north side of the home. An existing non-historic retaining wall along Woodside Avenue will be partially removed for the driveway penetration. Additional walls will be built to tie into the front wall and retain grade along the north side.

It must be noted that the application was vested under the previous HDDG and Land Management Code (LMC), prior to the adoption of the LMC changes to the HR-1 zoning district and the new design guidelines. The application was received on March 5, 2009.

Under the Land Management Code 15-11-11(B), in place at the time of the receipt of the completed application, the property must be posted for a 10 day period once Staff made a determination of preliminary compliance of the HDDG. Additionally, at the time of the preliminary compliance, courtesy notice must be mailed to adjoining property owners. The property was posted on August 12, 2009 for 10 days stating there was preliminary project approval for compliance with HDDG. On that same day courtesy noticing was mailed to adjoining property owners. A final determination of compliance was made by staff on August 25, 2009. Appeals of staff's determination had to be made within 10 days of that determination. The appeal was received on September 4, 2009. All noticing requirements were adhered to and the appeal was received within the appeal time.

Appeal

On September 4, 2009, the City received a written appeal (Exhibit A) pursuant to Chapter 15-1-18 of the Land Management Code. Appeals made within ten (10) days of the Planning Staff's determination of compliance with the Historic District Guidelines are heard by the Historic Preservation Board (HPB). However, included in the appeal were many references to the Land Management Code. The HPB does not have jurisdiction to hear appeal items related to the LMC. Instead, Land Management Code items are reviewed by the Planning Commission. For the benefit of the Appellant, Staff bifurcated the appeal so that issue pertaining to the HDDG appeal would go before the HPB and issues pertaining to the LMC would go to the Planning Commission.

Standard of Review

The Planning Commission shall review factual matters *de novo* (as new) and it shall determine the correctness of a decision of the land use authority in its interpretation and application of the land use ordinance.

Analysis

This section contains the Staff Analysis of the appeal. The appeal language is written in *ITALICS* followed by Staff's analysis.

- 1. Your findings and conclusions are unsupported by substantial evidence.*

Staff analysis: All findings and conclusions were based on the application under review and compliance with Land Management Code for development in the HR-1 district. The applicants submitted the Sanborn insurance maps, historic photographs, an existing conditions survey, and scaled plans upon which Staff utilized to make a determination of compliance.

2. Your findings and conclusions are arbitrary, capricious, and illegal.

Staff analysis: All findings and conclusions were based on the application under review and compliance with the Land Management Code. The findings and conclusion are based on Sanborn insurance maps, historic photographs, an existing conditions survey, and a scaled set of plans.

3. Specifically, but not limited to the following:

a. The subject "site" is deemed a "significant site" within the Park City Historic Sites Inventory. Consequently, the property must have a determination of Historical Insignificance prior to any demolition. Staff has made a determination of insignificance on part of the home, and that determination is not supported by fact, law, or the record. LMC 15-2.2.4. The demolition requires a certificate of appropriateness for demolition.

Staff analysis: Planning Commission does not have jurisdiction to review issues under the Historic District Guidelines. This will be reviewed by Historic Preservation Board.

b. Staff finds there is no fence on the subject property, when, in fact, there exists a fence constructed by the applicant, himself.

Staff analysis: This is correct. Staff stated that there was not a fence on the property, when there is in fact a fence along the north side property line that could have been built by the neighbor. This was an error made by Staff. In any case, this fence is compliant with the LMC.

c. Notice of the Planning Department's actions was not properly noticed. Notwithstanding the City's first-hand involvement in longstanding land disputes between the Applicant and the Appellant, the City completely disregarded the Appellant's right to timely notice of this application. Appellant timely objected to the lack of notice and Appellant's objection was disregarded by the City. LMC-15-12(C) states the applicant "must" submit a proper matrix for notice to neighbors. It is not discretionary.

Staff Analysis: Under the Land Management Code 15-11-11(B), in place at the time of the receipt of the completed application, the property must be posted for a 10 day period once Staff made a determination of preliminary compliance of the HDDG. Additionally, at the time of the preliminary compliance, courtesy notice must be mailed to adjoining property owners. The property was posted on August 12, 2009 for 10 days stating there was preliminary project approval for compliance with HDDG. On that same day courtesy noticing was mailed to adjoining property owners. A final determination of compliance was made by staff on August 25, 2009. Appeals of staff's determination had to be made within 10

days of that determination. The appeal was received on September 4, 2009. All noticing requirements were adhered to and the appeal was received within the appeal time.

d. The property requires a steep slope CUP analysis and approval. LMC 15.2.2.6.

Staff analysis: At the time the application was vested, LMC Section 15-2.2-6 stated "A conditional use permit is required for any structure in excess of one thousand square feet (1,000 sq. ft.) if said structure and/or access is located upon any existing slope of thirty percent (30%) or greater." Staff reviewed the existing conditions survey including the existing home and improvements and determined that no Steep Slope CUP was required on the property. There are several reasons why staff made the determination to not require a Steep Slope CUP (LMC Section 15-2.2-6).

- The existing steep slopes were created by the man-made retaining walls.
- The lot, if measured from the front property line to the rear property line, has an average slope of 21%.
- The area of the new addition is not on a steep slope.

A steep slope analysis is provided by Alliance Engineering (see Exhibit B). The areas in pink and blue are greater than 30% slope and therefore classify as steep slope; however, these slopes are created by the existing man-made retaining walls.

LMC Section 15-15-1.102(B) Natural Grade is defined as:

"The Grade of the surface of land prior to any development activity or any other manmade disturbance or grading. The Planning Department shall estimate the Natural Grade, if not readily apparent, by reference elevations at points where the disturbed area appears to meet the undisturbed portions of the property. The estimate of natural grade shall tie into the elevation and slopes of adjoining properties without creating a need for a new retaining wall, abrupt differences in the visual slope and elevation of the land, or redirecting the flow of run-off water. "

The existing structure on the lot covers approximately two-thirds of the property. Staff decided that by referencing the elevation points from the front to the rear of the lot the most accurate representation of natural grade could be achieved. The lot, if measured from the front property line to the rear property line, has an average slope of 21%.

e. The proposed demolition, new driveway construction, and site will require over height retaining walls within setbacks LMC 15-4-2.

Staff analysis: LMC section 15-4-2 allows for retaining walls up to six feet within a rear or side yard and up to four feet within the front yard setback. Retaining wall height within the side yard will not exceed six (6) feet in height between the driveway and the existing grade at the north property line. No new retaining walls within the front yard will exceed four (4) feet in height except for an existing wall which is non-complying. The applicant has provided the final grade elevations for the driveway and the wall heights illustrating compliance with the LMC.

On September 14, 2009 the Appellant submitted an additional seven (7) pages to the original appeal. These comments were not submitted within the appeal timeframe as outlined in the LMC. However, as they elaborate on the points of the original appeal, they are discussed below.

The first page of the September 14 submittal the LMC appeal points only have to do with the wall height and whether a the Steep Slope CUP should have been heard. These items are discussed above. .

Further points are as follows:

Appellant (1): "The proposed project does not comply with the LMC. Thus the Applicant's plans pose a burden and a decrease in property value for the neighboring landowners."

Staff: Staff made findings of compliance with the LMC. Staff does not review items based on property values.

Appellant (2): "The project application is incomplete as no dimensions showing the setbacks and the context of the driveway or the grading elevations."

Staff: The project was drawn to ¼ inch scale. Staff reviewed the setbacks through the use of a scale on the plans. Within the initial HDDR report, Staff had included Condition of Approval #10 that states "all retaining walls must comply with the LMC and be approved by the Planning, Building, and Engineering Departments at the time of building permit review. Walls in excess of four (4) feet in height in the front setback require approval by the Planning Director and City Engineer." Due to the appeal, Staff required that the plan be updated to show compliance with the four foot (4') maximum height in the front yard and six foot (6') maximum height in the side yard. Otherwise, Staff would have verified the Condition of Approval #10 was in compliance during the review of the building permit.

Appellant (3): "There are no 2 foot interval contours shown or represented between the 7110 and 7120 contours out at the street. This is the most critical location on the entire site."

Staff: The two foot contours are shown on the survey. The 7110 contour follows the retaining wall two-thirds of the way through the property. The applicant has

submitted and updated site plan with all existing two foot contours shown on the site plan.

Appellant (4): There is no roof elevations represented anywhere let alone on the site plan according to the submittal requirements/application sheet.

Staff: The highest ridge elevation was labeled on the site plan. Staff was able to review roof heights by utilizing the scale on the side elevations to measure the other ridges. Staff then placed the ridge heights within the roof over topography. The appellant is correct that all of the ridge elevations should have been provided in the site plan. It makes the evaluation a lot less time-consuming to have the ridges labeled rather than staff having to go through each elevation and calculate elevations. The applicant has updated the plans since the appeal was filed and labeled all the ridges in the site plan.

Appellant (5): The existing grade elevation line is inaccurately represented on the North Elevation.

Staff: Staff has reviewed the existing grade elevation line and found that the points shown on the plans are correct.

Appellant (6): "The staff decision is in conflict with the Land Management Code, thus no approval can be granted."

Staff: Staff has found compliance with all LMC requirements and therefore approved the project. All specific Design Review appeal items will be appealed to the Historic Preservation Board.

Appellant (7): "The decision is based upon an incorrect assumption that the project is being built upon a Lot with less than 30% grade. It can be proven by survey that the back yard portion of the lot under the proposed structure is over 30%."

Staff: The average slope of the entire lot from front to back is 21%. Staff based its decision that no steep slope CUP was needed based on the existing conditions survey and the evidence that all the areas with steep slope (e.g. greater than 30%) are due to retaining walls. (See comment above)

Appellant (8): "The decision has been based upon the staff attempting to distinguish or differentiate "portions" of the building project rather than the code required written word."

Staff: Staff review and approval are based on the Land Management Code.

Appellant (9): "The decision has been based upon an interpretation of and what constitutes an existing slope versus an arbitrary view of a modified slope"

Staff: The decision is based on the existing conditions survey for the reasons previously mentioned.

Appellant (10): "The decision has violated the Constitutional right of the Neighbor by over extending the authority of the application of the code by a City Officer and/or employee code and seeks to enforce discretionary powers that are in an arbitrary and discriminatory in manner."

Staff: Staff approved the application through analysis of the Land Management Code. The decisions were based on the plans provided by the Applicant. The Staff utilize the same review method for all similar applications.

Appellant (11): "The decision would incorrectly circumvent the required review process before the Planning Commission."

Staff: Staff found that the project did not require a Steep Slope CUP for the reasons previously mentioned.

Appellant (12): "The allowance or support of this incorrect interpretation would set the precedent that the Planning Director and Staff are empowered to enforce their "interpretation" of the Code upon future projects or applicants in an arbitrary and capricious manner rather than factual Mathematical Date."

Staff: Staff reviewed that plan provided by the applicant and utilized a scale to measure the LMC requirements of the Code. Based on the scaled plans, Staff made findings of compliance with the LMC. Staff based the determination of inapplicability of the Steep Slope CUP on the existing conditions survey. Appellant and Staff are following the Appeal procedures of LMC 15-1-18 and 15-12-15(8).

Appellant (13): "Failure to overturn this ruling would be illegal and would usurp the Planning Commission's duties and required review."

Staff: Planning Staff utilized the LMC to make a determination of compliance. Under LMC 15-12-15(8), the Planning Commission reviews appeals of the Planning Directors interpretation of the LMC.

Appellant (14): "The extensive driveway excavation will yield 5'6" to 7'0" retaining walls in the front yard setback."

Staff: This is not correct. The existing retaining wall will remain. All new retaining walls in the front yard will not exceed four (4') feet and will not exceed six (6') feet in the side yard.

Appellant (15): "The driveway courtyard will yield over 6 ft. to 11 ft. in height"

within the side yard setback.”

Staff: The retaining wall in the side yard along the driveway will not exceed six (6') feet.

Appellant (16): “The project”

Staff: Incomplete statement.

Appellant (17): “The driveway turnaround does not function”

Staff: The driveway functions as a driveway. It will provide access to and from the garage. It is not required to function as a turnaround.

Appellant (18): “The proposal will create a huge gap in the historic context both in the driveway cut in the Historic wall as well as the street façade.”

Staff: To be reviewed by Historic Preservation Board.

Appellant (19): “Walls 7 ft. – 11 ft. high will result in the 5 foot side yard setback making it nearly impossible for fire access to the rear of the property.

Staff: The side yard wall will not exceed six (6') feet in height. This is in compliance with the LMC.

Appellant (20): Walls from 5'6” to 7'0” will be within the City R.O.W. and the minimum 10 ft. front yard setback.

Staff: The existing wall is within the City R.O.W. and is an existing legal non-complying structure. That wall will not be altered. A portion of the wall utilized for driveway access will be removed.

Appellant (21): The project was improperly noticed because the immediate property to the North was left entirely off the mailing list and no one was contacted or made aware that any plans were submitted or available for viewing.

Staff: The project met the noticing requirements of the Land Management Code as stated previously. Additionally, the property to the North did get notice within the appeal period.

Appellant (22): The project makes no allowance for snow storage and cannot rely upon mechanical systems as they can be turned off or fail; as well as proposed contracts for snow removal.

Staff: The applicant is proposing a snow melt system which is allowed by the Building Department. Physical removal of snow in case of mechanical failure can

be accomplished similarly to most other properties in Old Town.

Appellant (23): Snow cannot reasonable be removed from site as is typically and equally required in similar Planning reviews.

Staff: The applicant is proposing a snow melt system which is allowed by the building department. Snow removal plans are not typically required in Historic District Design Reviews and will be discussed with the Historic Preservation

Appellant (24): The Pine Tree in the existing City R.O.W. shall be maintained.

Staff: This is correct. At time of Building Permit, detailed plans to preserve the tree will be reviewed.

Appellant (25): "A minimum 7 ft. diameter root ball to ensure survival or certified arborist report."

Staff: As the staff arborist, the author is generally concerned with construction near existing trees. The applicant has a responsibility to ensure the protection of the conifer within the City right of way; however, under LMC 15-2.2-10 the Planning Director may require mitigation for loss of Significant Vegetation. No specific root diameter will ensure survival.

Notice

Seven (7) days prior to the appeal the site was posted, the courtesy mailing was sent, and the notice was published within the Park Record.

Recommendation

Staff recommends the Planning Commission hold a quasi-judicial hearing on an appeal of the Planning Staff's determination of compliance with the Land Management Code for the proposed addition at 505 Woodside Avenue and that Planning Commission uphold the Planning Staff's determination that the proposed addition complies with the Land Management Code as reviewed during the Historic District Design Review process.

Findings of Fact:

1. The single family residence located at 505 Woodside Avenue is located in the Historic Residential (HR-1) zone.
2. The original building is listed as a significant site on the Park City Historic Site Inventory (HSI).

3. The historic home is located on Lot 1 of the 505 Woodside Avenue Subdivision. Lot 1 is approximately 4375 square feet in area.
4. The total side yard requirement for the lot is ten (10') feet combined with a minimum of 5' on each side. The addition to 505 Woodside Avenue is in compliance with the code setbacks. The southerly wall is setback five (5') from the property line and the northerly wall is setback 7'.
5. Although, the location of the historic home does not meet front yard setback requirements, the building is a valid complying building under LMC Section 15-2.2-4.
6. The existing slope of the lot has been modified with the existing historic home and landscaping features including retaining walls. The retaining walls in the front yard have created small areas of 30% or greater slope along the retaining walls. The average slope of the lot from the front property line to the rear property line is 21%. Under LMC Section 15-15-1.102(B) the Planning Department may estimate Natural Grade where Development activity has already disturbed grade. Due to the evidence within the existing conditions survey, no Steep Slope Conditional Use Permit is required.
7. The LMC allows a maximum wall height of four feet (4') in the front yard and six feet (6') in the side yard. Other than the existing wall that is legally-non-complying, the two new retaining walls comply with the LMC maximum height for walls in the front yard (maximum 4') and side yard (maximum 6').
8. The maximum height of a structure in the HR-1 zone is 27 feet above existing grade. The proposed addition complies with the maximum height allowance of 27 feet.
9. The findings discussed in the Background and Analysis Sections of this report are incorporated herein.

Conclusions of Law:

1. The proposed addition complies with the Land Management Code requirements pursuant to the HR-1 zoning district.

Order:

1. The Planning Staff did not err in the application of the Land Management Code in the approval of the Historic District Design Review of the proposed addition for 505 Woodside Avenue.
2. Appellant's request for a reversal of the Planning Staff's decision to approve the application is denied.

Exhibits

- Exhibit A: Appeal
Exhibit B: Plans

September 4, 2009

Park City Planning Department
Post Office Box 1480
Park City, Utah 84060

RE: Appeal of Planning Department Staff; 505 Woodside Avenue

Appellant: Woodside Properties, LLC (owner, 515 Woodside Ave)

Please accept this letter as a formal appeal of the Staff Historic Design Review on the subject property, undated. Appellant reserves the right to amend or supplement this appeal.

We object on the following basis:

1. Your Findings and Conclusions are unsupported by substantial evidence.
2. Your Findings and Conclusions are arbitrary, capricious and illegal
3. Specifically, but not limited to the following
 - a. The subject "site" is deemed a "Significant Site" within the Park City Historic Sites Inventory. Consequently, the property must have a Determination of Historical Insignificance prior to any demolition. Staff has made a determination of insignificance on part of the home, and that determination is not supported by fact, law or the record. LMC-15.2.2.4. The demolition requires a Certificate of Appropriateness for Demolition.
 - b. Staff finds there is no fence on the subject property, when, in fact, there exists a fence constructed by the Applicant, himself.
 - c. Notice of the Planning Department's actions was not properly noticed. Notwithstanding the City's first-hand involvement in longstanding land disputes between the Applicant and the Appellant, the City completely disregarded the Appellant's right to timely notice of this application. Appellant timely objected to the lack of notice and Appellant's objection was disregarded by the City. LMC-15-12(C) states the applicant "must" submit a proper matrix for notice to neighbors. It is not discretionary.
 - d. The property requires a steep slope CUP analysis and approval. LMC-15.2.2.6.
 - e. The proposed demolition, new driveway construction, and site will require over height retaining walls within setbacks. LMC-15-4-2.

Thank you,
Woodside Properties, LLC

BY: Lawrence Meadows
ITS: Manager



Planning Department
Thomas Edington
445 Marsac Ave.
Park City, UT, 84060-1480

PETITION FOR APPEAL TO PLANNING STAFF APPROVAL OF HISTORIC DISTRICT DESIGN REVIEW
FOR 505 WOODSIDE AVE..

1. This appeal is timely pursuant to code 15-11-11 (E) and **15-2.2-8.(E) ARCHITECTURAL REVIEW** of the Park City Code.
2. This appeal is authorized pursuant to 15-11-11 (E) 1,2 Review by the Historic Preservation Board
15-12-15.(8) REVIEW BY PLANNING COMMISSION, 15-1 -18(A) APPEALS AND RECONSIDERATION PROCESS and 15-12-15. REVIEW BY PLANNING COMMISSION (For Steep Slope CUP)
3. The applicable code sections are as follows;

15-2.2-6. DEVELOPMENT ON STEEP SLOPES. states in pertinent part

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Historic District Design Guidelines.

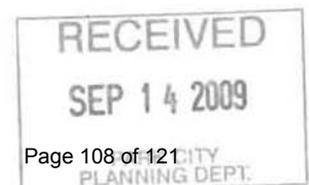
(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.

(B) **CONDITIONAL USE.** A Conditional Use permit is required for any Structure in excess of one thousand square feet (1,000 sq. ft.) if said Structure and/or Access is located upon any existing Slope of thirty percent (30%) or greater.

The authority of the City and its employees is circumscribed by **1- 1-12. APPLICATION OF CODE BY CITY OFFICERS OR EMPLOYEES.** which limits the power of the agent in pertinent part.

Whenever in this Code or in any code adopted herein it is provided that anything must be done to the approval or permission of or subject to the direction of any administrative officer or employee of the City, this shall be construed to give such officer or employee only the discretion of determining whether the rules and standards established by this Code or by any code adopted herein have been complied with; and no such provision shall be construed as giving any administrative officer or employee discretionary powers as to what such regulations or standards shall be, or power to require conditions not prescribed by this Code or by any code adopted herein, or to enforce the provisions therein in an arbitrary or discriminatory manner.

Code sections must be interpreted according to the plain meaning of the words as enacted not only to give notice that the average citizen can understand by the content of the regulations and conform thereto, but also so that the code will be evenly and fairly applied consistently from case to case to avoid discrimination for or against citizens contrary to the plain meaning and to preclude violations of equal protection and application of the code by engrafting standards into the regulatory language that are not expressed in the code sections..



15-4-2 FENCES AND RETAINING WALLS.

Guideline 45 : Maintain the line of stone retaining walls along the street

Complies Preserve walls by repairing existing stone and mortar

Comments:	There is an existing rock retaining wall on street front. The existing retaining wall is not historic. The wall is a concrete wall faced with stone. It will be replaced with a new wall of dry-stack construction at the same height of 5 to 6 feet. There will be a new 11 foot wide opening in the wall for the driveway. The width of the lot is approximately 50 feet. A rock wall will also retain the driveway.
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The staff report assumes the understanding that the retaining walls are already planned to be in violation of the code and the project was deemed to be NOT a steep slope.

Guideline 46: Use fences to define yard edges

Comments:	There is no existing or proposed fence
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- The staff report shows that they do not have an full understanding of the project when there is a Wooden Fence existing on site.

Guideline 49: Locate additions to original houses so they do not alter the front façade

Complies Additions should not obscure the size and shape of the original house

Comments:	The addition will not obscure the size and shape of the original house. The addition is underneath the existing home and on the rear of the home. It will be visible from the street, but preserves the historic front façade. The garage is entered through the side of the home, preserving the front façade.
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- INCORRECT: The addition to the original house removes a portion of the Front Façade that has existed for over 50 years to make foot-print available and enable the addition.
- INCORRECT: The addition does alter the front façade.

Guideline 51: Preserve the original shape of the roof

Complies Typical shapes are gabled shed and hip.

Complies Dormers with a vertical emphasis

Not applicable Relocating windows should not alter the historic character of the house.

Not applicable

Skylights should be flat. Bubble-shaped skylights are not appropriate.

Comments:	The original shape of the roof will be maintained on the historic home. No skylights are being added.
------------------	---

- **INCORRECT:** The applicant makes an assumption that a large portion of the front façade is not Historic and the Staff did not review the project for either a Determination of Historical Insignificance or a Certificate of Appropriateness of Demolition (CAD)

Staff Report

CONCLUSIONS OF LAW

1. The proposed work complies with the Park City Historic District Design Guidelines as conditioned.
 2. The proposed work complies with the Land Management Code requirements pursuant to the HR-1 zoning district.
- **INCORRECT:** The work does not comply with the Park City Historic District Design Guidelines
 - **INCORRECT:** The work does not comply with the LMC

all Historic District/Site design review Applications involving an Allowed or Conditional Use associated with a Building Permit to build, locate, construct, remodel, alter, or modify any Building, accessory Building, Structure, or other visible element, including but not limited to, signs, lighting fixtures, and Fences, located within the Park City Historic Districts or Historic Sites.

Prior to issuance of a Building Permit for any Conditional or Allowed Use, the Planning Department shall review the proposed plans for compliance with the Design Guidelines for Historic Districts and Historic Sites, LMC Chapter 15-11, and LMC Chapter 15-5. Whenever a conflict exists between the LMC and the Design Guidelines, the more restrictive provision shall apply to the extent allowed by law.

(A) PRE-APPLICATION CONFERENCE.

(1) The Owner and/or Owner's representative shall be required to attend a pre-Application conference with representatives of the Planning and Building Departments for the purpose of determining the general scope of the proposed Development, identifying potential impacts of the Development that may require mitigation, providing information on City-sponsored incentives that may be available to the Applicant, and outlining the Application requirements.

(2) Each Application shall comply with all of the Design

Guidelines for Historic Districts and Historic Sites unless the Planning Department determines, because of the scope of the proposed Development, that certain guidelines are not acceptable. If the Planning Department determines certain guidelines do not apply to an Application, the Planning Department staff shall communicate, via electronic or written means, the information to the Applicant. It is the responsibility of the Applicant to understand the requirements of the Application.

(B) COMPLETE APPLICATION.

The Owner and/or Applicant for any Property shall be required to submit a Historic District/Site design review Application for proposed work requiring a Building Permit in order to complete the work.

(C) NOTICE. Upon receipt of a Complete Application, but prior to taking action on any Historic District/Site design review Application, the Planning staff shall provide notice pursuant to Section 15-1-12 and 15-1-21 of this Code.

(D) DECISION. Following the fourteen (14) day public notice period noted in Section 15-1-21 of this Code. The Planning Department staff shall make, within forty-five (45) days, written findings, conclusions of law, and conditions of approval or reasons for denial, supporting the decision and shall provide the Owner and/or Applicant with a copy. Staff shall also provide notice pursuant to Section 15-1-21.

(1) Historic District/Site design review Applications shall be approved by the Planning Department staff upon determination of compliance with the Design Guidelines for Park City's Historic Districts and Historic Sites. If the Planning Department staff determines an Application does not comply with the Design Guidelines, the Application shall be denied.

(2) With the exception of any Application involving the Reconstruction of a Building, Accessory Building, and/or Structure on a Landmark Site, an Application associated with a Landmark Site shall be denied if the Planning Department finds that the proposed project will result in the Landmark Site no longer meeting the criteria set forth in 15-11-10(A)(1).

(3) An Application associated with a Significant Site shall be denied if the Planning Department finds that the proposed project will result in the Significant Site no longer meeting the criteria set forth in 15-11-10(A)(2).

(E) **APPEALS.** The Owner, Applicant, or any Person with standing as defined in Section 15-1-18(D) of this Code may appeal any Planning Department decision made on a Historic District/Site design review Application to the Historic Preservation Board.

All appeal requests shall be submitted to the Planning Department within ten (10) days of the decision. Appeals must be written and shall contain the name, address, and telephone number of the petitioner, his or her relationship to the project, and a comprehensive statement of the reasons for the appeal, including specific provisions of the Code and Design Guidelines that are alleged to be violated by the action taken. All appeals shall be heard by the reviewing body within forty-five (45) days of the date that the appellant files an appeal unless all parties, including the City, stipulate otherwise.

Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 of this Code. The appellant shall provide required stamped and addressed notice envelopes within fourteen (14) days of the appeal. The notice and posting shall include the location and description of the proposed Development project. The scope of review by the Historic Preservation Board shall be the same as the scope of review at the Planning Department level.

(1) The Historic Preservation Board shall either approve, approve with conditions, or disapprove the proposal based on written findings, conclusions of law, and conditions of approval, if any, supporting the decision, and shall provide the Owner and/or Applicant with a copy.

(2) Any Historic Preservation Board decision may be appealed to the Board of Adjustment pursuant to Section 15-10-7 of this Code.

Further reasons for the appeal are as follows;

- The proposed project does not comply with the LMC. Thus the Applicants plans pose a burden and a decrease in property value for the neighboring landowner.
- The project application is incomplete as there are no dimensions showing the setbacks and the context of the driveway or the grading elevations.
- There are NO 2 foot interval contours shown or represented between the 7110 and 7120 contours out at the street. This is the most critical location on the entire site.
- There is no roof elevations represented anywhere let alone on the Site plan according to the submittal requirements / application sheet.
- The existing grade elevation line is inaccurately represented on the North Elevation
- The staff decision is in conflict with the Land Management Code, thus no approval can be granted.
- The decision is based upon an incorrect assumption that the project is being built upon a Lot with less than 30% grade. It can be proven by survey that the back yard portion of the lot under the proposed structure is over 30%
- The decision has been based upon the staff attempting to distinguish or differentiate “portions” of the building project rather than the Code required written word.
- The decision has been based upon an “interpretation” of and what constitutes an “Existing slope” versus an arbitrary view of a modified slope.
- The decision has violated the Constitutional right of the Neighbor by over extended the authority of the Application of the Code by a City Officer and/or Employee Code and seeks to enforce discretionary powers that are in an arbitrary and discriminatory in manner.
- The decision would incorrectly circumvent the required review process before the Planning Commission.
- The allowance or support of this incorrect interpretation would set the dangerous precedent that the Planning Director and Staff are empowered to enforce their “interpretation” of the Code upon future projects or applicants in an arbitrary and capricious manner rather than factual Mathematical Data.
- Failure to overturn this ruling would be illegal and would usurp the Planning Commission’s duties and required review.
- The extensive driveway excavation will yield 5’-6 to 7’-0” retaining walls in the front yard setback.
- The driveway courtyard will yield over 6 ft. to 11 ft. in height within the side yard setback.
- The project
- the driveway turnaround does not function
- the proposal will create a huge gap in the historic context both in the driveway cut in the Historic wall as well as the street facade.
- Walls 7 ft.- 11 ft. high will result in the 5 foot side yard setback making it nearly impossible for Fire access to the rear of the property.
- Walls from 5’-6” to 7’-0” will be within the City R.O.W. and the minimum 10 ft. front Yard setback.
- The project was improperly noticed because the immediate property to the North was left entirely off the mailing list and no one was contacted or made aware that any plans were submitted or available for viewing.
- The project makes no allowance for Snow Storage and cannot rely upon mechanical systems as they can be turned off or fail, as well as proposed contracts for snow removal
- Snow cannot reasonably be removed from site as is typically and equally required in similar Planning reviews.
- The Pine Tree in the existing City R.O.W. shall be maintained
- A minimum 7ft. diameter root ball to ensure survival or certified arborist report.

15-2.2-6. DEVELOPMENT ON STEEP SLOPES.

Development on Steep Slopes must be environmentally sensitive to hillside Areas, carefully planned to mitigate adverse effects on neighboring land and Improvements, and consistent with the Historic District Design Guidelines.

(A) **ALLOWED USE.** An allowed residential Structure and/or Access to said Structure located upon an existing Slope of thirty percent (30%) or greater must not exceed a total square footage of one thousand square feet (1,000 sq. ft.) including the garage.

(B) **CONDITIONAL USE.** A Conditional Use permit is required for any Structure in excess of one thousand square feet (1,000 sq. ft.) if said Structure and/or Access is located upon any existing Slope of thirty percent (30%) or greater.

For the purpose of measuring Slope, the

measurement shall include a minimum horizontal distance of fifteen feet (15') measured perpendicular to the contour lines on the certified topographic survey. The measurement shall quantify the steepest Slope within the Building Footprint and driveway.

The Planning Department shall review all Conditional Use permit Applications and forward a recommendation to the Planning Commission. The Planning Commission may review Conditional Use permit Applications as Consent Calendar items. Conditional Use permit Applications shall be subject to the following criteria:

(1) **LOCATION OF DEVELOPMENT.** Development is located and designed to reduce visual and environmental impacts of the Structure.

(2) **VISUAL ANALYSIS.** The Applicant must provide the Planning Department with a visual analysis of the project from key Vantage Points:

(a) To determine potential impacts of the proposed Access, and Building mass and design; and

(b) To identify the potential for Screening, Slope stabilization, erosion mitigation, vegetation protection, and other design opportunities.

(3) **ACCESS.** Access points and

The theory of the appellant's request for relief is that the determination of the staff's findings for approval be found to be arbitrary, capricious, and incorrect according to the plain language and general objectives of the Code. The Staff has made an incorrect analysis of the Topographic mapping. A portion of the project and addition is upon slopes greater than thirty percent (30%), according to the certified topological mapping and survey, pursuant to 15-2.2-6.(A) & (B) DEVELOPMENT ON STEEP SLOPES and as such, this decision interferes with the neighbor's constitutional right to equal protection under the Law and the reasonable expectation that the City Staff will uphold the application of the Code in a fair and balanced manner. The erroneous determination unduly violates the mandated equal protection of all property owners by discriminating against one differently than another. The applicant request the relief that the project be re-designed without the large driveway cut and in direct compliance with the Historic District Design Guidelines and the LMC, and be further reviewed through the traditional Planning Commission CUP Design Review process for submissions and approval.

*Park City Survey
Block 28, Lots 2 & 3
& a Portion of Lot 31*



NARRATIVE

1. Survey requested by: Jerry Fric.
2. Purpose of survey: locate the specified topographic relief and lot to the previous survey.
3. Basis of survey: found Street Monuments as shown, Block 28, Park City Survey, recorded as Entry No. 199887 in the office of the Summit County Recorder, Subdivision of Block 1 from the Map of Park City by Caldwell & Richards Engineers, traced from the original map July, 1927.
4. Date of survey: December 1, 2005 & June 22, 2006.
5. Property monuments found as shown: Section 16, Township 2 North, Range 4 East, Salt Lake Base & Meridian.
6. Control: UTM, 1983 datum, UTM Zone 12N, page 0213.
7. See the official plats of The Park City Survey for other possible easements and restrictions.
8. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
9. Aerial photograph of 7147.48 feet, from the Park City Monument Map, was assumed at the nail & washer found at the intersection of 4th Street and Woodside Avenue.
10. See the previous survey of the property recorded as Record of Survey File No. S-409, January 9, 1990, in the office of the Summit County Recorder.

DEED DESCRIPTION

All of Lots 2 & 3, and the East 25 feet of Lot 31, Block 28, Park City Survey, according to the official plat, thereof recorded in the office of the County Recorder of Summit County, Utah. The East 25 feet of Lot 31 is more particularly described as a piece of land 25 feet in length by 25 feet in width lying westerly of, and adjacent to, Lot No. 2 of said Block 28.

Legend

- ✦ Found Street Monument.
- ⊙ Found rebar & cap—LS 5956
- ⊙ Found rebar & cap—LS 6164
- ⊙ Found rebar & cap—Dominion
- ⊙ Found nail & washer
- ⊙ Found nail & cap—LS 359005
- ✦ Found "X" in rock surface
- ⊙ Flag pole

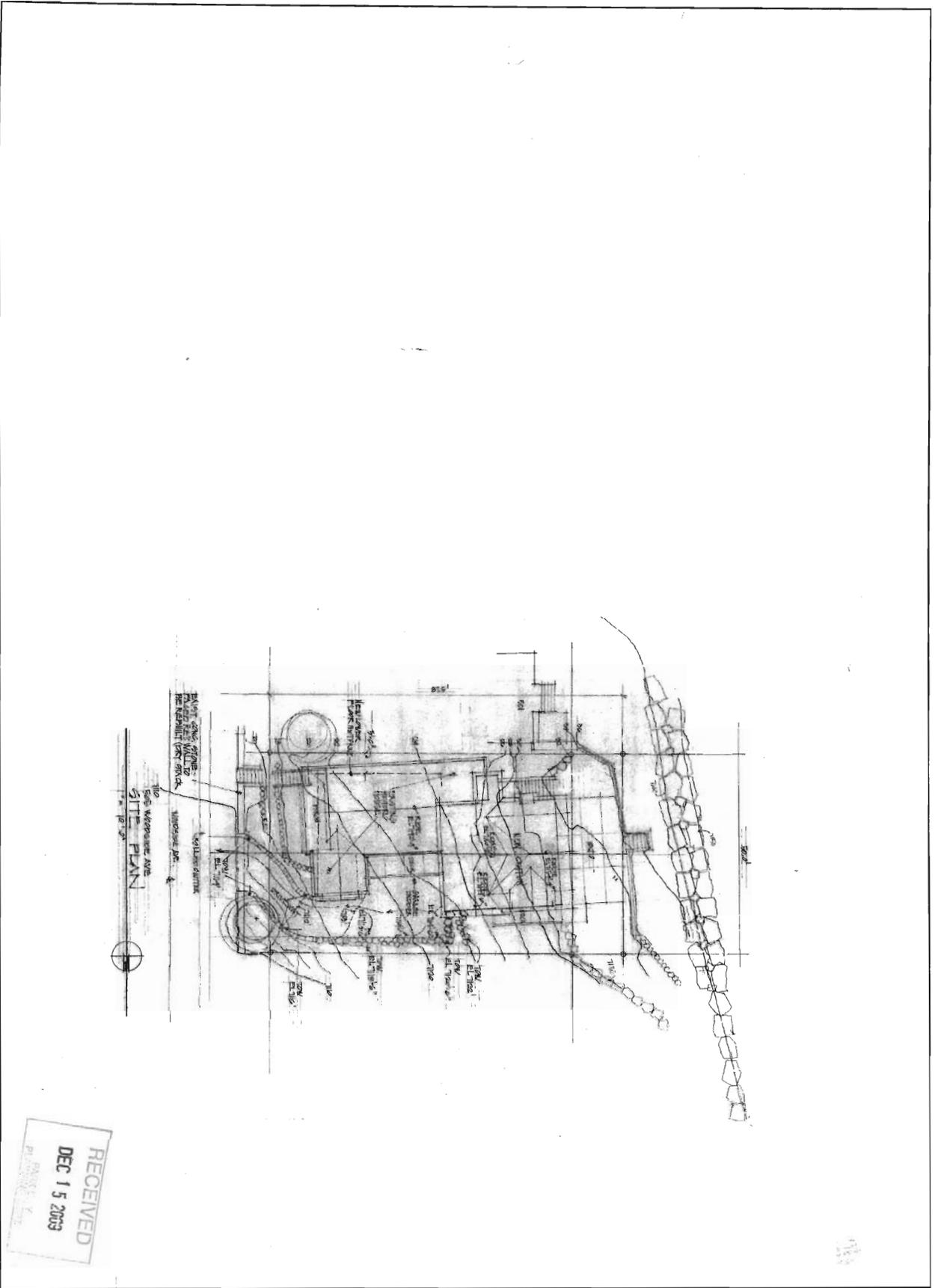
SURVEYOR'S CERTIFICATE

I, J.D. Gately, a Registered Land Surveyor as prescribed by the laws of the State of Utah and holding License No. 359005, do hereby certify that the above is a true and correct representation of said survey.

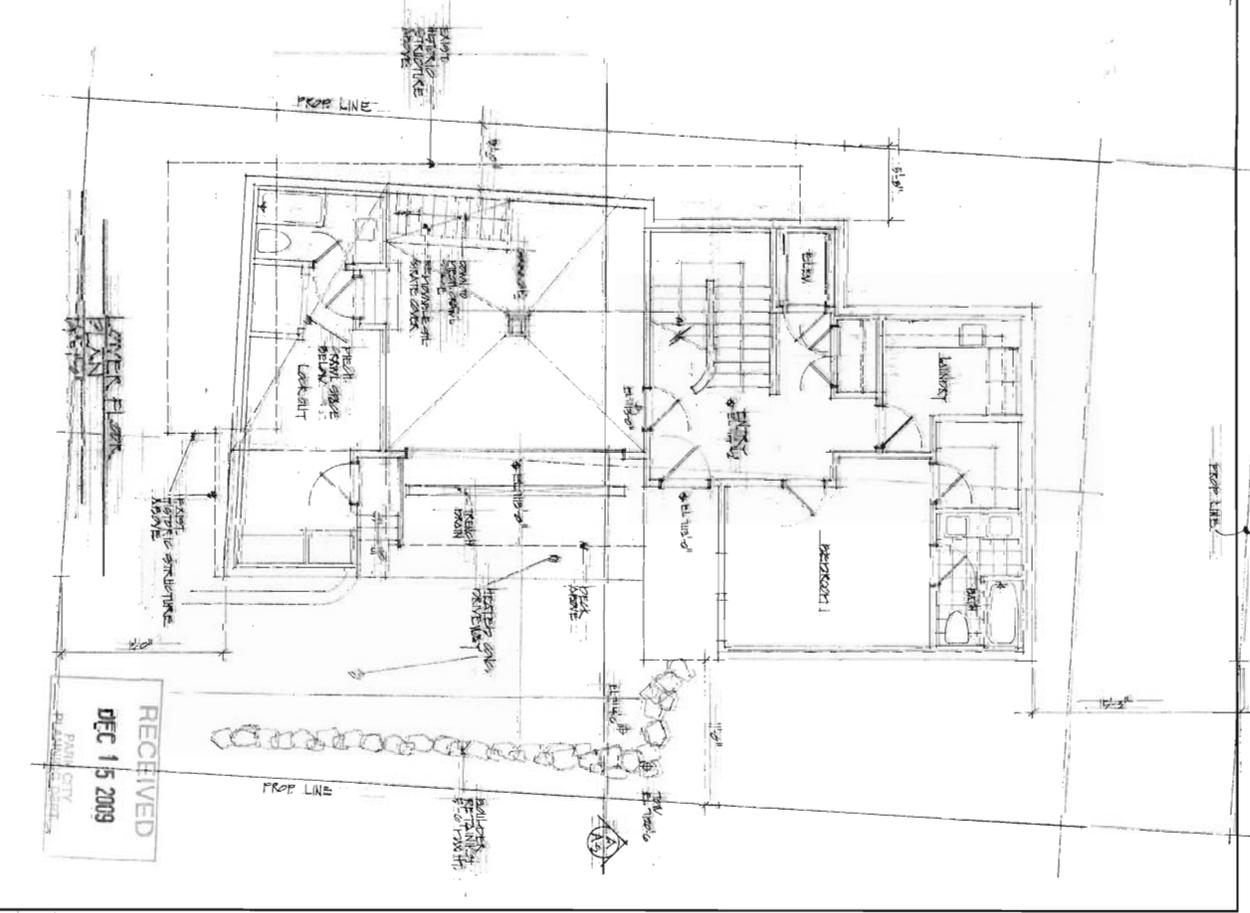
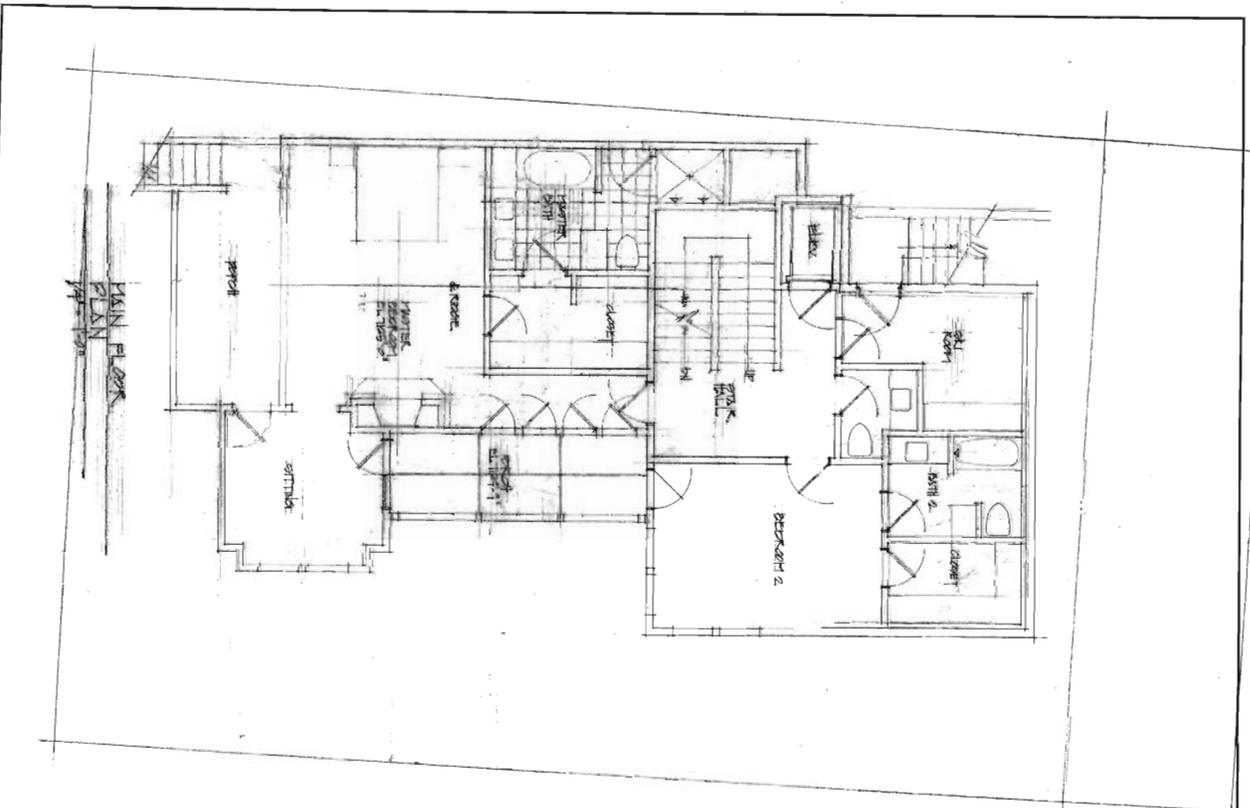
Surveyor: J.D. Gately, License #359005
Date: _____



Alpine Survey, Inc.
 19 Prospector Drive
 Park City, Utah 84060
 (435) 695-8616



<p>RESTORATION & ADDITION</p> <p>505 WOODROSE AVE PARK CITY, UTAH</p>		<p>DAVID G. WHITE, ARCHITECT</p> <p>P.O. BOX 1815 - P.O. BOX ESTATES DRIVE PARK CITY, UTAH 84060 PHONE: 646 2279 FAX: (435) 655-8645 EMAIL: dwhite@whitearchitect.com</p>		<p>REVISIONS</p> <table border="1"> <tr> <td>NO.</td> <td>DATE</td> <td>DESCRIPTION</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION												
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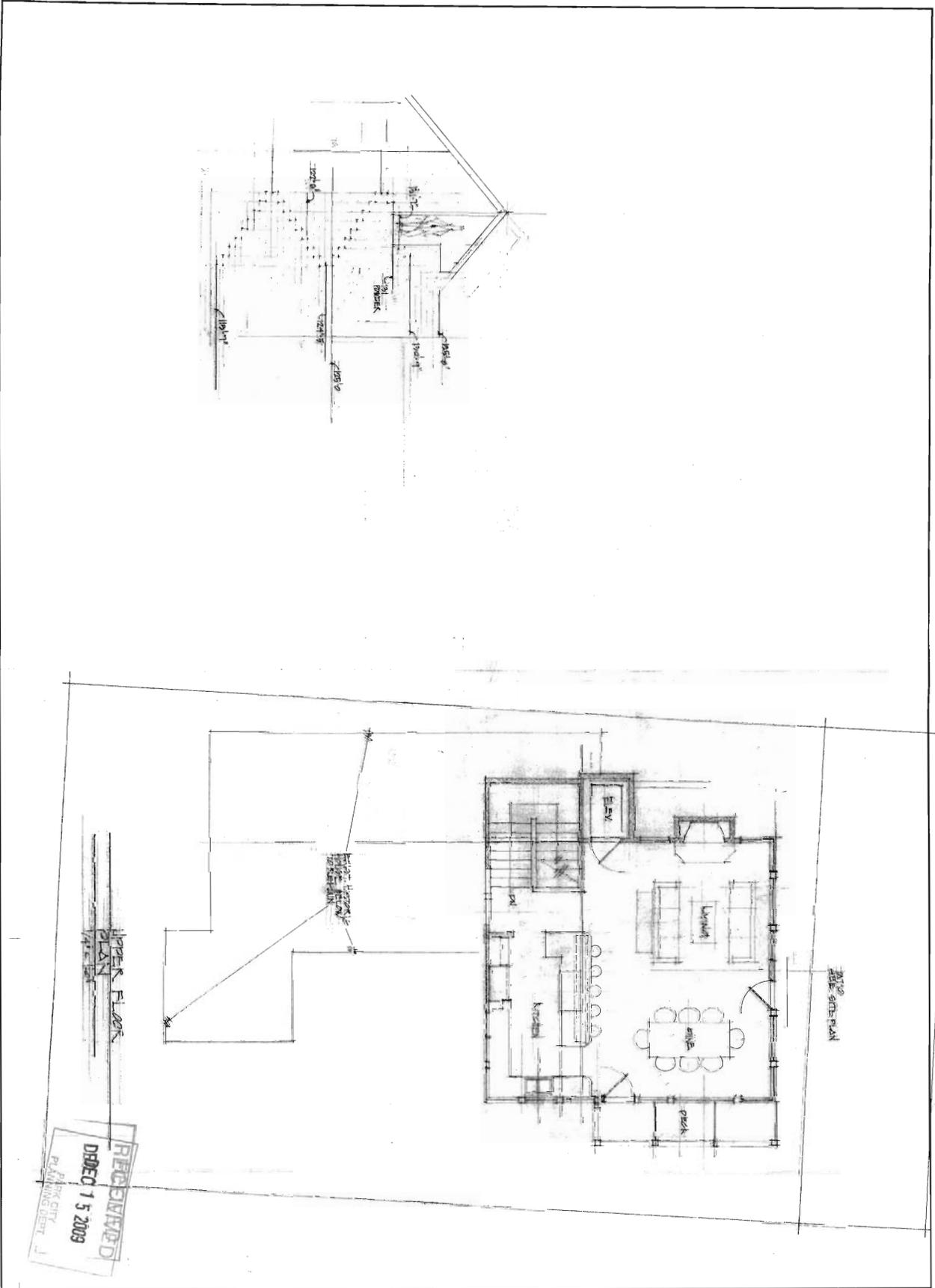


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 CITY OF
 PARK CITY

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DAVID G. WHITE, ARCHITECT
 P.O. BOX 1234 2700 STATES DRIVE
 PARK CITY, UTAH 84302
 (435) 648-9797 FAX: (435) 655-0088
 EMAIL: dgwhite@imodoc.com

REVISION	BY

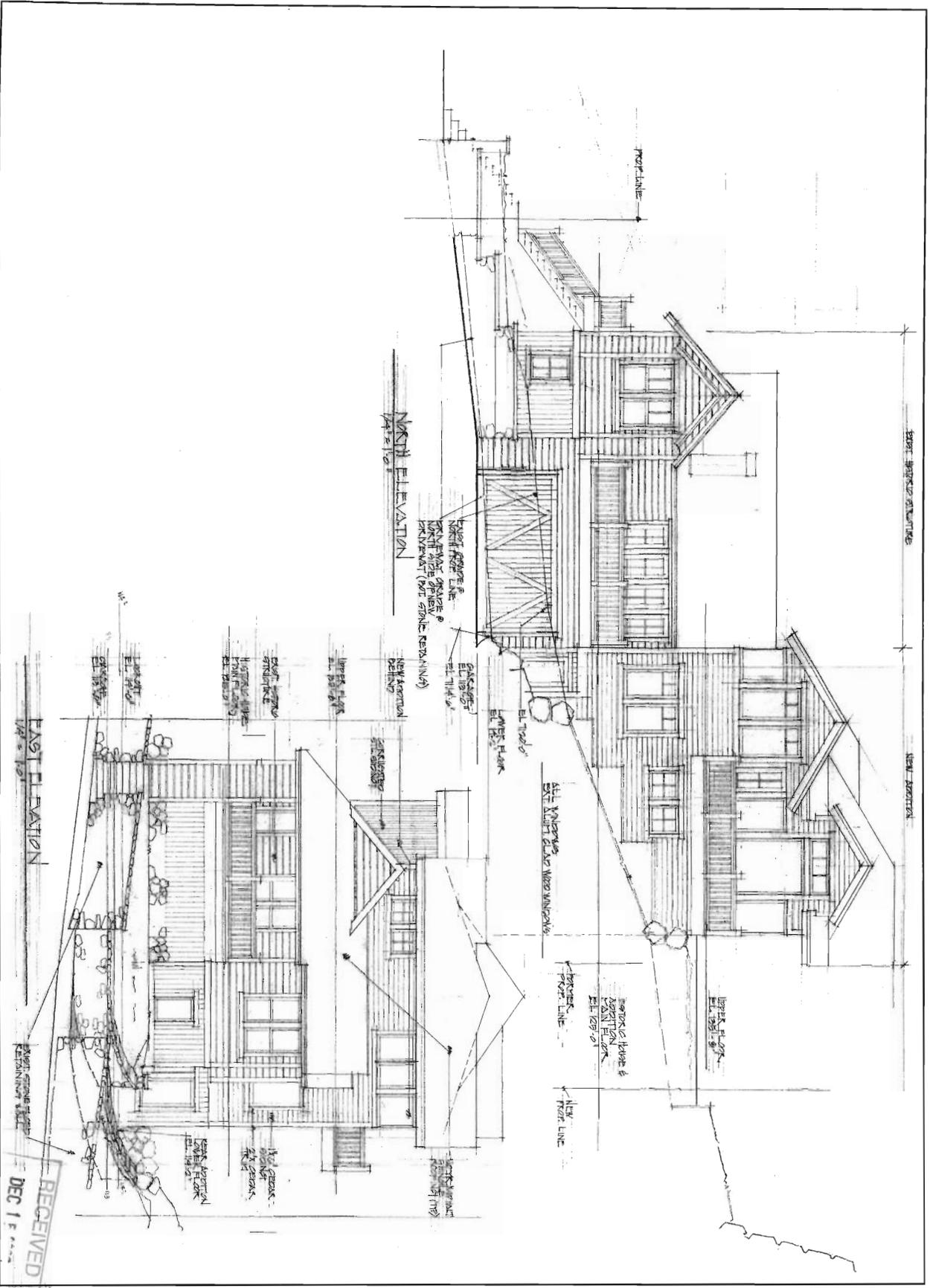


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DAVID G. WHITE, ARCHITECT
 1120 N. 11TH AVENUE, SUITE 100
 ALBUQUERQUE, NM 87102
 TEL: (505) 263-1111 FAX: (505) 263-1112
 WWW.DGWA.COM

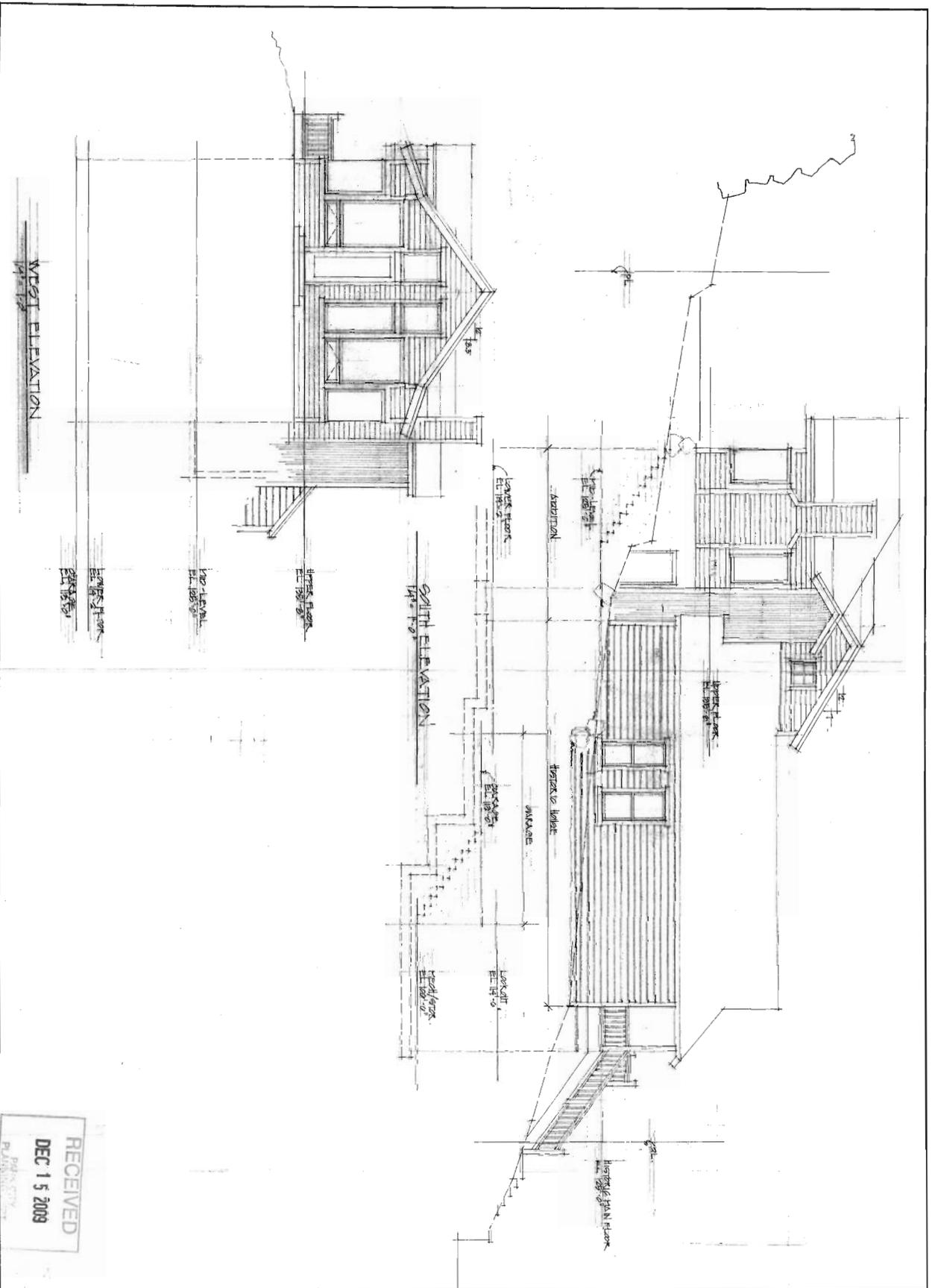
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APPROVED	
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DAVID G. WHITE, ARCHITECT
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 FAX: (435) 649-8840

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WEST ELEVATION

SOUTH ELEVATION

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