



AGENDA

MEETING CALLED TO ORDER AT 5:30 PM	Pg
ROLL CALL	
ADOPTION OF MINUTES FROM DECEMBER 16, 2009	
PUBLIC COMMUNICATIONS – <i>Items not scheduled on regular agenda</i>	
STAFF/BOARD COMMUNICATIONS AND DISCLOSURES	
REGULAR AGENDA – <i>Discussion, public hearing, and possible action</i>	
PL-09-00785 1200 Little Kate Road, Racquet Club – Master Planned Development	27
<i>Public hearing and possible action</i>	
PL-09-00784 Land Management Code – Amendments to Chapter 2.3 (HR-2 District),	101
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 possible recommendation to City Council</i>	
WORK SESSION – <i>Discussion only, no action will be taken</i>	
Legal Training	--
General Plan	197
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 NOTES – DECEMBER 16, 2009

**PARK CITY PLANNING COMMISSION
GENERAL PLAN WORK SESSION
DECEMBER 16, 2009**

PRESENT: Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Evan Russack, Adam Strachan, Thomas Eddington, Katie Cattan, Kirsten Whetstone, Francisco Astorga, Kayla Sintz, Mark Harrington, Polly Samuels McLean, Phyllis Robinson, Liza Simpson

WORK SESSION ITEMS

Commissioner Hontz was not present during the Staff Communications portion of the regular meeting and requested the opportunity to make a comment.

Commissioner Hontz stated that she had met with Kayla Sintz last week regarding the conversation during the Planning Commission meeting on notification issues. She requested that the Staff come back with possible modifications for updating various sections of the notification process. Commissioner Hontz believed this would help address some of the noticing issues that are continually raised by the public. The Commissioners concurred.

Planning Director, Thomas Eddington, asked if the Planning Commission was interested in holding a General Plan meeting on the third Wednesday of January, which would be January 20th. Since it is the evening prior to the start of Sundance, he was unsure if all the Commissioners would be available. He noted that the Planning Commission would not meet on their regular fourth Wednesday in January, due to Sundance. If they did not meet on January 20th, the next General Plan meeting would be scheduled in February.

Director Eddington clarified that the Planning Commission would hold their regular meeting on January 13th.

The Planning Commission agreed to meet on January 20th.

General Plan

Director Eddington reported that the City visioning had been finalized and it was presented to the City Council last Thursday. He had asked Phyllis Robinson to provide an overview this evening regarding the completed plans for visioning. Following her presentation, he requested that the Planning Commission discuss ways to use the visioning document as a foundation for the General Plan.

Phyllis Robinson presented the findings from the visioning process and commented on the relationship between the visioning process and the General Plan. She noted that community ideals could be reflected in purpose statements of the General Plan and the data from the visioning process could contribute to the framework of the General Plan. Ms. Robinson stated that the General Plan is formulated by using the 5,000 data points collected. As they begin to delve into topic areas, the Staff will work together to pull out data points that relate to a specific topic.

Commissioner Luskin asked if any of the comments indicated interest in a cultural center. Planner Sintz stated that page 37 of the Staff report, under Proud of Park City, talks about hosting cultural events.

Ms. Robinson stated that the next step is to define structural organization from the General Planning Process. The question is how to begin creating a document and what is entailed in the process.

Commissioner Pettit stated that she when she attended the City Council meeting and had a chance to look through the visioning report, she was struck by the fact that not one box or piece of information speaks to "historic". In all the visioning sessions she attended and all the interviews she did, the overriding theme about what makes Park City essential and unique all derived from the historic part of town. In her opinion, that needs to be captured in a better way and it needs to be present more frequently in this process. Commissioner Pettit commented on the economic impact that deals with how to bring in revenue to Park City. She understood from the report that the purpose for that was the understanding that because of the money that comes in from tourism, they have had the benefit of great servitude and amenities that make people love Park City as a place to either visit or live. She believed it was a trade-off in considering whether they wanted to continue bringing in revenue producing aspect versus the willingness to give up some of those amenities to protect other elements of Old Town.

Ms. Robinson agreed that historic character should be included in what was learned from visioning.

Chair Wintzer estimated that 75% of the economy comes from Old Town and Old Town is the reason why people come to Park City.

Commissioner Russack believed the elements need to be defined so people understand what Park City means by "sense of community" in something more than just words. He stated that the purpose of visioning is to provide the tools to revise the General Plan in order to meet that vision.

Commissioner Strachan recalled a comment about changing the language on titled property ownership and asked what it was changed to. He was told that it was changed to resident amenities and benefits.

Council member, Liza Simpson, explained that basically it was meant to address the tangible benefits such as the arts, the hospital, a good school district that the residents can enjoy. She noted that it has nothing to do with land value and opportunities to purchase property.

Ruth Meintsma felt the language as written was completely wrong. Ms. Simpson replied that the language was revised when resident benefits were added.

Commissioner Russack stated that arts and cultural, robust skiing and outdoor recreation, and unparalleled property ownership opportunities are support points that define a sense of community. If those three boxes could be visually removed, they could intertwine that language into the definition of sense of community. Once they start defining sense of community and small town natural setting, it should lead to a one sentence statement that would be underneath those boxes. Council Member Simpson explained that clarification was the reason why the City Council directed that the language in that box be changed completely. Obviously, there are not unparalleled property ownership opportunities for most people in Park City.

Council Member Simpson noted that the outer floating boxes came from the visioning as extremely important support elements to the inner core. The other three boxes are vitally important to the people who participated in the visioning. Commissioner Russack suggested that those could become the definition points.

Commissioner Luskin felt the three pillars should become four pillars to identify "historic character" by itself. Commissioner Peek suggested a pillar for historic small town heritage.

Ms. Meintsma suggested a pillar for the sense of community and history. Commissioner Russack remarked that the words define a sense of community. For Ms. Meintsma and others, a sense of community is very much historic presence and preserving the historic core. The definition for sense of community means that they want to preserve and protect the historic core because that is the hub. Commissioner Luskin agreed that it could be a separate pillar.

Ms. Robinson stated that the challenge is to transition the information learned through visioning into the General Plan.

Commissioner Russack thought they should add the words, "historic small town", because Park City is a historic small town. He believed that "historic" has its role in all three boxes, but he felt they could clearly put it in front of "small town" to identify Park City as a, "historic small town". Commissioner Luskin remarked that "small town" is desirable in and of itself. As a new resident to Park City, it was the historic character that brought him to Park City. It is a flag that should be waved and not buried. Commissioner Luskin recognized that everyone had their own agenda, but for him personally, he believed that "historic small town" should be a separate pillar. Ruth Meintsma agreed with Commissioner Luskin that it was an important element and should be a separate pillar. Ms. Robinson remarked that one question is how to structure the General Plan to preserve historic structures and the historic fabric of Park City. The Planning Commission needs to decide if that element should be the overriding theme.

Ms. Meintsma stated that currently the General Plan is a good document, but it is so large with so much information that she found it to be a weak document. Re-writing the General Plan is a daunting task, but she believed every discussion would go back to historic character.

Chair Wintzer pointed out that the Planning Commission is not the governing body of visioning. Visioning is being done by a separate group. The Planning Commission needs to provide feedback, but they are not doing the actual visioning. Their job is to interpret the vision and incorporate it into the General Plan.

Planner Kirsten Whetstone explained that the Planning Commission would use the visioning statements and facts as the big picture to determine the direction for the community. Planner Whetstone understood that the objective this evening was to look at the overall big picture and establish goals that could be used as a guide in revising the General Plan.

Director Eddington noted that the visioning graphic presented this evening talks about environmental, equity, economic, and quality of life issues. He explained that the goal through this

General Plan process is to take the more traditional General Plan elements such as community character, transportation, parks and rec, housing, growth management, etc., and find a way to incorporate them into the four components of the visioning outlined in the graphic. Director Eddington remarked that each Planner has been assigned to a specific General Plan element to help accomplish this goal. In the end, the General Plan should reflect the visioning document.

Commissioner Pettit believed the approach suggested by Director Eddington could be the holistic approach the Planning Commission has been looking for in terms of how to view the impacts that the General Plan elements have on the community as a whole. She pointed out that the General Plan document is larger than necessary because the discussion points are duplicated within each of those elements. Director Eddington agreed that rather than having separate issues addressed differently in each element, the challenge is to find a way to successfully consolidate those elements into the four components.

Planner Whetstone encouraged the Planning Commission to go to the Salt Lake County Website to see how they laid out their General Plan. The Staff and Planning Commission discussed options and outlines for re-writing the General Plan.

Director Eddington asked if the Planning Commission wanted to discuss the four components this evening or if they felt that discussion was premature. Commissioner Pettit wanted clarification on whether they were already in a box in terms of how to write the General Plan, or if they could deviate from the normal approach and become more innovative. Commissioner Pettit recognized that by Statute certain elements of the General Plan need to be included. However if the chapters of the General Plan do not need to remain the same or be similar, that would allow the Planning Commission the ability to approach the re-write in a creative way. Commissioner Pettit wanted the General Plan to clearly identify and reflect the intent of the broader picture to help maintain the core values of the four components that came out of visioning.

Director Eddington reiterated that the goal is to come up with a document that is more responsive to the vision than a traditional General Plan document. He identified the items from visioning that they would like to use as a guide for re-writing the General Plan.

Regarding economic impacts, Commissioner Strachan noted that over and over they have said that planning decisions are not made based on property values. Commissioner Russack pointed out that economic impacts also relate to sales tax revenue, which drives the community. He personally did not interpret economic impacts as related to property values. Director Eddington stated that economic impact is also community development; such as how they can continue to promote themselves, how they can promote economic diversity, how second homes versus primary home ownership impacts the community. Planner Whetstone suggested that the word "impact" may not be ideal for the General Plan and maybe they should look at calling it something different.

Commissioner Strachan referred to an applicant who used the General Plan to demand that his project be approved because the General Plan directed that. Without an economic statement in the General Plan, they would get another hotel similar to the St. Regis because an applicant could argue that the project complies with the General Plan because it creates jobs and economic wealth. Commissioner Strachan noted that throughout the visioning process, the St. Regis was identified as an eyesore in the community.

Planner Katie Cattan remarked that the biggest benefit with this document is that the levers tie back to sense of community, small town, and natural setting. In talking about economic impact, that is the lever in how it influences the core. Planner Cattan pointed out that it always goes back to the core. Therefore, a large hotel would be evaluated on sense of community, small town and natural setting.

City Attorney, Mark Harrington, stated that the Planning Commission has the ability to define how the levers inter-relate. Referring to Commissioner Strachan's comments, Mr. Harrington stated that property values is the cornerstone of the principle for having zoning. Mr. Harrington remarked that a factor they cannot ignore is how the City can correctly define financial success. He noted that consumer spending and bed base with bodies are the two benchmarks on which the City bases its budgeting, community success and services. That measurement contradicts the leaner, land use, community owned goals. Mr. Harrington remarked that how to reconcile those two sets of goals is the crux of revising the primary focus of the General Plan. Otherwise, the discussion gets lost in individual interpretation of what is important. Mr. Harrington stated that currently success is measured by issues that do not reflect what is heard and said in the planning arena. He felt the Planning Commission needed to decide if they were willing to take on that challenge and grapple with the hard decisions.

Commissioner Peek remarked that everything should fit in a spreadsheet as the final tool of measurement and the added levers would create the outside push to increase those numbers. Without the levers, Commissioner Peek did not think they would get good numbers in the spread sheet.

Commissioner Pettit understood that Mr. Harrington was saying that they need to look at the short term profit model versus the decision to allow or encourage revenue generating activity in the long term. The issue is the long term cost to the community as a whole and the possible trade-offs to reach that goal by making decisions that could potentially have negative affects on the ability to achieve revenue goals.

Commissioner Strachan thought the goals should be prioritized. Commissioner Russack felt they could never eliminate the economic aspect because Park City is a business that needs that revenue to operate. He noted that the income is derived from many different things that affect the other pillars they have been discussing. Commissioner Russack agreed that the goals should be prioritized and he felt strongly about keeping the economic goal.

Ms. Meintsma disagreed with Chair Wintzer about the Planning Commission not being able to write the language for visioning. She noted that the City Council provided their input and changed the pillars. Chair Wintzer clarified that the City Council is a different body. The role of the Planning Commission is to make recommendations.

John Stafsholt stated that as someone who attended all the visioning meetings, he believed the whole process was based on the data collected. After all the interviews, pictures, etc, everyone agrees that the three pillars are good choices based on the data. Mr. Stafsholt personally believed that the quality of life, environmental, equity and economic impacts were pre-determined and helped

to come up with the outer ring. He believes it was a pre-determined output because they checked all the boxes, but they never talked about unparalleled property ownership opportunities. He checked all the data and found 21 historic preservation comments. Not one addressed unparalleled real estate ownership opportunities. Mr. Stafsholt did not think it belonged and he assumed it was put in with the lever of economic impacts to make the other levers work. He was certain that it did not come from the data.

Ms. Meintsma asked if they could recommend a fourth historic pillar and if that change could be made this evening. Chair Wintzer reiterated his earlier comment that the Planning Commission is not the visioning committee. The Planning Commission could make that recommendation, but he was not comfortable having the Planning Commission make the change.

After discussing compliance issues with the current General Plan, City Attorney Harrington clarified that the General Plan should be a guiding document; but it does not have to be a compliance document. The Planning Commission has the choice to make it a document of mandatory compliance or a more general document. Chair Wintzer thought the General Plan should be a document that determines if a plan fits within the community vision for the City. The LMC is the document that guides the specific criteria.

Director Eddington stated that in looking at economic impacts in the vision statement, it talks about weighing the benefits of this activity against the cost. He argued that some of the costs may be environmental impacts, equity, etc. He expected that everything would be tweaked as they go along and anticipated that the process to be long. There is still a lot of data collection analysis, goals, objectives and strategy to go through before they can create a document. Director Eddington stated that the Staff would like to take this process in a uniquely Park City direction based on the vision. He believed that the elements of small town setting and charm begin to capture historic preservation and who and what they are. The Planning Commission has the opportunity in the General Plan to take the direction they would like to recommend to the City Council.

Commissioner Luskin asked for a definition of equity. Planner Astorga stated that the Staff believes it speaks to economics. The Staff's interpretation will be more to the social equity aspect and not necessarily the economic aspect of equity.

Director Eddington explained that equity is a diversity of jobs, affordable housing and other experiences in terms of economic opportunities. Commissioner Luskin agreed with the concept but he was not comfortable using the word "equity". Commissioner Pettit suggested replacing "equity" with "economic diversity".

Director Eddington summarized that the Planning Commission generally agreed that the General Plan should be more user friendly, simple and more holistic. He suggested that the Planning Commission discuss more specific direction at the next meeting. As they go through the General Plan, the Staff will be doing much more analysis and research.

Commissioner Pettit believed that the Summary of Key Visioning Themes outlined on page 45 of the Staff report were broader than the four levers and did a better job of capturing the goals

discussed this evening.

Director Eddington noted that the Planning Commission had been invited to participate in the City Council visioning for General Plan issues on January 11th.

Planner Cattan suggested that one month every quarter the Planning Commission should consider holding one General Plan meeting and two regular meetings to allow adequate time to hear larger projects.

The work session was adjourned at 8:30 p.m.

MINUTES – DECEMBER 16, 2009

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
DECEMBER 16, 2009

COMMISSIONERS IN ATTENDANCE:

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

EX OFFICIO:

Planning Director, Thomas Eddington; Principle Planner, Brooks Robinson; Kirsten Whetstone, Planner; Katie Cattan, Planner; Mark Harrington, City Attorney; Polly Samuels McLean, Assistant City Attorney

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REGULAR MEETING - 5:30 p.m.

I. ROLL CALL

Vice-Chair Russack called the meeting to order at 5:30 p.m. and noted that all Commissioners were present except for Commissioner Hontz who was expected to arrive.

I. APPROVAL OF MINUTES - NOVEMBER 18, 2009

Commissioner Russack referred to page 22 of the minutes, fourth paragraph, last sentence, and changed the word "their" to "the" to clarify that it was the vision of the community and not the Planning Commission.

MOTION: Commissioner Russack moved to APPROVE the minutes of November 18, 2009 as corrected. Commissioner Pettit seconded the motion.

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

II. PUBLIC COMMUNICATIONS

There was no comment.

III. STAFF & COMMISSIONERS' COMMUNICATIONS/DISCLOSURES

Planning Director Eddington noted that at the last meeting the Planning Commission discussed LMC language for the HR-2 MPD. The Staff was continuing to work on that language and planned to bring it back to the Planning Commission on January 13th for discussion and public hearing.

Commissioner Peek asked about the January meeting schedule. Director Eddington stated that a tentative a meeting was scheduled for January 20th to discuss the General Plan. Since that is the day before Sundance, he was unsure if all the Commissioners would be available. Director

Eddington intended to talk about the January schedule during the General Plan work session this evening, following the 637 Woodside Appeal.

REGULAR AGENDA/PUBLIC HEARINGS

3. 637 Woodside Avenue - Appeal of Staff's Determination
(Application #PL-08-00596)

Planner Astorga reported that this item was a quasi-judicial appeal of compliance with the Land Management Code for 637 Woodside Avenue, located within the HR-1 District. He stated that on April 15th, 2009 the Historic Preservation Board upheld the Planning Director's determination of compliance with the 1983 Historic District Design Guidelines.

Planner Astorga explained that the Planning Commission was being asked to review the Land Management Code issues outlined in the appeal. Planner Astorga stated that the appellant had based the appeal on the issue of an incomplete and inaccurate Staff report and an inaccurate letter from the applicant, which addresses 5 sub-issues.

Planner Astorga presented a 2009 aerial photograph of the site. He indicated a previous home on the site that was demolished in August 2008.

The Staff recommended that the Planning Commission review the appeal for compliance with the Land Management Code and uphold the Planning Director's determination based on the Findings of Fact and Conclusions of Law affirming the determination of compliance.

Chair Wintzer noted that the survey showed the old building on the property. He asked if the property has been re-surveyed since that time. Planner Astorga replied that it had not been re-surveyed. He explained that the application came in with a request to build a new structure concurrent with the demolition of the current structure. At that time, the existing structure was not deemed historically significant and the applicant had the ability to pull a demolition permit at any time.

Chair Wintzer asked if the demolition changed the grade of the lot. Planner Astorga believed that the grade would have been changed. Chair Wintzer suggested a new survey that was current with the existing conditions. Planner Astorga offered to request that survey.

Chair Wintzer asked the Assistant Attorney to explain the procedure for comments this evening. Assistant City Attorney, Polly Samuels McLean, stated that the appeal was based on what had been submitted. The Planning Commission could make a motion to open the appeal to other issues, but the comments should be based on the appeal issues outlined in the Staff report.

Commissioner Pettit understood that the Planning Commission was entitled to a de novo review. She asked if they were entitled to review the full application and all the issues related to application of the Land Management Code, or only the issues raised on appeal. Ms. McLean replied that the State Code reads that for factual issues the review is completely de novo. Legal issues are reviewed for correctness. Ms. McLean stated that the LMC requires appeals to be

very specific about what they are appealing to. However, the Planning Commission is looking at this appeal de novo, which means anew or fresh.

Chair Wintzer thought they needed to open the appeal to all issues and not just the issues in the packet. Ms. McLean explained that the appeal issues were outlined in the packet. The Planning Commission has the purview to make a motion to expand the appeal to include other issues.

Jonathan DeGray, representing the applicant, stated that his interpretation of de novo is that the Planning Commission gets to look at the facts anew, from the beginning, in order to acquaint themselves with the project. He was not opposed to the Planning Commission trying to understand the scope of the project; however, the Planning Commission must make a determination on the appeal items specified in the appeal. Mr. DeGray stated that the Planning Commission is the quasi-judicial body charged with making a decision on determination of compliance. Mr. DeGray understood that the items of appeal that were appealed within the legal time frame in July 2008 and again when the administrator's decision was appealed, were the only issues the Planning Commission had the ability to rule on. He did not believe the Planning Commission had the ability to open the appeal into something different. They were a quasi-judicial body charged with addressing the six points raised by Mr. Stafsholt and identified in the Staff report.

Ms. McLean explained that the LMC allows for the Planning Commission to make a motion to collect other evidence. Mr. DeGray asked if this appeal could become a new re-design application in front of the Planning Commission instead of the Staff. He was confused over the process.

Commissioner Pettit offered a hypothetical example that a determination was made by the Planning Department that the Steep Slope CUP criteria does not apply to this particular lot. If this application is coming to the Planning Commission anew, she wanted a better understanding of that determination. Commissioner Pettit felt there could be different interpretations as to whether the Planning Commission had the ability to impose the Steep Slope Criteria for this particular application.

Assistant City Attorney McLean read from the LMC 15-1-18, "Any decision by either the Planning Director or Planning Staff regarding application of the Land Management Code to a property may be appealed to the Planning Commission". She noted that 15-1-18 (G) was the burden of proof. "The appeal authority shall act in a quasi-judicial manner", which means they are acting as a judge. "The appellant has the burden of proving that the land use authority erred", the Land Use Authority in this case would be the Planning Director. "The appeal authority", which is the Planning Commission, "shall give factual matter de novo, anew, and shall determine the correctness of a decision of the Land Use Authority in its interpretation and application of the land use ordinance."

Commissioner Peek understood that the Planning Commission was reviewing the facts de novo, as opposed to recreating new facts to be reviewed de novo. Ms. McLean replied that this was correct.

Mr. McLean explained that from a legal standpoint, the Planning Commission was looking at the facts with fresh eyes. Commissioner Peek clarified that the Planning Commission would be reviewing what is already on the record, since that is what was appealed. They could not create something new to be reviewed.

Commissioner Luskin referred to the LMC language read by Ms. McLean, "The appeal authority shall have review of factual matters de novo and shall determine the correctness of a decision of the Land Use Authority in its interpretation and application of the land use ordinance". He felt the language was broad because it includes what the Land Use Authority addressed and what it should have addressed, but did not.

Commissioner Hontz entered the meeting.

John Stafsholt, the appellant, stated that he was allowed to appeal within ten days of the Planning Director's decision, which means that his appeal is dated June 15th. He clarified that he was appealing what was factual on June 15th. However, the applicant had been able to repeatedly change the plans since his appeal. Mr. Stafsholt noted that the applicant may have resolved one issue in the appeal, but in doing so, he may have created another issue. Based on the comments and interpretation of Code, he would not be able to appeal the changes that are out of compliance because they are not named in the June 15th appeal. Mr. Stafsholt pointed out that his evidence is dated June 15th and the applicant's evidence comes in on several dates after that time, yet he can say nothing about it. He did not believe that was an equal system.

Ms. McLean responded to Mr. Stafsholt's concern. Because new iterations of the plans have been submitted since the appeal was filed, in part as a response to the issues Mr. Stafsholt raised in his appeal, the Staff report states that the plans being reviewed by the Planning Commission this evening are dated October 28th. She stated that Mr. Stafsholt should have the ability to comment on the issues that have come up between the first iteration and the last iteration.

Chair Wintzer suggested that hearing the appeal this evening might be premature and that the Staff should write a new Staff report with all the changes. Ms. McLean stated that the Staff conducted a review and made a determination that the changes from the original plans to the October 28 plans were not substantial.

Mr. Stafsholt took issue with that statement.

Commissioner Strachan asked Ms. McLean to look at 15-12-15(B)(6) and (B)(8) to see if they clarified the standards of review. Commissioner Luskin read from 15-12-15(B)(8), "The standard of review by the Planning Commission shall be the same as the scope of review at the Staff level." He felt that language was also broad and included everything. Ms. McLean explained that the scope of their review would be the same as the Planning Director's.

Commissioner Strachan asked if the determination that the Steep Slope CUP criteria does or does not apply was a factual or legal determination. Ms. McLean replied that it was a mix. The

Planning Director made a determination based on the fact that the Steep Slope CUP was not necessary. The Planning Commission would review that determination for correctness.

Mr. Stafsholt stated that it is based on his appeal of the Steep Slope. He explained that he appealed the Steep Slope and it was upheld.

Commissioner Pettit understood that compliance with the Historic District Design Guidelines is not an application of the Land Management Code and it has a separate appeals process, which was appealed to the HPB. She asked if the HPB determination regarding compliance was appealed. Ms. McLean answered no and explained that if it was appealed, that appeal would go to the Board of Adjustment.

Chair Wintzer asked if the discussion should be limited to the items outlined in the Staff report or to the entire application. Ms. McLean replied that it was an issue for the Planning Commission to decide.

Commissioner Luskin felt that since they were dealing with the full scope of the project, including the Historic District Guidelines, it was within their purview to remand this to the HPB if they desire. Ms. McLean stated that the Planning Commission could not remand it to the HPB because they do not have jurisdiction over the Historic District Design Review. Those matters are addressed through a separate process. She explained that the Planning Commission purview is limited to Land Management Code applications.

Commissioner Strachan thought the Code was clear, particularly 15-12-15(B)6 and (8), and actually requires the Planning Commission to look at the application de novo as if they were the Planning Director. Commissioner Luskin agreed.

Commissioner Peek asked if the Planning Commission would determine whether the Steep Slope CUP applies. Commissioner Strachan believed a motion would give the Planning Commission the power to make that determination once they incur the evidence and hear the presentations.

Commissioner Pettit stated that another question was whether or not the Staff Report contained all the information necessary for the Planning Commission to evaluate the application with the LMC or a Steep Slope applicability.

Commissioner Peek asked if the permit for demolition of the house was a separate building permit. Director Eddington replied that it was. Mr. Peek clarified that once the permit was completed, there was a new condition on the ground that this permit was being applied to. Director Eddington replied that this was correct. Commissioner Peek understood that the determination of Steep Slope non-compliance related to the structure on the site. Director Eddington stated that this was also correct.

Commissioner Strachan stated that if the Planning Commission determines that they do not have sufficient evidence, they would have to make a motion to review it de novo first. The Commissioners concurred.

MOTION: Commissioner Strachan moved to conduct this appeal according to Land Management Code Section 15-12-15(B)6 and that the standards of reviewed applied by the Planning Commission be the same as the scope of review at the Staff level. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

Commissioner Pettit asked about procedure and whether the Planning Commission should allow the introduction of evidence or how they proceed in that manner, given that it is de novo. Ms. McLean stated that the appellant has the burden of proof. Therefore, the appellant should present first and the applicant's representative should be able to respond, followed by a short rebuttal on each side. At that point the Planning Commission could decide whether or not they needed additional evidence or wanted to hear public input.

John Stafsholt, the appellant, stated that possibly neither he nor the Planning Commission may have all the necessary evidence, but he has spent too much time on this appeal to start over. He believed there was enough evidence to move forward. Mr. Stafsholt thought the format should be different and that the Planning Commission should have been provided with full size drawings, drawn to accurate dimensions.

Mr. Stafsholt referred to Commissioner Pettit's comment regarding the HPB and noted that he had planned to appeal the HPB review determination. However, he was informed by Staff that if this appeal goes to the Board of Adjustment, the appeal of the HPB determination would be sent to the Board of Adjustment at the same time. Depending on the outcome this evening, Mr. Stafsholt intended to file that appeal at a future date.

Mr. Stafsholt wanted it clear for the record that the property at 637 Woodside was foreclosed on and the applicant named in the Staff report can no longer be the applicant. Mr. Stafsholt was interested in knowing if the applicant or his legal representative was present this evening. He also wanted to know what relationship Jonathan DeGray had with the new applicant, assuming that the new applicant intended to move forward with the project. Mr. Stafsholt pointed out that there was no evidence that the new owner plans to move forward at this time.

Jonathan DeGray explained that the property went in to foreclosure and actually closed the day before. Zions Bank is the new owner. Mr. DeGray stated that he was contacted by Zachary Nelson with Zions Bank. He immediately contacted Francisco Astorga after receiving the call to request a continuance. Mr. DeGray was told that the matter could not be continued because Mr. Stafsholt had the right to due process and the appeal needed to move forward. Mr. DeGray stated that he spoke with Zions Bank and emailed them the Affirmation of Significant Interest to change the application forms. Zions Bank requested that Mr. DeGray attend this meeting on their behalf.

Chair Wintzer noted that there was a chance this project would never be built. Mr. DeGray replied that it was a good chance, unless Zions Bank could find a buyer who was interested in building the exact same project.

Assistant Attorney McLean clarified that Mr. Stafsholt was appealing the decision made by the Planning Director. As it currently stands, the owner has a vested application that has been appealed. Zions Banks has the decision of whether or not to withdraw the application. A withdrawal would null the appeal. Ms. McLean stated that Mr. Stafsholt has the right to get finality on the application. She pointed out that an application runs with the land.

Chair Wintzer summarized that a building permit for a demolition permit has been fulfilled, but another building permit has not been pulled. Ms. McLean replied that this was correct. She explained that the Code allows 180 days to pull a building permit and under the HDDR it is good for a year. If no activity occurs by April 15, 2010, the application would expire.

Commissioner Peek asked if this was significant progress in the application process and if the date of the Planning Commission determination would be the beginning of a new one-year anniversary date. Ms. McLean replied that it would be six months from this date plus one year from the Historic Design Review. Mr. DeGray understood that he had twelve months from this approval to apply for a building permit before that time lapses and another six months to keep the building permit active.

Commissioner Luskin stated that he has dealt with bankruptcies and successor rights and there is some discretion in those documents. If the application runs with the land, in the case of bankruptcy, all successors have the right because they are all designated. He was unsure if that applies in a foreclosure. Ms. McLean stated that under the LMC, all applications run with the land.

City Attorney, Mark Harrington, explained that the answer to Mr. Luskin's question may have been different if the property was still in the foreclosure process and had not closed. The real question is whether Mr. Stafsholt for good reason wanted to request a stay or a continuance pending resolution of that issue. Without his agreement or stipulation, Mr. Stafsholt is entitled to proceed with his appeal at this time.

Mr. Stafsholt stated that no documents were available this evening and no one had seen evidence that the property closed or that Zions Bank wanted to move forward. In addition, no one had seen representation documents for Jon DeGray. Mr. Stafsholt remarked that they are all going on good faith that Mr. DeGray was representing Zions Bank in some capacity and properly representing the facts.

Mr. Harrington replied that those were separate issues. Regardless of the change in ownership, Mr. Stafsholt was entitled to proceed with his appeal. Mr. Stafsholt felt the issue was whether or not Mr. DeGray had a material say in what occurs, depending on whether or not he actually represents Zions Bank. If he does not represent Zions Bank, he should become part of the public and not a representative of the applicant.

Mr. Harrington stated that if Mr. Stafsholt questioned Mr. DeGray's role as a representative, he could present evidence to the contrary. Mr. Stafsholt pointed out that he did not have any evidence, which is why they were taking Mr. DeGray's claim on good faith. Mr. Harrington

remarked that Mr. DeGray verbally stated upon this hearing that he did represent Zions Bank. If Mr. Stafsholt was not willing to accept his verbal statement, Mr. Stafsholt could request a continuance until that fact could be verified. Mr. DeGray pointed out that he had tried to request a continuance earlier in the day. Mr. Stafsholt stated that he would have continued the matter this evening if Mr. DeGray had been willing to continue when Mr. Stafsholt asked for a continuance at the last meeting. He remarked that the entire appeal is a response to Mr. DeGray's activities.

Commissioner Luskin stated that within the court system the judicial body can always continue something if they think their effort will be moot later on. He asked if the power for a continuance was with Mr. Stafsholt or if the Planning Commission could request a continuance. Mr. Harrington replied that the Planning Commission has the ability to continue. However, there had already been significant delays and he cautioned the Planning Commission to make a very deliberate decision based on actual matters before them and not on perception of what might happen.

Commissioner Pettit referred to Mr. Stafsholt's intent to appeal the HPB determination. She understood that the appeal period had not run out and Mr. Stafsholt still has the ability to appeal. One of the reasons it has not been appealed was because Mr. Stafsholt was waiting for the Planning Commission to make their determination. Mr. Harrington stated that he could not speak to that question.

Based on the assumption that Zions Bank owns the property, Commissioner Hontz wanted to know what rights the bank would have as the owner. If the Planning Commission were to continue this appeal, she wanted to know if the Bank could not do anything with the property until the appeal was reviewed and decided upon. Mr. Harrington stated that nothing could occur with the property pending a resolution of the appeal. Commissioner Hontz asked if the HDDR permit would expire in April 2010, regardless of the time frame of the appeal. Mr. Harrington needed to research that information before responding.

Mr. DeGray stated that he had only had the benefit of phone calls. Until proper documentation is received by the Planning Department, he requested that the Planning Commission continue this item. Mr. DeGray apologized to Mr. Stafsholt for his decision to push forward at the last meeting, and he explained his reasons for making that decision. Mr. Stafsholt remarked that he has been anxious to have this appeal heard and he was not the cause of the delays. Mr. Harrington suggested that the Planning Commission take a brief recess to allow him to meet with Mr. DeGray and Mr. Stafsholt on how to proceed this evening.

MOTION: Commissioner Peek made a motion to take a five minute recess. Commissioner Pettit seconded the motion.

VOTE: The motion passed unanimously.

Following the recess, Mr. Stafsholt stated that he was not opposed to a continuance to January 13, 2010.

MOTION: Commissioner Peek moved to CONTINUE the appeal for 637 Woodside Avenue to

January 13, 2010 and requested additional information since the conditions on the lot have materially changed with the demolition of the previous structure. The information should include a new survey, as well as full scale PDF drawings for Staff review and inclusion in the Staff report. Commissioner Pettit seconded the motion.

Commissioner Strachan asked if the motion could include topographical information.

Commissioner Peek amended his motion to include a survey with a topo of the boundary lines and adjacent structures.

Planner Astorga noted that adjacent property owners would need to give permission before a surveyor could access their property. Mr. Stafsholt gave his permission for a surveyor to go through his property if necessary.

Paul Kimball, the neighbor to the north, gave his permission for a surveyor to go on to his property if necessary to obtain accurate measurements.

Commissioner Pettit seconded the amended motion.

VOTE: The motion passed unanimously.

The Regular Meeting of the Park City Planning Commission was adjourned.

The Commissioners moved in to work session to discuss the General Plan.

Approved by Planning Commission _____

The Park City Planning Commission meeting adjourned at 8:56 p.m.

Planning Commission Meeting
December 16, 2009
Page 10

Approved by Planning Commission _____

REGULAR AGENDA

Planning Commission Staff Report



Subject: Park City Racquet Club
Application #: PL-09-00785
Author: Kayla Sintz
Date: January 20, 2010
Type of Item: Administrative – Master Planned Development

Summary Recommendations

Staff recommends the Planning Commission open a public hearing, discuss the proposal, and approve the Park City Racquet Club Master Planned Development based on the findings of fact, conclusions of law, and conditions of approval included in this report for the Commission's consideration.

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 require Planning Commission review and approval

Background

On December 9, 2009 and January 13, 2010 the Planning Commission heard this application as part of the regular agenda. Public hearings were also held. Minutes from the December 9, 2009 meeting are attached for review. Minutes from the January 13, 2010 meeting are not yet available, however, a summary of the Commissioner's comments are as follows:

- All Commissioner's present were pleased with the architectural changes at the front entry, gabled roof forms, clerestory modification, façade variation and metal panel color change
- General consensus with the Construction Mitigation proposed conditions, however, please consider:
 1. along with heavy equipment please add no idling or start up of regular vehicles and auxillary lighting prior to 7 am start time; City Council liaison Liza Simpson also indicated the City is working on an anti-idling ordinance but right now strongly encourages volunteer participation. City vehicles and City employees already practice anti-idling action
 2. work days of Monday-Friday and eliminating Saturday as a further option
 3. keep neighborhood advised of restrictions, emergency contacts; considering bulk mailing to neighborhood prior to construction
- Provide graphic indicating grade interpolation analysis with next meeting packet

Response to above items:

The applicant has agreed to add the additional language to the construction mitigation restrictions to include no idling or start up of regular vehicles prior to 7 am, to include auxillary lighting. The applicant has considered the Saturday elimination from the work schedule, however, with restricted build time still feels they need Saturday as a possible work day. They would like to propose a delayed start time of 9 am on Saturday as a compromise. The applicant has agreed to provide a bulk mailing to neighbors within 300 feet advising them of the construction mitigation conditions and include emergency contact information.

Comments from the December 9, 2009 meeting not addressed in last week's meeting but now addressed include:

- Questions regarding required volume for tennis play and USTA (United States Tennis Association) standards
- Questions regarding how the mechanical duct layout and lighting affects interior height and whether alternatives have been examined
- Review Conclusion of Law #9 relating to Affordable Housing Ordinance

Required Volume for tennis play:

An exhibit has been included on page 11 of the exhibit booklet which defines the clear area of play taken from the USTA (United States Tennis Association) and American Sports Builders Association. It reads, "The space directly over the court should be free of overhead obstructions and should be not less than 18' at the eaves, 21' over the baseline, and 34' at the net, although 38' is recommended, measured to the interior finished ceiling." This design application is for those standards as part of the original programming and the building is indicative of those industry standards.

Mechanical and electrical layout changes:

As part of the architectural redesign which occurred prior to the last meeting, the applicant reworked the mechanical and electrical system layouts (verifying clear tennis play with the United States Tennis Association and Recreation Manager) which resulted in a decrease in building height. As can be seen in the accompanying exhibit booklet page 10 (described as a Ceiling Plan Overlay), the main mechanical duct running north/south under the main structural girder is located over the space between courts 2 and 3. By lowering the roof the applicant is not impacting the clear area of play because the duct is outside the regulation court size. The electrical lights that illuminate the court run around the perimeter of the court. The lights that hang along the side lines of the court are also outside the playing area, so lowering the roof will not impact the required clear area of play. The lights along the end line however do hang over the court, so by lowering the roof these lights will be inside the clear area of play required by USTA (United States Tennis Association). The owner is willing to consent to this compromise in order to lower the overall roof height.

Affordable Housing Ordinance:

After further discussions with the City's Affordable Housing Specialist, Phyllis Robinson, she advises the MPD, as submitted, is exempt from the requirements of Housing

Resolution 20-07 as outlined in *Section E Redevelopment: Additions and Conversions of Use* in that the remodeling does not create additional employment generation. The applicant has submitted a letter confirming that the renovation will not generate any additional employees. Condition of Approval #15 has been added to address any increase of employees at the time of Certificate of Occupancy.

Building height modifications:

In direct response to the comments made at prior meetings, the applicant worked with architectural changes as well as building system changes (mechanical and electrical layouts) for overall height decrease. Previously shown clerestories on one side of the ridge have been modified and now include 4 clerestories on both sides of the tennis ridge. The clerestories have been slid down the ridge and now retain the same ridge height as the tennis ridge. The entry feature has been reduced 6'-7" (over interpolated grade) from previously proposed entry with a ridge elevation 1'-8" higher than the proposed tennis ridge. Further height discussion is included in *(F) Building Height* below.

Staff measures height by evaluation of roof over existing topography (not final grade). As this site has been disturbed and original grade modified, interpolated grade is used. Graphic shown on Page 12 of the exhibit packet illustrates the interpolated grade determination (taken from existing topographic survey) across the site (a 3 foot grade difference from south to north). Height exceptions are based on this interpolated grade analysis.

Analysis

Main Tennis Ridge:

40'-5" height based on measurement over interpolated grade

Height exception = 5" over existing 40' height exception granted with CUP

Clerestories at Main Tennis Ridge:

North clerestories: 40'-9" height based on measurement over interpolated grade

Height exception = 9" over existing 40' height exception granted with CUP

South clerestories: 40'-1" height based on measurement over interpolated grade

Height exception = 1" over existing 40' height exception granted with CUP

Front Entry: (highest point)

42'-8" height based on measurement over interpolated grade

Height exception = 2'-8" over existing 40' height exception granted with CUP

Residential Development (RD) zoning district - 1200 Little Kate Road
 Racquet Club Master Planned Development

	CODE REQUIREMENT	EXISTING	PROPOSED
BUILDING AREA	No restrictions per this Use	Area 63,697 s.f. Footprint 53,744 s.f.	Area 85,015 s.f. (72,865 s.f. new) Footprint 66,030 s.f.
SETBACKS	MPDs require 25' around the perimeter of the site. May be reduced to zone or adjacent zone setbacks:	Parking areas do not comply. <u>Existing Non-Conforming</u> Parking Areas to south along Little Kate Road are 6 feet.	Parking areas do not comply. <u>Existing Non-Conforming</u> Parking Areas to south along Little Kate Road are 6 feet. Non-conformance is not being expanded.
FRONT	20'	55' for building. Parking Area along Little Kate Road = 6 feet.	76'-5" off of Little Kate Road to building. 6 feet to Parking Area.
SIDES	12'	205' (east) to building. Parking Area to east = 25' minimum	277' (east) 143'-5" (west) to building face; <u>Complies</u> . Parking Area to east = 25 feet minimum (unchanged)
REAR	15'	61'-2" to building face	61'-2" to building face <u>Complies</u>
INTERPOLATED HEIGHT	28' + 5' (pitched roof) per zone. Previous CUP approval granted 40'	37'-9" @ tennis ridge measured from interpolated grade	42'-8" @ entry, 40'-9" @ tennis north clerestory, 40'-5" @ tennis ridge, 40'-1" @ tennis south clerestory <i>based on interpolated grade</i> by Staff <u>Requesting 2'-8" height exception within MPD over previous 40' height granted in CUP</u>
PARKING	MPD as determined by Planning Commission based on proposed uses.	155 stalls	148 stalls <u>Requesting reduction within MPD</u>
A	LMC: 1 per 4 seats	N/A	N/A
B	LMC: 5 per 1,000 s.f.	tennis = 15 stalls Other spaces = 160 stalls Total = 175 stalls	tennis = 15 stalls Other spaces = 265 stalls Total = 280 stalls

C	LMC: 1 per 3 persons rated capacity per IBC (International Building Code)	376 stalls (per 1127 persons)	499 stalls (per 1497 persons)
D	Applicant's Parking Analysis based on actual usage (Exhibit D)	Winter/Fall = 144 Stalls Summer/Spring = 115 stalls (Restaurant counts for 10 stalls and is included)	Applicant's analysis would yield 148 stalls as meeting demand
OPEN SPACE	30% required due to redevelopment of the site. Can be reduced by the Planning Commission in exchange for project enhancements/amenities per MPD. *pools and exterior tennis courts are included in Open Space Calculations*	55.9% open space (Reduces to 47.8% if three exterior winter bubbled tennis courts are excluded)	44.7% open space <u>Complies</u> (Reduces to 36.6% if three exterior winter bubbled tennis courts are excluded)

In accordance with Section 15-6-5 of the Land Management Code, all Master Planned Developments shall contain the following minimum requirements:

(A) DENSITY The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and Density located in most appropriate locations.

Complies. The RD District has maximum density for residential uses only. The type of Development is staying the same and is of a recreational nature.

(B) MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 DISTRICT. (Not applicable)

(C) SETBACKS The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size.

Building Complies. Existing Parking Area does not meet setback of 25 feet. The closest building structure other than required driveways, is the existing gymnasium, which well exceeds the 25 foot minimum setback to the property lines with a setback of 61 feet. The new building will be, at a minimum, approximately 76 feet from the closest property line (to the south along Little Kate Road). The existing parking lot areas are approximately 6 feet from Little Kate Road (front yard setback property line) and 25 feet from closest side property line to the south (side yard setback). Staff finds that the Parking Area is a legal non-conforming use along Little Kate Road and the degree of non-compliance is not being increased. The parking lot layout is not being significantly modified and the applicant is not proposing to increase impervious surface.

(D) OPEN SPACE. All Master Planned Developments subject to redevelopment shall contain a minimum of thirty percent (30%) open space.

Complies. The site, including future phases, totals forty-four point seven (44.7%) open space. Open Space includes exterior pools and tennis courts. Analysis table indicates

three (3) exterior tennis courts that are bubbled in the winter would reduce open space to 36.6% if excluded. Staff wouldn't exclude the bubbled courts from Open Space due to the fact they are bubbled for six months of the year, are temporary, and said bubble can be removed and/or modified. However, this analysis is included for the Commission's review as requested.

(E) OFF-STREET PARKING The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this Code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal.

Reduction Requested. The Commission discussed the proposed parking reduction in the December 9, 2009 meeting. The existing number of parking stalls is 155. The total number of proposed stalls is 148 which is the maximum number of stalls that can be obtained with the minor re-alignment and striping without creating additional impervious surface. With the improvements of the pedestrian access of a new 5 foot wide sidewalk (which will be plowed by the City in the winter) and the new transit stop in conjunction with the residential neighborhood location of the facility and the City's goal to encourage alternate forms of transportation, Staff would recommend the proposed parking stall count of 148 stalls be acceptable and appropriate. As conditioned, a future phase including a restaurant will be subject to an MPD amendment with associated parking analysis occurring at that time. However, 10 spaces is being allocated to restaurant use as part of the 148 stalls. Little Kate Road and Monitor Drive are signed *No Parking* on both sides of the street. Special Events require parking mitigation and review prior to approval.

(F) BUILDING HEIGHT. The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination.

Height Exception Requested. The original CUP approval granted a 40 foot height for the tennis building. Allowed height in the RD zone is 28' plus 5' for a pitched roof. Staff's analyzed and provided interpolated grade since it had been disturbed. In using interpolated grade the existing ridge of the tennis building yields a 37'-9" foot height. Building height of the new facility is driven by the clear volume of interior regulation tennis. Structural and mechanical systems were designed around the minimum regulatory tennis volume of space. The main tennis ridge has been designed with a pitched roof to limit overall building volume and introduce architectural character compatible with the surrounding residential area. Based on analysis above, a height exception of 2'-8" total is requested over previously approved 40' CUP height. The highest point of the new structure is at the northern most point of the new entry, measured at 42'-8" over interpolated grade. The main ridge over the tennis courts will be 2 feet higher than what currently exists.

The LMC Section 15-6-5 (F) grants the Planning Commission the authority during review of an MPD to allow additional building height based upon site-specific analysis provided the Commission can make the following findings:

1. The increase in building height does not result in an increase in square footage or building volume over what could be allowed under the zone-required building height and density, including requirements for facade variation and design, but rather provides desired architectural variation.

Complies. The increase in height allows for a definitive entry feature, clerestories breaking up the long tennis ridge, and a termination point from the tennis ridge.

2. Buildings have been positioned to minimize visual impacts on adjacent structures.

Complies. As demonstrated by the 3D visual analysis site plan overlay of existing facility, the building is positioned on the site in a manner that very closely matches the previously approved facility thus minimizing impacts on adjacent structures.

3. Potential problems on neighboring properties caused by shadows, loss of solar access, and loss of air circulation, have been mitigated to the extent possible as defined by the Planning Commission.

Complies. The required setbacks and location of the areas of additional height do not cause shadow, loss of solar access or loss of air circulation on neighboring properties. The site is of sufficient size that the building height is mitigated by increased setbacks.

4. There is adequate landscaping and buffering from adjacent properties and uses. Increased setbacks and separation from adjacent projects are being proposed.

Complies. The existing landscaping between the property line to the east and the adjacent condominiums provides year round screening of the facility and provides a buffer that helps to mitigate impacts due to additional height. Existing exterior tennis courts to the west continue to act as a buffer to the condos along Spaulding Court. The existing gymnasium and landscaping to the north across from Davis Court and existing park across from Segura Court are not being modified. The site is of sufficient size that the building height is mitigated by increased setbacks (over the 25' required by the MPD) in all areas except along Little Kate Road/Monitor Drive intersection. Existing open space and parking areas maintain separation from adjacent residential uses. The applicant has proposed three additional 10-12 foot mature trees near the pocket park in the northeast corner which will also help buffer the tennis building expansion to the east.

5. The additional building height has resulted in more than minimum open space required and has resulted in the open space being more usable.

Complies. More than the required open space has been provided for redeveloped sites. Required = 30%. Provided = 44.7% (including future phases).

6. The additional building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter 5, Architectural Review or Historic District Design Guidelines if within the Historic District.

Complies. The design provides a transition in roof elements, including clerestories, and building height using shed and gabled roof forms. The tallest portion of the building

(relative to interpolated grade) is located near the main entrance and provides termination in roof form with the main tennis ridge. It also identifies the main entry architecturally. Portions of the building not associated with the tennis volume and entry are at 33'-2" at the Fitness area and 36'-8" for the location of the proposed possible Solar Hot Water and are allowed within previous allowed CUP height

(G) SITE PLANNING. An MPD shall be designed to take into consideration the characteristics of the Site upon which the use is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

Complies. The rebuilt sections of the building are proposed in existing building areas or areas once containing portions of the parking area. No Significant Vegetation is identified or impacted.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

Complies. The proposed plan does not include or need large retaining structures. The natural grade is very gradual and grading is minimal.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

Complies. The proposed building has minimal permanent cut and fill and grading immediately surrounding it. No new roads are proposed and upsized utilities are not anticipated at this time.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan.

Complies. See combined discussion below for sub-criteria #5.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/ bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

Complies. During the summer and fall of 2009, as part of the WALC bond, the City constructed a series of improvements to Little Kate Road and Lucky John Drive. The improvements were designed to provide an enhanced level of service for walking and biking for the Racquet Club as a significant destination for residents and tourists and for the movement of school children along the corridor. The improvements included the

installation of a 5' wide sidewalk and new high back curb from behind the schools on Lucky John to Little Kate and along Little Kate to Holiday Ranch Loop Rd. The improvements also included a bus pull out and new shelter at the Racquet Club; the redesign and reconstruction of two intersections to help calm traffic and enhance pedestrian crossing; and to roto-mill and repave the entire length of the project to reduce the cross-slope on the bike lanes. These improvements and the subsequent WALC improvements, including the introduction of a trail/sidewalk along Holiday Ranch Loop Rd from Little Kate to SR-224 for 2010, will provide a significant increase in the level of service and ability to walk and bike as an alternative to motorized travel. The Racquet Club currently provides bicycle parking for up to 15 bicycles will provide additional bike racks as part of the remodel to accommodate the increase in bicycle transportation anticipated with the new improvements.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is that snow should be able to be stored on Site and not removed to an Off-Site location.

Complies. There are sufficient areas adjacent to the paved areas to store snow. Updated Site Plan indicates area required per the LMC.

(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests. **Complies.** The trash enclosure will be provided on site, to the northeast corner of the parking lot. Recycling facilities will be located within the main building.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

Complies. See discussion for Criteria #5 above.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

Complies. Minimal service and delivery are necessary, but the service and delivery areas are located to the east façade.

(H) LANDSCAPE AND STREETScape. To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Lighting must meet the requirements of LMC Chapter 15-5, Architectural Review.

Complies. A preliminary landscape plan includes native and drought tolerant plant materials and native rock and boulders, which are proposed along Little Kate Road and

the Racquet Club's parking area. No new lawn or turf areas are proposed. Existing lawn or turf areas that exist with the property boundaries of the Racquet Club Condos are not being removed or modified at this time and have been in place since the facility was originally constructed. Any necessary exterior lighting will be required to meet the City lighting standards. Site Plan includes parking lot lighting layout and approved light fixture cut sheet.

(I) SENSITIVE LANDS COMPLIANCE. All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conforms to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.
Not Applicable. The site is not within the Sensitive Areas Overlay Zone.

(J) EMPLOYEE/AFFORDABLE HOUSING. MPD Applications shall include a housing mitigation plan that must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.

Complies. The MPD, as submitted, is exempt from the requirements of Housing Resolution 20-07 as outlined in *Section E Redevelopment: Additions and Conversions of Use* in that the remodeling does not create additional employment generation. The applicant has submitted a letter confirming that there is no net increase in employees.

(K) CHILD CARE. A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

Complies. Child Care is being provided on site and was deemed an important feature for a recreation facility. The programmed space is accessed from the main entrance Reception space.

Department Review:

The project has been reviewed by the Planning, Building, Engineering and Legal departments as well as the utility providers. Issues raised during the review process have been adequately mitigated in the proposed plans or by conditions of approval.

Public Notice:

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

Alternatives:

- The Planning Commission may approve the MPD for the Racquet Club as conditioned and/or amended; or
- The Planning Commission may deny the MPD and direct staff to make findings of fact to support this decision; or
- The Planning Commission may continue the discussion and request additional information on specific items.

Future Process:

Approval of the Master Planned Development is required for the project to move forward. Approval of this application by the Planning Commission constitutes Final

Action that may be appealed following the procedures found in LMC 1-18.

Recommendation:

Staff recommends the Planning Commission open a public hearing, discuss the proposal, and approve the Racquet Club Master Planned Development based on the findings of fact, conclusions of law, and conditions of approval included in this report for the Commission's consideration.

Findings of Fact:

1. The Racquet Club Master Planned Development is located on Lot 1 of the Racquet Club Subdivision. Lot 1 consists of 7.5 acres. The lot is of sufficient area to accommodate the 85,015 s.f. (gross area), 66,030 s.f. (footprint) public recreation facility, circulation, parking, future phases, and provide the minimum required minimum 30% open space for redeveloped areas.
2. The proposed facility open space is 44.7% and includes exterior tennis and pools as well as future phases.
3. The total proposed building footprint is 66,030 s.f. and gross square footage is 85,015.
4. The property is located in the Residential Development (RD) zoning district.
5. The Racquet Club received a Conditional Use Permit in 1977 for Recreation Commercial which granted an overall 40 foot building height.
6. This property is subject to the Racquet Club subdivision plat and any conditions of approval of that plat.
7. The maximum Building Height in the Residential Development (RD) zoning district is 28 feet (33 feet with a pitched roof). Previous CUP approval granted a 40 foot building height for a public recreation facility. The application includes a height exception request (per interpolated grade) for 2'-8" (over previous CUP approval) of additional building height for the entry feature, 5" of additional building height for the main tennis ridge, 1" of additional height for the south clerestories and 9" of additional height for the north clerestories.
8. The existing Racquet Club contains 155 parking spaces.
9. A reduction in parking is requested at 148 parking spaces. A bicycle rack will be provided adjacent to the main entrance.
10. Setbacks within the Residential Development (RD) are twenty feet (20') in the front, fifteen feet (15') in the rear, and twelve feet (12') on the sides. The MPD requires twenty-five (25') foot setbacks from all sides. The building complies with these setback requirements. The Parking Area which is being restriped and reoriented, and not expanded, does not meet the front yard setback and an exception has been requested to maintain the existing six feet (6') in the front yard.
11. The *Analysis* section of this staff report is incorporated herein.

Conclusions of Law:

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 is not subject to the Sensitive Lands requirements of the Land Management Code. The project has been designed to place Development on the most developable land and lease visually obtrusive portions of the Site.
11. The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections by the location on a proposed bus route. Bicycle parking racks will be provided.
12. The MPD has been noticed and public hearing held in accordance with this Code.

Conditions of Approval:

1. All standard conditions of approval apply to this MPD.
2. All applicable conditions of approval of the Racquet Club subdivision shall apply to this MPD.
3. A final water efficient landscape and irrigation plan that indicates snow storage areas and native drought tolerant plant materials appropriate to this area, is required prior to building permit issuance.
4. All exterior lights must conform to the City lighting ordinance. Parking lot and security lighting shall be minimal and approved by Planning Staff prior to issuance of a certificate of occupancy.
5. All exterior signs require a separate sign permit. Application for a sign permit shall be made to the Planning Department prior to installation of any temporary or permanent signs.
6. 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 January 20, 2010, and shall be approved by staff prior to building permit issuance. Materials shall not be reflective and colors shall be warm, earth tones that blend with the natural colors of the area.
7. 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 January 20, 2010.
8. The City Engineer prior to Building Permit issuance must approve utility, storm water systems and grading plans, including all public improvements.
9. Staff must approve the Construction Mitigation Plan to issuance of any building

permits and shall include appropriate contact information as required. Signs posted on site will indicate emergency contacts.

10. Work is restricted to Monday through Friday 7 am to 6pm. Saturday start time is 9 am. This would include the time for start up of heavy equipment and start up of any vehicles. Idling of vehicles will not be allowed. Auxillary lighting will also be restricted to these hours.
11. Lay down and staging are will be restricted to existing parking lots and disturbed construction area. Applicant will minimize placement adjacent to housing units as much as possible.
12. Transportation of labor to and from 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.
13. The applicant will notify all affected property owners within 300 feet prior to construction commencing of conditioned work hours, contact information and general project description.
14. A limit of disturbance area will be identified during the building permit review.
15. The applicant shall submit a total employee count at time of building permit. Prior to Certificate of Occupancy the applicant shall provide verification that the employee count has not increased. Should there be an increase in the total employee count the applicant shall be subject to the terms and conditions of Housing Resolution 20-07; Section E Redevelopment.
16. Future phases of Natatorium, Restaurant and Gymnasium expansion are included in this master plan and would be subject to an Amendment to this MPD. The Development Agreement will stipulate per 15-6-4(l) the Amendment will not justify a review of the entire master plan. Future phases will be subject to minimum open space requirements of 30%.
17. An internal parking review will occur one year after Certificate of Occupancy (or the facility is fully operational) to analyze parking load and demand.

Exhibits

Exhibit A- Updated MPD Design Drawings

Exhibit B- Public Input

Exhibit C- Meeting Minutes 12-9-09



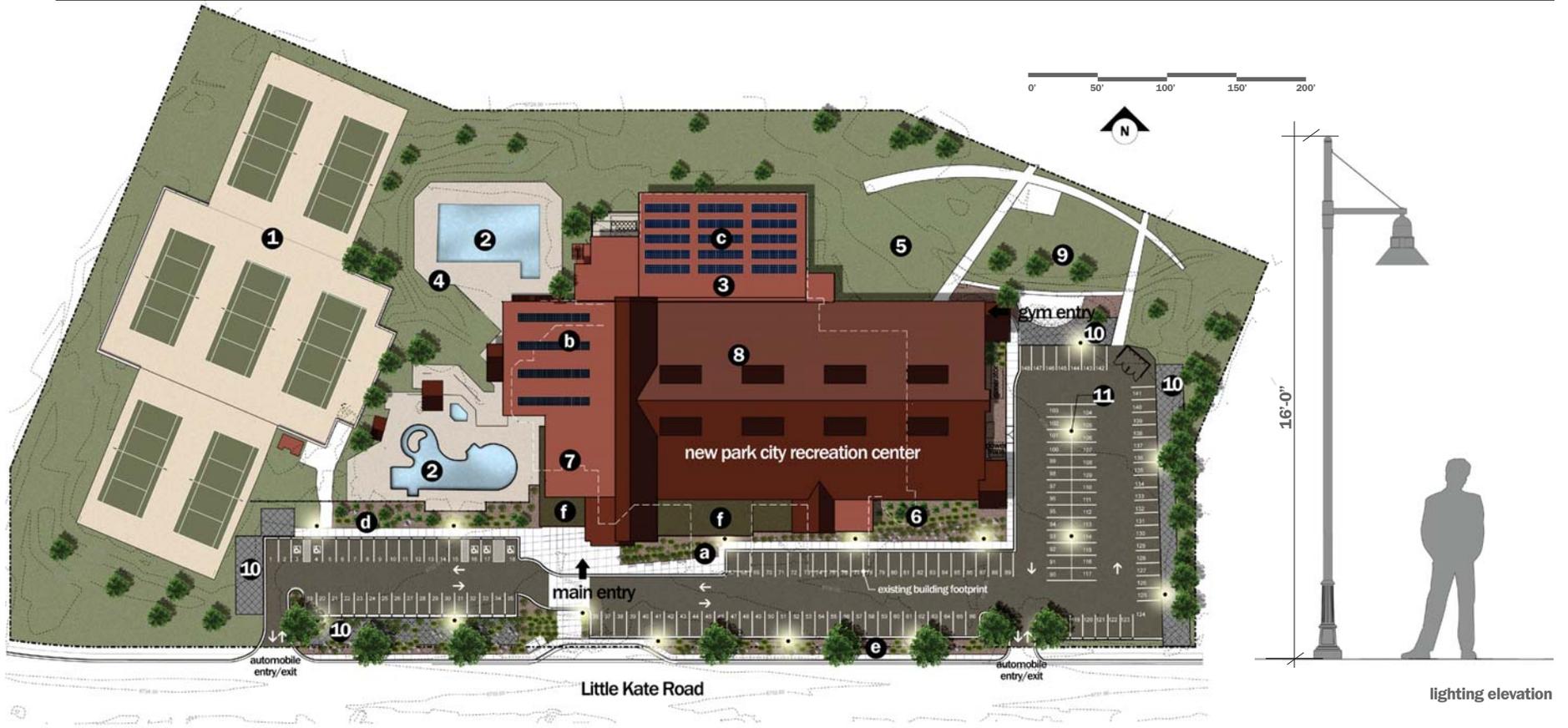
PARK CITY RECREATION CENTER
20 JANUARY 2010

VCBO
ARCHITECTURE

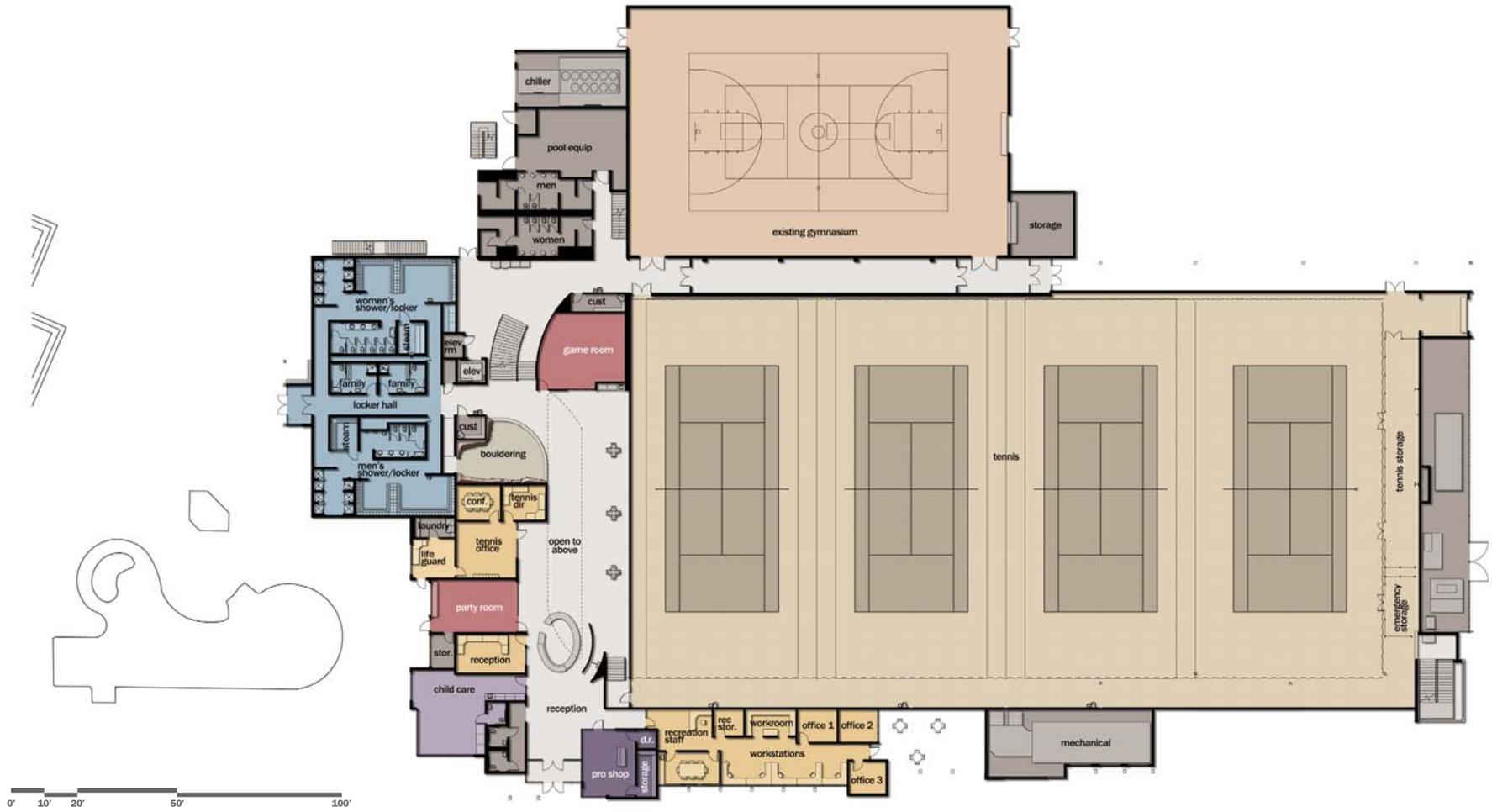
Aerial Site Plan

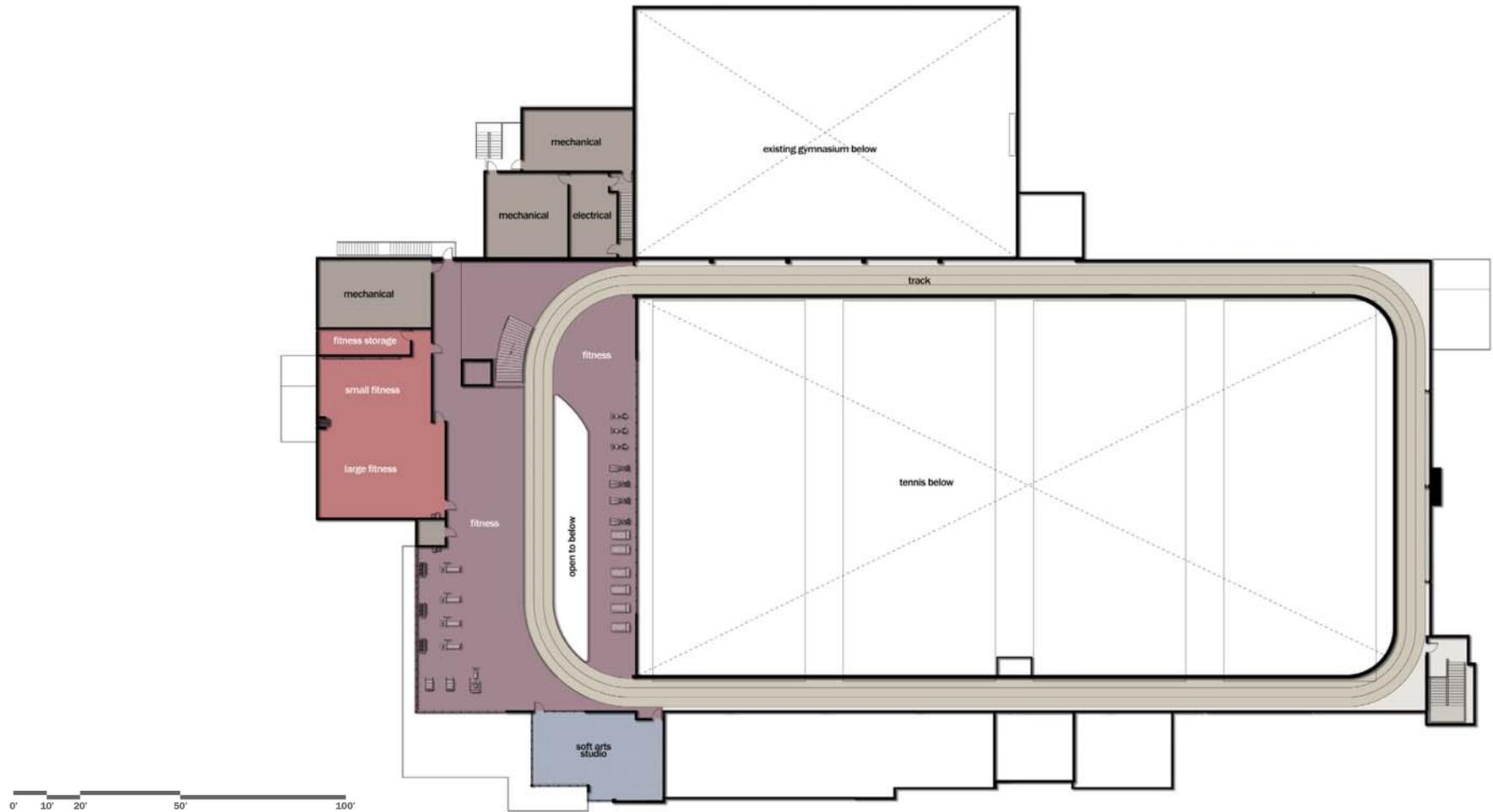


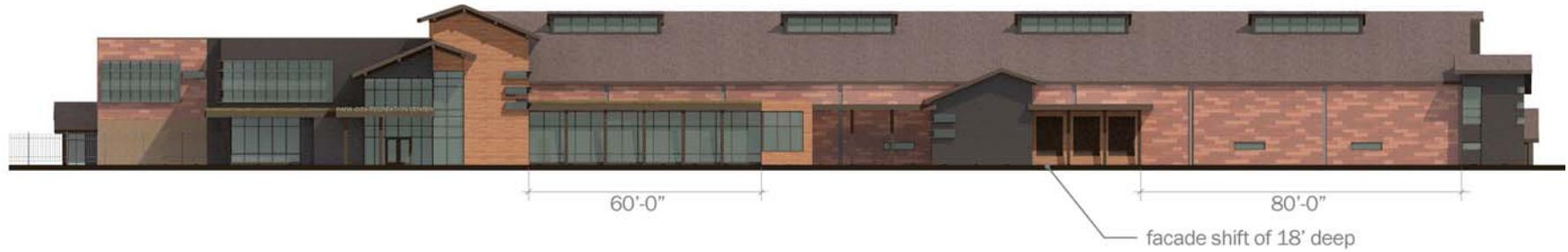
Site Plan - Existing West Lot



- | | | |
|----------------------------------|---|--|
| 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 |

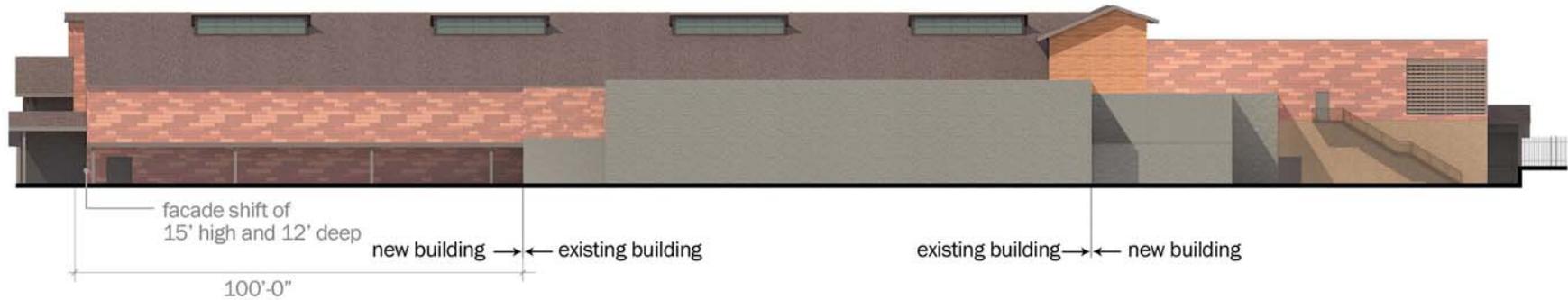






south elevation

meets facade variation A requirements

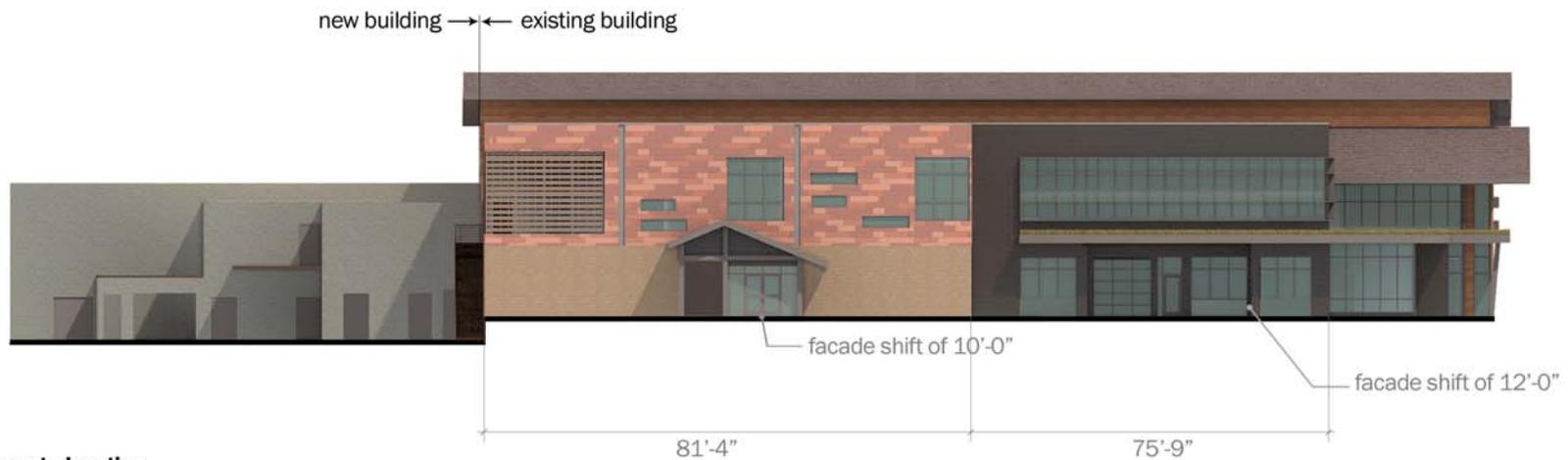


north elevation

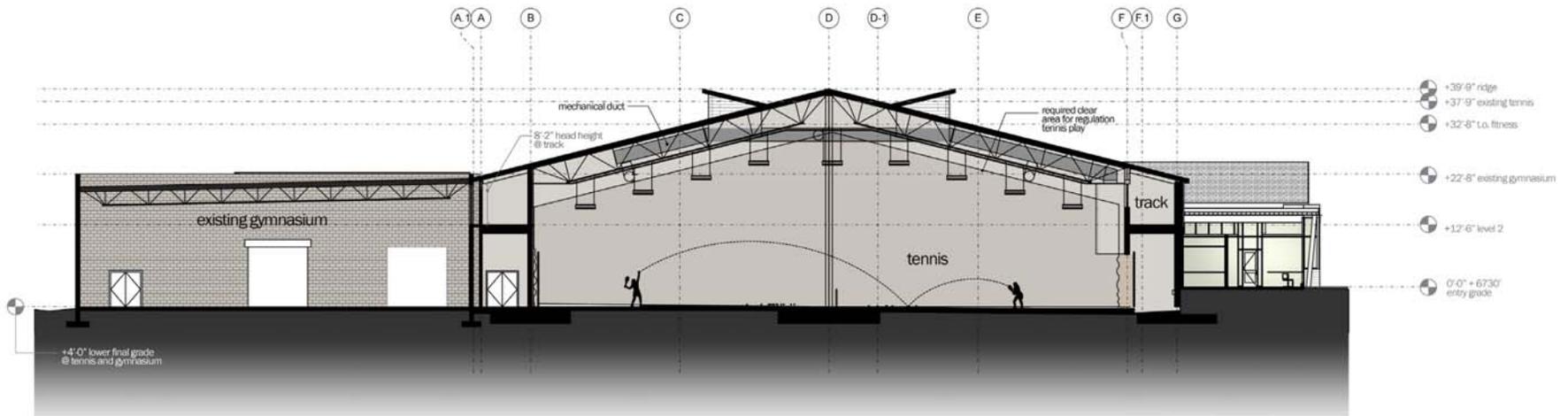
meets facade variation A requirements



east elevation
meets facade variation A requirements

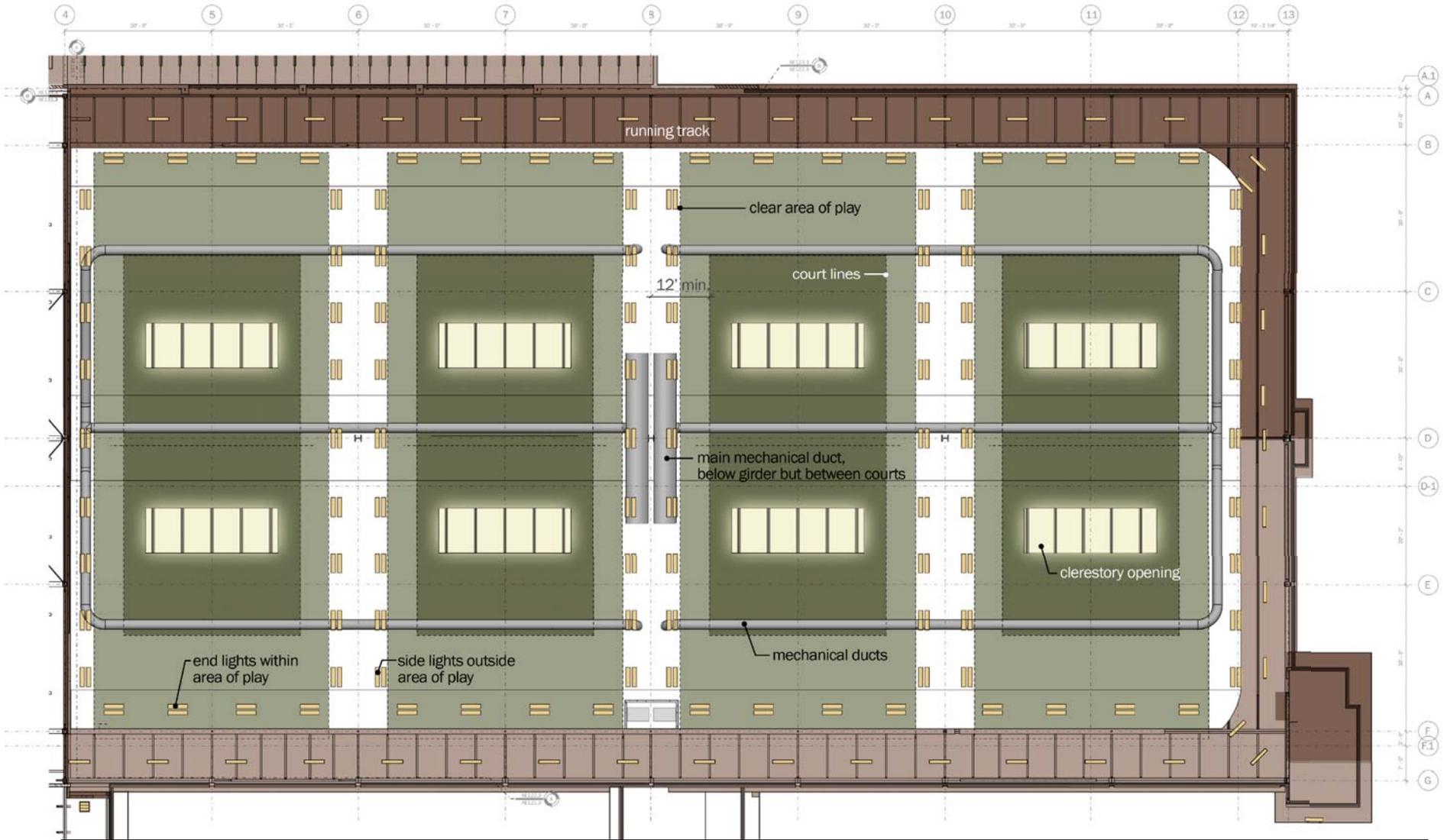


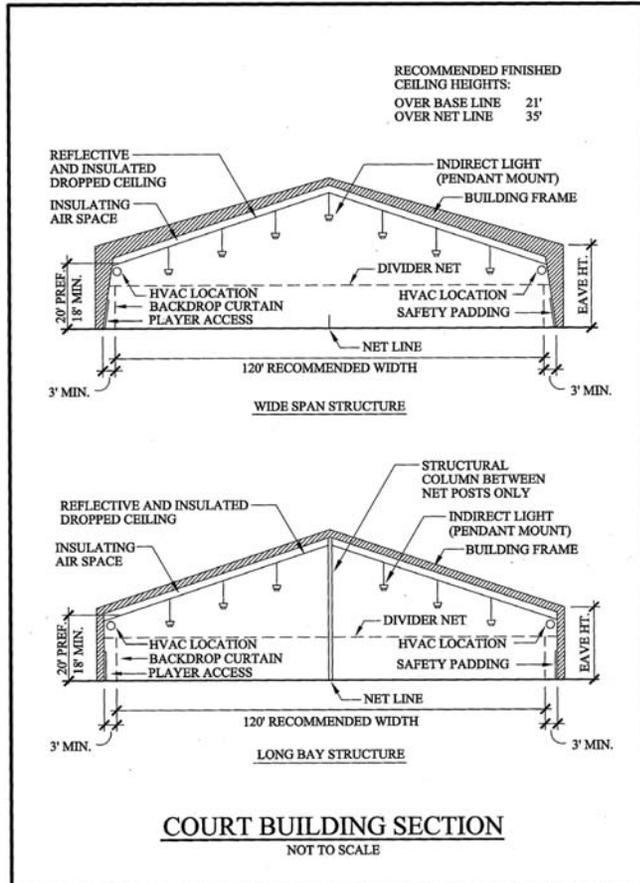
west elevation
meets facade variation A requirements





Tennis Ceiling Plan Overlay





45INDOOR2.AVL.05



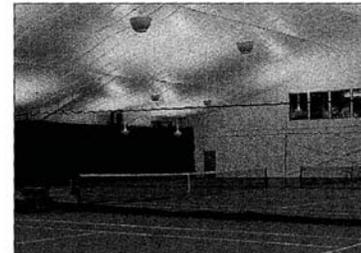
DRAWINGS ARE ILLUSTRATIVE ONLY AND ASBA AND USTA ACCEPT NO RESPONSIBILITY FOR THEIR USE.



A minimum clearance of 12' (3.658m) from the sideline to a fixed obstruction (light pole or wall) is recommended. Light poles, if present, should be centered on or immediately adjacent to the court boundary, or located at the net line. If the court dimensions are reduced by the owner so that the recommended clearance cannot be achieved, fixed obstructions should be located at the court boundary. Benches may be located within the recommended clearance; they should be within 12' (3.658m) of the net line and at least 10' (3.04m) from the sideline. Portable equipment, such as cooler stands, umpire's chairs and players' chairs, may be located within the recommended clearance; these items should be as close to the net line as practical and no more than 12' (3.658m) from the net line. Existing facilities which have fixed obstructions not meeting these recommendations should consider the use of appropriate padding. Use of divider netting between courts is recommended.

The space directly over the court should be free of overhead obstructions and should be not less than 18' (5.487m) at the eaves, 21' (6.401m) over the baseline and 35' (10.668m) at the net, although 38' (11.582m) is recommended, measured to the interior finished ceiling.

There should be at least 18' (5.487m) behind the baseline to the backdrop curtain; 21' (6.401m) is recommended. To accommodate arriving and departing players, there should be a passageway behind the courts at least 3' (914mm) wide, separated from the court by an opaque backdrop curtain. The curtain should extend at least 10' (3.658m) above the finished court surface.



A view of an indoor tennis court, showing the ceiling and lighting system. The court shows excellent use of space, and also includes backdrop curtains, divider nets and spectator seating. Another observation deck is located above the court, allowing spectators to come and go without disturbing the players. PHOTO COURTESY OF INDOOR COURTS OF AMERICA.

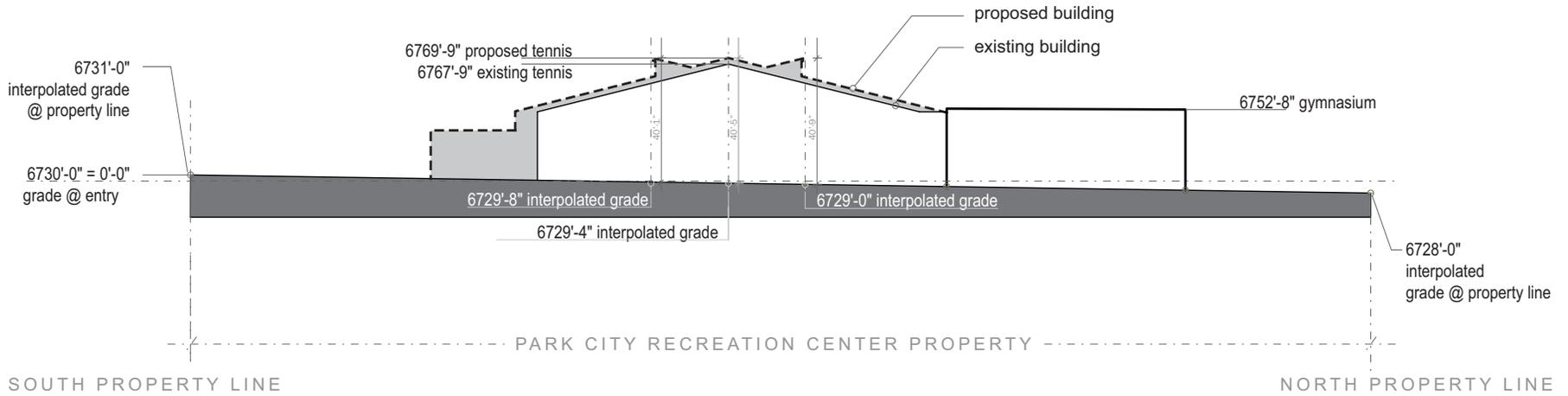
Types

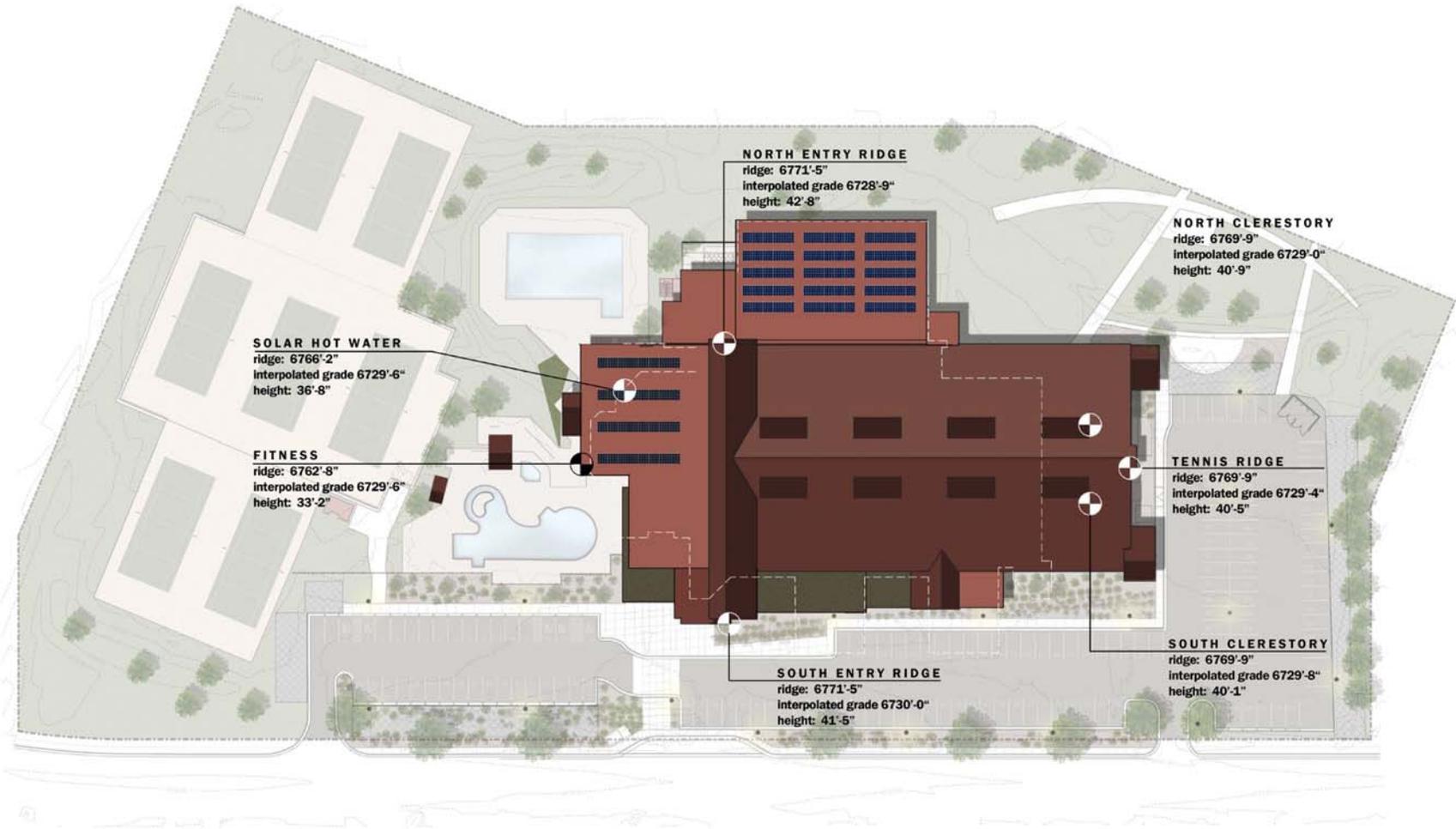
There are three types of tennis court enclosures: air structures (or bubbles), fabric-frame structures and rigid framed metal buildings. Both air structures and fabric-frame structures may offer some tax savings over steel buildings since they are counted as temporary structures, not buildings, for property tax purposes in some localities. All three types of enclosures are considered relocatable and, therefore, they all have some resale value.

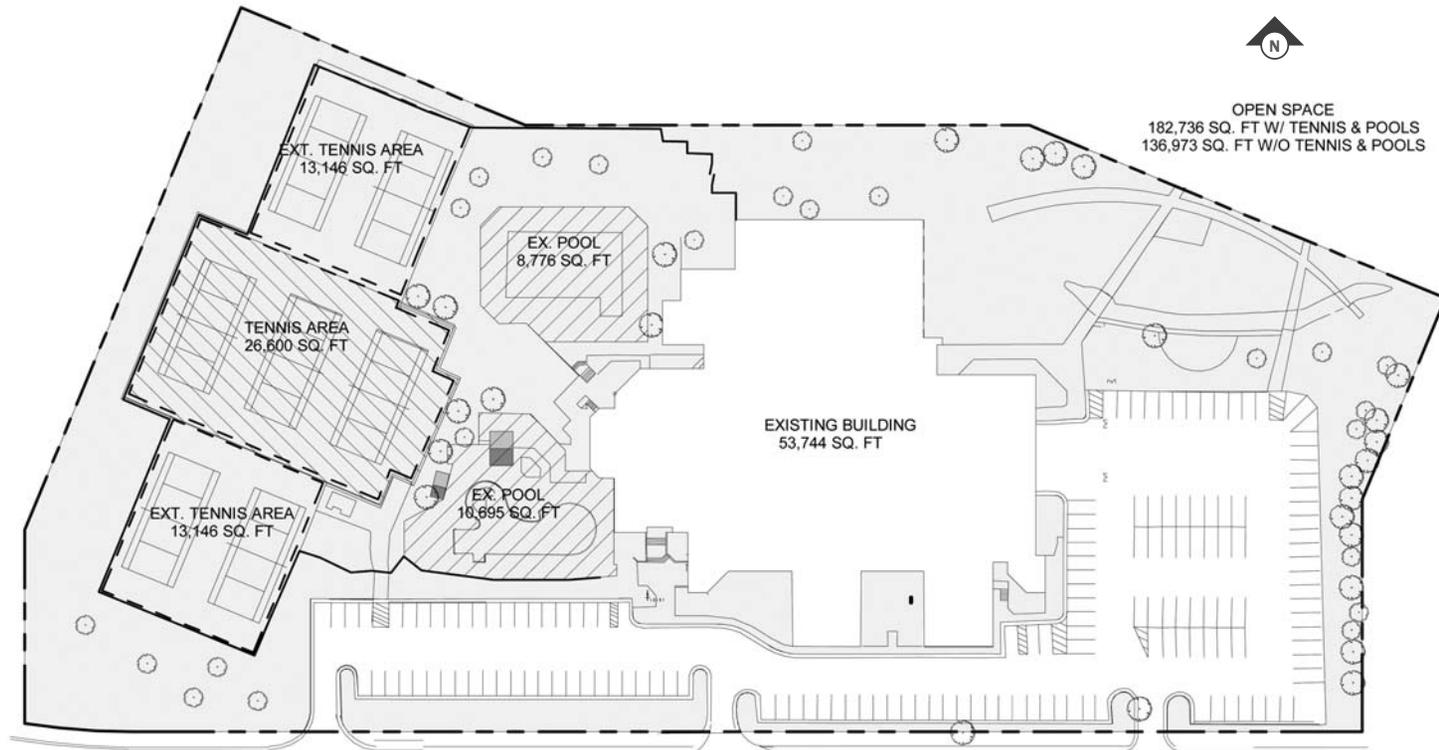
Air Structures

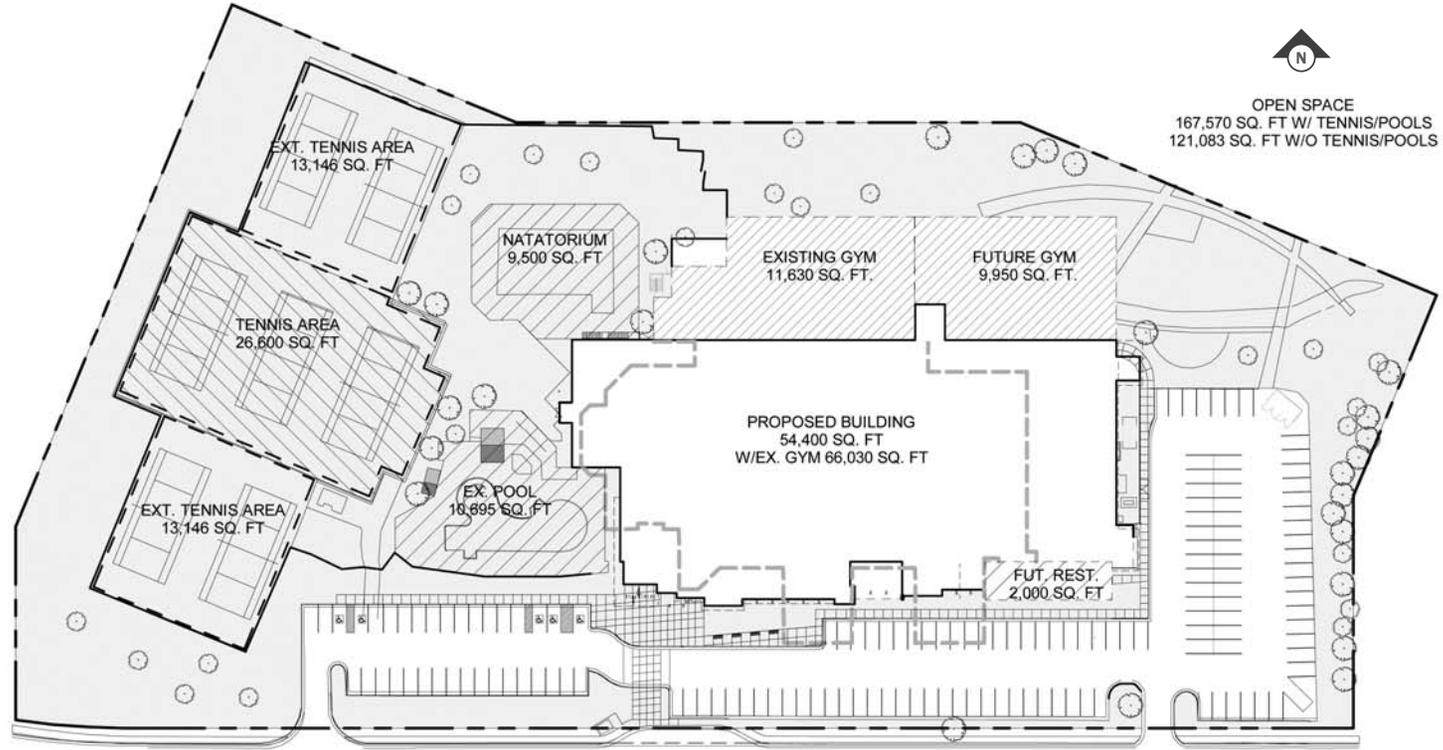
Air structures, or tennis bubbles, are single- or multi-ply fabric structures which are supported by air pressure supplied by air blowers, which also can provide ventilation, heating or air conditioning. Where air structures will be heated or air conditioned, multi-ply structures are recommended. The average air structure covers 1-5 courts, but such structures can be manufactured to cover any number of courts.

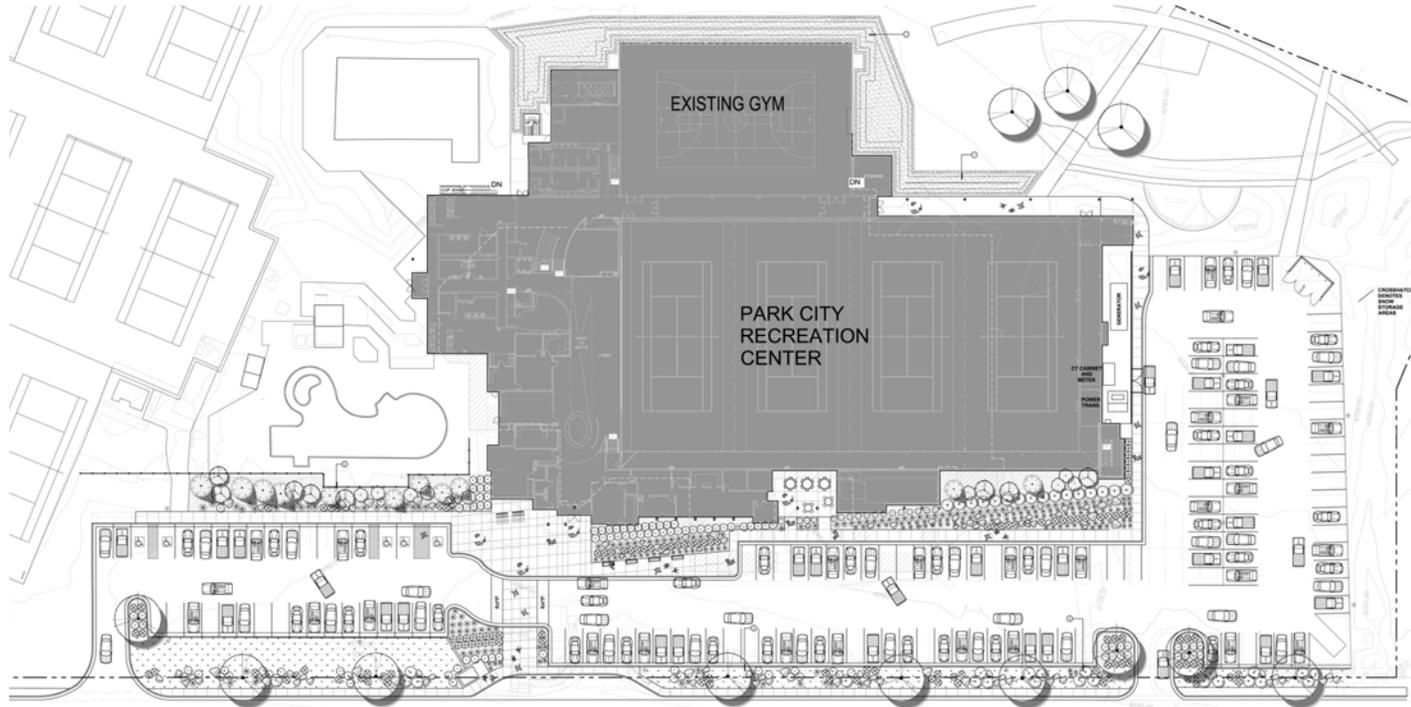
Interpolated Grade Diagram











LEGEND	A	PLANTING SCHEDULE	C	PLANTING NOTES	D	NATIVE SEED MIX NOTES	E
<p>PROPERTY LINE</p> <p>CONTOUR</p> <p>LANDSCAPE BARRIER 3'-6" DIA/FEET</p> <p>BENCH</p> <p>BIKE RACK</p> <p>1/4" = 1' TYPICAL</p> <p>GRASS SEED MIX - 4' TYPICAL</p> <p>REFERENCE SCHEDULE NOTES</p> <p>EXISTING PENDING</p> <p>INSTALL 4" BARK MULCH OVER 2" TOPSOIL IN SHRUB BEDS</p> <p>INSTALL 4" TOPSOIL IN NATIVE SEED AREAS</p>	<p>1/4" = 1' TYPICAL</p> <p>GRASS SEED MIX - 4' TYPICAL</p>	<p>LARGE DECIDUOUS TREES 12</p> <p>DECIDUOUS TREES 8</p> <p>EVERGREEN TREES 6</p> <p>LARGE SHRUBS 4</p> <p>SMALL SHRUBS 40</p> <p>LOW SHRUBS 122</p> <p>GRASS 21</p> <p>NATIVE SEED MIX 0.23' 4'</p>	<p>1. CONTRACTOR SHALL BE RESPONSIBLE FOR FIXING UNFITLY FAMILIAR WITH ALL UNDERGROUND UTILITIES, PIPES AND STRUCTURES. CONTRACTOR SHALL TAKE FULL RESPONSIBILITY FOR ANY COSTS INCURRED DUE TO SPILLAGE OF SOIL UTILITIES.</p> <p>2. CONTRACTOR SHALL NOT UNLAWFULLY PROCEED WITH CONSTRUCTION AS DESIGNED UNLESS IT IS A DESIGN THAT VIOLATES ANY APPLICABLE ORDINANCES AND/OR REGULATIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PARK CITY. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PARK CITY.</p> <p>3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY COORDINATION WITH SUBCONTRACTORS AS REQUIRED TO ACCOMPLISH THE LANDSCAPE CONSTRUCTION FOR THIS PROJECT.</p> <p>4. SEE SPECIFICATIONS FOR PLANTING REQUIREMENTS, MATERIALS, SELECTIONS AND MAINTENANCE.</p> <p>5. ALL PLANT MATERIALS SHALL BE APPROVED BY THE OWNER'S REPRESENTATIVE UPON DELIVERY TO THE SITE AND PRIOR TO INSTALLATION.</p> <p>6. IF DISCREPANCIES ARISE BETWEEN ACTUAL PLANTING AREA SEEN IN THE FIELD AND THOSE SHOWN ON THE PLANS, CONTRACTOR SHALL CONTACT THE OWNER'S REPRESENTATIVE FOR RESOLUTION. FAILURE TO TAKE SUCH CORRECTIVE ACTION WILL RESULT IN CONTRACTOR'S LIABILITY FOR MATERIALS REJECTION.</p> <p>7. FINAL LOCATION OF ALL PLANT MATERIALS SHALL BE SUBJECT TO APPROVAL OF THE OWNER'S REPRESENTATIVE.</p> <p>8. TREES SHALL NOT BE PLANTED IN AREAS THAT ARE NOT DESIGNATED AS SUCH AND SHALL BE PLANTED IN INSTALLED CONCRETE FOUNDATIONS AND APPROVED SOIL AS SPECIFIED - REFER TO SPECIFICATIONS.</p> <p>9. THE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE THE PLANTING SHOWN ON THE DRAWINGS.</p> <p>10. SEE DETAILS AND TOPSOIL MIX NOTES - SEE DET. L-14 DET. 1.</p> <p>11. PLANT TREES IN ACCORDANCE WITH SPECIFICATIONS.</p> <p>12. ANY UNDESIRABLE SUBSTITUTIONS OF PLANT SPECIES SHALL BE MADE WITH PLANTS OF EQUIVALENT OR BETTER QUALITY, HEIGHT, SPREAD, COLOR, FORM, GROWTH RATE AND COLOR ONLY AS APPROVED BY THE OWNER'S REPRESENTATIVE.</p> <p>13. ALL TREES UP TO 12" CAL. SHALL BE DOUBLE STEMMED AND ALL DECIDUOUS TREES GREATER THAN 12" CAL. AND ALL EVERGREEN TREES GREATER THAN 12" CAL. SHALL BE TRIPLE STEMMED OR BUTTE - SEE DET. L-14 DET. 1.</p> <p>14. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR THE LAYING OF GRADE IN TYPICAL SEED AREAS IN HOLES OF TOPSOIL AND 10" DEEP FOR SOIL. LAYING OF GRADE IN HOLES SHALL BE TO BE MADE IN HOLES OF TOPSOIL AND 10" DEEP IN BARK MULCH AREAS IN HOLES OF SOIL OR BARK MULCH AND 12" OF APPROVED TOPSOIL. IF NECESSARY TO MAINTAIN A BARK MULCH DEPTH, AND GRADE ABOVE THE AREAS SHALL BE PROVIDED BEFORE PLACING APPROVED TOPSOIL. THE PLANTING PLAN IN THE PLANNING LOTS SHALL HAVE ALL ROAD MARKS REPEATED PRIOR TO PLACEMENT OF TOPSOIL. REFER TO GENERAL PLAN FOR THESE GRADE AND MARKING. REFER TO TOPSOIL MIX NOTES ON DET. L-14 DET. 1 FOR GENERAL PLACEMENT AND CONSTRUCTION NOTES.</p>	<p>1. THE SEED MIX SHALL BE APPLIED BY SPREADING TOPSOIL AS NOTED IN SPREADING AND TOPSOIL PLACEMENT NOTE - SEE DET. L-14 DET. 1. AFTER THE TOPSOIL HAS BEEN SPREAD AND THE GRADES SET, THE PREPARED SOIL SURFACE SHALL BE WATERED SUFFICIENTLY TO SATURATE THE MIXTURE TO A DEPTH OF 12" TO 18" BELOW THE SURFACE. THE SEED SHALL BE APPLIED TO THE SEED MIX AT THE RATE OF 100 LBS PER 1000 SQ YD OF MIXTURE. THE SEED SHALL BE APPLIED TO THE SEED MIX BY SPREADING. THE SEED SHALL BE APPLIED TO THE SEED MIX BY SPREADING. THE SEED SHALL BE APPLIED TO THE SEED MIX BY SPREADING. THE SEED SHALL BE APPLIED TO THE SEED MIX BY SPREADING.</p> <p>2. SEED OF THE MIX FOR SURFACE APPLICATION SHALL BE APPLIED TO THE SEED MIX BY SPREADING. THE SEED SHALL BE APPLIED TO THE SEED MIX BY SPREADING. THE SEED SHALL BE APPLIED TO THE SEED MIX BY SPREADING. THE SEED SHALL BE APPLIED TO THE SEED MIX BY SPREADING.</p> <p>3. ALL SOIL REMOVAL AND SOIL PROTECTION SHALL BE APPROVED AND ALL SOIL REMOVAL SHALL BE DONE IN ACCORDANCE WITH THE CITY OF PARK CITY. THE CONTRACTOR SHALL PROVIDE A HEALTHY GRASS STAND BY WATERING, MOWING, AND FERTILIZING THE SEED BED TO ESTABLISH A HEALTHY STAND OF GRASS.</p> <p>4. THE CONTRACTOR SHALL APPLY BIOLOGICAL WEED KILLERS TO HELP CONTROL THE WEEDS. THE MAINTENANCE OF THE SEED BED SHALL TAKE ONE YEAR OR LONGER TO ESTABLISH A HEALTHY STAND OF GRASS. THE CONTRACTOR SHALL DETERMINE THE TYPE AND RATE OF WEED KILLERS TO ESTABLISH A HEALTHY GRASS STAND.</p> <p>5. AFTER THE STAND OF GRASS HAS BEEN ESTABLISHED AND APPROVED BY OWNER AND LANDSCAPE ARCHITECT, THE NATIVE PLANT MATERIALS SHALL BE PLANTED IN THE GRASS AREAS IN THE PLAN EXCEPT AS NOTED - SEE DET. 1.</p> <p>6. THE CONTRACTOR SHALL REMOVE ALL EXCESS SOIL FROM EXCAVATED PLANTING HOLES AND SHALL REMOVE MINIMAL DISTURBANCE TO ESTABLISHED GRASS AREAS. ALL EXCESS SOIL SHALL BE RETURNED AND THE MAINTENANCE OF THE GRASS STAND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.</p>	<p>SCALE: 1" = 20'</p> <p>NORTH</p>		

trees	 White Fir <i>Abies concolor</i>	 Bristlecone Pine <i>Pinus aristata</i>	 Big Tooth Maple <i>Acer grandidentatum</i>	 Mayday Flowering Tree <i>Prunus padus</i>	 Aspen <i>Populus tremuloides</i>				
shrubs & groundcover	 Mountain Mahogany <i>Cercocarpus ledifolius</i>	 Utah Serviceberry <i>Amelanchier utahensis</i>	 Elderberry <i>Sambucus racemosa</i>	 Alpine Current <i>Ribes alpinum</i>	 Big Sage <i>Artemisia tridentata</i>	 Rubber Rabbit Brush <i>Chrysothamnus nauseosus</i>	 'Golden Finger' Shrubby Potentilla <i>Potentilla fruticosa</i>		
	 Coral Snowberry <i>Symphoricarpos alba</i>	 Red Twig Dogwood <i>Cornus sericea</i>	 Antelope Bitterbrush <i>Purshia tridentata</i>	 Grow-Low Sumac <i>Rhus aromatica 'Grow-Low'</i>	 Creeping Oregon Grape <i>Mahonia repens</i>	 Tri-Leaf Sumac <i>Rhus trilobata</i>	 Kinnikinnick <i>Archostaphylos uva-ursi</i>		
grasses & perennials	 Karl Foerster <i>Calamagrostis x acutiflora 'Karl Foerster'</i>	 Atlas Fescue <i>Festuca mairei</i>	 Shenandoah Switch Grass <i>Panicum virgatum 'Shenandoah'</i>	 Wildflower Seed Mix	 Moonshine Yarrow <i>Achillea 'Moonshine'</i>	 Showy Goldeneye <i>Viguiera hirta</i>	 Silver Lupine <i>Lupinus argenteus</i>	 Penstemon <i>Penstemon pinifolius</i>	 Rocky Mountain Penstemon <i>Penstemon strictus</i>
	amenities	 Colored Concrete	 Landscape Boulder	 Sod Roof	 Stone Bench	 Stone Bench	 Stone Bike Rack		

Arc Sitio Design, Inc.











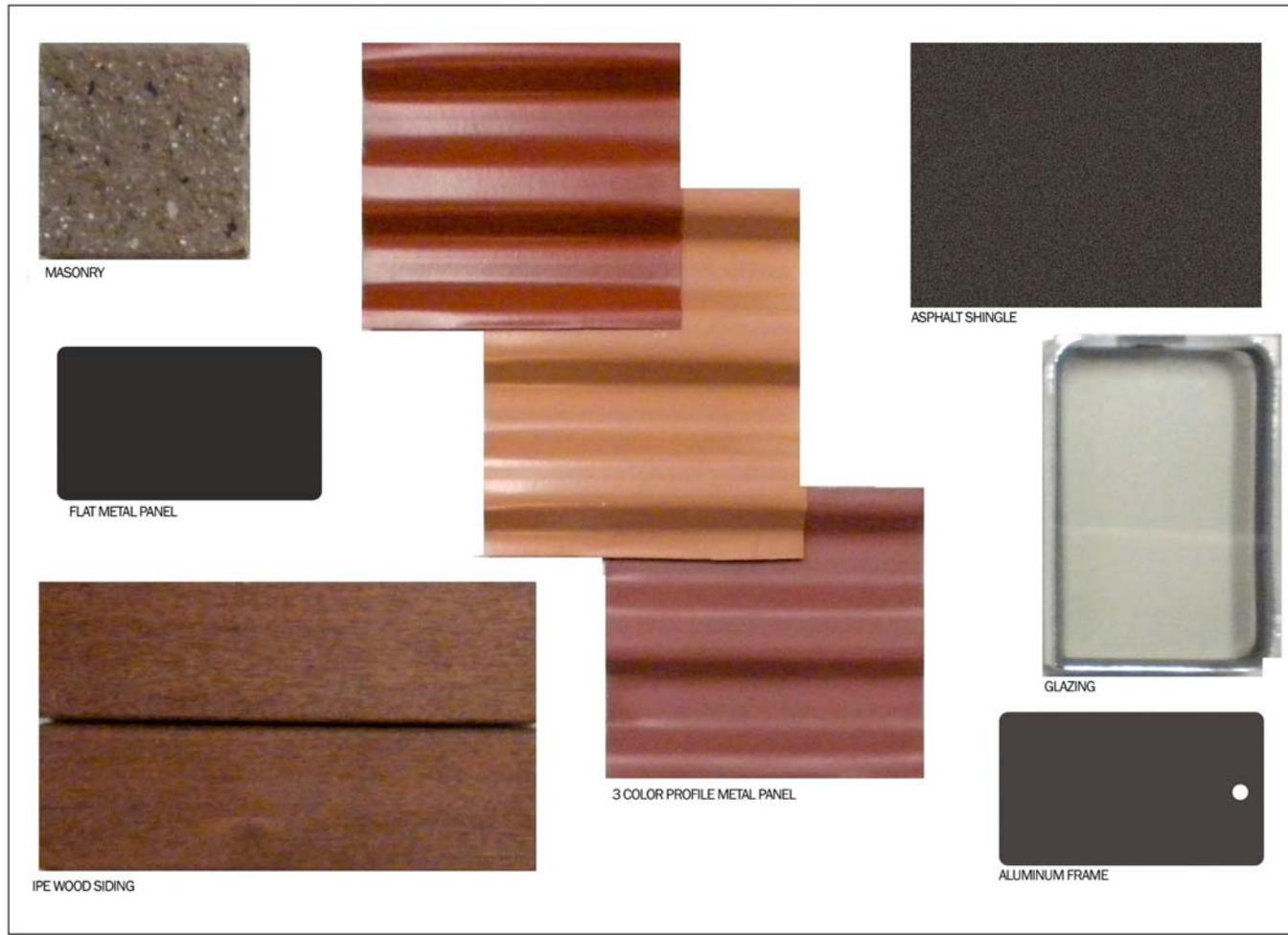








Exterior Finish Colors



exterior finishes



PARK CITY RECREATION CENTER
PARK CITY, UTAH

Kayla Sintz

From: Laurel Ross [laurel.ross@comcast.net]
Sent: Tuesday, January 12, 2010 5:35 PM
To: Kayla Sintz
Subject: Racquet Club Renovation
Follow Up Flag: Follow up
Flag Status: Red

Hi Karla, I am writing in support of the impending Racquet Club renovation. We have world class ski, recreation and performing arts facilities in our town and can boast of a highly rated school system, it seems only natural that we bring our local tennis facility up to the same level of our other area amenities. People come here to recreate and live because this is a first class area, our town tennis facility needs to live up to the standard of our existing facilities.

Laurel Ross
Park City

Kayla Sintz

From: bd2friends@comcast.net
Sent: Tuesday, January 12, 2010 3:21 PM
To: Kayla Sintz
Cc: Ken Fisher; Laurie Lambert
Subject: Tennis Court Reno
Follow Up Flag: Follow up
Flag Status: Red

I am unable to attend Wednesday evening's meeting re the Racquet Club renovation, but would like it noted that I certainly support the new courts being the correct size in every way. It would not make sense to not build them to the correct specifications. The Racquet Club has been in the area for many years and I suspect for years before a lot of the surrounding houses were there. If this is the case, then people buying in the area were fully aware of the town's fitness and tennis club building being there and should not have purchased if they had concerns. I am sure all involved will make sure the building fits in with the surrounding area.

Barbara Dowie

Kayla Sintz

From: becky-williams@comcast.net
Sent: Thursday, January 14, 2010 1:57 PM
To: Kayla Sintz
Subject: tennis center
Follow Up Flag: Follow up
Flag Status: Red

Dear sirs,

I have been living here in Park City for the past 21 years. I have spend a small fortune playing tennis, lessons, tournaments and social gatherings. It is overdue to building a new tennis center. Because we will build one we might as well build one we can all enjoy that will be within tournament regulations etc. I am in total favor of the height of the roof. This Recreation Center is for the people of Park City everyone of all ages and diverse backgrounds use the center.

Thank You for your time

Becky Williams
602-0311

Kayla Sintz

From: mike thomas [mlthomas99@hotmail.com]
Sent: Tuesday, January 12, 2010 2:26 PM
To: Kayla Sintz; Ken Fisher
Subject: Park City Racquet Club renovation
Follow Up Flag: Follow up
Flag Status: Red

Hi,

I would like you to know that I support for the renovation of the club and the need for the tennis courts to be built to usta regulation size. Players frequently find themselves running into the nets or screens on the sidelines/end of the courts and run the risk of injury. It's time to make the upgrade.

Thank you,

Mike Thomas
435-783-5312

Hotmail: Trusted email with Microsoft's powerful SPAM protection. [Sign up now.](#)

Kayla Sintz

From: prestoncj@aol.com
Sent: Thursday, January 14, 2010 2:53 PM
To: Kayla Sintz
Subject: New Recreation Facility

We are at the rec facility 4 or 5 times a week for tennis and fitness classes. It is a wonderful public facility but a little tired in places. I understand that it was built in the 1970's. We play tennis there and have experienced hitting the ceiling, and running into the ends and nets. It would be wonderful to have it be up to date along with everything else going in the rebuild. I can't imagine that an extra 2 feet in the air really makes any difference.

I believe that the neighborhood would be the first to tout the wonderful building in the sales brochures once it is complete. Obviously people who bought in there knew about the rec center so that is not new and this only increases their values having it being rebuilt. I don't think it would be an eyesore at all but a positive addition to the neighborhood. It also brings the bus into that neighborhood which benefits them.

We're so glad that Park City has this affordable option for residents and visitors.

Thank you, Carolyn and Jim Preston
Westgate at the Canyons
772 321-2615

Kayla Sintz

From: michele dieterich [telechele@hotmail.com]
Sent: Tuesday, January 12, 2010 7:03 PM
To: Kayla Sintz
Subject: RE: Racquet Club Remodel Concerns
Follow Up Flag: Follow up
Flag Status: Red

Hi Kayla
Please forward this on to the commission.
Thanks for your hard work.
Michele

Dear planning commission:

Thank you so much for hearing our concerns about the racquet club remodel at the previous meeting. As always, I appreciate your time and consideration.

I really appreciate your asking for a limit on construction. I think it reflects a consideration for the neighborhood and the community.

I would like to address something that project director Mr Brown stated at the December 9th meeting concerning construction hours. He said that "industry standard" construction hours are 7am to 3pm, an eight-hour day. Mr Brown also expressed concern that the city would not be able to get good bids if we limited the construction to 8am to 5pm, which is a nine-hour day. My assumption is that if the industry standard is an eight hour day, then a nine hour day would be acceptable to an industry built on an eight hour day. With the economy the way it is, I am positive that the city will have no problem finding plenty of contractors ready to bid and bid well for this project.

Mr Twombly stated that there had been no public comment on the Racquet Club remodel at the city council meeting. I would have most definitely been at the meeting, had I known that they would be discussing the remodel. Being unfamiliar with the system, it did not occur to me that the council would be discussing a project before it was approved by the planning commission. I will watch for council discussions concerning this project in the future.

Once again, I feel that creating a huge facility is counterproductive if the city really is trying to create something for the locals. Did the public survey results show the locals asking for "regulation" tennis courts. If there is a space problem between courts, it can be fixed without raising the roof?

It seems the buzz-word of "Olympic" quality sends all consideration of place and neighborhoods out the window. One can create a quality Racquet Club without making it tall and huge. The Olympic Park is "Olympic" quality, but when my mother came to visit, she looked at the park as we drove into town and gasped, "Is there a strip mining operation in Park City?" I told her that it was an Olympic Venue. Had it not been for the Olympic scramble; that park might have had to create a design that did not cut into the hillside as severely as it did. It saddens me to know that one of Park City's gateways was destroyed in the name of the Olympics.

I once again wonder if the city had to make cut backs last year in order to be able to afford to run the racquet club at its present size, how will it afford a larger facility? One of the great things about the racquet club is that it is affordable to all the locals, not just the elite. I would hate to see that lost.

Thanks again for your time.

Michele Dieterich

Subject: RE: Racquet Club Remodel Concerns
Date: Mon, 7 Dec 2009 15:35:01 -0700
Planning Commission: January 20, 2010

Kayla Sintz

From: michele dieterich [telechele@hotmail.com]
Sent: Wednesday, January 13, 2010 8:51 PM
To: Kayla Sintz
Subject: RE: Racquet Club Remodel Concerns
Follow Up Flag: Follow up
Flag Status: Red

Sorry Kayla

I did not get your e-mail in time. Can you include it in the packet with this quick note.

Thank you for continuing to push for reasonable construction hours. When Andre Shoumatoff told the HOA this evening that construction might happen from 7-6pm, six days a week, there was a gasp of horror in the room. Please consider a five day a week schedule and an end time of five pm. This is reasonable for a neighborhood that literally borders the construction site and will be heavily impacted by it.

Thanks again for your time and consideration.

Michele Dieterich

Subject: RE: Racquet Club Remodel Concerns
Date: Wed, 13 Jan 2010 11:56:54 -0700
From: kayla.sintz@parkcity.org
To: telechele@hotmail.com

Hi Michele-

Thanks for sending this in. I wanted to ask if you want me to forward this to the Commission for tonight's meeting (they will have limited to no time for review) or if you would like me to include it in their packets (and also available online) this Friday for the next meeting on January 20?

Thanks-

Kayla Sintz AIA LEEDap
Planning Department
435.615.5062
kayla.sintz@parkcity.org



From: michele dieterich [mailto:telechele@hotmail.com]
Sent: Tuesday, January 12, 2010 7:03 PM
To: Kayla Sintz
Subject: RE: Racquet Club Remodel Concerns

Hi Kayla
Please forward this on to the commission.
Thanks for your hard work.

Michele Planning Commission - January 20, 2010

Kayla Sintz

From: Scarlet [scarlet202@comcast.net]
Sent: Thursday, January 14, 2010 1:52 PM
To: Kayla Sintz
Subject: tennis
Follow Up Flag: Follow up
Flag Status: Red

I am in support of the new tennis facility extending its height to meet the requirements of the USTA.
Bette Scarlet

Kayla Sintz

From: Brian Van Hecke [bvhutah@hotmail.com]
Sent: Wednesday, January 13, 2010 11:11 AM
To: Kayla Sintz
Cc: Ken Fisher
Subject: Park City Recreation Center
Follow Up Flag: Follow up
Flag Status: Red

Hi Kayla.

As a 16 year Park City resident and Racquet Club "member" I would like to express my strong support for the proposed renovation of the Park City Racquet Club. All I can say is it's about time!

The facility is a true asset to Park City and is way over due for renovation or rebuild.

I do have a couple of questions or comments:

First, are we certain that the proposed running track will not interfere with the tennis (noise, etc.).

Second, why are they not including the addition of squash and racquet ball courts to the facility? This would be a major improvement to the design and great addition to the Park City community. Especially adding squash courts.

Third, I would like the city to seriously consider adding two platform tennis (also called paddle tennis) courts to the design. This is a very popular sport on the east coast and is played frequently by tennis and other players during the long winter months. Platform tennis is played outside on special courts and can be played year round. I would ask that the city also consider this option.

Here's a couple links to some great articles on platform tennis:

<http://www.nytimes.com/2008/12/27/sports/tennis/27racket.html>

<http://www.nytimes.com/2005/01/09/business/yourmoney/09platform.html>

Both these additions would help to make the Park City a truly world class destination.

One other thought is did the city consider building a brand new facility at Quinn's Junction? This would certainly make the transition from old to new more seamless and would eliminate possible constraints to the proposed design. I love the convenience of the current location but just interested in the thoughts of the City and the Commissioners.

Unfortunately I will not be able to attend the meeting but I hope these questions get addressed.

Thanks for your consideration.

Regards,

Brian Van Hecke
435-645-7110

1101 Empire Avenue
Park City, UT 84060

Kayla Sintz

From: Bruce Morra [brucemorra@gmail.com]
Sent: Tuesday, January 12, 2010 6:06 PM
To: Kayla Sintz
Cc: Laurie Lambert
Subject: Renovation at the Racquet Club
Follow Up Flag: Follow up
Flag Status: Red

I am new to town and understand they are planning to renovate the club. I wanted to let you know that my family and I believe it is important to make sure the tennis courts meet the USTA standards in terms of size and height. Thank you for considering our input.

Sincerely,
Bruce Morra

Bruce S. Morra, PhD, MBA
Office: 435-649-3738
Cell: 862-812-3880
brucemorra@gmail.com

Mailing address:
PO Box 680342
Park City, UT 84068-0342

Physical address for packages and express deliveries:
7384 Silver Bird Drive, Unit #25
Park City, UT 84060

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Kayla Sintz

From: chris roon [chris@marketingarts.com]
Sent: Tuesday, January 12, 2010 3:17 PM
To: Kayla Sintz
Cc: Ken Fisher
Subject: Tennis Court Size is a safety issue
Follow Up Flag: Follow up
Flag Status: Red

Kayla,

I have been a Park City resident for 3.5 years. We began our annual family tennis membership at PCRC within 2 weeks of our arrival and continuously maintain that membership. My wife and I are both rated 3-3.5 level by USTA... the largest population of tennis players in the world. We most often play socially, my wife participates in USTA league, and I occasionally play tournaments when my travel permits. Both our sons have played tennis since high school so family games during the holidays are common. Four days a week on the courts is commonplace for my wife and me.

I understand there is some belief that the current compromise of non-regulation court size is acceptable for the re-design. Frankly, it's dangerous and I have witnessed many injuries and near-injuries as a result.

USTA is in the business of promoting tennis growth and widespread safe enjoyment of the sport. Any excess cost or unjustified expense to building and providing additional venues for expansion of tennis is contrary to their mission. Trust their overwhelming insight. Court boundaries are a safety issue. Not an esthetic or gentrification objective. Unlike golf where narrower fairways are more challenging, narrow courts are dangerous.

Personally, watching just an hour from Coaches Lounge will reveal 3-4 crashes into the side nets and back drops on the current indoor courts. More would occur if experienced locals were truly competing to win the shot... as is more often the case when tournament or league play occurs with unfamiliar outsiders. Running into the side nets ties up your feet and leaves the player snared in the "dolphin nets" at great risk of permanent injury. There is no safe remedy.

I hope you can help our non-tennis playing council members see this issue as a small cost to ensuring even more widespread adoption of a safe, clean family sport. If public safety is paramount, the council should choose fewer courts over more, unsafe courts. Let's not compromise public safety.

Sincerely,

Chris Roon
 3260 American Saddler Drive
 435-655-7141

Kayla Sintz

From: Jeff Lonn [jefflonn@hotmail.com]
Sent: Thursday, January 14, 2010 7:27 AM
To: Kayla Sintz
Subject: Racquet Club remodel
Follow Up Flag: Follow up
Flag Status: Red

Dear Kayla,

I have the following comments on the modified Racquet Club remodel proposal that I hope you can pass on to the planning commission:

Construction mitigation: Staff proposed that construction hours be 7 a.m. to 6 p.m. Monday through Saturday. This is not restrictive enough for a residential area where some of the condos (like mine) are only 50 feet from the parking lot and future construction staging area. This past fall, the construction yard for the sidewalk project was located in this parking lot, and it made any sort of quality life here impossible. Start-up of heavy equipment began at 6:30 a.m., and the site was not vacated completely until 9:20 p.m. I would like the planning commission to restrict construction, including the start-up of heavy equipment, to the hours between 7 a.m. and 5 p.m., and to prohibit construction on weekends. This will allow residents to at least enjoy their homes after work and on weekends. At the December 9th meeting, Mr. Brown stated that the industry standard was 7 a.m. to 3 p.m., so these hours should be more than sufficient.

Size of the new building: Staff has stated that their design responds to needs identified by a 2006 public survey. Where can I obtain a copy of the results of this survey? How many people complained that the tennis court ceilings are too low? And how many identified a need for a “world class facility”? If there is a need for such a facility, does it belong in a residential neighborhood, or would it be better built near the ice rink? On one hand, the remodel is being promoted as a benefit to Park Meadows residents, “many of whom walk or ride bikes there”, and on the other hand it must be “world class” and have the ability to host large tennis tournaments (it will have 6 USTA regulation courts).

Lighting: The new parking lot lights with lower elevations and shielding look great. However, I would ask that the southeastern-most light be moved southwest away from the property line to a position adjacent to Little Kate Road, near the present position of the existing tall light. I assume that the existing lights will be removed.

Thank you,

Jeff Lonn

179 Racquet Club Dr

435-649-8520

Kayla Sintz

From: jdseaver@comcast.net
Sent: Thursday, January 14, 2010 2:09 PM
To: Kayla Sintz
Cc: Ken Fisher
Subject: PCRC

Follow Up Flag: Follow up
Flag Status: Red

I am writing to express my support for the renovation of the Park City Racquet Club. The height difference is a mere 2 feet, which I think most people won't even notice. I live nearby and am not offended by it.

It seems silly to not meet USTA requirements for height and distances around each court while doing such an extensive renovation. This would not only enable PCRC to host major tournaments, bringing people and their \$\$\$ to Park City, it would also benefit the many locals who play here, making it safer to go after shots.

Thanks for your consideration,

Debbi Seaver
513-5153
Sent from my Verizon Wireless BlackBerry

Kayla Sintz

From: dianakay8@aol.com
Sent: Wednesday, January 13, 2010 8:59 AM
To: Kayla Sintz
Cc: Ken Fisher
Subject: Tennis courts

Follow Up Flag: Follow up
Flag Status: Red

As the renovation of the Racquet Club is soon to take place, I would like to support the need for USTA regulation tennis courts.

Thanks for your consideration in this matter.

Diana Schmitz
Sent from my Verizon Wireless BlackBerry

Kayla Sintz

From: barnard2604@comcast.net
Sent: Tuesday, January 12, 2010 1:26 PM
To: Kayla Sintz
Cc: Laurie Lambert
Subject: tennis courts
Follow Up Flag: Follow up
Flag Status: Red

Dear Kayla,

I'm writing in regards to the club renovation. It seems that we have many opportunities to bring big tennis names to the area by extending courts to USTA regulations. In our town we have brought in Music at a high level, Movies (film fest), Arts (PC Arts fest), Etc. Therefore, I would see this as another needed amenity in our town for all to enjoy.

Thank You,

Judy Barnard

Kayla Sintz

From: Kammie Ward [kammie.ward@gmail.com]
Sent: Wednesday, January 13, 2010 2:28 PM
To: Kayla Sintz
Cc: Ken Fisher
Subject: Racquet Club Plans
Follow Up Flag: Follow up
Flag Status: Blue

Dear Ms. Sintz,

I am writing to voice my support for the renovation of the club and the for the courts to be built in accordance to USTA regulation.

As a former competitive junior and college level player, the safety and well being of all levels of players on the court is extremely important.

I use the current courts on a very regular basis and am always a bit nervous when going wide for a shot - that I'll either slip and fall on side nets, or if the nets are pulled back, colliding with another player on the next court.

Additionally, proper space behind the courts as well as the height of the ceiling are also important so the quality of the game is not disrupted.

Park City is a world class town and deserves to have high quality, USTA regulated tennis facilities for residents as well as visitors from all over the world.

Sincerely yours,
Kammie P. Ward
Park City, Utah

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Kammie Pettime Ward
5275 Heather Lane
Park City, UT 84098
Home: 435-655-8156
Cell: 435-901-2383
email: kammie.ward@gmail.com

Kayla Sintz

From: Marsha Roon [mroon@roononline.com]
Sent: Tuesday, January 12, 2010 6:07 PM
To: Kayla Sintz
Cc: Ken Fisher
Subject: Racquet Club Renovations
Follow Up Flag: Follow up
Flag Status: Red

Hello,

Our family joined the Park City Racquet Club upon our arrival here in August 2006. We have been regular patrons since then, playing about 4 times a week; league, tournaments and just for fun.

I understand there is some controversy over bringing the indoor tennis courts into compliance with USTA specifications. Space is a big issue, even for recreational players like me. It is rare that I am on the indoor courts without seeing someone tangled in the side-nets or banging into the rear or side walls; the regulation clearance would alleviate that and lower the potential for injury.

Tennis at the Racquet Club is affordable and happy. It should also be safe.

Marsha Roon
3260 American Saddler Drive
655-7141

Kayla Sintz

From: Marianne Maltman [mmaltman@sbcglobal.net]
Sent: Thursday, January 14, 2010 2:13 PM
To: Kayla Sintz
Subject: tennis remodel
Follow Up Flag: Follow up
Flag Status: Red

Kayla:

We moved to Park City in September 2009. One of the first places I discovered was the Park City Racquet Club.. I've joined the drills and one of the tennis teams. It's been a great way to join the community. I strongly agree that it needs updating and hope very much the the planning commission will agree to the changes for the membership. The club seems to have a very loyal membership which enjoys it's many privileges and choice of classes. It is well supported and really needs to be upgraded for it's substantial tennis group.

Please approve the proposal to modify the facility.

Marianne Maltman

3140 Crestline Drive
Park City, UT

Kayla Sintz

From: Lisa Peters [lisapetersdesigns@mac.com]
Sent: Thursday, January 14, 2010 11:04 PM
To: Kayla Sintz
Subject: Recreation Center, Tennis Facility; Planning Commission Meeting.

Follow Up Flag: Follow up
Flag Status: Red

Please make it be known that as active participants of the Racquet Club, we are hoping the new facility is built to meet all USTA regulations for height and distances around each court.

Thank you ,
Lisa Peters

Kayla Sintz

From: Warren Pretorius, Dartfish [warren.pretorius@dartfish.com]
Sent: Friday, January 15, 2010 8:18 AM
To: Kayla Sintz
Cc: Laurie Lambert
Subject: New tennis building
Follow Up Flag: Follow up
Flag Status: Red

Hi Kayla:

I don't know if you remember me - I was the Director of Tennis at the PCRC for almost 15 years, and was the person responsible for bringing in the National and Sectional tournaments to Park City.

I have not been able to attend any of the planning meetings for the project due to my busy travel schedule, but I did want to voice my opinion on the tennis court specs.

We only have one chance to build this facility right. The USTA regulations are quite clear as to height of roof and court dimensions. I have not seen any discussion on the quality of lighting, so assume that this is not an issue for the new proposed building. So, I think that it is imperative to get these changes - correct height, and dimensions as per USTA regulations - approved, or possibly risk losing some of the national events that we have. More importantly, now that Park City is on the national tournament calendar, we are in the mix for consideration to host some other more prestigious events. These would most definitely only be awarded to facilities that conform to the USTA regulations.

I am sure that the new facility is going to be a vast improvement from the existing one, regardless of the height and dimensions, but this cannot be rectified later. Do it once, and do it right.

Regards,

Warren Pretorius

USPTA Master Professional, DCI

Dartfish USA

+1 (435) 714-0883



www.dartfish.com

www.dartfish.tv

Kayla Sintz

From: M K BURRELL [mkburrell@q.com]
Sent: Thursday, January 14, 2010 5:31 PM
To: Kayla Sintz; Ken Fisher
Cc: Laurie Lambert
Subject: Park City Racquet Club Renovation
Follow Up Flag: Follow up
Flag Status: Red

To whom it may concern:

I am a tennis player in Park City and have been playing at the racquet club for 28 years. It is wonderful to have this facility in town and the local tennis players worked very hard to keep this facility when the city of Park City first purchased this property in 1986 at foreclosure sale. We worked very hard to get the citizens of Park City to vote and pass a bond election to build the gym attached to the building so we could keep our tennis courts in tact and not convert them to basketball courts to fulfill the promise to use the money from the sale of the Memorial Gym on Main Street for basketball. We now face demolition of the courts and building with the intent to rebuild the courts to the same non conforming, unsafe dimensions as they are currently. The current courts are not up to standard tennis court dimensions, according to the United States Tennis Association, the governing body for tennis in the US.

It would be a crime for the city to tear down and rebuild the same non conforming courts, especially when the additional court sizes only need to be increased by 3 feet at the end of each court, and additional 2 feet on the side of each court. These increases only add to the building 6 feet in width and 16 feet in length. It is my understanding the additional width is where the increase in building height comes into play. The USTA as deemed this court size to be for safety concerns. If the city rebuilds the current courts to the lesser size, the chance of negligent lawsuit becomes a possibility if a player gets injured on a court that was knowingly built not to standard. If you are going to rebuild the courts anyway, make the size conform to standard tennis courts.

I understand there is a local Park Meadows resident that is opposing this change. He voiced his concerns at the meeting on January 13 and his concerns make it sound like the new dimensions of the building are going to be grossly expanded. His comments also included that this facility is for local residents, is in bad disrepair and does need to be upgraded. The upgrades should only be for local recreation, not elite tennis players. I might remind everyone that a tennis court is the same size for anyone, local residents of Park City as well as elite tennis players. There is no change in court size for one or the other.

Since Park City is now on the map as a world class Olympic Venue City, is a world class ski destination and has world class recreational facilities, including the Winter Sports Park, 3 ski resorts, new ice skating facility and softball facilities built for national Triple Crown Softball tournament specifications; why rebuild tennis facilities that do not measure up to all the other facilities we have in our area.

Please consider the recommendations of the Racquet Club staff, professional tennis instructors and local tennis players to make the new Park City Racquet Club a facility worth advertising along with our other world class recreations. Please do not waste the money being spent to renovate this facility with substandard tennis courts.

Thank you for your considerations and understanding of our passion in tennis.

Sincerely,
Marilyn Burrell
A tennis fanatic and local resident of 28 years

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.

1. 1200 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 or 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. It 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.

Planning Commission Staff Report



Planning Department

Subject: Land Management Code (LMC)
Amendments
Application #: PL-09-00784
Author: Thomas Eddington, AICP
Kirsten Whetstone, AICP
Date: January 20, 2010
Type of Item: Legislative

Summary Recommendations

Staff recommends that the Planning Commission review and discuss proposed amendments to the Land Management Code for Chapter 2.3 (Historic Residential 2-HR-2), Chapter 6 (Master Planned Developments), Chapter 10- Board of Adjustment, Chapter 11- Historic Preservation, and Chapter 12, Planning Commission as described in this report and Exhibits (A- E). Staff recommends the Commission conduct a public hearing, consider input, and consider forwarding a positive recommendation to the City Council.

Topic

Project Name: LMC Amendments for Chapters 2.3, 6, 10, 11, and 12
Applicant: Planning Department
Proposal: Revisions to the Land Management Code (LMC)

Background

The Planning Staff drafted amendments to the Land Management Code (LMC) to address planning and zoning issues that have come up in the past year and to address development and design issues on the east side of upper Park Avenue. Discussions relative to the HR-2 zoning district (upper Park Avenue) originally took place on June 11, 2008, where the Planning Commission discussed this issue at a work session (June 11, 2008 Minutes - Exhibit F).

On September 23, 2009, Staff presented to the Planning Commission a proposal to amend the LMC to allow Master Planned Developments for properties that contain lots within both the HR-2 and HCB zoning districts (September 23, 2009 and November 11, 2009 Minutes -Exhibit G). Currently, Master Planned Developments are allowed for HR-1 parcels that are combined with adjacent HRC or HCB zoned properties and the property has significant historic structures that will be restored or rehabilitated as part of the MPD and the MPD includes reduced surface parking via common underground parking..

The Commission requested that Staff look at the purpose statements of the HR-2 zone, as well as additional regulations to address on-going neighborhood concerns regarding impacts from Main Street on the residential neighborhood. The Commission requested background information on the HR-2 zone and suggested a meeting with the neighbors

to ensure that the property owners directly impacted by the amendments have an opportunity to understand and discuss them.

On October 27th, Staff hosted an open-house/public neighborhood meeting to discuss the proposed LMC changes and to get input from the neighborhood. In general, the attendees were favorable to the amendments (Meeting minutes - Exhibit H). Primary concerns are with the lack of enforcement of the code and conditions of project approvals and the impacts of Main Street on their neighborhood and quality of life primarily due to parking lots and vacant lots.

On November 11, 2009, Staff presented a summary of the history of the HR-2 district and review of the purpose statements of the HCB and HR-2 zoning districts (September 23, 2009 and November 11, 2009 Minutes -Exhibit G). The Planning Commission requested additional graphics to illustrate the potential application of the amendments and clarification of the term "Private Residence Club." There was public input regarding potential impacts on the residential neighborhood due to height and setback exceptions that could be granted through the MPD process. There was favorable input as well and a desire for the Code to allow some flexibility so that the vacant lots could be developed in a way that also addresses issues with mechanical equipment and parking. The Commission echoed the concerns regarding height and setback exceptions. The Commission discussed alternative approaches that could allow both the flexibility of the MPD process and the certainness provided by specific regulations spelled out in the HR-2 zoning district.

In this report, the Planning Staff has provided additional revisions to address concerns regarding height and setback exceptions by including in the MPD Chapter language specific to regulation of development in HR-2 zone, as outlined below.

Graphics illustrating potential development scenarios at three Main Street locations are included in Exhibit I as examples. The three locations are 1) 333 Main Street (Main Street Mall), 449 Main Street (Great Basin Gallery), and 614 Main Street (Claimjumper). The graphics are cross sections looking south (up Main Street) and illustrate the change in grade between Main Street and Park Avenue and how the subterranean commercial space could be located below residential structures on Park Avenue.

For clarification of a Planning Commission concern, Private Residence Clubs are a form of joint ownership of a residential condominium unit and *not* a quasi-commercial use. The Commission requested that these definitions be provided. The definitions from the current LMC are included in Exhibit K.

In addition, proposed changes to Chapters 10, 11, and 12 are being proposed to address issues which have come up over the last year. These Chapters were presented to the Planning Commission on November 11, 2009 for general discussion. No comments were received at the meeting.

Staff is also proposing changes to Chapter 6 unrelated to the HR-2 district (Sections 15-6-8 (C) and (D)) clarifying how the 5% support commercial and 5% support meeting uses that may be allowed within hotel or nightly rental Master Planned Developments are calculated. These changes were not part of the November 11, 2009 report.

While these amendments to Chapters 6, 10, 11, and 12 are not specific to the HR-2 / MPD changes, the proposed changes provide Applicants:

1. Better clarity relative to appeal timelines to the Board of Adjustment, and
2. Better clarity relative to the Historic District Design Review process, specifically for repair/maintenance projects.
3. Consistency in how support commercial space and meeting space are calculated for Master Planned Developments.

Analysis

Four general issues are addressed by the proposed Planning Department amendments. They are as follows:

- 1) Add a consistent timeframe (45 days from date appeal is filed) by which appeals shall be heard by the Planning Commission and Board of Adjustment,
- 2) Modify the Historic Design Review process for minor projects that are within the Historic Districts or at Historic sites, and
- 3) Consider revisions to the HR-2 zoning district and MPD Chapter to ensure compatible residential development on Park Avenue and to allow innovative design solutions within the transition area between the Main Street commercial core (HCB zone) and the Park Avenue neighborhood (HR-2 zone). The Planning Staff is proposing these amendments in an attempt to complete the east side of Park Avenue as a residential street and resolve on-going issues related to vacant lots and incompatible commercial activity.
- 4) Consider changes to Chapter 6 (Sections 15-6-8 (C) and (D)) clarifying how the 5% support commercial and 5% support meeting space square footages are calculate for hotel and nightly rental Master Planned Developments

(1) Chapter 10- Planning Commission and Chapter 12-Board of Adjustment

On July 9, 2009, the City Council amended the appeals process in Chapter 1 stating that 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. The Code was also changed in the appeal section for the Historic Preservation Board in Chapter 11 - Historic Preservation. However, the language in the appeals sections of the Planning Commission and Board of Adjustment needs to be amended to be consistent with that language. Chapter 10 - Planning Commission (Section 15-1-7) and Chapter 12 - Board of Adjustment (Section 15-12-15(B) (8)) (see Exhibits C and E for redlines) are amended to include the following language:

“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.”

(2) Chapter 11- Historic Preservation

In July of 2009, the City Council adopted amendments to LMC Section 15-11 regarding the Historic Design Review process for all projects within the Historic Districts and for Historic Sites. The process includes a pre-application design conference with the Design Review Team (DRT) for all projects prior to submittal of a complete Design Review application and a two-pronged public notification process with a processing time of up to 45 days. Staff had the opportunity to review this process for a variety of applications and project types over the past six (6) months and finds that for certain minor projects having little or no impact on the Historic District the process could be further streamlined.

Compliance with the recently adopted Design Guidelines for Park City’s Historic Districts and Historic Sites continues to be a required finding for all projects in the Historic District and at Historic Sites. Staff proposes LMC Amendments to allow the Planning Director to make a determination as to the extent of design review process that is required for certain projects, based on a review of the pre-application submittal. These projects include minor/routine construction work and maintenance as well as minor alterations having little or no negative impact on the historic district as outlined below.

Staff also recommends removing signs and awnings from the design review process because there is already an effective process for signs and awnings involving Planning, Building, and Code Enforcement. Signs and awnings shall continue to be required to comply with the Park City Sign Code and all applicable Historic Design guidelines. Staff proposes adding the following language to Section 15-11-12 (A) Pre-Application Conference:

The Planning Director, or his designee, may, upon review of a pre-application submittal, determine that an Application, due to the scope of the project, does not require the full Historic District or Historic Site Design Review process as outlined in LMC Section 15-11-12 (B). If such a determination is made, the Planning Staff may, upon reviewing the Application for compliance with the Historic Design Guidelines, approve, deny, or approve with conditions, the Application. Pre-application submittal requirements may be amended by the Planning Director,

based on the scope of the project, as allowed by the Design Guidelines. Applications that may be exempt from the full Historic District Design Review process include, but are not limited to the following:

1) for Non-Historic Structures and Sites - minor routine construction/maintenance work and minor alterations having little or no negative impact on the historic district such as work on decks, railings, stairs, hot tubs, foundations, windows and doors, and similar work; and

2) for Historic and Non-Historic Structures and Sites - flat work, paths, stairs, fences and walls, landscaping, hot tubs, lighting, roofing, trim, skylights, solar panels, and similar work.

These amendments will help streamline the design review process for minor projects. The requirement that these projects and proposals comply with the Design Guidelines for Historic Districts and Historic Sites continues to apply (see Exhibit D for redlines).

(3) Chapter 2.3 Historic Residential 2 Zoning District and Chapter 6- Master Planned Developments

Planning Staff reviewed the existing LMC language regarding the ability to utilize a Master Planned Development within the Historic Residential (HR-1), Historic Recreation Commercial (HRC), and Historic Commercial Business (HCB) zoning districts and believes that similar language can be useful in the planning, development, and redevelopment of properties within the transition area of the HCB and Historic Residential (HR-2) Subzone A zoning districts (Exhibit A).

The HR-2 zone was created during the re-write of the Land Management Code in 2000 to replace the Historic Transition Overlay (HTO) zone. The HTO zone primarily applied to properties on the east side of Park Avenue that backed to Main Street businesses. The zone was intended as a transition zone between HCB and HR-1. Certain commercial uses were allowed to cross the zone boundary between the HCB and the HTO; however the primary uses within the HTO zone were residential, with the exception of the War Memorial Building, the Main Street Mall, TMI, and several churches. Historically the east side of Park Avenue was used to provide services for businesses and activities on Main Street, such as coal delivery, trash removal, and deliveries.

When the HR-2 zoning district was created, it was divided into two (2) subzones, namely subzone A and subzone B. Subzone A includes developed and vacant residential properties on the east side of upper Park Avenue from Heber Avenue to King Road (west of Main Street and south of Heber Avenue), including Block 13. This is the area subject to the proposed amendments. Subzone B is defined as the properties on Grant Avenue, Upper Swede and Upper Main Street, including Block 31 of the Park City Survey (LMC 15-2.3 -Exhibit A). The intent of the HR-2 zoning district was to put a more residential focus on Park Avenue and more strictly regulate and prohibit the

services uses, access, and impacts from the Main Street businesses. The HCB district primarily includes Main Street properties.

Over the past couple of decades, upper Park Avenue has become a primarily residential street with substantial investments made to restoring historic homes and constructing new residences. The City upgraded the street and installed sidewalks and planter areas on the west side. However, the east side of upper Park Avenue has, for the most part, remained undeveloped. There are approximately 30 vacant lots on the east side of upper Park Avenue. Several larger Main Street buildings were constructed onto the adjacent Park Avenue lots, such as the TMI building, the Main Street Mall, and the War Memorial Building (Harry O's), but many vacant lots or undeveloped parking lots remain.

Staff reviewed the existing configuration of structures and property ownership and found that there are a dozen properties where there is common ownership of both the Main Street lot and the Park Avenue lot (Exhibit J). Because the east side of upper Park Avenue has *not* developed into a primarily residential street, the residents on the west side continue to be impacted by the activity on Main Street. If single family homes were to be developed on the east side, they would likely act as a buffer from this activity and would complete Park Avenue as a residential street and unique neighborhood. The design and construction of the houses on the East side of Park Avenue would of course need to take into consideration the fact that they back directly to a commercial property. However, well designed development on the east side could allow expanded subterranean commercial space for the Main Street businesses while providing single-family residential development to compliment the west side of Park Avenue.

In 2004, the LMC was amended to allow the use of Master Planned Developments (MPD) in the planning and development of properties that crossed a zone line, such as the HR-1 and HRC or HR-1 and HCB districts. The purpose of the 2004 amendments was to provide a certain amount of flexibility and trade-offs in terms of setbacks, building height, parking requirements, and better planning and design overall.

Staff believes that the MPD process could also be used in the HR-2 / HCB zones to require elements of design that further reduce impacts on Park Avenue, such as requirements for elevators and access to Main Street to address ADA issues, allowance for parking requirements to be met in ways other than a garage at the street, requirements for setbacks and building massing and height that are compatible with the character of the neighborhood, street elevations with front porches similar to the historic houses on the east side of Park Avenue by Heber Avenue, enhanced landscaping and street trees, etc.

The properties along the east side of Park Avenue are unique in that they front on a residential street, yet back to the businesses on Main Street, a core business district in Park City. The lots are also quite steep given the grade difference between Main Street

and Park Avenue. For these reasons and those listed above, and in an attempt to strengthen existing regulations that protect the west side while allowing for incentives and better designs to be presented for the east side, Planning Staff has drafted the following LMC Amendments:

LMC Chapter 2.3 - HR-2 zoning district

Summary of recommended changes (See Exhibit A for redlines):

- Added purpose statements consistent with the Historic Core Policies in the Community Character Element and to emphasize the preservation of the neighborhood character on Park Avenue (15-2.3-1 Purpose).
- Remove date (January 1, 2000) by which lots need to be combined in order to use the special requirements for Sub-Zone A (Section 15-2.3-8 (B)) as an incentive to complete the east side of Park Avenue with residential houses.
- Restrict parking areas with five (5) or more parking spaces in the HR-2 zone to be accessed from a street other than Park Avenue if they serve HCB uses and require this parking to be beneath the houses on Park Avenue. (Section 15-2.3-10 (H)).
- Allow common parking structures to occupy below Grade Rear yards in Sub-Zone A between participating Developments if the Structure maintains all Setbacks above Grade at the Side Yard and above the Parking at the Rear Yard and is below the grade of Park Avenue projected across the lot.
- Added language regarding elevators for ADA access and alarms on all emergency access doors.
- Allow Private Residence Club ownership of condominium units as a conditional use, subject to the existing specific Private Residence Club conditional use permit criteria (15-2.3-2 (B) Conditional Uses).
- No height exceptions are allowed through the MPD process (15-2.3-6).
- Only single-family and duplex dwellings may be constructed facing/fronting Park Avenue. While these structures may be connected below grade with common foundations or parking structures, the above-grade separation between houses shall be consistent with the setback requirements of the zone. Setback requirements are based on lot width and generally there are between 6 and 10 feet of separation between structures.

LMC Chapter 6- Master Planned Developments

Summary of recommended changes (See Exhibit B for redlines).

- Add purpose statements consistent with the General Plan for developing and core areas and to encourage mixed use, walkable, sustainable, development and redevelopment of neighborhoods and Historic Main Street.
- Add HR-2 as a zone where the MPD process may be allowed, but is not required, when a property includes two (2) or more zoning designations.

- Clarify how the building footprint will be calculated within an MPD in the HR-2 zone if lots are combined.
- Include language stating that the maximum FAR in the HCB district continues to apply to the portion of the building within the HCB.
- Clarify that the separation between houses shall maintain the typical spacing of housing in the neighborhood above grade and allow for common parking structures below grade.
- **Staff requests discussion.** Consider height exceptions in the HR-2 zone through the MPD process. Additional language is proposed to the Height Exception section of Chapter 6 – Master Planned Developments- Section 15-6-5 (F) (see Exhibit B) as an additional finding the Planning Commission must make before granting a height exception for any MPD:

(6) The increase in Building Height does not negatively impact neighboring Buildings in terms of aesthetics, mass, scale, and volume. Building compatibility must be established prior to granting a height exception.

If a height exception is a necessity due to an extreme grade difference across the depth of a down hill oriented HR-2 lot, the applicant could request a variance from the Board of Adjustment and make a case that there is a physical hardship.

Staff believes the proposed LMC amendments can achieve the following benefits to both the Park Avenue neighborhood and the Main Street businesses:

- Historically-scaled infill residential structures along the east side of upper Park Avenue with incentives to eliminate the vacant lots that provide no buffer from Main Street activities and eliminate the parking lots that serve some Main Street businesses.
- Parking for the Main Street business could be re-gained below grade provided access can be provided from either Main Street or a side street.
- Decreased visual impacts of the automobile, garages, and parking on the Park Avenue neighborhood by providing incentives to put parking beneath the houses where possible (similar to the Parkwood Project at 801 Park Avenue) allowing for pedestrian friendly front porches and additional landscaping along the street.
- Decreased visual impact from mechanical and back-of-house uses in the HCB District (Main Street) as houses are constructed on vacant lots and design options are available to find innovative solutions to these issues.
- Decreased impacts on the quality of life on upper Park Avenue due to vacant lots on the east side that allow egress, access, delivery, noise, parking, and other negative impacts associated with Main Street activity.
- Incentives for preservation of historic structures and design of compatible contemporary structures.

- Incentives for economic development within the Main Street commercial district by allowing innovative design and flexibility in the development and redevelopment of properties in a more comprehensive, well planned, holistic manner and by allowing limited expansion into the HR-2 zone for non-residential uses that are below the grade of Park Avenue and beneath or below a single family house or duplex, where emergency access is controlled and alarmed, and impacts of commercial uses on Park Avenue are mitigated.

(4) Chapter 6- Master Planned Developments

The calculation of support commercial and meeting space for hotels and condominium projects is unclear and may lead to inconsistent application of the LMC. The intent of the additional floor area for support commercial and meeting space is that it be based on the residential floor area only. It was not intended to include Floor Area of garages which are included in the definition of Residential Floor Area, with the exception of 600 sf. It was also not intended to include the area of the support commercial, meeting space or back of house area as the basis for the additional 5%. To clarify the calculation of the 5% support commercial and 5% meeting space square footages in Section 15-6-8 (C) and (D) staff is recommending the following language: (See Exhibit B for redlines).

(C) SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS. Within a Hotel or Nightly Rental Condominium project, Support Commercial Floor Area may be allowed and may not exceed five percent (5%) of the total Floor Area of the Residential Unit Equivalents, excluding Parking Areas. This Support Commercial Floor Area shall be dedicated to Support Commercial Uses, which shall not count against any allotted commercial Unit Equivalents approved as part of the MPD. Any Support Commercial Uses in excess of the five percent (5%) will be counted as Commercial Unit Equivalents, if Commercial Unit Equivalents are approved as a part of the MPD. If no Commercial Unit Equivalents are granted for an MPD, then Support Commercial Uses are limited to an area equivalent to five percent (5%) of the Floor Area of the Residential Unit Equivalents, and no other Commercial Uses will be allowed.

(D) MEETING SPACE. Within a Hotel or Condominium project, meeting space Floor Area may be allowed and may not exceed five percent (5%) of the total Floor Area of the Residential Unit Equivalents, excluding Parking Areas. The meeting space Floor Area shall be dedicated for meeting room uses, without the Use of Unit Equivalents. Meeting space in excess of the five percent (5%) will be counted as commercial Unit Equivalents. Any square footage, which is not used in the five percent (5%) Support Commercial allocation (as described in Section (C) above) can be used as meeting space. Meeting space in excess of the five percent (5%) allocation for meeting rooms and the five percent (5%) for support commercial shall be counted as Commercial Unit Equivalents, if Commercial Unit Equivalents are approved as part of the MPD. Accessory meeting spaces, such as back of house, administrative areas, banquet offices, banquet preparation areas, and storage areas are spaces normally associated with and necessary to serve meeting and banquet activities and Uses. These accessory meeting spaces do not require the use of Unit Equivalents.

Department Review

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

Process

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

Notice

Notice of the public hearing was published in the Park Record and posted according to requirements in the Land Management Code. Staff provided notice to all property owners on Park Avenue and Main Street from Heber Avenue to King Road and distributed flyers to businesses along the west side of Main Street notifying of the open house (held on October 27, 2009) and initial public hearing.

Public Input

Public input was received at the open house, as outlined in Exhibit H, and at the public hearings (minutes - Exhibit G).

Alternatives

- Conduct a public hearing on the LMC amendments describe herein or as amended and forward a positive recommendation to the City Council.
- Conduct a public hearing and forward a negative recommendation to the City Council.
- Continue action on the LMC amendments to a date certain.

Significant Impacts

There are no significant negative fiscal impacts on the City as a result of these amendments. The amendments provide clarifications of processes and procedures in the historic district, consistency of code application between Chapters, and are consistent with City's goals to: preserve Park City's Character, maintain and protect Park City's residential neighborhoods, and promote economic development of the Main Street business district. These amendments may provide fiscal benefits in the future.

Consequences of not taking the Suggested Recommendation

Not taking the suggested recommendation will leave the LMC unchanged and may result in lack of clarity or consistency regarding processes and procedures, definitions, LMC section references, and specific interpretation of Sections of the Code. Not taking suggested recommendations may result in continued negative impacts on the Park Avenue neighborhood from adjacent Main Street businesses and activity.

Recommendation

Staff recommends the Planning Commission conduct a public hearing, discuss the proposed amendments to the Land Management Code as described in this report and as redlined in Exhibits A - E, and consider forwarding a positive recommendation to the City Council to approve the amendments based on the findings of fact and conclusions of law found in the draft ordinance.

Exhibits

Ordinance

Exhibit A- HR-2 District LMC Section 15-2.3 redlines (separate cover)

Exhibit B- MPD - LMC Section 15-6 redlines

Exhibit C- BOA- LMC Section 15-10-7

Exhibit D- Historic Preservation- LMC Section 15-11 redlines

Exhibit E- Planning Commission- LMC Section 15-12-15(B) (8)

Exhibit F- PC work session notes of June 11, 2008

Exhibit G- Minutes of September 23 and November 11 Planning Commission meetings

Exhibit H- Public input from October 27, 2009 open house

Exhibit I- Photos and graphics

Exhibit J- Aerial photo and zoning vicinity map

Exhibit K- Private Residence Club definitions

Ordinance - 10

**AN ORDINANCE AMENDING
THE LAND MANAGEMENT CODE
OF PARK CITY, UTAH, TO ADDRESS
REVISIONS TO
SECTIONS 15-2.3, 15-6, 15-10, 15-11, and 15-12 REGARDING DEVELOPMENT
REGULATIONS AND MASTER PLANNED DEVELOPMENTS IN THE HR-2 AND HCB
DISTRICTS, TIMEFRAME FOR APPEALS TO BOARD OF ADJUSTMENT AND
PLANNING COMMISSION, AND HISTORIC DESIGN REVIEW PROCESS FOR
MINOR PROJECTS.**

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

WHEREAS, the Land Management Code implements the goals, objectives and policies of the Park City General Plan to maintain the quality of life and experiences for its residents and visitors; and to preserve the community's unique character and values; and

WHEREAS, the City reviews the Land Management Code on an annual basis and identifies necessary amendments to address planning and zoning issues that have come up in the past year, and to address specific LMC issues raised by Staff and the Commission, to address applicable changes to the State Code, and to align the Code with the Council's goals;

WHEREAS, the City's goals include preservation of Park City's character regarding Old Town improvements, historic preservation, sustainability, affordable housing, and protecting Park City's residential neighborhoods;

WHEREAS, the City's goals include maintaining effective transportation and parking, maintaining the resort community regarding economic development, and enhancing the economic viability of Park City's Main Street Business District; and

WHEREAS, LMC Section 15 - 2.3, Historic Residential-2 Zoning District, provides a description of requirements, provisions and procedures specific to the HR-2 zoning district, specifically for the east side of upper Park Avenue south of Heber Avenue and the City desires to clarify and revise these requirements, provisions and procedures as outlined in the staff report; and

WHEREAS, Chapter 6 - Master Planned Developments, provides regulations, requirements, and procedural requirements regarding Master Planned Developments, and the City desires to clarify and revise these regulations and procedures as they pertain to 1) development in the HR-2 and HCB Zoning Districts and

2) calculation of Support Commercial and Meeting Space within Master Planned Developments as outlined in the staff report; and

WHEREAS, Chapter 10 - Board of Adjustment, provides regulations and procedural requirements for the Board of Adjustment, and the City desires to clarify and revise these regulations regarding the timeframe by which an appeal shall be heard by the Board of Adjustment, as outlined in the staff report; and

WHEREAS, Chapter 11 - Historic Preservation, provides regulations and procedural requirements for the Historic Preservation Board and regarding Historic Preservation in Park City and the City desires to clarify and revise these regulations regarding the types of projects subject to the Historic District Design Review procedure and clarifying that all projects are subject to the Design Guidelines for Park City's Historic Districts and Historic Sites, as outlined in the staff report; and

WHEREAS, Chapter 12 - Planning Commission, provides regulations and procedural requirements for the Planning Commission and the City desires to clarify and revise these regulations regarding the timeframe by which an appeal shall be heard by the Planning Commission, as outlined in the staff report; and

WHEREAS, these amendments are changes identified during the 2009 annual review of the Land Management Code that provide clarifications of processes and procedures, and interpretations of the Code for streamlined review and consistency of application between Sections.

WHEREAS, the Planning Department held a neighborhood information meeting on October 27, 2009 and the Planning Commission duly noticed and conducted a public hearing at the regularly scheduled meetings on November 11 and December 16, 2009 and January 20, 2010 and forwarded a recommendation to City Council; and

WHEREAS, the City Council duly noticed and conducted a public hearing at its regularly scheduled meeting on January 28, 2008; and

WHEREAS, it is in the best interest of the residents of Park City, Utah to amend the Land Management Code to be consistent with the Park City General Plan and to be consistent with the values and identified goals of the Park City community and City Council to protect health and safety, maintain the quality of life for its residents, preserve and protect the Upper Park Avenue residential neighborhood, preserve historic structures, promote economic development within the Park City Historic Main Street business area, and preserve the community's unique character.

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

SECTION 1. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 2- Section 15-2.3. The recitals above are incorporated herein as findings of fact. Chapter 15-2.3 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit A).

SECTION 2. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 6- Master Planned Development. The recitals above are incorporated herein as findings of fact. Chapter 6 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit B).

SECTION 3. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 10- Board of Adjustment. The recitals above are incorporated herein as findings of fact. Chapter 10 of the Land Management Code is hereby amended as redlined (see Exhibit C).

SECTION 4. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 11- Historic Preservation. The recitals above are incorporated herein as findings of fact. Chapter 11 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit D).

SECTION 5. AMENDMENTS TO TITLE 15 - Land Management Code Chapter 12- Planning Commission. The recitals above are incorporated herein as findings of fact. Chapter 12 of the Land Management Code of Park City is hereby amended as redlined (see Exhibit E).

SECTION 6. EFFECTIVE DATE. This Ordinance shall be effective upon publication.

PASSED AND ADOPTED this ____ day of January, 2010

PARK CITY MUNICIPAL CORPORATION

Dana Williams, Mayor

Attest:

Janet M. Scott, City Recorder

Approved as to form:

Mark Harrington, City Attorney

(Exhibits not attached to this draft. See Exhibits attached to Staff Report)

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 6 - MASTER PLANNED DEVELOPMENTS

Chapter adopted by Ordinance No. 02-07

CHAPTER 6 - MASTER PLANNED DEVELOPMENTS (MPD)

15-6 -1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for review of Master Planned Developments (MPDs) in Park City. The Master Planned Development provisions set forth Use, Density, height, parking, design theme and general Site planning criteria for larger and/or more complex projects having a variety of constraints and challenges, such as environmental issues, multiple zoning districts, location within or adjacent to transitional areas between different land Uses, and infill redevelopment where the MPD process can provide design flexibility necessary for well-planned, mixed use developments. The goal of this section is to result in projects which:

- (A) compliment the natural features of the Site;
(B) ensure neighborhood Compatibility;

- (C) strengthen the resort character of Park City;
(D) result in a net positive contribution of amenities to the community;
(E) provide a variety of housing types and configurations;
(F) provide the highest value of open space for any given Site;
(G) efficiently and cost effectively extend and provide infrastructure;
(H) provide opportunities for the appropriate redevelopment and reuse of existing structures/sites that maintain compatibility with the surrounding neighborhood;
(I) protect residential uses and residential neighborhoods from the impacts of non-residential uses using best practice methods and diligent code enforcement; and
(J) encourage mixed use, walkable and sustainable development and redevelopment that provide innovative and energy efficient design, including innovative alternatives to

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reduce impacts of the automobile on the community.

15-6 -2. APPLICABILITY.

(A) The Master Planned Development process shall be required in all zones except the Historic Residential (HR-1, HR-2), Historic Residential - Low Density (HRL), and Historic Residential - Medium Density (HRM) for the following:

- (1) Any residential project larger than ten (10) Lots or units.
(2) All Hotel and lodging project with more than fifteen (15) Residential Unit Equivalents.
(3) All new commercial or industrial projects greater than 10,000 square feet Gross Floor Area.

(B) The Master Planned Development process is allowed but not required in the Historic Commercial Business (HCB), Historic Recreation Commercial (HRC), Historic Residential (HR-2) and Historic Residential (HR-1) zones, provided the subject property and proposed MPD meet the following criteria:

- (1) The Property includes two
(2) or more zoning designations, and
(2) The Property has significant Historic Structures that either have been restored or are proposed to be restored as part of the MPD; and

(3) The proposed Master Planned Development includes reduced surface parking.

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(C) MPDs are allowed in Historic Residential (HR-1) and HR-2 zones only when:

- (1) HR-1 or HR-2 zoned parcels are combined with adjacent HRC or HCB zone Properties as part of an allowed MPD, see criteria above; or
(2) Property is not a part of the original Park City Survey or Snyder's Addition to the Park City Survey and which may be considered for affordable housing MPDs consistent with Section 15-6-7 herein.

(Amended by Ord. Nos. 04-08; 06-22)

15-6 -3. USES.

A Master Planned Development (MPD) can only contain Uses, which are Permitted or Conditional in the zone(s) in which it is located. The maximum Density and type of Development permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety, including all adjacent property under the same ownership, and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project which better meets the goals set forth in

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Section 15-6-1 herein. Density for MPDs will be based on the Unit Equivalent Formula, as defined in LMC Chapter 15-15, and as stated in Section 15-6-8 herein.

(Amended by Ord. No. 06-22)

15-6 -4. PROCESS.

(A) **PRE-APPLICATION CONFERENCE.** A pre-Application conference shall be held with the Planning Department staff in order for the Applicant to become acquainted with the Master Planned Development procedures and related City requirements and schedules. The Planning Department staff will give preliminary feedback to the potential Applicant based on information available at the pre-Application conference and will inform the Applicant of issues or special requirements which may result from the proposal.

(B) **PRE-APPLICATION PUBLIC MEETING AND DETERMINATION OF COMPLIANCE.** In order to provide an opportunity for the public and the Planning Commission to give preliminary input on a concept for a Master Planned Development, all MPDs will be required to go through a pre-Application public meeting before the Planning Commission. A pre-Application will be filed with the Park City Planning Department and shall include conceptual plans as stated on the Application form and the applicable fee. The public will be notified and invited to attend and comment in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix, of this Code.

At the pre-Application public meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Planned Development. This preliminary review will focus on identifying issues of compliance with the General Plan and zoning compliance for the proposed MPD. The public will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Application for an MPD.

The Planning Commission shall review the preliminary information to identify issues on compliance with the General Plan and will make a finding that the project initially complies with the General Plan. Such finding is to be made prior to the Applicant filing a formal MPD Application. If no such finding can be made, the applicant must submit a modified Application or the General Plan would have to be modified prior to formal acceptance and processing of the Application. For larger MPDs, it is recommended that the Applicant host additional neighborhood meetings in preparation of filing of a formal Application for an MPD.

For MPDs that are vested as part of Large Scale MPDs the Planning Commission may waive the requirement for a pre-Application meeting, but the Commission shall make a finding at the time of approval that the project is consistent with the Large Scale MPD.

(C) **APPLICATION.** The Master Planned Development Application must be submitted with a completed Application form supplied by the City. A list of

minimum requirements will accompany the Application form. The Application must include written consent by all Owners of the Property to be included in the Master Planned Development. Once an Application is received, it shall be assigned to a staff Planner who will review the Application for completeness. The Applicant will be informed if additional information is necessary to constitute a Complete Application.

(D) **PLANNING COMMISSION REVIEW.** The Planning Commission is the primary review body for Master Planned Developments and is required to hold a public hearing and take action. All MPDs will have at least one (1) work session before the Planning Commission prior to a public hearing.

(E) **PUBLIC HEARING.** In addition to the preliminary public input session, a formal public hearing on a Master Planned Development is required to be held by the Planning Commission. The Public Hearing will be noticed in accordance with LMC Chapters 15-1-12 and 15-1-21, Notice Matrix. Multiple Public Hearings, including additional notice, may be necessary for larger, or more complex, projects.

(F) **PLANNING COMMISSION ACTION.** The Planning Commission shall approve, approve with modifications, or deny a requested Master Planned Development. The Planning Commission action shall be in the form of written findings of fact, conclusions of law, and in the case of approval, conditions of approval. Action shall occur only after the required public hearing is held. To approve an MPD,

the Planning Commission will be required to make the findings outlined in Section 15-6-6 herein.

Appeals of Planning Commission action shall be conducted in accordance with LMC Chapter 15-1-18.

(G) **DEVELOPMENT AGREEMENT.**

Once the Planning Commission has approved Master Planned Development, the approval shall be put in the form of a Development Agreement. The Development Agreement shall be in a form approved by the City Attorney, and shall contain, at a minimum, the following:

- (1) A legal description of the land;
- (2) All relevant zoning parameters including all findings, conclusions and conditions of approval;
- (3) An express reservation of the future legislative power and zoning authority of the City;
- (4) A copy of the approved Site plan, architectural plans, landscape plans, Grading plan, trails and open space plans, and other plans, which are a part of the Planning Commission approval;
- (5) A description of all Developer exactions or agreed upon public dedications;
- (6) The Developers agreement to pay all specified impact fees; and

- (7) The form of ownership anticipated for the project and a specific project phasing plan.

The Development Agreement shall be ratified by the Planning Commission, signed by the City Council and the Applicant, and recorded with the Summit County Recorder. The Development Agreement shall contain language, which allows for minor, administrative modifications to occur to the approval without revision of the agreement. The Development Agreement must be submitted to the City within six (6) months of the date the project was approved by the Planning Commission, or the Planning Commission approval shall expire.

(H) LENGTH OF APPROVAL.

Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the execution of the Development Agreement. After construction commences, the MPD shall remain valid as long as it is consistent with the approved specific project phasing plan as set forth in the Development Agreement. It is anticipated that the specific project phasing plan may require Planning Commission review and reevaluation of the project at specified points in the Development of the project.

(I) MPD MODIFICATIONS.

Changes in a Master Planned Development, which constitute a change in concept, Density, unit type or configuration of any portion or phase of the MPD will justify review of the entire master plan and Development Agreement by the Planning Commission, unless otherwise specified in

the Development Agreement. If the modifications are determined to be substantive, the project will be required to go through the pre-Application public hearing and determination of compliance as outlined in Section 15-6-4(B) herein.

(J) SITE SPECIFIC APPROVALS.

Any portion of an approved Master Planned Development may require additional review by the Planning Department and/or Planning Commission as a Conditional Use permit, if so required by the Planning Commission at the time of the MPD approval.

The Planning Commission and/or Planning Department, specified at the time of MPD approval, will review Site specific plans including Site layout, architecture and landscaping, prior to issuance of a Building Permit.

The Application requirements and review criteria of the Conditional Use process must be followed. A pre-Application public meeting may be required by the Planning Director, at which time the Planning Commission will review the Application for compliance with the large scale MPD approval.

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

15-6 -5. MPD REQUIREMENTS.

All Master Planned Developments shall contain the following minimum requirements. Many of the requirements and standards will have to be increased in order for the Planning Commission to make the necessary findings to approve the Master Planned Development.

(A) **DENSITY.** The type of Development, number of units and Density permitted on a given Site will be determined as a result of a Site Suitability Analysis and shall not exceed the maximum Density in the zone, except as otherwise provided in this section. The Site shall be looked at in its entirety and the Density located in the most appropriate locations. When Properties are in more than one (1) Zoning District, there may be a shift of Density between Zoning Districts if that transfer results in a project that better meets the goals set forth in Section 15-6-1. Density for MPDs will be based on the Unit Equivalent Formula, as defined in Section 15-6-8 herein.

(1) **EXCEPTIONS.** The Planning Department may recommend that the Planning Commission grant up to a maximum of ten percent (10%) increase in total Density if the Applicant:

(a) Donates open space in excess of the sixty percent (60%) requirement, either in fee or a less-than-fee interest to either the City or another unit of government or nonprofit land conservation organization approved by the City. Such Density bonus shall only be granted upon a finding by the Planning Director that such donation will ensure the long-term protection of a significant environmentally or visually sensitive Area; or

(b) Proposes a Master Planned Development (MPD) in which more than thirty percent (30%) of the Unit Equivalents are employee/ Affordable Housing consistent with the City's adopted employee/ Affordable Housing guidelines and requirements; or

(c) Proposes an MPD in which more than eighty percent (80%) of the project is open space as defined in this code and prioritized by the Planning Commission.

(B) MAXIMUM ALLOWED BUILDING FOOTPRINT FOR MASTER PLANNED DEVELOPMENTS WITHIN THE HR-1 and HR-2 DISTRICTS.

(1) The HR-1 and HR-2 Districts sets forth a Maximum Building Footprint for all Structures based on Lot Area. For purposes of establishing the maximum Building Footprint for Master Planned Developments, which include Development in the HR-1 and HR-2 Districts, the maximum Building Footprint for the HR-1 and HR-2 portions shall be calculated based on the conditions of the Subdivision Plat, or the number of original Lots of record prior to a Plat Amendment combining the lots. The Area of a common underground Parking

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Structures shall not count against the maximum Building Footprint.

(2) The maximum Building Footprint calculation for Properties within the Historic District does not apply to common underground Parking Structures approved as part of a Master Planned Development.

(3) The maximum FAR of the HCB zoning district continues to apply to the HCB zoned portion.

(C) **SETBACKS.** The minimum Setback around the exterior boundary of an MPD shall be twenty five feet (25') for Parcels greater than one (1) acre in size. In some cases, that Setback may be increased to retain existing Significant Vegetation or natural features or to create an adequate buffer to adjacent Uses. The Planning Commission may decrease the required perimeter Setback from twenty five feet (25') to the zone required Setback if it is necessary to provide desired architectural interest and variation. The Planning Commission may reduce Setbacks within the project from those otherwise required in the zone to match an abutting zone Setback, provided the project meets minimum Uniform Building Code and Fire Code requirements, does not increase project Density, maintains the character of the neighborhood in terms of mass, scale, typical spacing between houses, and character of the neighborhood and meets open space criteria set forth in Section 15-6-5(D).

(D) **OPEN SPACE.**

(1) **MINIMUM REQUIRED.**

All Master Planned Developments shall contain a minimum of sixty percent (60%) open space as defined in LMC Chapter 15-15 with the exception of the General Commercial (GC) District, Historic Residential Commercial (HRC), and Historic Commercial Business (HCB), Historic Residential (HR-1 and HR-2) zones and wherein cases of redevelopment of existing Developments the minimum open space requirement shall be thirty percent (30%). For Applications proposing the redevelopment of existing Developments, the Planning Commission may reduce the required open space in exchange for project enhancements in excess of those otherwise required by the Land Management Code that may directly advance policies reflected in the applicable General Plan sections or more specific Area plans. Such project enhancements may include, but are not limited to, Affordable Housing, greater landscaping buffers along public ways and public/private pedestrian Areas that provide a public benefit, increased landscape material sizes, public transit improvement, public pedestrian plazas, pedestrian way/trail linkages, public art, and rehabilitation of Historic Structures.

(2) **TYPE OF OPEN SPACE.**

The Planning Commission shall designate the preferable type and mix of open space for each Master Planned Development. This

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determination will be based on the guidance given in the Park City General Plan. Landscaped open space may be utilized for project amenities such as pathways, plazas, and other similar Uses. Open space may not be utilized for Streets, roads, driveways, Parking Areas, commercial Uses, or Buildings requiring a Building Permit.

(E) **OFF-STREET PARKING.**

(1) The number of Off-Street Parking Spaces in each Master Planned Development shall not be less than the requirements of this code, except that the Planning Commission may increase or decrease the required number of Off-Street Parking Spaces based upon a parking analysis submitted by the Applicant at the time of MPD submittal. The parking analysis shall contain, at a minimum, the following information:

- (a) The proposed number of vehicles required by the occupants of the project based upon the proposed Use and occupancy.
- (b) A parking comparison of projects of similar size with similar occupancy type to verify the demand for occupancy parking.
- (c) Parking needs for non-dwelling Uses, including traffic attracted to

Commercial Uses from Off-Site.

(d) An analysis of time periods of Use for each of the Uses in the project and opportunities for Shared Parking by different Uses. This shall be considered only when there is Guarantee by Use covenant and deed restriction.

(e) A plan to discourage the Use of motorized vehicles and encourage other forms of transportation.

(f) Provisions for overflow parking during peak periods.

The Planning Department shall review the parking analysis and provide a recommendation to the Commission. The Commission shall make a finding during review of the MPD as to whether or not the parking analysis supports a determination to increase or decrease the required number of Parking Spaces.

(2) The Planning Commission may permit an Applicant to pay an in-lieu parking fee in consideration for required on-site parking provided that the Planning Commission determines that:

- (a) Payment in-lieu of the on-Site parking requirement

will prevent a loss of significant open space, yard Area, and/or public amenities and gathering Areas;

(b) Payment in-lieu of the on-Site parking requirement will result in preservation and rehabilitation of significant Historic Structures or redevelopment of Structures and Sites;

(c) Payment in-lieu of the on-Site parking requirement will not result in an increase project Density or intensity of Use; and

(d) The project is located along a public transit route and is within three (3) blocks of a municipal bus stop.

The payment in-lieu fee for the required parking shall be subject to the provisions in the Park City Municipal Code Section 11-12-16 and the fee set forth in the current Fee Resolution, as amended.

(F) **BUILDING HEIGHT.** The height requirements of the Zoning Districts in which an MPD is located shall apply except that the Planning Commission may consider an increase in height based upon a Site specific analysis and determination.

The Applicant will be required to request a Site specific determination and shall bear the burden of proof to the Planning Commission that the necessary findings can

be made. In order to grant Building height in addition to that which is allowed in the underlying zone, the Planning Commission is required to make the following findings:

(1) The increase in Building Height does not result in increased square footage or Building volume over what would be allowed under the zone required Building Height and Density, including requirements for facade variation and design, but rather provides desired architectural variation;

(2) Buildings have been positioned to minimize visual impacts on adjacent Structures. Potential problems on neighboring Properties caused by shadows, loss of solar Access, and loss or air circulation have been mitigated to the extent possible as defined by the Planning Commission;

(3) There is adequate landscaping and buffering from adjacent Properties and Uses. Increased Setbacks and separations from adjacent projects are being proposed;

(4) The additional Building Height has resulted in more than the minimum open space required and has resulted in the open space being more usable;

(5) The additional Building height shall be designed in a manner so as to provide a transition in roof elements in compliance with Chapter

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Comment [kaw1]:

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Deleted: unless said Property meets the criteria of Development on Steep Slopes, Section 15-2-6.

Comment [kaw2]: This paragraph is being deleted because the Height exception in the Steep Slope CUP is no longer in the code.

Deleted: Additional height will not be granted for Master Planned Developments within the HR-1 zone unless said Property meets the criteria of Development on Steep Slopes, Section 15-2-6.

5. Architectural Guidelines or Historic Design Guidelines if within the Historic District;

(6) The additional Building height does not negatively impact neighboring Buildings in terms of aesthetics, mass, scale, and building volume and the proposed Building is Compatible with neighboring Buildings.

If and when the Planning Commission grants additional height due to a Site specific analysis and determination, that additional height shall only apply to the specific plans being reviewed and approved at the time. Additional Building Height for a specific project will not necessarily be considered for a different, or modified, project on the same Site.

(G) **SITE PLANNING.** An MPD shall be designed to take into consideration the characteristics of the Site upon which it is proposed to be placed. The project should be designed to fit the Site, not the Site modified to fit the project. The following shall be addressed in the Site planning for an MPD:

(1) Units should be clustered on the most developable and least visually sensitive portions of the Site with common open space separating the clusters. The open space corridors should be designed so that existing Significant Vegetation can be maintained on the Site.

(2) Projects shall be designed to minimize Grading and the need for large retaining Structures.

(3) Roads, utility lines, and Buildings should be designed to work with the Existing Grade. Cuts and fills should be minimized.

(4) Existing trails should be incorporated into the open space elements of the project and should be maintained in their existing location whenever possible. Trail easements for existing trails may be required. Construction of new trails will be required consistent with the Park City Trails Master Plan.

(5) Adequate internal vehicular and pedestrian/bicycle circulation should be provided. Pedestrian/ bicycle circulations shall be separated from vehicular circulation and may serve to provide residents the opportunity to travel safely from an individual unit to another unit and to the boundaries of the Property or public trail system. Private internal Streets may be considered for Condominium projects if they meet the minimum emergency and safety requirements.

(6) The Site plan shall include adequate Areas for snow removal and snow storage. The landscape plan shall allow for snow storage Areas. Structures shall be set back from any hard surfaces so as to provide adequate Areas to remove and store snow. The assumption is

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Comment [kaw3]: This was deleted because the Steep Slope CUP section does not allow height exceptions.

Deleted: (6). Structures within the HR-1 District which meet the standards of Development on Steep Slopes, may petition the Commission for additional height per criteria found in Section 15-2.2-6.

that snow should be able to be stored on Site and not removed to an Off-Site location.

(7) It is important to plan for refuse storage and collection and recycling facilities. The Site plan shall include adequate Areas for dumpsters and recycling containers. These facilities shall be Screened or enclosed. Pedestrian Access shall be provided to the refuse/recycling facilities from within the MPD for the convenience of residents and guests.

(8) The Site planning for an MPD should include transportation amenities including drop-off Areas for van and shuttle service, and a bus stop, if applicable.

(9) Service and delivery Access and loading/unloading Areas must be included in the Site plan. The service and delivery should be kept separate from pedestrian Areas.

(H) **LANDSCAPE AND STREET SCAPE.** To the extent possible, existing Significant Vegetation shall be maintained on Site and protected during construction. Where landscaping does occur, it should consist primarily of appropriate drought tolerant species. Lawn or turf will be limited to a maximum of fifty percent (50%) of the Area not covered by Buildings and other hard surfaces and no more than seventy-five percent (75%) of the above Area may be irrigated. Landscape and Streetscape will use native rock and boulders. Lighting must meet the

requirements of LMC Chapter 15-5, Architectural Review.

(I) **SENSITIVE LANDS COMPLIANCE.** All MPD Applications containing any Area within the Sensitive Areas Overlay Zone will be required to conduct a Sensitive Lands Analysis and conform to the Sensitive Lands Provisions, as described in LMC Section 15-2.21.

(J) **EMPLOYEE/AFFORDABLE HOUSING.** MPD Applications shall include a housing mitigation plan which must address employee Affordable Housing as required by the adopted housing resolution in effect at the time of Application.

(K) **CHILD CARE.** A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

(Amended by Ord. Nos. 04-08; 06-22; 09-10)

15- 6- 6. REQUIRED FINDINGS AND CONCLUSIONS OF LAW.

The Planning Commission must make the following findings in order to approve a Master Planned Development. In some cases, conditions of approval will be attached to the approval to ensure compliance with these findings.

(A) The MPD, as conditioned, complies with all the requirements of the Land Management Code;

(B) The MPD, as conditioned, meets the minimum requirements of Section 15-6-5 herein;

(C) The MPD, as conditioned, is consistent with the Park City General Plan;

(D) The MPD, as conditioned, provides the highest value of open space, as determined by the Planning Commission;

(E) The MPD, as conditioned, strengthens and enhances the resort character of Park City;

(F) The MPD, as conditioned, compliments the natural features on the Site and preserves significant features or vegetation to the extent possible;

(G) The MPD, as conditioned, is Compatible in Use, scale and mass with adjacent Properties, and promotes neighborhood **Compatibility, and protects residential neighborhoods and Uses;**

(H) The MPD provides amenities to the community so that there is no net loss of community amenities;

(I) 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.

(J) The MPD, as conditioned, meets the Sensitive Lands requirements 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;

(K) The MPD, as conditioned, promotes the Use of non-vehicular forms of transportation through design and by providing trail connections; and

(L) The MPD has been noticed and public hearing held in accordance with this Code.

(M) The MPD incorporates best planning practices for sustainable development, including energy efficient design and construction.

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(Amended by Ord. No. 06-22)

15-6-7. MASTER PLANNED AFFORDABLE HOUSING DEVELOPMENT.

(A) **PURPOSE.** The purpose of the master planned Affordable Housing Development is to promote housing for a diversity of income groups by providing Dwelling Units for rent or for sale in a price range affordable by families in the low-to-moderate income range. This may be achieved by encouraging the private sector to develop Affordable Housing. Master Planned Developments, which are one hundred percent (100%) Affordable Housing, as defined by the housing resolution in effect at the time of Application, would be considered for a Density incentive greater than that normally allowed under the applicable Zoning District and Master Planned Development regulations with the intent of encouraging quality Development of permanent rental

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and permanent Owner-occupied housing stock for low and moderate income families within the Park City Area.

(B) **RENTAL OR SALES PROGRAM.** If a Developer seeks to exercise the increased Density allowance incentive by providing an Affordable Housing project, the Developer must agree to follow the guidelines and restrictions set forth by the Housing Authority in the adopted Affordable Housing resolution in effect at the time of Application.

(C) **MIXED RENTAL AND OWNER/OCCUPANT PROJECTS.** When projects are approved that comprise both rental and Owner/occupant Dwelling Units, the combination and phasing of the Development shall be specifically approved by the reviewing agency and become a condition of project approval. A permanent rental housing unit is one which is subject to a binding agreement with the Park City Housing Authority.

(D) **MPD REQUIREMENTS.** All of the MPD requirements and findings of this section shall apply to Affordable Housing MPD projects.

(E) **DENSITY BONUS.** The reviewing agency may increase the allowable Density to a maximum of twenty (20) Unit Equivalents per acre. The Unit Equivalent formula applies.

(F) **PARKING.** Off-Street parking will be required at a rate of one (1) space per Bedroom.

(G) **OPEN SPACE.** A minimum of fifty percent (50%) of the Parcel shall be retained or developed as open space. A reduction in the percentage of open space, to not less than forty percent (40%), may be granted upon a finding by the Planning Commission that additional on or Off-Site amenities, such as playgrounds, trails, recreation facilities, bus shelters, significant landscaping, or other amenities will be provided above any that are required. Project open space may be utilized for project amenities, such as tennis courts, Buildings not requiring a Building Permit, pathways, plazas, and similar Uses. Open space may not be utilized for Streets, roads, or Parking Areas.

(H) **RENTAL RESTRICTIONS.** The provisions of the moderate income housing exception shall not prohibit the monthly rental of an individually owned unit. However, Nightly Rentals or timesharing shall not be permitted within Developments using this exception. Monthly rental of individually owned units shall comply with the guidelines and restrictions set forth by the Housing Authority as stated in the adopted Affordable Housing resolution in effect at the time of Application.

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

15-6-8. UNIT EQUIVALENTS.

Density of Development is a factor of both the Use and size of Structures built within a project. In order to allow for, and to encourage, a variety of unit configurations, Density shall be calculated on the basis of Unit Equivalents. Unless otherwise stipulated, one (1) Unit Equivalent equates

to one (1) single family Lot, 2,000 square feet of Multi-Family Dwelling floor area, or 1,000 square feet of commercial or office floor area. A duplex Lot equates to two (2) Unit Equivalents, unless otherwise stipulated by the Master Planned Development (MPD). The MPD may stipulate maximum Building Footprint and/or maximum floor area for single family and duplex Lots. Residential Unit Equivalents for Multi-Family Dwellings shall be calculated on the basis of one (1) Unit Equivalent per 2,000 square feet and portions of Unit Equivalents for additional square feet above or below 2,000. For example: 2,460 square feet of a multi-family unit shall count as 1.23 Unit Equivalents.

Affordable Housing units required as part of the MPD approval, and constructed on Site do not count towards the residential Unit Equivalents of the Master Plan. Required ADA units do not count towards the residential Unit Equivalents.

Support Uses and accessory meeting space use Unit Equivalents as outlined in Section 15-6-8(C) and (D) below.

(A) **CALCULATING RESIDENTIAL UNIT SQUARE FOOTAGE.** Unit square footage shall be measured from the interior of the exterior unit walls. All bathrooms, halls, closets, storage and utility rooms within a unit will be included in the calculation for square footage. Exterior hallways, common circulation and hotel use areas, such as lobbies, elevators, storage, and other similar Areas, will not be included. Common outdoor facilities, such as pools, spas, recreation facilities, ice-

skating rinks, decks, porches, etc. do not require the Use of Unit Equivalents.

(B) **LOCKOUTS.** For purposes of calculating Unit Equivalents, Lockouts shall be included in the overall square footage of a unit.

(C) **SUPPORT COMMERCIAL WITHIN RESIDENTIAL MASTER PLANNED DEVELOPMENTS.** Within a Hotel or Nightly Rental Condominium project, Support Commercial Floor Area may be allowed and may not exceed five percent (5%) of the total Floor Area of the Residential Unit Equivalents, excluding Parking Areas. This Support Commercial Floor Area shall be dedicated to Support Commercial Uses, which shall not count against any allotted commercial Unit Equivalents approved as part of the MPD. Any Support Commercial Uses in excess of the five percent (5%), will be counted as Commercial Unit Equivalents, if commercial Unit Equivalents are approved as a part of the MPD. If no commercial Unit Equivalents are granted for an MPD, then Support Commercial Uses are limited to an Area equivalent to five percent (5%) of the Floor Area of the Residential Unit Equivalents, and no other Commercial Uses will be allowed.

(D) **MEETING SPACE.** Within a Hotel or Condominium project, meeting space Floor Area may be allowed and may not exceed five percent (5%) of the total Floor Area of the Residential Unit Equivalents, excluding Parking Areas. The meeting space Floor Area shall be dedicated for meeting room uses, without the Use of Unit Equivalents. Meeting space in excess

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of the five percent (5%) will be counted as commercial Unit Equivalents. Any square footage, which is not used in the five percent (5%) Support Commercial allocation (as described in Section (C) above) can be used as meeting space. Meeting space in excess of the five percent (5%) allocation for meeting rooms and the five percent (5%) allocation for support commercial shall be counted as Commercial Unit Equivalents, if Commercial Unit Equivalents are approved as part of the MPD. Accessory meeting spaces, such as back of house, administrative areas, banquet offices, banquet preparation areas, and storage areas are spaces normally associated with and necessary to serve meeting and banquet activities and Uses. These accessory meeting spaces do not require the use of Unit Equivalents.

(E) **COMMERCIAL UNIT EQUIVALENTS.** Commercial spaces, approved as a part of a Master Planned Development, shall be calculated on the basis of one (1) Unit Equivalent per 1000 square feet of Net Leasable Floor Area, exclusive of common corridors, for each part of a 1,000 square foot interval. For example: 2,460 square feet of commercial Area shall count as 2.46 Unit Equivalents.

(F) **RESIDENTIAL ACCESSORY USES.** Residential Accessory Uses include those facilities that are for the benefit of the residents of a commercial Residential Use, such as a Hotel or Nightly Rental Condominium project which are common to the residential project and are not inside the individual unit. Residential Accessory Uses do not require the use of Unit Equivalents and include such Uses as:

- Ski/Equipment lockers
- Lobbies
- Registration
- Concierge
- Bell stand/luggage storage
- Maintenance Areas
- Mechanical rooms
- Laundry facilities and storage
- Employee facilities
- Common pools, saunas and hot tubs not open to the public
- Telephone Areas
- Public restrooms
- Administrative offices
- Hallways and circulation
- Elevators and stairways
- Back of house Uses

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(G) **RESORT ACCESSORY USES.**

The following Uses are considered accessory for the operation of a resort for winter and summer operations. These Uses are incidental to and customarily found in connection with the principal Use or Building and are operated for the convenience of the Owners, occupants, employees, customers, or visitors to the principal resort Use. Accessory Uses associated with an approved summer or winter resort do not require the Use of a Unit Equivalent. These Uses include such Uses as:

- Information
- Lost and found
- First Aid
- Mountain patrol
- Administration
- Maintenance and storage facilities
- Emergency medical facilities
- Public lockers

Public restrooms
Employee restrooms
Ski school/day care facilities
Instruction facilities
Ticket sales
Equipment/ski check
Circulation and hallways

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

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TITLE 15 - LAND MANAGEMENT CODE (LMC)..... 1

Chapter adopted by Ordinance No. 01-1715-10-1. **ESTABLISHMENT OF BOARD.** In order to avail the City of the powers provided in Chapter 9 of Title 10 of the Utah Code (1953, as amended), there is hereby created a Board of Adjustment, which shall consist of five (5) members. There shall also be one non-voting alternate to vote when a regular member is absent. Members shall be appointed by the Mayor with the advice and consent of the City Council. The Council may fix per diem compensation for the members of the Board of Adjustment by resolution, based on necessary and reasonable expenses for meetings actually attended. All members of the Board of Adjustment shall reside within the City limits, and are deemed to have resigned if they move their residence from the City limits.**15-10-2. TERM OF OFFICE.** Each member of the Board of Adjustment shall serve for a term of five (5) years or until his successor is appointed and qualified provided that the term of the members of the first Board so appointed shall be such that the term of one member shall expire each year. Vacancies shall be filled in the same manner as the original appointment for the balance of the unexpired term. **15-10-3. POWERS AND DUTIES.**(A) The Board of Adjustment shall hear and decide:(1) Appeals from zoning decisions applying Title 15, Land Management Code;(2) Special exceptions to the terms of the Land Management Code; and(3) Variances from the terms of the Land Management Code. (B) The Board of Adjustment shall make determinations regarding the modification of Non-Conforming uses and shall hear appeals on the determination of Non-Conforming or Non-Complying status by the Director of the Community Development Department, as provided in Title 15, Chapter 9.**15-10-4. GROUNDS FOR REMOVAL.** Any Board member who is absent for two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per year may be called before the City Council and asked to resign or be removed for cause by the Mayor, with the advice and consent of City Council. Additionally, the Mayor, with the advice and consent of City Council, may remove any member of the Board of Adjustment for cause if written charges are filed against the member with the Mayor. The Mayor shall provide the member with a public hearing if the member requests one.**15-10-5. ORGANIZATION.**(A) **CHAIRMAN.** The Board of Adjustment shall elect a Chairman and may adopt such rules for its own proceedings as are deemed necessary.(B) **QUORUM.** No business shall be conducted unless at least three (3) members of the Board, not counting the alternate, are present.**15-10-6. MEETINGS.**Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. (A) **WITNESSES.** The Chairman of the Board of Adjustment or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall comply with Title 52, Chapter 4 (Open and Public Meetings) of the Utah Code, as amended.(B) **MINUTES.** Written minutes shall be kept of all Board meetings. Such minutes shall include:(1) The date, time and place of the meeting.(2) The names of members present and absent.(3) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken.(4) The names of all citizens who appeared and the substance in brief of their testimony.(5) Any other information that any member requests be entered in the minutes.The

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minutes are public records and shall be available within a reasonable time after the meeting.**15-10-7. APPEALS.** The Board shall hear and decide appeals from an Applicant or any other Person or entity, including any officer or board of the City, adversely affected by a final decision administering or interpreting the Land Management Code which allege that there is an error in any order, requirement, decision or determination of the Land Management Code. The appeal must be made in writing and submitted to the Community Development Department within ten (10) days of the decision. The Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken. The Person or entity making the appeal has the burden of proving that an error has been made. A Person may not appeal, and the Board of Adjustment may not consider, any amendments to the Land Management Code, or appeals of Conditional Use permits or Master Planned Developments which shall be appealed to the City Council. Appeals may not be used to waive or modify the terms or requirements of the Land Management Code. Appeals shall be considered by the Board of Adjustment only on the record made before the Historic District Commission or Planning Commission.**15-10-8. SPECIAL EXCEPTIONS.**The Board may hear applications for special exceptions to the terms of the Land Management Code which apply to variances, modifications of Non-Conforming Uses, appeals and other matters upon which the Board is required to pass judgment. Applications for special exceptions must be filed with the Community Development Department, and the required fee paid in advance. No application for a special exception shall be approved unless the Board of Adjustment shall determine that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below:(A) The proposed use and Development will be in harmony with the general and specific purposes for which the Land Management Code was enacted and for which the regulations of the district were established.(B) The proposed use and Development will not substantially diminish or impair the value of the Property within the neighborhood in which it is located.(C) The proposed use and Development will not have a material adverse effect upon the character of the Area or the public health, safety, and general welfare.(D) The proposed special exception will be constructed, arranged and operated so as to be Compatible with the use and Development of neighboring Property in accordance with the applicable district regulations.(E) The proposed use and Development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.(F) The proposed use and Development will not cause material air, water, soil or noise pollution or other types of pollution.The Board of Adjustment may impose conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other Property and other improvements in the vicinity of the special exception or upon public facilities and services. These conditions may include but are not limited to: conditions concerning use, construction, operation, character, location, landscaping, Screening and other matters relating to the purposes and objectives of the Land Management Code. Such conditions shall be

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expressly set forth in the motion granting the special exception. Violation of any such condition or limitation shall be a violation of this section and shall constitute grounds for revocation of the special exception.

15-10-9. VARIANCE. (A) Any Person or entity desiring a waiver or modification of the requirements of the Land Management Code as applied to a Parcel or Property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Land Management Code. (B) An application for variance review must be filed with the Community Development Department, and the required fee paid in advance. The application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any building permit or Conditional Use approval, the application shall so state, and all documents on file concerning the matter shall be forwarded to the Board for review as a part of the request. The Applicant or the City may present any information as might be reasonably required by the Board in evaluating the request. (C) Variances shall be granted only if all of the following conditions are found to exist: (1) Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code; (2) There are special circumstances attached to the Property that do not generally apply to other Properties in the same district; (3) Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same district; (4) The variance will not substantially affect the General Plan and will not be contrary to the public interest; and (5) The spirit of the Land Management Code is observed and substantial justice done. (D) (1) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood. (2) In determining whether or not enforcement of the Land Management Code would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic. (E) In determining whether or not there are special circumstances attached to the Property under Subsection 15-10-9(C)(2), the Board of Adjustment may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the Property of privileges granted other Properties in the same district. The Applicant shall bear the burden of proving that all of the conditions justifying a variance have been met. (F) Variances run with the land. (G) The Board of Adjustment may condition a variance by requiring the Owner to obtain a building or other necessary permit within one (1) year of issuance of the variance, or the variance shall be null and void. (H) The Board of Adjustment and any other body may not grant use variances. (I) In granting a variance, the Board of Adjustment may impose additional requirements on the Applicant that will: (1) mitigate any harmful affects of the variance; or (2) serve the purpose of the standard or requirement that is waived or modified.

15-10-10. PERSONS ENTITLED TO APPEAR. At the hearing on any

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matter before the Board of Adjustment, any Person aggrieved or interested in the matter may appear in person or through his attorney to testify on the matter. The Applicant shall have the right to respond to testimony offered in opposition to the application.**15-10-11. DECISION.** Decisions of the Board of Adjustment become effective at the meeting in which the Board adopts written findings of fact, conclusions of law and conditions of approval, unless a different time is specifically designated by the Board.**15-10-12. VOTE NECESSARY.**The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official, board, or commission, or to decide in favor of the Applicant.**15-10-13. JUDICIAL REVIEW OF BOARD DECISION.** The City or any Person adversely affected by any decision of the Board of Adjustment may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Board of Adjustment=s decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within thirty (30) days after the Board of Adjustment=s decision is filed with the City Recorder.

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 10 - BOARD OF ADJUSTMENT

Chapter adopted by Ordinance No. 01-17

15-10-1. ESTABLISHMENT OF BOARD.

In order to avail the City of the powers provided in Chapter 9 of Title 10 of the Utah Code (1953, as amended), there is hereby created a Board of Adjustment, which shall consist of five (5) members. There shall also be one non-voting alternate to vote when a regular member is absent. Members shall be appointed by the Mayor with the advice and consent of the City Council. The Council may fix per diem compensation for the members of the Board of Adjustment by resolution, based on necessary and reasonable expenses for meetings actually attended. All members of the Board of Adjustment shall reside within the City limits, and are deemed to have resigned if they move their residence from the City limits.

15-10-2. TERM OF OFFICE.

Each member of the Board of Adjustment shall serve for a term of five (5) years or until his successor is appointed and qualified provided that the term of the members of the first Board so appointed shall be such that the term of one member shall expire each

year on June 1. Vacancies shall be filled in the same manner as the original appointment for the balance of the unexpired term.

(Amended by Ord. No. 09-10)

15-10-3. POWERS AND DUTIES.

(A) The Board of Adjustment shall hear and decide:

(1) Appeals from zoning decisions applying Title 15, Land Management Code;

(2) Special exceptions to the terms of the Land Management Code; and

(3) Variances from the terms of the Land Management Code.

(B) The Board of Adjustment shall make determinations regarding the modification of Non-Conforming uses and shall hear appeals on the determination of Non-Conforming or Non-Complying status by the Director of the Planning Department, as provided in Title 15, Chapter 9.

(Amended by Ord. No. 06-35)

15-10-4. GROUNDS FOR REMOVAL.

Any Board member who is absent for two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per year may be called before the City Council and asked to resign or be removed for cause by the Mayor, with the advice and consent of City Council. Additionally, the Mayor, with the advice and consent of City Council, may remove any member of the Board of Adjustment for cause if written charges are filed with the Mayor, against the member. The Mayor shall provide the member with a public hearing if the member requests one.

(Amended by Ord. No. 06-35)

15-10-5. ORGANIZATION.

(A) **CHAIR**. The Board of Adjustment shall elect one of its members to serve as Chair for a term of two (2) years at its first meeting following the date of expiration of terms in June. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. If the Chair is absent from any meeting where a quorum would otherwise exist, the members may appoint a Chair Pro Tem to act as Chair solely at that meeting.

(B) **QUORUM**. No business shall be conducted unless at least three (3) members of the Board, not counting the alternate, are present.

(Amended by Ord. No. 09-10)

15-10-6. MEETINGS.

Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine.

(A) **WITNESSES**. The Chair of the Board of Adjustment or in his absence, the Chair Pro Tem, may administer oaths and compel the attendance of witnesses at such meetings, and all meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

(B) **MINUTES**. Written minutes shall be kept of all Board meetings. Such minutes shall include:

- (1) The date, time and place of the meeting.
- (2) The names of members present and absent.
- (3) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken.
- (4) The names of all citizens who appeared and the substance in brief of their testimony.
- (5) Any other information that any member requests be entered in the minutes.

The minutes are public records and shall be available within a reasonable time after the meeting.

(Amended by Ord. No. 09-10)

15-10-7. APPEALS.

Also see Section 15-1-18. The Board shall hear and decide appeals from an Applicant or any other Person or entity, including any officer or board of the City, adversely affected by a final decision administering or interpreting the Land Management Code which alleges that there is an error in any order, requirement, decision or determination of the Land Management Code.

The appeal must be made in writing and submitted to the Planning Department within ten (10) days of the decision. The Board may, in conformity with the provisions of the Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken. The Person or entity making the appeal has the burden of proving that an error has been made.

A Person may not appeal, and the Board of Adjustment may not consider, any amendments to the Land Management Code, or appeals of Conditional Use permits or Master Planned Developments, which shall be appealed to the City Council. Appeals may not be used to waive or modify the terms or requirements of the Land Management Code. Appeals shall be considered by the Board of Adjustment on the record made before the Historic Preservation Board or Planning Commission. Appeals to the Board of

Adjustment will review factual matters for correctness and determine the correctness of the decision of the land Use authority in its interpretation and application of the land Use ordinance. The scope of review of the Board of Adjustment is limited to issues brought to the land Use authority. 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.

(Amended by Ord. Nos. 06-35; 09-10)

15-10-8. SPECIAL EXCEPTIONS.

The Board may hear Applications for special exceptions to the terms of the Land Management Code, which apply to variances, modifications of Non-Conforming Uses, appeals and other matters upon which the Board is required to pass judgment. Applications for special exceptions must be filed with the Planning Department, and the required fee paid in advance. No Application for a special exception shall be approved unless the Board of Adjustment shall determine that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below:

(A) The proposed Use and Development will be in harmony with the general and specific purposes for which the Land Management Code was enacted and for which the regulations of the district were established.

(B) The proposed Use and Development will not substantially diminish or impair the

value of the Property within the neighborhood in which it is located.

(C) The proposed Use and Development will not have a material adverse effect upon the character of the Area or the public health, safety, and general welfare.

(D) The proposed special exception will be constructed, arranged and operated so as to be Compatible with the Use and Development of neighboring Property in accordance with the applicable district regulations.

(E) The proposed Use and Development will not result in the destruction, loss or damage to natural, scenic or historic features of significant importance.

(F) The proposed Use and Development will not cause material air, water, soil or noise pollution or other types of pollution.

The Board of Adjustment may impose conditions and limitations as may be necessary or appropriate to prevent or minimize adverse effects upon other Property and other improvements in the vicinity of the special exception or upon public facilities and services. These conditions may include but are not limited to: conditions concerning Use, construction, operation, character, location, landscaping, Screening and other matters relating to the purposes and objectives of the Land Management Code. Such conditions shall be expressly set forth in the motion granting the special exception. Violation of any such condition or limitation shall be a violation of this section and shall constitute grounds for revocation of the special exception.

(Amended by Ord. Nos. 06-20; 06-20)

15-10-9. VARIANCE.

(A) Any Person or entity desiring a waiver or modification of the requirements of the Land Management Code as applied to a Parcel or Property that he/she owns, leases, or in which he/she holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the Land Management Code.

(B) An Application for variance review must be filed with the Planning Department, and the required fee paid in advance. The Application shall state the nature of the hardship and the nature of the variance requested. If the request for a variance is a result of a denial of any Building Permit or Conditional Use approval, the Application shall so state, and all documents on file concerning the matter shall be forwarded to the Board for review as a part of the request. The Applicant or the City may present any information as might be reasonably required by the Board in evaluating the request.

(C) Variances shall be granted only if all of the following conditions are found to exist:

(1) Literal enforcement of the Land Management Code would cause an unreasonable hardship for the Applicant that is not necessary to carry out the general purpose of the Land Management Code;

(2) There are special circumstances attached to the

Property that do not generally apply to other Properties in the same zone;

(3) Granting the variance is essential to the enjoyment of a substantial Property right possessed by other Property in the same zone;

(4) The variance will not substantially affect the General Plan and will not be contrary to the public interest; and

(5) The spirit of the Land Management Code is observed and substantial justice done.

(D) (1) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the Property for which the variance is sought and comes from circumstances peculiar to the Property, not from conditions that are general to the neighborhood.

(2) In determining whether or not enforcement of the Land Management Code would cause unreasonable hardship under Subsection 15-10-9(C)(1), the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

(E) In determining whether or not there are special circumstances attached to the Property under Subsection 15-10-9(C)(2), the Board of Adjustment may find that special circumstances exist only if the special circumstances relate to the hardship complained of and deprive the Property of privileges granted other Properties in the same zone.

The Applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(F) Variances run with the land.

(G) The Board of Adjustment may condition a variance by requiring the Owner to obtain a Building or other necessary permit within one (1) year of issuance of the variance, or the variance shall be null and void.

(H) The Board of Adjustment and any other body may not grant a Use variance.

(I) In granting a variance, the Board of Adjustment may impose additional requirements on the Applicant that will:

(1) mitigate any harmful affects of the variance; or

(2) serve the purpose of the standard or requirement that is waived or modified.

(Amended by Ord. No. 06-35)

15-10-10. PERSONS ENTITLED TO APPEAR.

At the hearing on any matter before the Board of Adjustment, any Person aggrieved or interested in the matter may appear in person or through his attorney to testify on the matter. The Applicant shall have the right to respond to testimony offered in opposition to the Application.

15-10-11. DECISION.

Decisions of the Board of Adjustment become effective at the meeting in which the Board adopts written findings of fact, conclusions of law and conditions of approval, unless a different time is specifically designated by the Board.

15-10-12. VOTE NECESSARY.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, or determination of any such administrative official, board, or commission, or to decide in favor of the Applicant.

15-10-13. JUDICIAL REVIEW OF BOARD DECISION.

The City or any Person adversely affected by any decision of the Board of Adjustment may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Board of Adjustment decision was arbitrary, capricious, or illegal.

(Amended by Ord. No. 09-10)

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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 11 - HISTORIC PRESERVATION

*Chapter adopted by Ord. No. 02-07;
Chapter Amended in Entirety by Ord. No. 03-34*

CHAPTER 11 – HISTORIC PRESERVATION

15-11-1. ESTABLISHMENT OF BOARD.

Pursuant to the Historic District Act, Section 11-18-1, et seq. of the Utah Code, 1953, and other applicable power, there is hereby created a Park City Historic Preservation Board (HPB). The HPB shall be composed of seven (7) members.

(Amended by Ord. No. 06-69)

15-11-2. TERMS AND QUALIFICATIONS OF MEMBERS.

Members of the HPB shall serve terms of three (3) years. No member may serve more than two (2) consecutive terms. The terms shall be staggered. Terms may expire on May 1, however, members of the HPB shall continue to serve until their successors are appointed and qualified.

(A) The Mayor shall appoint a new HPB member to fill vacancies that might arise

and such appointments shall be to the end of the vacating member’s term.

(B) It is the first priority of the City Council that the HPB have technical representation in Historic preservation, therefore, when vacancies occur and if appropriate, it shall be the first consideration of the City Council to ensure that there is a licensed architect, or other professional having substantial experience in rehabilitation-type construction, serving on the HPB, and secondly that there is representation from the Park City Historical Society. After being notified by the City of a vacancy, at least two (2) nominations shall be rendered to the City Council by the Park City Historical Society if it desires to participate in the Application process.

(C) In addition, the HPB should include members with the following qualifications, or representing the following interests:

- (1) A member recommended by or associated with the Utah State Historical Society or Utah Heritage Foundation.
- (2) A member living in the Historic District with demonstrated

interest and knowledge of Historic preservation.

(3) A member appointed at large from Park City with demonstrated interest and knowledge of Historic preservation.

(4) A member associated with Main Street Business and commercial interests.

15-11-3. ORGANIZATION.

(A) **CHAIR.** The HPB shall elect one of its members to serve as Chair for a term of one (1) year at its first meeting following the expiration of terms and appointment of new members. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. If the Chair is absent from any meeting where a quorum would otherwise exist, the members may appoint a Chair Pro Tem to act as Chair solely for that meeting.

(B) **QUORUM.** No Business shall be conducted without a quorum at the meeting. A quorum shall exist when the meeting is attended by four (4) of the appointed members, including the Chair or Chair Pro Tem.

(C) **VOTING.** All actions of the HPB shall be represented by a vote of the membership. A simple majority of the members present at the meeting in which action is taken shall approve any action taken. The Chair may vote at the meetings.

(Amended by Ord. Nos. 07-34; 09-10)

15-11-4. ABSENCE DEEMED RESIGNATION OR GROUNDS FOR REMOVAL.

Any HPB member who is absent from two (2) consecutive regularly scheduled Board meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or removed for cause by the Council. Members of the HPB are not required to reside within the City limits, however, the majority of the members shall reside in Park City.

15-11-5. PURPOSES.

The purposes of the HPB are:

(A) To preserve the City’s unique Historic character and to encourage compatible design and construction through the creation, and periodic update of comprehensive Design Guidelines for Park City’s Historic Districts and Historic Sites;

(B) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land Uses;

(C) To provide input to staff, the Planning Commission and City Council towards safeguarding the heritage of the City in protecting Historic Sites, Buildings, and/or Structures;

(D) To recommend to the Planning Commission and City Council ordinances that may encourage Historic preservation;

(E) To communicate the benefits of Historic preservation for the education,

prosperity, and general welfare of residents, visitors and tourists;

(F) To recommend to the City Council Development of incentive programs, either public or private, to encourage the preservation of the City’s Historic resources;

(G) To administer all City-sponsored preservation incentive programs;

(H) To review all appeals on action taken by the Planning Department regarding compliance with the Design Guidelines for Park City’s Historic Districts and Historic Sites; and

(I) To review and take action on all designation of Sites to the Historic Sites Inventory Applications submitted to the City.

(Amended by Ord. No. 09-23)

15-11-6. ADDITIONAL DUTIES.

In addition to the powers set forth in Section 15-11-5, the HPB may, at the direction of the City Council:

(A) Participate in the design review of any City-owned projects located within the designated Historic District.

(B) Recommend to the City Council the purchase of interests in Property for purposes of preserving the City’s cultural resources.

(C) Recommend to the Planning Commission and the City Council zoning

boundary changes for the district to preserve the historical integrity of the Area.

Subdivision, Conditional Uses and planned unit Development Applications must continue to be acted upon by the Planning Commission.

(D) Provide advice and guidance on request of the Property Owner or occupant on the construction, restoration, alteration, decoration, landscaping, or maintenance of any cultural resource, Historic Site, and Property within the Historic District, or neighboring Property within a two (2) block radius of the Historic District.

(Amended by Ord. No. 09-23)

15-11-7. LIMITATIONS.

The HPB has no authority to waive or increase any requirement of any ordinance of the City.

15-11-8. STAFF ASSISTANCE.

The City may, subject to the approval of the City Manager, provide staff and/or the HPB with such assistance from:

(A) Utah Heritage Foundation.

(B) National Trust for Historic Preservation.

(C) Utah State Division of History.

(D) Park City Historical Society.

(E) American Institute of Architects (AIA).

(F) The National Alliance of Preservation Commissions.

(G) American Planning Association (APA)

(Amended by Ord. Nos. 06-35; 09-23)

15-11-9. PRESERVATION POLICY.

It is deemed to be in the interest of the citizens of Park City, as well as the State of Utah, to encourage the preservation of Buildings, Structures, and Sites of Historic Significance in Park City. These Buildings, Structures and Sites are among the City's most important cultural, educational, and economic assets. In order that they are not lost through neglect, Demolition, expansion or change within the City, the preservation of Historic Sites, Buildings, and Structures is required. This section is intended to provide an incentive for identification and preservation of Historic Buildings, Structures or Sites that may occur within the Park City Historic District, as well as those that may be located outside the Historic District.

(A) **HISTORIC PRESERVATION PLAN.** The Planning Department is authorized to require that Developers prepare a Historic Preservation Plan as a condition of approving an Application for a Building project that affects a Historic Structure, Site or Object. The Planning Director and the Chief Building Official, or their designees, must approve the Historic Preservation Plan.

(B) **GUARANTEE REQUIRED.** The Planning Department is also authorized to require that the Applicant provide the City with a financial Guarantee to ensure compliance with the conditions and terms of the Historic Preservation Plan.

(C) **TERMS OF GUARANTEE.** The Guarantee shall be similar in form to other Guarantees required by this title and shall consist of an Escrow deposit, a cash deposit with the City, a letter of credit or some combination of the above as approved by the City, including but not limited to a lien on the Property.

(D) **AMOUNT OF THE GUARANTEE.** The amount of the Guarantee shall be determined by the Chief Building Official, or his designee. The Building and Planning Departments shall develop standardized criteria to be used when determining the amount of the Historic preservation Guarantee. Such amount may include additional cost or other penalties for the destruction of Historic material(s).

(E) **EFFECT OF NON-COMPLIANCE.** If the Developer does not comply with the terms of the Historic Preservation Plan as determined by the Chief Building Official and the Planning Director, or their designees, the City shall have the right to keep the funds of the Guarantee, including the ability to refuse to grant the Certificate of Occupancy and resulting in the requirement to enter into a new Historic Preservation Plan and Guarantee. The funds of the Guarantee shall be used, in the City's discretion, for Historic preservation projects within the City.

(F) **RELEASE OF GUARANTEE.**

The Guarantee shall not be released prior to the issuance of the final Certificate of Occupancy or at the discretion of the Chief Building Official and Planning Director, or their designees, based on construction progress in compliance with the Historic Preservation Plan.

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

15-11-10. PARK CITY HISTORIC SITES INVENTORY.

The Historic Preservation Board may designate Sites to the Historic Sites Inventory as a means of providing recognition to and encouraging the Preservation of Historic Sites in the community.

(A) **CRITERIA FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

(1) **LANDMARK SITE.** Any Buildings (main, attached, detached, or public), Accessory Buildings, and/or Structures may be designated to the Historic Sites Inventory as a Landmark Site if the Planning Department finds it meets all the criteria listed below:

- (a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and

(b) It retains its Historic Integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the National Park Service for the National Register of Historic Places; and

(c) It is significant in local, regional or national history, architecture, engineering or culture associated with at least one (1) of the following:

- (i) An era that has made a significant contribution to the broad patterns of our history;
- (ii) The lives of Persons significant in the history of the community, state, region, or nation; or
- (iii) The distinctive characteristics of type, period, or method of construction or the work of a notable architect or master craftsman.

(2) **SIGNIFICANT SITE.** Any Buildings (main, attached, detached or public), Accessory Buildings and/or Structures may be designated to the Historic Sites Inventory as a

Significant Site if the Planning Department finds it meets all the criteria listed below:

(a) It is at least fifty (50) years old or has achieved Significance in the past fifty (50) years if the Site is of exceptional importance to the community; and

(b) It retains its Essential Historical Form, meaning there are no major alterations that have destroyed the Essential Historical Form. Major alterations that destroy the Essential Historical Form include:

(i) Changes in pitch of the main roof of the primary façade if 1) the change was made after the Period of Historic Significance; 2) the change is not due to any structural failure; or 3) the change is not due to collapse as a result of inadequate maintenance on the part of the Applicant or a previous Owner, or

(ii) Addition of upper stories or the removal of original upper stories occurred after the Period of

Historic Significance, or

(iii) Moving it from its original location to a Dissimilar Location, or

(iv) Addition(s) that significantly obscures the Essential Historical Form when viewed from the primary public Right-of-Way.

(c) It is important in local or regional history, architecture, engineering, or culture associated with at least one (1) of the following:

(i) An era of Historic importance to the community, or

(ii) Lives of Persons who were of Historic importance to the community, or

(iii) Noteworthy methods of construction, materials, or craftsmanship used during the Historic period.

(3) Any Development involving the Reconstruction of a Landmark

Site or a Significant Site that is executed pursuant to Section 15-11-15 of this code shall remain on the Park City Historic Sites Inventory and shall be listed as a Significant Site.

(B) **PROCEDURE FOR DESIGNATING SITES TO THE PARK CITY HISTORIC SITES INVENTORY.**

The Planning Department shall maintain an inventory of Historic Sites. It is hereby declared that all Buildings (main, attached, detached or public), Accessory Buildings, and/or Structures within Park City, which comply with the criteria found in Sections 15-11-10(A)(1) or 15-11-10(A)(2) are determined to be on the Park City Historic Sites Inventory.

Any Owner of a Building (main, attached, detached or public), Accessory Building, and/or Structure, may nominate it for listing in the Park City Historic Sites Inventory. The Planning Department may nominate a Building (main, attached, detached or public), Accessory Building, and/or Structure for listing in the Park City Historic Sites Inventory. The nomination and designation procedures are as follows:

(1) **COMPLETE APPLICATION.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for designation, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.

(2) **NOTICE.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.

(3) **HEARING AND DECISION.** The Historic Preservation Board will hold a public hearing and will review the Application for compliance with the "Criteria for Designating Historic Sites to the Park City Historic Sites Inventory." If the Historic Preservation Board finds that the Application complies with the criteria set forth in Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached or public), Accessory Building, and/or Structure will be added to the Historic Sites Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(4) **APPEAL.** The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of Historic Preservation Board final action. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this code. Appeals shall be considered only on the record made before the Historic Preservation Board.

(C) **REMOVAL OF A SITE FROM THE PARK CITY HISTORIC SITES INVENTORY.** The Historic Preservation Board may remove a Site from the Historic Sites Inventory. Any Owner of a Site listed on the Park City Historic Sites Inventory may submit an Application for the removal of his/her Site from the Park City Historic Sites Inventory. The Planning Department may submit an Application for the removal of a Site from the Park City Historic Sites Inventory. The criteria and procedures for removing a Site from the Park City Historic Sites Inventory are as follows:

(1) **CRITERIA FOR REMOVAL.**

- (a) The Site no longer meets the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) because the qualities that caused it to be originally designated have been lost or destroyed; or
- (b) The Building (main, attached, detached, or public) Accessory Building, and/or Structure on the Site has been demolished and will not be reconstructed; or
- (c) Additional information indicates that the Building, Accessory Building, and/or Structure on the Site do not comply with the criteria set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2).

(2) **PROCEDURE FOR REMOVAL.**

- (a) **Complete Application.** The Application shall be on forms as prescribed by the City and shall be filed with the Planning Department. Upon receiving a Complete Application for removal, the Planning staff shall schedule a hearing before the Historic Preservation Board within thirty (30) days.
- (b) **Notice.** Prior to taking action on the Application, the Planning staff shall provide public notice pursuant to Section 15-1-21 of this Code.
- (c) **Hearing and Decision.** The Historic Preservation Board will hear testimony from the Applicant and public and will review the Application for compliance with the “Criteria for Designating Historic Sites to the Park City Historic Sites Inventory.” The HPB shall review the Application “de novo” giving no deference to the prior determination. The Applicant has the burden of proof in removing the Site from the inventory. If the HPB finds that the Application does not comply with the criteria set forth in

Section 15-11-10(A)(1) or Section 15-11-10(A)(2), the Building (main, attached, detached, or public) Accessory Building, and/or Structure will be removed from the Historic Sties Inventory. The HPB shall forward a copy of its written findings to the Owner and/or Applicant.

(d) **Appeal.** The Applicant or any party participating in the hearing may appeal the Historic Preservation Board decision to the Board of Adjustment pursuant to Section 15-10-7 of this Code. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Notice of pending appeals shall be made pursuant to Section 15-1-21 of this Code. Appeals shall be considered only on the record made before the Historic Preservation Board and will be reviewed for correctness.

(Amended by Ord. Nos. 09-05; 09-23)

15-11-11. DESIGN GUIDELINES FOR PARK CITY’S HISTORIC DISTRICTS AND HISTORIC SITES.

The HPB shall promulgate and update as necessary Design Guidelines for Use in the

Historic District zones and for Historic Sites. These guidelines shall, upon adoption by resolution of the City Council, be used by the Planning Department staff in reviewing Historic District/Site design review Applications. The Design Guidelines for Park City’s Historic Districts and Historic Sites shall address rehabilitation of existing Structures, additions to existing Structures, and the construction of new Structures. The Design Guidelines are incorporated into this Code by reference. From time to time, the HPB may recommend changes in the Design Guidelines for Park City’s Historic Districts and Historic Sites to Council, provided that no changes in the guidelines shall take effect until adopted by a resolution of the City Council.

(Amended by Ord. No. 09-23)

15-11-12. HISTORIC DISTRICT OR HISTORIC SITE DESIGN REVIEW.

The Planning Department shall review and approve, approve with conditions, or deny, 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, located within the Park City Historic Districts or Historic Sites.

Deleted: including but not limited to, signs, lighting fixtures, and Fences,

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 applicable. 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.

The Planning Director, or his designee, may, upon review of a pre-

application submittal, determine that an Application, due to the scope of the project, does not require the full Historic District or Historic Site Design Review process as outlined in LMC Section 15-11-12 (B). If such a determination is made, the Planning Staff may, upon reviewing the Application for compliance with the Historic Design Guidelines, approve, deny, or approve with conditions, the Application. Pre-application submittal requirements may be amended by the Planning Director, based on the scope of the project, as allowed by the Historic Design Guidelines. Applications that may be exempt from the full Historic Design Review process, include, but are not limited to the following:

1) for Non-Historic Structures and Sites- minor routine construction work and minor alterations having little or no negative impact on the Historic District such as work on decks, railings, stairs, hot tubs, foundations, windows, doors, and similar work; and

2) for Non-Historic and Historic Structures and Sites- flat work, paths, stairs, fences, walls, landscaping, hot tubs, lighting, roofing, trim, skylights, solar panels, and similar work.

Deleted: acceptable

(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. Appeal requests shall be submitted to the Planning Department within ten (10) days of the Historic Preservation Board decision. Notice of all pending appeals shall be made by staff, pursuant to Section 15-1-21 f this Code. Appeals shall be considered only on the record made before the Historic Preservation Board and will be reviewed for correctness.

(Amended by Ord. No. 09-23)

15-11-13. RELOCATION AND/OR REORIENTATION OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the relocation and/or orientation of Historic Buildings, Structures, and Sites.

(A) CRITERIA FOR THE RELOCATION AND/OR REORIENTATION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE. In

approving a Historic District or Historic Site design review Application involving relocation and/or reorientation of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Planning Department shall fine the project complies with the following criteria:

(1) A portion of the Historic Building(s) and/or Structure(s) encroaches on an adjacent Property and an easement cannot be secured; or

(2) The proposed relocation and/or reorientation will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

(3) The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation on the existing Site; or

(4) The Planning Director and the Chief Building Official determine that unique conditions warrant the proposed relocation and/or reorientation to a different Site.

(B) PROCEDURE FOR THE RELOCATION AND/OR REORIENTATION OF A LANDMARK SITE OR A SIGNIFICANT SITE. All

Applications for the relocation and/or reorientation of any Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site within the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code.

(Created by Ord. No. 09-23)

15-11-14. DISASSEMBLY AND REASSEMBLY OF A HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the disassembly and reassembly of Historic Buildings, Structures, and Sites.

(A) CRITERIA FOR DISASSEMBLY AND REASSEMBLY OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR SIGNIFICANT SITE. In

approving a Historic District or Historic Site design review Application involving disassembly and reassembly of the Historic Building(s) and/or Structure(s) on a Landmark Site or Significant Site, the Planning Department shall find the project complies with the following criteria:

- (1) A licensed structural engineer has certified that the Historic Building(s) and/or Structure(s) cannot reasonably be moved intact;
- or

- (2) The proposed disassembly and reassembly will abate demolition of the Historic Building(s) and/or Structure(s) on the Site; or

- (3) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 115.1 of the International Building Code; or

- (4) The Planning Director and the Chief Building Official determine that unique conditions and the quality of the Historic preservation plan warrant the proposed disassembly and reassembly;

Under all of the above criteria, the Historic Structure(s) and or Building(s) must be reassembled using the original materials that are found to be safe and/or serviceable condition in combination with new materials; and

The Building(s) and/or Structure(s) will be reassembled in their original form, location, placement, and orientation.

(B) PROCEDURE FOR THE DISASSEMBLY AND REASSEMBLY OF A LANDMARK SITE OR A SIGNIFICANT SITE. All Applications for

the disassembly and reassembly of any Historic Building(s) and/or Structure(s) on a Landmark Site of a Significant Site within the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code.

If an Application involving the disassembly and reassembly of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the reassembled Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

(Created by Ord. No. 09-23)

15-11-15. RECONSTRUCTION OF AN EXISTING HISTORIC BUILDING OR HISTORIC STRUCTURE.

It is the intent of this section to preserve the Historic and architectural resources of Park City through limitations on the Reconstruction of Historic Buildings, Structures, and Sites.

(A) CRITERIA FOR RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE. In

approving an Application for Reconstruction of the Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site, the Planning Department shall find the project complies with the following criteria:

(1) The Historic Building(s) and/or Structure(s) are found by the Chief Building Official to be hazardous or dangerous, pursuant to Section 115.1 of the International Building Code; and

(2) The Historic Building(s) and/or Structure(s) cannot be made

safe and/or serviceable through repair; and

(3) The form, features, detailing, placement, orientation and location of the Historic Building(s) and/or Structure(s) will be accurately depicted, by means of new construction, based on as-built measured drawings, historical records, and/or current or Historic photographs.

(B) PROCEDURE FOR THE RECONSTRUCTION OF THE HISTORIC BUILDING(S) AND/OR STRUCTURE(S) ON A LANDMARK SITE OR A SIGNIFICANT SITE. All

Applications for the Reconstruction of any Historic Building and/or Structure on a Landmark Site or a Significant Site within the City shall be reviewed by the Planning Department pursuant to Section 15-11-12 of this Code.

If an Application involving the Reconstruction of Historic Building(s) and/or Structure(s) on a Landmark Site or a Significant Site also includes relocation and/or reorientation of the Reconstructed Historic Building(s) and/or Structure(s) on the original Site or another Site, the Application must also comply with Section 15-11-13 of this Code.

(Created by Ord. No. 09-23)

15-11-16. DEMOLITION OF HISTORIC BUILDINGS, STRUCTURES AND SITES.

It is the intent of this and succeeding sections to preserve the Historic and architectural resources of Park City, through limitations on Demolition of Historic Buildings, Structures and Sites to the extent it is economically feasible, practical and necessary. The Demolition or removal of Historic Buildings, Structures and Sites in Park City diminishes the character of the City's Historic District and it is strongly discouraged. Instead, the City recommends and supports preservation, renovation, adaptive reuse, Reconstruction, and relocation within the Historic District. It is recognized, however, that economic hardship and other factors not entirely within the control of a Property Owner may result in the necessary Demolition of a Historic Building, Structure or Site.

(A) **DEMOLITION, RECONSTRUCTION, OR REPAIR OF HAZARDOUS BUILDINGS.** If, upon review, the Chief Building Official determines the subject Building, Structure or Site to be structurally unsound, and a hazardous or dangerous Building, pursuant to Section 115.1 of the International Building Code, the Chief Building Official may order its Demolition, Reconstruction, or repair.

(B) **REQUIREMENT FOR STAY OF DEMOLITION.** In the absence of a finding of public hazard, the Application for Demolition shall be stayed for 180 days.

(Amended by Ord. Nos. 09-10; 09-23)

15-11-17. CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION (CAD).

With the exception of any Building or Structure falling under the purview of Section 115.1 of the International Building Code or undergoing complete renovation/reconstruction in compliance with this Chapter, no Building, other Structure or Site deemed to be Historic, pursuant to the standards of review set forth in Section 15-11-10(A)(1) or 15-11-10(A)(2) herein, may be Demolished without the issuance of a Certificate of Appropriateness for Demolition (CAD) by an independent CAD Hearing Board appointed by the City. Application for a CAD shall be made on forms prescribed by the City and shall be submitted to the Planning Department.

(Amended by Ord. Nos. 06-35; 09-10; 09-23)

15-11-18. PRE-HEARING APPLICATION REQUIREMENTS.

Upon submittal of a CAD Application to the Planning Department, a pre-hearing period of forty-five (45) days shall commence, during which time the Owner shall allow the City to post and sustain a visible sign stating that the Property is "threatened." Said sign shall be at least three feet by two feet (3' X2'), readable from a point of public Access and state that more information may be obtained from the Planning Department for the duration of the stay. In addition, the Owner shall conduct negotiations with the City for the sale or lease of the Property or take action to facilitate proceedings for the City to acquire the Property under its power of eminent domain, if appropriate and financially possible.

At the end of the forty-five (45) days, the Application will be scheduled for a hearing before the CAD Hearing Board, upon showing that the above requirements have been met and all economic hardship information required has been submitted. The Applicant must also submit fees in accordance with the Park City Municipal fee schedule. The Planning Department staff shall notify the Owner if any additional information is needed to complete the Application.

(A) **CAD HEARING BOARD.** Upon confirmation of receipt of a complete CAD Application, the City shall appoint an independent CAD Hearing Board, consisting of three (3) members, for the purpose of reviewing and taking action upon the Application. The City Manager shall appoint the CAD Board as the need might arise, solely for the purpose of reviewing and taking final action on all CAD Applications.

It is the first priority of the City that the CAD Board has substantial experience in finance, real estate, and commercial business interests. Hence, the Board should possess the following qualifications, or represent the following interests:

- (1) A member appointed at large from Park City with demonstrated knowledge of economics, accounting and finance;
- (2) A member appointed at large from Park City who is an attorney at law; and

- (3) A member appointed from the Board of Adjustment.

15-11-19. CAD HEARING.

At the hearing, the CAD Hearing Board will review the Application pursuant to the economic hardship criteria set forth in Section 15-11-19(A) herein, and consider public input. The CAD Hearing Board may only approve Demolition of a Historic Building, Structure or Site if the Owner has presented substantial evidence that demonstrates that unreasonable economic hardship will result from denial of the CAD Application.

(A) **ECONOMIC HARDSHIP CRITERIA.** In order to sustain a claim of unreasonable economic hardship, the Owner shall provide information pertaining to whether the Property is capable of producing a reasonable rate of return for the Owner or incapable of beneficial Use. The City shall adopt by resolution separate standards for investment or income producing and non-income producing Properties, as recommended by the HPB. Non-income Properties shall consist of Owner occupied Single-Family Dwellings and non-income producing institutional Properties. The information required by the City may include, but not be limited to the following:

- (1) Purchase date, price and financing arrangements;
- (2) Current market value;
- (3) Form of ownership;

- (4) Type of occupancy;
- (5) Cost estimates of Demolition and post-Demolition plans;
- (6) Maintenance and operating costs;
- (7) Costs and engineering feasibility of rehabilitation;
- (8) Property tax information; and
- (9) Rental rates and gross income from the Property.

The CAD Hearing Board, upon review of the CAD Application, may request additional information as deemed appropriate.

(B) CONDUCT OF OWNER

EXCLUDED. Demonstration of economic hardship by the Owner shall not be based on conditions resulting from:

- (1) willful or negligent acts by the Owner; or
- (2) purchasing the Property for substantially more than market value at the time of purchase; or
- (3) failure to perform normal maintenance and repairs; or
- (4) failure to diligently solicit and retain tenants; or
- (5) failure to provide normal tenants improvements.

(D) **DECISION.** The CAD Hearing Board shall make written findings supporting the decision made. The CAD Hearing Board may determine that unreasonable economic hardship exists and approve the issuance of a CAD if one of the following conditions exists:

(1) For income producing Properties, the Building, Structure or Site cannot be feasibly used or rented at a reasonable rate or return in its present condition or if rehabilitated and denial of the Application would deprive the Owner of all reasonable Use of the Property; or

(2) For non-income producing Properties, the Building, Structure or Site has no beneficial Use as a residential dwelling or for an institutional Use in its present condition or if rehabilitated, and denial of the Application would deprive the Owner of all reasonable Use of the Property; and

(3) The Building, Structure or Site cannot be feasibly Reconstructed or relocated.

(E) **APPROVAL.** If the CAD Hearing Board approves the Application, the Owner may apply for a Demolition permit with the Building Department and proceed to Demolish the Building, Structure or Site in compliance with other regulations as they may apply. The City may, as a condition of approval, require the Owner to provide documentation of the Demolished Building, Structure or Site according to the standards

of the Historic American Building Survey (HABS). Such documentation may include a complete history, photographs, floor plans, measured drawings, an archeological survey or other information as specified. The City may also require the Owner to incorporate an appropriate memorializing of the Building, Structure or Site, such as a photo display or plaque, into the proposed replacement project of the Property. Approval of a CAD shall be valid for one (1) year.

(F) **DENIAL**. If the CAD Hearing Board denies the Application, the Owner shall not Demolish the Building, Structure or Site, and may not re-apply for a CAD for a period of three (3) years from the date of the CAD Hearing Board’s final decision, unless substantial changes in circumstances have occurred other than the re-sale of the Property or those caused by the negligence or intentional acts of the Owner. It shall be the responsibility of the Owner to stabilize and maintain the Property so as not to create a structurally unsound, hazardous, or dangerous Building, as identified in Section 115.1 of the International Building Code. The City may provide the owner with information regarding financial assistance for the necessary rehab or repair work, as it becomes available.

(G) **APPEAL**. The City or any Persons adversely affected by any decision of the CAD Hearing Board may petition the District Court in Summit County for a review of the decision. In the petition, the plaintiff may only allege that the Officer’s decision was arbitrary, capricious, or illegal. The petition is barred unless it is filed within

thirty (30) days after the date of the CAD Hearing Board’s decision.

(Amended by Ord. Nos. 09-10; 09-23)

PARK CITY MUNICIPAL CODE
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TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 12 - PLANNING COMMISSION

Chapter adopted by Ordinance No. 01-17

**15-12-1. PLANNING
COMMISSION CREATED.**

There is hereby created a City Planning Commission to consist of seven (7) members. Members shall be appointed by the Mayor with advice and consent of the Council. Alternate members may also be appointed, which the Mayor may appoint with advice and consent of the Council.

(Amended by Ord. No. 06-35)

**15-12-2. TERMS AND
ELIGIBILITY OF MEMBERS.**

Members of the Planning Commission shall serve terms of four (4) years. Terms shall be staggered and expire on the second Wednesday in July. Members shall continue to serve until their successors are appointed and qualified. The Mayor shall appoint a new Planning Commission member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term. Members of the Planning Commission shall be residents of Park City, and have resided within the City for at least ninety (90) days prior to being appointed. Members are deemed to have

resigned when they move their residences outside the City limits.

(Amended by Ord. No. 08-07)

**15-12-3. GROUNDS FOR
REMOVAL.**

Any Planning Commission member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year, or who violates Title 3, Ethics, may be called before the City Council and asked to resign or be removed for cause by the Council.

**15-12-4. COMMUNITY
REPRESENTATION.**

Appointments to the Planning Commission shall be made on a basis which fairly represents the interests of all residents of the community.

15-12-5. AUTHORITY.

The Planning Commission shall have all necessary authority conferred on Planning Commissions pursuant to Chapter 9a of Title 10, Utah Code Annotated, 1953, as

amended, and such other powers as are conferred on it by the City Council.

15-12-6. CHAIR.

The Planning Commission shall on or after the second Wednesday in July each year, after appointment of new members, elect one of its members to serve as Chair for a term of one (1) year. The Chair may be elected to serve for one (1) consecutive additional term, but not for more than two (2) successive terms. The Chair may participate in discussions, but shall have no vote except in case of a tie vote by the members of the Commission.

(Amended by Ord. No. 09-10)

15-12-7. STAFF.

The Planning Department shall assist the Commission with technical matters. In order to assist the Planning Commission in carrying out its duties, the Planning Commission may request the assistance of other employees or agents of the City.

(Amended by Ord. No. 06-35)

15-12-8. ALLOWANCE.

The Planning Commission members shall receive an allowance for each meeting attended, as established by the City Council.

15-12-9. PURPOSE.

The Planning Commission shall act as a non-political, long range planning body for the City. Review of specific projects shall be limited to those matters specifically

requiring their consideration, and to the monitoring and reviewing of decisions of the Planning Department. The Planning Commission shall review those matters designated in Section 15-12-15 herein.

15-12-10. HEARINGS.

The Planning Commission shall establish procedures for its own hearings governing presentations of projects and public responses, and public impact or comment on specific projects or general issues. Notice for all agenda items pending action shall be according to the Notice Matrix as stated in Section 15-1-21.

15-12-11. MINUTES.

The Planning Commission shall keep official minutes of its meetings, which shall be permanently stored with the City Recorder. All meetings shall comply with Title 52, Chapter 4, Open and Public Meetings, of the Utah Code, as amended.

Written minutes shall be kept of all Commission meetings. Such minutes shall include:

- (A) The date, time and place of the meeting;
- (B) The names of members present and absent;
- (C) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;

(D) The names of all citizens who appeared and the substance in brief of their testimony; and

(E) Any other information that any member requests be entered in the minutes. The minutes are public record and shall be available within a reasonable time after the meeting.

15-12-12. DECISIONS.

All decisions of the Planning Commission shall be included in the minutes. Where written findings are required, the findings may be prepared separately, but shall be incorporated into the minutes.

15-12-13. QUORUM REQUIREMENT.

The Commission shall not conduct any business at a meeting unless a quorum is present. A quorum shall consist of a majority of the appointed members of the Commission, including the Chair for computation purposes.

(Amended by Ord. No. 09-10)

15-12-14. VOTING.

Actions of the Commission pass by majority vote. A majority is a simple majority of those members present at the meeting and entitled to vote on the matter under consideration. The vote of the Chair shall be counted only when he or she votes in order to break a tie vote of the other Commission members. The Commissioner elected Chair Pro Tem shall, at all times, be entitled to cast his or her vote as a member

of the Commission, including those occasions on which he or she is acting as Chair Pro Tem. All votes shall be a simple majority.

(Amended by Ord. No. 09-10)

15-12-15. REVIEW BY PLANNING COMMISSION.

(A) General planning and review of specific Development projects by the Planning Commission shall be divided into the following functions:

- (1) City General Plan and General Plan amendments review and recommendation to City Council;
- (2) Annexation and zoning review with recommendation to City Council;
- (3) Land Management Code and re-zoning review with recommendation to City Council;
- (4) Subdivision approval with recommendation to City Council;
- (5) Large scale Master Planned Development approval;
- (6) Conditional Use permit ratification of findings of fact, conclusions of law and conditions of approval, if applicable;
- (7) Consent agenda items;

(8) Review of appeals of Planning Directors interpretation of the Land Management Code and decisions;

(9) Subdivision and record of survey plat and plat amendment review with recommendation to City Council;

(10) Formal termination of inactive applications;

(11) Sensitive Lands review; and

(12) Extension of Conditional Use permit and Master Planned Development approvals.

(B) The scope of review for each of these functions is as follows:

(1) **CITY GENERAL PLAN REVIEW.** The Planning Commission shall have the primary responsibility to initiate and update the City General Plan, including planning for adequate Streets and utilities, parks, trails, recreation facilities, housing, and open space. The Commission shall consider long-range zoning and land use objectives, protection of Sensitive Lands, and shall conduct periodic review of existing plans to keep them current.

(2) **ANNEXATION REVIEW.** The Commission shall review all annexation requests according to the Utah State Code regarding annexations, including Section 10-2-

401.5, regarding adoption of an annexation policy plan, and shall make a recommendation to City Council for action. The Commission shall recommend zoning on land to be annexed.

(3) **LAND MANAGEMENT CODE AND REZONING REVIEW.**

The Commission shall initiate or recommend zone changes and review the Land Management Code Development standards within zones. The Commission shall hear all requests for zone changes and forward a recommendation to City Council for action. The Commission shall have the primary responsibility to review amendments to the Land Management Code and shall forward a recommendation to the City Council.

(4) **SUBDIVISION APPROVAL.** The Planning Commission shall review all applications for Subdivisions under the provisions of the Park City Subdivision Control Ordinance in Section 15, Chapter 7.

(5) **LARGE SCALE MASTER PLANNED DEVELOPMENT APPROVAL.** All proposals for large scale Master Planned Development approval shall be reviewed by the Planning Commission. In reviewing requests for large scale Master Planned Development approval, the Commission shall consider the

purpose statements and MPD requirements as stated in Section 15-6-1 and Section 15-6-5. All Master Planned Developments shall be processed by the Planning Department and the Planning Commission as outlined in Section 15-6-4.

(6) RATIFICATION OF CONDITIONAL USE PERMITS.

The Planning Commission has the authority to review and ratify or overturn all actions of the Planning Department regarding Conditional Use permits. In reviewing requests for Conditional Use permits, the Commission shall consider the Conditional Use process and review criteria as stated in Section 15-1-10. In approving or denying a Conditional Use permit the Commission shall ratify and include in the minutes of record the findings of fact, conclusions of law, and conditions of approval, if applicable, upon which the decision to approve or deny was based.

(7) CONSENT AGENDA ITEMS. The following items may be placed on the consent agenda, if the Application is uncontested, or if a public hearing has already been conducted and has been closed by formal action of the Planning Commission:

- (a) Conditional Use permits, including Steep Slope Conditional Use permits;

- (b) Plat and plat amendment approvals;

- (c) Requests for time extensions of Conditional Use permit, Master Planned Development, and plat approvals.

- (d) Other items of a perfunctory nature, which the Chair directs the Department to place on the consent agenda for action.

All items on the consent agenda shall be passed or denied by a single motion at the Commission meeting, unless a motion to remove a specific item is made. If a member of the public or a member of the Planning Commission requests a public hearing on a consent agenda item, then the item shall be removed from the consent agenda. When an item is removed from the consent agenda, it shall be acted on at the same meeting at which the removal occurs, unless the Applicant requests the item be continued in order to prepare additional information to respond to the Commissions concerns.

(8) REVIEW OF APPEALS OF THE PLANNING DIRECTORS INTERPRETATION OF THE LAND MANAGEMENT CODE.

The Owner, Applicant, or any non-Owner with standing as defined in Section 15-1-18(D) of this Code may

request that Planning Director Final Action on a project be reviewed by the Planning Commission. The standard of review by the Planning Commission shall be the same as the scope of review at the Staff level. Appeal process shall be in accordance with Section 15-1-18. 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.

(9) SUBDIVISION AND RECORD OF SURVEY PLAT AND PLAT AMENDMENT REVIEW. The Commission shall review all plats affecting land within the City limits or annexations to the City, according to Section 15-7. The scope of review on plat approval is limited to finding substantial compliance with the provisions of the state statute on recording of plats, and that all previously imposed conditions of approval, whether imposed by the Staff or the Commission have been satisfied.

Upon finding that the plat is in compliance with the state statute, and that conditions of approval have been satisfied, the plat must be approved. The City Engineer, City Attorney, City Recorder, City Council, and Mayor shall all review the plat as required by statute before recording. Plats may be approved on the consent agenda.

(10) TERMINATION OF INACTIVE APPLICATIONS. See Termination of Projects, Section 15-1-14.

(11) SENSITIVE LANDS REVIEW. Any project falling within the Sensitive Lands Area Overlay Zone is subject to additional requirements and regulations as outlined in the Sensitive Area Overlay Zone Regulations, Section 15-2.21.

(12) EXTENSION OF CUP AND MPD APPROVAL. See extension of Conditional Use Permit, Section 15-1-10(G) and MPD Section 15-6-4(H), Length of Approval.

(Amended by Ord. Nos. 06-35; 09-10)

stated that the legislature passed a law which basically says that land use law cannot referendable. She anticipated litigation on this statute. The current interpretation of that law is that you cannot have a referendum on things as CUP's or other administrative functions. However, they could have a referendum on a zoning ordinance.

Commissioner Wintzer asked for an explanation of referendum. Ms. McLean stated that as an example, someone could request a zone where houses can be 7,000 square feet.

Vice-Chair Thomas felt the State was going in a different direction than the intent of the community. Ms. McLean agreed and commented on an issue in the Salt Lake area regarding the referendums. She noted that the State also limited referendums on budget issues.

Commissioner Murphy asked about MPD's or annexations. Ms. McLean replied that MPD's are not referendable. She was unsure about annexations but assumed they would be legislative.

Commissioner Pettit clarified that the distinction was a legislative action versus administrative action.

Ms. McLean replied that this was correct. She felt the statute was confusing because it says that all land use ordinances cannot be referred. But that is not constitutional so the actual fact is that administratively you can prevent it but legislatively you cannot.

Ms. McLean expected to do a hands on training in the Fall.

Commissioner Pettit understood that the preference from the Legal Department is not to use plat notes and to rely on findings in the record. She asked if that was still their preference based on the legislative directive. Ms. McLean answered yes. As long as it is in writing, the conditions of approval would be enough to implement. Commissioner Peek asked if the minutes would count towards meeting the new legislation. Ms. McLean replied that the findings and conclusions of law reflect their voted decision and not the minutes. Commissioner Pettit felt the Planning Commission needs to be conscientious about how the findings of fact, conclusions of law, and conditions of approval read given this specific legislative change. Ms. McLean stated that before the Building Department issues a building permit they read through the ordinance to make sure all the conditions are met. If a condition is not written they cannot hold the applicant it.

Upper Main Street and Park Avenue - Land Management Code discussion

Planner Whetstone reported that the applicant had requested a special work session with the Planning Commission to get direction and clarification on Land Management Code items and potential amendments to the Land Management Code regarding the HR2 zoning district located on the west side of Main Street. She noted that this area used to be an overlay zone before the LMC was revised to create a separate zone.

Planner Whetstone remarked that the applicants are working with owners who own property in the HR2 in the 600 to 700 Block of Park Avenue, backing up to the commercial businesses. This is a transition zone and the applicants would like clarification from the Planning Commission on several items. This proposal is very preliminary.

Planner Whetstone noted that the applicants are requesting discussion on the maximum building footprint calculations for multiple lot combinations; allowing MPD's in the HR-2 Zone, changing the

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setbacks for subterranean basements and parking structures; amending the required building height in the transition area between the HR-2 and the HCB zones; allowing HCB uses in the HR-1 zone; parking issues, including the possibility of allowing an in-lieu fee; and ownership issues for fractional ownership or timeshares.

Planner Whetstone reported that the applicant was also looking for interpretation of language in the zone that talks about compatible building height; interpretation of above ground structures fronting Park Avenue; clarification of building height measurements; clarification of specific information required to address impacts of excavation and shoring on adjacent properties; and clarification on how parking is calculated for projects crossing into the HR-2 zone.

Regarding the process, Planner Whetstone stated that the Planning Commission can direct the Staff to draft specific LMC language for further review. They can also provide clarification on some of these issues. She pointed out that any Land Management Code amendment would require notification for a public hearing and a recommendation to the City Council. Planner Whetstone clarified that this was a work session item only and no action was being requested this evening. The Staff recommended that the Planning Commission provide direction to the Staff and identify whether specific LMC amendment language should be drafted for further review.

Vice-Chair Thomas asked for historical background on the evolution of the HR2 zone and its purpose. Planner Whetstone recalled that once there was an HTO overlay zone, which was a transition zone. It was the HR1 zone but it read as more of an overlay and there was criteria for development on those parcels. Planner Whetstone remarked that the zone basically covered the same area as the current HR2. In the late '90s the Staff started looking at that zone and identified that area as a separate zone. Some of the language in the criteria was applied to those properties. Planner Whetstone explained that there is a sub-zone A and a sub-zone B. The B zone is not behind commercial businesses and is more the Grant Avenue and east side of Upper Main Street. The primary difference is that some support commercial uses are allowed in historic structures. The purpose was to preserve those structures that were in a commercial area. The intent was to allow an adaptive reuse of a historic structure as an incentive to save historic structures on the east side of Main Street.

Planner Whetstone stated that for the properties behind the businesses on Main Street there were some allowances for commercial uses to extend back from Main Street, as long as they were below the grade of Park Avenue. That language was brought to the Planning Commission and they forwarded it to the City Council to allow that to happen as long as there was a plat amendment that combined the lot and the commercial use on Main Street was below the grade of Park Avenue and there was residential uses above. At that time the City Council added a date to allow it if a plat could be combined by January 1, 2000. If the plat was not combined before that date, the commercial could not be extended.

Planner Whetstone noted that the applicant was asking if there could be an amendment that would allow commercial and if so, what the criteria would be.

Commissioner Wintzer stated that the zone discussion began in the early 1980's when they started the Mall. At that time the Mall was coming back into the zone and the question was how to deal with

that. Commissioner Wintzer recalled that the purpose of the zone was to create a transition between Main Street businesses and to protect the HR1 residents on Park Avenue. Planner Whetstone recalled that they also worked closely with the Upper Park Avenue group on language addressing access and service and delivery issues. She noted that the HT0 did not have a lot of strong language so when the HR2 was create a lot of that language was included to protect the residential uses.

Planner Whetstone reiterated that the purpose of the HR2 zones was to allow adaptive reuse of historic structures and to establish transition.

Craig Elliott, representing the Elliott Workgroup, stated that their office is on Main Street and they have several clients on the west side of Main Street who have property that extends to Park Avenue. They have also had clients in the past on the west side of Park Avenue. Mr. Elliott was very familiar with the issues associated with Park Avenue and he did not believe the issues were completely at odds with each other.

Mr. Elliott stated that their goal this evening is to discuss this relatively complex issue and hopefully move the discussion forward. He has had discussions at different levels with different City members and the first discussions began as early as 2002. Mr. Elliott felt this was a unique opportunity to discuss the issues without them being project specific related. The issues relate to the health of Park Avenue and the well being of Main Street.

Mr. Elliott commented on the large number of vacant lots on the east side of Park Avenue that abut back to Main Street properties. A large majority of those vacant lots are in ownership with Main Street properties. Mr. Elliott believes this is an opportunity for the City to collectively create a good solution that solves all the problems.

Mr. Elliott had asked former Planning Director, Patrick Putt, to help articulate the discussion because of his familiarity with the issues and the zoning. Mr. Putt felt it was important to emphasize that they were not here this evening to ask for decisions. They were hoping that the Planing Commission would give them the go ahead to work with the Staff to frame some of these points and come back to engage in a discussion with the Planning Commission and the affected neighbors. Mr. Putt stated that the question at hand is whether there is a better way to re-create and re-establish the Park Avenue/Main Street core in a manner that is authentic and in keeping with the original core. The fact that the market has slowed things down presents a good opportunity to establish some mutual goals.

Mr. Putt presented graphics showing the history of Park City. Park City was originally established as a mining camp in the 1870's and early 1880's. It was done so and built very deliberately. It was a workers camp and the quintessential of the affordable complex in town. Buildings were clustered close together and they were put up very hastily. Mr. Putt presented a photographs showing the variety of building forms, the mix of uses, and the variety of setbacks and heights on the streets. The entire neighborhood was walkable because there were no cars and proximity to services and the mines was important.

Mr. Putt stated that he read the 1983 nomination that Roger Roper had prepared when the thematic

district was originally put together and presented to the State and Federal governments. Mr. Roper made interesting observations that suggest that the property owners and residents of Park City at that time were very practical people. They built hastily constructed habitation because they had to get out of the elements, but when need suggested, they added on to their structures. Mr. Putt stated that common sense would have dictated tearing down these wooden tents and started over from scratch; but because of financial implications they did not have the resources to do that. Instead, they added on to the structures as best they could with the resources they had.

Mr. Putt noted that in the summer of 1898 the great fire occurred and took out the majority of old town and the majority of land that comprises Park Avenue and Woodside, as well as the Rossi Hill area. After the fire, the town was rebuilt with larger and more substantial buildings that better met the needs of the time. Mr. Putt compared the 1907 Sanborn Map with the 1889. The buildings built in 1907 still demonstrate a variety of use, size, and setback. There is a strong relationship between those structures and the activity on Main Street. Mr. Putt pointed out that in both 1889 and 1907 there were not seeing a real specific static construction pattern. He requested dialogue with the Planning Commission to see if there are opportunities to reinvent that approach. They are requesting this dialogue because while being well intended, the Land Management Code creates some of the problems the City wrestles with today.

Mr. Putt clarified that the Elliott Group was not asking for more or bigger buildings; but they are asking for better architecture and better built form. He stated that in the interest of creating smaller buildings they are getting very homogenous buildings, which they believe is driven by the LMC. With minor massaging of both Code language and process they can recreate some of the more desired forms. Mr. Putt stated that one of the issues is how to minimize the use of the car. The other issue is that they cannot be successful with Main Street projects if they alienate the neighbors on Park Avenue. By adding more flexibility and addressing the bullet items outlined in the Staff report, they can recreate a form and minimize the car. He felt this process could serve as a model for other residential and commercial areas in Park City.

Mr. Putt reiterated that the applicant was looking for direction from the Planning Commission to work with Staff on some of these issues.

Doug Stephens, representing the applicant, stated that there are approximately 30 lots on the east side of Park Avenue and this is an opportunity to look at things differently. Mr. Stephens stated that he, Craig Elliott and Patrick Putt all have a strong interest in Old Town that goes beyond development, which is why they are trying to make things better.

Mr. Stephens clarified that they are not looking to resolve the issues tonight but they are looking for the opportunity to begin working with Staff on what may be potential solutions to these issues.

Mr. Elliott stated that he had the opportunity a few years ago to work on several master planned development projects in Old Town. He encouraged the Planning Commission to look at David Belz's project at Parkwood Place between Park and Woodside. If they come down Woodside they will realize that none of those houses facing Woodside have garages. They have street fronts, porches and other elements. Mr. Elliott stated that there are opportunities on Park Avenue to do things that are similar in nature to create something that is good for the street and does not overwhelm Park Avenue. He wanted the opportunity to work with the City on a larger section of

town versus one project at a time to find a common solution.

Vice-Chair Thomas was interested in hearing more and seeing some of the possibilities and potential solutions. He favored anything that would provide better architecture and downplay the significance of the automobile. However, he was concerned about the impact to the west side of Park Avenue and being sensitive to those neighbors. Vice-chair Thomas was also concerned about losing the significance of Main Street as a central place. He championed their participation and the role the Elliott Group played in bringing this forth as positive planning for the future.

Commissioner Wintzer stated that after reading the Staff report he was more in defensive mode because it appeared to be another Park/Bonanza project where someone was trying to change the Code to fit their project. After hearing the presentation this evening he has a better understanding of this request. Commissioner Wintzer pointed out that much of what they are proposing a property owner has the right to do now if they are willing to go smaller. They can change the setbacks and the architecture by designing something smaller. Everything that comes before the Planning Commission is always designed to the setbacks and the height restriction. He believes they have the tools to achieve what they want to accomplish without amending the LMC if they are willing to go smaller.

Commissioner Wintzer was concerned about making sure they do not start a commercial crawl over to the edge of Park Avenue because that would influence the residential on the other side of Park Avenue. He favored anything they could do to make it look and function better but he was concerned about impacting the existing residential neighbors.

Commissioner Pettit agreed with Commissioner Thomas in terms of wanting to hear more. She is always inclined towards a holistic approach and looking at a section of town as opposed to parsing it out project by project. Commissioner Pettit echoed Commissioner Wintzer's concerns about the impact on the residents of Park Avenue and would certainly want to know that they are very much a part of this visioning process. It is important to hear their input and to recognize some of the burdens that go along with having a home located in that area. Commissioner Pettit was very much in favor of any approach that can minimize or eliminate the impact of the car. She noted that the Planning Commission is close to seeing the re-write of the historic district design guidelines and it will be important to see how this vision might interplay with those new guidelines.

Commissioner Russack felt it was interested to see what happened when the town was re-built after the fire. He understood that Mr. Putt was talking about evolving an existing neighborhood that already has existing uses. Commissioner Russack stated that it comes down to the limitations that exist today and why they are preventing the town from evolving. He was interested in hearing more on that issue because he agreed with Commissioner Wintzer about building smaller. Commissioner Russack did not think the LMC was preventing good design. He thinks the problem is that bad design is happening because people are trying to maximize.

Commissioner Murphy was intrigued by the thoughts and ideas presented, particularly minimizing the use of the automobile. However, he was equally concerned about preserving the tranquility of Park Avenue for the residents who live there. That would be a huge part of his support. Commissioner Murphy stated that he has a tremendous amount of faith in Mr. Elliott, Mr. Stephens, and Mr. Putt, but they are the exception. He finds that every time they try to give architectural

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flexibility, the majority of applicants take advantage.

He was concerned about controlling that Pandora once it is out of the box.

Commissioner Peek felt that having a transition zone is important to keep the commercial down on Main Street and not have the same situation they currently have below Heber Avenue. They had a commercial area that triggered the Watts parcel going commercial and that continued on down. Commissioner Peek felt they would need a distinction in this area between the commercial and the HR-1 and draw a line where the residential starts and the commercial stops. He favored any solution that would reduce the number of cars and he looked forward to hearing more.

Vice-Chair Thomas believed there was general interest from the Planning Commission to see more.

Mr. Stephens stated that they will work with the Staff and come back with items for discussion.

Commissioner Wintzer stated that it all goes back to the purpose of the zone and suggested that as a starting place. He felt they also need to determine what it is that fits the purpose of the zone.

EXHIBIT G

PARK CITY PLANNING COMMISSION WORK SESSION NOTES September 23, 2009

PRESENT: Vice-Chair Evan Russack, Brooke Hontz, Dick Peek, Julia Pettit, Adam Strachan, Charlie Wintzer, Thomas Eddington, Brooks Robinson, Katie Cattan, Mark Harrington

Commissioner Thomas was excused.

WORK SESSION ITEMS

Land Management Code- Amendments to Chapter 6 - Master Planned Developments and Chapter 2.3 - Historic Residential (HR-2) District regarding applicability. (Application #PL-09-00784)

Planner Kirsten Whetstone handed out a redlined version of the proposed amendments.

Planner Whetstone noted that the amendments for Chapter 2 relate to the (HR-2) District, which is the area directly behind Main Street on the east side of Park Avenue. The second set of amendments relate to Chapter 6, Master Planned Development, and the ability to do a master planned development in the HR-2 District.

Planner Whetstone referred to Chapter 6, 15-6-1, and the request to add language to the purpose statements of the Master Planned Development section. The additional language, which was Item (H), was outlined in the redlined handout. Planner Whetstone clarified that the purpose statement would apply to all master planned developments.

Planner Whetstone noted that the Applicability Section, 16-6-2, under section (B), states that a master planned process is allowed, but not required, in the HCB, HRC and HR-1 Districts. The Staff is proposed to add the HR-2 zone to that language, providing that the subject property and the proposed MPD meet the three criteria that is required for MPDs in the HR-1 District. The first criteria states that , "The Property is bisected by two or more zoning designations". Planner Whetstone revised that language to read, "The Property includes two or more zoning designations". The second and third criteria remained as written.

Planner Whetstone noted that Item (C) of the Applicability section states that MPDs are allowed in the Historic Residential (HR-1) District. The Staff proposed to add Historic Residential (HR-2) to the language and also to the language in bullet (1) under Item (C), as written in the handout.

Planner Whetstone stated that the Staff was also requesting to add MPDs as a use listed under conditional use permits for mixed use projects meeting the criteria of 15-6-2.

Planner Whetstone noted that in the HR-2 zone there are no changes to the existing criteria.

Vice-Chair Russack referred to the discussion points outlined in the Staff report and corrected 15-5-1(H) to 15-6-1(H) in item one.

Commissioner Peek clarified that page 13 of the Staff report contained the purpose statements and the allowed uses for the HR-2 zone and page 14 were the conditional uses. Planner Whetstone replied that this was correct.

Commissioner Wintzer wanted to know what would trigger an MPD. Planner Whetstone replied that it would be fifteen units, ten lots or 10,000 square feet of commercial.

Commissioner Pettit stated that she was not opposed to the proposed amendments, however, the residents on Park Avenue are sensitive about the overflow from Main Street into their residential area. If they open the door for this opportunity for development, they need to take a harder look at the HR-2 Code provisions to see how those would dovetail. Commissioner Pettit felt the City needs to be sensitive to impacting the residents on Park Avenue. She suggested having a charette with the residents in the area to introduce the opportunities that come with this revised approach.

Planner Whetstone favored the idea of a charette. She also thought they should re-look at the restrictions of the HR-2 that were put in place five or six years ago to mitigate the impacts of the HCB zone to see which ones are working. Director Eddington clarified that the Staff was not talking about adding commercial or commercial access for Main Street via Park Avenue. The intent is to provide an opportunity for the developments that front Main Street to have a unique residential component on the back side of Park Avenue.

Commissioner Strachan asked what would preclude that type of development from occurring now. Director Eddington replied that it would involve replatting, size of lots, parking and driveways. It could be done, it would be difficult and challenging. Commissioner Strachan understood that the plat would need to be amended regardless. Director Eddington agreed that a replat would be necessary.

Commissioner Wintzer agreed with Commissioner Pettit about hearing from the neighbors. He noted that this item was noticed as a work session and not a public hearing. Commissioner Wintzer favored an informal charette format versus a public hearing format.

Commissioner Peek stated that if the goal is to keep Upper Park Avenue residential, but they have conditional use that are commercial in nature, he asked if it would be easier to get commercial with an MPD. Director Eddington stated that the MPD would come before the Planning Commission and they would determine if commercial would be appropriate. In addition, most of the conditional uses that are commercial in character for the HR-2 are for the HR-2 Sub Zone B, which is on the east side of Swede Alley. There are footnotes that make that reference.

Vice-Chair Russack read the purpose statement (F) for the HR-2 zone, "Provide opportunities for small scale pedestrian oriented, incubator retail space in Historic Structures on Upper Main Street, Swede Alley and Grant Avenue". He felt they needed to look at the HR-2 District at the same time.

Commissioner Strachan stated that he read the purpose statement exactly the opposite way. He noted that the purpose statements for the HR-2 Zone were focused on historic structures and encouraging incentives for renovation of historic structures and encouraging preserving of historic structures. Commissioner Strachan pointed out that the MPD purpose statements address setting density and height for a project. He felt those two purpose statements were polar opposites.

The Commissioners agreed with the second point for discussion, "Are MPDs, per Chapter 6 requirements, appropriate as a potential redevelopment tool in the HR-2 zone for properties that are also bifurcated by the HCB zone".

The third point, "Consider that there are many properties between Third and Sixth Street that currently, or could in the future, meet the requirements." Commissioner Strachan remarked that Commissioner Pettit's comments particularly relate to the property owners between Third and Sixth Street.

There were no comments on the fourth and fifth points for discussion.

Vice-Chair Russack thought the proposed amendments were a good idea, but he thought it should be looked at from a more global view and focus on the HR-2 neighborhood.

Director Eddington offered to schedule a charette to involve the public.

EXHIBIT G

PARK CITY MUNICIPAL CORPORATION
PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS
MARSAC MUNICIPAL BUILDING
NOVEMBER 11, 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; Kirsten Whetstone, Planner; Kayla Sintz, Planner; Mark Harrington, Assistant City Attorney

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REGULAR MEETING

I. ROLL CALL

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

II. ADOPTION OF MINUTES

Commissioner Strachan noted that his comments during the work session for 1150 Deer Valley Drive were not reflected in the discussion. He was sure he had made comments and requested that someone re-listen to the recording for verification. He preferred to continue the minutes until the matter was clarified.

MOTION: Commissioner Strachan moved to CONTINUE the Minutes and Work Session Notes for October 28, 2009 to a date uncertain. Commissioner Russack seconded the motion.

(ITEMS 1- 4 not included)

5. Land Management Code - Amendments to Chapter 2 - Historic Residential (HR-2) and Chapter 6 - Master Planned Development

Planner Whetstone requested that the Planning Commission conduct a public hearing following the Staff presentation. The Planning Commission would have the opportunity to discuss the proposed amendments at their November 18th meeting.

Planner Whetstone stated that the amendments were separated into two parts. The first related to amending the language in Section 15-10-7 and 15-12-15(B) (8) to include the Planning Commission and the Board of Adjustment in the language regarding the appeals process. This language was originally amended to address the appeal process for the HPB, and the proposed amendment would keep the process consistent for the Planning Commission and Board of Adjustment.

The second part has to do with the east side of Upper Park Avenue, which are the lots behind Main Street. Planner Whetstone stated that the Planning Staff has been looking at this for several months in terms of the LMC to find a way to complete the street. Thirty-two vacant lots impact the residents on Park Avenue and many of the issues could be resolved if Park Avenue could be completed with residential structures on the east side.

Planner Whetstone noted the Planning Commission held a work session on September 23rd. A result of that discussion was to look at historically scaled infill residential on the east side, decrease the visual impacts of the automobile, decrease the impacts of mechanical and other impacts created by the Main Street Business on Park Avenue and the neighborhood, and to find ways to maintain and enhance the quality of life for the residents on Park Avenue.

Based on Planning Commission direction, an open house/neighborhood public meeting was held on October 27th and everyone on Park Avenue and businesses on the left side of Main Street were invited. Planner Whetstone reviewed a summary of the issues discussed during that meeting as outlined in the Staff report.

Planner Whetstone reviewed the proposed changes to the LMC; which included allowance of a master planned development, keeping the HR-2 zone requirements, allowing flexibility in design similar to the HR-1 and HRC zones.

Commissioner Luskin asked where the residents in the houses on Park Avenue park their cars. Planner Whetstone replied that they park on the street. Commissioner Luskin recalled that there was no on-street parking on that side of the street. Planner Whetstone stated that the City provided a parking strip when Park Avenue was improved but a parking permit is required. She noted that the Code for the HR-2 zone currently requires two parking spaces for a single-family home. All development in the HR-2 zone must meet the historic district design guidelines and development on a steep slope requires a Steep Slope CUP.

Commissioner Pettit asked if the vacant lots were standard Old Town lot sizes and if there were opportunities for lot combinations. Planner Whetstone answered yes. Commissioner Pettit pointed out that the best situations have been homes that were kept low in profile with a detached garage with a connection underneath the home. She felt it was important to consider that when they envision development for this area.

Planner Whetstone presented a site plan showing the properties that are owned in common between Main Street and Park Avenue. In some cases the lots were combined but most are not. She stated that all the lots on Main Street are developed with buildings that either cross the zone line or go right up to the zone line. Planning Director Eddington pointed out that lots that were bifurcated and currently owned by one owner and noted that those lots may be able to come in for an MPD.

Chair Wintzer stated that if they allow MPDs to be put in place, it is important to consider the existing street. Each house is an individual home with a mass and scale that fits the character of the neighborhood. He asked how they could be certain not to end up with an MPD of eight houses that are connected but painted different colors to give the perception of different houses. Commissioner Russack remarked that the one negative for allowing the MPD process is that the side yard setback could be removed. He agreed with Chair Wintzer's concern.

Chair Wintzer stated that the ability to put the parking underneath would be a plus, but if the buildings could be combined above that is a negative. Planner Whetstone believed the Staff had added language stating that in an MPD the setback must be consistent or compatible with the surrounding neighborhood. Commissioner Wintzer understood that the MPD was a process within itself and it could not be changed from zone to zone. Planner Whetstone replied that language could be added to the HR-2 zone that applies to that specific zone.

City Attorney Mark Harrington advised them to provide objectivity in the language so the person reading the Code knows exactly what they mean.

Chair Wintzer recognized that this is a difficult area but it is important to protect the neighbors across the street. He was concerned about ending up with commercial sprawl across the street if they could find a way to make this work. He was willing to support anything that would achieve that goal as long as they can make one side of the street appear to be the same as the other side of the street.

Commissioner Pettit thanked the Staff for involving the neighbors and giving them the opportunity to provide feedback and express their concerns.

Chair Wintzer opened the public hearing.

Hope Melville, a resident at 557 Park Avenue, appreciated the neighborhood meetings so they could address the issues. After discussing the issues, she now understands why it is impractical to have single family lots and single family houses under the current restrictions. Ms. Melville encouraged the Planning Commission to do what they can to allow some flexibility so the lots could be developed, but in a way that keeps the look of single family houses. Ms. Melville stated that the current Main Street Mall has a horrible loud bang that impacts the houses around it. In looking at multiple units with underground parking, it is important to make sure that a mechanical issue would not change the noise level. Ms. Melville felt it was important to address the parking issue because people who live there need parking. She thought underground parking could be positive.

Chris Casey, a resident at 339 Park Avenue, stated that the contents of his presentation this evening express his opinion, as well as the opinion of two neighbors, Beth and Blake Neely, 343 Park Avenue, and Bonnie and Ralph Guercio, 331 Park Avenue. Mr. Casey clarified that when he references "we" or "ours" during his presentation, he would be referring to all three parties.

He noted that all three properties are directly across the street from the Main Street Mall and their three houses would be directly impacted by changes to this building and any parking facility changes. Mr. Casey remarked that their concerns related to the proposed LMC changes for Chapters 2 and 6.

Mr. Casey stated that the existing Chapter 2 represents a clear, comprehensive vision for the very sensitive HR-2 District for both Subzone A and Subzone B. In the Code, one of the purposes of the HR-2 zone is to establish a transition and use between HCB, the commercial uses on Main Street, and the HR-1, which includes Park and Woodside residential areas. Mr. Casey stated that the importance of the transitional zone is to protect the HR-1 residents from commercial activities on Main Street. He pointed out that this was noted by the Planning Commission in the minutes of their 2008 Work Session.

Mr. Casey stated that a larger concern was Chapter 6, which is a more specific and subjective section of the Code. The Chapter's opening purpose statement states that this section is designed to address and accommodate larger development MPD schemes, such as Deer Valley and the Sky Lodge. He noted that this is completely different from the situation on Park Avenue. Ms. Casey stated that as currently written, the MPD process does not apply to the HR-2 zone. Their position is to keep with the present zoning and they strongly oppose any proposed amendments that would allow the MPD process to include properties in the HRC district. Mr. Casey remarked that the existing HR-2 District already has a specifically defined vision for future development within its transition area between commercial and residential on Park Avenue. Allowing the MPDs to apply within the HR-2 zone disrespects the vision that was articulated for this District and would destroy the residential character. Mr. Casey was concerned that the MPDs could be manipulated by people redeveloping the Main Street Mall.

Mr. Casey stated that he and his neighbors believe that the language restricts HR-1 and HR-2 properties within the MPDs from applying for height restriction exceptions and that language should not be deleted. The number of residential units allowed in the HR-2 should be limited by the lot size and the existing structures in the HR-2 District. Lot combinations should be disallowed. Minimum side and front yard setbacks should not be disallowed by an MPD. Mr. Casey also opposed below grade parking in the HR-2 zone that would have a Park Avenue entrance. This would create a high volume traffic situation on a one-way street that already has problems.

Mr. Casey stated that the present property owners on Park Avenue purchased their lots subject to and consistent with the Code for this area of town, which lies in the heart of Park City. It is a ski resort destination and anything that occurs in the zone should keep that character intact. Mr. Casey remarked that while proposed amendments may be framed as effecting the whole HR-2 District, the reality is that the effected area is very small in size and most of it is already built out. Therefore, any proposed Code requirements specifically affecting the District and changes to the zoning requirements would only benefit a handful of parcels. The biggest beneficiary would be the Main Street Mall and based on his research, that is spot zoning.

Craig Elliott stated that he has been working on some of these issues for a long time. Typically he would not want to enact an ordinance that requires him to come before the Planning Commission, but in general he felt this was the best solution available to address what is happening on Park Avenue. It opens up public discussion and a review process for some very sensitive areas in town that will allow Park Avenue to flourish. Mr. Elliott remarked that the history of Park Avenue is that it was one of the primary places for the shopkeepers on Main

Street. That was one reason why the houses were built well and looked nice. He believed the solutions were headed in the right direction and he encouraged them to continue to work in that direction.

John Stafsholt, a resident at 633 Woodside, felt that changing the HR-2 zone is playing with fire. Small changes in the HR-2 zone could have huge unintended consequences. The area is fragile and some changes could alter the balance of Old Town forever. Mr. Stafsholt appreciated the neighborhood meetings and he believed that considerably more public input was required. Mr. Stafsholt suggested holding neighborhood meetings inside the neighborhood where they can see the actual zoning and the lots. He commented on the problems that have occurred with lot combinations and noted that the scale has gone way out of proportion in Old Town. Mr. Stafsholt pointed out that an MPD is not supposed to allow additional uses or densities greater than the underlying zoning. He referred to the MPDs for North Silver Lake and Treasure Hill, which exceed all the parameters regarding neighborhood compatibility, use, size, mass and scale. It would be naive to think that new MPDs in this very crucial zone would not increase in use, size, mass and scale. Mr. Stafsholt stated that historically there is a lapse of Code enforcement in Old Town and extreme care must be taken if they allow MPDs. If MPDs are allowed, they should not rely on Code enforcement. Mr. Stafsholt requested that the Planning Commission move carefully and slowly regarding the HR-2 zone and to take as much public input as possible.

Chair Wintzer closed the public hearing.

Commissioner Russack suggested a less formal format for the next round of LMC amendments. He thought a joint session with the City Council would be helpful since these are big issues being discussed.

Chair Wintzer agreed. He also felt these amendments should be discussed with drawings and illustrations, and not just words. This is a fragile area and he would like visual illustrations to show what the neighbors would see. Commissioner Russack clarified that when the Planning Commission evaluates an MPD, they evaluate it within its zone. Therefore the requirements of the zone still apply with the MPD. Planner Whetstone replied that this was correct. The uses of the MPD apply and the CUP must be compatible with the MPD. Commissioner Russack felt it was important for the public to understand that even with an MPD application, the Planning Commission must review the LMC criteria for the HR-2 zone for subzone A within that MPD.

Planner Whetstone offered to come back with more specifics on what an MPD allows.

Chair Wintzer stated that his issue with MPDs is that they never die once they are approved. Planner Whetstone remarked that now MPDs are only valid for two years from the date of approval if construction does not take place within those two years.

City Attorney Mark Harrington, suggested that the middle ground would be to specify the parameters they want to facilitate within the zone that are more specific than the overall enabling language of the Master Planned Development. He pointed out that State law continues to shift towards the presumption being on the City to demonstrate which impacts are not being mitigated. Mr. Harrington stated that the MPD is good for flexibility in terms of dealing with underground parking, setbacks and other issues; but it also enables others things that might not be desirable in the zone. The Planning Commission could specify which enabling sections of the MPD would not apply in this area.

Commission Russack clarified that in addition to the LMC for the HR-2, Subzone A, the Planning Commission could attach additional definitions for an MPD within that zone. Mr. Harrington replied that this was correct.

Commission Strachan wanted to know why that would be an advantage over amending the LMC language. Mr. Harrington stated that it could be approached either way. Because the MPD is an existing mechanism that addresses parking and setback issues, as well as cross use issues, it would help accomplish some of their goals.

Commissioner Russack believed the biggest issue is that the MPD allows for the planning of multiple units. Under the LMC, development would be one lot at a time. Mr. Harrington pointed out that there would be more flexibility under the MPD to have those uses across the property lines, as well as in a total property. As an example, parking could be allowed underneath the residential but also applicable for the commercial. Director Eddington explained that without an MPD they would not have that ability.

Commissioner Strachan asked if a person who owns three Old Town lots combined those lots under a plat amendment, if that would provide the same ability as the MPD. Director Eddington replied that it would provide that ability; however, different setbacks would apply because the lot would be larger. Planner Whetstone clarified that the Staff discussion for lot combinations was to combine front and back lots to eliminate the lot line in the middle.

Chair Wintzer noted that some 25' lots would still get developed without an MPD and they need to be careful about changing everything broadly across the entire zone. He thought it was dangerous to begin changing setbacks and then find out that it negatively affects other lots. Chair Wintzer felt there was a way to make larger lots work better and still keep the zone the way it currently works for smaller lots.

Commissioner Russack believed there was a similar example on Lower Park Avenue near the ski bridge between Park Avenue and Woodside. Planner Whetstone agreed. Commissioner Russack recalled that the entire use was planned through an MPD process. He felt the Planning Commission could look at using the same approach for this area. Planner Whetstone stated that on Lower Park Avenue the actual MPD Chapter had language that was specific to that type of combination from HR-1 to HRC. The Staff tried to dovetail that language between the HR-2 and the HCB.

Chair Wintzer noted that the most complaints heard from the neighbors relate to the access from Main Street through Park Avenue. He felt it was important to address this issue.

Commissioner Strachan referred to page 6 of the Staff report, Change in Uses, and the language, "Allow Private Residence Club ownership as a conditional use." He was strongly opposed to that and would not support it. Referring to the last bullet point on page 6, "Delete the language that restricts HR-1 and HR-2 properties within an MPD from applying for a height exception", Commissioner Strachan expressed his objection and stated that he could not support that deleting that language.

Director Eddington clarified that the language was tied to the Steep Slope Criteria, which allowed for a steep slope exception, except in this area. That language should have been deleted.

Planner Whetstone stated that the Private Residence Club was discussed at a neighborhood meeting. It only relates to private residence ownership and requires the ownership of four or more units that can be owned in joint ownership. Commissioner Strachan thought it was similar to the Talisker Club or the Promontory Club. Planner Whetstone replied that it would be used strictly for residential. The Planning Commission requested further clarification on the Private Residence Club.

Director Eddington suggested that the Planning Commission continue these amendment to the November 18th meeting to allow the Staff time to provide graphics and other requested materials.

MOTION: Commissioner Russack moved to CONTINUE the LMC Amendments to Chapter 2 - Historic Residential and Chapter 6 - Master Planned Development to November 18, 2009. Commissioner Strachan seconded the motion.

VOTE: The motion passed unanimously.

The Park City Planning Commission meeting adjourned at 9:45 p.m.

Approved by Planning Commission: _____

EXHIBIT H

Meeting Notes from October 27, 2009 Open House on Upper Park Avenue LMC Amendments.

On October 27th, Staff hosted an open-house/public neighborhood meeting to discuss the proposed LMC changes and to get input from the neighborhood on a variety of issues. There were approximately 12 attendees. In general, the attendees were favorable to the amendments. The primary issues and concerns of the neighbors are the lack of enforcement of the code and conditions of project approvals and the impacts of Main Street businesses and activity on their neighborhood and quality of life. The following summarizes items of concern raised and discussed at the neighborhood open house meeting:

- Current lack of enforcement of service delivery, use of Park Avenue for Main Street uses.
- Overhead power lines - options to underground - constraints to this.
- Noise from commercial fans and other mechanical equipment - how to ensure the impacts are mitigated.
- Street design of Park Avenue - physical look east side lacking sidewalks, curbs, parking, trees, and of course residential structures. Vacant lots are a problem.
- Elevator requirements for Main Street business to stop the access to Park Avenue under guise of ADA. Access creates parking issues.
- Trash delivery seems to be resolved; one or two businesses may still be a problem.
- Some concern about the amendments being an incentive to development of houses on east side (which will increase the density on the street).
- Parking options - under houses, lessen requirements; try to get front porches and no garages - like the three houses at the lower end of the street before Heber Avenue. In-lieu fees for some or all parking could work if better design results.
- Steep Slope CUP and Historic Design Guidelines still apply to all lots in HR2.
- How to ensure that commercial use (e.g. for storage, office, bathrooms, secondary use for Main Street business) does not impact Park Avenue in any way – parking and access to parking for any commercial/office use can not be on Park Avenue. Require it to

- be primarily buried and beneath the residential structure as per the HR2 requirements. With no direct access to Park Avenue.
- Some neighbors believe that some incentives are necessary - they have waited 18 years for property owners to develop houses on east side of Park but they are still looking at vacant lots, parking lots, and backs of Main Street businesses. More comfortable taking out the date required for plat amendments if this will provide incentive to get houses on the east side.
 - Development of 1 to 1 1/2 story houses (1/2 story meaning the second floor is generally within the roof area) would provide a buffer for Park Avenue residents from the activity on Main Street. Rear elevations could be 2 to 3 stories backing to Main Street as long as Park Avenue façades are compatible with the historic scale of the smaller historic houses on Park Avenue.

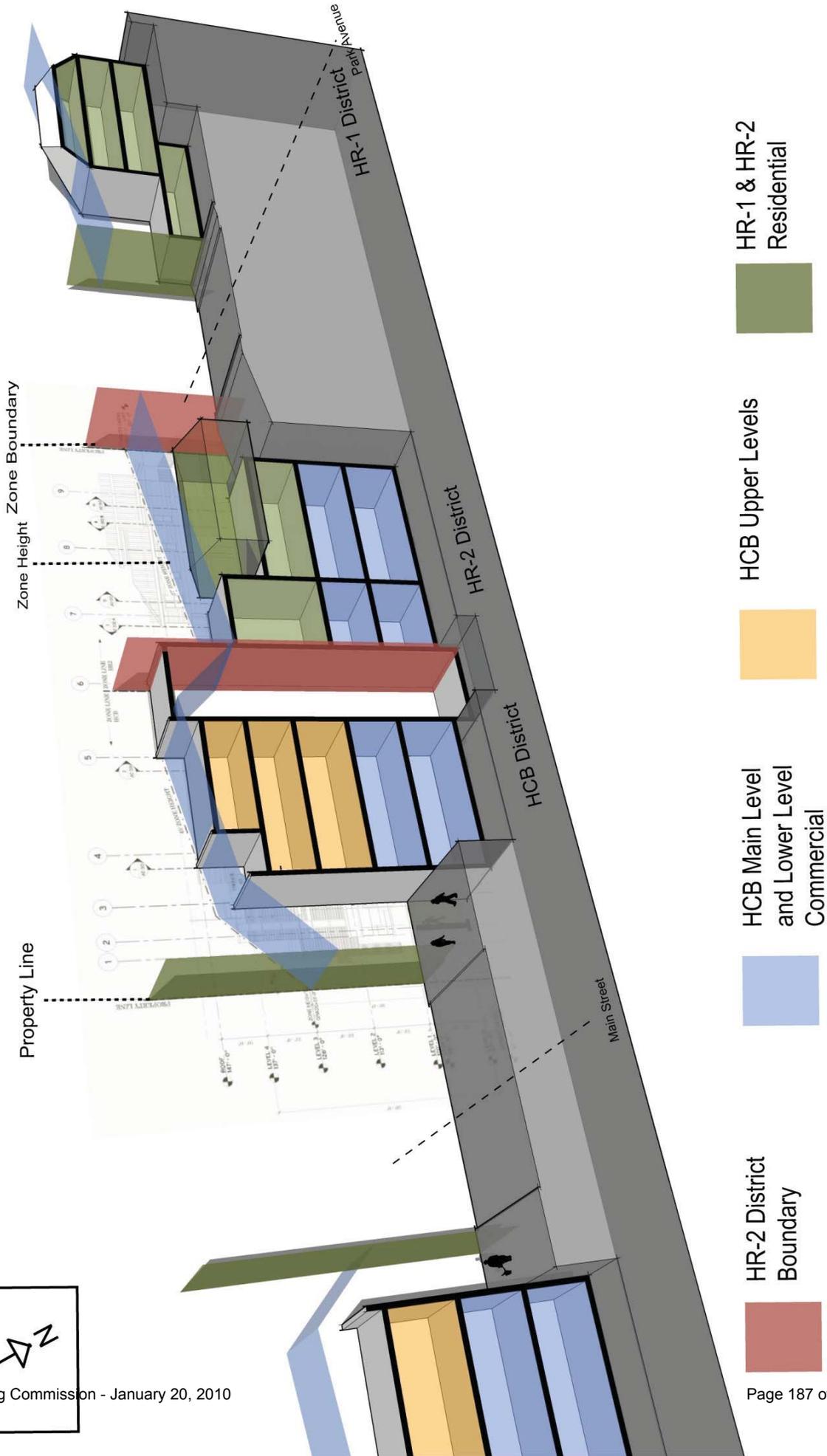
333 Main Street - Existing Zoning



333 Main Street - Proposed Zoning



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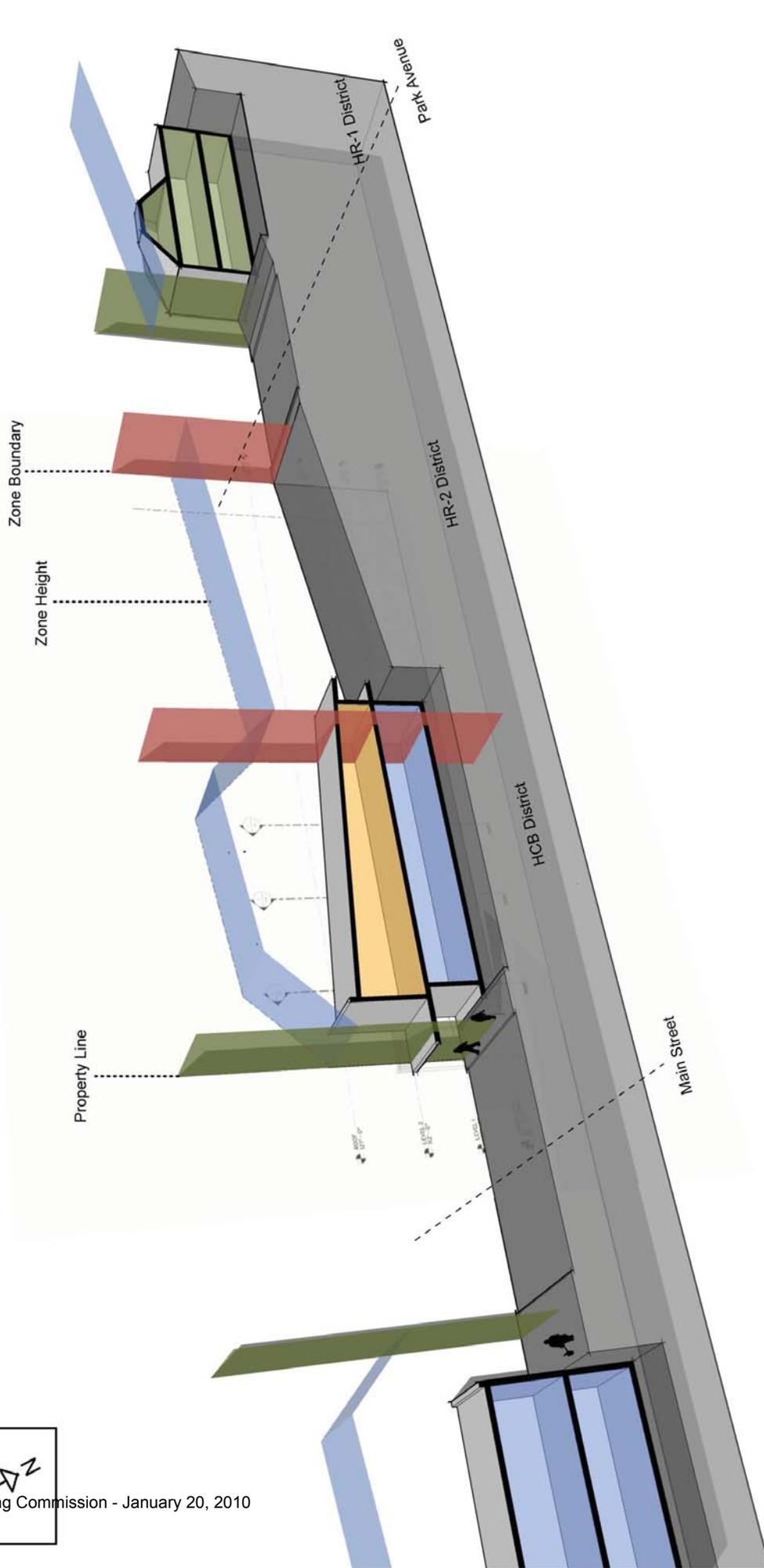
HR-1 & HR-2 Residential

HCB Upper Levels

HCB Main Level and Lower Level Commercial

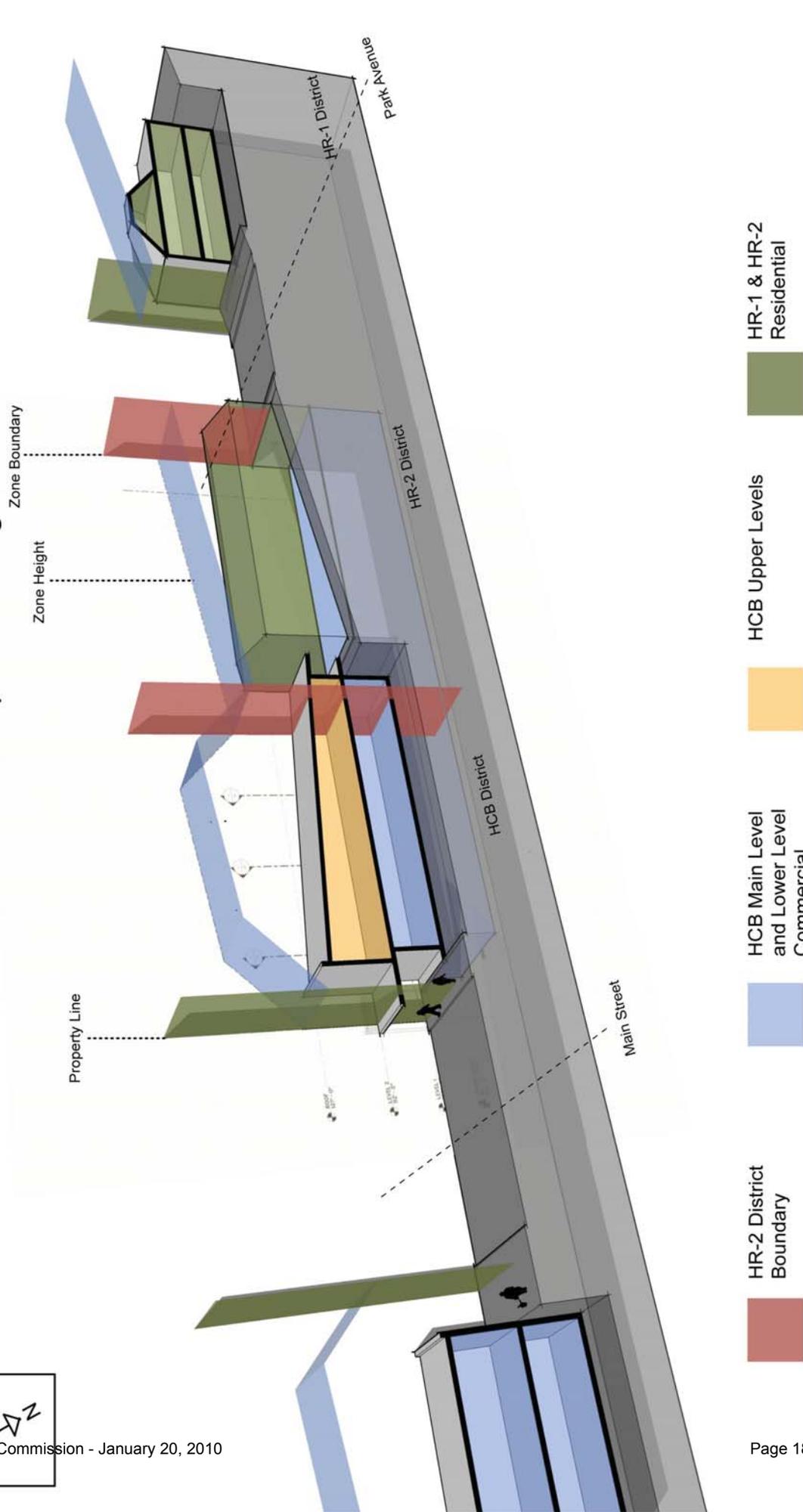
HR-2 District Boundary

449 Main Street - Existing Zoning



-  HR-2 District Boundary
-  HCB Main Level and Lower Level Commercial
-  HCB Upper Levels
-  HR-1 & HR-2 Residential

449 Main Street - Proposed Zoning



- HR-2 District Boundary
- HCB Main Level and Lower Level Commercial
- HCB Upper Levels
- HR-1 & HR-2 Residential

EXHIBIT J



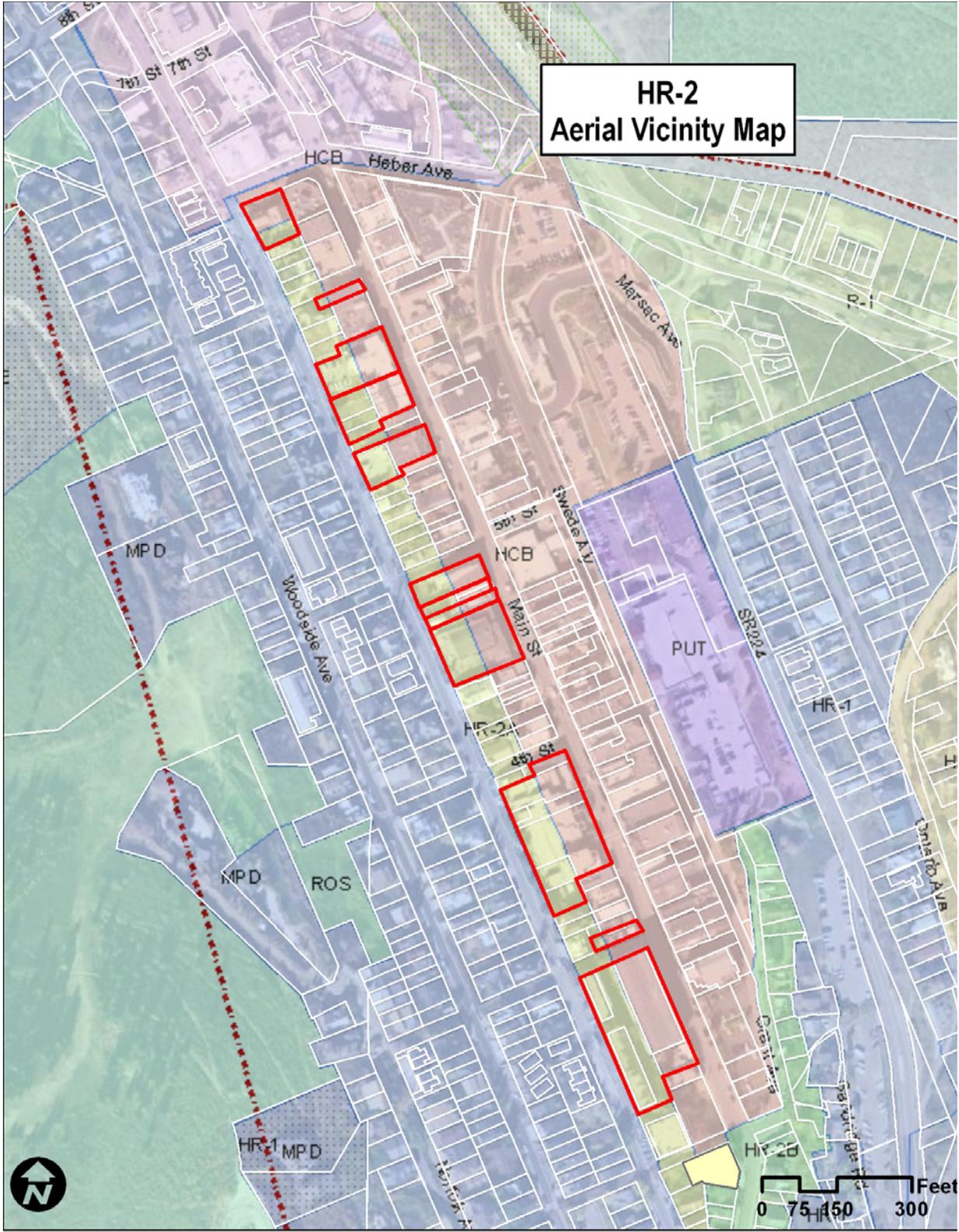


EXHIBIT K

Existing Definitions for Private Residence Club

1.190. PRIVATE RESIDENCE CLUB.

Residential Use real estate within a single Condominium project, in which ownership or Use of a Condominium Dwelling Unit or group of Condominium Dwelling Units is shared by not less than four (4) or more than twelve (12) Owners or members per Condominium Dwelling Unit and whose Use is established by a reservation system and is managed with twenty-four (24) hour reservation and Property management seven (7) days a week, providing reservation, registration, and management capabilities. Membership in a Private Residence Club may be evidenced by:

- (1) a deeded interest in real property;
- (2) an interest or membership in a partnership, limited partnership, limited liability company, non-profit corporation, or other Business entity;
- (3) a non-entity membership in a non-profit corporation, non-incorporated association, or other entity;
- (4) beneficial interest in a trust;
- (5) other arrangement providing for such Use and occupancy rights.

1.191. **PRIVATE RESIDENCE CLUB CONVERSION.** The conversion of Condominium Units and associated Common Areas within an existing Condominium project to the exclusive Use as Private Residence Club.

1.192. **PRIVATE RESIDENCE CLUB OFF-SITE.** Any Use organized for the exclusive benefit, support of, or linked to or associated with, or in any way offers exclusive hospitality services and/or concierge support to any defined Owner's association, timeshare membership, residential club, or real estate project. Hospitality includes, but is not limited to, any of the following services: real estate, restaurant, bar, gaming, locker rooms, storage, salon, personal improvement, Office.

1.193. **PRIVATE RESIDENCE CLUB PROJECT.** Any Condominium Property that is subject to a Private Residence Club deed, interest, trust, or other arrangement for providing for Use and ownership as a Private Residence Club, and contains at least four (4) units.

WORK SESSION

Planning Commission Staff Report



Subject: General Plan
Author: Thomas E. Eddington Jr. AICP
Date: January 20, 2010
Type of Item: Work Session – Discussion

-
- I. **Goals** – The Planning Department requests that the Planning Commission review the current goals of the General Plan, prioritize, and outline new goals.
- a. Goals of current General Plan
- Goal 1: Preserve the mountain resort and historic character of Park City.
 - Goal 2: Preserve environmental quality, open space, and outdoor recreation opportunities.
 - Goal 3: Maintain the high quality of public services and facilities.
 - Goal 4: Work effectively with other governmental agencies to achieve the goals of the General Plan.
 - Goal 5: Maintain the unique identity and character of a historic community.
 - Goal 6: Manage the amount, rate, form and location of growth.
 - Goal 7: Encourage a diversity of housing opportunities.
 - Goal 8: Involve the community in decision making.
 - Goal 9: Plan for the 2002 Winter Olympic Games.
 - Goal 10: Develop an integrated transportation system to meet the needs of our visitors and residents.
 - Goal 11: Review and amend the General Plan annually.
 - Goal 12: Plan for realistic population growth consistent with the City's vision.
- II. **Sub-Committees** – Staff recommends the assignment of Planning Commissioners to sub-committees of work groups for elements of the General Plan as outlined below;
- a. Community Character
b. Open Space
c. Transportation
d. Historic Preservation
e. Community / Economic Development

- f. Parks & Recreation
- g. Housing
- h. Growth Management
- i. Community Facilities
- j. Environment / Conservation / Sustainable Development
- k. Land Use